

**NOTICE OF REGULAR MEETING
ELLIS COUNTY COMMISSIONERS' COURT**

Notice is hereby given that a regular meeting of the Ellis County Commissioners' Court will be held on **Monday, February 23, 2009, at 6:00 P.M., in the Commissioners' Courtroom, 101 West Main Street (2nd Floor), Waxahachie, Texas** at which time the following will be discussed and considered, to-wit:

County Judge:

Judge Chad Adams

Commissioners:

Dennis Robinson, Commissioner, Pct. 1

Bill Dodson, Commissioner, Pct. 2

Heath Sims, Commissioner, Pct. 3

Ron Brown, Commissioner, Pct. 4

County Clerk:

Cindy Polley, County Clerk

County & District Attorney's Office:

Ann Montgomery, Assistant County Attorney

Lee Auvenshine, Assistant County Attorney

1. OPENING COURT

1.1 County Judge will call meeting to order, declare quorum if present, and declare notices legally posted pursuant to Open Meetings Act.

1.2 Motion to Open Court.

1.3 Invocation and Pledge of Allegiance - Commissioner Dennis Robinson

2. CONSENT AGENDA – Consideration and Action:

Administrative:

A1 Approval of Regular Bills, Payroll, and Officers' Reports.

A2 Approval of the January 2009 Travel Reports of the Texas Cooperative Extension Office

Mark Arnold, Agriculture

Page Bishop, 4-H

Rita Hodges, Family & Consumer Sciences

A3 Approve the reclassification of one Road Worker II to Road Worker III in Road & Bridge Pct. 2, effective next pay period.

A4 To authorize payment to Connie Jarvis of \$150.00 for impound charges and \$500 for bond fees, which were incurred as a result of an alleged wrongful arrest on February 1, 2009, in exchange for a full release of all claims against Ellis County related thereto. The bond fee has already been returned in an amount to the sheriff's office by the arresting agency, Collin County.

Financial:

- F1 From 001-0210-40719 Chapter 19 Funding to 001-210-50800 Chapter 19 Expenditure – Jane Anderson, Elections
- F2 From 001-0210-40719 Chapter 19 Funding to 001-210-50800 Chapter 19 Expenditure – Jane Anderson, Elections
- F3 From 001-0000-30302 Fund Balance to 001-0375-50819 Computer – Chad Adams, County Judge

3. ADMINISTRATIVE

- 3.1 Presentation regarding the TAC Healthy County Program,
 - Diana Buckley, Human Services
- 3.2 Presentation of the Sheriff’s Annual Report and Annual Racial Profiling Report.
 - Dennis Brearley, Sheriff’s Office
- 3.3 Consideration and action to rescind the Ellis County Burn Ban.
 - Jim Pharr, Ellis County Fire Marshal Investigator
- 3.4 Consideration and action to accept a Notice of Road Closure from the Texas Department of Transportation to close Pluto Road, Schield Road and Pecan Tree Road within the limits of Mill Creek, Hog Creek Tributary and Onion Creek. This temporary closure will be from approximately July 2009 through April 2010 for the purpose of constructing new bridges.
 - Bill Dodson, Commissioner, Pct. 2
 - Heath Sims, Commissioner, Pct. 3
- 3.5 Consideration and action to approve the lease of Ellis County Handicap Voting Equipment to entities in Ellis County for the April 25, 2009 Mountain Peak Water District election and the May 9, 2009 city and school board elections and to approve Judge Adams to sign lease agreements.
 - Jane Anderson, Elections
- 3.6 Consideration and action to approve and reaffirm the revised Tax Abatement Guidelines, Criteria and Procedures for Ellis County.
 - Holly Davis, Special Projects Director
- 3.7 Consideration and action to approve an application for grant funds through the Texas Commission on Environmental Quality to provide funding through the Local Initiative Project with matching funds towards the purchase of a replacement/lower emissions vehicle to be used in Constable Precinct 4.
 - Holly Davis, Special Projects Director
- 3.8 Consideration and action to approve an application for grant funds through the Texas Commission on Environmental Quality to assign funds left-over from Ellis County’s share of funding through the Local Initiative Project to the North Central Texas Council of Governments (NCTCOG) for the Regional Smoking Vehicle Program.
 - Holly Davis, Special Projects Director

- 3.9 Pursuant to Section 366.092 of the Texas Health and Safety Code, consideration and action to authorize the Ellis County and District Attorney’s Office to file a civil lawsuit against Jimmy Lee Bollin seeking both injunctive relief and civil penalties to address an ongoing sanitation and environmental quality nuisance, as defined by Chapters 341 and 366 of the Texas Health and Safety Code, 30 TAC Chapter 285 and the Ellis County Commissioners Court Order No. 20162, which exists on property located at 3040 FM 660 near Ferris, Texas
- Lee Auvenshine, Assistant County and District Attorney

4. RECESS REGULAR SESSION TO CONVENE TO PUBLIC HEARING

5. PUBLIC HEARING

Public Hearing of Road Name Changes in Ellis County pursuant to Texas Transportation Code, Section §251.013 to discuss changing the following road names:

- 5.1 Current road name is Askew Road—proposed new name to be Moggie Lane—Pct. 1

6. ADJOURNMENT OF PUBLIC HEARING

7. RECONVEVE TO REGULAR SESSION

8. DEPARTMENT OF COUNTY DEVELOPMENT

Consideration and action regarding the following presented by Delton Ake, Director Department of Development:

- 8.1 To approve changing the name of Askew Road to Moggie Lane (Pct.1).
- 8.2 To participate in a tire recycling program sponsored by NCTCOG, presented by Robert Bergeron, P.E., associated with R.W. Beck.
- 8.3 To grant a variance regarding a utility easement for the address 145 Willow Bend Drive, Waxahachie, TX to Daniel Graham, Pct. 3

9. RECESS TO CONVENE TO EXECUTIVE SESSION

10. EXECUTIVE SESSION

“The Commissioners’ Court of Ellis County reserves the right to adjourn into **Executive Session** at any time during the course of this meeting to discuss any of the matters listed in this agenda, in the order deemed appropriate, as authorized by Texas Government Code §551.071, or to seek the advice of its attorney and/or other attorneys representing Ellis County on any matter in which the duty of the attorney to the -

Commissioners' Court under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Texas Government Code Chapter 551 or as otherwise may be permitted under §551.071.”

10.1 Pursuant to Section 551.072 of the Government Code, consultation with counsel regarding the possible sale or lease of real property “if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person”.

11. ADJOURNMENT OF EXECUTIVE SESSION

12. ADJOURNMENT

Signed this the 19th day of February, 2009.

Chad Adams
Ellis County Judge

I, the undersigned, County Clerk of the Ellis County Commissioners Court do hereby certify that the above Notice of Regular Meeting of the Ellis County Commissioners Court is a true and correct copy of said Notice, that I received said Notice, and it was posted at the doors of the Ellis County Courthouse, a place readily accessible to the general public at all times on the 19th day of February, 2009, at _____ a.m./p.m.

Cindy Polley, County Clerk

By _____
Deputy

The Commissioners Court reserves the right to consider and take action on the above agenda items in any particular order.

Anyone wishing to address the Commissioners Court concerning a posted agenda item must make a formal request by presenting a "Participation Form" to the County Clerk at least 10 minutes prior to the beginning of the meeting.

If you or your representative, have a disability that requires special arrangements and you plan to attend this public meeting, please contact the County Judge's Office at (972) 825-5011 within 72 hours of the meeting. Reasonable accommodations will be made to meet your needs at the meeting.