

**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, August 24, 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 Carol Bush

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

POSTED

ORIGINAL
COPY

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 July 2009 Travel Reports of the Texas Cooperative Extension Office
 - Mark Arnold, Agriculture
 - Page Bishop, 4-H
 - Rita Hodges, Family & Consumer Sciences
- A3 Accept a donation from Walmart for the Ellis County Sheriff Office Fire Prevention Department

Financial:

- F1 From 011-0704-50926 Debt Service to 011-0704-50909 Repairs/Parts, 011-0704-50807 Gen Misc. – Heath Sims, Commissioner, Pct. 3
- F2 From 005-0703-50910 Gas Oil to 005-0703-50915 Asphalt – Heath Sims, Commissioner, Pct 3
- F3 From 001-0613-50803 Furniture/Fixtures, 001-0613-50812 Radio to 001-0613-50802 Equipment, 001-0613-50703 Telephone – Jimmie Ray, Constable, Pct. 3
- F4 From 001-0530-50806 Bond/Dues, 001-0530-50873 Maint/Rep, 001-0530-50874 Docket Books to 001-0530-50801 Supplies, 001-0530-50601 Travel Reim – Curtis Polk, JP Pct. 3

- F5 From 003-0601-50802 Equipment to 003-0601-50924 Soil Conservation – Dennis Robinson, Commissioner, Pct. 1
- F6 From 001-0050-50805 Conference, 001-0050-50819 Computer, 001-0050-50873 Maint/Repair, 001-0050-50843 Travel to 001-0050-50801 Supplies – Mark Arnold, Extension
- F7 From 011-0704-50802 Equipment, 011-0704-50906 Culverts, 011-0704-50907 Tires, 011-0704-50913 Chemicals, 011-0704-50914 Signs to 011-0704-50915 Asphalt – Heath Sims, Commissioner, Pct. 3
- F8 From 011-0704-50926 Debt Service to 011-0704-50807 Gen Misc, 011-0704-50915 Asphalt – Heath Sims, Commissioner, Pct. 3
- F9 From 005-0703-50910 Gas/Oil to 005-0703-50930 ROW Purchase – Heath Sims, Commissioner, Pct. 3
- F10 From 030-0930-40820 LEOSE Training, 001-0360-50801 Supplies to 030-0930-50835 Training/CLE, 001-0360-50805 Conference, 001-0360-50846 Witness Fee – Joe Grubbs, County/District Attorney
- F11 From 001-0020-50705 Elevator to 001-0020-50801 Supplies – Keith Roberts, Maintenance
- F12 From 001-0385-50802 Equipment, 001-0385-50803 Furniture, 001-0385-50807 Visiting Judge to 001-0385-50801 Supplies, 001-0385-50873 Maint/Rps – Gene Calvert, CCL #2
- F13 To approve refund of overpayment to Property Tax Solutions, account #201089 for \$2,499.99 payment in error (John Bridges).
- F14 From 001-0613-50801 Supplies to 001-0613-50802 Equipment – Jimmie Ray, Constable, Pct. 3
- F15 From 012-0755-50807 General Misc to 012-0755-50907 Tires – Ron Brown, Commissioner, Pct. 4
- F16 From 019-0919-50868 Contract Labor, 019-0919-50799 Copier/Supplies, 019-0919-50803 Furniture, 019-0919-50807 General Expense, 019-0919-50802 Equipment, 019-0919-50601 Travel to 019-0919-50882 Books – Gretchen Kitzman, Law Library
- F17 From 009-0602-50807 Gen Exp to 009-0602-50915 Asphalt – Dennis Robinson, Commissioner, Pct. 1
- F18 From 005-0703-50910 Gas/Oil to 005-0703-50924 Soil Conservation – Heath Sims, Commissioner, Pct. 3
- F19 From 001-0140-50838 Transport Death Victims, 001-0140-50807 Other Exp to 001-0140-50837 Post Mortem Exams – Carol Bush, County Judge

Simplified Plat:

- 2.1 Morehead Addition- 2 lots, Fred Morehead, Pct. 2.

3. ADMINISTRATIVE

- 3.1 Consideration and action to approve a proclamation recognizing the Ellis County Renegades Baseball Team for earning a World Series title.
 - Heath Sims, Commissioner, Pct. 3
- 3.2 Consideration and action to accept the certification of qualified signatures on a Local Option Petition "TO LEGALIZE THE SALE OF BEER AND WINE FOR OFF-PREMISE CONSUMPTION ONLY" in the City of Italy and order an election to be held on November 3, 2009.
 - Jane Anderson, Elections Administrator

- 3.3 Consideration and action to approve the purchase of Election Assistant, EA Pre-Converter software, EA Data Converter software, licensing and five (5) Palm Pilots using HAVA Grant Funds.
- Jane Anderson, Elections Administrator
- 3.4 Consideration and action to approve the FY 2009-2010 Payroll Schedule.
- Carol Bush, County Judge
- 3.5 Consideration and action to approve the FY 2009-2010 Holiday Schedule.
- Carol Bush, County Judge
- 3.6 Consideration and action to approve the FY 2009-2010 Commissioners' Court Schedule.
- Carol Bush, County Judge
- 3.7 Consideration and action to approve the proposed change to the Ellis County Sheriff and Constable Fees, effective January 1, 2010, to incorporate a Writ of Restoration created in House Bill 882, 81st Legislative Session, for changes to the Property Code, Section 92.008 (b).
- Holly Davis, Special Projects Director
- 3.8 Pursuant to Section 263.006 of the Local Government Code, consideration and action to approve the transfer of .329 acres of property owned by Ellis County 3 which is presently utilized as right-of-way associated with Franks Road and wholly located within Ellis County Road and Bridge Precinct No. 3, to Jimmy and Bobbie Pogue, in exchange for .4521 acres of property presently owned by Jimmy and Bobbie Pogue, which will be utilized by Ellis County as right-of-way associated with Franks Road.
- Heath Sims, Commissioner, Pct. 3
- 3.9 Consideration and action to authorize the Ellis County and District Attorney's Office to file a civil lawsuit against Lawrence Price for damages resulting from his negligence which caused damage to a county owned vehicle on July 14, 2009.
- Lee Auvenshine, Assistant County and District Attorney

4. RECESS REGULAR SESSION TO CONVENE TO PUBLIC HEARING

5. PUBLIC HEARING

- 5.1 Public Hearing on the Proposed Ellis County Budget for Budget Fiscal Year 2009-2010 pursuant to Texas Local Government Code 111.007(a).
- Carol Bush, County Judge
- 5.2 Public Hearing on the Proposed Ellis County Tax Rate for Budget Fiscal Year 2009-2010 pursuant to Commissioners Court Announcement on August 10, 2009 (Minute Order No 301.09) of Public Hearing on Proposed Tax Rate for Budget FY 2009-2010.
- Carol Bush, County Judge

6. ADJOURNMENT OF PUBLIC HEARING

7. RECONVENE TO REGULAR SESSION

- 7.1 Consideration and action to adopt the Ellis County Budget for FY 2009-2010, pursuant to Texas Local Government Code §111.007(a).
- Carol Bush, County Judge

8. PURCHASING

Consideration and action regarding the following presented by Richard Denniston, Purchasing Agent:

- 8.1 To extend the contract for Grade 4 Pea Gravel for an additional 12 months with no change in pricing. Supplier is Trinity Materials.
- 8.2 To declare Sheriff's Office Jailer Uniforms as salvage and authorize disposal. Uniforms are too worn for surplus.
- 8.3 To approve the purchase of one (1) Roscoe #915 Wheel Asphalt Roller with Water Tank for Precinct. 1. Purchase will be made through the BuyBoard at a total cost of \$50,898.
- 8.4 To purchase a used 2008 Dodge Ram 1500 Pickup from Fastenal Company (APEX Fleet) for Precinct 2 with a total cost of \$13,600.
- 8.5 To declare the scrap pile at Precinct 3 as salvage and authorize disposal. Items are not worth the expense of advertising.

9. DEPARTMENT OF COUNTY DEVELOPMENT

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

- 9.1 To grant a one-time variance to the County of Ellis Rules, Regulations, and Specifications for Subdivisions and Manufactured Homes as it relates to 150' road frontage requirement, H.E. Williamson, Pct. 2.
- 9.2 Simplified Plat – Williamson's Estates, 2 lots, Pct. 2.
- 9.3 To grant a one-time variance to the County of Ellis Rules, Regulations, and Specifications for Subdivisions and Manufactured Homes as it relates to fire hydrant requirement, Jeri and Roger Hall, Pct. 3.
- 9.4 Replat – Ward Estates, 2 lots, Roger and Jeri Hall, Pct. 3.
- 9.5 To grant a one-time variance to the County of Ellis Rules, Regulations and Specifications for Subdivisions and Manufactured Homes as it relates to road frontage requirement of 150', Ron Carter, Pct. 4

10. RECESS TO CONVENE TO EXECUTIVE SESSION

11. 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, §551.072 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 or §551.072 .”

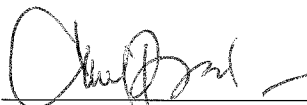
11.1 Pursuant to Section 551.072 of the Government Code, consultation with counsel regarding the possible sale or lease of real property “if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person”.

11.2 Pursuant to Section 551.071 of the Texas Government Code, consultation with legal counsel regarding contemplated litigation against Lawrence Price for his negligence which caused damage to a county owned vehicle driven by a county employee on July 14, 2009

12. ADJOURNMENT OF EXECUTIVE SESSION

13. ADJOURNMENT

Signed this the 20th day of August, 2009.




Carol Bush
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 20th day of August, 2009, at 9:47 (a.m./p.m.).

21st
Dr

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.