

**COMMISSIONERS COURT  
DECEMBER 28, 2010**

**STATE OF TEXAS  
COUNTY OF ROCKWALL**

**BE IT REMEMBERED THERE WAS HELD A REGULAR MEETING OF  
THE COMMISSIONERS COURT ON THE ABOVE DATE WITH THE FOLLOWING  
MEMBERS OF THE COURT PRESENT:**

<b>CHRIS FLORANCE</b>	<b>COUNTY JUDGE</b>
<b>JERRY WIMPEE</b>	<b>COMMISSIONER PCT #1</b>
<b>LORIE GRINNAN</b>	<b>COMMISSIONER PCT #2</b>
<b>DENNIS BAILEY</b>	<b>COMMISSIONER PCT #3</b>
<b>DAVID MAGNESS</b>	<b>COMMISSIONER PCT #4</b>
<b>LEA CARLSON</b>	<b>CHIEF DEPUTY COUNTY CLERK</b>

THE MEETING WAS CALLED TO ORDER BY JUDGE FLORANCE AT 9:00 AM.

THE INVOCATION WAS GIVEN BY JUDGE FLORANCE.

THE PLEDGES OF ALLEGIANCE TO THE UNITED STATES FLAG AND  
TO THE TEXAS FLAG WERE LED BY COMMISSIONER BAILEY.

NO GUESTS WERE PRESENT THAT WISHED TO ADDRESS THE COURT.

**ITEM #1**

SPECIAL RECOGNITION WAS GIVEN BY THE COURT TO THE OUTGOING  
ELECTED OFFICIALS INCLUDING COUNTY JUDGE FLORANCE, COUNTY  
TREASURER BILL SINCLAIR, JUSTICE OF THE PEACE LARRY HOLLOWAY AND  
JUSTICE OF THE PEACE DAVID KARR. SPECIAL RECOGNITION WAS ALSO  
GIVEN TO CHIEF DEPUTY COUNTY CLERK LEA CARLSON FOR HER  
COMMENDABLE JOB SERVING AS ACTING ROCKWALL COUNTY CLERK FROM  
OCTOBER 2, 2009 THRU DECEMBER 31, 2010.

**ITEM #2**

THIS ITEM REGARDING PERSONNEL POLICY ITEMS WILL BE HELD OVER UNTIL AFTER THE WORKSHOP TODAY.

**ITEM #3**

THE MOTION WAS MADE BY COMMISSIONER MAGNESS, SECONDED BY COMMISSIONER WIMPEE WITH THE COURT VOTING 5-0 IN FAVOR OF APPOINTING COMMISSIONER DENNIS BAILEY AS THE REPRESENTATIVE TO THE URBAN COUNTIES POLICY COMMITTEE.

**ITEM #4**

THE MOTION WAS MADE BY COMMISSIONER GRINNAN, SECONDED BY COMMISSIONER MAGNESS WITH THE COURT VOTING 5-0 IN FAVOR OF APPROVING A DRAFT PROCEDURE FOR ACCEPTING GIFTS FROM THE FRIENDS OF THE LIBRARY AS PRESENTED BY ASSISTANT DISTRICT ATTORNEY JONATHAN THATCHER.

**ITEM #5**

THIS WAS A DISCUSSION ITEM ONLY. NO ACTION TAKEN REGARDING ACCEPTING A GIFT TO THE COUNTY FROM THE FRIENDS OF THE LIBRARY. THE COURT REVIEWED A MEMORANDUM OF UNDERSTANDING BETWEEN ROCKWALL COUNTY AND THE FRIENDS OF THE ROCKWALL COUNTY LIBRARY DRAFTED BY ASSISTANT DISTRICT ATTORNEY JONATHAN THATCHER.

**ITEM #6**

THIS ITEM REGARDING THE NEW COURTHOUSE ARCHITECTURAL/  
CONSTRUCTION MANAGEMENT/ CHANGE ORDERS WILL BE HELD OVER UNTIL  
AFTER THE WORKSHOP TODAY.

**ITEM #7**

NO ACTION TAKEN REGARDING ROADS AND ROAD BOND ISSUES.

**ITEM #8**

COMMISSIONER MAGNESS DISCUSSED WITH THE COURT THE SPACE  
ASSIGNMENT FOR THE DISTRICT CLERK AT THE COUNTY SERVICES BUILDING.

**ITEM #9**

NO ACTION TAKEN REGARDING SUBDIVISION RULES AND REGULATIONS.

**ITEM #10**

THIS WAS A DISCUSSION ITEM ONLY. COMMISSIONER BAILEY GAVE THE  
COURT AN UPDATE ON THE PROPOSED LEGISLATION FOR A NEW FILING FEE  
ON CIVIL CASES TO SUPPORT THE CONSTRUCTION OF THE NEW  
COURTHOUSE.

**ITEM #11**

NO ACTION TAKEN REGARDING THE 2010 CENSUS.

**ITEM #12**

THE MOTION WAS MADE BY COMMISSIONER WIMPEE, SECONDED BY  
COMMISSIONER GRINNAN WITH THE COURT VOTING 5-0 IN FAVOR OF  
APPROVING THE ANNUAL MAINTENANCE AGREEMENT WITH AQUATECH FOR  
TREATMENT SERVICE ON THE CHILLED AND HOT WATER AC/HEATING SYSTEM

AT THE COUNTY LIBRARY EFFECTIVE JANUARY 1, 2011 THRU DECEMBER 31, 2011.

**ITEM #13**

THE MOTION WAS MADE BY COMMISSIONER MAGNESS, SECONDED BY COMMISSIONER WIMPEE WITH THE COURT VOTING 5-0 IN FAVOR OF APPROVING A ONE-YEAR RENEWAL OF THE INTERLOCAL AGREEMENT WITH THE CITY OF FATE FOR SUBDIVISION REGULATION WITHIN THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF FATE, EFFECTIVE JANUARY 1, 2011.

**ITEM #14**

THE MOTION WAS MADE BY COMMISSIONER GRINNAN, SECONDED BY COMMISSIONER WIMPEE WITH THE COURT VOTING 5-0 IN FAVOR OF APPROVING A ONE-YEAR RENEWAL OF THE INTERLOCAL AGREEMENT WITH THE CITY OF HEATH FOR SUBDIVISION REGULATION WITHIN THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF HEATH, EFFECTIVE JANUARY 1, 2011.

**ITEM #15**

THE MOTION WAS MADE BY COMMISSIONER BAILEY, SECONDED BY COMMISSIONER GRINNAN WITH THE COURT VOTING 5-0 IN FAVOR OF APPROVING A ONE-YEAR RENEWAL OF THE INTERLOCAL AGREEMENT WITH THE CITY OF MCLENDON-CHISHOLM FOR SUBDIVISION REGULATION WITHIN THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF MCLENDON-CHISHOLM, EFFECTIVE JANUARY 1, 2011.

**ITEM #16**

THE MOTION WAS MADE BY COMMISSIONER GRINNAN, SECONDED BY COMMISSIONER WIMPEE WITH THE COURT VOTING 5-0 IN FAVOR OF APPROVING A ONE-YEAR RENEWAL OF THE INTERLOCAL AGREEMENT WITH THE CITY OF ROCKWALL FOR SUBDIVISION REGULATION WITHIN THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF ROCKWALL, EFFECTIVE JANUARY 1, 2011.

**ITEM #17**

THE MOTION WAS MADE BY COMMISSIONER WIMPEE, SECONDED BY COMMISSIONER GRINNAN WITH THE COURT VOTING 5-0 IN FAVOR OF APPROVING A ONE-YEAR RENEWAL OF THE INTERLOCAL AGREEMENT WITH THE CITY OF ROWLETT FOR SUBDIVISION REGULATION WITHIN THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF ROWLETT, WITHIN ROCKWALL COUNTY, EFFECTIVE JANUARY 1, 2011.

**ITEM #18**

THE MOTION WAS MADE BY COMMISSIONER MAGNESS, SECONDED BY COMMISSIONER BAILEY WITH THE COURT VOTING 5-0 IN FAVOR OF APPROVING A ONE-YEAR RENEWAL OF THE INTERLOCAL AGREEMENT WITH THE CITY OF ROYSE CITY FOR SUBDIVISION REGULATION WITHIN THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF ROYSE CITY, WITHIN ROCKWALL COUNTY, EFFECTIVE JANUARY 1, 2011.

**ITEM #19**

THE MOTION WAS MADE BY COMMISSIONER GRINNAN, SECONDED BY COMMISSIONER MAGNESS WITH THE COURT VOTING 5-0 IN FAVOR OF APPROVING A THREE-YEAR XEROX COPIER LEASE WITH DENITECH FOR A REPLACEMENT COPIER AT THE JAIL AT A MONTHLY COST OF \$172.13; INCLUDING ALL MAINTENANCE AND SUPPLIES.

**ITEM #20**

THE MOTION WAS MADE BY COMMISSIONER BAILEY, SECONDED BY COMMISSIONER GRINNAN WITH THE COURT VOTING 5-0 IN FAVOR OF APPROVING THE FOLLOWING CONSENT AGENDA ITEMS:

- a) Minutes of previous meeting(s);
- b) Co. Clerk, Nov-10 fee report(s);
- c) J.P. Pct 2, Nov-10 judicial activity report(s);
- d) Co. Tax Assessor-Collector, Nov-10 monthly activity/expense report(s);
- e) 439th District Court, Acknowledge for the record District Court Order setting the compensation for the Official Court Reporter of the 439th District Court for the remainder of Fiscal Year 2011;
- f) Co. Auditor, Approve payment to CMJ Engineering, Inc. for November 2010 geotechnical services on the new Rockwall County Courthouse in the amount of \$15,268.50;
- g) Co. Auditor, Approve payment to Halff Associates, Inc. for engineering services provided during November 2010 at SH 66 from SH 205 to FM 1777 in the amount of \$55,730.33;
- h) Co. Auditor, Approve payment to CH2M HILL, Inc. for engineering services provided during November 2010 at SH 276 from SH 205 to FM 549 in the amount of \$54,021.92;
- i) Co. Auditor, Oct-10 monthly report(s);

**ITEM #21**

THE MOTION WAS MADE BY COMMISSIONER MAGNESS, SECONDED BY COMMISSIONER WIMPEE WITH THE COURT VOTING 5-0 IN FAVOR OF APPROVING THE TREASURERS MONTHLY ACTIVITY/EXPENSE REPORT FOR THE MONTH OF NOVEMBER 2010.

**ITEM #22**

THE MOTION WAS MADE BY COMMISSIONER MAGNESS, SECONDED BY COMMISSIONER WIMPEE WITH THE COURT VOTING 5-0 IN FAVOR OF APPROVING THE TREASURERS REPORTS FOR FISCAL YEAR 2010; FOR THE MONTHS OCTOBER 2009 THROUGH SEPTEMBER 2010.

**ITEM #23**

THE MOTION WAS MADE BY COMMISSIONER GRINNAN, SECONDED BY COMMISSIONER MAGNESS WITH THE COURT VOTING 5-0 IN FAVOR OF APPROVING THE FOLLOWING PROPERTY ACQUISTIONS/ DISPOSITIONS:

- A. County Court at Law to transfer to 439<sup>th</sup> District Court: Various furniture and equipment.
- B. Elections Administrator to transfer to Surplus: Voter registration storage cabinet.
- C. County Library to transfer to Surplus: (45) boxes of library books/VHS tapes.
- D. Road & Bridge to transfer to Surplus: Ethyre chip spreader.

**ITEM #24**

THE MOTION WAS MADE BY COMMISSIONER GRINNAN, SECONDED BY COMMISSIONER WIMPEE WITH THE COURT VOTING 5-0 IN FAVOR OF APPROVING THE FOLLOWING NON-EMERGENCY BUDGET TRANSFER(S):

**2011-04** - Transfer \$260 of funds within the Courthouse Security Fund Budget **TO** Capital Outlay **FROM** Small Equipment resulting from the emergency purchase of a 42" monitor approved by the Commissioners Court on December 14, 2010.

**ITEM #25**

THE MOTION WAS MADE BY COMMISSIONER WIMPEE, SECONDED BY COMMISSIONER GRINNAN WITH THE COURT VOTING 4-0 IN FAVOR OF APPROVING PAID CLAIMS IN THE AMOUNT OF \$301,451.38; COMMISSIONER

BAILEY ABSTAINED. THE MOTION WAS MADE BY COMMISSIONER MAGNESS, SECONDED BY COMMISSIONER BAILEY WITH THE COURT VOTING 5-0 IN FAVOR OF APPROVING UNPAID CLAIMS IN THE AMOUNT OF \$756,386.58. THE MOTION WAS MADE BY COMMISSIONER GRINNAN, SECONDED BY COMMISSIONER MAGNESS WITH THE COURT VOTING 5-0 IN FAVOR OF APPROVING PAYROLL IN THE AMOUNT OF \$494,172.34 FOR THE PAY PERIOD ENDING DECEMBER 11, 2010.

\*JUDGE FLORANCE RECESSED THE MEETING AT 9:30 A.M. UNTIL AFTER THE WORKSHOP TODAY.

\*JUDGE FLORANCE RECALLED THE MEETING TO ORDER AT 11:00 A.M.

**ITEM #2 RE-ADDRESSED**

THE MOTION WAS MADE BY COMMISSIONER MAGNESS, SECONDED BY COMMISSIONER WIMPEE TO APPROVE THE ATTACHED DOCUMENT ENTITLED "PERSONNEL POLICY MANUAL REVISIONS", INCLUDING CHANGES MARKED DURING THE WORKSHOP, AND ADOPT SAID DOCUMENT EFFECTIVE WITH THE PAY PERIOD COMMENCING 12/26/2010. COMMISSIONER GRINNAN REQUESTED THAT A LEGAL OPINION BE GIVEN ON RECORD. CRIMINAL DISTRICT ATTORNEY KENDA CULPEPPER ADVISED AGAINST APPROVING THE PROPOSED REVISIONS UNTIL HER DEPARTMENT HAS THE OPPORTUNITY TO REVIEW THE STATUTES QUOTED BY THE COUNTY TREASUER AND DETEMINE IF THERE WILL BE A FINANCIAL CONSEQUENCE TO THE COUNTY IN APPROVING THE PROPOSED REVISIONS TO THE PERSONNEL MANUAL. AFTER MUCH DISCUSSION COMMISSIONER MAGNESS AMENDED HIS MOTION, SECONDED

BY COMMISSIONER WIMPEE TO SCRATCH THE WORD DISTRICT IN FRONT OF COURT REPORTER WITHIN THE ATTACHED DOCUMENT. THE COURT VOTED 3-2 IN FAVOR OF THE MOTION. COMMISSIONER GRINNAN AND COMMISSIONER BAILEY VOTED AGAINST.

**ITEM #6 RE-ADDRESSED**

THE MOTION WAS MADE BY COMMISSIONER BAILEY, SECONDED BY COMMISSIONER MAGNESS FOR DISCUSSION WITH THE COURT VOTING 5-0 IN FAVOR OF APPROVING CHANGE ORDER #01 AS PRESENTED TODAY WITH ITEMS 1, 2, 3 AND 4 APPROVED AND OMIT ITEMS 5, 6, 7 AND 8 WHICH WOULD INCREASE THE OVERALL GMP TO \$144, 974.00. THE OVERALL PROJECT BUDGET AMOUNT OF \$37,200,000.00 WILL NOT CHANGE.

**ITEM #26**

THERE BEING NO FURTHER BUSINESS BEFORE THE COURT, JUDGE FLORANCE ADJOURNED THE MEETING AT 11:18 A.M.

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LEA CARLSON, CHIEF DEPUTY  
ROCKWALL COUNTY CLERK