

**COMMISSIONERS COURT
MARCH 22, 2011**

**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:**

JERRY HOGAN	COUNTY JUDGE
JERRY WIMPEE	COMMISSIONER PCT #1
LORIE GRINNAN	COMMISSIONER PCT #2
DENNIS BAILEY	COMMISSIONER PCT #3
DAVID MAGNESS	COMMISSIONER PCT #4
SHELLI MILLER	COUNTY CLERK

THE MEETING WAS CALLED TO ORDER BY JUDGE HOGAN AT 9:00 A.M.

THE INVOCATION WAS GIVEN BY COMMISSIONER WIMPEE.

THE PLEDGES OF ALLEGIANCE TO THE UNITED STATES FLAG AND
TO THE TEXAS FLAG WERE LED BY JUDGE HOGAN.

THE FOLLOWING GUEST SPOKE ON BEHALF OF PART TIME EMPLOYEES:

LARRY WELLS

ITEM #1

JUDGE HOGAN READ A PROCLAMATION PROCLAIMING APRIL 2011 CHILD
ABUSE PREVENTION MONTH. THE PROCLAMATION WAS PRESENTED TO CASA
REPRESENTATIVE LUCILLE BELL.

ITEM #2

DIRECTOR OF FINANCE FOR THE CITY OF ROCKWALL MARY SMITH MADE
COMMENTS TO THE COURT REGARDING AN ANNUAL HOUSEHOLD
HAZARDOUS WASTE EVENT FOR ROCKWALL COUNTY. THE MOTION WAS

MADE BY COMMISSIONER WIMPEE, SECONDED BY COMMISSIONER GRINNAN WITH THE COURT VOTING 5-0 IN FAVOR OF CONTINUING TO PARTICIPATE IN THE PLAN AS PRESCRIBED IN A DOCUMENT REGARDING THE ANNUAL HOUSEHOLD HAZARDOUS WASTE EVENT FOR ROCKWALL COUNTY SCHEDULED FOR APRIL 30, 2011.

ITEM #3

THE MOTION WAS MADE BY COMMISSIONER GRINNAN, SECONDED BY COMMISSIONER WIMPEE WITH THE COURT VOTING 5-0 IN FAVOR OF APPOINTING JUDGE HOGAN AS PRIMARY MEMBER AND COMMISSIONER BAILEY AS SECONDARY MEMBER TO THE BOARD OF DIRECTORS OF TAX INCREMENT REINVESTMENT ZONE NUMBER ONE AND WAIVE 60-DAY NOTICE REQUIREMENT PROVIDED FOR UNDER SECTION 311.003(E) OF THE TAX INCREMENT FINANCING ACT.

ITEM #4

COUNTY EXTENSION AGENT TODD WILLIAMS AND A REPRESENTATIVE GROUP OF MASTER GARDENERS PRESENTED THE COURT WITH A SYMBOLIC CHECK FOR OVER 6,350 VOLUNTEER HOURS CONTRIBUTED BY THE MASTER GARDENERS.

ITEM #5

A PRESENTATION AND DISCUSSION OF IMPLEMENTING A COUNTY COLLECTIONS PROGRAM AS DESIGNED BY THE OFFICE OF COURT ADMINISTRATION WAS POSTPONED UNTIL THE NEXT WORKSHOP DUE TO THE REPRESENTATIVE BEING ILL.

ITEM # 6

HUMAN RESOURCE DIRECTOR RANDY JENNINGS DISCUSSED WITH THE COURT BENEFITS FOR PART-TIME EMPLOYEES. THE MOTION WAS MADE BY COMMISSIONER GRINNAN, SECONDED BY JUDGE HOGAN THAT PART-TIME EMPLOYEES SHOULD ONLY RECEIVE THE REQUIRED TCDRS RETIREMENT BENEFIT AND THAT THE BENEFIT SHOULD BE REFLECTED IN OUR EMPLOYEE MANUAL. ASSISTANT DISTRICT ATTORNEY JONATHAN THATCHER POINTED OUT THAT THE MOTION MIGHT NEED TO BE AMENDED TO INCLUDE UNEMPLOYMENT, SOCIAL SECURITY, WORKER'S COMPENSATION AND FLMA FOR PART-TIME EMPLOYEES. COMMISSIONER GRINNAN AMENDED THE MOTION TO REFLECT THAT CHANGE. COUNTY AUDITOR LISA CONSTANT REQUESTED THAT AN EFFECTIVE DATE BE ADDED TO THE MOTION. COMMISSIONER GRINNAN ADDED AN EFFECTIVE DATE OF OCTOBER 1, 2011 TO THE MOTION. THE MOTION FAILED TO PASS WITH A VOTE OF 3-2 AGAINST. COMMISSIONER WIMPEE, COMMISSIONER MAGNESS AND COMMISSIONER BAILEY VOTED AGAINST. JUDGE HOGAN AND COMMISSIONER GRINNAN VOTED FOR.

ITEM #7

THE MOTION WAS MADE BY JUDGE HOGAN, SECONDED BY COMMISSIONER GRINNAN, FOR DISCUSSION, TO MOVE THE ELECTION OFFICE TO THE ANNEX SOMETIME DURING THE PERIOD BETWEEN MAY AND SEPTEMBER 1, 2011. AFTER DISCUSSION THE MOTION FAILED TO PASS WITH A VOTE OF 3-2 AGAINST. COMMISSIONER WIMPEE, COMMISSIONER MAGNESS AND

COMMISSIONER BAILEY VOTED AGAINST. JUDGE HOGAN AND COMMISSIONER GRINNAN VOTED FOR.

ITEM #8

THE MOTION WAS MADE BY COMMISSIONER BAILEY, SECONDED BY COMMISSIONER WIMPEE WITH A VOTE OF 4-0 TO GIVE FARMERS ELECTRIC COOPERATIVE, INC. PERMISSION TO CONSTRUCT ELECTRICAL POWER DISTRIBUTION FACILITIES ALONG AND ACROSS ROCHELLE ROAD IN ROCKWALL COUNTY. COMMISSIONER MAGNESS ABSTAINED.

ITEM # 9

COMMISSIONER BAILEY PRESENTED A RESOLUTION TO THE COURT ON HOUSE BILL 2028 RELATING TO AN ADDITIONAL FILING FEE FOR CIVIL CASES FILED IN CERTAIN ROCKWALL COUNTY COURTS. THE MOTION WAS MADE BY COMMISSIONER BAILEY, SECONDED BY COMMISSIONER WIMPEE WITH A VOTE OF 5-0 IN FAVOR OR APPROVING THE RESOLUTION THAT WAS PRESENTED WITH THE FOLLOWING CORRECTION THAT THE THIRD WHEREAS OF THE RESOLUTION ELIMINATES THE WORDING "THIRD FLOOR".

ITEM #10

COMMISSIONER BAILEY EXCUSED HIMSELF FROM THE DISCUSSION DUE TO A POSSIBLE CONFLICT OF INTEREST. TECHNOLOGY DEPARTMENT DIRECTOR BRIAN CRENSHAW DISCUSSED WITH THE COURT FIBER INSTALLATION COST COMPARISONS AND NETWORK CONNECTIVITY FOR THE NEW ROCKWALL COUNTY COURTHOUSE. THIS WAS A DISCUSSION ITEM ONLY. NO ACTION WAS TAKEN.

ITEM #11

THE MOTION WAS MADE BY COMMISSIONER GRINNAN, SECONDED BY COMMISSIONER WIMPEE WITH A VOTE OF 5-0 IN FAVOR OF APPROVING A THREE-YEAR XEROX COPIER LEASE WITH DENITECH FOR A REPLACEMENT COPIER IN THE ADULT PROBATION INTAKE OFFICE AT A MONTHLY COST OF \$172.13 INCLUDING ALL MAINTENANCE AND SUPPLIES.

ITEM #12

THE MOTION WAS MADE BY COMMISSIONER GRINNAN, SECONDED BY COMMISSIONER WIMPEE WITH A VOTE OF 5-0 IN FAVOR OF RESCINDING A PREVIOUS MAINTENANCE AGREEMENT APPROVED ON FEBRUARY 22, 2011 AND APPROVING A MAINTENANCE AGREEMENT WITH TYLER TECHNOLOGIES FOR THE TAPE CARTRIDGE AUTOLOADER AT THE GOVERNMENT CENTER AT A COST OF \$1,163.69 FOR THE PERIOD APRIL 1, 2011 THRU SETEMBER 30, 2012.

*JUDGE HOGAN RECESSED THE MEETING AT 10:48 A.M. TO RECONVENE AFTER THE EXECUTIVE SESSION TODAY.

*JUDGE HOGAN RECALLED THE MEETING TO ORDER AT 10:57 A.M.

ITEM #13

EXECUTIVE SESSION FROM 10:50 A.M. TO 10:55 A.M.

- a. **Consult with legal counsel regarding pending or contemplated litigation, settlement offers and/or matters in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Government Code (Tex. Gov't Code §551.071);**
- b. **Discussion of personnel matters for County employee (Tex. Gov't Code §551.074);**

ITEM #14

ACTION OF THE EXECUTIVE SESSION

THE MOTION WAS MADE BY COMMISSIONER MAGNESS, SECONDED BY COMMISSIONER WIMPEE WITH A 5-0 VOTE IN FAVOR OF APPROVING THE AUDITOR TO SETTLE ACCOUNTS IN THE AMOUNT OF \$237.50 FROM THE COUNTY CLERK'S BUDGET AND TO SETTLE ACCOUNTS IN THE AMOUNT OF \$130.00 FROM THE COUNTY JAIL'S BUDGET.

ITEM #15

THE MOTION WAS MADE BY COMMISSIONER MAGNESS, SECONDED BY COMMISSIONER WIMPEE WITH A VOTE OF 5-0 IN FAVOR OF APPROVING THE FOLLOWING CONSENT AGENDA ITEMS:

- a) Minutes of previous meeting(s);
- b) Co. Clerk , Feb-11 fee report(s);
- c) District Clerk, Feb-11 fee report (s);
- d) J.P. Pct. 2, Feb-11 monthly judicial activity report(s);
- e) Co. Tax Assessor-Collector, Feb-11 monthly activity/expense report(s);
- f) Co. Librarian, Feb-11 activity monthly report(s);
- g) Co. Agent, Feb-11 activity expense report(s);
- h) Co. Treasurer, Feb-11 monthly report(s);
- i) Co. Auditor, Approve payment to Dannenbaum Engineering Company for engineering services provided during January 2011 at FM 549 from SH 276 to SH 205 in the amount of \$18,600.80;
- j) Co. Auditor, Approve payment to CH2M HILL, Inc. for engineering services provided during January 2011 at SH 276 from SH 205 to FM 549 in the amount of \$12,715.96;
- k) Co. Auditor, Approve payment to Halff Associates, Inc. for engineering services provided during February 2011 at SH 66 from SH 205 to FM 1777 in the amount of \$88,628.26;
- l) Co. Auditor, Jan-11 monthly report(s);

ITEM #16

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

- A. **Justice of the Peace #2 to purchase from Justice Court Technology Fund: XeroxDocuMate 152 scanner, HP Probook 6550b with Microsoft Office 2010 license and laptop case and Epson TMU375 9Pin Par receipt printer @ an estimated cost of \$2,821.23.**
- B. **District Attorney to purchase from County Records Management & Preservation Fund: Stationary shelving filing system for storage including shipping and installation @ an estimated cost of \$9,045.00.**
- C. **County Jail to purchase from Capital Outlay: Motorola communication equipment including (1) digital repeater with duplexer, (10) digital portable radios, (1) digital control station and (1) frequency coordination and licensing fee @ a quoted cost of \$19,087.09.**

THE MOTION WAS MADE BY COMMISSIONER BAILEY, SECONDED BY COMMISSIONER WIMPEE, FOR DISCUSSION, TO APPROVE THE FOLLOWING PROPERTY ACQUISITIONS/ DISPOSITIONS:

- D. **County Jail to transfer to Surplus: 2003 Chevy Impala.**

AFTER DISCUSSION COMMISSIONER BAILEY WITHDREW HIS MOTION. THE ITEM WILL BE BROUGHT BACK BEFORE THE COURT AT A LATER DATE AFTER MORE INFORMATION ON THE VEHICLE IS OBTAINED.

ITEM #1

JUDGE HOGAN REQUESTED TO THE COURT TO READDRESS ITEM #1 FOR ACTION. THE MOTION WAS MADE BY COMMISSIONER GRINNAN, SECONDED BY COMMISSIONER WIMPEE WITH THE COURT VOTING 5-0 IN FAVOR OF APPROVING A PROCLAMATION PROCLAIMING APRIL 2011 CHILD ABUSE PREVENTION MONTH.

ITEM #17

NON-EMERGENCY BUDGET TRANSFER(S);

NONE

ITEM #18

THE MOTION WAS MADE BY COMMISSIONER GRINNAN, SECONDED BY COMMISSIONER WIMPEE WITH THE COURT VOTING 4-0 IN FAVOR OF APPROVING PAID CLAIMS IN THE AMOUNT OF \$118,527.22; COMMISSIONER BAILEY ABSTAINED. THE MOTION WAS MADE BY COMMISSIONER WIMPEE, SECONDED BY COMMISSIONER MAGNESS WITH THE COURT VOTING 5-0 IN FAVOR OF APPROVING UNPAID CLAIMS IN THE AMOUNT OF \$849,255.66. THE MOTION WAS MADE BY COMMISSIONER BAILEY, SECONDED BY COMMISSIONER GRINNAN WITH THE COURT VOTING 5-0 IN FAVOR OF APPROVING PAYROLL IN THE AMOUNT OF \$529,985.54 FOR THE PAY PERIOD ENDING MARCH 5, 2011.

ITEM #19

JUDGE HOGAN ANNOUNCED THERE WILL BE A MEETING WITH BOB BASS TO GIVE US PRELIMINARY INFORMATION REGARDING REDISTRICTING ON THURSDAY, APRIL 21 AT 3:00 P.M.

ITEM #20

THERE BEING NO FURTHER BUSINESS BEFORE THE COURT, JUDGE HOGAN ADJOURNED THE MEETING AT 11:12 A.M.

SHELLI MILLER,
ROCKWALL COUNTY CLERK