

**COMMISSIONERS COURT  
MAY 24, 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:**

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| <b>JERRY HOGAN</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>SHELLI MILLER</b> | <b>COUNTY CLERK</b>        |

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

THE INVOCATION WAS GIVEN BY COMMISSIONER BAILEY.

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

ONE GUEST WAS PRESENT THAT WISHED TO ADDRESS THE COURT. LARRY  
WELLS SPOKE AGAINST THE FY2012 BUDGET FIRST DRAFT AS IT RELATED TO  
LIBRARY PERSONNEL.

**ITEM #1**

JOHN MANNING OF PATTILLO, BROWN & HILL L.L.P. CPAS DISCUSSED WITH  
THE COURT THE ANNUAL FINANCIAL AUDIT REPORT FOR FY2010. THE MOTION  
WAS MADE BY COMMISSIONER GRINNAN, SECONDED BY COMMISSIONER  
MAGNESS WITH THE COURT VOTING 5-0 IN FAVOR OF RECEIVING AND  
ACCEPTING ROCKWALL COUNTY'S ANNUAL FINANCIAL AUDIT REPORT FOR

FISCAL YEAR 2010 AS PREPARED AND PRESENTED BY PATTILLO, BROWN & HILL L.L.P. CPAS.

**ITEM #2**

THE MOTION WAS MADE BY COMMISSIONER WIMPEE, SECONDED BY COMMISSION GRINNAN WITH THE COURT VOTING 5-0 IN FAVOR OF APPROVING A RESOLUTION SUPPORTING THE CITY OF TERRELL IN ITS EFFORTS TO SECURE A WATERSHED PROTECTION AND FLOOD PREVENTION GRANT TO REHABILITATE FRS NO. 87A, CEDAR CREEK WATERSHED.

**ITEM #3**

THE MOTION WAS MADE BY COMMISSIONER GRINNAN, SECONDED BY COMMISSIONER WIMPEE WITH THE COURT VOTING 5-0 TO APPROVE AN ORDER APPROVING AN AMENDMENT TO THE LAW ENFORCEMENT TRAINING FACILITY CONTRACT WITH THE COUNTY OF ROCKWALL EMERGENCY SERVICES CORPORATION RELATING TO FACILITY IMPROVEMENTS AND REFINANCING OF BONDS OF THE CORPORATION AND TO APPROVE THE MONIES TO BE TAKEN OUT OF CONTINGENCY.

**ITEM #4**

THE MOTION WAS MADE BY COMMISSIONER MAGNESS, SECONDED BY COMMISSIONER BAILEY WITH THE COURT VOTING 4-0 IN FAVOR OF APPROVING A PROPERTY DAMAGE REPAIR AGREEMENT WITH AMERICAN TECHNOLOGIES, INC. TO REPLACE THE ROOF AT THE COUNTY JAIL IN THE AMOUNT OF \$41,794.11, TO BE PAID BY THE COUNTY'S PROPERTY INSURANCE. COMMISSIONER WIMPEE ABSTAINED.

**ITEM #5**

THE MOTION WAS MADE BY COMMISSIONER BAILEY, SECONDED BY COMMISSIONER GRINNAN WITH THE COURT VOTING 4-1 IN FAVOR OF RESCINDING A PRIOR AGREEMENT AND APPROVING A REVISED INTERLOCAL AGREEMENT WITH THE CITY OF MCLENDON-CHISHOLM FOR SUBDIVISION REGULATION WITHIN THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF MCLENDON-CHISHOLM. COMMISSIONER WIMPEE VOTED AGAINST.

**ITEM # 6**

THE MOTION WAS MADE BY COMMISSIONER MAGNESS, SECONDED BY COMMISSIONER GRINNAN WITH THE COURT VOTING 5-0 IN FAVOR OF RENEWING AN AGREEMENT FOR THE ANNUAL QEI STATE INSPECTION OF THE ELEVATORS LOCATED IN THE GOVERNMENT CENTER, HISTORIC COURTHOUSE, ADULT PROBATION AND THE COUNTY LIBRARY AT A TOTAL COST OF \$2,750.00.

**ITEM #7**

THE MOTION WAS MADE BY JUDGE HOGAN, SECONDED BY COMMISSIONER MAGNESS WITH THE COURT VOTING 5-0 TO ESTABLISH A PROGRAM TO CREATE A MASTER BOOK TO BE MAINTAINED BY THE COURT ADMINISTRATOR WHERE ALL APPOINTEES TO COUNTY POSITIONS OUTSIDE OR INSIDE THE COUNTY BE RECORDED. WHEN THEY FINISH THEIR TERM OF APPOINTMENT THEY WILL BE PROVIDED WITH PROPER RECOGNITION INCLUDING A LETTER SIGNED BY THE COUNTY JUDGE OR THE COMMISSIONERS COURT OR OTHER ACTIVITIES THANKING THEM FOR THEIR SERVICE.

\*JUDGE HOGAN REQUESTED THAT DEBBIE DE LA TORRE STAND TO BE RECOGNIZED. JUDGE HOGAN EXPLAINED TO THE COURT THAT ON MAY 11, 2011 CHIEF CLERK DEBBIE DE LA TORRE, EMPLOYEE OF JUDGE NANCY BEATY, PASSED THE JUSTICE OF THE PEACE COURT PERSONAL LEVEL TWO CERTIFICATION EXAM. THIS IS THE HIGHEST LEVEL EXAM FOR JP CLERKS AND IS VERY DIFFICULT TO PASS. THE EXAM TYPICALLY HAS A 33% TO 50% PASS RATE. JUDGE HOGAN FURTHER STATED THAT DEBBIE DE LA TORRE WAS CONGRATULATED AND THANKED BY THE COURT PERSONNEL EDUCATION COMMITTEE, THE COURT PERSONNEL CERTIFICATION COMMITTEE AND THE TEXAS JUSTICE COURT TRAINING CENTER FOR HER HARD WORK AND DEDICATION TO HER PROFESSION. JUDGE HOGAN AND THE COURT CONGRATULATED MS. DE LA TORRE.

**ITEM #8**

VARIOUS ELECTED AND APPOINTED COUNTY OFFICIALS AND OTHER DEPARTMENT HEADS WERE GIVEN 15 MINUTES TO GIVE PRESENTATIONS TO THE COURT REGARDING THE PROPOSED FISCAL YEAR 2012 BUDGET FOR THEIR CORRESPONDING DEPARTMENTS. SHERIFF EAVENSON, DISTRICT ATTORNEY KENDA CULPEPPER, COUNTY LIBRARIAN MARCINE MCCULLEY, JUDGE NANCY BEATY, INDIGENT HEALTH DIRECTOR DONNA MUSSOTTER AND ENVIRONMENTAL HEALTH COORDINATOR RON MERRITT ALL GAVE PRESENTATIONS REGARDING THEIR DEPARTMENTS.

\*JUDGE HOGAN RECESSED THE MEETING AT 11:02 A.M. TO RECONVENE AFTER THE EXECUTIVE SESSION TODAY.

\*JUDGE HOGAN RECALLED THE MEETING TO ORDER AT 11:45 A.M.

**ITEM #9**

**EXECUTIVE SESSION FROM 11:10 A.M. TO 11:40 A.M.**

1. 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);
2. Discussion of personnel matters for the J.P. Court Prosecutor, Assistant Criminal District Attorney, Jennifer Barnes (Tex. Gov't Code §551.074);
3. Discussion of individual retirement account of employee with Rockwall County. (Tex. Gov't Code §551.074);

**ITEM #10**

**ACTION OF THE EXECUTIVE SESSION;**

THE MOTION WAS MADE BY COMMISSIONER GRINNAN, SECONDED BY COMMISSIONER WIMPEE WITH THE COURT VOTING 5-0 IN FAVOR OF FUNDING AN AMOUNT OF \$21,873.66 FROM CONTINGENCY TO FUND AN INDIVIDUAL RETIREMENT ACCOUNT.

ITEM NUMBER ONE UNDER THE EXECUTIVE SESSION WAS MOVED TO THE OPEN MEETING. DISTRICT ATTORNEY KENDA CULPEPPER DISCUSSED AT LENGTH WITH THE COURT A PERSONNEL MATTER FOR THE JUSTICE OF THE PEACE COURT PROSECUTER, ASSISTANT DISTRICT ATTORNEY. THE MOTION WAS MADE BY COMMISSIONER GRINNAN, SECONDED BY JUDGE HOGAN WITH THE COURT VOTING 2-3 AGAINST MAKING A MID-YEAR ADJUSTMENT TO MOVE THE ASSISTANT DISTRICT ATTORNEY JENNIFER BARNES FROM A PART TIME TO A FULL TIME POSITION WITH THE STATED SALARY AND BENEFITS WITH

THE COST BEING FULLY ABSORBED WITHIN THE DISTRICT ATTORNEY'S CURRENT BUDGET. COMMISSIONER BAILEY, COMMISSIONER MAGNESS AND COMMISSIONER WIMPEE VOTED AGAINST.

**ITEM #11**

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, monthly fee report(s);
- c) District Clerk, monthly fee report (s);
- d) Co. Tax Assessor-Collector, monthly activity/expense report(s);
- e) Indigent Health, monthly expenditure/case report(s);
- f) Co. Treasurer, monthly report(s);
- g) J.P. Pct. 2, monthly judicial activity report(s);
- h) Co. Auditor, Approve payment to Dannenbaum Engineering Company for engineering services provided during March 2011 at FM 549 from SH 276 to SH 205 in the amount of \$21,006.31;
- i) Co. Auditor, Approve payment to Halff Associates, Inc. for engineering services provided during April 2011 at SH 66 from SH 205 to FM 1777 in the amount of \$23,476.96;
- j) Co. Auditor, Approve payment to Chiang, Patel, & Yerby Inc., for engineering services rendered during April 2011 at the FM549/I30 interchange in the amount of \$36,974.55;
- k) Co. Auditor, monthly report(s);

**ITEM #12**

THE MOTION WAS MADE BY COMMISSIONER MAGNESS TO APPROVE, SECONDED BY COMMISSIONER WIMPEE THE COURT VOTED 5-0 IN FAVOR OF APPROVING THE FOLLOWING PROPERTY ACQUISITION/DISPOSITION:

382<sup>nd</sup> District Court to transfer to Surplus: out of date law books.

**ITEM #13**

**NON-EMERGENCY BUDGET TRANSFER(S);**

THE MOTION WAS MADE BY COMMISSIONER GRINNAN, SECONDED BY COMMISSIONER MAGNESS FOR DISCUSSION ON ITEM 2011-09. COUNTY AUDITOR LISA CONSTANT EXPLAINED TO THE COURT THE NEED FOR MONEY TO BE TRANSFERRED FROM THE CONTINGENCY FUND TO THE UNEMPLOYMENT RESERVE. THE COURT VOTED 5-0 IN FAVOR OF APPROVING THE FOLLOWING NON-EMERGENCY BUDGET TRANSFERS:

**2011-09** - Transfer \$37,485 of funds within the General Fund General Government budget **TO** Unemployment Reserve **FROM** Contingency resulting from actual unemployment costs exceeding budgeted amounts.

**2011-10** - Transfer \$8,000 of funds **FROM** Contingency within the Courthouse Construction Fund budget **TO** Personnel costs resulting from the work associated with the coordination of the relocation of employees from the Government Center to the new Courthouse approved by the Commissioners Court on May 10, 2011.

#### **ITEM #14**

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 \$18,579.58. 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 \$325,561.92. 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 \$526,813.15 FOR THE PAY PERIOD ENDING MAY 14, 2011.

#### **ITEM #16**

JUDGE HOGAN MADE THE FOLLOWING ANNOUNCEMENTS:

THE FIRST BUDGET WORKSHOP IS SCHEDULED FOR TOMORROW,  
WEDNESDAY, MAY 25<sup>TH</sup> AT 9:00 A.M.

THE FIRST REDISTRICTING MEETING IS SCHEDULED FOR THURSDAY,  
MAY, 26<sup>TH</sup> AT 10:00 A.M.

THE SECOND BUDGET WORKSHOP IS SCHEDULED FOR FRIDAY, MAY  
27<sup>TH</sup> AT 9:00 A.M.

**ITEM #17**

THERE BEING NO FURTHER BUSINESS BEFORE THE COURT, JUDGE HOGAN  
ADJOURNED THE MEETING AT 12:25 P.M.

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SHELLI MILLER,  
ROCKWALL COUNTY CLERK