

**COMMISSIONERS COURT
OCTOBER 23, 2012**

**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 -ABSENT
LORIE GRINNAN	COMMISSIONER PCT #2 - ABSENT
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 JUDGE HOGAN.

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

RECOGNITION/PRESENTATION:

JUDGE HOGAN RECOGNIZED ASSISTANT AUDITOR MANDY LANDERS FOR RECEIVING THE ROCKWALL COUNTY EMPLOYEE OF THE QUARTER FOR THE THIRD QUARTER OF 2012. MS. LANDERS RECEIVED THE AWARD FOR HER HARD WORK IN THE PREPARATION OF THE ROCKWALL COUNTY FY2013 BUDGET. JUDGE HOGAN WENT ON TO INTRODUCE MS. LANDER'S HUSBAND, FIRST SERGEANT LANDERS, ANNOUNCED THAT HE WAS TO BE DEPLOYED TO AFGHANISTAN IN THREE DAYS AND THANKED HIM FOR HIS SERVICE.

*JUDGE HOGAN RECESSED THE MEETING AT 9:05 A.M. TO GO IMMEDIATELY INTO A PUBLIC HEARING.

*JUDGE HOGAN RECALLED THE MEETING AT 9:26 A.M.

ITEM #1

THE MOTION WAS MADE BY COMMISSIONER MAGNESS, SECONDED BY COMMISSIONER BAILEY WITH THE COURT VOTING 3-0 IN FAVOR OF APPROVING A REQUEST FROM YOUNG REMBRANDTS, A CHILDREN'S ART PROGRAM, TO DISPLAY THE CHILDREN'S ART WORK IN THE COURTHOUSE.

ITEM #2

AMERICAN LEGION EXECUTIVE LEE GILBERT PASSED ACCOLADES TO THE COURT FOR THEIR SUPPORT IN BRINGING A VETERANS MEMORIAL TO ROCKWALL COUNTY. MR. GILBERT REQUESTED THE COURT TO CONSIDER ALLOWING THE AMERICAN LEGION TO HOLD A VETERANS DAY CELEBRATION OPEN HOUSE AT THE VETERANS MEMORIAL ON NOVEMBER 11, 2012. THE MOTION WAS MADE BY COMMISSIONER MAGNESS, SECONDED BY COMMISSIONER BAILEY WITH THE COURT VOTING 3-0 IN FAVOR OF ALLOWING THE AMERICAN LEGION TO HOLD AN EVENT IN HONOR OF OUR VETERANS AT THE VETERANS MEMORIAL SITE FROM 2:00 P.M TO 5:00 P.M. ON SUNDAY, NOVEMBER 11, 2012.

ITEM #3

COMMISSIONER BAILEY POSTPONED THIS ITEM REGARDING THE REGIONAL HEALTH PARTNERSHIP UNTIL THE COUNTY AUDITOR COULD BE PRESENT FOR THE DISCUSSION.

ITEM #4

THE COURT DISCUSSED THE COUNTY'S POLICY ON GIVING OUT EMPLOYEE'S DIRECT EXTENSION NUMBERS TO THE PUBLIC. COUNTY CLERK SHELLI MILLER STATED TO THE COURT THAT THE POLICY IN HER OFFICE WAS TO HAVE THE PUBLIC CALL THE MAIN LINE, NOT A DIRECT EXTENSION, SO THE PUBLIC WOULD NOT REACH A RECORDING. ASSISTANT DISTRICT ATTORNEY JON THATCHER EXPLAINED TO THE COURT THAT ALTHOUGH EXTENSION NUMBERS WEREN'T PUBLISHED, THERE WASN'T A POLICY STATING THAT DIRECT EXTENSIONS COULDN'T BE GIVEN OUT. THIS WAS A DISCUSSION ITEM ONLY. NO ACTION TAKEN.

ITEM #18

COUNTY AUDITOR LISA CONSTANT DISCUSSED WITH THE COURT THIS ITEM REGARDING APPROVAL OF AN ORDER FOR THE ISSUANCE OF COUNTY TAX ROAD BONDS, LEVYING A TAX IN PAYMENT THEREOF AND OTHER RELATED PROVISIONS. JUDGE HOGAN EXPLAINED THAT DUE TO STATE LAW A COMMISSIONERS COURT CAN'T LEVY A TAX WITHOUT AT LEAST FOUR MEMBERS OF THE COURT PRESENT. FIRST SOUTHWEST REPRESENTATIVES WILL STOP THE BID BEFORE THE 10:00 A.M. DEADLINE AND READDRESS THE ITEM IN TWO WEEKS. NO ACTION WAS TAKEN.

ITEM #5

HEALTH COORDINATOR RON MERRITT DISCUSSED WITH THE COURT A REQUEST FROM D.R. HORTON TO REPLAT 5 LOTS INTO 3 LOTS IN THE WATERMARK SUBDIVISION. THE MOTION WAS MADE BY COMMISSIONER

MAGNESS, SECONDED BY COMMISSIONER BAILEY WITH THE COURT VOTING 3-0 IN FAVOR OF APPROVING A REPLAT OF 5 D.R. HORTON LOTS INTO 3 LOTS IN THE WATERMARK SUBDIVISION WITH THE STIPULATION THAT THE COUNTY WOULD RECEIVE A WRITTEN STATEMENT FROM THE CITY OF WYLIE STATING THAT THEY HAVE NO OBJECTION TO THE REPLAT.

ITEM #3 – READDRESSED

COMMISSIONER BAILEY DISCUSSED WITH THE COURT THE POSSIBILITY OF REALLOCATING AN \$80,000.00 PAYMENT TO HELPING HANDS INCLUDED IN THE UNPAID CLAIMS ITEM TODAY TO THE HEALTH AND HUMAN SERVICES COMMISSION (HHSC) AS AN IGT SOURCE OF FUNDING FOR THE WAIVER 1115 REGIONAL HEALTH PARTNERSHIP (RHP). COUNTY AUDITOR LISA CONSTANT WILL PULL THE ITEM FROM THE UNPAID CLAIMS LIST TODAY UNTIL FURTHER RESEARCH CAN INSURE THAT THIS TRANSFER OF FUNDS IS LEGALLY ALLOWED. THIS WAS A DISCUSSION ITEM ONLY. NO ACTION TAKEN.

ITEM #6

THE COURT DISCUSSED THE RESCHEDULING OF DATES FOR UPCOMING COMMISSIONERS COURT DURING THE HOLIDAYS. THE MOTION WAS MADE BY JUDGE HOGAN, SECONDED BY COMMISSIONER BAILEY WITH THE COURT VOTING 2-1 IN FAVOR OF MOVING COMMISSIONERS COURT SCHEDULED FOR TUESDAY, DECEMBER 25TH TO THURSDAY, DECEMBER 20TH DUE TO THE HOLIDAYS. COMMISSIONER MAGNESS VOTED AGAINST.

ITEM #7

JUDGE HOGAN GAVE A BRIEF OVERVIEW OF ACTIVITIES TO DATE FOR THE VENDOR SELECTION FOR THE COUNTY'S JUDICIAL CASE MANAGEMENT SOFTWARE WITH THE RESULT BEING TO USE THE AMCAD SOFTWARE. JUDGE HOGAN EXPLAINED AN OPTION AVAILABLE TO THE COUNTY TO USE THE CONFERENCE OF URBAN COUNTIES (CUC) FOR IMPLEMENTATION OF THE AMCAD SOFTWARE INSTEAD OF AMCAD DIRECTLY. TATUM REPRESENTATIVE JERRY BYRD DISCUSSED WITH THE COURT A PRESENTATION MADE BY THE CUC TO THE COUNTY SOFTWARE SELECTION COMMITTEE ON OCTOBER 22ND, STATING THAT IT WAS A GOOD COMPARISON PRESENTATION BY THE CUC, BUT THAT AFTER THE PRESENTATION IT WAS THE COMMITTEE'S OVERALL PREFERENCE TO USE AMCAD DIRECTLY AND THAT IT WAS HIS RECOMMENDATION TO GO WITH THE COMMITTEES SUGGESTION. THE CUC REPRESENTATIVE CHARLES GREY CONTINUED THE DISCUSSION AND ADDED BENEFITS AVAILABLE TO THE COUNTY AS A MEMBER OF THE CUC GOING FORWARD IF THE COURT CHOOSES NOT TO USE THE CUC NOW FOR IMPLEMENTATION. JUDGE HOGAN PROPOSED THAT NO ACTION BE TAKEN ON THIS ITEM UNTIL A FULL COURT COULD BE PRESENT. THE ITEM WILL BE PUT ON THE NEXT AGENDA FOR FURTHER DISCUSSION. NO ACTION TAKEN.

ITEM #18 - READDRESSED

FIRST SOUTHWEST REPRESENTATIVE MARTI SHEW ADVISED THE COURT THAT THEY WERE SUCCESSFUL IN STOPPING THE BIDDING PROCESS BEFORE ANY BIDS WERE RECEIVED. THIS ITEM REGARDING TAX ROAD BONDS AND

LEVYING A TAX FOR PAYMENT WILL BE POSTPONED UNTIL THE NEXT REGULARLY SCHEDULED MEETING WHERE AT LEAST FOUR COURT MEMBERS CAN BE PRESENT. THIS WAS A DISCUSSION ITEM ONLY. NO ACTION TAKEN.

ITEM #8

COUNTY HUMAN RESOURCE DIRECTOR RANDY JENNINGS EXPLAINED TO THE COURT THE RENEWAL OF THE COUNTY CHOICE SILVER RETIREE MEDICAL PROGRAM. THE MOTION WAS MADE BY COMMISSIONER BAILEY, SECONDED BY COMMISSIONER MAGNESS WITH THE COURT VOTING 3-0 IN FAVOR OF APPROVING RENEWAL DOCUMENTS FOR COUNTY CHOICE SILVER RETIREE MEDICAL PROGRAM THROUGH THE TEXAS ASSOCIATION OF COUNTIES HEALTH AND EMPLOYEE BENEFITS POOL.

ITEM #9

THE MOTION WAS MADE BY COMMISSIONER BAILEY, SECONDED BY COMMISSIONER MAGNESS WITH THE COURT VOTING 3-0 IN FAVOR OF APPROVING A LETTER TO THE TEXAS COMPTROLLER OF PUBLIC ACCOUNTS DEMONSTRATING THE COUNTY'S AUTHORITY TO EXERCISE THE POWER OF EMINENT DOMAIN AS REQUIRED BY LAW (§2206.101 TEXAS GOV'T CODE)

ITEM #10

THE MOTION WAS MADE BY COMMISSIONER MAGNESS, SECONDED BY COMMISSIONER BAILEY WITH THE COURT VOTING 3-0 IN FAVOR OF APPROVING A LETTER OF AGREEMENT WITH THE CITY OF ROCKWALL MAIN STREET DEPARTMENT TO HOLD SCARE ON THE SQUARE ON THE HISTORIC COURTHOUSE PROPERTY ON SATURDAY, OCTOBER 27, 2012.

ITEM #11

THE MOTION WAS MADE BY COMMISSIONER MAGNESS, SECONDED BY COMMISSIONER BAILEY WITH THE COURT VOTING 3-0 IN FAVOR OF APPROVING A COPIER LEASE WITH CPI FOR THE COUNTY CLERK'S OFFICE AT A MONTHLY COST OF \$140.00.

ITEM #12

THE MOTION WAS MADE BY COMMISSIONER BAILEY, SECONDED BY COMMISSIONER MAGNESS WITH THE COURT VOTING 3-0 IN FAVOR OF APPROVING A COPIER LEASE WITH CPI FOR THE DISTRICT CLERK'S OFFICE AT A MONTHLY COST OF \$173.00.

ITEM #13

THE MOTION WAS MADE BY COMMISSIONER MAGNESS, SECONDED BY COMMISSIONER BAILEY WITH THE COURT VOTING 3-0 IN FAVOR OF APPROVING A RENEWAL AGREEMENT WITH THE INTERNAL REVENUE SERVICE, CRIMINAL INVESTIGATION, FOR THE PURPOSE OF RECEIVING REIMBURSABLE COSTS INCURRED BY THE COUNTY IN PROVIDING RESOURCES TO JOINT OPERATIONS/TASK FORCES.

ITEM #14

THE MOTION WAS MADE BY COMMISSIONER BAILEY, SECONDED BY COMMISSIONER MAGNESS WITH THE COURT VOTING 3-0 IN FAVOR OF APPROVING A MAINTENANCE AGREEMENT WITH NETDATA CORPORATION FOR THE IBM 9405 FINANCIAL SERVER EFFECTIVE OCTOBER 27, 2012

ITEM #15

THE MOTION WAS MADE BY COMMISSIONER MAGNESS, SECONDED BY COMMISSIONER BAILEY WITH THE COURT VOTING 3-0 IN FAVOR OF APPROVING AN AGREEMENT WITH ENTECH FOR HVAC MAINTENANCE AT THE HISTORIC COURTHOUSE EFFECTIVE OCTOBER 1, 2012 THRU SEPTEMBER 30, 2013 AT A COST OF \$7,660.00.

ITEM #16

EMERGENCY MANAGEMENT DIRECTOR JOE DELANE EXPLAINED TO THE COURT A GRANT TO BE USED FOR PURCHASING SUPPLIES AND FOR TRAINING FOR COMMUNITY EMERGENCY RESPONSE TEAM (CERT) VOLUNTEERS THE MOTION WAS MADE BY COMMISSIONER MAGNESS, SECONDED BY COMMISSIONER BAILEY WITH THE COURT VOTING 3-0 IN FAVOR OF APPROVING THE HOMELAND SECURITY GRANT PROGRAM (HSGP) SUB-RECIPIENT AWARD IN THE AMOUNT OF \$6,903.00 EFFECTIVE SEPTEMBER 1, 2012 THRU JANUARY 31, 2014.

ITEM #17

COUNTY AUDITOR LISA CONSTANT EXPLAINED TO THE COURT A GRANT THAT ALLOWS THE COUNTY TO RECEIVE MONIES BACK FOR FUNDS EXPENDED FOR INDIGENT LEGAL DEFENSE SERVICES. THE MOTION WAS MADE BY COMMISSIONER BAILEY, SECONDED BY COMMISSIONER MAGNESS WITH THE COURT VOTING 3-0 IN FAVOR OF APPROVING THE INDIGENT DEFENSE FORMULA GRANT FOR FISCAL YEAR 2013 FOR THE IMPROVEMENT OF INDIGENT DEFENSE SERVICES IN ROCKWALL COUNTY.

ITEM #19

THE MOTION WAS MADE BY COMMISSIONER BAILEY, SECONDED BY COMMISSIONER MAGNESS WITH THE COURT VOTING 3-0 IN FAVOR OF APPROVING THE FOLLOWING CONSENT AGENDA ITEMS:

- a) Minutes of previous meeting(s);
- b) Tax Assessor-Collector, monthly activity/expense report(s);
- c) J.P. Pct. 1, monthly judicial activity report(s);
- d) District Clerk, monthly fee report (s);
- e) Indigent Health, monthly expenditure/case report(s);
- f) Co. Clerk, monthly fee report(s);
- g) Co. Librarian, activity monthly report(s);
- h) Co. Treasurer, monthly report(s);
- i) Auditor, Approve payment to H.W. Lochner, Inc. for engineering services provided thru August 3, 2012 at FM 740 from FM 1140 to FM 549 in the amount of \$131,650.10;
- j) Auditor, Approve payment to CH2M HILL, Inc. for engineering services provided during August 2012 at SH 276 from SH 205 to FM 549 in the amount of \$15,417.14;
- k) Auditor, monthly report(s);

ITEM #20

THE MOTION WAS MADE BY COMMISSIONER BAILEY, SECONDED BY COMMISSIONER MAGNESS WITH THE COURT VOTING 3-0 IN FAVOR OF APPROVING THE FOLLOWING PROPERTY ACQUISITIONS/DISPOSITIONS:

- A. Courthouse Security purchased from Courthouse Construction Fund Capital Outlay: surveillance camera including installation @ an actual cost of \$233.83.
- B. County Sheriff to purchase from County Sheriff Capital Outlay: intoxilyzer S-D5 @ a quoted cost of \$299.00.
- C. County Library to purchase from County Library Impact Grant Fund Equipment/ Capital Outlay: computer related equipment/accessories @ an estimated cost of \$4,107.15.
- D. Justice of the Peace Pct #1 to purchase from Justice of the Peace Court Technology Fund Capital Outlay: HP Compaq 6300 Pro computer including shipping @ an estimated cost of \$1,119.89.
- E. County Clerk to purchase from County Clerk Records Management & Preservation Fund Capital Outlay: HP LaserJet 5200tn printer @ a quoted cost of \$2,324.29.

ITEM #21

THE MOTION WAS MADE BY COMMISSIONER MAGNESS, SECONDED BY COMMISSIONER BAILEY WITH THE COURT VOTING 3-0 IN FAVOR OF APPROVING THE FOLLOWING NON-EMERGENCY BUDGET TRANSFERS;

2012-43 – Transfer \$47,000 of funds within the County Jail General Fund budget **TO** Healthcare **FROM** Group Insurance resulting from expenditures in excess of budgeted funds for FY2012.

2012-44 – Transfer \$219 of funds within the Tax Assessor Collector General Fund budget **TO** Capital Outlay > \$200 < \$5,000 **FROM** Office Supplies resulting from the purchase of a shredder approved in Commissioners Court on October 9, 2012.

2012-45 – Transfer \$575 of funds within the County Agent General Fund budget **TO** Capital Outlay > \$200 < \$5,000 **FROM** Postage Expense @ \$75 & Office Supplies @ \$500 resulting from the purchase of a refrigerator approved in Commissioners Court on September 25, 2012.

2013-02 – Transfer \$186 of funds within the District Clerk General Fund budget **TO** Capital Outlay > \$200 < \$5,000 **FROM** Office Supplies resulting from the purchase of mobile file carts approved in the FY2013 budget which exceeded estimated pricing.

2013-03 – Transfer \$8,000 of funds within the General Government budget **TO** various Constable departments/Capital Outlay > \$500 **FROM** Contingency resulting from the purchase of 4 Constable law enforcement vehicles in which there was not a sufficient amount budgeted in the FY2013 budget.

ITEM #22

THE MOTION WAS MADE BY COMMISSIONER MAGNESS, SECONDED BY COMMISSIONER BAILEY WITH THE COURT VOTING 3-0 IN FAVOR OF APPROVING PAID CLAIMS IN THE AMOUNT OF \$267,465.90. COUNTY AUDITOR LISA CONSTANT NOTED TO THE COURT THAT \$80,000.00 TO HELPING HANDS HAS BEEN REMOVED FROM THE UNPAID CLAIMS. THE MOTION WAS MADE BY COMMISSIONER BAILEY, SECONDED BY COMMISSIONER MAGNESS WITH THE

COURT VOTING 3-0 IN FAVOR OF APPROVING UNPAID CLAIMS IN THE AMOUNT OF \$641,973.67. THE MOTION WAS MADE BY COMMISSIONER MAGNESS, SECONDED BY COMMISSIONER BAILEY WITH THE COURT VOTING 3-0 IN FAVOR OF APPROVING PAYROLL IN THE AMOUNT OF \$512,244.87 FOR THE PAY PERIOD ENDING OCTOBER 13, 2012.

ITEM #29 – ANNOUNCEMENTS

JUDGE HOGAN ANNOUNCED THE FOLLOWING:

- THERE WILL BE A FREE ELECTRONIC WASTE COLLECTION AND SHREDDING EVENT AT ROCKWALL/HEATH HIGH SCHOOL ON OCTOBER 12, 2012 FROM 9:00 A.M. TO 12:00 P.M. AND A SECOND DATE ON OCTOBER 27, 2012 IN ROWLETT.
- THE COURT HAS APPROVED A FEE FOR OUT OF COUNTY RESIDENTS OF \$30.00 PER FAMILY TO USE THE COUNTY LIBRARY. THIS IS A REASONABLE AND FAIR AMOUNT AS THEIR FAIR SHARE SINCE THEY ARE NOT PAYING PROPERTY TAXES IN ROCKWALL COUNTY.
- EARLY VOTING IS NOW IN PROGRESS. PLEASE DON'T FORGET TO VOTE.

COMMISSIONER BAILEY ANNOUNCED THAT THE COUNTY IS IN PARTNERSHIP WITH THE CUC FOR THE PUBLIC POWER POOL, P3. ON TUESDAY, OCTOBER 16, 2012 AN AGREEMENT WAS EXECUTED FOR THE MEMBERSHIP FOR A THREE YEAR CONTRACT WITH CONSTELLATION NEW ENERGY FOR ELECTRICITY SUPPLY BEGINNING JANUARY 2014 WITH THE PRICE OFFERED IN THE WINNING BID TO BE A FIXED WEIGHTED THREE YEAR AVERAGE PRICE

FOR THE GROUP AT .04771 WHICH REPRESENTS A PROJECTED REDUCTION
OF APPROXIMATELY 30% FROM OUR ELECTRICITY RATES UNDER THE
CURRENT CONTRACT.

THERE BEING NO FURTHER BUSINESS BEFORE THE COURT, JUDGE HOGAN
ADJOURNED THE MEETING AT 10:55 A.M.

SHELLI MILLER
ROCKWALL COUNTY CLERK