

**COMMISSIONERS COURT
NOVEMBER 27, 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 9:02 A.M.

THE INVOCATION WAS GIVEN BY COMMISSIONER MAGNESS.

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

SPEAKER

ROCKWALL COUNTY RESIDENT JC WATKINS SPOKE TO THE COURT AND
RECOMMENDED THAT THE COURT CONSIDER DESIGNATING AN AREA OF
COUNTY LAND TO BE USED FOR A MULTIPURPOSE LARGE ASSEMBLY AREA
FOR EVENTS SUCH AS A COUNTY FAIR, A SPORTS COMPLEX OR A RODEO.

ITEM #1

COMMISSIONER MAGNESS REQUESTED THAT THE COURT DEFER THIS
AGENDA ITEM CONCERNING THE ROCKWALL COUNTY PUBLIC SAFETY AND
FIRE ASSISTANCE DISTRICT UNTIL LATER IN THE MEETING TO ALLOW TIME
FOR FATE CITY MANAGER PHILIP RODRIGUEZ TO ARRIVE.

ITEM #2

JUDGE HOGAN STATED TO THE COURT THAT THE STANDARD AND POORS RATING SERVICE HAD ASSIGNED ITS 'AA' RATING AND STABLE OUTLOOK TO ROCKWALL COUNTY'S 2012A GENERAL OBLIGATION ROAD BONDS AND EXISTING DEBT AND BRIEFLY DISCUSSED THEIR SUGGESTED IMPROVEMENTS TO BE MADE. FIRST SOUTHWEST REPRESENTATIVE BOYD LONDON DISCUSSED WITH THE COURT THE IMPLEMENTATION OF A CAPITAL IMPROVEMENTS PROGRAM AS SUGGESTED BY THE STANDARD AND POORS ANALYSIS. JUDGE HOGAN FELT THAT THE COUNTY TREASURER COULD TAKE AN ACTIVE ROLE IN THIS PROCESS AND OFFERED TO MEET WITH THE TREASURER AND REPORT BACK TO THE COURT IN JANUARY OR FEBRUARY. THIS WAS A DISCUSSION ITEM ONLY. NO ACTION TAKEN.

ITEM #1- RE-ADDRESSED

ASSISTANT DISTRICT ATTORNEY JON THATCHER DISCUSSED WITH THE COURT THE ROCKWALL COUNTY PUBLIC SAFETY AND FIRE ASSISTANCE DISTRICT AND INFORMED THE COURT THAT THE OUTCOME OF THE ELECTION IN 2000 CONCERNING IMPLEMENTATION OF A SALES TAX WAS VALIDATED BY A SECOND ELECTION IN 2005. MR. THATCHER PRESENTED A DISTRICT MAP AND ADVISED THAT THE AMOUNT REALIZED BY THE SALES TAX IN 2011 WAS ROUGHLY \$215,000.00 AND ON PACE TO INCREASE IN 2012. IT WAS FURTHER NOTED THAT LAST YEAR APPROXIMATELY \$85,000.00 OF THIS WAS FROM THE CITY OF FATE ALONE AND THIS YEAR MAY EXCEED \$100,000.00. THE CITY OF FATE WOULD LIKE THE COUNTY TO REDUCE THIS TAX. MR. THATCHER

ANSWERED A QUESTION FROM COMMISSIONER MAGNESS STATING THAT THE COMMISSIONERS COURT, THE LEADERSHIP BODY OF THE DISTRICT, DOES LAWFULLY HAVE THE ABILITY TO REDUCE THE SIZE OF THE DISTRICT. FATE CITY MANAGER PHILIP RODRIGUEZ SPOKE TO THE COURT SAYING THAT FATE'S BUDGET PROJECTION FOR THIS YEAR'S HALF CENT TAX IS \$105,000.00 TO \$126,000.00 AND THAT THE PURPOSE OF THIS FUND INITIALLY WAS TO INSURE PUBLIC SAFETY BY THE COUNTY FOR COUNTY RESIDENTS WITHIN RURAL AREAS. MR. RODRIGUEZ FURTHER STATED THAT AS FATE HAS GROWN THAT NEED HAS DIMINISHED AND THE CITY IS NOW ABLE TO PROVIDE FOR ITSELF IN TERMS OF FIRE AND LAW ENFORCEMENT. THE CITY OF FATE'S CONCERN IS THAT THE PUBLIC SAFETY DISTRICT TAX MAY NOT BE FULFILLING ITS INTENDED PURPOSE AS IT ONCE HAD. MR. RODRIGUEZ WENT ON TO SAY THAT THE KEY FOR THE CITY IS TO HAVE A FAIR AND EQUITABLE SITUATION AND REQUESTED THE COURT CONSIDER EXEMPTING THE CITY OF FATE FROM THE HALF CENT SALES TAX. AFTER FURTHER DISCUSSION THE COURT DECIDED TO WAIT FOR A FULL COURT TO COME UP WITH A SOLUTION. THIS WAS A DISCUSSION ITEM ONLY. NO ACTION TAKEN.

ITEM #3

JUDGE HOGAN EXPLAINED TO THE COURT THE NEED TO APPOINT A MEMBER TO THE NORTH TEXAS COUNCIL OF GOVERNMENT REGIONAL AGING ADVISORY COMMITTEE (RAAC) DUE TO THE COMPLETION OF ANNIE CORNELIUS' TERM AND THAT MS. CORNELIUS HAD ADVISED HIM THAT SHE WASN'T ABLE TO SERVE ANOTHER TERM. THE JUDGE WENT ON TO SAY THAT

HE HAD RECEIVED HIGH RECOMMENDATIONS FROM VARIOUS PEOPLE FOR BRENDA CROSS TO BE APPOINTED AND GAVE THE COURT A OVERVIEW OF HER QUALIFICATIONS. COMMISSIONER GRINNAN QUESTIONED A POTENTIAL CONFLICT OF INTEREST DUE TO MS. CROSS' HEALTH CARE BUSINESS. ASSISTANT DISTRICT ATTORNEY JON THATCHER SPOKE TO THE QUESTION STATING THAT HE DIDN'T BELIEVE THERE WOULD BE A CONFLICT, HER BUSINESS WAS A SMALL HOME BASED BUSINESS AND THAT SHE WOULD BE A GOOD FIT FOR THE COMMITTEE. THE MOTION WAS MADE BY JUDGE HOGAN, SECONDED BY COMMISSIONER MAGNESS WITH THE COURT VOTING 2-0 IN FAVOR OF APPOINTING BRENDA CROSS TO THE NORTH TEXAS COUNCIL OF GOVERNMENT REGIONAL AGING ADVISORY COMMITTEE. COMMISSIONER GRINNAN ABSTAINED.

ITEM #4

HUMAN RESOURCE DIRECTOR RANDY JENNINGS, REPRESENTING THE COUNTY BENEFITS COMMITTEE, GAVE THE COURT THE COMMITTEE'S RECOMMENDED CHANGES TO THE CURRENT BENEFITS REGARDING THE PHARMACY PROGRAM. THE MOTION WAS MADE BY COMMISSIONER GRINNAN, SECONDED BY JUDGE HOGAN WITH THE COURT VOTING 3-0 IN FAVOR OF APPROVING THE CHANGES AS PRESENTATED AND RECOMMENDED TO THE EMPLOYEES' PHARMACY BENEFITS, INCLUDING IMMUNIZATIONS, FLUORIDE TREATMENTS AND TOBACCO SESSATION PROGRAM.

ITEM #5

JUDGE HOGAN ASKED HUMAN RESOURCE DIRECTOR RANDY JENNINGS IF THE COUNTY'S BENEFITS COMMITTEE WAS PREPARING FOR OBAMACARE AS IT RELATES TO INDIGENT HEALTHCARE AND THE COUNTY. MR. JENNINGS INFORMED THE COURT THAT THE CONSULTANTS WERE CONTINUALLY MONITERING THE SITUATION AND KEEPING THE COMMITTEE UP TO DATE. MR. JENNINGS AGREED TO PRESENT THE COURT IN THE FIRST QUARTER OF 2013 THE CHANGES AND FINANCIAL IMPLICATIONS THAT WOULD OCCUR DUE TO OBAMACARE. INDIGENT HEALTH COORDINATOR DONNA MUSSOTTER ASKED THE COURT TO APPROVE A BUSINESS AGREEMENT WITH CARDON OUTREACH TO PROVIDE SERVICES TO INDIGENT HEALTH CARE CLIENTS TO HELP THEM THROUGH THE SOCIAL SECURITY AND DISABILITY PROCESS. THE MOTION WAS MADE BY COMMISSIONER GRINNAN, SECONDED BY COMMISSIONER MAGNESS WITH THE COURT VOTING 3-0 IN FAVOR OF APPROVING A BUSINESS ASSOCIATE AGREEMENT WITH CARDON HEALTHCARE NETWORK, LLC DBA CARDON OUTREACH TO PROVIDE SUPPLEMENT SECURITY INCOME/SUPPLEMENT SECURITY DISABILITY INCOME ADVOCACY SERVICES FOR INDIVIDUALS REFERRED THROUGH ROCKWALL COUNTY'S INDIGENT HEALTH DEPARTMENT. JUDGE HOGAN ASKED MS. MUSSOTTER WHAT CHANGES SHE HAD SEEN IN THE 1115 WAIVER AND OBAMACARE AS IT RELATES TO INDIGENT HEALTHCARE. MS. MUSSOTTER STATED THAT IF OBAMACARE WENT THROUGH AS IT STANDS INDIGENT HEALTHCARE WOULD CEASE TO EXIST IN 2014 BECAUSE THE MAJORITY OF HER CLIENTS WOULD BE

COVERED UNDER MEDICAID AND NOT ELIGIBLE FOR INDIGENT HEALTHCARE. SHE WENT ON TO SAY THAT THE ONLY CLIENTS THAT WOULD NOT BE COVERED WOULD BE UNDOCUMENTED PEOPLE AND AT THAT POINT SHE WOULD RECOMMEND THE COUNTY CEASE PROVIDING SERVICES. SHE WENT ON TO SAY THAT AS IT STANDS, SHE SEES THE STATE MANDATING THE 8% OF THE COUNTY'S OPERATIONAL BUDGET BE MOVED TO THE 1115 WAIVER FOR INDIGENT HEALTHCARE. JUDGE HOGAN GAVE AN EXPLANATION TO THE COURT SAYING THAT THE IMPACT TO THE COUNTY WOULD BE OVER \$2,000,000.00 IF THIS WERE TO HAPPEN. THIS WAS A DISCUSSION ITEM ONLY. NO ACTION TAKEN.

ITEM #6

HUMAN RESOURCE DIRECTOR RANDY JENNINGS, REPRESENTING THE COUNTY BENEFITS COMMITTEE, EXPLAINED TO THE COURT THAT THE COUNTY CURRENTLY HAD TWO 457B RETIREMENT SAVINGS PLANS THAT WERE OFFERED BY NATIONWIDE AND VALIC AND THAT THESE PLANS DID NOT CURRENTLY ALLOW LOANS AGAINST THEM. MR. JENNINGS EXPLAINED THAT IT WAS THE COMMITTEE'S RECOMMENDATION TO ALLOW LOANS TO ENABLE EMPLOYEES TO ACCESS THEIR SAVINGS PRIOR TO RETIREMENT IF NEEDED. COUNTY AUDITOR LISA CONSTANT CLARIFIED THAT THE AGENDA ONLY ADDRESSED NATIONWIDE AND NOT THE SECOND CARRIER, VALIC. COMMISSIONER MAGNESS, AS A MEMBER OF THE BENEFITS COMMITTEE, STATED THAT HE FELT IT WAS THE COMMITTEE'S INTENTION TO INCLUDE VALIC IN THE MOTION. THE COURT WILL BRING VALIC BACK AS A SEPARATE

AGENDA ITEM AT THE NEXT REGULAR MEETING. THE MOTION WAS MADE BY COMMISSIONER MAGNESS, SECONDED BY COMMISSIONER GRINNAN WITH THE COURT VOTING 3-0 IN FAVOR OF APPROVING A DEFERRED COMPENSATION PROGRAM PARTICIPANT LOAN ADMINISTRATIVE PROCEDURES AGREEMENT WITH NATIONWIDE RETIREMENT SOLUTIONS, INC.

ITEM #7

COUNTY HUMAN RESOURCE DIRECTOR RANDY JENNINGS EXPLAINED TO THE COURT AN AGREEMENT TO FORMALIZE AND CONTINUE A PARTNERSHIP BETWEEN THE COUNTY AND HELPING HANDS FOR THE NEW WELLNESS PROGRAM AND CONTINUE PROVIDING EMPLOYEES WITH ROUTINE HEALTH CARE. MR. JENNINGS WENT ON TO SAY THAT THIS WILL ADD A CAP ON WHAT THE COUNTY WILL BE CHARGED FOR THOSE SERVICES. THE MOTION WAS MADE BY COMMISSIONER GRINNAN, SECONDED BY COMMISSIONER MAGNESS WITH THE COURT VOTING 3-0 IN FAVOR OF APPROVING A PREFERRED PROVIDER NETWORK AGREEMENT WITH HELPING HANDS FOR THE EMPLOYEE HEALTH CARE PROGRAM EFFECTIVE JANUARY 1, 2013.

ITEM #8

THE MOTION WAS MADE BY COMMISSIONER GRINNAN, SECONDED BY JUDGE HOGAN WITH THE COURT VOTING 3-0 IN FAVOR OF APPROVING A ONE-YEAR CONTRACT WITH THE TEXAS WORKFORCE COMMISSION AGENCY FOR PROVIDING ONLINE ACCESS TO THEIR AGENCY DATA EFFECTIVE JANUARY 1, 2013.

ITEM #9

COUNTY AUDITOR LISA CONSTANT DISCUSSED WITH THE COURT A CHANGE MADE TO THE DRAFT ROCKWALL COUNTY TRAVEL POLICY REVELANT TO MILEAGE BEING PAID TO ELECTED OFFICIALS THAT ALREADY RECEIVED A MONTHLY MILEAGE ALLOWANCE. THE COURT DISCUSSED A SUGGESTED CHANGE THAT MILEAGE WOULD NO LONGER BE PAID FOR TRAVEL FOR THE FIRST 50 MILES OUTSIDE OF THE COUNTY TO THOSE OFFICIALS AND WHY THE CHANGE WAS BEING MADE WITH COMMISSIONER GRINNAN STATING THAT THE INTENTION WAS TO ADDRESS INCONSISTENCIES IN THE TRAVEL POLICY. THE MOTION WAS MADE BY COMMISSIONER GRINNAN, SECONDED BY JUDGE HOGAN WITH THE COURT VOTING 2-1 IN FAVOR OF APPROVING THE UPDATED TRAVEL POLICY AS PRESENTED. COMMISSIONER MAGNESS VOTED AGAINST. THE MOTION WAS MADE BY COMMISSIONER GRINNAN, SECONDED BY JUDGE HOGAN WITH THE COURT VOTING 3-0 IN FAVOR OF THE APPROVED UPDATED TRAVEL POLICY TO GO IN EFFECT ON JANUARY 1, 2013.

ITEM #10

THE COURT DISCUSSED WHETHER OR NOT THE NEW FEES BEING CHARGED TO OUT OF COUNTY LIBRARY PATRONS SHOULD GO TO THE GENERAL FUND OR TO THE LIBRARY DIRECTLY TO BE USED TO PURCHASE BOOKS AND PUBLICATIONS. THE MOTION WAS MADE BY JUDGE HOGAN, SECONDED BY COMMISSIONER GRINNAN FOR DISCUSSION TO APPROVE THAT ALL OUT OF COUNTY LIBRARY FEES, TO INCLUDE FEES FOR COMPUTER USE AND GENERAL USE, GO DIRECTLY TO THE LIBRARY OPERATING FUND FOR USE BY

THE LIBRARY TO PURCHASE NEW BOOKS AND PUBLICATIONS. COMMISSIONER MAGNESS POINTED OUT THAT IN OTHER SITUATIONS REVENUE LINE ITEMS ARE CREDITED TO THE GENERAL FUND AND THE EXPENSE LINE ITEMS, SUCH AS BOOKS, ARE FUNDED IN THE BUDGET. HE RECOMMENDED INCREASING FUNDING IN THE GENERAL FUND FOR BOOKS. AFTER MUCH DISCUSSION THE COURT VOTE 2-1 IN FAVOR OF THE SAID MOTION. COMMISSIONER MAGNESS VOTED AGAINST.

ITEM #11

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

- a) Minutes of previous meeting(s);
- b) District Clerk, monthly fee report (s);
- c) J.P. Pct. 1, monthly judicial activity report(s);
- d) Auditor, Approve payment to Atkins North America, Inc. for engineering services Provided thru September 30, 2012 at FM 3549 from SH 66 to IH 30 in the amount of \$6,265.84;
- e) Auditor, Approve payment to CH2M HILL, Inc. for engineering services provided during September 2012 at SH 276 from SH 205 to FM 549 in the amount of \$42,288.40;
- f) Auditor, Approve payment to HNTB Corporation for engineering services provided during February thru August 2012 at FM 552 from SH 205 to SH 66 in the amount of \$3,700.00;
- g) Auditor, Approve payment to HNTB Corporation for engineering services provided during September 2012 at FM 552 from SH 205 to SH 66 in the amount of \$3,500.00;
- h) Auditor, Approve payment to Chiang, Patel, & Yerby Inc., for engineering services provided during May thru October 2012 at the FM549/I30 interchange in the amount of \$24,166.80;
- i) Auditor, Approve payment to H.W. Lochner, Inc. for engineering services provided thru September 30, 2012 at FM 740 from FM 1140 to FM 549 in the amount of \$106,205.49;
- J) Auditor, Acknowledge and approve the Modification and Amendment to the Rockwall County Location Agreement with Horizon Scripted Television entered into on November 20th which extends the right and license to use the Courthouse

property for an additional 5 days and requires a lump sum payment in the amount of \$9,500 to be paid to the County for security costs;

ITEM #12

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

A. Justice of the Peace #2 to purchase from Justice Court Technology Fund Capital Outlay: (4) HP Compaq 6300 Pro Computers including software @ an estimated cost of \$4,107.76.

B. County Clerk to transfer to Surplus: Oce 3045 copier.

C. District Clerk to transfer to Surplus: Konica 7030 copier

ITEM #12

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

2012-49 – Transfer \$46,850 of funds within the General Government budget **TO** Technician Salary @ \$10,350 & Maintenance & Repairs @ \$36,500 **FROM** Contingency resulting from expenditures exceeding budgeted funds.

2012-50 – Transfer \$365 of funds within the General Government budget **TO** Capital Outlay > \$200 < \$5,000 **FROM** Capital Improvements to cover purchase of a scanner for District Clerk included in the FY2012 annual budget for approved capital purchases.

2013-05 – Transfer \$19,400 of funds within the General Government budget **TO** Capital Outlay > \$5,000 **FROM** Contingency resulting from the purchase of an artificial Christmas tree for the outside of the courthouse, approved in Commissioners Court on October 9, 2012 and November 13, 2012.

ITEM #14

THE MOTION WAS MADE BY COMMISSIONER GRINNAN, SECONDED BY

COMMISSIONER MAGNESS WITH THE COURT VOTING 3-0 IN FAVOR OF APPROVING PAID CLAIMS IN THE AMOUNT OF \$350,861.32. THE MOTION WAS MADE BY COMMISSIONER GRINNAN, SECONDED BY COMMISSIONER MAGNESS WITH THE COURT VOTING 3-0 IN FAVOR OF APPROVING UNPAID CLAIMS IN THE AMOUNT OF \$555,949.35. THE MOTION WAS MADE BY COMMISSIONER MAGNESS, SECONDED BY COMMISSIONER GRINAN WITH THE COURT VOTING 3-0 IN FAVOR OF APPROVING PAYROLL IN THE AMOUNT OF \$560,451.08 FOR THE PAY PERIOD ENDING NOVEMBER 10, 2012.

ITEM #15 – ANNOUNCEMENTS

JUDGE HOGAN MADE THE FOLLOWING ANNOUNCEMENTS:

- 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.
- 'TIS CHRISTMAS TIME IS SCHEDULED TONIGHT FROM 6:00-8:00.
- THE COURT WILL MEET IN FORT WORTH WEDNESDAY – FRIDAY FOR THE COUNCIL OF URBAN COUNTIES ANNUAL MEETING.
- THE COUNTY'S NEW CASE MANAGEMENT SOFTWARE KICK-OFF MEETING WILL BE ON DECEMBER 5TH AT 1:00.
- THE JUDGE, THE AUDITOR AND HUMAN RESOURCES WILL MEET WITH THE NEWLY ELECTED OFFICIALS ON DECEMBER 5TH.
- THE NEXT COMMISSIONERS COURT MEETING WILL BE A NIGHT MEETING ON DECEMBER 11TH.

- THE COUNTY CHRISTMAS LUNCHEON WILL BE FRIDAY, DECEMBER 21ST.
- COMMISSIONERS COURT WILL MEET ON DECEMBER 20TH DUE TO THE HOLIDAYS.
- THE NEW ELECTED OFFICIALS WILL BE SWORN IN ON JANUARY 1ST AT 10:00 A.M.
- COMMISSIONER WIMPEE HAS BEEN OUT ILL. COMMISSIONER BAILEY WON'T BE BACK UNTIL THE MIDDLE OF JANUARY DUE TO SURGERY.

COMMISSIONER MAGNESS ANNOUNCED THAT COMMISSIONER WIMPEE AND HE HAD MET WITH THE OPEN SPACE ALLIANCE AND THE CITY OF ROCKWALL AND HAD A GOOD DIALOG ABOUT LAYING THE GROUNDWORK FOR THE FUTURE OF THE ALLIANCE. THE NEXT MEETING WILL BE WITH THE CITIES OF FATE AND HEATH TO HAVE THE SAME DISCUSSIONS. THEY HAVE ALREADY MET WITH THE OTHER CITIES WITH A GOOD RESPONSE. HE ALSO REMINDED EVERYONE OF THE CONSORTIUM MEETING NEXT WEDNESDAY.

ITEM #16

THERE BEING NO FURTHER BUSINESS BEFORE THE COURT, JUDGE HOGAN ADJOURNED THE MEETING AT 10:41 A.M.

SHELLI MILLER
ROCKWALL COUNTY CLERK