

**COMMISSIONERS COURT
NOVEMBER 27, 2007**

**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:**

CHRIS FLORANCE	COUNTY JUDGE
JERRY WIMPEE	COMMISSIONER PCT #1
LORIE GRINNAN	COMMISSIONER PCT #2
BRUCE BEATY	COMMISSIONER PCT #3-ABSENT
DAVID MAGNESS	COMMISSIONER PCT #4
LISA CONSTANT	COUNTY CLERK

ITEM #1

THE INVOCATION WAS GIVEN BY COMMISSIONER MAGNESS.

ITEM #2

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

ITEM #3

NO GUESTS WERE PRESENT TO SPEAK.

ITEM #4

REPRESENTATIVES FROM THE NORTH TEXAS BEHAVIORAL HEALTH
AUTHORITY ADDRESSED THE COURT REGARDING THEIR
ORGANIZATION. THEIR WEBSITE IS WWW.NTBHA.ORG.

ITEM #5

THE MOTION WAS MADE BY COMMISSIONER MAGNESS, SECONDED BY COMMISSIONER WIMPEE WITH THE COURT VOTING 4-0, COMMISSIONER BEATY WAS ABSENT, TO REAPPOINTMENT NANCY ERVIN TO THE LAKES REGIONAL BOARD OF TRUSTEES.

ITEM #6

THE MOTION WAS MADE BY COMMISSIONER GRINNAN, SECONDED BY COMMISSIONER WIMPEE WITH THE COURT VOTING 4-0, COMMISSIONER BEATY WAS ABSENT, STATING THAT THE ROADS AND UTILITIES MEET THE STANDARDS OF THE SUBDIVISION RULES AND REGULATIONS FOR HIGH POINT LAKE ESTATES SECTION II AND THE COUNTY WILL ENTER INTO A TWO-YEAR WAITING PERIOD, AT THE END OF THAT WAITING PERIOD THE COUNTY WILL ACCEPT THE ROADS. A TWO-YEAR MAINTENANCE BOND WILL BE HELD AT THE COUNTY CLERK'S OFFICE.

ITEM #7

NO DISCUSSION ON SPACE ISSUES.

ITEM #8

THE MOTION WAS MADE BY COMMISSIONER MAGNESS, SECONDED BY COMMISSIONER WIMPEE WITH THE COURT VOTING 4-0, COMMISSIONER BEATY ABSENT, TO MOVE THE COMMISSIONERS COURT MEETING FROM TUESDAY, DECEMBER 25TH, 2007 (A COUNTY HOLIDAY) TO WEDNESDAY, DECEMBER 26TH, 2007.

ITEM #9

DISCUSSION ONLY ON A REQUEST TO PAY ACCRUED VACATION HOURS AT RISK TO AN EMPLOYEE.

ITEM #10

THE MOTION WAS MADE BY JUDGE FLORANCE, SECONDED BY COMMISSIONER GRINNAN WITH THE COURT VOTING 3-0, COMMISSIONER BEATY ABSENT AND COMMISSIONER MAGNESS ABSTAINED, TO GRANT THE REQUEST FROM FARMERS ELECTRIC COOPERATIVE TO CONSTRUCT ELECTRICAL POWER DISTRIBUTION FACILITIES ALONG AND ACROSS ZOLLNER ROAD IN ROCKWALL COUNTY.

ITEM #11

NO DISCUSSION ON COUNTY ROAD BOND ISSUES.

ITEM #12

THE MOTION WAS MADE BY COMMISSIONER WIMPEE, SECONDED BY COMMISSIONER MAGNESS WITH THE COURT VOTING 4-0, COMMISSIONER BEATY ABSENT, TO SET A PUBLIC HEARING REGARDING THE INTRASTATE FREEPORT TAX EXEMPTION ON DECEMBER 11, 2007 AT 8:30AM.

ITEM #13

THE MOTION WAS MADE BY COMMISSIONER MAGNESS, SECONDED BY COMMISSIONER WIMPEE WITH THE COURT VOTING 4-0, COMMISSIONER BEATY ABSENT, TO APPROVE THE DATA CONNECTIONS AND ADT

SECURITY SYSTEM AT THE ELECTIONS ADMINISTRATOR OFFICE ON KAUFMAN STREET WITH THE EXPENSES TO BE PAID USING THE BUDGETED FUNDS IN THE COMMUNICATIONS LINE ITEM OF THE ELECTIONS ADMINISTRATOR DEPARTMENT.

ITEM #14

THE MOTION WAS MADE BY COMMISSIONER GRINNAN, SECONDED BY COMMISSIONER MAGNESS WITH THE COURT VOTING 4-0, COMMISSIONER BEATY WAS ABSENT, TO APPROVE A THREE-YEAR AGREEMENT WITH ELECTION SYSTEMS AND SOFTWARE, INC. FOR BALLOT LAYOUT, CODING, VOICE FILE SERVICES AND BALLOT PRINTING AT A COST PER FEE SCHEDULE, EFFECTIVE JANUARY 1, 2008.

ITEM #15

THE MOTION WAS MADE BY COMMISSIONER WIMPEE, SECONDED BY JUDGE FLORANCE WITH THE COURT VOTING 4-0, COMMISSIONER BEATY WAS ABSENT, TO APPROVE A ONE-YEAR RENEWAL AGREEMENT WITH TRUHEARING INC. FOR DISCOUNTED HEARING AIDS FOR ROCKWALL COUNTY EMPLOYEES EFFECTIVE JANUARY 1, 2008.

ITEM #16

THE MOTION WAS MADE BY COMMISSIONER WIMPEE, SECONDED BY COMMISSIONER GRINNAN WITH THE COURT VOTING 4-0, COMMISSIONER BEATY WAS ABSENT, TO APPROVE A ONE-YEAR AGREEMENT WITH NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS (NCTCOG) FOR THE VISION NORTH TEXAS PROGRAM TO

DETERMINE CONSERVATION STRATEGIES TO BALANCE FUTURE GROWTH AND PROTECT CRITICAL RESOURCES IN ROCKWALL COUNTY AT A BUDGET OF \$50,000.00 EFFECTIVE NOVEMBER 27, 2007. (OPEN SPACE PLANNING)

ITEM #17

THE COUNTY AUDITOR WANTS TO ESTABLISH A SPECIFIC PROCEDURE FOR ANY PAYMENTS FROM THE CONSTRUCTION CONTINGENCY FOR THE NEW LIBRARY BECAUSE EACH CHANGE ORDER REPRESENTS AN AMENDMENT TO THE CONTRACT. THE MOTION WAS MADE BY COMMISSIONER WIMPEE, SECONDED BY COMMISSIONER GRINNAN WITH THE COURT VOTING 4-0, COMMISSIONER BEATY WAS ABSENT, TO MOVE THE OWNERS CONSTRUCTION CONTINGENCY OF \$262,302.00 INTO THE GROSS MAXIMUM PRICE (GMP). THE MOTION WAS MADE BY COMMISSIONER WIMPEE, SECONDED BY COMMISSIONER GRINNAN WITH THE COURT VOTING 4-0, COMMISSIONER BEATY WAS ABSENT, TO AUTHORIZE ANY CHANGE OF \$20,000.00 OR BELOW TO BE APPROVED BY COMMISSIONER MAGNESS AND ANY CHANGE OF \$20,000.00 OR ABOVE WILL REQUIRE COMMISSIONERS COURT ACTION. POGUE CONSTRUCTION WILL SEND A SEPARATE BILL FOR DONATED ITEMS.

ITEM #18

THE MOTION WAS MADE BY COMMISSIONER MAGNESS, SECONDED BY COMMISSIONER GRINNAN WITH THE COURT VOTING 4-0, COMMISSIONER BEATY WAS ABSENT, TO RESCIND THE ORIGINAL

INTERLOCAL AGREEMENT APPROVED BY COMMISSIONERS COURT ON SEPTEMBER 10, 2007, AND APPROVE A NEW INTERLOCAL AGREEMENT WITH THE CITY OF FATE FOR ROAD REPAIRS AND MAINTENANCE TO BLACKLAND ROAD AT A COST OF \$45,000.00. THE NEW CONTRACT ALLOWS FOR INCREMENTAL PAYMENTS AND INCREMENTAL WORK.

ITEM #19

DISCUSSION ON THE PURCHASE, EXCHANGE, LEASE OR VALUE OF REAL PROPERTY WAS HELD IN EXECUTIVE SESSION.

ITEM #20

DISCUSSION OF POTENTIAL PENDING LITIGATION INCLUDING COLDREN, HETCHLER AND NICHOLSON WAS HELD IN EXECUTIVE SESSION.

ITEM #21

THE MOTION WAS MADE BY COMMISSIONER GRINNAN, SECONDED BY COMMISSIONER WIMPEE WITH THE COURT VOTING 4-0, COMMISSIONER BEATY WAS ABSENT, TO CREATE THE OFFICE OF HUMAN RESOURCES; TO FORMALLY TRANSFER THE DUTIES AND AUTHORITY OF HUMAN RESOURCES FROM THE COUNTY TREASURER TO THE OFFICE OF THE HUMAN RESOURCES DIRECTOR; A BUDGET TRANSFER WILL BE SUBMITTED TO MOVE APPROPRIATED FUNDS FROM THE TREASURER'S BUDGET AND FROM CONTINGENCY, IF NECESSARY, FOR OFFICE SET UP AND OPERATING COSTS; THE TRANSFER WILL TAKE PLACE WHEN THE HUMAN RESOURCE DIRECTOR IS APPOINTED AND THE HUMAN RESOURCE DIRECTOR WILL REPORT TO THE COUNTY JUDGE.

ITEM #22

EXECUTIVE SESSION – 10:50AM TO 11:35AM

ITEM #23

ACTION OF EXECUTIVE SESSION:

THE MOTION WAS MADE BY JUDGE FLORANCE, SECONDED BY COMMISSIONER WIMPEE WITH THE COURT VOTING 4-0, COMMISSIONER BEATY WAS ABSENT, TO REIMBURSE \$250.00 TO ISAAC NICHOLSON.

ITEM #24

THE MOTION WAS MADE BY COMMISSIONER MAGNESS, SECONDED BY COMMISSIONER GRINNAN WITH THE COURT VOTING 4-0, COMMISSIONER BEATY WAS ABSENT, TO APPROVE THE FOLLOWING CONSENT AGENDA ITEMS:

- A) MINUTES OF PREVIOUS MEETINGS
- B) LISA CONSTANT, CO. CLERK, RECEIVE OCTOBER 2007 MONTHLY REPORT;
- C) DONNA MUSSOTTER, INDIGENT HEALTH DIRECTOR, RECEIVE OCTOBER 2007 MONTHLY REPORT;
- D) RAY SUMROW, DISTRICT ATTORNEY, ACKNOWLEDGE THE DEPUTATION OF ASSISTANT CRIMINAL DISTRICT ATTORNEY JONATHAN THATCHER;
- E) JOHN BLACKWOOD, CO. AUDITOR, APPROVE ADDITIONAL PAYMENT TO THE CITY OF ROCKWALL FOR THE 2006 TAX INCREMENT FINANCING OF THE HARBOR PROJECT IN THE AMOUNT OF \$1,269.29;

ITEM #25

THE MOTION WAS MADE BY COMMISSIONER MAGNESS, SECONDED BY COMMISSIONER WIMPEE WITH THE COURT VOTING 4-0, COMMISSIONER

BEATY WAS ABSENT TO APPROVE THE FOLLOWING PROPERTY

ACQUISITION AND DISPOSITION OF FIXED ASSETS:

- A. ELECTION ADMINISTRATOR TO PURCHASE FROM GENERAL FUND: CAPITAL EQUIPMENT FOR MOVING ELECTION ADMINISTRATOR'S DATA NETWORK TO 107 EAST KAUFMAN STREET @ AN ESTIMATED COST OF \$7,000.00.
- C. ELECTION ADMINISTRATOR TO PURCHASE FROM GENERAL FUND: RENOVATIONS TO LEASED PROPERTY AT 107 EAST KAUFMAN STREET INCLUDING ELECTRICAL, PLUMBING AND CARPENTRY @ AN ESTIMATED COST OF \$25,000.00.
- D. TAX ASSESSOR-COLLECTOR PURCHASED FROM GENERAL FUND: (1) DESK UNIT INCLUDING SHIPPING AND INSTALLATION @ AN ACTUAL COST OF \$1,300.00.
- E. COUNTY JAIL PURCHASED FROM GENERAL FUND: (1) ROOF ENCLOSURE FOR SEGREGATION OF RECREATION YARD @ AN ACTUAL COST OF \$1,763.82.
- F. HISTORIC COURTHOUSE PURCHASED FROM FY2007 CAPITAL PURCHASE FUND: AUDIO/VISUAL EQUIPMENT – ADDITIONAL ELECTRICAL WORK FOR COMMISSIONERS COURTROOM @ AN ACTUAL COST OF \$1,158.01.

THE MOTION WAS MADE BY COMMISSIONER WIMPEE, SECONDED BY COMMISSIONER GRINNAN WITH THE COURT VOTING 4-0, COMMISSIONER BEATY WAS ABSENT, TO APPROVE THE FOLLOWING PROPERTY ACQUISITION AND DISPOSITION OF FIXED ASSETS:

- B. ELECTION ADMINISTRATOR TO PURCHASE FROM GENERAL FUND: (13) TABLES WITH 2 TABLE HOLDERS, 50 CHAIRS WITH 1 CHAIR HOLDER INCLUDING SHIPPING @ \$6,054.46.

ITEM #26

THE MOTION WAS MADE BY JUDGE FLORANCE, SECONDED BY COMMISSIONER WIMPEE WITH THE COURT VOTING 4-0, COMMISSIONER BEATY WAS ABSENT TO APPROVE THE FOLLOWING NON-EMERGENCY BUDGET TRANSFERS:

2007-41 TRANSFER \$300 OF BUDGETED FUNDS FOR JUVENILE PROBATION LOCAL FUND **TO** COUNSELING **FROM** JUSTICE INFORMATION SYSTEM RESULTING FROM EXPENDITURES DURING FY2007 THAT EXCEEDED BUDGETED FUNDS APPROVED AND ALLOWED.

ITEM #27

EMERGENCY BUDGET AMENDMENTS: NONE

ITEM #28

THE MOTION WAS MADE BY COMMISSIONER WIMPEE, SECONDED BY COMMISSIONER MAGNESS WITH THE COURT VOTING 4-0, COMMISSIONER BEATY WAS ABSENT, TO APPROVE PAID CLAIMS IN THE AMOUNT OF \$30,336.49.

THE MOTION MADE BY COMMISSIONER GRINNAN, SECONDED BY COMMISSIONER MAGNESS WITH THE COURT VOTING 4-0, COMMISSIONER BEATY WAS ABSENT, TO APPROVE UNPAID CLAIMS IN THE AMOUNT OF \$2,249,662.43.

THE MOTION WAS MADE BY COMMISSIONER MAGNESS, SECONDED BY JUDGE FLORANCE WITH THE COURT VOTING 4-0, COMMISSIONER BEATY WAS ABSENT, TO APPROVE THE PAYROLL ENDING NOVEMBER 17, 2007 IN THE AMOUNT OF \$449,849.04.

WITH NO OTHER ITEMS ON THE AGENDA, JUDGE FLORANCE
ADJOURNED THE REGULAR MEETING AT 11:45AM.

LISA CONSTANT, COUNTY CLERK