

**COMMISSIONERS COURT  
DECEMBER 26, 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:**

<b>CHRIS FLORANCE</b>	<b>COUNTY JUDGE</b>
<b>JERRY WIMPEE</b>	<b>COMMISSIONER PCT #1</b>
<b>LORIE GRINNAN</b>	<b>COMMISSIONER PCT #2</b>
<b>BRUCE BEATY</b>	<b>COMMISSIONER PCT #3</b>
<b>DAVID MAGNESS</b>	<b>COMMISSIONER PCT #4</b>
<b>LISA CONSTANT</b>	<b>COUNTY CLERK</b>

**ITEM #1**

THE INVOCATION WAS GIVEN BY COMMISSIONER WIMPEE.

**ITEM #2**

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

**ITEM #3**

NO GUESTS WERE PRESENT TO SPEAK.

**ITEM #4**

THE MOTION WAS MADE BY COMMISSIONER MAGNESS, SECONDED BY  
COMMISSIONER BEATY WITH THE COURT VOTING UNANIMOUSLY THAT  
ROCKWALL COUNTY ACCEPT THE BID FOR A NEW COUNTY PHONE  
SYSTEM PROVIDED BY AFFILIATED COMMUNICATION; THIS BID

PROVIDES FOR A NORTEL IP SOLUTION PHONE SYSTEM, MODEL CS1000E-SA AT A COST OF \$234,583.74.

**ITEM #5**

THE MOTION WAS MADE BY COMMISSIONER BEATY, SECONDED BY COMMISSIONER WIMPEE WITH THE COURT VOTING UNANIMOUSLY TO APPROVE SHERIFF EAVENSON ATTENDING THE NATIONAL SHERIFF'S ASSOCIATION MID-WINTER CONFERENCE IN NEW ORLEANS, LA, JANUARY 16-19, 2008.

**ITEM #6**

COMMISSIONER BEATY HAD BEEN PREVIOUSLY APPOINTED TO THE COMMITTEE HOWEVER, HE WILL NOT SEEK RE-ELECTION AS COUNTY COMMISSIONER AND THEREFORE WOULD LIKE ANOTHER COURT MEMBER TO BE APPOINTED. THE MOTION WAS MADE BY COMMISSIONER BEATY, SECONDED BY COMMISSIONER WIMPEE WITH THE COURT VOTING UNANIMOUSLY TO APPOINT JUDGE FLORANCE AS A REPRESENTATIVE TO THE TEXAS CONFERENCE OF URBAN COUNTIES (CUC) POLICY COMMITTEE.

**ITEM #7**

COMMISSIONER GRINNAN WOULD LIKE TO TABLE THIS ITEM TO ALLOW THE CITY OF HEATH MORE TIME TO APPROVE THE ROCKWALL COUNTY THOROUGHFARE PLAN. THE CITY OF HEATH HAD HIRED AN OUTSIDE TRAFFIC CONSULTANT AND HAD RECEIVED THE RESULTS ON DECEMBER 20<sup>TH</sup>. THEY REQUESTED UNTIL THEIR MEETING ON JANUARY

3<sup>RD</sup>, 2008 TO REVIEW THE RESULTS. ALL OTHER CITIES IN THE COUNTY HAVE APPROVED THIS PLAN, AND ANY CHANGES MADE BY THE CITY OF HEATH COULD RESULT IN ALL THE OTHER CITIES NEEDING TO RE-APPROVE THE REVISED THOROUGHFARE PLAN. THIS WOULD CAUSE FURTHER DELAYS. THE MOTION WAS MADE BY JUDGE FLORANCE, SECONDED BY COMMISSIONER MAGNESS WITH THE COURT VOTING 4-1, COMMISSIONER GRINNAN VOTED AGAINST, TO APPROVE THE ROCKWALL COUNTY THOROUGHFARE PLAN.

**ITEM #8**

THE MOTION WAS MADE BY COMMISSIONER BEATY, SECONDED BY COMMISSIONER WIMPEE WITH THE COURT VOTING UNANIMOUSLY TO RELEASE THE LETTER OF CREDIT FOR THE ROADS IN LOS ESTABLOS SUBDIVISION, PHASE I. A RELEASE LETTER WILL BE SENT TO THE BANK BY THE COUNTY CLERK.

**ITEM #9**

KEVIN CHESTER OF LINEBARGER, GOGGAN, BLAIR & SAMPSON, LLP PROPOSED THAT THE COUNTY ADD THE 20% DELINQUENT PENALTY STARTING 60 DAYS AFTER FEBRUARY 1<sup>ST</sup> WHICH WOULD ALLOW THE LINEBARGER, ET AL TO BEGIN COLLECTION EARLIER THAN THE CURRENT DATE OF JULY 1<sup>ST</sup>. THE MOTION WAS MADE BY COMMISSIONER BEATY, SECONDED BY COMMISSIONER MAGNESS WITH THE COURT VOTING UNANIMOUSLY TO APPROVE A RESOLUTION IMPOSING AN ADDITIONAL PENALTY ON DELINQUENT TAXES FOR TAX

YEARS 2007 AND SUBSEQUENT YEARS AS PROVIDED BY SECTION 33.11 OF THE TEXAS TAX CODE IN THE AMOUNT OF UP TO 20% OF THE DELINQUENT TAX PENALTY AND INTEREST IF THE TAX BECOMES DELINQUENT ON FEBRUARY 1<sup>ST</sup> OF A YEAR AND REMAINS DELINQUENT ON THE 60<sup>TH</sup> DAY THEREAFTER.

**ITEM #10**

NO DISCUSSION ON COUNTY ROAD BOND ISSUES.

**ITEM #11**

NO DISCUSSION ON COUNTY SPACE ISSUES, SEE ITEM #17.

**ITEM #12**

DISCUSSION ONLY REGARDING THE RECONFIGURATION OF OFFICE SPACE SINCE THE ELECTION ADMINISTRATOR RECENTLY VACATED OFFICE SPACE IN THE HISTORIC COURTHOUSE.

**ITEM #13**

THE MOTION WAS MADE BY COMMISSIONER BEATY, SECONDED BY COMMISSIONER WIMPEE TO APPROVE AN INTERLOCAL AGREEMENT BETWEEN ROCKWALL COUNTY AND KAUFMAN-VAN ZANDT-ROCKWALL SOIL CONSERVATION AGENCY. COMMISSIONER WIMPEE QUESTIONED THE BID AMOUNT IN THE AGREEMENT SINCE THE COUNTY WILL PERFORM THE NECESSARY DIRT WORK/EXCAVATION ASSOCIATED WITH THE COMPLETION OF THE REPAIRS. THE AMENDED MOTION WAS MADE BY COMMISSIONER BEATY, SECONDED BY COMMISSIONER WIMPEE WITH THE COURT VOTING UNANIMOUSLY TO APPROVE AN

INTERLOCAL AGREEMENT BETWEEN ROCKWALL COUNTY AND KAUFMAN-VAN ZANDT-ROCKWALL SOIL CONSERVATION AGENCY TO REPAIR PHELPS, WALLACE AND LOFLAND LAKES AND THAT SECTION II BE AMENDED IN THE AGREEMENT THAT THE SUM OF MONEY WOULD NOT EXCEED \$80,000.00.

**ITEM #14**

THE MOTION WAS MADE BY COMMISSIONER MAGNESS, SECONDED BY COMMISSIONER WIMPEE WITH THE COURT VOTING UNANIMOUSLY TO APPROVE A MONTHLY AGREEMENT WITH DEPENDABLE TELECOM FOR THE CORTELCO MILLENNIUM TELEPHONE SYSTEM EFFECTIVE OCTOBER 1, 2007 AT A MONTHLY COST OF \$818.57 AND CONTINUE AS NEEDED UNTIL INSTALLATION OF THE COUNTY'S NEW PHONE SYSTEM.

**ITEM #15**

THE MOTION WAS MADE BY COMMISSIONER MAGNESS, SECONDED BY COMMISSIONER BEATY WITH THE COURT VOTING UNANIMOUSLY TO ADVERTISE BY PUBLIC NOTICE FOR BIDS ON FURNITURE, FIXTURES AND EQUIPMENT FOR THE NEW COUNTY LIBRARY.

**ITEM #16**

THE MOTION WAS MADE BY COMMISSIONER WIMPEE, SECONDED BY COMMISSIONER GRINNAN WITH THE COURT VOTING UNANIMOUSLY TO APPROVE A THREE-YEAR RENEWAL AGREEMENT EFFECTIVE JANUARY 1, 2008 WITH LINEBARGER, GOGGAN, BLAIR, AND SAMPSON, LLP FOR

THE COLLECTION OF DELINQUENT PROPERTY TAXES AT A FEE OF 15%-  
20% OF THE AMOUNT COLLECTED.

**ITEM #17**

COMMISSIONER MAGNESS STATED THAT THIS WAS DISCUSSED IN A  
PREVIOUS WORKSHOP MEETING. THE PROPOSED COSTS FOR PHONES  
AND COMPUTERS WERE REPORTED BY THE IT DEPARTMENT AND WERE  
NOT PROHIBITIVE TO THE COURTS DECISION. A SUMMARY OF THE  
COSTS WAS REVIEWED BY THE COURT. THE MOTION WAS MADE BY  
COMMISSIONER MAGNESS, SECONDED BY COMMISSIONER WIMPEE  
WITH THE COURT VOTING UNANIMOUSLY TO AUTHORIZE THE ADULT  
PROBATION DEPARTMENT TO OCCUPY ONE OFFICE OF THE RENTAL  
SPACE ON YELLOW JACKET.

**ITEM #18**

**EXECUTIVE SESSION**

DISCUSSION OF PURCHASE, EXCHANGE, LEASE OR VALUE OF REAL  
PROPERTY.

DISCUSSION OF LEGAL POSITIONING REGARDING COUNTY ROAD  
CONDITIONS.

**ITEM #19**

**ACTION OF EXECUTIVE SESSION:**

NO ACTION TAKEN ON THE PURCHASE, EXCHANGE, LEASE OR VALUE OF REAL PROPERTY OR ON LEGAL POSITIONING REGARDING COUNTY ROAD CONDITIONS.

**ITEM #20**

THE MOTION WAS MADE BY COMMISSIONER BEATY, SECONDED BY COMMISSIONER WIMPEE WITH THE COURT VOTING UNANIMOUSLY TO APPROVE THE FOLLOWING CONSENT AGENDA ITEMS:

- a) MINUTES OF PREVIOUS MEETINGS;
- b) LISA CONSTANT, COUNTY CLERK, RECEIVE 2008 FEE SCHEDULE;
- c) KAY MCDANIEL, DISTRICT CLERK, RECEIVE NOVEMBER 2007 MONTHLY REPORT;
- d) BARBARA BARBER, COUNTY TAX ASSESSOR/COLLECTOR, RECEIVE NOVEMBER 2007 MONTHLY REPORT;
- e) LARRY HOLLOWAY, JP PCT 2, RECEIVE NOVEMBER 2007 MONTHLY REPORT;
- f) DONNA MUSSOTTER, INDIGENT HEALTH DIRECTOR, RECEIVE NOVEMBER 2007 MONTHLY REPORT;
- g) HAROLD EAVENSON, SHERIFF, ACKNOWLEDGE THE DEPUTATIONS OF DEPUTIES CHRISTOPHER MITCHELL, BRADLEY DICK AND PATRICK HANNON;

- h) JOHN BLACKWOOD, COUNTY AUDITOR, APPROVE PAYMENT TO BUCHER, WILLIS AND RATLIFF CORPORATION FOR ROAD IMPROVEMENTS DURING NOVEMBER 2007 IN THE AMOUNT OF \$11,219.37;
- i) JOHN BLACKWOOD, COUNTY AUDITOR, APPROVE PAYMENT TO POGUE CONSTRUCTION FOR WORK IN PROGRESS ON THE NEW COUNTY LIBRARY IN THE AMOUNT OF \$430,531.58;
- j) NONE
- k) JOHN BLACKWOOD, COUNTY AUDITOR, RECEIVE NOVEMBER 2007 MONTHLY REPORT;

**ITEM #21**

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

- A. INFORMATION SERVICES TO PURCHASE FROM GENERAL FUND:  
(1) CORTELCO/MILLENNIUM -18 BUTTON -BLACK TELEPHONE INCLUDING INSTALLATION @ A QUOTED COST OF \$360.00.
- B. DISTRICT ATTORNEY TO PURCHASE FROM LAW LIBRARY FUND:  
(2) BOOKCASES INCLUDING A THREE-YEAR EXTENDED WARRANTY AND DELIVERY @ AN ESTIMATED COST OF \$550.00.
- C. COUNTY CLERK PURCHASED FROM RECORDS MANAGEMENT & PRESERVATION FUND: (2) PLAT CABINETS INCLUDING DELIVERY @ AN ACTUAL COST OF \$7,118.00.

**ITEM #22**

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

**2007-44** TRANSFER \$74,000.00 OF BUDGETED FUNDS FOR TCEQ AIRCHECK GRANT **TO** REVENUE AND EXPENDITURES **FROM** CONTINGENT REVENUE AND EXPENSES RESULTING FROM FAILURE TO BUDGET TCEQ AIRCHECK GRANT.

**ITEM #23**

EMERGENCY BUDGET AMENDMENTS: NONE

**ITEM #24**

THE MOTION WAS MADE BY COMMISSIONER GRINNAN, SECONDED BY COMMISSIONER MAGNESS WITH THE COURT VOTING UNANIMOUSLY, TO APPROVE PAID CLAIMS IN THE AMOUNT OF \$ 280,000.91

THE MOTION WAS MADE BY COMMISSIONER WIMPEE, SECONDED BY JUDGE FLORANCE WITH THE COURT VOTING UNANIMOUSLY TO APPROVE UNPAID CLAIMS IN THE AMOUNT OF \$1,842,874.98.

THE MOTION WAS MADE BY COMMISSIONER GRINNAN, SECONDED BY COMMISSIONER BEATY WITH THE COURT VOTING UNANIMOUSLY TO APPROVE THE PAYROLL ENDING DECEMBER 15, 2007 IN THE AMOUNT OF \$416,563.25.

WITH NO OTHER ITEMS ON THE AGENDA, JUDGE FLORANCE ADJOURNED THE REGULAR MEETING.

**LISA CONSTANT, COUNTY CLERK**