

**COMMISSIONERS COURT
OCTOBER 28, 2008**

**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
DAVID MAGNESS	COMMISSIONER PCT #4
LISA CONSTANT	COUNTY CLERK

- THE MEETING WAS CALLED TO ORDER BY JUDGE FLORANCE.
- THE INVOCATION WAS GIVEN BY JUDGE FLORANCE.
- THE PLEDGES OF ALLEGIANCE TO THE UNITED STATES FLAG AND TO THE TEXAS FLAG WERE LED BY COMMISSIONER BEATY.
- NO GUESTS WERE PRESENT THAT REQUESTED TO ADDRESS THE COURT.

ITEM #1

THE MOTION WAS MADE BY COMMISSIONER WIMPEE, SECONDED BY COMMISSIONER BEATY WITH THE COURT VOTING 5-0 IN FAVOR OF APPROVING THE CONCEPT SET FORTH IN THE MASTER SITE PLAN FOR THE JUSTICE CENTER AS PRESENTED TODAY BY DWAYNE BRINKLEY, ARCHITECT KNOWING THAT SOME DETAILS WILL HAVE TO BE WORKED

OUT BUT THE FOOTPRINTS, THE PARKING, THE ALIGNMENTS AND THE STREETS WILL BE APPROVED TODAY IN THIS MEETING.

****SHORT RECESS****

ITEM #5

DISCUSSION ONLY REGARDING COUNTY ROAD BOND ISSUES: BUCHER WILLIS REPORTED THAT A "MANAGED ACCESS PROGRAM" WAS PROPOSED BY TXDOT WHICH WAS NOT INCLUDED IN THE ORIGINAL WORK AGREEMENT BETWEEN BUCHER WILLIS AND THE COUNTY FOR THE 205 BYPASS. BUCHER WILLIS WILL SUBMIT A FEE SCHEDULE AND AN ADDITIONAL SCOPE OF WORK ADDENDUM TO THE CONTRACT FOR THE ADDITIONAL WORK SUGGESTED BY TXDOT.

ITEM #2

THE MOTION WAS MADE BY COMMISSIONER MAGNESS, SECONDED BY COMMISSIONER BEATY WITH THE COURT VOTING 5-0 IN FAVOR OF APPROVING THE FINAL PLAT FOR ALEXANDER RANCH, PHASE THREE AS RECOMMENDED BY RON MERRITT, ENVIRONMENTAL HEALTH COORDINATOR.

ITEM #4

THE MOTION WAS MADE BY COMMISSIONER BEATY, SECONDED BY COMMISSIONER WIMPEE WITH THE COURT VOTING 5-0 IN FAVOR OF APPOINTING BEVERLY STEBBINS TO THE ROCKWALL COUNTY LIBRARY BOARD.

ITEM #3

THE MOTION WAS MADE BY COMMISSIONER WIMPEE, SECONDED BY COMMISSIONER BEATY WITH THE COURT VOTING 4-0 IN FAVOR OF GIVING FARMERS ELECTRIC COOPERATIVE, INC. PERMISSION TO UPGRADE ELECTRICAL POWER DISTRIBUTION FACILITIES ALONG AND ACROSS CAMP CREEK ROAD LOCATED IN ROCKWALL COUNTY, COMMISSIONER MAGNESS ABSTAINED.

ITEM #6

NO DISCUSSION REGARDING COUNTY SPACE ISSUES.

ITEM #7

THE MOTION WAS MADE BY COMMISSIONER WIMPEE, SECONDED BY JUDGE FLORANCE WITH THE COURT VOTING 3-2, IN FAVOR OF ADOPTING OPTION #2 AS PRESENTED REGARDING THE PRESENTED CHANGES TO 2009 HEALTH BENEFITS FOR COUNTY EMPLOYEES AND ELECTED OFFICIALS. COMMISSIONER GRINNAN AND COMMISSIONER MAGNESS VOTED AGAINST THE MOTION.

Option 2: Employees hired in 2008 who will not be eligible for insurance coverage until January 1, 2009, or after will be allowed to choose either the Limited Medical Plan or the Comprehensive Medical Plan subject to the pre-existing conditions limitation.

THE MOTION WAS MADE BY COMMISSIONER MAGNESS, SECONDED BY COMMISSIONER WIMPEE WITH THE COURT VOTING 5-0 IN FAVOR OF APPROVING ITEMS A-K AS LISTED BELOW:

2009 Health Benefit Plans/Premiums

A. Name Change for Employee Health Insurance:

“The County adopts the recommendation of the Employee Benefit Committee to change the name of the “Core Medical Benefit Plan” to “Limited Medical Benefit Plan” and the “Blue Medical Benefit Plan” to “Comprehensive Medical Benefit Plan”.

B. Employee Contributions for Plan Year 2009:

“The County adopts the recommendation of the Employee Benefit Committee which keeps employee contributions at Plan Year 2008 levels with the exception of the “Employee Only” category for the Limited Medical Benefit Plan which will now have a \$12 per month employee contribution requirement.”

C. Partial HIPAA Opt-out:

“The County adopts the recommendations of the Employee Benefit Committee which provides for the implementation of a policy whereby new-hires may enroll in either the Limited Medical Plan or the Comprehensive Medical Plan after serving an initial 90-day probation period. Enrollment effective date will be the first of the following month.

For the first twelve months of insurance coverage, both plans will contain a \$5,000 individual limit on benefit payments for new-hires for any medical condition that existed during the twelve months prior to the effective date of their coverage.

Employees hired on or after January 1, 2009 will be allowed to choose the Limited Medical Plan or the Comprehensive Medical Plan subject to the pre-existing medical limitation.

All employees who are eligible for insurance coverage prior to January 1, 2009, will be allowed to choose either the Limited Medical Plan or the Comprehensive Medical Plan without being subject to the pre-existing conditions limitation.

For the 2010 benefits year and beyond, employees who have been enrolled in the Limited Medical Plan who seek to upgrade to the Comprehensive Medical Plan will be allowed to make application for upgraded coverage subject to medical underwriting during the re-enrollment period.

Employees who have been enrolled in the Comprehensive Medical Plan may downgrade to the Limited Medical Plan without medical underwriting.”

D. Partial HIPAA Opt-out Letter:

“The County adopts the recommendations of the Employee Benefit Committee to send a HIPAA Opt-out letter to CMS.”

E. Durable Medical Equipment Amendment:

“The County authorizes an amendment to the definitions provisions of its durable medical equipment plan provision to include the purchase of hearing aids with the limitations of one purchase per calendar year and a lifetime benefit maximum of \$10,000.”

F. Personal Care Account Disposition Options:

“The County modifies its plan provisions under the Comprehensive Medical Plan to allow employees to make a one-time irrevocable election regarding the disposition of Personal Care Account balances at the end of each plan year.

Employees may elect to continue to receive un-used PCA balances as an annual after-tax payout.

Employees may elect to roll over un-used PCA balances year-to-year. The rollover option allows employees to build up a fund for future catastrophic claims.

Roll-over balances would be paid out to employees upon retirement or termination of employment after the end of their eligibility for benefits under the County’s plans (including COBRA).”

G. Flexible Spending Account Maximum for Health Care:

“The County modifies its plan provisions to increase the maximum plan year salary reduction amount for un-reimbursed health care expenses from \$3,000 to \$3,500 in order to allow employees to fully fund the ‘out of pocket maximum’ under the Comprehensive Medical Plan.

H. Selection of Provider of Pharmacy Benefit Management Services for 2009:

“The County adopts the recommendations of the Employee Benefit Committee to retain Walgreens Health Initiatives to provide Pharmacy Benefit Management services to the County for 2009.”

I. Pharmacy Benefits Plan Design Changes:

“The County adopts the recommendations of the Employee Benefit Committee to revise pharmacy benefit co-pays and co-insurance which apply to retail 30-day, retail 90-day and mail order purchases. Preferred Name Brand Drugs and Non-preferred Name Brand Drugs will be subject to employee co-insurance of 30%. Generic Drugs will be subject to the lesser of an employee co-insurance of 30% or \$5.00. Specialty drugs, which must be purchased through Walgreens Center, will be subject to \$50.00 employee co-insurance.”

J. Designation of Benefits Administrator:

“The County designates the Human Resources Director as the Benefits Administrator for the County.”

K. Consultant for Pharmacy:

“The County adopts the recommendations of the Employee Benefit Committee to utilize the services of Carol Bailey as consultant for pharmacy benefit management with terms to be set forth in a subsequent agreement.”

ITEM #8

THE MOTION WAS MADE BY COMMISSIONER GRINNAN, SECONDED BY COMMISSIONER WIMPEE WITH THE COURT VOTING 5-0 IN FAVOR OF APPROVING AN AGREEMENT WITH AMERICAN NATIONAL BANK OF TEXAS, WEALTH MANAGEMENT GROUP-TRUST SERVICES AUTHORIZING A CUSTODY SAFEKEEPING ACCOUNT FOR THE SECURITY TRANSACTIONS OF ROCKWALL COUNTY.

ITEM #9

THE MOTION WAS MADE BY COMMISSIONER GRINNAN, SECONDED BY COMMISSIONER MAGNESS WITH THE COURT VOTING 5-0 IN FAVOR OF APPROVING A NON-FINANCIAL MEMORANDUM OF AGREEMENT WITH NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS ALLOWING ROCKWALL COUNTY LAW ENFORCEMENT AGENCIES ACCESS TO THE EMISSIONS DATABASE.

ITEM #10

THE MOTION WAS MADE BY COMMISSIONER BEATY, SECONDED BY COMMISSIONER WIMPEE WITH THE COURT VOTING 5-0 IN FAVOR OF APPROVING A THIRTEEN-MONTH NON-FINANCIAL CHILD WELFARE

SERVICES CONTRACT WITH THE TEXAS DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES EFFECTIVE SEPTEMBER 1, 2008.

ITEM #11

THE MOTION WAS MADE BY COMMISSIONER MAGNESS, SECONDED BY COMMISSIONER BEATY WITH THE COURT VOTING 4-1 IN FAVOR OF APPROVING A ONE-YEAR AGREEMENT WITH ROYSE CITY FOR THE COUNTY TO PROVIDE GUIDANCE, TRAINING, ASSISTANCE AND SUPPORT FOR THE ROYSE CITY LIBRARY EFFECTIVE OCTOBER 1, 2008. JUDGE FLORANCE VOTED AGAINST.

ITEM #12

THE MOTION WAS MADE BY COMMISSIONER MAGNESS, SECONDED BY COMMISSIONER GRINNAN WITH THE COURT VOTING 4-1 IN FAVOR OF APPROVING A PREVENTATIVE MAINTENANCE AGREEMENT WITH ENTECH SALES & SERVICE, INC. FOR THE AC/HEATING SYSTEM AT THE NEW COUNTY LIBRARY EFFECTIVE OCTOBER 28, 2008 AT A COST OF \$10,912.00. JUDGE FLORANCE VOTED AGAINST.

ITEM #13

THE MOTION WAS MADE BY COMMISSIONER MAGNESS, SECONDED BY COMMISSIONER GRINNAN WITH THE COURT VOTING 4-1 IN FAVOR OF APPROVING A MAINTENANCE AGREEMENT WITH KONE, INC. FOR THE ELEVATORS IN THE NEW COUNTY LIBRARY EFFECTIVE OCTOBER 28, 2008 AT A COST OF \$3,410.00. JUDGE FLORANCE VOTED AGAINST.

ITEM #14

THE MOTION WAS MADE BY COMMISSIONER BEATY, SECONDED BY COMMISSIONER MAGNESS WITH THE COURT VOTING 5-0 IN FAVOR OF APPROVING A FIVE-YEAR AGREEMENT WITH DE LAGE LANDEN FINANCIAL SERVICES, INC. FOR A NEW COPIER FOR THE ELECTION ADMINISTRATOR OFFICE AT AN ANNUAL COST OF \$1,440.00.

ITEM #15

THE MOTION WAS MADE BY COMMISSIONER MAGNESS, SECONDED BY COMMISSIONER BEATY WITH THE COURT VOTING 5-0 IN FAVOR OF ACCEPTING THE CERTIFICATE OF SUBSTANTIAL COMPLETION FROM POGUE CONSTRUCTION FOR THE CONSTRUCTION OF THE NEW COUNTY LIBRARY EFFECTIVE SEPTEMBER 8, 2008.

ITEM #16

THE MOTION WAS MADE BY COMMISSIONER WIMPEE, SECONDED BY COMMISSIONER GRINNAN WITH THE COURT VOTING 5-0 IN FAVOR OF AWARDING THE BID FOR CUSTODIAL SERVICES FOR CLEANING THE NEW COUNTY LIBRARY FACILITY TO JIM DANDY OFFICE SERVICES.

ITEM #17

EXECUTIVE SESSION – 10:55 AM TO 11:30 AM

- DISCUSSION OF PURCHASE, EXCHANGE, LEASE OR VALUE OF REAL PROPERTY, AND ALL RELATED ISSUES.
- DISCUSSION OF SETTLEMENT AGREEMENT WITH LORETTA WALLACE, AND ALL RELATED ISSUES.

ITEM #18

ACTION OF EXECUTIVE SESSION:

THE MOTION WAS MADE BY COMMISSIONER MAGNESS, SECONDED BY COMMISSIONER BEATY WITH THE COURT VOTING 5-0 IN FAVOR OF APPROVE A SETTLEMENT WITH LORETTA WALLACE WITH THE FOLLOWING STIPULATIONS: THE AMOUNT WILL NOT EXCEED \$650.00, THE AMOUNT WILL BE PAID OUT OF THE ROAD AND BRIDGE DEPARTMENT BUDGET AND A RELEASE BE SIGNED BY LORETTA WALLACE.

ITEM #19

THE MOTION WAS MADE BY COMMISSIONER BEATY, SECONDED BY COMMISSIONER WIMPEE WITH THE COURT VOTING 5-0 IN FAVOR OF APPROVING THE FOLLOWING CONSENT AGENDA ITEMS:

- a. Minutes of previous meeting(s);
- b. J.P. Pct. 2, Sept-08 monthly Judicial Activity report(s);
- c. District Clerk's Sept.-08 monthly Fee report(s);
- d. Co. Clerk's Sept.-08 monthly Fee report (s);
- e. Tax Assessor-Collector's Sept.-08 monthly Collection report(s);
- f. Co. Sheriff, Approve Deputation of Deputy Frank Montana;
- g. Co. Agent, Activity/Expense Sept.-08 monthly report(s);
- h. District Judge, Acknowledge for the record the Court Order and Oath of Office appointing Judith Plumlee as Assistant to the Rockwall County Auditor;
- i. Co. Auditor, Approve payment to Chiang, Patel, & Yerby Inc., for engineering services at the FM549/I30 interchange during September 2008 in the amount of \$29,992.00;
- j. Co. Auditor, Approve payments to Bucher, Willis & Ratliff Corporation for road improvement engineering services during August and September 2008 in the total amount of \$4,169.65;
- k. Co. Auditor, Approve payment to Brinkley Sargent Architects for September 2008 architectural engineering services on the Rockwall County Justice Center in the amount of \$3,796.99;
- l. Co. Treasurer, Treasurer's Quarterly Investment report ending

9-30-08;

ITEM #20

THE MOTION WAS MADE BY COMMISSIONER GRINNAN, SECONDED BY COMMISSIONER WIMPEE WITH THE COURT VOTING 5-0 IN FAVOR OF APPROVING THE FOLLOWING PROPERTY ACQUISITION AND DISPOSITION OF FIXED ASSETS:

- A. County Jail purchased from General Fund: 12' fiberglass ladder @ an actual cost of \$245.00.
- B. District Clerk to purchase from FY2002 Capital Purchase Fund: Fujitsu FI-6130 CLR DPLX scanner including shipping @ a quoted cost of \$981.00.
- C. Fire Marshal to purchase from General Fund: Gator Hawk tactical outer carrier (bulletproof vest) including shipping @ an actual cost of \$627.00.
- D. County Agent to purchase from General Fund: Sony HVA1U HDV camcorder including accessories and shipping @ an estimated cost of \$3,100.00.

ITEM #21

THE MOTION WAS MADE BY COMMISSIONER BEATY, SECONDED BY COMMISSIONER MAGNESS WITH THE COURT VOTING 5-0 IN FAVOR OF APPROVING THE FOLLOWING NON-EMERGENCY BUDGET TRANSFERS:

2008-43 Transfer \$3,200 of budgeted funds for General Government TO Capital Outlay FROM General Government/Contingency resulting from the purchase of wireless access equipment which was approved in Commissioners Court on July 8, 2008. (Final cost of telephone system = \$320,200.00).

2008-44 Transfer \$25 of budgeted funds for Commissioner Precinct #3 TO Travel & Training FROM Copier Expense resulting from expenditures during FY2008 that exceeded budgeted funds approved and allowed.

2008-45 Transfer \$6,500 of budgeted funds for Information Services TO Assistant's Salary FROM Contract Services resulting from the addition of a clerical employee to the department which had not been budgeted but was approved by the Commissioners Court.

2008-46 Transfer \$4,300 of budgeted funds for County Auditor TO Office Supplies @ \$2,000 & Postage Expense @ \$300 & Telephone Communication @ \$1,300 & Advertisement @ \$500 & Software @ \$200 FROM Group Insurance

resulting from expenditures during FY2008 that exceeded budgeted funds approved and allowed.

2008-47 Transfer \$250 of budgeted funds for County Jail TO Capital Outlay FROM Miscellaneous resulting from the purchase of a 12' fiberglass ladder which was approved by the Commissioners Court on this date – October 28, 2008.

ITEM #22

- THE MOTION WAS MADE BY COMMISSIONER WIMPEE, SECONDED BY COMMISSIONER MAGNESS WITH THE COURT VOTING 5-0 IN FAVOR OF APPROVING **PAID CLAIMS** IN THE AMOUNT OF \$20,885.64.
- THE MOTION WAS MADE BY COMMISSIONER WIMPEE, SECONDED BY COMMISSIONER GRINNAN WITH THE COURT VOTING 5-0 IN FAVOR OF APPROVING **UNPAID CLAIMS** IN THE AMOUNT OF \$705,049.35.
- THE MOTION WAS MADE BY COMMISSIONER GRINNAN, SECONDED BY JUDGE FLORANCE WITH THE COURT VOTING 5-0 IN FAVOR OF APPROVING THE **PAYROLL** ENDING OCTOBER 18, 2008 IN THE AMOUNT OF \$481,353.77.

THERE BEING NO FURTHER BUSINESS COMING BEFORE THE COURT, JUDGE FLORANCE ADJOURNED THE REGULAR MEETING.

LISA CONSTANT, COUNTY CLERK