

STATE OF TEXAS

JULY 28, 2003

COUNTY OF JOHNSON

COMMISSIONER'S COURT

BE IT KNOWN that on the 28th day of July, 2003, the Honorable Commissioner's Court of Johnson County, Texas, met in regular session at the Courthouse thereof, in the City of Cleburne, Johnson County, Texas, for the purpose of transacting any and all business that may lawfully be brought before the same. The meeting was called to order at 9:00 a.m., with all members present, and following the Invocation led by F.A. Schad, and the Pledge of Allegiance, the following items, having been lawfully posted and filed for record in the Office of the County Clerk on July 24, 2003 at 8:55 a.m. and the Addendum filed on July 24, 2003 at 1:30 p.m., were considered:

IV. WELCOME VISITORS, ANNOUNCEMENTS & PRESENTATION

1. ACTION TO APPROVE THE 4-H AGENT IN THE
EXTENSION OFFICE

Comm. Carpenter, seconded by Comm. McFall, made a motion to approve Suzanne Gibbs as 4-H Agent for Johnson County in the Extension Office.

2. PRESENTATION REGARDING CITY/COUNTY
TRANSPORTATION SYSTEM

Ron Parnell, Transportation Manager for the City of Cleburne was present to speak to the Court regarding the City/County Transportation System.

3. PRESENTATION OF QUARTERLY REPORT BY THE
JOHNSON COUNTY ECONOMIC DEVELOPMENT
COMMISSION

Mark Willis, Executive Director of the Johnson County

Economic Development Commission presented their Quarterly Report to the Commissioner's Court.

V. PUBLIC PARTICIPATION

None.

VI. PRECEDING BUSINESS

1. ACTION TO APPROVE MINUTES OF THE COMMISSIONER'S COURT

a. JULY 8, 2003 – SPECIAL

Comm. Thompson, seconded by Comm. Matthews, made a motion to approve the minutes of the Commissioner's Court for July 8, 2003 as presented to the Court by the County Clerk.

All voted aye; motion carried.

2. ACTION TO APPROVE PAYMENT OF INVOICES NOT ENCUMBERED – SHERIFF'S OFFICE

Comm. McFall, seconded by Comm. Matthews, made a motion to approve payment of an invoice not encumbered for the Sheriff's Office to Wal-Mart in the amount of \$56.82.

All voted aye; motion carried.

3. ACTION ON BUDGET AMENDMENT PURSUANT TO SEC. 111.010C OF THE LOCAL GOVERNMENT CODE TO LINE ITEM #010-550-450 – VEHICLE MAINTENANCE: FOR AUTOMOBILE REPAIR – CONSTABLE PCT. #1

Comm. McFall, seconded by Comm. Carpenter, made a motion to approve a budget amendment pursuant to *Sec. 111.010C* of the Local Government Code in the amount of \$2,326.00, General Fund, line item #010-550-450, vehicle maintenance for automobile repair for the Constable in Precinct #1.

All voted aye; motion carried.

4. ACTION TO PAY BILLS

Comm. Matthews, seconded by Comm. Thompson, made a motion to pay the bills as presented by the County Auditor with an additional payment in the amount of \$1,138.00 to be paid out of the Historical Commission budget to O.J. Long for the moving of a log cabin to the Chisholm Trail Museum.

All voted aye; motion carried.

5. ACKNOWLEDGEMENT OF RECEIPT OF THE COUNTY AUDITOR'S REPORTS TO THE COMMISSIONER'S COURT

Commissioner's Court acknowledged receipt of the County Auditor's Reports.

6. ACTION TO APPROVE FINAL PLAT

a. P.T. FIELDS ESTATES: LOTS 1-4 – PRECINCT #4

Comm. Thompson, seconded by Comm. Carpenter, made a motion to approve the final plat for P.T. Fields Estates, lots 1-4 in Precinct #4.

All voted aye; motion carried.

7. ACTION TO ACCEPT ROADS FOR COUNTY MAINTENANCE IN SAGE MEADOWS ADDITION – PRECINCT #3

Comm. Carpenter, seconded by Comm. McFall, made a motion to accept the roads in Sage Meadows Addition for county maintenance in Precinct #3.

All voted aye; motion carried.

8. ACTION TO AWARD RFB'S

- a. RFB #2003-26: OIL, FILTER & LUBE FOR JOHNSON COUNTY VEHICLES

Comm. Carpenter, seconded by Comm. McFall, made a motion to award RFB #2003-26 to Roger's Lube Service for oil, filter & lube for Johnson County vehicles.

All voted aye; motion carried.

VII. UNFINISHED BUSINESS

1. ACTION ON ARCHITECTURAL DESIGN, SPECIFICATION, FINANCIAL PROGRAM REQUIREMENTS AND CONTRACTS
 - a. GUINN JUSTICE CENTER
 - b. JOHNSON COUNTY CORRECTION REMODELING POD II
 - c. JOHNSON COUNTY JAIL EXPANSION POD III
 - d. ALVARADO COURTHOUSE REMODELING

No action.

Commissioner's Court recessed at 10:15 a.m. and reconvened at 10:30 a.m.

Commissioner's Court met in workshop session at 10:35 a.m. to discuss the Character First Program with Dr. Ray Ballman and Judge F.A. Schad. The Court reconvened into open session at 11:05 a.m. to consider the following:

VIII. NEW BUSINESS

3. ACTION TO APPROVE APPOINTMENT TO THE CEN-TEX RURAL RAIL TRANSPORTATION DISTRICT BOARD

Comm. McFall, seconded by Comm. Matthews, made a motion to appoint Jerry Cash, Director of Cleburne Economic Development, to the Cen-Tex Rural Rail Transportation District Board.

All voted aye; motion carried.

BE IT KNOWN that Commissioner's Court met in Executive Session at 11:10 a.m. in accordance with Government Code *Sec. 551.071* – Consultation with Attorney – Pending Litigation: Johnson County vs. Harris Methodist Affiliated Hospital, Walls Regional Hospital, Texas Health System and Texas Health Resource, Cause #C199900253, approval of settlement agreement and mutual release of claims. Commissioner's Court reconvened into open session at 12:10 p.m. to consider the following:

XI. EXECUTIVE SESSION

1. GOVERNMENT CODE: SEC.551.071 – CONSULTATION WITH ATTORNEY
 - a. PENDING LITIGATION: JOHNSON COUNTY VS. HARRIS METHODIST AFFILIATED HOSPITAL, WALLS REGIONAL HOSPITAL, TEXAS HEALTH SYSTEM AND TEXAS HEALTH RESOURCE – CAUSE #C199900253
 - (1) ACTION TO APPROVE SETTLEMENT AGREEMENT AND MUTUAL RELEASE OF CLAIMS

Comm. McFall, seconded by Comm.

Carpenter, made a motion to accept the settlement agreement in the lawsuit of Johnson County vs. Harris Methodist Affiliated Hospital, Walls Regional Hospital, Texas Health System and Texas Health Resource, Cause #C199900253 in the amount of \$3,750,000.00 with \$2,500,000.00 in cash and \$1,250,000.00 in credit and to approve the Settlement Agreement and Mutual Release of Claims and other related documents including the Third Amendment To Lease Agreement And Mandated Provider Contract which will be effective September 1, 2003.

All voted aye; motion carried.

Comm. Matthews, seconded by Comm.

Thompson, made a motion to authorize Russ Meyer to dismiss the lawsuit with prejudice and to give the County Judge authorization to sign the lawsuit settlement and the Mandated Provider Contract.

All voted aye; motion carried.

Commissioner's Court recessed at 12:20 p.m. and reconvened into open session at 1:25 p.m. to consider the following:

VII. UNFINISHED BUSINESS

2. ACTION TO DISPOSE OF ITEMS NOT FOUND IN THE
FIXED ASSETS INVENTORY AS OF JULY 1, 2003

Comm. Thompson, seconded by Comm. Carpenter, made a motion to dispose of the items not found in the Fixed Assets Inventory as of July 1, 2003.

All voted aye; motion carried.

3. ACTION TO ACCEPT FIXED ASSET INVENTORY AS OF
JULY 1, 2003

Comm. McFall, seconded by Comm. Matthews, made a motion to accept the Fixed Asset Inventory as of July 1, 2003.

All voted aye; motion carried.

4. ACTION TO APPROVE CRIMINAL JUSTICE DIVISION (CJD)
GRANT AWARD FOR THE COMMUNITY SERVICE
DIVERSION PROGRAM – JUVENILE PROBATION

Comm. McFall, seconded by Comm. Thompson, made a motion to approve the Criminal Justice Division (CJD) Grant award for the Community Service Diversion Program for Juvenile Probation and authorize County Judge, Roger

Harmon; Lisa Tomlinson, Director of Juvenile Services and J.R. Kirkpatrick, Jr., Auditor to sign the contract.

All voted aye; motion carried.

VIII. NEW BUSINESS

1. ACTION TO ADVERTISE FOR BIDS/PROPOSALS

No action.

2. ACTION TO APPROVE INTER-LOCAL AGREEMENT WITH THE CITY OF VENUS – PRECINCT #4

Comm. Thompson, seconded by Comm. Carpenter, made a motion to approve the Inter-local Agreement with the City of Venus for road repairs in the amount of \$12,881.10 in Precinct #4.

All voted aye; motion carried.

4. ACTION TO APPROVE APPOINTMENT TO THE TEXAS NEIGHBORHOOD SERVICES

Comm. McFall, seconded by Comm. Thompson, made a motion to appoint Dexter Baldwin to the Texas Neighborhood Services.

All voted aye; motion carried.

5. ACTION TO APPROVE THE ELECTION JUDGES AND ALTERNATES FOR ELECTIONS, CENTRAL COUNTING STATION AND EARLY VOTING BALLOT BOARD FOR 2003-2005

Comm. Carpenter, seconded by Comm. Thompson, made a motion to approve the Election Judges and Alternates for elections, central county station and early voting ballot board for 2003-2005 as presented to the Court.

All voted aye; motion carried.

6. ACTION TO APPROVE INTER-LOCAL AGREEMENT WITH THE CITY OF BRIAR OAKS – PRECINCT #3

Comm. Carpenter, seconded by Comm. McFall, made a motion to approve the Inter-local Agreement with the City of Briar Oaks for road repairs in the amount of \$1,206.50.

All voted aye; motion carried.

7. ACTION TO APPROVE HEALTH INSURANCE FOR JOHNSON COUNTY ECONOMIC DEVELOPMENT EMPLOYEES

Comm. McFall, seconded by Comm. Carpenter, made a motion to table this item.

All voted aye; motion carried.

IX. CONSENT AGENDA

Comm. Thompson, seconded by Comm. Matthews, made a motion to approve the consent agenda as presented.

All voted aye; motion carried.

X. WORKSHOP

Commissioner's Court met in workshop session at 2:00 p.m. to discuss dispatch at the Sheriff's Office. The Court went from workshop session into Executive Session at 2:20 p.m.

BE IT KNOWN that Commissioner's Court met in Executive Session at 2:20 p.m. in accordance with Government Code *Sec. 551.071* – Consultation with Attorney – Pending Litigation: Johnson County vs. Harris Methodist Affiliated Hospital, Walls Regional Hospital, Texas Health System and Texas Health Resource, Cause #C199900253, approval of settlement agreement and mutual release of claims; and

pursuant to Government Code *Sec. 551.072* – Real Property; and pursuant to Government Code *Sec. 551.074* – Personnel – Sheriff’s Office: Allen Gilreath, Tamilla Ledbetter and Rhonda Price. Commissioner’s Court reconvened into open session at 2:51 p.m.; the County Judge exited the meeting at this time.

XI. EXECUTIVE SESSION

1. GOVERNMENT CODE: *SEC. 551.071* – CONSULTATION WITH ATTORNEY
 - a. PENDING LITIGATION: JOHNSON COUNTY VS. HARRIS METHODIST AFFILIATED HOSPITAL, WALLS REGIONAL HOSPITAL, TEXAS HEALTH SYSTEM AND TEXAS HEALTH RESOURCE – CAUSE #C199900253

Comm. Matthews, seconded by Comm.

Thompson, made a motion to deposit proceeds from the lawsuit settlement into Fund #056, Indigent Healthcare Escrow Account, effective immediately and to give the County Judge authorization to further evaluate the pending legal costs that will be disbursed out of the fund.

All voted aye; motion carried.

2. GOVERNMENT CODE: *SEC. 551.072* – REAL PROPERTY

No action.
3. GOVERNMENT CODE: *SEC. 551.074* – PERSONNEL
 - a. SHERIFF’S OFFICE
 - (1) ALLEN GILREATH
 - (2) TAMILLA LEDBETTER
 - (3) RHONDA PRICE

No action.

BE IT KNOWN that Commissioner's Court met in Executive Session at 2:54 p.m. in accordance with Government Code *Sec. 551.071* – Consultation with Attorney – Pending Litigation: Johnson County vs. Harris Methodist Affiliated Hospital, Walls Regional Hospital, Texas Health System and Texas Health Resource Cause #C199900253, approval of settlement agreement and mutual release of claims. Commissioner's Court reconvened into open session at 3:20 p.m. and recessed at the same time until July 29, 2003 at 10:00 a.m.

Commissioner's Court reconvened on July 29, 2003 at 10:10 a.m., with the County Judge, Comm. McFall and Comm. Matthews present.

BE IT KNOWN that Commissioner's Court met in Executive Session at 10:11 a.m. in accordance with Government Code *Sec. 551.071* – Consultation with Attorney – Pending Litigation: Johnson County vs. Harris Methodist Affiliated Hospital, Walls Regional Hospital, Texas Health System and Texas Health Resource, Cause #C199900253, approval of settlement agreement and mutual release of claims. Commissioner's Court reconvened into open session at 11:05 a.m. to consider the following:

XI. EXECUTIVE SESSION

1. GOVERNMENT CODE: SEC. 551.071 – CONSULTATION WITH ATTORNEY
 - a. PENDING LITIGATION: JOHNSON COUNTY VS. HARRIS METHODIST AFFILIATED HOSPITAL, WALLS REGIONAL HOSPITAL, TEXAS HEALTH SYSTEM AND TEXAS HEALTH RESOURCE – CAUSE #C199900253

No action.

There being no further business before the Court concerning this agenda,

Commissioner's Court adjourned at 11:07 a.m. on July 29, 2003.

Submitted by: _____
Curtis H. Douglas
County Clerk

Approved by: _____
Roger Harmon
County Judge