

STATE OF TEXAS

July 14, 2008

COUNTY OF JOHNSON

COMMISSIONER'S COURT

BE IT KNOWN that on the 14th day of July 2008, the Honorable Commissioner's Court of Johnson County, Texas, met in Regular Session at the Johnson County 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 Pastor Larry York of the Nolan River Baptist Church 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 10, 2008 at 12:57 P.M., were considered:

IV. WELCOME VISITORS, ANNOUNCEMENTS & PRESENTATIONS

1. PRESENTATION OF LENGTH OF SERVICE AWARDS TO COUNTY EMPLOYEES

Employees of Johnson County were recognized for their service to the County and employees were given Length of Service pins, as attached to these minutes.

Judge Roger Harmon announced that a Budget Workshop will be held on Wednesday July 30, 2008.

V. PUBLIC PARTICIPATION

None.

VI. PRECEDING BUSINESS

1. CONSIDERATION OF REQUEST TO PAY BILLS

Comm. McFall, seconded by Comm. Carpenter, made a motion to pay bills as presented by the County Auditor.

All voted aye; motion carried.

2. ACKNOWLEDGMENT OF RECEIPT OF THE COUNTY AUDITOR'S REPORTS TO THE COMMISSIONER'S COURT

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

3. CONSIDERATION OF FINAL PLAT OF **LAKE SIDE ESTATES**, SECTION 1 & 2: LOT 10-R-2-1, BLOCK 1 AND LOT 2-R-1 AND 3-R-1, BLOCK 3- PRECINCT #2

Comm. Matthews, seconded by Comm. McFall, made a motion to approve the final plat of **Lakeside Estates**, Section 1 & 2: Lot 10-R-2-1, Block 1 and Lot 2-R-1 and 3-R-1, Block 3 in Precinct #2.

All voted aye; motion carried.

4. CONSIDERATION TO TRANSFER A 2007 FORD VAN, VIN #1FTNS24W07DA01131 FROM THE MEDICAL EXAMINER'S OFFICE TO THE SHERIFF'S OFFICE FOR A CRIME SCENE VEHICLE

Comm. Beeson, seconded by Comm. Carpenter, made a motion to transfer a 2007 Ford van, Vin #1FTNS24W07DA01131 from the Medical Examiner's Office to the Sheriff's Office for a crime scene vehicle.

All voted aye; motion carried.

5. CONSIDERATION OF DISPOSITION OF VEHICLE FROM THE MEDICAL EXAMINER'S OFFICE: 1995 FORD VAN VIN #1FMHE31H2SHA55866

Comm. Beeson, seconded by Comm. McFall, made a motion to approve the disposition of a vehicle from the Medical Examiner's Office which is a 1995 Ford van Vin #1FMHE31H2SHA55866.

All voted aye; motion carried.

6. CONSIDERATION OF NEW PRICING FROM P2EMULSION PLANTS, LLC

Comm. Matthews, seconded by Comm. McFall, made a motion to approve the new pricing from P2Emulsion Plants, LLC effective immediately.

All voted aye; motion carried.

VII. UNFINISHED BUSINESS

1. ARCHITECTURAL DESIGN, SPECIFICATION, FINANCIAL PROGRAM REQUIREMENTS, AND CONTRACTS FOR RESTORATION OF JOHNSON COUNTY COURTHOUSE

Discussion in reference to issues with the louvers in the bell tower being installed, moisture due to water seepage and calking or weather stripping needed around windows in the County Clerk's Office of the Historic Courthouse. Don Burns said he would address the window issue.

2. CONSIDERATION OF INTERLOCAL AGREEMENT WITH JOSHUA INDEPENDENT SCHOOL DISTRICT REGARDING THE COPS/SECURE OUR SCHOOLS GRANT PROGRAM

Comm. Matthews, seconded by Comm. Beeson, made a motion to approve the Interlocal Agreement with Joshua Independent School District regarding the COPS/Secure Our Schools Grant Program and to give the County Judge, Auditor and Sheriff the authorization to sign.

All voted aye; motion carried.

3. CONSIDERATION OF JOHNSON COUNTY GRIEVANCE PROCEDURE UNDER THE AMERICANS WITH DISABILITIES ACT

Comm. Carpenter, seconded by Comm. Beeson, made a motion to approve the Johnson County Grievance Procedure under the Americans with Disabilities Act.

All voted aye; motion carried.

4. CONSIDERATION OF NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT

Comm. Carpenter, seconded by Comm. McFall, made a motion to approve the Notice Under the Americans with Disabilities Act.

All voted aye; motion carried.

5. CONSIDERATION OF PROFESSIONAL SERVICES AGREEMENT BETWEEN JOHNSON COUNTY AND JUDY ANN DAVIS FOR MAGISTRATE SERVICES AT THE JOHNSON COUNTY LAW ENFORCEMENT CENTER

Comm. McFall, seconded by Comm. Matthews, made a motion to approve the Professional Services Agreement between Johnson County and Judy Ann Davis for Magistrate services at the Johnson County Law Enforcement Center at \$100.00 per day.

All voted aye; motion carried.

VIII. NEW BUSINESS

1. CONSIDERATION TO ADVERTISE FOR BIDS/PROPOSALS

Comm. Carpenter, seconded by Comm. McFall, made a motion to advertise for Bids/Proposals for County Clerk-for a stand alone plat system and back scanning of current plats; Precinct #4-to asphalt 1200 feet of CR 700 West of CR 801B, for culverts and for a used truck, 2003 or newer.

All voted aye; motion carried.

2. CONSIDERATION OF BUDGET AMENDMENT PURSUANT TO THE LOCAL GOVERNMENT CODE SECTION 111.0106 FOR:

- a. Road Repair Materials Donated by Devon Energy Inc., Hollis R. Sullivan, Inc. and EOG Resources, Inc. in the Amount of \$21,119.00-Precinct #1
- b. Road Repair Materials Donated by Devon Energy, Inc. in the Amount of \$8,760.00-Precinct #4

- c. Equipment Capital Received by Texas Association of Counties in the Amount of \$76,326.00-Precinct #2

Comm. Matthews, seconded by Comm. Beeson, made a motion to approve the Budget Amendment pursuant to the Local Government Code *111.0106* for road repair materials donated by Devon Energy Inc., Hollis R. Sullivan, Inc. and EOG Resources, Inc. in the amount of \$21,119.00 in Precinct #1; road repair materials donated by Devon Energy, Inc. in the amount of \$8,760.00 in Precinct #4; and deposit of Equipment Capital received by Texas Association of Counties in the amount of \$76,326.00 in Precinct #2.

All voted aye; motion carried.

3. CONSIDERATION OF BUDGET AMENDMENT PURSUANT TO THE LOCAL GOVERNMENT CODE SECTION 111.010 C FOR COUNTY TREASURER-EQUIPMENT NON CAPITAL (SHREDDER AND FAX MACHINE)

Comm. Carpenter, seconded by Comm. Beeson, made a motion to approve the Budget Amendment pursuant to the Local Government Code *111.010 C* for Equipment Non Capital for the purchase of a shredder and fax machine for the County Treasurer in the amount of \$320.00.

All voted aye; motion carried.

4. CONSIDERATION OF IMPOSITION OF OPTIONAL FEES FOR THE CALENDAR YEAR OF 2009 RELATING TO THE REGISTRATION OF VEHICLES UNDER THE TRANSPORTATION CODE, CHAPTER 502

Comm. Matthews, seconded by Comm. McFall, made a motion to approve the imposition of optional fees for the calendar year of 2009 relating to the registration of vehicles under the Transportation Code, Chapter 502.

All voted aye; motion carried.

5. CONSIDERATION OF AGREEMENT FOR PROFESSIONAL SERVICES BETWEEN JUSTICE BENEFITS, INCORPORATION/UNIFICARE, LTD AND THE JOHNSON COUNTY JUVENILE BOARD REGARDING MANAGEMENT OF THE TITLE IV-E PROGRAM BEING SELECTED UNDER LOCAL GOVERNMENT CODE CHAPTER 2254 ON THE BASIS OF DEMONSTRATED COMPETENCE AND QUALIFICATION TO PERFORM THE SERVICES FOR A FAIR AND REASONABLE PRICE

Comm. Beeson, seconded by Comm. Carpenter, made a motion to approve the Agreement for Professional Services between Justice Benefits, Incorporation/Unificare, LTD and the Johnson County Juvenile Board regarding management of the Title IV-E Program being selected under Local Government Code Chapter 2254 on the basis of demonstrated competence and qualification to perform the services for a fair and reasonable price and to give the County Judge the authorization to sign.

All voted aye; motion carried.

6. CONSIDERATION TO INCREASE THE CASH DRAWER AT THE BURLESON SUB-COURTHOUSE TO \$100.00-COUNTY CLERK

Comm. Carpenter, seconded by Comm. McFall, made a motion to approve the increase of the cash drawer \$100.00 at the Burleson Sub-Courthouse in the County Clerk's Office.

All voted aye; motion carried.

7. CONSIDERATION OF RECURRING MONTHLY EXPENSE OF A FAX LINE-CONSTABLE PRECINCT #1

Comm. McFall, seconded by Comm. Matthews, made a motion to approve the recurring monthly expense of a fax line for Constable, Precinct #1.

All voted aye; motion carried.

8. CONSIDERATION OF INTERLOCAL AGREEMENT AND COMMISSIONER'S COURT APPROVAL OF INTERLOCAL AGREEMENT FOR BRUSH CUTTING WITH THE CITY OF RIO VISTA-PRECINCT #1

Comm. McFall, seconded by Comm. Carpenter, made a motion to approve the Interlocal Agreement and Commissioner's Court approval of the Interlocal Agreement for brush cutting with the City of Rio Vista in Precinct #1.

All voted aye; motion carried.

9. CONSIDERATION OF **ORDER # 2008-13** OF PROHIBITION OF OUTDOOR BURNING IN JOHNSON COUNTY

Comm. Beeson, seconded by Comm. Carpenter, made a motion to approve **Order # 2008-13** for the Prohibition of Outdoor Burning in Johnson County.

All voted aye; motion carried.

10. CONSIDERATION OF ENGAGEMENT LETTER WITH KENNEMER, MASTERS AND LUNSFORD FOR OUTSIDE AUDIT SERVICES

Comm. Carpenter, seconded by Comm. Beeson, made a motion to approve the Engagement Letter with Kennemer, Masters and Lunsford for outside audit services and to give the County Judge the authorization to sign.

All voted aye; motion carried.

11. CONSIDERATION OF RESOLUTION REQUESTING THAT THE STATE LEGISLATURE INCREASE THE COUNTY PURCHASE LIMIT TO \$50,000 CONSISTENT WITH THE LIMITS FOR THE CITIES

Comm. McFall, seconded by Comm. Matthews, made a motion to approve the Resolution requesting that the State Legislature increase the County purchase limit to \$50,000 consistent with the limits for the Cities.

All voted aye; motion carried.

The Commissioner's Court recessed at 10:04 A.M. and reconvened at 10:28 A.M. to consider the following:

IX. CONSENT AGENDA

Comm. Matthews, seconded by Comm. McFall, made a motion to approve the Consent Agenda as presented.

All voted aye; motion carried.

X. WORKSHOP

The Commissioner's Court convened into Workshop Session at 10:30 A.M. to discuss the Lease Agreements with CASA and the United Way Located at 210 Featherstone; Volatile Market for Asphalt Products and Road Materials and the Adult Probation Building.

The Commissioner's Court re-convened into Open Session at 11:25 A.M. to consider the following:

VIII. NEW BUSINESS

12. CONSIDERATION OF BANK OF AMERICA MOTOR BANK REPAIRS

Discussion. No action.

15. CONSIDERATION TO ENTER INTO NEGOTIATION FOR PROFESSIONAL SERVICE UNDER THE GOVERNMENT CODE CHAPTER 2254 BEING SELECTED ON THE BASIS OF DEMONSTRATED COMPETENCE AND QUALIFICATION TO PERFORM THE SERVICES FOR A FAIR AND REASONABLE PRICE FOR A RENOVATION OF THE OLD BAND HALL

Comm. McFall, seconded by Comm. Carpenter, made a motion to enter into negotiation for professional service under the Government Code Chapter 2254 being selected on the basis of demonstrated competence and qualification to perform the services for a fair and reasonable price for renovation of the old band hall.

All voted aye; motion carried.

16. CONSIDERATION TO ENTER INTO NEGOTIATION FOR PROFESSIONAL SERVICE UNDER THE GOVERNMENT CODE CHAPTER 2254 BEING SELECTED ON THE BASIS OF DEMONSTRATED COMPETENCE AND QUALIFICATION TO PERFORM THE SERVICES FOR A FAIR AND REASONABLE PRICE FOR AN ADULT PROBATION BUILDING

Comm. Carpenter, seconded by Comm. McFall, made a motion to enter into negotiation for professional service under the Government Code Chapter 2254 being selected on the basis of demonstrated competence and qualification to perform the services for a fair and reasonable price for an Adult Probation Building not to exceed \$9,500.00.

All voted aye; motion carried.

14. CONSIDERATION OF RELOCATION OF JUDGE MCBROOM, JUSTICE OF THE PEACE, PRECINCT #1 OFFICE AND COURTROOM TO THE OLD BAND BUILDING LOCATED ON THE GUINN JUSTICE CENTER PROPERTY

Comm. McFall, seconded by Comm. Carpenter, made a motion to approve the relocation of Judge McBroom, Justice of the Peace, Precinct #1 Office and Courtroom to the old band building located on the Guinn Justice Center property.

All voted aye; motion carried.

X. WORKSHOP

The Commissioner's Court convened into Workshop Session at 11:27 A.M. to discuss Effects on Jail Privatization with Community Education Centers and Other Vendors and Cell Phone Policy and Procedures and Billing of Telephone Usage.

The Commissioner's Court recessed at 11:53 A.M. and reconvened into Workshop at 1:13 P.M. to discuss the Budget and Charges for Installation of Culverts, Hauling Charges and Materials and Labor Related to Interlocal Agreements.

The Commissioner's Court re-convened into Open Session at 2:32 P.M. to consider the following:

BE IT KNOWN that Commissioner's Court met in Executive Session at 2:32 P.M. in accordance with Government Code *Sec. 551.071*-Consultation with Attorney-Pending Litigation: Pamela D. West vs. Roger Harmon, County Judge.

The Commissioner's Court convened into Open Session at 2: 41 P.M. to consider the following:

XI. EXECUTIVE SESSION

1. Government Code:

- a. *Sec. 551.071*-Consultation with Attorney-Pending Litigation:
Pamela D. West vs. Roger Harmon, County Judge

Comm. McFall, seconded by Comm. Beeson, made a motion to approve an Order Authorizing the County Attorney to File an Answer and Defend the Law Suit and Authorizing Expenses Between Pamela D. West vs. Roger Harmon, County Judge of Johnson County.

Comm. McFall voted aye.
Comm. Matthews voted aye.
Comm. Carpenter voted aye.
Comm. Beeson voted aye.
Judge Harmon abstained.

motion carried.

VIII. NEW BUSINESS

13. CONSIDERATION OF CHARGES FOR INSTALLATION OF CULVERTS, HAULING CHARGES AND MATERIALS AND LABOR RELATED TO INTERLOCAL AGREEMENTS

Comm. McFall, seconded by Comm. Matthews, made a motion to approve the charge for installation of culverts, hauling charges and materials and labor related to Interlocal Agreements at \$10.00 per foot effective as of August 1, 2008.

All voted aye; motion carried.

There being no further business before the Court concerning this agenda,
Commissioner's Court adjourned at 2:45 P.M.

Submitted by: _____
County Clerk
Curtis H. Douglas

Approved by: _____
County Judge
Roger Harmon