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COMMISSIONERS' COURT
SPECIAL MEETING
DECEMBER 28, 2010

NOTICE IS HEREBY GIVEN THAT THE TITUS COUNTY COMMISSIONERS' COURT MET IN A SPECIAL MEETING ON MONDAY, DECEMBER 28, 2010 AT 9:00A.M. IN THE TITUS COUNTY COURTROOM WITH THE FOLLOWING MEMBERS PRESENT.

ELECTED OFFICIALS

SAM W. RUSSELL	COUNTY JUDGE
DON BOGGS	COMMISSIONER PRECINCT 1
MIKE FIELDS	COMMISSIONER PRECINCT 2
PHILLIP HINTON	COMMISSIONER PRECINCT 3
THOMAS HOCKADAY	COMMISSIONER PRECINCT 4
TERESA PRICE	COUNTY CLERK
DEBBY RHEA	TREASURER
NORMA NARRAMORE	DEMOCRATIC CHAIR
TIM INGRAM	SHERRIFF
JOHN MARK COBERN	COUNTY ATTORNEY

PUBLIC ATTENDING MEETING

CARL JOHNSON, AUDITOR	JOYCE SIMPSON	MARCIA SEALE
JAKE NARRAMORE	MARK HEIDAKER	DIANE NORRIS, CO. CLERK ELECT
JUSTIN RILEY	JENNIE TARABORELLI	MIKE PRICE
BRIAN LEE, CO. JUDGE ELECT	BOBBY JOE SPEARMAN	VINCENT RYCZEK
LYDIA GONZALEZ		

PLEDGE OF ALLEGIANCE: LED BY JUDGE SAM RUSSELL
INVOCATION: COMMISSIONER THOMAS HOCKADAY

1. IN THE MATTER OF PUBLIC COMMENTS AND/OR REQUESTS FOR INFORMATION ON NON AGENDA ITEMS IN ACCORDANCE WITH SECTION 551-042, TEXAS OPEN MEETINGS ACT.
(SEE ATTACHMENT #1 AND/OR LISTEN TO AUDIO TRACK 1, 01:20 HOURS)

COUNTY CLERK TERESA PRICE PRESENTED CHIEF DEPUTY LYDIA GONZALEZ WITH HER MASTER REGISTRAR CERTIFICATION FROM THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES (TDSHS) AND INFORMED THE COURT THAT THE COUNTY CLERK'S OFFICE HAD BEEN AWARDED THE 2010 FIVE-STAR LOCAL REGISTRAR VITAL REGISTRATION AWARD FROM TDSHS.

PLAQUES OF APPRECIATION FOR THEIR YEARS OF SERVICE TO THE COUNTY WERE PRESENTED TO COUNTY JUDGE SAM RUSSELL, COUNTY TREASURER DEBBY RHEA, AND COUNTY CLERK TERESA PRICE.

PROPERTY OWNER, VINCENT RYCZEK, INFORMED THE COURT THAT HE HAD MOVED HIS FENCE OFF THE COUNTY EASEMENT FOR THE PROPOSED LOOP. MR. RYCZER ALSO ASKED THE COURT TO CLARIFY PUBLIC POLICY ON RIGHT OF WAY ISSUES. COMMISSIONER DON BOGGS EXPRESSED HIS SATISFICATION WITH THE OUTCOME AND HIS AGREEMENT THAT RESEARCH SHOULD BE CONTINUED TO CLARIFY THE COUNTY POLICY ON THESE ISSUES.

PATE TRANSPORTATION PARTNER JENNIE TARABORELLI PRESENTED A STATUS REPORT ON THE LOOP PROJECT. THE ARCHEOLOGICAL MITIGATION WAS BEING CONCLUDED WITH THE ASSISTANCE OF THE TRIBAL COUNCIL. THERE ARE FOUR REMAINING PARCELS TO BE ACQUIRED IN THE FM 2348 PROJECT. THREE OF THESE PARCELS HAVE BEEN SENT TO THE LEGAL TEAM FOR REVIEW PRIOR TO CONDEMNATION AND THE FOURTH PARCEL IS STILL IN ONGOING NEGOTIATIONS WITH THE PROPERTY OWNER. MS. TARABORELLI ALSO INFORMED THE COURT THAT APPROVALS ON THE 271 DESIGNS AND THE ENGINEERING ON 2348 SHOULD RECEIVE FINAL APPROVAL FROM TxDOT BY THE MIDDLE OF

JANUARY 2011. SHE ALSO STATED THAT ADVERTISING FOR THE CLEARING AND GRUBBING ON THE 2348 PROJECT SHOULD BEGIN IN MARCH 2011.

2. IN THE MATTER OF CONSIDERING OR APPROVING MINUTES FOR THE COMMISSIONERS' COURT DECEMBER 13, 2010 REGULAR MEETING.

   AUDIO IS THE OFFICIAL RECORD AS OF JUNE 28, 2010 (See website at www.co.titus.tx.us)
   (SEE ATTACHMENT #2 AND/OR LISTEN TO AUDIO TRACK 1, 23:50 HOURS)

   MOTION MADE BY COMMISSIONER BOGGS AND SECONDED BY COMMISSIONER FIELDS TO APPROVE MINUTES FOR COMMISSIONERS' COURT DECEMBER 13, 2010 REGULAR MEETING.
   MOTION CARRIED UNANIMOUSLY.

3. IN THE MATTER OF CONSIDERING OR APPROVING INTERLOCAL AGREEMENT BETWEEN TEXAS DEPARTMENT OF TRANSPORTATION AND TITUS COUNTY & RESOLUTION #5-10 INTERLOCAL AGREEMENT FOR INSPECTION &TESTING SERVICES.

   (SEE ATTACHMENT #3 AND/OR LISTEN TO AUDIO TRACK 1, 24:11 HOURS)

   THIS WOULD ALLOW TxDOT TO GO INTO A FACLITY AND INSPECT MATERIALS AS THEY ARE BEING MANUFACTURED AND WOULD ALSO PROVIDE FOR A THIRD PARTY REFEREE TO SETILE ANY DISPUTES BETWEEN TxDOT AND THE CONTRACTOR. COMMISSIONER BOGGS QUESTIONED TWO INCORRECT MARKINGS ON THE AGREEMENT AND WAS ASSURED BY MS. TARABORELLI THAT THE CORRECTIONS WOULD BE MADE AFTER THE MEETING.

   MOTION MADE BY COMMISSIONER FIELDS AND SECONDED BY COMMISSIONER BOGGS TO APPROVE THE INTENT OF THE INTERLOCAL AGREEMENT BETWEEN TEXAS DEPARTMENT OF TRANSPORTATION AND TITUS COUNTY & RESOLUTION #5-10 INTERLOCAL AGREEMENT FOR INSPECTION & TESTING SERVICES PENDING THE TWO CORRECTIONS BEING MADE.
   MOTION CARRIED UNANIMOUSLY.

4. IN THE MATTER OF CONSIDERING OR APPROVING PAUPERS' FUNERAL FOR LEE PHIL BOYD AND JUNIOR WHORTON.

   (SEE ATTACHMENT #4 AND/OR LISTEN TO AUDIO TRACK 1, 31:48 HOURS)

   JUDGE RUSSELL INFORMED THE COURT THAT THE CHURCHES HAD GOTTEN TOGETHER TO PAY FOR THE FUNERAL FOR JUNIOR WHORTON AND NO FURTHER ACTION WAS NEEDED.

   MOTION MADE BY COMMISSIONER HOCKADAY AND SECONDED BY COMMISSIONER HINTON TO APPROVE PAYMENT ON THE PAUPERS' FUNERAL FOR LEE PHIL BOYD.
   MOTION CARRIED UNANIMOUSLY.

5. IN THE MATTER OF CONSIDERING OR APPROVING TRAVEL AND SEMINARS FOR TITUS COUNTY EMPLOYEES AND ELECTED OFFICIALS.
   (SEE ATTACHMENT #5 AND/OR LISTEN TO AUDIO TRACK 1, 32:42 HOURS)

   REQUEST BY TREASURER ELECT SHERYL PREDDY TO ATTEND TREASURERS ORIENTATION, JANUARY 29-28, 2011, IN COLLEGE STATION, TEXAS.

   MOTION MADE BY COMMISSIONER HINTON AND SECONDED BY COMMISSIONER FIELDS TO APPROVE TRAVEL AND SEMINAR REQUEST FOR TITUS COUNTY EMPLOYEES AND ELECTED OFFICIALS.
   MOTION CARRIED UNANIMOUSLY.

6. IN THE MATTER OF A REPORT FROM KAYBRO TECHNOLOGIES.
   (NO ATTACHMENT. LISTEN TO AUDIO TRACK 1, 33:37 HOURS)

   JUSTIN RilEY, CUSTOMER SERVICE REPRESENTATIVE, UPDATED AND MADE RECOMMENDATIONS TO THE COURT ON THE FINANCIAL SECURITY OF THE TITUS COUNTY COMPUTER SYSTEM.

10. IN THE MATTER OF EXECUTIVE SESSION. (S551.071 TEX. GOV. CODE)

{SEE ATTACHMENT #10 AND/OR LISTEN TO AUDIO TRACK 1, 50:42 HOURS)

JUDGE RUSSELL ADJOURNED COURT AT 9:55 AM TO GO INTO EXECUTIVE SESSION TO CONSULT WITH ATTORNEY REGARDING CONTEMPLATED LITIGATIONS REGARDING A REQUEST UNDER THE PUBLIC INFORMATION ACT.

JUDGE RUSSELL RESUMED OPEN SESSION AT 10:40 AM. JUDGE RUSSELL STATED THAT HE DID NOT ATTEND THE EXECUTIVE SESSION.

MOTION WAS MADE BY COMMISSIONER HOCKADAY AND SECONDED BY COMMISSIONER BOGGS TO AUTHORIZE ALLISON, BASS & ASSOCIATES, LLP, TO FILE SUIT CHALLENGING THE ATTORNEY GENERAL'S OPINION REGARDING THE PUBLIC INFORMATION REQUESTS BY DEWEY M. DALTON IN ORDER TO PRESERVE AN AFFIRMATIVE DEFENSE TO PROSECUTION FOR FAILING TO PRODUCE THE REQUESTED INFORMATION AND SEEK A JUDICIAL DETERMINATION THAT THE REQUESTED INFORMATION IS NOT PUBLIC INFORMATION AND DOES NOT HAVE TO BE PRODUCED AT THIS TIME.
MOTION CARRIED UNANIMOUSLY. JUDGE RUSSELL DID NOT VOTE.

COMMSIONER HOCKADAY NOTED THAT THE COMMISSIONERS' COURT WOULD NOT SPEAK ABOUT THIS MATTER AND THAT THE CONTACT FOR INFORMATION WAS MS. GONZALEZ AT 512-482-0701.

7. IN THE MATTER OF CONSIDERING OR APPROVING ORAL AND WRITTEN REPORTS OF COUNTY OFFICIALS.
{SEE ATTACHMENT #7 AND/OR LISTEN TO AUDIO TRACK 2, 02:50 HOURS)

REPORTS PRESENTED WERE: CASH REPORT, NORTEX VFD, AND THE TITUS COUNTY HISTORICAL COMMISSION REPORT. IT WAS NOTED THAT 3 MILLION IN TAX DEPOSITS THAT WERE RECEIPTED WERE NOT INCLUDED IN THE FIGURES.

MOTION MADE BY COMMISSIONER BOGGS AND SECONDED BY COMMISSIONER FIELDS TO APPROVE ORAL AND WRITTEN REPORTS OF COUNTY OFFICIALS.
MOTION CARRIED UNANIMOUSLY.

8. IN THE MATTER OF CONSIDERING OR APPROVING BUDGET AMMENDMENTS.
(NO ATTACHMENT. LISTEN TO AUDIO TRACK 2, 03:51 HOURS)

NONE WERE PRESENTED.

9. IN THE MATTER OF SIGNING PAY ORDERS AND APPROVING PAYMENTS.
(SEE ATTACHMENT #9 AND/OR LISTEN TO AUDIO TRACK 2, 03:57 HOURS)

MOTION MADE BY COMMISSIONER HINTON AND SECONDED BY COMMISSIONER HOCKADAY TO SIGN PAY ORDERS AND APPROVE PAYMENTS.
MOTION CARRIED UNANIMOUSLY.

11. IN THE MATTER OF CLOSING COMMENTS BY COUNTY JUDGE AND COMMISSIONERS, IF ANY.
(NO ATTACHMENT, LISTEN TO AUDIO TRACK 2, 04:15 HOURS)

COMMISSIONER HOCKADAY: THANKED JUDGE RUSSELL AND HIS SECRETARY, JOYCE SIMPSON, FOR THEIR SERVICE THE LAST FOUR YEARS.

JUDGE RUSSELL: INFORMED THE COURT THAT TITUS COUNTY HAD BEEN AWARDED A GRANT TOTALING $18,261 FOR INDIGENT DEFENSE. HE ALSO STATED THAT GOVERNOR RICK PERRY'S OFFICE HAD NOTIFIED TITUS COUNTY THAT THE FEDERAL GOVERNMENT HAD DEEMED TITUS COUNTY ELIGIABLE FOR EMERGENCY DISASTER LOW INTEREST LOANS. THE LOANS ARE AVAILABLE BECAUSE OF THE AMOUNT OF RAIN RECEIVED FROM OCTOBER 1, 2009 TO MARCH 31, 2010.

IN THE MATTER OF ADJOURNMENT.
(NO ATTACHMENT. LISTEN TO AUDIO TRACK 2, 07:40 HOURS)

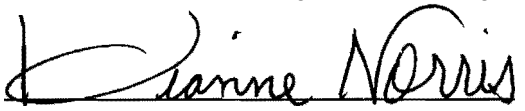
MOTION MADE BY COMMISSIONER BOGGS AND SECONDED BY COMMISSIONER HOCKADAY TO ADJOURN.
MOTION CARRIED UNANIMOUSLY.

STATE OF TEXAS

COUNTY OF TITUS

The above and foregoing is a true and complete Transcription of my notes taken in my capacity as County Clerk of the Commissioners Court of Titus County, Texas, on December 28, 2010 at the time and place heretofore set forth.

ttested to this 7th day of January, 2011.



Dianne Norris, Titus County Clerk