COMMISSIONERS’ COURT DOCKET SEPTEMBER 6, 2011
SPECIAL SESSION

THE STATE OF TEXAS
COUNTY OF MONTGOMERY

BE IT REMEMBERED that on this the 6th day of September, 2011 the Honorable Commissioners’ Court of Montgomery County, Texas, was duly convened in a Regular Session in the Commissioners’ Courtroom of the Montgomery County Courthouse Annex, Conroe, Texas, with the following members of the Court present:

County Judge, Alan “Barb” Sadler
Commissioner, Precinct #1 - Mike Meador
Commissioner, Precinct #2 - Craig Doyal
Commissioner, Precinct #3 - Ed Chance
Commissioner, Precinct #4 - Ed Rinehart - ABSENT

Also - Rebecca Biasotti, County Clerk’s Office

INVOCATION GIVEN BY CRAIG DOYAL

PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA RECITED BY EVERYONE PRESENT

PLEDGE OF ALLEGIANCE TO THE TEXAS STATE FLAG RECITED BY EVERYONE PRESENT

1. COMMISSIONERS’ COURT AGENDA APPROVED

Motion by Commissioner Chance, seconded by Commissioner Doyal, to approve Commissioners’ Court Agenda for discussion and necessary action. Motion carried.

2. CONSENT AGENDA APPROVED - AGENDA ITEMS 7A-E

Motion by Commissioner Meador, seconded by Commissioner Doyal, to approve the Consent Agenda, as follows:

PURCHASING DEPARTMENT - AGENDA ITEM 7A

A. BACKUP PAPERWORK ACCEPTED for RFP/Q Energy Efficiency and Conservation Block Grant Program - Phase VIII - energy savings solar photovoltaic systems for Montgomery County Administration Building and Tullis Library (Project #2011-0045) - Infrastructure.

RISK MANAGEMENT - AGENDA ITEMS 7B

B. CHANGES, ADDITIONS, AND RELEASES APPROVED on the following bonds:

1. 61132750 Salvador, Pendas/Tax Assessor New
2. 61136884 Higley, Lee/Tax Assessor New
3. 61134607 Arnold, Cory/Constable Pct. 4 New

COMMISSIONERS - AGENDA ITEM 7C

PRECINCT 1

C. ROADS ACCEPTED into the county system for maintenance by prescriptive easement as follows:

1. Brushwood 1,245’ x 18’
2. Overstreet 1,245’ x 18’
3. Woodcrest from Brushwood to Overstreet 466’ x 18’

PRECINCT 2

D. REQUEST APPROVED for the County Auditor to accept a donation in the amount of $50,743.75 from Holderreith Road Properties, LLC for materials to be used in the rehab and upgrade of Circle Lake Retreat Road per agreement on file with County Attorney’s Office. (no check received by clerk’s office)

E. CHECK ACCEPTED in the amount of $468.08, from The Friendship Center for reimbursement of fuel usage for July 2011. (no check received by clerk’s office)

PRECINCT 3

F. REAPPOINTMENT APPROVED for James Simon to the 9-1-1 Board of Managers of Montgomery County Emergency Communication District for a term of 2 years expiring 09.30.2013.

G. INTERLOCAL AGREEMENT APPROVED between Montgomery County, TX and The Woodlands Township for street construction, repair, and maintenance.

H. ORDER APPROVED consenting to street construction, repair, and maintenance by Montgomery County to place a concrete connector entrance approach at 2801 Technology Forest Blvd. from Research Forest Dr. to private property line for $25,000.00.

COUNTY ATTORNEY – AGENDA ITEMS 7D

I. EASEMENT AGREEMENT APPROVED for telephone services related to the construction of Magnolia Trails in Pct. 2.

J. RECEIPT ACKNOWLEDGED for notification letter from Texas Commission on Environmental Quality advising of application for bond issue filed by East Montgomery County Utility District #3.

K. INTERLOCAL AGREEMENT APPROVED with Grimes County for performance of postmortem examinations by Montgomery County Forensic Services Department.

COUNTY JUDGE – AGENDA ITEM 7E

L. RECEIPT ACKNOWLEDGED for Montgomery Central Appraisal District 2012 approved operating budget.

M. USE AGREEMENTS APPROVED as follows:
   1. Montgomery Mudcats - West Park - baseball practice
   2. Katherine Hartman - Memory Park - wedding ceremony

Motion carried.

END OF CONSENT AGENDA
3. **BUDGET ADOPTED - FY2012 - COUNTY JUDGE**

   Motion by Commissioner Meador, seconded by Commissioner Doyal, to approve the Fiscal Year 2012 Montgomery County Budget. Motion carried.

4. **RESOLUTION AND ORDER APPROVED - AD VALOREM TAX RATE FOR MAINTENANCE - TAX ASSESSOR - AGENDA ITEM 10A**

   Motion by Judge Sadler, seconded by Commissioner Meador, to approve the ad valorem tax rate for maintenance and operations as .4093/$100. Motion carried.

5. **RESOLUTION AND ORDER APPROVED - AD VALOREM TAX RATE FOR DEBT SERVICE - TAX ASSESSOR - AGENDA ITEM 10B**

   Motion by Commissioner Doyal, seconded by Commissioner Chance, to adopt the 2011 ad valorem tax rate for debt service at .0745/$100. Motion carried.

6. **RESOLUTION AND ORDER APPROVED - 2011 AD VALOREM TAX RATE - MONTGOMERY COUNTY- TAX ASSESSOR - AGENDA ITEM 10C**

   Motion by Commissioner Chance, seconded by Commissioner Meador, to allocate and fix the 2011 ad valorem tax rate for Montgomery county. Motion carried.

7. **HOSTING AGREEMENT APPROVED - APPRAISAL AND COLLECTION TECHNOLOGIES, LLC - TAX COLLECTION - TAX ASSESSOR - AGENDA ITEM 15A**

   Motion by Commissioner Chance, seconded by Commissioner Meador, to approve the hosting agreement between Montgomery County and Appraisal and Collection Technologies, LLC, to provide software for property tax operations. Motion carried.

8. **SUBMISSION PRE-CLEARANCE DOCUMENT ACCEPTED - REDISTRICTING COMMISSIONERS' PRECINCTS - COUNTY JUDGE**

   Motion by Commissioner Doyal, seconded by Commissioner Meador, to accept the submission pre-clearance document sent from the office of Guinn and Morrison as required under Section 5 of the Voting Rights Act pertaining to the redistricting of Commissioners precincts, Justice of the Peace and Constable precincts, and changes to the election precincts and polling places. Motion carried.

9. **FILING APPROVED - UNCLAIMED CAPITAL CREDITS - COUNTY JUDGE**

   Motion by Commissioner Meador, seconded by Commissioner Doyal, to approve filing for unclaimed capital credits with the Texas Comptroller of Public Accounts and authorize County Judge to sign. Motion carried.

10. **ORDER APPROVED - BOND ELECTION - COUNTY JUDGE**

    Motion by Commissioner Meador, seconded by Commissioner Doyal, to approve an order calling for a $200 million Transportation Bond Issue to be placed on the November election ballot. Motion carried.

11. **REQUEST APPROVED - JP TECHNOLOGY FUND - KIOSK PAYMENT MACHINE - AUDITOR**

    Motion by Commissioner Chance, seconded by Commissioner Doyal, to approve a request to use $43,370.00 from the Justice of the Peace Technology Fund to purchase kiosk machine for taking payments. Motion carried.
12. PAYMENT APPROVED - KIOSK DOWN PAYMENT - AUDITOR

Motion by Commissioner Chance, seconded by Commissioner Meador, to approve payment of the 50% down payment for the kiosk payment machine. Motion carried.

13. APPOINTMENT APPROVED - CAMILLE SHEA, PhD. - MCMHTF

Motion by Commissioner Chance, seconded by Commissioner Meador, to approve the medical staff appointment and granting Psychology privileges to Camille Shea, PhD., as recommended by the the MCMHTF Advisory Board. Motion carried.

14. REVISIONS APPROVED - FIVE POSITION DESCRIPTIONS - MCMHTF

Motion by Commissioner Chance, seconded by Commissioner Doyal, to approve the revisions to five position descriptions as recommended by the MCMHTF Advisory Board. Motion carried.

15. RENEWAL OF AGREEMENT APPROVED - TEXAS DEPT. OF STATE HEALTH SERVICES - MCMHTF

Motion by Commissioner Chance, seconded by Commissioner Meador, to approve the renewal of agreement between Montgomery County and Texas Department of State Health Services for the operation of a mental health treatment facility, and authorize Commissioner Ed Chance to sign required contract documents. Motion carried.

16. GRANT ACCEPTED - FAMILY REUNIFICATION PROJECT GRANT - JUVENILE

Motion by Commissioner Doyal, seconded by Commissioner Chance, to accept the Family Reunification Project Grant from the Office of the Governor, Criminal Justice Division, to operate contractual and professional services to include residential treatment and electronic monitoring. Motion carried.

17. GRANT AMENDMENT APPROVED - TASK FORCE ON INDIGENT DEFENSE - 284TH DISTRICT COURT

Motion by Judge Sadler, seconded by Commissioner Meador, to approve a grant amendment to the Task Force on Indigent Defense to employ a managing attorney and administrative assistant in lieu of a contract with a nonprofit. This amendment will alter the statement of work and the budget. No additional county funding is required. Motion carried.

AGENDA ITEM 14A - DEFERRED

18. RENEWAL CONTRACT APPROVED - TX DEPT OF FAMILY AND PROTECTIVE SERVICES - COUNTY ATTORNEY

Motion by Commissioner Meador, seconded by Commissioner Doyal, to approve the renewal contract with Texas Department of Family and Protective Services for funding to purchase concrete services necessary for child protection, and authorize County Judge to execute appropriate documents related to same. Motion carried.

AGENDA ITEM 14C - DEFERRED

19. RESOLUTION AND ORDER APPROVED - FORENSIC SERVICES FEE SCHEDULE - COUNTY ATTORNEY

Motion by Commissioner Meador, seconded by Commissioner Doyal, to approve a resolution and order adopting fee schedule for miscellaneous items from the Forensic Services Department requested by individuals. Motion carried.
20. ORDER APPROVED - LETTER OF REVOCATION - CSI/JEWITT - COUNTY ATTORNEY

Motion by Judge Sadler, seconded by Commissioner Chance, to approve an order authorizing the County Judge to sign a letter revoking Montgomery County's acceptance of equipment received from CSI/Jewitt for the Forensic Services Department. Motion carried.

EXECUTIVE SESSION – AGENDA ITEM 16A-B

THE COURT RECESSED FOR EXECUTIVE SESSION PURSUANT TO ONE OR MORE OF THE FOLLOWING PROVISIONS OF THE TEXAS GOVERNMENT CODE, TO WIT: CHAPTER 551, SUB-CHAPTER D, ARTICLE 551.071.

COURT RECONVENED WITH ALL MEMBERS PRESENT - except for Commissioner Rinehart

21. RESOLUTION AND ORDER APPROVED - SETTLEMENT AGREEMENT - SAFECO INSURANCE COMPANY - EXECUTIVE SESSION - AGENDA ITEM 16A

Motion by Commissioner Meador, seconded by Commissioner Doyal, to approve a resolution and order to authorize the County Judge to execute a settlement agreement between Montgomery County and Safeco Insurance Company of America regarding Beau-View Subdivision in Precinct 1. Motion carried.

AGENDA ITEM 16B - NO ACTION

22. COURT ADJOURNED

Motion by Commissioner Doyal, seconded by Commissioner Meador, to adjourn this session of court. Motion carried.

The above and foregoing minutes were read and approved by the Court.

ATTEST:

Mark Turnbull, County Clerk
Ex-Officio Clerk - Commissioners’ Court
Montgomery County, Texas

BY: ________________________________  ________________________________
    COUNTY CLERK                  COUNTY JUDGE