



******* NOTICE OF PUBLIC MEETING *******
Denton County Commissioners Court
Courthouse-on-the-Square, 110 West Hickory, Denton, Texas
Friday, February 29, 2008, 1:30 PM
******* Emergency Agenda *******

******* Please turn off all audible pagers and cellular phones, \$5.00 fine. *******

A copy of the Agenda book is available for public review in the Aide-to-the-Court's Office. Some numbered agenda categories may have no posted items. Please contact the Aide-to-the-Court if assistance for hearing impaired is needed.

CALL TO ORDER

INVOCATION

PLEDGES OF ALLEGIANCE

Pledge of Allegiance to the United States Flag

Pledge of Allegiance to the Texas Flag

"Honor the Texas Flag, I pledge allegiance to thee, Texas, one State under God, one and indivisible."

1. PUBLIC INPUT FOR ITEMS NOT LISTED ON THE AGENDA

Citizens should complete a witness form located on the side table. Pursuant to State Open Meetings Law, the Commissioners Court is restricted in discussing or taking action on items not posted on the agenda. Action on your statement can be taken only at a future meeting.

In order to expedite the flow of business and to provide all citizens the opportunity to speak, the Commissioners Court may impose a three-minute limitation on persons addressing the Court. Please address all comments to the Presiding Officer.

2. CONSENT AGENDA

Any Court member can remove an item from this agenda to be considered separately.

3. RESOLUTIONS / AWARDS / REPORTS / PRESENTATIONS

4. PUBLIC HEARINGS

5. AUDITOR/TREASURER

6. PURCHASING

7. BUDGET

8. HUMAN RESOURCES

9. HEALTH

10. PUBLIC WORKS

11. COUNTY CLERK

12. SHERIFF

13. OTHER DEPARTMENTS

14. LEGAL

- A) NOTICE OF EMERGENCY PUBLIC MEETING PURSUANT TO TEX. GOV'T. CODE SECTION 1551.045 There exists an emergency or an urgent public necessity requiring immediate action of the Denton County Commissioners Court because of (1) an imminent threat to public health and safety; or (2) a reasonably unforeseeable situation which requires immediate action by the Denton county Commissioners Court. The necessity arises by reason of the unanticipated and unforeseen threat to public health and safety due to the failure of the water system provided by the Brittany Hill Water Association at a line running under Brittany Hill Road and causing 60 homes to be without water.

15. EXECUTIVE SESSION

16. ADDENDA

17. FUTURE MEETINGS

18. RECESS

19. RECONVENE IF NECESSARY

20. ADJOURNMENT

Persons with disabilities who plan to attend this meeting and who may need auxiliary aids of services such as interpreters for persons who are deaf or hearing impaired, readers, or large print are requested to contact the Aide-to-the-Court at 940-349-2830 two (2) work days prior to the meeting so that appropriate arrangements can be made.

Commissioners Court Agendas are on the Internet: <http://www.dentoncounty.com>

BRAILLE IS NOT AVAILABLE

14 - LEGAL

**Denton County
Commissioners Court
Request For Agenda Placement**

Submitted By: Cynthia White **Requested Agenda Date:** Feb 29, 2008
Department: Commissioner Precinct 1

Specific Agenda Wording:

NOTICE OF EMERGENCY PUBLIC MEETING PURSUANT TO TEX. GOV'T. CODE SECTION 151.045 There exists an emergency or an urgent public necessity requiring immediate action of the Denton County Commissioners Court because of (1) an imminent threat to public health and safety; or (2) a reasonably unforeseeable situation which requires immediate action by the Denton county Commissioners Court. The necessity arises by reason of the unanticipated and unforeseen threat to public health and safety due to the failure of the water system provided by the Brittany Hill Water Association at a line running under Brittany Hill Road and causing 60 homes to be without water.

APPROVAL FLOW

14 - A - Agreement to Open Cut Road



Denton County Commissioners Court

Date

Court Order Number

The Order:

NOTICE OF EMERGENCY PUBLIC MEETING PURSUANT TO TEX. GOV'T. CODE SECTION 151.045 There exists an emergency or an urgent public necessity requiring immediate action of the Denton County Commissioners Court because of (1) an imminent threat to public health and safety; or (2) a reasonably unforeseeable situation which requires immediate action by the Denton county Commissioners Court. The necessity arises by reason of the unanticipated and unforeseen threat to public heath and safety due to the failure of the water system provided by the Brittany Hill Water Association at a line running under Brittany Hill Road and causing 60 homes to be without water.

Motion by _____ Seconded by _____

County Judge
Mary Horn
Yes _____
Abstain _____
No _____
Absent _____

Commissioner Pct No 1
Cynthia White
Yes _____
Abstain _____
No _____
Absent _____

Commissioner Pct No 2
Ron Marchant
Yes _____
Abstain _____
No _____
Absent _____

Commissioner Pct No 3
Bobbie J. Mitchell
Yes _____
Abstain _____
No _____
Absent _____

Commissioner Pct No 4
Andy Eads
Yes _____
Abstain _____
No _____
Absent _____

Motion Carried _____

Other Action: Pulled from Consent _____ No Action _____ Postponed _____

BY ORDER OF THE COMMISSIONERS COURT:

ATTEST:

Presiding Officer

Cynthia Mitchell, County Clerk
and Ex-Officio Clerk of the
Commissioners Court of
Denton County, Texas

APPROVED AS TO FORM:

BY: _____
Deputy County Clerk

Assistant District Attorney

AGENDA PLACEMENT MEMO

DATE: Feb 29, 2008
TO: Commissioners Court
FROM: Cynthia White
SUBJECT: Agreement to Open Cut Road

REQUESTED ACTION/RECOMMENDATION

NOTICE OF EMERGENCY PUBLIC MEETING PURSUANT TO TEX. GOVT. CODE SECTION 1551.045 There exists an emergency or an urgent public necessity requiring immediate action of the Denton County Commissioners Court because of (1) an imminent threat to public health and safety; or (2) a reasonably unforeseeable situation which requires immediate action by the Denton county Commissioners Court. The necessity arises by reason of the unanticipated and unforeseen threat to public health and safety due to the failure of the water system provided by the Brittany Hill Water Association at a line running under Brittany Hill Road and causing 60 homes to be without water.

BACKGROUND

Late in the day on February, 28, 2008 Jeff Wood with Brittany Hill Water Association contacted the office of Denton County Commissioner Precinct 1, Cynthia White and requested permission to cut open Brittany Hill Road near Covey Circle to repair a damaged water line. Mr. Wood explained that at this time 60 homes are without water until he can get a contractor to repair the line. Commissioner White considered the various options and the information provided then decided that the best course of action would be to allow the open cut of the road with an agreement that Brittany Hill Water Association will reimburse Denton County for the labor and materials used to repair the road after the utility work is complete.

OPERATIONS AND MAINTENANCE

Upon approval of the agreement between Brittany Hill Water Association and Denton County, Brittany Hill Road near Covey Circle will be cut open, the water pipe will be repaired by Brittany Hill Water Association contractors and then the road will be repaired by Denton County Road & Bridge crews.

LEGAL INFORMATION

FINANCIAL IMPACT

Upon completion of the repair of the road by Denton County crews an invoice listing the cost of material and labor used will be sent to Brittany Hill Water Association to be paid within 30 days.

PROJECT SCHEDULE

Work to proceed upon approval of the agreement.

PRECEDING COURT ACTION

February 29, 2008

Mr. Jeff Wood
c/o Brittany Hill Water Association
Denton County, Texas

On February 28, 2008, Mr. Jeff Wood, on behalf of the Brittany Hill Water Association, determined that a water pipe needed to be repaired which is located under Brittany Hill Road, a county maintained road, near the intersection of Covey Circle, a county maintained road. Mr. Wood contacted the office of Denton County Commissioner Cynthia White and requested permission to open cut the road.

After weighing the options available, Commissioner White determined that the best course of action would be to allow the Brittany Hill Water Association to open cut the road to get to the water pipe and repair it. The Brittany Hill Water Association and/or their contractors hereby agree to use proper signage and flagmen to provide for the safety of the public traveling on these roads while the pipe is being repaired. The Brittany Hill Water Association hereby agrees to accept all financial responsibility for any damage to water lines or other public utilities which may result from the open cut and/or water pipe repair.

After the water pipe is repaired, Denton County Road and Bridge crews will replace the cut out portion of the road. An invoice will be calculated based on the cost to Denton County for both the material and the labor used to bring the road back to the original condition prior to the open cut. Upon receipt of the invoice, Mr. Jeff Wood, on behalf of the Brittany Hill Water Association, agrees to make payment in full to Denton County within 30 days from the date of execution of this agreement.

This agreement between the Brittany Hill Water Association and Denton County will ensure that the water line and county road will be repaired in a timely manner and to county standards. This agreement is similar to agreements between Denton County and other utility companies who have open cut county roads to repair lines that are under county maintained roads.

AGREEMENTS:

I, Jeff Wood, acting on behalf of the Brittany Hill Water Association as an authorized agent of the Brittany Hill Water Association, hereby agree to the above terms set out by Denton County in regards to my request to open cut a county maintained road in order to repair a damaged water line.

Signature

Date

Honorable Mary Horn

Date