



**\*\*\*\*\* NOTICE OF PUBLIC MEETING \*\*\*\*\***  
**Denton County Commissioners Court**  
**Courthouse-on-the-Square, 110 West Hickory, Denton, Texas**  
**Tuesday, December 9, 2008, 9:00 A.M.**  
**\*\*\*\*\* 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.

- A) Approval of Order Making Appointments, and any appropriate action. (Appointments have been posted and advertised. Interviews were conducted as set forth in the Denton County policies adopted by the Commissioners Court, except as otherwise stated in the appointment orders. These appointments are within the budgetary constraints.) Human Resources
- B) Approval of Intra-Departmental Transfers, and any appropriate action. Budget
- C) Approval of Payroll. Treasurer
- D) Approval of award of bid for Cold Mix Asphaltic Pavement, Bid #10-08-1942, to Unique Paving, and any appropriate action. Purchasing
- E) Approval of specifications and authority to advertise for Bid #11-08-1946, Veterans Memorial, and any appropriate action. Purchasing
- F) Approval of specifications and authority to advertise for Bid #11-08-1947, Lease of Real Property for Mineral Development; and any appropriate action. Purchasing

### **3. RESOLUTIONS / AWARDS / REPORTS / PRESENTATIONS**

- A) Presentation of the 2008 Texas AgriLife annual report to Commissioners Court, including a review of 2008 programming and 2009 future programming related to priority issues, and a presentation of a check for volunteer hours contributed to programming efforts.

### **4. PUBLIC HEARINGS**

### **5. AUDITOR/TREASURER**

- A) Approval of Bill Report. (Payments from CSCD, Community Corrections, TAIP, Sheriff's Training, Sheriff's Forfeiture, VIT Interest, DA Check Fee, and DA Forfeiture Funds are presented for recording purposes only.)

### **6. PURCHASING**

### **7. BUDGET**

- A) Approval of Budget Amendment Request #100320 to increase revenues, allocate funding and reallocate currently budgeted funds for FY2008-2009 for various Juvenile Probation budgets in the amount of \$45,446 and any appropriate action.
- B) Approval of Budget Amendment Request #100330 for Repairs and Maintenance for Charlie Cole Building in the amount of \$12,232; and any appropriate action.

### **8. HUMAN RESOURCES**

### **9. HEALTH**

### **10. PUBLIC WORKS**

### **11. COUNTY CLERK**

- A) Approval of the plat recording fee of \$50.00 per page, effective Friday, January 2, 2009, and any appropriate action.

### **12. SHERIFF**

### **13. OTHER DEPARTMENTS**

- A) Approval of Disaster Declaration and Executive Order as a mitigation effort to reduce the threat of wildfires due to drought conditions. Emergency Services
- B) Approve Change Order No: 1 in the amount of \$31,656.66 to the Contract with Ed Bell Construction Company for the OD Neal Bridge Replacement Project. This will bring the total contract amount to \$481,542.71. Road & Bridge West

### **14. LEGAL**

- A) Approval of the Easement for Old Alton Road and the Equestrian Parking Area located at Lewisville Lake, Denton County, Texas, from the United States Army Corps of Engineers (USACE Tract F-554). Commissioner Precinct #4.
- B) Approval of the Ambulance Service Agreements between Denton County, Texas and (1) Justin Volunteer Fire Department - Ambulance Service and (2) the City of The Colony Fire Department, as recommended by the Director of Emergency Services, and any appropriate action.

- C) Approval of the Fire Protection Service Agreements between Denton County, Texas, and (1) Justin Volunteer Fire Department, and (2) the City of The Colony, as recommended by the Director of Emergency Services, and any appropriate action.
- D) Rescind the 2008-2009 Interlocal Cooperation Agreement for Library Services between Denton County, Texas, and Betty Foster Public Library (City of Ponder), approved by Commissioners Court on October 21, 2008, under Court Order no. 08-0817, and approve the corrected 2008-2009 Interlocal Cooperation Agreement for Library Services between Denton County, Texas and Betty Foster Public Library (City of Ponder), and any appropriate action.
- E) Approval of the 2008-2009 Interlocal Cooperation Agreement for Library Services between Denton County, Texas and The Colony Public Library (City of The Colony), and any appropriate action.
- F) Approval of the Interlocal Cooperation Agreement between Denton County, Texas, and the Town of Prosper, Texas, for the Local Project Advanced Funding Agreement ("LPFA") between Denton County, Texas, and the State of Texas, acting through the Texas Department of Transportation ("TxDOT"), for Good Hope Road at Doe Branch Tributary Bridge Replacement Project, CSJ 0918-46-202, located in Denton County Commissioner Precinct #1.
- G) Adopt and approve a Resolution and Amendment No. 1 to the Agreement to participate in the Tax Increment Reinvestment Zone Number Two between the City of Fort Worth and Denton County, as recommended by Commissioner Precinct #4, and any appropriate action.

## **15. EXECUTIVE SESSION**

- A) Executive Session; Tex.Gov. Code Section 551.076 (Deliberation Regarding Security Devices) to discuss, with Sheriff and Sheriff's Office personnel, the deployment of security devices in the Denton County Jail.
- B) Texas Government Code § 551.071(1)(A)-(B) – Consultation With Attorney; Closed Meeting for private consultation with attorney in a closed meeting when the governmental body seeks the advice of its attorney about contemplated litigation and/or a settlement offer regarding a claim by Charles N. Cloud a.k.a.aaa Chuck Cloud and wife, Rosemary Adkins Cloud.
- C) Texas Government Code § 551.072 – Deliberation Regarding Real Property; closed meeting to deliberate the value of real property where deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person regarding 2 parcels of real property owned by Denton County and located on Eldorado Parkway in Denton County Commissioner Precinct #1.

## **16. ADDENDA**

- A) Approve an Order as the Highest Elected Official of Denton County, Texas, for Tax-Exempt financing of the Argyle Volunteer Fire District, as recommended by Commissioner Precinct #4, and any appropriate action. District Attorney Civil Division

## **17. FUTURE MEETINGS**

- A) Dec. 30, 2008 Comm. Court Meeting canceled
- B) Commissioners Court will meet Thursday, January 1, 2009 at 10:30 am to Swear in newly elected and re-elected officials and to approve the payment of the bills, personnel and consent agenda items.
- C) February 9 & 10, 2009 - Denton County Days in Austin

## **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**

# **16 - ADDENDA**

**Denton County  
Commissioners Court**

# Request For Agenda Placement

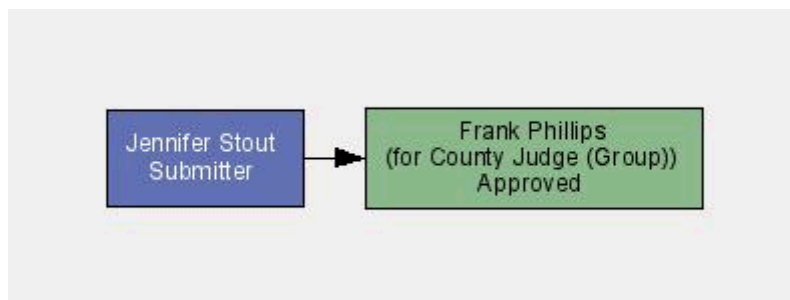
<b>Submitted By:</b> Kim Gilles	<b>Requested Agenda Date:</b> Dec 9, 2008
<b>Department:</b> District Attorney	<b>Grouping:</b> ADDENDA

**Specific Agenda Wording:**

Approve an Order as the Highest Elected Official of Denton County, Texas, for Tax-Exempt financing of the Argyle Volunteer Fire District, as recommended by Commissioner Precinct #4, and any appropriate action. District Attorney Civil Division

## APPROVAL FLOW

**16 - A - Order of Highest Elected Official - Argyle Volunteer Fire District**



# Denton County Commissioners Court

Dec 9, 2008

Date

Court Order Number

### The Order:

Approve an Order as the Highest Elected Official of Denton County, Texas, for Tax-Exempt financing of the Argyle Volunteer Fire District, as recommended by Commissioner Precinct #4, and any appropriate action. District Attorney Civil Division

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:**

\_\_\_\_\_  
Assistant District Attorney

BY: \_\_\_\_\_  
Deputy County Clerk

**AGENDA PLACEMENT MEMORANDUM**

**TO:** Denton County Commissioners Court

**FROM:** Kim Gilles, Assistant District Attorney

**DATE:** December 5, 2008

**SUBJECT:** Approve an Order as the Highest Elected Official of Denton County, Texas, for Tax-Exempt financing of the Argyle Volunteer Fire District, as recommended by Commissioner Precinct #4, and any appropriate action.

**BACKGROUND:** The Argyle Volunteer Fire District is financing the acquisition, construction, improvements, and equipping of a firehouse of approximately 10,400 square feet. The proposed facility is located on a tract of land consisting of approximately 2.765 acres at 869 Copper Canyon Road, Lantana, Texas 76226. The Argyle Volunteer Fire District is financing the construction of the new facility at a tax-exempt interest rate through a loan transaction with Northstar Bank of Texas.

Because the Argyle Volunteer Fire District facilities are located within Denton County, Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), requires approval of the transaction after public hearing by the "highest elected representative" (the county judge in the case of a county) of the governmental unit in which the facility is located. The public hearing was held on Thursday, December 4, 2008, after publication of the notice thereof as required by the Code. No person(s) appeared to express an opinion. The following documents are attached separately and are not part of the Order:

1. Letter Request from Andrews Kurth, LLP
2. Copy of Section 147(f) for the Internal Revenue Code

The following documents will provided at 12/9/2008 Commissioners Court

1. Publication of Notice of Hearing
2. Posted Notice of Hearing
3. Minutes of Hearing

**OPERATIONS AND MAINTENANCE:** None.

**LEGAL INFORMATION:** The Denton County Judge, highest elected official of the County, is authorized under Section 147(f) of the Internal Revenue Code of 1986, as amended, to approve tax-exempt interest rates on the financing of this Project. The Civil Division has reviewed the proposed Order and approves the same as to form.

**FINANCIAL IMPACT:** None. The approval of this Order in no way imposes any payment or obligation on Denton County in connection with the tax-exempt financing and imposes no liability to Denton County.

**PROJECT SCHEDULE:** The project transaction closure date is December 2008.

**PRECEDING COURT ACTION:** None.

**APPROVAL OF HIGHEST ELECTED OFFICIAL  
OF DENTON COUNTY, TEXAS**

**WHEREAS**, Argyle Volunteer Fire Department (the "*Borrower*"), in connection with a tax-exempt financing in the maximum principal amount of \$2,700,000, has requested the approval of the Financing (as described below) and the Project (as defined below) in Denton County; and

**WHEREAS**, the Financing consists of a Loan Agreement between the Borrower, and Northstar Bank of Texas (the "*Bank*") through which the Bank will make a loan to the Borrower for the purpose of financing the cost of acquisition, construction, improvement, and equipping of an approximately 10,400 square foot firehouse to be located on an approximately 2.765 acre tract of land at 869 Cooper Canyon Road, Lantana, Texas 76226 (the "*Project*"); and to pay certain expenses in connection with the issuance of the Loan; and

**WHEREAS**, in accordance with certain provisions of the Internal Revenue Code of 1986, as amended (the "*Code*") as described below, notice of a public hearing was published on November 20, 2008, which notice provided that members of the public were invited to a hearing to be held on December 4, 2008, in connection with the Financing and the Project; and

**WHEREAS**, the public hearing was held by the hearing officer and no member of the public appeared; and

**WHEREAS**, it is necessary for the undersigned, as the highest elected official of Denton County, Texas (the "*County*"), to approve the Financing and the Project solely for the purpose of satisfying the requirements of section 147(f) of the Code;

**NOW, THEREFORE**, the undersigned highest elected official of the County, acting solely in his official capacity as County Judge, hereby approves the Financing and the Project; provided that such approvals shall be solely for the purposes of section 147(f) of the Code, and neither the County nor the undersigned shall have any responsibility or liability for the Financing or the Project.

**IN WITNESS WHEREOF**, I have set my hand as of this December \_\_\_\_, 2008.

**DENTON COUNTY, TEXAS**

\_\_\_\_\_  
County Judge

December 5, 2008

Honorable County Judge Mary Horn  
Denton County, Texas  
110 W. Hickory St., 2nd Floor  
Denton, Texas 76201-4168

Re: *Argyle Volunteer Fire District*

Dear Judge Horn:

The Argyle Volunteer Fire District is financing the acquisition, construction, improvement, and equipping of an approximately 10,400 square foot firehouse to be located on an approximately 2.765 acre tract of land at 869 Cooper Canyon Road, Lantana, Texas 76226. The Argyle Volunteer Fire District is financing the facilities at a more favorable tax-exempt interest rate through a loan transaction with Northstar Bank of Texas. Andrews Kurth serves as special tax counsel for this transaction.

Because the Argyle Volunteer Fire District facilities are located within Denton County, section 147(f) of the Internal Revenue Code, requires that the "highest elected official" of Denton County must approve the transaction after a public hearing is held. The public hearing was held on December 4, 2008. No person appeared to express his or her view on the transaction. As such, we respectfully request your consent to the transaction. Enclosed please find one original of the Approval of Highest Elected Official evidencing your consent.

Denton County is not being asked to undertake any financial obligation. The transaction will not be a debt or liability of Denton County. The consent is only for the purpose of complying with federal tax law regarding tax-exempt obligations.

Honorable County Judge Mary Horn  
Denton County, Texas  
December 5, 2008  
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We greatly appreciate your assistance in this matter. Please call me if we can provide any further information or can assist you in connection with this request for consent.

Very truly yours,

Bob C. Griffo

BCG:st

Attachment

Sec. 147. Other requirements applicable to certain private activity bonds

(f) Public approval required for private activity bonds

(1) In general

A private activity bond shall not be a qualified bond unless such bond satisfies the requirements of paragraph (2).

(2) Public approval requirement

(A) In general

A bond shall satisfy the requirements of this paragraph if such bond is issued as a part of an issue which has been approved by -

(i) the governmental unit -

(I) which issued such bond, or

(II) on behalf of which such bond was issued, and

(ii) each governmental unit having jurisdiction over the area in which any facility, with respect to which financing is to be provided from the net proceeds of such issue, is located (except that if more than 1 governmental unit within a State has jurisdiction over the entire area within such State in which such facility is located, only 1 such unit need approve such issue).

(B) Approval by a governmental unit

For purposes of subparagraph (A), an issue shall be treated as having been approved by any governmental unit if such issue is approved -

(i) by the applicable elected representative of such governmental unit after a public hearing following reasonable public notice, or

(ii) by voter referendum of such governmental unit.

(C) Special rules for approval of facility

If there has been public approval under subparagraph (A) of the plan for financing a facility, such approval shall constitute approval under subparagraph (A) for any issue -

(i) which is issued pursuant to such plan within 3 years after the date of the 1st issue pursuant to the approval, and

(ii) all or substantially all of the proceeds of which are to be used to finance such facility or to refund previous financing under such plan.

(D) Refunding bonds

No approval under subparagraph (A) shall be necessary with respect to any bond which is issued to refund (other than to advance refund) a bond approved under subparagraph (A) (or treated as approved under subparagraph (C)) unless the average maturity date of the issue of which the refunding bond is a part is later than the average maturity date of the bonds to be refunded by such issue. For purposes of the preceding sentence, average maturity shall be determined in accordance

with subsection (b) (2) (A).

(E) Applicable elected representative

For purposes of this paragraph -

(i) In general

The term "'applicable elected representative'" means with respect to any governmental unit -

(I) an elected legislative body of such unit, or

(II) the chief elected executive officer, the chief elected State legal officer of the executive branch, or any other elected official of such unit designated for purposes of this paragraph by such chief elected executive officer or by State law.

If the office of any elected official described in subclause (II) is vacated and an individual is appointed by the chief elected executive officer of the governmental unit and confirmed by the elected legislative body of such unit (if any) to serve the remaining term of the elected official, the individual so appointed shall be treated as the elected official for such remaining term.

(ii) No applicable elected representative

If (but for this clause) a governmental unit has no applicable elected representative, the applicable elected representative for purposes of clause (i) shall be the applicable elected representative of the governmental unit -

(I) which is the next higher governmental unit with such a representative, and

(II) from which the authority of the governmental unit with no such representative is derived.

(3) Special rule for approval of airports or high-speed intercity rail facilities

If -

(A) the proceeds of an issue are to be used to finance a facility or facilities located at an airport or high-speed intercity rail facilities, and

(B) the governmental unit issuing such bonds is the owner or operator of such airport or high-speed intercity rail facilities,

such governmental unit shall be deemed to be the only governmental unit having jurisdiction over such airport or high-speed intercity rail facilities for purposes of this subsection.

(4) Special rules for scholarship funding bond issues and volunteer fire department bond issues

(A) Scholarship funding bonds

In the case of a qualified scholarship funding bond, any governmental unit which made a request described in section 150(d) (2) (B) with respect to the issuer of such bond shall be treated for purposes of paragraph (2) of this subsection as the

governmental unit on behalf of which such bond was issued. Where more than one governmental unit within a State has made a request described in section 150(d)(2)(B), the State may also be treated for purposes of paragraph (2) of this subsection as the governmental unit on behalf of which such bond was issued.

(B) Volunteer fire department bonds

In the case of a bond of a volunteer fire department which meets the requirements of section 150(e), the political subdivision described in section 150(e)(2)(B) with respect to such department shall be treated for purposes of paragraph (2) of this subsection as the governmental unit on behalf of which such bond was issued.