



January 27th, 2023

NOTICE OF SPECIAL COMMISSIONERS COURT MEETING

Notice is hereby given that the Erath County Commissioners Court will meet in **SPECIAL SESSION** on Monday, January 30th 2023 at 9:00 a.m. in the 2nd floor Commissioner Court Room at the Erath County Courthouse, Stephenville, Texas to consider the following agenda items for discussion and possible action;

1. Pledge of Allegiance.
2. Discussion and action to approve interlocal agreement between the City of Stephenville and Erath County for road repair on W Cedar Street / County Road 256. (Dee Stephens)
3. Discussion and action to approve Aerial Easement and Right of Way on 830 East Road Stephenville, Texas.
4. Discussion and action to approve Aerial Easement and Right of Way on 1075 Glen Rose Road Stephenville, Texas.
5. Discussion and action to approve Aerial Easement and Right of Way on 1031 Glen Rose Road Stephenville, Texas.
6. Adjourn.

COUNTY JUDGE
ERATH COUNTY, TEXAS



For Public Comments:

A Public Participation Form must be presented to the County Clerk prior to the time that the agenda item (or items) you wish to address are discussed before the Court. Speakers will be limited to 3 minutes and only 6 speakers will be allowed to speak on any given agenda item. Members of the public are reminded that the Erath County Commissioners Court is a Constitutional Court, with both judicial and legislative powers, created under Article V, Section 1 and Section 18 of the Texas Constitution. As a Constitutional Court, the Erath County Commissioners Court also possesses the power to issue a Contempt of Court Citation under Section 81.024 of the Texas Local Government Code. Accordingly, members of the public in attendance at any Regular, Special and/or Emergency Meeting of the Court shall conduct themselves with proper respect and decorum in speaking to, and/or addressing the Court; in participating in public discussions before the Court; and in all actions in the presence of the Court.

Erath County Reserves the right to adjourn into Executive Session at any time during the course of this meeting to discuss any of the matters listed, as authorized by the Texas Government Code, §551.071 (Consultation with Attorney), subsection 551.071(2) (Consultation with Attorney on legal matters that are not related to litigation), §551.072 (Deliberations regarding Real Property), §551.073 (Deliberations about Gifts and Donations), §551.074 (Personnel Matters), §551.076 (Deliberations about Security Personnel or Devices), §551.087 (Economic Development), §551.088 (Deliberation regarding Test Item), and 551.089 (Deliberation regarding Security Devices or Security Audits).

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POSTED

8:19 A.M. _____ P.M.

JAN 27 2023

GWINDA JONES, COUNTY CLERK
ERATH COUNTY, TEXAS

By _____ *CW* Deputy

Commissioner's Court
Special Meeting
January 30, 2023
9:00 a.m.
Courthouse – County Courtroom

Present:

Commissioner Precinct #1 – Dee Stephens - Present
Commissioner Precinct #2 – Albert Ray - Present
Commissioner Precinct #3 – Joe Brown - Present
Commissioner Precinct #4 – Jim Buck - Present
County Judge, Brandon Huckabee – Absent Meeting presided by Commissioner Brown
County Clerk, Gwinda Jones
Others present in the courtroom: See attached roster

Agenda Item #1 Pledge of Allegiance

Agenda Item #2 Discussion and action to approve interlocal agreement between the City of Stephenville and Erath County for road repair on W Cedar Street/ County Road 256. (Dee Stephens)

Number 2023-037

Motion: To approve interlocal agreement between the City of Stephenville and Erath County for road repair on W Cedar Street and County Road 256

Made By: Commissioner Stephens
Second By: Commissioner Ray
Ayes: Stephens X Ray X Brown X Buck X
Noes: None

Motion Carried

Agenda Item #3 Discussion and action to approve Aerial Easement and Right of Way on 830 East Road Stephenville, Texas.

Number 2023-038

Motion: To approve Aerial Easement and Right of Way on 830 East Road

Made By: Commissioner Buck
Second By: Commissioner Stephens
Ayes: Stephens X Ray X Brown X Buck X
Noes: None

Motion Carried

Agenda Item #4 Discussion and action to approve Aerial Easement and Right of Way on 1075 Glen Rose Road Stephenville, Texas.

Number 2023-039

Motion: To approve Aerial Easement and Right of Way on 1075 Glen Rose Road

Made By: Commissioner Stephens
Second By: Commissioner Ray
Ayes: Stephens X Ray X Brown X Buck X
Noes: None

Motion Carried

Agenda Item #5 Discussion and action to approve Aerial Easement and Right of Way on 1031 Glen Rose Road
Stephenville,
Texas.

Number 2023-040

Motion: To approve Aerial Easement and Right of Way on 1031 Glen Rose Road

Made By: Commissioner Stephens

Second By: Commissioner Ray

Ayes: Stephens Ray Brown Buck

Noes: None

Motion Carried

Motion To Adjourn:

Made By: Commissioner Buck

Second By: Commissioner Ray

All Ayes Meeting Adjourned At 9:07 a.m.

STATE OF TEXAS

COUNTY OF ERATH

The above and foregoing is a true and complete copy of the minutes taken in my capacity as County Clerk of the Commissioners Court of Erath County, Texas, at the time and place heretofore set forth.

DATED at Stephenville, Texas, this 30th day of January, 2023.

ATTESTED BY:

GWINDA JONES, Erath County Clerk

A handwritten signature in cursive script, reading "Gwinda Jones", written over a horizontal line.



ERATH COUNTY COMMISSIONER'S COURT

100 W Washington,
2nd Floor Courtroom, Erath County Courthouse
Stephenville TX 76401

Attendees on Meeting Date: Jan 30th, 2023, ~~2022~~

Printed Name

Signature

Email

Phone

Dee Stephens

Joe Brown

Jim Buck

Albert Ray

Jocelyn Perez

Gwendolyn Jones

Chris Brooks

COUNTY OF ERATH §
 §
STATE OF TEXAS §

INTERLOCAL AGREEMENT
By and between
ERATH COUNTY & CITY OF STEPHENVILLE

This **Interlocal Agreement by and between Erath County, Texas and City of Stephenville, Texas** (“Agreement”) is executed as of this the 30 day of January, 2023, and is made pursuant to the authority granted by the “Texas Interlocal Cooperation Act,” Chapter 791 of the Texas Government Code, said statute providing for the cooperation between local government bodies. Thus, do the parties hereto, in consideration of the premises and mutual promises contained herein, agree as follows:

WHEREAS, this Agreement is made under the authority of Sections 791.001-791.029 of the Texas Government Code;

WHEREAS, the City of Stephenville, Texas has certain areas that need to have culverts installed and other work performed to prevent flooding and County has the equipment and personnel;

WHEREAS, the Erath County and the City of Stephenville have each found that contracting for and with respect to the governmental services hereinafter described will result in increased efficiency and economy to the citizens of each such governmental entity; and

WHEREAS, the governing bodies of each party find that the subject of this contract is necessary for the benefit of the public and that each party has the legal authority to perform and to provide the governmental function or service which is the subject matter of this contract; furthermore, the governing bodes find that the performance of this contract is in the common interest of both parties; and that the division of cost fairly compensates the performing party for the services under this contract.

NOW, THEREFORE, for and in consideration of the covenants, conditions and undertakings hereinafter described, and the benefits to accrue to the citizens of Erath County and, the parties’ contract, covenant and agree as follows:

I.

The County shall assist the City of Stephenville with performing work to prevent flooding on certain streets. The City of Stephenville, Texas will provide the materials and Erath County, Texas will provide equipment and personnel.

II.

Nothing in this Agreement shall be deemed to waive, modify or amend any legal defense available at law or in equity to either Erath County or City of Stephenville nor to create any legal rights or claim on behalf of any third party. Neither Erath County nor City of Stephenville waives, modifies, or alters to any extent whatsoever the availability of the defense of governmental immunity under the laws of the State of Texas.


This Agreement may not be amended or modified except by written amendment executed by Erath County and City of Stephenville and authorized by their respective governing bodies.

In the event any provision of this Agreement shall be held invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provision hereof, but rather this entire Agreement will be construed as if not containing the particular invalid or unenforceable provision or provisions, and the rights and obligations of the parties hereto shall be construed and enforced in accordance therewith. The parties hereto acknowledge that if any provision of this Agreement is determined to be invalid or unenforceable, it is their desire and intention that such provision be reformed and construed on such a manner that it will, to the maximum extent practicable, be deemed to be validated and enforceable.


This Agreement may be simultaneously executed in several counterparts, each of which shall be an original and all of which shall be considered fully executed when all parties have executed an identical counterpart, notwithstanding that all signatures may not appear on the same counterpart.

IN WITNESS WHEREOF, the parties have executed this Agreement by their officers thereunto duly authorized as of the first date written above.

ERATH COUNTY, TEXAS

By: 
Name: Brandon Huckabee
Title: County Judge

CITY OF STEPHENVILLE, TEXAS

By: 
Name: Jason King
Title: City manager