

June 27, 2008

IMAGED 4 PAGES
ON 7-2-08
DATE

FILED FOR RECORD
A.M.
P.M.

JUN 26 2008

EMERGENCY MEETING

**FORT BEND COUNTY COMMISSIONERS COURT
7TH FLOOR, WM. B. TRAVIS BUILDING, RICHMOND, TEXAS
FRIDAY, JUNE 27, 2008
9:00 O'CLOCK A.M.**

Co. Tex.

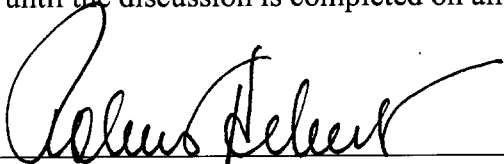
AGENDA

The following item will be discussed by the Commissioners Court pursuant to §551.045 of the Texas Government Code.

1. Meet in Closed Session to deliberate the following matters as authorized by the Texas Government Code:
2. § 551.071. Consultation With Attorney. Commissioners Court will meet in Closed Session to seek the advice of its attorney about pending or contemplated litigation; a settlement offer; or on a matter in which the duty of the attorney to Commissioners Court under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Texas Government Code Chapter 551.
City of Arcola.
3. Reconvene Open Session and consider taking action on the following matter:
§ 551.071. Consultation With Attorney.
City of Arcola.
4. Adjournment.

FILED FOR RECORD
NO. _____ TIME 11:00 P.M.
JUN 26 2008
Alaine Ribben
County Clerk Fort Bend Co. Tex.
No

In the event the foregoing item is not covered in the time allocated on the date of this agenda, the County may order a continuance for the next day until the discussion is completed on all items.



Robert E. Hebert, County Judge

Notice of meeting/agenda posted at the Fort Bend County Courthouse Complex in Richmond, Texas, on Thursday, June 26, 2008, by Donna Dymia. An electronic version of this notice is also posted on the Fort Bend County website: www.co.fort-bend.tx.us under Commissioners Court.

NOTICE

Policy of Non-Discrimination on the Basis of Disability

Fort Bend County does not discriminate on the basis of disability in the admission or access to, or treatment or employment in, its programs or activities. The County's ADA Coordinator is the Director of Facilities Management & Planning, located at 1402 Band Road, Suite 100, in Rosenberg, Texas, 77471, and can be reached at telephone number 281-633-7045. The Director of Facilities Management & Planning is designated to coordinate compliance with the non-discrimination requirements in Section 35.107 of the Department of Justice regulations. Information concerning the provisions of the Americans with Disabilities Act, and the rights provided thereunder, are available from the ADA coordinator.

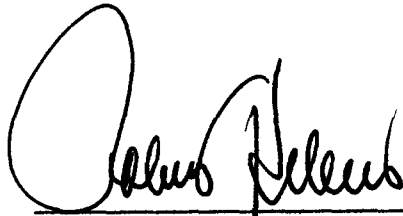
**APPROVAL OF MINUTES
COMMISSIONERS COURT
FORT BEND COUNTY**

I, Dianne Wilson, duly elected County Clerk and Clerk of Court, Fort Bend County, Texas do hereby submit the Official Minutes of Commissioners Court held on the 27th day of June, 2008. (Emergency Meeting)



DIANNE WILSON, COUNTY CLERK

Now, therefore, be it resolved upon the motion of Commissioner Meyers seconded by Commissioner Patterson, duly put and carried, it is ordered to accept as presented for record the attached minutes approved on this the 1st day of July, 2008.



ROBERT E. HEBERT, COUNTY JUDGE

June 27, 2008

Approved

MINUTES

BE IT REMEMBERED, That on this 27th DAY of JUNE, 2008, Commissioners Court of Fort Bend County, Texas, met at an Emergency Meeting with the following present:

ROBERT E. HEBERT	COUNTY JUDGE
GRADY PRESTAGE	COMMISSIONER PRECINCT 2
ANDY MEYERS	COMMISSIONER PRECINCT 3
SHERRY FISK for DIANNE WILSON	COUNTY CLERK

Commissioners Stavinoha and Patterson absent.

When the following were heard and the following orders were passed:

1. **Call to Order.**

Call to Order by Commissioner Meyers at 9:00 a.m.

Recess:

Recessed at 9:02 a.m. due to lack of a quorum.

Reconvened:

Reconvened at 10:25 a.m.

Recess:

Recessed at 10:26 a.m.

2. **The following item will be discussed by the Commissioners Court pursuant to §551.045 of the Texas Government Code.**

§ 551.071. Consultation With Attorney. Commissioners Court will meet in Closed Session to seek the advice of its attorney about pending or contemplated litigation; a settlement offer; or on a matter in which the duty of the attorney to Commissioners Court under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Texas Government Code Chapter 551.

City of Arcola.

Closed Session:

Convened at 10:26 a.m.
Adjourned at 10:38 a.m.

Reconvened:

Reconvened at 10:40 a.m.

June 27, 2008

**3. Reconvene Open Session and consider taking action on the following matter:
§ 551.071. Consultation With Attorney.
City of Arcola.**

Moved by Commissioner Meyers, Seconded by Commissioner Prestage, duly put and unanimously carried (3-0), it is ordered to authorize County Judge and County Attorney to prepare an appropriate response to the letter from the City of Arcola dated June 17, 2008.

Judge Hebert	yes	Commissioner Meyers	yes
Commissioner Stavinoha	absent	Commissioner Patterson	absent
Commissioner Prestage	yes		

4. Adjournment.

The Emergency Meeting of Commissioners Court adjourned at 10:41 a.m. on Friday, June 27, 2008.



June 17, 2008

CITY OF ARCOLA

13222 HIGHWAY 6
 ARCOLA, TEXAS 77583
 281-431-0606
 FAX 281-431-1523

Judge Robert Hebert
 301 Jackson Street, Suite 719
 Richmond, TX. 77469

Dear Judge Hebert:

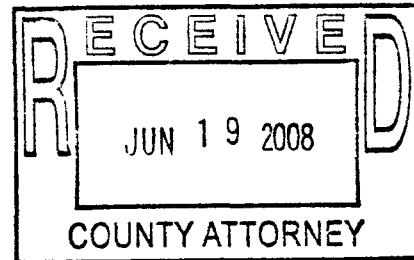
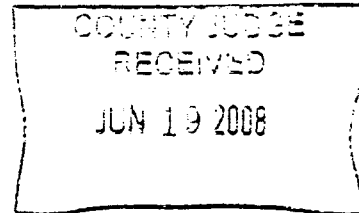
Please be advised that the city of Arcola is resending their agreement for work on Mc Kever Road. On June 10 the majority of council voted to stop the work.

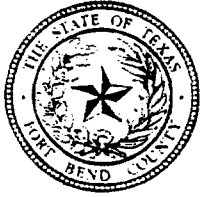
Your prompt attention to this matter will be greatly appreciated.

Sincerely,

Mary Etta Anderson, Mayor

Cc: Tom Stavinoha, Commissioner
 James Dougherty, Jr
 All Council members
 A. Brown, City Administrator
 file





COUNTY JUDGE

Fort Bend County, Texas

Robert E. Hebert
County Judge
Via Facsimile and mail

(281) 341-8608
Fax (281) 341-8609

June 27, 2008

Mayor Mary Etta Anderson
City of Arcola
13222 Highway 6
Arcola, Texas 77583

Re: Interlocal Project Agreement between Fort Bend County and the City of Arcola to provide for the repaving of McKeever Road ("Agreement").

Dear Mayor Anderson:

I am in receipt of your letter dated June 17, 2008 indicating Arcola's desire to rescind its approval of the Agreement. Commissioners Court has conferred with legal counsel who has advised that the attempt to rescind the Agreement is invalid and is a nullity as Fort Bend County is not aware of any grounds that would give Arcola the right to rescind. Fort Bend County is continuing to treat the Agreement as valid and will perform under the Agreement. The Road and Bridge Department will proceed with the repaving of McKeever Road as provided in the Agreement.

If Arcola continues its attempt to rescind the Agreement then Fort Bend County would be forced to consider its options to be restored to its original position before the Agreement was made. As you are aware, the work on McKeever is being financed entirely by funds from county bonds approved by the voters of the county, therefore Fort Bend County would need to determine what costs it has incurred in its performance under the Agreement. Additionally, Fort Bend County would re-evaluate other interlocal agreements with Arcola, including Road and Bridge and drainage Interlocal Project Agreements and Fuel Agreements.

Please call me if you have any questions. Roy Cordes, County Attorney, is available to discuss the issues with the City Attorney. Mr. Cordes may be contacted at 281-341-4555.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert E. Hebert", is written over the word "Sincerely,".

Robert E. Hebert

cc: Commissioners Court
Roy Cordes, County Attorney