

169, 177 (Tex. App.--Austin 2002, no pet.). A less expensive alternative may be to seek an attorney general opinion. [REDACTED]

[REDACTED]

As to the third issue, [REDACTED]

[REDACTED]

As to the fourth issue, [REDACTED]

[REDACTED]

Conditions of Opinion

The opinions expressed in this memo are based upon (i) the assumption that the copies of the documents, if any that you provided to us, were true, correct and complete, and (ii) the facts that you provided us. If any of the information shown by the documents or the facts are, to your knowledge, incorrect or incomplete, please advise immediately so that we may determine the effect of the incompleteness or inaccuracy upon the opinions expressed herein.

This opinion reflects our current opinion on the legal and factual issues addressed as based on current applicable legal authorities. Future court decisions, legislation and other relevant developments, however, can change that law. Before applying this opinion in the future, therefore, it is essential to determine whether the law has changed in any respect that would necessitate a revision of the opinion expressed; however, by issuing this opinion, we are not undertaking any obligation to update it if the applicable law and pertinent facts should change. This opinion is supplied solely for your information and use and should not be quoted or otherwise referred to without our prior written consent. The opinions in this memo are limited to the matters expressly stated. No further opinion is implied and none should be inferred.

Thank you for the opportunity to be of assistance in this matter.

Sincerely,



Susan E. Potts

SEP/dr
Attachments

ADDENDUM

September 18, 2007

Potts & Reilly, LLP

Legal work on Landfill

\$10,000.00

TOTAL

\$10,000.00

POTTS & REILLY, L.L.P.

ATTORNEYS AND COUNSELORS

401 WEST 15TH STREET SUITE 850

AUSTIN TEXAS 78701-1905

TELEPHONE (512) 466-7474

FAX (512) 466-7480

Williamson County
c/o Commissioner Ron Morrison
412 Vance
Suite 213
Taylor TX 76574

Attn: 512.238.2111

General

Page: 1
August 09, 2007
Account No: 2333-0001M
Statement No: 20008

Fees

		Hours	
SEP	Meet with client regarding landfill issues.	0.50	175.00
SEP	Develop issues and draft assignments to legal assistants to research: 1) [REDACTED] [REDACTED]; 2) [REDACTED] ally [REDACTED]; 3) conduct general review of [REDACTED].	1.20	420.00
SEP	Review contract; commence drafting alternative language.	3.00	1,050.00
JLW	Legal research County Purchasing Act for [REDACTED] d [REDACTED].	1.60	200.00
FMR	[REDACTED] [REDACTED]; Legal research regarding same; Preparation of memo to Susan Potts regarding same.	3.80	1,330.00
PJN	Electronic legal research regarding validity and effectiveness of reversionary clause in quitclaim deed from Waste Management to Williamson County.	2.50	312.50
PES	Electronic legal research regarding contracts in perpetuity; Review of October 2003 contract for use in same; Draft memo regarding whether client can legally terminate contract.	2.80	406.00

Williamson County

Page: 2

August 09, 2007

Account No: 2333-0001M

Statement No: 20008

General

		Hours	
FMR	Revise memorandum regarding land rights.	0.70	245.00
PES	Continue electronic legal research regarding contracts in perpetuity; Review copies of all contracts per language in same.	4.40	638.00
JLW	Review legal research regarding the Texas County Purchasing Act for landfill operating agreements; Draft memo to Susan Potts regarding same.	2.00	250.00
FMR	legal research regarding lease bid requirements under Texas law.	0.80	280.00
PES	Finalize memo on termination of contract, governmental immunity, etc.	2.70	391.50
SEP	Legal research and commence drafting opinion letter	3.80	1,330.00
JLW	Continue legal research regarding exceptions to bidding requirements in contracts, operating agreements and leases; Office conference with Susan Potts on same.	3.00	375.00
PES	Phone conference with Susan Potts regarding research on whether the client's contract with WMI is enforceable ; Electronic legal research regarding same; Electronic legal research regarding definition of operating agreement; Legal research regarding bid requirements.	6.70	971.50
RBB	Conference with Susan Potts regarding her concerns relating to the client's contract with WMI .	0.30	105.00
SEP	Continue legal research and drafting of legal opinion.	4.20	1,470.00
JLW	Office conference with Susan Potts and Frank Reilly regarding leases in relation to the client's contract with WMI; Continue research regarding same; Cross-reference Health and Human Services with Local Government Code; Electronic research regarding same.	4.00	500.00
PES	Further revisions on memo regarding the client's contract with WMI	0.10	10.00

Williamson County

Page: 3

August 09, 2007

Account No: 2333-0001M

Statement No: 20008

General

		Hours	
JLW	Continue research regarding [REDACTED]; Review of [REDACTED] contract language; Office conference with Susan Potts regarding same; Begin new research regarding whether a contract with a governmental entity in [REDACTED]; Electronic research on same.	5.00	625.00
JLW	Analyze the Clear Lake City Water Authority case as it relates to perpetuity; Draft memorandum regarding same.	1.00	125.00
PES	Electronic research to locate Attorney General Opinion on Fort Worth landfill.	0.90	130.50
RBB	Review and research AG opinions on waste management contracts to locate Ft. Worth attorney general opinion.	0.50	175.00
SEP	Review legal research and commence drafting opinion letter.	4.00	1,400.00
PJN	Electronic legal research regarding [REDACTED] Draft contract language regarding same.	0.40	50.00
SEP	Continue drafting opinion letter.	4.50	1,575.00
JLW	Finalize memo regarding [REDACTED] for client; Office conference with Susan Potts on same.	3.00	375.00
FMR	Electronic legal research regarding Fort Worth landfill.	0.50	175.00
RBB	Continue AG opinion research on waste management contracts.	0.80	280.00
SEP	Legal research and continue drafting legal opinion and contract revisions.	3.50	1,225.00
FMR	Legal research and draft portion of opinion letter regarding [REDACTED]	1.50	525.00
FMR	Peer review opinion letter and provide additional case law regarding same.	2.50	875.00

Williamson County

Page: 4

August 09, 2007

Account No: 2333-0001M
Statement No: 20008

General

		Hours	
LA3	Legal research regarding [REDACTED] [REDACTED] in [REDACTED]; Drafting memo to file regarding same.	5.20	468.00
PES	Legal research to obtain copies of cases, statutes, rules, etc. cited in Opinion Letter to attach to same as index; Cite Check and review Opinion Letter for accuracy.	2.70	391.50
SEP	Extended conference with client regarding contract revisions.	4.00	1,400.00
	For Current Services Rendered	99.00	23,172.50

Recapitulation

Timekeeper	Hours	Total
Susan E. Potts	35.30	\$12,355.00
Frank M. Reilly	9.80	3,430.00
Peggy J. Nelson	2.90	362.50
Patti Shannon	23.60	3,422.00
Research Staff	5.20	468.00
Roger B. Borgelt	1.60	560.00
Jenny L. Walberg	20.60	2,575.00

FMR	Courtesy Discount	-13,455.70
	Total Credits for Fees	-13,455.70

Expenses

Photocopies for June.	283.20
Total Expenses	283.20
Total Current Work	10,000.00
Subtotal	<u>\$10,000.00</u>
Total Balance Due	<u>\$10,000.00</u>

214-4100
\$10,000.00
8-22-07

POTTS & REILLY, L.L.P.

ATTORNEYS AND COUNSELORS

401 WEST 15TH STREET, SUITE 800

AUSTIN, TEXAS 78701-1805

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Attn: 512.238.2111

General

Page: 1

August 09, 2007

Account No: 2333-0001M
Statement No: 20008

		<u>Fees</u>	
			Hours
06/07/2007			
SEP	Meet with client regarding landfill issues.	0.50	175.00
SEP	Develop issues and draft assignments to legal assistants to research: 1) [REDACTED] [REDACTED]; 3) conduct general review of [REDACTED] es.	1.20	420.00
SEP	Review contract; commence drafting alternative language.	3.00	1,050.00
06/08/2007			
JLW	Legal research County Purchasing Act for [REDACTED] and [REDACTED]	1.60	200.00
FMR	[REDACTED] ty; Legal research regarding same; Preparation of memo to Susan Potts regarding same.	3.80	1,330.00
06/11/2007			
PJN	Electronic legal research regarding validity and effectiveness of reversionary clause in quitclaim deed from Waste Management to Williamson County.	2.50	312.50
PES	Electronic legal research regarding contracts in perpetuity; Review of October 2003 contract for use in same; Draft memo regarding whether client can legally terminate contract.	2.80	406.00
JLW	Legal research regarding the Texas County Purchasing Act for landfill operating agreements and requirements for bidding.	1.00	125.00

Williamson County

Page: 2

August 09, 2007

Account No: 2333-0001M

Statement No: 20008

General

		Hours	
	FMR Revise memorandum regarding land rights.	0.70	245.00
06/12/2007			
	PES Continue electronic legal research regarding contracts in perpetuity; Review copies of all contracts per language in same.	4.40	638.00
	JLW Review legal research regarding the Texas County Purchasing Act for landfill operating agreements; Draft memo to Susan Potts regarding same.	2.00	250.00
	FMR legal research regarding lease bid requirements under Texas law.	0.80	280.00
06/13/2007			
	PES Finalize memo on termination of contract, governmental immunity, etc.	2.70	391.50
	SEP legal research and commence drafting opinion letter	3.80	1,330.00
	JLW Continue legal research regarding exceptions to bidding requirements in contracts, operating agreements and leases; Office conference with Susan Potts on same.	3.00	375.00
06/14/2007			
	PES Phone conference with Susan Potts regarding research on whether [REDACTED] [REDACTED] Electronic legal research regarding same; Electronic legal research regarding definition of operating agreement; Legal research regarding bid requirements.	6.70	971.50
	RBB Conference with Susan Potts regarding her concerns relating [REDACTED]	0.30	105.00
	SEP Continue legal research and drafting of legal opinion.	4.20	1,470.00
	JLW Office conference with Susan Potts and Frank Reilly regarding leases in relation to the client's contract with WM; Continue research regarding same; Cross-reference Health and Human Services with Local Government Code; Electronic research regarding same.	4.00	500.00
06/15/2007			
	PES Further revisions on memo regarding competitive bidding requirements.	3.40	493.00
	SEP Legal research and continue drafting legal opinion.	2.80	980.00

Williamson County

Page: 3

August 09, 2007

Account No: 2333-0001M

Statement No: 20008

General

Hours

DATE	INITIALS	DESCRIPTION	ESTIMATED HOURS	ESTIMATED COST
	JLW	Continue research regarding [REDACTED]; Review of client's contract language; Office conference with Susan Potts regarding same; Begin new research regarding whether a [REDACTED] [REDACTED] is valid; Electronic research on same.	5.00	625.00
2007	JLW	Analyze the Clear Lake City Water Authority case as it relates to perpetuity; Draft memorandum regarding same.	1.00	125.00
2007	PES	Electronic research to locate Attorney General Opinion on Fort Worth landfill.	0.90	130.50
	RBB	Review and research AG opinions on waste management contracts to locate FL Worth attorney general opinion.	0.50	175.00
	SEP	Review legal research and commence drafting opinion letter.	4.00	1,400.00
	PJN	Electronic legal research regarding [REDACTED]; Draft contract language regarding same.	0.40	50.00
	SEP	Continue drafting opinion letter.	4.50	1,575.00
	JLW	Finalize memo regarding [REDACTED] for client; Office conference with Susan Potts on same.	3.00	375.00
	FMR	Electronic legal research regarding Fort Worth landfill.	0.50	175.00
2007	RBB	Continue AG opinion research on waste management contracts.	0.30	280.00
	SEP	Legal research and continue drafting legal opinion and contract revisions.	3.60	1,225.00
	FMR	Legal research and draft portion of opinion letter regarding [REDACTED]	1.50	525.00
	FMR	Peer review opinion letter and provide additional case law regarding same.	2.50	875.00
2007	SEP	Legal research for alternative contract provisions; Continue drafting new and revised contract provisions.	3.60	1,330.00

Williamson County

Page: 4

August 09, 2007

General

Account No: 2333-0001M
Statement No: 20008

		Hours	
LA3	Legal research regarding [REDACTED] in [REDACTED] Drafting memo to file regarding same.	5.20	468.00
06/21/2007 PES	Legal research to obtain copies of cases, statutes, rules, etc. cited in Opinion Letter to attach to same as Index; Cite Check and review Opinion Letter for accuracy.	2.70	391.50
06/29/2007 SEP	Extended conference with client regarding contract revisions.	4.00	1,400.00
	For Current Services Rendered	99.00	23,172.50

Recapitulation

Timekeeper	Hours	Total
Susan E. Potts	35.30	\$12,355.00
Frank M. Reilly	9.80	3,430.00
Peggy J. Nelson	2.90	362.50
Patti Shannon	23.60	3,422.00
Research Staff	5.20	468.00
Roger B. Borgelt	1.60	560.00
Jenny L. Walberg	20.60	2,575.00

06/30/2007 FMR	Courtesy Discount	-13,455.70
	Total Credits for Fees	-13,455.70

Expenses

06/27/2007	Photocopies for June.	283.20
	Total Expenses	283.20
	Total Current Work	10,000.00
	Subtotal	\$10,000.00
	Total Balance Due	\$10,000.00

Statements are due upon receipt. For your convenience we also accept Visa, MasterCard, American Express, and Discover as a form of payment. Please contact us at 1-877-469-7474 for more details.



JANA DUTY

WILLIAMSON COUNTY ATTORNEY

Dale A. Rye, Of Counsel

Stephen Ackley, Civil Chief

Doyle "Dee" Hobbs, Jr., Criminal Chief

Michael Cox Brandy Byrd Hallford

Brandon K. Dakroub Kevin Stryker

Angie Creasy John C. Prezas

Alice Emerson Tina Graves

Robert Maier Hal Hawes

Lori Anderson Jackie Borcharding

Brent E. Webster Jo Lyn Poenitzsch

Blair Jones

Ph: (512) 943-1111 • Fax: (512) 943-1431

September 11, 2007

Dear Judge and Commissioners,

At Commissioner Birkman's request, I have prepared this brief memo to explain the law as it relates to your individual budgets and the power of an individual commissioner or county judge to use resources within his/her individual budget versus the ability of a single commissioner or the county judge to enter into a contract.

The law is very clear that the commissioner's court is the sole body with the power to set the budget. In doing so, the court decides generally how much of the county's funds to dedicate to each county purpose. Once the court allots particular resources to each department, it can not then dictate how those funds are spent. In that regard, each elected official occupies a "sphere of authority" to decide what is best for their particular department. So, if for example, the court allocates 2,000.00 to Commissioner Birkman for "office supplies" it is within her discretion to allocate those funds to whatever supplies she deems necessary for her office. The court cannot "micromanage" the budget of any elected official. The money placed in the individual line items is there for the elected officials' use and does not have to be "approved by the court" when spent over the budget year.

The confusing part starts when we begin talking about professional services. When a commissioner or the county judge wishes to employ a professional service, we are now moving from the realm of simply purchasing goods to entering into a contract. The law states that the county can only act through the commissioner's court as a body. The individual commissioners or county judge have no authority to bind the county by their separate actions. Furthermore, the court can act as a body only through its minutes. The saying is, "the commissioners court speaks through its minutes, and not by the mouths of the members of the body". If an individual commissioner or the county judge does act on his/her own and enters into a contract (verbal or written) for a professional service without the authority of the rest of the court members, the contract is considered "void" and the Auditor will not be authorized to pay the bill.

Here is an example. Let's say Commissioner Birkman would like to employ a company to do a feasibility study for a new county building and she has the money in her professional services line item. First, Commissioner Birkman would place this item on the agenda. Then, the court would vote to "delegate" their authority to Commissioner Birkman to enter into the contract for this service. If, by majority vote, she is given the authority to enter into the contract, we would recommend that the agreement be reduced to a written document so that the county is protected if the services are not performed adequately. We have, and will continue to, strongly discourage "verbal contracts" because of the risks associated for the county. Hal Hawes would draft or review the contract, and Commissioner Birkman could sign it and legally bind the county.

This is true of any professional service that the members of the court wish to employ. For example, if Judge Gattis wishes to place a law firm on retainer so that he may call upon a specific attorney for advice, the legal requirements for entering into a contract, verbal or written, are the same. First, the item to hire the firm should be placed on the agenda so that the other members of the court can delegate their authority to the county judge, allowing him to contract with the firm. Second, the retainer agreement should be codified into a written document, so that the duties and responsibilities of the firm are clear and the county is protected.

The only proviso here is that there is a specific statute that requires the County Attorney to "give advise to the county and its officials with regard to their official duties" and although the statute says, "on request", there is a decision that states that, "the proviso 'on request' serves only to protect the district and county attorneys from being considered derelict in their duty to give advice if public officials fail or refuse to request assistance". The opinion goes on to explain that, "the commissioner's court may not suspend a portion of the duties required by law to be performed by an elected legal officer by refusing to request advice the commissioners court deems necessary." Requiring elected officials to get advice about their official duties from the County Attorney acts as a protection for the elected officials.

I hope this clears up some of the confusion about the ability to spend funds allocated to your specific budget versus entering into a verbal or written contract. I will be glad to sit down and discuss these issues in further detail if you wish.

Sincerely,

Jana Duty

WILLIAMSON COUNTY
GENERAL FUND ACCOUNT
GEORGETOWN, TEXAS 78626

UNION STATE BANK
0280418

16-OCT-07 DATE

Twenty-One Thousand Two Hundred Fifty-Two Dollars And
Forty-Six Cents \$21,252.46

PAY
TO THE
ORDER
OF

POTTS & KELLY LLP
6115 SOUTH STREET, STE 200
AUSTIN, TX 78741

COUNTY TREASURER

COUNTY AUDITOR

NON NEGOTIABLE

COMPLETED

280418# 11149105651

37002503#

WILLIAMSON COUNTY

GENERAL FUND

GEORGETOWN, TEXAS 78626

0280418

INVOICE NO.

INVOICE DATE

DESCRIPTION

DATE OF CHECK
16-OCT-07

VENDOR
NUMBER
31818

28166

31-AUG-07

A# 2333-0001M, GENERAL

AMOUNT
21,252.46

21,252.46

POTTS & REILLY, L.L.P.

ATTORNEYS AND COUNSELORS
401 WEST 18TH STREET, SUITE 800
AUSTIN, TEXAS 78701-3668
TELEPHONE (512) 469-7474
FAX (512) 469-7480
www.pottsreilly.com

31918
AusPatti Shannon
& Jenni

ATTORNEY-CLIENT COMMUNICATION/ATTORNEY WORK PRODUCT-PRIVILEGED & CONFIDENTIAL
DO NOT DISCLOSE CONTENTS WITHOUT ADVICE OF COUNSEL & PROPER AUTHORIZATION

TO:	Name/Firm/Company	Fax #
	Judge Gattis	943.1862
	Accounting Dep't-Attn: Donna	943.1567
	Steve Ackley	943.1120

FROM: Susan E. Potts *S. Potts***Date:** September 25, 2007**Total # of pages including Cover:**7

If you do not receive all material being transmitted, please call: (512) 469-7474.

COMMENTS:

The information contained in this facsimile message is attorney privileged and confidential information intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone, and return the original message to us at the above address via the U.S. Postal Service.

POTTS & REILLY, L.L.P.

ATTORNEYS AND COUNSELORS

401 WEST 16TH STREET, SUITE 850
AUSTIN, TEXAS 78701-1445

Susan E. Potts

E-MAIL: spotts@pottswire.com

TELEPHONE: (512) 469-7474

FAX: (512) 469-7480

WEB: www.pottswire.com

September 25, 2007

ATTORNEY-CLIENT COMMUNICATION/ATTORNEY WORK PRODUCT-PRIVILEGED & CONFIDENTIAL
DO NOT DISCLOSE CONTENTS WITHOUT ADVICE OF COUNSEL & PROPER AUTHORIZATION

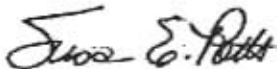
Williamson County
c/o Judge Gattis
412 Vance, Suite 213
Taylor, Texas 76574

Re: July and August Invoice

Dear Judge Gattis:

Enclosed is the invoice for July and August (all of which is included in one invoice dated August 31, 2007) for contract negotiations, drafting and the opinion on whether the contract must be bid as a construction contract. Please do not hesitate to contact me should you have any questions.

Sincerely,



Susan E. Potts

SEP/ma

Enclosure

cc: Mr. Steve Ackley, Assistant City Attorney

POTTS & REILLY, L.L.P.

ATTORNEYS AND COUNSELORS

401 WEST 15TH STREET, SUITE 800

AUSTIN, TEXAS 78701-1865

TELEPHONE (512) 469-7474

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Williamson County
c/o Commissioner Ron Morrison
412 Vance
Suite 213
Taylor TX 76574

Attn: 512.238.2111

General

Page: 1
August 31, 2007
Account No: 2333-0001M
Statement No: 20186

FeesHours

07/11/2007 SEP	Long distance phone conferences with Judge Gattis and Commissioner Morrison requesting attendance at meeting with Assistant County attorney to finalize contract terms, and to discuss opinion on bidding; Long distance phone conference with Steve Ackley regarding issues relating to same; Return calls to Judge Gattis and Commissioner Morrison regarding status of same.	0.80	280.00
07/24/2007 SEP	Phone conference with Steve Ackley regarding meeting scheduled for Thursday, and outlining strategy issues to discuss for meeting.	0.30	105.00
07/27/2007 RBB	Legal research and drafting of indemnity provision; Transmit to client; Phone conference with Susan Potts regarding same and contract/lease issues.	1.00	350.00
SEP	Prepare for and attend meeting regarding contract provisions/issues with Steve Ackley; Assignment to Roger Borgelt to draft indemnity provision for 3rd party suits and to research contract provisions ; Conference with Judge and Commissioner regarding same.	8.00	2,800.00
07/30/2007 RBB	Legal research and draft memo on whether contract provisions ; Conferences with Susan Potts regarding same.	6.90	2,415.00
SEP	Prepare for and attend extended meetings		

Williamson County

 Page: 2
 August 31, 2007
 Account No: 2333-0001M
 Statement No: 20166

General

		Hours	
	with with Steve Ackly, Judge, Commission and WMI officials regarding contract negotiations	9.00	3,150.00
07/31/2007			
RBB	Legal research on additional [REDACTED] and revisions to opinion letter regarding [REDACTED]; Conference with Susan Potts and Williamson County attorneys regarding same.	3.40	1,190.00
RBB	Legal research and continue drafting opinion letter on [REDACTED] statutes; Confence with Dale Rye and Hal with County Attorney's office regarding their analysis and confirm their agreement with conclusions that the [REDACTED].	2.00	700.00
SEP	Office conference with Roger Borgelt regarding additional [REDACTED] [REDACTED] researched.	0.20	70.00
SEP	Receive and review opinion letter; Legal research and draft revisions to same.	2.50	875.00
LA3	Drafting memo regarding [REDACTED] legal research regarding [REDACTED]	3.20	288.00
08/01/2007			
PES	Cite check and review opinion letter regarding [REDACTED] issues to Williamson County Commissioner's Court.	1.40	203.00
08/02/2007			
SEP	Review protestants concerns.	0.50	175.00
SEP	Phone conference with Commissioner Morrison regarding protestant concerns and status of contract.	0.50	175.00
08/03/2007			
SEP	Review contract revisions; Phone conference with Judge regarding same; Phone conferences to John Riley and Steve Ackley regarding same.	1.80	630.00
08/06/2007			
PES	Revisions and additions to letter brief on [REDACTED].	3.70	536.50
RBB	Conference with Susan Potts and Frank Reilly regarding opinion letter on [REDACTED] Conference call with Susan Potts and Judge Gattis regarding same.	1.15	402.50

Williamson County

Page: 3

August 31, 2007

Account No: 2333-0001M
Statement No: 20186

General

		Hours	
08/08/2007	RBB	Review recent legislation affecting pertinent chapters of local government code.	2.50 875.00
08/09/2007	RBB	Draft memo to file on recent legislation potentially affecting previous landfill contract analysis.	1.80 630.00
	PES	Revise and finalize Roger Borgelt's memo to file regarding new legislation.	0.20 29.00
08/16/2007	SEP	Phone conference with Judge Gattis requesting opinion regarding recycling provision in the contract; Assignment to legal assistant to research same.	0.40 140.00
08/17/2007	SEP	Legal research and draft opinion letter regarding recycling provisions; Attention to transmitting same to client.	2.50 875.00
08/20/2007	SEP	Phone conference with Commissioner Morrison regarding his concerns over [REDACTED] and other contract issues; Office conference with Judge Gattis regarding same; Conference call with Commissioner and Judge Gattis regarding same, and need for resolution identifying health and safety issues prior to adopting contract.	1.20 420.00
08/22/2007	RBB	Revisions to [REDACTED] and e-mail regarding same.	0.70 245.00
	SEP	Receipt and review of [REDACTED]; Draft correspondence to Judge regarding same.	4.20 1,470.00
	JLW	Legal research regarding [REDACTED] for Susan Potts.	0.50 62.50
08/23/2007	RBB	Long distance phone conference with Judge Gattis and Susan Potts [REDACTED]; Review final draft of [REDACTED].	1.30 455.00
	SEP	Conference call with Judge regarding [REDACTED] and attention to transmitting correspondence and language to Judge regarding same.	0.40 140.00
	JLW	Review of [REDACTED] with Susan	

: SEP-25-2007-TUE 12:46 PM POTTS & REILLY, LLP

FAX No. 512 469 7480

P. 007/007

Williamson County

General

Page: 5
August 31, 2007
Account No: 2333-0001M
Statement No: 20168

Total Balance Due

\$21,252.46

409-4100
10-15-07

Statements are due upon receipt. For your convenience we also accept Visa, MasterCard, American Express, and Discover as a form of payment. Please contact us at 1-877-469-7474 for more details.

ADDENDUM

Oct 9- Oct 16/07

CORRECTIONS CORPORATION	AUG 07, IN HOUSE CARE	\$	2,755,771.00
CORRECTIONS CORPORATION	AUG 07, TRANSPORTATION GUARD HOURS	\$	3,741.66
CORRECTIONS CORPORATION	AUG 07, STATIONARY GUARD HOURS	\$	1,298.03
FRAUD INVESTIGATORS ASSN OF TX	CONF, OCT 18-19/07, C ATTY	\$	290.00
GATEWOOD CONSTRUCTION	CONCRETE, PARKS	\$	70,490.00
POTTS & REILLY	GENERAL	\$	21,252.46
SHOOK MOBILE	COMMUNICATIONS SYSTEM	\$	137,802.00
TEXAS ASSOCIATION OF COUNTY AUDITORS	CONFERENCE	\$	450.00

TOTAL \$ 2,991,095.15

WILLIAMSON COUNTY
GENERAL FUND ACCOUNT
GEORGETOWN, TEXAS 78626

WHEN COUNTERSIGNED BY THE TREASURER
VOID AFTER 90 DAYS

UNION STATE BANK
GEORGETOWN, TEXAS 78626
86-1055/1142

0326038

02-MAR-10

DATE

One Thousand Three Hundred Fifty Dollars And Zero Cents* *****1,350.00

PAY
TO THE
ORDER
OF

CORNELL SMITH & MERL, LLC
1607 WEST AVENUE
AUSTIN, TX 78701

COUNTY TREASURER

NON-NEGOTIABLE

COUNTY AUDITOR

#326038# 01149105650

#37002503#

WILLIAMSON COUNTY

GENERAL FUND

GEORGETOWN, TEXAS 78626

0326038

INVOICE NO.

INVOICE DATE

DESCRIPTION

DATE OF CHECK
02-MAR-10

VENDOR
NUMBER
24319

5605

03-FEB-10 PROF SVCS, DEC 3-30/09,

AMOUNT
1,350.00

COMPLETED

1,350.00

Cornell Smith & Mierl, L.L.P.1607 West Avenue
Austin, TX 7870124319
AUS

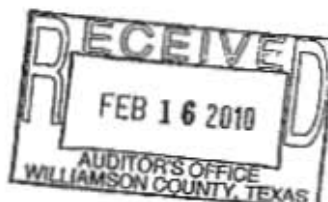
Ph: (512) 328-1540

Fax: (512) 328-1541

Williamson County
301 SE Inner Loop # 108
Georgetown, Texas 78626

February 3, 2010 ✓

Attention: John Willingham



Inv #: 5605 ✓

RE: General Labor

DATE	DESCRIPTION	HOURS	AMOUNT	LAWYER
Dec-03-09	Call from client to discuss workplace incident and outline county response to same.	0.40	100.00	SM
	Receive and review report on employment matter; work on related disciplinary action.	0.50	125.00	SM
Dec-18-09	Call from client regarding employee matter.	0.10	25.00	SM
Dec-21-09	Conference with client regarding employee reports and suggested response.	0.50	125.00	SM
Dec-29-09	Meet with client and employees to discuss potential workplace issue.	3.00	750.00	SM
Dec-30-09	Conference with client to follow up on employee issues; review information provided by client relevant to employer response to issues raised.	0.90	225.00	SM
	Totals	5.40	\$1,350.00	

Total Fee & Disbursements

APPROVED FOR PAYMENT ✓

\$1,350.00

Balance Now Due

Authorized Signature

\$1,350.00 ✓

TAX ID Number 42-1583665

Date

2/15/10
01.0100 04.02.004100

Budget Line Item

\$1350.00

ID= Prof. Svc's, Dec 3-30/09, HR

WILLIAMSON COUNTY
GENERAL FUND ACCOUNT
GEORGETOWN, TEXAS 78626

WHEN COUNTERSIGNED BY THE TREASURER
VOID AFTER 90 DAYS

UNION STATE BANK
GEORGETOWN, TEXAS 78626
36-10567140

0328261

13-APR-10

DATE

Three Thousand Four Hundred Thirty Seven Dollars And Zero Cents *****3,437.00

PAY
TO THE
ORDER
OF:

CORNELL SMITH & MYER LLP
1607 WEST AVENUE
AUSTIN, TX 78701

NON-NEGOTIABLE

COUNTY TREASURER
COUNTY AUDITOR

⑆328261⑆ ⑆114910565⑆

⑆37002503⑆

WILLIAMSON COUNTY

GENERAL FUND

GEORGETOWN, TEXAS 78626

0328261

INVOICE NO.

INVOICE DATE

DESCRIPTION

DATE OF CHECK
13-APR-10

VENDOR
NUMBER
24319

5718

16-MAR-10

PROFESSIONAL SVCS, JAN

AMOUNT
3,437.00

COMPLETED

3,437.00

24319
AUS**Cornell Smith & Mierl, L.L.P.**1607 West Avenue
Austin, TX 78701

Ph: (512) 328-1540

Fax: (512) 328-1541

Williamson County
301 SE Inner Loop # 108
Georgetown, Texas 78626

APPROVED FOR PAYMENT

Authorized Signature

Date

Attention: Lisa Zirkle

Inv #: 5718

RE: General Labor

Budget Line Item

DATE	DESCRIPTION	Amount	HOURS	AMOUNT	LAWYER
Jan-04-10	Review staffing information sent by client; meet with client to further manage employee matter.		2.40	600.00	SM
Jan-05-10	Prepare for and meet with client; meet with Commissioners and executive session to discuss employee matter; follow up with client regarding additional details.		3.00	750.00	SM
Jan-06-10	Conference with client about investigation of employee matter and potential solutions for addressing issues raised.		0.50	125.00	SM
	Multiple conferences with client and outside counsel to discuss employee matter and plan for response.		1.30	312.00	SM
Jan-07-10	Call from client about ongoing employee matter.		0.30	75.00	SM
Jan-08-10	Prepare for and meet with client, various employees and county attorney to discuss actions in matter.		4.50	1,125.00	SM
Jan-11-10	Call from client to discuss progress on employee matter.		0.50	125.00	SM
Jan-12-10	Multiple conferences with client; meet with client and employees; conference with client about recommended actions.		1.30	325.00	SM
D= Professional Svcs, Jan 4 - 12/10, HR					
Totals			13.80	\$3,437.00	

MAR 23 2010

POSTED

Invoice #: 5718

Page 2

March 16, 2010

Total Fee & Disbursements

\$3,437.00

Balance Now Due

\$3,437.00

TAX ID Number 42-1583665

**APPROVAL OF EMPLOYMENT OF STEVE MIERL AND FIRM OF CORNELL,
Commissioners Court - Regular Session**

Date: 07/27/2010

Submitted By: Peggy Vasquez, County Judge

Department: County Judge

Agenda Area: Regular Agenda Items

Information

Agenda Item

Discuss and take appropriate action regarding approval of employment of STEVE MIERL AND FIRM OF CORNELL, SMITH & MIERL, LLP to represent Williamson County regarding General Employment Law Advice and Counsel as matters may arise and exemption of those attorney services from the competitive bid/proposal requirements of the County Purchasing Act.

Background

Fiscal Impact

From/To	Acct No.	Description	Amount	Sort Seq
---------	----------	-------------	--------	----------

Attachments

No file(s) attached.

Form Routing/Status

Form Started By: Peggy Vasquez

Started On: 07/21/2010 04:28 PM

Final Approval Date: 07/22/2010

**MINUTES OF THE WILLIAMSON COUNTY COMMISSIONERS'
COURT MEETING
JULY 27, 2010**

STATE OF TEXAS)(

COUNTY OF WILLIAMSON)(

BE IT REMEMBERED that at 9:39 A.M. on TUESDAY, JULY 27, 2010, a REGULAR SESSION of the Commissioners' Court of Williamson County, Texas, was held with the following being present, to-wit:

Present: County Judge Dan A. Gattis
Commissioner Precinct 1 Lisa Birkman
Commissioner Precinct 2 Cynthia Long
Commissioner Precinct 3 Valerie Covey
Commissioner Precinct 4 Ron Morrison
County Clerk Nancy E. Rister
Attendees: Dale Rye, County Attorney General Counsel
Connie Singleton, Deputy County Clerk

1. Review and approval of minutes.

Motion By: Commissioner Precinct 4 Ron Morrison
Second By: Commissioner Precinct 3 Valerie Covey
Motion: To approve the minutes of the last meeting.

Ayes: County Judge Dan A. Gattis
Commissioner Precinct 2 Cynthia Long
Commissioner Precinct 3 Valerie Covey
Commissioner Precinct 4 Ron Morrison
Other: Commissioner Precinct 1 Lisa Birkman (Abstain)

2. Consider noting in minutes any off right-of-way work on any County road done by Road & Bridge Unified System.

No action was taken.

3. Hear County Auditor concerning invoices, bills, Quick Check Report, and Wire Transfers submitted for payment and take appropriate action including, but not limited to approval for payment provided said items are found by the County Auditor to be legal obligations of the county.

Donna Baker Accounts Payable/Payroll Manager addressed the Court.

Motion By: Commissioner Precinct 1 Lisa Birkman

Second By: Commissioner Precinct 4 Ron Morrison

Motion: To authorize the payment of bills totaling \$2,634,523.99 from computer printout, Addendum, Wire Transfer, Quick Check Report from the proper line items, if found by the County Auditor to be legal expenses as appropriated in the County budget.

Ayes: County Judge Dan A. Gattis

Commissioner Precinct 1 Lisa Birkman

Commissioner Precinct 2 Cynthia Long

Commissioner Precinct 3 Valerie Covey

Commissioner Precinct 4 Ron Morrison

Attachments:

07.27.2010 Funding Report

Quick Check Report

Wire Transfers

4. Citizen comments.

Ronald Cole of Williamson County Sheriff's Association addressed the Court.

CONSENT AGENDA

The Consent Agenda includes routine items that the Court may act on with one single vote. The Judge or a Commissioner may pull any item from the Consent Agenda in order that the Court discuss and act upon it individually as part of the Regular Agenda.

(Items 5 -18)

5. Discuss and consider approving a line item transfer for Parks and Recreation.

Motion By: Commissioner Precinct 3 Valerie Covey

Second By: Commissioner Precinct 1 Lisa Birkman

Motion: To approve a line item transfer for Parks and Recreation (with change of account #0100-0510-001101 - Part-time Salaries <20 hrs/wk to account #0100-0510-001102:

From	0100-0510-003541	Contract mowing	\$5,000.00
From	0100-0510-003554	Chemical, Roadside Spraying	\$2,000.00
To	0100-0510-004541	Vehicle Repairs/Maintenance	\$7,000.00
To	0100-0510-001107	Temporary Labor Seasonal	\$6,500.00
From	0100-0510-001101	Part-time Salaries 20-30 hrs/wk	\$5,000.00
From	0100-0510-001102	Part-time Salaries <20 hrs/wk	\$500.00
from	0100-0510-003670	Use of Donations	\$1,000.00

Ayes: County Judge Dan A. Gattis

Commissioner Precinct 1 Lisa Birkman

Commissioner Precinct 2 Cynthia Long
Commissioner Precinct 3 Valerie Covey
Commissioner Precinct 4 Ron Morrison

6. Discuss and consider a line item transfer for Commissioner Pct. #1.

Motion By: Commissioner Precinct 3 Valerie Covey

Second By: Commissioner Precinct 1 Lisa Birkman

Motion: To approve a line item transfer for Commissioner Pct. #1:

From	0100-0211-004100	Professional Service	\$500.00
To	0100-0211-004232	Training, Conferences, Seminars	\$500.00

Ayes: County Judge Dan A. Gattis

Commissioner Precinct 1 Lisa Birkman
Commissioner Precinct 2 Cynthia Long
Commissioner Precinct 3 Valerie Covey
Commissioner Precinct 4 Ron Morrison

7. Discuss and consider approving a line item transfer for the Jail.

Motion By: Commissioner Precinct 3 Valerie Covey

Second By: Commissioner Precinct 1 Lisa Birkman

Motion: To approve a line item transfer for the Jail:

From	0100-0570-003311	Uniforms	\$5,000.00
From	0100-0570-004350	Printed Materials/Binding	\$3,500.00
To	0100-0570-003306	Food Service	\$8,500.00

Ayes: County Judge Dan A. Gattis

Commissioner Precinct 1 Lisa Birkman
Commissioner Precinct 2 Cynthia Long
Commissioner Precinct 3 Valerie Covey
Commissioner Precinct 4 Ron Morrison

8. Discuss and consider approving a line item transfer for EMS.

Motion By: Commissioner Precinct 3 Valerie Covey

Second By: Commissioner Precinct 1 Lisa Birkman

Motion: To approve a line item transfer for Emergency Medical Services:

From	0100-0540-005700	Vehicles > \$5000	\$6,675.00
To	0100-0540-004510	Facility Maint & Repair	\$6,675.00

Ayes: County Judge Dan A. Gattis

Commissioner Precinct 1 Lisa Birkman
Commissioner Precinct 2 Cynthia Long
Commissioner Precinct 3 Valerie Covey

Commissioner Precinct 4 Ron Morrison

Attachments:

HVAC proposal

9. Discuss and consider approving a line item transfer for the Budget Office.

Motion By: Commissioner Precinct 3 Valerie Covey

Second By: Commissioner Precinct 1 Lisa Birkman

Motion: To approve a line item transfer for the Budget Office:

<i>From</i>	<i>0100-0491-004999</i>	<i>Miscellaneous</i>	<i>\$200.00</i>	
<i>To</i>	<i>0100-0491-003100</i>	<i>Office Supplies</i>	<i>\$150.00</i>	
<i>To</i>	<i>0100-0491-003120</i>	<i>Printer Supplies</i>	<i>\$50.00</i>	

Ayes: County Judge Dan A. Gattis

Commissioner Precinct 1 Lisa Birkman

Commissioner Precinct 2 Cynthia Long

Commissioner Precinct 3 Valerie Covey

Commissioner Precinct 4 Ron Morrison

10. Discuss and consider approving a line item transfer for EMS.

Motion By: Commissioner Precinct 3 Valerie Covey

Second By: Commissioner Precinct 1 Lisa Birkman

Motion: To approve a line item transfer for Emergency Medical Services:

<i>From</i>	<i>0100-0540-004999</i>	<i>Miscellaneous</i>	<i>\$1,000.00</i>	
<i>To</i>	<i>0100-0540-003110</i>	<i>Other Supplies</i>	<i>\$1,000.00</i>	

Ayes: County Judge Dan A. Gattis

Commissioner Precinct 1 Lisa Birkman

Commissioner Precinct 2 Cynthia Long

Commissioner Precinct 3 Valerie Covey

Commissioner Precinct 4 Ron Morrison

11. Discuss and consider approving a line item transfer for the County Attorney's office.

Motion By: Commissioner Precinct 3 Valerie Covey

Second By: Commissioner Precinct 1 Lisa Birkman

Motion: To approve a line item transfer for the County Attorney's office:

<i>To</i>	<i>0100-0475-003900</i>	<i>Membership Dues</i>	<i>\$500.00</i>	
<i>From</i>	<i>0100-0475-004350</i>	<i>Printed Materials/Binding</i>	<i>\$500.00</i>	

Ayes: County Judge Dan A. Gattis

Commissioner Precinct 1 Lisa Birkman

Commissioner Precinct 2 Cynthia Long
Commissioner Precinct 3 Valerie Covey
Commissioner Precinct 4 Ron Morrison

12. **Discuss and take appropriate action regarding agreement between Williamson County and Emergency Services District #2, Sam Bass for year 2009/2010.**

Motion By: Commissioner Precinct 3 Valerie Covey

Second By: Commissioner Precinct 1 Lisa Birkman

Motion: To approve an agreement between Williamson County and Emergency Services District #2, Sam Bass for year 2009/2010.

Ayes: County Judge Dan A. Gattis

Commissioner Precinct 1 Lisa Birkman

Commissioner Precinct 2 Cynthia Long

Commissioner Precinct 3 Valerie Covey

Commissioner Precinct 4 Ron Morrison

Attachments:

ESD 2 Agreement

13. **Consider road usage for Vista Hill Blvd., Kritstencreek, Newland Dr., Horizon Park Blvd., E. County Glen Rd., Union Street, Creek Run and S. Block House Dr. on August 14, 2010 from 8:00 A.M. until 12:00 P.M. for the Rouse Raiders' marching band March-A-Thon fundraiser.**

Motion By: Commissioner Precinct 3 Valerie Covey

Second By: Commissioner Precinct 1 Lisa Birkman

Motion: To approve road usage for Vista Hill Blvd., Kritstencreek, Newland Dr., Horizon Park Blvd., E. County Glen Rd., Union Street, Creek Run and S. Block House Dr. on August 14, 2010 from 8:00 A.M. until 12:00 P.M. for the Rouse Raiders' marching band March-A-Thon fundraiser.

Ayes: County Judge Dan A. Gattis

Commissioner Precinct 1 Lisa Birkman

Commissioner Precinct 2 Cynthia Long

Commissioner Precinct 3 Valerie Covey

Commissioner Precinct 4 Ron Morrison

Attachments:

Rouse Raiders

14. **Consider and take appropriate action on authorizing the transfer of various items to auction/donation/destruction. (Complete list filed with official minutes)**

Motion By: Commissioner Precinct 3 Valerie Covey

Second By: Commissioner Precinct 1 Lisa Birkman

Motion: To authorize the transfer of various items to auction/donation/destruction.

Ayes: County Judge Dan A. Gattis

Commissioner Precinct 1 Lisa Birkman

Commissioner Precinct 2 Cynthia Long

Commissioner Precinct 3 Valerie Covey

Commissioner Precinct 4 Ron Morrison

Attachments:

Asset Transfers

15. Consider and take appropriate action on authorizing the transfer of surplus items from CSCD/Adult Probation to auction/donation/destruction. (Complete list filed with official minutes)

Motion By: Commissioner Precinct 3 Valerie Covey

Second By: Commissioner Precinct 1 Lisa Birkman

Motion: To authorize the transfer of surplus items from Community Supervision and Corrections Department/Adult Probation to auction/donation/destruction.

Ayes: County Judge Dan A. Gattis

Commissioner Precinct 1 Lisa Birkman

Commissioner Precinct 2 Cynthia Long

Commissioner Precinct 3 Valerie Covey

Commissioner Precinct 4 Ron Morrison

Attachments:

Asset Transfers

16. Discuss and consider re-approval of preliminary plat of Bridle Gate, Pct. #2.

Motion By: Commissioner Precinct 3 Valerie Covey

Second By: Commissioner Precinct 1 Lisa Birkman

Motion: To re-approve the preliminary plat of Bridle Gate, Pct. #2.

Ayes: County Judge Dan A. Gattis

Commissioner Precinct 1 Lisa Birkman

Commissioner Precinct 2 Cynthia Long

Commissioner Precinct 3 Valerie Covey

Commissioner Precinct 4 Ron Morrison

Attachments:

Bridle Gate Preliminary Plat

17. Discuss and consider approval of a variance for C.R. Williamson property on

SH 183, Pct. #3.

Motion By: Commissioner Precinct 3 Valerie Covey

Second By: Commissioner Precinct 1 Lisa Birkman

Motion: To approve a variance for C.R. Williamson property on SH 183, Pct. #3.

Ayes: County Judge Dan A. Gattis

Commissioner Precinct 1 Lisa Birkman

Commissioner Precinct 2 Cynthia Long

Commissioner Precinct 3 Valerie Covey

Commissioner Precinct 4 Ron Morrison

Attachments:

Williamson Property Variance

18. Discuss and approve correction of minutes from June 30, 2009. Commissioner Pct. #2 Cynthia Long made a motion on agenda item #32 to approve the Letter of Agreement with TexHealth Central Texas, Inc. with Commissioner Pct. #4 Ron Morrison seconding the motion. Motion carried 3 for, 2 against. Commissioners Birkman and Covey voted against the motion.

Motion By: Commissioner Precinct 3 Valerie Covey

Second By: Commissioner Precinct 1 Lisa Birkman

Motion: To approve correction of minutes from June 30, 2009.

Commissioner Pct. #2 Cynthia Long made a motion on agenda item #32 to approve the Letter of Agreement with TexHealth Central Texas, Inc. with Commissioner Pct. #4 Ron Morrison seconding the motion. Motion carried 3 for, 2 against. Commissioners Birkman and Covey voted against the motion.

Ayes: County Judge Dan A. Gattis

Commissioner Precinct 1 Lisa Birkman

Commissioner Precinct 2 Cynthia Long

Commissioner Precinct 3 Valerie Covey

Commissioner Precinct 4 Ron Morrison

REGULAR AGENDA

19. Discuss and take action on Certificate of Commendation honoring Cory Cook for trail markers he placed along the Brushy Creek Regional Trail.

Director of Environmental Programs for Parks Department Gary Boyd addressed the Court.

Motion By: Commissioner Precinct 3 Valerie Covey

Second By: Commissioner Precinct 2 Cynthia Long

Motion: To approve a Certificate of Commendation honoring James Ross

Cory Cook for trail markers he placed along the Brushy Creek Regional Trail.

Ayes: County Judge Dan A. Gattis
Commissioner Precinct 1 Lisa Birkman
Commissioner Precinct 2 Cynthia Long
Commissioner Precinct 3 Valerie Covey
Commissioner Precinct 4 Ron Morrison

Attachments:

Cook Certificate of Commendation

20. Discuss and take appropriate action on road bond program.

No action was taken.

21. Consider a resolution determining the necessity and authorizing the condemnation of certain property interests required for the construction of Ronald Reagan Boulevard Phase IV and take appropriate action. (Parcel 8/Andres)

This item was removed from the Agenda.

Attachments:

Condemnation Resolution - Andres

22. Consider authorizing the County Judge to execute a Possession & Use Agreement with Texas Carved Stone for right-of-way needed on SH 195 Segment 3. (Parcel 222)

Motion By: Commissioner Precinct 3 Valerie Covey

Second By: Commissioner Precinct 1 Lisa Birkman

Motion: To authorize the County Judge to execute a Possession & Use Agreement with Texas Carved Stone for right-of-way needed on SH 195 Segment 3. (Parcel 222)

Ayes: County Judge Dan A. Gattis
Commissioner Precinct 1 Lisa Birkman
Commissioner Precinct 2 Cynthia Long
Commissioner Precinct 3 Valerie Covey
Commissioner Precinct 4 Ron Morrison

Attachments:

Texas Carved Stone Possession and Use Agreement

23. Consider authorizing the project budget transfer request of the 2006 Road Bond per recommendation of Mike Weaver, Road Bond Manager: Transfer \$3,000,000 from P156 (Non departmental unallocated interest funds) to P180 (Right of Way).

Motion By: Commissioner Precinct 3 Valerie Covey

Second By: Commissioner Precinct 1 Lisa Birkman

Motion: To authorize the project budget transfer request of the 2006 Road Bond per recommendation of Mike Weaver, Road Bond Manager: Transfer \$3,000,000 from P156 (Non departmental unallocated interest funds) to P180 (Right of Way).

Ayes: County Judge Dan A. Gattis

Commissioner Precinct 1 Lisa Birkman

Commissioner Precinct 2 Cynthia Long

Commissioner Precinct 3 Valerie Covey

Commissioner Precinct 4 Ron Morrison

24. Consider authorizing a project budget transfer request for 2001 Road Bond per recommendation Mike Weaver, Road Bond Manager: Transfer \$1,600,000 from P92 (Non Departmental unallocated interest) to P149 (SH 195).

Motion By: Commissioner Precinct 3 Valerie Covey

Second By: Commissioner Precinct 1 Lisa Birkman

Motion: To authorize a project budget transfer request for 2001 Road Bond per recommendation Mike Weaver, Road Bond Manager: Transfer \$1,600,000 from P92 (Non Departmental unallocated interest) to P149 (SH 195).

Ayes: County Judge Dan A. Gattis

Commissioner Precinct 1 Lisa Birkman

Commissioner Precinct 2 Cynthia Long

Commissioner Precinct 3 Valerie Covey

Commissioner Precinct 4 Ron Morrison

25. Discuss and take appropriate action on a Software License Agreement with ContactOne.

Director of GIS/Addressing Richard Semple addressed the Court

Motion By: Commissioner Precinct 2 Cynthia Long

Second By: Commissioner Precinct 1 Lisa Birkman

Motion: To approve a Software License Agreement with ContactOne.

Ayes: County Judge Dan A. Gattis

Commissioner Precinct 1 Lisa Birkman

Commissioner Precinct 2 Cynthia Long

Commissioner Precinct 3 Valerie Covey

Commissioner Precinct 4 Ron Morrison

Attachments:

ContactOne Software License Agreement

26. Consider and take appropriate action on mitigation application from Chisholm Trail Special Utility District covering karst impacts for a 20' easement along FM 2338 from FM 3405 to Gabriel Woods Drive and an additional 1500' (approximate) along FM 2338 beginning approximately 220' north of the Cowan Creek crossing.

Motion By: Commissioner Precinct 3 Valerie Covey

Second By: Commissioner Precinct 1 Lisa Birkman

Motion: To approve a mitigation application from Chisholm Trail Special Utility District covering karst impacts for a 20' easement along FM 2338 from FM 3405 to Gabriel Woods Drive and an additional 1500' (approximate) along FM 2338 beginning approximately 220' north of the Cowan Creek crossing.

Ayes: County Judge Dan A. Gattis

Commissioner Precinct 1 Lisa Birkman

Commissioner Precinct 2 Cynthia Long

Commissioner Precinct 3 Valerie Covey

Commissioner Precinct 4 Ron Morrison

Attachments:

Chisholm Trail SUD Mitigation Participation Agreement

27. Discuss and take appropriate action regarding approval of the receipt of a Texas Tobacco Compliance Grant for Pct. #4 Constable's Office.

Motion By: Commissioner Precinct 4 Ron Morrison

Second By: Commissioner Precinct 1 Lisa Birkman

Motion: To approve the receipt of a \$9000 Texas Tobacco Compliance Grant for Pct. #4 Constable's Office.

Ayes: County Judge Dan A. Gattis

Commissioner Precinct 1 Lisa Birkman

Commissioner Precinct 2 Cynthia Long

Commissioner Precinct 3 Valerie Covey

Commissioner Precinct 4 Ron Morrison

28. Discuss and take appropriate action regarding approval of employment of Steve Mierl and firm of Cornell, Smith & Mierl, LLP to represent Williamson County regarding general employment law advice and counsel as matters may arise and exemption of those attorney services from the competitive bid/proposal requirements of the County Purchasing Act.

This item was moved to Executive Session.

Motion By: Commissioner Precinct 3 Valerie Covey

Second By: Commissioner Precinct 1 Lisa Birkman

Motion: To approve exempting outside counsel/attorney for the services of:

*(1) advise and represent in all matters, including litigation if applicable, specifically related to the County Employee's Association; and
(2) consultation and advice on matters specifically related to currently pending Texas Workforce Commission cases; and
(3) general employment law advice and counsel as matters may arise up to \$10,000 from the competitive bid/proposal requirements of the County Purchasing Act pursuant to the discretionary exemption for personal or professional services, (Sec. 262.024 (a) (4) Local Government Code) and approve employment of Steve Mierl and firm of Cornell, Smith & Mierl, LLP for those services.*

Ayes: County Judge Dan A. Gattis
Commissioner Precinct 1 Lisa Birkman
Commissioner Precinct 3 Valerie Covey
Commissioner Precinct 4 Ron Morrison

Other: Commissioner Precinct 2 Cynthia Long (Absent from the Dais)

29. Discuss and take appropriate action regarding the award of Group Life, Voluntary Life, and LTD contract(s) effective 11/1/2010.

No action was taken.

30. Discuss and take appropriate action regarding FY 2011 885 Fund Budget, Employer Contribution Rate & 11/1/10 Employee Contribution Rates & Plan Design.

Senior Director of Human Resources Lisa Zirkle and Senior Director of Emergency Services John Sneed addressed the Court.

No action was taken.

31. Discuss and consider approving the Tobacco Fund Budget for 2010-2011.

The following addressed the Court:
Kathy Grimes, Executive Assistant to Commissioner of Precinct 2
First Assistant County Auditor Julie Kiley
Director of Social Services Cynthia Guerrero
Executive Director for Williamson County & Cities Health District Dr. Chip Riggins

Motion by Commissioner Long was withdrawn, no was action taken.

Attachments:

Tobacco Fund

32. Discuss and consider approving advertising and setting a date for a public hearing on the 2010-2011 County Budget for August 31st, 2010.

Motion By: Commissioner Precinct 3 Valerie Covey
Second By: Commissioner Precinct 1 Lisa Birkman

Motion: To approve advertising and set August 31, 2010 at 10:00 A.M. for a public hearing on the 2010-2011 County Budget.

Ayes: County Judge Dan A. Gattis
Commissioner Precinct 1 Lisa Birkman
Commissioner Precinct 2 Cynthia Long
Commissioner Precinct 3 Valerie Covey
Commissioner Precinct 4 Ron Morrison

- 33. Consider awarding bids received for tax statement printing for Williamson County to the lowest and best bid meeting specifications - Business Ink.**

Motion By: Commissioner Precinct 3 Valerie Covey
Second By: Commissioner Precinct 4 Ron Morrison

Motion: To award tax statement printing for Williamson County to Business Ink.

Ayes: County Judge Dan A. Gattis
Commissioner Precinct 1 Lisa Birkman
Commissioner Precinct 2 Cynthia Long
Commissioner Precinct 3 Valerie Covey
Commissioner Precinct 4 Ron Morrison

Attachments:

Bid Tab Tax Statement Printing
Tax Statement Recommendation Letter
Business Ink Bid

- 34. Consider authorizing advertising and setting the date of August 31st, 2010 at 2:00 P.M. in the Purchasing Department to receive proposals for proposal #11WCAP102 Williamson County Property and Casualty Insurance.**

Motion By: Commissioner Precinct 3 Valerie Covey
Second By: Commissioner Precinct 4 Ron Morrison

Motion: To authorize advertising and set the date of August 31st, 2010 at 2:00 P.M. in the Purchasing Department to receive proposals for proposal #11WCAP102 Williamson County Property and Casualty Insurance.

Ayes: County Judge Dan A. Gattis
Commissioner Precinct 1 Lisa Birkman
Commissioner Precinct 2 Cynthia Long
Commissioner Precinct 3 Valerie Covey
Commissioner Precinct 4 Ron Morrison

- 35. Consider awarding bid to the lowest and best bidder for Great Oaks/O'Connor milling and overlay, Williamson County project #10WC819 to Hunter Industries Ltd.**

Motion By: Commissioner Precinct 3 Valerie Covey

Second By: Commissioner Precinct 4 Ron Morrison

Motion: To award the Great Oaks/O'Connor milling and overlay, project #10WC819 to Hunter Industries Ltd.

Ayes: County Judge Dan A. Gattis

Commissioner Precinct 1 Lisa Birkman

Commissioner Precinct 2 Cynthia Long

Commissioner Precinct 3 Valerie Covey

Commissioner Precinct 4 Ron Morrison

Attachments:

Recommendation letter

Hunter Industries Bid

**COMMISSIONERS' COURT RECESSED TO EXECUTIVE SESSION
AT 10:39 A.M. ON TUESDAY, JULY 27, 2010.**

36. Discuss real estate matters (EXECUTIVE SESSION as per VTCA Govt. Code sec. 551.0721 Deliberation Regarding Real Estate Property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with third person.)
1. Proposed or potential purchase of lease of property by the County:
 - a) Discuss proposed acquisition of property for right-of-way for RM 2338 Phase II.
 - b) Discuss proposed acquisition of property for right-of-way for SH 195 0.805 south of Bell County Line to IH 35.
 - c) Discuss proposed acquisition of property for right-of-way for US 183 Extension from 1,000 feet south of San Gabriel to 1,000 feet north of SH 29.
 - d) Discuss proposed acquisition of property for right-of-way for O'Connor Boulevard and 620 project.
 - e) Discuss proposed acquisition of property for right-of-way for Ronald Reagan Blvd. Phase II project from FM 3405 to Reagan Blvd.
 - f) Discuss proposed acquisition of property for right-of-way for Ronald Reagan Blvd. Phase III and Phase IV.
 - g) Discuss proposed acquisition of property for proposed SH 29 project.
 - h) Discuss proposed acquisition of property for right-of-way for US 79 Section 3 from east of Hutto to CR 402.
 - i) Discuss proposed acquisition of property for right-of-way for US 79 Section

5A from east of Taylor to Thrall.

j) Discuss proposed acquisition of property for right-of-way on Haybarn Lane.

k) Discuss proposed acquisition of property for right-of-way on CR 274/San Gabriel Parkway.

l) Discuss proposed acquisition of property for right-of-way along Lakeline extension.

m) Discuss proposed acquisition of property for right-of-way along Great Oaks extension.

n) Discuss proposed acquisition of property for right-of-way along SW By-Pass.

o) Discuss proposed acquisition of property for right-of-way along Pearson and Neenah.

p) Discuss proposed Avery Station RID.

No action was taken in Executive Session.

37. Discuss pending or contemplated litigation, settlement matters and other confidential attorney-client legal matters (EXECUTIVE SESSION as per VTCA Govt. Code sec. 551.071 consultation with attorney.)

Litigation or claims or potential litigation or claims against the County or by the County
and/or other confidential attorney-client matters, including contracts
(discussion and possible action)

a) Status Update-Pending Cases or Claims

b) Employment related matters

No action was taken in Executive Session.

**COMMISSIONERS' COURT RECONVENED FROM EXECUTIVE
SESSION AT 11:59 A.M. ON TUESDAY, JULY 27, 2010.**

38. Discuss and take appropriate action on real estate.

No action was taken.

39. Discuss and take appropriate action on pending or contemplated litigation.

No action was taken.

40. Comments from Commissioners.

There were no comments.

COMMISSIONERS' COURT RECESSED AT 12:01 P.M.

41. COMMISSIONERS' COURT RECONVENED AT 1:08 P.M.

Hear Post-Recommendation presentations from departments:

The following addressed the Court:

District Attorney John Bradley

42. Discuss and consider approving funding for Capital Projects in the 2010-2011 Road & Bridge Fund.

The following addressed the Court:
Senior Director of Infrastructure Bob Daigh
First Assistant County Auditor Julie Kiley
County Auditor David Flores

No action was taken.

Attachments:

Road and Bridge Capital Projects

43. Hear presentation on 2010-2011 budget from Budget Officer Ashlie Koenig.

The following addressed the Court:
County Attorney Jana Duty
First Assistant County Auditor Julie Kiley
Senior Director Technology Services Jay Schade
Senior Director of Emergency Services John Sneed
General Counsel Dale Rye

**COMMISSIONERS' COURT RECESSED AT 2:33 P.M. AND
RECONVENED AT 2:49 P.M.**

44. Hear presentation on 2010-2011 budget from County Auditor David Flores.

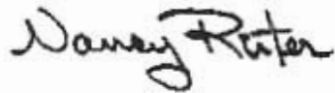
The following addressed the Court:
Senior Director of Infrastructure Bob Daigh
Tax Assessor and Collector Deborah Hunt
First Assistant County Auditor Julie Kiley
Budget Officer Ashlie Koenig

Attachments:

2011 Revenue Analysis

COMMISSIONERS' COURT ADJOURNED AT 3:34 P.M. ON TUESDAY, JULY 27, 2010.

THE FOREGOING MINUTES had at a Regular Session of Commissioners' Court of Williamson County, Texas, having been read are hereby approved this 3rd day of August, 2010.



ATTEST: Nancy E. Rister, Clerk of Commissioners' Court, Williamson County, Texas

By: Connie Singleton, Deputy

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IN THE
UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

KIMBERLY LEE and SHARON MCGUYER,

Plaintiffs,

v.

WILLIAMSON COUNTY, TEXAS

Defendant

CA No. 1:10-CV-905

JURY DEMANDED

PLAINTIFF'S ORIGINAL COMPLAINT

1. PRELIMINARY STATEMENT

- 1.1. Plaintiffs demand a jury for any and all issues triable to a jury. This action seeks declaratory, injunctive, and equitable relief; compensatory and liquidated damages; and costs and attorney's fees for discrimination suffered by Plaintiffs, KIMBERLY LEE and SHARON MCGUYER, due to WILLIAMSON COUNTY, TEXAS (hereinafter "Defendant or Williamson County") taking adverse employment actions against them.
- 1.2. Plaintiffs seek declaratory, injunctive, and equitable relief; compensatory and liquidated damages; and costs and attorneys fees for the discrimination suffered by Plaintiffs due to Defendant's actions.
- 1.3. This action arises under the Title VII of the Civil Rights Act, as amended.

2. JURISDICTION

- 2.1. Jurisdiction is invoked pursuant to 28 U.S.C. § 1343(a)(4), and Title VII of the Civil Rights Act, as amended, 28 U.S.C. § 1331.
- 2.2. Jurisdiction is appropriate because on Plaintiffs filed a formal complaint with the Equal Employment Opportunity Commission alleging discrimination and retaliation.
- 2.3. Jurisdiction is also appropriate since the Equal Employment Opportunity Commission issued a decision allowing the Plaintiffs the right to sue.
- 2.4. Declaratory and injunctive relief is sought pursuant to 28 U.S.C. § 2201 and 2202 and Title VII of the Civil Rights Act, as amended.

- 2.5. Liquidated and injunctive relief is sought pursuant to Title VII of the Civil Rights Act, as amended.
- 2.6. Costs and attorney's fees may be awarded pursuant to 42 U.S.C. § 12205 and Rule 54, FRCP and Title VII of the Civil Rights Act, as amended.
- 2.7. Compensatory damages may be awarded pursuant to 42 U.S.C. § 1981a(a)(1) and 42 U.S.C. § 1981a(a)(2)(b)(1) and Title VII of the Civil Rights Act, as amended.
- 2.8. Punitive damages may be awarded pursuant to 42 U.S.C. § 1981a(a)(1) and 42 U.S.C. § 1981a(a)(2)(b)(1) and Title VII of the Civil Rights Act, as amended.

3. VENUE

- 3.1. Venue of this action is proper in this court, pursuant to 28 U.S.C. § 1391(b), because a substantial part of the events or omissions giving rise to the claim occurred in this judicial district and Plaintiffs, at all times while employees of Defendant resided in this judicial district.

4. PARTIES

- 4.1. Plaintiff Kimberly Lee is a former employee of Defendant and resides in Bastrop County, Texas. Plaintiff worked for Defendant in Williamson County.
- 4.2. Plaintiff Sharon McGuyer is a former employee of Defendant and resides in Burnet County, Texas. Plaintiff worked for Defendant in Williamson County.
- 4.3. Defendant Williamson County, Texas is an employer qualified to do business in Texas and employs more than 20 regular employees. Defendant can be served by serving the county judge, Dan Gattis, 710 Main Street, Suite 101, Georgetown, TX 78626.

5. STATEMENT OF THE CLAIMS

5.1. FACTS

- 5.1.1 Plaintiff Kimberly Lee is a 42-year-old Caucasian female. Plaintiff Lee began working for Williamson County on January 1, 2000. Plaintiff Lee was the Court Reporter for County Court at Law No. 3. Plaintiff Sharon McGuyer is a 59-year-old Caucasian female. Plaintiff McGuyer began working for Williamson County on September 19, 1994. Plaintiff McGuyer was the Court Secretary for County Court at Law No. 4. While Plaintiffs Lee and McGuyer were county employees they reported to Judge Don Higginbotham. It was the Plaintiffs' understanding that Judge

Higginbotham could make ultimate decisions about their employment.

- 5.1.2 October 2009, Plaintiff Lee was sitting in County Court at Law No. 4 talking with Sharroin Threadgill when Judge Don Higginbotham walked into the room and told Plaintiff Lee to "Fu**ing shut up." Plaintiff Lee promptly got up out of her seat and left the room very upset and humiliated.
- 5.1.3 October 2009, Judge Higginbotham had purchased a new vehicle and in front of the staff of County Court #4, Sharrion Threadgill and Judge McMaster, they asked Judge Higginbotham if Plaintiffs McGuyer and Lee had ridden in his car yet. Judge Higginbotham responded, "They would break the springs of his car." This made Plaintiffs McGuyer and Lee feel humiliated and sick.
- 5.1.4 On another occasion in October 2009, Jackie Borcharding, a prosecutor for County Court at Law No. 2 was wearing a black dress suit that consisted of a short skirt and jacket, and George Schumann came into the office and made the comment about her skirt being short, and Judge Higginbotham said, "Well, I can't cut the mustard anymore, But I could sure lick the jar!"
- 5.1.5 On one occasion, Judge Higginbotham told Plaintiff to "come here," that he needed help going to the bathroom because it was too heavy for him to hold it up (clearly referring to his penis) because he has a bad back. He had told numerous dirty jokes and stories about his sexual experiences.
- 5.1.6 Judge Higginbotham had a pattern and practice of discriminatory, hostile and harassing actions, comments and behaviors, which escalated in October 2009.
- 5.1.7 November 2009, Plaintiff Lee was walking in the hallway when Judge Higginbotham turned to her and said, "I hate to tell you this, but in those pants you are wearing you have the ass of a Ni**er." Judge Higginbotham, at that time, starting laughing as they both entered the courtroom. The same day, Plaintiff Sharon McGuyer was showing Plaintiff Lee something on her desk, so Plaintiff Lee was leaned over looking at the papers, and Judge Higginbotham said "Good Lord, can't you move out of the view of my eyes, I can't even see around your butt." Plaintiff McGuyer responded, "Well, then don't look." Judge Higginbotham said, "Well, it's hard not to when your butt is that big." Plaintiff McGuyer told the judge to be quiet. Again, on the same day, Plaintiffs McGuyer and Lee were leaving for lunch when they heard Judge Higginbotham say, "Well, look at you two. Y'all take up the whole hallway. Can't y'all move to one side, so I can get around y'all? I can't stand the view from here."

- 5.1.8 Also, in November 2009, when Plaintiff Lee asked for a peppermint, the Judge said he had something for Plaintiff Lee to suck on.
- 5.1.9 November 25, 2009, Plaintiff McGuyer asked Amanda Vega, Court #3's Coordinator, why she had parked in the Judge's Parking space since he was coming in this morning. Ms. Vega told Plaintiff McGuyer she had forgotten that he was coming in and Ms. Vega proceeded to call the Judge's home to see if he had left yet and then she would go move her car if he wanted her to. As she was hanging up the phone, Judge Higginbotham went into County Court #4, screaming, "Whose go**mn white Expedition is parking in my fu**ing parking space? Is it Mandy's?" Plaintiff McGuyer and Ms. Vega walked to the door of County Court #4's office and the Judge said, "You are nothing but a bunch of fu**ing pukes, nothing but a bunch of go**amn fu**ing pukes!" "Get out of here and move your car, move it, move it, move it!" Not only was this extremely humiliating it was also very frightening. His veins were bulging in his neck and his hands were made into fists. Judge Higginbotham's posture was someone who wanted to terrify and intimidate his victims.
- 5.1.10 Once Mandy left, he turned to Plaintiff Lee and said "Why in the fu*k are you down here?" Plaintiff Lee stated she was just telling them Happy Thanksgiving. Judge Higginbotham looked at Plaintiff Lee and said, "Get your go**amn ass to your office now." I mean NOW! When you are not in fu**ing court, then you better have your go**amn ass in your office. Do you got it? Do you got it? GO! GO! GO!"
- 5.1.11 On December 2, 2009, Plaintiff had just finished up a jury trial in court and was standing in the hallway outside of the office talking to the prosecutor, Jo Poenitzsch, Heather Trice and Tammy Walton (who is a bailiff). They were all talking when Judge Higginbotham walked out of the office and looked at Plaintiff Lee and said, "Shut up bitch!" He then just turned and walked off to go to lunch and asked Jo if she would let him walk through their office to get to his car. Later in the day, Tammy Walton came up and hugged Plaintiff Lee and said, "I'm sorry."
- 5.1.12 December 14, 2009, Judge Higginbotham had just returned from vacation in Las Vegas and Amanda Vega bent over to get some paper for out printer out of the box and Judge Higginbotham was sitting on the other side of the room Judge Higginbotham stated, "If I had known I was gonna hit the jackpot I wouldn't have needed to go to Vegas!"
- 5.1.13 On December 22, 2009 Plaintiffs McGuyer and Lee and met with Lisa Zirkle, the head of Human Resources, and told her about the abuse, discrimination, and hostility from Judge Higginbotham. Ms. Zirkle told the Plaintiffs that due to the fact that the County Attorney, Jana Duty, had written a letter last year in September threatening Judge Higginbotham

that if his inappropriate language and sexual harassment of her prosecutors did not stop, that she would be forced to do something about it, but yet nothing was ever done or followed up with. Lisa Zirkle felt Plaintiffs Lee and McGuyer were a conflict of interest for the county attorney to handle it, so she hired an outside attorney from Austin, named Steve Mierl to talk about how to handle the situation.

- 5.1.14 On December 30, 2009, Plaintiffs Lee and McGuyer went to the human resources department to meet with Lisa Zirkle and Steve Mierl. Ms. Zirkle started off the conversation that even though she had said they be allowed to write their written statement, they decided not to write their statements and the purpose of the meeting was just to tell Steve Mierl about the sexual harassment and verbal abuse from Judge Higginbotham. Steve Mierl said "Yes, I am going to take notes of your complaints, but we are not going to allow you to write a statement because your statements would be subject to the Open Records Act, so if someone was to get an attorney, then your statement would be available to the public and press." He said his notes would be for a timeline of events and "his notes were for his eyes and his eyes only, and that they would have to pry them from his cold dead hands."
- 5.1.15 At the conclusion of the meeting, Steve Mierl said he was going to meet with Judge Higginbotham and tell him, "The buck stops here", that there had been some complaints about his behavior toward others and that human resources would be monitoring the situation to make sure his behavior did not continue. Plaintiffs Lee and McGuyer asked Ms. Zirkle and Mr. Mierl if they would have to take this before the Commissioner's Court and they replied "no." Plaintiffs also asked them if Judge Higginbotham would know that who made a complaint. Mr. Mierl assured Plaintiffs Lee and McGuyer that Judge Higginbotham would not know who made the complaint, just that a complaint had been made.
- 5.1.16 On January 5, 2010, Plaintiff Lee received a phone call from Lisa Zirkle stating that they had gone ahead and taken their complaint to a closed session of the Commissioner's Court to discuss the matter. Ms. Zirkle explained that Judge Dan Gattis (the County Judge) had decided that since he was a long-time friend of Judge Higginbotham, that Judge Gattis and a local attorney, Mike Davis, who was also a long-time friend and Marine buddy were going to do an intervention with Judge Higginbotham to tell him that a complaint had been made, but that no names would be mentioned and that Judge Gattis and Mr. Davis would tell Judge Higginbotham that he could no longer behave in the manner that had been reported.
- 5.1.17 On January 6, 2010 Mike Davis came into Plaintiffs' office wearing a leather jacket that said "Marines United We Stand" and went to Amanda

Vega's office and told her that some horrible allegations had been made about Judge Higginbotham and he needed her to come to his office at 11:00am to discuss. Amanda came back that afternoon and told Plaintiff's Lee and McGuyer that Mike Davis had Steve Mierl's letterhead with all of the complaints that Plaintiffs Lee and McGuyer had given him written on his letterhead and told Amanda that Plaintiffs Lee and McGuyer had made these complaints about Judge Higginbotham and asked her if she could substantiate any of them. She informed Plaintiffs that she substantiated the ones that she was present for. Mike Davis came back to the office later that afternoon and began questioning individuals and showing them the letterhead from Steve Mierl.

- 5.1.18 The letterhead contained the same complaints that Mr. Mierl assured the Plaintiffs would be kept confidential.
- 5.1.19 It is Plaintiffs' understanding that County Judge Gattis hired Mr. Davis to represent Judge Higginbotham without a county vote or any kind of hearing or proposal submission. Mr. Davis was holding an open investigation in front of Plaintiffs and their co-workers. Plaintiffs felt very intimidated and called Lisa Zirkle to speak with her right away. She informed Plaintiffs that an attorney, Hank Prejaen, who worked for the county attorney's office, and Jana Duty would be present. Plaintiffs explained to Ms. Zirkle and Mr. Prejean the situation that was going on with Mr. Davis at the office. Hank Prejean informed Plaintiffs that the county had no control over Mr. Davis. Plaintiffs asked him why not since the county is the one who brought Mr. Davis into the situation. Plaintiffs told Mr. Prejean and Lisa Zirkle that Judge Higginbotham's abuse was sexual harassment and that it was worse towards them as women and that he did not treat the men with hostility and that they felt as if they were being victimized all over again. Mr. Prejean informed Plaintiffs that he represented the county and that Mr. Davis represented Judge Higginbotham. Mr. Prejean admitted that he felt Judge Higginbotham's actions were sexual harassment.
- 5.1.20 On January 7, 2010 Plaintiff Lee received a phone call from Lisa Zirkle saying that Judge Gattis had instructed her to call Plaintiffs to ask if it would help if she came over to reprimand Judge Higginbotham. Plaintiffs told her that they could do what they wanted, but the damage had been done with the way they had handled the situation. Judge Higginbotham came in that morning and tried to do damage control and told all of the witness that Mr. Davis had spoken to that he was depressed and is now on medication and was all-better. Judge Higginbotham apologized to everyone else, but did not speak to Plaintiffs.
- 5.1.21 On January 8, 2010 Plaintiff Lee received a call from Lisa Zirkle that Jana Duty, Mr. Mierl, Mr. Prejean and Mr. Davis wanted to meet with Plaintiffs at
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