**The State of Texas §**

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**County of Edwards §**

**BE IT REMEMBERED** that on this 8th day of March, 2016, at 9:00 o’clock a.m. there came on and was held in the City of Rocksprings, Edwards County, Texas, at the Edwards County Courthouse therein, a Regular Open Meeting of the Commissioners’ Court of Edwards County, Texas. The Agenda for this Regular Open Meeting of the Commissioners’ Court of Edwards County, Texas was posted on March 4, 2015 at 2:08 o’clock p.m.

Present were:

Honorable William Epperson, Commissioner of Precinct One

Honorable Lee Sweeten, Commissioner of Precinct Two

Honorable Matt Fry, Commissioner of Precinct Three

Honorable Andrew Barnebey, Commissioner of Precinct Four

Honorable Souli Asa Shanklin, County Judge

Honorable Olga Lydia Reyes, County and District Clerk

1. **Determination of quorum; Call to Order.** The Open Meeting was called to order at 9:00 o’clock a.m. by Judge Shanklin. The roll was called by Clerk Reyes. The Court was led in prayer by audience member Kenneth Reed. All Commissioners were present.

2. **Open Forum.** There were no participants in the open forum.

3. **Staff Reports.** The staff reports were submitted to the Court before the meeting. The Judge asked if there were any questions about the reports. No questions were raised by the Commissioners.

4. **DELIBERATE, CONSIDER and/or TAKE ACTION ON ANY OF THE FOLLOWING:**

a. **Prior Minutes.** Commissioner Sweeten made the motion to approve the minutes from the February 9, 2016 meeting; Commissioner Barnebey seconded the motion. No Commissioner noting any opposition, the motion carried 5/0.

b. **Burn Ban.** Depending upon the amount of rain that the County gets in the next few days, Sweeten stated that the burn ban could be lifted for this month. If needed, it can be reinstated at next month’s Commissioners’ Court meeting. Commissioner Fry made the motion to lift the burn ban for the remainder of this month; the motion was seconded by Commissioner Epperson. No Commissioner noting any opposition, the motion carried 5/0.

[Clerk’s note: Item “c” was taken out of order.]

d. **Discussion and potential action relating to change in structure of Road Department.** Sweeten led the Court in discussion. He stated that Barnebey had previously suggested that the current work rotations could be shortened. Something needs be done because as the schedule is now, Pct. 2 is not scheduled to be worked until August. Barnebey interjected that most of the complaints with the length of the rotations have started within the past 6 months. He restated his idea of a 4-week rotation (Pcts. 1 & 4) and 6-week rotation (Pcts. 2 & 3) with 2 weeks left over per year for special needs. Sweeten stated that the County’s ultimate goal should be to have more than one crew; ideally Pcts. 2 & 4 would share a crew and Pcts. 1 & 3 would share a crew. Sweeten, based upon Fry’s idea, suggested two 3-man crews. Sweeten stated that our goal would be to move to the unit system. Shanklin inquired if this would be done according to the law. Sweeten responded that yes, it would be legally, specifically the requirements under Texas Transportation Code §262 would be followed. Shanklin stated that it should be done correctly and Sweeten should look into conducting the required election. We are about 6-7 months into the fiscal year and there are nearly $800,000 in road and bridge funds at this point in our fiscal year. Sweeten continued by stating that the Road Supervisor is not at fault for these conditions. He simply does not have time to both supervise and then also operate machinery; he is still training his workers. Epperson brought up that the County can’t worry about hiring more people until its’ current people are trained. For the miles of road that we have, Sweeten stated the County would need a bare minimum of 9 workers; to do it really well, it would need about 11. Fry suggested that the County put out job advertisements for experienced workers. Barnebey asked Pena what machine operator he most needed. Pena responded that he needed a motorgrader operator. The Court then discussed how many employees would be needed under different scenarios. During this discussion, audience member Don Byrd asked if he could make a suggestion to the Court. Judge Shanklin recognized him to speak, but he was asked to keep his comments brief. Byrd stated, years ago, when he worked for TxDOT, the Commissioners gave him permission to train his employees by conducting training schools and doing repair work out at the airport grounds. If the County would coordinate with TxDOT, then those schools could be used to train county employees. Barnebey asked Pena if he had done this in the past. Pena replied that he had not. Byrd reiterated that the State would work with the County as they are mandated by the legislature to help counties maintain their county roads. Another audience member in attendance, Karen Alexander, addressed the Court regarding CR 360. She stated that it has not been maintained in years; this road has many pot holes and she fills them up with rocks as much as she can; every rainstorm makes them worse. Fry made a motion to advertise locally and other places to hire a trained motorgrader and equipment operator. Epperson stated that the rates needed to be set. Commissioner Sweeten suggested that the salary be left open and to be based (and negotiated) upon experience. Fry stated that it could be set from $16-$22 an hour, based on experience. Sweeten stated that the Court should refer back to the budget: the salary for a blade operator with a CDL was to start at $14.75 and with 5+ years of experience, it was to be $17.50. If the salary is now going to fluctuate up to $22.00, then the Court would need to go back to the budget and amend it; this is not on today’s agenda and cannot be amended right now. Fry then amended his motion to widely advertise to hire one or more experienced motorgrader and equipment operator(s) at competitive wages; Sweeten seconded the motion. No Commissioner noting any opposition, the motion carried 5/0.

e. **Discuss a potential action on road signs. – Commissioner Sweeten.** Sweeten addressed the Court. He posed a question: When the Road Department is working on a County Road, do they put out signs reflecting that they are working on that county road? Pena answered yes, he used to, but the signs were stolen. Sweeten stated that he had spoken to someone from another county who told him about an accident involving an individual who ran into some road material that was left by the side of the road. Sweeten is now concerned about liability issues for our County. Additionally, the road crew needs to wear safety gear. Sweeten made a motion to acquire the proper notification signs and use them and also implement the proper safety measures while working any segment of an Edwards County road. Barnebey suggested that the County review the safety equipment that it has and also make any necessary improvements. Pena inquired if the Court wanted the workers to wear hard hats and steel-toed boots; Sweeten responded in the affirmative. Sweeten’s motion died for lack of a second. Barnebey made a motion that the County review and update safety equipment on road construction sites. Sweeten seconded the motion. Noting no opposition, the motion carried 5/0.

c. **Discuss and potential action on Edwards County Flood Plain Management program. – Commissioner Sweeten.** Shanklin stated that Fry brought this issue to his attention. Shanklin called Real County Judge Garry Merritt and asked him what Real County’s Flood Plain Management plan encompassed. He was informed that their plan was in place since 1979; they have a County employee that comes in and handles this for them. Shanklin stated that if a County does not have a flood management plan, (and there is no law that requires it), a County can either adopt such a plan or not. The problem is, if the County does not adopt one, then people residing in the flood plain area cannot get flood insurance. Sweeten interjected that they could get this insurance, but that they could not go through FEMA and it would be at least 10x more expensive. Fry stated he would abstain from voting on this issue because it affects him; when he purchased property in one of these areas, he could not get flood insurance through a federal program. Shanklin advised that he spoke to former Commissioner Terry Brooks regarding this issue and Brooks recalled that this issue was considered by the Court in the past and that it did not get approved. County Attorney Moody recalls that the concern with this plan was that criminal penalties could come into play if a homeowner acquired flood insurance and then made renovations that were not compliant with the insurance requirements. Criminal charges could be brought in those instances. Moody and Sweeten agreed that the Court needed someone who could provide them with more information on this issue. Sweeten read the requirements to participate in a Flood Plain Management program. This item was tabled with no action taken.

f. **Discuss a potential action on disability report. – Commissioner Sweeten.** Clerk Reyes invited a company named Disability Rights of Texas to come to Edwards County to conduct an accessibility survey of our polling locations to ensure compliance with the Americans with Disabilities Act and the Help America Vote Act. There were many features of the polling locations in Edwards County that were compliant with ADA standards, however there were also some accessibility problems. A copy of the full report is attached to these minutes. The Clerk discussed some of the noted violations with some of the polling locations, one of which was the Pct. 1 polling location out at the Edwards County Park Building and at the Pct. 3 polling location out at the Church of Christ Annex Building. Reyes informed the Court about HAVA funding and that she would look into the possibility that the County could get a grant to correct some of these violations. Sweeten asked, if with these potential funds out there that might be available to the County, could these funds potentially be used by private entities to make any necessary modifications to private locations (such as the Church of Christ polling location or the RISD polling location)? Reyes responded that she did not know, but that she would call the Secretary of State’s office and find out. Sweeten asked her to please follow up with this. Reyes then informed the Court that she already put some temporary solutions in place. She purchased a wireless doorbell and “handicapped” parking signs so it could be easier for a disabled voter to notify the Clerk’s office from their vehicle that assistance was required. This system was used successfully during Early Voting in this last election. Reyes delivered this system to Pct. 1 on election day. She also has enough money in her budget this year to purchase this system for each polling place. Reyes was asked to discuss the results of the Disability Rights report with Carl Esser to see if he could assist in obtaining grant funds to make necessary modifications to the polling locations so as to bring us into compliance with the ADA and HAVA. Sweeten made a motion to allow Clerk Reyes to contact Esser with regards to this issue to see if Esser will work with the County Clerk to obtain grant funds to make necessary modification to our polling locations; the motion was seconded by Epperson. No Commissioner noting any opposition, the motion carried 5/0.

5. **New Business.** No new business was considered by the Court.

6. **Set time and date for next meeting.** The next regular open meeting of the Commissioner’s Court of Edwards County will be on the second Tuesday of April, 2015 (April 12, 2016) at 9:00 o’clock a.m.

7. **Pay bills.** Commissioner Epperson made a motion to pay this month’s bills. Commissioner Barnebey seconded the motion. No Commissioner noting any opposition, the motion carried 5/0.

8. **Adjourn.** Commissioner Barnebey made the motion to adjourn. Commissioner Sweeten seconded the motion. No Commissioner noting any opposition, the motion carried 5/0. This regular open meeting of the Edwards County Commissioner’s Court adjourned at 10:20 a.m.

APPROVED:

SOULI ASA SHANKLIN

Edwards County Judge

Attest:

OLGA LYDIA REYES

Edwards County and District Clerk