**The State of Texas §**

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**County of Edwards §**

**BE IT REMEMBERED** that on this 10th day of May, 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 Amended Agenda for this Regular Open Meeting of the Commissioners’ Court of Edwards County, Texas was posted on May 6, 2016 at 10:55 o’clock a.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 9:04 o’clock a.m. by Judge Shanklin. The Pledge of Allegiance was recited. Karen Alexander led the Court in prayer. The roll was then called by Clerk Reyes. All Commissioners were present.

2. **Open Forum.** The following persons spoke in Open Forum:

**Karen Alexander:** Mrs. Alexander appeared to update the Court on the status of CR 360. She has been made aware of a State grant that could be obtained to help repair the road; she does not have the information yet, but she will research this issue and give the information to her Commissioner. She does appreciate the effort to fix problems with the ruts, the potholes, and the mud. The road was graded last week. But, when it rains, she reports that the water is contained on the roadway and small cars and non-four wheel drive vehicles are going to have difficulty getting down road. Windrows will not allow the water to drain off the road and are pushed up against her fence. The next day, after the rain, a powder caliche base was put on the road. She brought a sample of this to Court for the Commissioners to see how powdery it is. Road Superintendent Robert Pena explained that this was crushed base that he keeps along the Brackettville road; it was crushed by Reese Albert and it is rock mixed with regular caliche. Mrs. Alexander continued that she is looking for a long term solution to this situation and asked if the road could be crowned so that when it rains, the water is shed off.

**Sharon Lamborn.** On April 14, the Water Board (Barksdale Water Supply Corp.) met for their quarterly meeting. They had been given a map from TRC of the area where they had proposed a well site. Within that map, they showed the area where the well would be located. The map also had a red circle around the well site, which was the 150-ft sanitation area. This red line crossed into privately owned property where there were existing cesspools. The property owner expressed that a trailer home would be put there and that a septic system would be installed. Therefore, the Board discussed the expense of drilling a test well. They spoke to numerous individuals regarding the quality of water in that area and they didn’t receive any good reports on the water quality. This means that the water would require a lot of treatment and the Board determined that since all the odds seemed to be against them, a motion to abandon the grant was made, seconded, and it carried. The Board Secretary prepared a water loss report as to the amount of gallons pumped and sold. Last year, 1,333,000 gallons of water were lost. They have since found an extreme water leak at the bottom of one of their storage tanks. This tank was shut down and drained. They were losing 5,500 gallons a week out of this tank. After talking to TCEQ and Joel Pigg, they feel that if they stay on top of their water leak and maintain their water lines better, they will have more water than they do now.

3. **Staff Reports.** No action taken.

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 April 12, 2016 meeting; Commissioner Barnebey seconded the motion. No Commissioner noting any opposition, the motion carried 5/0.

b. **Burn Ban.** The County is still receiving moisture; the Court will hold off on this issue until it starts getting drier. The County Judge should be authorized to reinstate the burn ban when needed. Commissioner Sweeten stated that the Court has to take action on this matter every 90 days in the form of a formal renewal/nonrenewal. Judge Shanklin stated that this should be done next month. Commissioner Epperson stated that this matter should go through Commissioners Court to have the Court determine if the criteria to properly reinstate it has been met. Judge Shanklin replied that he was given the authority to enact the ban during a time when it comes through.

c. **Discuss and consider adopting a policy regarding dissemination of paper and electronic mail addressed to members of the commissioners’ court.** Commissioner Barnebey stated that a constituent who has left the area said she sent all of the Commissioners a letter and that he should look for it. This letter was sent to the Judge but wasn’t sent to the Commissioners. Judge Shanklin responded that this was his office’s fault; he looked at this letter and then had it forwarded to the President of the Friends of the Library board. Most of the time, this correspondence should go to all of the Commissioners, but if a letter is addressed to the Commissioners and sent to the Judge, he just thought that the person sending those letters had already given a copy to the Commissioners since all of their email addresses are readily available. No action taken.

d. **Discuss and consider requiring the Rocksprings-Edwards County Volunteer Fire Department to submit a copy of their annual business audit, performed by a certified public accountant, to commissioners’ court for court members to review prior to the county disbursing any county funds to the RECVFD. – Commissioner Barnebey.** CommissionerBarnebey reports that people may have heard that there’s recently been a little upset at the fire department; the sheriff has looked into it and there is no criminality there. He is not sure he has ever seen an audit or a good financial statement when the Court approved their budget amount. Sweeten stated that he initially wrote the contracts between Edwards County and EMS and Edwards County and the Fire Department. Both of those contracts require an annual financial audit. However, when you look at the size of the organization and the cost of the audit itself, it was unrealistic for them to comply with this requirement. An audit would have been about $5,000 for each entity and this is unrealistic to ask of them. Next time, Sweeten thinks that the contract can include the requirement of a more thorough financial summary. Sweeten is all for accountability but, when it is cost prohibitive, it can be addressed in a different manner – in this case, perhaps, a financial summary statement. No action was taken at this time.

e. **Update on County Hog Out Management Program. – James Crockett.** JamesCrockett appeared to address the Court. He reported that the only thing on the grant that worries him is that the number of hogs taken into consideration must be for the purpose of the Hog Out Management Program. This makes it seem like the County cannot use the trapper’s numbers since they aren’t doing it for purposes of the program. If this is true, then this will be a 50-point deduction on the grant applications. As far as the educational requirement on the predator program, he was able to provide 60 minutes of educational time on this subject. He had 81-82 attendees. Crockett stated that it seems like if the County is not using the trappers’ numbers, that we will not be able to get our numbers for purposes of this grant. Shanklin asked him if he had gotten clarification on this and Crockett responded that he had not yet been able to do so. Commissioner Fry inquired if there was an alternative. Crockett replied that if he could get people to bring in their numbers for this one-month period that is being considered, that could be a possibility, but he didn’t think we could attain the numbers needed. Fry asked if he could use the Country Boys’ numbers; Crockett responded that the only problem with this is that he doesn’t know how many of those kills can be verified. (The time frame that will be looked at is from May 1 – 31.) Commissioner Epperson asked why the Country Boys’ numbers couldn’t be accepted. Crockett responded that the numbers had to be attained for the express purpose of the County Hog Out Management program and theirs were not.

f. **Consider and act upon engineering agreement with TRC for ADA handicap parking accessibility for restrooms at Fairgrounds. – Carl Esser.** Mr. Esser appeared to address the Court. He reports that Ed Beasley has conducted an inspection of the restrooms and they have passed the ADA compliance test. At the end of this project, the County would need to provide accessibility to meet the ADA requirement to provide a ramp to make the restrooms handicapped-accessible. TRC, on April 25, 2016, submitted a $4,680.00 proposal for engineering services to design this ramp as well as the handicapped parking spot. Actually, this proposal submitted by TRC is like an amendment of their original contact, according to Esser, and it can be approved today. Sweeten asked where the money to cover these expenses would come from. Esser responded that this money would have to come from the County. After the electrical work was done on the project, only $600 in funds were left over from the grant. Sweeten then asked if the County had expended their share of this money. Shanklin responded that the County received a $5000 donation from the livestock show committee. Esser responded that the County still has a “matching” obligation to satisfy. Commissioner Sweeten made the motion to approve the TRC engineering services proposal for the county fairground restroom ADA parking and sidewalk in the amount of $4,680; Commissioner Barnebey seconded the motion. No Commissioner noting any opposition, the motion carried 5/0.

g. **Discuss and consider completing on the new bathroom at the county fairgrounds. – Commissioner Barnebey.** No action taken.

h. **Consider and Act upon Contract No. 7214177 Barksdale Water Well Special Condition requirements for 12 months – Carl Esser.** Mr. Esser reported that the County received a letter from TDA regarding the water well project at Barksdale. We are now 16 months into the grant period. At the end of the 12-month period, certain milestones have to be attained. The County is behind in meeting these milestones because there has never been a designated site for drilling and the County has never gone through the bid process to drill a well. This grant is now in jeopardy of being terminated by TDA due to the lack of these milestones being met. TDA has given the County an option to reply back by May 16, 2016 with a revised implementation schedule, if they so choose, and an explanation as to why the project is where it is at. We’re here to determine if the County wants to submit this letter to try to resolve this within the next 90 days. If the County can show good faith and due diligence in trying to accomplish these milestones, then Esser thinks the TDA would accept this. However, not moving forward at all could cause the grant to be terminated; the State wants the County to try to meet the criteria and to see every project completed. To date, $28,000 has been spent on this project; this has been in the form of engineering fess and preliminary plans. There have been several meetings with the Barksdale Water Supply Corporation. We are now at a standstill because no construction has been done. If the County does not proceed with this project and the grant is terminated, then the funds expended have to be paid back to TDA because the County will show no benefit at the end of the project. Commissioner Sweeten interjected that since the County was on the hook for about $30,000, did the Court want to try to get an exception on the sanitary easement or drill a new test hole on property that the Barksdale Water Supply Corporation already owns? Judge Shanklin stated that if the Barksdale Water Supply does not want to go forward, it would then fall to the County to pick up the tab for the money that has already been spent. In this case, the Barksdale Water Supply Corporation does not want to go forward, as has been reported by Ms. Sharon Lamborn. Additionally, the private landowner involved in this project has backed out too. Sweeten stated that one option would be to drill deeper into an existing well to get to the deep water. Shanklin asked if the County could maybe ask for an extension and see what comes up with the deep water on the Camp Wood formation site and then try to see if we can’t drill in the existing wells into that formation if allowed by TCEQ and then, if it is potable water, we can get a sanitary easement. Esser stated that this opportunity for a grant likely would not come around again until the State of Texas is again under a drought. Sweeten responded that if we can get an exception from TCEQ and get them to allow the County to drill on the property we’re already on to a deep well, then he doesn’t see why we can’t do that at this point. These are existing wells. It shouldn’t take that long to write a letter to TDA requesting that extension. Esser stated that the County had until January 2017 to finish the project but that this extension letter should be drafted and sent this month. Fry doesn’t want to see the County’s liability grow by drawing this matter out; Shanklin responded that no more money would be expended at this point. Commissioner Sweeten made a motion that Esser & Company draft a letter to send to TDA requesting an extension and additionally request that Esser & Company work with TCEQ on the exception to the sanitary easement requirement so that a test well could be drilled on property currently owned by the Barksdale Water Supply Corporation; Judge Shanklin seconded the motion. No Commissioner noting any opposition, the motion carried 5/0.

i. **Consider and Act upon matters regarding FEMA Grant – Carl Esser.** Esser reported that the County is now at the point that the FEMA grant funds have been received. This is in an amount of 75% of the assessment. It is now time to go through the procurement process to purchase those materials. Esser asked if the County needed to purchase any material for the roads that are to be worked on or if we would be using material that we already had. Fry said that his precinct could use some asphalt and he wondered if it could be purchased with these funds. Sweeten asked how much money the County received. Esser stated that the grant was for $120,00 and the County should have received 75% of this, or around $90,000. For Precinct 1, Epperson stated that he would like to purchase some crushed base. Anything purchased has to be used on those sites. FEMA will usually come out to verify the proper use of the materials. It has to be made clear that FEMA is only paying for the top 2 inches of material. What Uvalde County is going to do is to buy the materials for 2 inches and then they’re going to take materials for another 2 inches from their Road and Bridge department. This would get them 4 inches of material for the road. Shanklin stated that this money is budgeted anyway; the County can buy this material and then work it this way. Esser advised that the County get one invoice for purchased FEMA material and then have separate paperwork documenting the 2 inches of County material so that there is no commingling. Commissioner Sweeten made the motion to solicit bids in the newspaper on the total tonnage amount of material that FEMA has approved; and, also approve that the bids be submitted two ways: (1) material to be delivered to our airport, or (2) material to be picked up at the site; and, the bids are to be submitted to the County Judge’s office. Commissioner Epperson seconded the motion. No Commissioner noting any opposition, the motion carried 5/0.

j. **Discuss and potential action on use of surplus funds to construct Miller Creek crossing – Commissioner Sweeten.** No action taken.

k. **Discuss salary increase for Motor Grader Operator, Gerardo Sifuentes – Road Supervisor Robert Pena.** Pena appeared to address the Court and reported that, to date, Sifuentes is performing well so he would like to see a small pay raise for him. He’s putting in a lot of effort. He’s currently at $13.00/hour. Commissioner Sweeten made a motion to increase Sifuentes’ pay to $14.00/hour; Commissioner Fry seconded the motion. No Commissioner noting any opposition, the motion carried 5/0.

l. **Pursuant to Section 551.074 of the Commissioners’ Court will meet in Executive Session to discuss Personnel Matters**

i. **Executive Session (closed Meeting) pursuant to Texas Government Code Sec. 551.704 PERSONNEL MATTERS – review applications and discuss hiring of Ana Cleto Garcia, Jr., passed employee, Troy Riddick, and Resume of Terry Troxel for road hand position in the Edwards County Road Department.** The Court went into executive session at 10:35 a.m.

**ii. RECONVENE in Open Session to consider and/or act on matters considered in Executive Session.** The Court recovened in open session at 10:51 a.m. Commissioner Sweeten made the motion that he contact Terry Troxel from Sterling City, Texas and invite him to come and sit for an interview and that during their phone conversation, Sweeten also question him as to his intent on lodging and his references and contact those individuals as well. Commissioner Fry seconded the motion. No Commissioner noting any opposition, the motion carried 5/0. Commissioner Fry stated that the lodging issue had arisen because Troxel’s application stated that he does not wish to relocate.

5. **New Business.** Judge Shanklin stated that after the monthly agenda had been posted, he received correspondence from the Community Council of South Central Texas regarding a request for a declaration of the month of May 2016 as “Community Action Month.” Commissioner Sweeten stated that, technically, the Court could not do anything with this motion. We could write correspondence signaling our support of their efforts, but the proclamation was not received until our agenda was posted. No action was taken.

Commissioner Fry stated that he also wanted to make a statement regarding CR 360. It is not nearly as bad as what is being made out to be. He feels the Road Department did a good job with the material that they put on there.

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 June, 2016 (June 14, 2016) at 9:00 o’clock a.m.

7. **Pay bills.** Commissioner Sweeten made the motion to pay the bills; the motion was seconded by Commissioner Fry. No Commissioner noting any opposition, the motion carried 5/0.

8. **Adjourn.** Commissioner Barnebey made the motion to adjourn; the motion was seconded by Commissioner Fry. No Commissioner noting any opposition, the motion carried 5/0. This meeting of the Commissioner Court adjourned at 10: 59 a.m.

APPROVED:

SOULI ASA SHANKLIN

Edwards County Judge

Attest:

OLGA LYDIA REYES

Edwards County and District Clerk