**The State of Texas §**

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**County of Edwards §**

**BE IT REMEMBERED** that on this 9th day of May, 2017, 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 Proposed Agenda for this Regular Open Meeting of the Commissioners’ Court of Edwards County, Texas was posted on May 4, 2017 at 2:25 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 9:04 o’clock a.m. by Judge Shanklin. The roll was called by Clerk Reyes. The Court was led in an opening prayer by Commissioner Epperson. The Pledge of Allegiance was recited. All Commissioners were present.

2. **Open Forum.** Randall Bryant appeared to address the Court. He spoke on the condition of CR 520.

3. **Staff Reports.** Commissioner Sweeten stated that staff reports are due at the first of the month. He would like to see this rule be followed.

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

a. **Prior Minutes.** Commissioner Epperson made the motion to approve the minutes of April 11, 2017; Commissioner Barnebey seconded the motion. No Commissioner noting any opposition, the motion carried 5/0.

b. **Burn Ban.** No action taken.

c. **Discuss and/or approve a Resolution Declaring May 2017 as Elder Abuse Prevention Month in Edwards County, Texas. – Unit Supervisor Jesse Hernandez.** Commissioner Sweeten made the motion to approve the Resolution Declaring May 2017 as Elder Abuse Prevention Month and he believes that this should be inclusive with each other month of the year; County Judge Shanklin provided the second to the motion. No Commissioners noting any opposition, the motion carried 5/0.

d. **Discuss and/or approve Energy Procurement Contract with First Innovative Power. – Richard Faas.** Mr. Faas appeared to address the Court. He has been working with Edwards County for many years already. He provided a savings analysis for the Court. The County’s current rate with its electric company, Hudson Energy, is $0.0637 and the new offer rate with Hudson Energy would be $0.0465, which will be a fixed rate. This would provide a term savings of $26,316 over the life of the contract. This would break down to a savings of $461.00 per month. Commissioner Sweeten asked if the Court could approve this Contract without soliciting bids for energy services. Commissioner Epperson asked about any fees that could be charged with regards to the electrical meters. Faas stated that there were some rates that were lower than Hudson but there were additional charges that would raise the amount that would ultimately be paid monthly. Commissioner Sweeten responded that the Court had not solicited any rates. Mr. Faas stated that new rates could be solicited two years in advance because you don’t want to wait until the last minute and then be vulnerable to the market. Mr. Barnebey asked about the Brilliant rate, which was lower than Hudson. Faas directed Barnebey’s attention to the asterisk by the information for Brilliant, which meant that there were numerous fees that would be passed along to the County over and above Brilliant’s rate. Sweeten inquired if Faas could hold these rate for the County for a month. Faas responded that the demand for natural gas dictates the rate; they might rise during the upcoming summer months. The Court will take no action on this item.

e. **Discuss and/or approve adding Will Allison as a commission member of The Edwards County Historical Commission. – Kari Cloudt.** Kari Cloudt appeared to address the Court and asked that Will Allison be added as a commission member of the Edwards County Historical Commission. Mr. Allison has a successful career as a game warden and is a lifelong resident of our County. Commissioner Sweeten made a motion to approve Will Allison as a commission member of the Edwards County Historical Commission; Commissioner Fry seconded the motion. No Commissioner noting any opposition, the motion carried 5/0. Commissioner Barnebey mentioned that he thought the program on the tornado was excellent. He mentioned that there were various empty storefront windows around the square and the suggestion was made as to the Commission setting up displays in these windows for the tourists. Cloudt responded that she could look into that. At the present time, DVDs of the tornado program are being refined for sale with the funds being put towards seed money for a museum in Edwards County. The next full meeting of the Edwards County Historical Commission will be on the 1st Wednesday of September, 2017. A program will also be held at the Rocksprings Cemetery on Memorial Day 2017 at 10:00 a.m.

f. **Discussion and/or potential action on Bus parking at High School along Market Street, Barksdale – Sharon Lamborn.** Ms. Lamborn appeared to address the Court. She informed the Court that the issue that the Barksdale Water Supply Corp. is having deals with school buses that are parking on top of the water lines. On August 27th, they had a water line break. School buses come around the Mary B. Powers building and, if they would stay on the pavement, there would not be an issue, but they are cutting the corner and this caused the first repair to be needed. One of the water lines now has three repairs made to it. She presented the Court with photographs of the area and the damage. Judge Shanklin asked Ms. Lamborn how the County could help. She stated that she had talked to former employee Robert Pena of the Road Department back when the issue started. She is of the understanding that the road in question is a county road and is, therefore, county property. Pena, at that time, agreed that the County could put up barriers and could keep buses from parking there since it was a County easement. Commissioner Sweeten stated that the whole property might not be County easement property. Commissioner Epperson asked why “No Parking” signs just couldn’t be put up. Sweeten will check the measurements of the area to figure it out and he will come back to Court and discuss how to rectify this problem. He would also take it to the school board and report back to the Court. Judge Shanklin made a motion to allow Commissioner Sweeten to measure the area, talk to the school board, and to then have the Road Department come up with a solution. The motion was seconded by Commissioner Fry. No Commissioner noting any opposition, the motion carried 5/0.

g. **Discuss and/or take action whether or not we need a road superintendent. – Commissioner Barnebey.** Commissioner Barnebey addressed the Court. He stated that he had been feeling a little neglected in Pct. 4; there is a spot on CR 900 that needs some work. He was due for the rotation at the beginning of this year and it didn’t happen. He wants to know where the Court is going with this issue. Commissioner Sweeten stated that FEMA repairs must be done. Sweeten believes that it was on Carl Esser’s suggestion, that the County, when doing the FEMA repairs, complete work on one road at a time rather than just go back and forth between areas. The majority of this FEMA work was in Pcts. 2 and 3. Sweeten stated that we need a Road Superintendent and that Barnebey had voted to support this and approve the application in the past. Sweeten is of the opinion that if we get a Road Superintendent in place then we won’t be having the issue with the rotations. We will have a person that will be surveying the roads to determine what areas need repair. This is the whole idea behind going with a system like this. Epperson stated that the issue with this is that this is a public sector and potential employees for the Road Department need to come through this Court. Shanklin stated that if you hire a Road Superintendent, it would be his job to do the hiring and firing. Sweeten stated that the Road Superintendent is appointed, not hired. There was discussion about the state of the roads in Pcts. 1 and 4. Barnebey stated that he needed some grass to be mowed along one of his roads and that he had been asking since October. This is a safety issue since it removes space on the road. He wants everything to be fixed but he doesn’t feel like he’s being involved in the rotations. Shanklin stated that the roads in Pcts. 1 and 4 were passable. We had two flood events in Pcts. 2 and 3. Sweeten estimated that 90% of all low-water crossing are in these two precincts, with his precinct having about 65% of these crossings. There were three machines that received water damage. Even if we had a full crew, we don’t have the machinery to run a full crew at this time. This is why it is so important to put our management team in place so they can rectify these problems. Barnebey stated that he was in favor of this. Epperson stated that he had been patient and that he understood the flooding issue, but that we could not neglect other parts of the County. He stated that if the roads are not rebladed, they will deteriorate. There needs to be some sort of system where we can do rotations with the blade. Commissioner Fry agrees. Epperson stated that each precinct has to be allowed to have its’ respective commissioner say what needs to be done in his precinct. Shanklin responded that we operate as a county unit, not by precinct. Sweeten stated that he disagrees that if a road is not touched in two years that it will deteriorate. A discussion ensued about this issue. Shanklin stated that we need a smart rotation. He asked Commissioner Barnebey if this discussion satisfied his action item. Barnebey responded in the affirmative. No action was taken.

h. **Review and/or potential action on applications for Road Superintendent. – Commissioner Sweeten.** Judge Shanklin stated that we’ve had five applicants for the Road Superintendent position come in. Commissioner Sweeten suggested scheduling a meeting where they could be interviewed. He thinks this should be done rapidly because whoever gets appointed needs to be involved in the budget process this year and have input. He would like a special meeting to be called ahead of the regular June meeting. Commissioner Barnebey asked about the cut-off date for accepting applicants. Sweeten believes that of the six applications that he has seen, three candidates are worth interviewing. He believes the other three don’t have the necessary qualifications. Barnebey suggests that all applicants should be given the opportunity to come in. Shanklin stated that we needed to get moving on this immediately. Commissioner Fry suggested that the cut-off date should be two weeks from today and that the top three candidates be interviewed, setting them at 30-minute intervals. May 23, 2017 was discussed as a potential date for this meeting. Shanklin suggested that the agenda for this meeting also state that the top candidate will be hired after the interview. Sweeten stated that it should be worded as “to select the top candidate.” Katie will notify the persons selected for an interview and schedule them to start coming in at 9:00 a.m. Commissioner Sweeten made the motion to send out notices to the candidates of an interview on May 23 starting at 9:00 a.m. and have Katie set up the interviews with candidates with road building experience. Sweeten requested that each commissioner send him questions for the candidates. The motion was seconded by Commissioner Barnebey. No Commissioner noting any opposition, the motion 5/0.

Judge Shanklin directed everyone’s attention to Items (i), (j), (k), (l) and (m); these all revolve around appointment of a Road Superintendent. If one is appointed, these are his or her duties. Commissioner Fry commented that this person definitely needs to be involved in this process. Shanklin stated that this person will make these decisions.

i. **Discuss and/or approve creating employee job descriptions for each position in Edwards County – Commissioner Sweeten.** Commissioner Sweeten addressed the Court. He stated that he has spoken to the County Attorney about this issue in the past. He wants to know how an employee can be evaluated without a job description. The Court came to the conclusion that it will be recommended to each elected official to create employee job descriptions for those positions within their respective departments.

j. **Discuss and/or take action on selling or dispose of surplus road equipment. – Commissioner Sweeten.** No action taken.

k. **Discuss and/or take action on machinery with LawrenCo. – Commissioner Epperson.** Ben Lawrence from LawrenCo appeared to give the Court a status update on the flood-damaged machinery. The tractor has come back to Edwards County and has been running for about two weeks; it’s doing really good. He reports that his company did a lot of remediation on it; the other two machines (the roller and another motor grader) have been pickled to stop further corrosion. He presented an invoice and disclosure statements to the Court. Lawrence stated that the invoice shows exactly what the estimate did. Commissioner Sweeten feels that the next machine that should be repaired is the roller; Commissioner Fry agrees. Commissioner Fry made the motion to fix the roller at the amount of $41,883 or less; this motion was seconded by Commissioner Sweeten. No Commissioner noting any opposition, the motion carried 5/0.

l. **Discuss and/or consider reestablishment of road department rotation among all four precincts. – Commissioner Barnebey.** No action taken.

m. **Consider road department hiring policy. – Commissioner Barnebey.** No action taken.

n. **Discuss and/or take action on extension for FEMA Grants relating to flooding damage in the County. – Carl Esser/Commissioner Epperson.** The County is working on the FEMA road repairs and making some progress. The County will be requesting a six-month extension for the FEMA Grant. Commissioner Epperson made the motion to approve asking for an extension for the FEMA Grants relating to flooding damage in the County; Commissioner Sweeten seconded the motion. No Commissioner noting any opposition, the motion carried 5/0.

o. **Consider and act upon request to TDEM for Time Extension for PW’s 140, 183, 184, (Revised Completion Date 11/29/2017) – Carl Esser.** Commissioner Epperson made the motion to approve the request to TDEM for Time Extension for PW’s 140, 183, 184, (Revised Completion Date 11/29/2017); Commissioner Barnebey seconded the motion. No Commissioner noting any opposition, the motion carried 5/0.

p. **Consider and act upon scheduling Public Hearing for Camp Wood Hills Project. – Carl Esser.** Esser reports that there are 118 property owners in Camp Wood Hills. He wants this Public Hearing to be held on a Saturday because the majority of these owners are absentee and they should have the opportunity to participate. He suggests that this hearing be scheduled on June 10, 2017 at 10:00 a.m. He has spoken to the Camp Wood Mayor about the use of the community building and the mayor will check on its’ availability. Commissioner Sweeten made the motion to schedule the Public Hearing for the Camp Wood Hills Project in accordance with the terms as stated; Commissioner Fry seconded the motion. Esser requested that the County Judge’s office send out notices to all 118 property owners in Camp Wood Hills (mailing labels will be obtained from the tax office).

5. **New Business.** Commissioner Barnebey stated that he had been thinking about the county park. When you get in there, the whole area has a spaghetti system of roads and it might be a good idea to try to organize that. He suggested looking into creating a walking/bicycle trail. Shanklin suggested that the County ought to building a fence and erect gates on the west and south sides of the area to eliminate the extra roads. This is an issue that can be looked at during the budget process. Commissioner Epperson requested that the Court look at the spending for repairs at the Road Department at the next meeting on May 23rd.

6. **Set time and date for next meeting.** The next regular open meeting of the Edwards County Commissioner Court will be held on the second Tuesday of June, 2017 (June 13, 2017) at 9:00 a.m. A special open meeting will be held two weeks from today (May 23, 2017) at 9:00 a.m.

7. **Pay bills.** Commissioner Barnebey made the motion to pay 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 regular open meeting of the Edwards County Commissioners Court was adjourned at 10:42 a.m.

APPROVED:

SOULI ASA SHANKLIN

Edwards County Judge

Attest:

OLGA LYDIA REYES

Edwards County and District Clerk