**The State of Texas §**

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**County of Edwards §**

**BE IT REMEMBERED** that on this 12th day of January, 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 January 7, 2016 at 2:45 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 9:03 o’clock a.m. by Judge Shanklin. The Pledge of Allegiance was recited. A prayer was offered by Commissioner Epperson. The roll was then called by Clerk Reyes. 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.**

**December 8, 2015.** Commissioner Sweeten made the motion to approve the minutes from the December 8, 2015 meeting; Commissioner Fry seconded the motion. No Commissioner noting any opposition, the motion carried 5/0.

b. **Burn Ban.** No action was taken on this item.

c. **Recognize The Gilmer Library for their national ranking of American All Star Public Library – Lisa Scroggins.** Mrs. Annie Haynes and Mrs. Lisa Scroggins were recognized and given thanks for their work on behalf of the Gilmer Library. Besides the recognition from the Court, Commissioner Sweeten also commended the Library as being one of the nicest small libraries around the country and declared that our community was fortunate to have it located here. He wished that more people in the Barksdale community could utilize this resource. Traveling to Barksdale or a possible partnership with the Camp Wood library is something that the library staff has considered, although it would be costly to conduct such an operation. Sweeten proferred the suggestion of a “Bookmobile” of sorts. Perhaps if there were more community support and interest for such an initiative, this could be more readily undertaken. Sweeten then inquired if Scroggins kept statistics on the number of patrons that avail themselves of library services; she replied in the affirmative, stating that she was actually now working on a yearly report and would provide Sweeten with a copy. Scroggins concluded by stating that the Gilmer Library would be celebrating the honor of being named as the top library in their region by hosting a party in the near future.

d. **Discuss and/or take action to approve nominees for Appraisal Board – Judge.** In the past, it has been left to the County Judge to find people willing to serve on the Appraisal Board. This year, because of a contentious situation that occurred, a board member has elected to step down. Consequently, Judge Shanklin is tasked with locating landowners, business owners, and other similarly qualified individuals to be on the Board. The Appraisal District is tasked with preparing their yearly budgets, hiring a Chief Appraiser, and training its’ employees. The last meeting of the Appraisal Board yielded only 1 member showing up to the meeting. Therefore, the Judge has put together a list of 5 or 6 potential candidates. Of all these persons contacted, only two have agreed to serve. Landowner, business owner, and attorney Craig Wolcott has indicated that he would serve. Former candidate for office in our congressional district, landowner, and business owner Max Martin, has also agreed to serve. In the selection of candidates for a position on the Appraisal District Board, Edwards County is allotted 1845 votes, RISD is allotted 2325 votes, NCISD is allotted 721 votes, and the City of Rocksprings is allotted 109 votes, for a total of 5000 total votes. Commissioner Epperson stated that the last time the Court took this matter into consideration, it was made clear that anyone on the Court could make a nomination but he didn’t know this matter was being considered. Shanklin stated that the Appraisal Board and the Court sent the information out. Epperson disagreed. Commissioner Barnebey interjected, stating that this has been the problem with this particular year. The Tax Code states that the Chief Appraiser must notify the judge and each commissioner and he didn’t receive such notice. Shanklin responded this duty falls to the Chief Appraiser. Barnebey believes that this means that his ideas about who might serve on the Appraisal Board have been completely ignored; Epperson is of the same opinion. He, too, received no notice of the names to be submitted. Shanklin stated that even the initial count of votes that Edwards County received from the Chief Appraiser was incorrect and consequently, they were returned as inaccurate. Barnebey then made a motion to answer two questions: (1) Do we get our notifications as the Tax Code says we should get and (2) can we make some other nominations since he never got a chance to have input. Commissioner Sweeten stated that he believes there is a time limit to these nominations. Shanklin stated that there are time constraints and the Appraisal District already wants to seat their board. Commissioner Fry asked if Barnebey had already contacted any nominees he might have in mind. Barnebey stated that two people were interested, including one who was presently on the board: Eddie Rudasill and Jodie Greene. Shanklin stated to Barnebey that these individuals were asked. He stated County was not to blame for the current state of affairs. Barnebey responded that he doesn’t appreciate the fact that his input has been avoided. Shanklin stated that everyone’s input was being avoided. Barnebey asked if the decision of who to nominate to this board had to be made at this time. The deadline was before Jan. 1st and probably should have been done in December. Shanklin asked Barnebey to recall that the number of votes allotted to Edwards County was incorrect. Shanklin stated that the bottom line was that it was not the County or his office’s fault; if there are no problems with the two gentlemen that are presently to be nominated, then this matter can be corrected in two years. Barnebey stated that the County should have also been delivered a ballot; Shanklin stated that one had never been received. Barnebey replied that this then actually makes the whole process premature. Shanklin responded that it did not; a vote would be taken on these nominations even though the Court has been left out on these matters because the people that the County nominates represent this Court. Barnebey countered that this is why he wants more time to discuss and consider these nominees. He only heard about them through an outside source. Epperson concurred, stating that it was tough to be on the Court and hear about these matters on the street. Shanklin stated that Barnebey’s motion had been made. He called for a second to this motion. Epperson seconded the motion. Clerk Reyes was asked to poll the Commissioners for their vote, which was recorded as follows:

Commissioner Barnebey: Aye

Commissioner Fry: Nay

Judge Shanklin: Nay

Commissioner Sweeten: Nay

Commissioner Epperson: Aye

This motion failed 3/2. Shanklin then stated that he would accept a motion to approve the nominees. Commissioner Sweeten made the motion to approve Craig Wolcott and Max Martin as Edwards County’s nominees for the Edwards Central Appraisal Board. Commissioner Fry seconded the motion. Clerk Reyes was asked to poll the Commissioners for their vote, which was recorded as follows:

Commissioner Barnebey: Abstained, no vote

Commissioner Fry: Aye

Judge Shanklin: Aye

Commissioner Sweeten: Aye

Commissioner Epperson: Abstained, no vote

The motion carried 3/0, with 2 abstentions. Sweeten stated that, in the past, the Appraisal Board has not always looked out for the best interest of the people that they are charged to represent. There were a few meetings that, after he was shut down, he chose not to attend. Hopefully, with the Board that is coming in, the County will have no further problems with appraisals and notifications.

e. **Discuss and/or take action to approve Custodian House for Deputy Matt Deitz – Sheriff Elliott.** Edwards County Sheriff’s Deputy Jason Reed has purchased a home and will be moving out of the Custodian House. A new Sheriff’s Deputy, certified for K-9, will be coming in and the Sheriff would like to extend to him the same opportunity to reside in the Custodian House. Commissioner Fry stated that he would accept this request as long as the same rules applied to the new deputy as applied to Reed; he should sign the same contract as Reed signed. Commissioner Sweeten made the motion to approve the switch from Deputy Reed occupying the Custodian House to the new Sheriff’s Deputy doing the same; Commissioner Barnebey seconded the motion. No Commissioner noting any opposition, the motion carried 5/0.

f. **Discuss and/or take action to approve military training Unconventional Warfare Exercise 16 (UWEX 16) within our jurisdiction from March 10th to June 5th, 2016 – Sheriff Elliott.** Judge Shanklin addressed the Court. This would be an exercise equivalent to last year’s “Jade Helm.” Shanklin stated that the military does not have exact dates for this year’s exercise, only that they had set the above-listed dates as an estimated parameter. Commissioner Sweeten stated that he had asked the Sheriff if last year’s participants had abided by the 8 stipulations imposed on them by this Court and the Sheriff replied yes, that the County had experienced no problems whatsoever. Commissioner Epperson asked if this year’s exercise would be a continuation of last year’s, with the same time frame and location. Shanklin replied that it would probably be. Sweeten made the motion that the Commissioner’s Court approve the military’s training Unconventional Warfare Exercise 16 (UWEX 16) within our jurisdiction from March 10th to June 5th, 2016**,** contingent upon military compliance with the same 8 stipulations approved in the May 2015 Commissioners Court meeting; Commissioner Barnebey seconded the motion. No Commissioner noting any opposition, the motion carried 5/0. However, after the vote was taken, Sweeten stated that he wanted to amend his motion. Sweeten moved to amend his previous motion by adding the following amendment to the approved motion listed above: Instead of having the letter of invitation (which contains the 8 stipulations discussed above) signed by each Commissioner, Sweeten moved that the County Judge shall be authorized to sign the letter to the Commander on behalf of the Court and a signed copy to be sent to each Commissioner. Commissioner Barnebey seconded the motion. No Commissioner noting any opposition, the motion carried 5/0.

g. **Discuss and/or take action to consider disbursing the school fund account to the two Edwards County school districts – Commissioner Barnebey.** Judge Shanklin stated that both he and Commissioner Barnebey had done research on this action item. Barnebey called the Texas Association of Counties, while Shanklin called the Secretary of State’s Office and the Comptroller’s Office. He found one school district (the Llano School District) that still holds their land. Each school district was given lands by the State of Texas. Llano, about every six months, still disburses money into the school system because they still have operational lands. The items that our Treasurer found all deal with University of Texas lands. Shanklin stated that he asked the Comptroller’s office what to do in this situation. They told him that this money could be taken and used for the County. The account that it is in could be closed and the money could be put in the general fund or given to the school, whatever the County wants to do with it. Shanklin was referred to the Mason County Judge, Jerry Bearden, because Mason County had some of these funds. Shanklin asked Judge Bearden where they got their funds. Bearden told him they were obtained from transmission lines going through school lands. They received about $7,000. Shanklin reports that he was told that Mason County had put this check into their general fund. From everything Shanklin can understand, Edwards County can do whatever it wants to with this money. The judges that have received these funds because of transmission lines, have said that because the schools get federal monies, state monies, taxpayer funds, and more funding than the counties, they put the funds back into the county because it benefits the schools in the long run. Commissioner Fry asked what the dollar amount being discussed was. Shanklin responded that there was $16,100 in one account and $5,000… roughly, there is about $22,000. If it was to be disbursed, the County could go by the Appraisal District percentages in what Nueces Canyon ISD has and what the Rocksprings ISD has, or, legally, and without anything going wrong, the County can close this account (this CD) and put the money in the County’s general fund. This money doesn’t have to be earmarked. The other judges that Shanklin has spoken with have told him that they have placed it in their County’s general fund. Fry asked if this land could make any more money; Shanklin responded that the land is no longer ours. Commissioner Sweeten made the motion to close out both of the accounts and put the school fund monies in the general fund. Barnebey stated that no one really knows when this account was established. Commissioner Epperson asked if the money would then be disbursed from the general fund. Barnebey explained that there were two options: we could disburse the money to the two school districts or keep it in our general fund. Sweeten said we don’t have to disburse it. Shanklin stated that this money has been around for more than 20 years; it was already in existence when our current treasurer took office. Fry seconded the motion. No Commissioner noting any opposition, the motion carried 5/0.

h. **Discuss and/or take action on road conditions on CR 230, Bob Hays – Commissioner Sweeten.** Edwards County citizen, Bob Hays, appeared to address the Court on this agenda item. After thanking the Court for the opportunity to appear, he stated that he was concerned about the condition of CR 230 and had previously spoken to Commissioner Sweeten about this. He stated that what he was going to tell the Court was not to reflect negatively on Road Supervisor Pena; these conditions go beyond his control. Hays told the Court that there were numerous potholes along this road, with two being approximately 20-30 feet in size close to a blind curve. This forces the driver to switch to the other side to avoid them, thereby creating a dangerous situation. It has been about 12 years since any material was put on the road. He would appreciate anything that the Court could do. Sweeten agreed, saying that CR 230 is not the only county road that is in this shape. He stated that during the budget process, the County needs to look into putting some funds to repair some of these roads. There is limited money for material in the budget this year but maybe the County can figure out something that could be done. Pena interjected, saying that there is also oil field traffic on that road and, in particular, there is one driver who just won’t slow down while traversing this area. Sweeten stated that while the County can’t enforce speeding laws on this road, it can enforce other traffic laws, such as that for an unsafe speed. Pena stated that he could bring up some material and scatter it on the road in question. Pena has four or five days left to work in Precinct 2 and then he will be moving to Precinct 1 according to the rotation schedule. Sweeten stated that several months ago, the Court approved that Pena be allowed to purchase a front-end loading equipment, in an amount up to $20,000. It was purchased. Commissioner Barnebey stated that it might also be good to consider the rotations pattern. Judge Shanklin stated that this should put it on the next agenda. Sweeten stated that Pena would get out there and see what the County can get done. No further action was taken.

i. **Consider and act upon authorizing and directing the County Judge to advertise and Request Qualifications (RFQ’s) for a firm to be hired to manage and administer Edwards County’s FEMA Project – Carl Esser.** Mr. Esser was not able to appear to address the Court as he was attending a funeral. Judge Shanklin stated that the County would publish the advertisement for bids from construction companies for this FEMA project. Commissioner Epperson stated that he would like to see these advertisements also run in Uvalde and Kerrville. Shanklin replied that Esser is the person who runs the ads. Epperson asked for Shanklin to make sure this was done. Shanklin replied that the State also puts it out on a state wide board that is advertised online. Epperson asked for a web address; Shanklin stated that Mr. Esser would probably have them as he is the one in charge of this. Commissioner Sweeten made the motion to authorize and direct the County Judge to advertise and Request Qualifications (RFQ’s) for a firm to be hired to manage and administer Edwards County’s FEMA Project; the motion was seconded by Commissioner Fry. No Commissioner noting any opposition, the motion carried 5/0.

j. **Discuss and/or take action to Consider and act upon matters regarding FEMA and Certz Grant – Commissioner Epperson.** Commissioner Epperson stated that he had brought this matter before the Court because there had been some misinformation. It was thought that the material purchased from Vulcan under these grants was going to cost $28,000 when in fact the County only received, and was billed for, material that cost $8,000. Shanklin asked who made the mistake. Epperson answered that it was Vulcan; they were told the amount of footage for which the material needed to be ordered and they have formulas to calculate the material needed. Pena ordered $28,000 worth of material upon Esser’s instruction. When Vulcan came to deliver the material, they did not have a scale and they basically just dumped the delivered material on the ground. Pena called Vulcan and was told that they would look into who had “dropped the ball” and why the County failed to get the additional $20,000 of the material that was initially ordered. Shanklin asked if there had been enough material to complete the project. Epperson responded in the affirmative. Now, what he would like to do, is transfer these unexpended funds to be able to work on CR 890. Pena stated that the County was able to do the damaged area of the intended road with the $8,000 worth of material. The Experiment Station paid to do the rest of that road themselves. Shanklin stated that the left-over funds belonged to Epperson so that he could use them in his precinct. Pena will tell Vulcan that the rest of the material is not needed; it was their mistake. Commissioner Sweeten made the motion to allow Commissioner Epperson to use the funds left over from this transaction with Vulcan on any road he wants to use it on. Shanklin asked since this was under the CERTZ grant, would Epperson have to list the specific road that these funds would be used on? Epperson responded in the affirmative while Commissioner Barnebey stated that the list of roads submitted under this CERTZ grant request would now need to be modified. Epperson then said that he would make the motion to use these funds for CR 890. Sweeten stated that he had already made this motion but that he would allow Epperson to make the motion instead. The initial motion was withdrawn. Epperson then made the motion that he be allowed to utilize the money left from the purchase of materials discussed herein to add CR 890 to the list of roads that need improvement under the CERTZ grant once modification of that list has been made. Commissioner Sweeten seconded the motion. No Commissioner noting any opposition, the motion carried 5/0.

5. **New Business.** Commissioner Barnebey stated that he did not get a preliminary agenda this last time. Shanklin apologized and stated that there were only two items on the agenda and he had to get his assistant to get it to the newspaper. He asked her to email all of the Commissioners and Department Heads to request that they submit any needed agenda items. Up until last Thursday, only two items were on the agenda. Commissioner Epperson stated that he would just like to be able to read the proposed agenda, whether it has anything on it or not. He disseminated the previously adopted agenda rules to the Commissioners for their review. Sweeten stated that it would be simpler to just do away with a proposed agenda. Epperson stated that the published agenda helped him stay informed. Shanklin agreed that it helped everyone be informed. County Attorney Allen Ray Moody, from the gallery, stated that the reason the County publishes items in the newspaper is because most governmental actions that have to do with, for example, grants and subdivisions, have a public notice requirement. He stated that he has always recommended publication as much as possible, and even reminded the Court about an old legal principal that sets forth that one can never have too much notice. Commissioner Fry stated that when the agenda is emailed to the paper it should also be emailed to the Commissioners. Shanklin replied that is what is usually done. Fry conveyed his appreciation of this.

Road Supervisor Pena stated that he has not had an opportunity to take his vacation and he doesn’t want to lose it. Judge Shanklin referred him to the County Treasurer as this situation had been addressed at a previous meeting of the Court and the Treasurer knows how to handle it. Pena stated that the amount of time that he was talking about was 12 days. Shanklin stated that he must either find time to take them or, in the alternative, he must be compensated for this time. Since the labor regulations have changed, Shanklin stated, all County employees may only be allowed to carry a set number of hours of vacation time. When this limit is reached, the County will have to start demanding employees use these hours or, in the alternative, receive compensation. Pena was of the understanding that the County did not pay for unused vacation time. Shanklin advised him to take his hours, in light of the new labor regulations. Commissioner Sweeten inquired whether Pena had anyone that could substitute his position to allow time for Pena to take his vacation hours. Pena responded in the affirmative but then stated that he was still shorthanded as training on all new employees in his hire had not been fully completed. Shanklin again reiterated his request for Pena to speak to the Treasurer. If unused vacation time is to be reimbursed at the rate of “time and a half,” then the County might start demanding that employees not be allowed to carry any of this time over. They may have to just take the time off. Pena said he would take some time to think about this matter. Shanklin stated that the County would do whatever the Texas Association of Counties directed so as to avoid any penalties or fines.

Commissioner Barnebey then stated he had a question about the Judge’s administrative assistant’s position. After expressing appreciation towards the current assistant, Reina Perez, he inquired whether there had been some difficulties on how the Commissioners relate to her. Shanklin stated that the problem that had arisen was when Commissioner Epperson came to the Courthouse and started demanding “stuff” from Perez. Shanklin was not in the office. Perez then went to the Clerk’s office to get the agenda posted and time-stamped and Shanklin stated that Epperson was waiting for her. Epperson interjected that he was not waiting for her. Shanklin said that Epperson started talking to her about the “deal” again that had already been covered. Shanklin further stated that Perez had asked Epperson to not talk to her until in Court and in Shanklin’s presence. Shanklin stated that Perez works for him, the Treasurer, and the County Agent. She is also made her available to assist with Commissioner’s Court. She does not work for the Commissioners. The only control, according to Shanklin, that the Commissioners have over Perez is if they choose to cut the funds allotted to her position from his budget. Shanklin requested that, should the Commissioners have a question, that it be addressed in the right way. Perez felt like she was being harassed and she does not want to be harassed. Epperson then presented his position to the Court and began by stating that it was incorrect that he harassed anyone. He states that he simply asked Perez if she had seen the agenda management rules that were previously adopted by the Court. All he had asked for was a copy of the proposed agenda. He stated that, at this point, Perez stated that she did not want to talk to him and he apologized, saying it was fine and that he was just trying to do his job. Epperson strongly conveyed that he is always cordial to everyone and he doesn’t appreciate anyone saying that he harasses people because he doesn’t; he works hard, he tends to his business, and that is how it is. Shanklin responded to Epperson by stating that Epperson has previously gone into his office to talk about such matters and that he has a statement from his past three secretaries. Shanklin asked Epperson, on future occasions, to visit his office when Shanklin is present and ask either himself or Perez for his requested information. Since Perez works solely for him, the Judge stated that if Epperson had a question he could also call or email his office.

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

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

8. **Adjourn.** Commissioner Sweeten made the motion to adjourn. Commissioner Barnebey 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 10:15 o’clock a.m.

 APPROVED:

 SOULI ASA SHANKLIN

 Edwards County Judge

Attest:

OLGA LYDIA REYES

Edwards County and District Clerk