**The State of Texas §**

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**County of Edwards §**

**BE IT REMEMBERED** that on this 12th day of April, 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 April 8, 2016 at 3:58 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 9:08 o’clock a.m. by Judge Shanklin. The Pledge of Allegiance was recited. The roll was then called by Clerk Reyes. All Commissioners were present.

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

**Don Byrd.** Mr. Byrd asked the Court to consider closing the intersection of CR 390 and CR 394. He believes that it is too dangerous for vehicles to pass through there. He would like for a company to come in and do a traffic count for all county roads to identify those with an excessive amount of traffic. The purpose of this would be so that maintenance of those roads with excessive traffic could take precedence over roads with no traffic. A number of landowners are doing repairs themselves. Carl White just filled potholes at the bridge crossing on CR 390. Johnny Bullard made several repairs on CR 394. He’s gone to the intersection of CR 390 and CR 394 and fixed it when it has been washed out. He’s done this twice in the last year. Something needs to be done.

**Carl White.** Mr. White stated that in 1973, he worked these county roads. At that time, there was one man per precinct and, in his case, he worked every road in that precinct (Precinct 1) once a month. It makes no sense that the roads are in the condition they are now and no one comes out to work the roads. He’s had to repair the roads twice. He’s run a maintainer since 1958 and he knows that they should flat-blade the road and this is not being done. He stated that the County needs to hire someone that knows what they are doing.

**Randolph Wood.** Mr. Wood stated that he is not here to complain about CR 520. He is here to make three points, based on 16+ years of living on this county road: First, the road department is fundamentally sound. It is, however, short of qualified operators. In today’s labor market, you will not get qualified operators with the kinds of salaries that you are offering today. Unless you advertise with sufficient salary, you will not get qualified operators. He recommends adopting a flexible and competitive scale; failure to do so will make this hole deeper. CR 520 has not been worked in over a year. Last July, a grater came down the road and cleaned out a draw that was impassable. This was the only work done on this road in over a year. Second, the county needs to go back to a system that worked well 3 years ago. This is the straightforward rotational system which treats everybody equally. All roads under this system receive the same level of service. Thirdly, it is the most practical and economically efficient system. Under this system, all county roads were worked 2-3 times per year. This rotation system also provided for special circumstances such as flooding and rain. Our current system provides arbitrary time constraints regardless of equity or need. As the Court goes forth working on this system, he hopes that these thoughts would be useful.

**OD Anderson:** Robert Pena does a good job. He thinks though, that Robert’s taken off of his job to serve some interests that he shouldn’t be doing. He believes that if we are in a system where we’re going to do private work for other people with the County equipment, then all the tax money should be taken from the road department and split equally between the individual precincts. He thinks that this takes time away from what they should be doing, and that is maintaining the roads.

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

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

a. **Prior Minutes.** Commissioner Barnebey made the motion to approve the minutes from the April 12, 2016 meeting; Commissioner Sweeten seconded the motion. No Commissioner noting any opposition, the motion carried 5/0.

b. **Burn Ban.** Judge Shanklin stated that the County is out of the burn ban right now and we are now on the edge of another good rain. It is his suggestion for the County to stay where we are and if no rain is received, then the burn ban can be reinstated. No action taken.

c. **McLeod Financial Management presentation on Employee Benefit Programs/Life Plans – Bill McLeod.** This will be a presentation on a life insurance plan for employees, and if approved, will give Mr. McLeod the opportunity to make a presentation to the employees on a benefit program/life plan when the general enrollment presentations are made in September. Mr. McLeod appeared to address the Court. He is a professional insurance agent who has been in business 29 years. The plan that he is presenting is underwritten by Boston Mutual. In his opinion, this is the best plan out there. Everyone that actively works at the County can buy it. The guaranteed issue offer to the county employees is $13.00/week and it guarantees their payments at a given age. The benefits do not go down, payments are locked in, and the plan is portable. There is also guaranteed issue on children and grandchildren, up to age 15. It locks in insurability for the future. Individuals are covered on the day they sign the application. Commissioner Epperson asked what the lapse in years would be on this life insurance policy (i.e., to what age are people insurable?). McLeod responded that they were insurable until age 95. Commissioner Sweeten made the motion to allow McLeod to present his Employee Benefit Programs/Life Plans to the employees in September when the County does its general enrollments; Commissioner Epperson seconded the motion. No Commissioner noting any opposition, the motion carried 5/0.

d. **Discuss and/or approve the consolidation of Edwards County voting precinct for purpose of the 2016 Republican and Democrat primary runoff election. – Kathy Walker & Melissa Martinez.** Judge Shanklin stated that the party chairs, to save the County money, are asking to consolidate the voting precincts for purposes of the 2016 Republican and Democrat primary runoff election. There will be one Election Day polling place in Barksdale and one Election Day polling place at the Courthouse Annex building. Commissioner Barnebey made the motion to approve the consolidation of Edwards County voting precinct for purpose of the 2016 Republican and Democrat primary runoff election; the motion was seconded by Commissioner Fry. No Commissioner noting any opposition, the motion carried 5/0.

e. **Discuss and/or take action to approve a proclamation for Child Abuse Awareness Month. – Lisa Goehmann.** Commissioner Sweeten sees one thing in the proclamation that he disagrees with: at the bottom of the written proclamation, it states that April 2016 is proclaimed as National Child Abuse Prevention Month in Rocksprings, Texas. What happened to the rest of the County? He requests that this change be made. With this exception and with the requested correction to be made, Commissioner Sweeten made the motion to approve the proclamation for Child Abuse Awareness and Prevention Month, April 2016; the motion was seconded by Commissioner Barnebey. No Commissioner noting any opposition, the motion carried 5/0.

f. **Discuss and/or take action to approve permission for The Edwards Central to paint the interior walls at the Appraisal District Office. – Annie Mitchell.** Judge Shanklin stated that if there is no change in the color of the walls to be painted, which attendee and Appraisal District Office employee, Annie Mitchell confirmed, he sees no problem with permission being granted. Commissioner Barnebey made the motion to give permission for the Edwards Central Appraisal District to paint the interior walls at the Appraisal District Office, with the color remaining the same; the motion was seconded by Commissioner Fry. Commissioner Sweeten stated that he would abstain from voting as he is on the Appraisal District board. No Commissioner noting any opposition, the motion carried 4/0, with Sweeten abstaining from the vote.

g. **Discuss and/or take action to approve the addition of Socorro Heft as a new member of Edwards County Historical Commission.** Kari Cloudt appeared on behalf of the Edwards County Historical Commission in support of the addition of Ms. Heft as a new member. Commissioner Fry asked who Ms. Heft was and her connection to Edwards County. Mrs. Cloudt responded that she lives along CR 684, she’s a good citizen, a nurse at LHMH at Sonora, and she does volunteer work at our library. Sweeten made the motion to approve Socorro Heft as a new member of Edwards County Historical Commission; the motion was seconded by Commissioner Barnebey. No Commissioner noting any opposition, the motion carried 5/0.

h. **Discuss and/or take action to re-plat the North property line of Tract 28 (Unger) and South property line of Tract 46 (Shaw) in the Apache Ridge Subdivision – David Unger.** Commissioner Fry made the motion to approve the re-plat of the North property line of Tract 28 (Unger) and South property line of Tract 46 (Shaw) in the Apache Ridge Subdivision; Commissioner Sweeten seconded the motion. No Commissioner noting any opposition, the motion carried 5/0.

i. **Final plat approval for Pinon County Ranch. – Sam Poorman & Commissioner Fry.** Reginald Tuck appeared for Samuel Poorman. Judge Shanklin stated that the preliminary plat on this subdivision had already been approved last month. Commissioner Sweeten asked if there were any changes and he asked Allen Ray if he had already seen it. He responded in the affirmative. Judge Shanklin inquired as to the total acreage; he was told that it was 2200 total acres. Tuck also advised that the road signs had been ordered and should be received next week. Commissioner Fry made the motion to approve the final plat of the Pinon County Ranch; Commissioner Epperson seconded the motion. No Commissioner noting any opposition, the motion carried 5/0.

j. **Consider approval of preliminary plat for Trinidad Ranch in precinct four. – Sam Poorman & Commissioner Barnebey.** Commissioner Barnebey stated that this matter deals with the Trinidad Ranch which is not changing its shape, but rather, is changing its’ ownership. This property is located behind Bill Mitchell’s place at the end of CR 240. Additionally, Barnebey has met and reviewed this plat with County Attorney Moody and Poorman. Commissioner Barnebey made the motion to approve the preliminary plat for Trinidad Ranch in Precinct Four; Commissioner Fry seconded the motion. No Commissioner noting any opposition, the motion carried 5/0.

k. **Discuss and potential action on draft Road Superintendent job description. – Commissioner Sweeten.** Before discussion on this matter commenced, Judge Shanklin stated for the benefit of the audience members in attendance and for the gentlemen that had spoken on the county roads, that two more subdivisions had been approved. Some of our county roads that in the past had 3 ranches on them, like CR 450, are now subdivided from end to end. One of these new tracts will have 63 new landowners using the county road runs through it. Our problem with our roads is that Edwards County is the last part of the Hill Country that is being able to be bought at a lesser cost than those areas closer to San Antonio, and new people are going to keep coming. It is now difficult for the Commissioners to address the conditions of the county roads with limited funds and more development. It is difficult to manage and maintain these roads to everyone’s satisfaction. There is not a simple solution. The County also tries to find grant funds where it can to offset the cost to the taxpayer and when these funds are received, the County has to adhere to the policies and rules that attach to those funds. With this said, we will move into this action item. Commissioner Sweeten then addressed the Court. This matter has been discussed for about 2-3 sessions. Our roads have deteriorated. We have lacked help at the Road Department; at one point, Robert only had 2 employees. As far as rotations, we’re still on the rotation system. Sweeten stated that an audience member had indicated in open forum that “the way it was” treated everyone as equal; he disagrees with this statement. A system that treats a precinct that has 11% of the roads the same way it treats a precinct that has 36% of the roads, that is not fair and equitable. Commissioner Fry interjected that it was not equal because it also didn’t treat the same amount of people the same. No one is saying that Robert is not doing his job; he’s either got to be the equipment operator or he’s got to be the boss, not both. Wage and labor says you can’t do it. Robert now has to run equipment; that means he doesn’t have the time to do a lot of the things that have to get accomplished. Commissioner Epperson interjected that Robert can’t be pulled off because we still don’t have enough people trained. According to Sweeten, there are programs that would allow us to have our people trained; we just haven’t used those programs like we should. Now what is needed is that we have either a true superintendent system or go back to the Commissioner system. We are not meeting the requirements. We are going to advertise for help in the Road Department, however, we had not realized the cost of running those advertisements. This needs to be revisited. Fry stated that it doesn’t matter how you change the system; if you don’t have trained workers, we can’t change the system. This matter needs to be kept in front of everyone. Epperson stated that he has looked at this issue and he has a few adjustments that he feels need to be made to the draft of the Road Superintendent position. Judge Shanklin told Epperson to email his suggestions to everyone and to make sure that he adhered to the Traffic Code and Labor Standards. No action taken.

l. **Discuss and potential action relating to the conditions of Edwards County roads and current methods for maintenance. – Commissioner Sweeten.** Sweeten looked at the calendar that Robert provided back in February. The Court discussed the dates of the upcoming rotations. Fry stated that our most reasonable and long term goal should be to work towards having two crews. Sweeten agrees; hiring a motorgrader operator would just be a quick fix because a week later the road could be flooded out again and much more work would be needed to fully repair the road. Drainage and other issues need to be considered. More material would also be needed. We budgeted for material, but not a lot. Robert stated that there is about $20,000 that we have; about $5,000 for each precinct. Maintenance costs for larger repairs such as culverts are needed but haven’t necessarily been budgeted for in the past. This is something that needs to be considered at budget time this year. No action taken.

m. **Review and potential action on Miller Creek Crossing. – Commissioner Sweeten.** No action taken.

n. **Preservation for CR 360. – Karen Alexander.** Mrs. Alexander addressed the Court. All she wants is a solution. She wants to address the comments made at the March meeting. One comment that was made was that the road department can’t come down CR 360 because there are “no trespassing” signs there. She and her husband drove the entire CR 360 to look for these signs and did not find any. Back in 2010, there were two “no trespassing” signs at the first bump gate from the person they brought their property from; at that time, he indicated to them that he had put them up since the County was not maintaining their roads correctly. He didn’t want the County crews on his property and he put up the signs. During Fall 2010, she encountered a road department employee who did not go past the “no trespassing sign” on CR 360 and when she inquired why, she was told that it was due to the sign. She went and got her wire cutters and cut down the sign so he could go on down the road. Another comment that was made in March was that there are not enough people that use CR 360. She has a signed list of 33 people that either live, rent, work, or own property or maintain property on CR 360. Commissioner Fry stated that this road was about two miles long. This is not everybody, some refused and she couldn’t get ahold of some of those that lived out of town. Fry stated that this puts things in perspective; if there are 33+ people along a stretch of road that has 8 properties along it, imagine how much traffic a county road that has one subdivision with 63 landowners along it sees. Mrs. Alexander stated that she cares about her County Road; that is why she is here. Her opinion is that she sees other county roads that are maintained better than CR 360 which has ruts, potholes, flooding issues, material up against private fences and has continually gotten worse. She will leave the Court with three questions: (1) She would like the breakdown per precinct of the tax revenue that is brought in to maintain these county roads and a breakdown of how the maintenance of the county roads are divided up. (2) We know what is not working, so what will work? (3) She had a meeting at her house on Sunday to help come up with solutions to help fix our problem and she encourages attendance at future meetings. She thanked the Court for their time, attention, and help. Commissioner Sweeten provided a response. He hoped more people would show up at the meeting as it’s not just about CR 360, it’s a county wide problem. More notice will be given for future meetings.

o. **Discuss and/or take action to approve the cost to pay for the position of Motor Grader Operator for Road Department – Commissioner Sweeten.** Judge Shanklin stated that the money to pay the cost for the advertisement is in the general fund. The total cost to publish this posting in Sunday periodicals across the State for a three-week period is $2300. Epperson suggested that it be run first in Kerrville and Uvalde since we are only looking for one employee. Shanklin responded that we should cast a long line and see what comes in. We shouldn’t limit our scope. Fry thinks that we could also run it in the West Texas area. From the audience, Audrey Grooms, who works for the Texas Mohair Weekly, stated that our local newspaper runs a TexScan advertisement which also runs statewide. If other newspapers subscribe to this service and run these ads, Commissioner Barnebey thinks this might be the best way to go because then we could prospectively reach odd, rural areas as well. He thinks we should skip San Antonio and go with TexScan. Sweeten stated that he agrees with Shanklin. Fry stated that we should advertise in Uvalde, Kerrville, Odessa, Midland, and San Angelo. Commissioner Sweeten made the motion to advertise for the position of Motor Grader Operator for the Road Department inUvalde, Kerrville, Odessa, Midland, San Angelo and TexScan; the motion was seconded by Commissioner Fry. No commissioner noting any opposition, the motion carried 5/0.

p. **Consider and act upon Resolution authorizing submission of Local Border Security Program Grant Application for FY-2017. – Carl Esser.** Carl Esser appeared to address the Court. This is the application to offset our costs in the Sheriff’s Department. This application is submitted every year. Commissioner Barnebey asked if anything had changed with regards to this year’s application. Esser responded that the prior application was for 8 months and this one is for 12 months. Shanklin stated that it was for a full fiscal year. This grant will help pay for 2,240 hours of overtime compensation at time and a half, which is about $60,000. Commissioner Sweeten made the motion to approve the Resolution authorizing submission of Local Border Security Program Grant Application for FY-2017; the motion was seconded by Commissioner Epperson. No commissioner noting any opposition, the motion carried 5/0.

q. **Consider and Act upon matters regarding Edwards County Transportation Infrastructure Grant. – Carl Esser.** Mr. Esser reported that this was a grant we got from TxDOT several years ago. If you have any roads or projects we have not worked on, Esser urges the County to initiate those. We have not yet sent any requests for reimbursement. We need to get this money used up before the next legislative session. The streets in Barksdale have been completed as has the work on CR 380. CR 450, 760, 761, 260, and 300 were also originally identified. Barnebey stated that on his two roads (260 and 300) we are still waiting for the pavement to get those completed. There are other roads on this list that are still being worked on. Weather permitting, it is hoped that the work can be completed by October.

r. **Consider and Act upon Presentation by Esser & Company on Various Edwards County Grants. – Carl Esser.** Mr. Esser stated that he wanted to bring to the Court’s attention that he will be going to Austin the first week of May to TEA headquarters to monitor review of the Barksdale septic project. At the end of a project, a review is always done to make sure that everything was done according to the requirements. Also, with regards to the 2016 criminal justice grant that the County received, the Sheriff’s office has purchased all of that equipment and will request reimbursement from Governor’s office. This project ended on March 31. Another grant that Edwards County currently applied for had Mr. Elliott and Jason Reed go to the Concho Valley COG where Deputy Reed gave a presentation requesting funds for a new vehicle for the Sheriff’s Department. Commissioner Barnebey asked if the bathrooms at the fairgrounds were finished. Shanklin answered that most of it is finished but the sidewalks still need to be poured and set. The electricity was put in and the lines were flushed; pretty much everything is ready to go. Judge Shanklin commended Mr. Esser for all of his work with our grants; we don’t have any of the problems that other counties encounter with their grants because of Mr. Esser’s hard work which is greatly appreciated.

s. **Hog Out Management Program. – James Crockett.** County Agent James Crockett appeared to address the Court. This program is part of a TDA grant. Basically, this program is put forth as an effort to reduce the feral hog populations. During the period of May 1 -31, he needs to conduct 60 minutes of educational programs (educational time) and log the number of hogs killed during this time period. He had already scheduled a Predator Management Plan Program for May 6. He is going to ask his speakers to devote some time to speak about feral hogs so that we are eligible for this grant. The hogs have to be killed on site. Eligible expenses that are reimbursable under this grant are personnel costs and direct operating expenses. The application for this grant is due to be submitted to TDA on June 14th so before then, he will need a County resolution. Judge Shanklin asked him to prepare it. Crockett informed the Court that TDA does grants between $5,000 and $25,000 depending on the score. He is assuming that our County might not get a very good score just because he’s looked at other counties and they have several hundred educational contacts, he has approximately 65 such contacts. So, we’ll probably receive somewhere towards the lower end of grant money, but still its money. Commissioner Epperson made the motion to support the Hog Out Management Program; the motion was seconded by Commissioner Sweeten. No Commissioner noting any opposition, the motion carried 5/0.

t. **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 – discuss on hiring past employee, Troy Riddick, for road hand position in the Edwards County Road Department.** No action taken.

**ii. RECONVENE in Open Session to consider and/or act on matters considered in Executive Session.** No action taken.

Mr. Barnebey asked, since there is only one position currently available, and it might be sometime before someone is hired, could we hire someone temporarily? Shanklin responded that hopefully, it will not be that long. Sweeten thinks this really won’t do us any good. We should wait to see what the advertising process brings in. Shanklin also added that Robert has not asked for temporary help.

5. **New Business.** Mr. Barnebey announced that he had two items of new business and they both related to Saturday, April 23rd. The first is that this is the date of the 100th anniversary of the Texas Experiment Station. And, on this date, there will also be a convention of the Texas Speleological Association here in Rocksprings. He encourages all to attend both of these events.

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 May, 2016 (May 10, 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: 31 a.m.

APPROVED:

SOULI ASA SHANKLIN

Edwards County Judge

Attest:

OLGA LYDIA REYES

Edwards County and District Clerk