**The State of Texas §**

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**County of Edwards §**

**BE IT REMEMBERED** that on this 13th day of December, 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 Proposed Agenda for this Regular Open Meeting of the Commissioners’ Court of Edwards County, Texas was posted on December 9, 2016 at 10:04 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 9:05 o’clock a.m. by Judge Shanklin. The Pledge of Allegiance was recited. The Court was led in an opening prayer. The roll was then called by Clerk Reyes. All Commissioners were present.

2. **Open Forum.** Commissioner Epperson stated that he had been asked to tender to the Court the resignations of Robert Pena and his wife, Cristela Pena, to the Court.

3. **Staff Reports.** There were no questions or comments regarding any of the Staff Reports.

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

a. **Prior Minutes.**

**November 1, 2016.** Commissioner Sweeten made the motion to approve the minutes of November 1, 2016; Commissioner Fry seconded the motion. No Commissioner noting any opposition, the motion carried 5/0.

**November 17, 2016.** Commissioner Epperson made the motion to approve the minutes of November 17, 2016; Commissioner Sweeten seconded the motion. No Commissioner noting any opposition, the motion carried 5/0.

**November 21, 2016.** Commissioner Sweeten made the motion to approve the minutes of November 21, 2016; Commissioner Epperson seconded the motion. No Commissioner noting any opposition, the motion carried 5/0.

b. **Burn Ban.** No action was taken on the Burn Ban.

c. **Presentation of certificate of appreciation and Texas flag to Edwards County Commissioners’ Court for support in promoting Texas Veterans Land Board land and housing loan programs. – Vietnam Veteran, Ken Wallingford.** Mr. Wallingford appeared to address the Court. He stated that Texas has a history in rewarding its veterans with grants of land, dating all the way back to the time of Sam Houston. In 1946, the Texas Veterans Land Board was created to continue this land program. Among many other programs, they have added a housing program and a home improvement program and 4 national cemeteries. There are 1.7 million veterans in the state of Texas. They are going around the state and recognizing the counties that have the most land loans on a per capita basis. Edwards County was the number one county in the state. We have a population of about 1,910 people and 117 veterans. During this last fiscal year, $1,602,110 in land loans were made. This is 17% on a per capita basis. Because of this, Wallingford extended his congratulations to the County and presented the Commissioners Court with both a certificate of appreciation and a Texas flag.

d. **Review and/or approve Holiday schedule for calendar year 2017. – Judge Shanklin. The** holiday schedule for calendar year 2017 was presented to the Court. Allowing a New Years’ Eve holiday on December 29th was discussed and ultimately approved. Commissioner Sweeten made the motion to approve the holiday schedule for calendar year 2017; the motion was seconded by Commissioner Barnebey. No Commissioner noting any opposition, the motion carried 5/0.

e. **Take action to amend Equipment line item (200-600-365) by an increase of $205,000.00. – Judge Shanklin.** Commissioner Epperson inquired as to why this was being done. He was told that it was due to the insurance money that was received and had been deposited. This is for the purchase of the new motorgrader. Commissioner Sweeten made the motion to approve the amendment of Equipment line item (200-600-365) by an increase of $205,000.00; Commissioner Fry seconded the motion. No Commissioner noting any opposition, the motion carried 5/0.

f. **Discuss and/or take action on Moving Forward Resolution to refinance loan for Edwards County Annex. – Judge Shanklin.** Bill Avila from Bracewell appeared to address the Court. Shanklin stated that the County is looking into refinancing the loan for the Edwards County Annex building so that the term of the note can be shortened and so that we might get a lower interest rate. In 2008, Bracewell assisted the County in obtaining its initial certificates of obligation with regards to the loan for the Annex Building. The initial certificates were sold to The US Department of Agriculture and are pre-payable in full, starting with the latest maturity and working backwards. They are refinanceable at any time. The law allows a borrower to sell refunding bonds to pay this off; they are called refunding bonds because the principal is refunded back to the USDA. This is the process and this resolution will allow him to proceed to explore refinancing options for the County. His fees are contingent on getting the deal closed. If nothing ever happens, the County would not owe him any money.

A financial advisor who accompanied Mr. Avila addressed the Court. He stated that this was a matter of a simple refinancing. The County is trying to shorten the debt by reducing it by about 10 years; this is where the savings will come from. The consequence of this shortened term, though, is that the payment due will go up a little bit. He stated that the market was doing great up until the elections; the stock market is up and the bond market is down. However, since the term will be reduced by 10 years, we still expect good savings and they’ll come back to the Court when they have a good deal for the County. This would be a fairly straightforward refinancing. He advised that he is looking for the bond market to settle down a little bit, and this may not happen until after the presidential inauguration. Other than interest rates continuing to go up, there really is no other consequence of waiting. Judge Shanklin interjected that the last time he talked to Mr. Avila, the interest rate was about 2.5% and this would cut our current interest rate by about 1.5% points. Mr. Avila agreed and stated that when running the numbers, the estimated savings would be in about the $400,000 range. However, the County is subject to market rates and the best deal at that time, would be brought to the County.

Avila stated that there are two ways to accomplish this refinancing: one is to find a deal and bring it to a meeting so that it can either be accepted or rejected. However, the law also allows them to bring back an order to authorize refunding with a maximum amount to be sold with a minimum amount of savings to be accomplished and allows the Court to delegate to an officer of the Court the ability to finalize the deal if it comes back within those parameters. This order can be adopted at the January meeting and then the County can track the market and when they think the time is right, whoever has been designated to finalize the deal can just sign on the dotted line. It doesn’t have to come back to the Court. Sweeten stated that he is not opposed to doing this; this matter could be put on the January agenda. It would be nice to have an option to look at. Shanklin asked the County Attorney, who was in attendance, if he had any question. Moody stated that he understands the potential for increased payments due to a shorter term but he wants to know if there is any other legal or financial downside to doing this? Avila answered that there was not. This was a simple refinancing. If the numbers don’t add up, you don’t pull the trigger. Moody then asked if this refinanced bond could also be prepaid without penalty? Avila again responded in the affirmative.

Avila continued by stating that if the Court were to enter an order (as discussed above) designating one person to finalize the deal, it would be effective for 6 months. The next payment on our existing bond is due on 02/15/2017. Shanklin feels that it would be advantageous to the County to do something now.

With regards to the proposed resolution, it was stated that both Commissioners Barnebey and Sweeten cleaned up typos in the initial draft of the resolution. Commissioner Barnebey made the motion to approve the Move Forward Resolution and proceed to explore this item; Commissioner Sweeten seconded the motion. No Commissioner noting any opposition, the motion carried 5/0.

g. **Discuss and/or take action to create in written form for Road Supervisor, a list for each precinct, defining parking areas on county roads, when leaving or parking county equipment overnight. – Commissioner Epperson.** Commissioner Epperson addressed the Court. He stated that the County needs to have, in written form, a plan stating where the road crew is going to be allowed to park the County equipment overnight; this needs to be worked out by the supervisor along with the commissioner of each respective precinct so there is a mutual understanding. Shanklin stated that each commissioner needs to look at his area and then bring this information back to the Court. Sweeten concurred, stating that each commissioner needs to take a more active role with regards to this issue. Shanklin announced that this was an informational item only; no action was taken.

h. **Discuss and potential action on purchasing a laptop for Constable. – Commissioner Sweeten.** Sweeten stated that the Constable reports needing a new and better computer; he is having trouble getting online. Katie, in the Judge’s office, has done some research and has come up with several options. Approving this action item would require a line item transfer; the money to purchase a computer is already in the Constable’s budget. Commissioner Sweeten made the motion to approve purchasing a laptop for the Constable and making a line item transfer to accomplish this purchase; Commissioner Barnebey seconded the motion. No Commissioner noting any opposition, the motion carried 5/0.

i. **Discuss and potential action on Resolution in Opposition to Camp Eagle’s Waste Water Permit that requests the approval to discharge up to 40,000 gallons per day of treated wastewater into the upper Nueces River.** Sweeten made a motion to approve the Resolution in Opposition to Camp Eagle’s Waste Water Permit; Commissioner Barnebey seconded the motion. No Commissioner noting any opposition, the motion carried 5/0.

j. **Discuss and potential action on purchase of large Haul Trailer for Iron Wolf Machine from Mike Grooms - Commissioner Sweeten.** Sweeten addressed the Court. A large haul trailer was, at one time, found on the army surplus website; however, it was gone before any action could be undertaken to purchase it. Mike Grooms now has a trailer that the County can purchase or trade. Robert Pena brought this to Sweeten’s attention. After some discussion, the Court decided to wait and see if another trailer would be listed on the army surplus site; no action was taken.

k. **Discuss and potential action on flood damaged equipment. – Commissioner Sweeten.** Sweeten requested that this item be put on the agenda so that he could remind the Court that the water-damaged equipment has been sitting in San Antonio for quite a while. It needs to be brought back to the County. Commissioner Sweeten made a motion to bring all of the County’s equipment back from the dealers’ in San Antonio to Edwards County. Commissioner Epperson seconded the motion. No Commissioner noting any opposition, the motion carried 5/0.

l. **Discuss and/or approve a Resolution in Opposition to re:SearchTX. – Olga Lydia Reyes.** Clerk Reyes informed the Court that this issue had been brought to her attention by other members of her District and County Clerk’s Association. The Texas Office of Court Administration has created re:SearchTX, a web portal that would basically take the information being retained by the Texas e-File system and make it available to attorneys and the public for a fee through re:SearchTX in the near future. Her position, and that of the District and County Clerk’s Association, is in opposition to re:SearchTX as it will take control of the records held by the District and County Clerk and result in those records being centralized within a non-local entity. This would also lead to a loss of revenue for the County, if copies of our local records could be purchased online from a private entity. Commissioner Barnebey made the motion to approve the Resolution in Opposition to re:SearchTX; the motion was seconded by Commissioner Sweeten. No Commissioner noting any opposition, the motion carried 5/0.

m. **Consider and act upon Resolution for 2017/2017 TxCDBG Application – Carl Esser.** Carl Esser appeared to address the Court. This application is for $275,000.00 for grant funds to provide for Recreation and Park Improvements. Commissioner Sweeten made the motion to approve the Resolution for 2017/2017 TxCDBG Application with a 5% match by the County ($13,750.00); Commissioner Fry seconded the motion. No Commissioner noting any opposition, the motion carried 5/0.

n. **Consider Correspondence TxCDBG 7261005 Colonia Construction Fund Award. – Carl Esser.** Esser stated that this was an informational item. The contract for the 2016 for the Colonia Construction Fund in the amount of $500,000 was received by the County to try to initiate a water system for Camp Wood Hills. Esser reports that Epperson had raised a concern to him about this award since he thought it might set a precedent that the County would have to supply a water system to other subdivisions in Edwards County. Esser told him that this was not correct; the County has no obligation to do this. Additionally, most of the other subdivisions would not qualify as a colonia in the eyes of the state of Texas. Sweeten stated that Camp Wood Hills would eventually form their own water supply corporation; Esser confirmed this, also stating that they could be managed by a water supply corporation if they didn’t form their own. This item will be looked at more into the future.

o. **Discuss issues related to the clinic closure and options going forward. – Commissioner Barnebey.** Barnebey addressed the Court. He asked, since the Sonora clinic has moved along, has the County seen that the building formerly occupied was left nice and tidy? Shanklin responded that the pharmacy from Sonora is still using the building and it is also being used by the transportation district. There are also some hospital districts that are still looking at us. Shanklin reports having had an interesting conversation with two investigators from the Attorney General’s office who had questions about the clinic. They wanted to know where the old appliances from the Nutrition Center were. Barbara Hocutt, who is now with the Senior Center, gave them a detailed list of the appliances. They questioned Shanklin about what became of those appliances. He told them that the ones that could be used in the Detention Center kitchen were put there and the ones that could be used in the Sheriff’s Department kitchen were put there and the others were stacked around at the kitchen of the fairgrounds. They wanted a detailed list and an inventory of those appliances. Then they asked Shanklin about our grants; specifically if we had received state or federal grants. They also asked about the permanent school fund. The Attorney General’s investigators told Shanklin that they have received numerous complaints from individuals in Edwards County and they wanted an update on those issues. Shanklin made two trips to Austin to meet with the Jail Commission over complaints that they have received. Shanklin stated that those complaints came from Barnebey. Shanklin also received word from the Texas Ranger complaints that were received from various people in Edwards County and Ranger Roger Dixon’s captain who came all the way from his headquarters to ask us if we were going to arrest the DA. Shanklin stated that he also asked about the raid that transpired at the EDC building, where they had 9 carloads and about 10 agents. Why did they think they needed this many people for a raid such as this? Shanklin was told that it was because they had heard that there are active militia in Edwards County.

Barnebey then asked if the Uvalde clinic had been contacted at all and if there was no timeline for doing so. Shanklin stated that everybody knows our situation and has been contacted. There is great interest in rural areas but we are waiting to see what happens after the inauguration. This is what Shanklin has been told; they are thinking that this will free up some funds for these rural hospitals. We are open to talk to anyone and everyone.

5. **New Business.** No new business was discussed.

6. **Set time and date for next meeting.** The next regular open meeting of the Edwards County Commissioner Court will be on the second Tuesday of January, 2017 (January 10, 2017) at 9:00 a.m. in the Edwards County Courtroom.

7. **Pay bills.** Commissioner Sweeten made the motion to pay the bills; Commissioner Fry 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 5/0.5/0. This regular, open meeting of the Edwards County Commissioners Court adjourned at 10:01 a.m.

APPROVED:

SOULI ASA SHANKLIN

Edwards County Judge

Attest:

OLGA LYDIA REYES

Edwards County and District Clerk