**The State of Texas §**

**§**

**County of Edwards §**

**BE IT REMEMBERED** that on this 13th day of September, 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 September 9, 2016 at 1:41 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, was absent

Sabrina Montoya, Chief Deputy 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. Commissioner Epperson was asked to lead the Court in an opening prayer. The roll was then called by Chief Deputy Clerk Montoya. All Commissioners were present.

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

**Darryl Volkmann.** Volkmann appeared to address the Court and stated that he had information regarding a County Commissioner who had been fraternizing with known criminals. He is going to launch an investigation with regards to this matter and report back to the Court at the next Commissioners’ Court meeting. Commissioner Barnebey wanted to respond to this statement but Judge Shanklin told Barnebey that there should be no response to matters brought up in the open forum. Barnebey then stated that this was an outrageous statement.

3. **Staff Reports.** No staff reports were presented in open court.

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

a. **Prior Minutes.**

**August 9, 2016:** Commissioner Epperson noted that the date of the next Commissioners Court meeting listed on the proposed minutes from August 9 should read “August 18th.” This correction needs to be made. With the understanding that this correction should be made, Commissioner Epperson made the motion to approve these minutes; Commissioner Sweeten seconded the motion. No Commissioner noting any opposition, the motion carried 5/0.

**August 18, 2016:** Commissioner Barnebey made the motion to approve these minutes; Commissioner Sweeten seconded the motion. No Commissioner noting any opposition, the motion carried 5/0.

**August 23, 2016:** Commissioner Sweeten made the motion to approve these minutes; Commissioner Barnebey seconded the motion. No Commissioner noting any opposition, the motion carried 5/0.

**September 7, 2016:** Commissioner Sweeten made the motion to approve these minutes; Commissioner Fry seconded the motion. No Commissioner noting any opposition, the motion carried 5/0.

b. **Burn Ban.** The burn ban will be lifted.

c. **Rocksprings Clinic Interlocal Amendment. – Sharon Holman.** The Judge called up Sharon Holman, who is the President of the Sutton County Hospital Board of Directors, and John Graves, who is the Executive Director of the Sutton County Hospital District, to begin discussion on this matter. There have been some Sutton County residents who have expressed concern at their board meetings regarding the money that is being expended to fund the medical clinic in Edwards County. Mr. Graves disseminated a copy of the correspondence of between the County and the attorney for the Hospital District. He also gave the Court a 30-day notice of termination letter which stated that the last day the clinic would be open is October 14, 2016.

Sweeten asked Graves if he recalled the discussion of how hiring Mr. Alexander to replace the telemedicine system would also take some time to turn the clinic around financially. Graves responded with “absolutely,” also stating that he was in agreement that this should be the case and that he wanted to make the clinic work. Sweeten then asked if part of the blame, as stated in the Hospital’s initial correspondence to the County, was that the telemedicine group did not make the Edwards County clinic a priority. Graves again responded with “absolutely.” If this was the case, Sweeten asked, was this not the fault of the Sutton County Hospital District for not providing proper oversight? Graves responded that it was not, they provided great oversight; the agreement was just not working. When it was determined that his predecessor did not do the appropriate market analysis and it was found that the telemedicine system was not going to work in a county such as this, they switched their system to provide face-to-face encounters. They were losing almost $8,000 per visit at that point because of the way that the contract was written. There have been problems with the telemedicine, not getting the UHC designation, and the local doctor still seeing patients. Sweeten then asked whether Alexander’s coming on board had allowed the clinic to now operate in the black. Graves responded that it was doing so; however, it was only because the clinic received its one-time annual grant payment of $100,000. He countered that if the clinic continued to operate for the rest of the year, then the losses of approximately $20,000 per month would also continue to appear by the end of the year and it would no longer be in the black. Sweeten then asked if Graves was stating that Alexander’s presence had made no impact. Graves responded that he was not saying that. Everytime a new provider comes in, all of the insurance companies need to be recertified. That did not come into complete fruition until June 2016. This is why it is his opinion and the other board members opinion that the clinic should keep operating. If the assorted problems the clinic is facing can be resolved, there could possibly be a turnaround in its’ financial position, but he cannot guarantee a net profit at the end of the year. There have been some Sutton County residents who go to the board meetings who have kept pressuring the Board for the last 5 to 6 months regarding Sutton County tax dollars that are being invested in the Edwards County clinic which keeps operating at a negative loss.

Judge Shanklin then joined the discussion by asking if the amount of the tests that were done on Edwards County patients by the Sonora hospital, that generated revenue for the Sonora Hospital District, were being taken into consideration on the accounting end. Graves responded that they were, and that it was in the amount of $11,000. Shanklin asked if the pharmacy revenue was also considered. Graves responded no, since the pharmacy was independent of the hospital. Shanklin countered that the pharmacy revenue still contributed to the overall economy of Sutton County. Shanklin also asked if there was not any other employee that is doing something else that is being written off on this budget. Graves responded that there was not. The salaries that were being paid were for the nurse, physician assistant, administrative person, and a partial FTE that helps with outreach. Shanklin asked who this FTE person was. It was responded that her name was Pat Coleman. Shanklin stated that no one knew who Pat Coleman was. Graves responded that she makes phone calls. Shanklin stated that neither he nor anyone he knew had ever gotten a call from Pat Coleman. According to Graves, her position is required to get grant money.

Shanklin stated that several years ago, Graves’ predecessor, Mr. Pascasio, came to Rocksprings to start a conversation about maintaining a clinic for the Sonora Hospital District in our community. Dr. Todd was going to partially retire and he wanted for the Sonora Hospital District to take over his clinic. However, this was not going to work for them. Pascasio started looking around the area for vacant buildings and Dr. Todd suggested the vacant Nutrition Center building. Edwards County then did everything they were asked to do by the Hospital District: they remodeled the building, currently pay the utilities and the insurance, and became a landlord. Now, the County is in the position where the Hospital District wants the County to contribute $100,000 a year to keep the clinic open. Shanklin stated that now, the Hospital District was going to come in and demand $100,000 from the landlord, this Court, to keep from shutting the doors. Graves stated that it was a business decision. Edwards County does not have $100,000 according to Shanklin. Holman interjected that it was not guaranteed money. Commissioners Epperson and Fry stated that they had never seen monetary figures regarding operating/administrative expenses. Shanklin asked Holman how many conversations they had regarding this matter. She responded that there were two. Shanklin then stated that now, by coming here and taking this position, they were going to make the Court look like the bad guys. Graves responded that this was not their intent. Graves stated that the Hospital District’s operational costs with regards to the clinic were the salaries and supplies of the persons who support that clinic directly. Last year the clinic lost approximately $200,000 and this year it is approximately $100,000. They do expect the clinic to turn around and it will probably not see a $100,000 loss next year. They thought that this clinic would get their UHC designation and this did not happen.

Sweeten stated that the bottom line was this: The County entered into this agreement in good faith and did all that was asked. We spent over $65,000 on this project. We have picked up the insurance and utilities and repairs. We are not in the healthcare business. We need to see if this clinic can continue; financially, we don’t have the money to do it. He doesn’t know what the answer is. He knows the clinic needs to stay open. He doesn’t know what the Hospital District has done with researching grants or other means of staying open. Graves stated that there were a lot of presumptions and assumptions that were made that did not come into fruition either because the Government did not support it. Sweeten stated that the only assumption the County made was that we had a five-year agreement. Graves said this assumption did not come true; the blame was not being put on one side or another; this is a business that is not making money and there are Sutton County residents furious that tax dollars are continued to be put into a clinic that is not making money. It is not that he and Holman want to close the clinic; they want to see the clinic remain open but it is not their decision at the end of the day. It is the Sutton County residents who lost approximately $200,000 of their tax dollars in 2015 to support this clinic. Sweeten asked, since they were a taxing entity, if they had raised their taxes. Graves responded that they had been raised by $0.02 this year. Sweeten asked if the increase was due to this clinic. Graves answered no. Sweeten made the point that no taxes increased due to this clinic. Graves then stated that the Sonora Clinic was losing $750,000 this year. Shanklin asked if that clinic was going to be closed. Graves stated that this was a whole other matter and he would not discuss that here.

Shanklin stated that Pascasio had told him that the Edwards County clinic, due to this area’s demographics, would become the primary clinic in the Hospital District for all grants to flow through this County to Sonora. Graves said the bottom line was that the Court would have to make a decision today or the clinic would be closed. Commissioner Fry stated again that he had not seen any financials. Graves stated that he had them. Fry stated that he needed an opportunity to go through them. Sweeten stated that there was no way that the Court could say today that the $100,000 requested would be available; the County is still going through the budgeting process. Epperson asked if the Hospital District had looked at the demographics and determined if there were other ways that any money could be brought into this situation other than from the Commissioners Court. Holman responded that Dr. Todd doesn’t see Medicare/Medicaid patients, he doesn’t take insurance, he takes only cash money. This hurts the clinic; he does not seem ready to completely retire or see less patients and is quite proud of his business. Judge Shanklin said he’s had 35 years of taking care of our people in Edwards County, this is why he hasn’t retired.

Graves interjected that he was authorized to give the Court a 30-day termination notice and that he was leaving these documents with the Clerk. Judge Shanklin announced that there would be no action on this item. The Court then launched into a brief discussion concluding that the County did not have $100,000 to keep the clinic open. If the County was to find a way to raise taxes or raise the $100,000 then the County would become a healthcare provider and thus, face liability.

d. **Approval of salary for part-time legal staff and salary supplements for the District Attorney office employees to be paid with funds from the District Attorney Asset Forfeiture Funds pursuant to Texas Code of Criminal Procedure Section 59.06(d-1)(7) amounts effective September 1, 2016. No county tax revenue is used to pay these supplements. This will only apply to the fiscal year 2016-2017. – Judge Shanklin.** Shanklin led the discussion on this item. To keep the County’s portion of this contribution at the same level it is, this item needs to be passed. Sweeten interjected with a question: is this part of the agreement that they made when they conducted an illegal meeting on August 2nd? Shanklin stated that he doesn’t know because he wasn’t there. Shanklin stated that the Court needed to do this anyway because these funds are from Menard County; they have already added their portion in there and Menard County wants us to pass this so they can keep their proportion. Commissioner Barnebey asked which organization had an illegal meeting. Shanklin answered that it would have been the District Attorney and the District Judge and four county judges. Barnebey asked if it was within the 452nd Judicial District. Shanklin answered that yes, but it would have been considered an information item, he doesn’t know since he was not there. Commissioner Epperson made the motion to approve the salary for part-time legal staff and salary supplements for the District Attorney office employees to be paid with funds from the District Attorney Asset Forfeiture Funds pursuant to Texas Code of Criminal Procedure Section 59.06(d-1)(7); Commissioner Fry seconded the motion. No Commissioner noting any opposition, the motion carried 5/0.

e. **Approve Interlocal agreement between 452nd District Attorney’s Office and the Edwards County Sheriff’s Office. – Judge Shanklin.** Shanklin stated that he emailed this agreement out to all the Commissioners; however approval is not needed since it was approved between the D.A.’s office and the Sheriff’s Office. This is an information item and no action is needed.

f. **Discuss and/or approve to re-plat tracts 28 & 46 Apache Ridge Subdivision – David Unger.** Shanklin stated that this was between David Unger and another landowner and was a matter of just straightening out a line. Unger affirmed this was correct. Commissioner Fry made the motion to approve the re-plat of tracts 28 & 46 of Apache Ridge Subdivision. The motion was seconded by Commissioner Sweeten. No Commissioner noting any opposition, the motion carried 5/0.

g. **Discuss and/or approve to amend budget line item 10-400-665 $8,013.26 for Sheriff’s Office Windows. – Sheriff Pamela Elliott.** Shanklin stated that this was the money that was allocated from the Courthouse; this is just a line item transfer. Commissioner Sweeten made the motion to approve the amendment of budget line item 10-400-665 $8,013.26 for Sheriff’s Office Windows. Commissioner Epperson seconded the motion. No Commissioner noting any opposition, the motion carried 5/0.

h. **Presentation and acceptance of the annual audit of Edwards County for the year ended September 30, 2015. – Eric Ede.** Shanklin recognized Eric Ede to lead this discussion. He reviewed the Edwards County annual audit (revenues and expenditures, financial statements, assets and liabilities, tax revenue, and grant funds) for the fiscal year that ended on September 30, 2015. He reports a good financial situation throughout the County. Commissioner Sweeten made the motion to accept the annual audit of Edwards County for the year ended September 30, 2015; the motion was seconded by Commissioner Barnebey. No Commissioner noting any opposition, the motion carried 5/0.

i. **Consider and Act upon TEXAS DEPARTMENT OF TRANSPORTATION GRANT FOR ROUTINE AIRPORT MAINTENANCE PROGRAM and authorize County Judge to sign. – Carl Esser.** Judge Shanklin stated that this is the same program that the County approves each year. Commissioner Barnebey made the motion to authorize the County Judge to sign approving the Texas Department of Transportation Grant for Routine Airport Maintenance Program; Commissioner Sweeten seconded the motion. No Commissioner noting any opposition, the motion carried 5/0.

j. **Consider and Act upon correspondence from TDA on the Authority to Use Grant Funds for TxCDBG 72114177, voluntary acquisition of water well site, purchase contract agreement and any and all matters as may be required in acquiring Water Well site and authorized County Judge to sign. – Carl Esser.** Carl Esser stated that since a new site was selected for the water well site, he had to get clearance from the TDA to proceed with this. This clearance was obtained on 09/02/2016. However, the new landowner has kind of put the brakes on this project now; her concern is the sanitary easement. Sharon Lamborn was also present and joined the discussion. She said the landowner had received correspondence from the County and Carl Esser and had then contacted one of their board members saying she had rethought her decision and she was backing out of the sale of the property. Shanklin asked if Esser could talk to the landowner about her concerns regarding the sanitary easement so that this project could move forward on this site. Mrs. Lamborn stated that the map that the landowner was provided showed the portion of the property that would be subject to the sanitary easement and this area was larger than anticipated by the landowner. Esser commented that the County could ask TDA for an exception to this but he does not know how long it would take. He reminded the Court that everything needed to be completed by January 9, 2017. Esser will revisit and work out this situation with the landowner. Shanklin reminded everyone that if this project dies, the County will have to reimburse the TDA in the approximate amount of $26,000.

**k. Consider and Act upon Bid from Utopia Sales & Service with possible contract award for Test Hole TxCDBG 7214177 Barksdale Water Well Project- Carl Esser.** Esser stated that we got three quotes and awarded this project back in February. We would just need to reaffirm this bid today. Commissioner Sweeten made the motion to reaffirm acceptance of the bid from Utopia Sales & Service with possible contract award for Test Hole TxCDBG 7214177 Barksdale Water Well Project contingent upon all aspects falling into place; Commissioner Fry seconded the motion. No Commissioner noting any opposition, the motion carried 5/0.

**l. Consider and Act upon TEXAS DEPARTMENT OF TRANSPORTATION GRANT FOR ROUTINE AIRPORT MAINTANENCE PROGRAM and authorize County Judge to sign. – Carl Esser.** No action was taken on this item as it was listed on the agenda twice. See action item (i).

**m. Consider and Act upon Performance Statement/Budget Modification for TxCDBG 7214177 Water Well Project and authorize County Judge to sign – Carl Esser.** Esser stated that the Court could go ahead and approve this item; there would be no liability in doing so. Funds were taken out of the acquisition portion of the budget and moved into construction. Now these funds need to be put back into acquisitions. Commissioner Sweeten made the motion to approve the Performance Statement/Budget Modification for TxCDBG 7214177 Water Well Project and authorize County Judge to sign; he suggested the amount of $15,000 be put back into acquisition; Commissioner Fry seconded the motion. No Commissioner noting any opposition, the motion carried 5/0.

**n. Consider and Act upon Reimbursement Request Invoice #8 requesting $102,547.42 for County Transportation Infrastructure Grant and authorize County Judge to sign. – Carl Esser.** Shanklin stated that this item relates to the CERTZ grant. This is requesting reimbursement for money expended on this road improvement project. Commissioner Sweeten made the motion to approve the Reimbursement Request Invoice #8 requesting $102,547.42 for County Transportation Infrastructure Grant and authorize County Judge to sign; Commissioner Barnebey seconded the motion. No Commissioner noting any opposition, the motion carried 5/0.

**o. Consider and Act upon Statements of Qualifications for Professional Engineering Services for TxCDBG 2016 Colonia Fund Construction, 2017/2018 Colonia Fund Construction and 2017/2018 Community Development Fund with possible Resolution of Award to most qualified firm. – Carl Esser.** Shanklin stated that bids were received by his office and are not being opened until now, in open court. Esser clarified that this award is contingent upon the availability of grant funds. Both companies were discussed; Esser stated that they were both registered in Texas and both had liability insurance. Esser also clarified that once an award is made, then the contract is negotiated between the entities. If negotiations are not successful, then we move on to the next (second) entity in line. Commissioner Sweeten made the motion to accept the Statement of Qualification from TRC Engineers Inc.; Commissioner Fry seconded the motion. No Commissioner noting any opposition, the motion carried 5/0.

**p. Consider and Act upon Statements of Qualifications for Professional Administration Services for TxCDBG 2016 Colonia Fund Construction, 2017/2018 Colonia Fund Construction and 2017/2018 Community Development Fund with possible Resolution of Award to most qualified firm. – Carl Esser.** Commissioner Sweeten made the motion to accept the Statement of Qualification from Esser & Company; Commissioner Epperson seconded the motion. No Commissioner noting any opposition, the motion carried 5/0.

**q. Consider and Act upon Time Extension Request to Texas Division of Emergency Management for FEMA 4223 Project Worksites. – Carl Esser.** Esser explained that the County received FEMA funds for the repairs to some county roads last May; the performance period on this project actually ended on September 29, 2016. The Texas Division of Emergency Management can grant up to a six-month extension to complete this work. If granted this extension, the end date would be May 19, 2017. Commissioner Sweeten made the motion to approve the Time Extension Request to Texas Division of Emergency Management for FEMA 4223 Project Worksites and to ask for a six month extension; Commissioner Epperson seconded the motion. No Commissioner noting any opposition, the motion carried 5/0.

**r. Consider and Act upon Addendum #1 between TRC Engineers Inc. and Edwards County for Engineering Contract and between Esser & Company and Edwards County for Administration Contract for TxCDBG 7214141 and 7214177 per required contract provisions. – Carl Esser.** Esser explained that this was a matter of bureaucracy. The professional services contracts that TRC and Esser & Company have with the County do not contain language that the TDA now requires all service contracts to contain. Two paragraphs need to be added; one is for records access. Sweeten asked if monetary amounts were going to be affected; Esser answered no. Commission Sweeten then made the motion to approve Addendum #1 between TRC Engineers Inc. and Edwards County for Engineering Contract and between Esser & Company and Edwards County for Administration Contract for TxCDBG 7214141 and 7214177 per required contract provisions; Commissioner Fry seconded the motion. No Commissioner noting any opposition, the motion carried 5/0.

**s. Consider and act upon design and quote for Cast Aluminum Plaque for TxCDBG 7214141 Restroom Project. – Carl Esser.** Shanklin stated that a plaque was going to be required for the County Fairground bathrooms. The County has already approved the placement of this plaque. Esser contacted the T.H. Willis Co. in San Antonio regarding this plaque and he sent them a copy of the County Seal and the required language. This would be a cast iron plaque that is 18 x 24 inches, has the County Seal on it as well as the required language. The quote is $625 delivered to Rocksprings. This does not cover installation. Commissioner Sweeten made the motion to accept the design and quote for the Cast Aluminum Plaque for TxCDBG 7214141 Restroom Project; Commissioner Fry seconded the motion. No Commissioner noting any opposition, the motion carried 5/0.

**t. Discussion regarding Edwards County 2016 CFC proposed contract award for TDA. – Carl Esser.** Esser stated that was an informational item only. This would be a project that would benefit Camp Wood Hills to drill a well and construct a sewer system in this area. This project just needs to be organized. No action was taken.

[Judge Shanklin called a recess at 10:41 a.m.; the Court was called back to order at 10:57 a.m.]

**u. Discuss raise for Jerry Sifuentes. – Robert Pena.** Pena appeared to address the Court. Sifuentes is making $14.00/hour right now. Commissioner Fry stated that further down on the agenda, there were some guidelines for a salary structure for the Road Department salaries; he would like to take up that action item (x) and then see what is approved (if anything), and then come back to take up Mr. Sifuentes’ rate of pay. Commissioner Sweeten interjected that item (w) on the Road Department policy regarding CDL licenses should be considered first. This item was tabled until discussion on both those action items could be concluded. After consideration of both action items (x) and (w), and because Mr. Sifuentes has exhibited exceptional skills, Commissioner Sweeten made a motion to approve a pay raise for Jerry Sifuentes to bring him up to $15.50/hour; Commissioner Barnebey seconded the motion. No Commissioner noting any opposition, the motion carried 5/0.

**v. Discuss and adjust Road Department Supervisor salary. – Robert Pena.** Pena stated that on the budget, his salary was listed at $45,000/year and he was only receiving $38,000/year. Shanklin responded that it was not. Texas law states that if he operates equipment, then he does not get paid salary, he should get paid hourly. According to Shanklin, Pena is an operator and a foreman. This was all ironed out with TAC. The Supervisor position cannot operate machinery. Sweeten stated that this line item was created in the budget with the intent to go out and hire a true road superintendent. The County Treasurer started paying him out of this line item but she should have never done this. This will be the last month that this happens. Going back to when Pena was appointed road superintendent, according to Subchapter C of the Transportation Code, it says that a road superintendent must hold the office for two years unless removed by the Commissioner Court for good cause. The road commission that Pena was appointed under was dissolved back when Sweeten came onto the Court. Sweeten said that he (Sweeten) has been here five years and that during all of this time, Pena has not been reappointed to this position. Sweeten also told Pena that he was at that meeting with TAC when positions and job requirements were discussed. Shanklin stated that when TAC had informed them that Pena could not hold both positions, he told the County Treasurer to calculate what Pena was making on salary and then divide that by the hour. Pena did not receive a demotion in pay and he received this exact amount on an hourly basis. Shanklin told Pena that he was a County Commissioner back when he was appointed Road Supervisor years ago. He asked him what his trade/employment was at that time. Pena responded that he had a shearing/fencing business. Shanklin asked if he had construction experience and Pena responded that he had worked for Allen Construction doing road construction operating loaders and equipment like this during the summers. Shanklin suggests that the Court obtain a ruling from TAC and the state on this matter or get a legal opinion on it so that this item can be resolved once and for all. Pena stated that his salary was being paid out of the line item for Road Superintendent and that this salary was set at $45,000/year. Sweeten stated this was a mistake. Barnebey stated he was not receiving the salary listed under this line item. Fry countered that it was not awarded to him. The County Attorney, from the audience, asked if Pena’s salary was budgeted for every year. The Court responded in the affirmative, it was budgeted in the county road crew salary. This item was tabled.

**w. Discuss and possible action on changes to Road Department policy regarding the Mandatory Requirement of obtaining a CDL for employment. – Commissioner Lee Sweeten.** Commissioner Sweeten stated that this had already been discussed a number of times. A person does not need a CDL to operate heavy equipment. Shanklin stated that behind barriers, you do not even have to have a drivers license to operate heavy machinery. Sweeten thinks that we have an abundance of people with CDL licenses. If at some point in time we need to hire, we can specifically word the job description to require a CDL for that new position. His suggestion is two-part: one, that we do away with the mandatory CDL requirement; and two, that the holding of a CDL license would be a salary incentive of an additional $2.00/hour. Fry asked if we could still require the health card; Sweeten responded in the affirmative. Epperson believes this would be liability and Shanklin countered that there was not since heavy equipment was not a passenger vehicle. The Transportation Code states that it is not a passenger vehicle. Commissioner Sweeten made the motion to approve the changes to the Road Department policy and exclude the Mandatory Requirement of obtaining a CDL for employment; Commissioner Fry seconded the motion. The motion carried 3/2, with Commissioners Sweeten and Fry and County Judge Shanklin voting in favor of the motion and Commissioners Barnebey and Epperson voting against.

**x. Discuss a possible action on salary structure of the road department. – Commissioner Lee Sweeten.**

|  |  |
| --- | --- |
| **Starting Salary No Experience** | **$11.50** |
| **Starting Salary CDL/Less than one year Blade/loader/dozer** | **$13.50** |
| **Starting Salary no CDL 1-5 Year Blade/loader/dozer** | **$13.50** |
| **Starting Salary CDL + 1-5 Year Blade/loader/dozer** | **$15.50** |
| **Starting Salary NO CDL and 5+ Year Blade/loader/dozer** | **$15.50** |
| **Starting Salary CDL and 5+ Year Blade/loader/dozer** | **$17.50** |

**The CDL License would be an extra $2.00 per/hr. extra incentive.** Commissioner Sweeten led the Court’s discussion on this action item. He stated that based on the last discussion and the salary structure approved in last year’s actual budget he would like to propose the salaries be structured in the manner shown on the chart listed above. When Sweeten was preparing this chart, he took out the mandatory CDL requirement and dropped the salaries already approved in last year’s budget by $2.00/hour. The court discussed the impact this would have on existing employees. Commissioner Epperson stated that he would like the incentive to go to $3.00/hour extra for holding the CDL. Sweeten stated that he would compromise and change the third tier of the chart listed above to reflect that the starting salary for “no CDL 1-3 year Blade/loader/dozer” should be $15.50/hour. Pena stated that in a few months, everyone will be at $15.50/hour. Fry asked what Pena made. He responded $19.00/hour. Shanklin brought up the example of a master employee; he asked what would happen if an employee excelled at his work and wanted to be retained at a higher rate of pay. Shanklin asked the County Attorney if this pay rate schedule was set in stone. The County Attorney responded that he was not sure as he needed to further review. However, he did have a suggestion of establishing wording that accompanied this schedule that reflected that “Employees demonstrating exceptional skills are eligible for pay increases above and beyond the pay schedule adopted by the Commissioners Court.” Sweeten stated that the fifth tier of this schedule should also change to reflect that the starting salary for “no CDL 3+ year Blade/loader/dozer” should be $17.50/hour. The County Attorney’s statement (listed in quotes above) should also be included with the pay schedule, and the phrase “at the Court’s discretion” should be added to the end of that statement. If an existing employee is making more than what the starting salary pay scale shows they should be making, it will not demote them; no salaries will go down. Some will come up though. Commissioner Barnebey asked when this would go into effect. Shanklin responded that it would go into effect right now, if it is passed by the Court. Commissioner Sweeten made the motion to approve the starting salary pay scale with the wording listed above; Commissioner Fry seconded the motion. No Commissioner noting any opposition, the motion carried 5/0 with all Commissioners and the County Judge voting in favor of the motion. (Fry commented that this means that Agapito Franco will get a $3.00/hour raise since he has been with the County for more than 9 years and that Jerry Sifuentes will be at this rate shortly.)

**5. New Business.** No new business was discussed. Shanklin announced that there were supposed to be meetings this afternoon regarding the proposed tax rate and the proposed budget but his office did not get them in the newspaper. The Commissioners don’t need to be present but he will be present in case anyone shows up.

**6. Set time and date for next meeting.** The next meeting of the Commissioners Court will be on Friday, September 16, 2016 at 9:00 a.m. for the public hearing on the proposed budget, followed by a meeting on this same date at 10:00 a.m. for the public hearing on the proposed tax rate. The next regular open meeting of the Edwards County Commissioners Court will be the second Tuesday of next month (Tuesday, October 11, 2016) at 9:00 a.m.

**7. Pay bills.** Commissioner Sweeten made a motion to pay bills; the motion was seconded by Commissioner Barnebey. 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 meeting of the Edwards County Commissioners Court adjourned at 11:42 a.m.

APPROVED:

SOULI ASA SHANKLIN

Edwards County Judge

Attest:

OLGA LYDIA REYES

Edwards County and District Clerk