**The State of Texas §**

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**County of Edwards §**

**BE IT REMEMBERED** that on this 1stth day of November, 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 October 28, 2016 at 9:50 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, was absent

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 9:01 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, with the exception of Commissioner Fry, were present.

2. **Open Forum.** There were no participants in Open Forum.

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.**

**October 11, 2016.** Commissioner Epperson requested changes be made to these minutes with regards to the contract for the Nutrition Center. The Clerk made the requested changes. Commissioner Sweeten made the motion to approve the minutes of October 11, 2016 with requested changes; Commissioner Barnebey seconded the motion. No Commissioner noting any opposition, the motion carried 4/0.

**October 28, 2016.** Commissioner Sweeten requested changes be made to these minutes with regards to the purchase of the IronWolf 1040 Crusher. The Clerk made the requested changes. Commissioner Sweeten made the motion to approve the minutes of October 28, 2016 with requested changes; Commissioner Barnebey seconded the motion. No Commissioner noting any opposition, the motion carried 4/0.

b. **Burn Ban.** No action was taken on the burn ban; it has not been reinstated.

c. **Discuss and/or take action to approve updated Edwards County Employee Handbook – Katie Ashmore-Prather.** Commissioner Barnebey had a question regarding the comp time provisions in the handbook; Ashmore-Prather responded that the comp time provisions in the current handbook were in compliance with the Fair Labor Standards Act. Commissioner Sweeten complimented Katie Ashmore-Prather and County Treasurer Lupe Enriquez for their work with Rollie Ford (from the Texas Association of Counties) on this handbook. Barnebey wanted to make sure that each department was going to receive the updated handbook; Shanklin responded that the handbook would be disseminated online. Commissioner Sweeten made the motion to approve updates to the Edwards County Employee Handbook as presented to the Court; Commissioner Epperson seconded the motion. No Commissioner noting any opposition, the motion carried 4/0.

d. **Discuss and possible action on revision of Edwards County Road Department Inventory to include serial/vin numbers on all equipment. – Commissioner Sweeten.** Commissioner Sweeten led the Court in its discussion. Several months ago, Road Supervisor Robert Pena was asked to provide the Court with an inventory list of all county equipment. Pena did provide a list, but it did not have any serial numbers on it. After speaking to Pena yesterday, Sweeten was shown a list with serial numbers on it but with incorrect purchase dates on the equipment. Pena indicated to Sweeten that he would be correcting that list and then would give Sweeten a copy of it. Commissioner Barnebey stated that perhaps one of the first of the year motions should be to update all county insurance forms with VIN numbers. Shanklin replied in the affirmative. No action was taken on this item at this time.

e. **Discuss and possible action on revision of Road Department Monthly Report to list specific equipment in operation. For example: Which Unit # or VIN number where. – Commissioner Sweeten.** Commissioner Sweeten continued the discussion on the Road Department Monthly Report by stating that both he and Commissioner Fry have spoken about this. A lot of times, the Commissioners get reports that say, in general, the motor grader is working in this precinct or the motor grader is down due to needed repairs. However, the report does not ever specifically identify which particular piece of equipment is being referred to. He would like this information to be provided so that all of the Commissioners can know, for example, if the same piece of equipment is continually having problems. He would like to increase the information provided in the report to assign unit #s to the equipment, which would then be provided in the report. Commissioner Epperson suggested that Pena could simply put a number on the side of each piece of equipment. Commissioner Sweeten made the motion to ask Pena to assign unit numbers to the County vehicles and equipment and then include in his monthly report to the Court assigned unit numbers to vehicles and other equipment and to include the unit number along with the location of where this unit is working; Commissioner Epperson seconded the motion. No Commissioner noting any opposition, the motion carried 5/0.

f. **Discuss and action on revisit of requirement for signage when and where County employees and/or equipment is working. – Commissioner Sweeten.** County Judge Shanklin led the Court in this discussion. He stated that these requirements for signage were state rules that the County needed to start adhering to. Especially when the Road Crew is out working on a curvy road, we need signs that notify drivers of this work being conducted so that they (the drivers) can slow their rate of speed. Commissioner Sweeten stated that this issue was discussed back in March 2016. It was Item (e) on that month’s. The minutes reflect that Sweeten asked Robert Pena about this requirement at that time and that Pena had indicated that the signs were stolen. Sweeten, at that time, asked Pena to speak to other people in adjoining counties about how they dealt with this situation. Sweeten was concerned about liability issues. Also, on this same topic, Sweeten had expressed his concern for the protection of the Road Crew. Barnebey had suggested that road safety equipment be reviewed. The appropriate motions were made and passed. Sweeten now reports that, all these months later, he still has yet to see any road work sign posted and the road crew is still not wearing safety clothing. Epperson suggested that since other signs had been stolen, he would like to see the words “Property of Edwards County” placed on the back of these signs. Sweeten did not think that another motion was needed since this matter had already been approved by the Court; the Court, does however, need to bring this matter back to Robert’s attention and stress that these actions need to be taken. The prior motion’s passage needs to be reiterated to Mr. Pena. Everyone on the Court was in agreement with this approach. No further action was taken.

g. **Discuss and possible action on proper safety equipment for employees including but not limited to Hard Hats, reflective vests, steel toed boots, goggles, gloves, etc. – Commissioner Sweeten.** In light of the previous discussion, no action was taken on this item.

h. **Consider and act upon matters regarding TxCDBG 7214177 Barksdale Water Well Project. – Carl Esser.** Mr. Esser appeared to address the Court. He stated that the Barksdale water well project has hit a dead end. This project had an end date of 01/09/2017. The Court had approved an amendment to this grant application and had approved different locations to drill a test well over the last two years. The Court has considered Mark Norvell’s property; property on CR 353, right on the edge of town; Burleson’s property in town, just off of Hwy. 55; county property where the County Yard is located; property owned by the Barksdale Water Supply Corp. owns, where they currently have two small wells; and last, but not least, we were going to acquire an acre of land from a cooperating landowner, but she backed out. The County has exhausted its’ efforts in trying to find a location to build a well. The County has obligated about $26,000 to cover costs associated with this grant. Currently we do not have an alternative site that in the next 60 days we could move into with a well driller to drill a test hole. All efforts have been exhausted. The County, considering its’ best interest, needs to make decision as far as which route to go from this point forward. This particular project is also holding up other existing projects with TDA. The County has a septic and water line project in Barksdale and TDA has not approved it since we did not meet the 12-month rule with the Barksdale Water Well Project. Also complicating the matter is the fact that it is Edwards County’s opportunity to reapply for TxCDBG funds in 2017 and if this project is not closed out, then we will not be able to apply for these funds. Currently, this Water Well Project has a binding effect on all of the County’s other projects with TDA. The County should formally terminate the project and start closing it out so that other projects can move forward; it is unlikely that the County will get another extension of time to complete this project; Esser has met with representatives from TDA and has been told that the County’s chances of getting another extension in this project are slim to none. Commissioner Barnebey makes a motion that we close out the TxCDBG72141 Barksdale Water Well Project; the motion was seconded by Commissioner Epperson. No Commissioner noting any opposition, the motion carried 3/0, with Commissioner Sweeten abstaining from the vote.

i. **Open and discuss bids to potentially take action on buying motor grader. – Commissioner Fry.** All bids that were received were opened in Open Court. Four bids were received, as follows:

1. **Associated Supply Company (ASCO)**. This bid was for a new Case 865B Motor Grader with a sales price of $192,450.00 It comes with a 3 year/3000 hour full machine warranty and full machine service.

2. **ROMCO Equipment Co.** This bid was for a new 2014 Volvo G940B Motor Grader with a FOB sales price of $178,998.00. It comes with a 3 year/5000 hour Drive Train warranty.

3. **John Deere.** This bid was for a new 2017 John Deere 670G Motor Grader with a price of $219,415.66. It comes with a 48 months/4000 hour warranty. This includes delivery costs.

4. **Holt.** This bid was for a new 2016 Caterpillar Inc. Model 120M2 Motor Grader with a price of $205,000. It comes with an extended warranty of 36 months/5000 hour warranty. FOB terms would be at our location.

Representatives from these companies were available in Court to answer any questions. After some discussion of the bids and the machine specifications, Commissioner Sweeten made the motion that the Court take no action on these bids at this time so as to allow each interested company the opportunity to bring their machines so that they could be looked at by the Commissioners and the Road Supervisor at an agreed upon date and time. Commissioner Epperson seconded this motion. No Commissioner noting any opposition, the motion carried 4/0. Robert Pena will be asked to call the representative from each company and set up the date and time on which all motor graders can be brought to Rocksprings. All Commissioners should also be present for this event.

5. **New Business.** John Suprynowicz appeared to address the Court regarding a problem with a subdivision road in Standing Rock Diamond Ranch and the right of ingress and egress to his property. Judge Shanklin informed him that his issue would be a civil matter. Since this matter does not deal with a County Road, then the Court has no authority to act. It was suggested that Mr. Suprynowicz could go to his Property Owners Association or look to his subdivision regulations to address this issue. Suprynowicz stated that there was no POA for his particular area. Commissioner Barnebey stated that Suprynowicz could possibly speak to the County Attorney with regards to this matter.

6. **Set time and date for next regular time.** The next regular, open meeting of the Edwards County Commissioner’s Court will be on the second Tuesday of December, 2016 (December 13, 2016) at 9:00 a.m.

7. **Pay bills.** Commissioner Sweeten made the motion to pay bills. Commissioner Barnebey seconded the motion. No Commissioner noting any opposition, the motion carried 4/0.

8. **Adjourn.** Commissioner Barnebey made the motion to adjourn this regular, open meeting of the Edwards County Commissioner Court. Commissioner Sweeten seconded the motion. No Commissioner noting any opposition, the motion carried 4/0. The meeting was adjourned at 9:55 A.M.

APPROVED:

SOULI ASA SHANKLIN

Edwards County Judge

Attest:

OLGA LYDIA REYES

Edwards County and District Clerk