

STATE OF TEXAS

COUNTY OF GAINES

THE HONORABLE COMMISSIONERS' COURT OF GAINES COUNTY MET IN A REGULAR MEETING ON FEBRUAR 16, 2022 AT 9:00 A.M. THE COUNTY JUDGE TOM N. KEYES PRESIDING AND THE FOLLOWING MEMBERS OF THE COURT IN ATTENDANCE.

BRIAN ROSSON	COMMISSIONER PRECINCT #1
CRAIG BELT	COMMISSIONER PRECINCT #2
DAVID MURPHREE	COMMISSIONER PRECINCT #3
<u>BIZ HOUSTON</u>	<u>COMMISSIONER PRECINCT #4</u>

<u>TERRI BERRY</u>	<u>COUNTY CLERK</u>
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**Teleconference:**

In recognition of the public health emergency presented by the pending coronavirus-19 ("COVID-19") pandemic, and pursuant to an emergency order issued by the Governor of the State of Texas to temporarily suspend certain provisions of TOMA in view of said emergency, a quorum of the Commissioners Court will hold this meeting by telephonic conference call. **Members of the public may call in to this meeting by telephone by calling 1-346-248-7799 and entering the Meeting ID No. 938 956 816**

Members of the public who desire to make public comment during the meeting must register by e-mailing their identity to the following Gaines County ("County") representative one (1) hour before the meeting start time on the day of the posted meeting: Benette McDonald, Administrative Assistant, Commissioners Court at [benette.mcdonald@co.gaines.tx.us](mailto:benette.mcdonald@co.gaines.tx.us).

This meeting will be recorded, and the audio recording will be available on the County's internet website after the meeting. A copy of the agenda packet for the meeting will be available on the County's internet website at the time of the meeting at [www.co.gaines.tx.us](http://www.co.gaines.tx.us).

During this meeting, the Commissioners Court reserves the right to conduct an executive session/closed meeting session for any purpose authorized by Chapter 551 of the Texas Government Code or other authority, including without limitation sections 551.071 and 551.129, Texas Government Code (consultation with attorney).

**9:00 A.M. Regular Meeting**

1. Call to order, prayer, pledge

Judge Keyes called the meeting to order with a prayer and pledges of allegiance.

2. Public Comment period, comments should refer to an agenda item if the Commissioners Court is to take action on the item under discussion, any comment not referring to an agenda item will only be scheduled for a future agenda

None

3. Discuss routine administrative items: take action appropriate

- a. Last month's minutes
- b. Payroll
- c. Budget amendments and fund transfers
- d. Accounts payable
- e. Auditor's report
- f. Officer's report
- g. Renewal of routine annual service and similar agreement(s)
- h. Non-capital surplus or salvage

(g) Commissioner Belt made a motion to approve the 3 annual renewal contracts with Pivot Technology Services Corp. as presented by Scott Shortes, IT Director, for the following: firewall- \$3,733.26, Umbrella Cloud-\$3,226.08 and Anti Virus-\$10,216.50. Commissioner Murphree seconded the motion. Motion carried unanimously. (see attached)

Commissioner Belt made a motion to approve the routine administrative items as presented. Commissioner Houston seconded the motion. Motion carried unanimously. (see attached)

4. Meet with Davis & Ray to receive fiscal year audit 2021; take action as appropriate

Following much discussion Ted Ward, David & Ray, stated the county was in good financial status and presented the Independent Auditors Report for Year End September 30, 2021. Commissioner Houston made a motion to approve the Independent Auditors Report for Year End September 30, 2021 as presented. Commissioner Belt seconded the motion. Motion carried unanimously. (see attached)

5. Meet with Mr. Walter Dominguez to consider a request for authorization to establish a FAA accredited Flight School at the Gaines County Airport, discuss potential action(s); take action as appropriate

Mr. Dominguez stated he was not aware he could not build within the hangar. Judge Keyes stated to Mr. Dominguez that it is stated in the Lease agreement that no structures are to be build within the leased hangars and he would be required to demolish and remove the office he had built in the hangar he leases. Commissioner Murphree stated there can't be any businesses within the airport property for profit. He also stated that Fly Tech has a business that is on the airport property and is currently under contract with the county to do plane repairs and possibly had the right to come before court if he ever wanted to have a Flight School. Mr. Dominguez stated he had a couple of individuals that he would recommend for instructors if he did the Flight School. Commissioner Murphree made a motion to authorize moving forward with Mr. Dominguez regarding being compliance with starting and building a flight school with proper qualifications required by the court as stated to Mr. Dominguez. Commissioner Rosson seconded the motion. Motion carried unanimously.

6. Consider authorizing the County Judge to sign an engagement letter with Mr. Fernando Bustos, an attorney from Lubbock, to review the current County Subdivision Regulations and make recommendations; take action as appropriate

Judge Keyes stated Mr. Fernando Bustos, Bustos Law Firm, P.C., would be at the next commissioner court in 2 weeks to discuss further the needs and concerns regarding the County Subdivision Regulations and make recommendations. Joe Nagy, County Attorney, suggested the Commissioner's and Judge comply lists regarding their needs and concern to present to Mr. Bustos. Commissioner Rosson made a motion to authorize Judge Keyes to sign the engagement letter with Mr. Fernando Bustos. Commissioner Belt seconded the motion. Motion carried unanimously. (See attached)

7. Consider signing on to the TEVA Opioid Settlement through the Attorney General's office; take action as appropriate

Commissioner Belt made a motion authorize Judge Keyes to sign the TEVA Opioid Settlement document to participate in the settlement. Commissioner Rosson seconded the motion. Motion carried unanimously. (see attached)

8. Receive a report on the status of the repairs on the Courthouse roof, and discuss plans for moving forward on that repair; take action as appropriate

Judge Keyes stated no bids were received on the roof repair and Wayne Gondeck had stated that a TPO could not be done and no specs have been given. However, the Judge had ABF look at the roof and they stated a TPO could be done on all 4 roofs of the courthouse. ABF is not on Buy Board but on Gordian Software. Judge Keyes asked Esmeralda Felan, Auditor, to research Gordian Software to see if it is something the county can sign up on.

9. Consider authorizing Precinct 3 to replace gas heaters at their shop building with insurance funds; take action as appropriate

Commissioner Murphree made a motion to authorize Precinct 3 to replace 3 gas heaters in the shop building with insurance funds. Commissioner Rosson seconded the motion. Motion carried unanimously.

10. Consider authorizing Precinct 3 to go out for bids for replacement fencing around the Precinct 3 yard; take action as appropriate

Commissioner Murphree made a motion to go out for bids on a replacement fence around Precinct 3 yard with bids turned in March 29, 2022 and opened March 30, 2022. Commissioner Houston seconded the motion. Motion carried unanimously. (see attached)

11. Consider taking action to complete the demolition of the old jail; take action as appropriate

Commissioner Murphree made a motion to out for Bids for the demolition of the old jail and hauling debris with Bids to be turned in by March 29, 2022 and opened March 30, 2022. Commissioner Belt seconded the motion. Motion carried unanimously. (see attached)

12. Consider approving sell of a hangar at the airport; take action as appropriate

Commissioner Murphree made a motion to approve the sale of Building A Hangar 4 at the Gaines County Airport from Abraham Reimer to Ben Peters. Commissioner Rosson seconded the motion. Motion carried unanimously. (see attached)

13. Consider approving surplus for Precinct 2, take action as appropriate

Commissioner Belt made a motion to approve the surplus of a John Deere Model LT166 riding mower, Unit #2142 and place on Gov Deals. Commissioner Murphree seconded the motion. Motion carried unanimously. (see attached)

14. Consider approving subdivision application(s), take note of known exceptions, consider any requests for variances; take action as appropriate

None

15. Consider current road crossing request(s); take action as appropriate,

Commissioner Belt made a motion to approve a road crossing for McClure Oil Company on CR-226. Commissioner Rosson seconded the motion. Motion carried unanimously. (see attached)

16. Announcements / Discussion: for information purposes only, while there may be discussion for clarification purposes, no action may be taken on these items except to schedule them for a future agenda,

Scott Shortes, IT Director, stated he would have to have the Fiber line moved in order to move the servers out and move the Motorola Radio equipment out of the old jail before demolition.

Esmeralda Felan, Auditor, stated Jimmy Anderson is currently the Financial System Programmer for the Treasurer and Auditor's offices. He is retiring so therefore, herself and Michael Lord, Treasurer with be researching software companies and doing a conversion for the Financial System in the future.

17. Adjourn;

Commissioner Belt made a motion to adjourn the meeting. Commissioner Rosson seconded the motion. Motion carried unanimously

The Meeting Adjourned at 10:13a.m.

I, Terri Berry, Gaines County Clerk, attest that the foregoing is a true and accurate accounting of the Commissioners Court's authorized proceedings for February 16, 2022.



*Terri Berry*

Terri Berry, County Clerk  
Clerk of Commissioner's Court  
Gaines County, Texas



STATE OF TEXAS

COUNTY OF GAINES

THE HONORABLE COMMISSIONERS' COURT OF GAINES COUNTY MET IN A REGULAR MEETING ON FEBRUARY 2 , 2022 AT 9:00 A.M. THE COUNTY JUDGE TOM N. KEYES PRESIDING AND THE FOLLOWING MEMBERS OF THE COURT IN ATTENDANCE.

BRIAN ROSSON  
CRAIG BELT  
DAVID MURPHREE  
BIZ HOUSTON

COMMISSIONER PRECINCT #1  
COMMISSIONER PRECINCT #2  
COMMISSIONER PRECINCT #3  
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TERRI BERRY

COUNTY CLERK

**Teleconference:**

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**9:00 A.M. Regular Meeting**

1. Call to order, prayer, pledge

Judge Keyes called the meeting to order with a prayer and pledges of allegiance.

2. Public Comment

Theodore Wiebe stated he would like to comment on item #13, Subdivision Regulations. Judge Keyes stated he would allow him to speak when it was time for item #13 to be discussed.

3. Discuss routine administrative items: take action as appropriate;

- a. Last month's minutes
- b. Payroll
- c. Budget amendments and fund transfers
- d. Accounts payable
- e. Auditor's report
- f. Officer's report
- g. Renewal of routine annual service and similar agreement(s)
- h. Non-capital surplus or salvage

3g-Esmeralda Felan, Auditor, stated there were 3 contracts up for renewal. Commissioner Rosson made a motion to approve the renewal contract on: Computacenter in the amount of \$1,156.00, RVI Software, Inc. in the amount of \$3,300.00 and Warren Cat Visionlink Subscription Agreement in the amount of \$216.00 as presented by Esmeralda Felan,

Auditor. Commissioner Belt seconded the motion. Motion carried unanimously. (see attached)

Commissioner Belt made a motion to approve the routine administrative items as presented. Commissioner Houston seconded the motion. Motion carried unanimously. (see attached)

4. Consider approving tournament requests for golf course; take action as appropriate  
Commissioner Murphree made a motion to approve the tournament request for the golf course as presented by Shaun McDonald, Golf Pro. Commissioner Belt seconded the motion. Motion carried unanimously. (see attached)
5. Meet with Mr. Walter Dominguez to consider a request for authorization to establish a FAA accredited Flight School at the Gaines County Airport, discuss potential action(s); take action as appropriate  
Following much discussion regarding violations of the Airport Hanger rules and Walter Dominguez not being present this item was tabled until the next court date
6. Consider a change to the annual lease agreements for those who own hangars at the Gaines County Airport, to require the lease holders to report the tail numbers for all airplanes being housed in their hangar, at this time the FAA shows only 10 airplanes housed at the Airport which impacts the grant funds the County is eligible for; take action as appropriate  
Commissioner Murphree made a motion to change the Airport lease agreement as follows: require N# on all planes, all leases have to be signed and provide proof of insurance and lease has to be brought back in a timely manner as required by the Michael Lord, Treasurer. Commissioner Belt seconded the motion. Motion carried unanimously.
7. Consider approving quarterly investment report; take action as appropriate  
Michael Lord, Treasurer, stated as of December 2021 the fund balance was \$32,776,282.15 which is an increase of 2.4 million from 2020 and the 2022 1<sup>st</sup> quarter monthly interest income was \$6,648.58. Commissioner Belt made a motion to approve the quarterly investment report as presented by Michael Lord, Treasurer. Commissioner Houston seconded the motion. Motion carried unanimously. (see attached)
8. Consider approving the LGS contract for JP Precinct #1 and #2; take action as appropriate  
Bonnie Ericson, Interim JP Precinct 1, stated she and Calvin Sellers, JP Precinct 2 had received the addendum/contract with a monthly fee of \$960.00 from LGS stating what services and training provided and they would sign the addendum/contract. She also stated they could require longer than the 2 days for training and was assured by LGS that they would get the proper training required. Commissioner Houston made a motion to approve the LGS addendum/contract for JP Precinct #1 and #2 as presented. Commissioner Rosson seconded the motion. Motion carried unanimously. (see attached)
9. Consider approving renewing the diagnostics for the county vehicles; take action as appropriate  
Commissioner Houston stated the software had been shut off due to the fact the county had not been contacted regarding the renewal. Commissioner Houston made a motion to approve renewing the diagnostics for the county vehicles and authorize Judge Keyes to sign the renewal. Commissioner Rosson seconded the motion. Motion carried unanimously.
10. Consider authorizing the auditor to issue a credit card for the Precinct 4 mechanic; take action as appropriate  
Commissioner Houston made a motion to authorize the auditor to issue a credit card to Abe Wieler, Precinct 4 mechanic. Commissioner Rosson seconded the motion. Motion carried unanimously. (see attached)
11. Open bids for the old post office; take action as appropriate  
Judge Keyes stated 3 bids were received for the purchase of the old post office as follows: Tritone Entertech in the amount of \$91,000.00, Zion Broadband Inc. in the amount of \$35,000.00 and Diedrich Loepky in the amount of \$52,000.00. Commissioner Rosson made a motion to accept the bid from Tritone Entertech to purchase the old post office in Seminole. Commissioner Belt seconded the motion. Motion carried unanimously. (see attached)
12. Consider implementing a policy as required by Local Government Code, 180.008 concerning paid quarantine leave for Fire Fighters, Peace Officers, Detention Officers, and Emergency Medical Technicians; take action as appropriate

Commissioner Belt made a motion to authorize Judge Keyes to develop a policy required by LGC 180.008 for paid quarantine leave for communicable diseases for Peace Officers and Detention Officers for Gaines County. Commissioner Houston seconded the motion. Motion carried unanimously.

13. Consider a motion to repeal the current Subdivision and Manufactured Home Rental Community Regulations dated February 19, 2020 and adopt the previously repealed Gaines County Subdivision Regulations dated May 23, 2016, with certain specific amendments, or consider modifications to the current Regulations that could address current concerns; take action as appropriate

Following much discussion with Theodore Wiebe, Commissioners and Judge Keyes regarding 30 years of water guaranteed, model rules adopted in a prepared agreement by Chuck Kimbrough (lawyer), contacting a professional engineer, acreage the Commissioners approved Judge Keyes to contact Chuck Kimbrough(attorney), Fernando Busto, attorney in Lubbock and to find an engineer. Judge Keyes stated there would be work sessions in executive sessions with appropriate persons in attendance to develop an updated Subdivision and Manufactured Home Rental Community Regulations.

14. Consider approving subdivision application(s), take note of known exceptions, consider any requests for variances; take action as appropriate

None

15. Consider current road crossing request(s); take action as appropriate,

None

16. Announcements / Discussion: for information purposes only, while there may be discussion for clarification purposes, no action may be taken on these items except to schedule them for a future agenda,

Judge Keyes stated there is Community Health Survey to complete for the public in the hallway for the Health Department.

Esmeralda Felan, Auditor, stated she needed the American Rescue Plan on the next agenda and we should receive another 2 million dollars in May bringing the total to 4 million dollars.

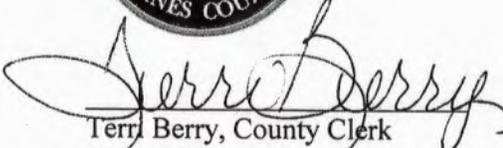
17. Adjourn;

Commissioner Belt made a motion for the meeting to adjourn. Commissioner Rosson seconded the motion. Motion carried unanimously.

The meeting adjourned at 10:24a.m.

I, Terri Berry, Gaines County Clerk, attest that the foregoing is a true and accurate accounting of the Commissioners Court's authorized proceedings for February 2, 2022.



  
Terri Berry, County Clerk  
Clerk of Commissioner's Court  
Gaines County, Texas

