

STATE OF TEXAS

COUNTY OF GAINES

THE HONORABLE COMMISSIONERS' COURT OF GAINES COUNTY MET IN A REGULAR MEETING ON JANUARY 4, 2023 AT 9:00 A.M. THE COUNTY JUDGE CINDY THERWHANGER PRESIDING AND THE FOLLOWING MEMBERS OF THE COURT IN ATTENDANCE.

BRIAN ROSSON
JOSH ELDER
DAVID MURPHREE
BIZ HOUSTON

COMMISSIONER PRECINCT #1
COMMISSIONER PRECINCT #2
COMMISSIONER PRECINCT #3
COMMISSIONER PRECINCT #4

TERRI BERRY

COUNTY CLERK

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.

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.

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

2. Public Comment period, comments should be related to agenda items, no action may be taken on any comments on items not included in the agenda, except to schedule them for a later meeting

There was 1 individual present however, no comments. (see attached)

3. Discuss routine administrative items: take action needed;

- 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

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

4. Consider updating and renewing an Interlocal Agreement with the City of Seminole to use Gaines County ROW in Precinct 3 to bring fresh water to the water treatment plant in the City of Seminole; take action as appropriate

This item was tabled as no City representative was present.

5. Consider updating and renewing the Interlocal Agreement with the City of Seminole for Gaines County to acquire effluent water for use at the Gaines County Golf Course and Park to include the County paying electrical costs for the pumping system; take action as appropriate

This item was tabled as no representative is present to answer questions.

6. Meet with Seminole Librarian Sabra Hall to discuss authorizing her to use Unclaimed Capital Funds for the Adult Reading and Summer Reading Programs; take action as appropriate

Commissioner Houston made a motion to authorize Sabra Hall, Library Director, to use Unclaimed Capital Funds for the Adult Reading & Summer Reading Programs. Commissioner Rosson seconded the motion. Motion carried unanimously. (see attached)

7. Consider authorizing auditor to issue credit cards for newly elected officials; take action as appropriate

Commissioner Rosson made a motion authorizing the Auditor to issue county credit cards to the newly elected officials: Cindy Therwhanger, County Judge, Josh Elder, Commissioner Precinct 2 and Packy Kissick, JP Precinct 1. Commissioner Houston seconded the motion. Motion carried unanimously. (see attached)

8. Consider going out for bids for a truck for Precinct 4; take action as appropriate

Commissioner Houston made a motion to go out for bids on a 2023-2024 Truck for Precinct 4 with bids turned in by January 17, 2023 and opened January 18, 2023. Commissioner Rosson seconded the motion. Motion carried unanimously. (see attached)

9. Consider mileage reimbursements rates for 2023; take action as appropriate

Commissioner Houston made a motion to approve the .3 cent increase in mileage reimbursement for county employees to comply with the IRS standard mileage rates for 2023. Commissioner Rosson seconded the motion. Motion carried unanimously. (see attached)

10. Consider approving road crossing request(s); take action as appropriate

Commissioner Houston made a motion to approve a road crossing in Precinct 4, from Zion Broadhand on CR 421. Commissioner Murphree seconded the motion. Motion carried unanimously. (see attached)

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

None

12. Discuss any other items pertaining to County Business; for information purposes only, no action may be taken on these items except to schedule them for a future agenda,

Judge Therwhanger stated herself and Commissioner Elder would be attending a conference in College Station next week.

13. Adjourn

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

The meeting adjourned at 9:13a.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 January 4, 2023.



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 JANUARY 18, 2023 AT 9:00 A.M. THE COUNTY JUDGE CINDY THERWHANGER PRESIDING AND THE FOLLOWING MEMBERS OF THE COURT IN ATTENDANCE.

BRIAN ROSSON	COMMISSIONER PRECINCT #1
JOSH ELDER	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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9:00 am Regular Meeting:

1. Call to order, invocation, pledge
Judge Therwhanger called the meeting to order with a prayer and pledges of allegiance.
2. Public Forum: Open the floor for public forum. (Public comments and presentations will be limited to a maximum of three (3) minutes, unless a member of the court requests additional time for the presenter.)
Adam Niolet, City Manager, stated he was out of state at the last agenda which he was to speak and apologized for not being in attendance.
3. Discuss routine administrative items: take action needed;
 - 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 salvageCommissioner Rosson made a motion to approve the routine administrative items as presented. Commissioner Elder seconded the motion. Motion carried unanimously. (see attached)
4. Meet with the County Attorney, a representative of the Public Health Department, Ms. Olivia Flores and Ms. Aidee Villa concerning a public health complaint and follow up inspection at their residence identified as BLK G SEC 127 WTRR CO TOWN & COUNTRY ESTATES W/2 W/2TR 82 to determine why the owners of the location have not been able to clean up the excess trash and garbage stored in plastic bags stacked behind the mobile home in a timely manner; take action as appropriate
Zack Holbrooks, Health Department, stated there have been numerous communication efforts to Aidee Villa regarding cleaning up the area in the back of her house with no response. Aidee Villa stated she had not had the funds to purchase a dumpster previously and at this time was employed and would request time to buy one and have it placed at her residence. Commissioner Rosson made a motion to allow Mrs. Villa until February 18th to have the trash cleaned up at her residence. Commissioner Elder seconded the motion. Motion carried unanimously.
5. Meet with interim Chamber of Commerce Director Shawntay Pettyjohn to receive a report on recent events and to discuss July 4th plans; take action as appropriate
Shawntay Pettyjohn, Interim Chamber of Commerce Director, stated how much herself and the chamber board appreciated the support from commissioners court. She updated the court on various activities the chamber would be doing within the year. She requested \$20,000.00 for the pyro-tech show, use of the park building facility, porta potties, no golf carts within the park, provide dumpsters & roll offs and no personal grills on the facility outside entry for the Freedom Fest to be held July 1, 2023. Commissioner Houston made a motion to approve the

\$20,000.00 for the pyro-tech show, use of park building facility, provide porta potties, no golf carts within the park, provide dumpsters & roll offs and to place a sign stating no personal grills in the park facility entry way. Commissioner Murphree seconded the motion. Motion carried unanimously. (see attached)

6. Consider approval of a contract with Industrial Scientific for H_2S monitors; take action as appropriate

Robert Barrett, Emergency Management Director, stated we currently have 8 monitors and he recommends continuing using the current company as they if there is ever an error on any monitor they instantly get a report and will replace at no charge. Commissioner Rosson made a motion to approve the renewal contract with Industrial Scientific. Commissioner Houston seconded the motion. Motion carried unanimously. (see attached)

7. Consider approval of a quote to repair courthouse panic buttons using courthouse security funds; take action as appropriate

Scott Shortes, IT Director, stated all panic buttons within county facilities are out of date and he recommended using JL3 Integrated Solutions. He stated once the button is pressed it goes to the security personal within the courthouse and dispatch. Commissioner Elder made a motion to approve JL3 Integrated Solutions for updating the courthouse panic buttons, in the amount of \$1,567.20. Commissioner Houston seconded the motion. Motion carried unanimously. (see attached)

8. Consider approval of a "No Pet Policy" in courthouse, except for ADA approved service animals; take action as appropriate

Commissioner Murphree made a motion to approve a No Pet Policy in the courthouse, except for ADA approved service animals. Commissioner Elder seconded the motion. Motion carried unanimously.

9. Consider approval of installing LED lighting for the Seminole Senior Citizen Building; take action as appropriate

Commissioner Houston made a motion to approve the installation of cost effect LED lighting for the Seminole Senior Citizens Building in the amount of \$3,767.40. Commissioner Rosson seconded the motion. Motion carried unanimously.

10. Open bids for Precinct 4 Truck; take action as appropriate

Commissioner Murphree made a motion to approve the one Bid received for Precinct 4 from Bruckner Truck Sales, Inc. for a 2023 Mack Truck in the amount of \$79,490.00 with 3 trade-ins as follows: 1999 Mack Dump Truck-Unit #4087, 1992 Chev. Dump Truck-Unit #4048 & 2007 International Truck Unit #4147. Commissioner Rosson seconded the motion. Motion carried unanimously. (see attached)

11. Consider approval of change in scope estimated cost of EOC building project; take action as appropriate

Judge Therwhanger stated there was a discrepancy in the cost of the EOC building project, stating the approved amount was \$551,200.00 however the cost in the newspaper stated \$748,456.00. Wayne Gondeck, DRG Architect, per phone call, explained to commissioners court the increase cost was the need for a new generator. He stated January 24, 2023 he would be here with the construction people to explain the EOC building construction. Commissioner Murphree made a motion to approve the increase cost needed for the EOC building construction as stated above. Commissioner Rosson seconded the motion. Motion carried unanimously. (see attached)

12. Consider approval of surplus for Maintenance, Prect. 1, Seagraves Library, Seagraves/Loop Cemetery and Seagraves Senior Citizens to be placed on GovDeals; take action as appropriate

Commissioner Rosson made a motion to approve the following surplus items to be placed for sale on GovDeals:

Precinct 1 – 2007 Chev. Silverado Unit #1185, Boomlift Unit #1200, Arrow Board Unit #1208 & #1209, 2009 Carry All Unit #1226, Kubota Zero Turn Mower Unit #1194

Seagraves/Loop Cemetery – 2008 Chev. Pickup Units #CM1009

Seagraves Senior Citizens – 2001 Ford Van Unit# SC-13, 2008 Chev Van Unit # SC-15

Old Seagraves Library – shelving units

Buildings – Propane range, dishwasher, mixer, pan, 1996 Chev truck, 1994 Chev Astro Van, light fixture

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

13. Consider going out for bids for caliche; take action as appropriate

Commissioner Rosson made a motion to approve going out for bids on pit run & crushed Caliche with bids being turned in by February 14th and opened February 15, 2023.

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

14. Consider designation of County Judge Cindy Therwhanger to serve in capacity of Permian Basin Regional Planning Commission Board of Directors, representing Gaines County for her entire term of Gaines County Judge; take action as appropriate

Commissioner Houston made a motion to approve the designation of County Judge Cindy Therwhanger to serve on the Board of Directors of the Permian Basin Regional Planning Commission for her entire term as Gaines County Judge. Commissioner Murphree seconded the motion. Motion carried unanimously.

15. Consider approval of having ADA accessible door (10) open for public access from 8-5 on regular business days; take action as appropriate

Commissioner Elder made a motion to approve having ADA accessible door (10) open for public access from 8-5 on regular business days. Commissioner Houston seconded the motion. Motion carried unanimously.

16. Discuss ARPA funds; take action as appropriate

Following much discussion Commissioner Murphree stated the need for the funds to be used for infrastructure such as EOC building project and other county buildings before any funds are allotted to each department per attached "wish" list. Commissioner Houston made a motion to use the ARPA funds for the EOC building project and further research to be done for infrastructure repairs and needs. Commissioner Rosson seconded the motion. Motion carried unanimously. (see attached)

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

Commissioner Elder stated he has received several calls from the public stating the need to file subdivision and he is unclear as to respond. Commissioner Murphree stated the lawyers are not actually complying with the commissioners concerns of making the Subdivision Policy a simple process for clear understanding. Judge Therwhanger stated she would contact the parties involved and get clarification and have them come to the next commissioners court to address any concerns.

18. Consider approval of road crossing request(s); take action as appropriate

None

19. 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,

Commissioner Elder stated with new pens now installed in the show barn he had the old pens he would be willing to donate to anyone in need. This item will be put on the agenda for approval.

Esmeralda Felan, Auditor, stated Davis, Ray & Company will be present at the next Commissioners Court meeting to give a report on the outside audit.

Commissioner Murphree stated the need to increase the rent at the airport for Jonathan Siemens as the increase in the electrical bill. He also stated the need to possibly charge a tie down fee for approximately 10 planes that are on the ramp currently. This item will be placed on the agenda for discussion and approval. He presented paperwork regarding the Airport Infrastructure Grant Allocations.

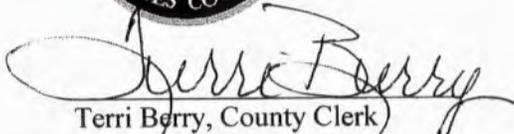
20. Adjourn;

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

The meeting adjourned at 10:17a.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 January 18, 2023.




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



Persons who do not wish to attend the Gaines County Commissioners' Court Meeting in person may join by telephone by calling 1-346-248-7799 and entering Meeting ID No. 734-496-7222.
Or a member of the public may join the meeting online by going to www.zoom.us and entering the Meeting ID No. 734-496-7722.

In accordance with Title III of the American with Disabilities Act, we invite all attendees to advise us of any special accommodations due to disability. Please submit your request as far as possible in advance of the meeting you wish to attend.

As authorized by the Texas Government Code, the Commissioners' Court of Gaines County, Texas reserves the right to adjourn into Executive Session for any purpose authorized by Chapter 551 of the Texas Government Code or other authority.

- Texas Government Code Section 551.07(1). Consultation with Attorney about pending and contemplated litigation or settlement offers.
- Texas Government Code Section 551.129(2) (Consultation with attorney)
- Texas Government Code 551.072 (Deliberations about Real Property)
- Texas Government Code 551.073 (Deliberations about Gifts and Donations)
- Texas Government Code 551.074 (Personnel Matters)
- Texas Government Code 551.076 (Deliberations about Security Devices)
- Texas Government Code 551.087 (Economic Negotiations)

In the event that the court adjourns into Executive Session unless otherwise specified on the agenda, the Court will announce what section of the Texas Government Code the Commissioners Court is using as its authority to inter to Executive Session.