



## MINUTES

BE IT REMEMBERED that on the 23<sup>rd</sup> day of November, 2020, the Honorable Commissioners Court of Uvalde County, Texas convened in regular session via video conferencing utilizing Zoom. The following members were in attendance:

William R. Mitchell, *County Judge*  
Randy Scheide, *Commissioner Pct. #1*  
Jerry W. Bates, *Commissioner Pct. #3*  
Ronnie Garza, *Commissioner Pct. #4*  
Valerie Del Toro Romero, *County Clerk and Ex-Officio Clerk of  
the Commissioner's Court*

Also connected to video conference utilizing Zoom were: *County Treasurer* Joni Deorsam, *County Auditor* Alice Chapman, *Road Administrator* Dee Kirkpatrick and Julye Keeble with *Uvalde Leader News*.

Absent: Mariano Pargas, *Commissioner Pct. #2* and John Dodson, *County Attorney*.

### **1. Consider and act upon call to order, invocation and pledge of allegiance:**

The Honorable William R. Mitchell called the meeting of November 23, 2020 to order at 10:00 AM followed with the invocation, led the Pledge of Allegiance to the United States flag and Texas Pledge of Allegiance.

### **2. Consider and act upon approval of minutes:**

Motion by Commissioner Scheide to approve the minutes of November 9, 2020 and November 12, 2020.

Seconded by Commissioner Bates.

Motion carried (3-0).

### **3. Consider and act upon interlocal agreement between the Regional Public Defender Office Local Government Corporation and Uvalde County for Capital Cases public defender:**

Regional Public Defender Office Local Government Corporation is a public, non-profit corporation organized under Subchapter D, Chapter 431 of the Texas Transportation Code a "local government" pursuant to Section 791.003(4)(B) of the Texas Government Code and is authorized to participate on behalf of Lubbock County to oversee and provide defense services to indigent defendants in Lubbock County and other counties which enter into interlocal agreements with the Regional Public Defender Office Local Government Corporation to provide defense services. An interlocal agreement was considered and approved by the Court.

Motion by Commissioner Garza to approve the interlocal agreement with the Regional Public Defender Office Local Government Corporation as presented.  
Seconded by Commissioner Bates.  
Motion carried (3-0).

**4. Consider and act upon preliminary plat of 55 Ranch Subdivision submitted by Ruth Ranch 2, LLC:**

Charlie Rothe of Rothe and Associates Surveying and Engineering requested preliminary plat approval of 55 Ranch Subdivision submitted by Ruth Ranch 2, LLC located northwest of Uvalde along County Road 402. This agenda item was withdrawn at the request of the applicant and was not considered by the Court.  
No action taken.

**5. Consider and act upon ban on outdoor burning:**

In accordance with Local Government Code 352.08, the Uvalde County Commissioner Court finds that circumstances present in all or part of the unincorporated area of Uvalde County creates a public safety hazard that would increase by outdoor burning. The Court considered and implemented an order prohibiting outdoor burning in the unincorporated areas of Uvalde County, effective immediately, for 90 days from the date of adoption unless restrictions are terminated earlier based on determination by the Court.  
Motion by Commissioner Garza to approve ban on outdoor burning for 90 days.  
Seconded by Commissioner Bates.  
Motion carried (3-0).

**6. Consider and act upon Road Administrators report:**

Road Administrator Dee Kirkpatrick informed the Court that the Road Department completed the first course of laying asphalt on County Road 301, removed two cattle guards on County Road 309 at the request of Commissioner Bates and commented on the public auction held at the Uvalde County Road Department on November 21, 2020.  
No action taken.

**7. Consider and act upon line item budget amendments:**

County Auditor Alice Chapman outlined the proposed line item budget amendments to the Court for consideration and approval providing a detailed explanation of this request related to a law enforcement and corrections record keeping problem, staff shortage, comp time, holiday pay and vacation pay recommending new accounting procedures showing the expenditure to be paid with the appropriate time period worked.  
Motion by Commissioner Bates to approved line item budget amendments and recommended procedures as presented.  
Seconded by Commissioner Garza.  
Motion carried (3-0). See Exhibit A.

**8. Consider and act upon payment of bills:**

Motion by Commissioner Bates to approve payment of bills.  
Seconded by Commissioner Garza.  
Motion carried (3-0).

**9. Consider and act upon approval of monthly reports:**

Monthly reports on file for review in the office of the Uvalde County Clerk were presented for consideration and approval.  
Motion by Commissioner Bates to approve monthly reports.  
Seconded by Commissioner Garza.  
Motion carried (3-0).

**10. Consider and act upon payroll approval:**

Motion by Commissioner Bates to approve payroll.  
Seconded by Commissioner Garza.  
Motion carried (3-0).

**11. Consider and act upon resolutions and proclamations:**

The Court approved resolutions in honor of the memory of the following individuals:

Henry Clay Hunt †  
Patricia Jacob †  
Dan Keith †

**12. Executive Session (As permitted by Section 552.072, Texas Government Code):**

- a. **Discussion on sale of real property jointly owned by Uvalde, Real and Medina Counties located at 1410 Avenue K in Hondo, Texas.**

The Court entered into Executive Session (As permitted by Section 552.072, Texas Government Code) at 10:32 AM.

**13. Convene in regular session and take action, if any:**

The Court reconvened into regular session at 10:35 AM after discussion on the proposed sale of real property being an office jointly owned by Uvalde, Real and Medina counties located in Medina County purchased in the amount of \$330,000.00. The Court considered an offer from Medina County Appraisal District in the amount of \$325,000.00 with the understanding that Medina County would receive 60%, Real County 4% and Uvalde County 36% of the proceeds of the sale.

Motion by Commissioner Bates to sell the jointly owned building in the amount of \$325,000.00, AS IS.

Seconded by Commissioner Garza.

Motion carried (3-0).

With no further business, the meeting of November 23, 2020 was adjourned.

Exhibits identified under a specific agenda item are included as supporting documentation of the action taken by the Uvalde County Commissioners Court and are placed after the minutes and before the last page titled Commissioners Court Order.



COUNTY OF UVALDE  
 FYE 09/30/2021  
 COMMISSIONERS COURT MEETING  
 11/23/2020

TRANSFERS AND/OR AMENDMENTS

LINE ITEM	TYPE OF ACCOUNT	NAME OF ACCOUNT	CURRENT BUDGET	AMENDED BUDGET	INCREASE DECREASE	TRANSFER FROM AMENDS	Comment
010-561-781	EXPENSE	TERMINATION - COMPTIME VACATION	\$ 20,000.00	\$ 33,000.00	\$ 13,000.00	010-420-446	EMF #904 COMP/VAC \$12,296.95
010-561-780	EXPENSE	SHERIFF BANKED HOLIDAY PAY	\$ -	\$ 20,000.00	\$ 20,000.00	010-420-446	CLFARING BANKED HOLIDAYS
010-571-780	EXPENSE	JAIL BANKED HOLIDAY PAY	\$ -	\$ 20,000.00	\$ 20,000.00	010-420-446	CLFARING BANKED HOLIDAYS
010-560-595	EXPENSE	EDWARD BYRNE GRANT	\$ -	\$ 39,295.00	\$ 39,295.00		VEHICLE - GRANT FUNDED
010-652-956	EXPENSE	EL PROGRESO LIBRARY	\$ -	\$ 30,000.00	\$ 30,000.00		REVENUE OFFSET
010-380-460	REVENUE	EL PROGRESO LIBRARY	\$ -	\$ 30,000.00	\$ 30,000.00		REIMBURSEMENT
011-610-261	EXPENSE	ROAD DEPT CONTRACT HAULING	\$ 8,000.00	\$ 30,000.00	\$ 22,000.00	011-610-875	FLOOD GAUGES
012-611-564	EXPENSE	ONE RAIN FLOOD MAINTENANCE	\$ -	\$ 12,000.00	\$ 12,000.00	012-610-875	REVENUE CERTIFICATION
044-565-401	REVENUE	FAIRPLEX WALMART	\$ -	\$ 5,000.00	\$ 5,000.00		

FILED

This 23 day of November A.D. 2020  
 at 8:33 o'clock AM  
 VALERIE DEL TORO ROMERO  
 County Clerk, Uvalde County, Texas  
 By: Valerie Del Toro Romero  
 Uvalde County Clerk



Laura M. Perales  
First Assistant Auditor

Assistant Auditors  
M'Liss G. Braker  
Frankie I. Aguilar

# Alice L. Chapman Uvalde County Auditor

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November 23, 2020  
Commissioners Court Amendment Addendum

The first three amendments are related to a law enforcement and corrections record keeping problem which I reviewed with the County Treasurer prior to preparing these amendments for the courts approval. The County Treasurer is the CCT official personnel record keeper and I am required to use those records for audit of personnel hours.

Comp time is the banking of overtime worked at 1.5 hours and required to be paid by FLSA rules. Comp time booked in law enforcement and corrections should be taken off within a 30 to 60 day period. However, with the onset of the Stonegarden and Border Star grants paying law enforcement to work additional grant related overtime, the comp time built up has not be flexed out. Currently \$88K in banked comp time under law enforcement. In the past I have recommended employees be required to use up comp time before working grant overtime.

In corrections, the comp time problem exists but the reason is due to staff shortages with employees needing to fill in and subsequently not have the ability to take off the banked comp time since these correctional officers are needed which has caused the comp time in that area to build to \$68K . With the federal population down to 48 this classification staff should be able to flex out all comp time within the next 6 month. With the changing of officials the county could be looking at paying significant comp time amounts to terminating law enforcement positions.

As of January 1, 2020, law enforcement and corrections comp time will not be accrued, but paid out within the next 30- day pay cycle. This new accounting procedure will show the expenditure related to the appropriate time period worked and allow the CCT to address the broader issues related to this problem.

Vacation pay is a benefit not a right. This office is not recommending the changing of this procedure except to recommend when an official knows an employee with accrued vacation pay is leaving, that person should be put on vacation leave to absorb most of the cost if staff constraints allow.

Holiday pay is a benefit not a right per FLSA. The CCT allows 112 holiday hours a year. Holiday pay for law enforcement and corrections while kept informally by the Sheriff is not official. Effective 11/1/20 – Booking holiday pay informally stopped. The two amendments provided will cover the payment of the holiday time informally banked. This pay determination results from a review of time sheets for this year of actual holiday hours worked. Going forward, if an employee works a holiday, the official timesheet must indicate same and be filed with the County Treasurer. That person will be paid STRAIGHT TIME for the holiday hours worked (not overtime) within the next 30 day pay cycle. This procedure accomplishes the expenditure/payment timely recording.

**COMMISSIONERS COURT ORDER**

On this the 14<sup>th</sup> day of December, 2020, came to be heard the Uvalde County Commissioners Court Minutes of November 23, 2020, as prepared by the Clerk of the Court.

IT IS THEREFORE ORDERED the foregoing be recorded and entered for record in the UVALDE COUNTY COMMISSIONERS COURT MINUTES, as required by law. (ORDER 03-12-12)

**APPROVED BY:** \_\_\_\_\_  
William R. Mitchell, County Judge

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Randy Scheide, Commissioner Pct. #1

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Mariano Pargas, Jr., Commissioner Pct. #2

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Jerry W. Bates, Commissioner Pct. #3

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Ronnie Garza, Commissioner Pct. #4

(SEAL)

**ATTEST:** \_\_\_\_\_  
Valerie Del Toro Romero, County Clerk and  
Ex-Officio Clerk of the Commissioners Court  
of Uvalde County, Texas