

**TOM GREEN COUNTY
COMMISSIONERS' COURT
Commissioners' Court Meeting Room
EDD B. KEYES BUILDING 2nd floor
113 W. Beauregard Street
San Angelo, Texas 76903
TUESDAY NOVEMBER 20, 2007**

The Commissioners' Court of Tom Green County, Texas, met in regular Session November 20th, 2007 in the Edd B. Keyes Building, with the following members present:

Ralph E. Hoelscher, Commissioner of Precinct #1
Aubrey deCordova, Commissioner of Precinct #2
Steve Floyd, Commissioner of Precinct #3
Richard Easingwood, Commissioner of Precinct #4
Michael D. Brown, County Judge

Judge Brown called the meeting to order at 8:35 A.M.

1. **(A) Commissioner Easingwood moved to enforce the immediate County Burn Ban, based on the recommendation of Ron Perry, Emergency Co-coordinator. Commissioner deCordova seconded the motion. The motion passed 4-0. Commissioner Floyd was absent for the vote. (Exhibit recorded with these minutes as a matter of record.)**
- (B) Judge Brown moved to approve authorization to pay employees overtime when using county equipment to assist in fire fighting and approve moving \$2500.00 from the Contingency Fund to 001-009-0119. Commissioner Floyd seconded the motion. The motion passed 5-0.**
- (C) Judge Brown moved to approve the proposed changes to the Bylaws of the Concho Valley Community Facilities Corporation as presented. Commissioner Easingwood seconded the motion. The motion passed 5-0. (Exhibit recorded with these minutes as a matter of record.)**
- (D) Judge Brown moved to approve the acceptance of two contributions in the amount of \$5,000.00 from Concho Christmas and the San Angelo Stock Show and Rodeo Association for the TDCJ San Angelo Work Camp. Commissioner Floyd seconded the motion. The motion passed 5-0.**
- (F) Tabled** consideration of Establishing a Budget for the TDCJ Work Camp.
- (E) Tabled** consideration for authorization of expenditures for the TDCJ San Angelo Work Camp.
2. **Judge Brown moved to approve the Bills (Minutes of Accounts Allowable) from November 14th – 20th, 2007 in the amount of \$1,119,518.69 (Exhibit recorded with these minutes**

as a matter of record.) and the Purchase Orders from November 12th – 16th, 2007 in the amount of \$100,162.96. Commissioner Hoelscher seconded the motion. The motion passed 5-0.

3. Judge Brown moved to approve the Personnel Actions as presented. Commissioner Easingwood seconded the motion.

The following salary expenditures are being presented for your **Approval**:

NAME	DEPARTMENT	ACTION	EFF DATE	RANGE	SALARY	SUPPLEMENT
Weaver, Linda S.	Library	New Hire	11-09-07	S02	\$6.57/Hour	
Trojcak, Donna C.	Library	New Hire	11-13-07	S02	\$6.57/Hour	
De Los Santos, Oscar	Juvenile Detention	New Hire	11-13-07	N/A	\$7.50/Hour	
Michaelis, Michelle L.	Sheriff's Office	New Hire	11-15-07	S08	\$766.82 S/M	
Cain, Carol	Juvenile Detention	Promotion	11-16-07	N/A	\$541.66 S/M	
James, Amy K.	Jail	New Hire	11-17-07	S09	\$9.25/Hour	

The following personnel actions are presented for **Acknowledgement** and as a matter of record:

NAME	DEPARTMENT	ACTION	EFF DATE	RANGE	SALARY	SUPPLEMENT
Silvas, Alicia P.	CSCD/CCF	Salary Correction	09-29-07	N/A	\$861.64 S/M	
Swinford, Adrian M.	Jail	Resignation	11-09-07	L01	\$997.48 S/M	
Lacy, Jeana R.	CSCD	Resignation	11-30-07	N/A	\$1823.85 S/M	
Castorena, Ervey	Juvenile Detention	Resignation	10-15-07	N/A	\$7.50/Hour	

The following personnel actions are presented for **Grants** as a matter of record: **None**
The motion passed 5-0.

4. Judge Brown moved to approve the following Line Item Transfer. Commissioner Floyd seconded the motion.

Fund: General Fund

<u>Department</u>	<u>Account</u>	<u>Budget Increase</u>	<u>Budget Decrease</u>
138 Housekeeping	0335 Auto Repair		400.00
138 Housekeeping	0343 Equipment Repair	400.00	

The motion passed 5-0.

5. Future Agenda Items:

1. Consider Knickerbocker Community Center Pad on County property.
2. Consider Work camp issues.
3. Consider issues of damage to county roads from farm equipment.

6. Judge Brown adjourned the meeting at 9:00 AM.

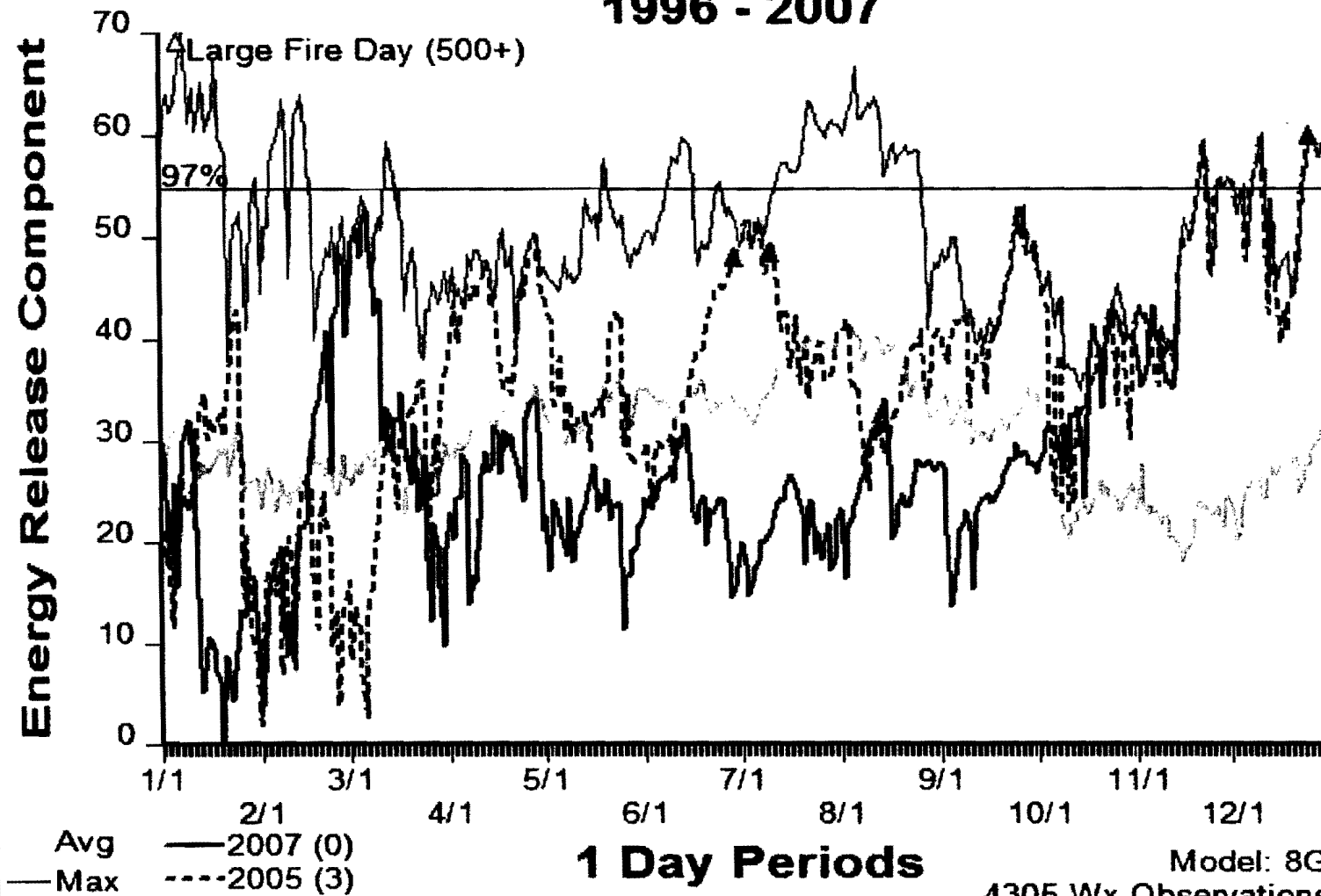
As per HB 2931, Section 4:

I, Elizabeth McGill, County Clerk of Tom Green County, Texas do hereby attest that this is an accurate accounting of the proceedings of the Commissioners' Court Meeting that met in Regular Session on November 20th, 2007.

I hereby set my hand and seal to this record November 20th, 2007.

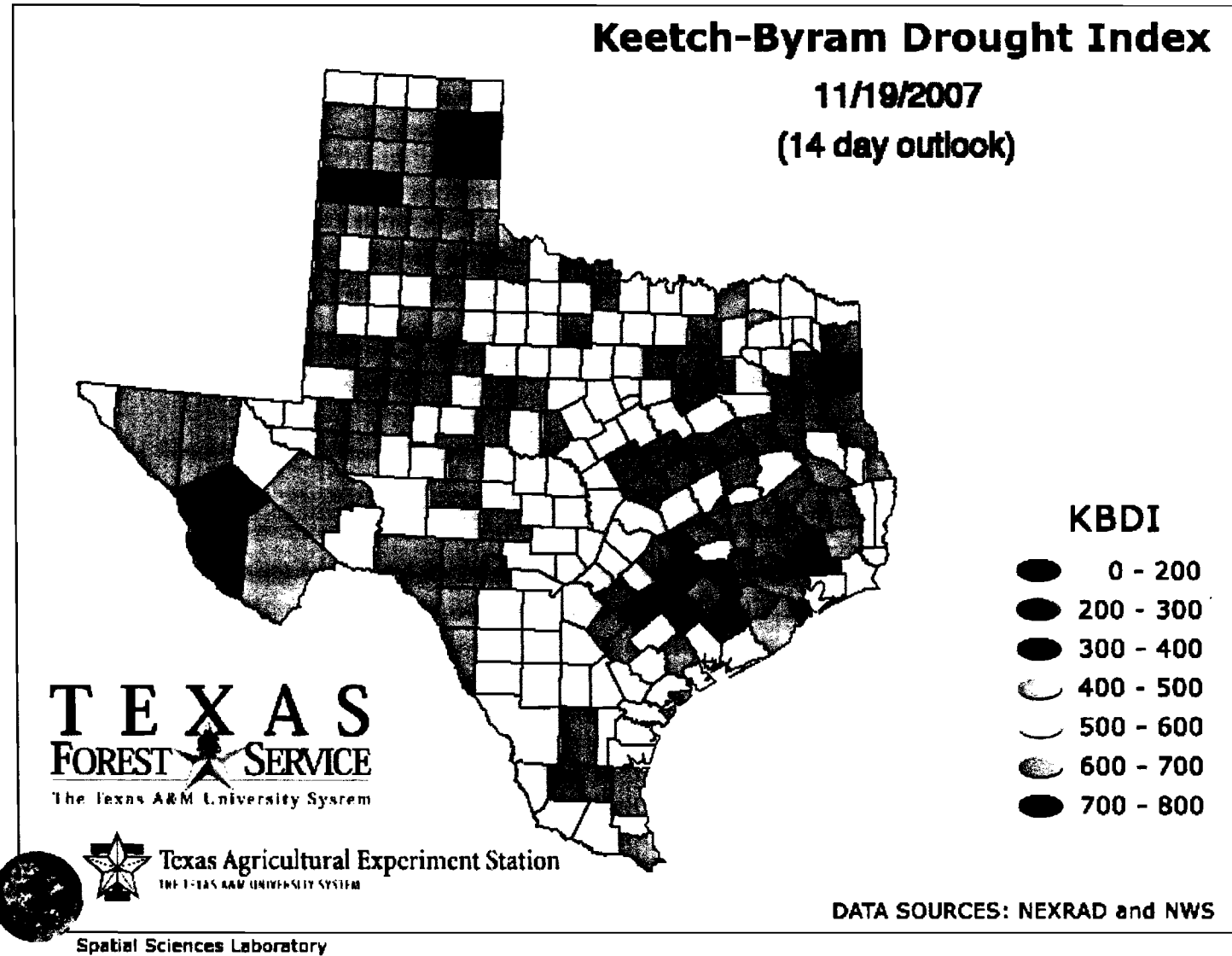
**Elizabeth McGill, County Clerk and
Ex-officio Clerk of the Commissioners' Court**

SIG - Hill Country 1996 - 2007



VOL. 88 PG. 820

Model: 8G
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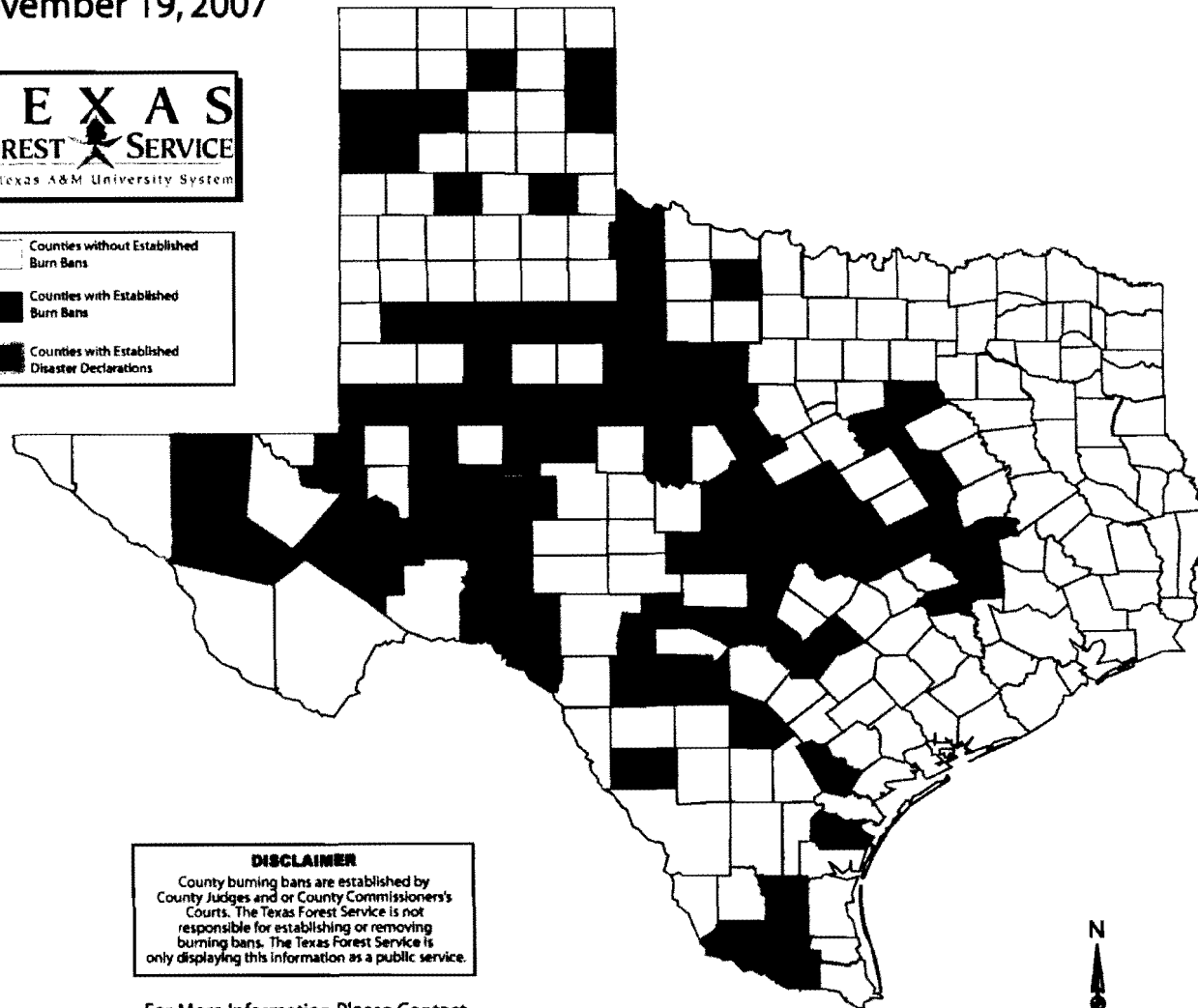
VOL. 88 PG. 821

Outdoor Burn Bans & Local Disaster Declarations

November 19, 2007



	Counties without Established Burn Bans
	Counties with Established Burn Bans
	Counties with Established Disaster Declarations



DISCLAIMER
 County burning bans are established by County Judges and or County Commissioners's Courts. The Texas Forest Service is not responsible for establishing or removing burning bans. The Texas Forest Service is only displaying this information as a public service.

For More Information Please Contact

Counties with Burn Bans

- | | |
|------------|-------------|
| Andrews | Kerr |
| Archer | Knox |
| Atascosa | Limestone |
| Bee | Llano |
| Bell | Lampasas |
| Blanco | Lynn |
| Borden | Madison |
| Brazos | Mason |
| Brooks | Martin |
| Burnet | Medina |
| Caldwell | Midland |
| Callahan | Milam |
| Coke | Mills |
| Coleman | Mitchell |
| Comal | Nolan |
| Comanche | Nueces |
| Coryell | Oldham |
| Crockett | Pecos |
| Culberson | Potter |
| Deaf Smith | Reagan |
| Dimmit | Real |
| Eastland | Robertson |
| Ellis | San Saba |
| Foard | Shackelford |
| Garza | Starr |
| Grimes | Stephens |
| Guadalupe | Sterling |
| Hall | Stonewall |
| Hardeman | Swisher |
| Haskell | Taylor |
| Hemphill | Terry |
| Hill | Upton |
| Hidalgo | Uvalde |
| Howard | Val Verde |
| Hutchinson | Ward |
| Irion | Washington |
| Jeff Davis | Wheeler |
| Jones | Williamson |
| Kendall | Winkler |
| Kent | |

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FILED FOR RECORD

07 NOV 21 AM 10:39

ELIZABETH MCGILL
COUNTY CLERK
COUNTY OF TOM GREEN, TEXAS

STATE OF TEXAS

§
§
§

COUNTY OF TOM GREEN

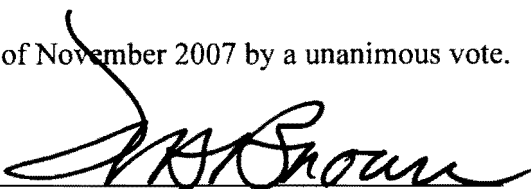
ORDER PROHIBITING OUTDOOR BURNING

WHEREAS, the Texas Forest Service has determined that drought conditions exist within Tom Green County and the Tom Green County Commissioners' Court finds that circumstances present in all or part of the unincorporated area of the county create a public safety hazard that would be exacerbated by outdoor burning;

IT IS HEREBY ORDERED by the Commissioners' Court of Tom Green County that all outdoor burning is prohibited in the unincorporated area of the county for 90 days from the date of adoption of this Order, unless the restrictions are terminated earlier based on a determination made by the Texas Forest Service or this Court. This Order is adopted pursuant to Local Government Code §352.081, and other applicable statutes. This Order does not prohibit outdoor burning activities related to public health and safety that are authorized by the Texas Commission on Environmental Quality for (1) firefighter training; (2) public utility, natural gas pipeline or mining operations; (3) planting or harvesting of agricultural crops; or, (4) burns that are conducted by a prescribed burn manager certified under Section 153.048, Natural Resources Code, and meet the standards of Section 153.047, Natural Resources Code.

In accordance with Local Government Code §352.081(h), a violation of this Order is a Class C misdemeanor, punishable by a fine not to exceed \$500.00.

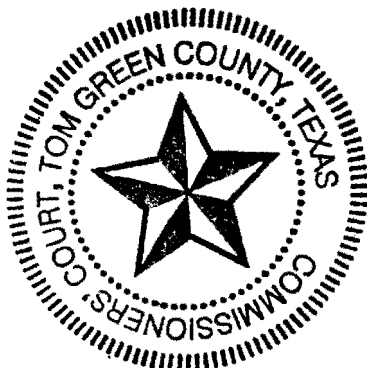
ADOPTED this 20th day of November 2007 by a unanimous vote.



Michael D. Brown, County Judge

ATTEST:

Elizabeth McGill
Elizabeth McGill, Tom Green County Clerk

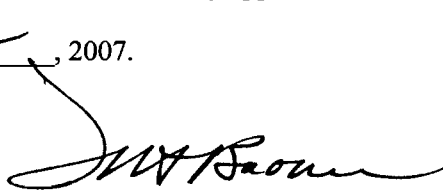


State of Texas §
 §
County of Tom Green §

**Order Approving Amendments to By-Laws of
Concho Valley Community Facilities Corporation**

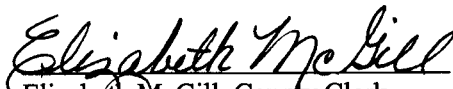
Having been duly considered by the Commissioners Court, the attached By-Laws of
Concho Valley Community Facilities Corporation, as amended, are hereby approved.

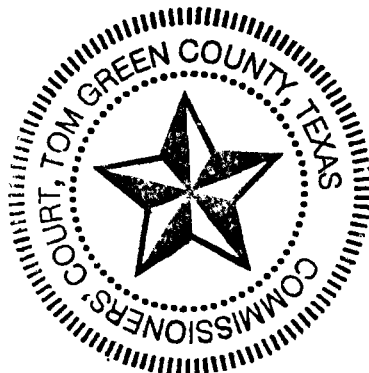
Read and adopted this 20 day of Nov, 2007.



Michael D. Brown, County Judge
Tom Green County

Attest:


Elizabeth McGill, County Clerk
Tom Green County, Texas



BYLAWS OF CONCHO VALLEY COMMUNITY FACILITIES CORPORATION

ARTICLE I

OFFICES

The principal offices of the CONCHO VALLEY COMMUNITY FACILITIES CORPORATION (the "corporation") shall be at Tom Green County Courthouse, 112 W. Beaugard, San Angelo, Tom Green County, State of Texas.

ARTICLE II

MEMBERS

The corporation has no members and is a non-stock corporation.

ARTICLE III.

Section 3.1. *Purpose.* The Corporation has been incorporated and is hereby organized in the public interest acting as an instrumentality acting on behalf of Tom Green County, Texas (the "County"). The Corporation shall have the broadest possible powers to finance the acquisition of County obligations issued or incurred in accordance with existing law, to provide for the acquisition, construction, rehabilitation, renovation, repair, equipping, furnishing and placement in service of public facilities of the District under the terms of the Public Facility Corporation Act, Chapter 303, Local Government Code, as amended (the "Act").

Section 3.2. *Conditions Precedent to Issuance of Obligations.* The Corporation shall not issue any obligations unless all conditions precedent to such issuance as required by the Act, if any, have been fulfilled.

Section 3.3. *Non-profit Corporation.* The Corporation shall be a non-profit corporation, and no part of its net earnings remaining after payment of its bonds and expenses shall inure to the benefit of any person other than the County.

ARTICLE IV

BOARD OF DIRECTORS

Section 4.1. *Number, Appointment and Tenure.* The affairs of the Corporation shall be managed by a board of directors which shall consist of three (3) natural persons. Each director shall be appointed by the Commissioner's Court, and shall hold office for a term of six (6) years. Each director appointed to fill a vacancy created by the resignation or removal of a director prior to the expiration of his term shall service the balance of the unexpired term. Each director shall be removable by the Commissioner's court for cause or at any time without cause. Each director shall hold office for the term for which he is appointed and until his successor shall have been appointed and qualified unless sooner removed.

Section 4.2. *Committees.* The Board may, by resolution or resolutions, adopted by a majority of the whole Board, designate one or more committees, each committee to consist of two or more of the directors and such ex-officio member of the Board as designated, which, to the extent permitted by law and provided in said resolution or resolutions, when the Board is not in session, shall have and exercise the powers of the Board in the management of the business and affairs of the Corporation. Such committee or committees shall have such name or names as may be designated from time to time by resolution adopted by the Board. The committees shall keep regular minutes of their proceedings and report the same to the Board when required.

Section 4.3. *Vacancies.* In case of any vacancy in the Board through death, resignation, disqualification, or other cause, a successor to hold office shall be appointed by the Commissioner's Court of Tom Green County.

Section 4.4. *Place of Meetings.* Regular meetings of the Board shall be held at the

principal offices of the Corporation, unless otherwise determined by resolution or the Board. A meeting of the Board for the election of officers and the transaction of such other business as may come before the meeting shall be held on the first Thursday in July of each year, unless changed by resolution of the Board.

Section 4.5. *Regular Meetings.* Regular meetings of the Board may be held, without the necessity for advance notice, at such times and places as shall be designated from time to time by resolution of the Board. No notice shall be required for a regular meeting.

Section 4.6. *Special Meetings.* Special meetings of the Board shall be held when called by direction of the president, or by two-thirds of the directors then in office.

Section 4.7. *Notice of Meetings.* The secretary shall cause notice of the time and place of holding each meeting of the Board to be given to each director. Such notice may be in writing, in person, or telephone. Notice of each meeting shall be given to the public in accordance with the provisions of the Texas Open Meetings Act, Chapter 551, Texas Government Code.

Section 4.8. *Quorum.* A majority of the Board shall constitute a quorum for the transaction of business.

Section 4.9. *Order of Business.* At meetings of the Board business shall be transacted in such order as the Board may determine by resolution.

At all meetings of the Board, the president, or in his absence, the vice-president, or in the absence of both of these officers, a member of the Board selected by the members present, shall preside. The secretary of the corporation shall sit as secretary at all meetings of the Board, and in case of his absence the chairman of the meeting may designate any person to act as secretary.

Section 4.10. *Additional Powers.* In addition to the powers and authorities by these Bylaws expressly conferred upon them, the Board may exercise all such powers of the

corporation and do all lawful acts and things as are not by statute or by the charter or by these Bylaws prohibited. Without prejudice to such general powers and other powers conferred by statute, by the charter, and by these Bylaws, it is hereby expressly declared the Board shall have the following powers, that is to say:

- (1) To purchase, or otherwise acquire for the corporation, any property, rights or privileges which the corporation is authorized to acquire, at such price or consideration and generally on such terms and conditions as they think fit, and at their direction to pay therefore either wholly or partly in money, stock, bonds, debentures, or other securities of the corporation as may be lawful;
- (2) To create, make, and issue notes, mortgages, bonds, deeds of trust, trust agreement, and negotiable or transferable instruments and securities, secured by mortgage or deed of trust on any real property of the corporation or otherwise, and to do every other act or thing necessary to effect the same;
- (3) To sell or lease the real or personal property of the corporation on such terms as the Board may see fit and to execute all deeds, leases, and other conveyances or contracts that may be necessary for carrying out the purposes of this corporation; and
- (4) Lend money for its corporate purposes; invest its money, and take and hold security for the payment of money loaned or invested

Section 4.11. *Compensation of Directors and Officers.* Directors and officers, as such, shall not receive any salary for their services but by resolution of the Board, expenses incurred in the corporation's business may be reimbursed.

Section 4.12. *Indemnification.* The Corporation shall indemnify any director, officer, employee, or agent or former director, employee, or agent of the Corporation for expenses and costs, including attorneys' fees, actual or necessarily incurred by the person in connection with any claim asserted against the person, by action in court or other forum, by reason of such person having been a director, officer, employee, or other agent, except that the Corporation may not provide indemnity in a matter if the director, officer, employee, or agent is guilty of negligence or misconduct in relation to the matter.

ARTICLE V

OFFICERS

Section 5. 1. *Officers.* The officers of the Corporation may consist of a president, a vice-president, a secretary, a treasurer, and an assistant secretary and may also include such other officers and assistant officers as the board of directors may elect or the president may appoint at any time and from time to time. Any two or more offices may be held by the same person, except the offices of president and secretary. The board of directors shall elect the officers of the Corporation at its first meeting, at the first meeting following each anniversary date of the initial issuance of certificates of incorporation of the Corporation by the Secretary of State, and, in the case of an election to fill any vacant office, at the first meeting following the vacating of such office. Each officer shall hold office for a period of one (1) year. Each officer elected to fill a vacancy which occurs prior to the expiration of the term of such office shall serve for the balance of an unexpired term. Each officer shall hold office for the term for which he is elected and until his successor is elected and qualified. Any officer elected or appointed may be removed by the persons authorized to elect or appoint such officer whenever in their judgment the best interests of the Corporation will be served thereby.

Section 5.2. *Powers and Duties of the President.* The president shall preside at all meetings of the directors. He shall have power to sign and execute all contracts and instruments of conveyance in the name of the corporation, to sign checks, drafts, notes and orders for the payment of money, and to appoint and discharge agents and employees, subject to the approval of the Board. The president shall have general and active management of the business of the corporation, and shall perform all the duties usually incident to the office of president.

Section 5.3. *Powers and Duties of the First Vice-President.* The first vice-president

shall have such powers and perform such duties as may be delegated to him by the Board. In the absence or disability of the president, the first vice-president may perform the duties and exercise the powers of the president.

Section 5.4. *Powers and Duties of the Second Vice-President.* The second vice-president shall have such powers and perform such duties as may be specifically delegated to him by the Board.

Section 5.5 *Powers and Duties of the Secretary.* The secretary shall keep the minutes of all meetings of the Board in books provided for that purpose; he shall attend to the giving and service of all notices, he may sign with the president, or a vice-president, in the name of the corporation, all contracts and instruments of conveyance authorized by the Board, and when so ordered by the Board, he shall affix the seal of the corporation thereto; he shall have charge of such other books and papers as the Board may direct, all of which shall, at all reasonable times, be opened to the examination of any director, upon application at the office of the corporation during business hours; and he shall in general perform all the duties incident to the office of secretary, subject to the control of the Board. The secretary shall submit such reports to the directors as may be requested by the Board. In the absence or disability of the secretary, the assistant secretary may perform the duties and exercise the powers of the secretary.

Section 5.6 *Powers and Duties of the Treasurer.* The treasurer shall have custody of all funds and securities of the corporation, which may come into his hands; when necessary or proper he shall endorse on behalf of the corporation for collection, checks, notes, and other obligations and shall deposit the same to the credit of the corporation in such bank or depository as the Board may designate. When required by the Board, the treasurer shall render a statement of cash account; the treasurer shall enter regularly in the books of the corporation, to be kept by

the treasurer for that purpose, a full and accurate account of the corporation; the treasurer shall at all reasonable times exhibit his books and accounts to any director of the corporation upon application at the office of the corporation during business hours; the treasurer shall perform all acts incident to the position of treasurer, subject to the control of the Board.

The treasurer shall give a bond for the faithful discharge of his duties in such sum as the board may require.

ARTICLE VI

CORPORATION SEAL

The impression of the corporate seal is shown below.

[Seal]

ARTICLE VII

MISCELLANEOUS

Section 7.1. *Annual Statement.* The Board shall submit to the Commissioner's Court an annual statement of the financial condition of the corporation covering the previous fiscal year, and a consolidated balance sheet showing the assets and liabilities of the corporation at the end of the preceding fiscal year. Said statement shall be submitted within 120 days after the end of each fiscal year.

Section 7.2. *Notices and Waivers Thereof.* When under the provisions of these Bylaws notice is required to be given to any director or officer, unless otherwise provided such notice may be given personally, or it may be given in writing by depositing the same in the post office or letter box in a post-paid envelope or postal card addressed to such director or officer, at such address as appears on the books of the corporation, and such notice shall be deemed to be given at the time when the same shall be thus mailed. When any notice is required to be given by law, or

by these Bylaws, a waiver thereof in writing signed by the person or persons entitled to such notice, whether before or after the time stated therein, shall be deemed equivalent thereto.

Section 7.3. *Negotiable Instruments.* All checks, drafts, notes or other obligations of the corporation shall be signed by such of the officers of the corporation or by such person or persons as may be thereunto *authorized by the Board.*

Section 7.4. *Interpretation of Bylaws.* These Bylaws and all the terms and provisions hereof shall be liberally construed to effectuate the purposes set forth herein. If any word, phrase, clause, sentence, paragraph, section, or other part of these Bylaws, or the application thereof to any person or circumstances, shall ever be held to be invalid or unconstitutional by any court of competent jurisdiction, the remainder of these Bylaws and the application of such word, phrase, clause, sentence, paragraph, section, or other part of these Bylaws to any other person or circumstances shall not be affected thereby.

Section 7.5. *Books and Records.* The corporation shall keep correct and complete books and records of account and shall keep minutes of the proceedings of its Board. A copy of such minutes shall be mailed to the Commissioner's Court. Upon request, the Commissioner's Court shall have the right to audit the books and records of accounts of the corporation during normal business hours.

Section 7.6. *Registered Office and Agent.* The Corporation shall have and continuously maintain in the State of Texas, a registered office, and a registered agent whose business office is identical to such registered office, as required by the Act. The registered office may be, but need not be, identical with the principal office of the Corporation. The registered agent and the registered office may be changed from time to time by the Board of Directors, in accordance with the requirements of the Act.

Section 7.7. *Fiscal Year.* The fiscal year of the Corporation shall be set by the Board at its first meeting.

ARTICLE VIII

AMENDMENTS

The Board, by the affirmative vote of a majority of the Board, may alter, amend, or repeal the Bylaws or adopt new Bylaws at any regular meeting, or any special meeting provided that notice be given not less than three (3) days prior to such meeting and that such notice contain a copy of the proposed amendment or amendments. Said amendments shall be effective upon approval by the Commissioner's Court.

ARTICLE IX

DISSOLUTION OF CORPORATION

It shall not be the purpose of this corporation to engage in carrying on propaganda or otherwise attempting to influence legislation. Upon the dissolution of the corporation after payment of all obligations of the corporation, all remaining assets of the corporation shall be transferred to the County.

Approved: _____

President, Board of Directors
CONCHO VALLEY COMMUNITY
FACILITIES CORPORATION

Secretary, Board of Directors
CONCHO VALLEY COMMUNITY
FACILITIES CORPORATION

Treasurers' Accounts Payable Report

Period of Nov. 14 – Nov. 20, 2007

Hand delivered Date: 11/16/07 Time: 3:30 p.m.

The attached report includes all funds that are subject to the County Treasurers' review. As a matter of procedure this report is submitted to the Commissioners' Court for approval, however, the following Funds or Bank accounts are not under the Commissioners' Court Jurisdiction nor do they require Court approval.

OPER Bank Account

Fund 45 County Attorney Hot Check Funds; Fund 47 -Jury Donations;
Funds 50 & 55 Dist Attorney Hot Check Funds;
CSCD Bank Account and JUV Bank Account.

Invoices related to Bank Accounts CSCD/JUV are processed by the Auditor and submitted for review by the Treasurer, prior to issuance of checks. All other invoices are submitted directly to the Treasurers' Office for processing and audited by the Auditors' Office prior to issuance of checks.

Bank Account Code – Budget

BOND- Property Tax Budget Bond Issues Operating Account CSCD- State Budget CSCD General Operating Account
FORT- Operating Account for Sheriff and DA Forfeiture Funds JUV- State Budget Juvenile Operating Account
OPER -County Budget General Operating Account PC- Clearing account- Paychecks – Benefits-Deductions

Totals

\$538,984.12 All Bank Accounts- Refer to Last Page

\$580,534.57 Payroll-Employee Paychecks November 15, 2007

Payroll-Employee or Election Paychecks

Jury Checks

Voids-Month of

\$1,119,518.69 Grand Total

Submitted by

Dianna Spieker
Dianna Spieker, County Treasurer

Prepared by

Aranda Margay
Deputy Treasurer

Approved in Commissioner's Court on

Nov 20, 2007

Mike Brown-County Judge

Mike Brown

Ralph Hoelscher-Comm. Pct #1

Ralph Hoelscher

Aubrey de Cordova-Comm. Pct #2

Aubrey de Cordova

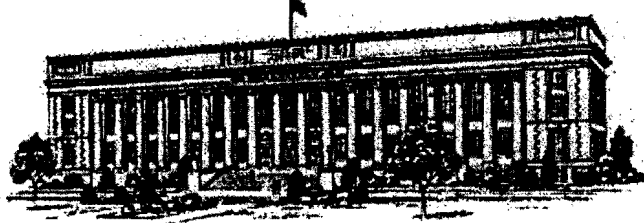
Steve Floyd-Comm. Pct #3

Steve Floyd

Richard Easingwood-Comm. Pct#4

Richard Easingwood

**COMMISSIONERS' COURT
TOM GREEN COUNTY**



Line-Item Transfers

Michael D. Brown
County Judge

November 19, 2007

Fund: General Fund

<u>Department</u>	<u>Account</u>	<u>Budget Increase</u>	<u>Budget Decrease</u>
138 Housekeeping	0335 Auto Repair		400.00
138 Housekeeping	0343 Equipment Repair	400.00	

Reason

Transfer funds for unexpected equipment repair.

Richard Valler

Department Head

11-20-07

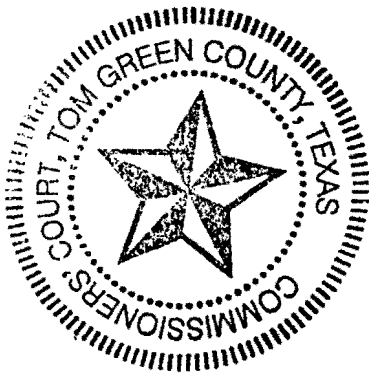
Date Approved by Commissioners' Court

Nathan Craddock

Auditor

M. Brown

County Judge



Elizabeth McElie

Attest - County Clerk