

1. **APPROVAL OF MINUTES:** Recognize the minutes from the August 14, 2017 Potter County Commissioners' Court meeting.

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The minutes from the August 14, 2017 Potter County Commissioners' Court meeting were so recognized.

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2. **BUDGET AMENDMENT:** To consider and act upon approving a budget amendment for the 2016-2017 fiscal year.

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MOTION was made by Commissioner Murguia: I make a motion that we approve the budget amendments for the 2016-2017 fiscal year.

SECOND was made by Commissioner Kelly.

AYES: Commissioners Kelly, Murguia, Church, Vaughn and Judge Tanner.

NOES: None.

Motion carried by 5-0 vote.

See Documentation

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3. **VOUCHERS:** To consider and act upon the approval of the payment of vouchers processed by the County Auditor's office for the period of August 9, 2017 through August 23, 2017. [Hood]

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Judge Tanner referenced Vouchers checks Nos. 176390-176593 and wire #946-948 in the total amount of \$3,736,912.67.

MOTION was made by Commissioner Vaughn: I move that we approve the Vouchers as noted by the County Judge for the period so indicated in the amount of \$3,736,912.67.

SECOND for discussion was made by Commissioner Murguia.

AYES: Commissioners Kelly, Church, Vaughn and Judge Tanner.

NOES: Commissioner Murguia.

Motion carried by 4-1 vote.

See Documentation

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4. **INSURANCE REPORT:** To recognize the insurance fund report. [Holland]

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The Insurance Fund Report was so recognized.

See Documentation

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5. **TREASURER'S REPORT:** To recognize the monthly report.

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Leann Jennings, Potter County Treasurer, gave a monthly Treasurer's report.

The Treasurer's Report was so recognized.

See Documentation

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6. **POTTER COUNTY EXTENSION PROGRAM:** To hear a report from members of the 4-H program about the importance of this program for their children and community. No action will be taken. [Albracht, Tanner]

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Sammy Albracht, Potter County Extension 4-H Program, spoke before Commissioners' Court.

Parents and kids from the Potter County 4-H Program gave a report to Commissioners' Court on the importance of 4-H in their lives. See Documentation

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7. **ELECTIONS:**

- A. To consider and approve the Order Appointing Election Officials for Unexpired Terms
- B. To consider and approve the Order Appointing the Early Voting Ballot Board Judge for Nov. 7, 2017 General Election
- C. To consider and approve the Order Appointing the Officers for Central Counting Station for Nov. 7, 2017 General Election
- D. To acknowledge the Early Voting and Election Day schedule for the November 7, 2017 General Election [Huntley]

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Melynn Huntley, Potter County Elections Administrator, gave an explanation to Commissioners' Court.

**A.** MOTION was made by Commissioner Church: I move we approve the Order Appointing Election Officials for Unexpired Terms.

SECOND was made by Commissioner Vaughn.

AYES: Commissioners Kelly, Murguia, Church, Vaughn and Judge Tanner.

NOES: None.

Motion carried by 5-0 vote.

See Documentation

**B.** MOTION was made by Commissioner Church: I move we approve the Order Appointing the Early Voting Ballot Board Judge for November 7, 2017 General Election.

SECOND was made by Commissioner Vaughn.

AYES: Commissioners Kelly, Murguia, Church, Vaughn and Judge Tanner.

NOES: None.

Motion carried by 5-0 vote.

See Documentation

**C.** MOTION was made by Commissioner Murguia: I make a motion to approve the Order Appointing the Officers for Central Counting Station for November 7, 2017 General Election as presented.

SECOND was made by Commissioner Kelly.

AYES: Commissioners Kelly, Murguia, Church, Vaughn and Judge Tanner.

NOES: None.

Motion carried by 5-0 vote.

See Documentation

**D.** The November 7, 2017, General Election, Early Voting and Election Day schedule was so recognized. See Documentation

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8. **COUNTY CLERK - RECORDS ARCHIVE PLAN:** To consider and act upon adopting the County Clerk Records Archive Plan for the 2017-2018 annual budget [Smith].

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MOTION was made by Commissioner Church: I move we adopt the County Clerk Records Archive Plan for the 2017-2018.

SECOND was made by Commissioner Vaughn.

AYES: Commissioners Kelly, Murguia, Church, Vaughn and Judge Tanner.

NOES: None.

Motion carried by 5-0 vote.

See Documentation

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9. **DONATION OF NARCOTIC DETECTION DOG.** To consider and act upon acceptance of a proposed donation of a narcotic detection dog to the Potter County Sheriff. [Thomas, Coffee]

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Sheriff Thomas and Captain Coffee, Potter County Sheriff's Office, gave an explanation to Commissioners' Court.

MOTION was made by Commissioner Kelly: I make a motion we approve the acceptance of the donated dog to the Potter County Sheriff's office.

SECOND was made by Commissioner Murguia.

AYES: Commissioners Kelly, Murguia, Church, Vaughn and Judge Tanner.

NOES: None.

Motion carried by 5-0 vote.

See Documentation

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10. **DISPOSITION OF CAPITAL CREDIT FUNDS.** To consider and act upon the authorization of the disposition of capital credit funds received in the amount of \$ 3,332.33 in a manner authorized by § 381.004 of the Texas Local Government Code. [Hood]

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MOTION was made by Judge Tanner: I make a motion that we split the proceeds between The Bridge and CASA.

SECOND was made by Commissioner Kelly.

AYES: Commissioners Kelly, Murguia, Church, Vaughn and Judge Tanner.

NOES: None.

Motion carried by 5-0 vote.

See Documentation

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11. **IT DISASTER RECOVERY PURCHASES.** To consider and act upon the approval for purchase of the following with budgeted funds: (a) from EMC Corporation, hardware for a data disaster recovery system to be installed at the Law Enforcement Center, under Texas Department of Information Services contract number DIR-TSO-2634, online at [www.dir.texas.gov](http://www.dir.texas.gov), and (b) from Dell, Inc., companion software under Department of Information Services contract number DIR-SDD-1951, online at [www.dir.texas.gov](http://www.dir.texas.gov). [Purrington]
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Brandon Purrington, Potter County Information Technology Director, gave an explanation to Commissioners' Court.

MOTION was made by Commissioner Vaughn: I move we act on the approval of the purchase as noted by the County Judge.

SECOND was made by Commissioner Church.

AYES: Commissioners Kelly, Murguia, Church, Vaughn and Judge Tanner.

NOES: None.

Motion carried by 5-0 vote.

See Documentation

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12. **VOLKSWAGEN LITIGATION.** Discussion and/or action regarding instituting legal proceedings against Fiat Chrysler Automobiles, N.V., FCA US LLC, Robert Bosh, LLC, Robert Bosch GmbH, Volkswagen Group of America, Inc., Volkswagen Group of America Chattanooga Operations, LLC; Audi Aktiengesellschaft; Audi of America, LLC; Dr. Ing. H.c.F. Porsche Aktiengesellschaft; and Porsche Cars North America, Inc. and their associated corporate affiliates, and other defendants for violations of environmental regulations of the Texas Water Code, the Texas Health & Safety Code, and of the Texas Commission on Environmental Quality rules as listed in the Texas Administrative Code which have negatively affected Potter County and its citizens. Said potential action includes the hire of Special Counsel consisting of the following attorneys and/or firms: Mithoff Law; Abraham, Watkins, Nichols, Sorrels, Agosto & Aziz; Baker Wotring LLP; Beck Redden LLP; Templeton Smithee Hayes Heinrich & Russell, LLP; and The Patricia E. Garza Law Firm, PLLC to assist in the prosecution of potential lawsuit(s). [Fowler, Heinrich]
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Attorney Brian Heinrich, Templeton Smithee Hayes Heinrich & Russell Law Firm, spoke before Commissioners' Court.

MOTION was made by Judge Tanner: I move to consider and act upon approving the Professional Services Agreement between the Law Firms and Potter County involving the Volkswagen Litigation Case.

SECOND was made by Commissioner Kelly.

AYES: Commissioners Kelly, Murguia, Vaughn and Judge Tanner.

NOES: Commissioner Church.

Motion carried by 4-1 vote.

See Documentation

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13. **INTERLOCAL AGREEMENT WITH LUBBOCK COUNTY FOR FY 18-19:** To consider and act upon the interlocal agreement with Lubbock County through the Regional Public Defender for Capital Cases. [Tanner, Sharbo, Sims]
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Randall Sims, 47<sup>th</sup> District Attorney, gave an explanation to Commissioners' Court.

MOTION was made by Commissioner Murguia: I make a motion that we approve the interlocal agreement with Lubbock County through the Regional Public Defender for Capital Cases and adjust the proposed budget as necessary.

SECOND was made by Commissioner Kelly.

AYES: Commissioners Kelly, Murguia, Church, Vaughn and Judge Tanner.

NOES: None.

Motion carried by 5-0 vote.

See Documentation

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14. **TIRZ #1:** To hear a report on August 17 meeting of the Tax Increment Reinvestment Zone #1 Board. (Church)
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Commissioner Church gave a report on the August 17<sup>th</sup> meeting of the Tax Increment Reinvestment Zone #1.

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15. **RIFLE-RESISTANT BODY ARMOR GRANT RESOLUTION:** To consider and act upon the resolution for the Rifle-Resistant Body Armor Grant and to designate the required grant officials. [Hood]
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Sheriff Brian Thomas, Potter County, gave an explanation to Commissioners' Court.

MOTION was made by Commissioner Kelly: I move that we approve.

SECOND was made by Commissioner Vaughn.

AYES: Commissioners Kelly, Murguia, Church, Vaughn and Judge Tanner.

NOES: None.

Motion carried by 5-0 vote.

See Documentation

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16. **FIRE STATION #3:** To consider and act upon approving electrical work at Fire Station #3 in the amount of \$13,150.00. Work will be performed by Moore Electric. Funds to come from Fire Station #3 Contingency Funds. [Lake and Shelton]
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Mike Head, Facilities Maintenance Director, gave an explanation to Commissioners' Court in the absence of Chief Richard Lake, Fire Rescue.

MOTION was made by Commissioner Church: I move we approve the electrical work at Fire Station #3 in the amount of \$13,150.00, work to be done by Moore Electric and funds to come from Fire Station #3 Contingency Fund.

SECOND was made by Commissioner Vaughn.

AYES: Commissioners Kelly, Murguia, Church, Vaughn and Judge Tanner.

NOES: None.

Motion carried by 5-0 vote.

See Documentation

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**17. BUDGET AND TAX RATE FOR FISCAL YEAR 2017-18:**

- A. Conduct a public hearing on the proposed budget;
  - B. Consider and act upon setting salaries, expenses and other allowances of elected county and precinct officers.
  - C. Consider and act upon the adoption of the budget;
  - D. Consider and act upon a proposed tax rate for Maintenance & Operations and Debt Service;
  - E. Set dates for two public hearings on the tax rate and confirm a date for a final vote adopting a tax rate.
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Discussion of the proposed budget was held.

**A.** Judge Tanner opened the floor for public comment on the 2017-18 proposed budget. No public came forward to comment.

**B.** MOTION was made by Commissioner Church: I move we set the salaries and expenses and other allowances of Elected County and Precinct Officers as was officially published.

SECOND was made by Commissioner Vaughn.

AYES: Commissioners Church, Vaughn and Judge Tanner.

NOES: Commissioners Kelly and Murguia.

Motion carried by 3-2 vote.

**C.** MOTION was made by Commissioner Vaughn: I move that we adopt the budget as proposed.

SECOND was made by Judge Tanner

AYES: Commissioners Church, Vaughn and Judge Tanner.

NOES: Commissioners Kelly and Murguia.

Motion carried by 3-2 vote.

**D.** MOTION was made by Commissioner Church: I so move.

SECOND was made by Commissioner Vaughn.

AYES: Commissioners Church, Vaughn and Judge Tanner.

NOES: Commissioner Kelly and Murguia.

Motion carried by 3-2 vote.

**E.** Judge Tanner announced the following dates in regards to the Potter County Tax Rate:

Thursday, September 7, 2017 at 5:30 p.m. – Public Hearing

Monday, September 11, 2017 at 9:00 a.m. – Final Public Hearing

Monday, September 25, 2017 at 9:00 a.m. – Final Vote Adopting tax rate

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1. Public Hearing August 28, 2017 – Proposed Tax Rate-Fiscal Year 2017-2018.
    - a. To conduct a public hearing on the proposed tax rate of .67000 per \$100.00 valuation for the fiscal year beginning October 1, 2017.
    - b. To announce Thursday, September 7, 2017 at 5:30 p.m. as a second and final public hearing for the final vote and adoption of the tax rate.
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A. Judge Tanner opened the floor for public comment on the 2017-18 proposed tax rate. No public came forward to comment.

**B.** Judge Tanner announced the following dates in regards to the Potter County Tax Rate:

Thursday, September 7, 2017 at 5:30 p.m. – Public Hearing

Monday, September 11, 2017 at 9:00 a.m. – Final Public Hearing

Monday, September 25, 2017 at 9:00 a.m. – Final Vote Adopting tax rate

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**18. EMPLOYMENT ITEMS:** To consider and act upon the following employment items:

**A. INFORMATION TECHNOLOGY:**

1. The employment of Alec P. Bousing as Network Engineer as a replacement for Kirk Farkas effective September 5, 2017 [Purrington]  
See Documentation 18

**B. ROAD AND BRIDGE:**

1. The transfer of Lyndon Boroughs as Equipment Operator I as a replacement for Roy Burkham effective August 9, 2017.  
See Documentation 19
  2. The employment of Roy Rincon as maintenance tech as a replacement for Lyndon Boroughs effective August 9, 2017. [Reavis]  
See Documentation 20
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MOTION was made by Commissioner Murguia: I make a motion that we approve the employment items as presented.

SECOND was made by Commissioner Kelly.

AYES: Commissioners Kelly, Murguia, Church, Vaughn and Judge Tanner.

NOES: None.

Motion carried by 5-0 vote.

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19. **POTTER COUNTY PROJECTS:** To hear a report on various Potter County Projects and to take any action necessary. [Head]
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Mike Head, Facilities Maintenance Director, and Nicholas Wade, Facilities Maintenance Assistant Director, gave a report to Commissioners' Court on various Potter County Projects.

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20. **JAIL REPORT:** To hear a report on the Potter County Detention Center and to take any action necessary.
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Jail population of 571 (90 female; 0 Childress) 89% felonies and 7% misdemeanors was given by Judge Tanner.

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21. **COUNTY INSURANCE ITEMS:** To consider and act upon any insurance claims, accidents, etc. against the County.
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No insurance items were presented.

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22. **EXECUTIVE SESSION:** To hold an executive session, if necessary, on the above agenda items as allowed by Chapter 551, Texas Government Code.
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No executive session was held.

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23. **AGENDA ITEMS:** To receive agenda items for the next Commissioners' Court.
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Potter Randall Appraisal District Appointment

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County Judge Nancy Tanner adjourned the Potter County Commissioners' Court until 9:00 a.m., Monday, September 11, 2017, in the Potter County Commissioners' Courtroom at 500 S. Fillmore, Room 106, Amarillo, Texas.

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I attest that the above proceedings are the true and correct notes/minutes taken in my capacity as ex-official for the Commissioners' Court of Potter County.

Signed this the 28<sup>th</sup> day of August, 2017.

Julie Smith, Potter County Clerk

By: Stephnie Menke, Deputy