THE STATE OF TEXAS)
:
COUNTY OF WINKLER)

On this the 25th day of March, 2013, the Commissioners' Court of Winkler County, Texas, met in Special Term of Court at the Courthouse in Kermit, Texas, with the following members present, to-wit:

Bonnie Leck	County Judge
Billy Stevens	Commissioner, Precinct No. 1
Robbie Wolf	Commissioner, Precinct No. 2
Randy Neal	Commissioner, Precinct No. 3
Billy Ray Thompson	Commissioner, Precinct No. 4
Shethelia Reed	County Clerk and Ex-Officio Clerk of Commissioners' Court

constituting the entire Court, at which time the following among other proceedings were had:

At 9:00 o'clock A.M. Judge Leck called the meeting to order.

A motion was made by Commissioner Neal and seconded by Commissioner Thompson to approve February, 2013 Minutes; which motion became an order of the Court upon the following vote:

Ayes: Commissioners Stevens, Wolf, Neal and Thompson
Noes: None

At this time Judge Leck asked for matters of business from the audience.

A motion was made by Commissioner Neal and seconded by Commissioner Wolf to approve request of City of Kermit for funds in the amount of $23,229.45 from contingency funds to purchase radio dispatch console replacement, proposal five (5); which motion became an order of the Court upon the following vote:

Ayes: Commissioners Stevens, Wolf, Neal and Thompson
Noes: None

OFFICE of the COUNTY JUDGE
BONNIE LECK ~ WINKLER COUNTY

P.O. Drawer Y
Kermit, TX 79745
(432) 586-6658
Fax (432) 586-3223

Vida Simpson
Administrative Assistant

March 13, 2013

MEMORANDUM

TO: **Winkler County**
Loving County
City of Kermit
City of Wink

RE: **Dispatch Console**

We have received the updated quote for the communications console discussed in our recent meetings. Charles has prepared five options for the division of the cost among the entities.

Please review these options and let me know your thoughts. The figures can be presented to the respective governing bodies if we have a consensus concerning which option to present. In my opinion, the fifth option seems fair to all concerned, but I do need your input.

As to maintenance of the console, it is my recommendation that the expense be divided among the four entities.

Thanks for your assistance.

Bonnie Leck
Winkler County Judge

BL/vs

Attachments

Petro Communications, Inc.
Motorola Authorized Sales and Service
MDS Full Service Partner

Proposal For
Winkler County

Reply To:
2425 East Hwy 80
Midland, TX 79706
Phone (432) 683-4786
Fax (432) 687-3613

Itm	Qty	Model	Description	Price	Extended
1	1	L3487	Motorola MIP5000 Dispatch Console ,8 ch		$5,525.00
2	1	DP3500	Dell 3500 Work Station and monitor		$2,500.00
3	6	L3484	Digital Gateway	$678.00	$4,068.00
4	2	L3483	Tone Gateway	$678.00	$1,356.00
5	1	DDN9493	Enhanced jackbox		$488.00
6	1	B1914	Gooseneck Microphone		$212.00
7	1	BLN6732	Foot Switch		$90.00
8	6	L30KSS9PW1AN	APX7500 Consolette Radio , VHF,50 watt	$6,039.25	$36,235.50
9	6	MFB150	Complete Antenna System for Consolette's	$1,075.00	$6,450.00
10	6	0178923K12	Consolette interconnect cable for gateway	$110.00	$660.00
11	1	NET-8	Net Switch , 8 port		$125.00
12	1	UPS-1200	UPS backup power supply for MIP5000		$250.00
13	1	CAT-5	CAT 5 network cables and misc wiring		$75.00
14	1	19-Rack	19 inch open rack		$185.00
15	1	Service	Labor and service's to :		
			Program , setup and install MIP5000 Console		
			Program , setup and install APX7500 Radios		
			Install complete antenna systems		
			Interface APX7500 radios to MIP5000		
			Interface existing base radios to MIP5000		
			Install network system and wiring		
			Remove old console system		
			Supply training for console operators		
			Total for all services and labor		$4,500.00
			New console system will have Digital and		
			Trunking capability on all new radios .		
			Pricing is HGAC State Contract price .		
			Please call if you have any questions.		
			Thanks		
			Mike Mitchell		

Price is valid for 30 days from proposal date.
Proposal Date :3/11/2013

Contact: Mike Mitchell (432-683-4786)
mmitchell@t3wireless.com

Total	$62,719.50
Freight	
Sales Tax	
System Total	$62,719.50

Winkler and Loving County 911 Console update
Joint LEPC Meeting findings were to move to a new dispatch console located at KPD for 911 calls
All participants agreed to moving to a trunking/digital capable system
Cost of a 6 radio console system to monitor and dispatch Emergency services would cost approx. 62,719.50
Cost to each would be under the following proposals

Prop 1 would be a simple division of cost by the 4

	Loving County	Winkler County	City of Kermit	City of Wink
62,719.50/4	15679.88	15679.88	15679.88	15679.88

Prop 2 would be that KPD and WCSO would pay for their own radio unit plus a division of the remainder divided by the 4

10,453.25 unit		10,453.25	10,453.25		
	10,453.25	10,453.25	10,453.25	10,453.25	
Total	10,453.25	20,906.50	$ 20,906.50	10,453.25	62,719.50

Prop 3						
Buy in of 8000 for each and remainder divided by population						
	8000	8000	8000	8000	32000	
30,719.50 /7	4.225 x 94	467 x 4.225	4.225 x 5763	4.225 x 948	31469.5	4.225 each head
7172 pop	397.15	1973.01	24348.68	4005.3		30,719.50/7272
Total	8397.15	9973.01	32348.68	12005.3	62724.14	
Prop 4						8 k buy in WCSO and KPD in addition to other buy in
KPD, WCSO						8 K buy in for all
ADD 8,000						pop add on at 2.024 unit
	0	8000	8000	0	16000	14,719.50/7272
	8000	8000	8000	8000	32000	
pop 2.024	190.27	945.27	11665.08	1918.88	14719.5	
Total	8190.27	16945.27	27665.08	9918.88	62719.5	
Prop 5		10,453.25	10,453.25			This prop takes the total and divides by 6=10,453.25 unit
EMS / 4	3484.42	3484.42	3484.42	3484.42		KPD and WCSO will pay for their on Unit plus the equal share
KVFD/3	4645.89	4645.89	4645.89	0		of EMS coverage and FD share of remaining 41,813
WVFD/3	4645.89	4645.89	0	4645.89		41,813/3=13,937.67
Total	12776.2	23229.45	18583.56	8130.31	62719.52	

The Court received reports from Robin Hawkins, Director, regarding activities at the Senior Citizens Recreation Center; Chase Settle, Extension Agent – Agriculture, regarding 4-H activities; and James Everett, Chief Paramedic, regarding the Emergency Medical.

Bill Ernst, Administrator, Winkler County Memorial Hospital, reviewed financial information and monthly reports regarding Memorial Hospital with the Court.

There were no Winkler County Memorial Hospital line item transfers, budget amendments or salary schedule changes for the Court to consider at this time.

A motion was made by Commissioner Neal and seconded by Commissioner Stevens to approve Proclamation naming April, 2013 as Winkler County Safe Digging Month; which motion became an order of the Court upon the following vote:

Ayes: Commissioners Stevens, Wolf, Neal and Thompson

Noes: None

PROCLAMATION

WINKLER COUNTY SAFE DIGGING MONTH
APRIL, 2013

WHEREAS, thousands of times each year, the underground infrastructure in Texas is damaged by those who do not have underground lines located prior to digging, resulting in service interruption, environmental damage, and threat to public safety; and

WHEREAS, in 2005, the Federal Communications Commission designated 811 to provide excavators and homeowners a simple number to contact utility operators to request the location of underground lines at the intended dig site; and

WHEREAS, the Permian Basin Damage Prevention Council, a stakeholder-driven organization dedicated to the prevention of damage to underground utilities in eleven West Texas counties, promotes the national 811 notification system in an effort to reduce these damages; and

WHEREAS, damage prevention is a shared responsibility; by using safe digging practices, the excavators and homeowners of Winkler County can save time and money and help keep our infrastructure safe and connected.

NOW, THEREFORE, BE IT RESOLVED, that the Commissioners' Court of Winkler County does hereby proclaim April, 2013, as **WINKLER COUNTY SAFE DIGGING MONTH** and encourage excavators throughout Winkler County to always call 811 before digging. Safe digging is no accident!

THEREFORE, IN OFFICIAL RECOGNITION WHEREOF, we, the undersigned do hereby affix our signatures this 25th day of March, 2013.

Bonnie Leck
Winkler County Judge

Billy J. Stevens
Commissioner, Precinct 1

Robbie Wolf
Commissioner, Precinct 2

Randy Neal
Commissioner, Precinct 3

Billy Ray Thompson
Commissioner, Precinct 4

ATTEST:

Shethelia Reed
Winkler County Clerk

Agenda item regarding request of Sheriff to hire jailer for Winkler County Law Enforcement Center to fill vacancy was not needed at this time.

A motion was made by Commissioner Wolf and seconded by Commissioner Neal to approve granting permission to the 4-H Livestock Board to add a utility building to be used as the Livestock Office during the Winkler-Loving Counties Stock Show at the Expo Building in Wink at the expense of the Livestock Board; which motion became an order of the Court upon the following vote:

Ayes: Commissioners Stevens, Wolf, Neal and Thompson

Noes: None

A motion was made by Commissioner Wolf and seconded by Commissioner Stevens to approve request of Pam Rogers representing the Roy Orbison Festival Committee to use softball field at County Park in Wink on Saturday, June 15, 2013 for softball tournament; which motion became an order of the Court upon the following vote:

Ayes: Commissioners Stevens, Wolf, Neal and Thompson
Noes: None

A motion was made by Commissioner Neal and seconded by Judge Leck to approve request of District Attorney to hire receptionist to fill vacancy; which motion was denied by order of the Court upon the following vote:

Ayes: Judge Leck and Commissioner Neal
Noes: Commissioners Stevens, Wolf and Thompson

A motion was made by Commissioner Neal and seconded by Commissioner Thompson to approve request of Justice of the Peace, Precinct No. 1, to hire part-time receptionist to fill vacancy; which motion became an order of the Court upon the following vote:

Ayes: Commissioners Stevens, Wolf, Neal and Thompson
Noes: None

A motion was made by Commissioner Wolf and seconded by Commissioner Neal to approve request of Commissioners, Precincts No. 2 and No. 3, to hire employees for Winker County water parks from budgeted funds; which motion became an order of the Court upon the following vote:

Ayes: Commissioners Stevens, Wolf, Neal and Thompson
Noes: None

A motion was made by Commissioner Thompson and seconded by Commissioner Stevens to approve request of Commissioners, Precincts No. 1, No. 2, No. 3 and No. 4, to hire summer employees from budgeted funds; which motion became an order of the Court upon the following vote:

Ayes: Commissioners Stevens, Wolf, Neal and Thompson
Noes: None

A motion was made by Commissioner Neal and seconded by Commissioner Thompson to set the date for second Commissioners' Court meeting as May 23, 2013; which motion became an order of the Court upon the following vote:

Ayes: Commissioners Stevens, Wolf, Neal and Thompson
Noes: None

Following discussion regarding purchase of ambulance for Winkler County Emergency Medical Service, a motion was made by Commissioner Wolf and seconded by Commissioner Stevens to purchase from DACO Fire Equipment a Lifeline Emergency Vehicle without Stryker Power Load System in the amount of $205,139.00 from committed medical funds less $80,817.06 from insurance proceeds; which motion became an order of the Court upon the following vote:

Ayes: Commissioners Stevens, Wolf, Neal and Thompson

Noes: None

A motion was made by Commissioner Neal and seconded by Commissioner Thompson to accept grant funds in the amount of $12,687.00 from Texas "J" Regional Advisory Council to help purchase one (1) Stryker Power XT Cot in the amount of $12,707.20 with additional amount from EMS equipment fund and approve expenditure of same; which motion became an order of the Court upon the following vote:

Ayes: Commissioners Stevens, Wolf, Neal and Thompson
Noes: None

03/21/2013 15:06 4325862805 WINKLER COUNTY EMS PAGE 01

TEXAS "J" REGIONAL ADVISORY COUNCIL
P.O. Box 7964 • Midland, Texas 79708 • 432-221-3834

Date: March 6, 2013

To: Winkler County EMS

From: Frank Rodriguez

Texas J RAC Executive Committee is pleased to inform you of the approval of your organization's request for grant funds in the amount of $12,687.00 toward the purchase of:

1-Stryker Power Pro XT Cot

Documentation of the purchase of this item including a copy of the **receipt** and **cancelled check** must be sent to the Texas J RAC office by **June 1, 2013**. Failure to submit the report will result in the recipient being held liable for reimbursement of the total sum of the allocation.

If your organization is unable to purchase this item for any reason, **J RAC must be informed in writing no later than April 29, 2013 of an alternative request for funds**. The J RAC Executive Committee will review the request and notify you of a decision by **May 3, 2013**.

Please refer to the "Grant Funds Application Criteria" under II Project Criteria for a description of any restrictions on the use of the funds.

Thank you for your cooperation in this process. An expenditure form is attached and copies are available on the Texas J RAC website. If you have any questions or require assistance, please contact the Texas J RAC office at 432-221-3834 or connie.thompson@midland-memorial.com

Check #1229 in the amount of $12,687.00 received on 3/20/2013.

By James D. Everett EMT-P
Signature of Person accepting check on behalf of entity

03/21/2013 16:06 4325862805 WINKLER COUNTY EMS PAGE 02

1229

TEXAS J REGIONAL ADVISORY COUNCIL
TOBACCO GRANT ACCOUNT
P.O. BOX 60028
MIDLAND, TX 79711

AMERICANSTATEBANK
88-2258-1113

3/7/2013

PAY TO THE ORDER OF Winkler County EMS $ **12,687.00

Twelve Thousand Six Hundred Eighty-Seven and 00/100********** DOLLARS

Winkler County EMS
PO Drawer O
Kermit, TX 79745

MEMO T-5610

AUTHORIZED SIGNATURE

⑈001229⑈ ⑆111322583⑆ 1017793 8⑈

EXAS J REGIONAL ADVISORY COUNCIL TOBACCO GRANT ACCOUNT 1229

Winkler County EMS 3/7/2013

Date	Type	Reference	Original Amt.	Balance Due	Discount	Payment
3/7/2013	Bill		12,687.00	12,687.00		12,687.00
					Check Amount	12,687.00

Tobacco Grant 11 T-5610

12,687.00

TEXAS "J" REGIONAL ADVISORY COUNCIL
P.O. Box 7964 • Midland, Texas 79708 • 432-221-3834

Date: March 6, 2013

To: Winkler County EMS

From: Frank Rodriguez

Texas J RAC Executive Committee is pleased to inform you of the approval of your organization's request for grant funds in the amount of $12,707.20 toward the purchase of:

1 – Stryker Power Pro XT Cot

Funds will be distributed at the Board of Directors Meeting in Marathon on **March 20, 2013 or contact the RAC office 432-221-3834 to make arrangements if you would like these funds before March 12, 2013.**

Documentation of the purchase of this item including a copy of the **receipt** and **cancelled check** must be sent to the Texas J RAC office by June 1, 2013. Failure to submit the report will result in the recipient being held liable for reimbursement of the total sum of the allocation.

If your organization is unable to purchase this item for any reason, **J RAC must be informed in writing no later than April 29, 2013 of an alternative request for funds.** The J RAC Executive Committee will review the request and notify you of a decision by **May 3, 2013.**

Please refer to the "Grant Funds Application Criteria" under II Project Criteria for a description of any restrictions on the use of the funds.

Thank you for your cooperation in this process. An expenditure form is attached and copies are available on the Texas J RAC website. If you have any questions or require assistance, please contact the Texas J RAC office at 432-221-3834 or connie.thompson@midland-memorial.com

A motion was made by Commissioner Wolf and seconded by Commissioner Thompson to approve payment in the amount of $3,580.00 to Robison Johnston & Patton LLP for audit of Adult and Juvenile Probation Departments from budgeted funds; which motion became an order of the Court upon the following vote:

Ayes: Commissioners Stevens, Wolf, Neal and Thompson
Noes: None

A motion was made by Commissioner Wolf and seconded by Commissioner Stevens to approve payment in the amount of $6,133.40 to Midland Safety & Health for fire extinguishers installation, inspections and recharges at Winkler County Airport ($4,010.00) and County Buildings in Kermit ($2,103.40) from contingency funds; which motion became an order of the Court upon the following vote:

Ayes: Commissioners Stevens, Wolf, Neal and Thompson
Noes: None

A motion was made by Commissioner Neal and seconded by Commissioner Wolf to approve payment in the amount of $5,304.00 for fertilizer for County Park in Kermit from budgeted funds; which motion became an order of the Court upon the following vote:

Ayes: Commissioners Stevens, Wolf, Neal and Thompson
Noes: None

After reviewing Winkler County's Tax Abatement Guidelines and Criteria, a motion was made by Commissioner Neal and seconded by Commissioner Stevens to renew and accept as set forth Winkler County's Tax Abatement Guidelines and Criteria; which motion became an order of the Court upon the following vote:

Ayes: Commissioners Stevens, Wolf, Neal and Thompson
Noes: None

WINKLER COUNTY
STATE OF TEXAS

TAX ABATEMENT GUIDELINES AND CRITERIA

The following Guidelines and Criteria have been adopted by the Winkler County Commissioners' Court to establish a uniform policy of tax abatement for owners or lessees of eligible facilities willing to execute tax abatement contracts designed to provide long-term significant positive economic impact to the community by utilizing the area contractors and work force to the maximum extent feasible, and by developing, redeveloping, and improving property, except as otherwise provided.

In order to be eligible for designation as a Reinvestment Zone and receive tax abatement, the planned improvement:

1. Must be reasonably expected to have an increase in positive net economic benefit to Winkler County of at least $1,000,000.00 over the life of the abatement, computed to include (but not limited to) new sustaining payroll and/or capital improvement. The creation of (number and type) of new jobs will also factor into the decision to grant an abatement; and,

2. Must not be expected to solely or primarily have the effect of transferring employment from one part of Winkler County to another.

In addition to the criteria set forth above, the Winkler County Commissioners' Court reserves the right to negotiate a Tax Abatement Agreement in order to compete favorably with other communities.

Only that increase in the fair market of the property directly resultant from the development, redevelopment, and improvement specified in the contract will be eligible for abatement and then only to the extent that such increase exceeds any reduction in the fair market value of the other property of the applicant located within the jurisdiction creating the Reinvestment Zone.

All abatement contracts will be for a term no longer than allowed by law.

It is the goal of Winkler County to grant tax abatements on the same terms and conditions as the other taxing units having jurisdiction of the property. However, nothing herein shall limit the discretion of the Winkler County Commissioners' Court to consider, adopt, modify or decline any tax abatement request.

This policy is effective as of the date adopted by the Winkler County Commissioners' Court and shall at all times be kept current with regard to the needs of Winkler County and reflective of the official views of the County Commissioners' Court. These Guidelines and Criteria shall be reviewed every two (2) years.

The adoption of these guidelines and criteria by the Winkler County Commissioners' Court does not:

1. Limit the discretion of the governing body to decide whether to enter into a specific Tax Abatement Agreement;

2. Limit the discretion of the governing body to delegate to its employees the authority to determine whether or not the governing body should consider a particular application or request for tax abatement; or,

3. Create any property, contract, or other legal right in any person to have the governing body consider or grant a specific application or request for tax abatement.

DEFINITIONS – SECTION I

A. "Abatement" means the full or partial exemption from ad valorem taxes of certain property in a reinvestment zone designated by Winkler County or the Cities of Kermit and/or Wink for economic development purposes.

B. "Agreement" means a contractual agreement between a property owner and/or lessee and Winkler County.

C. "Base Year Value" means the assessed value on the eligible property as of January 1 preceding the execution of the agreement.

D. "Deferred Maintenance" means improvements necessary for continued operation which do not improve productivity or alter the process technology.

E. "Eligible Facilities" means new, expanded, or modernized buildings and structures, including fixed machinery and equipment, which is reasonably likely as a result of granting the abatement to contribute to the retention or expansion of primary employment or to attract major investment in the reinvestment zone that would be a benefit to the property and that would contribute to the economic development of Winkler County, but does not include facilities which are intended to be primarily to provide goods or services to residents for existing businesses located in Winkler County such as, but not limited to, restaurants and retail sales establishments. Eligible facilities may include, but shall not be limited to, hotels and office buildings.

F. "Expansion" means the addition of building structures, machinery, equipment or payroll for purposes of increasing production capacity.

G. "Facility" means property improvement(s) completed or in the process of construction which together comprise an interregional whole.

H. "Modernization" means a complete or partial demolition of facilities and the complete or partial reconstruction or installation of a facility of similar or expanded production capacity. Modernization may result from the construction, alteration, or installation of building, structures, machinery, or equipment, or both.

I. "New Facility" means a property previously undeveloped which is placed into service by means other than or in conjunction with expansion or modernization.

J. "Productive Life" means the number of years property improvement(s) is/are expected to be in service in a facility.

ABATEMENT AUTHORIZED – SECTION II

A. Eligible Facilities. Upon application, eligible facilities shall be considered for tax abatement as hereinafter provided.

B. Creation of New Values. Abatement may only be granted for the additional value of eligible property improvement(s) made subsequent to and specified in an abatement agreement between Winkler County and the property owner or lessee, subject to such limitations as Winkler County may require.

C. New and Existing Facilities. Abatement may be granted for the additional value of eligible property improvement(s) made subsequent to and specified in an abatement agreement between Winkler County and the property owner or lessee, subject to such limitations as Winkler County may require.

D. Eligible Property. Abatement may be extended to the value of the buildings, structures, fixed machinery and equipment, site improvements, and related fixed improvements necessary to the operation and administration of the facility.

E. Ineligible Property. The following types of property shall be fully taxable and ineligible for tax abatement: land; supplies; tools; furnishings, and other forms of movable personal property; housing; deferred maintenance; property to be rented or leased, except as provided in Section II(F); property which has a productive life of less than ten (10) years.

F. Owned/Leased Facilities. If a leased facility is granted abatement, the agreement shall be executed with the lessor and the lessee.

G. Economic Qualifications. In order to be eligible for designation as a reinvestment zone and receive tax abatement, the planned improvement:

(1) Must be reasonably expected to have an increase in positive net economic benefit to Winkler County of at least $1,000,000.00 over the life of the abatement agreement, computed to include (but not limited to) new sustaining payroll and/or capital improvement. The creation of (number and type) new jobs will also factor into the decision to grant an abatement; and

(2) Must not be expected to solely or primarily have the effect of transferring employment from one part of Winkler County to another.

H. Standards for Tax Abatement. The following factors, among others, shall be considered in determining whether to grant tax abatement:

(1) Value of existing improvements, if any;

(2) Type and value of proposed improvements;

(3) Productive life of proposed improvements;

(4) Number of existing jobs to be retained by proposed improvements;

(5) Number and type of new jobs to be created by proposed improvements;

(6) Amount of local payroll to be created;

(7) Whether the new jobs to be created will be filled by persons residing or projected to reside within affected taxing jurisdiction;

(8) Amount which property tax base valuation will be increased during the term of abatement and after abatement, which shall include a definitive commitment that such valuation shall not, in any case, be less than $1,000,000.00;

(9) The costs to be incurred by Winkler County to provide facilities directly resulting from the new improvements;

(10) The amount of ad valorem taxes to be paid to Winkler County during the abatement period considering (a) the existing values, (b) the percentage of new value abated, (c) the abatement period, and (d) the value after expiration of the abatement period;

(11) The population growth of Winkler County that occurs directly as a result of new improvements;

(12) The types and values of public improvements, if any, to be made by applicant seeking abatement;

(13) Whether the proposed improvements compete with existing businesses to the detriment of the local economy;

(14) The impact on the business opportunities of existing business;

(15) The attraction of other new businesses to the area;

(16) The overall compatibility with the zoning ordinances and comprehensive plan for the area;

(17) Whether the project obtains all necessary permits from the applicable environmental agencies.

Each eligible facility shall be reviewed on its merits utilizing the factors provided above. After such review, abatement may be denied entirely or may be granted to the extent deemed appropriate after full evaluation.

I. Denial of Abatement. Neither a reinvestment zone nor abatement agreement shall be authorized if it is determined that:

(1) There would be substantial adverse effect on the provision of government services or tax base;

(2) The applicant has insufficient financial capacity;

(3) Planned or potential use of the property would constitute a hazard to public safety, health, or morals;

(4) Violation of other codes or laws; or

(5) Any other reason deemed appropriate by Winkler County.

J. Taxability. From the execution of the abatement to the end of the agreement period, taxes shall be payable as follows:

(1) The value of ineligible property as provided in Section II(E) shall be fully taxable; and

(2) The base year value of existing eligible property as determined each year shall be fully taxable.

The additional value of new eligible property shall be fully taxable at the end of the abatement period.

APPLICATION – SECTION III

A. Any present or potential owner of taxable property in Winkler County may request the creation of a reinvestment zone and tax abatement by filing a written application with the County Judge of Winkler County.

B. The application shall consist of a general description of the new improvements to be undertaken; a descriptive list of the improvements for which an abatement is requested; a list of the kind, number and location of all proposed improvements of the property; a map and property description; a time schedule for undertaking and completing the proposed improvements. In the case of modernization, a statement of the assessed value of the facility, separately stated for real and personal property, shall be given for the tax year immediately preceding the application. The County may require such financial and other information as deemed appropriate for evaluating the financial capacity and other factors pertaining to the applicant, to be attached to this application. The completed application must be accompanied by the payment of a non-refundable application fee for administrative costs associated with the processing of the tax abatement request. All checks in payment of the administrative fee shall be made payable to Winkler County. For abatement requests for improvements with a planned value equal to or in excess of $1,000,000.00, the fee shall be ONE THOUSAND AND NO/100 DOLLARS ($1,000.00).

C. Winkler County shall give notice as provided by the Property Tax Code, including written notice to the presiding officer of the governing body of each taxing unit in which the property to be subject to the agreement is located, not later than seven (7) days before

the public hearing, and publication in a newspaper of general circulation within such taxing jurisdiction no later than the seventh day before the public hearing. Before acting upon the application, Winkler County shall, through public hearing, afford the applicant and the designated representative of any governing body referenced herein above, and the public the opportunity to show cause why the abatement should or should not be granted.

D. If a city within Winkler County designates a reinvestment zone within its corporate limits and enters into or proposes to enter into an abatement agreement with a present or potential owner of a taxable property, such present or potential owner of taxable property may request tax abatement by Winkler County by following the same application process described in Section III(A) hereof. No other notice of hearing shall be required except compliance with the open meetings act unless the Commissioners' Court deems them necessary in a particular case.

AGREEMENT – SECTION IV

A. After approval, the Commissioners' Court of Winkler County shall formally pass a resolution and execute an agreement with the owner of the facility and lessee as required which shall:

1. Include a list of the kind, number and location of all proposed improvements to the property;

2. Provide access to and authorize inspection of the property by the taxing unit to insure compliance with the agreement;

3. Limit the use of the property consistent with the taxing unit's development goals;

4. Provide for recapturing property tax revenues that are lost if the owner fails to make improvements as provided by the agreement;

5. Include each term that was agreed upon with the property owner and require the owner to annually certify compliance with the terms of the agreement to each taxing unit; and

6. Allow the taxing unit to cancel or modify the agreement at any time if the property owner fails to comply with the terms of the agreement.

B. The owner of the facility and lessee shall also agree to the following:

1. A specified number of permanent full time jobs at facility shall be created, and the owner and lessee shall make reasonable efforts to employ persons who are residents of Winkler County in such jobs, provided, however, that there shall be no obligation to employ residents who are not:

   a. Equally or more qualified than nonresident applicants;

   b. Available for employment on terms and/or salaries comparable to those required by nonresident applicants; or

   c. Able to become qualified with 72 hours training provided by owner.

2. Each person employed in such job shall perform a portion, if not all, of their work in Winkler County.

3. Owner shall agree that it and its contractors, if any, will use reasonably commercial efforts to maximize its use of goods and services available through Winkler County businesses in the construction, operation and maintenance of the improvements and the project; provided, however, that there shall be no requirement to use goods and services provided by Winkler County residents that are not:

a. Of similar quality to those provided by nonresidents; or

b. Made available on terms and conditions (including pricing) comparable to those offered by nonresidents. Comparable price shall be defined as less than or equal to 105% of the nonresident price for equivalent quality, conditions and terms.

4. Owner or its construction contractor, if any, shall designate a coordinator of local services who will act as liaison between any individuals who are interested in obtaining information about providing goods or services related to the construction of the project. Additionally, owner or its construction contractor, if any, shall advertise in local newspapers in Winkler County for local contractors to perform work on the construction project.

5. On May 1st of each year that the agreement shall be in effect, owner shall certify to the County Judge of Winkler County, and to the governing body of each taxing unit, that owner is in compliance with each applicable term set forth above.

Such agreement shall normally be executed within sixty (60) days after the applicant has forwarded all necessary information and documentation to the Commissioners' Court.

RECAPTURE – SECTION V

A. In the event that the applicant or its assignee (1) allows its ad valorem taxes owed to Winkler County to become delinquent and fails to timely and properly follow the legal procedures for their protest and/or contest; or (2) violates any of the terms and conditions of the abatement agreement and fails to cure during the cure period, the agreement then may be terminated and all taxes previously abated by virtue of the agreement will be recaptured and paid within thirty (30) days of the termination.

B. Should Winkler County determine that the applicant or its assignee is in default according to the terms and conditions of its agreement, Winkler County shall notify the company or individual in writing at the address stated in the agreement, and, if such is not cured within the time set forth in such notice ("cure period"), then the agreement may be terminated.

ADMINISTRATION – SECTION VI

A. The Chief Appraiser of the Winkler County Appraisal District will annually determine an assessment of the real and personal property comprising the reinvestment zone. Each year, the company or individual receiving abatement shall furnish the appraiser with such information as may be necessary for the abatement. Once value has been established, the Chief Appraiser will notify the Commissioners' Court of Winkler County of the amount of the assessment.

B. Winkler County may execute a contract with any other jurisdiction(s) to inspect the facility to determine if the terms and conditions of the abatement agreement are being met. The abatement agreement shall stipulate that employees and/or designated representatives of Winkler County will have access to the reinvestment zone during the term of the abatement to inspect the facility to determine if the terms and conditions of the agreement are being met. All inspections will be made only after the giving of twenty-four (24) hours prior notice and will only be conducted in such a manner as to not unreasonably interfere with the construction and/or operation of the facility. All inspections will be made with one or more representatives of the company or individual and in accordance with its safety standards.

C. Upon completion of construction, the designated representative of Winkler County shall annually evaluate each facility receiving abatement to insure compliance with the agreement. A formal report shall be made to the Commissioners' Court.

ASSIGNMENT – SECTION VII

The abatement agreement may be transferred and assigned by the holder to a new owner or lessee of the same facility upon the approval by resolution of the Commissioners' Court of Winkler County, subject to the financial capacity of the assignee and provided that all conditions and obligations in the abatement agreement are guaranteed by the execution of a new contractual agreement and/or assumption agreement with Winkler County. No assignment or transfer shall be approved if the parties to the existing agreement, the new owner or new lessee are liable to any jurisdiction for outstanding taxes or other obligations. Approval shall not be unreasonably delayed or withheld.

SUNSET PROVISION – SECTION VIII

These Guidelines and Criteria are effective upon the date of their adoption and will remain in force for two (2) years, unless amended by three-quarters vote of the Commissioners' Court of Winkler County, at which time all reinvestment zones and tax abatement agreements created pursuant to these provisions will be reviewed to determine whether the goals have been achieved. Bas ed on the review, the Guidelines and Criteria will be modified, renewed or eliminated.

ADOPTED on the 25th day of March, 2013.

Bonnie Leck
Winkler County Judge

Billy J. Stevens
Commissioner, Precinct 1

Robbie Wolf
Commissioner, Precinct 2

Randy Neal
Commissioner, Precinct 3

Billy Ray Thompson
Commissioner, Precinct 4

ATTEST:

Shethelia Reed
Winkler County Clerk

7

At this time the Court discussed 2013 paving project.

A motion was made by Commissioner Neal and seconded by Commissioner Thompson to receive Monthly Report of County Treasurer; which motion became an order of the Court upon the following vote:

Ayes: Commissioners Stevens, Wolf, Neal and Thompson
Noes: None

WINKLER COUNTY TREASURER'S REPORT
EULONDA EVEREST

28-Feb-13

Balances	$	**495,200.67**		
REVENUE DEPOSITS	$	3,263,701.72		
LESS SERVICE CHARGE	$	(70.00)		
LESS BANK ERROR	$	(0.50)		
LESS HOT CHECK				
Amount Paid				
Accounts Payable			$	584,610.94
Payroll			$	226,416.31
Jury			$	480.00
Fica			$	155,903.63
Wire Transfers-TDCJ			$	35.08
Child Support			$	426.46
Wire Transfers-Park			$	1,400,000.00
Wire Transfers-Tx Pool				
Wire Transfers-TCDRS				
Tx Dept Crim Justice				
Prognosis Info				
AMOUNT TO BALANCE			$	1,390,959.47
	$	**3,758,831.89**	$	**3,758,831.89**

Eulonda Everest
Eulonda Everest, County Treasurer

STATE OF TEXAS
COUNTY OF WINKLER

SUBSCRIBED AND SWORN to before me on the 12th **day of** March **2013**

Brenda L Barron
Winkler County, Texas

BRENDA L. BARRON
NOTARY PUBLIC
STATE OF TEXAS
My Commission Expires 8-13-2015

There were no hospital software project claim(s) for the Court to consider at this time.

A motion was made by Commissioner Neal and seconded by Commissioner Thompson to approve payroll; which motion became an order of the Court upon the following vote:

Ayes: Commissioners Stevens, Wolf, Neal and Thompson
Noes: None

There were no line item adjustment(s) for the Court to consider at this time.

A motion was made by Commissioner Neal and seconded by Commissioner Thompson to approve the following budget amendment(s):

WINKLER COUNTY
BUDGET AMENDMENTS
MARCH 25, 2013

DATA PROCESSING

10-240-030	CAPITAL EXPENDITURES	$	11,632.00
10-104-226	TRANSFER FROM RESERVES	$	11,632.00

TO RECORD REVENUE AND EXPENSE FOR COURTHOUSE COMPUTERS

which motion became an order of the Court upon the following vote:

Ayes: Commissioners Stevens, Wolf, Neal and Thompson
Noes: None

A motion was made by Commissioner Neal and seconded by Commissioner Stevens to receive the following Monthly Reports from County Officials of fees earned and collected for the month of February, 2013;

MONTHLY REPORTS

For the Month of March '13

		Date Received	Amount
Steve Taliaferro, Co Attorney Fee	Hot Check		
Bonnie Leck, County Judge			
Patti Franks, Tax Assessor			
Shethelia Reed, County Clerk			
Glenda Mixon, JP Precinct #2			
Sherry Terry, District Clerk			
DeLynn Trammell, JP Precinct #1			
George Keely, Sheriff			
Eric DeAnda, Probation			
Billy Stevens, Commissioner Precinct #1			
Robbie Wolf, Commissioner Precinct #2			
Randy Neal, Commissioner Precinct #3			
Billy Ray Thompson, Commissioner Precinct #4			
Jeanna Willhelm, Auditor Investment			
Eulonda Everest, Treasurer	Feb 13	3-12-13	$3,263,701.72
Lee Wilson, Constable Pct # 2			
Richard Crow, Constable Pct #1			

which motion became an order of the Court upon the following vote:

Ayes: Commissioners Stevens, Wolf, Neal and Thompson
Noes: None

A motion was made by Commissioner Thompson and seconded by Commissioner Neal to examine and approve bills over $500.00 and place in line for payment; which motion became an order of the Court upon the following vote:

Ayes: Commissioners Stevens, Wolf, Neal and Thompson
Noes: None

A motion was made by Commissioner Neal and seconded by Commissioner Thompson to approve claims against the County and pay as per list of vouchers submitted; which motion became an order of the Court upon the following vote:

Ayes: Commissioners Stevens, Wolf, Neal and Thompson
Noes: None

A motion was made by Commissioner Neal and seconded by Commissioner Thompson to adjourn the meeting; which motion became an order of the Court upon the following vote:

Ayes: Commissioners Stevens, Wolf, Neal and Thompson
Noes: None

MINUTES approved the_____day of_____, 20_____.

_____
COUNTY CLERK