

**REGULAR MEETING OF THE BREWSTER  
COUNTY COMMISSIONERS COURT  
MONDAY, JANUARY 12, 2015 AT 9:00 A.M.  
ALPINE, TEXAS**

Judge Cano called the Court to order at 9:00 A.M. and the following were present:

<i>Eleazar Cano</i>	<i>County Judge</i>
<i>George Johnson</i>	<i>County Commissioner Pct. 1</i>
<i>Hugh Garrett</i>	<i>County Commissioner Pct. 2</i>
<i>Ruben Ortega</i>	<i>County Commissioner Pct. 3</i>
<i>Mike Pallanez</i>	<i>County Commissioner Pct. 4</i>
<i>Berta Rios-Martinez</i>	<i>County Clerk</i>
<i>Ruth Staton</i>	<i>County Treasurer</i>

**To discuss and take action as appropriate on the following:**

**1. Pledge of Allegiance**

*Judge Cano led the Court in the Pledge of Allegiance.*

**2. Public Comment**

*Val Beard commented on Elected Officials vs. County Employees and the difference in the two and Beard pointed out a few concerns on salaries. Val Beard also voiced concern over hiring and firing of non-elected officials. Beard voiced her concern on item 14 of the agenda, the order of the agenda and what “ is not” on the agenda such as Road & Bridge, the election and most importantly the invocation.*

*Kirk Mead spoke on the controversy regarding Conrad Arriola. Meade stated with Mr. Arriola did his job by filing a document in a timely manner. Mr. Mead stated that Mr. Arriola is an 11 year employee. He stated that there are no specifics on how an agenda is filed and asked the court to reconsider Mr. Arriola’s resignation. Meade added that there was no violation of the law when Arriola entered a locked office.*

**3. Recognitions / Recognize the following people who worked diligently during winter storm on January 1, 2015:**

<b>Eddie Paredes AEP</b>	<b>Greg Henington</b>
<b>Fred Hernandez AEP &amp; Contractors</b>	<b>D.J. Hensley</b>
<b>Ruben Ortega</b>	<b>Texas Department of Transportation</b>
<b>Billy Melton</b>	<b>Rio Grande Electric</b>

*Judge Cano expressed his thanks to those who helped during the winter storm. Commissioner Ortega expressed gratitude to those who prepared food for those without power and kept the streets clear and got power to those who needed it. They all worked together during a hard time. In addition, Judge Cano thanked The Cowboy Church for opening its doors, Commissioner Johnson thanked Ray Hendryx for keeping everyone informed on what to expect.*

#### **4. Study Butte Water Supply Corporation**

##### **A. Discuss and consider entering into a Texas Community Development Block Grant Project Agreement with the Study Butte Water Supply Corporation as required by the TxCDBG 2015-2016 Application Guidelines**

*Jerry Carvajal stated that Brewster County had to enter into a project agreement to follow the grant guidelines. Mr. Carvajal provided a copy of the requirements to members of the Court. He also reviewed the guidelines. Judge Cano asked the amount of the grant and Mr. Carvajal stated that the resolution mentioned it was up to \$300,000.*

*Judge Cano motioned to enter into a Project Agreement with Texas Community Development Block Grant with Study Butte Water Supply Corporation. Commissioner Johnson seconded the motion passed unanimously.*

*Commissioner Ortega commented that in the past, grants were alternated between projects needed in the county/community.*

##### **B. Discuss and consider resolution to apply for 2015-2016 Rural Community Development Block Grant assistance under the Community Development Fund**

*Judge Cano moved to approve the resolution for the application process of the 2015-2016 Rural Community Development Block Grant, Commissioner Ortega seconded the motion. The motion passed unanimously.*

#### **5. Minutes / additions / corrections / approval**

*Judge Cano requested that County Clerk Berta Rios-Martinez prepare all the minutes for December and have the Commissioners that were serving at that time and review to prepare approval.*

#### **6. Treasurer**

##### **A. General Bills / Discussion and appropriate action**

*Treasurer Ruth Staton stated she provided the Court with all they required but provided nothing for the record. Mrs. Staton stated her office is working on end of year reports and*

*payroll. Judge Cano inquired about grants, Staton stated she spoke with Elected Officials and responded that they are up to date with the grants.*

*Commissioner Ortega moved to approve the bills as presented, Commissioner Pallanez seconded the motion and the motion passed unanimously.*

**B. Financial Reports / Updates, Discussion, Review and appropriate action concerning the following:**

**Specified Activity Report  
Cash Flow Predictions  
Budget Analysis Usage Report  
Receipt File Listings  
Cash Report  
Grant Reports**

**Payroll Reports  
Check Register  
Transfers  
Personnel/Overtime Reports  
Other Financial Reports as  
Requested by Commissioner**

**C. County Judge's request for authorization for new signators on County Bank Accounts / Discussion and appropriate action**

*Treasurer Staton stated she has spoken with County Clerk Berta Rios-Martinez about being a second signature on the accounts. Rios-Martinez stated she would rather stay as an alternate. Mrs. Staton spoke with Betty Jo Rooney, Tax Collector Assessor, about being on the signature card, Mrs. Rooney was in agreement. Treasurer Staton asked the Court to have Della Shackelford removed and add herself, Betty Jo Rooney, and have County Clerk Berta Rios-Martinez, and Judge Cano as alternates. Mrs. Staton clarified that with some office holders not being available or gone at the same time this would be helpful. Commissioner Johnson asked if there has ever been four (4) signatures. County Clerk Berta Rios-Martinez stated that not in the past but she spoke with Linda at the bank and she stated that there are up to seven (7) signatures per account.*

*Judge Cano motioned to remove Della Shackelford and add Ruth Staton, Betty Jo Rooney, Berta Rios-Martinez, as an alternate and Judge Cano as second alternate, Commissioner Ortega seconded the motion and the motion passed unanimously.*

**D. Other general administrative & procedural matters related to Treasurer's Office / Discussion and appropriate action for work of Treasurer's Office to go forward**

*None at this time.*

**7. Officials' Monthly Reports**

*County Clerk Berta Rios- Martinez stated that there was nothing provided to her by the Treasurer's Office.*

**8. Sheriff's Office / Approve Revised Resolution for the Criminal Justice Division Grant**

*Sheriff Dodson stated that he had a resolution to change the signatures on grants that are through his office. Judge Cano read the resolution CJE 2817301- Operation Border Star Grant to the Court.*

*Commissioner Ortega moved to approve Resolution CJE 2817301- Operation Border Star Grant, Commissioner Johnson seconded the motion and the motion passed unanimously.*

#### **9. 2015 Salary Grievance Committee / Draw names for Citizen Members of committee**

*Judge Cano asked Commissioner Ortega to explain the process of the Drawing of the Citizen Members for 2015 Salary Grievance Committee. Commissioner Johnson asked about drawing for 3 alternates. Commissioner Pallanez recommended to keep it the way it has been done. Names drawn were: Hunter Wade Marsh of Marathon, Darryl Gardner of Alpine and Wesley Wade Roach of Alpine. Judge Cano asked if this committee is active, Commissioner Ortega stated it has not been but it is customary.*

#### **10. Tax Assessor-Collector / Update on Tax Collections**

*Tax Collector Assessor provided the Court with a comparison of 2013 to 2014. This comparison was broken down with specifics to ISD, Hospital District and other tax entities by Mrs. Rooney. Judge Cano asked about the percentages of the breakdown. Tax Collector explained it was based on evaluation and the rate.*

#### **11. Brewster County Employee Policy Handbook/ Reconsider amendment to policy regarding employee and retiree health insurance eligibility criteria adopted July 14, 2014. Discussion and consideration to rescind the amendment. (Commissioner Garrett)**

*Commissioner Garrett spoke regarding this matter stating that he felt the Court made a mistake by adopting the policy on July 14, 2014. He explained the amended policy of 8-10 years of service and recommended to return to the old policy of 15 years of service. He stated that benefits for Elected Officials and County Employee should be the same.*

*Commissioner Garrett stated his concerns with the amended policy and read part of the policy in regards to opening the door for anyone to be eligible for retirement. He feels this policy needs to be rescinded. Commissioner Johnson asked about the number of employees and then stated that he was not in favor of changing the policy from 8 years to 15 years for elected officials and Johnson feels that the Court needs to figure out how to budget for change and that is what needs to be done and it is the least the Court can do. Commissioner Ortega agreed with Commissioner Johnson. Commissioner Johnson stated that he felt the Court had bigger things to deal with then rescinding a policy that has been put into place. Commissioner Garrett agreed with Commissioner Johnson that others issues needed to be addressed but Commissioner Garrett added that items placed on the Agenda in the last few months also needed to be revisited. Commissioner Johnson made a motion to leave the policy the way it was and Commissioner Ortega stated that the Court could not change things on elected officials according to Section 152.013, it can only be done at budget. Garrett said it was not done at budget and Johnson stated that it was. Judge Cano stated that this is a "policy" issue and that Commissioners Court needs to be mindful of policy changes in the future.*

*County Attorney Steve Houston stated that the policy is in the personnel policy handbook of Brewster County and is not a budget issue. This can be a budget issue only if the county cannot fund it and disagreed with Commissioner Ortega on that issue. Judge Cano added that they need to focus on the best interest of taxpayers. Garrett stated that the way the revised policy is written, prior employees can come back and ask for retirement. Commissioner Pallanez expressed his thoughts and concerns with the policy. He added that he needed to look at numbers closely before agreeing to rescinding policy. Commissioner Ortega stated that he thought there was a retirement account that needed to be looked into. Commissioner Pallanez agreed. Judge Cano asked Commissioner Garrett if in the motion made he could form a committee to really look at the retirement. Commissioner Garrett expressed that there are options and they need to look at all of those options. Commissioner Garrett moved to rescind the amendment to the Brewster County Policy regarding the health Insurance. Commissioner Ortega and Johnson asked to table this item. Judge Cano stated there is a motion on the table. Commissioner Pallanez asked for clarity on the motion whether it was to rescind the motion or do further research on the policy.*

*Commissioner Garrett motioned to rescind the amendment of July 2014 to go back to the 15 years and make sure it is for current employees. Judge Cano seconded the motion, Commissioner Ortega, Commissioner Johnson and Commissioner Pallanez voted against the motion. The motion failed for lack of vote.*

**12. 2015 Commissioners Car Allowance/Reconsider motion adopted July 14, 2014, to add a \$4800 car allowance to each Commissioner's salary. Discussion and consideration of rescinding the car allowance. (Commissioner Garrett)**

*Commissioner Garrett stated again the Court made a mistake in adopting this item in July 2014. He stated the money set aside for commissioner stayed in place and said a car allowance is inappropriate and is added money to the Commissioner and move the moneys to employee Emergency Management Employee. Commissioner Johnson asked if it was a budget item and Commissioner Ortega said it was part of the salary for the Commissioners and it cannot be changed. County Attorney, Steve Houston, asked if he could comment and with permission of the Judge proceeded to state under the Local Government Code you are allowed to change the budget during the year, that being an emergency and to transfer a budgeted amount from one account to another account, but the transfer has to be for a County purpose. Commissioner Ortega stated that it could not be done based on that fact. Mr. Houston explained that if the money was transferred to Emergency Management that it could be, but on the same note that the Attorney General does allow for a car allowance, but it has to be based on facts and reasonable calculation. Commissioner Johnson stated that on the Texas Commissioner Website it shows that of the 31 counties 21 of those counties are allowed a \$400.00 car allowance and that is based on a County with a population of 5,000 to 10,000 which is where Brewster County falls. Commissioner Garrett expressed his concern on the matter stating that line items are there to cover travel. Commissioner Ortega stated that everyone has absorbed the cost. Judge Cano explained his concerns and wanting to give the commissioners what they are entitled to in using their personal vehicles for County Business. Commissioner Johnson stated that the car allowance is already set and Commissioner Ortega explained that this was put into place on July 14, 2014. Commissioner Pallanez expressed his concerns to reconsider the motion that was*

*made on July 14, 2014 and stated travel reimbursement is done. Judge Cano gave an example of the situation in regards to the situation and he understands the position of the Commissioners. Commissioner Ortega stated that it does not always have to be about streets and weather, that it could be any other item that comes up unexpected.*

*Commissioner Garrett moved to move the \$19,200 in the 2015 budget for commissioner car allowance into the Emergency Management Position. Commissioner Johnson asked what is easier; to fill out paperwork to submit to the treasurer office or to receive \$400 a month. Commissioner Ortega stated that you cannot change the budget until the next budget year. Attorney Steve Houston stated that you can move from line item to line item and Commissioner Ortega stated that it was their compensation and Mr. Houston stated that it is a transfer to line item and could be done. Judge Cano interjected to say there is a motion on the table and after a second further discussion could continue. Judge Cano seconded the motion, Commissioner Pallanez was in agreement, Commissioner Ortega and Johnson opposed. The motion passed three (3) to two (2) in favor of moving 19,200.00 from travel allowance to E.M.C Salary..*

**13. Travel on County Business/ Discussion and consideration of supplemental policy to Brewster County Employee Handbook 3A-2 Travel on County Business, General Policy. (Judge Cano)**

*Judge Cano stated that this ties into the item 12 and explained that the Court is not trying to cheat anyone out of what they are entitled to and reference the policy dated on January 9. Judge asked Steve Houston if there was anything to add and Mr. Houston responded by saying that he responded to the email submitted to him and replied with the answers to the questions. Judge Cano explained that travel to the County seat is not acceptable. Commissioner Ortega stated that if everyone is giving up their travel allowance that the Judge should give up his \$15,000 travel allowance as part of his salary. Commissioner Pallanez stated that they weren't really giving up their car allowance that they are just submitting paper work. Commissioner Ortega stated that Commissioners are giving up \$4800 and the Judge has an allowance of \$15,000 and everyone sets a precedence. Judge Cano voiced his concerns on the suggestion, as the Judges car allowance has historical precedence. Commissioner Ortega expressed and explained the concern.*

*Judge Cano motioned to update the policy as presented dated January 9, 2014, Commissioner Ortega recommended the Judge to read the policy, and Judge Cano read the policy, Attorney General HC 992. Commissioner Garrett seconded the motion, Commissioner Pallanez agreed with the motion, Commissioner Johnson and Commissioner Ortega were against the motion. The motion passed three (3) to two (2).*

**14. Communications Services for Brewster County Facilities Proposal/ Reconsider the December 8, 2014 motion to enter into agreement with Big Bend Telephone for the proposed communications services. (Judge Cano)**

*Judge Cano explained that he was wanting more clarity on what the services will be emailed. Commissioner Garrett asked if sub-contracting was going to be part of the agreement. Betse Esparza of Big Bend Telephone explained the process and stated that Big Bend Telephone is*

*capable of providing all services. However the work that was not covered by Big Bend Telephone were the lines appointed to "911" and was asked to leave that out of the bid, Betse stated. Commissioner Johnson asked for clarity in the fact the lines in questions are governed by the Rio Grande Cog and asked the price of a line. Mrs. Esparza stated that she would look into it. Judge Cano asked for one cost of the entire county including the 911 lines and Esparza explained a fiber optic build out and once that is completed the rate would lower after the payout period of the 5 years based on the proposal.*

*Judge Cano moved to explore further options with Big Bend Telephone for the proposal to include the jail, Commissioner Johnson seconded the motion and the motion passed unanimously.*

## **15. County Judges Office / Personnel**

**A. Executive Session Pursuant to Section § 551.074, Government Code, VTCA, to discuss the appointment, employment, evaluation, reassignment, duties, compensation, or dismissal of a public officer or employee and Section §551.071, to confer with legal Counsel about:**

- (1) pending or contemplated litigation; or (B) a settlement office; or**
- (2) on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter. (Privileged Matters)**

*Judge Cano asked for the courtroom to be cleared for Executive Session at 11:03 A.M. Reconvene in Open Session 11:55 A.M.*

## **B. Discussion and appropriate action resulting from Executive Session**

*Judge Cano motioned commissioner court assistance as assigned on August 1, 2014 be moved to the County Judges Office to be effective January 12, 2015, Commissioner Ortega seconded the motion and passed unanimously.*

*Commissioner Ortega moved to adjourn, Commissioner Johnson seconded the motion and passed unanimously.*

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**Eleazar Cano, County Judge**

**ATTEST:**

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**Berta Rios-Martinez, County Clerk**