

**REGULAR MEETING OF THE BREWSTER COUNTY COMMISSIONERS COURT  
TUESDAY, FEBRUARY 23, 2016 AT 9:00 A.M.  
DOWNSTAIRS – OLD COURTHOUSE**

Judge Cano called the meeting to order at 9:04 a.m. The following Elected Officials were present:

<b>ELEAZAR CANO</b>	<b>COUNTY JUDGE</b>
<b>LUC NOVOVITCH</b>	<b>COMMISSIONER PCT. 1</b>
<b>HUGH GARRETT</b>	<b>COMMISSIONER PCT. 2</b>
<b>RUBEN ORTEGA</b>	<b>COMMISSIONER PCT. 3</b>
<b>MIKE "COACH" PALLANEZ</b>	<b>COMMISSIONER PCT. 4</b>
<b>BERTA RIOS-MARTINEZ</b>	<b>COUNTY CLERK</b>

**1. Invocation, Pledge of Allegiance**

Judge Cano led the Invocation and Pledge of Allegiance.

**2. Public Comment**

No public comments.

**3. Minutes / additions / corrections / approval**

Judge Cano informed the Court the minutes for the February 1st & 12th Called Meetings are available in his office for review and will have the February 9th available soon as well as today's minutes so they will be ready for approval the first meeting in March.

**4. Road & Bridge Department / Community Facilities**

- A. Road & Bridge Superintendent's Report, General updates on maintenance and repairs for all county roads & state of County Roads System; road materials including, fuel, supplies including usage & inventories & future needs; budgetary matters; equipment including heavy equipment, (maintenance repairs, future needs, replacement and additions), pickups, trailers and other light vehicles and accessories, and small equipment, (usage, future needs), equipment rentals; facilities (yards in Alpine, Marathon and S. County) cattle guards, fences and other means of containing livestock; safety issues and equipment; and community facilities (assistance with maintenance and other related issues); assistance to other governmental entities and emergency responders; personnel issues, (vacancies, new hires, discipline, performance, safety and other general personnel matters); permits for boring or trenching for utilities across County Roads / Discussion and appropriate action**

Superintendent Causey said crews are doing some last minute mechanic work as it was held over to 2016 when the budget was replenished. They are also working on patching a hole in one of the water trucks' tank. He added that it has been rather difficult but was able to patch it enough to where it slowed down quite a bit. They also put new bristles on their sweeper truck and swept the last half mile of Post Road, which was seal coated last year. Roads which have been swept are the following: Intersections in Marathon, West Ft. Davis and Lujan road in Alpine, as well as Prairie View Lane. Superintendent Causey also stated that a crew was working on the electricity for the Auditor's Office as they are having issues losing power in the office. The crew concluded that only one wire was running the whole office and they installed a separate breaker for the lights and split the outlets on two breakers. Superintendent Causey also stated that he had a crew working on the louvers at the Alpine Fire Station. Crews are patching potholes, replacing street signs and cut grass along the roads in all Precincts. Crews are also trimming trees and watering the field at the baseball park in Marathon to get it ready for spring activities. HVAC filters were changed in the jail and the old fence behind the Judge Val Clark Beard Office Complex has been removed. The rest of the Crew is moving equipment to Wagon Road in preparation of paving work.

Judge Cano inquired on the status of the A/C Unit that is on the west side of the annex covering the County Attorney's Office and the A/C Unit that cools the Adult Probation Office and noted last summer there was minimal cool air flow into the Probation Office. Superintendent Causey stated his crew assessed the situation and a new compressor is needed and they will look into the other unit.

Further discussion continued between the Court and Superintendent Causey.

**B. Discussion and appropriate action for general work of Road & Bridge Department to go forward**

**5. County Emergency Management Office**

**A. General Report including:**

**Recent emergency responses; emergency planning update; recent work with cooperating emergency responders: (ESD #1, all VFD's and EMS); update on needs, programs, training, recent work with other governmental entities; equipment for emergency response and updates regarding needs, maintenance, repairs, replacement and additions; emergency management issues related to burn bans; emergency management issues related to communications & public information; emergency management issues related to County insurance coverage; personnel issues related to emergency response, exercises & drills; matters related to pending & future Homeland Security & FEMA Grants and other funding, matters related to 911 EMS in County and matters related to 911 & 911 addressing / Discussion and appropriate action**

Emergency Management Coordinator Matt Van Ostrand informed the Court he attended a safety presentation for emergency services personnel in Ft Davis which was hosted by Jeff Whippo with Energy Transfer Partners. He also provided an update on the status of the EMT training currently being done by Terlingua Fire & EMS, and Marathon Volunteer Fire Department. Van Ostrand also touched base with Chris Weber, District Engineer for TxDOT, who is currently testing a cell phone booster antenna. Van Ostrand stated that they are finding that the booster provides better service in areas with limited or no service, which could be of great benefit to many areas of the County. He said he will be looking into pricing and specifics for the County. EMC Van Ostrand reported that there is still no word from FEMA on the environmental historic preservation assessment for the Homeland Security Grant needed for installation of generators. He added that he would continue to keep an eye out for feedback from FEMA

### **B. Request to approve 2016 Homeland Security Grant Application and Resolution**

Van Ostrand announced to the Court that the 2016 grant cycle is slated to be for approximately \$900,000 to be awarded to the region. He added that he expects that the amount specifically earmarked for the Counties will be less due to the fact that the awards will include other entities, such as schools and other non-profits that had not previously been eligible. Brewster County's request for funding is for the purchase of hand held radios for law enforcement and the fire departments. Van Ostrand recommends putting in for one lump sum that covers the different entities in the County, with the intent being that the proposal will look more attractive for approval since it will be a larger number.

Commissioner Ortega made a motion to approve the 2016 Homeland Security Grant Application and Resolution, which was seconded by Commissioner Novovitch, and passed unanimously.

### **C. Discussion and appropriate action for general administrative work of the Emergency Management Department to go forward**

## **6. Treasurer's Office**

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

Judge Cano explained to the Court that Auditor Watson brought a binder of invoices to him for review prior to Court and is requesting Commissioners come in the Friday before Court to review the invoices. Judge Cano stated that it is pertinent to the checks and balances process of accountability.

Assistant Auditor Babet Mann read the totals for each fund into record, which for the General Fund is \$92,692.27, and total other Funds is \$40,276.91

Commissioner Ortega made a motion to approve general bills as presented, which was seconded by Commissioner Garrett, and passed unanimously.

At 10:03 A.M. Judge Cano announced a ten minute recess.  
At 10:24 A.M. Judge Cano called the meeting back into session.

Judge Cano informed the Court of 3 walk-ins, which was South Texas Area Regional Training for Tri-County Probation in the amount of \$100.00, Hill Country Software for a 6 month maintenance agreement for the Treasurer's Office in the amount of \$7045.20, the University of Texas for the County Clerk and District Clerk's legal education program, and Omni Base Services of Texas, for fees generated in tickets due to the State, in the amount of \$1524.00

Commissioner Garrett made a motion to approve the walk-ins as presented, which was seconded by Commissioner Ortega, and passed unanimously.

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

<b>Specified Activity Report</b>	<b>Payroll Reports</b>
<b>Cash Flow Predictions</b>	<b>Check Register</b>
<b>Budget Analysis Usage Report</b>	<b>Transfers</b>
<b>Receipt File Listings</b>	<b>Personnel/Overtime Reports</b>
<b>Cash Report</b>	<b>Other Financial Reports as Requested by</b>
<b>Grant Reports</b>	<b>Commissioners</b>

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

**7. Officials' Monthly Reports**

Commissioner Pallanez read the reports for the record.

Commissioner Ortega made a motion to approve the reports, which was seconded by Commissioner Garrett, and passed unanimously.

**8. Sheriff's Office / Request to approve 2017 Operation Border Star Grant (JAG) Resolution / Discussion and appropriate action**

Chief Deputy Ryan Skelton asked for the Court to approve the grant, which is a border security grant that covers Deputy Taylor's salary and benefits, in the amount of \$52,524.00.

Commissioner Ortega made a motion to approve the 2017 Operation Border Star Grant application and resolution, which was seconded by Commissioner Novovitch, and passed unanimously.

**9. Recognitions / Announce Texas Indigent Defense Commission has awarded Brewster County a formula grant in the amount of \$12,237**

Judge Cano stated that back in November of 2015; the Judge's Office asked for approval for the application of the 2016 Texas Indigent Defense Commission Grant and has been notified

of the awarded amount for indigent defense in the amount of \$12,237. This item an information item only to clarify the specific amount of the award. No action was required or taken at this time.

**11. Matters related to Interlocal Agreements / Request to ratify Interlocal Agreement with Pecos County acting as fiscal agent for Brewster County for 83<sup>rd</sup> Judicial District Budget / Discussion and appropriate action**

83rd District Attorney Rod Ponton explained to the Court that the four counties within the district budget a yearly amount for their contribution towards the 83rd District Attorney's office. Pecos County serves as the fiscal agent for expenditures and the interlocal agreement reflects that. Ponton stated that he is in Court today asking that the Commissioner's Court approve the inter-local agreement. Ponton also added that Pecos County may no longer be able to subsidize the three lower counties. As such, with the drop in the amount of the contribution from Pecos County, it is possible in the future for Brewster County to act as the fiscal agent for the lower three counties. .

Judge Cano stated that after speaking with Pecos County Judge Schuster, the reason for the decrease was due to the drop in revenue from oil and gas in their County and cuts were made throughout their budget. Judge Cano pointed out that in the agreement; the contribution is requested in a lump sum payment when in the past it has been quarterly payments.

Commissioner Novovitch brought up the fact that on page two of the agreement, the payment terms state the phrasing of "the beginning of each year". Commissioner Novovitch stated that this should be modified because it would be committing to \$94,000 each year and should be a commitment for only the current budget year.

Further discussion occurred amongst the Court and Ponton.

Commissioner Novovitch made a motion to table the approval of Pecos County acting as fiscal agent for Brewster County for the 83rd Judicial District Budget, which was seconded by Commissioner Garrett, and passed unanimously.

**12. Discussion and action regarding a proposed revision and amendment of the "Orders Regulating Outdoor Lighting in Brewster County Texas", adopted by the Commissioner Court on July 2001**

Commissioner Novovitch explained to the Court an Order from 2001 regulating of shields on outside lights as well as the series of exceptions which are listed within the order that includes the Airport, the Emergency Services buildings, and also construction projects. Commissioner Novovitch further explained that there are two major proposed construction projects, the Hecate Solar Energy Project and the Trans-Pecos Pipeline project. Novovitch said he was informed by Rick Smith, VP of Energy Partners, said that the project would be completed during the day but Novovitch feels permits should be required for lighting if night activities become necessary. The specific timeframe discussed was activity between 9 P.M. and 7 A.M.

Further discussion on the appropriate time that should be stated in the order occurred amongst the Court.

Commissioner Novovitch moved to withdraw the order for discussion due to the fact that there was no consensus reached related to the designated time frame.

**13. County Clerk/Elections / Request to approve Election Agreement between the City of Alpine and Brewster County Clerk for Election Equipment and Election Services / Discussion and appropriate action**

Election Clerk Jerri Street spoke to the Court for approval of the Election Agreement for election equipment and election services and said the \$500 in the agreement would cover the maintenance and liability of the equipment.

Commissioner Ortega made a motion to approve the election agreement between the City of Alpine and Brewster County, which was seconded by Commissioner Pallanez, and passed unanimously.

**14. Brewster County Groundwater Conservation District/ Appointment of Board Members**

**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**

At 11:32 A.M., Judge Cano announced that Commissioners Court was going into executive session pursuant to Section § 551.074 of the Government Code to discuss the appointment, employment, evaluation, reassignment, duties, compensation, or dismissal of a public officer or employee. The Courtroom was cleared of all but Commissioners Court.

**Reconvene in Open Session**

At 11:46 A.M., Commissioners reconvened in open session. Judge Cano announced they had been in executive session to discuss the appointment, employment, evaluation, reassignment, duties, compensation, or dismissal of a public officer or employee. Judge Cano asked if there was any action to be taken as a result of the executive session.

No action was taken.

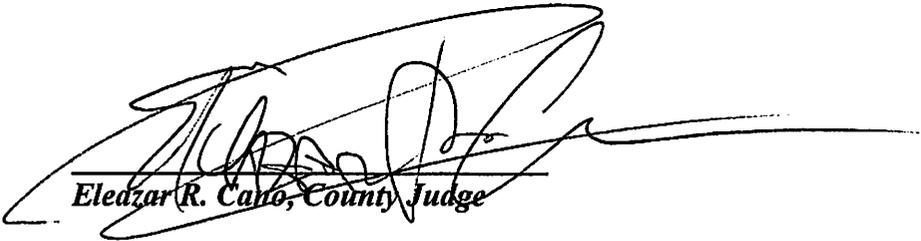
**B. Discussion and appropriate action resulting from Executive Session**

**15. Schedule next Commissioners Court Meeting (March 8, 2016)**

Judge Cano announced the date of the next Commissioners Court Meeting.

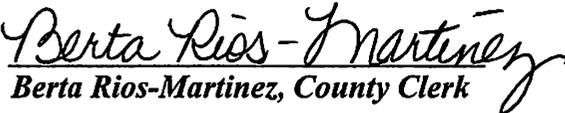
**16. Adjourn**

Commissioner Ortega made a motion to adjourn, which was seconded by Commissioner Pallanez, and passed unanimously.



*Eleazar R. Cano, County Judge*

**ATTEST:**



*Berta Rios-Martinez, County Clerk*