

**REGULAR MEETING OF THE BREWSTER  
COUNTY COMMISSIONERS COURT  
TUESDAY, FEBRUARY 24, 2015 AT 9:00 A.M.**

Judge Cano called the meeting to order and the following were present:

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

**1. Invocation, Pledge of Allegiance**

*Judge Cano opened Court with Prayer and the Pledge of Allegiance*

**2. Public Comment**

*No public comments.*

**3. Memorial Resolution for Carol Ofenstein, Longtime Brewster County Treasurer**

*Judge Cano read the Memorial Resolution in honor of Carol Ofenstein and stated the Resolution was going to be framed and presented to the family.*

*Commissioner Ortega moved to approve the Memorial Resolution for longtime Brewster County Treasurer Carol Ofenstein. Commissioner Johnson seconded the motion, and the motion passed unanimously.*

*Commissioner Pallanez spoke of Mrs. Ofenstein positive attitude and her willingness to help as a person and as an employee.*

**4. Minutes / additions / corrections / approval**

*Judge Cano presents the minutes of January 12th, 22th, and 27<sup>th</sup>. He stated he reviewed the minutes with minor changes.*

*Commissioner Johnson moved to table the minutes for further review since he has not had time to review. Commissioner Ortega seconded the motion, and the motion passed unanimously.*

*Ruth Staton asked if it would be possible for the Court to approve the January 12, 2015 for the approval of the signature card. After discussion on Public Comments and what was stated the Judge motioned to approve item number 6 letter C, the treasurer report. Commissioner Ortega seconded the motion, and the motion passed unanimously. Judge Cano stated he would also attach a letter indicating the date of approval for the record.*

## **5. Resignation of Administrative Assistant Conrad Arriola** **This is an information item; no action required**

*Judge Cano informed the Court that the resignation of Administrative Assistance Conrad Arriola is effective as of February 27, 2015. The resignation was accepted in January, stated Judge Cano.*

***“Items were voted on out of order, please notice the minutes will be in order of the court and the agenda will reflect the intended order”.***

## **14. Sheriff’s Office / Report by Sheriff on 2013/2014 Racial Profiling Report**

*Sheriff Dodson provided the Court with the racial profiling report for years 2013 and 2014. Sherriff Dodson stated that this is information report and is required to present this report before a governing body.*

## **16. Update on Olibas v Dodson in the U.S. Court of Appeals for the Fifth Circuit**

*County Attorney Steve Houston provide and update on the Olibas vs. Dodson by stating there was no cause of action on Sherriff Dodson or the County and if anything further comes up he will notify the Court, but at this time no motion is filed.*

## **17. Discuss and consider for approval communications contract with Big Bend Telephone**

*Beste Esparza spoke on behalf of Big Bend Telephone with Rusty Moore as a representative as well. She stated that the contract in place is where everyone wants it to be. It will include the Fiber build out, phones 100 MB of broad band and a 60 month term that will begin after work is done with a payment due at start up. Steve Houston explained some of the changes that needed to be in the contract to make it meet requirements of the County with that being the contract could be terminated with 30 day notice by either party. Betse also stated that the contract does include the Sheriff’s office but will begin in May due to a contract with Code Red. Superintendent Frenchie Causey asked if Road & Bridge would continue to use AT&T or would his shop be included in the contract. Betse Esparza stated that it was not in the contract but would look into that to change the contract.*

*Commissioner Ortega moved to approve the communication contract with Big Bend Telephone. Commissioner Johnson seconded the motion, and the motion was passed unanimously.*

## **6. Treasurer**

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

*Treasurer Ruth Staton provided a report for the process but no numbers were given for the record. Commissioner Ortega asked about the Purchase Order and when that process will begin. Treasurer Staton began to discuss item D and stated that after the Asset Inventory has to be completed the PO process could be put into place. The weather has delayed the process but it is going good, Staton stated. Treasurer Staton stated that she and two staff members met with the auditors and discovered that there were things not being done and after the concerns she will attend another meeting with them. She asked the questions on increasing the bonds of her staff and they said that it is up to the County. Treasurer Staton stated her office is looking for some of the items requested by the Auditors and she discussed with them the \$5000.00 account for travel. This was a good idea and felt \$10,000.00 was a better amount would be better, this was the advice of the auditors.*

*Treasurer Staton informed the court that the Elected Official 5% pay increase will be paid back this pay period. Judge Cano informed the Court that the issues at hand are fixable and have not been implemented and checks and balances need to be put in place. Commissioner Ortega asked if it would be more productive to have Auditors to meet in Brewster County so that any questions asked on hand documents could be provided immediately.. Treasurer Staton stated she agrees and they will be here in May and that they asked her office to focus on the grants. The Sexual Harassment class has been moved to March, informed Treasurer Staton. Commissioner Garrett asked if the audit is based on the 2013 year and if it is annual. Treasurer Staton explained that findings are from 2013 and is in the 2014 year. Judge Cano informed the Court of the baseline the County has and can proceed. Commissioner Garrett went back to the purchase orders and stated there needs to be a policy in place before the process of purchase orders. Commissioner Johnson asked Treasurer Staton if she requested a budget review from the office at the time she came into office. Treasurer Staton stated she did not and Commissioner Johnson explained what asking for an audit review would have been done if asked for first part of January. Treasurer Staton brought awareness to the Court of the cost of Nectar Computer per hour whether it takes an hour to fix the problem or not, it is still \$75.00 and also about overtime and how that works as far as budget is concerned. Sick pool was explained by Treasurer Staton and asked the Court to consider bringing it back in to place. Superintendent Frenchie Causey explained how it worked in the past and he informed the court he has donated some of his time to an employee and will submit the form he and his crew has signed off on. Treasurer Staton asked the Court for approval to pay the utility bills since the bills come in after the first court and are due before the last court session of the month and the county is charged penalties for being late. Commissioner Garrett asked Steve Houston if the utilities can be separated from the other bills to be approved and Steve Houston explained the process based on his knowledge.*

*Commissioner Garrett moved to approve the Treasurer to pay the utility bills on the due date and present to the Court the amount paid in the monthly report presented to the Court. Commissioner Pallanez seconded the motion, and the motion was passed unanimously.*

*Treasurer Staton stated that all 1099 have been sent out but the amount on the 2014- 1099 is from the year 2013. She informed the Court it has been corrected and the corrected forms have been sent out. She explained that it was a problem with the Hill Country Program.*

*Commissioner Johnson moved to approve the bills as presented, Commissioner Ortega abstained from Pinnacle Propane bill. Commissioner Ortega seconded the motion, and the motion passed unanimously.*

*Commissioner Garrett moved to approve the bonds for the staff members in the Treasurer office for an additional \$15,000. Commissioner Ortega seconded the motion, and the motion passed unanimously.*

*Commissioner Johnson asked the benefits of having a debit card vs. a credit card and what would be better for the County since a credit card can be contested if needed to be and a debit card cannot be contested. Steve Houston explained what happened to him with a credit card and the budget with his meetings being held at the end of the year. Treasurer Staton suggested using the debit card as a credit card.*

*Commissioner Johnson moved to approve the account for a credit/debit card in the amount of \$10,000. Commissioner Garrett seconded the motion, and the motion passed unanimously.*

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

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

*Nothing was reported.*

**C. Approve Ruth Staton for County Investment Officer / Discussion and appropriate action**

*Judge explained this item has not been on the agenda due to the fact the Treasurer Staton had not attended the training. Commissioner Ortega stated that in the past the certification from the training was presented to the court and then approved. Treasurer Staton informed the Court of the discussion she had with the auditors and that she needed to be approved prior to the training.*

*Commissioner Pallanez moved to designate Treasurer Ruth Staton as County Investment Officer. Commissioner Johnson seconded the motion, and the motion passed unanimously.*

*The Court recessed at 10:30 A.M.  
Court reconvened at 10:40 A. M.*

**D. Asset Inventory / Discussion and appropriate action**

*This item was discussed in item A.*

**E. Gibson Ruddock Patterson LLC. (County auditors) / Report on meeting held February 20, 2015**

*This item was discussed in item A.*

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

*Nothing to discuss at this time*

**11. 83<sup>rd</sup> District Attorney's Office**

**A. Resolution of The Commissioners Court of Brewster County concerning the Violence against Women Act (VAWA) Grant Application No. 2886201**

*District Attorney Rod Poton asked the Court to approve the Grant Application 2886201 and explained the cash match from the funds designated from the County to the District County office. Commissioner Ortega asked Rod Poton what the match was and he stated 20% which is about the \$30,000 and the County pays 60,000.*

*Ponton explained he is not asking for additional funds but the match be from the monies already provided from the County. Discussion and explanations took place for clarity of the grant process and how the matching process works. Commissioner Ortega asked for an explanation of the already \$30,000 designated to the District Attorney in that the funds are already allotted for. Rod Poton explained the process and informed the Court he was not asking the County for additional funds, but for approval of the Grant and the grant would cover expenses that he has to use for other things and having the grant would free up the monies the County provides to his office could be used for other things. Commissioner Ortega suggested that the Court have the County Attorney review the grant. Steve Houston stated he did not have a problem doing that and Rod Poton stated the timeline is February 27 so a time frame is at hand. Commissioner Pallanez asked a question for clarity.*

*Commissioner Pallanez moved to approve the Grant Application No.2886201. Commissioner Garrett seconded the motion, and the motion passed unanimously.*

**B. Approve for the 83<sup>rd</sup> District Attorney's Office, to apply to the Criminal Justice Division, Texas Office of the Governor, for a grant under the County Essential Services Program, to reimburse Brewster County for the two week trial expenses in Hudspeth County, Texas (Sierra Blanca), for the murder prosecution in State v Tony Flint, Cause No. 4319, in the 394<sup>th</sup> Judicial District Court of Brewster County, Texas**

*District Attorney explained the Cause No. 4319 has been relocated and brought it to the Courts attention on the expense this would cost and asked the Courts permission to apply for a grant through the Criminal Justice Division. Mr. Poton provided the Court a form for the expenses and stated the large portion of the expenses would be getting witnesses to the location as well as office staff. He stated he would save money were he could and that he is not asking for a commitment from the County only permission to apply for the grant. Commissioner Johnson asked why the change of venue and Mr. Poton stated it was the District Judges decision. Commissioner Johnson also asked if there could be other cases that are upcoming could be changed, and Mr. Poton stated it could but nothing has been filed at this time.*

*Commissioner Ortega moved to approve the 83<sup>rd</sup> District Attorney's Office to proceed with the grant application of the Criminal Justice Division. Commissioner Johnson seconded the motion, and the motion passed unanimously.*

**13. Designation of County representative for Big Bend Community Action / Discussion and appropriate action**

*Emma Vasquez informed the Court of the history of Big Bend Community Action and provided the areas that they covered. She stated that in the past Commissioner Ortega was appointed to serve on the board in place of the County Judge and she is asking for the same thing or have the Judge serve. Commissioner Ortega expounded on the process of the work that is done through Big Bend Community Action and the help it provides to the community. The Court asked questions on the drivers and where they go and what all this requires to keep in running.*

*Judge Cano recommended to appoint Commissioner Ortega as the Alternate and himself as the Primary.*

*Commissioner Garrett moved to appoint Commissioner Ortega as the Alternate to serve on the board for Big Bend Community Action and Judge Cano as the Primary. Commissioner Johnson seconded the motion, and the motion passed unanimously.*

## 7. Officials' Monthly Reports

*Commissioner Johnson reads the report for January 2015.*

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

## 8. 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 Frenchie Causey reported that with the weather his crew is maintaining the County Roads by preventing wash outs as well as blading the roads. Took the inventory crew to Marathon, Terlingua, and around Alpine. Cleared the property for the Marathon Block Grant. Set sign post and bladed roads in precinct 1 and cleaned out property behind the jail and moved the shelves that hold the ballot boxes from the tax office to the designated area for election supplies. Road and Bridge also checked generators and moved dump trucks to El Paso that have broken down and moved the small building from the Old Library to the Road and Bridge location. The trees to be planted will be done next week due to weather, Causey stated. Frenchie Causey further stated that a camera and intercom system at the EOC in Terlingua. Causey was asked if a door way be placed in the EOC for privacy and interviews.*

*Commissioner Ortega moved to approve a door be placed in the South County Emergency location. Commissioner Johnson seconded the motion, and the motion was passed unanimously.*

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

*Nothing at this time.*

## **9. Texas Community Development Block Grant Program (TX CDBG) grant / Update on Well Grant, TX CDBG 71304**

*Travis Roberts provided an update for the grant CDBG 71304 by stating the contract time started February 23, 2015 and should be in Marathon on Friday. Things are moving forward stated Travis Roberts.*

*Notice to TSCQ has been sent and a pay estimate request has been sent to Skinner Well Service.*

*Judge Cano informed the Court that he and Commissioner Johnson attended the pre-construction meeting.*

## **10. County Judges & Commissioners Association of Texas / Approve dues increase for the State Association**

*Judge Cano informed the Court that the fees for County Judges & Commissioner Association of Texas have increased by \$200.00.*

*Commissioner Ortega moved to approve the \$200.00 increase to the State Association fees. Commissioner Johnson seconded the motion, and the motion passed unanimously.*

## **12. 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**

*Commissioner Garrett stated that the agreement with the City of Alpine has been initiated and waiting to finalize. Judge Cano said that Greg Hudson, Brewster County Representative, is drafting an agreement for this process.*

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

*Nothing at this time.*

**15. Commissioner Pct. 3 / Update for grant funded recycling/waste removal projects / Discussion and appropriate action**

*Commissioner Ortega updated the court on the process and waiting for calls back to finalize with the possibility of renting a trailer locally until buying one. Commissioner Johnson stated he might could help out with that and will let the court know.*

*Commissioner Ortega moved to adjourn at 11:32 A. M 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*

