

**REGULAR MEETING OF THE BREWSTER
COUNTY COMMISSIONERS COURT
TUESDAY, MARCH 22, 2016 AT 9:00 A.M.**

Judge Cano called the meeting to order at 9:04 A.M. and the following Elected Officials were present:

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|------------------------------|----------------------------|
| <i>Eleazar R. Cano</i> | <i>County Judge</i> |
| <i>Luc Novovitch</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 "Coach" Pallanez</i> | <i>Commissioner Pct. 4</i> |
| <i>Babbet Mann</i> | <i>County Treasurer</i> |
| <i>Berta Rios-Martinez</i> | <i>County Clerk</i> |
| <i>Gilbert Valenzuela</i> | <i>JP #1</i> |

1. Invocation, Pledge of Allegiance

Judge Cano led the Court in an Invocation and the Pledge of Allegiance.

2. Public Comment

Steve Belardo, resident of McElroy Ranch, spoke on behalf of several residents who want the pipeline to use heavy wall pipe and to bury the pipe deeper. Mr. Belardo presented a petition signed by residents of McElroy Ranch wanting Commissioner's Court to submit the request to Pump Co, contractor for the TransPecos Pipeline.

Mr. Belardo also brought up low flying DPS helicopters over the McElroy Ranch and the noise and disruptions that it causes the homeowners.

3. Minutes / additions / corrections / approval

Commissioner Garrett moved to approve the minutes for February 9, 2016 and for February 23, 2016. Commissioner Ortega seconded the motion, and the motion passed unanimously.

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 Frenchie Causey reported that materials were being hauled for roads that are being paved in Alpine. Crews in Marathon are cleaning up the Community Center for the upcoming Easter Egg Hunt, informed Superintendent Causey. He also reported that they are hauling off brush that has been accumulated from cleanup of the Post Park in Marathon. Road & Bridge has two (2) dump trucks that are currently broken down and one (1) was sent off for repairs today, stated Superintendent Causey.

Judge Cano informed the Court that the District Courtroom would be the next big project for renovations at the Courthouse.

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

Nothing further at this time.

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

Judge Cano informed the Court that Matt Van Ostrand, Emergency Management Coordinator, was out of the office and stated that Matt had informed him of a meeting in El Paso on March 30, 2016. This meeting at the Rio Grande Council of Government is for review and scoring of the Homeland Security Grant proposals submitted, informed Judge Cano, Van Ostrand will be presenting the request for purchase of hand held radios for the Sheriff's Office and the Fire Departments..

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

Nothing further at this time.

6. Treasurer's Office

A. General Bills / Discussion and appropriate action

Treasurer Babbet Mann provided the general bills and the walk-ins. A few questions were asked for clarity and the AT&T bills were questioned and possible options for lowering the bill were discussed.

Commissioner Ortega moved to approve the general bills and walk-ins as submitted. Commissioner Pallanez seconded the motion, and the motion passed unanimously.

Judge Cano asked how the Purchase Order (PO) process was going. Auditor Treva Watson stated that it was going well and will take time for everyone to get used to the process.

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

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|-------------------------------------|---------------------------------------------|
| Specified Activity Report | Payroll Reports |
| Cash Flow Predictions | Check Register |
| Budget Analysis Usage Report | Transfers |
| Receipt File Listings | Personnel/Overtime Reports |
| Cash Report | Other Financial Reports as Requested |
| Grants Reports | By Commissioners |

Nothing reported.

C. Update on 2014 Audit Compliance requirement regarding frozen funds for the Homeland Security Grant Program and Operation Stonegarden Grant Program

Judge Cano informed the Court that a letter dated March 16, 2016 was received from Texas Department of Public Safety Homeland Security Grant Division informing the County that funds have been released for the reimbursement of all OPSG requests submitted by the City of Alpine, explained Judge Cano.

Commissioner Ortega voiced a concern regarding the overtime expense for the Sheriff's Office, which was coming out of the general fund. Treasurer Mann explained the process and stated that it is coming out of Stonegarden Grant Fund and even though the money comes from general fund it is coded to the Stonegarden Fund for the reimbursement process, should the County be reimbursed. Discussion of the funds being released and what happens if it is not released took place. Judge Cano provided the information that he had on the money that the County was out. Commissioner Ortega asked if from this moment forward the Sheriff's Office will monitor the overtime. Judge Cano stated that was correct.

Babbet Mann stated that she could provide that Court with the next quarters total of the Stonegarden Grant.

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

Commissioner Garrett asked about AFLAC being here and what needed to be done by the employees. Commissioner Garrett stated that TAC will be here at 1:00 P.M. today for a County Wellness Workshop for Elected Officials and Department Heads.

7. Officials' Monthly Reports

Berta Rios-Martinez, County Clerk, handed the Court the report and explained that at the last meeting the Court read into record the money brought in from the JP Offices and that this report reflects the money brought in from the County, District and Tax Offices.

Commissioner Pallanez read the report into record.

Commissioner Ortega moved to approve the Officials' Monthly Report as read. Commissioner Novovitch seconded the motion, and the motion passed unanimously.

8. 2015 Racial Profile/Citation Data from Sheriff's Office / Discussion and appropriate action

Sheriff Ronny Dodson read into record the 2015 Racial Profile/Citation data with comparison to 2014 Racial Profile/Citation.

Commissioner Novovitch asked what the increase has been in comparison to this time last year. Sheriff Dodson stated more visitors coming to the area and visitors to Big Bend National Park have significantly increased.

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

District Attorney Rod Ponton informed the Court that the 83rd District is funded by four (4) Counties: Brewster, Presidio, Jeff Davis and Pecos. Pecos County acts as the fiscal agent for spending the money with the exception of the Pecos County employees, stated District Attorney Ponton.

Judge Cano informed the Court that Brewster County will pay \$94,890.00 in quarterly payments beginning January 1, 2016 in the amount of \$23,722.50. This is in lieu of a one-time payment, informed Judge Cano.

Commissioner Garrett moved to ratify the Interlocal Agreement with Pecos County acting as fiscal agent for Brewster County for 83rd Judicial District Budget as amended. Commissioner Ortega seconded the motion, and the motion passed unanimously.

10. Discuss and approve Network Managed Services Agreement with Big Bend Telephone

Aaron Rodriguez from Big Bend Telephone presented the amended agreement to the Court. He stated that not much had changed except that Brewster County Ground Water Conservation District was added the Network Managed Services.

Mr. Rodriguez stated that Big Bend Telephone would manage the network for Brewster County and provide a more secure network and that each department would manage their own network. Big Bend Telephone would not manage those offices not on the network; such as Tax Office, Sheriff's Office and Jail, just as examples.

Mr. Rodriguez reviewed the agreement and informed the Court of a one-time installation fee of \$22,500.00. . These payments could be separated into two payments. One payment on June 1, 2016 and January 1, 2017.

Judge Cano explained how this amendment came to be. It was after having several concerns regarding the network security, stated Judge Cano.

Commissioner Garrett moved to approve the Network Management Services Agreement with Big Bend Telephone. Commissioner Pallanez seconded the motion, and the motion passed unanimously.

11. 2015 Audit / Letter of Engagement for Gibson, Ruddock, Patterson, LLC certified public accountants / Discussion and appropriate action

Judge Cano presented to the Court the Engagement Letter from Gibson, Ruddock, Patterson, LLC. Judge Cano stated that it is the standard letter used in previous years.

Auditor Treva Watson provided information of the audit process.

Commissioner Ortega moved to approve the Engagement Letter with Gibson, Ruddock, Patterson, LLC. Commissioner Novovitch seconded the motion, and the motion passed unanimously.

Court recessed at 10:45 A.M.

Court reconvened at 10:56 A.M.

12. Information only / Order Appointing Visiting Office / County Judge authorizes agreement with Jeff Davis County Justice of the Peace to sit as visiting Justice for Brewster County when Brewster County's Justice of the Peace is unable to fulfill judicial duties

Justice of the Peace, Gilbert Valenzuela, reported that there are times that County JPs' are not available and Judge's cannot serve for one reason or another and this order would allow and

authorize visiting Judges from neighboring Counties to sit in as an alternate Judge. This was brought up as a situation where both Judges from a County could not serve in their capacity and requested that Judge Valenzuela step in, informed Judge Valenzuela.

13. Brewster County Tourism Council

A. Update

Robert Alvarez of Brewster County Tourism Council reported the statistics of website and brochures. Mr. Alvarez toured the Park through Marathon to Lajitas and back down to Alpine to know the area better. Mr. Alvarez provided information on ads in magazines and is excited about what it will do to bring people to the area. Mike Davidson is contracted to help complete some projects that he began and will be beneficial to complete stated Robert Alvarez. Mr. Alvarez continued with places that the Tourism Council has visited and what he hopes that the visits will accomplish. .

B. Introduce Visitor Survey Equipment

Ron Sanders of the Tourism Council presented new computerized survey equipment that they will test in visitor centers and hotels in the County. This will keep track of where the visitors are coming from and which route they take in and out of the park and the area, informed Mr. Alvarez. The goal is to purchase 10 and place them in visitors centers in and around the area.

14. County OSSF (Septic Tank): Septic Tank Permitting & Inspection / Discuss Ruben Carrasco, a certified septic tank inspector, to do permitting and septic tank inspections as an Interim Inspector for Brewster County

*Judge Cano recommended to have Ruben Carrasco as the interim Inspector for Brewster County. Doing this will help take care of those jobs needed to be completed until a replacement Inspector is hired.
The Court agreed with the recommendation of the Judge.*

15. Confer with Legal Counsel concerning Pending Litigation Issues:

A. Convene into executive session pursuant to section §551.071 of the Texas Government Code, to consult with legal counsel on pending litigation, styled Freedom From Religion Foundation Inc. et al. v. Brewster County et al.

Judge Cano cleared the Courtroom and went into Executive Session at 11:32 A.M.

B. Reconvene from executive session and deliberate and take action as necessary on pending litigation styled Freedom From Religion Foundation Inc. et al. v. Brewster County et al.

The Court reconvened into open session at 12:25 P.M.

No action was taken in result of Executive Session,

16. Discuss and take appropriate action to amend the Brewster County Employee Handbook Section 1.C. County Property and Employee Responsibilities.

Commissioner Garrett explained the policy guideline of section 1.C. and stated that it applies to all employees and recommended an amendment to this section. The amendment would read as follows: County Employees shall not affix any political, religious or personal messages and or symbols on County property, informed Commissioner Garrett.

Please see attached copy of correct wording of amended version of this section.

Commissioner Novovitch suggested to allow informative signage to be placed on vehicles and such. Commissioner Garrett asked if the work "Commercial" was placed after "Religion" would be good, and Commissioner Novovitch agreed.

Commissioner Pallanez expressed his concerns on the Religious aspects where advertising is concerned. Judge Cano stated that he understands what is being said by Commissioner Pallanez due to the fact that it is tax payer's dollars paying for the advertising. He also expressed that the intent is directly related to Brewster County Property.

Commissioner Garrett moved to approve the amendment in the Brewster County Handbook, with the change recommended by Commissioner Novovitch.

Commissioner Novovitch seconded the motion, and the motion passed unanimously.

17. Schedule next Commissioners Court Called Meeting / March 29, 2016, at 10:00 A.M., J.W. "Red" Pattillo Community Center, 53633 State Highway 118, Study Butte, Texas

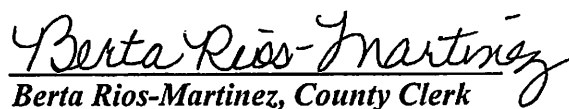
Judge Cano informed the Court of a Called Meeting in Study Butte on March 29, 2016 at 10:00 A.M.

18. Adjourn

Commissioner Ortega moved to adjourn at 12:36 P.M.. Commissioner Pallanez seconded the motion, and the motion passed unanimously.


 Eleazar W. Cano, County Judge

ATTEST:


 Berta Rios-Martinez, County Clerk