

**REGULAR MEETING OF THE BREWSTER  
COUNTY COMMISSIONERS COURT  
TUESDAY, APRIL 12, 2016 AT 9:00 A.M.**

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

<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>Babett Mann</i>	<i>County Treasurer</i>
<i>Berta Rios-Martinez</i>	<i>County Clerk</i>
<i>Gilbert Villanueva</i>	<i>JP #1</i>
<i>Steve Houston</i>	<i>County Attorney</i>

**1. Invocation, Pledge of Allegiance**

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

**2. Public Comment**

*No public comments.*

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

*Judge Cano stated to the Court that the minutes that are ready for approval are March.08, 2016 and March 22, 2016.*

*Commissioner Ortega moved to approve the minutes for March 08, 2016 and March 22, 2016 as presented. Commissioner Garrett seconded the motion and the motion passed unanimously.*

**4. Texas Community Development Block Grant (TxCDBG) Grant**

**A. Discuss and consider adopting resolution to designate authorized signatures for the 2015 Texas CDBG program contract 7215169**

*Jerry Carvajal informed the court three signatures are needed for this contract and it should be County Judge, County Treasurer and County Auditor.*

*Commissioner Ortega moved to approve the authorized signatures for the Texas CDBG contract. Commissioner Garrett seconded the motion and the motion passed unanimously.*

**B. Discuss and consider adopting resolution required by TxCDBG Civil Rights policies. This resolution is valid for all TxCDBG grants for two calendar years**

*Jerry Carvajal explained that in order for the TxCDBG grant to be in compliance a resolution of Civil Rights would need to be in place.*

*Commissioner Ortega moved to approve adopting the resolution required by TxCDBG Civil Rights policy. Commissioner Pallanez seconded the motion and the motion passed unanimously.*

## **5. Recognitions**

### **A. Approve Proclamations for the Big Bend Soil & Water Conservation District Promotes Soil and Water Stewardship Week. The National Association of Conservation Districts (NACD) is celebrating 61 years of Stewardship (April 24 – May 1, 2016)**

*Judge Cano recognized the Proclamation for the Big Bend Soil & Water Conservation District. Ike Roberts, representative of Big Bend Soil & Water Conservation District informed the Court that it has served Texas good for 61 years. Judge Cano read into record the Proclamations. Commissioner Ortega approved the Proclamations for the Big Bend Soil & Water Conservation District.*

*Commissioner Garrett seconded the motion and the motion passed unanimously.*

### **B. Approve Proclamation for Frontier CASA's Child Abuse Awareness and Prevention Month, April 2016**

*Raven Ramirez of Frontier CASA explained what their program does and the process in which to prevent or help those children in need. She stated that they cover 7 Counties and are looking for any volunteers if anyone should be interested. The funding comes from grants and donations, stated Ms. Ramirez.*

*Commissioner Ortega moved to approve the Proclamation for Frontier CASA Child Abuse Awareness. Commissioner Pallanez seconded the motion and the motion passed unanimously.*

### **C. Approve Proclamation for Children's Advocacy Center for Child Abuse Awareness and Prevention Month, April 2016**

*Ms. Sullivan was unable to attend and was tabled until she could be present.*

## **6. 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 material was hauled to Wagon Road, pads are scheduled to be poured for the generator pads in Terlingua and Marathon. Causey has a crew in Marathon working on the Baseball field to prepare it for use. Judge Cano added that he would be getting with Road & Bridge on the renovations to begin on the District Courtroom. Judge Cano further explained that the funds available for this renovation is from the Historical Preservation Fund.*

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

*Nothing further at this time.*

**7. 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**

*Matt Van Ostrand reported that the funds for the generators have been released and financial adjustments have been made and should be getting reimbursed soon. He will inform the Sheriff's Office and the City of Alpine of the release in order for them to do what need to. Van Ostrand attended a meeting in El Paso to submit a presentation for the Homeland Security Grant Program for Interoperability Communications.. Van Ostrand stated that this grant is an all or nothing grant which is different than it has been done in the past.*

*Commissioner Novovitch asked the amount of the grants that were released and Van Ostrand informed that the generator is \$25,000 and \$10,000 for radios that will be used in the County and the City.*

*Van Ostrand informed the Court that he attended a Pipeline Safety Meeting and will attend a fire workshop in Fort Stockton at the end of the month.*

**B. Acknowledge \$500.00 Grant Donation to the Office of Emergency Management, under supervision of Matt Van Ostrand from the Vanguard Charitable, a 501 (c)(3) non-profit organization that administers a donor-advised fund**

*Judge Cano asked Van Ostrand to explain how this donation came about. Van Ostrand explained that this is a company who makes donations for a tax write-off and wanted to donate to the Alpine Fire Department but since they are not a 501(c)(3) non-profit organization it could not be donated to them directly. Van Ostrand requested the \$500.00 to be placed under the Alpine Fire Department line item under the budget of Emergency Management. Judge Cano recognized Mr. & Mrs. Banister of Alpine as the donator of this grant. Commissioner Novovitch suggested to accept and approve the donation along with the line item transfer.*

*Commissioner Pallanez expressed his apologies to the Court on behalf of a statement he made regarding the fires and them being started by batteries. It was a wrong statement at asked the Court to forgive his misleading. Pallanez also recognized a few people that were in attendance and thanked them for helping out with the fires.*

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

*Nothing further at this time.*

**8. Treasurer's Office**

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

*Treasurer Babett Mann provided a hand out and included walk-ins. No numbers recorded for the record. Judge Cano asked what the payment to Presidio County was for and Treasurer Mann informed that they are responsible for the Insurance for Tri-County and we were billed for several months and that is why the amount is so high. Commissioner Pallanez asked if Treasurer Mann would look into the trash pick-ups and the locations of each bin because each location has a different price. Treasurer Mann will contact the City again on the locations and the cost. Judge Cano asked why all of the Commissioners are bonded. Commissioner Novovitch stated it is a legal requirement that all Elected Officials are be bonded. The elevator fee was questioned and Treasurer Mann stated that she would look into the quarterly fee to see if maintenance was covered to keep it up to code. Commissioner Garrett abstained from travel reimbursement in the amount of \$23.04 and moved to approve the bills as presented with the walk-ins. Commissioner Ortega seconded the motion, and the motion was passed unanimously. Commissioner Novovitch asked about the reimbursement regarding the trial and Treasurer Mann stated that the reimbursement was done. Treasurer Mann informed the Court that Commissioner Garrett asked for a copy of HR report for employees and provided it to the Court.*

**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</b>
<b>Grants Reports</b>	<b>By Commissioners</b>

*Commissioner Ortega asked if she could include the specified reports at next meeting. Treasurer Mann stated that all of those reports are in Hill Country and would get with Julie to see what reports are being requested and make sure to provide those to the Court.*

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

*Nothing further at this time.*

**9. Officials' Monthly Reports**

*Commissioner Garrett read into record those numbers presented. Commissioner Ortega moved to accept the Official's Monthly Reports. Commissioner Pallanez seconded the motion, and the motion passed unanimously.*

**10. County Tax Assessor/Collector**

**A. Review current tax collections for County**

*Tax Collector-Assessor Betty Jo Rooney provided a report reflecting that as of the end of February 2016 that 92% of the taxes have been collected and at the end of March, 93.4 %. Judge Cano asked if there was a way to follow the delinquent tax payments. Betty Jo stated that the Treasurer's Office is provided a copy and asked if the Judges' Office could have a copy. Treasurer Mann stated that she would make a copy that she is provided and give it to the Judge's Office.*

*Commissioner Novovitch asked when the attorney fees begin to accrue. Ms. Rooney indicated that July 1 is the date at which fees are accrued.*

**B. Delinquent Tax Collections / Presentation by McCreary, Veselka, Bragg & Allen, P.C.**

*Harvey Allen of McCreary, Veselka, Bragg & Allen, P.C. provided a presentation along with a handout to the Court. He reviewed the achievements of the last year using the handout informing the Court of a \$2.663 Million Tax Levy and of that \$2.6.7 Million has been collected*

as of February 2016 according to the Tax Office. Mr. Allen continued to review the report going back to 2010 to current year.

Commissioner Novovitch asked if Brewster County is in the average for collections and Mr. Allen said we were.

Delinquent taxes and the percentages were reviewed from 2010 to current and no numbers include penalty and interest.

Commissioner Ortega asked were the problem is where the delinquent taxes are concerned and why they keep rolling over every year. Mr. Allen explained some of the taxes are uncollectable and stated that no County has 100% of collections and Brewster County is standing pretty good in the 70% range. Mr. Allen stated that his firm is working on collecting the delinquent taxes. There are higher taxes collected in the different taxing entities than in the County, informed Mr. Allen. Mr. Allen took the court to page 9 in the handout to review what his firm has been doing in 2015. Mr. Allen reviewed the information including the tax sales and what was collected.

Commissioner Novovitch asked if South County was dropping the collection rate for the County and Mr. Allen said absolutely and further explained the process and are working on this systematically.

Judge Cano asked about abandoned properties and what is the process on tax collections. Mr. Allen stated that real Property is removed after 20 years and personal property is removed after 10 years on no payment.

Janette Hall of Terlingua Common School District offered her assistance in locating land owners or working with the current Law Firm in collecting delinquent taxes. She also said that as a representative of the school, they would like to collect as much as can be.

Commissioner Ortega stated he feels that another firm could solve the dilemma for Brewster County and does not see the harm in hearing from other Firms.

Commissioner Novovitch asked if someone else could do a better job and Commissioner Ortega informed that the current Firm has not improved the problem and said they would.

Commissioner Ortega suggested to have a couple of Legal Assistants to double the number of property to be collected.

Mr. Allen stated that he would get another Legal Assistant and will work on 50 properties at a time instead of 25.

Commissioner Garrett stated that he was fine with the current Law Firm.

Judge Cano asked if Mr. Allen would put in writing that Brewster County would have 2 Legal Assistants.

Commissioner Novovitch asked Mr. Allen if he was using all tools possible to benefit the County and Mr. Allen responded by stating he is doing all he can according to State Law in order to do the best job for the County.

Judge Cano stated that he sees that Mrs. Hall as a resource and would recommend that she be used for the Tax Collections in the South County area.

**C. Discuss and consider the contract for Delinquent Property and Delinquent Fine & Fees Tax Collections with McCreary, Veselka, Bragg & Allen, P.C. / Discussion and appropriate action**

Commissioner Ortega recommended to consider other firms to represent the County. He explained that the Terlingua Common School District has been a concern for the County and have not made progress. Commissioner Ortega further stated that this was why they were

replaced before the current Court voted them back in. Court questioned the reason for Commissioner Ortega's change. Commissioner Ortega stated he feels that another firm could solve the dilemma for Brewster County and does not see the harm in hearing from other Firms. Commissioner Novovitch asked if someone else could do a better job and Commissioner Ortega informed that the current Firm has not improved the problem and said they would. Commissioner Ortega suggested to have a couple of Legal Assistants to double the number of property to be collected.

Mr. Allen stated that he would get another Legal Assistant and will work on 50 properties at a time instead of 25.

Mr. Allen spoke on behalf of his firm representing Brewster County to the best of his ability and has done what was asked of the Firm.

Commissioner Garrett stated that he was fine with the current Law Firm.

Judge Cano asked if Mr. Allen would put in writing that Brewster County would have 2 Legal Assistants and recommended to let the firm continue and see what happens.

Judge Cano asked Commissioner Ortega if he was good with what Mr. Allen had to offer.

Commissioner Ortega stated that he already made the suggestion that he would like.

Judge Cano entertained a motion to accept a one year contract with McCreary, Veselka, Bragg & Allen, P.C. to collect delinquent property tax and delinquent fine & fees. Commissioner Garrett seconded the motion and Commissioner Pallanez and Novovitch was in agreement. Commissioner Ortega opposed the motion.

Motion passed four to one.

Judge Valenzuela asked if a quarterly report could be provided in order for the County to know if the job is being done in the way the Court wants it done.

Judge Cano asked Mr. Allen and he said that it could be done.

**11. County Attorney's Office / Discuss and consider using the County Attorney's Pretrial Diversion Fund to pay for NetData for County Attorney's Office / Discussion and appropriate action**

County Attorney Steve Houston explained what he was requesting along with the history of the Funds and asked the Court to consider using the Pretrial Diversion Fund to pay for the NetData software that was approved by the Court for the County to use. County Attorney Houston also expressed the importance of the case management software.

Commissioner Ortega moved to approve that the funds for NetData Case Management come from the Pretrial Diversion Fund. Commissioner Novovitch seconded the motion and the motion passed unanimously.

Court recessed at 11:07 A.M.

Court reconvened at 11:15 A.M.

**12. County OSSF (Septic Tank): Septic Tank Permitting & Inspection / Discuss and appropriate action to consider approving moving forward with the hiring process**

*Judge Cano explained that this position needs to be filled and a description of the job position was provided along with job description. Judge Cano provided some the history of the process of filling this position.*

*Commissioner Novovitch asked if it was a contractual agreement/position. Judge Cano states it would be. Commissioner Ortega asked if there was a time limit and it was decided to be May 10, 2016. Brief discussion took place on the posting and hiring process.*

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

*Judge Cano provided a brief history and informed the Court of the latest e-mail that was sent to him on the release of funds for the Homeland Security Grant Program. Judge Cano read into record the e-mail.*

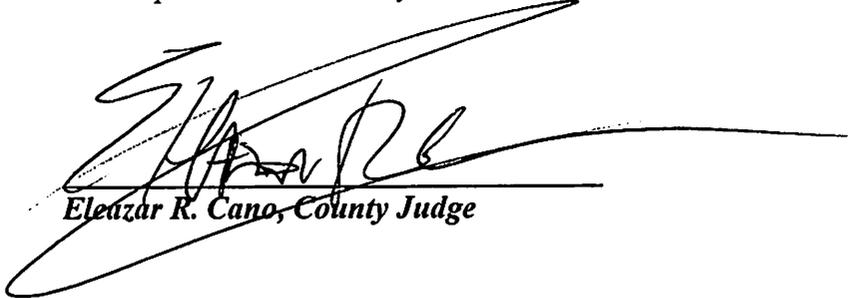
*Judge Cano asked Treasurer Mann if she has seen any money come in and she informed that she has not looked since the last email but will check the Comptroller Website for payments issued. Judge Cano informed the Court that the grant was for \$443,163.12 and \$411,205.05 was spent. Treasurer Mann informed the Court that with the release of the Grant the General Fund would be brought into the black.*

**14. Schedule next Regular Commissioners Court Meeting (Tuesday, April 19, 2016)**

*Judge Cano informed the Court that the next meeting would be held April 19, 2016 at 9:00 A.M.*

**15. Adjourn**

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



*Eleazar R. Cano, County Judge*

**ATTEST:**

*Berta Rios-Martinez*  
Berta Rios-Martinez, County Clerk