

**REGULAR MEETING OF THE BREWSTER
COUNTY COMMISSIONERS COURT
MONDAY, APRIL 13, 2015 AT 9:00 A.M**

*Eleazar Cano
Hugh Garrett
Ruben Ortega
Mike "Coach" Pallanez
Steve Houston
Ruth Staton
Betty Jo Rooney*

*County Judge
Commissioner Pct. 2
Commissioner Pct. 3
Commissioner Pct. 4
County Attorney
County Treasurer
Tax Collector-Assessor*

1. Invocation, Pledge of Allegiance

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

2. Public Comment

Luc Novovitch and Dorothy Smith both voiced their concerns regarding transportation from Big Bend Regional Medical Center. The only option provided is air and the cost is extreme. They asked if the court would look into the matter and have meetings with whoever they needed to in order for the citizens of Brewster County be given an option if the situation is not life threatening. Both Mr. Novovitch and Mrs. Smith provided personal experiences on the matter and stressed their personal concern.

3. Minutes / additions / corrections / approval

Judge Cano explained that the minutes have been reviewed with correction but the corrections could not be made before Court in order for the Commissioners to review.

Commissioner Ortega moved to table the minutes of March 24th for the corrections to be reviewed. Commissioner Pallanez seconded the motion and the motion passed unanimously.

4. Accept resignation of Pct. 1 Commissioner George Johnson

Judge Cano stated that Commissioner Johnson had submitted his resignation indicating that he could not fully serve the County due to other obligations.

Commissioner Pallanez moved to accept the resignation of Commissioner George Johnson. Commissioner Ortega seconded the motion and the motion passed unanimously.

5. 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 the work Road and Bridge has been working on since March 25, 2015, the list included: Blading South County Roads, North and South Double Diamond, Live Oak Lane, Cathedral Road, and Calamity Creek. He continued by stating they worked on leaks at the Sheriff Office, cleaned up the area park for Easter Holiday, began excavating the Val Clark Beard Office Complex and hauled loads of base in order to finish the final work on the parking lot, which will include paving it. They prepped Hovey Road with the state material that was there with water being donated by a nearby ranch, JMB Land and Cattle Company, to prevent so many trips into town. Lajitas Resort asked if Brewster County could haul base from their mine on Lone Star Road to Lajitas. This would be a trade for every load hauled they will give us two. Frenchie Causey stated they want 500 yards so Brewster County would get 1000 yards. They have the means just no way of hauling it and it has worked out in the past keeping up the roads in the area. Commissioner Ortega asked what the cost would be if we had to pay for it, Frenchie Causey said it would be about \$15.00 a ton.

Commissioner Ortega moved to approve Road and Bridge to move the base for Lajitas of 500 Tons. Commissioner Pallanez seconded the motion and the motion passed unanimously.

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

Superintendent Frenchie Causey provided a general schedule for Road and Bridge for the year and can make changes to the schedule at any time should something come up that would need to be placed on the schedule. Commissioner Pallanez asked when the workshop would take place to review the schedule. Judge Cano will look into dates that will work and get back with the court.

Frenchie stated that there is a piece of parking lot that should be included in the paving and the base is down and he wanted to confirm that Road & Bridge can continue to pave the area. Steve Houston stated that it was in the original agreement.

Rod Ponton informed the court that Brewster could possibly be eligible for state funding where Hovey Road is concerned. This is possible due to the wear and tear of the oilfield vehicles and the DOT.

6. Treasurer

A. General Bills / Discussion and appropriate action

Treasurer Staton started by introducing her new staff: Hatem Merhi, John Sudduth and Linda Arndt, Assistant Treasurer.

Treasurer Staton continued with general bills stating that \$39,980.70 from general fund \$52,794.27, Tri-County Probation is \$1,987.18 with a total of \$93,162.15.

Treasurer Staton handed the members of the Court a Specified Activity Report, Check File Listing and Analysis Usage Report. Treasurer Staton then stated that the walk-ins included for Commissioner Ortega in the amount of \$454.25 to reimburse him for mileage for training at the Rio Grande COG and Midland and back to pick up Marathon Fire Truck after being repaired. The other walk-in is for \$9.48 for meal reimbursement for inmate transport Jose Holguin. Judge Cano reads the walk-ins for the record.

Commissioner Ortega moves to approve General Bills as presented, abstaining from the walk-in of \$454.50 and item 89946 and 90013. Commissioner Garrett seconded the motion, and the motion passed unanimously.

Commissioner Garrett asked about the credit card account and Treasurer Staton stated it is in the report and the card have been opened and the cards can be checked out in her office upon use.

Judge Cano informed the Court that the bank is working on setting up specifics for this account to accommodate the County. Discussion of the use of the card and the process of checking the card out as well as who all had credit cards took place

Treasurer Staton stated that the Court had approved to have her pay Travis Roberts \$6,700.00 as soon as the grant money became available. She is informing the Court that she paid Mr. Roberts \$6,750.00 and would like the Court to approve that amount since it exceeded the original approved amount. Judge Cano asked if the amount received from the Grant was in the amount of \$6,750.00 and Treasurer Staton confirmed it was and it went to Travis Roberts, so the amount zeros out as far as the books go.

Commissioner Ortega moved to amend the original motion to pay Travis Roberts \$6,750.00. Commissioner Garrett seconded the motion, and the motion passed unanimously.

Treasurer Staton stated that when the trucks for the Agri-Extension Office and the Road & Bridge came in lower than the bid. Treasurer Staton stated for the record that the Extension Office truck came in at \$26,723.25, the Road and Bridge extended cab was \$30,031.95 and the crew cab \$31,280.45.

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**

Reports were handed out to the Court in item A.

D. 83rd District Attorney / Request for airfare for witness in the State of Texas v Tony Flint, Cause No. 4319, in the 394th Judicial District Court Case

Treasurer Staton presented a bill that was brought to her from District Attorney Rod Ponton. He asked the Court to pay for the airfare for a witness in the State of Texas v Tony Flint, Cause No. 4319 from Tampa, FL, the amount is \$\$1,103.00. Rod Ponton clarified the grant process once again. Judge Cano asked about the certainty of receipt of the grant money and how will we know Brewster County will be reimbursed based on a clause at the bottom of the grant stating there is no guarantee. Rod Ponton stated that his understating based on his conversation with Judy Switzer at the Governor's office in the Criminal Justice Division, the grant will be approved and the bills will be paid. He did state he was uncertain of the delivery process because it is a special grant. Questions and discussion about the billing and reimbursement process continued. Sherriff Dodson asked who he turns in all receipts to during the trial. District Attorney Rod Ponton stated to turn them in for regular payment but also give them to him to submit to the State for grant reimbursement. Questions on the process of the hotel and the sheriff office staff and the procedures on the purchase orders from Brewster County took place. Judge Cano recommended to submit to Rod Ponton for payment from the grant and to keep them separated at the County level as well. Commissioner Garrett asked for separation of what Brewster County pays for and what the District Attorney Office pays for. Rod Ponton explained the process. Commissioner Ortega asked on the transportation of witnesses as well as keeping the witnesses in the hotel. Rod Ponton stated that witnesses will be staying only if testifying and they would not stay for the duration of the trial.

Commissioner Ortega moved to approve \$1,103.00 for the airfare from Tampa, FL to El Paso. Commissioner Pallanez seconded the motion, and the motion passed unanimously.

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

Sheriff Ronny Dodson stated for the record that they picked up a prisoner for the DA Office and upon pick up he was sick and hospitalized and then flown to El Paso and waiting to be turned over to TDCJ. Until TDCJ takes him back over the Brewster County Sheriff Office is having to pay overtime to guard the prisoner and has exceeded the overtime budget, Sheriff Dodson stated.

Rod Ponton stated he is sending a letter to TDCJ to reimburse Brewster County and hope they reimbursement covers the overtime. Rod Ponton explained how the prisoner came into Brewster County Custody.

7. Officials' Monthly Reports

Nothing to report at this time.

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

Commissioner Ortega brought the Court up to date on the project by stating that the project is in the upper stages and being tied into the infrastructure and they are also ahead of schedule.

9. Brewster County Tourism / Executive Director and Administrator Positions / Employment designation status / Update, Discussion, Review and appropriate action

Ron Sanders provided a brief history of the Tourism Council and stated on September 08, 1997 the Council was approved by the Court. Upon approval of the order the Tourism council could employ administrative staff as needed upon approval of the Court, Sanders explained. He also stated that they are currently operating under a contract for the hiring of employees and the current contract was expired but are still operating under the terms of that contract. Steve Houston explained the conversation he had with Tourism Council and the Judge by stating that it was set up as a independent contractor and the facts are the Tourism Council directs Blue Sky as to what they want done. Steve Houston said the Tourism Council provides a budget every year and they could include in the budget the cost of the employees. Judge asked that since the Tourism Council is not paid by Brewster County as an employee would that mean Commissioner Court be acting as county official? Steve Houston explained not necessarily, that the position has to be created and once the position is created then the budget would be approved by Commissioners Court. Judge Cano asked since the Tourism Council is not elected and are not on the payroll and the new hires would be on the payroll who directs them as far as "on paper"; Ron Sanders stated they go through the Judges' Office. Judge Cano recommended to clarify the process and the layout of who reports to who. Steve Houston explained his view of the Tourism Council and how it was intended to be run and overseen and informed the Court that the Council directs and very much oversees the employees that are hired through the Tourism Council. The Tourism Council performs a County function and oversees their staff. Commissioner Pallanez asked if the budget has been in place and Ron Sanders stated that the Tourism Council would meet with the Court to set a budget for the position of an Ex-Director and for a Clerical Administrator up to 30 hours at this time. Ron Sanders continued by stating that the current budget would cover the position for this year and would submit during the budget time frame for next year. Discussion and clarity continued among the Court.

Commissioner Ortega moved to have Judge Cano meet with the Tourism Council to come up with a plan. Commissioner Garrett seconded the motion, and the motion passed unanimously.

*Court recessed at 10:32A.M.
Court reconvened at 10:43 A.M.*

Judge Cano called the meeting into session.

10. 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 for the record that the position had been advertised for this position and there has been about 5 applications sent in. He also stated that the advertisement reflects that the position is open until filled and would like a deadline. Commissioner Ortega stated that the court needs to put closure to the position. The court discussed dates and stated that April 17, 2015 at end of business would be the deadline.

Commissioner Garrett added that there is no burn ban for Brewster County at this time.

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

Nothing more at this time.

11. 2015 Salary Grievance Committee / Draw additional names for citizen members of committee to replace any who have declined to serve / Discussion and appropriate action

Judge Cano asked the Court if names had been submitted for drawing. District Clerk JoAnn Salgado stated that she had turned the names in on Friday to Susan in the Judges office.

Commissioner Ortega moved to table this items until the names are provided for drawing. Commissioner Pallanez seconded the motion, and the motion passed unanimously.

12. County Clerk / Elections / Election Agreement between the City of Alpine, Brewster County Clerk and Brewster County Voter Registrar / Discussion and appropriate Action

Election Clerk Jerri Jones addressed the Court by stating that at the last meeting the contract was provided to the City Secretary, Molly Taylor, for corrections. The corrections have been made and approved by Greg Hudson and is ready for signatures.

Commissioner Ortega moved to approve the contract between the City of Alpine and Brewster County to assist with the May 9, 2015 Election. Commissioner Pallanez seconded the motion, and the motion passed unanimously.

13. Discuss having a Brewster County Commissioners Court special meeting in Study Butte and Marathon, Texas

Judge Cano expressed to the Court how he would like to hold Commissioners Court in Study Butte and in Marathon. He feels this would benefit the surrounding communities and explained the meetings would be a Special Called Meeting and all Regular Scheduled Meetings would have to be held in Alpine in the Commissioner Court Room. Steve Houston confirmed the Special Called Meetings could be held at other locations and the Regular Meetings will remain in Alpine in the Commissioners Court Room.

Commissioner Garrett moved to have a Special Called Meeting in Terlingua at The Red Pattillo Community Center on May 20, 2015 at 9:00 A. M.. Commissioner Ortega seconded the motion, and the motion passed unanimously.

14. Delinquent Tax Collections / Fines and Fees / Revisit new request for Proposals from Law Firms to collect delinquent property taxes

Judge Cano turned over the County Attorney, Steve Houston, to explain this item. Steve Houston stated that back in September of last year the prior court accepted proposals from different tax delinquent law offices. The current Commissioners Court asked Steve Houston to review the contract drafted and he stated that the fines and court costs contract was null and void. Steve Houston informed the Court that according to the Attorney General Office and the Texas Supreme Court states that each Commissioner Court can select their own Delinquent Tax Attorney because of the attorney client relationship. It is the understanding of Mr. Houston the Court is revisiting the proposals, stated Steve Houston. Judge Cano stated he would like to entertain a motion to send a letter to all Attorney Offices who submitted the first time to give them the opportunity to re-submit proposals. Daniel, a representative from Linebarger, Goggan, Blair & Sampson, LLP explained that the current law firm who represents the County made a choice not to present and upon the approval of his law firm being approved for the contract he was in the Tax Office of Betty Jo Rooney collecting the information needed to begin May 1, 2015 as the contract indicated. He asked the Court to consider that his office has begun to prepare for the work and prepared the office to provide the work promised in the proposal.

Commissioner Pallanez asked if there has been any communication with the Tax Office since

they received what they could after the approval and Daniel stated “no”, they gathered what information they could without overstepping the current contract. Commissioner Ortega stated that a contract was approved and the court should give them a chance to perform and then revisit at later date. They need the respect of Brewster County, Commissioner Ortega stated. Commissioner Pallanez asked if it was a 5 year contract, Daniel explained the agreement and explained the South County Delinquent Taxes. Commissioner Pallanez asked about the second contract of the Court fines and fees: Daniel indicated that the contract in September was for the Delinquent Taxes only and in the October 14, 2015 meeting it stated the Delinquent taxes/ fees and fines. Daniel does conceive to the vagueness of the contract and was understood that the County was wanting a Law firm to collect delinquent taxes, fines and fees. Steve Houston stated that none of the proposals indicated fines and fees and there were a lot of procedural irregularities and Daniel confirmed the letter from Steve Houston’s office only addressed the fees and fines. Judge Cano voiced his concerns on the irregularities that are in the contract and would feel better if the current court could hear all the proposals and clean things up and include all the county needs from the Law Firm selected. District Clerk, Jo Ann Salgado, informed the McCreary, Veselka, Bragg & Allen, P.C. filed with her office.

Commissioner Ortega moved to stay with Linebarger, Goggan, Blair & Sampson, LLP and honor our word and revisit if they are not doing the job proposed and revisit the fines and fees. Motion dies for lack of a second.

Judge Cano asked for a motion to revisit to resubmit proposals for Delinquent Taxes, Fines and Fees.

Commissioner Palnallez moved to resubmit proposals for the Delinquent Tax Collections, Fines and Fees. Commissioner Garrett seconded the motion. The motion passed with Commissioner Ortega dissenting.

15. Commissioner Pct. 3 / Discuss emergency room transfers from Big Bend Regional Hospital to medical facilities in Odessa-Midland and Lubbock

Commissioner Ortega stated that the Commissioners Court should send a letter to the Big Bend Regional Hospital District to voice the concern of the cost of transportation out of the Medical Center. Commissioner Ortega informed he was approached by a citizen who will have a lien on her home if the bill is not paid just because the contract with the District and the Hospital and there is no other means of transportation out of the Medical Center. Discussion on this matter occurred with members of the Court. Angie Bermudez suggested that the court look into an outside ambulance service. Judge Cano suggested to meet with the Hospital District on this matter.

Commissioner Ortega moved to have Judge Cano and himself to meet with the Big Bend Hospital District and Hospital Administration. Commissioner Pallanez seconded the motion, and the motion passed unanimously.

16. Discuss having a workshop for facilities policies

Discussion of a workshop on policies for the use of Brewster County Facilities. Commissioner Ortega suggested to put it on the first meeting in May.

17. Odessey Specialty Vehicles

- A. Executive Session Pursuant to § 551.071, Government Code, VTCA, to confer with legal counsel about:**
(A) pending or contemplated litigation; or (B) a settlement offer; 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 that the court room be emptied for executive session at 11: 33 A.M.

Reconvene in Open Session at 11:45 A. M.

B. Discussion and appropriate action resulting from Executive Session

Judge Cano informed the Court there was no action at this time.

18. Announce date of next Commissioners Court Meeting

April 28, 2015 will be the next meeting in Alpine.

19. Adjourn

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

Eleazar Cano, County Judge

ATTEST:

Berta Rios-Martinez, County Clerk