

**REGULAR MEETING OF THE  
BREWSTER COUNTY COMMISSIONERS COURT  
MONDAY, MAY 11, 2015 AT 9:00 A.M.  
ALPINE, TEXAS**

**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**

*Commissioner Garrett asked the Treasurer to confirm item 7 regarding part-time jailers and asked for a few grammatical errors be changed in item 9. Commissioner Pallanez stated he would like to add that when he was excused from Court that it was for court business.*

*Commissioner Garrett moved to approve the minutes of April 28, 2015 to include the changes mentioned. 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 was not present. In his absence, Commissioner Ortega reported the Road and Bridge delivered 250 yards of material for the Lajitas project. He also reported that the parking lot for the American Legion has been completed, they have been maintaining equipment and trucks, and are currently mowing Marathon.*

*Judge Cano informed the court that he had looked at the fence around the Val Clark Beard Office complex and asked those Commissioners who have not had a chance to please go look at it and let him know their thoughts on repairing it or replacing it.*

**B. Schedule workshop for Commissioners and Road & Bridge Superintendent to discuss County Roads (5 Year Plan)**

*Judge Cano informed the Court that a suggested date needed to be in place for Superintendent Frenchie Causey to review the Road and Bridge five (5) year plan and asked for the Courts input. Commissioner Ortega suggested that it be on the agenda for the first regular meeting in June and place it at the end of the agenda.*

*Commissioner Ortega updated the court on the project of the Marathon tennis court stating that they are making it so the students can warm up and practice. He stated that it is not legal size and would not be used for competition. Commissioner Garrett suggested the Marathon Community should collaborate to update the facility.*

**C**

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

**5. Criminal Justice Information System (CJIS) Reporting**

**A. Update**

*Chief Deputy Ryan Skelton reported that the CJIS Reporting is running at 92% overall, compared to 83% for 2015. Commissioner Ortega asked how far back the report goes and Chief Deputy Ryan Skelton stated it was five (5) years.*

*Judge Cano asked about the data entry portion of the report required to bring it up to date. Chief Deputy Skelton stated that it had needed attention to go in and take care of the information. County Attorney Steve Houston informed the court in a previous meeting that this process would take time to transition and that the reporting is now current.*

**B. Discussion and appropriate action**

*No action to take at this time.*

**6. Sheriff's Office**

**A. The Yarborough Foundation / Discuss and take action on the Possible 2015 Grant of Tires Exclusively for the Brewster County Sheriff's Office**

*Sherriff Ronnie Dodson informed the Court about the Yarborough Foundation and said they wanted to donate \$5000 to tires. He stated that there would be no money changing hands but the Yarborough Foundation would deposit the funds with the Cheyenne Tire Company for the Sherriff Office.*

*Commissioner Ortega moved to approve the Yarborough Foundation Grant of \$5000 and to include a Thank You letter from Judge Cano. Commissioner Garrett seconded the motion and the motion passed unanimously.*

**B. Request to buy a Unimac 30 lb. dryer/tumbler, electric heat 460-480/60/3ph, 27 Amp from Jail Infrastructure Funding / Discussion and appropriate action**

*Sherriff Dodson informed the Court that the dryer is out and it needs to be replaced with an industrial size dryer. Bids were discussed and the low-bid accepted.*

*Commissioner Ortega moved to approve the Sherriff Office to purchase a dryer in the amount of \$3,938 and for the funding to be taken out of Jail Infrastructure Funding. Commissioner Garrett seconded the motion, and the motion passed unanimously.*

**7. Treasurer**

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

*Treasure Staton stated that the General Bills total \$65,389.89 with two walk-ins to include TAC in the amount of \$122,465.42 and Patricia Reed, court reporter for District Judge Ferguson, for \$1,115.02, \$268.94 and \$ 537.88. Commissioner Garrett asked if TAC was a quarterly report and Treasurer Staton stated that she and her employees had to attend training before payment and the current bill is through May. Judge Cano asked for clarity on payment schedule and Treasurer Staton stated it is paid every pay day and in the future the payments would be in half now that it is caught up.*

*Commissioner Ortega asked if the court reporter expense would come out of the Grant that District Attorney Rod Ponton applied for. The court is in agreement that it should be taken out of the Grant funds that were applied for. Judge Cano asked Treasurer Staton to keep all invoices separated in order to submit for reimbursement from the Grant.*

*Commissioner Novovitch asked about the line item for Blue Sky Consulting in the amount of \$2030 for 6 hours of consulting which comes up to \$338 an hour. Treasurer Staton responded to the question asked by Commissioner Novovitch. Commissioner Novovitch continued to voice his concern to this line item. Commissioner Novovitch asked the treasurer to research the items. Commissioner Novovitch also asked if the telephone long distance and local billing. Treasure Staton stated that the contract with Big Bend Telephone would take care of that. Judge Cano confirmed and stated that these items could be looked at and reviewed during the budget workshops.*

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

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

**Specified Activity Report  
Cash Flow Predictions**

**Payroll Reports  
Check Register**

**Budget Analysis Usage Report  
Receipt File Listings  
Cash Report  
Grant Reports**

**Transfers  
Personnel/Overtime Reports  
Other Financial Reports as  
Requested by Commissioner**

*Nothing reported for the record.*

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

*No matters to discuss.*

**8. Officials' Monthly Reports**

*Nothing provided to the court to report.*

*Judge Cano recessed at 9:52 A.M.*

*Court reconvened at 10:08 A.M.*

**9. Delinquent Property and Delinquent Fine & Fees Tax Collections / Presentation by Tax  
Collection Law Firms**

*Judge Cano asked that the Law Firms listed in line items B and C leave the courtroom to be called in to present with a time frame of approximately 10 minutes.*

**A. Linebarger, Goggins, Blair & Sampson, LLP**

*Mark Flowers represented Linebarger, Goggins, Blair & Sampson, LLP. Mark Flowers stated that he will include fees and fines in his presentation. Mr. Flowers focused on qualifications, consistency and integrity. He stated as far as qualifications their firm has over 100 attorney to handle fines, fees and tax collections along with a 360 million investment in technology in order to make the collections possible. He continued by stating they have bi-lingual associates and assistance/call centers to communicate with those that need it and have memberships with several associations. Mark Flowers informed the court that their firm has proven results and hold ethical standards and are here to uphold honorable principles. Mark Flowers strongly stated that this is a critical time to be selecting a firm to represent delinquent taxes because the month of May is the time to set the fees and to notify by letter the property owner of such fees. If this is not done the fees will not be attached and will not be collected for payment. Mark Flowers stated that his firm will respectfully send those letters out on behalf of the county. Commissioner Ortega asked what the procedures would be to collect taxes in Terlingua Ranch. Mr. Flowers stated that collecting those taxes will be challenging and he had concerns on the maps and the descriptions. He would also call a community meeting and see who shows up. Commissioner Pallanez asked how the payment plan process is handled. Mark Flowers stated that there are protections in place and that situations are different but they would ask for 10% up front and established a payment plan. They send out letters quarterly and if needed, send out a judgement or warrant. Commissioner Ortega asked at what point your Law Firm begins their*

*work; before or after the Tax Collector does her work. He stated that it depends on the County and how they want it to be handled.*

*Commissioner Novovitch asked about the foreclosure process and Mark Flowers explained the process. Mark Flowers then informed the court of surrounding areas that their firm represents. Judge Cano informed Mark Flowers that the decision will be made at the called meeting in Study Butte on May 20, 2015*

#### **B. Perdue, Brandon, Fielder, Collins & Mott, LLP**

*Danny Barrett presented on behalf of Perdue, Brandon, Fielder, Collins & Mott, LLP. He introduced Tracy Crites managing partner in the Midland office and Martin Lujan from the Alpine office. Mr. informed the Court that there is about \$690,000 of base tax that is uncollected other than Alpine ISD. He stated that they have represented Alpine ISD for two (2) years now and he feels that would help Brewster County with collecting their delinquent taxes. Danny provided a history of their collections for Alpine ISD since they have taken over. He continued by stating that their firm has a working relationship with Terlingua Ranch and feels that would help in the collection of the county taxes. Danny stated that he felt that collecting the taxes for Alpine ISD has helped some of the delinquent taxes for the County. He continued by stating there is a working relationship with the Tax Office and they are in communication with them on AISD. The Terlingua filing fees are less in JP Courts and they have their own software for those with each county having a separate program as each county is different, stated Danny. They can offer assistance with the sheriff's office on a "round up" if needed that the software can set it up in a way to collect, said Danny. He further informed the court of area schools that their firm collects for and feels their local representative in Alpine is at an advantage. Danny added they would set up appointments so that are convenient for the client. Commissioner Pallanez asked where they were located. Danny informed him he was from Lubbock, Midland and Alpine. Judge Cano informed them that the decision would be made at the Called meeting in Study Butte on May 20, 2015.*

#### **C. McCreary, Veselka, Bragg & Allen, P.C.**

*Hardy Allen of McCreary, Beselka, Bragg & Allen, P.C. represented the Firm along with Dan Jones and Ivey Arroya. A proposal was handed to the court. Hardy Allen stated the proposal was more like a report and that he would review the delinquent taxes and Ivey would review the fines and fees. Mr. Allen reviewed the collection results on page 4 and 5. July 1 is when delinquent taxes are reported to each firm, stated Hardy Allen and the numbers in the report are from the Brewster County Tax Office. Hardy Allen continued with the report reviewing the numbers on pages 6, 7, &8. Hardy Allen reviewed the service that their firm has provided for Brewster County in the years they have represented the County. The firm will use all resources available to them in order to collect delinquent taxes, stated Mr. Allen. They will provide the client the opportunity to pay the taxes before extreme measures are taken, informed Mr. Allen. Mr. Allen strongly stated follow up and confidence is how they collect. He then brought the court's attention to pages 10, 11 & 12, which include the sales. History, good service confidence good results and a reputation for ethical conduct is what our firm can offer you, said Harvy Allen. Commissioner Pallanez asked Mr. Allen how many years they have represented Brewster County and he stated in excess of 30 years. Judge Cano asked if they had a local representative*

*and he stated no but they send out a representative a couple weeks a quarter. Dan Jones has been coming out since 1985 providing that service, stated Mr. Allen.*

***The proposal for this presentation can be viewed in the County Judges Office.***

*Mr. Allen introduced Ivey Arroyo to review the fines and fees. His job is to build relationships, Ivey stated. He also stated it his job to make transition easy. Mr. Arroyo provided a summary of what their firm has collected of those cases submitted to MVBA. This summary included JP1, JP 2, and JP 3. Ivey Arroyo informed the court that he is available for training and assisting the County to collect what needs to be collected.*

*Judge Cano asked about the numbers in JP 3 and if he had any. Mr. Arroyo stated he did not pull the numbers due to the information being inaccurate. He offered to make himself available to train the Judge in the area. Commissioner Pallanez asked if there was a problem with the software and Mr. Arroyo stated there is no problem with the software, but he feels it is the training process. Ivey Arroyo continued to discuss the training process and what would help to complete the data entry. Commissioner Novovitch asked if it was the responsibility of the Law Firm to train for the software or if the was up to the software company: Mr. Arroyo stated that each County completes their data entry differently and he tries to help each county in addition to learning the software program.*

*Judge Cano then asked JP Precinct 1 Judge and his assistant how the transition has been and the availability of the Law Firm representing has been. Judge Valenzuela and Roland, his assistant, stated they have responded quickly and that has helped in the transition.*

*Judge Cano informed the Firm that the Court would announce the selection at the May 20, 2015 meeting in Study Butte.*

*The Court recessed at 11:32 A.M.*

*Court reconvened at 11:45 A.M.*

## **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 that a fire was reported in the Sunny Glen vicinity around 1:30, May 10, 2015, with both Brewster County and Marfa responding. Commissioner Garrett contacted the Texas Forest Service and they indicated there is above normal moisture and no burn ban needs to be put in place. Commissioner Ortega commented on a fire a few years back and stated that the county as well as the Ranch owner would work together on blading the roads and that made it easier to access during an emergency. Commissioner Ortega feels that the Court needs to look into this for the future as a preventative measure and would begin the process with the Court's permission. Judge Cano said it would be good idea to begin. Commissioner Garrett asked how it was officially handled in the past. Commissioner Ortega stated it was just handled in a way that was to help out and no resolution was in place.*

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

*Matt Van Ostrand has accepted the Emergency Management Coordinator job and will begin on May 26, 2015, informed Judge Cano. Judge stated a formal press release will go out today. Commissioner Pallanez stated that he was confronted on the locations of storm shelters in the area. Betty Jo Rooney stated that the Tax Office is a bomb shelter and Dale Christopher mention that Lawrence Hall had a basement at Sul Ross. Discussion of this took place and the Court will research this and present at a later date.*

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

*Commissioner Ortega provided a brief update on the Block Grant Program. He also informed this the project is ahead of schedule.*

### **12. Discussion and appropriate action regarding the July 14, 2014 Motion to Amend the County Retiree Health Insurance Policy regarding qualifications and conditions of participation**

*Commissioner Pallanez informed the Court of the dates of the change to the County Retiree Health Insurance Policy and would like to rescind the motion back to the original policy. Commissioner Pallanez stated that he has discussed with other Counties and could not find any other County that currently has a policy of this nature in place. He was informed that Brookes County at one time had a similar policy and after inquiring, Commissioner Pallanez was informed that the County could not afford the policy as it was set up. Commissioner Pallanez voiced his concerns with the current policy in place and asked the court to rescind the policy in place and go back to what it was this is based on all the research done on the matter. Judge Cano expressed the reason why the intent of the current policy in place, and it was to have an incentive to keep employees longer since the salaries provided to the employees are not high. Judge Cano felt it was a good incentive but it could also be an expensive plan. Commissioner Ortega asked what he was proposing. Commissioner Pallanez stated he is proposing to go back to old policy 15 years continuous service to Brewster County if employed on or after September*

*1, 2000, and also to be employed with Brewster County at the time of retirement. With the workshop coming up this could be furthered review. Commissioner Ortega stated that less money would be made if it is changed. Commissioner Ortega asked if it is proposing both elected official and hired employees: Commissioner Pallanez confirmed the question. Commissioner Ortega suggested to make all changes at one time instead of changing at different times. Commissioner Pallanez stated he would like to make this change now as it has been weighing on him. Commissioner Garrett stated that he feels that this motion needs to be rescind today and work on the other details later.*

*Commissioner Pallanez moved to rescind the July 14, 2015 motion amending the County Retiree Health Insurance Policy, to go back to old policy of 15 years continuous service to Brewster County if employed on or after September 1, 2000, and also to be employed with Brewster County at the time of retirement. Further details will be brought up during the budget workshop. Commissioner Garrett seconded the motion, Commissioner Ortega opposed the motion and the motion passed with a three (3) to one (1) vote.*

*Dr. Dale Christophersen expressed his thanks for the research that Commissioner Pallanez has put into this. He also thanked the Court for making the changes.*

**13. Discuss Policy for use of Community Centers (J.W. “Red” Pattillo Community Center 53633 State Highway 118, Study Butte, Texas and Marathon Community Center, 2<sup>nd</sup> & Ave E Marathon, Texas) / Discussion and appropriate action**

*Judge Cano discussed the proposed policy and asked the court if there has been time for the Court to review. Commissioner Novovitch asked who this had been reviewed with; Judge Cano informed him that the current board before he was appointed.*

*Commissioner Ortega stated that the Court needs to keep in mind that the buildings are for the County but also the buildings are there for the Community. He further expressed his concern on “no alcohol” and suggested to have the person using the facility to sign a waiver and that the liability is taken away from the county. Commissioner Ortega also brought up the deposit should be as much as the rental and the hours to clean the facilities is substantial and the deposit should be enough to cover to have it cleaned if the renter does not want to clean it.*

*Discussion of having a waiver of liability put into place by the County Attorney that should release the County, as well as having security on the premises if alcohol is being consumed and the payment for the security will be the responsibility of the person using the facility.*

*Judge Cano stated that if this is going to be put into place then we need to make sure it is enforced. Commissioner Novovitch suggested to have one agreement to include the waiver and the security and have the security set up at the time the agreement is signed. Commissioner Ortega agreed that would be good.*

*Commissioner Garrett suggested to start with the Release of Liability and the Security if alcohol will be consumed and to increase the deposit. Commissioner Ortega suggested a deposit of \$150.00. Judge Cano suggested to have both the deposit and the rental the same of \$150.00 each. Commissioner Garrett asked who will be allowed to rent the facilities: locals only or open to public. Commissioner Ortega open it to anyone for good of the community and for those who are using the facility to benefit the County waive the rental fee and no deposit. An example is the*

*Marathon Reunion which raised money and donated it the Community Center informed Commissioner Ortega. Commissioner Garrett disagreed with waiving the deposit.*

**14. Schedule next Commissioners Court Called Meeting / May 20, 2015, at 10:00 A.M.,  
J.W. "Red" Pattillo Community Center, 53633 State Highway 118, Study Butte, Texas**

*Judge Cano explained the called meeting on May 20, 2015 in Study Butte and informed the court that the meeting would adjourn after touring the South Brewster County Emergency Center. Lunch will be on your own.*

**15. Adjourn**

*Commissioner Ortega moved to adjourn at 12:50 P.M. Commissioner Garrett seconded the motion, and the motion passed unanimously.*

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*Eleazar Cano, County Judge*

*ATTEST:*

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*Berta Rios-Martinez, County Clerk*