

**REGULAR MEETING OF THE BREWSTER
COUNTY COMMISSIONERS COURT
TUESDAY, MAY 26, 2015 AT 9:00 A.M.
ALPINE, TEXAS**

*Eleazar Cano
Luc Novovitch
Hugh Garrett
Ruben Ortega
Mike “Coach” Pallanez
Berta Rios-Martinez
Betty Jo Rooney
Steve Houston*

*County Judge
Commissioner Pct. 1
Commissioner Pct. 2
Commissioner Pct. 3
Commissioner Pct. 4
County Clerk
County Tax- Collector
County Attorney*

1. Invocation, Pledge of Allegiance

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

2. Public Comment

Jerri Jones expressed her thoughts on putting in place the Elections Administrator position and was in agreement with it. She also expressed the concerns on the past elections and how the County Clerk is not the only person involved and the mistakes were also made by the Early Voting Ballot Board (EVBB). Ms. Jones listed the incompleteness of the return sheet that is the responsibility of the EVBB and the computerized report that is completed at the end of night: this report was not completed when the Clerk’s office asked them to complete it, hence another error. Ms. Jones also informed the Court that negative emails are being sent out and that she cannot go to Church without being confronted. This is personal and needs to stop, Ms. Jones stated. When you have those who are supposed to support you and help you and they are the ones sending the emails, it makes it hard to do a job, continued Ms. Jones. She continued by clarifying she approves of the position, but that it needs to be handled in a respectable and honorable way.

3. Minutes / additions / corrections / approval

Commissioner Garrett asked that changes be made to items 7, 9 and 13.

Commissioner Ortega moved to approve the minutes for May 11, 2015 with the corrections mentioned. Commissioner Garrett 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 & status of County Roads System; Road Materials Inventory, including, fuel and supplies & future needs; Budgetary**

Matters; Equipment status, 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 South County) and community facilities; Safety 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 Road & Bridge had been preparing for the Auction that was held on May 23, 2015 and stated that most everything was sold and the auction was successful with \$20,389.50 being raised. Frenchie Causey provided a breakdown of the auction with the Extension office bringing in \$9,100.00 on a pickup that sold and Road and Bridge pickups brought \$10,450.00 plus other things that sold.

Commissioner Ortega stated that the dumpster has been removed from the Community Center and is looking to get a price on having it replaced.

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

Nothing further to discuss.

5. Treasurer

A. General Bills / Discussion and appropriate action

Treasure Staton was not in Court and in her absence Hatem Merhi, Treasurer Office staff member, provided a report for General Bills. He stated that the General Bills totaled \$36,479.64.

Commissioner Garrett asked about check 4902 regarding legal fees and asked to know what legal services are for in the future. Hatem was unsure of the services and would need to get back with Commissioner Garrett.

Commissioner Novovitch asked on the status of an over payment to him of \$139.50 check number 2246. He stated that there has not been any activity in the account and asked the Treasurer Office could look into that.

Commissioner Garrett asked if the contract with Big Bend Telephone required payment up front for services. Judge Cano confirmed that it did.

Commissioner Ortega moved to approve the bill as presented, Commissioner Pallanez abstained from invoice number 90408. Commissioner Garrett 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
Budget Analysis Usage Report
Receipt File Listing
Cash Report
Report**

**Payroll Reports
Check Register
Transfers
Personnel/Overtime Reports
Other Financial Reports as Grant
Requested by Commissioner**

Nothing reported..

C. Report from Treasurer on research breakdown on Mike Davidson's expenses and hourly rate

This was tabled until Treasurer Staton returns.

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

6. Officials' Monthly Reports

County Clerk Berta Rios-Martinez stated that no reports have been provided to her and the only numbers available are those from the Tax Office. She also informed the Court that Treasurer Staton stated at the last meeting that she would have a report to date on the May 26, 2015 Commissioner Meeting.

Commissioner Novovitch read the tax numbers into record: for February \$45,783.98, March \$53,231.42, April \$29,772.55. Commissioner Novovitch continued by stating that there was nothing further to report and read off each department and stated a zero balance.

Commissioner Ortega moved to approve the Officials Monthly Report as presented. Commissioner Pallanez seconded the motion, and the motion passed unanimously.

7. Commissioner Precinct 1 / Proposal to rename W Alpine West Boulevard to Fort Davis Avenue / Discussion and appropriate action

Commissioner Novovitch informed the Court that this project was started by Commissioner George Johnson and he is completing it. Commissioner Novovitch provided a description of the location of this street and re-numbering the houses as they are incorrect. He continued by informing the Court of where the change would start and end and has communicated with the Rio Grande COG on the matter to prepare for the change appropriately and that this change is no cost to the County.

Commissioner Novovitch stated that all of the residents are ready for this name change and feel it will be much better and there was a petition that the residents signed for approval of the change.

Commissioner Garrett asked if all residents have been notified of the change, Commissioner Novovitch stated they have and Judge Cano stated the deadline is August 1, 2015 and want to make sure all bases are covered where notices are concerned.

Commissioner Novovitch moved to approve renaming W Alpine West Boulevard to Fort Davis Avenue with the change being done by the Rio Grande COG. Commissioner Garrett seconded the motion, and the motion passed unanimously.

8. Discuss Policy for use of Community Centers (J.W. "Red" Pattillo Community Center 53633 State Highway 118, Study Butte, Texas and Marathon Community Center, 2nd & Ave E Marathon, Texas) / Discussion and appropriate action

This item was tabled until the next meeting.

Judge Cano made a motion to table this item. Commissioner Ortega seconded the motion, and the motion passed unanimously.

9. Judge Val Clark Beard Office Complex / Request to repair or replace the existing fence behind the Office Complex / Discussion and appropriate action

Judge Cano informed the Court that he and Commissioner Novovitch looked at the fence behind the Judge Val Clark Beard Office Complex and after reviewing the fence felt like the fence could be taken down and left open. Superintendent Frenchie Causey stated that Road and Bridge could place steps to connect with the parking lot.

Commissioner Ortega asked for quotes for the project, and could be brought back to the Court.

Commissioner Ortega made a motion for Superintendent Frenchie Causey to get quotes on the fence project and bring it back to the Court. Commissioner Pallanez seconded the motion, and the motion passed unanimously.

10. Commissioner Precinct 3

A. Post Park / Recommend Order for Kiddy Pool, No Dogs Allowed / Discussion and appropriate action

Commissioner Ortega informed the Court that the kiddy pool at Post Park has been drained and cleaned so the kids can enjoy. He continued by stating that dog owners have been bathing their dogs in the pool and it has been an ongoing problem. Commissioner Ortega asked if the Court can put in place an order with the approval of the Court to reflect a fine. Sheriff Dodson stated that his office could not do anything until an order is put in place. Steve Houston further explained the process of the Court and that a fine would need to be attached. Commissioner Novovitch stated to have the amount of the fine on the signage and this would allow the Sheriff Office to proceed with penalties and fines.

Commissioner Ortega moved to have an Order put into place with a class C misdemeanor up to a \$500 fine. Commissioner Novovitch seconded the motion, and the motion passed unanimously.

B. Recognize Rio Grande Council of Governments for funding full amount of Solid Waste Management Grants for Scrap Tires Transporter and Recycling Trailer discussed on May 20, 2015 agenda

Commissioner Ortega informed the Court of the process on locating a trailer for the scrap tires and recycling trailer. He continued by stating that a proper trailer was located for \$8500 and after talking to Rio Grande COG, they have agreed to have the grant cover the full amount of the purchase of this trailer/transporter.

Commissioner Ortega moved to approve a proper letter of appreciation to the Rio Grande COG for approving the full amount of the trailer/transporter for the scrap tires. Commissioner Garrett seconded the motion, and the motion passed unanimously.

11. 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 introduce Matt Van Ostrand to Commissioner Court as the new EMC.

Matt spoke of the tragedy that occurred in his home town of Wimberley. He stated he does not want that to happen while he is here and will do his best to prevent such tragedy.

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

12. County Elections Administration Position

A. Proposed Creation of Position of Elections Administrator / Discussion and appropriate action (effective date proposed to be July 1, 2015)

Judge Cano explained the Election Commissioners Board and then opened the floor to the Republican Chair and Democratic Chair.

Monica McBride, the Republican Party Chair, stated it is an important position and needs to be a well-paid position. MaryBell Lockhart, the Democratic Party Chair, stated that there needs to be a job description and a secure location of all election equipment.

Commissioner Ortega mentioned that it needed to be a staff not just one person. Discussion of the legal hire dates in reference to the budget took place stating the July 1, 2015 could not be the hire date due to the 90 day period after putting the EA office in place.

After a discussion of the process within the budget guidelines the Court came up with the Elections Administrator position to be effective January 1, 2016 and have the person hired on October 1, 2015. This was so they could oversee the November Election.

Commissioner Ortega asked for the Party Chairs to submit a budget since the supplement salaries cannot be taken from the County Clerk and the Tax Office.

Commissioner Garrett moved to approve the position of the Election Administrator to be effective January 1, 2016 with the understanding to hire October 1, 2015. Commissioner Pallanez seconded the motion, and the motion passed unanimously.

B. Other matters related to establishing Elections Administrative Department including relocating items currently in 2015 Budget related to Elections and Voter Registration

Court recessed at 10:50 A.M.

Court reconvened at 11:04 A.M.

13. County Auditor Position

A. Executive Session Pursuant to Section §551.074, Government Code, VTCA, to confer with legal counsel about a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct for the State Bar of Texas clearly conflicts with this chapter. (Privileged Matters)

Judge Cano asked the Courtroom to be cleared so Executive Session can begin.

County Attorney Steve Houston was in Executive session.

Reconvene in Open Session at 11:58 A.M.

B. Discussion and appropriate action resulting from Executive Session

Judge Cano moved to enter into an Order for the District Judge to appoint a County auditor. This is due to departmental bills not being paid on time, departmental funds are not properly accounted for, financial responsibilities for grants are inefficiently managed, County 2015 budget with appropriate amendments due to tax rollback election and other Commissioner Court action cannot be provided, and the findings of the 2013 audit findings have not been addressed.

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

14. Schedule next Regular Commissioners Court Meeting (Monday, June 8, 2015)

Commissioner Ortega informed the court he would not be present that day. Commissioner Garrett asked to reschedule the workshop for Road & Bridge.

Next Commissioner Court date will be June 8, 2015.

15. Adjourn

Commissioner Ortega moved to adjourn at 12:00 P.M., Commissioner Garrett seconded the motion and the motion passed unanimously.

Eleazar Cano, County Judge

ATTEST:

Berta Rios-Martinez, County Clerk

