

**REGULAR MEETING OF THE
BREWSTER COUNTY COMMISSIONERS COURT
TUESDAY, JUNE 24, 2014, AT 9:00 A.M.**

Judge Killingsworth called this meeting to order. Officers present are listed as follows:

**KATHY KILLINGSWORTH
ASA "COOKIE" STONE
TOM WILLIAMS
RUBEN ORTEGA
MIKE PALLANEZ
JERRY SOTELLO
DELLA SHACKELFORD
BERTA RIOS-MARTINEZ**

**COUNTY JUDGE
COMMISSIONER PCT. 1
COMMISSIONER PCT. 2
COMMISSIONER PCT. 3
COMMISSIONER PCT. 4
J.P., PRECINCT 1
COUNTY TREASURER
COUNTY CLERK**

PUBLIC HEARING

1. Elections / Polling Locations

- A. Public hearing to receive public comment on a proposed plan to move the polling place for County Election Precinct No. 2 from Brewster County Courthouse to the Judge Val Clark Beard County Office Complex formerly known as the Old Library Building**

Judge Killingsworth explained that it has been complicated to close the Courthouse during elections. This would resolve that issue.

She asked for comments from Commissioners.

Commissioner Pallanez said he has heard from the public about parking problems. Commissioner Stone said the American Legion parking lot could be used.

Commissioner Pallanez also suggested asking the employees to park elsewhere during elections. Judge Killingsworth agreed that is a good idea.

No comments were made by the audience.

B. Adjourn

Commissioner Ortega made a motion to adjourn the public hearing, which was seconded by Commissioner Stone, and passed unanimously.

AGENDA

To discuss and take action as appropriate on the following:

1. Minutes / corrections / additions / corrections

The minutes from the June 9, 2014, meeting were presented for approval. Commissioner Ortega noted that the names of some people he wished to thank and asked that it be corrected.

Commissioner Ortega made a motion to approve the minutes with the correction, which was seconded by Commissioner Stone, and passed unanimously.

2. Treasurer

A. General Bills / Discussion and appropriate action

Commissioner Ortega made a motion to approve the general bills as presented, which was seconded by Commissioner Williams, and passed unanimously.

Commissioner Ortega abstained from 86183.

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

Treasurer Shackelford reviewed the reports with Commissioners. She said that, as of this morning, we have not yet received the PILT payment.

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 Commissioners

C. Pay additional monies owed to Jean Sierra for current year cleaning contract

Treasurer Shackelford said the contract says she will be paid \$125/week every other week. However, she's been being paid monthly for four weeks at a time, and has been shorted \$500.

Commissioner Ortega made a motion to pay her the additional \$500, which was seconded by Commissioner Williams, and passed unanimously.

D. Distribution of Payment in Lieu of Tax Revenues from the U.S. Department of Interior to Brewster County, San Vicente ISD & Terlingua CSD

The payment has not been received yet, so this item will be taken up at the next Commissioners Court meeting.

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

3. Officials' Monthly Reports / Discussion and appropriate action

Commissioner Stone read the reports for the record.

Commissioner Ortega made a motion to approve the monthly reports, which was seconded by Commissioner Pallanez, and passed unanimously.

4. An Order of the Brewster County Commissioners Court Amending Precinct 2 Polling Place for County General Elections

Commissioner Ortega made a motion approving the order amending the Precinct 2 polling place for County general elections, which was seconded by Commissioner Williams.

Judge Killingsworth read the order for the record.

The motion passed unanimously.

5. Contracts for cleaning/maintenance services for County Facilities

Judge Killingsworth said the contract covers Jean Sierra (tax office \$550/monthly) and Juan Hernandez (Red Pattillo Community Center \$300/monthly) and Abe Galindo (South County ERC \$200/monthly).

Commissioner Stone made a motion to approve the contracts, which was seconded by Commissioner Williams, and passed unanimously.

6. 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

EMC Betse Esparza said that the Terlingua VFD has received an oxygen tank filling machine that was purchased with Homeland Security funding. However, it was broken once it was unpacked. The vendor has agreed to repair the equipment. Mrs. Esparza said she received advice from the COG to pay half of the total, and to pay the difference once the machine is repaired.

Commissioner Williams made a motion to approve the partial payment, which was seconded by Commissioner Ortega, and passed unanimously.

B. Issues related to County Burn Ban / Discussion and appropriate action to renew burn ban

Mrs. Esparza said the Keetch-Byrum still lists Brewster County with a very high drought index despite recent rains. Texas Forest Service Regional Coordinator Robert Poenisch told her last week that he had recently flown the area and that we are still very dry.

She suggested that Commissioners could adopt the burn ban, but can lift it at any time if the rains continue.

Commissioner Ortega made a motion to renew the burn ban for a 90-day period, which was seconded by Commissioner Stone, and passed unanimously.

C. Use of emergency response centers for medical support in non-emergency Situations

Judge Killingsworth explained that during a recent planned power outage by RGEC, a person in need of electricity came to the South County ERC to use an oxygen pump. Judge Killingsworth and Mrs. Esparza agreed that County facilities are not medical facilities, and should not be used as such during non-emergency situations. In an emergency, no one will be turned away. Commissioners concurred.

D. Approval of purchase of tires for a 2008 Brush Truck for Alpine VFD

Mrs. Esparza said the tires have not been replaced since the truck was

purchased. She said the VFD got a quote from Oasis Tires for \$1,179.72. The donations account has over \$5,000.

Commissioner Ortega made a motion to approve the purchase using money from the donations account, which was seconded by Commissioner Williams, and passed unanimously.

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

7. 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

Supt. Frenchie Causey said there has been some decent rains in South County, and they have been able to blade some roads. They've not been able to work on the school track this week.

They have been hauling recycled base from Kiewit to the Veterans Addition on North Double Diamond. He said he would be checking all the roads and hauling base to any that need it.

Mr. Causey said there was a little flood at Pena Park, and a bunch of debris had to be cleaned from the dam. He has had one man doing lawn maintenance on the community center, justice center and at the Post Park.

Crews should be finished with the floor in the Treasurer's Office today. A safety meeting is scheduled for July 9 with the Texas Association of Counties.

C. Terlingua CSD Track Construction Cooperative Project

1. Update

Judge Killingsworth said there is no new information to report. They are waiting for contracts to come back from Kiewit.

2. Discussion and appropriate action to conclude project

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

8. Elections / Renew Electronic Systems and Software Contract for a period of three Years

Jerry Jones said the County is currently on a year-to-year contract with ES&S and was asked to look into where the County could save money where ES&S is concerned. This was due to people in the community raising concern of the cost of ES&S. If we extend the contract to a three-year term, the County could save \$28 per year, per machine. The scanner had previously not been covered on a maintenance contract at all. After adding it onto the plan, the County will save over \$250 annually.

Also, the County is still paying \$3,500 annually for software which isn't being used. This software is called ERM (Electronic Reporting Machine).

Mary Bell Lockhart, the Democratic Party chair, asked when the current contract renews. Ms. Jones said it renews annually unless one party stops it.

Judge Killingsworth noted that there are no HAVA grant funds available, and buying new machines would cost the County approximately \$100,000.

Ms. Lockhart asked for a year to study the issues related to electronic voting machines. She said there are several issues with the count totals, and that an "off" election year would be a good time to do that.

Ms. Jones noted that even in an "off" year, the City or School District may need to use the machines as they must also comply with State law.

Commissioner Ortega asked the time frame that needed to be acted on. Ms. Jones stated there is no time frame.

Ms. Jones said ES&S would buy the old machines back for a very small fee, but the County would be responsible for the purchase of new machines, if it were to choose to do that. Judge Killingsworth asked if the County was to postpone this until August would the County be able to have the price on the three year contract. Ms. Jones said on the maintenance but would need to look into the ERM and Ballot on Demand. Ms. Jones further stated that she was asked to look to save money and the discussed items were where there could be savings.

Judge Killingsworth asked if the cost for ERM and BOD would be effective and Ms. Jones it would be effective immediately.

Judge Killingsworth asked if Commissioners would go ahead and consider cancelling the Electronic Reporting Manager and Ballot on Demand systems to save \$3,500 immediately, and to allow until the August meeting to research the purchase of new machines.

Commissioner Ortega made a motion to approve the cancellation of the systems, which was seconded by Commissioner Williams, and passed unanimously.

9. Sheriff's Office

A. Removal of damaged carport adjacent to the jail

Sheriff Dodson said a large dust devil damaged the carport. He said he would like to dispose of it, but several people have offered to buy it.

Commissioner Ortega said he could come take it down.

Sheriff Dodson said it will have to be taken off the inventory as it was purchased with grant money.

Commissioner Williams made a motion authorizing Commissioner Ortega to take it down and dispose of it, which was seconded by Commissioner Stone, and passed unanimously.

B. Removal of abandoned fuel tank located at Gate 4, Terlingua, Texas

Commissioner Ortega made a motion to remove the tank and send it to salvage. Commissioner Williams seconded the motion, which passed unanimously.

10. Brewster County Commissioners Court Meetings / Schedule date changes for July and August

Judge Killingsworth said the July 22 meeting needs to be moved to July 30 to make way for the receipt of certified tax values.

She also asked if the Aug. 26 meeting could be moved to Aug. 25.

Commissioner Ortega made a motion to approve the date changes, which was seconded by Commissioner Williams, and passed unanimously.

11. Solar Energy Project / Property Tax Code 312

A. Consider adopting resolution indicating intent to participate in tax abatement Agreement

Randy Sowell said he believes the school will list the valuation of the project at \$25 million, which would add a considerable amount to the tax base.

They hope to begin construction about this time next year. The second phase is dependent upon the sale of electricity from the first phase.

Commissioner Williams asked if local people would be hired as part of the construction phase. Mr. Sowell said yes, and that it is included in the contract.

It is likely that only one person would be hired in the future as a full-time employee, either to provide security or maintenance.

Judge Killingsworth noted that the school district and county are totally separate entities and will enter into their own agreements.

Commissioner Ortega made a motion to adopt the resolution, which was seconded by Commissioner Williams.

Judge Killingsworth read the resolution for the record.

The motion passed unanimously.

B. Consider adopting guidelines and criteria for the establishment of a reinvestment zone

Mr. Sowell said Solaire Direct has agreed to pay legal expenses up to \$5,000.

He said he has some questions about the economic impact assessment included in the guidelines. He said the facility will not cost the County in additional funding, and will not even effect County roads. He said if Solaire is expected to pay for an economic assessment impact, he would need some figures ahead of time. He said the comptroller has already required an assessment as it related to the school.

Judge Killingsworth said the contract says that they County "may" request the assessment if they want to, but she doesn't believe this project lends itself to that. However, there may be future instances.

Mr. Sowell said he understands that Solaire intends to build the facility, and maintain ownership. Sometimes, assignment language causes problems in financing. Part of the contract includes wording like "approval," where "notice" is generally more satisfactory to lenders.

Judge Killingsworth suggested, then, that the issue be tabled until the County can speak with attorney Greg Hudson.

It was agreed that everyone needs to understand.

12. Dedication of Marathon Fire Station in honor of former Precinct 3 Commissioner Emilio Salmon on Saturday, June 28, 2014 at 11:30 A.M.

Commissioner Ortega said the building never has actually been dedicated. He said his family is already going to be in the area for a reunion. A plaque has already been made.

Commissioner Ortega made a motion to hold the dedication this Saturday, which was seconded by Commissioner Williams, and passed unanimously.

13. Rio Grande Council of Governments Solid Waste Grant

A. Update on Solid Waste Meeting, Commissioner Ruben Ortega, Pct. 3

Commissioner Ortega said he attended a meeting last Thursday. He said there isn't much money available at this time, although we've not participated in any solid waste grants since 2012. The money is available first come, first served. He said if we asked for about \$6,000 for tire clean-up, we have a good chance to get it. He said there are some other programs coming up in the future where we may be able to get more funding.

Hopefully, we can have it in time to do a Dump Day in July. We have about 50 days to apply, receive the funding, and finish the project.

B. Solid Waste Grant Application / Select Project

Commissioner Ortega made a motion to apply for \$6,000 for tire disposal. Commissioner Pallanez seconded the motion, which passed unanimously.

14. 2015 Budget Workshop

A. Presentations from Elected Officials on 2015 budget requests

Tax Assessor Collector Betty Jo Rooney said there will be a 10 percent increase for the software they use for tax collections, as there is annually.

She said there is a new revenue stream in her office for passport processing.

She is asking for a \$500 increase in office supplies, and for printing checks.

Commissioner Ortega asked if she's had any luck getting training in Alpine. She said there are now some webinars available, but they still have to go to Austin for tax collection training.

Ms. Rooney also told Commissioners that the tax assessor is entitled to compensation for collecting taxes for other entities. She said she would like Commissioners to consider a salary supplement for those duties.

She said she had understood that her employees would be supplemented for passport duties. That has not been the case at this time. Judge Killingsworth asked her to provide information of employees' time spent on those duties.

County Treasurer Della Shackelford said her 2014 budget should suit 2015 pretty well. They are staying within the current budget. She said this year, they did have to buy a couple of computers unexpectedly. She said she would like to look into a lease for a copy machine for her office alone.

Constable Henry Ogletree said he would like \$600 annually for fuel. He said a \$3,000 grant he got in 2002 for continuing education still has a balance of \$900. The State pays for board, so the grant covers meals and travel. Treasurer Shackelford has suggested an even higher amount for fuel as Mr.

Ogletree is using his own vehicle. Judge Killingsworth also suggested an allowance in addition to salary. Mr. Ogletree said that would be fine.

***Precinct 1 Justice of the Peace Jerry Sotello** said he hasn't asked for anything new in his 2015 budget.*

***Precinct 2 Justice of the Peace Jim Burr** said his travel budget was set up a couple of years ago when he had a lot of travel. He isn't doing as much travel at this time, so he'd like to shift \$200 from travel to education. Also, he currently pays his own office phone and is reimbursed by the County. He said he'd like to have the bill sent directly to the County.*

***Precinct 3 Justice of the Peace Suzana Gonzales** said she doesn't have any changes for her 2015 budget. She said her communications budget is way over this year, and she is unsure why. Commissioners recalled that maybe the internet for the entire Marathon Justice Center is being billed to her account. Judge Killingsworth said this problem is recurrent and needs to be addressed. Treasurer Shackelford said her office is working on it.*

***Sheriff Ronny Dodson** said he would like to increase his office supplies budget. He said the director of the academy at Sul Ross has resigned, which could result in less local training, so that budget will need to increase. The transport budget needs to increase. He is asking for a full-time deputy for Alpine.*

Commissioner Stone asked how many full-time deputies there are now. Sheriff Dodson said there are eight.

Judge Killingsworth said to consider that, they need to know the cost.

After lunch, Sheriff Dodson returned for his presentation.

Commissioner Ortega suggested a hardship stipend in order to entice people to the deputy positions in Terlingua and Marathon.

Sheriff Dodson said he needs an Alpine deputy to cover when the current guys go to cover in Marathon and Terlingua. He said hiring in Marathon isn't as much of a problem as Terlingua is.

Sheriff Dodson said they are currently denying vacation time because they can't leave shifts uncovered.

Judge Killingsworth said there is some liability in denying vacation time.

She reminded Commissioners that it's not just adding a salary, but payroll taxes and health benefits as well.

Sheriff Dodson then address the budget at the jail.

He said the federal prisoners rate is up over \$2,000 for the year, and the system is working well. He expects prisoner board to come in well under budget, possibly as much as \$20,000.

Commissioners recessed at 11:50 a.m. and planned to resume at 1:15 p.m.

Commissioners returned from recess at 1:15 p.m.

Road and Bridge Superintendent Frenchie Causey said fuel prices are increasing and they have started hauling a lot of their own materials, which saves money, but does increase the fuel bill. He would like to increase that line item. He uses the miscellaneous supplies line item often, and would like to increase it to \$2,000. Road and Bridge needs to install the low water crossing next year at Cemetery Road. He expects it to cost about \$10,000, which would need to be included in road materials.

Commissioner Ortega said he has been thinking about using some Road and Bridge funding to rent a crusher for approximately a month in order to stockpile base materials.

Commissioners agreed that there could be a significant cost savings. With more information, they would like to consider adding \$80,000 to the Road and Bridge budget.

Commissioner Ortega noted that there will likely be some overtime, as well, as the County must provide the operators.

Mr. Causey said he would like to request the purchase/replacement of two new work trucks totaling approximately \$50,000.

Judge Killingsworth said the audit will be marked to include that Commissioners' salaries should not come from the Road and Bridge budget, and should be moved to their own budget.

District Clerk Jo Ann Salgado said she would like Commissioners to consider making her part-time employee a full-time employee.

Judge Killingsworth asked what the salary would be for that position. Mrs. Salgado suggested \$21,000-\$22,000.

Judge Killingsworth said she understands that the help is needed, and additional duties which are upcoming are going to require more people.

Commissioner Williams said that if the workload is there, the budget needs to be adjusted.

Commissioners agreed that Judge Killingsworth and Mrs. Salgado should work together to research an appropriate starting salary.

District Attorney Rod Ponton gave some history of the DA's budget. He said that since he's been in office since 2013, he has learned that the tri-county area measures 60 percent of the case load, and Brewster County alone comprises 45 percent of that. As of this year, Brewster County has the largest case load in the 83rd District, even more than Pecos County.

He is asking for a \$100,000 increase in his 2015 budget to cover an investigator and a crime victims coordinator.

Commissioners wondered about the number of old crimes which are just now being prosecuted, and about the disposition percentage.

Judge Killingsworth said a \$100,000 increase translates to almost two cents on the tax rate.

Commissioner Pallanez said that in order for the cases to be properly prosecuted, the DA should have the appropriate budget.

Judge Killingsworth said she thinks the only possible option would be to make increases through multiple phases.

Commissioners reviewed submitted budgets for department heads which were unable to attend the meeting.

The District Judge has asked for a car allowance, which was supposed to be included in the 2014 budget. He's also asked for a training increase, and the addition of a \$550 technology maintenance budget.

Commissioner Ortega would like to compare the Judge's docket with the District Attorney's records. Commissioner Williams said he'd like Judge Killingsworth to look into it now, and again at a later date to compare the movement.

The Extension Office has asked for increases in operating supplies and repairs and maintenance. There is a request for \$18,000 for a pickup. Commissioners recalled that a pickup was approved for last year, with half of the cost coming from Jeff Davis County. The issue will be researched.

Most of the County Clerk's budget has remained the same, although there is a request for a salary increase for the elections clerk. There are also increases in transportation/conferences, and publications/notices. Commissioners would like more information about the transportation/conferences request. Commissioner Ortega noted that the County Clerk is hosting a conference locally at some point.

County Judge Kathy Killingsworth said most everything in her department remains the same. The travel and communications budgets have been reduced. In the courthouse budget, several items were either reduced or slightly increased. The Historic Preservation Fund and Jail Infrastructure Fund will be moved out of this budget. Some changes were made to the County Court budget as well, as well as the IT budget. Judge Killingsworth has added a \$15,000 software budget as we research new court software to cover numerous departments. She doesn't know the cost, but she thinks it's important to have a line item and a place to start. The Emergency Management budget has been changed a little. A line item for the Alpine VFD has been added. Commissioner Ortega said the Marathon VFD building is in need of a heater. He will check into the cost.

Judge Killingsworth said she is suggesting that the EMC position be taken back to a part-time position, and using the difference to fund the

Administrative Service position that was created last year. The position would be under the supervision of the Treasurer's Office. Duties would include implementing a purchase order and requisition system, and inventory.

The County Veterans Officer has been transporting veterans to appointments and hospitals, and has not been reimbursed for that. A line item has been added to reimburse him for those costs.

B. Salaries / Cost of Living Increases/Longevity Stipends

Judge Killingsworth gave Commissioners proposals for a three percent increase, which would cost just over \$75,000. A five percent increase would cost about \$125,000.

There are also some longevity options using a total of 608 total experience years. Options of \$50, \$75 and \$100 dollars were given.

Judge Killingsworth said she'd rather put money into our employees than our District Attorney's office.

She said she thinks the increases should be included in base salaries so that employees continue to realize the benefits.

Judge Killingsworth said that with everything we've heard today, we're going to have to be prepared to raise the tax rate. She asked Commissioners if they're willing to do that. She said that she is.

Commissioners concurred, and agreed to start with a five percent cost of living increase and a \$50 per year longevity increase.

C. Timeline for adoption of 2015 Budget and 2014 Proposed Tax Rate

Judge Killingsworth said they are going to try to take all of the information from today and formulate it, and bring it back to Commissioners by July 14. Adjustments will be necessary.

She reviewed the dates of regular meetings and called meetings which be held in conjunction with public notices related to the budget and tax rate.

D. Preliminary Tax Values 2014

Judge Killingsworth gave the values to Commissioners for review.

The preliminary total is over \$668 million, but that will be adjusted down once the protest period has ended.

E. 2015 Debt Schedule

The sheep's foot roller will be paid off this year, which will save about \$35,000 in 2015.

Commissioner Stone made a motion to adjourn, which was seconded by Commissioner Ortega, and passed unanimously.

KATHY KILLINGSWORTH, COUNTY JUDGE

ATTEST:

BERTA RIOS- MARTINEZ, COUNTY CLERK