

**REGULAR MEETING OF THE
BREWSTER COUNTY COMMISSIONERS COURT MONDAY,
JUNE 8, 2015**

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| <i>Eleazar 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>Mike “Coach” Pallanez</i> | <i>Commissioner Pct. 4</i> |
| <i>Berta Rios-Martinez</i> | <i>County Clerk</i> |

Judge Cano called the meeting to order.

1. Invocation, Pledge of Allegiance

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

2. Public Comment

No public comments.

Judge Cano informed the Court of the absence of Commissioner Ortega and County Treasurer Ruth Staton.

3. Minutes / additions / corrections / approval

Commissioner Pallanez motioned to table the minutes until the next regular Commissioner Court Meeting. Commissioner Novovitch seconded the motion, and the motion passed unanimously.

**4. Gibson Ruddock Patterson LLC / Update on Audit Tracker for 2014 Audit
(Teleconference)**

Judge Cano informed the Commissioners Court that County Treasurer Ruth Staton and two employees from the Treasurer’s Office met with Vanessa Alarcon of Gibson, Ruddock and Patterson in February on providing their firm with accurate information for the Audit. Then, Judge Cano established a teleconference with Vanessa Alarcon and informed her who was present on Commissioners Court and of the absence of Treasurer Staton and her staff. Vanessa Alarcon informed the Court that a list was sent in February of what was needed for the audit and she met with the Treasurer and the Judge on the needs. They also met with the prior staff of the Treasurer’s Office and went through the list with examples of what the Treasurer’s Office would need to provide. Due dates of April to May were set but they had not heard anything from Treasurer Staton, stated Vanessa Alarcon.

Vanessa Alarcon stated that since the information had not been provided, her office asked to have a teleconference with Treasurer Staton and Judge Cano on May 8, 2015. As a result of the conference call, an agreement was made to have all documents provided by June 3, 2015. As of that date of the 80 plus items requested only the first 17 items had been provided, stated Vanessa Alarcon.

She continued by stating unless all the items were provided by the end of the week they are concerned with not being able to meet the 9 month deadline for the audit for Brewster County. This would affect federal grants and would put Brewster County at high risk.

Vanessa also stated that if the items are not provided, then they need to know so they can bring the audit to a conclusion.

Judge Cano stated they are trying to get the Treasurer to be more responsive and felt it was important to advise the Commissioners what is going on. He also informed Vanessa Alarcon that the Court has forwarded to the District Judge an order to hire a County Auditor. Judge Cano stated he would get the help needed in the Treasurer's Office that fall within guidelines. He then asked Vanessa Alarcon what the Court could do to help move forward and the timeline. Vanessa Alarcon answered by informing the Court that they have asked Treasurer Staton to provide the items by next week, and if that happens, then they can meet the deadline. Otherwise they need to conclude the audit process. Vanessa Alarcon stated that if not provided, then they would have to see what options they have because of obligations to other clients.

Commissioner Novovitch asked if the September 30, 2015 deadline can be extended and Vanessa stated it was a "hard" deadline.

Commissioner Pallanez asked the updated number of items on the list versus the number collected.

Vanessa Alarcon responded with 90 items and only 22 have been provided.

Judge Cano stated that he would call Vanessa Alarcon after Commissioners Court and find out what needs to be done and asked if they could access last year's jump drive in order to help out.

Vanessa Alarcon stated that Hatem Mehri in the Treasurer's Office has that drive.

After a brief conversation, the call was disconnected.

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 stated he was on vacation last week. His crew cleaned up after the auction, bladed roads in South County, finished hauling base to Lajitas, and a couple of guys are mowing county roads and right of ways. They also mowed Terlingua Ranch Road, informed Frenchie Causey. Commissioner Pallanez complimented Road & Bridge for their hard work.

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

Nothing further at this time.

6. Assess work/cost repairs to the Sheriff's Office Building / Discussion and appropriate action

Commissioner Novovitch stated that the Sheriff asked him to look at the building. The building is in need of repairs, including fixing leaks and removing black mold. He is waiting for Frenchie Causey to look at what needs to be done and provide the Court with information on what can be done in-house and contracted out.

7. Treasurer

In the absence of Treasurer Staton there were no reports.

Judge Cano brought up a 2100.00 charge to Johnson's Feed and Frenchie Causey informed him that it was an attachment for a John Deer brush hog.

Judge Cano brought up "Voided" checks on the back page and said it looks like they were added back in. Judge Cano informed the Court the he visited with the County Clerk and the District Clerk on fees that have not been applied to the reports and how it effects their office.

Berta Rios-Martinez, the County Clerk, and JoAnn Salgado, the District Clerk, asked if they could take back the bookkeeping in their office. This is based on it not being completed in the Treasurer's Office. JoAnn Salgado stated that she is concerned about the State Fees. County Attorney Steve Houston also informed the Court that accounts he uses cannot be found, so his office doesn't have balances for the accounts. Frenchie Causey informed the Court that he has worked close with the Treasurer's Office and is worried about his budget. He doesn't know his balance and if bills are being pulled out of the appropriate departments since he has not received a report since January.

Judge Cano stated that the concerns are across all the offices in Brewster County and as he prepares the budget for 2016 he hopes it will get straightened out. He continued to state that because she is an elected official there are things he can't do and asked for people to come by his office if they have not been paid and he will get it done.

A. General Bills / Discussion and appropriate action

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
Reports Cash Report
Grant Reports
Commissioner**

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

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

8. Officials' Monthly Reports

Nothing provided to report.

Berta Rios-Martinez informed the Court that she has not received any reports since the beginning of the year.

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

Ron Sanders explained that the Tourism Council inquired about converting to County positions for the Executive Director and Assistant and would like the courts permission to continue the process.

Commissioner Novovitch suggested that Article 6 be followed during this process and explained that Article 6 provides guidelines to the hiring process of the County.

County Attorney Steve Houston explained the process.

Ron Sanders explained that the Committee would review the applications and the Judge could sit on the board and reach a decision. Commissioner Novovitch stated these are County positions and all applications need to go through the County; they would come through the Judge's Office, and at the end of the time period they would go to the Tourism Council.

Commissioner Garrett asked who will be supervising the Employees. Ron Sanders explained that day – to-day supervision would be the Council and the hiring and firing would be the Judge and Commissioners Court. Further discussion continued on supervisory duties and responsibilities.

Commissioner Novovitch moved to establish County positions for an Executive Director and an Administrative Assistant for the Brewster County Tourism Council to be funded by hotel/motel taxes, with job descriptions and compensation to be determined. Commissioner Pallanez seconded the motion, and the motion was passed unanimously.

The Court recessed at 10:20 A.M.

Court Reconvened at 10:30 A.M.

10. 83rd District Attorney's Office

A. Approve Final Bills in the amount of \$30,977.43, for the murder prosecution in the State of Texas v Tony Flint, Cause No. 4319, in the 394th Judicial District Court of Brewster County, Texas

District Attorney Rod Ponton presented all the receipts for the Courts review. He explained the grant was submitted with estimated costs and the actual cost have now been submitted for final approval. He also stated the same receipts have been submitted to the Governor's Office for reimbursement to Brewster County. Rod Ponton also stated that Brewster County has only paid for airfare so far, which was approved by the Court at an earlier date.

Judge Cano asked about the rooms at the El Capitan including who stayed and dates stayed.. Rod Ponton provided the names of those who stayed at the hotel in question and explained the process of the hotel policy to guarantee the rooms for the following week, which included keeping the rooms rented whether they were occupied or not. Further discussion on a room in the name of Tina Richardson occurred and Rod Ponton stated he would look into that to make sure the charge was not duplicated..

Commissioner Pallanez moved to approve the final bills in the amount of \$30,977.43 with the detailed information from the hotel on Tina Richardson charges and rooms unoccupied during the weekend. Commissioner Garrett seconded the motion, and the motion passed unanimously.

B. Approve certified submission for grant application number V0071-16-0325 and Resolution, Texas Attorney General's office, Crime Victim Services Division for a Crime Victim Services grant for a Crime Victim Coordinator.

Rod Ponton explained that the Texas Attorney General's office requires Crime Victim Services, but offered a 100% grant up to \$62,000 to cover the position. Rod Ponton explained the process of the grant and the purpose it serves and also stated that it is a two year grant.

Judge Cano moved to approve grant application number V0071-16-0325 and the resolution. Commissioner Pallanez seconded the motion, and the motion passed unanimously.

Judge Cano read the Resolution V0071-16-0325 into record.

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

Emergency Management Coordinator Matt Van Ostrand updated the Court on the Homeland Security Grant by stating it has been completed. He also stated that there is no need for a burn ban in the area. Also, he reviewed the use of fireworks for the 4th of July and there is no need for any bans on those at this time.

Commissioner Garrett stated that he understood that the restrictions are only available when there is a drought and Brewster County is not in a drought at this time.

Matt Van Ostrand also updated the court of a phone call he received from Alpine Police Department that the 12 AEDs received through a grant need replacement batteries which will cost about \$3,600. After discussion the Court feels that it is the responsibility of the City to replace the batteries.

Van Ostrand reported the Emergency Operation Center is functional and computers are updated and things are cleaned up.

Commissioner Novovitch asked about the weather station and Matt Van Ostrand informed him the he is still looking into that and will have more information at a later date.

Judge Cano asked about including the surrounding counties in any training and exercises and Matt Van Ostrand agreed that all counties will need to be included.

Commissioner Novovitch voiced his concerns on the Sunny Glen area and the lack of exit strategies during an emergency and asked if Matt could look into an additional route. Matt Van Ostrand stated that he would need to look into that and get with land owners for permission for access to exit through their property.

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

**12. Provide Satellite Phone for Justice of the Peace, Pct. 3, using JP Technology Fund /
Discussion and appropriate action**

*Correction on the agenda should be Precinct 2 not Precinct 3.
Judge Jim Burr provided a brief explanation of the JP Technology Fund and what the money can be used for. He stated that there is about \$2,700 available and can be used for a variety of things and he is asking for a satellite phone. Judge Jim Burr explained that there have been miscommunications because of the poor cell service and feels like this would help. Judge Jim Burr informed the Court of the cost is \$100 to sign up and \$15 plus tax a month. This approval will put them on the waiting list.*

Commissioner Garrett moved to approve a satellite phone for JP Precinct 2 using the JP Technology Fund. Commissioner Novovitch seconded the motion, and the motion passed unanimously.

**13. Consider establishing the Commissioners Court meeting room as an office for County
Commissioners / Discussion and appropriate action**

Commissioner Garrett explained there is no space in the Courthouse for Commissioners to work and feels that the room behind the Commissioner Courtroom can be a functional office for little expense to the County.

Judge Cano suggested to use his office staff to schedule work time if needed.

Commissioner Garrett moved to create a County Commissioner office space with funding coming from the Commissioners budget. Commissioner Pallanez seconded the motion, and the motion passed unanimously.

**14. 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**

Commissioner Garrett explained this item has been on the agenda in the past and he briefly stated the policy which included the rental agreement, the rules of the facility, and cost of the use of the facility. The use of alcohol was in question and Commissioner Garrett read the section in the policy to clarify this matter.

Commissioner Garrett made a motion to approve the Brewster County Community use Policy for J.W. “Red” Pattillo Community Center 53633 State Highway 118, Study Butte, Texas and Marathon Community Center, 2nd & Ave E Marathon, Texas. Commissioner Pallanez seconded the motion, and the motion passed unanimously.

15. Discuss and consider the contract for Delinquent Property and Delinquent Fine & Fees Tax Collections with McCreary, Veselka, Bragg & Allen, P.C.

Judge Cano stated that he asked County Attorney Steve Houston to review the contract and he stated the contract is the same as the past contracts and looks to be in order and is ready for signatures.

Commissioner Garrett moved to authorize Judge Cano to sign the contract with McCreary, Veselka, Bragg & Allen, P.C.. Commissioner Novovitch seconded the motion, and the motion passed unanimously.

16. Schedule next Regular Commissioners Court Meeting (Tuesday, June 23, 2015)

Judge Cano stated that the next Commissioner Court would be in Alpine on June 23, 2015 in the County Commissioner Court Room with a workshop with Road & Bridge immediately following.

17. Adjourn

Judge Cano adjourned the meeting at 11:44 A.M.

Eleazar Cano, County Judge

ATTEST:

Berta Rios- Martinez, County Clerk

