

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

*Judge Cano called the Court to order at 9:04 A.M. and the following were present:*

<i>Eleazar Cano</i>	<i>County Judge</i>
<i>Luc Novovitch</i>	<i>Commissioner Pct. 1</i>
<i>Huge Garrett</i>	<i>Commissioner Pct. 2</i>
<i>Ruben Ortega</i>	<i>Commissioner Pct. 3</i>
<i>Mike Pallanez</i>	<i>Commissioner Pct. 4</i>
<i>Berta Rios-Martinez</i>	<i>County Clerk</i>
<i>Steve Houston</i>	<i>County Attorney</i>
<i>Ruth Staton</i>	<i>County Treasurer</i>

**1. Invocation, Pledge of Allegiance**

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

**2. Public Comment**

*There was no public comments.*

**3. Minutes / additions / corrections / approval**

*Judge Cano presented the minutes of June 8, June 12, and June 18, 2015.*

*Commissioner Ortega moved to approve the minutes of June 8, 2015, June 12, 2015 and June 18, 2015. 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 & 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 that Road and Bridge seal coated 1.3 miles of Terlingua Ranch Road and prepared the remaining 1.3 miles. They have been working on the door at the Tax Office and replaced light bulbs. They prepared the Post Park for the 4<sup>th</sup> of July events and placed road signs in Marathon. Causey also reported that they moved blocks to the Office Complex to start repairing the wall in the parking lot, worked on equipment, trimmed trees on Wagon Road and bladed a few roads around the area. Commissioner Ortega asked if Road & Bridge could look at trimming trees in Double Diamond around the stop signs. Causey agreed to take care of that.*

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

*Causey had nothing further to discuss.*

## **5. Treasurer**

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

*Treasurer Ruth Staton reported General Bills totaled \$194,207.62. Commissioner Garrett asked if the payment to I&S was a quarterly payment or monthly, Staton was not sure and stated she would look into it. Commissioner Pallanez asked if item 49204 to BAM Automotive was work on two separate vehicles or the same vehicle. Staton stated it was two different vehicles. Judge Cano asked if the Hill Country Software bills in the amount of \$4,975.00 and \$1,400 under Professional Services is a monthly fee or is an as needed charge. Treasurer Staton explained that Hill Country Software was called in to provide their service. Commissioner Ortega asked if it was in the Treasurer Department and Staton stated that her bill was \$1,400. Judge Cano asked which department the Hill Country Software was billed under and Staton stated she would get her staff to look into that.*

*Commissioner Novovitch asked how AT&T bills were billed since there were so many. Staton stated that AT&T bills each department. Commissioner Novovitch questioned the phone bill for JP 3 in the amount of \$747 and asked if it was that high all the time. It was for May and June, commented Treasurer Staton. Novovitch also questioned item 49275 to the City of Alpine Police Department in the amount of \$3,229.39. Staton explained that was from the Stonegarden Grant. Commissioner Ortega stated he preferred the Treasurer reports to be by Department. Staton said that it could be done.*

*Judge Cano asked for clarity on the check to Hudspeth County in reference to the trial. Staton confirmed it was for the murder trial that was held in that County.*

*Commissioner Garrett asked if the TAC payment of \$28,353 for property tax was an annual payment or monthly and Treasurer Staton stated it was an annual payment.*

*Judge Cano asked if the Hill Country Software had been clarified by her staff and Staton said not at this time but further explained that it could be from the County Clerk's Office and the District Clerks Office as they had training provided to them by Hill Country Software. Berta Rios-Martinez, County Clerk and JoAnn Salgado, District Clerk both stated that the invoices*

received for that training have not been turned in due to questions they have with the billing from Hill Country Software. Berta Rios-Martinez explained that the training for the County Clerk's Office is due to the bookkeeping that was taken from the Treasurer's Office to be put back in the Clerk's Office because it was not being done by the Treasurer and/or her staff. District Clerk Salgado explained that Hill Country was working on some issues in their office before she will clear up her invoices.

Judge Cano stated that in a few weeks the County Auditor could have some suggestions on the process on things as far as where the budget stands and the reporting factor. Judge Cano also stated the Court needs to know where the County stands with Hill Country and what the charges are for.

Commissioner Novovitch moved to approve the General Bills as presented. Commissioner Ortega 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 Listings  
Cash Report  
Grant Reports**

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

*Nothing reported.*

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

Treasurer Staton explained the overdue bills from Nectar Computer from the 2013-2014 years in the amount of \$6235.00 and would like to place that on the agenda for next month to discuss. Judge Cano asked for an itemized bill on what the charges are and the departments and suggested that Nectar Computer come in and present this item and maybe provide an explanation.

Treasurer Staton also stated she is working on the MVPA bills from 2014 and part of the bills did not get paid and her office needs to know what to do on those. Commissioner Garrett asked for clarity on the MVPA and Staton explained it was for delinquent fees from the JP.

**6. Officials' Monthly Reports**

*Monthly reports provided to the Court to include March, April, May, and June.*

*Commissioner Ortega read the reports into record.*

*Commissioner Ortega moved to approve as read.*

*Commissioner Garrett asked if the reports are collected from each Department, and Staton informed the Court that they were.*

*Rios-Martinez informed that Court that all bookkeeping was done in the Treasurer's Office until March and does not know why the County Clerks amount for March was not included in the*

reporting. She continued to inform the court that the County Clerk's Office took over the receipts beginning in April. Staton informed the Court that Hill Country took care of entering March. Commissioner Novovitch asked if the Treasurer's Office could contact Hill Country on that information.

Judge Cano explained the difference between the amounts for the JP's Offices is that JP #1 is in Alpine, JP #2 is in Terlingua and JP #3 is in Marathon.

Commissioner Garrett moved to table the Official Monthly Reports for March, April, May and June until completed. Commissioner Ortega seconded the motion and the motion passed unanimously.

The Judge asked to move to item 9 in order to have the hearing at 10:00 on item 8.

**7. Consider and act upon engagement agreement with law firm of Hudson & O'Leary LLC to represent Brewster County in connection with the tax abatement matters pertaining to River Rock Solar LLC**

Judge Cano contacted Greg Hudson of Hudson & O'Leary LLC via teleconference. Once on the phone, Judge Cano introduced the Commissioners that were present and Clay Butler and Jeff Sabins of River Rock Solar LLC. Hudson explained his billing process for this particular project, that is to bill the County a flat fee of \$5000 in turn River Rock Solar will provide a check to the County for the services of Greg Hudson. Mr. Hudson explained to the Court that there was an engagement agreement letter for Brewster County and there is a check to be rendered by Mr. Butler.

Mr. Hudson provided an explanation of a Tax Abatement and the qualifications. There is a Brewster County Guideline for tax abatement, stated Mr. Hudson. In order to qualify for Tax Abatement there must be a project that is 50 Million Dollars or greater and this particular project is a \$75 Million Dollar project, informed Mr. Hudson. Mr. Hudson also informed the court that a Tax Abatement will not be negotiated today.

Commissioner Ortega moved to engage with Hudson & O'Leary LLC and Brewster County for Tax Abatement matter through River Rock Solar LLC. Commissioner Garrett seconded the motion and the motion passed unanimously.

**8. River Rock Solar LLC / Property Tax Code 312**

Judge Cano opened the public hearing at 10:18 A.M.

**A. Hold public hearing and take public comment on possible action to designate the River Rock Reinvestment Zone under the provisions of Texas Tax Code § 312.401**

Mr. Greg Hudson explained to the Court that there are a few steps to a Tax Abatement, the first being entering a Resolution, which has been done. The second thing that needs to be done is to have a set of rules, which is a guideline and criteria, to follow when considering an application

*for Tax Abatement. The last, is to set up one or more Re-Investment Zones, per Mr. Hudson. Mr. Hudson provided details and explanation of Tax Abatement and how it works.*

*Judge Cano informed Mr. Hudson that Marathon ISD was in the Courtroom and this would affect them.*

*Steve Houston, County Attorney, asked where the property was located. Judge Cano stated that the property was located in the Northern part of Brewster County on Highway 67 on the East side of the highway.*

*Clay Butler and Jeff Sabins of River Rock Solar LLC discussed the benefit of the project. Further discussion and questions were asked and answered pertaining to the project.*

*Mr. Hudson suggested to have River Rock Solar LLC provide a history of their company and the project should they enter into an agreement.*

*Mr. Butler and Mr. Jeff provided the history of their company and the projects they have completed.*

*Judge Cano adjourned the public hearing at 11:04 A.M.*

*Judge Cano reconvened into regular Commissioner Court session at 11:05 A.M.*

## **B. Discussion on the Application of River Rock Solar, LLC, for Tax Abatement**

*Mr. Hudson suggested the guidelines to confirm River Rock Solar LLC have been met appropriately. A brief discussion of the application process took place.*

## **C. Deliberate and take action on Resolution to designate the River Rock Reinvestment Zone under the provisions of Texas Tax Code § 312.401 and to accept and approve Application of River Rock Solar, LLC for Tax Abatement**

*Commissioner Ortega moved to accept the Resolution to designate River Rock Reinvestment Zone under the provisions of Texas Code 312.401 for Tax Abatement and approve the application. Commissioner Novovitch seconded the motion and the motion passed unanimously.*

## **9. 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 Coordinator Matt Van Ostrand reported that Brewster County had no problems over the July 4<sup>th</sup> Holiday. There were 6 calls to Alpine Fire Department and 16 calls to EMS in the month of June. Van Ostrand stated as soon as he gets Terlingua Fire Department information he will begin reporting their numbers.*

*No change in the burn ban but if no rain continues there possibly will be one in place by next meeting, Van Ostrand reported.*

*He also stated the he attended an ETP Presentation and voiced his concerns regarding the pipeline and has concerns with Sunny Glen area and he was informed by Larry Nugent of ETP that they are working on that as well. The Court further discussed a few concerns on the process of the pipeline.*

*Van Ostrand informed the Court of a Grant for the possibility of having ground transportation from the Hospital. He will get back with the Court with more information as the Grant becomes available.*

*Judge Cano discussed holding a meeting on the ground transportation as well as the meetings he has had with the Hospital District on the matter. Also the discussion of having the training available for the new members on the volunteer Fire Department.*

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

*Nothing further at this time.*

#### **10. Sheriff' Office / Discuss and appropriate action on making all part-time jail employees fulltime**

*Sheriff Ronny Dodson explained the reason behind wanting to change the employment status of his jailers from part-time to full-time. Sheriff Dodson stated that they have exceeded the budget and stated that based on the number of hours that the part-time employees are putting in, they need to be compensated with insurance as they have been working full time hours. Hatem Merhi confirmed what Sheriff Dodson stated and informed the Court that a change needs to be adjusted in order to be in compliance. After further discussion, Commissioner Garrett asked if further information could be provided. Mr. Merhi provided the numbers from the Treasures Office to provide more information, however more research was requested and a budget workshop was set for July 23, 2015 to discuss further.*

*Judge Cano recessed at 12:07 P. M.*

*Judge Cano reconvened at 12:11 P.M.*

#### **11. Texas Association of Counties Health and Employee Benefits Pool / Consider Brewster County group health renewal packet**

*Mindy Seamore presented the changes in the policies for Texas Association of Counties Health and Employee Benefits Pool. She stated that it was a 4% increase and that there is a deadline of July 14, 2015. There was an email sent to the Treasurer's Office and to the Judge's Office on*

*June 26, 2015 to notify the County of the change. Ms. Seamore also stated that Texas Association of Counties of Health and Employee Benefits Pool will be moving there calendar dates to reflect October 1 to September 30 instead of January to December. Ms. Seamore suggested holding an enrollment meeting in September for those who need to enroll or make changes.*

*Commissioner Ortega moved to approve the renewal packet of Texas Association of Counties Health and Employee Pool. Commissioner Pallanez seconded the motion and the motion passed unanimously.*

## **12. Schedule County Road System Workshop (Tuesday, July 28, 2015)**

*Judge Cano informed the Court that after meeting with Superintendent Causey, they will hold a workshop on July 28, 2015.*

## **13. Schedule next Regular Commissioners Court Meeting (Tuesday, July 28, 2015)**

*Judge Cano stated that the next Regular Commissioner Court Meeting will be held on July 28, 2015.*

## **14. Adjourn**

*Commissioner Ortega moved to adjourn at 12:37 P. M... Commissioner Garrett seconded the motion and the motion passed unanimously.*

---

*Eleazar Cano, County Judge*

*ATTEST:*

---

*Berta Rios-Martinez, County Clerk*