

**REGULAR MEETING OF THE BREWSTER
COUNTY COMMISSIONERS COURT
TUESDAY, JULY 28, 2015 AT 9:00 A.M.**

Judge Cano called Court to order and the following were present:

Eleazar Cano	County Judge
Luc Novovitch	Commissioner Pct. 1
Hugh Garrett	Commissioner Pct. 2
Ruben Ortega	Commissioner Pct. 3
Mike “Coach” Pallanez	Commissioner Pct. 4
Berta Rios-Martinez	County Clerk
Ruth Staton	County Treasurer

1. Invocation, Pledge of Allegiance

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

2. Public Comment

No public comments at this time.

3. Minutes / additions / corrections / approval

Minutes for June 23, 2015 were reviewed with minor grammatical changes to item 6 from no match to “in kind” match and item 9 to clarify sentence of the payment.

*Commissioner Ortega moved to approve the minutes of June 23, 2015 with the changes.
Commissioner Garrett seconded the motion and the motion passed unanimously.*

4. Recognitions / Recognize Ray Hendryx, upon his retirement

Judge Cano recognized Ray Hendryx for all of his years of service to Alpine through KALP, being the voice of Alpine since 1976.

*Judge Cano read into record the letter of recognition and proclaimed July 28 Ray Hendryx Day.
Commissioner Pallanez spoke encouraging words for Mr. Hendryx on his new journeys and appreciated him for his dedication on keeping the public informed on things going on in the area.*

Commissioner Garrett offered words of to Mr. Hendryx for his work.

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 reported the work that has been done since the last meeting. The work included working on the roads around the Courthouse, and Terlingua Ranch Road. Road & Bridge also worked on roads in the Alpine area and also mowed and shredded in the Marathon area. Superintendent Causey brought the Court up to date on the rock wall at the Val Clark Beard Office Complex.

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

Nothing further at this time.

6. Presentations from Non-Profits on 2016 Budget

Presenters for the Non-Profit 2016 Year included: Alpine Library, Marathon Library, Terlingua Library, The Family Crisis Center, Frontier CASA and the Sunshine House. All presenters included the job they do along with the financial end of their Organizations including donations and grants.

7. Treasurer

A. General Bills / Discussion and appropriate action

Treasurer Staton reported that general bills totaled \$132,609.71. Judge Cano asked about why the records management bill for \$6,600 was so high. While researching the charge, Berta Rios-Martinez stated that the (3) charges of \$2,200 for the last (3) months are for Property Info, land records, from the County Clerk's Office and that is the \$6,600 total for Records Management.

Commissioner Ortega asked if she could provide start providing the reports by department as asked at a previous meeting, Treasurer Staton confirmed she could.

Commissioner Garrett asked for clarity on item 49292 on the autopsies and asked if the Treasurer Office could confirm that it is an autopsies and not burials.

Commissioner Ortega stated that he has not seen a check go through for the 941 to report to the IRS and asked if they have been submitted; Treasurer Staton stated that the 941 reports go through payroll and have been submitted.

Treasurer Staton stated that she needed to bring it the Courts attention, and handed a report to the Court, that the health insurance is paid a month in advance and was handed a report that November and December were not paid and where she thought she was paying January and February when in fact it was November and December. Staton stated that when she spoke with Jennifer with TAC, she informed her that November and December was not paid and the payments that were submitted for January and February were applied to the November and December.

Commissioner Garrett asked if the Treasurer Office could provide a report for the 2014 budget year to include revenue and expenditures. Judge Cano interjected by informing the Court that he has asked the Treasurer to provide an analysis report and the report they are looking at is current as of this day. Treasurer Staton stated the Revenue is current and her staff will look into getting the current expenditures. Commissioner Garrett requested that the reports be provided by the end of the week in order to have the proper information for the Budget.

Commissioner Novovitch questioned the TAC payment for the 2014 year coming from the 2015 year. Treasurer Staton stated that it comes out of 2015 from the payroll. Commissioner Novovitch asked if she could provide the report showing that the funds where marked for these payments to TAC for the health insurance.

Judge Cano strongly stated that the situation with the payment to TAC is why the Court needs the analysis report. Also to provide an accurate budget for the 2016 year, stated Judge Cano. Judge Cano requested to have reports to compare from 2014 and 2015 to have an accurate budget for the upcoming year. Treasurer Staton stated that when the bills from the previous years are not paid it makes it hard to provide accurate reports.

Treasurer Staton stated there was a walk-in in the amount of \$513.71 for grant training for Hatem Merhi, and asked for approval of this reimbursement.

The Court continued with discussion of having accurate number for previous years.

Commissioner Ortega moved to approve the bills as presented including the walk-in in the amount of \$513.71. Commissioner Novovitch 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**

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

Grant Reports

Requested by Commissioner

No reports provided.

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 reported that the Tex Pool account has \$1,363,158.48 as of June 30, 2015. The interest amount was \$64,038 with the current balance of \$1,363,222.86.

Judge recessed court at 10:55 A.M.

Court reconvened at 11:15 A.M.

With the Courts approval, they moved to item 15 in order for the presenters to meet their next appointment.

8. Officials' Monthly Reports

Nothing to report at this time.

9. Presentation on Risk Management Pool Coverage Enhancements by Victor Uvalle, Risk Management Consultant with Texas Association of Counties

Mr. Victor Uvalle, Risk Management Pool with TAC. Mr. Uvalle presented options available to Brewster County policy. He started by stating that the Cyber Liability was added on May 1, 2015. As of July 1, 2015 crime coverage has been added to the liability policy, Uvalle added. He also stated that when a vehicle is added or taken away from a policy the change in the cost will be refunded/paid the following year.

Based on the explanation of the Cyber Liability, Commissioner Novovitch asked permission from the Court to have Brewster County IT look into this addition to the policy and put the log back in place. There was an agreement for this to happen.

Questions, answers and discussion took place on the policy in place.

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

Emergency Management Coordinator Matt Van Ostrand informed the Court that the Home Land Security audit is completed and closed and that Brewster County is in compliance with the Home Land Security Grant and up to date on the current match plan. On October 27 the Big Bend Regional Medical Center will be doing a functional exercise to test the Emergency capacity and EMC Van Ostrand will be assisting with this test.

Commissioner Ortega asked if he would contact the area EMT's and Fire Departments to see if they would be interested in participating. Van Ostrand stated that he has already been in correspondence with the area.

Van Ostrand reported that the grant for the generators is progressing and should be complete by October 1, 2015.

Mr. Van Ostrand reported fires in the area and recommends placing fire restrictions for 90 days within Brewster County.

The discussion of bees took place as several events took place in the area regarding bees. Proper protocol was discussed to call an exterminator and they could provide further information if it is needed.

Commissioner Ortega moved to place fire restrictions of 90 days. Commissioner Garrett seconded the motion and the motion passed unanimously.

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

Nothing further at this time.

11. 2016 Sheriff's & Constable Fees / Discussion and appropriate action

County Clerk Berta Rios-Martinez provided a message to the Judge stating that she had a prior obligation and that with communication with the Sheriff, there are no changes in the fees.

Commissioner Ortega moved to approve the 2016 Sheriff & Constable Fees to remain the same as the 2015 Fees. Commissioner Pallanez seconded the motion and the motion passed unanimously.

12. Texas Department of Motor Vehicles Imposition of Optional Fees (Calendar Year 2016) / Discussion and appropriate action

Judge Cano asked Betty Jo Rooney to explain. Betty Jo explained that there is an option to adding the child safety seats for additional \$1.50.

Commissioner Ortega moved to keep the Motor Vehicle Imposition for Road and Bridge at \$10.00. Commissioner Garrett seconded the motion and the motion passed unanimously.

13. Consider contract for dumpster placement in Marathon Town Square / Discussion and appropriate action

Commissioner Ortega stated that Texas Disposal was the quote. The quote included a 3 yard 1 a week pickup is \$75, for 2 week pickup is \$56 and for a 4 yard 1 week pickup would be \$86 and a 2 week pickup would be \$65. After discussion, the Court decided the 4 yard, 2 week pickup at \$65 would work for Marathon location.

Commissioner Ortega moved to approve Texas Disposal to provide dumpster placement in Marathon Town Square to include a 4 yard dumpster with a bi-weekly pickup at \$65 a month. Commissioner Novovitch seconded the motion and the motion passed unanimously.

14. Tax Assessor Collector / Presentation of 2015 Certified Tax Roll / Discussion and appropriate action

Betty Jo Rooney presented the 2015 Certified Tax Roll to be \$783,889,385. Matt White presented the 2015 Certified Appraisal Roll to also be \$783,889,385. Attachments were provided for viewing and recording purposes. Brief discussion and clarity of the report was asked and answered. Please see attached for further details.

Commissioner Garrett moved to approve the 2015 Certified Tax Roll. Commissioner Ortega seconded the motion and the motion passed unanimously.

Judge Cano recessed the Court for lunch at 1:00 P.M. Court reconvened from lunch at 1:41 P.M.

15. Brewster County Tourism

A. Update

Mike Davidson provided a background update as well as the means of advertising for the Big Bend area. The advertising extends from brochures, website, and magazines to billboards, stated Davidson. Davidson provided the statistics on the visitors on the website. Davidson also reported that approximately 65% of visitors enter and exit the Big Bend National Park through Highway 385 and are encouraged to take the loop through the Park to Terlingua and Study Butte.

Mr. Davidson stated that the Big Bend National Park expects to have an increase in visitors by about 50,000 more people.

B. Appoint Board Member to represent Lajitas area

Ron Sanders stated the John Price is the General Manager and fits the qualifications that are outlined in the guidelines and recommends him to represent the Lajitas area.

Commissioner Ortega moves to approve John Price as a Board Member to represent Lajitas. Commissioner Pallanez seconded the motion and the motion passed unanimously.

C. Hire a temporary assistant for Tourism Council Executive Director for 6 months, (to work less than 30 hours per week average)

Ron Sanders informed the Court that the assistant that was in place left to attend school and the Tourism needs to have the position filled. Mr. Sanders explained that it would be for 6 months at \$14.00 an hour and will follow through all the proper protocol for advertising.

Judge Cano explained how this process came about.

Ron Sanders stated that the Tourism Board would like to fill the position immediately and explained the urgency of the position.

It was agreed by the Court to fill the position for the remaining of the year and make changes in the upcoming year if needed.

D. Implement a 1% discount for properties submitting Brewster County Hotel Occupancy Tax in a timely fashion

Mr. Sanders explained that in 1997 the Court passed a rule that a 1% discount would be given if paid on time. This rule has never been implemented and would like to see that it begin, stated Mr. Sanders. Mr. Sanders informed the Court that when it was in the Tax Collectors office it was on the form and upon the moving this to the Treasurer Office in approximately 2004 it was taken off of the form that was to be filled out. Mr. Sanders stated that they are not asking to go back and provide the discount if applicable but to begin at this point forward. Judge Cano asked the due date and Mr. Sanders indicated that it is around the 20th of the month.

Judge Cano suggested to notify all of the entities that qualify for the discount with a letter.

Commissioner Ortega suggested that it come from Judge Cano and to begin January 1, 2016.

Commissioner Ortega moved to approve the implementation of the 1% discount for Brewster County Hotel Occupancy Tax and the letter to be sent to each entity by Judge Cano.

Commissioner Garrett seconded the motion and the motion passed unanimously.

16. Road & Bridge Workshop Session focused on five year plan for projects & needs

A. Commissioner Precinct 2 / Proposal to take Cottonwood Creek Road into the County Road System

Commissioner Garrett presented a proposal with a brief explanation of the reason for incorporating Cottonwood Creek Road into the County Road System. Commissioner Garrett stated the residents of the Cottonwood Creek Road have signed a petition to add the road to the County Road System. Cottonwood Creek Road is a public road maintained by the property

owners, informed Commissioner Garrett. Also, Commissioner Garrett provided a description of the road and had Superintendent Frenchie Causey with Brewster County Road and Bridge review the work to be completed in order for this change to take place. After looking at the project Causey stated that it could easily be added as a County Road.

Commissioner Ortega stated that he agrees with the proposal and on the work it would take to make this happen. Commissioner Pallanez agreed with the proposal as well.

Commissioner Garrett moved to take Cottonwood Creek Road and put it into the County Road System subject to a turnaround easement. Commissioner Pallanez seconded the motion and the motion passed unanimously.

B. Request for preliminary approval of taking this road into the County Road System subject to granting of required easements at the end of the road

This item was voted on and discussed in item A.

C. Discussion and appropriate action

Superintendent Frenchie Causey provided a handout prior to the Court of the 5 year plan the he put together. He stated that the plan was put together in order of priority. Discussion of silicone for the roads took place along with the cost and where the savings could take place.

Superintendent Causey reported some of the equipment that will need to be replaced in order to complete the projects and the job that is done by Road and Bridge.

Commissioner Garrett asked Superintendent Causey if he knows where Road and Bridge stand in the budget. Causey stated that he does not and based on the budget he can make it work.

Commissioner Garrett asked if Causey could present a one (1) year plan in January for the 2016 year. He stated that was not a problem.

Discussion about working together with the City of Alpine on certain projects would be a good idea. Judge Cano informed the Court that Julian Gonzalez was designated as the Councilmember to discuss projects with the County.

Commissioner Ortega informed the Court that the mower the Road and Bridge uses to maintain the County has broken and there is no money in the budget to replace. However, there is \$11,000 in Community Facilities at the beginning of the year and suggests to use some of that to purchase a mower. Superintendent Causey stated what they could use but it is not big enough to do the work needed for the County.

Discussion of a 54" with 24-25 Horse power for purchase seemed to be the best that was presented.

Commissioner Ortega moved to authorize Superintendent Frenchie Causey to look at and select a new lawn mower to purchased, the Z724XTW and the Z725XKW, with \$5000 to come out of the Community Facilities account and the remainder from Road and Bridge. Commissioner Novovitch seconded the motion and the motion passed unanimously.

Court recessed at 2:45 P.M.

Court reconvened at 2:58 P.M.

17. 2016 Budget Workshop / Discussion concerning all aspects of County revenues/expenditures & current finances and upcoming financial needs for all county departments and other entities funded by the County / Scheduling issues related to adoption of Budget and setting Tax Rate & other matter related to 2016 budget / public comment

Judge Cano proposed to move to item 18 letter A in order to discuss the salaries and have a better overview of the budget.

After reviewing the salaries in item 18, the Court reviewed the 2016 budget based on the information provided. Commissioner Ortega stated that the 2016 budget could not be determined without the accurate numbers from the Treasure Office. Commissioner Ortega said you can't file something we haven't seen. Commissioner Ortega suggested to process the timeline "backwards" in order to see what time frame they have to provide the accurate budget and to get the numbers from the Treasurer Office.

Discussion of Julie Morton, Judge's Assistant, and the salary based on the position she was hired under, which was the Treasure Office. Judge Cano stated that the department that she is paid from will change but not the amount of the salary.

Judge Cano informed the Court that the communication line item from all Elected Officials budget will be removed and placed as one category.

Discussion of moving the \$1,200 voter registration to the County Clerk's office from Tax Collector Office along with the cost of e-filing for the County Clerk's Office. Berta Rios-Martinez informed the Court she has not turned in her budget to the Judges Office and the Court discussed where to place the e-filing and how to title it. It was suggested to place all software programs under "software".

18. Matters related to 2015 Tax Rate & 2016 Budget

A. Salaries for Elected County Officials

Judge Cano proposed to leave all Elected Officials salaries the same as they were in 2015 and suggested removing the Constable salaries since there was no one serving in that capacity. Commissioner Ortega states that those salaries had to remain in place as they are mandated by the State.

Judge Cano informed the Court of a possible change in his salary as far as the State supplement goes. He has no control over that and the change is from the State but never heard from the State on the increase. Treasurer Staton interjected by stating that it was increased \$10,000 a year. Staton stated that it was official and there is a notification and that she will confirm that it is from October 1 – September 30 and not from calendar year.

Judge Cano stated that there will be changes on the staff salaries in certain offices and the County Auditor, but will not reflect the salaries for this budget.

Commissioner Garrett asked if the Voter Registration was in the wrong category. Judge Cano stated that it was correctly placed under the County Clerk and the Election Clerk will handle the Voter Registration.

Commissioner Garrett asked to explain how a department can have supplement for something that falls under the job duties. Commissioner Ortega explained the process of supplements. Judge Cano recommended looking at other Counties to see how they set up their salaries and their structures.

Discuss of setting up a base structure for salaries and researching the base salaries for clerks, administrative help, etc. This is to simplify the budget process.

Commissioner Ortega suggested to get a breakdown of what we could generate and with the Court not having those numbers at this time there cannot be an accurate budget set. Changes to the County Judge salary with the State supplemental increase the court approve to move forward.

Commissioner Ortega moved to keep the proposed salaries and allowances for the 2016 budget with changes noted on the County Judges position. Commissioner Pallanez seconded the motion and the motion passed unanimously.

1. Review proposed salaries

Discussed in Item A

2. Propose salaries & appropriate notices / Discussion and appropriate action

Discussion and action in item A

Judge Cano allowed Dr. Christophersen to speak as he signed the public comments sheet. He stated that as a Tax Payer he feels the taxes could be increased and explained his reason why he is for an increase.

Dr. Christophersen further stated that as far as the Election Administrator and the supplement, he informed the Court that the position has already been established and the funding is available for the position.

B. Time Line for Public Hearings on 2016 Budget and 2015 Tax Rate and Adoption of 2016 Budget and 2015 Tax Rate / Discussion and appropriate action

Discussion of the Public Hearings took place to see what the time frame the Court has in order to have accurate numbers. Judge Cano stated that he would contact Greg Hudson to confirm the deadlines and would provide the Court a revised version.

Please see the tentative time line that was laid out based on an October to September Fiscal year.

Judge Cano will fill in the blanks on the line item budget and re-present to the Court as well as have the time line for the Public Hearings.

19. Adjourn

Commissioner Ortega moved to adjourn at 4:23 P.M... Commissioner Pallanez seconded the motion and the motion passed unanimously.

Note: Due to the length of this agenda, expect recesses to be taken

Eleazar Cano, County Judge

ATTEST:

Berta Rios-Martinez, County Clerk