

**CALLED MEETING OF THE BREWSTER
COUNTY COMMISSIONERS COURT
TUESDAY, OCTOBER 13, 2015 AT 9:00 A.M.**

Judge Cano called the meeting to order and the following Elected Officials were present:

<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>Ruben Ortega</i>	<i>Commissioner Pct. 3</i>
<i>Mike "Coach" Pallanez</i>	<i>Commissioner Pct. 4</i>
<i>Berta Rios-Martinez</i>	<i>County Clerk</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

No public comment at this time.

3. Minutes / additions / corrections / approval

Judge Cano indicated that all minutes for August and September were available for approval and the Court had received them for prior review.

Commissioner Ortega moved to approve the minutes for August 10, 25, September 9,14,15,16,21,22,25 and 29, 201. Commissioner Novovitch 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 have been cleaning up Terlingua Ranch Road and placed the sign on the post that was set for Los Ranchos Road. Commissioner Novovitch explained the need for the street sign. Road and Bridge has completed the remodel of the Judge's Office and are almost complete with the Judge's Assistant's Office, stated Superintendent Causey.

Commissioner Garrett asked if the trailer for the tires could be expedited in order for the cleanup and hauling off to begin.

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

Nothing further at this time.

5. Chili Appreciation Society International and Brewster County Agreement / Discussion and appropriate action

Commissioner Garrett read the estimated rate for the exchange of materials that were listed in the agreement. (Please see attached agreement for the breakdown).

Long time representatives of the CASI Chili Cook-off, Jim Stateczny, spoke positive words on the work that has been done in the past as well as the history.

Commissioner Garrett moved to approve the agreement between Brewster County and the Chili Appreciation Society International. Commissioner Ortega seconded the motion. The motion passed unanimously.

6. Judge's request for authorization for new signatures on County Bank Accounts (Brewster County Auditor, Treva M. Watson)

Judge Cano explained that since the County Auditor, Treva Watson, arrived it has been difficult for her to obtain documents from the bank and it would be beneficial to add her as a signatory.

Commissioner Ortega moved to authorize Treva Watson, Brewster County Auditor, as a signatory on County Bank Accounts. Commissioner Novovitch seconded the motion. The motion passed unanimously.

7. Commissioner Garrett / Revision of Brewster County Community Use Policy / Discussion and appropriate action

Commissioner Garrett explained the revision to the cost of the rental of the facilities in Marathon and in Terlingua. (The rental fees are listed in the attached revised policy). Commissioner Garrett explained that the Commissioner in Precinct 2 and Precinct 3 have the discretion to waive any fees.

Commissioner Novovitch moved to approve the revisions to the use of the Brewster County Facilities in Precinct 2 and Precinct 3. Commissioner Ortega seconded the motion. The motion passed unanimously.

8. Commissioner Garrett / Status of 2014 External Audit and Impact of Failure to Approve the External Audit by September 30, 2015 / Discussion

Commissioner Garrett questioned the status of the 2014 External Audit and asked what was being done and what the County was facing.

Treva Watson, County Auditor, stated that she is working diligently to provide all documents to the external auditor's (GRP) and hopes that by November 30, 2015 the audit be completed.

Judge Cano stated that the Court will help in any way with getting the necessary items needed to complete the audit.

Commissioner Novovitch asked how far back do the problems begin, what is the window of compliance and will any grants be affected. County Auditor Watson responded by stating that the some problems go back to 2014, the window of compliance is November 30, 2015 and grants are not affected at this time but suspects that they will be.

Court recessed at 10:13 A.M.

Court reconvened at 10:30 A.M.

9. Treasurer

A. General Bills / Discussion and appropriate action

Treasurer Staton reported that the General Bills total \$129,630.70. Treasurer Staton explained that the amount for \$298.75 listed in the "other" category was for the elevator repairs and updates.

Jim Burr, JP # 2, informed the Court bills have been double paid to MVBA and they have returned them not knowing where to place them. MVBA informed Judge Burr the checks did not match any invoice they had. Judge Burr stated the bills for April – September had been paid but MVBA needed payment for June and he would like this straightened out.

Judge Cano asked about the total of \$5,237.06 to Nectar Computer and asked if this payment reconciled what the County owed Nectar. Treasurer Staton informed the Court it was for the month.

Commissioner Novovitch asked what Valles Investigators does for the County as we paid them \$3,000.00. Treasurer's Office will look into that, stated Treasurer Staton.

Judge Cano asked Treasure Staton to look into the check for the chair for his office in the amount of \$550.00, as it looks like it was paid twice.

Commissioner Ortega moved to approve the General Bills abstaining from all Pinnacle Propane bills. Commissioners Novovitch, Pallanez, and Garrett abstained from their reimbursement payments. Commissioner Garrett seconded the motion. The motion passed unanimously.

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

Specified Activity Report	Payroll Reports
Cash Flow Predictions	Check Register
Budget Analysis Usage Report	Transfers
Receipt File Listings	Personnel/Overtime Reports
Cash Report	Other Financial Reports as
Grant Reports	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

Nothing further at this time.

10. Officials' Monthly Reports

Judge Cano explained he has discussed with the Clerk's Office about putting together a flow chart so that the Court can understand the reason for the delay in reporting the monthly report. The flow chart was distributed to the commissioners.

Berta Rios-Martinez explained the flow chart and why she had her office take the bookkeeping from the Treasurer's Office. She stated it was because the daily deposits had not been completed for over 5 months and it has taken her office 3 months to key in data and gather information to provide it to the Court.

Commissioners took turns reading into record the Official Monthly Reports for the months of February, March, April, May, June, July and August.

Commissioner Garrett moved to approve the Official Monthly Reports as read. Commissioner Ortega seconded the motion. The motion passed unanimously.

11. Discussion and action upon Resolution Ratifying Acceptance of Application For Tax Abatement of River Rock Solar LLC.

Greg Hudson of Hudson & O'Leary informed the Court Applications needed to be sent to both Marathon ISD and Big Bend Regional Hospital District. Hudson explained the ratification that needs to be approved by the Court along with the Resolution.

Hudson also informed the Court that today there would need to be 3 questions answered :

- 1. Duration of the Tax Abatement,*
- 2. What percentage of each year for the Tax Abatement*
- and 3. Pilot Payment.*

Commissioner Ortega moved to approve the Resolution Ratifying Acceptance of Application for Tax Abatement of River Rock Solar LLC. Commissioner Novovitch seconded the motion. The motion passed unanimously.

12. Convene in Executive Session pursuant to sections 551.071 and 551.0725 of the Texas Government Code on matters pertaining to negotiation of tax abatement agreement with River Rock Solar LLC.

Court convened into Executive Session at 12:12 P.M. pursuant to sections 551.071 and 551.0725 of the Texas Government Code.

13. Reconvene from Executive Session and hold discussions for purposes of negotiating tax abatement agreement with River Rock Solar LLC and possible action to declare intent to enter into tax abatement agreement

Court reconvened into Regular Session at 3:29 P.M.

Judge Cano stated as a result of Executive Session, a 10 year abatement agreement with a \$10,000 initial payment with in the first 15 days of the effective date. A \$75 Million project with 70% abatement each year for 10 years and a payment of \$50,000. Hudson proposed to put it in the agreement with communication throughout.

Commissioner Ortega moved to approve the agreement and to allow Greg Hudson to draft the agreement. Commissioner Pallanez seconded the motion and the motion passed unanimously.

14. Alpine Housing Authority

A. Request to Waive Payment in Lieu of Taxes (PILT) / Discussion and appropriate action

Elva Torres, Director of Alpine Housing Authority, explained her request to waive payment in lieu of Taxes. She stated it goes into the operations account for anything needed to maintain the Housing Authority and keep it updated and in compliance.

Judge Cano asked if the court would consider approving a Resolution, instead of someone having to come and request the PILT every year.

After discussion, Commissioner Ortega stated that he would prefer they make a presentation each year. Consensus of the Court was to keep the process as is and request that the E.D. of the Housing Authority continue to make yearly request.

B. Consideration and Approve Resolution for Waiver of Payments in Lieu of Taxes for Alpine Housing Authority Public Housing Developments

Commissioner Novovitch moved to waive the Payment in Lieu of Taxes for the Alpine Housing Authority. Commissioner Ortega seconded the motion. The motion passed unanimously.

15. 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

Brewster County Emergency Management Coordinator, Matt Van Ostrand, stated that there has been no changes. Van Ostrand stated he has been in contact with the Rio Grande COG and he has meet with the representative to set the generators for the Community Centers in Marathon and Terlingua.

B. CASI & Original Terlingua International Championship Chili Cook-offs / Update on Mass Gathering Permits for Chili Cookoffs by Emergency Management Coordinator

Van Ostrand informed the Court he has reviewed both applications and have discussed with Greg Henington in Terlingua and with Sheriff Dodson and there are no problems with the permits in place for the gatherings listed. Sheriff Dodson reported the protocol in place for the security of the event.

Commissioner Garrett moved to approve the permits for the CASI & Original Terlingua International Championship Chili Cook-offs. Commissioner Ortega seconded the motion. The motion passed unanimously.

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

Nothing further at this time.

16. County Clerk / Elections

A. Approve Polling Places for the November 3, 2015 Special Election (Constitutional Amendments)

Jerri Street, Election Deputy Clerk, read into record all of the Polling Locations for the November 3, 2015 Election stating the only change is in BBNP and it was moved from San Vicente ISD back to Panther Junction since the repairs have been complete.

Commissioner Ortega moved to approve the Polling Places for the November 3, 2015 Special Election. Commissioner Pallanez seconded the motion. The motion passed unanimously.

B. Approve Notice of Special Election

Jerri Street asked the Court to approve the Notice of Election and explained that the Notice included the list of Polling Places and indicated the times to vote.

Commissioner Ortega moved to approve the Notice of Election for the November 3, 2015 Special Election. Commissioner Pallanez seconded the motion. The motion passed unanimously.

C. Amend Approval of Election Judges & Alternate Judge for the 2015 November Special Election (Constitutional Amendments), approved on September 14, 2015

Jerri Street indicated to the Court the changes to the list of Judges and Alternates included Precinct 8, Jesus Rodriguez would be working as the Judge, and in Precinct 3 and 4 the Alternate Judges have agreed to be the acting Judge. Also Street was looking for a replacement for Precinct 1 as the Election Office has not received confirmation, informed Street. Street stated the replacement would be from the list submitted by the Party Chairs if she could find someone willing to work from the list.

Commissioner Garrett moved to approve the amended list of Judges and Alternate Judges for the November 3, 2015 Election. Commissioner Pallanez seconded the motion. The motion passed unanimously.

17. Review & Approve Interlocal Contract between Brewster County and Lubbock County Medical Examiner's Office for fiscal year 2016

Discussion of the contract took place among the Court.

Commissioner Ortega moved to approve the Contract between Brewster County and Lubbock County Medical Examiner's Office for fiscal year 2016. Commissioner Garrett seconded the motion. The motion passed unanimously.

18. Information Only

A. Trans-Pecos Ultra /Run/Walk/Volunteer / Update & Information on the first 7 day, 160 mile run/walk/volunteer marathon in the Big Bend Area (PLEASE INCLUDE DATE AND ATTACH FLIER)

Judge Cano informed the Court a representative for the Trans-Pecos Ultra Run/Walk asked if they could set up registration on the lawn of the Courthouse. Discussion was held about any County responsibilities / commitments. Judge Cano stated that the County would not have any responsibilities. The only request from the Trans-Pecos group was to allow them to use the lawn to register the participants. Judge Cano closed by stating that he granted the group permission and this was only an information item.

Commissioner Ortega informed the Court of the M2M in Marathon on October 24.

B. Texas Department of Agriculture (TDA) has awarded Brewster County the Community Development Fund in the amount of \$168,638, for water Improvements.

19. Sheriff's Office

A. Review payment to Best Body Shop for work done on a 4d Pk up XCb 7' Bed 144' WB, payment being more than invoiced

Sheriff Ronny Dodson explained the nature of the work done on the listed pickup and stated the price for the repairs were less than what was quoted and asked if the additional monies could be placed in the abandoned vehicle account. Sheriff Dodson stated Best Body Shop quoted the price to be \$2,439.78 and the actual work was on \$1,256.18 with a discount applied.

Commissioner Ortega suggested that the Judge's Office send a Thank You letter to Best Body Shop for the discounts they provided for the Sheriff's Office.

B. Allocate refund for the above agenda item to the abandoned vehicle account

Commissioner Ortega moved to approve the overpayment to be placed in the abandoned vehicle account. Commissioner Novovitch seconded the motion. The motion passed unanimously.

C. Review/Discuss/Approve Public Auction held on October 3, 2015, Abandoned Vehicle Sale / Request for \$6,800 made on grant vehicles to be transferred from general fund to impound account

Sheriff Dodson explained that \$6,800.00 of the auction needs to be put back into the abandoned vehicle account.

Commissioner Ortega moved to approve the \$6,800.00 to be put into the abandoned vehicle account. Commissioner Pallanez seconded the motion. The motion passed unanimously.

20. County Judge / Matters related to Indigent Criminal Defense

A. Regional Public Defender for Capital Cases / Proposal to review Interlocal Agreement for Fiscal Year 2016 to fund/insure expenses related to Capital Cases /

Discussion and appropriate action

Judge Cano asked if his assistant, Julie Morton, could explain. After a brief explanation, Assistant Morton also stated that a Public Defender is only utilized when needed and not used all the time.

Commissioner Ortega moved to approve the agreement to fund the expenses for any related cases to Capital Cases. Commissioner Garrett seconded the motion. The motion passed unanimously.

21. Salary Grievance Committee / Draw Names of 2015 Citizen Members

*The names for the Salary Grievance Committee selected by the Court are as follows:
Charles Carter Powell and Vincent James Quinn.*

*Court recessed at 11:51 A.M.
Court reconvened at 12:00 P. M.*

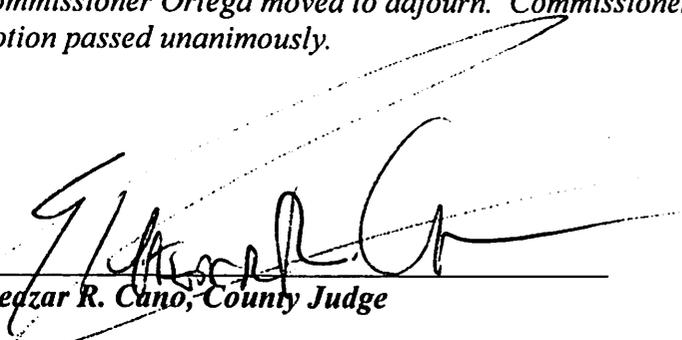
Moved to item 11, 12 and 13

22. Announce date of next Commissioners Court Meeting (Tuesday, October 27, 2015)

Judge Cano stated the next Regular Scheduled meeting would be October 27, 2015.

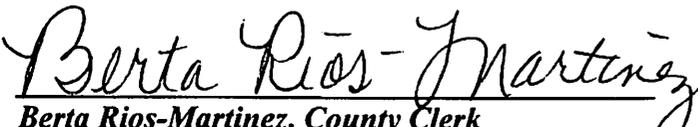
23. Adjourn

Commissioner Ortega moved to adjourn. Commissioner Pallanez seconded the motion. The motion passed unanimously.



Eleazar R. Cano, County Judge

ATTEST:



Berta Rios-Martinez, County Clerk