

**REGULAR MEETING OF THE BREWSTER
COUNTY COMMISSIONERS COURT
MONDAY, NOVEMBER 9, 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>Betty Jo Rooney</i>	<i>County Tax Collector/Assessor</i>

1. Invocation, Pledge of Allegiance

Judge Cano led the Court in and Invocation and the pledge of Allegiance

2. Public Comment

No public comments.

3. Minutes / additions / corrections / approval

Judge Cano presented the minutes for October 23, 2015 and asked the Court if there were any questions.

Commissioner Ortega moved to approve the minutes for October 23, 2015. Commissioner Pallanez 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 a truck load of tires were taken to Denver City and still have another half of a trailer load left. Road and Bridge fixed a leak in North Double Diamond that was created while blading, a stop sign was placed at Spring Creek and 118, 'Limited sight' sign on Wagon Road, stated Superintended Causey. Superintendent Causey had men in Terlingua filling holes at the track, cleaning up roads in Marathon and provided dust control in the Cook-Off area.

Commissioner Garrett asked what work was done at the Cook-Off to prepare. Superintendent Causey stated that Road and Bridge bladed the area and with the rain had to blade some areas twice and the dust control and this was about 5 hours of work on the equipment not including the water truck.

Commissioner Ortega informed the Court on the "Dump Day" that occurs every year.

Commissioner Ortega stated that Texas Disposal will not waive the fees as they have in previous years. Commissioner Pallanez inquired about the cost and Commissioner Ortega stated that in the past it has been \$10,000-\$15,000 in the past with the waiver.

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

Nothing further at this time.

5. 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 discussion with Brad Medley of Fort Davis to meet quarterly to make sure all emergency managers in the area are all aware of things going on in the area. Van Ostrand also spoke with Chris Webber with TX DoT to find out the plans for the winter months and the plan for keeping roads open to the hospital. Van Ostrand recommended to move forward with the generators for the Marathon Community Centers and the Terlingua Center. Request for bids have been sent out with only one coming in and with the

weather getting cold Van Ostrand stated to go with that bid and they came under the Grant cost and recommended approving the bid from Cycletek LLC for the installation of the generators. Van Ostrand suggested to lift the burn ban and will revisit based on weather. Van Ostrand also mentioned that the deadline for fireworks is December 15, 2015 and will keep up with the Burn Ban in order to know if fireworks can be used.

Commissioner Ortega moved to approve Cycletek LLC for the install of the generators for Marathon Community Center and South County Red Pattillo Center. Commissioner Novovitch 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.

6. Brewster County Tourism Council / Approval of 2016 Detailed Budget

Ron Sanders and Mike Davidson presented a detail version of the budget for Brewster County Tourism Council for 2016. Judge Cano explained that the Tourism Council presented the 2016 Budget at an earlier meeting and the Court asked for a more specific budget.

Commissioner Garrett moved to approve the 2016 for the Brewster County Tourism Council as presented. Commissioner Ortega seconded the motion and the motion passed unanimously.

7. Treasurer

A. General Bills / Discussion and appropriate action

Treasurer Ruth Staton was absent. In her absence, Hatem Mehri, Assistant Treasurer, reported that the general bills totaled \$55,821.71. Judge Cano informed the Court of a walk-in in the amount of \$233.63 for the Auditors Offices for supplies.

Commissioner Novovitch asked if the payment to Nectar brings the County current. After discussion, Auditor Watson stated there were two outstanding bills that are current.

Commissioner Ortega moved to approve the bills as presented including the walk-in. Commissioner Garret 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**

**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 reported.

8. Officials' Monthly Reports

No reports at this time.

**9. 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
Hecate Energy**

Judge Cano explained the agreement based on previous meetings and asked the Court had any questions.

Commissioner Ortega moved to engage into an agreement with Hudson & O'Leary LLC in connection with the Tax Abatement pertaining to Hecate Energy. Commissioner Garrett seconded the motion and the motion passed unanimously.

Court recessed at 9:58 AM

Court reconvened at 10:11 AM

10. Hecate Energy / Property Tax Code 312

Judge Cano stated the Court will enter a Public Hearing.

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

Andrew Boggs representative from Hecate Energy Reinvestment Zone informed the Court that the site for the project will be located about 15-16 miles North on Highway 67 on the old McGill Ranch. It will be on an area of 1750 acres. And a contract was signed for 30MW of power, informed Boggs. A map was put on an over-head projector for the Court to view.

Mr. Boggs reviewed the presentation in detail along with answering questions that were asked by the Court. Steve Houston, County Attorney, asked if letters have been sent to other Taxing Entities. Boggs stated they have. Letters are included in the attached documents.

Judge Cano asked if there were any public comments.

Details of this presentation is attached along with the tax values.

10:32 the Public Hearing resumed

10:33 regular session took place

B. Discussion on the Application of Hecate Energy for Tax Abatement

Judge Cano asked Boggs if he had anything to add. Boggs stated he would like to begin construction in June or July and would like permission to declare and approve the investment zone.

C. Deliberate and take action on Resolution to designate the Hecate Energy Reinvestment Zone under the provisions of Texas Tax Code § 312.401 and to accept and approve Application of Hecate Energy for Tax Abatement

Commissioner Ortega moved to designate Hecate Energy Reinvestment Zone under the provisions of Texas Tax Code § 312.401 and accept the application of Hecate Energy for Tax Abatement. Commissioner Novovitch seconded the motion and the motion passed unanimously.

Court Moved to Item 14

11. Reaffirm 2016 Brewster County Application and Resolution for the Texas Indigent Defense Grant Program / Discussion and appropriate action

Judge Cano stated that the Application and the Resolution has not changed from the past and asked the Court if they has any questions pertaining to Texas Indigent Defense Grant Program.

Commissioner Ortega moved to approve the Application and Resolution for the Texas Indigent Defense Grant Program. Commissioner Pallanez seconded the motion and the motion passed unanimously.

12. Perdue Brandon Fielder Collins & Mott LLP / Discuss and consider tax sale of properties and bids held in March 2015

Martin Lujan with Perdue Brandon Fielder Collins & Mott LLP explained that a property that was listed, R-17544, in the sale and was approved. After the sale Mr. Scott was dissatisfied and offered Mr. Scott and Mr. Vogl to re-bid. Mr. Scott bid lower than his original bid and Mr. Vogl out bid.

Commissioner Garrett moved to approve the bid of \$2066.00 from Mr. Vogl in the amount of \$2,066.00. Commissioner Novovitch seconded the motion and the motion passed unanimously.

13. Brewster County Auditor / Review and Approve Purchasing Policy Procedures

Judge Cano stated that this is a follow up from prior meeting. County Auditor, Treva Watson, stated that the policy is scaled back so that it is a simple format. Auditor Watson briefly explained the procedures and stated that if it is budgeted, than no need for approval. Judge Cano questioned with the contact person to receive a purchase order and recommended the Auditor's Office to be contact in order to have a better checks and balance in place.

Commissioner Ortega moved to approve the Purchasing Policy Procedure with the amendment to contact the Auditor's Office instead of the Treasurer's Office. Commissioner Garrett seconded the motion and the motion passed unanimously.

Purchasing Policy is attached.

14. Commissioner Pct. 2 / Discuss the policies and procedures for a county paid indigent burial (cremation) and the criteria used for determination of indigence

Judge Cano stated that this question came up in Precinct 2 regarding indigent burial and asked Judge Valenzuela. Judge Valenzuela did research on past decisions and found guidelines from 2006, 2007 and 2011. Judge Valenzuela read into record a section of the guidelines from 2011. Judge Valenzuela stated that when the question came up he was unaware of the guideline and followed the protocol according to what he felt to be correct and now with these guidelines he now knows what is in place. Commissioner Ortega was quite helpful regarding the steps and guidelines, stated Judge Valenzuela. Judge Cano asked if there should be something more formal in place that is more uniform. Commissioner Ortega stated that it is pretty clear and all it takes is visiting the family.

Commissioner Ortega explained how the current guidelines came into place. County Attorney, Steve Houston, explained the law where indigent burial is concerned.

Further discussion took place on the process and suggested for the contract to be looked at to make sure it is clear.

15. Discuss and consider Courthouse Management Software for Courthouse

Judge Cano explained that in a previous meeting the Net Data was approved for the Financial Program and discussed about having a uniform network for Brewster County. Judge Cano further explained that Net Data will be within in our budget over the next few years with an increase in the budget in the years to come.

Judge Cano recommended Net Data for Brewster County Courthouse Management Software. County Attorney, Steve Houston, informed Judge Cano that his office would pay for the "hot check" portion of the program as his office handles that.

Commissioner Ortega moved into an agreement with Net Data as Brewster County Courthouse Management Software. Commissioner Pallanez seconded the motion and the motion passed unanimously.

16. Announce date of next Commissioners Court Called Meeting (Thursday, November 12, 2015)

Judge Cano informed the Court that the next meeting will be held November 12, 2015 and is a called meeting.

17. Adjourn

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

Eleazar Cano, County Judge

ATTEST:

Berta Rios-Martinez, County Clerk