

**REGULAR MEETING OF THE BREWSTER
COUNTY COMMISSIONERS COURT
TUESDAY, NOVEMBER 24, 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>

1. Invocation, Pledge of Allegiance

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

2. Public Comment

No public comments

3. Minutes / additions / corrections / approval

No minutes were approved.

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 & Bridge has been cleared out Cottonwood Road, and will begin fixing the road when time permits. Bladed Roads in South County,

repaired a clean out at the EOC office and checking the generators as they come across them to make sure they are ready for the winter months, informed Superintendent Causey. Superintendent Causey also reported that there is a crew in Marathon clearing the roads for visibility and the roads are being cleared also. Heaters at the Fire Department in Marathon will be checked by TW Heating and Air. Judge Cano mentioned the low hanging branches around the Courthouse and mentioned the turnout from Gallery Night.

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 Manager Matt Van Ostrand reported that cell phone lines were down again and stated it was due to a line that was cut. Van Ostrand stated that those responsible for the outage are being fined if it is in connection with cut lines. He also informed the Court that all emergency calls were directed to Alpine Police Department and Big Bend Telephone has been contacted to see what they can offer voice over internet to assure active lines during cases like these; Rio Grande COG will pay for this.

Van Ostrand reported a helicopter crash and with the bad roads and entry to the crash it took a while to get those involved to safety but after a while all involved were transported successfully. Commissioner Ortega asked Van Ostrand had a satellite phone and Van Ostrand stated he did not have one. Commissioner Ortega stated he needed one and to look into purchasing the phone.

Van Ostrand reported that the purchase order was received for the radios to be purchased for the Alpine Police Department. Communication is ongoing with the Rio Grande COG and the Sheriff's Office and RTC to make sure the wording is correct on the radio maintenance contract, stated Van Ostrand. Van Ostrand further stated that there are grants on hold until the audit is complete and this has created a problem with the funding of work to move forward where the

generators are concerned. Commissioner Ortega asked if the County could pay for it and be reimbursed when the grants are released. Van Ostrand stated that could be done.

B. Consider and Discuss Restricting Certain Fireworks in Unincorporated Areas of Brewster County pursuant to Section § 352.051, Local Government Code, VTCA/Discussion and appropriate action

Van Ostrand provided information regarding fireworks, the restrictions and recommended restricting any fireworks with sticks or fins. This decision has to be made by the Commissioner Court by December 15, 2015, informed Van Ostrand.

Commissioner Ortega made a motion to restrict any and all sticks and fin fireworks. Commissioner Pallanez seconded the motion and the motion passed unanimously.

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

6. Treasurer

A. General Bills / Discussion and appropriate action

In the absence of Treasurer Ruth Staton, Assistant Treasurer Hatem Mehri reported general bills and walk-ins. Judge Cano asked why there was so many walk-ins. Mehri stated that they came in after the report for Commissioner Court was submitted. Mehri stated that a memo went out informing that all bills need to be submitted to Treasure Office 7days prior to Commissioner Court in order for them to key in all information prior to report being submitted for the Court. Commissioner Novovitch asked if all of these bills came into the Treasure Office within the last 72 hours. The Court reviewed the walk-ins that totaled \$41,122.23. Judge Cano asked when the bills were turned in and Mehri stated on Wednesday. Discussion of the process has changed stated Auditor Watson. The process is that the bills are brought to the Auditor's Office for review and then given to the Treasurer Office for payment, informed Auditor Watson. Auditor Watson reviewed and submitted to Treasurer Office about noon on Wednesday. Judge Cano asked about item under Non-Departmental Item 92713 for Quarter No. 1 for 941 for \$9,428.24 and asked for clarity on that being paid so late. Auditor Watson addressed the question based on her doing research for the Audit and informed the Court that during her preparation for the Audit, she discovered that the 1st Quarter was missing the 941 payment and 2nd Quarter set back and paid in July and that the 3rd quarter has been submitted on time. Judge Cano informed the Court that as long as Auditor Watson is in the office she will get everything straightened out. Auditor Watson informed the Court that now that she knows what the Auditors are expecting she will be able to provide that to them with the proper documents in a timely manner because she will know where the documents are. There will be penalties but there will not be a number until later in the year and will possibly come out of 2016 budget. Commissioner Novovitch asked about the Blue Sky and why it is not on the regular bills. Mehri stated it was listed on the walk-ins. Mehri also stated that the bills were submitted after the 72 hour deadline. Mehri explained the process to the Court. Ron Sanders informed the Court that

the Tourism Council was not made aware of the seven (7) day procedure and will have bills past due and have to pay penalties because of it.

Judge Cano asked Mehri where the seven (7) days came in and Mehri stated that it is a process for the Treasurer to make appropriate. Judge Cano stated that there is confusion because 7 days is different than 72 hours and when was the notification sent out. Judge Cano stated that not everyone was notified based on Mr. Sanders. Commissioner Novovitch stated that he was not aware of this change and if there was notification and when was it the notification sent out and was the Tourism Council notified. Mehri stated the Tourism was not informed. Commissioner Novovitch stated that as of today the Court is notified of two penalties due to late payment. Commissioner Ortega asked what the process is, Mehri informed the Court that it goes to the Auditors office then to the Treasurer Office. Mr. Sanders stated if the Tourism Council knows what the rules are they will follow.

Judge Cano strongly stated to Mehri that the question he asked about who was notified has not been answered and if the Treasurer Office does not notify departments of such changes no one can submit things to you accordingly. Mehri rephrased the process stating that there are lots of bills to process and asked for 72 hours to process the bills and submit in 7 days.

Commissioner Novovitch asked directly who set up the 7 day rule and were all vendors notified. Mehri explained the process of the rule but never answered the question. Julie Morton, assistant to the Judge stated that the report was not ever requested the Friday before the Meeting.

Judge Cano stated that a meeting will be on a procedure since no one can answer who put this policy in place.

Commissioner Ortega moved to approve the general bills and the list of walk-ins and abstained from the propane bills. Commissioner Novovitch seconded the motion and the motion passed unanimously.

Court recessed at 9:54 A.M.

Court reconvened at 10:04 A.M.

Moved to item 10 with the Courts permission

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

Nothing further to report.

7. Officials' Monthly Reports

Commissioner Garrett read into record the Official Monthly Reports for October 2015.

Commissioner Ortega moved to approve the Official Monthly Report for October 2015. Commissioner Novovitch seconded the motion and the motion passed unanimously.

8. Discuss status of 2014 Audit

Judge Cano read into record an email submitted to him regarding the Suspension of THSSAA grant funds do to noncompliance with the audit. Judge Cano explained that the funds would come out of reserve until the funds are taken off of suspension. Conversation with Auditor Watson and Pete Lara, overseer of the grant, have taken place to repay the County once the funds are released upon completion of the Audit.

Discussion took place on the process and what the best thing to do on spending money that might not be given back through the grant if the Audit does not meet the requirements.

Commissioner Ortega stated that he did not feel comfortable spending money with no guarantee of getting the money back. Commissioner Novovitch agreed with Commissioner Ortega.

Commissioner Garrett stated that all funds are taken out of General Fund and the reimbursed but feels the County has done all that can be done under the circumstances.

Further discussion took place with concerns of the overtime that this grant pays for.

Judge Cano explained that communication has taken place with all parties involved on the process.

9. MetLife Insurance / Presentation by Mindy Seahorn

Mindy Seahorn presented to the Court a 7% increase on the Dental and no change on the Vision portion of MetLife Insurance. Based on what the County was paying before changing to MetLife the Dental is still lower than the previous insurance company and recommends accepting the current rate.

Commissioner Pallanez asked when enrollment or changes can occur. Ms. Seahorn informed that it was December 1, 2015.

10. Reaffirm and Approve the County Judge's signature on the Resolution authorizing the County Grant for The Sunshine House in order access additional funds from the Texas Department of Agriculture Texans feeding Texas: Home Delivered Meal Grant Program

Theresa Wallace, Director with the Sunshine House, provided information and a background on what is needed from the Commissioner's Court. Director Wallace informed the Court that there are 9 routes with 143 people to be served for the Meals on Wheels.

Commissioner Pallanez moved to approve the Resolution authorizing the County Grant for the Sunshine House to access additional funds from the Texas Department of Agriculture Texans feeding Texas. Commissioner Garrett seconded the motion and the motion passed unanimously.

11. Brewster County Emergency Service District #1 and Brewster County Groundwater Conservation District/ Appointment of Board Members

A. Executive Session Pursuant to Section § 551.074, Government Code, VTCA, to discuss the appointment, employment, evaluation, reassignment, duties, compensation, or dismissal of a public officer or employee

Court convened into Executive Session at 10:45

Reconvene in Open Session at 11:46 A.M.

B. Discussion and appropriate action resulting from Executive Session

Commissioner Garrett read into record those appointed for the Brewster County Emergency Service District #1 with 5 positions coming available.

Commissioner Garrett stated that the terms are two year terms with the alteration of the years they are appointed. Those appointed are as follows: Carlos Mendoza, Jeanette Hall, Sharon Clark, Cindy Ott-Jones and Marcos Paredes.

Commissioner Garrett moved to approve those names selected for the Brewster County Emergency Service District #1. Commissioner Ortega seconded the motion and the motion passed unanimously.

Judge Cano informed the Court that the Groundwater Conservation District has been tabled with no action taken.

Judge Cano asked to go back to item 8 in order for Auditor Watson has to step out during the discussion.

Auditor Watson stated that what she had was more on the internal audit rather the outside audit. She continued by informing the court the Treasurer Office is overloaded or not sure of what needs to be done and the payroll is being affected along with other things. Auditor Watson spoke with District Judge Ferguson on moving John Sudduth from the Treasurer Office to the Auditor's Office in order that he can be trained appropriately to do payroll.

Commissioner Ortega asked Auditor Watson if the Treasurer did anything. Auditor Watson stated that she was no sure what the Treasurer's duties are, but she is not performing at this time. With that being said that payroll is what takes care of the employees providing those who does work for the County, stated Auditor Watson. Auditor Watson stated that Sudduth would continue to be paid by the Treasurer Office but work out of the Auditor's Office.

Commissioner Novovitch asked what happens in 2016 when one worker is not there and it be Sudduth after he has been trained. Auditor Watson informed the Court that based on whatever

*Treasurer Staton decides to do after 2016 that the Assistant Auditor would also be trained to do payroll in order to train the person who is working in the Treasurer Office.
Judge Cano asked if Judge Ferguson was on board. Auditor Watson stated that Judge Ferguson is all for the move if the Commissioner Court approves the change.
Commissioner Ortega and other Court members expressed their thanks for the work that she has done since she has been here.*

*Commissioner Ortega moved to approve John Sudduth to be moved from the Treasurer Office the Auditors Office temporarily to work under Auditor Treva Watson for payroll purposes.
Commissioner Pallanez seconded the motion and the motion passed unanimously.*

12. Announce date of next Commissioners Court Meeting (Tuesday, December 14, 2015)

Judge Cano stated that there will be a called meeting on December 1, 2015 with the regular meeting being held on December 14, 2015.

13. Adjourn

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

Eleazar Cano, County Judge

ATTEST:

Berta Rios-Martinez, County Clerk