

**REGULAR MEETING OF THE
BREWSTER COUNTY COMMISSIONERS COURT
TUESDAY, APRIL 28, 2009
10:00 A.M.**

Judge Beard called this meeting to order. Commissioner Stone was not present. He was out on a medical matter. Officers present are listed as follows:

VAL CLARK BEARD	COUNTY JUDGE
ASA STONE	COMMISSIONER PCT. 1
KATHY KILLINGSWORTH	COMMISSIONER PCT. 2
MATILDE PALLANEZ	COMMISSIONER PCT. 4
CAROL OFENSTEIN	TREASURER
STEVE HOUSTON	COUNTY ATTORNEY
JERRY SOTELLO	J.P., PRECINCT 1
BERTA RIOS MARTINEZ	COUNTY CLERK
BETTY JO ROONEY	TAX ASSESSOR COLLECTOR

1. Minutes / additions / corrections / approval

The minutes from the regular and called meetings held April 16, 2009, were presented for approval.

Commissioner Ortega made a motion to approve both, which was seconded by Commissioner Killingsworth, and passed unanimously.

2. Sul Ross Presidential Search / Presentation by Dr. Kenneth Craycraft, Vice Chancellor for Academic Affairs, Texas State University System / Discussion

Dr. Kenneth Craycraft of the Texas State University System was present to speak about the process of the SRSU Presidential Search.

He said it is important that the Committee finds a good match for Alpine, and said Dr. Vic Morgan is leaving big shoes to fill.

He said the right person will see Alpine as a destination and won't be surprised by the vastness of the Big Bend Region.

Advertising is being done in three different ways: first, in the Chronicle of Higher Education; second, in Hispanic Outlook; and third, Dr. Craycraft wrote a letter to 453 presidents of colleges and universities across the country outlining the job description, community, leadership attributes and other significant factors.

Dr. Craycraft noted that he does not have a vote on the committee.

He pointed out they will look for someone from a rural community, from Texas or a neighboring state.

There are 30 interested individuals thus far. Next Monday and Tuesday, the committee members will be reviewing each candidate application personally. A checklist of leadership attributes will be used, and candidates will be graded from 1 to 5 on that list.

After those meetings, he said he suspects that Regent Trisha Pollard will ask him to contact the top individuals, after which Dr. Craycraft will start contacting references.

From that point, there will hopefully be three to five candidates qualified for on-site visits. They will be flown to Del Rio, and the driven around from Eagle Pass and Uvalde, and finally to Alpine. Dr. Craycraft said it is important that they drive so that the candidates understand the area.

Community receptions will be held for each individual. Written input is being sought from those who have an opportunity to meet with the candidates.

Ideally, the next President will have been selected by Sept. 1 because Dr. Morgan is retiring Aug. 31.

However, Dr. Craycraft said a decision will not be made in haste. There is a contingency plan if the search is unsuccessful.

Commissioner Killingsworth thanked Dr. Craycraft for the importance they are placing on the search.

Judge Beard said the search is going quite smoothly.

3. H.B. 4805 (West Texas Water Supply District)

A. Discuss

Judge Beard said H.B. 4805 is a giant water corporation bill filed last minute in the House by Tom Craddick on behalf of Clayton Williams. She said that at the end of each session, there is always a truly alarming bill. She said this is one of the worst she's seen. Judge Beard said there were rumors this morning that there may be a substitute bill in the works.

The bill would allow Mr. Williams to pipe water from Fort Stockton to Midland. It is not a surprise; Mr. Williams has been working on it for years, and Judge Beard said he is very committed to it.

B. Proposed Resolution in opposition to the bill

Judge Beard read the resolution for the record. It is attached and recorded with these minutes.

Commissioner Ortega made a motion to approve the resolution, which was seconded by Commissioner Killingsworth, and passed unanimously.

4. Treasurer

A. Pending Bills

1. General Bills

Treasurer Ofenstein noted that \$75,000 was paid out to the State for quarterly reports, which is why the bills seem high this month.

Commissioner Ortega made a motion to accept the bills, which was seconded by Commissioner Killingsworth, and passed unanimously.

Judge Beard abstained from the KALP bills.

2. Infrastructure Bills

Treasurer Ofenstein reviewed the bills for the capital projects, which totaled \$11,586.

The bills were included for approval in the motion on Item 1.

3. Discussion and appropriate action

There were three walk-in bills presented, as well: two for travel reimbursement, and one from the surveyor.

Commissioner Killingsworth made a motion to approve the walk-in bills, which was seconded by Commissioner Ortega, and passed unanimously.

B. TAC Health & Employee Benefits Pool / Approval of standard policies & procedures / Discussion and appropriate action

Commissioner Ortega made a motion to approve the policies and procedures, which was seconded by Commissioner Killingsworth, and passed unanimously.

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

5. Brewster County Tourism Council

A. General Update on recent activities / Discussion and appropriate action

Tom Williams reported on the first quarter of this year. He said it looks like they are about even, which in this economy could really be interpreted as "being up." It is most likely due to the Council refining the way they spend money.

Mike Davidson reported on his recent work. He brought a copy of a 4-page article about the Big Bend in a German magazine. The state has determined that the advertising value of the article is approximately \$186,000.

Last week, he spent time with a photographer/writer from a Mexican magazine, and this week, a writer from GeoSeasons Magazine. That latter magazine will probably not publish until early next year.

At the end of May, a photographer and a writer are traveling from Japan.

In June, seven French travel writers are coming to the Big Bend, in conjunction with the State.

Ron Sanders said a Bill has passed in the Legislature to help economically distressed areas attract film business. Mr. Sanders said he is going to work with some committee members to find out how Brewster County might benefit.

Senate Bill 2559, the County's hotel/motel tax bill, has been introduced and referred to the International Trade and Relations Committee, and a hearing will hopefully be held tomorrow.

B. Proposed contract for lease on land in Marathon for a Visitor Contact Station / Discussion and appropriate action to approve lease and going forward with project

Mr. Sanders explained that the lease would be \$100/month for prime land. It is short-term, and either side can get out on at least 30 days notice.

Commissioner Ortega made a motion to approve the lease, which was seconded by Commissioner Killingsworth, and passed unanimously.

Mr. Sanders said a meeting will be held May 4 at 12:30 p.m. at the Oasis in Marathon to discuss the project with the Chamber of Commerce.

C. Roadside Interpretive Sign Project Update / Discussion and appropriate action to go forward with project

Travis Roberts said they started out proposing 30-35 sites, but TxDOT has asked them to refine it, and the number has decreased to 28. TxDOT has also agreed to build "turn-outs" for the signs at no cost to the County whenever they are working in identified areas.

Chris Weber, the local engineer, has been asked by the Regional Office in El Paso to go out and take pictures of the sites.

6. Road & Bridge Department / Community Facilities

A. Road & Bridge Superintendent's Report

General updates on maintenance and repairs for all county roads; road materials including fuel, supplies, including usage & inventories & future needs; 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) and community facilities (assistance with maintenance and other related issues); assistance to other governmental entities and emergency responders; personnel issues (vacancies, new hires, performance and safety)

Commissioner Ortega said the crews are doing good work at the Post Park.

B. TxDOT Border Colonia Access Paving Grant / S. County Project in and around Terlingua Springs

1. General Update

Commissioner Killingsworth said a meeting is scheduled today to work on easement issues, and a timeline has been developed for completion of the project.

2. Discussion and appropriate action for work of grant to go forward

C. TxDOT Lateral Roads / Biennial update of the county road inventory / Update / Discussion and appropriate action

Judge Beard said she does not have an update at this time.

D. Community Facilities Update, Pct. 2 & 3

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

7. Emergency Management

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; and personnel issues related to emergency response / Discussion

EMC Tom Santry said the Alpine VFD had HAZMAT training April 18-19. The training was Technician Level, which is the highest in the training. There were a total of 15 students.

He said all the fires which started last Thursday in Brewster County due to lightning strikes have all been contained.

The Forrest Service did a great job, as did the VFD.

Last Saturday, the Road & Bridge crews were used, as was some of the departmental equipment to clear a road for a helicopter pilot and to wet down a landing pad.

Sunday afternoon, Judge Beard and Mr. Santry listened to a FEMA conference call about the swine flu outbreak. The phone call was chaotic and eventually cut-off.

The State Department of Emergency Management is hosting conference calls every day at this time. Regions 9 and 10 are without any confirmed cases.

Mr. Santry noted that there is no vaccine for this strain of flu.

Tom Williams asked about the federal stockpile of anti-flu drugs and how they will get to Brewster County.

Mr. Santry said they are stored in El Paso, and there is a plan to get the medicine to the county quickly and efficiently, if needed.

B. Duties of Emergency Management 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

At 10:48 a.m., Judge Beard announced that the Commissioners Court was going into Executive Session to discuss personnel issues, pursuant to Section §551.074. The courtroom was cleared.

Reconvene in Open Session

At 10:57 a.m., the Commissioners Court reconvened in open session. Judge Beard announced that the Court had been in Executive Session pursuant to Section §551.074 to discuss personnel issues. Judge Beard asked if any action was to be taken as a result of the Executive Session.

No action was taken.

C. Discussion and appropriate action resulting from Executive Session

8. Pending Infrastructure Grant Matters

A. Colonia Construction Fund Application / (2nd Septic Tank Replacement Grant Application for S. Brewster County)

1. Update

Commissioner Killingsworth said she expects to hear something from ORCA in June.

2. Other general administrative matters related to application for grant / Discussion and appropriate action to go forward with grant application and program

B. 2007 ORCA Infrastructure Grant / Discussion and appropriate action / Study Butte Water Corp. Improvements

1. Update & General Administrative Matters regarding grant

Commissioner Killingsworth said crews are working on the road. The engineer from Parkhill, Smith & Cooper has been on site to look at the elevation of the road and access for the adjoining property owner. She said she thinks the issue has been resolved.

2. Study Butte Water Corporation Tank Project

- a. General update on progress**
- b. Construction of Road to tank site / Update**
- c. Discussion and appropriate action for project to go forward**

17. Pending Community / Public Safety Infrastructure Projects / Discussion and appropriate action to go forward with all projects, including:

Major Projects:

South County Emergency Response Center (Housing for Terlingua Medics, Terlingua VFD, Deputy, J.P. & related support space

Alpine/N. Brewster County Area Emergency Response Center (Fire Station for Alpine VFD & Brewster County Emergency Operations Center)

Marathon Law Enforcement Facility (Housing for Deputy, J.P. Pct. 3 & training room)

Brewster County Jail Renovation (focus on update of electronics)

Construction Assistance for Alpine Public Library, a non-profit corporation

Smaller projects:

Vehicle & Equipment Storage Building (shed design) for South Brewster County on 23221 FM 170, near Terlingua & Study Butte

Repairs & Modifications to Old County Library Building, 203 N. 7th Street, Alpine

Outdoor Meeting Space for Marathon Town Square, adjacent to Community Center

A. General matters related to all projects

1. Bidding & Request for Proposals Processes for materials & subcontracts / Discussion and appropriate action

a. Bid Solicitation for Smaller Subcontracts & Materials / Update
Judge Beard said the bids are due May 11.

b. Contracts pursuant to request for proposals process resulting from meetings on April 16, 2009 / Update

There are no pending contracts to review today.

2. Temporary Employees / Update concerning advertising & hiring

Advertising has started, and Mr. Fowler said he believes that two people have picked up applications.

B. Matters related to specific projects

1. Fire Station for Alpine VFD & EOC / General update re scheduling & permitting / relocation of utilities / removal of encroachments & site preparation / Discussion and appropriate action to go forward with above

Mr. Fowler said they cannot proceed with relocating the gas line until the encroachments are cut back. There are also some dogs being kept on the property that need to be moved.

Judge Beard advised him to speak with the County Attorney about both issues.

2. Marathon Justice Center (Deputy & J.P. Offices)

Update re site preparation & discussion concerning upcoming work

Mr. Fowler said the pad is built, and he has photographed the Community Center

and made some drawings and measurements for the covered porch.

3. S. County Emergency Response Center

- a. Update on Site preparation, including installation of Septic System, water tap & temporary facilities for workers / Discussion and appropriate action regarding installation of OSS system & providing on site temporary accommodations for workers, pad & road preparation**

Nolan said the pad is done. He also took a check to the Water Co. to have the meter turned on for temporary utilities.

Commissioner Killingsworth said there are two RV sites on the site which will not be moved. They can be used during construction, and later for any law enforcement agencies or emergency situations. They will be permanently kept on the site.

- b. County Roads in & adjacent to new site & proposed new county roads in & adjacent to site**

Update on relocating roads and/or taking additional roads into County system to provide improved access for ERC & neighboring property (Allen Lane on west side & unnamed road on east side of property) / Discussion and appropriate action to go forward with taking these roads into County System

Commissioner Killingsworth said Mr. Roberts is working on the engineering.

- c. RGEC Electrical Power Lines & Helipad / Update / Discussion and appropriate action concerning moving lines**

- d. Matters related to site engineering and surveys / Update**

4. Jail Renovations / Update

Judge Beard said Mr. Butler will be here Friday for more study at the jail. However, she said it looks like the necessary updates will be made under budget.

5. Construction Assistance for Alpine Public Library / Update

Judge Beard said the site is pretty much ready for a foundation, which is good news.

10. Sheriff's Department / COPS grant application for Federal funding for two additional deputies / Request for Commissioners Court's ratification of application / Discussion and appropriate action

Commissioner Killingsworth made a motion to ratify the grant application, which was seconded by Commissioner Ortega, and passed unanimously.

Commissioner Ortega made a motion to adjourn, which was seconded by Commissioner Killingsworth, and passed unanimously.

VAL CLARK BEARD, COUNTY JUDGE

ATTEST:

BERTA RIOS MARTINEZ, COUNTY CLERK