

**REGULAR MEETING OF THE  
BREWSTER COUNTY COMMISSIONERS COURT  
MONDAY, JULY 13, 2009, AT 10:00 A.M.**

*Judge Beard called this meeting to order. Officers present are listed as follows:*

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

**1. Invocation & Pledge of Allegiance**

*Judge Beard lead the invocation and Pledge of Allegiance.*

**2. Minutes / additions / corrections / approval**

*The minutes from the June 23, June 30 and July 10 meetings were submitted for approval. Commissioner Killingsworth made a motion to approve the minutes, which was seconded by Commissioner Pallanez, and passed unanimously.*

**3. Treasurer**

**A. General Bills / Discussion and appropriate action**

*Mrs. Ofenstein noted that property insurance and health insurance payments were due this month.*

*Judge Beard abstained from 60647 (KALP bills) and Commissioner Killingsworth abstained from 60604.*

*Commissioner Stone made a motion to approve the bills as presented, which was seconded by Commissioner Killingsworth, and passed unanimously.*

*Mrs. Ofenstein presented three walk-in bills: District Court interpreter, \$187.50; travel reimbursement for Johnny Milan, \$33; and \$150 for Clint Roberts for hauling dirt in preparation for the pad for the new Marathon Justice Center.*

*Commissioner Stone made a motion to approve the bills as presented, which was seconded by Commissioner Killingsworth, and passed unanimously.*

**B. Infrastructure Projects Bills / Discussion and appropriate action**

**C. TAC Health Insurance for County Employees**

## **1. Update**

*Treasurer Ofenstein said the insurance has not increased by much, and the County received a credit of \$66,897. The premium per employee has gone up to \$497.02 from \$474.*

*Insurance Agent Paul Martin, who arrived later in the morning, after the first discussion with the Treasurer, said this is the time of year when TAC reviews costs and what they were be able to provide to their members. Mr. Martin cautioned the County to remember that at some point, the credits may cease. It is incredible that the County has received a credit three years in a row.*

*Judge Beard noted that a contingency fund has been created so that reserves are available if/when the credits cease.*

*Commissioner Killingsworth asked if retirees are eligible for the life insurance as well. Mr. Martin and Mrs. Ofenstein confirmed that they are, although she is unsure how many of them are covered. She will check on it.*

*Treasurer Ofenstein recommended that the County renew its health insurance contract with TAC.*

*Judge Beard asked if Mrs. Ofenstein is getting any complaints or concerns. She said she is not, and that either her office or the TAC office is quick to answer questions.*

## **2. Request to approve new contract and renew health insurance coverage with TAC/ Discussion and appropriate action**

*Commissioner Stone made a motion to approve the contract, which was seconded by Commissioner Pallanez, and passed unanimously.*

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

## **4. Brewster County Chief Appraiser/ Review of Appraisal Process and Assessed Upcoming 2009 Valuations/ Discussion**

*Matt White said the Appraisal office is governed by State authority. The Comptroller's office watches local CAD offices and can, if in its opinion a CAD is not correctly assessing property, penalize local school districts, replace the board of directors and the chief appraiser, and take over the District.*

*Appraisal Districts were created in the early 80s to rid the system of inequities. Before that, each taxing entity may have each had a different value on the same property.*

*The values are used by entities to create their tax rates. Appraisals have to be at 100 percent market values. The CAD offices tracks sales, etc. and use surveys from sellers and buyers. The appraisals are made using the condition of the property on Jan. 1 of each year.*

*Properties are physically inspected, and the appraisals are the opinion of the appraiser and his staff. Differences of opinion logical Accur CAD employees*

must be trained. There are 12 courses which must be taken over a period of 5 years with two state exams. To become a registered appraiser, five years of experience are required. Most appraisal courses are 3-5 days long.

Appraisal districts use mass appraisal where they look at the area as a whole. The same schedules apply to all properties in a neighborhood or area. Businesses are required to render their property which is used for income.

There is an established process to protest an evaluation. Notices are mailed to homeowners April 1; owners have two months to protest. All other properties received notices May 1, and have one month. Taxpayers are encouraged to talk with the District before they actually schedule an official protest with the review board. Sometimes values can be adjusted.

The Appraisal Review Board, which hears protests, is a panel of citizens who volunteer their time. The property owner and the appraiser both submit evidence, and that board decides the value based on that evidence.

Once a Review Board has determined all of the protest hearings, the value is given to the appraiser to certify. That certified value is given to the taxing entities, which create their tax rates based on those values. All of the entities have different exemptions, which take some of the market value from the property.

Mr. White said the market value is hard to tell in Alpine because properties are selling for so much more than the District has them valued on the roll.

Most people who come into the District offices are not as concerned about the value as they are the higher taxes. Mr. White reminds them that the rate is set by the governing entities within the County, and that is where folks need to go to discuss the tax rates.

He said the Appraisal District is doing its job properly and to the best of its ability.

For 2009, Mr. White said the County is looking at a net taxable total of \$551,315,094. There are still a few protests that he is working on. Current value is \$570,279,540. He said he believes there was a total of \$7 or \$8 million in new value.

Commissioner Killingsworth said the Appraisal District does a very good job. She said Mr. White should be commended for getting the District up to speed.

Mr. White explained that local value is used by the Comptroller and School Districts to determine State aid.

## **5. Officials' Monthly Reports / approval**

Commissioner Stone read the monthly reports for the record.

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

## **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)*

*Supt. Frenchie Causey said his crews have been working on the Alpine VFD fire station pad. They have been hauling loads of paving rock from Grandfalls to seal-coat the Old Marathon Hwy. They are also getting ready to seal-coat the Courthouse parking lot. They have also been unloading materials for the projects at the County yard.*

*Mr. Causey said Kleinfelder took their last density test Friday.*

***B. TxDot Border Colonia Access Paving grant / General Update / Discussion and appropriate action***

*Commissioner Killingsworth said there is nothing new to report. Travis Roberts is going to be working on the survey at Terlingua Springs. They are also working on moving the waterline out of the center of the road, although they are also looking into getting funds for the project.*

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

***7. Emergency Management Department***

***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 and appropriate action***

*EMC Tom Santry said there has been a remarkable lack of fires recently. To date, the state has had 4,464 confirmed cases, four in Brewster County which are all completely recovered.*

**1. Update on Test of System**

*Mr. Santry said a test was conducted July 2. There are 3,236 phone numbers in the database, 1,680 of which were contacted. The company is working to find out why the others weren't contacted. It could be because it was during the day when folks were at work. Another exercise will be conducted later this month.*

**2. Requested renewal of Code Red Contact / Discussion and appropriate action**

*Mr. Santry recommended renewing the contract.*

*Commissioner Stone made a motion to renew the contract, which was seconded by Commissioner Pallanez, and passed unanimously.*

**C. Recent and Upcoming Educational Opportunities, Seminars and Presentations by State agencies/ Review**

*Mr. Santry said he attended a TAC presentation Tuesday, July 7, about workplace safety. He said it was well-attended and well-presented. The following day, he attended at TCEQ presentation where there were six people in the audience, and as many from El Paso TCEQ. He was told there that commercial burning cannot be done, ever. However, in TCEQ guidelines, it says there can be under certain circumstances. The presenter was not familiar with the County or rural parts of the TCEQ region.*

*TCEQ's rules on prescribed burning differ from those of the Texas Department of Agriculture.*

**D. Request renewal of County Burn Ban/ Discussion and appropriate action**

*Mr. Santry said the County has a normal moisture index, and recommended that the burn ban not be renewed.*

*Commissioner Stone made a motion to approve his recommendation, which was seconded by Commissioner Killingsworth, and passed unanimously.*

**E. Other matters related to Emergency Management Department / Discussion and appropriate action to go forward with work of Department****8. Tax Assessor Collector****A. H.B. 3646 which mandates acceptance of credit cards for Tax payments / Discussion and appropriate action**

*Betty Jo Rooney said the mandate begins Sept. 1. She needs permission to start inquiring about credit card payment options.*

*Commissioner Stone made a motion to approve the request, which was seconded by Commissioner Killingsworth, and passed unanimously.*

***B. S.B. 798 Refunds issued due to overpayment / Discussion and appropriate action***

*Ms. Rooney said she needs to know if she can continue the process for refunds already set up in her office, or does she need approval from the auditor before the refunds are made. Judge Beard asked Ms. Rooney to work through the issue with the County Attorney because Brewster County does not have an internal auditor.*

***C. TxDot / Collection of optional County fees / Discussion and appropriate action***

*Ms. Rooney said this refers to the Road & Bridge fee of \$10. She said Commissioners can leave it the same, or change it if they prefer. Commissioners agreed there would be no change, so no action was necessary.*

***9. TAC Safety training held on July 7, 2009***

***A. Report***

*Judge Beard said there was a good turnout for the region. Brewster County had the largest turn-out, including eight members of the Road & Bridge Department. The program was good and focused on a lot of issues that Brewster County needs to re-focus on. The County probably needs to revitalize the County Safety Committee.*

*Judge Beard proposed that Tom Santry be appointed as chairman, and that Megan Antrim, Betse Esparza, Conrad Arriola, a member of the Sheriff's Office and Frenchie Causey be appointed to serve and report to Commissioners Court.*

*Commissioner Stone made a motion to approve the proposal, which was seconded by Commissioner Killingsworth, and passed unanimously.*

***B. Judge's Request regarding County Safety Committee / Designate new members and reactivate committee / Discussion and appropriate action***

***10. Pending Infrastructure Grant Matters***

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

***1. Update***

*Grant Administrator Jerry Carvajal said the application is still under review. He hopes to know something in the next couple of weeks, but he expects the County to receive funding.*

**2. 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**

*Last Thursday, the bids were opened for the water tank project.*

**2. Study Butte Water Corporation Tank Project**

**a. General update on progress**

**b. Purchase and installation of tank / Update**

*Engineer Ralph Truskowski with PSC said he started the project wondering if there were enough funds, and with concern for the remote location.*

*An alternate bid for a welded tank was received as well. Three of the fiber glass tank builders in the area would not bid directly, but they would bid through a general contractor.*

*At a conference, he was made aware of a few alternative designs. The low bid by Blue Scope Water of Austin came in at \$138,975, which includes a fence. That total is within the budget. The tank meets TCEQ requirements. The style and design work well in remote locations. The engineer has looked over the design and does not see anything that doesn't meet with state requirements.*

*The neoprene lining should last between 10 and 20 years, and is under a 10-year warranty, and can be replaced.*

*Mr. Carvajal is going to have to submit an extension to ORCA, which he said will be done today.*

**c. Discussion and appropriate action for project to go forward**

*Mr. Truskowski made a recommendation that the Commissioners approve the bid, and authorize the County Judge to execute the contract.*

*Commissioner Stone made a motion to approve that recommendation, which was seconded by Commissioner Killingsworth, and passed unanimously.*

**C. 2009/2010 ORCA, Rural Community Affairs Grant Program / Update / Discussion and appropriate action to go forward with Grant**

Mr. Carvajal said the County has been recommended for funding of \$234,000. The County is advertising for administrators and engineers, and those applications are due July 23.

**11. County Party Chairs' Nominations for Precinct Election Judges / Discussion and appropriate action**

Judge Beard said the nominations are not ready yet, so they will receive them at the next meeting in July.

**12. 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, covered outdoor area for Marathon Town Square Repairs & Modifications to Old County Library Building, 203 N. 7<sup>th</sup> Street, Alpine, Outdoor Meeting Space for Marathon Town Square, adjacent to Community Center**

**A. General matters related to all projects**

- 1. Update**
- 2. Roll off containers or other means of waste disposal on sites / Discussion and appropriate action**

*Construction Manager Danny Butler said he has two prices on roll-off containers, so far. He plans to simply take the lowest price.*

***B. Specific Project Updates***

***1. Marathon Justice Center / Discussion and appropriate action to go forward with project***

***a. Update / Issues related to framing***

*Mr. Butler said it is ready to start framing. He still thinks it would be best to bring down an expert framer, and either pick up some of those who have submitted applications or get a couple of guys from R&B. The windows have not been bid; they are below the bid limit. Mr. Butler knows a good window man. He will get prices and mail them in.*

*Mr. Butler would like to start the framing next week.*

***b. Discussion and appropriate action to go forward with project***

***2. Alpine VFD Fire Station***

***a. Update on site preparation, relocation of utilities & related matters***

*Mr. Butler said they lack about four inches to being done with the pad. It should be finished today. The concrete man is ready to start with the foundation just as quickly as the grade is done.*

***b. Discussion and appropriate action to go forward with project***

***3. South County Emergency Response Center***

***a. Update***

*Mr. Butler said there are still some engineering issues. He hopes to have it resolved today.*

***b. Discussion and appropriate action to go forward with project***

***4. Brewster County Jail Renovations***

***a. Update***

***b. Replacement of HVAC System / Update***

*Installation on new air conditioning units should start Wednesday.*

***c. Update on other modifications & renovations***

***d. Discussion and appropriate action to go forward with jail renovations***

***5. Alpine Public Library***

***a. Completion of slab and general update on project***

*Mr. Butler said he originally had a budget of about \$40,000 for framing, but that may have changed.*

***b. Discussion and appropriate action to go forward with project***

***C. Possible change orders or other modifications to projects***

***1. AVFD Fire Station & Terlingua Emergency Response Center / Steel Roofing Materials / Discussion concerning gauge of specified steel and consideration of possible changes***

*The metal roofing is 26 gauge; it was proposed to be 24 gauge. At the time, a standing seam roof was proposed; now, an R Panel roof is being used. The 26 gauge is a thinner metal than 24 gauge. According to the manufacturer, 26 gauge can handle more impact from hail. Commissioner Stone said 24 gauge is unnecessary.*

*Commissioner Stone made a motion to approve the 26 gauge metal, as long as the engineer approves. Commissioner Killingsworth seconded the motion, which passed unanimously.*

***2. Other possible changes or modifications to 3 major projects  
Discussion and appropriate action***

*Mr. Butler discussed several change orders, including:*

*\$150 for hauling*

*\$250 for the library*

*\$9,000 to be taken from Barmore and added to the concrete*

*\$15,751 was given back from dropping walls at Terlingua, and adding rock to the outside was approximately \$10,000*

***13. Brewster County OSS Program ( Septic Tank Inspection)  
TCEQ Audit/ Favorable Report/ Update***

*Judge Beard said that Virgil Clark said the TCEQ audit was favorable. She suggested that Mr. Clark be scheduled to come to Commissioners Court and give a review.*

**RECESS**

**14. Budget Workshop / Discussion and Review of matters related to 2010 Budget and County Finance, including:**

*Judge Beard said this workshop will be abbreviated, and she would like to tentatively schedule another workshop for July 22.*

**A. Public Comment**

*No public comment was made.*

**B. Review of Projected Revenue and Assessed Valuations**

*Judge Beard and Mrs. Ofenstein noted that, following the presentation from the chief appraiser this morning, we are in the ballpark.*

**C. Review of issues related to upcoming new utility costs for 3 new buildings**

*Judge Beard asked Mrs. Ofenstein to direct her staff to research square footage and power rates. Commissioner Killingsworth said RGEC is supposed to have a decrease in power in South County.*

**D. Wage & Salary Issues**

*Treasurer Ofenstein said that she thinks the County can handle 3.5 percent cost of living increases, and \$750 job classification raises, rather than \$1,000.*

**E. Benefits Issues**

**1. Health Insurance**

*Judge Beard reminded the Court of the health insurance presentation earlier in the morning, and asked the Commissioners to keep that in mind.*

**2. Other benefits/ Discussion and appropriate action**

**F. Ongoing repairs & maintenance for County buildings & means of efficiently performing maintenance**

*Judge Beard asked Commissioners to keep in mind the concept of a centralized maintenance contract.*

***G. Other matters related to 2010 Budget & County Finances***

***H. Road & Bridge Workshop Session focused on 2010 projects & needs***

*Commissioner Ortega is not present, nor is Mr. Causey, so Judge Beard suggested the workshop be deferred to the next meeting.*

***I. Other general matters related to budget***

*Sheriff Dodson was unable to present his budget at the last workshop, so he was present today to do so.*

*Even though gas prices have gone down, he expects the budget to stay flat. He has asked for a \$700 increase for tires and maintenance. A separate account is being used for training money received from the state. They are going to leave \$2,200 in the TCLEOSE account.*

*Judge Beard asked if there is a chance that CASI will contribute more to the security costs of the Chili Cook-off.*

*Sheriff Dodson has asked for an additional \$200 in office supplies.*

*In the jail budget, he asked for an additional \$100 in office supplies.*

*Postage is the same.*

*He has put in for an increase in the federal per prisoner rate. He has not hear anything back.*

*He has upped maintenance supplies by \$5,000.*

*Judge Beard explained that at the last meeting, Commissioners discussed contracting for centralized maintenance.*

*He has upped maintenance equipment up \$1,000, as well as capital equipment.*

*He eliminated the transport vehicle all together.*

*Commissioner Killingsworth told Sheriff Dodson to keep in mind the costs for computers and office supplies for the two new satellite offices in South County and Marathon.*

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

Val Clark Beard

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VAL CLARK BEARD, COUNTY JUDGE

ATTEST:

Berta Rios Martinez  
BERTA RIOS MARTINEZ, COUNTY CLERK

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