

**REGULAR MEETING OF THE
BREWSTER COUNTY COMMISSIONERS COURT
TUESDAY, JULY 28, 2009, AT 9:00 A.M.**

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

VAL CLARK BEARD	COUNTY JUDGE
ASA STONE	COMMISSIONER PCT. 1
KATHY KILLINGSWORTH	COMMISSIONER PCT. 2
RUBEN ORTEGA	COMMISSIONER PCT. 3
MATILDE PALLANEZ	COMMISSIONER PCT. 4
CAROL OFENSTEIN	TREASURER
BETTY JO ROONEY	TAX ASSESSOR COLLECTOR
JERRY SOTELLO	J.P., PRECINCT 1
BERTA RIOS MARTINEZ	COUNTY CLERK
RONNY DODSON	SHERIFF

1. Minutes / additions / corrections / approval

There were no minutes presented for approval.

2. Treasurer

A. General Bills / Discussion and appropriate action

Treasurer Carol Ofenstein noted that the Extension Office purchased a trailer. She said Stonegarden spent \$2,400 for night vision goggles for which the County will be reimbursed.

Judge Beard noted that grants require a tremendous amount of support from the Treasurer's Office.

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

Commissioner Killingsworth abstained from 6095A.

B. Infrastructure Projects Bills / Discussion and appropriate action

Mrs. Ofenstein said there was one purchase for outdoor restrooms. Bills under Item B were approved in the above vote.

C. Quarterly Report/ Approval

Treasurer Ofenstein reviewed first and second quarterly reports as well as the balances of County cash accounts. The reports are attached and recorded with these minutes.

She reviewed the process and difficulties the County encounters while managing grants, especially the reimbursement process from the state, which can be very slow.

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

D. Texas County & District Retirement (TCDRS Plan) / 2010 Cost of Living Rate/ Discussion and appropriate action

Treasurer Ofenstein said a 50 percent COLA will cost \$4,000; a 70 percent COLA will cost \$10,000; and a 100 percent COLA will cost \$20,000.

There is a deadline of Dec. 15 to make a decision.

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

3. Officials' Monthly Reports / approval

Commissioner Stone read the monthly reports for the record.

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

4. 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)

Judge Beard said there is a lot going on right now. Supt. Causey is not in attendance because he and his crew are working on paving the Old Marathon Hwy.

Commissioner Stone said they have been working on preparing the new fire station site and blading roads, along with several other projects around the County.

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

Commissioner Killingsworth said there is nothing new to report.

C. Large Equipment / Replacement of Haul Truck/ Discussion and appropriate action to proceed with replacement

Judge Beard said at the last workshop, the Commissioners discussed the need for a new haul truck. The consensus of the Court was that it was necessary to make the purchase, and they asked Commissioner Stone and Supt. Causey to look into the issue.

Commissioner Stone said they don't have exact specs yet, but they are looking at spending \$40,000 or \$50,000.

Commissioner Ortega made a motion to authorize the Road & Bridge Department to proceed without exceeding the bid limit of \$50,000, which was seconded by Commissioner Killingsworth, and passed unanimously.

D. 2009 Paving & Maintenance Program for second half of 2009

1. Proposed Plan / Discussion and appropriate action

Judge Beard said at the last Road & Bridge Department workshop, Commissioners discussed seal-coating and paving in the second half of 2009. Commissioner Stone, at that meeting, pointed out that the roads budget has already been substantially increased in anticipation of this stepped up program. Seal-coating is essential maintenance for roads which are already paved.

The plan includes: Old Marathon Road, Pinon Road, Fort Davis Street, Lackey Street, Hovey Road, Post Road and some work in the town of Marathon, Terlingua Ranch Road and fire station paving.

2010 proposal: Los Ranchos and vicinity, Hovey Road, Double Diamond, setting out on Loma Del Norte and Mile High Road, Terlingua Ranch Road and some other short stretches in South County.

Judge Beard said road maintenance is important, and the County does not want to fall behind.

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

Judge Beard said she visited with the BBNP superintendent a couple of weeks ago. He said he is interested in working with the County to improve the far eastern part of Terlingua Ranch Road, which goes across BBNP.

She said what the County can do with the Park is almost 100 percent contingent upon the Superintendent and how he feels about the rest of the County. Commissioners complimented Supt. Wellman for his willingness to work with the County.

2. Additional paving and road maintenance materials for 2009/ Discussion and appropriate action to authorize acquisition of additional materials

Judge Beard said additional materials will be taken up by Commissioners on a case by case basis. The budget already provides for substantial purchase of materials.

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

5. 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 things have been quiet in the County, except for a transmission pole that was hit by lightning in South County.

A container of fluid removed from an Amtrak train a while back was sent off for testing. The fluid tested as non-hazardous material. The testing cost \$500.

NIMS training will be held at Sul Ross in September. The County must be in 100 percent compliance with NIMS in order to receive Homeland Security funding, and an audit will be done. This is exceptionally difficult as those who need the training are volunteers who must be away from their jobs to receive the training.

Commissioner Ortega said the County may need to look at compensating those who give up pay or vacation time for training.

Judge Beard said there is a line item in EMD budget for volunteer services that could possibly be increased to include training stipends.

B. Recognize local DPS officers and pilots for assistance with maintaining Big Bend Amateur Radio Club & Terlingua Medic's Christmas Mountain repeaters

On July 15, Bob Ward of the Big Bend Amateur Radio Club said their repeater on Christmas Mountain was down, and asked if Mr. Santry could find any way to help. The club could not drive up the Christmas Mountains road due to its very poor condition. A helicopter was required. In the same time frame, Terlingua Medics said the batteries in their repeater were down. DPS, utilized the DPS helicopter, BBARC and the Medics worked together to get everything fixed.

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

C. Update on County Safety Committee/Discussion and appropriate

Mr. Santry said he is expecting guidelines from the Texas Association of Counties. Upon receipt, the committee will meet and report back to Commissioners.

D. Other matters related to Emergency Management Department / Discussion and appropriate action to go forward with work of Department

6. Tax Assessor Collector

A. Presentation of Certified Tax Roll / Discussion and appropriate action

Tax Assessor/Collector Betty Jo Rooney said she received the appraisal last Friday, July 24. They are showing a total appraised value for Brewster County of \$599,303,759; total assessed value is \$595,404,325; total taxable value is \$550,992,601.

The effective rate is 0.3170.

Treasurer Ofenstein said leaving the rate at last year's rate is six percent above the effective rate.

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

B. Request for agreement to participate in the Electronic Transaction Processing agreement with (CIRA) County Information Resources Agency / Discussion and appropriate action to enter into contract

Ms. Rooney said there is no charge to the County, other than the cost of the individual units which are \$40 each. She said she can afford two of them in her budget at this time.

If a citizen makes a credit card payment, they pay an additional 2.5 percent, which is returned to the company. No fee is assessed the County.

Commissioner Killingsworth made a motion to approve the County's participation in CIRA's credit card program, which was seconded by Commissioner Ortega, and passed unanimously.

7. Sheriff's Department / Request to accept modification for FY 2009 West Texas High Intensity Drug Trafficking Area Grant for the Alpine Multi-Agency Initiative (HIDTA funding for Brewster County Deputy) / Discussion and appropriate action

Sheriff Dodson said several months ago he told Commissioners that his office was going to get another position through HIDTA Task Force. The money has been transferred and the position has come available.

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

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 they are still waiting for information.

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

Commissioner Killingsworth said they are working on the bidding process. The pipeline has been laid up the hill, and she believes the installation of the tank will be next.

2. Study Butte Water Corporation Tank Project

a. General update on progress

b. Purchase and installation of tank / Update

c. Discussion and appropriate action for project to go forward

C. 2009/2010 ORCA, Rural Community Affairs Grant Program

1. Update

Judge Beard said the big issue now is whether or not this region and a number of other COG regions will benefit from additional stimulus money which will flow through ORCA for infrastructure grants; it all depends on how ORCA allocates and handles this money. There is a letter to the ORCA board from the chairs of the Regional Review Committees from all the border COGS and the Texoma COG about the importance of keeping these funds in their region.

2. Discussion and appropriate action to go forward with Grant

9. 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

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. 7th Street, Alpine, Outdoor Meeting Space for Marathon Town Square, adjacent to Community Center

A. General matters related to all projects

1. Update

Judge Beard said things are proceeding apace.

2. Paving for all Projects/ Judge's request for authorization to secure materials as timely / Discussion and appropriate action

Judge Beard asked for authorization to secure paving materials as appropriate. She is asking now because the County is in the process of purchasing other paving materials, and it may be beneficial to make a larger purchase.

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

B. Specific Project Updates

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

a. Update on framing and dry in

Commissioner Ortega said he think the framing will be done today, with the exception of the trusses.

b. Discussion and appropriate action to go forward with project

2. Alpine VFD Fire Station

a. Update on site preparation, forming up, utilities work, communications systems & related matters

Judge Beard said things are proceeding apace. Communications work is being spear-headed by Leo Ofenstein, IT Director.

b. Discussion and appropriate action to go forward with project

3. South County Emergency Response Center

a. Update

b. Utility and communications work as related to EOC/ Update

Judge Beard said the strategy at this time is to put as much conduit and piping in place as possible so that whatever is needed at a later date can be installed.

c. Discussion and appropriate action to go forward with project

4. Brewster County Jail Renovations

a. General Update

Judge Beard said renovations are proceeding apace.

b. Completion of replacement of HVAC System / Review

c. Update on roof repairs

The roof repairs are the next step in the renovations.

d. Control room and other life safety systems renovations and repairs/ review

Judge Beard said she knows the renovations seem costly, but ongoing, expensive maintenance is an absolute necessity for jail life safety systems.

e. Discussion and appropriate action to go forward with and complete jail renovations

10. County Clerk / I Docket.com marriage license program / Request to acquire program / Discussion and appropriate action

County Clerk Berta Rios Martinez said she wants to acquire a new program. Right now, when a couple applies for a license, the application is typed. Then, it is put in the indexes manually. It is then cut and pasted so that the couple receives a certified copy.

With the new system, a copy is printed and the system indexes itself. The system is state-compliant. It can be used for formal licenses and declarations of informal marriage.

With that, the office will get birth and death systems at no charge.

For a book of marriage licenses under the current system, the cost is \$1,000. They usually use two a year.

This system costs \$1,500 and another \$500 per year. The training is free.

Commissioner Stone made a motion to approve the purchase of the system, which was seconded by Commissioner Killingsworth, and passed unanimously.

11. Community Facilities/ HVAC Issues related to Salmon Emergency Response Center (Marathon Fire Station) / Proposed purchase of heating unit for bays/ Discussion and appropriate action

Commissioner Ortega said he doesn't have any prices yet. If the issue will be set on the next agenda, he believes he will have more information.

12. Matters related to 2010 Budget

A. Discuss 2010 proposed salaries for County Elected Officials/ Discussion and appropriate action to begin process of setting salaries for elected officials

Judge Beard said nothing needs to be decided today, but she hopes to move toward a decision by Aug. 10 because the County is required to publish notice. The Commissioners have a proposal and Judge Beard asked them to study it. A called meeting may be required.

If the Commissioners want a benchmark, TAC has other salaries online.

B. 2010 County Budget Workshop/ Discussion concerning all matters related to 2010 County Budget and County finances / Review of revenues, expenditures, draft budgets and other matters related to budget (NO ACTION)

Commissioners have been given a new draft of the budget based on hard numbers. What Ms. Rooney presented this morning will change the budget in the County's favor, but not by much.

Treasurer Ofenstein reviewed revenue and expenditures for each department.

C. Performance and Compensation of County Department Heads and departmental employees in 2010 Budget

*County Clerk
Tax Assessor Collector
District Clerk
Emergency Management
County Commissioners
County Judge*

*County Attorney
County Treasurer
Sheriff
Justice of the Peace, Pct. 1, 2 & 3
Road & Bridge Department
Constables, Pct 1, 2 & 3*

1. 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 10:55 a.m, Judge Beard announced that the Commissioners Court was going into Executive Session to discuss the appointment, employment, evaluation, reassignment, duties, compensation or dismissal of a public officer or employee, pursuant to Section §551.071. The courtroom was cleared.

Reconvene in Open Session

2. Discussion Only / No Action

At 11:07 a.m., the Commissioners Court reconvened in open session. Judge Beard announced that the Court had been in Executive Session pursuant to Section §551.071. Judge Beard asked if any action was to be taken as a result of the Executive Session. No action was taken.

Judge Beard asked Commissioners to check their schedules for the latter part of next week. She said she thinks one more workshop will be necessary. She would like to come in Aug. 10 with a budget that is very close to a finished product, if possible. They tentatively scheduled Aug. 5 at 9 a.m.

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



VAL CLARK BEARD, COUNTY JUDGE

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ATTEST:


BERTA RIOS MARTINEZ, COUNTY CLERK