

**CALLED MEETING OF THE
BREWSTER COUNTY COMMISSIONERS COURT
WEDNESDAY, AUGUST 5, 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
JERRY SOTELLO	J.P., PRECINCT 1

To discuss and take action as appropriate on the following:

1. Minutes / additions / corrections / approval

The minutes from the July 28, 2009, meeting were presented for approval. Commissioner Ortega made a motion to accept the minutes, which was seconded by Commissioner Killingsworth, and passed unanimously.

2. Treasurer

A. General Bills / Discussion and appropriate action

Treasurer Ofenstein said about \$65,000 was sent to the State for quarterly reports.

A mobile radio was purchased from both the Linebacker and Stonegarden grants.

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

B. Infrastructure Projects Bills / Discussion and appropriate action

Mrs. Ofenstein said there is a bill due to Highland Concrete for \$8,400. It will be offset by a deduction from another subcontractor's bill.

Action on this item was included in the motion in Item A.

C. Other administrative matters related to Treasurer's Office / Discussion and appropriate action

3. ARRA (Federal Stimulus funds), funneled through the office of the State Comptroller to assist local governments in cutting energy consumption / Update / No action

Judge Beard said these funds are being tracked to find out what might be available and useful. Stimulus funds are getting out extremely slowly. She said by the time these funds get out, the economy is either going to have turned around, or things will be much worse. This particular funding is to be for energy efficiency.

Conrad Arriola said \$45 million will be available to smaller counties that were not previously eligible, including counties with a population below 150,000. By September, the County should receive something in the mail outlining what is available, and what strings are attached.

Judge Beard said one possibility might be the replacement of old HVAC units. The money is to be used to improve energy efficiency, but specifics are lacking

4. COPS Grant (Federal Stimulus Funds) / Update / No action

Judge Beard said the Sheriff's Office has received word that it won't get anything for 2009, although they have not yet heard about 2010.

She said the commitment by the County to the grant would be costly anyway, so the news isn't altogether bad, given the present economy.

For 2010, the Commissioners need to decide if the County can afford the additional two deputies which would be provided by the grant, if we receive the grant.

Judge Beard said she would like to do a synopsis of how much grant money is coming in for law enforcement so that the budget realistically reflects the money. The public, she said, also needs to be aware.

5. 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. Updates / All Projects

Judge Beard provided the Commissioners with photos of ongoing rehabilitation at the jail and photos of the pour at Terlingua.

She said things have slowed a bit on the framing in Marathon because hurricane clips are required on the roof of public buildings; the roof is required to be extra stout.

2. Review Legal Structure of Projects and Procedures for County Employees & Officials related to Projects

Judge Beard provided a refresher memo to the Court of the legal structure and procedures, including who is performing what duties, and outlining staff responsibilities.

She asked Commissioners to continue to be observant.

6. State Comptroller's Tobacco Fund Grant / Constable, Pct. 2 / Request for Approval / Discussion and appropriate action

Constable Charles Jenkins is applying for the grant. He has mailed the application. Judge Beard applauded for him taking the lead on this.

Treasurer Ofenstein said she believes the grant is for \$3,000, and that he has already received the funds. He is going to attend a training course about how to administer the grant, and she has asked him to report back.

No action was taken.

7. 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 100 tons of hot mix was laid on Mosley Lane. The mix was a "trial batch" for TxDOT before Jones Bros. starts on Hwy. 67. This cost the County nothing. Judge Beard asked Mr. Causey to get contact information so that Jones Bros. can be properly thanked.

The first part of Old Marathon Hwy. has been seal-coated. Paving may start next week.

A half-mile of Pena Park Rd. has also been seal-coated.

A 2003 haul truck with 320,000 miles was purchased for \$48,750. The purchase was authorized at the July 28, 2009, meeting.

Crews lifted the trusses for construction in Marathon, and cleared some debris off of Terlingua Ranch Rd.

Judge Beard said a bid for #4 and #5 crushed rock and MS2 has been running and is due Aug. 19. She doesn't think any bids for fuel will be received, but she is running it to show due diligence.

Once the bids are drafted, Mr. Causey needs to send them to the rock supplier and MS2 supplier.

When bids are received Aug. 19, Judge Beard said a quick, called meeting will be necessary.

B. Temporary Employees for Road & Bridge / Update / Discussion and appropriate action to keep Road & Bridge Department adequately staffed during infrastructure and paving projects

Mr. Causey said everybody is working on the road projects right now. Due to the rain, all of the County roads are getting overgrown and he needs some temporary help. He has somebody in mind who wants to do it. Judge Beard told Mr. Causey said it's in the budget. Commissioners agreed he should go ahead and hire someone.

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

Travis Robert brought in a report of good progress.

Commissioner Killingsworth said it is critical that the water line be moved.

D. Finalize Permit Procedure and Application Form for Boring & Trenching in/across County Roads / Discussion and appropriate action

Judge Beard said an application form has been prepared, and the fee has been discussed at \$50. Mr. Causey said a fee of \$35 per square foot for backfill would be fair. Mr. Causey is pleased with the prepared application.

Judge Beard said a systemic process for keeping GPS coordinates and what has been done and where it should be so that, in years to come, future Road & Bridge crews will know where utility lines have been placed.

Applications may initiate with either the R&B Superintendent or the Commissioner in whose precinct the work is being done.

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

8. 2010 Budget Workshop / Discussion concerning all phases of 2010 budget including revenues, expenditures, personnel, upcoming need for equipment and all related matters / No action

Judge Beard presented Version A of the budget to the Commissioners.

Judge Beard said she is comfortable with Version A, although she thinks Version B will be better, and that the tax rate may even be lowered.

Several rumors are circulating, among them that there will be a 70 percent tax increase for the County. She said that is foolish and completely inaccurate.

She said announcements to the public explaining that tax payments from the Tax Assessor's office need to be more aggressive so that they understand that it includes all of the taxing entities in the County.

Mr. Arriola did an analysis and said Brewster County is typically in the lower 10 percent of Texas tax rates.

Judge Beard said she had understood that the CPA was going to present the audit Aug. 10. However, it has been confirmed that he won't be able to do that.

She said his absence on that date will require a called meeting in the near future.

She said she may file a proposed budget with a note that it is subject to the audit, and that a new budget may be filed.

Treasurer Ofenstein said she brought Penalty and Interest up to \$43,000.

Federal prisoner payments have been brought up to a total of \$600,000 because of the improvements on the jail. The Sheriff, she said, is also planning to ask for a raise on that figure from the federal government.

She also made additional smaller increases throughout the budget.

Mrs. Ofenstein decreased the insurance expenditure by \$10,000.

Jury fees were also decreased by \$10,000. Judge Beard explained that while it can't be planned for, a death penalty trial is always possible and is very expensive.

Judge Beard said the Emergency Management Department should include an amount for support for Tom Santry on grant applications and other work.

In the District Clerk budget, equipment has been decreased by \$500.

Commissioners discussed utilities, etc. for the new construction. The budget is currently a "best guess." Commissioner Killingsworth said they will probably have to operated for a year before the budget can be accurate.

Mrs. Ofenstein said she decreased fuel from \$65,000 to \$60,000 for the Sheriff's Office.

Commissioners discussed the possibility of a fuel budget the includes all departments. Commissioner Stone had made the suggestion several years ago. However, he said the holdup is key codes and tracking the purchases, but maybe the Budget could includes costs for those things in the next few years.

Mrs. Ofenstein said there are a couple of grants which cover fuel, which helps a lot.

Fuel for the Road & Bridge Department was also decreased to \$105,000.

Judge Beard noted again that all the County's short-term debt was paid off last year, which saved about \$25,000 in interest. The new jail payments are finished in 2015.

Judge Beard said she and the Treasurer will work on a proposed product for the Aug. 10 meeting.

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

Val Clark Beard

VAL CLARK BEARD, COUNTY JUDGE

ATTEST:

Berta Rios Martinez
BERTA RIOS MARTINEZ, COUNTY CLERK