

**REGULAR MEETING OF THE
BREWSTER COUNTY COMMISSIONERS COURT
TUESDAY, AUGUST 25, 2009, AT 10:00 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
JERRY SOTELLO	J.P., PCT. 1

1. Minutes / additions / corrections / approval

The minutes from the July 22 and Aug. 5, 10, 11, 17 and 19 were presented for approval. Commissioner Ortega made a motion to approve the minutes as presented, which was seconded by Commissioner Killingsworth, and passed unanimously.

2. Treasurer

A. General Bills / Discussion and appropriate action

Treasurer Ofenstein said there are no unusual bills at this time. However, she did note that this year's debt on the jail has been paid.

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

There were three bills presented from McCoy's, Dinosaur Valley and BMS. Approval of these bills was included in the vote in Item A.

C. 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

There were no reports available for approval at this meeting.

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

Dale Christophersen submitted nominations for the election judges and alternates for the Democrat party.

He spoke with the Republican Party about their nominations, and was informed that they are still working on nominations.

Dr. Christophersen presented the following nominations for approval: Pct. 1, Mark Battista; Pct. 2, Mary Bell Lockhart; Pct. 3, Ike Roberts; Pct. 4, Joyce Wright; Pct. 5, Reine Wonite; Pct. 6, Sarah Bourbon; Pct. 7, Gary Callaway; and Pct. 8, Rudy Bustamante.

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

5. 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, p performance and safety)

Supt. Causey said he has a temporary worker mowing right-of-ways in Marathon and Alpine. Crews seal-coated a half-mile of the Post Road. They are processing base for the south entrance of Double Diamond. They are expecting about 400 more tons. A half mile on Loma del Norte needs to be type bladed. Dump trucks are hauling base to Mile High Road. The base is coming from what they took out of the Fire Station site. They have been hauling water to the Fire Station site slab to keep it wet.

Mr. Causey said the new haul truck out to be received next week.

He said they are having some problems with residents of Double Diamond about parking equipment on the side of the road.

Another passenger car windshield was accidentally broken by a haul truck. Judge Beard told him to turn the issue over to the County Attorney.

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

Commissioner Killingsworth said the area is being surveyed. They are working on the final easement on the east side to Hwy. 118.

C. Purchase of Road Construction Materials bid for August 19, 2009 / Update / Discussion and appropriate action

Judge Beard reported that bids were opened Aug. 19. Ergon and Capital Aggregates were both awarded bids.

D. Request for Order authorizing sale of .063 acre of County property on end of Trail Road to adjoining landowner / Discussion and appropriate action to begin proceedings to sell this property to solve an encroachment issue

Judge Beard said the very small encroachment on Trail Road was brought to the County's attention by Commissioner Stone, who said he will not vote on the issue because, at one time, he owned the property.

However, he proposed that the County begin action to sell the .063 acres to the current owner to clean up the issue.

First, an order must be obtained from Commissioners Court which authorizes the sale. A survey of the property must be obtained, followed by an appraisal of the encroachment property which determines the price.

Judge Beard said an appraisal will be very costly; she was told it would be adequate to use the Appraisal District's appraisal.

Commissioner Killingsworth made a motion to start the proceedings and issue an order authorizing the sale. Commissioner Ortega seconded the motion, which passed unanimously.

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

6. 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; emergency management issues related to public and private insurance coverage and personnel issues related to emergency response / Discussion and appropriate action

EMC Tom Santry said there have been a couple of small fires started by lightning. The NIMS course that the County was sponsoring has been cancelled

due to lack of interest. However, if 10 people sign up by next week, they are still willing to come.

Commissioner Killingsworth asked if the responders understand how critical the training is. Mr. Santry said they've been told several times, but they have said that they cannot get the time off from the regular jobs.

He said compliance with the training is vital to receiving Homeland Security funding.

B. Treasurer, County Judge & EMC / Request to transfer ownership of equipment purchased with Homeland Security Grant Funding and placed with other agencies and entities over three years ago (Ownership to be placed with the agency currently holding the equipment)

Judge Beard said that at a previous meeting, Commissioners discussed the issue of Homeland Security grants and the County's liability for pieces of equipment which were acquired for other agencies under the grant. They talked about the reporting and accounting requirements. Commissioners Court is concerned about the process. There seems to be a lack of clarity about the requirements, so Judge Beard, Mr. Santry and Treasurer Ofenstein had a conference call with the COG representative.

From that call came good news about the County's liability and responsibility. The County is free to transfer ownership of any of the items and equipment to the receiving agency just as soon as they are received, relieving the County of responsibility of equipment that is in somebody else's care.

Commissioner Killingsworth asked if, when approving the purchase of equipment, Commissioners could do so in the form of a motion that automatically transfers ownership upon arrival. That way, the equipment is never on the County's books.

Commissioner Killingsworth made a motion to transfer all equipment purchased using grant funds to the ownership of the agency which uses it. Also, any future purchases made using grant money will automatically be transferred to the appropriate agency. Commissioner Ortega seconded the motion, which passed unanimously.

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

7. Pending Infrastructure Grant Matters

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

1. Update

Grant Administrator Jerry Carvajal said he hasn't yet heard from ORCA. They are trying to finish the site visits this week, and he will hopefully know something in early September.

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 /Study Butte Water Corp. Improvements / Discussion and appropriate action

1. Update & General Administrative Matters regarding grant

2. Study Butte Water Corporation Tank Project

a. General update on progress

Mr. Carvajal said he spoke with the engineer this morning, and clearance should be received some time this week.

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. Review and score administration and engineering professional services proposals and select service providers / Discussion and appropriate action

Mr. Carvajal said the County was approved for \$230,000 for a tank. ORCA should be here this Friday for a site visit.

He said one administration proposal was received from GrantWorks, so there is no need for scoring. However, five engineering proposals were received and Commissioners need to score them. They were turned in to Mr. Carvajal and he will review them and report back later in the meeting.

Mr. Carvajal returned after reviewing the scores and said that TransPecos Land Surveying had scored the highest.

2. Consider adoption of TxCDBG Contract 729081 Start-Up Documents / Discussion and appropriate action

Commissioner Ortega made a motion to approve GrantWorks for administration and TransPecos Land Surveying for engineering, subject to negotiation of contracts. Commissioner Killingsworth seconded the motion, which passed unanimously.

Commissioner Ortega made a motion to approve the resolution assigning Judge Beard and Treasurer Ofenstein as signators, which was seconded by Commissioner Killingsworth, and passed unanimously.

3. Discussion and appropriate action to go forward with Grant

8. 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. Project Updates

Judge Beard said it looks like the steel is going to ship the first week in September, including roofs, frames, etc. The library roof may be included in the shipment. They are investigating the cost savings.

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

a. Update on framing and dry in

b. Discussion and appropriate action to go forward with project

2. Alpine VFD Fire Station

a. Update on completion of slab and upcoming construction of building

b. Discussion and appropriate action to go forward with project

3. South County Emergency Response Center

a. Update

A meeting is being planned to discuss the helipad with DPS, and the possibility of a test landing. Commissioner Killingsworth said putting the helipad on adjacent property may be best because it is very clear land.

Commissioner Killingsworth said a fuel supply is going to be needed for dependent agencies. She said they may need to work with the ESD so that there is a secure fuel source when needed.

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

c. Discussion and appropriate action to go forward with project

4. Brewster County Jail Renovations

a. General Update on renovations (electronics, HVAC & roof work)

The control panel is still not in. Judge Beard said we are at the mercy of the manufacturer.

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

5. Alpine Public Library / Construction for Alpine Public Library, a non profit organization

a. Update

b. APL's Board authorization to go forward with framing / Discussion and appropriate action

c. Other matters related to completing Phase II of building

9. Matters related to adoption of 2010 Budget & setting 2009 Tax Rate

A. 2010 Budget

1. Adoption of Salaries for County Elected Officials / Discussion and appropriate action

Judge Beard said the salaries have all been appropriately published. Commissioner Ortega made a motion to adopt the salaries as proposed, which was seconded by Commissioner Killingsworth, and passed unanimously.

2. Schedule for Adoption of Budget / Review

Judge Beard said they are mid-way through the cycle. On Sept. 3, a public hearing on the budget will be held, along with the first public hearing for the tax rate. If there appears to be consensus, the budget can be adopted. If not, a fallback date has been scheduled for Sept. 4.

On Sept. 9, there is a called meeting scheduled for the second tax rate public hearing. On Monday, Sept. 14, a vote on the tax rate is scheduled and a super quorum is required.

Judge Beard said other business may be included on some of these dates.

B. 2009 Tax Rate / Review schedule and process / Discussion and appropriate action

10. Brewster County Tourism Council

A. Request appointment & reappointment of Tourism Council Board Members / Discussion and appropriate action

Ron Sanders recommended appointing Danny Ferguson and Don McDowell, and re-appointing himself, Bill Ivey, Travis Roberts and Wilma Schindeler.

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

B. Present 2010 Tourism Council Budget / Discussion and appropriate action

Mr. Sanders said the Council is proposing a conservative budget of \$400,000. They expect to collect \$450,000 to \$500,000, following the 7 percent tax increase. However, they want to be conservative. He reviewed the budget, which includes 79.5 percent for advertising. The budget is attached and recorded with these minutes.

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

C. Interpretive Roadside Sign Project / Update

Tom Williams said they have run into some regulatory problems with TxDOT. However, the local engineer, Chris Weber, is very cooperative, and things are moving forward.

Mike said the Council has just launched a new version of the website. A lot of people are using social networks, and the site now links with things like MySpace and Facebook.

They have made an agreement with the Alpine CVB to represent Alpine through their new brochures.

Their main partners are Alpine and Fort Stockton; Van Horn has backed off a little bit, although they are contribute some funding.

The final numbers of tax collections have just been received, and they were 4 percent over the 2007 numbers. At this point in 2009, they may been off about a percentage and a half.

11. Brewster County Historical Commission

A. Resolution supporting 2010 Courthouse Restoration Funding for County / Discussion and appropriate action concerning possible County application for next cycle of funding

Judge Beard said she has been visiting with Travis Roberts about applying for courthouse restoration funding. She does not want Commissioners to make a decision today, but she wants them to be aware of some things.

The application can be made a no additional cost; in the past, there have been requirements that would require thousands in expenditures.

However, she believes there is a minuscule chance that Brewster County will be funding. Only \$20 million is available. Also, there is no chance at all unless the County can provide a 15 percent match.

It has been sometime since the County has priced what a full-blown restoration would cost. She would like to speak with Mr. Roberts about that. If it costs \$6 million, the County cannot afford that match in the next couple of years.

Commissioners agreed to give Judge Beard some additional time to visit with Mr. Roberts.

Judge Beard said there is a resolution of support from the Historical Commission. A fund has been set up for the match and a master plan was made some years ago.

B. County Judge's request to join Preservation Texas / Discussion and appropriate action

This group is closely tied with THC, said Judge Beard.

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

12. Sheriff's Department

A. Request to purchase cameras from Southwest Security from Sheriff's awarded account / Discussion and appropriate action

Sheriff Dodson said he would like to spend the money on two units that have four cameras each. They must be powered, and will be in cooperation with some businesses. The cameras will not be used to the benefit of the businesses.

B. Request to approve application for Stone Garden Supplemental Funding / Discussion and appropriate action

The Sheriff's Office has received \$1.6 million total for the three-year term. Commissioner Ortega made a motion to approve the funding, which was seconded by Commissioner Killingsworth, and passed unanimously.

13. Personnel / Duties related to Budget & Adopting Tax Rate

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

Reconvene in Open Session

B. Discussion and appropriate action resulting from Executive Session

No action was taken.

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

VAL CLARK BEARD, COUNTY JUDGE

ATTEST:

BERTA RIOS MARTINEZ, COUNTY CLERK

