

**REGULAR MEETING OF THE
BREWSTER COUNTY COMMISSIONERS COURT
MONDAY, SEPTEMBER 14, 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
BETTY JO ROONEY	TAX ASSESSOR
JERRY SOTELLO	J.P., PCT. 1
BERTA RIOS MARTINEZ	COUNTY CLERK

1. Invocation and Pledge of Allegiance

Judge Beard lead the invocation and Pledge of Allegiance.

2. Minutes / additions / corrections / approval

The minutes from the Sept. 9, 2009, meeting were presented for approval.

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

3. Treasurer

A. General Bills

Treasurer Carol Ofenstein was out of town attending training. Asst. Treasurer Megan Antrim presented the general bills.

Commission Killingsworth abstained from #61768, and Judge Beard abstained from any KALP bills.

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

Ms. Antrim presented three walk-in bills: Troy Sheldon, \$1,393.39, for supervising and working on recent repairs and maintenance in the courthouse; reimbursement to Judge Beard for meals while at training in El Paso, \$4.38; and a caliche purchase for the

Road & Bridge Department, \$2,820.

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

B. Infrastructure Projects Bills / Discussion and appropriate action

Ms. Antrim said there were no infrastructure bills to be presented at this time.

C. Request for authorization for Treasurer & County Judge to approve payment of bills in interim of September 14, 2009 – October 12, 2009 Regular Meeting / Discussion and appropriate action

Commissioner Killingsworth made a motion to authorize the Treasurer and County Judge to pay the interim bills. Commissioner Ortega seconded the motion, which 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. Discussion and Action to adopt the Proposed 2009 Tax Rate as set out below:

<i>Maintenance & Operation</i>	<i>.2998</i>
<i>Interest & Sinking</i>	<i>.0315</i>
<i>Total Rate Proposed</i>	<i>.3313</i>

Commissioner Killingsworth made a motion that property taxes be increased by the adoption of a Maintenance and Operations rate of .2998, which is effectively a five percent increase in the tax rate. Commissioner Stone seconded the motion.

The vote was unanimous with Commissioners Pallanez, Stone, Killingsworth and Ortega, and Judge Beard, signifying their vote by raising their right hands.

Commissioner Killingsworth made a motion that property taxes be increased by the adoption of a debt service rate of .0315, which is effectively a five percent increase in the tax rate. Commissioner Stone seconded the motion.

The vote was unanimous with Commissioners Pallanez, Stone, Killingsworth and Ortega, and Judge Beard, signifying their vote by raising their right hands.

The total rate, as passed, will be .3313.

5. Officials' Monthly Reports / approval

Commissioner Stone read the officials' monthly reports for the record.

Commissioner Ortega made a motion to accept the reports, which was seconded by Commissioner Killingsworth, 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); boring or trenching for utilities across County Roads

Supt. Frenchie Causey said crews have been busy blading roads due to recent rains. They are planning to patch some potholes on Ted Street in preparation for seal coating before the weather gets too cold. They hauled the old scrap concrete away from the Alpine Fire Station site. They have been performing maintenance on the new haul truck and other equipment. Loma del Norte has been primed; Mile High Rd. is ready for blading and priming.

B. Pending Permits for boring or trenching for utilities to cross County Roads / Discussion and appropriate action

Judge Beard said there aren't any permits for approval at this time.

C. Open & Read Bids for Caliche Base as advertised / Discussion and appropriate action concerning bids / accept, reject, extend or other appropriate action

Judge Beard said one bid was hand-delivered, a bid from Skelton Trucking. The bid was duly advertised, but there were no others.

Commissioner Stone opened and read the bid from Skelton Trucking Co. The bid sets out that base material will be delivered to Double Diamond at \$15/ton; Alpine at \$14/ton; and Hovey at \$12/ton. There is also an option for the County to haul the material at a slightly reduced rate.

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

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

Commissioner Killingsworth had nothing new to report.

E. Proposed Easement from Charles E. Troxel, Jr. and Donna L. Martinson to the County of Brewster, as part of a County Road, Double Diamond Ranch subdivision, Piñon Drive

1. Executive Session with County Attorney Pursuant to Section § 551.071, Government Code, VTCA, to confer on a matter in which the duty of the attorney to the government body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this Chapter (Privileged Matters)

At 10:13 a.m., Judge Beard announced that Commissioners Court was going into Executive Session pursuant to Section §551.071 to confer with the County Attorney.

Reconvene in open Session

At 10:35 a.m., the Commissioners Court reconvened in open session. Judge Beard announced that the Court had been Executive Session pursuant to §551.071. Judge Beard asked if any action was to be taken as a result of the Executive Session.

2. Discussion and appropriate action resulting from Executive Session

Commissioner Killingsworth made a motion to authorize the County Attorney to inform Mr. Troxel that there will not be an additional road easement needed related to the Piñon Drive property. Commissioner Ortega seconded the motion, which passed unanimously.

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

7. Pending Infrastructure Grant Matters

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

1. Announce Award and Update on Project

The grant administrator, Jerry Carvajal, said the County scored third out of 26 applicants, so it will be recommended for funding. The funding will be finalized by the TDRA sometime in October, and a site visit will be scheduled around the same time.

Commissioner Ortega made a motion to authorize the procurement process for engineering and administration, which was seconded by Commissioner Killingsworth, and passed unanimously.

2. General administrative matters related to application for grant / Discussion and appropriate action to go forward with grant 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 contracts have been submitted to the Contractor, and approval will hopefully be received this week from TCEQ.

Commissioner Killingsworth said base material needs to be added at the top of the site.

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

Mr. Carvajal said TDRA came for a site visit Aug. 26, 2009. The contract should be effective in late September.

2. 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

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

a. Update on status of project

b. Discussion and appropriate action to go forward with project

2. Alpine VFD Fire Station

a. Update on erecting steel building

Judge Beard said the steel is going up.

*b. Contract for interior wood framing with AppleBaker
Construction / Discussion and appropriate action*

This contract was approved at the last meeting.

*c. Other matters related to construction of building / Discussion
and appropriate action to go forward with project*

3. South County Emergency Response Center

- a. Update on status of project & pending delivery of steel**
- b. Helipad / Discussion led by Emergency Management Coordinator & Pct. 2 & 3 Commissioners concerning location (no action)**

EMC Tom Santry said the DPS is interested in having a helipad in South County. They have made several site visits at three different locations. They believe locating the pad at the Community Center would be best.

Judge Beard asked Commissioner Killingsworth if the survey stakes are still visible around the Community Center. The Commissioner said she didn't think so, but said she would look around for the legal description.

Judge Beard said the DPS prefers a slab of about 50x50 ft. She said it won't be cheap, but the possibilities for help in South County are great.

Commissioner Killingsworth said power at the pad is also necessary for lighting, etc. She said in her opinion, the Community Center is the best location. She said that due to the clay at the lot, a paved road leading up to the pad would be a good idea.

Judge Beard discussed why the pad needs to be concrete; as hot as it is in South County, the asphalt gets soft, creating problems at landing and take-off, and quickly damaging the asphalt.

- c. Discussion and appropriate action to go forward with project**

4. Brewster County Jail Renovations

- a. General Update on renovations**

Judge Beard said this project is still in a holding pattern due to the sole vendor situation. She plans to speak with the Construction Manager tomorrow about what can be done to speed things up.

- 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 on commencing dry in phase of building**

Judge Beard said the library board is excited about the beginning of this phase.

***b. Other matters related to completing Phase II of building /
Discussion and appropriate action to go forward with
construction assistance to APL***

The board has ordered roofing steel windows and has contracted for framing. This could start soon.

9. 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

Mr. Santry said there have been a couple of fires, but nothing major.

B. Consider Renewal of West Texas Ambulance Contract (sole source provider) to provide Emergency Medical Service to North Brewster County outside of Alpine City limits / Discussion and appropriate action

Mr. Santry said the contract is very comparable to last year's contract.

Judge Beard said this company is the sole provider in the area.

Mr. Santry said he is satisfied with the level of care and response provided by West Texas Ambulance.

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

C. H1N1 Flu Vaccine / Discussion concerning utilizing Homeland Security funds to provide for vaccination of County personnel

In order for the County to provide the flu vaccinations, a licensed professional has to administer the vaccine. Homeland Security will pay for the vaccines. He said he especially recommends the vaccine for the jailers.

Judge Beard said she thinks Mr. Santry should be authorized to research the issue and get the vaccination clinic set up for County employees.

Commissioner Ortega made a motion to make the authorization, which was

seconded by Commissioner Stone, and passed unanimously.

D. Discussion and appropriate action for work of Emergency Management Department to go forward

10. Public Comment

No public comment was made at this time.

11. Far West Texas Judge & Commissioners Meeting in Study Butte / Update

Commissioner Killingsworth said the meeting will be held Sept. 23-25. She is expecting 85-90 people. She thinks enrollment and participation will be up this year. Everything is organized and ready to go. Topics include redistricting and the 2010 Census. The meeting will be held at the Community Center, and the host hotel is the Big Bend Resort & Adventures.

12. Texas VINE Contract (Victim Attorney General's notification system) / County Judge's request for renewal of contract / Discussion and appropriate action

Judge Beard said the system notifies a victim when a perpetrator is released from jail. There is no cost to the County; it's a good program.

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

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