

**REGULAR MEETING OF THE
BREWSTER COUNTY COMMISSIONERS COURT
TUESDAY, OCTOBER 27, 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

To discuss and take action as appropriate on the following:

1. Minutes / additions / corrections / approval

The Oct. 12, 2009, minutes were presented for approval.

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

2. Treasurer

A. General Bills

Treasurer Ofenstein said the bills are in order.

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

Treasurer Ofenstein presented one walk-in bill from the interpreter for District Court at \$125. Commissioner Ortega made a motion to approve the walk-in bill, which was seconded by Commissioner Stone, and passed unanimously.

B. Infrastructure Projects Bills / Discussion and appropriate action

There were no infrastructure projects bill presented at this meeting.

C. Third Quarterly Reports / Discussion and appropriate action

Treasurer Ofenstein reviewed the quarterly reports for Commissioners.

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

D. TAC Liability and Casualty Update/ Discussion and appropriate action

Treasurer Ofenstein said Judge Beard and she reviewed the policies and everything has been turned into TAC for renewal. Treasurer Ofenstein has not yet heard back about the premiums.

E. Resolution for 2010 Indigent Defense Grant / Discussion and appropriate action

Treasurer Ofenstein said the state sends about \$9,000 every year. Judge Beard noted that this is a partial reimbursement for court-appointed attorneys.

Commissioner Killingsworth made a motion to approve a resolution in favor of the grant, which was seconded by Commissioner Ortega, and passed unanimously.

F. 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 Killingsworth, 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); boring or trenching for utilities across County Roads

Supt. Causey said the crews bladed North County, South County, Fulcher, Lone Star Mine and Indian Head Roads. They hauled some base to the Post Road in Marathon. They are still mowing right-of-ways in Marathon, and Mr. Causey said he is having trouble with his shredder. The crews have prepared the CASI site for the cook-off. This week, they are finishing the pad for the storage water tank at Bee Mountain. They paved a little more than a mile at Double Diamond.

They have also been helping out with hauling for the infrastructure projects. After the cook-off, they will start hauling rock to the Terlingua site.

He said he has half a mile at Loma del Norte and half a mile at Mile High ready to pave. He just has to watch the weather.

B. Big Bend Telephone Company's Request for permit for Trenching & Plowing on Terlingua Ranch Road parallel with road / Discussion and appropriate action

Supt. Causey reviewed the permit application with Commissioners. He said he explained to BBTC the permit process. BBTC wants to do some trenching parallel with Terlingua Ranch Road at the Camel Hump site. Mr. Causey said it won't involve the pavement and is within the easement. He said all of the paperwork is completed.

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

Judge Beard and Commissioner Killingsworth both said they appreciate that BBTC is easy to work with and does good work.

C. TxDot Border Colonia Access Paving Grant / General Update / Discussion and appropriate action to go forward with grant project

1. Update on relocating of water lines in Terlingua Springs and adjacent areas / Discussion and appropriate action

Commissioner Killingsworth said she had nothing new to report.

2. Survey and Easements for Projects / Update / Discussion and appropriate action

3. Administrative Matters related to Project / Discussion and appropriate Action to go forward with project

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

Mr. Causey asked a couple of questions about the trenching permitting process. He asked if the BBTC application had been handled appropriately. Commissioners

agreed that it had. He asked about what to do if there is an emergency. Judge Beard said to get with the Commissioner in whose precinct the emergency trenching needs to be done. That Commissioner can give emergency approval, subject to later bringing the permit to Commissioners Court for its approval.

5. Pending Infrastructure Grant Matters

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

1. Update on Project

Judge Beard said they have received written confirmation of the award from the state. Commissioner Killingsworth said everybody is ready to go. She said she has been receiving calls for a year about participating in this project.

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

Commissioner Killingsworth said she has called the engineer to find out about approval from TCEQ. Otherwise, things are ready to go.

Judge Beard said she has asked Jerry Carvajal to stay on TCEQ about approval. If they don't hear anything soon, she said the County may need to get a little more assertive.

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 she had nothing to report.

2. Discussion and appropriate action to go forward with Grant

Commissioner Ortega said that as paving winds down for the year, maybe Road & Bridge crews could get started on pads for dry fire hydrants in Marathon.

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 has been very little emergency activity with fires or anything else.

About two months ago, Commissioners discussed inoculating County employees. A doctor's office has found that its insurance will not cover coming to the courthouse.

However, there is still a possibility that the state could do it.

The County has available 295 paper masks, which are kept at the jail.

Hand sanitizer is being passed out to the employees.

Treasurer Ofenstein said TAC will waive the \$20 copay for doctor's appointments made to receive a flu shot.

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

7. 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

Judge Beard said the Marathon building will be ready for the rock finish very quickly. It will be necessary for Commissioner, Pct. 3, and the Road & Bridge crew to bring rock to the job site. Commissioner Ortega has secured a donation of rock which matches other rock on the Marathon Town Square.

b. Discussion and appropriate action to go forward with project

2. Alpine VFD Fire Station

a. Update on erecting steel building & framing

Judge Beard said there is one space where the steel is not up because they are waiting for AEP to move a pole. It is unsafe for the workers to be working that close to the electricity, so until the pole is moved, the gap will remain.

Judge Beard said the EOC is now wired. She said it is so good that Tom Santry was pleasantly surprised when he looked at it last weekend.

b. Time table for exterior stucco & rock work, interior framing, plumbing, electrical and other post “dry in” work

Judge Beard noted that there was ample opportunity for those who were going to be using the building to have input. It will be time for exterior finishes soon. Judge Beard said the electrical is virtually complete. However, with the first pass on the wiring, the fire department chief officers determined that they wanted an additional nine outlets for trickle chargers. This will require a change order. The electrician has said it will cost \$4,200 for the change order.

Judge Beard said the idea is a good one, but it came up late in the process. She said it will diminish the amount of cash on hand.

Commissioner Ortega said the South County building needs to have the same thing, if they haven't been installed there.

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

Commissioner Ortega made a motion to approve in advance an additional change order for South County.

Commissioner Stone said he is in favor of the idea, but would like to know what it would cost first. He said he guessed they could approve it and leave it up to the Judge for final approval.

Commissioner Killingsworth said there may be enough outlets to do it, but maybe a motion that includes that information would be appropriate.

Commissioner Ortega amended his motion to include checking the plans first and then determine a reasonable cost. Commissioner Stone seconded the motion, which passed unanimously.

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 & delivery of steel for building

b. Discussion and appropriate action to go forward with project

4. Brewster County Jail Renovations

a. General update on renovations

Judge Beard said the control panel is supposed to be here today, and many of the other renovations are now complete.

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 Phase II “dry in phase” of building, completion of framing, upcoming installation of roof trusses, roof & windows, exterior finish

Judge Beard said she believes the crews will begin again today, after returning from Lubbock.

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

B. Interior finishing for Alpine VFD Fire Station, South County ERC, and Marathon Justice Center / Consider Judge and Construction Manager’s Recommendations that drywall be installed and finished utilizing County Crew working under the supervision of Construction Superintendent/ Discussion and appropriate action

Judge Beard said that as they move well past the half-way point, they could put sheet rock proposal out for bid. However, she said the least costly way to proceed, as it appears to she and the construction manager, is for the County to undertake drywalling itself, under the supervision of the construction superintendent.

She said they have shopped True Value and McCoy’s for sheet rock. True Value has quoted \$5.89 per sheet for 624 sheets, delivered. This does not include the library project. Judge Beard said the McCoy’s proposal was considerably higher.

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

Commissioner Ortega made a motion to approve the use of County crews for drywalling and finish with the supervision of the construction superintendent. Commissioner Killingsworth seconded the motion, which passed unanimously.

8. Alpine Public Library / Frontier Broadband Project / Gates Foundation / Request for County to sponsor library participation in these initiatives

Alpine Public Library Director Paige Delaney explained that the State library has approached directors to attend a broadband summit in San Antonio next week to discuss the needs of libraries around the state.

During a survey taken last year, Alpine qualified for partial grants from the Gates

Foundation to upgrade. She plans to attend the summit next month, and she would like to bring a local partner who advocate on behalf of the library. She said if the County would like to send someone, it would be greatly appreciated. Expenses are paid.

She noted that they tested their broadband again this week, and they may not qualify for the grant any longer. However, she still plans to attend the summit as help is still possible from the state.

Commissioner Ortega made a motion to approve County participation in the summit, which was seconded by Commissioner Stone, and passed unanimously.

9. Brewster County Groundwater Conservation District / Discussion and appropriate action to fill rural S. County Director vacancy

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

At 10:50 a.m., Judge Beard announced that Commissioners Court was going into Executive Session pursuant to Section §551.077 to discuss appointments to the Brewster County Groundwater Conservation District.. The courtroom was cleared of all but Commissioners Court and Conrad Arriola, the executive director of the GWCD.

Reconvene in Open Session

B. Discussion and appropriate action resulting from Executive Session

At 10:55 a.m., the Commissioners Court reconvened in open session. Judge Beard announced that the Court had been in Executive Session pursuant to §551.074. Judge Beard asked if any action was to be taken as a result of the Executive Session.

Commissioner Killingsworth made a motion to appoint Virgil Clark to the Precinct 2 seat on the Brewster County GWCD. Commissioner Ortega seconded the motion, which passed unanimously.

Judge Beard asked Conrad Arriola, the executive director of the GWCD, to inform Mr. Clark, and to thank him for his willingness to serve.

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

VAL CLARK BEARD, COUNTY JUDGE

ATTEST:

BERTA RIOS MARTINEZ, COUNTY CLERK