

**REGULAR MEETING OF THE
BREWSTER COUNTY COMMISSIONERS COURT
MONDAY, NOVEMBER 9, 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
JERRY SOTELLO	J.P., PCT. 1
STEVE HOUSTON	COUNTY ATTORNEY
BERTA RIOS MARTINEZ	COUNTY CLERK
CAROL OFENSTEIN	COUNTY TREASURER

1. Invocation and Pledge of Allegiance

Judge Beard lead the invocation and Pledge of Allegiance.

2. Minutes / additions / corrections / approval

The minutes from the October 27, 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 Ofenstein said the bills include quarterly reports and the insurance payment.

The hotel/motel tax bills (Tourism Council) include the State Fair, which is why they are high, she explained.

Commissioner Killingsworth asked about "Alpine police expenses." Treasurer Ofenstein said those area expenses incurred through a Homeland Security grant for which the County has been reimbursed.

Treasurer Ofenstein said there are three autopsies included in the bills, one of which included a toxicology analysis, which is expensive.

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

Commissioner Ortega abstained from 62680.

One walk-in bill from the District Court interpreter for \$62.50 was presented.

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

B. Infrastructure Projects Bills / Discussion and appropriate action

Infrastructure projects bills were approved in the action taken for Item A.

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

4. Officials' Monthly Reports / Approval

Commissioner Stone read the reports for the record.

Commissioner Ortega made a motion to approve the reports, 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, performance and safety); boring or trenching for utilities across County Roads

The Road & Bridge Report was given by Commissioner Stone, who said crews watered down the chili cook-off site, and have been working to clean up at the library site and mowing in Marathon.

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

Commissioner Killingsworth said she had nothing new to report on this project.

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

6. Pending Infrastructure Grant Matters

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

1. Update on Project

Jerry Carvajal said the County has received the contract back and it is now in effect. He has already started preparing the project guidelines, and he will come back to the Court for approval, probably next month. The funding will be used to install 50 systems.

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 spoke with the engineer about approval last week and expressed concerns about the delay. The project is half-way through the project extension. He is supposed to meet with TCEQ this week, and he will call Commissioner Killingsworth by the end of the week, at which point Commissioners Court will need to decide if it needs to intervene to make sure this project is completed in a timely manner.

Commissioner Killingsworth noted that the holidays are approaching, and will slow things down even further.

The County, she said, has everything ready to go, including the site. The tank is in the contractor's yard in Austin.

2. Study Butte Water Corporation Tank Project

a. General update on progress

Mr. Carvajal has received the contract back. The environmental assessment is in place, and he said things are moving on schedule.

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

2. Discussion and appropriate action to go forward with Grant

7. 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

B. Difficulties & delays in receiving reimbursements for items purchased through Homeland Security Grant Funding

EMC Tom Santry said two informational meetings will be held at the AISD Auditorium by the DSHS to discuss the H1N1 vaccine. They will be general meetings to discuss the status of the vaccine. The County Emergency Management Department is helping facilitate the meeting.

1. General update on situation including review of recent problems in County receiving reimbursement & local vendors being timely

EMC Tom Santry said the state moved the State Emergency Management Office last year, and this year, changing software is slowing things down. This October, the agency changed names and several people were laid off. Some reimbursements were received at the end of October. He said there is one outstanding bill from September which he checked on and the State said it did not have the bill. It has since been resubmitted.

Treasurer Ofenstein said they are fairly well caught up at this time.

The delay causes the County to be slow in paying its own vendors.

Commissioner Killingsworth asked if we keep a local tracking system. Mr. Santry said he does.

2. Discussion and appropriate action to address delays

C. Sheriff's Office Mobil Command Post for Law Enforcement & Emergency Management Communication

1. Chief Deputy's review of capabilities of Mobil Command Post / Trailer

Mr. Santry said \$74,000 has been spent on the trailer. They have asked for a carport to protect it, but were turned down. They were told that "grantees are responsible" for storage and maintenance.

Chief Deputy Ryan Skelton said the trailer is totally self-contained. It has a generator and large flood lights. It has bunk beds and couches, and several places for storage. It is heated and air conditioned.

It is set up with the same capabilities as the dispatch center. Law enforcement officials can communicate with everyone in the County from the trailer. It has a computer system with Internet access. It connects into the Eagle system, which is what the department uses for all its software capabilities.

The first real test was this past weekend for the chili cook-off.

Deputy Skelton said he has asked for a satellite uplink through the Linebacker grant. The link will be dedicated so that the only people using the link are those using the trailer. They will not be geographically limited. A telephone line can be connected from any city in which the trailer is being used.

2. Proceed to Courthouse parking lot for tour of Mobil Command Post, return to Commissioners Courtroom

Commissioners and the audience exited the courtroom and walked to the parking to look at the trailer. Skelton gave a guided tour of the trailer and answered questions. All then returned to the Commissioners Courtroom.

3. Funding for building an enclosure for Mobil Command Post

a. Review rejection of request for funding for building enclosure by State Homeland Security

Homeland Security rejected a request for funding.

b. Discussion and appropriate action to pursue other sources of funding to build enclosure

When he made the request, Deputy Skelton requested an estimate for a 31x20x21 ft. shed. The cost estimate was \$4,160.

Deputy Skelton said Sheriff Dodson plans to look into using impound funds.

Judge Beard asked Deputy Skelton to pursue every funding source and then come back to Commissioners Court.

Deputy Skelton said he would like to build the shed near the jail.

Commissioner Killingsworth said she thinks its something that needs to be pursued.

All agreed that the trailer needs to be sheltered; it's just a matter of determining the funding source.

Judge Beard mentioned the need for careful sit planning on County property around the jail. Deputy Skelton agreed.

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

8. Sheriff's Office / CJIS / Data Reporting Local Advisory Board as required by Chapter 60.10, Code of Criminal Procedure

A. Review of regulations which require this Board

Deputy Skelton said the State is requiring that a board be established by Nov. 1 that would consist of law enforcement, county attorneys, district attorneys, clerks – anybody that uses CJIS.

The CJIS numbers which are assigned in criminal cases are not being used and the system is not being reported correctly at local levels. Thus, the state is requiring that a board be in place to make sure things run smoothly. There is not penalty attached, but grant funding will be determined based on reporting.

Deputy Skelton said Pecos County seems to be on top of the issue and suggested following their lead. It was suggested that our County Attorney might contact the Pecos County Attorney.

B. Discussion and appropriate action to establish board

Commissioner Ortega made a motion to adopt a resolution establishing a local advisory board, which was seconded by Commissioner Killingsworth, and passed unanimously.

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. Project Updates

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

a. Update on status of project including rock work on exterior / exterior finish

Commissioner Ortega said he going to look at the rock location on Wednesday, after which he will get with Supt. Causey. Judge Beard said that both the exterior and interior finish work should start soon.

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 the doors are supposed to be arriving this week. They are coming just in time as minor vandalism took place in the interior.

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

- including dry walling*
- c. Installation of warning light by TxDot / Discussion and appropriate action***

Chris Weber, the local engineer, has analyzed the area. A warning light will definitely be installed, but not until after some scheduled road work.

- d. 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***
- b. Request for highway warning light to be installed by TxDot / Discussion and appropriate action***

A request has been made, although the regional office in El Paso isn't sure it is necessary. Judge Beard was contacted by Greg Henington, chief of Terlingua Fire & Medics, about this and has written to the El Paso District office.

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

4. Brewster County Jail Renovations

- a. General update on renovations & arrival and installation of console***

Judge Beard said the jail work should be done soon.

- 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 Insurance claims for framing destroyed in windstorm***

Judge Beard said the insurance claim is just about settled and they should be able to begin construction again later this week.

- b. Site clean up and salvage issues related to windstorm***

- 1. Discussion and appropriate action to assist with any***

necessary clean up / salvage
2. Acknowledge Mayor's offer to assist with site cleanup

Judge Beard said she wants to thank Mayor Johnson for his offer to help. It was cleaned up very quickly, and the help wasn't necessary, but the thought was welcome.

Commissioner Ortega made a motion to send him a letter of thanks, which was seconded by Commissioner Stone, and passed unanimously.

c. Other matters related to completing clean up and going forward with Phase II, when clean up is complete / Discussion and appropriate action to go forward with construction assistance to APL

10. Commissioners Court Meeting schedule for end of 2009 / Review

Judge Beard asked Commissioners to send their schedules for the remainder of the year to Susan in her office.

Several of the end of the year meetings should be rescheduled. Susan will coordinate and advise Commissioners of the scheduling.

11. Remote Commissioners Court Meetings for Precinct 2 & 3 / Consider scheduling for Spring 2010

Judge Beard asked Commissioners to think about doing remote meetings at the community centers in Marathon and South County sometime in the spring.

Commissioners all liked the concept.

12. Designate November as "Official Home Care & Hospice Month" for Brewster County / Discussion and appropriate action

Commissioner Killingsworth made a motion approving the designation, which was seconded by Commissioner Ortega, and passed unanimously.

13. Courthouse Maintenance / Update on recent refurbishing of outdoor lights by community service workers

B.J. Gallego and the community service workers were able to take the old paint off of the light posts lining the Courthouse sidewalk and repaint them. Judge Beard said the lights look much better.

14. County Clerk / Conduct canvas of November 4, 2009 Election / Discussion and appropriate action

County Clerk Berta Martinez said this will have to be done in a special called meeting. It must be done between Nov. 11-16.

15. Public Comment

No public comment was made.

16. Claim for Damages to Motorist's Windshield by County Truck / Confer with County Attorney concerning this claim (This is the same incident as discussed on Commissioners Court agenda of September 3, 2009)

A. Executive Session 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 conflict with this Chapter (Privileged Matters)

NOTE: This item was taken up earlier in the agenda because the County Attorney had to leave early to care fo an ill grandchild.

At 10:12 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

B. Discussion and appropriate action resulting from Executive Session

At 10:20 a.m., the Commissioners Court reconvened in open session. Judge Beard announced that the Court had been in Executive Session pursuant to §551.071. Judge Beard asked if any action was to be taken as a result of the Executive Session.

Commissioner Killingsworth made a motion to authorize Commissioner Stone to secure an estimate and settle the claim with the motorist. Commissioner Ortega seconded the motion, which 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