

**CALLED MEETING OF THE
BREWSTER COUNTY COMMISSIONERS COURT
MONDAY, NOVEMBER 16, 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
BERTA RIOS MARTINEZ	COUNTY CLERK
CAROL OFENSTEIN	COUNTY TREASURER
BETTY JO ROONEY	TAX ASSESSOR

1. Minutes / additions / corrections / approval

The minutes from the Nov. 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.

2. Treasurer

A. General Bills

Treasurer Ofenstein said the general bills are fairly regular this time.

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

Judge Beard abstained from the KALP bill.

B. Infrastructure Projects Bills / Discussion and appropriate action

C. Request for authorization to pay bills in interim between next meeting / Discussion and appropriate action

Commissioner Ortega made a motion for approval, which was seconded by Commissioner Killingsworth, and passed unanimously.

D. TAC Personnel Officers Conference held on November 10th

1. General report

Treasurer Ofenstein said the conference covered family leave and military family leave. She said all departments need to be aware of the policies because requests for leave begin with them.

2. Family Medical Leave Act / Update & recommendations concerning updating existing policy

Treasurer Ofenstein said she needs to have a meeting in December to discuss current policy.

E. County Personnel Policies / Request to appoint working group selected by Treasurer for review and revision process

Treasurer Ofenstein said her deputy, Megan Antrim, has printed the proposed policy, and she needs a committee to review the policy and report to Commissioners. She would like to have Judge Beard, Berta Martinez, Megan Antrim and Ryan Skelton.

Commissioner Ortega made a motion to approve the committee as requested, which was seconded by Commissioner Pallanez, and passed unanimously.

F. Electrical Utilities Contracts / Update on status & need to study alternative providers / Discussion and appropriate action

Judge Beard said is time to review the contracts. Treasurer Ofenstein said she just received a letter from the GLO about a state energy marketing program, and they will be sending more information soon.

Right now, the County is using Reliant, which has the state contract. That contract ends in September 2010. Judge Beard said that Pecos County utilized a contract with a fluctuating rate.

G. 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 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 they finished some paving at Double Diamond, and half a mile at Loma del Norte and Mile High Road. They also finished cleaning up at the library, and expect to be helping the building crews with drywall for the rest of the year.

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

Commissioner Killingsworth didn't have anything new to report at this time.

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

Commissioner Pallanez said the Double Diamond roads are coming along well, and he has had lots of compliments.

5. Pending Infrastructure Grant Matters

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

1. Update on Project / Review of previous project

Commissioner Killingsworth didn't have anything new to report at this time.

2. General administrative matters related to beginning program / Discussion and appropriate action to go forward with grant program

B. 2007 ORCA Infrastructure Grant /Study Butte Water Corp. Improvements / Discussion and appropriate action (Note: ORCA's name has changed to

Texas Department of Rural Affairs)

- 1. Update & General Administrative Matters regarding grant***
- 2. Study Butte Water Corporation Tank Project***

a. General update on progress

Commissioner Killingsworth said she spoke with the PSC project engineer this morning. He said he is expecting a TCEQ approval letter in the next day or two. The supplier has a tank on site, so they will be ready for installation as soon as the contract is complete.

b. Purchase and installation of tank / Update

- c. Discussion and appropriate action for project to go forward including resolving any remaining issues with TCEQ approval of tank***

C. 2009/2010 ORCA, (Texas Department of Rural Affairs) Rural Community Affairs Grant Program

1. Update

Nothing new was reported at this time.

2. Discussion and appropriate action to go forward with Grant

6. County Clerk

A. Conduct canvas of November 3, 2009 Election / Discussion and appropriate action

Mrs. Martinez noted that the election went smoothly. She read a canvas report of the election, including regular voting, early voting and voter turnout.

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

B. County Clerk & Party Chairs' request for approval for a Joint Primary Election on March 2, 2010 / Discussion and appropriate action

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

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

EMC Tom Santry said he has passed out a flier for the H1N1 virus meeting that is being held by the DSHS. He said the radio is considering a live broadcast.

He said he has made a request for burn ban signs for specific areas around the County.

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

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 (Helipad at S. County Community Center or other location)

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, insulation & dry wall

The Road & Bridge crew is getting ready to assist with the drywall. Nolan Fowler will be leading the installation. The rock should be available shortly.

b. Discussion and appropriate action to go forward with project

2. Alpine VFD Fire Station

a. Update on finishing steel exterior work

Judge Beard said the steel exterior is complete.

b. Shielded exterior lighting / update

The light fixtures are installed, but the exterior shields are not here yet. The shields will be powder coated steel.

c. Schedules & updates for exterior stucco & rock work, interior framing, plumbing, electrical and other post “dry in” work, including insulation & dry wall

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. Providing & laying native rocks for exterior / Update

Commissioner Killingsworth said they have approval from a land owner to take rock, and crews will begin hauling it shortly.

c. Road work around building / Update

The weather should cooperate so that paving can get done soon, said Commissioner Killingsworth.

d. Discussion and appropriate action to go forward with project

Commissioner Killingsworth said she is working with Travis Roberts on the parking lot and landscape.

4. Brewster County Jail Renovations

a. General update on completion of renovations & installation of new console

Judge Beard said the new console has been installed and has cleared up a lot of the electronic problems.

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

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

a. Update on resumption of work on library & going forward with Phase II (dry in) & settlement of insurance claim

Judge Beard said crews are back at work framing the library. They began during the weekend and plan to work until it's done.

She said there were virtually no issues with the insurance claim, and it should be completed soon.

b. Discussion and appropriate action to proceed with Phase II for Alpine Public Library

9. Adoption of 2010 PILT Allocation Plan for 011, 012, 013 (Plan to apply increase in amount of PILT to infrastructure project debt)

Judge Beard said a certain amount of the PILT (Payments In Lieu of Taxes) payments have been allocated for infrastructure project payments in the 2010 budget.

She said she is asking Commissioners to continue this plan into the next three years to avoid an increase in the I&S tax rate.

She reviewed the appropriation of PILT payments, which have been appropriated by Congress through 2013, and that the Commissioners Court decisions on how to apply the funds since 2008 have already saved over \$28,000 in interest. She outlined a plan to continue to allocate the funds in the County budget for debt service for the infrastructure projects. That plan is to follow the same 2010 allocation of PILT payments to 2012 and 2013. By following this plan, it will not be necessary to increase I&S.

Commissioner Killingsworth made a motion to approve the plan through 2013, which was seconded by Commissioner Ortega, and passed unanimously.

10. County Facilities 2 year plan of January 12, 2009

A. Review General Facility Plan adopted on that date

Judge Beard said the plan targets some difficulties with facilities and space, and suggests solutions. She said she is asking for authorization to go forward and develop the plan in more detail.

B. Request for additional study of facilities & approval to proceed with more detailed plans to renovate / modify space / Discussion and appropriate action

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

11. Energy Efficiency and Conservation Block Grant / Update by Conrad Arriola

Mr. Arriola said the deadline for eligible counties to send in their applications in Dec. 22. The County has already sent in its application. On Nov. 30, he will receive the application and will need a resolution from Commissioners, which they could make at the Dec. 13 meeting.

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