

**CALLED MEETING OF THE
BREWSTER COUNTY COMMISSIONERS COURT
MONDAY, DECEMBER 21, 2009, AT 9:00 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
BETTY JO ROONEY	TAX ASSESSOR

To discuss and take action as appropriate on the following:

1. Minutes / additions / corrections / approval

The minutes from the Dec. 14, 2009, meeting were presented for approval. Commissioner Ortega made a motion to approve the minutes, which was seconded by Commissioner Killingsworth, and passed unanimously.

2. Treasurer

A. General Bills

Treasurer Ofenstein said there is nothing unusual about the general bills. There is a \$3,000 piece of equipment for Emergency Management. EMC Tom Santry said it is for a part and installation of the part for the weather transmitter.

Judge Beard abstained from the KALP bill; Commissioner Killingsworth abstained from 63418; and Commissioner Ortega abstained from 63458.

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

B. Infrastructure Projects Bills / Discussion and appropriate action

There were no infrastructure bills presented for approval.

C. End of Year Closeout Matters / Line item transfers, budget amendments for all Departments:

<i>County Judge</i>	<i>County Attorney</i>
<i>County Clerk</i>	<i>County Treasurer</i>
<i>County Veteran's Office</i>	<i>Tax Assessor-Collector</i>
<i>Non-Departmental</i>	<i>Courthouse</i>
<i>Contracting Agencies</i>	<i>County Jail</i>
<i>Community Facilities</i>	<i>Constable Pct. #1, #2, & #3</i>
<i>Emergency Management</i>	<i>Sheriff</i>
<i>County Court</i>	<i>Extension Office</i>
<i>District Clerk</i>	<i>Exten. Serv. (Home Agent)</i>
<i>District Court</i>	<i>Road & Bridge Department</i>
<i>Justice of the Peace #1, #2, & #3</i>	<i>Records Management</i>

D. Other matters related to closeout of 2009 year / Discussion and appropriate action

E. 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 presented for approval.

4. City of Alpine request for easement for walking path across County property at 203 N. 7th Street (Old Library Building) / Discussion and appropriate action

Judge Beard said the area is at the back of the old library building, which is now owned by the County.

County Attorney Steve Houston said it looks like the easement starts on Sul Ross and cuts across the open space on the south side of the creek.

Mr. Houston and Surveyor Steve Walker showed blue prints to the Commissioners to explain exactly where the easement would be.

Judge Beard said the project is a good one, but this request may take some consideration by Commissioners.

Commissioner Stone asked Mr. Houston about the County's liability.

Mr. Houston said the County would "still own the dirt;" the easement is on top of it. He said the contract states that the City would hold the easement until the City "causes a nuisance or does anything detrimental."

Judge Beard suggested delegating Mr. Houston to take some time with the easement, and perhaps modify it, so that the County's long-term interests are considered.

Steve Walker, County Surveyor, advised Commissioners that the easement is in the creek bed.

Judge Beard said it is important that the easement be used for its intended purpose.

Commissioner Stone made a motion to ask the County Attorney to study the proposed easement, which was seconded by Commissioner Pallanez, and passed unanimously.

5. 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 asked Deputy Ryan Skelton to explain the radio systems in the South County Emergency Response Center that were discussed at the last meeting.

Deputy Skelton said the system will be a series of consoles that look like telephones and have five channels. He said it is a large, centralized radio system. He said it will be one system that can handle everything it needs to in an emergency.

Deputy Skelton reviewed the repeater system used to contact dispatch in Alpine.

Commissioner Killingsworth asked if there would be any provisions in case a repeater goes down, such as a satellite system.

He said the Terlingua Medics' repeater and the Sheriff's repeater are separate; every time one has failed, the other has been able to pick up both.

He said it is a valid concern; it has happened before.

Commissioner Killingsworth said funding to make sure communications continue in an emergency is worth looking into. She said it is critical to officer safety.

Judge Beard asked Mr. Santry and Deputy Skelton to make sure the Terlingua Medics are involved in the discussions and plans. Mr. Santry said they have been included.

B. Consideration of implementing Burn Ban / Discussion and appropriate

action

Mr. Santry said after last week's fire north of town, which moved very quickly, he recommended implementing a burn ban.

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

C. Presentation of additional information concerning possible funding sources for rescue vehicle & presentation of information concerning possible Texas Forest Service Grant for pumper/tanker / Discussion and appropriate action

Mr. Santry said the Forest Service does not provide any funding for a rescue vehicle. The last time the County obtained a Forest Service grant was in 2003, so it now is eligible again. The County could apply for funding for a pumper/tanker with a 25 percent match.

Mr. Santry said the department has not requested a pumper/tanker.

He said there is a need for a foam truck in South County. Commissioner Killingsworth said the ESD could possibly help with the match.

For the rescue vehicle in Alpine, bids will have to be sought, and Judge Beard said as much time as possible will be needed to give Mr. Santry time to find the best deal.

The item will be placed on the agenda in January so that the bid process can move forward.

D. Recognition of Volunteer Emergency Responders / Discussion and appropriate action to thank Emergency Responders

Mr. Santry said initial response to last week's fire included just three firemen. However, three US Marshals, TxDOT, DPS, the Fort Davis VFD, Marathon VFD and Alpine Police Department all responded to help.

Mr. Santry said the Alpine department is in desperate need of more volunteers.

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

Mr. Santry said he'd like Commissioners permission to talk with some of the service agencies whose members own businesses and may allow their employees to leave work to volunteer.

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

Mr. Santry noted that the winds are expected to pick up this week. Notice of the burn ban will be advertised in the newspaper, and Commissioner Killingsworth said she will advertise in South County.

Mr. Santry said he will work on getting the new burn ban highway signs up immediately.

6. *Water Issues / Judge's request to contact Midland County Commissioners Court expressing Brewster County's concern about creation of Midland County Fresh Water Supply District #1 / Discussion and appropriate action*

Judge Beard reminded the Court of Clayton Williams' water export plans at the end of the last Legislative Session. Those plans failed in the session, but now, what Judge Beard called "the other end of his plan" is underway in Midland County.

The Midland County Commissioners Court has voted to implement a Freshwater Supply District. She said there was no notice of this proceeding throughout Far West Texas until after the vote was taken.

Judge Beard said Midland County is not considering the impact of this action on its neighbors.

She said she has drafted a letter. Brewster County and the rural region needs to be united against this, she said.

Commissioner Stone asked if the underground water isn't owned by the landowners, and pointed out that landowners were not consulted.

Judge Beard said it is a complex issue. Supposedly, the target is the Edwards Trinity Aquifer.

Brewster County Groundwater Conservation District Director Conrad Arriola said the District is considering participating in a study by Pecos County of the run-off water and aquifers in the County.

Commissioner Stone made a motion to approve and send the letter to Midland County, which was seconded by Commissioner Killingsworth, and passed unanimously.

SUPPLEMENTAL AGENDA

1. *Sheriffs Department and Jail / Request for claim damage on FY 2009 West Texas High Intensity Drug Trafficking Area Grant Vehicle by Insurance Company / Discussion and appropriate action*

Treasurer Ofenstein said there is a hail damage claim on the truck. The total is \$1,495.94, which will be reimbursed by HIDTA.

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

2. AEP Texas City Smart Program for energy master planning & energy performance bench marking / Review of invitation to Brewster County to participate at no cost / Discussion and appropriate action

Judge Beard noted that this item and those on the second supplemental agenda are related.

She said Conrad Arriola has been working on a \$35,000 grant from the Comptroller to develop energy efficiency. One of the things that money could be used for is a study.

However, AEP will do the study at no cost.

Commissioner Ortega made a motion to participate in the AEP program, which was seconded by Commissioner Stone, and passed unanimously.

SECOND SUPPLEMENTAL AGENDA

1. State Energy Conservation Office / EECBG Grant Application / Discussion and appropriate action to identify proposed project

A. Update by Conrad Arriola

Mr. Arriola said that once the Court identifies a project, he will complete the application and send it in. The deadline was moved back to Jan. 15.

B. EECBG Grant Application / Discussion and appropriate to identify proposed project / Discussion and appropriate action

Judge Beard said they have been talking about replacement of the HVAC unit in the courthouse annex. She does not want to focus on the old courthouse in case of state funding for rehabilitation.

She said Mr. Arriola is going to be getting some estimates on replacement for the annex.

Commissioner Ortega made a motion to move forward with the application for funds to replace the HVAC unit in the courthouse annex. Commissioner Killingsworth 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