

**REGULAR MEETING OF THE  
BREWSTER COUNTY COMMISSIONERS COURT  
TUESDAY, FEBRUARY 23, 2010, AT 10:00 A.M.**

*Judge Beard called the meeting to order at 10:30 a.m. She noted the late start was due to weather and road conditions. She thanked everyone for their patience. Commissioner Pallanez was not present. Officers present are listed as follows:*

**VAL CLARK BEARD  
ASA STONE  
KATHY KILLINGSWORTH  
RUBEN ORTEGA  
CAROL OFENSTEIN  
JERRY SOTELLO  
STEVE HOUSTON**

**COUNTY JUDGE  
COMMISSIONER PCT. 1  
COMMISSIONER PCT. 2  
COMMISSIONER PCT. 3  
TREASURER  
J.P., PCT. 1  
COUNTY ATTORNEY**

**1. Minutes / additions / corrections / approval**

*There were no minutes presented for approval.*

**2. Treasurer**

**A. General Bills**

*Treasurer Ofenstein noted that payment for a jury panel is included in the bills.*

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

*Commissioner Killingsworth abstained from 64274, and Judge Beard abstained from any KALP bills.*

**B. Infrastructure Projects Bills / Discussion and appropriate action**

*Infrastructure bills were included in action on Item A.*

**C. Other administrative matters related to Treasurer's Office / Discussion and appropriate action**

*Treasurer Ofenstein said she gave Commissioners a spreadsheet outlining debt payments made in February. The spreadsheet is included and made a part of these minutes.*

### **3. Officials' Monthly Reports / Approval**

*There were no reports presented.*

### **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); permits for boring or trenching for utilities across County Roads***

*Commissioner Stone reported that crews were busy blading roads in and around Marathon and South County. They have been servicing vehicles and equipment. They moved supplies and tools to the Terlingua construction site, and cleaned up around the Marathon site. Crews also serviced the restroom at Pena Park.*

#### **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 to report.*

#### **C. Marathon Community Center Fundraiser / Report from Commissioner Pct. 3 Ruben Ortega**

*Commissioner Ortega said he has been doing this fundraiser for four years. Judge Beard said she thinks it's great because the community has bought into the project. Commissioner Ortega said they have taken pride in the project. The fish fry raised \$8,500 this year.*

*He thanked everybody for their support. He said people really enjoy themselves at the event.*

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

## **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 things have been relatively quiet. There have been a couple of trailer fires. With the moisture, he said the grass is safe from fires for now.*

### **B. Open & Read Bids for Firefighter's Rescue Vehicle or extend bid period / Discussion and appropriate action concerning bids (award, extend action for further study)**

*Judge Beard suggested that Mr. Santry and Fire Chief Scudder take all of the bids for Items B-D and review them, and then report back to Commissioners Court later in the meeting.*

*Commissioner Stone opened the bids.*

*There was one bid received for the rescue truck.*

*He read the bid from Texas Fire Trucks in Cypress, Tx. The bid is for \$95,000.*

*Commissioner Killingsworth asked what model the truck is. Commissioner Stone said it is a 1998 and the mileage is under 28,000.*

*After reviewing the bid, Mr. Santry said the bid is the same as the written specifications.*

*Commissioner Ortega asked what equipment is to be hauled on the rescue truck.*

*Chief Scudder said the trucks are classified as service/rescue. He said the Jaws of Life, large air pillow and air bags, cribbing blocks, etc. He said there is almost one ton of equipment.*

*He said half of the equipment they need cannot be carried on the truck being used now. It is sitting on the floor of the fire station.*

*Commissioner Ortega asked about towing a trailer rigged up to do the job.*

*Chief Scudder said hauling a trailer is risky.*

*Commissioner Killingsworth said \$95,000 for a 1998 truck is a lot. She said she wonders if there aren't some other options worth looking into.*

*Chief Scudder said the mileage is key. He said the truck is in mint condition. He said he has been checking in the last couple of weeks, and there aren't any other trucks available for even close to the price.*

*Chief Scudder said the bidder has said that he has another buyer if Brewster County doesn't choose to accept the bid.*

*Judge Beard asked Treasurer Ofenstein about how the truck would be paid for. Treasurer Ofenstein said the only way to pay for it is to take out a loan and put it on the debt service. She said, later on, if there's enough money, it could be paid off. She said there is not money in the budget to purchase the truck without financing it.*

*Commissioner Killingsworth asked if this is the only equipment the department needs for a period of time. Chief Scudder said it is all they need at this time. He said they had discussed a pumper/tanker, but it's not something that is necessary right now; it was only discussed because there is a grant available.*

*Chief Scudder said the rescue truck would be used on practically every call, mostly for wrecks. The truck carries five people; the current truck only seats two.*

*Chief Scudder said, in his opinion, this is the most important type of vehicle the department can have. He said he knows it's a very expensive piece of equipment, but he hasn't seen a better deal than this anywhere. He said he thinks the truck would serve for at least 10 to 15 years without a problem.*

*Mr. Santry said he thinks this is the best deal the department is going to find. Chief Scudder has already inspected and driven the truck, and Mr. Santry highly recommends the purchase.*

*Judge Beard said the difficulty with this is that it could have been dealt with last summer and fall, during the budget process.*

*Commissioner Stone said he would like to know how it will be financed.*

*Treasurer Ofenstein was directed to contact Government Capital now, and come back to Commissioners Court today.*

*Following a brief recess, Treasurer Ofenstein said there would be an interest rate of 4.98 percent on three annual payments of \$34,000, the first payment due in February 2011. The total interest would be about \$8,000.*

*Judge Beard asked if there are any pre-payment penalties. Treasurer Ofenstein said she was unaware of any pre-payment penalties.*

*The \$8,000 could be greatly reduced if the loan is paid off early.*

*Commissioner Stone said that if there is nothing due until next February, the purchase could be worked into the budget.*

*Commissioner Killingsworth made a motion to purchase the truck for \$95,000, and to finance it through Government Capital, with the first payment due next February.*

*Commissioner Stone seconded the motion, which passed unanimously.*

***C. Open & Read Bids for Communications Equipment for South County  
Emergency Response Building / Discussion and appropriate action to***

***award bids / (Purchase funded by Homeland Security Grant)***

*Commissioner Stone read the bid from RTC Inc. of El Paso. He said there is a list of equipment and pricing.*

*For Terlingua, the total is \$68,003.75. For Marathon, the total is \$13,300.82.*

*Commissioner Stone read the bid from Texas Communications of San Angelo.*

*The total for Marathon is \$22,765. The total for Terlingua is \$105,943.*

*Commissioner Stone read a duplicate bid from Texas Communication, which sent identical bid through two different delivery processes.*

*Mr. Santry made a recommendation to use RTC Inc. He reiterated that funding for this purchase comes from Homeland Security funding.*

*Commissioner Ortega made a motion to approve the bid from RTC Inc., which was seconded by Commissioner Stone, and passed unanimously.*

***D. Open & Read Bids for Communications Equipment for Marathon Justice Center / Discussion and appropriate action to award bids (Purchase funded by Homeland Security Grant)***

*Action on this item is included in Item C.*

***E. Renewal of Mount Ord Lease as a radio repeater site / Discussion and appropriate action***

*Commissioner Ortega made a motion to renew the Mount Ord lease, which was seconded by Commissioner Stone, and passed unanimously.*

***F. Discussion and appropriate action for general work of Emergency Management Department to go forward***

***6. Pending Infrastructure Grant Matters***

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

***1. Update on Project & Application Process***

*Commissioner Killingsworth said she believes the next step will be to select the eligibility criteria. She expects that to happen in March, after which they will begin accepting applications.*

***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 been changed to Texas Department of Rural Affairs)***

***1. Update & General Administrative Matters regarding grant***

*Commissioner Killingsworth said there is a tank on the hill. She said it's a great sight. She said the contractors were very expedient in their construction of the tank. The grant should be finished pretty quickly.*

***2. Study Butte Water Corporation Tank Project***

- a. General update on progress*
- b. Update on completion of Pad*
- c. Discussion and appropriate action for project to go forward*

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

***1. Update***

*Commissioner Killingsworth said it would be great to have the 2007 grant completed before they start on 2009-10.*

***2. Discussion and appropriate action to go forward with Grant***

***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. 7<sup>th</sup> Street, Alpine, Outdoor Meeting Space for Marathon Town Square, adjacent to Community Center Helipad at S. County Community Center or other location***

*Judge Beard said everything is proceeding at pace. They have done the walk-through on the Alpine Fire Station, and the order of work is going to be to work from the south and then up to Marathon. Troy Sheldon had been scheduled to do the cabinetry work at both sites, but his mother is ill and he doesn't think he'll be able to do the job. The Construction Manager will ask Mr. Sheldon if he has other suggestions.*

***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 and interior finish***
- b. Discussion and appropriate action to complete project***

***2. Alpine VFD Fire Station***

***3. South County Emergency Response Center***

- a. Update on status of project including exterior & interior finish work, and cabinetry, and related items***
- b. Utility issues related to permanent meters and water tap (Study Butte Water Corp.) & Rio Grande Electric Corp. / Discussion and appropriate action to complete utility hookup***
- c. Discussion and appropriate action to go forward with project***

**4. Alpine Public Library / Construction for Alpine Public Library, a non profit organization (Tom Hatch, Architect) / Update on Phase II work**

*Judge Beard said Phase II work is done, and the site looks good.*

**B. Overview of major projects at this point / Discussion concerning possible completion dates, scheduling of smaller projects and related matters**

**8. EMC & County PIO / Presentation regarding use of Twitter & Facebook by Governmental Entities / Discussion and appropriate action regarding use of new media**

*Betse Esparza and Conrad Arriola together addressed the use of social media to keep the public updated and informed. Mrs. Esparza said that while both Twitter and Facebook are options, Facebook is known to bring viruses to users, and Twitter may suffice. She said both are easy to use, and there is no cost involved. Mr. Arriola explained what the sites could be used for, such as making the public aware of burn bans, prescribed burns, road closures, etc. While Facebook has been blocked by the County's IT Department because of viruses, Mr. Arriola said Department Heads should be responsible for monitoring employee use. He also noted that posts to Facebook and Twitter are immediately public.*

*EMC Tom Santry said use would be beneficial to his office.*

*Esparza, Arriola and Santry will meet to discuss appropriate uses and devise a plan of action.*

**9. Request for contract recreational funds from the Big Bend Amateur Softball Association / Discussion and appropriate action**

*Judge Beard said these funds have already been budgeted, but she would like to put this item on a later agenda for an update from Mo Morrow. Judge Beard told Mr. Morrow to save the trip today due to the weather.*

**10. County Clerk / Elections / Clerks' request to utilize County Employees to assist on March 2<sup>nd</sup>, 2010 Primary Election / Discussion and appropriate action**

*County Attorney Steve Houston said there is a section in the Election Code that deals with employees or relatives of a candidate.*

*He said the definition of employee is extremely broad. It states that if a county official is running opposed, any employee of the County is ineligible.*

*Cindy Perry of the Alpine Avalanche asked about relatives of a candidate*

*-serving as a vote counter.*

*Mr. Houston said clerks and election judges with access to ballot boxes cannot be a relative or an employee of a candidate.*

***11. County Veterans Forum held on February 12, 2010 / Report by County Veterans Service Officer, Robert Polanco / Discussion and appropriate action***

*Again, Judge Beard asked the service officer to stay in due to the weather today, although she would like for him to come and give a report at a later date. Commissioner Stone said 115 people were served during the luncheon, and Commissioners agreed that the forum was very positive.*

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

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***VAL CLARK BEARD, COUNTY JUDGE***

***ATTEST:***

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***BERTA RIOS MARTINEZ, COUNTY CLERK***