

**REGULAR MEETING OF THE
BREWSTER COUNTY COMMISSIONERS COURT
MONDAY, MARCH 8, 2010, AT 2:30 P.M.**

Judge Beard called this meeting to order. Officers present are listed as follows:

**VAL CLARK BEARD
KATHY KILLINGSWORTH
RUBEN ORTEGA
CAROL OFENSTEIN**

**COUNTY JUDGE
COMMISSIONER PCT. 2
COMMISSIONER PCT. 3
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 Feb. 8 and Feb. 23 meetings were presented for approval.

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

3. Treasurer

A. General Bills / Discussion and appropriate action

Commissioner Ortega made a motion to accept the general bills, including infrastructure project bills. Commissioner Killingsworth seconded the motion, which passed unanimously. Commissioner Ortega abstained from 62614.

Treasurer Ofenstein presented one walk-in bill from Tedford for \$287.

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

B. Infrastructure Projects Bills / Discussion and appropriate action

C. 2009 4th Quarterly Report / Discussion and appropriate action

Treasurer Ofenstein reviewed the quarterly reports, which are attached and recorded with these minutes.

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

D. Permission to change signature cards on safety deposit box WTNB / Discussion and appropriate action

Treasurer Ofenstein said she found a key to a safety deposit box, which was last opened in 1991. The former county judge and treasurer are on the signature card. She needs to change the card to replace the old signators with herself and Judge Beard.

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

E. Xerox Contract for Treasurer's Office / Discussion and appropriate action

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

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

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

Supt. Frenchie Causey said crews have been hauling materials to South County to fill in roads so that heavy equipment can be moved. They also filled in a hole on Mile High Road. They have been helping to pave, bed and sand in Terlingua. They've also been hauling base for the entrance/exit of the Alpine Fire Station. Commissioner Ortega noted that they've been paving in Marathon as well.

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.

C. 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 there have been a couple of small fires, one a structure fire that could have been very bad but was quickly taken care of, the other a grass fire.

B. Update on delivery of Rescue Truck for Alpine Volunteer Fire Department / Discussion and appropriate action

Mr. Santry said the Treasurer's Office is reviewing the paperwork. After it is signed in the Clerk's Office, it will be sent off and Chief Scudder will go pick it up.

C. Discussion and appropriate action for general work of Emergency Management 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 & Application Process

Grant Administrator Jerry Carvajal said they will submit the guidelines to TDRA Thursday or Friday, and then they will come back to Commissioners for approval. He said they are the same guidelines used in 2006.

He said he is also waiting on 2010 income guidelines for applicants from TDRA.

He believes they will start accepting applications no later than mid-April. Commissioner Killingsworth confirmed that the contracts will include a clause about not selling the home for at least one year.

2. General administrative matters related to going forward with 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

Mr. Carvajal said they are 90 percent complete. They will install the valve next week, and expect the project to be completed by March 31.

2. Study Butte Water Corporation Tank Project

a. General update on project

Mr. Carvajal said the documents will be submitted after a 15-day comment period.

b. Discussion and appropriate action for project to be completed

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

1. Update

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. 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 complete project

a. Update on status of project

Commissioner Ortega said everything looks good. The center has been painted and cleaned. The floor is ready for stain.

b. Discussion and appropriate action to complete project

2. Alpine VFD Fire Station / Paving and other matters related to preparing for building occupancy / Discussion and appropriate action to complete project

Judge Beard said they are still waiting for the weather to warm so that the paving can be completed.

3. South County Emergency Response Center

a. Update on status of project including exterior & interior finish work, and cabinetry, and related items

Commissioner Killingsworth said she is planning on a walk-through with the users of the building later this week. She said outside looks very good; the lights still need shields.

- 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

- B. Overview of major projects at this point / Discussion concerning possible completion dates, scheduling of smaller projects and related matters***
- C. Furnishings for Projects / Updates***

Judge Beard said she has a list of needs from only one building user. She said good furniture is available from the Department of Criminal Justice. Commissioner Killingsworth is going to meet with the users in South County this week.

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

Mr. Polanco first thanked Commissioners for the opportunity to have the meeting in Alpine. He said it was very successful, and thanked the American Legion for providing the building. He said there were about 150 people present for the meeting, and they fed about 115. The medical director from Big Spring said he was very pleased with the turnout. Alpine had the second highest turnout, followed by Abilene.

Women veterans were specially targeted, and six women were present at the meeting.

If 400 veterans are signed up, it is now conceivable that a V.A. doctor can be assigned to this area.

Petra Tucker said there are a lot of veterans traveling to a clinic in El Paso. The veterans in this area should be going to Big Spring so they can be registered and so that this area can be properly cared for.

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

Judge Beard noted that this item is already budgeted for, but she thinks it's good for Commissioners to get an update.

Carol Morrow said they are entering their 11th year, and the County has been supporting the program since the first year.

This year, they have about 173 girls signed up so far.

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

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

IT Director Leo Ofenstein said he thinks this is a good idea, but he would like Commissioners to limit accessibility.

Commissioner Killingsworth made a motion to approve the use of Facebook and Twitter, with management by the EMC and PIO. Commissioner Ortega seconded the motion, which passed unanimously.

11. Public Comment

No public comment was made.

12. Treasurer's Office Personnel Matters Related to Administration of Grant Program for Infrastructure Law Enforcement and Elections

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 3:07 p.m, Judge Beard announced that Commissioners Court was going into Executive Session pursuant to Section §551.074 to discuss the appointment, employment, evaluation, reassignment, duties, compensation, or dismissal of a public officer or employee. The courtroom was cleared of all except Commissioners and the County Treasurer.

Reconvene in Open Session

B. Discussion and appropriate action resulting from Executive Session

At 3:40 p.m., the Commissioners Court reconvened in open session. Judge Beard announced that the Court had been in Executive Session pursuant to §551.074. Government Code. Judge Beard asked if any action was to be taken as a result of the Executive Session.

Commissioner Killingsworth made a motion to put into place internal control procedures to ensure that the County is in total compliance relating to all law enforcement grants, including required reports, payroll records and expenditures, and inventory of all equipment.

Commissioner Ortega seconded the motion, which passed unanimously.

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

SECOND CALLED MEETING

1. Discuss issues related to Stonegarden Grant / Discussion and appropriate action concerning County application or support for application for other entities in the County

Judge Beard said she is trying to discern between what the County utilizes and what the Alpine Police Department is applying for.

Deputy Ryan Skelton said that only the County can apply for Stonegarden, and the Police Department can be included in the funding.

He said in 2008, both departments applied, but only the County was funded even though two budgets were included.

Deputy Skelton said the County is working together with the APD on Stonegarden.

Alpine City Councilman Jim Fitzgerald said at their last meeting, the Council voted unanimously to approve the police department's inclusion in the grant.

Deputy Skelton said the funding will be filtered through the Brewster County Treasurer's Office. He doesn't know yet if the county will send checks to the city and get reimbursed by Stonegarden or if the city will get their money directly from Stonegarden.

Deputy Skelton said the County works under the Border Patrol as the federal entity which heads up budgeting for this area.

He said one lump sum is received for all of the agencies within the County.

Deputy Skelton briefly reviewed the budgets for the Sheriff's Office, police department and constables. He said there are actually a total of five budgets.

Commissioner Killingsworth asked if only the Sheriff's Office receives funding, are they willing to share with the others?

He said he believes so.

Commissioner Ortega made a motion to approve the application to Stonegarden 2010. Commissioner Killingsworth seconded the motion.

Commissioner Killingsworth asked when the grant starts. Deputy Skelton said he isn't certain. For instance, they are still using 2008 funds. They have three years to use each year's funds.

Judge Beard noted that law enforcement has been federalized, and if the funding dries up, radical, unpleasant changes may be necessary.

Commissioner Killingsworth said keeping track of all of the grants is confusing. She said compliance is critical, and leads back to the action taken following the earlier executive session.

Judge Beard suggested scheduling a workshop at the end of the next Commissioner's Court meeting for a general review.

Deputy Skelton said he would appreciate help and analysis.

Commissioners voted unanimously to approve the applications.

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