

**REGULAR MEETING OF THE  
BREWSTER COUNTY COMMISSIONERS COURT  
TUESDAY, MAY 25, 2010, AT 9:00 A.M.**

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

<b>VAL CLARK BEARD</b>	<b>COUNTY JUDGE</b>
<b>ASA "COOKIE" STONE</b>	<b>COMMISSIONER PCT. 1</b>
<b>KATHY KILLINGSWORTH</b>	<b>COMMISSIONER PCT. 2</b>
<b>RUBEN ORTEGA</b>	<b>COMMISSIONER PCT. 3</b>
<b>MATILDE "WACKY" PALLANEZ</b>	<b>COMMISSIONER PCT. 4</b>
<b>CAROL OFENSTEIN</b>	<b>COUNTY TREASURER</b>

***To discuss and take action as appropriate on the following:***

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

*The minutes from the May 10, 2010, and July 13, 2009, 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 / Discussion and appropriate action***

*Treasurer Ofenstein said the County was double-paid out of Linebacker and Homeland Security several months ago. Her office has discovered who the County should re-pay the money to. It goes back to the state.*

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

*Commissioner Killingsworth abstained from 66046 and Judge Beard abstained from any KALP bills.*

*Treasurer Ofenstein presented one walk-in bill from Digital Studios for \$29.99.*

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

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

*Action on this item was included in Item A.*

*Treasurer Ofenstein said some of the furniture for the South County ERC has arrived.*

*Commissioner Killingsworth asked if the Treasurer's Office will keep a running total of the furniture costs to make sure the County is properly reimbursed by ESD #1. Mrs. Ofenstein said they will.*

***C. Request to establish special interest bearing account for seizures as required by DEA / Discussion and appropriate action***

*Treasurer Ofenstein said the Sheriff received \$2,000 in a seizure from DEA, but it must be placed in its own interest-bearing account.*

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

***D. Request to Open Additional TxPool Account for Deposit of Commissioners Court Dedicated Funds / Discussion and appropriate action***

*Treasurer Ofenstein reviewed a list of Commissioners Court dedicated funds from the last three years. The funds are as follows: Retiree Health Insurance, Employee Health Insurance, Courthouse Renovations Fund and Infrastructure Contingency. Each of the funds will have its own code, but be kept in the same TxPool account. This way, said Treasurer Ofenstein, they will know what is available at all times, and it will not be mixed in with other general funds.*

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

***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 / Discussion and appropriate action***

*No reports were given.*

***4. Texas Department of Transportation / Presentation by Area Engineer, Chris Weber, concerning the Alpine City Sidewalk Project and other upcoming TxDot work in area / Discussion and appropriate action***

*Mr. Weber said the first goal of the project is to achieve ADA compliance from McDonald's to Tom's Triangle. He said this is mainly a pedestrian project.*

*Mr. Weber said the second component is to make long-term improvements to the pavement.*

*The third component is aesthetic. While it is a small percentage of the funding, Mr. Weber said he believes it is what most of the public is mainly concerned with in this particular project.*

*Mr. Weber said the two one-ways in town carry more traffic than the Interstate going through Van Horn. He said there are 14,000 cars per day covering the pavement in Van Horn, while there are 25,000 on the one-ways in Alpine per day.*

*Concrete pavement was going to be placed at the 5<sup>th</sup> Street intersections anyway, so TxDOT decided to explore the use of concrete pavers. The pavers can withstand 8,000 psi.*

*Most of the work is being concentrated between 3<sup>rd</sup> and 7<sup>th</sup> Streets, but Cockrell Street at Hwy 118 will get concrete pavement, too. When the project is finished, Mr. Weber said Ave. E will have new curb lanes and better water run-off.*

*Mr. Weber said Reece Albert is doing the work, and he said this company is the best one for the project.*

*Mr. Weber reviewed the aesthetics of the project.*

*He said has been working with R&B Superintendent Frenchie Causey and Tom Santry on the current infrastructure projects. At the library site, TxDOT is going to build a driveway while they are working on the road. They are also going to install solar emergency lights on Holland Ave. at each entrance to the North County ERC.*

*Mr. Weber also addressed the County's request to go up to 65 mph on FM 170. He said the initial speed study has been done, and he believes they can go up to 60. They is more study to do, etc., and further approval necessary.*

*Judge Beard told Mr. Weber the County appreciates the way the area and regional TxDOT folks work with the County.*

***5. Brewster County Central Appraisal District, Chief Appraiser, Matt White / Presentation concerning 2010 Appraisals, Process for Citizens to Protest Appraisals and other matters related to CAD and Appraisal Process / Discussion only***

*Mr. White said there is almost a four percent increase in the County's values this year. This lags behind increases in previous years. He said about half of that is in new construction, included recovered value at Lajitas.*

*He said the values in the city of Alpine have always been a challenge. While there has been some decrease in the volume of sales, it's not dramatic.*

*Appraisals are based on the value on January 1 of each year. Citizens have until June 7 to request a protest hearing. He said so far they've had about 40 requests; last year, they had 600.*

*The first set of hearing will be held June 21; a second set will be held July 7. Once the hearings are done, Mr. White will certify the values for each entity. The certification deadline is July 25.*

*Citizens are asked if they would like to have an informal meeting before the hearing. Sometimes, things can be worked out without the formality of the hearing.*

*The Appraisal Review Board is made up of four members: Walter Hopper, Polly Anne Melton, Robbie Burns and Homer Mills.*

*At a hearing the chief appraiser will present his evidence for the value, and the citizen is allowed to present his/her evidence for a lower value. Mr. White said the outcome is generally 50/50. He said the process is fair and equitable.*

## **6. 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 paved the parking lot at the North County ERC. He said they are still waiting on the gas company to bore at the road between the ERC and the Alpine Christian School. When that is done, crews will pave that road and the project will be complete.*

*He said they paved all the right-of-ways in Alpine, and are mowing and patching potholes in Marathon. When they are done in Marathon, crews are going to start paving around Alpine.*

*The gas company is patching a Mountain Side Road off Mosely Loop which they bored for in an emergency gas leak. There was not good communication about this.*

*Mr. Causey said he needs to clear up how the County is going to split some caliche with the Terlingua CSD. Commissioner Killingsworth told him to come over and look at it, and they will get it figured.*

*Commissioner Killingsworth noted that the lease on the land where the caliche is being kept needs to be paid next month.*

### **B. Review of 2010 Budget to date / Discussion concerning 2010 Maintenance, Seal Coating & Paving Plan in relation to Budgeted Road Materials Funds / Discussion and appropriate action**

*Mr. Causey said the budget looks good right now, and he plans to stay within the budget. He said he can swap some money around and possibly get a few more things done.*

*Mr. Weber said that after the TxDOT project, any salvage will be available to the County at a very limited cost.*

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

***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***

*Mr. Santry said there was a tornado warning last Monday, and the sirens were used. Luckily, the County was spared any damage or injuries.*

*Jack Colley, the Chief of the Governor's Division of Emergency Management, died last week, and Mr. Santry asked Commissioners to consider a memorial letter.*

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

*Mr. Santry said the County's Facebook page has 181 fans.*

***B. Alpine VFD Fire Station move in / Update***

*Mr. Santry said everything ought to be moved in within the next two or three weeks.*

***C. Department of State Health Services, Zoonosis Control Branch / Designate Officer to act as a Rabies Control Authority / Discussion and appropriate action***

*Judge Beard suggested that Mr. Santry add this designation to his list.*

*Commissioner Stone made a motion designating Mr. Santry, which was seconded by Commissioner Killingsworth, and passed unanimously.*

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

***8. Sheriff's Department / Request to solicit bids for 3 Pickup Trucks to be paid for with Linebacker Funding / Discussion and appropriate action***

*Sheriff's Secretary Judy Stokes said Deputy Ryan Skelton is traveling today. She said Deputy Skelton will provide the specifications to Commissioners later.*

*Commissioner Ortega made a motion to start the bid process, which was seconded by Commissioner Killingsworth, and passed unanimously.*

***9. 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***

*Grant Administrator Jerry Carvajal said the guidelines were submitted in March, but they haven't heard anything back. He said they are the same used for previous projects.*

*He said the advertised two weeks ago to prequalify site evaluators and installers; A.G. Hays is the only applicant so far.*

*He said they have scheduled applications Thursday and Friday from 10 am to 4 pm. After that, Virgil Clark will do the initial review to make sure they are eligible.*

*Mr. Carvajal said they are still working on the environmental process.*

*Commissioner Killingsworth said they have talked about a clause in the contract to prevent owners who participate in the project from selling their homes until a specified amount of time has passed. A sale earlier than this specified time would require the homeowner to repay the County for the benefit received.*

*Commissioner Killingsworth said she expects a good turnout.*

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

***B. 2007 Texas Department of Rural Affairs Infrastructure Grant /Study Butte Water Corp. Improvements / Discussion and appropriate action (Note: TDRA was previously known as ORCA)***

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

*Mr. Carvajal said a final public hearing is scheduled for June 1 at 5:30 pm.*

*Commissioner Killingsworth said it is done and it looks great.  
Mr. Carvajal said he is emailing a final TCEQ document to the water corp.*

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

**a. General update on completing project**

**b. Discussion and appropriate action for project to be completed**

## **C. 2009/2010 Texas Department of Rural Affairs Rural Community Affairs Grant Program**

### **1. Update**

*Mr. Carvajal said they received environmental clearance yesterday to build two tanks behind the Terlingua Water Supply office.*

*Commissioner Killingsworth said called meetings may be necessary next month to make sure things happen in a timely manner.*

*Mr. Carvajal said he thinks may be able to move things along without called meetings, but Judge Beard said any meeting necessary to make sure things happen on time will be held. She said she is worried about delays with TCEQ. The agency has lost some documents in the past, and that seems to be happening again. Judge Beard also said the El Paso office is acting very aggressively at present.*

*Mr. Carvajal said TDRA has announced that the County will receive an additional \$90,500 through stimulus funds. They would like the County to find an additional project to use the funds, and they want to know what it will be by June 30.*

*Commissioner Killingsworth asked if the funds can be used for paving to cover the new water line.*

*Mr. Carvajal said they could if it benefits low income areas. Surveys will have to be done. He said he can bring surveys with him when he comes Thursday.*

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

*Commissioner Ortega made a motion to approve utilizing the \$90,500 for paving following the replacement of a water line on Terlingua Springs Road. Commissioner Killingsworth seconded the motion, which passed unanimously.*

## **10. Update on Regional Review Committee Meeting on June 7, 2010 (Governor's Appointed Committee which establishes criteria for TDRA infrastructure grants)**

*Judge Beard said the RRC establishes criteria TDRA grades. This meeting was*

set for last Friday in El Paso. She said she, as the chair, did not know about the meeting, which was scheduled to follow a COG meeting. She said scheduling the two back-to-back in El Paso goes against the traditions of the committee; these meetings have been more customarily held in Van Horn, a central location, and with plenty of advance notice to all members.

The meeting has been rescheduled for June 7. Judge Beard is pleased that the COG rescheduled this meeting.

**11. 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***

***A. Project Updates***

***1. Marathon Justice Center / Discussion and appropriate action to complete project***

***a. Update on status of project***

*Judge Beard said they are just days away from completion. Commissioner Ortega said they have been working on the floors.*

***b. Discussion and appropriate action to complete project***

***2. Alpine VFD Fire Station / Paving, signage and other matters related to VFD Move In / Discussion and appropriate action to complete project***

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

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

***b. Discussion and appropriate action to complete project***

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

*Judge Beard said the next phase will be a blow-in insulation. It is costly, about \$55,000, but will save on utilities in the long run.*

***5. Plans for Porches (covered outdoor areas) at Marathon Community Center / Discussion and appropriate action***

*Judge Beard said that, for Marathon, they are going to have to go back and re-figure. The estimate for the cement was \$40,000, which is way beyond the scope.*

***B. Furnishings for all Projects***

***1. Updates on ordering/installation of appliances/office furniture and related items***

*Commissioner Killingsworth said they have received mattresses and five chairs for South County. She asked if blinds have been ordered for windows. Judge Beard said, at this point, they haven't been ordered. They will be purchased, but it may be a month or so away.*

***2. Discussion and appropriate action***

***C. General Discussion concerning public dedication events for projects***

*Commissioner Killingsworth said it is so hot this time of year, she thinks dedication of the South County building would be best in the fall. They will look at doing*

*it on Wednesday, Sept. 22, at the start of the West Texas Judges and Commissioners meeting.*

***12. Personnel Matters Related to Supervision and Management of Departments with Non Elected Department Heads, (Commissioners Courts Supervisory Duties related to Emergency Management, Road & Bridge Department, Veterans Services & Information Technology)***

***A. Executive Session Pursuant to § 551.074, Government Code, VTCA, to discuss the appointment, employment, evaluation, reassignment, duties, compensation, or dismissal of a public officer or employee***

*At 10:35 am, Judge Beard announced that Commissioners Court was going into Executive Session pursuant to Section §551.074, Government Code, to discuss the appointment, employment, evaluation, reassignment, duties, compensation or dismissal of a public officer or employee related to the supervision and management of departments with non-elected department heads. The courtroom was cleared.*

***Reconvene in Open Session***

***B. Discussion and appropriate action resulting from Executive Session***

*At 11:13 am, the Commissioners Court reconvened in open session. Judge Beard said that the Court had been in Executive Session pursuant to Section §551.074 of the 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 establish Commissioners Court as the ultimate authority over the IT Department. Commissioner Ortega seconded the motion, which passed unanimously.*

*Commissioner Killingsworth made a motion to authorize the establishment of a committee to determine the County's technical needs and develop a plan for those needs. Commissioner Ortega seconded the motion, which passed unanimously.*

*Commissioner Ortega made a motion to appoint the Precinct 2 Commissioners to head this tech committee. Commissioner Stone seconded the motion, which passed unanimously.*

*Commissioner Killingsworth invited anyone interested in serving on the committee to contact her.*

***RECESS***

**13. 2011 Budget Workshop / General Matters concerning start of 2011 Budget process / Discussion only**

*Judge Beard said she is nearly ready to disseminate budget worksheets to Department Heads.*

*She wanted to hear from the Chief Appraiser first before moving forward.*

*She is asking that expenditures that are not absolutely necessary be deferred. She does not want to see any increases in this year's budget.*

*Judge Beard said it looks to her like this will be a year that the County will not be able to do nearly as much as it has in the last few years concerning salary increases.*

*Commissioner Stone said he can't see forecasting any kind of increase.*

*Judge Beard said she expects health insurance information by June 1.*

*Health insurance and the pending litigation with Pascual Olibas, which could easily cost as much as \$50,000, are both factors related to the tight budget.*

*The Road & Bridge budget will probably be tightened quite a bit next year.*

*Commissioner Stone said everybody is tightening their belts, and Commissioner Killingsworth agreed, noting the present economy. She said the school district is cutting staff.*

*Commissioner Killingsworth said revenue streams are down.*

*Judge Beard asked Commissioners to send any June and July schedule conflicts to her office, if they haven't done so already.*

*Commissioner Stone said he thinks if the Road & Bridge Department sticks to roads, they will be in good shape. He said there is no budget for side projects.*

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

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**VAL CLARK BEARD, COUNTY JUDGE**

**ATTEST:**

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**BERTA RIOS MARTINEZ, COUNTY CLERK**