

**REGULAR MEETING OF THE
BREWSTER COUNTY COMMISSIONERS COURT
MONDAY, JUNE 14, 2010, AT 9:00 A.M.**

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

VAL CLARK BEARD	COUNTY JUDGE
ASA "COOKIE" STONE	COMMISSIONER PCT. 1
KATHY KILLINGSWORTH	COMMISSIONER PCT. 2
MATILDE "WACKY" PALLANEZ	COMMISSIONER PCT. 4
JERRY SOTELLO	J.P., PRECINCT 1
RONNY DODSON	SHERIFF

To discuss and take action as appropriate on the following:

1. Invocation & Pledge of Allegiance

Judge Beard lead the invocation and Pledge of Allegiance.

2. Minutes / additions / corrections / approval

The minutes from the May 25, 2010, meeting were presented for approval. Commissioner Killingsworth made a motion to approve the minutes, which was seconded by Commissioner Stone, and passed unanimously.

3. Treasurer

Carol Ofenstein was absent, and Deputy Treasurer Megan Antrim was present in her place.

A. General Bills / Discussion and appropriate action

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

B. Infrastructure Projects Bills / Discussion and appropriate action

Ms. Antrim said the Treasurer paid out \$55,000, but will get reimbursement in the amount of \$48,000 from the library.

Commissioner Stone made a motion to approve the infrastructure bills, which was seconded by Commissioner Pallanez, and passed unanimously.

C. Treasurer's Request to authorize change in accounting method from

modified accrual basis to modified cash basis / Discussion and appropriate action

Judge Beard said County Auditor Shaw Skinner has recommended a change from modified accrual to modified cash basis.

Commissioner Killingsworth made a motion to approve the Treasurer's request, which was seconded by Commissioner Stone, and passed unanimously.

D. Electrical Service Contracts / Update

Treasurer Ofenstein asked Judge Beard to inform Commissioners that her office is in talks with four different providers at this time.

No action was taken at this time.

E. Other administrative matters related to Treasurer's Office / Discussion and appropriate action for work of Treasurer's office to go forward

4. Officials' Monthly Reports / Discussion and appropriate action

Commissioner Stone read the reports for the record.

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

5. 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 said crews have been working on Terlingua Ranch Road, bladed pavement at the park entrance, and at Mile High and Loma Del Norte. They performed general maintenance at Pena Park. They did a second coat of seal coat at Double Diamond, and mowed at Hovey Road.

B. Southwest Texas Municipal Gas Corp. Request for permit for Trenching & Plowing on Old Marathon Road North/South for

***Installation of New Gas Main to Service New Animal Shelter /
Discussion and appropriate action***

Commissioner Stone reviewed the application for the Court.

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

C. TxDot Border Colonia Access Grant Program (New Paving in Terlingua Springs area)

1. Update

Grant Administrator Jerry Carvajal said the County will be awarded an additional \$90,542. At the last meeting, Commissioner agreed to use the funding to replace the waterline from Terlingua Springs to Bill Ivey Road. A public hearing will be held tonight.

The contract is due June 30. The engineer has been working on plan specifications for the project.

The next step is to survey the home owners to make sure they meet the income requirements.

2. Proposed use of additional funding from Texas Department of Rural Affairs to relocate Study Butte Water Corporation Pipeline which currently underlies roads which are the target of this grant /Discussion and appropriate action for project to go forward

Commissioner Killingsworth made a motion to approve using the funds for the water line. Commissioner Stone seconded the motion, which passed unanimously.

3. Pct. 1 Supervising Commissioner Asa Stone's recommendation to utilize outside contractor for paving portion of this project / Discussion and appropriate action

Judge Beard said the Road & Bridge Department has been stressed and stretched during the last year, and they have done a fine job. With grant projects, there are two choices about how to carry out a paving grant. The project can be bid out, or the County can do it themselves.

Because there are some substantial upcoming paving projects, Judge Beard thinks it's important to hear from Commissioner Stone.

Commissioner Stone said that, because of the already spread thin duties of the Road & Bridge Department, he thinks the projects should be bid out.

Commissioner Stone made a motion that the Road & Bridge crews haul the base materials for the project, but bid out the prep and paving. Commissioner Killingsworth seconded the motion, which passed unanimously.

4. Discussion and appropriate action for project to go forward

D. Equipment & Vehicle storage shed for South County Yard / County Judge & Road & Bridge Superintendent's Recommendation to utilize material on hand to begin this project / Discussion and appropriate action

Judge Beard said R&B Superintendent Frenchie Causey told her there is excess steel tubing left over from previous construction. Mr. Causey said he's confident they can get a good start on the new shed using what they have on hand.

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

6. Brewster County Tourism Council / Presentation by Greg Henington, President

A. General Update on activities and work of Council and on visitation to the County

Mr. Henington said the Board is continuing to work hard to make sure folks know about the Big Bend area. Journalists are continuing to come out for tours, and they've recently received some big press in the European market.

The Texas Film Commission seems interested in coming back out here for some projects.

They are re-doing the brochures in preparation for the State Fair in a few months.

B. County Hotel/Motel Tax Collections

1. Update on collections

Mr. Henington said there has been a growth in the number of people who are renting rooms. However, a lot of people don't know that they are then subject to the hotel/motel tax.

They have sent a letter to owners to help them understand the process, and to let them know the Tourism Board is available to help them.

They are proposing a couple of other letters concerning tax collection, and would like the help of Commissioners Court. The board thinks of themselves as a promotional group, not a collections agency.

Commissioner Killingsworth said there needs to be a system for collections; at this point, one does not exist. At present, collection letters come from the Treasurer's Office.

Commissioner Killingsworth suggested sending the letters from the County

Attorney's Office. Judge Beard said the County Attorney would have to agree to that; he is not mandated to assist with tax collections.

Commissioner Killingsworth also suggested sending collections letters in the same way that property tax collection letters are sent, and using a tax collection firm. Judge Beard said that this should be explored as tax collection law firms are set up to perform this function.

Commissioner Killingsworth and Mr. Henington will work together to develop a system.

2. Issues related to delinquent collections and procedures for collecting delinquent Hotel/Motel tax accounts / Discussion and appropriate action concerning collection procedures

Mr. Henington said their take on border issues is that Brewster County does not need to react to quickly at this point.

He said there is plenty of law enforcement on the border at this time, which tourists see as a good thing.

Mr. Henington said keeping an eye on public information is probably the best way to keep a handle on it.

C. Tourism in Texas Border Counties / Discussion concerning challenges to Border Tourism Industry in the current environment

7. Office of Attorney General Statewide Automated Victim Notification Service (SAVNS) Grant Program contract between the Office of the Attorney General and Brewster County for the State Fiscal Year 2011 / Discussion and appropriate action

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

8. 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

Mr. Santry said there have been 11 fires since May 29, one of which was a structure. The rest of the fires have all been grass fires. At one fire, there were eight firefighters – the most for the season. Mr. Santry said we need more

firefighters.

B. Update on Furnishings for Emergency Operations Center (EOC) in Alpine / Discussion and appropriate action

Mr. Santry said chairs, table, computers, printers, a TV and telephones have been ordered. A lot of it will be here in the next couple of weeks.

The concrete pad for the HAM Radio tower will be installed soon, after which the tower will be installed.

Except for the concrete pad, Homeland Security will pay for all of the furnishings.

C. Flush Plug for Alpine VFD at North Brewster County Emergency Response Center, (Home of the Alpine Volunteer Fire Department) / Discussion and appropriate action

Judge Beard said Virgil Clark has been advising on this issue; he believes he can get what the County needs at a very modest cost.

D. Request to renew Burn Ban / Discussion and appropriate action

Commissioner Stone made a motion to renew the burn ban, which was seconded by Commissioner Killingsworth, and passed unanimously.

E. 4th of July Fireworks sales regulations / Discussion and appropriate action concerning limiting what type of fireworks may be sold in County

Mr. Santry said he is requesting the ban of restricted fireworks, such as rockets on sticks and missiles with fins.

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

F. Emergency Management Training for Elected Officials to be held on July 14, 2010 in Commissioners Courtroom, Brewster County Courthouse / Update

Mr. Santry said he's had six responses from area elected officials who are planning to attend. This is the first training ever to be held in Alpine.

Judge Beard noted that good attendance is important to prove interest so that future training can be held closer to home.

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

9. County Judge / Automated Juror Notification Systems / Discussion and appropriate action concerning investigating such a system for District, County

and Justice of the Peace Courts

Judge Beard said she wants to know if Commissioner want to explore a juror notification system option.

Whenever one of our Courts summons a jury, it is a very diverse a far-flung venture.

It is possible, and likely, that a settlement will occur up to the day, or even morning, of the scheduled trial. At that point, the only option is to get on the phone, or call the radio station, etc. Many people will still show up at the courthouse. They are often annoyed, and are still entitled to their jury fees.

Judge Beard said she doesn't know how much something like this costs, but she would like the blessing of the Court to investigate the option.

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

10. 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

Mr. Carvajal said a total of 25 applications were taken May 27-28. The deadline for the submittal of this information is tomorrow.

If everything goes well, he hopes to start installation of the first 15 tanks in August or September.

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

Mr. Carvajal said A.G. Hays of Alpine is the only pre-qualified contractor. He performed the work during the first septic tank project. Mr. Carvajal recommended approving Mr. Hays.

Commissioner Stone made a motion to approve A.G. Hays as the contractor for the septic tank installation project, which was seconded by Commissioner Killingsworth, and passed unanimously.

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 he will be talking with Supt. Causey about the pad in the next couple of weeks.

2. Study Butte Water Corporation Tank Project

a. General update on completing project

Mr. Carvajal said the engineer has submitted the plans to TCEQ for approval. Approval generally takes about 30 days, and in the meantime, he will start working on the bidding process.

Commissioner Killingsworth made a motion to approve the start of the bidding process, which was seconded by Commissioner Stone, and passed unanimously.

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

2. Discussion and appropriate action to go forward with Grant

D. Update on June 7, 2010 Regional Review Committee Meeting held in Van Horn by Regional Review Committee Chair Val Beard (RRC establishes Grant scoring criteria)

Judge Beard said they met for the RRC meeting last Monday. The committee's responsibility is to set up scoring criteria. No significant changes were made in the criteria for this year. She said there were some priorities that were adjusted. For instance, she said drainage issues have been moved up in the list of priorities, but Judge Beard said that shouldn't impact the scoring for the area.

Mr. Carvajal said he would like Commissioner to choose a project by July.

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), Brewster County Jail Updates 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; Multipurpose slab for Pattillo Community Center & Terlingua Fire & Medics

A. Budget Status Review

Judge Beard said the projects are finishing up right on budget, even with two changes orders at the North County ERC, and two electrical change orders in both Alpine and South County.

B. Project Updates

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

a. Update on status of project

Judge Beard said the last she heard, they were waiting on the cabinets, which are being made by Troy Sheldon of Alpine, and the plumbing that goes along with the cabinets. Road & Bridge and Johnny Milan will work on finishing the cabinets.

b. Discussion and appropriate action to complete project

2. Alpine VFD Fire Station / Signage and other matters related to VFD Move In / Discussion and appropriate action to complete project

Judge Beard said they are still waiting on interior signage. Move-in has been slow.

3. South County Emergency Response Center

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

Judge Beard said that even once the cabinets are done, there is still plumbing work to be done, and she would like the plumber to make only one trip.

b. Discussion concerning leaving temporary electrical meter in place for R.V. hookup during events and emergencies / Discussion and appropriate action

Commissioner Killingsworth said once the water is hooked up to the building, they can put the line up to the R.V. site at the same time. She said there is no reason for two meters.

c. Discussion and appropriate action to complete project

4. Alpine Public Library Project / Construction for Alpine Public Library, a non profit organization / Update

Judge Beard said the insulation will be installed soon. It will be “blown in,” which is more costly than traditional insulation, but will help with utility bills in the long run. On Saturday, June 26, there will be an open house at the new library. The public is invited.

5. Covered Meeting Area for Marathon Town Square / Review Plans for Porches or covered outdoor areas at Marathon Community Center nearby

a. Review of feasibility of porches as designed by engineer

Judge Beard said she does not want to make any decisions because Commissioner Ortega is not present. However, she told Commissioners the original design has turned out to be very costly, well above budget. Judge Beard said we need to step back and figure out what is within our means. The cost of cement is the limiting factor.

Commissioner Stone said he believes there are other ways to get the porch built.

b. Discussion and appropriate action concerning type of covered area to be constructed & going forward with project

6. Multipurpose concrete pad at Pattillo Community Center

a. Update

Judge Beard said they are planning, discussing and price-checking. Nolan Fowler is looking into some things and will report back.

Commissioner Killingsworth said they’ve already checked out all the power lines, and the County owns plenty of property at the ERC site.

b. Discussion and appropriate action

7. Brewster County Jail / Replacement of camera monitors in Jail, and replacement of console cabinetry and other minor work on jail / Discussion and appropriate action

Judge Beard said replacing the cameras is going to cost between \$10,000 and \$12,000. The console no longer fits and is worn out. The flow of the room is inefficient.

Commissioner Killingsworth made a motion to replace the camera and monitors, and the console cabinetry. Commissioner Stone seconded the motion, which passed unanimously.

C. Furnishings for all Projects

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

The appliances are here, and Commissioner Killingsworth said the furnishings are trickling in.

2. Discussion and appropriate action

D. General Discussion concerning public dedication events for projects / Discussion and appropriate action

The dedication in South County will be held Wednesday, Sept. 22, at 10:30, followed by lunch, just before the first meeting of the West Texas County Commissioners and Judges Association meeting.

12. Sheriff's Department / COPS Grant (Federal Grant which covers cost of an additional deputy)

A. Review of previous application (2009) & status of County in 2010

Chief Deputy Ryan Skelton said the COPS grant supplies an additional deputy for four years. The grant pays for the first three years, and the County is required to pay the salary for the last year.

Skelton said they applied for two positions in 2009, but did not get the funding. In 2010, they tried to apply for two positions again, but were cut to one. The County was asked to apply again in 2010 due to being cut out completely in 2009.

Commissioner Stone asked if an existing deputy can be used for the grant; Deputy Skelton said they have to make a new hire.

Skelton said the first year's salary is just over \$47,000. The second and third years include a three percent COLA. The grant does not include equipment or vehicles. Judge Beard asked what that included – health insurance, FICA, etc.?

Sheriff Dodson said he believes they can properly equip the position with resources already on hand.

B. Discussion and appropriate action concerning pursuing this grant for 2010

Commissioner Killingsworth made a motion to approve application for the COPS grant, which was seconded by Commissioner Pallanez, and passed unanimously.

13. Recognitions & Upcoming Events

A. Recognize June 16, 2010, as Goat Awareness Day in Brewster County / Discussion and appropriate action

B. 2nd Annual Universal Meet & Greet, June 26, 2010, 3:00 P.M. to 6:00 P.M., Alpine Civic Center

C. Emergency Management Training for Elected Officials, July 14, 2010 9:00 A.M. to 4:30 P.M., Brewster County Commissioners Court

Judge Beard reviewed the events and invited Commissioners to participate. She especially would like them to participate in the emergency training.

14. Census Update by Commissioner Pct. 2 Kathy Killingsworth / Discussion and appropriate action

Commissioner Killingsworth said she has been trying to gather information on the Census and how far along they are. Problems continue to persist, and many folks have not been counted and/or never received a survey. Commissioner Killingsworth said the whole county will not be counted. Problems are related to outdated, inadequate maps. The count has been unorganized. The “drop dead date” is supposed to be in August.

Judge Beard said this is very frustrating. A lot of time by County officials, employees and citizens was put into providing data for accurate maps over the last several years. To find out that all that work was for naught is disappointing, to say the least.

Commissioner Killingsworth said the local workers are doing the best they can. They, too, are frustrated and discouraged.

Commissioner Killingsworth is expecting a report back from the Area Director tomorrow.

15. Solid Waste Advisory Council, Commissioner Pct. 4 Wacky Pallanez, County Representative

A. Update

Mr. Carvajal said the applications are due June 25. The initial date published was July 25, but that was a mistake on the part of the COG. Mr. Carvajal apologized for the short notice. In the past, the County has applied for a truck and roll-off containers. Applying for a truck means the County has to dedicate a Road & Bridge employee on a full-time basis to using the truck to pick up waste.

Commissioner Killingsworth said the roll-off containers worked out well.

Mr. Carvajal suggested applying again for roll-off containers. They are very beneficial to citizens. Commissioner Killingsworth agreed.

B. Consider Resolution authorizing submission of Program Year 2011 Solid Waste Grant Application to Rio Grande Council of Governments / Discussion and appropriate action

Commissioner Stone made a motion to pass a resolution of Brewster County authorizing the filing of a grant application with the Rio Grande COG for a regional solid waste grants program grant; authorizing Val Beard, County Judge to act on behalf of Brewster County in all matters related to the application; and pledging that if a grant is received Brewster County will comply with the grant requirements of the Rio Grande COG, the Texas Commission on Environmental Quality and the State of Texas.

Commissioner Killingsworth seconded the motion, which passed unanimously.

16. Extension Service (Texas Agri Life)

A. Announce Plant Diagnostic Clinic, June 16, 2010 at Kokernot Lodge 9:00 A.M. to 12:30 P.M

B. Request to Endorse Texas Water Resources Institute Proposal for Improving Border Security and Eco System Function of Rio Grande through invasive species control (Salt Cedar & Carrizo Cane) / Discussion and appropriate action

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

17. Courthouse Maintenance

A. Judge's update on repairs to Courthouse Annex HVAC

Judge Beard noted that the HVAC has been fixed.

B. Update on Comptroller's Energy Efficiency grant / Conrad Arriola

Mr. Arriola said the application was submitted in January. He said he was told that the review process would be done by March. He called this morning, and was told that he should receive word this week.

C. Update on floor repairs & carpet replacement in Sheriff's Office (Old Jail)

Judge Beard said the floor repairs are imperative, and will involve the replacement of a little bit of flooring in the corridor on the north side. They will also work on the door to make it more water tight. The carpet is 15 years old, and it's time to replace it. The quote on the carpet was about \$4,000; they went back to the installer and had him take off the furniture moving.

18. Sale of County Owned House situated on 400 N. 8th Street, Williams Property (House to be moved off property after purchase) / Update / Discussion and appropriate action

The sale has been deferred several times due to timing and the economy. Judge Beard said she is proposing going forward with this on a Friday in August. Henry Ogletree has agreed to serve as the auctioneer.

19. 2011 Budget Workshop / General Discussion concerning all aspects of County revenues/expenditures and upcoming financial needs for all County Departments and other entities funded by the County

Judge Beard said she hasn't met with any department heads as of yet; she hopes that is a good sign that it is understood that their budgets need to remain flat.

Judge Beard has not yet sent out the solicitation for requests from non-profit agencies. She said, even if they don't make any changes, she still thinks it's a good idea to get the forms filled out so that they know each year what those agencies are doing.

She said, in all fairness, those agencies need to be made of aware of the intention of the County to keep the budget flat.

Commissioner Killingsworth agreed, and noted that most people are cutting budgets. The County's contributions are only a portion of those budgets, she said. The County is not funding any of those budgets in total.

Judge Beard said, in the first pass of the budget, she is going to try to finish out the payment on the new rescue vehicle.

Equipment purchases will not be an option this year. As many purchases have been made in the last few years, everybody should be in good shape.

Judge Beard said they should hear from TAC soon about insurance rates.

Judge Beard said, to start, there will be no salary increases.

She asked Commissioners to think about their schedules so that budget workshops can be scheduled.

Commissioner Killingsworth asked if this was the time to consider retirement rates. Judge Beard said it is.

Judge Beard said if there is a substantial increase in insurance rates, they will need to step back and look at things that can be cut without cutting the quality of the policy.

She said our minimum goal is to keep the tax rate flat.

Judge Beard said there are some things out there that cause her to be cautious about sales tax revenue. They have also asked for an increase in the per diem for federal prisoners.

She said the field work on the audit has been done, and she expects working documents – not a completed audit – fairly soon.

Commissioner Stone 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