

**REGULAR MEETING OF THE
BREWSTER COUNTY COMMISSIONER COURT
TUESDAY, JULY 27, 2010, AT 9:00 A.M.**

VAL CLARK BEARD	COUNTY JUDGE
ASA "COOKIE" STONE	COMMISSIONER PCT. 1
KATHY KILLINGSWORTH	COMMISSIONER PCT. 2
RUBEN ORTEGA	COMMISSIONER PCT. 3
MATILDE "WACKY" PALLANEZ	COMMISSIONER PCT. 4
JERRY SOTELLO	J.P., PRECINCT 1
BERTA RIOS MARTINEZ	COUNTY CLERK
BETTY JO ROONEY	TAX ASSESSOR

1. Minutes / additions / corrections / approval

The minutes from the July 12, 2010, meeting 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

Commissioner Ortega made a motion to approve the bills as presented, which was seconded by Commissioner Stone, and passed unanimously. Commissioner Killingsworth abstained from 66920.

B. Infrastructure Projects Bills / Discussion and appropriate action

Judge Beard said more furniture has arrived. She asked the Treasurer's Office to move the expenditures for the furniture out of the infrastructure budget and into the General Fund as furniture is not part of the capital projects.

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

C. Update on recent negotiations for contract to supply electrical power to County/ Discussion and appropriate action

Megan Antrim, the Deputy Treasurer, said there are several people interested in bidding. She asked if it would be appropriate for to go ahead and publish a request for proposals.

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

D. 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

Commissioner Stone read the reports for the record.

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

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 about three crew members have been helping at the ERC in Terlingua. They are also working on a ditch for electricity to the RV slot. He had to pull them off that project today to help with washed out roads in the northern part of the County. They helped unload furniture in Terlingua. They bladed South County, Fulcher and Lone Star Roads. They finished the ballards around the propane tank at the Alpine site. The mower has been working steadily all over the county. They have been cleaning up around the Marathon site, and cleaning up at Pena Park. Mile High Road was bladed yesterday.

Commissioner Killingsworth thanked the crew for helping to unload the furniture in South County.

B. Commissioner Pct. 3, Encroachments on County Streets in Marathon (SW 2nd Street & SW 3rd Street)

1. Update

Commissioner Ortega said the County Attorney is going to send out a letter to clarify the issue.

2. Discussion and appropriate action to address issues related to removing encroachments

C. Commissioner Pct. 4, Countywide Cleanup / Pending Solid Waste Grant for roll off containers in Alpine, Marathon & S. County / Update

Grant Administrator Jerry Carvajal submitted a grant to the COG for just over \$16,000 to provide roll-off containers in Alpine, Marathon and Study Butte. This is an eight-month grant similar to one used a couple of years ago.

Commissioner Killingsworth asked how many times they will be able to empty the containers. Mr. Carvajal said five months each.

Scoring will be held on Aug. 18 in El Paso. Mr. Carvajal expects Brewster County to do well. He hopes to know for sure by September.

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

5. Sheriff's Department and Jail

A. Communications Upgrade Grant (CJD Grant #2425401) / Resolution for Communications Update / Discussion and appropriate action

Deputy Ryan Skelton said the department's communications system is antiquated. In the next few years, they are supposed to update to narrower, digital frequencies. This grant will replace all of the repeater systems and several other components.

The update will first help communications within the department, followed by those with other agencies.

The grant is for \$175,000.

Judge Beard said she strongly supports the application as radio communications have always been difficult in this County.

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

B. Texas Comptroller of Public Accounts / Sheriffs' & Constables' Fees / Update & Discussion (no action)

Judge Beard said she is bringing this to attention so that the Sheriff's Office and Constable can review the matter and make sure the County isn't losing money. She said if we are, she would like them to come in sometime before October and make recommendations regarding which fees need to be raised.

C. Discuss and Consider Plan Amendment to the Commission on State Emergency Communications (CSEC) for Fiscal Year 2010 to add two call taking positions at the Brewster County Sheriff's Office for 911

Annette Gutierrez from the Rio Grande COG said they received approval from the State and the City of Alpine to add the positions.

She said the calls that come in from outside the city will be forwarded to this particular dispatch desk.

She said she will inform the County when they are ready for installation. She hopes it will be done by the end of August.

D. Discussion and appropriate action for work of Sheriff's Department to go forward

6. Brewster County Extension Office

A. Report on 4-H Kids Camp

Commissioner Ortega said he helped take some kids to Brownwood for 4-H camp. He said it's a good program, especially with money being cut by the State for school projects. He said he was very impressed. There were a lot of kids there.

B. Recognize Commissioner, Pct. 3 Ruben Ortega as a sponsor for Marathon 4-H Kids Camp / Discussion and appropriate action

Judge Beard thanked Commissioner Ortega for going, and said they will continue to support 4-H programs.

7. US/Mexico Border Counties Coalition 2010/2011 Membership / Discussion and appropriate action regarding renewing membership

Judge Beard said the dues are \$1,103.11.

Commissioner Stone made a motion to renew membership, which was seconded by Commissioner Ortega, 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

EMC Tom Santry said due to recent rains, we've had no wildfires. Last Thursday, a Code Red training was held at the City Hall. It will be tested soon. He said there are several upgrades to the program.

B. Update on Move into Alpine Volunteer Fire Department

Mr. Santry said the fire department plans to be finished moving in a couple of weeks. He said the EOC is 90 percent ready to go. The Amateur Radio Club still needs to install its tower.

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

9. 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 31 applications were accepted; he passed out a list of the first 12 who qualified. The next step is to publish RFPs for a contractor. Commissioners will review and approve the bids on Aug. 9.

Commissioner Killingsworth made a motion to approve the first 12 applicants, which was seconded by Commissioner Ortega, and passed unanimously.

2. Approval of Applicants for Program / Discussion and appropriate action

3. 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

1. Update & General Administrative Matters regarding grant

Mr. Carvajal said the final documents have been submitted.

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 this grant is for two water supply tanks. The County received clearance from TDRAC last week. The bid opening is scheduled for Aug. 9.

Engineer Travis Roberts said he expects about six contractors to bid.

2. Discussion and appropriate action to go forward with Grant, including initiating application process & other administrative matters

D. Upcoming 2010 – 2011 Texas Department of Rural Affairs Grant Program / Approval for initiating application process and discussion concerning projects

Mr. Carvajal said the applications are due Oct. 8. The first public hearing is scheduled for the second Thursday in August at the Red Pattillo Community Center.

E. State Comptroller's Energy Efficiency Grant

1. Update / Conrad Arriola

Mr. Arriola said the reimbursement rate, if over \$5,000, will probably take up to a month. In the proposal, the County is asked to make a down payment of \$20,000 for equipment. It will take two to three months to get all of the equipment. After that, they will schedule installation.

Commissioner Killingsworth made a motion to approve a \$20,000 down payment, which was seconded by Commissioner Stone, and passed unanimously.

2. Review Proposal of Upgrade of HVAC System of Courthouse Annex
3. Discussion and appropriate action concerning acceptance of proposal and going forward with project

10. 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. Project Updates

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

a. Update on installation of cabinets

Commissioner Ortega said he thinks the cabinets have been hung. He said Mr. Sheldon planned to be finished last Thursday or Friday.

b. Discussion and appropriate action to complete project

2. Alpine VFD Fire Station & Emergency Operations Center

a. Update on completion of cement work including completion of Radio Tower Pad & installation of Tower / Discussion and appropriate action to complete project

Judge Beard said they are down to a few little things in the EOC. She said they are short a couple of phone lines, but things are coming along.

b. Update on installation of communications equipment and arrival of furnishings for EOC

3. South County Emergency Response Center

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

Commissioner Killingsworth said Mr. Sheldon was hanging cabinetry the week before last. She said all of the major furnishings are in. They are missing a few chairs. She said they're waiting on plumbing and AC to be up and running.

b. Parking space for RV behind ERC / Update

Judge Beard said this space will be available for housing during events/emergencies in South County.

c. Water for firefighting / rain catchment system for ERC site / Update

Commissioner Killingsworth said they are planning the system for the back of the building. It will catch water from the roof of the building. She said the tubing which connects to the gutter has already been installed.

d. Discussion and appropriate action to complete project

4. Brewster County Jail / Update on replacement of camera monitors in Jail, and replacement of console cabinetry and other minor repair work on jail / Discussion and appropriate action to complete this work

Judge Beard said she believes the cabinet maker will be here tomorrow to replace the console cabinetry. As a result of the removal of a closet, there will be more space available. Other minor repair work is complete or will be shortly.

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

A. Announce AEP Grant to APL Capital Campaign

Judge Beard said AEP has announced a \$100,000 grant to the capital campaign, which will take it a long way toward completion.

She suggested a letter of thanks to Fred Hernandez, the manager of Community Affairs for AEP in San Angelo.

Commissioner Ortega made a motion approving the letter, which was seconded by Commissioner Stone, and passed unanimously.

B. Update / Discussion and appropriate action

6. Porches for Marathon Community Center / Discussion and appropriate action to go forward with work

Commissioner Ortega said they are ready to go.

7. Multipurpose concrete pad at Pattillo Community Center

a. Update

Commissioner Killingsworth said she had nothing new to report. She said she thinks it would be best to get the ERC opened, and then go forward with the pad.

b. Discussion and appropriate action to go forward with project

C. Furnishings for all Projects

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

related items

Commissioner Killingsworth said there are more chairs on order, and they should arrive any time. Commissioner Ortega said they had a delivery.

2. Discussion and appropriate action

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

11. Commissioner Pct. 3 / Announce fundraiser for Marathon ISD on August 7, 2010

Commissioner Ortega said a fish fry will be held to benefit the Marathon schools. An auction and dance will also be held.

12. County Judge / Announce Tri County Juvenile Law Conference on September 9, 2010

Judge Beard said the conference will be held at the Espino Conference Center. She said it is all day, and continuing education hours are given to judges, attorneys and juvenile probation officers. It is free of charge, and anyone interested is welcomed to attend.

13. Hearing held on July 7, 2010, re new proposed EPA Air Quality Standards as they impact Brewster County / Discussion and appropriate action to submit comments to EPA, other agencies & elected representatives

Judge Beard said a tightening of standards is proposed. She said there is an air quality monitor in Big Bend National Park. This is the largest county in Texas. The monitor is remote and many miles from the north part of the County. Judge Beard said, because of the presence of that monitor, which does sometimes pick up pollution from other parts of the U.S. and Mexico, it may appear that there is an air quality problem.

We know that the pollution that's here does not come from here. However, the monitor causes the County to be subject to the same regulations as places like El Paso. It would cost the County and its citizens a lot of money to do things that would not make our air any cleaner. She has asked for advice from people who have been following these issues for many years, and will come back to Commissioners in August with a prepared comment to the EPA.

14. County Plat Regulations for Type I Subdivisions / Update from County Attorney

Judge Beard said these regulations apply to the State Standards for Economically Distressed counties.

County Attorney Steve Houston said, depending on the size of the plat, regulations require reporting to Commissioners Court.

Recently, Judge Beard was copied on a letter from the AG's office to a lady in Alpine and one in South County saying they had violated the regulations by never coming before Commissioners to have the plats approved.

Judge Beard asked Mr. Houston to follow up. He said he found that the AG's office has investigators which review the County Clerk records to look for suspicious activities which might point to illegal subdivisions.

Mr. Houston said the AG will generally sue the individual, but in these two situations, they did not sue.

The AG's office told Mr. Houston they would like to get all of the property owners involved in the plat to get approval from Commissioners so that a plat could be filed. Mr. Houston said he would try to help, and would contact the individuals.

Judge Beard said she hopes that Mr. Houston will be able to get this resolved in an amicable fashion.

Mr. Houston said he can understand that many people don't know about these regulations. Judge Beard said they are probably not appropriate for Brewster County, but they are required by the State.

15. Tax Assessor Collector / Presentation of Certified Tax Roll / Discussion and appropriate action / Discussion and appropriate action

Betty Jo Rooney said she received the certified rolls from the Appraisal District last Friday.

She said the table value for this year is \$565,959,686. Values are up almost \$15 million from last year. She said the total will levy about \$1.8 million based on last year's rate.

She said she is figuring an effective rate of 0.3263.

Judge Beard said that Commissioners Court, for budget purposes, will be targeting this year's collections.

Commissioner Ortega made a motion to accept the tax roll, which was seconded by Commissioner Stone, and passed unanimously.

16. Public Comment

RECESS

17. 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 / Scheduling issues related to adoption of Budget & setting Tax Rate

Judge Beard emphasized that the budget is only in draft form. It is not a proposal. She said the department heads were very good about turning in flat budgets. However, they are facing built-in increases, such as workers compensation and unemployment insurance.

At this point, there are no job classification increases or percentage raises. They will need to work through that to determine what can be done for employees.

The goal is to keep tax collections flat. There are going to be some technical issues with collections that will need to be worked through.

Dedicated funds will have a line item budget; they have already been pulled out in the draft.

There are no increases in elected salaries.

Judge Beard said IT is moving out of the Judge's budget. There is now an IT committee, so the IT budget will stand alone.

She noted that interest rates are still very low.

Judge Beard said workers comp and unemployment claims processes need to be reviewed. Proper, full documentation of both is critical.

An additional \$5,000 has been put in the Groundwater District budget to help deal with the Fort Stockton Holdings issue.

The dispatch budget has been taken out of the budget. Judge Beard said it is clear that it will not work this year or next.

It has been suggested that, under Emergency Management, an RFP is issued for ambulance providers. Judge Beard said that does not mean there is any dissatisfaction with the current providers. It is just a good practice to do this every once in a while.

The bottom line, said Judge Beard, is that there are no employee raises at present. Right now there is a difference of about \$209,000 right now, which is not really accurate. There will not be nearly as much left over in the final draft.

SUPPLEMENTAL AGENDA

1. County Judge / County Nominee for Leadership Big Bend / Discussion and appropriate action

Judge Beard nominated Jerry Castellano, the Chief Juvenile Probation Officer.

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

SECOND SUPPLEMENTAL AGENDA

1. Tour new Jake Brisbin, Jr. Emergency Operations Center Facility at 208 E. Holland Avenue / Questions and answers with Emergency Management Coordinator / No action

Commissioners Court traveled to the EOC, which is located in the new fire station, for a tour with EMC Tom Santry.

Following the tour, 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