

**REGULAR MEETING OF THE
BREWSTER COUNTY COMMISSIONERS COURT
MONDAY, AUGUST 9, 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
RUBEN ORTEGA	COMMISSIONER PCT. 3
MATILDE "WACKY" PALLANEZ	COMMISSIONER PCT. 4
JERRY SOTELLO	J.P., PRECINCT 1
STEVE HOUSTON	COUNTY ATTORNEY
CAROL OFENSTEIN	TREASURER

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 July 27, 2010, minutes 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 approve the bills as presented. Commissioner Stone seconded the motion, which passed unanimously.

B. Infrastructure Projects Bills / Discussion and appropriate action

C. 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

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.

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 the parking lot at the Terlingua site, and have been doing work on roads. They set sign posts at the Toronto Creek Addition. They also set pipes for drainage at the Terlingua site.

Commissioner Killingsworth added that the crews have been working on cleaning things up outside the building in Terlingua.

B. Report on Safety training held on July 28, 2010

Judge Beard said Supt. Frenchie Causey was very enthusiastic about the training, which was put on by TEEKS.

Judge Beard said it was worthwhile, and Mr. Causey wants to schedule another session.

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

6. 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 were two grass fires this weekend. One south of Alpine burned about 500 acres, and was controlled about 7 p.m. last night. A couple of

homes were threatened, but the fire stayed within yards.

B. Update on Move into Alpine Volunteer Fire Department

The fire department is operating out of the new station. They have a couple of housekeeping items that need to be taken care of. Bob Ward said the new antenna will be up within about two weeks.

C. Request to cancel Burn Ban / Discussion and appropriate action

Mr. Santry said that, despite recent fires, he believes it is time to lift the ban. Commissioner Killingsworth made a motion to lift the ban, which was seconded by Commissioner Ortega, and passed unanimously.

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

7. Pending Infrastructure Grant Matters

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

1. Update on Project & Application Proces

Grant Administrator Jerry Carvajal said he's in the process of preparing the bid documents for the first 12 applicants. Hopefully by the next meeting, there will be bids available for approval.

2. Approval of additional 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 (Water Tank Project)/ Discussion and Appropriate action / Update & General Administrative Matters regarding Closing out grant

Mr. Carvajal said the closeout paperwork has been submitted to TDRA. The area coordinator has resigned, effective Aug. 20, which could cause some delays.

C. 2009/2010 Texas Department of Rural Affairs Community Grant Program (Study Butte Water Tank Project)

1. Update

2. Review of Bids for Tanks & related items by Project Engineer / Discussion and appropriate action to award bid or other appropriate action

Engineer Travis Roberts passed out bid reviews to Commissioners. Instead of two tanks, it was suggested that bidders make proposals on one large tank.

He recommended accepting the low bid of \$154,340 from Pioneer Water Tank of Austin, including the electronics panel.

Commissioner Killingsworth agreed and said they have already gone up to look at the site.

Commissioner Killingsworth made a motion to award the contract to Pioneer in the amount of \$154,340. Commissioner Ortega seconded the motion, which passed unanimously.

3. Discussion and appropriate action to go forward with Grant

D. Upcoming 2011 / 2012 Texas Department of Rural Affairs Grant Program / Approval for initiating application process and discussion concerning selection of appropriate projects / Discussion and appropriate action to go forward with grant application

The public hearing will be held Aug. 19 at the Pattillo Community Center. Following the hearing, they can get started on the application.

E. State Comptroller's Energy Efficiency Grant (Energy Efficient upgrade of Annex HVAC System)

1. Update / Conrad Arriola

Mr. Arriola said he is going to be doing a walk-through of the courthouse with Kevin Teague soon.

2. Discussion and appropriate action concerning going forward with project

8. 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 porches for Marathon 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***
- 2. Alpine VFD Fire Station & Emergency Operations Center / Update on final matters necessary to complete and close out project / Discussion and appropriate action to complete project***

Judge Beard noted that Mr. Santry gave an update on this during his report.

3. South County Emergency Response Center

- a. Update on status of project and last work necessary to complete project***

Commissioner Killingsworth said they are finishing up on the cabinetry. A three-week medical emergency training is going on now in the building, thanks to the installation of AC and plumbing.

- b. Parking space for RV behind ERC / Update / Discussion and appropriate action to complete installation of permanent RV parking space***
- c. Water for firefighting / rain catchment system for ERC site and related issues / Update / Discussion and appropriate action regarding going forward with rain catchment system***

Commissioner Killingsworth said the plumbing for the catchment system is going to be installed before the paving and landscaping starts.

- d. Discussion and appropriate action to complete project***

4. Brewster County Jail / Update on replacement of camera monitors in Jail, replacement of console cabinetry and other minor

repair work on jail / Discussion and appropriate action to complete this work

Judge Beard said she'll do her last walk-through later this week. On her last walk-through, the cabinetry was in the control room and it is much more functional. New cabinetry was also placed in the secretarial area. It is also more functional.

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

A. Update on work to be scheduled

Judge Beard has asked the Construction Manager, Danny Butler, to work out a plan for the use of the AEP funds.

B. Discussion and appropriate action to continue construction assistance to APL

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

Commissioner Ortega said they are still in the waiting phase.

7. Multipurpose concrete pad at Pattillo Community Center

a. Update

Commissioner Killingsworth said the corners have been marked for the pad. When it's time, they will be ready to go.

b. Discussion and appropriate action to go forward with project

B. Furnishings for all Projects

- 1. Updates on arrival of furnishings***
- 2. Discussion and appropriate action***

C. General Discussion concerning public dedication events / Discussion and appropriate action concerning scheduling and planning dedication events

Judge Beard said the balance in the activity fund is healthy at this point. She said there are funds on hand for invitations and other items to be paid for without utilizing tax dollars. Judge Beard said she has asked the architect to produce a site elevation for the invitations to the South County EOC dedication.

Judge Beard asked Commissioners if they would like the lunch planned to follow the dedication to be a fundraiser for the Terlingua Medics.

Commissioner Killingsworth said she has thought of it more as a simple, quick lunch so that they can move on to the following meetings as quickly as possible.

Judge Beard said invitations and notices will include an RSVP, but she doesn't expect to receive many.

9. Pending Litigation re Mills Road / Cause No. 2007-03B8551-CV, Michael J. McCulloch, Kathleen and Alice McCullum, Individually and d/b/a Osoba Ranch Company VS Brewster County, Texas / Confer with County Attorney

This item was taken up early and out of order due to the County Attorney's schedule.

A. Executive Session – Pursuant to Section § 551.071, Government Code, VTCA, Pending Litigation and Consultation on a matter in which the duty of the attorney to the government body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this Chapter (Privileged Matters), and Pursuant to Section § 551.072, Government Code VTCA, Deliberation regarding real property

At 9:02 a.m., Judge Beard announced that Commissioners Court was going into Executive Session pursuant to Section §551.071, Government Code, to discuss pending litigation related to the Mills Road case. The courtroom was cleared of all but Commissioners Court and the County Attorney.

Reconvene in Open Session

At 9:30 a.m., the Commissioners Court reconvened in open session. Judge Beard said that the Court had been in Executive Session pursuant to Section §551.071 of the Government Code. Judge Beard asked if any action was to be taken as a result of the Executive Session.

No action was taken.

B. Discussion and appropriate action resulting from Executive Session

10. 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 & scheduling presentations by contracting entities and related issues

Judge Beard first thanked Megan Antrim for her work on the budget.

Treasurer Ofenstein said there was a problem with the software that has now been corrected. She said the total salaries are incorrect, but the grand totals should be correct. The draft will be corrected.

A brief recess was called so that Commissioners could review the draft.

Following the recess, Judge Beard asked Commissioners to get their schedules for the rest of the month to her office.

She also said she has heard nothing in any of the hearings from Commissioners about raising elected salaries. Commissioners concurred that they are not proposing an increase. They are proposing that elected salaries stay the same.

Judge Beard said the goal is to budget for the same total tax collections. She asked Treasurer Ofenstein to work with the Tax Collector to get the effective tax rate. If things work out, no special hearings will be needed.

Sales tax is holding steady, and the draft budget includes \$406,000.

Commissioners reviewed additional revenue categories with the Treasurer's Office.

An increase in the federal prisoners per diem is expected, but Judge Beard said she doesn't want to bet on it just yet. If and when it does happen, she is suggesting another dedicated fund with a portion of that increase to be put back into jail system maintenance and improvements.

Departmental expenditures were then reviewed, as were requests for funding from contracting agencies.

The revenue total is \$4,918,553; the expenditure total is \$4,482,908. These totals do not include the Road & Bridge Department.

Judge Beard said points need to be made with the Legislature that other revenue streams are needed for Road & Bridge. Revenue for Road & Bridge for 2011 is projected at \$471,000; expenditures are projected at \$770,000.

This draft includes nothing for employee increases. However, employees paying for children and/or spouses will have an increase in insurance premiums.

Judge Beard expects to include some amount of job classification increase in the next draft.

11. Auction of House located at 400 N. 8th Street, Alpine, Texas

A. 11:30 A.M. / Recess & Reconvene at 400 N. 8th Street to observe auction of house & assist auctioneer and sale process (Auction to begin at Noon)

B. Return to Courthouse directly after auction / Reconvene in Commissioners Courtroom

C. Discussion and appropriate action concerning sale including confirming sale, rejecting all bids, negotiating with low bidders or other appropriate action to complete transaction

Judge Beard announced that no bids were received at the auction.

She said there is no immediacy on this issue as there is no project on the table which requires moving the house. However, the house will begin to deteriorate and maintenance will be required if it stays in place for long.

Commissioner Stone suggested trying another auction. Commissioner Killingsworth suggested reconsidering the minimum bid.

Commissioner Ortega noted that money is tight.

Commissioner Ortega made a motion to wait about six months and try another auction. Commissioner Stone seconded the motion, which passed unanimously.

Commissioner Killingsworth 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