

**CALLED MEETING OF THE  
BREWSTER COUNTY COMMISSIONERS COURT  
WEDNESDAY, AUGUST 25, 2010, AT 10:00 A.M.**

<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>BETTY JO ROONEY</b>	<b>TAX ASSESSOR</b>

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

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

*The minutes from the Aug. 9 and Aug. 19, 2010, meetings were presented for approval.*

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

*Commissioner Ortega abstained from 67426; Commissioner Killingsworth abstained from 67488; Judge Beard abstained from any KALP bills.*

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

*Commissioner Killingsworth and Judge Beard discussed with Deputy Treasurer Megan Antrim reimbursement to the County for furniture at the South County ERC.*

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

*Judge Beard thanked Ms. Antrim for her work.*

***C. 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***

*There were no reports presented for approval.*

#### **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***

*Commissioner Stone said Mills Road, Rim Road and Cathedral Road were bladed. The crews mowed at Terlingua Ranch Road and worked on the driveway and set the fire hydrant at the Alpine Fire Station. Crews sprayed the yard for mosquitos, and have been working at the South County and Marathon sites.*

##### **B. Assistance with site preparation for City of Alpine Animal Shelter / Discussion and appropriate action / update & scheduling**

*Judge Beard said the County has been offering help with site prep at the shelter for several years.*

*She has asked Greg Hudson to prepare an interlocal agreement, and she expects it today. As soon as that's done, the County can start.*

*Commissioner Killingsworth made a motion to authorize Commissioner Stone to sign the agreement, which was seconded by Commissioner Ortega, and passed unanimously.*

*Judge Beard said the County will clear the site and move the material for the pad.*

##### **C. TxDot Border Colonia Access Paving Grant / General Update / Discussion and appropriate action to go forward with grant project**

*Engineer Travis Roberts said he has a meeting set up with TxDOT next Monday. The specifications have been delivered to the contractor in Fort Worth, and Mr. Roberts said he believes they are ready to go. However, it may be October before they have clearance for the funds for the paving in Marathon.*

*Mr. Roberts said they can't get the waterline done in South County until the paving gets underway.*

*He expects more documentation next week. The County is going to have to acquire a 25 foot easement at the north of the property.*

*After the waterline is ready to go, the plans need to be sent to TxDOT before they can move forward. It will probably be April before they can start on the waterline.*

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

***5. Sheriff's Department & Jail***

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

*Judge Beard said a line has been added to the resolution concerning the reimbursement of funds.*

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

***B. Resolution for Border Star JAG / Discussion and appropriate action***

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

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

***6. Veteran's Service Office***

***A. Update on work of Veterans' Service Office, local needs & programs***

*Officer Robert Polanco said the workload is increasing. More and more veterans are seeking service on different matters.*

*Assistant Officer Petra Tucker attended the quarterly meeting in Big Spring on July 15. The following day, both of them attended the 60<sup>th</sup> anniversary of the hospital. They were both given a tour of the facilities.*

*Mr. Polanco attended a Veterans Outreach conference in August.*

*There is now a V.A. doctor at the clinic in Fort Stockton.*

*Both officers will attend the statewide conference in September.*

*Mrs. Tucker said the office is serving 799 officers at present. They are seeking others. Federal expenditures for veterans in this area total more than \$2 million.*

*Commissioners thanked Polanco and Tucker for their hard work.*

***B. Discussion and appropriate action for work of Veteran's Office 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 action***

*A wildfire awareness meeting will be held in the courthouse tomorrow night. The meeting is for residents and will focus on what they can do to protect their homes.*

### **B. Ambulance Service in North Brewster County / Discussion concerning request for proposals process**

#### **1. Update on request for proposals process**

*Mr. Santry said he's spoken several times with the Alpine City Manager. He has told Mr. Santry that the City wants to be included with the proposal. They would like the County to take the lead and work out the issues.*

*Mr. Santry said he has received a 22-page sample proposal used by an ESD in Central Texas. The proposal includes much more reporting to the Commissioners and City Council.*

*Greg Hudson has been given a copy of the sample proposal, and is reviewing some legal and privacy issues.*

*Mr. Santry said dates for advertising for RFP's need to be set, including deadlines and selection dates.*

*The current contract expires Oct. 1.*

*Judge Beard suggested that Mr. Santry and Mr. Hudson work out a schedule, and Commissioners will do their best to comply.*

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

*Commissioner Stone made a motion authorizing Mr. Santry to establish a timetable, which was seconded by Commissioner Killingsworth, and passed unanimously.*

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

**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***

*Commissioner Ortega said the rafters are up.*

- 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 said the exit point on Holland will be widened and improved by TxDOT once they get to that area in their current road construction. An emergency light signal will also be installed, and will be activated by a remote control.*

- 3. South County Emergency Response Center***

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

*Commissioner Killingsworth said the phones are now in place, and an additional conduit is in place in order to run fiber optics to other businesses and residences. She commended Big Bend Telephone Co. for its efficient work. All of the building users will share DSL services. When it's complete, the J.P. and deputies will be access software to send their reports in electronically.*

*Commissioner Killingsworth said, generally, they are down to the final punch list.*

***b. Paving, landscaping & other work to complete finish of area surrounding building / Discussion and appropriate action***

*Once the paving is done, they will be ready to move in.*

***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 drainage is in place. Once the pad is complete and the users are moved in, they will work more on the catchment system. The goal is storage of 20,000 gallons.*

***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 the console cabinetry is installed, and she believes the painting is now complete. The floor tiles still need to be installed and some brackets hung.*

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

***A. Update on plumbing & other work to be scheduled***

*Judge Beard said Barmore Plumbing is probably going to get started today or tomorrow. That will be followed by high-grade, blown-in insulation. She believes the board is in receipt of a good bid for A/C as well.*

*It looks promising that County crews could be dry-walling this fall, and the building possible could be complete in the first quarter of 2011.*

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

*Judge Beard said, as the County is the Construction Manager for the library, she is asking for Commissioners Court support on two things.*

*First, when the County asks for information from the library staff, it is because it is necessary for the project to move forward. It is not the intent to bog the staff down in unnecessary work. The library staff should promptly and courteously provide information.*

*Second, the County has put an unusual amount of time and resources into the project because it benefits the County citizens. They have a long-standing, good relationship with the library. If the County is going to continue as the Construction Manager, the County needs to be able to coordinate the project, including interior finish and fixtures. Judge Beard said she feels like the important decisions need to be made by the Library board and not delegated to the librarian. This project was designated at the beginning as "Alpine's living room." The building will be with us for a long time and needs to be built and furnished accordingly.*

*Commissioner Killingsworth made a motion confirming Judge Beard as the County's representative in the coordination and completion of the library project. Commissioner Stone seconded the motion, which passed unanimously.*

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

*The project is in a holding pattern until other projects are complete.*

***7. Multipurpose concrete pad at Pattillo Community Center***

***a. Update***

*Commissioner Killingsworth said the project is underway.*

***b. Discussion and appropriate action to go forward with project***

***B. General Discussion concerning public dedication events for projects / Discussion and appropriate action concerning scheduling and planning dedication events***

*Judge Beard said the South County dedication is scheduled for Sept. 22. No tax dollars will be used. The invitations have been paid for. If Commissioners want to add anyone to the invitation list, they should stop by the Judge's office.*

***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**

*Commissioner Killingsworth said the application is in process. Mr. Hays has submitted all the site evaluations to Mr. Carvajal.*

*They should be ready to start the first phase after approval at the next meeting.*

**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**

*The County has closed out this grant.*

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

**1. Update**

*Mr. Roberts said he wants Grant Administrator Jerry Carvajal to check the documents for accuracy; he will hand them over to Judge Beard for signature in order to put the contract in place.*

**2. 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**

*Commissioner Killingsworth said a public hearing was held in Study Butte Aug. 19. There was no public in attendance.*

*However, a motion is needed to move forward in the application process. The project would be to replace the R.O. unit for the Study Butte Water Corporation. Another tower regulator could be added if possible.*

*Commissioner Killingsworth made a motion to designate the project as replacement of the R.O. Commissioner Ortega seconded the motion, which passed unanimously.*

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

***1. Update / Conrad Arriola***

*Mr. Arriola said he has been talking with the area representative for this grant. The equipment must be made in America, and so he has been looking into that and making sure of its availability.*

***2. Discussion and appropriate action concerning going forward with project***

***10. 2011 Budget Workshop***

***A. Review all aspects of County Finances & other matters related to 2011 Budget / Discussion***

*Judge Beard would like to file the budget in the clerk's office today, and to get it online as soon as possible. She reminded Commissioners that it can be amended on the day of the vote.*

*Judge Beard said the budget could not have been prepared without the assistance of the Treasurer's Office, and she again thanked Ms. Antrim for her work.*

*The elected officials are not receiving a salary increase this year.*

*There are many projects that could not be done without grant assistance.*

*Judge Beard reviewed several notes in the budget.*

*Election costs are down due to a lack of a big election next year. They will go up again the following year.*

*Professional services are increasing to due the Census and redistricting, and ongoing civil litigation.*

*The Emergency Management Department and Sheriff's Office receive a large amount of federal and state grant funding.*

*The tax rate is compared to other Texas Counties. Judge Beard suspects the comparison to remain the same this year; our tax rate is low.*

*There is now a positive difference of \$42,958, from \$99,000 at the last draft.*

*A large portion of that draw-down comes from the possibility of a County Auditor's office which is contingent upon a population of 10,000, depending on the Census. At that number, the District Judge is required to appoint an auditor.*

*If an auditor is not necessary, Judge Beard suggested holding onto the money.*

*Commissioner Killingsworth asked about a line in the fees of office. That budget is for revenue, but there is a line for payment from Tri-County Juvenile Probation. Ms. Antrim said she believes that is a payment for the Treasurer's Juvenile Board supplement, which is recorded as revenue. The County is the fiscal agent for the Juvenile Board.*

*Commissioner Killingsworth said there is an increase in materials for Road and Bridge, and a decrease in fuel.*

*Judge Beard said if there is a situation where fuel prices increase significantly, she believes there is latitude to make up for that.*

***B. Presentation by Contracting Agencies / Discussion  
(Presentations will begin at approximately 1:15 P.M.)***

*Judge Beard explained that some presentations were made at the last Commissioners Court meeting. One was bumped up to this morning, and some have had to reschedule.*

***Brewster County ESD #1***

*Commissioner Killingsworth spoke on behalf of ESD #1. Funding flows through the ESD to the Terlingua Fire & EMS.*

*At this week's ESD meeting, she told the ESD board that the County has budgeted for \$500 from ESD for utilities reimbursement for use of the South County ERC. It will take a year of having the building up and running to get a true figure.*

*At present, the ESD contributes about \$8,500 monthly to Terlingua Fire & EMS, in addition to the \$2,400 the County contributes monthly, which they appreciate, and hope that it continues.*

***Big Bend Amateur Softball Association***

*Mo Morrow said the BBASA is requesting \$3,000 again. They are finishing their 10<sup>th</sup> year, and have served 1,600 girls over those years. Twelve of them have gone on to play at the college level. They plan to use the money this year for new dugouts. Commissioners thanked Morrow for his work.*

***Holy Angels Cemetery Association***

*Yolanda DeLaO said the Cemetery Association received \$750 this year from the County.*

*The Association is dealing with several issues right now, and they are having trouble having meetings because they can't get a quorum. They are looking at retiring some members and getting some new people who are interested.*

*Donations are coming in right now. They recently raised about \$4,000.*

*Commissioner Ortega is working with the Probation Department to get workers for Community Service.*

*Mrs. DeLaO is working on a map of the plots.  
Commissioners thanked Mrs. DeLaO for her work.*

### ***Sunshine House***

*President Frank Brown said the Sunshine House appreciates the annual contribution from the County and they aren't asking for an increase.*

*They recently remodeled the dish room, and purchased a sanitizing dishwasher. They would like to pave the parking lot soon.*

*The annual budget is about \$210,000, and they serve about 2,000-2,500 meals monthly.*

*Meals on Wheels is an important program, and they always need more volunteers.*

*Commissioners expressed appreciation to Brown.*

### ***Brewster County Historical Commission***

*Chairman Travis Roberts said the Commission has progress over a number of years. There is no cost for day-to-day operations to the County; those costs are covered by members of the Commission, including travel and any necessary printing.*

*The County has been allocating approximately \$2,000 annually. They allocate those funds to the History Fair to help the students. This year, there are no grant funds available to the kids, and they are looking for \$2,500. Mr. Roberts said the Commission can cover a portion of that, but they would like \$2,000 from the County again. They will be asking for some funds from other Counties to benefit students as well.*

*Next year, Brewster County will celebrate 125 years and the Commission will submit a budget for that celebration.*

*Roberts was thanked for his service.*

### ***Children's Advocacy Center/Child Welfare Board***

*Shanna Spence Sullivan, executive director of the CAC, explained that the Child's Advocacy Center provides video tapes of child witnesses to law enforcement so that the child does not have to testify in court. They request \$1,500/year from Brewster County. The budget is about \$170,000, and they are seeing a decrease in private funding due to the economy.*

*The child welfare board meets the needs of foster children from Brewster County. They receive \$2,500 from Brewster County annually, and it is the only funding they receive other than what they get from fundraisers. They provide clothing and other items, such as school supplies.*

*Judge Beard asked the CWB to provide names of additional people who would like to serve.*

## ***Family Crisis Center***

*Judge Beard stated that Executive Director Lovika DeKoninck had been asked to attend. Webbie Carvajal said the executive director was ill.*

*Mrs. Carvajal said the Family Crisis center has offices and shelters in Alpine, Presidio and Terlingua.*

*She gave the Commissioners some statistics for 2010 so far. The Center provides shelter, clothing, food and referral. She said there have been more in the shelters this year, and she believes that could be because of the economy. Many sexual assaults go unreported, although they have been on the rise this year, too.*

*Law enforcement officials have told the Center officials that, because the Center is here, they believe murders are prevented.*

*The Deja Vu Thrift Store brings in about \$500-\$600 daily. Several grants are also utilized, but are never ensured. Donations are going down with the economy.*

*This facility is the only one of its kind for miles and miles.*

*Judge Beard commended Mrs. Carvajal on her long-time service to the Center.*

*She said Mrs. Carvajal has articulated perfectly what the Center is for, and she remembers what it was like when the Center wasn't here. She feels that the Crisis Center needs to stay focused on its core mission.*

*Judge Beard said there was an incident a few weeks ago when a Crisis Center representative caused an incident in the courthouse, without cause. Apparently that worker lacks training. Judge Beard said there may be issues with practicing law without a license.*

*At this time, this rural region is blessed with two very capable legal aid attorneys. Judge Beard does not feel that the Crisis Center is taking advantage of that resource.*

*Judge Beard said she feels like there are some activities that have been undertaken outside the federal assurances in the Center's grants. That puts those grants at risk, and causes problems for everyone who is dependent upon them.*

*Judge Beard said she sees crisis workers in the courthouse on matters which do not relate to family violence. The funds from the County are not intended for a crisis worker to attend to criminal defendants. She is also concerned with juveniles as respondents. That is a closed system and is highly confidential. It is not a place for the Crisis Center unless it involves a victim of violence. All juveniles have an attorney, right at the beginning of that process, so there is already an individual to assist the child and his family in this process.*

*Mrs. Carvajal said she is aware of some of the issues, but will take the message back to the director and the board.*

*Commissioner Killingsworth said she's had calls from citizens about the center in South County. They are concerned about the center feeding lunch to people who drop by and don't think it's a good use of money.*

*Mrs. Carvajal said it's not just a meal, but those who are served are also being educated, and lots of volunteers are gained from that time.*

*Commissioner Killingsworth said there may be some issues with inappropriate political activities as well. Judge Beard asked Commissioners Killingsworth and Ortega if they'd ever been contacted by the Center for input. They said no.*

*She thinks better communication will be helpful to everyone; Carvajal concurred and will take the message back.*

*Judge Beard said Commissioners Killingsworth and Ortega know South County like the back of their hands. The Crisis Center would benefit by working with them.*

*Carvajal was thanked for her leadership at the Center.*

*The changing atmosphere at the Rio Grande COG was also discussed. This could impact the Crisis Center's funding.*

### ***Big Bend Little League***

*BLL did not make a presentation.*

### ***Marathon Cemetery***

*Commissioner Ortega said they get about \$1,500 a year from the County split between the cemeteries in Marathon. The money is mainly used for well upkeep and electricity. They have good volunteers and someone who cleans up monthly.*

### ***C. Follow up discussion concerning Budget, County Finances, Economic Context and Related Matters / Evaluation of need for further budget workshops***

*Judge Beard asked if there is anything else the Commissioners would like to say or do before she files the budget.*

*Commissioner Killingsworth said she believes they should continue funding the agencies; they do good work.*

*Once the budget is filed, Judge Beard will get the notices posted.*

## ***SUPPLEMENTAL AGENDA***

### ***1. Treasurer / Texas District & County Retirement System / Retirement Error Correction for James West / Discussion and appropriate action***

*Ms. Antrim explained that when Mr. West, a TABC officer, was hired to work County grants part-time, it was May and he was a reserve officer. The following March, retirement was taken out of his check for the first time; for the previous 11 months, retirement was not taken out of his check.*

*He has asked to buy back those 11 months of retirement, with penalties, for \$1,055.36. This will not cost the County anything.*

*Commissioner Killingsworth made a motion approving the buy back, which was seconded by Commissioner Ortega, and passed unanimously.*

***SECOND SUPPLEMENTAL AGENDA***

***1. Treasurer's Office / Receipt of proposals to provide County Electrical Power / Discussion (no action)***

*Ms. Antrim said four companies have submitted RFP's. However, the Treasurer's Office would like more time for review. Also, the numbers change on a daily basis, and they would like to be able to present the most accurate numbers possible.*

*She said the current contract ends in September; she would like to schedule the vote for Sept. 7.*

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

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***VAL CLARK BEARD, COUNTY JUDGE***

***ATTEST:***

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***BERTA RIOS MARTINEZ, COUNTY CLERK***

