

**REGULAR MEETING OF THE
BREWSTER COUNTY COMMISSIONERS COURT
MONDAY, SEPTEMBER 13, 2010, AT 10:00 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
BETTY JO ROONEY	TAX ASSESSOR
JERRY SOTELLO	J.P., PRECINCT 1
BERTA RIOS MARTINEZ	COUNTY CLERK

To discuss and take action as appropriate:

**PUBLIC HEARING REGARDING
THE PROPOSED 2010 TAX RATE**

1. Adoption of the 2010 Tax Rate as follows:

<i>Maintenance & Operation</i>	<i>.29057</i>
<i>Interest & Sinking</i>	<i>.03190</i>
<i>Total Rate Proposed</i>	<i>.32247</i>

This tax rate will not generate more tax revenue than the 2009 rate.

2. Discussion and Public Comment

No public comment was made.

GENERAL AGENDA

To discuss and take action as appropriate on the following:

1. Invocation and Pledge of Allegiance

Judge Beard lead the invocation and Pledge of Allegiance.

2. Minutes / additions / corrections / approval

The minutes from the Sept. 7, 2010, meeting were presented for approval. Commissioner Ortega made a motion to approve the minutes, which was seconded by Commissioner Stone, and passed unanimously.

3. Proposed 2010 Tax Rate / Discussion and appropriate action concerning adoption

<i>Maintenance & Operation</i>	<i>.29057</i>
<i>Interest & Sinking</i>	<i>.03190</i>
<i>Total Rate Proposed</i>	<i>.32247</i>

Commissioner Killingsworth made a motion to set the Maintenance and Operation tax rate at .29057. Commissioner Ortega seconded the motion.

Commissioners Pallanez, Stone, Killingsworth, Ortega and Judge Beard signified approval for setting the Maintenance and Operations tax rate at .29057 by raising their right hands. The motion passed unanimously.

Commissioner Stone made a motion to set the Interest and Sinking tax rate at .03190. Commissioner Pallanez seconded the motion.

Commissioners Pallanez, Stone, Killingsworth, Ortega and Judge Beard signified approval for setting the Interest and Sinking tax rate at .03190 by raising their right hands. The motion passed unanimously.

4. Treasurer

A. General Bills

Deputy Treasurer Megan Antrim noted the addition of two walk-in bills, including \$80 to KALP and \$98.50 to Thomason Walt.

Commissioner Stone made a motion to approve the general bills, including the walk-in bills. Commissioner Pallanez seconded the motion, which passed unanimously.

Judge Beard abstained from 67754, 67755 and 67756, and the KALP bill.

B. Infrastructure Projects Bills / Discussion and appropriate action

*One infrastructure bill for \$70 for welding was presented.
Commission Stone made a motion to approve the bill, which was seconded by Commissioner Killingsworth, and passed unanimously.*

C. Contract for Electrical Power with Cavallo / Approval of Contract

Ms. Antrim said she emailed Cavallo this morning because the rate had dropped significantly; however, they missed that opportunity. Ms. Antrim said she expects a contract tomorrow with a rate of .47.

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

5. 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 Pallanez, and passed unanimously.*

6. Road & Bridge Department / Community Facilities

A. Road & Bridge Superintendent's Report

General updates on maintenance and repairs for all county roads; road materials including, fuel, supplies including usage & inventories & future needs; equipment including heavy equipment, (maintenance repairs, future needs, replacement and additions), pickups, trailers and other light vehicles and accessories, and small equipment, (usage, future needs), equipment rentals; facilities (yards in Alpine, Marathon and S. County) and community facilities (assistance with maintenance and other related issues); assistance to other governmental entities and emergency responders; personnel issues, (vacancies, new hires, performance and safety); permits for boring or trenching for utilities across County Roads

Commissioner Stone said the South County site is cleaned up and ready to go for the dedication next week. Crews are prepping the parking lot for paving this week.

B. TxDot Border Colonia Access Paving Grant

1. General Update

Grant Administrator Jerry Carvajal said bids for the Marathon project will be due Oct. 4. The engineer is still working on the Study Butte project.

2. Discussion and appropriate action to go forward with grant project

C. Commissioner Pct. 2 / Easements to County on Cinnabar Drive & vicinity / Discussion and appropriate action to accept easements

Commissioner Killingsworth said Cinnabar Drive is east of the ERC. All of the easements are in place.

She made a motion to bring Cinnabar Drive into the County Road System, which was seconded by Commissioner Stone, and passed unanimously.

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

7. Emergency Management Department

A. General Report including:

Recent emergency responses; emergency planning update; recent work with cooperating emergency responders: (ESD #1, all VFD's and EMS); update on needs, programs, training, recent work with other governmental entities; equipment for emergency response and updates regarding needs, maintenance, repairs, replacement and additions; emergency management issues related to public and private insurance coverage and personnel issues related to emergency response / Discussion and appropriate action

EMC Tom Santry said things have been quiet and there have been no fires.

B. Ambulance Service in North Brewster County

1. Update on request for proposals process

Mr. Santry said he has had one response to the RFP from West Texas Ambulance in Alpine. A pre-proposal conference meeting will be held this Thursday to answer any questions. The deadline for proposals is Sept. 30.

2. Discussion and appropriate action to go forward with RFP Proposals

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 he had nothing new to report.

***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
/ Updates on TxDot's work on Holland Exit***

*Judge Beard said once the radio console is installed, it should be
fully operational.*

3. South County Emergency Response Center

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

Commissioner Killingsworth said the flag pole has been installed. The VFD has also helped level the dirt and clean the windows. The dedication is scheduled for Sept. 22.

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

A little bit of the landscaping will be ready for the dedication. They are still working on the phone system, DSL and communications.

c. Discussion and appropriate action to complete project

4. Brewster County Jail / Update on completing refurbishment of control room / Discussion and appropriate action to complete project

Judge Beard said they are just about done, with the exception of the floor tile in the control room.

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

A. Update on plumbing, insulation & HVAC work

Barmore was working on the plumbing last week. Some interior HVAC work will follow, and then a blow-in insulation process.

B. Discussion concerning County's role as Construction Manager in project / Discussion and appropriate action regarding continuing construction assistance to APL

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

This project continues to be in a holding pattern.

7. Multipurpose concrete pad at Pattillo Community Center

a. Update

This project continues to be in a holding pattern.

b. Discussion and appropriate action to go forward with project

B. General Discussion concerning public dedication events for South County Emergency Response Center on September 22, 2010

Judge Beard briefly discussed the schedule of events for the dedication. She is going to get a sign-in book, and asked Commissioners to encourage people to sign it. She wants to be sure of who is there so they can be properly recognized.

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 he hopes to get contracts signed in early October, and have work start soon after that.

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

He said he has about 10 more applicants, but will wait for approval until after work starts on the first 12.

3. General administrative matters related to going forward with program including approval of additional applicants, bids & proposals & other matters / Discussion and appropriate action to go forward with grant project

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

1. Update

Contracts have been signed and the contractor has been cleared. Work should be underway by mid-October.

2. Discussion and appropriate action to go forward with grant

C. Upcoming 2011 / 2012 Texas Department of Rural Affairs Grant Program / Discussion and appropriate action to approve projects / Discussion and appropriate action to go forward with grant application

The application will be submitted for a reverse osmosis water treatment system on behalf of the Study Butte Water Supply Corporation. The request will be for \$291,368.

Commissioner Killingsworth made a motion to approve the resolution to apply for the 2011/12 Rural Affairs Grant Program in the amount of \$291,368. Commissioner Ortega seconded the motion, which passed unanimously.

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

1. Update / Conrad Arriola

Mr. Arriola said he had no update.

2. Discussion and appropriate action concerning going forward with project

10. Alpine Housing Authority/ Request to waive payment in lieu of taxes/ Discussion and appropriate action

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

11. Regional Public Defender Office for Capital Cases / (The West Texas Regional Public Defender Office / Established between the counties in the 7th & 9th judicial region, with Lubbock County serving as the administrative county)

A. Judge's review of program to provide "insurance" coverage for indigent capital defendants

Judge Beard said this is a new program which is being funded through the Indigent Defense Act. The program pays the costs of indigent defense in capital murder cases. She said the costs can be staggering. Under the law, the defendant is entitled to two specialized and qualified attorneys, along with investigation and other support services. In a bad case, costs can reach \$500,000.

To participate in the program, a yearly contribution is paid on a sliding scale. The first year is free; in 2012, \$2,063. The cost rises each year after that.

Judge Beard said that, considering the possibility, she believes it is good “insurance” and a very sound program.

B. Discussion and appropriate action concerning participation in program

Commissioner Stone made a motion to participate in the program, which was seconded by Commissioner Ortega, and passed unanimously.

12. Brewster County Tourism Council / Present 2011 Tourism Council Budget / Discussion and appropriate action

Ron Sanders said the Commissioners have copies of the budget. He said the budget is being increased by \$50,000 to \$450,000, because it looks like there are going to be more collections this year.

Mr. Sanders broke down the budget by line item for Commissioners:

County administration, \$27,000

Historic preservation, \$22,500

BCTC administration, \$60,000

Equipment, \$5,500

Marketing, \$335,000

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

Executive Director Mike Davidson said area business have been seeing more traffic than they’re used to this summer. Bookings through the fall are looking healthy. Mr. Davidson will be traveling to Dallas for the State Fair next week.

He said the Marathon Visitors Center is complete, but they are still working on the maintenance and operational status. They plan to hire someone soon to keep it clean, as well as the exhibit at the Post Park.

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