

**REGULAR MEETING OF THE  
BREWSTER COUNTY COMMISSIONERS COURT  
TUESDAY, SEPTEMBER 28, 2010, AT 10:00 A.M.**

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

<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>
<b>JERRY SOTELLO</b>	<b>J.P., PRECINCT 1</b>

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

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

*There were no minutes presented for approval.*

***2. Treasurer***

***A. General Bills***

*Treasurer Ofenstein said the quarterly workman's compensation payment of \$14,000 was made.*

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

*Commissioner Ortega abstained from 68047; Commissioner Killingsworth abstained from 68055, 68056 and 68057.*

*One walk-in bill for \$50 for Commissioner Pallanez' registration for last week's conference was presented.*

*Commissioner Killingsworth made a motion to approve the bill, which was seconded by Commissioner Stone, and 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***

*Mrs. Ofenstein said she and the auditor would like to raise the limit on depreciation items for capitalization from \$500 to \$1,000.*

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

*Judge Beard said that this was a bookkeeping item.*

### **3. Officials' Monthly Reports / Discussion and appropriate action**

*No reports were made.*

### **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 crews did some clean-up on Terlingua Ranch Road. They have started installing letters for the signage at the Alpine Fire Station. They are also blading roads.*

*Commissioner Killingsworth said she would like to commend Road and Bridge crew for their work, especially in getting their regular work done in addition to the infrastructure projects.*

*Judge Beard said she appreciates that the crew does not complain about the work. They simply go out and get the job done.*

#### **B. TxDot Border Colonia Access Paving Grant**

##### **1. General Update**

*Commissioner Ortega said the engineer is meeting with Jones Brothers this morning, which is the fourth company to request information about the project. Reece Albert, Jarratt Dirt Work and 90 West have also requested information.*

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

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

**5. County Party Chairs' Nominations for Precinct Election Judges / Discussion and appropriate action**

*Judge Beard asked County Clerk Berta Rios Martinez to contact the party chairs and ask them to turn the names into her office.*

**6. Sheriff's Office & Treasurer / Resolution for 2008, 2009 Stonegarden Grant / Request to authorizing additional signator / Discussion and appropriate action**

*Treasurer Ofenstein said she and Sheriff Dodson are asking for authorization for another signator.*

*Judge Beard suggested authorizing all of the members of Commissioners Court.*

*Commissioner Ortega made a motion to authorize the Commissioners Court as signators, which was seconded by Commissioner Killingsworth, and passed unanimously.*

**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 the last couple of weeks have been very quiet. A small fire was started yesterday by the train, and the train crew helped to put out the fire.*

**B. Emergency Management Coordinator & Sheriff / Shortfall in COG Funding for equipment for 911 recording/response system in Brewster County Jail / Discussion and appropriate action to provide funding from an alternative County or Law Enforcement Funding source / Discussion an appropriate action.**

*Mr. Santry said the COG is short on the money to complete this project. They are asking for \$10,373 to make up the difference*

*Mr. Santry said that at a meeting Sept. 7 with the COG in Alpine, at which time COG officials talked about monitors being necessary for the Sheriff's Office.*

*They said the COG would pay for it. However, last week, he was notified that they were short of funds.*

*Treasurer Ofenstein said she budgets \$6,000 extra in the jail fund. That money is available, and the difference, \$4,373, could come out of the seizure account. If it cannot come out of the seizure account, she said it could come out of the abandoned vehicle account.*

*Commissioner Ortega made a motion to fund the balance as outlined by the Treasurer. Commissioner Stone seconded the motion, which 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 only furniture is needed. After it arrives, the center should be ready for move-in.*

*Mr. Causey said the crews are getting ready to move over to Marathon for clean-up, paving and landscaping.*

**2. *Alpine VFD Fire Station & Emergency Operations Center / Update on final matters necessary to complete and close out project / Updates on TxDot's work on Holland Exit / Discussion and appropriate action to close project***

*Judge Beard said the exterior signage includes individual letters so it takes a little time to install.*

*She said TxDOT and Reece Albert have done a nice job of widening the exit onto Holland.*

**3. *South County Emergency Response Center***

***a. Update on completion of project***

*Commissioner Killingsworth said they need a little more work on the phone and internet installation.*

***b. Presentation of County Judge / Governor's Certificate recognizing Dedication of Facility to Commissioners***

*Judge Beard showed the certificate to the Commissioners and audience. She said the certificate was not solicited. It is appreciated and she will have it framed and hung in the Commissioners Courtroom.*

***c. Acknowledgments for agencies & individuals who assisted in last phase of completion of facility and dedication activities***

*Judge Beard said she needs a list of people from Commissioners so that personal letters can be written and sent. She said so many people worked very hard to get the building ready for dedication, and she thinks personal thanks are in order.*

*Commissioner Stone made a motion approving the letters, which was seconded by Commissioner Killingsworth, and passed unanimously.*

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

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

***a. Update on plumbing, insulation & HVAC work***

*Judge Beard said the preliminary work has been done on the HVAC.*

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

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

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

***B. General Discussion concerning remaining public dedication events for Marathon Justice Center and Alpine Fire Station and Emergency Operations Center***

*Commissioner Ortega said he would like to wait a little longer, and will start thinking about what he wants to do.*

*Judge Beard said they need to start thinking about the Alpine Fire Station/EOC as well.*

***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 they are waiting on the grant administrator to develop the contracts. She expects them at the first of October. She said there are 12 ready to go.*

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

***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***

*Commissioner Killingsworth said a pre-construction meeting will be held Oct. 25. Road and Bridge crews will build the pad. She said a lot of fill dirt will be needed.*

*She is projecting that the tank will be completed in February.*

***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***

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

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

*Mr. Arriola said he thinks they'll be ready to order equipment next week.*

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

***10. Proposed County Courthouse Policy related to disruptive conduct in Courthouse / General Discussion and appropriate action***

*Judge Beard gave Commissioners a proposed policy related to disruptive conduct in the Courthouse.*

*She said the vast majority of people who come into the courthouse are orderly and cooperative. However, there are issues with a few individuals from time to time.*

*The County has a policy that the Sheriff's Office is in charge of Courthouse Security; it is also a state law.*

*A while back, an individual who caused an incident was asked to be accompanied any time he/she needed to come to the courthouse in the future.*

*Judge Beard is proposing a policy adopted by Commissioners Court that would provide for security for employees and for an orderly work environment.*

*She said the kind of conduct to which the policy refers is generally prohibited by the penal code.*

*Individuals or county employees who engage in such contact may be asked to cease the behavior, or may be removed from the courthouse or made to adhere to restricted access.*

*Judge Beard said people with a past history of inappropriate behavior in the courthouse will not be "banned," but can be accompanied by a deputy while they are doing business in the courthouse.*

*Mr. Santry said he would like Commissioners to remind employees to use their security buttons.*

*Sheriff Dodson said the disruptive behavior can become dangerous. His office wants to make sure everyone is safe.*

*Commissioner Killingsworth made a motion to approve the policy for the safety and security of the Brewster County Courthouse, and all the facilities. Commissioner Stone seconded the motion, which passed unanimously.*

***11. County Judge / Interlocal Agreement / Regional Public Defender for Capital Cases / Request for approval***

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

***12. Report on Far West Texas Judge's & Commissioners Conference in Study Butte / Acknowledge / Thank participants***

*Commissioner Killingsworth said there were about 85 people in attendance. She said all of the hotel rooms in South County were filled. The Association has chosen to meet again in South Brewster County next year.*

*Commissioners agreed that Forever Resorts did an excellent job.*

*Judge Beard suggested sending a letter to the participants thanking them for choosing Brewster County, including the vendors.*

*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***