

**CALLED MEETING OF THE
BREWSTER COUNTY COMMISSIONERS COURT
MONDAY, NOVEMBER 15, 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 PALLANEZ	COMMISSIONER PCT. 4
JERRY SOTELLO	J.P., PRECINCT 1
CAROL OFENSTEIN	TREASURER
BERTA RIOS MARTINEZ	COUNTY CLERK

To discuss and take action as appropriate on the following:

1. Invocation and Pledge of Allegiance

Judge Beard led the invocation and Pledge of Allegiance.

2. Minutes / additions / corrections / approval

The minutes from the October 26, 2010, meeting were presented for approval. Commissioner Ortega made a motion to approve the minutes as presented, which was seconded by Commissioner Stone, and passed unanimously.

3. County Clerk/ Canvass of 2010 General Election

A. Presentation of Canvass and Report on Election by County Clerk

Judge Beard thanked Mrs. Martinez for her diligence during the election. Judge Beard said Commissioners Court appreciates her hard work.

County Clerk Berta Martinez presented the canvass and gave Commissioners the totals for the electronic and paper ballots for Early Voting and Election Day.

B. Discussion and appropriate action by Commissioners Court

Commissioner Ortega made a motion to accept the canvas as presented.

Commissioner Stone seconded the motion, which passed unanimously.

4. Big Bend Arts Council / Request for Resolution of Support for an Arts District Designation for portions of Alpine / Discussion and appropriate action

*Judge Beard said the City Council has already approved this request
BBAC Pres. Tim Roberts said the Texas Commission on the Arts recognized earlier this year that Alpine has a number of successful cultural events which are conducted each year. TCA then invited the Council to apply for cultural district nomination.*

The designation would encompass a large part of Alpine, including downtown, some of the parks and parts of Sul Ross. The designation provides an opportunity for grant funding and advertising.

One of the requirements, said Mr. Roberts are signed resolutions from the City Council and Commissioners Court.

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

5. Treasurer

A. General Bills

Treasurer Ofenstein noted that quarterly payments were made during the last billing period.

The library made a reimbursement of \$32,480 for work on its new building.

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

One walk-in bill for \$200 from KALP for site rental was presented.

Commissioner Ortega made a motion to approve the walk-in bill, which was seconded by Commissioner Killingsworth, and passed unanimously.

Judge Beard abstained from the KALP bill.

B. Infrastructure Projects Bills / Discussion and appropriate action

C. Texas Association of Counties Liability & Casualty Insurance Update / Discussion and appropriate action concerning renewing TAC insurance coverage

Commissioner Killingsworth made a motion to continue use of TAC insurance, which was seconded by Commissioner Ortega, and passed unanimously.

D. General Administrative Matters related to Treasurer's office/ Discussion and appropriate action to go forward with work of Treasurer's office

County Auditor Shaw Skinner was present to inform Commissioners about new accounting guidelines.

The "Yellow Book," a guideline for government accounting standards, has been revised to include a sentence stating that an auditor who performs certain duties is no longer independent.

He sent a comment suggesting that entities with less than \$20 million in revenues be exempt, and has asked Commissioners to do the same.

Commissioner Ortega made a motion authorizing the Treasurer's Office to comment on behalf of Commissioners Court, which was seconded by Commissioner Stone, and passed unanimously.

6. Officials' Monthly Reports / Discussion and appropriate action

Commissioner Stone read the monthly reports for the record.

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

7. Road and Bridge Department / Community Facilities

A. 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 rental 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 are working on leveling the Study Butte water tank site. They have been hauling more fill dirt to the site. Crews in Marathon have finished one side of the forms for the Community Center porch, and will probably start on the other side today. They will then move to South County to start work on the helipad/multipurpose pad.

Commissioner Killingsworth said the Department did an excellent job for the Chili Cook-off.

B. TxDot Border Colonia Access Paving Grant

1. General Update / Discussion and appropriate action to go forward with project

Commissioner Ortega said there will be a pre-construction meeting tomorrow at 1 p.m. Mr. Roberts and Mr. Jarratt and Commissioner Ortega will meet to go over the highlights of the project.

Mr. Causey said they have the water source ready for the project in Marathon.

In South County, Commissioner Killingsworth said they are waiting on TCEQ approval for moving a water line.

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

8. Emergency Management Department

A. 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 update regarding needs, maintenance issues related to public and private insurance coverage and personnel issues related to emergency response / Discussion and appropriate action

Mr. Santry said the CodeRed phone system was tested Oct. 12. He said the test did not go well. The message was unintelligible, it was too long and it caused lots of confusion. Another test will be conducted.

Last Tuesday, Nov. 9, the Safety Committee conducted a fire drill. It was the first in over six years. Another fire drill will be held.

B. Report on TEEEX November 3rd Mayoral Workshop held in Alpine

Judge Beard said approximately 15 years attended the workshop.

Various state agencies expect a minimum number of people to come to the workshops, usually 25. Judge Beard said it is virtually impossible to get 25 people to a workshop here, even on a regional level.

She said it is hard for the State to understand that those who attend the workshops are leaving other duties unattended.

The workshop was constructive. The presenters were excellent, and Judge Beard said they understand rural areas.

C. Radio Console for Emergency Response Center

1. Update

Deputy Ryan Skelton said he is working on a grant to get a new console in the jail. The old console could then be moved to the EOC using Homeland Security funding.

Mr. Skelton said he is hoping to have all the specifics worked out this week with the COG.

Mr. Santry said the 2009 Emergency Management grants are on hold until he has a funding total for this specific project.

Judge Beard said she is pressing the timeline because the new EOC is not operational until a console is in place.

Deputy Skelton said he is working as fast as he can. The money must be expended by December.

2. Discussion and appropriate action concerning acquiring radio console and other radio equipment for ERC

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

9. 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. and related support space) Alpine/N. Brewster County Area Emergency Response Center (Fire Station for Alpine VFD & Brewster County Emergency Operations Center), Brewster County Jail Update, 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 phone service was installed Friday, and he will work with the IT Director to get things tied up for networking.

2. Alpine VFD Fire Station & Emergency Operations Center / Update on final matters necessary to complete and close out Project / Discussion and appropriate action to close project

Judge Beard said she has nothing new to report.

3. South County Emergency Response Center / Update on occupancy and any remaining work to be done / Discussion and appropriate action to go forward & complete project

Commissioner Killingsworth said there are few little odds and ends, such as exit signs, which need to be completed. Everyone has moved in and offices are functioning.

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

Judge Beard said she has nothing new to report.

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

a. Update on remaining work on building

Judge Beard said the drywalling needs to be finished, followed by a second phase of HVAC, and then the interior finish. She said the interior finish is going to be quite costly.

There is enough funding to complete the drywall, and the Road & Bridge Department drywall crew is hopefully going to do that work.

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

Judge Beard said she has met with the library board and clarified that Construction Management will not work without centralized communication and lines of

authority. She believes the Board understands, and the Board has now requested that the County do the drywall phase of the project.

c. Discussion concerning drywall, interior finish, 2nd phase of HVAC and completion of interior / Discussion and appropriate action

Commissioner Stone made a motion to authorize the Road & Bridge Department to move ahead with the drywalling. Commissioner Killingsworth seconded the motion, which passed unanimously.

6. Bids for Cement for Marathon Porches & Multipurpose pad at Study Butte / Request to authorize Construction Manager & Commissioner Pct. 1 or Judge toward bid on or after November 17th, 2010/ Discussion and appropriate action

Judge Beard said she got an estimate for both pads. Given what the County has already spent on the projects, she thought it was prudent to go ahead and seek bids for cement, which she did.

Commissioner Ortega made a motion to authorize Judge Beard and/or Commissioner Stone to open the bids. Commissioner Killingsworth seconded the motion, which passed unanimously.

7. Multipurpose concrete pad at Patillo Community Center

a. Update

Commissioner Killingsworth asked if there is going to be lighting on the pad. Mr. Causey said there is, and the electricity will be connected with the Community Center.

b. Discussion and appropriate action to go forward with project

8. Porches for Marathon Community Center (Covered Outdoor Area)

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 / Discussion and appropriate action

10. 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

Commissioner Killingsworth said the contracts are ready, and they are waiting on clearance from TDRA to move forward.

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

3. General and 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 was held Nov. 2. All parties were present, and the crews are proceeding with the completion of the tank pad site. She thinks construction will start after Christmas.

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

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

Judge Beard said there is nothing to report.

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

1. Update / Conrad Arriola

Mr. Arriola said the equipment will be ordered this week, which should take about a month. The reimbursement account needs to be set up with the state.

2. Discussion and appropriate action concerning going forward with project

11. I.T. Department Report and Update

A. Infrastructure Projects / installation & wiring for computers / Networking and related issues / Update / Discussion and appropriate action

Mr. Ofenstein said everything is installed in South County. The entire system is online, and they are awaiting an update on the court software for the J.P., and for one more piece of equipment for the Sheriff's Office.

Commissioner Killingsworth said there is one more jack that needs to be wired in for the Fire/EMS.

Now the phones are installed in Marathon, they can move forward with the network. Commissioner Killingsworth said the parts for Marathon are being store at the South County ERC. They were all ordered at the same time.

B. Networking / Jail and Law Enforcement Update/ Discussion and appropriate action

Mr. Ofenstein said he understands that the jail and Sheriff's Office will be networked this week.

C. County Road Map Update Project / Update on Digitizing County Road Map/ Discussion and appropriate action

I.T. Director Leo Ofenstein said a set of maps is circulating for discussion, currently in the form on six letter-size maps, which represent four quadrants of the County.

He had with him a fairly large-scale map which includes just Marathon. In working with Supt. Causey and TxDOT, he has found that there are several roads in Marathon which are identified in the TxDOT database which are referred to as "no name." It was pointed out by Judge Beard and Commissioner Ortega that virtually all Marathon Streets are platted, dedicated to the public and named.

Mr. Ofenstein said the plotter he is using is fairly old. He would like Commissioner to consider at least purchasing some new color ink cartridges to see if that helps with the resolution.

Mr. Ofenstein said he is working on a way to make the road maps available to the Sheriff's Office and the computers which were recently installed in their vehicles.

Judge Beard said there is a huge demand for a map with County roads which are public; that is the first thing that needs to be done, she said.

There must be a map which shows only County roads. There is demand for such a map. People come by the Judge's office and request maps showing what is public.

Judge Beard said that the baseline is not the TxDOT map, but the County Road Map adopted by Commissioners some years back.

D. Update on development of schedule for replacement of County owned

hardware / Discussion and appropriate action

12. Public Comment

No public comment was made.

13. Announce December 2010 Meeting Schedule and beginning of end of year closeout procedures / Discussion and appropriate action

A called meeting will be held Dec. 1, and a regular meeting Dec. 13.

14. Recognitions & Upcoming Events

A. Recognize Gift of Flags for S. Brewster County ERC multi-purpose room by Alida Lorio

Commissioner Ortega made a motion to recognize and thank Ms. Lorio, which was seconded by Commissioner Killingsworth, and passed unanimously.

B. Artwalk / Recognize Organizers and Sponsors

Commissioner Killingsworth made a motion to recognize and thank the organizers and sponsors of ArtWalk, which was seconded by Commissioner Ortega, and passed unanimously.

15. Sheriffs Department and County Jail

A. Report of successful Jail Inspection/ Report from County Judge and Sheriff

Judge Beard said we have a tough inspector. The jail did not do well in the previous inspection.

However, Sheriff Dodson, said the inspection went very well, and the jail passed the inspection.

During the last inspection, the recording keeping procedures were an issue. This year, said Dodson, the record keeping scored perfectly.

B. 2010 Operation Linebacker Grant Resolution/ Discussion and appropriate action concerning accepting grant

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

16. County Meeting Facilities / Update by County Judge

Judge Beard said it seems like, in the last six months, there has been a high demand for meeting space in the Courthouse. She said that, once the old library building is turned over to the County, more meeting space will be available. She also pointed out that the new library will have a community meeting room.

17. Upcoming State Budget and Legislative Session issues related to county government and unfunded mandates / Discussion and appropriate action

Judge Beard said the upcoming Legislative Session is going to be grim from a financial standpoint.

When the State or the Federal Government are short on money, they tend to kick the responsibility down to the County level.

She said we need to keep an eye on things and track the session to watch for unfunded mandates.

Judge Beard asked Deputy Skelton if he has any feel for what is going to happen with law enforcement funding.

He said, it appears to him, that they are starting to deplete the funding. Deputy Skelton said there is nothing out there that they can count on. Sometimes, a grant won't be available one day, but will be the next.

Judge Beard said that there is no way the County could sustain the current level of funding for law enforcement, if law enforcement grants were no longer available.

18. 2011 County Redistricting / General Discussion / (No Action)

Judge Beard said she was hoping to have some preliminary data for the meeting. Commissioner Killingsworth said she hasn't heard anything, either.

Mr. Arriola said he read that local governments should be getting information in April.

Commissioner Killingsworth said that is very late.

SUPPLEMENTAL AGENDA

1. Texas Association of Counties / The County Information Resources Agency ("CIRA") Services Agreement with Brewster County providing website and email services to County / Discussion and appropriate action

Deputy Treasurer Megan Antrim said there is currently no charge for the use of the service. The County is provided with up to 30 email addresses, and the website (formerly used by the County) directs users to the new website.

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

SECOND SUPPLEMENTAL AGENDA

1. Emergency Management Department / Consideration of implementing Burn Ban / Discussion and appropriate action

Mr. Santry said both Presidio and Jeff Davis counties have both invoked a burn ban. The Forrestry Services recommends the same for Brewster County for a period of 90 days.

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

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

VAL CLARK BEARD, COUNTY JUDGE

ATTEST:

BERTA RIOS MARTINEZ, COUNTY CLERK