

**CALLED MEETING OF THE
BREWSTER COUNTY COMMISSIONERS COURT
WEDNESDAY, DECEMBER 1, 2010, AT 10:00 A.M.**

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

VAL CLARK BEARD	COUNTY JUDGE
ASA "COOKIE" STONE	COMMISSIONER PCT. 1
KATHY KILLINGSWORTH	COMMISSIONER PCT. 2
MATILDE PALLANEZ	COMMISSIONER PCT. 4
BETTY JO ROONEY	TAX ASSESSOR
JERRY SOTELLO	J.P., PRECINCT 1
BERTA RIOS MARTINEZ	COUNTY CLERK

AGENDA

To discuss and take action as appropriate on the following:

1. Invocation & Pledge of Allegiance

Judge Beard led the invocation and Pledge of Allegiance.

2. Minutes / additions / corrections / approval

The minutes from the November 15, 2010, meeting were presented for approval.

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

3. Treasurer

A. General Bills / Discussion and appropriate action

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

Judge Beard abstained from the KALP bill.

B. Infrastructure Projects Bills / Discussion and appropriate action

C. End of Year Closeout Matters / Line item transfers, budget amendments for all Departments:

<i>County Judge</i>	<i>County Attorney</i>
<i>County Clerk</i>	<i>County Treasurer</i>
<i>County Veteran's Office</i>	<i>Tax Assessor-Collector</i>

*Non-Departmental
Contracting Agencies
Community Facilities
Emergency Management
County Court
District Clerk
District Court
Justice of the Peace #1, #2, & #3*

*Courthouse
County Jail
Constable Pct. #1, #2, & #3
Sheriff
Extension Office
Exten. Serv. (Home Agent)
Road & Bridge Department
Records Management*

Deputy Treasurer Megan Antrim reviewed several line item transfers, which do not reflect any net increases in the budget.

Commissioner Stone made a motion to approve the line item transfers, which was seconded by Commissioner Pallanez, and passed unanimously. A copy is attached and made a part of these minutes.

Ms. Antrim then reviewed several budget amendments.

Commissioner Stone made a motion to approve the amendments, which was seconded by Commissioner Killingsworth, and passed unanimously. A copy is attached and made a part of these minutes.

D. Other matters related to closeout of 2010 year / Discussion and appropriate action

Ms. Antrim said there could be additional transfers and amendments necessary as the year comes to an end.

E. 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 action

No monthly reports were presented.

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

Judge Beard said the porches in Marathon have been formed. They are considering pouring the concrete next Monday, depending on the weather. After that, they will take the forms to South County and proceed to work on the multipurpose pad. A couple of workers have been added to help with the pours.

Supt. Frenchie Causey had a minor issue with the new dump truck. Judge Beard believes the problem has been fixed. He has asked if there is enough money in his budget to go ahead and purchase some road base.

Commissioner Stone made a motion to authorize Supt. Causey to purchase materials within the bid limit and budget. Commissioner Pallanez seconded the motion, which passed unanimously.

B. TxDot Border Colonia Access Paving Grant

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

Commissioner Killingsworth had nothing new to report.

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

B. Fireworks sales regulations / Discussion and appropriate action concerning limiting what type of fireworks may be sold in County

EMC Tom Santry said action must take place before Dec. 15. He asked Commissioners to approve an order prohibiting certain fireworks.

Commissioner Stone made a motion approving the request, which was seconded by Commissioner Pallanez, and passed unanimously.

C. Homeland Security Grant Funding

1. Update & Outlook for future funding

Mr. Santry said for 2010, they will receive \$181,237, which is a 19.5 percent decrease from 2009. As has been predicted, less and less funding is available.

2. Procedures for applying for Homeland Security Grant Funds / Judge's request to affirm that all requests for funding must flow through & have approval of Emergency Management Coordinator

Commissioner Killingsworth explained that some equipment that was ordered for the South County ERC was unnecessary. New equipment was ordered, and a credit was given. An amplifier was also ordered which will allow the handheld radios to work within the building, which wasn't previously possible.

Commissioners discussed better communication routes so that the appropriate equipment is ordered, and so that Mr. Santry is always aware of what is happening.

Commissioners reviewed the procedures for ordering and inventory in compliance with grant regulations.

D. Contract for National Weather Service Radio site with KALP / Request to ratify

Judge Beard abstained from discussion and action on this item.

Mr. Santry said that when the County received the NWS tower, they had a hard time finding a place to put it. Ray Hendryx, general manager of KALP, allowed the County to place it on the site with his transmitter, and the County allowed him use of its generator.

The NWS is talking about paying for the maintenance, including providing electricity and propane.

Mr. Santry said it was a gentlemen's agreement with Mr. Hendryx, but the government has asked for an official contract.

Commissioner Killingsworth made a motion to ratify the agreement as requested, which was seconded by Commissioner Stone, and passed unanimously.

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

7. Alpine I.S.D. Board & Attorneys' request for consideration of resale of property acquired at tax sale / Discussion and appropriate action

Judge Beard said they have received a written request for the County to approve an \$1,800 bid for a property, which had a minimum bid of \$6,076. The County can reject the bid or allow the sale.

Commissioner Stone said he thinks the bid should be rejected, and the property should be put back in a sale and see if it can fetch a higher price.

Commissioner Stone made a motion to reject the bid, which was seconded by Commissioner Killingsworth, and passed unanimously.

8. *Holiday Schedule for 2011 / Discussion and appropriate action*

Commissioner Stone made a motion to accept the schedule as presented, which was seconded by Commissioner Killingsworth, and passed unanimously.

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. & 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 close project***

Judge Beard said she believes the officers have moved in.

- 2. Alpine VFD Fire Station & Emergency Operations Center / Discussion and appropriate action to close project***

- 3. South County Emergency Response Center / Discussion and appropriate action to close project***

- 4. Brewster County Jail / Discussion and appropriate action to close project**
- 5. Alpine Public Library Project / Construction for Alpine Public Library, a non profit organization / Update**

- a. General Update**

Judge Beard said the sheet rock is in the process of being ordered by True Value at a cost of \$8,451.

- b. Update on drywall & related issues / Discussion and appropriate action to go forward with drywall**

- 6. Cement bid received on November 17th for Multipurpose Pad and Marathon Community Center Porches / Report on award & request to confirm award**

Judge Beard said one bid was received from Highland Concrete for \$112/cubic yard, plus additional fees.

Commissioner Pallanez made a motion to ratify the bid, which was seconded by Commissioner Stone, and passed unanimously.

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

- a. Update**

Updates on these projects were given during the Road & Bridge report.

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

- 8. Porches for Marathon 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 / 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 they are still waiting on clearance from TDRA.

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

Construction is expected to begin after the holidays, said Commissioner Killingsworth.

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

Commissioner Killingsworth had nothing new 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 has been ordered. It will take about a month to arrive. Installation is expected to then begin immediately, and will take a couple of weeks. He is working on paperwork.

2. Discussion and appropriate action concerning going forward with project

11. Public comment

No public comment was made.

12. Recognitions & Upcoming Events

A. Recognize The Alfred S. Gage Foundation for its contribution for the Marathon Community Center

Judge Beard said the Gage Foundation has always been very generous to the area. A lot of the family lives outside of the area, mainly in San Antonio, but they have maintained their ties to the region.

The County recently received a \$1,000 gift to go toward repairs and maintenance at the Community Center. Judge Beard asked for the acknowledgment of the full court.

Commissioner Stone made a motion authorizing that acknowledgment, which was seconded by Commissioner Killingsworth, which passed unanimously.

B. Pilot Club Christmas Tree Lighting on Courthouse Lawn, December 9, 2010, at 6:30 P.M.

Judge Beard said refreshments will be served, and Santa Claus is expected, as well.

13. Personnel Issues related to County Website & Public Information, Networking of County Computers and Security and Preservation of Electronic Data / Discussion and appropriate action

A. Executive Session Pursuant to Section § 551.074, Government Code, VTCA, to discuss the appointment, employment, evaluation, reassignment, duties, compensation, or dismissal of a public officer or employee, as related to management of information for public & County Website and Networking of computers for some Courthouse Offices, Sheriff's Office & Jail and security & preservation of electronic data

At 11:00 a.m., Judge Beard announced that Commissioners Court was going into Executive Session pursuant to Section §551.074, Government Code, to discuss the appointment, employment, evaluation, reassignment, duties, compensation, or dismissal of a public officer or employee, as related to management of information for public & County Website and Networking of computers for some Courthouse Offices, Sheriff's Office & Jail and security & preservation of electronic data. The courtroom was cleared of all but Commissioners Court.

Reconvene in Open Session

B. Discussion and appropriate action resulting from Executive Session

At 11:37 a.m., the Commissioners Court reconvened in open session. Judge Beard said that the Court had been in Executive Session pursuant to Section §551.074 of the Government Code. Judge Beard asked if any action was to be taken as a result of the Executive Session.

Commissioner Killingsworth made a motion stating that the IT Department does not have the court's permission to manage or change the content of the County's website in any manner. The responsibility of the content of the County's website lies with the County's Public Information Officer. The County's Public Information Officer will seek permission concerning content from the County Judge and/or the County's Emergency Management Coordinator when appropriate.

Commissioner Pallanez seconded the motion, which passed unanimously.

14. Personnel Issues / County Clerk

A. Executive Session Pursuant to Section § 551.074, Government Code, VTCA, to discuss the appointment, employment, evaluation, reassignment, duties, compensation, or dismissal of a public officer or employee, as related to County Clerk's electoral duties

At 11:40 a.m., Judge Beard announced that Commissioners Court was going into Executive Session pursuant to Section §551.074, Government Code, to discuss the appointment, employment, evaluation, reassignment, duties, compensation, or dismissal of a public officer or employee, as related to County Clerk's electoral duties. The courtroom was cleared of all but Commissioners Court and the County Clerk.

Reconvene in Open Session

C. Discussion and appropriate action resulting from Executive Session

At 12:08 p.m., the Commissioners Court reconvened in open session. Judge Beard said that the Court had been in Executive Session pursuant to Section §551.074 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.

Judge Beard said the Commissioners Court would, however, like to commend the County Clerk, Berta Martinez, for her diligence and perseverance in the successful conduct of her first General Election.

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

A. Executive Sessions – 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 §771.072, Government Code, VTCA, Deliberation regarding real property

Judge Beard told Commissioners that she would read a letter from County Attorney Steve Houston during the executive session. Mr. Houston had asked Judge Beard, an attorney, to review his letter with Commissioners.

At 12:10 p.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, and pursuant to Section §771.072, Government Code, VTCA, deliberation regarding real property. The courtroom was cleared of all but Commissioners Court.

Reconvene in Open Session

B. Discussion and appropriate action resulting from Executive Session

At 12:13 p.m., the Commissioners Court reconvened in open session. Judge Beard said that the Court had been in Executive Session pursuant to Sections §551.071 and §771.072 of the Government Code. Judge Beard asked if any action was to be taken as a result of the Executive Session.

Commissioner Killingsworth made a motion authorizing the County Attorney to advise Judge Pennington that the Commissioners Court no longer agrees to mediation, and to request a trial date. Commissioner Stone seconded the motion, which passed unanimously.

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

VAL CLARK BEARD, COUNTY JUDGE

ATTEST:

BERTA RIOS MARTINEZ, COUNTY CLERK