

**REGULAR MEETING OF THE  
BREWSTER COUNTY COMMISSIONERS COURT  
MONDAY, DECEMBER 13, 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 PALLANEZ</b>	<b>COMMISSIONER PCT. 4</b>
<b>JERRY SOTELLO</b>	<b>J.P., PRECINCT 1</b>
<b>CAROL OFENSTEIN</b>	<b>TREASURER</b>
<b>RONNY DODSON</b>	<b>SHERIFF</b>
<b>BETTY JO ROONEY</b>	<b>TAX ASSESSOR</b>
<b>STEVE HOUSTON</b>	<b>COUNTY ATTORNEY</b>

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

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

*The minutes from the Dec. 1, 2010, meeting were presented for approval. Commissioner Ortega made a motion to approve the minutes, which was seconded by Commissioner Stone, and passed unanimously.*

***2. Treasurer***

***A. General Bills / Discussion and appropriate action***

*Treasurer Ofenstein said the bills include \$20,000 for the down payment for the HVAC replacement grant. They also included all of the 2011 bonds for elected officials.*

*Commissioner Stone asked about a \$300 telephone bill for J.P. Precinct 3. Mrs. Ofenstein said the lines had to be moved from the J.P.'s home in Marathon to the new office.*

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

*Commissioner Killingsworth abstained from 69068, and Judge Beard abstained from any KALP bills.*

*Two walk-in bills were presented: one for \$125 for an interpreter for the District Court, and another for \$650 for Lone Star Construction for assistance with pouring the slab in Marathon.*

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

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

Mrs. Ofenstein said she has one bill from Dinosaur Valley for \$17,000 for payroll and living expenses. She has not had a chance to review it, but believes \$2,000 is for the library and the rest is for the Marathon project.

Commissioner Stone made a motion to approve the bill, contingent upon review. Commissioner Pallanez seconded the motion, which passed unanimously.

**C. End of Year Closeout Matters**

**1. Line item transfers / Budget amendments for County 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>
<i>Non-Departmental</i>	<i>Courthouse</i>
<i>Contracting Agencies</i>	<i>County Jail</i>
<i>Community Facilities</i>	<i>Constable Pct. #1, #2, &amp; #3</i>
<i>Emergency Management</i>	<i>Sheriff</i>
<i>County Court</i>	<i>Extension Office</i>
<i>District Clerk</i>	<i>Exten. Serv. (Home Agent)</i>
<i>District Court</i>	<i>Road &amp; Bridge Department</i>
<i>Justice of the Peace #1, #2, &amp; #3</i>	<i>Records Management</i>

Treasurer Ofenstein reviewed the amendments.

Commissioner Killingsworth made a motion to amend the budget in the reviewed categories to increase the capital projects budget. Commissioner Stone seconded the motion, which passed unanimously.

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

Treasurer Ofenstein said that, since the County is on an accrued cash basis, she would like to keep the 2010 books open through the first week in January so that she can pay the December utility bills from the 2010 budget.

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

**D. Request to authorize Treasurer & County Judge to pay necessary bills in interim between December 13, 2010 – January 9, 2011**

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

***E. 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***

*Commissioner Stone read the reports for the record.*

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

***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 they finished pouring the concrete slabs last week. The crews are loading the forms to move to Terlingua today. All of the sheet rock for the library has been moved inside, thanks to several inmates; True Value and the County had less than an hour's notice of the delivery.*

*The pad in Study Butte is finished, and the engineer plans to look at it today. All of the right-of-ways in Alpine, Marathon and at Terlingua Ranch are being mowed. They also fixed the generator at the Terlingua Fire Station again. The vendor's representative is going to come and teach everybody how to use it so that it doesn't continue to reset itself.*

***B. Update regarding acquisition of paving materials from 2010 Budget***

*Mr. Causey said a bill from the trucking company will be received by the end of the year, although the haul may take a little longer.*

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

*Engineer Travis Roberts said the contract has been signed and a work order issued on the Marathon project. The equipment is there, but the project hasn't started yet.*

*In Study Butte, they are waiting for the environmental impact statement. Once the paperwork is done, Mr. Roberts said it will probably be March before they start work. Two drainage easements are going to be necessary for the waterline. The paving plans are 99 percent finished. Paving will likely begin in May.*

*Commissioner Killingsworth asked if the plans have been approved by TCEQ. Mr. Roberts said they are waiting on the environmental impact study.*

*Judge Beard asked Mr. Causey to step outside for a moment.*

*Commissioner Stone said he would like to give gifts from the Commissioners Court to the Road & Bridge Crew for Christmas. Each Commissioner agreed to donate money from their own pockets.*

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

***5. 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***

*Mr. Santry said there have been a couple of small fires in the last couple of weeks. The weather service is predicting that the dry weather will continue for a while. Mr. Santry said he thinks they are going to have a busy grassfire season.*

***B. Report on Brewster County's 2009 Loma Del Norte Fire Request for reimbursement from the Texas Department of Emergency Management and FEMA / Discussion and appropriate action***

*Mr. Santry said documentation has been sent to FEMA for reimbursement for the last 21 months from all agencies involved. He said the process has been very long. The state finally sent Mr. Santry a reimbursement sheet. It includes \$650 for labor, and \$14,500 for equipment.*

*Mr. Santry said among all agencies fighting the fire, there were 525 hours of labor. \$650 does not come close to covering it.*

*Mr. Santry said he authorized the form, and the state will send it to FEMA, where it will be placed in line and approved in turn. This will likely take a long time.*

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

***6. 2011 Brewster County Commissioners Court Meeting Schedule / Discussion and appropriate action to set meeting schedule***

*Judge Beard is proposing to continue with the second Monday, fourth Tuesday meeting schedule, except for September, when more meetings may be necessary for the budget and tax rate process. All Fridays and Mondays in September will be regular meeting dates.*

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

***7. Sheriff's Department***

***A. Request to declare a number of portable partitions in Sheriff's office as surplus & authorize Sheriff's Department to dispose of partitions as deemed appropriate by Sheriff's Office***

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

***B. Request to authorize additional Deputy slots (for grant funded positions, only) / Discussion and appropriate action***

*Commissioner Ortega made a motion to authorize the request, contingent upon grant funding, which was seconded by Commissioner Stone, and passed unanimously.*

***8. IT Department Report and Update***

***A. Commissioner Pct. II, IT Committee Chair / Contract for off site storage of County electronic data / Discussion and appropriate action***

*IT Director Leo Ofenstein said he and Commissioner Killingsworth did some research, and have recommended to Commissioners an Irving company called anywherefiles.com. The backup only includes the software used in the District and County Clerk's offices, the Treasurer's Office and the Precinct 1 J.P.'s office. It will cost about \$50/month.*

*Judge Beard asked if there is a contract. Mr. Ofenstein said there is not, but there is a cost savings by agreeing to 12 consecutive months, rather than a month-to-month basis.*

*Commissioner Killingsworth asked about security and making sure the files are encrypted before they are sent to the back-up. Mr. Ofenstein said they are automatically encrypted.*

*Commissioner Killingsworth asked about backing up the Tax Office as well. Right now, they back up to magnetic tapes, which is an antiquated system. Tax Assessor Betty Jo Rooney said they are also backed up offsite in Plano by True Automations, which provides the software for the CAD and the Tax Office.*

*Commissioner Killingsworth made a motion to approve filesanywhere.com for online backup, on a 12-month pre-paid basis. Commissioner Stone seconded the motion, which passed unanimously.*

***B. Infrastructure Projects / Installation & Wiring for Computers / Networking and related issues / Update / Discussion and appropriate action***

*Mr. Ofenstein said they are working in Marathon, but are having trouble getting the appropriate phone and computer lines in the building. Once that is straightened out, things should be ready to go.*

*Commissioner Killingsworth asked if all of the ports are wired in. Mr. Ofenstein said they are there, but they can't be checked until the phone lines are properly installed.*

***C. Networking / Jail and Law Enforcement Update / Discussion and appropriate action***

*Mr. Ofenstein said they are still waiting on the Sheriff's IT person to install the appropriate lines in the Sheriff's Office so the network can be completed.*

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

*Mr. Ofenstein said he sent copies of the map book to Commissioners. He said there are two version, one with, and one without, other roads. He and Mr. Causey are working on some large scale maps, and digital versions to be placed on a DVD so that Mr. Causey can look at them on his portable computer.*

*Judge Beard suggested placing approval of a hard copy on the first agenda for January.*

***E. Update on development of schedule for replacement of County owned hardware / Discussion and appropriate action***

*Mr. Ofenstein has been working with the Treasurer's Office to develop a fixed asset database. They would like to know the acquisition dates for everything. He said the average life of a computer is four years, and it is important that those dates are kept up with.*

***F. Discussion and appropriate action for general work of I.T. 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. & 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 they are finishing up the last of the technical items.*

***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 they were supposed to get 24 hours of notice for the sheet rock. Instead, they got 30 minutes. With the help of inmates, the sheet rock was unloaded and placed inside the library last week.*

*Judge Beard said it will be after the first of the year before the crew starts on the sheet rock.*

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

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

***a. Update***

*Mr. Causey said they were loading the forms and taking a back hoe to South County this morning.*

*It will probably be after Christmas or the New Year before they get started.*

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

***7. Porches for Marathon Community Center***

***a. Update***

*Commissioner Ortega said they look good.*

***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 / (2<sup>nd</sup> Septic Tank Replacement Grant Application for S. Brewster County)***

***1. Update on Project & Application Process***

Commissioner Killingsworth said they have not yet received 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**

Mr. Roberts said he is going to check out the pad today. They intend to start the ring and piping in early January, followed by construction of the tank itself. Construction will take about 45 days.

They would like to put in a regulator as a backup for the well. There is still \$30,000 in the grant, but Mr. Roberts will have to come back to Commissioners for action.

- 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 said there is nothing to report.

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

**1. Update by Conrad Arriola, Project Coordinator**

Mr. Arriola said the equipment has been ordered. The check for the \$20,000 down payment is ready. Once he gets that to the contractor, Mr. Arriola will start the process of the reimbursement paperwork.

- 2. Discussion and appropriate action concerning going forward with & completing project, including authorization of partial payment**

***Judge Beard, turned the floor over to AFLAC representative Jim Glasscock, who wanted to address the Court. As the chair, it is the Judge's prerogative to allow public comment.***

*Jim Glasscock wanted to address the Commissioners. He has been the AFLC representative for the County since 1991. He spoke with the State office this morning, and they asked Mr. Glasscock to pass on their wishes for a Merry Christmas and Happy New Year.*

*Mr. Glasscock said he wanted to warn the Commissioners about "twisting," which recently happened in an area County.*

***11. Request to authorize a request for proposals (RFP) for the 2010 Audit for Brewster County / Discussion and appropriate action***

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

***12. 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***

***Reconvene in Open Session***

***B. Discussion and appropriate action resulting from Executive Session***

***13. Upcoming Legislative Session / Issues related to possible State Legislative initiatives to generate more revenue for the State at the expense of counties by raising criminal and county court costs & State's portion of court costs, fines and fees, and by shifting other State functions to Counties and other local governments***

***A. Review of County's State mandated role in providing and funding State Courts and Court Support***

*Judge Beard said the County is mandated by the State to provide County and District Courts, and J.P. courts, of which the County has three, and for which the County foots the bill.*

*The Treasurer's Office has provided recaps of the first, second and third quarters of court costs paid to the state so that Commissioners can see what is collected in court costs.*

*About 85 percent of all the court costs go back to the State. There are a number of mandated fees and costs included.*

*Judge Beard said a careful eye needs to be kept on the Legislature to make sure the State does not try to take anymore of the costs, or the criminal court fines.*

***B. Review of current Court costs and revenues and impact of increases in Court costs***

***C. General Discussion concerning preparedness for upcoming Legislative Session***

***D. Discussion and appropriate action***

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

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

***ATTEST:***

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