

**REGULAR MEETING OF THE
BREWSTER COUNTY COMMISSIONERS COURT
MONDAY APRIL 11, 2011, AT 10:00 A.M.**

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

VAL CLARK BEARD	COUNTY JUDGE
ASA STONE	COMMISSIONER PCT. 1
RUBEN ORTEGA	COMMISSIONER PCT. 3
JERRY SOTELLO	J.P., PCT. 1
STEVE HOUSTON	COUNTY ATTORNEY
BERTA RIOS MARTINEZ	COUNTY CLERK
CAROL OFENSTEIN	COUNTY TREASURER
BETTY JO ROONEY	TAX ASSESSOR

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 March 22, 2011, meeting were presented for approval. Commissioner Ortega 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 Ortega made a motion to approve the general bills, which was seconded by Commissioner Stone, and passed unanimously.

Judge Beard abstained from the KALP bill, and Commissioner Ortega abstained from 70710.

Two walk-in bills were presented: the first for reimbursement to Judge Beard for EOC supplies for \$72.77, and the second to Nolan Fowler for EOC supplies for \$68.42.

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

B. Infrastructure Projects Bills / Discussion and appropriate action

No infrastructure bills were presented for approval.

***C. Tax Collection Contracts with other local governmental entities /
Discussion and appropriate action***

Commissioner Stone made a motion to approve the contracts, which was seconded by Commissioner Ortega, which passed unanimously. The contracts are with all other local taxing entities in Brewster County.

D. Designated Fund Balance Review

Treasurer Ofenstein reviewed the fund balances as follows:

*Retiree Health Insurance, \$55,000
Employee Health Insurance, \$35,000
Courthouse Renovation Fund, \$35,924.57
Infrastructure Contingency, \$34,216
Jail Infrastructure Fund, \$5,904
Historic Fund, \$33,119.09*

Total \$166,044.57

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

E. HIDTA Grants / Other Law Enforcement Grant Procedures

1. 2011 HIDTA Grant Application / Discussion and appropriate action to accept, reject or other appropriate action

Deputy Treasurer Megan Antrim said HIDTA provides funding for three deputies. Brewster County has elected to accept 42 percent of the funding, approximately \$85,000. 2011 funding will begin being used in approximately June.

2. Increase on the 2010 HIDTA Grant / Discussion and appropriate action to accept, reject or other appropriate action

Antrim said the DEA had excess funding which needed to be spent. Brewster County was originally awarded \$7,000, and is now going to receive an additional \$6,000.

Commissioner Stone made a motion to approve Items 1 and 2, which was seconded by Commissioner Ortega, and passed unanimously.

3. Treasurer's Office comments regarding procedures related to Law Enforcement grants and utility of various grants

Treasurer Ofenstein said when equipment is purchased, the County has to provide insurance, maintenance, fuel, etc. These costs need to be considered before equipment is purchased.

Judge Beard said she will not sign off on anymore equipment grants without checking into hidden costs first; these matters need to be brought before Commissioners Court.

Commissioner Ortega made a motion to that effect, which was seconded by Commissioner Stone, and passed unanimously.

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

Treasurer Ofenstein asked for authorization to pay essential bills between now and the first meeting in May. Due to the illness of Commissioner Pallanez and travel of other Commissioners, the second regular meeting in April has been cancelled.

Commissioner Ortega made a motion authorizing the Treasurer to pay essential bills, which was seconded by Commissioner Stone, and passed unanimously.

4. Brewster County Tourism Council

A. Update on recent activities & work of Tourism Council and 2011 Spring Tourism / Visitation in Brewster County / General Discussion

Tom Williams said Ron Sanders and Mike Davidson have been promoting the area in Houston over the weekend. The Council continues their advertising campaign. Visitation has lapsed a bit, Mr. Williams said, due mostly to rising gas prices. Through the spring, it looks like things will hold pretty steady.

B. Request for Re-appointment of four current Board Members / Discussion and appropriate action

Mr. Williams asked Commissioners to defer this item to the next meeting. A complete list of re-appointments was unavailable.

C. Interpretive Signage Program along State Highways in Brewster County

1. Update & Review of ongoing Tourism Council Interpretive Signage Program

Mr. Williams said certain departments of TxDOT have caused some delays; however, he said Chris Weber, the local engineer, has been very easy to work with, and very effective.

Travis Roberts said he met the State historian at a meeting in Austin last week. THC is including the signage program in its 10-year plan, specifically the Brewster County program.

Judge Beard said she wants to be cautious about THC trying to involve themselves in approval of the process.

Judge Beard asked Mr. Williams and Mr. Roberts to discuss how Sen. Uresti's office has helped with the project.

First, Mr. Williams said when they first began talking about the project, they wanted to make sure to spend the time and money to make the signs right. They want tourists to spend time looking at a sign that makes them want to move on to the next one, and the next, etc.

Mr. Williams said they wanted elected representatives, particularly Rep. Gallego and Sen. Uresti, to be on board. Sen. Uresti was highly impressed, and promoted the project with TxDOT. Sen. Uresti has also helped to get through the bureaucracy and "red tape."

Mr. Weber has worked with the legal department on a simple contract, and final approval rests with Mr. Weber.

2. Proposed Contract with TxDot for sign locations along State Highways in Brewster County / Review and discussion

Commissioner Stone made a motion for preliminary approval of the contract as presented, which was seconded by Commissioner Ortega, and passed unanimously.

3. Discussion and appropriate action concerning entering into contract with TxDot and going forward with Interpretive Signage Program

5. Emergency Management Department

A. General Report including:

1. Recent Fires in County

EMC Tom Santry said so many people have worked long and hard in the last couple of days on the large fires burning in Brewster County.

The EOC was opened this weekend to deal with the fires, and Mr. Santry said it has been a learning experience, both good and bad.

Mr. Santry said the Civic Center was opened up for shelter for folks from Jeff Davis County, who are dealing with a major disaster. However, most people, about 300, went to Balmorhea rather than Alpine. Mr. Santry kept in touch with officials there in order to offer assistance, if necessary.

On Sunday, there were nine aircraft and 200 people on the ground in Jeff Davis County.

Also Sunday, the fire that began Saturday at the RAS building flared up again and jumped Hwy. 67 on the west side. It threatened to jump Hwy. 90, as well, but never did.

One of the things that needs to be better coordinated in the future are donations. Many things began to pile up without a place to take them.

Commissioner Stone said the Road & Bridge Department did an outstanding job. At the peak of the worst end of the Hwy. 67 fire, he said the crews came through and handled the job.

Commissioner Ortega thanked hoteliers for opening up at no charge to those who had been displaced.

Mr. Santry said there is no end to the people who jumped in and helped out.

Judge Beard said she is planning for a debriefing next Monday at noon.

2. 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, personnel issues related to emergency response, matters related to pending & future Homeland Security Grants / Discussion and appropriate action

B. Terlingua Fire & EMS / Update and report on recent activities, training, funding, equipment, cooperative efforts with ESD #1 and other entities, quarters in South Brewster County Emergency Response Center, goals and challenges in providing emergency response in South Brewster County and self help initiatives for equipment, funding and training / Discussion

Greg Henington was expected to be present, but is fighting the fires.

Mr. Santry said the Terlingua departments take a lot of initiative in getting things done for themselves.

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

Judge Beard said she received a letter from the Alpine VFD on the brush truck status. She has given it to Commissioners, and they will be reviewing the issue.

6. 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 Stone, and passed unanimously.

7. Recognitions / Brewster County Historical Commission / Presentation of Texas Historical Commission 2010 Distinguished Service Award / Discussion and appropriate action

Travis Roberts said 70 Texas counties were recognized this year, including Brewster County. Commissioners thanked him and the board for their hard work.

8. 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 / Discussion and appropriate action

Supt. Frenchie Causey said crews have been patching edges and potholes at Terlingua CSD. They have prepared a road at Terlingua Ranch for paving. Two men have been working on the floor at the jail. Mr. Causey had the Railroad Commission come in, and they inspected the propane tank at the yard to get it in compliance. One of the men is going to plant grass at the Marathon Justice Center this week.

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

Mr. Roberts said the Marathon project is basically finished, and he doesn't have anything new to report on South County.

C. Ongoing assistance with Alpine Public Library building project by Road & Bridge crew / Update

Nolan Fowler is prepared to take two Road & Bridge employees and start drywalling again at the library.

D. Personnel / Workload of Road & Bridge Department / Judge's request to defer additional cooperative projects until Department completes current projects and customary seasonal County work / Discussion and appropriate action

Judge Beard said that, until the department completes current projects, she wants to be very careful about additional commitments. The department is already overloaded.

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

9. County Clerk

A. Elections

1. Update on recent work regarding elections / Discussion

County Clerk Berta Martinez said she is working on the May 14 elections.

2. Proposed Election Agreement between the City of Alpine, Brewster County Clerk and Brewster County Voter Registrar / Discussion and appropriate action

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

B. Records Preservation Update / Discussion

Mrs. Martinez showed Commissioners one of the old record books, which is very unorganized, and will no longer close. Pages are no longer bound, but a rather shoved in between one another. She showed Commissioners the new books, organized by a Vermont company. They cleaned and ironed the pages, removed any tape or staples, etc., and gave them new binding in plastic-covered pages. What was one book is now two, and it cost \$2,600.

Mr. Roberts said whatever can be done to preserve these types of records should be done. He uses the particular book Mrs. Martinez showed as an example very often.

10. Tri County Juvenile Probation Department by Chief Jerry Castellano

A. Update on recent work of Department / Discussion

Mr. Castellano reviewed the statistics of his office over the last year. He also outlined the prevention and community service programs.

In particular, Mr. Castellano said his office has recognized an increasing trend in juveniles being used to smuggle drugs across the border. They are working with federal agencies on school programs which explain the consequences of drug smuggling activity.

B. Resolution for General Juvenile Justice and Delinquency Prevention Programs Solicitation 2012 Grant Cycle / Discussion and appropriate action

Mr. Castellano said the grant is a vital monetary resource to his department. It comes from the RGCOG through the Governor's office. The grant totals just over \$67,000.

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

11. 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 Ortega said they are still working.

2. General and administrative matters related to going forward with program including approval of additional applicants, bids & proposals & other related 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 on Project

Mr. Roberts said they are waiting for some paperwork from the contractor.

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

13. State Comptroller's Energy Efficiency Grant (Energy efficient upgrade of Annex HVAC System)

A. Update on wrapping up project, Conrad Arriola, Project Coordinator

Mr. Arriola said the contractor needs to finish the duct work upstairs. He said it will hopefully be done in the next couple of weeks, after hours.

B. Discussion and appropriate action to conclude project

14. New County Public Safety Infrastructure Facilities / (Alpine Volunteer Fire Department Station & Emergency Operations Center, South County Emergency Response Center, Marathon Justice Center)

A. Update, including matters related to management, landscaping, grounds paving, punch lists, telecommunication, utilities, maintenance and other costs related to facilities, equipment and furnishings

Judge Beard said she went into the South County ERC a couple of weeks ago. She said it was pristine, and there was obvious pride in the facility, which made her feel that the project was worthwhile.

Commissioner Ortega said the feeling is mutual in Marathon.

B. Discussion and appropriate action concerning management, maintenance and operations of these facilities

Judge Beard said there are some issues with the thermostat at the new fire station in Alpine. It is showing in some substantial electric bills, and she and the treasurer are working on it.

15. 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, In The District Court of Brewster County, Texas 394th Judicial District / (Mills Road Case), and

Cause No. 2010-04-B8988-CV, Pasqual Q. Olibas, Individually and d/b/a Freedom Bail Bonds, Plaintiff VS. Ronny Dodson, as Sheriff of Brewster County, Texas, Defendant, In The District Court of Brewster County, Texas 394th Judicial District

A. Executive Session – Pursuant to § 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 (Mills Road)

At 11:02 a.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 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 and Cause No. Pasqual Q. Olibas, Individually and d/b/a Freedom Bail Bonds, Plaintiff VS. Ronny Dodson, as Sheriff of Brewster County, Texas, Defendant. The courtroom was cleared of all but Commissioners Court and the County Attorney.

Reconvene in Open Session

B. Discussion and appropriate action resulting from Executive Session in regard to either of these pending cases

At 11:20 a.m., the Commissioners Court reconvened in open session. Judge Beard said that the Court had been in Executive Session pursuant to Section §551.071 of the Government Code. She asked if there was any action to be taken as a result of the executive session.

No action was taken.

16. County Attorney / request to Commissioners Court to re designate terms of County Court / Discussion and appropriate action

Steve Houston said the Texas Constitution set terms for Constitutional County Courts. It states that Commissioners Court can set whatever terms it wants to, and those terms last for two years. Mr. Houston prepared an order which states the Court will convene the first Monday in February, May, August and November, and will remain in session until the succeeding session is scheduled to begin.

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

17. Brewster County Child Welfare Board / Request for additional appointment to Board / Discussion and appropriate action

The board has requested that Jerry Castellano be appointed as a member.

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

18. Veterans Service Office / Update on recent activities

Judge Beard said the officers are attending training today, so they asked Judge Beard to update Commissioners on the event that they had to honor Vietnam vets. They had 12 Vietnam vets, and several others from other wars. Total attendance was about 50-60.

Commissioner Stone said the District convention of the American Legion was held in Alpine, and the donations received will be put toward the Fort Davis fire. He said 117 people attended.

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