

**REGULAR MEETING OF THE  
BREWSTER COUNTY COMMISSIONERS COURT  
TUESDAY, MAY 24, 2011, AT 10:00 A.M.**

<b>VAL CLARK BEARD</b>	<b>COUNTY JUDGE</b>
<b>ASA STONE</b>	<b>COMMISSIONER PCT. 1</b>
<b>KATHY KILLINGSWORTH</b>	<b>COMMISSIONER PCT. 2</b>
<b>MATILDE PALLANEZ</b>	<b>COMMISSIONER PCT. 4</b>
<b>JERRY SOTELLO</b>	<b>J.P., PCT. 1</b>
<b>BERTA RIOS MARTINEZ</b>	<b>COUNTY CLERK</b>
<b>STEVE HOUSTON</b>	<b>COUNTY ATTORNEY</b>
<b>BETTY JO ROONEY</b>	<b>TAX ASSESSOR COLLECTOR</b>
<b>CAROL OFENSTEIN</b>	<b>TREASURER</b>

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

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

*The minutes from the May 16, 2011, meeting were presented for approval. Commissioner Stone made a motion to approve the minutes, which was seconded by Commissioner Pallanez, and passed unanimously.*

***2. Treasurer***

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

*Judge Beard said that a District Court bill for a court interpreter should actually be a County Court bill.*

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

*Commissioner Killingsworth abstained from 71405 and Judge Beard abstained from 71439.*

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

*No infrastructure projects bills were presented.*

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

*Treasurer Ofenstein said she is working on an insurance claim for one of the Sheriff's vehicles. The claim is not the fault of the County, and she needs to find out who is supposed to pay the claim.*

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

*No reports were presented for approval.*

### **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 / Discussion and appropriate action***

*Superintendent Causey said he had two men working on the phone lines at the EOC, and two men working on the floor at the jail. They picked up the truck which was outfitted with a special water sprayer from El Paso. They worked with firefighters on fires in east Brewster County. They have been working on widening Hovey Road. They watered roads in Terlingua Springs.*

*Judge Beard said a nice note by Kathleen Olsen was sent to the Road and Bridge Department thanking them for their help in fighting fires.*

*Judge Beard said there is a TxDOT replenishment program for water taken out of stock tanks after fighting fires. They are working on getting those tanks re-filled.*

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

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

*Engineer Travis Roberts said he doesn't believe there is any change in the Marathon project from the last update.*

*Commissioner Killingsworth said she is still working on the easements. The County's easement has been filed.*

*Mr. Roberts said they will all need to be signed, and Judge Beard will have to sign a statement in the contract.*

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

*EMC Tom Santry said that since April 9, there have been four fires burning 226,000 acres. Three task forces are based in Alpine, and one is based in Marathon.*

*The Gage-Holland fire has been certified by FEMA for assistance grants. A meeting will be held Thursday morning with the agencies involved to learn how to apply for reimbursement and assistance.*

*At a recent Rio Grande COG meeting, Mr. Santry learned that the state is starting a payment justification program for use of Homeland Security funds. The COG will rank spending proposals and send them to the state. Conceivably, Mr. Santry said counties within the COG could be competing against each other, and they could conceivably get nothing.*

*The item was tabled, and at this time the COG has not approved participation in the program.*

### **B. Fireworks Ban (4<sup>th</sup> of July Fireworks) / Discussion and appropriate action**

*County Attorney Steve Houston said the statute only deals with bottle rockets and finned rockets. It doesn't allow Commissioners Courts to deal with Black Cats and sparklers, etc. An absolute prohibition is not allowed.*

*Mr. Houston said if Commissioners want to ban everything, the Emergency Management Plan allows the County Judge to issue orders. He believes that in the current dangerous drought situation, the County Judge has all the authority to ban all fireworks. Under the emergency statute, violators could receive up to 180 days in jail and a \$1,000 fine.*

*Judge Beard suggested adopting the traditional fireworks prohibition as well. Unless conditions approve, Judge Beard said she intends to continue to operate under an emergency declaration.*

*Commissioner Killingsworth asked about the length of time on an emergency declaration.*

*Judge Beard said she can make declarations for seven days at a time, but that can be extended by Commissioners.*

*Commissioner Stone made a motion to approve a ban restricting missiles with fins and rockets with sticks. Commissioner Killingsworth seconded the motion, which passed unanimously.*

***C. County Drought / Disaster Declaration / County Judge's request for Commissioners Court to extend***

*Commissioner Stone made a motion approving the Judge's local disaster declaration, which was seconded by Commissioner Killingsworth, and passed unanimously.*

*The declaration will stay in place until it is lifted by Commissioners Court.*

***D. County Judge's (County Emergency Management Director) remarks on recent emergency management activities***

*Judge Beard said that she thinks that Commissioners Court should be very proud of the new fire station and EOC. It has certainly been used a lot over the last month, and Judge Beard is glad that the County undertook the project.*

*After each incident, an After Action Briefing session is held. A briefing was held last week for the Gage-Holland fire. There were 22 responders present. Judge Beard said it was a very positive session, the purpose of which is to learn what can be done better or differently after each event.*

***6. 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***

*Eleven contracts were signed last week, and construction will begin tomorrow on Phase 2. Applications are now being accepted for Phase 3. They are concentrating on the Terlingua Springs area.*

***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 the bacteria test has been returned from the state and the water is acceptable.*

*Construction is complete, and there is a little bit more paperwork to do to finish out the project.*

***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***

***7. Study Butte Water Corporation (previous TDRA grant project) / Issues related to Bee Mountain Storage Tank / Confer with County Attorney***

***A. Executive Session Pursuant to § 551.071, Government Code, VTCA, 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)***

*Judge Beard and Commissioner Killingsworth said there is not enough information to proceed with the executive session at this time. One Study Butte well is down and being "fished." Commissioner Killingsworth confirmed that there are still items on the bottom of one Study Butte Water Corp. Well, so Study Butte's management has not had time to prepare for and provide adequate information about the tank.*

***Reconvene in Open Session***

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

## **8. County Redistricting**

### **A. Update**

*Judge Beard said the meeting will be lengthy, as the budget process will start at the same meeting.*

### **B. Announce next redistricting meeting scheduled for June 13, 2011**

## **9. 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 they are continuing with punch list items. They are working on some things at the South County ERC. Also, a short was discovered in one of the phone lines. It has been repaired, and both lines are working.*

*They are still working on the ESD contract for the South County building. Commissioner Killingsworth said the ESD met, and approved a contribution to the County in the amount of \$600 a month to assist with ERC operations. They are going to prorate it backward to October of last year.*

*She said the emergency generator is powering up daily for 30 minutes. Supt. Causey said it's supposed to only switch on once a week on Tuesday. He will look into the matter.*

### **B. Discussion and appropriate action concerning management and operation of these facilities**

## **10. Recognitions & Upcoming Events**

### **A. Recognize June 8, 2011, as Goat Awareness Day in Brewster County / Discussion and appropriate action**

*Judge Beard said the event will include dogs and chickens this year.*

### **B. Proposed Event for County Employee Recognition / Discussion and appropriate action**

*Judge Beard said the Cowdog hotdog stand will be set up at the Courthouse for employees today.*

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

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

***ATTEST:***

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