

**CALLED MEETING OF THE  
BREWSTER COUNTY COMMISSIONERS COURT  
WEDNESDAY, JULY 6, 2011, AT 9:00 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 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>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. Treasurer***

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

*Treasurer Ofenstein said the health insurance premium is included, as are the San Vicente and Terlingua PILT payments.*

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

*Commissioner Killingsworth abstained from 72026.*

***B. General Administrative Matters / Discussion and appropriate action for work of Treasurer's Office to go forward***

***C. County Policies Regarding Bank Accounts & use of Taxpayer ID# (Commissioners Court approval required) and***

***1. Disbursement and accounting for State & Federal Grant Funds through the County Treasurer's Office***

*Judge Beard said there are long-standing policies in place regarding these issues. In 1998, a policy was adopted stating that no bank accounts will be opened by any County official without the authorization of Commissioners Court; the County Tax ID will also not be used without Commissioners' authorization.*

*A second policy states that all State and Federal grants flow through, and are disbursed by, the Treasurer's Office.*

*Judge Beard said both policies were created to ensure accountability and sound bookkeeping.*

**2. Judge's request to reaffirm both policies / Discussion and appropriate action**

*Commissioner Stone made a motion re-affirming the policies, which was seconded by Commissioner Killingsworth, and passed unanimously.*

*A copy of the policy is attached and incorporated by reference.*

**2. County Health Insurance / Proposed Renewal of Texas Association of Counties Blue Cross/Blue Shield Health Insurance Pool Insurance Plan**

**A. Presentation & Discussion with Paul Martin (Marti & Herring Insurance Associates, L.L.P.) concerning proposed renewal, prescription coverage & options available to County & related matters**

*Mr. Martin explained that TAC sponsors the County's health insurance, and it has worked quite well.*

*Part of the contract allows for prescription drug coverage for retirees. That coverage requires that TAC send a form to the federal government in order to earn credit for helping to defray Medicare costs. This clause causes the rush in establishing current premiums each year.*

*Mr. Martin said that he was expecting a 20 percent increase in the premiums; TAC is only requesting a 10.6 percent increase.*

*The total monthly premium which the County will pay per employee will increase from about \$36,000 to about \$40,000.*

*New federal legislation concerning healthcare allows for "grandfathering" as long as the basic tenets of the plan have been the same in consecutive years.*

*However, if the County wants to change its plan, it can. Mr. Martin outlined some alternatives.*

*If the County stays with TAC, it will receive a rebate of 1/12 of \$8,050 each month.*

*Judge Beard concurred, and said the County has had very good service from TAC with few problems. Commissioner Killingsworth agreed, and said she hopes to be able to continue with the same plan.*

*Judge Beard said the County doesn't provide high salaries, and this is one thing they can do for their employees.*

**B. Discussion and appropriate action concerning renewal of health insurance coverage with TAC or other appropriate action resulting from discussions**

*Commissioner Killingsworth made a motion to continue with the TAC BXBS plan, and to maintain grandfather status. Commissioner Ortega seconded the motion, which passed unanimously.*

**3. Sheriff's Office and County Jail / Transport Van for Jail / Discussion and appropriate action concerning acquiring Van**

*Sheriff Dodson said the van he looked at locally at Dotson's costs \$15,995. The dealer agreed to give \$3,000 on the trade-in. He said he can look for better prices elsewhere if Commissioners wish.*

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

*A copy of the resolution is attached and made a part of these minutes.*

#### **4. Recognitions / Memorial Resolution for Ronnie Pattillo**

*Judge Beard said the County lost a good friend and a member of the County family with the passing of Ronnie Pattillo. She read the resolution for the record.*

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

#### **5. State County Road & Bridge Fee / Discussion and appropriate action to retain fee at current level**

*Judge Beard said the County is at the maximum \$10 fee now.*

*Commissioner Ortega made a motion to retain the \$10 fee, which was seconded by Commissioner Stone, and passed unanimously.*

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

##### **A. Update on easements, scheduling, bid process and other matters related to preparing for and beginning construction**

*Commissioner Killingsworth said all of the easements are signed and filed. They are waiting for TxDOT approval on the plans.*

##### **B. Discussion and appropriate action to go forward with project and begin Construction**

#### **7. Tourism Council / Request for reappointment of Board Members / Discussion and appropriate action**

*Ron Sanders requested reappointment of Tom Williams, Linda Walker, Bette Kelly, Greg Henington and Barbara Trammell.*

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

#### **8. Veterans Service Office**

##### **A. Recognition of significant contributions of Robert Polanco & Petra Tucker and acceptance of resignations with regret**

*Judge Beard said it is with Commissioners Court's sadness that Mr. Polanco and Ms. Tucker are leaving their positions. Both are leaving in good standing with the County, having done an excellent job.*

***B. Personnel / Discussion concerning appointment of Veteran's Service Officer***

***1. Executive Session Pursuant to Section § 551.074, Government Code, VTCA, to discuss the appointment, employment, reassignment, duties, compensation, or dismissal of a public officer or employee***

*At 9:40 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, reassignment, duties, compensation or dismissal of a public officer or employee related to the Veterans Service Office. The courtroom was cleared of all but Commissioners Court.*

***Reconvene in Open Session***

***2. Discussion and appropriate action resulting from executive session & concerning duties of office & filling vacancy. (Note: No appointment to be made at this meeting)***

*At 10:00 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. She asked if there was any action to be taken as a result of the executive session.*

*Commissioner Killingsworth made a motion that, based upon the recommendation from current staff, the two Veterans Service positions be combined into one. The County will begin accepting applications for the position, which will pay \$6,000 annually. The office will be open one day per week. Applications will be accepted until noon July 25, and applicants should be prepared to interview on July 26. Commissioner Stone seconded the motion, which passed unanimously.*

***9. Pending Litigation / Confer with County Attorney***

***Cause No. 2011-06-B0152-CV, Kassandra Mead, VS Mauricio Cordova, Ryan Skelton, Brewster County Sheriff's Department, Brewster County, Val C. Beard, In The District Court of Brewster County, Texas 394<sup>th</sup> 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)***

*At 10:27 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. 2011-06-B0152-CV. The courtroom was cleared of all but Commissioners Court and the County Attorney.*

### ***Reconvene in Open Session***

*At 10:43 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.*

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

#### ***10. 2012 Budget Workshop / General Discussion concerning all aspects of County revenues/expenditures and upcoming financial needs for all county Departments and other entities funded by the County / Scheduling issues related to adoption of Budget and setting Tax Rate, presentations by contracting agencies and nonprofits***

*Judge Beard said that she and the Treasurer started on a first pass of the budget yesterday. As far as tax revenues, if we keep the same rate or close to it, there will be a slight increase in revenues.*

*Treasurer Ofenstein said she is needing some estimates to move forward. Judge Beard told her to get those numbers.*

*One bright light in coming in under 10,000 in the Census is that the County does not have to budget for the position of County Auditor, which saves about \$48,000.*

*The Treasurer and County Clerk are budgeting for an additional \$55,000 for elections next year. There will be some reimbursement from the parties for the primary election to help offset that increase. There may also be HAVA funds; the clerk will check.*

*Commissioners and the Treasurer discussed a lack of clarity about exactly what the cost increase will be as relates to the Voter ID act and the Tax Assessor's office.*

*Judge Beard said she has asked the Treasurer to estimate a two percent COLA increase.*

*Judge Beard said that the current situation with constables is an ongoing issue. At this point, the Precinct 2 Constable is completely non-responsive. The Constables' budgets are going to be significantly reduced. They cannot go below the 1967 rate, which amounts to \$272/year. Commissioner Ortega said maybe the offices should be abolished.*

*Judge Beard said sales tax is holding, so it would be most prudent to estimate a flat rate. TABC license figures are down.*

*Records Management fees are down in the Clerk's Office. Judge Beard said she doesn't think anyone needs to be alarmed, but the figure needs to be watched monthly.*

*Commissioners Court then heard presentations from three contracting agencies and one County affiliated board.*

*Judy Ford, Sunshine House*

*Ms. Ford first thanked Commissioners for their continued support. She explained that our seniors are at risk for going without food. Last year, 2,279 clients were served, both in the dining room and through Meals on Wheels.*

*The major cost at the Sunshine House is food, and that cost is increasing. In the last six months, it increased by \$5,000.*

*Maintenance costs on the building continue to increase as well.*

*Assistance from the federal and state governments will not increase.*

*Ronny Harris, Frontier CASA*

*Mr. Harris explained that CASA advocates for children in foster care. Last year, there were 10 Brewster County children in foster care. Right now, there are nine volunteers in Brewster County, although they don't all serve Brewster County children.*

*There are no foster homes in this area, so the children are placed in homes in El Paso or Odessa. Volunteers are reimbursed for their travel.*

*CASA volunteers are trained in child development and court reporting. They are asked to meet with CPS workers, counselors, teachers, families, etc. The training is 30 hours total.*

*The major of the funding comes from state and federal grants. Private grants are harder and harder to come by.*

*Bethany Brookover, Brewster County Child Welfare Board (County affiliated organization)*

*Mrs. Brookover said in the last year, three new board members were recruiting. Foster care children are provided with clothing vouchers, and birthday vouchers, and emergency child care needs can also be provided for. The Child Welfare Board also distributes school supplies. They are planning a fundraiser next April, which is Child Abuse Prevention Month.*

*Shanna Spence-Sullivan, Children's Advocacy Center of the Big Bend*

*Mrs. Spence-Sullivan said they are asking, again, for \$1,500. They have never asked for an increase. The Center is having issues coming up with cash matches for grant funding. They, too, are having problems finding private funding.*

*The Center provides video interviewing of children who have been abused so that they don't have to physically appear in court.*

## **SUPPLEMENTAL AGENDA**

### **1. County Clerk / Request to acquire indexing software from Records Management Funds / Discussion and appropriate action**

*Judge Beard noted that Berta Rios-Martinez described the software during the last budget workshop.*

*Commissioner Stone made a motion to authorize the purchase, which was seconded by Commissioner Ortega.*

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

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

***ATTEST:***

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