

**CALLED MEETING OF THE
BREWSTER COUNTY COMMISSIONERS COURT
MONDAY, JULY 18, 2011, AT 9:00 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
KATHY KILLINGSWORTH	COMMISSIONER PCT. 2
RUBEN ORTEGA	COMMISSIONER PCT. 3
BERTA RIOS MARTINEZ	COUNTY CLERK
STEVE HOUSTON	COUNTY ATTORNEY
BETTY JO ROONEY	TAX ASSESSOR COLLECTOR
CAROL OFENSTEIN	TREASURER

1. Invocation and Pledge of Allegiance

2. 2011 Redistricting Matters & Public Hearing

NOTE: Maps of Possible new boundaries for Commissioners Court Precincts are posted outside the doors of Commissioners Courtroom, in the Courthouse Annex

A. Public workshop on redistricting of County Commissioner, Justice of the Peace and Constable Precincts, and Election Precincts, including discussion of prior redistricting plans – Greg Hudson, Hudson & O’Leary LLP

Judge Beard first thanked the Citizens Committee for their time and input concerning these proceedings.

Many of the members are at the meeting today, and they encouraged to speak, as are any other members of the public who wish to do so.

Greg Hudson said that he came with a Plan A to the last meeting. It was tweaked, and morphed into Plan B. Today, Mr. Hudson said, what we need to find out is if we’re comfortable with Plan B.

Mr. Hudson reminded the Court and the Public of the criteria which was adopted.

Plan B should not create a lot of voter confusion. Some things have changed, but not many. Plan B looks very much like the current precincts.

B. Public hearing on redistricting plans for County Commissioner, Justice of the Peace and Constable Precincts and Election Precinct

Commissioner Killingsworth discussed lining up the South County precincts with Hwy. 118 and the school districts so that voters aren't split into two different precincts where it would be easiest to keep them together.

Tom Williams asked if, in Study Butte, the Community Center is halved so that it can be used as the polling place for both South County precincts, as had been suggested at the last meeting. Mr. Hudson said it will be incorporated into the final plan.

Commissioner Killingsworth asked about some folks on Mariposa Road. They have to travel about 70 miles to vote in Alpine in Precinct 4. She asked if it would be possible to put them in Precinct 2.

Chachi Hawkins suggested using the southern border of the 02 Ranch as the boundary.

Ray Hendryx asked what the most significant changes are with the Alpine City Limits. The current Precinct map and Plan B were shown together so that those changes could be seen.

A few Census blocks were toggled between Precincts to allow for less deviation.

Commissioner Stone asked to follow the eastern border of his Precinct to make sure it's correct. Some changes were made to follow the Glass Mountains Ridge.

Commissioners and the public took a brief lunch recess.

After the lunch recess, Mr. Hudson presented a proposed Plan C.

Since the polling places aren't changing, Mr. Hudson said he hopes that when he brings Plan C to the next hearing, Commissioners might be in a position to adopt.

Opportunity for public comment was given. Item C will be addressed at the next meeting. This portion of the meeting concluded at 2 p.m.

C. Discussion and action, as necessary, on redistricting matters and to approve redistricting plans for County Commissioner, Justice of the Peace, Constable Precincts, and Election Precincts

RECESS

3. Minutes / additions / corrections / approval

The minutes from the June 27, 2011, and July 6, 2011, meetings were presented for approval.

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

4. Recognitions

A. Recognize Coach Richard Villanueva for significant contributions to Summer Employment for young people in Brewster County

Judge Beard said that Commissioners Court wants to recognize “Coach V” for his work with finding kids summer employment, a number of whom have started in the Courthouse.

Coach Villanueva recognized Richard Milan and Esther Cordova, who work with him, and who were present, and many others who help him around the region.

Several members of Coach Villanueva’s family were present.

He said the first thing he tells the kids is to open a savings account for their paychecks. Many of them help their parents with utility bills and other household bills.

The Coach was presented with a plaque from the Commissioners Court.

B. Recognize Brewster County Historical Commission for favorable mention in THC brochure

Travis Roberts said the State chooses about 10 projects annually for focus in the brochure. Brewster County’s Historical Road Sign project was chosen this year for inclusion. Commissioners commended Mr. Roberts and the Commission.

5. Treasurer

A. General Bills / Discussion and appropriate action

Treasurer Ofenstein said the property insurance premium was paid to TAC, and the van for the jail was purchased. The Sheriff’s Office fuel from June is included in this month’s payments. Donated funds were used to pay the down payment for the new brush truck.

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

Commissioner Ortega abstained from 72139-43.

Treasurer Ofenstein asked for permission to pay Duncan Disposal for the Dump Days, after she visits with the grant administrator.

Commissioner Killingsworth made a motion to authorize payment, which was seconded by Commissioner Stone, and passed unanimously.

Three walk-in bills were presented: first, Remie's Body Shop, \$2,065.21 for an insurance reimbursement on a Sheriff's vehicle; second, a registration fee of \$230 for a Post-Legislation Conference for Commissioner Killingsworth; and third, Hill Country Software Solutions for software for the Justices of the Peace, Precincts 2 and 3, at \$5,500 each.

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

C. Receive Depository Contract Proposals for Terlingua Common School District / Discussion and appropriate action to award depository contract

One proposal was received from West Texas National Bank. Judge Beard suggested that the proposal be given to the Treasurer and Superintendent for review, after which they can make a recommendation to Commissioners.

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

After review, Commissioner Killingsworth made a motion to approve the contract, which was seconded by Commissioner Ortega, and passed unanimously.

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

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 Killingsworth, and passed unanimously.

7. 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, discipline, performance, safety and other general personnel matters); permits for boring or trenching for utilities across County Roads / Discussion and appropriate action

Commissioner Stone said crews have been working on the library site, and on mowing roads around Alpine. They are going to start mowing around Marathon soon.

Supt. Causey said they hauled away trash to the landfill, and swept Covey Lane. They replaced three stop signs at the four-way intersection in Double Diamond. They replaced sign posts at Mountain View on Mosley Loop, and another at Avenue I. Dove Road was seal-coated.

There was a fire at the landfill, and a couple of men went there and helped to build a berm.

They will seal-coat 6th, 7th and 8th Streets today.

B. TxDot Border Colonia Access Paving Grant

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

Mr. Roberts said the Marathon project is complete. All of the easements have been secured for the Study Butte project. They will open the bids and bring them to Commissioners for award.

He would like to open the bids Aug. 2 and bring them to Commissioners Aug. 8.

Commissioner Ortega made a motion approving those dates, which was seconded by Commissioner Killingsworth, and passed unanimously.

Mr. Roberts suggested a meeting in South County to inform the public about what they are doing.

2. Report on bids for pipeline for Study Butte Water Corporation, under Roadway, report on securing alternative funding for a portion of the pipeline construction / Discussion and appropriate action concerning going forward with pipeline construction

Preliminary approval has been given to move funds from the TxDOT paving account for the Terlingua Springs waterline.

A source for the road base has been found right next to the site.

3. Discussion and appropriate action to go forward with paving project and begin construction on paving project

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

8. 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 the Forrest Service is still occupying the EOC. That will generate higher utility bills, although it is worth it to have them here.

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

9. 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

Mr. Santry said that on Friday, he received a notice from the Texas Department of Agriculture concerning reimbursement for ranch fencing. Applications must be postmarked by this Friday.

Also, FEMA has declared that Brewster County is eligible for public assistance grants. Fuel, damaged items, fencing and other things are eligible. The only manpower that is eligible is overtime for full-time employees.

B. County Judge / Report on need to transfer equipment secured by County with Homeland Security funding and placed with other entities, to that entity actually utilizing or holding equipment / Discussion and appropriate action

Judge Beard said there is a pressing need to transfer ownership of equipment which was secured by Homeland Security funding. When those transfers aren't done, the County remains technically responsible equipment over which it has no control. When an inventory is required, the County has to put its people on the job. Mr. Santry noted that there are also issues if the equipment becomes damaged.

This process has already been authorized by Commissioners Court. It needs to get done.

C. Update on acquisition of Brush Truck for AVFD as approved on June 27, 2011 / Discussion and appropriate action

Mr. Santry said the truck has been ordered, and the County has made the 10 percent down payment from the VFD donation fund. The truck is being built.

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

10. IT Department Report and Update / Commissioner Pct. II, IT Committee Chair

A. Update on Off Site Storage of County Electronic data / Discussion and appropriate action

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

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

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

Commissioner Killingsworth said the map book was in the boxes, so those need to be reviewed.

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

F. Discussion and appropriate action for general work of I.T. Department to go forward

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 Killingsworth said Phase 2 has been completed. They are still taking applications for Phase 3, and should have enough soon. A total of 24 septic tanks have been installed so far.

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 tank is finished. They are finalizing some paperwork, and it should be complete soon.

Commissioner Killingsworth congratulated him on a job well done. She said the tank is full of water and is operating.

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

Judge Beard said it looks like Brewster County will be funded for the first year as it is Number 2 in the rankings.

12. Public Comment

No public comment was made.

13. Vacancy in Veteran's Service Office / Update on filling position and schedule for interviews with applicants / Discussion and appropriate action concerning process of filling vacancy / (Note: No action to fill position to be taken today)

Judge Beard said the opening has been advertised in the Avalanche and on the County website, as well as on the radio. Interviews will be conducted July 26. Three applications have been returned so far.

14. Personnel / Constable Pct. 2, Return of County Vehicle, Tobacco Grant Fund & related issues

A. Executive Session Pursuant to § 551.074, Government Code, VTCA, to discuss the appointment, employment, evaluation, reassignment, duties, compensation, or dismissal of a public officer or employee, and 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)

Reconvene in Open Session

B. Discussion and appropriate action resulting from Executive Session concerning Constable Pct. 2

Judge Beard said she did not see a need to go into executive session. She said both vehicles have been returned, and the tobacco grant funds are being address in the County Attorney's office.

15. 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 she hopes to have a version of a balanced budget available at the July 26 meeting.

She needs Commissioners' schedules so that she can begin work on a budget schedule.

Dr. Jimmy Case was present on behalf of the Big Bend Family Crisis Center. Brewster County has allocated funding for the Crisis Center for many years. Dr. Case has been working with the Center for 30 years, and over that time, it has grown significantly. Rev. JoBeth McCloud also joined in the presentation. She emphasized that family violence is a genuine issue in Far West Texas.

The Center provides services in a four-county area. Direct services are provided to families and individuals experiencing family violence. It provides shelter, counseling services, court assistance, etc. The staff has also helped to provide training for hospital and law enforcement staff, and to spread the message to our youth.

The Crisis Center is asking, again, for \$3,000. Next year's budget is around \$880,000, but to continue to provide the services it does, it needs around \$905,000. Over the last year, services have been provided to 513 people.

The Executive Director has announced that she will resign in January. The board has been working on new selection criteria.

Judge Beard said she has a long, positive relationship with the FCCBB.

She said that if there is to be a Center in South County, there needs to be tighter management. There has been a divergence in South County, and the two Commissioners have been left out. She said there needs to be a Center in South County, but Commissioners need to be kept informed and have input about the South County Center. Commissioner Killingsworth concurred.

Judge Beard said she would also like to see a re-development of the close relationship between FCCBB and Texas Rio Grande Legal Aid. She expects that the County will continue its relationship with the Center, as it is important to the community.

16. Reports from Contracting Governmental Entities, including Budgetary requests / Discussion and appropriate action

A. Brewster County Emergency Services District #1

1. Legislative Update

Judge Beard said there is legislature which requires additional training for ESD's. There is going to be one provider in either College Station and Austin, so it will be costly.

2. Budgetary outlook for 2012

As part of the income for the ESD is based on sales tax, Commissioner Killingsworth said tourism has been slow. While it's always slow in the summer, it's especially slow this year.

The ESD is financially sound, however, and 25 percent of its funding is reserved every month for equipment and training, etc.

B. Tri County Juvenile Department

1. Legislative update & impact of legislation consolidating TYC & TJPC / Discussion and appropriate action concerning legislative matter

Chief Juvenile Probation Officer Jerry Castellano said he went to the Post-Legislative Conference earlier this month, after which he was joined by the Treasurer for the Budget Conference.

The Sunset Commission has found that it would be best for the State of Texas that TYC and TJPC be dissolved. Thus, the two were dissolved, and the Texas Juvenile Justice Department was created. This will take effect officially on Dec. 1.

Budget cuts have caused the closing of three significant facilities in the area. The Department will now have to find new ways to keep the kids in the community.

2. 2012 Budget / Outlook & needs

As far as the budget, Mr. Castellano said he understands that there is going to be less to work with. He has already lost some state funding, and he knows that his officers are starting to look for employment elsewhere.

Treasurer Ofenstein said that, before, they were given three or four different grants. Now they will be given one, but the County will decide how it is spent.

C. Brewster County Groundwater Conservation District

1. Legislative update & discussion concerning various legislation which affects water conservation districts / Discussion and appropriate action

Chairwoman Chachi Hawkins said the District continues to be involved in the Fort Stockton Holdings permit application process to the Middle Pecos Groundwater District. The District voted unanimously to deny the permit, following a series of hearings, although that doesn't mean the process is complete; the process will be lengthy.

FSH has the opportunity to ask for another hearing, and that deadline is in about 10 days.

The District is up-to-date on its legal bills, although they are having a hard time putting a number of what it will cost going forward. She said she appreciates the support from Commissioners.

The District has asked the City of Alpine many times for information on their wells. It is hard to determine future conditions without knowing what the largest user in the County is doing. They finally received some information, which is incomplete.

Last week, the City Council voted to rescind earlier, unanimous votes to provide information to and to support the District.

2. 2012 Budget outlook & needs

General Manager Conrad Arriola outlined the 2011 budget. So far this year, the District has spent around \$20,000 in legal fees to participate in the FSH hearings. As of last week, the District has a balance of \$13,000. Assuming there aren't any legal fees larger than about \$5,000, they should be okay for the rest of the year.

Judge Beard said the Kemp Smith Law Firm has been representing the Brewster County GWCD. He is an excellent water lawyer, and he knows that Brewster County cannot afford large legal bills.

She said Commissioners Court will continue to support the District, and Commissioners concurred.

Mr. Arriola said that SB 332 clarified the rule of capture, which was the most significant bill dealt with the Legislature, and reviewed other major water legislature.

He said there are some bills which are conflict, and it may require legal assistance to find out the effect on Brewster County GWCD.

Terrell County now has a Groundwater District.

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