

**REGULAR MEETING OF THE  
BREWSTER COUNTY COMMISSIONERS COURT  
TUESDAY, JULY 26, 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>

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

*The minutes from the July 18, 2011, 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**

*Deputy Treasurer Megan Antrim said a Stonegarden bill for \$80,000 has already been reimbursed by the State.*

*There is one walk-in bill for \$215 from the Tax Office for training.*

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

*Commissioner Killingsworth said a bill paid to Duncan Disposal for a roll-off container is erroneous. There is also one listed for Marathon. Commissioner Killingsworth said it may be for a three-yard dumpster. The only roll-offs that have ever been either place were those associated with a grant.*

*There is one dumpster at the South County ERC, and one at the Post. They are not roll-off containers.*

*Judge Beard said this has been an issue for some time, and needs to be straightened out promptly.*

*Commissioner Killingsworth abstained from 72325; Judge Beard abstained from the KALP bills.*

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

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

***3. 2011 Certified Tax Roll as presented by Tax Assessor Collector / Discussion and appropriate action***

*Tax Assessor Betty Jo Rooney said the total appraised value is \$639,255,114, which is up about \$19 million. She said the total taxable value is \$585,463,738.*

*Ms. Rooney said right now, it looks as though the County will generate about \$34,000 more in levy. That is just an estimate right now. She expects to have an effective tax rate in the next few days.*

*Commissioner Killingsworth made a motion to approve the 2011 Certified Tax Roll, which was seconded by Commissioner Ortega, and passed unanimously.*

***4. Officials' Monthly Reports / Discussion and appropriate action***

*No monthly reports were presented.*

***5. Recognitions***

***A. Memorial Resolution for Commissioner Pct. 4 Matilde "Wacky" Pallanez / Discussion and appropriate action***

*Judge Beard read the resolution into the record; a copy is attached.*

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

***B. Request by Double Diamond Property Owners Association concerning renaming of first portion of Piñon Drive / Discussion and appropriate action***

*Roger Siglin, president of the Double Diamond POA, said that every time they had a conflict or problem at Double Diamond, Wacky was always there to get things figured out.*

*The board members present have proposed that from the entrance to Double Diamond on Pinon Drive at the north gate to the Y be re-named Pallanez Drive.*

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

***C. Recognize 99<sup>th</sup> Birthday of Teda Neill, formerly of Brewster County & founder of Casa Hogar***

*Judge Beard said Ms. Neill was everything a social worker should be. She was aggressive in her care of children, and she hasn't quit.*

*Judge Beard read the resolution into the record; a copy is attached.  
Commissioner Ortega made a motion to adopt the resolution, which was  
seconded by Commissioner Killingsworth, and passed unanimously.*

## **6. 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***

*Supt. Frenchie Causey said crews completed seal-coating on Harriet Street,  
and are preparing seal-coat on Cactus Street. The east end of Fort Davis needed  
some work. They moved around some materials in the Marfa yard because they  
are fixing to receive seven tons of base.*

*They have also performed some vehicle maintenance. Two men working at  
the library finished cleaning the floors and have started on some other work.*

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

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

*Engineer Travis Roberts said the bids will be opened this afternoon at 3  
p.m. So far, there are three bids received from Key, 90 West and Reese  
Albert. They have all had some questions, which have been answered.*

#### **2. Report on work 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**

*The contract for the water system was awarded to Roberts Construction of  
San Angelo.*

*The funding has been cleared by TxDOT.*

*A meeting will be held Aug. 4 at 2 p.m. in Study Butte at the water office to explain the project to citizens.*

***3. Discussion and appropriate action to go forward with paving project, including appropriate action concerning bids and beginning construction on paving project***

*Mr. Roberts said as far as he knows, all of the paperwork is complete on both the Marathon paving and the Study Butte water tank.*

***C. Road & Bridge Matters related to 2012 Budget, including equipment, materials & supplies, facilities & projects / General Discussion / No Action***

*Mr. Causey said he would like to purchase a used Caterpillar padfoot roller for \$115,000. There is a smaller one available for \$80,000. He would prefer the larger one.*

*Judge Beard asked about the need for an additional pick-up. Mr. Causey said it is not a huge priority. He said if they get the roller, the haul trailer is going to be an issue. They will need a new one, and he thinks it will cost around \$10,000. Judge Beard told him to obtain prices as soon as possible.*

*Mr. Causey said he is nearly out of paving rock. They may want to start with seal-coating next year in Terlingua.*

*Commissioner Ortega said he would like the crews to cut the water for lawn and tree irrigation off from the city supply at the Community Center, and get that tied into the County well.*

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

***7. 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***

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

***8. 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; burn bans, 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 he and Judge Beard met with some people from the State Emergency Management and FEMA yesterday. They are going to try and extend the period for reimbursement for covered fires, which had been set by the President. The hope to move it back to December.*

***B. Emergency Management Coordinator's Request to Extend Burn Ban / Discussion and appropriate action***

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

***1. Consideration of appropriate waivers***

*The Balloon Bash has asked for a waiver due to open flames on the hot air balloons.*

*Kenneth Clouse explained that hot air balloons fly in high humidity and low wind speeds. He said they will coordinate with the fire department. The Big Bend Amateur Radio Club will provide emergency communications if necessary.*

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

*Commissioner Killingsworth said there are several people concerned with being able to have the chili cook-off due to open flames. Many people have cancelled hotel reservations because they assume the cook-off is going to be cancelled. The cook-off is a vital part of the annual economy in South Brewster County.*

*Mr. Santry said he thinks it will be okay if the proper precautions are taken.*

*Commissioner Killingsworth said the fire department is always on site. She said she will work with the directors to develop a plan to avoid a catastrophic event.*

*Commissioner Killingsworth made a motion to issue a waiver to the CASI to hold their 45<sup>th</sup> International cook-off the first weekend in November. Guidelines will be in place, and precautions taken. Commissioner Ortega seconded the motion, which passed unanimously.*

*Judge Beard said that at the time the mass gathering is issued, the plan should be reviewed.*

*Commissioner Killingsworth made a motion to apply the waiver to the smaller cook-offs which are held prior to the CASI cook-off. Commissioner Stone seconded the motion, which passed unanimously.*

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

***9. 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 are waiting on the Phase 3 list, but there are plenty of applicants.*

***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***

***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***

***10. 2012 Sheriff's & Constable fees / Discussion and appropriate action***

*Judge Beard said she is asking for the Commissioners' endorsement of a review of the fees. It has been some time since the last review. The fees don't have to be turned into the State until October.*

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

***11. County Employee & Elected Officials / Compensation / 2012 Budget***

***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 for the following Departments***

***County Judge & Courthouse  
County Attorney  
County Treasurer  
County Clerk  
District Clerk  
Justice of the Peace #1, #2, & #3***

***Emergency Management  
Tax Assessor-Collector  
Sheriff  
Constable Pct. #1, #2, & #3  
Road & Bridge Department***

*At 10:08 a.m., Judge Beard announced that Commissioners Court was going into Executive Session pursuant to Section §551.074, Government Code, to discuss employee compensation related to the 2012 budget.. The courtroom was cleared of all but Commissioners Court.*

***Reconvene in Open Session***

***B. Discussion and appropriate action resulting from Executive Session  
(Note: No final action to be taken to set 2012 compensation for employees or elected officials)***

*At 10:58 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.*

*No action was taken.*

***12. 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***

*Chris Ruggia of the Alpine Public Library first thanked Commissioners for their unwavering support.*

*In terms of recent activities, Mr. Ruggia said service statistics are looking very good. Circulation is high. Programming at the library is very popular, especially English/Spanish classes.*

*Interaction between the Alpine and Terlingua libraries is expanding, and that with Marathon continues to do well.*

*Progress on the new building is going well, and Commissioners are briefed frequently on that topic.*

*The library's funding request has increased due to projected utility costs at the new building.*

*Judge Beard asked about providing passport services at the library. Mr. Ruggia said it's a way to diversify income.*

*Judge Beard said the District Clerk's office provides that service, and it seems redundant that the County would provide funding to an agency which duplicates services.*

*Mr. Ruggia said he will take that message to the staff.*

*Judge Beard asked about who will be allowed to use the multi-purpose room at the new library. Mr. Ruggia said non-commercial organizations will be able to use the room, although a policy is not in writing yet.*

*Commissioner Killingsworth asked about programming available to South County residents. Mr. Ruggia said he thinks that the Alpine library provides most of the services in Alpine to South County residents who are transported here at this time.*

*She said in order for the services to be provided in South County, the APL will have to piggy-back on the school library in order to have a facility available.*

*Mr. Ruggia said the library has lost about \$4,500 in direct State funding. While the library will be impacted by that loss, it will not be major.*

## **RECESS**

### **13. Vacancy in Position of County Veterans' Service Officer / Interview Applicants in Executive Session and possible selection of New Veterans' Service Officer (Interviews to begin at 1:15 P.M.)**

*Five candidates were present for interviews. Judge Beard said they would each be interviewed one at a time. Applicants were thanked for their interest.*

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

*At 1:17 p.m, Judge Beard announced that Commissioners Court was going into Executive Session pursuant to Section §551.074, Government Code, to interview and consider applications for the position of Veterans Service Officer. The courtroom was cleared of all but Commissioners Court.*

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

*At 2:54 p.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.*

#### **B. Discussion and appropriate action resulting from Executive Session including filling vacancy or other appropriate action**

*Commissioner Killingsworth made a motion to hire Eduardo Vega for the position of Veterans Service Officer effective Aug. 1, 2011, and also to continue to employ Robert Polanco through August in order to train Mr. Vega.*

*Commissioner Ortega seconded the motion, which passed unanimously.*

***C. Issues related to transition and training in Veterans' Office /  
Discussion and appropriate action***

*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***