

**REGULAR MEETING OF THE
BREWSTER COUNTY COMMISSIONERS COURT
MONDAY, AUGUST 8, 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
JERRY SOTELLO	J.P., PCT. 1
CAROL OFENSTEIN	TREASURER
BERTA RIOS-MARTINEZ	COUNTY CLERK
STEVE HOUSTON	COUNTY ATTORNEY
RONNY DODSON	SHERIFF

1. Invocation and Pledge of Allegiance

Judge Beard led the invocation and Pledge of Allegiance.

2. Minutes / additions / corrections / approval

The minutes from the July 26, 2011, and August 3, 2011, meetings 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

Treasurer Ofenstein said there are several utility bills, and medical insurance premiums.

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

Judge Beard abstained from 72473.

Two walk-in bills were presented. The first was to AT&T for a Sheriff's Office phone for \$70.08; the second was for graphics on a Linebacker vehicle for \$356.34.

Commissioner Killingsworth 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. Quarterly Reports / Discussion and appropriate action

Treasurer Ofenstein reviewed the quarterly reports for each fund. Many of the funds were higher than normal because grant reimbursements are finally caught up.

Judge Beard noted that several funds are statutory and can only be used for a limited number of expenditures.

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

D. County Judge's request for additional monthly agenda items related to budgetary status of departments & financial matters / Discussion and appropriate action

Due to this year's budget review, Judge Beard said some financial issues have arisen that she thinks may be prudent as common agenda items.

Commissioner Killingsworth concurred, and outlined a few items she would like to include for a monthly review. She said the general financial position is really all that is necessary on a monthly basis.

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

4. 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.

5. 2010 Audit / Presentation by Shaw Skinner / Discussion and appropriate action

Mr. Skinner reviewed the 2010 audit for Commissioners. The audit is attached and made a part of these minutes.

Commissioners and Mr. Skinner engaged in general discussion about this audit.

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 seal-coating was completed on Cactus and Fort Davis Streets in Alpine. The water truck is broken, and they are waiting on parts. Crews are going to start on the street in front of the high school in Marathon. At the Marathon Community Center, a bunch of water lines were run, and others at the Justice Center and the Library. The lines are capped for now. The lines will be hooked up to the County well and will reduce the cost of watering the town square grounds. They received about 4,800 tons of road materials from TxDOT.

Commissioner Ortega made a motion authorizing a letter of thanks to TxDOT, which was seconded by Commissioner Killingsworth, and passed unanimously.

Mr. Causey reviewed the bid specs for the sheeps foot roller and haul trailer. The trailer is less than \$50,000. Judge Beard said she has the bid advertising ready to go.

In the next couple of weeks, the Cathedral Mountain road will need to be bladed due to good rain, and they plan to start some work in South County.

B. TxDot Border Colonia Access Paving Grant

1. Update on any remaining legal issues, scheduling, bid process and Award of pending bids, construction issues and other matters related to preparing for and beginning construction

Engineer Travis Roberts said bids for the Study Butte project were opened last Tuesday for paving on Terlingua Springs Road between Hwy. 118 and Rex Ivey.

Three bids were received from Jarratt Dirt Work, Reece Albert and 90 West Contractors. The bids were all too high, over \$600,000. Only \$482,769 is available.

Mr. Roberts worked with TxDOT to re-work the bids and deduct unnecessary items to bring the total down.

At that, 90 West Contractors is the lowest responsible bidder, and they can begin Nov. 1. Mr. Roberts recommended approving the bid.

Commissioner Killingsworth made a motion to award a construction contract to 90 West Contractors for \$482,769 for the Brewster County Road Paving Project Border Colonia Access program in Study Butte. The project number is #MO220002. The proposed street improvements are located in

Study Butte at Terlingua Springs Road from Hwy. 170 north to Rex Ivey Road east, then south, then east, connecting to Hwy. 118, subject to approval from TxDOT. Commissioner Ortega seconded the motion, which passed unanimously.

2. Report on work for pipeline for Study Butte Water Corporation, under roadway / Discussion and appropriate action concerning going forward with pipeline construction

Mr. Roberts said there was a pre-construction meeting last Thursday in Study Butte. Things are moving forward, and work should begin tomorrow. Commissioners told Mr. Roberts they appreciate his work on the project.

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

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

7. Sheriff's Department and Jail

A. Request to purchase new vehicle from 2010 Linebacker 2010-DD-BX-0484 grant funds / Discussion and appropriate action

Sheriff Dodson said this vehicle was already budgeted for in the grant. He said the vehicle is a Chevy Camero intercept vehicle. The Dodge Charger will be taken out of service, so the insurance premium shouldn't change.

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

B. Request to accept donated Water Sprayer from West of the Pecos Cattlewomen / Discussion and appropriate action

Commissioner Killingsworth made a motion to accept the donation, which was seconded by Commissioner Stone, and passed unanimously. The West of the Pecos Cattlewomen will be thanked by Commissioners Court.

C. Update on issues related to jail occupancy & federal prisoners / Discussion and appropriate action

Judge Beard asked if there has been improvement in the situation since the last meeting.

Sheriff Dodson said they began transporting the next morning, and the jail has control over where the prisoners are going. A lot of bed space has been

opened up for federal prisoners. Two additional jailers were be trained for transport.

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 that Texas Forest Service is still occupying the EOC. Commissioner Killingsworth said they got enough rain in South County to learn that there is a leak in the roof of the bay area of the ERC. They will check into it.

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; 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 there has been a minimal amount of fires. There was an 1,800-acre fire north of town. The burn ban is working well.

B. Report on First Responders Meeting held on August 4, 2011 in Marfa

Mr. Santry said the Rio Grande COG presented four proposals on how to split up the Homeland Security grant funds. This year, Brewster County will receive \$63,926, which is significantly lower than in years past.

The pool of money was much smaller, but El Paso interests took a large portion of what was available.

C. Transfer of Homeland Security equipment to other agencies having custody of the equipment / Discussion and appropriate action to go forward with transfer

Mr. Santry explained that the County is the manager for acquiring equipment for all County and City agencies.

The County has retained title to the equipment but the agencies use it. This causes problems with maintenance costs, liability, insurance and inspection.

Mr. Santry is working with the Treasurer's Office to get formal ownership transferred to the entity which is actually using the equipment.

D. ISO Report / Review & Discussion

Mr. Santry said the ISO inspected City of Alpine equipment and facilities last February. Since 1987, the City has had a rating of 6. Following the February inspection, the City got a rating of 4.

Judge Beard said the process originated in the Emergency Management Office, and the lion's share of the work was done by Mr. Santry, and he deserves thanks.

E. Burn Ban / Waivers for Events

1. Additional Chili Cook-off Sites / Discussion and appropriate action

Commissioner Killingsworth made a motion to make an exception to the burn ban for the cook-off Behind the Store, which was seconded by Commissioner Ortega, and passed unanimously.

2. Ranch Rodeo Chuck Wagon Cook-off / Discussion and appropriate action

Commissioner Ortega made a motion to exempt the Ranch Rodeo cook-off, which was seconded by Commissioner Killingsworth, and passed unanimously.

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

10. 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 the list of applicants for Phase 3 is not ready yet. They are working on it.

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 he believes all of the paperwork is complete. He was thanked for his work.

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

Mr. Roberts said Jerry Carvajal said last week that Brewster County has received a high rating, and he expects funding in December.

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

IT Director Leo Ofenstein said there haven't been many changes since the last report. They are in the process of networking Hill Country Software between the Sheriff's Office and the jail. The courthouse, the Sheriff's Office and the jail are now working on a single network, along with the facilities in Marathon and South County.

Jim Stateczny of HCSS said the software will be tied in with CopSync and all of the data will be tied in with the agencies so that things can be streamlined.

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

Judge Beard said she would like to have a workshop, but not until after redistricting is complete. However, Commissioner Killingsworth asked Mr. Ofenstein to make sure Hovey Road is on the map.

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

12. Request for authorization to solicit proposals to supply County with fuel (gasoline, diesel & propane) / Discussion and appropriate action

Judge Beard said that when this has been attempted in the past, none of the local distributors have submitted proposals. However, it's a good idea to show a competitive effort, so a request for proposals has been created.

Commissioner Ortega made a motion approving authorization, which was seconded by Commissioner Killingsworth, and passed unanimously. Judge Beard will run the proposal, to be opened Aug. 29.

13. County Employee & Elected Officials / Compensation / 2012 Budget & General Management

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

At 10:58 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.

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

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

Reconvene in Open Session

At 11:35 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.

***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)***

14. Set Proposed Elected Official Salaries / Discussion and appropriate action

Note: This is not final action to set salaries

Judge Beard said the salaries reflect a 1.5% COLA increase only.

The Constables' salaries in Precincts 2 and 3 have been reduced to the lowest level possible due to issues with certification. They have been lowered to \$350/year.

Judge Beard emphasized that the salaries, if they are adopted, will be reflected in the proposed budget.

Commissioner Ortega made a motion to propose the salaries as set out in the proposed notice, which was seconded by Commissioner Killingsworth, and passed unanimously.

A copy of the proposed salaries is attached and made a part of these minutes.

Commissioners recessed at 11:40 a.m. for lunch, and will return at 1 p.m.

***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***

Commissioners began the workshop by going line by line through revenue and expenditures.

Judge Beard has asked for harder numbers from ES&S for programming, and for election workers. Also, we are going to have to be more aggressive with tax collections. The District Clerk's office needs to take a more active role in tax suits.

Judge Beard noted that some officials' home phone services were being paid for by the County because they didn't have an office. Now that they do, we need to make sure those services are no longer being paid for by the County.

After some research, County Clerk Berta Rios Martinez determined that the total cost for the Primary and General Elections would be about \$16,000. We also pay for two meals per worker on Election Day, and Commissioners concurred that a flat rate for meals needs to be determined. The Democrat and Republican parties reimburse a portion of those costs.

16. Propose Tax Rate & Set Dates for Hearing & Date of Vote to set rate / Discussion and appropriate action

Tax Assessor Betty Jo Rooney proposed a tax rate of .339821, which is a seven percent increase over the effective rate, and will generate a tax levy of \$1,998,655. The rate would increase the taxes on a house valued at \$100,000 by \$16.46.

Commissioner Killingsworth said that she thinks it's a reasonable rate considering the conditions we are operating under.

Commissioner Killingsworth made a motion to propose a total tax rate of .339281. The M&O rate is .3040 and the I&S rate is .0358.

Commissioner Ortega seconded the motion.

Commissioners Cookie Stone, Kathy Killingsworth, Ruben Ortega and Judge Val beard voted for the proposed tax rate.

Legal notices concerning the tax rate will begin running this week.

If possible, the budget will be adopted Aug. 29, and the first hearing for the tax rate will be held. The fall-back date is Aug. 30.

The second tax hearing will be held Sept. 6. Adoption of the tax rate is scheduled for Sept. 12.

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

17. Congressional Workshop / General Discussion concerning federal issues which impact Brewster County and other federal issues / Discussion with Congressman Canseco & Staff

Rep. Canseco thanked Commissioners for having him. He said Brewster County is a great part of Texas, and he hopes to be here as often as possible.

He addressed issues such as FEMA's reimbursements to those affected by recent wildfires, budget crisis at the local, state and federal levels, the recent debt ceiling debate, the private sector and small business, and job creation.

Judge Beard notified that federal lands and Payments in Lieu of Texas are crucial to Brewster County. She said she would like the Congressman to keep in mind that while BBNP is a huge asset, it comes with huge costs.

Commissioner Killingsworth noted the losses to the South County school districts from lost tax revenues for federal land. She thinks correcting the issue will require special legislation.

Judge Beard said they're not asking for more, just wants due.

Judge Beard said there is a perception that Brewster County is not safe due to border security. This is affecting tourism, especially in South County.

Rep. Canseco said the Border Patrol has been tripled, and that they, the Border Sheriff's and the DPS work well together. He said there has also been stepped up cooperation from the FBI. The Congressman said he is working with Sheriff Dodson to increase his jurisdiction into the Park.

Judge Beard expressed frustration with the volume of paperwork that are attached to any federal aid. Rep. Canseco said the heart of the matter is an unfathomable amount of rules and regulations.

Judge Beard explained that the County has just gone through the process of renewing its employee health insurance. Long-term, the Health Care Reform issue is scary because an employer can't operate without knowing the regulations or how things are going to end up. Rep. Canseco said the issue is not right for anybody in this Country, and he is fighting against it.

The Congressman asked about water issues. Judge Beard said there continues to be issues with water marketers who want to export water out of the area. The lack of rain exponentially increases the problem.

Rep. Canseco said he thinks this can be solved by the State legislature.

The Congressman said he wants Commissioners Court to use him like any other resource. He said he is the County's corner.

Travis Roberts, a civil engineer, said the uncertainty of what's coming down from the EPA is disconcerting. He also said there is a seminar on Texas water law next month that will review everything that happened with the Water Code this last session.

County Attorney Steve Houston said he thinks Congress needs to look hard at some Wall Street regulations.

SUPPLEMENTAL AGENDA

1. Recognitions

Commissioner Stone made a motion to approve sending a get well card to DPS Corporal Rene Ybarra, who was injured in the line of duty. Commissioner Killingsworth seconded the motion, which passed unanimously.

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

VAL CLARK BEARD, COUNTY JUDGE

ATTEST:

BERTA RIOS MARTINEZ, COUNTY CLERK