

**REGULAR MEETING OF THE  
BREWSTER COUNTY COMMISSIONERS COURT  
TUESDAY, AUGUST 23, 2011, AT 10:00 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>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>RONNY DODSON</b>	<b>SHERIFF</b>

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

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

*The minutes from the August 8, 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 explained that she is looking into two Duncan Disposal bills to find out what fund they should be paid from. Judge Beard said the amounts seem astoundingly high.*

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

*Commissioner Ortega abstained from 72759, and Judge Beard abstained from 72683.*

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

*Ms. Antrim said there are some library bills. As soon as the County pays the bills, they will invoice the library. She said the library always pays quickly.*

***C. Request for formal Resolution regarding participation in the Texas Class Fund / Discussion and appropriate action***

*Commissioner Ortega made a motion to approve the resolution, which was seconded by Commissioner Stone, 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***

*Ms. Antrim said the AT&T service for the microwave tower has been cancelled. The August bill is still due. Judge Beard said she thinks the County Attorney should check into the matter to see if reimbursement is possible as the equipment has not been in place for some time.*

***3. 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 Stone, and passed unanimously.*

***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, 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 we finally got enough rain to blade some roads, including Cathedral Mountain Road, Woodward Ranch Road, Sunny Glenn and Iron Mountain Road. The first street has been completed in Marathon and a second started. They hauled 10 loads of base to Hovey and built a turn-around and a bus stop. After several complaints about South County Road, crews went down and bladed it. Mr. Causey said it was very dry.*

*Crews have also been doing some mechanic work, and continue to haul material to Marathon.*

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

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

*Engineer Travis Roberts said he believes they are still waiting on funds to pay the contractor, but other than that, the project is complete.*

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

*The utility contract on the waterline is probably going to be complete this week. It needs to be pressure tested. The project is ahead of schedule. A pre-construction conference will be held soon.*

**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**

**5. Corrective Delayed Plats / Jackrabbit Flats & 163 Rossi Road & vicinity West of Alpine**

**A. Update on status of both plats**

*County Attorney Steve Houston said corrections are being made to satisfy the Attorney General's office. They started out wanting the division platted and presented to Commissioners Court. Later correspondence has indicated that some other things need to be done.*

*Travis Roberts, engineer, said he has taken the surveys and put the various tracts together. He has signed off on them as an engineer. He also has been through the sub-division regulations to make sure the regulations are met. No executive session was called.*

**B. 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),**

**Reconvene in Open Session**

***C. Discussion and appropriate action to conclude corrective action regarding the above two plats***

*Commissioner Stone made a motion to approve both plats as presented by Mr. Roberts. Commissioner Ortega seconded the motion, which passed unanimously.*

***6. Sheriff's Department and Jail***

***A. Disposition of Two Constable's Vehicles / Proposal that these vehicles be disposed of in trade for newer vehicles / Discussion and appropriate action***

*Chief Deputy Ryan Skelton said the Sheriff would like to transfer ownership of the vehicles to the Sheriff's Office to use for trade-ins.*

*Commissioner Ortega suggested auctioning them instead as he thinks they will bring more money that way.*

*Commissioner Ortega made a motion to transfer the vehicles to the Sheriff for auction, which was seconded by Commissioner Stone, and passed unanimously.*

***B. Request to acquire ¾ Ton Pickup from Asset Forfeiture Fund / Discussion and appropriate action***

*Sheriff Dodson said he was hoping to trade in the vehicles from Item A toward the purchase.*

*Commissioners concurred that the Sheriff can use the money from the auction toward the vehicle.*

*Commissioner Ortega made a motion to authorize the purchase using money from the auction and the asset forfeiture fund. Commissioner Stone seconded the motion, which passed unanimously.*

***C. Resolution approving Border Star JAG application / Discussion and appropriate action***

*Deputy Skelton said the grant helps to keep a deputy in Southeast County, and to pay an administrator.*

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

***7. Texas Historical Commission Historic Courthouse Preservation Program / Discussion concerning limited funding available and if an application for this round of the program is feasible (No action)***

*Travis Roberts said the Legislature approved \$20 million, and it won't go very far. A request for applications has been made. Mr. Roberts said that as long as the annex is there, the County won't ever qualify. Mr. Roberts presented a map of the Courthouse square which illustrates that the annex takes up most of the space on the square. It is not practical to demolish this. However, he said, it's a decision that needs to be made by Commissioners.*

*Judge Beard said she thinks it would be silly to ask Mr. Roberts to proceed with a hopeless quest. It would be better if the County builds up its own funds and does its own project later.*

*Mr. Roberts said he will write a letter to THC indicating that the County will forego the application this time.*

**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***
- 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***

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

*Judge Beard said Mr. Santry is absent today; however, at a meeting last Friday, the COG chose to change the Homeland Security funding back to a 50/50 split. Many expressed concerns with how the First Responders Committee operates, and she thinks there will be some changes.*

**10. 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**

**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 that as far as he knows, all the paperwork is complete. However, at some point, the paperwork to get the assets transferred from the County to the Water Corp. needs to be completed.*

**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, at this point, he has only heard that Brewster County got a high score, and will probably be funded.*

**11. Pending Litigation / Confer with County Attorney concerning**

***Judgment in favor of Brewster County entered on August 2, 2011, and other related matters in Cause No. 2007-03-B8551-CV, Michael J. McCulloch, Kathleen and Alice McCullum, Individually and d/b/a/ Osoba Ranch Company VS Brewster County, Texas, In The District Court of Brewster County, Texas 394<sup>th</sup> Judicial District / (Mills Road Case), and***

***Cause No. 2010-04-B8988-CV, Pasqual Q. Olibas, Individually and d/b/a Freedom Bail Bonds, Plaintiff VS. Ronny Dodson, as Sheriff of Brewster County, Texas, Defendant, 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), and Pursuant to Section §551.072, Government Code, VTCA, Deliberation regarding real property (Mills Road Case)***

*At 10:28 a.m., Judge Beard announced that Commissioners Court was going into Executive Session pursuant to Section §551.07, Government Code, to discuss pending litigation related to the Mills Road case and Pascual Olibas vs. Ronny Dodson. The courtroom was cleared of all but Commissioners Court and the County Attorney.*

***Reconvene in Open Session***

***B. Discussion and appropriate action resulting from Executive Session in regard to either of these pending cases***

*At 11:40 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.*

*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***