

**CALLED MEETING OF THE
BREWSTER COUNTY COMMISSIONERS COURT
TUESDAY, SEPTEMBER 6, 2011, AT 10:00 A.M.**

Judge Beard called the 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
BERTA RIOS-MARTINEZ	COUNTY CLERK
STEVE HOUSTON	COUNTY ATTORNEY
RONNY DODSON	SHERIFF

To Discuss and Take Action as Appropriate

**2ND PUBLIC HEARING REGARDING
TAX RATE AND RELATED MATTERS**

1. Public Hearing regarding the Proposed 2011 Tax Rate

<i>Maintenance & Operation</i>	<i>.3040</i>
<i>Interest & Sinking</i>	<i>.0358</i>
<i>Total Rate Proposed</i>	<i>.3398</i>

a. Opportunity for Public Comment

No public comment was made.

*b. Discussion among Members of Commissioners Court
and Commissioners Court and Public*

*2. Announce date and time to vote on & set Tax Rate (Monday,
September 12, 2011, at 10:00 A.M.)*

*Judge Beard announced the time and date, which will be held during the
next regular meeting.*

Any member of the Public may attend and comment at this Hearing. For more detail concerning the County's Proposed 2012 Expenditures, the County's 2012 Budget is on file in the Brewster County Clerk's Office.

GENERAL AGENDA

To discuss and take action as appropriate on the following:

1. Minutes / additions / corrections / approval

The minutes from the Aug. 29, 2011, and Aug. 30, 2011, meetings 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

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

Commissioner Killingsworth abstained from 72887.

Treasurer Ofenstein presented two walk-in bills, the first for \$98 for a printer cartridge for her printer, and the second for \$65 to Nectar Computers.

Commissioner Killingsworth made a motion to approve the walk-in bills, which was seconded by Commissioner Ortega, and passed unanimously.

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

3. Commissioner, Pct. 3, Waiver for Burn Ban for September 17th West Fest Cookoff / Discussion and appropriate action

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

4. 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

Grant Administrator Jerry Carvajal said 24 septic tanks had been completed as of July 7. He said there are seven applicants for Phase 2 at this time. Commissioner Killingsworth said she has some additional applications and would like to go ahead and approve some of them at the next meeting as the December deadline is approaching.

Judge Beard said she feels like we are asking for a lot of extensions, and would like to get out of that pattern.

Mr. Carvajal said he is waiting on some signatures from TDRA to finish out Phase 1.

Commissioner Killingsworth asked if, in the future, it will take about 30-60 days to get final completion clearance from the state. Mr. Carvajal said it will.

Judge Beard suggested a workshop for everybody to go over the process so that it moves more quickly.

2. General and administrative matters related to going forward with program including approval of additional applicants, bids & proposals, payments to contractors and professionals & 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. Carvajal said the completion paperwork, including payment for the engineer, has been submitted to TDRA. A final inspection of the tank is expected today. When that is done, the engineer will submit completion documents to Mr. Carvajal, and those will be processed by the State.

Commissioner Killingsworth and Judge Beard talked about the long wait for small businesses to be paid by the state. If there is a way to speed up the process, it needs to be done.

Documentation for transfer of ownership needs to be completed quickly and efficiently as well.

2. Discussion and appropriate action to go forward with grant program & close out project

C. Upcoming 2011 / 2012 Texas Department of Rural Affairs Grant Program / Discussion and appropriate action to go forward with grant Process (R.O. facility of Study Butte Water Corp.)

5. TxDot Border Colonia Access Paving Grant

- A. Update on any remaining legal issues, construction issues and other matters related to preparing for and beginning last phases of construction in Terlingua Springs and vicinity*
- B. Report on completing pipeline for Study Butte Water Corporation, under roadway / Discussion and appropriate action concerning completing pipeline construction*
- C. Report on payments to contractors and professionals / Discussion and appropriate action concerning payment for both Marathon & Study Butte portions of project*
- D. Discussion and appropriate action to go forward with Terlingua Springs, paving project, including appropriate action to begin construction*

6. Timeliness and Deadlines related to Grant Projects / General Discussion

These items were discussed in Item 4.

7. Personnel / Constable Pct. 2, Tobacco Fund Grant & related issues / Confer with County Attorney

- 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)*

At 10:18 a.m., Judge Beard announced that Commissioners Court was going into Executive Session pursuant to Section §551.074 and §551.071 , Government Code, to discuss the appointment, employment, evaluation, reassignment, duties, compensation, or dismissal of a public officer or employee, and to consult with the County Attorney. The courtroom was cleared of all but Commissioners Court, the County Attorney and the Texas Ranger investigating the matter.

Reconvene in Open Session

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

At 10:35 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 and §551.071 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 to request full restitution of \$4,000 to be paid to the County by the Constable, Pct. 2 to reimburse the County for refunding the money from the tobacco grant to the Comptroller's Office. Commissioner Ortega seconded the motion, which passed unanimously.

8. Elected Officials & County Department Management Review / Evaluation / Personnel Sessions with Commissioners Court

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	County Attorney
County Treasurer	Tax Assessor-Collector
County Clerk	Sheriff & Jail
District Clerk	Justice of the Peace #1
Commissioners & Road Bridge	IT

At 10:37 a.m., Judge Beard announced that Commissioners Court was going into Executive Session pursuant to Section §551.07, Government Code, to discuss the appointment, employment, evaluation, reassignment, duties, compensation, or dismissal of a public officer or employee. The courtroom was cleared of all but Commissioners Court.

Commissioners then met individually with the Justice of the Peace, Pct. 1, the Tax Assessor Collector, and the Sheriff.

Reconvene in Open Session

B. Discussion and appropriate action resulting from Executive Session

At 11:37 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.

Commissioner Killingsworth 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