

**REGULAR MEETING OF THE  
BREWSTER COUNTY COMMISSIONERS COURT  
MONDAY, SEPTEMBER 12, 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>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>STEVE HOUSTON</b>	<b>COUNTY ATTORNEY</b>
<b>BETTY JO ROONEY</b>	<b>TAX ASSESSOR COLLECTOR</b>

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

**1. Invocation & Pledge of Allegiance**

*Judge Beard led the invocation and Pledge of Allegiance.*

**2. Minutes / additions / corrections / approval**

*The minutes from the Sept. 6, 2011, meeting were presented for approval. Commissioner Ortega made a motion to approve the minutes, which was seconded by Commissioner Stone, and passed unanimously.*

**3. Discussion and Action to Adopt the Proposed 2011 Tax Rate as set out below:**

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

*Commissioner Killingsworth made a motion to adopt the 2011 Maintenance & Operation tax rate at .3040. Commissioner Ortega seconded the motion. Commissioners Killingsworth, Stone and Ortega, and Judge Beard, voted in favor of the motion.*

*Commissioner Killingsworth made a motion to adopt the 2011 Interest & Sinking tax rate at .0358. Commissioner Ortega seconded the motion. Commissioners Killingsworth, Stone and Ortega, and Judge Beard, voted in favor of the motion.*

*The 2011 total tax rate will be .3398.*

**4. Treasurer**

***A. General Bills / Discussion and appropriate action***

*Deputy Treasurer Megan Antrim noted that the bills are a little higher than normal due to the insurance premium.*

*She presented two walk-in bills, one for Berta Martinez for travel for \$1,111.88 for training in Dallas, and another for Kathy Moreno for travel for \$210 for the same conference.*

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

*Commissioner Stone abstained from 72972.*

***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***

*Ms. Antrim noted that open enrollment for insurance is this month, and all employees have been given packets.*

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

*Commissioner Stone read the monthly reports for the record.*

*Commissioner Stone made a motion to approve the reports, 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 road materials are still being hauled to Marathon. They are working on Albert and 6<sup>th</sup> Streets. In South County, Rancho de Manana was bladed. Crews cleaned up around the Community Center where*

*ditches were dug. The city water was disconnected at the Marathon Community Square, as requested by Commissioner Ortega.*

*Mr. Causey said he expects to receive the new sheep's foot roller this week. Ms. Antrim said the paperwork for the financing has been started, and the Treasurer should have it finished this week.*

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

- 1. 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***
- 2. Report on completing pipeline for Study Butte Water Corporation, under roadway / Discussion and appropriate action concerning completing pipeline construction***

*The waterline project is complete. The tests on the pipe to the well are finished and were good.*

- 3. Report on payments to contractors and professionals / Discussion and appropriate action concerning payment for both Marathon & Study Butte portions of project***

*Grant Administrator Jerry Carvajal said the funds came in last week to pay the contractor. TDRA is still reviewing the bid tabulations.*

- 4. Discussion and appropriate action to go forward with Terlingua Springs, paving project, including appropriate action to begin construction***

***C. Road & Bridge Planning Workshop content and scheduling / Discussion and appropriate action***

*Judge Beard suggested having the workshop at the next regular meeting on Sept. 27. The meeting will begin at 9 a.m.*

***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***

*None of the Commissioners had anything new to report.*

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

***8. Court of Appeals Eighth District of Texas / Legislation establishing a new fee for appeals under Chapter 22 of the Texas Government Code / Discussion and appropriate action***

*Judge Beard explained that the legislation creates a \$5 appellate fee on each civil suit filed in District, County and Probate courts. It will be paid to the Eighth Court of Appeals on a quarterly basis.*

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

***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***

*Judge Beard said that EMC Tom Santry is unavailable as he is on a conference call with FEMA concerning payment and the emergency nature of putting antennae on the roof of the EOC.*

*Once out of the conference call, Mr. Santry reported that the County will probably only receive about \$16,000 in reimbursement from FEMA for the Roper fire earlier this year. He said the process has been highly redundant and frustrating.*

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

***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**

*Mr. Carvajal requested approval of 11 applicants for Phase 3. Commissioner Killingsworth made a motion to approve the request, which was seconded by Commissioner Ortega, and passed unanimously.*

### **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**

*Mr. Carvajal said he hopes to have bids at the next meeting so they can get to work. The contract expires Nov. 20, and an extension will most likely be requested at the end of September or early October.*

### **B. 2009/2010 Texas Department of Rural Affairs Community Grant Program (Study Butte Water Tank Project)**

#### **1. Update on Project**

*Mr. Carvajal said a payment was made to Brewster County on Aug. 25, but the County has not received the payment. Ms. Antrim said she is working on the issue. As soon as the payment is found, the contractors will be paid.*

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

*Mr. Carvajal presented a resolution transferring ownership of the tank to the Study Butte Water Corp.*

*Commissioner Killingsworth made a motion to approve the resolution of the transfer of the Bee Mountain water tank ownership from Brewster County to the SBWC. Commissioner Ortega seconded the motion, which passed unanimously.*

### **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.)**

*Mr. Carvajal said the County had applied for funding for a reverse osmosis plant for the SBWC. The County has been notified that it will receive the funding. After a site visit, a contract will be forthcoming. Mr. Carvajal is unsure when the site visit will take place.*

## **11. 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 she would like a printed road map to look at. It needs to be filed and posted.*

***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. Public Comment***

*No public comment was made.*

## ***13. 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:***

*At 10:31 a.m., Judge Beard announced that Commissioners Court was going into Executive Session pursuant to Section §551.074, 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 Tax Assessor Collector.*

***County Judge***

***County Treasurer***

***County Clerk***

***District Clerk***

***Commissioners & Road Bridge***

***County Attorney***

***Tax Assessor-Collector***

***Sheriff & Jail***

***Justice of the Peace #1, #2, #3***

***IT***

***Reconvene in Open Session***

***B. Discussion and appropriate action resulting from Executive Session***

*At 10:55 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.*

***14. Courthouse Maintenance / Update / Discussion and appropriate action to complete required fourth quarter Courthouse Maintenance***

*Judge Beard said that work is ongoing on some plumbing and other work in the upstairs men's restroom. Also, the carpet and duct work is being cleaned in the Treasurer's Office.*

***SUPPLEMENTAL AGENDA***

***1. Pending Litigation / Confer with Counsel***

***Civil Action No. P-11CV-094, Pascual Q. Olibas and Cheryl Olibas, Individually and D/B/A Freedom Bail Bonds, Plaintiff V. Ronny Dodson, As Sheriff of Brewster County, Texas and Brewster County, Texas Defendant, In the United States District Court, Western District of Texas***

***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)***

*At 10:58 a.m., Judge Beard announced that Commissioners Court was going into Executive Session pursuant to Section §551.071, Government Code, to consult with the County Attorney on Civil Action No. P-11CV-094, Pascual Q. Olibas and Cheryl Olibas, Individually and D/B/A Freedom Bail Bonds, Plaintiff V. Ronny Dodson, As Sheriff of Brewster County, Texas and Brewster County, Texas Defendant. 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***

*At 11:28 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***