

**REGULAR MEETING OF THE
BREWSTER COUNTY COMMISSIONERS COURT
MONDAY, OCTOBER 10, 2011, AT 10:00 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
STEVE HOUSTON	COUNTY ATTORNEY
RONNY DODSON	SHERIFF
BETTY JO ROONEY	TAX ASSESSOR

1. Invocation and Pledge of Allegiance

Judge Beard led the invocation and Pledge of Allegiance.

2. Minutes / additions / corrections / approval

The minutes from the Sept. 27, 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. Treasurer

A. General Bills / Discussion and appropriate action

Treasurer Ofenstein noted that \$11,000 was received from the Fire Management Assistance Grant. The funds were distributed between area fire departments. She said there is a bill from BBRMC to the jail for a prisoner in need of medical attention. The prisoner, who has since been released, was not an American citizen. He was picked up on a warrant out of Missouri. Mrs. Ofenstein has asked the County Attorney to review the matter. Also, \$11,000 was paid out of Vehicle Seizures for a new vehicle for the Sheriff's Office.

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

Commissioner Stone abstained from 73437; Commissioner Killingsworth abstained from 73550 and 73510; and Judge Beard abstained from any KALP bills.

Treasurer Ofenstein presented one walk-in bill from Cedar Mountain Ranch for a set of storage bay doors for the Marathon Community Center for \$2,500.

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

B. Infrastructure Projects Bills / Discussion and appropriate action

There were no infrastructure project bills presented for approval.

C. Quarterly & Monthly Financial Reports / Discussion and appropriate action

Treasurer Ofenstein reviewed the quarterly reports with Commissioners.

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

Treasurer Ofenstein then reviewed the monthly reports with Commissioners.

Commissioner Killingsworth said she appreciated the Treasurer's work on the reports, which were recently requested by Commissioners Court.

It was noted that no overtime payments were made out of some of the law enforcement grants because none of the deputies worked on those grants in that pay period.

Road & Bridge Supt. Frenchie Causey noted a change in the landfill disposal rates. Instead of being charged by weight, a truckload is charged by the yard, which is much more expensive. This resulted in additional costs for the last "Dump Day" in Marathon.

D. Texas Association of Counties Insurance Pool / Liability & Casualty and Workers Compensation Coverage

1. Evaluation of TAC Pool Program / Discussion

Judge Beard explained that this is an insurance pool program that is absolutely tailored for Counties by TAC.

Treasurer Ofenstein said she has been very happy with the TAC pool. The County has a good relationship with them, and they are very much on top of any claims or changes.

As long as Brewster County participates in this pool, insurance coverage does not have to be bid upon.

Judge Beard noted that TAC was responsive regarding litigation coverage.

2. Discussion and appropriate action regarding continued participation in pool and renewal of liability & casualty coverage through pool

Commissioner Stone made a motion to authorize renewing coverage in the TAC pool, which was seconded by Commissioner Ortega, and passed unanimously.

E. General Personnel Policies

1. Announce initiative to update policies

Judge Beard explained that there are some very outdated policies. They have started with a sample from TAC. Once they believe the format is acceptable, it will be forwarded to Commissioners and Department Heads. If they have any concerns, please let the Treasurer's Office know.

2. Current issues concerning advances for travel and training for county officials and employees

a. Review of current policy & practice

Judge Beard explained that cash advances are being made for travel, and it has become, basically, a per diem payment, which is not what Commissioners intended. It may not be addressed today, but it needs to be reviewed.

b. Discussion and appropriate action regarding affirming or modifying current policy & practices

3. County Credit Cards / Review current policies & practices / Discussion and appropriate action concerning affirming or modifying current policy

As an example, Judge Beard noted the R&B trip to Arlington to pick up a large tower. Mr. Causey was unable to secure the credit card. She believes, especially in that sort of situation, employees should have a credit card available in case of emergency.

Commissioners agreed. Commissioner Killingsworth said a credit card is safer than cash, and that each employee, if given a card for travel, would be responsible for any charges.

Judge Beard said a policy needs to be drafted and confirmed by Commissioners Court. She will begin work on the draft, and bring it back for adoption at the next meeting.

F. Acceptance of 2010 Audit / Discussion and appropriate action

Commissioner Stone made a motion to accept the 2010 audit, which was seconded by Commissioner Ortega, and passed unanimously.

G. 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

Commissioner Stone read the reports for the record.

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

5. Recognitions

A. Binational Health Week as requested by Consul Acosta / Discussion and appropriate action

Commissioner Killingsworth made a motion to approve Binational Health Week, which was seconded by Commissioner Ortega, and passed unanimously.

6. Brewster County Juror Payment Order Amendment / Discussion and appropriate action

Judge Beard said the Legislature mandated a raise in the payment, including reimbursement from the State. However, the Legislature didn't approve enough funding for the reimbursement.

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

7. District Clerk's Office Part-time Personnel Budget Amendment / Judge's recommendation to utilize line item transfers / Discussion and appropriate action

District Clerk Jo Ann Salgado said she is asking for an amendment of \$800. She had a part-time employee who worked until Sept. 16, but ran out of money in her budget.

Treasurer Ofenstein said Mrs. Salgado is asking to re-hire the employee for four hours a day through the rest of the year. Two line item transfers will be necessary, along with a budget amendment of about \$725.

Without knowing where the amendment would come from, Judge Beard said she feels like Commissioners can only approve the line items transfers for now.

She said they understand the need, but without a definitive answer about how it's to be paid for, the amendment cannot be approved at this time. Commissioners concurred.

8. Sheriff's Office / Request to give or sell the Dodge Durango to the Alpine Police Department for use for Animal Control Supervisor

Sheriff Dodson is out on a call, so Commissioner Stone made a motion to table the item until the next meeting. Commissioner Ortega seconded the motion, which passed unanimously.

9. 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

Commissioners didn't have any information to update.

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

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 Mr. Hayes will begin work on Phase II very soon, and 15 spaces are available for Phase III.

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

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 for Study Butte Water Corp.)

11. 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 & FEMA Grants / Discussion and appropriate action

EMC Tom Santry said FEMA has finally reimbursed the County for the Loma de Norte fire in March 2009. There hasn't been an increase in fires of late, and the burn ban is still in effect.

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

C. Recess to Courthouse Parking Lot to inspect New Brush Truck / Reconvene in Commissioners Courtroom after inspection

Judge Beard said that in the period of the last year, the County has been moving away from fronting money for Homeland Security grant funding. Judge Beard said Mr. Santry worked tirelessly to get the truck paid for in the proper course, and she appreciates his work.

Commissioners then recessed to the parking lot to inspect the brush truck. Everybody gave thanks to the VFD and Mr. Santry. Commissioners then returned to the courtroom.

12. 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. Causey said crews have started processing the base around the EOC in Terlingua. They shot two courses of pavement on White Mill Creek. They mowed the right-of-way on the Old Marathon Hwy. in Alpine. Also, they drove to Arlington to pick up the first load of a radio tower which was donated. There are 18 total pieces. On this trip, they were able to get eight pieces and all of the cable. They can get the rest of the tower and two pallets in one more trip.

The sheep's foot roller was received from Warren Cat. The trailer should be here in November.

Mr. Causey said he is not going to have the funding to pave the road around the EOC this year. It will be one of the first things they do next year.

Judge Beard asked him to write out the five-year plan for projects he outlined at the last session so that her office can begin preparing for what he will need.

Commissioner Stone said that he didn't see the streets on the north side of town across from Carpenter Addition on the road maps they reviewed last week. Mr. Causey will make sure they are added.

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

Commissioner Killingsworth said things are moving along. The engineer told her he has spoken with the contractors, and he expects a contract next week. They plan on being on site after the first of November.

2. Report on any remaining issues concerning pipeline under roadway for Study Butte Water Corporation / Discussion and appropriate action concerning completing pipeline construction

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

Treasurer Ofenstein said the final payment to the contractor is in process at the State.

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

13. Public Comment

No public comment was made.

Commissioner Ortega 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