

**REGULAR MEETING OF THE
BREWSTER COUNTY COMMISSIONERS COURT
MONDAY, JANUARY 9, 2012, 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

1. Invocation and Pledge of Allegiance

Judge Beard led the invocation and Pledge of Allegiance.

2. Minutes / additions / corrections / approval

The minutes from the Dec. 29, 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. Presiding Officer's Comments on County Focus for 2012 / Discussion

Judge Beard said that the County is like any other small business, and changes become necessary over time. She said she believes significant changes will be made in 2012 concerning the way the County does business. There will be changes in financial responsibilities, and Commissioners will be emphasizing revenue generation in the coming year.

The focus in 2012, Judge Beard said, is going to be on meeting basic responsibilities – the things which must be done as opposed to those things which may be done.

4. Treasurer

A. General Bills / Discussion and appropriate action

Treasurer Ofenstein said health insurance and quarterly payments are included in the bills. There is \$10,500 for autopsies.

Commissioner Stone asked about the AT&T bill for J.P Pct. 3. It seems high. Treasurer Ofenstein said she will look into the issue.

AT&T has turned the County over to a collection agency for non-payment on a bill for a tower which has been the subject of some controversy for many months. The County believes that it did not get the service for which is paying. Ofenstein was advised to consult the County Attorney.

Commissioner Ortega made a motion to accept the general bills, with the exception of the J.P. Pct. 3 bill, which was seconded by Commissioner Stone, and passed unanimously.

Treasurer Ofenstein presented three walk-in bills: two for Hill Country Software Services for annual maintenance for the J.P. Pcts. 2 and 3 for \$2,250/each, and a third for \$200 for KALP.

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

Judge Beard abstained from the KALP bill.

B. Espy Services / Proposal to review County Telephone billings for incorrect charges, at no cost to County / Discussion and appropriate action

Judge Beard asked for the Treasurer's comments. She said they share the same concerns. The contract is not that favorable to the County.

Treasurer Ofenstein said that if the firm finds any credits which are due, it wants 50 percent. She believes her office can solve any issues.

Commissioners took no action regarding this contract.

C. Other administrative matters related to Treasurer's Office / Discussion and appropriate action for work of Treasurer's Office to go forward (Note: Items 19 & 20 also include matters related to Treasurer's Office)

Treasurer Ofenstein asked for permission to go ahead and pay the Mastercard and True Value bills throughout the year in order to get a discount for early payment.

Commissioner Killingsworth suggested checking to see if the billing date for Mastercard could be changed, and the issue addressed at the next meeting. Commissioners concurred that the card bills shall be reviewed prior to payment.

Treasurer Ofenstein asked for permission to amend the Road & Bridge budget by \$250,000. The Road & Bridge Department generally requires a substantial budget amendment.

Commissioner Killingsworth made a motion to amend the Road & Bridge fund by \$250,000. Commissioner Ortega seconded the motion, which passed unanimously.

5. Officials' Monthly Reports

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.

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; budgetary matters, 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

Superintendent Frenchie Causey said they have moved equipment to South County to begin some road work there; they have also hauled about 50 loads of gravel. He said they are waiting to hear from TxDOT on the cost of a surplus guardrail. Today, crews are inspecting dump trucks and pick-ups.

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 a pre-construction meeting will be held Jan. 30. Contracts are on schedule.

- 2. Report on payments to contractors and professionals / Discussion and appropriate action concerning payment for both Marathon & Study Butte portions of project***
- 3. Discussion and appropriate action to complete Terlingua Springs paving project, including appropriate action regarding Construction and concluding project***

C. Digitized County Road Map

1. Review & discussion concerning proposed map & any further recommended changes

Commissioner Killingsworth said there are several mistakes on South County roads. She said Travis Roberts said there are some mistakes on the Marathon area, too. He asked if he could be involved. She suggested working on each section one at a time, and then bringing it back to Commissioners Court for final approval at the Feb. 13 meeting.

Commissioner Ortega will work with Mr. Roberts.

2. Discussion and appropriate action concerning adoption of map

7. 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

Mr. Santry said that during the previous fire season, it became necessary to have more communications equipment, including an antenna on top of the EOC. The State approved the purchase, but later. FEMA did not. Judge Beard wrote FEMA a letter about this. However, Mr. Santry heard last week that FEMA has finally approved the purchase.

Mr. Santry said that barriers have been placed at the EOC parking lot to keep people from using it. He has applied for the purchase of a gate to replace the barriers as people are simply moving them on nights and weekends.

The Texas Forrest Service is predicting another difficult fire season this year. They have named a representative from Fort Davis to serve the tri-county area in order to make sure the appropriate equipment is here when needed.

Mr. Santry said a communications drill is going to be conducted next week. This will be a first, and the Department plans to make it a regular drill.

B. Review of terms of & history of County contracts for Ambulance Service / Discussion

Judge Beard explained that the County's contract does not include, legally, transferring already admitted patients anywhere. The contract only involves transporting patients to the hospital in Alpine.

CHS sometime back cancelled the contract for transfers with West Texas Ambulance. The County has had nothing to do with what is between the hospital and the ambulance service.

Unfortunately, at present, there is nobody transferring patients from the hospital to the airport, nor is ground transfer between hospitals available.

Cindy Perry told the Court that her husband was forced to fly out of Alpine to Odessa against his will over a year ago by the same company which two months later crashed and killed five people. The cost was \$20,000.

Despite the County's lack of legal involvement, Judge Beard suggested that the County convene the appropriate people so that a discussion can begin.

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

Commissioner Ortega suggested re-emphasizing the need for welding permits. There have already been a couple of Red Flag days this year.

8. 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 there is one more septic tank install to complete Phase 3, which should be done this week. Fifteen applications will be accepted for the final phase.

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) / Discussion and appropriate action to close out project

Commissioner Killingsworth said she believes everything has been closed out.

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.)

9. County Facilities / Matters Related to Maintenance and Improvement of County Facilities, Including Offices, Law Enforcement Facilities and Emergency Response Centers, Community Centers, Parks & Recreational Facilities, Grounds, and Parking for the above

A. General Update

B. EOC floor refinishing / Update / Discussion and appropriate action

Judge Beard said the floor was inadvertently damaged by the Forrest Service. The Forrest Service was very gracious about subsidizing the repairs which are underway.

C. Courthouse painting project / Update

Acquisition of the paint is underway.

D. Courthouse Lock Replacement / Update

This will be finished by the same company which began the project last year.

E. Refurbishment of Old Library for County Offices (“In house” work only) / Update

The County does not yet have possession of the old library yet. The building has been vacated, and Judge Beard has asked for the keys.

10. Sale of County Owned House situated on 400 N. 8th Street, (Williams Property / No real estate included / House to be moved off property after purchase) Update / Discussion and appropriate action concerning conducting sale of Property, including terms of sale

Judge Beard explained that the County attempted to sell the property last year with a minimum bid for \$15,000. She asked Commissioners about their preferences. She said we are in a situation where the house needs to be disposed of or the County needs to begin a maintenance program.

Commissioner Stone said it needs to be disposed of, and possibly change the minimum bid to \$10,000.

James Jones said it would cost about \$17,000 to move and that the house needs a lot of work on the inside. He suggested a very low minimum bid.

Commissioner Killingsworth made a motion to authorize an auction on Feb. 28 with a minimum bid of \$5,000, which was seconded by Commissioner Stone. The motion passed unanimously.

11. County Clerk / 2012 Elections update

Judge Beard explained that the Clerk is in College Station for continuing education courses today. The item will be taken up at a later date.

12. Salary Grievance Committee / Draw Names of 2012 Citizen Members

Commissioner Stone drew three names from a pool of 2012 Grand Jury members: Kevin Sexton, Raymond Ellis, and Kimberly Lewis.

The Clerk will call these three people to ask if they're willing to serve; if not, another name will be drawn.

13. 2012 Brewster County Commissioners Court Regular Meeting Schedule / Discussion and appropriate action to set meeting schedule (2nd Monday & 4th Tuesday, along with additional designated regular meeting dates in September (for adoption of Tax Rate) proposed

Commissioner Ortega made a motion to adopt the schedule as proposed, which was seconded by Commissioner Stone, and passed unanimously.

14. 2011 Audit / County Judge's announcement of advertising request for proposals

Judge Beard said proposals are due Feb. 24.

15. Crown Correctional Services Contract for Jail Inmate Telephone Services / Discussion and appropriate action concerning renewing contract, soliciting proposals for this service or other action to continue jail inmate telephone services

The contract automatically renews for two additional terms of one year each if there is not 60 days given by either party, prior to the termination date.

The next time the contract could be put out for bid would be in 2013.

The Sheriff voices no disapproval of the services Crown has provided.

16. Public Comment

No public comment was made.

17. Personnel Sessions with County Department Heads / Duties, responsibilities & performance of Department Heads related to budgetary matters & management of Departments

**County Judge
County Clerk
County Veteran's Office
Sheriff & County Jail
Emergency Management
Road & Bridge Department**

**County Attorney
County Treasurer
Tax Assessor-Collector
Justice of the Peace #1, #2, & #3
District Clerk**

Judge Beard said sessions will not be held with the County or District Clerks as they are traveling this week.

A. Executive Session Pursuant to Section § 551.074, Government Code, VTCA, to discuss the appointment, employment, evaluation, reassignment, duties, compensation, or dismissal of a public officer or employee for the above Departments

At 11:17 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 for the above departments.

During the session, Commissioners met with the following County employees: J.P. Pct. 2, County Attorney, Road & Bridge Superintendent, Sheriff and Treasurer.

At 11:53 a.m., Commissioners reconvened and announced that they would break for lunch until 1:15 p.m.

At 1:15 p.m., Commissioners Court went back into executive session.

Reconvene in Open Session

At 3:45 p.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.

B. Discussion and appropriate action resulting from Executive Session

Commissioner Killingsworth made a motion to engage Shaw Skinner, CPA, to provide financial analysis and assistance for the Treasurer's Office. Commissioner Ortega seconded the motion, which passed unanimously.

18. Costs of Autopsies / Review of County Attorney's previous

presentation concerning when autopsies are required / Discussion and appropriate action

Judge Beard said the Justices of the Peace, Pcts. 2 and 3 need to meet with the County Attorney for a review of when autopsies are necessary.

19. Hotel/Motel Tax / Request to change administrative fee for Treasurer's Office to 6% of collections / Discussion and appropriate action

Judge Beard said she spoke with members of the Tourism Council Executive Committee a few months ago. A few days ago, Ron Sanders told the Judge that they had anticipated this increase, and that they very much appreciate what the Treasurer's Office does.

Commissioner Killingsworth said she thought the budget reflected an increase an increase to 7 percent. Upon review, Treasurer Ofenstein said that was correct.

A motion to approve the six percent increase was withdrawn by Commissioner Ortega.

The item will be placed on the next agenda with the corrected amount of the increase.

20. Treasurer / Matters concerning financial procedures for 2012 & 2011 Year End Closeout

A. Workshop session for review of procedures currently in place and discussion regarding what other new procedures are advisable / Review of 2011 Closeout

B. Discussion and appropriate action concerning adoption of additional procedures & guidelines for 2012 Financial Management / Discussion and appropriate action concerning 2011 closeout

No action was taken regarding these matters due to the late hour.

SUPPLEMENTAL AGENDA

1. Contracts for 2012 funding for non-profit organizations / Discussion concerning terms of payment retaining maintenance reserves, non-appropriations clauses and other matters related to agreement to services with non-profits / Discussion and appropriate action

There was a brief discussion concerning this item earlier in the meeting. This relates to contracts for non-profits only.

No action was taken.

At 4 p.m., 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