

**CALLED MEETING OF THE
BREWSTER COUNTY COMMISSIONERS COURT
THURSDAY, JANUARY 19, 2012, AT 2:00 P.M.**

Judge Beard called this meeting to order. Officers present are listed as follows:

VAL CLARK BEARD	COUNTY JUDGE
KATHY KILLINGSWORTH	COMMISSIONER PCT. 2
RUBEN ORTEGA	COMMISSIONER PCT. 3
CAROL OFENSTEIN	TREASURER
BETTY JO ROONEY	TAX ASSESSOR

To discuss and take action as appropriate on the following:

1. Minutes / additions / corrections / approval

The minutes from the Dec. 12, 2011, meeting were presented for approval. Commissioner Ortega made a motion to approve the minutes, which was seconded by Commissioner Killingsworth, and passed unanimously.

2. Consultation with Legal Counsel re privileged legal matters related to Personnel & County Financial Management

A. Executive Session 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 2:03 p.m., Judge Beard announced that Commissioners Court was going into Executive Session pursuant to Section §551.071, Government Code, to consult with legal counsel re privileged legal matters related to Personnel & County Financial Management. The courtroom was cleared of all but Commissioners Court and the County Attorney. A phone conference was held with Greg Hudson.

Reconvene in Open Session

At 3:26 p.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.

B. Discussion and appropriate action resulting from Executive Session

Commissioner Killingsworth made a motion for the County Treasurer to be advised to comply with Section 114.026 of the Local Government Code regarding reporting procedures relating to county finances, and that Commissioners Court expects this to be implemented immediately. Commissioner Ortega seconded the motion, which passed unanimously.

Commissioner Killingsworth made a motion to require the County Treasurer's office to produce and deliver financial documents to Commissioners Court members at least 48 hours prior to all regular Commissioners Court meetings and at least 36 hours prior to called meetings. Commissioner Ortega seconded the motion, which passed unanimously.

Commissioner Killingsworth made a motion to remove all Commissioners Court members as co-signators on the County's bank account, effective immediately. Commissioner Ortega seconded the motion, which passed unanimously.

3. Treasurer / Matters concerning financial procedures for 2012 / General Discussion

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

Judge Beard told County Treasurer Carol Ofenstein that she understands that she would like further clarification on new procedures, particularly for contracting non-profit agencies, West Texas Ambulance, the Appraisal District and others.

Judge Beard said she thinks cash may be being distributed to those agencies in a way which negatively impacts County cash flow. They may be able to take smaller payments over time.

Judge Beard asked for further comments from Commissioners and the Treasurer.

Treasurer Ofenstein said she is hear to listen and to do what she's asked.

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

Commissioner Killingsworth made a motion to set procedures on monthly reimbursements as follows:

Payments to contracting governmental entities will be made monthly. (This includes the CAD; we need to switch to a monthly payment basis with

them.)

Payments to contracting non-profit agencies with line items under \$5,000 will be made in two equal yearly installments.

Payments to contracting non-profit entities with line items from \$5,000 to \$10,000 will be made in four equal (quarterly) installments.

Payments to contracting agencies with line items above \$10,000 will be made in equal monthly installments.

Payments to West Texas Ambulance Service will be made in two payments monthly, on or after the 15th and 30th of each month that the contract is in effect.

Commissioner Ortega seconded the motion, which passed unanimously.

Commissioner Killingsworth made a motion that all transfers to and from the County's investment account must be approved by Commissioners Court. Commissioner Ortega seconded the motion, which passed unanimously.

Commissioner Killingsworth said she believes Commissioners Court should review payroll. She asked if there's a way to generate a payroll report.

Treasurer Ofenstein said it depends on exactly what they want, but payroll reports are available.

Judge Beard asked Treasurer Ofenstein if there's anything else she needs to move forward in regard to 2012 payroll.

Treasurer Ofenstein said she doesn't know of anything at this time. She asked Commissioner Killingsworth to visit her office so that they can determine exactly what kind of payroll report will be helpful to Commissioners.

Judge Beard said more attention needs to be paid to the County's investment policy. In better times, a robust economy carried the County investments along quite comfortably. Things are bleak now, and the policy needs review.

Commissioner Killingsworth said the main focus is that everybody is informed. Some discussion followed about the transfer of funds from the fund balance to Road & Bridge. Commissioner Killingsworth said half of the fund balance had been transferred to make up for the Road & Bridge deficit.

Judge Beard clarified where authority lies for fund creations and transfers. She said Commissioners' directives must be followed. She spoke specifically about a \$300,000 transfer of the PILT payment.

Treasurer Ofenstein asked if Commissioners wanted her to make that PILT transfer at this time.

Judge Beard said that would be addressed at the next meeting. Treasurer Ofenstein said she would not do anything until that meeting.

Judge Beard said Commissioners want to make decisions based on the most accurate information possible.

Commissioner Killingsworth made a motion to adjourn, which was

seconded by Commissioner Ortega, and passed unanimously.

VAL CLARK BEARD, COUNTY JUDGE

ATTEST:

BERTA RIOS MARTINEZ, COUNTY CLERK