

**REGULAR MEETING OF THE  
BREWSTER COUNTY COMMISSIONERS COURT  
TUESDAY, JANUARY 24, 2012, 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 "COOKIE" 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>CAROL OFENSTEIN</b>	<b>TREASURER</b>
<b>BETTY JO ROONEY</b>	<b>TAX ASSESSOR</b>
<b>BERTA RIOS-MARTINEZ</b>	<b>COUNTY CLERK</b>

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

***1. Minutes / additions / corrections / approval***

*The minutes from Jan. 9 and Jan. 19, 2012, 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***

*Treasurer Ofenstein noted the quarterly reports, utilities, and a contracting agency payment which should be changed from \$5,000 to \$1,250.*

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

*Several walk-in bills were presented for approval, including the following: Travis County Clerk, \$399, for a proposed MHMR patient who would normally have been transferred to the hospital in Big Spring, but there were no free beds; Howard County, \$258, for a proposed MHMR patient; Steve Brannon, \$3,320; A T&T, \$588.74; Jose Alvarado, Tax Office door replacement, \$600; Troy Sheldon, Tax Office door replacement, \$546.49; Bank of New York, fee for Certificates of Obligation, \$500.*

*Commissioner Ortega made a motion to approve the walk-in bills, which was seconded by Commissioner Killingsworth, 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***

*Treasurer Ofenstein said she has a check from PPG Industries for \$1,911.70. It is a refund for paint, and the credit is actually owed to the library. She will deposit the check, and write a check to the library.*

*Also, the County has received a refund of \$1,200 from the Rural Rail District, which was dissolved. Judge Beard thanked Judge Shuster for taking care of this.*

*Commissioner Killingsworth made a motion to permit the Treasurer to transfer \$1,146.49 out of the Texas Class Funds dedicated for historic preservation to the general fund. Commissioner Ortega seconded the motion, which passed unanimously. Checks will be written for several repairs to the Courthouse from the transferred funds.*

*Treasurer Ofenstein said she is working with the hospital district on reimbursement for deputies who guarded an indigent patient in Dallas.*

### **3. 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.*

### **4. 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***

*Commissioner Stone said crews have been working on Agua Fria Road, and also went to pick up the new haul trailer.*

#### **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 the pre-construction meeting was held last Friday. The notice to proceed was signed, and equipment has been moved in. Construction is scheduled to begin Jan. 30, and is expected to take two months.*

**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. Commissioner Pct. 3 / Community Facilities / Announce Fish Fry Fundraiser for the Marathon Community Center**

*Commissioner Ortega announced a Fish Fry scheduled for Feb. 11. Serving will start at 6:30, and a silent auction will be held. Justin Trevino will again provide music.*

**D. Review of Commissioners Court Procedures for taking Roads into County System / Discussion and appropriate action**

*Judge Beard said the first step that needs to be taken is for someone to speak with their Commissioner. All road matters begin with the Commissioner in whose precinct the road is located. The next step is to have that Commissioner bring the road before Commissioners Court for preliminary approval. Then, there are legal issues and other matters that have to be addressed before the road can finally be taken into the system. Final approval can be given after all these issues have been addressed. The process is frequently very lengthy as County resources are limited.*

**E. Set & Approve Road & Bridge Superintendent's Bond / Discussion and appropriate action**

*Judge Beard asked that this item be deferred to the next meeting when the Road & Bridge Superintendent can be present.*

**5. Review & Reaffirm Commissioners Court's & County Judge's Policies**

**concerning grant applications & Judge's policy regarding placement of items on Commissioners Court agenda**

*Judge Beard said she would like to defer part of this item.*

*She said there are multiple law enforcement grants scheduled for the February agenda which impact the County's cash flow. Judge Beard has spoken with Chief Deputy Ryan Skelton about reviewing the issues and finding out if there's anything which can be done to ease the County's burden related to "fronting the money" for the grants. Additionally, she reminded everyone that Commissioners must approve all grant applications.*

*On agendas, anything that department heads would like on an agenda needs to be submitted in writing seven days in advance, along with copies of supporting materials. Commissioners Court retains discretion on agenda scheduling. A memo reminding Department Heads of these requirements and other requirements will be circulated.*

**6. 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 there was a fire Sunday afternoon in the Mosley Lane area, right along a fence line. The fire department responded very quickly, as did Road & Bridge, the Sheriff's Office, and a number of volunteers.*

*One building in a pump house exploded due to pressure from the heat of the fire. The wind was blowing over 50 mph.*

*Mr. Santry said he is working on getting a more detailed list of the equipment needed for purchase by Homeland Security funding by applicants. He is seeking information from all appropriate agencies. Applicants will need to appear before Commissioners Court.*

**B. Report on Communications Drill of January 19, 2012**

*Mr. Santry said the point of the drill was to determine the speed of communications. He said there were problems from the start with the phone lines and with the passage of information.*

*Judge Beard said she gave the drill a “D” grade. Mr. Santry said he would’ve given the drill an “F.”*

*Judge Beard said we will continue to drill over and over until dispatch and others have the mindset that Mr. Santry must have all details promptly.*

*Commissioner Killingsworth said it sounds like there needs to be some training before the next drill.*

***C. Renewal of County Burn Ban / Discussion and appropriate action***

*Commissioner Ortega made a motion to renew the burn ban, which was seconded by Commissioner Stone, and passed unanimously.*

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

***7. 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***

*Commissioner Killingsworth said payment for the contractor for the third phase is expected from the State anytime. There are 15 available slots for new applicants in Phase 4.*

***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***

***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.)***

*Commissioner Killingsworth said information about administration and engineering on the project should be coming soon. A new process will include putting a team together to score the project. Judge Beard suggested Commissioner Killingsworth head the team. Commissioner Killingsworth suggested two others should serve and will be designated.*

**8. 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. Completion of EOC floor refinishing / Update**

*Judge Beard said the floor has been refinished to repair damage done by the Forest Service boots.*

**C. Courthouse painting project / Update**

*The painting project is underway, and will be funded by the historic preservation fund.*

**D. Courthouse Lock Replacement / Update**

*Judge Beard said the project is about three-quarters complete. A new round of keys will be issued tomorrow. Payment will also come from the historic preservation fund.*

*Key holders will sign an agreement that they will not duplicate the key, and if they lose the key, will be responsible for re-keying.*

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

*Judge Beard said she has spoken with Travis Roberts about modifying an entrance on the south side of the building for re-use.*

**9. Retain Auditor for 2012 / Discussion and appropriate action**

*One proposal was received from Skinner & Lara.*

*Commissioner Killingsworth made a motion to engage Skinner & Lara for 2012, which was seconded by Commissioner Ortega, and passed unanimously.*

**10. Hotel/Motel Tax / Request to change administrative fee for Tourism to 7% of collections / Discussion and appropriate action**

*Commissioner Killingsworth made a motion to increase the administrative fee for tourism for 2012 to seven percent. Commissioner Ortega seconded the motion, which passed unanimously.*

**11. Contracts with Non-Profits for Services for 2012 / Discussion and appropriate action concerning offering contracts ( Child Advocacy Center, Child Welfare Board, Alpine Public Library, Alpine & Marathon Cemetery, Sunshine House, Family Crisis Center & CASA)**

*Judge Beard noted that this is an extremely tight year. With that in mind, she said she wants to add a termination clause and non-appropriations clause to the contracts. While she doesn't foresee it happening, if funds run short, contracting non-profits should know, up front, that the funding may not be available.*

*In the library contract, it is to cover the cost of major repairs for the Marathon library facility. Also, for all larger contracting entities, payment will now be made in installments, as opposed to lump sums.*

*Contracts were also reviewed for the Children's Advocacy Center, the Sunshine House and CASA.*

*Commissioner Killingsworth made a motion to approve contracts for the Alpine Public Library, Children's Advocacy Center, Sunshine House and CASA for 2012. Commissioner Stone seconded the motion, which passed unanimously.*

**12. Evaluations / County Non Elected Heads: IT & Road & Bridge Departments**

***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***

***Reconvene in Open Session***

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

*Commissioner Killingsworth made a motion to approve the evaluation instruments for the IT Director and Road & Bridge Superintendent positions. Commissioner Stone seconded the motion, which passed unanimously.*

*Judge Beard noted that each evaluation instrument will be tailored for the responsibilities of the department head.*

### **13. Matters related to County Financial Management & Treasurer's Office**

#### **A. Review of procedures implemented by Commissioners Court on January 19, 2012**

*Judge Beard said that at the preceding meeting, several new procedures were adopted in regards to financial management and the Treasurer's Office.*

*Judge Beard reviewed the new procedures, and asked Commissioners if there was anything else from the previous meeting that merited review or comment.*

*Commissioner concurred that Judge Beard's review covered everything.*

#### **B. Review of Statutory Bonding requirements for officials handling County funds and current bonds Tax Assessor Collector, Treasurer, County & District Clerks / Discussion and appropriate action**

*Judge Beard said she included in today's Commissioners' packets copies of all of the bonds for the above offices. Judge Beard said her position is that, for the protection of both the office holder and the County, the bonds be set at the highest possible amount.*

*Treasurer Ofenstein said when she added Megan Antrim as the deputy treasurer, the code said she needed a blanket bond. Judge Beard said clarification is needed on the code and what exactly was done, and should be reviewed by legal counsel.*

*Judge Beard has suggested to the County Clerk a central filing place for public documents such as bonds and officeholders reports.*

#### **C. Matters related to setting 2012 Employee Salaries as already budgeted / Discussion and appropriate action**

*Treasurer Ofenstein said she is need of approval to pay a handful of people on a monthly basis for contracted services.*

*Commissioner Killingsworth made a motion to pay the contracted services for the custodians for the Marathon and Terlingua facilities, as well as V.A. Stevens, on recurring monthly basis. Commissioner Ortega seconded the motion, which passed unanimously.*

*Commissioner Killingsworth made a motion to make payments to contracting non-profits as follows: Alpine Public Library, Sunshine House and West Texas Ambulance, semi-monthly; Brewster County Central Appraisal District, Tri-County Juvenile Probation, South County ESD #1 and the Groundwater District, monthly; MHMR, quarterly; Child Advocacy Center, Child Welfare Board, Alpine/Marathon Cemetery Associations, Family Crisis Center and CASA, semi-annually.*

*Commissioner Ortega seconded the motion, which passed unanimously.*

***D. 2012 Interest & Sinking February Debt Payments / Discussion and appropriate action concerning authorizing payment***

*Treasurer Ofenstein gave Commissioners a list of debt and the month it is owed. Commissioners asked to know the exact day of the month.*

*A detailed discussion followed, including how much is in the I&S account right now, and how tax collections are going.*

*Commissioners would like several reports from the Treasurer's Office, and Treasurer Ofenstein said she would really like for Commissioner Killingsworth to visit her office to review those reports to make sure they are clear and understood.*

*There was some discussion about the letter of credit at the bank, which safeguard's the County's deposits.*

*Commissioner Killingsworth and Treasurer Ofenstein will work on the reports this afternoon, although it will probably take a couple of months to get them exactly like they want them.*

*Commissioner Killingsworth would also like to know the exact amount of debt that is owed each month and when it is mature. She also would like an accounting of the hotel/motel tax fund.*

*Judge Beard explained that Commissioners Court sets the overall policy of the Tourism Board. The Tourism Board is a County created body and Commissioners Court has ultimate responsibility for its work.*

***14. Texas Indigent Defense Grant / Preliminary Award / Discussion and appropriate action***

*Judge Beard said that Brewster County has received a preliminary award of \$8,939, based on a State formula.*

*Commissioner Ortega made a motion to authorize the Judge to sign a standard grant form so that we can claim the money. Commissioner Killingsworth seconded the motion, which passed unanimously.*

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***VAL CLARK BEARD, COUNTY JUDGE***

***ATTEST:***

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***BERTA RIOS MARTINEZ, COUNTY CLERK***

