

**REGULAR MEETING OF THE  
BREWSTER COUNTY COMMISSIONERS COURT  
MONDAY, FEBRUARY 13, 2012, AT 9:00 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. Invocation and Pledge of Allegiance**

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

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

*The minutes from the January 24, 2012, meeting were presented for approval.*

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

**3. Recognitions / Welcome Ethan Laird Esparza to Brewster County**

*Judge Beard announced the birth of Ethan Laird Esparza to Betse Esparza, the County's Public Information Officer.*

**4. Treasurer**

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

*Treasurer Ofenstein presented the general bills.*

*Commissioner Killingsworth asked about a charge for \$4.50 to Big Bend Telephone at a South County facility. She said there isn't a phone there. Treasurer Ofenstein said she will check into it.*

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

*One walk-in bill from the Marathon Water Supply Corp. For \$216.27 was*

presented.

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

***B. Texas Association of Counties Risk Management Pool***

***1. Discuss & review changes in Auto & General Liability Claim Procedures / Discussion and appropriate action***

*Treasurer Ofenstein explained that the liability and casualty coverage is changing in order to handle claims in-house. Judge Beard said she believes the change will work well.*

***2. Payments for Liability and Casualty Coverage / Discussion and appropriate action to utilize quarterly payment options***

*Commissioners agreed to allow for quarterly payment options.*

***C. Payments for Utilities and billings with discounts for early payment / Discussion and appropriate action concerning procedures for payments***

*Commissioner Ortega made a motion to approve early payments in order to take advantage of discounts. Commissioner Stone seconded the motion, which passed unanimously.*

***D. 2012 February Debt Payments / Discussion and appropriate action to authorize Treasurer to make payments***

*Commissioner Killingsworth made a motion to approve making debt payments which are due in February. Commissioner Ortega seconded the motion, which passed unanimously.*

***E. Other administrative & procedural matters related to Treasurer's Office / Discussion and appropriate action for work of Treasurer's Office to go forward***

***5. Officials' Monthly Reports***

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

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

***6. County Clerk / Elections / Update***

*County Clerk Berta Martinez said they still don't know when the Primary Election will be held. They are assuming they'll be held on April 17, so they are working with that date for now.*

*New notebook computers have arrived that will keep track of voters on Election Days, and help them to know which precinct they should vote in. The computers cost about \$13,000.*

## **7. 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***

*Supt. Frenchie Causey said he has been reviewing which roads were paved in the last couple of years. The crews have been doing a lot of mowing in preparation of fire season and patching holes, especially on Terlingua Ranch.*

### **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***

*Engineer Travis Roberts said a review was performed last week.*

- 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. Pct 4 / Request for Preliminary approval to take Spring Creek Road &**

***Ridgeline Drive (South Double Diamond & S. Double Diamond Vet's addition) into the County Road System / Discussion and appropriate action***

*Judge Beard explained that taking roads into the County system is a two-step process. Following preliminary approval, some legal issues must be addressed.*

*Citizens addressed the Court, including Earl Pitman who addressed the possibility of raised taxes, Milton Smith who spoke about the Texas Transportation Code, Dean Schreiber, who was against taking the roads into the system, Fran Sage, who spoke about safety issues, Pat Jett, who spoke about maintenance, Pollyanne Melton, who spoke about property values, and Jim Sage, who said he is not opposed to a tax increase in order to have good roads, Mike Pallanez, who also spoke about property values, Bill Jatt, who said he appreciates the Court's time and efforts, Beth Collins, who would like the right-of-ways to be mowed more often, Alan Bocher, who spoke about the difficulty in getting residents to participate in the process.*

*Judge Beard said that this is the start of a public process. She said lots of good information was passed along, and encouraged the residents to continue to deliberate amongst themselves.*

*Supt. Causey said he will do some preliminary calculations to determine the cost of paving the roads.*

*Commissioner Killingsworth made a motion to further study the two roads and bring more information to the Court on the possibility of bringing them into the County system. Commissioner Ortega seconded the motion, which passed unanimously.*

***D. New Haul Trailer / Discussion and appropriate action re concluding purchase, including matters necessary to conclude financing for trailer***

*Commissioner Killingsworth made a motion to approve financing the trailer at a rate of 4.46 percent through Government Capital. Commissioner Stone seconded the motion, which passed unanimously.*

***8. Prairie Crossing Addition / Request for Preliminary Plat approval / Discussion and appropriate action***

*Mr. Roberts presented the preliminary plat in the FM 1773 area.*

*Commissioner Killingsworth made a motion to grant preliminary approval, which was seconded by Commissioner Ortega, and passed unanimously.*

***9. Brewster County 125 Birthday Celebration set for March 30, 2012 / Brewster County Historical Commission / Announce & review plans***

*Judge Beard said sponsorships are being solicited. The Historical Commission has a meeting set for Thursday. The schedule of proposed events is only preliminary at this time.*

## **10. 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 he expects a large round of grass fires in the near future. The Forest Service has a new coordinator in the area, Robert Poenisch.*

### **B. Report on EMC's & EMD's meeting with First Responders re fire season and other issues on January 31, 2012**

*Judge Beard said only four people attended the meeting.*

### **C. Report on Special Rail Car Hazmat Training on February 11, 2012 / Discussion and appropriate action**

*Mr. Santry said mostly firefighters attended. He said the training was very good, and Judge Beard agreed. It was funded by FEMA.*

### **D. Criteria for Commissioners Court approval of Homeland Security Grants / Discussion and appropriate action**

*Agencies applying for Homeland Security grant funding must come before Commissioners Court. There are simple guidelines for approval. The purchases must be practical and based on need.*

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

**11. County's Tax Collection Law Firm, McCreary, Veselka, Bragg & Allen, P.C.  
/ Request to increase title research fees for tax foreclosure law suits from  
\$150.00 to \$175.00, at no cost to County / Discussion and appropriate action**

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

**12. Tax Sale of February 7, 2012 / Report by Tax Assessor Collector**

*Betty Jo Rooney said 42 parcels were listed and the sale raised \$90,150.*

**13. 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**

*Grant Administrator Jerry Carvajal said funding is available for 15 more septic tanks.*

**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. 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.)**

*The County has received just over \$291,000 for another installation project.*

**1. Consider selection of administration and engineering services providers for TxCDBG Contract No. 711060 Study Butte WSC Water Facilities Improvements Grant / Discussion and appropriate action**

*The County has advertised for services. After ranking those who submitted proposals, Commissioner Killingsworth made a motion to select TransPecos Land Surveyors. Commissioner Ortega seconded the motion, which passed unanimously.*

*Commissioner Killingsworth made a motion to continue with GrantWorks for administrative services, which was seconded by Commissioner Ortega, and passed unanimously.*

**2. Consider resolution to designate authorized signatures for TxCDBG Contact No. 711060 Study Butte WSC Water Facilities Improvements Grant / Discussion and appropriate action**

*Commissioner Ortega made a motion approving the resolution, which was seconded by Commissioner Stone, and passed unanimously.*

**3. Consider resolution to adopt Section 3 Local Opportunity Plan / Discussion and appropriate action**

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

**4. Consider resolution to adopt Excessive Force Resolution / Discussion and appropriate action**

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

**5. Other general administrative matters related to this grant / Discussion and appropriate action**

**C. General Review & Discussion of matters related to Infrastructure Grants**

**14. 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. Courthouse painting project / Update**

*Crews have been doing lots of repairs and prep work.*

**C. Report on Courthouse Lock Replacement Completion**

*Judge Beard said placing new door locks on all the doors has been completed.*

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

*The building is getting a good cleaning using community service workers.*

***E. Commissioner Pct. 3 / Report on Fundraiser for Marathon Community Center / Discussion and appropriate action***

*Commissioner Ortega said that since the Friends of the Marathon Community Center was formed in 2006, \$84,423 has been raised. Generous donations of both money and time have been received. Rental fees go back to the Friends, and then back into the facility.*

*Renovations have included a new roof, doors and windows, a water well, new kitchen and baths, meeting room, new wiring, new AC, etc. The County has helped with many of the renovations. It was noted that this arrangement has worked well.*

***15. 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***

*IT Director Leo Ofenstein said daily back-ups are performed at 3 a.m.*

***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***

*Mr. Ofenstein said he is working on the possibility that the jail is occasionally losing connectivity.*

***D. County Road Map Project / Update on Digitizing County Road Map / Discussion and appropriate action to conclude this phase of project***

*Precincts 1 and 2 are in good shape, said Mr. Ofenstein. He said he needs some road names in Precinct 3.*

***E. Issues related to replacement of County owned hardware / Discussion and appropriate action***

*Two computers have been replaced this year. Mr. Ofenstein suggested a back-up server at a cost of \$4,000.*

***F. Hill Country software / General discussion concerning the various Hill Country software packages the County utilizes***

*The Treasurer, five courts, jail and Sheriff's Office use HCSS at a cost of about \$10,000/year.*

***G. Discussion and appropriate action for general work of I.T. Department to go forward***

***16. Sheriff's Office / Citation 2011 Racial Profile Report / Discussion and appropriate action***

*Chief Deputy Ryan Skelton reviewed the report with Commissioners.*

***17. 2009 Stonegarden Law Enforcement Grant / Upcoming Communications Equipment Purchases / Review & update / Chief Sheriff's Deputy Skelton & Deputy Treasurer Antrim***

*Judge Beard said that there are a number of items which need review.*

*Deputy Skelton said it is a three-year grant which has been changed and modified several times.*

*Skelton said he would like to purchase communications equipment that will be used long-term.*

*Ms. Antrim said everything purchased and anything intended to be purchased must be listed.*

*Judge Beard would like to be sure that the requests made will cover the Sheriff's Office for the foreseeable future.*

*Both Judge Beard and Commissioner Killingsworth said they need to be sure and comply with the bid process.*

*Skelton said that he expects the County will get a much lower percentage during the 2011 grant round than what it has been in the past.*

*Commissioner Ortega made a motion to move forward with the Stonegarden grants communications purchases, which was seconded by Commissioner Killingsworth, and passed unanimously.*

***18. Grants Workshop***

***A. Review of Policies & Procedures related to grants / Review of outstanding County grants, including infrastructure, Homeland Security, Law Enforcement, HAVA & other grants, terms & conditions of grants, resources required to administer grants & other issues related to State & Federal grants / Discussion***

*Judge Beard explained that there always strings attached to grant funding.*

*Administrator Jerry Carvajal said contracts generally outline that we can't do any more, or less, than exactly what the contract states. Funds cannot be intermingled, and the County must submit progress reports, avoid conflicts of interest and sign a non-discrimination clause. Environmental clearance is always necessary.*

**19. Texas Criminal Justice Information System reporting by County Departments and responsibilities of various County Departments for Reporting**

- A. Statewide update on recent issues with Governors Criminal Justice Division and DPS re reporting by Counties**
- B. Personnel Executive Session / Duties & Performance of Brewster County Department Head re reporting requirements**

*No executive session was held.*

- 1. 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**

- 2. Discussion and appropriate action resulting from Executive Session**

**20. Matters related to County Financial Management, Treasurer's Office & Tax Office**

- A. Review of new policies re reporting & other matters put in place by Commissioners Court on January 19, 2012**

*Judge Beard said that new reporting requirements by Commissioners Court will take time to process, and the process will evolve.*

- B. Treasurer's Monthly Reports / Discussion and appropriate action**

*Treasurer Ofenstein reviewed the reports with Commissioners.*

- C. Review of 2011 Tax Collections to date / Tax Assessor Collector / Discussion and appropriate action**
- D. Review 2012 Interest and Sinking February Debt Payments as authorized in agenda item 4-D / Discussion and appropriate action**

*Once the fire rescue truck is paid for, the County is obligated only through 2015.*

***E. Workshop Session / Further discussion concerning additional financial procedures & policies as recommended by Treasurer, Commissioners or County Judge / Discussion and appropriate action resulting from workshop***

***21. Personnel Evaluations / County Non Elected Department 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***

*At 2:50 p.m., Judge Beard announced that Commissioners Court was going into 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. The courtroom was cleared of all but members of Commissioners Court.*

***Reconvene in Open Session***

*At 3:25 p.m., Commissioners reconvened in open session. Judge Beard announced that they had been in executive session, pursuant to §551.074, Government Code, VTCA. She asked if there was any action to be taken.  
No action was taken.*

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

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

***ATTEST:***

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