

**CALLED MEETING OF THE
BREWSTER COUNTY COMMISSIONERS COURT
MONDAY, MARCH 5, 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 "COOKIE" STONE	COMMISSIONER PCT. 1
KATHY KILLINGSWORTH	COMMISSIONER PCT. 2
RUBEN ORTEGA	COMMISSIONER PCT. 3
BETTY JO ROONEY	TAX ASSESSOR
BERTA RIOS-MARTINEZ	COUNTY CLERK
JERRY SOTELLO	J.P., PRECINCT 1

1. Road & Bridge Department / County CDL Policy / TAC recommended updates to County CDL Policy / Discussion and appropriate action concerning updating policy

Judge Beard said TAC is recommending some updates to the policies for compliance with federal and state law. She said the Road & Bridge Superintendent said the proposed policies are very workable.

Commissioner Stone made a motion to adopt the policy, which was seconded by Commissioner Killingsworth, and passed unanimously.

2. 125th Brewster County Birthday Celebration sponsored by Brewster County Historical Commission / Update / Discussion and appropriate action to cooperate with County Historical Commission in support of event

Judge Beard said the celebration will be held March 30. The Commission is soliciting sponsors at \$100 each to help defray costs of the event. Sponsors will be listed on the program. Interested people should contact Travis Roberts.

3. Matters related to County Information Technology Department, IT Director, Position of County IT Director & Means of providing IT Services for County

A. General Review of History of County IT Department

Judge Beard provided a review. In 2004, Commissioners Court designated an in house tech specialist to provide assistance. In 2007, the County retained an IT Director as a full-time county employee. At that time, the physical office was established at the end of the annex. The County was moving in a direction where important County business was being conducted on the internet, as was the

statewide trend. Now, there are a number of County offices that cannot conduct business without the internet.

Originally, the tech officer was covered in the Judge's budget. That was split off in 2010, and Commissioners Court was clarified as the ultimate authority in relation to the IT Department. Commissioner Killingsworth was designated as the head of the IT Committee. This is where matters stand now.

B. Personnel Issues / IT Department & IT Director

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

Judge Beard advised Leo Ofenstein that he had the right to an open session. IT Director Leo Ofenstein said he would prefer the session be open.

Commissioner Killingsworth said that she feels that it's been difficult to work with Mr. Ofenstein, especially in relation to the County road map. She said it doesn't seem that things can be done without a "blow-up," and she doesn't think that it's conducive to a productive work environment. She said other department heads have had difficult working with Mr. Ofenstein, as well.

At that time, Mr. Ofenstein read a letter of resignation for the record, effective March 30, 2012.

Mr. Ofenstein then left the meeting.

Reconvene in Open Session

2. Discussion and appropriate action resulting from Executive Session

C. Means of providing IT Services for the County

1. Consideration of how IT Services can best be provided / Discussion and appropriate action

a. Consideration of pros & cons of current "in house" system which utilizes a County Employee as IT Director of County IT Department

b. Consideration of pros & cons of utilizing contract IT Services (outsourcing IT function) / Discussion and appropriate action

Commissioner Killingsworth said she would like to see the department abolished. The County is looking to save money, and she believes contracting the services would be beneficial.

Judge Beard said that of concern to her is the ongoing issue of supervision of an in house employee. She said it is obviously not working now.

c. Consideration of pros & cons of other means of providing IT Services, including, but not limited to, any combinations of the above two means / Discussion and appropriate action

Commissioner Stone suggested getting the department heads together to hear their ideas on the matter.

It was noted that the County Attorney's Office, County Judge's Office and Jail were not using the current IT Director for tech services, due to ongoing difficulties.

Judge Beard said that many IT repairs and maintenance functions can now be done remotely.

Commissioner Killingsworth said it would be beneficial for there to at least be a contact person at the County to coordinate tech services and keep records. She said it is important to have someone that we can all work with.

Judge Beard mentioned that, up until this year, the County was contracted with Matt White to help out with the Tax Office. She also said that, whichever way we go, she hopes we'll be able to provide some training and instruction for employees.

Commissioner Killingsworth said Mark Hannan at Nectar Computers is willing to contract with the County for \$65/hour. She said both Presidio and Jeff Davis counties are currently satisfactorily contracting with Hannan.

2. Discussion and appropriate action concerning the following alternatives:

Judge Beard said that due to the resignation, the County has been moved further along in the process than she expected.

She said something must be done to cover the County in the interim.

Commissioner Stone asked about a back-up for whomever the County contracts with.

Commissioner Ortega said we need to get someone to come and find out where the County stands.

Commissioner Killingsworth said that while the position may be abolished, an IT budget is still necessary in order to pay for contract services.

Commissioner Ortega made a motion to abolish the department and position, make sure the County is covered and ask Commissioner Killingsworth to develop a structure for the budget. The department and position are abolished as of today. Commissioner Stone seconded the motion, which passed unanimously.

County Attorney Steve Houston was asked to join the meeting, and given a copy of the resignation letter. Judge Beard asked Mr. Houston about the appropriateness of asking Mr. Ofenstein to go ahead and vacate his office. She said it is not healthy for him to be on the premises for three weeks. Mr. Houston

said that, in Texas, an individual can be terminated at any time for any cause. He said Commissioners Court can make that determination.

Mr. Houston was asked for advice about how best to appropriately make sure the office is vacated today.

Mr. Houston said that usually someone is asked to supervise the situation and make sure that only personal belongings are taken and any County property is left secure.

A recess was taken, and Sheriff Dodson and Commissioner Killingsworth went to the IT Office to ask Mr. Ofenstein to vacate the premises immediately, along with his personal belongings.

Commissioner Killingsworth made a motion to pay Mr. Ofenstein a two-week severance plus all vacation at the daily rate. Commissioner Ortega seconded the motion, which passed unanimously.

Commissioner Killingsworth made a motion to engage Nectar Computers in the interim at a rate of \$65/hour, effective immediately. Commissioner Ortega seconded the motion, which passed unanimously.

- a. Leaving current structure of County IT Department unchanged**
 - b. Restructuring or reorganizing County IT Department**
 - c. Abolishing County IT Department & position of IT Director & securing IT services through contract, outsourcing or other means**
- 3. Consideration of means of providing interim IT services and continuity of service, if action is taken to abolish or restructure County IT Department / and/or position of County IT Director / Discussion and appropriate action**

Commissioner Stone 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