

**CALLED MEETING OF THE
BREWSTER COUNTY COMMISSIONERS COURT
MONDAY, APRIL 16, 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. Invocation and Pledge of Allegiance

Judge Beard led the invocation and Pledge of Allegiance.

2. Minutes / additions / corrections / approval

The minutes from the February 28, March 5, March 12 and March 27, 2012, meetings were presented for approval.

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

3. Recognitions / Presentation of 125th Anniversary Plaque by Brewster County Historical Commission & Resolution of Appreciation to County Historical Commission by Commissioners Court / Discussion and appropriate action

Dr. Kip Sullivan presented three plaques, one for the Courthouse, one for a South County facility and another for a Marathon facility.

Judge Beard then read a resolution of appreciation for the County Historical Commission for the great success of the 125th anniversary celebration.

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

4. Treasurer

A. General Bills / Discussion and appropriate action

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

B. Financial Reports / Updates, Discussion, Review and appropriate action

Specified Activity Report
Cash Flow Predictions
Budget Analysis Usage Report
Receipt File Listings

Cash Report, February, 2012
Payroll Reports
Check Register
Other Financial Reports as Requested by Commissioners

Commissioner Killingsworth asked about positive balances in Homeland Security and HIDTA. Deputy Treasurer Megan Antrim said they were waiting on a bill for the Homeland Security account. As for HIDTA, Ms. Antrim said she and the Treasurer are working on the account to improve it for auditing purposes. Also the general fund has not yet been reimbursed for some HIDTA expenses.

Judge Beard said the next agenda will include a Treasurer's Workshop to work on financial reports in more detail, as well as credit cards, the personnel manual, phone bills and general reporting.

C. Jail Water Bill (Flagged by Treasurer's Office)

1. Update on new meter & matters related to increases in water bill

Ms. Antrim said when the meter was replaced, the bill notably increased. She said the old meter wasn't working correctly, resulting in a lower bill for several months. A typical bill runs between \$600-\$900.

2. Discussion and appropriate action re water billing

D. Law Enforcement Grant Reimbursements / Request for Pre-Submission Approval

2009 Operation Stonegarden Grant **HIDTA / Lonestar**
Operation Linebacker **Border Star JAG**

Ms. Antrim said she is in need of Judge Beard's signature for paperwork related to the 2009 Stonegarden grant. No upfront cash will be required.

Commissioner Killingsworth made a motion to grant pre-submission approval for upcoming purchases from the 2009 Stonegarden grant. Commissioner Ortega seconded the motion, which passed unanimously.

E. Approval of Hardship Credit for 2009 Operation Stonegarden Grant / Discussion and appropriate action

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

Ms. Antrim said that 2010 employers quarterly reports (Form 941) have been returned from the federal government for corrections. Dependent health insurance was incorrectly taxed. Employees will be reimbursed, and once the 941's have been corrected, the federal government will reimburse the County. There is no penalty.

The County receives a discount from the State if its quarterly reporting is paid by the 30th of the month. The Treasurer's Office is asking for permission to pay the State early in order to take advantage of the discount.

Commissioner Killingsworth made a motion to pre-approve payment of the quarterly reports, which was seconded by Commissioner Ortega, and passed unanimously.

Ms. Antrim said that at the Feb. 13 meeting, Commissioners authorized opening a new bank account. In order to do so, the bank needs a copy of the minutes, which have not been completed due to an inaudible recording.

Once the minutes can be compiled, Commissioners will re-affirm the vote..

Ms. Antrim said that when the Precinct 2 Justice of the Peace acts in someone else's stead, should his account be charged, or the account of the official for whom he is acting.

Commissioners determined that unless he is acting as the County Attorney, the account of the official for whom he is acting should be charged.

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

Supt. Frenchie Causey said Wagon Road has been partially paved; he is waiting on more rock. A stop sign was placed on Mountain View Drive. Cathedral Mountain Road was bladed after the rain.

One man has been working on cleaning up Pena Park.

Commissioner Ortega made a motion to approve a permit for the City of Alpine to trench alongside Mosley Lane. Commissioner Killingsworth seconded the motion, which passed unanimously.

B. TxDot Border Colonia Access Paving Grant / Matters related to concluding project

1. Report on payments to contractors and professionals / Discussion and appropriate action concerning payment for project

Commissioner Killingsworth said the contractor and engineer have both been paid. They are working on clean-up. Supt. Causey said there are some road signs that need to be posted.

2. Discussion and appropriate action to complete Terlingua Springs paving project, including other appropriate action regarding construction, inspections and concluding project

7. County Emergency Management Office

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, exercises & drills, matters related to pending & future Homeland Security & FEMA Grants and matters related to 911 & 911 addressing / Discussion and appropriate action

Judge Beard said her office is in the process of planning the next exercise with actual time response. It will likely be in May or June.

B. County Burn Ban / Consideration of Renewal / Discussion and appropriate action

1. Judge's & EMC's review of what is done prior to adopting burn Bans in Commissioners Court

Judge Beard said she has seen some things in the community which assert that Commissioners Court adopts burn bans arbitrarily. She said that is untrue. The process entails substantial analysis. In a memo to Commissioners, she outlined the process, which she highlighted.

Several things are analyzed, including the drought index, ground fuel, etc. Mr. Santry analyzes local response, regional response, etc. in making his own determination for recommendations. The Texas Forest Service has recommended an extension.

Mr. Santry is recommending now that Commissioners Court continue with the burn ban unless conditions improve significantly.

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

2. Discussion and appropriate action in regard to extending burn ban

C. Discussion and appropriate action for general administrative work of Emergency Management Office to go forward

8. Justice Court, Pct. 2 / Request to contract for Collection Services with McCreary, Veselka, Bragg & Allen, P.C. / Discussion and appropriate action

Judge Burr said he would like the County to contract with MVBA for collections.

There is no cost to the County; MVBA takes a percentage of the fines.

Commissioner Ortega made a motion to contract with MVBA for collections for Precincts 2 and 3. Commissioner Stone seconded the motion, which passed unanimously.

9. Primary Elections & Update

A. Report and update from Elections Officials (County Clerk & Tax Assessor Collector) concerning upcoming May 29, 2012, Primary Elections

County Clerk Berta Martinez said they are preparing for training on April 28. She said everything is running smoothly.

Commissioner Ortega asked if a workshop could be held for the public to show them how to use to electronic voting machines.

Mrs. Martinez said something will have to be done because, eventually, we will go paperless.

Commissioner Killingsworth said great care will have to be taken because the machines are pre-programmed.

ES&S is working on the programming now, said Mrs. Martinez.

Tax Assessor Betty Jo Rooney said the new voter registration cards were mailed. About 1/3 came back. They are working on getting addressed corrected and re-mailing the cards. Several people have come to the office to complain about their election boundaries.

B. Discussion and appropriate action to facilitate conduct of Primary Elections

10. RCI Records Retention Proposal (State Records management Schedule Compliance) / Discussion and appropriate action

Judge Beard said the records in Emergency Management have never been reviewed. That Office is starting to build quite a volume of records, so that office is in need. Judge Beard said she will make one more pass through the Courthouse to check with other offices.

Commissioner Stone made a motion to contract with RCI for any offices which are in need. Commissioner Killingsworth seconded the motion, which passed unanimously.

11. Regional Public Defender for Capital Cases / Payment for 2012 Interlocal Agreement / Discussion and appropriate action

Judge Beard explained that an indigent defendant charged with capital murder could be very costly to the County. The premium for this program is \$2,360.

Commissioner Stone made the motion to approve the payment, which was seconded by Commissioner Killingsworth, and passed unanimously.

12. County IT Matters / Commissioner Pct. 2 Killingsworth, County IT Committee Chair

A. General update on progress & issues during IT Transition / Discussion and appropriate action to go forward with transition

Commissioner Killingsworth said an IT meeting was held this week with Mark Hannan to do a review of the hardware and what can be done to make the system more secure.

Some adjustments are going to be made which will bring the system down for a period of time. Department Heads will be notified.

B. Reaffirm Acceptable Use Policy regarding County Hardware & Software / Discussion and appropriate action

Commissioner Killingsworth suggested that everyone be aware of the appropriate uses and that a policy be created.

Judge Beard said TAC has an excellent sample policy.

Commissioner Killingsworth said all employees should sign off on the policy annually.

Judge Beard suggested formal adoption at the next meeting.

She also said to keep in mind that none of the equipment is personally owned. It is the taxpayers' property.

13. Matters related to Courthouse Security & Security Personnel

A. Executive Session

Pursuant to § 551.076, Government Code, VTCA, Deliberation concerning the deployment, or specific occasions for implementation, of security personnel or devices

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), and

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

Judge Beard said the staffing issue has been rectified, and the executive session is no longer necessary.

14. Judge's Review of:

A. Means by which some County services have historically been provided by "outsourcing" to local non profits or by placing responsibility in an existing County department or office / (Discussion only)

Judge Beard said that from time to time, new departments are suggested which are inappropriate and unaffordable for a County of this size. For a number of years, many functions have been outsourced to other agencies. For example, the Sunshine House provides a nutrition program. The Family Crisis Center, Big Bend Little League, etc. provide essential functions.

B. Review of Management of Community Facilities (Discussion only)

Judge Beard said a management department does not exist; management has been left to Commissioners and that has worked well.

C. Ongoing efforts to Conserving County Resources and avoiding adding additional employees (Discussion only)

Brewster County cannot afford additional departments or employees. It can, however, re-organize and/or think outside the box and consider new and better ways of doing things.

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