

**CALLED MEETING OF THE  
BREWSTER COUNTY COMMISSIONERS COURT  
MONDAY, APRIL 30, 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>BETTY JO ROONEY</b>	<b>TAX ASSESSOR</b>
<b>BERTA RIOS-MARTINEZ</b>	<b>COUNTY CLERK</b>
<b>JERRY SOTELLO</b>	<b>J.P., PRECINCT 1</b>
<b>CAROL OFENSTEIN</b>	<b>TREASURER</b>

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

*The minutes from the April 16, 2012, meeting 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 a \$22,662.94 payment to Dinosaur Valley from the Historic Preservation fund for a combination of painting and repairs to the old courthouse, and the ongoing renovations in the old library building.*

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

*Commissioner Ortega abstained from 76044 and Commissioner Killingsworth abstained from 75982 and 75983. Judge Beard abstained from any KALP bills.*

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

<b>Specified Activity Report</b>	<b>Cash Report</b>
<b>Cash Flow Predictions</b>	<b>Payroll Reports</b>
<b>Budget Analysis Usage Report</b>	<b>Check Register</b>
<b>Receipt File Listings</b>	<b>Other Financial Reports as Requested by Commissioners</b>

*Treasurer Ofenstein reviewed the specified activity report. She said it does not include today's payroll or the bills presented in Item A. She also said she had received two payments this morning of \$17,000 and \$25,000.*

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

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

*Treasurer Ofenstein said there is an invoice for Stonegarden which needs a signature.*

*Commissioner Killingsworth made a motion to approve grant reimbursements after the Judge has signed them. Commissioner Stone seconded the motion.*

*Judge Beard said she isn't comfortable signing something which hasn't been reviewed. Commissioner Killingsworth asked if there is a summary available.*

*Treasurer Ofenstein said there is, and it and that it explains exactly what is being purchased. She also said she'd sit down with the Judge and review each purchase before signing.*

*Commissioner Killingsworth rephrased her motion as follows: To give approval for grant reimbursements after the Judge has reviewed the summary. Commissioner Ortega seconded the motion, which passed unanimously.*

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

*Treasurer Ofenstein said she needs permission to sign all the state quarterly reports. She received an email stating that she does not have permission to sign the jury reimbursement report. That State office is still recognizing Hortencia Ramos as the Treasurer.*

*The woman who called said she needs the signator approved in the Commissioners Court minutes.*

*Commissioner Killingsworth made a motion approving the County Treasurer for signatures on state quarterly reports on behalf of the County. Commissioner Ortega seconded the motion, which passed unanimously.*

***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. Commissioner Pct. 3, Ruben Ortega (County Representative on Rio Grande Council of Governments Solid Waste Advisory Committee)**

**A. Update on Old Tire Disposal Grant (Rio Grande Council of Governments)**

*Commissioner Ortega said there is only \$3,000 available, which doesn't go very far. Texas Disposal has agreed to take the tires to their yard in Denver City for just the cost of fuel.*

*He proposed a tire pick-up day, after which the County will haul them to the Texas Disposal yard. He said there are lots of tires in the County yard which need to be disposed of. He is estimating about \$400 to \$500/trip in fuel.*

*Judge Beard asked if a long-term arrangement can be arranged with Texas Disposal. Commissioner Ortega said they are eager to work with the County, and he thinks it is possible.*

**B. Proposal to Partner with City of Alpine and Texas Disposal Systems to facilitate Old Tire Disposal / Discussion and appropriate action**

*Commissioner Ortega made a motion to approve partnering with the City and Texas Disposal to dispose of tires. Commissioner Stone seconded the motion, which passed unanimously.*

**5. 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 Killingsworth said they are working on roads in South County today. Commissioner Ortega said they are doing a good job at the Post.*

***B. TxDot Border Colonia Access Paving Grant / Matters related to concluding Project / Discussion and appropriate action to complete Terlingua Springs paving project, including other appropriate action regarding construction matters, payments, inspections and concluding project***

*Commissioner Killingsworth said they are waiting on some road signs.*

***6. 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***

*EMC Tom Santry said the Homeland Security grants for 2009 have been completed. The gate at the EOC is fully installed. There is some signage needed.*

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

***7. Terlingua Emergency Services District #1 / Appointment & Reappointment of ESD District Board Members / Discussion and appropriate action***

*Commissioner Killingsworth said Bill Wellman is resigning from the board as he is retiring as BBNP Superintendent.*

*She made a motion to approve Carlos Mendoza, Elida Lorio, Sharon Clark and Jeanette Hall to the board. Commissioner Ortega seconded the motion, which passed unanimously.*

***8. Sheriff's Department / Request to declare old dishwasher and garbage disposal from jail as surplus / Discussion and appropriate action***

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

## **9. Pending Litigation / Confer with Legal Counsel**

***Civil Action No. P-11CV-094, Pascual Q. Olibas and Cheryl Olibas, Individually and D/B/A Freedom Bail Bonds, Plaintiff V. Ronny Dodson, As Sheriff of Brewster County, Texas and Brewster County, Texas Defendant, In the United States District Court, Western District of Texas***

### ***A. Executive Session Pursuant to §551.071, Government Code, VTCA, Pending Litigation and 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 9:25 am., Judge Beard announced that Commissioners Court was going into executive session pursuant to §551.071, Government Code, VTCA, Pending Litigation and 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. The courtroom was cleared of all but Commissioners Court and the County Attorney. Commissioners then conferred with Greg Hudson by telephone together with the County Attorney.*

### ***Reconvene in Open Session***

*At 10:10 a.m., Commissioners reconvened in open session. Judge Beard announced that they had been in executive session, pursuant to §551.071, Government Code, VTCA, Pending Litigation. She asked if there was any action to be taken.*

*No action was taken.*

### ***B. Discussion and appropriate action in regard to the above litigation resulting from Executive Session***

## **10. Workshop Session / Treasurer's Office / (No action)**

***General Discussion related to H.R. functions of office, update of personnel manual, dedicated funds, grants management, personnel and personnel policies, cash flow management, county credit cards, equipment needs of Treasurer's office & other matters related to Treasurer's office***

*Judge Beard said Commissioners need a review of the privacy measures in relation to personnel files.*

*Treasurer Ofenstein said she has all personnel files under lock. There are some timesheets which are kept in an unlocked filing cabinets; however, timesheets*

aren't confidential. She said personnel files should be placed back in the vault if the office is "unmanned." They shouldn't be left on a desk.

Commissioner Killingsworth asked about employees who may have questions about retirement. Treasurer Ofenstein said the information can be pulled from the TAC website, and she has other information outlined in the previous meetings minutes. She said she can get something written which can be given to employees.

Judge Beard suggested an employee workshop with TCDR in relation to all benefits.

Treasurer Ofenstein said what is needed is a separate employee manual and a County policy manual.

Judge Beard said, specifically, what needs to be updated in the current manual are sick leave, vacation, comp time/overtime, credit card usage, travel reimbursement, etc.

Treasurer Ofenstein said that the deputy's guaranteed salary needs to be outlined.

All employee time worked, vacation, sick leave, etc. is recorded on timesheets.

Judge Beard confirmed with the Treasurer that virtually all overtime in both the Treasurer's Office and Sheriff's Office is related to grants. She asked how overtime is determined with the Treasurer's personnel.

Treasurer Ofenstein explained that overtime on grants is paid only after 40 hours of work/week.

Concerning credit cards, Treasurer Ofenstein said Commissioners need to determine who they want to have a card because VISA wants specific names on each card.

Commissioner Killingsworth said the County doesn't have to use VISA; it could use another company which will allow for "generic" cards with a company name. Commissioner Killingsworth offered to assist the Treasurer.

Treasurer Ofenstein said it is an ongoing problem that employees turn in credit card receipts that are not itemized.

Commissioners agreed that it is the employees' responsibility to turn in an itemized receipt. Employees should sign a policy that states that they understand that if they misuse the card, including turning in incomplete receipts, they will be reprimanded, up to and including subtracting the amount from their paychecks.

The Treasurer's Office said there is currently one WTNB account for use by the County; the Sheriff's Office has four cards.

Commissioner Killingsworth said she would like to review cash flow management in detail. She said, technically, there is only enough cash flow to run May and part of June without drawing on reserves. Treasurer Ofenstein does not think a transfer from reserves will be necessary; May is normally tight.

*The PILT payment is expected in mid-June, part of which has to be sent to Interest and Sinking. Commissioner Killingsworth said that leaves a summer with very little revenue.*

*Judge Beard said a transfer may be necessary.*

*Treasurer Ofenstein said she is giving department heads a budget analysis for monthly review, and she is getting cooperation from them.*

*Commissioner Killingsworth asked for a revenue and usage report for the next meeting to help with cash flow projections.*

## **SUPPLEMENTAL AGENDA**

### **1. County Emergency Management Office / Communications and 911 Personnel**

#### **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 10:22 a.m., Judge Beard announced that Commissioners Court was 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 Commissioners Court and the Emergency Management Coordinator.*

#### **Reconvene in Open Session**

*At 10:55 a.m., Commissioners reconvened in open session. Judge Beard announced that they had been in executive session, pursuant to §551.074, Government Code, VTCA.*

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

*Judge Beard said it is the responsibility of the EMC to call for any outside resources, particularly in the event of wildfires. If the proper authorities aren't informed, resources cannot be called for and the EOC cannot be opened.*

*Judge Beard said she had no initial communications related to the current Iron Mountain fire. Information needs to be shared by all agencies involved in the event of an emergency.*

*Commissioner Killingsworth made a motion to review and improve communications during emergency situation. She further elaborated that it is imperative the EMC and the County Judge be advised of any emergency situation, particularly wildfires, that occur within the County. It is the EMC and County Judge's responsibility to assess the situation and take appropriate action, and they*

*cannot do it without appropriate action. Commissioner Ortega seconded the motion, which passed unanimously.*

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

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

***ATTEST:***

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