

**REGULAR MEETING OF THE
BREWSTER COUNTY COMMISSIONERS COURT
TUESDAY, MAY 22, 2012, AT 9:00 A.M.**

Judge Beard called this meeting to order. Officers present are listed as follows:

VAL CLARK BEARD	COUNTY JUDGE
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
CAROL OFENSTEIN	TREASURER

To discuss and take action as appropriate on the following:

1. Minutes / additions / corrections / approval

The minutes from the May 14, 2012, meeting were presented for approval. Commissioner Ortega made a motion to approve the minutes, which was seconded by Commissioner Killingsworth, and passed unanimously.

2. Treasurer

A. General Bills / Discussion and appropriate action

Treasurer Ofenstein noted that there was nothing outstanding about the bills.

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

Two walk-in bills were presented, the first from AT&T for \$877.11, and the second from Commissioner Killingsworth for milage for \$333.

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

Commissioner Killingsworth abstained from her own mileage bill.

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

Specified Activity Report	Cash Report
Cash Flow Predictions	Payroll Reports
Budget Analysis Usage Report	Check Register

Receipt File Listings

**Other Financial Reports as
Requested by Commissioners**

Treasurer Ofenstein reviewed the financial reports with Commissioners.

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

**2009 Operation Stonegarden Grant
Operation Linebacker**

**HIDTA / Lonestar
Border Star JAG**

Deputy Treasurer Megan Antrim said the 2012 HIDTA grant has been modified. The first modification is an increase of \$6,000 for fuel and vehicle maintenance. The second modification is a \$22,000 increase which will cover Lonestar, and will include overtime and the K-9 unit.

The 2009 Stonegarden grant has also been modified to include an additional request from the County of \$11,099.33, which requires the Judge's signature.

Commissioner Killingsworth asked who makes the determination on how the increases will be spent. Ms. Antrim said the State does. The two also discussed how long it takes to receive the funds, which is usually 4-6 weeks.

D. Other administrative & procedural matters related to Treasurer's Office

Treasurer Ofenstein said she needs to pay the health insurance bills to TAC, Aflac and Ameritus. Sometimes, she has to wait for a Commissioners Court meeting to get approval, and the due date passes.

Treasurer Ofenstein said she would bring specific amounts to Commissioners.

**E. Discussion and appropriate action for work of Treasurer's Office to go
forward**

3. Officials' Monthly Report

No monthly reports were presented for approval.

4. Brewster County Tourism Council

A. General Update

Ron Sanders reviewed the trade shows the Council has attended recently. He said interest in the area has increased. He said visitorship is up about four percent over last year.

B. Request for small space in Old Library for Tourism Board business office / Discussion and appropriate action

Judge Beard said the County is in the process of doing some basic renovations. It is proceeding slowly as it is being done in-house. For the last 18 months, the Tourism Council has seen the need for space for what is strictly a business office.

Judge Beard said she believes in the northern section of the library, a one-room office could probably be set up, with the Council's financial assistance.

Mr. Sanders said they are currently operating out of a residence, and they have grown to where they need a part-time assistant for the executive director. It would also give them space for records which would be available to the executive committee at any time.

Judge Beard said she is asking Commissioners to approve the concept.

Commissioner Ortega made a motion to set aside space in the library for the Tourism Council. Commissioner Killingsworth seconded the motion, which passed unanimously.

Judge Beard will bring back a more detailed proposal at a later date.

C. Review & update of 2012 Budget / Discussion and appropriate action concerning budget

Mr. Sanders said the original budget was for \$450,000. He broke that amount down further for Commissioners. There is also a supplemental budget for the roadside exhibits for \$166,000.

Projections are showing more than the original \$450,000 expected.

Commissioner Killingsworth reviewed the line items for budgetary purposes, including clarification of previously committed funds.

Commissioner Killingsworth made a motion to approve the budget in the amount of \$616,000. Commissioner Ortega seconded the motion, which passed unanimously.

D. Reappointment and Appointment of Board members / Discussion and appropriate action

Mr. Sanders asked that the following be re-appointed: Bill Ivey (Alpine), Danny Ferguson (Chisos Basin), Travis Roberts (Marathon), Wilma Schindeler (Marathon) and Ron Sanders (Big Bend Resorts and Alpine).

Commissioner Ortega made a motion to approve the re-appointments, which was seconded by Commissioner Killingsworth, and passed unanimously.

Mr. Sanders asked that John Finley (Lajitas Resorts) be appointed as a new member.

Commissioner Ortega made a motion to approve the appointment, which was seconded by Commissioner Killingsworth, and 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

Supt. Frenchie Causey said crews have been working on blading several roads in both North and South County. They are working on Cemetery Road right now, which should be completed this week.

One crew members is working at Pena Park, mowing and cleaning up.

Commissioner Ortega said there is an Eagle Scout from Alpine who would like to re-do the doors and other wooden things at the Park for a project. McCoy's donated the wood. Commissioners expressed their appreciation.

They have been patching potholes throughout the County for a couple of weeks.

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 the only thing needed are speed limit signs, road signs and aprons for the driveway.

C. Maintenance & Repair Work performed by Road & Bridge Department for other County Departments / Discussion and appropriate action concerning procedures & permission for scheduling work

Judge Beard said that Commissioners have approved the Road & Bridge Department for occasional maintenance and repairs in other departments. Those requests need to be made and scheduled through Mr. Causey.

Commissioner Killingsworth made a motion authorizing the Judge to send a memo to department heads outlining the procedures for use of Road & Bridge for maintenance. Commissioner Ortega seconded the motion, which passed unanimously.

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 that for over a year, the County has been working to get reimbursement from FEMA for costs related to the Gage-Holland fire. Five different groups of 16 total people have been to review the paperwork, etc. Mr. Santry said he has just submitted the paperwork for the second time, and will wait and see what happens next.

B. Discussion and appropriate action concerning appropriate utilization of funds in upcoming Homeland Security Grant Cycles with emphasis on needs of Brewster County Emergency Management Department / Proposed uses including, additional equipment & fixtures for E.O.C., Emergency Management Staff and Vehicle for Department (4WD, 4 passenger, high clearance/used low mileage if available) computer hardware & software / Discussion and appropriate action regarding priorities and moving forward with grant applications and acquisitions including required bid processes, if any

Mr. Santry said that the 2009 Homeland Security grant was completed last month; however the COG advised that there is a \$35,000 surplus available for a vehicle. Mr. Santry has received nine quotes for vehicles. He started by looking for

a Tahoe, however they were priced very high. He has instead been looking for a pick-up truck.

Judge Beard asked that Mr. Causey help Mr. Santry with evaluating a vehicle.

Commissioner Ortega made a motion to authorize Mr. Causey to help Mr. Santry, which was seconded by Commissioner Killingsworth, and passed unanimously.

Additionally, the Emergency Management Department has determined a need for the following, which can be purchased from the 2011 Homeland Security grant: a three-phase generator, weather station, anemometers, printers for the EOC, police scanners, topography maps and bulletin boards.

Commissioner Killingsworth can help to determine what kind of generator will be needed to pump the wells in the area.

Approximately \$45,000 will be available from the 2011 grant which can be used for these types of purposes.

Judge Beard suggested that perhaps the City of Alpine may want to participate in and be able to use a portable generator.

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

7. Pending Infrastructure Grant Matters

A. Colonia Construction Fund Application / (2nd Septic Tank Replacement grant for S. Brewster County)

1. Update on Project & Application Process

Grant Administrator Jerry Carvajal said bids have been solicited on the 13 applicants for Phase 4. One qualified bid was received from A.G. Hays.

Commissioner Killingsworth made a motion to approve the A.G. Hays bid, which was seconded by Commissioner Ortega, which passed unanimously.

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. 2011/2012 Texas Department of Rural Affairs Grant Program (R.O. facility for Study Butte Water Corp.) / Update / Discussion and appropriate action to go forward with grant

Engineer Travis Roberts said he has been working on general bid specifications. He is going to look at the site tomorrow.

C. 2013-2014 TXCDBG Application Process / Discussion and appropriate action concerning submittal of application

Mr. Carvajal said the applications will be due in October this year. He thinks it's time to start on the process and determine what kind of project the County would like to do.

Mr. Carvajal doesn't know how much money will be available yet.

Judge Beard, who chairs the committee, said the same procedures and the same types of project are to be expected, mainly those to do with water, sewer and streets.

Commissioner Killingsworth made a motion to authorize the beginning of the application process, which was seconded by Commissioner Ortega, and passed unanimously.

The first public hearing will be held in June.

8. Personnel / Realignment, interdepartmental transfers, reassignments & designation of new positions for current county employees for Emergency Management Department and County Judge's Office, Treasurer's Office

A. Executive Session Pursuant to Section § 551.074, Government Code, VTCA, to discuss the appointment, 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 including reassignments, designation of new positions, transfers within budget and other related matters

Commissioner Killingsworth made a motion to create the position of the Deputy Emergency Management Coordinator to be under the Emergency Management Department with primary duties as set out in the job description, including the Public Information Officer, Deputy EMC and other duties as assigned.

Commissioner Ortega seconded the motion, which passed unanimously.

Commissioner Killingsworth made a motion to transfer the supervision of Betse Esparza from the Treasurer's office to the Emergency Management Department. She will service as the Deputy EMC, as well as continue the job duties she is performing now.

Commissioner Ortega seconded the motion, which passed unanimously.

Judge Beard noted that the duties which Mrs. Esparza is performing now for the Treasurer's Office will continue.

9. Employee Policy Manual / Comments on Draft Policies and Scheduling of workshop session on draft policies

Judge Beard noted that the draft is very rough. She will provide a copy to the Treasurer's Office, and suggested a workshop on June 11.

She asked Commissioners to review the draft and make notes.

10. IT Update / Commissioner Killingsworth IT Chair / Discussion and appropriate action for IT transition to go forward

Commissioner Killingsworth said she thinks things are going well. She said the system will be down at some point for maintenance, but everyone will be notified.

11. Elections / May 29th Primaries

A. Update

Berta Rios-Martinez said things are running smoothly.

Remote voting will be held in Marathon tomorrow from 1 to 6 p.m.

Last Wednesday, 46 people voted in Study Butte; seven voted yesterday at Panther Junction.

**B. Review of Courthouse Closure on Primary Election Day, May 29th
(Courthouse Offices & Tax Office to be closed to the public, but
County Employees remain on duty)**

Judge Beard said the Courthouse and Tax Office are closed to the public, but it is a workday for County employees. They can work quietly in their own offices, or can help with the election if called upon.

**C. Discussion and appropriate action regarding any general
administrative matters related to May 29, 2012**

Betty Jo Rooney said 696 votes had been cast at the Tax Office through yesterday, only 10.2 percent of those registered.

12. Commissioner Pct. 3, Ruben Ortega, consideration of an Amended Plat for the Anderson Addition to the town of Marathon, (September 17, 1908) to correct the North/South distance between the railroad and the South line of

Anderson Addition, (be in common with the South Boundary Line of Sec. 25, Block 4 of the GC & SF Railway Company Surveys.) /Amend the width of South 7th Street from a platted 60 ft. wide right of way to the now existing 30 ft. width / Discussion and appropriate action

Engineer Travis Roberts said the south boundary line on the Anderson Addition is also the south line of Section 25. For whatever reason, there have been some questions about that boundary.

The plat Mr. Roberts has prepared clarifies the issue. None of the lot dimensions will be changed; the County is not taking anyone's property.

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

13. Treasurer's and Commissioners Court Workshop, including

A. Issues related to cash management strategies for June/July 2012 & related planning issues & procedures related to County finance

Judge Beard said that the summer months are particularly tight financially.

Treasurer Ofenstein reviewed previous annual totals for the months of May and June with Commissioners, noting that, in 2010, the PILT wasn't received until July.

Mrs. Ofenstein said she hasn't received the federal prisoners payment yet this month. It should be about \$63,000, and there is an additional \$10,000 due as well. There is also a \$63,350 reimbursement expected from Stonegarden, although she doesn't expect it before June.

Commissioner Killingsworth noted that there will be less than \$300,000 in the bank (checking) at the end of the month.

Treasurer Ofenstein noted that in either 2009 or 2010, the County had to draw on reserves. In other years, we have managed. She said no reserves were needed last year.

Judge Beard said this review is necessary to find out if there's a way to avoid using reserves now.

Commissioner Killingsworth said a lack of revenue is the main problem, and the issue needs to be addressed in order to make a plan to move forward.

Commissioner Killingsworth said she'd like to take the reports she has and review them, and address the issue again in June. With the current cash position, she said we're looking at having to draw from reserves.

Commissioner Killingsworth said she suspects the problem is with how the cash balance began on January 1 in 2010 and 2011.

Treasurer Ofenstein said that revenue is actually up and expenses are down; there may be a problem with the reporting.

- B. Review & discussion of administrative procedures related to transfers between accounts*
- C. General discussion concerning implementation of new financial procedures*
- D. Duties of Treasurer's Staff as related to other Departments & performing work/duties for other County Departments*
- E. Other general matters including Judge's comments re development of 2013 Budget and related matters*

14. Discussion and appropriate action resulting from discussion under Agenda item 11 B / Transfers between accounts

This item should have referenced 13B. No action was taken.

15. Personnel / Matters related to Budgetary and Financial Responsibilities of County Treasurer and Commissioners Court

- A. If necessary, 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 for the following Departments*

Reconvene in Open Session

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

No executive session was called pursuant to this item.

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

VAL CLARK BEARD, COUNTY JUDGE

ATTEST:

BERTA RIOS MARTINEZ, COUNTY CLERK