

**REGULAR MEETING OF THE  
BREWSTER COUNTY COMMISSIONERS COURT  
MONDAY, JUNE 11, 2012, AT 9:30 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>

**1. Invocation and Pledge of Allegiance**

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

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

*The minutes from the May 22, 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. Treasurer**

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

*Commissioner Killingsworth asked about \$790,000 for Stonegarden. Deputy Treasurer Megan Antrim said they have finally begun receiving reimbursements from the first quarter. She said there are a couple more reimbursement packets pending.*

*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**

**Cash Report**

**Payroll Reports**

**Budget Analysis Usage Report  
Receipt File Listings**

**Check Register  
Other Financial Reports as  
Requested by Commissioners**

Commissioner Killingsworth asked why there are two cash flow projections dated June 12. Ms. Antrim said one of them was created before a \$12,500 bill was received from ES&S.

Commissioner Killingsworth asked about a \$20,000 difference between cash flow and the general fund.

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

**2009 Operation Stonegarden Grant  
Operation Linebacker**

**HIDTA / Lonestar  
Border Star JAG**

Ms. Antrim said that as soon as bills are received for HIDTA, they will be paid. Also, the 2010 Stonegarden grant has been completed.

Commissioner Killingsworth said that the grant accounts need to be cleaned up as they continue to show a credit.

**D. 2009 Stonegarden Grant Program / De-obligating the remainder of funds in the amount of \$6,372.48 / Discussion and appropriate action**

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

Commissioner Killingsworth asked why the money wasn't spent. Ms. Antrim said there was overtime that wasn't approved. The County did have to cover a portion of it.

Commissioners agreed that we need to keep on top of the State to make sure we know the rules pertaining to grants on an ongoing basis.

**E. Other general administrative & procedural matters related to Treasurer's Office / Discussion and appropriate action**

Ms. Antrim said that child support payments are now mandated to be electronic. They are working on the issue.

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

**4. Officials' Monthly Reports / Discussion and appropriate action**

Commissioner Stone read the reports for the record.

*Commissioner Killingsworth made a motion to approve the reports, which was seconded by Commissioner Ortega, 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 they bladed three roads in the last couple of weeks. All of the speed limit signs were installed at Terlingua Springs. Crews performed maintenance at the South County ERC. They are working on mowing right-of-ways in Marathon, and two men have been working at the old library for the last couple of weeks.*

*Southwest Texas Municipal Gas Co. has made three applications for boring at Ted Gray, Andy and Tom Lackey streets.*

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

### **B. County Road System / Consideration of taking S. Double Diamond Veterans Addition Ridge Line Drive & Spring Creek Road (Brewster County Plat 200) into the County Road system / Proposed Final Approval after legal review / Discussion and appropriate action**

*Judge Beard explained the two-step system for taking roads into the County system. The County does not have great resources. Everything must be evaluated very carefully. Taking a road into the system does not mean that paving is imminent.*

*The process begins with interested residents working with their Commissioner. In regard to these particular roads, meetings began a couple of years ago with Wacky Pallanez. A preliminary hearing has already been held and preliminary approval given.*

*Sometimes legal issues arise and can be quite complex. After researching issues and hearing from Commissioner Pallanez' constituents, Commissioners expressed preliminary approval, after which the County Attorney reviewed the plat, and found a dedication to the public of these particular roads; thus, there is no legal impediment.*

*Judge Beard called for comment. None were made.*

*Commissioner Killingsworth made a motion to bring Ridge Line Drive and Spring Creek Road in Precinct 4 into the County system. Commissioner Ortega seconded the motion, which passed unanimously.*

***C. 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 an additional materials purchase for base is still pending. Everything else is complete.*

***6. Brewster County Appraisal District / 2012-2013 Proposed Budget / Discussion and appropriate action***

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

***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***

*EMC Tom Santry asked Frenchie Causey to report on portable generators for public water supply systems. He found that the city's biggest well is three-*

phase, 50 horsepower. He found that a 90-watt three phase generator would cost \$41,258, and he is waiting on more pricing.

Commissioner Killingsworth said that will not run the big wells in South County.

She said maybe if the County will fund the generator, the City of Alpine will fund a way to get the generator hooked up to the well very quickly, a “quick connect” system.

Mr. Santry also reported that Texas Forest Service grants are still available for dry fire hydrants.

## **B. Matters related to State 911 System**

### **1. Discussion concerning Statewide structure of 911**

Judge Beard explained that the area experienced another interruption of 911 service. The AT&T cable was cut. The COG employs an expert on the issue.

The first thing that happens when service is interrupted is that the area’s calls are shifted to another call center. This time, due to the magnitude of the cut, calls were shifted to Reeves County rather than Culberson, Hudspeth or Presidio counties. However, emergency officials did not know where the calls were being sent to.

The process should be seamless, and Marisa Quintanilla from the COG is working on the issue with AT&T and 911. AT&T will now contact Brewster County Emergency Management directly when there are issues with 911.

### **2. Discussion concerning securing greater cooperation from AT&T re 911 Service interruptions & encouraging AT&T & others to take additional steps to avoid future disruptions**

Judge Beard said she would like Commissioner to authorize her to express the County’s concerns with this issue and to ask for greater cooperation.

Commissioner Killingsworth made a motion to authorize the County Judge to express our concern to AT&T about the loss of 911 services. Commissioner Stone seconded the motion, which passed unanimously.

### **3. Other appropriate action related to 911 Service**

## **C. Order Restricting or Prohibiting the sale or use of “restricted fireworks” / Discussion and appropriate action**

Commissioner Ortega made a motion to approve an order restricting or prohibiting the sale or use of restricted fireworks, which was seconded by Commissioner Stone, and passed unanimously.

*A copy of the order is attached.*

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

***8. Chapter 60, Texas Code of Criminal Procedure Disposition Completeness & its impact on Homeland Security Funding / Local Data Advisory Board / Discussion and appropriate action to encourage work of Data Advisory Board to improve disposition completeness reporting***

*Judge Beard said she has not seen a plan. The County must have a plan and be at least at 90 percent disposition completion. If this isn't done soon, it will affect Homeland Security funding.*

*Commissioner Stone made a motion to encourage the work of the board to improve the reporting, which was seconded by Commissioner Ortega, and passed unanimously.*

***9. Pending Infrastructure Grant Matters***

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

***1. Update on Project & Application Process***

*Grant Administrator said 48 applicants have been approved, and Phase 4 should begin next week. The County needs to complete at least 50 septic tanks, and there should be enough money left to do three more, possibly four.*

*Commissioner Killingsworth made a motion to approve the last four applicants on Phase 4, Part 2. Commissioner Ortega seconded the motion, 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***

*Mr. Carvajal said he will meet soon with the engineer.*

***C. 2013-2014 TXCDBG Application Process / Discussion and appropriate action***

**concerning submittal of application & related matters**

*Applications will be due in early October. He is going to meet with Commissioner Ortega soon to set up a public hearing in Marathon.*

**10. County Clerk**

**1. Request to consolidate Precincts 1,2,4, & 8 (Alpine area precincts) for July 31, 2012 Primary Runoff Election / Discussion and appropriate action**

*County Clerk Berta Rios Martinez said these are only the Alpine precincts. Early voting will be held at the Tax Office. Election Day voting would be held in the Commissioners Courtroom.*

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

**2. County Clerk / Request to acquire ballot scanner utilizing HAVA funds or other funding source / Discussion and appropriate action**

*Mrs. Martinez said she would like to purchase a paper ballot scanner through ES&S for use for early voting. The cost is \$5,000.*

*Paying individuals to count early voting ballots costs about \$3,000 per election.*

*Commissioner Killingsworth made a motion to purchase an M100 Precinct Optical Scanner from ES&S. Commissioner Stone seconded the motion, which passed unanimously.*

*Commissioner Killingsworth asked Mrs. Martinez to find out if it can be here in time for the run-off election July 31.*

**11. HR 4965 / Proposed Letter of Support (Bi partisan bill to prevent EPA / Corp of Engineers from moving forward with "Waters of U.S." guidance which would require 404 permits for many aspects of County Road Work) / Discussion and appropriate action**

*Judge Beard said that if the definition expands, it's going to negatively impact area landowners and the County's Road & Bridge work. This involves ditches and drainage, and require a permit for various operations, which costs money.*

*Commissioner Killingsworth made a motion to approve the letters of support to our federal representatives, which was seconded by Commissioner Stone, and passed unanimously.*

## **12. Public Comment**

*Dale Christophersen of Alpine asked Commissioners to consider restoring the Elections Administrator position during the budget process. He believes it will help elections to run more smoothly and relieve some of the issue and to provide some assistance to getting things done the best way possible.*

*John Waters, the publisher of the Big Bend Gazette, said he has been observing the Commissioners Court for 10 years. He said he is distressed about difficulties relating to voter registration. He said he contacted every library in the County and found that they had no voter registration cards. He also said an event whereupon a Commissioner delivered ballots to a voting precinct, but was not in violation of the Election Code, caused him great concern.. He believes there are deep flaws in the way the County is executing its election duties.*

## **13. Rio Grande Council of Governments FY12 Administrative Cost Share for Regional Water Planning Yearly Contribution / Discussion and appropriate action**

*Judge Beard said the 2012 contribution has not yet been made, and Brewster County needs to participate in this process.*

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

## **14. Texas Association of Counties Health Insurance Coverage for employees / Discuss Renewal Timeline and outlook (no action)**

*Judge Beard said we should anticipate an increase this year. While the County can, as we do every year, consider modifying its coverage, we must be careful about that, under the new healthcare law.*

*She said she will try to get the insurance representative here for the next meeting in June. Ms. Antrim said she will contact him today.*

## **15. Treasurer's and Commissioners Court Financial & Budget Workshop, including**

- A. Issues related to cash management strategies for June/July 2012 & related planning issues & procedures regarding County finance**
- B. General discussion concerning implementation of new financial procedures**
- C. Other general matters including Judge & Commissioners comments concerning development & goals of 2013 Budget and County Finances**

*Judge Beard said the budget process is going to be very difficult, partly because the strong upward trend in property valuations have leveled out, and also due to lower interest earnings.*

*She asked for Commissioners' schedules, and said workshops will begin in earnest in July.*

*Judge Beard asked them to begin flagging any concerns.*

*She said she is concerned about costs related to new facilities, in particular the Alpine Fire Station's utility bills.*

*Commissioner Killingsworth said it's going to be very important to have all the appropriate numbers going into the budget. They need accurate information.*

## **16. Personnel Policies Manual**

### **A. Workshop Session / Review & comment by Commissioners Court & Treasurers Office**

*Judge Beard began by reviewing her notes and comments.*

*Commissioner Killingsworth said it's good to develop this, but it's important that it is put into practice. If policies and practices don't match, she said that isn't good.*

*Ms. Antrim said the policy needs to clarify the time periods allotted for paid leave and for health insurance benefits.*

*Vacation leave and benefits needs clarification.*

*Attorney Greg Hudson will help draft health insurance and retiree coverage policies, which reflect the current policy.*

### **B. Discussion and appropriate action concerning revisions (no final action to adopt)**

*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***