

**REGULAR MEETING OF THE
BREWSTER COUNTY COMMISSIONERS COURT
MONDAY, AUGUST 13, 2012, AT 9:00 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
CAROL OFENSTEIN	COUNTY TREASURER
JERRY SOTELLO	J.P., PRECINCT

To discuss and take action as appropriate on the following:

1. Invocation and Pledge of Allegiance

Judge Beard led the invocation and the Pledge of Allegiance.

2. Minutes / additions / corrections / approval

The minutes from the July 30, 2012, meeting were presented for approval. Commissioner Ortega made a motion to approve the minutes as presented, which was seconded by Commissioner Stone, and passed unanimously.

3. Treasurer

A. General Bills / Discussion and appropriate action

Treasurer Ofenstein said \$46,000 was spent and reimbursed in Homeland Security.

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

One walk-in bill was presented from Dinosaur Valley for \$19,762.95 for three months' construction supervision on the Old Library building.

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

Funding for this payment will come from the historic preservation fund.

Commissioner Killingsworth made a motion to transfer \$30,000 from the hotel/motel tax fund, as per the Tourism Council MOU, into the historic

preservation fund. Commissioner Killingsworth seconded the motion, which passed unanimously.

Treasurer Ofenstein said she needs to transfer \$22,573.77 from historic preservation into the general fund for payment of the Dinosaur Construction bill.

Commissioner Killingsworth made a motion approving the transfer, 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

Payroll Reports

Check Register

Other Financial Reports as

Requested by Commissioners

Treasurer Ofenstein reviewed the reports with Commissioners.

Commissioner Killingsworth asked about matching the end balances. She said there are still several grants in the general fund which need to be cleared out.

Treasurer Ofenstein agreed, and said they plan to address the situation once the budget process has ended.

C. Law Enforcement Grant Reimbursements and other general administrative matters related to these Grants / Discussion and appropriate action

2009 Operation Stonegarden Grant

Operation Linebacker

HIDTA / Lonestar

Border Star JAG

Judge Beard said she is concerned about the time spent on accounting for law enforcement grants in the Treasurer's Office. She said while we appreciate the funding, there seems to be an inordinate amount of work put in by the Treasurer's Office.

Treasurer Ofenstein concurred. That office is very strained by this work load.

D. TCDRA Retirement Plan Evaluation

1. Update

Treasurer Ofenstein said that no action is required until December, but the information is needed for the budget process. She said she currently has the rate calculated at 10.24 percent for the budget.

2. Discussion concerning upcoming possible changes/adjustments in plan, including consideration of COLA / Discussion and appropriate action

Treasurer Ofenstein reviewed the increase possibilities for Commissioners.

She said it's been two years since Commissioners adopted a COLA for retirees. A discussion was held about the understanding of retirement insurance and life insurance. All agreed that a workshop by TCDRS with Commissioners Court and employees is necessary. Treasurer Ofenstein will set up the workshop for later this year.

E. Matters related to current 2012 Employee Salaries, including approval of any proposed 2012 salary/wage adjustments (All Departments)

Judge Beard said that Commissioners Court is the body which approves salaries. She said Commissioners need to approve all salaries, for instance when new employees are hired by department heads. They often come in at the same level as their predecessor. This leaves a sour taste in the mouths of employees who have been there longer. The issue needs to be addressed.

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

4. Officials' Monthly Reports / Discussion and appropriate action

There were no reports presented for approval.

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) cattle guards, fences and other means of containing livestock, safety issues and equipment 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 he and another crew member watched the roads during the flooding last week. On Old Marathon Hwy., they had 18 cross-ties run up against the culvert. They had to be dug out and hauled away. There were some other patching issues that had to be addressed on a few roads, especially at

Wagon and Ranger Roads, but everything is in good shape. Crews have mowed several roads around Alpine, and are working in Marathon now. They have also been working on blading and sealing several roads.

They had to repair the generator at the South County ERC again. It is not online right now.

The Alpine ISD has asked for help building parking lots at the new stadium. The District will pay for everything. It will probably take a couple of weeks.

Judge Beard supports helping the District, but she is getting concerned with the time and money spent at the Old Library. She would like a push to finish up this job, using as many Road & Bridge employees as possible. She said Commissioners understand that crews have been pulled away due to weather, and that they are putting all the labor they can into the facility. She would appreciate more timely notice from other governmental entities regarding their need for County assistance.

Commissioner Killingsworth made a motion to approve the County's assistance on paving the parking lots at Buck Stadium. Commissioner Stone seconded the motion, which passed unanimously.

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 have still not settled on the cost of the materials. The engineer is negotiating. She said turn-outs still need to be paved.

6. Texas Comptroller of Public Accounts / Sheriffs' and Constables' Fees Update / Discussion and appropriate action

Judge Beard said she thinks the deadline is in October. The Sheriff's Office and constables need to be made aware so they examine the current fees and determine if changes are necessary.

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; emergency management issues related to burn bans,

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 fire season has had little activity.

Mr. Santry said he picked up the new 4WD truck, and it is very nice. It was purchased with Homeland Security funding.

The 2010 Homeland Security grant expires at the end of this month, and we will begin expenditures from 2011.

Commissioner Killingsworth said 911 addressing is going well. A committee has been formed. She said there are over 600 unnamed roads in South Brewster County. She expects it to be finished at the beginning of September.

B. Acknowledge assistance of Rio Grande Council of Governments regarding Homeland Security issues and assistance to local Emergency Management Department

Judge Beard said the Homeland Security funding bureaucracy is a huge effort to navigate. She said we have very good assistance from our COG, particularly Marisa Quintanilla.

Commissioner Ortega made a motion to express thanks to the COG, which was seconded by Commissioner Killingsworth, and passed unanimously.

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

8. Pending Infrastructure Grant Matters

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

1. Update on Project

Grant Administrator Jerry Carvajal said the project has been completed. Fifty-one tanks were installed. He expects final payment next week. The final public hearing is scheduled for 5:30 today at the Courthouse.

2. General and administrative matters related to concluding program, payments to contractors and professionals & other related matters / Discussion and appropriate action to close out grant project

B. 2011/2012 Texas Department of Rural Affairs Grant Program (R.O. facility for Study Butte Water Corp.)

1. Update / Bid schedule including award date & other matters related to engineering and acquisition

Mr. Carvajal said the bids will be advertised this week and next, and are scheduled to be opened Sept. 2. A contract needs to be signed by Oct. 25.

Judge Beard explained that if funds are not obligated by a certain date, we will become ineligible for the next round of funding.

2. Discussion and appropriate action to go forward with grant

C. 2013-2014 TXCDBG Application Process

1. Update

The survey in Marathon will begin soon. There must be at least 51 percent low to moderate income for eligibility.

2. Discussion and appropriate action to go forward with application

9. Elections / Tax Assessor Collector & County Clerk

A. FY 2010 Allocation of Chapter 19 Reimbursement System Funds for hardware/software replacement & updates / Discussion and appropriate action

Tax Collector Betty Jo Rooney said there is \$2,000 available that needs to be spent by Aug. 17. The Elections Office is in need of an upgrade for their work station i.e. a new computer. Ms. Rooney placed the order, and can submit it today for reimbursement.

Commissioner Killingsworth made a motion to spend the funds for a new work station for Elections. Commissioner Ortega seconded the motion, which passed unanimously.

B. Conduct of July 31, 2012 Runoff Election

1. Review by County Clerk

Judge Beard said there was an Elections Inspector from the Secretary of State's office present throughout the elections. She said there was a lot of hassling of Mrs. Martinez throughout the process by one of the candidates and one party official, and Judge Beard said Mrs. Martinez performed admirably.

Clerk Martinez said overall, things went well. She provided Commissioners with copies of the returns. The County Chairs have performed their canvasses and turned them into the Secretary of State.

The Elections Inspector wrote up the County because a voting machine was placed at Precinct 5, but was not set up. Otherwise she was positive about the job Mrs. Martinez did.

Clerk Martinez said that on the election night, the workers for the local precincts at the Courthouse did not complete their jobs.

The Inspector did not write-up Mrs. Martinez because she said she was there when the workers were told what to do by Mrs. Martinez. The workers did not secure the equipment; Mrs. Martinez secured the equipment.

Commissioner Ortega thanked Mrs. Martinez for her work.

Judge Beard said that one of the party chairs acted unprofessionally throughout the process. She said Mrs. Martinez and other County employees need to be treated with the same courtesy and respect that they extend to others.

2. Discussion and appropriate action

10. Brewster County Tourism Council

A. Update on recent work of Tourism Council

Mike Davidson said there is about a six percent increase in tourism through the first half of the year. He said last year's fires hurt the industry a bit. Several consumer shows and trades shows in the spring were helpful.

The Council continues to work against the perception that this border is dangerous.

Several journalists, including one from Germany, have been out recently, and have provided favorable coverage. We are also benefitting from Social Media.

The Council is currently mailing between 5,000 and 6,000 individual brochures per year.

They have hired a professional marketing consultant from Dallas, and were surprised by the relatively inexpensive rate.

Tom Williams said the Council has intentionally accumulated a fairly large fund balance. Some of that money will be used to finish the updated Texas A&M marketing survey. They are also working on refreshing the website, to accelerate the roadside exhibits program, and will continue to fund a kiosk at the State Fair.

Judge Beard noted that many times, a board of directors will become stale and stuck in their ways. She said she has been pleased to see that this board takes new initiatives. Mr. Williams said the Commissioners Court, in turn, is easy to work with, and has encouraged new ideas and given the board the latitude to "make mistakes" and try new things.

Ron Sanders said the board is exploring new tag lines and the update of an official logo.

B. Memorandum of Understanding concerning use and maintenance of space in of Old Library Building by Tourism Council for business offices / Discussion and appropriate action

Judge Beard said the Tourism Council has been waiting 15 years for County office space. The space under discussion are two of the front offices in the north building. There would be shared storage space, a shared copying space and a meeting room. It qualifies for hotel/motel expenditures from historic preservation. The Tourism Council has been asked to contribute \$30,000 to the continued updating of the facility, and \$500/month to help with the shared expense of the building. That monthly payment will not be categorized as rent, but rather as reimbursement for insurance, utilities, etc. The initial term of occupancy would be six years with a four-year extension. The space will not be used as a visitor contact center, only as a business office.

Mr. Sanders said the Tourism Council has approved the MOU.

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

11. County Contract IT Services (Nectar Computers)

A. Update by IT Chair Commissioner Killingsworth re recent improvements & updates

Commissioner Killingsworth said one of the modules was installed this weekend, and they'll continue this coming weekend.

B. Discussion and appropriate action to go forward with work of Department

12. County Properties / Landscaping & cleanup at 400 N. 8th Street, Alpine, Texas / Discussion and appropriate action concerning preparing a plan & estimate

Judge Beard said the property is almost completely cleaned off. She said it is located in a residential neighborhood; to be blunt, some of the area behind and to the side of the jail is not as tidy as it ought to be. She said some room for storage is necessary, but perhaps some landscaping around the area would provide appropriate screening.

James Jones, who lives across the street, said he agrees that landscaping would help it to blend in. "Landscaping" may be too strong a term as we don't know what the property will be used for long-term. He suggested some kind of screening on the Lockhart and 8th Street sides. He visited with Alice Stevens at One Way Plant Nursery, who suggested deer-proof, drought-resistant bushes which are evergreen and bloom through the summer, on 8th Street. They are called Chisos redwood. They cost \$25 for a five-gallon container. On Lockhart, she suggested some kind of native pine. Mr. Jones said that, with a drip system, it would cost about \$1,300.

Judge Beard asked for authorization to create a plan.

Commissioner Ortega made a motion authorizing Judge Beard to develop a plan and locate funding, which was seconded by Commissioner Stone, and passed unanimously.

13. Matters related to 2012 Tax Rate & 2013 Budget

A. 2013 Salaries for Elected Officials

1. Review proposed salaries

Judge Beard said that the increase in the costs of health insurance would cause both officials and employees to have less take-home pay if a modest increase is not given.

A 1.5 percent increase has been proposed for anyone who makes less than \$40,000/year, and for elected officials. Elected officials are unable to draw overtime.

2. Propose salaries & appropriate notices / Discussion and appropriate action

Judge Beard reviewed the proposed salaries.

Commissioner Killingsworth made a motion to approve the 2013 elected officials' salaries, which was seconded by Commissioner Ortega, and passed unanimously.

B. Proposed Time Line for Adoption of 2013 Budget / Discussion and appropriate action

Judge Beard noted that the time line must concur with adoption of the budget and tax rate. That the newspaper of record publishes weekly complicates timely publication matters. This is the case in most rural counties.

Everything must be completed by the end of September.

The filing date Judge Beard has set forth for having the budget in the Clerk's Office is Aug. 20.

She reviewed the time line with Commissioners.

Commissioner Ortega made a motion to adopt the time line as presented, which was seconded by Commissioner Killingsworth, and passed unanimously.

14. 2013 Budget Workshop / Discussion concerning all aspects of County revenues/expenditures and upcoming financial needs for all county departments and other entities funded by the County / Scheduling issues related to adoption of Budget and setting Tax Rate / Specific review of need for any additional County Departments or positions, including receiving comment related to means of conducting Elections / Discussion

Judge Beard said we've been fortunate in Brewster County for many years to have an ever-increasing tax base. It has allowed some latitude. However, she said, those days are over. Judge Beard said we're not just moving into an era of austerity, but things are very, very tight. We have been dealing with the same issues that small business have been dealing with. Health insurance costs are rising as are those for fuel, supplies, etc. There has been some moving around of

various line items in departments in this budget to reflect tighter, better management.

Judge Beard said that by Nov. 15, department heads will be required to submit job descriptions which are tied to salaries. Without the description, the salary won't be approved.

Judge Beard said there has reluctantly been an increase to the proposed tax rate.

Dale Christophersen addressed the Elections budget. He said that there was an Elections Administrator for a number of years. He said he felt the position was successful. At this time, Elections duties get "dumped on top" of the County Clerk and Tax Assessor. Mr. Christophersen said that having things under the general guidance of one person at one location may be more efficient. He said he believes there are areas of the budget which could be pointed toward a salary for an administrator. He said he has spoken with a number of people who believe that things would be better managed with an Elections Administrator

Judge Beard said, with all due respect, that she believes Mr. Christophersen is sugarcoating the number of problems we've had with Elections Administrators. She said when you bring somebody from an outside area, odds are that they frequently won't understand the area and won't stay around. (It's an issue that is dealt with all over the area by many agencies.) Judge Beard noted that when the Elections Administrator position was created, there was already a highly trained, competent Elections clerk who moved into being the Administrator. Therefore, the system worked adequately at first, but went off track by the time the third administrator was hired from outside. That's not the case now. To attract a trained person from "outside," the salary would have to be above that of many of our own elected officials. Her ideas was that we need to "grow" someone local into the position.

She said as they work through the budget, Commissioners will consider the issue.

Gail Shugart noted that Mrs. Martinez has been pleasant and professional to work with. She said as Americans and voters, we need to help each other preserve the system.

Commissioners began to review the rest of the budget.

Treasurer Ofenstein said the working tax rate is .3622.

She said the current pass at the budget utilizes \$100,000 of the PILT payment for debt.

Judge Beard noted that interest earnings are down to almost nothing.

Each department was then reviewed.

The funding for contracting agencies has been left flat. Judge Beard said that issues with the Marathon library appear to be ongoing. She said there's a possibility that if things don't work out, the County will be funding Marathon and the APL out of the same line item.

A new District Attorney has been elected, which is going to change the dynamic of that budget. The Pecos County Judge determined several months ago, well prior to the election, that the DA's budget was out of hand and there has been

no fiscal agent or coordination between the counties in this District. Judge Schuster has offered to make Pecos County the fiscal agent with the use of their auditor. The four counties will provide more proportionate funding to Pecos County, from where it will be administered. Commissioners concurred that this was a sound idea.

After a lunch recess, Judge Beard said she had spoken with Treasurer Ofenstein about a modest increase the salary of the Elections Clerk. Commissioners concurred that it is a good idea. Judge Beard said she would include the increase in the next pass of the budget. Perhaps this will encourage a clerk to stay and “grow” into the Elections Administrator position.

15. Propose Tax Rate & Set Dates for Hearing & Date of Vote to set rate / Discussion and appropriate action

Treasurer Ofenstein said the proposed tax rate is a total of .3622, with .2818 for Maintenance and Operations and .0804 for Interest and Sinking.

Commissioner Killingsworth noted that this is a two-cent increase.

Commissioner Killingsworth made a motion to propose the 2012 tax rate at .3622, with .2818 for Maintenance and Operations and .0804 for Interest and Sinking. Commissioner Stone seconded the motion, which passed unanimously.

Commissioner Ortega made a motion to accept the schedule of related tax hearings, which was seconded by Commissioner Killingsworth, and passed unanimously.

RECESS / Reconvene at 2:00 P.M.

16. Presentation regarding HIDTA interdiction position

Sheriff Ronny Dodson introduced Ken Rohde, the PAIC of the Border Patrol’s Intel Unit.

Sheriff Ronny Dodson said he attended a HIDTA board meeting about a year ago. During that meeting, there was a presentation about HIDTA officers in the El Paso area who were making raids where cash was found and forfeited. At the end of the meeting, there was a list of operations who were giving money back which they hadn’t used. Most of it was just staying in the El Paso area. Sheriff Dodson said he approached the HIDTA representative and asked about getting some of that cash in Brewster County for border interdiction.

Sheriff Dodson said he said he spoke with PAIC Rohde about the issue to find out if they could work with the Marfa Sector. Sheriff Dodson also found that there was only about \$22,000 available.

However, PAIC Rohde spoke with Chief Patrol Agent Smietana, who agreed to fund the program with the Border Patrol’s entire HIDTA budget.

PAIC Rohde explained that current strategic plan for the Border Patrol is to focus on southbound traffic, including money and guns.

This would mean an additional HIDTA officer placed with Border Patrol, as opposed to DEA. The salary would be \$52,000 plus fringe. This entails adding another Deputy position.

The Border Patrol would also provide some asset sharing at a level of 20 percent.

Sheriff Dodson said there is no overtime available for the officer.

Judge Beard made a critical note: She said the Treasurer's Office is at the breaking point as far as law enforcement record keeping and grants. She asked if Chief Smietana is able to or willing to provide someone on a part-time basis to do the record keeping under Treasurer Ofenstein's supervision. PAIC Rohde said he cannot answer for Chief Smietana, but will take the message back. He did say that Chief Smietana is committed to the effort.

Commissioners asked how the money would flow and what would happen if the funding stopped. What about unemployment compensation, etc.? It was asked if there was a firm idea of what southbound assets did cross through Brewster County; at this point, there is not. It was asked if this meant adding an additional deputy: it does.

Judge Beard said Commissioners have to work with the idea that all of these law enforcement grants could end very abruptly. If that does happen, the County is stuck with unemployment claims.

Commissioner Ortega asked about funding for a vehicle and for fuel. He said these numbers need to be nailed down.

Judge Beard said Commissioners would be happy to have Chief Smietana come to speak with them.

PAIC Rohde explained that the money is already available to the County through the Lone Star grant.

Judge Beard asked Mr. Rohde to describe the work of a HIDTA officer.

Sheriff Dodson said they would be looking for black cars with tinted windows and peace signs, or whatever the Border Patrol's Intel Unit has provided.

Rohde said the Sheriff's personnel would be supervised by the Border Patrol; they would work out of Border Patrol facilities. They would be privy to the information available in the Border Patrol Intel shop. They would be in the field and making stops, i.e. enforcement. Rohde said analysis would be handled by his office.

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