

**REGULAR MEETING OF THE
BREWSTER COUNTY COMMISSIONERS COURT
MONDAY, SEPTEMBER 10, 2012, AT 10:00 A.M.**

**VAL CLARK BEARD
ASA "COOKIE" STONE
KATHY KILLINGSWORTH
RUBEN ORTEGA
BETTY JO ROONEY
BERTA RIOS-MARTINEZ
JERRY SOTELLO
CAROL OFENSTEIN**

**COUNTY JUDGE
COMMISSIONER PCT. 1
COMMISSIONER PCT. 2
COMMISSIONER PCT. 3
TAX ASSESSOR
COUNTY CLERK
J.P., PRECINCT
COUNTY TREASURER**

**2ND PUBLIC HEARING REGARDING
TAX RATE AND RELATED MATTERS**

To discuss and take action as appropriate on the following:

1. Public Hearing regarding the Proposed 2012 Tax Rate

<i>Maintenance & Operation</i>	<i>.2818</i>
<i>Interest & Sinking</i>	<i>.0804</i>
<i>Total Rate Proposed</i>	<i>.3622</i>

a. Opportunity for Public Comment

No public comment was made.

**b. Discussion among Members of Commissioners Court
and Commissioners Court and Public**

Commissioners did not make any comments.

2. Announce date and time to adopt Tax Rate

*The vote on the tax rate will be held Sept. 17 at 10 a.m. in the
Commissioners Courtroom.*

REGULAR MEETING AGENDA
(This meeting will begin following
2ND Public Tax Rate Hearing)

To discuss and take action as appropriate on the following:

1. Invocation and Pledge of Allegiance

Judge Beard lead the invocation and Pledge of Allegiance.

2. Minutes / additions / corrections / approval

The minutes from the Sept. 6, 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

Treasurer Ofenstein said that the funding for the septic tank grant was received and paid out.

Commissioner Killingsworth 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

Payroll Reports

Check Register

*Other Financial Reports as
Requested by Commissioners*

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

4. Recognitions / Congratulate Rick Tate upon appointment as Texas Commissioner for the Pecos River Compact / Discussion and appropriate action

Judge Beard explained that a couple of years ago, there was a bill introduced which would have impeded a landowners' ability to manage their own

property in the Pecos River Watershed. The County is now much more aware that it is in the Pecos River Watershed. This Commissioners Court was opposed to such legislation, as were many area ranchers. Gov. Perry has now appointed Rick Tate as a Commissioner of one entity which regulates use of the Pecos River.

Commissioner Stone made a motion to congratulate Mr. Tate, which was seconded by Commissioner Ortega, and passed unanimously.

5. Officials' Monthly Reports / Discussion and appropriate action

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. Alpine Housing Authority / Request to waive payment in lieu of taxes / Discussion and appropriate action

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

7. 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 they plan to start paving the Buck Stadium parking lot tomorrow. Crew members have also continued work at the Old Library building. All of the A/C filters were replaced in the EOCs and the jail. They also checked the generators to make sure they're working.

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

Engineer Travis Roberts said the contractor said his contract with the property owner where materials are stored has expired, but he is still owed for the materials. Mr. Roberts asked him to send an invoice as soon as possible.

8. 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 there haven't been any fires. Things have been very quiet.

B. County Judge's update on regional efforts to mitigate 911 disruptions which have repeatedly been caused by cutting AT&T cable (Latest incident on Monday, August 27, 2012)

Mr. Santry said he spoke with the COG this morning, and they have notified the State that they need to be involved in anything that is proposed. Judge Beard said she and Mr. Santry will meet with AT&T representatives later in the week.

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

9. Pending Infrastructure Grant Matters

A. Colonia Construction Fund Application / (2nd Septic Tank Replacement grant for S. Brewster County) / Closeout of Project / Discussion and appropriate action

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

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

Mr. Roberts said the bids for the 112 gal replacement RO unit were opened Friday at 2:15, as advertised. Two proposals were received.

The low bid came from Associated Construction Partners, Ltd. of Boerne. The total bid was \$236,083. The second bid came from J.S. Haren Company of Tennessee. That bid was for \$282,000.

Mr. Roberts recommended accepting the bid from Associated Construction Partners.

2. Award bid for the Sturdy Butte WSC Water Plant in Terlingua, Reverse Osmosis Water Treatment Unit; Texas Community Development Block Grant (CDBG) Program; Program Year 2011 Community Development Fund Contract No. 711060

Commissioner Killingsworth made a motion to award the contract to Associated Construction Partners, Ltd., in the amount of \$236,083. Commissioner Ortega seconded the motion, which passed unanimously.

3. Discussion and appropriate action to go forward with grant

C. 2013-2014 TXCDBG Application Process

1. Update

Grant Administrator Jerry Carvajal said the application are due Oct. 26. Commissioner Ortega said the survey should be completed by Wednesday.

2. Discussion and appropriate action to go forward with application

10. Commissioners Court Members / Policies & Procedures

A. Review of policies and procedures related to travel reimbursement, training and educational conference expenses / Discussion and appropriate action to affirm or modify current policies

Judge Beard reviewed the travel and reimbursement policies both in and out-of-county for the County Commissioners, Road & Bridge Department and County Judge's Office and Emergency Management Department. Commissioners were provided with a written recapitulation of the policies.

Commissioner Stone made a motion to reaffirm the travel and training expenses policies, which was seconded by Commissioner Killingsworth, and passed unanimously.

B. Job Descriptions / County Judges Office / Discussion and appropriate action

Judge Beard asked that Commissioners review the job descriptions and salaries for her office. Department heads are being asked to provide job descriptions by Nov. 15. She is providing hers early as an example and to make note that the issue is important.

Commissioner Stone made a motion to approve the job descriptions and salaries for the Judge's office. Commissioner Killingsworth seconded the motion, which passed unanimously.

11. County Clerk / Matters related to elections staffing & duties of County Clerk's Office

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 10:50 a.m., Judge Beard announced that Commissioners Court was going into executive session, pursuant to §551.074 of the Government Code, VTCA, to discuss the appointment, employment, evaluation, reassignment, duties, compensation or dismissal of a public officer or employee related to elections staffing and duties in the County Clerk's Office . The courtroom was cleared of all but Commissioners Court and the County Clerk.

Reconvene on Open Session

At 11:27 a.m., Commissioners reconvened in open session. Judge Beard announced that they had been in executive session to discuss election duties in the County Clerk's Office. She asked if there was any action to be taken as a result of the executive session.

No action was taken.

B. Discussion and appropriate action resulting from Executive Session

12. County Liability Issues concerning larger Chili Cook-Offs / Confer with Legal Counsel

A. Executive Session Pursuant to § 551.071, Government Code, VTCA, to confer with legal Counsel about:

(A) pending or contemplated litigation; or (B) a settlement offer; or (2) on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter. (Privileged Matters)

At 10:27 a.m., Judge Beard announced that Commissioners Court was going into executive session, pursuant to §551.071 of the Government Code, VTCA, to confer with legal counsel about larger chili cook-offs. The courtroom was cleared of all but Commissioners Court and the County Attorney.

Reconvene in Open Session

At 10:43 a.m., Commissioners reconvened in open session. Judge Beard announced that they had been in executive session to confer with the County Attorney. She asked if there was any action to be taken as a result of the executive session.

No action was taken.

B. Discussion and appropriate action resulting from Executive Session

13. Brewster County Groundwater Conservation District / Discussion and appropriate action to fill vacancy on Board of Directors

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 11:27 a.m., Judge Beard announced that Commissioners Court was going into executive session, pursuant to §551.074 of the Government Code, VTCA, to discuss the appointment, employment, evaluation, reassignment, duties, compensation or dismissal of a public officer or employee related to vacancies on the Brewster County Groundwater Conservation District board. The courtroom was cleared of all but Commissioners Court.

Reconvene on Open Session

At 11:39 a.m., Commissioners reconvened in open session. Judge Beard announced that they had been in executive session to discuss vacancies in the membership of the Brewster County Groundwater Conservation District board. She asked if there was any action to be taken as a result of the executive session.

B. Discussion and appropriate action resulting from Executive Session

Commissioner Killingsworth made a motion nominating Mike Davidson to fill the vacancy of member-at-large, which was seconded by Commissioner Stone, and passed unanimously.

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