

**REGULAR MEETING OF THE
BREWSTER COUNTY COMMISSIONERS COURT
MONDAY, SEPTEMBER 17, 2012, AT 10:00 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
JERRY SOTELLO	J.P., PRECINCT
CAROL OFENSTEIN	COUNTY TREASURER

1. Minutes / additions / corrections / approval

The minutes from the Sept. 10, 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. Discussion and Action to Adopt the Proposed 2012 Tax Rate as set out below:

Maintenance & Operation	.2818
Interest & Sinking	.0804
Total Rate Proposed	.3622

Commissioner Stone made a motion to adopt a Maintenance and Operation rate of .2818. Commissioner Ortega seconded the motion. Commissioners Stone, Killingsworth and Ortega, and Judge Beard, voted unanimously in favor of the motion with a show of their right hands.

Commissioner Killingsworth made a motion to adopt an Interest and Sinking rate of .0804. Commissioner Stone seconded the motion. Commissioners Stone, Killingsworth and Ortega, and Judge Beard, voted unanimously in favor of the motion with a show of their right hands.

This yields a total rate .3622.

3. Treasurer

A. General Bills / Discussion and appropriate action

Treasurer Ofenstein said the Courthouse Preservation and Homeland Security funds have both been reimbursed. She and the County Clerk are working on getting a reimbursement from HAVA.

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

Judge Beard abstained from the KALP bill.

One walk-in bill was presented from AT&T for \$907.47.

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

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

Treasurer Ofenstein reviewed the reports with Commissioners.

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. 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.

5. Emergency Services District #1 / Financial Update / Discussion and appropriate action

Commissioner Killingsworth gave the annual report.

She said the ESD had a total of \$190,115. She said they help fund the Terlingua Fire & EMS, and pay 2/3 of the operational expenditures for the South County ERC.

The ESD collects an average of about \$100,000/year. Commissioner Killingsworth said it's been a positive addition for the area.

6. 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

Commissioner Stone said the rain halted the paving project for a few days, but they are back at work today. Crews are still at work on the Old Library building.

Commissioner Ortega reported that the Marathon Foundation donated \$25,000 toward a new generator.

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

Grant Administrator Jerry Carvajal said he is waiting for an invoice from the engineer.

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

Judge Beard said a meeting was held with Joe Valenzuela, a representative of AT&T. She said it was very productive, and a number of ideas were broached for addressing the situation. Fines, penalties and enforcement for those who cause the problem were discussed, although there isn't much Brewster County can do with that issue. However, AT&T and some of the counties north of us can address it.

AT&T and the affected COGs are going to work together on the technical issues.

B. 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) / Closeout of Project / Discussion and appropriate action

Mr. Carvajal said the close-out documents have been submitted.

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 a contractor has been cleared as of today. Once the contracts are signed, the County will be eligible to apply for the 2013-14 cycle.

C. 2013-2014 TXCDBG Application Process

1. Update

Mr. Carvajal said the project will most likely be a water well for the Marathon Water Supply. Engineer Travis Roberts has prepared a budget estimate of \$150,700. The match will be \$23,113. The Water Corp. will have to enter into a contract.

2. Discussion and appropriate action to go forward with application

Commissioner Ortega made a motion to approve a resolution to apply for \$168,637 in CD funds and a \$23,113 match. Commissioner Killingsworth seconded the motion, which passed unanimously.

9. 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 10:10 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 10:25 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

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