

**REGULAR MEETING OF THE
BREWSTER COUNTY COMMISSIONERS COURT
TUESDAY, OCTOBER 23, 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
BERTA RIOS-MARTINEZ	COUNTY CLERK
JERRY SOTELLO	J.P., PRECINCT

To discuss and take action as appropriate on the following:

1. Minutes / additions / corrections / approval

The minutes from the October 9, 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. Treasurer

A. General Bills / Discussion and appropriate action

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

Two walk-in bills were presented from AT&T for long distance and Caterpillar for the sheep's foot roller.

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

The Caterpillar bill will be paid from I&S.

B. Request for authorization to pay bills with approval of Judge and Treasurer in interim until November 19th / Discussion and appropriate action

Judge Beard said the election must be canvassed within a prescribed time window. Nov. 19 is the last available day, and she is trying to avoid an unnecessary meeting. Commissioners Court will meet the afternoon of Nov. 19.

Commissioner Killingsworth made a motion authorizing the payment of bills with the approval of the Judge and Treasurer. Commissioner Stone seconded the motion, which passed unanimously.

C. County Sick Leave Pool Committee / Request to fill two vacancies

Judge Beard said Ester Alvarado and Lora Nussbaum are willing to sit on the committee, which involves the authorization of the use of sick leave in catastrophic health circumstances.

Commissioner Stone made a motion to appoint Ester Alvarado and Lora Nussbaum. Commissioner Ortega seconded the motion, which passed unanimously.

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

Judge Beard, on behalf of the Treasurer's Office, noted that election workers must submit the appropriate paperwork before they can be paid. Due to IRS regulations, election workers' payment is now run through the regular County payroll; therefore, there are only two times a month that they can be paid; it was noted that the County didn't make those rules.

3. Officials' Monthly Reports / Discussion and appropriate action

There were no monthly reports presented.

4. 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 were no events to report.

B. Extension & Renewal of Service Contract with West Texas Ambulance Service for 911 Emergency Service (N. Brewster County) / Discussion and appropriate action

Mr. Santry reviewed the ambulance service's call history over the last year. He said there have been no complaints, and they respond to an average of 2.5 calls/day.

Commissioner Killingsworth made a motion to renew the contract for a period of one year with the same terms and conditions. Commissioner Ortega seconded the motion, which passed unanimously.

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

5. Report of Eminent Domain Authority as required by Texas Government Code / Chapter 2206, Sub. C / Discussion and appropriate action

Judge Beard said TAC has been working on this issue. There is a provision in the Government Code, Chapter 2206, which requires Texas counties to submit a report of eminent domain authority to the Comptroller. If the County does not do this, the County's eminent domain authority expires.

TAC recommends that the required documentation is submitted, and all of the enumerated provisions which TAC has outlined are attached.

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

6. Road & Bridge Department / Community Facilities

A. Road & Bridge Superintendent's Report / Superintendent Causey & Commissioner Pct. 1 Stone / General update on progress on road work

Supt. Frenchie Causey said crews have had to re-blade some South County roads due to rain. They set posts and put up signs on Rex Ivey and Cinnbar. They cleaned up the CASI site. They mowed at the Marathon Justice Center.

Windows have been replaced on the backhoe.

A few guys have been working at the old library.

They replaced on the old cattleguard on Wagon Road, but they need to replace the fence.

Commissioner Ortega said he has been working with TPWD to re-stock the Post with fish. A truckload of catfish is due today.

B. Commissioner Ortega, Pct. 3, Community Facilities / Update on Porch Additions to Marathon Community Center

Commissioner Ortega said the porches are very pretty. It makes the whole building look different. Hopefully, the inside will be just as nice some day soon. The handrails should be installed today. Judge Beard said that the porch is very attractive.

C. Update on progress made by County Crew (Road & Bridge Crew) in

renovating old library building / County Judge

Judge Beard said the south part of the building is on the back-stretch toward completion. After that, they'll move to the north part of the building. The common area in the middle will be the last thing finished.

7. Pending Litigation / Confer with Legal Counsel, if requested

Civil Action No. P-11CV-094, Pascual Q. Olibas and Cheryl Olibas, Individually and D/B/A Freedom Bail Bonds, Plaintiff V. Ronny Dodson, As Sheriff of Brewster County, Texas and Brewster County, Texas Defendant, In the United States District Court, Western District of Texas

Judge Beard said the session was unnecessary.

A. Executive session 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)

Reconvene in Open Session

B. Discussion and appropriate action resulting from Executive Session

8. 2011 Stonegarden Grant Application

A. Judge's/Chief Deputy's review of what has transpired in regard to this Grant up to this point

Judge Beard said the goal is to get this grant back on a systematic basis.

While 2010 Stonegarden was applied for, it was later declined. We are now working on 2011 Stonegarden. Judge Beard said these grants, like a lot of those we deal with, are difficult to handle administratively. Nevertheless, the procedures need to be systematic.

Chief Deputy Ryan Skelton said the 2011 Stonegarden needs to be approved in order to proceed. He said 2012 is coming up soon.

Commissioner Killingsworth said she noted two different amounts on the application. The total is \$271,000 and would cover overtime, part-time and fuel for the Sheriff's Office and the Alpine Police Department.

Judge Beard asked how CopSync is covered. Deputy Skelton said it isn't included in the 2011 grant at this time. An amendment can be written later to include as well as some other equipment needs. He said there is no way they can spend the entire amount on payroll and fuel alone in the compressed time frame.

He said for 2011, there was no application process. He said he received an email asking only for an operation order and assumed an application process would come later.

Commissioners concurred that basic, elemental items need to be focused on, rather than “bells and whistles.”

Judge Beard said Commissioners know the process is difficult, but without Commissioners’ approval, any grant is totally invalid.

B. Judge’s review of County procedures in regard to all County Grant Applications, regardless of funding sources / Discussion and appropriate action

Judge Beard said all grant applications must be completed in full and approved by Commissioners Court prior to submission, regardless of what the application is called.

Copies and supporting materials should be submitted to Commissioners well in advance, and department heads should be aware of deadlines.

Advice from others needs to be sought in advance.

Judge Beard said there is no such thing as “free money.” Sometimes, the strings which are attached to a grant make them not worth pursuing.

She said the Sheriff’s Office needs to take more responsibility for its CJIS reporting; otherwise, the County becomes ineligible for a huge number of grants, including JAG grants and Homeland Security grants.

C. Chief Deputy’s presentation concerning for what 2011 Stonegarden funds will be expended / Discussion and appropriate action

This was addressed in Item A.

D. Discussion and appropriate action concerning approval of 2011 sub-recipient agreement for Brewster County

Commissioner Killingsworth made a motion to approve the 2011 Stonegarden grant, which was seconded by Commissioner Ortega, and passed unanimously.

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