

**CALLED MEETING OF THE
BREWSTER COUNTY COMMISSIONERS COURT
MONDAY, NOVEMBER 19, 2012, AT 2:00 P.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
CAROL OFENSTEIN	COUNTY TREASURER

To discuss and take action as appropriate on the following:

1. Invocation and Pledge of Allegiance

Judge Beard lead the invocation and the Pledge of Allegiance.

2. Minutes / additions / corrections / approval

The minutes from the Oct. 23, 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 noted that the third and fourth quarter liability insurance premiums are included in the general bills.

Commissioner Ortega asked about a bill from Duncan Disposal. It is his understanding that these particular containers are donations.

Commissioner Stone made a motion to accept the bills as presented, with the exception of the Duncan Disposal bill. Commissioner Ortega seconded the motion, which passed unanimously.

Judge Beard abstained from any KALP bills.

Treasurer Ofenstein presented three walk-in bills: one from the Middle Pecos Groundwater Conservation District for \$5,350 for the USGS study; one to Historical Preservation for \$3,914.31; and one to the County for \$5,480.03.

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

Commissioner Killingsworth made a motion to approve the \$50 dues to the West Texas County Judges and Commissioners Association. Commissioner Ortega seconded the motion, which 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

Treasurer Ofenstein said a transfer is necessary to the Courthouse Preservation fund.

Commissioner Killingsworth made a motion to transfer \$14,500 from Texas Class to the preservation fund, which was seconded by Commissioner Stone, and passed unanimously.

D. Texas Association of Counties Risk Management Pool / Renewal of General Liability Insurance / Discussion and appropriate action

Judge Beard said she continues to be satisfied with the TAC program. Treasurer Ofenstein concurred.

Commissioner Killingsworth made a motion to renew the TAC liability insurance for 2013. Commissioner Ortega seconded the motion, which passed unanimously.

E. Contracts to Provide Retail Electrical Power / Consider whether to seek proposals or renewal with current provider and related matters / Discussion and appropriate action

Judge Beard suggested emailing proposals for RFP, as well as advertising in the newspaper, with the RFP's due on Dec. 10. Commissioners and Treasurer Ofenstein concurred.

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. 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 things have continued to be slow.

B. Review Brewster County Emergency Management Department's past acquisitions and placement of external defibrillator devices in County/ Discussion and appropriate action

Mr. Santry said the county applied for two defibrillators from the Office of Rural Community Affairs in 2006, after the federal government required that they be placed in government buildings. Since then the County acquired many more and placed them throughout the county. There are 36 distributed throughout the county. The APD has nine; AVFD has four; the Sheriff's Office has 10; the game warden has two; MVFD has one; TVFD had one; Marathon schools have two; SRSU police has two; Sunshine House has two; the courthouse has two; and the Terlingua schools have one.

Training to use the devices is required every two years.

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

6. Road & Bridge Department / Community Facilities

A. Road & Bridge Superintendent's Report

General updates on maintenance and repairs for all county roads & state of County Roads System; 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 Oct. 30-Nov. 2, crews took care of the chili cook-off sites. They have been mowing right-of-ways. They finished the fence and signs at the Wagon Road cattle guard. It will be paved next year. They winterized all the pipes at County facilities, patched potholes, worked on Pena Park Rd., and put up speed limit signs at Old Marathon Highway.

They've also been doing maintenance on the R&B equipment.

Commissioner Stone said the Veterans Addition at Double Diamond has asked that the County take in their roads.

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 an invoice has finally been received from CSA Materials. She said she believes that it's the last thing to do on that grant; the rest of the work has been completed.

C. Old Library Renovation/ Update

Judge Beard said the project is 85-90 percent complete on the south side of the building, which will be used for Juvenile Probation.

7. 2011 Federally Mandated Redistricting Process / General Review of Public Nature of Process, Voting Rights Act and other Federal Requirements concerning Redistricting / Discussion

Judge Beard said a book of documentation has been compiled which sets out the process, including the guidelines and the public committee members and records of a number of meetings. The process was lengthy, and is outlined in the book. Commissioner Precincts must be balanced both by population and ethnicity.

The Voting Rights Act and “One Person, One Vote” mandates that redistricting be done every 10 years. This process for Brewster County was finally completed in 2011, upon receipt of clearance from the Department of Justice.

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

The grant has been closed out.

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

1. Update on progress after award of bid

Commissioner Killingsworth said there was nothing new to report.

2. Discussion and appropriate action to go forward with grant project

C. 2013-2014 TXCDBG Application Process

1. Update

Commissioner Ortega said the survey is complete, and they are working on the process.

2. Discussion and appropriate action to go forward with application

9. 2013 Budget

A. General discussion concerning challenges of 2013 Budget for all County Departments/ County funded or County Affiliated agencies

Judge Beard said the budget process was lengthy and everyone recognized the financial challenges ahead. She said the 2013 budget is tight, and she said she already receiving “good faith” requests, but they are not in line with current budgetary constraints. She said we want to take care of our employees, but this is one of those years when it can be done in only a very limited fashion.

B. Judge’s & Commissioners comments concerning limited, fixed nature of County funding for 2013, including funding for non-profits / Discussion and appropriate action

Judge Beard said it was discussed that the number of employees should not be growing, and that, in larger departments, when there is an opening, it would be a good time to re-evaluate. To this end, Commissioners adopted a resolution on Sept. 6, 2012, which freezes the number of employees and requires reevaluation of the need for a position when there are vacancies in departments with four or more employees. The exception is the jail, because the State Jail Standards Commission mandates the number of employees.

10. Personnel Matters

Judge Beard said it is the responsibility of Commissioners Court to set salaries; however, while they don't have to, they have asked for recommendations from Department Heads.

Commissioners have been provided with books with job descriptions and recommended salaries.

The 2013 budget includes a salary increase of 1.5 percent for those below the \$40,000/year threshold.

A. Job Descriptions & recommend salaries due from all County Department Heads on November 15, 2012 / Personnel Review for all County Departments related to duties, evaluation and compensation of all Employees

B. Matters related to compensation and benefits as related to retirements, and personnel transitions related to retirements in various offices

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, with focus on setting employee salaries and wages & retirement transition matters, as set out in 10 A & B, immediately above

At 2:45 p.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, with focus on setting employee salaries and wages, and retirement transition matters. The courtroom was cleared of all but Commissioners Court.

Reconvene in Open Session

At 3:20 p.m., Commissioners reconvened in open session. Judge Beard announced that they had been in executive session to discuss employee

compensation and benefits and retirement matters. She asked if there was any action to be taken as a result of the executive session.

C. Discussion and appropriate action resulting from Executive Session, including setting some or all salaries and wages for 2013 and other matters related to 2013 compensation, and transitions & benefits issues related to retirements

Commissioner Killingsworth made a motion to set the 2013 salaries for all county employees and elected officials at current base salary plus a 1.5 percent increase. Commissioner Ortega seconded the motion, which passed unanimously.

Commissioner Killingsworth made a motion that District employees who have been receiving Brewster County health benefits and who meet the Brewster County eligibility requirements for County health insurance coverage upon retirement will receive County retiree health insurance benefits upon retirement. Commissioner Ortega seconded the motion, which passed unanimously.

11. AG Aquifer Group, L.L.C. Proposal related to Pecos & Brewster Counties

A. Review of Presentation in Pecos County Courthouse on November 8, 2012

Judge Beard said we have a very positive relationship with both the Pecos County Commissioners Court, and the Middle Pecos Groundwater District. At the session on Nov. 8, 2012, both groundwater district managers were present, as were the Pecos and Brewster County judges. However, no Commissioners were present, so there was no quorum.

A proposal was presented for a pipeline and water project in very vague terms. No hydrology was presented; many questions were asked and the presenter pushed for an immediate endorsement.

B. Update on Pending USGS Hydrological Study / Brewster & Jeff Davis County

Judge Beard said the Middle Pecos Groundwater District included Brewster County in this study, which will cost over \$1 million. Brewster County is contributing just a few thousand dollars to the study. The study should be done in about 18 months, and should give officials the tools they need to make decisions about such proposals. Our neighbors in Pecos County concur that it is a good idea to wait on the USGS study, prior to making major decisions related to water issues.

C. Resolution to refrain from action endorsing or supporting any projects of this nature until adequate Hydrological Data is available (Completion of U.S.G.S. Study) / Discussion and appropriate action

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

12. Brewster County Groundwater Conservation District / Board Vacancy / Personnel

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 3:43 p.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. The courtroom was cleared of all but Commissioners Court.

Reconvene in Open Session

At 3:57 p.m., Commissioners reconvened in open session. Judge Beard announced that they had been in executive session to discuss appointments to the Groudwater 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 regarding filing vacancy

Commissioner Killingsworth made a motion to authorize Commissioner Ortega to contact individuals regarding their interest in the vacant rural position on the Brewster County Groundwater Conservation District Board of Directors. Commissioner Stone seconded the motion, which passed unanimously.

13. County Clerk Berta Martinez/ Election Matters

A. General Review of November 6, 2012 Election

Berta Rios-Martinez said everything went well. She said things went better than expected; there were no major issues. They were unable to use the counting scanner as it has to be used by starting with the Primary Election. She thanked Republican Chair Monica McBride for finding some counters at the last minute.

Commissioners thanked Mrs. Martinez for a job well done. Judge Beard said that Mrs. Martinez is appreciated.

B. Presentation of Canvas of November 6, 2012 General Election / Discussion and appropriate action

Mrs. Martinez gave Commissioners a spreadsheet with total voters by precinct.

She reviewed the numbers with Commissioners.

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

14. Upcoming Retirements / Announce & Discuss Plans for Recognitions / (Privately funded Sponsored Events)

Judge Beard said that Judge DeHart will be retiring in December, as will his Court Coordinator, Margie Brooks. She said both people have been a delight to work with, and have always been cooperative.

Judge DeHart has always exhibited a great sensitivity to the Counties he serves, and it has been most appreciated.

Judge Beard said there will be a privately-planned reception at the Saddle Club on Dec. 5. All are welcome.

Lorina Uranga of the County Attorney's office has also announced her retirement after 35 years. Judge Beard said she will be missed. Ms. Uranga has asked that no reception be held, but something special will be planned later on, nevertheless.

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