

**REGULAR MEETING OF THE
BREWSTER COUNTY COMMISSIONERS COURT
MONDAY, JANUARY 14, 2013, AT 8:30 A.M.**

Judge Beard called this meeting to order. Commissioner Pallanez was absent on account of a serious illness in his family. 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
RONNY DODSON	SHERIFF

1. Invocation, Pledge of Allegiance

Judge Beard led the invocation and Pledge of Allegiance.

2. Minutes / additions / corrections / approval

The minutes from the December 17, 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. Recognitions/ Big Bend Livestock Show Association, 4-H, F.F.A., and Texas AgriLife Extension Service

Judge Beard said she thinks it's appropriate to thank everyone for their hard work on this event. Commissioner Ortega made a motion to thank them for their efforts, which was seconded by Commissioner Stone, and passed unanimously.

4. Treasurer

A. General Bills / Discussion and appropriate action

Treasurer Ofenstein said the bills include medical insurance. She said none of the contracting entities have yet been paid as they need to sign 2013 contracts. Treasurer Ofenstein will send out notices.

She asked to authorize payments to West Texas Ambulance, Sidney McMillan, Alfonso Garcia, Leandra Ramirez and V.A. Stevens.

Commissioner Ortega made a motion to authorize payment, which was seconded by Commissioner Killingsworth, and passed unanimously.

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

Judge Beard abstained from any KALP bills.

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

1. 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 December's specified activity report, and said things were good at the end of the year.

The General Fund ended the year with \$405,937 and the Road & Bridge fund ended with \$654.

Treasurer Ofenstein said a transfer of \$16,000 was necessary for the Road & Bridge fund.

Commissioner Killingsworth made a motion to approve a \$16,000 transfer from the General Fund to Road & Bridge to cover end-of-year expenditures. Commissioner Ortega seconded the motion, which passed unanimously.

Treasurer Ofenstein reviewed the accounts with positive balances.

Commissioner Killingsworth asked if tax collection were higher. Tax Collector Betty Jo Rooney said they were. Commissioner Killingsworth said we need to proceed with caution as that may mean that tax collections in 2013 will be slower. The Judge and other Commissioners concurred.

Treasurer Ofenstein said we did not have to pull from reserves for end-of-year, which is good. The County has approximately \$1.6 million in reserves.

The I&S account is about \$130,000 short with debt payments due in February. Treasurer Ofenstein and Tax Collector Rooney believe we will come close to collecting that amount before those payments are due.

Treasurer Ofenstein said the County brought in about \$280,000 more than expected in 2012.

2. Closeout of 2012/ Update

C. 2013 Salaries/ Request for Commissioners Court to set any employee salaries which have not yet been set/ Discussion and appropriate action

Judge Beard said she asked the Treasurer to calculate what each employee was going to lose to the FICA increase. The budget had been planned so that employees would not lose take-home pay due to insurance increases.

Due to the FICA increase, employees may be taking home substantially less.

Judge Beard said it is something Commissioners may need to look into at the next meeting.

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

5. Officials' Monthly Reports / Discussion and appropriate action

Commissioner Stone read the monthly reports for the record.

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

6. 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; emergency management issues related to communications & public information; emergency management issues related to County insurance coverage; personnel issues related to emergency response, exercises & drills; matters related to pending & future Homeland Security & FEMA Grants and other funding; and matters related to 911 & 911 addressing / Discussion and appropriate action

Mr. Santry is out on medical leave. Judge Beard reported that his surgery was successful, but he will have a long recovery period. She said we miss him, and wish him the best.

Judge Beard explained that some of the key players in emergency management from the Department of Public Safety and the COG attended a

meeting in Brewster County last week. She said these people are experts, and we should listen to them when they say we have issues.

As a result of the meeting, it has become clear that some folks are unaware of our obligations under the Emergency Management Plan. The plan is current and updated. Judge Beard said it is an All-Hazards plan.

The focus of last week's meeting was Communications – both between responders and to the public during emergencies. Each participating agency is responsible for keeping its employees proficient. The EMC cannot force agencies to keep their employees trained.

Judge Beard reiterated the point that if the plan is ignored, there will be difficulty in accessing State and Federal resources. Emergency Management resources cannot be accessed without civil authority. If the appropriate channels are not followed, we may have a problem being reimbursed after an incident.

With Commissioners' consent, Judge Beard would like to authorize the County Attorney to confer with the City Attorney on some of these issues.

Commissioner Stone made a motion to authorize the County Attorney to confer with the City Attorney, which was seconded by Commissioner Killingsworth, which passed unanimously.

Sheriff Dodson asked about a training day; Judge Beard said that with a commitment from the Sheriff and others to read and study the plan first, she wouldn't have a problem with that. Everyone needs to do their homework.

In view of the moisture, Commissioner Killingsworth made a motion to lift the burn ban, 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 & 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

Commissioner Stone said the crews are blading roads in Sunny Glen, and many of them are working on the Old Library building.

B. TxDot Border Colonia Access Paving Grant / Administrative Matters related to concluding Project / Discussion and appropriate action

The Treasurer is checking to make sure the last check has been written.

C. Commissioner Pct. 3/ Upcoming fundraiser for Marathon Community Center/ Discussion

Commissioner Ortega said a fish fry with music will be held Feb. 9. A sweet auction will be held. More improvements are planned for the Community Center, including replacement of exterior doors.

8. Pending Infrastructure Grant Matters

A. 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 Ortega said they should learn in March whether the application was funded.

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

B. 2013-2014 TXCDBG Application Process / Marathon Water Supply Corp. improvements

1. Update

2. Discussion and appropriate action to go forward with application

9. County Attorney/ Matters related to transition to electronic records for County Attorney's office/ Discussion and appropriate action

County Attorney Steve Houston said he would like for his office to go paperless. He said his assistant, Yvette Villa, is very knowledgeable about how the digital process works, as does his new employee, Celia Rodriguez.

Mr. Houston said he would start meeting with the County's technology associates to find out what kind of equipment his office would need. He plans to buy two new computers. He would like to use funds from the Pretrial Diversion account to begin purchasing digital equipment.

Commissioner Killingsworth made a motion to allow the County Attorney to use the Pretrial Diversion and Hot Check funds to purchase digital equipment for his office. Commissioner Ortega seconded the motion, which passed unanimously.

Commissioner Killingsworth said that we move in that direction, the back-up system becomes even more significant.

10. Bonds/ Commissioners Court approval of Bonds for Elected Officials and Employees/ Discussion and appropriate action

Tax Collector Rooney said the bonds for her office should be completed today.

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

Judge Beard said she wanted to ask the County Clerk if the bonds are all done, but Mrs. Martinez was not present. Treasurer Ofenstein said she thinks they are all done. She will check.

11. Mills Road Case (Court of Appeals Number: 08-11-00270-CV, C.N. 2007-03-B8551-CV, Michael J. McCulloch; Kathleen M. McCulloch and Alice McCollum v. Brewster County, Texas

A. General update on appeal (Trial Court's judgment in favor of County upheld on appeal)

No executive session was necessary. Mr. Houston said the plaintiff has asked for a re-hearing, and they have until Feb. 4 to file with the Texas Supreme Court.

Judge Beard thanked Mr. Houston, as well as the District Clerk, for all of their work.

B. If necessary, 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

C. Discussion and appropriate action resulting from Executive Session

12. Commissioners Court's sole authority to contract / make agreements on behalf of County

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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

Commissioner Killingsworth made a motion to authorize the County Judge and County Attorney to meet with all Department Heads to review the County's policies. Commissioner Ortega seconded the motion, which passed unanimously.

***13. Tax Assessor Collector/ Update on 2012 ad valorem Tax
Collections/Discussion***

Tax Collector Rooney gave Commissioners a copy of the collection from the last quarter in 2012. October and November were slightly down over 2011. However, a big increase came in December, and the collections are continuing. Feb. 1 is the delinquent day for the current year.

***14. 2013 Meeting Schedule/ Request to reaffirm 2013 schedule/ Discussion and
appropriate action***

Commissioner Ortega made a motion to re-affirm the schedule, which was seconded by Commissioner Stone, and passed unanimously.

More regular meetings are scheduled in September to give latitude related to tax rate adoption. Otherwise, regular meetings are held on the second Monday and fourth Tuesday of each month. Sometimes, regular meetings must be rescheduled due to workload or conflicts. Called meetings are also held.

***15. 2013 Salary Grievance Committee/ Draw names for Citizen members of
committee***

The names are taking from the list of grand jurors from the previous year. Those names drawn include Elizabeth Jackson, Danielle Hernandez and Michael Latta.

They will be contacted by the Clerk's Office. If any should decline, another name will be drawn.

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