

**REGULAR MEETING OF THE
BREWSTER COUNTY COMMISSIONERS COURT
MONDAY, FEBRUARY 11, 2013, 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
MIKE PALLANEZ	COMMISSIONER PCT. 4
BERTA RIOS-MARTINEZ	COUNTY CLERK
JERRY SOTELLO	J.P., PRECINCT
CAROL OFENSTEIN	COUNTY TREASURER
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 Jan. 29, 2013, 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: Mark Davis of Permian Basin MHMR, upon receiving the Cynthia Mills Award / Discussion and appropriate action

Judge Beard said Mr. Davis was the County's very first mental health deputy. When the position was formed in 1998, Mr. Davis was a highly trained mental health professional. He went through the law enforcement academy at Sul Ross and became a certified peace officer. Since that time, in addition to his duties with MHMR, he has been a County mental health deputy.

Mr. Davis has been recognized by Permian Basin MHMR with the Cynthia Mills Award for service "above and beyond."

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

4. Treasurer

A. General Bills / Discussion and appropriate action

Commissioner Stone said expenses for Road& Bridge uniforms seems high. Supt. Causey said it includes steel-toed boots.

Treasurer Ofenstein said that a bill from Nectar Computers for computers was not paid last time because of some questions.

Commissioner Ortega made a motion to pay the general bills, including to Nectar Computers. Commissioner Stone seconded the motion, which passed unanimously.

B. Financial Reports / Updates, Discussion, Review and appropriate action concerning the following:

Treasurer Ofenstein reviewed the financial 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. 2013 February Debt Payments/ Authorization of any remaining payments due in February, including any transfers required / Discussion and appropriate action

Treasurer Ofenstein said a total of \$454,492.99 in debt payment is due.

Commissioner Killingsworth made a motion to authorize debt payments in the amount of \$454,492.99. Commissioner Ortega seconded the motion, which passed unanimously.

D. Texas County District Retirement System Seminar and Individual employee sessions/ February 20, 2013 / Review

Treasurer Ofenstein said two representatives will be here for a seminar on Feb. 20 at 9 a.m. in the Commissioners Courtroom. The seminar lasts about 30 minutes. For the remainder of the day, individuals can be scheduled for one-on-one visits. TCDRS will return in April to report to Commissioners concerning the County plan.

E 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 asked Commissioners to authorize a transfer of \$11,438.58 to the County and \$8,371.63 to the Courthouse Preservation fund from hotel/motel tax collections.

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

5. Big Bend Softball Association

A. Update on Program/Discussion

Carla Spencer, the treasurer of the BBASA, said 2013 sign-up has started. She said there about seven teams so far, and there may be 10 by the end of the sign-up period. They are working on the field and the structures around it to try to enhance the sport for the girls, and to bring additional teams to Alpine for tournaments. The current goal is for a new batting cage, and for lights on the International Field.

B. Request for County Commissioners Recreational Funds for 2013/Discussion and appropriate action

Mrs. Spencer said the money requested will be used for the batting cage. Commissioner Stone made a motion to contribute \$3,000 to the BBASA, which was seconded by Commissioner Killingsworth, and passed unanimously.

6. 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.*

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

Supt. Causey said they have been working on blading roads. Most of them are in pretty good shape. Crews are going to start moving equipment to the Terlingua school to start work on the track. They have been working on replacing road signs in Marathon, which is an expensive project. While there, they are also patching potholes. Three men have been working at the Old Library.

Commissioner Killingsworth said the engineer will meet the crews soon to start work on the track. The caliche base is already there. She said they haven't bid out the surface yet, but they are looking for something that can take the heat.

B. Commissioner, Pct. 3/ Update on Marathon Community Center and recent fundraising on behalf of Community Center

Commissioner Ortega said there was an excellent turnout at the fish fry Saturday. They raised \$17,500. The auction brought in a little over \$11,000. The difference came from donations.

C. Personnel Matters

1. 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 10:30 a.m., Judge Beard announced that Commissioners Court was into executive session pursuant to §551.074, 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 and the Road & Bridge Superintendent.

Reconvene in Open Session

At 11:25 a.m., Commissioners reconvened in open session. Judge Beard announced that they had been in executive session, pursuant to §551.074, Government Code, VTCA.

She said more information was necessary from Mr. Causey, and that Commissioners would go back into executive session later in the meeting, after getting the additional information.

At 1:45 p.m., Judge Beard announced that Commissioners Court was into executive session. The courtroom was cleared of all but Commissioners Court and the Road & Bridge Superintendent.

At 2:40 p.m., Commissioners reconvened in open session. Judge Beard announced that they had been in executive session, pursuant to §551.074, Government Code, VTCA. She asked if there was any action to be taken.

2. Discussion and appropriate action resulting from Executive Session

Commissioner Killingsworth made a motion to add another category to the Road & Bridge facilities called Repairs & Maintenance with a Grade 1 position called Minor Repairs with a pay rate of \$15.75/hour and a Grade 2 position called Major Construction with a pay rate of \$16.10/hour. Commissioner Ortega seconded the motion, which passed unanimously.

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 Killingsworth said she had nothing new to report.

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

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

1. Update

Commissioner Ortega said he had nothing new to report.

2. Discussion and appropriate action to go forward with application

9. 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

Judge Beard said she and Deputy EMC Betse Esparza have been working on the draft Hazard Mitigation plan from FEMA which must be updated every five years. Judge Beard said the plan is terribly flawed and completely unsatisfactory. Much of the information is erroneous or incorrect. She and Mrs. Esparza are working on comments to send back today.

Mrs. Esparza said there was a small fire on Old Marathon Highway on Saturday afternoon. It was extinguished quickly.

***B. Announce Texas A&M Engineering Extension Service (TEEX)
MGT-312: Senior Officials Workshop for All-Hazards Preparedness /
Training Seminar set for April 17, 2013, in Alpine***

Judge Beard said TEEX handles much of the Emergency Management training in the State. They have been here before for a couple of training and they do a good job. Deputy EMC Betse Esparza said that a regional approach to the training was necessary as TEEX wants a minimum of 20 participants.

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

***10. County Court / Review of Procedures related to Indigent Defense and Costs
related to Indigent Defense/ Discussion and appropriate action***

Judge Beard said she believes the Legislature is going to address Indigent Defense during the session this year.

In 2012, Treasurer Ofenstein said the County spent approximately \$34,000 on court-appointed attorneys and other indigent-related costs.

Annual reports are due in November, after which the State determines how much money the County will get reimbursed. It is usually around \$10,000.

Judge Beard said attorneys must be appointed promptly. Attorney are paid well below their normal rates, and it is a service to the Court.

11. County Jail/ Dietary Standards for Prisoner's Meals

***A. Review and Discussion of Jail Standards Commission's actual
requirements concerning prisoners' diet***

Judge Beard reviewed compliance standards as set out in the Texas register. However, menus must be approved by a dietician, but Jail Standards does not mandate actual menus.

Sheriff Dodson said the menu is changed for special dietary needs, pregnant women, and even those with particular religious beliefs.

However, during the last jail inspection, the inspectors said the jail is not following the standard as they aren't using a dietician.

B. Discussion and appropriate action related to seeking additional outside professional advice concerning how to comply with Jail Standards Commission requirements in the most economical fashion, and other appropriate action concerning adhering to dietary standards for jail prisoners

Judge Beard said using a dietician may help cut costs. She suggested authorizing the County Attorney to review the issue.

Commissioner Stone made a motion to authorize the County Attorney to review the issue, which was seconded by Commissioner Killingsworth, and passed unanimously.

12. County Records Management (All Departments)

A. Discussion concerning lack of storage space for old County records

Judge Beard reiterated that we are always wrestling for storage space.

B. Update/ Records Consultant's Inc., recent work related to retention and management of County records in various departments (Feb. 5th-7th)

RCI was here last week with a priority for the Treasurer's records. Mrs. Ofenstein said there are 62 boxes which can be destroyed. They also worked in the Judge's Office and some other departments.

C. Revised Records Management Schedule now pending, as related to RCI's recent work

RCI is going to update the County's retention schedule.

D. County Clerk / Records Update / LanData & Status of Public Records in County Clerk's Office / Commissioners Court & County Court Records / Alternatives regarding electronic storage & ongoing scanning of old records / General Discussion

Judge Beard said the Clerk's Office has been utilizing Property Info for about seven years, and recent land records can be digitally accessed. Commissioners Court minutes are being scanned into searchable PDFs. Clerk Martinez said all of the older records are stored on CD, and Property Info keeps them off site. To put them into the same searchable system would cost upwards of \$50,000.

Commissioners Court minutes have been scanned in up to 1961.

E. Electronic Records storage as means to preserve records and conserve space/ General Discussion

The County Attorney's office is working on electronic storage, and other County offices should be working toward the same.

F. Discussion and appropriate action to move forward in addressing issues related to managing, storing and processing County records

13. Information Tech Committee and Commissioners Court Workshop, including:

A. Review and Discussion of contract with Nectar Computers and progress made pursuant to contract

Mark Hannan is ill and will not be able to present today. Commissioner Killingsworth, who heads the IT committee, said we need to enter into a new contract. She suggested a multi-year contract, and said we have had excellent service from Nectar Computers. She said they would have a three-year contract drafted and ready for the next meeting.

B. Review and Discussion of ongoing relationship with Hill Country Software

Judge Beard said it is her impression that the software is not being used to the full extent of its capability.

Clerk Martinez said support takes a couple of days. She doesn't like that her office has to stop what they're doing occasionally for upgrades.

Commissioner Killingsworth suggested after-hours upgrades rather than shutting down business for a period during the day.

Treasurer Ofenstein noted that HCSS occasionally slows to a crawl and we have to re-boot the server. She thinks that maybe upgrading the bandwidth might help.

Conrad Arriola said they talked about that at the IT Committee meeting.

Commissioner Killingsworth said they talked about seemingly a lot of fragmentation, and possibly coordinating service.

J.P. Sotello said his office is very happy with HCSS.

Commissioners concurred that having someone from HCSS come and give an overview of the system would be helpful.

C. Upcoming Hardware and Software needs for Commissioners Courtroom renovations/ Update and possible costs

Commissioner Killingsworth said the IT Committee had a meeting about 10 days ago. Part of the discussion centered around paperwork reduction and

uploading documents onto a server so that Commissioners have access, even in advance.

Mark Hannan is researching hardware options. Wireless internet is already available.

Judge Beard commented that Commissioners are given most documents 3-4 days in advance, and anything that can now be sent electronically is done at this time.

A cut-off time is going to have to be very clear, because somebody is going to have to transmit the documents.

Commissioner Killingsworth noted that Commissioners would also then have lots of information archived on a laptop type computer which could be accessed at any time.

She said Commissioners would receive “view-only” documents and the system would be set-up to make sure that Commissioners aren’t communicating outside of posted meetings.

All concurred that we need to continue looking into these issues.

D. Other IT needs and issues in various Departments, possible solutions and costs, including electronic records storage and management

14. County IT Committee, Commissioner Killingsworth, Pct. 2, Chair

A. Request to renew contract with Nectar Computers/ Discussion and appropriate action

Commissioner Killingsworth made a motion to renew a contract with Nectar Computers for a three-year period at a cost of \$70/hour. Commissioner Ortega seconded the motion, which passed unanimously.

B. Other general matters related to going forward with tech upgrades in Courthouse and County offices/ Discussion and appropriate action

15. Criminal Justice Information System (CJIS) / Update on progress

Judge Beard noted that in the past, we have talked about being able to have some kind of report to show total reporting.

Joel Brewer from DPS has figured out a way to do so, and also showed Shaun Barak how to do so. Mr. Barak will train others how to do it.

Mr. Brewer has been working to try to get everyone to work toward a team approach. Judge Beard said he is doing a good job of that.

She said we are currently at 78 percent and progress is slow.

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