

**REGULAR MEETING OF THE
BREWSTER COUNTY COMMISSIONERS COURT
TUESDAY, FEBRUARY 26, 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
MATILDE PALLANEZ	COMMISSIONER PCT. 4
JERRY SOTELLO	J.P., PRECINCT 1
BERTA RIOS MARTINEZ	COUNTY CLERK
CAROL OFENSTEIN	COUNTY TREASURER
BETTY JO ROONEY	TAX ASSESSOR
STEVE HOUSTON	COUNTY ATTORNEY

1. Minutes / additions / corrections / approval

The minutes from the February 11, 2013, meeting were presented for approval.

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

2. Recognitions / Cowboy Poetry & Trappings of Texas

Judge Beard said these are two great events which drew a huge crowd to Alpine. Both are very professionally organized and carried out. The volunteer effort that goes into putting the events on is commendable.

Commissioner Ortega made a motion to congratulate both event organizers on a job well done. Commissioner Stone seconded the motion, which passed unanimously.

3. Treasurer

A. General Bills / Discussion and appropriate action

Treasurer Ofenstein explained that maintenance on a copy machine was accidentally placed in the wrong account.

Commissioner Ortega made a motion to approve the general bills and correct the bill for the copy machine. Commissioner Stone seconded the motion, which passed unanimously.

Commissioner Killingsworth abstained from her travel reimbursement.

Three walk-in bills were presented: Jake Shoemaker for \$1,371.55 for truck repairs; Nectar Computers for \$105; and Pinnacle Propane for \$370 for the generator at the old library.

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

Commissioner Ortega abstained from the Pinnacle payment.

An additional walk-in bill for \$50 to Sul Ross to reserve a room for training on April 17 was presented.

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

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

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 said all of the February debt payments have been made. The next debt payment of \$77,258 is due in August. The current I&S balance is \$76,059.65. She reviewed additional reports with Commissioners.

C. Upcoming County Depository Contracts / Request to Advertise for Contract / Discussion and appropriate action

Treasurer Ofenstein said the contracts expire May 31. The County needs to advertise for new contracts. She said she also like to increase the letter of credit to \$3 million as things sometimes get tight in January.

Commissioner Stone made a motion to authorize the Treasurer and County Judge to advertise for depository contracts, which was seconded by Commissioner Killingsworth, and passed unanimously.

D. Matters related to Award of 2013 HIDTA Grant & Equitable Sharing Agreement & Certification / Approval / Discussion and appropriate action

Commissioner Killingsworth asked about equitable sharing. Treasurer Ofenstein said it is a form related to the Sheriff's awarded account. It must be completed annually in February.

Commissioner Ortega made a motion to approve both the HIDTA grant award and the equitable sharing agreement. Commissioner Stone seconded the motion, which passed unanimously.

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 said she needs to transfer \$12,602.67 to the jail's capital improvements fund to bring it to its cap of \$100,000. She said \$3,102.15 will be used to reimburse the fund for part of the new range at the jail.

There was some confusion about from which account the range payment originated. The Treasurer explained that the name of the account on the spreadsheet wasn't really accurate. Commissioners concurred that the account names should be accurate so that funds don't co-mingle. Judge Beard emphasized that Historic Preservation funds must not be spent for other than historic preservation.

Treasurer Ofenstein will re-work the account names, and present the issue at the next meeting.

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. Texas County District Retirement System

A. Presentation for employees and individual sessions on February 20, 2013 / Review

Judge Beard said the presentation was held Feb. 20, followed by one-on-one sessions with individual employees. She said it was well-organized and informative.

B. Request to adopt resolution in opposition to H.B. 958 which would mandate reduction in interest rate paid by TCDRS on employee accounts / Discussion and appropriate action

Judge Beard explained there is a legislator who is seeking to reduce the rate from 7 percent to 5 percent. Most Texas counties agree that this would be unfavorable and detrimental to the plan.

Commissioner Killingsworth made a motion to adopt a resolution in opposition to H.B. 958, which was seconded by Commissioner Pallanez, and passed unanimously.

C. Upcoming TCDRS session with Commissioners Court on April 10, 2013

Judge Beard said Commissioners Court periodically examines our own plan. TCDRS has the ability to tailor each county to meets its needs and to review options which might make the plan stronger.

A session with TCDRS representatives will be held April 10.

6. Brewster County Tourism Council

A. Update on recent work & visitation trends in Brewster County and Far West Texas

Executive Director Mike Davidson briefly reviewed the origination of the tourism council. From 2000-08, hotel revenues grew steadily each year, up to an increase of 90 percent, about \$3 million. Growth flattened over the next couple of years. Visitation dropped about seven percent in 2011, possibly due to drought and wildfires, but we gained it back in 2012. So far 2013 appears to be going very well. A usual break at the beginning of the year has been filled with visitors.

Trade shows continue to be utilized to boost tourism. At a trade show, a fee is paid by each operator, such as the tourism council. Visit Big Bend partners with the State of Texas' tourism officials at many trade shows to meet with travel marketers. The partnership with Texas pays off in growth and increased visitorship.

B. Presentation of 2013 Budget / Discussion and appropriate action

Ron Sanders presented the 2013 budget. Amendments will be necessary later in the year to make way for expenses related to the new office.

Commissioner Killingsworth made a motion to approve the budget in the amount of \$500,000, which was seconded by Commissioner Stone, and passed unanimously.

A copy of the budget is attached and made a part of these minutes.

C. Update to Brewster County Tourism Survey by Texas A&M / Workshop set for April 10, 2013 / Discussion

Mr. Sanders said the survey isn't ready yet, but he will report back to Commissioners.

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; 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

Deputy EMC Betse Esparza said the equipment for the BBARC has arrived, and needs to be tagged and photographed.

B. Emergency Management Training for Senior Local Elected & Appointed officials set for April 17, 2013 / Update

The training will be held at the Gallego Center from 9 a.m. to 5 p.m. Lunch will be provided.

C. Burn Ban / Discussion and appropriate action concerning reinstating Burn Ban

Mrs. Esparza said the windy season is here. Brewster County is right in the middle of the drought index, but the danger level for wildfire is high.

Commissioners agreed to wait until the next meeting and watch the winds and moisture levels.

Commissioner Killingsworth said options should be considered for welders whereupon a permit doesn't have to be issued, but welders should be asked to follow the guidelines.

Commissioner Ortega said the permitting process has raised awareness.

Judge Beard asked Mrs. Esparza to confer with the County Attorney concerning incorporating welding guidelines into the burn ban order.

D. Discussion and appropriate action for general administrative work of the Emergency Management Department to go forward

Judge Beard noted that the draft of the FEMA mitigation plan has been returned and it looks better.

8. 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; e

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 they've started on the track for the Terlingua CSD. They've been working on leveling the area. There is a lot of dirt to move, and the process will be slow. One crew member has been cleaning up at Pena Park, and they'll start watering pretty soon. The rest of the crew is still working at the Old Library building.

Mr. Causey has a boring permit application from Big Bend Telephone in the Ghost Town. Discussion ensued concerning whether this would entail boring or trenching. Judge Beard said that after a trenching repair, the road is never the same.

Engineer Travis Roberts said that unless you have somebody to inspect the bore and make sure the repair has the correct moisture level, it will settle. He supports the County in its effort to keep its roads whole. He suggested boring further down the road. Commissioners concurred that boring was to be strongly preferred under pavement, as opposed to trenching.

Commissioner Stone made a motion to approve the permit as "bore only," which was seconded by Commissioner Ortega, and passed unanimously.

B. Track Base Construction for Terlingua CSD / Update / Discussion and appropriate action to go forward with project

This was discussed in Item A.

9. 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

Judge Beard said she is concerned about a lack of communication between the Water Corp. and the County; if we're going to be doing projects of this magnitude in conjunction with the Water Corp., we need to know what's going on.

Engineer Travis Roberts said the contractor has found that some of the control systems have been modified in-house. They said they can repair the modification. The pipes should be in placed next week.

There are some USDA projects going on independent of the County. Mr. Roberts said he is not advising any of those projects. Concern was expressed by Commissioners Court members.

Commissioner Killingsworth said she has suggested that at least one of the USDA projects be cancelled.

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

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

1. Update

There was nothing new to report.

2. Discussion and appropriate action to go forward with application

10. County Clerk / Report on Public Information Systems (Landata) & pending upgrades / Discussion and appropriate action

Mrs. Martinez said the current contract expires at the end of 2013. She said she was invited by the vendor to see the new system in Sherman County. She and Esther Alvarado went last week. They said the new system is very easy to use, and the software doesn't have to be upgraded. The system upgrades itself four times a year. Many types of certified documents can be obtained online. The system covers land records, deeds, DBAs, marriage license, and a court system.

Mrs. Martinez said she interested in obtaining a price quote, including a quote to replaced her office's Hill County court software.

11. County Records

A. Update on RCI's recent work regarding County records / Discussion and appropriate action

Judge Beard said 93 boxes were ready for destruction, and they have been picked up by RCI. The budget needs to be further examined before anything else is scheduled.

B. RCI proposal related to District Clerk's records / Discussion and appropriate action

Judge Beard said the District Clerk has asked for a proposal on digitizing the records which are currently kept in old cabinets in the hallway. Unfortunately, the cost is \$19,800. That is too high. There are other ways, possibly doing the work in-house.

12. Public Safety / N-DEX User Agreement from Texas Department of Public Safety for County / Discussion and appropriate action

*Judge Beard said this is another mode of electronic record-keeping.
Commissioner Ortega made a motion to approve the agreement, which was seconded by Commissioner Pallanez, and passed unanimously.*

13. County Facilities

A. Old Library Building Renovations / Update / Discussion and appropriate action to go forward with and complete project

Judge Beard said some accessibility ramps were poured yesterday. Tiling work in the restrooms is completed. The electricity should be reconnected shortly.

B. County Judge's County Facilities Matrix / (In process) / Review

Judge Beard has prepared a list of County facilities and some details related to their construction and condition. She hopes to have it completed by the next meeting.

14. 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)

B. 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)**

At 10:48 a.m., Judge Beard announced that Commissioners Court was into executive session to discuss the Mills Road case with the County Attorney, pursuant to §551.071, Government Code, VTCA. The courtroom was cleared of all but Commissioners Court and the County Attorney.

Reconvene in Open Session

At 10:55 a.m., Commissioners reconvened in open session. Judge Beard announced that they had been in executive session to discuss the Mills Road case with counsel. She asked if there was any action to be taken.

No action was taken.

C. Discussion and appropriate action resulting from Executive Session

15. Public Comment

No public comment was made.

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

A. Hill Country Software Presentation/ General Discussion & Update

1. Review of Services provided to various Brewster County Departments by Hill Country Software / Discussion

Jim Stateczny said HCSS is in the offices of the Treasurer, the County and District Clerks, the Justices of the Peace and the Sheriff's Office. They provide software and support. He said HCSS uses Brewster County as a proving ground for their product.

Commissioner Killingsworth asks if the County buys certain components or if it's a package deal. She asked if the County is using HCSS to its fullest extent.

Mr. Stateczny said there is a license fee. He said the County is probably not using all of the HCSS capabilities.

Mr. Stateczny also said they are working with APD to interface them with the SO.

Mrs. Martinez asked how often the system is upgraded monthly.

Mr. Stateczny said there are scheduled updates, and then there are other updates which are performed as needed.

He said that here, multiple departments use the same server, which means they all have to be updated at the same time.

Mrs. Martinez said that employees very often have to stop what they're doing during the day for updates. Mrs. Ofenstein said the systems slows down significantly, and employees have to exit the program so it can be re-set.

Mr. Stateczny said employees using streaming sites online can very much slow down the entire system.

Mr. Hannan said to combat the issue, the system should be upgraded to a Category 6 cable. All equipment, cables, switches, etc. would have to be Cat 6 capable. He said it wouldn't make a drastic difference, but would not be very expensive.

Jail Administrator Lora Nussbaum said that the internet and HCSS seem to be down more than they're up. Mr. Hannan said a large problem is the radio

signal between the jail and the SO. He said they've recently received new antennas which need to be installed, likely in the next day or so.

Commissioner Killingsworth asked again about the services provided by HCSS to County offices.

Mr. Stateczny said it isn't a complicated system, and HCSS helps the courts to keep in compliance with State and Federal regulations.

2. Discussion concerning additional new available services, including services related to additional emergency response and communications services for County & other governmental entities in conjunction with COP SYNC, bail bond tracking software services related to District Clerk, County Clerk, County Attorney, CJIS and other matters related to utilizing Hill Country's services

Mr. Stateczny said COP Sync is being used by both the Sheriff's Office and the Alpine Police Department. COP Sync has a new program for schools. Most classrooms have computers, all school offices have computers. The product places a button on the screen which can be clicked, and then confirmed, in case of emergency. The five closest units will be notified and en route ASAP. If you have the system which we have in Brewster County, the system is free.

The official announcement will be March 4. Cop Sync and HCSS have decided to do this for customers at no charge. The installation is very simple.

Chief Deputy Skelton was present and said it sounds like it would work very well.

Mr. Stateczny said that as soon the incident is confirmed, a "chat box" will appear and officers/educators/administrators will be able to communicate.

If Brewster County chooses to take the product, they will be the first.

B. Nectar Computers

1. Update on services provided and progress made pursuant to Nectar's contract with Brewster County

Mark Hannan provided Commissioners with written bullet points of the service provided in 2012. He said the main focus is to maintain support. In 2013, they plan to continue to provide support and assist in the update of the information technology utilized by Commissioners Court.

Commissioner Stone asked if we have all internet service through AT&T, and if there's a faster alternative. Mr. Hannan said that is correct, and said Big Bend Telephone Co. offers 12 mgs.

Judge Beard said that she feels blaming speed problems of streaming is too convenient. Mr. Hannan said another possibility are several bottlenecks, whereupon several computers are using the same switch.

2. Discussion of ongoing Countywide Hardware, Software, Telecommunications, needs, including upgrades, replacements & costs

Mr. Hannan said they plan to do a hardware assessment in the coming weeks.

Judge Sotello asked Mr. Stateczny if he could explain cloud server. Mr. Stateczny said HCSS is now offering the service of cloud servers for their client, whereupon their data can be stored at the HCSS offices, and backed up there, as well.

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

Commissioner Killingsworth said with the Tech Committee met, we discussed Commissioners having a separate cloud-type server through Google apps.

Mr. Hannan explained the costs associated with Google apps, as well as the need for a government domain name and hardware. He said he believes the cost would be about \$7,500.

As far as updating the actual courtroom, Judge Beard said he would probably have three or four days to pull the cable for Cat 6. Phone service, a screen, the ability to run a projector, etc., are all necessary.

Judge Beard's office is working on the plan.

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

17. Personnel Issues related to Texas County District Retirement System / Compensation

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 11:43 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 related to the Texas County District Retirement System. The courtroom was cleared of all but Commissioners Court.

Reconvene in Opens Session

At 11:50 a.m., Commissioners reconvened in open session. Judge Beard announced that they had been in executive session, pursuant to §551.074, Government Code, VTCA.

B. Discussion and appropriate action resulting from Executive Session

Commissioner Killingsworth made a motion asking the Treasurer's Office to be diligent regarding employees' TCDRS accounting and to follow the County policies. Commissioner Ortega seconded the motion, which passed unanimously.

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