

**REGULAR MEETING OF THE
BREWSTER COUNTY COMMISSIONERS COURT
MONDAY, MARCH 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 "COACH" PALLANEZ	COMMISSIONER PCT. 4
JERRY SOTELLO	J.P., PRECINCT 1
CAROL OFENSTEIN	COUNTY TREASURER
BETTY JO ROONEY	TAX ASSESSOR
RONNY DODSON	SHERIFF

To discuss and take action as appropriate on the following:

1. Invocation, Pledge of Allegiance

Judge Beard led the invocation and Pledge of Allegiance.

2. Minutes / additions / corrections / approval

The minutes from the February 26, 2013, meeting were presented for approval.

Commissioner Ortega made a motion to approve the minutes, with a correction to the officials present list, which was still naming Commissioner Wacky Pallanez. The motion was seconded by Commissioner Killingsworth, and passed unanimously.

3. Treasurer

A. General Bills / Discussion and appropriate action

Treasurer Ofenstein said the new range at the jail is "blowing fuses" and there is a \$3,200 electric bill associated with repairs.

Commissioner Stone said the bill shouldn't be paid until the range is working.

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

Commissioner Ortega abstained from 80084 and 79940.

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

<i>Specified Activity Report</i>	<i>Cash Report</i>
<i>Cash Flow Predictions</i>	<i>Payroll Reports</i>
<i>Budget Analysis Usage Report</i>	<i>Check Register</i>
<i>Receipt File Listings</i>	<i>Other Financial Reports as Requested by Commissioners</i>

Treasurer Ofenstein reviewed the reports with Commissioner.

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 she needs to transfer \$12,590.98 from the General Fund to the Texas Class fund to bring the Jail Infrastructure fund to bring it to its \$100,000 cap.

Commissioner Killingsworth made a motion to authorize the transfer of \$12,590.97 from the General Fund to the Texas Class fund, which was seconded by Commissioner Stone, and passed unanimously.

4. Officials' Monthly Reports / Discussion and appropriate action

No reports were presented.

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; 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

No report was given.

B. Discussion and appropriate action for general administrative work of the Emergency Management Department 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 I 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 the crews have been working on the track at the school in Terlingua. They've got the area cut down to about eight inches below elevation, which is where they need to be. The engineer will be by to check.

All the HVAC filters at the EOC's were changed and generators have been serviced. They have also been working at Pena Park in Marathon. Mr. Causey said he is going to put in a new water line across the bridge so they can get some more water to the trees.

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

7. 2012 Racial Profile/Citation Data from Sheriff's Office / Discussion and appropriate action

Sheriff Dodson presented and reviewed the report for Commissioners. No action is required.

**8. County Employees / Wellness Program / Walk Across Texas Program
presented by Evans Kott, County Extension Agent Family & Consumer
Science**

A. Review & Discuss Program

Judge Beard said she looked at the TAC program and found that it was too complex for our small county. She said Ms. Kott has done the Walk Across Texas program before, and is about to begin again.

Ms. Kott said the Walk Across Texas program is much simpler with the same benefits. It is of the Extension Office's most successful programs.

The program challenges folks to walk 830 miles in a prescribed period, which is the distance from El Paso to Beaumont.

Folks can participate in teams or individuals. They don't have to walk; there is an exercise equivalency chart.

After the program, a celebration is held.

B. Review & Discuss possible incentives for employees to participate in program

Ms. Kott spoke with other agents and employees about possible incentives. Cash and days off were suggested.

C. Discussion and appropriate action concerning participating in program, on a County basis

Commissioners concurred that it's a good program and they would like to participate.

Judge Beard said she will speak with the County Attorney about incentives.

Commissioner Stone made a motion to participate in the program, which was seconded by Commissioner Pallanez, and passed unanimously.

Judge Beard and Ms. Kott will publicize the program and come up with some incentives.

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

Commissioner Killingsworth said they are still waiting for information .

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

Judge Beard said she continues to be concerned about communication between the Water Corp. and the County, and it needs to be addressed.

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

1. Update

Commissioner Ortega said they are still waiting for some information.

2. Discussion and appropriate action to go forward with application

10. County Judge / Importance of bringing training & Continuing Education to our area / General review & Discussion

Judge Beard said that all County offices have requirements for training and education. Given our location, it is exceedingly costly to travel to trainings around the State. All departments are now making an effort to get as much training in Alpine.

The Road & Bridge Department and the Emergency Management Department have upcoming trainings in town.

It is difficult because we have a hard time getting the minimum number of participants; we address that by doing a lot of outreach to departments throughout the region.

11. Veteran's Service Officer

A. Update & report on work of office / Discussion

Veterans Service Office Eduardo Vega said that veterans are sometimes hesitant to come to the office, although they do sometimes approach him in town.

Those who are receiving assistance seek help with claims, etc. Sometimes it takes over two years for the VA to make a decisions on a claim.

Brewster County is the furthest away in the Houston region, and Mr. Vega feels like we're so far away that we don't get as much service for veterans as we should.

Mr. Vega was in the office all day on Thursdays, but now says he's in on Wednesdays.

He has been to two trainings, and is scheduled for another training in May in San Antonio.

B. Personnel / Evaluation of Veteran's Service Officer by Commissioners

Court

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 10:45 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 Veterans Service officer; The courtroom was cleared of all but Commissioners Court.

Reconvene in Opens 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 asked if there was any action to be taken as a result of the executive session.

2. Discussion and appropriate action resulting from Executive Session

Judge Beard said her office will send Mr. Vega a summary of the evaluation in letter form, with the concurrence of Commissioners Court. Commissioners concurred.

12. Rio Grande Council of Governments

A. Review & Update of COG work by Annette Gutierrez, Executive Director

Judge Beard said she thinks now is a good opportunity to review the work of the COG.

Mrs. Gutierrez reviewed some of the significant projects for this year.

She said that due to a 3.2 reduction due to federal sequestration, there is going to be a decrease in funding for Meals on Wheels. She thinks the rural counties will be ok and will continue to serve the clients they have.

She reviewed solid waste grant funding and the Community Development Block Grant.

B. 911 addressing / Marissa Quintanilla

1. Review of 911 addressing in region / Discussion and appropriate action to address last few road naming issues

Mrs. Gutierrez said that when she began as the COG director, a meeting was held in South County about 911 addressing. That was six years ago, and she said that it shows how daunting a task this has been. She thanked Mrs. Gutierrez and Catherine Crumpton, and said this began with the help of former Commissioner Red Pattillo.

Mrs. Quintanilla said Commissioner Killingsworth stepped up about a year ago and provided assistance and volunteers to help with naming the more 600 unnamed roads in South County. Mrs. Crumpton helped to get them mapped. The task has now been accomplished, with the exception of about 10 roads.

2. Recognize members of Citizens' Road Naming Committee for South Brewster County, upon substantial completion of work

Mrs. Quintanilla recognized with a certificate Sharon Clark, ??? Brewster, Mabert Moore, Carolyn Small, Barbara Trammell and Commissioner Killingsworth.

Commissioner Killingsworth said she appreciates the hard work of all the volunteers.

Judge Beard said we appreciate the staff of the COG.

13. Support pending groundwater legislation that would correct Section 36.121, Texas Water Code, VTCA, currently affecting the Brewster County Groundwater Conservation District/ Limitation on Rulemaking Power of Districts over wells in certain Counties (Midland Exemption)/ Discussion and appropriate action to move forward

BCGWCD Board Member Virgil Clark said the District is holding meetings with the Alpine City Council again this year to work with them to support Legislation correcting Section 36.121. Alpine was inadvertently included in the legislation which established the "Midland Exemption" in the original Legislation. A joint meeting will be held Thursday. The City Council has so far agreed to support the filing of the bill with the Legislature.

Judge Beard said that it's important that everyone understand that the only vehicle we have to protect our groundwater is through our local GWCD.

Mr. Clark said if we don't control and protect our water, the State will, and is working on Legislation right now. He encouraged Commissioners and citizens to come to the meeting Thursday. The issue is very important.

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

**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)**

Judge Beard said the County Attorney is out this week, and an executive session is unnecessary. However, she said the County Attorney has proceeded with the steps necessary to ultimately collect the County's attorney fees. No executive session was called.

**B. Executive Session Pursuant to § 551.071, Government Code, VTCA, 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

*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