

**CALLED MEETING OF THE
BREWSTER COUNTY COMMISSIONERS COURT
MONDAY, APRIL 15, 2013, AT 9:00 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
BERTA RIOS-MARTINEZ	COUNTY CLERK
JERRY SOTELLO	J.P., PRECINCT 1
BETTY JO ROONEY	TAX ASSESSOR
STEVE HOUSTON	COUNTY ATTORNEY

1. Invocation, Pledge of Allegiance

Judge Beard led the invocation and Pledge of Allegiance.

2. Minutes / additions / corrections / approval

The minutes from the March 26, 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. Treasurer

A. General Bills / Discussion and appropriate action

Deputy Treasurer Megan Antrim said the health insurance premium is included in the bills.

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

Judge Beard abstained from KALP bills.

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

Specified Activity Report	Cash Report
Cash Flow Predictions	Payroll Reports
Budget Analysis Usage Report	Check Register

Receipt File Listings

Transfers Other Financial Reports as Requested by Commissioners

Ms. Antrim reviewed the reports with Commissioners.

Commissioner Ortega made a motion to approve a transfer of \$5,000 into the Courthouse Preservation fund, which was seconded by Commissioner Stone, and passed unanimously.

C. Texas Association of Counties Insurance Pool / Property Insurance Renewal Application / Discussion and appropriate action concerning renewal

Judge Beard reminded Commissioners that our insurance is purchased through a pool managed by TAC. This is coverage which is specifically tailored for Counties.

Commissioner Stone made a motion to approve the renewal, which was seconded by Commissioner Ortega.

Ms. Antrim said the Old Library building is included. All County facilities are listed, but some of the addresses need to be corrected.

The motion passed unanimously.

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

Ms. Antrim asked for approval to pay the State quarterly reports. One of the J.P.'s has been ill, and the reports are running behind. The Treasurer's Office doesn't want to wait too much longer, otherwise the reports will be late.

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

Commissioner Ortega will see if the Precinct 3 Justice of the Peace needs assistance completing the report.

4. Big Bend Little League

A. Update on Program

BBLL Pres. Marc Miranda said there are 22 teams this year. Opening Day was held last Saturday.

The League hopes to upgrade the fields. They are old and need TLC. They would also like to build a new concession stand and upgrade the restrooms.

He said the League appreciates the support of Brewster County.

The League is run on a volunteer basis.

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

Commissioner Ortega made a motion to approve a \$5,000 allocation to the BBL. Commissioner Stone seconded the motion, which passed unanimously.

5. 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.

6. County Jail / Request to purchase replacement ice maker from dedicated Jail Infrastructure Funds / Discussion and appropriate action concerning b purchase

Jail Administrator Lora Nussbaum said the ice maker no longer works, and is being service almost weekly.

Mrs. Nussbaum sought informal proposals from three different companies. She said she prefers the bid from TW Heat & Air as it is a local company and they will do repairs even after the warranty expires.

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

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

Assistant EMC Betse Esparza said a funnel cloud formed southwest of Alpine during a thunderstorm Saturday. The APD dispatch tried to contact Mrs. Esparza, but the AT&T phone system was down, as it has been several times during emergencies. Two different police officers came to her house, and she traveled with one of the officers back to the police station and waited out the storm there. APD sounded the emergency sirens during the storm. They were made aware of the funnel cloud through several 911 calls. The National Weather Service

called Dispatch to make them aware of a severe thunderstorm warning after the funnel cloud had dissipated.

B. Upcoming TEEEX Senior Officials Training & Exercise / Update

Twenty-two area officials have signed up for the workshop, which will be held Wednesday, April 17.

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

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; 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 he is working to get good signage on all the County roads, mainly in Marathon right now.

Crews have been blading on Mile High Road and Loma del Norte south of Alpine due to a rain about a week ago. They also bladed Agua Fria in South County. They are still hard at work on the track at Big Bend High School. Substantial progress has been made on the track.

B. Old Marathon Road / Damage to Bridge on that Road and issues related to that damage

- 1. Review and Discussion of situation with bridge, damaged guard rails resulting from accident and related issues concerning repair, replacement, removal of, construction of low water crossing or other solutions to situation with damaged bridge, including costs of possible solutions***

Judge Beard explained that the bridge has serious guard rail damage as the result of a car accident. Commissioners need to decide what to do about the damage, from replacement to repair. All of the solutions are costly; according to TxDOT, a new bridge would cost around \$250,000.

For a low water replacement, Mr. Causey said the gas and sewer lines will have to be moved. There may also be phone lines. Utility providers will need to know exactly where the crossing will be so that they can move the lines appropriately.

2. Discussion and appropriate action concerning what course to take regarding this bridge

Commissioner Stone made a motion to replace the bridge with a low water crossing, which was seconded by Commissioner Killingsworth, and passed unanimously.

Commissioners Stone and Ortega and Mr. Causey will set up a meeting with the Alpine City Manager about relocating those lines.

C. Discussion and appropriate action for general work of Road & Bridge Department to go forward

9. County Historical Commission & Historical Commission Chair / Announce recent Award from West Texas Historical Association / Discussion and appropriate action

The Brewster County Historical Commission received an award at the West Texas Historical Association meeting.

10. 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***
- 2. Matters related to timely completion of project and matters related to scope of possible upcoming work under USDA grant / Loan Project / Discussion and appropriate action***

Judge Beard said the deadline on this project is coming up quickly. She feels that more attention should be paid to meeting deadlines.

3. Discussion and appropriate action to go forward with this grant project

Commissioner Killingsworth said she believes they are working on installing equipment.

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

1. Update

Commissioner Ortega said it looks like funding for the project is going to be available.

2. Discussion and appropriate action to go forward with application

11. CJIS Reporting (State DPS Criminal Justice Information System)

A. Pending Legislation related to CJIS and Criminal Justice Funding

1. Update

Judge Beard said a bill came out of a Senate committee which had a provision stating that if a County dropped below a 90 percent reporting rate, all Criminal Justice funding of any kind was stopped. There was a statewide effort to get the provision stricken from the bill, or to have a grace period built in. Several State associations, and our own legislative consultant, noted that the provision was unfair and that the Criminal Justice funding is critical.

An amendment was offered by Sen. Huffman (Harris County), which struck the entire provision from the Bill, and the amendment has been passed.

Judge Beard said the CJIS reporting rate requirement is not going away.

2. Discussion and appropriate action concerning pending legislation

B. Update on County's Disposition Completeness Rate, ongoing efforts to improve rate & other matters related to CJIS reporting

Judge Beard said the County's completeness rate is improving.

Judge Beard said the County Attorney's office is working on a comprehensive misdemeanor report that should show an uptick in the rate in the next couple of weeks, after it is sent to various agencies for corrections.

C. Need for ongoing, long term compliance and means for achieving that goal / Discussion and appropriate action

Past history still needs cleaning up, but it is important to continue to maintain a current reporting rate.

Judge Beard suggested that a Data Compliance committee be established to meet on a monthly basis and report to Commissioners Court, regardless of whether or not it's actually required. Right now, Shaun Barak and the County Attorney are leading the effort.

D. Discussion and appropriate action to continue to improve County CJIS reporting

12. Interlock Devices / County Judge's / Request Related to Supervision of Court Ordered Vehicle Interlock Devices by Adult Community Supervision Department / Request to Authorize Permian Basin Community Supervision to assess monthly fee of \$10.00 to supervise operation of interlock devices and related matters / Discussion and appropriate action

Interlock devices require a breath test before a vehicle can be started and are put in place by various court proceedings.

Up until now, we've not had the formal means to supervise the devices. They are installed by a company in Fort Stockton, and regular reports are provided to the Court.

By law, we can now designate the adult supervision office at a cost of up to \$10/month.

Commissioner Ortega made a motion to authorize Permian Basin Adult Supervision to provide supervision of the devices for \$10/month, which was seconded by Commissioner Stone, and passed unanimously.

13. Public Comment

No comment was made.

14. Federal & State Grants and other federal programs in which the County participates / General discussion concerning impact of grant assurances & conditions on County business & employee workload

Judge Beard said the County participates in many grant programs, all of which have various rules and guidelines which we must comply with. She said the workload is great, particularly in the Treasurer's Office, to the point that County business may sometimes come second. She said we have to be careful not to allow the grant to drive the County's business.

15. District Clerk

A. Facilities review related to issuance of passports and requirements of U.S. Passport Agency / Discussion and appropriate action

Judge Beard said the District Clerk's office has provided a passport service for many years. They are not required to do so. Judge Beard said she believes those who inspect our local offices are not those who make the final decisions. The inspectors do not like that the passport office (District Clerk's office) is located in the same office as the County records, where birth certificates are obtained.

Judge Beard said there is no detailed federal requirement in writing explaining why the inspectors have asked the County to move the District Clerk and separate the offices.

She has proposed that a new entrance be built into the District Clerk's office, or securing a completely separate office for passports only. There is a separate single office down the hall which could be used.

Judge Beard does not want to spend any money without knowing that what is done will absolutely solve the problem with the Passport Service office.

District Clerk Jo Ann Salgado said she spoke with a representative from El Paso who told her that if she doesn't comply, the office could be suspended. Mrs. Salgado said she has until May 1 to comply, according to a letter she received.

Commissioners concurred that we should appeal to the higher authority.

Commissioner Killingsworth suggested that passports could be sold from the Tax Office.

Commissioner Killingsworth made a motion to authorize the County Attorney to assist the District Clerk to determine the proper guidelines for passport offices. Commissioner Ortega seconded the motion, which passed unanimously.

B. Personnel Matters

1. Personnel 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 10:27 a.m., Judge Beard announced that Commissioners Court was into executive session to discuss the appointment, employment, evaluation, reassignment, duties, compensation, or dismissal of a public officer or employee, pursuant to §551.074, Government Code, VTCA. The courtroom was cleared of all but Commissioners Court and the District Clerk.

Reconvene in Open Session

At 11:24 a.m., Commissioners reconvened in open session. Judge Beard announced that they had been in executive session to discuss personnel issues related to the District Clerk's office. 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 contract with an expert consultant to assist the District Clerk's office in getting caught up with filing and other duties and functions of the office. An additional \$5,000 will be added to the District Clerk's budget to pay for the consultant and additional overtime. It is critical that the District Clerk's office get caught up with their work. Commissioner Ortega seconded the motion, which passed unanimously.

Commissioner Killingsworth made a motion to investigate a new location in the County offices for passports, which was seconded by Commissioner Ortega, and passed unanimously.

16. Personnel Workshop

A. Pending Draft Personnel Policies / Review, Update & Discussion concerning these proposed policies currently in place

Judge Beard noted one significant change, noting that the County cannot "lend its credit" to anybody for anything, including personnel pay advances.

The draft policies that Commissioners have come from TAC.

Judge Beard said the sections related to the calculation of sick and vacation leave were carried forward from the Treasurer's Office.

Commissioners agreed that attention needs to be paid to comp time and overtime. Departments are doing widely different things.

Both need to be preserved, but there seems to be a lot of difference from department to department.

Commissioners Court sets the policy which should be adhered to in the same way by all departments, fairly and consistently.

Credit Card use needs to be included in the policy.

Commissioners discussed the how much detail the policy should include concerning retirement. The policy incorporates information about health insurance benefits upon retirement. Judge Beard said she is reluctant to include specific information about retirement contributions as changes are always possible.

Commissioner Killingsworth said what benefits are given to whom can be confusing. Having one sheet of paper that can be given to employee, one that is updates as changes are made, would be helpful.

Commissioner Killingsworth said she would like the County to have a single overtime policy for every department. She thinks the policy should be time and a half, and once the budget is exhausted, comp time will be given.

Judge Beard said that with that kind of policy, you must rely on supervision of the budget by each and every department head. It can become a hotbutton issue, and can cause confrontation.

Commissioner Killingsworth said that is why it's important to get the policy right. The department head/elected official is responsible and overtime has to be approved prior to being taken.

Judge Beard said that, in the past, she believes that there has been fraud on hours worked on grants, which is unacceptable.

Commissioner Killingsworth said that we have been lax about things related to compensation up to this point. Employees need to understand the policy, and they need to know that falsifying a document is against the law, and they can be fired for it.

Commissioners discussed which departments utilize comp time, and how it is accounted for.

Additional workshops need to be held, possibly as a single agenda item.

B. Discussion and appropriate action concerning additions to or changes to Draft Personnel Policies / Discussion and appropriate action to go forward with completion of Draft Policies

17. Means, Methods & Amounts of Compensation for County Employees, All Departments including issues related to comp time & overtime / General Discussion

A. If necessary, 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

No executive session was necessary.

Reconvene in Open Session

B. Discussion and appropriate action resulting from Executive Session

18. Personnel / County Judge & County Judge's Staff (Court, Administration & Commissioners Court Support, Courthouse Maintenance/Custodial, Emergency Management)

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 11:40 a.m., Judge Beard announced that Commissioners Court was into executive session to discuss the appointment, employment, evaluation, reassignment, duties, compensation, or dismissal of a public officer or employee related to the personnel in the County Judge's office, pursuant to §551.074, Government Code, VTCA. The courtroom was cleared of all but Commissioners Court.

Reconvene in Open Session

At 11:55 a.m., Commissioners reconvened in open session. Judge Beard announced that they had been in executive session to discuss issues related to County Judge personnel. She asked if there was any action to be taken.

No action was taken.

B. Discussion and appropriate action resulting from Executive Session

19. County Judge / Request to reaffirm ongoing agreement with Hudson & O’Leary for representation on certain legal matters / Discussion and appropriate action

Judge Beard said Mr. Hudson has represented us for years in specialized situations, such as during the ongoing Pascual Olibas case. She said we have always received sound advice.

Commissioner Stone made a motion to reaffirm the agreement with Hudson & O’Leary, which was seconded by Commissioner Killingsworth, and passed unanimously.

20. S.B. 1866 / Resolution of support (correction to § 36.121, Texas Water Code, VTCA) which currently limits rule making power of Districts for Wells in certain Counties (Midland Exemption)

Conrad Arriola said this issue has been through three Legislative sessions. What they’re trying to do, he said, is to make whole the Water District, as the voters intended in 2001. It would bring the City of Alpine into the District, and they would have to adhere to the same rules and guidelines for other wells in the County.

Commissioner Killingsworth made a motion to support S.B. 1866, which was seconded by Commissioner Ortega, and passed unanimously.

21. County “In House” Renovations

A. Moving Days and schedule for occupancy of Old Library / Update

Judge Beard said the Juvenile Probation Office will be moving into the south end of the building as soon as they get back from some training.

She has advised the Extension Office to prepare for moving at the end of the month.

B. Old Library project general update

Judge Beard said they have been working to get things complete. They poured a sidewalk last week, and replaced a big window on the north side.

C. Upcoming Annex Renovations, including Commissioners Courtroom update, matters related to District Clerk's offices, new location for J.P's office & other matters related to Annex improvements

Judge Beard said they are going to attempt demolition on a Friday and Saturday. No firm date is set yet.

D. Discussion and appropriate action to go forward with & complete ongoing "in house" renovations and moving preparations

Commissioner Ortega made a meeting to adjourn, which was seconded by Commissioner Stone, and passed unanimously.

VAL CLARK BEARD, COUNTY JUDGE

ATTEST:

BERTA RIOS-MARTINEZ, COUNTY CLERK