

**CALLED MEETING OF THE
BREWSTER COUNTY COMMISSIONERS COURT
TUESDAY, APRIL 30, 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

1. Minutes / additions / corrections / approval

The minutes from the April 15, 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. Treasurer

A. General Bills / Discussion and appropriate action

Deputy Treasurer Megan Antrim noted that the Study Butte Water Corp. bill was moved into the Terlingua utilities budget. Also reimbursement for Judge Beard for training and travel was moved in the County Court budget.

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

Commissioner Ortega abstained from 80682; Commissioner Killingsworth abstained from 80570; and Judge Beard abstained from the invoice from In & Out Rentals.

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

Specified Activity Report	Payroll Reports
Cash Flow Predictions	Check Register
Budget Analysis Usage Report	Transfers
Receipt File Listings	Other Financial Reports as
Cash Report	Requested by Commissioners
Grant Reports	

Commissioner Killingsworth made a motion to transfer \$8,312.31 into Fund 32, which was seconded by Commissioner Ortega, and passed unanimously.

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

3. Officials' Monthly Reports / Discussion and appropriate action

There were no reports presented.

4. 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

Acting EMC Betse Esparza said she had responded to a small fire near the Union Pacific Railroad tracks on the west side of town, and to a vehicle accident where a truck ran through a home on 5th Street, pinning a young girl inside for a little over an hour. Both events were responded to by the Alpine VFD, which Mrs. Esparza said did good work.

B. Report on TEEX Training / Exercise for Senior Officials held on April 17, 2013 / Discussion and appropriate action to recognize TEEX for recent trainings held in Alpine

Esparza said the TEEX training was well-attended and worthwhile. The instructors were energetic and knowledgeable.

C. 2013 Homeland Security Grant/ Priorities and Identification of possible expenditures (County Judge's recommendation to utilize sustainment of 1st Responders Category)

Mrs. Esparza explained that in the past, available funds were divided between the RGCOG jurisdictions. This year, projects must be submitted beforehand, by May 13, and will then be scored and prioritized by the First Responders Preparedness Planning Group on May 16, after which they'll be sent to the State.

As expected, funding is based on the CJIS reporting rate. While Brewster County has not reached 90 percent, efforts by the County Attorney's office are helping to increase the completion rate, which is about 81 percent right now. The rate as of Aug. 1 will be used for compliance.

Approximately \$449,000 to \$608,000 is available for the District. Mrs. Esparza said she thinks its fair to ask for about \$75,000-\$100,000 to be distributed amongst the VFDs in Brewster County, with a focus on HAZMAT response.

She will meet with a COG representative this afternoon to begin preparing the request.

D. Judge's request to consider H.B. 2332 (relating to the liability of an operator of an underground facility for damages that result from a failure to comply with a duty to mark underground facilities to prevent damage from excavation or a duty to make certain notifications) / Discussion and appropriate action

Commissioners discussed the Bill. While they agree utility companies should be held liable for damages, Commissioner Killingsworth pointed out that related costs could be passed on to consumers.

Commissioners chose not to take action regarding the Bill at this time.

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

Mrs. Esparza said the generator for the NWS tower has arrived and is being stored at the Road & Bridge yard. An invoice for the generator was received from Weathers Electric at a cost of \$13,020. The firm said they were unaware that grant funds were being used on the project, and are behind on payment with their vendor. While the County has a policy against upfront payment for grant projects, it also has a policy stating that vendors need to be made aware that payment will be slow.

Commissioner Killingsworth made a motion to pay Weathers Electric \$13,020 for the cost of the generator, with the County being reimbursed with Homeland Security grant funds. Commissioner Ortega seconded the motion, which passed unanimously.

5. 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 is working on paving on Wagon Rd.
Commissioner Stone said the crews will be heading back to Terlingua soon to continue work on the track.*

B. Commissioner Pct. 4 Mike Pallanez / Proposal to take Double Diamond Veterans Addition Roads into County Road System (Circle Drive, Skyline Road and High Vista Road)

1. Request for preliminary approval of taking these roads in to County system

Commissioner Pallanez said he's been working with Supt. Causey. He said he has spoken with the residents, and all but 1-2 are for joining the County system. Mr. Pallanez met with one concerned citizen, who afterward decided he was for the proposal.

Mr. Pallanez said there are 15 homes, 15 families, people who need to be able to get in and out safely. Emergency vehicles also need access.

The total mileage is 3.2 miles.

There may be some sections of road which aren't platted.

Judge Beard explained that preliminary approval means Commissioners Court supports the concept. After the legal work has been completed, Commissioners come back for final approval.

Commissioner Pallanez made a motion for preliminary approval, which was seconded by Commissioner Ortega, and passed unanimously.

2. Discussion and appropriate action

C. Old Marathon Road Bridge / Replacement with Low Water Crossing

1. Update

There was no update.

2. Discussion and appropriate action to go forward with demolition & construction of low water crossing

D. Commissioner Pct. 3 Ruben Ortega / Update on plans for additional improvements to Marathon Community Center

Commissioner Ortega said he would like to use the Road & Bridge crew to form some concrete leading to steps and to the handicap ramp. He said there is some money in the Community Center's budget. Commissioners concurred it would be a good use of time, once the Road & Bridge Department is available.

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

6. Judges request to express opposition to H.B. 3235, (limitations on Commissioner Court's authority to regulate fireworks) / Discussion and appropriate action

Conrad Arriola said H.B. 3235 is pending in committee.

Judge Beard said Texas has a very active fireworks lobby. This bill would limit Commissioners Court authority to regulate fireworks, including the Judge's authority in emergency situations.

Commissioner Stone made a motion to express opposition to the bill, which was seconded by Commissioner Killingsworth, which passed unanimously.

7. Commissioner Pct. 2 Killingsworth / Report on West Texas County Judges & Commissioners Association Conference in Midland / Discussion and appropriate action

Commissioner Killingsworth said that more than 108 counties were presented. It was a good turnout, probably more than 250 elected officials. She said it was a good week.

Commissioner Stone agreed that it was well-done.

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 including arrival / installation of R.O unit

Commissioner Killingsworth said they are installing the unit.

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

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

1. Update

Commissioner Ortega said he hopes to hear something this month.

2. Discussion and appropriate action to go forward with application

9. Pending Renovation Projects

A. Old Library Building Renovations

1. Update on progress & “moving out” schedule

Judge Beard said the Juvenile Probation Office has been relocated, including phone and computer transitions.

The Extension Service is in the process of moving.

Ms. Antrim said AT&T is working on getting things set up for the other offices at the Old Library.

2. Discussion and appropriate action to complete project

B. Annex Renovations

1. Update

Judge Beard said Commissioner Stone made a good suggestion for the floor in the shared conference room. The old concrete floor they thought was going to be able to polished will not work, so laminate vinyl plank floor has been purchased and is being installed.

Judge Beard said as soon as a date is set for demolition, the Tech Committee, Mark Hannan and Johnny Valencia need to do a walk-through to finalize what needs to happen with the wiring in the Commissioners Courtroom.

2. Discussion and appropriate action to go forward with renovations

10. CJIS Compliance (State DPS Criminal Justice Information System)

A. Update on recent work to improve disposition completeness reporting

Judge Beard said the County Attorney's Office has done a lot of work in getting not just their compliance up-to-date, but work that is going to assist other reporting entities.

Steve Houston said the ladies in his office took information concerning deficiencies from DPS, and used their files to determine what had been done and what had not been done.

From there, his office was able to recreate what was missing on CJIS reporting. Tomorrow, they will begin grouping the list into the different deficiency categories for each reporting entity. It will hopefully take less than week to report the corrections to the Clerk's Office.

Commissioner Ortega made a motion to back up the efforts of the County Attorney's office with a letter of support, which was seconded by Commissioner Killingsworth, and passed unanimously.

B. Discussion and appropriate action to improve Disposition/CJIS reporting

11. Request for Tech Committee/ New Wireless Bridge Network between the Sheriff's Department and the County Jail/ Discussion and appropriate action concerning approving Bridge Network

Judge Beard said there are funds available. She asked Commissioners if she thought the expenditure was appropriate from the IT Budget. Commissioners concurred.

Commissioner Killingsworth made a motion to approve \$1,228.16 to install a wireless carried bridge network from the Sheriff's Office to the jail. The money should come from the IT budget. Commissioner Ortega seconded the motion, which passed unanimously.

12. C.N. 2007-03-B8551-CV, Michael J. McCulloch; Kathleen M. McCulloch and Alice McCollum v. Brewster County, Texas (Mills Road Case)

A. Post Appeal matters concerning execution & related matters

B. Executive Session Pursuant to Section § 551.071, 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 9:55 a.m., Judge Beard announced that Commissioners Court was into executive session, pursuant to Section §551.071 of the Government Code, to discuss the Mills Road Case. The courtroom was cleared of all but Commissioners Court and the County Attorney.

Reconvene in Open Session

At 10:09 a.m., Commissioners reconvened in open session. Judge Beard announced that they had been in executive session to discuss the Mills Road Case. She asked if there was any action to be taken.

No action was taken.

C. Discussion and appropriate action resulting from Executive Session

13. Pending Litigation / Confer with Legal Counsel, if requested

Civil Action No. P-11CV-094, Pascual Q. Olibas and Cheryl Olibas, Individually and D/B/A Freedom Bail Bonds, Plaintiff V. Ronny Dodson, As Sheriff of Brewster County, Texas and Brewster County, Texas Defendant, In the United States District Court, Western District of Texas

A. Update

No executive session was held.

B. Executive Session Pursuant to Section § 551.071, 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

14. 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 10:20 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, regarding personnel in the County Judge's Office. The courtroom was cleared of all but Commissioners Court.

Reconvene in Open Session

At 11:05 a.m., Commissioners reconvened in open session. Judge Beard announced that they had been in executive session to discuss personnel issues related to the County Judge's Office. She asked if there was any action to be taken. No action was taken.

B. Discussion and appropriate action resulting from Executive Session

Judge Beard announced the retirement of Tom Santry as EMC. He has served the County well and ably and he will be missed.

Judge Beard said Betse Esparza is being appointed as EMC. She will take on the duties associated with that position, in addition to other duties she is already performing.

15. Personnel / Treasurer's Office

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 11:07 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 11:27 a.m., Commissioners reconvened in open session. Judge Beard announced that they had been in executive session to discuss personnel issues related to the Treasurer's Office. She asked if there was any action to be taken. No action was taken.

B. Discussion and appropriate action resulting from Executive Session

16. Personnel Policies Manual Revision Project

A. Update

Judge Beard said she would like some dates in early May during which Commissioners can meet for a workshop.

B. Highlight & discuss areas of primary concern / Discussion and appropriate action

Judge Beard asked Commissioners if there is any subject or policy which Commissioners want to pay particular attention. She said she understands overtime and comp time are of concern. Some information has already been put together for Commissioners.

Commissioner Killingsworth said she would like to discuss retirement pay and investments.

Judge Beard requested that Commissioners read the manual before the meeting.

C. Discuss & plan for upcoming workshop at which there will be a general review & mark up of Draft Policies

Commissioners concurred that next week is a good time for all of them to meet. The workshop will be held Tuesday, May 7, at 9 a.m.

17. District Clerk / Tax Assessor Collector/Passport function/Update/ Discussion and appropriate action to assist these Officials in regards to this function

Judge Beard explained that someone from the Regional Passport Office has been here this morning inspecting the interim passport office which has been set up across the hallway.

Conrad Arriola explained that the office has been approved, as long as District Clerk staff don't "man" the office.

That is not possible, said Judge Beard. The inspector doesn't want staff anywhere near birth records.

Mr. Arriola had suggested the Tax Office.

Tax Assessor Collector Betty Jo Rooney noted that the Legislative session includes voter identification cards.

The inspector doesn't want identification records and passports issued out of the same office.

Commissioner Killingsworth suggested segregating the voter identification cards, if mandated, from the Tax Office so that passports could be issued there.

Training is available online.

Commissioners directed District Clerk Jo Ann Salgado and Ms. Rooney to work together to get things rolling so that passport applications can be accepted at the Tax Office.

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