

**REGULAR MEETING OF THE
BREWSTER COUNTY COMMISSIONERS COURT
MONDAY, MAY 13, 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
BERTA RIOS-MARTINEZ	COUNTY CLERK

1. Invocation, Pledge of Allegiance

Judge Beard lead the Invocation and Pledge of Allegiance.

2. Minutes / additions / corrections / approval

The minutes from the July 24, 2012, meeting were presented for approval as they were accidentally overlooked, according to Shaw Skinner, who is auditing the minutes.

The minutes from the April 30, 2013, and May 7, 2013, meetings 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 payment is the largest bill included.

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

One walk-in bill for payment to Juan Iniguez, who helped move furniture from the Commissioners Courtroom, was presented.

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

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

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

Ms. Antrim reviewed the reports with Commissioners.

C. Commissioners Courts' request to develop Treasurer's reports related to accrual of comp time, overtime and related matters / Discussion and appropriate action

Judge Beard said that at a previous workshop meeting, Commissioners discussed that they are going to be needing reports related to comp time, overtime and related matters as they transition into the new personnel policy manual.

Because of some contemplated changes, Commissioners need the information to make some decisions and keep on top of things. Some reporting instruments will need to be developed.

D. Depository Contracts for Brewster County and Terlingua CSD

1. Open & Read Bids for Depository Contracts

Judge Beard said only one proposal was received from West Texas National Bank.

Six copies of the proposed contract were included. Judge Beard suggested that they be distributed amongst Commissioners and the Treasurer's Office for review and input. Action can then be taken at the second meeting in May.

WTNB Pres. Dave Rogers said the contract is basically the same, although the interest rate has increased. There is no charge for anything; all services are free. They have also included a free service which would allow for checks to be image captured and deposited, rather than someone having to physically walk to the bank.

A contract extension to 2015 for the School District was approved in 2011.

Commissioner Killingsworth said that, should the County choose the four-year term, the School District would like to do the same so that both are on the same term.

2. Discussion and appropriate action to award bids or other appropriate action

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

4. Brewster County Central Appraisal District, Chief Appraiser's Report on Assessed Valuation in County / Discussion and appropriate action

Matt White gave Commissioners copies of the 2013 numbers. Protests have not yet been heard, so the numbers may change.

The report covers land values, improvement values and personal property values for a total value of \$952,614,252. After subtracting agricultural use, homestead caps and other exemptions, the net taxable value is left at \$602,756,011, an increase of 1.28 percent.

Judge Beard noted that the increase in assessed valuation has leveled out.

The Comptroller's Office believes the productivity levels are low. Mr. White said he intends to fight that opinion. Judge Beard noted that during a drought, productivity levels are obviously low.

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. Resolution Honoring Tom Santry for his services as Emergency Management Coordinator / Discussion and appropriate action

Judge Beard read the resolution for the record.

Commissioner Stone made a motion to approve the resolution, 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. Frenchie Causey said crews have continued to replace signs and reflectors, and paved the approaches to the Wagon Road cattle guard.

Crews are continuing work at the Old Library and in the Commissioners Courtroom. They took a new generator up Radio Hill for the NWS tower, and brought the old one down. They also check the oil in the generators at the EOC in Alpine and in South County.

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

Judge Beard asked Commissioner Pallanez to check in with the County Attorney to see where he is on adding the road in the Double Diamond Veterans Addition for final approval.

8. 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

EMC Betse Esparza said things have been quiet.

The new generator for the NWS tower is in place on Radio Hill, and Weathers Electric is expected to complete the project Monday or Tuesday.

Mrs. Esparza said she and Marisa Quintanilla the COG are working on a list of items to finish out 2011 Homeland Security grant funding. Items include a weather station, printers and projector and screen for the EOC, as well as anemometers for the VFDs and batteries for the 36 AEDs which are housed with different County agencies. Esparza said there is almost \$22,000 left in regular Homeland Security funds.

Judge Beard said that some long-term purchases, like AEDs, require maintenance. How we are going to pay for that maintenance in the long term is a question we need to ask.

B. Upcoming Training Opportunities / Hazmat training for June 10th, 11th & 12th / Discussion and appropriate action

A basic level HAZMAT course, along with an operational HAZMAT course, will be offered, although the dates may change. The June dates have already been publicized so Mrs. Esparza is working with TEEX to see if instructors can be found. The back-up date is in July.

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

Mrs. Esparza said a list of training opportunities for the 2013-14 fiscal year came in this morning. She will review it with Judge Beard and see if there are any good fits for the area.

9. 2014 County Budget

A. General Discussion concerning goals and budget process

Judge Beard said preliminary work has started. Hopefully, some preliminary reports will be available from the Treasurer's Office this week. She said it will be another tight year, and she doesn't see much change. There is not a lot of latitude.

B. Discussion and appropriate action to go forward with budget process

10. IT Matters, Commissioner Pct. 2 Killingsworth

A. Update on IT issues & contact with Nectar Computers

Commissioner Killingsworth said things with Nectar Computers are working out very well. They are always responsive when we call.

B. Discussion and appropriate action for IT work to go forward

11. 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 regarding installation of R.O unit

Engineer Travis Roberts said all of the paperwork has been given to Grant Administrator Jerry Carvajal. A final inspection is scheduled for Wednesday.

Water testing was held late last week; Mr. Travis has not seen the results, but doesn't think there was a problem of any kind.

Mr. Travis explained some issues with older equipment, but he believes they have all been repaired.

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 final approval is expected this month.

2. Discussion and appropriate action to go forward with application

12. Pending Renovation Projects

A. Old Library Building Renovations

1. Update on progress & occupancy of buildings

Judge Beard said the Old Library interior is virtually complete. There are a couple of issues with the trim and final issues with the shared conference room.

Judge Beard said when the Annex renovations are finished, crews will go back to the Old Library to finish the exterior.

Juvenile Probation and Ag Extension are both moved in. The Water District and Tourism Council will move in shortly.

2. Discussion and appropriate action to complete project

B. Annex Renovations

1. Update on progress of work

Judge Beard said the “tear out” is complete. As expected, the wall under the paneling was poorly built, without insulation.

As we move through it, she believes the result will include greater energy efficiency and sound control; interior partition walls will be built back with insulation and drywall.

Some preliminary plans from Nectar Computers for the technical aspect of the Commissioners Courtroom are expected. The goal is to be prepared for the future and including enough wiring to cover us for the next number of years.

2. Discussion and appropriate action to go forward with renovations

13. Restoration of Passport Function / Update / Discussion and appropriate action regarding moving passport function

Conrad Arriola said the Regional Passport officer will be here May 21 for an inspection and training in the Tax Office. As of now, passport applications are being accepted in the old extension office.

14. 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

Judge Beard said no executive session is necessary.

A. Update

Judge Beard said that the Plaintiff has now filed for an injunction; to have this action this far into a lawsuit is very strange, she said.

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

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

Post Appeal matters / related to matters collection of judgment / Discussion and appropriate action

Judge Beard said no post appeal matters are necessary as the judgment has been collected. She commended County Attorney Steve Houston for his hard work, and commended Commissioners Court, as well, for hanging in there through this lengthy litigation.

16. CJIS Reporting (DPS Criminal Justice Information System)

A. Update / Discussion of deadlines and consequences of non compliance, deficiencies, and progress made by reporting agencies

Judge Beard told Commissioners Court that the County Attorney's office has completed various reports and sent the deficiencies to the reporting agencies.

The rate is slowly coming up; it is now at 82 percent. A deadline of May 21 has been given to correct the deficiencies. If we don't see a substantial jump by that time, Commissioners Court is going to need to discuss taking a harder line with the reporting agencies, such as not approving grant applications.

Judge Beard said she does not want to have to do that.

While the State deadline isn't until August 1, time will be needed to correct any issues which arise in the meantime. Waiting until the last minute will not work.

B. Discussion and appropriate action to improve Disposition Completeness Rate

SUPPLEMENTAL AGENDA

A. Direct County Funding and County Secured Grant funding / Terms and Conditions of Funding for both County and Non County Agencies and Organizations / Discussion

Judge Beard explained that grant funding may need to be tied to CJIS reporting in order to gain compliance from some reporting agencies.

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