

**REGULAR MEETING OF THE
BREWSTER COUNTY COMMISSIONERS COURT
TUESDAY, MAY 28, 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

To discuss and take action as appropriate on the following:

1. Minutes / additions / corrections / approval

The minutes from the May 13, 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 / Proposed Memorial Resolutions for:

A. Dick Bowers, Longtime Brewster County Attorney

Judge Beard read the resolution for the record. She noted that Mr. Bowers and his wife, Janette, were always interested in the improvement of Alpine.

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

B. Okey Lucas, Mayor, Town of Van Horn and Longtime Regional Leader

Judge Beard read the resolution for the record. She said Mr. Lucas was a gentleman and always wanted the best for the region.

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

3. Treasurer

A. General Bills / Discussion and appropriate action

Linda Arndt was present for the Treasurer's Office.

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

Judge Beard abstained from KALP bills, Commissioner Ortega abstained from the propane bill, and Commissioner Killingsworth abstained from 81045.

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

Grant Reports

Payroll Reports

Check Register

Transfers

Other Financial Reports as

Requested by Commissioners

Commissioners reviewed the reports.

C. County Health Insurance/ County Judge's comments concerning impact of New Obamacare Regulations on County Health Insurance Costs & Employment Practices & Policies

Judge Beard said the County receives coverage through TAC. We are part of a pool covered by Blue Cross Blue Shield. TAC management has proven to be invaluable.

TAC has been tracking the impact of Obamacare since passage of the bill. Some of the ramifications have been difficult to tie down. Certain matters are becoming more clear. The unifying thread, as far as the County is concerned, is that it will have a great impact on the County. The changes go into effect when we renew in October 2014. We are looking at some period before the action goes into effect.

TAC has noted that new regulations are arriving daily, so nothing is definitive at this time. There are a number of imbedded costs for policy holders. That will be handled through TAC, but we can expect the costs to be handed down to us.

Judge Beard noted that a full-time employee, according to Obamacare, is one who works 30 hours/week. The FSLA says a full-time employee works 40 hours/week.

Judge Beard said she is confident that TAC will help us manage the informational mandates so that Obamacare is clear to employees.

The bottom line is that it is going to be more costly and add to the workload in the Treasurer's Office.

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

4. Pending Litigation / Confer with Legal Counsel

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

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 9:13 a.m., Judge Beard announced that Commissioners Court was into executive session, pursuant to Section §551.071 of the Government Code, to discuss the Olibas case. Commissioners moved into the County Judge's Office, and attorney Greg Hudson conferred telephonically with Commissioners.

Reconvene in Open Session

At 9:38 a.m., Commissioners reconvened in open session. Judge Beard announced that they had been in executive session to discuss the Olibas case. She asked if there was any action to be taken.

No action was taken.

C. Discussion and appropriate action resulting from Executive Session

5. Officials' Monthly Reports / Discussion and appropriate action

There were no reports given.

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

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 went to Marathon last week and cleaned up around town, along the roads and at the parks. Due to good rain on Mills Road, crews went out and bladed. They have been hauling more dirt for the TCSD track. They changed the filters at the EOC, ERC and Justice Center. They also have been replacing old signs, and continue work on the Commissioners Courtroom.

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

1. Request for Final Approval to take these Roads into County Road System

Commissioner Pallanez said the Veteran's Addition development began in 1984. There are 35 lots and 15 houses, where people live who come in for school and to work every day. He feels like it is a necessity that they be able to safely travel on good roads.

Commissioner Pallanez said the County does not seek out roads, but rather listens to constituents who would like for their roads to be added to the County road system.

He said letters were sent to the property owners, and the response was overwhelmingly positive. One individual said he is not against the idea, but believes that the property owners should share the cost.

Commissioner Pallanez made a motion to bring the roads into the County system, which was seconded by Commissioner Killingsworth, and passed unanimously.

2. Discussion and appropriate action

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

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

EMC Betse Esparza said there were two small fires the previous week, both of which were extinguished quickly.

She said she is working on the final expenditures of 2011 Homeland Security funding. Following the scoring of the 2013 Homeland Security applications, Mrs. Esparza said that, should the state approve what is sent by the COG, Brewster County should receive full funding.

B. Upcoming Training, Educational Events and Exercises / Review, Discussion and appropriate action

Mrs. Esparza said an All-Hazards tabletop drill will be held Friday, May 31. HAZMAT training will be held June 28-30; a minimum of 26 participants is required. Both will be held in the training room at the Alpine Fire Station.

C. Update on AVFD / Discussion

Fire Chief Mike Scudder said fire calls were lower than usual in 2012, but it was a welcome relief from the previous year's fire season. For this year, he believes they'll probably end at about 100 calls, which is average.

Many of the members of the VFD are college students. They are very helpful, but they move on, so the turnover can be pretty great.

The department trains every Wednesday evening at 6:30 p.m. They have been emphasizing brush fire control. About 15 members plan to participate in HAZMAT training next month.

Chief Scudder provided an apparatus update. They have now have six working brush trucks.

The VFD recently collected \$1,630 for the VFD and EMS in West, following a devastating explosion last month. They also collected supplies for the tornado recovery in Moore, Oklahoma.

Judge Beard thanked the Chief and the department for all that they do.

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

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 installation of R.O unit and any other issues regarding project

Engineer Travis Roberts said a final inspection was made May 18. The reports from the bacterial lab tests all came back clear. The pressure tests were also good. An operations manual will be placed with the Emergency Management office, and also on file with TCEQ.

2. Discussion and appropriate action to complete this grant project

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

1. Update and announce approval of funding

Commissioner Ortega said he didn't have anything new to report.

2. Discussion and appropriate action to go forward with project

9. Passport Office Update & Tax Assessor Collector's Request to Open Special Bank Account for Passports / Discussion and appropriate action

Tax Assessor Betty Jo Rooney said training was held last Monday and Tuesday. They should have everything in place Monday, June 3, to begin accepting applications. Hours will be 8:30 to 3 Monday-Thursday.

Commissioner Killingsworth made a motion authorize the Tax Assessor to open a bank account for passport functions. Commissioner Ortega seconded the motion, which passed unanimously.

10. Pending Renovation Projects

A. Old Library Building Renovations

1. Update on progress & occupancy of buildings

Judge Beard said they are having issues with AT&T. All of the work orders were placed on a timely basis; however, they have been lost or miscommunicated.

2. Discussion and appropriate action to complete project

B. Annex Renovations

1. Update on progress of work

Judge Beard said the J.P. Precinct 1 is moved into his new office, and worked through the weekend to do so.

Drywall has commenced in the Commissioners Court, and the wiring has been pulled.

2. Discussion and appropriate action to go forward with renovations

C. Office Reassignments / Review

Judge Beard summarized the office reassignments.

11. 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 said we've had a "full court press" in the last six weeks, lead by the County Attorney's Office. Shaun Barak and County Attorney Steve Houston and staff are all glad to report that, as of Friday, we are at 89 percent.

B. Discussion and appropriate action to improve Disposition Completeness Rate

C. CJIS ongoing issues / County Judge's request to maintain Data Reporting Completeness Committee, continue with Tri County Juvenile Offices' role of data reporting "Coach" and designate County Attorney as lead Elected Department Head for this Committee

Judge Beard asked that the Data Reporting Completeness Committee be reaffirmed with Shaun Barak as the reporting coach, and Steve Houston as the lead elected department head.

Commissioner Ortega made a motion to approve the committee as laid out, which was seconded by Commissioner Stone, and passed unanimously.

NOTE: Later items on the agenda were taken up out of order with the concurrence of Commissioners.

12. District Clerk / Personnel Matters

A. 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 11:35 a.m., Judge Beard announced that Commissioners Court was going into executive session, pursuant to Section §551.074 of the Government Code, to discuss the appointment, employment, evaluation, reassignment, duties, compensation or dismissal of a public officer or employee in the District Clerk's Office. Commissioners moved into the County Judge's Office.

Reconvene in Open Session

At 11:50 a.m., Commissioners reconvened in open session. Judge Beard announced that they had been in executive session to discuss personnel issues in the District Clerk'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

13. Tourism Council / Personnel Matters related to obtaining office support for Executive Director

A. 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 10:20 a.m., Judge Beard announced that Commissioners Court was going into executive session, pursuant to Section §551.074 of the Government Code, to discuss the appointment, employment, evaluation, reassignment, duties, compensation or dismissal of a public officer or employee related to the Tourism Council. Commissioners moved into the County Judge's Office.

Reconvene in Open Session

At 10:37 a.m., Commissioners reconvened in open session. Judge Beard announced that they had been in executive session to discuss personnel issues related to the Tourism Council. She asked if there was any action to be taken.

B. Discussion and appropriate action resulting from Executive Session

Commissioner Killingsworth made a motion to engage Greg Hudson to serve as the legal counsel in resolving employment and personnel issues related to the Big Bend Tourism Council and any other related issues. Commissioner Ortega seconded the motion, which passed unanimously.

14. Public Comment

Sam Richardson, a reporter for the Alpine Avalanche, asked Judge Beard for background on the Olibas case. She explained it to him, and told him he was

welcome to come by her office for information at any time. The case is over two years old.

15. 2014 County Budget

A. General Discussion concerning goals and budget process & announce start of Budget Process / Update on distribution of budget request forms to Departments & Contracting Agencies / Discussion of time lines

Judge Beard said in her estimation, this is going to be another tight budget. The Chief Appraiser reported that the last meeting that our values are only slightly up. Her goal is to have the budget complete by August. Budget worksheets have been sent to department heads and to contracting agencies.

As usual, we have explained to everyone that we are not dealing with a large amount of money. Any new initiatives should come with an idea on how to fund them.

Judge Beard said she needs Commissioners' schedules for the next couple of months. She will come up with a proposed schedule for meetings.

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

16. County Jail / Plumbing Issues / County Judge's request to structure a plumbing infrastructure updates and repairs project as a bid project / Discussion and appropriate action

Judge Beard said there are repairs and replacements that need to be made. She said she thinking it may be prudent to approach it as a capital improvements project. She said Commissioner Stone and Frenchie Causey could do an assessment, and the County could go out for bids.

Commissioner Stone agreed.

Commissioner Killingsworth said maybe we should look into what else may need to be done. She thinks there are some electrical issues.

Following the assessment, Commissioner Stone will report back to Commissioners in June.

Commissioner Stone made a motion to authorize himself and Mr. Causey to do a repairs assessment at the jail, which was seconded by Commissioner Killingsworth, and passed unanimously.

17. Veterans' Service Officer / Personnel Matters

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 10:50 a.m., Judge Beard announced that Commissioners Court was going into executive session, pursuant to Section §551.074 of the Government Code, to discuss the appointment, employment, evaluation, reassignment, duties, compensation or dismissal of a public officer or employee in the Veteran's Service Office. Commissioners moved into the County Judge's Office.

Reconvene in Open Session

At 11:0 a.m., Commissioners reconvened in open session. Judge Beard announced that they had been in executive session to discuss personnel issues related to the Veteran's Service Office. She asked if there was any action to be taken.

B. Discussion and appropriate action resulting from Executive Session

Commissioner Killingsworth made a motion to accept Eduardo Vega's resignation as the Veteran's Service Officer. Commissioner Ortega seconded the motion, which passed unanimously.

18. Issues of Mutual Interest to Brewster County & Big Bend National Park

Ron Sanders first thanked the folks at Big Bend National Park for always being cooperative and helpful.

Judge Beard said that what BBNP does is very important to our economy and culture.

A. Welcome Big Bend National Park Superintendent Cindy Ott-Jones

Ms. Ott-Jones said she wants to continue the good relationship with the County. She introduced Ken Bigley, administrative officer, and David Elkowitz, the chief of visitor services.

B. Presentations & general discussion with Superintendent and Park Staff concerning recent trends in BBNP, County & BBNP Infrastructure as related to Tourism and other issues of mutual concern

Ms. Ott-Jones said the Boquillas Crossing is now open. A grand opening celebration with both secretaries of interior is in the works. She said from about 200-315 people come to the crossing on a daily basis. There have not been any security issues; everything is going quite well.

Park visitation is still averaging about 365,000 visitors per year. It's down a little bit, but not significantly.

Mr. Bigley reviewed a federal economic study about national parks. In 2011, visitors spent \$13 billion. They spend an average of \$330 per night that they stay.

Ms. Ott-Jones said that on Saturday, the very first film about BBNP was shown in the park's very first theater. It is an orientation film, and was the theater was built using visitors' fee dollars.

She said every NPS unit is being hit with funding issues and sequestration. The greatest impact with will be that they cannot fill vacant positions. Ms. Ott-Jones said they felt lucky not have to serve any furlough papers. There will be fewer Park Rangers, less administrative support, etc.

C. Recess and proceed to Holland Hotel (209 W. Holland Ave.) for Tourism Council sponsored Lunch for Big Bend National Park representatives

Commissioners attended the lunch. No business was conducted.

Lunch - 11:45

Reconvene at Courthouse, County Courtroom, following lunch, at 1:15 P.M. for any further business remaining on agenda

All Commissioners Court business was completed before the luncheon.

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