

**REGULAR MEETING OF THE
BREWSTER COUNTY COMMISSIONERS COURT
TUESDAY, JUNE 25, 2013, AT 9:00 A.M.**

**VAL CLARK BEARD
ASA STONE
KATHY KILLINGSWORTH
RUBEN ORTEGA
MIKE PALLANEZ
JERRY SOTELLO
BETTY JO ROONEY
CAROL OFENSTEIN**

**COUNTY JUDGE
COMMISSIONER PCT. 1
COMMISSIONER PCT. 2
COMMISSIONER PCT. 3
COMMISSIONER PCT. 4
J.P., PCT. 1
TAX ASSESSOR
COUNTY TREASURER**

To discuss and take action as appropriate on the following:

1. Minutes / additions / corrections / approval

The minutes from the June 10, 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

Commissioner Stone asked about two electric bills for the same well. Treasurer Ofenstein said she would check on it.

He also asked about a bill from Duncan Disposal for Community Facilities in Marathon. Commissioner Ortega said he would check into it.

Judge Beard noted that there shouldn't be any phone calls for the Veteran's Service Office after May 31 as the office is vacant.

Commissioner Ortega made a motion to approve the general bills and walk-in bills. Commissioner Killingsworth seconded the motion, which passed unanimously.

Commissioner Killingsworth abstained from her travel reimbursement. Judge Beard abstained from her travel reimbursement and the KALP and the In & Out Rental bill.

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

***Specified Activity Report
Cash Flow Predictions
Budget Analysis Usage Report***

***Payroll Reports
Check Register
Transfers***

**Receipt File Listings
Cash Report
Grant Reports**

**Other Financial Reports as
Requested by Commissioners**

Commissioners reviewed the financial reports.

C. HIDTA FY 2013 Grant Award (G13SW0004) / Award of remaining funds

Deputy Treasurer Megan Antrim said the grant is awarded in halves. The County has already received the first half; this award is the second half.

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

D. PILT Funds

1. Deposit of PILT and County Judge's request to ratify transfer of balance in excess of secured deposit limits at County Depository / Discussion and appropriate action

Treasurer Ofenstein said the PILT check was received in the amount of \$1,115,118. Judge Beard said the deposit brought us way over our secured amount at the County's depository, West Texas National Bank, so she authorized the Treasurer to go ahead and transfer \$200,000 to TexPool.

Treasurer Ofenstein said she has talked with the bank, and they are going to increase the amount of our secured deposits for the future. While we don't normally get that close, it is best to have it available.

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

2. County Judge's request to make customary disbursements to San Vicente ISD & Terlingua CSD / Discussion and appropriate action

Judge Beard said the school disbursements to school district having lands within BBNP boundaries, have been made for about as long as the County has been receiving PILT payments. The County isn't required to make these disbursements; we do so because we think it is in the County's best interest.

Using the same formula as in the past, San Vicente will receive \$100,351.62 and Terlingua will receive \$33,415.54 for 2013.

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

E. 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 wanted Commissioners to know that we have \$108,000 in I&S, which is enough to cover the debt payments for the rest of the year.

Treasurer Ofenstein said she needs to move \$4,000 from the Courthouse Preservation savings account to the checking account, and \$6,000 from the Jail Infrastructure savings account to the checking account.

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

3. Officials' Monthly Reports / Discussion and appropriate action

There were no reports given.

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

EMC Betse Esparza said a large rain storm caused some minor damage in Alpine last Friday evening.

B. Acknowledge Anonymous Donation to the Alpine Volunteer Fire Department

Judge Beard said that another donation from local folks who wish to remain anonymous was made to the VFD. The department is something they're committed to, and they're financial support is very much appreciated.

C. Upcoming TEEX Hazmat Training set for June 28th, 29th & 30th, 2013 / Update

Mrs. Esparza said 28 people are enrolled for the awareness level course Friday evening, and 22 have enrolled for the operations course Saturday and Sunday.

D. Big Bend Amateur Radio Club / Field Day Report

The Ham Club Field Day was held last weekend at the Double Diamond Pavilion with about 20 club members. They were unable to operate for several hours due to a storm Saturday, but were still able to make nearly 2,000 contacts, which is a lot.

E. Burn Ban / Consideration of renewal / Discussion and appropriate action

Mrs. Esparza said over the last several days, the Alpine area has received about 1.15 in. of rain. Commissioners said almost all of the County has been getting rain. The Keetch-Byram Drought Index still places Brewster County at a very high level of drought. The current burn ban expires June 26.

Mrs. Esparza said she thinks it is a tough call.

Commissioners agreed that the burn ban can always be reinstated if necessary.

Commissioner Ortega made a motion to lift the burn ban, which was seconded by Commissioner Stone, and passed unanimously.

F. Lack of Adequate Cell Phone Tower Coverage in Brewster County / Judge's request to adopt resolution in support of improving cell phone coverage in Brewster County/ Discussion and appropriate action

City Attorney John Armstrong was present as he, too, is concerned about the issue.

He is a resident of South Double Diamond, and doesn't get service there. All the way south, service is spotty, at best.

Mr. Armstrong said the City is working on a resolution for its next meeting in support of better cell service, and would like to have the County's support.

Commissioner Ortega made a motion to approve a resolution on the County's behalf, which was seconded by Commissioner Killingsworth, and passed unanimously.

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

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 said crews have been patching the edges of pavement where they will do seal-coating this year, and spraying the grass on the sides.

They haven't been able to work on the Terlingua track much, but they did use all of the base they had on site, and had to haul some more out. The track is still a little low, and that issue needs to be worked out.

Several roads were bladed last week. Mr. Causey said there is an area on Agua Fria Road where it's hard to see oncoming travel. There have been several close calls, and residents would like to know if the Road & Bridge crew can straighten it out. Doing so would take the road out of the easement.

Judge Beard suggested some warning signage in the meantime. There are currently no speed limit signs. They will be put in place immediately.

Crews have also worked on cleaning up at Post Park following the tree-trimming. Mr. Causey said it looks very nice. Commissioner Ortega agreed.

TEEX is interested in coming out to do an advanced blading class. Judge Beard said she will have him contact Mr. Causey.

B. Cooperative Project / Report on Terlingua CSD Track Construction

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

6. Pending Infrastructure Grant Matters

A. 2011/2012 Texas Department of Rural Affairs Grant Program (R.O. facility for Study Butte Water Corp.) / Discussion and appropriate action to complete & closeout this grant project

Engineer Travis Roberts said they are finishing up paperwork.

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

1. Update and announce approval of funding

Commissioner Ortega didn't have anything new to report.

2. Discussion and appropriate action to go forward with project

7. Pending Renovation Projects

A. Old Library Building Renovations

1. Discussion and appropriate action to complete interior part of Project

Judge Beard said the central conference room needs a little bit of finishing work. All of the offices have moved in, although some are not yet properly arranged and set up.

2. Update on additional work to be done on exterior of building

The exterior will be finished throughout the rest of the summer.

B. Annex Renovations

1. Update on progress of work

The J.P. and Emergency Management offices have moved. The flooring is being installed in Commissioners Courtroom.

2. Discussion and appropriate action to go forward with renovations

3. Public Seating for Renovated Commissioners Courtroom / Update

Judge Beard said they've found some decent chairs at a decent price. They should arrive soon. It was a pain to make the purchase as the vendor did not understand traditional billing and payment practices. New signage for those offices which have moved is in the works.

C. Review new locations and recently moved offices in Old Courthouse & Annex

8. Jail Plumbing Renovation Capital Improvement Project / Commissioner, Pct. 1, Cookie Stone

A. Report on Commissioner's inspection of jail plumbing & review of needed plumbing renovation and repairs and Commissioner's proposed plan for repairs / Discussion

Commissioner Stone reported on a visit by he, Commissioner Pallanez and Mr. Causey. He said he believes the problems are associated mostly with calcium

build-up. They have run out of the parts needed to correct the issue. The jail was completed in September of 1995, and this is the first major plumbing work.

Commissioner Stone said the problems need to be fixed soon. He spoke with the plumber who has been working at the jail. The plumber said if the County will get the parts, he will install them.

Commissioner Stone said a water softener would be helpful. Commissioner Killingsworth noted that someone will have to be responsible for consistent maintenance. The fact that a water analysis was required to know which equipment should be purchased was discussed.

There also appears to be an issue with the water pressure in the showers. They are filling too fast. Commissioner Stone said new pressure adjusters and other parts should fix the problem.

B. Proposal to address most pressing plumbing needs by utilizing local Plumber, to be paid for from Jail Infrastructure Fund / Discussion and appropriate action

Commissioner Stone made a motion to address the most pressing plumbing needs by utilizing a local plumber. Commissioner Killingsworth seconded the motion, which passed unanimously.

C. Proposal to address less pressing plumbing repair needs by utilizing County “in house” Personnel (Road & Bridge Maintenance)

1. Discussion of less pressing issues / Discussion and appropriate action

Judge Beard asked if the Road & Bridge Department will continue to work on less pressing issues. Commissioner Stone said they could, but a local plumber should continue to be used on a regular basis to address these problems.

Mr. Causey said a couple of his crew went over to the jail Friday and fixed everything they could, but they ran out of parts. They were also able to get some of the electrical outlets in working order. All that was needed was to press the “reset” buttons.

A leak in the roof of the jail can likely be fixed by cleaning out the gutters.

2. Need to rebuild inventory of most needed plumbing parts / supplies and related items / Discussion and appropriate action

Commissioner Stone made a motion to purchase parts and supplies to rebuild the parts inventory, which was seconded by Commissioner Ortega, and passed unanimously.

3. Discussion of need for carefully structuring “in house” maintenance programs to account for time and costs, so as not to

deplete the Road & Bridge Budget / Discussion and appropriate action

Commissioner Killingsworth made a motion that the Road & Bridge budget be credited for maintenance functions, which was seconded by Commissioner Stone, and passed unanimously.

4. Means of reimbursing Road & Bridge Department Maintenance for time expended in making repairs / Budget Transfers

D. Proposal to acquire large Capital equipment parts and supplies and compensation of labor for plumbing renovation from Jail Infrastructure Fund/ Discussion and appropriate action

Commissioner Killingsworth suggested that the water be tested before a water softener is purchased. Judge Beard asked Conrad Arriola to check with the City to see if they don't already have a report which will outline the information and content of the water.

Commissioner Killingsworth said a softener requires a lot of maintenance, and if the water isn't the issue, it will be a waste.

Commissioner Killingsworth made a motion to investigate the possibility of installing adequate equipment, which was seconded by Commissioner Stone, and passed unanimously.

9. Pending Revision of Personnel Policies

A. "Workshop"/ Review of Draft II Policies, as discussed at previous meeting

Judge Beard said the policy includes a section that overtime must be approved by department heads, and ultimately Commissioners Court.

Commissioners have a copy of the policy for the Sheriff's Office. There are currently no procedures for approving overtime in place. Judge Beard has asked that one be developed and brought to Commissioners Court for approval at the next meeting.

Until that is done, Judge Beard would like to postpone adopting the new policies.

Commissioner Killingsworth suggested a standard overtime form which is used by all County departments. Judge Beard agreed and said that it should be approved along with the policy, but she wants specific input from the S.O.

B. Judge's request to adopt and promulgate Draft II Policies, upon completion of final clerical, format, and legal reviews

10. Matters related to Brewster County Tourism Council / Confer with Legal Counsel concerning duties of Commissioners Court and Tourism Board, including appointments, matters related to Real Estate and matters related to retaining, compensating and duties related to supervising personnel

A. 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) and,

Section § 551.074, Government Code, VTCA, to discuss the appointment, employment, evaluation, reassignment, duties, compensation, or dismissal of a public officer or employee and,

Sec. 551.072, Deliberation regarding Real Property; to deliberate the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person

This item was taken out of order due to the attorney's schedule.

At 9:20 a.m., Judge Beard announced that Commissioners Court was going into executive session, pursuant to Sections §551.071, 551.074 and 551.072 of the Government Code, to discuss matters related to the Big Bend Tourism Council. Commissioners moved into the County Judge's Office, where attorney Greg Hudson joined them by phone.

Reconvene in Open Session

At 10:25 a.m., Commissioners reconvened in open session. Judge Beard announced that they had been in executive session to discuss issues related to the Big Bend 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 that Commissioners Court and the Tourism Council review the duties of the Tourism Council, including statutory duties and those duties outlined in the order establishing the Tourism Council. Commissioner Ortega seconded the motion, which passed unanimously.

C. Marathon Visitor Contact Center / Recommendation to establish working group including legal counsel, Tourism Council Members and two members of Commissioners Court to consider and make recommendations to Commissioners Court concerning relocation of

Visitor Contact Center / Discussion and appropriate action

Judge Beard made a recommendation to establish a working group as outlined in Item C. She asked Commissioner Ortega to lead the effort. He said he would, and will report back to Commissioners Court.

11. Personnel Matters / Review Duties & Compensation of Clerks,' Treasurer's and Tax Office employees with special consideration of cross training

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 11:12 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 cross training in the Clerks', Treasurer's and Tax Offices. Commissioners moved into the County Judge's Office.

Reconvene in Open Session

At 11:33 a.m., Commissioners reconvened in open session. Judge Beard announced that they had been in executive session to discuss personnel issues in the Clerks', Treasurer's and Tax Offices. She asked if there was any action to be taken.

B. Discussion and appropriate action resulting from Executive Session

Commissioner Ortega made a motion to authorize Kathy Killingsworth to work with the Treasurer's Office to develop a plan to protect the County regarding financial matters with emphasis on cross training. Commissioner Stone seconded the motion, which passed unanimously.

12. 2014 Budget Workshop / Discussion concerning all aspects of County revenues/expenditures and upcoming financial needs for all county departments and other entities funded by the County / Scheduling issues related to adoption of Budget and setting Tax Rate

Judge Beard explained that, according to the Tax Assessor, we will generate approximately \$33,000 in additional revenues if the tax rate is left flat.

Sales tax, she said, is looking good, and could possibly be increased in the next budget.

Judge Beard said there are some other small things which can be done to increase revenue.

The health insurance premium increase numbers are still out, but are expected soon.

Judge Beard said there is no room for additional employees or large projects; even with that, there are still some cuts that will probably have to be made.

The Sheriff's Office has requested the addition of a deputy for South County, which will cost at least \$50,000. Additional employees likely amount to a tax increase.

The D.A.'s office may be asking for an additional prosecutor, although that is unclear at this point.

Commissioner Killingsworth said she'd like to be able to do something for employees as it's been a while since we've done something. She said she understands the deputy situation in South County, although she doesn't think we can afford a third person. She suggested a possible "hardship stipend" for those who are there already.

Judge Beard said that an updated overtime policy may be helpful in some areas, along with increased supervision.

Commissioners concurred that the goal is to provide employees with a 3 percent increase and a longevity increase, even if it entails a small tax increase.

Commissioner Killingsworth said she worries about losing the PILT payment; there's no way to make up \$1 million.

Judge Beard said she thinks it is prudent to include it in the budget at a decreased rate.

Judge Beard said it needs to be made clear that Jail Standards does not prescribe menus; Jail Standards require that a dietician must approve the Jail menu.

Commissioner Killingsworth asked if we have ever considered privatizing the jail food services. Judge Beard said we have, and it may be time to look at it again.

Commissioners concurred that they are interested in seeking bids and determining how best Jail meals can be provided lease expensively.

Judge Beard said a proposal package will have to be developed.

Judge Beard will confer with Counsel and bring something back to Commissioners at the next meeting.

13. Duties & Responsibilities of Department Heads and Treasurer's Office as related to credit cards and updates on new credit cards / Discussion & appropriate action

Judge Beard said her current issue arose when she tried to purchase chairs for the Commissioners Courtroom. The only County credit card was maxed out.

The County Judge's Office provided the Treasurer's Office with information about a basic Visa/Mastercard for Small Governments.

This process has been going on for three years.

Judge Beard said that when employees use a County credit card, they should simply sign a form that states that it will not be used to purchase alcohol. This should be part of the form employees use when they check out a credit card. Commissioners concurred.

14. EDAP Counties & Electrical Certificates of Compliance issued by County Judge's Office / Review of procedures and why it is necessary

Judge Beard said this item will be taken up at a future meeting.

15. Veteran's Transportation Initiative

A. Presentation by Bob Schwab

Mr. Schwab is with the Far West Texas Regional Transportation Committee out of El Paso.

The U.S. Department of Veterans affairs has announced a new program called Transportation for Veterans in Rural Areas.

Competitive grants for up to \$50,000 will be provided annually; hopefully, the grants will be renewable. It will provide free transportation for Veterans for medical care. The program could also reimburse Veterans for mileage if they choose to drive their own vehicle.

The application has to come from an approved Veterans Service organization.

Commissioner Stone asked about Brewster County's support role and responsibility.

Mr. Schwab said there is no financial support necessary, no match to the grant.

Commissioner Stone made a motion to endorse the program and the regional application, which was seconded by Commissioner Killingsworth, and passed unanimously.

B. Discussion and appropriate action

SUPPLEMENTAL AGENDA

1. Cleaning Services Contract / Tax Office / Request to approve best proposal / Discussion and appropriate action

Judge Beard said a proposal was received from Jean Sierra for \$125/week. She said the budget supports that rate.

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

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

VAL CLARK BEARD, COUNTY JUDGE

ATTEST:

BERTA RIOS- MARTINEZ, COUNTY CLERK