

**REGULAR MEETING OF THE BREWSTER  
COUNTY COMMISSIONERS COURT  
MONDAY, JULY 8, 2013, AT 9:00 A.M.**

**VAL CLARK BEARD  
ASA STONE  
KATHY KILLINGSWORTH  
RUBEN ORTEGA  
MIKE PALLANEZ  
JERRY SOTELLO  
RONNY DODSON  
CAROL OFENSTEIN**

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

***To discuss and take action as appropriate on the following:***

***1. Invocation, Pledge of Allegiance***

*Judge Beard lead the invocation and Pledge of Allegiance.*

***2. Minutes / additions / corrections / approval***

*The minutes from the June 25, 2013, meeting were presented for approval. Commissioner Ortega made a motion to approve the minutes, which was seconded by Commissioner Killingsworth, and passed unanimously.*

***3. Recognitions / County Historical Commission Distinguished Service Award for their 2012 year of service / Discussion and appropriate action***

*Chairman Travis Roberts said every Texas County has to file a report annually in February. Of the 168 who filed, 88 were selected as Distinguished Counties, including Brewster County.*

*Mr. Roberts recognized King Terry, Bill Donnell, Ted Gray and Mickey Clouse, all of whom have passed away, and were helpful members of the Commission.*

*Judge Beard explained that the rehabilitated Commissioners Courtroom will continue to display maps provided by the County Historical Commission, as well as another display on which they are working.*

***4. Treasurer***

***A. General Bills / Discussion and appropriate action***

*Deputy Treasurer Megan Antrim said the general bills include the PILT payments to the school districts, as well as insurance premiums.*

*Commissioner Stone asked about AT&T payments for the Veterans Service Office as there is currently no officer. The payment is for May, when the office was still occupied.*

*Commissioner Ortega made a motion to approve the bills as presented, including a walk-in bill for the law library. Commissioner Killingsworth seconded the motion, which passed unanimously.*

***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***

*Judge Beard said that, during the budget process this year, she is going to be emphasizing a number of special funds which are statutory and dedicated for specific purposes. While we may show a healthy cash balance, it's always important to check to see how much of the balance is dedicated.*

*Ms. Antrim said she and Treasurer Ofenstein are in agreement that the account balances look good.*

*Commissioner Killingsworth said that is because of federal revenues, and we must always be mindful that those funds could cease.*

***C. County Employees health insurance renewal through Texas Association of Counties Blue Cross Blue Shield Health Insurance / Presentation by Dee Herring concerning TAC terms of renewal / Discussion and appropriate action concerning renewal***

*Paul Martin, Mindy Seahord and Dee Herring were present to discuss health insurance options, and said that this would be his last presentation as he is now retired. Commissioners expressed thanks to Mr. Martin for his help to the County.*

*He said Blue Cross coverage through TAC has been good for the County, in his opinion.*

*Ms. Seahorn reviewed a package which was provided to Commissioners, including costs for employees and those plus dependents. The increase of the premium is 6.1 percent. Brewster County is receiving \$5,600 in surplus distribution.*

*Those in the TAC pool, as Brewster County is, have a "grandfather" status and do not have to comply with some provisions of the new healthcare legislation.*

*Commissioners discussed healthcare reform related to employee eligibility dates and grandfather status.*

*Brewster County qualifies for some subsidy from Medicare due to its coverage of retirees. However, that puts the County on a short timeline on making a decision on renewal due to TAC-required reporting.*

*Mrs. Seahorn said the County needs to decide by this Thursday, July 11.*

*Judge Beard said she believes the plan has been very beneficial for our employees. She said she doesn't believe we can do better for ourselves, particularly in the current environment.*

*Commissioner Ortega made a motion to renew the plan, which was seconded by Commissioner Killingsworth, which passed unanimously.*

*Mrs. Herring and Mrs. Seahorn will research the time period for new hire eligibility.*

*After a few minutes, Mrs. Herring returned to the courtroom and explained that the County is currently in compliance by making employees eligible on their 91<sup>st</sup> of employment. If the employee is hired before the 15<sup>th</sup> of the month, the County pays for the monthly premium. If they are hired after the 15<sup>th</sup>, the County does not pay for the month.*

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

***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 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 the circuit board for the back-up generator for the NWS tower was fried during a lightning storm. Repairs are underway.*

*On the 4<sup>th</sup> of July, a fire was started and a couple of people received minor injuries due to the use of banned fireworks. The fireworks were confiscated, and arrests may be coming.*

***B. Review TEEEX Hazmat Training on June 28<sup>th</sup>, 29<sup>th</sup> & 30<sup>th</sup>, 2013***

*The Friday portion of the training had to be cancelled as the instructors' airplane was broken, and they were unable to be in town until late Friday evening. Seventeen people attended the Saturday-Sunday course, including those from the Alpine VFD, BCSO and BBRMC. Mrs. Esparza said the instructors were very good, as they generally are when they come from TEEEX. The course was useful and filled with excellent information and exercises.*

***C. Review of replacement of First Aid, Trauma Kits, AED batteries for Local Law Enforcement agencies in County / Discussion***

*Mrs. Esparza said the trauma kits and AED batteries are available for pick-up in her office. There are 15 trauma kits for the BCSO, and 15 for APD.*

*Judge Beard noted that there had been some fanfare about raising money for trauma kits for local law enforcement, as though they were not properly equipped. She said we have and will provide for law enforcement officers.*

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

***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 are continuing to work on hauling in base materials for the Terlingua track. They still have a little bit of leveling to do. Two men are still at work on the Commissioners Courtroom. They have also been mowing right-of-ways. They are preparing to start hauling milling material to pave Loma del Norte.*

***B. Cooperative Project / Report on Terlingua CSD Track Construction***

*This item was addressed above.*

***C. County Judge's request to transfer funds from Historic Preservation Fund to Road & Bridge fund for reimbursement of Road & Bridge overtime related to Historic Preservation (Old Library Project & Courthouse)***

*Judge Beard said that as Road & Bridge crews have been working on historic renovations (the Old Library), the overtime budget has been depleted. A transfer of \$3,882.79 is necessary to cover those costs.*

*Commissioner Killingsworth made a motion to transfer \$3,883 from the Historic Preservation fund to the Road & Bridge fund. The motion was seconded by Commissioner Ortega, and passed unanimously.*

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

***8. FY14-FY15 Administrative Cost Share for Regional Water Planning / Request to approve / Discussion and appropriate action***

*Judge Beard said the amount this year is \$950.69.*

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

***9. Pending Renovation Projects***

***A. Old Library Building Renovations***

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

*Judge Beard said the interior of the building is complete and all of the offices are occupied. The conference room requires about two more days of work. Once the Commissioners Courtroom is complete, crews will go back and finish the exterior.*

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

## ***B. Annex Renovations***

### ***1. Update on progress of work***

*Judge Beard said the work is progressing nicely. The floor is finished, and it looks like there is enough material remaining to do the floor in the room behind the bench, as well.*

### ***2. Brewster County Historical Commission Historical Displays for renovated facilities / Update***

*Judge Beard said the Commission will hang the maps, and they are working on another display. Enough room will remain for screens and other technological equipment.*

*Mr. Roberts, the chairman of the Commission, has been working with Meleta Bell from the Archives of the Big Bend, on a photographic display of Brewster County Judges.*

### ***3. Acquisition of AV/Tech equipment for Commissioners Court/ Discussion and appropriate action to go forward with acquisition of equipment***

*Judge Beard said that, as we work through the budget, determinations can be made about what can be done in the courtroom.*

### ***4. Discussion and appropriate action to go forward with renovations***

## ***10. 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***

*Mr. Roberts said they are working on paperwork. Mr. Carvajal said he is awaiting a final inspection report. There is one contractor waiting on payment. Commissioners discussed doing whatever is necessary to get the payment made. Judge Beard said her main concern is that the County becomes a less attractive client for contractors when they learn that payments are delayed.*

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

#### ***1. Update***

*Commissioner Ortega said he had nothing to report, but we are getting very close the deadline. He said we have been funded, but he is waiting on further information from the grant administrator.*

*Mr. Roberts explained a little about the bid process as concerns TCEQ. He said he has not heard from the grant administrator.*

*Judge Beard asked Conrad Arriola to try to contact the grant administrator for further information.*

*Grant Administrator Jerry Carvajal said he is awaiting a formal announcement. He believes the two-year contract term will begin Nov. 1, and will end Oct. 31, 2015.*

## **2. Discussion and appropriate action to go forward with project**

### **11. Pending Revision of Personnel Policies**

#### **A. “Workshop”/ Review of Draft III Policies, as discussed at previous meeting**

*Judge Beard said there has been a lot of clerical review. However, whatever is done today will be followed by yet another clerical review. She said they will be checking to make sure the Table of Contents is accurate.*

*Under the section outlining reimbursement and travel, a line has been added stating, “Alcohol cannot be purchased on the County credit card.”*

*Judge Beard has also added a line stating that any accidents on County property should be reported to the Treasurer’s Office by the next business day.*

*Judge Beard said the most significant change involves equal treatment of every employee for overtime in a 40-hour work week. This was in Draft II of the policies. Now, however, both the Treasurer and Sheriff’s Office have state that this is not their preferred policy. Law Enforcement employees, including deputies and jailers, will begin to accrue overtime following the 86<sup>th</sup> hour in a 14-day work week.*

*Commissioners, Sheriff Dodson and Deputy Ryan Skelton discussed the current overtime policy for law enforcement. Federal law requires 171 hours worked before law enforcement officers are paid overtime; however, overtime is not paid for the first 11 hours following 160. Sheriff Dodson and Deputy Skelton agreed that it sounds unfair, but it is common all over the Country. Additionally, we don’t have the budget to cover those overtime hours.*

*Judge Beard reminded all of the discussion concerning the development of a reporting process to keep track of overtime and comp time in the same way for every department.*

#### **B. Judge’s request to adopt and promulgate Draft III Policies, upon completion of final clerical, format, and legal reviews**

*Commissioner Killingsworth made a motion to adopt and promulgate Draft III Policies, upon completion of final clerical, format, and legal reviews, including*

*moving all employees to a 40-hour work week, and all certified law enforcement employees to an 86-hours in 14 days. Commissioner Ortega seconded the motion, which passed unanimously.*

*Commissioner Killingsworth made a motion to begin the new policies July 26, which was seconded by Commissioner Stone, and passed unanimously.*

***C. Reaffirm existing County Policies regarding Sick Leave Pool, Orderly conduct in Courthouse & Retiree Health Insurance / Incorporate and append these policies to new personnel policies manual (Draft III)***

*Commissioner Killingsworth made a motion to reaffirm and include these policies in the new personnel policies manual, which was seconded by Commissioner Ortega, and passed unanimously.*

***12. County Clerk/Sheriff / Request to temporarily place Sheriff's Office used Xerox in County Clerk's Office to fulfill contract / Discussion and appropriate action***

*Sheriff Dodson explained that they would like to lease a copier from XEROX which all office computers can be linked to, rather than utilizing printers.*

*The County Clerk said she could use the copier in her office in order to fulfill the contract.*

*Sheriff Dodson said he needs Commissioners to approve the new contract.*

*Commissioner Killingsworth made a motion to approve the contract, and to place the old copier in the Clerk's Office. Commissioner Ortega seconded the motion, which passed unanimously.*

***13. Marathon Public Library***

***A. Update & discussion concerning organization and progress of MPL***

*Commissioner Ortega said the Marathon library has come out from under the Alpine Public Library umbrella. A board of directors has been established.*

*Judge Beard said the County budget currently includes a line item for Library Services. All of that budget currently goes to APL, but the County's contract says the APL will provide services in Marathon.*

*Board Pres. Marcy Roberts said Marathon worked very hard to continue work with Alpine, but ultimately decided to proceed on their own. They are working on 501(c)3 status and bylaws. They need to work on a needs assessment, community activities, children's activities, an adult reading room, etc.*

*At this time, the board is asking for financial assistance from the County; they hope to learn soon about grant funding and other financial sources.*

*They are asking for \$18,000 in 2014 from the County in order to get through this transition phase. Ms. Roberts said they feel confident that they can*

*match that amount fairly quickly. The goal is to eventually be free of the County's financial assistance.*

*Judge Beard noted that APL is well-aware that this means that the current line item for library services will be divided between the two entities.*

***B. Request for allocation from library services line item in 2013 Budget (Dept. 411,230)***

***14. Texas Association of Counties Risk Management Pool (TACRMP) 2013 Property Coverage Renewal / Discussion and appropriate action***

*Judge Beard said TAC has always been very responsive. Treasurer Ofenstein agreed.*

*Commissioner Killingsworth made a motion to renew our 2013 property coverage with TAC, which was seconded by Commissioner Ortega, and passed unanimously.*

***15. Consideration of alternative procedures to provide Food Services for Jail***

*Judge Beard said this has been considered once, years ago. She said she doesn't believe Aramark was at Sul Ross at the time.*

*Commissioner Stone said he spoke with the Aramark manager here, and was told that Aramark provides food services for the New Mexico prison system, and is interested.*

***A. Review §262.023, Local Government Code / Discussion***

*Judge Beard reviewed the Code. She said, for jails, the same bid process for groceries isn't necessarily required. A less formal process is required for competitive pricing. The procedure is not set out in a lot of detail in the statute.*

***B. Discussion concerning soliciting proposals for privatization of food service and process of doing so***

*Sheriff Dodson explained that, at present, the jail is using a dietician's menu. It costs about \$40,000 to comply to the menu.*

*He said he is in favor of checking into a private contractor. He asked if meals would be prepared on site, or brought in.*

*Commissioner Killingsworth doesn't think it would work to do it on site.*

*Judge Beard said RFP's should be comprehensive and include several options, including receiving proposals from food vendors to continue to prepare meals at the jail.*

*Commissioner Pallanez asked if there is anyone else available locally.*

*Sheriff Dodson said there is not, but he said there are several firms at the conferences he attends. He feels certain to hear from them once word gets out.*

***C. Discussion concerning pursuing alternatives to current system of including formal bidding of contracts to supply provisions, contracts to supply complete meals and other alternatives***

*Commissioner Killingsworth made a motion to authorize RFPs on the privatization of food service for the jail, or food product. Commissioner Ortega seconded the motion, which passed unanimously.*

***D. Discussion and appropriate action to pursue alternative means of providing meals in jail***

***16. 2014 Budget Workshop / Discussion concerning all aspects of County revenues/expenditures & current finances and upcoming financial needs for all county departments and other entities funded by the County setting of tax rate / Scheduling issues related to adoption of Budget and setting Tax Rate***

*Judge Beard said she wants to go ahead and schedule a budget workshop for next week. Commissioners concurred that next Thursday, July 18, should work.*

*Judge Beard said the numbers are currently showing a substantial deficit, which isn't surprising.*

*A worksheet provided by the Tax Collector has some mistakes in the calculations, although the total is correct.*

*We now know the increase in the health insurance premium, and Commissioners have already discussed an employee increase.*

*For I&S, Judge Beard said the Road & Bridge Department is in need of two pick-up trucks. The Ag Extension Office is in need of a new truck, as well, and may also be included in the same bid. A portion of debt for the haul trailer will be paid off next year.*

*Judge Beard said she would like to move toward adopting a tax rate in August rather than September. She asked Commissioners to provide any date conflicts to her office as soon as possible.*

*Commissioners reviewed a spreadsheet with the totals of possible employee pay increases.*

*At the budget workshop July 18, departmental presentations will be made.*

*Treasurer Ofenstein said that in 2014, we will pay insurance for 60 employees and 13 retirees. Commissioner Killingsworth suggested basing the increase on a total of 75 employees, which makes the total increase in the insurance premium \$34,200.*

*Commissioner Killingsworth suggested a three percent increase in employees' salaries, and think about a possible small longevity increase.*

*The cost of a three percent increase would be \$76,645.*

*Commissioners received a letter from Mary Bell Lockhart asking that they hire an Elections Administrator and buy new voting machines.*

***17. Commissioners Court and Brewster County Tourism Council joint***

***Personnel Session with emphasis on duties of Tourism Council and Commissioners Court, as related to Hotel/Motel Tax & Original Order which created Tourism Council, employment of personnel, evaluation of performance and appointments to Board***

***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 1:30 p.m., Judge Beard announced that Commissioners Court was going into executive session, pursuant to Section §551.074 of the Government Code, to discuss personnel matters related to the Big Bend Tourism Council as related to Hotel/Motel tax and the original order which created the Tourism Council, employment of personnel, evaluation of performance and appointments to the Board. The Courtroom was cleared of all but Commissioners Court and the Tourism Council board members.*

***Reconvene in Open Session***

*At 2:45 p.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.*

*No action was taken.*

***B. Discussion and appropriate action resulting from Executive Session***

***18. Brewster County Tourism Council / Request to purchase furnishings / equipment for offices in old library, including furnishings for shared conference room***

*Ron Sanders said they have received two proposals from Alpine Furniture, one for pine wood and one for alder wood. The furnishings are for the meeting room and office.*

*The board would prefer the alder wood at a cost of \$8,900.*

*Judge Beard said the wood on the fireplace in the conference room is pine. She suggested trying to stay in the same wood tone in the conference room.*

*Commissioner Killingsworth made a motion to approve the purchase of the furniture, which was seconded by Commissioner Ortega, and passed unanimously.*

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

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***VAL CLARK BEARD, COUNTY JUDGE***

***ATTEST:***

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***BERTA RIOS-MARTINEZ, COUNTY CLERK***