

**REGULAR MEETING OF THE
BREWSTER COUNTY COMMISSIONERS COURT
TUESDAY, JULY 23, 2013, AT 10:00 A.M.**

**VAL CLARK BEARD
ASA STONE
KATHY KILLINGSWORTH
RUBEN ORTEGA
MIKE PALLANEZ
BERTA RIOS MARTINEZ
BETTY JO ROONEY
CAROL OFENSTEIN**

**COUNTY JUDGE
COMMISSIONER PCT. 1
COMMISSIONER PCT. 2
COMMISSIONER PCT. 3
COMMISSIONER PCT. 4
COUNTY CLERK
TAX ASSESSOR
COUNTY TREASURER**

To discuss and take action as appropriate on the following:

1. Minutes / additions / corrections / approval

The minutes from the July 18, 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

Treasurer Ofenstein said there was nothing notable about the bills, although quarterly payments are included.

Commissioner Stone asked about the AT&T bill at the EOC, as well as some electrical bills. Treasurer Ofenstein said she would check into them.

Commissioner Pallanez said long distance phone bills come up during almost every meeting, and suggested using a different company, possibly MCI, for a set rate and better service.

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

Commissioner Killingsworth abstained from 82039; Judge Beard abstained from any In & Out Rental and KALP bills.

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*

Treasurer Ofenstein reviewed the reports with Commissioners Court.

C. Budget Amendments / (No net increases)

1. Request to create new line item in Courthouse budget (510) for contract cleaning services at Tax Office / Discussion and appropriate action

Commissioner Ortega made a motion to create the new line item, which was seconded by Commissioner Stone, and passed unanimously.

2. Amend Line Item 107 (Road & Bridge) to reflect transfer from Historic Preservation Fund to Road & Bridge for work performed on Old Library renovation / Discussion and appropriate action

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

Commissioners had voted July 8 to transfer \$3,883 to the Road & Bridge budget from Historic Preservation.

D. 2012 Audit / Announce date of Presentation for Audit

Judge Beard said she would've like the audit to be presented today, but Mr, Skinner was unavailable. The audit will be presented Aug. 1.

E. County Credit Cards / Commissioners Court's Directive to Actively Pursue cards / Discussion and appropriate action

Treasurer Ofenstein said she is working with WTNB on procuring Mastercard credit cards.

She is having trouble getting correct information related to a government plan.

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

Commissioner Killingsworth made a motion to approve a transfer of \$6,500 from Texas Class to the Historic Preservation fund in the General Fund.

Commissioner Stone seconded the motion, which passed unanimously.

Commissioner Killingsworth said former Commissioner Red Pattillo's grandson passed away, and the family have made some donations in his name to the Pattillo Community Center.

Commissioner Ortega made a motion to acknowledge those donations, which was seconded by Commissioner Stone, and passed unanimously.

Judge Beard noted that this item could also be taken up under Community Facilities.

3. 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.

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 there were a couple of small fires in South County, one of which was started by fireworks and the other, by lightning. Both were quickly extinguished.

Also, most of South County was without power for approximately nine hours on Monday, July 15, due to a downed electrical pole.

She said the new printers at the EOC have been installed and will work with all five computers. There is about \$450 left in the 2011 Homeland Security budget, with which she plans to purchase a battery back-up for the Emergency Management Office computer, and ink cartridges for the EOC printers.

B. 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 is out of town on County business.

Commissioner Stone said the crews are working on the track, and out at Mile High Road, as well on the Courthouse renovations.

B. Cooperative Project / Report on Terlingua CSD Track Construction

Commissioner Killingsworth said it is coming along, but there is still a lot of work to be done.

C. Commissioner Pct. 4, Pallanez / Paving Needs in Double Diamond & South Double Diamond / Related Roads (Order of Priority), Piñon Drive .9 miles (16 houses), Spring Creek Road 1.0 miles, Texas Oak/Juniper Road .9 miles (19 houses), Hackberry & Acacia, Ridge Drive .5 miles / Discussion and appropriate action

Commissioner Pallanez reviewed the paving needs, noting the mileage and the numbers of homes.

Spring Creek Road is of particular concern, especially when it rains.

Commissioner Pallanez said it is approximately four total miles. He spoke with Mr. Causey who said he believes the County has enough materials to accomplish this, using an alternative paving material.

Commissioner Pallanez made a motion to begin paving the roads as soon as the County is able. The motion did not receive a second.

Judge Beard asked Commissioner Pallanez if he would like to re-phrase his motion to start with a study of bringing the roads into a system.

Commissioner Ortega reminded the Court that Commissioners have prioritized the road-paving plan over the last couple of years.

Commissioner Killingsworth suggested a review of the plan, as did Commissioner Stone, to review the priorities.

Commissioner Pallanez said that he then understands that Double Diamond roads will have to get in line.

Commissioners concurred that a workshop session would be beneficial during the next couple of meetings. Judge Beard will schedule one for Aug. 1.

One gentleman said he appreciated the work of the Commissioners Court on the issue, particular Commissioner Pallanez, who took the initiative. He said most residents understand that the County is dealing with limited funds.

D. Replacement Truck / Crew Cab 4X4 ¾ Ton Heavy Duty P.U. / Request to consider how to acquire and initiate acquisition, if possible / Discussion and appropriate action

Judge Beard said there are two trucks in Road & Bridge that needs to be replaced. The truck that Mr. Causey drives is in the worst shape. Judge Beard said we could consider an acquisition later this year. During the budget workshop last week, Commissioners removed the trucks from the 2014 Interest and Sinking budget.

She asked Commissioners to think about using this year's budget, and they could possibly discuss it at the next budget workshop.

Commissioner Killingsworth said there may be some unexpended line items in Road & Bridge which could be used to buy a truck outright this year.

Commissioner Pallanez asked how we choose who does repair work. Could we rotate the work amongst different mechanics?

Judge Beard suggested, again, discussing the issue in a budget workshop. Almost all of Road & Bridge's mechanical work on pick-ups is done "in house." Mechanic work on heavy equipment is a much different issue. She also said that Mr. Causey is going to make the ultimate call, and that there is great value in having one mechanic who is familiar with the heavy equipment.

Later, after the budget workshop, Commissioner Killingsworth made a motion to move forward with the purchase of a 4x4 ¾ ton heavy duty pickup, pursuant to this agenda item. Commissioner Ortega seconded the motion, which passed unanimously.

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

6. Texas Engineering Extension Service (TEEX) / Training for Road & Bridge Department, Firefighters, Emergency Management

A. Update

Judge Beard said that we have been fortunate to have had a lot of training brought here in the last six months or so by TEEX.

B. Judge's request for letter of appreciation for providing training in rural areas to TEEX / Discussion and appropriate action

Commissioner Stone made a motion to authorize a letter of thanks, which was seconded by Commissioner Ortega, and passed unanimously.

7. County Procurement Procedures

A. County Judge

1. Review of recent training session held with key County staff

Judge Beard said she conducted a brief training with some key employees. Together, they reviewed the Local Government Code as relates to procurement procedures and exemptions.

If an item is a sole source purchase, Commissioners Court must make that determination prior to the purchase.

Any time we are going above the \$50,000 bid limit, or even close to it, Commissioners Court needs to be consulted.

2. Review of exceptions to Procurement Procedures including purchases made with grant funds, JC-0136 and related matters

Judge Beard said there are various exceptions, including an item purchased in relation to a public calamity, an item purchased in relation to health and public safety, professional services, sole source purchases, and an item purchased at auction.

What the exception is should be entered into the minutes upon determination by Commissioners Court.

B. Chief Deputy / Renewal of annual service fees for Cop Sync / Request to find this item as a sole source purchase pursuant to § 262.024 (7), Local Government Code, VTCA / Discussion and appropriate action

Chief Deputy Skelton said the Cop Sync renewal is approaching the bid limit; also, it would be a sole source purchase as Cop Sync software is only available through Cop Sync.

Commissioner Killingsworth made a motion to renew the annual service fee with Cop Sync, and to find them as a sole source purchase pursuant to §262.024 (7), Local Government Code, VTCA. Commissioner Ortega seconded the motion, which passed unanimously.

8. Information Technology Department

A. Update / Commissioner Pct. 2 Killingsworth, IT Chair

Commissioner Killingsworth said things are going well. She's been working with Mark Hannan on making sure all systems are backed up.

B. Request to change/improve secure back up systems for County / Discussion and appropriate action

Commissioner Killingsworth made a motion to authorize the renewal of back-up systems for the County, which was seconded by Commissioner Ortega, and passed unanimously.

C. Other matters related to IT upgrades in Courthouse / Discussion and appropriate action

9. Vehicle Title and Registration Division, Texas Department of Motor Vehicles /

Fees for 2014 / Review that there are no optional fees available to County / Discussion and appropriate action

Judge Beard said the annual letter has been received from the DVM asking if we would like to increase our fees. She said we are already charging the maximum of \$10, so we cannot increase.

10. Brewster County Tourism Council

A. Commissioners' Court Presiding Officer (County Judge) comments concerning recent changes made by presiding officer in relation to agendas, budget and other procedures

Judge Beard explained that it is her responsibility to prepare agendas and to prepare the budget. With that in mind, she has made some changes in regard to the Tourism Council and in relation to hotel/motel tax.

Judge Beard said the Tourism Council, which is made up of volunteers, takes their duties seriously and has acted conscientiously for many years.

There has been increases to the hotel/motel tax revenue in the last several years due to increases in tourism and an increase to the tax itself. Increased oversight by Commissioners Court is prudent.

Judge Beard emphasized that these are dedicated funds which must be spent within statutory limitations.

A driving factor when the hotel/motel tax was created was that we would be prepared to deal with emergency situations which impact tourism, such as the closure of a federal facility like BBNP, or drought, fires and natural disasters, or violent incidents.

The Tourism Council will now be scheduled on the Commissioners Court agenda at least monthly, including general reports and action on any items that require Commissioners Court approval.

With the 2014 budget, given the size of the Tourism Council budget, it is going to be appended to the General Fund budget the same way the Road & Bridge budget is appended.

Judge Beard said we may have gotten off course by not strictly adhering to the original order which created the Council, such as the approval of contracts.

Commissioner Killingsworth suggested setting an expenditure limit above \$5,000 for Commissioners' approval.

Judge Beard said she would like Commissioners to consider adding the Chairman of the Historical Commission as a voting ex officio member of the Tourism Council. She would also like to consider increasing the Historic Preservation dedicated rate to make additional funding available specifically for Historical Preservation.

Judge Beard said she thinks formalized training on open meetings, board service and the law pertaining to hotel/motel tax would be beneficial to board members. She does not have a plan in place as to how to accomplish that.

Ron Sanders said that sort of training is available, and the Council will work on it.

B. Tourism Council Monthly Reports

1. Review of Past Work & Activity Report

Internet usage / visitbigbend.com & Social Media, and related matters, Public Relations / Media Contacts, Press & Trade trips to County, Brochure Design, Printing and Distribution, Tourism Shows (Trade & Consumer), Advertising and Promotion / Print / Radio / TV, other media, Interpretive Roadside Exhibits / Other Cooperative Projects with Historical Commission

/ Other Exhibits / Displays, Marathon Visitor Contact Center, Membership and Work with Regional and State Tourism/Hospitality Industry Associations & Groups, General Administration and Point of Contact Activities, Relations with BBNP, Big Bend Ranch and other State Facilities, Special Projects / Discussion and appropriate action

Executive Director Mike Davidson said visitbigbend.com has had about 230,000 visitors to the website in the last 12 months. They also have 42,000 friends on Facebook. Davidson said social media cannot be ignored, and is actively utilized.

Most print advertising is presently aimed at Texans. Television advertising will begin in the Odessa/Midland area soon. They continue to work and coordinate with travel writers, and on additional interpretive roadside exhibits. Relations with BBNP and with BBSP are good.

Mr. Davidson briefly reviewed the history which created the Council and the legislation authorizing the hotel/motel tax.

Ron Sanders said tax collections so far this year are \$337,800.

2. Financial Reports and Administration

a. Monthly Financial Reports and approval of general bills

Commissioners have a cash flow report. Treasurer Ofenstein said she needs more specific information about what they need in reports, which she is working on with Mr. Sanders. Commissioner Killingsworth believes reports can be easily generated utilizing existing procedures.

b. Discussion and appropriate action concerning pending contracts

c. Facilities Update

Furnishing for the office should arrive in about two weeks.

3. Personnel / Request to fill two vacancies on Tourism Council

a. Hear Tourism Council's Recommendations to fill Board vacancies

The Council is recommending Carol Peterson as the Marthon designee and Ruffin Moore as the Lajitas designee.

b. Discussion and appropriate action concerning recommendations

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

4. Judge's recommendations concerning amending original order which created Tourism Council (September 23, 1997 & Amendment of August 24, 2004) / Discussion and appropriate action concerning amending original order

Commissioner Killingsworth made a motion to amend the original Commissioners Court order so that any contracts for \$5,000 or more have to be brought to Commissioners Court before entering into the contract. Commissioner Ortega seconded the motion, which passed unanimously.

Commissioner Killingsworth made a motion to add the chairman of the Brewster County Historical Commission as an ex officio voting member of the Tourism Council, which was seconded by Commissioner Ortega, and passed unanimously.

Commissioner Killingsworth made a motion to increase the hotel/motel tax rate contribution for Historic Preservation from five percent to seven percent, effective Aug. 1. Commissioner Ortega seconded the motion, which passed unanimously.

11. 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 he needs some completed paperwork concerning in-kind donations.

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

- 1. Update***
- 2. Discussion and appropriate action to go forward with project***

12. Pending Renovation Projects

A. Old Library Building Renovations / Update

Judge Beard said there is a couple more days' work necessary at the library.

B. Annex Renovations

1. Update on progress of work

Judge Beard said she and Mr. Roberts have been discussing a permanent display in the hallway of the annex.

2. County Judge / Brewster County Historical Commission Historical Displays in Courthouse / County buildings

Mr. Roberts said they have talked about taking the hallways back to a wainscoting height to make room for a picture display that tells the story of Brewster County history. It will take some time, and won't be done in six months or a year.

a. Update / Displays in Commissioners Courtroom

b. Judge's request to review/approve concept of future historical displays for annex corridors, (pending further renovations in Annex)

Commissioner Ortega made a motion approving the concept of the annex display, which was seconded by Commissioner Killingsworth, and passed unanimously.

3. Acquisition of AV/Tech equipment for Commissioners Court/ Discussion and appropriate

***action to go forward with acquisition of
Equipment (See item 8 C above)***

Judge Beard asked Commissioner Killingsworth to meet with the Tech Committee to make some determinations.

4. Discussion and appropriate action to go forward with and complete Commissioners Courtroom renovations

13. Tri County Juvenile Department

A. 2013-14 Budget / Update & issues with State Funding for Juvenile Services

Judge Beard said she wants Commissioners to know why the Juvenile Department budget is not tied down; there is incomplete information from the State.

Chief Jerry Castellano said that during the last fiscal year, all of the programs for juvenile services were depleted. The only state funding available right now is for salaries. There is nothing available for services.

The Texas Juvenile Justice program is wanting this year to allow for funding for children with mental health issues.

Chief Castellano said he doesn't frequently see those kinds of needs in this area.

At this point, the State is reviewing the funding formula, and it will be announced Aug. 1. Thus, it isn't possible at this time to create a hard budget for the juvenile probation office.

B. Secure Juvenile Placement Facilities / Request for Contracts

Chief Castellano said the Project Border Hope facility is in Maverick County. The cost would be \$65/day.

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

14. Revised Personnel Policies Adopted on July 8, 2013 / Update on Printing & Distribution of Policies to Employees

Judge Beard said the policies have been sent to the printer. As soon as they're back, they'll be distributed.

15. Tax Assessor Collector / Presentation of 2013 Certified Tax Roll / Discussion and appropriate action

Tax Collector Betty Jo Rooney said she doesn't expect the roll until later this month. The Appraisal District hasn't received the numbers from the State, yet, but expects them Thursday.

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 / Scheduling issues related to adoption of Budget and setting Tax Rate & other matters related to 2014 budget / public comment

Judge Beard said she would like to leave here today with a commitment on what to do with the proposed elected salaries so that they can go ahead and publish the notices.

Treasurer Ofenstein reviewed the total expenditures and revenue in the 2014 draft budget.

The fees for the tax collection contracts have been increased by 10 percent.

A quick department by department review was done.

Commissioners discussed library funding, and how to divide the total budget between Alpine and Marathon. The budget will be left with the same general item, until a more precise breakdown between the two libraries is established.

Judge Beard said she needs some clarity on the equipment budget for the District Court. The budget includes a six percent increase for the court reporter.

The J.P. tech budgets have been depleted. They've been asked to slow their spending from those accounts so that they can be re-built.

Judge Beard said her office still hasn't heard anything back from the District Attorney's Office, other than to re-send the form.

Judge Beard said the biggest question surrounds the prisoners board in the Jail budget. She said she is working on the text for RFP and will have it ready to send out shortly.

Commissioners discussed how and when to purchase a new truck for the Ag Extension Agent.

They again discussed purchasing the truck outright now in order to avoid adding the total to the debt service. They also talked about purchasing the truck with any carry-over funds, if there are any available.

It's possible that the Road & Bridge budget could be amended now to purchase a truck for that department.

Commissioners concurred that they don't want to add any new vehicles to the debt.

Commissioner Killingsworth said that with an additional \$1,074, we could increase the pay raise to three percent from two percent.

She also calculated different levels of longevity increases, but adding an additional one percent is more beneficial.

Commissioners concurred that a three percent increase is appropriate.

17. Matters related to 2013 Tax Rate & 2014 Budget

A. 2014 Salaries for Elected County Officials

1. Review proposed salaries

The salaries for elected officials will also be increased by three percent.

2. Propose salaries & appropriate notices / Discussion and appropriate action

Commissioner Stone made a motion to propose a three percent increase on elected salaries, which was seconded by Commissioner Ortega, and passed unanimously.

B. Time Line for Adoption of 2014 Budget / Discussion and appropriate action

Commissioners were given a copy of the schedule.

18. Propose Tax Rate & Set Dates for Hearing & Date of Vote to set rate / Discussion and appropriate action

Commissioner Killingsworth made a motion propose the 2013 tax rate at a total of 0.38263. The M&O rate is 0.28994 and the I&S rate is 0.09269. Commissioner Ortega seconded the motion, which passed unanimously.

Commissioner Ortega made a motion to adopt the following schedule: Aug. 12, adopt salaries; Aug. 16, first budget hearing and first tax rate hearing; Aug. 20, second tax rate hearing; Aug. 27, adopt the

tax rate. Commissioner Killingsworth seconded the motion, which passed unanimously.

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