

**CALLED MEETING OF THE
BREWSTER COUNTY COMMISSIONERS COURT
THURSDAY, AUGUST 1, 2013, AT 9:00 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**

1. Presentation of 2012 Audit by Skinner & Lara / Discussion and appropriate action

CPA Shaw Skinner presented the audit, which is attached and made a part of these minutes.

Mr. Skinner noted that the County “had a good year” several times.

Danielle Lara read the Management Letter, and discussed some issues which need to be corrected.

Commissioner Killingsworth made a motion to accept the audit report ending Dec. 31, 2012. Commissioner Stone seconded the motion, which passed unanimous.

2. Tax Assessor Collector

A. Presentation of 2013 Certified Tax Roll / Discussion and appropriate action

Betty Jo Rooney said she received the tax roll on July 25, but an adjustment had to be made, so Commissioners have an adjusted tax roll dated July 31. Ms. Rooney said the taxable property increased slightly this year. The certified taxable value is \$603,908,489.

Commissioner Killingsworth made a motion to accept the 2013 certified tax roll, which was seconded by Commissioner Stone, and passed unanimously.

B. Tax Collection Contracts with other governmental entities / Discussion and appropriate action

Ms. Rooney said the contract fees have been increased by 10 percent. She said they are ready to mail out.

Commissioner Killingsworth made a motion to approve the contracts with the increase, which was seconded by Commissioner Stone, and passed unanimously.

3. Confer with Legal Counsel concerning Pending Litigation and Procurement Issues:

A. 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

1. Executive Session Pursuant to Section § 551.071, to confer with legal Counsel about:

At 9:55 a.m., Judge Beard announced that Commissioners Court was going into executive session, pursuant to Sections §551.071 of the Government Code, to discuss matters related to the Pascual Olibas case, and to discuss matters related to Texas Attorney General Opinion JC-0136, whether or not an upcoming EMS contract for North Brewster County is subject to bid. Commissioners moved into the County Judge's Office, where attorney Greg Hudson joined them by phone.

- (1) pending or contemplated litigation; or (B) a settlement offer;**
- or**
- (2) on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter. (Privileged Matters)**

Reconvene in Open Session

2. Discussion and appropriate action resulting from Executive Session

B. County Procurement Procedures/ Review of exceptions to Procurement Procedures including purchases made with grant funds, Texas Attorney General Opinion JC-0136 and related matters/ Confer with Legal Counsel regarding the above matters and matter of whether or not an upcoming EMS contract for North Brewster County is subject to bid

- 1. Executive Session Pursuant to Section § 551.071, to confer with legal Counsel about: (1) on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter. (Privileged Matters)**

Reconvene in Open Session

At 10:30 a.m., Commissioners reconvened in open session. Judge Beard announced that they had been in executive session to discuss issues related to the Olibas Case and whether the North Brewster County EMS contract is subject to bid. She asked if there was any action to be taken.

- 2. Discussion and appropriate action resulting from Executive Session**

Commissioner Killingsworth made a motion to grant an exemption under the Health and Safety Code 262.024, sub item A(2) V.T.C.A. concerning preservation and protection of public health and safety, and to authorize Judge Beard to enter into negotiations with West Texas Ambulance Service regarding a new contract, to be brought back for approval of the Court. Commissioner Stone seconded the motion, which passed unanimously.

- 4. Road & Bridge Workshop / Matters related to planning County Roads, including Maintenance, Improvements and taking New Roads into System, Acquisition of Materials and Equipment, Equipment & Vehicles, Personnel, facilities for Road & Bridge Procedures & Communications**

Judge Beard said that Conrad Arriola organized some minutes and documents to give Commissioners some background into the inception of the Road & Bridge Department, and recent workshops.

Judge Beard asked Supt. Frenchie Causey to review his resources and timeline.

As of today, Mr. Causey said crews are working on Loma del Norte Road and the track at Terlingua High School, which is nearly complete. Loma del Norte will probably be finished in about three weeks. Then, they'll move in South County to try to work on Terlingua Ranch roads, and to finish the ERC parking lot. The school parking lots in Terlingua and Marathon both need work.

Mr. Causey is waiting to hear back from the engineer before they do the in-kind work for the new tank for the Study Butte Water Corp.

Commissioner Killingsworth said that if we could stockpile some road materials for the paving at the tank site, we could count that as the in-kind service.

Mr. Causey noted that it costs \$35,000 to \$40,000 per mile of new road. The crew generally only gets one mile of new road done per year.

He hopes to get the bridge on Old Marathon Road torn out in early Spring 2014.

He and Commissioner Pallanez reviewed the schedule for Precinct 4.

Mr. Causey estimated that there are about 180 miles of County roads. He reviewed several projects which he has scheduled over the next couple of years.

Maintaining current County roads continues to be a priority.

Mr. Causey then reviewed his equipment inventory. A couple of pick-up trucks need replacement, but Mr. Causey would like to keep one of the older models for use by the maintenance staff.

Commissioners concurred that the crew gets a lot done with a minimal budget.

Mr. Causey is having a hard time getting information from car dealerships. As authorized, he is ready to purchase on heavy duty pick-up, not subject to bid requirements as it will cost well below \$50,000. Causey will try looking in El Paso and other locations away from the oil fields.

SUPPLEMENTAL AGENDA

1. Veterans Service Officer / Request to advertise to fill position / Discussion and appropriate action

Commissioner Stone said he's had some inquiries about filling the position. He would like to begin advertising.

Commissioner Stone made a motion to start the process, and re-visit the issue at the first meeting in September. Commissioner Killingsworth seconded the motion, which passed unanimously.

Commissioner Stone 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