

**CALLED MEETING OF THE
BREWSTER COUNTY COMMISSIONERS COURT
TUESDAY, AUGUST 20, 2013, AT 10:00 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 PALLANEZ	COMMISSIONER PCT. 4
BERTA RIOS MARTINEZ	COUNTY CLERK
BETTY JO ROONEY	TAX ASSESSOR
JERRY SOTELLO	J.P. PRECINCT 1
CAROL OFENSTEIN	TREASURER

*2nd PUBLIC HEARING REGARDING
TAX RATE AND RELATED MATTERS*

To discuss and take action as appropriate on the following:

1. Public Hearing regarding the Proposed 2013 Tax Rate

Maintenance & Operation	.28994
<u>Interest & Sinking</u>	<u>.09269</u>
Total Rate Proposed	.38263

Judge Beard explained that the budget was adopted last Friday.

She said there were several challenges during the budget process this year, especially as our tax base is not growing at present. Also, our health insurance costs increased. When those costs go up, we have to guard against our employees ending up with a decrease to their take-home pay. This year, the budget includes a three percent cost of living increase, which will hopefully keep employee pay at a stable base.

Judge Beard reviewed the proposed tax rate as outlined above.

Tax Collector Betty Jo Rooney reviewed the number of public notices which were published throughout the process.

a. Opportunity for Public Comment

No public comment was made.

***b. Discussion among Members of Commissioners Court
and Commissioners Court and Public***

Judge Beard noted that no final action to set the tax rate can be taken today.

Commissioner Killingsworth made a motion to approve a proposed tax rate of .28994 (Maintenance & Operation) and .09269 (Interest & Sinking) for a total proposed rate of .38263.

Commissioner Ortega seconded the motion, which passed unanimously.

2. Announce date and time to adopt Tax Rate

Judge Beard said the vote for adoption of the tax rate will be held at the next regular meeting on Aug. 27, 2013, at 10 a.m.

***CALLED MEETING AGENDA
(This meeting will begin following
2nd Public Tax Rate Hearing)***

To discuss and take action as appropriate on the following:

1. Minutes / additions / corrections / approval

Commissioner Ortega made a motion to approve the Aug. 16, 2013, minutes, which was seconded by Commissioner Killingsworth, and passed unanimously.

2. Treasurer

A. General Bills / Discussion and appropriate action

Commissioner Killingsworth made a motion to approve the general bills as presented, which was seconded by Commissioner Ortega,

Judge Beard would like to hold the payment for 82372, a sprinkler system invoice, until we have verification that it is working.

Commissioners passed the motion 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
Personnel/Overtime Reports
Other Financial Reports as
Requested by Commissioners*

*Treasurer Ofenstein reviewed the reports with Commissioners.
Commissioner Killingsworth asked if cash flow has improved from this time last year. Treasurer Ofenstein said it has; it is not great, but it is better.*

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

3. 2014 Budget / (If 2014 Budget was not adopted on July 16, 2013) / Discussion and appropriate action concerning adoption of 2014 Budget

Judge Beard said this is a fall-back item in case the budget wasn't previously adopted. As it was, this item is unnecessary.

4. Officials' Monthly Reports / Discussion and appropriate action

There were no reports presented.

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 the crew have been working on paving and blading in South County. They are ready to install the drain for the Terlingua CSD track. The parts should arrive tomorrow. They have also been working on general maintenance at Pena Park.

B. Issues related to boring and trenching / Mosley Lane, Mosley Loop and boring/trenching application of Teryn Muench / Discussion and appropriate action

Judge Beard said that while trenching and boring is a standing item during meetings, there was some discussion at the last meeting about how to issue a permit and still preserve, in the best way possible, the roadway.

Mr. Causey reviewed a step-by-step process which he believes would cost about \$50/square foot and would take about half a day. He said the figures are approximate. He said if it can be cheaper, that is fine, as long as they follow the steps and do it right. Mr. Causey will supervise any patching that is done.

There is an area on Mosley Loop that the City of Alpine is wanting to trench for a water line. It is going to take some time, and traffic will have to be stopped.

Mr. Causey is going to seek some advice from TxDOT Engineer Chris Weber.

The issue will be discussed again at the next meeting.

C. Commissioner Pct. 4 Mike Pallanez / Discussion concerning Satellite Roads at South Double Diamond / No action

Commissioner Pallanez said there are some satellite roads in the subdivision which he would like to consider bringing into the County Road System. These roads lead into the two main roads in South Double Diamond. They provide access to 12 different households. The total is about 9/10 of a mile.

Commissioner Killingsworth suggested caution as Terlingua Ranch has 1200 miles of satellite roads that the County will never be able to maintain.

Judge Beard said there are some property owners present, and asked if they would like to speak.

Francis Sage, who lives on Yucca Draw, wanted to correct that there is not a homeowner's association in South Double Diamond.

Pollyanne Melton, who lives on Posey Gulch, said she would like the roads maintained, not just so that they're smooth but so they are protected from water flow.

Judge Beard reminded everyone that resources are scarce, and the crew and equipment are stretched thin, especially after a big rain.

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

6. Tri County Juvenile Department

A. Texas Juvenile Justice Department (TJJD) Request for renewal of State Contracts / Discussion and appropriate action

Judge Beard said that since restructuring, the Juvenile Justice System has been in a state of turmoil. It has been very hard to get across to the State Department that we have special issues and challenges in our rural area.

Chief Juvenile Probation Officer Jerry Castellano presented the standard contracts to Commissioners.

Historically, the State has always provided enough funding for the County's department. Due to the decrease, all of the funding has been put toward salaries in an attempt to keep the officers we have, reducing the funding for services.

They spent funding on prevention services, which has caused a problem with funding this year as the formula is based on the number of youth who were actually placed on probation.

Additionally, the State wants closer attention paid to children with mental health issues. That is a very small percentage of those who we deal with in this area. Still, the state took close to \$11,000 from the salaries budget to place in that program.

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

B. 2014 Tri County Juvenile Budget

1. Presentation & Discussion concerning budget

Judge Beard said the County's budget includes a three percent cost of living increase for employees.

Mr. Castellano still doesn't have numbers to present for a budget.

2. Discussion and appropriate action concerning approval of budget

7. County Clerk

A. Update concerning recent work related to elections and upcoming constitutional amendments

County Clerk Berta Martinez said there is a Constitutional amendments election on Nov. 5 and they are preparing for that, including programming for the voting machines.

Mrs. Martinez said they are planning remote early voting days outside of the City of Alpine. Judge Beard said that remote voting is not required by law. If people want to continue to have the service, they need to turn out and vote.

B. Approve election Judges for Constitutional Election

Mrs. Martinez provided Commissioners with a list of the judges and clerks. Commissioner Killingsworth made a motion to approve the judges, which was seconded by Commissioner Ortega, and passed unanimously.

8. National Association of Counties / Lobbying efforts in support of multi year appropriation for PILT / Discussion and appropriate action

Judge Beard said the NAC has been at the head of the lobbying effort for PILT payments. They are planning to fly into Washington, which is not something the County can afford to do. Judge Beard believes we can be equally effective by sending another letter to our elected officials. Presently, the PILT payment is only allocated yearly.

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

9. Personnel Matters, Treasurer's Office

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, and pursuant to Section § 551.071, Government Code, VTCA, to confer with legal Counsel 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 11:00 a.m., Judge Beard announced that Commissioners Court was going into executive session, pursuant to Sections §551.074 and 551.071 of the Government Code, to discuss the appointment, employment, evaluation, reassignment, duties, compensation or dismissal of a public officer or employee in

the Treasurer's Office, and to confer with legal counsel. The courtroom was cleared of all but Commissioners Court.

Reconvene in Open Session

At 11:44 a.m., Commissioners reconvened in open session. Judge Beard announced that they had been in executive session to discuss personnel issues in the Treasurer's Office. Judge Beard asked if there was any action to be taken as a result of the executive session.

No action was taken.

C. Discussion and appropriate action resulting from Executive Session

SUPPLEMENTAL AGENDA

- 1. Workshop Session regarding Structure & Management of County Administrative Functions, including human resource functions, risk management & insurance, grant administration, payroll & related functions / General discussion concerning how best to fulfill these functions, review of statutory & constitutional duties of County Treasurer & legal framework for performance of administrative & financial functions for the County***

The workshop session was postponed until next week's regular meeting, at which time Judge Beard said she hopes attorney Greg Hudson will be able to join in by phone. She said there are a number of legal issues which need to be addressed.

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