

**REGULAR MEETING OF THE
BREWSTER COUNTY COMMISSIONERS COURT
TUESDAY, AUGUST 27, 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
BETTY JO ROONEY	TAX ASSESSOR
CAROL OFENSTEIN	COUNTY TREASURER

To discuss and take action as appropriate on the following:

1. Minutes / additions / corrections / approval

The minutes from the Aug. 20, 2013, meeting were presented for approval. Commissioner Ortega made a motion to approve the minutes, which was seconded by Commissioner Stone.

Commissioner Pallanez made an amendment to the minutes to change the number of homes served by a road in South Double Diamond from 8 to 12.

The motion passed unanimously.

2. Discussion and Action to Adopt the Proposed 2013 Tax Rate as set out below:

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

Judge Beard thanked everyone who played a part in the budget and tax rate setting process.

Commissioner Killingsworth made a motion to adopt a tax rate of .28994 for the Maintenance and Operation fund. Commissioner Ortega seconded the motion, which passed unanimously.

Commissioner Killingsworth made a motion to adopt a tax rate of .09269 for the Interest and Sinking fund. Commissioner Ortega seconded the motion, which passed unanimously.

Commissioners Pallanez, Stone, Killingsworth and Ortega, and Judge Beard, confirmed that they had voted in favor of the tax rate as presented, and that the vote was unanimous.

3. Treasurer

A. General Bills / Discussion and appropriate action

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

Judge Beard abstained from 82532 and 82428; Commissioner Killingsworth abstained from 82434.

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 said that at the end of August 2012, the fund balance was \$701,000; at the end of this month, she said the balance will be \$800,000. She said we are doing better.

C. Request to establish fund for donations made for Community Facilities / Discussion and appropriate action

Judge Beard said the community facilities are managed by the Commissioner in whose precinct the facility is situated. Most of the County's community facilities are in Commissioner Ortega's precinct.

Judge Beard said she understands that there are some donations being made for the benefit of the Pattillo Community Center in South County, and a separate fund would be appropriate. Commissioner Killingsworth said painting and repairs are the first thing which will be done with the donations.

Commissioner Killingsworth made a motion to authorize a separate fund for the donations for the Pattillo Community Center, which was seconded by Commissioner Ortega, and passed unanimously.

Commissioner Killingsworth suggested a letter of thanks to donors, and said she would draft it.

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

4. 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.

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 they have been working on blading and seal-coating roads in South County. They would have continued doing so today, but it is raining in that area.

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

Mr. Causey said he and an employee from the City's water department went to look at the area, which is probably going to be a 3x16-foot trench. The City will patch the trench, and Mr. Causey will be available. The City will bill the

customer for the cost, but Mr. Causey will assist. The road will have to be closed for probably 3/4 of a day.

Commissioner Killingsworth made a motion to approve the application for trenching at Mosley Loop submitted by Teryn Muench. All repairs will be conducted by the City, and costs incurred will be the responsibility of the customer. The repairs will be supervised by Mr. Causey. Commissioner Ortega seconded the motion, which passed unanimously.

C. Cooperative Project

1. Update on Terlingua CSD Track Construction

Commissioner Killingsworth said the drain pipe has been ordered, and they are waiting on a bit of work from the engineer.

2. Discussion and appropriate action to complete project

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

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, matters related to 911 EMS in County; and matters related to 911 & 911 addressing / Discussion and appropriate action

EMC Betse Esparza said that Big Bend Ambulance has cancelled its transfer contract with BBRMC, and that West Texas Ambulance Service has been re-hired.

B. Report on Table top drill held on August 22, 2013

Mrs. Esparza said nearly 50 people came to the drill, which was held at the Gallego Center. A number of different agencies participated. There was good discussion and participation.

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

7. 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 the final paperwork was signed yesterday by the contractor. Mr. Roberts said he needs to figure the County's in-kind contribution. He will send a completed packet to TCEQ.

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

1. Update

There was no new information related to this project.

2. Discussion and appropriate action to go forward with grant & project

8. Pending Renovation & Maintenance Projects

A. Old Library Building Renovations / Update

Judge Beard said the crew is doing some repairs on the jail at the roof now, after which they will move back to finish the exterior of the library.

B. Annex Renovations & upcoming work on other County Buildings

1. Commissioners Courtroom renovations

a. Acquisition of AV/Tech equipment for Commissioners Court/Discussion and appropriate action regarding acquisition of AV/Tech items for courtroom

Commissioner Killingsworth said she has no new information today.

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

c. Discuss / set dates for dedication of new Courtroom & Old Library facilities

Judge Beard said she is considering the second meeting date in September for some very simple dedication ceremonies.

9. Judge's request to contact State Elected Representatives concerning recent actions by TxDOT which negatively impact rural counties, such as turning back Farm to Market Roads to counties and taking heavy equipment which is essential for emergency response from local TxDOT facilities / Discussion and appropriate action

Judge Beard said there is always an ongoing exchange of information amongst County Judges and Commissioners, particularly as related to state agencies.

She made clear that our local TxDOT office has been nothing but helpful, as has the El Paso District Office. Her concerns do not relate to those offices.

However, what is going on with TxDOT and the Texas Transportation Commission in Austin is astounding. While much of it relates to larger counties at this point, it could just be the first step. There is a proposal to "give back" state highways within cities of over 50,000. Judge Beard said in all honesty, they are "dumping" those roads back onto the local government.

Judge Beard asked what would stop the proposal for rolling right down to Brewster County and the City of Alpine.

Judge Beard said it is a scary proposition and a dodging of TxDOT's responsibility.

Additionally, TxDOT is grinding up paved rural roads in South Texas. It is being proposed in Reeves and Culberson counties.

Commissioner Killingsworth made a motion to write a resolution in opposition of the current work of TxDOT and their neglected duties.

Commissioner Ortega seconded the motion, which passed unanimously.

On another subject, Judge Beard said that TxDOT's heavy equipment was an asset to the area during the 2011 wildfire season. It has been decided that TxDOT no longer own its equipment, but rather rent what they need. Judge Beard understands that equipment would be coming from San Antonio; thus, during an emergency such a wildfire, we would lose valuable time waiting for assistance.

Commissioner Killingsworth made a motion to include in the resolution the need to maintain all equipment, particularly in rural counties. Commissioner Stone seconded the motion, which passed unanimously.

10. County Clerk

A. Update on changes in fees allowed to be charged by County Clerk pursuant to H.B. 1513 / Records Management and Presentation Fees and records archives Fees

County Clerk Berta Martinez is attending a funeral.

However, Judge Beard read a letter to the Court saying that the records management and records archive fees have been authorized by the legislature to be raised from \$5 to \$10.

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

B. Discussion and appropriate action

11. 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 10:46 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. Commissioners Court moved into Judge Beard's office to participate in a teleconference with attorney Greg Hudson.

Reconvene in Open Session

At 11:35 a.m., Commissioners reconvened in open session in the Courtroom. Judge Beard announced that they had been in executive session to discuss personnel issues in the Treasurer's Office. Judge Beard said that

Commissioners Court was going to recess for lunch and in order to give Mr. Hudson time to research some questions.

Commissioners recessed until 1 p.m.

At 1 p.m., after Commissioners reconvened in the Commissioners Courtroom,

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. Commissioners Court moved into Judge Beard's office to participate in a teleconference with attorney Greg Hudson.

At 1:35 p.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.

B. Discussion and appropriate action resulting from Executive Session

12. Workshop Session regarding Treasurer's Office / 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.

SUPPLEMENTAL AGENDA

1. CJIS Matters

A. Update

Judge Beard said the CJIS rate is currently 92 percent.

B. Discussion and appropriate action

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