

**CALLED MEETING OF THE  
BREWSTER COUNTY COMMISSIONERS COURT  
TUESDAY, OCTOBER 15, 2013, AT 10:00 A.M.**

*Judge Beard called this meeting to order. Commissioner Stone was out on medical leave. Officers present are listed as follows:*

**VAL CLARK BEARD  
KATHY KILLINGSWORTH  
RUBEN ORTEGA  
MIKE PALLANEZ  
JERRY SOTELLO  
SUSANA GONZALES**

**COUNTY JUDGE  
COMMISSIONER PCT. 2  
COMMISSIONER PCT. 3  
COMMISSIONER PCT. 4  
J.P. PRECINCT 1  
J.P. PRECINCT 3**

**1. Invocation, Pledge of Allegiance**

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

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

*The minutes from the October 3, 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. Treasurer**

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

*Commissioner Killingsworth made a motion to approve the general bills, including walk-in bills from James Shoemaker for \$165 and TAC for \$225. Commissioner Ortega 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  
Personnel/Overtime Reports  
Other Financial Reports as  
Requested by Commissioners***

*Commissioner Killingsworth said the specified activity report needs to include the Tourism Council. The Treasurer's Office will start including the information.*

***C. Overtime / Overtime Reports / Update on Departmental reporting system for overtime for Commissioners Court/ Discussion and appropriate action***

*Commissioner Killingsworth noted that, per the County's policy, that isn't a lot of overtime being used at the jail.*

*Judge Beard said the report needs to be more detailed so that they can hold it against the budget to get a real idea of where things stand.*

***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 Ortega read the reports for the record.*

*Commissioner Killingsworth made a motion to approve the reports, which was seconded by Commissioner Pallanez, and passed unanimously.*

***5. Regional Public Defender For Capital Cases / 2014 Interlocal Agreement between Lubbock County & Brewster County / Discussion and appropriate action concerning renewing agreement***

*Judge Beard said this is a cooperative agreement and amounts to an insurance policy for when we try a capital case in District Court with an indigent defendant. It is designed to pay the costs related to the defense, which can easily run into the hundreds of thousands of dollars. Judge Beard suggested accepting the agreement.*

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

***6. 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 removed a cedar tree on Wagon Road to make it easier to see oncoming traffic for residents. Mr. Causey said they seal-coated another mile on Terlingua Ranch Road for a total 4.5 miles this year. They bladed the Park Road, and Agua Fria Road. They are still working on the school track in Terlingua. Crews helped the City with a water tap on Mosley Loop. There was minimal damage to the road. It is not completely patched yet, they are letting the material pack down a little more first. They have also been working on roads in Marathon. Today, they started cleaning up at the CASI site to get ready for the cook-off.*

*Coach Pallanez asked about mowing along Mosley Loop. Mr. Causey said it's on the list, and they are working that way.*

***B. Upcoming TxDot Divestment of Equipment / Request to authorize Road & Bridge Superintendent to pursue County acquisition of TxDot equipment being divested / Discussion and appropriate action***

*Judge Beard said we've been told that counties will have the opportunity to purchase some of the TxDOT equipment. Going forward, when items are needed by TxDOT in an emergency, there will be a delay while our local office waits for equipment to come from as far away as San Antonio.*

*Mr. Causey said the State wants the local office to remove everything they don't use very often, including some dump trucks, water trucks, probably a snow plow, some trailers, etc. There is a website where the items will be listed.*

*Commissioner Killingsworth made a motion to authorize the Road & Bridge Superintendent to pursue the acquisition of TxDOT equipment, which was seconded by Commissioner Ortega.*

*Commissioner Killingsworth suggested one of the first things should be a large water tanker, if available. Mr. Causey said that our current tanker holds about 4,500 gallons. She said there should be \$100,000 available that wasn't transferred earlier. Judge Beard said some transfers should be made into the budget soon from Historic Preservation, although not nearly as large.*

***C. Terlingua CSD Track Construction***

***1. Update***

*Commissioner Killingsworth said they will open bids on cement curbing at the school board meeting tomorrow. Engineer Travis Roberts said he expects three bids.*

## ***2. Discussion and appropriate action to conclude project***

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

## ***7. County Health Insurance / Dental & Vision Coverage***

### ***A. Review / Comments & Discussion concerning quality/limitations of present coverage through Ameritas and possible alternatives***

*Judge Beard said she hears comments that the coverage is not that strong. If Commissioners concur, we can look into other sources of coverage.*

*Commissioners agreed that other providers should be investigated.*

### ***B. Discussion and appropriate action***

## ***8. 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 Brewster County had asked for and received \$75,000 for 2013 Homeland Security grant funding. The process is different this year, as the County was required to first present possible expenditures for*

*approval. The grant money will be used to purchase equipment for the Terlingua and Alpine VFDs, and for a new warning siren for the town of Marathon.*

***B. Report on “Roll Out Drill” held on October 2, 2013, and next upcoming drill***

*Mrs. Esparza said the Alpine Police Department, Brewster County Sheriff’s Office, City of Alpine Gas Department, EMS, Alpine VFD, BBARC, BBRMC and Road & Bridge Department participated and responded. DPS Regional Coordinator David Marquez observed the drill.*

*Mrs. Esparza said it lasted about 25 minutes, and went very well. From his observation, Mr. Marquez was pleased with the response.*

*A table top drill is being planned for November.*

***C. Debarment Policy required to be adopted by SAA for 2013 Grant Year / Discussion and appropriate action***

*Commissioner Ortega made a motion to approve the debarment policy as follows: The Brewster County Purchaser shall verify debarment status of all vendors prior to utilizing Homeland Security funds, using the EPLS system (<https://www.sam.gov>). Commissioner Killingsworth seconded the motion, which passed unanimously.*

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

***8. 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***

*Grant Administrator Jerry Carvajal said the final payment should be made next week.*

***B. 2013 TXCDBG Grant / Marathon Water Supply Corp. Improvements***

***1. Update***

*Mr. Carvajal said the proposals are due Oct. 30. They will hopefully be scored at the first meeting in November.*

***2. Approve Advertisement for Engineering and Administrative Services /***

### ***Discussion and appropriate action***

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

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

#### ***9. Pending Renovation & Maintenance Projects / Old Library Building Renovations / Update***

*Judge Beard said good progress has been made. The last major thing is to pour an ADA sidewalk on the north side, but it will probably be a week before it can be done.*

#### ***10. Request for Proposals to provide Food Services for Brewster County Jail/Discussion and appropriate action***

##### ***A. Review RFP and proposals received by October 11, 2013 /Open proposals or Consideration of extension of deadline for receipt of proposals, if Court determines appropriate***

*Judge Beard said her office still has received only one proposal, the same which was received a month ago, when the deadline was extended.*

*She said Commissioners need to determine if they want to extend the deadline again, or open the proposal.*

*Judge Beard asked Jail Administrator Lora Nussbaum what efforts have been made to get the RFP on the market. She said she was unsure. She was told that Commissioners Court was taking care of the matter. Judge Beard said it is expected that the departments directly involved in the process with the most knowledge will be active in soliciting proposals.*

*Commissioner Killingsworth made a motion to open the proposal for consideration, which was seconded by Commissioner Ortega. Commissioners Killingsworth and Ortega voted in favor of the motion, and Commissioner Pallanez voted against the motion. The motion carried.*

*The RFP was opened. Judge Beard said the proposal is from Five Star Services. She said it is a detailed proposal, and Commissioners need to determine how to evaluate the proposal.*

*Commissioner Killingsworth suggested a review committee.*

*Mrs. Nussbaum said she would participate; Commissioner Killingsworth suggested a Treasurer's Office representative and the Sheriff.*

##### ***B. Discussion and appropriate action concerning how to proceed with***

***evaluation of proposals, including establishing review panel for proposals and possible utilization of outside financial analysis of proposals***

*Commissioner Killingsworth made a motion to establish a committee to evaluate the food service proposal for the jail to consist of the Jail Administrator, County Sheriff, and a Treasurer's Office representative. Commissioner Ortega seconded the motion, which passed unanimously.*

***C. Discussion and appropriate action concerning proposals***

***11. Veterans Service Officer / Update***

*Judge Beard said Mr. Gonzalez is doing very well, and she anticipates a re-invigorated program.*

***12. Brewster County Juvenile Probation Department / Contract and Agreement for Secure Short-Term Detention of Juvenile Offenders between Brewster County and 4M Granbury Youth Services, Inc, dba Granbury Regional Justice Center / Discussion and appropriate action***

*Chief Office Jerry Castellano said he has two contracts for review, one for psychological exams, and another for short-term detention. They had been using Maverick County, but it has shut down. He said they looked for something economical, but they don't want to compromise a child. Granbury has all of its licensing and has passed inspections.*

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

***13. Situation regarding ongoing federal closure of BBNP, including roads within Park, river access and related matters / Confer with Counsel***

***A. Executive Session Pursuant to Section § 551.071, Government Code, VTCA, Pending Litigation and Consultation on a matter in which the duty of the attorney of the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflict with this chapter (Privileged Matters)***

*At 10:45 a.m., Judge Beard announced that Commissioners Court was going into executive session, pursuant to Sections §551.071 of the Government Code, to discuss pending litigation related to the closure of Big Bend National Park due to the government shutdown. The courtroom was cleared of all but Commissioners Court. Attorney Greg Hudson participated telephonically.*

### ***Reconvene in Open Session***

*At 11:15 a.m., Commissioners reconvened in open session. Judge Beard announced that they had been in executive session to discuss pending litigation and privileged matters with their attorney. 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 or Open Discussion***

#### **SUPPLEMENTAL AGENDA**

##### ***1. Road & Bridge Department / Proposed “Waters of the U.S.” pending regulation under Clear Water Act / Update / Discussion and appropriate action***

*Judge Beard said the proposal is expected to be a model of the 2011 guidance. It will slow down the Road & Bridge Department considerably, cause a huge volume of paperwork and it will be costly. Commissioners had been provided with a copy of the National Association of Counties statement, which states that the 2011 draft broadened federal jurisdiction for tributaries, including ditches, culverts and channels. It further states, that the guidance “could bring routine county operations such as flood-control programs, pesticide application and drainage ditch construction under federal jurisdiction.”*

*Commissioner Killingsworth made a motion to authorize contact with our elected representatives in regard to the “Waters of the U.S.” legislation. Commissioner Ortega seconded the motion, which passed unanimously.*

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

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**VAL CLARK BEARD, COUNTY JUDGE**

**ATTEST:**

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