

**REGULAR MEETING OF THE
BREWSTER COUNTY COMMISSIONERS COURT
TUESDAY, OCTOBER 22, 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

1. Minutes / additions / corrections / approval

The minutes from the Oct. 15, 2013, were presented for approval. Commissioner Ortega made a motion to approve the minutes, which was seconded by Commissioner Killingsworth, and passed unanimously.

2. Treasurer

A. General Bills / Discussion and appropriate action

Treasurer Ofenstein said the quarterly reports are included in the general bills, but there is really nothing unusual at this time. She has received some bills from the Tourism Council yesterday, but hasn't had time to view them.

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

Commissioner Killingsworth abstained from 83343.

Two walk-in bills were presented, one from the Texas Judicial Academy for \$200 for annual membership dues, and another is an I&S payment of \$28,888.10.

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

B. Financial Reports / Updates, Discussion, Review and appropriate action concerning the following:

Specified Activity Report

Payroll Reports

*Cash Flow Predictions
Budget Analysis Usage Report
Receipt File Listings
Cash Report
Grant Reports*

*Check Register
Transfers
Personnel/Overtime Reports
Other Financial Reports as
Requested by Commissioners*

Treasurer Ofenstein reviewed the reports with Commissioners.

C. Matters related to County Insurance / Consideration of renewal of coverage through Texas Association of Counties Insurance Pool for Auto Liability and Physical Damage, General Liability, Law Enforcement Liability and Public Officials Liability / Discussion and appropriate action

Both Treasurer Ofenstein and Judge Beard said that coverage and service have both been first rate.

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

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

2. Officials' Monthly Reports / Discussion and appropriate action

There were no reports presented for approval.

4. 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 crews have been mowing several right-of-ways and patching potholes.

He said Johnny Valencia has been working at the jail, and replaced 90 light bulbs and fixed the Sally port door.

They think they fixed some water leaks at the South County ERC, but will have to wait until the next rain to be sure. They provided some maintenance at some other County facilities, and hauled some more dirt for the track at the Terlingua school.

B. Terlingua CSD Track Construction Cooperative Project

1. Update

Engineer Travis Roberts said Terlingua CSD opened bids last Wednesday for concrete curbing. They received bids for \$244,000 and another for \$88,191. The low bid is about \$28/foot, and they accepted the low bid. They hope to start working in a couple of weeks.

2. Discussion and appropriate action to conclude project

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

5. 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 they have started spending 2013 Homeland Security funding.

B. Report on Union Pacific Safety Train Trip on October 16, 2013

Mrs. Esparza said she and Judge Beard and Commissioner Pallanez participated in UP's safety ride. There were several area people aboard, and the trip was enjoyable. The train went to Marathon and back.

C. Issues related to County Burn Ban & Regulating Fireworks / Discussion and appropriate action

Judge Beard said there is no action necessary today, but this is something to start thinking about as the New Year holiday approaches. Drought conditions continue in Brewster County.

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

6. County Website / Public Information (Betse Esparza PIO) / report on updates which are in progress / Discussion and appropriate action

Mrs. Esparza said the current website is outdated. She and Mark Hannan are working on a newer, easier website using better, more user-friendly software.

7. Information Tech Issues / CIRA Services Agreement / Discussion and appropriate action concerning renewal

CIRA hosts the elected officials email addresses.

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

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

Mr. Roberts said they are still waiting on some paperwork.

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

1. Update

Mr. Roberts said requests for proposals were sent to six different firms, and they are due back in the Judge's office by Oct. 30.

- 2. Review of Time Line / Approval of any additional required public notices or ads*
- 3. Discussion and appropriate action to go forward with grant project*

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

A. Update / Discussion and appropriate action to complete main building Renovations

Judge Beard said the renovations are nearly complete. A little bit more concrete and little more money will be necessary to complete the accessibility ramp into the Tourism Council office.

B. Request to transfer \$3,000 from Tourism General Funds for Completion of Accessibility Modifications to Tourism Council Offices front entrance, sidewalk & ramp / Discussion and appropriate action

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

10. Consideration of the US/Mexico Border Counties Coalition 2013/2014 Membership Dues / Discussion and appropriate action

Judge Beard said the coalition has been generally effective, and recommended renewal. The dues are \$1131.41.

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

11. Matters related to Federal Government Shutdown and BBNP Closure

A. After Action Review including acknowledgment of cooperation from local federal & State officials, further contingency planning, preservation and expansion of information developed during this episode and related matters / Discussion and appropriate action

Judge Beard said she would like to acknowledge the cooperation of the local management of the Park. They did what they could to let local people have use of the roads, and also participated in a call with the County's attorney and the U.S Attorney.

Commissioner Ortega made a motion approving letters of thanks to the Park Superintendent and Head Ranger, which was seconded by Commissioner Stone, and passed unanimously.

Judge Beard said Sen. Uresti's office was also helpful, and carried the message to the Governor's Office, asking for the State to help by picking up some of the costs of running the park until the shutdown was lifted. Although it didn't come to fruition, it was helpful. Judge Beard also said the Senator is being recognized by TAC, and she wished to acknowledge that in a letter as well.

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

Ron Sanders, president of the Tourism Council, said they began radio advertising in several markets once they found out the Park would close. They believe it was helpful, but there were still a lot of cancellations. In the future, the Council plans to have an ad ready to go.

Executive Director Mike Davidson said they installed a pop-up on the website immediately explaining other available activities for visitors. It can be installed again if needed in just a few seconds.

He said the State Park reports an increase of 300-400 percent in visitorship.

Judge Beard asked Mr. Davidson about the possibility of another Texas A&M study on the economic impact of BBNP, specifically. He said he is sure they would do it, but a previous study noted an impact of \$35 million/year, which is \$100,000/day.

Greg Henington, an outfitter in South Brewster County, said they lost between \$10,000 and \$12,000 worth of business, but they came out of it okay. He said if this happens again in the Spring, it will be catastrophic.

Commissioner Killingsworth suggested writing to federal officials to let them know how important the Spring tourist schedule is for the area. Judge Beard said that before we do that, we need some better data. As the sales tax numbers come in, Judge Beard said we'll have more information.

B. If necessary, Executive Session Pursuant to Section § 551.074, Government Code, VTCA, related to Brewster County Tourism Council as related to activities during the government shutdown to discuss the appointment, employment, evaluation, reassignment, duties, compensation, or dismissal of a public officer or employee

No executive session was necessary.

Reconvene in Open Session

C. Discussion and appropriate action resulting from Executive Session

12. Vacancy on Tourism Council Board / Consider Nomination of Tourism Council of Marsha Roberts to fill vacancy / Discussion and appropriate Action

Mr. Sanders said Marsha Roberts has been nominated to fill the place of Tom Williams.

Commissioner Killingsworth made a motion to approve Marsha Roberts to fill the vacancy, which was seconded by Commissioner Ortega, and passed unanimously.

13. Personnel / County Judge's Office

Before the executive session, Judge Beard said she wanted to recognize those who get ready for Commissioners Court behind the scenes. She thanked Johnny Milan for always having the Courtroom in perfect condition. Susan Bentley coordinates schedules, builds the meeting files and makes sure the Commissioners all have the same reference materials, and see that the agenda is correctly posted. She keeps bid files and public notices, and also makes sure that the notices are being correctly published. Conrad Arriola does all of the research regarding agenda items and is continuously following what other governmental entities in the area doing as relates to Brewster County. He has become the institutional memory of Commissioners Court as he is very familiar with the minutes going back 20 years. He drafts agenda items and provides meeting support. Betse Esparza takes the minutes and posts them on the website. Berta Rios-Martinez safeguards Commissioners Court documents as the County Clerk.

Commissioner Killingsworth made a motion to thank those who provide support for the Court, which was seconded by Commissioner Ortega, and passed unanimously.

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

At 10:45 a.m., Judge Beard announced that Commissioners Court was going into executive session, pursuant to Section §551.074 of the Government Code, to discuss the appointment, employment, evaluation, reassignment, duties, compensation or dismissal of a public officer or employee in the County Judge's Office. The courtroom was cleared of all but Commissioners Court.

Reconvene in Open Session

At 11:20 a.m., Commissioners reconvened in open session. Judge Beard announced that they had been in executive session to discuss personnel issues in the County Judge'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

Judge Beard said that this Commissioners Court has been able to go beyond the basics which the law requires. She said this is because we have a team approach. Everybody looks out for what's in the best interest of the County. There is virtually no bickering on the Court, and she is unaware of any vote having been taken on party lines for as long as she's been Judge. She said they are supported by a large number of volunteers who help them accomplish what they need to without breaking the bank.

Right now, Judge Beard said that Commissioners Court is in a good place. There are good hands on the reins right now.

In light of that, Judge Beard announced that she is not going to run for the office again, and will retire before her terms ends. She will let the Commissioners Court fill the vacancy, which is legally complicated. But she believes the public is in good hands.

She will ask Greg Hudson to write a memo for Commissioners and the public outlining the procedures for the process of filling the vacancy.

She is going to set a meeting for Thursday, Oct. 31, at 9 a.m., at which time Commissioners Court will determine the process for filling the vacancy.

Judge Beard adjourned the meeting.

VAL CLARK BEARD, COUNTY JUDGE

ATTEST:

BERTA RIOS- MARTINEZ, COUNTY CLERK