

**CALLED MEETING OF THE  
BREWSTER COUNTY COMMISSIONERS COURT  
TUESDAY, NOVEMBER 12, 2013, AT 10:00 A.M.**

*Judge Beard called the meeting to order, and welcomed back reporter Cindy Perry. Officers present are listed as follows:*

<b>VAL CLARK BEARD</b>	<b>COUNTY JUDGE</b>
<b>ASA "COOKIE" STONE</b>	<b>COMMISSIONER PCT. 1</b>
<b>TOM WILLIAMS</b>	<b>COMMISSIONER PCT. 2</b>
<b>RUBEN ORTEGA</b>	<b>COMMISSIONER PCT. 3</b>
<b>MIKE PALLANEZ</b>	<b>COMMISSIONER PCT. 4</b>
<b>BERTA RIOS MARTINEZ</b>	<b>COUNTY CLERK</b>
<b>JERRY SOTELLO</b>	<b>J.P. PRECINCT 1</b>
<b>CAROL OFENSTEIN</b>	<b>TREASURER</b>

***To discuss and take action as appropriate on the following:***

***1. Invocation, Pledge of Allegiance***

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

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

*The minutes from the Oct. 31, 2013, meeting were presented for approval. Commissioner Ortega made a motion to approve the minutes, which was seconded by Commissioner Stone, and passed unanimously.*

***3. Treasurer***

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

*Treasurer Ofenstein said there is nothing to flag; however, her office has been very busy, and all of the bills have not yet entered. She needs to pay the regular monthly subsidies.*

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

*Judge Beard abstained from any KALP bills.*

*Treasurer Ofenstein said she has one walk-in bill from the elevator compliance inspector. Commissioner Ortega made a motion to approve the bill, which was seconded by Commissioner Stoner, and passed unanimously.*

*Treasurer Ofenstein said she needs permission to pay the bills throughout the rest of the month, with review by Judge Beard, due to the holiday.*

*Commissioner Ortega made a motion to permit the Treasurer and Judge to review and pay the bills during the remainder of the month, with Commissioner Stone to serve as alternate for either of the two, which was seconded by Commissioner Stone, and passed unanimously.*

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

*Treasurer Ofenstein said she doesn't believe we will have to draw from our TexPool account before the end of the year. Things are tight, but the overall cash position is good.*

***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***

***C. 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 Stone, and passed unanimously.*

***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 update 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 she didn't have anything to report. Things have been quiet.*

***B. Report on First Responders Preparedness Planning Group Meeting held in Van Horn on October 30, 2013***

*Mrs. Esparza said the EMC's from the counties in the COG met before the FRPPG meeting on Oct. 30 to see if they could come to an agreement about how to fairly score and determine Homeland Security funding portions. The issue always causes tension, particularly amongst rural and urban areas. Another meeting will be held in December, and the group hopes to make a recommendation to the voting members.*

***C. Homeland Security Grant Funds / Update / Discussion and appropriate action concerning any pending grants***

*Mrs. Esparza said we have begun spending the funds, starting with an oxygen-tank filling machine for Terlingua Fire & EMS.*

***D. Issues related to County Burn Ban & Regulating Fireworks***

***1. Review of current drought conditions and consideration of adopting Burn Ban and Fireworks Regulations***

*Commissioners did not wish to take action on the burn ban at this time.*

*In regard to fireworks, Commissioner Ortega made a motion to ban the sale of rockets on sticks and missiles with fins. Commissioner Stone seconded the motion, which passed unanimously.*

***2. Discussion and appropriate action***

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

***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 one of the crew has been mowing right-of-ways in and around Alpine and Marathon. He should be finished by tomorrow, and then he'll move out to Hovey Road, and then to South County.*

*They have been blading roads around the County and checking equipment at all the County facilities.*

## ***B. Terlingua CSD Track Construction Cooperative Project***

### ***1. Update***

*Mr. Roberts said the contract has been furnished to the curbing contractor out of Pecos.*

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

## ***B. Judge's comments concerning cooperative projects / Discussion 3***

*Judge Beard said that, from time to time, the County assists our fellow governmental entities with certain construction projects. Usually that assistance is in the form of site preparation or paving.*

*She said that we need to be careful about scheduling and remind everyone that there are certain times of the year during which the Road & Bridge Department has a lot of work to do. We cannot disrupt our own work, particularly during paving time.*

*Judge Beard said that it is essential for the future that we have either memorandums of understanding or an interlocal agreement. We need to be cautious about projects with general contractors. In the past, general contractors have pressured Road & Bridge to do more than was agreed to. The best approach is that our work should be completely separate from the general contract. Doing initial site preparation is a good way to keep things separate.*

*Supt. Causey agreed.*

***D Discussion and appropriate action for general work of Road & Bridge 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***

*Mr. Carvajal said he had nothing to update.*

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

***1. Update***

***2. Review of Time Line / Approval of any additional required public notices or ads***

*Mr. Carvajal said the County has request RFP's for a grant administrator and for engineering. Only one proposal was received for the administrator, so it does not have to be scored.*

***3. Review and score administration and engineering professional services proposals and select service providers for TxCDBG No. 713049 / Discussion and appropriate action***

*Commissioner scored the two engineering proposals as follows: TransPecos Surveyors, 493, West Texas Consultants, 401.*

*Commissioner Ortega made a motion to approve TransPecos Surveyors, which was seconded by Commissioner Stone, and passed unanimously.*

*Commissioner Ortega made a motion to adopt a resolution approving TransPecos Surveyors and GrantWorks, which was seconded by Commissioner Pallanez, and passed unanimously.*

***4. Consider Resolution to designate authorized signatures for TxCDBG Contract No. 713049 / Discussion and appropriate action***

*Commissioner Ortega made a motion to adopt the resolution, which was seconded by Commissioner Williams and passed unanimously.*

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

***8. Pending Renovation & Maintenance Projects / Old Library Building Renovations***

## ***A. Update***

### ***1. Discussion and appropriate action to complete main building renovations***

*Judge Beard said there has been some stucco work on the north wall, and crews are pulling up some old tiles outside to help with drainage. They are also installing exterior lighting.*

### ***2. Other renovations pending on Old Library Site / Review***

#### ***a. Old garage conversion to storeroom for bulk supplies***

*Judge Beard said the building is sound, and it is wired. She would like it sheetrocked in a basic fashion so that it can be used for storage.*

#### ***b. Old outside meeting room conversion to Commissioners workspace, record storage and small conference***

*Judge Beard would like this area reserved for Commissioners for meeting space, and also as a place to keep their files.*

#### ***c. Discussion and appropriate action to go forward with these renovations***

## ***B. Open House & Dedications for Old Library building and Commissioners Courtroom / Discussion and appropriate action***

*Judge Beard suggested doing the dedications during the second meeting in December, although she does not know when that day will be. She asked Commissioners to provide any conflicting dates to her office today.*

## ***9. Criminal Justice Information System (CJIS)***

### ***A. Update on Progress & current reporting rate***

*Sean Barak said that for 2007-11 reporting, we are still at 92 percent. During the first week of January, we will transition our 2008-12 reporting. We are 87 percent now, but he is going to begin working with various offices this week to start disposing of those cases.*

*Commissioners thanked Mr. Barak for getting a handle on the reporting.*

### ***B. CJIS Team Leader / Matters related to formalizing monthly compensation / Discussion and appropriate action***

*Judge Beard said right now, Mr. Barak gets paid time and a half for his work on this. She suggested a \$50/month supplement on top of that.*

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

### ***C. Discussion and appropriate action***

## ***10. 2013 Constitutional Amendment Election***

### ***A. Report by County Clerk Berta Martinez***

*Mrs. Martinez said they had a bigger turnout than expected, and the election went very smoothly. There were 239 early voters; a total of four people voted during remote voting. A total of 335 people voted on Election Day.*

*Commissioner Pallanez asked if there were any problems with the new ID law. Mrs. Martinez said they did not have any problems.*

### ***B. Canvass Election Results/Discussion and appropriate action***

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

## ***11. Brewster County Tourism Council***

### ***A. Update on recent activities***

*Director Mike Davidson said the last couple of months have been very busy, including the State Fair followed by two large groups of out-of-country journalists. Coordination with State travel officials provides a good return.*

### ***B. Contract between Brewster County Tourism Council and Marathon Chamber of Commerce and Big Bend Chamber of Commerce for Advertising & promotional services / Discussion and appropriate action concerning approving contracts for services***

*Pres. Ron Sanders said the chambers will have to provide a budget and action plan. Their bills will be presented in a similar to manner to how the Council presents to Commissioners Court.*

*Barbara Trammell said she feels that it will enhance and promote the area in a different, more specialized way. Linda Walker also commented that these contracts were a positive step.*

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

***C. Proposed contract for professional consultant services (Executive Director) for Managerial, Administrative and Promotional Services / Discussion and appropriate action concerning approving contract***

*Pres. Ron Sanders said it's taken a while to work the kinks out of this contract. Judge Beard said it is important and has added a layer of transparency to the expenditures related to the director's compensation.*

*Commissioner Stone made a motion to approve the contact as presented, which was seconded by Commissioner Ortega, and passed unanimously.*

***D. Proposed ground lease for Visitor Contact Station 0.624 acre tract / Burnam Addition, Block 4, Town of Marathon / Marathon / (Aguilar Tract) / Discussion and appropriate action***

*Engineer Travis Roberts is working on the site plan right now.*

*Commissioner Ortega said it is a good deal.*

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

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

*Judge Beard said she and Treasurer Ofenstein spoke this morning. She would like more time to review the proposal, and suggested that we look at it again at Friday's meeting.*

*Commissioners concurred.*

***Review RFP and Proposals from the Review Committee selected by the Commissioners Court on October 15, 2013, Lora Nussbaum, Treasurer's Office representative and the Sheriff / Hear recommendations and take action as appropriate***

***13. Personnel / County 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***

*At 10:57 a.m., Judge Beard announced that Commissioners Court was going into executive session, pursuant to Section §551.074 of the Government Code, to discuss personnel issues in the County Treasurer's Office. The courtroom was cleared of all but Commissioners Court and the County Treasurer.*



### ***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 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***

#### ***14. Pending vacancy in County Judge's Office / Pre Interview screening of applications for appointment to fill unexpired term of County Judge / Consideration of whether or not screening of applicants should be done / Discussion and appropriate action***

*Judge Beard said one application has been received so far. Two other packets were picked up, but no applications have been received from those people at this point. Judge Beard said that, unless we have an unusual onslaught, there will not be more than 3-5 interviews to conduct. Therefore, she does not think that any pre-screening will have to be done, so she thinks Commissioners can go ahead and conduct interviews. The 5 p.m. meeting to screen will then be unnecessary, as there should be time to interview all applicants.*

*Commissioners concurred.*

***Recess till 5:00 P.M., if pre-interview screening is to be done***

#### ***15. Reconvene at 5:00 P.M., if screening is to be done***

##### ***A. Establish screening criteria / Discussion and appropriate action***

##### ***B. 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 (pre interview screening of applications to evaluate applicants for interviews)***

##### ***C. Reconvene in Open Session to select applicants for interviews on November 15th / Discussion and appropriate action resulting from Executive Session***

### ***SUPPLEMENTAL AGENDA***

#### ***1. 2014 Budget, Contracting Agencies, Item 230, Library Services / Request to Allocate funding for Marathon Public Library by apportioning line item***

***between Marathon Public Library & Alpine Public Library / Discussion and appropriate action***

*Judge Beard said it is an unfortunate situation, but all involved were aware that the Marathon Public Library was forced to split from the Alpine Public Library. We have only one item in our budget for library services. The pie is not expanding; it will have to be cut further if MPL and APL are both to be funded. Judge Beard explained that this has been made clear to APL since the beginning of this issue; a file documents that this is the case.*

*Commissioner Ortega said Marathon doesn't have a whole lot of people to serve, but there are people using the library. He said Marathon needs to continue to hold onto the services it provides.*

*Commissioner Ortega made a motion that \$18,000 of the current line item, Contracting Agencies, be allocated to Marathon annually, beginning Dec. 1, which was seconded by Commissioner Stone, and passed unanimously.*

*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***