

**CALLED MEETING OF THE BREWSTER
COUNTY COMMISSIONERS COURT
TUESDAY, APRIL 19, 2016 AT 9:00 A.M.**

Judge Cano called the meeting to order and the following Elected Officials were present:

<i>Eleazar Cano</i>	<i>County Judge</i>
<i>Luc Novovitch</i>	<i>Commissioner Pct. 1</i>
<i>Hugh Garrett</i>	<i>Commissioner Pct. 2</i>
<i>Ruben Ortega</i>	<i>Commissioner Pct. 3</i>
<i>Mike "Coach" Pallanez</i>	<i>Commissioner Pct. 4</i>
<i>Babbet Mann</i>	<i>County Treasurer</i>
<i>Berta Rios-Martinez</i>	<i>County Clerk</i>
<i>Ronny Dodson</i>	<i>County Sheriff</i>
<i>Gilbert Valenzuela</i>	<i>JP, Pct. 1</i>
<i>Steve Houston</i>	<i>County Attorney</i>

1. Invocation, Pledge of Allegiance

Judge Cano led the Court in an Invocation and the Pledge of Allegiance.

2. Public Comment

Judge Cano informed the Court that each speaker could wait and speak at the agenda item or speak now.

Dodie Sweeney spoke on behalf of evacuation routes for Sunny Glenn and the concern for an additional road access where the pipeline is concerned. Ms. Sweeney provided a hand out to the Court and also informed the Court of a petition the home owners have signed for two roads to come out of Sunny Glenn Area.

Suzanne Bailey has lived in the Sunny Glenn for 4 ½ years and helped with the petition and made contact with 70% of the Sunny Glenn residents. Ms. Bailey agrees with the safety concerns if an emergency should occur.

Margie Brooks spoke on behalf of the agenda item #8 and wants to understand the intention of the Court where the insurance for retirees are concerned. Mrs. Brooks expressed that based on what is being considered regarding the insurance, it is as if her loyalty to Brewster County does not matter. Mrs. Brooks expressed that she did her best to serve the County, the Citizens and those of the Court to make things as simple and easy for all involved during her time as an employee of Brewster County. During her time at Brewster County Mrs. Brooks explained to the Court what she has experienced personally as a result of her job that questioned her integrity and her competence. Mrs. Brooks asked the Court to have the back of the retirees in considering the future of the insurance. As she had supported Brewster County for many years, Mrs. Brooks asked the Court to support the retirees.

Coyne Gibson of Big Bend Conservation Alliance is a resident of Jeff Davis County, he informed the Court. Mr. Gibson is one of 24 interveners of the Pipeline but is not here to speak on the

project, informed Mr. Gibson. Mr. Gibson offered assistance to volunteer for grants and or volunteer work that the Big Bend Conservation Alliance can offer.

Pilar Pedersen strongly expressed her concerns for the Pipeline project coming in which is causing concerns for evacuations for the Sunny Glenn area not only for the residents but the livestock. Ms. Pedersen reminded the Court of the Rock Fire in 2011 and the number of acres the fire destroyed. Ms. Pedersen recommended that Energy Transfer Partners (ETP) needs to be on board to plan for a disaster and should be meeting with all parties involved to protect the citizens of Brewster County.

Travis Lutz briefly discussed the safety of the evacuation route of Sunny Glenn and to review quick facts of Cuero, TX and correspondence with Matt Van Ostrand, Rosie Ybarra, and Billy Tolbert of Duit County. Mr. Lutz read correspondence of July 22, 2015 in summation. This letter contained information of the fire and the instructions that were given. Mr. Lutz compared the disaster of the Cuero location and the burial of that pipeline to what is being said of the Pipeline of Brewster County. Mr. Lutz voiced his concerned for safety due to one entrance into Sunny Glenn.

Judge Val Beard stated that she grew up in the oil patch and was the County Emergency Manager for many years. Judge Beard stated that what was spoken is very real and impacts Sunny Glenn and North Brewster County. Judge Beard asked that the Court lead the way and not wait on Pumpco and ETP, but to ask these companies for money. Ask for permanent access to this area, informed Judge Beard.

Susan Curry stated that what the Court is seeing is that the citizens are in agreement that support from the Court is needed. The pipeline workers have been banned from certain places for harassment of the wait staff and the wait staff has to be escorted to their cars at night, stated Mrs. Curry. She also stated that those who spoke are watching and asked that the Elected take care of the Community.

3. Minutes / additions / corrections / approval

No minutes to approve at this time.

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**

Superintendent Frenchie Causey reported that materials are being hauled to Wagon Road. Johnny and Mike added outlets to the jail, cut and hauled branches off as well as bladed roads in North County. Superintendent Causey had a crew at Post Park. The two pads were poured for the generators at the Community Centers, stated Superintendent Causey. Commissioner Novovitch asked Superintendent Causey if he could provide a report anticipating equipment that might go down in preparation for the next budget. Commissioner Pallanez asked Superintendent Causey what all was done at the Post Park. Superintendent Causey informed the Court they mowed, watered, cleaned bathrooms, and replaced boards on the picnic table and just minor maintenance.

B. 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

Emergency Management Coordinator Matt Van Ostrand reported that an email was received from Office of the Governor that funds have been released for \$25,800.36 and should be in the County account.

Van Ostrand also reported that the SHSC grant of \$80,326.00 was approved for radios and should be able to be used next Fiscal Year.

Firework sales for the Cinco de Mayo would require action to be taken and Van Ostrand recommended that no action be taken at this time due to the dryness of the area. Van Ostrand also recommended no fireworks this season.

Commissioner Novovitch asked about the \$500.00 donation made and the line item transfer to be made. Judge Cano stated that with the COG meeting it was left out of the agenda.

Commissioner Novovitch asked to make sure it makes on the next agenda.

B. Discussion and possible action for the sales & use of fireworks during Cinco de Mayo period

Discussed in item A.

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

Nothing further at this time.

6. Treasurer’s Office

A. General Bills / Discussion and appropriate action

Judge Cano reported that Treasurer Babett Mann was at a meeting in Austin and Assistant Auditor John Sudduth reported in her absence. Mr. Sudduth stated he provided a list of walk-ins and asked for approval for payments.

Judge Cano asked about the AT&T long distance and what office it comes from. Mr. Sudduth stated he could find out which office it is from.

Page 40 reflects the grant that was released and placed into the account, Mr. Sudduth reported. Commissioner Ortega brought up the reimbursement to Commissioner Pallanez for the Commissioner’s Court Called Meeting March 29th because mileage should not be reimbursed for Commissioner Court meetings. A lengthy discussion on called meetings and reimbursement was clarified.

Commissioner Garrett moved to approve general bills and walk-ins as presented with the exception of the reimbursement for Commissioner Pallanez. Motion seconded by Commissioner Novovitch and the motion passed unanimously.

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

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| Specified Activity Report | Payroll Reports |
| Cash Flow Predictions | Check Register |
| Budget Analysis Usage Report | Transfers |
| Receipt File Listings | Personnel/Overtime Reports |
| Cash Report | Other Financial Reports as Requested |
| Grants Reports | by Commissioners |

Nothing reported.

C. Approval for County Treasurer to open a new bank account for the 2015 Texas CDBG (TXCDBG) program contract 7215169 for audit compliance

Auditor Treva Watson explained that this was a requirement by the outside Auditors for the well grant.

Commissioner Ortega moved to open a bank account for CDBG (TXCDBG) program contract. Commissioner Garrett seconded the motion, and the motion 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

Commissioner Novovitch asked if Auditor Watson could provide a report so that the Court knows where all departments are. Judge Cano informed the Court that he has a Budget Analysis Report in his office for viewing.

Auditor Watson stated that she could provide a current report.

7. Officials' Monthly Reports

No Officials' Monthly Reports at this time

9:53 A.M. Court recessed.

10:03 A.M. Court reconvenes.

Commissioner Pallanez reported that some County Officials took a personal vehicle and reimbursement was requested since a personal vehicle was taken. Judge Cano explained that Commissioners have to watch traveling together since a quorum would be in place if three or more traveled together.

8. Commissioner Pct. 3 / Discussion and appropriate action on the existing Health Insurance for Retirees and Future Retirees

Judge Val Beard asked the Court to look at the people in the room and that more than half of them provided their years of service to the County. This shows the dedication to those who worked for the County, stated Judge Beard. She recommended to the Court to be careful for the retirees as well as those still employed in the County currently.

Mrs. Mathers spoke on Sam Mathers behalf. Mrs. Mathers stated that Mr. Mathers has had tremendous health issues that would be catastrophic to their family if the Court would make any changes.

Commissioner Ortega stated that he has taken the lead on this issue as he feels it is not right. It is not right for those who have retired from the County and to those who are close to retiring.

Longevity and loyalty needs to be rewarded at some point, informed Commissioner Ortega.

Commissioner Ortega stated that the Court has invested in the employees by providing training on all levels and an investment has been made and recommends that the County keeps what was in place for those who have retired and those who have are currently serving Brewster County.

Commissioner Ortega informed the Court that his motion will be to keep things as they are as far as the retirement goes and if any changes are to be made make that for any new hires.

Judge Cano informed the Court that it was his understanding to look into what the options are for the present and the future. Judge Cano explained that there may be a misconception that the Court is not going to take care of the past and current employees, but it is to look at what options for the future where insurance is concerned. Judge Cano also expressed his concern about the financial burden that the County will sustain in the future.

Commissioner Ortega recommended putting money in a pool of some sort. There are budget items for everything else, why not for this, asked Commissioner Ortega.

Judge Cano stated that present expense is \$150,000 per year for retirees. That amount would triple if all eligible employees to retire today, informed Judge Cano. Judge Cano suggested to have TAC come in for workshops for the different groups that this will effect.

Commissioner Pallanez clarified his role in this decision and predicts the cost will be substantial for the County. There are two (2) Counties that still have retirement for their employees Brewster County being one of them, informed Commissioner Pallanez.

Mrs. Margie Brooks spoke on behalf of those concerned and asked Commissioner Pallanez if he had seen the report and when he said "no" Mrs. Brooks handed him one.

Commissioner Garrett informed the Court that no changes have been made and only a gathering of facts and are looking wisely at the future.

Commissioner Novovitch suggested that all Commissioners be able to express where they stand on the issue. Commissioner Novovitch informed the Court that members of the Court have had meetings but he was not included in any of these. He then expressed a few concerns regarding dependents and does not think it would be fair to penalize those eligible for retirement.

Commissioner Novovitch informed the Court that this needs to be looked at very clearly and carefully by the Court.

Justice of the Peace Pct. 1, Gilbert Valenzuela suggested that investing in the solar power companies to create the pool recommended by Commissioner Ortega. Mr. Valenzuela further explained and recommended that the Court look into it.

Sheriff Ronny Dodson suggested to look into the policy in detail and read the fine print.

Commissioner Ortega explained his concerns with the health care in place and should not be cutting back but looking to help those who served the County.

County Attorney Steve Houston commented on behalf of his family and how this will affect him as having dependents and many others who still have children. The salaries for Brewster County are low and was compensated, to some degree, by the retirement plan, informed County Attorney Houston. He continued by stating that the Court will have to look deep into this and ask lots of questions and informed the Court that not all those receiving retirement will be around forever and will not be covered, this needs to be assessed also.

Judge Beard urged the Court to set up a special fund right now; this can be done by looking at what is being done in the County that will affect the tax base

Commissioner Novovitch agrees to look at what can be done.

Judge Cano states that the Court needs to look at if the County can afford it and be creative in order to fund it.

Commissioner Ortega moved to keep the current Health Insurance for Retirees and for future retirees and any changes will be from this day forward for any new hire. Commissioner Novovitch seconded the motion. Commissioner Garrett, Commissioner Pallanez and Judge Cano opposed them motion. Motion not passed by a 2 to 3 vote.

9. Update on 2014 Audit Compliance requirement regarding frozen funds for the Homeland Security Grant Program and Operation Stonegarden Grant Program

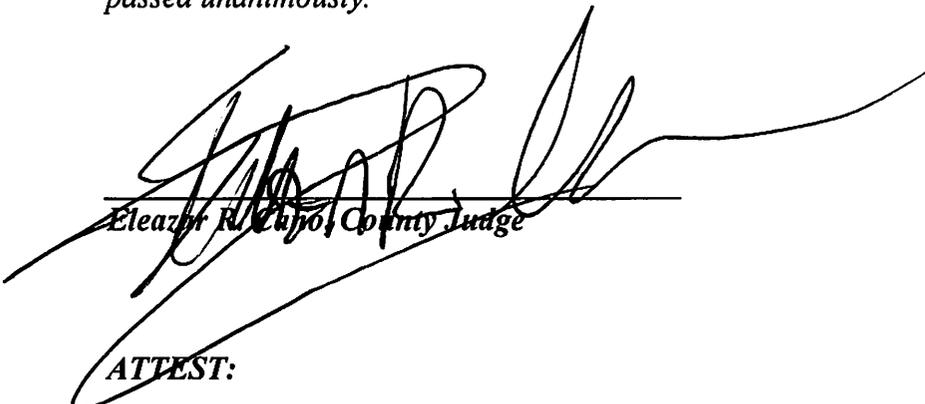
Judge Cano explained that there is a letter from DPS in the packet provided to the Court and all funds have been released and the County will be watched where the grant is concerned.

10. Schedule next Regular Commissioners Court Meeting (Tuesday, May 10, 2016)

May 10, 2016 at 9:00 A.M. in the Commissioner Courtroom. Judge Cano informed that the April 26, 2016 meeting has been cancelled for lack of a quorum. There will be Commissioner's attending a Conference, informed the Court.

11. Adjourn

Commissioner Ortega moved to adjourn. Seconded by Commissioner Garrett and the motion passed unanimously.



Eleazar R. Cujó, County Judge

ATTEST:



Berta Rios-Martinez, County Clerk