

**REGULAR MEETING OF THE BREWSTER COUNTY
COMMISSIONERS COURT
MONDAY, DECEMBER 8, 2014, AT 9:00 A.M.**

Judge Killingsworth called the meeting to order and the following were present:

KATHY KILLINGSWORTH	COUNTY JUDGE
GEORGE JOHNSON	COMMISSIONER PCT. 1
RUBEN ORTEGA	COMMISSIONER PCT. 3
MIKE PALLANEZ	COMMISSIONER PCT. 4
BERTA RIOS-MARTINEZ	COUNTY CLERK
DELLA SHACKELFORD	COUNTY TREASURER
BETTY JO ROONEY	COUNTY TAX COLLECTOR

To discuss and take action as appropriate on the following:

1. Invocation, Pledge of Allegiance

Judge Killingsworth opened the court with Prayer and the Pledge of Allegiance

2. Minutes / additions / corrections / approval

Commissioner Ortega motioned to approve the minutes of August 26, 2014, September 8, 2014, September 23, 2014, October 14, 2014, October 28, 2014, November 3, 2014, November 10, 2014, November 14, 2014, November 17, 2014, and November 24, 2014 with corrections to be made to the September 23, 2014 brought up by Commissioner Pallanez regarding the Perdue Law Firm. Johnson seconded the motion, and passed unanimously.

3. Treasurer

A. General Bills / Discussion and appropriate action

Treasurer Shackelford reported the general bills were \$85,340.02 with \$55.98 being for Tri County Probation. Ron Sanders called the Courts attention to the payment of \$12,000.00 on the redesign of the website for tourism.

Commissioner Ortega moved to approve the bills as presented. Commissioner Pallanez seconded the motion, and 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 Commissioner**

Treasurer Shackelford presented the Check Register, File Listing for October and November, Grant Reports, Specified Activity Report, and the Investment Report.

C. Line-Item Transfers

No line item transfers were submitted but asked Department Heads to submit transfers by Friday to be considered at the next meeting.

D. Contracts to Provide Retail Electrical Power / Consider whether to seek proposals or renewal with current provider and related matters / Discussion and appropriate action

Judge Killingsworth explained the current proposal will end on December 31 and suggested that proposals, for electrical power for the County to be issued in January 2015.

E. Review & consider Texas County & District Retirement System (TCDRS) Plan Assessment for Plan Year 2015

Judge Killingsworth reviewed the current Retirement Plan and that the County matches \$1.85 per every \$1.00 paid by the employees. She also explained why the plan should not be altered at this time.

Commissioner Ortega moved to keep the current Retirement Plan in place for year 2015. Commissioner Johnson seconded the motion, and passed unanimously.

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

Nothing to report at this time.

4. Officials' Monthly Reports / Discussion and appropriate action

Commissioner Pallanez read the Officials Monthly Reports for September and October with a corrected report to the District Clerk in September.

Commissioner Ortega moved to approve the Official Monthly Reports for September and October 2014 as read. Commissioner Johnson seconded the motion, and passed unanimously.

5. Child Welfare Board

Commissioner Ortega motioned to table Child Welfare update and appointment of Board Members until the December 16, 2014 meeting. Commissioner Pallanez seconded the motion, and passed unanimously.

A. Update

B. Appointment of Board Members

6. Far West Texas Water / Approve the FY2015 Administrative Cost Share for the Far West Texas Planning Group

Judge Killingsworth explained that the fee for Brewster County would be \$951.00.

Commissioner Ortega moved to approve to share the cost for the Far West Texas Planning Group. Commissioner Johnson seconded the motion, and passed unanimously.

7. Tax Assessor-Collector/ Acknowledgement of completion of required continuing education hours

Judge Killingsworth stated that this is recognized before the Court according to Senate Bill 546, Section 6.231. She then stated that Tax Collector Betty Jo Rooney has completed 26.25 hours for 2014 and has met the requirements.

Commissioner Ortega moved to acknowledge the completion of continuing education hours for Tax Collector Betty Jo Rooney. Commissioner Johnson seconded the motion, and passed unanimously.

8. Reaffirm 2015 Brewster County Resolution for the Indigent Defense Grant Program/Discussion and appropriate action

Judge Killingsworth reviewed the Resolution for the Defense Grant Program and asked the Treasurer to explain the process. She stated that the grant goes into the General Fund and that it is the same as previous years.

Commissioner Ortega moved to reaffirm 2015 Brewster County Resolution for the Indigent Defense Grant Program. Commissioner Johnson seconded the motion, and passed unanimously.

9. 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 informed the Court that his crew hauled 800 tons of base for McElroy Ranch and Mile High Roads, bladed North County Road and Bengue Road and spent time in the shop repairing machinery, hung Christmas lights at Courthouse and currently the crew is looking for propane leaks at the Marathon Community Center. Also, he explained that Pecos County has purchased the base to pave Hovey Road from the Brewster County line to IH-10.

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

Nothing to discuss at this time.

10. Contracts for Services with local Non-Profit entities for FY 2015 (Alpine Public Library, Marathon Public Library, Big Bend Library, The Sunshine House, Family Crisis Center, Frontier CASA, Inc., and The Children's Advocacy Center of the Big Bend) / Discussion and appropriate action concerning contracts for services in 2015

Judge Killingsworth reviewed each contract, for all the Non-Profit entities for FY 2015. She also stated that the cemeteries are not under contract but receive funds.

Commissioner Ortega moved to approve the Contracts for Services with local Non-Profit entities for FY 2015. Commissioner Johnson seconded the motion, and passed unanimously.

Moved to Item 18 for executive session.

At 9:45 A.M. the Judge cleared the courtroom of all patrons.

Court Reconvened at 11:45 A.M.

Please see item 18 for action taken.

11. Consider and Discuss Restricting Certain Fireworks in Unincorporated Areas of Brewster County pursuant to Section § 352.051, Local Government Code, VTCA/Discussion and appropriate action

Judge Killingsworth presented an order for restricting certain fireworks.

Commissioner Ortega motioned to restrict firework in unincorporated areas of the County. Commissioner Johnson seconded the motion, and passed unanimously. The restricted fireworks are shy rockets with sticks and missiles with fins.

12. Texas Community Development Block Grant Program (TX CDBG) grant / Update on Marathon Well Grant, TX CDBG 71304

Judge Killingsworth stated that there is approval from TECQ to proceed for construction purposes and notices for bids have been posted. Bids are due in the Judges office by 10:00 a.m. on the 15th at which point will be reviewed by Travis Roberts, engineer, and presented to the Court on December 16, 2014.

13. Study Butte Water Corporation/ Discussion and appropriate action to identify and earmark upcoming grants through the Texas Community Development Block Grant Program (TXCDBG) to assist with infrastructure

Virgil Clark provided an update on the project. He stated it would be mainly used for infrastructure. And renovation of the Bee Mountain tank with updates to the valves and the SCADA System. Judge Killingsworth asked the Court if they were in agreement for the Study Butte Water Corporation to be the recipients of the Grant. Commissioner Ortega explained to new member of the Court the process of the how the Grants have altered between Marathon and Study Butte in the past.

Commissioner Ortega moved to select Study Butte Water Corporation to move forward with the grant process. Commissioner Johnson seconded the motion, and passed unanimously.

14. Proposals to provide communication services for Brewster County Facilities

A. Review of competitive process used to solicit proposals and recommendations which proposals are best

Judge Killingsworth stated that there was only one communication proposal received. Beste Esparza presented the proposal for Big Bend Telephone. She explained what the plan was to provide better services for Brewster County Facilities and what improvements it would provide for offices. This included voice over internet protocol (VOIP) and would prevent several problems that the County is having with the phone system. This would stream-line phone calls that are prerecorded, stated Beste. She also explained the fax process if the County decided to go with the fax option along with the options for the Sheriff's office and the Tax office. Big Bend Telephone would provide phones and training for the system should the County decided to go with the proposal, explained Beste. She also, stated that the juvenile probation office does not want to be included in the package offered. Beste stated that the County is currently paying about \$7,000 a month. Big Bend Telephone would be \$6,972.00 per month with a 5 year contract. This will include all long distance charges and 100 MBPS. The difference between the

50Mbps and the 100 Mbps was discussed as far as growth and 100Mbps was recommended by Betse.

B. Discussion and appropriate action concerning proposals and entering into new agreement for communication services for Brewster County Facilities

Commissioner Ortega moved to approve the proposal from Big Bend Telephone to provide communication services for Brewster County Facilities at 100MB at the rate of \$6,972.00 per month for a contract period of 5 years. Commissioner Johnson seconded the motion, and passed unanimously.

15. County Jail / Report on Jail Inspection on November 19, 2014 / Report from Sheriff

Sheriff Ronny Dodson reviewed the inspection that was completed at the jail. The jail passed the inspection but the plumbing is a current concern in the jail. It is being repaired as the problems occur, explained Ronny Dodson.

16. Review and Reaffirm the Duties and Responsibilities of Brewster County Commissioners Court

A. County Facilities/ Section § 291.001, Local Government Code, VTCA, “Providing and Maintaining County Buildings”/ Discussion and appropriate action

Judge Killingsworth reviewed the duties and responsibilities for the County buildings by Commissioners Court. This included the Court house and the County offices and other public buildings; Marathon Community Center Precinct 3, J.W. “Red” Pattillo Community Center in Precinct 2, Emergency Response Centers Precinct 2 and 3, Marathon Fire Department, Post Park in Marathon, Marathon Justice Center. The Judge offered to help Commissioner Ruben Ortega of Precinct 3 so that he is not overloaded since the majority of the facilities are in Precinct 3. Commissioner Johnson offered to help oversee the Emergency Response Center in Precinct 3, which is located in Alpine. Judge Killingsworth suggested to contact those who oversee the Center so they can familiarize themselves with the new Commissioners who will be checking on the facility.

B. County Facilities/ Section § 292.001, Local Government Code, VTCA, “Authority of Buildings Other Than Courthouse”/ Discussion and appropriate action

Judge Killingsworth reviewed the occupant of the Judge Val Clark Beard Office Complex. These include the Juvenile Probation Office, the Agri-Life Extension Office, Brewster County Water Conservation District and Brewster County Tourism Council. She stated that there is a six (6)

year Memorandum of understanding with the Brewster County Tourism Council for two offices and shared conference room. She also stated there is an agreement with Brewster County and Texas A&M University to provide support and office space for Texas Agri-Life Extension.

C. Disbursement of Money/ Section § 113.041, Local Government Code, VTCA/ Discussion and appropriate action

Judge Killingsworth explained that the County Treasurer is in charge of dispersing funds after it has been approved by the Commissioners Court.

17. Brewster County Groundwater Conservation District /Appointments and Re-Appointments of Board Members / Personnel

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

The Judge asked the courtroom be cleared.

*The Court went in to executive session at 1:13 P.M.
Reconvened in Open Session at 1:22 P.M.*

B. Discussion and appropriate action resulting from Executive Session Regarding appointments and re-appointments to Board

Commissioner Ortega moved to appoint Joan Johnson for Rural at Large of Precinct 2, reappoint Ike Roberts of Precinct 3, Homer Mills of Precinct 4, for the Brewster County Groundwater Conservation District for 3 years. Commissioner Pallanez seconded the motion, and passed unanimously. Commissioner Johnson abstained as Joan Johnson of Precinct 2 is his sister.

18. Personnel / County Clerk/ Elections

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

*Court went into executive session at 9:45 A.M.
Reconvene in Open Session at 11:45 A.M*

B. Discussion and appropriate action resulting from Executive Session

No action was taken.

19. Public Comment

No public comments at this time.

20. Adjourn

Commissioner Ortega moved to adjourn at 1:24 P.M, Commissioner Johnson seconded the motion, and passed unanimously.

NOTE: Due to length of this agenda, Commissioners may take recesses during the course of this meeting.

Kathy Killingsworth, County Judge

ATTEST:

Berta Rios-Martinez, County Clerk