

**REGULAR MEETING OF THE
BREWSTER COUNTY COMMISSIONERS COURT
MONDAY, DECEMBER 9, 2013, AT 9:00 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

1. Invocation, Pledge of Allegiance

Judge Beard lead the invocation and the Pledge of Allegiance.

2. Minutes / additions / corrections / approval

The minutes from the Nov. 15, 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. Recognitions

A. Recognize Hipolito "Polo" Hernandez upon his Retirement from Brewster County Road & Bridge Department / Discussion and appropriate action

Judge Beard read from a plaque, which states that Brewster County appreciates his faithful service. She said we will miss his capable work and always smiling face.

Commissioner Ortega made a motion to approve the recognition , which was seconded by Commissioner Stone, and passed unanimously, to applause by the audience.

B. Recognize Deputy District Clerk Jose Morales upon his graduation

from Sul Ross State University with a Bachelor's Degree in Criminal Justice /Discussion and appropriate action

Judge Beard said Mr. Morales is a hard worker who has put himself through school. She congratulated him and told him that Brewster County is proud of him.

4. Treasurer

A. General Bills / Discussion and appropriate action

Linda Arndt presented the general bills, as well as three walk-in bills. Commissioner Williams made a motion to approve the bills, which was seconded by Commissioner Ortega, and passed unanimously.

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

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

Commissioners were still reviewing the reports, and would ask the Treasurer's Office if they had any questions.

C. Dental/Vision Insurance

1. Update on possible alternative plans/carriers

Judge Beard said Commissioners had been provided with four proposals. They are all very similar.

2. Discussion and appropriate action concerning changing plans or remaining with current plan (Ameritas)

Commissioner Ortega made a motion to remain with the current Ameritas plan, which was seconded by Commissioner Williams, and passed unanimously.

D. Request Authorization to maintain Texas County & District Retirement System Plan Provisions, Plan Year 2014 / Discussion and appropriate action

Commissioner Stone made a motion to maintain the plan, which was seconded by Commissioner Ortega, and passed unanimously.

E. Request to authorize debt payment for caterpillar Sheep's Foot Roller / Discussion and appropriate action

Judge Beard said the payment is made directly to Caterpillar.

Ms. Arndt said that it is the last payment, and was actually already made in November. The amount was \$28,000.

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

Judge Beard asked Ms. Arndt to make sure that the payment was made from the I&S account.

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

5. 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.

6. 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

B. Report on recent winter storm events / Discussion and appropriate

Action

EMC Betse Esparza said that the response was pretty good considering the magnitude of the storm and related power outages. She said her biggest issue was that the APD repeater lost power, and communication concerning the repair was unclear. APD moved their generator to the site until power was restored. During the After Action Review meeting held last Friday, it was noted that back-up power from generators is an issue locally and state-wide.

C. Request to recognize utility workers and emergency responders for efforts during recent winter storms / Discussion and appropriate action

Commissioner Ortega made a motion to recognize the utility workers and emergency responders for their efforts, which was seconded by Commissioner Stone, and passed unanimously.

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

7. 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 checked all the generators before the first ice storm, which was just in the nick of time. He said everything ran smoothly. Crews have been mowing right-of-ways. They are going to help move some boulders for the Conservation District today. They strung new LED lights on the big tree outside, and the lights for the Courthouse. Crews patched and bladed on several South County roads. They helped clear some roads in Sunny Glen during

the ice storm. As of now, there still isn't any electricity at Pena Park in Marathon, due to the ice storm.

Mr. Causey said Aldo Valenzuela is still waiting on a permit to trench off Mountain View in the Mosley Loop area. It is going to be difficult, and the County would prefer that they prepare for future taps, rather than trenching several more times. It's possible that the City could run a small line down the road so that more taps could be made in the future. Mr. Causey and Commissioner Pallanez will meet with the City Manager next week.

B. Terlingua CSD Track Construction Cooperative Project

1. Update

Mr. Causey said the long-jump still needs a little bit of work. The curbing hasn't started yet. The County's part of the project is done.

2. Discussion and appropriate action to conclude project

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

8. County Holiday Schedule for 2014

A. Proposal to keep number of holidays the same as in 2013

*The number of holidays remains the same.
Judge Beard said that as Texas Independence Day is on a Sunday next year, we have picked up Columbus Day instead.*

B. Discussion and appropriate action to adopt holiday schedule for 2014

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

9. 2014 Commissioners Court Regular Meeting Schedule

A. Review current 2013 schedule / Discussion

Judge Beard said that for 2013, we meet the second Monday and fourth Tuesday, and include all Fridays in September to prepare for budget and tax hearings and adoption. Meetings are normally held at 10

a.m., although many have been started at 9 a.m. this year due to the workload.

B. Propose and adopt schedule for 2014

Judge Beard proposed adding all Fridays in August to the schedule as well, and to make the starting time of all regular meetings at 9 a.m. The schedule of the regular meetings (terms) of Commissioners Court is: During all months, second Mondays and fourth Tuesday, and in addition, during the months of August and September, all Fridays. All regular meetings will begin at 9 a.m. and be held in the Commissioners Courtroom, Brewster County Courthouse.

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

10. 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

Commissioner Ortega said he had nothing new to report.

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

1. Update

Commissioner Ortega said they are waiting on the engineering report.

2. Discussion and appropriate action to go forward with grant project

11. 2013 Audit / Consider retaining Skinner & Lara to conduct that Audit or soliciting proposals for Audit / Discussion and appropriate action

Commissioner Stone made a motion to retain Skinner & Lara, which was seconded by Commissioner Ortega, and passed unanimously.

12. County Clerk / Elections / Request to approve Joint Primary Resolution / Discussion and appropriate action

Commissioner Stone made a motion to approve the resolution for a Joint Primary to be held in March, which was seconded by Commissioner Ortega, and passed unanimously.

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

A. Update

- 1. Discussion and appropriate action to complete main building renovations**
- 2. Other renovations pending on Old Library Site / Review**
Judge Beard said they have been making repairs to the plaster on the back of the Old Library Building.

14. 2014 Indigent Defense Grant Program Resolution / Discussion and appropriate action

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

15. Rio Grande Council of Governments

A. Update on activities of COG

Executive Director Annette Gutierrez reviewed some of the programs which the COG administers. She discussed the Solid Waste Management grant, and the Homeland Security grant.

B. Recognition of County's Retiring COG Board Member

Director Gutierrez said that many times, people have looked to Judge Beard to be the voice of the Rio Grande COG. Her advice and opinions are valued, and the COG staff has asked her to express her gratitude. When others were maybe afraid to say what needed to be said, Judge Beard was always willing.

16. IT Department

A. General update

Judge Beard said this item will be taken up at the next meeting.

B. County Hill Country Software Matters / Consideration of need for “view only” access for financial records and reports by Commissioners Court to Members, and “view only” access for County Judge to County Clerk’s Court records / Discussion and appropriate action

Judge Beard said that she believes Commissioners Court needs to speak with one voice on this issue. During the budget process, Commissioners Court does not have access to the Treasurer’s Office records, which prolongs the budget process. Commissioners ought to be able to look at those records on a “view only” basis. She also thinks it would be better if those reports which are generated by the Treasurer’s Office could be viewed by Commissioners Court, along with the County Court dockets.

Commissioner Pallanez made a motion to direct HCSS to prepare for that access. Commissioner Stone seconded the motion, which passed unanimously.

17. Veterans Service Officer / Workshop Session

A. Update on activities and workshop session for general discussions concerning office

VSO Jerry Gonzales said he is having to educate many Veterans on the benefits which are available to them. He is assisting them with their paperwork. He has also visited two Veterans in their homes as they were physically unable to come to the offices themselves. Those who need the most assistance are those most advanced in age, many of whom live in Marathon and Terlingua.

Mr. Gonzales would like to divide his time by going to those towns to provide assistance. He will keep track of his mileage, and hopefully be reimbursed.

Mr. Gonzales is going to try to find a PTSD counselor who can work with our local Veterans. He would like to for them to meet together occasionally as he believes that the younger Veterans can learn from the older generation.

B. Judge’s request to amend VSO’s budget to provide for “in County” travel expenses and other expenses related to outreach for Veterans’ Service

Judge Beard said we need to approve today the reimbursement for the VSO of mileage at the IRS rate. Later, we can amend the budget and calculate for the travel.

Commissioner Ortega made a motion to reimburse the mileage at the IRS rate, which was seconded by Commissioner Williams, and passed unanimously.

C. Discussion and appropriate action for work of Vet's Service Officer to go forward

18. Treasurer's Office and New Administrative Services Department / Personnel Issues / Matters related to Treasurer's staff, support for staff and setting of salaries/wages for positions and new staff; matters related to pending vacancy in Treasurer's Office, filling that vacancy and related matters / Matters related to filling new administrative services position

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 10:20 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 Treasurer's Office. The courtroom was cleared of all but Commissioners Court. Attorney Greg Hudson participated telephonically.

Reconvene in Open Session

At 10:50 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.

B. Discussion and appropriate action resulting from Executive Session

Judge Beard said Commissioners need to accept the current Treasurer's resignation, and set salaries for those already employed in the Treasurer's Office. They also will interview in executive session those who have filed or intend to file for that office today, and a called meeting will be held Dec. 13 at 4 p.m. to interview anyone else who has filed.

Mr. Hudson said Carol Ofenstein has resigned her position as Treasurer, which will need to be filled, on an interim basis, until the next election.

According to the Government Code, the position is to be filled by the Commissioners Court.

Mr. Hudson said Commissioners Court needs to move quickly. He thinks the public understands, just by the title of Treasurer, how important it is that the position be filled. The Treasurer must account

for the receipt and expenditure of public funds, so the Treasurer plays a very central role of trust to County officials and to the public.

Mr. Hudson said he doesn't believe that he would ever recommend that a County not act on the appointment of a Treasurer. It is one of the most important positions in County government, and there should always be a qualified person at the helm of that office.

Commissioner Stone made a motion to accept the resignation of Carol Ofenstein, which was seconded by Commissioner Ortega, and passed unanimously.

Judge Beard said that Treasurer Ofenstein has asked in writing that Linda Arndt be compensated at a rate of \$16/hour, and that Diette Berry be compensated at a rate of \$36,000/year. These are current employees.

Commissioner Stone made a motion to approve those salaries as proposed, which was seconded by Commissioner Williams, and passed unanimously.

Commissioner Stone made a motion to move forward with interviews for those interested candidates who are present, which was seconded by Commissioner Ortega, which passed unanimously.

Commissioner Williams made a motion to move forward with interviews with other candidates who are seeking the position at a called meeting on Friday, Dec. 13, at 4 p.m. Commissioner Ortega seconded the motion, which passed unanimously.

At 11:00 a.m., Judge Beard announced that Commissioners Court was going into executive session, pursuant to Section §551.074 of the Government Code, to conduct an interview with a person who has filed for the office of County Treasurer. The courtroom was cleared of all but Commissioners Court and Della Shackelford, who has applied for the appointment to fill the Treasurer's unexpired term.

At 11:35, Commissioners reconvened in open session. Judge Beard announced that Commissioners had conducted one interview for the office of the Treasurer. They will reconvene at 4 p.m. Friday to interview anyone else who is interested. To reiterate what Mr. Hudson said, this is not something that can be put off. It was noted that all candidates will be asked the same questions during interviews.

19. Public Comment

No public comment was made.

20. Criminal Justice Information System (CJIS) Reporting

A. Update

Judge Beard said we are heading into a new reporting period. As that rolls forward, we are going to see what we hope is a temporary downward trend in the percentage. We will need to work hard to make a big push in the beginning of the year to make sure we stay above 90 percent.

B. Discussion and appropriate action

21 Public Information / Recent changes / Updates to Website / Discussion

Betse Esparza said the new website is up and new posts can be made. Archived information hasn't posted yet, but should be finished this week.

22. Voter Registrar (Tax Assessor Collector)

A. Update on status of voter rolls

Betty Jo Rooney said the new Voter Registration cards were mailed out early last week. They are bright orange. Several people have acknowledged that they've received them; only a few voters have come in to correct errors.

The last day to register to vote in the Primary Election is Feb. 4, so they expect lots of activity in the office soon. Early voting starts Feb. 18.

B. Discussion and appropriate action concerning maintaining accuracy of rolls

Conrad Arriola said he is working with Greg Hudson on a precinct map which can be loaded onto the website.

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***