

**REGULAR MEETING OF THE
BREWSTER COUNTY COMMISSIONERS COURT
TUESDAY, MARCH 25, 2014, AT 9:00 A.M.**

Judge Killingsworth called this meeting to order. Officers present are listed as follows:

**KATHY KILLINGSWORTH
TOM WILLIAMS
RUBEN ORTEGA
MIKE PALLANEZ
DELLA SHACKELFORD
JERRY SOTELLO
RONNY DODSON**

**COUNTY JUDGE
COMMISSIONER PCT. 2
COMMISSIONER PCT. 3
COMMISSIONER PCT. 4
COUNTY TREASURER
J.P., PRECINCT 1
SHERIFF**

1. Minutes / additions / corrections / approval

The minutes from the March 10, 2014, meeting were presented for approval.

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

2. Treasurer

A. General Bills / Discussion and appropriate action

Treasurer Shackelford presented the general bills to Commissioners. Commissioner Ortega asked about the charge for the dumpsters at the Post Park. He believes it is high, and will talk with the disposal company.

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

Treasurer Shackelford presented bills from the Big Bend Tourism Council totaling \$9,154.

Commissioner Ortega made a motion to approve the bills, which was seconded by Commissioner Williams, 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 Shackelford reviewed current HIDTA and Stonegarden grant expenditures with Commissioners. She is expecting large reimbursements in the next couple of weeks.

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

3. Officials' Monthly Reports / Discussion and appropriate action

There were no reports presented for approval.

4. Sheriff's Office

A. 2013 Racial Profile/Citation Data from Sheriff's Office / Discussion and appropriate action

*Sheriff Dodson reviewed the data with Commissioners.
No action is necessary.*

B. Software Contract / Contract for Records Management System (RMS) & Jail Management System (JMS)

Chief Deputy Ryan Skelton said the purchase has already been approved by Commissioners for dispatch, records management and jail management.

The contract covers both the Sheriff's Office and Alpine Police Department, and both agencies will be responsible for their own payments after the first year, according to the contract. However, Chief Skelton said he hopes to use Stonegarden grant funding to cover further contract payment periods.

Southern Software representatives gave a brief review of the software applications.

Commissioner Ortega made a motion to authorize the Judge's signature on the contract, which was seconded by Commissioner Williams, and passed unanimously.

C. Consideration of granting approval of forensic analysis expenditures

directly related to the recent murder investigation by the Brewster County Sheriff's Office

Sheriff Dodson said the recent homicide investigation in South Brewster County has cause several laboratory type expenditures for evidence. The Sheriff's budget does not include these kinds of costs. Several more expenditures will likely be necessary. Right now, the costs are relatively low, but the need for a private lab could incur larger costs.

Commissioner Ortega made a motion to approve the creation of an account in the Sheriff's budget for costs related specifically to the homicide investigation, and to pay any costs already incurred. Commissioner Williams seconded the motion, which 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 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 that the Red Cross has contacted her about receiving some blankets. They can give the County a pallet, although it would have to be stored. We don't have to take an entire pallet, and what we do take, if anything will be boxed. Commissioners concurred that taking all we can get is best, and

Mrs. Esparza said the burn ban expires April 13.

Commissioner Ortega made a motion to extend the burn ban for 90 days, effective immediately. Commissioner Williams seconded the motion, which passed unanimously.

B. Update / Rio Grande Council of Governments / First Responders Preparedness Planning Group Meeting held in El Paso March 13,

2014

Mrs. Esparza said planning is continuing amongst the EMCs in the region about how to appropriate 2014 SHSP funding. Meetings have been cordial.

She said we received \$35,000 in leftover funding from the 2012 grant period, which will be used for radios for APD and SRSU DPS. She said she plans to ask for approximately \$75,000 from this year's funding for use on additional radios for APD, and possibly a base unit if the City of Alpine can share some of the cost.

Commissioner Ortega suggested that one dispatch for the City and County would save a lot of money.

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

6. Support for the Texas Department of Transportation TIGER VI Discretionary Grants Application / South Orient Railroad Rehabilitation Project / Discussion and appropriate action

Judge Killingsworth said this would provide federal funding to rehab another section of the old South Orient Railroad near San Angelo. She said upgrading the rail help to take truck traffic off the highways.

Commissioner Williams made a motion to authorize the County's support with a letter, which was seconded by Commissioner Ortega, which passed unanimously.

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 he and the crew helped to direct traffic during an RV rollover on Hwy. 118 last week. They have been working on maintenance at all the ERCs, and at other County facilities. They still have some mechanical problems with their trucks, and they are working on those. They are waiting on warm weather to begin working on roads.

C. Terlingua CSD Track Construction Cooperative Project

1. Update

Engineer Travis Roberts said they are just about ready to start a seal coat. They are waiting for warm weather. Hot mix for the top coat probably won't be ready until about May.

Judge Killingsworth said the school is going to reimburse the County for fuel used during work on the track. The total is more than \$10,000.

2. Discussion and appropriate action to conclude project

D. Community Facilities/ Commissioner Pct. #3 Update

1. Friends of the Marathon Community Center Fish Fry Fundraiser/ Completed Installation of the AC/Heating System in the Marathon Community Center

Commissioner Ortega said four units were installed last week, using the money raised from the fish fry in February.

Commissioner Ortega made a motion to send a letter of thanks to TW Air, who donated installation and labor, in the amount of about \$8,500. Commissioner Williams seconded the motion, which passed unanimously.

Commissioner Ortega said there is still a lot of work to be done. He said he would like to purchase a generator.

2. Recognize the Marathon Foundation for its generous contribution of funds for the purpose of installing an aerator system in Post Park as well as other contributions to the Marathon Community

Commissioner Ortega said the aerator will be used to keep the water circulating in the pond in order to help keep the fish alive. He said the pond needs to be cleaned before installation.

Commissioner Ortega made a motion to authorize a letter of thanks to the Marathon Foundation for the \$2,724.42 donation, and well as other generous donations. Commissioner Williams seconded the motion, which passed unanimously.

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

8. 2013 Audit / Letter of Engagement from Gibson Ruddock Patterson, LLC (GRP)

Treasurer Shackelford said CPA Shaw Skinner has sold his auditing practice, and he recommended Gibson Ruddock Patterson for the County's auditing firm. She said they would start in April, and should be finished in August.

Commissioner Ortega made a motion to engage Gibson Ruddock Patterson to conduct the County's audit, which was seconded by Commissioner Pallanez, and passed unanimously.

9. Set date for 2nd Regular Meeting in April, regular scheduled meeting conflicts with West Texas County Judges & Commissioners Conference in San Angelo

Commissioner Ortega made a motion to change the date of the last regular meeting to April 29, which was seconded by Commissioner Williams, and passed unanimously.

10. Confer with Legal counsel concerning Pending Litigation Issues:

A. Civil Action No. 4:11-cv-00094-RAJ, Pascual Q. Olibas and Cheryl Olibas, Individually and D/B/A Freedom Bail Bonds, Plaintiff V. Ronny Dodson, Individually and in his Official Capacity as Sheriff of Brewster County, Texas and Brewster County, Texas Defendant, In the United States District Court for the Western District of Texas Pecos Division

1. Executive Session Pursuant to Section § 551.071, to confer with legal Counsel about:

(1) pending or contemplated litigation; or (B) a settlement offer; or

(2) on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter. (Privileged Matters)

At 9:27 a.m., Judge Killingsworth announced that Commissioners Court was going into executive session, pursuant to Section §551.071 to confer with legal counsel about the Pascual Olibas case. The courtroom was cleared of all but Commissioners Court and the County Attorney.

Reconvene in Open Session

At 9:46 a.m., Commissioners reconvened in open session. Judge Killingsworth announced that they had been in executive session confer with legal counsel concerning the Olibas case. Judge Killingsworth asked if there was any action as a result of the executive session.

No action was taken.

2. Discussion and appropriate action resulting from Executive Session

Commissioner Ortega made a motion adjourn, which was seconded by Commissioner Williams, and passed unanimously.

KATHY KILLINGSWORTH, COUNTY JUDGE

ATTEST:

BERTA RIOS- MARTINEZ, COUNTY CLERK