

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

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

<b>KATHY KILLINGSWORTH</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>JERRY SOTELLO</b>	<b>J.P., PRECINCT 1</b>
<b>DELLA SHACKELFORD</b>	<b>COUNTY TREASURER</b>

**1. Invocation and Pledge of Allegiance**

*Judge Killingsworth led the invocation and the Pledge of Allegiance.*

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

*The minutes from the May 29, 2014, meeting were presented for approval.*

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

**3. Treasurer**

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

*Treasurer Shackelford said the general bills include Tri-County juvenile probation payments.*

*The Treasurer's Office explained that they incorrectly input a credit card bill, and waiting to pay it would cause the bill to be paid late; thus, the office corrected the issue to pay the bill on time.*

*Commissioner Ortega made a motion to approve the general bills, including the walk-in bills, with the exception of a credit card bill as the Treasurer's Office is still awaiting a few receipts. Commissioner Stone seconded the motion.*

*Commissioner Pallanez noted that we need to emphasize with department heads that they should turn in their receipts as soon as possible.*

*The motion passed unanimously.*

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

*Treasurer Shackelford reviewed the reports with Commissioners. She said reimbursements from some of the larger grants are starting to come in more quickly.*

***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***

*Treasurer Shackelford said she would like permission to pay the EMC's AT&T bill directly, rather than reimbursing the employee. The amount of the current bill is \$59.46.*

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

***4. Officials' Monthly Reports / Discussion and appropriate action***

*There were no reports given.*

***5. Presentation by Randy Sowell of Solaire Direct – Solar Energy Project***

*Mr. Sowell said Solaire Direct is a French company. He said the company executives visited last month. He said they were intelligent, friendly, and had a genuine interest in understanding and fitting into the community.*

*Solaire Direct has committed to starting on Phase 1 of 50 megawatts next year, depending on financing, near the Schoenfeldt ranch east of Alpine. Power produced in Brewster County can be purchased anywhere in the state. Interconnection takes between 18 months and two years. This is the year for site control in order to provide power by the end of 2016.*

*Mr. Sowell explained some more about the engineering and efficiency of the project.*

*He said that while we have a good energy resource, we have a limited amount of transmission possibilities.*

*Commissioner Pallanez asked about the visibility of the panels. Mr. Sowell said it can be seen from the highway. He said it would look like a “geometric lake,” but it is not a shiny or reflective surface as it is made to absorb that energy. He asked about environmental impact. Mr. Sowell said it is clean energy with no emissions.*

*Commissioner Pallanez also asked about other energy producers in Texas, and how this could relate.*

*Judge Killingsworth asked about easement issues. Mr. Sowell said the property goes right to the highway, and shouldn’t impact any County Roads. He said it is a major construction project, and will involve a lot of truck traffic, etc.*

*Commissioner Pallanez noted that Mr. Sowell said there would be about 200 employees during nine months of construction. There are not really any permanent employees as it works on an automated system.*

*Phase 1 will cost at least \$70 million.*

*Jerry Sotello, KVLFF, asked if Mr. Sowell is asking for the County’s blessing or if a contract has already been signed.*

*Jerry Johnson and Della Shackelford also asked questions about energy sales, and the location of the project. Eleazar Cano noted that the same company is working with the school district.*

*Mr. Sowell said that without a tax abatement from the school district, the county’s largest tax entity, the project will not be financed because it will be too expensive.*

*He said the company is also seeking a tax abatement from the County. He also would like them to enter into the process in order to designate a “reinvestment zone,” if for nothing else than to help the school district.*

*Judge Killingsworth said she is concerned about depreciation. She also noted that our appraised values have increased significantly this year, and she knows the public will be concerned if they are having to pay more tax while an outside company gets a break. She also asked if Solaire might be willing to pay the County’s legal fees as relates to the project. Mr. Sowell said he would check, and that he didn’t think it is an unreasonable request.*

## **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*

*EMC Betse Esparza said there were two fires last week, a grass fire west of Marathon and a structure fire at the Ghost Town in South County.*

*She said she has sent in the requested information to FEMA related to reimbursements from 2011.*

*Also, Mrs. Esparza said we will need to discuss the burn ban at the next meeting as it expires June 26. The drought index is currently 694, which is very high.*

***B. Order prohibiting certain fireworks in unincorporated areas of Brewster County / Fireworks sales regulations / Discussion and appropriate action***

*Judge Killingsworth read the order for the record.*

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

***C. 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*

*Superintendent Frenchie Causey said they are continuing to work at the Old Marathon bridge site. It has been clean up and travelers are able to pass through easily. They may be able to pour the low water crossing next year. Crews are also working at the Marathon Community Center, performing regular maintenance at Pena Park. They've also received materials from the current highway project in town. They need to process the base at the track.*

*Commissioner Ortega said he'd like to send a thank you note from Commissioners Court to Kelly and Lola Dyer and Jim Roberts for their generous donations of time and labor for the hand rail at the Community Center.*

*Commissioner Ortega made a motion to send a thank you note, which was seconded by Commissioner Stone, and passed unanimously.*

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

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

*Judge Killingsworth said Kiewit has been awarded the \$140,000 contract for the hot mix.*

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

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

## ***8. 2015 County Budget***

### ***A. General Discussion concerning goals and budget process & announce start of Budget Process / Update on distribution of budget request forms to Department & Contracting Agencies / Discussion of time lines***

*The budget request forms have been sent to the contracting agencies and are due June 13.*

*Mr. Causey said he will need to replace two vehicles next year.*

*Treasurer Shackelford said Constable Henry Ogletree has requested a higher fuel budget.*

*Judge Killingsworth said we need to think about payroll increases, and if we want to do a percentage increase. Commissioners said they'd like to see numbers related to 3-5%.*

*Judge Killingsworth said that in the past, we've also looked at longevity increases and stipends. Commissioners agreed that they would also like to look at a longevity package.*

*Judge Killingsworth said we are going to be required to go use a requisition/purchase order system, which may require software or an employee. We also need to hire a firm to manage our inventory. Another issue is a county-wide use for court management software. With Commissioners permission, she would like to begin researching those issues.*

*Judge Killingsworth said she would like to schedule department heads for presentations. She said it will be a day-long workshop. Commissioners concurred that they could get started at the June 24 meeting.*

*The audit is expected back in August. There may be some information to work from before then.*

### ***B. Discussion and appropriate action to go forward with budget process***

#### ***9. Elections / Polling Locations***

##### ***A. Discussion on possible relocation of polling place for County elections from County Courthouse to the conference room of the Old Library Building, 203 North 7<sup>th</sup> Street***

*Judge Killingsworth said it is cumbersome to have elections in the Courthouse because we have to close.*

*Berta Martinez said she wants to be sure that the Old Library Building is in Precinct 2. She will see if she can find any other alternate locations.*

*Clerk Martinez said she would like to move her elections equipment to a more secure location. Judge Killingsworth said it will have to be placed on the next agenda.*

*Clerk Martinez, after some research, determined that the building is in Precinct 2. She said that early voting was very crowded and very busy. For just one precinct on Election Day, she thinks it will be fine.*

*Commissioner Stone made a motion to begin the process of moving the polling place, which was seconded by Commissioner Williams, and passed unanimously.*

*Judge Killingsworth said a public hearing will be scheduled.*

### ***B. Discuss and consider whether to schedule a public hearing on such matters***

#### ***10. Courthouse Facilities / Discuss and consider renaming the Old Library Building***

*Commissioner Pallanez suggested continuing to call it the Old Library Building since people know it by that name.*

*Judge Killingsworth said she thinks something more official is in order.*

*Commissioner Ortega suggested the Judge Val Clark Beard County Office Complex.*

*Commissioner Ortega made a motion approving the name, which was seconded by Commissioner Williams.*

*Jerry Johnson noted that he likes that idea, but that Bill Sohl and Neville Haynes donated the buildings long ago.*

*The motion passed unanimously.*

#### ***11. Personnel / Discussion and action upon payment of salaries to employees of Brewster County Offices in connection with closure of the offices on May 27, 2014***

*Judge Killingsworth noted that May 26 was a County holiday. It was her belief that we would try to have minimal impact in closing any other offices for the election on the following day. A couple of offices chose to close on their own, even though they did not have the Court's permission to do so.*

*She said that we serve the public, and noted that the Court sets salaries based on a 40-hour work week. The intent of closing the courthouse was not to give everyone another holiday, but to have as little impact on the election as possible.*

*Commissioner Williams said it is hard for someone in South County to make the drive to Alpine to find that when they get here, the office they need is closed.*

*Commissioner Ortega noted that we had already discussed which offices would close.*

*Judge Killingsworth said, at the very least, we need to communicate with each other. She said there should be some discussion about salary setting and closures.*

*She said we just need to clear things up so that it doesn't happen again in the future. If we're able to move the polling place, it will eliminate the problem.*

*Commissioner Pallanez said he does not think anyone should have their pay deducted.*

*Judge Killingsworth said if this is a misunderstanding, Commissioners can send a memo to the all elected officials clearly stating that the decision to close buildings is the responsibility of the Court. In the future, anything that happens will result in the loss of vacation time.*

*Commissioner Williams made a motion approving such a memo, which was seconded by Commissioner Pallanez, and passed unanimously.*

#### ***12. Public Comment***

*No public comment was made.*

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

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***KATHY KILLINGSWORTH, COUNTY JUDGE***

***ATTEST:***

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***BERTA RIOS- MARTINEZ, COUNTY CLERK***