

**REGULAR MEETING OF THE  
BREWSTER COUNTY COMMISSIONERS COURT  
MONDAY, JULY 14, 2014, AT 9:00 A.M.**

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

*Judge Killingsworth said that Commissioner Tom Williams has resigned his position for health reasons.*

**KATHY KILLINGSWORTH  
ASA "COOKIE" STONE  
RUBEN ORTEGA  
MIKE PALLANEZ  
JERRY SOTELLO  
DELLA SHACKELFORD**

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

***To discuss and take action as appropriate on the following:***

**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 June 24, 2014, 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. *Brewster County Historical Commission, a recipient of the Distinguished Service Award for outstanding preservation work accomplished in 2013***

*Judge Killingsworth said the Commission is the recipient of the Distinguished Service Award. Chairman Travis Roberts announced the names of the members of the Brewster County Historical Commission. Bill Roberts distributed a flyer from THC which outlines the duties of the Historical Commission. The commission also received a distinguished award from the West Texas Historical Commission.*

*Commissioners concurred that they appreciate the work of the Brewster County Historical Commission. Judge Killingsworth presented the certificate to the Commission.*

***B. Recognize Colee Charlesworth for her American Junior Rodeo Association (AJRA) achievement***

*Commissioner Ortega said Colee finished 5<sup>th</sup> in the nation, and thanked her for her excellent representation of Brewster County. She is a Marathon 6<sup>th</sup> grader.*

*Commissioner Ortega presented her with a plaque.*

***4. Commissioner Pct. 2 Asa Stone / Proposal to take McElroy Ranch Subdivision into County Road System (Sendero Horsethief Road, Camino Rincon, Via Hatch Canyon and Calle Limpia)***

***1. Request for preliminary approval of taking these roads in to County System***

*Steve Belardo introduced those who were present who live at McElroy Ranch. He said that everyone who lives at the ranch have signed a petition in favor of the County taking in the roads. He said the roads get pretty bad from time to time, and they would like the County's help.*

*Road & Bridge Superintendent Frenchie Causey said there are about two miles of roads. He said it wouldn't be any problem for the County to blade the roads when it rains. They would be the only roads in the system north of the Alpine city limits.*

*Commissioner Pallanez asked how many homes there are.*

*Mr. Belardo said there are 12. There are 54 lots there, and roughly half of them are sold. He said nobody has had to spend any of their personal money on the roads. Improved roads would encourage more land sales.*

***2. Discussion and appropriate action***

*Commissioner Stone made a motion for preliminary approval to take the roads in the County System, which was seconded by Commissioner Pallanez, and passed unanimously.*

***5. Treasurer***

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

*Commissioner Ortega made a motion to approve the general bills as presented, which was seconded by Commissioner Stone, and passed unanimously.*

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

*Treasurer Shackelford reviewed the reports with Commissioners.*

***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***

***C. Public Investment Act/County Investments***

***1. Review Annual County Investment Policy***

*Judge Killingsworth said an annual review of the policy is required. Commissioners were provided with a copy.*

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

***2. Approve list of providers for Investment Officer Training***

*Judge Killingsworth read the list for the record.*

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

***3. Approve broker list for County Investments***

*Judge Killingsworth read the list for the record.*

*Commissioner Stone made a motion to approve the list, which was seconded by Commissioner Pallanez, and passed unanimously.*

***4. Quarterly Investment Report***

*Judge Killingsworth noted that we do a monthly review rather than a quarterly review.*

***D. Distribution of Payment in Lieu of Tax Revenues from U.S. Department of Interior for Brewster County, San Vicente ISD & Terlingus CSD***

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

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

**6. *TexSTAR (Short Term Asset Reserve Fund)/ Amend Resolution to designate Authorized Representative (s)***

*Judge Killingsworth said the resolution would authorize Treasurer Shackelford and Judge Killingsworth.*

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

**7. *Texas Association of Counties Health and Employee Benefits Pool/ Consider Brewster County group health renewal packet***

*Treasurer Shackelford said we are one of the counties that gets the packet as early as we do. The rate for this year is 5.9 percent, which adds \$40 per employee. Judge Killingsworth said we are very pleased.*

*Commissioner Ortega made a motion to approve the renewal packet, which was seconded by Commissioner Pallanez, and passed unanimously.*

**8. *Brewster County Employee Policy Handbook/ Discussion and consideration of amending policy regarding employee and retiree health insurance eligibility criteria***

*Judge Killingsworth said the amendment changes the total number of years served from 15 to 10 for employees and eight years for elected officials for retiree health insurance eligibility.*

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

**9. *2014 County Budget Amendments***

**A. *District Court / Transfer \$1,750 form 435-411 to 435-104***

*Judge Killingsworth said this rolls the car allowance item, which isn't allowed for District Judges, into the salary.*

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

**B. *Discussion and consideration of moving County Commissioners Department in County Budget from Road & Bridge Department to its own department in budget, including year-to-date expenditures and appropriations***

*Judge Killingsworth said all of the expenditures year to date will have to be moved, and Commissioners Court will have its own budget henceforth. This is a recommendation from our auditor.*

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

#### **10. County Jail/Discuss hourly rate pay for Brewster County Jailer**

*Treasurer Shackelford said there is a jailer who is also the cook who is making less than a starting jailer. She is asking for approval to move him up to the same pay scale as the other jailers.*

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

#### **11. 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 they have been blading roads and hauling materials out to several roads. They prepared the Post for the 4<sup>th</sup> of July dance, and cleaned it afterward. They've been mowing the right-of-ways in Marathon.*

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

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

*Engineer Travis Roberts said the pavement for the track was completed Saturday. TCSD Superintendent Bobbie Jones thanked Mr. Roberts for his work. She said they are very proud of the track.*

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

### ***C. County Clean-up Initiative/Announce County Dump Day Dates***

*Commissioner Ortega said they are going to work with the City of Alpine, as well, to remove some old tires. In return, the City will waive the dumping fees. Later this month, there will be a clean-up day within the City, and the County will take care of what is outside the city limits.*

*Mr. Causey said we could collect the tires at the Road & Bridge Yard on Saturday, July 26. Dump Days would be held the same day in Alpine, Marathon and South County.*

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

#### ***12. Texas Community Development Block Grant Program (TX CDBG) grant / Update on Marathon Well Grant, TX CDBG 713049***

*Mr. Roberts said they need to be put together a set of specifications to be sent into TCEQ, hopefully by the end of this week. It takes approximately 60 days to go through TCEQ, after which competitive bids will be sought. The project is for a back-up well in Marathon.*

#### ***13. 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 fireworks-related fires inside the city limits during the 4<sup>th</sup> of July. Both were quickly extinguished.*

*A small HAZMAT incident briefly shut down Hovey Road last Friday afternoon. The company that owned the chemicals, which apparently fell off a truck, sent a team to clean up and transport the debris. They acted swiftly and professionally.*

***B. Homeland Security Grant***

- 1. Transfer ownership of all equipment previously purchased with State Homeland Security Program (SHSP) grant funds to the receiving agencies / Property Transfer Record Agreement / Discussion / Action***
- 2. Policy to require that the ownership of all equipment purchased using SHSP grant funds be transferred to the receiving agencies at the end of each grant cycle beginning with Year 2013 / Discussion / Action***

*Mrs. Esparza said Sgt. Philip Fierro from the APD asked about the transfer of ownership of equipment because they have some equipment that needs to be repaired.*

*After checking with the COG, Mrs. Esparza said a simple form transferring ownership to all agencies needs to be signed and kept on file, along with a list of the equipment.*

*The agencies affected include APD, Alpine VFD, Marathon, VFD, Terlingua VFD/EMS, Big Bend Amateur Radio Club and SRSU DPS.*

*Commissioner Ortega made a motion approving the transfer and policy, 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***

***14. Brewster County Tourism Council***

***A. Consider approval of Marathon Chamber of Commerce and Big Bend Chamber of Commerce 2014 budget***

*Judge Killingsworth noted that the council is attending their monthly meeting in Big Bend this morning.*

*Each Chamber will receive \$15,000 for additional advertising.*

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

***B. Consider/approval of advertising contracts over \$5,000***

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

**COMMISSIONERS TOOK A TEN-MINUTES RECESS.**

**15. Solar Energy Project / Texas Property Tax Code 312 / Consider adopting guidelines and criteria for the establishment of a reinvestment zone**

*Judge Killingsworth said this item was discussed on the June 24 agenda, but Commissioners had some questions and concerns. Those things were discussed with attorney Greg Hudson, and the adjustments have been made.*

*Randy Sowell of Solaire Direct has reviewed the changes. He said the communication between Mr. Hudson and the Solaire attorney, Mr. Butler, was good.*

*Mr. Sowell said there are opportunities coming up this year for the sale of the power which will be provided by the project.*

*Judge Killingsworth said the total cost of a project in the document has been reduced to \$50 million to make way for future, smaller projects.*

*Commissioner Ortega made a motion to approve the guidelines and criteria for the establishment of a reinvestment zone, which was seconded by Commissioner Stone, and passed unanimously.*

**16. County Judge Office / 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**

***Reconvene in Open Session***

- B. Discussion and appropriate action resulting from Executive Session**

*Commissioner Stone made a motion to change the County Judge's Assistant to the Commissioners Court Assistant. The position will be budgeted for in the Commissioners Court budget 424. Commissioner Pallanez will be the supervising Commissioner. This is effective Aug. 1, 2014. Commissioner Ortega seconded the motion, which passed unanimously.*

**17. Determine eligibility criteria for longevity stipends/Discussion and appropriate action**

*Judge Killingsworth said the proposal is for \$50 per year of service for full-time employees, \$25 for part-time employees. The employee must have worked more than six months in the prior year to be eligible for the longevity stipend, which will not be included in the salary increase total.*

*Commissioner Stone made a motion to approve the eligibility criteria as presented, which was seconded by Commissioner Ortega, and passed unanimously.*

**18. FY 2015 Budget Presentations from Elected Officials, County affiliated entities, and non-profit entities**

*County Attorney Steve Houston said his budget doesn't normally change much from year to year. Sometimes, he increases the amount for the office supplies or telephones. He said with the use of debit cards, the revenue for the hot check fund has decreased. He said there is \$5,300 in the Pre-Trial Diversion account which could be used by his office, County Court or Commissioners Court.*

*County Clerk Berta Rios-Martinez said she has asked for an increase in travel and for an increase for her employees. She takes her employees to every other training with her, and has two required election conferences per year. As next year does not include a major election, Judge Killingsworth said she has reduced the Elections budget.*

*AgriLife Extension Officers Logan Boswell and Evans Kott Walker presented next. They said they appreciate the support of Commissioners Court. Mr. Boswell said they are asking for an increase in office expenses, and in the car allowance for Mrs. Walker. Also, there is an increase in 4H activities, so they have asked for an increase in that budget, as well as in training.*

*Mr. Boswell said a pickup truck purchase has been budgeted in Jeff Davis County, with which Brewster County normally shares the cost.*

*The part-time secretary expenditure will be moved into the cost of the pickup truck.*

*Mr. Boswell presented a plaque to Commissioners Court from the State Ag Office.*

*Judy Ford of the Sunshine House explained the services provided, especially through meals. She reviewed the activities there as well. Government funding was cut last year. They would appreciate continued funding from the County in the amount of \$18,000. Judge Killingsworth said Commissioners appreciate the services provided by the Sunshine House.*

*Commissioner Pallanez asked if there are paid employees. Ms. Ford said there are eight paid employees. Volunteers are used for many other things.*

*Alpine Public Library Director Paige Delaney explained the service provided there. She said they partner with other non-profits and regional libraries to provide better services and to have a great impact. State and federal funds and services are dwindling. Even with the loss of the Marathon branch, she said APL has still seen an increase in users over the last 18 months.*

*Marathon Public Library Board Pres. West said that they would not be able to meet their annual expenses without the help of Brewster County. Many visitors use the library for internet service and to read periodicals. Out of town visitors use the library as well as a business center. A summer program for kids has been extremely popular. There*

*is also a weekly program for the pre-schoolers. They will be contracting with the school this year to provide library services on a volunteer basis. The MPL would like to add a small children's wing to the library building, possibly with the help of grants and private donations. They are working on a community needs assessment.*

*Commissioner Pallanez asked if the library gets any money from the City of Alpine. They do not.*

*Bobbie Jones, superintendent of TCSD, spoke on behalf of Big Bend Library. She said it was funded in 2002 with private donations, and services everyone in South County, including the students. They have never asked or received any money from the County, but they would appreciate consideration for \$20,000.*

**COMMISSIONERS RECESSED FOR LUNCH AT 12:03 P.M. AND RESUMED AT 1:15 P.M.**

***19. 2015 Budget Workshop / Discussion concerning all aspects of County revenues/expenditures and upcoming financial needs for all county departments and other entities funded by the County***

*Judge Killingsworth said we have a draft budget.*

*Commissioners began a page by page review.*

*We do not have the taxable values at this time.*

*Judge Killingsworth said that she and the Treasurer used year-to-date experience, and also previous years to make a realistic budget. She said there were some revenue accounts which have been deleted as they were not realistic.*

*Some special revenue funds need to be removed from the General Fund.*

*The budget includes a 5 percent pay increase and longevity stipend.*

*Commissioners commenced with a departmental budget review.*

*Brewster County is covering the cost of unemployment for grants. We need to make sure we are reimbursed for those costs.*

*Commissioners addressed funding for non-profit agencies.*

*APL is asking for \$42,000; MPL is asking for \$18,000 and BBL is asking for \$20,000.*

*Judge Killingsworth said she asked Big Bend to throw their hat in the ring. She said believes we should support library services being spread throughout the County, not just in Alpine. She commended Marathon for their efforts in their first year of service.*

*Coach Pallanez said he doesn't see the use, the population numbers.*

*Judge Killingsworth said the outlying areas don't have the same opportunity for donations and grants.*

*She explained how much the County has done for APL, especially the construction of the new library building.*

*Commissioners Stone and Ortega suggested giving each library \$20,000 each. The County budgeted \$49,000 for libraries this year, and this year is suggesting \$60,000, but is adding the library in South County.*

*Judge Killingsworth suggested making all computer repairs come from the IT budget rather than each individual department.*

*She said we've added line items for software, firstly for the purchase of new court software. Commissioners would like to make a plan for rotating updates of IT equipment.*

*Judge Killingsworth said she would like to add a \$4,800 car allowance to all Commissioners salaries.*

*Judge Killingsworth made a motion to add \$4,800 in car allowance to each Commissioner's salary, which was seconded by Commissioner Ortega, and passed unanimously.*

*The District Attorney asked for an additional \$100,000 in his budget, which is way above what we can afford. Judge Killingsworth added a five percent increase.*

*Commissioner Stone suggested combining the capital equipment costs for the emergency centers.*

*Judge Killingsworth said that we do not have the money for a new pickup truck for Ag Extension right now, but we could include it in next year's budget.*

*The Road & Bridge budget includes \$90,000 for road materials for use with a rented crusher.*

*Judge Killingsworth said they will re-adjust the budget to include the contracting agencies, which should be done by Friday. Commissioners can come by then to review that draft. She would like to have a budget ready to file by July 30.*

*Commissioner Ortega thanked Judge Killingsworth and Treasurer Shackelford for their work.*

*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***

