

**CALLED MEETING OF THE BREWSTER COUNTY COMMISSIONERS COURT
MONDAY, NOVEMBER 17, 2014, AT 9:00 A.M.
BREWSTER COUNTY COURTHOUSE, COMMISSIONERS COURTROOM
6TH & AVE E
ALPINE, TEXAS**

***KATHY KILLINGSWORTH
GEORGE JOHNSON
RUBEN ORTEGA
MIKE PALLANEZ
JERRY SOTELLO
DELLA SHACKELFORD
BERTA RIOS-MARTINEZ***

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

To discuss and take action as appropriate on the following:

1. Minutes / additions / corrections / approval

There were no minutes presented.

2. Treasurer

A. General Bills / Discussion and appropriate action

Treasurer Shackelford reviewed the General Bills which included Tri-County Juvenile Probation, and pointed out to the Court the \$28,889.00 under Interest & Sinking paid off the note for the Roller. Judge Killingsworth asked if there will be any bills to be paid since the meeting had to be called early. Treasurer Shackelford stated that there would be bills to be paid such as utilities.

Commissioner Ortega moved to approve for bills to be paid that will come in at the end of the month with review from Judge Killingsworth and approve the General Bills as presented. He abstained from 253 & 254. 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**

**Payroll Reports
Check Register
Transfers
Personnel/Overtime Reports
Other Financial Reports as**

Grant Reports

Requested by Commissioner

There were no financial reports or updates at this time.

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

There was nothing to discuss at this time.

3. Officials' Monthly Reports / Discussion and appropriate action

There was no monthly report presented.

4. 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

Commissioner Ortega provided the update for Superintendent Frenchie Causey. He stated that South County roads are being bladed, pot holes being filled and trimming trees that are obstructing the view of traffic.

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

There was nothing to discuss at this time.

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

Judge Killingsworth stated there was no update at this time and approval from TCEQ is still pending.

6. Tax abatement agreement with Solaire Holman I, LLC, in the “August” Reinvestment Zone pursuant to property Tax Code Section §312

Judge Killingsworth informed the Court that we are in the final process and this has been ongoing since June and now have a final agreement and asked Mr. Randy Sowell of Solaire Holman I, LLC to briefly explain for the new members and the Court. Mr. Sowell provided an explanation of the project and expressed his thanks to the County for the work done on the project. Judge Killingsworth explained the agreement and reviewed the exhibits in the agreement focusing on Exhibit F.

Commissioner Ortega made a motion to accept and approve the Tax Abatement agreement with Solair Holman I, LLC granting property Tax Abatement at the amount of 60% for 10 years with a pilot payment of \$150,000 to be received by the County, such agreement to be effective after the required statutory notice under Tax Code 312.2041 has been given to the Hospital District and the School District.

Commissioner Ortega also moved that written notice of our acceptance and approval of this agreement to be provided to presiding officer of the Hospital District and the School District along with a copy of the agreement.

Commissioner Ortega further motioned to move that the County Judge be authorized to sign the agreement on behalf of the Brewster County on a date being at least seven days from the date notice is given to the Hospital District and School District of our intent to enter into the agreement.

Commissioner Johnson seconded all three motions, and passed unanimously.

7. Canvass of the 2014 General Election / Discussion and appropriate action

Judge Killingsworth stated the Court would begin the official canvass of the 2014 Election. She first asked Berta Rios-Martinez, Jerri Jones and MaryBell Lockhart to verify the spreadsheet to be used by the Court as the spreadsheet prepared by as well as verified by MaryBell Lockhart, Monica McBride, Berta Rios-Martinez and Jerri Jones. They verified to the court it was the correct spreadsheet. Judge Killingsworth held up the sealed precinct envelopes presented to the Court and asked if they contained all the documents the Court needed to perform a proper canvass. Berta Rios-Martinez and Jerri Jones stated the envelopes contained all the materials needed by the Court.

Commissioner Ortega opened the first sealed envelope which was the Terlingua Common School District. It was discovered that the tally books were missing. At this point it was suggested by Judge Killingsworth to call legal Counsel on how to proceed with the canvass of the Terlingua Common School District.

The Court continued to the canvass process of the Early Voting returns for the November 4, 2014 General Election. Each member of the Court had a role in verifying the tally books, M100 tapes, electronic tapes, precinct return sheets and the unofficial spreadsheet for each candidate.

*Commissioners recessed at 10:20 a.m.
Commissioners reconvened at 10:40 a.m.*

*The Court continued with the canvass process.
The Canvass of Early Voting was completed before the Court took a lunch break.*

*Commissioners recessed at 12:46 p.m.
Commissioners reconvened at 1:25 p.m.*

The Court continued the canvass process of Election Day results. They began comparing tally books, M100 tapes, electronic tapes, precinct return sheets and the spreadsheet by candidate. During the process of canvassing Election Day results, several errors were discovered. Election Day Judges were called in to verify and correct errors. Election Day Judges from Precinct 2, Vilma Simental, Precinct 3, Billy Gene "Ike" Roberts, Precinct 5, Reine Wonite, Precinct 6, Cynta de Navarez, and Precinct 8, Jesus Rodriguez personally appeared before the Court or submitted documents in writing and provided sworn testimony telephonically.

*Commissioners recessed at 4:15 p.m. on November 17, 2014
Commissioners reconvened at 9:20 a.m. on November 18, 2014*

Judge Killingsworth stated that Commissioner Ortega was not in attendance on this day for the canvass but that a quorum of the Court was present and would proceed with the canvass of the Election. Precinct 5 Election Day Judge, Reine Wonite, was sworn in and delivered her testimony telephonically explaining the reasons her tally book in the sealed envelope did not match the Precinct Return sheets. She worked the election by herself and had only completed one tally book. Elections Clerk Jerri Jones had the other tally book that was correct in the envelope provide to her as the custodian of records, this was the correct tally book and matched the Precinct return sheet. The Court was able to complete the canvass of Precinct 5. Precinct 6, Cynta de Navarez had to make correction to the tally book. Straight Party votes were not included in candidate totals. The Court completed the canvass of Precinct 6.

*Commissioners recessed at 10:25 a.m.
Commissioners reconvened at 10:30 a.m.*

The Court reviewed the corrections to be made for Early Voting and Election Day on the unofficial spreadsheet. The Court asked Berta Rios- Martinez and Jerri Jones to make the corrections and rename the spreadsheet as official.

*Commissioners recessed at 10:45 a.m.
Commissioners reconvened at 11:10 a.m.*

*The Court verified corrections were made to the spreadsheet.
The Court finalized the canvass for the November 4, 2014 General Election.*

Commissioner Pallanez moved to approve the Order 111814 for the canvass of the November 4, 2014 General Election as presented to the Court. Commissioner Johnson seconded the motion, and passed unanimously.

8. Canvass of the 2014 Terlingua Common School District Board Member Election / Discussion and appropriate action

Judge Killingsworth and the Court canvassed the 2014 Terlingua Common School District Election using the same process as the General Election.

Commissioner Pallanez moved to approve the Order 111714 for the canvass, November 4, 2014, Terlingua Common School District Board Member Election as presented to the Court.

Commissioner Johnson seconded the motion, and passed unanimously.

Judge Killingsworth asked Berta Rios-Martinez to enter the Official Election results of the General Election, as well as, the Terlingua Common School District Election results into the Official Election Register.

9. Public Comment

Mr. Dale Christophersen commented on the thoroughness of the canvass and thanked everyone for the commitment to doing the canvass correct.

Commissioner Pallanez motioned to adjourn, Commissioner Johnson seconded the motion, and passed unanimously.

Kathy Killingsworth, County Judge

ATTEST:

Berta Rios-Martinez