**PUBLIC NOTICE**

**MEETING OF THE BREWSTER COUNTY COMMISSIONERS COURT**

**TUESDAY, SEPTEMBER 13, 2022, AT 9:30 A.M.**

**BREWSTER COUNTY COURTHOUSE, COMMISSIONERS COURTROOM**

**201 W AVE E ALPINE, TEXAS**

Judge Cano called the meeting to order at 9:34 a.m.; the following Elected Officials were present:

Eleazar R. Cano County Judge

Jim Westermann Commissioner Pct. 1

Sara Allen Colando Commissioner Pct. 2

Ruben Ortega Commissioner Pct. 3

Mike “Coach” Pallanez Commissioner Pct. 4

Katrina Munoz, Deputy Clerk, sat in on behalf of Sarah Vasquez, County Clerk.

**Members of the public who are not able to participate in person, are encouraged to watch the meetings live online, at www.brewstercountytx.com or Brewster County, Texas (County's Facebook page). Members of the public are also encouraged to participate in public comment by calling telephone number 432-538-2028. This temporary suspension will leave important Open Meetings Act (Section 551.043, Texas Government Code) protections in place.**

**AGENDA**

**1. Invocation, Pledge of Allegiance**

Invocation and Pledge were led by Judge Cano. Commissioner Westermann led the Pledge of Allegiance to the Texas Flag.

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

Commissioner Ortega moved to approve the minutes for August 23, 2022 Commissioner Pallanez seconded the motion; motion passed 5-0.

Commissioner Pallanez moved to approve minutes for August 9, 2022 with correction. Commissioner Calando seconded the motion; motion passed 5-0.

**3. Public Comment - Comments are limited to 5 minutes per person. Pursuant to the Texas Open Meetings Act, the Court is limited in its ability to respond to comments.**

No comments.

**4. Recognitions & Announcements -**

Commissioner Ortega recognized Sheriff Dodson for passing jail inspection and Johnny Valencia for upkeep and maintenance of Jail. Commissioner Ortega also announced Marathon Bario Fest to benefit the Marathon Volunteer Fire Department this weekend

Commissioner Colando announced a Celebration of Life honoring Alan Baker on September 25, 2022 from 12-3pm at the Red Pattillo community center.

Commissioner Pallanez recognized Superintendent Causey for continuous upkeep and diligence on road conditions.

**5. Emergency Management Department**

**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; burn bans, prohibiting fireworks, emergency management issues related to public and private insurance coverage, personnel issues related to emergency response, matters related to pending & future Homeland Security, FEMA Grant & updates on Coronavirus (COVID-19) / Discussion and appropriate action Terlingua International**

Stephanie Elmore, Emergency Management Coordinator, presented the General Report for the Emergency Management Department. Current Covid19 statistics: 283 probable active cases in Brewster County.

Stephanie Elmore requested the Commissioners Court lift the current burn ban. The Keetch-Byram Index for Brewster County is in the 400-500 range, and local Fire Chiefs agree on lifting the August 9th burn ban.

Commissioner Ortega moved to lift the current burn ban. Commissioner Colando seconded the motion; motion passed 5-0.

**B. Approve Order Granting Permit for Original Championship / Discussion and appropriate action**

No action. Public Hearing set for September 21, 2022 at the South Brewster County Emergency Response Center’s training room.

**C. Approve Order Granting Permit for CASI / Discussion and appropriate action**

**Public hearing set for**

No action. Public Hearing set for September 21, 2022 at the South Brewster County Emergency Response Center’s training room.

Steve Herries, CASI Director / Ranch Manager, commented that he foresees no opposition to this year’s championship cookoffs.

**6. Road & Bridge Department / Community Facilities**

**A. Road & Bridge Superintendent's Report**

**General updates on maintenance and repairs for all county roads; road materials including, fuel, supplies including usage & inventories & future needs; equipment including heavy equipment, (maintenance repairs, future needs, replacement and additions), pickups, trailers and other light vehicles and accessorics, and small equipment, (usage, future needs), equipment rentals; facilities (yards in Alpine, Marathon and S. County) and community facilities (assistance with maintenance and other related issues); assistance to other governmental entities and emergency responders; personnel issues, (vacancies, new hires, performance and safety); permits for boring or trenching for utilities across County Roads**

Superintendent Frenchie Causey presented the Road and Bridge Department general report

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

**13. Ordinances Prohibiting engine-exhaust braking system (Jake Braking) while operating a motor vehicle within Brewster County / City of Alpine / Discussion only**

Judge Cano presented information related to requests that the county adopt an order prohibiting the use of engine brakes (Jake brakes). The City municipalities have jurisdiction for JBraking but there are no county’s enforcing JBraking.

Steve Belardo commented that it is a county issue because trucks are disturbing homes and businesses outside the city limits and the county needs to create an ordinance.

Rod Ponton, City Attorney, commented that the City of Alpine cannot enforce ordinances within their Extraterritorial Jurisdiction (ETJ).

Commissioner Ortega suggested that speed limits be reduced further out to help prevent the use of JBrakes

James Allison, general counsel for Texas Association of Counties (TAC), advised the court via email that a county does not have any authority to adopt noise ordinances, including engine brake ordinances.

**7. Community Facilities Report**

**A. General Report**

Judge Cano read the Community Facilities Report on behalf of Johnny Valencia.

**8. Treasurer's Office**

**A. Financial Reports / Updates, discussion, review, and appropriate action concerning the following:**

**Combined Statement of Revenues & Expenses Payroll Reports**

**Check Register Receipt File Listings**

**Personnel/ Overtime Reports Cash Reports**

**Other Financial Report as Requested by Commissioner Grant Reports**

Julie Morton, County Treasurer, presented the Monthly Treasurer’s Report for August 2022.

Commissioner Ortega moved to approve the report as presented. Commissioner Colando seconded the motion; motion passed 5-0.

**B. Approve FY 2023 Brewster County VINE/SAVNS Service Agreement / Discussion and appropriate action**

Treasurer Morton presented the FY23 VINE/SAVNS service agreement. Commissioner Ortega moved to approve the agreement as presented. Commissioner Pallanez seconded the motion; motion passed 5-0.

**C. Brewster County Sheriff's Office / Discuss and consider approving the Kologik LLC SaaS Renewal Agreement**

Ryan Skelton, Chief Deputy, presented the Kologik renewal agreement. Commissioner Ortega moved to approve the renewal agreement as presented. Commissioner Pallanez seconded the motion; motion passed 5-0.

**D. Discussion and appropriate action to solicit a request for Qualifications (RFQ) for Professional Engineering/Architectural Service for a broad range of public facility and infrastructure improvement projects considered under the American Rescue Plant Act**

Treasurer Morton requested the court authorize her to solicit requests for qualifications (RFQs), in order to select a project manager for the North Brewster County Emergency Response Center renovation, the Marathon fiber optic upgrades, and other projects the county plans to undertake.

Commissioner Ortega moved to approve soliciting RFQs for Professional Engineering/Architectural Service per the Treasurer’s request. Commissioner Colando seconded the motion; motion passed 5-0.

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

None.

**9. Brewster County Auditor**

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

**Budget Amendments Line Item Transfers**

**Other Financial Reports as Requested by Commissioners**

Patty Saenz, Assistant County Auditor, presented the general bills. Commissioner Ortega moved to approve general bills as presented. Commissioner Pallanez seconded the motion; motion passed 5-0. Commissioner Colando abstained from her reimbursement and Commissioner Ortega abstained from Pinnacle Propane.

Ms. Saenz presented Line Item Transfers. Commissioner Pallanez moved to approve the Line Item Transfer as presented. Commissioner Colando seconded the motion; motion passed 4-0. Judge Cano was out of the room.

**10. Elections**

**A. Discussion and appropriate action to approve Marathon Independent School District Contract and Fee Schedule for the November 8, 2022, General Election**

Lora Nussbaum, Elections Administrator, presented a contract with Marathon Independent School District for approval. Commissioner Pallanez moved to approve the contract with Marathon Independent School District as presented. Commissioner Colando seconded the motion; motion passed 4-0. Judge Cano was out of the room.

**B. Discussion and appropriate action to approve Notice of November 8, 2022 General Election**

Lora Nussbaum presented the Notice of November 8, 2022 General Election. Commissioner Ortega moved to approve the notice as presented. Commissioner Colando seconded the motion; motion passed 5-0.

**C. Enforce Storage Shed's security for Election use/ Discussion and appropriate action**

Ms. Nussbaum requested the court enhance security on the storage shed used to house election materials. Judge Cano advised that Mr. Valencia will begin work on the security improvements after the 1st of October.

**11. Presentation from Law Firm Big Bend Law, Rod Ponton and General Counsel Justin Bragiel, Texas Hotel and Lodging Association**

**A. To discuss Hotel Occupancy Taxes (HOT), regarding enforcement options available to Brewster County**

Mr. Rod Ponton, Big Bend Law, and Mr. Justin Bragiel, General Counsel for Texas Hotel & Lodging Association, presented information on Hotel Occupancy Tax collection and use of collected funds.

**B. Discussion and appropriate action to retain outside counsel to collect delinquent**

**Taxes**

No action. Commissioner Ortega suggested requesting bids with a set time frame to retain outside counsel to collect delinquent taxes.

**14. Brewster County Tourism**

**A. Report from Robert Alvarez, Executive Director:**

**General update, travel shows, marketing, finances, visitation status, project**

**Reports, personnel issues, (vacancies, new hires, and performance)**

Robert Alvarez, Executive Director, presented monthly report

**B. Discussion and appropriate action for general work, contracts, and agreements for Brewster County Tourism to go forward**

Mr. Alvarez presented a $30k contract with 12 Rounds Media for television advertising.Commissioner Ortega moved to approve the contract as presented. Commissioner Colando seconded the motion; motion passed 5-0.

**12. Approve FY 2022 & 2023 contract for service with local nonprofit entities.**

**A. Marathon Public Library**

This item was already approved at the last Commissioners Court meeting, on August 23, 2022.

**B. Alpine Junior Bucks Organization**

Commissioner Ortega moved to approve the Interlocal agreement with Alpine Junior Bucks Organization as presented. Commissioner Colando seconded the motion; motion passed 5-0.

**15. Brewster County Emergency Services District #1 / Board of Directors Appointments / Discussion and appropriate action**

**A. Executive Session Pursuant to Section 8 551.074, Government Code, VTCA, to discuss the appointment, employment, evaluation, reassignment, duties, compensation, or dismissal of a public officer or employee**

Commissioner Colando moved to table Item #15 due to time constraints. Commissioner Pallanez seconded the motion; motion passed 5-0**.**

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

**16. Far West Texas Regional Public Defender's Office / 2021/2022 Interlocal Agreement between Culberson County and Brewster County / Discussion and appropriate action**

Commissioner Ortega moved to table Item #16 due to time constraints. Commissioner Pallanez seconded the motion; motion passed 5-0

**17. Officials' Monthly Reports**

Commissioner Colando read the Officials’ Monthly Reports. Commissioner Ortega moved to approve as read. Commissioner Pallanez seconded the motion; motion passed 5-0.

**18. Schedule next Commissioners Court Meeting on September 27, 2022 at 9:30 A.M.**

Judge Cano announced the next Commissioners Court Meeting on September 27, 2022, at 9:30 A.M.

**19. Adjourn**

Commissioner Colando moved to adjourn. Commissioner Ortega seconded the motion; motion passed 5-0. Meeting adjourned at 12:13 PM.

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Eleazar R. Cano, County Judge**

**ATTEST:**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Sarah Vasquez, County Clerk**