

**PUBLIC NOTICE**  
**REGULAR MEETING OF THE BREWSTER COUNTY COMMISSIONERS COURT**  
**TUESDAY, NOVEMBER 9, 2021 AT 9:30 A.M.**  
**BREWSTER COUNTY COURTHOUSE, COMMISSIONERS COURTROOM**  
**201 W AVE E**  
**ALPINE, TEXAS**

Judge Cano called the meeting to order at 9:37 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
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.brewstercountytexas.com](http://www.brewstercountytexas.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**

**To Discuss and Take Action as Appropriate**

**PUBLIC HEARING ON**  
**2020/2021 CENSUS AND REDISTRICTING MATTERS**

**1. Public hearing to review and take public input on sample redistricting plans for Brewster County Commissioners Court, Justice of the Peace Courts and Election Precincts**

Mackenzie Walters, attorney with Sara Leon & Associates, PLLC, presented the sample redistricting plans for Brewster County Commissioners Court.

Lora Nussbaum, Elections Administration, suggested adopting Commissioners Court precinct changes today, because the Election Precincts must be adopted soon and reported before the end of December.

Mary Bell Lockhart, Democratic Party Chair, commented that there are more registered voters than the census showed and that Brewster County would benefit from more time to review the data and create different options for redistricting.

Monica McBride, Republican Party Chair, commented that all maps are within the 10% deviation and that Brewster County should adopt the map most similar to the current lines.

**2. Possible action to approve a redistricting plan; in the alternative, possible action to adopt a timeline for the adoption of a redistricting plan**

Commissioners and Judge Cano verbally agreed to move forward with Draft Maps A and D.

**3. Adjourn**

Commissioner Ortega moved to adjourn the public hearing. Commissioner Pallanez seconded the motion; motion passed 4-1. Commissioner Colando opposed.

**REGULAR MEETING AGENDA**

**1. Invocation, Pledge of Allegiance**

Invocation and Pledge were led by Judge Cano.

## **2. 2020/2021 Census and Redistricting Matters & Public Hearing**

**A. Review and discuss Initial Assessment finding that redistricting will be required for Brewster County Commissioners Court, Justice of the Peace Courts and Election Precincts, in light of the new 2020 census data; / Discussion and appropriate action**

Previously covered in the Public Hearing; no action.

**B. Action to adopt redistricting criteria to apply to development of new redistricting plans / Discussion and appropriate action**

Ms. Walters presented the Order of the Commissioners Court Adopting Criteria for Redistricting County Election Boundaries. Commissioner Colando moved to adopt the Order. Commissioner Ortega seconded the motion; motion passed 5-0. Judge Cano read the Order into the record.

**C. Discussion of draft redistricting plan / Discussion and appropriate action**

Commissioner Ortega moved to adopt Draft Map A, which has the least change from the current Commissioners Court precinct map. Commissioner Pallanez seconded the motion; motion passed 3-2 with Commissioners Westermann and Colando opposed.

Court recessed at 11:00 AM.

Court reconvened at 11:12 AM.

## **3. Minutes / additions / corrections / approval**

Commissioner Ortega moved to approve the minutes from October 26, 2021. Commissioner Colando seconded the motion; motion passed 5-0.

## **10. Elections Administrator**

**A. Presentation of Canvas of November 2, 2021, Constitutional Amendment Election / Discussion and appropriate action**

Lora Nussbaum, Election Administrator, presented the Canvass of November 2, 2021, Constitutional Amendment Election. Commissioner Ortega moved to approve the canvass as presented. Commissioner Pallanez seconded the motion; motion passed 5-0.

**B. Purchase of 2 Express Votes Machine from ES&S / Discussion and appropriate action**

Commissioner Ortega moved to approve the purchase of two Express Votes Machines. Commissioner Colando seconded the motion; motion passed 5-0.

**4. 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 comment.

## **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, emergency management issues related to public and private insurance coverage, personnel issues related to emergency response, matters related to pending & future Homeland Security, FEMA Grants & Updates on Coronavirus (COVID-19) / Discussion and appropriate action**

Stephanie Elmore, Emergency Management Coordinator, reported an update on Coronavirus, COVID-19. Local statistics up to date as of November 9, 2021: 13 active cases, 1 hospitalization, and 22 fatalities.

**B. Discussion and appropriate action for work of Emergency Management Department to go forward**

**6. Recognitions & Announcements**

Commissioner Ortega recognized the two Marathon runners, Isaiah Briones and Jackson Barlow. Mr. Briones placed 34th and Mr. Barlow placed 53rd.

Commissioner Colando recognized Becky Allen who won the CASI Championship Cookoff. Commissioner Colando also recognized the Terlingua CSD Robotics Team for competing in their first Regional Meet held in El Paso.

**7. 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 accessories, 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

Commissioner Ortega read the Road and Bridge report on behalf of Superintendent Causey.

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

**8. Community Facilities Report**

**A. General Report**

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

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

**9. Action to approve a Memorandum of Understanding between the City of Alpine and Brewster County regarding County Jail and City Fire Department Services / Discussion and appropriate action**

Commissioner Pallanez moved to table Agenda Item #9. Commissioner Ortega seconded the motion; motion passed 5-0.

**11. Treasurer's Office**

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

- |   |                              |
|---|------------------------------|
| <b>Combined Statement of Revenues &amp; Expenses</b>        | <b>Payroll Reports</b>       |
| <b>Check Register</b>                                       | <b>Receipt File Listings</b> |
| <b>Personnel/Overtime Reports</b>                           | <b>Cash Reports</b>          |
| <b>Other Financial Report as Requested by Commissioners</b> | <b>Grants Reports</b>        |

No reports.

**B. Declare items as Salvage & Surplus Property in accordance with Section 263.152 of the Texas Local Government Code by competitive bid or auction, 2011 Ford Sedan 4 door, VIN# 2FABP7EV9BX171180, 2017 Dodge Ram Pick-up VIN# 1C6RR7XTSHS584425. & 2016 Dodge Ram Pick-up VIN# 1CORR7XTOGS198364 / Discussion and appropriate action**

Julie Morton, County Treasurer, presented items for Salvage & Surplus Property. Commissioner Ortega moved to approve the declaration of salvage and surplus property as presented. Commissioner Pallanez seconded the motion; motion passed 5-0.

**C. Approve Rene Bates Auctioneers, Inc. to conduct Online Auctions for Brewster County, Texas on an as needed basis / Discussion and appropriate action**

Treasurer Morton presented a contract with Rene Bates Auctioneers, Inc to conduct online auctions for salvage and surplus property as needed. Commissioner Ortega moved to approve the contract as presented with Option 2 (a 10% buyer's premium in lieu of commission) selected. Commissioner Pallanez seconded the motion; motion passed 5-0.

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

**12. Brewster County Auditor**

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

Patty Roach, County Auditor, presented the general bills. Commissioner Ortega moved to approve the general bills as presented. Commissioner Westermann seconded the motion; motion passed 5-0. Commissioner Ortega abstained from Pinnacle Propane. Commissioner Westermann abstained from A Sign of Recognition.

**B. Financial Reports / Updates, discussion, review and appropriate action concerning the following:**  
**Budget Amendments** **Line Item Transfers**  
**Other Financial Reports as Requested by Commissioners**

Ms. Roach presented the Line Item Transfers. Commissioner Ortega moved to approve the line item transfers as presented. Commissioner Pallanez seconded the motion; motion passed 5-0.

Ms. Roach presented the budget amendment for iDocket for County Clerk/County Attorney case management systems. Commissioner Pallanez moved that the Brewster County Commissioners Court confirm the County Auditor's certification of available funds and increase the Records Management Fund budget in accordance with the attached budget amendment form. Commissioner Ortega seconded the motion; motion passed 5-0.

Ms. Roach presented the budget amendment for 2019 HIDTA-ALPINE grant; the carry-over funds for FY21 were never properly incorporated into the County's budget. Commissioner Ortega moved that the Brewster County Commissioners Court confirm the County Auditor's certification of HIDTA-ALPINE-GS19SW0004A grant revenue and modify the Fiscal Year 2021 revenue and expenditure budgets in accordance with the attached budget amendment form. Commissioner Pallanez seconded the motion; motion passed 5-0.

**C. Discussion with action to approve Road Bridge Pick-up sales agreement and financing proposal & to authorize Judge Cano to sign necessary documents/ Discussion and appropriate action**

Ms. Roach presented the Road Bridge Pickup Truck sales agreement. Commissioner Ortega moved to authorize Judge Cano to make the purchase and sign any necessary documents related to the purchase. Commissioner Pallanez seconded the motion; motion passed 5-0.

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

**13. Officials' Monthly Reports**

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

**14. Brewster County Tourism Council**

**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 of Brewster County Tourism Council, presented a general update report. Mr. Alvarez advised the Court that Ms. Kathleen Tolbert Ryan, an organizer of the Tolbert "Behind the Store" Chili Cookoff, communicated that they are interested in donating a portion of the championship cookoff proceeds toward a health clinic in the Terlingua area.

**B. Review and consider approval of Brewster County Tourism Council By-Laws, tabled on October 26, 2021 / Discussion and appropriate action**

Mr. Alvarez presented the Brewster County Tourism Council's proposed bylaws. Commissioner Colando moved to table the agenda item until November 30, 2021, at the special commissioners court meeting for the County Attorney to review. Judge Cano seconded the motion; motion passed 5-0.

**C. Discussion and appropriate action for general work of Brewster County Tourism to go forward**

**15. Update / Retainer Agreement with Law Firm Big Bend Law, Rod Ponton, Attorney At Law, in re Cause No. CVB20433; Marcia Ann Sykes and the Estate of Marcia Ann Sykes and all Unknown Heirs, Devisees, and Assigns of Marcia Ann Sykes; Phillip Joseph Smith; Dymphna Lorraine DeLaRosa / Discussion and appropriate action**

Judge Cano has no update from Mr. Ponton.

**16. Update / Retainer Agreement with Law Firm Big Bend Law, Rod Ponton, Attorney at Law, in re Cause No. CV02299; Elizabeth Emery Fulcher Hill and Janie Marie Fulcher, Plaintiffs, v Unknown Executor or Administrator of the Estate of Bernardo Borrego, Deceased, Unknown Heirs of Bernardo Borrego, Deceased, Any and All Known or Unknown Owners or Claimants of an Interest, Right, or Title In: Section 303, Block G-4, G.C. & S.F. Ry. Co. Survey (640 acres) in Brewster County Texas, and Brewster County, Texas, Defendants/ Discussion and appropriate action**

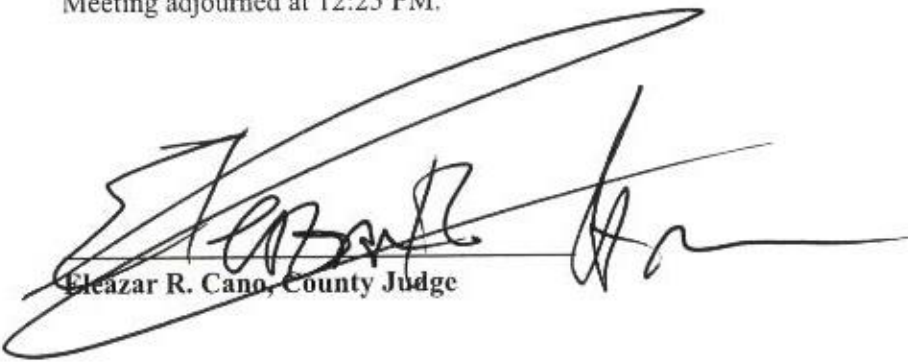
Judge Cano has no update from Mr. Ponton.

**17. Scheduled Regular Commissioners Court Meeting on November 23rd, 2021, at 9:30 A.M. & a possible Special Commissioners Court Meeting re Redistricting on November 12, 2021, at 9:30 A.M.**

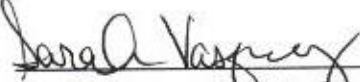
Judge Cano announced the next Regular Commissioners Court Meeting on November 23, 2021, at 9:30 A.M. He also announced that there will not be a Special Meeting on November 12.

**21. Adjourn**

Commissioner Ortega moved to adjourn. Commissioner Pallanez seconded the motion; motion passed 5-0. Meeting adjourned at 12:25 PM.

  
Eleazar R. Cano, County Judge

ATTEST:

  
Sarah Vasquez, County Clerk