

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 30th day of JANUARY, 1992 there was conducted a SPECIAL Public Meeting of the Commissioners' Court of Cameron County, Texas, at the Courthouse thereof, in the City of Brownsville, Texas, for the purpose of transacting any and all business that may lawfully be brought before the same.

THE COURT MET AT:
9:30 A. M.

PRESENT:
ANTONIO O. GARZA, JR.
COUNTY JUDGE

LUCINO ROSENBAUM, JR.
COMMISSIONER, PRECINCT NO. 1

CARLOS H. CASCOS
COMMISSIONER, PRECINCT NO. 2

COMMISSIONER, PRECINCT NO. 3

NATIVIDAD VALENCIA
COMMISSIONER, PRECINCT NO. 4

INELDA T. GARCIA, Deputy
COUNTY CLERK

ABSENT:

ADOLPH THOMAE, JR.

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The meeting was called to order by Judge Antonio O. Garza, Jr. He then asked Mr. Tony Martinez, Attorney-at-Law, to lead the Court and the Audience in reciting the Pledge of Allegiance to the Flag.

The Court considered the following matters as posted and filed for Record in the County Clerk's Office on January 24, 1992, at 3:38 P. M.

(1) APPROVAL OF COUNTY CLAIMS

Mr. Rayburn MacNelly, County Auditor, presented the following late claims for approval at this time: Marchant Brothers, Mercedes, Texas, Warrant No. 53909 in the amount of \$68,802.00 and Valley Chamber of Commerce, Weslaco, Texas, Warrant No. 54199 in the amount of \$25,000.00 for the Regional Mobility Task Force Study.

Commissioner Valencia moved that the County Claims be approved as presented, inclusive of the late claims as to Marchant Brothers, Mercedes, Texas, Warrant No. 53909 in the amount of \$68,802.00 and Valley Chamber of Commerce, Weslaco, Texas, Warrant No. 54199 in the amount of \$25,000.00.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

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(2) APPROVAL OF BUDGET AMENDMENTS AND/OR SALARY SCHEDULES

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Valencia and carried unanimously, the 1991/1992 Budget Amendment No. 12 and the Salary Schedules for the District Attorney's Office, Department Nos. 90-475 and 49-475, and the Impact Drug Court Department, Department Nos. 21-474 (75%) and 21-475 (25%) were approved.

The Budget Amendment and Salary Schedules are as follows:

(3) **APPROVAL OF MINUTES' OF JANUARY 13, 1992, AND
JANUARY 20, 1992**

Upon motion by Commissioner Cascos, seconded by Commissioner Valencia and carried unanimously, the Minutes' of the Regular Meeting held on January 13, 1992, at 1:30 P. M. and the Regular Meeting held on January 20, 1992, at 1:30 P. M. were approved.

(4) **CONSIDERATION AND ACTION TO SELECT THE MOST
ADVANTAGEOUS PRO-POSAL FOR THE PROPOSED
SALE AND REHABILITATION OF THE OLD COUNTY
JAIL AND AUTHORIZATION FOR STAFF TO
NEGOTIATE THE TERMS AND CONDITIONS OF THE
FINAL SALE AGREEMENT**

Mr. Frank Bejarano, Program Development and Management Director, stated that two (2) proposals were received for the sale and rehabilitation of the "Old County Jail" and that it was the consensus of the Review Committee to recommend the proposal by the Tony Martinez Group, Brownsville, Texas, as the most advantageous proposal.

Mr. Bejarano remarked that actually the two (2) proposals were "quality proposals" and that it appeared that both would be capable of completing the job; however, the main reasons for the recommendation were that the "Martinez Proposal" 1) had a higher minimum bid amount, 2) a higher rehabilitation estimate and 3) they were further along in the Developmental Plan and that they had retained an Architect whose qualifications included "Historic Rehabilitation Work Experience".

Mr. Bejarano requested that the staff be authorized to negotiate the terms and conditions of the final Sale Agreement and if successful in the negotiations, the Agreement would then be presented to the Court for approval.

Judge Garza suggested that Mr. Bejarano be the lead person in the negotiations, and to include the County Auditor, the County Engineer, and the County Attorney, to determine the terms and conditions of the Final Sale Agreement.

Commissioner Valencia moved that the "Tony Martinez Group", Brownsville, Texas, be selected as the most advantageous proposal for the sale and rehabilitation of the "Old County Jail" and that staff be authorized, lead by Mr. Bejarano but to include the County Auditor, the County Engineer, and County Attorney, to negotiate the terms and conditions of the Final Sale Agreement, said Final Sale Agreement in all respects, be subject to final approval by the Court.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

(5) **ADOPTION OF THE NATIONAL ASSO-CIATION OF
COUNTIES CODE OF ETHICS FOR COUNTY OFFICIALS**

Upon motion by Commissioner Valencia, seconded by Commissioner Rosenbaum and carried unanimously, the National Association of Counties Code of Ethics for County Officials was adopted.

The Code of Ethics for County Officials is as follows:

(6) **APPROVAL OF RESOLUTION RECOGNIZING THE
WEEK OF FEBRUARY 2-8, 1992, AS PUBLIC HEALTH
WEEK IN TEXAS**

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Cascos and carried unanimously, the Resolution recognizing the Week of February 2-8, 1992, as Public Health Week in Texas, was adopted.

The Resolution is as follows:

(7) **APPROVAL TO REFUND TAXES TO COMMUNITY DEVELOPMENT CORPORATION OF BROWNSVILLE IN THE AMOUNT OF \$4,709.71 FOR THE ERRONEOUS PAYMENT OF TAXES**

Upon motion by Commissioner Valencia, seconded by Commissioner Cascos and carried unanimously, the refund of taxes to the Community Development Corporation, Brownsville, Texas, in the amount of \$4,709.71 for the erroneous payment of taxes was approved.

(8) **PRESENTATION OF "MONTHLY STATEMENT OF EXPENDITURES AND ENCUMBRANCES COMPARED WITH APPROPRIATION" OF MAJOR FUNDS AS OF DECEMBER 31, 1991**

Mr. Rayburn MacNelly, County Auditor, presented a "Monthly Statement of Expenditures and Encumbrances Compared with Appropriation" of major funds as of December 31, 1991, and highlighted the Fund Accounts with over twenty-five percent (25%) of their budget expended. He stated that the Report did not include Capital Assets or Salary Items.

At this time, Judge Garza suggested that the County Auditor schedule a "Quarterly" or "Mid-year" Budget Workshop to evaluate the expenditures.

Upon motion by Commissioner Cascos, seconded by Commissioner Rosenbaum and carried unanimously, the "Monthly Statement of Expenditures and Encumbrances Compared with Appropriation" of major funds was acknowledged.

The Monthly Statement is as follows:

(9) **AUTHORIZATION TO UTILIZE AND PAY FOR CELLULAR/MOBILE PHONE AIR TIME FOR PRECINCT NO. 2 SUPERVISOR**

Commissioner Cascos moved that the use and payment for a Cellular/Mobile Phone Air Time for the Precinct No. 2 Supervisor be authorized.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

(10) **AUTHORIZATION TO AWARD BIDS FOR DRAINAGE MATERIALS ITEMS A & B FOR FISCAL YEAR 1991/1992**

Mr. Michael Forbes, County Purchasing Agent, stated that only one (1) bid was received for Item "B", that being from Contech Construction, Houston, Texas. He stated that "no bids" were received for Item "A" and that it was the second time that bids were requested on both Items, and he suggested that quotes be taken on an "as needed" basis for Item "A", that being Corrugated Plastic Pipes.

Commissioner Valencia moved that the low and only bid of Contech Construction, Houston, Texas, on Item "B", Drainage Materials for the Fiscal Year 1991/1992, be accepted, and that quotes be taken on as "as needed" basis for Item "A".

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

(11) **AUTHORIZATION TO AWARD BIDS FOR LEASE PURCHASE OF THREE (3) PICK-UPS AND ONE (1) VAN FOR VARIOUS DEPARTMENTS**

Upon motion by Commissioner Cascos, seconded by Commissioner Rosenbaum and carried unanimously, the bids for the Lease Purchase of Vehicles were awarded to the following bidders, based on the terms of financing not to exceed three (3) years:

A - Pick-Up 3/4 Ton - Precinct No. 1
Tip-O-Tex Chevrolet, Brownsville, Texas, with trade - \$17,623.81

B - Pick-Up 3/4 Ton - Precinct No. 2
Tip-O-Tex Chevrolet, Brownsville, Texas, with trade - \$13,948.28

C - Pick-Up 3/4 Ton - Precinct No. 2
Tip-O-Tex Chevrolet, Brownsville, Texas, with trade - \$15,541.46

D - Van 8-10 Passenger - Juvenile Probation
L. T. Boswell, San Benito Texas, without trade and without financing - \$14,369.00

(12) **CONSIDERATION AND ACTION PURSUANT TO REVIEW OF THE COUNTY'S PERSON-NEL POLICIES MANUAL BY THE COUNTY'S LABOR COUNSEL**

Mr. Frank Bejarano, Program Development and Management Director, stated that he initiated the review of the Personnel Policies Manual by the Firm of Haynes and Boone, the County's Labor Counsel.

He said he was concerned with the impact of the Americans with Disabilities Act on current employment practices, including the recently adopted Pre-employment Physical Examinations.

Mr. Bejarano stated that the Firm suggested that the Personnel Policies Manual be amended in several areas which are detailed in the following correspondence:

Mr. Bejarano stated that most of the Items could be addressed by the Personnel Committee for recommendations to the Court.

Upon motion by Commissioner Cascos, seconded by Commissioner Valencia and carried unanimously, the revisions recommended by the County's Labor Counsel were referred to the County's Personnel Committee for review and recommendation to the Court at a later date.

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(13) **AUTHORIZATION FOR COUNTY JUDGE TO EXECUTE
CONSTRUCTION CONTRACT WITH FITZGERALD
CONTRACTING, INC. FOR THE RECONSTRUCTION OF
THE SHRIMP HARBOR DOCKS AT THE PORT OF
BROWNSVILLE UNDER TDOC GRANT**

Commissioner Valencia moved that the County Judge be authorized to execute the Construction Contract with Fitzgerald Contracting, Inc., Donna, Texas, for the reconstruction of the Shrimp Harbor Docks at the Port of Brownsville under the Texas Department of Commerce (TDOC) Grant.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

The Service Contract is as follows:

(14) **IN THE MATTER OF APPOINTMENT/ REAPPOINTMENT
TO THE BOARD OF DIRECTORS OF THE CAMERON
COUNTY HOUSING FINANCE CORPORATION [TABLED]**

Upon motion by Commissioner Valencia, seconded by Commissioner Cascos and carried unanimously, this Item was TABLED.

(15) **CONSIDERATION AND ACTION CREATING THE
POSITION OF SAFETY AND RISK COORDINATOR FOR
CAMERON COUNTY, DEFINING THE DUTIES OF THE
POSITION, SETTING THE POSITION SALARY, AND
AUTHORIZING RECRUITMENT TO FILL THE
VACANCY**

Judge Garza stated that there appeared to be two (2) different directions in defining the position of Safety and Risk Coordinator for Cameron County. He said that in visiting with the County Engineer, the position would be best as a "Safety Engineer" in the sense generally associated with the Occupational Safety and Health Administration (OSHA). However, he added that he envisioned the position as a "Risk-Loss Coordinator" who would handle Personnel Insurances, Worker's Compensation claims and "Wellness" Programs.

Mr. Frank Bejarano, Program Development and Management Director, remarked that the Job Description would be for either a "Safety Engineer" or a "Risk-Loss Coordinator", but that the Salary Range was not for a Safety Engineer.

Commissioner Valencia moved to create the position of Safety and Risk Coordinator, to defer adoption of the Job Description until next week, to establish the Salary Range between \$18,000.00 and \$24,000.00, said funding to be allocated from the Fund Balance, and to defer the recruitment to fill the vacancy until the Job Description was adopted.

The motion was seconded by Commissioner Cascos and carried unanimously.

(16) **APPROVAL OF REQUEST FOR PAYMENT OF ANNUAL
DUES IN THE AMOUNT OF \$250.00 TO THE COUNTY
JUDGES AND COMMISSIONERS ASSOCIATION OF
TEXAS**

Upon motion by Commissioner Valencia, seconded by Commissioner Rosenbaum and carried unanimously, the request for payment of the Annual Dues in the amount of \$250.00 to the County Judges and Commissioners Association of Texas was approved.

(17) **APPROVAL OF REQUEST BY FIRST BAPTIST CHURCH
TO USE COUNTY PARK ON 14TH AND ELIZABETH
STREET TO SET UP SHADE TENT FOR PUPPET SHOW
DURING CHARRO DAYS FEBRUARY 26-28, 1992**

Upon motion by Judge Garza, seconded by Commissioner Rosenbaum and carried unanimously, the request by First Baptist Church to use County Park on 14th and Elizabeth Street to set up a shade tent for a Puppet Show during Charro Days, February 26-28, 1992, was approved.

(18) APPROVAL TO OPEN COUNTY ROAD SUBJECT TO MEETING ENGINEERING APPROVAL AND DONATION OF MATERIALS FOR MAINTENANCE BY INTERESTED PARTIES

Mr. Andy Cueto, County Engineer, explained to the Court that the County would receive 60' Right-of-Way and that the materials would be donated for the maintenance of said road.

Commissioner Valencia moved that the County Road be opened, subject to meeting the County Engineer's approval, that being the acquisition of Right-of-Way, and to approve the donation of materials for the maintenance by interested parties.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

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(19) APPROVAL TO UTILIZE COUNTY EQUIP-MENT FOR EXCAVATION OF DIRT FROM BLOCK 112, SAN BENITO LAND AND WATER COMPANY SUBDIVISION FOR USE ON COUNTY ROADS

Upon motion by Commissioner Valencia, seconded by Commissioner Rosenbaum and carried unanimously, the use of County equipment for excavation of dirt from Block 112, San Benito Land and Water Company Subdivision, for use on County Roads was approved.

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(20) **AUTHORIZATION FOR THE COUNTY JUDGE TO EXECUTE A DEED FOR PROPERTY BEING TRANSFERRED TO THE TEXAS DEPARTMENT OF TRANSPORTATION. THE PROPERTY BEING TRANSFERRED IS FOR THE CONSTRUCTION OF FM/509 FROM HIGHWAY 281 SOUTH, TO THE LOS INDIOS BRIDGE SITE**

Mr. Andy Cueto, County Engineer, explained to the Court that the property located on Section 8, south of Highway 281, was being transferred to the Highway Department for the Los Indios International Bridge Project.

Commissioner Valencia moved that the County Judge be authorized to execute a Deed for property being transferred to the Texas Department of Transportation. The property being transferred is for the construction of FM 509 from Highway 281 south to the Los Indios International Bridge site.

The motion was seconded by Commissioner Cascos and carried unanimously.

The Resolution and Warranty Deed are as follows:

(21) **AUTHORIZATION FOR THE COUNTY ENGINEER'S OFFICE TO PREPARE PLANS AND SPECIFICATIONS FOR AN ACCESS ROAD TO LAS RUSIAS COMMUNITY CEMETERY**

Mr. Andy Cueto, County Engineer, explained that the access road to Las Rusias Community Cemetery was a narrow road and that the materials would be donated.

There was some discussion as to the difference between this project and the paving of the entrance to a private property and the suggestion was made to approve the Item subject to legal review.

Upon motion by Commissioner Valencia, seconded by Commissioner Rosenbaum and carried unanimously, the County Engineer's Office was authorized to prepare plans and specifications for an access road to Las Rusias Community Cemetery, subject to legal review.

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(22) **AUTHORIZATION TO ADVERTISE FOR PROPOSALS FOR A "RURAL ADDRESSING SYSTEM" FOR CAMERON COUNTY IN CONJUNCTION WITH CAMERON COUNTY 9-1-1**

Mr. Andy Cueto, County Engineer, explained that the County is working in conjunction with Cameron County's 9-1-1 and the Appraisal District and that the County is not committing any County Funds towards the Project.

Commissioner Cascos moved that the advertisement for Proposals for a "Rural Addressing System" for Cameron County in conjunction with Cameron County's 9-1-1 be authorized.

The motion was seconded by Commissioner Valencia and carried unanimously.

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(23) **APPROVAL OF CONTRACT FOR REMODELING OF COUNTY HEALTH CLINIC WITH WILHITE AND ASSOCIATES AS PER RE-COMMENDATION OF COUNTY ENGINEER, ASSISTANT DISTRICT ATTORNEY AND COUNTY HEALTH DEPARTMENT DIRECTOR**

Upon motion by Commissioner Cascos, seconded by Commissioner Valencia and carried unanimously, the Remodeling Contract of the County Health Clinic with the Firm of Wilhite and Associates, Brownsville, Texas, as per the recommendation of the County Engineer, the Assistant District Attorney, and the County Health Department Director was approved.

The Service Contract is as follows:

(24) **AUTHORIZATION TO RETAIN ENGI-NEERING FIRM OF FARAKLAS AND ASSOCIATES, INC., TO DO PRE-LIMINARY WORK RELATED TO PEDESTRIAN WALKWAY AT GATEWAY INTERNATIONAL BRIDGE**

Mr. Andy Cueto, County Engineer, stated that the Engineering Firm of Faraklas and Associates, Inc., were being recommended because they are familiar with the Gateway International Bridge and for expediency. He said that the work needed to be done immediately to prepare the "Walk Way" because of the problems of the "truck turn".

Commissioner Valencia moved to authorize the County Engineer to prepare the Contract to retain the Engineering Firm of Faraklas and Associates, Inc., San Antonio, Texas, to do the preliminary work related to the "Pedestrian Walk Way" at the Gateway International Bridge.

The motion was seconded by Commissioner Cascos and carried unanimously.

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(25) **AFFIRMATION OF A RESOLUTION EMPHASIZING THE DESIRE TO CO-OPERATE WITH OTHER GOVERNMENTAL SUBDIVISIONS FOR THE PURPOSE OF IMPROVING AND MASTER PLANNING THE TRANSPORTATION AND INFRASTRUC-TURAL NEEDS IN SOUTH TEXAS**

Mr. Andy Cueto, County Engineer, stated that after several meetings with the Valley Regional Mobility Study Group, a Resolution was adopted which would present a unified front to Austin regarding the current and future infrastructure needs of the Rio Grande Valley and he requested that said Resolution be endorsed by the Court.

Upon motion by Commissioner Cascos, seconded by Commissioner Valencia and carried unanimously, the Resolution emphasizing the desire to cooperate with other governmental subdivisions for the purpose of improving and master planning the transportation and infra-structural needs in South Texas, was adopted.

The Resolution reads as follows:

At this time, Mr. Cueto presented a "Preliminary Draft" prepared by the Study Group to be submitted to the State, outlining the five (5) Items which would expedite economic growth in South Texas.

The Preliminary Draft is as follows:

(26) AUTHORIZATION TO PURCHASE CON-CRETE BARRIERS FROM SEVERAL CON-TRACTORS AT GATEWAY EXPENSE FOR UTILIZATION AS TRAFFIC CONTROL

Judge Garza reported that the Brownsville Port Director informed him that the Contractor was about finished with his work there and that they had approximately fifteen (15) to twenty (20) concrete barriers left that perhaps the County could utilize at the Gateway Bridge to channel the traffic. He said that the cost of the concrete barriers would be approximately \$275.00 each.

Judge Garza reported that six (6) barriers would be needed at the Gateway Bridge and that the County Engineer suggested to acquire more than six (6) to provide for the Los Indios International Bridge Project.

Mr. Jack Brown, Los Indios Bridge Project Engineer, stated that the barriers usually cost about \$600.00 each, plus freight and that he could use at least six (6).

Judge Garza suggested to authorize the purchase of up to fifteen (15) concrete barriers if there are still available.

Commissioner Valencia moved that the purchase of concrete barriers from several contractors for utilization as traffic controls be authorized, said funds to be allocated from the Bridge Construction Budget.

The motion was seconded by Commissioner Cascos and carried unanimously.

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(27) APPROVAL FOR TRAVEL EXPENSES

Upon motion by Commissioner Valencia, seconded by Commissioner Cascos and carried unanimously, the following travel expenses were approved, subject to availability of funds in their budget, and the reimbursement by the State on Item "e":

- a) County Clerk and One (1) Deputy to San Antonio on January 31, 1992, for Microfilm and Electronic Records Seminar;
- b) Precinct No. 4 Administrative Assistant to attend the Texas Notary Law and Procedure Seminar in Harlingen on January 29, 1992; (DELETED)
- c) Two (2) Assistant County Auditors to Austin on February 11-13, 1992, for Continuing Education Seminar;
- d) Parks Director to travel with Club Padre to tour Texas Parks facilities on February 3-4, 1992;
- e) Sheriff to attend Commission on Jail Standards Meeting on January 21, 1992;
- f) Six (6) Officers from Cameron County Drug Enforcement Task Force to Kerrville and San Antonio to attend TNOA Meeting and pick up leased vehicles in San Antonio on January 28-31, 1992; and
- g) Constable Juan Sanchez and Constable Robert Martinez to Austin on February 4-7, 1992, to attend 20 hours Advanced Civil Process School.

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(28) EXECUTIVE SESSION

Upon motion by Commissioner Valencia, seconded by Commissioner Cascos and carried unanimously, the Court met in Executive Session at 10:45 A. M. to discuss the following matters:

- a) Discuss the purchase of Parcel Nos. 4 and 5, Loop 590, Section III, pursuant to Section 2(f) of Article 6252-17 (of the Texas Revised Civil Statutes);
- b) Discuss acquisition of Tract No. 2 of the Mary T. Landrum Partition, Volume 12, Page 30, of the Cameron County Map Records, pursuant to Section 2(f) of Article 6252-17 (of the Texas Revised Civil Statutes);
- c) Consider acceptance or rejection of counter offer of Parcel No. 40, FM 801, pursuant to Section 2(f) of Article 6252-17 (of the Texas Revised Civil Statutes);
- d) Consider acceptance and authorization for payment for Right-of-Way Deed for Parcel No. 22, Altas Palmas Road, pursuant to Section 2(f) of Article 6252-17 (of the Texas Revised Civil Statutes);

- e) Consider acceptance or rejection of counter offer of Parcel No. 18, Altas Palmas Road, pursuant to Section 2(f) of Article 6252-17 (of the Texas Revised Civil Statutes); and
- f) Confer with Counsel concerning the State of Texas, et al. vs. Gary Smith, et al, pursuant to Section 2(e) of Article 6252-17 (of the Texas Revised Civil Statutes).

Upon motion by Commissioner Valencia, seconded by Commissioner Rosenbaum and carried unanimously, the Court reconvened in Special Session at 11:20 A. M.

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(29) ACTION RELATIVE TO EXECUTIVE SESSION

- a) In the matter to discuss the purchase of Parcel Nos. 4 and 5, Loop 590, Section III. NO ACTION

Judge Garza reported that NO ACTION was taken on this Item since it was Tabled a week ago.

Upon motion by Commissioner Valencia, seconded by Commissioner Rosenbaum and carried unanimously, No Action was taken on this Item.

- b) Discuss acquisition of Tract No. 2 of the Mary T. Landrum Partition, Volume 12, Page 30, of the Cameron County Map Records.

Judge Garza reported that after some discussion in Executive Session it was the consensus of the Court as determined by polling, to retain Mr. Brian Janis, Attorney-at-Law, for the preparation of all documents necessary for the acquisition of said property and to acknowledge and accept the Appraisal provided by Mr. Jack Brown, Project Engineer on this matter.

Commissioner Valencia moved that Mr. Brian Janis, Attorney-at-Law, be retained for the preparation of all documents necessary for the acquisition of Tract No. 2 of the Mary T. Landrum Partition, and that the appraisal provided by Mr. Jack Brown, Project Engineer, be acknowledged and accepted.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

- c) Consider acceptance or rejection of counter offer of Parcel No. 40, FM 801.

Judge Garza reported that after some discussion in Executive Session it was the consensus of the Court as determined by polling, that an offer be made, in the sum to remain undisclosed until offer is made, since the owner rejected the County's counter offer.

Upon motion by Commissioner Valencia, seconded by Commissioner Cascos and carried unanimously, authorization was given that an offer be made for Parcel No. 40, FM 801, in the sum to remain undisclosed until the offer is made.

- d) Consider acceptance and authorization for payment for Right-of-Way Deed for Parcel No. 22, Altas Palmas Road.
- f) Consider acceptance or rejection of counter offer of Parcel No. 18, Altas Palmas Road.

Judge Garza reported that after some discussion in Executive Session it was the consensus of the Court as determined by polling, that an offer would be made subject first to the designation of funding for said offers.

Commissioner Valencia moved that approval be given to extend offers on Parcels No. 22 and No. 18, Altas Palmas Road (and Parcel No. 37, Parker Road), subject first to the designation of funding for said offers.

The motion was seconded by Commissioner Cascos and carried unanimously.

- e) Consider acceptance of counter offer for Parcel No. 37, Parker Road. **(CONSIDERED DURING SUPPLEMENTAL AGENDA)**
- g) Confer with Counsel concerning the State of Texas, et al. vs. Gary Smith, et al.

Judge Garza reported that after some discussion in Executive Session it was the consensus of the Court as determined by polling, that the situation presented a potential conflict for the County Attorney and that outside counsel should be retained on this matter, to wit, either one (1) of the two (2) individuals agreeing.

Upon motion by Commissioner Valencia, seconded by Commissioner Rosenbaum and carried unanimously, approval was given to retain "outside counsel" on the matter concerning the State of Texas, et al, vs. Gary Smith, et al.

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SUPPLEMENTAL AGENDA

(3) **APPROVAL OF AMENDMENT TO CONTRACT FOR SERVICES BETWEEN CAMERON COUNTY, WILLACY COUNTY, AND TEXAS KEY, INC.**

Ms. Pandora Dysart, County Attorney, explained that the Amendment deleted Willacy County from the Contract, and that the Contract would be between Cameron County and Texas Key, Inc.

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Valencia and carried unanimously, the Amendment to Contract for Services between Cameron County and Texas Key, Inc. was approved.

The Amendment to the Service Contract is as follows:

(1) **AUTHORIZATION TO REQUEST PROPO-SALS FOR SUPPLEMENTAL INSURANCE BENEFITS FOR COUNTY EMPLOYEES**

Ms. Rosemary Martinez, First Assistant County Auditor, explained that the Court had instructed the Insurance Committee to review and to form specifications for proposals for all the individual Insurance benefits that the County Employees were purchasing. She stated that the Supplemental Insurance Benefits were for Cancer, Disability, Accident, Heart, and additional Term Life, since the County Plan only provides \$10,000.00 Life Insurance.

Ms. Martinez stated that the Personnel Committee would evaluate the proposals and make recommendations and that the month of April had been scheduled for enrollments.

There was some discussion as to the number of Insurances and Providers available and that the Personnel Committee could assist in explaining the different Benefits, as well as the current "Cafeteria Plan", and the suggestion was made to hold a "Health Fair" and to conduct a "Wellness Program" to try to reduce the Health Claims.

A suggestion was also made to seek proposals for Dental Coverage as an Optional Coverage.

Upon motion by Commissioner Cascos, seconded by Commissioner Rosenbaum and carried unanimously, authorization was given to request Proposals for Supplemental Insurance Benefits for County Employees.

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(2) **AUTHORIZATION TO INSTRUCT THE PERSONNEL COMMITTEE TO DEVELOP AN AUTO USE POLICY (COUNTY-OWNED VEHICLES) TO BE ADDED TO THE CAMERON COUNTY PERSONNEL POLICIES**

Ms. Rosemary Martinez, First Assistant County Auditor, explained that all County employees that use a County Vehicle and are allowed to commute to and from work are being taxed \$3.00 a day. She stated that the Internal Revenue Service (I.R.S.) has a very specific regulation that requires a written Policy prohibiting non-business use of the County vehicles, other than for commuting. Ms. Martinez remarked that the Court had approved a "Position Statement" regarding the use of County-owned Vehicles about three (3) years ago, but that a written Policy had never been adopted. She added that if a written Policy is not adopted, then the County would not be allowed to tax the \$3.00 a day, and would have to utilize Mileage Records instead.

Ms. Martinez explained that the County does not carry Personal Injury Protection under the Auto Liability Insurance Policy, and that passengers in a County-owned vehicle would not have any Medical Insurance for medical bills if they were involved in an accident.

Judge Garza stated that he understood that the Court had adopted a Policy regarding the use of County-owned vehicles for "commuting" and "on-the-job", and that the presumption was created that if the use was not between 7:30 A. M. and 5:30 P. M., then it was not "commuting" nor "on-the-job", and if it was used during the weekend, then defacto not "on-the-job".

Ms. Martinez responded it had been the Policy Statement, but it was never written and that she is not sure that it was entirely communicated to the County employees.

Commissioner Cascos stated that, at this point, it was a good opportunity to reinforce the County Policy as far as "off-duty" usage of County vehicles for other than County business, and added that not only for I.R.S. ramifications, but because of the liability if involved in an auto accident. He stated that he would like to see the Policy in writing and strictly enforced.

Ms. Martinez recommended to incorporate a written Policy into the Personal Policies Manual because the disciplinary mechanism for the violation of the Policy are included in the Manual.

Judge Garza suggested that a "Memorandum" be drafted for approval next week and to be incorporated into the Personal Policies Manual and that he would encourage the Public, upon seeing a County vehicle before 7:30 A. M. or after 5:30 P. M., to take the License Plate Number and to report it.

There was some discussion regarding exemptions for Elected Officials and Personnel that are on-call twenty-four (24) hours a day, and Ms. Martinez stated that the greatest concern involved the County employees who pick-up their children after school. She stated that when calls are received regarding the questionable use by Public Officials or Law Enforcement Officials, that the usual response is that it is very difficult to determine on the surface, whether it is business or not, and that to assume that they should not be using the vehicle is not correct.

Commissioner Cascos moved that the Personnel Committee be directed to draft a Memorandum for the Court to consider next week and if acceptable, that it be adopted and integrated into the Cameron County Personnel Policies Manual and publicized as a "stated Policy" of the County with respect to the usage of County-owned vehicles.

The motion was seconded by Commissioner Valencia and carried unanimously.

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(4) EXECUTIVE SESSION

Upon motion by Commissioner Cascos, seconded by Commissioner Valencia and carried unanimously, the Court met in Executive Session at 12:00 P. M. to discuss the following matter:

- a) Consider acceptance of counter offer for Parcel No. 37, Parker Road, pursuant to Section 2(f) of Article 6252-17 (of the Texas Revised Civil Statutes).

Upon motion by Commissioner Cascos, seconded by Commissioner Valencia and carried unanimously, the Court reconvened Special Session at 12:20 P. M.

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(5) ACTION RELATIVE TO EXECUTIVE SESSION

- a) Consider acceptance of counter offer for Parcel 37, Parker Road.

Judge Garza reported that this Item was a corollary to the Executive Session Item No. 29 "d and f" of the previous Agenda and that after some discussion it was the consensus of the Court as determined by polling, that an account be established, that being Account No. 15-622-088, and that the sum of \$50,000.00 be allocated from the Fund Balance for the acquisition of "Non-minute Order" Right-of-Ways, that all requests for Right-of-Way acquisitions be directed to the County Engineer's Office for placement on the Agenda to be evaluated by the Court for purchase, and that the County Engineer maintain a year-to-date total of what has been acquired.

Commissioner Valencia moved that Account No. 15-622-088 be established, that the sum of \$50,000.00 be allocated from the Fund Balance for the acquisition of "Non-minute Order" Right-of-Ways, that all requests for Right-of-Way acquisitions be directed to the County Engineer's Office for placement on the Agenda and evaluated by the Court for purchase, and that the County Engineer's Office maintain a year-to-date total of the acquisitions.

The motion was seconded by Commissioner Cascos and carried the following vote:

AYE: Commissioners Cascos and Valencia

NAY: Commissioner Rosenbaum.

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**NOT ON BUDGET AMENDMENT FOR COUNTY
AGENDA JUDGE'S OFFICE**

Judge Garza requested that the sum of \$10,000.00 be allocated from the General Fund for an "Equipment Budget Line Item" for the County Judge's Office, and that an appropriate Budget Amendment be prepared.

It appeared to be the consensus of the Court as determined by polling, to authorize the preparation of a Budget Amendment to create an "Equipment Budget Line Item" in the sum of \$10,000.00 for the County Judges's Office.

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There being no further business to come before the Court, upon motion by Commissioner Cascos, seconded by Commissioner Valencia and carried unanimously, the meeting was adjourned.

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APPROVED this _____ day of February, 1992.

ANTONIO O. GARZA, JR.
COUNTY JUDGE

ATTEST:

JOE G. RIVERA,
COUNTY CLERK AND EX-OFFICIO CLERK
OF THE COMMISSIONERS' COURT OF
CAMERON COUNTY, TEXAS