

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 14TH day of SEPTEMBER, 1992 there was conducted a REGULAR Session of the Honorable 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:

PRESENT:

1:30 P. M.

ANTONIO O. GARZA, JR.
COUNTY JUDGE

LUCINO ROSENBAUM, JR.
COMMISSIONER, PRECINCT NO. 1

CARLOS H. CASCOS
COMMISSIONER, PRECINCT NO. 2

ADOLPH THOMAE, JR.
COMMISSIONER, PRECINCT NO. 3

NATIVIDAD VALENCIA
COMMISSIONER, PRECINCT NO. 4

JOE G. RIVERA
COUNTY CLERK

ABSENT:

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The meeting was called to order by Judge Antonio O. Garza, Jr. He then asked the entire Court to lead 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 Office of the County Clerk on September 10, 1992, at 11:14 A. M.

(8) **APPROVAL OF APPOINTMENT OF ELAINE FRIES
AS COUNTY EXTENSION AGENT - HOME
ECONOMICS**

At this time, Mr. Terry Lockamy and Ms. Bertha Garza, District Extension Directors, introduced Ms. Elaine Fries, Home Economist, and reviewed her qualifications and experiences for the position of County Extension Agent.

Upon motion by Commissioner Thomae, seconded by Commissioner Rosenbaum and carried unanimously, the appointment of Ms. Elaine Fries as the County Extension Agent - Home Economics, was approved, effective October 19, 1992.

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(11) **APPROVAL OF RESOLUTION AS REQUESTED BY
THE PORT OF HARLINGEN AUTHORITY BOARD
OF COMMISSIONERS, SETTING A TAX RATE OF
\$0.0400 PER ONE HUNDRED DOLLARS
VALUATION FOR THE MAINTENANCE,
OPERATION AND UPKEEP OF THE PORT
AUTHORITY**

Mr. W. G. Palmer, Harlingen Port Director, explained that the Port of Harlingen Authority had pledged to reduce the tax rate and that the 1993 tax rate had been reduced by about twelve percent (12%) with a total reduction for the last four (4) years of thirty percent (30%).

Commissioner Thomae moved that the Resolution as requested by the Port of Harlingen Authority Board of Commissioners be adopted, setting a tax rate of \$0.0400 per one hundred dollars (\$100.00) valuation for the maintenance, operation and upkeep of the Port Authority, noting the reduction of the tax rate by twelve percent (12%).

The motion was seconded by Commissioner Cascos and carried unanimously.

The Resolution is as follows:

(21) **APPROVAL OF POSSIBLE TEMPORARY "MOBILE BRANCH POLLING PLACES FOR EARLY VOTING FOR THE GENERAL ELECTION OF NOVEMBER 3, 1992**

At this time, Judge Garza stated that Mr. Frank Morris, Republican Chairman, had requested that the Court defer action on this Item until he could be present at the Meeting at approximately 2:30 P. M. Judge Garza explained that he had not anticipated considering this Item until 2:30 - 2:45 P. M., since it was Item No. 21; however, he sensed that there were a number of individuals wishing to make comments and he suggested that they do so, but to defer taking action.

At this time, Mr. Joe G. Rivera, County Clerk, requested to make his comments because he could not be present at 2:30 P. M. He presented the following Resolution describing the Permanent Temporary Branch Polling Places previously approved, as well as the proposed "Mobile" and "Retail" Temporary Polling Places for Early Voting:

Ms. Tencha de la Peña, Elections Administrator, indicated her concerns with the designation of Lopez Super Market, Harlingen, Texas, as the location for the Permanent Branch Office for Precinct No. 4 because of the lack of security and recommended that the Harlingen County Building be maintained as a polling place.

Judge Garza stated that the Harlingen County Building was located in Precinct No. 3 and that Precinct No. 4 would still be in need of a voting location and asked whether there was an alternative site for Precinct No. 4 from among the "Mobile" locations.

Commissioner Valencia moved that the "Temporary 'Mobile' Branch Polling Places" be adopted, as outlined, subject to pre-clearance by the Justice Department.

Judge Garza suggested that, in the interest of fairness, Mr. Morris be allowed to comment before action was taken on this Item.

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

AYE: Commissioners Rosenbaum, Cascos, Thomae and Valencia

NAY: Judge Garza.

At this time, Mr. Rivera reviewed "Section 3 - Other Temporary 'Retail' Branch Polling Places" as outlined, noting that it would be for three (3) days only, and added that he would be glad to work with the Elections Administrator to secure whatever was necessary for the Election.

He stated that Ms. de la Peña had prepared an approximate Budget of \$30,780.00 and that the additional election boxes needed would increase the Budget to approximately \$35,000.00.

At this time, Ms. de la Peña outlined her concerns for the security of the Ballots at the "Retail" and "Mobile" locations and reported on the locations that she had contacted and whether or not they were in agreement to hold elections at their sites.

Commissioner Cascos expressed his concern with what appeared to be lack of coordination in the efforts between the Elections Administrator and the County Clerk in regards to the "retail" locations.

Judge Garza stated that Ms. de la Peña was the Elections Administrator and ultimately responsible and that if there were any problems with the way she had done her job, it would be a matter of evaluating her performance as an

Elections Administrator; however, she had conducted many elections and had a certain amount "expertise" in the area of elections. He remarked that the focus of the County Clerk was "access" and the focus of the Elections Administrator was "process"; therefore, the occasional conflict.

Mr. Rivera reported that the Elections Committee met and discussed "Mobile Early Voting" and suggested that he research the matter. He stated that after listening to all the concerns, he believed that most of the concerns were addressed in the Resolution. He emphasized that the Elections Committee asked him to research the matter, and he was just trying to get high voter participation.

Mr. Rivera suggested that the entire Elections Committee assist the Elections Administrator to try to solve her concerns and the suggestion was made that Commissioner Valencia and Mr. Rivera travel to Harlingen with the Elections Administrator to resolve the concerns regarding the Lopez Super Market location as a Temporary Branch Site for Precinct No. 4.

Ms. de la Peña reported that the Schedule submitted to the Justice Department had to be "site and date" specific, and she again recommended that the Harlingen County Building be kept as the location for Precinct No. 4 instead of Lopez Super Market. She stressed that the Temporary Branch Office had to be opened the same hours as the Main Office, that being eight (8) to five (5), and twelve (12) hours on a Saturday.

At this time, Mr. Al Soto, resident, expressed his concern regarding the "negative" comments and urged the Court to do the right thing to serve the Public.

Commissioner Cascos moved that "Section 3 - Other Temporary `Retail' Branch Polling Places" be approved as outlined.

The motion was seconded by Commissioner Rosenbaum.

Judge Garza reiterated the need to allow the Republican Chairman to comment and added that everyone appreciated the need for "access" and the importance to exercise the right to vote.

He added that in this Country, voting was a "right" and that every "right" included a "responsibility" that every individual citizen should take very seriously. He stated that one of the things that he found a "bit" offensive was the suggestion that unless there was a polling place on every single block, that people would not take that right seriously enough to exercise that responsibility. He said that it was almost as though there were assumptions that 1) "people are sheep and have to be shepherded into the polling places and 2) people are so "lackadaisical" about their right to vote that if it is not at their door-step, then they would not exercise it." He indicated there had to be a point where "access" was balanced with people being responsible to vote. Judge Garza added that he did not purport to be the Elections Administrator's Public Defender; however, she was responsible to conduct fair and secure Elections by following the Law.

Commissioner Cascos stated that inherently the majority of the people took the right to vote for granted and did not exercise it. He stated that he remembers reading when voting was conducted on only one (1) day, then it was extended to include "absentee" voting with certain criteria, and that "absentee" voting now had changed to include Early Voting.

He remarked that as times change, people change and education change and that many years ago, giving women and other minorities the right to vote was viewed as "going too far". He added that giving the working people the opportunity to vote will enhance voting awareness.

Ms. Mary Lou Campbell, Election Judge, expressed her concerns regarding the need to facilitate voting and added that Cameron County was a "poor" County, lacking public transportation; therefore, there was a need to get the Polling Places to the voters, then the voters would get in the "habit" of voting, which was part of the educational process.

Mr. Noe Robles, Democratic Chairman, took exception to Judge Garza's comment on "leading" the people and added that the intent of "access" was part of the process to educate.

Judge Garza called on the original motion, that being that Commissioner Cascos moved that "Section 3 - Other Temporary "Retail" Branch Polling Places" be adopted.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

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NOTE: Commissioner Thomae left the Courtroom at this time.

(1) APPROVAL OF COUNTY CLAIMS

Commissioner Valencia moved that the County Claims be approved as presented and on the recommendation by the County Auditor.

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

AYE: Commissioners Rosenbaum and Valencia

NAY: None

ABSTAIN: Judge Garza as to the claim of E. de la Garza, Warrant No. 65064 in the amount of \$974.95; and Commissioner Cascos as to the claims of Waters Implement Company, Inc., Warrant No. 65264 in the amount of \$11.10 and Warrant No. 65265 in the amount of \$29.95.

The Affidavits are as follows:

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

Commissioner Valencia moved that the 1991/1992 Budget Amendment No. 42 be approved as presented.

The motion was seconded by Commissioner Cascos and carried unanimously.

The Budget Amendment is as follows:

(3) **IN THE MATTER OF MINUTES' OF AUGUST 24
AND 31, 1992, AND SEPTEMBER 4 AND 8, 1992
(TABLED)**

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Valencia and carried unanimously, this Item was TABLED for one (1) week.

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(6) **AUTHORIZATION TO OPEN ANNUAL BIDS
FISCAL YEAR 1992/1993 FOR VARIOUS
DEPARTMENTS**

Upon motion by Commissioner Cascos, seconded by Commissioner Rosenbaum and carried unanimously, approval was given to open bids as received for various departments for the Fiscal Year 1992/1993.

At this time, the Purchasing Agent was directed to open all bids and to report at the end of the Meeting.

NOTE: Commissioner Thomae returned to the Courtroom at this time.

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(7) **AUTHORIZATION TO ADOPT RESOLUTION
NOMINATING A CANDIDATE FOR THE
VACANCY ON THE BOARD OF DIRECTORS FOR
THE CAMERON COUNTY APPRAISAL DISTRICT**

Judge Garza reported that the vacancy on the Cameron County Appraisal District Board was due to the unfortunate and untimely death of Mr. George Truan, Brownsville Independent School District (BISD) Board Member.

A discussion followed concerning possible nominees and the fact that the Appraisal District would make the selection from the list of nominees.

Commissioner Thomae moved that the nomination of the following candidates for the vacancy on the Board of Directors for the Cameron County Appraisal District be approved:

Mr. Joe Lopez, Brownsville, Texas

Mr. Sam Sparks, Harlingen, Texas.

The motion was seconded by Commissioner Valencia and carried unanimously.

The Resolutions are as follows:

(9) **AUTHORIZATION TO SUBMIT THE 1992
REGULAR COMMUNITY DEVELOPMENT GRANT
APPLICATION FOR A SEWER PROJECT IN LAS
PALMAS SUB-DIVISION, SECTION 4**

Upon motion by Commissioner Thomae, seconded by Commissioner Cascos and carried unanimously, the 1992 Regular Community Development Grant Application for a sewer project in Las Palmas Subdivision, Section 4, was approved.

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(10) **AUTHORIZATION TO EXECUTE 1992-1993
MENTAL HEALTH DEPUTY CONTRACT
BETWEEN CAMERON COUNTY AND TROPICAL
CENTER FOR MENTAL HEALTH AND MENTAL
RETARDATION**

Commissioner Thomae moved that the 1992/1993 Mental Health Deputy Contract between Cameron County and Tropical Center for Mental Health and Mental Retardation be approved.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

The Contract is as follows:

(12) APPROVAL OF ANNUAL SCHEDULE FOR SERVICES PERFORMED BY THE SHERIFF'S AND CONSTABLES' OFFICES OF CAMERON COUNTY, PURSUANT TO SECTION 118.131 OF THE TEXAS GOVERNMENT CODE

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Thomaе and carried unanimously, the Annual Schedule for Services performed by the Sheriff's and Constables' Offices of Cameron County, pursuant to Section 118.131 of the Texas Government Code, was approved as proposed by Chief Carlos Tapia, Sheriff's Department.

The Annual Schedule is as follows:

(13) **AUTHORIZATION TO REPLACE ONE 4-WD: BEACH CLEANING TRACTOR FOR PARK SYSTEM (WITH TRADE) SUBJECT TO BUDGET APPROVAL**

Commissioner Thomae moved that the replacement of one (1) four (4) wheel drive beach cleaning tractor, with trade, for the F approval.

The motion was seconded by Commissioner Valencia and carried unanimously.

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(14) **CONSIDERATION AND ACTION REGARDING APPOINTMENT OF PARKS DIRECTOR AS FRIENDS OF THE COAST ADVISORY/ASSOCIATED DIRECTOR FOR FRIENDS OF THE COAST CORPORATION**

Upon motion by Commissioner Thomae, seconded by Commissioner Valencia and carried unanimously, the appointment o Advisory/Associated Director" for the "Friends of the Coast Corporation", was approved.

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(15) **APPROVAL TO ACQUIRE A 60' RIGHT-OF-WAY ON GARRETT ROAD FROM COOK LANE TO BAKER POTTS. COUNTY WILL TRY TO ACQUIRE THIS BY DONATION.**

Commissioner Thomae moved to acquire a 60' Right-of-Way on Garrett Road from Cook Lane to Baker Potts, subject to th

The motion was seconded by Commissioner Valencia and carried unanimously.

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(16) **REQUEST FOR PRELIMINARY AND FINAL APPROVAL**

Upon motion by Commissioner Valencia, seconded by Commissioner Thomae and carried unanimously, preliminary an subdivision, on the recommendation of the County Engineer:

a) Resaca Groves Subdivision - being a resubdivision of 18.352 acres of land, and being all of Block 183, El Jardin Re:

Location:

The proposed resubdivision, within Precinct No. 2, is located off Salida del Sol Road, approximately one (1) mile East of Old Port Isabel Road between FM 511 and FM 802. It is 18.352 acres tract of land, being divided into two (2) large Resaca fronting Residential Lots. Potable water will be supplied by El Jardin Water Supply Corporation and sanitary sewer will be by individual septic systems. Salida del Sol Road is a dedicated County Road with caliche surface.

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(17) **AUTHORIZATION TO AWARD CONTRACT FOR OLMITO PHASE II PAVEMENT IMPROVEMENTS**

Upon motion by Commissioner Cascos, seconded by Commissioner Rosenbaum and carried unanimously, the Contract for the Olmito Phase II Pavement Improvement was awarded to G & T Paving, Brownsville, Texas, that being the low bid meeting specifications.

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**(18) CONSIDERATION AND ADOPTION OF
AMENDMENT TO FAMILY PARTITION RULE OF
CAMERON COUNTY SUBDIVISION ORDINANCE**

Mr. Andy Cueto, County Engineer, stated that the Amendment was merely an addition, as recommended, in order to acquire the Right-of-Way easements.

Commissioner Thomae moved that the Amendment to the Family Partition Rule of the Cameron County Subdivision Ordinance be adopted.

The motion was seconded by Commissioner Cascos and carried unanimously.

The Amendment is as follows:

(22) APPROVAL OF TRAVEL EXPENSES

Upon motion by Commissioner Thomae, seconded by Commissioner Rosenbaum and carried unanimously, the following travel expenses were approved, subject to availability of funds in their budget:

- a) Commissioner Valencia to attend County Judges and Commissioners Conference in El Paso, Texas, on October 13-15, 1992, and to attend the Open Government Conference in El Paso, Texas, on October 16, 1992;
- b) Parks Director to Madison, Wisconsin, to attend Docks and Marinas Technical Conference on October 12-16, 1992;
- c) Judge A. G. Betancourt to attend Judicial Section Annual Conference in El Paso, Texas, on September 22-25, 1992, and Civil Trial Mini Course in South Padre Island on October 8-9, 1992;
- d) Drug Task Force Director and one (1) Officer to attend TNCP Commanders' Meeting in Laredo, Texas, on September 22, 1992;
- e) Commissioner Rosenbaum to El Paso, Texas, to attend County Judges and Commissioners Conference on October 13-15, 1992; and
- f) County Auditor and three (3) Assistants to attend Annual County Auditors' Conference in San Antonio on September 29 through October 1, 1992.

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(23) EXECUTIVE SESSION

Upon motion by Commissioner Thomae, seconded by Commissioner Rosenbaum and carried unanimously, the Court met in Executive Session at 3:00 P. M. to discuss the following matters:

- a) Confer with Counsel regarding lawsuit styled Paul A. and Cristella Moly vs. Russell Morris, et al., pursuant to Section 2(e) of Article 6252-17 (of the Texas Revised Civil Statutes);
- b) Confer with Counsel regarding lawsuit styled The State of Texas and Cameron County, Texas, vs. Gary Smith, et al., pursuant to Section 2(e) of Article 6252-17 (of the Texas Revised Civil Statutes);
- c) Confer with Counsel regarding lawsuit styled Carmen D. Garcia vs. The County of Cameron, pursuant to Section 2(e) of Article 6252-17 (of the Texas Revised Civil Statutes);
- d) Discuss the acquisition of Right-of-Way for Parcel 15, Dakota Road South, pursuant to Section 2(f) of Article 6252-17 (of the Texas Revised Civil Statutes); and
- e) Discuss possible action regarding Lease of Coastal Public Lands adjacent to a 216.6 acre tract (Brazos Island) along Boca Chica (Share 1). The location and proposed structures are depicted in Exhibits A through E, pursuant to Section 2(f) of Article 6252-17 (of the Texas Revised Civil Statutes).

Upon motion by Commissioner Thomae, seconded by Commissioner Rosenbaum and carried unanimously, the Court reconvened in Regular Session at 3:40 P. M.

NOTE: Commissioner Cascos was not present at this time:

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(24) ACTION RELATIVE TO EXECUTIVE SESSION

- a) Confer with Counsel regarding lawsuit styled Paul A. and Cristella Moly vs. Russell Morris, et al.

Judge Garza reported that after some discussion, it was the consensus of the Court as determined by polling, that Mr. Rick Bilbie, County Counsel, continue to represent Mr. Russell Morris, along the terms and conditions as agreed in Executive Session.

Upon motion by Commissioner Thomae, seconded by Commissioner Rosenbaum and carried unanimously, Mr. Rick Bilbie, County Counsel, was directed to continue representing Mr. Russell Morris in the lawsuit styled Paul A. and Cristella Moly vs. Russell Morris, et al, along the terms and conditions as agreed in Executive Session.

- b) Confer with Counsel regarding lawsuit styled The State of Texas and Cameron County, Texas, vs. Gary Smith, et al.

Judge Garza reported that the Court received a Status Report from Counsel and after some discussion, it was the consensus of the Court as determined by polling, that County Counsel should pursue said case along the terms and conditions as outlined in Executive Session.

Upon motion by Commissioner Thomae, seconded by Commissioner Rosenbaum and carried unanimously, County Counsel was directed to pursue the lawsuit styled The State of Texas and Cameron County, Texas, vs. Gary Smith, et al, along the terms and conditions as outlined in Executive Session.

- c) Confer with Counsel regarding lawsuit styled Carmen D. Garcia vs. The County of Cameron.

Judge Garza reported that after some discussion, it was the consensus of the Court as determined by polling, that Mr. Rick Bilbie, County Counsel, file an answer regarding said case and represent the County's interests along the terms and conditions as outlined in Executive Session.

Upon motion by Commissioner Thomae, seconded by Commissioner Valencia and carried unanimously, Mr. Rick Bilbie, County Counsel, was directed to file an answer regarding the lawsuit styled Carmen D. Garcia vs. The County of Cameron, and to represent the County's interests, along the terms and conditions as outlined in Executive Session.

- d) Discuss the acquisition of Right-of-Way for Parcel 15, Dakota Road South.

Judge Garza reported that after being appraised of the current offer by the County Engineer, it was the consensus of the Court as determined by polling, that said offer be rejected and that the County Engineer be directed to continue negotiations along the terms and conditions as out as outlined in Executive Session.

Commissioner Thomae moved that the County Engineer be directed to reject the current offer and to continue negotiations regarding the acquisition of the Right-of-Way for Parcel 15, Dakota Road South, along the terms and conditions as outlined in Executive Session.

The motion was seconded by Commissioner Valencia and carried unanimously.

NOTE: Commissioner Cascos returned to the Courtroom.

- e) Discuss possible action regarding Lease of Coastal Public Lands adjacent to a 216.6 acre tract (Brazos Island) along Boca Chica (Share 1). The location and proposed structures are depicted in Exhibits A through E.

Judge Garza reported that this Item had previously been considered with the intent to have County Counsel review the Lease Agreement prior to final execution and that after some discussion, it was the consensus of the Court as determined by polling, that County Counsel be directed to consult with the Attorney General's Office regarding the deletion of certain paragraphs in the proposed Lease.

Upon motion by Commissioner Valencia, seconded by Commissioner Rosenbaum and carried unanimously, County Counsel was directed to consult with the Attorney General's Office regarding the deletion of certain paragraphs on the proposed Lease of Coastal Public Lands, adjacent to a 216.6 acre tract (Brazos Island) along Boca Chica (Share 1).

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(6) **AUTHORIZATION TO OPEN ANNUAL BIDS FISCAL YEAR 1992/1993 FOR VARIOUS DEPARTMENTS**

At this time, Mr. Michael Forbes, County Purchasing Agent, reported that the Annual Bids for 1992-1993 received and opened are as follows:

a) DRAINAGE MATERIALS

b) EMULSION OIL MATERIALS

c) FLEXIBLE BASE MATERIALS

d) ROAD SURFACING MATERIALS

e) CLEANING SUPPLIES

f) FOOD (DAIRY-BREAD)

g) GASOLINE/DIESEL FUEL

h) LIGHT BULBS

i) OFFICE SUPPLIES

j) STOCK PAPER

k) RADIO EQUIPMENT SERVICES

l) SAFETY EQUIPMENT

m) TIRES

n) COPIER/TONER DISPERSANT

o) TYPEWRITER MAINTENANCE

p) TRANSPORTATION OF VOTING MACHINES

Commissioner Thomaе moved that the bids be referred to the County Purchasing Agent, County Auditor and County Engineer where applicable, for tabulation and recommendation to the Court of the best bid in one (1) week.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

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**(20) AUTHORIZATION TO ADOPT THE PROPOSED
FISCAL YEAR 1993 BUDGET FOR THE SPECIAL
ROAD AND BRIDGE LATERAL FUNDS
SPECIAL ROAD AND BRIDGE FUNDS**

Ms. Rosemary Martinez, Administrative Assistant to the County Judge, stated that Commissioner Thomaе had questioned the proposed allocations of the Lateral Road Fund, and she reported that the Statutes were reviewed with County Counsel and it was determined that there were no specific statutes addressing the allocations of the Lateral Road Fund. She emphasized that there were no "mechanisms" determined by the Statutes for the allocation of the Lateral Road monies.

She reviewed the proposed 1993 Road and Bridge Budget as filed which is as follows:

Engineering and Flood Control	- \$ 1,032,947.00
Bridge repairs	- \$ 400,000.00
Right-of-Way	- \$ 50,000.00
Precinct No. 1	- \$ 477,083.00
Precinct No. 2	- \$ 524,995.00
Precinct No. 3	- \$ 1,152,404.00
Precinct No. 4	- \$ 979,087.00

TOTAL: \$ 4,166,516.00

Commissioner Thomaе expressed his concern regarding the proposed move by the County Engineer to another building, and the additional expenses to be incurred and added that those funds could be better spent in other areas.

Mr. Andy Cueto, County Engineer, presented the justification for the request and added that he would have to consolidate the Department since there would be no space for additional staff; that he would have to contract the Projects and add the extra ten to twelve percent (10% - 12%) costs to the Road Projects.

There was a discussion regarding the need to move the Building Inspector to Brownsville, Texas, and Commissioner Valencia stated that the County Engineer had added more personnel and increased the salaries, but that he had not seen improvements and that the County Engineer was ultimately responsible.

Mr. Cueto explained that they had increased the out put of the Engineer's Office by forty percent (40%), that the "in-house" work for each Project that the County Engineer had undertaken had saved the County at least six to ten percent (6% - 10%) of the cost of subcontracting.

Commissioner Valencia stated that, for the record, he had to retain an out-side Engineer the previous week to do some work for his Department.

Judge Garza commented that while everything in the Budget might not be acceptable to everyone, it did represent a concerted and responsible effort to propose a Budget that reflected a consensus position on a number of things. In reference to the County Engineer's Office, Judge Garza stated that there were great demands placed on that Office, on Projects other than Road Projects and as diverse as water conditions on the river, Flood Control Proposals, impact of the Corridor, Solid Waste Proposals and applications to the Water Commissions.

Judge Garza stated that roads were a primary function of County Government, but that as the County grew, more complex demands were placed in the County Engineer's Office, and that Mr. Cueto had done a good job in meeting those tasks. He said that the County Engineer had developed a system for evaluating the accountability of the staff and had done an outstanding job in expanding the Office to meet the needs of an expanding County and added that he supported the Lease.

At this time, Judge Garza asked if there was a motion to adopt the Special Road and Bridge Funds as filed, but no action was taken.

Commissioner Cascos suggested an "Alternative Court Proposal No. 1" which would re-allocate the \$400,000.00 in the County Engineer's Budget for Bridge Repairs to each Precinct. He stated that bridge repairs were the responsibility of each Commissioner and he described the proposed increased allocations by percentages as follows:

Precinct No. 1 - Sixteen Percent	(16%)
Precinct No. 2 - Thirteen Percent	(13%)
Precinct No. 3 - Thirty-one Percent	(31%)
Precinct No. 4 - Twenty-three Percent	(23%).

He suggested that the "Paved/Discretionary" Line Item should be changed to "Paved/Bridge Repairs" and that each Commissioner would have the discretion to utilize more than the amount allocated for bridge repairs or paving projects, if they deemed it necessary.

Commissioner Cascos moved that the "Alternate Court Proposal No. 1" be adopted as presented.

The motion was seconded by Commissioner Rosenbaum.

At this time, Judge Garza expressed his concern with the transfer of the \$400,000.00 from the County Engineer's Budget, and added that while technically, the Road and Bridge functions and the maintenance of those bridges were a County Commissioners Precinct's responsibility, that ultimately it was the County Commissioners' Court's responsibility. He said that once the monies were placed within the Precinct Budget, the Commissioner had the latitude whether to address the bridge problems or not. He added that he would feel more comfortable in suggesting that the \$400,000.00 remain in the County Engineer's Budget and have that Department comprehensively address the bridge repairs County-wide.

Commissioner Cascos stated that until the County develops a consolidated system for roads, then each Precinct is responsible. He said that the bridges should have been maintained during the last decade, and that \$400,000.00 will not take care of the bridges that need repair. Commissioner Cascos stated that these are issues that should have been addressed years ago, and that there had been money allocated previously in the Road and Bridge Budget to address bridge repairs. He stated that the bridges are a "safety" concern, but added that it was not an "overnight" concern; since the bridges did not fall in this state of disrepair overnight.

Commissioner Thomae remarked that a Bridge Fund needed to be maintained to fix bridges County wide because of the liability to the County and to avoid getting sued.

Commissioner Cascos suggested that the bridges need to be maintained on a regular basis to prevent bridges from being closed.

Judge Garza called on the original motion, that being that Commissioner Cascos moved that "Alternate Court Proposal No. 1" be adopted as presented.

The motion was seconded by Commissioner Rosenbaum and the vote was as follows:

AYE: Commissioners Rosenbaum and Cascos

NAY: Judge Garza, Commissioners Thomae and Valencia.

Commissioner Valencia moved that the Road and Bridge Budget be adopted as proposed and filed, but that the \$400,000.00 from the County Engineer's Budget be divided equally among the Precincts and "ear-marked" for Bridge repairs, and in all other respect the Budget would remain as proposed.

The motion was seconded by Commissioner Cascos.

At this time, Commissioner Valencia withdrew his motion because he wanted to delete other Line Items from the County Engineer's Budget.

Commissioner Cascos moved that the initial Proposal, that being "Alternate Court Proposal No. 1" be adopted as presented.

The motion was seconded by Commissioner Rosenbaum.

Commissioner Valencia requested that the motion be explained again and Judge Garza suggested that Commissioner Valencia's motion be reconsidered.

After a lengthy discussion, Commissioner Valencia moved that "Alternative Court Proposal No. 1", as far as the Precinct allocations, be adopted with two (2) exceptions: 1) exclude the County Engineer's Lease Line Item and all the associated costs with the Lease and transfer it to the Right-of-Way Acquisition Line Item, and in effect the County Engineer's Budget would not change, except the Line Item amounts would change, and 2) increase the Precinct Budgets by the amount necessary to give all current employees, within the Road and Bridge, a three percent (3%) salary increase, to be allocated by the Road and Bridge Surplus Fund.

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

AYE: Commissioners Rosenbaum, Cascos, Valencia and Judge Garza

NAY: Commissioner Thomae.

The "Alternate Court Proposal No. 1" is as follows:

LATERAL ROAD AND BRIDGE FUNDS

Commissioner Cascos moved that the Lateral Road and Bridge Fund for the Fiscal Year 1993 be adopted.

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

AYE: Commissioners Rosenbaum, Cascos and Valencia

NAY: Commissioner Thoma.

The Budget is follows:

**(19) AUTHORIZATION TO ADOPT ORDER SETTING
THE 1992 TAX RATE**

Ms. Rosemary Martinez, Administrative Assistant to the County Judge, stated that the proposed tax rate would be \$.311921 cents per \$100.00 valuation and that the breakdown would be as follows: \$.232936 cents would be utilized to fund the General Fund; \$.0386367 cents would fund the Special Road and Bridge Fund, and \$.040348 cents would fund Service Debts.

Commissioner Cascos moved that the Order setting the 1992 Tax Rate be adopted.

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

AYE: Commissioners Cascos, Thomae and Valencia

NAY: Commissioner Rosenbaum.

The Order is as follows:

At this time, Commissioner Cascos congratulated the Budget Officer for funding the three percent (3%) salary increase for everyone and suggested that he would like to see an additional two percent (2%) salary increase for all County employees, excluding the Elected Officials. He reviewed the estimated Fund Balances for the past several years and noted that a two percent (2%) additional increase would not significantly impair the Budget.

Judge Garza remarked that he would be reluctant to fund additional increases from the Surplus Fund because the County still had the equipment requests to consider and other Projects that were pending and he suggested to wait until mid-year.

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

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APPROVED this **5th** day of **October**, 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