

THE STATE OF TEXAS

COUNTY OF CAMERON

BE IT REMEMBERED on the 4th day of JANUARY, 2000, there was conducted a REGULAR Public Meeting 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:

9:30 A.M.

PRESENT:

GILBERTO HINOJOSA
COUNTY JUDGE

PEDRO "PETE" BENAVIDES
COMMISSIONER, PRECINCT NO. 1

CARLOS H. CASCOS, C.P.A.
COMMISSIONER, PRECINCT NO. 2

JAMES R. MATZ
COMMISSIONER, PRECINCT NO. 3

NATIVIDAD ATIVIE@ VALENCIA
COMMISSIONER, PRECINCT NO. 4

Hilda V. Treviño Deputy
COUNTY CLERK

ABSENT:

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The meeting was called to order by Judge Gilberto Hinojosa at 9:43 A.M. He then asked Mr. Bob Clark, Brownsville resident, for the invocation and Commissioner Cascos to lead the Court and the audience in reciting the Pledge of Allegiance.

The Court considered the following matters as posted and filed for Record in the Office of the County Clerk on December 30, 1999, at 10:21A.M.:

(1) APPROVAL OF COUNTY CLAIMS

At this time, Mr. Mark Yates, County Auditor, provided the Court the Attorney's General's notice regarding the Public Information Act and requested that the Court and County Counsel review the Act, in order to provide a copy to the County Departments.

Upon motion by Commissioner Valencia, seconded by Commissioner Benavides and carried unanimously, the County Claims were approved, as presented by the County Auditor.

The Notice is as follows:

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

Commissioner Benavides moved that the 1999 Fiscal Year Budget Amendment No. 99-56 and the 2000 Fiscal Year Budget Amendment No. 2000-11 be approved.

The motion was seconded by Commissioner Valencia and carried unanimously.

The Budget Amendments are as follow:

(3) **APPROVAL OF MINUTES OF DECEMBER 7, 1999,
AND DECEMBER 14, 1999 (TABLED)**

At this time, Commissioner Cascos expressed concern regarding the discussion held on December 7, 1999, whereas the County Treasurer was requested to provide the Court with John Sharp's Report concerning the trust accounts. He stated that the Report indicated that the State Law required the Commissioners' Court to approve a Depository Contract and expressed concern as to whether a Depository Contract had been approved for the trust funds.

Judge Hinojosa clarified that the concern consisted of whether the District and County Clerk were required to report on the deposits to the Commissioners' Court and added that the deposits were based upon trust funds set up for individual cases approved by the District and County Courts, noting that it would be difficult to report the amounts deposited on every case.

Mr. Mark Yates, County Auditor, stated the trust funds were excluded from the County's Depository Contract, as per State Statutes, but noted that there were issues concerning investments held at other banks which exceeded the FDIC insurance of \$100,000. He stated that the County Clerk's Office was faced with an issue whereas, the County Court had ordered that the funds be utilized to purchase an annuity, but noted that the County did not contain an Agreement, in order to safeguard the assets.

At this time, there was some discussion as to whether the \$100,000. FDIC insurance coverage was based on the individual bank account or on the individual account holder and the County Auditor was directed to research the matter.

Judge Hinojosa stated that the Depository Contracts for special accounts held by the District and County Clerks were required to be approved by the Commissioners' Court, regardless of the type of investments.

Commissioner Cascos suggested that the County Auditor be directed to review the whether Depository Contracts existed for the trust funds and whether the individuals investing the funds were subject to the Investment Act, which consisted of training, in order to be in compliance with the Act.

Upon motion by Commissioner Valencia, seconded by Commissioner Cascos and carried unanimously, the Minutes of the Regular Meeting held December 7, 1999, were approved and the Minutes of the Regular Meeting held December 14, 1999, at 9:30 A.M., were **TABLED**.

(4) IN THE MATTER OF PAYMENT OF CAMERON COUNTY'S 2000 MEMBERSHIP DUES TO THE NATIONAL ASSOCIATION OF COUNTIES (TABLED)

At this time, there was some discussion as to the matter being previously denied by the County and Judge Hinojosa recommended that the County should participate, in order to receive guidance on current County issues.

Commissioner Matz noted that the County had been a member of the organization in the past, but had decided not to continue with the organization, due to the lack of benefits the County was receiving from the organization.

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

(5) APPROVAL OF THE PROPOSED USE OF 1999 LOCAL LAW ENFORCEMENT BLOCK GRANT FROM THE BUREAU OF JUSTICE ASSISTANCE

At this time, Commissioner Cascos expressed concern as to the bullet proof vests requested by the Constable Precinct No. 4 and Constable Robert Lopez, Precinct No. 4, responded that one of the existing bullet vests was five (5) years old, noting that the vests contained five year warranties.

Constable Lopez explained that the portable radios were being purchased for the JJAEP half slot Deputy and for a vehicle which was temporarily acquired from Constable Precinct No. 7 and did not contain a radio. He explained that the helmets would be utilized for new Certified Officers for the Emergency Driving School and added that the Redman training suits were utilized by the training officer to train the officers using the straight batons. Constable Lopez stated that the Safety Vests were necessary to control the traffic flow during traffic accidents.

At this time, there was some discussion as to the bullet proof vests which were issued to the Reserve Deputies after the five year warranty expired and as to the liability of the County if the Reserve Deputies were injured.

Judge Hinojosa noted that the primary concern was the safety of the officers and stated that the vests should be replaced once the warranties were expired, in order to prevent injuries. He stated that the Sheriff and Constables depended on Reserve Deputies which did not get paid and added that the Deputies should be properly equipped. Judge Hinojosa stated that the Deputies volunteered their time and added that some Reserve Deputies utilized their own vehicles to patrol the rural areas.

Mr. Mark Yates, County Auditor, recommended that County Counsel should review the matter regarding salary obligations being incurred by the County concerning the Reserve Deputies and mileage reimbursements for Reserve Deputies utilizing their own vehicles.

At this time, Judge Hinojosa questioned the cost of the scales to weigh the overweight vehicles and Chief Gus Reyna, Sheriff's Department, responded that the cost of the scales was \$5,000.

Commissioner Valencia suggested that the amount of \$13,708 requested by the Parks System should be transferred to the Sheriff's Department, in order to purchase the scales to weigh the overweight trucks traveling on the County roads and bridges.

Judge Hinojosa suggested that the amount of \$3,708 remain in the Parks System to purchase the handguns for the Park Rangers and that the amount of \$10,000 be transferred to the Sheriff's Department to purchase two (2) scales. He recommended that the Sheriff utilize the Commissary or Fund 90 Funds to train three (3) existing officers in different shifts to dispatch the calls for the overweight vehicles.

At this time, Commissioner Benavides expressed concern as to the Park Rangers patrolling Boca Chica Beach on the weekends and as to reflectors being placed to indicate the exits of the beach.

Judge Hinojosa clarified that Boca Chica Beach had not been formally incorporated into the Parks System, but suggested that the matter be discussed and coordinated between the Sheriff, Constable and Park Rangers to patrol during the high use months.

Mr. Javier Mendez, Parks System Director, stated that it would be difficult for the Park Rangers to travel from South Padre Island to Boca Chica Beach and stated that many issues at Boca Chica Beach would be addressed by the proposed Parks Master Plan.

Commissioner Matz noted that the Sheriff's Department had requested the amount of \$62,000 for a Mobile Tracking Data Automatic Vehicle Location System and added that the matter be addressed at the mid-year budget review.

Upon motion by Commissioner Matz, seconded by Commissioner Benavides and carried unanimously, the proposed use of the 1999 Local Law Enforcement Block Grant from the Bureau of Justice Assistance was approved, with the modifications concerning the transfer of \$10,000 from the Parks System to the Sheriff's Department for the purchase of the scales for the overweight trucks.

The List is as follows:

(7) APPROVAL OF THE PARK, RECREATION AND OPEN SPACE MASTER PLAN PRESENTED BY CARTER AND BURGESS AND THE CAMERON COUNTY PARKS SYSTEM

At this time, Mr. Javier Mendez, Parks System Director, highlighted the modifications made to the plan and stated that there were proposed projects on the plan, which were pending budgets to be prepared by Carter and Burgess.

Judge Hinojosa noted the high cost of the Windsurfing Beach Project which would serve a small group of people and suggested that the Breeden Tract Acquisition and Park Phase II Development be placed in Year V, Priority 1 Category.

Mr. Mendez stated that there had not been any responses to the Request for Proposals for the Windsurfing Beach, but noted that some of the funding could be allocated from the Concessionaires.

Judge Hinojosa suggested that the Windsurfing Beach should then be placed in the Priority 3 Category of the Plan, noting that the Priority 3 Projects were based upon available funding. He recommended that the New Lodge at Sea Ranch South (Concessionaire) be placed in the Year VI, Priority 3, and that the Windsurfing Beach moved to Year IV, Priority 3.

Commissioner Matz moved that the Park, Recreation and Open Space Master Plan presented by Carter and Burgess and the Cameron County Parks System be approved, with the modifications consisting of the Breeden Tract Acquisition & Park Phase II Development, the Windsurfing Beach and the New Lodge at Sea Ranch South (Concessionaire).

The motion was seconded by Commissioner Benavides and carried unanimously.

At this time, Judge Hinojosa explained that the first year of the Parks Master Plan included the Breeden Tract Acquisition which consisted of a community park in Precinct No. 1, and the Boca Chica Beach Park Development, which would be a non-toll park, with minimal improvements designed to having a presence on the beach with restrooms, showers, first aide station, a children=s beach and a pavilion. He stated that concessionaires would not be allowed on the beach and that there would not be construction on the beach, with the exception of park benches which would be placed along the beach. Judge Hinojosa emphasized that Boca Chica Beach would be a toll free park and that the operations of the facilities would be through existing concessionaires'=revenues and added that the remaining projects in the plan were geared at community parks. He explained that the County was required to propose a plan, in order to qualify for State Funding through the Texas Department of Parks and Wildlife.

Commissioner Matz noted that the matter had been discussed in a Workshop and added that cooperative Interlocal arrangements would be addressed with the surrounding communities and school districts to fund the maintenance and operations of the projects.

CONSENT AGENDA ITEM

THE FOLLOWING ITEMS WERE RECOMMENDED FOR ACONSENT® AND WERE EITHER RECOMMENDED BY THE DEPARTMENT HEAD, WITHIN BUDGET OR AWARDED TO THE LOW BIDDER:

Upon motion by Commissioner Valencia, seconded by Commissioner Benavides and carried unanimously, the

AConsent® Agenda Items were approved as follow:

(9) TRAVEL AND/OR TRAVEL EXPENSES FOR THE FOLLOWING, SUBJECT TO FUNDS IN THEIR BUDGET AND ALL APPLICABLE COUNTY POLICIES:

- a) County Clerk and three (3) Deputies to attend the A28th Annual County and District Clerks-Continuing Education Conference® in College Station, Texas, on March 28-30, 2000;
- b) Commissioner Precinct No. 3 to attend the AClean Rivers Program Water Quality Issues Conference® in Austin, Texas, on January 25, 2000;
- c) Tax Assessor-Collector and Chief Deputy to attend the AAutomobile Theft Prevention Authority Board Meeting® in Austin, Texas, January 12-13, 2000;
- d) County Clerk to attend the AElectronic Filing Sub Committee Meeting® in Austin, Texas, on January 21, 2000; and
- e) County Judge, County Commissioners and Assistant County Administrator to attend the ATexas Conference of AUrban Counties Education and Policy Conference 2000" in San Antonio, Texas, on April 26-28, 2000.

(10) PRELIMINARY AND FINAL APPROVAL

a) Precinct No. 3

La Chacalaca Estates, being a subdivision of 10.375 acres out of Lots No. 9 and No. 16, Block No. 208, San Benito Land and Water Company.

(11) FINAL APPROVAL

a) Precinct No. 4

Texoma Subdivision, being a re-subdivision of 4.836 acres comprised of 3.395 acres out of Block No. 16 and 1.441 acres out of Block No. 15, Stuart Place Subdivision.

(12) EXECUTIVE SESSION

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

- a) Confer with County Counsel on a matter regarding contractual terms and issues within the Agreement between Cameron County and Landmark Organization, L.P., in which the duty of the Attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas, clearly conflicts with the Open Meetings Act; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071 (2);
- b) In the matter of the evaluation of the Elections Administrator; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.074; **(TABLED)**
- c) Confer with County Counsel concerning contemplated litigation with the Election System and Software's Election Reporting System; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071 (1)(A).

Upon motion by Commissioner Matz, seconded by Commissioner Valencia and carried unanimously, the Court reconvened in Regular Session at 12:08 P.M.

(13) ACTION RELATIVE TO EXECUTIVE SESSION

- a) **Confer with County Counsel on a matter regarding contractual terms and issues within the Agreement between Cameron County and Landmark Organization, L.P., in which the duty of the Attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas, clearly conflicts with the Open Meetings Act.**

Upon motion by Commissioner Valencia, seconded by Commissioner Benavides and carried unanimously, the Status Report by County Counsel was acknowledged regarding contractual terms and issues within the Agreement between Cameron County and Landmark Organization, L.P., in which the duty of the Attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas, clearly conflicts with the Open Meetings Act.

- b) **In the matter of the evaluation of the Elections Administrator. (TABLED)**

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

- c) **Confer with County Counsel concerning contemplated litigation with the Election System and Software's Election Reporting System.**

Upon motion by Commissioner Matz, seconded by Commissioner Valencia and carried unanimously, the Status Report by County Counsel was acknowledged concerning contemplated litigation with the Election System and Software's Election Reporting System.

**(6) POSSIBLE APPROVAL OF THE AGREEMENT
BETWEEN CAMERON COUNTY AND LANDMARK
ORGANIZATION, L.P. REGARDING THE NEW
COUNTY JAIL**

Commissioner Valencia moved that the Agreement between Cameron County and Landmark Organization, L.P., regarding the new County Jail be approved and that the County Judge be authorized to execute the Agreement, subject to the Local Government Code, Section 351.102, which requires the County Sheriff to provide a written consent and approval, prior to the County entering into the Agreement.

The motion was seconded by Commissioner Benavides and carried as follows:

AYE: Commissioners Benavides, Cascos, Valencia and Judge Hinojosa

NAY: Commissioner Matz.

The Agreement is as follows:

