

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 19th day of AUGUST 2003, 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

JOHN WOOD
COMMISSIONER PRECINCT NO. 2

DAVID A. GARZA
COMMISSIONER, PRECINCT NO. 3

EDNA TAMAYO
COMMISSIONER, PRECINCT NO. 4

JOE G. RIVERA
COUNTY CLERK

Mary Robles Deputy Clerk

ABSENT:

The meeting was called to order by Judge Hinojosa at 9:42 A.M. He then asked Commissioner Tamayo for the invocation, and he led 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 August 15, 2003, at 1:01 P.M.:

PRESENTATION

(1) PRESENTATION BY KATHY CASAS REGARDING WATER SERVICES FOR KOPPERNICK SHORES

Commissioner Benavides stated expressed fascination with the possibility of producing water from humidity through technology, and he stated that his belief to be that this could alleviate concerns with provision of water in areas such as Koppernick Shores.

Ms. Kathy Casas, Magnetek Manufacturing Company, explained that the WaterMaker System was produced by Magnetek Manufacturing Company and assembled in Dallas, Texas, in various sizes to produce a number of gallons of water from humidity accordingly. She suggested that a WaterMaker System be installed at the beach location adjacent to the 500,000 gallon storage tank to provide water to the proposed recreational area and to Koppernick Shores. Ms. Casas requested authorization to further investigate the possibilities of supplying the said areas with potable water through a WaterMaker System without commitment. She stated that a quote could be provided upon further investigation, and that the system's life span remained unknown because it was fairly new, adding that two (2) weeks training was provided with purchase of the system.

Commissioner Garza asked if the System was in compliance with State Regulations.

Ms. Casas responded in the affirmative.

Commissioner Benavides questioned when the system was invented and if other communities were using the system.

Ms. Casas responded that that the company was patented in 1997 and that currently no other entities had it in use.

Judge Hinojosa recommended that if the purchase of a WaterMaker took place that it must be done in the contexts of the proposed park, for which land ownership issues were being addressed between U.S. Fish & Wildlife and the Texas Parks & Wildlife. He added that upon resolution a long term Lease would be provided to the County, thereafter, the County could determine details regarding the park. Judge Hinojosa explained that the projected plan includes a Park Ranger Station, restrooms, and an interactive museum which would have a need for water. And that plans to transport water might not be feasible due to the number of visitors expected. He explained some type of water system would be necessary and that alternatives water sources would be reviewed and the bid process must be followed.

Commissioner Benavides clarified that the proposed park for Boca Chica Beach would be a Children's Park.

Mr. Frank Bejarano, PD&M Director, stated that funding for innovated technologies or the traditional water system has not been identified and that compliance with certain qualifications for funding has not been met. He commented that an innovated pipe system would be needed.

Mrs. Casas requested authorization to further investigate the matter.

Judge Hinojosa responded that the Court was unable to take action at this time.

Upon motion by Commissioner Tamayo, seconded by Commissioner Benavides and carried unanimously, the Presentation by Mrs. Kathy Casas, Magnetek, regarding water services for Kopernick Shores was acknowledged.

The Report is as follows:

ACTION ITEMS

(2) BUDGET AMENDMENTS AND/OR SALARY SCHEDULES

Mr. Xavier Villarreal, Budget Officer, informed that the \$94,100.00 required by the Election Division to conduct the September Election for the Constitutional Amendments was not budgeted and that the funding source was the Fund Balance.

Commissioner Wood noted that \$94,100.00 for a Constitutional Election was the example of what State was requiring counties to fund but would not provide reimbursement.

Commissioner Benavides moved that the Budget Amendment No. 2003- 35 be approved.

The motion was seconded by Commissioner Garza and carried unanimously.

The Budget Amendments are as follows:

(3) **IN THE MATTER REGARDING APPROVAL OF MINUTES OF THE REGULAR MEETING HELD JULY 22, 2003 (TABLED)**

Upon motion by Commissioner Benavides, seconded by Commissioner Tamayo and carried unanimously, this item was **TABLED**.

(4) **IN THE MATTER REGARDING CONSIDERATION AND POSSIBLE ACTION FOR SAFEKEEPING OF THE STANDBY LETTER OF CREDIT FOR LONE STAR NATIONAL BANK (TABLED)**

Upon motion by Commissioner Wood, seconded by Commissioner Tamayo and carried unanimously this Item was **TABLED**.

(5) **IN THE MATTER REGARDING CONSIDERATION AND ACCEPTANCE OF AN IRREVOCABLE STANDBY LETTER OF CREDIT ISSUED BY THE FEDERAL HOME LOAN BANK OF DALLAS IN THE AMOUNT OF \$60,000.00 AND AUTHORIZE THE RELEASE OF THE SECURITIES CURRENTLY HELD AS COLLATERAL BY THE FEDERAL RESERVE BANK OF BOSTON IN THE AMOUNT OF &77,102,159.90, AT MARKET VALUE (TABLED)**

Mr. Doug Wright, Commissioners' Court Legal Counsel, informed that the County has done everything it could do and that contracted interest rates were expected as the new contract runs.

Upon motion by Commissioner Wood, seconded by Commissioner Tamayo and carried unanimously, this item was **TABLED** for one (1) week.

(6) **CONSIDERATION AND ADOPTION OF A RESOLUTION IN SUPPORT OF FLOODING OF THE BAHIA GRANDE, LITTLE LAGUNA AND THE LAGUNA LARGA**

Commissioner Garza stated that going on record to support the Dust Control Project was appropriate because of the community support and to hopefully speed up the process.

Judge Hinojosa stated that Dust Control Committee developed different plans to deal with the serious dust problem created by the bahias and the dry lagunas, affecting the high school and the community of Laguna Heights and Laguna Vista. He explained that the County was working with the U.S. Fish & Wildlife and the Brownsville Navigation District to address the dust issues by flooding the bahias from the ship channel and the San Martin Lake.

Judge Hinojosa stated that other dust issues were more complicated, such as the problem in Long Island for which

the County was working with Laguna Madre Water District to flood the area to possibly get vegetation and place fences, adding that an Action Plan for dust issues found east of HWY 48 was unavailable. Judge Hinojosa stated that the dust issue was among the top three (3) problems in the Laguna Madre area; making it a priority to Cameron County. He stated that the flooding process was projected to take place by the end of the year and that it would create a new shrimp estuary, adding that TXDOT was considering rerouting the drainage ditch running along Laguna Vista into the bahias.

Commissioner Garza stated that the Dust Control Project would flood 10,000 of 22,000 acres belonging to Laguna Atascosa Park.

Commissioner Wood stated that in 1983 the Shrimping Association attempted to flood the bahia to create these estuaries, that in the late 1950s the Shrimping Association unsuccessfully tried to vegetate Long Island, and hoped that today's technology would enable success.

Commissioner Tamayo questioned the timeline.

Judge Hinojosa stated that the Dust Control Project should be complete by November 2003.

Commissioner Garza informed that delays being experience related to Federal Guideline.

Judge Hinojosa stated that the irony of the matter was that this project replaces wetlands, and reiterated that the Long Island Project was more complicated because of the need to transport and fund water. He informed that that fencing materials were ordered by Parks System and that approval from the Army Core of Engineers and funding were available.

Commissioner Garza moved that the Resolution in support of flooding of the Bahia Grande, Little Laguna and the Laguna Larga be adopted.

The motion was seconded by Commissioner Benavides and carried unanimously.

The Resolution is as follows:

(7) **CONSIDERATION AND POSSIBLE ACTION REGARDING INCREASED LAW ENFORCEMENT PATROLS AND THE CONSTRUCTION OF SPEED HUMPS IN THE PALM COURT DRIVE AREA IN HARLINGEN, TEXAS**

Mrs. Roberta Lee, Palm Court Drive Resident, expressed concern for safety and well being of residents of Palm Court Drive located west of Harlingen. Mrs. Lee stated that a Neighborhood Watch Program was organized on July 2003 to address increasing vandalism, arson, and the lack of adequate Sheriff's Patrols. She added that a Sheriff's Department Representative attending their August 2003 Neighborhood Watch Meeting, indicated that once a pattern of break-ins and vandalisms was established then Sheriff's Department would increase surveillance and patrols. She stated that the last five years her business was broken into or vandalized at least a dozen times and that each event was reported to the Sheriff's Department but that no action was taken, adding that her business was destroyed by arson. Mrs. Lee stated that five (5) suspects were arraigned, and commended the Sheriff's Department for acting quickly on leads obtained, noting that the consensus among residents of Palm Court Drive was that more patrols were needed in the area and that presence of law enforcement reduces crime. She stated that although the County was large and cities have increased their domain thus the Sheriff's Department jurisdiction. Mrs. Lee stated that nine (9) Sheriff Deputies per shift to patrolled the County, and asked if cities require that the Sheriff's Department to patrol their area. She recognized that cooperation among law enforcement was a must yet the Sheriff's Department should address unincorporated areas first. Mrs. Lee stated that she has never seen a Constable patrolling Palm Court Drive and asked if they were able to patrol. She requested help, and questioned how the Court, the Sheriff's Department, and other law enforcement agencies could do to assist.

Commissioner Tamayo stated that although Court could to order or mandate patrols, there was nothing like community involvement.

Mr. Hall Lark, Palm Court Drive resident, stated that the Sheriff's Department Representative attending a Neighborhood Watch Meeting explained that only (9) nine Deputies patrol Cameron County in its entirety during the night shift. He stated that even though unincorporated areas have decreased, their subdivision continues to grow, as did crime in the area, with less and less patrols. Mr. Lark questioned if the Court and the County Sheriff were aware that Palm Court Drive was within County's jurisdiction, and requested a copy of the Sheriff's Department budget and map of their patrol area to better understand how he was being protected. He asked if the County receives funding for Homeland Security and whether it could be used to help them.

Judge Hinojosa stated that the Homeland Security Grants were only received in form of equipment.

Mr. Bob Wilcox, Posada Del Sol RV Park Resident and former Chief of Police, expressed concern with increasing vandalism and the risk to residents resulting from the lack of patrols. He commented that ironically a

patrol was seen at the park after Commissioner Garza was invited to a Neighborhood Watch Meeting and that this was the first seen in years. Mr. Wilcox stated that the matter was discussed with the County Sheriff on several occasions and that the County Sheriff cancelled a meeting scheduled where he was planning to request that the Sheriff express his feeling regarding the matter. He stated that residents do not care if the County Sheriff has funding nor where it comes from; they care about their safety.

Commissioner Garza commented that speed hump issue was not addressed because the consensus was that they were not needed.

Mr. Francisco Sinfuentes, Brownsville resident, expressed concern with prisoners being released at the door of the County jail.

Judge Hinojosa stated that the matter being addressed by Mr. Sinfuentes as irrelevant to the Agenda Item.

Mr. Fernando, County resident, expressed concern with questionable appraisals done on certain properties by the Cameron County Appraisal District.

Judge Hinojosa questioned if increasing vandalism was being caused by individuals within the community.

Mr. Wilcox stated that the vandalism appeared to be caused by local individuals, and that CP&L would no longer have security lights. He stated that Commissioner indicated that security lights were not provided by the County and that residents must now fund the security lights at a cost of \$1,000.00 per light.

Commissioner Garza explained that he also indicated that the County was working on a possible method to have security lights installed.

Judge Hinojosa explained that the County was reviewing a possible method to install security lights in Cameron Park where the Public Utility Board (PUB) could invoice the residents for installation and utility.

Mr. Wilcox stated that residents were willing to contribute towards installation of security lights.

Judge Hinojosa stated that installation of security lights might be feasible, and asked how long the Neighborhood Watch Program has been in place.

Mrs. Lee responded that the Program has been in place for two (2) months.

Mr. Desi Najera, Fire Marshal, reported that approximately ten (10) structures and three (3) or four (4) vehicles were burned after Mrs. Lee's property was burned. He clarified that the individuals arrested were from the community.

Mrs. Lee commented that the individuals were not from Palm Court Drive.

Commissioner Garza suggested that Subdivision Standards include minimal requirements regarding security lights.

Judge Hinojosa questioned the number of residents in the community and the utility provider.

Mrs. Lee responded that population was above 1,000 and that electricity was provided by CP&L and water by the City of Harlingen.

At this time, a resident of Lewis Lane and Graham Road expressed concern with the increasing vandalism and the lack of law enforcement patrols in the community. She stated that response time to emergency calls by the Sheriff's Department was extremely long, and noted the need for a community center for the youth.

Mr. Wilcox questioned the function of the Cameron County Constables.

Judge Hinojosa explained that functions of the Constables differ according to the community, that they were independent Elected Officials whom patrol and serve paperwork, and that many Constables have Reserved Deputies that patrol as well.

Mr. Wilcox stated that he has made unsuccessful attempts to contact the Constable, and questioned if Constables were certified by State.

Judge Hinojosa responded in the affirmative and added that the Constables were equipped with vehicles, regular guns, shot guns, mini M-14 (automatic weapon), training, full uniforms, and receive salaries equal to Sheriff Deputies.

Mr. Wilcox asked if the Court was able to instruct the Constables to patrol their community.

Commissioner Tamayo clarified that the Court could instruct them but could not dictate, and that the voters were ultimately the bosses to the Constables.

Judge Hinojosa explained that cities mainly annex corridors to obtain additional ticket revenue while excluding communities and causing rural area to remain the same.

Mr. Wilcox stated that the Harlingen Chief of Police explained his restraints and reassured that he would assist the community or an officer in an emergency.

Justice of the Peace Sally Gonzalez stated that she serves the community as JP and that she would deliver the message to Constable Gonzalez. She suggested that a meeting be held between the Constable, Harlingen Chief of Police, and herself.

Upon motion by Commissioner Garza, seconded by Commissioner Tamayo and carried unanimously, the discussion regarding increased law enforcement patrols and construction of speed humps in the Palm Court Drive area in Harlingen, Texas, was acknowledged.

The Report is as follows:

**(8) IN THE MATTER REGARDING CONSIDERATION
AND POSSIBLE ACTION REGARDING THE
EQUALIZATION OF THE JUSTICE OF THE PEACE
SALARIES(TABLED)**

Commissioner Garza expressed concern with discrepancy in salaries of Justice of the Peace and explained that all Justices of the Peace perform the same duties and responsibilities regardless of jurisdictions. He added that Justices of the Peace serve same amounts of time regardless of population, and questioned the reason for the salary discrepancies.

Judge Hinojosa explained that the discrepancy was caused by the some Justices of the Peace getting salary increases through the Grievance Process after the Court sets an across the board salary increase. He noted his belief to be that no one should get a 3% salary increase if employees do not receive the same; however, at this time it was unknown if the 3% salary increase was feasible due to Budget constraints.

Commissioner Garza suggested that the salaries of four (4) Justices of the Peace be used to set all others.

Mr. Doug Wright, Commissioners' Court Legal Counsel, noted the conflict with Statutes because the Court published salary increases for Elected Officials and could no longer exceed the said amount, except through the Grievance Process.

Commissioner Benavides suggested that the salaries of the Justices of the Peace be equal as were County Commissioners salaries.

Judge Hinojosa agreed and explained how he has always advocated for equalization of salaries, yet this was disrupted by the Grievance Process. He highlighted increments to the salaries and budgets of Justices of the Peace, and their alternative to grieve.

Mr. Ramon Ortiz, Justice of the Peace, Precinct No. 7, requested that the Court consider making Judge Muniz' position a full-time position with appropriate staff.

Judge Hinojosa stated that historically that Office was less than half-time and recognized that this was now a problem, adding that the matter would be reviewed.

Commissioner Garza suggested that this matter be acknowledged and considered prior to being published next year.

Mr. Xavier Villarreal, Budget Officer, explained that the Agenda included an Item to set compensations for Elected Officials, 3% at highest, in order to commence the Grievance Process.

Judge Hinojosa asked if salaries must be budgeted at a 3% increase if the increase was not provided to all County employees.

Mr. Villarreal responded in the affirmative, and reiterated that the salaries could be set at or below 3%.

Mr. Wright explained that the court was to set a 3% salary increase; however, Elected Officials must have an opportunity to grieve based on the salary set today.

Commissioner Garza suggested that salaries be set at current salaries and that the 3% salary increase be given to Elected Officials upon funding being available to provide the 3% across the board salary increases to all County employees.

Mr. Villarreal clarified that this could not be done because salaries must be set today.

Mr. Remi Garza, County Administrative Assistant, explained that salaries were set prior to adoption of the Budget.

Mr. Villarreal explained that ample time must be provided for Elected Officials to grieve.

Judge Hinojosa suggested that this Item be tabled in order to have a better idea of Budget's status.

Mr. Villarreal noted that if setting of compensation of elected officials was tabled the budgetary process another would be delayed another week.

Upon motion by Commissioner Garza, seconded by Commissioner Tamayo and carried unanimously, this item was **TABLED**.

(9) **CONSIDERATION AND ACTION REGARDING THE
COUNTY TAX RATE FOR THE 2003-2004 FISCAL
YEAR**

Mr. Xavier Villarreal, Budget Officer – “Judge and Commissioners this Item is in reference to.. Actually discuss the tax rate proposing because we also have to set the date of the Public Hearing, which I’m recommending September 2nd in order to actually vote to adopt the tax rate. What I’ve handed out to you, I also faxed you, are the notices that were published of the effective tax rate and rollback rate, that’s kind of on the top of the first page, the current rate breakdown between the General Fund and Road & Bridge, the effective rates as what they were, and the rollback rate for the two (2) specific funds. The actual rollback rate over the current existing rate as you’ll notice is almost 1.8 pennies, which 0.7656. What I’ve done here is, based on our current situation, is broken out between the General Fund and Road & Bridge. In taking into consideration the status of the Fund Balance of the Road & Bridge and the other revenues that are coming in there, I believe we need to shift or actually add a penny on top of the Road & Bridge rollback rate in order to fund them adequately because their fund balance, I think the last conversation that I had with the auditors at the end of the year, is going to be about \$200,000.00, \$250,000.00. So there’s nothing left there. We have to fund it and balance that Budget. Now the whole Proposition II if that saves anything or not I think that would help in actually building-up or getting the Fund Balance back, but actually fund it to where it’s

balanced. The expenditures that are listed here I went ahead and pulled the 3% back out. So the proposed expenditures are what I have in the proposed Budget less the 3% across the board increase and the fringe associated with that. So what I've done, I've prepared this with the tax rate at the rollback rate and then moving a penny from that to Road & Bridge and that's not including any revenues in the increase rate of the federal prisoners, its not including there if we get any SCAAP money. That's not included in there. And I'm still looking at a shortfall of \$1.8 million. And if you look in the bottom...."

Judge Hinojosa - "So the penny tax increase that you're proposing is going to the Road & Bridge Program."

Mr. Villarreal - "It's going to the Road & Bridge. Correct."

Commissioner Wood - "01.7, he's proposing the entire rollback rate."

Mr. Villarreal - "My proposal is. I don't see how we could do anything else except go all the way back to the rollback rate unless..."

Commissioner Wood - "One penny will go to the Road & Bridge and .76 stay in the General Fund. And this does not. And you've mentioned it but I want to make it clear. The numbers he has here he has removed the 3% salary increase for all our employees. So that's not what this includes."

Mr. Villarreal - "And the binder that I've provided, it was included in there because I got that kind of direction from the Court that they wanted to see the 3% across the board. So I have that, but I've pulled it out in order for this to show exactly what the 3% across the board would cost you and what it would take us to fund that."

Commissioner Wood - "We are talking about the federal reimbursement rate. If we can get that increase of \$37.00 bring in an additional \$1.1 million, more or less."

Judge Hinojosa - "That still leaves us a \$700,000.00 shortfall."

Commissioner Wood - "That still leaves a \$700,000.00 shortfall that does not provide for any salaries and he does have the salaries here. You see the 1%, 2%, 3% that would be the salaries adjustment on these two (2) areas and the amounts of money that would entail, if the 3% he's talking about a \$1.053. That would increase the shortfall. And I appreciate you going through all of these, I don't know if you want to go through the second page or not."

Commissioner Garza - "Did you in anywhere, I know the last time we had a meeting you mentioned something about a bridge toll increase?"

Mr. Villarreal - "Correct."

Judge Hinojosa - "In here?"

Mr. Villarreal - "No that's not there, no."

Commissioner Garza – “Bridge toll.”

Commissioner Tamayo – “That would be an additional...”

Mr. Villarreal – “The numbers. I believe the Auditor is working, oh he stepped out. The actual crossing numbers have been provided from the Bridge Department to the Auditor’s Office and he is reviewing that to see what the exact number or the estimate of that would be as far as additional possible revenue.”

Commissioner Tamayo – “But the most it would be...”

Commissioner Wood – “If we were to increase the bridge tolls on automobiles to \$2.00 from what it currently is; the estimate right now is about \$900,000.00 on an annualized basis.”

Judge Hinojosa – “So that means if we get the increase in the inmate revenue thing that combined with the increase in tolls of \$0.20 that will just barely, with no increases.”

Mr. Villarreal – “Now there are some numbers that possibly may be adjusted within the revenues. Cause what is not here in the Road & Bridge side, which may alleviate some of the need of the transfer, is having to do actually with Proposition II. Last year we added some equipment to be financed, to be purchased, for equipment to be used specifically for the Proposition II Program with the intention that payment of that equipment would come with charging the use of that equipment to those specific projects. That is not in here right now because it didn’t get started until just a few months ago and because it’s progressing a little bit slowly it’s not offsetting as far what the payment that’s coming due this next year. So that is not there, if it looks like maybe it will be, that could possibly adjust that and then shift that back over to the General Fund. But as I said this may change somewhat in the next couple of weeks before we actually have to adopt the Budget, so I’ll be sending you updates on that. Now the second page, which Commissioner Wood was referring to...”

Commissioner Wood – “The second page, I’ve asked Xavier to put together for me so we can look at it. Basically the second page does contain the 3% increase on salaries for everyone. These numbers do...”

Mr. Villarreal – “The percentages would equal up to about the same because it come off the total and then off the salaries.”

Commissioner Wood - “...and I have asked him to lay this out as he has on this paper because there’s certain thing that we don’t have a lot of control over if we decide to do it. Like Professional Services or other Contracts we already have in place. If we remove those and we remove the salaries and the fringe benefits we end up with this line he’s indicated as operations for dollars amount. Those operations, in what he’s been able to come up with, total about \$18,769,000.00. What I’d kind of like to see if it’s agreeable with everyone and we need to talk about it, would be to perhaps have Xavier get some assistant from other County employees, I would suggest maybe Pete Sepulveda and our County Auditor. I haven’t talk to them. But I would like to see him be able to go over to

other Elected Officials and Department Directors and see if they could not figure out some way to reduce there operations line by about 7%, that would save about a \$1,313,000.00 based on this numbers.”

Mr. Villarreal – “What I’d like to do, I mean we can go ahead and get started on that, but actually on these operations pull-out all fixed cost, which we don’t have much control over, which is the building maintenance, utilities, water, things of that nature.”

Commissioner Wood – “Well I think that there is a lot of things that the employees could do. And the Department Directors and the Elected Officials can do with their employees to help save money on the electricity and on the water and on these other issues. I really don’t think they should be pulled out. We’ve done this before in the city we’ve reduced across the board operations. And you’d be surprised how inventive a lot of the employees can be when it comes to a point where they know that we’re in a budget crisis, crunch. I don’t know if it’s a crisis, but it’s pretty bad. We’re in a budget crunch for sure. And I think that they can be extremely inventive on how they handle things and how they save monies. Right now we’re getting to the point where we’re coming towards the end of the fiscal year and everyone in the world is having the Printing Department print stuff up for them because their budget is coming to an end. So they’re spending this money, some of it probably justifiable, needs to be spend, some of it perhaps maybe being printed because the budget is coming to an end and they want to spend that money.

Commissioner Garza – “And what’s the carrot we are going to offer these people? The 3% increase for their employees?”

Commissioner Wood – “That’s right.”

Commissioner Garza – “You know, if they can find some money in their operational budget.”

Commissioner Wood – “I think we need to look at maybe looking at a hiring freeze. And I think that the employees and the Department Directors, Elected Officials would work with us to create this situation so that we can get back on an even key. I look at the Budget and I see we’re not tightening our belt together; the Budget is just kind of running and we get put in a position where we can’t stop it. Well we’re going to have to at some point in time start running it back in to where there is a control zone, and where Management takes responsibility for what they’re doing.”

Commissioner Tamayo – “Well, I’d want to be careful though, if we’re going to approach the different Department Heads and say 7%. Some of them might react; okay we’ll do it and then maybe they’re going to cutback on services, they’re going to cutback. I want to make sure it’s justified how it’s going to happen. And I’m not disagreeing with you John. I’m just saying that this is the other side of the coin because I have seen some Departments that I could say I don’t know where they’d be able to cut; in fact they need an increase. So you know, there’s apples and oranges here.”

Commissioner Wood – “And I agree. And that’s why I think there needs to be more than just Xavier to be able to cover everyone and discuss with them how they can come about. And if it’s not 7% we need to look at some cutting back somewhere on some amount, 6%, 8%. Something in there need to be brought, 4%, back into line though, with what our operations really are. And I think that they’re extremely capable of working with us and getting this put back in line.”

Judge Hinojosa – “I think John is right. I think we can... Look every time we’ve cut, remember we cut the Travel Budget. We cut it probably in half; everyone was complaining that they were not going to be able to travel and “no se ha oido un pillido since then.” (Haven’t heard a peep since then)

Commissioner Tamayo – “And I think that as a Court we can look at our travel expenses and some of us have spent more in travel than others. And so you know we need to look in the mirror and it needs to start with us too.”

Commissioner Wood – “We’ve got on Item number... What was it? The Budget Amendments in one of the areas they are removing from salaries \$80,000.00 to apply to other areas, into prescriptions and hospitals inpatient and some of these other things you know. If we have the money sitting in that department to remove from salaries, where have those people been you know for this period of time? That’s \$80,000.00.”

Commissioner Garza – “Probably not employed John,”

Commissioner Wood – “Well, and so maybe we need to look at a hiring freeze also and look at how we are managing personnel and how we are managing the monies of the County. And that was my first thought they’ve probably never been employed. But we’ve been getting along somehow. Maybe not providing the service we would like to provide but we can’t afford the services that we would like to provide.”

Commissioner Tamayo – “And I realize that looking at it globally I’m sure there’s way where we can cut. I guess I’m bringing it home to Precinct No. 4. And for me to be a witness to us telling the staff there that we have to cut 7% when I see the problems they’re having with dump trucks breaking down all the time, I mean they don’t have the equipment they need. And I guess that’s what I was looking at. Globally I can see John, that there’s a merit to this, but we also have to realize that some of our employees are working with very, very bad equipment; they put up with it and they do the best they can. So in those areas I certainly hope and that we’re not going to try and say we’re going to try and cut in that area.”

Commissioner Garza – “That’s when you justify it.”

Commissioner Wood – “But until we figure out how to get a hold of this thing to where we have the funds available to purchase the type of equipment that they need to operate with we’re never going to get there.”

Commissioner Tamayo – “I guess I’m trying to put some focus on the process that’s going to be used for this and the process needs to be fair and it needs to be one that is employee friendly at the same time.”

Judge Hinojosa – “Okay, well I think that’s a good idea and I think John is right let’s set a goal of 7% and let’s see what happens.”

Mr. Villarreal – “7% off the operations including salaries?”

Judge Hinojosa – “Right of the operations across the board and see what we can do and if it results in us having to hold off in hiring right now... Look right now we don’t know what’s going to happen with SCAAP. We may get \$600,000.00, \$700,000.00 in the Fall that we can go back and reapply to the Budget and makeup for some of those positions that maybe may not have been filled and things like that. But if we’re looking at... You know John and I are probably going to go up to DC next week to try to see if we can free up that money for the, we are going to go up there for the West Rail Plan, but we want to also see if we can get the U.S. Marshal’s Office to give us the money that is related to the, what do you call it, the per-diem on the inmate to get it up to the 37 rate because we feel that we’re legally entitled to it. If we don’t get that where are we going to makeup \$1.8 million?”

Commissioner Garza – “Just get rid of the federal prisoners. Save some money. We can’t afford...”

Commissioner Wood – “And I also think that along with this we are going to need to look at least one cent tax increase, Mr. Barrera. I think we are.”

Commissioner Garza – “But if we’re loosing money to the tune of over \$1 million a year to house these prisoners it makes absolutely no sense to keep them in our prisons.”

Judge Hinojosa – “Well, except for the fact that they are legally obligated to pay us our cost, and our cost is \$37.00...”

Commissioner Garza – “The cost... (inaudible).. paying us.”

Judge Hinojosa – “That’s right and we need to get that straighten out.”

Commissioner Wood – “When we built the new jail facility out there we contracted with them for 15 years and if we don’t keep the beds available for them, up to 350 beds, they have the right to get the monies back that they contributed towards the new jail facility also, which is \$3 million.”

Judge Hinojosa – “\$3 million”

Commissioner Garza – “Right, but we’ve got to be able to get paid for what we’re spending to house those prisoners.”

Commissioner Wood – “I think we will.”

Judge Hinojosa – “And that’s the point. And that’s why it should be retroactive and it should be whatever our costs are and our costs are \$37.00, what is it \$37.00 a day.”

Commissioner Wood – “\$37.70 something.”

Judge Hinojosa – “37.70 something, that’s what we should be getting and so.”

Mr. Mark Yates – “\$37.73.”

Judge Hinojosa – “Yeah, almost \$38.00 a day, that’s something we have to go and you know all this bureaucratic stuff about waiting 6 months is...”

Mr. Dagoberto Barrera, Brownsville resident – “Why aren’t you getting it, Judge?”

Judge Hinojosa – “Because those Republicans in Washington, DC are not getting it to us! That’s why.”

Commissioner Tamayo – “Judge, with all due respect to John, and I know you have so much to contribute, but I think that you are extremely capable of representing us in Washington without taking David or John or Pete or myself with you. I think you do a tremendous job representing us and we can start saving money right there.”

Judge Hinojosa – “Well, except for the fact that John is working on the West Rail Project and we were combining the trip. We are going to kill two (2) birds with one stone.”

Commissioner Tamayo – “Well, that’s justifiable then.”

Commissioner Wood – “Two (2) or three (3) birds.”

Commissioner Garza – “Well if you get us that money you know you would have my blessing.”

Commissioner Tamayo – “Yes.”

Mr. Villarreal – “One thing that I would caution as far as the hiring freeze, traditionally the departments that generate the largest lapsed salaries are the departments that can least afford to have those positions frozen, that would be the Jail, the District Attorney’s Office, Juvenile, Probation, the Juvenile Detention Facility, the Infirmary does generate a lot but that’s because of the fact that it’s very difficult for them to get nurses to work in that environment. The other ones generate.”

Commissioner Wood – “Has anyone thought then if those positions are so important and if those are the positions that generate lapsed salaries that those lapsed salaries can’t be used for something else because that’s what they do.”

Mr. Villarreal – “Well, they don’t. Actually lapsed salaries are frozen, in this instance; I actually prepared that Budget Amendment or that Line Item transfer for the fact that the expenditures for the Infirmary are increasing for the healthcare needs of the inmates. So instead of hitting somewhere else, that’s all that they have left, within the Infirmary without coming to the Court and saying well the Infirmary is out of Budget. The inmates have gone to the hospital or they’ve received this type of care and the vendors want to get paid. So I need to take it from Fund Balance or another Department.”

Commissioner Garza – “Well, I appreciate you not taking it from Fund Balance.”

Judge Hinojosa – “Well, anyway but the lapsed salaries let’s put that aside for a second. Let’s look at these cuttings of the Budgets. Let’s see where we can go, I mean I think that we need to give that, one hard look. I mean I’ve sat down with Mark when we’ve faced this situation before and we’ve gone item by item and we’ve found money. And so I think if we do this again this year that’s gonna result in some significant savings that I think can either give us more money so that we don’t have to increase taxes to the extent that we need to now or give us more money for the much deserved much needed 3% increase for our employees. Look what happened this weekend when we had the storm, they went out there nobody complained, nobody said anything, they worked long hours, and they did a really good job.”

Commissioner Wood – “They did a good job.”

Judge Hinojosa – “They did a good job and they do a good job by large for the residents of Cameron County. And you know the cost of living increases and we’ve always, always, always, given at least a 3% increase, at least since I’ve been here.”

Commissioner Garza – “It’s not like we’re the highest paying employer in the County.”

Judge Hinojosa – “Not at all.”

Commissioner Benavides – “And Judge, the seven (7) years that I’ve been here we’ve been in bad situations similar to this one. I know it’s not as bad, but similar to this where we had to talk about raising taxes and I’ve always been against raising taxes and I will be again this time. But we’ve always been able to go back and search for money and come-up with some money. So before we even start talking about raising taxes let’s look at every option like you said right now, Judge.”

Judge Hinojosa – “Well, John has come-up with a good idea. Let’s look at that and then well see... What do we need to do on this Item?”

Mr. Villarreal – “On this one I actually need some action if we want to stay on schedule. I’d like to schedule the Public Hearing in order to adopt the tax rate for September 2nd.”

Judge Hinojosa – “So what resolution do you want?”

Mr. Villarreal – “There’s actually gonna have to be a vote cause I need to advertise the Public Hearing. In that advertisement I have to put the maximum rate that the Court will consider as far as the tax rate. My recommendation is to place the rollback rate; we’ve done that for the past few years because it gives you the lea way to go there if you have to.

Judge Hinojosa – “Okay. We always vote the rollback rate for the Public Hearing.”

Commissioner Garza – “That’s what I’ve been hearing is standard.”

Commissioner Wood – “That’s standard operating procedure.”

Judge Hinojosa – “Alright do I hear a motion on that?”

Commissioner Tamayo – “So move.”

Commissioner Wood – “Second.”

Judge Hinojosa – “Motion by Commissioner Tamayo, second by Commissioner Wood. Any further discussion? All those in favor signify by stating Aye.

Commissioners Benavides, Wood, Garza, Tamayo, and Judge Hinojosa – “Aye.”

Judge Hinojosa – “All those opposed signify by stating Nay. Motion carries.”

The Report Is As Follows:

**(10) CONSIDERATION AND ACTION REGARDING THE
SETTING OF ELECTED OFFICIALS'
COMPENSATION**

Judge Hinojosa recommended that Elected Official current compensations be kept until it was determined if employees would get the 3% salary increase.

Upon motion by Commissioner Tamayo, seconded by Commissioner Garza and carried unanimously, the setting of compensations for Elected Officials was approved at the current salaries.

Mr. Xavier Villarreal, Budget Officer, stated that he would remit the information regarding the Court's direction to decrease operational costs by 7% to all the Departments and Elected Officials.

Commissioner Wood recommended that the International Bridge System Director and the County Auditor work with the Budget Officer on the matter.

Mr. Doug Wright, Commissioners' Court Legal Counsel, advised of time constraints to send notices to Elected Officials and for them to submit the grievances that must be considered by the Grievance Committee within ten (10) days of receipt.

Mr. Remi Garza, County Administrative Assistant, clarified that the Grievance Committee meets prior to adopting the Budget but the Court does not have to take action until adoption of the Budget.

Judge Hinojosa stated that a less than unanimous vote could be recommended to the Grievance Committee.

Mr. Garza stated that a less than unanimous vote would allow the Court the ultimate discretion.

Judge Hinojosa stated that the said process would be a fair way to approach the matter if all Elected Officials grieved a 3% salary increase.

Mr. Garza clarified that Elected Officials have the option to grieve as much as they like and that they might attempt to equalize their salaries.

Judge Hinojosa asked if the status of the Budget would be known prior to the Grievance Committee meeting.

Mr. Garza responded that the Grievance Committee would meet in two (2) weeks at the furthest.

**(11) CONSIDERATION AND AUTHORIZATION TO
SOLICIT PROPOSALS FOR LEGAL SERVICES TO
DEVELOP A REGIONAL MOBILITY AUTHORITY**

Judge Hinojosa introduced Mr. Bill Carr III, Valley Partnership President Elect, and expressed appreciation for the Rio Grande Valley Partnership's leadership on Regional Projects that have made a difference in the Rio Grande Valley.

Mr. Bill Carr III, Valley Partnership President Elect, stated that when the Rio Grande Valley works in a collaborative spirit a tremendous amount of things were achieved, and thanked the Court for being very supportive of establishment of the Regional Water Authority. He informed that the Mobility Plan (\$3.5 billion dollars in projects for the next 25 years) for the Rio Grande Valley was presented to Texas Department of Transportation (TXDOT). Mr. Carr stated that the Rio Grande Valley's resources were utilized by its residents and residents from south of the border, particularly transportation resources, and that from this the decision was made that another try would work with the spirit of collaboration, referring to the Regional Mobility Authority (RMA). Mr. Carr informed that during the meeting with TXDOT it was continuously heard that they were headed towards programs that could be handled by a RMA. He explained that the Programs provide frame work for the County to set up a Regional Mobility Authority which in turn sets up funding vehicles to be used to accelerate a process deemed important. Mr. Carr stated that the RMA would give the County the ability to access Federal and State funding and to provide support to projects deemed necessary; some being, turnpikes, transportation systems, passenger and freight rail facilities, roadways, etc. He requested authorization to go out for bids to solicit proposals for Legal Services to develop the RMA, and added that although TXDOT allowing specific areas to do things for themselves did not signify that funding would not be provided for necessary projects. He stated that the second causeway was a 15 to 25 year project that could be determined necessary to accelerate the process through the RMA. Mr. Carr explained that funds from these projects pay for themselves and that at this time only one other RMA was being processed. He explained that this was an opportunity for the Rio Grande Valley because Mr. Bill Summers was member of the Advisory Board that would set rules and regulations for the RMA.

Judge Hinojosa stated that establishing the RMA was discretionary but almost mandatory for Cameron County because TXDOT indicated that if future increase in funding was expected that there must be a qui-pro-quo on behalf of counties, adding that the qui- or the quo must be revenue generated though the RMA. He stated that unless the RMA was established funding for construction of a second causeway would not be provided. Judge Hinojosa noted the need to contribute towards construction of overpasses between Cameron County and Interstate 37 because transportation funds have been decreased nationwide. He stated that the chances of completing I-69 in our lifetime were remote; however, completing overpasses between Cameron County and Corpus Christi to put us at interstate standards were high. Judge Hinojosa stated that that few overpasses remained pending between Willacy and Cameron County and that Plans were available as to how these overpasses could be completed without spending as much money, noting that South Texas could only be upgraded to interstate standards was through the RMA. He stated that if the \$45 million were received from the Federal Government for the Northern Railroad Relocation Plan then the County must fund \$5 million through local funds. Judge Hinojosa stated that the \$5 million would be

funded by the County and the City of Harlingen because the City of San Benito lacked the resources; therefore, suggested that the \$5 million be funded through a toll system. He reiterated that completion of these projects was impossible without the RMA, and recommended approval to request for proposals.

Commissioner Tamayo questioned if the RMA would be formed in Cameron County with possibilities for other counties to join in.

Mr. Carr responded in the affirmative.

Commissioner Garza stated that the ability of the County forming the RMA to appoint two (2) members to the RMA versus joining counties being able to appoint one (1) member might create some form of animosity.

Mr. Carr responded that the matter must be discussed with Mr. Summers and noted the need for this type of input.

Judge Hinojosa stated that the revenue from the projects created by the RMA paid for Bonds on that project's debt service and that apparently no conflict would derive. He noted the need to review such issues.

Commissioner Garza questioned if Section 370.251 Board of Directors (b) Commissioners Court made reference to the whole Court and not only the Judge's Office.

Judge Hinojosa responded in the affirmative.

Commissioner Wood informed that the Workshop regarding the RMA held at the Counties Conference was well attended.

Commissioner Garza moved that the Purchasing Agent be authorized to solicit Proposals for Legal Services to develop the Regional Mobility Authority (RMA).

The motion was seconded by Commissioner Tamayo.

Judge Hinojosa stated 17% of the County's tax base was from South Padre Island and that making the island more accessible for tourism would increase the County's position in the Tourism Industry and would create jobs.

Commissioner Garza noted that according to TXDOT's statistics the Queen Isabella Causeway would experience two (2) hour traffic delays by 2013.

Upon motion duly made by Commissioner Garza that the Purchasing Agent be authorized to solicit Proposals for Legal Services to develop a Regional Mobility Authority (RMA).

The motion was seconded by Commissioner Tamayo and carried unanimously.

(12) **CONSIDERATION AND APPROVAL OF CHANGE ORDER NO. 2 TO CONSTRUCTION AGREEMENT WITH JIMMY CLOSNER & SONS CONSTRUCTION COMPANY, INC., FOR THE LAGUNA HEIGHTS DRAINAGE IMPROVEMENT PROJECT**

(13) **CONSIDERATION AND APPROVAL OF CHANGE ORDER NO. 3 TO CONSTRUCTION AGREEMENT WITH JIMMY CLOSNER & SONS CONSTRUCTION COMPANY, INC., FOR THE LAGUNA HEIGHTS DRAINAGE IMPROVEMENT PROJECT**

Mr. Frank Bejarano, Project Development & Management, informed that Change Order No. 2 was for an additional \$50,000.00 and that Change Order No. 3 was for an additional \$42,400.00.

Commissioner Wood clarified that Change Order No. 2 was being funded by a Supplemental Grant from the Southwest Community Investment Corporation.

Mr. Bejarano stated that the Supplemental Grant was provided by the Empowerment Zone and that the \$42,400.00 would be funded through surplus funds within the existing Empowerment Zone Budget's dedicated for the gas line relocation. He stated that the County took the position that gas line relocation cost should be picked up by the gas company, and informed that the gas lines were relocated but invoices were not received. Mr. Bejarano stated that funds were being allocated to reinstall the previously eliminated inlets and manholes.

Mr. Orlando Cruz, Project Architect, reported that the Project was about 45% complete, that 75% of the pipeline was installed, and that the Project might be complete by October 7, 2003. He stated that he did not know if the timeline would be met because the Contract had a late start caused by the gas pipeline relocation.

Commissioner Garza moved that Change Orders No. 2 and No. 3 to Construction Agreement with Jimmy Closner & Sons Construction Company, Inc., for the Laguna Heights Drainage Improvement Project be approved.

The motion was seconded by Commissioner Wood and carried unanimously.

The Change Orders are as follow:

(14) **CONSIDERATION AND APPROVAL OF CONTRACT WITH R.L. ABATEMENT, INC., FOR DEMOLITION AND ABATEMENT OF CERTAIN PROPERTY ON EAST JACKSON STREET IN BROWNSVILLE, PURSUANT TO THE DANCY BUILDING PARKING PLAN**

Upon motion by Commissioner Benavides, seconded by Commissioner Garza and carried unanimously, the Contract with R.L. Abatement, Inc., for demolition and abatement of certain property on East Jackson Street in Brownsville, pursuant to the Dancy Building Parking Plan was approved.

The Contract is as follows:

(15) CONSIDERATION AND APPROVAL OF PROFESSIONAL SERVICES BY AMBIOTEC ENVIRONMENTAL CONSULTANTS, INC., TO MONITOR ASBESTOS ABATEMENT ON CERTAIN STRUCTURES TO BE DEMOLISHED ON COUNTY OWNED PROPERTY ON EAST JACKSON STREET IN BROWNSVILLE

Mr. Frank Bejarano, Project Development and Management, clarified that funding was available.

Upon motion by Commissioner Benavides, seconded by Commissioner Tamayo and carried unanimously, the Professional Services by Ambiotec Environmental Consultants, Inc., to monitor asbestos abatement on certain structures to be demolished on county owned property on East Jackson Street in Brownsville, Texas were approved.

(16) CONSIDERATION AND AUTHORIZATION TO INCREASE SALARIES FOR THE ASSISTANT FOREMAN POSITIONS IN THE PUBLIC WORKS DEPARTMENT

Mr. Juan Bernal, County Engineer/Public Works Director, requested salary increases for two (2) new Assistant Foremen and the two (2) employees who undertook the same duties and responsibilities without adequate compensation.

Commissioner Garza moved that the increase in salaries for the Assistant Foreman Positions in the Public Works Department be approved.

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

AYE: Commissioners Benavides, Garza, Tamayo, and Judge Hinojosa,

NAY: Commissioner Wood.

The Salary Schedules are as follow:

(17) **CONSIDERATION AND APPROVAL OF CONTRACT TO DI STEFANO/SANTOPETRO ARCHITECTS, INC., FOR THE ENGINEERING AND HEALTH DEPARTMENT BUILDINGS AND THE INTERIOR DESIGN OF THE RECORDS WAREHOUSE**

Mr. Juan Bernal, County Engineer/Public Works Director, informed that the Contract included an estimated amount of \$2,484,829.00 for the design Engineering and Health Departments and the interior of the Records Warehouse and a 7.5% fee for the Architect. He added that the Contract stipulated that the \$2,484,829.00 would be the maximum amount paid and that the cost would be reduced accordingly should it be below the estimated amount.

Upon motion by Commissioner Benavides, seconded by Commissioner Garza and carried unanimously, that Contract to DI Stefano/Santopetro Architects, Inc., for the Engineering and Health Department Buildings and the Interior Design of the Records Warehouse was approved.

The Contract is as follows:

(18) CONSIDERATION AND APPROVAL OF EMPLOYEE HEALTH BENEFITS

Mr. Manuel Villarreal, Human Resources Director, reported that the Insurance Committee renegotiated the Health Benefits with Mutual of Omaha, that adjustments were done from 4.7 down to 2.7, and that Mutual of Omaha's proposal continues to be the best.

Commissioner Garza stated that savings did result from renegotiations.

Judge Hinojosa clarified that the savings totaled approximately \$12,000.00.

Mr. Villarreal stated that the savings might permit the County to not increase the employee contribution; thus, positively impacting the Budget.

Mr. Xavier Villarreal, Budget Officer, stated that the Budget included the employee contribution at \$4,900.00, totaling approximately \$100,000.00. He explained that the amount of the contribution was ultimately decided by the Court based on premiums and anticipated costs.

Judge Hinojosa suggested that action on the contribution be postponed to determine if the amount could be paid through SCAAP Funding.

Commissioner Tamayo moved that the County Judge be authorized to enter into and sign on behalf of the County the renewal Health Benefit Contract with Mutual of Omaha.

The motion was seconded by Commissioner Garza and carried unanimously.

The Contract is as follows:

(19) CONSIDERATION AND ACTION ON A JOINT RESOLUTION WITH THE CITY OF BROWNSVILLE AND THE CITY OF HARLINGEN TO CREATE A SOUTH CAMERON COUNTY HAZMAT TEAM AND A NORTH CAMERON COUNTY HAZMAT TEAM FOR HOMELAND SECURITY EMERGENCY RESPONSE

Mrs. Grace Salinas, County Judge's Office, requested that the Agenda Item be corrected to read "Consideration and adoption of a Joint Resolution to create the Cameron County Hazmat Emergency Response Team" and that action on Item No. 20 read "Consideration and action to negotiate a Joint Interlocal Agreement with those two (2) cities."

Upon motion by Commissioner Tamayo, seconded by Commissioner Garza and carried unanimously, the Joint Resolution with the City of Brownsville and the City of Harlingen to create a South Cameron County Hazmat Team and a North Cameron County Hazmat Team for Homeland Security Emergency Response was adopted.

The Resolution is as follows:

**(20) CONSIDERATION AND ACTION ON A JOINT
INTERLOCAL EQUIPMENT LOAN AGREEMENT
WITH THE CITY OF BROWNSVILLE AND THE CITY
OF HARLINGEN IN SUPPORT OF THE NEWLY
CREATED HAZMAT TEAMS**

Commissioner Tamayo moved that the Joint Interlocal Equipment Loan Agreement with the City of Brownsville and the City of Harlingen in support of the newly created Hazmat Teams be approved.

The motion was seconded by Commissioner Garza and carried unanimously.

The Agreement is as follows:

CONSENT ITEMS

ALL ITEMS UNDER THE CONSENT AGENDA ITEMS WERE HEARD COLLECTELY UNLESS OPPOSITION WAS PRESENTED, IN WHICH CASE THE CONTESTED ITEM WAS CONSIDERED, DISCUSSED, AND APPROPRIATE ACTION WAS TAKEN SEPARATELY.

DISCUSSION CONCERNING CONSENT AGENDA ITEMS:

ITEM NO. 21: Mr. Mike Forbes, Purchasing Agent, presented the following late claims: Warrant No. 00101562, payable to Angelo Inter-logistics, in the amount of \$3,000.00; Warrant No. 00101563, payable to the City of Harlingen, in the amount of \$250.00; and, Warrant No. 00101564, payable to Mutual of Omaha Insurance, in the amount of \$76,161.94.

Commissioner Tamayo moved that the following "Consent and Travel Items", be approved inclusive of the late claims.

The motion was seconded by Commissioner Benavides and carried unanimously.

- (21) APPROVAL OF CLAIMS.**
- (22) REFUND TAXES AS AUTHORIZED BY THE CAMERON COUNTY APPRAISAL DISTRICT AS PER SECTION 25.25 (C) AND BY SECTION 42.41 OF THE TEXAS PROPERTY TAX CODE TO :
CYNTHIA GUAJARDO 608.67
JP MORGAN CHASE BANK**
- (23) PROPOSAL FOR ADDITIONAL SERVICES FROM PHOENIX I RESTORATION AND CONSTRUCTION, INC., FOR ASBESTOS ABATEMENT AT THE DANCY BUILDING;**
- (24) INTERLOCAL AGREEMENT WITH THE CITY OF SAN BENITO FOR THE REALIGNMENT OF FM 732;
The Agreement follows:**
- (25) ACCEPTANCE OF MYERS LANE LOCATED IN THE ALOE VERA SUBDIVISION, PRECINCT NO. 4, INTO THE COUNTY ROAD SYSTEM;**
- (26) JANITORIAL SERVICES CONTRACT TO BE RENEWED FOR FISCAL YEAR 03/04 FOR THE ENGINEERING AND RIGHT OF WAY OFFICES;
The Contract follows:**
- (27) FINAL APPROVAL:**
 - A. PRECINCT NO. 2: PABLO GONZALES SUBDIVISION, NO. 2- BEING A SUBDIVISION OF A 5.000 ACRE TRACT OF LAND MORE OR LESS, OUT OF BLOCK NO. 9, STUART PLACE SUBDIVISION, CAMERON COUNTY, TEXAS**
 - B. PRECINCT NO. 4: MATTHEW BAILEY SUBDIVISION- BEING A SUBDIVISION OF THE EAST 10 ACRES OF BLOCK NO. 197, ADAMS GARDENS SUBDIVISION C CAMERON COUNTY, TEXAS**

TRAVEL ITEMS

(28) AUTHORIZATION TO TRAVEL/OR APPROVAL OF TRAVEL EXPENSE FOR THE FOLLOWING (PLEASE NOTE: REQUESTS ARE SUBJECT TO ALL APPLICABLE COUNTY POLICIES):

- A. Three (3) 197th District Court employees to attend the "Texas Association For Court Administration Education Conference", in San Antonio, Texas, September 20 through October 3, 2003;
 - B. County Clerk to attend the "21st Annual Election Law Seminar for County Clerks, Elections Administrators and Voter Registrars", in Austin, Texas, August 25-27, 2003;
 - C. Associate Judge to attend the "Bipolar Disorder in Youth Conference", in McAllen, Texas August 14, 2003;
 - D. Health employees (2) to attend the "Texas Animal Control Association's South Texas Seminar South Padre Island, Texas," in September 8-9, 2003;
 - E. District Attorney Employee to attend the "Border Terrorism Conference", in San Antonio, Texas, September 8-10, 2003;
 - F. District Clerk and Employees (3) to attend the "Texas District Court Alliance Annual Workshop", in Austin, Texas September 16-18, 2003;
 - G. Juvenile Probation Employee to attend the "14th Annual National Family Preservation Conference", in San Antonio, Texas, September 2-5, 2003;
 - H. Computer Department Employee to attend the, To Travel To Austin, Texas, On 8/24-27/03, To Attend The Texas Secretary Of State's 21st Annual Election Law Seminar For Voter Registration.
 - I. Computer Department Employee to attend the "Texas Conference On Criminal Justice Information System Reporting", in Austin, Texas, September 9-12, 2003;
 - J. County Court At Law Employees (2) to attend the "Texas Association For Court Administrators Annual Education Conference", in Austin, Texas, September 30 through October 3, 2003;
 - K. Juvenile Probation Employee to attend the "Mid-Management Leadership Program", in Huntsville, Texas, October 18-24, 2003;
 - L. County Court At Law No. 1 Employees (2) to attend the "Texas Association For Court Administrators Annual Education Conference", in Austin, Texas, September 30 through October 3, 2003;
 - M. County Extension Agent to return non working A&M equipment in College Station, Texas, August 20-21, 2003
 - N. PD&M Employee to attend the "Office of Rural Community Affairs Texas Community Development Program", in Austin, Texas, August 22, 2003; and
 - O. County Court At Law No. 2 Judge to attend the "Wills & Probates Institute Conference", in Houston, Texas, September 11-13, 2003.
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- (24) **INTERLOCAL AGREEMENT WITH THE CITY OF SAN BENITO FOR THE REALIGNMENT OF FM 732;**
The Agreement follows:

- (26) **JANITORIAL SERVICES CONTRACT TO BE RENEWED FOR FISCAL YEAR
03/04 FOR THE ENGINEERING AND RIGHT OF WAY OFFICES;
The Contract follows:**

EXECUTIVE SESSION

(29) EXECUTIVE SESSION:

Upon motion by Commissioner Benavides, seconded by Commissioner Tamayo and carried unanimously, the Court met in Executive Session at 12:28 P.M., to discuss the following matters:

- A. Deliberation regarding Real Property concerning Burns Avenue located South Point Townsite in Precinct No. 1; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(2).
- B. Deliberation regarding Real Property concerning the possible Lease of Office Space for Justice of the Peace, David Garza in San Benito, Texas; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072.
- C. To deliberate the Evaluation of the Building Maintenance Director; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.074.
- D. Confer with Commissioners' Court Legal Counsel concerning possible violations of Standards set out by the Texas Commission on Environmental Quality pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(1)(A).
- E. Confer with Commissioners' Court Legal Counsel Concerning Lawsuit against the Cameron County Sheriff styled Rene A. Gosser versus Cameron County, Texas and Conrado Cantu, Sheriff of Cameron County, Texas Cause No. 2003-08-4129-A and possible authorization of Legal Representation for the Cameron County Sheriff; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(1)(A).

Upon motion by Commissioner Tamayo, seconded by Commissioner Wood and carried unanimously, the Court reconvened in Regular Session at 1:43 P.M.

NOTE: JUDGE HINOJOSA LEFT THE MEETING AT THIS TIME.

(30) ACTION RELATIVE TO EXECUTIVE SESSION:

- (a) Deliberation regarding Real Property concerning Burns Avenue located South Point Townsite in Precinct No. 1.**

Commissioner Garza moved that the Status Report by Mr. Joseph Ardito, Property Manager, be acknowledged and that Legal Counsel be authorized to do some research.

The motion was seconded by Commissioner Wood and carried unanimously.

-
- (b) Deliberation regarding Real Property concerning the possible Lease of Office Space for Justice of the Peace, David Garza in San Benito, Texas.**

Upon motion by Commissioner Garza, seconded by Commissioner Wood and carried unanimously, Mr. Joseph Ardito, Property Manager, was authorized to negotiate the Office Space for Justice of the Peace David Garza.

(c) **To deliberate the Evaluation of the Building Maintenance Director.**

Commissioner Tamayo moved that the positive discussion be acknowledged.

The motion was seconded by Commissioner Wood and carried unanimously.

(d) **Confer with Commissioners' Court Legal Counsel concerning possible violations of Standards set out by the Texas Commission on Environmental Quality.**

Commissioner Garza moved that a moratorium be placed on the Cameron County Fire Marshal's issuance of Outdoor Burning Permits until further notice, based on discussions in Executive Session, and that Mr. Doug Wright, Commissioners' Court Legal Counsel, be authorized to send a Letter to the Texas Commission on Environmental Quality (TCEQ) advising of the County's response concerning the possible violations.

The motion was seconded by Commissioner Wood and carried unanimously.

Mr. Doug Wright, Commissioners' Court Legal Counsel, noted that the Cameron County Fire Marshal should refer all request for Outdoor Burning Permits to State.

(e) **Confer with Commissioners' Court Legal Counsel concerning lawsuit against the Cameron County Sheriff styled Rene A. Gosser versus Cameron County, Texas and Conrado Cantu, Sheriff of Cameron County, Texas Cause No. 2003-08-4129-A and possible authorization of legal representation for the Cameron County Sheriff.**

Upon motion by Commissioner Tamayo, seconded by Commissioner Garza and carried unanimously, Mr. Doug Wright, Commissioners' Court Legal Counsel, was authorized to negotiate with the Law Firm of Willete and Guerra to represent Cameron County and to negotiate a Professional Service Agreement in the event that the individuals were sued in their individual capacity.

There being no further business to come before the Court, upon motion by Commissioner Garza, seconded by Commissioner Tamayo and carried unanimously, the meeting was **ADJOURNED** at 1:47 P.M.

APPROVED this 30th day of September 2003.

GILBERTO HINOJOSA
COUNTY JUDGE

ATTEST:

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