

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 8th day of June 2004, there was conducted a REGULAR 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:

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The meeting was called to order by Judge Hinojosa at 9:32 A.M. He then asked Reverend Bob Clark, Brownsville resident, for the invocation, and 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 June 4, 2004, at 4:20 P.M.:

Mr. Pete Sepulveda, Department of Transportation Administrator, reported that unofficial results posted online indicate that Mr. Alejandro Sanchez passed his exam and was now a Professional Engineer, noting that official written notification remains pending.

Judge Hinojosa reported that sixteen (16) federal inmates were received yesterday and more were expected, adding that repairs would now be made to Detention Center II.

Commissioner Benavides thanked Judge Hinojosa for taking the initiative to address issues with federal inmates and the jail system.

Judge Hinojosa recognized the Maintenance Department for their cooperation.

Commissioner Garza commented that the public acknowledgement of having Alzheimer by Mr. Ronald Reagan, Former President of the United States, prior to his death, made something great for the disease and the devastation caused to family members. He requested that a moment of silence be held in memory of Mr. Ronald Reagan and for his family.

(1) PUBLIC COMMENTS

Note: None were presented.

PRESENTATION

(3) PRESENTATION OF A RESOLUTION TO GENE & RACHEL GORE RECOGNIZING THEIR EFFORTS TO RAISE COASTAL CONSERVATION AWARENESS

At this time, Judge Hinojosa read the Resolution recognizing Mr. Gene & Rachel Gore's efforts to raise coastal conservation awareness and thanked them for their efforts. He asked how long it took them to travel the coast and if they camped out during the night.

Mr. Gene Gore responded that their journey took nineteen (19) days and that an escort carried their supplies. He commented that a 200 pound shark attacked Mrs. Gore's surf board just north of Port Mansfield resulting in a great scare.

Judge Hinojosa thanked them again for their efforts and noted the importance of raising awareness to conserve the coast for our children to enjoy it in the future.

Mr. Javier Mendez, Park System Director, informed that Mr. Gore established water safety clinics to advise the public of dangers of rip tides. He added that Mr. Gore was a former life guard from Galveston, Texas, and Hawaii.

Mr. Gore informed that thousands of dollars had keep raised for public schools.

**(9) CONSIDERATION AND POSSIBLE ACTION
REGARDING THE IMPLEMENTATION OF THE VINE
PROGRAM IN CAMERON COUNTY**

Mr. Francisco Martinez, Assistant District Attorney, informed that the Vine Program was a 24/7 program that allows victims of crimes to register to be notified of the status of their case and of what happens with the violator after conviction. He explained that the program was set up through a special grant, in the amount of \$67,000.00, from the Office of the Attorney General and that Cameron County was the first county in the Valley given the opportunity to implement this program. Mr. Martinez stated that terminals would be set up within the Offices of the District Clerk, District Attorney, County Jail, Friendship of Women, and a couple of other places where information would be inputted. He stated that the vendor was a sole source based out of Kentucky and that the County was required to go with them by the Office of the Attorney General. Mr. Martinez explained that the County would fund the program and obtain reimbursement. He stated that the Contract Attorney was in the process of reviewing the two agreements: one being the agreement between the County and the Office of the Attorney General and the other being between the County and the vendor.

Commissioner Tamayo asked who would be responsible to prepare the reports required by the Office of the Attorney General for reimbursement purposes.

Ms. Jennifer Garcia, Victims Assistance Coordinator, stated her understanding to be that the program would be implemented by the County Judge's Office in conjunction with the County Jail.

Judge Hinojosa noted that this was the first he heard of such responsibility and the program.

Mr. Remi Garza, County Administrative Assistant, stated that he believed that the District Attorney would have the responsibility to maintain this program since they house the Crime Victims Assistance Program.

Commissioner Wood noted that the County Judge's Office would not have access to much needed information.

Mr. Martinez stated that his understanding was that the Offices of the District Attorney, District Clerk, and County Auditor, and the Sheriff's Department would be responsible for maintaining and ensuring that the information and documentation was tended to.

Judge Hinojosa suggested that the program be examined and that a report be provided to the Court. He noted the need to ensure that the program be implemented correctly because it could make a difference in the safety and peace of mind of a victim.

Commissioner Tamayo noted the need for the program and to verify who would prepare the documentation required needed for reimbursement.

Ms. Brenda Herrera, Family Crisis Center, stated that the County Clerk's Office and the Sheriff's Department would be responsible for reporting to the Office of the Attorney General. She added that the Vine Program was a national program.

Judge Hinojosa assigned Ms. Veronica De La Fuente, County Judge's Office, to follow-up on the Vine Program.

Commissioner Tamayo applauded the social service agencies for their efforts.

Commissioner Garza asked if delaying the matter would jeopardize the grant.

Ms. Garcia responded negatively.

Mr. Martinez stated that the agreement with the Office of the Attorney General could not be changed; however, the agreement with the vendor could be modified as needed. He recommended that the agreement be approved subject to legal review.

Commissioner Tamayo moved that the implementation of the Vine Program in Cameron County be approved, subject to legal review and to questions being answered.

The motion was seconded by Commissioner Garza and carried unanimously.

The Agreements are as follow:

(34) CONSIDERATION AND AUTHORIZATION TO OPEN THE FOLLOWING BIDS/RFP'S/RFQ FOR:

- A. FOOD: MEATS – QUARTERLY BID NO. 2170-3;**
- B. AUDIT, ANALYSIS & RECONCILIATION OF UTILITIES RATES & BILLING – ANNUAL BID NO. 1221-2 AND APPROVAL OF EVALUATION COMMITTEE;**
- C. MASTER PLAN DEVELOPMENT OF ISLA BLANCA PARK – RFP NO. 040401 AND SELECTION OF EVALUATION COMMITTEE; AND**
- D. LEASE CAMERON COUNTY RUBEN TORRES DETENTION CENTER NO. 1, 2 AND COURT HOUSE JAIL – BROWNSVILLE, TX AND SELECTION OF EVALUATION COMMITTEE.**

Upon motion by Commissioner Benavides, seconded by Commissioner Wood and carried unanimously, the opening of the Bid/RFP's/RFQ for the following were authorized:

- A. Food: Meats – Quarterly Bid No. 2170-3;
- B. Audit, Analysis & Reconciliation of Utilities Rates & Billing – Annual Bid No. 1221-2 and approval of Evaluation Committee;
- C. Master Plan Development of Isla Blanca Park – RFP No. 040401 and selection of Evaluation Committee; and
- D. Lease Cameron County Ruben Torres Detention Center No. 1, 2 and Court House Jail – Brownsville, Texas and selection of Evaluation Committee.

EXECUTIVE SESSION

Upon motion by Commissioner Garza, seconded by Commissioner Tamayo and carried unanimously, the Court met in Executive Session at 10:04 A.M. to discuss the following matters:

(41) EXECUTIVE SESSION:

- (a) Confer with Commissioners' Court Legal Counsel concerning claim made by Cora Cabler Ramirez; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(1)(A);
- (b) Confer with Commissioners' Court Legal counsel concerning issues regarding the Cameron County Detention Centers; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(2);
- (c) Confer with Commissioners' Court Legal Counsel concerning Vicenta Cantu; Felix R. Munoz and Ruth Weaver versus Cameron County and Tony Yzaguirre, Jr., Civil Action No. B-03096 in the United Status District Court, for discussion; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(1)(A) &(2); and
- (d) In the matter regarding confer with Commissioners' Court Legal Counsel concerning claim by Alicia Lerma, for Erica Lerma, her daughter (minor); pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(1) (A)&(2). **(DENIED)**

Upon motion by Commissioner Benavides, seconded by Commissioner Tamayo and carried unanimously, the Court reconvened in Regular Session at 10:53 A.M., to discuss the following matters:

(42) **ACTION RELATIVE TO EXECUTIVE SESSION:**

- (a) **In the matter regarding confer with Commissioners' Court Legal Counsel concerning claim made by Cora Cabler Ramirez. (TABLED)**

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

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- (b) **Confer with Commissioners' Court Legal counsel concerning issues regarding the Cameron County Detention Centers.**

Commissioner Tamayo moved that Phase II be authorized.

The motion was seconded by Commissioner Garza and carried unanimously.

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- (c) **Confer with Commissioners' Court Legal Counsel concerning Vicenta Cantu; Felix R. Munoz and Ruth Weaver versus Cameron County and Tony Yzaguirre, Jr., Civil Action No. B-03096 in the United Status District Court, for discussion.**

Upon motion by Commissioner Wood, seconded by Commissioner Benavides and carried unanimously, the Status Report by Mr. Doug Wright, Commissioners' Court Legal Counsel, was acknowledged.

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- (d) **In the matter regarding confer with Commissioners' Court Legal Counsel concerning claim by Alicia Lerma, for Erica Lerma, her daughter (minor). (DENIED)**

Upon motion by Commissioner Tamayo, seconded by Commissioner Wood and carried unanimously, the claim was **DENIED**.

(2) **PRESENTATION AND ACKNOWLEDGEMENT OF THE QUARTERLY REPORT, FOR THE QUARTER ENDING MARCH 31, 2004, ON INVESTMENTS OF COUNTY FUNDS, PURSUANT TO GOV. CODE 2256 - THE PUBLIC FUNDS INVESTMENT ACT**

Mr. Eddie Gonzalez, County Treasurer, reported that the average remains the same because of the fixed funds and that approximately \$16 million could be used to take advantage of the 3% but he does not control or manages these account.

Judge Hinojosa asked who controls and manages said funds.

Mr. Gonzalez responded that the County and District Clerks manage said accounts and stated that side accounts could be opened to obtain interest on the \$16 million.

Judge Hinojosa questioned if this were tax payers' monies or litigants' monies.

Mr. Gonzalez commented that the County has a fiduciary responsibility.

Mr. Mark Yates, County Auditor, explained that there were many different accounts with different ownership arrangements. He stated that the County and District Clerks' accounts were mainly trust accounts and that a report could be provided by the Court.

Judge Hinojosa explained that investments for most trust accounts were determined by the Courts. He requested to be informed why investments were not being done when public monies were involved.

Mr. Yates responded that a report would be provided next week.

Commissioner Tamayo moved that the Quarterly Report, for the quarter ending March 31, 2004, on investments of County Funds, pursuant to Government Code 2256-the Public Funds Investment Act, be acknowledged.

The motion was seconded by Commissioner Garza and carried unanimously.

The Report is as follows:

(4) **PRESENTATION OF THE 2004 CAMERON COUNTY
MITIGATION PLAN (NATURAL HAZARDS)**

At this time, Mr. Tom Hushen, Chief Emergency Officer, highlighted the following report:

Commissioner Tamayo questioned the involvement with drainage.

Mr. Hushen responded that over the years FEMA has rebuilt houses after floods occur and that they now want a plan to stop floods from occurring. He stated that part of attempts to stop flooding would be drainage; however, the County lacks the funding to do the drainage. Mr. Hushen stated that by FEMA seeing that Cameron County has a plan in place to address flooding issues they might increase the 7.5% funding to 20%. He stated that he was meeting personally with city officials to present the county's plan and request their cooperation.

Upon motion by Commissioner Benavides, seconded by Commissioner Garza and carried unanimously, the Presentation of the 2004 Cameron County Mitigation Plan (Natural Hazards) was acknowledged.

ACTION ITEMS

**(5) BUDGET AMENDMENTS, LINE ITEM TRANSFERS
AND/OR SALARY SCHEDULES**

Mr. Pete Sepulveda, Department of Transportation Administrator, informed that Mr. Ernesto Hinojosa, Professional Engineer, was hired and was scheduled to commence work on Monday, June 14, 2004, noting that the job description was prepared and provided to the Court at the time the reclassification of Departments was considered.

Commissioner Benavides moved that the Budget Amendments, Line Item Transfers, and/or Salary Schedules be approved.

The motion was seconded by Commissioner Tamayo and carried unanimously.

The documents are as follows:

**(6) APPROVAL OF MINUTES FOR:
(A) MARCH 23, 2004-REGULAR MEETING**

Upon motion by Commissioner Benavides, seconded by Commissioner Tamayo and carried unanimously, the Minutes for the Regular Meeting held March 23, 2004 were approved.

(7) DISCUSSION REGARDING AUTOMOBILE THEFT PREVENTION AUTHORITY OFFICERS RUNNING BACKGROUND CHECKS ON TCIC AND NCIC DATABASES

Commissioner Garza requested an explanation regarding the TCIC and NCIC.

Mr. Joe Mireles, CCACETF Investigator, explained that TCIC stands for Texas Crime Information Center and that NCIC stands for National Crime Information Center.

Commissioner Garza asked what type of situations could cause someone to be run through either the TCIC or the NCIC systems.

Mr. Mireles responded that background checks were run for title transfers of out of State vehicles and during traffic stop, and clarified that there must be probable cause or an ongoing investigation to perform the background checks.

Commissioner Tamayo asked who decides whether to do the background checks.

Mr. Mireles responded that the officer doing the traffic stop decides whether to do a background check based on the nature of the crime.

Commissioner Garza questioned who was able to run a background check through TCIC and NCIC.

Mr. Mireles responded that only law enforcement and authorized personnel, such as dispatchers, were authorized to perform the task.

Judge Hinojosa asked who in his office was authorized to perform background checks.

Mr. Mireles responded that only he was authorized to do the task and explained that he does them daily in accordance to set criteria.

Mr. Doug Wright, Commissioners' Court Legal Counsel, stated that the Tax Office was not law enforcement agency; therefore, questioned the access to the NCIC and TCIC.

Mr. Mireles responded that the system was hired and was implemented by Former Cameron County Sheriff Omar Lucio while in office.

Judge Hinojosa asked if the authority to conduct NCIC and TCIC checks was given through the Sheriff's Department since the Tax Office was licensed through the District Attorney's Office rather than the Sheriff's Department.

Mr. Mireles responded in the affirmative.

Commissioner Garza questioned if the commissioning body did not have to be the one providing access to the NCIC and TCIC systems.

Mr. Mireles responded in the affirmative.

Commissioner Wood asked how NCIC and TCIC recognize the agency requesting the background check.

Mr. Mireles responded that a form must be filled out.

Mr. Francisco Martinez, Assistant District Attorney, explained that the NCIC and TCIC was an agreement between the Department of Public Safety and the Law Enforcement Agencies, noting that the authority comes from the Department of Public Safety.

Commissioner Garza asked if one of the systems could be obtained without the other.

Mr. Mireles responded negatively.

Judge Hinojosa asked how the information to run someone was obtained and whether a background check could be run on the NCIC without the drivers license number.

Mr. Mireles explained that the TCIC required a drivers license and that the NCIC requires a name, the date of birth, sex, and the drivers license number. He added that background checks were done to verify if there were outstanding warrants.

Commissioner Garza questioned who updates the system.

Mr. Mireles responded that the Department of Public Safety updates the TCIC system and that the FBI updates the NCIC system.

Commissioner Garza moved that the discussion regarding Automobile Theft Prevention Authority Officers running background checks on TCIC and NCIC Databases be acknowledged.

The motion was seconded by Commissioner Wood and carried unanimously.

**(8) CONSIDERATION AND APPOINTMENT OF THE 2004
HAZARD MITIGATION PLAN MITIGATION TEAM
(NATURAL HAZARDS)**

Upon motion by Commissioner Garza, seconded by Commissioner Tamayo and carried unanimously, the appointment of the 2004 Hazard Mitigation Plan Mitigation Team (Natural Hazards) was approved, as recommended by the Chief Emergency Officer.

The list is as follows:

(10) **CONSIDERATION AND APPROVAL OF A
RESOLUTION OPPOSING THE DEPARTMENT OF
HOUSING AND URBAN DEVELOPMENT'S
FLEXIBLE VOUCHER PROPOSAL**

Commissioner Tamayo expressed concern with possible cuts for housing through the Department of Housing and Urban Development's Flexible Voucher Proposal, and recommended adoption of Resolution opposing the same.

Judge Hinojosa stated that it made no sense to cut housing when the waiting list was already of approximately four years in our area.

Commissioner Tamayo moved that the Resolution opposing the Department of Housing and Urban Development's Flexible Voucher Proposal be adopted.

The motion was seconded by Commissioner Wood and carried unanimously.

The Resolution is as follows:

(11) **CONSIDERATION AND POSSIBLE ACTION REGARDING ALLOCATION OF STATE TOBACCO REIMBURSEMENT FUNDS FOR INDIGENT HEALTH AND MATTERS RELATED THERETO**

Judge Hinojosa reported that Hidalgo County Judge Garcia informed him that Hidalgo County wants to continue in the Health Services District (HSD) and with construction of their clinic. He added that they want the HSD to start working on their project now rather than until construction of Cameron County clinic was complete. Judge Hinojosa added that Mayor Card notified him that the HSD would proceed simultaneously with the Hidalgo County Clinic and the Cameron County Clinic. He stated that Cameron County must now decide what to do with its Tobacco Funds and ultimately with the Indigent Health Care Funds. Judge Hinojosa explained that Cameron County's dilemma was that it must dedicate its Tobacco Funds and Indigent Healthcare Funds to the HSD. He explained that Tobacco Funds received in the amount of \$128,000.00 had been dedicated towards achieving the 90/10 access to State Indigent Healthcare program, and if this was done then the county cannot participate in the HSD and this might result in elimination of the program and loss of the \$8.3 million for construction of a clinic in Cameron County. Judge Hinojosa recommended that the \$128,000.00 be dedicated to the HSD and that the \$77,000.00 be used towards the 90/10 program to buy an additional \$800,000.00 from State, assuming the County continues with the HSD. He stated that now was the time for the Court to decide whether to continue with the HSD or not and loose the \$8.3 million.

Commissioner Garza stated that the \$8.3 million would not be lost because the building would belong to State for the next twenty (20) years.

Judge Hinojosa stated that the \$8.3 million would be used elsewhere if the county opts not to continue with the HSD.

Ms. Veronica De La Fuente, County Judge's Office, clarified that the County would take ownership of the building after 25 years.

Commissioner Garza stated that the county must staff, maintain, and operate the facility. He stated that receiving an \$8.3 million facility sounds good but the County was being saddled with a significant operational budget. Commissioner Garza stated that the county spends \$2 million per year on indigent healthcare.

Judge Hinojosa clarified that the \$2 million could not be used for anything other than the delivery of healthcare.

Commissioner Garza stated that Cameron County must somehow absorb maintenance and operation of the facility.

Judge Hinojosa stated that in conversations with the Health Department it was clarified that the level of health services, outside the \$2 million of indigent healthcare and the 8%, would be determined by the amount of money that State contributes. He stated that he does not see Cameron County contributing over the 8% and that if State must provide funding to continue the level of services that they have provided through South Texas Hospital adding that this was made clear to the Health Commissioner. Judge Hinojosa stated that State was aware that Cameron County was not committing to doing operationally what they were doing at the South Texas Hospital, and noted his understanding to be that if State does not provide funding then the County will be able to deliver what could be funded through the indigent healthcare funding available.

Commissioner Tamayo asked if there has been indication that they were sensitive to that.

Judge Hinojosa responded in the affirmative. He explained that the county has the problem concerning the gap of what was available and what was needed to operate the HSD and that the Health Department indicated that this determination would ultimately be made by Legislature but that they could not see State not coming forward with funding when the clinic was opened.

Commissioner Wood expressed concern with State decreasing funds elsewhere, and questioned whether the facility would sit vacant if they do not fund its operations since available funding must be used towards providing indigent healthcare.

Commissioner Garza stated that the county recently inherited another responsibility with the TB Program.

Commissioner Wood noted his position to be that if State elects not to fund these services then they should not be done.

Commissioner Tamayo questioned why legislation does not allow for the \$8.3 million to be used towards serving more people by contracting with the excellent hospitals already available.

Judge Hinojosa noted that the counties were wed to what legislation stipulates at this time. He indicated that State was saying that if a decision was not made now then the \$8.3 million would be taken elsewhere.

Commissioner Garza asked if the building could be sub leased to doctors to provide services.

Mr. De La Fuente responded that the facility must be used for public health services and that Legislation does not indicate that sub leases could be done.

Judge Hinojosa stated that modifications could be made to the implementation of the plan during the Legislative Session; however, the County must decide whether to proceed today.

Commissioner Garza expressed concern with waiting until after a situation was encountered. He noted the need to decide what action to take and to determine the importance of what the building would provide to the

indigent population of the County. He stated that the idea of increasing services was great to avoid the current complications.

Commissioner Tamayo stated that such idea was the intent yet the scenario had changed.

Judge Hinojosa stated that the scenario had not changed and that the issue was the gap in operation funds. He stated that implementation of the program in a correct form would allow delivery of more healthcare services to indigent people because better coordination would be possible to maximize use of limited resources. Judge Hinojosa stated that a HSD had never been done in the United States; therefore, Cameron County HSD could be a model program that might attract additional funding. Judge Hinojosa stated that he would like to move forward with the HSD and to work closely with the Legislature and Health Department to form a model program.

Commissioner Garza asked if construction of the facility would commit the County to fund the operational cost and to turn over the 8% to the HSD.

Mrs. Yvette Salinas, Health Department Administrator, explained that the intent was to have Cameron County provide some of the operations cost; however, there were only verbal commitments rather than a written contract. She stated that the amount of financial commitments on behalf of the County and the Texas Department of Health (TDH) remain unknown. Mrs. Salinas stated that although there were many discomfort for the project, the only thing she would have done differently was to have gotten an Executive Director for the HSD. She expressed faith in the project.

Judge Hinojosa explained that Mrs. Salinas was saying that the County was not obligated to pay any operational cost by continuing with the HSD until a contract was prepared. He added that the County would simply continue working towards ensuring that the HSD does what it was supposed to do, first thing being to build the clinic.

Mr. Xavier Villarreal, Budget Officer, stated that unencumbered, unallocated Tobacco Funds in the amount of \$77,000.00 was budgeted as revenue within the General Fund.

Mr. Mark Yates, County Auditor, explained that last year the Court signed off on additional State matching funds of above \$1 million and that a total of \$3 million were spent which were matched with \$100,000.00 of additional county funds. He stated that \$50,000.00 was budgeted in the prior year and \$76,500.00 was received, yet \$100,000.00 were spent resulting in the drop in Fund Balance.

Commissioner Garza asked if the \$77,000.00 was allocated towards something and if it was spent.

Mr. Villarreal responded that the \$77,000.00 was budgeted as revenue and that all revenues were spent.

Judge Hinojosa explained that the funds were there and that the issue was whether to use them towards access on the 90/10 program. He stated that the problem was that the Court agreed to use the \$128,000.00 towards the 90/10 program but this would prevent fulfilling the county's obligation towards the HSD. Judge Hinojosa stated that upon deciding to continue with the HSD there was the issue of whether to access the additional \$800,000.00 from the State Indigent Healthcare Program for indigent healthcare, noting that it was his position that it would be foolish for the county to not access said funds.

Mr. Yates stated that he requested the County Judge's Assistant to place an item on the agenda for the HSD Board to take a portion of the \$128,000.00 and apply it back towards the matching funds needed.

Mr. Remi Garza, County Administrative Assistant, explained that they were unsuccessful at placing the matter on their agenda.

Judge Hinojosa added that the County could then decide whether to add to said funds thereafter. He stated that he spoke to Mayor Card about the issue and about contracting with the county on certain healthcare issues. Judge Hinojosa noted the need for the HSD really to hire an Executive Director for which funding would be available if the counties provide the Tobacco Funds to the HSD. He noted that Cameron County could not, not attempt to access the State indigent healthcare funds, in the amount of \$800,000.00.

Mr. Yates stated that the county has the dilemma of whether to continue staffing for the Indigent Healthcare Program or whether to allocate the 8% in twelve equal payments towards the HSD.

Judge Hinojosa noted that such determination must be made in conjunction with the HSD upon electing to continue with it.

Commissioner Garza asked if Cameron County would allocate monies in the same amounts as Hidalgo County.

Judge Hinojosa explained that according to Judge Garcia they believe that they should not pay more than Cameron County because the money going to the HSD at this time was only for administration purposes. He stated that Judge Garcia said that upon getting indication that the Court does not support moving forward with the HSD that he would inform Judge Hinojosa.

Commissioner Garza asked if the matter would be placed on the agenda for Hidalgo County Commissioners Court.

Judge Hinojosa stated that Judge Garcia was waiting to see what Cameron County would do. He recommended moving forward because he believes that ultimately the HSD would be good for Cameron County.

Mr. Salinas stated that it was too soon to give up on the project and that an Executive Director could shed some light on the project and make more information made available. He stated that what was being requested in salaries was minimal compared to what could be gained for the indigent population.

Commissioner Tamayo moved that the motion to allocate the \$128,000.00 towards the 90/10 Program be rescinded, that the allocation of Tobacco Funds, in the amount of \$128,000.00, towards the Health Services District be authorized, that accessing the Fund Balance to obtain the \$76,000.00 needed to participate in the State Indigent Healthcare Program be authorized, and that the Health Services District be requested to contract back for additional matching funds.

Mr. Yates stated that the additional Tobacco Funds would be certified, as needed to make an even transfer.

Mr. Garza stated that the Budget Officer must amend the revenues to identify the excess amount received in Tobacco Funds and to do a budget amendment for the transfer to the HSD.

Mr. Yates stated that the amendment was needed because the transfer was not originally budgeted for the \$128,000.00 needed.

Commissioner Garza stated that this would create a problem for Hidalgo County because Cameron County was placing all Tobacco Funds, as mandated by legislation yet they would only put an equal share contrary to the law.

Judge Hinojosa stated that he did not know what this meant because a contract was still not in place.

Mr. Doug Wright, Commissioners' Court Legal Counsel, stated that the problem was that there was no precedent other than the spirit of what was trying to be accomplished.

Judge Hinojosa stated that this situation was similar to the Bond Issue in Brownsville. He stated that he voted in favor of the Brownsville Bond Issue although it would increase taxes because it would enable access to 23 cents per each construction dollar. Judge Hinojosa explained that the county has the ability to access significant amounts of money in both categories by smaller investments and that it must think about the future because healthcare was one of the biggest issues in our communities.

Commissioner Tamayo moved that the motion to allocate the \$128,000.00 towards the 90/10 Program be rescinded, that the allocation of Tobacco Funds, in the amount of \$128,000.00, towards the Health Services District be authorized, that accessing the Fund Balance to obtain the \$76,000.00 needed to participate in the State Indigent Healthcare Program be authorized, and that the Health Services District be requested to contract back for some additional matching funds.

The motion was seconded by Commissioner Wood.

Mr. Wright noted the need to declare an emergency because of expenditure from a non existing line item.

Mr. Garza clarified that there was a line item exist for indigent healthcare.

Commissioner Garza asked if the 8% must go to the HSD for them to manage once this was done and whether the County wants to do that.

Judge Hinojosa responded the County must do this eventually; however, he explained that the HSD was suggesting that the money be allocated to them and contracted back to the counties for continuation of the Indigent Healthcare Program in order to abide by Legislation. He stated that the HSD could not implement the services; therefore, must contract back with the counties.

Mr. Wright stated that there were serious questions which ever way were followed.

Upon motion duly made Commissioner Tamayo that the motion to allocate the \$128,000.00 towards the 90/10 Program be rescinded, that the allocation of Tobacco Funds, in the amount of \$128,000.00, towards the Health Services District be authorized, that accessing the Fund Balance to obtain the \$76,000.00 needed to participate in the State Indigent Healthcare Program be authorized, and that the Health Services District be requested to contract back for some additional matching funds.

The motion was seconded by Commissioner Wood and carried unanimously.

(12) CONSIDERATION AND AUTHORIZATION TO PURCHASE FIELD LIGHTING EQUIPMENT FOR BROWNE ROAD PARK USING THE STATE OF TEXAS – TASE BUY BOARD COOPERATIVE PURCHASING AGREEMENTS AND USING MUSCO. LIGHTING FOR LESSEE FINANCING

Mr. Javier Mendez, Parks System Director, requested authorization to finance the equipment.

Mr. Mark Yates, County Auditor, clarified that a five month purchase lease was being approved and that it would be paid next Fiscal Year in one payment, in the amount of \$246,077.00, from the Parks System's operations.

Judge Hinojosa stated that Capital Improvement Projects scheduled for next fiscal year would be paid through State and Federal funding

Upon motion by Commissioner Benavides, seconded by Commissioner Tamayo and carried unanimously, the purchase of field lighting equipment for Browne Road Park using the State of Texas – TASE Buy Board Cooperative Purchasing Agreements and using Musco. Lighting for lessee financing was authorized.

(13) **CONSIDERATION AND APPROVAL TO CREATE A CAMERON COUNTY HEALTH DEPARTMENT ENVIRONMENTAL HEALTH DIRECTOR SLOT AND TO HIRE AN ENVIRONMENTAL HEALTH DIRECTOR**

Mrs. Yvette Salinas, Health Department Administrator, informed that Texas Department of Health opted to provide Cameron County the funds for an Environmental Health Director Position instead of continuing the States Position. She stated that \$9,824.00 would be provided by TDH and that between \$1,000.00 and \$5,000.00 would be needed from Cameron County for the remainder of the fiscal year.

Commissioner Benavides asked who served as Interim Environmental Health Director during this time.

Mrs. Salinas responded that Mr. Joe Salazar has performed such duty.

Commissioner Benavides stated that Mr. Salazar was performing the duties of the Environmental Health Director with less salary.

Commissioner Wood questioned to what level State would no longer fund this position.

Mrs. Salinas responded that \$46,000.00 might be provided by State next year, thus \$6,000.00 might be needed from Cameron County. She explained that same scenario was expected for a TDH nursing position.

Upon motion duly made by Commissioner Benavides, that the creation of Cameron County Environmental Health Director Slot and the hiring of the same be approved.

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

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

NAY: Commissioner Wood.

(15) **CONSIDERATION AND APPROVAL OF CONSTRUCTION CONTRACT WITH JOE R. JONES CONSTRUCTION, INC. FOR THE DANCY BUILDING INTERIOR RESTORATION**

Upon motion by Commissioner Benavides, seconded by Commissioner Garza and carried unanimously, the Construction Contract with Joe R. Jones Construction, Inc. for the Dancy Building Interior Restoration was approved, pursuant to recommendation by Mr. Robert Ruiz, Project Architect.

The Contract is as follows:

(14) **CONSIDERATION AND APPROVAL OF CHANGE ORDER NO. 1 TO CONSTRUCTION CONTRACT WITH JOE R. JONES CONSTRUCTION, INC. FOR THE DANCY BUILDING INTERIOR RESTORATION**

Commissioner Wood moved that Change Order No. 1 to the Construction Contract with Joe R. Jones Construction, Inc. for the Dancy Building Interior Restoration be approved.

The motion was seconded by Commissioner Garza and carried unanimously.

The Change Order is as follows:

(16) **CONSIDERATION AND APPROVAL OF ADDITIONAL FENCING BETWEEN DETENTION CENTERS I AND II AND MATTERS RELATED THERETO**

Mr. Marcelino Ibarra, Building Maintenance Superintendent, recommended that the Texas Correctional Industries be hired for construction of a 15' high security fence between Detention Centers I and II.

Judge Hinojosa explained that there was an option to place a 12' or a 15' security fence at about a \$15,000.00 difference and a two week delay. He recommended that the 15' security fence be approved regardless of the two week delay.

Commissioner Wood suggested that the creation of an enclosed connection between Detention Centers I and II for transportation of inmates be examined as well as the possible of consolidation of the kitchens and infirmaries.

Commissioner Tamayo moved that the additional fencing between Detention Centers I and II and matters related thereto be approved.

The motion was seconded by Commissioner Garza.

Judge Hinojosa reported that the Budget Officer informed him that the improvements to the Detention Centers could be paid with bond monies rather than Fund Balance. He explained that the only problem was that other projects could not be funded, and indicted that changes recommended through Bond Counsel on how expenditures would be ultimately funded would be brought before the Court.

Upon motion duly made by Commissioner Tamayo that the additional fencing between Detention Centers I and II and matters related thereto be approved.

The motion was seconded by Commissioner Garza and carried unanimously.

The Report is as follows:

TRAVEL ITEMS

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

- (a) Deputy Constable Precinct No. 4 to attend the "Texas Gang Investigator Conference," in Austin, Texas, June 28- July 2, 2004;
- (b) Tax Assessor-Collector, Chief of Investigations & Enforcement, and Administrative Assistant to attend the "Texas Automobile Theft Prevention Authority Grantee Advisory Committee Meeting, Board Meeting and FY 2005 Grant Review," in Austin, Texas, June 22-24, 2004;;
- (c) Elections Administrator and three (3) employees to attend Secretary of State's Twenty-Second Annual Election Law Seminar," in Austin, Texas, July 27-30, 2004;
- (d) Extension Agent to attend "Money Wise Financial Literacy Training," in College Station, Texas, June 28-30, 2004;
- (e) Extension Agents (2) to chaperone, assist and conduct the "District 12 4-H Leadership Lab," in San Antonio, Texas, June 15-17, 2004;
- (f) Extension Office Agents (4) to attend the "2004 District 12 4-H Record Book Judging and 4-H Election Convention", in Freer, Texas, July 15, 2004; and
- (g) Health Dept. Epidemiologist To Attend The 14th Informative Day Of The IME: Health," in Guadalajara, Jalisco, June 25-30, 2004.

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. 18: Mr. Mark Yates, County Auditor, presented the following late claims: Warrant No. 00118281, payable to the Jury Fund, in the amount of \$1,980.00; Warrant No. 00118282, payable to George Garcia and Peter Zavaleta, in the amount of \$5,000.00; Warrant No. 00118283, loan to Fund No. 18, in the amount of \$5,000.00; and Warrant No. 00118284, payable to State Comptroller, in the amount of \$573.66.

ITEM NO. 30: Mr. Javier Mendez, Parks System Administrator, clarified that the agreement must read with Cameron County instead of with the Santa Rosa Community Pool. Judge Hinojosa asked why the swimming pool at El Ranchito had not been opened. Mr. Mendez responded that the lack of life guards has prevented its opening. He explained that hopefully some life guards might be available by tomorrow. Mr. Mendez clarified that the pool was ready to be opened. Commissioner Tamayo informed that the problem with a road belonging to the school district was resolved by its closing and thanked the school district for taking such quick action.

- ITEM 34-c: Mr. Javier Mendez, Parks System Administrator, recommended that the Evaluation Committee be composed of the following: Mr. Mark Yates, County Auditor, Commissioner Benavides, Mr. Doug Wright, Commissioners' Court Legal Counsel, Mr. Xavier Villarreal, Budget Officer, and himself.
- ITEM NO. 34-d: Judge Hinojosa recommended that the following individuals compose the Evaluation Committee: Sheriff's Department Representative, Mr. Xavier Villarreal, Budget Officer, Mr. Mark Yates, County Auditor, Mr. Remi Garza, County Administrative Assistant, and Mr. Mike Leinart, Federal Detention Center Division Administrator, or designee. He clarified that Legal Counsel would be a non voting member.
- ITEM NO. 36: Commissioner Garza questioned the commencing of the drawing process on this item. Mr. Pete Sepulveda, Department of Transportation Director, stated that the process would be started upon the developer not complying.

Commissioner Garza moved that "Travel and Consent Items," be approved, inclusive of the late claims and the recommended changes.

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

AYE: Commissioners Benavides, Wood, Garza, and Tamayo

NAY: None

ABSTAIN: Judge Hinojosa as to Warrant No. 00118150, payable to Laguna Madre Water District, in the amount of \$65.33.

(18) APPROVAL OF CLAIMS.

The Affidavit follows:

(19) CONSIDERATION AND AUTHORIZATION TO ENTER INTO A BEACH CLEANING AND MAINTENANCE AGREEMENT WITH THE TEXAS GENERAL LAND OFFICE FOR THE STATE FINANCIAL ASSISTANCE FOR FISCAL YEAR 2005;

The Affidavit follows:

(20) CONSIDERATION AND ADOPTION OF A RESOLUTION RECOGNIZING MR. ANDRES VASQUEZ FOR HIS ACCOMPLISHMENTS;

The Resolution follows:

(21) CONSIDERATION AND ADOPTION OF A RESOLUTION SUPPORTING THE UNIVERSITY OF TEXAS HEALTH SCIENCE CENTER'S INITIATIVE: "PRIMERO: EDUCACION, SALUD, Y SEGURIDAD";

The Resolution follows:

(22) CONSIDERATION AND APPOINTMENT OF MRS. VIRGINIA VOLTAGGIO WOOD, ED. D. TO THE TROPICAL TEXAS MENTAL HEALTH AND MENTAL RETARDATION BOARD OF DIRECTORS;

(23) CONSIDERATION AND APPOINTMENT OF MR. JOSE CAMPOS TO THE CAMERON COUNTY HOUSING AUTHORITY BOARD OF DIRECTORS;

(24) CONSIDERATION AND AUTHORIZATION TO HIRE ONE (1) CLERK FOR THE JAIL INFIRMARY;

(25) CONSIDERATION AND APPROVAL OF A MEMORANDUM OF UNDERSTANDING BETWEEN THE BROWNSVILLE HOUSING AUTHORITY AND CAMERON COUNTY TITLE V PROGRAM TO HOUSE THE CERAMIC AND VIDEO PRODUCTION CLASSES AT

POINSIETTA FAMILY LEARNING CENTER, EFFECTIVE FROM JUNE 1, 2004 THROUGH JULY 31, 2004;

The MOU follows:

- (26) CONSIDERATION AND ACTION FOR THE APPOINTMENT OF DOUGLAS MONTGOMERY RESERVE DEPUTY CONSTABLES FOR PRECINCT #3 IN COMPLIANCE WITH THE FINDING THAT IT IS NECESSARY TO APPOINT THE DEPUTY IN ORDER TO PROPERLY HANDLE THE BUSINESS OF THE CONSTABLE'S OFFICE THAT ORIGINATES IN THE CONSTABLE'S PRECINCT AND THAT THE APPOINTMENT IS VALID ONLY THROUGH THE END OF THE FISCAL YEAR IN WHICH THE APPOINTMENT IS MADE OR THE CURRENT TERM OF THE ELECTED CONSTABLE WHICH EVER ENDS SOONER;**
- (27) CONSIDERATION AND AUTHORIZATION TO OPEN AN ACCOUNT CAMERON COUNTY TREASURER, DEL MAR HEIGHTS REAL PROPERTY BUYOUT PROGRAM FUND NO. 280;
The Resolution follows:**
- (28) CONSIDERATION AND AUTHORIZATION TO OPEN AN ACCOUNT CAMERON COUNTY, FEDERAL INMATE TRUST FUND;
The Resolution follows:**
- (29) CONSIDERATION AND AUTHORIZATION FOR THE CAMERON COUNTY PARKS SYSTEM TO AWARD BID TO LOS FRESNOS CONSTRUCTION FOR THE PAVING WORK IN THE ISLA BLANCA PARK IN THE AMOUNT GREATER THAN \$15,000.00, BUT LESS THAN \$25,000.00;**
- (30) CONSIDERATION AND AUTHORIZATION TO EXECUTE AN AGREEMENT BETWEEN CAMERON COUNTY AND THE AMERICAN RED CROSS TO PROVIDE SWIMMING LESSONS AT COUNTY PARKS;
The Affidavit follows:**
- (31) CONSIDERATION AND APPROVAL OF TEXAS COMMUNITY DEVELOPMENT PROGRAM CONTRACT NO. 723077, PROVIDING DISASTER RELIEF ASSISTANCE FOR THE DEL MAR HEIGHTS PROPERTY BUYOUT PROGRAM;
The Contract follows:**
- (32) CONSIDERATION AND APPROVAL OF PURCHASE WITHOUT PURCHASE ORDER IN THE AMOUNT OF \$3,150.00 FOR ASBESTOS INSPECTION REPORT PROVIDED BY AMBIOTEC ENVIRONMENT CONSULTANTS FOR CERTAIN STRUCTURES ON EAST JACKSON STREET;**
- (33) CONSIDERATION AND AUTHORIZATION TO AWARD BIDS/RFP'S FOR THE FOLLOWING: (MF-PURCHASING)
A. BUILDING SUPPLIES: ELECTRICAL – ANNUAL BID NO. 2002-2.
The Tabulation follows:**
- (34) CONSIDERATION AND AUTHORIZATION TO OPEN THE FOLLOWING BIDS/RFP'S/RFQ FOR:**

 - (a) FOOD: MEATS – QUARTERLY BID NO. 2170-3;**
 - (b) AUDIT, ANALYSIS & RECONCILIATION OF UTILITIES RATES & BILLING – ANNUAL BID NO. 1221-2 AND APPROVAL OF EVALUATION COMMITTEE;**
 - (c) MASTER PLAN DEVELOPMENT OF ISLA BLANCA PARK – RFP NO. 040401 AND SELECTION OF EVALUATION COMMITTEE; AND**
 - (d) LEASE CAMERON COUNTY RUBEN TORRES DETENTION CENTER I AND II AND COURT HOUSE JAIL – BROWNSVILLE, TX AND SELECTION OF EVALUATION COMMITTEE.**

- (35) CONSIDERATION AND AUTHORIZATION TO RENEW HERMAN WHOLESALE BID FOR ONE (1) ADDITIONAL YEAR FOR:
A. SAFETY PRESCRIPTION GLASSES – ANNUAL BID NO. 2610.
The Tabulation follows:
- (36) CONSIDERATION AND AUTHORIZATION TO INITIATE THE DRAWING PROCESS ON LETTER OF CREDIT FOR ALOE VERA SUBDIVISION, SECTION 1, PRECINCT 4, FOR UNBUILT SEPTIC SYSTEMS;
- (37) CONSIDERATION AND AUTHORIZATION TO AMEND THE ORDER APPROVING THE PINTARELLI SUBDIVISION PLAT TO INCLUDE AN AMENDMENT TO THE ERHWSC WATER SERVICE CONTRACT;
The Amendment follows:
- (38) CONSIDERATION AND AUTHORIZATION TO ACCEPT LAGUNA SECA ROAD AND LAGUNA ESCONDIDA ROAD FROM HACIENDA DEL NORTE SUBDIVISION SECTION IV, PRECINCT 2, INTO THE COUNTY ROAD SYSTEM;
- (39) CONSIDERATION AND AUTHORIZATION FOR PRELIMINARY APPROVAL FOR:
A. PRECINCT NO. 4- L. AND D. RANCH SUBDIVISION, BEING A TRACT CONTAINING 12.40 ACRES OF LAND SITUATED OUT OF THE EAST 16.00 ACRES OF THE WEST 20 ACRES OF BLOCK NUMBER ONE (1) OF THE ORANGE GROVE PARK SUBDIVISION, CAMERON COUNTY, TEXAS.

TRAVEL ITEMS

(NO DIRECT COST TO GENERAL FUND)

- (40) CONSIDERATIONS AND AUTHORIZATION TO TRAVEL/OR APPROVAL OF TRAVEL EXPENSE FOR THE FOLLOWING (PLEASE NOTE: TRAVEL REQUESTS ARE SUBJECT TO ALL APPLICABLE COUNTY POLICIES):
- (a) Assistant Auditors (2) to attend “Financial Training Seminar on HIDTA Program Policy and Budget Guidance”, in .San Antonio, Texas, June 14-15, 2004;
- (b) Park System Employees (2) to attend the “Texas Association of Counties- Correctional Management Institute”, in Corpus Christi, Texas, June 22, 2004; and
- (c) Extension Office Agent to serve as host for the Texas Sea Grant Program Assessment of Texas Sea Grant in Corpus Christi, Texas, June 6-7, 2004.
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(18) APPROVAL OF CLAIMS.
The Affidavit follows:

- (19) CONSIDERATION AND AUTHORIZATION TO ENTER INTO A BEACH CLEANING AND MAINTENANCE AGREEMENT WITH THE TEXAS GENERAL LAND OFFICE FOR THE STATE FINANCIAL ASSISTANCE FOR FISCAL YEAR 2005;
The Affidavit follows:**

- (20) CONSIDERATION AND ADOPTION OF A RESOLUTION RECOGNIZING MR. ANDRES VASQUEZ FOR HIS ACCOMPLISHMENTS;
The Resolution follows:**

- (21) **CONSIDERATION AND ADOPTION OF A RESOLUTION SUPPORTING THE UNIVERSITY OF TEXAS HEALTH SCIENCE CENTER'S INITIATIVE: "PRIMERO: EDUCACION, SALUD, Y SEGURIDAD";**
The Resolution follows:

- (25) APPROVAL OF A MEMORANDUM OF UNDERSTANDING BETWEEN THE BROWNSVILLE HOUSING AUTHORITY AND CAMERON COUNTY TITLE V PROGRAM TO HOUSE THE CERAMIC AND VIDEO PRODUCTION CLASSES AT POINSIETTA FAMILY LEARNING CENTER, EFFECTIVE FROM JUNE 1, 2004 THROUGH JULY 31, 2004;
The MOU follows:**

- (27) **CONSIDERATION AND AUTHORIZATION TO OPEN AN ACCOUNT CAMERON COUNTY TREASURER, DEL MAR HEIGHTS REAL PROPERTY BUYOUT PROGRAM FUND NO. 280;
The Resolution follows:**

- (28) CONSIDERATION AND AUTHORIZATION TO OPEN AN ACCOUNT CAMERON COUNTY,
FEDERAL INMATE TRUST FUND;
The Resolution follows:**

- (30) CONSIDERATION AND AUTHORIZATION TO EXECUTE AN AGREEMENT BETWEEN CAMERON COUNTY AND THE AMERICAN RED CROSS TO PROVIDE SWIMMING LESSONS AT COUNTY PARKS;
The Agreement follows:**

- (31) CONSIDERATION AND APPROVAL OF TEXAS COMMUNITY DEVELOPMENT PROGRAM CONTRACT NO. 723077, PROVIDING DISASTER RELIEF ASSISTANCE FOR THE DEL MAR HEIGHTS PROPERTY BUYOUT PROGRAM;
The Contract follows:**

(33) CONSIDERATION AND AUTHORIZATION TO AWARD BIDS/RFP'S FOR THE FOLLOWING: (MF-PURCHASING)

**A. BUILDING SUPPLIES: ELECTRICAL – ANNUAL BID NO. 2002-2.
The Tabulation follows:**

- (35) CONSIDERATION AND AUTHORIZATION TO RENEW HERMAN WHOLESALE BID FOR ONE (1) ADDITIONAL YEAR FOR:**
- a. SAFETY PRESCRIPTION GLASSES – ANNUAL BID NO. 2610.**
- The Tabulation follows:**

- (37) CONSIDERATION AND AUTHORIZATION TO AMEND THE ORDER APPROVING THE PINTARELLI SUBDIVISION PLAT TO INCLUDE AN AMENDMENT TO THE ERHWSC WATER SERVICE CONTRACT;
The Amendment follows:**

There being no further business to come before the Court, upon motion by Commissioner Benavides, seconded by Commissioner Tamayo and carried unanimously, the meeting was **ADJOURNED** at 12:26 P.M.

APPROVED this 10th day of **August 2004**.

GILBERTO HINOJOSA
COUNTY JUDGE

ATTEST:

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