

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 21st day of December 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:

The meeting was called to order by Judge Pro-tem Pedro "Pete" Benavides at 9:34 A.M. He then asked Reverend Bob Clark, Brownsville resident, for the invocation, and he then led the Court and audience in reciting the Pledge of Allegiance.

The Court considered the following matters as posted and filed for Record in the Office of the County Clerk on December 17, 2004, at 2:20 P.M.:

(1) PUBLIC COMMENTS

None was presented.

Commissioner Tamayo wished everyone Happy Holidays. She informed that Commissioner Garza would elaborate on the matter concerning Proposition II, and that Commissioner Garza and she attended the ribbon cutting ceremony for the Veteran's Clinic in Harlingen.

Commissioner Garza invited everyone to his swearing-in ceremony to take place January 1, 2005, at 2:00 p.m. at the Levi Building in San Benito. He informed that Commissioner Wood and he attended the Texas Department of Transportation Commission Meeting held on Thursday. Commissioner Garza stated that the announcement of the second call of the Border Colonia Programs was approved by the Commission and that Cameron County did very well, adding that few concerns regarding the allocation of monies were addressed with the Commission and staff. He added that he read an article concerning a meeting that occurred where the Regional Mobility Authority Board and the Commission that did not indicate that he was not present thus he publicly noted his absence and added that he was not invited to be there. Commissioner Garza reiterated that he was not present and was not invited and noted that he would not compromise the integrity of the Regional Mobility Authority, adding that he had since learned that the meeting was organized by TEDSI Infrastructure. He added that the opening of the Veteran's Clinic was a great success and noted the importance for veterans to seek and sign up for the services in order to demonstrate the federal government the great need and demand for said services in our area.

NOTE: JUDGE HINOJOSA ARRIVED AT THIS TIME.

Judge Hinojosa wished everyone Happy Holidays and a Merry Christmas.

Commissioner Wood wished everyone a Merry Christmas. He commented that he met with staff members of State Representative Rene Oliveira to discuss legislative agenda for the county. Commissioner Wood stated that issues concerning Del Mar Heights were discussed. He stated that he attended the gathering held with the Regional Mobility Authority and that it was strictly social.

Commissioner Benavides wished everyone a Merry Christmas and a Happy New Year and asked for prayers for people who cannot have a good Christmas. He indicated that his swearing in ceremony would be held at the Central Jury Room on January 1, 2005. Commissioner Benavides noted that he too was present at the gathering held in South Padre Island with the Regional Mobility Authority.

PRESENTATIONS

(2) DISCUSSION OF THE BORDER COLONIA ACCESS PROGRAM SECOND CALL (PS-DEPT. OF TRANSPORTATION)

Mr. Pete Sepulveda, Department of Transportation Director, presented the Minute Order approved by the Texas Highway Commission and a list of the amounts for the Border Colonia Access Program Phase II under the allocation and competitive portions. He reported that Cameron County received \$4,662,651.00 under the competitive portion and \$2,468,143.00 under the allocation portion, totaling \$7,130,794.00. Mr. Sepulveda added that those funds would translate to improvements of 80 roads equaling approximately 21.5 miles.

Judge Hinojosa asked which competitive project was funded.

Mr. Sepulveda responded that the Olmito, Laguna Heights, and Galpen Subdivision were funded as competitive projects. He stated that there were some discrepancies in the population figures, one example being Starr County receiving \$2,769,000.00 under the allocation portion versus Cameron County receiving \$468,143.00 for the same based on the population numbers provided by the Water Development Board that were not corrected, adding that hopefully this issue would be corrected for the next call. Mr. Sepulveda stated that a legislative change from the first call to the second call of the percentage change from 5% to 10% of allocation of certain border counties also affected the amount.

Judge Hinojosa noted the need to meet with the consultants to develop a strategy that allows the best use of the \$856,000.00 allocation for Laguna Heights and to meet with Port Isabel and Laguna Madre Water District to determine if they would participate, possibly by combining resources since annexation might take place. He suggested that a meeting take place with Olmito, Brownsville, and the Olmito Water Supply to strategize the best use of funds as well.

Commissioner Tamayo noted the need to have a timeline in place for the consultants to prevent delays on the projects.

Mr. Sepulveda stated that all projects would be reviewed and that timelines would be prepared and presented to the Court, noting that the consultants would be held to those dates. He added that the county has learned a lot from the first call thus would be extremely ready to proceed in the second call in a very efficient manner.

Judge Hinojosa commented that Cameron County was way ahead of every other county. He suggested that a TXDOT representative be present at the meeting to be scheduled.

Commissioner Garza suggested that the respective utility companies be included in the meetings to avoid conflicts and delays. He explained that he publicly commented regarding the population issues mentioned by Mr. Sepulveda before the Transportation Commission to make sure they were duly recorded because they must be reviewed and corrected.

Mr. Sepulveda noted that the Brownsville Public Utility Board approved the interlocal agreement for the project in Cameron Park.

Upon motion by Commissioner Garza, seconded by Commissioner Tamayo and carried unanimously, the Status Report by Mr. Pete Sepulveda, Department of Transportation Director, concerning the Border Colonia Access Program Second Call was acknowledged.

The Report is as follows:

Upon motion by Commissioner Tamayo, seconded by Commissioner Benavides and carried unanimously, the Court met in Executive Session at 9:58 A.M. to discuss the following matters:

(45) EXECUTIVE SESSION:

- A Confer with Commissioners' Court Legal Counsel concerning issues regarding the Cameron County Detention Centers and the Cameron County Sheriff's Administration Building; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(2);
- B Confer with Commissioners' Court Legal Counsel concerning Cameron County versus Faulkner, USA formerly known as Landmark; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(2);
- C Confer with Commissioners' Court Legal Counsel concerning issues in the Jail Infirmary that relate to possible litigation in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Open Meetings Act; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(2);
- D Confer with Commissioners' Court Legal Counsel concerning Tax Increment Reinvestment Zones created by the City of Brownsville; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(2);
- E Confer with Commissioners' Court Legal Counsel concerning a Resolution delegating administration of Chapter 63, Natural Resources Code to the City of Port Isabel, Texas, and legal issues relating to the annexation of county land by Port Isabel, in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Open Meetings Act; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(2);
- F Confer with Commissioners' Court Legal Counsel concerning Enedina "Annie" Barrera versus Yolanda De Leon, individually and in her official capacity as the District Attorney of Cameron County, Texas and Cameron County, Texas; Civil Cause No. B-04-155, for discussion of case status and possible settlement; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(A)&(B);
- G Confer with Commissioners' Court Legal Counsel concerning possible approval of Sexually-Oriented Business Regulations for unincorporated areas of Cameron County, Texas; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(2); and
- H Confer with Commissioners' Court Legal Counsel concerning an option contract with Laguna Madre Enhancement Group regarding property at Isla Blanca Park; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072.

Upon motion by Commissioner Garza, seconded by Commissioner Wood and carried unanimously, the Court reconvened into Regular Session at 11:01 A.M., to discuss the following matters:

NOTE: JUDGE HINOJOSA JOINED THE MEETING AT THIS TIME.

(46) ACTION RELATIVE TO EXECUTIVE SESSION:

A. Confer with Commissioners' Court Legal Counsel concerning issues regarding the Cameron County Detention Centers and the Cameron County Sheriff's Administration Building.

Commissioner Tamayo moved that the Status Report by Mr. Richard Burst, Legal Counsel, be acknowledged.

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

AYE: Commissioners Benavides, Commissioner Wood, and Commissioner Tamayo

NAY: None,

ABSTAIN: Commissioner Garza

B. Confer with Commissioners' Court Legal Counsel concerning Cameron County versus Faulkner, USA, formerly known as Landmark.

Upon motion by Commissioner Garza, seconded by Commissioner Tamayo and carried unanimously, the Status Report by the County Judge was acknowledged.

C. Confer with Commissioners' Court Legal Counsel concerning issues in the Jail Infirmary that relate to possible litigation in which the duty of the attorney to the Governmental Body under the Texas Disciplinary Rules of Professional Conduct of The State Bar of Texas clearly conflicts with the Open Meetings Act.

Commissioner Wood moved that the Status Report by Legal Counsel be acknowledged.

The motion was seconded by Commissioner Benavides and carried unanimously.

D. Confer with Commissioners' Court Legal Counsel concerning Tax Increment Reinvestment Zones created by The City of Brownsville.

Upon motion by Commissioner Wood, seconded by Commissioner Tamayo and carried unanimously, the Status Report by Legal Counsel and Mr. Frank Bejarano, PD& M Director, was acknowledged.

- E. Confer with Commissioners' Court Legal Counsel concerning a Resolution delegating administration of Chapter 63, Natural Resources Code to the City of Port Isabel, Texas and Legal Issues relating to the annexation of County land by Port Isabel, in which the duty of the Attorney to the Governmental Body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Open Meetings Act.**

Commissioner Benavides moved that the Status Report by Legal Counsel and Mr. Javier Mendez, Parks System Director, be acknowledged.

The motion was seconded by Commissioner Garza and carried unanimously.

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- F. Confer with Commissioners' Court Legal Counsel concerning Enedina "Annie" Barrera versus Yolanda De Leon, individually and in her official capacity as the District Attorney of Cameron County, Texas and Cameron County, Texas; Civil Cause No. B-04-155, for discussion of case status and possible settlement.**

Commissioner Tamayo moved that Legal Counsel be authorized to make offer of settlement pursuant to discussions in Executive Session.

The motion was seconded by Commissioner Garza and carried unanimously.

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- G. Confer with Commissioners' Court Legal Counsel concerning possible approval of Sexually-Oriented Business Regulations for unincorporated areas of Cameron County, Texas.**

Upon motion by Commissioner Tamayo, seconded by Commissioner Garza and carried unanimously, Status Report by Legal Counsel was acknowledged.

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- H. Confer with Commissioners' Court Legal Counsel concerning an option contract with Laguna Madre Enhancement Group regarding property at Isla Blanca Park.**

Commissioner Tamayo moved that the Status Report by Legal Counsel be acknowledged.

The motion was seconded by Commissioner Garza and carried unanimously.

ACTION ITEMS

(5) CONSIDERATION AND ACTION CONCERNING A RESOLUTION DELEGATING ADMINISTRATION OF CHAPTER 63, NATURAL RESOURCES CODE TO THE CITY OF PORT ISABEL, TEXAS (DW-LEGAL)

Mr. John Haywood, Port Isabel City Attorney, explained that the certified minutes of previous action taken by the Court were submitted to State; however, state was now requesting that the action be in the form of a Resolution. He noted the need to determine if the delegation being made by the County would apply strictly to City limits or to the extra territorial jurisdiction (ETJ) as well.

Commissioner Garza questioned what would be done by the Resolution as written.

Mr. Haywood responded that two resolutions were submitted.

Mr. Doug Wright, Commissioners' Court Legal Counsel, clarified that the first resolution was delegation of administration of Dune Protection Act in both the City limits and the ETJ and that the second resolution delegates the same only within the corporate limits of Port Isabel.

Commissioner Garza questioned what was previously approved by the Court.

Mr. Haywood responded that the action pertains merely to City limits since the ETJ was not mentioned.

Mr. Wright noted the need to make specific mention of the ETJ. He clarified that two options were available and that the Court did not delegate the administration of Dune Protection Act in the ETJ of Port Isabel. Mr. Wright stated that both resolutions make exclusion of County Parks, noting that the ETJ of Port Isabel represents five miles.

Commissioner Wood stated that it made sense for a developer to go to only one entity and Mr. Haywood agreed.

Commissioner Garza questioned how the county would be affected by this.

Mr. Wright explained that the county would give up the control it has by delegation administration to Port Isabel.

Commissioner Garza commented that the same was done in the City of Brownsville.

Commissioner Wood asked if an agreement was in place with the Cities of Brownsville and Port Isabel and suggested that perhaps one should be in place.

Mr. Ben Medina, City of Brownsville Planning Department Director, explained that the City of Brownsville does approve subdivision in its ETJ.

Mr. Frank Bejarano, PD&M Director, responded that the county and the City of Brownsville have dual jurisdiction in adoption of subdivision plats.

Commissioner Wood stated that law allows the county to enter into agreements with communities where they have subdivision reviewed in their ETJ and questioned if an agreement was in place with Port Isabel.

Mr. Haywood responded that to his knowledge such agreement was not in place.

Judge Hinojosa stated his understanding to be that the City of Brownsville automatically reviews the subdivision plats within their ETJ and not because an agreement deferring the county's responsibility was in place.

Mr. Medina clarified that subdivision plats were approved by the City of Brownsville as a requirement.

Mr. Wright reiterated that the county had two options.

Commissioner Wood moved that the Resolution delegating administration of Chapter 63, Natural Resources Code to the City of Port Isabel, Texas, be adopted.

The motion was seconded by Commissioner Garza and carried unanimously.

The Resolution is as follows:

(6) IN THE MATTER REGARDING CONSIDERATION AND POSSIBLE APPROVAL OF INTERLOCAL COOPERATION AGREEMENT WITH THE CITY OF PORT ISABEL, TEXAS, AND SHARING OF VEHICULAR BEACH CLEANING, AND RELATED MATTERS (DW-LEGAL) (TABLED)

Mr. John Haywood, Port Isabel City Attorney, informed that the Texas General Land Office raised numerous issues and that the City of Port Isabel was able to address some issues except the ones involving the county. He stated that the original intent was somewhat disrupted by the issues involving the county and that this was conveyed to the General Land Office. Mr. Haywood stated that the General Land Office suggested the entering into the agreement to comply with their belief of what the law is, noting that this involves that the City of Port Isabel take responsibility to cleaning the beach area within its City limits and collect beach user fees to fund the same. He stated that the matter was discussed with the Parks System Director and explained that the plan would allow the county to continue what it is doing without any changes and would allow Port Isabel to fulfill its obligations. Mr. Haywood stated that the General Land Office would require the same changes when the county attempts to modify its master plan.

Judge Hinojosa noted the need for time to review the matter and to speak to the General Land Office. He stated that the matter would be tabled in order to work out some type of agreement that meets the City's and county's needs.

Commissioner Benavides suggested that the opinion of the Town of South Padre Island also be obtained.

Judge Hinojosa stated that South Padre Island was opposed to the matter.

Commissioner Garza stated that the county must keep in mind the need to keep the beaches clean.

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

(7) CONSIDERATION AND POSSIBLE ACTION CREATING A BUDGET FOR THE TEMPORARY APPOINTMENT (S) OF A MAGISTRATE FOR THE CARRIZALEZ-RUCKER DETENTION FACILITY AND AN ADDITIONAL DEPUTY DISTRICT CLERK (COMM. COURT)

Judge Hinojosa informed that he and the District Attorney Elect have discussed the future handling of newly arrested inmates at Carrizales/Rucker Detention Center, noting that this was limited to said detention center. He stated that Mr. Remi Garza, County Administrative Assistant, Mr. Armando Villalobos, District Attorney Elect, and District Judge Menton Murray traveled to Houston and met with the Harris County District Attorney and Judges

and saw how they operate the system by which they process inmates in their county jail as quickly as possible in a way that the time spent in jail prior to pre-adjudication was reduced as much as possible to decrease incarceration cost. He stated that the men returned very impressed with how the system was set up and wanted to set up a similar magistrate system in Cameron County promptly after January 1, 2005, in order to have a full time magistrate at the jail. He explained that currently one of the problems was the delays in the transferring of paperwork for the arresting agencies to the District Attorney's Office in order to process inmates that might possibly be released promptly, thus costing the county thousands of dollars annually, adding that the county would like to eliminate this problem. Judge Hinojosa stated that the other problem was the inability to arraign inmates that may otherwise have been released with a bond when a rotating Justice of the Peace was unavailable at the jail. He proposed that the magistrate be set up temporarily for a ninety day period and that if it works that it be considered by the Court to make it a permanent slot. Judge Hinojosa explained that the system would be set up in conjunction with the Office of the District Attorney, District and County Court at Law Judges, and coordinated with his Office as well since they have participated largely in keeping the inmate population down. He stated that another significant reason to establish the magistrate now was due to discussions with the U.S. Marshal's Office concerning possible increases to the federal inmate population at Detention Centers I and II beyond the 500 beds available. Judge Hinojosa explained that in order to do this the population at the county jail must be cleared and that this could only be done by decreasing the population at Carrizales/Rucker Detention Center. He proposed that the inmate population at Carrizales/Rucker Detention Center be decreased and that the revenue from the increase in federal inmate population be used to set up the magistrate next year.

Commissioner Tamayo questioned if a comparison of the present system and the proposed process would be available.

Judge Hinojosa responded in the affirmative and explained that a full report concerning the magistrate and how it is structured with the District Attorney's Office would be provided prior to the ending of the ninety day period. He explained that the Deputy District Clerk position would do the filing and assign a case number and a court when the inmate was brought into Carrizales/Rucker Detention Center. Judge Hinojosa added that an estimated budget of about \$20,000.00 was needed for the magistrate for the ninety days and that it was believed that the decrease of inmate population at Carrizales/Rucker Detention Center and the increase in federal inmate population would generate enough revenue to fund said proposal.

Commissioner Garza asked if said revenue must be certified by the County Auditor.

Mr. Xavier Villarreal, Budget Officer, explained that said revenue might eventually be enough to maintain the program; however, in the interim the increase in rate would be sufficient only to fund the additional Detention Officer Positions that were created. He explained another option to be that the Court direct him to fund the two positions through lapsed salaries available from various General Fund departments.

Commissioner Garza asked if something similar was being done through the Justices of the Peace that were assisting at Carrizales/Rucker Detention Center.

Judge Hinojosa responded negatively. He explained that the Justices of the Peace were helping but this does not substitute having someone there full time to ensure that the population be kept down in coordination with the District Attorney's Office.

Commissioner Tamayo stated that the problem was the gap of time when the Justices of the Peace were unavailable at Carrizales/Rucker Detention Center.

Judge Hinojosa added that another problem was that there was no uniformity because some judges were not signing the bonds for a pre-trial release of an inmate, thus causing costs to the county. He noted that the program would require that all magistrates be done by the county's magistrate at one location.

Commissioner Garza asked what would be done by the Justices of the Peace having individuals arrested and taken to Carrizales/Rucker Detention Center.

Judge Hinojosa noted that implementation of the system would require coordination by all Justices of the Peace.

Commissioner Benavides asked if this process would help eliminate inmates falling through the cracks and requested that cost savings be included in the report.

Commissioner Garza asked if there were any legal implications in giving the magistrate all the authority at the jail versus the Justices of the Peace at their locations.

Mr. Doug Wright, Commissioners' Court Legal Counsel, explained that a specific statute was attached.

Commissioner Garza indicated that the attached statute made reference to the Court having the authority to appoint the magistrate. He asked if there was any potential conflict between the Justices of the Peace now and the way of doing business versus the proposed process.

Mr. Wright noted the need for coordination and communication amongst the Justices of the Peace. He explained his understanding to be that Judge Hinojosa and the District Attorney Elect wanted to accomplish having someone at the jail full time to get the inmates out on an expedited basis upon being arrested. Mr. Wright stated that the only way for this to be appropriate would be to have the Justice of the Peace, of the respective jurisdiction, to say

that he/she was unable to take care of the work in its respective location and also be full time at Carrizales/Rucker Detention Center and to request a special temporary Justice of the Peace to serve at the location. He added that the qualifications were specifically noted in the Statute, that being to have served a minimum of four (4) and a half years and served in such capacity in order to qualify for the appointment.

Commissioner Garza asked the average number of inmates being arraigned at the jail presently.

Mr. Remi Garza, County Administrative Assistant, responded that approximately between 25 and 35 inmates were arraigned daily. He explained that one of the issues raised while in Houston was the need of cooperation between Justices of the Peace, District Attorney's Office and Municipal Justices in order to put the program in place to have all magistrating occurring in one location, noting that such process would not be easy and would depend on the good will of existing Justices of the Peace, District Attorney's Office and Municipal Justices.

Commissioner Garza asked if this was not what has already been occurring over the past six months.

Judge Hinojosa responded that to date there has been no cooperation on behalf of the District Attorney's Office.

Commissioner Garza stated that upon the paperwork being at any agencies then the charges could not be dismissed during the arraignments regardless of who the District Attorney was.

Mr. Garza stated that the matter pertains to arraignments and other situations.

Commissioner Tamayo stated that the caseload to be processed by the magistrate might justify the program and that otherwise then the rotating Justices of the Peace should be reinstated.

Mr. John Blaylock, Attorney at Law, explained that the District Attorney Elect plans to work towards getting a central processing unit for all prisoners almost immediately following the arrest. He stated that their Office plans to file cases soon after the individual gets detained thus giving the respective judge the authority to work his case through and preventing for any inmate to fall through the cracks. Mr. Blaylock stated that the District Attorney's Office will file complaints in District Court asking the defendants to waive indictment which could in turn cut down presentment to the Grand Jury, adding that this was presently causing inmates to remain incarcerated for nearly sixty days on average prior to being arraigned. He stated that allowing inmates waiving their indictment could decrease the time spent in jail upon being approved by the respective judge, resulting in savings to the county for housing inmates that will be seen almost immediately. Mr. Blaylock added that other counties were doing this and noted the need for Cameron County to begin the process now.

Commissioner Garza stated that not having the paperwork presented to the District Attorney's Office in a timely manner has been an issue presented to the Court in the past and asked how it could be ensured that the departments turn in their paperwork to the District Attorney's Office.

Mr. Blaylock explained that they would obtain a computer system where an officer can input the probable cause and his arrest of affidavit almost immediately, which would be visible at the District Attorney's Office who in-turn would review the case and determine whether to proceed or not via the same system.

Commissioner Garza stated that non notarized probable cause statements have been a problem in the past.

Mr. Blaylock stated that the law changed allowing the officers to notarize each others statement and that they would not require the notarization since this is not required at County and District Court level.

Commissioner Garza asked how the magistrate would help the District Attorney's Office in the process.

Mr. Blaylock stated that the magistrate will know what all District and County Courts require preventing a transition problem into the next level of the system, in addition to having a consistency of the system. He stated that the Harris County District Attorney's Office says that law enforcement agencies must work under their system or the case will not be taken. Mr. Blaylock added that they would do this in a politically correct way where everyone has input. He stated that they want to work with everyone and will have conformity eventually and will file cases under complaints with the courts, thus the need for the Deputy District Clerk.

Upon motion by Commissioner Benavides, seconded by Commissioner Tamayo and carried unanimously, the creation of a budget, in the amount of \$20,000.00, from lapsed salaries from General Fund for the ninety (90) day temporary appointment (s) of a Magistrate for the Carrizalez-Rucker Detention Facility within the Justice of the Peace, Precinct 2, and the additional Deputy District Clerk Position were approved.

(8) CONSIDERATION AND ACTION ON REQUEST BY SHERIFF ELECT TO RECLASSIFY VARIOUS POSITIONS AND ADJUST SALARIES AS PER ATTACHED SALARY SCHEDULES (XV-BUDGET OFFICER)

Commissioner Garza commented that the salary schedules indicated significant salary increases and hoped that the individuals employed with the Sheriff's Department be given an opportunity to prove themselves. He expressed concern with the litigation resulting from the Sheriff's Department and encouraged that the Sheriff Elect use county resources in an attempt to minimize possible lawsuits.

Commissioner Tamayo asked if the salary increase was due to increase in responsibilities and Mr. Omar Lucio, Sheriff Elect, responded in the affirmative.

Mr. Omar Lucio, Sheriff Elect, responded that he would make his department be recognized department and explained that he wanted to pay his staff what they are worth since the deputies put their lives on the line everyday yet he must remain within budget. He added that he hates to let people go; however, this must be done.

Mr. Xavier Villarreal, Budget Officer, clarified that the transfers between slots were within budget and that the additional funding for Slot No. 10 was from Fund No. 90 for three pay periods, adding that it would be brought back before the court in the future.

Commissioner Benavides moved that the request by Sheriff Elect to reclassify various positions and adjust salaries as per attached Salary Schedules be approved, to be funded from Fund No. 90.

The motion was seconded by Commissioner Wood and carried unanimously.

The Salary Schedules are as follow:

(9) CONSIDERATION AND APPROVAL OF SPECIFICATIONS FOR BANK DEPOSITORY BIDS AND AUTHORIZATION TO ADVERTISE (COMM. COURT)

Mr. Remi Garza, Administrative Assistant, informed that the advertisement would take place January 17, 2005 and that bids would be due in the County Judge's Office by April 4, 2005, noting that the contract would for a two-year term.

Commissioner Garza asked if letters of credit were delineated in the Investment Policy and if the same would be part of the bid package.

NOTE: JUDGE HINOJOSA STEPPED OUT AT THIS TIME.

Mr. Remi Garza, Administrative Assistant, responded in the affirmative. He explained that the Investment Policy was approved by the Court on June 3, 2004, and explained that the Resolution adopted on the same date amends the Investment Policy to include letters of credits.

Mr. Eddie Gonzalez, County Treasurer, questioned the following language "it does not have any outstanding or unsatisfied financial obligation to the County."

Judge Hinojosa noted that the Court's interpretation was that the language in the specification regarding lawsuits was omitted.

Commissioner Benavides moved that the Specifications for Bank Depository Bids be approved and that the advertisement of the same be authorized.

The motion was seconded by Commissioner Garza and carried unanimously.

The Specs are as follow:

(10) CONSIDERATION AND AUTHORIZATION TO CREATE THE RECORDS MANAGEMENT CLERK POSITION IN THE CAMERON COUNTY DISTRICT CLERK'S OFFICE (ADLG-DISTRICT CLERK) (TABLED)

Judge Hinojosa suggested that this item should be tabled based on the recommendation of the Budget Officer.

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

(11) CONSIDERATION AND POSSIBLE APPROVAL TO HOLD A PUBLIC HEARING ON THE PROPOSED SEXUALLY-ORIENTED BUSINESS REGULATIONS FOR UNINCORPORATED AREAS OF CAMERON COUNTY, TEXAS (DW-LEGAL)

Upon motion by Commissioner Garza, seconded by Commissioner Tamayo and carried unanimously, the Public Hearing on the proposed Sexually Oriented Business Regulations for unincorporated areas of Cameron County, Texas, was opened for public comment.

Ms. Sandra Garcia, Olmito resident, expressed concerns on behalf on Olmito residents, school district employees, and PTA Members regarding possible adult businesses being established in the community. She explained that Olmito has little regulations against sexually oriented businesses since it was in unincorporated areas and that two adult video businesses were already located in Olmito. Ms. Garcia presented a petition signed by 440 individuals opposing the sexually oriented businesses in their community. Ms. Garcia explained that the concerns were specific to a gentleman known to get building permits for a multi-dwelling and later converts them into sexually oriented business. She added that the property in question was very close to the school and community churches.

Judge Hinojosa explained that his Office learned of the matter about three weeks ago and that at that time he requested legal counsel to prepare an ordinance. He stated that the legislature was approached to request authority to be able to establish an ordinance at the time that the adult video store was established last year. Judge Hinojosa added that the county was informed that there was Statute that allows for it to set regulations. He stated that proposed regulations were prepared, that the District Attorney Elect was consulted, and that regulating existing business was also in mind but would be more problematic constitutionally. Judge Hinojosa stated that in his opinion anyone who has applied for a building permit was not considered an existing business; therefore, would fall under the proposed ordinance. He added that the District Attorney Elect would examine the possibility of regulating

existing businesses under constitutional law. Judge Hinojosa noted that the Court wanted to take action since it was very concerned about the matter. He stated that his Office initiated the matter and that the ordinance being recommended differs from the ordinance presented by legal counsel even though the District Attorney would do additional research they were giving the opportunity to take action to prevent new sexually oriented businesses. Judge Hinojosa added that he, as County Judge, has the discretion to sign off on liquor and beer license within certain distances of schools and that this would be examined to see how this could be used as a possible layer of protection to the community against such businesses. He stated that the school district was contacted and that the regulation of business on such basis was being examined by his office based upon the information provided by the school district.

Mr. Doug Wright, Commissioners' Court Legal Counsel, stated that the county has no knowledge of specific sexually oriented business that is being applied for at this time; therefore, if the court enacts today any application would be subject to the enactment.

Ms. Liz Alvarado, Olmito resident, expressed concern and agreed to the proposed ordinance.

Upon motion by Commissioner Benavides, seconded by Commissioner Tamayo and carried unanimously, the Public Hearing on the proposed Sexually Oriented Business Regulations for unincorporated areas of Cameron County, Texas, was closed.

(12) **CONSIDERATION AND POSSIBLE APPROVAL OF SEXUALLY-ORIENTED BUSINESS REGULATIONS FOR UNINCORPORATED AREAS OF CAMERON COUNTY, TEXAS. (DW-LEGAL)**

Commissioner Garza moved that the Sexually-Oriented Business Regulations for unincorporated areas of Cameron County, Texas.

The motion was seconded by Commissioner Wood and carried unanimously.

The Petition and Regulations are as follow:

(13) **CONSIDERATION AND ACKNOWLEDGEMENT OF COMMISSIONERS' COURT ACTION OF SEPTEMBER 23, 1998 ADOPTING REGULATIONS PROHIBITING THE SALE OF ALCOHOLIC BEVERAGES AS SET FORTH IN THE CERTIFIED MINUTES OF SAID COMMISSIONERS' COURT MEETING WHICH ARE ATTACHED HERETO (DW-LEGAL)**

Judge Hinojosa - "Do I hear a motion on that?"

Commissioner Benavides-"So move."

Commissioner Wood - "I had a question on some of the words in here? What do we mean by dealer, alcohol beverage by dealer? Is that on premises, off premises, convenient store, liquor store or everything?"

Commissioner Tamayo - "Anyone, that's how I was interpreting it."

Judge Hinojosa - "It includes also a convenient store, yeah. It's anything. Some of the school districts, you know, don't want even a convenient store selling beer within a thousand feet and that's... They don't want that."

Commissioner Wood - "I wanted to get that cleared up."

Commissioner Garza - "Well, I asked Doug to put this item on the agenda because I did not know that the county had this authority. So I figured please put it on so that we can all acknowledge that we can regulate sale of alcoholic beverages in Commissioners Court, you know. So..."

Commissioner Tamayo - "Well in fact, Commissioner, to give you more information, in order to get a license, not that I'm selling beer, but I'm with Mr. Amigo. When we have the Taste of La Frontera we need to get the Sheriff's signature, we need your signature (Judge Hinojosa), and the DA's Office, and the City Police Chief, so, man it's there"

Judge Hinojosa - "And I've exercised the power on this on two occasions..."

Commissioner Garza - "And we appreciate it at times."

Judge Hinojosa - "...in fact out. In Santa Maria, I was the school district attorney and it came up and so I had to excuse myself out of the building while they talked about it and made the request to me to actually do this. And I did and we stopped a bar from going up within 1,000 feet from the school. Okay.

The order is as follows:

(14) CONSIDERATION AND AUTHORIZATION FOR THE RELEASE OF USUAL AND CUSTOMARY CLAIMS, SPECIFICALLY, BUT NOT LIMITED TO, UTILITIES, CONTRACTUAL OBLIGATIONS, AND EXPENSES FOR ITEMS PREVIOUSLY AUTHORIZED BY THE COMMISSIONERS' COURT (COMM. COURT)

Commissioner Garza questioned the period of time for this to be in effect.

Mr. Remi Garza, County Administrative Assistant, explained that County Treasurer asked that the Court take action on each occasion to cover a specific time.

Commissioner Garza moved that the release of usual and customary claims, specifically, but not limited to, utilities, contractual obligations and expenses for items previously authorized by the Commissioners Court be authorized.

The motion was seconded by Commissioner Tamayo and carried unanimously.

(15) CONSIDERATION AND POSSIBLE ACTION REGARDING THE TEMPORARY DELEGATION OF BUDGET OFFICER'S AUTHORITY AND RESPONSIBILITIES FROM DECEMBER 21, 2004 TO JANUARY 3, 2005 TO ACCOMMODATE VACATION SCHEDULES (COMM. COURT)

Judge Hinojosa asked to whom would were the responsibilities be delegated to.

Mr. Remi Garza, County Administrative Assistant, explained that Mr. Xavier Villarreal, Budget Officer, suggested delegation of responsibilities to the County Auditors Office.

Judge Hinojosa asked if the County Auditors would be open for business from Dec. 21, 2004-January 3, 2005.

Mr. Mark Yates, County Auditor, responded in the affirmative.

Commissioner Benavides moved that the temporary delegation of Budget Officer's Authority and responsibilities to the Auditor's Office from December 21, 2004 to January 3, 2005 to accommodate vacation schedules be approved.

The motion was seconded by Commissioner Wood.

Commissioner Garza questioned the type of authority to be given to the Auditor's Office.

Mr. Xavier Villarreal, Budget Officer, clarified that the only authority in mind would be the signing off of on travel advances.

Upon motion duly made by Commissioner Benavides that the temporary delegation of Budget Officer's Authority and responsibilities to the Auditor's Office from December 21, 2004 to January 3, 2005 to accommodate vacation schedules be approved.

The motion was seconded by Commissioner Wood seconded the motion and carried unanimously.

(16) **CONSIDERATION AND ACTION ON THE APPOINTMENT OF DEPUTY CONSTABLES AND RESERVE DEPUTY CONSTABLES FOR CONSTABLE PRECINCTS 1, 2, 3, 4, 5, 6 AND 7 (SEE ATTACHED EXHIBIT A) IN COMPLIANCE WITH THE FINDING THAT IT IS NECESSARY TO APPOINT THE RESERVE AND DEPUTY CONSTABLES IN ORDER TO PROPERLY HANDLE THE BUSINESS OF THE RESPECTIVE CONSTABLE'S OFFICE THAT ORIGINATE 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 MAKING THE APPOINTMENT WHICHEVER ENDS SOONER (MV-HUMAN RESOURCES)**

Commissioner Garza asked if all individuals were previously approved by the Human Resources Department.

Mr. Manuel Villarreal, Human Resources Department Director, responded in the affirmative.

Commissioner Benavides moved that the appointments of Deputy Constables and Reserve Deputy Constables for Constable Precincts 1, 2, 3, 4, 5, 6 and 7 be authorized, based on the finding that it is necessary to appoint the Reserve and Deputy Constables in order to properly handle the business of the respective constable's office that originate in the Constables' 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 making the appointment whichever ends sooner.

The motion was seconded by Commissioner Wood and carried unanimously.

(17) **CONSIDERATION AND AUTHORIZATION TO UPGRADE THE FINANCIAL HARDWARE AND SOFTWARE SYSTEM (MY-AUDITOR)**

Mr. Mark Yates, County Auditor, requested authorization to utilize \$50,000.00 set for maintenance of the HP 9000 Unit Box and the software service agreement for a five year period and restructure the county's financial software and hardware agreements for an upgrade and to enter into lease agreement that enables the HP 9000 Unit

Box continues to be current on technology. He added that doing so would enable the county process timesheets and payroll much quicker and would allow for direct deposit.

Upon motion by Commissioner Garza, seconded by Commissioner Tamayo and carried unanimously, the upgrading of financial and hardware and software system was approved.

(18) CONSIDERATION AND AUTHORIZATION TO HOLD A PUBLIC HEARING FOR ROAD NAME CHANGE OF AUSTIN STREET (AKA EDWARDS STREET) OUT OF F.S. CHAMPIONS SUBDIVISION, IN SANTA MARIA, TO PFC PABLO T. DIAZ STREET (PS-DEPT. OF TRANSPORTATION)

Upon motion by Commissioner Tamayo and seconded by Commissioner Wood and carried unanimously, the Public Hearing for road name change of Austin Street (AKA Edwards Street) out of F.S. Champions Subdivision, in Santa Maria, to PFC Pablo T. Diaz Street was opened for public comment.

Commissioner Tamayo explained this item was a tribute to the outstanding service of PFC Pablo T. Diaz.

Upon motion by Commissioner Wood and seconded by Commissioner Tamayo and carried unanimously, the Public Hearing for road name change of Austin Street (AKA Edwards Street) out of F.S. Champions Subdivision, in Santa Maria, to PFC Pablo T. Diaz Street was closed.

(19) CONSIDERATION AND AUTHORIZATION TO ADOPT AN ORDER ESTABLISHING ROAD NAME CHANGE FROM AUSTIN STREET (AKA EDWARDS STREET) OUT OF F.S. CHAMPIONS SUBDIVISION, IN SANTA MARIA, TO PFC PABLO T. DIAZ STREET (PS-DEPT. OF TRANSPORTATION)

Commissioner Wood moved that the Order establishing road name change from Austin Street (AKA Edwards Street) out of F.S. Champions Subdivision, in Santa Maria, to PFC. Pablo T. Diaz Street be adopted

The motion was seconded by Commissioner Tamayo and carried unanimously.

The Order is as follows:

(20) **CONSIDERATION AND APPROVAL TO UTILIZE AN ALLOWANCE FOR SOIL TESTING TO INSTALL FOUNDATION AS PER ARCHITECT RECOMMENDATIONS PS-DEPT. OF TRANSPORTATION)**

Mr. Roberto Ruiz, Project Architect, requested additional funding from within budget for soil testing needing to be done.

Upon motion by Commissioner Benavides, seconded by Commissioner Tamayo and carried unanimously, the use of an allowance for soil testing to install foundation was approved, as per Architect recommendations.

(21) **CONSIDERATION AND APPROVAL OF A RESOLUTION SUPPORTING THE DEVELOPMENT OF A COMPREHENSIVE PLAN TO END HOMELESSNESS IN CAMERON COUNTY. (FB-PD&M)**

At this time Mr. Abel Morales, Cameron County Homeless Partnership, explained that the Resolution commences the process of development of a comprehensive plan to address homeless in Cameron County. He added that the plan would be brought before the Court when complete.

Judge Hinojosa expressed support for the project because homelessness was a serious problem in the county.

Commissioner Garza moved that the Resolution supporting the development of a comprehensive plan to end homelessness in Cameron County be adopted.

The motion was seconded by Commissioner Wood and carried unanimously.

The Resolution is as follows:

(22) CONSIDERATION AND APPROVAL OF A TAX ABATEMENT AGREEMENT BETWEEN CAMERON COUNTY AND PENN ALUMINUM INTERNATIONAL, INC. IN THE HARLINGEN INDUSTRIAL PARK ENTERPRISE ZONE (FB-PD & M)

Mr. Frank Bejarano, PD&M Director, clarified that the agreement must read the “Harlingen Industrial Park Enterprise Zone” and recommended approval.

Upon motion by Commissioner Garza, seconded by Commissioner Tamayo and carried unanimously, the Tax Abatement Agreement between Cameron County and Penn Aluminum International, Inc. in the Harlingen Industrial Park Enterprise Zone was approved.

The Agreement is as follows:

(23) CONSIDERATION AND APPROVAL OF AN INTERLOCAL AGREEMENT BETWEEN CAMERON COUNTY, TEXAS, THE CITY OF BROWNSVILLE, TEXAS, AND REINVESTMENT ZONE NUMBER ONE IN BROWNSVILLE, TEXAS FOR PURPOSES OF TAX INCREMENT FINANCING, PURSUANT TO CHAPTER 791 OF THE TEXAS GOVERNMENT CODE AND CHAPTER 311 OF THE TEXAS TAX CODE (FB-PD & M)

Mr. Frank Bejarano, PD & M Director, recommended a fifteen 15-year term to commence January 1, 2006 and ending December 31, 2021.

Commissioner Benavides moved that the Interlocal Agreement between Cameron County, Texas, and the City of Brownsville, Texas, and the Reinvestment Zone Number One in Brownsville, Texas, for purposes of tax increment financing be approved, pursuant to chapter 791 of the Texas Government Code and Chapter 311 of the Texas Tax Code.

The motion was seconded by Commissioner Tamayo and carried unanimously.

The Agreement is as follows:

(24) CONSIDERATION AND APPOINTMENT OF ONE VOTING MEMBER TO REPRESENT CAMERON COUNTY, TEXAS ON THE BOARD OF DIRECTORS OF REINVESTMENT ZONE NUMBER ONE IN THE CITY OF BROWNSVILLE, TEXAS. (FB-PD & M)

Commissioner Garza moved that Commissioner Wood be appointed Member to represent Cameron County, Texas, on the Board of Directors of Reinvestment Zone Number One in the City of Brownsville, Texas, until Court renews the appointment.

The motion was seconded by Commissioner Tamayo and carried unanimously.

(25) CONSIDERATION AND APPROVAL OF AN INTERLOCAL AGREEMENT BETWEEN CAMERON COUNTY, TEXAS, THE CITY OF BROWNSVILLE, TEXAS, AND REINVESTMENT ZONE NUMBER TWO IN BROWNSVILLE, TEXAS FOR PURPOSES OF TAX INCREMENT FINANCING, PURSUANT TO CHAPTER 791 OF THE TEXAS GOVERNMENT CODE AND CHAPTER 311 OF THE TEXAS TAX CODE (FB-PD & M)

Mr. Frank Bejarano, PD & M Director, recommended a fifteen year term and explained that the developer was requesting a floating fifteen year period that does not begin until the first tax increment improved building shows up on the tax roles. He clarified that staff would prefer a fixed term with specific starting and ending dates.

Judge Hinojosa questioned the dates being recommended by Mr. Bejarano.

Mr. Bejarano responded that the date would be up to the developer, yet they could start from January 1, 2006 and ending December 31, 2021.

Commissioner Garza moved that the Interlocal Agreement between Cameron County, Texas, the City of Brownsville, Texas, and Reinvestment Zone Number Two in Brownsville, Texas, for purposes of tax increment financing be approved for a fifteen year period starting from January 1, 2006 and ending December 31, 2021, pursuant to Chapter 791 of the Texas Government Code and Chapter 311 of the Texas Tax Code.

The motion was seconded by Commissioner Wood.

Mr. Rolly Coppell requested and urged the Court that the term not start until the project was complete and the county has certified that there was a captured appraised value, noting that until then the county has not given up anything. He explained that time was needed to build infrastructure, to develop the plans, and to sell the lots.

Judge Hinojosa stated that the county has engaged in this project very reluctantly and that because of the expectation of additional request due to the benefits to the developer there was a feeling of the need to be uniformed to address all other requests.

Mr. Coppel requested that the Court consider changing the date to begin to January 1, 2007.

Commissioner Garza moved that the Interlocal Agreement between Cameron County, Texas, the City of Brownsville, Texas, and Reinvestment Zone Number Two in Brownsville, Texas, for purposes of tax increment financing be approved for a fifteen year period starting from January 1, 2007 and ending December 31, 2021, pursuant to Chapter 791 of the Texas Government Code and Chapter 311 of the Texas Tax Code.

The motion was seconded by Commissioner Wood and carried unanimously.

The Agreement is as follows:

(26) **CONSIDERATION AND APPOINTMENT OF ONE VOTING MEMBER TO REPRESENT CAMERON COUNTY, TEXAS ON THE BOARD OF DIRECTORS OF REINVESTMENT ZONE NUMBER TWO IN THE CITY OF BROWNSVILLE, TEXAS. (FB-PD & M)**

Commissioner Tamayo moved that Commissioner Benavides be appointed as one Member to represent Cameron County, Texas, on the Board of Directors of Reinvestment Zone Number Two in the City of Brownsville, Texas.

The motion was seconded by Commissioner Garza and carried unanimously.

CONSENT ITEMS

ALL ITEMS UNDER THE CONSENT AGENDA ARE HEARD COLLECTIVELY UNLESS OPPOSITION IS PRESENTED, IN WHICH CASE THE CONTESTED ITEM WILL BE CONSIDERED, DISCUSSED, AND APPROPRIATE ACTION TAKEN SEPARATELY

Item No. 32: Mr. Frank Bejarano, PD&M Director, stated that the Boys and Girls Club requested to be added to the plan and suggested that they work with his department.

Item No. 33: Commissioner Wood questioned the three month delay from when the contract began on September 1, 2004.
Mrs. Yvette Salinas, Health Department Director, explained that they were told by the Department of Health Services to wait until the work plan was approved, adding that this happened December 6, 2004.

Item No. 36-a: Commissioner Garza asked who was being recommended as evaluation committee.
Mrs. Grace Salinas, County Judge's Office, recommended that Browne Vince and Associates, Mr. Mike Forbes, Assistant County Purchasing Agent, Mrs. Grace Salinas, the Legal Counsel, and representatives from some entities make up the Evaluation Committee.
Judge Hinojosa suggested that Representatives from the City of Brownsville and Port Isabel be members of the committee and clarified that Legal Counsel was an advisory member.
Mrs. Salinas informed that three proposals were received and the consultants would prepare an evaluation form and would work with the committee with the evaluations and later set up interviews.
Judge Hinojosa noted the need for the committee to take its time in evaluating the proposals because they would be difficult to analyze. He stated that the committee must educate itself as to what it would be looking for; it must evaluate the proposals on paper; must interview the individuals and ask the difficult questions, and must present recommendation.
Mrs. Salinas asked if the Court would like the interviews to come before it.
Judge Hinojosa responded negatively.
Commissioner Garza stated that an extensive process took place in preparing the RFP to ensure that they were clear as to the county's requests and needs, thus the evaluation should be cut and dry.
Judge Hinojosa stated that he expects the committee to visit with the vendors and the references and noted the need to do this the right way since it was more complicated and time consuming than just evaluating applications. He suggested that the process not take longer than sixty days.

Item No. 37-a: Mr. Pete Sepulveda, Department of Transportation Director, explained that in the past the matter has been brought before the Court rather than appointing a committee.

Item No. 27- Mr. Mark Yates, County Auditor, informed that the federal inmate population was at 273. He presented the following late claim: Warrant No. 00130179, payable to BITL, LLC, in the amount of \$7,500.00, including the \$2,500.00 due January 1, 2005

Mr. Yates informed that a notice was received from the Texas Association of Counties (TAC) that the workers compensation premium would be \$1,127,694.00, above the estimate of \$783,245.00 for 2004. He added that the numbers were inclusive of the 2004 number of estimated employees, in the amount of 1,496, and the 2005 number of estimated employees, in the amount of 1,605, 109 additional employees. Mr. Yates explained that the big change was that 10.31% underwriting modifier discount was no longer being offered by TAC on workers compensation.

Judge Hinojosa asked when the county would have to start paying the money.

Mr. Yates responded that the funds would be paid on quarterly basis beginning January thru March, adding that approximately half of the amount was from General Fund. He stated that the change was due to high medical costs.

Commissioner Benavides moved that the "Travel and Consent Items" be approved, inclusive of the additional claims and the changes to Item No. 32.

The motion was seconded by Commissioner Garza and carried unanimously.

(27) APPROVAL OF CLAIMS.

(28) ADOPTION OF A RESOLUTION RECOGNIZING THE 30TH ANNIVERSARY OF REALITY HOUSE. (PB- COMM. PRECINCT 1)

The Resolution is as follows:

(29) APPROVAL OF BONDS FOR SALLY GONZALEZ, JUSTICE OF THE PEACE PRECINCT 5, PLACE 1, CESAR RENE DIAZ, CONSTABLE PRECINCT 7 ELECT AND ABELARD GOMEZ, JR., CONSTABLE PRECINCT 2 ELECT, GUADALUPE GONZALEZ, CONSTABLE PRECINCT, SAUL P. OCHOA, CONSTABLE PRECINCT 1, ELECT, LINDA SALAZAR, JUSTICE OF PEACE PRECINCT 2, PLACE 2 ELECT AND OTHER DULY ELECTED OFFICIALS. (COMM. COURT)

The Bonds are as follows:

(30) AUTHORIZATION TO OPEN THE FOLLOWING ACCOUNT: CAMERON COUNTY TREASURER, DISASTER ASSISTANCE HOME PROGRAM, FUND NO. 41. (EG-TREASURER)

The Resolution is as follows:

(31) AUTHORIZATION TO PURCHASE STORAGE AREA NETWORK UTILIZING STATE OF TEXAS DEPARTMENT OF INFORMATION RESOURCES INTER-LOCAL COOPERATIVE PURCHASING AGREEMENT CONTRACTS. (RJ-COMPUTER CENTER)

(32) ADOPTION OF THE REVISED 2005 CAMERON COUNTY CRIMINAL JUSTICE COMMUNITY PLAN, PURSUANT TO GRANT FUNDING REQUIREMENTS OF THE GOVERNOR'S OFFICE CRIMINAL JUSTICE DIVISION. (FB-PD & M)

The Plan is as follows:

(33) APPROVAL OF CONTRACT BETWEEN THE CAMERON COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES AND THE DEPARTMENT OF STATE HEALTH SERVICES FOR THE FY05 LOCAL PUBLIC HEALTH PREPAREDNESS APPLICATION AND WORK PLAN. (YS-HEALTH DEPT.)

The Contract is as follows:

- (34) APPROVAL OF CONTRACT BETWEEN THE CAMERON COUNTY HEALTH DEPARTMENT AND THE REACH OUT AND READ® NATIONAL CENTER. (YS-HEALTH DEPT.)
The Contract is as follows:
- (35) AUTHORIZATION TO OPEN THE FOLLOWING BIDS/RFP'S/RFQ FOR: (MF-PURCHASING)
A. PICK-UP TRUCKS & VANS (VARIOUS DEPTS.) - BID #041201
- (36) AUTHORIZATION TO OPEN THE FOLLOWING BIDS/RFP'S/RFQ FOR: (MF-PURCHASING)
A. COUNTYWIDE SOLID WASTE COLLECTION SERVICES – RESIDENTIAL - RFP #040901 AND POSSIBLE SELECTION OF EVALUATION COMMITTEE TO BE DETERMINED BY COMMISSIONERS' COURT.
- (37) AUTHORIZATION TO OPEN THE FOLLOWING BIDS/RFP'S/RFQ FOR: (MF-PURCHASING)
A. ENVIRONMENTAL ASSESSMENT SERVICES – GRIMES ROAD - RFQ #041104 AND POSSIBLE SELECTION OF EVALUATION COMMITTEE TO BE DETERMINED BY COMMISSIONERS' COURT.
- (38) SELECTION OF ROBINSON, DUFFY & BARNARD, AN APPRAISAL FIRM, TO DO APPRAISAL REPORTS AND SELECTION OF H.L.H. (HARVEY L. HEERSSEN), AN APPRAISAL FIRM, TO DO REVIEW APPRAISAL REPORTS FOR FM 106 (GENERAL BRANT ROAD) FROM FM 1847 ON GENERAL BRANT ROAD EAST AND SOUTH TO FM 510. (PS-DEPT. OF TRANSPORTATION)
- (39) AUTHORIZATION TO INITIATE THE DRAWING PROCESS ON LETTER OF CREDIT FOR LOBITAS ESTATES SUBDIVISION, PHASE II, PRECINCT 4, FOR UNBUILT SEPTIC SYSTEMS. (PS-DEPT. OF TRANSPORTATION)
- (40) AUTHORIZATION TO INITIATE THE DRAWING PROCESS ON LETTER OF CREDIT FOR RAMON SUBDIVISION, PRECINCT 4, FOR UNBUILT SEPTIC SYSTEMS. (PS-DEPT. OF TRANSPORTATION)
- (41) AUTHORIZATION TO INITIATE THE DRAWING PROCESS ON LETTER OF CREDIT FOR LOBITAS ESTATES SUBDIVISION, PRECINCT 4, FOR UNBUILT SEPTIC SYSTEMS. (PS-DEPT. OF TRANSPORTATION)
- (42) PRELIMINARY APPROVAL FOR: (PS-DEPT. OF TRANSPORTATION)
A. PRECINCT NO.4- WESTON OAKS SUBDIVISION, BEING 9.101 ACRES OUT OF BLOCK 7, VALLEY GROVES SUBDIVISION, AS RECORDED IN VOLUME 6, PAGE 29, OF THE MAP RECORDS OF CAMERON COUNTY, TEXAS.
- (43) FINAL APPROVAL FOR: (PS-DEPT. OF TRANSPORTATION)
A. PRECINCT NO. 3- DEL BIGOTES SUBDIVISION, LOTS SIX (6), SEVEN (7), AND EIGHT (8), BLOCK NINE (9), RUTHERFORD-HARDING ADDITION, CAMERON COUNTY, TEXAS. (PS-DEPT. OF TRANSPORTATION)
B. PRECINCT NO. 4- CROSSING EIGHT'S SUBDIVISION, BEING A 3.94 ACRE SUBDIVISION OUT OF 10.26 ACRES OF LAND COMPRISED OF 2.99 ACRES OUT OF BLOCK 157 AND 7.27 ACRES OUT OF BLOCK 194, SAN BENITO LAND AND WATER COMPANY SUBDIVISION, CAMERON COUNTY, TEXAS, ACCORDING TO PLAT THEREOF RECORDED IN VOL. 1, PG. 6 OF THE MAP RECORDS OF CAMERON COUNTY, TEXAS.
C. PRECINCT NO. 4- NORTH KANSAS CITY ROAD SUBDIVISION, BEING OF 40.00 ACRES OF LAND COMPRISED OF ALL OF BLOCK THREE (3) AND

FOUR (4), HELGESON SUBDIVISION, OF THE LA FERIA GRANT, CAMERON COUNTY, TEXAS.

- D. PRECINCT NO. 4- NORTH POMELO ROAD SUBDIVISION, BEING 20.15 ACRES OF LAND COMPRISED OF 5.40 ACRES OUT OF BLOCK 11, EAST POMELO SUBDIVISION, CAMERON COUNTY, TEXAS, ACCORDING TO MAP RECORDED IN VOL. 9, PG. 60, MAP RECORDS CAMERON COUNTY, TEXAS, AND 15.48 ACRES OF LAND OUT OF BLOCK 24, POMELO SUBDIVISION, CAMERON COUNTY, TEXAS, ACCORDING TO MAP RECORDED IN VOL. 5, PG. 32, MAP RECORDS OF CAMERON COUNTY, TEXAS (SAVE AND EXCEPT A 0.759 ACRE RECORDED IN VOL. 1284, PG. 70, OFFICIAL RECORDS).**

TRAVEL ITEMS

(44) 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. Commissioners' Court Chief Legal Counsel to attend the "13th Annual Advances Employment Law Course, 'How To Organize and Manage Your Employment Practice & Nuts and Bolts of Employment Law'", in San Antonio, Texas, January 18, 2004 thru January 21, 2004;**
 - B. Director of Department of Transportation to attend the "I-69 Board of Directors Annual Meeting," in Houston, Texas, December 2, 2004;**
 - C. Chief Emergency Officer and Sheriff's Deputy to take Fire Inspector Exam in Corpus Christi, Texas, December 28, 2004;**
 - D. Juvenile Probation employee to attend the "Coaching Skills for Manager and Supervisors", in McAllen, Texas, December 9, 2004; and**
 - E. County Surveyor to attend "Workshop-Texas out of Bounds: Exploring Boundary Law", in San Antonio, Texas, December 16-17, 2004.**
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- (28) **ADOPTION OF A RESOLUTION RECOGNIZING THE 30TH ANNIVERSARY OF REALITY HOUSE.**
The Resolution is as follows:

- (29) **APPROVAL OF BONDS FOR SALLY GONZALEZ, JUSTICE OF THE PEACE PRECINCT 5, PLACE 1, CESAR RENE DIAZ, CONSTABLE PRECINCT 7 ELECT AND ABELARD GOMEZ, JR., CONSTABLE PRECINCT 2 ELECT, GUADALUPE GONZALEZ, CONSTABLE PRECINCT, SAUL P. OCHOA, CONSTABLE PRECINCT 1, ELECT, LINDA SALAZAR, JUSTICE OF PEACE PRECINCT 2, PLACE 2 ELECT AND OTHER DULY ELECTED OFFICIALS.**
The Bonds are as follows:

- (30) **AUTHORIZATION TO OPEN THE FOLLOWING ACCOUNT: CAMERON COUNTY TREASURER, DISASTER ASSISTANCE HOME PROGRAM, FUND NO. 41. (EG-TREASURER)
The Resolution is as follows:**

- (32) **ADOPTION OF THE REVISED 2005 CAMERON COUNTY CRIMINAL JUSTICE COMMUNITY PLAN, PURSUANT TO GRANT FUNDING REQUIREMENTS OF THE GOVERNOR'S OFFICE CRIMINAL JUSTICE DIVISION.**
The Plan is as follows:

- (33) APPROVAL OF CONTRACT BETWEEN THE CAMERON COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES AND THE DEPARTMENT OF STATE HEALTH SERVICES FOR THE FY05 LOCAL PUBLIC HEALTH PREPAREDNESS APPLICATION AND WORK PLAN.**
The Contract is as follows:

- (34) APPROVAL OF CONTRACT BETWEEN THE CAMERON COUNTY HEALTH DEPARTMENT AND THE REACH OUT AND READ® NATIONAL CENTER.
The Contract is as follows:**

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

- (4) IN THE MATTER REGARDING APPROVAL OF MINUTES FOR: (TABLED)**
 - A. NOVEMBER 9, 2004-REGULAR MEETING**
 - B. NOVEMBER 30, 2004-SPECIAL MEETING**
 - C. DECEMBER 7, 2004-REGULAR MEETING**

Upon motion by Commissioner Garza, seconded by Commissioner Wood and carried unanimously, the Budget Amendments, Line Item Transfers and/or Salary Schedules were approved and Item No. 4 was **TABLED**.

The Documents are as follow:

SUPPLEMENTAL ITEMS

(1) **CONSIDERATION AND POSSIBLE ACTION ON THE FUNDING AND APPOINTMENT OF A SPECIAL PROSECUTOR CONCERNING CONFLICT CASES FOR NEW COUNTY ATTORNEY WITH FELONY JURISDICTION (DW-LEGAL)**

Mr. John Blaylock, District Attorney Elect Representative, requested that the Court assign an attorney to represent clients of Mr. Villalobos and he on a contract basis since neither of them could continue said representations due to conflict of interest that would arise upon taking office.

Judge Hinojosa asked if Mr. Blaylock had a recommendation.

Mr. Blaylock responded negatively.

Mr. Doug Wright, Commissioners' Court Legal Counsel, noted the need to designate a funding source from within the budget of the respective judge hearing the case and suggested that perhaps the judges could coordinate and assign one judge to hear said cases.

Mr. Xavier Villarreal, Budget Officer, questioned the amount to be funded.

Judge Hinojosa recommended that a Resolution authorizing the creation of a Special Prosecutor to handle all cases where the incoming District Attorney and his staff have a conflict of interest be adopted, that it be funded from Fund No. 90 and that one Special Prosecutor be appointed jointly by the respective District Judges and by the County Court at Law Judges. He suggested that the matter be revisited upon the District Attorney Elect's return if problems arise.

Commissioner Garza moved that the Resolution authorizing the creation of a Special Prosecutor to handle all cases where the incoming District Attorney and his staff have a conflict of interest be adopted, that it be funded from Fund No. 90 and that one Special Prosecutor be appointed jointly by the Respective District Judges and by the County Court at Law Judges.

The motion was seconded by Commissioner Benavides and carried unanimously.

The Resolution is as follows:

(2) **IN THE MATTER REGARDING CONSIDERATION
AND ACTION ON REQUEST BY COUNTY AND
DISTRICT ATTORNEY ELECT TO RECLASSIFY
VARIOUS POSITIONS AND ADJUST SALARIES AS
PER ATTACHED SALARY SCHEDULES (TABLED)**

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

(27) **APPROVAL OF CLAIMS**

Mr. Mark Yates, County Auditor, requested authorization to loan monies, in the amount of \$303,500.00, from General Fund to Fund No. 71, West Rail Project due to the lack of sufficient working capital

Commissioner Garza asked if this was the County Auditor's recommendation.

Mr. Yates responded in the affirmative.

Commissioner Tamayo moved that the loan monies, in the amount of \$303,500.00, from General Fund to Fund No. 71, West Rail Project, and the release of the claim be authorized.

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

AYE: Commissioner Benavides, Wood, Garza, Tamayo,

NAY: None,

ABSTAIN: Judge Hinojosa as to Warrant No. 00129893, payable to Southwest Key Program, in the amount of \$2,160.00.

The Affidavit is as follows:

There being no further business to come before the Court, upon motion by Commissioner Tamayo, seconded by Commissioner Benavides and carried unanimously, the meeting was **ADJOURNED** at 1:10 P.M.

APPROVED this 1st day of **February 2005**.

GILBERTO HINOJOSA
COUNTY JUDGE

ATTEST:

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