

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 23rd day of August 2005, 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:

EDNA TAMAYO

The meeting was called to order by Judge Pro-tem Pedro "Pete" Benavides at 9:30 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 August 19, 2005, at 4:20 P.M.:

NOTE: JUDGE HINOJOSA ARRIVED AT THIS TIME.

Judge Hinojosa informed that Mr. Sergio Vasquez, former Deputy Constable, died on Saturday at the age of thirty and requested prayers for his family.

Commissioner Wood informed that Shirley Gardner, passed away this past weekend.

(1) PUBLIC COMMENTS

Mr. Jack Gibson, County resident, stated that last time he was in the courtroom he quoted Judge Hinojosa from a newspaper article published in the Valley Morning Star and that since then it has come to his attention that he cannot with confidence quote the Valley Morning Star, and thus apologized if the quotes were incorrect or taken out of context. He stated that after the last meeting it was brought to his attention that Commissioner Tamayo may have asked Mr. John Waylan, County resident, or he to make comments to the court at that time; however, that in speaking with Mr. Waylan he assures him that he had no conversations with Commissioner Tamayo to that effect and nor did he. Mr. Gibson expressed concern with unused trash cans on his street and requested that they be picked-up.

Mr. Arnold Aguilar, Former President of Cameron County Bar Association, expressed concern with the District Attorney's Office desire to use space presently being used by the library and with the inconvenience this would cause to the public. He suggested that the District Attorney's Office use space elsewhere because the Library needs the space adjacent to it.

The Forms are as follow:

(14) CONSIDERATION AND APPROVAL OF EXPANSION OF THE EXISTING DISTRICT ATTORNEY'S OFFICE AT THE JUDICIAL BUILDING, 1ST FLOOR. (DG-DA)

Mr. Roger Hughes recommended on behalf of the Bar Association that the Law Library remain in the Judicial Building within the Courthouse and that they not lose any space.

Judge Hinojosa explained that the proposal does not include relocation of the library, but rather office space for the District Attorney's Office until office space is made available once several departments move to the Dancy Building in January 2006, adding that at this time the District Attorney's Office will make use of the entire third floor of the administrative building. Judge Hinojosa explained the problem to be what could be done between now and January 2006. He suggested that the Law Library be patient and allow that the DA utilize the two additional office spaces, which would be returned in January plus the two offices presently occupied by the DA.

Mr. Hughes explained his observation was that once you start giving up space it is very hard to get it back.

Judge Hinojosa stated that the court could pass a resolution today indicating his exact proposal.

Mr. Hughes stated that it was a known rule that no administration can bind forever all succeeding administration, and that this short term solution would cost money. He expressed concern with the possible occupancy of the third floor by the DA being delayed anywhere between eight months to a year.

Judge Hinojosa stated that the office space in question was rarely used and thus he was unsure its use would make much difference.

Mr. Hughes explained that space used for tables to work on would be reduced, resulting in only standing area if 25% of their space was taken.

Mr. Armando Villalobos, District Attorney, expressed concern with lack of office space to work. He stated that the Sheriff's Department has offered office space; however, having documents in places they cannot control worries them. Mr. Villalobos stated that he has tried working with the Law Library and has offered different proposals to be funded from Fund 90. He explained that the last proposal was that they use the space in question until the Auditor's Office relocates to the Dancy Building and that they build the necessary infrastructure using forfeiture funds. Mr. Villalobos noted their need for office space located near the courtrooms, and requested that the proposal be approved by the Court even though the Law Library was in opposition.

Judge Hinojosa stated that he understands the need for office space at the Law Library, although as technology advances the need for books decreases. He stated that he also understands the need for office space for the District Attorney's Office since they continue to use space allocated to them thirty years ago when there was half the staff and less courts. Judge Hinojosa explained that his obligation was to insure that a public purpose be the

priority, that being that the DA prosecute criminal offenders in the most efficient and effective manner to protect the public. Judge Hinojosa noted that the DA needs the office space perform the public job expected by county citizens; therefore, he believes that the DA must be given the office space needed to perform his job as a short term solution and that once the relocations take place that the Law Library be returned all office space. He suggested that a commitment be made to this effect and that any remodeling be done if deemed necessary by the Law Library.

Mr. Arnold Aguilar, Former President of Cameron County Bar Association, requested a formal commitment from the Court and DA to revert the entire area, plus the additional area in four months.

Judge Hinojosa suggested that the commitment be that the office space be given back to the Law Library, in addition to the other office space, as soon as the relocation to the Dancy Building takes place and all related details are complete.

Mr. Aguilar expressed concern with small details and with wasted delays.

Commissioner Wood stated that based on preliminary discussion with the City of Brownsville a temporary certificate of occupancy may be obtained prior to parking issues being complete. He agreed with timing issues that may arise upon the relocations having to be done because of modification to be required. Commissioner Wood suggested that the DA identify office space to be vacated that could be used by the Law Library.

Mr. Villalobos indicated that moving as soon as possible benefits his department.

Commissioner Garza asked if Mr. Villalobos would be willing to commit to move the offices house out of the Law Library first.

Mr. Villalobos responded in the affirmative.

Mr. Hughes requested that an outside deadline be set of when the matter could be brought back to the court.

The deadline to revisit the matter was set for January 15, 2006.

Commissioner Garza moved that the expansion of the existing District Attorney's Office at the Judicial Building 1st floor be approved with the commitment that the offices house out of the Law Library be the first to be vacated upon relocating to the 3rd floor in the Administrative Building.

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

AYE: Commissioners Benavides and Garza and Judge Hinojosa

NAY: Commissioner Wood

(1) PUBLIC COMMENTS

Mr. Dagoberto Barrera, County resident, indicated that he would wait until next week to address the court.

(23) CONSIDERATION AND ADOPTION OF RESOLUTION ALLOWING THE CAMERON COUNTY REGIONAL MOBILITY AUTHORITY TO CONDUCT ADDITIONAL STUDIES FOR THE SECOND CAUSEWAY PROJECT. (PS-DEPT. OF TRANSPORTATION)

Mr. Pete Sepulveda, Department of Transportation Director, informed that the 2nd Causeway Project was being done by the Texas Department of Transportation (TXDOT) until the RMA was established. He explained that TXDOT requested that Resolutions be adopted by Port Isabel, South Padre Island and Cameron County indicating that they will abide by the professional recommendations presented once all detailed studies are conducted.

Commissioner Garza asked if there were commitments from the entities to support the LIPA process.

Mr. Sepulveda explained that the resolutions would be needed to obtain funding from TXDOT, this being anywhere between \$4 and \$6 million.

Judge Hinojosa stated that projects that can help develop the north end of South Padre Island have been discussed with TXDOT. He explained that this area has much opportunity for economic growth because the number one industry in Cameron County is tourism, which is centered on what happens in South Padre Island. Judge Hinojosa stated that providing the necessary infrastructure would enhance tourism economy and in turn could provide necessary jobs and services to county citizens. He noted the need for the process to move forward and for the governmental entities to follow recommendations. Judge Hinojosa commended the RMA for making the 2nd Causeway Project top priority, and stated that he wants to make sure that the Court shows support for the RMA and the resolution.

Mr. Sepulveda stated that the RMA has an aggressive schedule for the 2nd Causeway Project, the West Loop Project and nine PTT Projects. He suggested that a presentation be done in the near future to keep the court informed of what the RMA is doing.

Mrs. Laura Betancourt, RMA Board Member, stated that the RMA has been hard at work and was anxious to get started on the 2nd Causeway Project. She stated that this was the first of the three entities to be visited and that the RMA has the commitment from TXDOT to fund the expenses, thus noted the need to move forward.

Commissioner Garza commented the RMA for their work, and moved that the Resolution allowing the Cameron County Regional Mobility Authority to conduct additional studies for the Second Causeway Project be adopted.

Judge Hinojosa commended TXDOT for their patients with regards to this project.

The motion was seconded by Commissioner Benavides.

Judge Hinojosa commended that the concerns of the Mayor of Port Isabel were legitimate, and that the 2nd Causeway Project was a win, win project for everyone in Cameron County.

Commissioner Wood requested that Los Fresnos be kept informed of the status of the project.

Upon motion duly made by Commissioner Garza, seconded by Commissioner Benavides and carried unanimously, the Resolution allowing the Cameron County Regional Mobility Authority to conduct additional studies for the Second Causeway Project was adopted.

The Resolution is as follows:

(10) **CONSIDERATION AND POSSIBLE ACTION REGARDING INCREASE TO CONTRACTUAL AMOUNTS FOR INDIGENT DEFENSE ATTORNEYS. (MM-103RD DISTRICT COURT)**

(11) **CONSIDERATION AND APPROVAL OF CONTRACTS (2) FOR LEGAL SERVICES TO PROVIDE LEGAL REPRESENTATION TO INDIGENT DEFENDANTS IN CAMERON COUNTY ON APPEAL TO THE THIRTEEN COURT OF APPEALS. (MM-103RD DISTRICT COURT)**

Judge Menton Murray, 103rd District Court, requested that all compensations for contract attorneys be increased to \$6,000.00 due to additional obligations that have been assigned. He proposed approval of two contracts for two attorneys to service three courts each with regards to indigent appeals at a cost of \$48,000.00.

Judge Hinojosa asked if the requests were within budget.

Mr. Xavier Villarreal, Budget Officer, responded in the affirmative.

Commissioner Garza expressed interest in learning the total amount of expenses relating to appeals.

Mr. Villarreal stated that the amount could be determined if separate invoices have been presented.

Commissioner Wood moved that the increase to contractual amounts for Indigent Defense Attorneys to \$6,000.00 be authorized and that the two (2) contracts for Legal Services to provide legal representation to indigent defendants in Cameron County on appeals to the Thirteen Court of Appeals be approved.

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

AYE: Commissioners Benavides, Wood and Judge Hinojosa

NAY: None

ABSTAIN: Commissioner Garza

The Contracts are as follow:

ACTION ITEMS

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

Upon motion by Commissioner Garza, seconded by Commissioner Benavides and carried unanimously, the Budget Amendments, Line Item Transfers and/or Salary Schedules were approved.

The documents are as follow:

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- (16) **CONSIDERATION AND POSSIBLE APPROVAL OF AGREEMENT BETWEEN CAMERON COUNTY AND PATRICIA EDELSTEIN FOR THE PERFORMANCE OF THE DUTIES OF A CRIMINAL LAW HEARING OFFICER (MAGISTRATE) AT THE CAMERON COUNTY JAIL. (DJV-LEGAL)**
- (17) **CONSIDERATION AND POSSIBLE APPROVAL OF AGREEMENT BETWEEN CAMERON COUNTY AND LUIS V. SAENZ FOR THE PERFORMANCE OF THE DUTIES OF A CRIMINAL LAW HEARING OFFICER (MAGISTRATE) AT THE CAMERON COUNTY JAIL. (DJV-LEGAL)**

Judge Hinojosa informed that these positions were created as a result of legislation sponsored by Representative Oliveira and Senator Lucio. He commented that the newspaper article indicating that the District and County Judges nominated Luis Saenz and Patricia Edelstein was probably a typo graphical error because it should read District and County Court at Law Judges, rather than County Judge. Judge Hinojosa added that the reporter also speaks about a \$40,000.00 salary which is incorrect because the service is on a contractual basis. He clarified that a system would be established by which bonds will be set by the Hearing Officers.

Commissioner Garza asked who can terminate the contracts.

Mrs. Dylbia L. Jeffries, Contract Attorney, clarified that the District and County Court at Law Judges can to decide on whether to terminate the contracts and that they must then inform Commissioners Court.

Commissioner Garza asked what type of schedule was being considered for the Hearing Officers.

Mr. Armando Villalobos, District Attorney, responded that the Hearing Officers would be scheduled in the morning and afternoon for all seven days, yet the District and County Court at Law Judges would determine the schedule.

Judge Murray requested direction as to a schedule that satisfies Commissioners Court.

Judge Hinojosa explained that historically the problem has been getting people bonded and qualified for either the issuance of a bond on pretrial release as soon as they come in. He stated that this requires for the Hearing Officer to work in the morning and in the late afternoon, preferably after 5:00 P.M., adding that it would be great if the service could be provided during the weekends. Judge Hinojosa explained that delays on these services result in having to house inmates and thus causing additional costs to the county. He stated that the purpose of the service was to keep control of the jail population to decrease incarceration costs and to allow the District Attorney's Office to set up the system that allows processing of inmates as quick as possible through the court system.

Commissioner Garza explained that a concern was expressed to him by Justices of the Peace because this service has been provided by them on a volunteer basis and that they questioned why the court does not allow them to provide the service and just give them a stipend.

Mr. Villalobos stated that the Legislature requires that the Hearing Officers be attorneys and that the system they were trying to implement was intended to shorten the time between the offense and the court date. He stated that he initially wanted to work with the Justices of the Peace but was unable to do so due to rules set by legislation.

Commissioner Garza moved that the Agreements between Cameron County and Patricia Edelstein and Luisa V. Saenz for the performance of the duties of Criminal Law Hearing Officer (Magistrate) at the Cameron County Jail be approved.

The motion was seconded by Commissioner Benavides and carried unanimously.

The Agreements are as follow:

EXECUTIVE SESSION

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

Court met in Executive Session at 10:48 A.M. to discuss the following matters:

(59) EXECUTIVE SESSION:

- A. Confer with Commissioners' Court Legal Counsel concerning Cameron County versus Faulkner, USA formerly known as Landmark, approval of settlement agreement; pursuant to Vernon Texas Code Annotated (V.T.C.A.) Government Code, Section 551.071(A) (B) & (2);
- B. 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).

Upon motion by Commissioner Garza, seconded by Commissioner Wood and carried unanimously, the

Court reconvened into Regular Session at 10:59 A.M. to discuss the following matters:

NOTE: JUDGE HINOJOSA LEFT THE COURTROOM AT THIS TIME.

PRESENTATIONS

(2) IN THE MATTER REGARDING PRESENTATION OF RESOLUTION HONORING THE BROWNSVILLE BRAVES BASEBALL TEAM, AGE DIVISION (14), FOR WINNING THE 2005 14U AA WORLD SERIES. (COMM. COURT) (TABLED)

Upon motion by Commissioner Wood, seconded by Commissioner Garza and carried unanimously, this

Item was **TABLED**.

(4) APPROVAL OF CLAIMS.

Mr. Mark Yates, County Auditor, presented the following late claims:

Warrant No. 00143523, payable to Bahia Mar Resort, in the amount of \$2,128.50;
Warrant No. 00143524, payable to the Cameron County Imprest Fund, in the amount to \$5,679.05;
Warrant No. 00143525, payable to the General Fund, in the amount of \$1,450,479.00; and
Warrant No. 00143526, payable to the State Comptroller, in the amount of \$334.70.

Commissioner Garza moved that the Claims be approved as presented, inclusive of the late claims.

The motion was seconded by Commissioner Wood and carried unanimously.

The Claims are as follow:

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- (5) **APPROVAL OF MINUTES FOR:**
- A. **MAY 24, 2005-REGULAR MEETING**
 - B. **MAY 31, 2005-REGULAR MEETING**
 - C. **JUNE 3, 2005-SPECIAL MEETING**
 - D. **JUNE 3, 2005-SPECIAL MEETING**
 - E. **JUNE 7, 2005-REGULAR MEETING**

Commissioner Garza moved that the Minutes of June 3, 2005-Special Meeting, June 3, 2005-Special Meeting, and June 7, 2005-Regular Meeting be approved.

The motion was seconded by Commissioner Wood and carried unanimously.

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- (9) **CONSIDERATION AND POSSIBLE ACTION REGARDING PRESENTATION BY MR. GARY SLAGEL ON CAPITAL SOFT (A CONSTRUCTION PROJECT MANAGEMENT SOFTWARE). (COMM. COURT)**

Mr. Donald Lee, Texas Conference of Urban Counties, informed that the county had the option to procure the Construction Project Management Software through the Conference of Urban Counties at a savings. He explained that an integrated juvenile information system was purchased by thirteen counties together at a cost of \$750,000.00 versus \$5 million had they purchased the software individually. Mr. Lee stated that collaboration of entities in purchasing software has resulted in significant savings. He explained that policies, guidelines and procedures for said collaboration have been developed. He added that eight counties have implemented the juvenile information system, and that El Paso will be acquiring the same at a cost of merely \$300,000.00. Mr. Lee stated that the idea was that counties be able to obtain software at less cost through a win, win process of collaboration.

Commissioner Garza asked who provides the oversight.

Mr. Lee responded that each different system has a representative of each county as part of an oversight board, and requested that the court designate someone to negotiate.

NOTE: JUDGE HINOJOSA JOINED THE MEETING AT THIS TIME.

Mr. John Ferguson, Capital Soft Representative, explained the advantages of using the software to manage construction projects was that the county can allow unlimited access to it because it would own the software. He stated that the system would allow the court immediate access to learn on status of projects and could be linked to the GIS Systems.

Judge Hinojosa stated that there was no question that there was a need for some form of having better control on construction projects. He suggested that Mr. Pete Sepulveda, Department of Transportation Director, Mr.

Mark Yates, County Auditor, and Mr. Xavier Villarreal, Budget Officer, meet to determine if the software could be purchased and if it could be partially funded through bond funds. Judge Hinojosa stated that a similar software was really to get control of the numerous county construction projects that are presently ongoing; however, he noted the need to determine if the software was the best available and to identify the funding source.

Commissioner Wood suggested that Mr. Lee be included in the discussions.

Commissioner Garza asked if this was a one time purchase.

Mr. Gary Slagel responded that the purchase could be an annual license or on a one time basis.

Upon motion by Commissioner Benavides, seconded by Commissioner Garza and carried unanimously, the Presentation by Mr. Gary Slagel on Capital Soft (Construction Project Management Software) was acknowledged.

The Report is as follows:

(12) CONSIDERATION AND POSSIBLE ACTION REGARDING THE UPDATE AND EXPANSION OF THE PRE-POSITIONED POST HURRICANE RECOVERY CONTRACTS. (TH-EMERGENCY MANAGEMENT)

Mrs. Dylbia L. Jeffries, Contract Attorney, explained that the Court could authorize updating the estimates and preparing request for bids or proposals for the Pre-positioned Post Hurricane Recovery Contracts at this time.

Judge Hinojosa suggested that Emergency Management be authorized to prepare recommendations on how to update and expand the Pre-positioned Post Hurricane Recovery Contracts. He suggested that the recommendations include to contract with Shiner Mosley and the option to request bids.

Commissioner Benavides moved that the Emergency Management be authorized to prepare recommendations on how to update and expand the Pre-positioned Post Hurricane Recovery Contracts.

The motion was seconded by Commissioner Garza and carried unanimously.

(13) CONSIDERATION AND POSSIBLE ACTION TO ALLOW THE DIVISION OF EMERGENCY RESPONSE AND PREPAREDNESS TO PURCHASE LAW ENFORCEMENT AND FIRE MARSHALL EQUIPMENT USING BUDGETED FUNDS RECEIVED FROM THE EMERGENCY SERVICES DISTRICT. (TH-EMERGENCY MANAGEMENT)

Upon motion by Commissioner Wood, seconded by Commissioner Garza and carried unanimously, the Division of Emergency Response and Preparedness was authorized to purchase law enforcement and fire marshall equipment using budgeted funds received from the Emergency Services District.

(15) IN THE MATTER REGARDING CONSIDERATION AND POSSIBLE APPROVAL OF A LONG TERM LEASE WITH THE CATHOLIC DIOCESE OF BROWNSVILLE FOR THE SANTA MARIA CATHOLIC CHURCH. (DJV-LEGAL) (TABLED)

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

(18) **IN THE MATTER REGARDING CONSIDERATION AND POSSIBLE ACTION TO SOLICIT REQUEST FOR PROPOSALS FOR THE CONTRACTING OF MANAGEMENT OF THE CAMERON COUNTY INDIGENT HEALTHCARE PROGRAM. (COMM. COURT) (TABLED)**

(19) **CONSIDERATION AND POSSIBLE AUTHORIZATION TO SOLICIT REQUEST FOR PROPOSALS (RFP) FOR THE OPERATION OF THE INFIRMARY SERVICES FOR THE CAMERON COUNTY DETENTION FACILITY. (YS-HEALTH)**

Judge Hinojosa requested that a Workshop be held for these items due to the need for much discussion.

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

(20) **IN THE MATTER REGARDING CONSIDERATION AND AUTHORIZATION TO CONTRACT WITH VANGUARD FOR INDIGENT HEALTH CARE CLAIMS REVIEW. (MY-AUDITOR) (TABLED)**

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

(21) **CONSIDERATION AND AUTHORIZATION TO JOIN THE TEXAS ASSOCIATION OF COUNTIES COUNTY INFORMATION RESOURCES AGENCY PROGRAM AND DESIGNATE THE "AGENCY COORDINATOR." (MY-AUDITOR)**

Commissioner Wood moved that the County be authorized to join the Texas Association of Counties County Information Resources Agency Program and Mr. Rudy Juarez, Computer Center Coordinator, be designated the "Agency Coordinator."

The motion was seconded by Commissioner Garza and carried unanimously.

(22) CONSIDERATION AND ACTION TO APPROVE THE EARLY VOTING POLLING LOCATIONS, AND ELECTION DAY POLLING LOCATIONS FOR THE NOVEMBER 8, 2005 GENERAL ELECTION (CONSTITUTIONAL AMENDMENTS) AS PER CHAPTER 43, SECTION 43.002. DESIGNATION OF LOCATION: GENERAL OR SPECIAL ELECTION USING COUNTY PRECINCTS AND SETTING THE COMPENSATION FOR ELECTION JUDGES AND CLERKS FOR SERVICES RENDERED AT A PRECINCT POLLING PLACE AS PER CHAPTER 32 ELECTION JUDGES AND CLERKS, SUBCHAPTER E SEC. 32.091 COMPENSATION FOR SERVICES AT POLLING PLACES. (RO-ELECTIONS)

Upon motion by Commissioner Benavides, seconded by Commissioner Garza and carried unanimously, the early voting polling locations, and election day polling locations for the November 8, 2005 General Election (Constitutional Amendments) as per Chapter 43, Section 43.002; designation of location: General or Special Election using county precincts and setting the compensation for election judges and clerks for services rendered at a precinct polling place as per Chapter 32 Election Judges and Clerks, Subchapter E Sec. 32.091 Compensation for Services as Polling Places were approved.

The list is as follows:

(24) CONSIDERATION AND APPROVAL OF THE SOLID WASTE DIVISION OF THE DEPARTMENT OF TRANSPORTATION PROVIDING THREE CLERKS TO THE TAX DEPARTMENT TO BE USED FOR COLLECTION OF SOLID WASTE FEES. (PS-DEPT. OF TRANSPORTATION)

Judge Hinojosa asked if the positions would be funded through the collections.

Mr. Pete Sepulveda, Department of Transportation Director, responded in the affirmative. He explained that two clerks were being considered initially; however, three clerks were being proposed now since the Harlingen Water Works advised the county that they would not do the collections, noting that this added an additional 3,000 accounts to the 6,500 that the county would collect. Mr. Sepulveda stated that the cost for the three clerks would total \$83,000.00 inclusive of fringe benefits.

Judge Hinojosa clarified that the Tax Assessor Collector indicated that he would request one more position and that these in combination with the three positions would allow for the La Feria and Rio Hondo Tax Offices to be kept open.

Commissioner Garza moved that the Solid Waste Division of the Department of Transportation providing three clerks to the Tax Department to be used for collection of solid waste fees be authorized.

The seconded by Commissioner Benavides 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

DISCUSSION REGARDING THE FOLLOWING ITEMS:

ITEM NO. 50: Mrs. Dylbia L. Jeffries, Contract Attorney, reported that the Tax Assessor/Collector was requesting that the Performance Bond required in the bid requires be waived. She stated that the Tax Assessor/Collector believes that the Performance Bond is not necessary because the company has been doing business with the county for the past twelve years. Mrs. Jeffries added that the company would provide the bond upon request.

Judge Hinojosa asked what problems could arise if the bond was not provided.

Mr. Mark Yates, County Auditor, requested that action be delayed until after Executive Session to learn more details of the matter.

ITEM NO. 31: Mr. Frank Bejarano, PD&M Director, informed that State provided a different contract number; that being: 724185.

Commissioner Benavides moved that the "Consent and Travel Items" be approved, inclusive of the change.

The motion was seconded by Commissioner Garza and carried unanimously.

(25) APPROVAL TO OPEN THE FOLLOWING FOUR (4) ACCOUNTS WITH FIRST NATIONAL BANK: CAMERON COUNTY SHERIFF, CASH BOND ACCOUNT, FEE ACCOUNT, JAIL COMMISSARY ACCOUNT AND JAIL INMATE ACCOUNT. (EG-TREASURER)

The Resolutions follow:

(26) APPROVAL OF BUSINESS WEB BANKING EMPLOYEE FORMS WITH FIRST NATIONAL BANK TO ALLOW THE DESIGNATE INDIVIDUALS OF THE COUNTY TAX ASSESSOR-COLLECTOR'S OFFICE TO PERFORM THE "AUTHORIZED FUNCTIONS." (EG-TREASURER)

The Forms follow:

(27) APPOINTMENT OF RUBEN TORRES JR. FOR RESERVE DEPUTY CONSTABLE FOR PRECINCT NO. 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. (MV-HUMAN RESOURCES)

(28) CONSIDERATION AND AUTHORIZATION TO CLOSE EAST LAKESIDE ROAD ON SATURDAY, AUGUST 27TH FROM 6:00 P.M. TO 12:00 A.M. (PB- COMM. PCT. 1)

(29) ACKNOWLEDGEMENT OF DISTRICT CLERK'S APRIL, MAY AND JUNE'S MONTHLY FEE, CRIMINAL AND FINES REPORT. (ADLG-DISTRICT CLERK)

The Report follows:

(30) APPROVAL OF TEXAS COMMUNITY DEVELOPMENT PROGRAM CONTRACT NO. 724175 FOR THE COLONIA EL SALADO SANITARY SEWER PROJECT, BROWNE ROAD AREA. (FB-PD & M)

The Contract follows:

- (31) APPROVAL OF TEXAS COMMUNITY DEVELOPMENT PROGRAM CONTRACT NO. 721185 FOR THE COLONIA EL SALADO SANITARY SEWER PROJECT, SOUTHMOST ROAD AREA. (FB-PD & M)
The Contract follows:
- (32) AUTHORIZATION TO AWARD BID AND NEGOTIATE WITH COASTAL HARBOR FOR THE SHORELINE STABILIZATION PROJECT – ADOLPH THOMAE PARK. (JM-PARK SYSTEM)
The Tabulation follows:
- (33) AUTHORIZATION TO UTILIZE TEXAS DEPARTMENT OF INFORMATION RESOURCES (DIR) – TEX AN 2000 PURCHASING AGREEMENT FOR PAGERS/SERVICES. (MF-PURCHASING)
- (34) AUTHORIZATION TO RENEW THE FOLLOWING BIDS/RFP'S: (MF-PURCHASING)
A. BUILDING SUPPLIES: AIR CONDITIONER PARTS, SUPPLIES, REFRIGERANTS – ANNUAL BID #1998 TO BAKER DIST.
B. ELEVATOR MAINTENANCE & REPAIRS – ANNUAL BID #1380 TO SCHINDLER
C. FUEL – ANNUAL BID #2280-1 TO FLEETCOR/OIL PATCH
D. BUILDING SUPPLIES: PAINT, VARNISH, STAIN – ANNUAL BID #2008 TO THE PAINT STORE/STELLAR KWAL PAINT
E. PAPER & ENVELOPES (RECYCLED STOCK & COPIER) - ANNUAL BID #2460 TO GULF COAST PAPER/UNISOURCE
The Tabulation follows:
- (35) AUTHORIZATION TO ADVERTISE FOR THE FOLLOWING ANNUAL BIDS F.Y. 05-06: UNIFORMS: RENTAL & CLEANING, ARMORED CAR SERVICES, TELEPHONE SWITCHING, FIRE EXTINGUISHER MAINTENANCE, ELECTRONIC MONITORING SERVICES AND LABORATORY DIAGNOSTIC SERVICES. (MF-PURCHASING)
- (36) AUTHORIZATION TO CONTINUE PARTICIPATION IN THE TEXAS DEPARTMENT OF INFORMATION RESOURCES COOPERATIVE PURCHASING AGREEMENT INCLUDING D.I.R. TEX-AN STATE OF TEXAS TECHNOLOGY PROCUREMENT PROGRAM. (MF-PURCHASING)
- (37) AUTHORIZATION TO CONTINUE PARTICIPATION IN THE REGION I – EDUCATION SERVICE INTER-LOCAL COOPERATIVE PURCHASING AGREEMENT. (MF-PURCHASING)
- (38) AUTHORIZATION TO CONTINUE PARTICIPATION IN THE REGION II TEXAS ASSOCIATION OF SCHOOL BOARDS INTER-LOCAL COOPERATIVE PURCHASING AGREEMENT. (MF-PURCHASING)
- (39) AUTHORIZATION TO CONTINUE PARTICIPATION IN THE REGION IV – TEXAS COOPERATIVE PURCHASING NETWORK EDUCATION CENTER INTER-LOCAL PURCHASING AGREEMENT. (MF-PURCHASING)
- (40) AUTHORIZATION TO CONTINUE PARTICIPATION IN THE REGION VIII – EDUCATION SERVICE CENTER TEXAS INTER-LOCAL PURCHASING SYSTEM AGREEMENT. (MF-PURCHASING)
- (41) AUTHORIZATION TO CONTINUE PARTICIPATION IN THE BUY BOARD INTER-LOCAL COOPERATIVE PURCHASING AGREEMENT. (MF-PURCHASING)
- (42) AUTHORIZATION TO CONTINUE PARTICIPATION IN THE HOUSTON GALVESTON AREA COUNCIL OF GOVERNMENTS INTER-LOCAL COOPERATIVE PURCHASING AGREEMENT. (MF-PURCHASING)

- (43) **AUTHORIZATION TO CONTINUE PARTICIPATION IN THE STATE OF TEXAS BUILDINGS & PROCUREMENT COMMISSION PROGRAMS: (MF-PURCHASING)**
- A. **TEXAS BUILDING AND PROCUREMENT COMMISSION – PURCHASING COOPERATIVE AGREEMENT.**
 - B. **QUALIFIED INFORMATION SERVICES VENDOR – CATALOG PURCHASING PROGRAM.**
 - C. **TX MAS TEXAS MASTER AGREEMENT SCHEDULE (GENERAL SERVICES ADMINISTRATION COOPERATIVE CONTRACTS).**
- (44) **AUTHORIZATION TO CONTINUE PARTICIPATION IN THE TEXAS CUC – PUBLIC POWER POOL AGGREGATION PROJECT INCORPORATED, COOPERATIVE AGGREGATION FOR COUNTIES & POLITICAL SUBDIVISIONS ELECTRICITY PURCHASING AGREEMENT. (MF-PURCHASING)**
- (45) **AUTHORIZATION TO CONTINUE PARTICIPATION IN THE TEXAS CORRECTIONAL INDUSTRIES PURCHASING AGREEMENT. (MF-PURCHASING)**
- (46) **AUTHORIZATION TO CONTINUE PARTICIPATION IN THE TEXAS INDUSTRIES FOR THE BLIND AND HANDICAPPED PURCHASING AGREEMENT. (MF-PURCHASING)**
- (47) **CONSIDERATION AND AUTHORIZATION TO CONTINUE PARTICIPATION IN THE TEXAS PROCUREMENT CENTER COOPERATIVE PURCHASING AGREEMENT NETWORK. (MF-PURCHASING)**
- (48) **AUTHORIZATION TO CONTINUE PARTICIPATION IN THE U.S. COMMUNITIES /NATIONAL ASSOCIATION OF COUNTIES COOPERATIVE GOVERNMENT PURCHASING ALLIANCE. (MF-PURCHASING)**
- (49) **AUTHORIZATION TO UTILIZE TEXAS ASSOCIATION OF SCHOOL BOARDS – REGION 1 PURCHASING AGREEMENT FOR THE PURCHASE OF FOOD: MEATS. (MF-PURCHASING)**
- (50) **AUTHORIZATION TO AWARD THE FOLLOWING BIDS/RFP/RFQ FOR: (MF-PURCHASING)**
- A. **LASER PRINTING OF TAX STATEMENTS & ENVELOPES – ANNUAL BID NO. 1640 TO E-Z ACCESS.**
- The Tabulation follows:**
- (51) **APPROVAL OF TIME EXTENSION FOR PROVIDING SEWER FACILITIES (SEPTIC SYSTEMS) AT MAGNOLIA ESTATES SUBDIVISION PHASE I, PRECINCT NO. 4. (PS-DEPT. OF TRANSPORTATION)**
- (52) **AUTHORIZATION TO INITIATE THE DRAWING PROCESS ON LETTER OF CREDIT FOR ALYSSA SUBDIVISION, PRECINCT NO. 4, FOR UNBUILT SEPTIC SYSTEMS AND WATER WELLS. (PS-DEPT. OF TRANSPORTATION)**
- (53) **APPROVAL OF INTERLOCAL BILLING AGREEMENT FOR SOLID WASTE COLLECTION SERVICES WITH THE CITY OF PRIMERA. (PS-DEPT. OF TRANSPORTATION)**
- The Agreement follows:**
- (54) **APPROVAL OF INTERLOCAL BILLING AGREEMENT FOR SOLID WASTE COLLECTION SERVICES WITH THE CITY OF COMBES. (PS-DEPT. OF TRANSPORTATION)**
- The Agreement follows:**

- (55) **APPROVAL OF INTERLOCAL BILLING AGREEMENT FOR SOLID WASTE COLLECTION SERVICES WITH THE CITY OF SANTA ROSA. (PS-DEPT. OF TRANSPORTATION)**
The Agreement follows:
- (56) **AUTHORIZATION TO ACCEPT RIO RED DRIVE LOCATED IN THE CITRUS ESTATES SUBDIVISION, PRECINCT NO. 4, AS RECORDED IN CABINET 1, PAGES 2425-A & 2425-B OF THE CAMERON COUNTY MAP RECORDS, CAMERON COUNTY, TEXAS INTO THE COUNTY ROAD SYSTEM. (PS-DEPT. OF TRANSPORTATION)**
- (57) **AUTHORIZATION FOR PRELIMINARY APPROVAL FOR: (PS-DEPT. OF TRANSPORTATION)**
A. PRECINCT NO. 4- RESACA SANTA SUBDIVISION PHASE IV, BEING A 35.799 ACRE TRACT OF LAND, MORE OR LESS, OUT OF A CERTAIN 924.1 ACRE TRACT OUT OF PARTITION SHARES FIVE (5), SIX (6), AND SEVEN (7), IN THE PARTITION OF THE UPPER OR WESTERN ONE-THIRD OF THE SAN PEDRO DE CARRICITOS GRANT, CAMERON COUNTY, TEXAS.

TRAVEL ITEMS

- (58) **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. Constable Precinct No. 4 and Deputies (3) to attend the “New Legislative Update Workshop” in McAllen, Texas, August 16, 2005;
- B. Constable Precinct No. 4 and Deput, to attend the “Texas Association of Counties Professional Partners in Pooling for Managers” in Corpus Christi, Texas, August 23, 2005;
- C. Emergency Response and Preparedness Employee to attend the “Emergency Planning” in Austin, Texas, August 21-26, 2005;
- D. Unified Narcotics Intelligence Task Force Director to attend the “Quarterly Intelligence Meeting” in Corpus Christi, Texas, September 13-14, 2005;
- E. Tax Office Chief of Investigations and Investigator to attend the “National Odometer & Title Fraud Enforcement Association 2005 Conference” in San Antonio, Texas, August 28-September 1, 2005;
- F. Tax Assessor-Collector to attend the “66th Texas Association of Assessing Officers and the Institute of Certified Tax Administrators Conference” in El Paso, Texas, August 28-30, 2005;
- G. Sheriff’s Office employees (3) to attend the “Commission of Jail Standards” in Austin, Texas, August 8-12, 2005;
- H. County Judge Employee to attend the “4th Annual Transportation Leadership Forum” in San Antonio, Texas, August 7-8, 2005;
- I. District Attorney and Employees (5) to attend the “TDCAA’s Annual Criminal & Civil Law Update Seminar” in Corpus Christi, Texas;
- J. District Attorney Employee to attend the “2005 Fall on Campus Interview Program” in Houston, Texas, September 29-30, 2005;
- K. District Attorney to attend the “2005 Fall on Campus Interview Program” in Houston, Texas, September 29-30, 2005;

- L. Juvenile Probation Employee to attend the “2005 Youth Development Conference” in Austin, Texas, August 23-26, 2005;
 - M. Park System Director and Deputy Director to attend a “Coastal Erosion Technical Conference 2005” in Houston, Texas, September 14-16, 2005;
 - N. Pd & M Employee to attend the “Lower Rio Grande Valley Development Council Solid Waste Advisory Committee Meeting” in Weslaco, Texas, August 24, 2005; and
 - O. Assistant Health Administrator to attend a “Family Planning 101 Workshop” in Austin, Texas, September 5-7, 2005.
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- (25) **APPROVAL TO OPEN THE FOLLOWING FOUR (4) ACCOUNTS WITH FIRST NATIONAL BANK: CAMERON COUNTY SHERIFF, CASH BOND ACCOUNT, FEE ACCOUNT, JAIL COMMISSARY ACCOUNT AND JAIL INMATE ACCOUNT. (EG-TREASURER)**
The Resolutions follow:

- (26) **APPROVAL OF BUSINESS WEB BANKING EMPLOYEE FORMS WITH FIRST NATIONAL BANK TO ALLOW THE DESIGNATE INDIVIDUALS OF THE COUNTY TAX ASSESSOR-COLLECTOR'S OFFICE TO PERFORM THE "AUTHORIZED FUNCTIONS." (EG-TREASURER)**
The Forms follow:

- (29) **ACKNOWLEDGEMENT OF DISTRICT CLERK'S APRIL, MAY AND JUNE'S MONTHLY FEE, CRIMINAL AND FINES REPORT. (ADLG-DISTRICT CLERK)**
The Report follows:

- (30) APPROVAL OF TEXAS COMMUNITY DEVELOPMENT PROGRAM CONTRACT NO. 724175 FOR THE COLONIA EL SALADO SANITARY SEWER PROJECT, BROWNE ROAD AREA. (FB-PD & M)
The Contract follows:**

- (31) **APPROVAL OF TEXAS COMMUNITY DEVELOPMENT PROGRAM CONTRACT NO. 721185 FOR THE COLONIA EL SALADO SANITARY SEWER PROJECT, SOUTHMOST ROAD AREA. (FB-PD & M)**
The Contract follows:

- (32) **AUTHORIZATION TO AWARD BID AND NEGOTIATE WITH COASTAL HARBOR FOR THE SHORELINE STABILIZATION PROJECT – ADOLPH THOMAE PARK. (JM-PARK SYSTEM)**
The Tabulation follows:

- (34) **AUTHORIZATION TO RENEW THE FOLLOWING BIDS/RFP'S: (MF-PURCHASING)**
- A. BUILDING SUPPLIES: AIR CONDITIONER PARTS, SUPPLIES, REFRIGERANTS – ANNUAL BID #1998 TO BAKER DIST.**
 - B. ELEVATOR MAINTENANCE & REPAIRS – ANNUAL BID #1380 TO SCHINDLER**
 - C. FUEL – ANNUAL BID #2280-1 TO FLEETCOR/OIL PATCH**
 - D. BUILDING SUPPLIES: PAINT, VARNISH, STAIN – ANNUAL BID #2008 TO THE PAINT STORE/STELLAR KWAL PAINT**
 - E. PAPER & ENVELOPES (RECYCLED STOCK & COPIER) - ANNUAL BID #2460 TO GULF COAST PAPER/UNISOURCE**
- The Tabulation follows:**

- (50) **AUTHORIZATION TO AWARD THE FOLLOWING BIDS/RFP/RFQ FOR: (MF-PURCHASING)**
- A. LASER PRINTING OF TAX STATEMENTS & ENVELOPES – ANNUAL BID NO. 1640 TO E-Z ACCESS.**
- The Tabulation follows:**

- (53) **APPROVAL OF INTERLOCAL BILLING AGREEMENT FOR SOLID WASTE COLLECTION SERVICES WITH THE CITY OF PRIMERA. (PS-DEPT. OF TRANSPORTATION)**
The Agreement follows:

- (54) APPROVAL OF INTERLOCAL BILLING AGREEMENT FOR SOLID WASTE COLLECTION SERVICES WITH THE CITY OF COMBES. (PS-DEPT. OF TRANSPORTATION)**
The Agreement follows:

- (55) **APPROVAL OF INTERLOCAL BILLING AGREEMENT FOR SOLID WASTE COLLECTION SERVICES WITH THE CITY OF SANTA ROSA. (PS-DEPT. OF TRANSPORTATION)**
The Agreement follows:

(6) DISCUSSION REGARDING THE FISCAL YEAR 2005-2006 BUDGET. (XV-BUDGET OFFICER)

Mr. Xavier Villarreal, Budget Officer, reported that the General Fund Budget was balanced at the current tax rate and that revenues increased by \$2.4 million over last year.

Commissioner Garza questioned the cost of a 3% salary increase to all county employees.

Mr. Villarreal responded that the cost would be a little over a million dollars.

Commissioner Garza requested that a 3% salary increase to all employees be included in the proposed budget.

Commissioner Wood suggested that a 4% salary increase be figured into the budget.

Judge Hinojosa stated that he recommended that a minimum 4% salary increase be considered into the budget. He stated that the Budget Officer has been able to balance the General Fund without increasing the tax rate; however, programs must be cut to be able to add a 4% salary increase. Judge Hinojosa explained that he recommended that the Budget Officer review a toll increase to fund the 4% salary increase and that in doing so, the Budget Officer concluded that a \$0.25 increase would be needed to avoid impacting the General Funds.

Commissioner Garza suggested that departments be asked if they can live with the budgets they had last year if employees are given a 4% salary increase, because a toll increase was an indirect tax to people.

Mr. Villarreal stated that most departments' budgets have fixed cost.

Judge Hinojosa stated that departments cut their operation budgets last year as requested by the court and that realistically he does not believe it can be done again. He suggested that attempts be made to balance the budget including the 4% salary increase and that that a toll increase be considered upon this not being feasible.

Mr. Villarreal reported that all funds aside from the General Funds were balanced, that the Road & Bridge Fund and the International Bridge System Fund had money available for the 4% salary increase, and that only the Parks & Recreations Department does not have enough money for the 4% salary increase.

Commissioner Garza asked if parks system revenues were consistent with last year.

Mr. Villarreal responded that the revenues were higher and that the parks system has additional requirements.

Judge Hinojosa stated that he suggested that the Parks & Recreations Department Director revisit the park fees and tolls, with exception of Isla Blanca.

Mr. Villarreal stated that the Meadows Grant received to continue the Title V Program was not in the budget, thus \$100,000.00 would be needed to continue the program next fiscal year.

Judge Hinojosa stated that he was in favor of continuing said program and suggested that the court wait until Commissioner Tamayo was present.

Upon motion by Commissioner Garza, seconded by Commissioner Benavides and carried unanimously, discussion regarding the Fiscal Year 2005-2006 Budget.

The Report is as follows:

(7) **CONSIDERATION AND POSSIBLE ACTION REGARDING THE PUBLISHING OF ELECTED OFFICIALS' COMPENSATION. (XV-BUDGET OFFICER)**

Judge Hinojosa recommended that Elected Officials' salaries be set at the 4% salary increase, that all Constable salaries be set the same as the Justices of the Peace (excluding the auto allowance), and that the District Attorney be given an auto allowance equal to the County Court at Law Judges, that being \$9,300.00 in addition to the 4% salary increase.

Commissioner Garza asked if the \$9,300.00 auto allowance was in place because County Court at Law Judges travel to Willacy County.

Judge Hinojosa commented that the judges no longer travel to Willacy County.

Commissioner Garza stated that he would support the proposal if the auto allowance went to \$5,400.00 within the county to be consistent with other County Elected Officials.

Judge Hinojosa stated that the County Court at Law Judges get an auto allowance of \$9,300.00 and that the amount of travel was more consistent to what the District Attorney will travel within the county.

Commissioner Garza commented that the auto allowance would be what the court approves.

Commissioner Benavides moved that the publication of a 4% salary increase for all Elected Officials, the increase to place County Constables' salaries at par with Justices of the Peace and that the provision of a phone allowance rather than a county phone for the County Sheriff be approved.

The motion was seconded by Commissioner Garza and carried unanimously.

Judge Hinojosa moved that the publication of the District Attorney's salary include an auto allowance of \$9,300.00 be approved.

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

AYE: Commissioner Benavides and Judge Hinojosa

NAY: Commissioners Wood and Garza

Commissioner Garza moved that the publication of the District Attorney's salary include an auto allowance of \$5,400.00 be approved.

The motion was seconded by Commissioner Wood and carried unanimously.

Mr. Villarreal clarified that the publication would be in the Sunday paper and that the public hearing to set the salaries of Elected Officials would take place September 6, 2005.

**(8) CONSIDERATION AND POSSIBLE ACTION
REGARDING THE PROPOSED DEVELOPMENT OF
SOLID WASTE MANAGEMENT FACILITY IN
CAMERON COUNTY. (COMM. COURT)**

Judge Hinojosa stated that the county needs to pay fees for attorneys hired to fight the proposed landfill east of Los Fresnos, and noted the need for interested cities to share the cost.

Mr. Remi Garza, County Administrative Assistant, reported that the City of Brownsville was willing to share in 30% of the cost.

Judge Hinojosa suggested that a letter be sent requesting that cities pay a prorated cost of the litigation based on population.

Upon motion by Commissioner Garza, seconded by Commissioner Wood and carried unanimously, the sending of a letter requesting that cities pay a prorated cost of the litigation based on population was authorized.

EXECUTIVE SESSION

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

Court met in Executive Session at 12:08 P.M. to discuss the following matters:

(60) EXECUTIVE SESSION:

- A. Confer with Commissioners' Court Legal Counsel concerning the case styled Cameron County versus Faulkner, USA formerly known as Landmark, approval of settlement agreement; pursuant to Vernon Texas Code Annotated (V.T.C.A.) Government Code, Section 551.071(A) (B) & (2);
- B. 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).
- C. Confer with Commissioners' Court Legal Counsel concerning issues relating to the possible acquisition of Real Property for the Dancy Building Renovation Project; pursuant to Vernon Texas Code Annotated (V.T.C.A.) Government Code, Section 551.072.
- D. Confer with Commissioners' Court Legal Counsel concerning the Dancy Building on a matter 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 this Chapter; pursuant to Vernon Texas Code Annotated (V.T.C.A.) Government Code, Section 551.071(2).
- E. Confer with Commissioners' Court Legal Counsel concerning the case styled County of Cameron versus BFI Waste Collection, et. al, Cause No. 2005-07-3905-A, for discussion of case status and settlement authority; pursuant to Vernon Texas Code Annotated (V.T.C.A.) Government Code, Section 551.071 (A) & (B).
- F. Confer with Commissioners' Court Legal Counsel concerning protest by BFI Waste Services of Texas, LP, on a matter 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 this Chapter; pursuant to Vernon Texas Code Annotated (V.T.C.A.) Government Code, Section 551.071 (2).
- G. Confer with Commissioners' Court Legal Counsel concerning the case styled Noelia Rivera et al. versus Cameron County; Cause No. 2005-CC1-944-B, for discussion of case status and authority to represent the county; pursuant to Vernon Texas Code Annotated (V.T.C.A.) Government Code, Section 551.071(1) (A).
- H. Deliberation regarding Real Property concerning acquisition of Parcel 54, for Primera Road Project in the Primera, Precinct No. 4 area; pursuant to Vernon Texas Code Annotated (V.T.C.A.) Government Code, Section 551.072.
- I. Deliberation regarding Real Property concerning the possible acquisition of Parcel 47, for Primera Road Project in the Primera, Precinct No. 4 area; pursuant to Vernon Texas Code Annotated (V.T.C.A.) Government Code, Section 551.072.
- J. Confer with Commissioners' Court Legal Counsel on legal issues regarding certain tax abatement request from the Harlingen Chamber of Commerce, on matters 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).
- K. Confer with Commissioners' Court Legal Counsel concerning issues regarding Maternity Program Medicaid Eligibility Services in the Cameron County Health Department, on a matter 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 this Chapter; pursuant to Vernon Texas Code Annotated (V.T.C.A.) Government Code, Section 551.071(A) & (2).

- L. Deliberation regarding Real Property concerning Health Services District Clinic Site at county complex in Olmito; pursuant to Vernon Texas Code Annotated (V.T.C.A.) Government Code, Section 551.072.
- M. Confer with Commissioners' Court Legal Counsel concerning the issues involving solid waste collection; pursuant to Vernon Texas Code Annotated (V.T.C.A.) Government Code, Section 551.071(1) (A) (2).
- N. Deliberate the employment, evaluation, reassignment, duties, discipline or dismissal of Commissioners' Court Chief Legal Counsel; pursuant to Vernon Texas Code Annotated (V.T.C.A.) Government Code, Section 551.074.

Upon motion by Commissioner Garza, seconded by Commissioner Wood and carried unanimously, the Court reconvened into Regular Session at 1:54 P.M. to discuss the following matters:

(60) ACTION RELATIVE TO EXECUTIVE SESSION

NOTE: JUDGE HINOJOSA LEFT THE MEETING AT THIS TIME.

- A. Confer with Commissioners' Court Legal Counsel concerning the case styled Cameron County versus Faulkner, USA formerly known as Landmark, approval of settlement agreement.**

Commissioner Garza moved that the Status Report by Legal Counsel acknowledged.

The motion was seconded by Commissioner Wood and carried unanimously.

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- B. In the matter regarding confer with Commissioners' Court Legal Counsel concerning issues regarding the Cameron County Detention Centers and the Cameron County Sheriff's Administration Building. (TABLED)**

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

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- C. Confer with Commissioners' Court Legal Counsel concerning issues relating to the possible acquisition of Real Property for the Dancy Building Renovation Project.**

Commissioner Garza moved that the Status Report be acknowledged and that they be authorized to proceed as discussed in Executive Session.

The motion was seconded by Commissioner Wood and carried unanimously.

- D. Confer with Commissioners' Court Legal Counsel concerning the Dancy Building on a matter 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 this Chapter.**

Upon motion by Commissioner Garza, seconded by Commissioner Wood and carried unanimously, the Status Report by Dr. James was acknowledged.

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- E. Confer with Commissioners' Court Legal Counsel concerning the case styled County of Cameron versus BFI Waste Collection, et. al., Cause No. 2005-07-3905-A, for discussion of case status and settlement authority.**

Commissioner Garza moved that the letter be leased to GMS and Waste Management as discussed in Executive Session by Legal Counsel.

The motion was seconded by Commissioner Wood and carried unanimously.

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- F. In the matter regarding confer with Commissioners' Court Legal Counsel concerning protest by BFI Waste Services of Texas, LP, on a matter 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 this Chapter. (DENIED)**

Upon motion by Commissioner Wood, seconded by Commissioner Garza and carried unanimously, the protest was **DENIED**.

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- G. Confer with Commissioners' Court Legal Counsel concerning the case styled Noelia Rivera et al. versus Cameron County; Cause No. 2005-CC1-944-B, for discussion of case status and authority to represent the county.**

Commissioner Garza moved that the Status Report be acknowledged.

The motion was seconded by Commissioner Wood and carried unanimously.

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- H. Deliberation regarding Real Property concerning acquisition of Parcel 54, for Primera Road Project in the Primera, Precinct No. 4 area.**

Upon motion by Commissioner Wood, seconded by Commissioner Garza and carried unanimously, the acquisition of Parcel 54 in the amount of \$1,116.00 was authorized; Project Road Map was designated funding source.

I. Deliberation regarding Real Property concerning the possible acquisition of Parcel 47, for Primera Road Project in the Primera, Precinct No. 4 area.

Commissioner Garza moved that acquisition of Parcel 47 for the amount of \$1,002.00 be authorized.

The motion was seconded by Commissioner Wood and carried unanimously.

J. Confer with Commissioners' Court Legal Counsel on legal issues regarding certain tax abatement request from the Harlingen Chamber of Commerce, on matters in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Open Meetings Act.

Upon motion by Commissioner Garza, seconded by Commissioner Wood and carried unanimously, the Status Report by Ana Borchert was acknowledged.

K. Confer with Commissioners' Court Legal Counsel concerning issues regarding Maternity Program Medicaid Eligibility Services in the Cameron County Health Department, on a matter 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 this Chapter.

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

The motion was seconded by Commissioner Wood and carried unanimously.

L. Deliberation regarding Real Property concerning Health Services District Clinic Site at county complex in Olmito.

Commissioner Garza moved that Mrs. Dylbia L. Jeffries, Contract Attorney, be authorized to negotiate a MOU and possible siting for the clinic at the Olmito site.

The motion was seconded by Commissioner Wood and carried unanimously.

M. In the matter regarding confer with Commissioners' Court Legal Counsel concerning the issues involving solid waste collection. (TABLED)

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

N. Deliberate the employment, evaluation, reassignment, duties, discipline or dismissal of Commissioners' Court Chief Legal Counsel.

Commissioner Garza moved that the Letter of resignation presented by Commissioners' Court Chief Legal Counsel be accepted as of today.

The motion was seconded by Commissioner Wood and carried unanimously.

The Letter is as follows:

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- (53) APPROVAL OF INTERLOCAL BILLING AGREEMENT FOR SOLID WASTE COLLECTION SERVICES WITH THE CITY OF PRIMERA. (PS-DEPT. OF TRANSPORTATION)**
 - (54) APPROVAL OF INTERLOCAL BILLING AGREEMENT FOR SOLID WASTE COLLECTION SERVICES WITH THE CITY OF COMBES. (PS-DEPT. OF TRANSPORTATION)**
 - (55) APPROVAL OF INTERLOCAL BILLING AGREEMENT FOR SOLID WASTE COLLECTION SERVICES WITH THE CITY OF SANTA ROSA. (PS-DEPT. OF TRANSPORTATION)**

Upon motion by Commissioner Garza, seconded by Commissioner Wood and carried unanimously, the inclusion of sales tax to the billing was approved.

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- (50) AUTHORIZATION TO AWARD THE FOLLOWING BIDS/RFP/RFQ FOR: (MF-PURCHASING)**
 - A. LASER PRINTING OF TAX STATEMENTS & ENVELOPES – ANNUAL BID #1640 TO E-Z ACCESS.**

Commissioner Wood moved that the requirement of the Performance Bond be waived, as recommended by Legal Counsel.

The motion was seconded by Commissioner Garza and carried unanimously.

There being no further business to come before the Court, upon motion by Commissioner Garza, seconded by Commissioner Wood and carried unanimously, the meeting was **ADJOURNED** at 2:09 P.M.

APPROVED this 8th day of **December 2005**.

GILBERTO HINOJOSA
COUNTY JUDGE

ATTEST:

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