

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 27th day of November 2007, 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:

PRESENT:

5:30 P.M.

CARLOS H. CASCOS, CPA
COUNTY JUDGE

SOFIA C. BENAVIDES
COMMISSIONER PRECINCT NO. 1

COMMISSIONER PRECINCT NO. 2

DAVID A. GARZA
COMMISSIONER PRECINCT NO. 3

EDNA TAMAYO
COMMISSIONER PRECINCT NO. 4

JOE G. RIVERA
COUNTY CLERK

Aide A. Trejo **Deputy Clerk**

ABSENT:
JOHN WOOD

The meeting was called to order by Judge Cascos at 5:32 P.M. He asked Minister John Phillips for the invocation. Commissioner Tamayo then led the Court and audience in reciting the Pledge of Allegiance and the Pledge of Allegiance to the State Flag.

The Court considered the following matters as posted and filed for Record in the Office of the County Clerk on November 21, 2007 at 8:49 A.M.:

(1) **PUBLIC COMMENTS.**

Mr. Ernesto De Leon presented the County Judge with a Texas A&M cap and thanked him for his cooperation regarding the bet with Hidalgo County Judge J.D. Salinas.

Judge Cascos commented on the friendly bet with Judge Salinas regarding the UT Austin-Texas A&M football game and noted that this shows the partnership between Cameron County and Hidalgo County.

RESOLUTIONS

(2) **CONSIDERATION AND ADOPTION OF A RESOLUTION HONORING MRS. LINDA WISE MARTIN, ON THE OCCASION OF HER RETIREMENT. (CHC-JUDGE)**

Upon motion by Commissioner Tamayo, seconded by Commissioner Garza and carried unanimously, the Resolution Honoring Mrs. Linda Wise Martin, on the occasion of her retirement, was adopted.

PRESENTATIONS

(3) **PRESENTATION BY DR. NORMA FARLEY REGARDING REPORT ON AUTOPSY RELATED ISSUES.**

Dr. Norma Farley informed the Court that since she took over autopsy services in mid-September there has been much confusion regarding the transportation of bodies to the morgue. She stated that since the County uses a rotation schedule, tracking down where the bodies are is difficult. She recommended that the County develop an RFP for this type of service.

Mr. David Garcia, Deputy County Administrator, noted that there is a fee schedule for transportation services.

Dr. Farley asked if the Medical Investigator position is still being considered.

Commissioner Garza replied that the County Administrator is reviewing the possibility of partially funding a position for the remainder of the fiscal year and is creating a job description to be reviewed by the Court.

Upon motion by Commissioner Tamayo, seconded by Commissioner Garza and carried unanimously, the Presentation by Dr. Norma Farley regarding autopsy related issues was acknowledged.

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.

Commissioner Garza motioned to approve the "Consent and Travel Items".

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

AYE: Commissioner Garza, Commissioner Tamayo and Commissioner Benavides

NAY: Judge Cascos as to Consent Item No. 5

- (4) CONSIDERATION AND APPROVAL OF CLOSING GATEWAY BRIDGE TO SOUTHBOUND TRAFFIC ON DECEMBER 3, 2007, FROM 6:00 P.M. TO 9:00 P.M. FOR THE CHRISTMAS PARADE. (PSJ-ADMINISTRATOR)**
- (5) CONSIDERATION AND APPROVAL OF INTERLOCAL AGREEMENT BETWEEN CAMERON COUNTY AND THE BROWNSVILLE PUBLIC UTILITIES BOARD. (PSJ-ADMINISTRATOR) (Contract No. 2007C11407)
The Contract is as follows:**
- (6) CONSIDERATION AND ADOPTION OF A PROCLAMATION DECLARING THE MONTH OF NOVEMBER 2007 AS "HOME CARE AND HOSPICE MONTH" IN CAMERON COUNTY, TEXAS. (CHC-JUDGE)**
- (7) CONSIDERATION AND ISSUANCE OF ORDER APPROVING THE TREASURER'S REPORT FOR THE OCTOBER 2007 TERM. (DAB-TREASURER) (Order No. 2007O11046)
The Documentation is as follows:**

TRAVEL ITEMS

- (8) CONSIDERATION AND AUTHORIZATION TO TRAVEL/OR APPROVAL OF TRAVEL EXPENSE FOR THE FOLLOWING (PLEASE NOTE: TRAVEL REQUESTS ARE SUBJECT TO ALL APPLICABLE COUNTY POLICIES):**
 - (A) HEALTH DEPARTMENT STAFF (2) TO TRAVEL TO FALFURRIAS, TEXAS, ON 11/15/07, TO ATTEND A MEETING FOR SNS COORDINATORS/PLANNERS AND BT COORDINATORS.**
 - (B) HEALTH DEPARTMENT STAFF (2) TO TRAVEL TO SAN ANTONIO, TEXAS, ON 12/3 TO 12/7/07, TO ATTEND THE 2007 TEXAS HOMELAND SECURITY CONFERENCE.**
 - (C) JUVENILE PROBATION STAFF (1) TO TRAVEL TO NEW WAVERLY AND AUSTIN, TEXAS, ON 11/9/07, TO ATTEND A BOARD MEETING IN NEW WAVERLY, TEXAS, AND PICK UP DONATIONS FROM JJAEP ON NOVEMBER 11, 2007 IN AUSTIN, TEXAS.**
 - (D) JUVENILE PROBATION STAFF (2) TO TRAVEL TO AUSTIN, TEXAS, ON 2/7 TO 2/9/08, TO ATTEND THE TAAE 18TH ANNUAL CONFERENCE.**

- (5) CONSIDERATION AND APPROVAL OF INTERLOCAL AGREEMENT BETWEEN CAMERON COUNTY AND THE BROWNSVILLE PUBLIC UTILITIES BOARD. (PSJ-ADMINISTRATOR)
(Contract No. 2007C11407)
The Contract is as follows:**

- (7) CONSIDERATION AND ISSUANCE OF ORDER APPROVING THE TREASURER'S REPORT FOR THE OCTOBER 2007 TERM. (DAB-TREASURER) (Order No. 2007O11046)**
The Documentation is as follows:

EXECUTIVE SESSION

Upon motion by Commissioner Tamayo, seconded by Commissioner Garza and carried unanimously, the Court met in Executive Session at 6:11 P.M. to discuss the following matters:

- (9) **EXECUTIVE SESSION:**
- (A) **DELIBERATION REGARDING REAL PROPERTY CONCERNING ACQUISITION OF PARCEL 3, FOR RIGHT OF WAY FOR THE DIXIELAND ROAD PROJECT, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.072.**
 - (B) **CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL CONCERNING POSSIBLE LAWSUIT AGAINST MARK BECERRA, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.071 (1)(A).**
 - (C) **CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL CONCERNING A CLAIM OF TIMOTHY R. FLOYD FOR DISCUSSION AND POSSIBLE SETTLEMENT, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.071 (1)(A)&(B).**
 - (D) **CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL CONCERNING ATTORNEY GENERAL OPINION NO. GA-0578 AND CONCERNING STATUS OF LITIGATION WITH REGARD TO THE CREATION AND FUNDING OF THE 444TH AND 445TH JUDICIAL COURTS, 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 V.T.C.A. GOVERNMENT CODE, SECTION 551.071 (1) (A) & (2).**

Upon motion by Commissioner Garza, seconded by Commissioner Tamayo and carried unanimously, the Court reconvened into Regular Session at 6:31 P.M. to discuss the following matters:

- (10) **ACTION RELATIVE TO EXECUTIVE SESSION:**
- (A) **DELIBERATION REGARDING REAL PROPERTY CONCERNING ACQUISITION OF PARCEL 3, FOR RIGHT OF WAY FOR THE DIXIELAND ROAD PROJECT, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.072.**

Commissioner Tamayo motioned to acknowledge payment in the amount of \$1,708.

The motion was seconded by Commissioner Garza and carried unanimously.
 - (B) **CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL CONCERNING POSSIBLE LAWSUIT AGAINST MARK BECERRA, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.071 (1)(A).**

Upon motion by Commissioner Benavides, seconded by Commissioner Tamayo and carried unanimously, the Report by Legal Counsel was acknowledged.
 - (C) **CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL CONCERNING A CLAIM OF TIMOTHY R. FLOYD FOR DISCUSSION AND POSSIBLE SETTLEMENT, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.071 (1)(A)&(B).**

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

- (D) **CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL CONCERNING ATTORNEY GENERAL OPINION NO. GA-0578 AND CONCERNING STATUS OF LITIGATION WITH REGARD TO THE CREATION AND FUNDING OF THE 444TH AND 445TH JUDICIAL COURTS, 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 V.T.C.A. GOVERNMENT CODE, SECTION 551.071 (1) (A) & (2).**

Judge Cascos-"Mr. (Richard) Burst would you like to read that motion?"

Mr. Richard Burst, Legal Counsel-"Move to authorize the filing of a petition for declaratory and injunctive relief concerning the 444th and 445th District Courts in Travis County by Cameron County Civil Attorneys and by the Allison & Bass Law Firm as co-counsels."

Commissioner Garza-"So moved."

Judge Cascos-"Moved by Commissioner Garza. Do I have a second?"

Commissioner Benavides-"Second."

Judge Cascos-"Second by Commissioner Benavides. Any further discussion? All those in favor signify by saying 'aye'."

Commissioner Garza, Commissioner Benavides and Commissioner Tamayo-"Aye"

Judge Cascos-"Any opposed? Item carries."

ACTION ITEMS

- (11) **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 Budget Amendments, Line Item Transfers and/or Salary Schedules are as follows:

(12) **APPROVAL OF CLAIMS.**

Commissioner Benavides moved to approve the Claims, inclusive of the late claims.

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

AYE: Commissioner Benavides and Commissioner Tamayo

NAY: None

ABSTAIN: Judge Cascos as to Warrant No. 00191649, made payable to the Harlingen Waterworks System, in the amount of \$196.56 and Warrant No. 00191692, made payable to the Public Utilities Board, in the amount of \$3,529.12 and Commissioner Garza as to Warrant No. 00191676, made payable to The Medicine Shoppe, in the amount of \$849.68.

The Claims and Affidavit are as follows:

**(13) CONSIDERATION AND POSSIBLE ACTION REGARDING
THE 2007-2008 LAW ENFORCEMENT VEHICLE EQUIPMENT
LIST. (XV-BUDGET) (TABLED)**

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

**(14) CONSIDERATION AND APPROVAL FOR SALARY
ADJUSTMENT FOR THE POSITION OF CAMERON COUNTY
FIRE MARSHAL. (JC-EMERGENCY MANAGEMENT)**

Upon motion by Commissioner Tamayo, seconded by Commissioner Garza and carried unanimously, the
Salary Adjustment for the Position of Cameron County Fire Marshal was approved.

The Documentation is as follows:

(15) **DISCUSSION AND POSSIBLE ACTION REGARDING THE
COUNTY'S STATE AND FEDERAL LEGISLATIVE AGENDA.
(PSJ-ADMINISTRATOR) (TABLED)**

Commissioner Tamayo motioned to **TABLE** this item.

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 Tamayo and carried unanimously, the meeting was **ADJOURNED** at 7:46 P.M.

APPROVED this 11th day of **December 2007**

**CARLOS H. CASCOS, CPA
COUNTY JUDGE**

ATTEST:

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