

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 2nd day of September 2008, 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:

5:00 P.M.

CARLOS H. CASCOS, CPA
COUNTY JUDGE

SOFIA C. 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

Aide A. Trejo Deputy Clerk

ABSENT:

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The meeting was called to order by Judge Cascos at 5:04 P.M. He asked Former Mayor Abrego for the invocation. Mr. Abrego 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 August 29, 2008 at 1:23 P.M.:

EXECUTIVE SESSION

Upon motion by Commissioner Garza, seconded by Commissioner Wood and carried unanimously, the Court met in Executive Session at 5:06 P.M. to discuss the following matters:

(1) EXECUTIVE SESSION:

- (A) CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL CONCERNING CAMERON COUNTY VS. SECRETARY OF STATE, ET. AL., CAUSE NO. D-1-GV-07-002464, TO DISCUSS STATUS OF CASE, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.071 (1) (A).**
- (B) DELIBERATION REGARDING REAL PROPERTY CONCERNING ACQUISITION OF PARCEL 8, FOR RIGHT OF WAY FOR FM 732, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.072.**
- (C) DELIBERATION REGARDING REAL PROPERTY CONCERNING RIGHT OF WAY FOR FLOR DE MAYO BRIDGE, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.072.**

Upon motion by Commissioner Benavides, seconded by Commissioner Wood and carried unanimously, the Court reconvened into Regular Session at 5:24 P.M. to discuss the following matters:

(2) ACTION RELATIVE TO EXECUTIVE SESSION:

- (A) CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL CONCERNING CAMERON COUNTY VS. SECRETARY OF STATE, ET. AL., CAUSE NO. D-1-GV-07-002464, TO DISCUSS STATUS OF CASE, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.071 (1) (A).**

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

- (B) DELIBERATION REGARDING REAL PROPERTY CONCERNING ACQUISITION OF PARCEL 8, FOR RIGHT OF WAY FOR FM 732, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.072.**

Commissioner Garza motioned to accept and pay \$80,671.

The motion was seconded by Commissioner Benavides and carried unanimously.

- (C) DELIBERATION REGARDING REAL PROPERTY CONCERNING RIGHT OF WAY FOR FLOR DE MAYO BRIDGE, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.072.**

Commissioner Garza motioned to acknowledge the Report by Pete Sepulveda and to direct him to proceed along the terms and conditions as discussed in Executive Session.

The motion was seconded by Commissioner Tamayo and carried unanimously.

PRESENTATIONS

(3) PRESENTATIONS/RESOLUTIONS.

(A) DISCUSSION REGARDING THE INDIGENT DEFENSE PROGRAM FOR THE FY 2009 FISCAL YEAR. (XV-BUDGET)

Judge Arturo Nelson informed the Court that the County will be required to fund an Indigent Defense Program in the amount of \$3 million. He further explained the functions of the Indigent Defense Program.

Upon motion by Commissioner Wood, seconded by Commissioner Tamayo and carried unanimously, the Presentation regarding the Indigent Defense Program for the FY 2009 Fiscal Year was acknowledged.

(B) PRESENTATION REGARDING THE 2008-2012 CAMERON AND WILLACY COUNTIES COLONIA SELF-HELP CENTER INCLUDING POSSIBLE FUNDING, PROGRAM REQUIREMENTS, AND THE SERVICE PROVIDER SELECTION PROCESS. (PD&M)

Mr. Frank Bejarano, PD&M Director, informed the Court that the respondents have been interviewed by the evaluation committee and based on scoring, the committee recommends Housing Plus.

Mr. Nick Mitchell Bennett, Director of the Community Development Corporation of Brownsville, voiced his confusion as to the decision of the evaluation committee.

Mr. Bejarano added that the last contract with the Community Development Corporation of Brownsville weighed heavily with some committee members and noted that there were payment issues with the State of Texas.

Upon motion by Commissioner Garza, seconded by Commissioner Wood and carried unanimously, the Presentation regarding the 2008-2012 Cameron and Willacy Counties Colonia Self-Help Center including possible Funding, Program Requirements, and the Service Provider Selection Process was acknowledged.

(C) PRESENTATION REGARDING FUNDING SOURCES CREATED BY CAMERON COUNTY JUVENILE PROBATION DEPARTMENT FROM BROWNSVILLE CONSOLIDATED INDEPENDENT SCHOOL DISTRICT, HARLINGEN CONSOLIDATED INDEPENDENT SCHOOL DISTRICT AND SAN BENITO CONSOLIDATED INDEPENDENT SCHOOL DISTRICT. (TR-JUVENILE PROBATION)

Upon motion by Commissioner Tamayo, seconded by Commissioner Garza and carried unanimously, the Presentation regarding Funding Sources created by Cameron County Juvenile Probation Department from Brownsville Consolidated Independent School District, Harlingen Consolidated Independent School District and San Benito Consolidated Independent School District was acknowledged.

The Documentation is as follows:

(4) PUBLIC COMMENTS.

Mr. Dagoberto Barrera commented on how residents are hurting financially and asked the Court to stand firm on not raising taxes.

Former Mayor Abrego recommended that the County review all contracts to ensure that the County is getting their fair share. He commented on the large number of Justice of the Peace and asked the Court to address this issue.

Mr. Gary Singleterry asked the Court to consider not raising taxes.

Mr. David Garcia, Deputy County Administrator, stated that Solid Waste Collections Services with Allied Waste began on September 1, 2008 and added that on September 3, 2008, a satellite office will be opened in each precinct in order to allow residents to sign-up for services.

CONSENT ITEMS

(5) 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 CONCERNING CONSENT AND TRAVEL ITEMS:

Consent Items No. 5 (D) and (J):

Mr. Pete Sepulveda, County Administrator, asked to TABLE these items.

Consent Item No. 5 (L):

Mr. Pete Sepulveda, County Administrator, asked to discuss this item separately.

Consent Item No. 5 (M):

Judge Cascos asked to discuss this item separately.

Consent Items No. 5 (B) and (N):

Commissioner Garza asked to discuss these items separately.

Consent Item No. 5 (AA) and (FF):

Commissioner Wood asked to discuss these items separately.

Consent Items No. 5 (GG) and (X-a):

Commissioner Garza asked to discuss these items separately.

Commissioner Tamayo moved to approve the "Consent and Travel Items", excluding Consent Items No. 5 (B), (L), (M), (N), (X-a), (AA), (FF) and (GG) and tabling Consent Items No. 5 (D) and (J).

The motion was seconded by Commissioner Garza and carried unanimously.

**(A) CONSIDERATION AND POSSIBLE APPROVAL OF CONTRACT FOR LEGAL SERVICES WITH MICHAEL L. YOUNG TO PROVIDE LEGAL REPRESENTATION TO THE INDIGENT DEFENDANTS OF THE 404TH DISTRICT COURT. (ACL-404TH DISTRICT COURT) (Contract No. 2008C09306)
The Contract is as follows:**

- (B) **CONSIDERATION AND AUTHORIZATION TO ADVERTISE FOR THE FOLLOWING BIDS/RFP'S/RFQ'S: (RL-ADMINISTRATIVE SERVICES) (ACTION TAKEN SEPARATELY)**
a. **AUDIT OF SOLID WASTE COLLECTION, RATES & RELATED BILLING ISSUES AT COUNTY BUILDINGS – ANNUAL RFP #1221-4.**
- (C) **CONSIDERATION AND AUTHORIZATION TO SUBMIT AN APPLICATION TO THE TEXAS DEPARTMENT OF TRANSPORTATION FOR THE VETERANS BRIDGE EXPANSION PROJECT. (PSJ-ADMINISTRATOR)**
- (D) **CONSIDERATION AND APPROVAL OF INTERLOCAL AGREEMENT BETWEEN CAMERON COUNTY AND THE TEXAS DEPARTMENT OF TRANSPORTATION. (PSJ-ADMINISTRATOR) (TABLED)**
- (E) **CONSIDERATION AND RATIFICATION FOR LEASE OF MOVAC TRUCKS FOR EMERGENCY REMOVAL OF STANDING WATER AT FM 506 & COCO ROAD TO ALLEVIATE FLOOD SITUATION FOR RESIDENTS IN THE AREA (HOMES UNDER WATER) INCLUDING HEALTH AND SAFETY HAZARD. (PSJ-ADMINISTRATOR)**
- (F) **CONSIDERATION AND AUTHORIZATION TO ACCEPT RIGHT OF ENTRY AND POSSESSION FOR PARCEL 8 OF THE FM 732 PROJECT. (PSJ-ADMINISTRATOR)**
The Documentation is as follows:
- (G) **CONSIDERATION AND AUTHORIZATION TO ACCEPT RIGHT OF ENTRY AND POSSESSION FOR PARCEL 13 OF THE DIXIELAND ROAD PROJECT. (PSJ-ADMINISTRATOR)**
The Documentation is as follows:
- (H) **CONSIDERATION AND AUTHORIZATION TO ACCEPT RIGHT OF ENTRY AND POSSESSION FOR PARCEL 14 OF THE DIXIELAND ROAD PROJECT. (PSJ-ADMINISTRATOR)**
The Documentation is as follows:
- (I) **CONSIDERATION AND POSSIBLE ACTION TO ACCEPT FLOOD DAMAGE ESTIMATE AND PROOF OF LOSS FORM PREPARED BY JACKSON ADJUSTMENT COMPANY INC. ON BEHALF OF DELTA LLOYDS INSURANCE COMPANY FLOOD INSURANCE CARRIER FOR COUNTY PROPERTIES. (MG-AUDITOR)**
- (J) **CONSIDERATION AND APPROVAL OF AMENDMENT TO CAMERON COUNTY PERSONNEL MANUAL PARAGRAPH 6.06 AND PROVIDING THAT IT IS EFFECTIVE UPON APPROVAL. (CHC-COUNTY JUDGE) (TABLED)**
- (K) **CONSIDERATION AND AUTHORIZATION FOR PRELIMINARY PLAT APPROVAL FOR PONDEROSA RANCHES SUBDIVISION REPLAT, PCT. 2, BEING 2.005 ACRES, COMPRISED OF ALL OF LOT 4, BLOCK 1, OF PONDEROSA RANCHES SUBDIVISION, SECTION II (CAMERON COUNTY MAP RECORDS, CABINET 1, SLOT 1189-B) AND 0.170 ACRE OUT OF A CERTAIN 2.623 ACRE TRACT (CAMERON COUNTY OFFICIAL RECORDS, VOLUME 3275, PAGE 36) OUT OF BLOCK 21, EL JARDIN HEIGHTS SUBDIVISION (CAMERON COUNTY MAP RECORDS, VOLUME 5, PAGE 48), IN CAMERON COUNTY, TEXAS. (EH-CCDoT)**
The Documentation is as follows:
- (L) **CONSIDERATION AND APPROVAL TO PURCHASE VARIOUS OFFICE FURNITURE THROUGH HERMAN MILLER/WORKPLACE RESOURCE, VIA VENDORS “NATIONAL” – TxMAS CONTRACT NUMBER TXMAS-3-711060 AND “SIT ON IT” – TxMAS CONTRACT NUMBER TXMAS-4-7110240 AND THROUGH PROVOST INTERIORS. (AV-DISTRICT ATTORNEY) (ACTION TAKEN SEPARATELY)**
- (M) **CONSIDERATION AND APPROVAL OF HURRICANE WORKSITE AGREEMENT BETWEEN THE UNITED MIGRANT OPPORTUNITY SERVICE/UMOS, INC. AND CAMERON COUNTY. (MV-HUMAN RESOURCES) (ACTION TAKEN SEPARATELY)**

- (N) CONSIDERATION AND APPROVAL FOR THE OCTOBER 1, 2008 – SEPTEMBER 30, 2009 HOLIDAY SCHEDULE. (MV-HUMAN RESOURCES) (ACTION TAKEN SEPARATELY)
- (O) CONSIDERATION AND AUTHORIZATION FOR CAMERON COUNTY TO ACCEPT THE FOLLOWING GRANTS AWARDED TO THE CAMERON COUNTY JUVENILE PROBATION DEPARTMENT. (TR-JUVENILE)
The Documentation is as follows:
- (P) CONSIDERATION AND APPROVAL TO ACCEPT VICTIMS OF CRIME ACT (VOCA) GRANT AWARDS FOR THE DISTRICT ATTORNEY'S VICTIM ASSISTANCE PROGRAM. (FB-PD&M)
The Documentation is as follows:
- (Q) CONSIDERATION AND APPROVAL OF CONTRACT BETWEEN CAMERON COUNTY AND THE LOWER RIO GRANDE VALLEY DEVELOPMENT COUNCIL FOR THE 2009 ANTI-ILLEGAL DUMPING TRAINING AND EDUCATION PROJECT. (FB-PD&M) (Contract No. 2008C08302)
The Contract is as follows:
- (R) CONSIDERATION AND APPROVAL OF A CONTRACT BETWEEN CAMERON COUNTY AND THE LOWER RIO GRANDE VALLEY DEVELOPMENT COUNCIL FOR THE 2009 SHERIFF'S SOLID WASTE LOCAL ENFORCEMENT PROJECT. (FB-PD&M) (Contract No. 2008C08301)
The Contract is as follows:
- (S) CONSIDERATION AND APPROVAL OF CONTRACT BETWEEN CAMERON COUNTY AND THE VALLEY PROUD ENVIRONMENTAL COUNCIL FOR THE ANTI-ILLEGAL DUMPING PERSONNEL AND EQUIPMENT PROJECT. (FB-PD&M) (Contract No. 2008C08304)
The Contract is as follows:
- (T) CONSIDERATION AND APPROVAL OF CONTRACT BETWEEN CAMERON COUNTY AND THE LOWER RIO GRANDE VALLEY DEVELOPMENT COUNCIL FOR THE ANTI-ILLEGAL DUMPING PERSONNEL AND EQUIPMENT PROJECT. (FB-PD&M) (Contract No. 2008C08305)
The Contract is as follows:
- (U) CONSIDERATION AND APPROVAL OF CONTRACT BETWEEN CAMERON COUNTY AND VALLEY PROUD ENVIRONMENTAL COUNCIL FOR THE 2009 ANTI-ILLEGAL DUMPING AND TRAINING AND EDUCATION PROJECT. (FB-PD&M) (Contract No. 2008C08303)
The Contract is as follows:
- (V) CONSIDERATION AND AUTHORIZATION TO RENEW THE FOLLOWING BIDS, RFP'S FOR ONE (1) ADDITIONAL YEAR: (MF-PURCHASING)
a. ELEVATOR MAINTENANCE & REPAIRS – ANNUAL BID #1380 (TYSSEN-KRUPP)
The Tabulation is as follows:
- (W) CONSIDERATION AND AUTHORIZATION TO AWARD BIDS, RFP'S, RFQ'S FOR THE FOLLOWING: (MF-PURCHASING)
a. INSURANCE: VOLUNTARY (EMPLOYEE PURCHASED) VISION – ANNUAL RFP #1466V (AMERITAS – EYEMED)
The Tabulation is as follows:
- (X) CONSIDERATION AND AUTHORIZATION TO AWARD BIDS, RFP'S, RFQ'S FOR THE FOLLOWING: (MF-PURCHASING) (ACTION TAKEN SEPARATELY)
a. INSURANCE: VOLUNTARY (EMPLOYEE PURCHASED) DENTAL – ANNUAL RFP #1466D (AMERITAS)
- (Y) CONSIDERATION AND AUTHORIZATION TO ADVERTISE FOR THE FOLLOWING ANNUAL BIDS/RFP'S F.Y. 08-09: (MF-PURCHASING)
a. RECYCLED STOCK PAPER & ENVELOPES
b. PAINT-STAIN, VARNISH, ENAMEL
c. PRODUCE
d. UNIFORMS RENTAL & CLEANING

- e. ARMORED CAR SERVICES
- f. TRANSPORTATION OF INMATES
- g. FIRE EXTINGUISHER MAINTENANCE
- h. BRIDGE INSPECTION – STRUCTURAL (INTERNATIONAL)
- i. IMAGING – VARIOUS DEPTS.
- j. SAFETY GLASSES (PRESCRIPTION)
- k. ELEVATOR MAINTENANCE & REPAIRS
- l. FUEL SUPPLIES
- m. LAND LEASE (FARM)
- n. TIRE REPAIRS
- o. VOTING SUPPLIES
- p. SAFETY SHOES
- q. JANITORIAL SUPPLIES: CHEMICALS & CLEANING
- r. TIRES

(Z) CONSIDERATION AND AUTHORIZATION TO AWARD BIDS, RFP'S, RFQ'S FOR THE FOLLOWING: (MF-PURCHASING)

- a. **THIRD PARTY ADMINISTRATION FOR SECTION IRC 125 AND FLEXIBLE SPENDING ACCOUNT – ANNUAL RFP #1460 (LIFE-RE)**

The Tabulation is as follows:

(AA) CONSIDERATION AND APPROVAL OF GRANT ADJUSTMENT NOTICE FOR THE LOCAL BORDER SECURITY GRANT FY 08 (LBSP-08) PROGRAM. (OL-SHERIFF) (ACTION TAKEN SEPARATELY)

(BB) CONSIDERATION AND AUTHORIZATION TO UTILIZE THE BUY BOARD VIA HENNA CHEVROLET, CONTRACT NUMBER 281-07, TO PURCHASE (1) 2008 CHEVROLET SILVERADO CREW CAB 4 X 4 USING FUNDING FROM FUND 90. (OL-SHERIFF)

The Documentation is as follows:

(CC) CONSIDERATION AND APPROVAL OF MEMORANDUM OF UNDERSTANDING BETWEEN TEXAS DEPARTMENT OF PUBLIC SAFETY AND CAMERON COUNTY. (OL-SHERIFF) (Contract No. 2008C09312)

The Documentation is as follows:

(DD) CONSIDERATION AND APPROVAL OF AGREEMENT FOR PSYCHIATRIC SERVICES BETWEEN CAMERON COUNTY AND TROPICAL TEXAS BEHAVIOR HEALTH CENTER. (OL-SHERIFF) (Contract No. 2008C09313)

The Contract is as follows:

(EE) CONSIDERATION AND AUTHORIZATION TO UTILIZE THE HOUSTON GALVESTON AREA COUNCIL OF GOVERNMENTS CONTRACT FOR INSTALLATION, PROGRAMMING, TEMPLATE AND ACTIVATION OF 8 EA MOTOROLA 800 RADIOS UTILIZING SOUTH TEXAS COMMUNICATIONS. (OL-SHERIFF)

The Documentation is as follows:

(FF) CONSIDERATION AND POSSIBLE APPROVAL FOR 60 MONTH LEASE WITH THE STATE OF TEXAS CONTRACT DIR-SDD-515 WITH TDIR/XEROX FOR (13) NEW COPIERS FOR THE TAX OFFICE. (TY-TAX) (ACTION TAKEN SEPARATELY)

(GG) CONSIDERATION AND AUTHORIZATION TO ALLOW THE COMMISSIONERS' COURT LEGAL COUNSEL TO REVIEW AND ASSIST WITH COMMENTS TO TEXAS GENERAL LAND OFFICE ON IMPACTS OF H.B. 2819 AND AUTHORIZE CAMERON COUNTY JUDGE TO SEND LETTER TO LAND COMMISSIONER, JERRY PATTERSON REQUESTING EXTENSION ON COMMENT PERIOD DUE TO HURRICANE DOLLY. (JM-PARKS) (ACTION TAKEN SEPARATELY)

TRAVEL ITEMS

- (6) **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) **357TH DISTRICT COURT STAFF (2) TO TRAVEL TO SAN ANTONIO, TEXAS, ON 10/21 TO 10/24/08, TO ATTEND THE TEXAS ASSOCIATION FOR COURT ADMINISTRATION EDUCATION CONFERENCE.**
 - (B) **COMMISSIONER PRECINCT 3 TO TRAVEL TO AUSTIN, TEXAS, ON 8/27 TO 8/29/08, TO ATTEND THE TEXAS ASSOCIATION OF COUNTIES, 2008 ANNUAL CONFERENCE.**
 - (C) **DISTRICT ATTORNEY TO TRAVEL TO LAREDO, TEXAS, ON 9/10 TO 9/11/08, TO ATTEND THE SOUTH TEXAS HIDTA EXECUTIVE BOARD MEETING.**
 - (D) **DISTRICT ATTORNEY'S OFFICE STAFF (9) TO TRAVEL TO GALVESTON, TEXAS, ON 9/17 TO 9/19/08, TO ATTEND THE TEXAS DISTRICT AND COUNTY ATTORNEY ASSOCIATION'S ANNUAL CIVIL AND CRIMINAL LAW UPDATE.**
 - (E) **DISTRICT ATTORNEY'S OFFICE STAFF (1) TO TRAVEL TO TUCSON, ARIZONA, ON 9/21 TO 9/25/08, TO ATTEND NATIONAL COLLEGE OF DISTRICT ATTORNEY'S FINANCIAL CRIMES SEMINAR.**
 - (F) **EXTENSION OFFICE STAFF (5) TO TRAVEL TO SOUTH PADRE ISLAND, TEXAS, ON 9/22 TO 9/24/08, TO ATTEND AND ASSIST WITH THE DISTRICT 12 PROGRAM PLANNING RETREAT.**
 - (G) **HEALTH DEPARTMENT STAFF (2) TO TRAVEL TO CORPUS CHRISTI, TEXAS, ON 10/18 TO 10/22/08, TO ATTEND THE 2008 ANNUAL TEXAS ASSOCIATION OF LOCAL WIC DIRECTORS MEETING.**
 - (H) **JUVENILE PROBATION OFFICE STAFF (2) TO TRAVEL TO AUSTIN, TEXAS, ON 9/7 TO 9/9/08, TO ATTEND THE CHAPTER 241 WORKGROUP MEETING.**
 - (I) **JUVENILE PROBATION OFFICE STAFF (2) TO TRAVEL TO AUSTIN, TEXAS, ON 9/30 TO 10/3/08, TO ATTEND THE TITLE IV-E ELIGIBILITY & CASE MANAGEMENT TRAINING.**
 - (J) **PUBLIC WORKS STAFF (4) TO TRAVEL TO WESLACO, TEXAS, ON 8/26/08, TO ATTEND A MOSQUITO CONTROL SHORT COURSE BY TEXAS AGRILIFE EXTENSION SERVICE, AGRICULTURAL AND ENVIRONMENTAL SAFETY.**

- (A) CONSIDERATION AND POSSIBLE APPROVAL OF CONTRACT FOR LEGAL SERVICES WITH MICHAEL L. YOUNG TO PROVIDE LEGAL REPRESENTATION TO THE INDIGENT DEFENDANTS OF THE 404TH DISTRICT COURT. (ACL-404TH DISTRICT COURT) (Contract No. 2008C09306)**
The Contract is as follows:

- (F) CONSIDERATION AND AUTHORIZATION TO ACCEPT RIGHT OF ENTRY AND POSSESSION FOR PARCEL 8 OF THE FM 732 PROJECT. (PSJ-ADMINISTRATOR)**
The Documentation is as follows:

- (G) CONSIDERATION AND AUTHORIZATION TO ACCEPT RIGHT OF ENTRY AND POSSESSION FOR PARCEL 13 OF THE DIXIELAND ROAD PROJECT. (PSJ-ADMINISTRATOR)**
The Documentation is as follows:

- (H) CONSIDERATION AND AUTHORIZATION TO ACCEPT RIGHT OF ENTRY AND POSSESSION FOR PARCEL 14 OF THE DIXIELAND ROAD PROJECT. (PSJ-ADMINISTRATOR)**
The Documentation is as follows:

- (K) CONSIDERATION AND AUTHORIZATION FOR PRELIMINARY PLAT APPROVAL FOR PONDEROSA RANCHES SUBDIVISION REPLAT, PCT. 2, BEING 2.005 ACRES, COMPRISED OF ALL OF LOT 4, BLOCK 1, OF PONDEROSA RANCHES SUBDIVISION, SECTION II (CAMERON COUNTY MAP RECORDS, CABINET 1, SLOT 1189-B) AND 0.170 ACRE OUT OF A CERTAIN 2.623 ACRE TRACT (CAMERON COUNTY OFFICIAL RECORDS, VOLUME 3275, PAGE 36) OUT OF BLOCK 21, EL JARDIN HEIGHTS SUBDIVISION (CAMERON COUNTY MAP RECORDS, VOLUME 5, PAGE 48), IN CAMERON COUNTY, TEXAS. (EH-CCDoT)**
The Documentation is as follows:

- (O) CONSIDERATION AND AUTHORIZATION FOR CAMERON COUNTY TO ACCEPT THE FOLLOWING GRANTS AWARDED TO THE CAMERON COUNTY JUVENILE PROBATION DEPARTMENT. (TR-JUVENILE)**
The Documentation is as follows:

- (P) CONSIDERATION AND APPROVAL TO ACCEPT VICTIMS OF CRIME ACT (VOCA) GRANT AWARDS FOR THE DISTRICT ATTORNEY'S VICTIM ASSISTANCE PROGRAM. (FB-PD&M)**
The Documentation is as follows:

- (Q) CONSIDERATION AND APPROVAL OF CONTRACT BETWEEN CAMERON COUNTY AND THE LOWER RIO GRANDE VALLEY DEVELOPMENT COUNCIL FOR THE 2009 ANTI-ILLEGAL DUMPING TRAINING AND EDUCATION PROJECT. (FB-PD&M) (Contract No. 2008C08302)**
The Contract is as follows:

- (R) CONSIDERATION AND APPROVAL OF A CONTRACT BETWEEN CAMERON COUNTY AND THE LOWER RIO GRANDE VALLEY DEVELOPMENT COUNCIL FOR THE 2009 SHERIFF'S SOLID WASTE LOCAL ENFORCEMENT PROJECT. (FB-PD&M) (Contract No. 2008C08301)**
The Contract is as follows:

- (S) **CONSIDERATION AND APPROVAL OF CONTRACT BETWEEN CAMERON COUNTY AND THE VALLEY PROUD ENVIRONMENTAL COUNCIL FOR THE ANTI-ILLEGAL DUMPING PERSONNEL AND EQUIPMENT PROJECT. (FB-PD&M) (Contract No. 2008C08304)**
The Contract is as follows:

- (T) CONSIDERATION AND APPROVAL OF CONTRACT BETWEEN CAMERON COUNTY AND THE LOWER RIO GRANDE VALLEY DEVELOPMENT COUNCIL FOR THE ANTI-ILLEGAL DUMPING PERSONNEL AND EQUIPMENT PROJECT. (FB-PD&M) (Contract No. 2008C08305)**
The Contract is as follows:

- (U) CONSIDERATION AND APPROVAL OF CONTRACT BETWEEN CAMERON COUNTY AND VALLEY PROUD ENVIRONMENTAL COUNCIL FOR THE 2009 ANTI-ILLEGAL DUMPING AND TRAINING AND EDUCATION PROJECT. (FB-PD&M) (Contract No. 2008C08303)**
The Contract is as follows:

- (V) CONSIDERATION AND AUTHORIZATION TO RENEW THE FOLLOWING BIDS, RFP'S FOR ONE (1) ADDITIONAL YEAR: (MF-PURCHASING)**
- a. ELEVATOR MAINTENANCE & REPAIRS – ANNUAL BID #1380 (TYSSEN-KRUPP)**
- The Tabulation is as follows:**

- (W) CONSIDERATION AND AUTHORIZATION TO AWARD BIDS, RFP'S, RFQ'S FOR THE FOLLOWING: (MF-PURCHASING)**
- a. INSURANCE: VOLUNTARY (EMPLOYEE PURCHASED) VISION – ANNUAL RFP #1466V (AMERITAS – EYEMED)**
- The Tabulation is as follows:**

- (Z) CONSIDERATION AND AUTHORIZATION TO AWARD BIDS, RFP'S, RFQ'S FOR THE FOLLOWING: (MF-PURCHASING)**
- a. THIRD PARTY ADMINISTRATION FOR SECTION IRC 125 AND FLEXIBLE SPENDING ACCOUNT – ANNUAL RFP #1460 (LIFE-RE)**
- The Tabulation is as follows:**

- (BB) CONSIDERATION AND AUTHORIZATION TO UTILIZE THE BUY BOARD VIA HENNA CHEVROLET, CONTRACT NUMBER 281-07, TO PURCHASE (1) 2008 CHEVROLET SILVERADO CREW CAB 4 X 4 USING FUNDING FROM FUND 90. (OL-SHERIFF)**
The Documentation is as follows:

(CC) CONSIDERATION AND APPROVAL OF MEMORANDUM OF UNDERSTANDING BETWEEN TEXAS DEPARTMENT OF PUBLIC SAFETY AND CAMERON COUNTY. (OL-SHERIFF) (Contract No. 2008C09312)
The Documentation is as follows:

**(DD) CONSIDERATION AND APPROVAL OF AGREEMENT FOR PSYCHIATRIC SERVICES BETWEEN CAMERON COUNTY AND TROPICAL TEXAS BEHAVIOR HEALTH CENTER. (OL-SHERIFF)
(Contract No. 2008C09313)
The Contract is as follows:**

- (EE) CONSIDERATION AND AUTHORIZATION TO UTILIZE THE HOUSTON GALVESTON AREA COUNCIL OF GOVERNMENTS CONTRACT FOR INSTALLATION, PROGRAMMING, TEMPLATE AND ACTIVATION OF 8 EA MOTOROLA 800 RADIOS UTILIZING SOUTH TEXAS COMMUNICATIONS. (OL-SHERIFF)**
The Documentation is as follows:

(5) CONSENT ITEMS.

- (B) CONSIDERATION AND AUTHORIZATION TO ADVERTISE FOR THE FOLLOWING BIDS/RFP'S/RFQ'S: (RL-ADMINISTRATIVE SERVICES) (TABLED)
- a. AUDIT OF SOLID WASTE COLLECTION, RATES & RELATED BILLING ISSUES AT COUNTY BUILDINGS – ANNUAL RFP #1221-4.

Commissioner Garza motioned to TABLE this item.

The motion was seconded by Commissioner Tamayo and carried unanimously.

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- (L) CONSIDERATION AND APPROVAL TO PURCHASE VARIOUS OFFICE FURNITURE THROUGH HERMAN MILLER/WORKPLACE RESOURCE, VIA VENDORS “NATIONAL” – TxMAS CONTRACT NUMBER TXMAS-3-711060 AND “SIT ON IT” – TxMAS CONTRACT NUMBER TXMAS-4-7110240 AND THROUGH PROVOST INTERIORS. (AV-DISTRICT ATTORNEY) (TABLED)

Commissioner Tamayo motioned to TABLE this item.

The motion was seconded by Commissioner Garza and carried unanimously.

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- (M) CONSIDERATION AND APPROVAL OF HURRICANE WORKSITE AGREEMENT BETWEEN THE UNITED MIGRANT OPPORTUNITY SERVICE/UMOS, INC. AND CAMERON COUNTY. (MV-HUMAN RESOURCES) (Contract No. 2008C09310)

Upon motion by Commissioner Garza, seconded by Commissioner Wood and carried unanimously, the Hurricane Worksite Agreement between The United Migrant Opportunity Service/UMOS, Inc. and Cameron County was approved.

The Contract is as follows:

(N) **CONSIDERATION AND APPROVAL FOR THE OCTOBER 1, 2008 – SEPTEMBER 30, 2009 HOLIDAY SCHEDULE. (MV-HUMAN RESOURCES)**

Commissioner Wood motioned to approve the October 1, 2008 – September 30, 2009 Holiday Schedule excluding Emancipation Day (June 19th), Cesar Chavez Day and Martin Luther King Jr. Day.

The motion was seconded by Judge Cascos and the vote was as follows:

AYE: Commissioner Wood and Judge Cascos

NAY: Commissioner Benavides, Commissioner Tamayo and Commissioner Garza

The motion died by a vote of (2) to (3).

Commissioner Tamayo motioned to approve the October 1, 2008 – September 30, 2009 Holiday Schedule excluding Emancipation Day (June 19th).

The motion was seconded by Commissioner Garza and carried unanimously.

The Documentation is as follows:

(X) CONSIDERATION AND AUTHORIZATION TO AWARD BIDS, RFP'S, RFQ'S FOR THE FOLLOWING: (MF-PURCHASING)

a. INSURANCE: VOLUNTARY (EMPLOYEE PURCHASED) DENTAL – ANNUAL RFP #1466D (AMERITAS)

Upon motion by Commissioner Garza, seconded by Commissioner Tamayo and carried unanimously, Authorization to Award the RFP for Insurance: Voluntary (Employee Purchased) Dental – Annual RFP #1466d (Ameritas) was approved.

The Tabulation is as follows:

(AA) CONSIDERATION AND APPROVAL OF GRANT ADJUSTMENT NOTICE FOR THE LOCAL BORDER SECURITY GRANT FY 08 (LBSP-08) PROGRAM. (OL-SHERIFF)

Upon motion by Commissioner Benavides, seconded by Commissioner Wood and carried unanimously, the Grant Adjustment Notice for the Local Border Security Grant FY 08 (LBSP-08) Program was approved.

The Documentation is as follows:

(FF) CONSIDERATION AND POSSIBLE APPROVAL FOR 60 MONTH LEASE WITH THE STATE OF TEXAS CONTRACT DIR-SDD-515 WITH TDIR/XEROX FOR (13) NEW COPIERS FOR THE TAX OFFICE. (TY-TAX) (Contract No. 2008C09314)

Upon motion by Commissioner Benavides, seconded by Commissioner Garza and carried unanimously, the 60 Month Lease with the State of Texas Contract DIR-SDD-515 with TDIR/XEROX for (13) new copiers for the Tax Office was approved.

The Documentation is as follows:

(GG) CONSIDERATION AND AUTHORIZATION TO ALLOW THE COMMISSIONERS' COURT LEGAL COUNSEL TO REVIEW AND ASSIST WITH COMMENTS TO TEXAS GENERAL LAND OFFICE ON IMPACTS OF H.B. 2819 AND AUTHORIZE CAMERON COUNTY JUDGE TO SEND LETTER TO LAND COMMISSIONER, JERRY PATTERSON REQUESTING EXTENSION ON COMMENT PERIOD DUE TO HURRICANE DOLLY. (JM-PARKS)

Upon motion by Commissioner Garza, seconded by Commissioner Benavides and carried unanimously, Authorization to Allow the Commissioners' Court Legal Counsel to Review and Assist with Comments to Texas General Land Office on Impacts of H.B. 2819 and Authorization for the Cameron County Judge to send a letter to Land Commissioner, Jerry Patterson, requesting Extension on Comment Period due to Hurricane Dolly was approved.

ACTION ITEMS

(7) ACTION ITEMS.

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

Upon motion by Commissioner Garza, seconded by Commissioner Wood 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:

(B) APPROVAL OF CLAIMS.

Commissioner Tamayo moved to approve the Claims.

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

AYE: Commissioner Tamayo, Commissioner Wood, Commissioner Garza and Commissioner Benavides

NAY: None

ABSTAIN: Judge Cascos as to Warrant No. 00206115, made payable to Public Utilities Board, in the amount of \$898.26.

The Claims and Affidavit are as follows:

**(C) APPROVAL OF MINUTES FOR:
AUGUST 12, 2008 - REGULAR MEETING (TABLED)**

Commissioner Garza motioned to table the Approval of Minutes for the August 12, 2008-Regular Meeting.

The motion was seconded by Commissioner Tamayo and carried unanimously.

(D) CONSIDERATION AND ACTION TO SELECT A SERVICE PROVIDER FOR THE 2008-2012 CAMERON AND WILLACY COUNTIES COLONIA SELF-HELP CENTER, SUBJECT TO CONTRACT NEGOTIATION AND PROJECT FUNDING FROM THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS. (FB-PD&M)

Commissioner Garza moved to award the contract to Housing Plus.

The motion was seconded by Judge Cascos and the vote was as follows:

AYE: Commissioner Garza and Judge Cascos

NAY: Commissioner Benavides, Commissioner Tamayo, Commissioner Wood

The motion died by a vote of (2) to (3).

Commissioner Wood moved to award the contract to Community Development Corporation of Brownsville.

The motion was seconded by Commissioner Tamayo and carried unanimously.

(E) DISCUSSION REGARDING THE FISCAL YEAR 2008-2009 BUDGET AND TAX RATE. (XV-BUDGET)

Mr. Xavier Villarreal, Budget Officer-"Judge and Commissioners, I placed another spreadsheet before you, it's on legal-sized (paper), it looks like this with various scenarios. It's similar to the one from last week."

Judge Cascos-"Xavier, you weren't able to get something up here (projected)?"

Mr. Villarreal-"No, it wouldn't work it..."

Judge Cascos-"It wouldn't take?"

Mr. Villarreal-"...anyway since it's on a legal-sized (paper) and that only works with a-I do have some..."

Judge Cascos-"Could you hand some extra copies..."

Commissioner Tamayo-"To the audience."

Judge Cascos-"I guess pass them out to whomever needs a copy of what you're going to present to us.

How many do you have?"

Mr. Villarreal-“About eight.”

Judge Cascos-“I guess to whomever wants one.”

Mr. Villarreal-“As I was mentioning this is similar to the information that was presented last week with some slight deviations on the bottom section and what this does from Column A thru Column H shows what would happen by increasing-The first column is keeping it at the same tax rate.”

Judge Cascos-“Yeah, let’s start with Column A which is keeping the same tax rate.”

Mr. Villarreal-“The same tax rate.”

Judge Cascos-“And you can stop, well I think it’s pretty self explanatory but you may want to stop at how even if we kept the same tax rate, we’re still in a deficit position.”

Mr. Villarreal-“Correct. What this shows is total revenues of \$67,800,010 and then expenditures of \$67,856,667. The expenditures do not include any new positions or any salary increases and that’s without issuing the proposed debt so at that point, at the current tax rate, there’s a slight deficit of just over \$56,000. If the Court were to proceed with issuance of the debt both the road bonds and the C.O.s (Certificates of Obligation), next it shows the requirement for that on the tax portion and also the decrease and the transfer from the Bridge System to pay for that portion of the debt that would be allocated to the Bridge System. At that point it leaves a deficit of just over \$600,000; \$619,351. Below that, we’ve been speaking about, over the past couple of months, the new District Courts and also the proposed increase for County employees and the increase in the funding requirements for Indigent Defense. Assuming that that Court were to recognize the tobacco reimbursement funds, of \$322,000, and wanted to increase the full-time employees salaries by \$1,000 and to increase the funding for Indigent Defense by \$750,000, at that point it would be at a deficit of \$2.5 million. Additional Columns to the right show kind of variations of that. Column B thru D show scenarios with a \$.01 increase to the tax rate and it shows you, by increasing the tax rate by \$.01 with all of that increase going to the General Fund. In Column B, it shows that the total revenues go from \$67,800,000 to \$69,124,000. Total available without the debt is just over \$1.2 million. Then after issuing the debt, it leaves available just over \$704,000. There have been discussions over the past several weeks. Mr. Sepulveda has been having discussions with the District Judges and the Judge-Elect and there’s some scenarios here that depict some of that. One of the, I guess proposals, is for the, I’m not sure what the Court number is, 445th (District Court)?”

Judge Cascos-“The 444th (District Court) is the Family Court.”

Mr. Villarreal-“So the 445th (District Court) would be a roving Judge position to where in essence, the County would not fund any staff for that position and that Judge would then replace or take care of the cases within the individual Courts that are currently in Cameron County.”

Judge Cascos-“So that Judge would be roving from Court to Court?”

Mr. Villarreal-“From Court to Court. There would be no additional staff hired for that position. Column B shows that and also shows the scenario where the second Court, the 444th, would be a fully-funded fully-staffed general jurisdiction Court. By reducing the 445th to just a roving Judge, it would realize a savings of \$609,000 and that’s what that number is. It’s showing the savings because in the Expenditures, up on the top, is included the funding of (2) full-time Courts with all the positions for the District Attorney’s Office, the District Clerk, Bailiffs, Court Reporters, everything. That’s included in the top number; so the savings would be \$609,000. Below that, it’s still showing the tobacco reimbursement of \$322,000 and the \$1,000 increase for County employees of \$1.5 million. The Indigent Defense is showing a plugged number in order to balance to zero and so that shows you would only have \$136,000 available for additional funding for Indigent Defense. Within our current budget, we have approximately \$1 million allocated already for Indigent Defense.”

Judge Cascos-“And the District Judges have been anticipating about \$3 million...”

Mr. Villarreal-“Correct.”

Judge Cascos-“...that they would need for Indigent Defense.”

Mr. Villarreal-“Correct.”

Judge Cascos-“So that way we are cutting, we’re looking at cutting that particular fund. I don’t know if it’s going to work. We may run out but we are looking to cut wherever we can. “

Commissioner Wood-“But we’re already spending...”

Judge Cascos-“A million dollars.”

Commissioner Wood-“...somewhere close to a million dollars.”

Mr. Villarreal-“Correct.”

Judge Cascos-“That’s right.”

Mr. Villarreal-“Column C shows the same scenario with the tax rate, an increase of \$.01 to the General Fund, the difference is on the Family Court. The Family Court is in essence reduced to the operations that it’s currently under right now but it is adding additional staff of a Court Coordinator, a Bailiff and a District Court Clerk. That would show a savings of \$799,000 because you’re eliminating the staffing from the District Attorney’s Office. Below that you’re still utilizing the tobacco reimbursement funds and the \$1,000 increase for employees;

again the plug number is Indigent Defense which you're only allocating \$327,000 in additional funds for that. Column D, same scenario other than the Family Court is funded and operated as is currently operating right now; that means there's no additional positions for the Family Court, the District Attorney's Office, the District Clerk's and the Bailiffs either; that realizes a savings of \$892,546. Again the plug number is \$419,600 for Indigent Defense. The next three columns show a \$.015 increase and of course there's three of those that coincide with the different options on the District Courts. As you realize in each one of these scenarios, and that is leaving the Indigent Defense at a \$750,000 increase, that on Column E there's a slight surplus of just over \$48,000, Column F it's just under \$240,000, Column G it's \$331,000. Column H is actually the tax rate increase that it would take for these scenarios, which would be the Family Court receiving some additional staff, and leaving the Indigent Defense at \$750,000. The (tax rate) increase would be just over \$.014 in order to balance it out with all of that. Now of course there's other scenarios that can be plugged into this. Of course, you know, adjustments to the increase for employees or the tobacco reimbursements and things of that nature. I would just need direction from the Court as to which direction. Today we're not adopting the tax rate; we're not adopting the budget. I just kind of need direction from the Court which way to go to start preparing the document for the adoption of the Budget and the tax rate on the 16th of September, when we're scheduled to actually vote on both of those things."

Judge Cascos-"Any questions or comments? Again I ask the members of the Court to get with Xavier and make any recommendations either on the tax rate or the expenditures or the revenues and visit with him, give him a scenario. I think the next time I want to see 'Commissioner A' or 'Commissioner I recommended this, Commissioner 2 recommends this, 3, 4 and the Judge...' or whatever. That way we can see, you'd be surprised, we may be on the same page, most of us, and I'd like to see what everybody else is thinking in an open meeting."

Commissioner Garza-"Xavier, on Column D..."

Mr. Villarreal-"Yes?"

Commissioner Garza-"The \$892,000, what is the difference being from Column C and Column D?"

Mr. Villarreal-"It's those positions which are here on the bottom, which is the Coordinator, Bailiff and the District Court Clerk for nine months. It's about \$93,000 for those positions for the nine months."

Commissioner Garza-"For nine months?"

Mr. Villarreal-"For nine months only."

Commissioner Garza-"Ok, so that's that difference there."

Mr. Villarreal-"Yes."

Commissioner Garza-“And (Column) B is no positions, no new positions? What are we using right now in that Family Court? Don't they have a Coordinator?”

Mr. Villarreal-“They do not have a Coordinator. They have a Court Administrator.”

Commissioner Garza-“They have a what?”

Mr. Villarreal-“A Court Administrator. Within all the District Courts and also the County Courts at Law there's a Court Administrator and then a Court Coordinator position.”

Commissioner Garza-“But that Family Court has been running with that staff, right?”

Mr. Villarreal-“Yes.”

Commissioner Tamayo-“With that type of coordination.”

Commissioner Garza-“The only difference is now in an elected-court versus an appointed court.”

Mr. Villarreal-“Correct, other than in its approval it does have jurisdiction over both Family and Criminal matters.”

Commissioner Garza-“Yeah, but the intent...”

Mr. Villarreal-“The intent is to...”

Commissioner Garza-“...is to have a Family Court.”

Mr. Villarreal-“Correct. That was the intent of the Commissioners' Court.”

Mr. Pete Sepulveda, County Administrator-“As I've mentioned before we're in the process of designing the layouts for the two courts. In reality there is no space, you know, for us to move a judge into. We've worked with the District Judges or their liaison in identifying areas where the District Attorney has moved to the 3rd and 4th floor of the old Administration Building and so now we've utilized or we will utilize the space that's available in the 2nd floor with the D.A. moving onto the next building. At this point, as you all know, part of what Xavier (Villarreal) has included in here is the additional debt. Part of that will be to fund the construction of these two new Courts and at this point we probably won't be ready to go to construction until sometime October or November of this year. So, you know, we have no space that is available, however, in talking to...”

Commissioner Garza-“Well, we have no space to house a new court in...”

Mr. Sepulveda-“Correct.”

Commissioner Garza-“But we have space by...”

Mr. Sepulveda-“The existing one.”

Commissioner Garza-“...utilizing existing courtrooms...”

Mr. Sepulveda-“Right.”

Commissioner Garza-“...so that we can have a Judge that would go through the system.”

Mr. Sepulveda-“And I was going to explain that. In talking to Judge Alejandro, who has talked to the other District Judges, is that we could have one roving Judge that would hear the cases of the different District Judges and be able to be in a position to utilize the staff from those District Judges and all District Judges have agreed on that plan. The other thing that Judge Alejandro mentioned to me is that Judge Sanchez will be hearing-at least 60% of his cases will be Family Court cases and so that reduces the amount of staff that is required from other departments. So that is also something that we can work with the District Judges on and that’s some of the savings that Xavier has included in here. But I’ve talked to Judge Alejandro, you know, a couple of times in the last couple of days and, you know, that’s the plan that’s included under One Roving, One Family Court (b).”

Commissioner Wood-“Xavier, while we’re talking about Courts and Indigent Defense, have you worked into this numbers that Judge Nelson talked to us about earlier today?”

Mr. Villarreal-“No. The large grant, no it’s not included here yet. We weren’t sure how much it was going to be. The smaller amounts are basically going to be absorbed by-I believe the \$100,000 is going to be absorbed by the new operations of that. The \$140,000 is in essence a reimbursement of what we spent this year on the capital murder cases.”

Commissioner Wood-“But the large amount was \$500,000.”

Mr. Villarreal-“The large amount is not factored in here. That will be in excess of this.”

Commissioner Wood-“Ok.”

Commissioner Garza-“Not necessarily because in theory you could take a lot of the workload from that budget and redirect it to the 8 new member Public Defender’s Office.”

Mr. Villarreal-“Public Defender’s.”

Commissioner Garza-“Ok. So If somebody’s willing to give us \$560,000, I think it’d be easy to find \$140,000 to do the match from there and then take the load off of that contracted work.”

Commissioner Wood-“And I think that’s what...”

Mr. Villarreal-“Well, the one thing that I did ask Judge Nelson last week, when he was speaking to this issue, was-because I knew that they were going to apply for additional funds and that there was a couple of scenarios that he mentioned, the 8 and the 16 (Public Defender’s Office), and they didn’t know how much grant funding was going to be available and the 8 and the 16 (Public Defender’s Office); my question was is that to replace the \$3 million that they were asking or was this on top of that? In essence it was the \$3 million and then you back out whatever the State’s going to give us for the Public Defender’s Office and then we still need that difference. So in

other words, if they were going to give us \$1.5 million for the Public Defender's, I mean, they still felt that they needed the \$1.5 million to come up with that \$3 million."

Commissioner Garza-"Well, they work on it from the top down and we'll work from the bottom up."

Mr. Villarreal-"Yeah. That has yet to be factored into this."

Commissioner Wood-"So you'll do that during this week?"

Mr. Villarreal-"Well the only problem that we have, as Judge Nelson mentioned, is that they're not going to make the final decision on that award until late October or November. So unless we can get something that has some kind of commitment from them, I know it can't be an actual award, or something for us to work with to include it into the..."

Commissioner Wood-"Well he's got to know whether or not we accept the 8 member Public Defender's Office."

Mr. Villarreal-"Correct."

Commissioner Wood-"If we accept that, then..."

Mr. Villarreal-"And then it goes from there."

Commissioner Wood-"...it goes before the awarders."

Mr. Villarreal-"That's going to be on for next week."

Commissioner Wood-"If we don't get the money, then we don't have the money to pay for it."

Mr. Villarreal-"Correct."

Commissioner Wood-"I don't know what they're going to do to us if we stay the way we are for another year. Put us in jail? I don't know."

Commissioner Garza-"The comments made by the Judge from Tarrant County were very favorable in regards to..."

Commissioner Wood-"Getting it done."

Commissioner Garza-"One of the comments interestingly enough and I don't know if I should mention that or not, but I am. One of the comments that was very prevalent throughout the conversation when I was with Judge Glenn Whitney was that, he says, 'You know when we score our applications in Austin they all go through the same scoring process of some sort and we look at your tax rate. You are way below everybody else that applies. The tax rate from the Counties that we're looking at range from \$.46 to \$.52 pretty much across the State of Texas. You guys down there need to ante up. You got to make a larger local effort. You're at \$.34 and it doesn't make us feel

good giving you money when we don't think you're asking the local community for as much as the other Counties are'."

Commissioner Wood-"They need to take into consideration our local communities' abilities to pay also and maybe they're not looking at that."

Commissioner Garza-"Yeah and we did. We mentioned to them some of the factors."

Judge Cascos-"And the Bridge System."

Commissioner Garza-"And the Bridge System that we subsidize our Budget with, the low socioeconomic median income of our area and all the other factors that go into it and he was receptive. He says, 'Well I understand now', but when, you know..."

Commissioner Wood-"Good. It's black and white."

Commissioner Garza-"... guys from elsewhere look at, it's just a number."

Commissioner Tamayo-"We don't all fit into a mold."

Judge Cascos-"Any questions or comments from members of the Court? Commissioner Benavides?"

Commissioner Benavides-"Not at this time Judge."

Judge Cascos-"Commissioner Wood?"

Commissioner Wood-"No."

Judge Cascos-"Commissioner Tamayo?"

Commissioner Tamayo-"I've been visiting with Xavier and I'll continue visiting with him and I don't want to go more than \$.01 increase so I'll keep working with you with a final recommendation."

Mr. Villarreal-"By next Tuesday I need, I guess the final changes or decision as to what's to be included and what's not to be included as I mentioned so that way for the 16th (of September) we can have the document prepared for the vote. It will be very difficult to make the changes that day."

Commissioner Garza-"Well, the two Courts are not options. The options that we have is Family Court and Roving Judge."

Mr. Villarreal-"Correct."

Commissioner Tamayo-"The implementation is our option we have."

Mr. Villarreal-"And actually we need to decide on that today, right? On the Courts?"

Mr. Richard Burst, Legal Counsel-"Well, you can't, the way it's on the agenda it's just for discussion and as I understand what you said, you need a final decision by next Tuesday."

Mr. Villarreal-“Well, but I can still receive direction from the Court as to what they want included and what they don’t.”

Commissioner Garza-“And that’s what I’m trying to say.”

Mr. Villarreal-“But we kind of need that.”

Judge Cascos-“Well, you already got an inkling from Commissioner Tamayo that she’s willing to go no more than \$.01.”

Mr. Villarreal-“Right.”

Judge Cascos-“So that fits into one of these scenarios. If somebody else says, ‘I want to go \$.02’, well that’s not going to happen; I don’t think. Or if they want to go less than \$.01 or no tax then they need to come up with the number to make this thing balance.”

Mr. Villarreal-“Right.”

Judge Cascos-“Ok and I mean that’s not your role.”

Commissioner Garza-“Unfortunately, your plug-in number should not be a plug-in number. I mean, your number should be a request made and that’s, you know, the Indigent Defense. Whether we like it or not that Supreme Court ruling has mandated us to fund that operation and we don’t have a choice. I mean the choice is, ‘See you in Court’, right?”

Mr. Villarreal-“Correct.”

Commissioner Garza-“So, we’re using that number as a plug-in number and in reality, you know, we need to be realistic about what that cost might be to this County.”

Judge Cascos-“If you go to Column D, which shows the \$.01 increase and the plugged number for Indigent Defense, there’s only a couple of numbers in there that you could eliminate. One of them is the salary increases and if that’s what a recommendation is from a member of the Court, that’s fine. You’re eliminating \$1.5 million. Then you could also affect the tax rate at the same time. I want you to do one in keeping the same tax rate, but see the plugged number will still be Indigent Defense. Do one with the same tax rate with no raise to anybody using the tobacco reimbursement money and then see what number you need to plug in to Indigent Defense. I’ll tell you that if we show \$136,000 for Indigent Defense, they’re going to be telling us we’re going to be short already. That’s what they’re saying. I don’t know if that’s true or not, but you know...”

Mr. Villarreal-“You mean with the current tax rate, Column A, and then reducing the employees...”

Judge Cascos-“Yeah.”

Mr. Villarreal-“I mean you’d still be short \$1 million.”

Judge Cascos-"But you move in the \$892,000..."

Mr. Villarreal-"Ok, the savings from there. Ok."

Judge Cascos-"...over there. So we keep the same tax rate, we do the Court that you have on Column D..."

Mr. Villarreal-"Ok."

Judge Cascos-"...you eliminate the raises for everybody or maybe come up with half that or something and see what it makes to, you know, balance."

Mr. Villarreal-"Ok."

Judge Cascos-"Let's see what that looks like."

Commissioner Tamayo-"I think I discussed that with you Xavier that, you know, cutting the \$1,000 (salary increase) to half and it still didn't help us enough."

Mr. Villarreal-"Well on that scenario we had already cut the-what's reflected here is cutting the Indigent Defense from \$1.5 million to \$750,000."

Commissioner Garza-"We already cut \$750,000."

Mr. Villarreal-"So that portion is still here. We cut \$750,000 out of that and so the other \$1.5 million for the \$1,000 increase is still there but that would also be \$750,000 savings to go from \$1,000 to \$500 salary increase."

Commissioner Wood-"Tell me how you're cutting the \$750,000 from the Indigent Defense."

Judge Cascos-"He just cut it."

Commissioner Wood-"Well, but we're spending a million now..."

Judge Cascos-"They're asking more."

Mr. Villarreal-"This is in addition."

Commissioner Wood-"I know they're asking more..."

Mr. Villarreal-"This is in addition to the million dollars."

Judge Cascos-"An additional million dollars. Well, an additional \$1.5 million"

Mr. Villarreal-"Well here..."

Commissioner Wood-"Or \$2 million additional if they want \$3 (million). They say it's going to cost \$3 (million)."

Judge Cascos-"That's right."

Mr. Villarreal-"Correct."

Commissioner Wood-"So I don't understand where you're cutting, you know, putting \$750,000 if we've got to do it. If we've got to do it, we've got to do it. I'm not sure we got to do it, but there has been a Supreme

Court ruling saying we're supposed to do it. So we're still going to come up short. I know you're talking about a 9-month period here. I'm assuming or something like that. I'm not sure what you're talking about on the timeline."

Mr. Villarreal-"Well actually, the cut actually came about from discussions with the Commissioners and looking at options and one of them was, 'What happens if we reduce the salary increase from \$1,000 to \$500?', which was a decrease of \$750,000 and then the other one was doing Indigent Defense half and that's where the \$750,000 comes from."

Commissioner Wood-"What I'm saying Xavier is, I'm not talking about the salary increases for employees, if you cut Indigent Defense in half, you're still not going to be able to accomplish what you're supposed to accomplish by Court order. So why do it at all?"

Judge Cascos-"Well, Court order is not telling you how much to spend."

Commissioner Garza-"This is what the Judges are asking for."

Judge Cascos-"Yeah. They're not telling you have to spend \$3 million. They're just saying, 'You have to provide for Indigent Defense'."

Commissioner Wood-"Well, that's what they're saying it's going to cost us though."

Judge Cascos-"That's what we think."

Commissioner Garza-"Right."

Commissioner Wood-"Well, if it's going to cost us and we cut that in half, where are we at? Half of a program?"

Commissioner Garza-"Well, no. One of the caveats in my discussions has been the State grant on the 80/20 match beginning November. Ok?"

Commissioner Wood-"That's correct. That's five-hundred and some thousand dollars."

Commissioner Garza-"Which would-\$540,000 because it's 80% of \$700,000."

Commissioner Wood-"\$580,000."

Commissioner Garza-"\$560,000."

Commissioner Tamayo-"So that would..."

Commissioner Wood-"\$560,000. Yeah."

Commissioner Garza-"\$560,000. So that would be added on to that amount and sometimes people ask for more..."

Commissioner Wood-"And we've got to come up with \$140,000 also."

Judge Cascos—"Well, I think that's why I've asked you all for the last three weeks to get with Xavier and come up with a recommendation and if the recommendation is because we're being asked to do it, \$1.5 million, that's fine, but we have to pay for it somehow. So I'm asking you to go talk to him and visit with him because Pete (Sepulveda) is not going to find anything, you know, and go talk to him and say, 'Look, I want to keep,' not that you want to, 'But we must keep the \$1.5 million in there for Indigent Defense'. Fine, let's keep it in there, but you're going to find if you start doing that you're going to have to increase the tax rate by more than \$.01 and that's all I'm suggesting. So, either that or you eliminate compensation for all County employees. If that's what we need to do, it's what we need to do, but that's something that you all need to get with Xavier and give him that scenario so we can at least have the opportunity to look at it and that's what I'd like for you all to do. Has anyone talked to you about keeping Indigent Defense at \$1.5 million?"

Mr. Villarreal—"Not..."

Commissioner Wood—"You didn't know about the \$560,000 until tonight?"

Commissioner Garza—"No, that's been discussed already."

Commissioner Wood—"Then why haven't you already plugged it in?"

Commissioner Garza—"It's a possibility. It's not..."

Commissioner Wood—"Well, then he's not plugging it in yet so, you know..."

Judge Cascos—"Well, he can't plug it in until he's got some assurances we're going to get it."

Commissioner Wood—"We're not going to have any assurances until sometime in November."

Commissioner Tamayo—"That's the thing; you can't be sure."

Judge Cascos—"So you can't plug it in."

Commissioner Wood—"Well, we can't operate with what we've got before that time either."

Commissioner Garza—"But my thoughts, John, were that if we could not plug it into the Budget yet because we feel good about the possibility of getting it. You could reduce that \$1.5 million to a lesser amount."

Judge Cascos—"And then when it comes in, you bump it up and Martha (Galarza) can certify it. She's not going to certify anything right now."

Commissioner Garza—"I mean, if there's another way to do it..."

Judge Cascos—"Come up with it."

Commissioner Wood—"Well I'll visit with Xavier some."

Judge Cascos—"Good idea. Ok, Xavier, anywhere else we need to look at? Do you have anything else?"

Mr. Villarreal—"No, not at this point. These were the scenarios in speaking with the Commissioners..."

Judge Cascos-“Ok.”

Mr. Villarreal-“...that they wanted presented. “

Judge Cascos-“Alright. Ok, any comment? Martha, any comments from you? Anything?”

Ms. Martha Galarza, County Auditor-“The only comment that I had was that we already have the \$1 million budgeted in there for the Indigent Defense and the \$3 million figure that they’re coming up with is based on a study that was used and they were using El Paso rationale, which I don’t believe that we have here. So that’s why you were comfortable with using the \$1.5 million in addition to the \$1 million, but based on how the tax rate is, the tax rate doesn’t want to be increased, that’s why that has been cut back down to \$750,000. But I checked the Budget also and I looked at it line item by line item and there isn’t anything that we can cut right now aside from eliminating slots.”

Judge Cascos-“Right, eliminate slots.”

Ms. Galarza-“Yeah.”

Commissioner Wood-“So then there’s not a whole lot of room, wiggle room, for us to be looking at during this week with Xavier except for me to better understand what we’re doing with the Indigent Defense, Xavier.”

Ms. Galarza-“Correct.”

Judge Cascos-“Well, but the other option is increasing the tax rate to make everything fit. I believe the scenarios you’re coming up with and what I’m hearing from some of the members of the Court, we’re trying to work with raising the tax rate by \$.01 and then try to work within those parameters. That’s what I’m understanding but if we raise it \$.01 we can’t do \$1.5 million for Indigent Defense, we can’t do \$1.5 million for salary increases. That’s it, so something’s got to give somewhere and that’s where Xavier needs some help and some guidance. Right? Ok. Anything else? Thank you Martha. Anything else? Ok, Do I hear a motion to acknowledge Mr. Villarreal’s report?”

Commissioner Tamayo-“So moved.”

Judge Cascos-“Moved by Commissioner Tamayo.”

Commissioner Garza-“Second.”

Judge Cascos-“Second by Commissioner Garza. All those in favor please signify by saying ‘aye’.”

Commissioner Tamayo, Commissioner Garza, Commissioner Wood and Commissioner Benavides-“Aye.”

Judge Cascos-“Any opposed? Item carries.”

The Documentation is as follows:

(F) CONSIDERATION AND AUTHORIZATION TO HOLD A PUBLIC HEARING REGARDING THE PROPOSED TAX RATE FOR FY 2008-2009 AT OR BELOW \$0.364221 PER EVERY \$100 VALUATION. (XV-BUDGET)

Upon motion by Commissioner Tamayo, seconded by Commissioner Garza and carried unanimously, the Public Hearing was opened.

Mr. Alex Resendez asked the Court to specify where funds will be applied to if taxes are raised.

Judge Cascos explained that the Bridge System did not generate the revenue anticipated and was short \$1,175,000 and that the creation of the 444th and 445th District Courts during the same year are a few of the reasons for the tax increase.

Mr. Juan Ortega made several recommendations to the Court on how to save future funds that includes reviewing all travel items to ensure that the travel is needed, bidding out any item over \$10,000 to possibly recognize savings, postponing temporary road work in order to save those funds for future permanent road work and assessing and repairing potential flood-prone areas to prevent future road damage.

Mr. Ruben Pena asked the Court to consider allowing the District Attorney's Office to act as the Commissioners' Court Legal Counsel in order to save some funds. He also recommended that the Tax Office and the District Attorney's Office be responsible for delinquent tax collections in hopes of realizing additional revenue.

Upon motion by Commissioner Tamayo, seconded by Commissioner Garza and carried unanimously, the Public Hearing was closed.

The Documentation is as follows:

(G) CONSIDERATION AND AUTHORIZATION TO HOLD A PUBLIC HEARING REGARDING THE FISCAL YEAR 2008-2009 BUDGET. (XV-BUDGET)

Upon motion by Commissioner Wood, seconded by Commissioner Tamayo and carried unanimously, the Public Hearing was opened.

Mr. Juan Ortega asked the Court to consider going from a 5-day workweek to a 4-day workweek in order to realize some savings to the Budget.

Judge Cascos asked to see an analysis from staff to determine if reducing the workweek is feasible.

Upon motion by Commissioner Tamayo, seconded by Commissioner Garza and carried unanimously, the Public Hearing was closed.

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

Commissioner Garza motioned to TABLE this item.

The motion was seconded by Commissioner Benavides and carried unanimously.

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 8:40 P.M.

APPROVED this 23rd day of **September 2008**

CARLOS H. CASCOS, CPA
COUNTY JUDGE

ATTEST:

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