

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 23rd day of December 2008, there was conducted a **SPECIAL 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:

8:00 A.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:



The meeting was called to order by Judge Cascos at 8:02 A.M. He asked for a moment of silence. The Court then led the 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 December 19, 2008 at 8:45 A.M., and the Supplemental Agenda posted and filed on December 19, 2008 at 3:34 P.M.:

(1) **PUBLIC COMMENTS.**

Judge Juan Jose "J.J." Martinez read a statement describing his experience as a juvenile court judge.

NOTE: Commissioner Benavides joined the meeting at 8:10 a.m.

Judge Cascos and Commissioner Wood commended Judge Martinez on his service to Cameron County.

PRESENTATIONS

(2) **PRESENTATIONS/RESOLUTIONS.**

(A) **PRESENTATION AND UPDATE ON THE WARRANT OFFICER COLLECTIONS. (COMM. COURT)**

Justice of the Peace Adam Gonzales reported that \$579,748.81 was collected from October 1, 2007-September 30, 2008 by the JP Warrant Officers.

Commissioner Tamayo inquired as to the rotation of the JP Warrant Officers.

Judge Gonzales replied that the warrant officers are assigned to each JP Court for a 2-month period and then they are transferred to a different JP Court. He acknowledged that some Courts are not prepared for the officer when it is their turn in the rotation and the officer is reassigned to another Court.

Judge Cascos noted that the collections of each JP Court vary significantly and requested to see a collections report from those JPs that do not participate in the Warrant Officer Program. He also asked to see an aging report as to the total amount of outstanding warrants from each JP Court.

Commissioner Garza motioned to acknowledge the Report regarding the Warrant Officer Collections.

The motion was seconded by Commissioner Tamayo and carried unanimously.

CONSENT ITEMS

(3) **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 Item No. 3 (M):

Commissioner Garza asked to discuss this item separately.

Consent Item No. 3 (E):

Judge Cascos asked to discuss this item separately.

Commissioner Tamayo motioned to approve the "Consent Items", excluding Consent Items No. 3 (E) and (M).

The motion was seconded by Commissioner Wood and carried unanimously.

(A) **CONSIDERATION AND APPROVAL OF AGREEMENT BETWEEN CAMERON COUNTY AND HARLINGEN IRRIGATION DISTRICT NO. 1 IN REFERENCE TO THE DIXIELAND ROAD PROJECT. (PSJ-ADMINISTRATOR) (Contract No. 2008C12420)**

The Contract is as follows:

- (B) CONSIDERATION AND APPROVAL OF SUBMITTAL OF PERMIT APPLICATION TO THE STATE OF TEXAS GENERAL LAND OFFICE FOR THE ARROYO COLORADO CROSSING FOR THE DIXIELAND ROAD PROJECT. (PSJ-ADMINISTRATOR)
- (C) CONSIDERATION AND APPROVAL FOR CAMERON COUNTY DEPARTMENT OF TRANSPORTATION, ENGINEERING DIVISION, TO ENTER INTO LEASE AGREEMENT WITH XEROX CORPORATION. (EH-CCDoT) (Contract No. 2008C12421)
The Contract is as follows:
- (D) CONSIDERATION AND APPROVAL OF LEASE AGREEMENT WITH XEROX STATE OF TEXAS CONTRACT DIR-SDD-515. (DAG-COMM. PCT. 3) (Contract No. 2008C12422)
The Contract is as follows:
- (E) ACKNOWLEDGEMENT OF DISTRICT CLERK'S NOVEMBER, 2008 MONTHLY FEE, FINES AND CRIMINAL REPORTS. (AdelaG-DISTRICT CLERK) (ACTION TAKEN SEPARATELY)
- (F) CONSIDERATION AND APPROVAL OF CONTRACT BETWEEN CAMERON COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES AND THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES TUBERCULOSIS PREVENTION AND CONTROL. (YS-HEALTH) (Contract No. 2008C12423)
The Contract is as follows:
- (G) CONSIDERATION AND POSSIBLE APPROVAL OF RENEWAL TO OPERATING AGREEMENT-FOOD SERVICES WITH ARAMARK CORRECTIONAL SERVICES, LLC FOR THE CAMERON COUNTY JAIL. (DJV-LEGAL) (Contract No. 2008C12419)
The Contract is as follows:
- (H) CONSIDERATION AND POSSIBLE APPROVAL OF RIGHT OF ENTRY FOR CONSTRUCTION TO THE TOWN OF SOUTH PADRE ISLAND FOR BEACH NOURISHMENT PROJECT. (JM-PARKS) (Contract No. 2008C12424)
The Documentation is as follows:
- (I) CONSIDERATION AND AUTHORIZATION TO RENEW THE FOLLOWING BIDS/RFP'S/RFQ'S: (MF-PURCHASING)
- a. SAFETY SUPPLIES – ANNUAL BID #2600 (SEA GARDEN SALES)
 - b. LAUNDRY SUPPLIES – ANNUAL BID #2320 (ECOLAB)
 - c. ELECTRICAL SUPPLIES – ANNUAL BID #2000-2 (ELECTRIC FIXTURES, GRAYBAR)
- The Tabulation is as follows:
- (J) CONSIDERATION AND AUTHORIZATION TO ADD A CELL PHONE TO SHERIFF'S OFFICE BUDGET. (OL-SHERIFF)
- (K) CONSIDERATION AND APPROVAL OF RESOLUTION AUTHORIZING THE SHERIFF'S DEPARTMENT TO APPLY TO THE TEXAS DEPARTMENT OF TRANSPORTATION FOR A TEXAS TRAFFIC SAFETY PROGRAM-IMPAIRED DRIVING MOBILIZATION GRANT AGREEMENT. (OL-SHERIFF) (Resolution No. 2008R12095)
The Resolution is as follows:
- (L) CONSIDERATION AND AUTHORIZATION TO PURCHASE 5 AUTOMATIC LICENSE PLATE READERS AS PER HGAC CONTRACT #RAD01-08. (OL-SHERIFF) (Contract No. 2008C12425)
The Documentation is as follows:
- (M) CONSIDERATION AND ACTION AUTHORIZING THE TAX ASSESSOR COLLECTOR'S OFFICE TO IMPOSE A LICENSE FEE AND ISSUE PERMITS ON ALL COIN OPERATED MACHINES IN THE AMOUNT OF ONE-FOURTH THE RATE THE STATE OF TEXAS IMPOSES ON EACH COIN OPERATED MACHINE WITHIN CAMERON COUNTY AS AUTHORIZED BY THE OCCUPATION CODE CHAPTER 2153.154, 2153.401, AND 2153.451 (COIN-OPERATED MACHINES), AND ADD ADDITIONAL PERSONNEL TO ADMINISTER THE ISSUANCE OF PERMITS IN COMPLIANCE WITH SAID ORDER. (TY-TAX) (ACTION TAKEN SEPARATELY)
- (N) CONSIDERATION AND APPROVAL OF A RESOLUTION AUTHORIZING THE CAMERON COUNTY DISTRICT ATTORNEY'S OFFICE TO SUBMIT AN APPLICATION FOR LAW ENFORCEMENT, PROSECUTION, COURT, AND TRAINING DOMESTIC VIOLENCE, SEXUAL ASSAULT, AND STALKING PROGRAM WITH THE GOVERNOR'S OFFICE CRIMINAL JUSTICE DIVISION FOR THE 2009-2010 DOMESTIC VIOLENCE UNIT. (FB-PD&M) (Resolution No. 2008R12094)
The Resolution is as follows:

- (A) **CONSIDERATION AND APPROVAL OF AGREEMENT BETWEEN CAMERON COUNTY AND HARLINGEN IRRIGATION DISTRICT NO. 1 IN REFERENCE TO THE DIXIELAND ROAD PROJECT. (PSJ-ADMINISTRATOR) (Contract No. 2008C12420)**
The Contract is as follows:

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The Contract is as follows:

- (D) CONSIDERATION AND APPROVAL OF LEASE AGREEMENT WITH XEROX STATE OF TEXAS
CONTRACT DIR-SDD-515. (DAG-COMM. PCT. 3) (Contract No. 2008C12422)
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The Contract is as follows:

- (G) CONSIDERATION AND POSSIBLE APPROVAL OF RENEWAL TO OPERATING AGREEMENT-
FOOD SERVICES WITH ARAMARK CORRECTIONAL SERVICES, LLC FOR THE CAMERON
COUNTY JAIL. (DJV-LEGAL) (Contract No. 2008C12419)
The Contract is as follows:**

- (H) CONSIDERATION AND POSSIBLE APPROVAL OF RIGHT OF ENTRY FOR CONSTRUCTION TO THE TOWN OF SOUTH PADRE ISLAND FOR BEACH NOURISHMENT PROJECT. (JM-PARKS)
(Contract No. 2008C12424)
The Documentation is as follows:**

- (I) CONSIDERATION AND AUTHORIZATION TO RENEW THE FOLLOWING BIDS/RFP'S/RFQ'S: (MF-PURCHASING)**
- a. SAFETY SUPPLIES – ANNUAL BID #2600 (SEA GARDEN SALES)**
 - b. LAUNDRY SUPPLIES – ANNUAL BID #2320 (ECOLAB)**
 - c. ELECTRICAL SUPPLIES – ANNUAL BID #2000-2 (ELECTRIC FIXTURES, GRAYBAR)**
- The Tabulation is as follows:**

- (K) CONSIDERATION AND APPROVAL OF RESOLUTION AUTHORIZING THE SHERIFF'S DEPARTMENT TO APPLY TO THE TEXAS DEPARTMENT OF TRANSPORTATION FOR A TEXAS TRAFFIC SAFETY PROGRAM-IMPAIRED DRIVING MOBILIZATION GRANT AGREEMENT. (OL-SHERIFF) (Resolution No. 2008R12095)**
The Resolution is as follows:

- (L) CONSIDERATION AND AUTHORIZATION TO PURCHASE 5 AUTOMATIC LICENSE PLATE READERS AS PER HGAC CONTRACT #RAD01-08. (OL-SHERIFF) (Contract No. 2008C12425)
The Documentation is as follows:**

- (N) **CONSIDERATION AND APPROVAL OF A RESOLUTION AUTHORIZING THE CAMERON COUNTY DISTRICT ATTORNEY'S OFFICE TO SUBMIT AN APPLICATION FOR LAW ENFORCEMENT, PROSECUTION, COURT, AND TRAINING DOMESTIC VIOLENCE, SEXUAL ASSAULT, AND STALKING PROGRAM WITH THE GOVERNOR'S OFFICE CRIMINAL JUSTICE DIVISION FOR THE 2009-2010 DOMESTIC VIOLENCE UNIT. (FB-PD&M) (Resolution No. 2008R12094)**
The Resolution is as follows:

CONSENT ITEMS

(3) CONSENT ITEMS.

(E) ACKNOWLEDGEMENT OF DISTRICT CLERK'S NOVEMBER, 2008 MONTHLY FEE, FINES AND CRIMINAL REPORTS. (AdelaG-DISTRICT CLERK)

Judge Cascos asked that future reports include an "Actual-to-Budget" column.

Commissioner Garza motioned to acknowledge the District Clerk's November, 2008 Monthly Fee, Fines and Criminal Reports.

The motion was seconded by Commissioner Wood and carried unanimously.

The Documentation is as follows:

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- (M) **CONSIDERATION AND ACTION AUTHORIZING THE TAX ASSESSOR COLLECTOR'S OFFICE TO IMPOSE A LICENSE FEE AND ISSUE PERMITS ON ALL COIN OPERATED MACHINES IN THE AMOUNT OF ONE-FOURTH THE RATE THE STATE OF TEXAS IMPOSES ON EACH COIN OPERATED MACHINE WITHIN CAMERON COUNTY AS AUTHORIZED BY THE OCCUPATION CODE CHAPTER 2153.154, 2153.401, AND 2153.451 (COIN-OPERATED MACHINES), AND ADD ADDITIONAL PERSONNEL TO ADMINISTER THE ISSUANCE OF PERMITS IN COMPLIANCE WITH SAID ORDER. (TY-TAX) (Order No. 2008012053)**

Commissioner Garza made a motion to approve authorizing the Tax Assessor Collector's Office to Impose a License Fee and Issue Permits on all Coin Operated Machines as authorized by the Occupation Code Chapter 2153.154 with no additional personnel.

The motion was seconded by Commissioner Wood and carried unanimously.

The Order is as follows:

ACTION ITEMS

(4) ACTION ITEMS.

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

Ms. Martha Galarza, County Auditor, asked that the Budget Amendment for Fund 100-4750 be tabled.

Commissioner Benavides motioned to approve the Budget Amendments, Line Item Transfers and/or Salary Schedules, tabling the Budget Amendments for Fund 100-4750.

The motion was seconded by Commissioner Garza and carried unanimously.

The Budget Amendments, Line Item Transfers and/or Salary Schedules are as follows:

(B) APPROVAL OF CLAIMS.

Commissioner Garza motioned to approve the Claims.

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

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

NAY: None

ABSTAIN: Judge Cascos as to Warrant No. 00212399, made payable to Harlingen Waterworks System, in the amount of \$190.42 and Warrant No. 00212418, made payable to Public Utilities Board, in the amount of \$6,320.42.

The Claims and Affidavits are as follows:

(C) CONSIDERATION AND APPROVAL OF 444TH DISTRICT COURT STAFF EFFECTIVE JANUARY 1, 2009 THROUGH SEPTEMBER 30, 2009, TO INCLUDE A COURT REPORTER AND A COURT BAILIFF. (MG-AUDITOR)

Judge Cascos informed the Court that the total cost is approximately \$113,000 for (9) months.

Commissioner Tamayo motioned to approve the 444th District Court Staff effective January 1, 2009 through September 30, 2009, to include a Court Reporter and a Court Bailiff.

The motion was seconded by Commissioner Garza and carried unanimously.

The Documentation is as follows:

(D) CONSIDERATION AND APPROVAL OF DISTRICT CLERK COURT STAFF EFFECTIVE JANUARY 1, 2009 THROUGH SEPTEMBER 30, 2009. (AdelaG-DISTRICT CLERK)

Judge Cascos informed the Court that the District Clerk has agreed to fund the District Clerk Court Staff through Child Support payments and once the 444th District Court is up and running, the slots will be funded through the General Fund.

Commissioner Garza motioned to approve the District Clerk Court Staff effective January 1, 2009 through September 30, 2009.

The motion was seconded by Commissioner Wood and carried unanimously.

The Documentation is as follows:

**(E) DISCUSSION AND POSSIBLE ACTION REGARDING
MODIFICATIONS TO THE 3RD FLOOR OF THE DISTRICT
ATTORNEY'S OFFICE. (PSJ-ADMINISTRATOR)**

Mr. David Garcia, Deputy County Administrator, stated that the modifications to the 3rd Floor of the District Attorney's Office will cost \$45,000.

Commissioner Garza motioned to approve the Modifications to the 3rd Floor of the District Attorney's Office.

The motion was seconded by Commissioner Wood and carried unanimously.

Ms. Martha Galarza, County Auditor, asked for clarification as to the funding source.

Mr. Charles Mattingly, Chief First Assistant District Attorney, replied that the District Attorney's Office will cover the costs of the modifications; however, he was unsure as to which account will be used.

Mr. Garcia added that Fund 90 monies are to be used to cover the costs.

The Documentation is as follows:

(F) CONSIDERATION AND ACTION REGARDING THE ASSIGNMENT OF COMMUNITY NETWORK CENTER, 4520 ROBERTO AVE., BROWNSVILLE, TEXAS 78520 FOR USE BY THE CAMERON COUNTY DISTRICT ATTORNEY'S OFFICE. (AV-DISTRICT ATTORNEY)

Commissioner Wood motioned to approve the Assignment of Community Network Center, 4520 Roberto Ave., Brownsville, Texas 78520 for use by the Cameron County District Attorney's Office.

The motion was seconded by Commissioner Garza and carried unanimously.

(G) CONSIDERATION AND APPROVAL OF A RESOLUTION AUTHORIZING THE DISTRICT ATTORNEY'S OFFICE TO APPLY FOR A GENERAL VICTIM ASSISTANCE GRANT FROM THE GOVERNOR'S OFFICE CRIMINAL JUSTICE DIVISION (CJD) FOR THE 2009/2010 VICTIM ASSISTANCE PROGRAM, AND DESIGNATION OF FUNDING SOURCE FOR THE REQUIRED MATCH. (FB-PD&M) (Resolution No. 2008R12093)

Ms. Rosie Mendoza, Crime Victim's Coordinator, informed the Court that the grant requires a 20% match and requested that the \$39,367.22 match be split equally between the District Attorney's Office and the Court.

Commissioner Garza asked if funds are budgeted for this request.

Ms. Martha Galarza, County Auditor, replied that the match would apply to Fiscal Year 2010.

Upon motion by Commissioner Garza, seconded by Commissioner Benavides and carried unanimously, the Resolution Authorizing the District Attorney's Office to Apply for a General Victim Assistance Grant from the Governor's Office Criminal Justice Division (CJD) for the 2009/2010 Victim Assistance Program, and Designation of Funding Source for the Required Match was approved.

The Resolution is as follows:

(H) DISCUSSION AND POSSIBLE ACTION REGARDING THE CUT OFF DATE BEING DECEMBER 31, 2008 FOR RECEIVING APPLICATIONS FOR CONSTABLE PCT. 1. (PSJ-ADMINISTRATOR)

Commissioner Garza motioned to approve the cut off date being December 31, 2008 for receiving Applications for Constable Pct. 1.

The motion was seconded by Commissioner Wood and carried unanimously.

(I) DISCUSSION AND POSSIBLE ACTION TO CHANGE THE DESIGNATION OF THE DAY OF THE WEEK ON WHICH THE COMMISSIONERS' COURT SHALL CONVENE IN REGULAR TERM DURING THE REMAINDER OF THE FISCAL YEAR AS PER LOCAL GOVERNMENT CODE, SECTION 81.005(C). (CHC-JUDGE)

Ms. Martha Galarza, County Auditor, explained that the cutoff day to submit payroll is on the Friday prior to payday and added that payroll is run as early as Tuesday and no later than Wednesday.

Commissioner Garza recommended that the day of the Regular Meetings be changed to Thursdays.

Judge Cascos suggested that the Regular Meetings be held every other Thursday at 5 PM, with the first meeting being held January 8, 2009.

Commissioner Garza motioned to designate the Day of the Week on which the Commissioners' Court shall convene in Regular Term during the remainder of the Fiscal Year as per Local Government Code, Section 81.005(C), as every other Thursday, beginning January 8, 2009 at 5 P.M. with the stipulation that the schedule of Regular Meetings be posted on the County's website.

The motion was seconded by Commissioner Tamayo and carried unanimously.

(J) CONSIDERATION AND POSSIBLE ACTION REGARDING REIMBURSEMENTS FROM FEMA. (PSJ-ADMINISTRATOR)

Mr. Robert L. Lopez, Director of Administrative Services, informed the Court that he and a representative with Beck Disaster Recovery have met with the Treasurer's Office to determine whether any reimbursements from FEMA have been received and they have not. He stated that he has made a call to the Texas Comptroller's Office and they recommended calling the Governor's Division of Emergency Management regarding the distribution of reimbursements.

Judge Cascos expressed concern with the delay of receiving reimbursements from FEMA as Hurricane Dolly hit Cameron County (5) months prior.

Commissioner Tamayo recommended that a letter be sent to the Governor's Office asking for clarification as to the status of the reimbursements.

Commissioner Garza noted that he met with FEMA representatives and they had issue with the County's consultants.

Mr. David Garcia, Deputy County Administrator, added that he met with a FEMA representative and asked who the County should contact regarding the reimbursements and the representative could not give him an answer.

Judge Cascos recommended that any future pre-position contracts include a clause whereas the contractor will be paid 50% by the County with the remaining 50% to be paid once the County receives FEMA reimbursements.

Commissioner Tamayo expressed frustration for the delay in receiving reimbursements and recommended that the Court take action regarding this issue.

Mr. John Buri, Beck Disaster Recovery, indicated that the State of Texas is delaying the disbursement of the reimbursements from FEMA.

NOTE: Commissioner Garza left the meeting at 9:22 a.m.

Mr. Buri added that his agency has been working well with FEMA.

Commissioner Tamayo disagreed with Mr. Buri and added that if Beck Disaster Recovery was working well with FEMA, Cameron County should have received some reimbursement.

Mr. Garcia recommended that the County concentrate on working with FEMA and the State.

Mr. Buri explained that FEMA has released funds to the State and the State then has to perform validations to determine that funds were expended for disaster-related costs.

Commissioner Wood inquired as to who is responsible for performing validations.

Mr. Buri replied that the Governor's Division of Emergency Management Recovery Section is responsible.

Commissioner Wood recommended that the County contact the Governor's Division of Emergency Management to assist in validating so that reimbursements can be received.

Judge Cascos recommended that Mr. Lopez and he meet in order to call the proper individuals regarding this matter.

Commissioner Tamayo motioned to acknowledge the Report regarding the Reimbursements from FEMA.

The motion was seconded by Commissioner Wood and carried unanimously.

The Documentation is as follows:

SUPPLEMENTAL AGENDA

CONSENT ITEMS

(1) 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.

(A) CONSIDERATION AND APPOINTMENT OF JOSE CAMPOS, JR. TO THE EMERGENCY SERVICES DISTRICT TO REPLACE LUIS PEREZ WHO RESIGNED DUE TO FAMILY ILLNESS. (PSJ-ADMINISTRATOR)

Commissioner Tamayo motioned to approve the Appointment of Jose Campos, Jr. to the Emergency Services District to replace Luis Perez who resigned due to family illness.

The motion was seconded by Commissioner Wood and carried unanimously.

There being no further business to come before the Court, upon motion by Commissioner Wood, seconded by Commissioner Tamayo and carried unanimously, the meeting was **ADJOURNED** at 9:25 A.M.

APPROVED this 29th day of **January 2009**

CARLOS H. CASCOS, CPA
COUNTY JUDGE

ATTEST:

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