

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 8th day of January 2009, 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:

3:00 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

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The meeting was called to order by Judge Cascos at 3:05 P.M.

The Court considered the following matters as posted and filed for Record in the Office of the County Clerk on January 5, 2009 at 8:56 A.M.:

EXECUTIVE SESSION

Commissioner Tamayo made a motion to hold the interview process in Open Session with the deliberation of the Appointment of Constable for Precinct 1 to be held Executive Session.

The motion was seconded by Commissioner Garza.

(1) **EXECUTIVE SESSION:**

(A) **DELIBERATION BY COMMISSIONERS' COURT ON THE APPOINTMENT OF CONSTABLE FOR PRECINCT 1, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.074. (DJV-LEGAL)**

Commissioner Garza asked Legal Counsel for clarification as to whether the position is considered an appointment or employment.

Mr. Richard Burst, Legal Counsel, replied that the position is considered an appointment to an elected office.

Commissioner Garza inquired as to whether V.T.C.A. Government Code Section 551.074 can also be used for employment.

Mr. Burst replied in the affirmative.

Commissioner Garza asked if the appointment does not constitute employment.

Mr. Burst replied that the appointment does constitute employment and informed the Court that Section 551.074 covers the appointment of an elective officer.

Commissioner Garza asked Mr. Burst if the County would be employing an individual after he is appointed.

Mr. Burst acknowledged that whoever is appointed will be an employee of the County. He advised the Court that for purposes of the Open Meetings Act there is no difference whether the position is being referred to as an "appointment" or "employment" as Section 551.074 protects the Court to hold interviews to make an appointment for an elective office.

Commissioner Garza expressed concerned with asking questions publicly of an employment nature in Open Session.

Mr. Burst stated that there is no consequence to holding the interviews in Open Session and explained that there could be an issue if a specific question were asked that one cannot ask in any interview.

Commissioner Garza asked if holding the interviews in Open Session is legal.

Mr. Burst replied in the affirmative.

Commissioner Garza questioned whether the employment applications will have to become part of the record as they are being as a basis to question each individual applicant.

Mr. Burst stated that the employment applications will not become part of the record unless such documents are tendered to the County Clerk.

Commissioner Garza asked if he would be in violation of any laws by using the employment applications and not making them part of the official record.

Mr. Burst replied in the negative.

Commissioner Tamayo justified her motion to interview in Open Session as the public is highly interested and should have an opportunity to hear the candidates speak.

Commissioner Garza inquired as to the requirements of the position.

Mr. Burst stated that the specific requirements for the position of Constable are: 1) the individual must be 21 years of age, 2) be a resident of the State of Texas for 12 months and a resident of the Precinct for 6 months, 3) must meet the alternative training/education requirement whereas the individual must be a licensed peace officer or the individual must have an Associate's Degree, be a retired federal agent or a retired State agent and 4) the person cannot have any felony convictions or certain other convictions. He noted that there are additional requirements that apply to all elective offices in Texas.

Commissioner Tamayo stated that she has been notified via email that the individuals to be interviewed have been cleared of each requirement for the position of Constable.

Judge Cascos added that he instructed Human Resources to work with the Elections Office to cross check the residency of each individual. He noted that several applicants were disqualified as they did not reside in Precinct 1 and one applicant that was disqualified is contesting that decision and is to be interviewed today.

Commissioner Tamayo made a motion to hold the interview process in Open Session and to hold deliberation of the Appointment of Constable for Precinct 1 in Executive Session.

The motion was seconded by Commissioner Garza and carried unanimously.

Judge Cascos announced that each applicant will have 2 to 3 minutes for an opening statement, followed by a 5 to 7 minute question/answer session and 1 to 2 minutes for any closing statements. He added that the interviews will be conducted in alphabetical order and recommended that those candidates who have yet to be interviewed step out of the Courtroom to allow for a fair process. He emphasized that the Meeting is a Public Meeting and that he cannot require anyone to leave the Courtroom.

Judge Cascos asked Mr. Mike Barbarena to step forward.

Mr. Mike Barbarena stated that his career in law enforcement includes being a deputy constable, serving with the Laguna Vista Police Department and the Parks Police Department. He presented the Court with newspaper articles demonstrating his many accomplishments.

Mr. Barbarena presented a copy of his lease to the Court as proof that he is a resident of Precinct 1.

Judge Cascos asked Mr. Barbarena what he considers the biggest challenge is that one will face as Constable in the Laguna Madre area.

Mr. Barbarena stated that he believes the biggest issues facing the Laguna Heights area include drug problems, aggravated assaults and burglaries.

Judge Cascos informed Mr. Barbarena that Election records indicate that he voted in the November General Election outside of Precinct 1.

Mr. Barbarena stated that he was in and out of town during Early Voting and Election Day and did not vote in the November General Election.

Judge Cascos asked Mr. Barbarena if he at one time lived in Los Fresnos.

Mr. Barbarena replied in the affirmative.

Judge Cascos then asked Mr. Barbarena if he now lives in the Port Isabel area and did not vote in the General Election.

Mr. Barbarena confirmed that he currently resides in Port Isabel and did not vote in this past Election.

Judge Cascos instructed staff to inquire with the Elections Office as to what type of identification was used when the vote was cast using Mr. Barbarena's name.

Commissioner Tamayo asked Mr. Barbarena what he believes the most important function is of a Constable.

Mr. Barbarena replied that the number one function as Constable is to be bailiff for the Justice of the Peace and to perform civil processing.

Commissioner Garza noted that Mr. Barbarena answered "yes" on the employment application when asked "Have you ever been discharged, suspended, or asked to resign from employment?" and asked for further explanation.

Mr. Barbarena replied that he made several complaints to the Parks Director, the Assistant Parks Director and the Chief of Police and they in turn began an investigation on him.

Commissioner Benavides asked Mr. Barbarena if he is a team player.

Mr. Barbarena replied that he is a team player with the exception of anything illegal or immoral.

Commissioner Benavides asked Mr. Barbarena how he would handle another office or agency that was not acting as a "team player".

Mr. Barbarena replied that he would seek the advice of Legal Counsel and the District Attorney if needed.

Judge Cascos asked Mr. Barbarena to explain what he meant when he said that people are trying to kill him when handing the Court the newspaper articles.

Mr. Barbarena replied that he has received threats from criminals who have stated that they would kill him if he returns to law enforcement. He added that he does not believe these threats to be credible.

Judge Cascos informed the Court that he has received word from the Elections Office that Mr. Barbarena in fact did not vote in the November General Election but is registered outside of Precinct 1.

Commissioner Garza expressed concern for the other applicants who were disqualified based on the information received from the Elections Office.

Judge Cascos stated that Human Resources contacted each applicant and those that were disqualified based on residency acknowledged that they did not live in Precinct 1.

Commissioner Garza asked Legal Counsel whether it is a requirement for the individual who is to be appointed to be registered in Precinct 1.

Mr. Burst stated that for purposes of establishing residency, the applicants are not required to be registered in Precinct 1.

Mr. Barbarena stated that he hopes the Court makes the best decision and commended them for their work.

Judge Cascos asked that Mr. Cisneros be called in for the next interview.

Mr. Silverio Cisneros stated that he has worked with Cameron County for nine years and has been with the Constable's Office for Precinct 1 for the past four years. He mentioned that he has been overseeing the Constable's Office for the past several months.

Commissioner Benavides asked Mr. Cisneros what he has to offer Cameron County based on his experience and background and what he sees as his future with Cameron County.

Mr. Cisneros replied that he has gained hands-on experience while working for the County and feels that more patrol has to be dedicated to Precinct 1. He added that he hopes to get the community more involved and bring prestige back to the Constable's Office.

Commissioner Tamayo asked Mr. Cisneros what he believes the most important function is for a Constable.

Mr. Cisneros replied that the Constable's position has many functions and he feels that patrol is vital due to the lack of patrol in Precinct 1.

Commissioner Garza asked Mr. Cisneros if he would consider not hiring the other interviewees as deputy constables if he were appointed.

Mr. Cisneros replied that he believes the other applicants are qualified and he would not exclude them if he were appointed.

Judge Cascos asked Mr. Cisneros what he considers to be the biggest challenge facing Precinct 1.

Mr. Cisneros replied that the biggest challenge is the Laguna Heights area due to the high crime rate.

Judge Cascos asked Mr. Cisneros what percentage of time Precinct 1 currently spends patrolling East Brownsville and Boca Chica Beach as opposed to the Laguna Madre area.

Mr. Cisneros replied that he has worked the graveyard shift from 7 pm to 3 am and would spend 5 hours in Laguna Heights and the remaining time in Brownsville.

Commissioner Tamayo asked Mr. Cisneros for his strongest qualification specific to the position of Constable.

Mr. Cisneros replied that he has attended countless trainings, is a certified Special Investigator, has worked with the Department for four years and has experience in every aspect that the position calls for.

Commissioner Garza thanked Mr. Cisneros for being involved with the Neighborhood Watch in the Laguna Heights area.

Judge Cascos asked that Mr. Mora be called in for the next interview.

Mr. Robert Mora stated that he has been in law enforcement for over 18 years and added that he will do his best as Constable for Precinct 1.

Commissioner Tamayo asked Mr. Mora for his strongest qualification specific to the position of Constable.

Mr. Mora replied that his strongest qualification is the civil process procedure under the Justice of the Peace.

Commissioner Garza asked Mr. Mora if his current job function is mainly investigative work for Precinct 1.

Mr. Mora replied in the affirmative.

Commissioner Garza asked Mr. Mora if he has been able to do his job as a deputy constable effectively during the previous two Constables' Administration.

Mr. Mora replied in the negative and stated that more patrols are needed, especially in the Laguna Heights area.

Commissioner Tamayo asked Mr. Mora for an example of a major accomplishment achieved during his time on duty.

Mr. Mora replied that there was an occasion where he saved an individual by convincing them not to commit suicide.

Commissioner Benavides asked Mr. Mora what he has different to offer as a Constable for Precinct 1 based on his experience and background.

Mr. Mora replied that he is currently working 10 to 2 hours a day due to the lack of personnel and stated that he would focus on the Laguna Heights area and the areas in Precinct 1 closest to the Border including Boca Chica Beach due to the increase in drug trafficking.

Commissioner Benavides asked Mr. Mora if he is a team player.

Mr. Mora replied in the affirmative.

Commissioner Benavides asked Mr. Mora what he would do if he encountered an agency or office that was not acting as a “team player” and how he would handle that situation.

Mr. Mora stated that he gets along with all law enforcement agencies in Precinct 1 and if he encountered an individual who was not acting as a team player he would try to do his best.

Judge Cascos asked Mr. Mora what he feels is the biggest challenge facing Precinct 1.

Mr. Mora replied that he feels the Precinct lacks dignity.

Commissioner Garza asked Mr. Mora if he resides in Laguna Heights.

Mr. Mora replied in the affirmative.

Judge Cascos asked Mr. Mora for his closing statement.

Mr. Mora stated that if appointed, he will not disappoint and he will do his best.

Judge Cascos asked that Mr. Tinajero be called in for the next interview.

Mr. Salvador Tinajero expressed his wish to be Constable in order to restore support and regain trust from the community. He stated that he would enhance security patrol and attempt to regain support from local law enforcement.

Commissioner Benavides asked Mr. Tinajero what he feels is most attractive about the position.

Mr. Tinajero replied that he has lived in the Laguna Madre area for over 20 years and is very active in the community and is familiar with its residents.

Commissioner Benavides asked Mr. Tinajero if he is a team player.

Mr. Tinajero replied that he good rapport with co-workers at both the Parks System and the Sheriff’s Office.

Commissioner Benavides asked Mr. Tinajero what he would do if he encountered a situation where another office or agency or was not acting as a “team player” and how he would handle the situation.

Mr. Tinajero noted that he has worked previously other agencies in the past. He stated that if there was an issue with another agency, he would identify the problem and discuss it with an administrator of the agency in order to correct the problem.

Commissioner Garza asked Mr. Tinajero if he resides in Laguna Heights.

Mr. Tinajero replied in the affirmative.

Commissioner Garza asked Mr. Tinajero if he feels that the Constable's Office needs AR-15 assault rifles in order to operate effectively.

Mr. Tinajero replied that he does not feel that the Office would need an assault rifle and if the situation called for an assault rifle, he would contact the Sheriff's Department so that the SWAT team could be called in.

Commissioner Tamayo asked Mr. Tinajero for clarification as to his address and residence.

Mr. Tinajero explained that he resides in Laguna Heights and has a P.O. Box in La Feria, which he uses as his mailing address.

Commissioner Tamayo asked Mr. Tinajero what he feels is the main function of the Constable's Office.

Mr. Tinajero replied that the primary duty of the Constable is to work closely with the Justice of the Peace and serve civil and criminal documents.

Commissioner Tamayo asked Mr. Tinajero what he feels is his strongest qualification.

Mr. Tinajero replied that he has 25 years experience in law enforcement and holds a master peace officer certification and is active in the community as a member of his church, a volunteer for the Salvation Army and Food Bank.

Commissioner Garza asked Mr. Tinajero how he plans to handle the challenges of the Precinct when the area is so vast.

Mr. Tinajero replied that he would have to review the patrol scheduling in order to cover all areas of the Precinct. He informed the Court that he would act as a working Constable and patrol the Precinct.

Judge Cascos asked Mr. Tinajero for his closing statement.

Mr. Tinajero stated that he has the administrative and law enforcement experience and would do nothing to tarnish the Office of the Constable.

Commissioner Garza asked Mr. Tinajero if he plans to run for re-election in two years, if appointed.

Mr. Tinajero replied that he would want to stay in the position of Constable as long as the residents re-elect him and he would ultimately like to retire in the position of Constable.

Commissioner Tamayo asked for clarification as Mr. Tinajero checked "not fluently" next to "Spanish" on the employment application when asked, "Can you speak or write in a foreign language?"

Mr. Tinajero replied that he does understand Spanish and can speak Spanish only not fluently. He added that he has not encountered any problems in the past as an investigator for the Sheriff's Office.

Judge Cascos asked that Mr. Zamora be called in for the next interview.

Mr. Horacio Zamora stated that he has over 17 years of experience in law enforcement and 9 years of experience at a private security business.

Commissioner Tamayo asked Mr. Zamora what he believes is his best qualification for the position.

Mr. Zamora replied that his best qualification is his experience in law enforcement which includes being on patrol to working with the District Attorney's office as an investigator.

Commissioner Garza asked Mr. Zamora if he feels that the Constable's Office needs AR-15 assault rifles in order to operate effectively.

Mr. Zamora replied that an assault rifle would require proper training and storage in the Constable's Office and in the vehicles of the deputies.

Commissioner Garza asked Mr. Zamora if he feels that the AR-15 assault rifle is a necessity for the Constable's Office.

Mr. Zamora replied that he does not feel it is a necessity and believes that the decision on whether to have such a rifle in the Office should be at the discretion of the Constable.

Commissioner Tamayo asked Mr. Zamora for an example of a major accomplishment he has achieved during his line of duty.

Mr. Zamora replied that that a great accomplishment of his is starting his law enforcement career as a patrolman and working his way up to his current position as an investigator for the District Attorney's Office.

Commissioner Benavides asked Mr. Zamora what he feels is the most attractive part of the Constable's position.

Mr. Zamora replied that being able to listen to the concerns of the residents and making the Precinct more secure for the community is most attractive.

Commissioner Benavides asked Mr. Zamora what changes he would make in the Department if appointed.

Mr. Zamora replied that he would enforce County policy and procedures in order to avoid issues that have occurred in the past year.

Commissioner Garza asked Mr. Zamora if he would submit to drug testing for all personnel in the Department.

Mr. Zamora indicated that drug testing all personnel would not be a problem and added that he believes drug testing should be done frequently.

Judge Cascos asked Mr. Zamora what he feels is the biggest challenge facing Precinct 1.

Mr. Zamora replied that the Laguna Heights area is the biggest challenge as there are many issues with narcotics and the area is heavily populated.

Commissioner Garza asked Mr. Zamora if he is willing to run for re-election in 2010 and again in 2012.

Mr. Zamora replied that he plans to run for re-election in 2010 and 2012 and has already discussed this issue with his family.

Judge Cascos asked Mr. Zamora for his closing statement.

Mr. Zamora stated that he feels he is in the stage of his career where he is capable of running a Department, being a good administrator and a firm supervisor.

Judge Cascos stated the interview process has now concluded.

The Documentation is as follows:

EXECUTIVE SESSION

Upon motion by Commissioner Benavides, seconded by Commissioner Tamayo and carried unanimously, the Court met in Executive Session at 4:38 P.M. to discuss the following matters:

(1) EXECUTIVE SESSION:

- (A) DELIBERATION BY COMMISSIONERS' COURT ON THE APPOINTMENT OF CONSTABLE FOR PRECINCT 1, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.074. (DJV-LEGAL)**

Upon motion by Commissioner Garza, seconded by Commissioner Tamayo and carried unanimously, the Court reconvened into Regular Session at 4:59 P.M. to discuss the following matters:

(2) ACTION RELATIVE TO EXECUTIVE SESSION:

- (A) DELIBERATION BY COMMISSIONERS' COURT ON THE APPOINTMENT OF CONSTABLE FOR PRECINCT 1, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.074. (DJV-LEGAL)**

Commissioner Tamayo motioned to appoint Mr. Horacio Zamora as Constable for Precinct 1.

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 5:03 P.M.

APPROVED this 5th day of **February 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