

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 14th day of DECEMBER, 1992 there was conducted a REGULAR Session 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:
1:30 P. M.

PRESENT:
ANTONIO O. GARZA, JR.
COUNTY JUDGE

LUCINO ROSENBAUM, JR.
COMMISSIONER, PRECINCT NO. 1

CARLOS H. CASCOS
COMMISSIONER, PRECINCT NO. 2

ADOLPH THOMAE, JR.
COMMISSIONER, PRECINCT NO. 3

NATIVIDAD VALENCIA
COMMISSIONER, PRECINCT NO. 4

JOE G. RIVERA
COUNTY CLERK

ABSENT:

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The meeting was called to order by Judge Antonio O. Garza, Jr. He then asked the entire Court the Audience in reciting the Pledge of Allegiance to the Flag.

The Court considered the following matters as posted and filed for Record in the Office of the County Clerk on December 11, 1992, at 10:36 A. M., and the Supplemental Agenda posted on December 11, 1992 at 2:36 P. M.

(1) APPROVAL OF COUNTY CLAIMS

Commissioner Valencia moved that all the County Claims be approved as presented and on the recommendation by the County Auditor's Office.

The motion was seconded by Commissioner Rosenbaum and carried the following vote:

AYE: Commissioners Rosenbaum, Thomae and Valencia

NAY: None

ABSTAIN: Judge Garza as to the claims of E. de la Garza, Inc., Warrant No. 69547 in the amount of \$3,347.22, Warrant No. 69548 in the amount of \$985.35, and Warrant No. 69668 in the amount of \$91.98; and Commissioner Cascos as to the claim of Waters Implement Co., Warrant No. 69921 in the amount of \$18.00.

The Affidavits are as follows:

(2) **APPROVAL OF BUDGET AMENDMENT AND/OR SALARY SCHEDULE**

Commissioner Thomae moved that the 1992/1993 Budget Amendment No. 7 and the Salary Schedules for the Juvenile Probation Office, Department No. 10-571, the Engineering Right-of-Way Department, Department No. 15-622 and the County Clerk's Office, Department No. 10-403 be approved as recommended by the County's Budget Officer.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

The Budget Amendment and Salary Schedules are as follows:

(3) APPROVAL OF MINUTES' OF NOVEMBER 23 AND 30, 1992, AND DECEMBER 7, 1992 (TABLED)

NOVEMBER 23 AND 30, 1992

Upon motion by Commissioner Valencia, seconded by Commissioner Cascos and carried unanimously, the Minutes of the Regular Meeting held on November 23, 1992 at 1:30 P. M. and the Minutes of the Regular Meeting held November 30, 1992 at 1:30 P. M. were approved.

DECEMBER 7, 1992 (TABLED)

The Minutes for the Regular Meeting held on December 7, 1992 were passed over for one (1) week.

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(4) AUTHORIZATION TO APPROVE \$3,000 NEW EQUIPMENT FOR THE DISTRICT CLERK'S OFFICE TO ADD A SAFE FOR THE DEPARTMENT

Ms. Rosemary Martinez, Administrative Assistant to the County Judge, explained that the District Clerk requested approval for a "safe" for her Department because the shelving on the one (1) safe in the Office had broken. She stated that the safe was utilized to store all the investments and other matters relating to the Trust Fund Accounts.

Ms. Martinez stated the "safe" was on the Equipment List and added that funds were available from Lapsed Salaries and could be allocated to fund the purchase of the safe.

Commissioner Cascos moved that approximately \$3,000.00 be appropriated from Lapsed Salaries for the purchase of a safe for the District Clerk's Office.

The motion was seconded by Commissioner Valencia and carried unanimously.

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**(5) CONSIDERATION AND CONFIRMATION OF SALE
PURSUANT TO LOCAL GOVERNMENT CODE 263.001
AUTHORIZING COUNTY JUDGE TO EXECUTE
QUITCLAIM DEED TO ADJOINING PROPERTY OWNER,
NAUTICAL PROPERTIES INC., FOR THE APPRAISED
VALUE OF \$12,500**

Upon motion by Commissioner Thoma, seconded by Commissioner Valencia and carried unanimously, the County Judge was authorized to execute the QuitClaim Deed to the adjoining property owner, that being Nautical Properties Inc., for the appraised value of \$12,500.00.

The QuitClaim Deed is as follows:

(6) **AUTHORIZATION FOR TAX ASSESSOR-COLLECTOR TO MAIL AN ANNUAL TAX NOTICE OF CURRENT TAXES DUE IN THE MONTH OF JANUARY. (FUNDS TO BE APPROPRIATED FROM LAPSED SALARIES)**

At this time, Commissioner Thomae expressed his objections regarding the additional expenditure associated with the Tax Assessor-Collector's request and added that the action was not necessary and was not mandated by Statutes. He said that everyone knew the Law and that the property would be lost if property taxes were not paid.

Mr. Tony Yzaguirre, County Tax Assessor-Collector, explained that the Item was placed on the Agenda as a result of previous meetings concerning delinquent tax accounts. He stated that Cameron County mailed out one (1) Regular Notice in October and the Delinquent Notice is mailed in May of the following year and he suggested mailing a "post-card" billing prior to the delinquent date of February 1, 1993. He stated that the cost would be approximately \$14,000.00 for the postage and printing.

Commissioner Valencia questioned the expected results and Mr. Yzaguirre remarked that the billing had not been done before, and added that he had over three thousand five hundred (3,500) returned mail that the property owners needed to be notified and the postcard would take care of it since the computer systems had been updated since the October mailing.

There was some discussion regarding the procedures utilized with returned mail, the anticipated collectable amounts and the wording of the postcard to be utilized and the suggestion was made to reword the postcard and to use the phrase "possible litigation," and to include the same message in Spanish.

Commissioner Cascos questioned the percentage of Ad Valorem Taxes that had not been paid and Mr. Yzaguirre responded that as of November 17, 1992, fifty-three (53) percent of the current taxes had been collected, that being approximately eighteen (18) million dollars out of thirty-four (34) million dollars.

Commissioner Valencia moved that the Tax Assessor-Collector be authorized to mail "Annual Tax Notices" of current taxes due in the month of January 1993, said funds to be appropriated from Lapsed Salaries for only one (1) year.

The motion was seconded by Commissioner Rosenbaum and carried the following vote:

AYE: Commissioners Rosenbaum, Cascos and Valencia

NAY: Commissioner Thomae.

(7) **REPORT BY ELECTIONS ADMINISTRATOR IN RESPOND VARIOUS POLLING PLACES IN CAMERON COUNTY WHICH ARE NOT IN COMPLIANCE WITH THE FEDERAL AND STATE ACCESSIBILITY LAW (FEDERAL AND STATE LAWS REQUIRE THE USE OF ACCESSIBLE POLLING PLACES FOR THE PHYSICALLY DISABLED AND THE ELDERLY)**

Ms. Tencha de la Peña, Elections Administrator, presented the following Report concerning nineteen (19) Polling Places that are not in compliance with the Federal and State Accessibility Law:

There was some discussion concerning the Americans with Disabilities Act's (ADA) requirement that all facilities comply by January 1, 1995, and it was suggested that the point that needed to be researched or clarified was whether the ADA compliance requirements for all entities was different from the Secretary of State's compliance date concerning Elections.

Upon motion by Commissioner Thomae, seconded by Commissioner Rosenbaum and carried unanimously, the Report by the Elections Administrator was acknowledged regarding the various Polling Places in Cameron County which were not in compliance with the Federal and State Accessibility Law, said Law requiring that the Polling Places be accessible by the Physically Disabled and the Elderly.

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(8) APPROVAL OF RESOLUTION REGARDING EXTENDED AREA SERVICE

Commissioner Valencia moved that the Resolution regarding the Telephone Extended Area Service be adopted, as presented by Commissioner Valencia, and from the Lower Rio Grande Valley Development Council.

The motion was seconded by Commissioner Thomae and carried unanimously.

The Resolution is as follows:

(9) **CONSIDERATION AND ESTABLISHMENT OF THE AMOUNT OF THE SHERIFF'S OFFICIAL BOND, PURSUANT TO LOCAL GOVERNMENT CODE 85.001 ET SEQ.**

Mr. Doug Wright, Cameron County Counsel, stated that the Statutes require that the Court establish the Official Bond for the Sheriff in the amount of \$30,000.00, as the maximum amount.

Upon motion by Commissioner Valencia, seconded by Commissioner Rosenbaum and carried unanimously, the Sheriff's Official Bond was established in the amount of \$30,000.00, pursuant to the Local Government Code, Section 85.001, et seq.

(10) **CONSIDERATION AND ESTABLISHMENT OF THE AMOUNT OF THE CONSTABLE OFFICIAL BOND, PURSUANT TO LOCAL GOVERNMENT CODE 86.002 ET SEQ.**

Mr. Doug Wright, Cameron County Counsel, stated that the Statutes require that the Court establish the Official Bond at not less than \$500.00 and not more than \$1,500.00 and he recommended the \$1,500.00.

Commissioner Thomae moved that the Constable's Official Bond be established in the amount of \$1,500.00, pursuant to the Local Government Code Section 86.002, et seq.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

(11) **CONSIDERATION AND ESTABLISHMENT OF THE AMOUNT OF THE JUSTICE OF THE PEACE OFFICIAL BOND, PURSUANT TO GOVERNMENT CODE 27.001, ET. SEQ.**

Mr. Doug Wright, Cameron County Counsel, stated that the Statutes require that the Court establish the Official Bond of not more than \$5,000.00, and that the amounts approved and have not been consistent, and he recommended that the Court establish the Official Bond at \$5,000.00.

Upon motion by Commissioner Thomae, seconded by Commissioner Valencia and carried unanimously, the Justices' of the Peace Official Bond was established at \$5,000.00, pursuant to the Local Government Code Section 27.001, et seq.

(12) **APPROVAL OF RESOLUTION HONORING JUDGE LEO LONGORIA**

Upon motion by Commissioner Valencia, seconded by Commissioner Thomae and carried unanimously, the Resolution honoring Judge Leo Longoria, Justice of the Peace Precinct No. 6 Place No. 1, was adopted.

The Resolution is as follows:

(13) **PRESENTATION OF THE CAMERON COUNTY
HISTORICAL COMMISSION 1992 ANNUAL REPORT**

Mr. Sam S. Griffin, Jr., Chairman, briefly reviewed the 1992 Annual Report and expressed the Historical Commission's gratitude for the County's support.

Commissioner Thomae moved that the Cameron County Historical Commission 1992 Annual Report be acknowledged.

The motion was seconded by Commissioner Cascos and carried unanimously.

The Report is as follows:

(14) CONSIDERATION AND POSSIBLE ACTION ON CAMERON COUNTY HISTORICAL COMMISSION'S SUGGESTION THAT PROPOSED NAME CHANGES FOR ROAD, FACILITY OR SITE LOCATED WITHIN CAMERON COUNTY BE RESEARCHED FOR HISTORICAL VERACITY BY THE HISTORICAL COMMISSION

Upon motion by Commissioner Thomae, seconded by Commissioner Valencia and carried unanimously, the Cameron County Historical Commission's suggestion was approved, that being that the proposed name changes for Road, Facility or Site located within Cameron County be researched for Historical veracity by the Historical Commission.

**(15) APPROVAL OF REQUEST TO APPOINT THE FOLLOWING PERSONS TO SERVE ON THE HISTORICAL COMMISSION FOR THE TERM 1992-1994:
1) MRS. SANDRA DREUMONT MAXWELL, BROWNSVILLE, TEXAS, 2) MRS. CARMEN SILVA, LOS FRESNOS, TEXAS.**

Commissioner Thomae moved that the following individuals be appointed to serve on the Historical Commission for the 1992-1994 Term:

Mrs. Sandra Dreumont Maxwell, Brownsville, Texas, and

Mrs. Carmen Silva, Los Fresnos, Texas.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

(16) IN THE MATTER OF CONTRACT FOR ARCHITECTURAL SERVICES TO BE PROVIDED BY THE FIRM OF COX/CROSLIN AND ASSOCIATES FOR THE JUVENILE DETENTION FACILITY (AUTHORIZATION FOR COUNTY JUDGE TO EXECUTE CONTRACT) (TABLED)

Judge Garza clarified that the Firm of Cox/Croslin and Associates, Austin, Texas, was authorized and monies were allocated for them to conduct the Design Development Phase, and they subsequently presented the Design Development Phase which the Court acknowledged and approved and subsequently were granted approval to prepare the Construction Documents and that this was, in effect, the written Contract that embodied the County's prior agreements. He said that there was a point raised concerning the percentage allocated towards the Architectural Fees.

Commissioner Cascos expressed his concern regarding the two and a half (2 1/2) percentage points above the standard Architectural Fees on a three (3) million dollar Project as being rather high and he added that he would like the opportunity to negotiate to lower those fees. He stated that the eight and a half (8 1/2) percent Architectural Fees did not include the standard reimbursable expenses.

Ms. Rosemary Martinez, Administrative Assistant to the County Judge, indicated that Representatives from the Firm of Cox/Croslin and Associates, Austin, Texas, would be available on Wednesday, December 16, 1992, and suggested to meet with them to discuss the Architectural Fees.

Ms. Martinez reminded the Court that the Construction Documents were approved by the Court and if there was a problem with the Firm proceeding with them, then the process should be stopped at this time.

Commissioner Cascos responded that the Architectural Fees had not been approved and that he was not inferring to stop the process, but to review the Contract and negotiate some of the Items and the Architectural Fees.

Upon motion by Commissioner Thomae, seconded by Commissioner Rosenbaum and carried unanimously, this Item was "TABLED" for one (1) week and Commissioner Cascos was designated, as well as one other member of the Court, to visit with the Firm of Cox/Croslin and Associates.

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(17) ACKNOWLEDGEMENT OF RETIREMENT OF MR. DON BOYKIN, VETERANS SERVICE OFFICER, EFFECTIVE JANUARY 31, 1993 AND AUTHORIZATION TO ADVERTISE SAID VACANCY

Commissioner Thomae moved that the Retirement of Mr. Don Boykin, Veteran's Service Officer, effective January 31, 1993, be acknowledged, and that the advertisement for said vacancy be authorized.

The motion was seconded by Commissioner Valencia and carried unanimously.

At this time, Commissioners Thomae and Valencia expressed their gratitude to Mr. Boykin for his years of service to the Veterans and the County.

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(18) AUTHORIZATION TO TRAVEL AND/OR APPROVAL OF TRAVEL EXPENSES

Upon motion by Commissioner Valencia, seconded by Commissioner Rosenbaum and carried unanimously, the following travel authorization and/or travel expenses were approved, subject to availability of funds in their budget:

- a) Three (3) clerks to attend Records Management Workshop in San Antonio, Texas, on November 17-18, 1992, and will visit District Clerk's Office and review the New Jury System there; and
- b) Justice of the Peace Precinct No. 6 Place No. 1 Elect, Ms. Sallie Gonzalez, to Austin, Texas, on January 10-15, 1993, to attend required forty (40) hour School for Justice's of the Peace.

Commissioner Cascos stated that it was his understanding that a "Workshop" on the Records Management would be presented here and questioned whether Item "A" was a duplication of efforts.

Mr. Joe G. Rivera, County Clerk, responded that a Records Management Seminar will be held on January 27, 1993, for all the Elected and Non-Elected Officials. He stated that he requested the Seminar because the Records Management Process is rather complicated and requires the preparation of Retention Schedules that must be sent to the State for approval and added that the Seminar will be conducted by the State Librarian from San Antonio, Texas.

Ms. Rosemary Martinez, Administrative Assistant to the County Judge, stated that the Travel on Item "A" should be corrected to read: December 17-18, 1992, instead of November.

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(19) EXECUTIVE SESSION

Upon motion by Commissioner Thomae, seconded by Commissioner Valencia and carried unanimously, the Court met in Executive Session at 2:25 P. M. to discuss the following matters:

- a) Confer with Counsel regarding pending litigation involving Paul Harvey Smith vs. Cameron County, pursuant to Section 2(e) of Article 6252-17 (of the Texas Revised Civil Statutes);
- b) Confer with Counsel regarding contemplated litigation involving Ramiro Sanchez vs. Cameron County, pursuant to Section 2(e) of Article 6252-17 (of the Texas Revised Civil Statutes); and
- c) Confer with Counsel regarding contemplated litigation involving Rafael Rivero vs. Cameron County, pursuant to Section 2(e) of Article 6252-17 (of the Texas Revised Civil Statutes).

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Thomae and carried unanimously, the Court reconvened in Regular Session at 2:47 P. M.

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(20) ACTION RELATIVE TO EXECUTIVE SESSION

- a) Confer with Counsel regarding pending litigation involving Paul Harvey Smith vs. Cameron County.

Judge Garza reported that after some discussion, it was the consensus of the Court as determined by polling, to acknowledge the Report from County Counsel and to direct County Counsel to proceed along the terms and conditions as outlined in Executive Session.

Upon motion by Commissioner Thomae, seconded by Commissioner Valencia and carried unanimously, the Report by County Counsel was acknowledged and County Counsel was directed to proceed along the terms and conditions as outlined in Executive Session regarding the pending litigation involving Paul Harvey Smith vs. Cameron County.

- b) Confer with Counsel regarding contemplated litigation involving Ramiro Sanchez vs. Cameron County.

Judge Garza reported that after some discussion, it was the consensus of the Court as determined by polling, to acknowledge the Report from County Counsel and to direct County Counsel to proceed in the defense of said matter along the terms and conditions as outlined in Executive Session.

Commissioner Thomae moved that County Counsel's Report be acknowledged and that County Counsel be directed to proceed with the defense concerning the contemplated litigation involving Ramiro Sanchez vs. Cameron County, along the terms and conditions as outlined in Executive Session.

The motion was seconded by Commissioner Valencia and carried unanimously.

- c) Confer with Counsel regarding contemplated litigation involving Rafael Rivero vs. Cameron County.

Judge Garza reported that after some discussion, it was the consensus of the Court as determined by polling, to acknowledge the Report from County Counsel and to direct County Counsel to proceed along the terms and conditions as outlined in Executive Session.

Upon motion by Commissioner Thomae, seconded by Commissioner Valencia and carried unanimously, County Counsel's Report was acknowledged and County Counsel was directed to proceed along the terms and conditions as outlined in Executive Session regarding the contemplated litigation involving Rafael Rivero vs. Cameron County.

SUPPLEMENTAL AGENDA

(1) CONSIDERATION AND AUTHORIZATION TO RETAIN THE FIRM OF HINOJOSA, ESTRADA AND ASSOCIATES AS FINANCIAL ADVISORS FOR CAMERON COUNTY ON MATTERS RELATED TO CAPITAL IMPROVEMENTS FOR THE FISCAL YEAR 1993 OR ALTERNATIVELY TO AUTHORIZE THE SOLICITATION OF PROPOSALS FOR SAID SERVICES

Ms. Rosemary Martinez, Administrative Assistant to the County Judge, explained that several weeks ago the Court held a Workshop regarding the Capital Improvements Projects, namely the Health and Juvenile Detention Facility.

She stated that the County would be incurring approximately five (5) million dollars in expenses for the various Projects which are as follows: \$3,000,000.00 for the Juvenile Department Facility, \$600,000.00 for the Health Department and the balance for the Right-of-Way acquisitions and the "temporary" or "permanent" solution for the over crowding situation at the County Jail.

Ms. Martinez stated that a proposal was submitted by Hinojosa, Estrada & Associates, Dallas, Texas, and that the Financial Advisor's Fees was in the amount of \$14,000.00 for a five (5) million dollar Bond Issue, plus costs. She stated that the costs included the printing of the Officials Statements, travel and other standard expenses and added that the Firm would be available to obtain a new bond rating if the Court desired it.

Ms. Martinez remarked that she compared the Fees and Bond Issues for the last five (5) years and that the proposed fees and costs were competitive, and added that the total cost would be approximately \$30,000.00 including the Financial Advisor's Fees, approximately \$6,000.00 for printing of the statements and \$10,000.00 for the review for a new bond rating.

Commissioner Thomae remarked that it had been several years since the County had been reviewed for a new bond rating because of the cost and that it was less expensive to insure the Bonds and suggested that the procedure should be continued.

At this time, Mr. Noe Hinojosa, Representing the Firm of Hinojosa, Estrada & Associates, Dallas, Texas, addressed the Court regarding the borrowing procedures for the County and the concern of the Bond ratings and stated that he would conduct the analysis necessary to determine whether a Bond Rating should be obtained and address any other concerns that the Court might have.

Judge Garza stated that he was concerned with the remarks that while the County's Financial statements could "stand alone, they were not necessarily viewed alone." He stated that there was a sustainable debt capacity for an area that was cumulative, and he felt that the County should make the best case to be viewed at the top in the area.

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Thomae and carried unanimously, the Firm of Hinojosa, Estrada & Associates was retained as Financial Advisors for Cameron County on the matters related to the Capital Improvements for the Fiscal Year 1993.

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There being no further business to come before the Court, upon motion by Commissioner Thomaе, seconded by Commissioner Rosenbaum and carried unanimously, the meeting was adjourned.

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APPROVED this **28th** day of **December**, 1992.

ANTONIO O. GARZA, JR.
COUNTY JUDGE

ATTEST:

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