

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 22nd day of NOVEMBER, 1994, there was conducted a REGULAR PUBLIC 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

JAMES R. MATZ
COMMISSIONER, PRECINCT NO. 3

NATIVIDAD VALENCIA
COMMISSIONER, PRECINCT NO. 4

PRISCILLA J. KEE Deputy
COUNTY CLERK

ABSENT:

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The meeting was called to order by Judge Antonio O. Garza, Jr. He then asked Ms. Lena Guerrero, Hart Graphics Sales Representative, to lead the Court and 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 November 17, 1994, at 3:57 P. M.:

(10) IN THE MATTER OF THE BOARD OF DIRECTORS OF CAMERON COUNTY DRAINAGE DISTRICT NO. 5, TO DISCUSS THE COUNTY'S COLLECTION OF THE DRAINAGE DISTRICTS PROPERTY TAXES, AND ACTION TO DISBURSE FUNDS TO THE DISTRICT

At this time, Mr. Bob Heinz, Cameron County Drainage District No. 5 President, explained that as of November 17, 1994, the District had received approximately \$40,000.00 of the tax monies collected from the County, but that the amount should be approximately \$250,000.00. He explained that of the \$40,000.00, approximately \$23,000.00 was deposited to the "sinking fund" and could not be utilized for expenses, leaving a balance of \$17,000.00 for operating expenses. He added that he did not know if the delay was due to the new software program in the Tax Office and requested assistance from the Court, in order to obtain the tax money collected since the beginning of the Fiscal Year.

Mr. Mark Yates, County Auditor, confirmed that the funds collected were low, and added that currently the collections were slightly over two (2) million as compared to the 8.2 million collected last year. He stated that the Tax Office had been experiencing new problems frequently, and recommended that the whole system be evaluated, but the evaluation would be a "policy" decision.

Judge Garza remarked "that the County had not experienced this degree of difficulty with the cash flow with the system that we were assured was antiquated, was at capacity and could no longer do the job", and "we never had these problems until we went into the new and improved system that all the best minds in the County agreed on, and now we are at five percent (5%) of our collections".

Mr. Yates stated that the collections should be at forty five percent (45%) and at sixty five percent (65%) by the end of November, 1994.

Judge Garza stated that it was not that the people were not paying their taxes, but that the system did not distribute the monies collected.

There was some discussion concerning the problems associated with the computer hardware, and the inability to distribute the funds collected and the unacceptable levels of services.

Judge Garza suggested that the County Auditor discuss the matter with the Tax Assessor, the Computer Center Director, and the Purchasing Agent to present their recommendations to the Court prior to the end of the Meeting.

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(11) PRESENTATION OF THE AUDITED INTERNATIONAL TOLL BRIDGE SYSTEM FUND FINANCIAL STATEMENTS AND THE PARKS SYSTEM FUND FINANCIAL STATEMENTS FOR THE FISCAL YEAR 1994, BY THE COUNTY AUDITOR AND PATTILLO, BROWN AND HILL, CERTIFIED PUBLIC ACCOUNTANTS

Mr. Mark Yates, County Auditor, explained that the Firm of Pattillo, Brown and Hill, Independent Auditors, conducted the outside Audit on the County's Enterprise Fund, which included the Parks System and the International Toll Bridge System and that they would review their findings.

At this time, Mr. Steven Bostick, from the Firm of Patillo, Brown and Hill, highlighted the Audit Report of the International Toll Bridge System and the Parks System, noting that the Gateway International Bridge showed an increase of over five percent (5%) in revenues as compared to last year.

Upon motion by Commissioner Cascos, seconded by Commissioner Rosenbaum and carried unanimously, the

Audit of the International Toll Bridge System Fund Financial Statements and the Parks System Fund Financial Statements for the Fiscal Year 1994, by the County Auditor and the Firm of Patillo, Brown and Hill, Certified Public Accountants, was acknowledged.

The Audit Reports are as follow:

(1) APPROVAL OF COUNTY CLAIMS

Ms. Lynda Irvine, Assistant County Auditor, presented the late claim as to Scoggins Construction, Warrant No. 108996, in the amount of \$1,290.00, for approval.

Commissioner Cascos moved that the County Claims be approved as presented, inclusive of the late claim as to Warrant No. 108996, in the amount of \$1,290.00, as recommended by the County Auditor's Office.

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

AYE: Commissioners Rosenbaum, Cascos, and Matz

NAY: None

ABSTAIN: Judge Garza as to the claim of:

E. DE LA GARZA

Warrant No. 108582	-	\$3,667.04
Warrant No. 108583	-	\$2,816.51
Warrant No. 108584	-	\$1,870.28; and

Commissioner Valencia as to the claim of:

TIVIE'S ELECTRIC

Warrant No. 108585	-	\$ 47.62.
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The Affidavits are as follow:

(2) **APPROVAL OF BUDGET AMENDMENTS AND OR
SALARY SCHEDULES**

Upon motion by Commissioner Matz, seconded by Commissioner Rosenbaum and carried unanimously, the Fiscal Year 1995 Budget Amendment No. 95-05 and the following Salary Schedules were approved as recommended by the County Auditor's Office.

Sheriff Drug Forfeiture Department, Fund No. 90-561;
District Clerk Department, Fund No. 10-450; and
Adult Probation Department, Fund Nos. 91-575, 91-578, 91-579,
91- 580, 92-576, 92-582, and 96-576.

The Budget Amendment and Salary Schedules are as follow:

(3) **IN THE MATTER OF MINUTES OF NOVEMBER 1,
1994 [TABLED]**

Upon motion by Commissioner Matz, seconded by Commissioner Valencia and carried unanimously, this Item was TABLED.

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(4) **AUTHORIZATION FOR THE COUNTY AUDITORS
OFFICE WORK WITH VEHICLE MAINTENANCE
FOREMAN ON ALL UPCOMING VEHICLE
PURCHASES AND DECISION MAKING ON SAID
VEHICLES**

(5) **AUTHORIZATION FOR ALL REPAIRS ON LIGHT
VEHICLES TO GO THROUGH THE VEHICLE
MAINTENANCE DEPARTMENT AND TO
ENFORCE THE COLOR CODE ON ALL NEW
EQUIPMENT**

Mr. Librado Lozano, Vehicle Maintenance Director, stated a "Vehicle Acquisition and Maintenance" Policy was prepared, in order to maintain better records in a cost effective manner.

Commissioner Valencia moved that the "Vehicle Acquisition and Maintenance" Policy be adopted, as presented by the Vehicle Maintenance Director, in conjunction with the County Auditor's Office.

The motion was seconded by Commissioner Matz and carried unanimously.

The Policy is as follows:

(6) **IN THE MATTER OF THE REQUEST FOR PROPOSAL NO. 931102 FOR BALLOT COUNTING/ELECTION SYSTEM FOR THE ELECTION DEPARTMENT [TABLED]**

At this time, Judge Garza stated that the Election Commission had met in the morning and reported that there was no action taken and proceeded to summarize the comments by the Elections Committee.

Judge Garza stated Mr. Joe Rivera, County Clerk, was in support of the Business Records Corporation proposal, and that he outlined the technology and the convenience of a "Precinct Counting System" as differentiated from the "Central Counting System".

Judge Garza stated that Mr. Ed Stapleton, Democrat Chairperson, had expressed reservations about the timing of the purchase, and that it was an expenditure that would have a significant impact on future Budgets, but that he was generally comfortable with the "Precinct Counting System" as proposed by the Business Records Corporation.

Judge Garza stated that Mr. Rusty Faulk, Republican Chairperson, expressed reservations about the "Precinct Counting System" and that the current system was serving adequately, and that the Court might expand on the "central counting capabilities".

Judge Garza reported that Mr. Tony Yzaguirre, Tax Assessor Collector, had indicated that the current machines should be evaluated, including the twelve (12) machines that malfunctioned in the last election, and expressed reservations as to the timing and the expenditure.

At this time, Mr. Joe G. Rivera, County Clerk, added that Mr. Gilberto Hinojosa, County Judge-elect and Mr. Hector Peña, County Commissioner-elect, were in agreement that a new Election System was needed. He added that the Court had studied the matter for two (2) years and reviewed the two (2) systems and recommended the "Precinct Counting System" as proposed by Business Records Corporation (BRC).

At this time, Mr. Charles Scott, Area Manager Hart Forms and Services, explained to the Court that the County had purchased a "Model 315" from Hart Forms, five (5) years ago, and that it was serving the County adequately, and he reviewed the proposal for the "Central Counting System" being offered.

At this time, Commissioner Cascos asked Hart Forms to describe the best feature of the competitor's equipment and added that he would ask the same question to Business Records Corporation, and Mr. Scott replied that the best feature was the immediate count and fast tabulation totals at the Precinct Level, and added that the voters would know that their ballot was counted.

At this time, Ms. Tencha de la Peña, Elections Administrator, remarked that the voter would know that their ballot was counted at the Precinct Level with the Business Records System, however, the early voters would not know if the vote was counted because it would be done by a "Central Counting System".

At this time, Ms. Lena Guerrero, Hart Forms and Services, gave a lengthy presentation regarding the merits of the "Central Counting System", and was followed by Mr. Cliff Abbott, Business Records Corporation Area Manager, reviewing the merits of the "Precinct Tabulation System".

At this time, Mr. Abott stated that the paper ballot was the strength of the competitors system, in response to the question by Commissioner Cascos.

At this time, Commissioner Cascos expressed his reservations concerning the cost differences between the proposals and added that "the voters not only want to have accurate voter count but they want to make sure that the Court

spends their money wisely".

Commissioner Matz stated that he wanted to see a "bid analysis" not a bid tabulation before making any decision and Judge Garza suggested that the "final decision making tool" would be to have both companies perform an in-depth cost analysis and present to the Court by December.

At this time, Mr. Rusty Faulk, Republican Chairman, expressed his concerns and his reservations regarding the actual needs, costs, ballot security, and benefits; and recommended that the System not be changed and to reject both Proposals.

Upon motion by Commissioner Cascos, seconded by Commissioner Matz and carried unanimously, Proposal No. 931102 for Ballot Counting/Election System for the Election Department was TABLED; in order to have the vendors prepare the cost analysis for the Court prior to posting of the Agenda Item.

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(7) **IN THE MATTER TO APPROVE A TAX ABATEMENT AGREEMENT IN THE BROWNSVILLE REINVESTMENT ZONE FOR AMFELS, INCORPORATED [TABLED]**

Mr. Frank Bejerano, Program Development and Management Director, recommended that this Item be tabled until some legal issues were resolved.

At this time, Mr. Ray Lopez, Financial Consultant for Amfels, presented a brief overview of the benefits and jobs created by Amfels.

Upon motion by Commissioner Cascos, seconded by Commissioner Matz and carried unanimously, this Item was TABLED.

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(8) **ACTION RELATING TO THE FEE SCHEDULE FOR THE CAMERON COUNTY PARK SYSTEM AS RECOMMENDED BY PARKS ADVISORY BOARD AND SYSTEM STAFF**

Mr. Kenneth L. Conway, Parks System Director, reviewed the recommendations by the Parks Advisory Board and staff. Recommendations regarding the Fee Schedule and noted that the Parks Advisory Board felt that the cost increase of water and sewage merit the change to cover the cost of operations, but that they were reluctant to increase the "day user" Fee.

Upon motion by Commissioner Matz, seconded by Commissioner Cascos and carried unanimously, the Fee Schedule for the Cameron County Parks System was adopted, as recommended by the Parks Advisory Board and Parks System staff.

The Fee Schedule is as follows:

(9) AUTHORIZATION TO APPROVE THE CONSULTING SERVICE AGREEMENT WITH MS. ROSEMARY R. MARTINEZ, REGARDING PENDING PROJECTS CURRENTLY BEING MANAGED BY THE COUNTY BUDGET OFFICER

Upon motion by Commissioner Matz, seconded by Commissioner Cascos and carried unanimously, the Service Agreement with Ms. Rosemary R. Martinez, regarding pending Projects currently being managed by the County Budget Officer, was ratified.

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(10) AUTHORIZATION FOR THE BOARD OF DIRECTORS OF CAMERON COUNTY DRAINAGE DISTRICT NO. 5, TO DISCUSS THE COUNTY'S COLLECTION OF THE DRAINAGE DISTRICTS PROPERTY TAXES, AND ACTION TO DISBURSE FUNDS TO THE DISTRICT

At this time, Mr. Mark Yates, County Auditor, recommended that Hamer Enterprises be required to have an "on-site" full time personnel for specific "trouble-shooting" training for the Tax Department.

Judge Garza noted that there were some basic system failures that were not the responsibility or liability of the County and added that "it was embarrassing to have this type of System with these types of failures".

Commissioner Cascos moved that the Report concerning the County's collection of the Drainage Districts property taxes be acknowledged.

The motion was seconded by Commissioner Matz and carried unanimously.

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(12) AUTHORIZATION TO REQUEST COPIER FOR CAMERON PARK COMMUNITY CENTER

At this time, Ms. Marbelia Moreno, Cameron Park Community Center Director, presented a brief report on the activities at the Center and explained the need for a copier at the Center, and added that she was trying to get agencies to donate needed supplies.

There was some discussion regarding several concerns at the Center and the suggestion was made that instead of trading a copy machine for new equipment it should be transferred from the County.

Upon motion by Commissioner Cascos, seconded by Commissioner Matz and carried unanimously, the request for a copier for Cameron Park Community Center was approved.

The Report is as follows:

- (13) **IN THE MATTER FOR ADDITIONAL SERVICE FROM ALLEN, WILLIFORD AND SEALE, INCORPORATED, TO ASSIST ON THE FM/509 CLOSING WITH THE TITLE COMPANY, AND POSSIBLE RENEWAL OF THE CONTRACT FOR FUTURE PROJECTS [NO ACTION TAKEN]**

Upon motion by Commissioner Cascos, seconded by Commissioner Matz and carried unanimously, "No Action" was taken on this Item.

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- (14) **AUTHORIZATION TO AWARD OR REJECT AND RE-ADVERTISE BIDS FOR THE COMMERCIAL KITCHEN - FOOD SERVICE EQUIPMENT FOR THE NEW DETENTION CENTER**

Upon motion by Commissioner Cascos, seconded by Commissioner Matz and carried unanimously, this Item was rejected and the re-advertisement for the bids for the Commercial Kitchen-Food Service equipment for the new Detention Center to include installation "turn-key" was approved.

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"CONSENT" AGENDA ITEMS

THE FOLLOWING ITEMS WERE RECOMMENDED FOR "CONSENT" AND WERE EITHER RECOMMENDED BY THE DEPARTMENT HEAD, WITHIN BUDGET OR AWARDED TO THE LOW BIDDER:

Upon motion by Commissioner Matz, seconded by Commissioner Rosenbaum and carried unanimously, the "Consent" Agenda Items were approved as follow, noting that Item No. 17 should be subject to legal:

- (15) RATIFICATION OF THE RESOLUTION SUPPORTING THE HMTA GRANT APPLICATION FOR THE LOCAL EMERGENCY PLANNING COMMITTEE
- (16) APPROVAL OF THE RESOLUTION CALLING ON THE INTERNATIONAL BOUNDARY AND WATER COMMISSION TO INITIATE AND BUILD WASTEWATER TREATMENT PLANTS AT REYNOSA AND MATAMOROS, MEXICO, AS HAVE BEEN BUILT OR UNDER CONSTRUCTION AT TIJUANA, NOGALES, AND NUEVO LOREDO, MEXICO

The Resolution is as follows:

- (17) ACTION RELATIVE TO THE PROPOSED STANDARD FORMAT AGREEMENT BETWEEN CAMERON COUNTY AND ROBERTO RUIZ FOR ALL DESIGN, INSPECTION, TESTING AND CERTIFICATIONS FOR E.K. ATWOOD COUNTY PARK, CONTINGENT ON THE FINAL APPROVAL OF APPRAISALS AND LAND DONATION BY THE TEXAS PARKS AND WILDLIFE DEPARTMENT, SUBJECT TO LEGAL REVIEW

The Agreement is as follows:

- (18) PRELIMINARY APPROVAL:
- a) **Precinct No. 1:**
Capistran Alejandro Estates - being a replat of 13.52 acres out of Lot 8, Block 406, El Jardin Resubdivision, Share 31, Espiritu Santo Grant;
 - b) **Precinct No. 4:**
Alberto Garza, Jr. Subdivision - being a 15.213 acres comprised of two tracts, Tract One Lots 1-14 inclusive, Block 13, Lots 5-9 and 1, Block 14 Lots 1-6 and 7, Block 20, Alamo Street Right-of-Way between the South Right-of-Way line of Market Place Road (Hidalgo Avenue on La Paloma Townsite Subdivision Plat) and the North Right-of-Way line of Carmen Avenue, Canal Street Right-of-Way between the North Right-of-Way line of Cinco de Mayo Avenue and the South Right-of-Way Line of Market Place Road, Cinco de Mayo Avenue Right-of-Way Line of Alamo Street and the West Right-of-Way Line of Canal Street, Carmen Avenue Right-of-Way between the East Line Block 107, San Benito Irrigated Land Company Subdivision and the extension of the West Right-of-Way Line of Canal Street, two (2) fifteen (15) foot alleys between Blocks 13 and 14, all in the La Paloma Townsite, San Pedro de Carricitos Grant.

- (19) AUTHORIZATION TO OPEN BIDS FOR ONE (1) COMPACT PICK-UP TRUCK AND TWO (2) PATROL VEHICLES FOR THE PARKS DEPARTMENT

The Bids received and opened follow:

- (20) AUTHORIZATION TO ADVERTISE FOR PROPOSALS ON RESIDENTIAL SERVICES ON THE COUNTY JUVENILE DETENTION FUNDS FOR THE PURCHASE OF THE SERVICES GRANT
- (21) AUTHORIZATION TO TRAVEL AND/OR TRAVEL EXPENSES FOR THE FOLLOWING, SUBJECT TO AVAILABLE FUNDS IN THEIR BUDGETS:
- a) Parks Director to attend the Texas Recreation Association Parks System Legislative Committee Member Meeting and meeting with Attorney General regarding Open Beach Issues, in Austin, Texas, on November 16, 1994;
 - b) District Clerk and Deputy, to attend meeting regarding the District Clerk's Office in Houston, Texas, on November 17, 1994, and to attend "Computer Access and Grant Applications for Attorney General/Child Support Division" on November 18, 1994; and
 - c) Bridge Systems Director to attend the Governor's White House Conference on Tourism, in Austin, Texas, on December 1, 1994.

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ITEM NO. 16

APPROVAL OF THE RESOLUTION CALLING ON THE INTERNATIONAL BOUNDARY AND WATER COMMISSION TO INITIATE AND BUILD WASTEWATER TREATMENT PLANTS AT REYNOSA AND MATAMOROS, MEXICO, AS HAVE BEEN BUILT OR UNDER CONSTRUCTION AT TIJUANA, NOGALES, AND NUEVO LOREDO, MEXICO

The Resolution is as follows:

ITEM NO. 17

ACTION RELATIVE TO PROPOSED STANDARD FORMAT AGREEMENT BETWEEN CAMERON COUNTY AND ROBERTO RUIZ FOR ALL DESIGN, INSPECTION, TESTING, CERTIFICATIONS FOR E.K. ATWOOD COUNTY PARK, CONTINGENT ON THE FINAL APPROVAL OF APPRAISALS AND LAND DONATION BY THE TEXAS PARKS AND WILDLIFE DEPARTMENT, SUBJECT TO LEGAL REVIEW

The Agreement is as follows:

ITEM NO. 19

**AUTHORIZATION TO OPEN BIDS FOR ONE (1) COMPACT
PICK-UP TRUCK AND TWO (2) PATROL VEHICLES FOR
THE PARKS DEPARTMENT**

The Bids received and opened follow:

(37) EXECUTIVE SESSION

Upon motion by Commissioner Matz seconded by Commissioner Cascos and carried unanimously, the Court met in Executive Session at 3:40 P. M. to discuss the following matters:

- c) Discuss potential acquisition of land and development of a Cameron County Parks System Public Park, pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072;
- b) Discuss acceptance of negotiations of transfer of title of Parcels: 6-008, 6-011, 6-015, 6-017, 6-023, 7-006, 7-007, 7-008, 7-010, 7-011, 7-012, 7-013, 7-014, 7-015, 7-016, 7-020, 7-024, 7-025, 6-018, 7-005, 6-010, 6-021, 6-018A, 6-012, 7-017, 7-009, 7-027, 7-026, 6-019, 7-028, and 6-016, pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072; and
- a) Discuss evaluation of Elections Administrator, pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code; Section 551.074 (A)(1).

Upon motion by Commissioner Cascos, seconded by Commissioner Rosenbaum and carried unanimously, the Court reconvened in Regular Session at 5:20 P. M.

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(38) ACTION RELATIVE TO EXECUTIVE SESSION

- b) Discuss acceptance of negotiations of transfer of title of Parcel Nos. 6-008, 6-011, 6-015, 6-017, 6-023, 7-006, 7-007, 7-008, 7-010, 7-011, 7-012, 7-013, 7-014, 7-015, 7-016, 7-020, 7-024, 7-025, 6-018, 7-005, 6-010, 6-021, 6-018A, 6-012, 7-017, 7-009, 7-027, 7-026, 6-019, 7-028, and 6-016, pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072.

Judge Garza reported that after some discussion, it was the consensus of the Court as determined by polling, that negotiations of transfer of title of the following Parcels should proceed, along the terms and conditions as outlined in Executive Session.

Upon motion by Commissioner Matz, seconded by Commissioner Valencia and carried unanimously, negotiations of transfer of title were authorized for Parcel Nos. 6-008, 6-011, 6-015, 6-017, 6-023, 7-006, 7-007, 7-008, 7-010, 7-011, 7-012, 7-013, 7-014, 7-015, 7-016, 7-020, 7-024, 7-025, 6-018, 7-005, 6-010, 6-021, 6-018A, 6-012, 7-017, 7-009, 7-027, 7-026, 6-019, 7-028, and 6-016.

- c) Discuss potential acquisition of land and development of a Cameron County Park System Public Park.

Judge Garza reported that after some discussion, it was the consensus of the Court as determined by polling, that the Parks System Director be directed to continue discussions and to prepare a letter to the Port of Brownsville regarding said matter.

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Matz and carried unanimously, the Parks System Director was directed to continue discussions concerning the acquisitions of land and the development of a Cameron County Parks System Public Park, along the terms and conditions as outlined in Executive Session, and to prepare a letter to the Port of Brownsville regarding the potential Project.

- a) Discuss evaluation of the Election Administrator.

Judge Garza reported that the Court had the opportunity to evaluate the Elections Administrator, and that after some discussion, it was the consensus of the Court as determined by polling, that the "favorable" evaluation of the Elections Administrator be noted and that the annual salary should be increased, in the amount of \$2,500.00 should be granted, effective the next pay period.

Commissioner Matz, moved that the "favorable" evaluation of the Elections Administrator be acknowledged and that the annual salary should be increased, in the amount of \$2,500.00 effective the next pay period.

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

AYE: Commissioners Rosenbaum, Matz and Judge Garza

NAY: Commissioners Cascos and Valencia.

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There being no further business to come before the Court, upon motion by Commissioner Matz, seconded by Commissioner Cascos and carried unanimously, the meeting was **ADJOURNED**.

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APPROVED this **20th** day of **DECEMBER, 1994**.

ANTONIO O. GARZA, JR.
COUNTY JUDGE

ATTEST:

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