

THE STATE OF TEXAS

COUNTY OF CAMERON

BE IT REMEMBERED on the 11th day of MAY, 1999, there was conducted a REGULAR Public 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:

9:30 A.M.

PRESENT:

GILBERTO HINOJOSA
COUNTY JUDGE

PEDRO "PETE" BENAVIDES
COMMISSIONER, PRECINCT NO. 1

CARLOS H. CASCOS, C.P.A.
COMMISSIONER, PRECINCT NO. 2

JAMES R. MATZ
COMMISSIONER, PRECINCT NO. 3

NATIVIDAD "TIVIE" VALENCIA
COMMISSIONER, PRECINCT NO. 4

Hilda V. Treviño Deputy
COUNTY CLERK

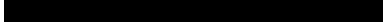
ABSENT:

The meeting was called to order by Judge Pro-tem Carlos H. Cascos, C.P.A., at 9:30 A.M. He then asked Mr. Bob Clark, Brownsville resident, for the invocation and lead the Court and the audience in reciting the Pledge of Allegiance.

The Court considered the following matters as posted and filed for Record in the Office of the County Clerk on May 7, 1999, at 12:12 P.M., and the Supplemental Agenda posted on May 7, 1999, at 5:21 P.M.:

(1) APPROVAL OF COUNTY CLAIMS

Upon motion by Commissioner Matz, seconded by Commissioner Benavides and carried unanimously, the County Claims were approved, as presented by the County Auditor.



**(2) IN THE MATTER OF THE BUDGET
AMENDMENTS AND/OR SALARY SCHEDULES
(TABLED)**

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



**(3) IN THE MATTER OF MINUTES OF MAY 4, 1999
(NO ACTION TAKEN)**

At this time, the Deputy County Clerk noted that there were no Minutes for approval.



**(6) APPROVAL TO RATIFY THE CANADA LIFE
STOP LOSS INSURANCE, EFFECTIVE
SEPTEMBER 1, 1998, THROUGH AUGUST 31,
1999**

Upon motion by Commissioner Matz, seconded by Commissioner Valencia and carried unanimously, the Canada Life Stop Loss Insurance, effective September 1, 1998, through August 31, 1999, was ratified.

The Contract is as follows:

**(8) AUTHORIZATION TO ADVERTISE FOR BIDS
FOR THE RENOVATION OF THE OSCAR C.
DANCY BUILDING**

Commissioner Matz moved that the Bids for the renovation of the Oscar C. Dancy Building be advertised.

The motion was seconded by Commissioner Benavides and carried unanimously.

NOTE: JUDGE HINOJOSA JOINED THE COMMISSIONERS= COURT.

(9) **APPROVAL OF DEALER TITLE APPLICATION
SUBSTATION AGREEMENT BETWEEN
CAMERON COUNTY AND ALL THE NEW CAR
DEALERSHIPS IN CAMERON COUNTY, AS
AUTHORIZED BY THE TEXAS
TRANSPORTATION CODE SECTION 502.112-3**

At this time, Mr. Tony Yzaguirre, Jr., Tax Assessor-Collector, explained that the Agreement would enable the new car dealers in Cameron County to maintain an inventory to register vehicles at their dealerships, noting that the inventory would be obtained from the Tax Assessor-Collector's Office, which was approved by the State of Texas Transportation Department and added that the project would assist the Tax Office in alleviating congestion.

Upon motion by Commissioner Matz, seconded by Commissioner Benavides and carried unanimously, the Dealer Title Application Substation Agreement between Cameron County and all the new Car Dealerships in Cameron County was approved, as authorized by the Texas Transportation Code Section 502.112-3, and as recommended by the Tax Assessor-Collector.

The Agreement is as follows:

(10) CANCELLATION OF SUBCONTRACT NO. 98-0-01, BETWEEN CAMERON COUNTY AND THE TEXAS TRANSPORTATION INSTITUTE AND REQUEST THAT THE TITLE OF THE SUBJECT FIFTEEN PASSENGER VAN BE TRANSFERRED TO NEIGHBORS IN NEED OF SERVICES, INCORPORATED

At this time, Mr. Mark Yates, County Auditor, stated that the van was purchased by the County through funds provided by Texas A&M for use by the Cameron Park Community Center. He explained that the Center did not have the resources to provide a full-time driver for the van and added that Texas A&M suggested that a private non-profit organization should have ownership of the van.

Ms. Gloria Moreno, Cameron Park Community Leader, highlighted the use of the van by the Neighbors in Need of Services, Incorporated, (NINOS), which would benefit the Cameron Park Community.

Commissioner Cascos moved that the Subcontract No. 98-0-01, between Cameron County and the Texas Transportation Institute be canceled and that the title of subject fifteen passenger van be transferred to Neighbors in Need of Services, Incorporated (NINOS), and expressed her gratitude to the County for their contributions and support to Cameron Park.

The motion was seconded by Commissioner Matz and carried unanimously.

The Report is as follows:

(12) APPROVAL OF THE BEACH CLEANING AGREEMENT BETWEEN THE CAMERON COUNTY PARKS SYSTEM AND CARLOS J. GALVAN, INDEPENDENT CONTRACTOR

Upon motion by Commissioner Benavides, seconded by Commissioner Valencia and carried unanimously, the Beach Cleaning Agreement between the Cameron County Parks System and Carlos J. Galvan, Independent Contractor, was approved.

The Agreement is as follows:

**(13) APPROVAL FOR TWO (2) RESERVE DEPUTIES
FOR CONSTABLE PRECINCT NO. 2, MR.
ANTONIO HUIZAR, JR. AND MR. OMAR
GONZALEZ**

Commissioner Benavides moved that the two (2) Reserve Deputies, Mr. Antonio Huizar, Jr. and Mr. Omar Gonzalez be approved for Precinct No. 2.

The motion was seconded by Commissioner Valencia and carried unanimously.

The Bonds are as follow:

(14) **AUTHORIZATION TO NEGOTIATE WORK ORDER NO. 2 WITH DANNENBAUM ENGINEERING FOR PROJECT ROAD MAP AND TO EXTEND THE STUDY LIMITS OF HAINE DRIVE FROM TREASURE HILLS TO LOVETT LANE**

Commissioner Matz moved that Work Order No. 2 be negotiated with Dannenbaum Engineering for Project Road Map and that the study limits of Haine Drive be extended from Treasure Hills to Lovett Lane.

The motion was seconded by Commissioner Valencia and carried unanimously.

At this time, Judge Hinojosa expressed concern as to a certain portion of the East Loop which interfered with a project to be performed by the County and added that the matter should be discussed with Mr. John Hudson, Traffic Engineer, regarding an alternate route.



(15) **AUTHORIZATION TO ACCEPT FROM THE PORT OF HARLINGEN, PARCELS NOS. 1, 2-A, 2-B, 3 AND 6, FOR CEMETERY ROAD**

Upon motion by Commissioner Matz, seconded by Commissioner Valencia and carried unanimously, Parcels Nos. 1, 2-A, 2-B, 3 and 6, were accepted from the Port of Harlingen for Cemetery Road.



(16) **ACTION PURSUANT TO THE RECOMMENDATION OF THE SELECTION COMMITTEE FOR ARCHITECTURAL SERVICES FOR THE ADULT PROBATION OFFICE AND THE COUNTY ANNEX IN LA FERIA, TEXAS**

Upon motion by Commissioner Matz, seconded by Commissioner Valencia and carried unanimously, the recommendation of Mata-Villarreal by the Selection Committee for Architectural Services for the Adult Probation Office and the County Annex in La Feria, Texas, was approved.



(17) **IN THE MATTER OF THE CONTRACT AGREEMENT BETWEEN THE TEXAS DEPARTMENT OF HEALTH AND CAMERON COUNTY TO PROVIDE MATERNAL AND CHILD HEALTH, TITLE V-A SERVICES (TABLED)**

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

(18) IN THE MATTER OF THE CONTRACT WITH DR. VICTOR M. GONZALEZ, JR., TO ACT AS THE CAMERON COUNTY HEALTH AUTHORITY (TABLED)

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

CONSENT AGENDA ITEM

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

At this time, Commissioner Matz expressed concern as to Item No. 19 Aa concerning the Constable and Deputies participating in a parade in Rio Bravo, Tamaulipas, and as to the insurance coverage which insured the vehicles traveling twenty-five (25) miles from the border.

Mr. Mark Yates, County Auditor, confirmed that the insurance coverage insured the vehicles within twenty-five (25) miles from the Mexican border for a period of ten (10) days.

Commissioner Valencia moved that the A Consent Agenda Items be approved.

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

AYE: Commissioners Benavides, Cascos and Valencia

NAY: Commissioner Matz, as to Item No. 19 Aa.

(19) TRAVEL AND/OR TRAVEL EXPENSES FOR THE FOLLOWING, SUBJECT TO FUNDS IN THEIR BUDGET AND ALL APPLICABLE COUNTY POLICIES:

- a) Constable Precinct No. 7 and four (4) Deputies to participate in A El Dia Nacional de Educacion Vial Parade in County vehicles in Rio Bravo, Tamaulipas, on May 28, 1999;
- b) Program Development and Management employee to attend the A Lower Rio Grande Valley Development Council Professional Advisory Review Panel Meeting in Weslaco, Texas, on May 12, 1999;
- c) Commissioner Precinct No. 2 to attend the A Forty-first County Auditor-s Institute in Austin, Texas, on May 18-21, 1999;
- d) Two (2) Public Works Field Agents to attend the A 30th Annual Municipal Training School in Bryan, Texas, on May 17-22, 1999;
- e) District Attorney to attend the A 1999 Texas Child Fatality Review Team Network Meeting in San Antonio, Texas, on July 14-16, 1999;
- f) County Drug Enforcement Commander and Agent to attend the A TNOA Training Conference in South Padre Island, Texas, on May 19-20, 1999;

- g) Tax Assessor-Collector and Chief Deputy to attend the ATexas Automobile Theft Prevention Authority Grant Review@ in Austin, Texas, on June 16-17, 1999;
- h) Tax Assessor-Collector and Chief Deputy to attend the A45th Annual Tax Assessor-Collector-s Conference@ in Beaumont, Texas, on June 13-15, 1999;
- I) Chief Juvenile Probation Officer to travel to Austin, Texas, on May 14, 1999, to chair the TPA Legislative Conference Planning Committee to be held at South Padre Island, Texas, on August 22-25, 1999;
- j) Six (6) Health Department employees to attend the AUnited States/Mexico Boarder Health Association Meeting@ in Matamoros, Tamaulipas, on May 13, 1999;
- k) Justice of the Peace Precinct No. 5-1 Court Assistant to attend the ACivil Process Seminar@ in Corpus Christi, Texas, on May 16-19, 1999;
- l) Assistant County Auditor to attend the ABasic Justice of the Peace and Municipal Case Management Class@ in Austin, Texas, on June 2-4, 1999;
- m) Four (4) County Security employees to attend the ACourt Security Seminar@ in San Antonio, Texas, on May 16-19, 1999;
- n) Two (2) Computer Department employees to attend a AFive Day Cisco Certified Training Course@ in Austin, Texas, on June 7-11, 1999;
- o) County Clerk and two (2) Deputies to attend the ACounty and District Clerk-s Region VIII Conference@ in Laredo, Texas, on May 11-13, 1999;
- p) Justice of the Peace Precinct No. 3, Place No. 2, Court Administrator to attend the A18-Hour Court Personnel Seminar@ in Corpus Christi, Texas, on May 18-21, 1999;
- q) Justice of the Peace Precinct No. 5, Place No. 2, Court Assistant to attend the 18-Hour Court Personnel Seminar@ in Corpus Christi, Texas, on May 18-21, 1999;
- r) Justice of the Peace Precinct No. 3, Place No. 1, Court Assistant to attend the A18-Hour Court Personnel Seminar@ in Corpus Christi, Texas, on May 18-21, 1999;
- s) Two (2) Constable Precinct No. 7 Deputies to attend the A20 Hour Civil Process Seminar@ in Corpus Christi, Texas, on May 16-19, 1999; and
- t) County Judge, Assistant County Administrator, Commissioner Precinct No. 1, Property Management Coordinator, Parks System Director and Program Development and Management Coordinator to attend the AMeeting with the Texas Parks and Wildlife Department@ in Austin, Texas, on May 13-14, 1999.

(20) PRELIMINARY APPROVAL

a) Precinct No. 3

Mansfield Park III Subdivision - being a subdivision of 2.442 acres of land consisting of all of Lot No. 1, Block No. 1 of Mansfield Park Subdivision, as recorded in Cabinet 1, Slot 1348-B, Cameron County Map Records and 1.777 acres out of Block No. 180 of the Fresnos Land and Irrigation Company Subdivision.

(21) FINAL APPROVAL

a) Precinct No. 3

Autumn Wood Subdivision - being 18.064 acre tract of land, more or less, being 1.119 acres out of Block No. 26, 8.248 acres out of Block No. 27, and 8.696 acres out of Block No. 28, resubdivision of the South part of Section No. 137, Stuart Place Subdivision;

b) Precinct No. 4

Bixby Canal Subdivision - being a resubdivision of 20.671 acres of land comprised of 19.9168 acres out of Blocks No. 1 and No. 12, Bixby Subdivision recorded in Volume 2, Page No. 42; and

c) Precinct No. 4

La Gloria Canal Subdivision - being a 37.434 acre more or less, tract of land, out of Block AG@ in the La Gloria tract of the La Feria Grant.



(7) APPOINTMENT OF A BOCA CHICA HISTORICAL MAP COMMITTEE CONSISTING OF REPRESENTATIVES FROM THE CAMERON COUNTY HISTORICAL COMMISSION, THE COUNTY PARKS DEPARTMENT AND THE COUNTY ENGINEER-S OFFICE

At this time, Judge Hinojosa explained that there were numerous shipwrecks at the Boca Chica Beach which were historical and added that the shipwrecks could not be removed, due to the costs, noting that the County should attempt to preserve them. He stated that the suggestion had been made to create a map reflecting all the historical shipwrecked sites, in order to prevent the shipwrecked sites from being damaged in the process of maintaining the beaches. He suggested that a committee be created consisting of representatives from the Parks System, the Engineering Department and the Cameron County Historical Commission, noting that the committee would be chaired by the Historical Commission.

Commissioner Benavides expressed his support for the creation of the maps designating the historical shipwrecked sites, in order to prevent the sites from being damaged when the Beach Clean Up Projects occurred.

Commissioner Matz noted that the General Land Office was creating a Gulf Coast Beach Access Booklet and suggested that the maps should be included in the booklets for public informational purposes.

At this time, Ms. Helene Stabenau, Cameron County Historical Commission, suggested that a map consisting of all historical sites in Cameron County should be created and expressed her support for the creation of the Boca Chica Historical Map Committee.

Commissioner Matz moved that the appointment of a Boca Chica Historical Map Committee consisting of representatives from the Cameron County Historical Commission, the County Parks Department and the County Engineers Office be approved, noting that the committee be chaired by the Cameron County Historical Commission.

The motion was seconded by Commissioner Benavides and carried unanimously.

SUPPLEMENTAL AGENDA

- (1) **IN THE MATTER OF THE DEPOSITORY CONTRACT (TABLED)**
- (2) **IN THE MATTER OF THE CAMERON COUNTY TREASURER CONTINUING PROFESSIONAL EDUCATION FOR COUNTY INVESTMENT OFFICER (TABLED)**

Commissioner Cascos moved that these Items be **Tabled**.

The motion was seconded by Commissioner Valencia.

At this time, Commissioner Matz questioned "Could I ask why?"

Judge Hinojosa responded "This Item was placed on the Agenda without any authorization from my Office. This was never run by my Office. This was not prepared by our Office. I don't know who prepared this Agenda Item. The standard practice in this County is for all Agenda Items to be prepared by the County Judge's Office and it was not prepared. And I would ask that we Table No. 1 and No. 2 for that reason."

Commissioner Matz stated "Judge, as I understand it, this was prepared by the County Treasurer and the County Auditor, or the Budget Officer. I signed off on it. I sent it down Friday afternoon. We had a problem getting to your Office because the fax machine was continuously busy."

Judge Hinojosa stated "And I understand Commissioner. I don't believe that in the four and a half years that I have been Judge, that I have ever denied putting an Item that you requested on the Agenda. And I would never do that. But this was not placed on the Agenda by my Office. This Agenda Item was not drafted by my Office. And I just don't think it is appropriate for anyone to be submitting an Agenda Item or anyone to be preparing Agendas. Anybody can submit an Agenda Item if they want to and we could submit them. But for whatever reason it was done, I just don't want for there to be a practice in this office, in this Commission of doing that. But you did not contact our Office before. We would have put it in if you would have requested."

Commissioner Matz stated "I tried, but there was no answer, Judge, in your Office."

Judge Hinojosa responded "Well, I don't know what happened there, but it was not."

At this time, Mr. Eddie Gonzalez, County Treasurer, stated AI feel that I am responsible for this. I want to start by saying that the Court has always been very supportive and I feel like I am going up the rough side of the mountain here. But, I have to say that when I saw a copy of the Agenda, around 4:00 P.M., I called Mark's Office. I said AMark, are you aware that the Item was not being placed or why? He said he did not know. So I called your Office about 4:00 P.M. or 4:30 P.M. I tried. I asked for Remi and Remi was out. And I called back in about five minutes as I was instructed to and I was told that he would not be back and he did not have his cell phone with him. So I called Commissioner Cascos and I said ACarlos, do you know anything about it? He said he was not aware of anything. And I said well, as I understand, it takes a signature from one of the Commissioners to put something on the Agenda. He told me AI am not going to sign. He said AI will sign the Supplemental Item. And so, I asked Mark and he said to ask Commissioner Matz to sign the Item. So in the area of responsibility, I apologize. But, I don't feel we did anything wrong.

Judge Hinojosa stated AAnd I realize that it was not done in bad spirit, Eddie. And I am not here to get into any confrontation with you on this. I think it is inappropriate. If it was an emergency, then I can understand. But, I don't believe that it is an emergency. Only my Office prepares Agendas, and that is it. If it is not, if you don't get it in time for whatever reason, you know, Agenda, for whatever reason, it doesn't go on. But if it is an emergency, we all recognize that. I don't see any of these. I clearly don't see AAcknowledgment of Cameron County Treasurer Continuing Professional Education for County Investment Officer as an emergency. Those are things that only should go on when we put them on. Now, I want to clarify, had Commissioner Matz, Commissioner Valencia or Commissioner Cascos or Commissioner Benavides come to us, we would have clearly drafted it and put it on the Agenda. We just don't want there to be any precedence. We don't want this to happen again. With all due respect to you or to anyone else. I don't want this to happen again.

Mr. Gonzalez stated AI guess I was ultimately responsible.

Commissioner Matz stated ACorrect me if I am wrong. This was actually submitted to your office in advance and it was rejected. Is that correct?

Judge Hinojosa replied AWell, we did not put it on the Agenda for this week.

Commissioner Matz questioned AIs there some particular reason? Hasn't our Contract expired with the present Depository Contract?

Judge Hinojosa responded AI understand we have until the end of May to renew this Depository Contract.

Mr. Gonzalez stated AThe way it runs, the Statute calls for, that we are charged for awarding a Contract in May this particular year at the end of the Contract. Our current Contract expired on April 30, 1999. And the reason is, the design of it two years ago, was so that we would not have a conflict. The Contract is expired.®

Mr. Mark Yates, County Auditor, stated AI am going to be out next week-s meeting. We have the Auditor-s Seminar, I understand Commissioner Precinct No. 2 will be out. I felt important for the Chief Financial Officer, the Auditor and the Budget Officer, who happens to be all the same person, to be here to answer any questions with regards to due diligence that the banks may have. I understand from discussion with the Judge-s Assistant that this was on the Agenda. We were surprised that it was not on there. And we felt that perhaps it was an oversight.®

Judge Hinojosa stated AWell, yes, but that doesn-t give anybody a reason to submit their own Agenda. I don-t care what. That is the bottom line. If you think it is important for you to be present well, let-s schedule a Special Meeting. Lets take it up on Monday. When are you going to be here? Let us sit down and talk about it. That is fine. But no one has a right to put together an Agenda except our Office. It has never been done. I talked to Commissioner Cascos. He doesn-t remember when it has ever been done. I don-t think that anybody has ever tried to do this with anyone else and it is offensive to my office for someone to have done that. And I am really upset about it. That is why I am asking that it be Tabled. You all do whatever you all want. I mean, I can-t even vote on this issue. I always abstain on this issue. That is not the point. The point is that people do not draft Agendas outside of the County Judge-s Office and then post them. That is my point. And that is what I am upset about. I was willing to Table it and people started raising questions. That is why I am upset about this thing. And I just don-t ever want it to happen again. There is a motion to Table and a second. Any further discussion? All those in favor signify by stating AAye.® All those opposed?®

Commissioner Matz stated ANay.®

Judge Hinojosa stated AMatter is Tabled.®

Commissioner Cascos asked ALet me ask a question because the Judge brought it up. Is it inappropriate for the way this happened? I know policy, whatever. But I just need to know so I don-t fall into this again. Is it inappropriate to post a Supplemental Item the way it was posted? Or is there some statute or law that says that everything must run. And if so, that is fine. Or is it just a policy that we make? Or is it something that is because that is the way it is? No one wants to do anything that is inappropriate. But is there something that says that we are not allowed to do that?®

Mr. Doug Wright, Commissioners-Court Legal Counsel, responded AThe County Judge is the Administrative Head of the County and whether it is through custom or otherwise, I think certainly by way of custom here in the

County, that is the way it has been done. Not just for this Administration, but in past. The County Judge has an obligation to place an Item on the Agenda anytime one of the Commissioners decides that they want that Item on. But he does have Administrative authority to adjust the schedule and that sort of thing. Unless, there is an abuse of discretion shown, in which the County Judge has administrative discretion. That system has worked in the past and it is appropriate for one person to be in charge in preparing the Agenda. How it took place in this circumstance, I am not really sure of. I was told that this Item was presented to the County Judge's Office for placement on the Agenda. Whether or not one of the Commissioners signed off on it, I don't know. I don't know the facts of that.®

Judge Hinojosa stated AThat did not happen.®

Mr. Wright stated AI do think it is appropriate. And that is the way the County has run for seven or eight years now.®

Commissioner Cascos asked ABut my question is, was it illegal or inappropriate?®

Mr. Wright stated AI would say it might be inappropriate. I would not say it is illegal. You are, when the County Judge is not present, you are pro-tem. And you do have authority to act in his stead when he is not present. It seems to me that there was a misunderstanding as to what is going on. I don't think anything illegal was done, but it is the County Judge's obligation to prepare an Agenda and post it. And when you act in that capacity as pro-tem, you are acting in his stead.®

Commissioner Valencia questioned ASo the issue here was only the way it was presented. The way it was done and put on the Agenda.®

Mr. Wright replied AI am sorry?®

Commissioner Valencia responded AThe issue here is only the way it was put on the Agenda? Just the way it was put on the Agenda without the Judge's consent? Without going through the Judge's Office?®

Judge Hinojosa replied APlus preparing it.®

Commissioner Cascos stated ASo lastly, if we are going to have a Special Meeting on Monday. I will be leaving on Monday during the noon hour. I would like to do it during the morning Monday. Even if it is these two items to take care of. The Continuing Education and this one. Mark, will you be here Monday?®

Mr. Yates responded AI will be here Monday. I am not sure what information we can present to you.®

Commissioner Cascos stated AWell, that was going to be my second question. If it is being Tabled for the way it was out of Policy or inappropriate the way it was posted, fine. But then between now and Monday, are you all going to have any. Will the presentation be the same, I guess?®

Mr. Yates stated AI might be the same.®

Commissioner Cascos repeated AIt might be the same?@

Judge Hinojosa stated AWell, I understand there are certain things that need to be discussed in Executive Session and some of the issues need to be because they are contractual issues. It needs to be placed as an Executive Session Item for there to be a discussion that can be had legally. So, a large part of the problem here also is that none of these things are taken into consideration. If you are going to have a session on Monday, it has got to be a Special Meeting, it has got to be an Executive Session Item and then an Action Item in the afternoon. I mean after, in the morning. And so those things all need to be discussed fully there.@

Commissioner Cascos questioned ALet me ask another question. My understanding is that there are three things that we are allowed to discuss in Executive Session. We have real estate, personnel issues and litigation either contemplated or potential.@

Judge Hinojosa added AAnd contractual issues.@

Commissioner Cascos replied ANot contractual. I don't think contractual issues fall under Executive Session.@

Mr. Wright clarified AOnly if there is possible litigation or settlement of a case.@

Commissioner Cascos stated AI understand. Well, that is all litigation. And I don't have any problem putting it in Executive Session. But I want to know under which three is this Item going to fall under. And I am going to ask either Doug or Frank or whomever. Under what circumstances will we be able to place this under Executive Session.@

Mr. Wright stated AThe only way it can be placed under Executive Session is if it fits within the Open Meetings Act and there are four or five subsections to allow you to do that. One of them which involves the Attorney/Client privilege situations where my obligation conflicts with the Open Meetings Act. I have the obligation for instance, if one of the members of the Court might be contemplating actions that would be a violation of the law or could be interpreted as a violation of the law, I have an obligation to give advise and advise him against it or for that matter the Court's action might be interpreted in that way. That is a situation where I can advise a closed session. But that is only advise as an attorney to the client. Action has to be taken in open meeting. No action item can take place in Executive Session.@

Commissioner Cascos questioned ASo, I guess the way this would go on is under potential litigation out of Cameron County or a member of the Court and whomever the recipients are of this issue.@

Mr. Yates questioned AIs the Court anticipating litigation with regards to this Contract?@

Judge Hinojosa replied AHow are we going to answer that in Open Session?@

Mr. Wright stated AAll I can tell you is recite the statute. You are asking what would be the reasons now. I don't know. That would require either one or perhaps two of you coming to me and saying Awe feel like there may be an issue and we need to discuss this with you as Counsel.@ If I don't feel like it is appropriate, it won't go on.@"

Commissioner Cascos stated AAnd I guess the reason I am asking is that there has been a lot of writing about Open Meetings and Executive Session Meetings where they have gone beyond the round of what it is supposed to be. And this one might fall under that. So, I am going to look to you to guide us.@"

Mr. Wright stated AWell, I am not aware of Cameron County being the subject of investigation concerning the meetings. I have been careful about what is to be allowed to be discussed and when we get off the subject, I raise that issue in Executive Session.@"

Mr. Gonzalez stated AYou asked if there was going to be any additions. Unless there is instructions from the Court.@"

Commissioner Cascos asked AThe committee is you, Mark and Pete.@"

Mr. Gonzalez stated ARight. And unless there is some additional things that we are instructed to consider, we have pretty well run our tracks. The information is sort of locked to the Bid specs. So unless you want information presented that you already have in your packet. And unless, we are suppose to resubmit those. But I would think that you are going to use the existing packets for Monday's meeting. Or am I suppose to prepare those all over again? The information is pretty well precise.@"

Commissioner Cascos stated AI would assume that we are going to use the same bid specs. And I think that if the Court, for some reason doesn't feel comfortable with the existing bid specs or there is some information that maybe is not considered, then we start all over again.@"

Mr. Wright stated ALet me interrupt for just a second and make sure that we are following the process. What we have right now. Has there been a vote to Table this?"

Judge Hinojosa replied AYes.@"

Mr. Wright stated AOkay. Then it is just a discussion.@"

Commissioner Cascos responded AYes, it is just a discussion.@"

Mr. Wright stated AWhether or not it was on there appropriately, if the votes are there to table this matter, that settles the issue. Now, obviously from a policy standpoint, you can reconsider this, you can take it up. But the bottom line is, there has already been a vote to table this matter.@"

Commissioner Cascos stated AMy intent is not to bring it back. My intent is to clear this Item before it is posted again for a Special Meeting on Monday, in Executive Session. And I want to know if we are going to do this,

under your advise or direction, that we can do this in Executive Session. I don't want to be surprised. That is the only reason I am asking. The vote has already been done to Table it. That is fine. But I want to make sure that if we come back on Monday, that we are doing it the right way.®

Mr. Wright stated AIn order for me to respond to that is, I would have to know the reasons why it is being requested to be placed on Executive Session. I can assure you if that is presented to me and I am requested to put on an Executive Session Item, generally Counsel is always required to sign off on any Executive Session Items. I will notify any member of the Court, under this particular circumstance, if I am asked to put the Item on as Executive, I will explain to you why.®

Commissioner Cascos responded AThat is fair.®

Mr. Yates stated AI request that it be posted as an Executive Session Item and an Open Meeting Item. So that one or the other can be Tabled, if it is deemed inappropriate by your Counsel.®

Commissioner Cascos responded AThat is alright.®

Judge Hinojosa stated AAll right. Any further discussion? I think we already voted on that.®

(4) **PRESENTATION OF THE RESOLUTION HONORING MR. LEO ARAGUZ FOR HIS DEDICATION TO COMMUNITY SERVICE (NO ACTION TAKEN)**

At this time, Judge Hinojosa presented the Resolution to Mr. Leo Araguz for his dedication to community service and briefly highlighted his accomplishments.

Commissioner Valencia commended and expressed his gratitude to Mr. Araguz for his commitment to community service in Cameron County.

Mr. Leo Araguz, Harlingen, Texas, expressed his gratitude to the Court and noted that a foundation had been formed to provide scholarship funds for the youths in the Valley.

(5) **ADOPTION OF A RESOLUTION HONORING MR. JOHN HUDSON FOR HIS DEDICATION AND SERVICE AS PROJECT MANAGER FOR THE VETERANS INTERNATIONAL BRIDGE AT LOS TOMATES**

At this time, Judge Hinojosa presented the Resolution to Mr. John Hudson, Project Manager, for his dedication and service to the Veterans International Bridge at Los Tomates and highlighted the Mr. Hudson's efforts and accomplishments in throughout the project.

Commissioner Valencia moved that the Resolution honoring Mr. John Hudson for his dedication and service as Project Manager for the Veterans International Bridge at Los Tomates be adopted.

The motion was seconded by Commissioner Cascos and carried unanimously.

At this time, Mr. Hudson expressed his gratitude to all the individuals and entities who participated in the development of the Bridge and briefly highlighted the remaining projects to be completed in the County.

Mr. Mark Yates, County Auditor, requested that Mr. Hudson's services be extended to complete the accumulation of costs concerning the project assets and to create a contingency plan in the event of damage or loss of a bridge span.

(22) EXECUTIVE SESSION

Upon motion by Commissioner Matz, seconded by Commissioner Valencia and carried unanimously, the Court met in Executive Session at 10:40 A.M. to discuss the following matters:

- a) In the matter of the Real Property concerning possible land acquisition of a potential park site; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072; **(TABLED)**
- b) Deliberation regarding the Real Property concerning renewal of a Concession Agreement for Alfonso Salazar, doing business as, Sea Ranch Grocery and Tackle; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072;
- c) Deliberation regarding the Real Property concerning the possible purchase of Cameron County Trustee Property known as, Abstract No. 2 - Cameron Park 2, Lot No. 21, Block No. 31; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072;
- d) Deliberation regarding the Real Property concerning Cameron County Trustee Property, known as Brownsville - Elizabeth Heights, Block No. 1, Lot No. 2; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072;
- e) Deliberation regarding the Real Property concerning Cameron County owned property, known as Block No. 61, Brownsville Original Townsite, Cameron County, Texas; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072
- f) Deliberation regarding the Real Property concerning possible authorization to enter into a long term Concession Agreement with NB Development, doing business as Schlitterbahn Waterpark at South Padre Island; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072
- g) Evaluation of Chief Information Officer; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.0724(1); and

- h) In the matter of the appointment of the Cameron County Health Authority; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.074 (1). **(TABLED)**

Upon motion by Commissioner Valencia, seconded by Commissioner Cascos and carried unanimously, the Court reconvened in Regular Session at 11:23 A.M.

(23) ACTION RELATIVE TO EXECUTIVE SESSION

- a) **In the matter of the Real Property concerning possible land acquisition of a potential park site. (TABLED)**

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

- b) **Deliberation regarding the Real Property concerning renewal of a Concession Agreement for Alfonso Salazar, doing business as, Sea Ranch Grocery and Tackle.**

(11) IN THE MATTER OF THE CONCESSION AGREEMENT BETWEEN ALFONSO SALAZAR, DOING BUSINESS AS SEA RANCH GROCERY AND TACKLE (TABLED)

Commissioner Cascos moved that the Parks System Director be directed to continue the negotiations of the Concession Agreement with Mr. Alfonso Salazar, doing business as Sea Ranch Grocery and Tackle, and that Item No. 11 be **TABLED**.

The motion was seconded by Commissioner Benavides and carried unanimously.

- c) **Deliberation regarding the Real Property concerning the possible purchase of Cameron County Trustee Property, known as Abstract No. 2 - Cameron Park 2, Lot No. 21, Block No. 31.**

Upon motion by Commissioner Cascos, seconded by Commissioner Matz and carried unanimously, the County Judge was authorized to sign off on the deed to acquire the Cameron County Trustee Property, known as Abstract No. 2 - Cameron Park 2, Lot No. 21, Block No. 31.

- d) **Deliberation regarding the Real Property concerning Cameron County Trustee Property, known as Brownsville - Elizabeth Heights, Block No. 1, Lot No. 2.**

Commissioner Cascos moved that the Property Management Coordinator be directed to coordinate with the County Treasurer to implement a mechanism of installments on the Contract for Deed concerning the purchase of the Cameron County Trustee Property, known as Brownsville - Elizabeth Heights, Block No. 1, Lot No. 2.

The motion was seconded by Commissioner Benavides and carried unanimously.

- e) **Deliberation regarding the Real Property concerning Cameron County owned property, known as Block No. 61, Brownsville Original Townsite, Cameron County, Texas.**

Upon motion by Commissioner Cascos, seconded by Commissioner Benavides and carried unanimously, the Status Report by the Property Management Coordinator was acknowledged regarding the Cameron County owned property, known as Block No. 61, Brownsville Original Townsite, Cameron County, Texas.

- f) **Deliberation regarding the Real Property concerning possible authorization to enter into a long term Concession Agreement with NB Development, doing business as Schlitterbahn Waterpark at South Padre Island.**

Upon motion by Commissioner Cascos, seconded by Commissioner Benavides and carried unanimously, the Status Report by the Property Management Director was acknowledged and the dedication of the land for the conservation easement around the treatment plant at Isla Blanca Park for mitigation purposes was approved.

- g) **Evaluation of Chief Information Officer.**

Commissioner Cascos moved that Mr. Rudy Juarez be appointed as the Chief Information Officer with an annual salary, in the amount of \$55,000.00, plus a car allowance, noting that a Personnel review be performed in six (6) months.

The motion was seconded by Commissioner Matz and carried unanimously.

- h) **In the matter of the appointment of the Cameron County Health Authority. (TABLED)**

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

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There being no further business to come before the Court, upon motion by Commissioner Matz, seconded by Commissioner Valencia and carried unanimously, the meeting was **ADJOURNED** at 11:28 P.M.

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**GILBERTO HINOJOSA
COUNTY JUDGE**

ATTEST:

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