

THE STATE OF TEXAS

COUNTY OF CAMERON

BE IT REMEMBERED on the 14th day of MAY, 1999, there was conducted a SPECIAL 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:

2:00 P.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:

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The meeting was called to order by Judge Gilberto Hinojosa at 2:15 P.M.

The Court considered the following matters as posted and filed for Record in the Office of the County Clerk on
May 11, 1999, at 11:43 A.M.:

At this time, Judge Hinojosa stated that the Commissioners= Court Legal Counsel had requested that certain issues concerning potential conflicts of interest regarding the Bank Depository Contract be resolved and noted that he had submitted an Affidavit to County Counsel regarding a potential conflict of interest. He noted that he would recuse himself from any further participation of the Meeting and turned the chair over to Judge Pro-tem Carlos H. Cascos, C.P.A.

NOTE: JUDGE HINOJOSA LEFT THE COURTROOM AT THIS TIME.

Judge Pro-tem Cascos informed the Court and audience that he had also submitted an Affidavit regarding a conflict of interest and noted that he owned between five hundred to fifty-five hundred shares at the International Bank of Commerce.

Mr. Doug Wright, Commissioners= Court Legal Counsel, stated that several members of the Court had submitted Affidavits concerning potential conflicts of interest. He recommended that the Court should proceed into Executive Session to discuss the individual conflicts and substantial interests of each member and as to a specific statutes which addressed the Depository Bank. He added that the general provisions under the conflicts of interest in which exceptions would be made regarding the awarding of the Depository Bank should also be addressed.

The Affidavits are as follow:

(1) **EXECUTIVE SESSION**

Upon motion by Commissioner Matz, seconded by Commissioner Valencia and carried unanimously, the Court met in Executive Session at 2:20 P.M. to discuss the following matters:

- a) Confer with County Counsel on matters pertaining to the Depository Contract in which the duty of the Attorney to the Governmental Body, under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this Chapter; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(2).

Upon motion by Commissioner Matz, seconded by Commissioner Valencia and carried unanimously, the Court reconvened in Regular Session at 2:55 P.M.



(2) **ACTION RELATIVE TO EXECUTIVE SESSION**

- a) **Confer with County Counsel on matters pertaining to the Depository Contract in which the duty of the Attorney to the Governmental Body, under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this Chapter.**

Upon motion by Commissioner Valencia, seconded by Commissioner Matz and carried unanimously, the Status Reports by County Counsel and the District Attorney were acknowledged regarding matters pertaining to the Depository Contract in which the duty of the Attorney to the Governmental Body, under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this Chapter.

Commissioner Matz moved that Mr. Chris Boswell, Attorney at Law, be hired to assist County Counsel on the Depository Contract.

The motion was seconded by Commissioner Valencia and carried unanimously.

Commissioner Benavides moved that the County Treasurer be authorized to open a General Claims Fund Clearing Account and that the re-issuance of previously approved claims with new check numbers be acknowledged.

The motion was seconded by Commissioner Valencia and carried unanimously.

The Contract is as follows:

(3) POSSIBLE ACTION ON AWARDING THE DEPOSITORY CONTRACT

At this time, Mr. Eddie Gonzalez, County Treasurer, stated that the Bid specifications had been reviewed by the Evaluation Committee consisting of Commissioner Benavides, the County Auditor and the County Treasurer and highlighted the proposals and the Comparison Schedule Report. He reported that Bank B, as reflected in the Bank Depository Bid Comparative, proposed a two (2) year Contract, as opposed to a four (4) year Contract and noted that the Bank reserved the right at the end of the second year to increase the cost to the County, not to exceed ten percent (10%).

Commissioner Cascos expressed his gratitude to the Evaluation Committee for their time and efforts in reviewing the Bank Proposals. He questioned whether all the Banks had met the Bid specifications and Mr. Gonzalez responded in the affirmative.

Mr. Gonzalez confirmed that it was the consensus of the Evaluation Committee that Bank AB®, that being First National Bank, be recommended to the Court.

Commissioner Benavides expressed concern as to the First National Bank location in only two (2) areas of the County and questioned how First National Bank would provide the accessibility to the employees throughout the County.

Mr. Ray L. Lopez, President of First National Bank, responded that First National Bank had established relationships with other banks throughout the County, noting that County employees would not be charged a fee for cashing their County checks and added that the Bank would soon be creating new branches.

Commissioner Benavides moved that the Depository Contract be awarded to First National Bank, Brownsville, Texas, as recommended by the Evaluation Committee.

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

AYE: Commissioners Benavides, Cascos and Matz

NAY: None

ABSTAINED: Commissioner Valencia.

At this time, Commissioner Valencia noted that he had submitted an Affidavit concerning a possible conflict of interest and expressed his apologies for his abstention from the vote.

The Proposals and Reports are as follow:

At this time, Commissioner Matz presented a report concerning the Agenda Item Request Procedure and Agenda Item Requests which had not been honored in the past.

The Report is as follows:

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 **3:15 P.M.**

APPROVED this **1st** day of **June, 1999.**

GILBERTO HINOJOSA
COUNTY JUDGE

ATTEST:

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