

THE STATE OF TEXAS

COUNTY OF CAMERON

BE IT REMEMBERED on the 13th day of JUNE, 2000, 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 ATIVIE@ 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 9:35 A.M. He then asked Mr. Bob Clark, Brownsville resident, for the invocation and Commissioner Cascos to 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 June 9, 2000, at 1:23 P.M.:

At this time, Mr. Ernesto Galindo, Texas Association of Counties, presented Cameron County the 1999 Annual Safety Award and expressed gratitude for the County's cooperation and implementation of the Safety Coordinators. He stated that Cameron County was utilized as a role model for other Counties in Texas and commended Mr. Manuel Villarreal, Personnel/Safety Risk Coordinator, and Mr. Joe Paredes, Safety Coordinator, for their time and efforts.

Judge Hinojosa stated that the Safety Coordinators and trained personnel were important to address the safety issues for the employees and added that the hiring of the Law Enforcement Safety Coordinator would increase the safety awareness for the law enforcement personnel.

Commissioner Benavides commended the Personnel Director and Safety Coordinators for reducing the accident rates and implementing safe working habits for the employees.

(7) **ADOPTION OF A RESOLUTION AUTHORIZING
CAMERON COUNTY TO SUBMIT A
CONTINUATION GRANT APPLICATION TO THE
LOWER RIO GRANDE VALLEY DEVELOPMENT
COUNCIL FOR THE SOLID WASTE LOCAL
ENFORCEMENT PROGRAM AND DESIGNATION
OF SOURCE FOR REQUIRED MATCH**

At this time, Constable Conrado Cantu, Precinct No. 2, stated that the Solid Waste Local Enforcement Program was in need of additional funds, in order for the program to continue throughout the remaining grant term and added that the funding was necessary for two (2) officers, a secretary and the necessary supplies and equipment to operate the program. He reported that there was a problem with illegal dumping of numerous tires and the health hazards they imposed.

Mr. Mark Yates, County Auditor, stated that there were supplemental funds available which would continue to be budgeted and confirmed that the tires situation was an eyesore and a health issue when the rain water accumulated in them. He stated that some type of device should be researched for the recycling of the tires through road materials which could be utilized as part of the asphalt.

Mr. Juan Bernal, County Engineer, noted that the process of recycling the tires for road materials was a complicated and expensive process.

Commissioner Valencia stated that Willacy County was in the process of establishing a recycling plant and added that he had been contacted as to entering into a contract with Cameron County to take the tires to Willacy County.

Commissioner Matz stated that there were companies throughout the State that recycled tires for the surrounding Counties and added that the information regarding the programs could be obtained through the Texas Natural Resource

Conservation Commission (TNRCC) Solid Waste Division. He stated that the County should inform the Legislative Representatives of the matter to address at the next Legislative Session.

Commissioner Valencia expressed gratitude to Constable Cantu and the Solid Waste Enforcement Officers for the teamwork and quick response to calls of illegal dumping.

Constable Cantu reported that the Deputies-trucks were not operational and added that currently, the Officers were having to utilize their own vehicles, noting that the officers did not receive an auto allowance.

Mr. Yates stated that he had discussed the matter with the Vehicle Maintenance Director and suggested that the officers could utilize the patrol vehicles which were to be auctioned off. He stated that the patrol vehicles would be a temporary solution and reported that the trucks were old with high mileage. Mr. Yates stated that it was time to replace the trucks and that the issue would be addressed in the next year-s budget.

Commissioner Benavides stated that there were certain individuals in Precinct No. 1 which were illegally dumping items along side a road and requested that the matter be addressed.

Commissioner Matz moved that the Resolution be adopted authorizing Cameron County to submit a Continuation Grant Application to the Lower Rio Grande Valley Development Council for the Solid Waste Local Enforcement Program.

The motion was seconded by Commissioner Valencia and carried unanimously.

The Resolution is as follows:

(8) ADOPTION OF A RESOLUTION AUTHORIZING CAMERON COUNTY TO APPLY TO THE LOWER RIO GRANDE VALLEY DEVELOPMENT COUNCIL FOR AN ILLEGAL DUMPING EDUCATION AND TRAINING PROJECT AND CONTINUING THE COUNTY-S PARTNERSHIP WITH THE VALLEY PROUD ENVIRONMENTAL COUNCIL

Commissioner Valencia moved that the Resolution be adopted authorizing Cameron County to apply to the Lower Rio Grande Valley Development Council for an Illegal Dumping Education and Training Project and continuing the County-s partnership with the Valley Proud Environmental Council.

The motion was seconded by Commissioner Matz and carried unanimously.

The Resolution is as follows:

(1) APPROVAL OF COUNTY CLAIMS

At this time, Mr. Mark Yates, County Auditor, stated that the budget packets including the budget planning calendars had been distributed to all the departments and noted that the budget was scheduled to be adopted on September 12, 2000. He reported that a detailed phone billing for amounts over \$1,000.00, on the land lines would be submitted to the Court and presented the Distribution of Tax Collections Report.

Judge Hinojosa requested that a meeting be scheduled with the Delinquent Tax Attorneys, the Auditor's Office, the Tax Office and County Judge's Office, in order to discuss a plan of action for the next fiscal year.

Mr. Yates presented draft policies concerning County travel and cellular phone use and explained that a certain amount of minutes would be budgeted for the cellular phones, noting that any amount utilized would either be charged to the individual or would have to be justified to the Court.

Commissioner Cascos questioned whether the calls would be audited to determine the nature of the call, if the individuals remained within their budgets.

Mr. Yates stated that based upon the individual's nature of the job and assignments, the cellular phone usage would be compared to another job which had a similar position and duties.

Judge Hinojosa expressed concern as to how long distance phone calls were documented and as to how the determination was made of whether the calls were personal or County related. He suggested that the cellular phones should not be utilized for personal reasons and that law enforcement personnel would be audited if the limit was exceeded. Judge Hinojosa stated that the long distance calls should only be county related and recommended that the calls be certified by the individual and submitted to the Auditor's Office.

Mr. Yates stated that a solution would be for the individual employees with cell phones or land lines to purchase calling cards and utilize the calling card number.

Judge Hinojosa stated that some of the cellular phones included long distance service and added that there were many incoming calls for out of town matters.

Mr. Yates stated that whether personal long distance calls were made on the land lines or cellular phones, the calls should simply be reimbursed by the individual to the County.

At this time, Mr. Dick Sturgell, Harlingen resident, expressed his concerns regarding the misuse of land lines and cellular phones by the employees and suggested that the individuals should be reprimanded accordingly.

There was some discussion as to personal and long distance calls by County employees and as to the difficulty in implementing rules for the employees, if the rules did not apply to the Elected Officials and Department Heads.

Commissioner Cascos stated that the Policy should be enforced by monitoring the calls on a monthly basis if the calls went over the budget and that the reimbursements or justifications to the Court should be implemented.

At this time, Mr. Yates briefly highlighted the Travel Policy guidelines concerning arrival and departure times and added that the Departments should include the day of travel on the Agenda Requests, in order to properly allocate the funds.

Commissioner Matz recommended that the use of County vehicles and car rentals should be addressed in the Travel Policy. He expressed concern as to the payment to Southwestern Bell Wireless, for Texas Alcohol and Beverage Commission Agents and the Texas Department of Public Safety Officers and questioned why the Agencies did not pay their own services.

Mr. Yates responded that the County only provided funding for the basic charge of the services and noted that the Officers paid any amounts over the basic charge.

Judge Hinojosa explained that the Department of Public Safety had made a large commitment in recent years to Cameron County in terms of patrol officers and added that the County responded with a commitment to the Agency to provide secretarial support and cellular phones, in return for better protection of the highways. He stated that the cellular phones increased the level of safety for the highway patrol officers and added an additional resource of communication while out in the line of duty.

Mr. Yates added that the DPS Officers issued tickets and followed up to ensure payment, noting that the County received part of the payments received from the traffic violations.

Commissioner Benavides moved that the County Claims be approved, as presented by the County Auditor.

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

AYE: Commissioners Benavides, Cascos and Valencia

NAY: Commissioner Matz, as to Warrant No. 36410, Southwestern Bell Wireless, in the amount of \$6,760.81.

The Budget Officer's Comments Reports are as follow:

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

At this time, Mr. Mark Yates, County Auditor, requested that the Tax Office Budget Amendment be excluded and added that the matter would be resubmitted the following week. He reported that many Departments were short in the Office Supplies and Gasoline Line Items and added that funds would be reallocated from either the Computer Center's budget, which currently had surplus funds and/or the Lapsed Salaries Fund.

Commissioner Cascos expressed concern as to the Budget Amendment for the County Judge's Office and added that the Judge's Assistant had noted that the amendment was based on revenue received from a grant. He stated that the Budget Amendment appeared as if the County Judge's Office had misspent some of the items and salaries, noting that the budgetary entries did not seem appropriate.

Mr. Remi Garza, Executive Assistant to the County Judge, explained that the County Judge's Office would receive a Relief Grant, in the amount of \$15,000.00, from the Texas Natural Resources Conservation Commission (TNRCC) for providing an individual to assist in filling out forms at the United States Department of Agriculture in San Benito, in Cameron Park and at Arroyo Colorado Estates.

Commissioner Benavides moved that the 2000 Fiscal Year Budget Amendment No. 2000-32, be approved, excluding the Budget Amendment for the Tax Office.

The motion was seconded by Commissioner Valencia and carried unanimously.

The Budget Amendments are as follow:

(3) APPROVAL OF MINUTES FOR MAY 9, 2000, REGULAR MEETING, MAY 16, 2000, REGULAR MEETING, AND MAY 25, 2000, SPECIAL MEETING

At this time, Ms. JuaNita Brodecky, Rio Hondo resident, expressed her concerns as to the timely manner of Minutes provided to the Court for approval.

Commissioner Valencia moved that the Minutes of the following Meetings, be approved, subject to the correction noted on the Minutes of May 25, 2000:

Regular Meeting held May 9, 2000, at 9:30 A.M.,

Regular Meeting held May 16, 2000, at 9:30 A.M., and

Special Meeting held May 25, 2000, at 2:00 P.M.

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

AYE: Commissioners Benavides, Cascos and Valencia

NAY: None

ABSTAINED: Commissioner Matz, as to the Minutes of May 9, 2000.

(4) IN THE MATTER OF CHIEF GUS REYNA, [REDACTED] SHERIFF-S DEPARTMENT, TO TAKE AN ON-LINE PARALEGAL COURSE FROM JUNE 14, 2000, THROUGH NOVEMBER 8, 2000 (TABLED)

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

(5) APPROVAL OF AN INTERLOCAL AGREEMENT BETWEEN WESLACO INDEPENDENT SCHOOL DISTRICT AND CAMERON COUNTY SHERIFF-S DEPARTMENT FOR RADIO FREQUENCY [REDACTED]

Upon motion by Commissioner Benavides, seconded by Commissioner Matz and carried unanimously, the Interlocal Agreement between Weslaco Independent School District and Cameron County Sheriff-s Department was approved for radio frequency.

**(6) APPROVAL OF THE EQUAL EMPLOYMENT
OPPORTUNITY PLAN FOR THE COUNTY OF
CAMERON**

Upon motion by Commissioner Valencia, seconded by Commissioner Benavides and carried unanimously, the Equal Employment Opportunity Plan for the County of Cameron was adopted.

The Plan is as follows:

CONSENT AGENDA ITEM

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

At this time, Commissioner Valencia recommended that Item No. 9 Aq® include all the members of the Commissioners= Court.

Mr. Mark Yates, County Auditor, referred to Item 9 An® and noted that the Deputy Constable Precinct No. 6 was not assigned a County vehicle and would be traveling by personal vehicle. He stated that Constable Juan Mendoza, Precinct No. 6, requested that the Deputy remain on auto allowance requiring funds for mileage and Judge Hinojosa suggested that the Deputy utilize another County owned vehicle.

Upon motion by Commissioner Valencia, seconded by Commissioner Benavides and carried unanimously, the AConsent® Agenda Items were approved as follow:

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

- a) Two (2) Sheriff-s Department employees to attend the APrisoner Control Search and Transportation Techniques Seminar® in Arlington, Texas, on July 10-13, 2000;
- b) Sheriff and Officer to attend the ASheriff-s Association of Texas Training Conference® in Lubbock, Texas, on July 22-27, 2000;
- c) Seven (7) Sheriff-s Officers to attend the ACurrent Money Laundering Techniques Course® in Edinburg, Texas, on October 10-11, 2000;
- d) Assistant District Attorney to attend the ATexas Juvenile Probation Commission Meeting® in Austin, Texas, on June 29-30, 2000;
- e) Justice of the Peace Precinct No. 5, Place No. 1, to attend the AAnnual State of Texas Justice of the Peace and Constables Association Conference® in Corpus Christi, Texas, on June 21-24, 2000;
- f) Five (5) Health Department employees to attend the APadres, Familias, Comunidad: El Sueño De Nuestros Hijos Conference® in Brownsville, Texas, on June 28, 2000;
- g) County Extension Agent to attend the ANational Community Service Conference® in Orlando, Florida, on June 23-29, 2000;
- h) 138th District Court employee to attend the ATexas Court Reporters Association Annual Convention/Seminar® in Austin, Texas, on June 15-18, 2000;
- I) Two (2) Personnel/Safety Risk employees to attend the ADon-t Sweat the Small Stuff Seminar® in McAllen, Texas, on May 5, 2000;
- j) 197th District Court Judge to attend the AGeneral Jurisdiction Course® in Reno, Nevada, on July 9-29, 2000;

- k) Program Development and Management employee to attend the ALower Rio Grande Valley Development Council Professional Advisory Review Panel Meeting@ in Weslaco, Texas, on June 14, 2000;
- l) Health Department employee to attend the AEmergency Preparedness, Home Health Care Agencies Meeting@ in Edinburg, Texas, on June 14, 2000;
- m) Risk Safety Coordinator to attend a ADefensive Driving Course@ in Houston, Texas, on June 25-28, 2000;
- n) Deputy Constable Precinct No. 6 to attend the ATraining for Intoxilyzer Operator@ in San Antonio, Texas, on May 21-26, 2000;
- o) Justice of the Peace Precinct No. 1 to attend the AJustice of the Peace and Constables Association Conference@ in Corpus Christi, Texas, on June 22-25, 2000;
- p) Elections Administrator and employee to attend a AMeeting of the House of Representatives= Committee on Elections@ and visit with the Travis County Voter Registrations= Staff to discuss software issues in Austin, Texas, on May 23-25, 2000; and
- q) Commissioners= Court to attend the ASouth Texas County Judges= and Commissioners= Conference@ in Austin, Texas, on June 27, 2000, through July 1, 2000.



(10) PRELIMINARY APPROVAL

a) Precinct No. 4

North Pomelo Subdivision - 61.976 acre tract of land consisting of Tract No. 1 of Blocks No. 1, No. 2 and No. 3, East Pomelo Subdivision.

(11) FINAL APPROVAL

a) Precinct No. 2

Garden View Subdivision - 27.098 acres of Block No. 7, El Jardin Heights, save and except 2.90 acres out of Block No. 7; and

b) Precinct No. 1

Dakota Estates Mobil Home Subdivision, Section II - being 21.387 acres of land out of Reserve AA@ of Dakota Estates Mobile Subdivision Section No. 1.

(12) OPEN BIDS

- a) **FOOD: CANNED AND DRIED - QUARTERLY BID NO. 2110-3,**
- b) **FOOD: FROZEN - QUARTERLY BID NO. 2165-3,**
- c) **FOOD: MEATS - BEEF - POULTRY - FISH - QUARTERLY BID NO. 2170-3,**
- d) **FOOD: SPICES - QUARTERLY BID NO. 2210-3,**
- e) **DIETARY SUPPLIES: MISCELLANEOUS - QUARTERLY BID NO. 2050-3, AND**
- f) **LASER TONER CARTRIDGE RECYCLING - ANNUAL BID NO. 1880.**

The Bids received and opened are as follow:

(13) **ADVERTISE FOR REQUEST FOR QUALIFICATIONS: AUDIT SERVICES - CAMERON COUNTY**

(14) **AMEND AWARD BIDS**

a) **ROAD DRAINAGE MATERIALS - ANNUAL BID NO. 2520**

W.T. LISTON - La Feria, Texas

Concrete Drain Inlets Type ACC® to conform w/ASTM C-478 - \$3,062.50

(15) **REJECT BIDS**

a) **UNIFORMS: SHERIFF-S DEPARTMENT JACKETS - ANNUAL BID NO. 2660**

(16) **AWARD BIDS**

a) **AUTOMOTIVE BATTERIES - ANNUAL BID NO. 1980**

ENERGY BATTERY - Harlingen, Texas

Total price per month - \$490.09

b) **AUTOMOTIVE BRAKE PADS - OEM AND AFTER MARKET - ANNUAL BID NO. 1982**

TIP-O-TEX - Brownsville, Texas

Total price per month - \$9,443.35

(17) **PURCHASE WITHOUT PURCHASE ORDER FOR CINTAS CORPORATION, IN THE AMOUNT OF \$381.00**

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(18) **EXECUTIVE SESSION**

Upon motion by Commissioner Matz, seconded by Commissioner Benavides and carried unanimously, the

Court met in Executive Session at 10:38 A.M. to discuss the following matters:

a) Deliberation regarding Real Property concerning Sea Ranch Marina Concession, involving matters 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 the Open Meetings Act; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(2); and

b) Confer with County Counsel concerning the case styled Octavio Castañeda vs. Cameron County Bail Bond Board and Cameron County, Case No. 200-06-2320-A, 107th District Court, to discuss the case and authorization for the District Attorney-s Office to represent the Bail Bond board and for Commissioners- Court Civil Division to represent the County; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(1)(A).

Upon motion by Commissioner Benavides, seconded by Commissioner Valencia and carried unanimously, the

Court reconvened in Regular Session at 11:00 A.M.

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

- a) **Deliberation regarding Real Property concerning Sea Ranch Marina Concession, involving matters in which attorney to the governmental body, under the Texas Disciplinary Rules of Professional Conduct of the State clearly conflicts with the Open Meetings Act.**

Upon motion by Commissioner Valencia, seconded by Commissioner Matz and carried unanimously, County Council was carried to discuss the Marina Concession with the possible concessionaire.

- b) **Confer with County Counsel concerning the case styled Octavio Castañeda vs. Cameron County Bail Bond Board, Cameron County, Case No. 200-06-2320-A, 107th District Court, to discuss the case and authorization of the District Attorney's Office to represent the Bail Bond Board and for Commissioners' Court Civil Division to represent the County.**

Commissioner Matz moved that the Status Report by the District Attorney's Office be acknowledged and that the District Attorney represent the Bail Bond Board and that the Commissioners' Court Legal Counsel, represent the County on the case styled Octavio Castañeda vs. Cameron County, Case No. 200-06-2320-A, 107th District Court.

The motion was seconded by Commissioner Valencia and carried unanimously.

There being no further business to come before the Court, upon motion by Commissioner Matz, seconded by Commissioner Valencia, the meeting was **ADJOURNED** at 11:05 A.M.

APPROVED this 20th day of June, 2000.

GILBERTO HINOJOSA
COUNTY JUDGE

ATTEST:

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