

**(3) APPROVAL OF MINUTES OF MAY 12, 2000,
SPECIAL MEETING, AND JUNE 27, 2000,
REGULAR MEETING**

Upon motion by Commissioner Matz, seconded by Commissioner Valencia and carried unanimously, the Minutes of the Special Meeting held May 12, 2000, at 9:00 A.M., and the Regular Meeting held June 27, 2000, at 9:30 A.M., were approved, subject to the corrections noted on Items No. 2 and No. 5 of June 27, 2000.

**(7) APPROVAL TO RELEASE FOUR (4) SECURITIES
FOR A TOTAL OF \$2,000,000.00, AT PAR, IN
COLLATERAL TO FIRST NATIONAL BANK**

Commissioner Valencia moved that four (4) Securities for a total of \$2,000,000.00, at par, in collateral, be released to First National Bank.

The motion was seconded by Commissioner Benavides and carried unanimously.

CONSENT AGENDA ITEM

**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 Valencia, seconded by Commissioner Benavides and carried unanimously, the "Consent" Agenda Items were approved as follow:

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

- a) Program Development and Management Director, Dancy Building Architect, and Executive Assistant to the County Judge, to meet with the Texas Historical Commission Officials in Austin, Texas, on July 6, 2000;
- b) Elections Administrator and three (3) employees to attend the "18th Annual Elections Law Seminar for County Officials" in Austin, Texas, on July 30, 2000, through August 2, 2000;
- c) Three (3) County Extension Agents to accompany Cameron County 4 H'ers and participate in the "2000 South District 12 4-H Recordbook Judging" in Freer, Texas, on July 13, 2000;
- d) Two (2) County Extension Agents to accompany Cameron County 4 H'ers and participate in the "2000 South District 12 4-H Election Convention" in Kingsville, Texas, on July 6, 2000;
- e) County Extension Agent to attend the "Texas County Agricultural Agents Association Annual Meeting" in Lubbock, Texas, on July 15-19, 2000;
- f) Two (2) County Extension Agents to attend the "2000 4-H Leadership Lab" in Kingsville, Texas, on June 21-24, 2000;
- g) Sheriff and Major to attend the "130th Congress of Correction Conference" in San Antonio, Texas, on July 7, 2000;

- h) Assistant Auditor to attend a "Governmental Accounting and Auditing Updates" in Weslaco, Texas, on July 7, 2000;
- I) Two (2) Health Department employees to attend the "Texas Animal Control Association Seminar" in South Padre Island, Texas, on September 15-16, 2000;
- j) District Attorney and Assistant to attend the "Advanced Criminal Law Course" in San Antonio, Texas, on July 17-20, 2000;
- k) District Attorney to attend the "Border Prosecutors's Meeting" in Washington, D.C., on June 19-21, 2000;
- l) Assistant County Administrator and International Bridge System Director to meet with Railroad Officials regarding the Railroad Relocation Project in Houston, Texas, on June 29, 2000;
- m) Commissioners' Court, International Bridge System Director and Assistant County Administrator to meet with the Congressional Border Caucus regarding Immigration and Naturalization and United States Custom Issues in Washington, D.C., on July 11-13, 2000; and
- n) Commissioner Precinct No. 3 to attend a "United States Environmental Protection Agency (NAC/GAC) Meeting" in San Diego, California, on September 6-10, 2000.

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(9) APPROVAL OF PURCHASE WITHOUT PURCHASE ORDER FOR GULF DATA PRODUCTS, IN THE AMOUNT OF \$199.80

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(1) APPROVAL OF COUNTY CLAIMS

At this time, Mr. Mark Yates, County Auditor, presented two (2) additional late claims as to Warrant No. 37793, payable to Cameron County Jury Fund, in the amount of \$72.00, and Warrant No. 37794, payable to the State Comptroller of Public Accounts, in the amount of \$26,022.00

Upon motion by Commissioner Valencia, seconded by Commissioner Benavides and carried unanimously, the County Claims were approved, as presented by the County Auditor, inclusive of the late claims as to Warrant No. 37793, in the amount of \$72.00, and Warrant No. 37794, in the amount of \$26,022.00,

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

At this time, Commissioner Cascos expressed concern as to the revenue and budget amendment for the County Clerk's Office.

Mr. Mark Yates, County Auditor, noted the revenue line items in the County Clerk's budget amendments, consisting of the \$2.00 transaction fee for fines and court costs and copy reimbursements were above the anticipated costs. He stated that the transaction fee revenues, in the amount of \$13,000.00, had been implemented in September, 1999, and had not been budgeted.

Commissioner Cascos noted that the revenue from the County Clerk's Office was being booked, but questioned why the revenue, which had not been budgeted, was being spent.

Mr. Yates responded that the revenue was being allocated to cover the County Clerk's expenses and explained that there was an additional demand for resources, due to the creation of the new County Court at Law No. 3. He stated that if the revenue had not been available, the funds would have been allocated from the Fund Balance.

Commissioner Cascos questioned why the Equipment Rental Line Item had been increased in the County Clerk's Office and Mr. Yates replied that the Department was currently leasing the copy machines, as opposed to purchasing the copy machines along with the machine's supplies, as done in the past.

Commissioner Cascos expressed concern as to the Sheriff's Department budget and stated that it was his understanding that all entry level patrol deputy positions would start at \$25,000.00.

Mr. Yates stated that it was his understanding that the patrol officers entry level was \$25,000.00, but noted that there would be a conflict concerning morale for patrol officers employed for over five (5) years earning the same salary as the level entry positions.

Sheriff Omar Lucio, County Sheriff, explained that it would be unfair for a new Deputy to earn the same as a Deputy employed with the County for many years.

Judge Hinojosa stated that the Deputy Constables and Bailiffs would also be compensated, based on the process implemented in the Sheriff's Department.

Mr. Yates suggested that the County should promote uniformity of salaries for all the County Law Enforcement Departments, including Park Rangers and Warrant Officers.

Commissioner Cascos noted that the Personnel Review Committee had met and that there had been a consensus among the Committee Members to increase the Bailiffs' salaries to \$25,000.00, per year. He stated that it was his understanding that the funds for the increase would be allocated from within the Department's budget, but noted that the funds were not available in the Departments' budgets. Commissioner Cascos questioned where the funds would be allocated from and Mr. Yates replied that the funds would be allocated from the Surplus Fund.

Commissioner Matz moved that the 2000 Fiscal Year Budget Amendment No. 2000-34, be approved, and that the Budget Amendment for Precinct No. 3, be **Tabled** for one (1) week.

The motion was seconded by Commissioner Benavides and carried unanimously.

The Budget Amendments are as follow:

(4) ADOPTION OF AMENDED ORDER GRANTING AN EXEMPTION, UNDER TEXAS LOCAL GOVERNMENT CODE SECTION 262.024(A)(2), FROM THE COMPETITIVE BIDDING REQUIREMENTS OF TEXAS LOCAL GOVERNMENT CODE SECTION 271.054 AND 262.023(A) TO THE CONTRACT FOR THE CONSTRUCTION OF A COUNTY DETENTION FACILITY, ON THE BASIS THAT IT IS AN ITEM NECESSARY TO PRESERVE OR PROTECT THE SAFETY OF THE RESIDENTS OF THE COUNTY

At this time, Judge Hinojosa stated that the Minute Order approved by Commissioners' Court had been submitted to the Attorney General's (AG) Office and added that suggested changes had been made by the AG's Office. He stated that the changes were within the evidence offered at the time of the hearing and that the Attorney General's Office had requested that the Amended Minute Order be approved, simultaneously with the Notice of Intent to Issue Certificates of Obligation

Commissioner Cascos questioned whether all the County Detention Facilities would have to remain opened and Mr. Mark Yates, County Auditor, responded that there had been some discussions as to whether or not the population would be increased in the County Jail.

Mr. Yates stated that a budget advisory notice had been sent reflecting the relevant costs if all the facilities remained opened, to promote the base for implementing a plan of operation for the next eighteen months. He stated that all the detention facilities would remain open and that a plan would be implemented for maintaining a population control.

Commissioner Cascos questioned the changes made from the original financial plan and whether the rate impact would affect the financial plan.

Judge Hinojosa explained that discussions had been held as to the actual jail population at the time that the jail opened and up until the Fiscal Year 2002-2003 and added that the financial plan would last up until the beginning of said fiscal year, noting that the original plan included the new County Jail and Detention Center No. 1. He stated that in order to ensure space for anticipated increases as a result of the opening; one (1) ninety-six bed pod would be opened at Detention Center No. 2, which would allow approximately two hundred extra beds from the current projections of the population. Judge Hinojosa stated that the budget was formulated based upon the projected population and noted that it was not anticipated, based upon the current trends and the jail population history, that it would not surpass the figures prior to the Fiscal Year 2002-2003.

Mr. Yates clarified that the facilities to remain open along with the new County Jail, would be Detention Center No. 1 and half of Detention Center No. 2 and noted that only seventeen (17) new employees would be added.

Commissioner Cascos questioned whether the bond package would be impacted by the new projections and assumptions, noting that the financial plan was adopted based on the original projections.

Mr. Yates stated that the financial plan was based on broad assumptions, but added that the plan was being examined to detail the numbers.

At this time, Sheriff Omar Lucio, County Sheriff, briefly highlighted the numbers of employees necessary at the new County Jail and the facilities to remain open and explained that the Texas Commission of Jail Standards recommended several positions in the Sheriff's Department. He noted that the Sheriff's Department currently had positions which performed the duties required by the State and added that discussions had been held concerning a Courtroom at the new facility to allow the magistrate functions.

Judge Hinojosa stated that one District Judge would rotate Fridays and Mondays to perform the arraignments and pleas and added that the Courtroom would be set up to allow the public to enter the jail unaccompanied, noting that the area would be completely secured.

Mr. Yates stated that the plan was for one year of operation and noted that at some point, the jail population would exceed the four hundred and thirty-nine bed capacity, and suggested that the County should plan for an additional six hundred bed facility.

Judge Hinojosa stated that the opening of the additional ninety-six bed pod at Detention Center No. 2 would be occupied by female inmates, noting that the bulk of the inmates would be United States Marshall's detainees, which would allow the County to take the entire number at Detention Center No. 1, plus the Marshall's Office female detainees to meet the three hundred requirement. He reported that one hundred beds remained, along with the additional beds at the County Jail and stated that the County was not adverse to leasing the beds to the Marshall's Office, noting that the Marshall's Office had expressed interest in leasing additional beds from the County. Judge Hinojosa stated that leasing the beds would depend upon the County's needs, noting that the local needs would be prioritized and added that once the local needs were met, any additional beds would be leased to the Marshall's Office. He stated that the County should implement a financing plan based on real numbers, projections and the need for expansion and added that matters concerning misdemeanors had been discussed. Judge Hinojosa explained that there were approximately seventy-two (72), seventy-two hour beds at the new facility, in addition to the six hundred and fifty-four beds and that the system of population control could be worked out to take in the misdemeanor offenders, not bonded out immediately, for up to seventy-two hours. He stated that the additional seventy-two (72) beds would allow the misdemeanor offenders to be absorbed as they were arrested and would not exceed the capacity that is part of the financing plan.

Sheriff Lucio stated that if Detention Center No. 2 was closed, it would be difficult to re-open the facility if necessary and noted that the Detention Center would remain open for a temporary period of time.

Mr. Yates suggested that each pod be prioritized in the order the pods should be filled, reiterating that the plan consisted of the first twelve months of operation and that the County should begin to plan for the period after the first year of operation.

Judge Hinojosa stated that the population control efforts should continue to be addressed and noted that there was an upcoming hearing concerning the "Blue Warrant" violators. He stated that the hearing would include addressing compensation by the State for housing the violators in the County facilities and lowering the time mandated to pull the violators out of the facilities. Judge Hinojosa reported that there were major efforts by Texas Counties to implement the compensation of the State to the Counties for a portion of the incarcerated time. He noted that the facility could be built with the additional beds, but stated that the debt service combined with the maintenance and operation, would be too high for the County to absorb.

Mr. Yates stated that the matter should be delayed for three to four years and that the debt of the new facility should not be incurred, in order to decrease the overall debt service.

At this time, there was some discussion as to the forty (40) additional employees outside the new facility and as to the lower maintenance and operations costs in constructing the additional six hundred and fifty bed facility.

Commissioner Cascos questioned the amount received from the United States Marshall's Office per federal inmate and as to why other Counties received more than Cameron County.

Mr. Yates responded that the County received \$30.00, per day, per inmate and that both Detention Facilities had been paid for with Federal Government Funds, noting that the County could not include the costs for said facilities.

Commissioner Cascos expressed concern as to the proposed federal facility by Willacy County and as to whether it would have an impact on the County's project.

Judge Hinojosa explained that the United States Marshall stated that Willacy County's facility would not impact the Marshall's Office needs from Cameron County and added that the Marshall's Office had expressed interest in an additional three hundred beds from Cameron County.

Commissioner Benavides moved that the Amended Order be adopted, granting an exemption, under Texas Local Government Code Section 262.024(A)(2), from the Competitive Bidding Requirements of Texas Local Government Code Section 271.054 and 262.023(A) to the Contract for the construction of a County Detention Facility, on the basis that it is an item necessary to preserve or protect the safety of the residents of the County.

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

AYE: Commissioners Benavides, Cascos, Valencia and Judge Hinojosa

NAY: Commissioner Matz.

(5) AUTHORIZATION TO PUBLISH NOTICE OF INTENTION TO ISSUE CAMERON COUNTY, TEXAS, CERTIFICATES OF OBLIGATION IN AN AMOUNT NOT TO EXCEED \$24,250,000 FOR THE PURPOSE OF PAYING CONTRACTUAL OBLIGATIONS OF THE COUNTY TO BE INCURRED FOR THE COST OF IMPROVEMENTS TO THE OSCAR DANCY BUILDING (OLD COURTHOUSE BUILDING), COST OF IMPROVEMENTS AND EXPANSION OF THE DARRELL B. HESTER JUVENILE JUSTICE CENTER, COST OF CONSTRUCTION AND EQUIPMENT OF A NEW COUNTY DETENTION FACILITY AND SHERIFF'S DEPARTMENT ADMINISTRATION BUILDING, THE PURCHASE OF THE NECESSARY SITES THEREFORE, IMPROVEMENTS RELATED THERETO, OFFSITE IMPROVEMENTS NECESSARY FOR EACH PROJECT (WATER, SEWER, STREETS AND DRAINAGE), COST OF ENGINEERING, ARCHITECTURAL AND PROFESSIONAL SERVICES IN CONNECTION WITH THE PROJECTS, AND TO PAY THE COST OF ISSUANCE OF SUCH CERTIFICATES OF OBLIGATIONS

Commissioner Valencia moved that the Notice of Intent to issue Cameron County, Texas, Certificates of Obligation, in an amount not to exceed \$24,250,000, be published for the purpose of paying contractual obligations of the County to be incurred for the cost of improvements to the Oscar Dancy Building (Old Courthouse Building), cost of improvements and expansion of the Darrell B. Hester Juvenile Justice Center, cost of construction and equipment of a new County Detention Facility and Sheriff's Department Administration Building, the purchase of the necessary sites therefore, improvements related thereto, offsite improvements necessary for each project (water, sewer, streets and drainage), cost of engineering, architectural and professional services in connection with the projects, and to pay the cost of issuance of such certificates of obligations.

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

AYE: Commissioners Benavides, Valencia and Judge Hinojosa

NAY: Commissioner Matz

ABSTAINED: Commissioner Cascos.



(6) AUTHORIZATION TO GIVE NOTICE TO LANDMARK ORGANIZATION TO PROCEED WITH THE CONSTRUCTION PHASE OF THE NEW COUNTY ADULT DETENTION CENTER AND SHERIFF'S DEPARTMENT

At this time, Mr. Remi Garza, Assistant County Administrator, stated that he had been informed by Landmark Organization that the anticipated amount of funds to draw down during the time the bonds were sold and the cash was received would range from a minimum amount of \$800,000.00, to a maximum of \$125,000,000.00.

Mr. Mark Yates, County Auditor, noted that there was an issue as to whether Landmark Organization could legally be given direction to proceed with the project without actually having the funds and added that if the Notice was not legal, an Amendment should be added to the Contract including a provision to limit the amount to draw upon.

Judge Hinojosa questioned whether the Notice could be given if the Court set a limit of the available \$1.5 million and Mr. Doug Wright, Commissioners' Court Legal Counsel, responded that a Notice to proceed had been prepared for the Design Build issue, based on the available funds.

Mr. Wright stated that there was problem as to awarding the Contract without having the available funding and added that the Financial Advisor would have to provide a certain date, as to the availability of funds.

Judge Hinojosa questioned whether the Notice could be approved, subject to approval by the Financial Advisor and an addendum to the Contract limiting the Notice to proceed with the funds available and Mr. Wright replied in the affirmative.

Mr. Yates stated that the funds would be drawn upon the unallocated project funds, in the amount of \$1.5 million dollars.

Commissioner Cascos stated that the project was behind schedule and questioned whether the project could be delayed for two (2) months until the funds were issued.

Mr. Wright responded that there was an agreement with Landmark Organization as to certain preparatory items which needed to be performed which included foundation work and added that the work schedule would not be affected.

Commissioner Cascos noted that there were Cameron County residents interested in purchasing the bonds on the market to invest in Cameron County.

Mr. Yates stated that a percentage of the bonds should be available to the taxpayers to purchase the bonds and added that the bank and investment agencies would have a mechanism to offer the bonds to the public, noting that the matter would be discussed with the County's Financial Advisor.

Commissioner Valencia moved that the notice be given to Landmark Organization to proceed with the construction phase of the new County Adult Detention Center and Sheriff's Department, subject to approval by Bond

Counsel and the Financial Advisor concerning the availability of the funds and an Addendum to the Contract limiting the obligation of the County to \$1.5 million, until the financing was obtained.

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

AYE: Commissioners Benavides, Valencia and Judge Hinojosa

NAY: Commissioner Matz

ABSTAINED: Commissioner Cascos.

(10) EXECUTIVE SESSION

Upon motion by Commissioner Matz, seconded by Commissioner Valencia and carried unanimously, the Court met in Executive Session at 2:33 P.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);
- b) Deliberation regarding Real Property concerning Cameron County Trustee Property, known as Harlingen-Van Hoy Lot No. 19, Block No. 1, Account No. 24-9400-00100190-00; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072;
- c) In the matter of the case styled Benito De La Cruz vs. Cameron County, et. al., Case No. B-98-113, to discuss status of case and settlement; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(1)(A)(B); **(TABLED)**
- d) Confer with County Counsel concerning H.L. Watkins, Jr. vs. Jim Sitgreaves, et. al, to discuss case and authorization to represent County Individual Defendants; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(1)(A); and
- e) To conduct interviews and deliberate the appointment and employment of the Cameron County Budget Officer; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.074.

NOTE: COMMISSIONERS CASCOS AND MATZ LEFT THE COURTROOM.

Upon motion by Commissioner Benavides, seconded by Commissioner Valencia and carried unanimously, the Court reconvened in Regular Session at 3:20 P.M.

(11) ACTION RELATIVE TO EXECUTIVE SESSION

- 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.**

Commissioner Benavides moved that the Status Report by County Counsel be acknowledged regarding the 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 and that County Counsel be directed to continue negotiations with Mr. Lacey Harber, LJH Corporation.

The motion was seconded by Commissioner Valencia and carried unanimously.

- b) **Deliberation regarding the Real Property concerning Cameron County Trustee Property, known as Harlingen-Van Hoy Lot No. 19, Block No. 1, Account No. 24-9400-00100190-00.**

Commissioner Benavides moved that the Status Report by the Property Management Coordinator be acknowledged regarding Cameron County Trustee Property, known as Harlingen-Van Hoy Lot No. 19, Block No. 1, Account No. 24-9400-00100190-00.

The motion was seconded by Commissioner Valencia and carried unanimously.

- c) **In the matter of the case styled Benito De La Cruz vs. Cameron County, et. al., Case No. B-98-113, to discuss status of case and settlement authorization. (TABLED)**

Upon motion by Commissioner Valencia, seconded by Commissioner Benavides and carried unanimously, this Item was **TABLED**, noting that there was no discussion regarding said matter.

- d) **Confer with County Counsel concerning the case styled H.L. Watkins, Jr. vs. Jim Sitgreaves, et. al., to discuss case and authorization to represent County individual defendants.**

Commissioner Benavides moved that County Counsel and Mr. Frank Martinez, District Attorney's Office, be directed to represent all County governmental defendants listed in the law suit by Mr. H.L. Watkins, Jr., in the case styled H.L. Watkins, Jr. vs. Jim Sitgreaves, et. al.

The motion was seconded by Commissioner Valencia and carried unanimously.

- e) **To conduct interviews and deliberate the appointment and employment of the Cameron County Budget Officer.**

At this time, Judge Hinojosa commended the County Auditor for the training and experience provided to Mr. Javier Villarreal, Auditor's Office, and suggested that Mr. Villarreal assist the County Auditor in preparing the Fiscal Year 2000-2001 Budget. He stated that Mr. Yates continue to prepare the Budget until the end of the Fiscal Year and added that once the new Budget was approved by the County, Mr. Villarreal would then assume the duties of the Budget

Officer for the next fiscal year. Judge Hinojosa stated that the Budget Officer's salary would be \$45,000.00, plus a \$5,000.00 auto allowance or a County vehicle and added that once Mr. Villarreal passed the Certified Public Accountant (CPA) Exam, the salary would increase to \$50,000.00 per year, noting that an office would be provided for Mr. Villarreal in the County Judge's Office. He stated that the County was impressed with Mr. Villarreal's qualifications, his experience and knowledge of the County and his ability to work well with the County Auditor's staff. Judge Hinojosa clarified that the revenue projections and the individual departmental audits would remain in the Auditor's Office and that the Budget Officer's duties would be to work with the County Auditor in setting the budget for appropriation purposes.

Commissioner Valencia moved that Mr. Javier Villarreal be hired as the Cameron County Budget Officer, with an annual salary, in the amount of \$45,000.00, plus a \$5,000.00, auto allowance or County vehicle, effective date to be determined once the arrangements were made with the County Auditor, and that Mr. Mark Yates, County Auditor, continue with the preparation of the budget through the end of the Fiscal Year and that Mr. Villarreal assume the Budget Officer duties once the Fiscal Year 2000-2001 was approved by the Court.

The motion was seconded by Commissioner Benavides and carried unanimously.

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There being no further business to come before the Court, upon motion by Commissioner Valencia, seconded by Commissioner Benavides and carried unanimously, the meeting was **ADJOURNED** at **3:33 P.M.**

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APPROVED this **1st** day of **August, 2000**.

GILBERTO HINOJOSA
COUNTY JUDGE

ATTEST:

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