

THE STATE OF TEXAS

COUNTY OF CAMERON

BE IT REMEMBERED on the 3rd day of OCTOBER, 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 9:38 A.M. He then asked 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 September 29, 2000, at 1:54 P.M., and the Supplemental Notice posted on September 29, 2000, at 4:15 P.M.:

(1) APPROVAL OF COUNTY CLAIMS

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

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

AYE: Commissioners Benavides, Cascos, Matz and Valencia

NAY: None

ABSTAINED: Judge Hinojosa, as to Warrant No. 43108, payable to International Bank of Commerce.

The Affidavit is as follows:

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

Upon motion by Commissioner Cascos, seconded by Commissioner Benavides and carried unanimously, the Salary Schedules were approved.

The Salary Schedules are as follow:

(3) APPROVAL OF MINUTES OF SEPTEMBER 20, 2000, SPECIAL MEETING, AND SEPTEMBER 26, 2000, REGULAR MEETING

Upon motion by Commissioner Benavides, seconded by Commissioner Valencia and carried unanimously, the Minutes of the Regular Meeting held September 6, 2000, at 9:30 A.M., were approved, and the Minutes of the Special Meeting held September 20, 2000, 1:30 P.M., were **TABLED**.

(4) ADOPTION OF A RESOLUTION PROCLAIMING THE MONTH OF OCTOBER, 2000 AS A DOMESTIC VIOLENCE AWARENESS MONTH IN CAMERON COUNTY, TEXAS

Commissioner Valencia moved that the Resolution proclaiming the month of October, 2000 as A Domestic Violence Awareness Month in Cameron County, Texas, be adopted.

The motion was seconded by Commissioner Benavides and carried unanimously.

The Proclamation is as follows:

(5) **PRESENTATION BY THE TEXAS DEPARTMENT OF TRANSPORTATION ON THE TRAFFIC ENGINEERING STUDIES AND SIGNALIZATION ON STATE HIGHWAY 100 ON SOUTH PADRE ISLAND**

At this time, Mr. Behrooz ABeh@Badiozzanani, Texas Department of Transportation (TxDOT), highlighted the preliminary plans for signalization at certain intersections at South Padre Island and reported that six (6) intersections currently existed from Port Isabel to South Padre Island. He stated that the signal lights at the intersections were not effective and added that an Accident Data Report of said area had been submitted to the Federal Highway Administration. Mr. Badiozzanani reported that the accident data qualified for federal funding assistance of \$300,000.00, which would be utilized for the signalization of the causeway area at four (4) corners to avoid congestion. He added that the signals would be in place by the opening of Schlitterbahn in March 2001, and that a longer range plan included reducing six intersections to one intersection which would connect directly to the water park.

Judge Hinojosa stated that the way back from Schlitterbahn at closing times was a more complicated situation and question whether the matter had been addressed.

Mr. Badiozzanani stated that the issue would be coordinated with Schlitterbahn, but added that the water park visitors would leave sporadically, noting that the traffic at the end of the day would not be as complicated.

Judge Hinojosa suggested that Sheriff or Constable Deputies be utilized to direct traffic at high peak times during closing times of the water park.

Mr. Badiozzanani added that the Texas Department of Transportation Commission had approved two hundred million dollars to be allocated for Highway 77 and Highway 281 and reported that the expressway from Lincoln Street in Brownsville to South FM/509 would be addressed within three to four and a half years. He stated that funds would also be allocated for the section of Los Tomates Bridge to 14th Street and out to FM/3248. Mr. Badiozzanani reported that the Engineering Plans were authorized to begin from FM/3248 to FM/509 and stated that the entire expressway had either been approved for funding or authorized to begin the design.

Judge Hinojosa questioned the plans for Highway 48 from the Shrimp Basin to Port Isabel and Mr. Badiozzanani responded that the Project had been placed on halt, due to concerns by the United States Fish and Wildlife.

Mr. Badiozzanani explained that the United States Fish and Wildlife had requested TxDOT to place several miles of fencing to guide wildlife, but noted that it would be difficult to maintain approximately seven (7) miles of fencing on each side of the highway.

Judge Hinojosa stated that Highway 48 would be very critical with the opening of Schlitterbahn and added that the road was very dangerous for the tourists traveling on the highway. He suggested that the County might be able to

partner with TxDOT to maintain the fence, in order to ensure the safety of the residents and tourists visiting the Island, which was a critical element of Cameron County's economy. Judge Hinojosa added that the dry area North of Highway 48 was creating a problem in the Outdoor Resorts area and Port Isabel and stated that the plan to build the culverts to allow water into the dry area would eliminate the dust blown into said areas. He stated that the United States Fish and Wildlife was waiting on the improvements to the highway to resolve the dry area matter, noting that there were many benefits to fix the highway. Judge Hinojosa stated that the cut from the Ship Channel and under Highway 100 would also create an additional estuary to benefit the Fishing and Shrimping Industry and Tourist Industry.

Mr. Badiozzanani stated that the United States Fish and Wildlife had also requested that a thousand foot long bridge be constructed by TxDOT, but added that other possibilities of funds were being addressed with the Federal Highway Administration for a one time payment to the U.S. Fish and Wildlife for the project.

Upon motion by Commissioner Matz, seconded by Commissioner Valencia and carried unanimously, the Presentation by the Texas Department of Transportation on the Traffic Engineering Studies and Signalization on State Highway 100 on South Padre Island was acknowledged.

(6) **AUTHORIZATION TO HOLD A PUBLIC HEARING
TO CLOSE A PORTION OF KRAFKA ROAD**

Upon motion by Commissioner Valencia, seconded by Commissioner Cascos and carried unanimously, the Public Hearing to close a portion of Krafka Road was opened for public comment.

At this time, Mr. Juan Bernal, County Engineer, stated that there had been some concern as to Krafka Road which was being used for dumping trash and vandalism and added that the Krafka Family had requested that the road be closed.

Hearing and sensing no further comments, upon motion by Commissioner Cascos, seconded by Commissioner Matz and carried unanimously, the Public Hearing was closed.

(7) **ADOPTION OF THE CLOSING OF A PORTION OF
KRAFKA ROAD WITHIN PRECINCT NO. 4**

Upon motion by Commissioner Valencia, seconded by Commissioner Cascos and carried unanimously, the Order closing a portion of Krafka Road within Precinct No. 4 was adopted, as recommended by the County Engineer.

The Order is as follows:

**(8) POSSIBLE ACTION REGARDING
COMPENSATION FOR COUNTY COURT AT LAW
JUDGES**

At this time, Judge Daniel Robles, County Court at Law No. 3, stated that the 76th Legislature had passed the revision of the County Court at Law Judges= salaries, which were \$1000.00 less than the District Court Judges= salary. He stated that the revision had been passed September 1, 1999, and should have applied to the prior Fiscal Year.

Judge Hinojosa stated that it was his understanding that there was some confusion in the prior year as to what the Law had done and the actions the Commissioners were going to take. He stated that the correction was going to be made last year, but noted that no action had been taken, due to the understanding that the correction had been made in the budget.

Judge Robles noted that the interpretation by Mr. Doug Wright, Commissioners= Court Legal Counsel, differed from the Court=s interpretation of the Statute and explained that Mr. Wright=s interpretation excluded a certain amount of compensation that the District Court Judges= could exceed.

Judge Hinojosa reiterated that there was some confusion as to the matter being addressed at the time the County Court at Law Judges= salaries were increased to correspond to the District Court Judges= salaries. He stated that the request was to correct the County Court at Law Judges= salaries to be consistent with State Law and noted that Cameron County was currently in violation of the State Law, since the County did not pay the County Court at Law Judges \$1,000.00 less than the District Court Judges. Judge Hinojosa stated that the amount should be paid, in order to avoid having to pay a lump sum in back pay in the future.

Commissioner Cascos stated that the Court did not have a choice as to correcting the salaries if required by State Law, but expressed his opposition if the matter was at the Commissioners= Court discretion. He stated that as per the Statute, auto allowance was being considered a supplement which was included in the District Court Judges= total salary. Commissioner Cascos questioned Section 74.051, referenced in the Statute and Judge Robles responded that Section 74.051 applied to the Presiding Judge in the District Court.

Commissioner Cascos questioned whether there was any room for interpretation and noted that the auto allowance was considered compensation for the District Court Judges. He questioned whether the Legislature interpreted the Statute to mean the same and whether there was an Attorney General=s Opinion concerning the auto allowance being compensation or a reimbursement for mileage. Commissioner Cascos stated that if the County Court at Law Judges were taking the position that auto allowance was compensation, the Attorney General=s Opinion states that auto allowance did fall under compensation criteria.

At this time, Judge Janet Leal, County Court at Law No. 1, stated that the Attorney General's Opinion differentiated that the auto allowance was not salary, but noted that the Legislature referred to compensation including supplements, as opposed to salary. Judge Leal stated that the District Judges had a maximum salary they received and the County Court at Law Judges had a minimum salary that could be received. She stated that the proposed County Court at Law salaries were based on the District Court Judges' total compensation, including supplements.

Judge Hinojosa stated that the Attorney General's Opinion was based upon an interpretation of a different Statute and noted that the Statute submitted by the County Court at Law Judges was broader because it used the term "compensation" and included any money coming in that was not covered in Section 74.01.

Mr. Frank Martinez, Assistant District Attorney, questioned whether the amount paid for the Juvenile Board by Willacy County was included and Mr. Mark Yates, County Auditor, responded that the proposal was to match the amount also paid by Willacy County to the District Judges.

Mr. Yates noted that beginning January 1, 2001; the new 404th District Court would be entirely funded by the County, including the supplement paid by the Juvenile Board.

Judge Hinojosa clarified that prior to the current year; the County did not have to compensate the additional salaries, but noted that due to the fully funded salary of the 404th District Judge by Cameron County, the salaries would need to be corrected to correspond with the 404th District Judge's salary.

At this time, Commissioner Cascos reiterated that he would support the matter if required by law, but noted his opposition if the issue was discretionary, since the County employees were only allowed to receive an annual increase, in the amount of \$865.00.

Judge Leal stated that the County Court at Law Judges felt that they were entitled to the salary increase, based on State Law.

Ms. Dylbia J. Vega, County Counsel, stated that the matter was not mandatory and was at the discretion of the Commissioners' Court.

Mr. Martinez confirmed that Section 25.0005 reflected the minimum salary the County Court at Law Judges could receive, as opposed to the maximum and added that the District Judges' salaries could not exceed \$1,000.00, of the Appellate Judges. He stated that the concern was based on whether the definition of the salary included the supplement paid by Willacy County, but noted that a Statute had not been found regarding said matter.

Judge Hinojosa stated that as of January 1, 2001, Cameron County would be mandated to pay the County Court at Law Judges \$1000.00, less than the 404th District Judge's salary, which would be \$111,000.00 plus \$5,400.00 of auto allowance. He suggested that the County Court at Law Judges' salaries be increased to the amount of \$1,000.00 less than

the 404th District Judge=s salary and that the salaries be pro-rated effective January 1, 2001, based on the District Attorney=s Office.

Judge Robles reiterated that the Statute was effective as of September 1, 1999, and that the salaries should have been legally increased in the prior year.

Mr. Martinez clarified that the recommendation was not being made by the District Attorney=s Office and reported that based on the information provided, the District Attorney=s Office was in the process of obtaining an Attorney General=s Opinion.

Judge Hinojosa stated that his interpretation of the Statute, the County was required to pay the County Court at Law Judges \$1,000.00, under the District Court Judges=total compensation, including auto allowance and added that the issue disputed by the District Attorney=s Office concerned the compensation, in the amount of \$4,000.00 paid by Willacy County being a part of the total compensation. He stated that the District Attorney=s Office interpretation meant that at the very least, as of January 1, 2001, the County would have to pay \$1,000.00 under the 404th District Court Judge=s salary.

Commissioner Cascos suggested that the recommendation to increase the salaries effective January 1, 2001, be implemented and that the Attorney General=s Opinion be obtained. He stated that if the County Court at Law Judges=interpretation of the Statute was correct, then the County would retroactively pay the salaries and expressed his support for the salary increases effective January 1, 2001, based on the 404th District Court Judge=s salary.

Judge Robles expressed his resentment as to the different interpretations of the law and added that the system was set up, in order to avoid having the County Courts at Law argue the matter.

Judge Hinojosa stated that the Court had only been allowed to give the County employees a raise of \$865.00 a year, which included fringe benefits. He stated that unless there was a consensus by the Court and a requirement by law to pay County Court at Law Judges \$1,000.00 under the total amount of salaries for District Judges that went to Willacy County as well, it was difficult for the Court to allow the salary increases for the County Court Judges which would be conceived as only allowing the County employees \$865.00, and the County Court Judges \$5,000.00. Judge Hinojosa stated that Court needed to base the matter on County Counsel=s interpretation, but noted that based on the conclusion stated by Mr. Martinez, the County would be required to pay the salaries effective January 1, 2001.

Judge Leal stated that the Court had emphasized being limited to give the employees \$865.00 a year, but noted that if required by State Law for a minimum salary a County employee could make, the Judges would comply with the law. She added that the job as a Judge was to interpret and follow the law, but noted that the Judges were forced to argue the law with the Commissioners= Court, regardless of the correct interpretation of the law. Judge Leal stated that the

salaries should have been adjusted automatically and added that the Commissioners=Court was undermining the Judges, due to the different interpretations of the law by several individuals.

At this time, Judge Hinojosa read a statement as reflected in Section 25.0005. Judge=s Salary: AA district judge=s or statutory county court judge=s total annual salary includes contributions and supplement, paid by the state or a county, other than contributions received as compensation under Section 74.051. He pointed out that the Statute was not very clear, but stated that if at a certain point a Court received a total salary from a County that was at a certain level, the County would be obligated to go \$1,000.00, below the certain level. Judge Hinojosa stated it was unclear as to whether the compensation to be up to the certain level was supplemented by another County, unrelated to Cameron County. He stated that the amount paid by Willacy County was not controlled by Cameron County and reiterated that the Court agreed that at the very least, the salaries should be adjusted effective January 1, 2001, based on the 404th District Court. Judge Hinojosa noted that there were four different interpretations by four different sets of lawyers, but added that the issue remained a grey area. He reported that the Court had directed the County Auditor to supplement the salaries and submit them in the budget, based on his interpretation of the law, but noted that the County Auditor was unsure of the issue.

Judge Leal stated that the County Auditor was not a lawyer and was interpreting the law for the Court.

Judge Hinojosa clarified that the County Auditor=s job was to ensure that the laws were being followed in the budget.

Judge Leal stated that the County Court at Law Judge=s were being perceived as being selfish in attempting to request a higher raise than the County employees and clarified that the request was being made, based on the Judge=s interpretation of the law which they believed that the Judge=s were within their rights to follow the law.

Judge Hinojosa stated the Commissioners=Court was following the law, based on the safest interpretation and added that the matter had been attempted to go through the Auditor=s Office without requiring the Commissioners=Court. He stated that the County Auditor was uncertain as to taking the position and felt that the law was grey, but reiterated that it was the Auditor=s job to budget items consistent with State Law.

Upon motion by Commissioner Benavides, seconded by Commissioner Valencia and carried unanimously, the compensation for County Court at Law Judges was approved, effective January 1, 2001.

At this time, Commissioner Valencia stated that he had supported the matter, due to the confusion in the prior year regarding the County Court at Law Judge=s salaries. He stated that the matter should be concluded to avoid future issues and added that the County Courts should continue their efforts collecting the much needed revenues.

The Statute is as follows:

- (10) **POSSIBLE APPROVAL OF LEGAL SERVICES CONTRACT FOR THE CAMERON COUNTY COURT AT LAW NO. 3 BETWEEN CAMERON COUNTY AND ROBERT LERMA, JR.**
- (11) **APPROVAL OF THE LEGAL SERVICES CONTRACT BETWEEN CAMERON COUNTY AND ALBERT GARCIA TO PROVIDE LEGAL REPRESENTATION TO PATIENTS AND PROPOSED PATIENTS REGARDING THEIR TREATMENT AND THE RELATED COMMITMENT PROCEDURES OF CAMERON COUNTY**
- (12) **APPROVAL OF LEGAL SERVICES CONTRACT FOR THE MASTER COURT BETWEEN CAMERON COUNTY AND LOUIS SOROLA**
- (13) **APPROVAL OF THE LEGAL SERVICES CONTRACT FOR THE CAMERON COUNTY COURT AT LAW NO. 3 BETWEEN CAMERON COUNTY AND OSCAR DE LA FUENTE, JR.**
- (14) **POSSIBLE APPROVAL OF THE LEGAL SERVICES CONTRACT FOR THE 107TH JUDICIAL DISTRICT COURTROOM BETWEEN CAMERON COUNTY AND NATHANIEL C. PEREZ**

Commissioner Cascos moved that the following Legal Services Contracts be approved:

Mr. Robert Lerma, Jr., County Court at Law No. 3,

Mr. Albert Garcia, Attorney at Law, to provide Legal Representation to patients and proposed patients regarding their treatment and the related commitment procedures of Cameron County, noting that the Contract be amended to a month-to-moth basis;

Mr. Louis Sorola, Attorney at Law, Master Court;

Mr. Oscar De La Fuente, Jr., Attorney at Law, County Court at Law No. 3; and

Mr. Nathaniel C. Perez, Attorney at Law, 107th District Court.

The motion was seconded by Commissioner Benavides and carried unanimously.

The Contracts are as follow:

(9) APPROVAL OF THE CONTRACT BETWEEN CAMERON COUNTY AND GOMEZ MENDEZ SAENZ, INCORPORATED, FOR ARCHITECTURAL SERVICES FOR CAMERON COUNTY ROOF PROJECTS

Upon motion by Commissioner Matz, seconded by Commissioner Cascos and carried unanimously, the Contract between Cameron County and Gomez Mendez Saenz, Incorporated, for Architectural Services for the Cameron County Roof Projects was approved.

The Contract is as follows:

(15) APPROVAL OF THE AGREEMENT BETWEEN THE CAMERON COUNTY TAX ASSESSOR-COLLECTOR'S OFFICE AND ALBERTSON'S GROCERY STORES FOR ISSUANCE OF AUTOMOBILE RENEWAL LICENSE STICKERS IN CAMERON COUNTY, TEXAS

Commissioner Matz moved that the Agreement between the Cameron County Tax Assessor-Collector's Office and Albertson's Grocery Stores for issuance of automobile renewal license stickers in Cameron County, Texas, be approved.

The motion was seconded by Commissioner Benavides and carried unanimously.

The Agreement is as follows:

(16) AUTHORIZATION FOR CAMERON COUNTY TO ENTER INTO AN AGREEMENT WITH AMIGO PAVING, INCORPORATED, FOR THE CONSTRUCTION OF AN ASPHALT BASKETBALL COURT

Commissioner Valencia moved that the Agreement between Cameron County and Amigo Paving, Incorporated, for the construction of an asphalt basketball court be approved.

The motion was seconded by Commissioner Benavides and carried unanimously.

The Agreement is as follows:

(17) **AUTHORIZATION FOR THE CONVENTION AND VISITOR-S BUREAU OF SOUTH PADRE ISLAND TO CONSTRUCT A RESTROOM ADDITION TO THE CONVENTION CENTER**

Commissioner Matz moved that the Convention and Visitor-s Bureau of South Padre Island construct a restroom addition to the Convention Center.

The motion was seconded by Commissioner Benavides and carried unanimously.

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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 Matz expressed concern as to five (5) separate requests by Justice of the Peace Clerks attending the same training, but noted that the individuals were traveling separately.

Commissioner Cascos questioned why the Sheriff and Chief were attending the Texas Jail Management Conference and noted that there was only ninety (90) days remaining in their tenure.

Judge Hinojosa stated that ninety (90) days of operation in the jail were critical and that the Sheriff and Chief were currently working with the Jail Project.

Commissioner Valencia expressed concern as to the two (2) Tax Office employees attending the same meeting, who were lodging separately and suggested that the individuals should lodge together to achieve savings.

Commissioner Benavides moved that the AConsent® Agenda Items be approved, and that Item No. 20 Aa® be **TABLED.**

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

AYE: Commissioners Benavides, Matz and Valencia

NAY: Commissioner Cascos as to Item 18 Aj®.

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

- a) Two (2) Tax Assessor Automobile Crimes Enforcement Task Force Members to attend the ATexas Automobile Theft Prevention Authority Board Meeting® in Austin, Texas, on October 11-12, 2000;
- b) Justice of the Peace Precinct No. 3, Place No. 1, Clerk to attend the A18 Hour Court Personnel® in Corpus Christi, Texas, on October 10-12, 2000;
- c) Justice of the Peace Precinct No. 6 Clerk to attend the ACourt Personnel Seminar® in Corpus Christi, Texas, on October 10-12, 2000;

- d) 107th District Court Administrator and Court Coordinator to attend the ATexas Association for Court Administration Education Conference@ in Austin, Texas, on November 5-8, 2000;
- e) Justice of the Peace Precinct No. 3, Place No. 2 Clerk to attend the AEighteen Hour Court Personnel Seminar@ in Corpus Christi, Texas, on October 10-12, 2000;
- f) Justice of the Peace Precinct No. 7, Place No. 1 Clerk to attend the AEighteen Hour Court Personnel Seminar@ in Corpus Christi, Texas, on October 10-12, 2000;
- g) Assistant District Attorney to attend the ATDCAA Faculty Advisor-s Meeting@ in Austin, Texas, on October 11-13, 2000;
- h) Three (3) County Extension Agents to attend the AFiscal Bookkeeping System Training@ in McAllen, Texas, on October 4-5, 2000;
- I) Program Development and Management Director and Assistant County Administrator to meet with the Texas Historical Commission Officials regarding the County-s Dancy Building Grant Application in Austin, Texas, on October 9-10, 2000;
- j) Sheriff and Chief to attend the A31st Texas Jail Management Conference@ in Huntsville, Texas, on October 3-5, 2000; and
- k) Two (2) Justice of the Peace Precinct No. 2, Place No. 2 Clerks to attend the AJCPTC Seminar@ in Corpus Christi, Texas, on October 10-12, 2000.



(19) PURCHASE WITHOUT PURCHASE ORDER FROM NUECES POWER AND EQUIPMENT, IN THE AMOUNT OF \$617.44

(20) PRELIMINARY APPROVAL

a) Precinct No. 4

In the matter of Ryan Road Subdivision - being 10.175 acres of land out of the North 11.26 acres of Block No. 102, Hooks and Hodges Subdivision No. 2. (TABLED)

(21) AWARD BIDS

a) DIETARY SOAP AND CLEANER - DISH: ANNUAL BID NO. 2060

ECO LAB - St. Paul, Minnesota

Total \$10,194.00

(22) OPEN BIDS AND/OR REQUEST FOR PROPOSALS

a) ROAD SIGNS, POST AND MISCELLANEOUS - ANNUAL BID NO. 2630

b) FOOD: TORTILLAS - ANNUAL BID NO. 2240

c) ANAQUITOS ESTATES PAVING IMPROVEMENTS

The Bids and/or Request for Proposals are as follow:

(23) EXECUTIVE SESSION

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

Court met in Executive Session at 10:48 A.M. to discuss the following matters:

- a) Deliberation regarding Real Property concerning the possible donation of park land, located in Santa Rosa, known as the North 100 feet of Lots No. 1 through No. 8, all of Lot No. 9 and the North 35 feet of Lot No. 10, Block No. 45, Original Townsite of Santa Rosa; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072;
- b) In the matter of the Real Property concerning possible sale of various Cameron County Trustee Properties to the Brownsville Housing Authority; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072; **(TABLED)**
- c) In the matter of the Real Property concerning possible lease of warehouse/office space for the Elections and Voter Administrative Department; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072; **(TABLED)**
- d) Deliberation regarding the Real Property concerning lease extension with B.G.S. Naraindas, Incorporated, and the Juvenile Department of Community Corrections and Weed and Seed Program; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072;
- e) Deliberation regarding Real Property concerning negotiations for the possible purchase of land for the proposed Precinct No. 1 park site; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072;
- f) Confer with County Counsel concerning the case styled Edward Alcala vs. Alex Perez, et. al., Civil Action No. B-96-203, in the United States District Court - Brownsville, for discussion and authorization of settlement and plaintiff's attorney's fees; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(1)(A)(B);
- g) In the matter of the settlement of Cameron County vs. Scoggins Construction; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(1)(B); **(TABLED)**
- h) Confer with County Counsel regarding Sea Ranch Marina Concession; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(2);
- i) Deliberation regarding Real Property concerning possible donation to Cameron County of land, known as Abstract No. 2 - Del Mar Heights, Lots Nos. 51-52, Block No. 32; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072;
- j) In the matter of the complaint against Commissioners= Court Legal Counsel and deliberate possible discipline; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.074(a)(1) and (2); **(TABLED)**
- k) In the matter of the complaint against Property Management Coordinator and deliberate possible discipline; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.074(a)(1) and (2); **(TABLED)**
- l) Confer with County Counsel concerning Inmate Long Distance Services Contract, 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 this Chapter; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(2); and

SUPPLEMENTAL NOTICE

(1) EXECUTIVE SESSION

- a) Confer with County Counsel on the possible settlement of condemnation of Parcel No. 3, Ruth Taylor Ward Trust 1 and 3; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(1)(B).

Upon motion by Commissioner Matz, seconded by Commissioner Benavides and carried unanimously, the Court reconvened in Regular Session at 12:47 P.M.

(24) ACTION RELATIVE TO EXECUTIVE SESSION

- a) **Deliberation regarding Real Property concerning the possible donation of park land, located in Santa Rosa, known as the North 100 feet of Lots No. 1 through No. 8, all of Lot No. 9, and the North 35 feet of Lot No. 10, Block No. 45, Original Townsite of Santa Rosa.**

Upon motion by Commissioner Matz, seconded by Commissioner Benavides and carried unanimously, the donation of park land, located Santa Rosa, known as the North 100 feet of Lots No. 1 through No. 8, all of Lot No. 9, and the North 35 feet of Lot No. 10, Block No. 45, Original Townsite of Santa Rosa, was accepted.

- b) **In the matter of the Real Property concerning possible sale of various Cameron County Trustee Properties to the Brownsville Housing Authority. (TABLED)**

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

- c) **In the matter of the Real Property concerning possible lease of warehouse/office space for the Elections and Voter Administrative Department. (TABLED)**

Upon motion by Commissioner Matz, seconded by Commissioner Valencia and carried unanimously, the Status Report by County Counsel was acknowledged and the possible lease of warehouse/office space for the Elections and Voter Administrative Department was **Tabled**.

d) Deliberation regarding the Real Property concerning lease extension with B.G.S. Naraindas, Incorporated, and the Juvenile Department of Community Corrections and Weed and Seed Program.

Commissioner Matz moved that the Property Management Coordinator be directed to negotiate the lease extension with B.G.S. Naraindas, Incorporated, and the Juvenile Department of Community Corrections and Weed and Seed Program.

The motion was seconded by Commissioner Valencia and carried unanimously.

The Agreement is as follows:

- e) **Deliberation regarding Real Property concerning negotiations for the possible purchase of land for the proposed Precinct No. 1 park site.**

Upon motion by Commissioner Benavides, seconded by Commissioner Valencia and carried unanimously, the Property Management Coordinator was directed to negotiate the purchase of the land for the proposed Precinct No. 1 park site, noting that a request to Table the matter had been made for further input.

- f) **Confer with County Counsel concerning the case styled Edward Alcala vs. Alex Perez, et. al., Civil Action No. B-96-203, in the United States District Court - Brownsville, for discussion and authorization of settlement and plaintiff's attorney's fees.**

Commissioner Matz moved that the settlement in the amount of \$43,132.69, be approved concerning the case styled Edward Alcala vs. Alex Perez, et. al., Civil Action No. B-96-203, in the United States District Court - Brownsville.

The motion was seconded by Commissioner Valencia and carried unanimously.

- g) **In the matter of the settlement of the case styled Cameron County vs. Scoggins Construction. (TABLED)**

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

- h) **Confer with County Counsel regarding Sea Ranch Marina Concession.**

Commissioner Valencia moved that the execution of the Contract with LJH Corporation regarding Sea Ranch Marina Concession be approved based on the terms as stated in the Agreement.

The motion was seconded by Commissioner Cascos and carried unanimously.

The Contract is as follows:

- i) **Deliberation regarding Real Property concerning possible donation to Cameron County of land, known as Abstract No. 2 - Del Mar Heights, Lots Nos. 51-52, Block No. 32.**

Upon motion by Commissioner Matz, seconded by Commissioner Valencia and carried unanimously, the donation to Cameron County of land, known as Abstract No. 2 - Del Mar Heights, Lots Nos. 51-52, Block No. 32, was accepted.

- j) **In the matter of the complaint against Commissioners= Court Legal Counsel and deliberate possible discipline; (TABLED) and**
- k) **In the matter of the complaint against Property Management Coordinator and deliberate possible discipline. (TABLED)**

At this time, Judge Hinojosa stated that the Court's position was that there were two (2) issues to be addressed; 1) the actions by the Commissioners= Court Legal Counsel and the Property Management Coordinator taking a County vehicle to the location regardless of the reason, noting that the Court was giving the benefit of the doubt that the vehicle was taken to the location for business purposes. He added that the Court's position was that the Commissioners= Court Legal Counsel and the Property Management Coordinator did not exercise good judgment, which left an appearance of impropriety that could have been avoided if the two individuals would have utilized a private vehicle or notified the proper authorities of taking the vehicle to the location to conduct business; therefore, for future purposes, County employees should exercise much better judgment. Judge Hinojosa stated that issue 2) concerned whether or not the County employees had driven the County vehicle to the location to consume alcohol between 3:00 P.M. to 3:30 P.M. He stated that the second issue would be Tabled and that the Constable's Office conduct an appropriate investigation to determine whether or not there was any evidence that the County employees were consuming alcoholic beverages or whether in fact they were engaged in County business.

Upon motion by Commissioner Matz, seconded by Commissioner Valencia and carried unanimously, this Item was **TABLED**, until a proper investigation by Law Enforcement Personnel was conducted.

Judge Hinojosa noted that if the Constable's Office elected not to conduct the investigation, the Sheriff's Office would be requested to perform the investigation.

