

THE STATE OF TEXAS

COUNTY OF CAMERON

BE IT REMEMBERED on the 28th day of NOVEMBER, 2000, 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:

8:30 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

Adriane Daza Deputy Clerk
COUNTY CLERK

ABSENT:

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The meeting was called to order by Judge Gilberto Hinojosa at 9:40 A.M.

The Court considered the following matters as posted and filed for Record in the Office of the County Clerk on November 22, 2000, at 11:56 A.M.:

(1) **DISCUSSION REGARDING THE CAMERON COUNTY LEGISLATIVE AGENDA FOR THE UPCOMING SESSION**

At this time, Judge Hinojosa explained that he had visited with our Legislators, that being Representatives Rene Oliveira and Jim Solis, and Senator Eddie Lucio's Offices regarding the County's legislative concerns and invited their Offices to attend to hear directly from the Commissioners=Court of their agendas and to see if a concrete schedule for the Legislature regarding when legislation can be filed and to obtain a commitment, within a certain period of time, of which legislation they would be willing to file on behalf of Cameron County and the mechanism to file.

Judge Hinojosa stated that the Legislature needed to establish Ordinance making abilities, at least to Counties of a certain size, such as with a population of over fifty thousand, especially along the border. He noted that when a County reached a certain size it became almost an urban area, and then the County had to weigh the need for freedom of development with the means to have some restricted growth in the rural areas. He noted that the County had the ability to approve subdivisions in rural areas, with restrictions; but there was much development taking place in different areas, and that affected the County in many different ways. He noted that there was development, without adequate planning, taking place and the County was not consulted and became difficult to coordinate with subdivisions with inadequate planning and not enough adequate water supply. Judge Hinojosa noted that because the County can not go beyond approving a subdivision in a certain manner. He added that if someone came to the County with a subdivision application that met all the criteria of state law, then the County would have to approve it otherwise the County would be abusing their discretion. He noted that the County could restrict the subdivision in an area, because it lacked adequate water supply or because there might be a plant near by that could create environmental issues with respect to the people, or vice versa.

Judge Hinojosa reported that he receives calls from irate citizens in residential areas complaining of junk yards adjacent to the residential neighborhoods. He noted that a huge junk yard existed across the street from Rio del Sol, and that situation should be considered on what that does to the neighborhood. He noted that the City of Brownsville annexed property up to Rio Del Sol, but because the annexation occurred so late there was a junk yard across the street. He stated that Cameron County was large enough and should have the ability to approve whether a certain kind of

development should occur. He added that at one time another issue was the Atransmigrante@ that would build their offices out in the open and take a bath out in the open and the County could not say or do anything.

Judge Hinojosa emphasized that the legislature should bite the bullet@ and give Counties the ability to enact certain ordinances that allow zone or restricted development in the rural areas, within certain criteria; and to measure that, we weigh the need for the Counties and what can be negotiated with the legislature.

He noted that concurrent with the need for Ordinance making ability is the need to clarify the County's ability to promulgate regulations, establishing building codes for construction in rural areas. He added that right now there was a challenge to the County's ability to do that and a lawsuit was filed by an electrician and the District Court ruled in favor of the County, but it was on appeal, at this point.

Mr. Doug Wright, Commissioners' Court Legal Counsel, noted that the Supreme Court denied review of the Court of Appeals' decision therefore, the County sustained its ability to establish electrical standards and examine the installations of electrical utilities in the County; adding that it was not just a permitting issue but a health and safety issue.

Judge Hinojosa explained that it was not clear how much authority the County had regarding the building codes, but if the County did not have the full authority and could not enforce compliance with certain building code restriction on electrical work, he questioned what would happen if the house burned down, because of unrestricted wiring of the house and the inherent danger. He added that there was no reason that the legislature should have any problem with the issues with respect to development and the power to regulate; and those issues needed to be on top of our priority with our legislators. Judge Hinojosa noted that large Border communities, such as Cameron County, Hidalgo County, Webb County and El Paso County needed these regulations. He added that Counties with populations of two hundred or two hundred fifty thousand would all agree of the need to have the authority to regulate and the ability exercise that right.

At this time, Judge Hinojosa noted that another issue discussed in the past, and Representative Solis had initiated legislation, was the need to have the ability to require people in rural areas to subscribe to garbage service. He stated one lived in the City, it was mandated, through the Brownsville Public Utilities Board (PUB) to receive garbage service, and it was included in the monthly bill, noting that the same rules could apply to residents in the rural area. He added that the County should be allowed to require the Company who provided water services to rural residents to charge a garbage collection fees, whether contracted with a Garbage Company or with the individual Water Company and then require all rural residents that receive water service to subscribe to garbage collection. He noted that what was occurring, because it was not required, most people that have elected to do so pay a much higher fee than city residents, because not enough people receive the service, and those people that elect not to receive the garbage service, dump illegally and that was a health hazard to society and caused drainage problems. He reported that one of the reasons that the drainage ditch

flooded in 1996-1997 in Valle Escondido was because there were refrigerators and stoves stuck in the pipes going under the bridge. He noted that the County was an Urban County, and should require residents that live in the rural areas to be able to have a Garbage Collection Service. He added that how the legislation was fashioned, whether the County was allowed to Contract directly with a garbage Collection Company and mandated upon the rural residents to be collected by the Water Company, could be determined later.

Commissioner Matz mentioned that about six years ago, Representative Renato Cuellar introduced legislation on that subject, which cleared the House but died in the Senate, and suggested that the matter be retrieved and presented again. He noted that he wrote to the entire Valley delegations on the same subject, and had received responses from several Representatives. and has received confirmation from Representative Wise that he would sponsor that legislation, as well as Representative Hinojosa. He added that all of the urban Counties have the same problems and they support the recommendations.

Judge Hinojosa noted that one of the functions of the County was to build roads in the rural areas, and one of the issues that the County had been struggling with was whether the County could legally construct humps in the rural areas, and the liability involved. He cited the example of the residents of Cameron Park, which had six thousand residents, with recently paved streets, but no curb, gutters or sidewalks, and the residents were forced to walk to school or to church on the streets creating a safety issue. He added that at night Cameron Park was pitch dark and you could not walk anywhere but on the streets. Judge Hinojosa noted that clarification was needed to determine whether the County could authorize the County Engineers to construct a plan on speed humps and to have the restrictions and specifications to accomplish the project.

Judge Hinojosa noted that the efforts of precinct No. 3 Commissioner, a road was build in a neighborhood and the residents were assessed the costs, adding that the suggestions was made to construct street lights and assess in a similar manner; however the County does not have that ability. He stated that it was an expensive venture and a serious safety issue, because of the crime element; and it would be difficult because some people would agree to pay and some would not. He suggested that a method had to be fashioned to allow, under certain circumstances, rural residents to obtain street lights and that cost be paid by the residents, either by special exemption policy or charged to their utility bill, similar to the garbage collection fee.

Judge Hinojosa reported that the Adult Probation Officers were paid through the state, but not the Juvenile Probation Officers; therefore, their wages were not adequate for the work involved. He stated that Cameron County supported legislation have the State bring the Juvenile Probation Officers salaries comparable to those of the Adult

Probation; noting that it did not make sense for only Adult Probation to be funded by the State ,because if you wanted to make a difference with the kids, the County needed enough Juvenile Probation Officers and that they be paid their worth.

He noted that the County and District Clerks= Association had requested that an additional \$5.00 fee be imposed on petitions filed that contained more than one plaintiff, because of the process involved.

Mr. Joe G. Rivera, County Clerk, stated that the law changed during the last session that allowed the defendants that went to Community Service, instead of paying fines and Courts, received a hundred dollars a day credit, adding that the amount was higher than the County-s entry level rate. He stated that he wanted to rescind the law and at the very least the highest wage offered should be the County-s minimum wage of \$7.00 an hour. He noted that defendants received as much as \$300.00 a day jail credit for time served, which was excessive.

Commissioner Cascos cautioned that the wording of ACounty-s minimum wage@ and recommended that it be the Aminimum federal wage@.

Mr. Juan Bernal, Engineering Department, noted that State funding for the Road and Bridge Systems had not changed in forty-six (46) years, with an allocation rate of 7.3 million dollars, and that urban counties were recommending that the funding be increased to thirty (30) million dollars. He added that a letter supporting this issue was sent to the Senator and Representatives.

Judge Hinojosa addressed the staff present from the Representatives= Offices noting the County-s concerns had been presented, and the County would like to schedule a Meeting with the Representatives to determine if they are interested in pursuing some of the legislation and to establish a time line on when and how to deal with these issues.

Mr. Tony Yzaguirre, Tax Assessor - Collector, provided the following letter detailing issues that he and other Border Counties had proposed as changes:

Commissioner Cascos questioned whether the County knew where the opposition would be concerning the proposed legislative changes, or could the opposition be identified and advise our Representatives were they may encounter opposition, because border counties have different issue then those from larger counties, such as Bexar County.

Ms. Yvette Salinas, Health Administrator, noted that the County contracted with the University of Texas Medical Branch at Galveston for indigent health care, due to state law providing that state hospital get credit for such expenditures, and recommended that local hospitals to be allowed to provide state funded indigent health care.

Mr. Robert Mendoza, Elections Administrator, presented the following four recommendations to present to the legislature in order to improve the Elections Process:

- 1) Reduce elections dates from four (4) to two (2), that being May and November, and that Bond Elections not to be held thirty (30) days before or after an election, with the exception of run-offs;
- 2) Increase the Poll Workers Compensation from the current \$6.00 an hour to \$3.00 above the Federal Minimum Wage;
- 3) Voting by mail process be restricted to disabled voters, provided they file documentation as to their disability; and
- 4) Early voting end five (5) days prior to Election Day.

Judge Hinojosa expressed his support for the first two recommendations, and added that Bond Elections should be held during regular elections. He noted that he did not favor reducing the number of early voting days, nor moving them earlier because it would increase the costs of the election, and recommended that election day be move to Saturday instead of Tuesday, but that it would be up to the County's Representatives which issue they pursued.

Mr. Mark Yates, County Auditor, explained that the legislature had made indigent health care a priority and during the last legislative session they allowed the four (4) Valley Counties to form a Health Service District, but there had been some impediments. He noted that they wanted to create a Health Care District be composed of Cameron and Willacy Counties to provide indigent health care. He added that the District wanted to set to allow the legislature to preserve the funding for the Tuberculosis Hospital in Harlingen, noting that 15 million dollars were designated to rebuild it, and if the Health Care District can be formed, even aside from the Hospital District, with the help of our local Representatives, then the County would have a local entity. He added that what was so important was that if a Health District was created, there was a plan to transfer the operations of the South Texas Hospital to the Health Services District, but that it would be important for the state to continue to fund the South Texas Hospital, at their current level, and not abdicate the funding, because of the local entity. Mr. Yates added that the County needed additional state help to provide low income with health services and if the State pulled out, then local tax payers would have pay to restore the

original mission of the State Hospital in providing local treatment for tuberculosis so that the patients did not have to travel to San Antonio or other locations for treatment. He added that there were certain diseases that were starting to creep across the border that had been eliminated in our State and country, that being tuberculosis, primarily, and that could be handled here and not sent the residents and their relatives to another state for care. He emphasized the need to consolidate the public health issues and the indigent health care under one District.

Judge Hinojosa noted that health care was one of Representative Jim Solis' priorities.

At this time, Mr. Dagoberto Barrera, Brownsville resident, questioned whether the Hospital District would be another taxing entity and the County Judge responded that it was a outpatient Health Services District and not a taxing entity.

Ms. JuaNita Brodecky, Rio Hondo resident, noted that the Adult Probation Department needed greater accountability.

Judge Hinojosa responded that as a member of the State Board of Criminal Justice, he happened to know that the Cameron County Adult Probation Department was one of the best in the State.

Commissioner Matz mentioned that the used tires issue was a big problem in the County, a mosquito breeding ground and needed to be addressed.

Judge Hinojosa stated that his Office would compile a list of the issues to present to the Representatives and then the County would like to schedule a Meeting to determine which issues the Representatives will file and support and what the County needs to do to accomplish the changes suggested, noting that Cameron has good working relations with the surrounding Counties.

There being no further business to come before the Court, the Workshop Meeting was adjourned.

