

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 10th day of APRIL, 2001, 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:

5:30 P.M.

PRESENT:

GILBERTO HINOJOSA
COUNTY JUDGE

PEDRO "PETE" BENAVIDES
COMMISSIONER, PRECINCT NO. 1

CARLOS H. CASCOS, C.P.A.
COMMISSIONER, PRECINCT NO. 2

DAVID A. GARZA
COMMISSIONER, PRECINCT NO. 3

NATIVIDAD "TIVIE" VALENCIA
COMMISSIONER, PRECINCT NO. 4

Inelda T. Garcia Deputy
COUNTY CLERK

ABSENT:

The meeting was called to order by Judge Pro tem Carlos H. Cascos, C.P.A., at 5:35 P. M. He then asked Pastor Juan J. Morales, Iglesia en la Roca, for the invocation and Mr. Silver Garcia, Community Outreach, 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 April 6, 2001, at 1:58 P. M. and the Supplemental Agenda posted on April 6, 2001, at 4:56 P. M.:

ACTION ITEMS

(8) AUTHORIZATION FOR THE DISTRICT CLERK’S OFFICE TO INCLUDE “SHOES FOR KIDS, ETC., NIÑOS HEADSTART” AS PART OF THE CHARITABLE ORGANIZATIONS ON THE JURY SUMMONS AND ACKNOWLEDGMENT OF THE JURY DONATIONS REPORT

Commissioner Valencia moved that the District Clerk’s Office be authorized to include “Shoes for Kids, Etc., NIÑOS Headstart” as part of the charitable organizations on the jury summons.

The motion was seconded by Commissioner Benavides.

At this time, Ms. Aurora de la Garza, District Clerk, highlighted the charitable organizations on the jury summons, and explained that the initiative to allow the jurors to donate jury fees had been under taken by Cameron County, and that the Child Welfare Board testified on behalf of the legislation which was implemented state-wide. She reported that the donations, in the amount of \$47,192 since inception, had been distributed to the charitable organizations on the jury summons list.

Ms. Yolanda Garza, President of the Board for Child Welfare, and Ms. Helen Guzman, Treasurer, expressed their appreciation to the Court for their continuing support.

Ms. de la Garza noted that statutes required that the Child Welfare Board and the Victims of Crime be on the jury summons, and all other charitable agencies could be included at the Court’s discretion. She explained that many charitable organizations desired to be included, and that criteria would have to be developed, such as limiting the number of years of participation, in order to allow other agencies the same opportunity.

Commissioner Garza requested that the District Clerk provide information to the Court concerning the limits and selection criteria, and suggested that the process of selection be developed before other agencies requested consideration.

Upon motion duly made by Commissioner Valencia, seconded by Commissioner Benavides and carried unanimously, the District Clerk’s Office was authorized to include “Shoes for Kids, Etc., NIÑOS Headstart” as part of the charitable organizations on the jury summons, and the Jury Donations Report, was acknowledged.

The Report is as follows:

JUDGE HINOJOSA JOINED THE MEETING

At this time, Ms. JuaNita Brodeky, Rio Hondo resident, explained the difficulty in understanding when action was taken by the Court, and Judge Hinojosa responded that the chair called for discussion and recognized the motions made, in order for the County Clerk's Office to note the proper names and action on every item.

(7) **POSSIBLE ACTION REGARDING PART-TIME POSITIONS FOR JUSTICES OF THE PEACE, PRECINCTS NO. 3 PLACE NO. 2 AND NO. 6**

Commissioner Cascos moved that part-time positions for Justices of the Peace, Precincts No. 3 Place No. 2 and No. 6, be approved.

The motion was seconded by Commissioner Garza.

At this time, Commissioner Valencia questioned whether funds were available for salary increases of \$5,000 per person and requested the County Auditor's recommendations concerning the matter.

Mr. Mark Yates, County Auditor, explained that there were eleven (11) Justices of the Peace offices in the County of which three (3) or four (4) had only one staff person and Precinct No. 4 had no assistance. He suggested that if Justices of the Peace were located in the same office, staff could serve two Justices of the Peace, and relieve each other by sharing the data base and improving the flow of information. He noted no additional funds were available, but funds could be obtained from lapsed salaries on vacant positions, because available funds were committed for the pending employment lawsuit.

Commissioner Valencia stated that Judge Romero, Judge Garza and Constable Robles required additional staff, and the County Auditor noted that Constable Precinct No. 2 had also requested additional staff.

Commissioner Benavides stated that Judge Tony Torres, Justice of the Peace, Precinct No. 2, had previously requested Court approval for additional staff, and suggested that before deciding to accommodate the Judges requesting additional staff, all previous requests should be reviewed.

Commissioner Garza noted that the request was the result of an increased work load, and that with minimal assistance, the increased revenue would more than pay for the part time positions. He noted that he spoke to the Justices of the Peace, regarding a review in six (6) months to determine if the cost of the part time positions were justified.

Mr. Yates noted that he met with Justice of the Peace, Precinct No. 3 and analyzed the cost per case, in order to identify the revenue that would be generated versus the cost, and reported that it would be above the break even point.

Commissioner Valencia questioned whether hiring additional staff for the Justices of the Peace could be delayed until the next budget as a priority, due to the budget constraints.

Mr. Yates responded that in the past, the auditors had assisted the Justice of the Peace Precinct No. 1, especially regarding Spring Break, and suggested a “roving” Justice of the Peace Assistant, to assist the offices when Justices of the Peace were absent.

Commissioner Garza proposed that “ the part time positions be approved, and that the Justices of the Peace be allowed six (6) months to demonstrate to the Court that the case would be accelerated and additional revenues generated for Cameron County”. He added that “it would allow the Budget Officer and the Justices of the Peace time to obtain a projection and if these were not met between now and the end of year, the part time position would be eliminated.”

Judge Hinojosa noted that if there were available resources for hiring of additional staff for Justices of the Peace, then it would be proper to consider the Bailiffs’ increases, adding that stated that the Salary Review Committee approved to equalize the salaries of the Bailiffs’ a year ago, but it was not carried through.

Mr. Yates responded that equalizing the Bailiffs’ salaries was never carried through, because there was a lack of funding and the cost of extra health insurance, and that the item was considered during the budget process, but had not been considered again until this meeting.

Commissioner Cascos stated that the Agenda Items paralleled each other but were two (2) independent Agenda Items and should be handled separately, noting that the differences would be \$5,700 versus \$35,000 on an annual basis.

Mr. Yates responded that the Agenda Items were on the same premises, adding that the health insurance cost for a new employee next year would be from \$4,000 to \$4,200.

Commissioner Valencia noted if funding was available to staff the Justices of the Peace, then funding should be available to staff the other two (2) Constables.

Commissioner Cascos noted that the Court had been cautioned about deviating from personnel policies, and not having a Personnel Review Committee. He emphasized that “a precedent had been set, rightly or wrongly, giving raises in the middle of the year, hiring new personnel and if approval to hire new personnel was given to one department, then all requests should be approved.” He stated that the County Auditor should be working on the forecast of revenues being received, adding that revenue projections from several departments were not being met.

Mr. Yates responded that the practices in the past were that unless there was special funding, new positions were not added, but certain salary adjustments were reviewed at mid-year.

Commissioner Cascos responded that the original policy adopted indicated that if it was within the budget it would be approved. He noted that the salary schedules and that the request for new personnel for Justices of the Peace and Judge Torres were not within the budget.

Judge Hinojosa noted that it was highly unjust that Bailiffs were paid \$1,700 less than a starting Peace Officer in Cameron County. He explained that “the issue had come up before the Committee and an increase was recommended unanimously, but never carried through and that the time had arrived to go through with the increase and the only reason it would not be done would be because of no available resources.” He noted that Judge David Garza and Judge Luis Romero were doing a good job and that it was difficult to accomplish the work that had to be done without staff.

At this time, Justice of the Peace David Garza, Precinct No. 3, explained the work that the clerk performed, noting that Class C offenses, such as Public Intoxication, and Disorderly Conduct, were assessed fines which had to be paid within a specific period of time, and if not paid, a Failure to Appear (FTA’s) Warrant was issued. He added that he or other law enforcement entities assisted with the warrant arrests.

Mr. Yates noted additional revenues would be generated and the actual cost to the County would be \$12,000. He stated an auditor had been sent to the Justices of the Peace offices to gather information as to how many traffic citations were six (6) months or older and had entered into a “failure to appear” program. He noted his support to hire additional personnel because there was sufficient revenue to be retrieved and a surplus could be produced.

Upon motion duly made by Commissioner Cascos, seconded by Commissioner Garza and carried unanimously, the part-time positions for Justices of the Peace, Precincts No. 3, Place No. 2 and No. 6, were approved.



(1) APPROVAL OF COUNTY CLAIMS

Commissioner Cascos questioned the transfer of funds in the amount of \$250,000, to the Health Insurance Fund.

Mr. Mark Yates, County Auditor, responded that a loan was being made from the General Fund to the Health Insurance Fund for liquidity and to have enough cash flow available. He explained that claims received from the health insurance had been paid and that a reimbursement in the amount of \$180,000.00 was received and placed in the employee benefits.

Commissioner Cascos requested a monthly update of availability of funds, noting that another \$250,000 would be needed forty-five (45) to fifty (50) days from now.

Judge Hinojosa noted that even though there was a short fall in the employee health care program, that had the County gone with a private paying insurance company, the cost would have been even higher.

Commissioner Cascos stated if the County had gone with a private insurance, the employees would have absorbed some of the cost.

Commissioner Garza questioned whether any warrants on the Check Register had been released, and the County Auditor responded that the warrants had not been released, but operating funds were provided for the employee benefits.

Mr. Eddie Gonzalez, County Treasurer, clarified that those loans were made to cover certain funds, such as employee insurance fund and employee payroll every two (2) weeks, and paid warrants were released prior to being approved by the Court.

Commissioner Garza warned the Court that early release of warrants was an illegal practice, and the County Auditor responded that no warrants being approved had been released.

Commissioner Valencia moved that the County Claims be approved as presented.

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

AYE: Commissioners Benavides, Cascos and Garza,

NAY: None

ABSTAIN: Judge Hinojosa as to Laguna Madre Water District, Warrant No. 53843, in the amount of \$152.98; and Southwest Key Program, Warrant No. 53915, in the amount of \$9,343.04.

The Affidavits are as follows:

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(3) **APPROVAL OF MINUTES OF REGULAR MEETING: A) MARCH 27, 2001**

Upon motion by Commissioner Garza, seconded by Commissioner Cascos and carried unanimously the Minutes of the Regular Meeting held March 27, 2001, at 5:30 P. M., were approved, with the corrections noted.

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(6) **POSSIBLE ACTION REGARDING CAMERON COUNTY AND CITIES CHALLENGING CENSUS 2000 COUNTS AND ISSUES RELATED THERETO**

At this time, Judge Hinojosa reported that the following cities had passed resolutions or had the Item on their Agenda supporting challenge on the Census 2000 Counts: Brownsville, San Benito, La Feria, Combes and Primera, Santa Rosa, Harlingen, Indian Lake, Port Isabel, and that Rio Hondo was reconsidering. He explained that Hidalgo County had approved joining the challenge, which would increase the cost to \$200,000, but the cost would be shared on a 60 - 40 percent basis. He explained that Mr. Rolando Rios, Attorney at Law, was obtaining all the pertinent information and preparing the challenge.

At this time, Mr. Douglas Wright, County Legal Counsel, noted that he met with the General Counsel from one of the public utilities companies, adding that they expressed an interest in working with the County by providing necessary information for the challenge.

Commissioner Garza questioned if an Agenda Item would be presented to execute an agreement with Hidalgo County, and that Court Legal Counsel responded that a resolution would be prepared for all the participating governmental entities, adding that Mr. Rios would prefer to have a lead client designated to make decisions.

Upon motion by Commissioner Garza, seconded by Commissioner Benavides and carried unanimously, the status report regarding Cameron County and Cities challenging Census 2000 counts, and issues related thereto, was acknowledged.

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(5) **IN THE MATTER REGARDING MODIFICATIONS, ADDITIONS AND/OR DELETIONS AT THE CAMERON COUNTY DETENTION FACILITY AND SHERIFF'S DEPARTMENT AND ISSUES RELATED THERETO (TABLED)**

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

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(9) AUTHORIZATION TO REFUND TAXES AS AUTHORIZED BY THE CAMERON COUNTY APPRAISAL DISTRICT, AND AS PER SECTION 25.25 AND SECTION 31.11 OF THE STATE PROPERTY TAX CODE

Upon motion by Commissioner Garza, seconded by Commissioner Benavides and carried unanimously, the following Refund of Taxes, due to change values by the Cameron County Appraisal District, were approved, as per Section 25.25 and Section 31.11 of the State Property Tax Code:

- A) 200 Riverpointe Ltd. - \$2,651.80;
- B) Primestar Inc. - \$1,758.52;
- C) Primestar Inc. - \$542.61;
- D) Primestar, Inc. - \$1,218.05; and
- E) Water Tower Development, LLC - \$3,467.72

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(10) AUTHORIZATION TO AWARD INFORMAL BIDS FOR AN OVERLAY PROJECT AT ISLA BLANCA PARK AND BEACH ACCESS NO. 3, AT OVER \$15,000 BUT UNDER \$25,000

Mr. Javier Mendez, Parks System Director, explained that the Recreation Vehicles slips and roads that were within the Isla Blanca Park System needed to be repaired, noting that three (3) informal bids had been received and the lowest bid was \$18,000.

Commissioner Cascos moved that the low bid in the amount of \$18,051.85, be awarded to R and R Asphalt Paving, Inc., for the overlay project at Isla Blanca Park and Beach Access No. 3, in the excess amount of \$15,000, but under \$25,000.

The motion was seconded by Commissioner Garza.

At this time, Judge Hinojosa noted that the bathrooms that had been abandoned were being renovated and suggested that a ramp be installed from the pavilion to the bathroom area, in order to provide better access.

Commissioner Valencia questioned why side B was being deleted on all three (3) bids, and the Parks System Director responded that the available funding amount was \$19,000, and that the bids including Side B were over \$19,000.

Upon motion duly made by Commissioner Cascos, seconded by Garza and carried unanimously, the low bid of \$18,051.85, was awarded to R and R Asphalt Paving, Inc., for the overlay project at Isla Blanca Park and Beach Access No. 3, in the access amount of \$15,000, but under \$25,000.

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(11) AUTHORIZATION FOR CAMERON COUNTY TO ENTER INTO A SERVICE AGREEMENT WITH R

**AND R ASPHALT PAVING, INC., FOR THE
REPLACEMENT AND/OR REPAIR OF ROADS AND
RECREATION VEHICLES SITES WITHIN ISLA
BLANCA PARK AND BEACH ACCESS NO. 3**

Commissioner Valencia moved that the Service Agreement with R and R Asphalt Paving, Inc., be executed for the replacement and/or repair of roads and recreational vehicle sites within Isla Blanca Park and Beach Access No. 3.

At this time, Commissioner Garza questioned if Item No. 10, that being awarding a bid, and Item No. 11, that being to enter into agreement, were not the same thing.

Mr. Douglas Wright, County Legal Counsel, explained that the contract had been reviewed, and that the awarding of the bid and entering into a contract could have been handled at the same time, because it was not a professional service agreement. He indicated that the County had a stricter approach than the State regarding bids and that the policy stated that if a low bid was accepted, then negotiations could begin or a contract be prepared.

Upon motion duly made by Commissioner Valencia, seconded by Commissioner Garza and carried unanimously, the Service Agreement with R and R Asphalt Paving, Inc., was approved for the replacement and/or repair of roads and recreational vehicle sites within Isla Blanca Park and Beach Access No. 3.

The Agreement is as follows:

[REDACTED]

(12) **AUTHORIZATION TO RENEW THE CONTRACT FOR THE PLACEMENT OF OUTDOOR BILLBOARDS FOR THE INTERNATIONAL BRIDGE SYSTEM**

At this time Mr. Pete Sepulveda, Bridge System Director, explained that currently there were four (4) billboards advertising the International Bridge System and indicated that the billboards were located on Southmost and International Boulevard, Expressway and 6th Street, Expressway and Alton Gloor, and in the Harlingen-San Benito area before FM 509.

Commissioner Benavides moved that the contract renewal for the placement of outdoor billboards for the International Bridge System be authorized.

The motion was seconded by Judge Hinojosa.

Commissioner Garza questioned the rationale for advertisement of the bridges.

Mr. Sepulveda explained that the Harlingen and Brownsville areas were being visited by people from other communities, due to increased development and that the advertising would increase the utilization of the International Bridges.

Commissioner Benavides stated that the advertising conducted by the Brownsville-Matamoros Bridge increased the competition, so he favored the advertising.

Commissioner Garza noted that the cost of the advertisements was \$72,000 per year, and questioned the percentage of the Road and Bridge System budget used for advertising.

Commissioner Cascos noted that the cost was shared with Brownsville, Harlingen, San Benito and the costs were taken from the top, before any revenues were distributed.

Judge Hinojosa noted that access to the Los Tomates Bridge and Los Indios Bridge were new and suggested that the advertising should be approved for an additional year.

Upon motion duly made by Commissioner Benavides that the renewal contract for the placement of outdoor billboards for International Bridge System be approved.

The motion was seconded by Judge Hinojosa and carried as follows:

AYE: Commissioners' Benavides, Cascos and Valencia,

NAY: Commissioner Garza.

The Contract is as follows:

[REDACTED]

(13) **AUTHORIZATION TO RENEW THE AWARD OF THE FOLLOWING BIDS FOR ONE (1) ADDITIONAL YEAR**

At this time, Mr. Mark Yates, County Auditor, explained that the revenue insurance coverage was increased from 3 to 6 million dollars on the Veterans Bridge, and added that if a million dollar loss occurred, and the insurance was half of the revenues, then half of the insurance proceeds would be reimbursed.

Commissioner Cascos noted that the issue was not the amount of insurance, rather whether other bids were obtained and was this the lowest bid.

Mr. Yates responded that this was the best bid, and had been obtained the previous year, noting that he would prefer to have a three (3) year contract. He explained that two (2) bids were obtained the previous year; one was from Smith Reagan Insurance Agency in the amount of \$34,000 and Cavazos Insurance in the amount of \$154,000. He explained that the previous insurances premiums for the Free Trade Bridge and Gateway Bridge were between \$16,000 and \$ 17,000 per bridge, but when the Veterans Bridge was included, the premium from Cavazos Insurance increased from \$30,000 to \$154,000 and would only insure the United States side for any damage and use of occupancy. He added that the competitive bid received, not only covered the United States infrastructure, but included damages to the infrastructure on the Mexican side, because damages to any span of the bridge would result on loss of revenue.

Commissioner Garza questioned the legality of the insurance, and Court Legal Counsel responded that the loss of income was an insurable interest.

Mr. Yates clarified that there was a contingency plan should there be any physical damages to any span of the bridge, and that the contractors had been identified and would be ready to mobilize. He added that the insurance was for loss of revenues; clarifying that slips and falls damages were covered under the County's general liability insurance.

Upon motion by Commissioner Benavides, seconded by Commissioner Garza and carried unanimously the County International Bridges Occupancy Insurance No. 1458, was renewed for one (1) additional year.

[REDACTED]

(14) **APPROVAL FOR RESERVE DEPUTY DANIEL E. CRUZ AND BOND RENEWAL FOR CONSTABLE PRECINCT NO. 7**

Upon motion by Commissioner Benavides, seconded by Commissioner Valencia and carried unanimously, the renewal of the bond for Reserve Deputy Daniel E. Cruz, Constable Precinct No. 7, was approved.

The Bond is as follows:

CONSENT ITEM

ALL ITEMS UNDER THE CONSENT AGENDA ARE HEARD COLLECTIVELY UNLESS OPPOSITION IS PRESENTED, IN WHICH CASE THE CONTESTED ITEM WILL BE CONSIDERED, DISCUSSED, AND APPROPRIATE ACTION TAKEN SEPARATELY.

At this time, Ms. Yvette Salinas, Health Administrator, explained that Item No. 19 was a grant that provided funding for Maternity Well Child Clinic Family Planning Services. She explained that the yearly funding had been obtained through the Texas Department of Health (TDH) by just providing a service delivery plan, but that it was the first year that it was opened to competition. She added that the County normally received the amount of \$810,000, but they were applying for 1.2 million, and the funding would depend on the competition.

At this time, Commissioner Garza questioned Item No. 22, and the County Auditor, reported that "GASB 34" was a state requirement to inventory the fixed assets, based on a new accounting process. He noted that the largest un-assessed areas of fixed assets were the road system infrastructure, and that it would be a mandatory requirement to place a dollar value on the roads, either by depreciating or by spending enough money to adequately maintain them at the current level. He noted that there would be a number of issues to resolve, adding that it would take between six (6) to nine (9) months to implement, and would probably cost between thirty to forty thousand dollars.

At this time, Commissioner Garza questioned the policy on overnight stays for employees at South Padre Island, Texas.

Commissioner Cascos responded that the policy was that if Elected Officials or Department Heads were hosting the event, then the overnight stay would be permitted at South Padre Island, Texas.

Ms. Joan Macrum, Chief Juvenile Probation Office, explained that the nine (9) employees would be traveling daily to South Padre Island in a County van, and only one (1) person would be staying overnight to assist with the hosting. She added that 40 hours of training a year were required to continue certification, said training to be funded by the State.

Judge Pro tem Cascos questioned the status of the policies manual, adding that another issue to address would be the overnight stay, and the uniform policy regarding mileage rates and the meals being provided.

At this time, Ms. Juanita Brodecky, Rio Hondo resident, noted that 36 employees would be absent for 36 days.

Judge Hinojosa explained that due to the situation regarding the Indigent Health Care Program and the budget shortfall for the Employee Health Care Program, all non essential travel would be denied until the next Fiscal Year; with the exception of travel required for certification, or funding through other sources. He noted that mandatory training that could be provided locally should be explored, rather than traveling. He added that a resolution would be prepared

concerning the Travel Policy to be effective until the end of the Fiscal Year, and that any savings on travel would be transferred to the Indigent Health care.

Commissioner Valencia suggested that the forfeiture funds from the Sheriff's Department be used for the Indigent Health Care Program.

Mr. Francisco Sifuentes, Brownsville resident, expressed his concerns regarding the accountability of the training received.

There was some discussion concerning the travel policies regarding the approval of travel that had already occurred and the reimbursements, monies for advance travel, and the process for emergency travel, which would be channeled through the Budget Officer's Office for review, forwarded to the Auditor's Office, and presented to the Court; however, it was noted that the process would not guarantee approval of the warrant.

Mr. Douglas Wright, Court Legal Counsel, stated when travel was approved, it was being acknowledged that it was official County business, from workers compensation, legal and liability stand points.

Upon motion by Commissioner Garza, seconded by Commissioner Benavides and carried unanimously, the "Consent" Agenda Items were approved as follows:

- (15) **RESOLUTION IN SUPPORT OF AN APPROPRIATION BY THE 77TH SESSION OF THE TEXAS LEGISLATURE, FOR THE TEXAS HISTORIC COURTHOUSE PRESERVATION PROGRAM;**
The Resolution is as follows:
- (16) **ACCEPTANCE OF CALLE RANCHO GRANDE WEST; CALLE RANCHO GRANDE NORTH; CALLE SAN ANDRES; AND CALLE SAN JOSE, LOCATED AT RANCHO GRANDE SOUTH SECTION VII, PHASE I SUBDIVISION, PRECINCT NO. 4, INTO THE COUNTY ROAD SYSTEM;**
- (17) **MEMORANDUM OF UNDERSTANDING BETWEEN CAMERON COUNTY AND THE TEXAS DEPARTMENT OF HEALTH IMMUNIZATION PROGRAM;**
The Memorandum is as follows:
- (18) **APPLICATION FOR A TEXAS DEPARTMENT OF HEALTH (TDH) TITLE V - POPULATION BASED FAMILY AND COMMUNITY HEALTH SERVICES GRANT, TO IMPLEMENT A TEEN PREGNANCY INITIATIVE, AS PART OF THE HEALTH EDUCATION PROGRAM;**
The Grant is as follows:
- (19) **APPLICATION FOR A TEXAS DEPARTMENT OF HEALTH (TDH) TITLE V FEE, FOR SERVICE FAMILY AND COMMUNITY HEALTH SERVICES GRANT, TO PROVIDE MATERNAL AND CHILD HEALTH SERVICES, IN CAMERON COUNTY;**
The Application is as follows:
- (20) **APPLICATION FOR THE FISCAL YEAR 2002 CONTINUATION APPLICATION FOR CHILDREN WITH SPECIAL HEALTH CARE NEEDS (C.S.H.C.N.) GRANT, WITH THE TEXAS DEPARTMENT OF HEALTH;**
The Application is as follows:

- (21) **FINAL APPROVAL:**
- A) **PRECINCT NO. 1 - GARZA - MEDRANO SUBDIVISION - BEING A REPLAT OF 6.88 ACRES OF BLOCK NO. 18 - B, EL JARDIN SUBDIVISION; and**
 - B) **PRECINCT NO. 1 - LA HERRADURA SUBDIVISION - BEING 2.02 ACRES OUT OF BLOCK NO. 103, EL JARDIN SUBDIVISION, SHARE 32, ESPIRITU SANTO GRANT.**
- (22) **ADVERTISE FOR REQUEST FOR PROPOSALS "FIXED ASSETS ACCOUNTING/INVENTORY VALUATION" GAAP/GASB NO. 34; and**
- (23) **OPEN BIDS/PROPOSALS FOR THE FOLLOWING:**
- A) **BANK DEPOSITORY ANNUAL BID NO. 1222.**

TRAVEL ITEMS:

- (24) **AUTHORIZATION TO TRAVEL/OR APPROVAL OF TRAVEL EXPENSE FOR THE FOLLOWING (PLEASE NOTE: TRAVEL REQUESTS ARE SUBJECT TO ALL APPLICABLE COUNTY POLICIES):**
- a) County Extension Agent to attend the "District 12 4 - H Roundup", in Kingsville, Texas, on March 31, 2001;
 - b) County Extension Agent to participate and coordinate the "District 12 4 - H Roundup", in Kingsville, Texas, on April 21, 2001;
 - c) District Clerk and employee to attend the "County and District Clerk's Legal Education Conference", in Austin, Texas, on April 25-27, 2001;
 - d) Nine (9) Juvenile employees to attend "Invest in our Youth Now" training presented by Southwest Training and Counseling, in South Padre Island, Texas, on May 7-11, 2001;
 - e) Program Development and Management Community Development Coordinator to meet with the "Lower Rio Grande Valley Development Council (L.R.G.V.D.C.) Professional Advisory Review Panel (P.A.R.P.)", in Weslaco, Texas, on April 11, 2001;
 - f) Four (4) County Engineer employees to attend the "Hurricane Preparedness Workshop", in South Padre Island, Texas, on April 19, 2001;
 - g) County District Attorney to attend the "Southwest Border HIDTA Executive Committee", in Phoenix, Arizona, on March 27-28, 2001;
 - h) Four (4) Health Department employees to attend the "TB Program Manager Meeting", in Austin, Texas, on April 17-19, 2001;
 - i) Health Department employee to attend "TALWD Board Meeting", in Austin, Texas, on April 18-20, 2001;
 - j) Six (6) Health Department employees to conduct a site visit to the ARC (Association for Retarded Citizens) of San Antonio to obtain first hand experience from "Children with Special Health Care Needs Model Program", in San Antonio, Texas, on April 16-18, 2001;

- k) Health Department employee and Sheriff's personnel to leave an inmate at the "Plain Unit", in Dayton, Texas, on April 3-4, 2001;
- l) Elections Administrator to attend the "Legislative Hearings of the Texas Senate State Affairs Committee in support of SB608 and SB1023", in Austin, Texas, on April 1-2, 2001;
- m) County Clerk and two (2) employees to attend the "Governmental Collectors Association of Texas 2nd Annual Court Collections Conference and Workshop", in Corpus Christi, Texas, on May 30-31, 2001;
- n) Sheriff's Department Captain to attend the "GT Distributors 1st Annual Western Law Enforcement Trade Show 2001", in Arlington, Texas, on May 15-17, 2001;
- o) Three (3) Sheriff's Department employees to attend the "Criminal Personality Profiling Seminar", in Weslaco, Texas, on May 15-17, 2001; and
- p) Juvenile Probation employee to attend the "Texas Juvenile Probation Commissions Annual Title IV - E Placement Conference", in South Padre Island, Texas, on May 7-11, 2001.

- (15) **RESOLUTION IN SUPPORT OF AN APPROPRIATION BY THE 77TH SESSION OF THE TEXAS LEGISLATURE, FOR THE TEXAS HISTORIC COURTHOUSE PRESERVATION PROGRAM.**

The Resolution is as follows:

- (17) **MEMORANDUM OF UNDERSTANDING BETWEEN CAMERON COUNTY AND THE TEXAS DEPARTMENT OF HEALTH IMMUNIZATION PROGRAM.**
The Memorandum is as follows:

- (18) APPLICATION FOR A TEXAS DEPARTMENT OF HEALTH (TDH) TITLE V - POPULATION BASED FAMILY AND COMMUNITY HEALTH SERVICES GRANT, TO IMPLEMENT A TEEN PREGNANCY INITIATIVE, AS PART OF THE HEALTH EDUCATION PROGRAM.
The Grant is as follows:**

- (19) APPLICATION FOR A TEXAS DEPARTMENT OF HEALTH (TDH) TITLE V FEE, FOR SERVICE FAMILY AND COMMUNITY HEALTH SERVICES GRANT, TO PROVIDE MATERNAL AND CHILD HEALTH SERVICES, IN CAMERON COUNTY.
The Application is as follows:**

- (20) **APPLICATION FOR THE FISCAL YEAR 2002 CONTINUATION APPLICATION FOR CHILDREN WITH SPECIAL HEALTH CARE NEEDS (C.S.H.C.N.) GRANT, WITH THE TEXAS DEPARTMENT OF HEALTH.**
The Application is as follows:

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(25) EXECUTIVE SESSION

- d) In the matter of Confer with Commissioners' Court Legal Counsel concerning the duties of Precinct No. 3 Constable; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.074 (2) (TABLED).**

Commissioner Cascos moved that this Item be **TABLED**, adding that correspondence had been received from Constable Frank Robles, noting that he wanted to make it clear that the information received regarding a "Frank Robles" did not concern Constable Robles, and expressed his apologies for putting him through that confusion.

Commissioner Valencia noted that the apology should not just come from the Court, but from the person that provided the wrong information.

Mr. Mark Yates, County Auditor, informed the Court that the confusion arose because the Texas Association County (TAC) Insurance Pool, the vehicle liability insurance provider, sent the name Frank Robles with the incorrect social security number, indicating that the person was uninsurable, but had a County vehicle assigned to him. He stated that the information was presented to County Legal Counsel, and subsequently found that the "Frank Robles" that TAC intended was a different person. Mr. Yates apologized to Constable Robles for the confusion.

Commissioner Garza stated that he received three (3) phone calls concerning the situation with Constable Robles and expressed his concerns regarding the delay in providing the information immediately to the County Judge's Office, in order to remove the Item from the Agenda.

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

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(4) POSSIBLE ACTION REGARDING THE CAMERON COUNTY INDIGENT HEALTH CARE PROGRAM

Judge Hinojosa reported that a meeting was held with the County Auditor's representative, in charge of administering the program, the Health Department, and Dr. Victor Gonzalez, County Health Authority; in order to determine the causes for the early shortfall in the Program. He reported that a large part of the problem was the result of the UTMB Contract. He explained that the County was required to provide Indigent Health Care Services to persons below the 21 percent poverty level; with the exception that many persons above the 21 percent poverty guidelines qualified due to other factors, and were often referred for medical services in Galveston, adding that \$100,000 was being paid monthly to UTMB. He explained that another problem was that hospitals were being paid as the invoices were

received, whereas in the past, the primary health care providers were paid first and the hospital payments were delayed. He added that emergency care was being paid, and in some instances, it was not necessary.

Judge Hinojosa clarified that the Cameron County Indigent Health Care Program was a State mandated program based upon eight (8) percent of the Ad Valorem Taxes. He noted that once the County exceeded the eight (8) percent, the County provided additional health care based on additional reimbursement from the State, with the County responsible for ten (10) percent and the State ninety (90) percent. He noted that the County had never been in a financial position to budget more than the eight (8) percent, and added that the monies were not mishandled or misused, but utilized, pursuant to the Program.

COMMISSIONER VALENCIA LEFT THE MEETING AT THIS TIME:

Judge Hinojosa added that if the program were funded on the current expenditures level for a one (1) year, the program would cost an additional two (2) cents on the current tax rate. He noted that the issue of Medicaid or Medicare reimbursement were calculated to be between \$3,000 to \$5,000, which was a minimal amount. He reported that the group recommended utilizing the amount of \$324,000 commitment from the State on the 90/10 percent program, to make payments on approved health care services, and any additional State money be used to keep the Gatekeeper Program and Pharmaceuticals until the end of the fiscal year.

COMMISSIONER VALENCIA JOINED THE MEETING:

Commissioner Cascos questioned the amount of money in the Fund Balance, and the County Auditor replied that the County had about 40 days of the Funds Balance available. He expressed his concerns with the level of reserves, (Fund Balances), exclusive of the tobacco fund, noting that verbal commitments had been made for said funds.

Mr. Yates indicated that the spending was concentrated on hospital, inpatient, outpatient and the UTMB Contract, which was 78 percent of the expenditures, and added that the direction of the program should be towards the Gatekeeper Program with direct services from the physicians. He added that 862 people were served within a six (6) month period compared to 554 persons last year.

Ms. Paula Gomez, Brownsville Community Health Executive Director, recommended moving away from the sick care model to preventive care. She expressed the patients' appreciation for the services they had obtained. She added that they met with the County Auditor six (6) months ago, and spoke about developing a plan to obtain available local services because it was difficult to travel to Galveston. She added that it was never "about running out of money, rather about communication or lack thereof". She added that "it was about having a number of patients designated as indigent and going to Galveston to find out that the contract was not valid any more, which was an additional hardship for the patient". She noted that those in the health care system were knowledgeable of the level of expenditures in the

County and understood the needs of the community because “we are partners with you”, but added that “it hurts to know that there is (tobacco money) and you are spending it for something else, other than in health care, but I am not in your chairs”. She requested that they be informed in the future of any decisions made or money spent.

Commissioner Cascos clarified that the Court was officially notified that funds would be running out was on March 13, 2001, adding that he was still waiting to know why the Court was not informed that funds were running out within the first six (6) months period.

Judge Hinojosa responded that answers to those questions would be presented at a workshop in the next few weeks, and added that the most of the concerns had been addressed, with the exception of the problem of the persons above the twenty one (21) percent level.

Commissioner Benavides noted that there were many ill people in the community who had no other alternatives except for the Indigent Health Care Program, and expressed his concerns having to shut the door on them.

Ms. Gomez responded that it was better to shut the door and to inform them that money was not available, than to give them false hope and to be turned away.

Commissioner Garza questioned if anyone had been turned away from Galveston and if UTMB was notified of funds not being available.

Mr. Yates responded that UTMB would honor all who had an appointment and that unless the Court took formal action, health care providers were not informed of funds not being available.

Judge Hinojosa clarified that before a person was referred for UTMB services, the process was for the Gatekeeper Program and clinics to contact the Indigent Health Care Program to review and approve the referral.

Commissioner Garza questioned whether any persons sent with prior approval from the Health Department Office, had been denied services at UTMB.

Ms. Delma Sanchez, Brownsville Community Health Center Social Worker, stated that the issue was that UTMB notified the Health Department that the County was not granting approval due to lack of funding, instead of the County notifying them. She noted that some patients were already being serviced through the UTMB Contract, and that although they were reminded that every visit needed to be authorized, since the appointments had previously been made, the patients traveled to Galveston only to find out that approval had not been obtained.

Judge Hinojosa reminded Ms. Sanchez that Brownsville Community Health Clinic set up the modified Agreement with UTMB, which required that payments be made on an individual basis instead of a lump sum, and that more persons were served this year than last year.

At this time, Ms. Emily Alberts, Clinical Operations Director, questioned the number of times the County had met with the Health Department since that initial meeting, and added that she contacted the County Auditor's Office over three (3) months questioning the status of the contract and had not received a reply. She noted that communications should exist between the two (2) offices.

Commissioner Garza acknowledged the problem of communication, noting that the Clinic Executive Director had left the meeting while the issue was still being discussed, and added that the issues of patients receiving on-going treatment needed to be resolved.

Commissioner Cascos questioned if any patients, with prior approval from the County Indigent Health Program, were denied services at UTMB, and the Health Department noted that to their knowledge, no patients were denied services at UTMB. He noted that the issues to resolve were the matter of patients that were on a treatment plan, or a scheduled surgery, and Ms. Sanchez responded that if the procedures was not for an urgent, life-threatening problem, it would not be treated.

Ms. Rose Cavazos, Dolly Vincent Hospital, stated that Peace Officers should be instructed not to take suicidal and homicidal persons to the hospital, instead they should be transported to Texas Mental Health and Mental Retardation Hospital, adding the hospital cost for one person per night was \$17,000.

Mr. Yates suggested that the Gatekeeper Program be continued through the end of the year, and the County evaluate, on a case by case basis with the assistance of the health authority, the scheduled surgeries. He noted the financial strain on the health systems throughout the United States, and the burden on the local tax payer on a "border related issue", and suggested that those issues should be addressed with the Representatives in Austin and Washington.

Judge Hinojosa suggested that a meeting be scheduled with the Brownsville Community Health Department, in order to develop procedures for the scheduled surgeries and the on-going treatments for existing patients in the program, and to determine the County's financial situation.

AT THIS TIME, MS. GOMEZ RETURNED TO THE MEETING:

Mr. Douglas Wright, County Legal Counsel, stated that the Gatekeeper contract had a cap as to the total amount a Gatekeeper physician could be paid, and suggested that the Court review and modify the contracts, if necessary. He noted that the UTMB contract had a thirty-day out clause.

Commissioner Cascos responded that the County was not in a position to terminate the contract with the hospital, noting that if a person needed emergency care, it would be provided.

At this time, Ms. Gomez apologized for stepping out of the meeting and added that they were willing to help, noting that the last memorandum from the County indicated that the contracts would be honored until the end of the month.

Judge Hinojosa responded that all the contracts would be honored that had prior approval and the scheduled surgeries and on-going treatments would be reviewed, on a case by case basis.

Upon motion by Commissioner Garza, seconded by Commissioner Benavides and carried unanimously, the Status Report regarding the Cameron County Indigent Health Care Program, was acknowledged.

**NOT ON THE
AGENDA**

At this time, Ms. Virginia Segura, County resident, presented a picture of her grandfather, Mr. Jose Esparza, first Commissioner Precinct No. 3 from 1882 to 1886, and who donated the land for the Encantada School in El Ranchito.

Judge Hinojosa noted that a Resolution in his honor would be prepared by Commissioners' Court, at a later date.

EXECUTIVE SESSION

(25) EXECUTIVE SESSION

Upon motion by Commissioner Benavides, seconded by Commissioner Garza and carried unanimously, the Court met in Executive Session at 8:10 P. M. to discuss the following matters:

- a) Confer with Commissioners' Court Legal Counsel concerning the case styled Mr. Jose Luis Hernandez versus Cameron County; Cause No. 2001-01-00093 in the 404th District Court, for discussion and authorization of the settlement; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071 (1) (A and B);
- b) Deliberation regarding Real Property concerning possible purchase of an approximate 115 acre tract of land out of the El Jardin Subdivision, Blocks No. 42 and No. 43, and North half of Block No. 44; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072;
- c) Deliberation regarding real property concerning the possible Adult Probation Department Lease at 2325 South 77 Sunshine Strip, Harlingen, Texas, 78550; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072;
- d) Confer with Commissioners' Court Legal Counsel concerning the duties of Precinct No. 3 Constable; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.074 (2); and
- e) Confer with Commissioners' Court Legal Counsel regarding County Auditor acting as Fiscal Agent for Unidos Podemos, and on a matter in which the duty of the attorney to the governmental body, under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas, clearly conflicts with this Chapter; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071 (2).

Upon motion by Commissioner Valencia, seconded by Commissioner Benavides and carried unanimously, the Court reconvened in Regular Session at 8:40 P. M.

JUDGE HINOJOSA DID NOT RETURN TO THE MEETING:

(24) ACTION RELATIVE TO EXECUTIVE SESSION

- a) **Confer with Commissioners' Legal Counsel concerning the case styled Mr. Jose Luis Hernandez versus Cameron County; Cause No. 2001-01-00093 in the 404th District Court.**

Commissioner Garza moved that out-side counsel be authorized to file a mandamus action, with a settlement authority up to \$5,000, regarding the case styled Mr. Jose Luis Hernandez versus Cameron County, Cause No. 2001-01-00093 in the 404th District Court.

The motion was seconded by Commissioner Benavides and carried unanimously.

- b) **In the matter of deliberate with Commissioners' Legal Counsel regarding Real Property concerning the possible purchase of an approximate 115 acre tract of land out of the El Jardin Subdivision, Blocks No. 42 and No. 43, and North half of Block No. 44 (TABLED).**

Upon motion by Commissioner Valencia, seconded by Commissioner Benavides and carried unanimously, this Item was **TABLED** for one (1) week.

- c) **Deliberate with Commissioners' Legal Counsel regarding Real Property concerning the possible Adult Probation Department Lease at 2325 South 77 Sunshine Strip, Harlingen, Texas, 78550.**

Upon motion by Commissioner Valencia, seconded by Commissioner Benavides and carried unanimously, Mr. Juan Bernal, Public Works Director/County Engineer, was authorized to touch up the parking lot and do an on going maintenance program for the next nine (9) months, regarding the Adult Probation Department Lease at 2325 South 77 Sunshine Strip, Harlingen, Texas, 78550.

- e) **Confer with Commissioners' Court Legal Counsel regarding County Auditor acting as Fiscal Agent for Unidos Podemos, and on a matter in which the duty of the attorney to the governmental body, under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas, clearly conflicts with this chapter.**

Commissioner Benavides moved that the Status Report from the County Auditor be acknowledged regarding the County Auditor acting as Fiscal Agent for Unidos Podemos, and to place the matter on the Agenda the following week to be discussed with the Juvenile Probation Director, and on a matter 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, acknowledge report from the County Auditor.

This motion was seconded by Commissioner Garza and carried unanimously.

SUPPLEMENTAL ITEM

- (1) **APPROVAL OF CONTRACT NO. 11970004 BETWEEN CAMERON COUNTY AND THE TEXAS DEPARTMENT OF PROTECTIVE AND REGULATORY SERVICES, REGARDING TITLE IV - E LEGAL REIMBURSEMENT, EFFECTIVE SEPTEMBER 1, 2000 THROUGH AUGUST 31, 2001, AND RESOLUTION AUTHORIZING CAMERON COUNTY JUDGE GILBERTO HINOJOSA TO SIGN AND EXECUTE SAID CONTRACT AND ANY OTHER DOCUMENTS NECESSARY**

Upon motion by Commissioner Valencia, seconded by Commissioner Benavides and carried unanimously, Contract No. 11970004 between Cameron County and the Texas Department of Protective and Regulatory Services, regarding Title IV - E Legal Reimbursement effective September 1, 2000 through August 31, 2001, was approved, and the Resolution authorizing Cameron County Judge Gilberto Hinojosa to sign and execute said contract and any other documents necessary, was acknowledged.

The Contract is as follows:

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There being no further business to come before the Court, upon motion by Commissioner Benavides, seconded by Commissioner Valencia and carried unanimously, the meeting was **ADJOURNED** at 8:45 P. M.

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APPROVED this 15th day of **MAY, 2001**.

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GILBERTO HINOJOSA
COUNTY JUDGE

ATTEST:

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