

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 29th day of JANUARY, 2002, 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

COMMISSIONER PRECINCT NO. 1

COMMISSIONER PRECINCT NO. 2

DAVID A. GARZA
COMMISSIONER, PRECINCT NO. 3

RICHARD VALDEZ
COMMISSIONER, PRECINCT NO. 4

JOE G. RIVERA
COUNTY CLERK

Mary Robles Deputy Clerk

ABSENT:

PEDRO "PETE" BENAVIDES

CARLOS H. CASCOS, C.P.A



The meeting was called to order by Judge Hinojosa at 5:30 P.M. He then asked Reverend Bob Clark, Brownsville resident, for the invocation, and he led 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 January 25, 2002, at 3:46 P.M.:

CONSENT ITEMS

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

DISCUSSION CONCERNING CONSENT AGENDA ITEMS:

ITEM NO. 13:

Commissioner Garza questioned the name of the firm being awarded the Contract.

Captain Robert Lopez, Sheriff's Department, responded that Rio Radio Company was the lowest bidder in the amount of \$17,200.00.

ITEMS NO. 14 AND NO. 15:

Commissioner Garza questioned whether the Policy being considered was reviewed by Commissioners' Court Legal Counsel and the District Attorney's Office.

Mr. Doug Wright, Commissioners' Court Legal Counsel, responded that it was reviewed by himself.

Captain Rumaldo Rodriguez, Sheriff's Department stated that the Profiling Policy needed to be reviewed by the Civil Division and by the Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE). He added that the Policy was to assure that the Sheriff's Department was not involved in discriminatory actions during a traffic stop.

Commissioner Garza noted that a traffic stop could result in the discovery of a criminal activity.

Captain Rodriguez stated that the traffic data was collected in the event a complaint was presented, as mandated by State legislation.

Commissioner Garza questioned whether the District Attorney's Office needed to review the Policy.

At this time, Mr. Francisco Martinez, District Attorney, noted that the District Attorney's Office was not consulted and had not received documentation regarding Items No. 14 and No. 15, adding that there could be some ramifications regarding criminal cases.

Captain Rodriguez stated that the information would be sent to TCLEOSE to assure that the Cameron County's Sheriff Department was in compliance.

At this time, Commissioner Garza requested that the Policy be reviewed by the District Attorney's Office.

Judge Hinojosa stated that it was not a criminal defense issue, but rather whether the County was subject to Civil liability through the practices of the Sheriff's Department in racial aspects. He stated that it was not relevant to probable cause, adding that Commissioners' Court Legal Counsel would represent the County in the event of racial profiling suits.

Mr. Martinez noted that he disagreed and that it was relevant to probable cause because “racial profiling” was one of the issues dealt with traffic or pedestrian stops.

Judge Hinojosa noted that there were different interests between Cameron County and the District Attorney’s Office and stated that the District Attorney’s Office promoted the finding of probable cause regardless of whether racial profiling was used and that the County’s interest was to recognize whether a Policy or Procedure violated State law.

Mr. Martinez stated that the issues were regarding the actual Policy, and that the District Attorney’s Office was not consulted, adding that Commissioners’ Court Legal Counsel did not work and was not familiar with criminal cases.

Commissioner Valdez questioned whether the District Attorney’s Office reviewed the Racial Profiling Policies for all the Police Agencies within the County, since they were all required to have a Policy in place.

Mr. Martinez responded that the District Attorney’s Office was not responsible for the Police Departments within Cameron County, and added that it was a new statute, effective January 1, 2002.

Judge Hinojosa stated that the District Attorney’s Office was not responsible and did not represent the County.

Commissioner Valdez stated that the policies of the Police Agencies had an impact as to probable cause.

Mr. Martinez stated that the District Attorney’s Office had the best interest for the County and the citizens of Cameron County.

Commissioner Garza noted that his concern was whether the Racial Profiling Policy and the Carrizales-Rucker Detention Center Policy and Procedure Manual were reviewed in order to protect the County.

Judge Hinojosa suggested that the Racial Profiling Policy and the Carrizales-Rucker Detention Center Policy and Procedure Manual be approved and made available to the District Attorney’s Office, and that they address any concerns by Wednesday’s deadline; otherwise, that it should be submitted for approval.

Captain Robert Lopez, Sheriff’s Department, noted that the Carrizales-Rucker Detention Center Policy was reviewed and approved by the Texas Jail Commission before any inmates could be housed at the new Jail Facility, noting that it took a minimum of thirty (30) days to be reviewed.

Judge Hinojosa suggested that the Carrizales-Rucker Detention Center Policy and Procedure Manual be approved and that the Racial Profiling Policy be delayed until it was reviewed by the District Attorney’s Office.

Commissioner Valdez stated that a deadline was in place for the Racial Profiling Policy.

Captain Rodriguez stated that the deadline was for January 18, 2002.

Commissioner Garza questioned whether any of the positions listed in the Carrizales-Rucker Detention Center Policy and Procedure Manual were “new” positions.

Captain Lopez noted that the duties differed because of the new facility, and included that the fourteen (14) new positions approved by the Court.

ITEM NO. 16:

Commissioner Garza questioned the vehicle to be obtained.

Mr. Mark Yates, County Auditor, stated that the National Insurance Crime Bureau (NICB) retrieved stolen vehicles and that the vehicle would be assigned to the County to assist in the retrieval of stolen vehicles.

Mr. Joe Mireles, Automobile Crime Enforcement Task Force Investigator, stated that the vehicle was retrieved by the County's Auto Task Force, and that an application was submitted to NICB, in order to lease the vehicle for one (1) year, in the amount of \$1.00.

Commissioner Garza asked whether an additional vehicle was approved for the Automobile Crime Enforcement Task Force.

Mr. Yates responded that a Sports Utility Vehicle (SUV) had been approved as a replacement, noting that one was being used, one would be retired, and one was in the bidding process, resulting in three (3) vehicles being used at this time.

ITEM NO. 10:

Mr. Mark Yates, County Auditor, presented an additional late claim as to LifeRe Insurance Company, Warrant No. 00069692, in the amount of \$841.50, and requested that the claim as to ACS Government Records Service, Warrant No. 00069344, in the amount of \$15,000.00, be withheld for one (1) week, in order to obtain additional detail.

ITEM NO. 20:

Mr. Juan Bernal, County Engineer-Public Works Director, requested the amount of \$1,200.00, from the Road and Bridge Fund for landfill cost.

Commissioner Garza moved that the following "Consent and Travel Items", be approved, subject to the District Attorney's Office review of Items No. 14 and No. 15.

The motion was seconded by Commissioner Valdez.

Judge Hinojosa moved that motion be amended, to "subject to the District Attorney's Office presenting any objections by Thursday, January 31, 2002, at 5:00 P.M."

Commissioner Garza moved that the following "Consent and Travel Items" be approved, subject to the District Attorney's Office presenting any objections by Thursday, January 31, 2002, at 5:00 P.M.

ITEM NO. 24:

Mr. Joseph Ardito, Property Manager, recommended that the following individuals be approved as members of the Committee to review the proposal:

Mr. Doug Wright, Commissioners' Court Legal Counsel;

Mr. Mike Forbes, Purchasing Agent;

Mr. Remi Garza, Administrative Assistant;

Mr. Javier Mendez, Parks System Director; and

Mr. Joseph Ardito, Property Manager.

The friendly amendment was accepted by Commissioner Garza and Commissioner Valdez.

Upon motion duly made by Commissioner Garza, seconded by Commissioner Valdez and carried unanimously, the following "Consent and Travel Items" were approved, subject to the District Attorney's Office presenting any objections by Thursday, January 31, 2002, at 5:00 P.M., regarding Items No. 14 and No. 15.

- (10) APPROVAL OF CLAIMS;
 - a) Late claim as to LifeRe Insurance Company, Warrant No. 00069692, in the amount of \$841.50; and
 - b) Detainment of claim as to ACS Government Records Service, Warrant No. 00069344, in the amount of \$15,000.00, for one (1) week.
- (11) RESOLUTION HONORING MR. AMADEO SAENZ, FORMER TEXAS DEPARTMENT OF TRANSPORTATION PHARR DISTRICT ENGINEER;
The Resolution follows:
- (12) RELEASE A SECURITY TO LONE STAR NATIONAL BANK FOR A TOTAL OF \$1,705,000.00, AT PAR, FROM THE COLLATERAL PACKAGE SECURING THE DEPOSITS OF THE COUNTY;
- (13) UTILIZATION OF THE STATE OF TEXAS - GENERAL SERVICES COMMISSION - QUALIFIED INFORMATION SERVICES VENDOR (QISV) PROCUREMENT CONTRACT TO PURCHASE MOBILE AND PORTABLE RADIOS FOR THE COUNTY SHERIFF'S / JAIL DEPARTMENT;
- (14) ADOPTION OF THE RACIAL BASED PROFILING POLICY FOR THE CAMERON COUNTY SHERIFF'S DEPARTMENT;
The Policy follows:
- (15) ACKNOWLEDGMENT OF THE CARRIZALES - RUCKER DETENTION CENTER POLICY AND PROCEDURE MANUAL;
The Policy and Procedure Manual follow:
- (16) ACCEPTANCE OF A 1998 FORD VIN NO. 1FMEU17L2WLA10628 FROM THE NATIONAL INSURANCE CRIME BUREAU TO BE USED BY THE CAMERON COUNTY AUTOMOBILE CRIMES ENFORCEMENT TASK FORCE;
- (17) APPROVAL OF THE HARLINGEN PUBLIC LIBRARY TO JOIN THE CAMERON COUNTY LIBRARY SYSTEM;

- (18) **ISSUANCE OF A RENEWAL MOBILE VENDOR'S PERMIT TO MR. FRANCISCO TORRES, d/b/a EL REY DEL ELOTE NO. 2;**
- (19) **ISSUANCE OF A RENEWAL MOBILE VENDOR'S PERMIT TO RICHARD CLINE, d/b/a COWBOY'S;**
- (20) **PARTICIPATION WITH FISH AND WILDLIFE IN THE ANNUAL LAGUNA MADRE CLEANUP;**
- (21) **FINAL APPROVAL:**
- a) **PRECINCT NO. 4 - La Canada, Dell Subdivision Phase 1 - a 4.621 acre tract of land, more or less, being the east 4.621 acre of Block No. 67 of the Adams Gardens Subdivision "B";**
 - b) **PRECINCT NO. 2 - North Paredes Business Plaza Subdivision - Being 10.23 acres out of Blocks Nos. 11, 12, 13 and 14, Las Lagunas Subdivision;**
 - c) **PRECINCT NO. 2 - Brownsville Independent School District (BISD) Elementary No. 138 Subdivision - being a 40.01 acre tract out of Block No. 5, El Jardin Subdivision;**
 - d) **PRECINCT NO. 3 - Molano Subdivision - being 5.43 acres of land out of Block No. 44, Fresnos Land and Irrigation Company Subdivision; and**
 - e) **PRECINCT NO. 1 - Monte Verde South Subdivision Section III - a 12.391 acres out of Lot No. 1, Block No. 203, El Jardin Resubdivision.**
- (22) **PRELIMINARY APPROVAL:**
- a) **PRECINCT NO. 4 - Mariposa Ranch - a 34.167 acre tract of land consisting of an eighty (80) feet wide strip of land, consisting of a 0.800 acres tract out of a 3.12 acre tract of land out of Block No. 6 and 19.969 acres out of Block no, 7 and 13,398 of Block No. 8, all out of Black Brothers Subdivision.**
- (23) **PRELIMINARY AND FINAL APPROVAL:**
- a) **PRECINCT NO. 2 - Neto's Subdivision - 0.510 acres, being all of Lot No. 8, Block No. 4, Cameron Park, Section III.**
- (24) **OPENING OF THE FOLLOWING BIDS/PROPOSAL:**
- a) **PICK UP TRUCKS (QUANTITY - 13)**
 - b) **ROAD MACHINERY RENTAL DEVELOPMENT OF TRACT OF PUBLIC LAND OWNED BY COUNTY AND LOCATED ON SOUTH PADRE ISLAND, TEXAS;**
 - c) **ROAD MATERIALS:**
Concrete
Dirt, Sand, Lime
Drainage
Emulsion Oils
Flexible Base
Cold Patch
Stabilizer Liquid
Surfacing

(25) AWARDING THE FOLLOWING BIDS/PROPOSALS:

a) LAUNDRY SUPPLIES - ANNUAL BID NO. 2320.

None Concentrated:

- a) GULF COAST PAPER, Brownsville, Texas, \$ 658.75**
- b) GULF COAST PAPER, Brownsville, Texas, \$3,866.25**
- c) GULF COAST PAPER, Brownsville, Texas, \$ 175.85.**

Concentrated:

- b) CHEM MARK, Port Aransas Pass, Texas, \$3,663.21**
- c) CHEM MARK, Port Aransas Pass, Texas, \$ 386.24**

TRAVEL ITEMS

(26) 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 represent Cameron County in the "Texas Aquaculture Association Annual Conference and Trade Show", in Bay City, Texas, February 12-15, 2002;
- (b) UNIT Financial Assistant to attend the "Financial Analysis Seminar", in San Antonio, Texas, February 3-8, 2002;
- (c) Justice of the Peace Precinct 5, Place No. 1, and three (3) Deputies to attend the "Civil Process Training Seminar", in San Antonio, Texas, February 10-13, 2002;
- (d) Emergency Management Coordinator to attend the "Emergency Management Conference on Bioterrorism", in Austin, Texas, February 9-13, 2002;
- (e) Parks System Director and Isla Blanca Park Manager to attend a "Meeting with the Texas Parks and Wildlife Officials", in Austin, Texas, January 17, 2002;
- (f) Parks System Director and Isla Blanca Park Manager to attend an "Executive Committee Meeting with Coastal Coordination Council", in Austin, Texas, February 6-7, 2002;
- (g) Two (2) Deputy Constables Precinct No. 5 to attend the "Mandated Civil Process Training Seminar", in San Antonio, Texas, February 10-13, 2002; and
- (h) Program Development and Management Director, Assistant County Administrator and Dancy Building Architect to attend the "Texas Historical Commission Courthouse Grant Administration Meeting", in Austin, Texas, January 31, 2002.

- (11) RESOLUTION HONORING MR. AMADEO SAENZ, FORMER TEXAS DEPARTMENT OF
TRANSPORTATION PHARR DISTRICT ENGINEER;
The Resolution is as follows:**

- (14) ADOPTION OF THE RACIAL BASED PROFILING POLICY FOR THE CAMERON COUNTY SHERIFF'S DEPARTMENT;
The Policy is as follows:**

- (15) ACKNOWLEDGMENT OF THE CARRIZALES - RUCKER DETENTION CENTER
POLICY AND PROCEDURE MANUAL;
The Policy and Procedure Manual are as follow:**

[REDACTED]

(9) **AUTHORIZATION TO AWARD THE FOLLOWING
BID/PROPOSALS FOR:**

A) **CELLULAR TELEPHONE SERVICE AND EQUIPMENT - ANNUAL REQUEST FOR
PROPOSAL NO. 1740-011001**

Mr. Mike Forbes, Purchasing Agent, reported that the following members of the committee recommended that the proposal be awarded to Sprint PCS:

Mr. Jim Roberts, Information Technology Department;

Mr. Richard Santellana, Adult Probation;

Mr. Joe Mireles, Automobile Crime Enforcement Task Force Investigator;

Mr. Ray Gonzalez, Department of Public Safety;

Captain Robert Lopez, Sheriff's Department; and

Mr. Mike Forbes, Purchasing Agent.

Upon motion by Commissioner Garza, seconded by Commissioner Valdez and carried unanimously, the Annual Request for Proposal No. 1740-011001 was awarded to Sprint PCS McAllen, Texas, for Cellular Telephone Service and Equipment.

The Tabulation is as follows:

EXECUTIVE SESSION

(31) EXECUTIVE SESSION

Upon motion by Commissioner Garza, seconded by Commissioner Valdez and carried unanimously, the Court met in Executive Session at 6:05 P.M. to discuss the following matters:

- a) Deliberation regarding real property concerning the possible donation of the following properties (see attached) to Cameron County; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072;
- b) Authorization of settlement and confer with Commissioners' Court Legal Counsel concerning status of the case styled Isaac Hilario Gonzalez Ruiz versus Cameron County; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(1)(A) and (B);
- c) Deliberation regarding real property concerning the possible development of Tract No. 3 at Sea Ranch Marina; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072; and
- d) Confer with Commissioners' Court Legal Counsel regarding litigation related to the 2000 Census; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 55.071 (1)(A).

Upon motion by Commissioner Garza, seconded by Commissioner Valdez and carried unanimously, the Court reconvened in Regular Session at 6:35 P.M.

(28) ACTION RELATIVE TO EXECUTIVE SESSION:

- a) **Deliberation regarding real property concerning the possible donation of the following properties (see attached) to Cameron County.**

Upon motion by Commissioner Valdez, seconded by Commissioner Garza and carried unanimously, the donation of the following properties to Cameron County was approved.

The list is as follows:

- [REDACTED]
- b) **Authorization of settlement and confer with Commissioners' Court Legal Counsel concerning status of the case styled Isaac Hilario Gonzalez Ruiz versus Cameron County.**

Commissioner Garza moved that the settlement, in the amount of \$7,500.00, be approved concerning the case styled Isaac Hilario Gonzalez Ruiz versus Cameron County.

The motion was seconded by Commissioner Valdez and carried unanimously.

- [REDACTED]
- c) **Deliberation regarding real property concerning the possible development of Tract No. 3 at Sea Ranch Marina.**

Upon motion by Commissioner Valdez, seconded by Commissioner Garza and carried unanimously, Mr. Joseph Ardito, Property Manager, was authorized to negotiate the terms of the Concessionaire Agreement regarding real property concerning the possible development of Tract No. 3 at Sea Ranch Marina, pursuant to the terms as discussed in Executive Session.

[REDACTED]

At this time, Mr. Doug Wright, Commissioners' Court Legal Counsel, clarified that the settlement for **Item No. 28-"b"** would be funded from the Settlement Fund No. 100-4100.

- [REDACTED]
- d) **Confer with Commissioners' Court Legal Counsel regarding litigation related to the 2000 Census.**

Commissioner Garza moved that the Status Report by Commissioners' Court Legal Counsel regarding litigation related to the 2000 Census be acknowledged.

The motion was seconded by Commissioner Valdez and carried unanimously.

[REDACTED]

ACTION ITEMS

(1) **BUDGET AMENDMENTS AND/OR SALARY SCHEDULES**

Upon motion by Commissioner Garza, seconded by Commissioner Valdez and carried unanimously, the 2002 Fiscal Year Budget Amendment No. 2002-09 and the following Salary Schedules were approved:

Parks System Administration Department, Fund No. 830-6690;

Brownsville Comprehensive Strategy Department, Fund No. 330-4954; and

Juvenile Forensic Training Lab Department, Fund No. 330-4957.

The Budget Amendments and Salary Schedules are as follow:

[REDACTED]

(3) IN THE MATTER REGARDING CAMERON COUNTY AND CITIES CHALLENGING CENSUS 2000 COUNTS AND ISSUES RELATED THERETO (TABLED)

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

At this time, Mrs. JuaNita Brodecky, Rio Hondo resident, questioned the status of the case and the total amount of monies invested to date.

Mr. Mark Yates, County Auditor, stated that approximately \$30,000.00 was spent, inclusive of a pending invoice.

Judge Hinojosa reported that there was a motion for Summary Judgment pending, District Court by the Federal Government, and that two (2) District Court Judges had ruled that the Federal Government must release the adjusted numbers, consistent to Cameron County's position.

[REDACTED]

(4) SELECTION OF PUBLIC MEMBERS FOR THE CAMERON COUNTY GRIEVANCE COMMITTEE, IN COMPLIANCE WITH THE TEXAS LOCAL GOVERNMENT CODE, SECTION 152.014(A) AND SECTION 152.015

Mr. Remi Garza, Administrative Assistant, stated that the Item pertained to the actual selection of the Committee and suggested that it be the last Item considered.

[REDACTED]

(5) RESOLUTION SUPPORTING THE INTRACOASTAL WATERWAY

Upon motion by Commissioner Valdez, seconded by Commissioner Garza and carried unanimously, the Resolution supporting the Intracoastal Waterway was adopted.

The Resolution is as follows:

[REDACTED]

(6) AUTHORIZATION TO BID THE DESIGN AND INSTALLATION OF A FUELING SITE AT THE NEW JAIL COMPLEX AND RESTORATION OF THE FUEL SITE AT THE SAN BENITO PRECINCT NO. 3 PUBLIC WORKS LOCATION AND TO DESIGNATE THE RESPONSIBLE PARTIES IN MATTER OF THE OPERATION AND MAINTENANCE OF THE EXISTING FUEL SITES

Mr. Mark Yates, County Auditor, stated that the fueling site, located within the Parks System's Maintenance Department, and utilized by the Isla Blanca and Parks System, was not managed by the Public Works Department, adding that it had been accessible to Deputies in the past, but that alternate methods were now being utilized.

Judge Hinojosa stressed the importance of appointing a responsible and qualified individual capable of monitoring and addressing the compliance issues.

Mr. Yates stated that two (2) or three (3) members from the sites had attended a Training Seminar on January 22, 2002, regarding the equipment's purposes, the daily maintenance requirements, and the monthly maintenance requirements, adding that experienced consultants were being brought in to educate personnel on the laws and the regulations.

Commissioner Valdez questioned whether two (2) individuals for each site were being recommended to be assigned different duties as to the fuel tanks.

Mr. Yates stated that the Department Director would assign the responsible individual and that the duty could be delegated.

Commissioner Garza questioned who would be responsible at the new Jail Facility.

Mr. Yates stated that it would be a special case because he proposed to place an above ground system, integrated with the Ruche Fuel Card System, and that the Sheriff's Department would be responsible for the control and maintenance.

Commissioner Garza clarified that the matter was regarding the fueling sites located within the Precincts and at the Isla Blanca Park, excluding the new jail site.

Mr. Juan Bernal, County Engineer-Public Works Director, requested two (2) individuals each from Brownsville, San Benito, and Harlingen to check the fuel tanks' capacity on weekends.

Mr. Yates stated that if the County did not comply or if the stick measurements could not be done at this time, then fuel could not be ordered, adding that the County had automatic tank gauges, "Red Jackets", and that a level of liability was needed for the equipment because they were prone to failure and that the power level was being conditioned.

He requested direction regarding the following: 1) to review the new fuel site at the New Jail Facility in the form of an

above ground tank, with approval from the City's Fire Marshal and within certain parameters; 2) to designate the Public Works Director for the Precinct fuel site locations and the Parks System Director for the Isla Blanca Park fuel site location; 3) to commence a program training; and 4) to restore the underground tanks at the San Benito Precinct No. 3 Public Works location with an approximate cost of \$40,000.00; or 5) to place above ground fuel tanks with an approximate cost between \$55,000.00 to 65,000.00; and 6) to place temporary above ground 1,000 gallon tanks with an approximate cost of \$3,000 for two (2) tanks.

Commissioner Garza questioned the estimated usage of diesel and gasoline in Precinct No. 3, and questioned why the County would spend to replace an entire system when a weekly delivery could suffice.

Mr. Yates stated that 1,000 gallons of diesel were adequate for weekly activities and that gasoline was not as strong a demand because of the alternate fueling system utilized. He stated that the tanks were \$1,000.00 and that according to a conversation with Texas National Resource Conservation Committee (TNRCC), above ground tanks of under 1,100 gallons or less were not regulated by them, noting that some Environmental Protection Agency (EPA) issues could exist.

Mr. Doug Wright, Commissioners' Court Legal Counsel, asked whether exposed fuel systems were proper, due to vandalism and the liability, and suggested that consultants be hired to address and review the matter in order to obtain recommendations.

Judge Hinojosa suggested that the matter regarding a consultant be placed for consideration on the next Commissioners' Court Agenda.

At this time, Mr. Bernal requested that two (2) temporary elevated 1,000 gallon tanks be placed at the San Benito fuel site location.

Mr. Wright recommended that the matter be addressed promptly and stated that three (3) proposals could be done at this time.

Commissioner Garza moved that two (2) 1,000 gallon tanks be placed at the San Benito Precinct No. 3 Public Works location and that the Public Works Director be appointed in charge of the fuel site at the Public Work's site, and the Parks System Director be appointed in charge of the fuel site at the Parks System location.

The motion was seconded by Commissioner Valdez and carried unanimously.

The Auditor's letter is as follows:

(7) IN THE MATTER REGARDING THE RESOLUTION OF THE CAMERON COUNTY COMMISSIONERS' COURT PROVIDING TAX ABATEMENT TO CERTAIN HISTORICAL PROPERTIES INCLUDED IN THE 2002 CITY OF BROWNSVILLE HERITAGE PLAN (TABLED)

Judge Hinojosa noted the need to abstain to the matter due to possible conflicts.

Upon motion by Commissioner Valdez, seconded by Commissioner Garza and carried unanimously, this Item was

TABLED for one (1) week.



(8) ACTION REGARDING THE CREDITING OF EMPLOYEE(S) PREVIOUS YEARS OF SERVICE WITH RESPECT TO LAW ENFORCEMENT LONGEVITY PAY AND FRINGE BENEFITS

Bailiff Guillermo Alvarez, Juvenile and Family Courts, requested that his years of service be reinstated to the seventeen (17) years of employment for the purpose of longevity benefits. He stated that according to the personnel records, he had been employed only two (2) years, because of a five (5) month lapse of service; however, he clarified that he had served as a Reserve Deputy Constable for Precinct No. 4, during that time.

Judge Hinojosa questioned Commissioners' Court Legal Counsel whether the matter could be approved under the Policy due to him being a Reserve Deputy.

Mr. Doug Wright, Commissioners' Court Legal Counsel, stated that the Court had the power to approve the matter as to longevity pay, but that it was not in compliance with the Policy, noting that the Policy stated that the lapse not be greater than a thirty (30) day time period.

Mr. Remi Garza, Administrative Assistant, suggested that the motion could be to amend the County Policy on Longevity Pay for the Law Enforcement Officers, and stated that the Policy was based on statutory language.

Judge Hinojosa suggested that the Policy be amended, with respect to the Law Enforcement Officer that had more than thirty (30) days, but less than six (6) months lapse and served at least five (5) months as a Reserve Deputy with a Cameron County Law Enforcement Agency they would qualify for the Longevity Pay Benefit.

Mr. Mark Yates, County Auditor, suggested that if there was intent to remain employed by the County, it should be defined by whether the retirement benefits remained with the County.

Mr. Wright recommended that the status of Mr. Alvarez be determined with consent from the Sheriff's Department, adding that it could affect the compensation based on the Longevity Pay Benefit. He stated that he did not recommend amending the Policy, based on the language of the Item.

Judge Hinojosa moved that the employee's previous years of service with respect to Law Enforcement Longevity Pay and Fringe Benefits be credited.

The motion was seconded by Commissioner Valdez and carried unanimously.

At this time, there was discussion regarding the specific situation of Mr. Alvarez, the broadness of the Policy, the possible need to revise the Policy and the definition of whether an employee intended to remain with the County.

Mr. Wright clarified that the matter was with respect to the Longevity Pay Benefits only.



(4) SELECTION OF PUBLIC MEMBERS FOR THE CAMERON COUNTY GRIEVANCE COMMITTEE IN COMPLIANCE WITH THE TEXAS LOCAL GOVERNMENT CODE, SECTION 152.014(A) AND SECTION 152.015

Upon motion by Commissioner Garza, seconded by Commissioner Valdez and carried unanimously, the Selection of the following public members for the Cameron County Grievance Committee, in compliance with the Texas Local Government Code, Section 152.014(A) and Section 152.015, were approved:

GRIEVANCE COMMITTEE
January-2002

me	Address	Telephone
Julie Joiner		
Sylvia Ramirez		
Sharon Saldaña-Shepard		
Imelda N. Cerda		
Rebecca R. Flores		
Antonio Lopez III		
Ruben Gonzales		
Leticia Moreno		
Emily Kay Kory		
) Kathleen M. Zepeda		
)Janie G. Tejada		
) Margarito Abelar		
) Febe O. Lucio		
) Joni Radford		
) Jesus A. Lopez		
) Juanita Hernandez		
) Cathy Rodriguez		
) Agustin Rangel Jr.		
) Aurora Zamora		
) Esmeralda Galvan		
) Velma V. Arellano		
) Linda A. Rangel		
) Eva Silberman		
) Jose Antonio Garza		
) James P. Cole		
) Herman Rhein		
) David O'Brien		
) Elisa Flores		

1) Cielito P. Ascio		
1) Elizabeth Gayman		
1) Carlos A. Cardona		
1) Welden Thies		
1) (Tammy) Tomasa Nowell		
1) Javier Alberto Maldonado		
1) Don. B. Gainforth		
1) Barbara Conrad		
1) Ofelia Z. Cavazos		
1) Nora E. De Luna		
1) Leticia Jordan		
1) Kelly Rodriguez		
1) Maria Yolanda Sermenio		
1) Richard C. Brebner		
1) Philip Sotelo		
1) Clifford O. Myers III		
1) Daniel C. Robles		
6) Guadalupe Guevara		
7) Estella G. Guajardo		
8) Carlos Alaniz-Niños		



There being no further business to come before the Court, upon motion by Commissioner Valdez, seconded by Commissioner Garza and carried unanimously, the meeting was **ADJOURNED** at 7:12 P.M.

APPROVED this 12TH day of February 2002.

GILBERTO HINOJOSA
COUNTY JUDGE

ATTEST:

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