

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 16th day of APRIL 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

PEDRO "PETE" BENAVIDES
COMMISSIONER PRECINCT NO. 1

CARLOS H. CASCOS, C.P.A
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:

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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 April 12, 2002, at 12:13 P.M.:

[REDACTED]

At this time, Mr. Dagoberto Barrera, Brownsville resident, congratulated Judge Hinojosa, Mr. John Wood, and Mrs. Edna Tamayo for their recent Political victories for the Cameron County Commissioners' Court.

[REDACTED]

(17) **ADOPTION OF A RESOLUTION DESIGNATING LAGUNA HEIGHTS AS A COLONIA TO MEET THE TEXAS WATER DEVELOPMENT BOARD CRITERIA FOR APPLICATION FUNDING PURPOSES**

Judge Hinojosa reported that during 1991 the Texas Water Development Board (TWDB) had designated certain areas as Colonias, making them eligible for State funding, with the exception of Laguna Heights; therefore, the request for reconsideration was being made.

Commissioner Garza moved that the Resolution designating Laguna Heights as a "Colonia" to meet the Texas Water Development Board Criteria for application funding purposes be adopted.

The motion was seconded by Commissioner Cascos.

At this time, Commissioner Garza noted that presenting the Resolution to the TWDB could expedite the designation of Laguna Heights, adding that Laguna Heights would be an excellent Competitive Project to submit for the Proposition II, Colonia Access Road Funds.

Upon motion duly made by Commissioner Garza, seconded by Commissioner Cascos and carried unanimously, the Resolution designating Laguna Heights as a Colonia to meet the Texas Water Development Board Criteria for application funding purposes was adopted.

The Resolution is as follows:

PRESENTATION

(1) PRESENTATION REGARDING THE PETITION BY MR. CALIXTO GARZA ON BEHALF OF CERTAIN PROPERTY OWNERS FROM THE RIO HONDO COMMUNITY TO ADDRESS CONCERNS OF HEALTH AND SAFETY HAZARDS

Mr. Calixto Garza, Rio Hondo resident, addressed his concerns regarding his neighbor, Wilbur Ellis Company and Associates, located twenty-five (25) to thirty (30) feet from his home, and requested assistance from the County. Mr. Garza stated that the truck route was being used by about one-hundred (100) trucks per day which serviced the Wilbur Ellis Company. He added that the proposed new truck route on Reynolds Road would be located twenty (20) to twenty-five (25) feet from his home, and that the consistent traffic was a hassle to the residents. Mr. Garza asked if the Court was aware that the eighteen (18) wheelers were transporting crude oil, and added that the trucks were violating the speed limits. He requested that the Court take into consideration that the area residents were in trouble and in need of assistance.

Judge Hinojosa responded that he was aware that various types of chemicals were being transported by different companies doing business with the Wilbur Ellis Company, adding that the County did not have the authority to close the Plant. He explained that the City of Rio Hondo had approached the County concerning the truck route adjacent to the construction site of an Elementary School and had presented the following two (2) options: 1) to direct the truck route adjacent to the School; or, 2) to direct the truck route on Reynolds Road.

Mr. Garza questioned the agency with the authority to close or relocate the Plant, and noted the safety concerns, such as an explosion.

Mr. Hector Cortez, Rio Hondo resident, expressed his concerns with consistent truck traffic and the contamination caused by the trucks.

Commissioner Cascos stated that a similar situation had occurred on Flor de Mayo Road, in which the County had instructed the Company involved to partially fund the reconstruction of the road and to utilize smaller capacity vehicles. He asked Commissioners' Court Legal Counsel if the County could request the Wilbur Ellis Company to use smaller vehicles, and suggested that the Health Department be involved in regards to the dust issue.

Mr. John Wood, former City of Brownsville Commissioner, clarified that the City of Rio Hondo had the authority to place traffic ordinances.

Judge Hinojosa stated that the County could not close or compromise business to the Company under State Law, and suggested that alternative truck routes that minimize truck traffic within residential neighborhoods be discussed with the Wilbur Ellis Company, to establish a system that enforces the speed limits, and to determine the funding source of the possible road reconstruction. He stated that a Plan would be presented to the community within thirty (30) days at a meeting to be held at City Hall.

Commissioner Cascos read the following press article, as requested by Mr. Garza:

At this time, the following Rio Hondo residents expressed their concerns regarding traffic issues, road conditions, and they requested an Environmental Protection Agency (EPA) study to be conducted:

Mrs. Neida Noyola;

Mrs. Loral Bloom; and

Mr. Allen Dale Cruet Jr.

Judge Hinojosa noted that the request for the Wilbur Ellis Company to fund the reconstruction of Reynolds Road was declined.

Mr. Raul Robles, Rio Hondo resident, noted that the tanks were being leased to store chemicals by different Houston Companies, that the tanks were deteriorating and only cosmetic repairs were being done, and that the soil was contaminated. Mr. Robles requested that the County assist in the testing of the tanks and the facility, to determine whether the Plant was adequately located or if relocation to the Port of Harlingen would be appropriate.

Judge Hinojosa stated that the concerns would be forwarded to Texas Natural Resource Conservation Commission (TNRCC).

Mr. Garza explained that he had discussed the matter with TNRCC numerous times but that no action was taken; therefore, he believed it was necessary to contact a non local agency.

At this time, the following additional Rio Hondo residents expressed their concerns regarding prior accidents, safety issues, and health hazards:

Mr. Peña, Rio Hondo Independent School District's Superintendent;

Mrs. Amparo Cruet;

Mr. Mike Ochoa; and

Mrs. Edna Garza.

Judge Hinojosa stated that the County could be an Advocate of the community with the necessary agencies, and would assist to minimize the traffic issues.

Mrs. Edna Garza, Rio Hondo resident, stated that in the event of an explosion and/or a traffic accident that resulted in injury to her children she would sue the County, adding that it would be documented that the residents of Rio Hondo, Texas, had approached the County with their concerns.

Mrs. Noyola stated that the proposed and existing truck routes were being used by school buses and the consistent truck traffic. She reiterated that the issue was not against the Wilbur Ellis Company but rather the health hazards, the children, and the future of the community.

Mr. Robles requested that “children playing” signs, speed limit signs for specific hours, and weight limit signs be placed on North Reynolds Road, and stated that the only truck route acceptable to the community would be the construction of a bridge across the Arroyo Colorado from FM 508 to the Wilbur Ellis Company.

Judge Hinojosa stated that Texas Department of Transportation (TXDOT) would be invited to attend the meeting.

Commissioner Cascos requested that the Commissioners’ Court Legal Counsel review if the County had authority to close something that was health or life threatening, within the thirty (30) days.

Mr. Doug Wright, Commissioners’ Court Legal Counsel, stated that the possible violations mentioned could be considered a violation of the Nuisance Law, enforced by the County Attorney, and that if the Company was in violation of State Law, Federal Law and/or Nuisance Law the business could be closed and/or penalized through prosecution.

Commissioner Cascos moved that the presentation by Mr. Calixto Garza, Rio Hondo resident, on Behalf of certain property owners from the Rio Hondo Community to address concerns of Health and Safety Hazards be acknowledged.

The motion was seconded by Commissioner Garza and carried unanimously.

[REDACTED]

(2) PRESENTATION BY THE COUNTY AUDITOR ON FUNDING NECESSARY TO CONTINUE CAPITAL IMPROVEMENT PROJECTS, POSSIBLE SOURCES OF FUNDING, AND TAX RATE IMPLICATIONS ARISING FROM SUCH FUNDING AND AUTHORIZE THE COUNTY AUDITOR TO COORDINATE FINANCING PLAN WITH THE COUNTY’S FINANCIAL ADVISORS TO OBTAIN THE LOWEST POSSIBLE INTEREST RATES FOR A PUBLIC DEBT BORROWING

Mr. Frank Bejarano, Program Development and Management Director, reported that the schedule, included as Attachment “C” in the Funding Agreement, was modified in order to provide sufficient time for the bidding process.

Mr. Mark Yates, County Auditor, explained that \$450,000.00 - \$500,000.00 remained within the Fund for the restoration of the Dancy Building from previous bond issues, in addition to the \$335,000.00 - \$350,000.00 reallocated to fund the expansion of the Darrel B. Hester Building.

Judge Hinojosa asked if additional funds remained from the exterior restoration of the Dancy Building.

Mr. Yates reported that \$500,000.00 remained from the exterior restoration of the Dancy Building, and that Items No. 14 and No. 15 were acceptance of the \$3,170,185.00. He added that the sources of funds available were in the

amount of \$8.2 million, through bond issues, and that the \$4.5 million intended for other projects were no longer available due to the estimate presented by the Architect.

Commissioner Garza questioned whether additional Certificates of Obligation (CO) should be considered, since the Certificates of Obligation (CO) approved included projects other than the Dancy Building.

Mr. Yates stated that a Resolution would be presented for approval of the Certificates of Obligation, at which time the total amount would be determined and published, adding that any necessary amounts should be included in the Resolution.

Judge Hinojosa suggested that \$350,000.00 payment due to the Port of Brownsville, by June 1, 2002, be included in the bond issues.

Commissioner Cascos stated that \$350,000.00 were previously encumbered, and expressed his concern regarding the issuance of a bond for payment of a debt that would exceed the original cost.

At this time, there was discussion as to how and when the debt to the Port of Brownsville came about, and the clarification that funds to address the debt were not encumbered, and the possibility of entertaining a note between the two (2) entities.

Commissioner Garza asked if the County Auditor was recommending that the payment due to the Navigation District, in the amount of \$350,000.00, be included in the bond issues.

Mr. Yates responded that he was not prepared to make that recommendation at this time.

Judge Hinojosa stated that at the time the Court was considering funding the payment to the Port of Brownsville from Project Road Map's right-of-way monies and to seek recommendation from Bond Counsel, the County Auditor had suggested to delay the matter and to include the debt in the bond issue, which was abandoned because of the need to obtain bond funds for Project Road Map.

Mr. Yates stated that the \$350,000.00 could be included in the bond issue.

Commissioner Cascos suggested that the debt be reexamined during the next budgetary process.

Judge Hinojosa stated that the increase in the Workers Compensation Premium and the cost for additional County operations would make it difficult to include the debt in the 2003 Budget, and suggested that an option to include the \$350,000.00 in the bond issue be presented.

Commissioner Cascos asked whether the tax rate implication amount was included in the calculations.

Mr. Yates stated that a possible financier had accepted a twenty (20) year amortization that would decrease the tax rate implication based on the five percent (5%) increase in asset valuation, noting that \$4.25 million authorized but unissued General Obligation Certificates (GO's) would remain.

Commissioner Cascos questioned the projects not being funded.

Mr. Yates replied that the Arroyo Fire Station and the renovation of the Jail Facility were being excluded.

Judge Hinojosa stated that the cost for the construction of a building to house the Health and Engineering Departments was being reviewed, and that the San Benito building could be renovated to house the Justice of the Peace and the Constable's Department.

Mr. Yates stated that the County had several funding options, and suggested that the 80 acres of land purchased, for \$326,000.00, could be marketed to fund the construction of buildings. He stated that facilities to house the following departments were discussed: two (2) District Criminal Courts, the Health Department, the Engineering Department, and a warehouse for Precinct No. 1. Mr. Yates noted that his goal was to have the least effect on the tax rate, to provide funding for the entire project, to provide \$1 million to Project Road Map, and to address the additional buildings in the future. He stated that he would work with the County's Financial Advisor, Bond Counsel, and the Local Counsel to develop the \$4.5 million and the \$1 million in General Obligation Bonds, and requested direction on whether to include the amount owed to the Port of Brownsville.

Judge Hinojosa requested that an option including the \$350,000.00 in the bond issues be presented.

Mr. Yates suggested approaching the Port of Brownsville with regards to a payment plan.

Upon motion by Commissioner Cascos, seconded by Commissioner Benavides and carried unanimously, the Presentation by the County Auditor regarding the necessary to Continue Capital Improvement Projects, possible source of funding, and Tax Rate implications arising from such funding was acknowledged, and the County Auditor was authorized to coordinate a Finance Plan with the County's Financial Advisors to obtain the lowest possible Interest Rates for a public debt borrowing.

The Attachment and Report are as follow:

[REDACTED]

(3) **PRESENTATION BY COUNTY TREASURER AND ACKNOWLEDGMENT OF THE QUARTERLY REPORT FOR THE QUARTER ENDING DECEMBER 31, 2001, ON INVESTMENT OF COUNTY FUNDS, IN ACCORDANCE WITH PROVISIONS OF GOVERNMENT CODE, SECTION 2256 THE PUBLIC FUNDS INVESTMENT ACT**

Mr. Eddie Gonzalez, County Treasurer, highlighted the Quarterly Report for the Quarter ending December 31, 2001, in which the overall rate was averaging 2.18% and expected to decrease to 2.05% in late March 2002. He reported that Lone Star National Bank had allowed the County to utilize the Certificate of Deposit (CD) Select Program, that would allow a fixed rate of 2.5% for the \$27,368,804.00, through July 2002.

Commissioner Garza questioned whether the fixed rate of 2.5% could be extended beyond July 1, 2002.

Mr. Gonzalez stated that the Certificate of Deposit (CD) Select Program had a fixed rate for six (6) months that would mature July 1, 2002, and that the new fixed rate was not known. He added that the advantage of the program was that the funds were not locked in. Mr. Gonzalez suggested that the County approach Lone Star National Bank, as an alternative, to address the \$350,000.00 balance owed to the Port of Brownsville, adding that a good interest rate might be obtained considering the accommodations provided.

Commissioner Valdez questioned whether the \$27,368,804.00 interest earned was consistent with the interest earned in 2001, and whether the interest rate was consistent with the interest rate budgeted.

Mr. Gonzalez responded that the interest rate for 2001 exceeded 5.5% and that the interest rate was budgeted at 3.75%.

Commissioner Cascos moved that the presentation by the County Treasurer regarding the Quarterly Report for the Quarter ending December 31, 2001, on Investment of County Funds, in accordance with provisions of Government Code, Section 2256 the Public Funds Investment Act, be acknowledged.

The motion was seconded by Commissioner Benavides and carried unanimously.

The Report is as follows:

ACTION ITEMS

(4)(4) APPROVAL OF BUDGET AMENDMENTS AND/OR SALARY SCHEDULES

Commissioner Valdez moved that the 2002 Fiscal Year Budget Amendment No. 2002-18, be approved.

The motion was seconded by Commissioner Cascos.

Commissioner Garza questioned the need for the significant amount of Budget Amendments, and suggested that the monies be allocated within the General Fund.

Mr. Xavier Villarreal, Budget Officer, clarified that the Budget Amendments for the \$63,000.00 and \$35,516.00 pertained to continuation of the District Attorney's Grants that established their Budget for the current calendar year.

Upon motion duly made by Commissioner Valdez, seconded by Commissioner Cascos and carried unanimously, the 2002 Fiscal Year Budget Amendment No. 2002-18 was approved.

The Budget Amendments are as follow:

[REDACTED]

(5) **APPROVAL OF MINUTES:**
A) **MARCH 26, 2002 - REGULAR**

Commissioner Benavides moved that the Minutes for the Regular Meeting held March 26, 2002, be approved.

The motion was seconded by Commissioner Cascos and carried unanimously.

[REDACTED]

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

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

[REDACTED]

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

Mr. Remi Garza, Administrative Assistant, reported that Mr. Rolando Rios, Attorney at Law, would present a Status Report regarding the appeal on April 30, 2002.

Commissioner Cascos moved that the Report by Mr. Remi Garza, Administrative Assistant, regarding Cameron County and Cities challenging Census 2000 Counts and issues related thereto, be acknowledged.

The motion was seconded by Commissioner Garza and carried unanimously.

[REDACTED]

(8) **IN THE MATTER OF TRANSFERRING LAPSED SALARIES FROM FUND 10-425, SLOT NO. 3, TO EXTRA HELP, FUND NO. 10-425 (TABLED)**

(9) **IN THE MATTER OF INCREASING THE HOURS OF SLOT NO. 26 IN THE SALARY SCHEDULE OF THE DISTRICT CLERK'S OFFICE FROM A 32 HOUR PER WEEK POSITION TO A 40 HOUR PER WEEK POSITION (TABLED)**

Commissioner Valdez moved that Item No. 8 be **TABLED**.

The motion was seconded by Commissioner Garza.

Commissioner Cascos stated that Items No. 8 and No. 9 were similar, and asked if Item No. 9 should be tabled.

Mr. Xavier Villarreal, Budget Officer, stated that Item No. 9 would be funded through District Clerk's Budget, and that a Budget Amendment could be presented.

Commissioner Cascos stated that the matter applied to Commissioner Garza's comment regarding the Budget Amendments and the budgeting of more funds than needed for line items other than salaries.

At this time, Commissioner Cascos moved that Items No. 8 and No. 9 be **TABLED**, and requested that the Budget Officer and the County Auditor present a six (6) month review of the revenues and expenditures.

Mr. Mark Yates, County Auditor, stated that he would make a presentation concerning the Budgeted Revenues by the end of April 2002.

Upon motion duly made by Commissioner Cascos, seconded by Commissioner Valdez and carried unanimously, these Items were **TABLED**.



(10) CONSIDERATION AND APPROVAL TO REALLOCATE JAIL INFIRMARY FUND WITHIN SALARY SCHEDULE TO CREATE A NEW LICENSE VOCATIONAL NURSE (LVN) POSITION

Mrs. Yvette Salinas, Health Department Director, reported that seven (7) Licensed Vocational Nurses (LVN) provided treatment to the inmates from 5:00 A.M. to 9:00 P.M., and that due to the new jail facility's location the need for LVN's had doubled. She stated that in order to provide adequate coverage for jail facilities eight (8) hours of comp time per week were being accumulated, adding that the Sheriff's Department had requested that an LVN be available twenty-four (24) hours a day.

Mr. Fidel Calvillo, Infirmary Supervisor, noted the need for a new LVN position in order to staff the two (2) jail facilities.

Mrs. Salinas requested that the salaries not being used within the slots be reallocated to create a new LVN position.

Upon motion by Commissioner Cascos, seconded by Commissioner Valdez and carried unanimously, the reallocation of the Jail Infirmary Fund within Salary Schedule to create a new Licensed Vocational Nurse (LVN) Position was approved.

The Salary Schedule is as follows:

[REDACTED]

(11) **CONSIDERATION AND APPROVAL TO INCREASE
INDIGENT BURIAL FUNERAL COMPENSATION
TO FUNERAL DIRECTORS**

Mrs. Yvette Salinas, Health Department Director, stated that the burial services included the minimum needs to bury a body, and recommended that the current Indigent Burial Funeral Compensation be increased from \$500.00 to \$1,000.00 for adult burials. She added that according to some Funeral Home Directors the cost of an indigent burial varied between \$1,300.00 and \$3,000.00; however, she felt comfortable recommending the following increase in Indigent Burial Funeral Compensation:

- Infant Burial - from \$150.00 to \$300.00;
- Other Burial - from \$500.00 to \$1,000.00;
- Body Bag - from \$90.00 to \$100.00; and
- Transportation - from \$100.00 to \$150.00.

Commissioner Benavides questioned who qualified for the Indigent Programs.

Mrs. Salinas responded that the County had income guidelines that determined eligibility.

Commissioner Garza questioned the amount budgeted for Indigent Burial Funeral Compensation.

Mrs. Salinas stated that \$40,000.00 were currently budgeted for the Indigent Burial Funeral Compensation based on past years' expenses.

Mr. Allie Besterio, Delta Funeral Director, asked if the recommended increase, in the amount of \$1,000.00, was inclusive of the plot expenses.

Mrs. Salinas responded in the affirmative, and stated that the recommendations were based on the prices for the Indigent Burials, ranging between \$300.00 and \$500.00, as indicated by some Cemeteries.

Mr. Mark Yates, County Auditor, stated that it was requested that the \$500.00, paid by the County, for Indigent Burial be increased for special circumstances, and asked if \$500.00 would be paid for the burial services and \$500.00 for the cemetery plot.

Judge Hinojosa explained that the County would pay the Indigent Burial Funeral Compensation regardless of the cost of the plot.

Mrs. Salinas stated that the City of Brownsville's Indigent Program abided by the County's guidelines and would pay for the plot for a death that occurred within the city.

At this time, there was discussion regarding the San Pedro Cemetery, the expenses and requirements associated with the possible construction of a County Cemetery, and the application process used to determine eligibility to the Indigent Programs.

Commissioner Garza moved that the increases in Indigent Burial Funeral Compensation to Funeral Directors, be approved.

The motion was seconded by Commissioner Valdez.

Mr. Besterio asked whether the recommendations included the body bags and travel expenses.

Judge Hinojosa stated that the body bags and travel expenses would be discussed with the Health Department Director and the County Auditor, and that a compensation for special circumstances would be reviewed.

Mrs. Connie Garza, Rudy Garza Funeral Homes, stated that her daughter had received a payment for cemetery charges made by the family of a recently buried infant, which was included in the report presented to the County. She stated that according to a conversation with a County Department the Indigent Burial Funeral Compensation, in the amount of \$150.00, would not be released because of the accepted payment.

Mrs. Salinas stated that the information provided by the County was correct, and explained that the Indigent Burial Program was not a Supplemental Program.

Mrs. Garza noted that the expenses had exceeded the \$150.00, and requested payment for the said amount.

Mr. Yates explained that the County Burial and Health Indigent Programs were payers of last resort, and that the programs were based on payment of one-hundred percent (100%) of the cost.

Upon motion duly made by Commissioner Garza, seconded by Commissioner Valdez and carried unanimously, the following increases in Indigent Burial Funeral Compensation to Funeral Directors were approved:

- Infant Burial - from \$150.00 to \$300.00;
- Other Burial - from \$500.00 to \$1,000.00;
- Body Bag - from \$90.00 to \$100.00; and
- Transportation - from \$100.00 to \$150.00.



[REDACTED]

(12) **CONSIDERATION AND POSSIBLE APPROVAL OF
SIGN PERMIT APPLICATION FOR
SCHLITTERBAHN BEACH WATERPARK**

Commissioner Garza moved that the **Sign** Permit Application for Schlitterbahn Beach Waterpark be approved.

The motion was seconded by Commissioner Benavides.

Commissioner Garza questioned whether Schlitterbahn Beach Waterpark was current on the obligations to the County.

Mr. Javier Mendez, Parks System Director, stated that the Schlitterbahn Beach Waterpark was current on the Lease payment, and owed on late payments.

Commissioner Cascos clarified that Schlitterbahn Beach Waterpark was not current on payments to the County.

Commissioner Garza moved that the **Sign** Permit Application for Schlitterbahn Beach Waterpark be approved.

The motion was seconded by Commissioner Benavides.

Mr. Doug Wright, Commissioners' Court Legal Counsel, stated that Mr. Gary Henry and Mr. Jeff Henry, Schlitterbahn Beach Waterpark representatives, were willing to pay the late charges and explained that it was a matter of assuring that the information provided was accurate.

Upon motion duly made by Commissioner Garza, seconded by Commissioner Benavides and carried unanimously, the Sign Permit Application for Schlitterbahn Beach Waterpark was approved.

The Application is as follows:

[REDACTED]

**(13) IN THE MATTER REGARDING POLICY CHANGES
TO PRIOR SERVICE CREDIT FOR
REHIRES(TABLED)**

Mr. Manuel Villarreal, Personnel/Safety Risk Director, stated that the existing 7.08 Prior Service County Policy addressed prior services with the County. He explained that if an employee was rehired within a year for the same type of work the Department Head would determine if the employee would be reinstated at the previous salary.

Commissioner Cascos stated that the Policy did not distinguish the type of work the employee was rehired to do. He questioned whether the Department Head would determine if the employee would commence at a salary above the customary.

Mr. Villarreal explained that the Department Head would determine the salary, based on the budgeted amount for the position, noting that the position might not equal the employee's previous salary.

Commissioner Cascos stated that according to the Policy any lapse in service, regardless of time, would forfeit the Vacation and Health Leave Benefits, and that the employee had the option to buy back retirement benefits, noting that buying back retirement benefits would obligate the County to match the benefits.

Mr. Villarreal stated that the Policy indicated that a rehired employee could only buy back retirement benefits for the time of service.

Commissioner Cascos questioned whether the Longevity Pay Benefits mentioned applied only to Law Enforcement.

Mr. Villarreal responded in the affirmative.

Commissioner Cascos questioned whether the Policy addressed the Retirement Benefits applied to an employee rehired for any regular full-time position with the County and how Mr. Crispin Salazar, Sheriff's Department, who had requested that the accumulated Vacation and Health Leave Benefits be credited for the lapsed in service, would benefit.

Judge Hinojosa responded that the Policy applied to any employee rehired to any position with the County, and that Mr. Salazar would not benefit. He explained that the recommendation, to consider a break in service, of thirty (30) days or less as "uninterrupted" could benefit the employee in regards to the vacation pay.

Mr. Villarreal stated that the recommendation period of thirty (30) days was based on the pay role system, and explained the process of the Retirement Benefits.

Commissioner Benavides suggested that the recommended thirty (30) days or less of break in service, to be considered uninterrupted, be changed to a year or less.

Commissioner Cascos stated that the Policy did not address voluntary and involuntary termination.

Judge Hinojosa noted that determining an involuntary and voluntary termination would be an issue.

Mr. Villarreal stated that the Prior Service County Policy was a Standard Policy.

Commissioner Valdez suggested that rehired employees be credited Vacation Pay based on the number of years previously employed.

Mr. Xavier Villarreal, Budget Officer, questioned whether the benefits would be retroactive to employees rehired.

Judge Hinojosa suggested that Mr. Manuel Villarreal, Personnel/Safety Risk Director, Mr. Xavier Villarreal, Budget Officer, and Commissioner Valdez meet to develop and present recommendations.

At this time, there was discussion regarding the proper definition of an employee's termination as voluntary or involuntary, and the suggestion was made that terminations of employment for wrong doing, be followed by consequences.

Upon motion by Commissioner Valdez, seconded by Commissioner Garza and carried unanimously, this Item was **TABLED** for two (2) weeks.

**(16) CONSIDERATION AND AUTHORIZATION TO
RELOCATE A WATER LINE ON FM 801**

Upon motion by Commissioner Cascos, seconded by Commissioner Benavides, and carried unanimously, the relocation of a water line on FM 801 was authorized.

**(14) CONSIDERATION AND ADOPTION OF A
RESOLUTION OF THE CAMERON COUNTY
COMMISSIONERS' COURT SUPPORTING THE
RESTORATION OF THE 1912 CAMERON COUNTY
COURTHOUSE STATING WILLINGNESS TO
ACCEPT A GRANT AWARD OF \$3,170,185.00
FROM THE TEXAS HISTORICAL COMMISSION'S
TEXAS HISTORIC COURTHOUSE
PRESERVATION PROGRAM, COMMITTING
LOCAL FUNDING TO THE PROJECT AND
AUTHORIZING THE COUNTY JUDGE TO
EXECUTE A GRANT AGREEMENT**

**(15) CONSIDERATION AND APPROVAL OF A FUND
AGREEMENT BETWEEN CAMERON COUNTY
AND THE TEXAS HISTORICAL COMMISSION,
PURSUANT TO A \$3,170,185.00 GRANT AWARD
FROM THE TEXAS COURTHOUSE
PRESERVATION PROGRAM FOR THE
RESTORATION OF THE 1912 CAMERON COUNTY
COURTHOUSE**

Upon motion by Commissioner Garza, seconded by Commissioner Valdez and carried unanimously, the Resolution of the Cameron County Commissioners' Court supporting the restoration of the 1912 Cameron County Courthouse stating willingness to accept a Grant Award of \$3,170,185.00 from the Texas Historical Commission's Texas Historic Courthouse Preservation Program, committing local funding to the Project and authorizing the County Judge to execute a Grant Agreement was adopted and the Fund Agreement between Cameron County and the Texas Historical Commission, pursuant to a \$3,170,185.00 Grant Award from the Texas Courthouse Preservation Program for the restoration of the 1912 Cameron County Courthouse was approved.

The Resolution and the Agreement are as follow:

CONSENT ITEMS

ALL ITEMS UNDER THE CONSENT AGENDA ITEMS 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. 26 “A”: Mr. Mike Forbes, Purchasing Agent, recommended the following changes to the Evaluation Committee: that Mr. Remi Garza, Administrative Assistant, be replaced by Mr. Xavier Villarreal, Budget Officer; that Mr. Javier Mendez, Parks System Director, be replaced by Mr. Joe Vega, Parks System Assistant Director, that Mr. Joseph Ardito, Property Manager, be replaced by Mr. Doug Wright, Commissioners’ Court Legal Counsel, and to include Mr. Juan Bernal, County Engineer, and Mr. David Betancourt, Park Advisory Board.

ITEM NO. 26 “B”: Mr. Mike Forbes, Purchasing Agent, stated that it was recommended that Mr. Remi Garza, Administrative Assistant, be replaced with Mr. Xavier Villarreal, Budget Officer.
Judge Hinojosa stated that the Committee should consist of members relevant to the issue.

ITEM NO. 18: Commissioner Cascos questioned Warrant No. 74029 as to the amount of safety glasses purchased for one (1) individual.
Mr. Mark Yates, County Auditor, stated that the warrant would be reviewed.

ITEMS NO. 14 AND 15: At this time, Mr. Mark Yates, County Auditor, clarified that the Court had committed to matching the \$3.1 million, adding that there were sufficient funds in County Reserves to cover the \$3.1 million grant match that would be replaced within thirty (30) to sixty (60) days.

Commissioner Cascos moved that the following “Consent and Travel Items” be approved.

The motion was seconded by Commissioner Benavides and carried unanimously.

- (18) APPROVAL OF CLAIMS;
The Affidavit follows:**
- (19) APPROVAL OF VENDOR PERFORMANCE TRACKING FORM;**
- (20) AUTHORIZATION TO OPEN THE FOLLOWING ACCOUNT WITH LONE STAR NATIONAL BANK:
A) CAMERON COUNTY TREASURER; AND
B) LOS INDIOS BRIDGE DEBT RESERVE FUND NO. 790.
The Resolutions follow:**
- (21) RESOLUTION AUTHORIZING A GRANT APPLICATION TO THE 2002 TEXAS COMMUNITY DEVELOPMENT PROGRAM COLONIA CONSTRUCTION FUND AND DESIGNATING THE COUNTY JUDGE TO ACT AS THE COUNTY’S AUTHORIZED REPRESENTATIVE IN ALL MATTERS PERTAINING TO THE COUNTY’S PARTICIPATION IN THE 2002 TEXAS COMMUNITY DEVELOPMENT PROGRAM;
The Resolution follows:**

- (22) **APPOINTMENT OR REAPPOINTMENT OF PARKS ADVISORY BOARD MEMBERS; MS. MARIE FERRIER, PRECINCT NO. 3, MR. MICHAEL GOALD, PRECINCT NO.1, MR. DAVID BETANCOURT, COUNTY JUDGE, MR. RUDY MARES, PRECINCT NO. 4 AND MR. SCOTT HARGIS, PRECINCT NO. 2, TO A TWO-YEAR TERM COMMENCING ON JANUARY 1, 2002-DECEMBER 31, 2003; The Resolution follows:**
- (23) **ACCEPTANCE OF PELICAN POINTE DRIVE LOCATED IN PELICAN POINTE SUBDIVISION, PRECINCT NO. 3, INTO THE COUNTY ROAD SYSTEM;**
- (24) **AUTHORIZATION TO ADVERTISE FOR REQUEST FOR PROPOSAL (RFP) FOR THE DEVELOPMENT OF PROPERTY IN ANDY BOWIE PARK AT BEACH ACCESS NO. 3;**
- (25) **RELOCATION OF THE NEW COUNTY RECORDS WAREHOUSE TO THE BROWNE ROAD SITE;**
- (26) **OPENING OF THE FOLLOWING BIDS/PROPOSALS:**
- A) **BROWNE ROAD REGIONAL PARK AND LAGUNA HEIGHTS COMMUNITY PARK ARCHITECTURAL SERVICES-REQUEST FOR PROPOSAL (RFQ) NO. 020301 AND APPROVAL OF RECOMMENDED EVALUATION COMMITTEE; AND**
- B) **CAMERON COUNTY REGIONAL PARK AND NEW CAMERON PARK ADDITION - PRECINCT NO. 1 -BROWNE ROAD SOCIAL SERVICE AGENCIES AND CENTERS REQUEST FOR PROPOSAL (RFP) NO. 020302 AND APPROVAL OF RECOMMENDED EVALUATION COMMITTEE.**
- (27) **OPENING OF THE FOLLOWING BID/PROPOSALS:**
- A) **DRINKING WATER - ANNUAL BID NO. 2250;**
- B) **PEST CONTROL SERVICES - ANNUAL BID NO. 1600.**
- (28) **PRELIMINARY AND FINAL APPROVAL:**
- A) **PRECINCT NO. 4 - COTTON ACRES SUBDIVISION - BEING A TRACT OF LAND CONTAINING 7.46 ACRES OUT OF BLOCK NO. 9, ALSO 6.179 ACRES OUT OF BLOCK NO. 18, AND 3.50 ACRES OUT OF BLOCK NO. 17 OF THE BRIGGS COLEMAN SUBDIVISION SECTION NO. 49.**

TRAVEL ITEMS

- (29) **AUTHORIZATION TO TRAVEL/OR APPROVAL OF TRAVEL EXPENSE FOR THE FOLLOWING (PLEASE NOTE: TRAVEL REQUESTS ARE SUBJECT TO ALL APPLICABLE COUNTY POLICIES):**
- (a) District Court and seven (7) County Court at Law Reporters to attend the “2002 TCRA Court Reporter’s Annual Convention Seminar”, in Montgomery, Texas, June 19-23, 2002;
- (b) Commissioner Precinct No. 3 Administrative Assistant to attend the “Lead Safe Training Seminar”, in Edinburg, Texas, April 24, 2002;
- (c) Health Department Inspector to attend the “Meeting of the South Texas Chapter of the Texas Environmental Health Association (TEHA) on continuing Education on New Food Establishment Rules”, in Kingsville, Texas, may 10, 2002;

- (d) Environmental Health Director to attend the “West Nile Conference Sponsored by the Texas Department of Health”, in Austin, Texas, April 22-23, 2002;
- (e) Two (2) Program Development and Management to attend the “Lower Rio Grande Valley Development Council solid Waste Advisory Committee Meeting”, in Weslaco, Texas, April 17, 2002;
- (f) Health Department Woman Infant and Children (WIC) Director to attend the “Mandatory Texas Association of Local WIC Directors Board and Committee Funding Meeting”, in Austin, Texas, April 23-26, 2002;
- (g) Assistant District Attorney to attend the “Investigating & Prosecution Sexual Assaults of Children Seminar”, in San Antonio, Texas, May 8, 2002;
- (h) District Attorney to attend the “South Texas HIDTA Executive Board Meeting”, in San Antonio, Texas, May 8, 2002;
- (i) Seven (7) Drug Enforcement Agents to take 8-10 vehicles to be auctioned at the Kleberg County Sheriff’s Department Auction, in Kingsville, Texas, April 25-26, 2002;
- (j) Three (3) Tax Department employees to attend the “Board of Tax Professional Examiners Advanced Property Tax Course No. 9”, in Edinburg, Texas, June 10-13, 2002;
- (k) Four (4) County Extension Agents to attend the “County Extension Web Page with New Graphics and Link Course”, in Weslaco, Texas, April 9, 2002;
- (l) Two (2) County Extension Agents to attend the “Rio Grande Initiative Water Training”, in Laredo, Texas, March 26-27, 2002;
- (m) Two (2) county Clerk Deputies to attend the “Texas Bail Bond Course”, in Austin, Texas, May 17, 2002;
- (n) Two (2) county Clerk Deputies to attend the “Regional Computerized Criminal History Rewrite/Requirements User Meeting”, in Edinburg, Texas, May 5, 2002; and
- (o) Program Coordinator to attend the “Texas Community Development Program’s 2002 Housing Infrastructure Fund Meeting”, in Austin, Texas, April 18-19, 2002.



(18) APPROVAL OF CLAIMS.
The Affidavit is as follows:

- (20) **AUTHORIZATION TO OPEN THE FOLLOWING ACCOUNT WITH LONE STAR NATIONAL BANK:**
- A) CAMERON COUNTY TREASURER; AND**
 - B) LOS INDIOS BRIDGE DEBT RESERVE FUND NO. 790.**
- The Resolutions are as follow:**

- (21) **RESOLUTION AUTHORIZING A GRANT APPLICATION TO THE 2002 TEXAS COMMUNITY DEVELOPMENT PROGRAM COLONIA CONSTRUCTION FUND AND DESIGNATING THE COUNTY JUDGE TO ACT AS THE COUNTY'S AUTHORIZED REPRESENTATIVE IN ALL MATTERS PERTAINING TO THE COUNTY'S PARTICIPATION IN THE 2002 TEXAS COMMUNITY DEVELOPMENT PROGRAM.**

The Resolution is as follows:

- (22) **APPOINTMENT OR REAPPOINTMENT OF PARKS ADVISORY BOARD MEMBERS; MS. MARIE FERRIER, PRECINCT NO. 3, MR. MICHAEL GOALD, PRECINCT NO.1, MR. DAVID BETANCOURT, COUNTY JUDGE, MR. RUDY MARES, PRECINCT NO. 4 AND MR. SCOTT HARGIS, PRECINCT NO. 2, TO A TWO-YEAR TERM COMMENCING ON JANUARY 1, 2002-DECEMBER 31, 2003; The Resolution is as follows:**

EXECUTIVE SESSION

(30) EXECUTIVE SESSION

Upon motion by Commissioner Garza, seconded by Commissioner Valdez and carried unanimously, the Court met in Executive Session at 7:50 P.M. to discuss the following matters:

- a) Deliberation regarding Real Property concerning the sale of Cameron County Trustee Property Known as Abstract No. 2 - Barreda Garden PT. Lots No. 10 and No. 13, Block No. 18, Account No. 73-5590-0180-1094-00; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072;
- b) Deliberation regarding Real Property concerning the possible Concession Agreement between Cameron County and Northware Ventures, Inc. d/b/a/ Brady's Duty Free; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072;
- c) Deliberation regarding Real Property concerning the sale of Cameron County Trustee Property Known as Brownsville - Colonia Acacia Lot No. 35, Block No. 8, Account No. 02-2170-0080-0350-00; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072; and
- d) Consideration and authorization to provide Legal Representation in City of Port Isabel, Texas versus Honorable Gilberto Hinojosa, Cause No. 2002-04-001454-A in the 107th Judicial District Court; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(2).

Upon motion by Commissioner Benavides, seconded by Commissioner Valdez and carried unanimously, the Court reconvened in Regular Session at 8:15 P.M.

NOTE: JUDGE HINOJOSA LEFT THE MEETING AT THIS TIME.

(31) ACTION RELATIVE TO EXECUTIVE SESSION:

- (a) Deliberation regarding Real Property concerning the sale of Cameron County Trustee Property Known as Abstract No. 2 - Barreda Garden PT. Lots No. 10 and No. 13, Block No. 18, Account No. 73-5590-0180-1094-00.**

Commissioner Garza moved that this Item be **TABLED**.

At this time, Commissioner Garza withdrew his motion, and moved that Mr. Joseph Ardito, Property Manager, be authorized to not market the property known as Abstract No. 2 - Barreda Garden PT. Lots 10 & 13, Block No. 18, Account No. 73-5590-0180-1094-00.

The motion was seconded by Commissioner Valdez and carried unanimously.

[REDACTED]

(b) Deliberation regarding Real Property concerning the possible Concession Agreement between Cameron County and Northware Ventures, Inc. d/b/a/ Brady's Duty Free.

Commissioner Garza moved that Mr. Joseph Ardito, Property Manager, be authorized to continue negotiations with Northware Ventures, Inc. d/b/a/ Brady's Duty Free, concerning the property located at the Los Indios Free Trade Bridge.

The motion was seconded by Commissioner Benavides and carried unanimously.

[REDACTED]

(c) Deliberation regarding Real Property concerning the sale of Cameron County Trustee Property Known as Brownsville - Colonia Acacia Lot No. 35, Block No. 8, Account No. 02-2170-0080-0350-00.

Commissioner Benavides moved that Mr. Joseph Ardito, Property Manager, be authorized to take the Cameron County Trustee Property known as Brownsville - Colonia Acacia Lot No. 35, Block No. 8, Account No. 02-2170-0080-0350-00 off the "for sale" property list, and to collect all past due taxes and taxes due for all entities, and the administrative fees from the previous owner.

The motion was seconded by Commissioner Valdez and carried unanimously.

[REDACTED]

(d) Consideration and authorization to provide Legal Representation in City of Port Isabel, Texas versus Honorable Gilberto Hinojosa, Cause No. 2002-04-001454-A in the 107th Judicial District Court.

Commissioner Garza moved that Mr. Doug Wright, Commissioners' Court Legal Counsel, be authorized to represent Honorable Gilberto Hinojosa, in the case styled the City of Port Isabel, Texas versus Honorable Gilberto Hinojosa, Cause No. 2002-04-001454-A in the 107th Judicial District Court.

The motion was seconded by Commissioner Valdez and carried unanimously.

[REDACTED]

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 8:17 P.M.

APPROVED this 14th day of **May 2002**.

GILBERTO HINOJOSA
COUNTY JUDGE

ATTEST:

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