

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 30<sup>th</sup> 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 then 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 26, 2002, at 3:22 P.M.:

# **PRESENTATION**

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

Mr. Rolando Rios, Attorney at Law, reported that the County had prevailed in the request for the Census Bureau to release the census counts, consistent to four (4) rulings across the Country. He stated that the Government would appeal the Court's decision, and requested authorization to Cross Appeal during the Government's Appeal at the Fifth (5<sup>th</sup>) Circuit on the following three (3) important issues not dealt by the Judge: 1) whether the entities that had standing to raise some of the issues were named; 2) whether facts that alleged intentional discrimination were stated; and 3) whether the Census Bureau had interpreted the Census Act in the way that required the release of the adjusted numbers.

Judge Hinojosa explained that the Cross Appeal would determine whether the County had a justiciable claim, under the Constitution or the Census Act and if so the only issue before the Judge would be to determine whether the Census Counts were under counted, noting that if the Judge determined that the Census Counts were accurate the case would terminate.

Commissioner Valdez moved that Mr. Rolando Rios, Attorney at Law, be authorized to bring a Cross Appeal to the Government's appeal at the Fifth (5<sup>th</sup>) Circuit regarding the Cameron County and Cities Challenging Census 2000 Counts Law Suit.

The motion was seconded by Commissioner Garza.

Mr. Doug Wright, Commissioners' Court Legal Counsel, noted the need to notify the entities involved because the County was advancing funds to be reimbursed by the entities on a percentage basis.

Mr. Rios stated that the existing Contract was estimated at \$200,000.00, of which \$110,000.00 were expended and noted that the balance should suffice the cost of the appeal.

Mrs. JuaNita Brodecky, Rio Hondo resident, questioned if payments had been presented by the County and Cities in regards to the case.

Mr. Rios reported that the County had expended between \$110,000.00 and \$115,000.00 and that he was not aware if the entities had reimbursed the County.

Mr. Mark Yates, County Auditor, stated that a payment of \$51,000.00 was identified and that invoices were sent to a number of cities, adding that no payments had been received, but were anticipated.

Upon motion duly made by Commissioner Valdez, seconded by Commissioner Garza and carried unanimously,

Mr. Rolando Rios, Attorney at Law, was authorized to present a Cross Appeal to the Government's appeal at the Fifth (5<sup>th</sup>) Circuit regarding the Cameron County and Cities Challenging Census 2000 Counts Law Suit.

**[REDACTED]**

**(1) PRESENTATION OF STATUS REPORT FROM  
COUNTY DELINQUENT TAX ATTORNEY  
REGARDING TAX COLLECTIONS**

Mr. Enrique Peña, Linebarger Goggan Blair Peña & Sampson, L.L.P., reported that five delinquent tax mailings were sent to County residents during the first quarter as a collection effort. He reported that during the first half of the fiscal year twenty-five (25) new law suits were filed into the Court System with the intent to collect \$300,000.00 of delinquent taxes and that sixty (64) law suits were pending judgement or pay-outs of over \$400,000.00, adding that over \$60,000.00 dollars of delinquent taxes were paid during the first quarter through law suits and pay-outs. Mr. Peña noted that \$588,920.00 in delinquent taxes was collected and that the collections were \$15,000.00 above the amount collected during the first quarter of the previous year.

Commissioner Cascos asked if the tax delinquencies were addressed in the County Auditor's Report.

Mr. Mark Yates, County Auditor, reported that the projection for collection of delinquent taxes was \$901,000.00 of which \$452,000.00 were collected into the General Fund.

Commissioner Garza questioned the dollar amount of delinquent taxes up to the previous year and the number of accounts.

Mr. Peña stated that the amount was \$4,577,704.00 and estimated the number of accounts to be about 10,000.00, noting that approximately half of the accounts were uncollectible due to tax exemption and/or bankruptcies.

Mr. Yates stated that between twenty-eight percent (28%) and thirty percent (30%) of the delinquent taxes were collected annually and that many accounts were past the four (4) and ten (10) year periods of action.

Mr. Peña stated that Real Property had a period of action of twenty (20) years and that personal property was processed first because of the four (4) year period of action.

Commissioner Cascos questioned whether an allowance account was set up for the \$4,577,704.00.

Mr. Yates responded in the affirmative and clarified that the five percent (5%) allowance for delinquent taxes was a percentage based on the delinquent taxes collected in past years.

Commissioner Cascos stated that the percentage was a projection based on the history of the delinquent taxes.

Commissioner Garza requested the listing of struck properties.

Mr. Peña responded that there was a full list available through Property Management and that the Property Manager would try to resell the struck off properties.

Mr. Joseph Ardito, Property Manager, reported that the listing of struck off properties had not been provided within the past few years and that unsuccessful attempts to contact the Law Firm were made.

Mr. Peña noted that he would not strike off property that could not be sold and that he tried to get the accounts paid out. He explained that the accounts were worked before the delinquent amount exceeded the property value.

At this time, there was discussion regarding what would happen when the delinquent taxes exceeded the property value, clarifications were made that the properties could not be sold below the property value without approval of the Court and that attempts to collect payments were made prior to striking off the properties in order to maintain the property productive within the tax roll. The suggestion was made that the listings of struck off properties exceeding the property value be provided to the Property Manager.

Mr. Doug Wright, Commissioners' Court Legal Counsel, noted his understanding to be that the Policy of the Law Firm was modified, and that the struck off properties were directed to the School Districts or to other lead entities.

Mr. Peña stated that some properties were struck off to the School Districts and explained that the School District wanted more power because of the higher percentage of payment they were owed.

Judge Hinojosa asked who processed the sales for the School District.

Mr. Peña responded that there was a procedure for the Law Firm to resell the struck off properties.

Mr. Ardito noted that historically he had sold all properties for more than the amounts due, with excess funds to be equally distributed among other entities, in addition to the administrative fee and associated costs.

Commissioner Cascos questioned whether it was up to the Law Firm to determine which entity the property was struck off to.

Mr. Peña stated that the properties were struck off to the County who was usually the lead plaintiff.

Mr. Tony Yzaguirre, Tax Assessor Collector, reported the number of outstanding delinquent tax accounts for the year 2000 and prior to be 130,000, and noted that it was unfair for the Law Firm to concentrate merely on Cameron County when the County represented twenty-nine (29) different jurisdictions.

Commissioner Cascos questioned the set allowance.

Mr. Yates stated that an outstanding balance in the amount of \$3.7 million remained, based on the property tax liability as of October 1, 2001, adding that \$400,000.00 had rolled over during the past year.

Commissioner Cascos stated that the \$10 million represented all the entities that the County collected for and only forty (40%) percent belonged to the County.

Judge Hinojosa suggested that a meeting be scheduled to develop a Policy that would determine to which entity the properties with delinquent tax accounts collected by the County would be struck off to.

Mr. Yzaguirre noted that the Contract with the Law Firm indicated that the properties would be struck off to the County.

Mr. Peña stated that the conflict was due to the Law Firm having Contracts in place with both the County and Brownsville Independent School District (BISD).

Commissioner Cascos noted the importance of reselling the properties.

Mr. Yzaguirre stated that he had presented a harsh letter to the Law Firm regarding the striking of properties.

Commissioner Cascos suggested that the correspondence be copied to the Court.

Mr. Wright stated that he had witnessed Mr. Ardito requesting information from the Law Firm which was not provided.

Upon motion by Commissioner Cascos, seconded by Commissioner Garza and carried unanimously, the Status Report from County Delinquent Tax Attorney regarding Tax Collections was acknowledged.

**The Report is as follows:**

**(2) PRESENTATION BY THE BUDGET OFFICER AND THE COUNTY AUDITOR REGARDING THE MID-YEAR BUDGET REVIEW OF REVENUES AND EXPENDITURES**

Mr. Mark Yates, County Auditor, reported that based on the General Fund Revenues the revenue projections were \$1.3 million over budget and explained that the \$1.3 represented two (2) revenues generated by reimbursed expenditures, first the \$756,000.00 reimbursement by TxDOT for the expenditures relating to the Queen Isabella Causeway Collapse and second the \$960,000.00 of Indigent Health Funds anticipated if the \$2.3 million and \$300,000.00 were expended. He reported that the 301 revenue lines were within budget, and that low revenue was due to the budgeted reimbursement for the housing of federal inmates as of January 15, 2002. Mr. Yates explained that the inmate phone commission was based on a higher inmate population; therefore, the amount of \$380,000.00 might not be received, adding that if the maximum contract level of 300 inmates was reached the projection could be met. He stated that some collection areas could improve, one being the delinquent tax collections, and that \$8,000.00 to \$20,000.00 could be collected in other areas. Mr. Yates noted that his goal was to improve the year end estimate by \$500,000.00 in order reserve the 2002 State Criminal Alien Assistance Program (SCAAP) Award for the 2002-2003 Fiscal Year and explained that the SCAAP Award was budgeted at \$540,000.00 yet \$960,000.00 were received, resulting in no anticipated SCAAP Awards for the following fiscal year. He reported that the Health Insurance Fund had begun the year with a deficit of retained earnings in the amount of \$64,000.00, and that the Plan changes in Health Insurance Benefits had helped to reach the current balance of \$830,000.00 of positive retained earnings. Mr. Yates stated that individual Profit and Loss Statements for the Parks and Bridge Systems were included and that depreciation was not budgeted but was indicated in the statement.

Commissioner Cascos asked whether the \$1.3 million was inclusive of the SCAAP Award and if the recommendation was to freeze the said amount and what would happen if the SCAAP award could not be reserved

Mr. Yates responded in the affirmative.

Judge Hinojosa stated that if the SCAAP Award was not reserved within the present Budget it would not be available for the 2002-2003 Fiscal Year Budget.

Mr. Yates noted that for accounting purposes he would recognize the money within the 2001-2002 Fiscal Year.

Mr. Xavier Villarreal, Budget Officer, noted that the break downs of the individual departments were through the month of April 30, 2002, because the expenditures for March were presented in April 2002. He stated that anything under fifty-nine percent (59%) was considered average and that the high averages for some departments were due to the encumbrance of funds.

Commissioner Cascos asked which Departments did not have high averages that were due to encumbrance of funds.

Mr. Villarreal explained that the Geographic Information System Department (GIS) had recently purchased equipment that would be reimbursed by the Cameron County Emergency Communications (911) District and that the high utility charges for the M&O Department would be verified.

Commissioner Cascos questioned whether a shortfall was anticipated for the Indigent Health Care.

Mr. Yates explained that the total cost of the Indigent Health Care was at eighty-four percent (84%), inclusive of the \$300,000.000 payment approved by the Court, and that there was a ninety percent (90%) match from the State. He reported that the State had allowed \$600,000.00 with the possibility of obtaining ten percent (10%) more than last year, adding that \$2.3 million could be spent and only \$1.7 million were budgeted.

Mr. Villarreal reported that County Court at Law No. 1 had expended the budgeted amount for Appointed Attorneys and that County Court at Law No. 2 had exceeded said budget by \$19,000.00. He added that based on the Contracts approved January 2002, the County Courts at Law No. 1 and No. 2 would exceed the Appointed Attorneys Budget by \$53,000.00 at the end of the Fiscal Year.

Commissioner Cascos noted that he could not foresee the estimated shortfall based on the current percentage.

Mr. Villarreal stated that he was referring to the line item for the Appointed Attorney Fund.

Mr. Yates noted that the County Courts at Law could have savings in other areas within their Budget.

Judge Hinojosa suggested that the Budgets for the County Courts at Law be adjusted.

Mr. Yates suggested that a Purchase Order be presented for expenditures relating to Appointed Attorneys' Fees in order to encumbered the funds.

Commissioner Cascos noted his understanding to be that County Courts at Law were overall within Budget.

Mr. Villarreal noted that the funds for the Contracts for Appointed Attorneys Fee were not sufficient.

Mr. Yates recommended that the Budget Officer present a Budget Amendment to cover the Budget for the Contracts for Appointed Attorneys and to inform the Court of the encumbered funds.

Mr. Villarreal suggested that the lapsed salaries be used to fund the excess Appointed Attorneys' Fees, in the amount of \$53,000.00.

Commissioner Garza questioned the percentage for the revenues of the County Courts at Law.

Mr. Yates explained that many of the revenues produced by the County Courts at Law were reflected in the County Clerk's Budget, adding that he would reconfigure and present the report.

Upon motion by Commissioner Benavides, seconded by Commissioner Garza and carried unanimously, the Presentation by the Budget Officer and the County Auditor regarding the Mid-Year Budget Review regarding revenues and expenditures was acknowledged.

**The Reports are as follow:**



(6) **CONSIDERATION AND ACTION ON  
PRESENTATION OF PLAN OF FINANCE ON THE  
ISSUANCE OF CERTIFICATE AND UNLIMITED  
TAX ROAD BONDS**

Mr. Noe Hinojosa, Financial Consultant, presented a Plan of Finance for the issuance of Certificates, in the amount of \$4.5 million and Unlimited Tax Road Bonds, in the amount of \$1 million. He stated that the Resolution authorizing the Publish Notice of Intent would be presented the following week. Mr. Hinojosa detailed the Plan of Finance and highlighted the impact to the tax rate.

Judge Hinojosa suggested that the bond issue include the \$1 million for the renovation of the Harlingen County Buildings and \$1.8 million to fund the construction of two (2) facilities that would house the Health and Engineering Department Administration, and that the San Benito Annex be renovated by the County Carpenters.

Mr. Hinojosa stated that the additional \$2.8 million would increase the annual payment by \$220,000.00 would require an additional 1/4 of a penny in a tax levy.

Judge Hinojosa stated that a \$0.10 increase to the International Bridge toll rate would generate sufficient funds for the annual payment and would prevent any impacts on the tax rate.

Mr. Mark Yates, County Auditor, noted that the revenues generated from the toll rates were shared with the Cities of Brownsville and San Benito.

Commissioner Garza stated that he would have a problem with the relocation of the Health Department Administration to the City of Brownsville, and suggested that they be located within the City of San Benito.

Commissioner Cascos questioned whether it was suggested that the toll rate be increased at this time and not increased during the budgetary process.

Judge Hinojosa clarified that the suggestion was to increase the toll rate by \$0.10 to pay for the financing and that if the need should arise then the toll rate would be revisited.

Commissioner Cascos noted his reluctance to commit to increasing the toll rates because the need could reappear if a shortfall was presented during the budgetary process, and asked if increasing the toll rate would prevent the need to levy the tax rate.

Mr. Yates responded that there would be a need to levy the tax rate.

Commissioner Cascos questioned the need to levy the tax rate if the increase in toll rate would suffice for the annual payment.

Judge Hinojosa clarified that the \$0.10 toll rate increase would diminish the impact on the tax levy.

Mr. Hinojosa stated that the financing would not require a payment until the 2002-2003 Fiscal Year and that it was up to the Commissioners' Court to either dedicate from the tax rate or to define the funding source for the annual payment during the budgetary process.

Judge Hinojosa suggested that the Plan of Finance be amended to include the additional \$2.8 million, dedicating \$1 million for the Harlingen Annex, \$1.8 million towards the construction of a facility, that would house the Health and Engineering Departments Administration on the FM 511 property, and that the increase in International Bridge System's toll rate, in the amount of \$0.10, be dedicated towards payment of the debt as part of the Plan of Finance.

Commissioner Cascos suggested that the International Bridge System's toll rate be dedicated towards the total tax obligation.

At this time, there was discussion regarding the need for a new facility for the Health Department, and the designation of locations for new facilities, clarification was made that the master plan indicated the location of the facility that would house the Health and Engineering Department.

Commissioner Cascos noted that he would support the Plan of Finance if there was no ad valorem tax consequence and if the annual payment could be funded in total through the Bridge System, noting that the location of the new facility was not being designated at this time.

Judge Hinojosa stated that the total amount of Certificates and Unlimited Tax Road Bonds would be issued in the amount of \$8.3 million.

Commissioner Benavides moved that the Plan of Finance on the issuance of Certificate and Unlimited Tax Road Bonds be amended to include \$2.8 million, dedicating \$1 million for renovation of the Harlingen Annex and \$1.8 million to fund the construction of a facility that would house the Health and Engineering Department Administration, and that the International Bridge System's toll rates be dedicated towards payment of the debt as part of the Plan of Finance.

The motion was seconded by Commissioner Valdez.

Commissioner Garza noted that the location of the facilities to be constructed was not being designated at this time and requested that projection of revenues for the Bridge System be made available.

Upon motion duly made by Commissioner Benavides, seconded by Commissioner Valdez, and carried **unanimously**, the Plan of Finance was amended to include \$2.8 million, dedicating \$1 million for renovation of the Harlingen Annex and \$1.8 million to fund the construction of a facility that would house the Health and Engineering Department, and the International Bridge System's toll rates were dedicated towards payment of the debt as part of the Plan of Finance.

**The Plan is as follows:**

[REDACTED]

**NOTE: JUDGE HINOJOSA LEFT THE MEETING AT THIS TIME.**

**(3) PRESENTATION AND ACKNOWLEDGMENT OF THE QUARTERLY REPORT, FOR THE QUARTER ENDING MARCH 31, 2002, ON INVESTMENTS OF COUNTY FUNDS**

Mr. Eddie Gonzalez, County Treasurer, noted that the total of 1.8% should read 1.86%, and reported that there were no funds in pools except for the \$150,000.00, that there was a little over \$24 million in the C.D. Select with a base interest of 2.5%, that the Certificates were at a 6.4% interest rate paying less than 2% on the average, and that the Checking was at about \$5 million.

Upon motion by Commissioner Benavides, seconded by Commissioner Valdez and carried unanimously, the Presentation by the County Treasurer, concerning the Quarterly Report, for the quarter ending March 31, 2002, on Investments of County Funds was acknowledged.

**The Report is as follows:**

## **ACTION ITEMS**

### **(4) APPROVAL OF BUDGET AMENDMENTS**

Upon motion by Commissioner Benavides, seconded by Commissioner Garza and carried unanimously, the 2002 Fiscal Year Budget Amendment No. 2002-20 was approved.

**The Budget Amendments are as follow:**

- ████████████████████
- (5) **APPROVAL OF MINUTES:**  
A) **APRIL 2, 2002 - REGULAR**  
B) **APRIL 9, 2002 - REGULAR**

Commissioner Benavides moved that the Minutes for the Regular Meetings held April 2, 2002 and April 9, 2002, be approved.

The motion was seconded by Commissioner Valdez and carried unanimously.

- ████████████████████
- (7) **CONSIDERATION AND ADOPTION OF A REIMBURSEMENT RESOLUTION FOR ANY COST INCURRED FOR THE INTERIOR RENOVATION OF THE OLD CAMERON COUNTY COURTHOUSE/OSCAR DANCY BUILDING**

Upon motion by Commissioner Benavides, seconded by Commissioner Valdez and carried unanimously, the Reimbursement Resolution for any cost incurred for the interior renovation of the Old Cameron County Courthouse/Oscar Dancy Building was adopted.

**The Resolution is as follows:**

(9) **IN THE MATTER OF THE NAME CHANGE FROM  
IBC ROAD TO HERNAN RODRIGUEZ ROAD  
(TABLED)**

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

**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. 22 "c": Mr. Remi Garza, Administrative Assistant, noted that the item should read three (3) employees rather than two (2) employees.
- ITEM NO. 22 "l": Commissioner Garza clarified that this item pertained to Commissioner Precinct No. 3, rather than Commissioner Precinct No. 4.
- ITEM NO. 16: Commissioner Garza stated that the District Attorney's Office had presented a letter to him concerning communication services provided to their Officers by the Sheriff's Department, and that he had assumed that the issue was due to lack of radio frequencies, but yet the radio frequencies were available for the leasing. Lieutenant Arnold Flores, Sheriff's Department, noted that no radio frequency was being leased and explained that the Sheriff's Department would only provide dispatching services to Harlingen Texas State Technical College (TSTC). Commissioner Garza stated that in addition to the District Attorney's letter the City of Los Fresnos had been given a thirty (30) day notice to stop utilization of the radio frequency. He noted that he could not support any Interlocal Agreement for the use of radio frequencies unless the said issues were addressed. Mr. Remi Garza, Administrative Assistant, stated that the City Manager of Los Fresnos had indicated that they would meet with the Sheriff's Department to renew the Agreement in place. Commissioner Garza noted that the Agreement did not expire until August 2004. Judge Pro-tem Cascos suggested that this Item be tabled. Commissioner Garza asked Commissioners' Court Legal Counsel who had the authority to terminate a Contract. Mr. Doug Wright, Commissioners' Court Legal Counsel, responded that the Commissioners Court had the authority to terminate a Contract and that certain rare exceptions were allowed by Statute, noting that this issue did not apply. He stated that he was not aware of the termination notice and that what was being considered was the Interlocal Agreement between Cameron County and the Harlingen Texas State Technical College, adding that Interlocal Agreements were between Governmental entities and not between the Elected Officials. Commissioner Garza questioned whether an Elected Official was authorized to terminate an Agreement with a Municipality regarding the provision of radio frequency. Mr. Wright stated that he was unaware of any authority that permitted an Elected Official to terminate an Agreement under the factual situation

presented, and noted that under certain circumstances the legislation gave the Elected Officials the right to be involved.

Commissioner Valdez noted that TSTC should not be penalized for the current issues.

At this time there was a discussion regarding all Officers' Safety, radio frequencies available, the purchase of additional ADS Frequencies, the language of the item, and clarifications were made that the Sheriff's Department would provide dispatching services, that no additional radio frequencies were being provided, that the date on the Agreement would be corrected, and that no services had been provided to date.

Mr. Wright recommended that an Agenda Item be placed for discussion of the use of radio frequencies by the District Attorneys Office.

Ms. Karen Fischer, Assistant District Attorney, noted that the District Attorneys' Officers were informed that they would not have access to the radio communications with the Sheriff's Department, and that the District Attorneys' Officers had no radio access.

The Agreement and letters are as follow:



- ITEM NO. 20: Mr. Joseph Ardito, Property Manager, recommended that Item No. 20 be tabled for one week.
- ITEM NO. 22 "i": Judge Pro-tem Cascos questioned why this item was placed on the Agenda if it was not in accordance to Policy.  
Mr. Xavier Villarreal, Budget Officer, stated that in the past, lodging had been authorized for the person hosting a conference and that Mrs. Aurora de la Garza, District Clerk, had indicated that she was in charge of the conference and that the room was for herself.  
Mr. Mark Yates, County Auditor, clarified that no exceptions to the Policy would be made.
- ITEM NO. 10: Mr. Mark Yates, County Auditor, presented the following additional claims: Warrant No. 00075263, payable to the State Comptroller's Office, in the amount of \$5,664.25, Warrant No. 00075260, payable to JPCA of Texas Inc., in the amount of \$110.00, Warrant No. 00075261, payable to Los Indios International Bridge Reserve Fund, in the amount of \$6,843.00, and Warrant No. 00075262, payable to the State Comptroller's Office, in the amount of \$250.00.

Upon motion by Commissioner Garza, seconded by Commissioner Valdez and carried unanimously, the following "Consent and Travel Items" were approved inclusive of the changes to Items No. 22 "c" and "I", and Item No. 20 was **TABLED** for one (1) week.

- (10) **APPROVAL OF COUNTY CLAIMS;**
- (11) **AGREEMENT TO RELEASE CLAIM RECORDS HELD BY GROUP AND PENSION ADMINISTRATORS, INC.;**  
**The Agreement follows:**
- (12) **RESOLUTION REGARDING CAMERON COUNTY'S ONGOING PARTICIPATION IN THE CREATION OF THE WORLD BIRDING CENTER SOUTH PADRE ISLAND;**  
**The Resolution follows:**
- (13) PRELIMINARY AND FINAL APPROVAL:  
A) PRECINCT NO. 4 - LAS GARCIAS ESTATES - BEING A SUBDIVISION OF 4.47 ACRES OF LAND OUT OF BLOCK NO. 36, SAN BENITO LAND AND WATER COMPANY SUBDIVISION.
- (14) WORK EXPERIENCE AGREEMENT BETWEEN CAMERON COUNTY AND TEXAS WORKFORCE CENTER;  
The Agreement follows:
- (15) AUTHORIZATION FOR THE CAMERON COUNTY HEALTH DEPARTMENT TO APPLY FOR SUPPLEMENTAL FUNDS FROM THE CENTERS FOR DISEASE CONTROL AND PREVENTION (CDC) BIOTERRORISM GRANT THROUGH THE TEXAS DEPARTMENT OF HEALTH;
- (16) INTERLOCAL AGREEMENT BETWEEN CAMERON COUNTY SHERIFF'S DEPARTMENT AND THE HARLINGEN TEXAS STATE TECHNICAL COLLEGE POLICE DEPARTMENT RADIO, COMMUNICATIONS SYSTEM;  
The Agreement follows:
- (17) ACKNOWLEDGMENT OF THE ANNUAL CERTIFICATION OF THE DARRELL B. HESTER JUVENILE JUSTICE DETENTION CENTER CONDUCTED IN APRIL, 2002,

BY THE CAMERON COUNTY JUVENILE BOARD, AND IS BEING PROVIDED TO THE COMMISSIONERS' COURT, PURSUANT TO SECTION 51.12(c) OF THE TEXAS FAMILY CODE;

- (18) ACKNOWLEDGMENT OF THE ANNUAL CERTIFICATION OF THE AMADOR R. RODRIGUEZ JUVENILE BOOT CAMP AND EDUCATIONAL CENTER CONDUCTED IN APRIL, 2002, BY THE CAMERON COUNTY JUVENILE BOARD, AND IS BEING PROVIDED TO THE COMMISSIONERS' COURT, PURSUANT TO SECTION 51.12(c) OF THE TEXAS FAMILY CODE;
- (19) RESOLUTION AUTHORIZING THE SUBMISSION OF A FEDERAL GRANT APPLICATION TO THE OFFICE OF JUSTICE PROGRAM (OJP) FOR A REENTRY INITIATIVE KNOWN AS "GOING HOME" PROGRAM;  
The Resolution follows:
- (20) IN THE MATTER REGARDING THE HIRING OF AMERICAN CONTRACTING U.S.A., INC., TO REPAIR THE ROOF DAMAGES OF THE PORT ISABEL - CAMERON COUNTY AIRPORT(TABLED)
- (21) OPENING OF THE FOLLOWING BID/PROPOSALS:
  - A) AUTOMOTIVE BATTERIES - ANNUAL BID NO. 1980;
  - B) BUILDING SUPPLIES: CARPENTRY MATERIALS - ANNUAL BID NO. 2000;  
AND
  - C) TELEVISION BROADCASTING OF COMMISSIONERS' COURT MEETING REQUEST FOR PROPOSAL (RFP) NO. 1830-020401 AND APPROVAL OF RECOMMENDED EVALUATION COMMITTEE.

## **TRAVEL ITEMS**

- (22) **AUTHORIZATION TO TRAVEL/OR APPROVAL OF TRAVEL EXPENSE FOR THE FOLLOWING (PLEASE NOTE: TRAVEL REQUESTS ARE SUBJECT TO ALL APPLICABLE COUNTY POLICIES):**
  - (a) Commissioner Precinct No. 4 to attend the "4<sup>th</sup> County Auditors' Institute", in Austin, Texas, May 8-10, 2002;
  - (b) Reproduction Director and employee to attend the "Seminar on New Equipment that will be Showcased at Southwestern Graphics Show", in Dallas, Texas, May 16-18, 2002;
  - (c) Two (2) maintenance employees to attend the "4-410A Training Class Requirement to Purchase and Service Rheem's New R410A Air-Conditioning Equipment", in Harlingen, Texas, May 2, 2002;
  - (d) County Treasurer to attend the "County Treasurer's Continuing Education", in Fort Worth, Texas, July 25-26, 2002;
  - (e) County Extension Agent to attend the "Child/Parenting Task Force Meeting", in Mercedes, Texas, April 16, 2002;
  - (f) 107<sup>th</sup> District Court Reporter to attend the "Texas Court Reporter Association's Annual Convention/Seminar", in Montgomery, Texas, June 19-23, 2002;
  - (g) Assistant District Attorney to attend the "Conference on Criminal Appeals", in Austin Texas, April 30- May 3, 2002;
  - (h) Two (2) Program Development and Management employees to attend the "Mandatory Technical Assistance Workshop", in Mercedes, Texas, May 2, 2002;

- (i) District Clerk and nine (9) Deputy Clerks to attend the “County and District Clerk’s Region 8 Conference”, in McAllen, Texas, May 2-3, 2002;
- (j) Program Development and Management employee to attend the “Housing and Urban Development (HUD) Colonias Initiative Forum”, in McAllen, Texas, April 29, 2002;
- (k) Four (4) County Extension Agents to attend the “District 12 4-H Faculty Meeting”, in Corpus Christi, Texas, May 13-16, 2002;
- (l) Commissioner Precinct No. 4 Administrative Assistant to attend the “Housing and Urban Development (HUD) Gateway Initiative Orientation Seminar”, in McAllen, Texas, April 29, 2002;
- (m) Constable Precinct No. 7 and three (3) Deputies to attend the “Training Asset Forfeiture and Racial Profiling Seminar”, in Harlingen, Texas, May 29-31, 2002; and
- (n) County Warrant Officer and Deputy Clerk to attend the “Court Collection Conference Presented by Governmental Collectors Association of Texas (GCAT)”, in Kerville, Texas, May 29-31, 2002.



- (11) **AGREEMENT TO RELEASE CLAIM RECORDS HELD BY GROUP AND PENSION ADMINISTRATORS, INC.**  
**The Agreement is as follows:**

- (12) **RESOLUTION REGARDING CAMERON COUNTY'S ONGOING PARTICIPATION IN THE CREATION OF THE WORLD BIRDING CENTER SOUTH PADRE ISLAND.**  
**The Resolution is as follows:**

- (14) WORK EXPERIENCE AGREEMENT BETWEEN CAMERON COUNTY AND TEXAS WORKFORCE CENTER.  
The Agreement is as follows:**

- (16) INTERLOCAL AGREEMENT BETWEEN CAMERON COUNTY SHERIFF'S DEPARTMENT AND THE HARLINGEN TEXAS STATE TECHNICAL COLLEGE POLICE DEPARTMENT RADIO, COMMUNICATIONS SYSTEM.  
The Agreement is as follows:**

- (19) **RESOLUTION AUTHORIZING THE SUBMISSION OF A FEDERAL GRANT APPLICATION TO THE OFFICE OF JUSTICE PROGRAM (OJP) FOR A REENTRY INITIATIVE KNOWN AS "GOING HOME" PROGRAM.**  
**The Resolution is as follows:**



## **EXECUTIVE SESSION**

### **(29) EXECUTIVE SESSION**

Upon motion by Commissioner Benavides, seconded by Commissioner Valdez and carried unanimously, the Court met in Executive Session at 7:34 P.M., to discuss the following matters:

- a) Deliberation regarding Real Property concerning the possible purchase of property located at 117 N. Sam Houston Street, San Benito, Texas, (former Main Post Office); pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072;
- b) Deliberation regarding Real Property concerning the possible Lease Agreement between Cameron County and Pesa Inc.; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072;
- c) Confer with Commissioners' Court Legal Counsel concerning the proposed Agreed Order with the Texas Natural Resource Conservation Commission; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(2);
- d) Deliberation regarding Real Property concerning the possible acquisition of Right-of-Way pursuant to the Cameron County International Bridge System Master Plan; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072;
- e) Evaluation of Veterans Service Officer; pursuant to Vernon Texas Code Annotated (V.T.C.A.) Government Code, Section 551.074;
- f) Confer with Commissioners' Court Legal Counsel concerning the case styled Jane Doe a/n/f of Jane Doe, a Minor versus Boys and Girls Club of Brownsville Inc., and Cameron County, et al., Civil Action No. B-01-136 in the United States District Court for the Southern District of Texas Brownsville Division, for discussion and authority to hire counsel; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(1)(A);
- g) Confer with Commissioners' Court Legal Counsel concerning the case styled Antonio Bejaran Jr. versus John Cruz, Sheriff Deputy, John Doe, a coworker of John Cruz, and Mrs. Osha, Nurse, et al., Civil Action No. B-01-075 in the United States District Court for the Southern District of Texas Brownsville Division, for discussion and authority to hire counsel; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(1)(A);
- h) Confer with Commissioners' Court Legal Counsel concerning the case styled Billy Jack Johnson versus Cameron County, Texas, Kevin Crossley, individual, and Lt. Villarreal, individually, et al., Civil Action No. B-01-024 in the United States District Court for the Southern District of Texas Brownsville Division, for discussion and authority to hire counsel; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(1)(A);
- i) Confer with Commissioners' Court Legal Counsel concerning the case styled Maria Longoria and Maria Idalia Gutierrez, individually and on behalf of the estate of Juan Longoria, deceased versus Cameron County, Texas the City of Brownsville, Texas and John Does 1-10, et al., Civil Action No. B-01-062 in the United States District Court for the Southern District of Texas Brownsville Division, for discussion and authority to hire counsel; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(1)(A);
- j) Confer with Commissioners' Court Legal Counsel concerning the case styled Antonio Arguelles, et al., Civil Action No. 2001-07-3231-B in the 138<sup>th</sup> Judicial District Court,

Cameron County, Texas for Discussion and authority to hire counsel; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(1)(A);

- k) Confer with Commissioners' Court Legal Counsel concerning the case styled Thorton Development Corporation versus Cameron County, et al., Civil Action No. 2002-01-000385-A in the 107<sup>th</sup> Judicial District Court, Cameron County, Texas for discussion and authority to hire counsel; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(1)(A);
- l) Confer with Commissioners' Court Legal Counsel concerning the Father Joseph O'Brien Clinic, for discussion and authority to hire counsel; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(1)(A);
- m) Confer with Commissioners' Court Legal Counsel concerning the case styled Cameron County et al., versus Donald Evans, Secretary of Commerce, Cause No. B-01-082; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(1)(A); and
- n) Confer with Commissioners' Court Legal Counsel regarding the Lease Agreement between George Samano, Unidos Podemos, and Cameron County Unidos Podemos Program; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(1)(A)(2)&551.072.

Upon motion by Commissioner Valdez, seconded by Commissioner Benavides and carried unanimously, the Court reconvened in Regular Session at 8:44 P.M.

**NOTE: COMMISSIONER GARZA LEFT THE MEETING AT THIS TIME.**

(24) **ACTION RELATIVE TO EXECUTIVE SESSION:**

- a) **Deliberation regarding Real Property concerning the possible purchase of property located at 117 N. Sam Houston Street, San Benito, Texas, (former Main Post Office).**

Upon motion by Commissioner Benavides, seconded by Commissioner Valdez and carried unanimously, the Report by Mr. Joseph Ardito, Property Manager, concerning the possible purchase of property located at 117 N. Sam Houston Street, San Benito, Texas, (former Main Post Office) and Mr. Ardito was authorized to contact the U.S. Post Office and negotiate a purchase price was acknowledged.

- b) **Deliberation regarding Real Property concerning the possible Lease Agreement between Cameron County and Pesa Inc.**

Commissioner Valdez moved that Mr. Joseph Ardito, Property Manager, be authorized to continue negotiations concerning the possible Lease Agreement between Cameron County and Pesa Inc.

The motion was seconded by Commissioner Benavides and carried unanimously.

- c) **Confer with Commissioners' Court Legal Counsel concerning the proposed Agreed Order with the Texas Natural Resource Conservation Commission.**

Upon motion by Commissioner Valdez, seconded by Commissioner Benavides and carried unanimously, Honorable Judge Gilberto Hinojosa was authorized to sign the Agreed Order with the Texas Natural Resource Conservation Commission.

[REDACTED]

**d) Deliberation regarding Real Property concerning the possible acquisition of Right-of-Way pursuant to the Cameron County International Bridge System Master Plan.**

Commissioner Benavides moved that the Report by Mr. Pete Sepulveda, International Bridge System Director, concerning the possible acquisition of Right-of-Way pursuant to the Cameron County International Bridge System Master Plan be acknowledged.

The motion was seconded by Commissioner Valdez and carried unanimously.

[REDACTED]

**e) In the matter of evaluation of Veterans Service Officer. (TABLED)**

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

This Item was not discussed.

- [REDACTED]
- f) Confer with Commissioners' Court Legal Counsel concerning the case styled Jane Doe a/n/f of Jane Doe, a Minor versus Boys and Girls Club of Brownsville Inc., and Cameron County, et al., Civil Action No. B-01-136 in the United States District Court for the Southern District of Texas Brownsville Division, for discussion and authority to hire Counsel.**
  - g) Confer with Commissioners' Court Legal Counsel concerning the case styled Antonio Bejaran Jr. versus John Cruz, Deputy Sheriff, John Doe, a coworker of John Cruz, and Mrs. Osha, Nurse, et al., Civil Action No. B-01-075 in the United States District Court for the Southern District of Texas Brownsville Division, for discussion and authority to hire counsel.**
  - h) Confer with Commissioners' Court Legal Counsel concerning the case styled Billy Jack Johnson versus Cameron County, Texas, Mr. Kevin Crossley, individual, and Lt. Villarreal, individually, et al., Civil Action No. B-01-024 in the United States District Court for the Southern District of Texas Brownsville Division, for discussion and authority to hire counsel.**
  - i) Confer with Commissioners' Court Legal Counsel concerning the case styled Maria Longoria and Maria Idalia Gutierrez, individually and on behalf of the estate of Juan Longoria, deceased versus Cameron County, Texas the city of Brownsville, Texas and John Does 1-10, et al., Civil Action No. B-01-062 in the United States District Court for the Southern District of Texas Brownsville Division, for discussion and authority to hire counsel.**

Commissioner Benavides moved that the Law Firm of Adams and Graham, L.L.P., be hired to represent the County in the actions in Items (f), (g), (h), and (i).

The motion was seconded by Commissioner Valdez and carried unanimously.

**The Contracts are as follow:**

- [REDACTED]**
- j) **Confer with Commissioners' Court Legal Counsel concerning the case styled Antonio Arguelles, et al., Civil Action No. 2001-07-3231-B in the 138<sup>th</sup> Judicial District Court, Cameron County, Texas, for discussion and authority to hire counsel.**
  - k) **Confer with Commissioners' Court Legal Counsel concerning the case styled Thorton Development Corporation versus Cameron County, et al., Civil action No. 2002-01-000385-A in the 107<sup>th</sup> Judicial District Court, Cameron County, Texas, for discussion and authority to hire counsel.**
  - l) **Confer with Commissioners' Court Legal Counsel concerning the Father Joseph O'Brien Clinic, for discussion and authority to hire counsel.**

Upon motion by Commissioner Valdez, seconded by Commissioner Benavides and carried unanimously, the Law Firm of Willette and Guerra, L.L.P., was hired to represent the County in the following cases: case styled Antonio Arguelles, et al., Civil Action No. 2001-07-3231-B in the 138<sup>th</sup> Judicial District Court, Cameron County, Texas, case styled Thorton Development Corporation versus Cameron County, et al., Civil action No. 2002-01-000385-A in the 107<sup>th</sup> Judicial District Court, Cameron County, Texas, and the Father Joseph O'Brien Clinic.

**The Contracts are as follow:**

- [REDACTED]
- m) **In the matter to confer with Commissioners' Court Legal Counsel concerning the case styled Cameron County et al., versus Mr. Donald Evans, Secretary of Commerce, Cause No B-01-082. (TABLED)**

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

- [REDACTED]
- n) **Confer with Commissioners' Court Legal Counsel regarding the Lease Agreement between Mr. George Samano, Unidos Podemos, and Cameron County Unidos Podemos Program.**

Upon motion by Commissioner Valdez, seconded by Commissioner Benavides and carried unanimously, the Status Report by Mr. Doug Wright, Commissioners' Court Legal Counsel regarding the Lease Agreement between George Samano, Unidos Podemos, and Cameron County Unidos Podemos Program was acknowledged.

[REDACTED]

There being no further business to come before the Court, upon motion by Commissioner Benavides, seconded by Commissioner Valdez and carried unanimously, the meeting was **ADJOURNED** at 8:47 P.M.

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**APPROVED** this 4<sup>th</sup> day of **June 2002**.

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**GILBERTO HINOJOSA**  
**COUNTY JUDGE**

**ATTEST:**

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