

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 13th day of August 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

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:

CARLOS H. CASCOS, C.P.A

The meeting was called to order by Judge Hinojosa at 5:55 P.M. He then asked Ms. Edith Rivera, Laredo 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 August 9, 2002, at 4:06 P.M.:

At this time, Judge Hinojosa administered the Oath of Office to Commissioner Garza as a chair member of the Lower Regional Review Committee.

PRESENTATION

(1) PRESENTATION OF RESOLUTION TO MS. MINNIE SALDIVAR, COUNTY CLERK'S OFFICE, ON THE OCCASION OF HER RETIREMENT FROM CAMERON COUNTY

Judge Hinojosa read and presented a Resolution to Ms. Minnie Saldivar, County Clerk's Office recognizing her dedication to the County and the community on the occasion of her retirement.

Commissioner Garza moved that the Resolution honoring Ms. Minnie Saldivar, County Clerk's Office, on the occasion of her retirement from Cameron County be approved.

The motion was seconded by Commissioner Valdez and carried unanimously.

Mr. Joe G. Rivera, County Clerk, briefed as to how he met Ms. Saldivar and expressed his gratitude towards her for being a great employee and for the service she provided to the community through his office for twenty-one (21) years.

Ms. Minnie Saldivar thanked Mr. Rivera for the opportunity to be part of the County Clerk's Office, and thanked Judge Hinojosa and the Commissioners for the recognition.

The Resolution is as follows:

ACTION ITEMS

(11) CONSIDERATION AND POSSIBLE ACTION RELATED TO STATIONARY VENDORS AT PUBLIC BEACHES ON SOUTH PADRE ISLAND

Mr. Javier Mendez, Parks System Director, informed that a compromise was reached between the Parks System and the vendors; that being, that sites or station would be set every 1/4 of a mile along the beach. He explained that the vendors would be required to have signs in place and to have the stations roped up. Mr. Mendez stated that an Addendum to the Permit had been drawn up by the Attorney at Law representing the vendor, adding that the document had been reviewed by Commissioners' Court Legal Counsel. He explained that the text indicating the "exclusive use of the site" could be not utilized, as well as other language, and noted that the basic concept was acceptable.

Judge Hinojosa noted that the public needed to walk a distance of about 1/8 of a mile to purchase from the vendors.

Commissioner Benavides questioned if the stations would be barricaded and designated to specific vendors.

Mr. Mendez explained that the Park System would not conduct any work and that the vendors would have to maintain the site, adding that the plan would be placed on a trial basis until the renewal of the contracts was considered in December 31, 2002.

Mr. Doug Wright, Commissioners' Court Legal Counsel, stated that the Addendum was acceptable and that minor changes needed implementation. He recommended that the agreement be set on a trial basis for a short period and that the Addendum to the existing Vendors Permit be approved.

Upon motion by Commissioner Benavides, seconded by Commissioner Garza and carried unanimously, the Addendum to the existing Vendors Permit was approved.

The Addendum is as follows:

[REDACTED]

(2) **APPROVAL OF THE BUDGET AMENDMENTS**

Commissioner Benavides moved that the 2002-Fiscal Year Budget Amendment No. 2002-33 be approved.

The motion was seconded by Commissioner Valdez and carried unanimously.

The Budget Amendments are as follow:

[REDACTED]

(3) CONSIDERATION AND POSSIBLE APPROVAL OF SERVICE CONTRACT WITH RGV EDUCATIONAL BROADCASTING, INCORPORATED (KMBH-TV 60) FOR THE TELEVISIONING OF COMMISSIONERS' COURT

Mr. Doug Wright, Commissioners' Court Legal Counsel, informed that the existing Contract for Hidalgo County had been modified to accommodate Cameron County's unique situation. He explained that provision added to indicate that the videotaping was merely a transmission service and that Court would maintain the County Clerk's Record as its Official Record.

Commissioner Garza questioned the funding source.

Mr. Xavier Villarreal, Budget Officer, stated that the Contract would take effect in September 2002; therefore, only four (4) meetings, costing the amount of \$1,000.00 per meeting, would be entailed for the remainder of the 2002-Fiscal Year and that the balance would need to be budgeted during the 2003-Fiscal Years. He stated that televising of Commissioners' Court could not be funded as a function of the County Clerk's Office, since it was clarified that the video tape would not be the Court's Official Record, and suggested that the remaining portion of the cost be split among the General Fund and the various funds participating in the Agenda Process. Mr. Villarreal stated that Commissioner Cascos had recommended that the Lapsed Salaries from within his Road & Bridge Funds be used to fund the televising service.

Commissioner Garza questioned if the salaries had been encumbered.

Mr. Villarreal responded that only a part-time position was being funded through Commissioner Cascos' Budget.

Commissioner Benavides moved that the Service Contract with RGV Educational Broadcasting, Incorporated (KMBH-TV 60) for the televising of the Commissioners' Court Meetings be approved and that the funding source be allocated from Commissioner Cascos's Budget throughout the remainder of the 2002-Fiscal Year.

The motion was seconded by Commissioner Valdez.

Mr. Doug Wright, Commissioners' Court Legal Counsel, expressed his concern with utilizing only Road & Bridge Funds and noted that a percentage of funds might be justified.

Judge Hinojosa suggested that the televising service for the two (2) meetings be funded from the Road & Bridge Fund and that a Budget Amendment be presented for the remaining balance.

Commissioner Benavides moved that the Service Contract with RGV Educational Broadcasting, Incorporated (KMBH-TV 60) for the televising of the Commissioners' Court Meetings be approved, subject to funding recommendation by the Budget Officer.

The motion was seconded by Commissioner Valdez.

Commissioner Garza questioned who worded the Contract.

Mr. Wright responded that Mrs. Dylbia L. Jeffrey, Civil Division, had reviewed and attempted to adapted the Hidalgo County's Contract for televising services to the situation of Cameron County and that the only change was made relating to the exclusion of language requiring that the County keep the video as the Official Record.

Commissioner Garza questioned if the language addressing the televising of Commissioners' Court Meetings was standard language.

Mr. Remi Garza, Administrative Assistant, clarified that the language was almost verbatim to the County's Request for Proposal (RFP).

Upon motion duly made by Commissioner Benavides, seconded by Commissioner Valdez and carried unanimously, the Service Contract with RGV Educational Broadcasting, Incorporated (KMBH-TV 60) for the televising of the Commissioners' Court Meeting was approved, subject to funding recommendation by the Budget Officer.

The Agreement is as follows:

[REDACTED]

**(4) CONSIDERATION AND POSSIBLE ACTION
REGARDING OVERTIME PAY FOR CAMERON
COUNTY JAILERS**

Captain Robert Lopez, Sheriff's Department, informed that the Rucker/Carrizalez Detention Center was lacking staff and was increasing in inmate population. He requested that overtime be paid to the jailers until physical help was obtained in the 2003-Fiscal Budget, adding that the help would consist of three (3) jailers to cover the day shift, which accumulated the most overtime, equaling about twenty-four (24) hours of overtime per day.

Mr. Xavier Villarreal, Budget Officer, stated that the General Fund's Budget was really tight and that the Lapse Salaries were already allocated. He recommended that some of the Sheriff's Deputies be scheduled to help at the jail utilizing the eleven (11) hour throughout the remainder of the 2002-Fiscal Year, adding that maybe by the 2003-Fiscal Year the Cameron Works Program would be implemented to assist with the staffing issues.

Judge Hinojosa informed that the Job Training Program for jailers would be implemented by Texas State Technical College (TSTC).

Commissioner Garza questioned if it was feasible to utilize Sheriff Deputies to assist at the jail.

Captain Lopez commented that the Sheriff would disagree, and that the jail would be staffed regardless, but he preferred that overtime be approved for the jailers.

Commissioner Benavides questioned the dollar amount being considered.

Mr. Villarreal responded that between \$20,000.00 and \$28,000.00 was needed from today through the 2003-Fiscal Year.

Judge Hinojosa stated that he did not see a problem with the short term request to have Sheriff Deputies assist at the jail for one (1) day per month for the remainder of the 2002-Fiscal Year, adding that the Job Training Program would supply about thirty-five (35) jailers to be funded by the State of Texas. He suggested that the Court approve the Budget Officer's recommendation.

Mr. Doug Wright, Commissioners' Court Legal Counsel, recommended that the motion be an advisory and/or recommendation rather than formal action, adding that the Sheriff would dictate the placement of his Deputy Officers.

Mr. Mark Yates, County Auditor, clarified that overtime would be paid because the County could not afford comp time.

Judge Hinojosa noted that overtime was not being authorized.

Commissioner Valdez moved that the recommendation to Cameron County Sheriff to use Sheriff Deputies to staff the Rucker/Carrizalez Detention Center consistent with the available hours under the 171 hours worked be approved.

The motion was seconded by Commissioner Benavides and carried unanimously.

(5) **CONSIDERATION AND AUTHORIZATION FOR A DISCUSSION AND REPORT BY MR. ROBERT MENDOZA, ELECTIONS ADMINISTRATOR, REGARDING AN ISSUE IN WHICH A CONSTITUENT RECEIVED SIX (6) VOTER REGISTRATION CARDS WITHIN A PERIOD OF TWO DAYS**

Mr. Robert Mendoza, Elections Administrator - "Good evening Honorable Judge and Commissioners. I received a request last week from Commissioner Garza to look into the matter where a citizen complained to him regarding the receipt of six voter registration cards belonging to his sister. Now, the sister moved away about 6-7 years ago, did not register in her new County. I think she still resides in Texas, and she didn't cancel her voter registration with our Office. So there was no way for us to know, and our records don't indicate a prior contact from her sister telling us that this person no longer lives here. There's a formal process to deal with this, so we don't have anything in writing, to direct us to cancel or make changes there. Now, as to the reason why six cards were sent, well, first of all I need to clarify they weren't voter registration certificates, these were confirmation notices. The certificates went out early this year, subsequent to that all the certificates that were returned had notices sent just to make sure that those people don't live there anymore. If we get those back then that person is put on the suspense list for four (4) years til Federal Elections and after that point they get dropped. This particular voter is on the suspense list at this time. So it is very important for us to keep in our files the certificate that was returned and subsequent to that any other correspondence. Now, we are very concerned that we had been sending several copies of the same thing. We looked into the matter. We did get copies from Mr. Garza on late Friday afternoon, also with our Computer Center as to some of the technical reasons behind this. We did, just for your information, experience a little bit of jamming with our printer. What is ironic is that we just started this year a new program that would save us quite a bit of money in postage, \$2,000.00 already. This confirmation notice used to be sent in letter format, now they are sent in postcard format and that's a lot cheaper. It's something new and of course it's been working out really well, a few kinks here and there, but this is one of them, aside from the jamming that we had for a day or so last month. It was also brought to my attention today by looking at our power log where it shows all our activity related to the power supply that fuels all our computer systems here in the Courthouse. On the date of July 26th we had power failure, and so that is duly noted in that system, that caused our printer to, once it's pulled the information and the failures kicked in, reset everything and of course it reprinted some of the things during the day. I

also have temporary workers who come in the morning, there're some of them that work half a day, and then there is others that work half a day in the afternoon so they didn't know together that there had been problems. I have instructed my staff to be sure and go over, through everything we print at the end of the day and spot check for repetition so that we are not sending more than one (1) piece of correspondence to someone."

Commissioner Garza - "I think that if Mr. Mendoza would have responded to my concern in the matter in which he's presenting himself this afternoon, it would have probably been taken care of at that time. Unfortunately, he chose not to do that. And this is not several cards, these were six (6) cards to one (1) individual and they were all postmarked on two (2) different dates, okay. And in regards to having received them in my possession they were delivered to me by the sister who had a concern, which I think is something that any citizen of this County is entitled to have and address before those of us that Budget their tax dollars. So, I took it upon myself to ask for an explanation of Mr. Mendoza, and as always I courtesy copy any interested parties regarding the concern that I had, which include of course the Elections Commission and all these Commissioners that choose where to spend the tax dollars. As a result of that, a concern on how their tax dollars were being spent, Mr. Robert Mendoza attempted to charge me with a crime of tampering with Governmental Records. Not only was he wrong, but his actions showed me that he is very desperate in trying to keep the public from finding out what is going on in his office. As I left or as I was at work on Saturday morning I had three (3) or four (4) phone calls from people and visits that I had of people coming to me and saying 'I've received two (2) cards.' Mrs. Brodecky, who's sitting in the audience over there, called me that afternoon and she said 'I received a number of cards', I said 'do you have them?', she said 'no I returned them back to the Office'. So and so's nephew received five (5) cards, he's been in the Army for eight (8) years. Sunday morning at church people came up to me and said 'You know this is not the proper place to talk about anyone, but I received three (3) cards.' And it's a problem that exists and that I think we need to deal with. I think the underline complaint that I received was a constituent's complaint, a tax paying citizen, of our county. Others, is very evident have had similar problems. I simply sent a letter inquiring, very conciliatory in nature, copying the people that I thought needed to be informed, and will continue to inform. You called me and accused me of a crime. You visited the District Attorney's Office and presumably, from what I heard, possibly the Sheriffs's Department, rather than trying to find out what the problem was in your office. Rather than trying to figure out how you could remedy that, you chose to just make the problem bigger and become the problem, because the problem is one of no communication. This is not the first time we've had problems with the Elections Administrator. I've received complaints during the past election, that range from a lack of confidence and the ability to have a fair and impartial election in the County to complaints of arrogance in dealing with Public Officials and Public, me being one of those Public Officials. We have a problem. There is a problem and the problem Mr. Mendoza is not your staff. It is

you! I believe, as a County Commissioner representing the constituents of our County, that you should be terminated. Not because of what you accused me of, that has absolutely nothing to do with it, you can do what you wish with me, but I think the citizens of this County deserve to know that we can have a fair, and an honest, and impartial election. Judge, I think you would agree, you got one coming up soon. So, I call upon you (Judge Hinojosa), our County Clerk, Joe Rivera that was with us earlier, our Tax Assessor Collector, Tony Yzaguirre, and the chairs of both parties, to listen to what is occurring, to be cognizant of the fact that we have people's electoral trust placed in one (1) office in this County. And, I think that we are running a risk of having problems in the November Election if we don't do something about it. And that is all I have to say."

Mrs. JuaNita Brodecky, Rio Hondo resident - "I would like to make a statement on this account too. We have lost faith in a fair and honest election. I received five (5) cards for my grandson, who is in the service and has not lived in this State for many moons, he is in the service in Jordan. I received five (5) cards and they were dated on two (2) dates. I don't think that Robert has explained the two (2) dates, the power outage. I think that probably the lack of supervision in his office with new employees is one of the culprits that is standing in his way. I spoke to a citizen and taxpayer, her son has been out of this State for thirty (30) years. He has not lived in Rio Hondo for thirty (30) years, he still gets these identification cards and she returns them. I returned all five (5) of these cards with notes written on them. Did you see any of those, Robert?"

Mr. Mendoza - "I personally didn't."

Mrs. Brodecky - "No. Your staff is not communicating with you on serious problems. I go with Mr. Garza. You need to be fired."

Judge Hinojosa - "Well let me just say this, we are not taking up a personal matter. But I have to say that I understand what happened with the computer glitches, I checked it out, and to say that this was poorly handled by you (Mr. Mendoza) in terms of the request by Commissioner Garza is probably an understatement. And I think that the legitimate concern was brought to your attention. He was doing it based upon his concern not only with the use of taxpayers money, but also his concern about the integrity of the Electoral Process, which I think is something that we should all, as Elected Officials, be concerned about. And I think your response should have been to jump up and deal with these concerns immediately and not do what you did. An individual has a right and that individual believes that there is criminal conduct occurring to take the appropriate action. But I don't believe anybody would have thought that what Commissioner Garza was doing was anything, but attempting to do his job as a Commissioner. So, I don't know about the personnel issues, I am not prepared to address those issues right now, but I do want to tell you that, from my perspective, it was very, very, poorly handled by you. And I am very disappointed."

Mr. Mendoza - "Judge, may I respond."

Judge Hinojosa - "Yeah."

Mr. Mendoza - "There is another side to this story. When I received the complaint, I didn't receive any backup, I wasn't sure what we were looking for and it was hearsay. We were told six (6) voter registration cards, those could have been certificates, we assumed that first. And I called the Commissioner's Office more than once. And it didn't happen until Friday afternoon that I got those copies of what you actually had in your possession. You didn't want to relinquish those on Friday morning. What I said was that you could be in trouble if those hard copies weren't sent to us. We thought we were still dealing with certificates, Commissioner. And so it made it very hard for me to conduct an investigation and to get answers if I was in the dark and didn't know what was going on. I mean, it would've helped a lot. I am not saying that I responded perfectly, none of us are perfect, you know. And that is part of everyday life. The newspaper is not perfect they make mistakes. You're not perfect, you turned in your campaign Finance Report a day late, back in July. That's part of life. I tried my best to respond to what you gave me, I was calm, it wasn't until Friday that I talked to you and figured out what was at the heart of the matter. I called the Secretary of State's Office after we found out what we were dealing with, and I asked them 'what can we do in this case.' Their Chief Counsel, Legal Counsel, told me 'well it could be considered possible tampering of Government Records'. That's what I was told by the Secretary of State's Office and then the Texas Association of Counties said the same thing. My concern was to get the documents back, so that we could conduct....."

Commissioner Garza - "My concern was that if you got those documents no one would ever know they existed. And being in the dark as you said, yes you are in the dark. I am not an Attorney, but it doesn't take a Rocket Scientist to figure out that if a constituent brings me something, that I intend to give to the appropriate party, that I am being labeled as a criminal from an individual that doesn't have all the information, as you well said, is completely wrong.

Mr. Mendoza - "Commissioner."

Commissioner Garza - "Immediately there after I got a call from my secretary, she says 'I will never talk to that office again,' because you know the arrogance, the rudeness, the commentary that was told to me was completely, totally, out of the realm of how a Public Official should act. And these people that we are dealing with, when we call each others' offices guess what, are also residents of this County, also tax paying citizens of this County, also constituent voters that utilize the offices that you represent."

Mr. Mendoza - "Commissioner, may I finish?"

Commissioner Garza - "Yes."

Mr. Mendoza - "What happened Friday afternoon was that I went to resolve the matter. I was not interested in getting anyone in trouble with a criminal complaint. I just wanted to resolve the issue. Yes, I did go to the DA's Office. I wanted to know from a Legal Perspective, what we were dealing with, and if a complaint was warranted, then it would've been done, but it was not done. I went and inquired on the matter. And that is all I did just to get information. I mean you weren't being helpful. And so we were trying to work around that. You were condescending towards me during that phone conversation. You hung up the phone on me."

Commissioner Garza - "I don't take insults from individuals that are in the dark, okay. I'm a Public Official, and you are probably one (1) of the few people in Cameron County that has ever been hung up by this Commissioner purposely. And, if you use the same arrogance that you used then, rest assured Mr. Mendoza that you will be hung up again, okay. I think I've shown my demeanor in this Court, and I have the tendency sometimes to maybe be short, but I will always listen to the point of tolerating arrogance, in your behavior, no!"

Mr. Mendoza - "Commissioner, I was frustrated...."

Commissioner Garza - "You're paid to be frustrated. Just like we are."

Mr. Doug Wright, Commissioners' Court Legal Counsel - "Judge, excuse me. The item, I think the Commissioner has made his point, and there's a Statutory Process for all of this, as far as the issues of removal. I think that at this point we ought to cut the discussion off any further."

Commissioner Garza - "I would rather myself."

Judge Hinojosa - "I don't know what else to tell, but it wasn't handled right. Okay. Do I hear a motion to acknowledge the discussion?"

Upon motion by Commissioner Garza, seconded by Commissioner Valdez and carried unanimously, the explanation and discussion by Mr. Robert Mendoza, Elections Administrator, regarding an issue in which a constituent received six (6) voter registration cards within a period of two (2) days was acknowledged.

(6) CONSIDERATION AND AUTHORIZATION TO PUBLISH COUNTY EFFECTIVE AND ROLLBACK TAX RATES FOR THE 2002-2003 FISCAL YEAR

Mr. Xavier Villarreal, Budget Officer, explained that the County was required to publish notice of the calculated effective rates for the General Fund and the Road \$ Bridge Fund and the rollback rate for this year. Mr. Villarreal read the following rates for the General Fund portion:

Judge Hinojosa questioned whether the minimum and maximum rates used to establish the 2003-Fiscal Year Budget were being presented.

Mr. Villarreal responded in the affirmative, and noted that the debt service requirement reflected the Court's agreement to fund the 2002 Certificates of Obligation (C.O.S.) through an increase in the toll-rates, adding that the required revenues were listed; therefore, the tax rate was not affected.

Commissioner Garza moved that the publication of the County Effective and Rollback Tax Rates for the 2002-2003 Fiscal Year be authorized.

The motion was seconded by Commissioner Valdez and carried unanimously.

(7) **CONSIDERATION AND AUTHORIZATION TO
AWARD THE REQUEST FOR PROPOSAL (RFP)
FOR INDEPENDENT AUDITORS-AUDIT SERVICES
- RFP NO. 1220**

Mr. Mark Yates, County Auditor, stated that as of October 1, 2002, this would be the first year that the County was required to adhere to the Governmental Accounting Standards Board - 34 (GASB-34) requirement, in which governmental entities would have to produce an extra set of statements and essentially converting a lot of governmental styles into an enterprise style. He stated that the County had to recognize assets, the cost of the depreciation of the assets, and setup accruals of revenues whether they were collect or not. Mr. Yates stated that the Auditor's Office did not want to enter into the previous audit arrangement with any of the outside auditors and wanted to obtain a system specialized services that would be ready to produce reports and statements that comply with the GASB-34 and 33 by this time next year. He explained that the statements presented to the Court complied with the GASB-34 because the information included the recent Fitch reportings, adding that the information provided the excellence of reporting necessary to obtain good ratings to borrow money. Mr. Yates stated that Long Chilton had the highest score and was the Evaluation Committee's recommendation.

Commissioner Garza moved that the Request for Proposal (RFP) for Independent Auditors - Audit Services - RFP No. 1220 be awarded to Long Chilton, Brownsville, Texas.

The motion was seconded by Commissioner Benavides.

Commissioner Garza questioned the cost for the Audit Service for last year.

Mr. Yates responded that the cost was in the amount of \$45,000.00, and explained that GASB-34 requirement did not apply to the Audit Report for the 2002-Fiscal Year and that the GASB- 34's larger scope of requirements did apply to the Audit Report for the 2003-Fiscal Year.

Commissioner Valdez stated that Financial Statement indicated that the Cameron County Housing Authority was part of the Financial Statement and questioned if they were included in the price.

Mr. Yates responded in the affirmative, and explained that the Cameron County Housing Authority's fee was in the approximate amount of \$5,000.00, adding that planning for the upcoming Audit Report would begin August 15, 2002.

Upon motion duly made by Commissioner Garza, seconded by Commissioner Benavides and carried unanimously, the Request for Proposal (RFP) for Independent Auditors- Audit Services -RFP No. 1220 was awarded to Long Chilton .

The Tabulation is as follows:

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(8) IN THE MATTER REGARDING CONSIDERATION AND POSSIBLE APPROVAL OF ONE (1) MOBILE PHONE AND SERVICE FOR CAMERON COUNTY CONSTABLE PRECINCT NO. 2 (TABLED)

Constable Abel Perez, Constable Precinct No. 2, requested one (1) mobile phone and service for his Office. He explained that the need was due to contacts made on a daily, that some Constable Deputies used their personal mobile phones, and that the Chief Deputy spent between \$30.00 and \$40.00 per month on mobile phone services relating to County Business. Constable Perez noted the need to communicate over a mobile phone at times instead of over the radio system.

Judge Hinojosa questioned if a pooling plan for mobile phones was available in the Constable's Office.

Mr. Mark Yates, County Auditor, explained that the County had a Contract which allowed that unused air time minute from some departments be to used to cover over usages in other departments, adding that an additional mobile phone would cost \$62.50 per month.

Judge Hinojosa questioned if the Constable Departments had a Family Plan in effect.

Mr. Yates stated that the Family Plan was included under the old plan with Cingular Wireless, which consisted of 1,500 minutes and the option to buy additional mobile phones, adding that if the 1,500 minutes were not exceeded an additional phone would cost \$14.00.

Judge Hinojosa noted that the concern was that funding for a mobile phone and service was not available and requested that the available pool plans be reviewed and brought back before the Court.

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

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(9) IN THE MATTER REGARDING APPROVAL OF LONGEVITY PAY FOR CAMERON COUNTY CONSTABLE, PRECINCT NO. 2 (TABLED)

Judge Hinojosa stated that the longevity pay request presented by Constable Precinct No. 2 could not be paid legally.

Mr. Doug Wright, Commissioners' Court Legal Counsel, stated that the Statutes were clear as to the salary of the Elected Officials, and explained that the notice process and the budgetary process had to be followed. He explained that the Court could not supplement Elected Officials' salaries during the year, but could pay more based on the experience and the area being served by following the budgetary process in the new fiscal year.

Constable Abel Perez, Constable Precinct No. 2, briefed that he has been employed with the County since the early 1970's, had resigned from the Sheriff's Office in 1997, and thereafter began working with the Constables' Office, at

which time the longevity pay, in the amount exceeding \$2,000.00, was taken away. He requested that the Court assist in attempting to partially recuperate the lost funds.

Judge Hinojosa stated that the Court could not assist on the matter.

Captain Robert Lopez, Sheriff's Department, commented that Constable Perez was going through a similar situation as his, where according to Statute the Deputy Sheriffs were eligible to get longevity pay. He added that the Constable had lost the longevity pay because they were not eligible, but that the \$90.00 longevity pay earned should stay with him, although additional longevity pay was not accumulated.

Judge Hinojosa noted that under the new County Policy the Deputy Constables had longevity pay added to the Sheriff's Department pay. He explained that the issue with Constable Perez was that he was an Elected Official and that once the salary was set into the new Fiscal Year it could not be changed until the next physical year, with exception of the Grievance Committee that occurs in September.

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

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(10) **CONSIDERATION AND ACCEPTANCE OF DONATION OF COMPUTER EQUIPMENT AND FURNITURE FROM TEXAS A&M UNIVERSITY FOR THE TECHNOLOGY CENTER AT LA ESPERANZA PARK**

Judge Hinojosa questioned when Internet Service would be installed at the Technology Center at La Esperanza Park.

Mr. Javier Mendez, Parks System Director, informed that he and the Computer Center Director had recommended that the computers be connected to the County's network and service in order to provide Internet Service.

Judge Hinojosa questioned the difficulty in installing the Internet Service.

Mr. Mendez explained that the T1-Line, which connects to Texas A&M, appeared to be disconnected and that they were waiting on the Roadrunner Service provided by Time Warner. He questioned if the Court wanted to have the Technology Center at La Esperanza connected to the County Network.

Judge Hinojosa questioned whether the County would incur any costs.

Mr. Mendez stated that the only expense would be that of an additional phone line.

Commissioner Garza questioned the tables and chairs not listed.

Mr. Mendez explained that the equipment not listed was already physically at the site.

Mr. Mark Yates, County Auditor, reported that on the day of the delivery an inventory was conducted and that the contents were valued.

Commissioner Valdez moved that the acceptance of the donation of computer equipment and furniture from Texas A&M University for the Technology Center at La Esperanza Park be approved.

The motion was seconded by Commissioner Benavides and carried unanimously.

[REDACTED]

At this time, Mr. Javier Mendoza, Parks System Director, informed that Mr. Freddy Javier Martinez, former County employee, was involved in a tragic accident that led to his death, leaving wife and five (5) children. He added that a cookout would take place at the Marina to raise funds to assist the family with the cost of burial services.

Judge Hinojosa expressed his condolences to the family.

[REDACTED]

**(12) CONSIDERATION AND POSSIBLE APPROVAL OF
BANNER TOWING POLICIES AT THE PORT
ISABEL-CAMERON COUNTY AIRPORT**

Mr. Joseph Ardito, Property Manager, requested implementation of a Banner Towing Policy to benefit the County Airport and the users.

Commissioner Garza moved that the Banner Towing Policies at the Port Isabel - Cameron County Airport be adopted.

The motion was seconded by Commissioner Benavides and carried unanimously.

The Policy is as follows:

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 WAS TAKEN SEPARATELY.

DISCUSSION CONCERNING CONSENT AGENDA ITEMS:

ITEM NO. 13: Mr. Mark Yates, County Auditor, presented the following late claims relating to the acquisition of properties for the Oscar Dancy Building Parking Lot: as to Warrant No. 00081228, as to Cameron County Title Company, in the amount of \$38,195.00; as to Warrant No. 00081229, as to Cameron County Title Company, in the amount of \$75,912.60; as to Warrant No. 00081230, as to Cameron County Title Company, in the amount of \$63,195.00; and as to Warrant No. 00081231, as to Ms. Rendida A. Saldivar, in the amount of \$10,000.00.
Judge Hinojosa questioned whether any of the properties were located adjacent to the Pacheco Building block.
Mr. Joseph Ardito, Property Manager, responded in the affirmative.
Commissioner Garza questioned Warrant No. 00080894.
Mr. Yates clarified that this warrant was payable to Mr. David Garza for restoration.
Judge Hinojosa questioned if the Purchase Contracts had been executed.
Mr. Ardito responded in the affirmative.

Commissioner Garza moved that the following "Consent Items" be approved, inclusive of the late claims.

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

AYE: Commissioners Benavides, Garza, and Valdez,

NAY: None,

ABSTAIN: Judge Hinojosa as to Warrant No. 00081043, payable to Laguna Madre Water District, in the amount of \$184.08.

- (13) **APPROVAL OF CLAMS;
The Affidavit follows:**
- (14) **CONSIDERATION AND APPROVAL OF AN INTERGOVERNMENTAL AGREEMENT BETWEEN SANTA ROSA INDEPENDENT SCHOOL DISTRICT AND CAMERON COUNTY FOR THE COLLECTION OF AD VALOREM TAXES;
The Agreement follows:**
- (15) **CONSIDERATION AND POSSIBLE APPOINTMENT OF MR. JOEY LOPEZ TO FILL THE UNEXPIRED TERM OF MR. CHARLIE PEREZ ON THE CAMERON COUNTY HOUSING AUTHORITY;**
- (16) **CONSIDERATION AND POSSIBLE ACCEPTANCE OF NEGOTIATED TERMS WITH RABA-KISTNER FOR GEOTECHNICAL SERVICES RELATED TO THE VETERANS HOME REQUEST FOR PROPOSALS;**
- (17) **CONSIDERATION AND POSSIBLE ACCEPTANCE OF NEGOTIATED TERMS WITH MGT OF AMERICA FOR PROPOSAL DEVELOPMENT AND PROFESSIONAL SERVICES RELATED TO THE VETERANS HOME REQUEST FOR PROPOSALS;**

- (18) **CONSIDERATION AND POSSIBLE ACCEPTANCE OF NEGOTIATED TERMS WITH MGT OF AMERICA FOR ENGINEERING SERVICES RELATED TO VETERANS HOME REQUEST FOR PROPOSALS;**
- (19) **CONSIDERATION AND AUTHORIZATION TO RENEW THE AWARD OF THE FOLLOWING BIDS FOR ONE (1) ADDITIONAL YEAR;**
- A. **JANITORIAL SUPPLIES: CHEMICALS AND CLEANING -ANNUAL BID NO. 2300-1;**
 - B. **RECYCLED PRINT SHOP AND COPIER PAPER AND ENVELOPES- ANNUAL BID NO. 2460;**
 - C. **TIRE REPAIRS - ANNUAL BID NO. 1850;**
 - D. **FOOD: MILK - ANNUAL BID NO. 2180;**
 - E. **FOOD: PAN DULCE- ANNUAL BID NO. 2200;**
 - F. **FURNITURE- ANNUAL BID NO. 0420;**
 - G. **SAFETY SHOES - ANNUAL BID NO. 2620;AND**
 - H. **BUILDING SUPPLIES: PAINT, VARNISH, STAIN, MISC. -ANNUAL BID NO. 2008.**
- (20) **AUTHORIZATION TO CONTINUE PARTICIPATION IN THE TEXAS DEPARTMENT OF INFORMATION RESOURCES COOPERATIVE PURCHASING AGREEMENT;**
- (21) **APPOINTMENT OF MR. FRANCISCO RESENDEZ, DEPUTY CONSTABLE PRECINCT NO. 3, IN COMPLIANCE WITH THE STATE OF TEXAS LOCAL GOVERNMENT CODE 86.011 AND 86.012;**
- (22) **AWARDING OF THE FOLLOWING BIDS FOR THE FOLLOWING;**
- A. **LASER PRINTING OF TAX STATEMENTS- ANNUAL BID NO. 1640.**
- (23) **RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH THE TEXAS DEPARTMENT OF PROTECTIVE AND REGULATORY SERVICES PROVIDING FOR THE REIMBURSEMENT OF COSTS ASSOCIATED WITH WELFARE PROGRAMS FOR THE BENEFIT OF THE ABUSED AND NEGLECTED CHILDREN;**
The Resolution follows:
- (24) **RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH THE TEXAS DEPARTMENT OF PROTECTIVE AND REGULATORY SERVICES PROVIDING FOR THE REIMBURSEMENT OF LEGAL EXPENSES ASSOCIATED WITH THE WELFARE PROGRAMS FOR THE BENEFIT OF THE ABUSED AND NEGLECTED CHILDREN;**
The Resolution follows:
- (25) **AUTHORIZATION TO ADVERTISE FOR FOLLOWING ANNUAL BIDS/PROPOSALS FY 02-03;**
- 1. **RADIO TOWER SPACE RENTAL (SHERIFF);**
 - 2. **TELEPHONE/LD;**
 - 3. **ROAD SIGNS AND POSTS, MISCELLANEOUS;**
 - 4. **UNIFORMS, MOPS, MATS, RENTAL/CLEANING;**
 - 5. **OFFICE AND COMPUTER SUPPLIES AND COPIER TONER;**
 - 6. **LINEN: MATTRESSES AND PADS, BLANKETS, AND TOWELS;**
 - 7. **FILTERS: AIR CONDITIONER;**
 - 8. **INTERNATIONAL BRIDGE STRUCTURAL INSPECTIONS;**
 - 9. **LABORATORY/DIAGNOSTIC SERVICES-INFIRMARY;**
 - 10. **RADIOLOGICAL DIAGNOSTIC SERVICES - INFIRMARY;**
 - 11. **ARMORED CAR SERVICES;**
 - 12. **FINANCING FOR EQUIPMENT;**
 - 13. **FOOD MEATS (QUARTERLY);**
 - 14. **VEHICLE LEASE;**

15. FIRE EXTINGUISHER MAINTENANCE;
16. LASER PRINTING TAX STATEMENTS;
17. SAFETY GLASSES (PRESCRIPTION);
18. SAFETY SUPPLIES;
19. PHARMACIST CONSULTING SERVICES; AND
20. PHARMACEUTICALS SERVICES-INFIRMARY & VARIOUS DEPARTMENTS (OTC +PRESCRIPTIONS).



- (13) **APPROVAL OF CLAMS.**
The Affidavit is as follows:

- (14) **CONSIDERATION AND APPROVAL OF AN INTERGOVERNMENTAL AGREEMENT BETWEEN SANTA ROSA INDEPENDENT SCHOOL DISTRICT AND CAMERON COUNTY FOR THE COLLECTION OF AD VALOREM TAXES.**
The Agreement is as follows:

- (23) **RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH THE TEXAS DEPARTMENT OF PROTECTIVE AND REGULATORY SERVICES PROVIDING FOR THE REIMBURSEMENT OF COSTS ASSOCIATED WITH WELFARE PROGRAMS FOR THE BENEFIT OF THE ABUSED AND NEGLECTED CHILDREN.**

The Resolution is as follows:

- (24) **RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH THE TEXAS DEPARTMENT OF PROTECTIVE AND REGULATORY SERVICES PROVIDING FOR THE REIMBURSEMENT OF LEGAL EXPENSES ASSOCIATED WITH WELFARE PROGRAMS FOR THE BENEFIT OF THE ABUSED AND NEGLECTED CHILDREN.**
The Resolution is as follows:

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):

DISCUSSION CONCERNING TRAVEL AGENDA ITEMS:

ITEM NO. 26 "A":

Mr. Remi Garza, Administrative Assistant, noted that the travel for a Data Grant Center employee was one of the three (3) grants under the Unidos Podemos Program, that funding was available, that a Budget Amendment was issued by the Governor's Office, and that the Director of the Data Grant Center was present. Mr. Garza clarified that this Item was not approved by the Budget Officer.

Judge Hinojosa stated that the Item was reviewed due to the cost, and that the Workshops were of concern because audit exceptions could be presented.

Ms. Veronica de la Fuente, County Judge's Office, stated that the Workshops' topic ranged from holistic studies, yoga, and sexual awareness classes, adding that there was a concern as to whether it was a suitable workshop for a County employee to attend.

Commissioner Valdez questioned if the expense would be reimbursed.

Ms. Fuente informed that the any out of State travel required approval from the Governor's Office and Commissioners' Court approval.

Mr. Garza stated that it was unknown if the Seminar's information had been attached to the budget request sent to the Governor's Office and that if they had specifically approved of the event for the specific items, adding that the relocation of funds had been approved by the Governor's Office.

Ms. Roberta Dahl, Unidos Podemos Program Director, explained that the Technical Assistance Center provided workshops for non-profit organizations, and that the Omega Institute provided an anatomy of a Workshop. She added that the request was submitted since May 28, 2002, and that approval from the Governor's Office was received last Tuesday, August 6, 2002, due to a new process; therefore, no discount was obtained on the airfare. Ms. Dahl stated that the Omega Institute was one of the only institutes who provided training on how to set up a Workshop for educators, developers, and presenters, adding that this was a basic function of the Program.

Judge Hinojosa questioned the different types of workshops being provided and whether they were relevant to the Program.

Ms. Dahl stated that the Omega Institute offered massive types of workshops and were successful in designing, target marketing, and in compiling them, adding that the workshop to be attended was probably one of the most successful Institutions and that the topics were irrelevant.

Judge Hinojosa noted that the topics were questionable and read the following Workshop topics being offered: Body Centered Approaches, Dance and Movement, Gays and Lesbians, Food and Cooking, Intuitive Development, Mind & Body Transformation, Music/Rhythm and Voice.

Ms. Dahl stated that the Workshops being offered were continuing education hours for Licensed Professional Counselors (LPC), Registered Nurses, (RN), and Licensed Professional Chemical Dependency Counselors (LPCDC). She added that the topics were strange, but that she would be observing the technical designing and marketing of the workshops.

Judge Hinojosa stated that the anatomy of the Workshop was for developers, teachers, and producer, and expressed his concern with the Workshops. He stated that he had no problem with an individual attending these workshops, and explained that the concern was if upon Court approval a Budget Audit would be conducted that would result in the County having to pay the expense in the future. Judge Hinojosa noted that if the travel request was made by a County employee and was to be funded through County funds it would not be approved.

Ms. Dahl emphasized that the Unidos Podemos Program dealt in the area of sexual abuse, juvenile delinquency, and that the Workshop would help deal with the many different situations. She stated that although the topics looked strange, she was interested the organizing of workshops and marketing in terms of business techniques. Ms. Dahl added that the Omega Institute had thirty (30) years of experience and that the Workshop was only offered in Rhinehark, New York.

Mr. Garza cautioned the Court in approving a Travel Item that did not have explicit approval or indication of approval from the Governor's Office. He stated that there was no indication that the Governor's Office had knowledge that the Workshop would be conducted in New York.

Commissioner Valdez noted that he could not approve of this Travel Item based on the caution given.

Judge Hinojosa stated that the Workshop could be appropriate for an individual obtaining the Licenced Professional Counselor (LPC) who would fund the expenses on their own. He stated that if the State would approve and fund the expense before hand then the situation would differ, adding that at this time the County Budget could not take upon this expense. Judge Hinojosa questioned the total expense being considered.

Mr. Garza noted that the expenses exceeded the budgeted amount and explained that the meals and lodging for a day and a half were budgeted at \$355.00, but were marked \$410.00 on the request.

Ms. Fuentes clarified that the total request was in the amount of \$2,709.00.

Ms. Dahl explained that due to late airline reservations she was forced to stay an extra day.

Mr. Garza stated that the travel was originally budgeted at \$1,400.00.

Mr. Xavier Villarreal, Budget Officer, informed that according to the back-up information it was unknown if the travel was mandatory and whether the Budget had been approved by the Governor's Office.

Commissioner Garza moved that the following "Travel Items B through K", be approved.

The motion was seconded by Commissioner Valdez and carried unanimously.

Commissioner Valdez moved that "Travel Item A", be **DENIED**.

The motion was seconded by Commissioner Benavides and carried unanimously.

- (a) In the matter regarding the Data Grant and Evaluation Center employee to attend the "Omega Institute", in Rhineark, New York, August 16-19, 2002; **(DENIED)**
- (b) County Commissioner Precinct No. 3 to attend the "Public Hearing of the Senate Sub Committee on Border Affairs" at University of Texas Health Science Center, August 14, 2002;
- (c) One (1) Tax Assessor-Collector employee to attend the "2002 County Best Practices Award Ceremony", in Austin, Texas, August 14-16, 2002;
- (d) Advanced Nurse Practitioner to attend the "14th Annual Nurse Practitioners Conference", in Fort Worth, Texas, September 4-9, 2002;
- (e) Property Management employee to attend the "Mistake Free Grammar and Proofreading Seminar", in McAllen, Texas, August 28, 2002;
- (f) One (1) Program Development and Management employee to attend the "Lower Rio Grande Valley Development Council Professional Advisory Review Panel Meeting", in Harlingen, Texas, August 14, 2002;
- (g) International Bridge System Director to meet with the State of Tamaulipas and NAD Bank Officials regarding the West Rail Project, in Mexico City, August 5-6, 2002;
- (h) District Attorney to attend the "Southwest Border High Intensity Drug Trafficking Area Executive Meeting", in El Paso, Texas, August 20-22, 2002;
- (i) Two (2) Assistant County Auditors to attend the "Kronos Timekeeper 4.1 Basic Configuration", Cleburne, Texas, August 13-16, 2002;
- (j) County Clerk and two (2) Deputies to attend the "Texas College of Probate Judges", in Austin, Texas, September 5-7, 2002; and
- (k) One (1) Deputy County Clerk to attend the "Mistake Free Grammar and Proofreading Workshop", in McAllen, Texas, August 28, 2002.



[REDACTED]

EXECUTIVE SESSION

(27) EXECUTIVE SESSION:

Upon motion by Commissioner Garza, seconded by Commissioner Valdez and carried unanimously, the Court met in Executive Session at 7:27 P.M., to discuss the following matters:

- (a) Deliberation regarding Real Property concerning the possible acquisition of approximately fifteen (15) acres of land for the purpose of locating a Veteran's Nursing Home; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072;
- (b) Deliberation regarding Real Property concerning the possible development and maintenance of Cameron County property known as approximately a 3 acre tract of land, more or less, out of the County's property, which is an 18.838 acre of land, more or less, consisting of the County's portion of the property that is located west of the approach roadway leading to the Los Tomates Bridge between Levee and the Cameron County Bridge System Administration Building; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072;
- (c) Deliberation regarding Real Property concerning the possible termination of Unidos Podemos Program Lease; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071;
- (d) Deliberation regarding Real Property concerning the possible Concession Lease of Cameron County land to Costa Rica Food and Spirits, Incorporated, located on South Padre Island; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072;and
- (e) Confer with Commissioners' Court Legal Counsel concerning the case styled Brownsville Public Utilities Board versus Cameron County Commissioners' Court in the 138th District Court; Cause No. 2002-05-2069-B, for discussion; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(1)(A) and (B).

Upon motion by Commissioner Garza, seconded by Commissioner Valdez and carried unanimously, the Court reconvened in Regular Session at 7:55 P.M.

[REDACTED]

(28) ACTION RELATIVE TO EXECUTIVE SESSION:

- (a) **Deliberation regarding Real Property concerning the possible acquisition of approximately fifteen (15) acres of land for the purpose of locating a Veteran's Nursing Home.**

Upon motion by Commissioner Garza, seconded by Commissioner Valdez and carried unanimously, Mr. Joseph Ardito, Property Manager, was authorized to negotiate the purchase of approximately fifteen (15) acres of land on Rangerville Road.

- (b) Deliberation regarding Real Property concerning the possible development and maintenance of Cameron County property known as approximately a 3 acre tract of land, more or less, out of the County's Property, which is an 18.838 acre tract of land, more or less, consisting of the County's portion of the property that is located west of the approach roadway leading to the Los Tomates Bridge between Levee and the Cameron County Bridge System Administration Building.**

Commissioner Garza moved that County staff be authorized to negotiate an agreement with Brady's concerning the possible development and maintenance of Cameron County property known as approximately a 3 acre tract of land, more or less, out of the County's Property, which is an 18.838 acre tract of land, more or less, consisting of the County's portion of the property that is located west of the approach roadway leading to the Los Tomates Bridge between Levee and the Cameron County Bridge System Administration Building.

The motion was seconded by Commissioner Valdez and carried unanimously.

- (c) Deliberation regarding Real Property concerning the possible termination of Unidos Podemos Program Lease.**

Upon motion by Commissioner Garza, seconded by Commissioner Valdez and carried unanimously, the County staff was authorized to issue notice of termination of the Unidos Podemos Lease effective September 9, 2002.

- (d) In the matter regarding deliberation regarding Real Property concerning the possible Concession Lease of Cameron County land to Costa Rica Food and Spirits, Incorporated, located at South Padre Island. (TABLED)**

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

- (e) Confer with Commissioners' Court Legal Counsel concerning the case styled Brownsville Public Utilities Board versus Cameron County Commissioners' Court in the 138th District Court; Cause No. 2002-05-2069-B, for discussion.**

Upon motion by Commissioner Valdez, seconded by Commissioner Benavides and carried unanimously, the Status Report by Mr. Doug Wright, Commissioners' Court Legal Counsel, concerning the case styled Brownsville Public Utilities Board versus Cameron County Commissioners' Court in the 138th District Court; Cause No. 2002-05-2069-B, was acknowledged.

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There being no further business to come before the Court, upon motion by Commissioner Valdez, seconded by Commissioner Benavides and carried unanimously, the meeting was **ADJOURNED** at 7:59 P.M.

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APPROVED this 10th day of **September 2002**.

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GILBERTO HINOJOSA
COUNTY JUDGE

ATTEST:

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