

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 27th 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

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:

The meeting was called to order by Judge Hinojosa at 5:34 P.M. He then asked Reverend Bob Clark, Brownsville resident, for the invocation and he led the Court and the audience in reciting the Pledge of Allegiance.

The Court considered the following matters as posted and filed for Record in the Office of the County Clerk on August 23, 2002, at 3:20 P.M.:

PRESENTATION

**(1) PRESENTATION BY MR. RAY RODRIGUEZ,
ENVIRONMENTAL HEALTH DIRECTOR,
REGARDING THE WEST NILE VIRUS (WNV)**

Judge Hinojosa informed that Health Professionals had been requested to educate the County of what needed to be done in anticipation of the arrival of the West Nile Virus (WNV) to lessen the impact to the area. He stated that Cameron and Hidalgo Counties' situation differed because it was an international community; therefore, recommended that a meeting be scheduled with the Health Authorities of the City of Matamoros, Mexico, to discuss the manner in which the concerns could be addressed.

Dr. Victor Gonzalez, M.D., reported that Health Advisories had been placed by the Texas Department of Health to prepare for the WNV. He added that the WNV would arrive in South Texas at an unknown time, and briefed as to its origin, adding that the WNV had affected thirty (38) States, excluding the Western States. Dr. Gonzalez explained that the WNV derived from arboviruses, as did the Dengue Fever, and that the difference was that WNV was transmitted from bird to mosquito, to bird, to human. He advised that the presence of the WNV should be suspected if dead birds were observed, and explained that the symptoms were similar to those of the Influenza Virus, including: fever, headaches, eye ball pain, myalgia, skin rash, and swollen lymph glands. He informed that twenty (20) percent of the individuals bitten by a mosquito carrying the virus would be infected, and that the general concern was that one (1) out of 150 cases could present a near muscular type of presentation (former case of meningitis), which could lead up to coma and/or death. Dr. Gonzalez noted that most of the individuals that would suffer from the WNV would consist of mild cases and would not seek medical attention. He explained that the diagnostic testing was done with a radio amino acid, which was very expensive, and would be done only when a person was seriously ill in a hospital or at the discretion of the physician. He added that the treatment consisted of symptomatic care, medication for fever and aches, hydration, antibiotics if a secondary bacterial infection was suspected, general supportive care, and respiratory support should the need arise. Dr. Gonzalez reiterated the importance of being aware of the WNV, and reported that as of last week the nearest case was identified in Corpus Christi, Texas. He advised that the WNV was a bad virus but would not have near the effects of the Influenza Virus, and briefed on what could be done to prevent exposure.

Judge Hinojosa questioned if a vaccine existed to prevent the virus and the testing used to identify it.

Dr. Gonzalez clarified that no vaccine existed to prevent the WNV, and that once the Central Nervous System was affected the testing could be conducted via blood, adding that the spinal tab testing was conducted mainly when

meningitis symptoms were suspected. He clarified that the elderly population was at most risk of developing the infection involving the Central Nervous System.

Commissioner Garza questioned whether an endemic problem would be present from now on.

Dr. Gonzalez responded in the affirmative, and explained that the WNV would be present during hot and moist seasons.

Commissioner Benavides questioned the preventive actions to take effect.

Mr. Ray Rodriguez, Environmental Health Director, reported that the WNV was not present in Cameron County but would soon arrive. He stated that Cameron County was an active member of the Texas/Louisiana Mosquito Control Association and was prepared thanks to the information provided by the said association. Mr. Rodriguez explained that the Texas Health Department assisted by providing information and reports regarding the WNV, that County Health Department Personnel trapped and sent the mosquitoes to Austin, Texas, for examination, and that a Report was returned informing whether the mosquitoes were infected.

Judge Hinojosa questioned how often mosquitoes were captured and sent for testing.

Mr. Rodriguez responded that traps were being placed as of two (2) weeks, and demonstrated the equipment and how it was utilized to capture the mosquitoes, noting that only three (3) devices were available for the twelve (12) main rural areas to be tested.

Judge Hinojosa noted that although there was a lack of rain, there were resacas within Cameron County where the mosquitoes hatched. He stated that it was unknown if the WNV was now present in Cameron County due to the three (3) weeks incubation period, and suggested that the media be provided the proper information to inform the public.

At this time, Mr. Rodriguez presented the Mosquito Prevention Plan and stated that he would be relocating staff to assist in the prevention plan. He noted the need to be vigilant, to take precautions, and to avoid panic, adding that fifty (50) percent of the prevention plan required work on behalf of the Health Department and the other fifty (50) percent required collaboration from the public. Mr. Rodriguez stated that different methods would be utilized to educate the public and that assistance from the Sheriff's and Engineering Departments might be needed.

Commissioner Benavides questioned the use of chemicals on resacas and canals.

Mr. Rodriguez explained that in order to treat canals and drainage ditches with chemicals authorization from the Irrigation and Water Districts' was required, adding that the treatment was very costly.

Commissioner Garza emphasized that the public should be aware that standing water was the main cause of the problem.

Mr. Rodriguez noted the need to use caution when treating the air and water, and that by larvaciding and adultizing the mosquitoes would be eliminated.

Commissioner Garza stated that a request for assistance from the Precincts to remove debris was listed, and questioned if the Precincts had assisted in the spraying.

Mr. Rodriguez responded in the affirmative, and noted that the Texas Health Department required that the individuals assigned to fumigate be certified.

Commissioner Valdez moved that the Presentation by Mr. Ray Rodriguez, Environmental Health Director, regarding the West Nile Virus (WNV) be acknowledged.

The motion was seconded by Commissioner Garza and carried unanimously.

The Report and Plan are as follow:

ACTION ITEMS

**(2) APPROVAL OF THE BUDGET AMENDMENTS
AND/ OR SALARY SCHEDULES**

Commissioner Valdez moved that the 2002-Fiscal Year Budget Amendment No. 2002-35 and the Salary Schedule for the Auto Theft Division, Fund No. 100-4982, be approved.

The motion was seconded by Commissioner Garza and carried unanimously.

The Budget Amendments and Salary Schedule are as follow:

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(3) APPROVAL OF MINUTES FOR THE REGULAR MEETING HELD JULY 30, 2002

Upon motion by Commissioner Valdez, seconded by Commissioner Garza and carried unanimously, the Minutes for the Regular Meeting held July 30, 2002, were approved.

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(4) CONSIDERATION AND AUTHORIZATION TO REASSIGN THE 1998 FORD CROWN VICTORIA (UNIT NO. 405) TO CONSTABLE PRECINCT NO. 4

Commissioner Valdez stated that four (4) vehicles were already assigned to Constable Precinct No. 4, and questioned whether the vehicle was needed elsewhere.

Mr. Lee Lozano, Vehicle Maintenance Supervisor, explained that Constable Haas Lozano, Constable Precinct No. 4, had requested that Unit No. 405 be returned, and that the matter was presented before the Court for insurance purposes.

Judge Hinojosa stated that according to County Policy a vehicle was required per Deputy Constable, noting that Constable Lozano had a Deputy Constable without a vehicle.

Mr. Lozano stated that the Deputy Constable did not have a vehicle because he was assigned the JJTPA van.

Commissioner Cascos moved that the reassignment of the 1998 Ford Crown Victoria (Unit 405) to Constable Precinct No. 4, be authorized.

The motion was seconded by Commissioner Garza.

At this time, Mr. Xavier Villarreal, Budget Officer, noted that reassignment of the vehicle would increase the expenditures for fuel and insurance. He explained that funding for the increase, in the amounts of about \$2,000.00 for fuel and about \$100.00 for maintenance, was available for the remainder of the fiscal year.

Commissioner Cascos questioned the vehicle's previous location.

Mr. Lozano briefed that the vehicle was traded for a new vehicle, but Constable Lozano was requesting that it be returned.

Upon motion duly made by Commissioner Cascos that the reassignment of the 1998 Ford Crown Victoria (Unit 405) to Constable Precinct No. 4 be approved.

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

AYE: Commissioners Benavides, Cascos, Garza, and Judge Hinojosa,

NAY: Commissioner Valdez.

████████████████████

[REDACTED]

(5) CONSIDERATION AND POSSIBLE APPROVAL OF CIVIL LEGAL DIVISION ATTORNEY DYLBIA J. VEGA TO PROVIDE LEGAL SERVICES CONCERNING THE BY-LAWS FOR THE VALLEY HEALTH SERVICES DISTRICT

Judge Hinojosa informed that this was a one (1) time request, and noted the need to approve the By-Law.

Commissioner Cascos moved that Mrs. Dylbia J. Vega, Civil Legal Division Attorney, be authorized to provide Legal Services concerning the By-Laws to the Valley Health Services District.

The motion was seconded by Commissioner Valdez.

Commissioner Cascos questioned if Hidalgo County was doing the same, and questioned if they could be billed for a portion of the work time used by Mrs. Vega.

Mr. Doug Wright, Commissioners' Court Legal Counsel, responded in the affirmative. He noted that potential conflict existed, and the need to provide legal advise.

Judge Hinojosa suggested that Hidalgo County be invoiced half of the expenses.

Commissioner Garza questioned whether conflict existed by Mrs. Vega working for the Valley Health Services District.

Mr. Wright explained that a potential conflict existed because of her obligations to the County, and explained that when an attorney represented a client, even without compensation, and if the client relied on the attorney's advice, then the relation between attorney and client existed. He noted that members of Cameron and Hidalgo Counties were expecting legal advice from a loyal stand point.

Commissioner Garza questioned whether it was best to hire an attorney not employed by the County.

Mr. Wright responded in the affirmative, and explained that the problem was the lack of funding. He stated that it was a difficult situation, and expressed his concern, as an Individual Attorney and as Counsel for Cameron County, with the attorney being in a situation where conflict could arise.

Judge Hinojosa stated that the Valley Health Services District was a creation of both Counties and that upon completion it would perform the functions of the Indigent Health Care Programs for both Counties.

Commissioner Cascos questioned the extent of the conflict that could be presented.

Mr. Wright stated that the possibility of conflict was remote.

Judge Hinojosa reiterated that the service would be provided as a one time service.

Upon motion duly made by Commissioner Cascos, seconded by Commissioner Valdez and carried unanimously, the Civil Legal Division Attorney Dylbia J. Vega was authorized to provide Legal Services concerning the By-Laws for the Valley Health Services District.

The By-Laws are as follow:

[REDACTED]

(6) **IN THE MATTER REGARDING CONSIDERATION AND ADOPTION OF THE POLICY AND PROCEDURE MANUAL AND THE RACIAL BASED PROFILING POLICY FOR THE CAMERON COUNTY CONSTABLE PRECINCT NO. 6 (TABLED)**

Judge Hinojosa questioned if the Procedure Manual and the Racial Based Profiling Policy for Cameron County Constable Precinct No. 6 had been reviewed by Commissioners' Court Legal Counsel and the County Attorney.

Mr. Frank Martinez, County Attorney, responded that the document was not received by the Office of the District Attorney.

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

The motion was seconded by Commissioner Garza.

Mr. Doug Wright, Commissioners' Court Legal Counsel, stated that the document was a duplicate of the Sheriff's Department Procedure Manual and the Racial Based Profiling Policy and that the only modification pertained to the substitution of "Sheriff" with "Constable."

Mr. Martinez indicated that a copy was not received, that the document had a number of clerical errors, and that he did not have an opportunity to review the document.

Commissioner Cascos questioned whether the Procedure Manual and the Racial Based Profiling Policy could not be adopted at one time for all the Law Enforcement Departments.

Mr. Wright stated that the Law Enforcement Departments were required to prepare the Procedure Manual and the Racial Based Profiling Policy.

Constable Deputy Isys Chamberlain, Constable Precinct No. 6, noted her understanding to be that a letter was received advising that the Policy and Procedure Manual and the Racial Based Profiling Policy had not been presented to the Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE) in accordance to the Law.

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

[REDACTED]

(7) **CONSIDERATION AND POSSIBLE ACTION DESIGNATING BROWNSVILLE COMMUNITY HEALTH CLINIC AND SU CLINICA FAMILIARAS GATEKEEPERS FOR THE CAMERON COUNTY INDIGENT HEALTH CARE PROGRAM**

Commissioner Benavides moved that the designation of the Brownsville Community Health Clinic and Su Clinica Familiar as Gatekeepers for the Cameron County Indigent Health Care Program be authorized.

Mrs. Rosie Cavazos, Valley Vincent Hospital, expressed her concern regarding the current Gatekeepers not offering evening hours, and stated that as a result the Indigent Health Care Program's patients were attending the Emergency Rooms and increasing expenses paid from the Indigent Health Care Funds.

Judge Hinojosa explained that all the Rio Grande Valley Hospitals received funding to provide Indigent Health Care in the Emergency Room to low income individuals, adding that the said expenses were not paid from the Indigent Health Care Fund.

Mrs. Cavazos informed that the City of San Benito did not approve the provision of transportation, resulting in lack of transportation for its residents to and from Su Clinica Familiar.

Mr. Remi Garza, Administrative Assistant, reported that the Auditor's Office was attempting to identify clinics that offered night and weekend services.

Commissioner Cascos expressed his concern with disrupting medical services to patients who attend regular physicians, and questioned if all the Gatekeepers could remain on Contract.

At this time there was a brief discussion concerning the hours of operation, the number of complaints received regarding the Gatekeepers, and the cap on the Gatekeepers' Annual Contracts.

Commissioner Garza questioned that the cost per patient serviced by the individual Gatekeepers.

Mr. Mark Yates, County Auditor, stated that the cost per patient of the Indigent Health Care Program was available, but was not categorized by individual Gatekeeper.

Commissioner Garza suggested that the expenses be monitored per patient visit to the individual Gatekeepers and inclusive of all the services provided.

Mr. Frank Vasquez, Su Clinica Familiar, stated that Su Clinica Familiar provided Comprehensive and Social Services and more services when compared to regular physicians.

Commissioner Cascos questioned how the staff who determines eligibility would be affected.

Mr. Yates responded that the claims were processed by two (2) positions within his Office and that the eligibility was determined by three (3) positions within the Health Department, adding that his Office was able to handle about 1,200 active cases at this time. He explained that the funds might not be exhausted because only a certain number of claims could be paid within an eight (8) hour period and that the funds could last nine (9) months due to delays in processing the claims, resulting in a non creditable claim to the State. Mr. Yates stated that according to Dr. Victor Gonzalez, M.D., the client population being served could triple, and advised that the County was barely keeping up with the existing level of service at this time, adding that if the number of clients increased the State matching funds would be at risk.

Commissioner Cascos suggested that the risk be considered during the budgetary process.

Mr. Yates stated that even with available funds for new positions his Office lacked the capacity to house additional staff.

Judge Hinojosa stated that the funding would not change and would serve the same clients population.

Commissioner Garza stated that more individuals would be certified quicker into the year and the funds would be exhausted faster.

Judge Hinojosa stated that upon the funds being exhausted faster, then State funds could be accessed faster.

Mr. Yates clarified that State Funds could be accessed only if the claims were paid within ninety (90) days.

Dr. Paul Lentz, M.D., informed that his office was opened between 7:00 a.m., and 5:30 p.m., that he was on call 24 hours, seven (7) days a week, and that referrals to specialist were provided by his Office. He noted the need for significant consideration of the transportation issues that would arise.

Upon motion by Commissioner Cascos, seconded by Commissioner Garza and carried unanimously, the designation of the Brownsville Community Health Clinic and Su Clinica Familiar as Gatekeepers for the Cameron County Indigent Health Care Program was approved.

The list is as follows:

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(8) **CONSIDERATION AND POSSIBLE SELECTION OF
OPTIONAL SERVICES TO ENHANCE THE
CAMERON COUNTY INDIGENT HEALTH
PROGRAM**

Mr. Remi Garza, Administrative Assistant, requested that Items No. 4 and No. 10 be adopted as Optional Services to enhance the Cameron County Indigent Health Program.

Commissioner Garza questioned what the services to be provided by Items No. 4 and No. 10 of Optional Services would provide and if the services were being provided at this time.

Mr. Garza explained that the services were currently being provided, but were not being reimbursed, and that upon adoption of this Item the said services would be reimbursable.

Commissioner Cascos moved that Items No. 4 and No. 10 of Optional Services be adopted to enhance the Cameron County Indigent Health Program.

The motion was seconded by Commissioner Benavides and carried unanimously.

The list is as follows:

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(9) **CONSIDERATION AND AUTHORIZATION TO UTILIZE EXISTING GEOTECHNICAL SERVICES CONTRACT FOR THE DESIGN OF A FOUNDATION FOR THE BASE OF THE SERGEANT JOSE LOPEZ STATUE AT THE VETERANS INTERNATIONAL BRIDGE**

Upon motion by Commissioner Garza, seconded by Commissioner Valdez and carried unanimously, the utilization of the existing Geotechnical Services Contract for the design of a foundation for the base of the Sergeant Jose Lopez Statue at the Veterans International Bridge was authorized.

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(10) **CONSIDERATION AND AUTHORIZATION TO EXECUTE PROFESSIONAL SERVICE AGREEMENT WITH HALFF AND ASSOCIATES INC., TO PREPARE A CONCEPTUAL PLAN AND COST ESTIMATE FOR THE PROPOSED LAGUNA HEIGHTS PARK**

Commissioner Cascos moved that the execution of the Professional Service Agreement with Halff and Associates Inc., to prepare a conceptual plan and cost estimate for the proposed Laguna Heights Park be authorized.

The motion was seconded by Commissioner Garza and carried unanimously.

The Agreement is as follows:

[REDACTED]

(11) **CONSIDERATION AND POSSIBLE ACTION
RELATED TO THE REQUEST FOR THE POSSIBLE
AMENDMENT IN THE PARK ACCESS FEE
POLICY FOR DISABLED VETERANS**

Judge Hinojosa noted that the Parks System recommended approval of a 50% discount on daily fees for 100% Disabled Veterans.

Commissioner Cascos questioned the meaning of a "100% Disabled Veteran."

Judge Hinojosa explained that the Parks System would issue a card authorizing a 50% discount on daily access to County Parks upon confirmation of the Veteran being 100% disabled.

Commissioner Cascos moved that the Amendment in the Park Access Fee Policy to provide a 50% discount to 100% Disabled Veterans on the daily fees be approved

The motion was seconded by Commissioner Benavides.

Commissioner Garza questioned why a 100% discount could not be provided.

Judge Hinojosa stated that a 100% discount would have an impact on the Budget, and that the County Parks System could not legally provide free access due to the Bond Covenant.

Commissioner Benavides suggested that the recommendation take effect and that it be reviewed after one (1) year, adding that he believed the 50% discount for 100% Disabled Veterans to be an insult.

Upon motion duly made by Commissioner Cascos, seconded by Commissioner Benavides and carried unanimously, the Amendment to the Park Access Fee Policy to provide a 50% discount to 100% Disabled Veterans on the daily fees was approved.

The Amendment is as follows:

[REDACTED]

(12) **CONSIDERATION AND AUTHORIZATION FOR THE PARKS SYSTEM TO ACCEPT A CASH DONATION FROM THE FORMER CORPORATION KNOWN AS THE VILLAGE OF LAGUNA HEIGHTS**

Commissioner Cascos moved that the Parks System be authorized to accept a cash donation from the Former Corporation known as the Village of Laguna Heights.

The motion was seconded by Commissioner Garza and carried unanimously.

At this time, Judge Hinojosa noted that the cash donation, in the amount of \$5,600.00, would fund the construction of the County Park at Laguna Heights.

[REDACTED]

(13) **IN THE MATTER REGARDING CONSIDERATION AND AUTHORIZATION TO PURCHASE ONE (1) 2002 COMPACT PICK-UP TRUCK EXTENDED CAB FOR THE BUILDING INSPECTION DEPARTMENT (VIA HOUSTON GALVESTON AREA COUNCIL OF GOVERNMENTS (HGAC) INTERLOCAL COOPERATIVE PURCHASING AGREEMENT (TABLED))**

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

[REDACTED]

(14) **CONSIDERATION AND AUTHORIZATION TO PROVIDE LABOR AND EQUIPMENT TO DO WORK ON HAND ROAD**

Upon motion by Commissioner Cascos, seconded by Commissioner Valdez and carried unanimously, the provision of labor and equipment to conduct work on Hand Road was authorized.

[REDACTED]

(15) **CONSIDERATION AND APPROVAL OF THE OCTOBER 1, 2002-SEPTEMBER 30, 2003, HOLIDAY SCHEDULE**

Judge Hinojosa suggested that Presidents Day be included in the Holiday Schedule.

Commissioner Garza noted that he would favor Presidents Day instead of Cesar Chavez Day.

Mrs. JuaNita Brodecky, Rio Hondo resident, questioned the number of Holidays and the cost incurred by the County.

Judge Hinojosa responded that this Item would allow ten (10) Holidays, equivalent to twelve (12) days off at no cost to the County.

Commissioner Benavides moved that the October 1, 2002-September 30, 2003, Holiday Schedule, be approved inclusive of Presidents Day.

The motion was seconded by Commissioner Valdez.

Mr. Mark Yates, County Auditor, noted that Law Enforcement would get an additional day off as well.

There was a brief discussion concerning the amount of sick leave and vacation leave entitled to employees, and the clarification was made that a day off for Law Enforcement signified the need for additional staff.

Upon motion duly made by Commissioner Benavides, seconded by Commissioner Valdez and carried unanimously, the October 1, 2002-September 30, 2003, Holiday Schedule be approved, inclusive of Presidents Day.

The Holiday Schedule is as follows:

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(16) CONSIDERATION AND AUTHORIZATION TO ESTABLISH MONTHLY RENTAL BUDGET AND TO LOOK FOR A NEW LOCATION FOR JUSTICE OF THE PEACE, PRECINCT NO. 3, PLACE NO. 1

Judge Hinojosa questioned why the set Budget, in the amount of \$5,670.00, could not be utilized.

Mr. Joseph Ardito, Property Manager, explained that a decent facility could not be funded with the current Annual Budget, totaling \$5,670.00.

Judge Hinojosa recommended that the Budget be set at \$5,670.00 and that it be placed before the Court should it be insufficient.

Mr. Ardito stated that Justice of the Peace, Precinct No. 3, Place No. 1, was requesting that the Budget be set at \$850.00 per month, inclusive of all the utilities. He noted that the current monthly expenses for the current facility equaled \$715.00, difference of \$132.00.

Commissioner Garza moved that the current Monthly Rental Budget, in the amount of \$5,670.00, for Justice of the Peace, Precinct No. 3, Place No. 1, be approved.

The motion was seconded by Commissioner Benavides.

Commissioner Garza questioned whether it was possible to extend the current Lease.

Mr. Ardito responded negatively.

Upon motion duly made by Commissioner Garza, seconded by Commissioner Benavides and carried unanimously, the current Monthly Rental Budget, in the amount of \$5,670.00, for Justice of the Peace, Precinct No. 3, Place No. 1, was approved.

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(17) CONSIDERATION AND ACTION TO ESTABLISH THE VALUE OF THE PORT ISABEL- CAMERON COUNTY AIRPORT HANGER TO THE TEXAS ASSOCIATION OF COUNTIES FOR INSURANCE PURPOSES

Mr. Joseph Ardito, Property Manager, reported that the Texas Association of Counties (TAC) had valued the Cameron County Airport Hanger at \$565,710.00, and that according to an appraisal done in 1996, the value totaled \$999,644.00.

Judge Hinojosa stated that the value was set by the Texas Association of Counties (TAC) for insurance purposes.

Mr. Ardito noted the need to discuss the insurance deductible based on the value set by the Texas Association of Counties (TAC). He explained that the \$5,000.00 deductible would require a \$271.00 monthly premium and that the \$1,000.00 deductible would require a \$282.00 monthly premium.

Upon motion by Commissioner Cascos, seconded by Commissioner Garza and carried unanimously, the value for the Port Isabel-Cameron County Airport Hanger was established at \$565,710.00, as set by the Texas Association of Counties (TAC) for insurance purposes.

Commissioner Cascos requested that the quotes and deductibles be confirmed.

Mr. Doug Wright, Commissioners' Court Legal Counsel, advised of the need to obtain written documentation indicating the value set by the Texas Association of Counties (TAC).

[REDACTED]

(18) **IN THE MATTER REGARDING CONSIDERATION AND POSSIBLE APPROVAL OF AGREEMENT WITH MR ALFREDO PADILLA TO PROVIDE LEGAL SERVICES TO INDIGENT DEFENDANTS IN THE 138TH JUDICIAL DISTRICT COURT (TABLED)**

Commissioner Garza moved that the Agreement with Mr. Alfredo Padilla to provide Legal Services to Indigent Defendants in the 138th Judicial District Court be approved.

Judge Hinojosa reported that the Contract was negotiated by Judge Robert Garza, 138th Judicial District Court, and that the compensation was increased by \$500.00 per month. He noted the need to discuss the matter with Judge Garza and to advise the Judges that these actions could not be allowed.

At this time, Commissioner Garza withdrew his motion and moved that this Item be **TABLED**.

Commissioner Cascos questioned if extra duties were being provided.

Judge Hinojosa responded negatively.

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

[REDACTED]

(19) **CONSIDERATION AND APPROVAL TO ISSUE PAYMENT WITHOUT A PURCHASE ORDER TO S.W. BELL FOR DAMAGES INCURRED AT ISLA BLANCA PARK**

Commissioner Cascos moved that the issuance of payment without a Purchase Order to S.W. Bell for the damages incurred at Isla Blanca Park be authorized.

The motion was seconded by Commissioner Benavides and carried unanimously.

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(20) **IN THE MATTER REGARDING POSSIBLE
ACTION REGARDING REQUEST OF SOUTHMOST
SOIL AND WATER CONSERVATION DISTRICT
NO. 319 FOR A CONTRIBUTION (TABLED)**

Mr. Rick Guerrero, Southmost Soil and Water Conservation District No. 319, presented the new annual Contract and the Progress Report concerning the utilization of funds.

Judge Hinojosa explained that the issue was that the County did not have \$10,000.00 available within the Budget, and that the difficult situation was due to the significant impact caused by additional expenditures, in the amount of \$2 million, encountered by the County at the Jail and Juvenile Facilities. He stated that due to the situation it was difficult for him to recommend the expenditure in the amount of \$10,000.00.

Mr. Guerrero requested that the Court consider the contribution to the Southmost Soil and Water Conservation District No. 319, due to the drought and the implementation of practices to help the County's Drainage System.

Commissioner Cascos questioned if the \$10,000.00 had been budgeted.

Mr. Guerrero responded negatively.

At this time, Judge Hinojosa recommended that this Item be tabled.

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

Mr. Guerrero explained that local contributions were matched by State Funds and that if the County's contribution was not possible the loss to the District would equal twice the amount.

Judge Hinojosa stated that he was aware of the importance of the contribution, but that he did not want to commit until the Budget was determined.

Commissioner Garza commented that when the matter was previously presented, the money was located within the flooding line item, and questioned if the Budget Officer was proposing that the said line item be eliminated.

Mr. Xavier Villarreal, Budget Officer, stated that the matter was presented as a one (1) time request.

Commissioner Garza clarified that the contribution was an ongoing effort on behalf of the County to assist rural residents, and stated that the Program was important because it helped improve practices.

Mr. Guerrero explained that the program provided funding to farmers to level the land to prevent fertilizers from being drained into other bodies of water and causing contamination.

Judge Hinojosa stated that the flooding line item was not an ongoing Budgetary Item, and that the contribution had been provided only once before.

Mr. Villarreal stated that he needed to review the matter, and noted his recollection to be that another entity had requested a similar dollar amount. He stated that the flooding line item was not previously utilized, and that the Contract had been approved for one (1) year, adding that the line item entailed a total number for other obligations.

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



(22) CONSIDERATION AND AUTHORIZATION TO ADVERTISE FOR THE ELECTIONS ADMINISTRATOR POSITION

Commissioner Cascos moved that the advertising for the Elections Administrator Position be authorized.

The motion was seconded by Commissioner Benavides and carried unanimously.

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. 32: Mr. Juan Bernal, County Engineer/Public Works Director, requested authorization to Request for Qualification (RFQ) for Surveying Firms instead of obtaining Request for Proposals (RFP).

Commissioner Garza moved that the following "Consent and Travel Items" be approved.

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

AYE: Commissioners Benavides, Cascos, Garza, and Valdez,

NAY: None

ABSTAIN: Judge Hinojosa as to Warrant No. 00082049, payable to the Southwest Key Program La Esperanza, in the amount of \$2,169.76.

**(23) APPROVAL OF CLAIMS;
The Affidavit follows:**

**(24) RESOLUTION HONORING THE CAMERON COUNTY AUTOMOBILE CRIMES ENFORCEMENT TASK FORCE FOR RECEIVING THE 2002 COUNTY BEST PRACTICE AWARD FROM THE TEXAS ASSOCIATION OF COUNTIES LEADERSHIP FOUNDATION;
The Resolution follows:**

(25) APPOINTMENT OF MR. ZEKE LUNA TO FILL THE TERM ON THE CAMERON COUNTY HOUSING AUTHORITY;

- (26) **UPDATED CAMERON COUNTY EQUAL OPPORTUNITY PLAN EFFECTIVE AUGUST 27, 2002;**
The Plan follows:
- (27) **RENEWAL OF THE ANNUAL TELECOMMUNICATION AGREEMENTS TO INCLUDE NEW AND CIRCUIT UPGRADES, WITH SOUTHWESTERN BELL FOR EXISTING AND NEW LOCATIONS FROM OCTOBER 1, 2002 - SEPTEMBER 30, 2005;**
The Agreement follows:
- (28) **EXECUTION OF THE RIGHT OF ENTRY AGREEMENT WITH JOHN R. FREELAND, INC., TO CONSTRUCT DUST CONTROL STRUCTURES ON 305+ ACRES OF LAND ON LONG ISLAND;**
The Agreement follows:
- (29) **EXECUTION OF AN INTERLOCAL COOPERATION AGREEMENT WITH THE BROWNSVILLE NAVIGATION DISTRICT TO CONSTRUCT DUST CONTROL STRUCTURES ON 60+ACRES OF LAND ON LONG ISLAND;**
The Agreement follows:
- (30) **EXECUTION OF THE RIGHT OF ENTRY AGREEMENT WITH LOVETON REAL ESTATE, INC. TO CONSTRUCT DUST CONTROL STRUCTURES ON 114+ACRES OF LAND ON LONG ISLAND;**
The Agreement follows:
- (31) **ADVERTISING FOR BIDS FOR EL NORTE SUBDIVISION ROAD AND DRAINAGE IMPROVEMENT PROJECT IN PRECINCT NO. 3;**
- (32) **HIRING OF A LICENSED SURVEYOR TO PREPARE RIGHT OF WAY MAP FOR A PROJECT ROAD MAP STUDY (HAINE ROAD IN SAN BENITO);**
- (33) **PAYMENT IN THE AMOUNT OF \$2,679.13, TO SOUTHERN TEXAS TITLE COMPANY FOR U.S. 77/83, PARCEL NO. 4;**
- (34) **RENEWAL OF LICENSE FEES FOR TWO (2) BUILDING INSPECTORS FOR THE BACKFLOW PREVENTION ASSEMBLY TESTER ACCREDITATIONS;**
- (35) **AGREEMENT BETWEEN AGENCY NURSES, L.L.C., AND CAMERON COUNTY TO PROVIDE MEDICAL CARE SERVICES;**
The Agreement follows:
- (36) **CONTRACT BETWEEN CAMERON COUNTY AND TEXAS DEPARTMENT OF HEALTH TO PROVIDE WOMEN, INFANT, AND CHILDREN (WIC) PROGRAM SERVICES;**
The Agreement follows:
- (37) **EXECUTION OF THE PARKS SYSTEM'S BEACH CLEANING AND MAINTENANCE ASSISTANCE CONTRACT WITH THE TEXAS GENERAL LAND OFFICE FOR FISCAL YEAR 2003;**
The Agreement follows:
- (38) **OPENING OF THE FOLLOWING BIDS/PROPOSAL:**
A. VOTING SUPPLIES - ANNUAL BID NO. 2680; AND
- (39) **LICENSE AGREEMENT INVOLVING THE USE OF THE CAMERON COUNTY AIRPORT FOR A DRIVER EDUCATION COURSE BY THE UT-BROWNSVILLE POLICE ACADEMY.**
The Agreement follows:

TRAVEL ITEMS

(40) AUTHORIZATION TO TRAVEL/OR APPROVAL OF TRAVEL EXPENSE FOR THE FOLLOWING (PLEASE NOTE: TRAVEL REQUESTS ARE SUBJECT TO ALL APPLICABLE COUNTY POLICIES):

- (a) Tax Assessor Collector and three (3) employees to attend the “2002 Texas Association of Vehicle Theft Investigators/South Central Regional Chapter of the International Association of Auto Theft Seminar”, in Austin, Texas, September 6, 2002;
- (b) Twelve (12) Health Department employees to attend the “Directly Observed Therapy (DOT), Toxicity and Monitoring Training”, in Harlingen, Texas, September 10-11, 2002;
- (c) County Extension employee to attend and participate in the “4-H 2002 Recordbook Judging”, in Brownwood, Texas, August 5-6, 2002;
- (d) Four (4) County Extension Agents to attend the “Educational Conference for Families and Family Advocates of Cameron, Starr, Hidalgo and Other Counties in Texas”, in South Padre Island, Texas, on October 22-25, 2002;
- (e) Commissioners’ Court Legal Counsel to attend the “Employment and Labor Law Seminar”, Houston, Texas, on September 11-13, 2002;
- (f) County Extension Agent to attend the “Financial Management Training”, in Austin, Texas, on August 28-30, 2002; and
- (g) International Bridge System Director to meet with HNTB regarding the West Rail Project, in San Antonio, Texas, on August 19, 2002.

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

- (24) **RESOLUTION HONORING THE CAMERON COUNTY AUTOMOBILE CRIMES ENFORCEMENT TASK FORCE FOR RECEIVING THE 2002 COUNTY BEST PRACTICE AWARD FROM THE TEXAS ASSOCIATION OF COUNTIES LEADERSHIP FOUNDATION.**

The Resolution is as follows:

- (26) **UPDATED CAMERON COUNTY EQUAL OPPORTUNITY PLAN EFFECTIVE AUGUST 27, 2002.**
The Plan is as follows:

- (27) **RENEWAL OF THE ANNUAL TELECOMMUNICATION AGREEMENTS TO INCLUDE NEW AND CIRCUIT UPGRADES, WITH SOUTHWESTERN BELL FOR EXISTING AND NEW LOCATIONS FROM OCTOBER 1, 2002 - SEPTEMBER 30, 2005.**

The Agreement is as follows:

- (28) **EXECUTION OF THE RIGHT OF ENTRY AGREEMENT WITH JOHN R. FREELAND, INC., TO CONSTRUCT DUST CONTROL STRUCTURES ON 305+ ACRES OF LAND ON LONG ISLAND.**
The Agreement is as follows:

- (29) **EXECUTION OF AN INTERLOCAL COOPERATION AGREEMENT WITH THE BROWNSVILLE NAVIGATION DISTRICT TO CONSTRUCT DUST CONTROL STRUCTURES ON 60+ACRES OF LAND ON LONG ISLAND.**
The Agreement is as follows:

- (30) EXECUTION OF THE RIGHT OF ENTRY AGREEMENT WITH LOVETON REAL ESTATE, INC. TO CONSTRUCT DUST CONTROL STRUCTURES ON 114+ACRES OF LAND ON LONG ISLAND.**
The Agreement is as follows:

- (35) AGREEMENT BETWEEN AGENCY NURSES, L.L.C., AND CAMERON COUNTY
TO PROVIDE MEDICAL CARE SERVICES.
The Agreement is as follows:**

(36) CONTRACT BETWEEN CAMERON COUNTY AND TEXAS DEPARTMENT OF HEALTH TO PROVIDE WOMEN, INFANT, AND CHILDREN (WIC) PROGRAM SERVICES.

The Agreement is as follows:

- (37) EXECUTION OF THE PARKS SYSTEM'S BEACH CLEANING AND MAINTENANCE ASSISTANCE CONTRACT WITH THE TEXAS GENERAL LAND OFFICE FOR FISCAL YEAR 2003.**
The Agreement is as follows:

- (39) LICENSE AGREEMENT INVOLVING THE USE OF THE CAMERON COUNTY AIRPORT FOR A DRIVER EDUCATION COURSE BY THE UT-BROWNSVILLE POLICE ACADEMY.
The Agreement is as follows:**

EXECUTIVE SESSION

(41) EXECUTIVE SESSION:

Upon motion by Commissioner Cascos, seconded by Commissioner Valdez and carried unanimously, the Court met in Executive Session at 7:23 P.M., to discuss the following matters:

- (a) Deliberation regarding Real Property concerning the possible acquisition of an additional 1,000 square feet for the Cameron County Tax Office and the Justice of the Peace, Precinct No. 1 at the office located at 313 Queen Isabella building in Port Isabel; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 51.072;
- (b) Confer with Commissioners' Court Legal Counsel concerning the possible litigations involving Ford Crown Victoria Police Interceptors; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 51.071(2);
- (c) Deliberation regarding Real Property concerning the possible acquisition of properties for the New Cameron County Annex Building in Harlingen, Texas; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072;.
- (d) Deliberation regarding Real Property concerning the Unidos Podemos Title V Grant Location; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072;
- (e) 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 551.071(2).
- (f) Deliberation regarding personnel matters regarding the reassignment and duties of the Building Maintenance Superintendent; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.074(1); and
- (g) Confer with Commissioners' Court Legal Counsel on legal issues regarding Texas Natural Conservation Commission (TNRCC) Compliance on matters in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional conduct of the State Bar of Texas clearly conflicts with the Open Meetings Act; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(2).

Upon motion by Commissioner Cascos, seconded by Commissioner Benavides and carried unanimously, the Court reconvened in Regular Session at 7:54 P.M.

NOTE: JUDGE HINOJOSA LEFT THE MEETING AT THIS TIME.

(42) ACTION RELATIVE TO EXECUTIVE SESSION:

- (a) **In the matter regarding Real Property concerning the possible acquisition of an additional 1,000 square feet for the Cameron County Tax Office and the Justice of the Peace, Precinct No. 1, at the office located at 313 Queen Isabella Building in Port Isabel. (TABLED)**

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

(b) Confer with Commissioners' Court Legal Counsel concerning the possible litigations involving Ford Crown Victoria Police Interceptors.

Commissioner Garza moved that action on this Item be **TABLED**, and that the Status Report by Mr. Doug Wright, Commissioners' Court Legal Counsel concerning the possible litigation involving Ford Crown Victoria Police Interceptors be acknowledged.

The motion was seconded by Commissioner Valdez and carried unanimously.

(c) Deliberation regarding Real Property concerning the possible acquisition of properties for the New Cameron County Annex Building in Harlingen, Texas.

Note: Commissioner Valdez stepped out of Executive Session upon learning of possible conflict.

Upon motion by Commissioner Garza, seconded by Commissioner Benavides and carried unanimously, the Status Report by Mr. Joseph Ardito, Property Manager, concerning the possible acquisition of properties for the New Cameron County Annex Building in Harlingen, Texas, was acknowledged.

(d) Deliberation regarding Real Property concerning the Unidos Podemos Title V Grant Location.

Commissioner Garza moved that the Status Report by Mr. Joseph Ardito, Property Manager, concerning the Unidos Podemos Title V Grant Location be acknowledged and that he be authorized to negotiate with Mr. Albert Treviño, property owner.

The motion was seconded by Commissioner Benavides and carried unanimously.

(e) 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, the Status Report by Mr. Joseph Aridito, Property Manager, concerning the possible acquisition of approximately fifteen (15) acres of land for the purpose of locating a Veteran's Nursing Home was acknowledged and he was authorized to enter into an Agreement.

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- (f) **In the matter regarding personnel matters regarding the reassignment and duties of the Building Maintenance Superintendent. (TABLED)**

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

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- (g) **Confer with Commissioners' Court Legal Counsel on legal issues regarding Texas Natural Conservation Commission (TNRCC) Compliance on matters in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Open Meetings Act.**

Commissioner Garza moved that the Status Report by Mr. Remi Garza, Administrative Assistant, concerning legal issues regarding the Texas Natural Conservation Commission (TNRCC) Compliance on matters in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Open Meetings Act be acknowledged.

The motion was seconded by Commissioner Valdez and carried unanimously.

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(21) **CONSIDERATION AND POSSIBLE ACTION REGARDING THE SELECTION OF SITES FOR THE PROPOSED VETERANS HOME**

Upon motion by Commissioner Garza, seconded by Commissioner Valdez and carried unanimously, the designations of the site on Haine Road as the primary site and the site on Rangerville Road as the secondary site were approved.

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

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APPROVED this 24th day of **September 2002**.

GILBERTO HINOJOSA
COUNTY JUDGE

ATTEST:

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