

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 17<sup>th</sup> day of September 2002, there was conducted a Regular Public Meeting of the Honorable Commissioners' Court of Cameron County, Texas, at the Courthouse thereof, in the City of Brownsville, Texas, for the purpose of transacting any and all business that may lawfully be brought before the same.

THE COURT MET AT:

5:30 P.M.

PRESENT:

GILBERTO HINOJOSA  
COUNTY JUDGE

PEDRO "PETE" BENAVIDES  
COMMISSIONER PRECINCT NO. 1

CARLOS H. CASCOS, C.P.A  
COMMISSIONER PRECINCT NO. 2

DAVID A. GARZA  
COMMISSIONER, PRECINCT NO. 3

RICHARD VALDEZ  
COMMISSIONER, PRECINCT NO. 4

JOE G. RIVERA  
COUNTY CLERK

Mary Robles Deputy Clerk

ABSENT:

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The meeting was called to order by Judge Hinojosa at 5:34 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 September 13, 2002, at 11:48 A.M., and the Supplemental Agenda posted on September 14, 2002, at 1:33 P.M.:

# **PRESENTATION**

(1) **PRESENTATION OF A PLAQUE BY THE SOUTH TEXAS INDEPENDENT SCHOOL DISTRICT TO THE CAMERON COUNTY COMMISSIONERS' COURT FOR OUTSTANDING SERVICE AND SUPPORT TO THE SCHOOL COMMUNITY**

Ms. Marla M. Guerra, Superintendent of the South Texas Independent School District, detailed the history of the formation of the South Texas Independent School District, and stated that the District would not be present had it not been for the support of the Commissioners' Court. She introduced Mr. Raul Besterio, Mr. Erwin Scott, and Mr. David Vela, members of the South Texas Independent School District Board of Trustees.

At this time, Mr. Scott read and presented the Court with a Plaque on behalf of the South Texas Independent School District for outstanding service and support to the school community.

Judge Hinojosa commended the South Texas Independent School District Board of Trustees, Administration, Teachers, and students for their efforts and hard work.

Commissioner Cascos moved that the Presentation of a Plaque by the South Texas Independent School District to the Cameron County Commissioners' Court for outstanding service and support to the School Community be acknowledged.

The motion was seconded by Commissioner Garza and carried unanimously.

Commissioner Garza thanked Mr. Erwin Scott for his service to the Community through the South Texas Independent School District Board of Trustees since 1969.

(2) **PRESENTATION AND DISCUSSION REGARDING THE POSSIBLE INCREASE OF THE CAMERON COUNTY PARK USER FEES SYSTEM WIDE**

Mr. Javier Mendez, Parks System Director, proposed an increase to the County Park User Fee System, and requested authorization to hold a Public Hearing. He stated that the proposed fee increases had been discussed with members of the Park Advisory Committee. Mr. Mendez clarified that the fee increases applied to the Recreational Vehicle (RV) parking site rental's annual pass, to the 90 day pass, and to the boat launching fee at Thomae Park. He recommended that the RV Parking Sites be increased to \$30.00 per site, per month. Mr. Mendez informed that the Plans to construct RV parking sites at Andy Bowie Park had been postponed due to the Causeway Collapse, adding that the budget was already allocated and the materials had been purchased.

Commissioner Garza questioned the Parks System Fund Balance's activities over the past three (3) years.

Mr. Mendez stated that the Reserve had a balance of \$2.8 million, including six (6) months worth of operating expenditures and Bond Reserves, adding that the Reserve had increased by about \$54,000.00 from 2000 to 2001.

Commissioner Garza questioned the purpose for increasing the fees.

Mr. Mendez responded that the increases were in anticipation of the additional parks to be adopted, and added that balancing the Parks System's Budget had required a cut of about \$96,000.00.

Judge Hinojosa stated that owners of other RV Parks had expressed concern with the Cameron County Park User Fees not being competitive.

Mr. Mendez highlighted the current Park User Fee rates and the Parks System's revenues.

Judge Hinojosa suggested that the fee increases be based on an average percentage according to the value of the sites.

Commissioner Cascos stated that the unreserved retained earnings had decreased by \$243,000.00, that the total Reserve had increased by \$54,000.00, and that \$650,000.00 had been allocated for Bond Repair and Replacement versus the \$2,900.00 allocation from last year. He questioned whether the six (6) months of operating expenditures included the Bond Covenants.

Mr. Mendez clarified that the Bond payment, in the amount of \$457,000.00, was needed in addition to the six (6) months of operating expenditures.

Commissioner Cascos stated that disparity was visible when the Parks System Fund was compared to other County Funds, and questioned whether the Parks System's expenditures had exceeded 16% during the past years.

Mr. Mendez responded in the affirmative, and reiterated that the increases were being proposed in anticipation of additional responsibilities.

Commissioner Cascos questioned the intention for reserving \$800,000.00.

Mr. Mark Yates, County Auditor, explained that the \$800,000.00 Reserve was required by the Bond Covenant, aside from the debt payment. He added that funds were allocated to fund the reconstruction of the Parks System in the event that a natural disaster was experienced, since the majority of the Parks System's revenue was generated through RV site rentals.

Mr. Mendez proposed that the area south of the Marina be improved and that utilities be provided in order to increment the fees.

Judge Hinojosa stated that Request for Proposals (RFP) for the area south of the Marina were received in the past, but no action had taken place. He explained that construction of campsites on that property was suggested, yet he

believed it was best to construct the campsites at the Atwood Park or at Andy Bowie Park. Judge Hinojosa suggested that Requests for Proposals (RFP) be solicited for the said property. He recommended that the Property Manager, Parks System Director, Commissioners' Court Legal Counsel, and he meet to review the information and to develop recommendations.

Commissioner Benavides questioned the status of the Browne Road Park.

Mr. Mendez reported that the two (2) options presented by the Consultant would be explained to the Court during a Workshop.

Judge Hinojosa suggested that Commissioner Benavides, Mr. Mendez, and he meet to review the Plans for the Browne Road Park as well.

Mr. Mendez stated that a very limited Plan had been submitted for Laguna Heights Parks and that a revised Plan would be provided in about a week. He clarified that the proposed increases of the Cameron County User Fees System would be presented to the Parks Advisory Board.

Commissioner Valdez moved that the Presentation and discussion regarding the possible increase of the Cameron County Park User Fees system wide be acknowledged.

The motion was seconded by Commissioner Garza and carried unanimously.

**The Report is as follows:**

## **ACTION ITEMS**

### **(3) APPROVAL OF THE BUDGET AMENDMENTS**

Commissioner Cascos moved that the 2002-Fiscal Year Budget Amendment No. 2002-38 be approved.

The motion was seconded by Commissioner Benavides.

Commissioner Cascos questioned the Budget Amendment concerning the Civil Division.

Mr. Xavier Villarreal, Budget Officer, explained that the expense pertained to the re-mediation of the Father Joseph O'Brien Clinic and its litigation.

Mr. Doug Wright, Commissioners' Court Legal Counsel, noted that the funding source should be the Litigation and Settlement line item.

Commissioner Garza asked when the Father Joseph O'Brien Clinic was scheduled to reopen.

Mr. Wright explained that the re-mediation would be completed in about a month and would be followed by reconstruction.

Judge Hinojosa stated that the reconstruction could require Architectural Services and the bid process.

Mr. Wright noted the need to have the Law Firm of Willet and Guerra update the Court concerning the Father Joseph O'Brien.

Upon motion duly made by Commissioner Cascos, seconded by Commissioner Benavides and carried unanimously, the 2002-Fiscal Year Budget Amendment No. 2002-38 was approved.

**The Budget Amendments are as follows:**

(4) **APPROVAL OF MINUTES FOR THE REGULAR MEETING HELD AUGUST 20, 2002**

Upon motion by Commissioner Garza, seconded by Commissioner Benavides and carried unanimously, the Minutes for the Regular Meeting held August 20, 2002, were approved.

(5) **IN THE MATTER REGARDING CONSIDERATION AND POSSIBLE ACTION REGARDING THE 2002-2003 FISCAL YEAR BUDGET (TABLED)**

Judge Hinojosa stated that the Budget Proposals differed based on the amount to be transferred to the Road Bridge Program. He added that most of the scenarios included the SCAAP Funds, a minimum toll rate of \$1.75, a commercial vehicle crossing increase of \$0.50 per axle, a \$0.50 pedestrian rate, and \$300,000.00 of Lapsed Salaries, except for Options No. 3 and No. 5, plus the 3% salary increases, except option No. 4. Judge Hinojosa reported that an additional \$570,000.00 was identified within the International Bridge System Fund, in addition to the proposed increase of \$1.75 or \$1.80.

Commissioner Cascos suggested that the 3% salary increase be divided based on a flat dollar amount among all County employees, and questioned if provision to address the salary increases for the grant-funded positions was in place.

Mr. Xavier Villarreal, Budget Officer, responded negatively, and explained that the Health Department could be affected the most because the Grants had remained constant throughout the past years, adding that the need to eliminate grant-funded positions was made present when salary increases were approved.

Judge Hinojosa detailed why the penny was transferred from the Road and Bridge Fund to the General Fund.

**DISCUSSION CONCERNING OPTION NO. 1:**

Commissioner Garza questioned the manner in which the need for Jail Guards would be addressed.

Judge Hinojosa explained that Cameron Works and Project VIDA would host a program through Texas State Technical College to train twenty-five (25) individuals as jailors at the jail facility over a period of one (1) year.

Judge Hinojosa questioned the projected Reserve for the Road and Bridge Fund.

Mr. Villarreal responded that the projected reserve was for under \$100,000.00.

Commissioner Cascos questioned which critical positions were being considered.

Mr. Villarreal stated that the positions consisted of a Licensed Vocational Nurse Position for the Jail Infirmary, a Custodian Position, a Maintenance Technician Position, and the Health Inspector Position.

**DISCUSSION CONCERNING OPTION NO. 2:**

Judge Hinojosa stated that the proposed increase to the International Bridge System's totaled \$1.80.

Commissioner Garza questioned whether it was an acceptable accounting practice to include the Lapsed Salaries in the General Fund's revenues.

Commissioner Cascos noted that counting the Lapsed Salaries signified reduction of expenditures, and explained that it was not done often during other Counties Budgetary Process, yet he believed it was not incorrect.

Judge Hinojosa stated that the budgeted Lapsed Salaries were frozen and the County Auditor did not allow that they be expended until the amount was repaid.

Commissioner Cascos questioned whether the large Departments could reduce expenditures by about 2% to compensate the employees, and expressed his concern with over budgeting certain line items, and questioned the amount of the General Fund's Fund Balance.

Mr. Villarreal responded that funds were not available, and that the Fund Balance totaled about \$4 million, equaling about 33 days worth of operating expenditures. He stated that the expenditures within the General Fund were increasing and that the Fund Balance was decreasing; therefore, the only way to accumulate savings was to not expend what was budgeted or to increment revenue.

Commissioner Garza added that another method to generate revenue was to increase the tax rate.

**DISCUSSION CONCERNING OPTION NO. 3:**

Judge Hinojosa explained that Option No. 3 proposed a tax increase of 2.35% over the current tax rate to transfer a whole penny from the General Fund tax rate to the Road and Bridge Fund tax rate. He suggested that the toll rate be increased up to \$1.80, in addition to the \$300,000.00 of Lapsed Salaries, in order to minimize the increase to the tax rate to about 2/10 of a penny.

Commissioner Cascos suggested that the current tax rate be kept, that the toll rate be increased to \$1.80, and that \$0.005 be transferred to the Road and Bridge Fund.

Judge Hinojosa stated that it was best to transfer 3/4 of a penny to the Road and Bridge Fund if the toll rate was increased to \$1.80, noting that a whole penny transfer would require an increase to the tax rate of about 2/10 of a penny.

Commissioner Cascos questioned the amount available for new positions.

Commissioner Garza responded that \$210,000.00 would be made available, above the \$100,000.00, by increasing the toll rate up to \$1.80.

Judge Hinojosa stated that upon the toll rate being increased to \$1.80 and added to the \$300,000.00 of Lapsed Salaries the results would be the need to increase the tax rate by 2/10 of a penny to be able to transfer a whole penny to the Road and Bridge Fund. He questioned the impact to be caused by 2/10 of a penny tax rate increase on an average home valued at \$50,000.00.

Commissioner Cascos responded that it would be an increase of about \$1.00 per year to the taxes. He suggested that the following be considered within Option No. 1: that the current tax rate be kept; that the toll rate be increased up to \$1.80, that the \$210,000.00 be added to the \$148,495.00 available to fund new positions; and that \$0.005 be transferred to the Road and Bridge Fund.

**DISCUSSION CONCERNING OPTION NO. 4:**

Judge Hinojosa explained that this option proposed a 2.5% salary increase, and to fund a 1/4 penny transfer through the toll rate increase of up to \$1.80 and that no new positions be funded.

Mr. Villarreal stated that if the \$300,000.00 of Lapsed Salaries were added, a total of \$64,000.00 would be available to fund two (2) new positions.

Commissioner Cascos questioned whether the Fund Balance would be decreased.

Mr. Villarreal responded negatively.

**DISCUSSION CONCERNING OPTION NO. 5:**

Judge Hinojosa stated that this option proposed a roll-back tax rate.

Mr. Villarreal stated that this option proposed a 3% salary increase as well.

Judge Hinojosa noted the need to transfer 3/4 of a penny to the Road and Bridge Fund, to increase the toll rate up to \$1.80, to provide a 3% salary increase to all County employees, and to not increase the tax rate.

At this time, there was additional discussion concerning the options presented and the Budget Officer was directed to develop a proposed Budget according to Options No. 2 and No. 3.

Commissioner Cascos requested that the effects on the grant-funded employees be calculated.

Commissioner Garza expressed his concern with the significant yearly decrease of the Road and Bridge Fund.

Commissioner Benavides requested a scale of what the 3% salary increase would signify for the employees according to their salaries.

Mr. Villarreal noted the need to set the salary increase for Elected Officials, and questioned whether the salary increase should be based on a percentage or on a flat dollar amount.

Commissioner Cascos suggested that a flat dollar amount be approved.

Judge Hinojosa stated that the disbursement of the 3% salary increase would be determined at a later time.

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

**The Options are as follow:**







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**(8) CONSIDERATION AND ACTION SETTING  
ELECTED OFFICIALS' SALARIES**

Upon motion by Commissioner Garza, seconded by Commissioner Valdez and carried unanimously, the Elected Officials' salaries were set as published.

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**(9) CONSIDERATION AND POSSIBLE ACTION  
REGARDING THE RELEASE OF RETAINAGE TO  
LANDMARK ORGANIZATION, INC.**

Mr. Juan Bernal, County Engineer/Public Works Director, presented a listing of the security issues at the Carrizalez-Rucker Detention Center, and informed that Landmark Organization had completed the work addressed in different Letters and Memorandums.

Judge Hinojosa questioned if the pending tasks listed on the second document had been completed.

Mr. Bernal responded that two (2) items were completed and that three (3) other items under warranty were being tended to.

Commissioner Garza questioned whether the funds should be detained since three (3) tasks remained pending.

Mr. Bernal responded that he did not believe it was necessary because the items were under warranty.

Commissioner Benavides moved that the release of the retainage to Landmark Organization, Inc., be authorized.

The motion was seconded by Commissioner Garza.

Commissioner Garza questioned whether Lieutenant George Garcia, Sheriff's Department, had verified the correction of the individual tasks.

Mr. Bernal responded that Lieutenant Garcia and he had inspected the corrections of the individual tasks.

Upon motion duly made by Commissioner Benavides, seconded by Commissioner Garza and carried unanimously, the release of the retainage to Landmark Organization, Inc., was authorized.

**The Documents are as follow:**



**(11) CONSIDERATION AND POSSIBLE APPOINTMENT OF MS. MARIE RAMIREZ TO THE BOARD OF TRUSTEES OF THE TROPICAL TEXAS CENTER FOR MENTAL HEALTH AND MENTAL RETARDATION**

Upon motion by Commissioner Cascos, seconded by Commissioner Garza and carried unanimously, the appointment of Ms. Marie Ramirez to the Board of Trustees of the Tropical Texas Center for Mental Health and Mental Retardation was approved.

**(12) CONSIDERATION AND APPROVAL OF CERTIFICATION OF PROJECTED REVENUES AND AVAILABLE RESOURCES FOR THE GENERAL FUND, COURTHOUSE SECURITY FUND, SPECIAL ROAD AND BRIDGE FUND, LAW LIBRARY FUND, LATERAL ROAD FUND, EMPLOYEE BENEFITS FUND, JUVENILE PROBATION GRANTS FUND, FIFTH JUDICIAL REGION FUND, ATTORNEY GENERAL CHILD SUPPORT FUND, UNLIMITED DEBT SERVICE FUND, LIMITED DEBT SERVICE FUND, VETERAN'S INTERNATIONAL TOLL BRIDGE SYSTEM FUND, THE FREE TRADE BRIDGE AT LOS INDIOS TOLL BRIDGE FUND, THE GATEWAY INTERNATIONAL TOLL BRIDGE FUND, THE CAMERON COUNTY PARK SYSTEM FUND, THE COUNTY AIRPORT FUND, AND THE LAW ENFORCEMENT FORFEITURE FUND, AND CAPITAL PROJECTS FUNDS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2003**

Upon motion by Commissioner Benavides, seconded by Commissioner Garza and carried unanimously, the Certification of Projected Revenues and available resources for the General Fund, Courthouse Security Fund, Special Road and Bridge Fund, Law Library Fund, Lateral Road Fund, Employee Benefits Fund, Juvenile Probation Grants Fund, Fifth Judicial Region Fund, Ag Child Support Fund, Unlimited Debt Service Fund, Limited Debt Service Fund, Veteran's International Toll Bridge System Fund, the Free Trade Bridge at Los Indios Toll Bridge Fund, the Gateway International Toll Bridge Fund, the Cameron County Park System Fund, the County Airport Fund, and the Law Enforcement Forfeiture Fund, and Capital Projects Funds for the Fiscal Year Ending September 30, 2003, were approved.

**The Revenue Projections are as follow:**

**[REDACTED]**

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

Commissioner Valdez moved that the Policy and Procedure Manual and the Racial Based Profiling Policy for the Cameron County Constable Precinct No. 6 be adopted, inclusive of the corrections.

The motion was seconded by Commissioner Garza and carried unanimously.

**The Policy is as follows:**

[REDACTED]

(14) **CONSIDERATION AND APPROVAL OF CAMERON COUNTY'S PROPOSED USE OF 2002 LOCAL LAW ENFORCEMENT BLOCK GRANT FUNDS AND AUTHORIZATION FOR PROJECT DEVELOPMENT AND MANAGEMENT DEPARTMENT TO SUBMIT FUNDING REQUEST TO THE BUREAU OF JUSTICE ASSISTANCE**

Judge Hinojosa stated that the Local Law Enforcement Block Grant Funds had been allocated last year to fund two (2) Constable Positions, one (1) Dispatch Position, and two (2) part-time Secretarial Positions, and noted the need for the same allocation or otherwise to layoff the said personnel.

Commissioner Cascos noted that he would support the recommendation if it could be assured that the requested equipment would be provided and that the Juvenile Department would be provided the additional position.

Judge Hinojosa suggested that the part-time slot be funded through the General Fund and that the equipment be funded through the equipment list up to the funds available.

Mrs. Joan Macrum, Juvenile Department, expressed her concern with the need for a Constable to assist with the transportation of juveniles.

Judge Hinojosa moved that the action approved by Commissioners' Court concerning the allocation of the 2002 Local Law Enforcement Block Grant Funds be voided, that the allocation approved for 2001 Local Law Enforcement Block Grant Funds substitute the allocation of those funds, and that the best effort be made to fund the equipment approved by the method of allocation through the General Fund or through the Equipment List.

The motion was seconded by Commissioner Valdez.

Commissioner Garza questioned why the Committee was appointed, and expressed his concern with the Committee's recommendations being disregarded.

Judge Hinojosa explained that the Grant required the appointment of a Committee, and that the Committee was aware of the needs.

Upon motion duly made by Judge Hinojosa that the action approved by Commissioners' Court concerning the allocation of the 2002 Local Law Enforcement Block Grant Funds be voided, that the allocation approved for the 2001 Local Law Enforcement Block Grant Funds substitute the allocation of those funds, and that the best effort be made to fund the equipment approved by the method of allocation through the General Fund or through the Equipment List.

The motion was seconded by Commissioner Valdez and carried unanimously.

**The list is as follows:**

**[REDACTED]**

**(15) CONSIDERATION AND APPROVAL OF  
INTERLOCAL AGREEMENT BETWEEN  
CAMERON COUNTY SHERIFF'S DEPARTMENT  
AND THE TOWN OF RANCHO VIEJO**

Upon motion by Commissioner Garza, seconded by Commissioner Benavides and carried unanimously, the Interlocal Agreement between Cameron County Sheriff's Department and the Town of Rancho Viejo was approved.

**The Agreement is as follows:**



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(16) **IN THE MATTER REGARDING APPROVAL TO IMPLEMENT TERMS AND AGREEMENT WITH QUICK COLLECT SERVICES FOR INMATES AT THE COUNTY JAIL (TABLED)**

Judge Hinojosa expressed his concern with the County not receiving any type of compensation for the services.

Captain Robert Lopez, Sheriff's Department, stated that the County's benefit would be the reduction of incoming correspondence.

Commissioner Garza stated that a percentage of the phone service's revenue was directed to the County, and questioned the distinction between the two (2) services.

Commissioner Cascos questioned the Contract's language, which indicated that the County would assume all responsibility for any loses, and noted the need for County personnel assigned to handle money to be bonded. He expressed his concern with the County assuming liability without receiving compensation.

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

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(17) **CONSIDERATION AND POSSIBLE APPROVAL OF AMENDMENT TO GAS TRANSPORTATION AGREEMENT BETWEEN CAMERON COUNTY JAIL AND SOUTHERN UNION GAS**

Commissioner Cascos moved that the Amendment to the Gas Transportation Agreement between Cameron County Jail and Southern Union Gas be approved.

The motion was seconded by Commissioner Garza and carried unanimously.

**The Amendment is as follows:**

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**(18) CONSIDERATION AND AUTHORIZATION TO OFFER THE EMPLOYEES OF THE TOWN OF SOUTH PADRE ISLAND AN ENTRANCE FEE DISCOUNT AT ISLA BLANCA PARK ON SEPTEMBER 21, 2002**

Upon motion by Commissioner Garza, seconded by Commissioner Benavides and carried unanimously, the entrance fee discount, in the amount of \$1.00, to the Isla Blanca Park on September 21, 2002, to employees of the Town of South Padre Island was approved.

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**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. 19: Mr. Mark Yates, County Auditor, presented the following additional claims: Warrant No. 00083413, payable to Mrs. Eileen Barrymore, in the amount of \$40,000.00, to be repaid to the Veterans Bridge from the revenue obtained on Veterans Day; Warrant No. 00082699, payable to Mr. Jose L. Hernandez, in the amount of \$15,000.00; Warrant No. 00082700, payable to Fund No. 31; in the amount of \$20,000.00; Warrant No. 00082701, payable to Fund No. 32, in the amount of \$24,535.32; and Warrant No. 00082702, payable to Fund No. 39, in the amount of \$5,000.00.

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

The motion was seconded by Commissioner Benavides.

ITEM NO. 24- j: Commissioner Valdez questioned the request to fund the lodging for a County employee at South Padre Island. Commissioner Cascos explained that lodging was paid only if the County employee was hosting the Conference/Seminar. Mr. Frank Martinez, County Attorney, explained that Mrs. Yolanda de Leon, District Attorney, was a member of the Texas District & Counties Association Annual Board and that the expenditures would be reimbursed by the Texas District & Counties Association.

ITEM NO. 24: Mrs. JuaNita Brodecky, Rio Hondo resident, stated that 87 employees would travel for a total of 25 days, and suggested that the Travel Budget be reviewed to locate surplus funds.

Upon motion duly made by Commissioner Garza that the following “Consent and Travel Items”, be approved.

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

AYE: Commissioners Benavides, Cascos, Garza, and Valdez,  
NAY: None,  
ABSTAIN: Judge Hinojosa as to Warrant No. 00082980, payable to Laguna Madre Water District, in the amount \$270.43.

- (19) **APPROVAL OF CLAIMS;**  
**The Affidavit follows:**
- (20) **OPENING OF THE FOLLOWING BIDS/PROPOSAL:**  
**(A) MEDICAL SUPPLIES - ANNUAL BID NO. 2294;**
- (21) **RESOLUTION DECLARING THE WEEK OF SEPTEMBER 23-29, 2002, AS VIOLENCE PREVENTION WEEK IN CAMERON COUNTY, TEXAS;**  
**The Resolution follows:**
- (22) **ACCEPTANCE OF 2003 FISCAL YEAR GRANT AWARD FOR THE STUDENT-PARENTS EXTENDED EDUCATION DIVISION (S.P.E.E.D.) PROJECT; AND**  
**The Notice follows:**
- (23) **APPOINTMENT OF MR. ROGELIO BANDA, JR., FOR POSITION OF RESERVE DEPUTY CONSTABLE PRECINCT NO. 3, IN COMPLIANCE WITH THE STATE OF TEXAS LOCAL GOVERNMENT CODE 86.011 AND 86.012.**

## **TRAVEL ITEMS**

- (24) **AUTHORIZATION TO TRAVEL/OR APPROVAL OF TRAVEL EXPENSE FOR THE FOLLOWING (PLEASE NOTE: TRAVEL REQUESTS ARE SUBJECT TO ALL APPLICABLE COUNTY POLICIES):**
  - (a) Thirteen (13) District Court Coordinators and Administrators to attend the "Texas Association for Court Administration Education Conference", in San Antonio, Texas, October 22-25, 2002;
  - (b) Juvenile Probation Employee to attend the "Balancing Education and Juvenile Justice Conference", in Dallas, Texas, October 13-15, 2002;
  - (c) Juvenile Probation Director and Employee to attend the "Small Medium Sized Department Chiefs Workshop", in Austin, Texas, September 22-26, 2002;
  - (d) Juvenile Probation Employee to attend the "Texas Community Service Association 2002 Conference", in Corpus Christi, Texas, September 22-25, 2002;
  - (e) Three (3) Sheriff's Department employees to attend the "Buckle up Texas Seminar", in Austin, Texas, September 18-19, 2002;
  - (f) Two (2) Health Department Employees to attend the "Title V Contractors Conference", in Austin, Texas, September 23-24, 2002;
  - (g) Unit Director to attend the "Quarterly Meeting for the South Texas HIDTA Intelligence Centers", in Laredo, Texas, October 9-11, 2002;
  - (h) Justice of the Peace Pct. 2, Place No. 2 to attend the "Texas Justice Court Training Seminar", in Austin, Texas, October 2-4, 2002;
  - (i) Unit Tactical Intelligence Agent to attend the "Investigative Assistance Meeting", in Laredo, Texas, September 18-19, 2002; and
  - (j) District Attorney Employee to attend the "Texas District & Counties Association Annual Board Member Meeting and TDCAS Annual Criminal and Civil Law Update", in South Padre Island, Texas, September 24-27, 2002.

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

- (21) **RESOLUTION DECLARING THE WEEK OF SEPTEMBER 23-29, 2002, AS VIOLENCE PREVENTION WEEK IN CAMERON COUNTY, TEXAS.**  
**The Resolution is as follows:**

- (22) ACCEPTANCE OF 2003 FISCAL YEAR GRANT AWARD FOR THE STUDENT-PARENTS EXTENDED EDUCATION DIVISION (S.P.E.E.D.) PROJECT.  
The Notice is as follows:**

## **SUPPLEMENTAL ITEMS**

**(2) CONSIDERATION AND POSSIBLE ACTION OF REVISION OF THE SELECTION AND SUBMISSION OF EARLY VOTING LOCATIONS FOR THE NOVEMBER GENERAL ELECTION FOR PRE-CLEARANCE BY THE DEPARTMENT OF JUSTICE**

Judge Hinojosa informed that the Lopez Supermarkets had offered to host an Early Voting Sites at the Lopez Supermarkets located on International Boulevard and in Las Prietas. Judge Hinojosa questioned whether these sites would substitute other sites.

Mr. Silvestre Garcia, County Judge's Office, responded that the Southmost Community Network Center on Southmost would be substituted by the Lopez Supermarket located on International Boulevard and that the Church of Our Lady of Good Counsel would be substituted by the Lopez Supermarket on Highway 281.

Judge Hinojosa commented that the poor public response was observed at the Southmost Community Network Center; therefore, the need to substitute the site.

Commissioner Cascos moved that the Early Voting Sites be amended to include the two (2) Early Voting Sites at the Lopez Supermarkets located on International Boulevard and in Las Prietas as substitutes for the sites at the Southmost Community Network Center and the Church of Our Lady of Good Counsel on Highway 281.

The motion was seconded by Commissioner Garza and carried unanimously.

**The List is as follows:**

## **EXECUTIVE SESSION**

### **(25) EXECUTIVE SESSION:**

Upon motion by Commissioner Cascos, seconded by Commissioner Valdez and carried unanimously, the Court met in Executive Session at 7:45 P.M., to discuss the following matters:

- (a) Deliberation regarding Real Property concerning the possible donation to Cameron County of Lots Nos. 19, 20, 21 and 22 of Padre Isabel Estates abstract No. 2, Block No. 35, in Cameron County; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072;
- (b) Deliberation regarding Real Property concerning the Economic Development Corporation of South Padre Island's Proposal for a Wetland Birding and Nature Study Center; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072;
- (c) Deliberation regarding Real Property concerning the possible acquisition of various properties for the Oscar C. Dancy Parking Lot; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072; and
- (d) Confer with Commissioners' Court Legal Counsel on position of Vehicle Maintenance Director concerning duties and possible discipline or dismissal issues; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(2).

At this time, Commissioner Cascos withdrew his motion to go into Executive Session and Commissioner Valdez withdrew his second.

### **(1) CONSIDERATION AND APPROVAL OF REVISION OF SPACE ALLOCATION PLAN FOR THE OLD SHERIFF'S OFFICE**

Judge Hinojosa informed that Commissioner Benavides and Mr. John Wood, Commissioner Elect, had requested an Office, and recommended that the Conference Room (194.40) be divided in half to provide Offices and a waiting area for the two (2) Commissioners.

Commissioner Garza expressed his concern with the public perception of having a potential quorum present when visiting the Courthouse.

Judge Hinojosa stated that prior to the relocation of the Civil Division, the four (4) County Commissioners had Offices located within that area and that no issues were ever presented.

Commissioner Cascos moved that the revision of the Space Allocation Plan for the old Sheriff's Office be approved.

The motion was seconded by Commissioner Valdez.



Judge Hinojosa explained that the Open Meetings Act prohibited individuals to discuss matters of the Commissioners' Court when a quorum was present, noting that the members of the Court were together at many times without discussing Items.

Mr. Doug Wright, Commissioners' Court Legal Counsel, stated that the facts be considered, and commented that many County Courthouses were designed to have the Offices of the Commissioners lined up. He recommended that if Commissioner Garza had a personal concern he might have to work on a method to address the matter.

Mr. Remi Garza, Administrative Assistant, stated that the Dancy Building's design designated two (2) areas for the Commissioners and two (2) Offices down stairs that would be available for the Commissioners.

Upon motion duly made by Commissioner Cascos, that the revision of the Space Allocation Plan for the old Sheriff's Office, be approved.

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

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

NAY: Commissioner Garza.

**The Plan is as follows:**

## EXECUTIVE SESSION

### (25) EXECUTIVE SESSION:

Upon motion by Commissioner Cascos, seconded by Commissioner Valdez and carried unanimously, the Court met in Executive Session at 7:55 P.M., to discuss the following matters:

- (a) Deliberation regarding Real Property concerning the possible donation to Cameron County of Lots Nos. 19, 20, 21 and 22 of Padre Isabel Estates abstract No. 2, Block No. 35, in Cameron County; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072;
- (b) Deliberation regarding Real Property concerning the Economic Development Corporation of South Padre Island's Proposal for a Wetland Birding and Nature Study Center; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072;
- (c) Deliberation regarding Real Property concerning the possible acquisition of various properties for the Oscar C. Dancy Parking Lot; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072; and
- (d) Confer with Commissioners' Court Legal Counsel on position of Vehicle Maintenance Director concerning duties and possible discipline or dismissal issues; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(2).

Upon motion by Commissioner Benavides, seconded by Commissioner Garza and carried unanimously, the Court reconvened in Regular Session at 8:23 P.M.

### (26) ACTION RELATIVE TO EXECUTIVE SESSION:

- (a) **Deliberation regarding Real Property concerning the possible donation to Cameron County of Lots Nos. 19, 20, 21 and No. 22 of Padre Isabel Estates abstract No. 2 Block No. 35 in Cameron County.**

Upon motion by Commissioner Garza, seconded by Commissioner Benavides and carried unanimously, the donation to Cameron County of Lots Nos. 19, 20, 21 and 22 of Padre Isabel Estates Abstract No. 2, Block No. 35, in Cameron County was accepted.

- (b) **Deliberation regarding Real Property concerning the Economic Development Corporation of South Padre Island's Proposal for a Wetland Birding and Nature Study Center.**

Commissioner Garza moved that the Birding and Nature Study Center concept be approved, subject to approval by the Commissioners' Court of the survey and designation of land use to be submitted by the Economic Development Corporation of South Padre Island.

The motion was seconded by Commissioner Benavides and carried unanimously.

[REDACTED]

**(c) Deliberation regarding Real Property concerning the possible acquisition of various properties for the Oscar C. Dancy Parking Lot.**

Upon motion by Commissioner Valdez, seconded by Commissioner Cascos and carried unanimously, the Status Report by Mr. Joseph Ardito, Property Manager, concerning the possible acquisition of various properties for the Oscar C. Dancy Parking Lot was acknowledged.

[REDACTED]

**(d) Confer with Commissioners' Court Legal Counsel on position of Vehicle Maintenance Director concerning duties and possible discipline or dismissal issues.**

Commissioner Benavides moved that the Status Report by Mr. Doug Wright, Commissioners' Court Legal Counsel, concerning the position of the Vehicle Maintenance Director concerning duties and possible discipline or dismissal issues be acknowledged.

The motion was seconded Commissioner Cascos and carried unanimously.

[REDACTED]

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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 8:25 P.M.

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**APPROVED** this 22<sup>nd</sup> day of **October 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.**