

THE STATE OF TEXAS           §

COUNTY OF CAMERON         §

**BE IT REMEMBERED** on the 24<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 5:30 P.M. He then asked Reverend Bob Clark, Brownsville resident, for the invocation and a minute of silence was held in memory of Ms. Frances Verner, Community Leader; thereafter, Judge Hinojosa 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 20, 2002, at 2:35 P.M. and a Supplemental Agenda posted September 20, 2002, at 2:34 P.M.:



## EXECUTIVE SESSION

### (45) EXECUTIVE SESSION:

Upon motion by Commissioner Benavides, seconded by Commissioner Garza and carried unanimously, the Court met in Executive Session at 5:35 P.M., to discuss the following matters:

- (a) Deliberation regarding Real Property concerning the possible acquisition of properties for the New Cameron County Annex Building in Harlingen; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072;
- (b) Confer with Commissioners' Court Legal Counsel on the 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);
- (c) Confer with Commissioners' Court Legal Counsel concerning the Father O'Brien Clinic Litigation as it relates to occupancy of the facility; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(A)&2; and
- (d) Consideration and possible action regarding the appointment, reassignment and Duties of (Interim) Building Maintenance Supervisor; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.074(1&2).

Upon motion by Commissioner Valdez, seconded by Commissioner Garza and carried unanimously, the Court reconvened in Regular Session at 6:17 P.M.

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

- (a) **Deliberation regarding Real Property concerning the possible acquisition of properties for the New Cameron County Annex Building in Harlingen.**

**NOTE:** Commissioner Valdez stepped out of Executive Session during the discussion of this Item.

Commissioner Garza moved that Mr. Joseph Ardito, Property Manager, be authorized to negotiate final terms for the acquisition of the property for the New Cameron County Annex Building in Harlingen for the amount of \$190,000.00.

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

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

NAY: None,

ABSTAIN: Commissioner Valdez.

**The Letter is as follows:**

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

Upon motion by Commissioner Garza, seconded by Commissioner Benavides and carried unanimously, the Status Report by Mr. Doug Wright, Commissioners' Court Legal Counsel, on the position of Vehicle Maintenance Director concerning duties and possible discipline or dismissal issues was acknowledged.

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- (c) **Confer with Commissioners' Court Legal Counsel concerning the Father O'Brien Clinic Litigation as it relates to occupancy of the facility.**

Commissioner Valdez moved that the Status Report by Mr. Doug Wright, Commissioners' Court Legal Counsel, and Mr. David Hanawa, concerning the Father O'Brien Clinic Litigation as it relates to occupancy of the facility be acknowledged.

The motion was seconded by Commissioner Garza and carried unanimously.

- ████████████████████
- (d) **Consideration and possible action regarding the appointment, reassignment, and duties of (Interim) Building Maintenance Supervisor.**

Upon motion by Commissioner Benavides, seconded by Commissioner Valdez and carried unanimously, the Status Report by Mr. Doug Wright, Commissioners' Court Legal Counsel, regarding the appointment, reassignment, and duties of (Interim) Building Maintenance Supervisor was acknowledged.

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## **PRESENTATION**

- (1) **PRESENTATION OF THE RESOLUTION  
DECLARING SEPTEMBER 2002, AS  
COMMUNITIES IN SCHOOLS MONTH IN  
CAMERON COUNTY, TEXAS**

Commissioner Benavides moved that the Presentation of the Resolution declaring the month of September 2002, as "Communities in Schools Month" in Cameron County, Texas be acknowledged.

The motion was seconded by Commissioner Garza and carried unanimously.

**The Resolution is as follows:**

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(2) **CONSIDERATION AND AUTHORIZATION FOR A REPORT ON THE FATHER O'BRIEN CLINIC IN REGARDS TO THE CLEANUP AND TIME LINE FOR REOPENING**

Judge Hinojosa reported that Ambiotech would complete the re-mediation in two (2) weeks and that bids would be requested for reconstruction of the interior of the facility. He suggested that an Architect be hired, and questioned whether Request for Proposals (RFP) could be requested prior to completion of the re-mediation.

Mr. Doug Wright, Commissioners' Court Legal Counsel, recommended that Request for Proposals (RFP) be obtained.

Judge Hinojosa stated that the Request for Proposal (RFP) and the hiring of an Architect would take between thirty (30) to sixty (60) days in addition to the reconstruction of the facility's interior; therefore, the facility might be reopened in Spring at the earliest.

Commissioner Garza moved that the Status Report relating to the Father O'Brien Clinic in regards to the cleanup and timeline for reopening be acknowledged.

The motion was seconded by Commissioner Benavides and carried unanimously.

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(3) **CONSIDERATION AND AUTHORIZATION FOR DISCUSSION ON THE CAMERON COUNTY POLICY REGARDING MARKED AND UNMARKED COUNTY VEHICLES**

Judge Hinojosa informed that he would instruct his staff to review the Policy concerning the use of marked and unmarked vehicles and to develop a proposed Policy that would address the recently presented issues, adding that the proposed Policy would be provided to the Commissioners within a week to obtain comments. He added that the revised Policy would be placed on the Agenda for discussion and that the final Policy would be replaced within two (2) weeks for possible adoption. Judge Hinojosa questioned whether the Policy could be prepared within two (2) weeks.

Mrs. Grace Salinas, Executive Assistant, responded in the affirmative.

Judge Hinojosa reiterated that the Policy would be placed on the Agenda to obtain public comment and considered for adoption within two (2) weeks.

Commissioner Cascos questioned whether Law Enforcement Vehicles would be applicable.

Judge Hinojosa responded in the affirmative, adding that the Policy would apply to the following County Vehicles:

Marked vehicles belonging to all Law Enforcement Agencies and non Law Enforcement Agencies; and



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(5) **APPROVAL OF MINUTES FOR THE REGULAR MEETING HELD AUGUST 27, 2002**

Upon motion by Commissioner Benavides, seconded by Commissioner Valdez and carried unanimously, the Minutes for the Regular Meeting held August 27, 2002, were approved, inclusive of the modification.

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(21) **IN THE MATTER REGARDING UTILIZATION OF MUNICIPAL SERVICES BUREAU (MSB) TO IMPLEMENT A PILOT PROGRAM TO COLLECT THE DELINQUENT COURT COSTS AND FINES ASSESSED IN THE COURTS OF CAMERON COUNTY (TABLED)**

Judge Hinojosa proposed that this item be tabled, and that Request for Proposals (RFP) be obtained.

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

At this time, Judge Hinojosa recommended that the following individuals be appointed to the Evaluation Committee:

- Mr. Joe G. Rivera, County Clerk;
- Judge Daniel Robles, County Court at Law No. 3;
- Mrs. Aurora de la Garza, District Clerk;
- Mr. Remi Garza, Administrative Assistant; and
- Mr. Bennie Ochoa, Justice of the Peace.

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(6) **CONSIDERATION AND ADOPTION OF THE BUDGETS FOR THE CAMERON COUNTY GENERAL FUND, CAPITAL PROJECTS FUNDS, COURTHOUSE SECURITY FUND, THE SPECIAL ROAD AND BRIDGE FUND, THE LATERAL ROADS FUNDS, THE LAW LIBRARY FUND, THE EMPLOYEE BENEFITS FUND, THE CHILD SUPPORT FUNDS, THE FIFTH JUDICIAL ADMINISTRATIVE REGION FUNDS, THE DEBT SERVICE FUNDS, THE INTERNATIONAL TOLL BRIDGE SYSTEM FUNDS, THE PARK SYSTEM FUNDS, THE AIRPORT FUND, AND THE DRUG FORFEITURE FUNDS FOR THE FISCAL 2002-2003 YEAR**

Commissioner Benavides moved that the Budgets for the Cameron County General Fund, Capital Projects Funds, Courthouse Security Fund, the Special Road and Bridge Fund, the Lateral Roads Funds, the Law Library Fund, the Employee Benefits Fund, the Child Support Funds, the Fifth Judicial Administrative Region Funds, the Debt Service

Funds, the International Toll Bridge System Funds, the Park System Funds, the Airport Fund, and the Drug Forfeiture Funds for the 2002-2003 Fiscal Year be adopted.

The motion was seconded by Commissioner Valdez.

Judge Hinojosa - The Budget then being the Proposals that are before you.

Mr. Xavier Villarreal, Budget Officer - I did pass out, basically a continuation of last week, which ties into the tax rate. Which were: No. 1 was the current tax rate with a 3/4 of a penny shift or increasing Road and Bridge by 3/4 of a penny over the effective rate. No. 2 which was a full penny to Road and Bridge, and No. 3 a full penny, but also Commissioner Garza asked me to see what an additional increase in order to fund another position would come out to, and that is what Item No. 3 is.

Commissioner Garza - The other position would be the Aurora de la Garza's position that we promised her. That we have not given her.

Judge Hinojosa - I don't remember promising that, but.

Commissioner Garza - Well, I think at the meeting we said that if the funds were generated, that we would make sure that the position would be given to her. Wasn't that our discussion?

Judge Hinojosa - Yeah, well we did.

Commissioner Cascos - Can we talk about the new positions first?

Judge Hinojosa - Yeah. Let me discuss that. I was about to go into that right now. With respect to Item No. 1, the positions that are already in the Budget, that are not included, available for new positions is only the position that Ray has. Okay.

Mr. Villarreal - Based on last week, when the Court approved the increase to the Environmental Fees, the condition was that he get that, so I have included that in the expenditures.

Commissioner Cascos - Right, I remember that. So just to clarify, on scenario No. 1, where we have available for new positions \$101,000.00. Okay.

Mr. Villarreal - Correct.

Commissioner Cascos - No. 2 \$101,419.00, then the third one was \$134,478.00. So, I am assuming that we know what the positions that are going to absorb the \$101,000.00 are, right?

Mr. Villarreal - Correct.

Commissioner Cascos - Which ones are those?

Mr. Villarreal - That was the Jail Infirmiry Nurse, the Maintenance Technician, the Maintenance Department for the Sheriff's Department Jail Complex, and the Custodian for that location also.



Commissioner Cascos - Well.

Judge Hinojosa - I understood that would only happen if we do not give the Health Department employees that are State-funded employees a 3% increase.

Mr. Villarreal - Right. That ties into these salary increases.

Commissioner Cascos - Wait a minute. So that means that we have two (2) choices.

Mr. Villarreal - Correct, there is \$100,000.00 leftover after this.

Commissioner Cascos - Okay so that means we have two (2) choices. In other words we have two (2) choices, if we bring up those Health Department employees, give them the 3% increase, those that are by grants, then they don't get a position?

Judge Hinojosa - No, they do.

Mr. Villarreal - Well, the cost of that is \$39,000.00. The cost to fund a 3% salary increase for the Health Department employees that are under grants is \$39,000.00, that's what the cost is to the General Fund if you were to pick it up.

Commissioner Cascos - What is it to all employees that are grant-funded, because there's got to be other Departments that have grant-funded employees?

Mr. Villarreal - Well, as far as the ones that haven't been able to absorb it. It is the Health Department that usually either loose an employee or they are reducing their operational costs.

Commissioner Cascos - So are you suggesting then, that the other employees that are on grants are able to absorb it within their own Budget to get the 3%.

Mr. Villarreal - Well in the past, and this was before my time, but for the past years we've done the flat rate. It affects the Juvenile Department also because there are various employees that are funded from grants. But in the past the General Fund has absorbed the 3% on their total salaries. Not just what was paid out of General Fund. The past two (2) years and that's because they are all partially funded out of General Fund, they are not say 100% out of the grant, the past two (2) years since there was a flat rate, which was \$937.25, that total dollar amount went to those slots anyway. The problem with the Health Department they have people, the majority of their people are 100% funded by the grant. So if there was any kind of increase that they were getting unless the grant picked-up the full amount. Plus there are some grants that begin in January and some grants that begin in May.

Commissioner Cascos - But they are stuck with those numbers.

Mr. Villarreal - Right. They usually wait until the next year...(inaudible)

Commissioner Cascos - To make them up. Okay, then did I hear. Could you explain what you said about, if we did the \$39,000.00 we could fund the position?

Judge Hinojosa - Not all of them.

Commissioner Cascos - Which ones are we eliminating? If we?

Judge Hinojosa - The two (2) Maintenance Positions.

Commissioner Cascos - Okay.

Judge Hinojosa - Let me talk about that just for a second, cause we've been talking on how to deal with that. There were four (4) slots that we had talked about funding, that were going to be recommended by the Budget Officer; that is Ray Rodriguez's slot for the inspector; there was the infirmary nurse; and then there was two (2) maintenance people. Right?

Mr. Villarreal - That is correct.

Judge Hinojosa - He's already put into the Budget the inspector. There is enough money to fund the nurse in the \$100,000.00. There is enough money to fund the \$39,000.00, the 3% increase, and what was the one (1) additional item?

Mr. Villarreal - It was also what was recommended by the Salary Grievance Committee.

Judge Hinojosa - The Salary Grievance Committee recommended the equalization of the Justices' of the Peace auto allowance.

Commissioner Cascos - And that is on top of the 3%?

Judge Hinojosa - That is on top of the 3%, right. And so that covers everything and leaves us with \$700,000.00. The only thing that has not been booked in this whole Budget is this whole issue of collection of Court Cost and Fines assessed in the Courts of Cameron County. That has never been booked as a possible revenue source. We believe in checking out how this works in other jurisdictions. That we can probably collect a lot more than \$100,000.00 in Fines and Court Costs. And that once we get this program in place, that it would be appropriate for Mark to book a certain amount of money that would be collected in Fines and Court Costs that are over due, and so if that is the case we can probably, once he books it, make a Budget Amendment on the Revenues and then go ahead and approve those slots for the Maintenance Department.

Commissioner Cascos - Where was that in your Revenue Accounts?

Judge Hinojosa - It's not.

Mr. Villarreal - It's not in the revenues.

Judge Hinojosa - It's a new thing. It just came up today.

Commissioner Cascos - No, but I am saying, just because he's never booked it in the Budget, we've been collecting though, right?

Judge Hinojosa - No. This is a new source.

Commissioner Cascos - New source of money. Completely new.

Mr. Villarreal - Delinquent Court Cost and I don't know how actively they are pursuing those.

Commissioner Cascos - We have had some collections?

Mr. Villarreal - Correct.

Judge Hinojosa - Only on normal collection process; through the Courts, the County Clerks, and the District Clerks.

Commissioner Cascos - And where is that here? Is it under General Revenue or is it a line item?

Mr. Villarreal - It would be. There is a line item that is Court Costs.

Commissioner Cascos - And where is that on your Revenue?

Mr. Villarreal - It should be under 425 or under County Clerk Judicial. It is within there.

Commissioner Cascos - County Clerk Judicial. Okay, well it is \$1.3 million, so you're saying that within there how much...

Judge Hinojosa - What I am saying is that I think that we might be able to get Mark to book an additional revenue source from that. Let me give you an example. One of the concerns, I don't know if you got that letter from Judge Robles, but in the letter that he's got there, he was concerned about awarding the contract to MSB without going for proposals. Because there was for example, there was one County that there was a \$5 million delinquency in Fines and Court Cost and he was complaining they were only able to recover \$300,000.00 or something like that during that fiscal year. So, I think we are owed somewhere around \$5 million in Court Costs and Fines. And I think that it is safe to say that once we implement this program we will be able to generate at least the cost associated with the two (2) maintenance people that would be no more than \$50,000.00 with fringe benefits and everything. We can get Mark to at least book that amount and then bring on those folks.

Commissioner Cascos - And if we get him to recognize that amount of money where are we going to have to expend in order to implement this program.

Mr. Villarreal - I believe ... (Inaudible)

Judge Hinojosa - They do it. They pay for everything.

Commissioner Cascos - So that would be net to us.

Judge Hinojosa - And that is where I am headed with that.

Commissioner Garza - How about Aurora's position?

Judge Hinojosa - If we can get him to book the additional amount to pay for Aurora's position for the Master Court, then I say let's just fund that slot too. And let's just talk to Mark. I mean that it would be safe to say that he could book \$100,000.00 on that, because I was told that in some Counties the delinquency collection rate for Fines and Court Costs equals the amount collected for delinquent taxes, and we collect I think \$700,000.00 or \$800,000.00 in delinquent taxes per year right now.

Commissioner Cascos - If we can get Mark to book something like that, can we suggest also providing another clerk for Judge Torres and Judge Tullos. It's a thought, because I know that they were screaming and yelling about a new position...

Judge Hinojosa - Well we can go on and on...

Commissioner Valdez - Just to recap where it is at. First of all, out of the four (4) critical positions that Xavier is outlining there were two (2) that are going to be brought on board: the nurse for the Jail Infirmery and the Environmental Health Inspector. And then in addition to that once the funds come in from the collection of the Fines, which process we've tabled and hopefully we can get started. Then we will bring in the first two (2) people to be brought in will be the two (2) Jail Custodians and then after that will be the clerk for Mrs. De la Garza, Okay.

Judge Hinojosa - For Aurora. If in certifying the revenues, the Auditor is willing to amend the Certification of the Revenues and include the additional revenues that will be collected through this Delinquent Fine Collection Program that we are going out for proposals on. He is gonna come up with a number and he's going to have to research it and look at what is happening in other Counties, but he can come up with a number that he anticipates once it's going we will be able to collect the following fiscal year. With that number we can determine what we can do. The priority list would be starting with the two (2) jail custodians and then the next item of priority would be Aurora's Master Clerk.

Commissioner Valdez - And then if there are any additional funds after that, they all have to come forward.

Judge Hinojosa - If there are any additional funds then we will look at it at that point. But I just want to talk about that one.

Commissioner Garza - So what you're saying Xavier is that you have already included in the numbers that you are giving us here today the Health Department Position and you've included the Jail Infirmery LVN?

Mr. Villarreal - The only one that is included as far as the expenditures is the Environmental Health Inspector, because...

Commissioner Garza - So then when you say available for new positions here is \$100,000.00.

Mr. Villarreal - Right.

Judge Hinojosa - That does not include... You don't have to factor in the Health Department guy.

Commissioner Garza - The Health Department is out?

Commissioner Cascos - No, just Environmental Health is out.

Mr. Villarreal - The inspector, Environmental Health.

Commissioner Garza - Right. So we have the infirmary... How much was that? \$41,000.00?

Mr. Villarreal - \$41,141.00.

Commissioner Garza - So that still leaves \$60,000.00 there, right?

Mr. Villarreal - Correct.

Judge Hinojosa - \$59,000.00.

Commissioner Garza - Or \$59,000.00 you know, roughly.

Judge Hinojosa - And then there is \$39,000.00 for the 3% for the Health employees that are State-funded and then \$17,000.00.

Mr. Villarreal - And the cost of the Salary Grievance Committee comes out to \$17,460.00 for all of their...

Judge Hinojosa - So nothing remains \$3,000.00 or \$4,000.00.

Commissioner Garza - Three (3) pennies for the other three positions.

Judge Hinojosa - Under that Budget. That's no tax increase and a 3/4 of penny transfer to the Road and Bridge Department.

Commissioner Cascos - Well, no tax rate increase.

Judge Hinojosa - I'm sorry, no tax rate increase.

Commissioner Valdez - And that's the tax schedule one?

Judge Hinojosa - That is the first one. The second one it's the same thing all the way around, except that it's a full penny transfer to the Road and Bridge Budget from the Road and Bridge tax rate from the General Fund tax rate, but it includes a slight tax increase, which is a 0.74% over the current tax rate, less than 1% over the current tax rate. And that does the same exact thing as the first one, except the only difference is that it includes a tax rate and that it is 1/4 of penny larger transfer to the Road and Bridge. And then the last one is a 0.85% over the current tax rate, tax increase, which is less than 1% but it is still a tax increase, and that funds Aurora's Master Clerk and it also transfer sthe penny to the Road and Bridge Program. So we have three (3) choices.

Commissioner Cascos - Judge, just on the last page that Xavier provided. Just so the public can understand if we decide to increase moving the penny to Road and Bridge to help our infrastructure problems. We are talking about a \$1.45 on a \$50,000.00 home per year, right?

Mr. Villarreal - Correct.

Commissioner Cascos - So we are talking an additional \$0.12 per month added to their tax bill on a \$50,000.00 home. On a \$100,000.00 \$0.24 per month, a quarter. With that it enables us to fund, you know, some positions that we need, it enables us to transfer the penny to Road and Bridge and it reduces that deficit to only a mere half a million dollars. And I think that's where we are with it.

Judge Hinojosa - And No. 2 is a \$1.23 tax increase.

Commissioner Cascos - So that's the highest. The high scenario is \$1.43 per year on a \$50,000.00.

Mr. Villarreal - Correct.

Judge Hinojosa - The other one is \$1.23 per month, \$0.10 per month. Total tax...

Commissioner Garza - \$0.10 per month versus \$0.12 per month.

Commissioner Cascos - So I think that speaks for itself.

Commissioner Valdez - Total tax would be what, \$9.69?

Judge Hinojosa - No, \$1.00.

Mr. Villarreal - The total tax increase based on last year's tax values would be on No. 2 \$9.49 and on No. 3 \$9 ... (inaudible)

Commissioner Valdez - So it's not the \$0.12, it's ...

Commissioner Cascos - I'm talking from the tax rate. Keeping the same tax rate to the current it would be \$1.43 difference. In other words we've already determined that we're going to do No. 1, at least. And that one already is an increase. So going from No. 1 to No. 3 it's bumping it up an additional \$0.12 per month.

Commissioner Valdez - \$0.12 too many.

Commissioner Garza - I believe that we have to keep that surplus healthier than what we have it now. I reiterated my position or I will reiterate my position from last week. We've seen that fund go from \$4.7 million to what it is now. Which is, Xavier? The proposed Fund Balance for Public Works.

Mr. Villarreal - At the end of this fiscal year about \$1 million.

Commissioner Garza - About \$1 million. Three years ago it was \$4.7 million, okay. If that continues we will not be able to take care of the needs we have out there in the County. Thank God Isadore left this area, or will leave it as they say; otherwise, we could not support a major catastrophic event in this County through Public Works. If we don't fund that Department adequately I think we are looking for problems in the near future with any natural disaster that might occur, you know. I believe that the only choices are two (2) and three (3). If we go into this year with more than

\$500,000.00 deficit that means that we are going to end the year... If we do two or three, next year that Fund Balance is gonna lose \$500,000.00. Right?

Mr. Villarreal - Right.

Commissioner Garza - I don't know anyone, at least in my Precinct, that would not be willing to spend an extra \$0.10 a month to have a road properly worked on and there's residents of this Precinct here. There's residents that would like to have a road in front of their homes. And, you know, I mean, I might be wrong. I might be totally all wet, I might never get re-elected. That's irrelevant. I think that we should be fiduciary responsible to the constituents in the Community by properly funding the Departments.

Judge Hinojosa - Okay.

Commissioner Valdez - I've got plenty of residents in Precinct No. 4 who do not want an increase in tax rate period. And they've relayed that to me over and over and that is what I am expressing before the Board today. And the only one that doesn't have an increase in the current tax rate is schedule 1; therefore, I will not be able to support schedule 2 or 3, the Budget that relates to no other tax rate to... I think we got to hold the line. I think that my intentions known before and confirmed on that issue, because I believe the majority of the tax payers out there do not want an additional tax increase. I realize that there is a risk on the Road and Bridge, but it's been relayed to me that the State on Proposition II is going to come in and they are going to reimburse us on some of the expenses and as a result, even though some of the amounts are budgeted, I don't believe that it is going to get to this level. I believe that the amounts that are going to be projected at the end of the year are reflected here because of the history that the County has experienced where the full budgeted amount is not expended. And I don't believe there will be a dire need, as you've expressed Commissioner. But, since this is the only one that proposes a current tax rate, maintaining the same level, it's the only schedule that I can accept.

Commissioner Benavides - I also want to voice my opinion. I am against raising any taxes. I think people are tired of it. I know that I am personally. And I know that what Commissioner Garza is saying is probably very right you know. We are going to have to increase taxes, but I want to hold back on increasing taxes until it is absolutely necessary. And it's probably going to come around my election year. So you know around that time I am probably going to have to increase taxes. It's not the fact whether I want to be re-elected or not. I think that we can make it without increasing taxes this time around. Maybe next time we are not, but as far as I can see right now, we'll be able to make it with schedule 1 also. So I just wanted to put my \$0.12 also.

Judge Hinojosa - All right. Well, do I hear a motion here?

Commissioner Garza - Well, I just want to again remind the Commissioners that what they say I totally agree with, you know. No one likes to raise taxes. But all you have to do is look to three (3) years ago and what the Fund Balance was in that Department, \$4.7 million. What the projected Fund Balance this year will be, \$1 million. By approving tax rate as reflected on item No. 1 there is a \$750,000.00 deficit on that, and I think that it is very irresponsible for us to think that, that will disappear. It will not disappear. The deficit is there. The history of what has occurred over three (3) fiscal years is there. The projection that we are getting, in regards to what that fund balance will be is a negative \$732,000.00, you know. What happens next year where we cannot make up half of that balance? This year we can transfer one penny and we would still have enough money in that account to go another year, if we don't, there might not be enough. And that is where I am coming from Commissioner Benavides, Carlos, Judge, and Commissioner Valdez. I am not for a tax increase, but I am for being responsible to making sure that we have a Fund Balance that is some what healthy, you know. If we have any major problems that come up that we cannot fund it is gonna be our decision that caused that to occur. Not anyone else's. It is really simple.

Commissioner Valdez moved that Option No. 1 of the proposed Budget for the Cameron County General Fund, Capital Projects Funds, Courthouse Security Fund, the Special Road and Bridge Fund, the Lateral Roads Funds, the Law Library Fund, the Employee Benefits Fund, the Child Support Funds, the Fifth Judicial Administrative Region Funds, the Debt Service Funds, the International Toll Bridge System Funds, the Park System Funds, the Airport Fund, and the Drug Forfeiture Funds for the 2002-2003 Fiscal Year be adopted, with the current tax rates with a transfer of 3/4 of a penny to the Road and Bridge Program and the 3% across the board salary increase to all County employees.

The motion was seconded by Commissioner Benavides.

Judge Hinojosa - Without a tax increase?

Commissioner Cascos - Without a tax rate increase.

Commissioner Valdez - Without a tax rate increase.

Commissioner Cascos - Because certain people are going to have tax increase, depending on their appraised value.

Judge Hinojosa - Well they will pay more because their property is valued more and that it's just a normal process of growth and in the improvement on property. And there is not much that we can do about that.

Commissioner Cascos - That's correct.

Judge Hinojosa - Look this is my position on this thing and I've struggled with it as well. I want to commend our Budget Officer for an excellent job he's done on putting this Budget together and operating over some difficult issues, because it's been a tough Budget. I've been here eight (8) years and every one of them have been tough. And



what we've always done, when we put this Budget together is try to lessen the burden on the tax payers. We've cut here, last year we cut our Travel Budgets in half. We've increased tolls on the Bridge to generate more revenue. We've tried to do the best that we can to lessen the burden on the tax payers and every year the taxes have not been increased, unless there was no where else to go to balance the Budget. And that is, really what we have always done. This year we've had some problems in the County in some jurisdictions, where the voters are getting stuck with a significant tax increase, and they are already feeling the brunt of that. On top of that they've suffered increases in the gasoline that they're paying, they've suffered increases in their water rates that they're paying, because of the water shortage and the need for some jurisdictions now. Because the Irrigation Districts are out of water to have to pay for push water to get the water over to them. They've suffered increases in a lot of different areas. And even though relatively speaking, a 0.74% tax increase is small, it all adds up. And I think that this year because we've done everything possible to try to balance the Budget and we've been able to balance, the Budget has to set an example: that when possible not to increase the tax rate. We were able to put together a Budget without a tax rate. We are there. There will be some effect upon the Fund Balance in the Road and Bridge Program. I don't believe that it is going to be as big as what is reflected in the current projection by the Budget Officer. It never has been. I think that what we can do is, make a commitment that as we generate new revenues through this year, as we start increasing, let's say that we get a higher projection through the Fines and Court Cost that are collected, that we throw that money into our Fund Balance instead of spending it as we go and try to save as much money as we go this year, and just continue to be fiscally responsible rather than to increase taxes in any bit. So, my feeling is that we can balance this Budget this year without a tax increase and we can commit ourselves to continuing to be, I believe that this County is, fiscally responsible. And we can set an example throughout the County that whenever possible we will not raise taxes. Sometimes we have to and there is no way around that. But whenever possible we will not raise taxes. So, I also cannot support a tax increase this time around. Not a tax rate increase.

Mr. Dagoberto Barrera, Brownsville resident - Honorable Judge, may I have a few minutes for input... (Inaudible)... that you're addressing.

Judge Hinojosa - If you can make it like real short. Okay. If you can speak to the microphone. and state your name please.

Mr. Barrera - I want to give you this and tell you this before you start spending our money.

Judge Hinojosa - I'm gonna give you a minute.

Mr. Barrera - Just a minute? I thought I asked for a few dozen minutes.

Judge Hinojosa - No, no, no. One minute.

Mr. Villarreal - Name?

Mr. Barrera - No, no, not even a name, because that is lost time. Why am I here this afternoon while I can be home watching my favorite program in garden television? Well, it's because I am interested in all aspects of good government. Believe me I am. As I get older, I realized that I am not one who stands on the sideline, Judge. But rather I am a participant. I realize too that we are the heirs of the American Revolution. I don't want to tell you all the history. And as such we were given a mandate to hold, protect, and preserve those values that our framers fought and died for, that is to stick to our Conservative Principle holding out of control spending at all levels of government to the point. I don't know what is going to happen, because you might not give me another chance to say that with this Grievance Committee, that all the Justices of the Peace and everybody wanted, they grieved, they grieved. But if they knew that they were going to pay so much money for that job and they knew that job and they took it. I'm saying hell if you don't like that job, it doesn't pay enough vamonos. Get out of here.

Judge Hinojosa - You've got 15 seconds.

Mr. Barrera - 15 seconds... Anyway on these increases on the Bridge and inspections fees from \$50.00 to \$100.00 temporary permits, it is also a tax increase Judge. Because when you tax a restaurant, that restaurant is going to raise my hamburger, and it is the same thing tax, tax, tax. I am going to be through. A democracy will... Listen to what I am saying, please. A democracy cannot exist as a permanent form of government when Public Officials discover that they can vote themselves more money from the Public Treasure. What happened to the Texas Southmost College? "Let's Bond"? Que Bond ni que nada. They said enough is enough. Austerity measures, Judge, are really what is needed. I congratulate all of you porque tenian los pantalones bien puestos, but also watch those little rates of \$0.01, \$0.005, and \$0.02 because at the \$0.02, \$0.03, \$0.04 there is too many cents at the end. We've paid too much. Thank you very much Judge for giving me the time. You owe me two or three more (minutes).

Judge Hinojosa - Thank you Mr. Barrera, appreciate it. I'll pay you on the first. Okay there is a motion and a second, any further discussion?

Commissioner Cascos - Judge, just real quick. We've balanced the Budget. But we did it sacrificing certain Departments, certain compensation for good employees, so yes it is balanced and the reason we balanced it was, we could not meet our obligations. I agree. I've seen this Fund Balance since 1999, in Road and Bridge \$5.7 million, I looked at it today. I went a little bit further. So every year. You elated the Budget Officer for the great job he did on the Budget and I concur. But then at the same time you say, you know, well his pessimism in the Budget Process I don't believe him. I think it's one or the other. I think he did a good job and I think you're trying to be realistic. We have not seen a surplus in the Road and Bridge Fund in the last seven (7) years. It's been going every single year. When we transferred the penny, or whatever you want to call it, it was done with the understanding that we would pay it back as soon as possible.

And now, it looks like another year is going to go by with not a 100% being paid back. So we are paying most of it back, but we still have a long way to go. With all my respect to Dagoberto, you know how conservative I try to be. My concern is with the Road and Bridge Fund and it is with the General Fund. Three (3) years ago we had 55 days worth of operations. Today we have 32, and I am assuming based on the numbers that I kinda played with and it keeps going down every year and I don't think that's healthy as well. So to me, I don't like tax increases, but in this particular situation we have to do it. I know it's gonna loose. But I'm gonna vote my conscious and I believe that \$0.12 a month, I know it adds up, but to be able to provide infrastructure to the rural areas it's worth the \$0.12. And I don't live, none of us live in the rural areas, except for you, right?

Commissioner Garza - I live in the rural area.

Commissioner Cascos - He lives in the rural area, and as long as he is a Commissioner his road will probably never be paved, because he wants everybody else's to be paved first. So I may have to vote against the non-tax increase cause I think we need, and I respect each and every one of you all for voting your conscious as well. That's all I have to say. Thank You.

Judge Hinojosa - Let me just point out that when I came into Office our Bond Rating, which is a determination of the financial health of a County, was A-. Right now it's at A or A+ rated as of about three (3) or four (4) months ago. And one of the things that they consider when rating you is your Fund Balance. So we continue to be a financially strong County and I think one of the reasons is because we try to keep our tax rate low. And they do look at that. Because you put too much of a burden on tax payers and that affects how bond rating agencies look at you. I'll guarantee you right now that the Bond rating in Hidalgo County ain't much and it has a lot to do with the fact that they are looking at substantial tax increases this time around. Okay, there's a motion and a second, any further discussion?

Mr. Villarreal - Now, the only thing that is left unanswered is the salary increases. There was a proposal for a flat dollar amount. My numbers were all based on the 3% across the board. It is part of the Budget.

Judge Hinojosa - You need that information before we vote on that?

Commissioner Cascos - Well, but the dollar amount is not gonna change though. Is it?

Mr. Villarreal - It is not gonna change. But that way to prepare the salary schedules and within departments, from department to department it may not be the same.

Commissioner Cascos - No, I understand.

Mr. Villarreal - For clarification purposes: it came out to \$725,000.00 flat rate. But the Court has approved a 3% flat rate for the Elected Officials, the District Courts have set the salaries for the Court Reporter at a 3% across the

board, and the Auditor's Office again 3% across the board. Giving a flat dollar rate is \$725.00 is in note, means equitable to everybody, because it won't be applied the same to everybody.

Commissioner Valdez moved that Option No. 1 of the proposed Budget for the Cameron County General Fund, Capital Projects Funds, Courthouse Security Fund, the Special Road and Bridge Fund, the Lateral Roads Funds, the Law Library Fund, the Employee Benefits Fund, the Child Support Funds, the Fifth Judicial Administrative Region Funds, the Debt Service Funds, the International Toll Bridge System Funds, the Park System Funds, the Airport Fund, and the Drug Forfeiture Funds for the 2002-2003 Fiscal Year be adopted, with the current tax rates with a transfer of 3/4 of a penny to the Road and Bridge Program and the 3% across the board salary increase to all County employees.

The motion was seconded by Commissioner Benavides.

At this time Mr. Villarreal read the Budgets for the various County Funds.

Judge Hinojosa - Yes ma'am.

Mrs. Juanita Brodecky, Rio Hondo resident - Where will this Budget be posted for public review once it has been passed. Where will it be posted.

Mr. Villarreal - After the adoption I will, based on the changes, prepare the Final Budget and then file it with the County Clerk.

Mrs. Brodecky - Before October?

Mr. Villarreal - It actually has to be adopted today. It can be filed afterwards. So they're adopting the total Budget.

Mrs. Brodecky - It will be available for the Public to review.

Mr. Villarreal - Yes. It will be filed with the County Clerk within two (2) weeks.

Mrs. Brodecky - Within two (2) weeks or before October.

Mr. Villarreal - No. It is adopted before October it can be filed afterwards, and that is what we are doing is adopting the Budget.

Judge Hinojosa - Okay.

Upon motion duly made by Commissioner Valdez that Option No. 1 of the proposed Budgets, including the current tax rates with a transfer of 3/4 of a penny to the Road and Bridge Program and the 3% across the board salary increase to all County employees, for the Cameron County General Fund, Capital Projects Funds, Courthouse Security Fund, the Special Road and Bridge Fund, the Lateral Roads Funds, the Law Library Fund, the Employee Benefits Fund, the Child Support Funds, the Fifth Judicial Administrative Region Funds, the Debt Service Funds, the International Toll

Bridge System Funds, the Park System Funds, the Airport Fund, and the Drug Forfeiture Funds for the 2002-2003 Fiscal Year be adopted.

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

AYE: Commissioners Benavides, Valdez, and Judge Hinojosa,

NAY: Commissioners Cascos and Garza.

**The Budget is as follows:**

**██**

(7) **CONSIDERATION AND SETTING OF THE  
COUNTY TAX RATE FOR THE 2002-2003 FISCAL  
YEAR**

At this time, Judge Hinojosa read the summary of the setting of the County Tax Rate for the 2002-2003 Fiscal Year, and designated it as Exhibit "A".

Upon motion by Commissioner Garza, seconded by Commissioner Cascos and carried unanimously, the tax rate for the Fiscal Year 2002-2003 was set at \$0.340536 per every \$100.00 valuation, in accordance with the attached Order for tax rate, as recommended by the County Budget Officer.

**The Order is as follows:**

████████████████████

(8) **CONSIDERATION AND ACTION ON  
RECOMMENDATIONS OF CAMERON COUNTY  
SALARY GRIEVANCE COMMITTEE**

Judge Hinojosa informed that the Grievance Committee had recommended increasing the auto allowance from \$2,600.00 to \$5,400.00 for the following Justices of the Peace:

- Mr. Bennie Ochoa, Justice of the Peace Precinct No. 1;
- Mr. Tony Torres; Justice of the Peace Precinct No. 2, Place No. 1;
- Mr. Oscar Tullos, Justice of the Peace Precinct No. 2, Place No. 2;
- Mr. Oscar de la Fuente, Justice of the Peace Precinct No. 3, Place No. 1;
- Mr. David Garza, Justice of the Peace Precinct No. 3, Place No. 2; and
- Mr. Arturo Salas, Sr., Justice of the Peace Precinct No. 7.

Judge Hinojosa stated that the recommendations included the equalization of Constable Frank Robles' salary to the Constables in Brownsville and Harlingen.

Commissioner Garza questioned whether other requests had been presented.

Judge Hinojosa responded that a request by Constable Abel Perez, Precinct No. 2, for a salary increase to bring his salary up to \$41,000.00 was not passed as a recommendation, that Mr. Joe G. Rivera, County Clerk, had withdrawn his request, and that the request by Mr. Saldaña, Justices of the Peace Precinct No. 2, to increase his salary from \$16,500.00 to \$25,000.00 had been denied.

Commissioner Garza moved that the recommendations of the Cameron County Salary Grievance Committee be approved.

The motion was seconded by Commissioner Benavides and carried unanimously.

**The Votes are as follow:**

**[REDACTED]**

(9) **CONSIDERATION AND APPROVAL OF CONTRACT FOR LEGAL SERVICES WITH MR. NATHANIEL C. PEREZ, JR., ATTORNEY AT LAW, TO PROVIDE LEGAL REPRESENTATION TO THE INDIGENT DEFENDANTS OF THE 107<sup>TH</sup> JUDICIAL DISTRICT COURT**

Judge Hinojosa stated that the Agreement included an increase of \$500.00, and informed that he had discussed the matter with Judge Garza, 107<sup>th</sup> District Court. He questioned whether the Budget had been increased to \$100,000.00.

Mr. Xavier Villarreal, Budget Officer, responded in the affirmative, and explained that it was anticipated that \$100,000.00 would be spent aside from the increases reflected in the Contracts. He stated that the expenditures on cases that have not been processed through the Court System were unknown.

Commissioner Cascos stated that upon approval of the \$500.00 increase, the Court should stand ready to increase all other Contracts, noting that he could not support the increase.

Commissioner Valdez noted that a previous Contract including a \$500.00 increase had been tabled.

Judge Hinojosa noted the need to determine the action to be taken concerning all the Contracts for Legal Services.

Upon motion by Commissioner Cascos, seconded by Commissioner Garza and carried unanimously, the Contract for Legal Services with Mr. Nathaniel C. Perez, Jr., Attorney at Law, to provide Legal Representation to the Indigent Defendants of the 107<sup>th</sup> Judicial District Court was approved, without the \$500.00 increase and subject to Commissioners' Court Legal Counsel contacting the District Courts.

**The Contract is as follows:**



████████████████████

**(10) CONSIDERATION AND ACTION REGARDING MR. ESIQUIO “ZEKE” LUNA, JR., NOT ACCEPTING APPOINTMENT TO THE CAMERON COUNTY HOUSING AUTHORITY**

Commissioner Garza moved that the matter regarding Mr. Esiquio “Zeke” Luna, Jr., not accepting appointment to the Cameron County Housing Authority be acknowledged.

The motion was seconded by Commissioner Cascos and carried unanimously.

████████████████████

**(12) CONSIDERATION AND AUTHORIZATION FOR THE ACCEPTANCE OF THOMAE LANE (GREEN VALLEY FARMS) INTO THE COUNTY ROAD SYSTEM**

Upon motion by Commissioner Garza, seconded by Commissioner Benavides and carried unanimously, Thomae Lane (Green Valley Farms) was accepted into the County Road System.

**The Petition is as follow:**

████████████████████

(13) **CONSIDERATION AND APPROVAL OF THE COUNTY'S PARTICIPATION AND MEMBERSHIP IN THE ALLIANCE FOR I-69 AND APPOINTMENT OF BOARD MEMBER TO THE ALLIANCE**

Commissioner Cascos moved that the County's participation and Membership in the Alliance for I-69 be approved, that Judge Hinojosa be appointed as a Board Member to the Alliance, and that Mr. Pete Sepulveda be appointed as the alternate.

The motion was seconded by Commissioner Garza and carried unanimously.

████████████████████

(14) **CONSIDERATION AND APPROVAL OF AGREEMENT BETWEEN CAMERON COUNTY AND HNTB CORPORATION FOR THE PREPARATION OF THE ENVIRONMENTAL ASSESSMENT, AERIAL PHOTOGRAPHY AND SCHEMATIC DESIGN FOR THE WEST RAIL PROJECT**

Commissioner Cascos moved that the Agreement between Cameron County and HNTB Corporation for the preparation of the Environmental Assessment, Aerial Photography and Schematic Design for the West Rail Project be approved.

The motion was seconded by Commissioner Benavides.

At this time, Mr. Doug Wright, Commissioners' Court Legal Counsel, noted that minor language modifications were done.

Commissioner Cascos stated that he assumed that the Agreements were reviewed due to the Agenda Request being signed by the applicable parties.

Mr. Pete Sepulveda, International Bridge System Director, informed that the Agreement had been prepared by the Civil Division and that a call from HNTB was received on Monday, September 23, 2002, to make recommendations, adding that the County could opt to accept or disregard the recommendations.

Commissioner Cascos questioned whether the changes would benefit the County.

Mr. Wright explained that the changes were mainly for clarification purposes.

Upon motion duly made by Commissioner Cascos that the Agreement between Cameron County and HNTB Corporation for the preparation of the Environmental Assessment, Aerial Photography and Schematic Design for the West Rail Project be approved, subject to Legal review.

The motion was seconded by Commissioner Benavides and carried unanimously.

**The Agreement is as follows:**

**[REDACTED]**

(15) **CONSIDERATION AND APPROVAL OF THE  
CALENDAR YEAR 2003 RETIREMENT RATES  
AND PLAN**

Mr. Manuel Villarreal, Personnel/Safety Risk Management Director, informed that no changes were done to the Calendar Year 2003-Retirement Rates and Plan.

Upon motion by Commissioner Cascos, seconded by Commissioner Benavides and carried unanimously, the Calendar Year 2003 Retirement Rates and Plan was approved.

**The Rates and Plan were as follow:**

[REDACTED]

(17) **CONSIDERATION AND AUTHORIZATION TO ACQUIRE RIGHT OF WAY FOR FM/802 PARCEL NO. 2**

(18) **IN THE MATTER REGARDING AUTHORIZATION TO ACQUIRE RIGHT OF WAY FOR FM/802, PARCEL NO. 7 (TABLED)**

Commissioner Benavides moved that the acquisition of Right of Way for FM/802, Parcel No. 2 be authorized, and that Item No. 18 be **TABLED**.

The motion was seconded by Commissioner Garza and carried unanimously.

[REDACTED]

(20) **CONSIDERATION AND AUTHORIZATION TO EXECUTE A LICENSE AGREEMENT WITH GENE GORE D.B.A. SPADRE.COM TO INSTALL A DIGITAL CAMERA AND A PHONE LINE INSIDE THE LERMA PAVILION IN ISLA BLANCA PARK**

Mr. Javier Mendez, Parks System Director, informed that Mr. Gene Gore was requesting authorization to install two (2) digital cameras and a phone line inside the Lerma Pavilion in Isla Blanca Park to provide digital pictures of the Island to be linked to the Internet, adding that free advertisement would be provided to the Parks System.

Commissioner Cascos questioned whether the Radio Antennas were operational.

Judge Hinojosa explained that a Status Report would be provided the following week, and clarified that the Radio Antennas were not operational.

Upon motion by Commissioner Cascos, seconded by Commissioner Garza and carried unanimously, the License Agreement with Gene Gore d.b.a. spadre.com to install a digital camera and a phone line inside the Lerma Pavilion in Isla Blanca Park was approved.

**The Agreement is as follows:**

(22)

**CONSIDERATION AND APPROVAL TO GRANT A VARIANCE FROM THE APPROVED TRAVEL POLICY LIMITING HOTEL PER DIEM TO \$100 PER NIGHT FOR STAYS NOT IN THE HOTEL WHERE THE SEMINAR IS HELD**

Mr. Remi Garza, Administrative Assistant, explained that Judge Elia Cornejo, County Court at Law No. 2, attended a Seminar in Boston, Massachusetts and had stayed at a different Hotel, at a rate of \$143.00, because the Hotel hosting the Seminar had a rate of \$260.00.

Commissioner Cascos stated that according to the background information the hosting Hotel had a special rate of \$149.00.

Mr. Garza clarified that due to time constraints Judge Cornejo might have not been able to obtain the special rate; therefore, she stayed at a different Hotel to minimize the expenses.

Commissioner Valdez moved that the granting of a variance from the approved Travel Policy limiting Hotel per Diem to \$100 per night for stays not in the Hotel where the seminar is held be approved.

The motion was seconded by Commissioner Garza and carried unanimously.

(23)

**CONSIDERATION AND POSSIBLE ACTION REGARDING CAMERON COUNTY'S APPLICATION TO THE VETERANS LAND BOARD FOR THE CONSTRUCTION OF A VETERANS HOME IN CAMERON COUNTY INCLUDING BUT NOT LIMITED TO THE SUBMISSION OF THE APPLICATION AND STATEMENT REGARDING CONVEYANCE OF PROPOSED SITES**

Judge Hinojosa noted that approval of this Item was needed to become in compliance with the Application to the Veterans Land Board.

Upon motion by Commissioner Cascos, seconded by Commissioner Benavides and carried unanimously, the Cameron County's Application to the Veterans Land Board for the construction of a Veterans Home in Cameron County including but not limited to the submission of the Application and Statement regarding conveyance of proposed sites was approved.

**The Application is as follows:**

████████████████████

(24) **CONSIDERATION AND POSSIBLE ACTION REGARDING AN AMENDMENT TO THE AGREEMENT BETWEEN CAMERON COUNTY AND MGT OF AMERICA, INC. TO PROVIDE ADDITIONAL FUNDS TO COVER COST INCURRED AT THE INITIAL SITE SELECTED IN THE HARLINGEN AREA**

Mr. Remi Garza, Administrative Assistant, informed that MGT of America, Inc., had hired Raba Kistner to conduct the work needed at the Rangerville Site, at a cost of \$2,000.00, and that the \$2,000.00 were being requested to pay Raba Kistner, since the sites had been switched.

Commissioner Garza requested that a Report concerning the work done by Raba Kistner be provided prior to approving the release of the payment.

Judge Hinojosa stated that the Report would be made available.

Mr. Garza stated that the Project's budget was sufficient to fund the request, that the information would be obtained, and requested that this Item be approved in order to obtain the Report that needed to be submitted to Veterans Land Board by Monday, September 30, 2002.

Judge Hinojosa stated that the City of Harlingen had made arrangements to purchase the land at no cost to the County if the proposed Veterans Nursing Home was approved within the City of Harlingen.

Commissioner Cascos moved that the Amendment to the Agreement between Cameron County and MGT of America, Inc., to provide additional funds to cover costs incurred at the initial site selected in the Harlingen area be approved.

The motion was seconded by Commissioner Benavides and carried unanimously.

**The Amendment 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. 25: Mr. Rob Olson, Assistant County Auditor, presented the following additional claim: Warrant No. 00083488, payable to the 5<sup>th</sup> Judicial System, in the amount of \$3,000.00.

ITEM NO. 44-a: Mr. Pete Sepulveda, International Bridge Director, informed that this Travel Item had been canceled.

ITEM NO. 44-c: Mr. Manuel Villarreal, Personnel/Safety Risk Director, informed that they had not attended the 2002 Regional Loss Control Workshop due to the Emergency Meeting held on the same day.

ITEM NO. 44-i: Mr. Manuel Villarreal, Personnel/Safety Risk Director, clarified that this Item did not apply to the Personnel Department, but rather to the Law Enforcement Training Committee.

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

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

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

NAY: None,

ABSTAIN: Judge Hinojosa as to Warrant No. 00083297, payable to Laguna Madre Water District, in the amount of \$14,804.04.

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

**(26) CONTRACT FOR LEGAL SERVICES WITH MR. OSCAR DE LA FUENTE, JR., ATTORNEY AT LAW, TO PROVIDE LEGAL REPRESENTATION TO THE INDIGENT DEFENDANTS OF THE COUNTY COURT AT LAW NO. 3;  
The Contract follows:**

**(27) CONTRACT FOR LEGAL SERVICES WITH MR. ROBERT LERMA, ATTORNEY AT LAW, TO PROVIDE LEGAL REPRESENTATION TO THE INDIGENT DEFENDANTS OF COUNTY COURT AT LAW NO. 3;  
The Contract follows:**

**(28) RESOLUTION HONORING MR. JOSE "CHEMA" VILLALON;  
The Resolution follows:**

**(29) MAINTENANCE AGREEMENT BETWEEN CAMERON COUNTY AND THE REVENUE MARKETS, INC., FOR THE INTERNATIONAL BRIDGE SYSTEM TOLL COLLECTION SYSTEM;  
The Agreement follows:**

- (30) **CONTRACT BETWEEN THE UNIVERSITY OF TEXAS AT BROWNSVILLE/TEXAS SOUTHMOST COLLEGE AND THE CAMERON COUNTY HEALTH DEPARTMENT TO ASSIST STUDENTS WITH EDUCATIONAL EXPERIENCE IN THE CAMERON COUNTY PUBLIC HEALTH CLINICS;**  
**The Contract follows:**
- (31) **RENEWAL AGREEMENT BETWEEN CAMERON COUNTY AND EMERGENCY SERVICES DISTRICT NO. 1 TO PROVIDE CONSULTING SERVICES FOR FISCAL YEAR 2003;**  
**The Agreement follows:**
- (32) **CONTRACT BETWEEN CAMERON COUNTY AND THE LOWER RIO GRANDE VALLEY DEVELOPMENT COUNCIL FOR THE SOLID WASTE LOCAL ENFORCEMENT GRANT;**  
**The Contract follows:**
- (33) **CONTRACT BETWEEN CAMERON COUNTY AND THE LOWER RIO GRANDE VALLEY DEVELOPMENT COUNCIL FOR THE ANTI-ILLEGAL DUMPING PSA'S PROJECT;**  
**The Contract follows:**
- (34) **CONTRACT BETWEEN CAMERON COUNTY AND THE VALLEY PROUD ENVIRONMENTAL COUNCIL FOR THE ANTI-ILLEGAL DUMPING PSA'S PROJECT;**  
**The Contract follows:**
- (35) **ACKNOWLEDGMENT OF ASSIGNMENT OF THE REMAINDER OF THE JETTIES BAIT STAND CONCESSION AGREEMENT TO MRS. MARIA MARTINEZ (WIDOW) FOR THE REMAINING TERM OF THE LEASE - JANUARY 31, 2004;**  
**The Agreement follows:**
- (36) **ACCEPTANCE OF PARCEL NO. 24-B, OLD PORT ISABEL ROAD;**  
**The Deed follows:**
- (37) **ACCEPTANCE OF RIGHT-OF-ENTRY AND POSSESSION FOR FM/106, PARCEL NO.17;**  
**The Deed follows:**
- (38) **PRELIMINARY AND FINAL APPROVAL FOR:**  
**A.       PRECINCT NO. 4 -       CHURCH OF J.C. OF LATTER DAY SAINTS HIGHWAY 83 SUBDIVISION - A 5.711 ACRE TRACT OF LAND MORE OR LESS, OUT OF BLOCK FOURTEEN (14), STUART PLACE SUBDIVISION OF SURVEY NO. 139.**
- (39) **FINAL APPROVAL FOR:**  
**A.       PRECINCT NO. 3 -       MELOMAR GARDENS SUBDIVISION SECTION TWO - A 34.442 ACRES COMPRISED OF 10.905 ACRES OUT OF A 19.981 ACRE TRACT AND 23.397 ACRES OUT OF A CERTAIN 46.5 ACRE TRACT, BOTH TRACTS OUT OF WHAT IS COMMONLY KNOWN AS THE A.J. HOOD LANDS TRACT, SAN PEDRO DE CARRICITOS GRANT.**
- (40) **OPENING OF THE FOLLOWING BIDS/PROPOSAL:**  
**A.       EL NORTE SUBDIVISION STREET AND DRAINAGE IMPROVEMENTS**



- (41) **AWARDING OF THE FOLLOWING BIDS FOR THE FOLLOWING:**  
A. **FOOD: TORTILLAS - ANNUAL BID NO. 2240; AND**  
B. **FOOD: MEATS - QUARTERLY BID NO. 2170.**  
**The Tabulation follows:**
- (42) **AWARDING OF THE FOLLOWING BIDS FOR THE FOLLOWING:**  
A. **DISH: SOAP & CLEANERS - ANNUAL BID NO. 2060.**  
**The Tabulation follows:**
- (43) **AWARDING OF THE FOLLOWING BIDS FOR THE FOLLOWING:**  
A. **MEDICAL SUPPLIES - ANNUAL BID NO. 2294.**  
**The Tabulation follows:**

## **TRAVEL ITEMS**

- (44) **AUTHORIZATION TO TRAVEL/OR APPROVAL OF TRAVEL EXPENSE FOR THE FOLLOWING (PLEASE NOTE: TRAVEL REQUESTS ARE SUBJECT TO ALL APPLICABLE COUNTY POLICIES):**
- (a) International Bridge System Director to meet with EPA and State Department Officials regarding the West Rail Project, in Washington, D.C., September 25-26, 2002;
  - (b) Personnel Director to attend the "Texas County District Retirement System Overview 2002", in Austin, Texas, October 1-2, 2002;
  - (c) Three (3) Personnel Employees to attend the "2002 Regional Loss Control Workshop", in McAllen, Texas, September 24, 2002;
  - (d) Project Development and Management employee to attend the "Proposal Writing Workshop Sponsored by Texas Department of Transportation", in Pharr, Texas, September 24, 2002;
  - (e) Two (2) County Court at Law No. 2 employees to attend the "Texas Association for Court Administrators Annual Conference", in San Antonio, Texas, October 22-25, 2002;
  - (f) Two (2) District Attorney employees to attend the "Mandatory Staff Meeting for Region 3", in Port Aransas, Texas, September 25-26, 2002;
  - (g) County Extension Agent to attend the "Better Living for Texans Training Conference", in San Antonio, Texas, September 30-October 4, 2002;
  - (8) County Extension Agent to present a "Hazard Analysis and Critical Point (HACCP) Plan to Mexican Fish Importers", in Tampico, Mexico, September 24-27, 2002; and
  - (i) Personnel employee to attend the "Family Violence and Sexual Assault Training Seminar", in Houston, Texas, September 9-13, 2002.

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

- (26) **CONTRACT FOR LEGAL SERVICES WITH MR. OSCAR DE LA FUENTE, JR., ATTORNEY AT LAW, TO PROVIDE LEGAL REPRESENTATION TO THE INDIGENT DEFENDANTS OF THE COUNTY COURT AT LAW NO. 3.**  
**The Contract is as follows:**

- (27) **CONTRACT FOR LEGAL SERVICES WITH MR. ROBERT LERMA, ATTORNEY AT LAW, TO PROVIDE LEGAL REPRESENTATION TO THE INDIGENT DEFENDANTS OF COUNTY COURT AT LAW NO. 3.**  
**The Contract is as follows:**

- (28) RESOLUTION HONORING MR. JOSE "CHEMA" VILLALON.  
The Resolution is as follows:**

- (29) MAINTENANCE AGREEMENT BETWEEN CAMERON COUNTY AND THE REVENUE MARKETS, INC., FOR THE INTERNATIONAL BRIDGE SYSTEM TOLL COLLECTION SYSTEM.**  
**The Agreement is as follows:**

- (30) CONTRACT BETWEEN THE UNIVERSITY OF TEXAS AT BROWNSVILLE/TEXAS SOUTHMOST COLLEGE AND THE CAMERON COUNTY HEALTH DEPARTMENT TO ASSIST STUDENTS WITH EDUCATIONAL EXPERIENCE IN THE CAMERON COUNTY PUBLIC HEALTH CLINICS.  
The Contract is as follows:**

- (31) **RENEWAL AGREEMENT BETWEEN CAMERON COUNTY AND EMERGENCY SERVICES DISTRICT NO. 1 TO PROVIDE CONSULTING SERVICES FOR FISCAL YEAR 2003.**

**The Agreement is as follows:**



- (32) **CONTRACT BETWEEN CAMERON COUNTY AND THE LOWER RIO GRANDE VALLEY DEVELOPMENT COUNCIL FOR THE SOLID WASTE LOCAL ENFORCEMENT GRANT.  
The Contract is as follows:**

- (33) **CONTRACT BETWEEN CAMERON COUNTY AND THE LOWER RIO GRANDE VALLEY DEVELOPMENT COUNCIL FOR THE ANTI-ILLEGAL DUMPING PSA'S PROJECT.**  
**The Contract is as follows:**

- (34) **CONTRACT BETWEEN CAMERON COUNTY AND THE VALLEY PROUD ENVIRONMENTAL COUNCIL FOR THE ANTI-ILLEGAL DUMPING PSA'S PROJECT.  
The Contract is as follows:**

- (35) ACKNOWLEDGMENT OF ASSIGNMENT OF THE REMAINDER OF THE JETTIES BAIT STAND CONCESSION AGREEMENT TO MRS. MARIA MARTINEZ (WIDOW) FOR THE REMAINING TERM OF THE LEASE - JANUARY 31, 2004.  
The Agreement is as follows:**

- (36) **ACCEPTANCE OF PARCEL NO. 24-B, OLD PORT ISABEL ROAD.**  
**The Deed is as follows:**

- (37) **ACCEPTANCE OF RIGHT-OF-ENTRY AND POSSESSION FOR FM/106, PARCEL NO. 17.**  
**The Deed is as follows:**

- (41) AWARDING OF THE FOLLOWING BIDS FOR THE FOLLOWING:**
- A. FOOD: TORTILLAS - ANNUAL BID NO. 2240; AND**
  - B. FOOD: MEATS - QUARTERLY BID NO. 2170.**
- The Tabulation is as follows:**

- (42) **AWARDING OF THE FOLLOWING BIDS FOR THE FOLLOWING:**  
**A. DISH: SOAP & CLEANERS - ANNUAL BID NO. 2060.**  
**The Tabulation is as follows:**



- (43) **AWARDING OF THE FOLLOWING BIDS FOR THE FOLLOWING:**  
**A. MEDICAL SUPPLIES - ANNUAL BID NO. 2294.**  
**The Tabulation is as follows:**

[REDACTED]

(11) **CONSIDERATION AND ACTION REGARDING MR. JESUS JUAREZ'S REQUEST FOR RETROACTIVE COVERAGE ON INSURANCE POLICY AFTER POLICY WAS CANCELED WHILE MR. JUAREZ WAS ON MEDICAL LEAVE OF ABSENCE**

Judge Hinojosa stated that he had discussed the matter with Mr. Jesus Juarez and Mr. Manuel Villarreal. He stated that his position was that Mr. Juarez had some options within the Insurance Policy and that the decision should be in accordance to the County Policy.

[REDACTED]

(19) **IN THE MATTER REGARDING A WAIVER REQUEST OF INSPECTION FEES FOR RESIDENTS OF COLONIA LAS PALMAS (TABLED)**

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

[REDACTED]

**SUPPLEMENTAL ITEM**

(1) **IN THE MATTER REGARDING PRESENTATION BY MR. TONY DE LEON WITH NEW YORK LIFE SECURITIES INC., TO MARKET 457 DEFERRED COMPENSATION PLAN TO COUNTY EMPLOYEES (TABLED)**

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

[REDACTED]

(11) **IN THE MATTER REGARDING MR. JESUS JUAREZ'S REQUEST FOR RETROACTIVE COVERAGE ON INSURANCE POLICY AFTER POLICY WAS CANCELED WHILE MR. JUAREZ WAS ON MEDICAL LEAVE OF ABSENCE (TABLED)**

Judge Hinojosa stated that he had explained the options available to Mr. Jesus Juarez.

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

Mr. Manuel Villarreal, Personnel/Safety Risk Director, stated that Mr. Juarez did not qualify for the disability type of retirement, because according to his physician he would be able to return to work, adding that he had temporarily qualified for Social Security Benefits, which voided his Medicaid. He stated that the Health Insurance benefits had carried on throughout the month of July since Mr. Juan Bernal, County Engineer/Public Works Director, had not terminated him. Mr. Villarreal stated that Mr. Juarez had COBRA Benefits as an alternative, and that at the time the



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There being no further business to come before the Court, upon motion by Commissioner Garza, seconded by Commissioner Valdez and carried unanimously, the meeting was **ADJOURNED** at 7:56 P.M.

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**APPROVED** this 29<sup>th</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.**