

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 3rd day of October 2002, there was conducted a Special 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:

4:00 P.M.

PRESENT:

GILBERTO HINOJOSA
COUNTY JUDGE

PEDRO "PETE" BENAVIDES
COMMISSIONER PRECINCT NO. 1

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

DAVID A. GARZA
COMMISSIONER, PRECINCT NO. 3

RICHARD VALDEZ
COMMISSIONER, PRECINCT NO. 4

JOE G. RIVERA
COUNTY CLERK

Mary Robles Deputy Clerk

ABSENT:

The meeting was called to order by Judge Pro-tem Carlos H. Cascos, C.P.A., at 4:12 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 27, 2002, at 2:37 P.M.:

NOTE: JUDGE HINOJOSA JOINED THE MEETING AT THIS TIME.

ACTION ITEMS

**(1) APPROVAL OF THE BUDGET AMENDMENTS
AND SALARY SCHEDULES**

Commissioner Benavides moved that the Cameron County Health Department Women Infant and Children (WIC) Program's Budget and the Salary Schedules be approved.

The motion was seconded by Commissioner Garza and carried unanimously.

The Budget and Salary Schedules are as follow:

████████████████████

(2) **APPROVAL OF MINUTES FOR THE REGULAR MEETINGS HELD SEPTEMBER 3, 2002, AND SEPTEMBER 10, 2002**

Commissioner Benavides moved that the Minutes for the Regular Meeting held September 3, 2002, be approved and that the Minutes for the Regular Meeting held September 10, 2002, be **TABLED**.

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

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

NAY: None,

ABSTAIN: Commissioner Cascos.

████████████████████

(3) **CONSIDERATION AND POSSIBLE ACTION REGARDING EARLY VOTING POLLING LOCATIONS AND TIMES FOR THE NOVEMBER 5TH GENERAL ELECTION**

Judge Hinojosa reported that modifications had been made concerning the scheduled times for the Early Voting Polling Sites at the Church locations as requested by Valley Interfaith.

Commissioner Valdez noted that the location listed for the Valley Baptist Church should be at H.E.B.

Judge Hinojosa clarified that the modifications were already included in the list, except for the correct addresses.

Upon motion by Commissioner Cascos, seconded by Commissioner Valdez and carried unanimously, the Early Voting Polling Locations and times for the November 5, 2002, General Election were approved.

The List is as follows:

[REDACTED]

(4) **CONSIDERATION AND POSSIBLE APPROVAL OF THE AGREEMENT WITH MR. ALFREDO PADILLA, ATTORNEY AT LAW, TO PROVIDE LEGAL SERVICES TO INDIGENT DEFENDANTS IN THE 138TH JUDICIAL DISTRICT COURT**

(5) **CONSIDERATION AND APPROVAL OF CONTRACT FOR LEGAL SERVICES WITH NATHANIEL C. PEREZ, JR., TO PROVIDE LEGAL REPRESENTATION TO THE INDIGENT DEFENDANTS OF THE 107TH JUDICIAL DISTRICT COURT**

Judge Hinojosa stated that these Items were previously tabled because the Budget Officer had indicated that funding was unavailable.

Mr. Mark Yates, County Auditor, highlighted that the expenditures for the Year 2002 totaled \$461,952.00 that a Budget in the amount of \$500,000.00 had been allocated, and that even upon every District Judge spending an additional \$6,000.00 the expenses would remain within the budget. He added that the District Courts had appointed Attorneys under Contract, except for the 197th District Court, and clarified that sufficient funds were available. Mr. Yates stated that \$138,000.00 had been budgeted based on Senate Bill 7-Indigent Defense and that the County was obligated to use the funds for Indigent Defense, otherwise the County could risk having to reimburse the funds. He stated that the District Courts had an annual expense of \$340,800.00 for contracting Legal Services, and that even by including \$66,000.00 for the 197th District Court the total would be within budget. Mr. Yates stated that the County Courts at Law had an annual Budget of \$180,000.00 and expenditures of approximately \$130,000.00, resulting in a \$50,000.00 surplus. He recommended that every Attorney be under contract, and noted that \$69,200.00 would be available in the event a conflict should occur.

Commissioner Cascos questioned the justification for the \$500.00 increase, and expressed his concern in approving a 10% increase for the Attorneys versus the 3% salary increase approved for the County employees.

Mr. Yates stated that the Attorneys were currently under paid and that the Attorneys' compensations differed due to the overhead costs being included and noted that Senate Bill 7 mandated that Attorneys being assigned to a case have the appropriate qualifications.

Commissioner Garza questioned who monitored the Attorneys' qualifications.

Mr. Yates explained that the District Judges had a Plan in place that required them to verify the Attorneys' qualifications, and added that additional reports that matching the expenditures to the cases would be required.

Commissioner Cascos questioned whether excess funds must be used specifically for Indigent Defense.

Mr. Yates responded in the affirmative, and explained that the funds could be reduced if not utilized, adding that an adequate Plan should be in place and properly funded. He recommended approval of the proposed increase, and explained that State had opted to offset the additional burden on the County by providing additional funds, otherwise it would be difficult for the County to adhere if the State funds were not provided.

Commissioner Cascos questioned if the excess funds had to be used for Contracts already in place or for contracting additional Attorneys.

Mr. Yates responded that the excess funds could fund the current Contracts plus other Attorneys, and clarified that the increase, in the amount of \$500.00 per month, resulted in an Annual Contract Budget of \$430,000.00.

Commissioner Valdez noted his understanding to be that upon the set Budget being exhausted that the Grant Funds would cover any additional expenses.

Mr. Yates explained that \$38,000.00 was available, and that the County Court's Budget was decreased last year to provide salary increases, adding that raising it up to \$60,000.00 would use part of the \$38,000.00. He added that the current budget included the allocation for the Indigent Defense and that the County would have to fund excess costs for individual appointments.

Commissioner Cascos questioned whether funding would be available if the increase took effect at this time.

Mr. Yates stated that the new regulations required the District Courts to have a Plan in effect that complies with the Civil Rights Protection and Senate Bill 7. He reiterated that the County was obligated to fund the expenses associated with the appointment of Attorneys when ordered by a District or County Judge, regardless if funding was available or not.

Commissioner Cascos stated that the District Courts had exceeded their Budget.

Mr. Yates stated that the Plan had been implemented in January 2002, and that excess expenditures had been caused by the run outs on the Contracts.

Mr. Frank Martinez, Assistant District Attorney, requested that the Court consider the message being presented to the public, and stated that a 3% salary increase had been approved for all County Employees versus the 10% salary increase being considered for part-time Attorneys, resulting in an annual salary above \$60,000.00. He stated that the Attorneys could obtain additional business throughout the remainder of the day, adding that once the Judges appointed an Attorney the County was obligated to fund the expenses, and questioned whether the process was appropriate, adding that when compared the salary increases looked bad.

Commissioner Valdez stated that the Office of the District Attorney usually had two (2) Attorneys assigned per Court versus one (1) contracted Attorney assigned per Court, and that individual Attorneys did not have private investigators as those available to the District Attorneys.

Mr. Martinez explained that two (2) Felony Attorneys had departed from the County, and that only one Prosecutor was assigned to some Courts due to the lack of staff in the Office of the District Attorney.

Judge Hinojosa stated that the following options were available: 1) to Contract individual Attorneys; 2) to appoint individual Attorneys on a case by case basis; and 3) to develop a Public Defender System, at an additional cost of 30%, noting that the County could not fund the expense at this time. He noted the need to review the comparison between the Courts with contracted Attorneys to those without contracted Attorneys, adding that the Courts without contracted Attorneys incurred higher expenditures. He stated that no criticism was being made of the Judges that did not contract Attorneys because the Court was not viewing the cost associated with that. Judge Hinojosa stated that the savings acquired by the Courts with contracted Attorneys were being reviewed and that the District Judges had concluded that a more effective system was provided by the Program in place.

Commissioner Garza questioned why the expenditures were not differentiated, and noted the need to have the information available for the Court to base its decision.

Judge Hinojosa stated that most of the District Courts in Texas without a Public Defender System had appointed Attorneys, and that the problem was that the method utilized by the 197th District Court was more expensive for the County.

Mr. Yates noted that the District Judges were working towards having the Court uniformed in representation and wanted all the Courts to be in accordance with the Plan previously approved by Commissioners Court and filed with the State of Texas.

Judge Hinojosa stated that the County Courts at Law's situation were similar, and that the County Budget had been thrown off by the expenses relating to the Indigent Defense. He stated that it was unfair to be critical of the Courts for presenting the changes because they enabled the County to work on a Budget and plan at the end of the year, adding that an incentive should be provided to keep experienced Attorneys on board.

Mr. Yates stated that adequately funding contracted Attorneys would provide consistent representation.

Commissioner Cascos stated that Legal Services were considered Professional Services, yet Request for Qualification (RFQ) had not been discussed. He added that the County was allowing Elected Officials to determine the Attorney to be contracted and the compensation, and suggested that RFQ's be obtained to have specific amount to budget.

Judge Hinojosa stated that if RFQ's were obtained the County's Indigent Defense System could be declared unconstitutional.

Commissioner Garza moved that the Contract for Legal Services with Mr. Nathaniel C. Perez, Jr., Attorney at Law, to provide Legal Representation to the Indigent Defendants of the 107th Judicial District Court be approved.

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

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

NAY: Commissioner Cascos.

The Agreement 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. 12: Commissioner Cascos questioned if the appointment was for an unexpired term. Commissioner Valdez clarified that the term would expire in November 2002.

ITEM NO. 11-c: Judge Hinojosa explained that the requested software was needed to assist with the completion of the Salary Matrix.
Mr. Mark Yates, County Auditor, expressed his concern with approving the opening of the proposals without a Budget allocation.
Judge Hinojosa proposed that the following individuals be appointed to the Evaluation Committee:
Mr. Xavier Villarreal, Budget Officer;
Mrs. Grace Salinas, Executive County Assistant;
Mr. Manuel Villarreal, Personnel/Safety Risk Director;
Mr. Mike Forbes, Purchasing Agent; and
Mr. Rudy Juarez, Computer Center Director.

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

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

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

NAY: None,

ABSTAIN: Judge Hinojosa as to Warrant No. 00083820, payable to Southwest Key Program, in the amount of \$26,702.50.

- (6) **APPROVAL OF CLAIMS;
The Affidavit follows:**
- (7) **TEMPORARY EASEMENT TO FACILITATE RIGHT-OF-ENTRY FOR CONSTRUCTION FOR THE SOUTH PADRE ISLAND BEACH RE-NOURISHMENT PROJECT;
The Easement follows:**
- (8) **RESOLUTION AUTHORIZING CAMERON COUNTY TO APPLY FOR AN INDIGENT DEFENSE FORMULA GRANT FROM THE TEXAS TASK FORCE ON INDIGENT DEFENSE;
The Resolution follows:**
- (9) **PROCLAMATION DECLARING THE MONTH OF OCTOBER 2002, AS "DOMESTIC VIOLENCE AWARENESS MONTH" IN CAMERON COUNTY;
The Proclamation follows:**
- (10) **PROCLAMATION DECLARING THE MONTH OF OCTOBER 2002, AS "BREAST CANCER AWARENESS MONTH" IN CAMERON COUNTY;
The Proclamation follows:**
- (11) **OPENING THE FOLLOWING BIDS/PROPOSAL:**

- (a) **ROAD: SIGNS, POSTS, MISC. - ANNUAL BID NO. 2630;**
 - (b) **OFFICE, COMPUTER, TONER AND COPIER SUPPLIES - ANNUAL BID NO. 2440; AND**
 - (c) **HUMAN RESOURCES - CONSULTING SERVICES, SOFTWARE, TRAINING, DATA CONVERSION AND COMPREHENSIVE JOB ANALYSIS FOR THE EVALUATION OF JOBS AND PERFORMANCE AND SELECTION OF EVALUATION COMMITTEE.**
- (12) **RE-APPOINTMENT OF MR. ALEX TREJO TO THE CAMERON COUNTY HOUSING AUTHORITY BOARD.**

TRAVEL ITEMS

- (13) **AUTHORIZATION TO TRAVEL/OR APPROVAL OF TRAVEL EXPENSE FOR THE FOLLOWING (PLEASE NOTE: TRAVEL REQUESTS ARE SUBJECT TO ALL APPLICABLE COUNTY POLICIES):**
- (a) Unified Narcotics Intelligence Task Force Director to attend the "ISC Managers Meeting", in Seattle, Washington, October 28-31, 2002;
 - (b) County Auditor to attend the "Indigent Health Care Advisory Committee Meeting", in Austin, Texas, September 24, 2002;
 - (c) Juvenile Probation employee to attend the "10th Annual HIV/AIDS Update Conference", in South Padre Island, Texas, October 24-25, 2002;
 - (d) Chief Juvenile Probation Officer, Supervisor, and two (2) employees to attend "JJAT/TJDA Taking Care of Business Conference", in San Antonio, Texas, October 12-16, 2002;
 - (e) Weed and Seed Coordinator to attend "JJAT/TJDA Taking Care of Business Conference", in San Antonio, Texas, October 12-16, 2002;
 - (f) Sheriff's Deputy to attend the "Narcotics Training Specialists", in El Paso, Texas, September 29- October 5, 2002;
 - (g) Director, Chief of Investigation and Enforcement and Information System Specialist to attend the "2003 ATPA Supplement Grant Awards and Board Meeting", in Austin, Texas, October 16-18, 2002;
 - (h) District Clerk and four (4) Deputy Clerks to attend the "County & District Clerk's Region 8 Conference", in Kingsville, Texas, October 9-11, 2002;
 - (i) Health Administrator and six (6) Health Department employees to attend the "7th Biennial University of Texas System Border Health Symposium", in South Padre Island, Texas, October 9-11, 2002; and
 - (j) Personnel Director and employee to attend the "2002 Regional Loss Control Workshop", in Corpus Christi, Texas, October 10, 2002.

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

- (7) **TEMPORARY EASEMENT TO FACILITATE RIGHT-OF-ENTRY FOR CONSTRUCTION FOR THE SOUTH PADRE ISLAND BEACH RE-NOURISHMENT PROJECT.**
The Easement is as follows:

- (8) RESOLUTION AUTHORIZING CAMERON COUNTY TO APPLY FOR AN INDIGENT DEFENSE FORMULA GRANT FROM THE TEXAS TASK FORCE ON INDIGENT DEFENSE.
The Resolution is as follows:**

- (9) **PROCLAMATION DECLARING THE MONTH OF OCTOBER 2002, AS
“DOMESTIC VIOLENCE AWARENESS MONTH” IN CAMERON COUNTY.
The Proclamation is as follows:**

- (10) **PROCLAMATION DECLARING THE MONTH OF OCTOBER 2002, AS “BREAST
CANCER AWARENESS MONTH” IN CAMERON COUNTY.
The Proclamation is as follows:**

████████████████████

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 5:00 P.M.

=====

APPROVED this 4th day of **November 2002**.

GILBERTO HINOJOSA
COUNTY JUDGE

ATTEST:

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