

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 22<sup>nd</sup> day of October 2002, there was conducted a Regular Public Meeting of the Honorable Commissioners' Court of Cameron County, Texas, at the Courthouse thereof, in the City of Brownsville, Texas, for the purpose of transacting any and all business that may lawfully be brought before the same.

THE COURT MET AT:

5:30 P.M.

PRESENT:

GILBERTO HINOJOSA  
COUNTY JUDGE

PEDRO "PETE" BENAVIDES  
COMMISSIONER PRECINCT NO. 1

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

DAVID A. GARZA  
COMMISSIONER, PRECINCT NO. 3

RICHARD VALDEZ  
COMMISSIONER, PRECINCT NO. 4

JOE G. RIVERA  
COUNTY CLERK

Mary Robles Deputy Clerk

ABSENT:

\_\_\_\_\_

The meeting was called to order by Judge Pro-tem Carlos Cascos, CPA, at 5:35 P.M. He then asked Reverend Bob Clark, Brownsville resident, for the invocation, and Lieutenant Jose "Chema" Villalon 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 October 18, 2002, at 2:37 P.M., and an Emergency Notice, posted on October 22, 2002, at 8:20 A.M.:

**NOTE: JUDGE HINOJOSA ARRIVED AT THIS TIME.**

## **PRESENTATION**

**(1) PRESENTATION AND REPORT ON PROGRESS OF  
THE SERGEANT JOSE M. LOPEZ STATUE**

Mr. Manuel Hinojosa, Former County Engineer, reported that the Sergeant Jose M. Lopez Statue was near completion and presented a video tape of it. He reported that minor modification to the neck and face had been made, that the weapon was being constructed, and that the statue would be about 8' high.

Judge Hinojosa noted that the statue had a closed fist and questioned whether the weapon would be laid above the arm.

Mr. Hinojosa responded in the affirmative, and explained that the statue would be located approximately 6' above ground depending on the design of the pedestal; therefore, would be viewed in an upward position.

Judge Hinojosa suggested that Mr. Hinojosa and the County Engineer design the pedestal, and questioned whether the artist would complete the statue by December 17, 2002.

Mr. Hinojosa explained that the artist had indicated that the statue would be completed by December 17, 2002, and that total completion was subject to completion of the pedestal.

Mr. Juan Bernal, County Engineer/Public Works Director, requested direction as to the proposed location of the statue and whether the pedestal would be constructed of granite or concrete.

Judge Hinojosa stated that he believed that it was determined that the statue would be located towards the rear of rear the facility.

Mr. Bernal suggested that the statue be placed in front of the building.

Mr. Pete Sepulveda, International Bridge System Director, explained that space in front of the building was not available and that the proposed location was located on the south side of the building, adding that the area was suitable to host ceremonies as well.

Judge Hinojosa recommended that Mr. Bernal and Mr. Hinojosa determine the location for the statue, design the base, and present recommendations to the Court. He stated that less than a two (2) month period remained before the anniversary date of when Sergeant Jose M. Lopez was awarded the Congressional Medal of Honor, and that prompt completion of the project was needed due to the advance age of Sergeant Lopez and the need to recognize him in life.

**[REDACTED]**

(3) **PRESENTATION AND APPROVAL OF THE  
FOURTH QUARTER REPORT FOR THE  
INTERNATIONAL BRIDGE SYSTEM**

Mr. Pete Sepulveda, International Bridge System Director, highlighted that the Fourth Quarter Report's total variance was of \$498,842.00. He reported that the AVI Revenues were included for the fourth quarter and the entire year, noting that the numbers were unaudited.

Commissioner Garza questioned whether the variances represented the revenues plus expenditures.

Mr. Sepulveda responded in the affirmative, and explained that unexpended funds would be transferred into the General Fund or the Bridge System's surplus, and explained that funds were combined with over budgeted revenues per bridge to obtain its total variances.

Commissioner Valdez questioned whether the total included the debt services payment.

Mr. Sepulveda explained that the total represented the maintenance and operation costs for the Bridge System and excluded the debt service payment.

Judge Hinojosa questioned if the funds would be transferred into the General Fund.

Mr. Mark Yates, County Auditor, explained that 50% of the surplus from the Veterans Bridge, 50% of the surplus from the Free Trade Bridge, and 100% of the surplus from Gateway Bridge belonged to Cameron County.

Mr. Sepulveda clarified that a surplus in the amount of \$225,000.00 belonged to Cameron County.

Judge Hinojosa questioned where the funds would be deposited.

Mr. Yates stated that the remaining funds would be transferred after the reserves required by the Bond Covenants were reviewed.

Judge Hinojosa requested that a Report be presented to the Court.

Mr. Yates explained that the Report would be presented upon completion of the Audit in mid-January 2003.

Upon motion by Commissioner Cascos, seconded by Commissioner Benavides and carried unanimously, the Presentations and the Status Report concerning the progress of the Sergeant Jose M. Lopez Statue was acknowledged and Presentation of the Fourth Quarter Report for the International Bridge System was acknowledged and approved.

**The Report is as follows:**



## **ACTION ITEMS**

### **(4) BUDGET AMENDMENTS AND/OR SALARY SCHEDULES**

Commissioner Cascos moved that the Salary Schedules be approved.

The motion was seconded by Commissioner Benavides.

Commissioner Cascos questioned if the Salary Schedules represented the amounts approved by the Court.

Mr. Xavier Villarreal, Budget Officer, responded in the affirmative.

At this time, there was a lengthy discussion concerning the actual salary received by a County employee versus the amount indicated in the Salary Schedules approved by the Court. The Budget Officer clarified that the amount approved by the Court represented the maximum salary available for a slot.

Commissioner Garza requested a Report indicating the comparison of approved salaries and the actual compensation received by an employee.

Mr. Manuel Villarreal, Personnel/Safety Risk Director, explained that many Departments had an entry level for new employees and promoted them to a higher level in accordance with their seniority and/or experience.

Judge Hinojosa explained that a Salary Matrix was available within the individual County Departments, and noted the need for a County wide study.

Upon motion duly made by Commissioner Cascos, seconded by Commissioner Benavides and carried unanimously, the Salary Schedules were approved.

**The Salary Schedules are as follow:**

████████████████████

(5) **APPROVAL OF MINUTES FOR THE REGULAR MEETING HELD SEPTEMBER 17, 2002**

Commissioner Cascos moved that the Minutes for the Regular Meeting held September 17, 2002, be approved.

The motion was seconded by Commissioner Garza and carried unanimously.

████████████████████

(6) **CONSIDERATION AND AUTHORIZATION TO AWARD CONTRACT TO G&T PAVING FOR EL NORTE SUBDIVISION ROAD AND DRAINAGE IMPROVEMENT PROJECT**

Mr. Juan Bernal, County Engineer/Public Works Director, informed that G&T Paving was the lowest bidder.

Upon motion by Commissioner Cascos, seconded by Commissioner Garza and carried unanimously, the Contract for El Norte Subdivision Road and Drainage Improvement Project was awarded to G&T Paving.

Commissioner Garza suggested that a meeting be scheduled with the community once the County Engineer had the plans in order.

**The Contract is as follows:**

**[REDACTED]**

(7) **IN THE MATTER REGARDING ADOPTION OF CAMERON COUNTY'S POLICY REGARDING MARKED AND UNMARKED COUNTY VEHICLES (TABLED)**

Mrs. Grace Salinas, Executive Administrator, reported that some changes concerning the care of the vehicle and the use of tobacco products had been recommended, that the section addressing training and safety had been reorganized, and that the section regarding the use of County vehicles by Reserve Officers had been deleted.

Commissioner Cascos questioned which policy section addressed the use of County vehicles when conducting night shift work (moonlighting).

Mrs. Salinas stated that the concern was addressed on Page No. 5, Section No. 10 of the Policy and added that the Policy required all drivers of 4x4 vehicles and drivers who have been involved in an accident to obtain training and/or defensive driving.

Commissioner Cascos stated that a similar Policy was in effect, and questioned how it would be enforced.

Mrs. Salinas stated that Commissioners Court was responsible to establish a Policy and that the Department Heads and/or Elected Officials were responsible to monitor the use of County vehicles, in accordance with Policy, noting that the County owned approximately 330 vehicles, at an estimated cost value of \$4.9 million.

Commissioner Cascos suggested that the County Judge's Office phone number (1-866-544-0830) be printed on County vehicles for the public to address any concerns or complaints.

Judge Hinojosa recommended that the number be placed on both marked and unmarked vehicles in a bumper sticker type of format.

Commissioner Cascos noted the need to differentiate why some vehicles were unmarked.

Mr. Mark Yates, County Auditor, stated that unmarked vehicles were available only for investigative purposes and for transportation of witnesses.

Commissioner Cascos questioned whether unmarked County vehicles, not meeting the criteria, existed.

Judge Hinojosa stated that the District Attorney utilized an unmarked County vehicle for her daily commute and that about 90% of the time the vehicle was not used to transport juveniles or to conduct investigations. He recommended that unmarked County vehicles used for purposes other than investigations be marked.

Commissioner Cascos agreed not to require placement of a bumper sticker on unmarked County vehicles if the criteria addressed by the County Auditor was applicable and that all other County vehicles must be marked.

Mr. Yates stated that other Policies addressed the unauthorized use of window tints and questioned whether this Policy addressed it as well. He stated that only vehicles used for investigations were authorized to have window tints installed.

Commissioner Cascos questioned if County vehicles not used for investigations had illegal window tints.

Mr. Yates responded that illegal window tint was often removed from County vehicles.

Mr. Frank Martinez, Assistant District Attorney, stated that only one (1) County vehicle was assigned to the District Attorney's Office and that the other vehicles were forfeiture vehicles.

Judge Hinojosa stated that forfeiture vehicles belonged to the taxpayers of Cameron County, and questioned whether the Policy applied to forfeiture vehicles.

Mr. Yates responded in the affirmative.

Mr. Martinez stated that the vehicle assigned by the County was utilized as a pool vehicle and that forfeiture vehicles were used as undercover vehicles.

Judge Hinojosa noted his understanding to be that the District Attorney was assigned a County vehicle, which she used at all times.

Mr. Martinez agreed.

Judge Hinojosa clarified that a purchased vehicle and a forfeiture vehicle were not different.

Commissioner Cascos noted that the Policy would apply to a vehicle used for investigations, but would not be required to have a bumper sticker.

Judge Hinojosa noted the need to develop a Policy that allowed Commissioners Court to determine which vehicles could be used for undercover purposes.

Mr. Martinez stated that the Policy differentiated that an unmarked vehicle would be used by a Detective for investigatory purposes and that an undercover vehicle was unmarked due to the type of work.

Judge Hinojosa stated that the differentiation of which vehicles should be marked or unmarked was unclear.

Commissioner Garza suggested that all County employees be mandated to attend a Defensive Driving Course prior to being assigned a County vehicle.

Judge Hinojosa suggested that it be mandated that a Defensive Driving Course or the equivalent be provided in-house.

Commissioner Garza commented that the Policy lacked language that addressed window tint and that criminal charges could be faced by an individual who misused a County vehicle.



Judge Hinojosa explained that the Policy was established by Commissioners Court to control the use of the vehicles and that criminal procedures were the District Attorney's prerogatives, adding that the Department Head and/or Elected Official had the discretion of whether to report misuse of county property to the Office of the District Attorney.

Commissioner Valdez questioned whether the Policy applied to use of a County vehicle for personal gain.

Judge Hinojosa responded in the affirmative, and noted that the only pending issue pertained to how it was determined which vehicles should be marked or unmarked. He recommended that the suggestion made by Commissioner Garza to mandate that defensive driving or the equivalent be obtained by an employee prior to being assigned a County Vehicle be included in the Policy.

Captain Robert Lopez, Sheriff's Department, expressed his concern with five (5) administrators and ten (10) Swat Officers who must be on call status 24 hours; therefore, needed to have their vehicles nearby at all times.

Judge Hinojosa requested that a list of employees needing exemption from the Policy be provided, and questioned whether a compensation issue was present.

Mr. Wright recommended that the matter be reviewed at another time, along with issues concerning officers being in County uniform while providing security services.

Judge Hinojosa informed that his Office was examining the possibility for the County to provide security service, and noted the need for Officers to have the ability to earn additional income, adding that contracting directly with the County might accommodate them and eliminate the issues concerning liability, workers' comp., and being on call status.

Commissioner Cascos questioned whether a competition issue would arise between the companies providing security service.

Judge Hinojosa noted the need to weigh between the facts that the Officers would moonlight regardless if the County was exposed to possible liability if the security services were not provided by the County and making other security companies upset.

Commissioner Cascos expressed his concern with the perception that the County paid for County Law Enforcement to provide security services without any type of benefit, and questioned whether Captain Lopez had indicated that only the five (5) administrators and the ten (10) Swat Officers provided security services.

Judge Hinojosa clarified that the said personnel needed quick access to their County vehicle at all times.

Commissioner Garza questioned if the officers would tend to personal issues while driving a County vehicle.

Captain Lopez explained that the need to drive the vehicle was present only when the Officers traveled long distances within the County.

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



**(8) CONSIDERATION AND POSSIBLE APPROVAL OF INTERLOCAL AGREEMENT BETWEEN CAMERON COUNTY AND THE CITY OF BROWNSVILLE CONCERNING THE CAMERON COUNTY PROPERTY MANAGEMENT SELLING OF CITY OF BROWNSVILLE SURPLUS PROPERTIES**

Commissioner Garza moved that the Interlocal Agreement between Cameron County and the City of Brownsville concerning the Cameron County Property Management selling of City of Brownsville surplus properties be approved, subject to legal review.

The motion was seconded by Commissioner Benavides and carried unanimously.

Commissioner Cascos requested that a copy of the Interlocal Agreement be provided.

**The Agreement is as follows:**

**[REDACTED]**

(9) **CONSIDERATION AND AUTHORIZATION TO  
ENTER INTO A CONTRACTUAL AGREEMENT  
FOR UTILITY RELOCATION WITH THE TEXAS  
DEPARTMENT OF TRANSPORTATION (TXDOT)  
FOR FM/802**

Upon motion by Commissioner Cascos, seconded by Commissioner Benavides and carried unanimously, the Contractual Agreement for utility relocation with the Texas Department of Transportation (TxDOT) for FM 802 was approved.

**The Agreement is as follows:**

[REDACTED]

(10) **CONSIDERATION AND APPROVAL OF THE MEMORANDUM OF UNDERSTANDING (MOU) FOR THE JUVENILE JUSTICE ALTERNATIVE EDUCATION PROGRAM BETWEEN CAMERON COUNTY AND THE TEN (10) INDEPENDENT SCHOOL DISTRICTS IN CAMERON COUNTY**

Commissioner Cascos moved that the Memorandum of Understanding (MOU) for the Juvenile Justice Alternative Education Program between Cameron County and the ten (10) Independent School Districts in Cameron County be approved.

The motion was seconded by Commissioner Garza and carried unanimously.

**The Memorandum is as follows:**

████████████████████

(11) **IN THE MATTER REGARDING THE ACQUISITION OF PROFESSIONAL SERVICES TO ESTIMATE COST TO HOUSE INMATES IN THE CAMERON COUNTY DETENTION SYSTEM (TABLED)**

Mr. Mark Yates, County Auditor, stated that the study concerning a cost estimate for housing inmates was near completion and that a Report would be provided. He explained that another company might be explored in the event that the estimate presented by the Maximus Group did not match the numbers observed by his Office. Mr. Yates stated that Mr. Parker was developing cost estimates for the expenditures incurred during April 1, 2002, through September 30, 2002, because of the impact caused by the new jail facility to Jail Operations. He explained that the expenditures incurred during the early part of the year might lower the total expenses, but they intended to maximize the expenditures being reported.

Judge Hinojosa suggested that the salary increases provided to the Detention Officers be added to the amount to be paid to the County by the Marshal's Office and that it be verified if further adjustments to the Detention Officers' salaries could be transferred to the Marshal's Office.

Mr. Yates requested that this Item be tabled for four (4) weeks in order to obtain the estimate from the Maximus Group.

Judge Hinojosa explained that this Item was placed on the Agenda as a result of a conversation he had with Commissioner Teran, El Paso County Commissioner, while attending the Bi-National Conference in El Paso, Texas. He explained that Commissioner Teran had indicated that their County was paid \$50.00 per inmate, per day, as a result of their contracted firm with being very aggressive. Judge Hinojosa added that he was unaware that the County Auditor was already working on the matter.

Mr. Yates stated that he would consult with the El Paso County Auditor to learn what firm they worked with.

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

████████████████████

**[REDACTED]**

(12) **CONSIDERATION AND POSSIBLE ACTION REGARDING DESIGNATION OF POSSIBLE WEST RAIL CORRIDOR AND THE REQUIRING OF NOTICE OF THE POSSIBLE ALIGNMENT OF WEST RAIL RELOCATION PROJECT ON SUBDIVISION PLATS**

Mr. Pete Sepulveda, International Bridge System Director, reported that the original concept for the corridor for the West Rail Relocation Project was indicated on the City of Brownsville's Thora Fair Plan and approved by the MPO. He informed that the City of Brownsville had commenced the process to amend the Thora Fair Plan in order to include the alignment to be selected through the Environmental Assessment Process.

Judge Hinojosa questioned whether all subdivision plats within the corridor would be notified.

Mr. Sepulveda noted the need for subdivision plats going through the corridor to be reviewed by the City of Brownsville's Planning Department, and informed that the city had placed notice of its selected corridor since April 11, 2001.

Judge Hinojosa questioned whether subdivision developers were being notified of the corridor and if written documentation could be obtained.

Mr. Sepulveda responded in the affirmative, and explained that a copy of the Thora Fair Plan could be obtained from the City of Brownsville, and recommended that the County take action as well. He explained that the City of Brownsville was responsible to notify the subdivision developers as part of their Subdivision Regulations, and clarified that the alignment was located within the City of Brownsville and its Extra Territorial Jurisdiction (ETJ).

Commissioner Cascos questioned how it would be assured that the developers inform the consumers of the alignment.

Mr. Sepulveda stated that he would consult the matter with the City of Brownsville, and reiterated that the developers would be informed of the corridor. He stated that at-grade crossings would not be permitted along the corridor, and that access to the subdivision must be determined between the Planning Department and the developer.

Judge Hinojosa recommended that a notice be placed on the subdivision plats presented to the County, and that the City of Brownsville be notified of the need to do the same.

Commissioner Cascos questioned whether the contracts used for the sale of property included language to advise a consumer of the corridor.



## 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. 26-d: Mr. Frank Martinez, Assistant District Attorney, noted that only an Assistant District Attorney would travel.

ITEM NO. 16: Mr. Javier Mendez, Parks System Director, questioned if the Court wanted to host the event and whether to negotiate hosting it at the Flats Area. Judge Hinojosa and Commissioner Garza responded in the affirmative.

Commissioner Benavides moved that the following "Consent and Travel Items" be approved, inclusive of the amendment to Travel Item 26-d.

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

AYE: Commissioner Benavides, Cascos, Valdez, and Judge Hinojosa.

NAY: None,

ABSTAIN: Commissioner Garza as to Warrant No. 00084963, payable to The Medicine Shoppe, in the amount of \$2,642.32.

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

(14) **LEGAL SERVICES AGREEMENT BETWEEN CAMERON COUNTY AND MR. BRUCE THARPE, ATTORNEY AT LAW, TO PROVIDE REPRESENTATION TO THE INDIGENT DEFENDANTS IN THE CAMERON COUNTY JAIL;**  
**The Agreement follows:**

(15) **AUTHORIZATION FOR THE CAMERON COUNTY JUVENILE PROBATION DEPARTMENT TO SUBMIT FOR CONTINUATION FUNDING OF SITE I FOR FEDERAL GRANT WEED AND SEED;**  
**The Resolution follows**

(16) **APPROVAL TO HOLD A "ISLA-PALOOZA EVENT" DURING SPRING BREAK 2003, AT THE "FLATS AREA" - ANDY BOWIE COUNT PARK;**

(17) **RESOLUTION AUTHORIZING A GRANT APPLICATION TO THE OFFICE OF RURAL COMMUNITY AFFAIRS 2003 TEXAS COMMUNITY DEVELOPMENT PROGRAM COLONIA CONSTRUCTION FUND AND DESIGNATING THE COUNTY JUDGE TO ACT AS THE COUNTY'S AUTHORIZED REPRESENTATIVE IN ALL MATTERS PERTAINING TO THE COUNTY'S PARTICIPATION IN THE 2003 TEXAS COMMUNITY DEVELOPMENT PROGRAM;**  
**The Resolution follows:**





## **TRAVEL ITEMS**

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

- (a) County Auditor and District Attorney to attend the “57<sup>th</sup> Annual County Auditors Conference”, in Corpus Christi, Texas, October 22-25, 2002;
- (b) Bail Bond Administrator to attend the “Bail Bond Course”, in San Antonio, Texas, November 1-2, 2002;
- (c) Two (2) Computer Department employees to attend the “Conference for the Eagle System for the Jail”, in Richardson, Texas, October 23-27, 2002;
- (d) District Attorney and Assistant to attend the “Cyberstalking/01-03 Course”, in Columbia, South Carolina, October 20-25, 2002;
- (e) Four (4) Health Department employees to attend the “Texas Animal Control Association and Humane Society Workshop”, in Brownsville, Texas, October 28, 2002;
- (f) Health Environmental Director to attend the “Louisiana/Texas Mosquito Control Association Fall Meeting”, in Beaumont, Texas, October 28-November 1, 2002; and
- (g) Sheriff’s Department Officer to attend the “Training Seminar - Police Supervisor, Management, Leadership and Liability”, in Austin, Texas, October 27-29, 2002.

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

- (14) **LEGAL SERVICES AGREEMENT BETWEEN CAMERON COUNTY AND MR. BRUCE THARPE, ATTORNEY AT LAW, TO PROVIDE REPRESENTATION TO THE INDIGENT DEFENDANTS IN THE CAMERON COUNTY JAIL.**  
**The Agreement is as follows:**

- (15) **AUTHORIZATION FOR THE CAMERON COUNTY JUVENILE PROBATION DEPARTMENT TO SUBMIT FOR CONTINUATION FUNDING OF SITE I FOR FEDERAL GRANT WEED AND SEED.**  
**The Resolution is as follows:**

- (17) **RESOLUTION AUTHORIZING A GRANT APPLICATION TO THE OFFICE OF RURAL COMMUNITY AFFAIRS 2003 TEXAS COMMUNITY DEVELOPMENT PROGRAM COLONIA CONSTRUCTION FUND AND DESIGNATING THE COUNTY JUDGE TO ACT AS THE COUNTY'S AUTHORIZED REPRESENTATIVE IN ALL MATTERS PERTAINING TO THE COUNTY'S PARTICIPATION IN THE 2003 TEXAS COMMUNITY DEVELOPMENT PROGRAM.**

**The Resolution is as follows:**

- (18) **RESOLUTION DESIGNATING THE NORTH 30 SUBDIVISION-HOEING ROAD AREA IN RURAL CAMERON COUNTY AS A COLONIA TO MEET OFFICE OF RURAL COMMUNITY AFFAIRS TEXAS COMMUNITY DEVELOPMENT PROGRAM CRITERIA FOR STATE FUNDING PURPOSES.**

**The Resolution is as follows:**

- (19) **RESOLUTION AUTHORIZING A GRANT APPLICATION TO THE OFFICE OF RURAL COMMUNITY AFFAIRS 2003 TEXAS COMMUNITY DEVELOPMENT PROGRAM COLONIA AREA PLANNING FUND AND AUTHORIZING THE COUNTY JUDGE TO ACT AS THE COUNTY'S AUTHORIZED REPRESENTATIVE IN ALL MATTERS PERTAINING TO THE COUNTY'S PARTICIPATION IN THE 2003 TEXAS COMMUNITY DEVELOPMENT PROGRAM.**

**The Resolution is as follows:**



- (24) **RENEWAL OF ANNUAL SOFTWARE MAINTENANCE AGREEMENT WITH HEWLETT-PACKARD FOR \$31,944.00 (AGREEMENT DATES FROM OCTOBER 28, 2002 - OCTOBER 27, 2003).**  
**The Agreement is as follows:**

- (25) **AUTHORIZATION TO PURCHASE AN ANNUAL SOFTWARE AND HARDWARE MAINTENANCE AGREEMENT WITH HEWLETT-PACKARD FOR \$57,061.42 (AGREEMENT DATES FROM OCTOBER 18, 2002 - OCTOBER 17, 2003).  
The Agreement is as follows:**

[REDACTED]

## **EXECUTIVE SESSION**

**(27) EXECUTIVE SESSION:**

Upon motion by Commissioner Garza, seconded by Commissioner Benavides and carried unanimously, the Court met in Executive Session at 7:00 P.M., to discuss the following matters:

- (a) Confer with Commissioners' Court Legal Counsel concerning possible litigation involving the Texas Department of Health, Administrative Hearing and Informal Settlement Conference; pursuant to Vernon Texas Code Annotated Government Code, Section 551.071(1)(A)&(2);
- (b) Confer with Commissioners' Court Legal Counsel concerning the Thorton Development Corporation on matters in which the duty of the Attorney to the Governmental Body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Open Meetings Act; pursuant to Vernon Texas Code Annotated Government Code, Section 551.071(2);
- (c) Confer with Commissioners' Court Legal Counsel on the Cameron Park WIC Trailer concerning mold issues; pursuant to Vernon Texas Code Annotated Government Code, Section 551.071(2);
- (d) Deliberation regarding Real Property concerning the possible lease of office space for the Cameron County Health Department; pursuant to Vernon Texas Code Annotated Government Code, Section 551.072;
- (e) Deliberation regarding Real Property concerning the possible lease of office space for the Justice of the Peace, Precinct No. 3, Place No. 1, Office in San Benito; pursuant to Vernon Texas Code Annotated Government Code, Section 551.072; and

**(1) EXECUTIVE SESSION EMERGENCY ITEM:**

- (a) Confer with Commissioners' Court Legal Counsel on possible termination of Contract with Information Imagine Solutions concerning 2002 Ad valorem Tax Statement; pursuant to Vernon Texas Code Annotated Government Code, Section 551.071(2).

At this time Judge Hinojosa clarified that it had been determined that an emergency existed; therefore, this Item should be placed on Emergency Status.

Mr. Doug Wright, Commissioners' Court Legal Counsel, stated that this matter was unexpected and that the situation was due to the failure of the vendor to provide services that would cost the County an enormous amount of money.

Upon motion by Commissioner Valdez, seconded by Commissioner Benavides and carried unanimously, the Court reconvened in Regular Session at 7:32 P.M.

[REDACTED]

(2) **ACTION RELATIVE TO EXECUTIVE SESSION EMERGENCY ITEM:**

- (a) **Confer with Commissioners' Court Legal Counsel on possible termination of Contract with Information Imagine Solutions concerning 2002 Ad valorem Tax Statement.**

Upon motion by Commissioner Garza, seconded by Commissioner Cascos and carried unanimously, the Status Report by Mr. Tony Yzaguirre, Tax Assessor/Collector, concerning the possible termination of Contract with Information Imagine Solutions concerning 2002 Ad valorem Tax Statement was acknowledged.

██

(28) **ACTION RELATIVE TO EXECUTIVE SESSION:**

- (g) **Confer with Commissioners' Court Legal Counsel concerning possible Litigation involving the Texas Department of Health, Administrative Hearing and Informal Settlement Conference**

Commissioner Benavides moved that the entering into the Settlement Letter and that payment of a fine of \$1,250.00 be authorized.

The motion was seconded by Commissioner Valdez and carried unanimously.

██

- (b) **In the matter regarding confer with Commissioners' Court Legal Counsel concerning Thorton Development Corporation on matters in which the Duty of the Attorney to the Governmental Body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Open Meetings Act. (TABLED)**

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

██

- (c) **Confer with Commissioners' Court Legal Counsel on the Cameron Park WIC Trailer concerning mold issues.**

Commissioner Garza moved that the re-mediation be authorized and to build back on the part of the Manufacturer at their expense.

The motion was seconded by Commissioner Benavides and carried unanimously.

██

- (d) **Deliberation regarding Real Property concerning the possible lease of office space for the Cameron County Health Department.**

Upon motion by Commissioner Garza, seconded by Commissioner Cascos and carried unanimously, the Status Report by Mr. Joseph Ardito, Property Manager, concerning the possible Lease of office space for the Cameron County Health Department was acknowledged.

██

- (d) Deliberation Regarding Real Property concerning the possible Lease of office space for the Justice of the Peace, Precinct No. 3, Place No. 1, Office in San Benito.

Commissioner Garza moved that the Lease of office space for the Justice of the Peace, Precinct. 3-1 Office in San Benito for Property "A" be approved with the understanding that it would be subject to the Budget Officer finding the difference in electrical cost that may be incurred as a result of leasing that property.

The motion was seconded by Commissioner Valdez and carried unanimously.

**The property description is as follows:**

████████████████████

There being no further business to come before the Court, upon motion by Commissioner Valdez, seconded by Commissioner Garza and carried unanimously, the meeting was **ADJOURNED** at 7:36 P.M.

══════════════════════

**APPROVED** this 10<sup>th</sup> day of **December 2002**.

──────────────────────────  
**GILBERTO HINOJOSA**  
**COUNTY JUDGE**

**ATTEST:**

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