

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 19th day of November 2002, there was conducted a Regular Public Meeting of the Honorable Commissioners' Court of Cameron County, Texas, at the Courthouse thereof, in the City of Brownsville, Texas, for the purpose of transacting any and all business that may lawfully be brought before the same.

THE COURT MET AT:

5:30 P.M.

PRESENT:

GILBERTO HINOJOSA
COUNTY JUDGE

PEDRO "PETE" BENAVIDES
COMMISSIONER PRECINCT NO. 1

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

DAVID A. GARZA
COMMISSIONER, PRECINCT NO. 3

RICHARD VALDEZ
COMMISSIONER, PRECINCT NO. 4

JOE G. RIVERA
COUNTY CLERK

Mary Robles Deputy Clerk

ABSENT:

The meeting was called to order by Judge Hinojosa at 5:31 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 November 15, 2002, at 1:00 P.M.:

ACTION ITEMS

- (11) **CONSIDERATION AND AUTHORIZATION TO PURCHASE NETWORKING AND COMPUTER EQUIPMENT TO LINK KRONOS TIME CLOCK SYSTEM UTILIZING THE QUALIFIED INFORMATION SERVICES VENDOR INTER-LOCAL COOPERATIVE PURCHASING AGREEMENT CONTRACTS AND THE STATE OF TEXAS INFORMATION RESOURCE INTER-LOCAL COOPERATIVE PURCHASING AGREEMENT CONTRACTS**

Upon motion by Commissioner Cascos, seconded by Commissioner Garza and carried unanimously, the purchase of networking and computer equipment to link Kronos Time Clock System utilizing the Qualified Information Services Vendor Interlocal Cooperative Purchasing Agreement and the State of Texas Information Resource Interlocal Cooperative Purchasing Agreement was authorized.

- (12) **IN THE MATTER REGARDING APPROVAL OF LOCATION FOR THE SERGEANT JOSE M. LOPEZ STATUE AT THE VETERANS INTERNATIONAL BRIDGE AT LOS TOMATES (TABLED)**

Judge Hinojosa recommended that a Workshop be held the following week at the International Bridge at Los Tomates to determine the direction of the statue and the relocation of the flags.

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

- (1) **IN THE MATTER REGARDING BUDGET AMENDMENTS AND/OR SALARY SCHEDULES (NO ACTION TAKEN)**

- (2) **CANVASSING OF PRECINCT RECOUNT ELECTION RETURNS OF THE NOVEMBER 2002 GENERAL ELECTION FOR JUSTICE OF THE PEACE, PRECINCT NO. 4 AS PROVIDED FOR IN CHAPTER 213, CONDUCT OF RECOUNT, OF THE TEXAS ELECTION CODE**

Judge Hinojosa commended Mr. Roger Ortiz, Interim Election Administrator, for an excellent job performance during the Election Recount.

Commissioner Cascos moved that the Precinct Recount Election Returns of the November 2002 General Election for Justice of the Peace, Precinct No. 4, be accepted as provided for in Chapter 213, Conduct of Recount, of the Texas Election Code.

The motion was seconded by Commissioner Benavides and carried unanimously.

The Results are as follows:

[REDACTED]

(3) CONSIDERATION AND APPROVAL OF THE 2002-2003 EQUIPMENT LIST

Mr. Xavier Villarreal, Budget Officer, reported that this list was in addition to the vehicle list approved November 12, 2002, and that the equipment list of computers and printers remained pending.

Judge Hinojosa recommended that a county vehicle be assigned to the Veterans Office for the purpose of conducting home visits.

Mr. Villarreal stated that a Budget Amendment would be needed to include the expenditures associated with the assignment of the vehicle, and explained that travel reimbursement was available for the home visits conducted.

Judge Hinojosa recommended that the assignment of a county vehicle and the Budget Amendment be place on the Agenda of the following meeting for consideration.

Commissioner Cascos suggested that a car allowance be provided in the event that a vehicle was not available.

Commissioner Garza questioned the two (2) post overhead lifts not being approved.

Mr. Villarreal informed that he had verified that the lift currently available would suffice.

Upon motion by Commissioner Cascos, seconded by Commissioner Benavides and carried unanimously, the 2002-2003 Equipment List was approved.

The List is as follows:

████████████████████

(4) **CONSIDERATION AND DISCUSSION OF ARTICLE
REGARDING THE DEL MAR HEIGHTS
FLOODING SITUATION**

Judge Hinojosa reported that the County became aware of a Federal Program that allowed mitigation of the Del Mar Heights flooding situation by purchasing the affected properties and relocating the residents. He added that the pre-application had been made.

Ms. Grace Salinas, Executive Administrator Assistant, stated that a Notice of Interest (pre-application) could be submitted by itself or short-tailed through another County upon a disaster being declared by FEMA. She explained that the Del Mar Heights' flooding situation could be submitted through Nueces County's disaster declaration caused by recent tornadoes for State to consider the project. Ms. Salinas added that if application was disqualify and funding was available, an application would be provided for the process of buying-out the affected properties once their value was determined and the owner being identified. She informed that FEMA would provide assistance to renters for expenditures to be incurred during the relocation process.

Commissioner Garza asked if the County had applied for a Federal Grant.

Ms. Salinas responded negatively, and explained that the County had applied for authorization to proceed with the Notice of Interest at the time that Hurricane Bret was experienced.

Commissioner Valdez asked if the program was on a voluntary basis.

Ms. Salinas responded in the affirmative, and noted the need to assure that all the residents be relocated in order to reach the objective of the Program.

Judge Hinojosa commented that humans should not be allowed to live in the conditions that exist in Del Mar Heights.

Commissioner Garza suggested that an Agenda Item be placed for discussion of Green Valley Farms' similar situation.

Judge Hinojosa stated that Mr. Ronnie Garcia, Drainage District No. 3, had proposals that could alleviate that situation.

Commissioner Cascos moved that the discussion of article regarding the Del Mar Heights flooding situation be acknowledged.

The motion was seconded by Commissioner Benavides and carried unanimously.

████████████████████

[REDACTED]

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

Judge Hinojosa informed that issues concerning drug testing were being reviewed for purposes of including them into the Policy regarding marked and unmarked county vehicles and that the exemptions concerning the personal use of Law Enforcement Vehicles had been removed, as recommended by Commissioners' Court Legal Counsel.

Mr. Doug Wright, Commissioners Court Legal Counsel, cautioned that Constitutional issues existed in the process of the Court establishing rules that dictate how the Sheriff's and/or Constable Departments use what it has been assigned by the Court. He stated that a general rule could be established, and recommended that the Policy indicate that public property could not be used for any personal gain or use, as addressed by Criminal Statute. Mr. Wright advised that separations of power would arise if the Court made exemptions and dictated as to the use of what has been allotted to Elected Officials, and explained that the ability to control use of public property was ultimately the Elected Officials' responsibility; therefore, they must answer to the Public for choices and/or exemptions made where concerns might arise.

He stated that the exemption was eliminated, and that the Texas Department of Transportation's Rules and Regulations were being reviewed prior to recommending a Policy concerning drug tests.

Commissioner Valdez questioned if the Policy regarding drug testing was applicable to Department Heads and their employees.

Mr. Wright reiterated that a general policy could be established to inform Elected Officials that County vehicles were appropriated for public use and not for personal gain and that they must act in accordance with it.

Judge Hinojosa explained that Court would not interfere in an Elected Official's determination of whether the use of a county vehicle was beneficial to the public, except when the use violated Criminal Law or was solely for personal purposes, noting that Elected Officials needed to decide on case by case basis.

Commissioner Garza commented that the County must be able to administer a drug test to any county employee who drives a county vehicle if the supervisor believed it was appropriate.

Mr. Wright stated that the matter was being reviewed.

Commissioner Benavides suggested that all Elected Officials be tested for drug usage to set an example.

Ms. Grace Salinas, Executive Administrative Assistant, stated that the Policy addressed post accident drug testing and that random drug testing was addressed in the County Personnel Manual.

Mr. Manuel Villarreal, Personnel/Safety Risk Director, informed that in 1991 the Federal Government established a law that mandated everyone receiving Federal Funding to have a Drug Free Policy.

Mrs. Yolanda De Leon, District Attorney, informed that the Constitutional conflict addressed by Mr. Wright would arise with Elected Officials, but did not apply to the Department Heads appointed by Commissioners Court.

Judge Hinojosa stated that the Parks System was the only Department that has employees with assigned Law Enforcement Vehicles, but did not have a situation to justify after hour use of a county vehicle.

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

[REDACTED]

(6) CONSIDERATION AND ACTION CONCERNING CAMERON COUNTY FUEL DISTRIBUTION SYSTEM INCLUDING RECONSIDERATION OF COMMITTEE RECOMMENDATION ON REQUEST FOR PROPOSAL (RFP) NO. 020801 FUEL SITED EQUIPMENT REVIEW AND POSSIBLE PURCHASE OF ABOVE GROUND TANKS AS PART OF A LONG TERM STRATEGY

Mr. Doug Wright, Commissioners' Court Legal Counsel, requested direction from the Court as to which approach should be taken: to repair the underground fueling tanks or to purchase the above ground fueling tanks in conjunction with other services available.

Mr. Mark Yates, County Auditor, recommended that above ground fueling tanks be installed to eliminate underground storage tanks and other monitoring needs. He reported that new equipment, at a cost of about \$125,000.00, was needed to maintain and upgrade current underground fueling sites to necessary standards, in addition to weekly and monthly fuel purchases for which the County was subject to sanctions by TCEQ if done incorrectly.

Judge Hinojosa questioned the cost for above ground fueling tanks.

Mr. Yates responded that three (3) 1,000 gallon above ground tanks would cost \$5,000.00. He recommended the use of the Rusche Card for passenger vehicles and that a 6,000 gallon above ground tank, at a cost of approximately \$60,000.00, be placed at the Olmito site.

Judge Hinojosa asked what could happen to above ground fueling tanks in the event of a natural disaster.

Mr. Yates explained that the tanks would be fastened to the concrete by containment walls, and that the underground tanks could be deactivated by being drained and filled with sand, adding that removal of the tanks and mitigation might be required upon the property being sold.

Judge Hinojosa questioned the total cost for above ground fueling tanks.

Mr. Yates responded that the total cost was about \$80,000.00, and that the allocation for the New Vehicle Maintenance Barn, in the amount of \$385,000.00, entailed \$60,000.00 for the above ground fueling site, noting that the availability of the \$385,000.00 for the Vehicle Maintenance Barn was subject to Contracts being reviewed by the Court.

Judge Hinojosa suggested that the \$60,000.00 be taken from the said allocation and that the remaining \$20,000.00 be found elsewhere.

Commissioner Garza asked if there was a need to take action at this time.

Mr. Wright responded in the affirmative, and explained that TCEQ would no longer be lenient if violations were identified.

Commissioner Garza moved that the prompt purchase of above ground fueling tanks be approved for the Cameron County Fuel Distribution System as part of the County's Long Term Strategy.

Commissioner Benavides requested verification as to whether small business could participate in the Convenience Store Fueling Program.

Upon motion duly made by Commissioner Garza, seconded by Commissioner Cascos and carried unanimously, the prompt purchase of above ground fueling tanks was approved for the Cameron County Fuel Distribution System as part of the County's Long Term Strategy.

The Report is as follows:

[REDACTED]

(7) **CONSIDERATION AND AUTHORIZATION TO
NEGOTIATE WITH COMMISSIONERS COURT
APPROVED PROPOSER FOR:**

**A. IMAGING AND RELATED
SERVICES - DISTRICT CLERK
AND VARIOUS DEPARTMENTS -
ANNUAL RFP#1455V-020802.**

Commissioner Garza requested the Committee's recommendation.

Mrs. Aurora De La Garza, District Clerk, recommended that the Imagine and Related Services Annual Request for Proposal No. 1455V-020802 be awarded to A.C.S. Government Records Management based on its experience and outstanding service. She stated that A.C.S. Government Records Management had serviced Cameron County for the past fifteen (15) years, and that A.C.S. Government Records Management had the capability to retrieve information and provide the service needed in the her Office.

Mrs. Yolanda De Leon, District Attorney, stated that she had evaluated the three (3) proposals and determined that A.C.S. Government Records Management had scored the highest.

Mr. Mike Forbes, Purchasing Agent, stated that A.C.S. Government Records Management had scored the highest in his evaluation. He explained that evaluation included review of qualifications, experience, price, and the proposed service to meet the needs of the County. Mr. Forbes informed that five (5) proposals were received, but one (1) was fifteen (15) minutes late; therefore, could not be considered. He stated that the recommended vendor was offering twice as much hard drive space when compared to the second vendor, in addition to having the best score with tangible equipment advantages.

Commissioner Cascos questioned if the hardware provided by A.C.S. Government Records Management justified the \$500.00 monthly fee difference.

Mr. Forbes stated that the matter had been reviewed and that he preferred that the Computer Center Director respond due to the technicality of the matter.

Commissioner Cascos asked what experience was required to provide the services and if something stood out from one company over another.

Mr. Forbes responded that the experience was subjective, and explained that A.C.S. Government Records Management had the resources to purchase quality equipment to provide the needed services, adding that Quality Data Imaging would in time reach the status gained by A.C.S. Government Records Management.

Commissioner Cascos questioned how that could happen if the smaller firms were not given the opportunity, and whether Mr. Forbes was saying that Quality Data Imaging was unable to do the job.

Mr. Forbes responded negatively, and explained that the five (5) vendors were able to do the job, but the evaluation was based on who could do the best job.

Mr. Rudy Juarez, Computer Center Director, stated that his evaluation was based on the technology aspect of the proposal, for which he had provided the following options: 1) to provide a hardware solution by using the County's existing hardware; 2) to provide a solution and the hardware; and, 3) to combine the use of the County's hardware and to present recommendation of needed hardware, noting that who would purchase the needed hardware would be determined through an evaluation process. He stated each vendor had prepared a proposal according to one of these options and that he had evaluated the vendors based on their services and reference, adding that the vendors met the specifications and were able to utilize the hardware available. Mr. Juarez stated that Ikon would not provide detailed information until it was in the negotiation phase and assured that they would be awarded the contract; therefore, he had assigned zero points as to experience and reference. He informed that Quality Data Imaging and A.C.S. Government Records Management had excellent evaluations from their different clientele, and that the primary difference was that A.C.S. Government Records Management offered full service, scanning stations, personnel, and a server at their expense. Mr. Juarez explained that Quality Data Imaging would use the current hardware and would provide storage space, yet the need to purchase a new server could be foreseen in about two (2) years. He stated that the overview was that A.C.S. Government Records Management would provide service and a server versus Quality Data Imaging not doing so.

Commissioner Garza moved that contract negotiations be authorized with A.C.S. Government Records Management of America for Imaging and Related Services-District Clerk and various Departments- Annual Request for Proposal (RFP) No. 1445V-020802.

The motion was seconded by Commissioner Valdez.

Commissioner Valdez stated that awarding the contract to new companies might cause delays in County Departments, as it occurred in the Tax Office.

Commissioner Benavides stated that due to lack of knowledge in technology he must base his decision on the Committee's recommendation.

Upon motion duly made by Commissioner Garza that contract negotiations be authorized with A.C.S. Government Records Management of America for Imaging and Related Services-District Clerk and various Departments- Annual Request for Proposal (RFP) No. 1445V-020802.

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

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

NAY: Commissioner Cascos.

Commissioner Cascos explained that it had not been indicated that Quality Data Imaging was unable to perform the job, and explained that all contracts included an out clause that could take effect should there be a need.

[REDACTED]

(8) CONSIDERATION AND POSSIBLE APPROVAL OF AMENDMENT TO THE FIRST SUPPLEMENTAL AGREEMENT FOR PROFESSIONAL SERVICES WITH S&B INFRASTRUCTURE, LTD. (PROJECT: COUNTY REPRESENTATIVE FOR PROPOSITION II-ROAD & DRAINAGE COLONIA IMPROVEMENTS) (NO ACTION TAKEN AT THIS TIME)

[REDACTED]

(9) IN THE MATTER REGARDING THE POSSIBLE AMENDMENT TO CONTRACT BETWEEN CAMERON COUNTY AND MGT OF AMERICA REGARDING THE HEALTH SERVICE DISTRICT ALLOWING FOR THE REALLOCATION OF EXISTING BUDGET (TABLED)

Judge Hinojosa explained that the Committee believed that it was ready to commence working without assistance from MGT of America.

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

[REDACTED]

(10) CONSIDERATION AND APPROVAL TO HIRE JAIL INMATE INTAKE SECRETARY AND AN INVESTIGATOR FOR THE OFFICE OF THE COUNTY AND DISTRICT ATTORNEY

Mrs. Yolanda De Leon, District Attorney, clarified that funding was available.

Commissioner Benavides moved that the hiring of a Jail Inmate Intake Secretary and an Investigator for the Office of the County and District Attorney be approved.

The motion was seconded by Commissioner Garza and carried unanimously.

[REDACTED]

(13) CONSIDERATION AND AUTHORIZATION TO CREATE A SECRETARY POSITION FOR THE PUBLIC WORKS BROWNSVILLE WAREHOUSE

Upon motion by Commissioner Cascos, seconded by Commissioner Benavides and carried unanimously, the creation of a Secretary Position for the Public Works Brownsville Warehouse was authorized.

[REDACTED]

(14) CONSIDERATION AND AUTHORIZATION TO HOLD A PUBLIC HEARING FOR THE PARK SYSTEM PERTAINING TO THE INCREASE OF RATES AND FEES FOR THE CAMERON COUNTY PARK SYSTEM

Upon motion by Commissioner Valdez, seconded by Commissioner Garza and carried unanimously, the Public Hearing for the Park System pertaining to the increase of rates and fees for the Cameron County Park System was opened for Public comment.

Mr. Javier Mendez, Parks System Director, recommended that the Annual Pass be increased from \$30.00 to \$38.00, that the Boat Fee be increased from \$1.00 to \$2.00, that the ninety (90) Day Pass be increased from \$12.50 to \$18.00, and that the increases take effect on January 1, 2003, in accordance with the Parks Advisory Board's recommendations.

Upon motion by Commissioner Benavides, seconded by Commissioner Valdez and carried unanimously, the Public Hearing for the Park System pertaining to the increase of rates and fees for the Cameron County Park System was closed.



(15) CONSIDERATION AND ACTION RELATING TO THE POSSIBLE INCREASE OF RATES AND FEES FOR THE CAMERON COUNTY PARKS SYSTEM

Commissioner Benavides moved that the increase of rates and fees for the Cameron County Parks System be approved.

The motion was seconded by Commissioner Valdez and carried unanimously.

At this time, Commissioner Benavides suggested that the possible construction of a new Boat Ramp be reviewed.

The increases are as follow:

At this time, Judge Hinojosa introduced a new Commissioners' Court Legal Counsel: Mr. John Olson.

(8) **CONSIDERATION AND POSSIBLE APPROVAL OF AMENDMENT TO THE FIRST SUPPLEMENTAL AGREEMENT FOR PROFESSIONAL SERVICES WITH S&B INFRASTRUCTURE, LTD.(PROJECT: COUNTY REPRESENTATIVE FOR PROPOSITION II-ROAD & DRAINAGE COLONIA IMPROVEMENTS)**

Upon motion by Commissioner Garza, seconded by Commissioner Benavides and carried unanimously, the Amendment to the First Supplemental Agreement for Professional Services with S&B Infrastructure, LTD., (project: County Representative for Proposition II-Road & Drainage Colonia Improvements) was approved.

Mr. Doug Wright, Commissioners' Court Legal Counsel, informed that the issue concerning the retainage had not been discussed and that according to the County Engineer the matter could be resolved.

The Amendment is as follows:

████████████████████

(16) **CONSIDERATION AND ACTION FOR THE APPOINTMENT OF MR. CLEMENTE CANTU AS DEPUTY CONSTABLE PRECINCT NO. 4 IN COMPLIANCE WITH THE FINDING THAT IT IS NECESSARY TO APPOINT THE DEPUTY IN ORDER TO PROPERLY HANDLE THE BUSINESS OF THE CONSTABLE'S OFFICE THAT ORIGINATES IN THE CONSTABLE'S PRECINCT AND THAT THE APPOINTMENT BE VALID ONLY THROUGH THE END OF THE FISCAL YEAR IN WHICH THE APPOINTMENT IS MADE OR THE CURRENT TERM OF THE ELECTED CONSTABLE WHICH EVER ENDS SOONER**

Judge Hinojosa informed that an individual had been appointed by the Court as Deputy Constable based on the Elected Constable's indication that the individual met all legal requirements, but he was not licensed as a Peace Officer as a result of not complying with TCLEOSE. He recommended that the Personnel Department verify the certification, with TCLEOSE, of individuals being considered for appointment as County Deputies to avoid conflict.

Commissioner Cascos stated that he assumed that when someone indicated that all was "in order", when appointing a Deputy, signified that someone had actually verified the information.

Mr. Manuel Villarreal, Personnel/Safety Risk Director, explained that the Sheriff's Department conducted background checks and that a copy of the Peace Officer's License was kept, adding that the license did not indicate an expiration date but required continuing education. He stated that because the individual had transferred from another Law Enforcement Agency it was assumed that he was licensed.

Commissioner Garza asked if the individual in question was currently on payroll.

Mr. Villarreal responded in the affirmative and explained that TCLEOSE had waived the requirement.

Commissioner Garza moved that the appointment of Mr. Clemente Cantu as Deputy Constable, Precinct No. 4, be approved in compliance with the finding that it is necessary to appoint the Deputy in order to properly handle the business of the Constable's Office that originates in the Constable's Precinct and that the appointment be valid only through the end of the Fiscal Year in which the appointment is made or the current term of the Elected Constable which ever ends sooner.

The motion was seconded by Commissioner Benavides and carried unanimously.

████████████████████

[REDACTED]

(17) **CONSIDERATION AND ACTION FOR THE APPOINTMENT OF THE ATTACHED LIST OF DEPUTY CONSTABLES FOR PRECINCT NO. 6 IN COMPLIANCE WITH THE FINDING THAT IT IS NECESSARY TO APPOINT THE DEPUTIES IN ORDER TO PROPERLY HANDLE THE BUSINESS OF THE CONSTABLE'S OFFICE THAT ORIGINATES IN THE CONSTABLE'S PRECINCT AND THAT THE APPOINTMENT BE VALID ONLY THROUGH THE END OF THE FISCAL YEAR IN WHICH THE APPOINTMENT IS MADE OR THE CURRENT TERM OF THE ELECTED CONSTABLE WHICH EVER ENDS SOONER**

Commissioner Benavides moved that the appointment of the attached list of Deputy Constables for Precinct No. 6, be approved in compliance with the finding that it is necessary to appoint the deputies in order to properly handle the business of the Constable's Office that originates in the Constable's Precinct and that the appointment be valid only through the end of the Fiscal Year in which the appointment is made or the current term of the Elected Constable which ever ends sooner.

The motion was seconded by Commissioner Garza and carried unanimously.

The list 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. 13: Mr. Mark Yates, County Auditor, presented late claims beginning with Warrant No. 00086724 through Warrant No. 00086932 for payments to Election Workers.

ITEM NO. 26: Mr. Tony Yzaguirre, Tax Assessor/Collector, stated that the Auto Theft Prevention Authority requested that a Resolution promoting the Help End Auto Theft (H.E.A.T.) Program be presented before the Court.

Lieutenant Joe Mireles, Auto Crime Enforcement Program, explained that the free program consisted of submission of an application to the Department of Public Safety (DPS) to provided probable cause for a Peace Officer to stop a vehicle between the hours of 1:00 A.M. and 5:00 A.M. He informed that the applications were available at the Tax Assessor's Office, County Buildings, Law Enforcement Agencies, and via Internet.

Commander Abraham Delgado, Brownsville Police Department, stated that the program was a great tool to prevent auto theft.

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

The motion was seconded by Commissioner Benavides and carried unanimously.

- (18) **APPROVAL OF CLAIMS;**
The late claims follow:
- (19) **AUTHORIZATION TO CLOSE GATEWAY INTERNATIONAL BRIDGE TO SOUTHBOUND TRAFFIC ON DECEMBER 2, 2002, FROM 7:00 P.M. TO 9:00 P.M. FOR THE ANNUAL CHRISTMAS PARADE;**
- (20) **TWO (2) TEACHER CONTRACTS FOR THE TITLE V PROGRAM;**
The Contracts follow:
- (21) **ADDENDUM NO. 5 TO RIO GRANDE VALLEY EMPOWERMENT ZONE CORPORATION FUNDING AGREEMENT FOR THE LAGUNA HEIGHTS DRAINAGE PROJECT;**
The Addendum follows:
- (22) **ADDENDUM NO. 2 TO RIO GRANDE VALLEY EMPOWERMENT ZONE CORPORATION FUNDING AGREEMENT FOR THE EL NORTE PAVING AND DRAINAGE PROJECT;**
The Addendum follows:
- (23) **FINAL APPROVAL:**
 - A. **PRECINCT NO. 2 - CORREA SUBDIVISION - BEING A RESUBDIVISION OF 20.00 ACRES BEING ALL OF LOT NO. 22, BLOCK NO. 13, BARREDA GARDENS SUBDIVISION.**
- (24) **OPENING OF THE FOLLOWING BIDS/PROPOSAL:**
 - A. **AUTOMOTIVE PARTS O.E.M. FORD - ANNUAL BID NO. 1996F**

- (25) ANNUAL DUES FOR BOARD MEMBERSHIP TO THE BORDER TRADE ALLIANCE; RESOLUTION PROMOTING THE H.E.A.T. (HELP END AUTO THEFT IN TEXAS) PROGRAM IN CAMERON COUNTY, TEXAS;

The Resolution follows:

- (26) AUTHORIZATION TO REFUND TAXES AS AUTHORIZED BY THE CAMERON APPRAISAL DISTRICT AND AS PER SECTION 42.43 OF THE TEXAS PROPERTY TAX CODE:

(a)	O'REILLY AUTO PARTS -	\$4,342.77	CHANGE VALUE
(b)	O'REILLY AUTO PARTS -	\$1,575.46	CHANGE VALUE
(c)	O'REILLY AUTO PARTS -	\$ 765.81	CHANGE VALUE

TRAVEL ITEMS

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

- (a) Health Department employee to tour the Webb County Jail Facility, in Laredo, Texas, November 14-15, 2002;
- (b) District Clerk and Deputy to attend the "County and District Clerk's Association Board Meeting", in Montgomery, Texas, November 24, 2002;
- (c) PD&M employee to attend the "Lower Rio Grande Valley Development Council Solid Waste Advisory Committee Meeting", in Weslaco, Texas, November 19, 2002;
- (d) Three (3) District Attorney employees to attend the "Cleris 2.2 Management Reports Training", in Austin, Texas, December 3-4, 2002;
- (e) Six (6) Health Department employees to attend the "Immunize Texasize 2002 Immunization Conference", in Austin, Texas, November 18-21, 2002;
- (f) Three (3) Health Department employees to attend the "Workshop regarding Animal Cruelty Investigations sponsored by Harlingen Humane Society", in Harlingen, Texas, December 6, 2002;
- (g) Interim Elections Administrator to attend the "Fourteenth Annual Election Law Seminar", in Austin, Texas, November 20-22, 2002; and
- (h) Assistant County Administrator to travel for final inspection of the Sergeant Jose M. Lopez Statue, in Baltimore, MD and Lancaster, PA.

- (18) APPROVAL OF CLAIMS.**
The late claims are as follow:

- (20) TWO (2) TEACHER CONTRACTS FOR THE TITLE V PROGRAM.
The Contracts are as follow:**

- (21) **ADDENDUM NO. 5 TO RIO GRANDE VALLEY EMPOWERMENT ZONE CORPORATION
FUNDING AGREEMENT FOR THE LAGUNA HEIGHTS DRAINAGE PROJECT.
The Addendum is as follows:**

- (22) **ADDENDUM NO. 2 TO RIO GRANDE VALLEY EMPOWERMENT ZONE CORPORATION FUNDING AGREEMENT FOR THE EL NORTE PAVING AND DRAINAGE PROJECT.**
The Addendum is as follows:

- (26) **RESOLUTION PROMOTING THE H.E.A.T. (HELP END AUTO THEFT IN TEXAS) PROGRAM IN CAMERON COUNTY, TEXAS.**
The Resolution is as follows:

[REDACTED]

EXECUTIVE SESSION

(29) EXECUTIVE SESSION:

Upon motion by Commissioner Valdez, seconded by Commissioner Cascos and carried unanimously, the Court met in Executive Session at 7:18 P.M., to discuss the following matters:

- (a) Deliberation regarding Real Property concerning the possible Lease of Office Space for the Cameron County Health Department; pursuant to Vernon Texas Code Annotated (V.T.C.A.) Government Code, Section 551.072; and
- (b) Confer with Commissioners' Court Legal Counsel concerning possible violations of 30 TAC Chapter 330.32 (a) on matters in which the duty of the Attorney to the Governmental Body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Open Meetings Act; pursuant to Vernon Texas Code Annotated (V.T.C.A.) Government Code, Section 551.072.

Upon motion by Commissioner Cascos, seconded by Commissioner Garza and carried unanimously, the Court reconvened in Regular Session at 7:35 P.M.

[REDACTED]

(30) ACTION RELATIVE TO EXECUTIVE SESSION:

- (a) Deliberation regarding Real Property concerning the possible Lease of Office Space for the Cameron County Health Department.**

Commissioner Garza moved that the Mr. Joseph Ardito, Property Manager, be authorized to obtain professional service with regards to the property of interest to the County and that his Status Report be acknowledged.

The motion was seconded by Commissioner Valdez and carried unanimously.

- [REDACTED]
- (b) Confer with Commissioners' Court Legal Counsel concerning possible violations of 30 TAC Chapter 330.32 (a) 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.**

Upon motion by Commissioner Benavides, seconded by Commissioner Garza and carried unanimously, the Status Report by Mr. Doug Wright, Commissioner's Court Legal Counsel, concerning possible violations of 30 TAC Chapter 330.32 (a) 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 was acknowledged.

[REDACTED]

████████████████████

There being no further business to come before the Court, upon motion by Commissioner Cascos, seconded by Commissioner Valdez and carried unanimously, the meeting was **ADJOURNED** at 7:37 P.M.

═══════════════════════

APPROVED this 6th day of **January 2003**.

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

ATTEST:

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