

At this time, Judge Hinojosa informed that an Executive Session Item related to the appointment of Mr. Roger Ortiz as permanent Cameron County Elections Administrator, and that Mr. Frank Morris, Chair for the Republican Party, was present to address the Court in those regards.

Mr. Frank Morris, Chair for the Republican Party, noted the importance to support the Elections Administrator and his Office and the need to provide a salary equal to other Department Heads within County Government. He recommended that the proposed salary increase be approved by Commissioners Court based on the actions of the Elections Commission.

Judge Hinojosa stated that the Elections Commission was unanimously strong in appointing Mr. Ortiz and in recommending that the salary commensurate with the importance of the Cameron County Elections Division. He stated that the integrity of the Electoral System was one of the most important duties of County Government, and that it was in question due to the manner in which the Elections Division was run in the past.

Mr. Morris stated that he believed that Mr. Ortiz possessed the maturity, strength, intelligence, and problem solving ability needed to refurbish credibility to the Cameron County Elections Division.

PRESENTATION

**(1) IN THE MATTER REGARDING PRESENTATION
BY MR. TONY DE LEON, REPRESENTING NEW
YORK LIFE, REGARDING A DEFERRED
COMPENSATION PLAN (TABLED)**

Mr. Tony De Leon, New York Life, highlighted the benefits to be obtained by County employees on an individual basis upon the County contracting with New York Life, and that the County would only incur an expense for a setup fee, in the amount of \$500.00.

Judge Hinojosa stated that a Deferred Compensation Program was currently available to County employees, and explained that the matter was placed on the Agenda to allow other companies the opportunity to present proposals that would provide options to County employees. He asked if another company could be included in the Deferred Compensation Program.

Mr. Mark Yates, County Auditor, stated that two (2) 457 Plans were available and that he would review Statute to determine how many companies could be in place for a governmental unit and the funds available. He recommended that the \$500.00 setup fee be funded through the Employees Benefits Fund or from a Department's Fund.

Mr. De Leon clarified that the setup fee was not required if a Plan was already in place.

Judge Hinojosa suggested that this Item be tabled until Mr. De Leon and the County Auditor met to determine if other companies could be added to the Deferred Compensation Program.

Commissioner Cascos asked what would be done for other companies wanting to provide services if the number of providers was at its maximum.

Mr. Yates explained that contracting with additional companies would produce more work and delays within his Office. He informed that companies were requesting that electronic disbursements be made to their accounts for immediate investments, yet delays were caused by the County's function requiring that claims be approved before funds were transferred; therefore, noted the need to review the logistics concerning electronic transfers.

Judge Hinojosa suggested that bid/proposals be requested and that a Committee be appointed.

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

ACTION ITEMS

(2) BUDGET AMENDMENTS AND/OR SALARY SCHEDULES

Commissioner Benavides moved that the 2002-Budget Amendment No. 2003-04 and the Salary Schedule be approved.

The motion was seconded by Commissioner Valdez.

Commissioner Valdez commented that Budget Amendment No. 100-5550 appeared to be incorrect.

Mr. Xavier Villarreal, Budget Officer, requested that Budget Amendment No. 100-5550 be withdrawn and considered the following week.

Upon motion duly made by Commissioner Benavides, seconded by Commissioner Valdez and carried unanimously, the 2002-Budget Amendment No. 2003-04 and the Salary Schedule were approved, with exception of Budget Amendment No. 100-5550.

The Budget Amendments and the Salary Schedules are as follow:

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(3) **APPROVAL OF MINUTES FOR THE REGULAR MEETING HELD OCTOBER 22, 2002, AND THE SPECIAL MEETINGS HELD OCTOBER 29, 2002, AND NOVEMBER 4, 2002**

Commissioner Valdez moved that the Minutes for the Regular Meeting held October 22, 2002, be **TABLED** and that the Minutes for the Special Meetings held October 29, 2002, and November 4, 2002, be approved.

The motion was seconded by Commissioner Benavides and carried unanimously.

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(4) **CONSIDERATION AND APPROVAL OF THE 2002-2003 COMPUTER EQUIPMENT LIST**

Upon motion by Commissioner Cascos, seconded by Commissioner Valdez and carried unanimously, the 2002-2003 Computer Equipment List was approved, as recommended by the Budget Officer and the Computer Center Director.

The list is as follows:

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(5) **IN THE MATTER REGARDING CAMERON
COUNTY LEGISLATIVE AGENDA FOR THE 2003
LEGISLATIVE SESSION (TABLED)**

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

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(6) **CONSIDERATION AND AUTHORIZATION TO
APPROVE CHANGE ORDER NO. 2 FOR THE EL
NORTE SUBDIVISION ROAD AND DRAINAGE
IMPROVEMENT PROJECT**

Commissioner Benavides moved that Change Order No. 2 for the El Norte Subdivision Road and Drainage
Improvement Project be approved.

The motion was seconded by Commissioner Valdez and carried unanimously.

The Change Order is as follows:

[REDACTED]

(7) **CONSIDERATION AND DISCUSSION REGARDING
THE PRIVATIZATION OF THE CAMERON
COUNTY JAIL OPERATIONS**

Commissioner Cascos stated that this Agenda Item had been placed to discuss if privatization of the Cameron County Jail System was a viable action. He explained that he had reviewed the matter in the Internet, where most articles spoke against privatization, and that most of the issues related to violations of the Civil Rights. Commissioner Cascos encouraged that the Court examine the possibility of privatization.

Judge Hinojosa explained that privatization had been reviewed due to concerns addressed by Commissioner Cascos regarding litigation and cost issues pertained to whether privatization would direct the liability to the company instead of the County, adding that a significant portion of past litigation involving the County originated from issues within the Jail System. He stated that violations of the Civil Rights within the prison system generated large amounts of litigation throughout the State of Texas, and explained that a ten (10) year period study was prepared to determine the total awarded amount through litigations in Cameron County that involve the Jail System, excluding expenses for Private Attorney Services. He highlighted a listing of litigations presented during the administrations of acting County Sheriff Conrado Cantu, former County Sheriffs Omar Lucio, and former County Sheriffs Alex Perez that resulted in a maximum settlement of \$25,000.00, noting that most cases were dismissed and that the total expenditure did not exceed \$25,000.00.

Mr. Doug Wright, Commissioners' Court Legal Counsel, stated that the study listed litigation pertaining only to jail related cases and that no expenses for Private Attorney Services had been incurred.

Judge Hinojosa stated that a judgement was never entered against the County and that litigation issues involving the Jail System throughout different Sheriffs' Administrations did not result in significant expenditures to the County. He explained that different agencies who privatized had been visited to compare the cost that might be incurred by the County, and that Frio, Liberty, and Val Verde Counties privatized their Jail Systems. Judge Hinojosa stated that a comparison was difficult because the situations encompassed the use of County credit to finance the construction cost of the facilities and the leasing of beds throughout the State by the company as part of the operation.

Commissioner Cascos asked if the \$8 million Jail Budget included the debt service payment and the cost of maintenance and operations.

Mr. Xavier Villarreal, Budget Officer, responded that the debt service, in the amount of \$1.9 million, for construction cost of the Jail and Sheriff's Department Facilities was not included

Commissioner Cascos stated that the cost for housing inmates could be increased by adding the total expenditures.

Judge Hinojosa asked if the debt services payment was incorporated into the cost for housing an inmate.

Mr. Remi Garza, Administrative Assistant, stated that the \$30.30 cost figure was determined by the Marshal's Office and that the debt service was found to be an allowable expense during the audit conducted by the same.

Mr. Mark Yates, County Auditor, explained that only the interest of the construction cost for Jail and Sheriff's Department Facilities was taken into account, and how the cost figure for housing inmates was determined. He added that the operational cost was about \$8.4 million and totaled \$10 million with the debt service payment.

Judge Hinojosa stated that when comparing the Willacy County State Jail to the Cameron County Jail facility it was determined that a minimum-security level facility contracted with State for \$30.00 per day per inmate rate versus Cameron County Jail, maximum-security level facility. He explained that the reimbursement for housing inmates was a result of the Willacy County Detention Officers' annual salary, in the amount of \$14,908.32, and that upon the Cameron County Detention Officers' salary being added to the Willacy County Jail's operational cost, it would be increased by \$1 million.

Commissioner Cascos asked who owned the building.

Judge Hinojosa responded that the building was owned by the State of Texas, and that the construction cost was funded by the State of Texas. He stated that the \$30.00 per day figure would increase once the \$1.9 debt service payment was incorporated into the operational cost. Judge Hinojosa highlighted Hidalgo County's \$15 million Jail Budget to house 1,061 inmates: 524 inmates at its facility, 272 inmates at the La Villa Facility, and 265 inmates at the Brooks County Facility. He stated that the privatization of the Cameron County Jail System would impact the tax rate by approximately \$4.23 million and would eliminate all benefits. Judge Hinojosa stated that the Cameron County Jail System operated in a very efficient manner; therefore, made it difficult for the Marshal's Office to increase the amount. He stated that the Budgets for Jail Operation throughout the past ten (10) years equaled approximately \$50 million, and that the encumbered litigation costs were minuscule.

Commissioner Cascos encouraged that the Court review the possibility of privatization of the Jail System next year based on the figures provided, and stated that throughout the time he served as Commissioner he never saw so many events happening within a short period of time that question the Jail System's Operation.

At this time, Ms. Rebecca Gomez, County resident, noted her opposition in privatizing the County Jail System, and stated that she was aware of the ongoing situations within the Sheriff's Department, adding that it was unjust and unfair to expect a perfect Department. She stated that she believed that the Sheriff's Department was capable of taking

care of its own investigations along with any other local Law Enforcement Agencies, and that she did not see a problem in allowing the County Budget to exercise its powers to fund the Sheriff's Department. Mrs. Gomez stated that privatization of the Sheriff's Department meant giving power to a private corporation, and that she understood that Commissioner Cascos might have reason to bring forth the privatization of the Jail System as just, but she believed that he would do best by addressing the broken sub-sewer issue being experienced in Los Ebanos. She stated that attempting to change the County System placed everything in jeopardy and in danger, and that Commissioner Cascos should not attempt to change the whole County System because he was leaving.

Commissioner Cascos asked the County Engineer what sewage issues were being addressed by Ms. Gomez.

Mr. Juan Bernal, County Engineer/Public Works Director, stated that the sewage issues involved the Brownsville Public Utilities Board (PUB).

Commissioner Cascos clarified that the sewage issues were beyond Cameron County's jurisdiction and that the County could merely address the matter to the City of Brownsville. He stated that the Agenda Item was written in a way to allow discussion and that his comments were intended for the future Commissioners Court to examine. Commissioner Cascos commented that he appreciated the dialogue and information presented by the County Judge's Office, and that he believed that privatization was an option in need of review which he did not favor or oppose. He stated that he read and liked the articles she presented to the Editor as well.

Judge Hinojosa stated that he did not want to minimize the fact that problems were present at the County Jail, and noted the need to address concerns that question the integrity of the County System. He stated that different issues were encountered during past Sheriff Administrations, while he and Commissioner Cascos served as members of the Commissioners Court. Judge Hinojosa stated that the recent inmate escapes were caused by negligence on behalf of the contractor and the lack of staff, adding that the concerns had been addressed. He stated that the riot had cost the County \$10,000.00 to repair, and that riots were experienced throughout the State of Texas Jail System. Judge Hinojosa stated that theft was currently being addressed, that the last issue being experienced would be repaired, and that the responsible individuals would be punished. He stated that by working with the Office of the District Attorney, the Sheriff's Department, the Brownsville Police Department, the U.S. Marshals Office, and the Engineering Department the County has been able to correct past issues. Judge Hinojosa stated that privatization was not the answer to the concerns based on the research and that Cameron County had a good Jail System, although problems needed to be addressed. He stated that County Sheriff's Administration was very cooperative in resolving the problems.

Commissioner Valdez stated that privatization would not eliminate concerns relating to escapes, sexual accusations, and theft accusations, and that County Jail System had a good operation.

Judge Hinojosa commended Commissioners' Court Legal Counsel for the excellent job performed by him and his Office in litigations.

Commissioner Benavides stated that the County had a far from perfect system, but was learning from its mistakes. He emphasized that the County had very good employees and that one (1) or two (2) bad employees would not spoil the rest.

Upon motion by Commissioner Cascos, seconded by Commissioner Valdez and carried unanimously, the discussion regarding the privatization of the Cameron County Jail Operations was acknowledged.

The Report is as follows:

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At this time, Judge Hinojosa informed that the 6th Annual Cameron County Christmas Party would be held on Thursday, December 12, 2002, and requested that an unwrapped toy be brought to benefit the Toy Program for Cameron County Colonias.

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CONSENT ITEMS

ALL ITEMS UNDER THE CONSENT AGENDA ITEMS WERE HEARD COLLECTIVELY UNLESS OPPOSITION WAS PRESENTED, IN WHICH CASE THE CONTESTED ITEM WAS CONSIDERED, DISCUSSED, AND APPROPRIATE ACTION WAS TAKEN SEPARATELY.

DISCUSSION CONCERNING CONSENT AGENDA ITEMS:

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

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

AYE: Commissioners Benavides, Cascos, and Valdez,

NAY: None,

ABSTAIN: Judge Hinojosa as to Warrant No. 00087886, payable to Laguna Madre Water District, in the amount of \$184.08.

- (8) APPROVAL OF CLAIMS;**
The Affidavit follows:
- (9) APPOINTMENT OF THE ATTACHED LIST OF RESERVE DEPUTY CONSTABLES FOR PRECINCT NO. 1, IN COMPLIANCE WITH THE FINDING THAT IT IS NECESSARY TO APPOINT THE RESERVE DEPUTY IN ORDER TO PROPERLY HANDLE THE BUSINESS OF THE CONSTABLE’S OFFICE THAT ORIGINATES IN THE CONSTABLE’S PRECINCT AND THAT THE APPOINTMENT IS 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 List follows:
- (10) SETTING OF THE BOND AMOUNTS FOR THE FOLLOWING ELECTED OFFICIALS: GILBERTO HINOJOSA, COUNTY JUDGE; JOE G. RIVERA, COUNTY CLERK; AURORA DE LA GARZA, DISTRICT CLERK; EDDIE A. GONZALEZ, COUNTY TREASURER; JOHN WOOD, COMMISSIONER PRECINCT NO. 2; EDNA TAMAYO, COUNTY COMMISSIONER PRECINCT NO. 4; BENNIE OCHOA, III, JUSTICE OF THE PEACE, PRECINCT NO. 1; OSCAR TULLOS, JUSTICE OF THE PEACE, PRECINCT NO. 2, PLACE NO. 2; DAVID GARZA, JUSTICE OF THE PEACE, PRECINCT NO. 3, PLACE NO. 2; DAVID WISE, JUSTICE OF THE PEACE, PRECINCT NO. 5, PLACE NO. 2, AND RAMON ORTIZ, JUSTICE OF THE PEACE, PRECINCT NO. 6;**
- (11) CONTRACT BETWEEN CAMERON COUNTY HEALTH DEPARTMENT AND THE TEXAS DEPARTMENT OF HEALTH TUBERCULOSIS (TB) ELIMINATION DIVISION PROGRAM TO PROVIDE TB SERVICES IN CAMERON COUNTY;**
The Contract follows:

- (12) **SUPPLEMENTAL CONTRACTUAL AGREEMENT FOR FM 106 BETWEEN CAMERON COUNTY AND THE TEXAS DEPARTMENT OF TRANSPORTATION;**

The Agreement follows:

- (13) **MOBILE PHONE AND SERVICE FOR THE PUBLIC WORKS ASSISTANT FOREMAN;**
- (14) **AUTHORIZATION TO PAY LICENSE FEE RENEWAL FOR THE R.O.W./SURVEYOR;**
- (15) **RENEWAL OF THE FOLLOWING BIDS FOR ONE (1) ADDITIONAL YEAR:**
- A) **ROAD MACHINERY RENTAL - ANNUAL BID NO. 1710;**
 - B) **ROAD MATERIALS: CONCRETE - ANNUAL BID NO. 2510;**
 - C) **ROAD MATERIALS: DIRT, SAND, LIME - ANNUAL BID NO. 2515;**
 - D) **ROAD MATERIALS: DRAINAGE - ANNUAL BID NO. 2520;**
 - E) **ROAD MATERIALS: FLEXIBLE BASE - ANNUAL BID NO. 2560;**
 - F) **ROAD MATERIALS: COLD PATCH - ANNUAL BID NO. 2566;**
 - G) **ROAD MATERIALS: LIQUID STABILIZER - ANNUAL BID NO. 2574;**
AND
 - H) **ROAD MATERIALS: EMULSION OILS: ANNUAL BID NO. 2540.**
- (16) **OPENING OF THE FOLLOWING BIDS/PROPOSALS:**
- A) **FOOD: MEATS - QUARTERLY BID NO. 2170-1; AND**
 - B) **PATROL CARS NO. 02115.**

TRAVEL ITEMS

- (17) **AUTHORIZATION TO TRAVEL/OR APPROVAL OF TRAVEL EXPENSE FOR THE FOLLOWING (PLEASE NOTE: TRAVEL REQUESTS ARE SUBJECT TO ALL APPLICABLE COUNTY POLICIES):**
- (a) Two (2) District Clerk employees to attend the "County and District Clerk's Association Board Meeting", in Conroe, Texas, November 24-25, 2002;
 - (b) Three (3) Sheriff's Department employees to attend the "Review Jail Management System", in Lubbock, Texas, December 16-18, 2002;
 - (c) Two (2) Health Department employees to attend the "Workshop regarding the Competitive Edge in Business Sponsored by Environmental Training System", in McAllen, Texas, January 18, 2003;
 - (d) Four (4) Tax Department employees to attend the "Texas Department of Public Safety Advanced Auto Theft School", in Austin, Texas, January 18, 2003;
 - (e) County Drug Enforcement Task Force to take 6-8 vehicles to be auctioned at the Refugio Sheriff's Office Auction, Refugio, Texas, December 11-12, 2002;
 - (f) District Attorney employee to attend the "HIDTA 2002 Conference", in Washington, DC, December 11-13, 2002;
 - (g) PD&M employee to attend the "Lower Rio Grande Valley Development Council Professional Advisory Review Panel Meeting", in Pharr, Texas, December 11, 2002;
 - (h) PD&M employee to attend the "Criminal Justice Technical Assistance Workshop", in San Benito, Texas, December 4, 2002;

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

- (9) **APPOINTMENT OF THE ATTACHED LIST OF RESERVE DEPUTY CONSTABLES FOR PRECINCT NO. 1, IN COMPLIANCE WITH THE FINDING THAT IT IS NECESSARY TO APPOINT THE RESERVE DEPUTY IN ORDER TO PROPERLY HANDLE THE BUSINESS OF THE CONSTABLE'S OFFICE THAT ORIGINATES IN THE CONSTABLE'S PRECINCT AND THAT THE APPOINTMENT IS 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 List is as follows:

- (11) **CONTRACT BETWEEN CAMERON COUNTY HEALTH DEPARTMENT AND THE TEXAS DEPARTMENT OF HEALTH TUBERCULOSIS (TB) ELIMINATION DIVISION PROGRAM TO PROVIDE TB SERVICES IN CAMERON COUNTY.**
The Contract is as follows:

**(12) SUPPLEMENTAL CONTRACTUAL AGREEMENT FOR FM 106 BETWEEN
CAMERON COUNTY AND THE TEXAS DEPARTMENT
OF TRANSPORTATION.**

The Agreement is as follows:

EXECUTIVE SESSION

(18) EXECUTIVE SESSION:

Upon motion by Commissioner Valdez, seconded by Commissioner Benavides and carried unanimously, the Court met in Executive Session at 11:10 A.M., to discuss the following matters:

- (a) 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 (V.T.C.A.) Government Code, Section 551.072;
- (b) Confer with Commissioners' Court Legal Counsel concerning litigation involving the Father Joseph O'Brien Clinic in Port Isabel; pursuant to Vernon Texas Code Annotated (V.T.C.A.) Government Code, Section 551.071(1)(A);
- (c) Deliberation regarding the appointment of the Elections Administrator; pursuant to Vernon Texas Code Annotated (V.T.C.A.) Government Code, Section 551.074; and
- (d) Deliberation regarding Real Property concerning possible land donation by the City of San Benito; pursuant to Vernon Texas Code Annotated (V.T.C.A.) Government Code, Section 551.072.

Upon motion by Commissioner Cascos, seconded by Commissioner Valdez and carried unanimously, the Court reconvened in Regular Session at 11:29 A.M.

(19) ACTION RELATIVE TO EXECUTIVE SESSION:

- (a) 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 Cascos moved that the Lease Agreement of office space for the Justice of the Peace Precinct No. 3, Place No. 1, Office in San Benito be approved as modified allowing loss payable to the Landlord.

The motion was seconded by Commissioner Valdez and carried unanimously.

The Lease is as follows:

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(b) Confer with Commissioners' Court Legal Counsel concerning litigation involving the Father Joseph O'Brien Clinic in Port Isabel.

Upon motion by Commissioner Benavides, seconded by Commissioner Valdez and carried unanimously, the Status Report by Mr. Doug Wright, Commissioners' Court Legal Counsel, concerning litigation involving the Father Joseph O'Brien Clinic in Port Isabel was acknowledged, and a settlement was authorized along the lines recommended by Commissioners' Court Legal Counsel.

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(c) Deliberation regarding the appointment of the Election Administrator.

Commissioner Cascos moved that Mr. Roger Ortiz, Interim Elections Administrator, be appointed as Permanent Elections Administrator.

Mr. Doug Wright, Commissioners' Court Legal Counsel, stated that the Elections Administrator was appointed by the Elections Commission and that Commissioners Court acknowledged its action and directed the Budget Officer to adjust the salary and auto allowance.

Commissioner Cascos questioned whether the Court ratified the appointment and if it was able to block the appointment should there be a need.

Mr. Wright explained that the Court had discretion as to the termination of the Elections Administrator and as to Budgetary issues that affect the position, but not as to the appointment.

Commissioner Valdez questioned if action regarding the funding issues was needed at this time.

Mr. Wright recommended that the Budget Officer be directed to prepare a Budget Amendment that satisfied the salary since the appointment had been made effective immediately.

Commissioner Cascos moved that the Elections Commission's actions be ratified and that the Budget Officer be instructed to prepare a Budget where the Elections Administrator would be paid \$5,000.00 above his current salary, as former Building Maintenance Superintendent, and a car allowance in the amount of \$3,000.00.

The motion was seconded by Commissioner Benavides and carried unanimously.

Mr. Mark Yates, County Auditor, noted that Fund No. 491 had overages, between \$50,000.00 to \$60,000.00 within two (2) months into the year, plus outstanding invoices from E.S.N., in the amount of \$25,000.00.

Judge Hinojosa noted that the payment from the City of Brownsville remained pending.

Mr. Yates stated that the County Auditor and Treasurer required that Contracts between the County and governmental entities be provided to monitor payments.

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There being no further business to come before the Court, upon motion by Commissioner Cascos, seconded by Commissioner Benavides and carried unanimously, the meeting was **ADJOURNED** at 11:43 A.M.

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APPROVED this 14th day of **JANUARY 2003**.

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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.