

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 14th day of January 2003, 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:

9:30 A.M.

PRESENT:

GILBERTO HINOJOSA
COUNTY JUDGE

PEDRO "PETE" BENAVIDES
COMMISSIONER PRECINCT NO. 1

JOHN WOOD
COMMISSIONER PRECINCT NO. 2

DAVID A. GARZA
COMMISSIONER, PRECINCT NO. 3

EDNA TAMAYO
COMMISSIONER, PRECINCT NO. 4

JOE G. RIVERA
COUNTY CLERK

Mary Robles Deputy Clerk

ABSENT:



The meeting was called to order by Judge Hinojosa at 9:30 A.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 January 10, 2003, at 2:25 P.M.:



Judge Hinojosa commented that the media had published unpleasant news regarding the ongoing situations in Austin, Texas, that could affect South Texas. He stated that the projected shortfall would increase to \$10 billion and that possible dramatic decreases to County Budgets were being discussed by State Leaders; therefore, recommended that Cameron County have a strong presence in Austin to assure that viable Programs that affect improvements and/or quality of life in our community were not decreased or eliminated. Judge Hinojosa stated that his Office would monitor the Legislature, new legislation, and the development of the Budget, and suggested that the Commissioners monitor it as well. He recommended that Court members be in contact with each other and his Office in the event that prompt action was needed and/or their presence in Austin was required to speak on behalf of Cameron County and South Texas. Judge Hinojosa advised that monitoring the actions of the Legislative Session must be the County's top priority throughout the next five (5) months to ensure strong representation in Austin, Texas, through the Legislators and members of Commissioners Court. He stated that two (2) things were troubling him: the ongoing Legislative Session and the possibility of sending our youth to fight a war in Iraq that he believed was not needed.

Commissioner Wood commented that State appeared to be decreasing a lot of services, but since Legislators disliked decreasing other Agencies' Budgets they would allow the Counties to incur the deficit. He expressed concern with cut-backs in areas that would affect the County because of its unique needs and with lack of funding to the area that resulted in severe spending limits. Commissioner Wood noted the need to be vigilant of the actions and the laws to be passed during this Legislative Session.

Commissioner Tamayo stated that unity among all local units of government was of great importance to ensure a fair share of funding for the Rio Grande Valley.

Commissioner Wood stated that Commissioner Tamayo and he attended the "Monthly Border Infrastructure Coalition", in Austin, Texas, to help understand ongoing issues that affect the Border area. He explained that the suggestion was made that joint Workshops with cities and other Counties be held to ensure that the needs of the County and the Rio Grande Valley were properly addressed.

Commissioner Garza commented that it appeared as if a lot of posturing might be taking place in Austin, and noted the need to be cautious in understanding the action being taken in Austin.

Commissioner Benavides expressed concern with the possible elimination of essential local Programs.

Judge Hinojosa stated that State Officials might be preparing everyone for the worst case scenario to make the outcome seem insignificant, however the County could not afford for funding to be decreased. He reiterated the important need to monitor the ongoing Legislative Session, and for our Legislators to show courage when representing the needs of Cameron County.

PRESENTATION

(1) PRESENTATION BY THE COUNTY EXTENSION OFFICE TO INTRODUCE THE NEW FAMILY RESOURCE AGENT MS. ROSA GUEL

Ms. Bertha Garza, Extension Office, introduced Ms. Rosa Guel the new Family Resource Agent for the Extension Office, scheduled to begin January 16, 2003, and informed that Ms. Guel was a resident of the City of Weslaco, Texas, a graduate from the University of Texas, and possessed experience in working with families and the elderly.

Upon motion by Commissioner Garza, seconded by Commissioner Tamayo and carried unanimously, the Presentation by the County Extension Office to introduce the New Family Resource Agent Ms. Rosa Guel was acknowledged.

(3) PRESENTATION AND ACKNOWLEDGMENT OF THE U.S. MARSHAL JAIL RATE STUDY PREPARED BY COUNTY'S CONSULTANT DMG MAIXIMUS, INC. FOR A SIX (6) MONTH PERIOD ENDING SEPTEMBER 30, 2002

Mr. Mark Yates, County Auditor, informed that the six (6) month period Jail Rate Study, commencing April 1, 2002 and ending September 30, 2002, indicated that the cost to house a federal inmate was \$36.01 per day, resulting in an increase of approximately \$10.00 per inmate. He requested that a Committee be appointed to negotiate modifications of the rate and the required services with the U.S. Marshal's Office.

Judge Hinojosa suggested that the County Auditor, County Sheriff, and Commissioners' Court Legal Counsel be appointed as the Committee to negotiate an increase in rate with the U.S. Marshal's Office.

Mr. Yates stated that the increase in rate could equal revenue of about \$52,000.00 per month based on the 285 federal inmate population.

Judge Hinojosa commented that the revenue was needed to fund additional Detention Officers Positions.

Commissioner Wood moved that the Presentation and the U.S. Marshal Jail Rate Study prepared by County's Consultant DMG Maiximus, Inc., for a six (6) month period ending September 30, 2002, be acknowledged.

The motion was seconded by Commissioner Tamayo.

Mr. Yates stated that the U.S. Marshal's Office must adjust the rate to meet the actual cost, because the County was not contractually obligated to subsidize the cost.

Judge Hinojosa recommended that the County Auditor, County Sheriff, Commissioners' Court Legal Counsel, and the Budget Officer be assigned as the Committee to negotiate the possible increase of the rate per inmate with the U.S. Marshal's Office.

Upon motion duly made by Commissioner Wood that the Presentation and the U.S. Marshal Jail Rate Study prepared by County's Consultant DMG Maiximus, Inc., for a six (6) month period ending September 30, 2002, be acknowledged.

The motion was seconded by Commissioner Tamayo and carried unanimously.

The Study is as follows:

ACTION ITEMS

(4) BUDGET AMENDMENTS AND/OR SALARY SCHEDULES

Commissioner Benavides moved that the 2002-Budget Amendment No. 2003-07 and the Salary Schedules be approved.

The motion was seconded by Commissioner Wood and carried unanimously.

The Budget Amendments and Salary Schedules are as follows:

- (5) **APPROVAL OF MINUTES:**
A) **NOVEMBER 12, 2002;**
B) **NOVEMBER 19, 2002;**
C) **NOVEMBER 26, 2002;**
D) **DECEMBER 3, 2002;**
E) **DECEMBER 10, 2002; AND**
F) **DECEMBER 17, 2002.**

Commissioner Benavides moved that the Minutes for the Meetings held November 12, 2002, November 19, 2002, November 26, 2002, December 3, 2002, December 10, 2002, and December 17, 2002, be approved.

The motion was seconded by Judge Hinojosa.

Judge Hinojosa questioned how the voting process was to take place since the two (2) new Commissioners were not present during said Meetings.

Mr. Doug Wright, Commissioners, Court Legal Counsel, clarified that the Commissioners were authorized to vote as to the Minutes upon the Members of the Court, who were present, affirming that the Minutes were accurate.

Commissioner Wood concurred with the clarification made by Mr. Wright.

Judge Hinojosa clarified that the Minutes of December 10, 2002, were accurate.

Commissioner Benavides moved that the Minutes for the Meetings held November 12, 2002, November 19, 2002, November 26, 2002, December 3, 2002, December 10, 2002, and December 17, 2002, be approved.

Mrs. JuaNita Brodecky, Rio Hondo resident, stated that two (2) Court members who were present during the Meetings were no longer present, and questioned if the New Commissioners could legally vote on the Minutes.

Mr. Wright explained that once a motion was made the entire Court could vote as to the Minutes, and that Court Members had abstained in the past when absent, although they had a right to vote.

Mrs. Brodecky asked if Minutes of another Meeting held during the month of December remained pending.

Commissioner Garza responded negatively, and explained that the Minutes for the Meetings held during the month of November 2002 were previously complete, but had been tabled at his request. He added that to his belief the Minutes of the Commissioners' Court Meetings were being prepared in a timely manner.

Upon motion duly made by Commissioner Benavides that the Minutes for the Meetings held November 12, 2002, November 19, 2002, November 26, 2002, December 3, 2002, December 10, 2002, and December 17, 2002, be approved.

The motion was seconded by Judge Hinojosa and carried as follows:

AYE: Commissioners Benavides, Wood, Tamayo, and Judge Hinojosa,

NAY: None,

ABSTAIN: Commissioner Garza as to the Minutes of December 10, 2002 due to absence.

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(6) CONSIDERATION AND AUTHORIZATION TO PARTICIPATE IN THE TEXAS CONFERENCE OF URBAN COUNTIES HIPAA COMPLIANCE PROJECT TO COMPLY WITH THE CURRENT PRIVACY REGULATIONS WITH REGARDS TO THE OPERATION OF THE CAMERON COUNTY EMPLOYEE BENEFIT FUND AND THE CAMERON COUNTY INDIGENT HEALTH CARE PAYMENT ASSISTANCE PROGRAM

Mr. Mark Yates, County Auditor, explained that the HIPAA Program was initially established as the Medical Insurance Portability Act, inclusive of medical privacy issues to protect the rights of the patients, especially those who pay via electronic. He stated that a requirement would come into effect to mandate that a Policy and Plan be in place by April 14, 2003, and explained that certain provision regarding the processing of medical bills, security matters, and the accessibility to information would be reviewed. Mr. Yates stated that the Urban Counties Program was offering services to assist in developing the Policy, and recommended approval of this Item and that the \$5,500.00 be funded through the Employee Benefits Fund.

Commissioner Garza questioned the services being purchased and the payment schedule.

Mr. Yates clarified that the \$5,500.00 was a one time payment for one time Consultant Services for purposes of evaluating how the County's Medical Claims Payment Process complies with HIPAA Provision and for Legal Services that would assist in the development of the Policy. He explained that the penalties for violations were unknown, and that additional fees were not anticipated, except for smaller services. Mr. Yates stated that the Policy would address the management of the Employee Benefit Fund, payment of claims, and the Indigent Health Care Payment Assistance Program, adding that he would direct them to review the handling process of the Health Department's records.

Upon motion by Commissioner Garza, seconded by Commissioner Tamayo and carried unanimously, the participation in the Texas Conference of Urban Counties HIPAA Compliance Project to comply with the current Privacy Regulations with regards to the operation of the Cameron County Employee Benefit Fund and the Cameron County Indigent Health Care Payment Assistance Program and compliance with the necessary regulations was approved.

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[REDACTED]

**(8) IN THE MATTER REGARDING AUTHORIZATION
TO APPROVE CHANGE ORDER NO. 6 TO THE
BETTERMENT FUND FOR THE DARREL HESTER
BUILDING ADDITION (TABLED)**

Mr. Juan Bernal, County Engineer/Public Works Director, informed that he placed this Item on the Agenda per the request of Mrs. Joan Macrum, Chief Juvenile Probation Officer, and that the estimated cost, in the amount \$439,000.00, had been modified to \$488,435.00 due to additional overhead costs.

Mrs. Joan Macrum, Chief Juvenile Probation Officer, explained the dire need of additional office space to accommodate staff to provide the necessary services, noting that the need was caused by the ongoing growth in the Juvenile Department.

Judge Hinojosa explained that the problem was that only \$330,000.00 was allocated for this Project, and that the Architects had been instructed to design the expansion within the available budget.

Mr. Xavier Villarreal, Budget Officer, stated that he reviewed the Minutes of the Meeting where the square footage was approved without additional funding because the funds were being reserved to construct the New Vehicle Maintenance Barn.

Judge Hinojosa explained that the reasoning to continue working with the same contractor, instead of bidding out the project, was that the contractor was already located at the site. He added that he was informed that the contractor was no longer at the site; therefore, questioned the rationale for sole sourcing the project.

Mr. Bernal stated that the contractor was still at the site, and that according to the Architect the price was reasonable, adding that the overhead cost increased due to the need to obtain additional Bonds and insurance, in the amount of \$50,000.00.

Judge Hinojosa questioned why the contractor left the site without providing the opportunity to have a smooth transition from the expansion of the facility to the additional office space, avoiding additional expenses.

Mr. Bernal stated that the contractor submitted the estimated cost two and a half months ago, which increased by \$50,000.00

Judge Hinojosa asked why the \$439,000.00 price was presented by the contractor if it was aware that the County was not prepared to commence construction.

Mr. Bernal stated that the contractor expected to start constructing the additional office space within 2-3 weeks.

Judge Hinojosa questioned why the Court was not notified of existing time constraints.

Mr. Bernal stated that the Court had the option to contract with the contractor or to bid the project out.

Judge Hinojosa clarified that the needed \$150,000.00 was unavailable, and questioned if the Commissioners wanted to deduct funds from the \$330,000.00 allocated for construction of the New Vehicle Maintenance Barn, noting that its construction would be eliminated unless another funding source was identified.

Mr. Bernal suggested that he renegotiate the construction cost with the Architect and the Contractor.

Commissioner Tamayo stated that she understood the problem with lack of space, but could not approve the request as presented, and suggested that renegotiations take place.

Judge Hinojosa suggested that the County Engineer and Mrs. Macrum renegotiate the cost with the Architect and Contractor.

Commissioner Wood questioned the dollar amounts of the five (5) previous Change Orders.

Mr. Bernal responded that the Change Orders totaled approximately \$30,000.00.

Judge Hinojosa questioned the balance of the Betterment Fund.

Mr. Mark Yates, County Auditor, stated that the Betterment Fund balanced at \$61,000.00, from which expenses of about \$20,000.00 in Change Orders were anticipated by the Architect.

Judge Hinojosa suggested that the renegotiations be based on the Budget, in the amount of \$380,000.00, made up of the \$330,000.00 allocation and \$50,000.00 from the Betterment Fund.

Commissioner Garza moved that this Item be **TABLED**, for one (1) week.

Judge Hinojosa recommended that the County Engineer, the Chief Juvenile Probation Officer, the Architect, and Contractor renegotiate the cost based on the \$380,000.00 Budget, and that upon negotiations being unsuccessful, that the Architect be instructed to design the expansion within the Budget for bidding purposes.

Mrs. Macrum expressed concern with reducing the proposed expansion to stay within the Budget.

Judge Hinojosa explained that only \$380,000.00 was available, and that the County was not neglecting the Juvenile Department, noting that significant investments had been made to the Juvenile Department, such as the \$2.4 million for 40 additional beds.

Commissioner Tamayo suggested that an open area be divided into individual offices, and asked if the proposed offices required privacy.

Judge Hinojosa stated that the Adult Probation Department had built work stations to accommodate a lot of staff.

Mrs. Macrum stated that Adult Probation and Juvenile Probation were not comparable because the Juvenile Department provided counseling that requires privacy versus the Adult Probation Department not doing so.

Judge Hinojosa clarified that the Adult Probation Department also provided counseling, and suggested that Mr. Marcelino Ibarra, Maintenance Superintendent, participate in the negotiations.

Commissioner Tamayo instructed the County Engineer to be tough and aggressive when renegotiating.

Upon motion duly made by Commissioner Garza, seconded by Commissioner Benavides and carried unanimously, this Item was **TABLED**, for one (1) week.

(9) **CONSIDERATION AND POSSIBLE ACTION
REGARDING THE FINANCE OF THE EQUIPMENT
FOR THE COLONIA ROAD IMPROVEMENTS
PROJECTS**

Judge Hinojosa stated that the County Engineer, Budget Officer, and he had met to reduce the amount of equipment being requested for the Proposition II Projects, resulting in the following: 1 Motorgrader, 1 Backhoe, 1 Pneumatic Roller, 1 Water Truck, and 1 Hot Mix Machine, at an estimated cost between \$500,000.00 and \$600,000.00. He stated that the total cost could be worked into the Proposition II Budget without impacting the Road and Bridge Budget.

Mr. Juan Bernal, County Engineer/Public Works Director, stated that there would be occasional needs to use County equipment.

Commissioner Garza expressed his concern with having insufficient equipment for Proposition II.

Judge Hinojosa explained that additional equipment would be difficult to work into the Proposition II Budget through rentals because it would increase the percentage to be justified to TXDOT.

Commissioner Wood stated that the County Engineer was proposing to spend \$1 million from the \$3.2 million on equipment, resulting in \$2.2 million to fund the projects.

Commissioner Tamayo stated that not supplying the necessary equipment would tie the hands of the employees.

Judge Hinojosa explained that according to the County Engineer the work could be accomplished with the said Budget without much disruption to County projects.

Mr. Bernal asked Commissioner Garza if he had discussed the possibility of financing with the County Auditor.

Commissioner Garza explained that the \$3.1 million would be replicated when the projects were complete and that State would proceed with Funding Round II and III, totaling approximately \$10 million for Cameron County. He explained that the \$10 million excluded the Competitive Projects that might be funded and could be done in-house, noting that the \$7 million project could not be done in-house due to its logistics.

Mr. Xavier Villarreal, Budget Officer, expressed concern with funding finance payments through the Road and Bridge Funds because it could not afford large cash outlays straining its operations, even if future reimbursements of equipment rental would be received from the Proposition II Program.

Commissioner Garza questioned the total anticipated payments for equipment to the Road and Bridge Department.

Mr. Mark Yates, County Auditor, responded that a payment of \$770,000.00 and \$82,000.00 in interest were anticipated for 2003-Fiscal Year, in addition to the \$570,000.00 worth of equipment recently approved.

Judge Hinojosa stated that the \$3.1 million of entitled funds would be provided annually throughout a three (3) year period, and questioned if the \$1 million worth of equipment could be absorbed throughout the three (3) years and billed as equipment rental to the Proposition II Projects.

Mr. Villarreal stated that he had not seen the Budgets for the Projects; therefore, he did not know at this time. He informed that delivery of the equipment could be delayed due to the bidding process and that the payment must be made upon delivery, unless financed through the dealer. Mr. Villarreal stated that the payment must be funded through the Road and Bridge Fund until reimbursements were received, in addition to the half a million-dollars worth of equipment approved in November 2002.

Mr. Yates recommended that financing of the equipment be tailored to meet the outlay of project over a 3 to 7-year period, and that some of the equipment be transferred from the Proposition II Program to the Road and Bridge Department during the second or third years of the Program since additional equipment would be needed in the Road and Bridge Department.

Judge Hinojosa recommended that the \$1 million worth of equipment be approved for the purpose of bidding it out, and that the actual purchase be determined once the Budget was developed.

Mr. Yates stated that obtaining bids would commence the process to meet certain time lines, and questioned if construction of the Proposition II Projects would begin immediately, utilizing equipment from the Road and Bridge Department.

Mr. Bernal responded that rental equipment would be used.

Judge Hinojosa recommended that bids be obtained for the \$1 million worth of equipment and that it be purchased through State Contracts should their prices be most reasonable.

Upon motion by Commissioner Garza seconded by Commissioner Wood and carried unanimously, the equipment requested in the original list for the Colonia Road Improvements Projects was approved.

The list is as follows:

(7) **CONSIDERATION AND APPROVAL OF COUNTY FUNDING FOR THE INDIGENT DEFENSE COORDINATOR GRANT PROGRAM IN 2004 FISCAL YEAR FOR A TWELVE (12) MONTH PERIOD AFTER THE EXPIRATION OF PENDING GRANT AWARD FOR 2003 FISCAL YEAR**

Judge Menton Murray, 103rd District Court, explained that the Court had approved submission of an Application for the Indigent Defense Grant for purposes of providing legal representation. He added that the Application requested grant funds, in the amount of \$45,000.00, for purposes of hiring an Indigent Defense Coordinator to be located at the jail and assigned to prepare Indigent Defense Reports required by the Task Force and Indigent Defense at State Level, in addition to working with various areas that involve the Indigent Defense to assure that cases were processed adequately and promptly. Judge Murray stated that they intended to demonstrate that this program would be cost effective from a stand point of processing inmates through the Jail System faster through statistics to be developed over the next 6-8 months; therefore, should be continued. He explained that a letter from State requested that the Court commit, in advance, to fund a second year of the Indigent Defense Coordinator Grant Program that would overlap two (2) Fiscal Years, totaling anywhere between \$41,000.00 and \$42,000.00. Judge Murray stated that an attempt would be made to obtain and present significant savings in the Jail Operations System, and to extend the grant budget year because it conflicted with the Grant cycle, scheduled to commence in February, at which time staff was not scheduled since the Application was on pending status. He explained that the issue had been addressed to the Task Force Executive Director who assured him that the extension might be granted because the Grant pertained mainly to salary. Judge Murray requested that the Court commit to funding the second year of the Indigent Defense Coordinator Grant Program, and explained that he had identified inmates who were eligible to be released, but the possibility had not been reviewed. He added that said inmates would be put in contact with a Pre-Trial Release Program and that staff would monitor their prison time. Judge Murray stated that the professionalism in the Application prepared by the Project Development and Management Department had been recognized by the Task Force Executive Director.

Commissioner Tamayo asked what would happen after the second year.

Mr. Frank Bejarano, Project Development and Management Director, explained that the Application was on a one (1) time basis, and that if the program was successful the County could opt to continue its operations.

Commissioner Tamayo recommended that the program be monitored.

Judge Murray clarified that the County was not legally obligated to operate the program beyond the commitment being requested.

Commissioner Benavides questioned what situations caused delays in processing of inmates.

Judge Murray explained that these rare situations occurred when decisions were made by the Law Enforcement Agency and the Prosecution regarding the cases, and when more than one names were available per inmate.

Commissioner Garza questioned the number of Indigent Defense Cases annually processed by Court System.

Judge Murray responded that 50% of the cases processed in the District Courts were Indigent Defense Cases.

Commissioner Garza asked if Indigent Defense Funds were anticipated in the second year to fund the commitment.

Judge Murray responded that about 85% of the funding was provided based on population, and that 15% of the money was Discretionary Funds, from which the commitment would be funded.

Mr. Doug Wright, Commissioners' Court Legal Counsel, clarified that the commitment would void upon funding not being available, because the Court could not appropriate beyond the Budget cycle.

Upon motion by Commissioner Tamayo, seconded by Commissioner Benavides and carried unanimously, the commitment to fund the Indigent Defense Coordinator Grant Program in 2004-Fiscal Year for a twelve (12) month period after the expiration of pending Grant Award for 2003-Fiscal Year was approved.

[REDACTED]

(10) CONSIDERATION AND AUTHORIZATION TO SOLICIT REQUEST FOR PROPOSALS TO UPDATE JAIL MANAGEMENT SYSTEM

Mr. Rudy Juarez, Computer Center Director, noted the need to update the Jail Management System as a result of the growth in terms of jail population and its activities over the past five (5) years. He explained that the existing vendor had a System to replace the current Jail Management System, but was written in a different programming language. Mr. Juarez stated that the Computer Center and Sheriff's Department agreed that it was in the County's best interest to evaluate other solutions available in the market that could meet its needs, adding that the current vendor's proposed upgrade options would be evaluated. He requested authorization to solicit Request for Proposals (RFP) to commit to updating the Jail Management System and to commit resources for evaluation of the System.

Commissioner Wood suggested that once proposals were received and reviewed, that the current vendor be approached to determine if he could conform to the current language and to transfer the data without recreating the entire system, in order to produce savings.

Mr. Juarez explained that going to a new system could be catastrophic to the Jail Management System due to its capacity, and recommended that options available in the market be evaluated.

Commissioner Garza asked if the request was to update the entire system.

Mr. Juarez responded that the request was to update the hardware and software, noting that the hardware must be replaced, regardless.

Judge Hinojosa questioned the total cost and funding source to be used.

Mr. Juarez responded that the current vendor was able to upgrade the software at a cost of \$10,000.00, and that the general market for a Jail Management System that would meet or exceed the current vendor's service might cost between \$200,000.00 and \$300,000.00, aside from the hardware, priced between \$100,000.00 and \$300,000.00.

Commissioner Wood questioned when the need to update the system had been determined, and if the new jail facility induced the additional load to the County's needs.

Mr. Juarez responded that the need was first analyzed in the Summer of 2002 due to significant caseload growth, and explained that the product had served five (5) years. He added that the connection of the new jail facility, County Departments, State Agencies, and new computers had increased the data being processed; thereafter, impacting the system's performance. Mr. Juarez clarified that construction of a new jail was first considered five (5) years ago, when the current system was purchased to meet the needs of the County for a three (3) to five (5) year period. He added that the product met the needs of the County over the past five (5) years and that preparations and planning of its replacement began in the Summer of 2002.

Commissioner Garza questioned the annual cost for maintenance of the system.

Mr. Juarez responded that the annual cost for maintenance was of about \$15,000.00, and noted the need to take action due to the delays that this project entailed.

Judge Hinojosa asked if the new equipment could be financed and if the expenditure had been budgeted.

Mr. Mark Yates, County Auditor, responded that financing was available and that the debt service for these equipments could be paid through lease purchase arrangements, noting that a technology cost should be budgeted as a consumable expense.

Commissioner Wood noted the need to determine the price ranges involved.

Mr. Yates stated that Mr. Juarez was requesting authorization to commence the lead work, planning, and production to determine if funding was available during the Budgetary process.

Commissioner Tamayo questioned whether long term planning was being proposed by Mr. Juarez or if the matter would be before the Court after three (3) or five (5) years.

Mr. Juarez clarified that in terms of technology long term planning meant anywhere between three (3) to five (5) years.

Judge Hinojosa stated that the constant delays occurring because of the Jail Management System not being operational resulted in significant expenditures and that saving of such expenditures should be deducted from the cost to update the system.

Mr. Yates stated that the renegotiation of the payment rate for housing federal inmates should provide additional revenue, in the amount of \$600,000.00, that could fund additional Detention Officers and funding for technology purposes.

Commissioner Garza moved that solicitation of Request for Proposals (RFP) to update the Jail Management System be approved.

The motion was seconded by Commissioner Wood.

Judge Hinojosa recommended that the Evaluation Committee be composed of the following individuals: Mr. Rudy Juarez, Computer Center Director, Mr. Mark Yates, County Auditor, Mr. Richard Santellana, Adult Probation Department, Mr. Remi Garza, Administrative Assistant, and a Representative of the Sheriff's Department.

Upon motion duly made by Commissioner Garza, seconded by Commissioner Wood and carried unanimously, the soliciting for Request for Proposals (RFP) to update the Jail Management System was approved, inclusive of the recommended Evaluation Committee.

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(11) **IN THE MATTER REGARDING CONSIDERATION AND APPROVAL FOR A CELLULAR PHONE AND SERVICE FOR THE COMPUTER CENTER NETWORK ADMINISTRATOR (TABLED)**

Mr. Rudy Juarez, Computer Center Director, explained that the Sheriff's Department requested that a second phone number be available to assure availability of 24-hour response. He stated that the Network Administrator would be assigned as the primary form of contact and that he (Mr. Juarez) would be his back-up.

Commissioner Wood asked if the cellular phone and service would be funded through the Sheriff's Department.

Mr. Juarez explained that funding was unavailable within the Budget of the Computer Center.

Commissioner Wood asked how the salary issues pertaining to the Network Administrator would be addressed.

Mr. Juarez explained that comp-time would be accrued and that the Court would be addressed in the event that an over time issue derived from the accrued comp-time.

Mr. Xavier Villarreal, Budget Officer, stated that either Computer or Sheriff's Departments must transfer funds, in the amount of \$540.00, from another line item to the Mobile Phone Line Item to fund the service.

Captain Robert Lopez, Sheriff's Department, indicated that funding was unavailable within the Sheriff's Department Budget, and that he was willing to fund pager service.

Commissioner Benavides suggested that the county cellular phone assigned to Mr. Juarez be used by the Network Administrator.

Mr. Juarez explained that he utilized the county cellular phone to execute his duties.

Commissioner Tamayo expressed concern with the overtime to be incurred.

Mr. Juarez explained that the Computer Center Department administered incurred comp-time internally.

Captain Lopez reiterated that funding was unavailable within the Sheriff's Department Budget, and that he was willing to fund pager service.

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



(12) **CONSIDERATION AND POSSIBLE ACTION REGARDING JOB RECLASSIFICATIONS AND SALARY ADJUSTMENTS IN THE BUILDING MAINTENANCE DEPARTMENT**

Commissioner Benavides moved that the job reclassifications and salary adjustments in the Building Maintenance Department be approved.

The motion was seconded by Commissioner Wood and carried unanimously.

Judge Hinojosa clarified that the reclassification provided a permanent Maintenance Technician Position at the Detention Center and created an Office Manager Position, without decreasing any salaries.

The Salary Schedules are as follows:

(13) **IN THE MATTER REGARDING CONSIDERATION AND POSSIBLE ACTION REGARDING THE CREATION OF A PART-TIME COURT ASSISTANT POSITION FOR JUSTICE OF THE PEACE PRECINCT NO. 7, PLACE NO. 2 (TABLED)**

Mr. Xavier Villarreal, Budget Officer, explained that sufficient funding was unavailable.

Judge Hinojosa clarified that the Justice of the Peace, Precinct No. 7, Place No. 2, had assistance from the staff of Justice of the Peace, Precinct No. 7, Place No. 1.

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

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 NOS. 15-16: Mr. Francisco Martinez, Assistant District Attorney, informed that the amount of matching funds had increased to \$166,594.00, at no cost to the County.
- ITEM NO. 17: Commissioner Garza questioned the delayed response to this request. At this time, it was noted that a Representative from the District Clerk's Office was not present to address Commissioner Garza's question.
- ITEM NO. 18: Commissioner Garza questioned the replacement of this Item on the Agenda. Captain Robert Lopez, Sheriff's Department, explained that the Contract had been previously approved.
- ITEM NO. 14: Mr. Mark Yates, County Auditor, presented the following late claims: Warrant No. 00089542, payable to Ms. Katie D. Herrera, in the amount of \$250.00, and Warrant No. 00089541, to Laguna Heights Drainage Fund No. 73, in the amount of \$10,500.00.

Commissioner Benavides moved that the following "Consent and Travel Items", be approved, inclusive of the late claims, and that Items No. 18 and No. 31-A be **TABLED**.

The motion was seconded by Commissioner Wood and carried unanimously.

(14) **APPROVAL OF CLAIMS;**

- (15) **INTERLOCAL AGREEMENTS BETWEEN CAMERON COUNTY AND THE FOLLOWING ENTITIES: CITY OF SAN BENITO, CITY OF LOS FRESNOS, CITY OF RAYMONDVILLE, AND WILLACY COUNTY, AS REQUIRED FOR THE 2004 CAMERON COUNTY DRUG ENFORCEMENT TASK FORCE GRANT APPLICATION;**
The Agreement follows:

- (16) **COOPERATIVE WORKING AGREEMENT BETWEEN THE CAMERON COUNTY DRUG ENFORCEMENT TASK FORCE AND THE WILLACY COUNTY SHERIFF'S DEPARTMENT;**
The Agreement follows:
- (17) **AUTHORIZATION TO ALLOW THE HARLINGEN POLICE DEPARTMENT TO REMOTELY ACCESS THE CAMERON COUNTY DISTRICT CLERK'S OFFICE CRIMINAL CASE MANAGEMENT SYSTEM;**
- (18) **IN THE MATTER REGARDING CONTRACT BETWEEN CAMERON COUNTY AND LANEHAUS KENNELS FOR K-9 MAINTENANCE TRAINING (TABLED);**
- (19) **AUTHORIZATION TO OPEN A INTEREST BEARING NOW ACCOUNT AND A INTEREST BEARING C/D SELECT ACCOUNT UNDER THE NAME OF:
 TONY YZAGUIRRE, JR.
 CAMERON COUNTY TAX ASSESSOR
 VEHICLE INVENTORY VIT 2003.
 The Resolutions follow:**
- (20) **AUTHORIZATION FOR THE CAMERON COUNTY JUVENILE PROBATION DEPARTMENT TO SUBMIT A GRANT APPLICATION TO THE LOWER RIO GRANDE VALLEY DEVELOPMENT COUNCIL TO REQUEST A JUVENILE AND POLICE OFFICER TO WORK A SPECIALIZED PREVENTION AND INTERVENTION PROGRAM IN THE BROWNSVILLE ELEMENTARY SCHOOLS;**
- (21) **AUTHORIZATION TO ADVERTISE FOR BIDS FOR THE LAGUNA HEIGHTS DRAINAGE PROJECT;**
- (22) **AUTHORIZATION FOR O.E.S. ENVIRONMENTAL, INC., TO INSTALL A GROUND WATER MONITORING WELL IN SANTA MARIA;**
- (23) **AUTHORIZATION TO ADVERTISE FOR REQUEST FOR QUALIFICATIONS (RFQ) FOR THE ARCHEOLOGICAL SERVICES FOR THE BROWNE ROAD REGIONAL PARK;**
- (24) **AWARDING OF THE FOLLOWING BIDS/PROPOSALS:
 (A) VANS;
 The Tabulation follows:**
- (25) **AUTHORIZATION TO PURCHASE 93 COMPUTERS UTILIZING THE STATE OF TEXAS QUALIFIED INFORMATION SERVICES VENDER (QISV);**
- (26) **AUTHORIZATION TO PURCHASE SOFTWARE LICENCE FOR 97 COMPUTERS USING TDIR-TEXAS DEPARTMENT OF INFORMATION RESOURCES (2003 EQUIPMENT LIST COMPUTERS);**
- (27) **AUTHORIZATION TO EXECUTE AN AGREEMENT BETWEEN CAMERON COUNTY (PARKS) AND BLUE APPLE PUBLISHING, INC;
 The Agreement follows:**
- (27) **APPROVAL OF A RENEWAL LEASE AGREEMENT BETWEEN CAMERON COUNTY AND OUR LADY OF LOURDES CHURCH TO PROVIDE WOMEN, INFANT, AND CHILDREN (WIC) PROGRAM SERVICES;
 The Agreement follows:**
- (28) **FINAL APPROVAL:
 (A) PRECINCT NO. 1 - SHORES SUBDIVISION, PHASE I, SECTION II - BEING A SUBDIVISION OF 18.18 ACRE TRACT OF LAND OUT OF A CERTAIN 20.707 ACRE TRACT DESCRIBED IN DEED DATED APRIL 13, 1998, RECORDED IN VOLUME**

- (29) **PRELIMINARY APPROVAL:**
(A) **PRECINCT NO. 4 - B&G ESTATES - BEING A SUBDIVISION OF 19.90 ACRES OF LAND COMPRISED OF 9.13 ACRES OUT OF THE EAST 10.80 ACRES OF BLOCK NO. 50 AND THE EAST 10.77 ACRES OF BLOCK NO. 51, ADAMS GARDENS SUBDIVISION "B".**

TRAVEL ITEMS

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

- (a) In the matter regarding two (2) Juvenile Probation employees to attend the "Texas Behavior Support Initiative Training for Trainers", in Austin, Texas, February 3-6, 2003 (**TABLED**);
- (b) Two Juvenile Probation employees to attend the "TCOMI Program Directors Meeting", in Austin, Texas, February 17-18, 2003;
- (c) Juvenile Probation employee to attend the "Winter Growth Conference, United for Children in Challenging Times", in Corpus Christi, Texas, January 29-31, 2003;
- (d) Commissioners' Court Legal Counsel to attend the "Seminar for County Judges and County Commissioners", in Austin, Texas, January 28-31, 2003;
- (e) Two (2) Parks System's employees to attend the "CIAP (Stage 2) Council Meeting", in Austin, Texas, January 9, 2003;
- (f) Eight (8) Sheriff's Department employees to attend the "Advanced Special Weapons and Tactics Course", in Palm View, Texas, January 27-31, 2003;
- (g) District Attorney employee to attend the "South Texas HIDTA Executive Meeting", in San Antonio, Texas, February 11, 2003;
- (h) County Drug Enforcement Task Force Agent to attend the "Raid Entry Training", in San Antonio, Texas, January 28-29, 2003;
- (i) Three (3) Tax Department employees and County Auditor to attend the "Texas Automotive Theft Prevention Authority Grant Administration and Public Awareness Workshop", in San Antonio, Texas, January 28-30, 2003;
- (j) International Bridge System Director to attend the "Border Trade Alliance Conference and Board of Directors Meeting", in Washington, DC, February 23-25, 2003;
- (k) Juvenile Probation employee to attend the "Office of Substance Abuse and Mental Health Services Administration Grant Writing Session", in Houston, Texas, January 17-19, 2003;
- (l) Juvenile Probation employee to attend the "Texas Juvenile Probation Commission Board Meeting", in Austin, Texas, January 16-17, 2003;
- (m) Unit Agent to attend the "26th Annual TDCAA Investigator School", in Arlington, Texas, February 9-13, 2003;
- (n) Six (6) Jail Detention Officers to attend the "State Jailers Licensing Exam", in Austin, Texas, January 6, 2003;

- (o) District Clerk employee to attend the "Texas A&M/VG Young Institute of County Government", in College Station, Texas, January 12-16, 2003;
- (p) Cameron County Commissioner Precinct No. 3 to attend the "Governing Texas Counties Seminar for County Judges and Commissioners", in Austin, Texas, January 28-31, 2003;
- (q) PD&M employee to attend the "Lower Rio Grande Valley Development Council Professional Advisory Review Panel Meeting", in Mercedes, Texas, January 8, 2003;
- (r) Twelve (12) Sheriff's Department Officers to attend the "2003 TTPOA Annual Conference", in Austin, Texas, January 18-22, 2003;
- (s) County Sheriff to attend the "Texas Jail Association Board Member Meeting", in San Antonio, Texas, January 7-10, 2003;
- (t) Four (4) Juvenile Probation employees to attend the "Life Skills Training Program", in McAllen, Texas, January 15-16, 2003;and
- (u) County Judge's employee to review files and compile information for Reports related to the Rio Grande Valley Health Service District in Austin, Texas, January 16-17, 2003.



- (15) **INTERLOCAL AGREEMENTS BETWEEN CAMERON COUNTY AND THE FOLLOWING ENTITIES: CITY OF SAN BENITO, CITY OF LOS FRESNOS, CITY OF RAYMONDVILLE, AND WILLACY COUNTY, AS REQUIRED FOR THE 2004 CAMERON COUNTY DRUG ENFORCEMENT TASK FORCE GRANT APPLICATION.**
The Agreement is as follows:

- (16) **COOPERATIVE WORKING AGREEMENT BETWEEN THE CAMERON COUNTY DRUG ENFORCEMENT TASK FORCE AND THE WILLACY COUNTY SHERIFF'S .**
The Agreement is as follows:

- (19) **AUTHORIZATION TO OPEN A INTEREST BEARING NOW ACCOUNT AND A INTEREST BEARING C/D SELECT ACCOUNT UNDER THE NAME OF:
TONY YZAGUIRRE, JR.
CAMERON COUNTY TAX ASSESSOR
VEHICLE INVENTORY VIT 2003.
The Resolution is as follows:**

- (24) **AWARDING OF THE FOLLOWING BIDS/PROPOSALS:**
(A) **VANS;**
The Tabulation is as follows:

- (27) **AUTHORIZATION TO EXECUTE AN AGREEMENT BETWEEN CAMERON COUNTY (PARKS) AND BLUE APPLE PUBLISHING, INC.**
The Agreement is as follows:

- (28) APPROVAL OF A RENEWAL LEASE AGREEMENT BETWEEN CAMERON COUNTY AND OUR LADY OF LOURDES CHURCH TO PROVIDE WOMEN, INFANT, AND CHILDREN (WIC) PROGRAM SERVICES.
The Agreement is as follows:**

(2) **PRESENTATION AND ACKNOWLEDGMENT
REGARDING THE FIRST QUARTER REPORT FOR
THE INTERNATIONAL BRIDGE SYSTEM**

Mr. Pete Sepulveda, International Bridge System Director, reported that revenues had increased by 29%, equaling \$890,000.00, when compared to the Last Quarter of the 2001-2002 Fiscal Year as a result of the toll rate increase and the 11% increase in crossings. He highlighted that the total variances for the three (3) bridges equaled a surplus in the amount of \$131,906.00 for the First Quarter of the 2002-2003 Fiscal Year, and that the actual revenue exceeded the projections.

Commissioner Wood questioned if the high percentages could be maintained.

Mr. Sepulveda stated that the East Loop Projects scheduled to commence soon and the road that would connect Ciudad Victoria with the State of San Luis Potosi, to be completed in the Summer of 2003, would be of great benefit to the International Bridge System. He clarified that \$107,000.00 from the \$131,000.00 belong to the County.

Commissioner Tamayo moved that the First Quarter Report for the International Bridge System be acknowledged.

The motion was seconded by Commissioner Garza and carried unanimously.

The Report is as follows:

EXECUTIVE SESSION

(32) EXECUTIVE SESSION:

Upon motion by Commissioner Tamayo, seconded by Commissioner Benavides and carried unanimously, the Court met in Executive Session at 11:20 A.M., to discuss the following matters:

- (a) Confer with Commissioners' Court Legal Counsel concerning the cases styled Maria Longoria on behalf of the Estate of Juan Longoria, deceased, et al, versus Cameron County, et al, Civil Action No. B-01-062, for discussion; pursuant to Vernon Texas Code Annotated (V.T.C.A.) Government Code, Section 551.071(1)(A);
- (b) Confer with Commissioners' Court Legal Counsel concerning the case styled Antonio Arguelles and Maria Arguelles versus Columbia Valley Health Care L.P. d.b.a. Valley Regional Medical Center and Cameron County, Cause No. 2001-07-3231-B, for discussion and possible settlement; pursuant to Vernon Texas Code Annotated (V.T.C.A.) Government Code, Section 551.071(1)(A) and (B);
- (c) Confer with Commissioners' Court Legal Counsel concerning the case styled Gilberto Salazar versus Cameron County and Conrado Cantu in his Official and individual capacity in the 103rd District Court, Cause No. 02-12-5172-D, for discussion and authority to hire counsel; pursuant to Vernon Texas Code Annotated (V.T.C.A.) Government Code, Section 551.071(1)(A);
- (d) Deliberation regarding Real Property concerning a possible License Agreement of the Wet Lands area located immediately south of the South Padre Island Convention Centre to be developed by the South Padre Island Economic Development Corporation; pursuant to Vernon Texas Code Annotated (V.T.C.A.) Government Code, Section 551.072;
- (e) Deliberation regarding Real Property concerning the possible Temporary License Agreement involving the use of the Port Isabel-Cameron County Airport tarmac area and a portion of the runway by the Coastal Bend Region Porsche Club of America; pursuant to Vernon Texas Code Annotated (V.T.C.A.) Government Code, Section 551.072; and
- (f) Confer with Commissioners' Court Legal Counsel concerning possible litigation involving the claim of George Gonzalez; pursuant to Vernon Texas Code Annotated (V.T.C.A.) Government Code, Section 551.071(1)(A)&(B).

SUPPLEMENTAL ITEMS

(1) SUPPLEMENTAL EXECUTIVE SESSION ITEM:

- (a) Confer with Commissioners' Court Legal Counsel concerning County Real Property (leased and owned) concerning air quality and environmental issues involving 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 this Chapter; pursuant to Vernon Texas Code Annotated (V.T.C.A.) Government Code, Section 551.071(2).

Upon motion by Commissioner Benavides by Commissioner Garza and carried unanimously, the Court reconvened in Regular Session at 12:00 P.M.

[REDACTED]

(33) ACTION RELATIVE TO EXECUTIVE SESSION:

- (a) **Confer with Commissioners' Court Legal Counsel concerning the case styled Maria Longoria on behalf of the Estate of Juan Longoria, deceased, et al, versus Cameron County, et al, Civil Action No. B-01-062, for discussion.**

Upon motion by Commissioner Wood, seconded by Commissioner Benavides and carried unanimously, the Status Report by Mr. Doug Wright, Commissioners' Court Legal Counsel, concerning the case styled Maria Longoria on behalf of the Estate of Juan Longoria, deceased, et al, versus Cameron County, et al, Civil Action No. B-01-062, was acknowledged.

- [REDACTED]
- (b) **Confer with Commissioners' Court Legal Counsel concerning the case styled Antonio Arguelles and Maria Arguelles versus Columbia Valley Health Care L.P. d.b.a. Valley Regional Medical Center and Cameron County; Cause No. 2001-07-3231-B, for discussion and possible settlement.**

Commissioner Garza moved that a settlement in the amount of \$5,000.00 be authorized concerning the case styled Antonio Arguelles and Maria Arguelles versus Columbia Valley Health Care L.P., d.b.a., Valley Regional Medical Center and Cameron County, Cause No. 2001-07-3231-B.

The motion was seconded by Commissioner Tamayo and carried unanimously.

- (c) **Confer with Commissioners' Court Legal Counsel concerning the case styled Gilberto Salazar versus Cameron County and Conrado Cantu in his Official and individual capacity in the 103rd District Court, Cause No. 02-12-5172-D, for discussion and authority to hire counsel.**
- (f) **Confer with Commissioners' Court Legal Counsel concerning possible litigation involving claim of George Gonzalez.**

Upon motion by Commissioner Tamayo, seconded by Commissioner Wood and carried unanimously, the utilization of Mr. Doug Wright, Commissioners' Court Legal Counsel, and the hiring of the Law Firm of Willette were authorized for Legal Representation concerning the case styled Gilberto Salazar versus Cameron County and Conrado Cantu in his Official and individual capacity in the 103rd District Court, Cause No. 02-12-5172-D and the possible litigation involving the claim of George Gonzalez.

[REDACTED]

- (d) **Deliberation regarding Real Property concerning a possible License Agreement of the Wet Lands area located immediately south of the South Padre Island Convention Centre to be developed by the South Padre Island Economic Development Corporation.**

Commissioner Garza moved that the Status Report by Mr. Doug Wright, Commissioners' Court Legal Counsel, concerning a possible License Agreement of the Wet Lands area located immediately south of the South Padre Island Convention Centre to be developed by the South Padre Island Economic Development Corporation be acknowledged.

The motion was seconded by Commissioner Benavides and carried unanimously.

- (e) **Deliberation regarding Real Property concerning the possible Temporary License Agreement involving the use of the Port Isabel-Cameron County Airport tarmac area and a portion of the runway by the Coastal Bend Region Porsche Club of America.**

Upon motion by Commissioner Garza, seconded by Commissioner Tamayo and carried unanimously, the entering into the Temporary License Agreement involving the use of the Port Isabel-Cameron County Airport tarmac area and a portion of the runway by the Coastal Bend Region Porsche Club of America for the amount of \$5,000.00 was authorized for one (1) year.

The Agreement is as follows:

SUPPLEMENTAL ITEMS

(2) ACTION RELATING TO SUPPLEMENTAL EXECUTIVE SESSION ITEM:

- (a) **Confer with Commissioners' Court Legal Counsel concerning County Real Property (leased and owned) concerning air quality and environmental issues involving 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 this Chapter.**

Commissioner Garza moved that the Status Report by Mr. Doug Wright, Commissioners' Court Legal Counsel, concerning County Real Property (Leased and Owned) concerning air quality and environmental issues involving 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 this Chapter be acknowledged and that minor repairs to the roof be authorized.

The motion was seconded by Commissioner Tamayo and carried unanimously.



There being no further business to come before the Court, upon motion by Commissioner Benavides, seconded by Commissioner Garza and carried unanimously, the meeting was **ADJOURNED** at 12:06 P.M.

APPROVED this 4th day of **February 2003**.

GILBERTO HINOJOSA
COUNTY JUDGE

ATTEST:

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