

THE STATE OF TEXAS           §

COUNTY OF CAMERON         §

BE IT REMEMBERED on the 4<sup>th</sup> day of February 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

JOEG. RIVERA  
COUNTY CLERK

Mary Robles                     Deputy Clerk

ABSENT:  
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The meeting was called to order by Judge Hinojosa at 9:38 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 31, 2003, at 1:24 P.M.:

Judge Hinojosa informed that the Workshop scheduled at 9:00 A.M., had been canceled due to the birth of the Parks System Director's baby girl. He added that Mr. and Mrs. Silvestre Garcia, County Judge's Office employee also had a newborn.

At this time, Commissioner Garza commented that the tragedy of the Space Shuttle Colombia and the Astronauts had been a great loss to our Country.

Judge Hinojosa stated that the daughter of an Astronaut of the Space Shuttle Challenger, 1985, wrote a letter of how she saw her father die 100 times, and that America lost a hero, but she had simply lost her father.

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**(5) PRESENTATION AND POSSIBLE ACTION  
REGARDING A WETLAND BIRDING AND  
NATURE STUDY CENTER PROJECT LOCATED  
ON SOUTH PADRE ISLAND**

Judge Hinojosa informed that the Mayor of South Padre Island was present to explain the concept and public benefit of Wetland Birding and Nature Study Center Project.

Mr. Bob Pinkerton, Mayor of South Padre Island, introduced Mr. Richard Franke, Mr. Jim Green, and Mr. Pete Moore, respective members of the Economic Development Commerce (EDC), and explained the importance of taking advantage of the resources on South Padre Island to provide Eco Tourism. He requested that the County consider partnering with South Padre Island to construct the Wetland Birding and Nature Study Center Project.

Judge Hinojosa explained that discussions between the EDC and the County had been concerning the Wetland Birding and Nature Study Center Project belonging to South Padre Island and EDC, and that he proposed that the EDC partner with the County to make the project a component of the Cameron County Parks System. He added that the project would be located on County property and would obtain tolls to fund its operations and debt service, if needed.

Mr. Richard Franke, Economic Development Corporation, reported that an Architect was hired to prepare the Plans, incorporating the wetlands property owned by the County, located between the South Padre Island Convention Centre and the Laguna Madre Water District Office. He explained that obtaining permits to develop the wetlands area would be very difficult; therefore, preservation of the valuable habitats was preferred. Mr. Franke highlighted the Wetland Birding and Nature Study Center Project's Plan, which proposed that the upland area serve for parking and concession stands, plus parking on utility easement, viewing point, and a boardwalk. He stated that the Plan attempted the development of the wetlands and uplands area by enhancing the ability for the public to enjoy and view the habitats. Mr. Franke stated that the business portion of the project entailed a partnership between the County, South Padre Island, and the EDC. He explained that the EDC would be responsible for providing architectural services, building according to plans, presenting changes to the Court, soliciting Grant Funding, acquiring private property for future expansion, and

for soliciting concessionaires. Mr. Franke stated that, under the proposed partnership, the County would be responsible for providing the 21 acre property, reviewing and approving progress and changes to the project/plans, assisting with applications for grant funding, and approving the concessions. He requested, on behalf of EDC, that the Wetland Birding and Nature Study Center's revenue remain within the facility to fund its operation.

Commissioner Wood commented that the proposed partnership was for the betterment of the area, tourism, and the community, especially since grant funding was being considered versus affecting the local entities' budgets. He applauded EDC's proposal to conserve our natural habitats through the Wetland Birding and Nature Study Center Project.

Commissioner Garza expressed concern with the Commissioners' Court fiduciary responsibility of protecting County property, such as the significant three (3) acre County property located on South Padre Island. He stated that the County was making a major commitment to the development of the concessionaire area; therefore, must oversee the project's activities on a regular basis. Commissioner Garza stated that the County was fortunate to have a revenue generating Parks System that permitted provision of recreational areas throughout the County. He stated that he favored the project, except for committing to utilize all revenue generated by the Wetland Birding and Nature Study Center for the same. Commissioner Garza recommended that the County continue utilizing Parks System's revenues to provide recreational facilities County wide.

Judge Hinojosa explained that Mr. Franke suggested that the revenues generated through tolls and concessions be utilized to fund the maintenance, operations, and debt service (s) of the project and that the profits be allocated with in the Parks System Fund. He commended EDC for its leadership on the project, even after the County's hesitant position to provide the prime real estate property, resulting from the Court's responsibilities as keeper of County assets. Judge Hinojosa stated that the matter changed once the project embraced the possibility of becoming part of the Parks System, making it consistent with County operations. He informed that the County qualified for a 50% match from the Texas Parks and Wildlife for grant funding received, noting that the project would be of interest to the said State Agency. Judge Hinojosa recommended entering into an Interlocal Agreement with the EDC for the development of the Wetland Birding and Nature Study Center Project, to be located on Cameron County property in South Padre Island.

Commissioner Benavides moved that the County be authorized to enter into an Interlocal Agreement with the Economic Development Corporation of South Padre Island, Cameron County, for development of the Wetland Birding and Nature Study Center Project, to be located on Cameron County property in South Padre Island.

Commissioner Garza asked Legal Counsel if the recommended action could be done in accordance with the Item's language, and if he wanted to review potential legal ramifications that might compromise the Parks System.

Mr. Douglas Wright, Commissioners' Court Chief Legal Counsel, advised against entering into an agreement that was unavailable, but rather that he be directed to work with EDC's Legal Counsel to draft an Interlocal Agreement, to be presented for approval.

Judge Hinojosa stated that the motion was to authorize the County to begin negotiations to enter into an Interlocal Agreement with the EDC for the development of the Wetland Birding and Nature Study Center Project, to be located on Cameron County property in South Padre Island.

Mr. Wright reiterated that the Court could not take binding action until the Agreement was available, and that directing him to prepare the agreement was in accordance with the Agenda Item.

Commissioner Garza suggested that this Item be acknowledged and that any action be taken with the Executive Session item relating to the matter.

Judge Hinojosa stated that the motion would be the same, and reiterated the recommended motion.

Commissioner Tamayo asked if the Court would be able to vote on the specifics of the agreement.

Judge Hinojosa responded in the affirmative, and briefed as to the process followed to enter into an agreement.

Commissioner Benavides moved that Mr. Douglas Wright, Commissioners' Court Chief Legal Counsel, be authorized to begin negotiations towards entering into an Interlocal Agreement with the Economic Development Corporation of South Padre Island, located on Cameron County property in South Padre Island.

The motion was seconded by Commissioner Tamayo.

Judge Hinojosa explained that the Executive Session Item had been placed as a method of extra precaution.

Commissioner Tamayo questioned the time line involved.

Judge Hinojosa suggested that the proposed agreement be presented in two (2) weeks.

Commissioner Garza noted that the County must balance the need for Eco Tourism and economic development.

Upon motion duly made by Commissioner Benavides, seconded by Commissioner Tamayo and carried unanimously, Mr. Douglas Wright, Commissioners' Court Chief Legal Counsel, was authorized to begin negotiations towards entering into an Interlocal Agreement with the Economic Development Corporation of South Padre Island for the development of the Wetland Birding and Nature Study Center Project, to be located on Cameron County property in South Padre Island.

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## **EXECUTIVE SESSION**

### **(26) EXECUTIVE SESSION:**

Upon motion by Commissioner Benavides, seconded by Commissioner Garza and carried unanimously, the Court met in Executive Session at 10:19 A.M., to discuss the following matters:

- (a) To appoint a Program Director for the Data Grant Evaluation Center; pursuant to Vernon Texas Code Annotated (V.T.C.A.) Government Code, Section 551.074;
- (b) Confer with Commissioners' Court Legal Counsel concerning the case styled Cameron County et al versus Donald Evans, Secretary of Commerce, Cause No. B-01-082; pursuant to Vernon Texas Code Annotated (V.T.C.A.) Government Code, Section 551.071(1)(A);
- (c) Confer with Commissioners' Court Legal Counsel concerning the interpretation of Vernon Texas Code Annotated, Local Government Code, Chapter 232, which involves 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);
- (d) Confer with Commissioners' Court Legal Counsel concerning the case styled Juan Jaime Garcia versus Cameron County in the 357<sup>th</sup> District Court, Cause No. 03-01-349-E, for discussion and authority to hire counsel; pursuant to Vernon Texas Code Annotated (V.T.C.A.) Government Code, Section 551.071(1)(A);
- (e) Deliberation regarding Real Property concerning the Economic Development Corporation of South Padre Island's proposal for a Wetland Birding and Nature Study Center; pursuant to Vernon Texas Code Annotated (V.T.C.A.) Government Code, Section 551.072;
- (f) Deliberation regarding Real Property concerning the possible purchase or lease of Real Property for various Cameron County Departments; pursuant to Vernon Texas Code Annotated (V.T.C.A.) Government Code, Section 551.072;
- (g) Deliberation regarding Real Property concerning 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;
- (h) Deliberation regarding Real Property concerning the sale of Cameron County Trustee property known as Brownsville-Colonia Acacia Lot No. 35, Block No. 8, Account Number: 02-2170-0080-0350-00; pursuant to Vernon Texas Code Annotated (V.T.C.A.) Government Code, Section 551.072; and
- (i) To deliberate the disciplining of the Vehicle Maintenance Director; pursuant to Vernon Texas Code Annotated (V.T.C.A.) Government Code, Section 551.072.

Upon motion by Commissioner Benavides, seconded by Commissioner Tamayo and carried unanimously, the Court reconvened in Regular Session at 11:30 A.M.

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

**(a) To appoint a Program Director for the Data Grant Evaluation Center.**

Upon motion by Commissioner Garza, seconded by Commissioner Tamayo and carried unanimously, the appointment of Mr. Hilario Diaz as Program Director for the Data Grant Evaluation Center was approved with the salary as specified in the Grant.

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**(b) Confer with Commissioners' Court Legal Counsel concerning the case styled Cameron County et al versus Donald Evans, Secretary of Commerce, Cause No. B-01-082.**

Commissioner Tamayo moved that the Status Report by Mr. Douglas Wright, Commissioners' Court Chief Legal Counsel, concerning the case styled Cameron County et al versus Donald Evans, Secretary of Commerce, Cause No. B-01-082 be acknowledged and that he be authorized to dismiss the Appeal to the Fifth Circuit Court of Appeal.

The motion was seconded by Commissioner Wood and carried unanimously.

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**(c) Confer with Commissioners' Court Legal Counsel concerning the interpretation of Vernon Texas Code Annotated, Local Government Code, Chapter 232, which involves 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.**

Upon motion by Commissioner Wood, seconded by Commissioner Tamayo and carried unanimously, the Status Report by Mr. Douglas Wright, Commissioners' Court Chief Legal Counsel, concerning the interpretation of Vernon Texas Code Annotated, Local Government Code, Chapter 232, which involves 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 was acknowledged.

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**(d) Confer with Commissioners' Court Legal Counsel concerning the case styled Juan Jaime Garcia versus Cameron County in the 357<sup>th</sup> District Court, Cause No. 03-01-349-E, for discussion and authority to hire counsel.**

Commissioner Garza moved that the Status Report by Mr. Douglas Wright, Commissioners' Court Chief Legal Counsel, concerning the case styled Juan Jaime Garcia versus Cameron County in the 357<sup>th</sup> District Court, Cause No. 03-01-349-E, for discussion and authority to hire counsel be acknowledged and that the retaining of the Law Firm of Willette & Guerra to represent Cameron County as Legal Counsel be authorized.

The motion was seconded by Commissioner Benavides and carried unanimously.

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- (e) **In the matter regarding deliberation regarding Real Property concerning the Economic Development Corporation of South Padre Island's Proposal for a Wetland Birding and Nature Study Center(TABLED).**

**Note: This item was not discussed.**

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

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- (f) **Deliberation regarding Real Property concerning the possible purchase or lease of Real Property for various Cameron County Departments.**

Commissioner Wood moved that the Status Report by Mr. Joseph Ardito, Property Manager, concerning the possible purchase or lease of Real Property for various Cameron County Departments was acknowledged.

The motion was seconded by Commissioner Garza and carried unanimously.

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

Upon motion by Commissioner Garza, seconded by Commissioner Wood and carried unanimously, Mr. Joseph Ardito, Property Manager, was authorized to negotiate a Lease for office space for the Cameron County Health Department on the Morgan Boulevard Property.

At this time, there was a brief discussion concerning the funding source. The clarification was made that the need was due to an emergency situation concerning health hazards and that the funding source would be determined in the future.

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- (h) **Deliberation regarding Real Property concerning the sale of Cameron County Trustee Property known as Brownsville-Colonia Acacia Lot No. 35, Block No. 8, Account Number 02-2170-0080-0350-00.**

Commissioner Tamayo moved that the Status Report by Mr. Joseph Ardito, Property Manager, concerning the sale of Cameron County Trustee property known as Brownsville-Colonia Acacia Lot No. 35, Block No. 8, Account Number: 02-2170-0080-0350-00 be acknowledged.

Commissioner Garza asked that the motion be amended to request that the Item be placed on the Agenda within 30 days for approval of sale or disposition.

Commissioner Tamayo accepted to amend her motion.

The motion was seconded by Commissioner Benavides and carried unanimously.

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**(i) To deliberate the disciplining of the Vehicle Maintenance Director.**

Upon motion by Commissioner Garza, seconded by Commissioner Benavides and carried unanimously, the Vehicle Maintenance Director was placed on probation for a period of 120 days accompanied by a letter describing the disciplinary actions and expectations of the Department Director.

Commissioner Garza stated that the County must hold its employees to highest standards regarding the use of public property, and to convey the message to all county employees, inclusive of Elected Officials. He stated that the Commissioners' Court Legal Counsel was preparing a County Policy regarding this issue, and that the County must prioritize being held to a "Standard of Trust" by the public with their assets.

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## **PRESENTATION**

**(1) IN THE MATTER REGARDING PRESENTATION  
BY MR. ROLANDO RIOS REGARDING THE  
CENSUS 2000 LEGAL CHALLENGE (TABLED)**

Judge Hinojosa reported that Cameron County, along with other Counties and Cities, succeeded in the Freedom of Information Act Lawsuit against the U.S. Department of Commerce, but lost under the Census Act and claims for Equal Protection. He stated that the Federal Government appealed the decision on the Freedom of Information Act request, that the County had cross-appealed the dismissal of the claims, that the Federal Government had dismissed its appeal, and that the County would dismiss the cross appeal. Judge Hinojosa stated that the information gathered from the Census Bureau indicated an undercount of nearly 9,000 individuals, resulting in a loss of \$17 million in Federal Funding throughout a ten (10) year period. He explained that the undercount, based on Federal Government's numbers, was believed to be inaccurate, and that options regarding the undercount were being reviewed, including possible State Legislation that would reflect the true numbers projected by the Census Bureau, for purposes of State Funding Formulas, and possible future involvement in litigation to correct the Federal Funding Formulas.

Mr. Douglas Wright, Commissioners' Court Chief Legal Counsel, presented the Executive Summary for the record.

Commissioner Garza stated that the information was made available as a result of winning one battle through litigation. He explained that the 2.5% undercount signified a loss of approximately \$2,000.00 per individual in federal funding revenue throughout the past ten (10) years. Commissioner Garza noted the importance for Commissioners Court to continue pursuing the matter to potentially recover losses for the County.

Judge Hinojosa reported that Cameron County was one of the highest undercounted communities in the Country. He explained that the success in the Freedom of Information Act Lawsuit qualified the County for reimbursement of attorney fees that would be pursued for large portion of the incurred expenditures. Judge Hinojosa clarified that the

federal government's projected undercount was fairly conservative and that the County believed it to be substantially higher, noting that if pursued, legal remedies would be according to the County's projected undercount.

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

**The Summary is as follows:**

## **ACTION ITEMS**

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

Commissioner Garza questioned why the salary increase was being provided instead of a promotion.

Mr. Juan Bernal, County Engineer/Public Works Director, responded - "Basically he wasn't on probation. And I believe it was already about six months. That's why the increase was given. I believe your question is about the title?"

Commissioner Garza - "Right."

Judge Hinojosa - "The salary is the salary that's supposed to go to that particular title?"

Mr. Bernal - "That's the salary that goes to this. It is according to the other employees."

Commissioner Garza - "Yeah, but he was a foreman."

Commissioner Tamayo - "He was a foreman."

Judge Hinojosa - "So the other foreman was making \$28,000.00 or what?"

Mr. Bernal - "I don't recall. I need to look at the numbers."

Commissioner Garza - "Well, look at job slot number four. That person is no longer at that position."

Mr. Bernal - "Mr. Simon Vasquez is not there at that position. He is in Precinct 4 now."

Commissioner Garza - "Okay. So wouldn't this person replace job slot number four? Well, let me ask you another question. Does job slot number four? Do we go by who has the position or do we go by where the position is and what the position is?"

Mr. Bernal - "Well, I was looking at the salary schedules. I was also looking at the years of service and Mr. Juarez has been only six months on the job without the salary that was according to his duties. Maybe later in the future, maybe, increase to match the \$2,000.00 more that other Construction Foremen are doing at this point."

Commissioner Garza - "Yes, but you don't have a Construction Foreman in Precinct 3 right now."

Mr. Bernal - "He's the foreman at this point; you know it doesn't match his title I believe, but he is the foreman."

Commissioner Garza - "So when somebody leaves a position they take their job title with them. Is that what you're telling me?"

Mr. Bernal - "No. Probably I just haven't changed the job title. I changed the salary schedule, but I didn't change the job titles."

Commissioner Garza - "And if my math is correct, that's a \$1,400.00 raise not a \$2,000.00 raise."

Mr. Bernal - "No that was a \$2,000.00 increase in salary, Commissioner."

Commissioner Garza – “Not according, \$1,400.00 right?”

Mr. Xavier Villarreal, Budget Officer – “The salary schedules, that I prepared, were based on what was approved last week in Commissioners Court. What it was suppose to be, I don’t know.”

Commissioner Garza – “Again excuse me for my ignorance, I wasn’t here last week. All I’m reading is what’s on here.”

Mr. Villarreal – “Right.”

Mr. Bernal – “The agreed salary increase was \$2,000.00, Commissioner.”

Commissioner Tamayo – “That was my question. We did approve this last meeting, but then as I review, which I do even after the meetings, I realized that the slot for Narciso Juarez, he replaced Simon Vasquez.”

Mr. Bernal – “Yes.”

Commissioner Tamayo – “And that was my question, the difference in the salary, which is what Commissioner Garza...”

Mr. Bernal – “It’s about \$1,600.00.”

Judge Hinojosa – “I thought that, Simon Vasquez was making the \$28,000.00 salary, but because it was discovered that there was a difference in salaries between. He’s really the Head Foreman there; I mean it is called Head Foreman in what we’ve got, and the other foremen, they’re Construction Foremen, but they are really the main foreman in each Precinct, their salaries were \$30,000.00 and above. And this was to equalize that salary there.”

Commissioner Tamayo – “Well, Mr. Bernal did you submit a different figure and our Budget Officer changed it?”

Mr. Bernal – “No. I submitted \$2,000.00 increase in salary. I mean...”

Commissioner Garza – “It says \$1,400.00 even on ...”

Mr. Bernal – “I’m sorry. I need to take a look...”

Mr. Villarreal – “There was a dollar amount, what it was supposed to be I don’t know. But there was a dollar amount that was in the request and that is what I put in there. It was going from one slot to increase another slot.”

Commissioner Garza – “You want to read this. This was last week’s attachment, you know.”

Mr. Villarreal – “That’s \$1,400.00.”

Commissioner Garza – “\$1,400.00 it wasn’t \$2,000.00, right?”

Judge Hinojosa – “\$1,400.00.”

Mr. Bernal – “I’m sorry, maybe I made a mistake, but I was quite sure that it was \$2,000.00. So I guess I need to change that number then.”

Judge Hinojosa – “Well, he’s already got it \$1,400.00. So you’re right.”

Mr. Villarreal – “That’s what was approved. The Agenda Item is right there from last week, Commissioner Garza”

Commissioner Garza – “Well, see I keep hearing different things; one, It was a \$2,000.00 raise; and another, it’s an increase in pay for a construction foreman even though he is not a construction foreman, he’s a construction foreman for the Precinct.”

Mr. Bernal – “There are two foremen in the precinct, Commissioner. There are Maintenance Foreman and Construction Foreman in Harlingen, San Benito, and Brownsville. There’s not a Head Foreman.”

Commissioner Garza – “Well, according to this right here, there’s a Head Foreman, Mr. Bernal.”

Mr. Bernal – “No.”

Commissioner Garza – “Classification, unless there’s a big typo that I don’t recognize, right?”

Mr. Bernal – “Probably there was a mistake on this formula... (inaudible)...the salary was supposed to be \$2,000.00.”

Commissioner Garza – “I’d like to table this, so we can get it straightened out. I was only gone one week.”

Commissioner Benavides – “Motion to table.”

Commissioner Garza – “Second.”

Judge Hinojosa – “Wait a minute. Why do we want to table that? This is going to cut him out of salary for an increase in his pay. I mean we all agree. Look we’re talking semantics here. The Construction Foreman, the way it works is that you have a Construction Foreman and a Maintenance Foreman in every Precinct. Everyone knows that the main boss is the Construction Foreman; really he oversees the Precinct operations. He really is over the Maintenance Foreman; he is called the Construction Foreman, but he is the main foreman from Precinct 1, 2, 3, and 4 or maybe 1, 3, and 4, Brownsville, San Benito, and Harlingen. Because we are completely consolidated in 1 and 2 for all practical purposes, although that has never been the case over there.”

Commissioner Tamayo – “Well, we’d like to be consolidated with them also.”

Judge Hinojosa – “Well, right, but in essence the Precinct foremen, the foreman for each warehouse is what it is, is a Construction Foreman and a Maintenance Foreman. And the Construction Foreman is the main boss right, and that is why he put...”

Commissioner Garza – “So that being the case, very reformative, should not all of those individuals make about the same?”

Judge Hinojosa – “I believe so and I thought that’s what they were trying to do there, except that for the fact...”

Commissioner Garza – “I think they’re discriminating against Precinct three.”

Mr. Bernal – “I disagree, Commissioner you know. And the reason for that is because of the time that they’ve been as a Construction Foreman you know. Mr. Juarez just came to be the Construction Foreman in the San Benito Office.”

Judge Hinojosa – “And the point I am trying to make is that if the increase is \$1,400.00 it’s to the Construction Foreman to get his salary up and if you want to come back and add to that to make them all even, that’s a different story. I mean we can come back and talk about that. There’s different salaries for different foremen in a variation of \$1,000.00 to \$2,000.00, could be because of longevity, some of them have been there longer than the other ones. For example the Construction Foreman in Precinct 1 and 2 has been there for years, vis-à-vis the construction foreman for precinct 4 has only been there four (4) years, and the construction foreman for precinct 3 that has only been there for 6 months. Obviously the Construction Foreman in Precinct 1, even though their salaries should be open, you can see why his salary is a little bit higher. So I don’t think we should table it. I mean, I think we understand what needs to happen, let’s just do it.”

Commissioner Tamayo – “Let me ask you one question. What is your base salary for this position?”

Mr. Bernal – “I don’t know, I need to take a look at it. It is around \$31,000.00, I believe.”

Commissioner Tamayo – “\$31,000.00?”

Mr. Bernal – “I believe so, or \$30,000.00.”

Commissioner Tamayo – “And then it should at least be \$31,000.00.”

Commissioner Garza – “I think it needs to be at least base salary for the position.”

Judge Hinojosa – “That’s fine. There’s no reason not to approve that at least immediately he gets up to \$30,000.00. You can bring it back later on to put him at \$31,000.00 later on, but why...”

Mr. Bernal – “I believe that was the mistake, it should be \$2,000.00 not \$1,400.00. Somehow it slipped through the paperwork. And I agree with Commissioner Garza it should be close to what the others make, but it was supposed to be \$2,000.00 not \$1,400.00. I can either correct this or bring back next or approve it subject to being \$2,000.00 instead of \$1,400.00. ”

Judge Hinojosa – “Why don’t we just approve it to get it up to the \$2,000.00.”

Commissioner Garza – “I would like...yeah.”

Commissioner Tamayo – “That’s what we are saying.”

Commissioner Wood – “So instead of \$30,168.00 it should be \$30,768.00?”

Mr. Bernal – “That is correct.”

Judge Hinojosa – “Aright let’s do that.”

Commissioner Benavides – “I withdraw my motion.”

Commissioner Wood moved that the 2003-Budget Amendment No. 2003-09 and the Salary Schedules be approved.

The motion was seconded by Commissioner Garza.

At this time, Commissioner Tamayo questioned if there was a vacancy in an Equipment Operator Slot No. 40.

Mr. Villarreal explained that the \$1,400.00 were being taking from the said slot and was now filled by that individual.

Commissioner Garza commended the excellent job being done by the employees in Precinct No. 3.

Upon motion duly made by Commissioner Wood moved that the 2003Budget Amendment No. 2003-09 and the Salary Schedules be approved.

The motion was seconded by Commissioner Garza and carried unanimously.

**The Budget Amendments and Salary Schedules are as follows:**

(3) **APPROVAL OF MINUTES:**  
A) **JANUARY 14, 2003-SPECIAL MEETING**

Upon motion by Commissioner Benavides seconded by Commissioner Garza and carried unanimously, the Minutes of the Special Meeting held January 14, 2003, were approved.

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(7) **IN THE MATTER REGARDING CONSIDERATION AND AUTHORIZATION TO GRANT EXCEPTION TO PLAT REQUIREMENTS FOR A CERTAIN 5.66 ACRE TRACT OUT OF BLOCK NO. 297, ADAMS GARDENS D SUBDIVISION VOLUME NO. 10, PAGE. NO. 4, MAP RECORDS PER LOCAL GOVERNMENT CODE 232.010 (DENIED)**

At this time, the clarification was made that similar exception had not been granted by the Court within the past eight (8) years, and that the Court was moving in the right direction towards ensuring consistency as to how County business would be conducted.

Upon motion by Commissioner Garza, seconded by Commissioner Wood and carried unanimously, the request to grant an exception to Plat Requirements for a certain 5.66 acre tract out of Block No. 297, Adams Gardens D Subdivision, Volume No. 10, Page No. 4, Map Records per Local Government Code 232.010 was **DENIED**.

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(8) **IN THE MATTER REGARDING AUTHORIZATION TO ENTER INTO AN INTERLOCAL AGREEMENT WITH DRAINAGE DISTRICT NO. 3 FOR THE REPLACEMENT OF ROAD CROSSINGS OF DRAINAGE DITCHES (TABLED)**

Mr. Juan Bernal, County Engineer/Public Works Director, reported that he requested the Texas Department of Transportation (TxDOT) to incorporate Bridges Nos. 3, 4, and 5, being over 20' long, into the Off System Bridge, and that a waiting period of two to three weeks would take place to determine whether State and Federal Government could participate on these bridge restorations.

Judge Hinojosa suggested that action on this Item be postponed until a response was received from TxDOT.

Commissioner Wood suggested that Commissioner Tamayo and Judge Hinojosa meet with Drainage District No. 3 to possibly get any of the bridges into TxDOT's Program or any other programs available and to verify the type of work needed on the bridges and how the needs were being determined.

Commissioner Tamayo questioned how the areas had been identified, and noted the need in order to expedite the review to replace the road crossings.

Commissioner Garza stated that there were two (2) standards, one which belonged to a different Commission, yet the standard by which the County operated throughout the past eight (8) years with the pretense, with Drainage District No. 5, in replacing bridges that Drainage District No. 5 believed to need replacement. He explained that the Interlocal Agreement was very similar to the previous with Drainage District No. 5 and allowing Drainage District No. 3 discretion, adding that monies could be saved with programs similar to the Off Set Program. Commissioner Garza stated that the County was two (2) years behind on the Plan, and questioned why another Drainage District would be treated differently from how one has been treated for the last nine (9) years, why the use of \$276,000.00 to unplug a drainage ditch in Brownsville was authorized, and the stalling of Drainage District No. 3. He stated that Drainage District No. 3 was probably fed up that the Court could not take action on a simple matter, and noted the problem to be that the bridges needed to be replaced, noting that the solution was that the County collected a fee from everyone registering a vehicle in Cameron County to augmenting these Budgets. Commissioner Garza commented that such work had been done in other places, but was stalled only with Drainage District No. 3, and suggested that a vote take place, regardless of whether it was approved.

Commissioner Tamayo expressed concern with the amount of monies being considered, and the impact on the work needed to the roads. She commented that the redistricting increased the miles of road in Precinct No. 4.

Judge Hinojosa stated that the mileage was important when considering whether nearly \$1 million would be spent on road crossings. He commented that if the Interlocal Agreement with Drainage District No. 5 came before the Court today it would be voted down almost unanimously, that none of the members were present when the said agreement was approved, and that he has always vehemently disagreed with that Agreement, which the Court was saddled into by the previous Court, because he felt that it was not the wisest use of limited County resources. Judge Hinojosa stated that he did not believe that he Court should take on a similar agreement due to the present Budget constraints, noting that this agreement was likely to annually diminish the Road and Bridge Fund by above a ¼ of a penny. He noted the need to determine whether the bridges qualified for the Off Set Program, how many would qualify, and if not all bridges qualified, the type of an Agreement that the County could entered into with Drainage District No. 3 for the repair of the bridges, including the amount to be contributed by each party. Judge Hinojosa advised that “the only worst thing to doing a bad thing, is doing a bad thing twice”, and recommended waiting for the response from TxDOT and to determine the total contribution that Drainage District No. 3 would provide.

Commissioner Wood informed that, in reviewing Legislation concerning the creation of Drainage Districts and their responsibilities to bridge crossings, ditches, laterals, and levies that they constructed, Legislation made the Drainage Districts responsible for maintaining their constructions. He stated that funding was needed to construct roads in

Precincts No. 3 and No. 4, rather than spending the funding on road crossing that might be the responsibility of the Drainage Districts. Commissioner Wood noted the need to determine if the replacement of the road crossing was required to accommodate the Drainage Districts, and reiterated the need to review the type of work to be conducted.

Commissioner Tamayo stated that unity and fairness was being stressed since the January 2003

Commissioner Wood explained that if bridges needing work was not addressed by the Drainage District the County could conduct the work and extract the funding from the Drainage District by a Court Order. He stated that clearly the Drainage Districts, being taxing entities as well, were responsible to fund the repairs of their road crossings.

Commissioner Garza stated that the message being sent by the Court was that “it’s okay to spend money of on the northern part of Harlingen, but it’s not okay to spend money in the southern part of San Benito, Rio Hondo, Arroyo City, and all those areas” because that was occurring.

Commissioner Wood noted that the County, as a whole, must be critical of its expenses.

Commissioner Tamayo suggested that the expenditures be evaluated by the individual Precincts.

Judge Hinojosa clarified that most of Drainage District No. 5’s was located in Precinct No. 4, that the \$2 million were spent in Precinct No. 4; therefore, it has been the beneficiary versus being discriminated against. He stated that the issue was whether funding was available today to continue building bridges in Precinct No. 4 or if the funding should be utilized for road construction. Judge Hinojosa stated that perhaps legally, the Interlocal Agreement could not be done and that the County should focus on constructing roads.

Commissioner Wood moved that this Item be **TABLED** for two (2) weeks.

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

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

NAY: Commissioner Garza.

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(9) **CONSIDERATION AND APPROVAL TO PURCHASE CONSTRUCTION MATERIALS TO BUILD A SECURITY WALL AT THE RUCKER-CARRIZALES DETENTION CENTER**

Judge Hinojosa reported that the entry area to the Rucker-Carrizales Detention Center was unsafe, that a design had been prepared, requiring \$7,500.00 that must be taken from the New Vehicle Maintenance Barn. He recommended approval of this Item for protection of County employees.

Commissioner Wood questioned what made it unsafe.

Judge Hinojosa explained that the kiosk located in the entrance of the Detention Center made it easy for people to run through it, leaving County employees stationed in there unprotected. He explained that the plan was to place a bullet proof wall and windows and a vestibule area past the metal detector where entry would be restricted.

Mr. Remi Garza, County Assistant Administrator, stated that the original design was according to the beliefs of the previous Sheriff's Administration.

Judge Hinojosa reiterated that the entry area was unsafe for County employees.

Captain Robert Lopez, Sheriff's Department, stated that the employees have been threatened and verbally abused.

Commissioner Garza stated that perhaps some people had the right to threatened and distrust County government, especially at the Detention Center due to the events that occurred recently.

Upon motion by Commissioner Garza, seconded by Commissioner Wood and carried unanimously, the purchase of construction materials to build a security wall at the Rucker-Carrizales Detention Center was approved, subject to funding availability.

Mr. Douglas Wright, Commissioners' Court Chief Legal Counsel, questioned whether the required asbestos survey consistent to the design was included.

Judge Hinojosa responded in the affirmative.

**The Design is as follows:**

**(4) IN THE MATTER REGARDING PRESENTATION AND ADOPTION OF A RESOLUTION OF SECTION 457 DEFERRED COMPENSATION AND SALARY ALLOTMENT PLAN PROVIDER, INC, AND IT'S BROKER, JAMES G. PALUMBO ASSOCIATES FINANCIAL ADVISORS, FOR THE VOLUNTARY PARTICIPATION OF ALL ELIGIBLE COUNTY EMPLOYEES, ELECTED OFFICIALS AND INDEPENDENT CONTRACTORS (TABLED)**

Mr. Joe Lopez, County resident, highlighted the benefits of providing their "strong cohesive financial plan" to individual County employees.

Commissioner Garza questioned whether a specific time period was provided to enroll into the 457 Deferred Compensation Plans.

Mr. Mark Yates, County Auditor, responded that there was not a time period for enrollment, and explained that additional supplemental insurances would impact his Office by increments of payroll deductions, resulting in, perhaps, future need for additional staff.

Mr. Lopez explained that the service being offered consisted of personal financial planning based on individual needs of the employees.

Commissioner Garza questioned the need for the Court to approve this Item.

Mr. Yates responded that all payroll deductions must be approved by the Court.

Commissioner Wood suggested that a Committee be appointed to determine the needs of the employees and by whom these would be provided accordingly.

Mr. Yates stated that an existing Benefits Committee had been appointed to review Employee Health Insurance and Employee Assistance Programs, but not Financial Advising. He noted the need to research the liability that might be undertaken by the Committee members when offering Financial Advising.

Mr. James G. Palumbo, Associates Financial Advisor, explained that the service being offered included consultant services to help the County review its liability concerning compliance. He stated that they encouraged and assisted in assembling a Committee of employees that can be disclosed twice a year about the investments of all existing plans, allowing the liability to be forward to the participant. Mr. Palumbo noted that the Resolution was presented in accordance with Internal Revenue Services Code Section 457.

Mr. Manuel Villarreal, Personnel/Safety Risk Director, explained that the vendors must come before the Court to confirm that they were authorized vendors, certified, and licensed.

Commissioner Benavides suggested that this vendor be given the opportunity to provide its services to County employees during the following Fiscal Year, since other vendors would not be replaced.

Commissioner Garza questioned if Request for Proposal (RFP) should be solicited as previously agreed upon.

Commissioner Tamayo suggested structuring the process and setting a time frame for allowing vendors to present and explain their services to the Court.

Commissioner Garza expressed concern with the accumulation of work in the Auditor's Office and asked if assistance with the labor was provided.

Mr. Palumbo responded in the affirmative.

Commissioner Garza requested direction from the County Auditor and the Personnel Department.

Mr. Yates informed that once supplemental insurance vendors, requesting to provide services to County employees, determined that not enough clientele was available placed his Office in a position to refund monies and to notify the employees that the coverage was no longer available, adding that this scenario has been repeated approximately six (6) times within the past ten (10) years.

Commissioner Garza reiterated his request for the County Auditor and the Personnel Department to research the matter and present recommendation to the Court.

Commissioner Tamayo recommended that the expectations of the vendors be outlined to prevent chaos in the Auditor's Office.

Mr. Lopez stated that the services were clearly outlined in the information provided, and clarified that he had no intent to relocate.

Commissioner Tamayo reiterated the need to structure a process, committee participations, and to outline expectations.

Mr. Yates reported that the Benefits Committee was presently reviewing the specification for the Employees Health Insurance for bidding purposes. He suggested that the proposed services be presented to the committee in order to develop a competitive and evaluation process, and that legal advice be obtained concerning the liability to be incurred by the County upon electing a more active role in financial advising.

Mr. Remi Garza, County Assistant Administrator, cautioned that setting a competitive bid for the 457 Deferred Compensation Plans and providing a particular service would create a new relationship between the Court, the provider, and the employee, since currently the Court authorized vendors only to present their services to the employees and the pay role deduction. He added that he appreciated "the idea of not having week after week successions of companies

coming to make presentations to the Court. Mr. Garza stated that the previous Financial System did limit the pay role deductions, contrary to the new system.

Commissioner Garza explained that his comments pertained to the timing, whether implementation would be difficult for the County Auditors Office, and if anyone else would be given the same opportunity, adding that for such reasons he requested that the County Auditor and the Personnel Department provide input and/or recommendations. M Yates advised that the liabilities and responsibilities to be undertaken be defined.

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

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**(6) IN THE MATTER REGARDING PRESENTATION AND POSSIBLE ACTION REGARDING FAMILY GROUP LEGAL PLAN PRESENTED BY PRE-PAID LEGAL SERVICES, INC. (TABLED)**

Mr. Johnny Goodman, Pre-paid Legal Services Inc., highlighted the five (5) different and unique services being proposed through Pre-Paid Legal Services, Inc.

At this time, the clarification was made that the proposed service also required pay role deductions; therefore, the suggestion was made that the matter be reviewed by the County Auditor, Personnel Department, and Legal Counsel.

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

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**(10) CONSIDERATION AND APPROVAL OF TRAVEL REQUEST FOR CONSTABLE PRECINT NO. 6, TO TRAVEL TO AUSTIN, TEXAS, ON MARCH 9-12, 2003, TO ATTEND THE CIVIL PROCESS SEMINAR ON CONTINUING EDUCATION**

Commissioner Garza questioned why this Item was not in the Consent Agenda.

Mr. Xavier Villarreal, Budget Officer, explained that if was in the Action Items at the his request because the course was being offered locally by the Training Committee next month, and stated that it was not mandatory for him to attend the requested location. He explained that he had addressed the matter to the Constable, yet he (the Constable) asked that the request be placed on the Agenda.

Commissioner Garza questioned who had indicated that the training would be offered locally and if a Training Agenda was available.

Mr. Villarreal responded that Mr. Roger Olson, Law Enforcement Safety Coordinator, advised him that the Civil Process Seminar would be offered locally at the time that other Deputy Constables requested to travel to attend the same course elsewhere with the equal amount of credit hours.

Commissioner Tamayo asked if the Deputy Constables traveled to attend the training.

Mr. Villarreal responded that the request for the Deputy Constables to travel had been denied.

Commissioner Garza moved that the travel request for Constable Precinct No. 6, to travel to Austin, Texas, on March 9-12, 2003, to attend the Civil Process Seminar on Continuing Education be approved.

The motion was seconded by Commissioner Wood and carried unanimously.

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(11) **CONSIDERATION AND POSSIBLE ACTION ON  
POLICIES AND PROCEDURES FOR MOBILE  
VENDOR'S WITHIN THE CAMERON COUNTY  
PARKS SYSTEM**

Commissioner Garza questioned whether this Item was previously addressed by the Court.

Mr. Javier Mendez, Parks System Director, responded in the affirmative.

Commissioner Garza questioned whether the Parks System Director's recommendation was different.

Mr. Mendez responded negatively.

Commissioner Garza moved that this Item be **TABLED**.

The motion was seconded by Commissioner Tamayo.

Commissioner Benavides suggested that the business owners be allowed to express their concerns.

Commissioner Tamayo stated that she recalled previous action and that she was unaware that people were present to address the Court.

Mr. Javier Villarreal, Attorney at Law, explained that the issue was being addressed since the Court indicated that it could be revisited in six (6) months.

Commissioner Garza questioned how it could be said that something did not work when it was not tried throughout the summer, and if action must be prolonged until a casualty occurs.

Commissioner Benavides noted that the "Eloteros" had never caused an accident.

Commissioner Garza moved that this Item be **TABLED**.

The motion was seconded by Commissioner Tamayo and the vote is as follows:

AYE: Commissioners Garza and Tamayo,

NAY: Commissioners Benavides and Wood.

Mr. Douglas Wright, Commissioners' Court Chief Legal Counsel, recommended that the matter be discussed among staff and that any concerns be brought back before the Court. He explained that the Court was not required to listen to public comments when not permitted by its schedule and could decide or delay action on the matter.

Mr. Javier Mendez, Parks System Director, suggested that the matter be tabled to determine the problems, noting that an accurate evaluation could not be done since a full summer had not gone by.

Mr. Wright indicated that he could work with Counsel to determine if legitimate concerns were present and would be brought back before the Court.

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

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**(12) IN THE MATTER REGARDING ADOPTION OF A RESOLUTION OF THE COMMISSIONERS' COURT OF THE COUNTY OF CAMERON, TEXAS, PROVIDING TAX ABATEMENT TO CERTAIN HISTORICAL PROPERTIES INCLUDED IN THE 2003 CITY OF BROWNSVILLE HERITAGE PLAN (TABLED)**

After a brief discussion concerning whether the City of Brownsville must act prior to the adoption of the Resolution, the suggestion was made that the matter be tabled.

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

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**(14) IN THE MATTER REGARDING APPROVAL OF LEGAL SERVICES CONTRACTS WITH ANTHONY TROIANI, LEONARD RINCONES, JR. AND DANIEL SANCHEZ TO REPRESENT THE INDIGENT DEFENDANTS FOR THE 357<sup>TH</sup> JUDICIAL DISTRICT COURT (TABLED)**

Commissioner Tamayo questioned whether a conflict was present.

Mr. Douglas Wright, Commissioners' Court Chief Legal Counsel, explained that the conflict was with Counsel and might need to be reviewed from an ethical point of view. He added that he instructed Mrs. Dylbia Jeffries Vega, Contracts Attorney, to send a Memorandum to advise that one of the Legal Service provider was a Justice of the Peace. Mr. Wright explained that no legal barrier for entering into the Contract, and that the potential conflict was if an individual was arraigned before that Justice of the Peace.

Commissioner Garza questioned whether the Court would be involved in legal issues upon approval.

Mr. Wright responded negatively, and explained that the obligation would be upon the Counsel.

Commissioner Garza questioned whether any potential liability for the County could derive from a situation of that relationship.

Mr. Wright explained that the District Judges had an obligation to provide adequate Indigent Defense.

Commissioner Tamayo noted that she was also referring to the attorney involved in litigation against the County.

Mr. Wright stated that from an ethical standard, the attorney representing a client, must provide undivided loyalty. He stated that in situation where the attorney had possible some type of conflict would be of concern and must be worked out from a practical stand point. Mr. Wright explained that the issue with him recommending against contracting with an attorney suing the County, was that the attorney was not representing the County, but rather the individual, although being paid through County funds. He added that the appearance was not good and that any problems would have to be addressed on an individual basis.

Mr. Francisco Martinez, County Attorney, stated that Mr. Anthony Troiani, Attorney at Law, was representing a client against the County, and would be representing Indigent Defenses, resulting in representation of cases against State and the Office of the District Attorney, which was also being sued. He explained that when conflict of interest existed, Counsel must notify both parties and obtain a waiver in order to be able to represent the individual on every case, noting that the issue was that Counsel must get a waiver for every case. Mr. Martinez recommended that the need for the waivers, the parameters, and the tabling of this item be considered until more information and the standards regarding this issue were available.

Mr. Wright advised that the District Judge requesting approval of the Contracts was guarding the best interest of the Defendants.

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

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**(21) IN THE MATTER REGARDING AUTHORIZATION TO RECLASSIFY AND ADJUST SALARY FOR SECRETARY POSITION IN THE TITLE V GRANT PROGRAM (TABLED)**

Commissioner Garza expressed extreme concern with approving a reclassification and a salary increase in the magnitude of 50% (\$9,000.00) of the total current salary, and with the Judge's Office placing the matter in the Consent Agenda.

Mr. Remi Garza, County Assistant Administrator, explained that the Item was placed on the Consent Agenda due to the lengthy action, to minimize discussion, and because the funding State Agency had already approved the adjustment.

Commissioner Garza stated that the adjustment was approved by State because it fell within the 10% amount that could be moved.

Commissioner Tamayo asked if the job description was modified.

Mrs. Elizabeth Angiano, Title V-Program Director, responded in the affirmative, and explained that a Program Evaluator needed to be hired; instead the duty was being delegated to someone who performed such duty last year.

Commissioner Wood questioned the salary earned by Mrs. Roberta Dahl.

Mr. Garza stated that the salary was of approximately \$54,000.00, that she left without providing the services, and that the duty was performed by the secretary, making her "rightfully entitled to that salary."

Commissioner Wood commented that a different position was being considered.

Commissioner Garza asked if the County was an equal opportunity employer, since the secretarial position was being vacated and no one was being given an opportunity to apply.

Mr. Garza explained that this was a reclassification of the Secretarial Position to Administrative Assistant.

Commissioner Benavides suggested that this item be tabled.

Mr. Mark Yates, County Auditor, stated that State and Federal Grant stipulated that a position's salary could not be set higher than any County position, adding that reimbursement might be required even after the State Agency approved the adjustment.

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

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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:

ITEM NO. 13: Mr. Mark Yates, County Auditor, presented the following late claims: Warrant No. 00090736, payable to Bank One Equipment, in the amount of \$6,500.00, Warrant No. 00090737, payable to Dr. Javier Martinez, in the amount of \$2,750.00, and Warrant No. 000907306, payable to William Construction, in the amount of \$20,124.90.

ITEM NO. 24: Commissioner Wood questioned the back-up information. Mr. Carlos Sanchez, County Engineering Department, explained that the lots were each of ½ an acre.

Commissioner Wood moved that the following "Consent Items" be approved.

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

AYE: Commissioners Benavides, Wood, and Tamayo,

NAY: None,

ABSTAIN: Judge Hinojosa as to Warrant No. 00090670, payable to "Southwest Key Program, in the amount of \$75,668.20, Warrant No. 00090564, Laguna Madre Water District, in the amount of \$3,668.82, and Commissioner Garza as to Warrant No. 00090590, payable to The Medicine Shoppe, in the amount of \$63.39.

**(13) APPROVAL OF CLAIMS;  
The affidavits follow:**

**(14) IN THE MATTER REGARDING APPROVAL OF LEGAL SERVICES CONTRACTS WITH ANTHONY TROIANI, LEONARD RINCONES, JR. AND DANIEL SANCHEZ TO REPRESENT THE INDIGENT DEFENDANTS FOR THE 357<sup>TH</sup> JUDICIAL DISTRICT COURT(ACTION TAKEN SEPARATELY);**

**(15) INTERLOCAL AGREEMENT BETWEEN CAMERON COUNTY AND CITY OF LA FERIA FOR THE COUNTY'S PARTICIPATION IN A GRANT APPLICATION FOR THE LA FERIA TINY TOWN PARK;  
The Agreement follows:**

**(16) AGREEMENT BETWEEN CAMERON COUNTY, THE CITY OF BROWNSVILLE, UNION PACIFIC RAILROAD, THE PORT OF BROWNSVILLE, SECRETARIA DE COMUNICACIONES Y TRANSPORTES, THE STATE OF TAMAULIPAS, THE CITY OF MATAMOROS, AND TRANSPORTACION FERROVIARIA MEXICANA REGARDING THE WEST RAIL PROJECT;  
The Agreement follows:**

**(17) RESOLUTION REQUESTING THE SUPPORT FROM THE 78<sup>TH</sup> LEGISLATION ON THE TEXAS PARKS AND WILDLIFE DEPARTMENT IN THEIR EFFORTS TO MANAGE A FAIR AND JUST LOCAL PARKS GRANT PROGRAM, REFERRED TO AS TEXAS RECREATION AND PARKS ACCOUNT;  
The Resolution follows:**

**(18) ACCEPTANCE OF GRANT AWARD FROM THE TEXAS TASK FORCE ON INDIGENT DEFENSE FOR THE INDIGENT DEFENSE FORMULA GRANT AND AUTHORIZATION FOR COUNTY JUDGE TO EXECUTE GRANT AGREEMENT;  
The Notice follows:**

**(19) CONSIDERATION AND AUTHORIZATION TO RENEW A CONCESSIONAIRE AGREEMENT BETWEEN CAMERON COUNTY (PARKS) AND CLIFFORD AND NORMA BENEDICT, D/B/A/ OASIS II;**

**(20) ACKNOWLEDGMENT OF TEXAS DEPARTMENT OF TRANSPORTATION REIMBURSEMENT IN THE AMOUNT OF \$2,679.13, FOR US 77/83 EXTENSION, PARCEL NO. 4;**

**(21) IN THE MATTER REGARDING AUTHORIZATION TO RECLASSIFY AND ADJUST SALARY FOR SECRETARY POSITION IN THE TITLE V GRANT PROGRAM (ACTION TAKEN SEPARATELY);**

**(22) AWARDED OF THE FOLLOWING BIDS/PROPOSALS:  
A.PHARMACIST CONSULTING SERVICES – ANNUAL RFQ NO. 1605.  
The Tabulation follows:**

**(23) OPENING OF THE FOLLOWING BIDS/PROPOSAL:  
A.MOTOR GRADER No. 030102; AND  
B. VAN NO. 030106.**

- (24) **PRELIMINARY FOR PRELIMINARY APPROVAL:**
- A. **PRECINCT NO. 3 - MALDONADO SUBDIVISION – BEING 10.00 ACRES AND BEING ALL OF LOT NO.3, BLOCK NO. 201, San Benito LAND AND WATER COMPANY SUBDIVISION, CAMERON COUNTY, TEXAS.**
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- (13)           **APPROVAL OF CLAIMS.**  
The affidavit is as follow:

- (15) **INTERLOCAL AGREEMENT BETWEEN CAMERON COUNTY AND CITY OF LA FERIA FOR THE COUNTY'S PARTICIPATION IN A GRANT APPLICATION FOR THE LA FERIA TINY TOWN PARK.**  
**The Agreement is as follows:**

- (16) **AGREEMENT BETWEEN CAMERON COUNTY, THE CITY OF BROWNSVILLE, UNION PACIFIC RAILROAD, THE PORT OF BROWNSVILLE, SECRETARIA DE COMUNICACIONES Y TRANSPORTES, THE STATE OF TAMAULIPAS, THE CITY OF MATAMOROS, AND TRANSPORTACION FERROVIARIA MEXICANA REGARDING THE WEST RAIL PROJEC.**  
**The Agreement is as follows:**

- (17) **RESOLUTION REQUESTING THE SUPPORT FROM THE 78<sup>TH</sup> LEGISLATION ON THE TEXAS PARKS AND WILDLIFE DEPARTMENT IN THEIR EFFORTS TO MANAGE A FAIR AND JUST LOCAL PARKS GRANT PROGRAM, REFERRED TO AS TEXAS RECREATION AND PARKS ACCOUNT.**  
**The Resolution is as follows:**

- (18) **ACCEPTANCE OF GRANT AWARD FROM THE TEXAS TASK FORCE ON INDIGENT DEFENSE FOR THE INDIGENT DEFENSE FORMULA GRANT AND AUTHORIZATION FOR COUNTY JUDGE TO EXECUTE GRANT AGREEMENT.**  
**The Notice is as follows:**

- (19) **CONSIDERATION AND AUTHORIZATION TO RENEW A CONCESSIONAIRE AGREEMENT BETWEEN CAMERON COUNTY (PARKS) AND CLIFFORD AND NORMA BENEDICT, D/B/A/ OASIS II.**  
**The Agreement is as follows:**

- (22) **AWARDING OF THE FOLLOWING BIDS/PROPOSALS:**  
**A.PHARMACIST CONSULTING SERVICES – ANNUAL RFQ NO. 1605.**  
**The Tabulation is as follows:**

## TRAVEL ITEMS

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

DISCUSSION CONCERNING CONSENT AGENDA ITEMS:

ITEM NO. 25-j: Commissioner Tamayo asked if the travel was for recertification. Mr. Ray Rodriguez, Health Department, explained that he was attending the training for required credit hours. At this time, there was a brief discussion regarding an individual funding for his own travel expenses since he had failed the test for five (5) consecutive times, and the clarification was made that the individual was not performing related duties.

ITEM NO. 25-n-q: Mr. Francisco Martinez, County Attorney, informed that individual Attorneys would be attending and not the District Attorney.

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

The motion was seconded by Commissioner Wood and carried unanimously.

- (a) Two (2) Deputy Constables, Precinct No. 5, to attend the "20 Hour Civil Process Seminar", in San Antonio, Texas, February 9-12, 2003;
- (b) Commissioner Precinct No. 2 and International Bridge System Director to meet with EPA Region VI Officials regarding the West Rail Project;
- (c) Two (2) Sheriff's Department employees to attend the "Child Injury Investigation Seminar", in San Antonio, Texas, February 4-6, 2003;
- (d) Justice of the Peace, Precinct No. 2, Place No. 2, to attend the mandatory "Justice of the Peace Seminar", in Austin, Texas, March 25-28, 2003;
- (e) Health Department employee to attend the "Training Program to become a Certified Designated Representative", in Weslaco, Texas, February 4-7, 2003;
- (f) Two (2) Juvenile Probation employees to attend the "Title IV-E Fiscal Training", in Austin, Texas, February 6-7, 2003;
- (g) Juvenile employee to attend the "Ninth Annual South Padre Island Counselors Conference", in South Padre Island, Texas, February 6-7, 2003;
- (h) Health Department employee to attend the "Nursing Leadership 2003 Partners and Public Health Conference", in Austin, Texas, February 19-21, 2003;
- (i) Property Management Coordinator to attend the "2003 Texas Aviation Conference/sponsored by: the Texas Department of Transportation and Texas Airport Management Association", in Austin, Texas, March 19-21, 2003;
- (j) Health Department employee to attend the "11<sup>th</sup> Annual On-site Waste Water Treatment Research Council Conference", in Waco, Texas, February 24-25, 2003;
- (k) Juvenile Probation employee to attend the "4<sup>th</sup> Annual Texas School Safety Summit", in Austin, Texas, March 1-5, 2003;

- (l) Juvenile Probation Assistant Chief to Attend the “Lower Rio Grande Valley Development Council’s Criminal Justice Advisory Committee Meeting”, in San Juan, Texas, January 13, 2003;
- (m) Three (3) Justice of the Peace employees to attend the “Continuing Education Seminar”, in San Antonio, Texas, February 17-20, 2003;
- (n) District Attorney and Assistant to attend the “Prosecuting the Impaired Driver Course“, in Columbia, South Carolina, March 17-21, 2003;
- (o) Emergency Management Director to Attend the “Emergency Management Conference”, in Austin, Texas, February 23-26, 2003;
- (p) County Judge Executive Assistant to attend the “Emergency Management Annual Conference”, Austin, Texas, February 22-26, 2003;
- (q) District Attorney and Assistant to attend the “Pretrial Advocacy Course”, in Columbia, South Carolina, March 2-7, 2003;
- (r) County Extension Agent to attend a meeting on “Finalizing Plans for the Fisheries Extension Enhancement” in Ingleside, Texas, January 30, 2003;and
- (s) Unit Administrative Secretary to attend the “National Drug Intelligence Center Training”, in El Paso, Texas, March 2-7, 2003.

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There being no further business to come before the Court, upon motion by Commissioner Garza, seconded by Commissioner Wood and carried unanimously, the meeting was **ADJOURNED** at 1:39 P.M.

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**APPROVED** this 18<sup>th</sup> day of **March 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.**