

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 8th day of JULY 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:

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The meeting was called to order by Judge Pro-tem Pedro "Pete" Benavides at 9:34 A.M. He then asked Pastor Dell Bran 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 July 3, 2003, at 11:42 A.M.:

PRESENTATION

- (1) **IN THE MATTER REGARDING PRESENTATION BY MR. RUBEN CABALLERO AND MR. CESAR RIOJAS REGARDING A POSSIBLE MANAGEMENT REVIEW FOR CERTAIN COUNTY DEPARTMENTS (TABLED)**

NOTE: JUDGE HINOJOSA JOINED THE MEETING AT THIS TIME.

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

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- (2) **PRESENTATION REGARDING STATUS OF RIO GRANDE VALLEY HEALTH SERVICE DISTRICT**

At this time, Ms. Veronica de Lafuente, County Judge's Office, reported that the Rio Grande Valley Health Service District (RGVHSD) was created during the 76th Legislative Session to help communities improve Indigent Health Care Services by leveraging local funds, and that State required Counties to provide Indigent Health Care Programs to residents with incomes of at or below 21% federal poverty level or \$150.00 monthly income. She stated that the Cameron County Indigent Health Care Program annually serves about 1,400 clients who have no other sources of medical care, and indicated that the RGVHSD has the potential to enhance medical capacity, increase the number of indigents served, and to ensure better use of funding. Ms. De Lafuente reported that in 1999 SB 1615 was passed allowing two (2) or more Counties or Hospital Districts to pool Indigent Health Care resources, with the stipulation that participating entities must commit Indigent Health Care Program Funds to the Health Service District, and that State operational funds would be phased out five (5) years after the facility (ies) opened. She stated that HB 3504 authorized construction of new facilities in Brownsville, Harlingen, or McAllen, and that Proposition 8, passed in November 2001, provides \$16.6 million, through General Revenue Bonds, to construct two (2) facilities that would replace the South Texas Hospital located in Harlingen, \$8.3 million per facility. She informed that concurrent orders were adopted in February 2002 by Cameron and Hidalgo Counties to form the Health Service District, and that the seven (7) Board Members had been appointed in April 2002 based on relative population, three (3) representing Cameron County and four (4) representing Hidalgo County:

Cameron County: Bill Card; Father Mike Seifert; Dr. Gustavo Stern; and

Hidalgo County: Phyllis Griggs, Dr. Benjamin Bujanda, Paul Villas, Dr. Maria Alen.

Ms. De Lafuente informed that the Board had elected Officers, adopted By-Laws, selected a Bank Depository, determined the services to be provided, adopted a Mission Statement, and decided to construct replacement facilities in Harlingen and McAllen. She added that because the Health Service District has no taxing

authority it would utilize local funds to attract federal funding or grants and would form strategic partnerships with area health care providers. Ms. De Lafuente stated that County Judges and Representatives from the Health Service District met with the U.S. Health and Human Resources Services Administration to discuss ways to maximize cooperation efforts and to develop strategic plans to access federal funding. She reported that Phase I of the programming design was complete and would now proceed to the design phase. Ms. De Lafuente informed that the RGVHSD met monthly to ensure that the project maintains a steady course and would celebrate its 1st anniversary on Thursday. She stated that the Harlingen facility could open in 2005, that the RGVHSD was working on a Community Access Program Grant, at a maximum amount of \$1 million, and on developing a biennial strategic plan. Ms. De Lafuente stated that RGVHSD has operated without funding; therefore, the need to discuss the transfer of the Tobacco Funds to the Health Services District by October 1, 2003.

Judge Hinojosa clarified that the use of Tobacco Funds was mandated by legislation, and that the Health Service District would stretch the use of funds to service more individuals, adding that the funds lasted longer as a result of minimizing hospital referrals. He stated that the Health Services District was planning to partner with health clinics located across the Valley and to apply for expansion monies available from U.S. Department of Health and Human Services to expand existing clinics. Judge Hinojosa stated that this would provide additional services in terms of primary health care at Health Services District Clinics on a contractual basis and would free up funding use today, making it available for use in secondary health care where shortfalls have been experienced. He noted the need to set up a vehicle by which volunteer services could be obtained, and that recently passed legislation limiting liability on physicians who provide secondary health care and the proposal to provide all clerical services to physicians on a contractual basis would expand availability of volunteer physicians. Judge Hinojosa informed that discussions have taken place with Texas A&M to prepare a strategic plan for the Health Service District, initially the services to be provided by Texas A&M were going to be free, but the matter would be discussed tomorrow due to some Hospitals offering financial resources to develop the strategic plan. He stated that the building's design would include a shelled section for future provision of 72 hour beds for OBGYN services, which would qualify the Health Service District for a disproportion of shared monies received by hospitals today. Judge Hinojosa stated that by law, Hospital Districts must join a Health Service District, yet the one in Willacy County was hesitating to do so, and noted the need for an Executive Director for the RGVHSD.

Commissioner Garza questioned if Tobacco Funds were available from the previous year.

Mr. Mark Yates, County Auditor, clarified that the Tobacco Funds being made reference to were received annually, and suggested that the County form an Interlocal Agreement or a Memorandum of Understanding to

operate the Indigent Health Care Program through the Health Service District, adding that the County was operating the Indigent Health Care Program utilizing Tobacco Funds.

Judge Hinojosa noted the need to discuss the transfer of Tobacco Funds with the Budget Officer and the County Auditor in order to clarify issues, adding that \$50,000.00 of \$75,000.00 of said funds had been budgeted.

At this time there was a brief discussion concerning the transfer of Tobacco Funds, the need for an Executive Director, and the clarification was made that future developments would be presented to the Court.

Upon motion by Commissioner Tamayo, seconded by Commissioner Garza and carried unanimously, the Presentation regarding the Status of Rio Grande Valley Health Services District was acknowledged.

ACTION ITEMS

(3) APPROVAL OF BUDGET AMENDMENTS AND/OR SALARY SCHEDULES

Commissioner Tamayo questioned the purchase of new uniforms, and Mr. Xavier Villarreal, Budget Officer, clarified that the uniforms were needed for new staff.

Commissioner Benavides moved that the Budget Amendment No. 2003-30 be approved.

The motion was seconded by Commissioner Garza and carried unanimously.

The Budget Amendments are as follow:

(4) **IN THE MATTER REGARDING APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD JUNE 17, 2003 (TABLED)**

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

(5) **CONSIDERATION AND AUTHORIZATION OF THE POSSIBLE DONATION OF VEGETATION (PLANTS, SHRUBS, & TREES) TO THE BROWNSVILLE BEAUTIFICATION COMMITTEE FOR SALVAGE**

Mr. Frank Bejarano, Project Development and Management Director, informed that the bidding process for demolishing on the property located on Jackson Street for purposes of constructing parking space for the Dancy Building was closing; therefore, requested authorization to work with the Brownsville Beautification Committee to possibly donate small vegetation. He clarified that the mature trees to be kept by the County would be tagged and incorporated into the Plans as possible.

Commissioner Garza moved that Mr. Frank Bejarano, Project Development and Management Director, and Mr. Joseph Ardito, Property Manager, be authorized to coordinate the process of effectively dealing with the vegetation (plants, shrubs, and trees).

The motion was seconded by Commissioner Wood and carried unanimously.

(6) **CONSIDERATION AND APPROVAL OF TEXAS COMMUNITY DEVELOPMENT PROGRAM COLONIA PLANNING FUND CONTRACT NO. 723025 FOR COLONIA CORONADO**

Upon motion by Commissioner Garza, seconded by Commissioner Tamayo and carried unanimously, the Texas Community Development Program Colonia Planning Fund Contract No. 723025 for Colonia Coronado was approved, subject to legal review.

The Contract is as follows:

CONSENT ITEMS

ALL ITEMS UNDER THE CONSENT AGENDA ITEMS WERE HEARD COLLECTELY 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. 11-j: Commissioner Garza reported that the Parks System Director, Property Manager, and he met with Eileen Dill, Jack Bower, Tim Hugstead, and Russell Downing, Texas Parks and Wildlife Department Officials to discuss the project being considered by them for funding, which they viewed very positively. He added that the Parks System Director has established a very good relationship with the said State Agency and commended him and the Property Manager for the positive meeting attended.

Judge Hinojosa recognized that the efforts and cooperation had resulted in prompt approval of a Waiver of Retroactivity to purchase land in Laguna Heights and the transfer and/or lease of property at Boca Chica Beach, plus savings of approximately \$140,000.00. He stated that the said savings could be used as matching funds to provide different facilities at the Laguna Heights Park, and that the Cameron County Parks System has a very good reputation in Austin, Texas, due to it being self sufficient.

Mr. Javier Mendez, Parks System Director, reported that he met with the U.S. Fish and Wildlife yesterday, and that submission of a Waiver of Retroactivity might be needed for the Boca Chica Beach depending on the Court's direction. He added that the Texas Parks and Wildlife had a Memorandum of Understanding for a two (2) year lease with the U.S. Fish and Wildlife, who indicated that according to the Texas Parks and Wildlife an Agreement was already drafted, but the U.S. Fish and Wildlife was indicating that it was yet to be received. Mr. Mendez noted the need to submit some type of commitment from the U.S. Fish and Wildlife to the Texas Parks and Wildlife by July 14, 2003. He suggested that the funds available from the CIAP be used to purchase 40 acres, but was unsure if dissection of the 1,000 acre land would be permitted by the Texas Parks and Wildlife.

Judge Hinojosa recommended that the matter be reviewed, and noted the difficulties encountered in attempting to develop Boca Chica Beach into a more family friendly beach.

Commissioner Wood suggested that the matter be placed on the Agenda for further discussion.

ITEM NO. 7: Mr. Mark Yates, County Auditor, presented the following late claims: Warrant No. 00099288, payable to Elections System Software Inc., in the amount of \$23,280.12; Warrant No. 00099290, loan to Fund No. 18, in the amount of \$25,000.00 (to be reimbursed upon receipt of payment held from other entities for elections); and Warrant No. 00099289, payable to Stuart Title, in the amount of \$483.79.

Commissioner Wood moved that the following "Consent and Travel Items," be approved, inclusive of the late claims.

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. 00099155, payable to Southwest Key Program La Esperanza, in the amount of \$1,860.00, and Commissioner Garza as to Warrant No. 00099243, payable to The Medicine Shoppe, in the amount of \$1,784.88.

- (7) **APPROVAL OF CLAIMS;**
The Affidavits follow:
- (8) **AUTHORIZATION FOR THE CAMERON COUNTY CHIEF JUVENILE PROBATION OFFICER TO SIGN A MEMORANDUM OF UNDERSTANDING WITH KINGSVILLE NAVAL TRAINING STATION BASE COMMANDER TO SUPPORT THIS YEARS DRUG EDUCATION FOR YOUTH PROGRAM PART OF THE WEED AND SEED INITIATIVE**
The Memorandum follows:
- (9) **AUTHORIZATION TO OPEN THE FOLLOWING BIDS/RFP'S:**
- a) **Electronic Home Monitoring System-RFP No. 1530:**
 - b) **Substance Abuse Treatment-RFQ No. 1727: And**
 - c) **Laser Printing Of Tax Statements & Envelopes-Bid No. 1640.**
- (10) **AWARDING OF THE FOLLOWING BIDS/PROPOSALS:**
- a) **Safety Glasses-Prescription-Annual Bid No. 2610.**
- The Tabulation follows:

TRAVEL ITEMS

- (11) **AUTHORIZATION TO TRAVEL/OR APPROVAL OF TRAVEL EXPENSE FOR THE FOLLOWING (PLEASE NOTE: REQUESTS ARE SUBJECT TO ALL APPLICABLE COUNTY POLICIES):**
- a) **Extension Office employee to attend the "Better Living for Texans Quarterly Meeting," in Falfurrias, Texas, July 7-15, 2003;**
 - b) **Extension Office employee to conduct research and demonstration of super fiber trawls off of Texas coast, in West Columbia and Freeport, Texas, June 29-July 17, 2003;**
 - c) **District Attorney's Office employee to attend the "South Texas HIDTA Intelligence Committee Meeting," in Corpus Christi, Texas, July 30-31, 2003;**
 - d) **Title V Director to attend the "National Council of La Raza Conference," for grant funding development, in Austin, Texas, July 11, 2003;**
 - e) **Bail Bond Administrator to attend the "Texas Bail Bond Course," in Austin, Texas, July 10-12, 2003;**
 - f) **Health Department employee to attend a "Breastfeeding Phase I Training," in San Antonio, Texas, July 14-17, 2003;**
 - g) **Drug Enforcement Task Force employee to attend "PENLINK Classes," in Austin, Texas, July 14-17, 2003;**
 - h) **Elections/Voter Registration Department employee and two (2) Geographic Information Systems employees to attend two training courses "Aregis I and Aregis II, for the Arc view version 8.3 Mapping Software Program, for the Election Precinct Mapping and the GIS Department County Mapping," in San Antonio, Texas, September 29-October 3, 2003;**
 - i) **Commissioner Precinct No. 3 to attend the "South Texas Judges' and Commissioners' Association Conference," in Laredo, Texas, July 8-11, 2003;**
 - j) **Commissioner Precinct No. 3 to meet with Texas Parks and Wildlife Department Officials on a Waiver of Retroactivity, the purchase of land in Laguna Heights and the transfer and/or lease of property at Boca Chica Beach, in Austin, Texas, July 2-3, 2003;**

- k) **Juvenile Probation employee to attend the “Texas Standing Tall State Conference on Underage Drinking,” in Austin, Texas, July 31-August 1, 2003;**
 - l) **Juvenile Probation employee to attend the “Weed and Seed Budget Application Training Session,” in Washington, DC, August 4-8, 2003;**
 - m) **Four (4) Juvenile Probation employees, Brownsville Police Officers (2), 197th District Court employee, five (5) Junior Mentors, and 40 youth from the Weed and Seed targeted community to participate in the Fourth Drug Education for Youth Summer Camp, in Kingsville, Texas, July 21-25, 2003; and**
 - n) **County Judge employee to attend the Texas Coastal Advisory Team Meeting,” in Victoria, Texas, July7-8, 2003.**
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**(7) APPROVAL OF CLAIMS;
The Affidavits follow:**

- (8) **AUTHORIZATION FOR THE CAMERON COUNTY CHIEF JUVENILE PROBATION OFFICER TO SIGN A MEMORANDUM OF UNDERSTANDING WITH KINGSVILLE NAVAL TRAINING STATION BASE COMMANDER TO SUPPORT THIS YEARS DRUG EDUCATION FOR YOUTH PROGRAM PART OF THE WEED AND SEED INITIATIVE**
The Memorandum follows:

- (10) AWARDING OF THE FOLLOWING BIDS/PROPOSALS:**
b) Safety Glasses-Prescription-Annual Bid No. 2610.
The Tabulation follows:

EXECUTIVE SESSION

(12) EXECUTIVE SESSION:

Upon motion by Commissioner Benavides, seconded by Commissioner Tamayo and carried unanimously, the Court met in Executive Session at 10:55 A.M., to discuss the following matters:

- a) Confer with Commissioners' Court Legal Counsel concerning possible litigation involving claim of Erasmo Valdez; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071 (1) (A) & (B);
- b) Confer with Commissioners' Court Legal Counsel concerning possible rules and regulations regarding the use of the Law Library; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(2);
- c) Confer with Commissioners' Court Legal Counsel concerning the case styled Cameron County versus Bobo Construction, Cause No. 2002-05-2015-G; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(1)(A)&(2);
- d) Confer with Commissioners' Court Legal Counsel concerning the case styled Carl Parker versus Conrado Cantu in his capacity as Sheriff and Cameron County, Texas, in the 107th District Court, Cause No. 2003-06-3163-A, for discussion; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(1)(A)&(2); and
- e) Confer with Commissioners' Court Legal Counsel concerning claim of Rosalinda Gorena; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(1)(A)&(B).

Upon motion by Commissioner Benavides, seconded by Commissioner Tamayo and carried unanimously, the Court reconvened in Regular Session at 10:21 A.M.

(13) ACTION RELATIVE TO EXECUTIVE SESSION:

- (a) **In the matter regarding confer with Commissioners' Court Legal Counsel concerning possible litigation involving claim of Erasmo Valdez. (DENIED)**

Commissioner Wood moved that the possible litigation involving claim of Erasmo Valdez be **DENIED**.

The motion was seconded by Commissioner Garza and carried unanimously.

Mr. Doug Wright, Commissioners' Court Legal Counsel, clarified that the claim did not involve the County, that the accident had occurred on a State Highway, and that he would contact the attorney to inform him of so.

- (b) **Confer with Commissioners' Court Legal Counsel concerning possible rules and regulations regarding the use of the Law Library.**

Upon motion by Commissioner Garza, seconded by Commissioner Wood and carried unanimously, the Status Report concerning possible rules and regulations regarding the use of the Law Library was acknowledged.

- (c) **Confer with Commissioners' Court Legal Counsel concerning the case styled Cameron County versus Bobo Construction, Cause No. 2002-05-2015-G.**

Commissioner Tamayo moved that the Status Report by Mr. Doug Wright, Commissioners' Court Legal Counsel, concerning the case styled Cameron County versus Bobo Construction, Cause No. 2002-05-2015-G be acknowledged.

The motion was seconded by Commissioner Wood and carried unanimously.

- (d) **Confer with Commissioners' Court Legal Counsel concerning the case styled Carl Parker versus Conrado Cantu in his capacity as Sheriff and Cameron County, Texas, in the 107th District Court, Cause No. 2003-06-3163-A, for discussion.**

Upon motion by Commissioner Tamayo, seconded by Commissioner Wood and carried unanimously, the Status Report by Mr. Doug Wright, Commissioners' Court Legal Counsel, concerning the case styled Carl Parker versus Conrado Cantu in his capacity as Sheriff and Cameron County, Texas, in the 107th District Court, Cause No. 2003-06-3163-A was acknowledged.

- (e) **Confer with Commissioners' Court Legal Counsel concerning claim of Rosalinda Gorena.**

Commissioner Tamayo moved that the Status Report by Mr. Doug Wright, Commissioners' Court Legal Counsel, concerning claim of Rosalinda Gorena be acknowledged.

The motion was seconded by Commissioner Wood and carried unanimously.

There being no further business to come before the Court, upon motion by Commissioner Tamayo seconded by Commissioner Benavides and carried unanimously, the meeting was **ADJOURNED** at 10:58 A.M.

APPROVED this 29th day of July 2003.

GILBERTO HINOJOSA
COUNTY JUDGE

ATTEST:

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