

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 12th day of AUGUST 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 9:57 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 August 8, 2003, at 2:12 P.M. and the Supplemental Agenda posted August 8, 2003, at 2:54 P.M.:

Commissioner Benavides informed that Mr. Richard Martinez, former County employee, passed away due to cancer at the age of 53.

Commissioner Wood stated that Texas State Senator John Cornyn and Oklahoma State Senator James Inhofe heard testimony concerning transportation issues for the Rio Grande Valley and South Texas and would take information regarding our area being neglected and under funded for a long time back to Washington DC.

(12) APPROVAL OF CLAIMS

Mr. Mark Yates, County Auditor, presented the following claims:
Warrant No. 00101139, payable to the Road & Bridge Fund to be **VOID** and replaced with
Warrant No. 00101140, payable to the Road & Bridge Fund, in the amount of \$510,686.20, and
Warrant No. 00101141, payable to T-Mobile, in the amount of \$5,248.70.

Commissioner Tamayo moved that the County claims be approved, inclusive of the late claims.

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

AYE: Commissioners Benavides, Wood and Tamayo,

NAY: None,

ABSTAIN: Judge Hinojosa as to Warrant No. 00100949, payable to Laguna Madre Water District, in the amount of \$184.08, and Commissioner Garza as to Warrant No. 00100972, payable to The Medicine Shoppe, in the amount of \$2,179.51.

The Affidavits are as follow:

PRESENTATION

(1) PRESENTATION BY ROBERTO RUIZ, AIA, PROJECT ARCHITECT, REGARDING THE STATUS OF THE DANCY BUILDING

Mr. Robert Ruiz, Project Architect, highlighted the status of the Oscar Dancy Building's restoration and a schedule for completion of the project. He reported that Phoenix One Restoration Company would complete the work in about two (2) weeks and that thereafter he would perform a punch list for the non historical demolition, asbestos abatement, and lead abatement. Mr. Ruiz suggested that the Court conduct a Workshop to view the spaces of the 1912 era; them being, the rotunda, the main quarters, the District Court Room, and the County Court Room. He reported that the basement was gutted of all non historical walls, air conditioning, asbestos, and lead, and that the first floor has been emptied. Mr. Ruiz explained that the structural detail, architectural detail, and the plaster detail lost in the third floor must be recreated in replica from photographs; never the less Mr. Ruiz stated that the plaster ceilings on the third floor that have been destroyed by previous renovations were being removed carefully for possible replications. He stated that air conditioning ducts and asbestos added over years were removed from the attic, as well as the lead abatements. Mr. Ruiz reported that Phoenix One Restoration was about 75% complete on the lead abatement, and the hand rails around the rotunda, and that the stairs were being removed carefully under observation of the Texas Historical Commissioner and himself. He explained that a Change Order was needed to address an unforeseen condition concerning a pipe at an acceptable cost per foot that would not change the Contract.

Mr. David Anahuac, Ambiotech Civil Engineer Group, explained that vertical lines for water lines were check and found to be mostly fiberglass, and that the samples were pulled from suspect areas as regarded by the Texas Department of Health required. He stated that 412 linear feet of abnormal pipe and elbows were found in the attic area when the ceiling area was dropped.

Judge Hinojosa questioned the total cost for the Change Order.

Mr. Anahuac responded that the cost was approximately \$10,000.00 as a result of the location of the piping and the need for scaffolding to access the material.

Mr. Ruiz stated that the Change Order would be brought back before the Court for approval in the future.

Commissioner Wood stated that it was his understanding that the Change Order must be done in a timely manner in order to prevent extension of the Phoenix One Restoration Contract.

Mr. Ruiz agreed and stated that the Change Order could be funded through the Betterment Fund.

Mr. Frank Bejarano stated that Mr. Ruiz was scheduled to complete the final restoration plan by August 20, 2003, and that separation of the building and site plans was requested for purposes of packaging the Building Plan

and getting them underway. He explained that this would result in two (2) different Contracts, yet would prevent addition of another 60 days to the project's timeline, and informed that the bidding process would commence in September.

Mr. Ruiz noted the need to determine if two (2) separate bids would be done.

Judge Hinojosa suggested that two (2) separate bid proposals be done to avoid delays of the interior restoration and to prevent jeopardizing funding.

Mr. Ruiz highlighted that in attempting to expedite the project there were certain pros and cons regarding the type of work that would arise such as the parameters of the interior restoration and the contractor being able to do only so much work around the perimeter. He recommended that paving and site work be consolidate in order to have general contractor, and suggested that a Workshop be held at the Oscar Dancy Building.

Judge Hinojosa stated that a Workshop would be scheduled soon after the Budgetary Process.

Mr. Bejarano suggested that the best time to schedule a Workshop was during the Bidding Process.

Upon motion by Commissioner Tamayo, seconded by Commissioner Garza and carried unanimously, the Presentation by Roberto Ruiz, AIA, Project Architect, regarding the Status of the Dancy Building was acknowledged.

(2) **PRESENTATION BY THE CAMERON COUNTY HEALTH DEPARTMENT, REGARDING THE WEST NILE VIRUS DETECTION & PREVENTION PROGRAM AND MOSQUITO CONTROL ACTIVITIES**

Dr. Victor Gonzalez, M.D., informed that the West Nile Virus first documented in the United States in 1999, was responsible for approximately 4,100 to 4,200 cases nation wide and for nearly 280 deaths. He stated that this disease was of concern to our area due to the presence of resacas, and noted that rain would increase the risk. Dr. Gonzalez stated that the West Nile Virus did not have near the affects of the Influenza Virus, by which approximately 25,000 people die annually in the United States. He briefed that the virus was detected in the Middle East and in northern parts of Africa and traveled into the United States was now in Cameron County, thus one documented case has been proven positive in addition to two (2) suspect (human) cases pending verification from the Texas Department of Health. Dr. Gonzalez stated that the disease was produced through bites of infected mosquitoes and that it affects bird to mosquito and other animal like horses, dogs, raccoon and a variety of animals across the country, noting that up until 1999 no cases had been reported of human transmission. He highlighted the following report concerning the symptoms, transmission, incubation period, and the cases reported in Texas, as well as some prevention methods:

Dr. Gonzalez explained that the West Nile Virus would eventually resolve and the need for prevention.

Commissioner Garza asked if samples were being collected at the same locations. Dr. Gonzalez responded that samples were being collected weekly at rotating locations and that all tests have resulted negative.

Commissioner Benavides questioned the condition of the individual whom was hospitalized due to the West Nile Virus and whether she had traveled outside of Cameron County.

Dr. Gonzalez responded that the patient's condition was improving and that she was infected within Cameron County. He clarified that no horses have tested positive for the West Nile Virus.

Upon motion by Commissioner Benavides, seconded by Commissioner Tamayo and carried unanimously, Presentation by the Cameron County Health Department, regarding the West Nile Virus Detection and Prevention Program and Mosquito Control Activities was acknowledged.

ACTION ITEMS

(3) **BUDGET AMENDMENTS AND/OR SALARY SCHEDULES**

Commissioner Garza moved that Budget Amendment No. 2003-35 be approved.

The motion was seconded by Commissioner Tamayo and carried unanimously.

The Budget Amendments are as follows:

(4) **APPROVAL OF MINUTES OF THE REGULAR MEETING HELD JULY 15, 2003-REGULAR MEETING**

Upon motion by Commissioner Benavides, seconded by Commissioner Tamayo, and carried unanimously the Minutes of the Regular Meeting held July 15, 2003 were approved.

(5) **DISCUSSION AND POSSIBLE ACTION REGARDING THE FISCAL YEAR 2003-2004 BUDGET**

Mr. Xavier Villarreal, Budget Officer, stated that the Budget included tax revenues at the effective rate, and excluded SCAAP Funding and reimbursement for housing of federal inmates.

Commissioner Garza asked if information had been received from the U.S Marshall regarding the reimbursement.

Mr. Villarreal responded that to his knowledge an application had been submitted, yet a response has not been received. He stated that there was a deficit of \$4 million at the effective rate as a result of additional expenditures and other revenues not being included. Mr. Villarreal reported that the Budget includes a full year's operational costs, an increase to the Indigent Defense Program based on Statutes, an increase to the healthcare cost, an increase cost for capital cases, and an increase in autopsy and burial fees. He added that the budget also includes salaries for the additional Detention Officer positions, Infirmary Personnel, Juvenile Detention Childcare Workers, a Maintenance Position at the jail facilities, and ten (10) additional positions to staff the expansion of the Darrel B. Hester Building.

Judge Hinojosa questioned the average federal inmate population that was factored in.

Mr. Villarreal reported that average to be 385 at the current reimbursement rate, and state that in conversation with the County Auditor the increase in revenues would be included upon assurance or notification from the U.S. Marshal's Office. He stated that the inmate population fluctuates between 385 and 400.

Mr. Juan Mendoza, Sheriff's Department Chief Administrator, stated that currently the federal inmate population was currently at about 400.

Mr. Villarreal reiterated stated that the \$2.1 million dollars included operational cost.

Judge Hinojosa stated a significant portion of the increase in Detention Officers was dedicated towards the increase of federal inmates and questioned if part of this would wash.

Mr. Villarreal responded in the affirmative, and explained that a greater portion of the wash was not included in the Budget due to the increase in the rate

Judge Hinojosa questioned the total increase in revenues.

Mr. Villarreal responded that the increase would total approximately \$1 million.

Judge Hinojosa stated that the \$1.1 million dollar deficit remained in that number.

Mr. Villarreal reiterated that the \$2.1 million included operational cost aside from the Detention Officers, such as the increase in the County's contribution to the Insurance, fund in the amount of \$400.00 per employee, that being part of \$390,000.00 to the General Fund.

Judge Hinojosa questioned the impact to the \$2.1 million if the increase to the Insurance Fund did not take place.

Mr. Villarreal responded that \$2.1 million would decrease by approximately \$60,000.00.

Judge Hinojosa noted that the \$4 million shortfall would decrease by \$450,000.00 should the health contribution not increase, and asked if SCAAP Funding was included in the Budget.

Mr. Villarreal responded in the affirmative.

Mr. Remi Garza, Assistant County Administrator, explained that the Senate was working towards removing language that states that funding would be provided only for inmates that were convicted and mandates law enforcement to enforce Immigration Laws in order to qualify for SCAAP Funding, adding that SCAAP Funds have been budgeted.

Judge Hinojosa questioned the total amount of SCAAP Funding received last year.

Mr. Villarreal stated that \$700,000.00 was received last year, yet funding had been cut.

Judge Hinojosa stated that if SCAAP Funding was received at about \$500,000.00 then the deficit would be \$2.3million. He questioned if the 3% salary increases were included and the total for such.

Mr. Villarreal responded negatively and that the 3% salary increases totaled approximately \$900,000.00.

Judge Hinojosa noted that the 3% salary increases would increase the deficit to \$3.2 million and questioned if the Four E-Money had been budgeted for the additional Juvenile Detention Childcare Worker Positions.

Mr. Villarreal responded negatively and explained that the said Budget was not received because it was a Grant Program on a different cycle.

Commissioner Garza questioned if the said positions were normally funded by the Grant.

Mr. Villarreal stated that the Grant enhances the Department's operations rather than supplant them.

Judge Hinojosa stated that approximately \$300,000.00 were received annually in Four E-Money, and questioned the revenue projections for the International Bridge System.

Mr. Villarreal recommended that the toll rate be increased to \$2.00 for automobiles, increasing revenues to the County by a net of \$1 million.

Commissioner Garza questioned if any other potential expenditures needed to be reviewed.

Mr. Villarreal stated that the requests for additional personnel from individual Departments remained pending and explained that the only additional personnel being recommended pertained to a Maintenance Position and a Custodian position for the jail.

Judge Hinojosa asked the International Bridge System Director if the projected numbers were projected revenue for next year.

Mr. Pete Sepulveda, International Bridge System Director, responded that projected numbers were based on traffic crossing between October 1, 2002 and July 31, 2003, and explained that the said numbers were used to budget conservatively. He added that increasing the toll rate to \$2.00 simplified provision of change.

Commissioner Garza requested that the 3% salary increases be included for review.

Mr. Villarreal stated that the Road & Bridge Fund's \$2 million deficit that would be significantly affected by roll back rate; therefore, recommended transferring of a full cent to the Road & Bridge Fund, affecting the revenues to the General Fund. He stated that a penny shift to the Road & Bridge Fund would generate approximately \$900,000.00, and noted that the roll back rate was not listed because the accurate numbers were being worked prior to being published with the effective tax rate and roll back rate this weekend.

Judge Hinojosa stated that the increases creating the deficit were attributable to the increase in incarceration and juvenile care costs, and that if such did not exist there would be a significant surplus that would enable dropping the tax rate.

Mr. Villarreal stated that an Agenda Item would be placed next week to set a date for the Public Hearing concerning the tax rate, and questioned if it was feasible to shift personnel from one department to another to avoid adding expense or personnel.

Judge Hinojosa stated that Bailiffs were never assigned to Justice of the Peaces' Courts and that it was his belief that it would not occur in the 2003-2004 Fiscal Year

Mr. Doug Wright, Commissioners Court Legal Counsel, explained that the Court has limited Constable Positions for the Fiscal Year in which they were authorized; therefore, the Budget Officer's suggestion was feasible.

Mr. Villarreal stated that Elected Officials' salary increase had been published at 3% and that additional salary increases must be grieved. He informed that Judge Tullos suggested the elimination of a Justice of the Peace Position, upon that respective JP's retirement and that its personnel be shifted to other Justice of the Peaces' Office, adding that it was his belief that case loads should be equalized. Mr. Villarreal stated that the tax rate and the roll back rate would be broken down according to the impact to the General and Road & Bridge Funds, and that the 3% salary increases and the penny shift to the Road & Bridge Fund to cover expenses would be included in the Budget.

Commissioner Wood asked the Budget Officer if he had presence an increase in the daily per diem for the housing of federal inmates during his employment as Budget Officer.

Mr. Villarreal responded negatively.

Mr. Mark Yates, County Auditor, stated that the current \$30.00 per day per diem for housing of federal inmates from the U.S Marshals Office has been in place at least throughout his ten (10) years of employment with the County.

Commissioner Wood questioned if the reimbursement would be retroactive for expenses incurred.

Mr. Yates responded that in speaking with Mr. Charles Paulette, U.S Marshals Office, retroactive payment was unlikely; however, the County could negotiate and illustrate that it has already incurred and documented costs.

Commissioner Wood questioned the average time needed to negotiate a new Agreement and the status of that timeline.

Mr. Yates responded that the application was ready for submission, and preliminary applications were presented to the U.S. Marshal's Office, noting that receipt of inmate population numbers from the Sheriff's Department was pending. He stated that the U.S. Marshal's Office indicated that there would be little negotiations, yet the approval process could take as long as six (6) months.

Commissioner Wood questioned if the possible relocation of reimbursement operations for housing of federal inmates from the U.S. Marshal's Office to an entity within the U.S. Attorney General's Office would create a problem with the timeline.

Mr. Yates responded that he was aware of the possible change and that he hoped that the Application be reviewed before such change.

Commissioner Wood questioned the affects on the Budget should an agreement not be negotiated.

Mr. Villarreal stated that the Budget would remain as is, since the projected revenues were excluded at this time. He stated that projecting a \$.5 million shortfall was okay due to the uncertainty to calculate the rate as result of being retroactive from that date forward.

Commissioner Wood noted that the additional Detention Officers had been hired based on getting a new agreement with the U.S. Marshal's Office for reimbursement and should this not occur the County would incur all of these expenses.

Judge Hinojosa noted the need to review the matter once again and that the new hires had been approved contingent upon receiving reimbursement. He questioned when the Application would be submitted.

Mr. Yates responded that it would be submitted "today".

Mr. Yates stated that the Maximus Group prepared a report concerning the cost for housing federal inmates between April 1, 2003 and March 31, 2003, which indicated that the cost to be \$33.13, excluding the 48 new positions at the new detention center, resulting in \$3.13 in expenditures above the current reimbursement. He added that these expenditures totaled about \$.5 million that the County has subsidized the Federal Government on their operations, and that the \$7.89, based on the population of 400 inmates, totaled approximately \$1.1 million in additional revenues. Mr. Yates stated that the 48 new positions were based on a 285 inmate population reimbursed at a \$30.00 per day rate and that the inmate population was increased in two phases as was staff. He noted that a large part of the deficit related to increase in operational cost and additional staff.

Judge Hinojosa stated that the non federal inmate population also increased as a result of a provision to an Injunction that mandates that the County accept other inmates since it now has a larger detention facility, thus too increasing operational cost significantly.

Mr. Yates stated that SB 7 implements programs of the Indigent Defense to ensure that the inmate population was adjudicated in a timely manner, and that possible funding was being reviewed for the hiring of a Paralegal Professional whom would verify that individuals at the jail must be there and that possible adjudications take place.

Upon motion by Commissioner Tamayo, seconded by Commissioner Wood and carried unanimously, the discussion regarding the 2003-2004 Fiscal Year Budget was acknowledged.

The Report is as follows:

(6) **IN THE MATTER REGARDING CONSIDERATION AND POSSIBLE ACTION ON PROPOSED COMPUTER USE-ELECTRONIC ACCESS POLICIES AND PROCEDURES (TABLED)**

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

(7) **CONSIDERATION AND APPROVAL OF DEPOSITORY CONTRACT WITH LONE STAR NATIONAL BANK**

Judge Hinojosa – “Are we ready on that? Do I hear a motion to approve?”

Commissioner Benavides – “So move.”

Judge Hinojosa – “Motion by Commissioner Benavides. Is there a second to that motion? Is there a second to that motion?”

Commissioner Tamayo – “Have we.....Legal Counsel has reviewed it? You’re okay with it.”

Mr. Doug Wright, Commissioners’ Court Legal Counsel – “As you remember you authorized outside Counsel, we did take an outside Counsel. We’ve taken his advice with regards specifically to the Letters of Credit. We’ve worked with the bank; I think we are all in agreement.”

Commissioner Wood – “We’ve worked with the Auditor’s Office and the Treasurer’s Department and”

Mr. Wright – “Yes.”

Commissioner Wood – “....the other Offices and are there any other questions left hanging that need to be addressed?”

Mr. Mark Yates, County Auditor – “The issue is did you all select variable or fixed rate. That’s what you all need to determine.”

Commissioner Wood – “The Treasurer has something to say.”

Judge Hinojosa – “Wait a minute.”

Commissioner Garza – “Well, we had the option on a variable rate or a fixed rate, right?”

Mr. Dylbia L. Jeffries, Contract Attorney – “Yes.”

Commissioner Garza – “Has legal given us a recommendation?”

Mr. Wright – “That’s not a legal question.”

Commissioner Garza – “It was part of the Contract.”

Judge Hinojosa – “I thought we were... I had thought that the award was based upon a variable rate and therefore we wanted to go with a variable rate.”

Commissioner Garza – “Well we can, but I don’t think we voted on that.”

Judge Hinojosa – “I thought we had, but anyway. Yes sir.”

Mr. Eddie Gonzalez – “May I? There were three questions that I had on the Supplemental Contracts that we spoke to, but I don’t know how they were resolved. There’s one on the ACH Agreement concerning where we hold the bank harmless for any mistakes possibly that their vendor makes. There is another part where there’s the disclaimer that we hold the bank harmless on our checks that reach 60/90 days not paid no employed, and then there is another disclaimer that the bank had that if we don’t do our bank recs within 30 days from the date of receipt of the bank statements that we’ll hold them harmless, and I thought that in different conversation with the bank, one part of the bank was saying that that wasn’t an issue. And I don’t... how did that end up in the Contract?”

Mrs. Jeffries – “We’ve resolved these issues. In the Authorized Check Pay Agreement we took out the language that talked about the vendors and where if the vendors messed up the bank would not be responsible for that. We took out that language. The reconciliation we will change in the application that the bank submitted and have the Judge and the CEO of the bank initial. We will scratch out the 60 days and there will be also language that was in the application that talked about holding harmless and we will as well scratch that out, and Mr. Nelson said that was fine.”

Commissioner Wood – “And the bank has agreed to those things?”

Mrs. Jeffries – “The bank has agreed with that.”

Commissioner Garza – “So that it will be 60 days instead of 30 days?”

Mrs. Jeffries – “The result, yes.”

Commissioner Tamayo – “So that is resolved. Those three issues are resolved.”

Mrs. Jeffries – “Yes, yes.”

Commissioner Garza – “It will be 60 days instead of 30 days?”

Mr. Gonzalez – “Let me just season it a little bit, considering that you all were talking about the budgetary process right now. The current bid base submitted under a fixed rate environment, correct me if I’m wrong Arturo, under the Now Accounts was 2.75% and the CD Select was 3%. That’s not a bad rate in today’s market place; given that T low rate, 90 day is at about .9.”

Judge Hinojosa – “So what’s your recommendation the fixed or variable?”

Mr. Gonzalez – “Well, what I’m suggesting to you is that you ask your Budget Officer where he budgeted the interest income in relation to an interest rate. Because what you really have left in a contract is approximately 19 months. To my esteem your highest balances are generated between October and February then they start to trickle and you get the benefit maybe at the higher rate.”

Mr. Yates – “The Budget Officer does appropriation of the County’s expenditures, the Auditor sets the interest rate calculations somewhere around the neighborhood of about 2%.”

Judge Hinojosa – “Okay so the fixed rate was what?”

Mr. Gonzalez – “2.75”

Judge Hinojosa – “So why don’t we do that then?”

Commissioner Wood – “I thought that was what we were doing...”

Judge Hinojosa – “You know now that I remember it was a fixed rate.”

Commissioner Tamayo – “That’s what we voted on, yeah.”

Judge Hinojosa – “You’re right it was my mistake, you’re right.”

Commissioner Wood – “\$82,000.00 a year.”

Mr. Gonzalez – “Not only that but if you would encourage the different Department Heads to use the CD Select Program, it’s a good program, you gain another 4% of the 3% under the fixed rate environment, is that right?”

Lone Star National Bank Representative – “That’s Correct.”

Commissioner Wood – “So how...you said the word encourage, can we mandate that?”

Mr. Gonzalez – “My Office manages approximately 80% of the funds, but then you have other Offices that have theirs.... And the Offices that we have today, outside of my Office, that are using the CD Select, which is the recipient program, is the Tax Office. Initially 6 months of those are good.”

Judge Hinojosa - “What did he say, Dylbia?”

Mrs. Jeffries – “The Counsel for the Bank, we also spoke to Mr. Farias, has requested that you give authority to release the securities that are being held as soon, currently when we get their Letter of Credit you know they can release the other securities. We’d like to know... okay?”

Judge Hinojosa – “But that’s not....”

Commissioners Garza and Tamayo – “It’s not on the Agenda. No.”

Judge Hinojosa – “Just put it on next week and we’ll do it okay. Alright so the approval is based upon the fixed rate and do we... I don’t think this encouragement thing, I think Commissioner Wood is right about we need to pass a Resolution. Can you put it on the Agenda next week Eddie? To pass a Resolution that we mandate all Department Heads that have access to funds to use whatever you described.”

Commissioner Wood – “The higher one, CD.”

Commissioner Garza – “CD Select.”

Judge Hinojosa – “Alright. CD Select. Okay anything else? Do I hear a motion to that effect?”

Commissioner Garza – “So you’re satisfied totally with what we’ve done, right?”

Mrs. Jeffries – “Yes I am.”

Commissioner Benavides – “I make the motion.”

Commissioner Tamayo – “I second it.”

Judge Hinojosa – “Alright, motion to approve the Contract with the fixed rates that we’ve just described by Commissioner Benavides, second by Commissioner Tamayo any further discussion? All those in favor signify by stating Aye.

Commissioners Benavides, Wood, Garza, Tamayo and Judge Hinojosa – “Aye.”

Judge Hinojosa – “All those oppose? Motion carries. And then we’ll put on the Agenda next week a Resolution requiring Department Heads to use the CD Select Investment Policies.”

Commissioner Garza – “And also the release of securities.”

Judge Hinojosa – “And the release of securities matter, thank you, Okay motion carries.”

The Depository Contract is as follows:

(8) CONSIDERATION AND APPROVAL OF APPOINTMENTS OR REAPPOINTMENTS TO THE CAMERON COUNTY LOCAL LAW ENFORCEMENT BLOCK GRANT ADVISORY BOARD

Upon motion by Commissioner Garza, seconded by Commissioner Tamayo and carried unanimously, the Appointments or Reappointments to the Cameron County Local Law Enforcement Block Grant Advisory Board were approved.

(9) CONSIDERATION AND ACTION REGARDING THE EMPLOYEE GROUP HEALTH BENEFITS PROPOSALS

Mr. Manuel Villarreal, Human Resources Director, reported the Committee's recommendation to be that the County continues with Mutual of Omaha and that all discounts received by Mutual of Omaha be given to the County as part of the Contract.

Judge Hinojosa questioned if all applicants were given the same scenarios to be cost.

Mr. Villarreal responded in the affirmative.

Mr. Mark Yates, County Auditor, stated that some Indigent Health Care claims had been included in the applicants' packages.

Mr. Villarreal clarified that the Indigent Health Care claims provided to the applicants were also identical.

Judge Hinojosa noted the importance for the County to get the best plan possible. He stated that he understood the 15/12 Programs to be for purposes of paying any remaining claims for 90 days, and questioned if Mutual of Omaha's proposal was the same as other applicants with respect to the 15/12 Program.

Mr. Villarreal stated that the run off of about \$1.4 million to \$1.6 million was not required because there would be a continuation of the Program.

Judge Hinojosa asked if all applicants obtained the benefit of the run off and if it had been deducted from the proposals.

Mr. Yates responded that applicants were evaluated based on the 15/12 Program.

Mr. Remi Garza, County Administrative Assistant, explained that the difference to be that in staying with the same Provider a Third Party Administrator was not need to handle three (3) months of outstanding claims, noting that the rates varied between \$12.00 and \$15.00.

Judge Hinojosa questioned if it was figured into the cost.

Mr. Garza responded in the affirmative.

Mr. Villarreal stated that Mutual of Omaha would continue processing claims at no additional cost.

Mr. Garza stated that the County was giving itself the opportunity to change next year without having the need to pay a Third Party Administrator since it was being done at this time through the proposal presented by Mutual of Omaha.

Judge Hinojosa asked if the need for \$450,000.00 increase health contribution remained.

Mr. Villarreal responded negatively, and clarified that only a minimum of \$100.00 increase was being proposed to fund inflation cost.

Judge Hinojosa questioned if the proposal submitted by Mutual of Omaha includes the \$100.00 increase and if the County must add the said amount.

Mr. Villarreal explained that Mutual of Omaha projects expenditures and that he budgets the County's input into the Insurance Fund. He explained that Mutual of Omaha pays claims through the PPO Administrator from the \$4,800.00 paid per employee. Mr. Villarreal stated that the difference was caused by the discounts and that if the County fully funds its plan at maximum liability the amount would exclude any discounts being received for the amount of \$8.3 million, including administration.

Mr. Doug Wright, Commissioners' Court Legal Counsel, stated that the Court directed the Committee to place the County in a position of greatest flexibility for the end of the Contract as done by the 12/15 Program and the \$4,900.00

Commissioner Garza questioned if cost factors and benefits had been reviewed.

Mr. Villarreal responded negatively, and explained that the applicants' proposals were based on the County's Health Benefit Plan.

Judge Hinojosa recommended that negotiation with Mutual of Omaha be approved towards having them being the employee Group Health Benefits.

Commissioner Garza moved that negotiations with Mutual of Omaha be approved towards having them being the employee Group Health Benefits.

The motion was seconded by Commissioner Tamayo.

Mr. Yates noted that enrollment must take place by September 1, 2003.

Mr. Richard Santellana, Adult Probation Department, stated that 160 employees would be obtaining State Health Benefits as per new Legislation; therefore, would be dropped from the County's benefits.

Mr. Wright suggested that Commissioner Garza be appointed member of the Insurance Committee.

Upon motion duly made by Commissioner Garza that negotiations with Mutual of Omaha be approved towards having them being the employee Group Health Benefits, and that he be appointed member of the Insurance Committee.

The motion was seconded by Commissioner Tamayo and carried unanimously.

Judge Hinojosa noted that the Court declared the appointment of Commissioner Garza as member of the Insurance Committee not to be a conflict of interest.

(10) **CONSIDERATION AND AUTHORIZATION FOR SEVEN (7) ENVIRONMENTAL HEALTH EMPLOYEES THE AUTHORITY TO ISSUE CITATIONS FOR VIOLATIONS OF COUNTY ORDERS THAT ARE REASONABLY NECESSARY TO PROTECT THE PUBLIC'S HEALTH**

Upon motion by Commissioner Tamayo, seconded by Commissioner Benavides and carried unanimously, seven (7) Environmental Health employees were authorized to issue citations for violations of County Orders that are reasonably necessary to protect the public's health.

The Order is as follows:

(11) **CONSIDERATION AND AUTHORIZATION TO SOLICIT PROPOSALS FOR THE CONSTRUCTION AND DEVELOPMENT OF BROWNE ROAD REGIONAL PARK**

Commissioner Benavides moved that soliciting of proposals for construction and development of Browne Road Regional Park be authorized.

The motion was seconded by Commissioner Garza and carried unanimously.

SUPPLEMENTAL ITEM

(1) **CONSIDERATION AND APPROVAL OF CONTRACT WITH THE LOWER RIO GRANDE VALLEY DEVELOPMENT COUNCIL FOR THE DISTRICT CLERK'S RECYCLING PROJECT.**

Upon motion by Commissioner Garza, seconded by Commissioner Benavides and carried unanimously, the Contract with the Lower Rio Grande Valley Development Council for the District Clerk's Recycling Project was approved.

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:

Commissioner Benavides moved that the following "Consent and Travel Items," be approved

The motion was seconded by Commissioner Tamayo and carried unanimously.

- (12) **IN THE MATTER REGARDING APPROVAL OF CLAIMS (ACTION TAKEN SEPARATELY);**
- (13) **APPOINTMENT OF MR. JEFFREY A. JOHNSTON RESERVE DEPUTY CONSTABLES FOR PRECINCT NO. 2 IN COMPLIANCE WITH THE FINDING THAT IT IS NECESSARY TO APPOINT THE DEPUTY IN ORDER TO PROPERLY HANDLE THE BUSINESS OF THE CONSTABLE'S OFFICE THAT ORIGINATES IN THE CONSTABLE'S PRECINCT AND THAT THE APPOINTMENT BE VALID ONLY THROUGH THE END OF THE FISCAL YEAR IN WHICH THE APPOINTMENT IS MADE OR THE CURRENT TERM OF THE ELECTED CONSTABLE WHICH EVER ENDS SOONER;**
- (14) **APPROVAL OF THE COUNTY'S PARTICIPATION AND MEMBERSHIP IN THE ALLIANCE FOR I-69 ORGANIZATION;**
- (15) **APPROVAL OF THE COUNTY'S SPONSORSHIP AND MEMBERSHIP IN THE BORDER TRADE ALLIANCE;**
- (16) **MAINTENANCE AGREEMENT BETWEEN CAMERON COUNTY AND THE REVENUE MARKETS, INC. FOR THE INTERNATIONAL BRIDGE SYSTEM TOLL COLLECTION SYSTEM;**
The Agreement follows:
- (17) **ACKNOWLEDGEMENT OF DISTRICT CLERK'S APRIL, MAY, AND JUNE'S MONTHLY FEE AND FINES REPORT;**
The Report follows:
- (18) **AUTHORIZATION TO ADVERTISE FOR BIDS:**
 - A. **OFFICE SPACE FOR CAMERON COUNTY HEALTH DEPARTMENT WIC PROGRAM;**
- (19) **PROFESSIONAL SERVICES AGREEMENT BETWEEN CAMERON COUNTY AND MR. PEDRO FLORES FOR THE DATA GRANT EVALUATION CENTER GRANT TO INCREASE HIS HOURS FROM 30 HOURS A WEEK TO 40 HOURS A WEEK;**
The Agreement follows:
- (20) **AUTHORIZATION TO GO OUT FOR REQUEST FOR PROPOSALS (RFP) TO CULTIVATE FARM ACREAGE LOCATED ON FLOR DE MAYO RD;**
- (21) **AUTHORIZATION TO GO OUT FOR REQUEST FOR PROPOSALS TO CULTIVATE FARM LAND LOCATED IN LOS INDIOS;**

- (22) **AUTHORIZATION FOR PROPERTY MANAGEMENT DIVISION TO MARKET FOR SALE PROPERTIES FOR THE BAIL BOND BOARD; AND**
- (23) **OPENING THE FOLLOWING BIDS/RFP'S:**
 - A. **BUILDING MATERIALS-ANNUAL BID NO. 2008.**

TRAVEL ITEMS

- (24) **AUTHORIZATION TO TRAVEL/OR APPROVAL OF TRAVEL EXPENSE FOR THE FOLLOWING (PLEASE NOTE: REQUESTS ARE SUBJECT TO ALL APPLICABLE COUNTY POLICIES):**
 - a) County Auditor Employee to attend the "AICPA National Governmental Accounting and Auditing Update Conference", in Tempe, Arizona, September 21-24, 2003.
 - b) Health Department Employee to attend a "Peer Counselor Training Workshop", in Austin, Texas, September 16/18, 2003;
 - c) PD&M Community Development Coordinator to attend the "Texas Community Development Program Implementation Manual Workshop", in Portland, Texas, August 17-18, 2003;
 - d) 107th District Court Administrator to attend the "Texas Association For Court Administration Education Conference", in Austin, Texas, September 30-October 3,2003;
 - e) 107th District Court Coordinator to attend the "Texas Association For Court Administration Education Conference", in Austin, Texas, September 30-October 3, 2003;
 - f) PD&M Employee to attend the "Lower Rio Grande Valley Development Council Professional Advisory Review Panel Meeting", in Mercedes, Texas, August 13, 2003;
 - g) Assistant County Administrator to attend the "2003 Post Legislative Conference", in Austin, Texas, August 13-15, 2003;
 - h) County Clerk and two (2) Deputy Clerks to attend the "Texas Conference On Criminal Justice Information System Reporting", in Austin, Texas, September 9-12, 2003; and
 - i) Program Coordinator to attend the "Texas Border Infrastructure Coalition Meeting", in El Paso, Texas, August 27-28, 2003.
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- (16) **MAINTENANCE AGREEMENT BETWEEN CAMERON COUNTY AND THE REVENUE MARKETS, INC. FOR THE INTERNATIONAL BRIDGE SYSTEM TOLL COLLECTION SYSTEM.**
The Agreement follows:

- (17) **ACKNOWLEDGEMENT OF DISTRICT CLERK'S APRIL, MAY, AND JUNE'S MONTHLY FEE AND FINES REPORT.**
The Report follows:

- (19) **PROFESSIONAL SERVICES AGREEMENT BETWEEN CAMERON COUNTY AND MR. PEDRO FLORES FOR THE DATA GRANT EVALUATION CENTER GRANT TO INCREASE HIS HOURS FROM 30 HOURS A WEEK TO 40 HOURS A WEEK.**
The Agreement follows:

EXECUTIVE SESSION

(25) EXECUTIVE SESSION:

Upon motion by Commissioner Benavides seconded by Commissioner Garza and carried unanimously, the Court met in Executive Session at 11:40 A.M., to discuss the following matters:

- a) To deliberate the evaluation of the Computer Center Director; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.074 (A);
- b) To deliberate the evaluation of the Law Library Director; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.074 (A);and
- c) To deliberate the evaluation of the Building Maintenance Director; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.074 (A).

Upon motion by Commissioner Garza, seconded by Commissioner Wood and carried unanimously, the Court reconvened in Regular Session at 12:17 P.M.

(26) ACTION RELATIVE TO EXECUTIVE SESSION:

NOTE: JUDGE HINOJOSA LEFT THE MEETING AT THIS TIME.

- (a) To deliberate the evaluation of the Computer Center Director.**
- (c) To deliberate the evaluation of the Building Maintenance Director.**

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

NOTE: THIS ITEM WAS NOT DISCUSSED.

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- (b) To deliberate the evaluation of the Law Library Director.**

Commissioner Garza moved that the Law Library Director be given a good Evaluation.

The motion was seconded by Commissioner Wood and carried unanimously.

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 12:19 P.M.

APPROVED this 23rd day of **September 2003**.

GILBERTO HINOJOSA
COUNTY JUDGE

ATTEST:

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