

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 26th 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:

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The meeting was called to order by Judge Hinojosa at 10:49 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 22, 2003, at 4:50 P.M.:

PRESENTATION

(1) **IN THE MATTER REGARDING APPLICATION OF
171 HOURS PER PAY PERIOD TO THE U.S.
MARSHALL'S HOSPITAL SECURITY DETAIL
(TABLED)**

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

The motion was seconded by Commissioner Tamayo.

Captain Rumaldo Rodriguez, Sheriff's Department, clarified that the problem had been identified and was currently being corrected. He added that the affected individuals were given an explanation and were reassured that they would be reimbursed their originally pay.

Commissioner Wood asked if the County was able to bill retroactive, and requested to be kept up to date.

Captain Rodriguez responded in the affirmative.

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

ACTION ITEMS

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

Commissioner Benavides moved that Budget Amendment No. 2003-37 be approved.

The motion was seconded by Commissioner Garza and carried unanimously.

The Budget Amendments are as follow:

(3) IN THE MATTER REGARDING APPROVAL OF MINUTES OF THE REGULAR MEETINGS HELD JULY 22, 2003 AND JULY 29, 2003 (TABLED)

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

(4) CONSIDERATION AND APPROVAL FOR COMMISSIONERS' COURT TO REQUEST A DEPOSIT OF TEN PERCENT OF GROSS AMOUNT FROM THE OFFICE OF THE DISTRICT ATTORNEY'S FORFEITURE FUNDS, IN ACCORDANCE WITH THE TEXAS CODE OF CRIMINAL PROCEDURE, SECTION 59.06 (H)

Ms. Nilda Gomez, Palmer Drug Abuse Program (PDAP) Executive Director, requested assistance to access 10% of Drug Forfeiture Funds in accordance with the Texas Code of Criminal Procedures, Section 59.06(h). She explained that HB 1185 sets aside 10% of Drug Forfeiture Funds to assist programs like PDAP and that in 1991 the County approved that PDAP receive those funds but for unknown reasons the total amount was not forwarded to PADP. Ms. Gomez informed that Palmer Drug Abuse Program (PDAP) has served Cameron County free of charge since 1983 by assisting families to recover from the affects of chemical dependency and helping adolescents undergo positive and transforming experiences. She stated that PDAP was extremely successful, cost effective, and of crucial importance to Brownsville and surrounding communities because no other none profit agencies were available in Cameron County. Ms. Gomez informed that PDAP was found throughout Texas, Oklahoma, and New Mexico, and that its existence was enabled through support provided by the communities. She explained that PDAP was currently in a crucial financial status and that Forfeiture Funds could enable the agency to continuing serving Cameron County.

Commissioner Tamayo questioned the turnaround time for an individual to receive help and if most referrals were sent by law enforcement or school district.

Ms. Gomez responded that individuals receive individual counseling on their first visit and group therapy in accordance with their age: 18 years and over commence group therapy Mondays and Wednesdays and 17 years and under commence group therapy Tuesdays and Thursdays. She added that adults were referred by the Adult Probation Department and most youth were referred by school districts.

Judge Hinojosa asked if PDAP had an Advisory Board and how many served on the same.

Ms. Olga Villarreal, PDAP Board Member Treasurer, responded that the Board was made up of seven (7) Members, and added that although there was a big demand for PDAP there was not enough community support.

Commissioner Tamayo asked if literature was available in Spanish.

Ms. Gomez stated that literature, counseling, and group sessions were available in English and Spanish.

Commissioner Benavides stated that individuals who have had a family member or a friend involved with chemicals understood the suffering that was undergone by the families. He stated that his family was affected by chemical dependency when his brother-in-law passed away because of drugs.

Ms. Gomez stated that chemical dependency was a devastating, chronic, progressive disease that could be fatal; therefore, was addressed as a health issue at PDAP.

Commissioner Benavides noted that these types of Programs must be supported because otherwise individuals must travel to get treatment. He stated that chemical dependency issues were often seen through his business with teenagers and adults, and recognized that the County has a big problem. Commissioner Benavides expressed total support for the Program.

Ms. Gomez stated that PDAP was the only agency focusing on the entire family, and was proud to have a prevention group named "Special People" made-up of children less than 13 years of age.

Judge Hinojosa explained that as District Judge he experienced working with PDAP because many offenders had drug related problems and were sentenced to probation and mandated to attend PDAP, whom has always operated on a tight budget. He stated that chemical dependency programs at Tropical Texas and MHMR were scaled back due to funding cuts, resulting in very few places for individuals to get treatment. Judge Hinojosa stated that chemical dependency treatment was critical and recommended that PDAP be supported. He suggested that the County have representation appointed to the Advisory Board upon funding being provided to oversee the Program, and stated that the Court could not take action at this time; however, upon PDAP coming back before the Court and the appointment not being effective then the Court would remember so. He asked if the Board had a problem with having a County appointee.

Mr. Villarreal responded negatively.

Mr. Frank Martinez, Assistant District Attorney, applauded the efforts of PDAP, and explained that the District Attorney must comply with auditing requirements set by Statutes. He added that the Court was able to award 10% of Forfeiture Funds to one (1) or various agencies or entities who meet criteria set by Statutes.

Mr. Doug Wright, Commissioners' Court Legal Counsel, explained that Statutes allowed four (4) different approaches: to provide funding for prevention of drug abuse non profit organization; treatment programs; non profit chemical dependent treatment facilities qualifying under Health and Safety Code; nonprofit drug and alcohol rehabilitation and prevention programs qualifying under Prevention of the Texas Commission of Alcohol and Drug Abuse; and for assistance to people for higher education.

Commissioner Garza asked if PDAP was a 501c, if regular accounting principals were followed, and if audits took place annually.

Ms. Gomez responded that PDAP was a 501c, that audits were done annually by an outside auditor, that monthly and demographic reports were provided to United Way, and that its financial records were open.

Judge Hinojosa explained that Agenda Item No. 4 allowed the Court to commit, and recommended that Item No. 5 be tabled and reworded at some point in time.

Commissioner Garza moved that the County Judge be authorized to send a letter to the District Attorney to request deposit of 10% of gross amount from the Office of the District Attorney's Forfeiture Funds, in accordance with the Texas Code of Criminal Procedure, Section 59.06(h), to be used in accordance with provisions set by Statutes.

The motion was seconded by Commissioner Tamayo and carried unanimously.

The Report is as follows:

(5) **IN THE MATTER REGARDING CONSIDERATION AND ADOPTION OF AN ORDER AUTHORIZING CAMERON COUNTY TO COMMIT TO UTILIZING THE 10% OF FORFEITURE FUNDS TO SUPPORT THE PALMER DRUG ABUSE PROGRAM (PDAP) FOR CHEMICAL DEPENDENCY PREVENTION TREATMENT AND REHABILITATION UPON BEING TRANSFERRED BY THE OFFICE OF THE DISTRICT ATTORNEY, IN ACCORDANCE WITH THE TEXAS CODE OF CRIMINAL PROCEDURE, ARTICLE 59.06 (H)(1)(3) (TABLED)**

Commissioner Benavides stated that he preferred to provide funding to PADP, and questioned the dollar being considered.

Ms. Nilda Gomez, Palmer Drug Abuse Program (PDAP) Executive Director, stated that the amount was approximately \$56,000.00.

Mr. Xavier Villarreal, Budget Officer, stated that Statutes were unclear as to whether the 10% was from Fund Balance or annual revenues.

Mr. Doug Wright, Commissioners' Court Legal Counsel, stated that the issue was previously interpreted.

Judge Hinojosa stated that he opposed dividing the 10% to where it would not help and that he preferred to provide the funding to one Program where it would make a difference. He suggested that all programs be allowed to apply and that the Court consider funding one (1) program instead of many.

Commissioner Wood stated that PDAP being a United Way Agency gave him comfort.

Commissioner Garza expressed concern with 84% of all chemical dependency cases being Brownsville resident according to the statistics provided by Ms. Gomez, and noted that he would not shortchange Programs doing good work in Harlingen and Santa Rosa, San Benito, Port Isabel, or elsewhere.

Judge Hinojosa clarified that PDAP serves everyone recommended by the Probation Departments and District Judges, who do not select Brownville residents only; therefore, in looking at statistics based upon who has been referred to PDAP no one from northern Cameron County has been denied services. He stated that the County should make a financial commitment to PDAP because they provide an enormous amount of services. Judge Hinojosa suggested that the matter be tabled for one (1) week and that the necessary language for proposals be drafted.

Upon motion by Commissioner Tamayo, seconded by Commissioner Benavides and carried unanimously, this Item has been **(TABLED)**.

(6) CONSIDERATION AND AUTHORIZATION TO RECLASSIFY SLOTS NOS. 25, 29, 86, AND 09, FOR THE PUBLIC WORKS DEPARTMENT OUT OF BUDGET 150-621

Mr. Juan Bernal, County Engineer/Public Works Director, stated that this Item was to reclassify the title of New Assistant Foremen.

Commissioner Tamayo moved that the reclassification of Slots Nos. 25, 29, 86, and 09 for the Public Works Department out of Budget No. 150-621 be approved.

The motion was seconded by Commissioner Benavides.

Commissioner Garza questioned why a slot was being reclassified when it was being replaced, whether that slot could be used, and if Slot No. 25 could be moved to the slot being replaced.

Mr. Bernal explained that an employee has worked in that capacity for the past year without the appropriate title, and that a replacement was taking place in Harlingen but not as to the other slots.

Commissioner Garza stated that moving an individual from one slot to another was easier and did not require Court approval.

Mr. Bernal noted the need to reclassify the title because the individual did not have the title.

Commissioner Wood stated that Mr. Bernal explained that the Assistant Positions did not exist; therefore, some Equipment Operator and Road Cleaning Positions were being eliminated and would not be refilled because the Assistant Positions' job description includes equipment operations. He added that one Equipment Operator was going to Assistant Construction Foreman and an Assistant Construction Foreman was going to Equipment Operator, adding that the matter was confusing because some positions did not exist before.

Mr. Xavier Villarreal, Budget Officer, stated based on what happened last week he informed Mr. Bernal that in order to list positions as Assistant Foremen they must be reclassified, and that if there was a vacant Assistant Foreman slot someone could be transferred into that slot.

Commissioner Garza explained that the slot was not there because the individual was transferred elsewhere.

Mr. Bernal stated that the previous Assistant Foreman was now Maintenance Foreman.

Commissioner Garza stated that Precinct No. 3 had a foreman and two (2) Assistants and that the foreman was transferred from Precinct No. 3 to Proposition II. He added that a new foreman was hired and that the employee transferred out with the job slot since the same was done with that Equipment Operator and then made Foreman. Commissioner Garza stated that he assumed that the position had been left vacant yet the position went with the employee and the assistant retired.

Mr. Bernal stated that someone was transferred to Maintenance Foreman but did hold the Assistant Foreman title.

Commissioner Benavides stated that the Assistant Foreman Position was vacant for a year and was replaced by another employee doing the same job. He stated that an employee undertaking responsibility of a former employee should be paid accordingly and that in this case it never happened until last week. Commissioner Benavides stated that the employee was being cheated from what he deserves, and that salary increases should take effect much faster for employees who work hard.

Commissioner Tamayo requested an Organizational Chart from Mr. Bernal.

Commissioner Garza clarified that employees were being compensated for work that they perform without being reclassified, and that he had not approved raises but rather a changes in responsibilities for positions in Precinct No. 3.

Upon motion duly made by Commissioner Tamayo that the reclassification of Slots Nos. 25, 29, 86, and 09 for the Public Works Department out of Budget No. 150-621 be approved.

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

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

NAY: Commissioner Wood.

The Salary Schedules are as follows:

(7) IN THE MATTER REGARDING CONSIDERATION AND ACTION REGARDING THE POSSIBLE IMPLEMENTATION OF OPERATIONAL AND FINANCIAL EFFICIENCIES FOR THE CURRENT FISCAL YEAR (TABLED)

Mr. Remi Garza, County Administrative Assistant, explained that this Item was placed on the Agenda to allow the Court an opportunity to implement cost saving efforts and/or to discuss any possible savings that might be identified.

Judge Hinojosa stated that little cooperation was seen from a lot of Departments towards Commissioner Wood's idea, and that the County Clerk reduced his operational budget by 7%.

Mr. Manny Saenz, County Clerk's Chief Deputy, explained that the County Clerk's Administration met and reduced operational budget by 7% to ensure that County employees be guaranteed 3% salary increases. He encouraged other Departments to do the same, and noted the need to work together to accomplish a balanced Budget to complete County projects and to ensure that employees get their fair share.

Judge Hinojosa expressed appreciation and applauded the efforts of the County Clerk's Office.

Commissioner Wood stated that employees were the County's best asset and that the Court was attempting to accomplish the ability to afford the 3% across the board salary increases.

Mr. Saenz suggested that in the future the County think of employees first and work backwards. He stated that 3% salary increases could be accomplished if all Departments work together.

Commissioner Wood suggested that the Budget of the Justice of the Peace looking to retire be divided among surrounding Justices of the Peace in December 2004. He explained that the Court must be innovative as to how it handles the County budget, funding, and operations.

Commissioner Tamayo agreed that restructuring improves situations yet affects on constituents must be considered.

Judge Hinojosa explained that historically there was a Military Highway Justice of the Peace and that the newly elected Justice of the Peace relocated to La Feria, resulting in two (2) Justices of the Peace in La Feria, adding that there was no need for so because one (1) Justice of the Peace was adequate to serve the small community. He stated that Commissioner Wood was suggesting that such cost cutting efforts must be budgeted.

Commissioner Tamayo noted that she would oppose anything beyond elimination of one (1) Justice of the Peace Position.

Commissioner Garza noted the need to place the matter on the Agenda in due diligences to the Justice of the Peace.

Judge Hinojosa explained that the matter was relative because Justice of the Peace Dan Sanchez was requesting a new slot and that the Court must determine whether to fund the administrative position or to transfer a position from the Office of the Justice of the Peace that might be eliminated upon expiration of the Respective Judge's term

Mr. Xavier Villarreal, Budget Officer, presented a list of Departments that submitted the 7% reduction to operational costs specifically to General Fund, and noted that other Departments were working to reduce their operational budget.

Judge Hinojosa stated that all Departments must work towards this goal to avoid going to tax payers for additional taxes and that a possible tax increase should be considered only after all savings and revenues have been carefully examined. He suggested that County employees be challenged to come-up with cost cuts by providing some type of incentive.

Commissioner Wood suggested that a fee be charged to Attorneys who leave files behind if legally possible.

Mrs. Aurora De La Garza, District Clerk, explained that a fee was not feasible because by Law the County was responsible for disposal of those documents and to notify attorneys that they have a certain amount of time to pick-up the documents. She stated that savings were being incurred because the Jury was being pre-qualified, reducing summon from 1,700 every two (2) weeks to 600 every two (2) weeks.

Mr. Mark Yates, County Auditor, suggested that the County establish a centralized Justice of the Peace database for traffic citations to be kept, recorded, tracked and then sent to failure to appear, and proposed to work with the Court and the eleven (11) Justices of the Peace to establish a centralized database that would enable second and third follow-ups of citations through an electronic flow of documents that could generate savings and additional revenue.

Commissioner Garza questioned Line Item No. 4011 approved at 0 for last year.

Mr. Villarreal explained that at the time the Budget Officer Position was created its funding was lumped into the County Judge's Office and that Line Item No. 4011 segregates his operation's expenditures.

Commissioner Garza stated that the total amount was more than what was approved by the Court.

Mr. Villarreal explained that the amount was more because the adjustment to a salary within the Judge's Office was reflected annualized.

Judge Hinojosa clarified that the Budget Officer was an independent department reporting directly to the Court.

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

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

Mr. Xavier Villarreal, Budget Officer – “Judge and Commissioners I passed out this worksheet, which would have been referencing to you. And this is where we were yesterday at about four o’clock. Things have changed a little bit since then. What this shows you is the total revenues broken down in categories; of course is the tax rate, I still have it at the rollback rate and then getting to a point where it balances or maybe there is excess and then maybe backing off of that. It shows other sources that are out there of funds which haven’t been finalized yet, except for the first one which is the Veterans Land Rental, that’s with the concession out at Veterans Bridge. The second is the SCAAP and in speaking with the Auditor right now we’re looking at about maybe \$150,000.00. Increase in Marshals per-diem that’s still being worked on and of course the possible increase of the toll rate in automobile traffic by \$0.20. What you have in the recommended column down is with the 3% salary increase and also taking out all the reductions that I have received from the individual Departments.”

Commissioner Garza – “Up to now or up to four o’clock yesterday?”

Mr. Villarreal - “Up to now, yes, at four o’clock yesterday actually its a little bit better depends how you look at it. But at that point including the 3% percent salary increase we were only about \$207,000.00 short, after.”

Judge Hinojosa – “That’s including the 3% percent increase?”

Mr. Villarreal – “That’s including the 3% percent increase.”

Commissioner Tamayo – “And not including the rest of the Departments...?”

Mr. Villarreal – “Right not including the rest of the adjustments.”

Commissioner Wood – “But it shows the rollback tax rate.”

Mr. Villarreal – “It does show the rollback tax rate and the \$0.20.”

Judge Hinojosa – “Are you adding to that the \$1.1 increase in the per diem?”

Mr. Villarreal – “Yes with these things in here, with this additional possible source of funds that’s included in there in order for the \$207,000.00...”

Commissioner Garza – “.and transferring the penny to Road & Bridge?”

Mr. Villarreal – “Correct, including the transfer. Now...”

Judge Hinojosa- “Is there a reason why the Veterans Land Rental is in question? I thought we had a Contract.”

Mr. Villarreal – “We do have a Contract and in conversations with Pete Sepulveda, myself, and Mark Yates met on Friday. Right now they are paying \$1,000.00 a month rent and as soon as they receive a certificate of occupancy for that facility then it kicks into the new rate. Mr. Sepulveda was saying that they’re scheduled or their anticipated opening date is the latter part of November, exactly what date that is or if there’s any rain delays affects that..?”

Commissioner Garza- “Do we have any feel Judge, for the Marshals per diem?”

Judge Hinojosa – “John and I and Pete are traveling to DC tomorrow and we will be meeting on Thursday morning with Marshal Ben Reyna.”

Commissioner Tamayo – “Isn’t Mark going too?”

Commissioner Wood – “Yes.”

Judge Hinojosa - “Mark is going as well.”

Commissioner Tamayo – “I thought maybe you had a magic carpet and you were getting there on your own Mark.”

Judge Hinojosa – “We’ll see but we feel good about it. The other thing that I want to see is this \$0.20 increase in the toll, why do you have that as a possible? Can’t we just move that out of there? Can we vote on that right now?”

Mr. Villarreal – “Well it’s not an Action Item. I’ll place that on next Tuesday.”

Judge Hinojosa – “Can you just move that out of that category because I think we all agree that we are way below everybody else in our toll and if we can move that and the Veterans Land Rental out of there. I don’t know why we can’t book more than \$150,000.00 on the SCAAP. We need to talk about that okay.”

Mr. Mark Yates, County Auditor – “We can talk about it. The reason is Federal Government changed there over all progression from 574 million to 254 million, also that’s approximately a 45% reduction. The other thing is that we’ve notice that a lot more communities are applying for it. So now we’re having the 45% reduction and we’re having more competition, in addition the rules have changed. So the exact amount of what we think we might get is very much highly in question and in the fact that I am budgeting or booking \$150,000.00 is an extreme leap of faith as it is now, knowing that you all need to make a budget pass or balance.”

Judge Hinojosa- “Well but I would do a 45% reduction in our past as opposed to this because we get about \$600,000.00.”

Commissioner Garza – “For two (2) years, right?”

Mr. Yates – “No. We received two (2) appropriations last year; one of approximately \$450,000.00 and the other of about \$500,000.00. Total was about, I think, \$900,020.00 for two (2) years. So our annual appropriation

runs from \$400,000.00 to \$500,000.00. Now anywhere from 40% to 50% that's \$200,000.00. Now we know they have changed the rules on whether it used to be all aliens incarcerated into the State Program were included. Now and as Mr. Remi Garza could illustrate, the rules have some what changed and the exact qualification of those inmates whose origin of birth is other Countries they are still working out those issues. We I think that by the first of September we will know what we want, and I think that perhaps if you all approve your Budget between now and September 9th or even the 16th, if the number significantly migrates above \$150,000.00, which it can, then we'll make that adjustment."

Judge Hinojosa – "When are you going to make that adjustment though?"

Mr. Yates – "At that time... When we actually know? But at this point in time I can say that there is a good chance that we'll get \$150,000.00, but even looking at half of our normal appropriation would be about \$250,000.00. That's where we are."

Judge Hinojosa – "Hey, well that's what I mean. I'll take that, the additional \$50,000.00. I mean..."

Mr. Yates – "I don't know even booking \$150,000.00 not even knowing the number, it's like booking our Tobacco Funds reimbursement we've gone from \$250,000.00 that we used to receive down to \$75,000.00. And so as more competition more people enjoy that slice of the pie it gets a lot thinner. We will work and we have worked with your Budget Officer to make sure and to work towards a balanced Budget. And so in areas where we think we could lend a little extra latitude and improve what we do to generate more revenue we are. I think that we are meeting you all's goals."

Commissioner Wood – "I appreciate you placing this down here in a conservative basis so that we can work through this process and if we have more then we have more and there's a few more things we can do."

Mr. Yates – "I am not sure that this is conservative because my approach is to project or guess exactly what I think is going to be not, necessarily to hedge in a conservative amount. But if it comes in higher I'll be tickled to death. But at this point in time based on the over all parameter that I received from email via the agencies Bureau of Justice Administration based on the extreme reduction in federal appropriations, based on the changes and applications of the rules, and based on I know that more agencies are applying for these funds then I think we'd be surprised to get that amount. But I'd like to be wrong."

Commissioner Wood – "Let's hope you're wrong this time."

Judge Hinojosa – "Okay. Well then if he's booking that, then the only thing that remains in the possible source of funds category is the \$1.1 million. Isn't that fair, after Tuesday?"

Mr. Villarreal – "Yes, yes."

Judge Hinojosa – "Alright and that's what we need to go find, plus whatever additional cuts are made."

Mr. Villarreal – “Based on some of the ones that I received late yesterday afternoon, this shortfall I guess of \$207,000.00 is now \$160,000.00.”

Commissioner Tamayo - “\$160,000.00?”

Mr. Villarreal – “\$160,000.00 shortfall.”

Judge Hinojosa – “Okay.”

Commissioner Wood – “That’s still at the rollback rate.”

Mr. Villarreal – “Yes that’s still at the rollback rate.”

Judge Hinojosa – “And is it fair to say Mark, let’s talk about this for a second, because we have to think about contingency alright, and in your business in budgeting revenues it’s percentages as well, right, right, sort of?”

Mr. Yates – “We work on the best information available.”

Judge Hinojosa – “Well if we’ve got... I want you to think about this, because I don’t want to be in a situation... I want to know where we’re at in terms of this Budget by next week and I don’t know that we’re going to get a definitive answer, we’re going to try, but I don’t know that we are going to get a definitive answer from Marshal Reyna by next week, but assuming that we don’t right, contractually we’re obligated to get paid our cost per inmate, our actual cost per inmate.”

Mr. Yates – “Right and that’s what we are submitting to them, our actual cost and they need to reimburse our actual cost.”

Judge Hinojosa – “Right, and that’s something that they’re contractually obligated to pay based upon our contract with them when we built the Carrizales/Rucker Facility; when they gave us the \$3 million, and the quit-pro-quo for the \$3 million was that we commit to 350 inmates and they would reimburse us at an amount equal to the cost, assuming that they’re saying that it takes about six (6) months, worst case scenario that would tell me that it would be possible for you to book half the \$1.1 million, assuming that we don’t get things moving over there. So that at the very least next week can we move half of the \$1.1 million into projected revenues so that what we are looking at that at that point after the 7% cuts is somewhere around half a million dollars?”

Mr. Yates – “Well Judge as you mentioned earlier we are making a trip to speak to the U.S. Marshall himself and I think based on those conversations that we’ll have a better feel. I am fairly sure that through their bureaucracy that they can approve our rate as we approved in six (6) months. What I am hoping to achieve is that we do not loose our actual because there’s no reason for our County to subsidize the Federal Government. And we’re not only talking about \$1.1 million; we’re talking about the funds that we’ve already spent on behalf. And between you and me and everybody watching this program between April 1, 2002 and September 30th we had spent an average of \$36.01; now the U.S. Marshall wanted additional months to look at the per diem rate not just based

on... So we added an additional sixth month. Now because of higher population rates that we've had between October 1st and March 31st, the population of the jail grew 18% that brought our per diem down to \$33.13. Now from March 31st...

Judge Hinojosa – “Brought it down \$3.13.”

Mr. Yates – “Right to \$33.13. Because of the higher population our cost had doubled and more than doubled. But because of the higher population the factor that we had to divide by dropped it. Now even at \$33.13 from a period of April 1, 2002 to March 31, 2003 the County has subsidized the Federal Government approximately \$400,000.00. If you draw that back to July 31st that amount rises to \$475,000.00. What we spend over and above what we have received.”

Commissioner Wood – “And these are all issues that we're going to be discussing with the Marshal Thursday, but we also know that the normal process, as you indicated the government bureaucracy process, of getting a change is normally a six (6) month period as you also mentioned. We're going to try to get that narrowed down. So there's a lot of issues that we have to take care of and hopefully we'll be successful on all of them.”

Judge Hinojosa – “And that'll give you the indication of what to book on that.”

Mr. Yates – “I think that there is a good indication as the Judge said that there is no question that we should book at least six (6) months because I believe that they can obtain this change in six (6) months. I think that they can obtain that change a lot earlier. We have started this dialog with Chief Mendoza and Chief Lopez back in January in discussing this rate change with Mr. Charles Paulette in McAllen and Ms. Elizabeth Sarrent, his supervisor, they were both amenable to a rate change. I don't think that there is a question that we are going to have a rate change. Right now we're talking about timing and when it can be implemented. And even if it takes six (6) months to process I don't see why they cannot stipulate that we've document when our cost increased. We've hired an outside company that has justified our costs. We've also based on conversation with Mr. Paulette out of the McAllen Office even though we have not incurred the full \$1.6 million in additional salaries that the 55 new positions that we've added since the first of year; he stipulated that the Court has approved them, people are hired, and my contention to him is that the County's Fund Balance can not operate for a full year and incur cost of \$1.6 million without being reimbursed. And so based on that ...and our Fund Balance cannot take half of its amount to justify a cost. So he stipulated to meet Jail Commission Standards and to assist us in our actual cost that they will look at the perspective decisions that we have made and the cost that reflect that in determining our rate.”

Judge Hinojosa – “Alright. Okay.”

Commissioner Garza – “Good luck.”

Judge Hinojosa – “Anything else.”

Mr. Villarreal – “That’s where we are at right now. No not any specific action that is needed it’s just an update. Next Tuesday we are having a Public Hearing on both the Budget, the tax rate, the setting of the Elected Officials’ salaries, and then the following week, hopefully if everything goes as scheduled, the final adoption and the setting of the rates. And I will place the Item on the Agenda for next week to set the toll rates.”

Commissioner Wood – “Thank you.”

Judge Hinojosa – “Alright, do I hear a motion to acknowledge the Report of the Budget Officer?”

Commissioner Tamayo – “So move.”

Commissioner Wood – “Second.”

Judge Hinojosa – “By Commissioner Tamayo, second by Commissioner Wood, 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.”

The Report is as follows:

(9) CONSIDERATION AND POSSIBLE ACTION CONCERNING THE CUSTODIAL LETTER OF CREDIT ISSUED BY THE FEDERAL HOME LOAN OF DALLAS IN THE AMOUNT OF \$60,000,000.00.

Commissioner Tamayo – “I make a motion that we allow County Judge to release the Custodial Letter of Credit.”

Commissioner Wood – “Second.”

Judge Hinojosa – “By Commissioner Tamayo, second by Commissioner Wood, any further discussion?”

Commissioner Garza – “Question. For the record: Custodial Letter of Credit was never approved by this Commissioners Court?”

Mr. Doug Wright, Commissioners’ Court Legal Counsel – “No. We went through a negotiation process and the Letter of Credit that initially was provided to us and we receive the receipt. We never actually received an original Letter of Credit; we received from the Bank a receipt acknowledging that it had been executed. It was not consistent with what we had originally negotiated with. We’ve talked with the Bank, everybody is in agreement, it’s all been worked out, and I believe as soon as the Judge signs the release on this Custodial Letter of Credit they are going to immediately fax, and we should receive perhaps tomorrow, the Irrevocable Standby Letter of Credit...”

Commissioner Tamayo – “But this had to be released before that could happen?”

Commissioner Garza – “I just want to clarify the fact that it was never approved by the Commissioner’s Court.”

Mr. Wright – “No.”

Commissioner Garza – “But we’re having to release it.”

Mr. Wright – “Because it was issued.”

Commissioner Tamayo – “It has to be released.

Commissioner Garza – “It was issued by the Federal Home Loan Bank right?”

Mr. Wright – “Yes, of Dallas.”

Judge Hinojosa – “Yeah Mr. Farias.”

Mr. Arturo Farias, Lone Star National Bank – “I just wanted to clarify; historically the County has always done Custodial Agreements on pledging of security. Like in the previous Contract you all had a Custodial Agreement on pledging of securities with the Federal Reserve Bank of Boston. So Custodial Agreement was a form of you all having a security interest in our collateral and this has been done before. This is the first time that we had introduced a Letter of Credit. Our proposal we suggested the use of Custodial Letter of Credit because it makes

more sense for the Bank to issue a Custodial Letter of Credit because when deposits are collateralized the County changes its deposits, let's just say today its \$52 million, historically before in the past those fluctuate. They go up and down, and the difference between a Custodial Letter of Credit and a Straight Irrevocable Letter of Credit is that in a Custodial Letter of Credit it allows us to substitute the amount based on the deposit that the County has with the Bank. For instance if right now there's a rise in rate environment and the County can get a better rate by going to tex-pool, which you've done in the past, you all have a right in the Contract to move out some of those deposits and in a Straight Irrevocable Letter of Credit we cannot change the amounts, it is flat and it stays for the term. So the County, the Attorney, and the Contract have been in favor of the County. That's the only reason that we were trying to see if we could negotiate a Custodial Letter of Credit. It is an Irrevocable Letter of Credit but the idea is that the Federal Home Loan Bank would have custody of that Irrevocable Letter of Credit and allow the Bank to change the amount of that Letter of Credit based on the deposits that the County has... Now there was a reason why we were suggesting a Custodial Letter of Credit."

Judge Hinojosa – "Alright."

Commissioner Garza – "But the specs of our Contract request an Irrevocable Letter of Credit right? No?"

Commissioner Tamayo – "Yes..."

Mr. Wright – "I'm not sure that specs said that."

Lone Star National Bank Representative – "The specs submitted on the bid were for a Custodial Letter of Credit; the Custodial Letter of Credit provides the ability to move up and down on the securities. The Custodial Letter of Credit provides the ability to move up and down on the security. The irrevocable Standby Letter of Credit is a fixed securities for a fixed amount. Your outside Counsel which frankly in my opinion was more of a hinder than help..."

Commissioner Garza – "To you or to us?"

Lone Star National Bank Representative – "To both. Suggested an Irrevocable Letter of Credit and we and we ... I don't think it's the best thing for the County and the Bank, but we And that's what we're doing. The next Item on the Agenda will allow you to substitute the securities you have now for the Irrevocable Standby Letter of Credit when it comes. So hopefully the County will have a better help in its Budget by making more money by passing these two Items sooner."

Commissioner Garza – "Well my only question was why we were releasing this Letter when we never accepted it?"

Lone Star National Bank Representative – "Because right now the County is double collateralized. You've got collateral of over \$130 million."

Mr. Wright – “There wasn’t anything for the County to do other than accept a receipt for the Letter Of Credit spoken to in...(inaudible). The reason why the Judge needs to sign is because he is the main beneficiary under that Letter of Credit. That’s the reason that we are taking that action now.”

Commissioner Tamayo – “And in order to take care of...this had to be released.”

Judge Hinojosa – “Okay there’s a motion and a second, 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.”

(10) CONSIDERATION AND POSSIBLE SUBSTITUTION OF THE SECURITIES HELD BY THE FEDERAL RESERVE BANK OF BOSTON IN THE AMOUNT OF \$77,102,159.90 WITH AN IRREVOCABLE STANDBY LETTER OF CREDIT ISSUED BY THE FEDERAL HOME LOAN BANK OF DALLAS IN THE AMOUNT OF \$60,000,000.00 AND POSSIBLE ACTION FOR SAFEKEEPING OF THE STANDBY LETTER OF CREDIT FOR LONE STAR NATIONAL BANK

Commissioner Wood – “I so move.”

Commissioner Benavides – “Second.”

Judge Hinojosa – “Motion by Commissioner Wood, second by Commissioner Benavides.”

Commissioner Garza – “Could I see that letter of credit? I’d like to see it.”

Mr. Doug Wright, Commissioners’ Court Legal Counsel – “You can see the application for it but we have not received the...”

Commissioner Garza – “Well, how can I vote for something that I don’t have in my package?”

Mr. Wright – “Well but the Judge is not going to release or the County Treasurer is not going to release those securities until such time that as he, our outside Counsel, and this Counsel is satisfied that the Letter of Credit satisfies what we previously negotiated.”

Commissioner Garza – “Yeah, but should that not come before us with the Letter of Credit so that we could at least see what we are approving?”

Mr. Eddie Gonzalez, County Treasurer – “Let me suggest something.”

Mr. Wright – “It won’t be issued; I mean it’s not issued yet. It can’t be issued until such time as the Bank makes that request or presents the application.”

Mr. Gonzalez – “If I may. I have no idea what you have in front of you with that Agenda Item. But I thought that they were going to have a draft of what was going to be submitted so that way they would be signing

off on the approval. I can't look at that letter tomorrow and say that's in keeping of whatever it is because I was not part of that process. But if the Court authorizes me to release the collateral held by the Federal Reserve of Boston I will do so and I would suggest that it be made subject to somebody's acceptance that is in form."

Commissioner Wood – "It's a substitution of. It is not a release and an acceptance. It's substituting one for the other. It should be done simultaneously."

Mr. Gonzalez – "Well, technically it should... Exactly they buy, you look at it. You accept it. But what I'm suggesting is that before they go out and buy and run into the very same situation that occurred last week, a week before last that I thought you would have already looked at it. That's all I am saying."

Mr. Arturo Farias, Lone Star National Bank – "The exhibit for the Federal Home Loan Bank was par to of the Depository Contract and it has been looked at. The item, the original Letter of Credit will not be delivered til tomorrow."

Commissioner Garza – "That's what I would like to see. Not necessarily the original, but at least some resemblance of it. Like a copy."

Commissioner Wood – "Legal is going to go get it because they have it upstairs."

Commissioner Garza – "So you have it already?"

Mr. Wright – "No. We have what was originally submitted."

Lone Star National Bank Representative – "Commissioner Garza if I may, we have supplied."

Commissioner Garza – "I do not wish, please understand, to allow any portion of our deposits in any bank to not be protected by either securities or an Irrevocable Standby Letter of Credit as we are requesting. So you know I mean I could not release a security until I am assured that the instrument that we need to have on hand is on hand. How can we vote on something without even seeing it, without even knowing? I mean I've asked legal if 'do you have it' and they don't have it."

Lone Star National Bank Representative – "Commissioner Garza if I may, the Performa Standby Irrevocable Letter of Credit, the form that the Federal Home Loan Bank issues has been supplied to Counsel. It has been supplied to outside Counsel. We have supplied the phone number and the contact person with the Dallas Federal Home Loan Bank Court. We had an in abundance of caution have had this checked and double checked and triple checked so that there would be no problem. The only thing that..."

Commissioner Garza – "It's not signed by anybody. Is this what you talking about, the sample?"

Lone Star National Bank Representative – "That is a sample."

Commissioner Garza – "Well how about one that's filled out. I mean that's just my thought. If the four members don't...if it doesn't matter to them I don't have a problem."

Lone Star National Bank Representative – “Commissioner if I may. The only issue is that when the County receives an Irrevocable Standby Letter of Credit in the form that you have seen that’s been duly issued the Treasurer be allowed to substitute one security for another. If it is valid security in the form that has been approved that has been discussed then that would be the appropriate thing to do.”

Commissioner Garza – “Yeah but the Treasurer is not the one that makes that decision. We make that decision and then he does the transaction. He doesn’t make that type of decision without us approving it.”

Mr. Wright – “That’s right Commissioner. And I think what we are trying to accomplish is what you have before you is what the Bank is going to execute. Once we see that there is an executed Irrevocable Letter of Credit then we will go to the Treasurer and ‘say look you have an Irrevocable Letter Of Credit in the amount of \$60 million that’s substantially more than what our deposits are in the Bank.’ At that point in time then the release could be made of the securities. And what you often do is you allow support staff or the Treasurer....”

Commissioner Garza – “We release, we have Items on our Agenda that allow the release of the securities.”

Mr. Wright – “You would be doing that on a conditional basis. You would say ‘you’re going to make sure Legal Counsel including the outside Counsel that advised to have the Irrevocable Standby Letter of Credit to be satisfied that the document takes care of the security interest to the County and all the deposits’, and then at that time we will go to the Treasurer and say in effect this is an irrevocable good Standby Letter of Credit and that the deposits of the County are secured, then at that point then securities could be released. That form is not going to change, the only thing that will change is that it will be filled in with compliance with the \$60 million, it will name the County Judge, in his Official Capacity, as the beneficiary and his successor and it will comply with the Statutes at that point in time.”

Commissioner Tamayo – “And Doug I appreciate, I took a lot of your time yesterday in reference to this Item and that’s why Commissioner Garza some of those questions had been answered. I asked Doug....”

Commissioner Garza – “Well I asked them yesterday too, but I’m asking them in public today.”

Commissioner Tamayo – “Well that’s fine.”

Commissioner Garza – “I just think that it’s important that things be discussed in the open, not only. And I told Doug that exact same thing. Yes you’ve answered some of my questions but I think it’s important that we, as a Commission, discuss these things together and each one knows what the thought of the others are”

Commissioner Tamayo – “Well I wasn’t hiding anything. I was just wanting to get information so that I could vote accordingly with the information, and again I thank you Doug for the information provided to me. And I was comfortable with the fact that I trusted that we would all follow the process and use that sample which is just

filling in the blanks, and I agree with you Commissioner, we want to make sure that everything is done right, and I felt comfortable with that.”

Judge Hinojosa – “Okay there’s a motion and a second, any further discussion? All those in favor signify by stating Aye.”

Commissioners Benavides, Wood, Tamayo, and Judge Hinojosa- “Aye”

Judge Hinojosa – “All those oppose?”

Commissioner Garza – “Nay”

Judge Hinojosa – “Motion carries.”

The Document is as follows:

**(11) CONSIDERATION AND AUTHORIZATION TO
SELECT OPTIONAL SERVICES FOR THE FY- 2003-
2004 CAMERON COUNTY INDIGENT HEALTH CARE
PROGRAM**

Commissioner Garza moved that the optional services for the Fiscal Year 2003-2004 Cameron County Indigent Health Care Program be approved, as recommended by the County Auditor.

The motion was seconded by Commissioner Wood and carried unanimously.

The list is as follows:

(12) **CONSIDERATION AND POSSIBLE ACTION
REGARDING TWO (2) CULVERT CROSSINGS OVER
DRAINAGE DISTRICT NO. 3 AT OLMITO ROAD AND
PARKER ROAD**

Mr. Juan Bernal, County Engineer/Public Works Director, informed that visual inspections and traffic counts were conducted for the seven (7) crossings being requested by Drainage District No. 3 after heavy rains, and recommended that two (2) crossings used by school busses be reconstructed. Mr. Bernal informed that Drainage District No. 3 was proposing that they provide labor and that the County provide materials in the amount of \$41,600.00. He clarified that the cost must be funded from Road & Bridge Fund.

Commissioner Wood expressed concern with providing funding to entities that have the responsibility to do the repairs according to Statutes when the County was in dire need of funding for road improvements. He noted that Drainage District No. 3 had a tax rate greater than the Town of Bayview, Combs, Indian Lakes, Los Fresnos, Primera, Palm Valley, Rio Hondo, Rancho Viejo, San Benito, Santa Maria Independent School District, and Santa Rosa School District combined.

Commissioner Tamayo asked how these issues were addressed in the past.

Commissioner Garza responded that historically the County has provided funding to everyone, and that the \$250,000.00 payment was currently being forwarded to Drainage District No. 5, adding that Precinct No. 4 has received most funds in the past four (4) years.

Judge Hinojosa explained that he has opposed the way the said monies were spent because of the way Drainage District No. 5's project was handled. He added that the County must review the school busses issue, and suggested that the County help with the culvert issues in the form of a partnership for crossings where school busses were involved.

Commissioner Wood stated that Drainage District No. 3's Capital Improvements Fund's balance was \$2 million in February, earning interest above \$41,000.00. He explained that the County has the responsibility to provide maintenance in a Drainage District's jurisdiction, that they must be maintained by Statute, and that the County also has the responsibility to go to Court to obtain reimbursement from that entity. Commissioner Wood stated that all Department Heads and Elected Officials were attempting to reduce their operational budget by 7% in order to balance the Budget yet the Court was looking to provide funding to an entity that has money sitting in the bank and a large tax base.

Commissioner Tamayo asked if the County was obligated and responsible to assist in these situations.

Commissioner Wood stated that the County must assist when there was a need and when the entity was unable to fund the project.

Commissioner Tamayo noted the need for assistance, and asked who was responsible for maintaining the culverts.

Judge Hinojosa explained that Drainage District was legally responsible for repairing these crossings and was apparently able to do so; however, they were not willing to do so. He stated that he was not willing to say that the repairs would not be done because the Drainage District was legally required and financial able to conduct the repairs. Judge Hinojosa stated that the County must commit to doing the repairs because of the dangerous situations involving school busses, and that Drainage District No. 3 was willing to do the work if the County provides materials. He expressed support for this Item if the crossings were reduced to the ones involving school busses.

Commissioner Garza questioned the number of crossing that involved school buses.

Mr. Bernal responded that five (5) of the seven (7) crossings involve school busses and that two (2) crossings might be dangerous.

Commissioner Wood stated that five (5) crossings did not involve school busses because three (3) crossings went into fields, and asked if the crossings not funded by the County would be done by Drainage District No. 3.

Mr. Bernal responded that the Drainage District's plans were unknown, and recommended that two (2) crossings be repaired because they might represent dangers with school busses.

Commissioner Garza noted that the recommendation was being made by the County Engineer not the Drainage District.

Judge Hinojosa stated that a Drainage District No. 3 Representative indicated that payment of the \$41,000.00 could be made in 2004-2005 Fiscal Year, and suggested that the repairs be conducted and paid during the 2004-2005 Fiscal Year, adding that the penny transfer to Road & Bridge Fund would allow for reserves to buildup.

Mr. Doug Wright, Commissioners' Court Legal Counsel, clarified that the County was ultimately responsible for repairs to roads, culverts, and bridges; however, Statutes placed a mandatory obligation on the Drainage District to pay for repairs.

Commissioner Garza expressed concern with school busses utilizing the crossings in need of repair, and requested Legal Counsel's recommendation.

Mr. Wright stated that the crossing needed to be repaired, and suggested that the Drainage District's Legal Counsel be advised that both the County and Drainage District were subject to liability and should proceed with the repairs. He recommended that the County do the work and seek reimbursement upon the Drainage District opposing to do the repairs,

Commissioner Garza questioned what was being replaced.

Mr. Bernal responded that 36” and 42” pipes were being replaced with a 9’ by 10’ box upon recommendation by the Drainage District’s Engineer.

Commissioner Tamayo suggested that a Workshop be held between Drainage Districts and the County.

Commissioner Garza moved that reconstruction of two (2) culvert crossings in Drainage District No. 3 over Olmito Road and Parker Road be approved, with the stipulation that Legal Counsel proceed to recover funding from the \$41,000.00 through the process deemed necessary.

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

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

NAY: Commissioner Wood.

(13) IN THE MATTER REGARDING CONSIDERATION AND AUTHORIZATION TO PROVIDE LABOR AND EQUIPMENT TO DO WORK ON NINA ROAD (COUNTY ROAD)(TABLED)

Mr. Juan Bernal, County Engineer/Public Works Director, stated that a developer was requesting that the County provide labor and equipment upon providing materials to do work on Nina Road. He added that this type of requests have been done before.

Mr. Doug Wright, Commissioners’ Court Legal Counsel, advised that the County would enhance the value of the Developer’s property.

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

(14) CONSIDERATION AND ACTION REGARDING LOCAL LAW ENFORCEMENT BLOCK GRANT AND HOMELAND SECURITY GRANTS

Mr. Remi Garza, County Administrative Assistant, stated that the County was authorized to negotiate the 2003 Local Law Enforcement Block Grant and Homeland Security Grants that allocate \$46,414.00 to Cameron County and \$149,946.00 to the City of Brownsville, totaling \$196,360.00.

NOTE: COMMISSIONER TAMAYO LEFT THE MEETING AT THIS TIME.

Mr. Garza stated that discussions with the City of Brownsville included that the County used its previous allocations to fund a Dispatcher Position, a Deputy Constable Position, and two (2) part-time Secretary Positions. He noted that \$46,414.00 was beneath the \$97,000.00 needed to fund these positions, and that given that the Local Law Enforcement Block Grant authorizes the hiring of personnel the idea was developed that the County use the

allocation to create a Department of Homeland Security to oversee the funding to be received from the U.S. Department of Homeland Security. Mr. Garza stated that the City of Brownsville was amenable to allowing this to occur assuming that they could recoup equipment through the Homeland Security Grant. He requested authorization for the County to receive \$196,360.00 to present it to the Advisory Board to discuss how the funding would be used and ultimately back to the Court, in addition to authorizing the Brownsville Police Department to review the County's Homeland Security List to determine if it has an equal amount of equipment, including the additional \$50,000.00 Hazmat Module for the computer aided dispatch. He stated that the matter would be presented to the City of Brownsville for approval.

Judge Hinojosa stated that Brownsville was capable of setting up the Homeland Security equipment and that staff dedicated to Homeland Security was needed to oversee funding and related issues.

Commissioner Garza questioned the portion of the \$196,360.00 to be used to fund the County's current positions and if \$100,000.00 would be used to fund the Homeland Security Department.

Mr. Garza responded that the \$96,000.00 would fund the County positions and that the \$100,000.00 would fund a Homeland Security Department.

Commissioner Garza questioned to whom would that Department respond to, if the Department would be under the direction of the County Judge's Office, if the Department would be directed with different entities through Interlocal Agreements regarding Homeland Security, and for how long was receipt of Homeland Security Grants anticipated because otherwise the County must fund another Department.

Judge Hinojosa stated that these matters must be addressed by Commissioners Court, and that the County was prone towards following the lead of the Federal Government who was providing funding to the County for such issues. He stated that his Office would present a proposed Plan to establish a Department of Homeland Security.

Mr. Garza stated that the Federal Government would be informed that negotiations have concluded and that the City of Brownsville would receive \$0 and Cameron County would receive \$196,360.00.

Commissioner Benavides moved that the proposed terms of the negotiations for the Local Law Enforcement Block Grant and Homeland Security Grants with the City of Brownville be approved, with the understanding that details would be negotiated through a Memorandum of Understanding.

The motion was seconded by Commissioner Garza and carried unanimously.

The Report 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. 24: Mr. Remi Garza, County Administrative Assistant, explained that the Order banning outdoor burning must be re-approve every 90 days; however, because the County was not under drought condition the Texas Forrest Reserve might not recommend adoption of the Order.

ITEM NO. 15: Mr. Mark Yates, County Auditor, requested that Warrant No. 00101949, payable to Mr. Albert Trevino, in the amount of \$36.55 be **VOID** and replaced with Warrant No. 00101962, payable to Valley Laser Center, in the amount of \$36.55, and presented the following late claims:

ITEM NO. 19: Commissioner Wood noted that Computer Use-Electronic Access Policies and Procedures were part of the Agenda.

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

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

AYE: Commissioners Benavides, Wood, Garza, and Tamayo

NAY: None

ABSTAIN: Judge Hinojosa as to Warrant No. 00101833, payable to Southwest Key Program La Esperanza, in the amount of \$12,880.00.

**(15) APPROVAL OF CLAIMS;
The Affidavit follows:**

(16) APPOINTMENT OF LUIS E. GUEVARA DEPUTY CONSTABLE FOR PRECINCT NO. 1 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 IS VALID ONLY THROUGH THE END OF THE FISCAL YEAR IN WHICH THE APPOINTMENT IS MADE OR THE CURRENT TERM OF THE ELECTED CONSTABLE WHICH EVER ENDS SOONER;

**(17) AMENDED TO RESOLUTION AUTHORIZING THE SUBMISSION OF THE CONTINUATION APPLICATION FOR THE JUVENILE JUSTICE ALTERNATIVES PROGRAM GRANT TO THE GOVERNOR'S OFFICE CRIMINAL JUSTICE DIVISION AND AUTHORIZING THE COUNTY JUDGE OF CAMERON COUNTY, TEXAS TO APPLY FOR, ACCEPT, REJECT, ALTER, OR TERMINATE THE GRANT CONTRACT WITH THE CRIMINAL JUSTICE DIVISION BY SIGNING THE CRIMINAL JUSTICE DIVISION APPLICATION AND ITS RELATING DOCUMENTATION ON BEHALF OF CAMERON COUNTY;
The Resolution follows:**

**(18) AMENDMENT OF CONTRACT BETWEEN THE CAMERON COUNTY HEALTH DEPARTMENT AND THE TEXAS DEPARTMENT OF HEALTH TUBERCULOSIS ELIMINATION DIVISION;
The Amendment follows:**

**(19) POSSIBLE ACTION ON PROPOSED COMPUTER USE-ELECTRONIC ACCESS POLICIES AND PROCEDURES;
The Policy follows:**

(20) OPENING OF THE FOLLOWING REQUEST FOR PROPOSALS FOR PHARMACEUTICAL SERVICES WITH PRESCRIPTION & OVER THE COUNTER-RFP NO. 1610 AND APPROVAL OF RECOMMENDED EVALUATION COMMITTEE: YVETTE SALINAS, MIKE FORBES, ESMER GUAJARDO, MARIA SAN PEDRO, FIDEL CALVILLO;

**(21) CAMERON COUNTY DRUG ENFORCEMENT TASK FORCE CONTRACTUAL EMPLOYEE CONTRACT FOR FY-2004;
The Contracts follow:**

**(22) OPENING OF THE FOLLOWING BID'S/RFP'S:
(A) MILK-ANNUAL BID NO. 2180;
(B) FOOD: PAN DULCE-ANNUAL BID NO. 2200;**

- (C) PAPER: PRINT-SHOP & ENVELOPES-ANNUAL BID NO. 2460;
- (D) SAFETY SHOES- ANNUAL BID NO. 2620; AND
- (E) TOWER SPACE RENTAL-RADIOS-ANNUAL BID NO. 1885.

- (23) ACKNOWLEDGEMENT OF NO RFQ'S RECEIVED FOR THE FOLLOWING BIDS/PROPOSALS:
 - A. PHYSICIANS STD SERVICES-ANNUAL RFQ NO. 1615
- (24) ACKNOWLEDGEMENT OF LAPSE OF OUTDOOR BURNING BAN ORDER.

TRAVEL ITEMS

- (25) CONSIDERATIONS AND AUTHORIZATION TO TRAVEL/OR APPROVAL OF TRAVEL EXPENSE FOR THE FOLLOWING (PLEASE NOTE: TRAVEL REQUESTS ARE SUBJECT TO ALL APPLICABLE COUNTY POLICIES):
 - (a) County Judge, Commissioner Pct. 2, International Bridge System Director, And County Auditor To Travel To Washington, D.C., On 8/27-28/03, To Meet With State Department Officials On The West Rail Project And Other Government Officials On The County's Agreement With The U.S. Marshall's Office.
 - (b) Commissioner Pct. 3, To Travel To El Paso, Tx, On 8/27-28/03, To Attend A Texas Border Infrastructure Coalition Meeting.
 - (c) International Bridge System Director, To Travel To Mexico City, Mexico, On 8/25/03, To Meet With Sct And State Of Tamaulipas Officials Regarding The West Rail Relocation Plan.
 - (d) 357th District Court Administrator, To Travel To Austin, Tx, On 9/30-10/3/03, To Attend The Texas Association For Court Administration Education Conference.
 - (e) 357th District Court Coordinator, To Travel To Austin, Tx, On 9/30-10/3/03, To Attend The Texas Association For Court Administration Education Conference.
 - (f) 103rd District Court Administrator, To Travel To Austin, Tx, On 9/30-10/3/03, To Attend The Texas Association For Court Administration Education Conference.
 - (g) 103rd District Court Coordinator, To Travel To Austin, Tx, On 9/30-10/3/03, To Attend The Texas Association For Court Administration Education Conference.
 - (h) 404th District Court Coordinator, To Travel To Austin, Tx, On 9/30-10/3/03, To Attend The Texas Association For Court Administration Education Conference.
 - (i) 404th District Court Administrator, To Travel To Austin, Tx, On 9/30-10/3/03, To Attend The Texas Association For Court Administration Education Conference.
 - (j) Extension Office Employee, To Travel To Houston, Tx, On 8/25-27/03, To Attend Sea Grant/Extension/Marine Advisory Service Staff Meeting.
 - (k) Extension Office Employee, To Travel To Houston, Tx, On 8/14/03, To Attend An Emergency Meeting With Ncoaa Fisheries Administrator Concerning Shrimp Losses In Turtle Excluder Devices.
 - (l) County Health Department Employee, To Travel To San Antonio, TX, On 10/28-31/03, To Attend Continuing Education For Adult Weight Management Training.

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

- (17) **AMENDED TO RESOLUTION AUTHORIZING THE SUBMISSION OF THE CONTINUATION APPLICATION FOR THE JUVENILE JUSTICE ALTERNATIVES PROGRAM GRANT TO THE GOVERNOR'S OFFICE CRIMINAL JUSTICE DIVISION AND AUTHORIZING THE COUNTY JUDGE OF CAMERON COUNTY, TEXAS TO APPLY FOR, ACCEPT, REJECT, ALTER, OR TERMINATE THE GRANT CONTRACT WITH THE CRIMINAL JUSTICE DIVISION BY SIGNING THE CRIMINAL JUSTICE DIVISION APPLICATION AND ITS RELATING DOCUMENTATION ON BEHALF OF CAMERON COUNTY;**
The Resolution is as follows:

- (18) AMENDMENT OF CONTRACT BETWEEN THE CAMERON COUNTY HEALTH DEPARTMENT AND THE TEXAS DEPARTMENT OF HEALTH TUBERCULOSIS ELIMINATION DIVISION;
The Amendment is as follows:**

- (19) POSSIBLE ACTION ON PROPOSED COMPUTER USE-ELECTRONIC ACCESS
POLICIES AND PROCEDURES.
The Policies are as follow:**

- (21) **CAMERON COUNTY DRUG ENFORCEMENT TASK FORCE CONTRACTUAL
EMPLOYEE CONTRACT FOR FY-2004.**

The Contract is as follows:

EXECUTIVE SESSION

Upon motion by Commissioner Benavides, seconded by Commissioner Garza and carried unanimously, the Court met in Executive Session at 12:11 P.M., to discuss the following matters:

(26) EXECUTIVE SESSION:

- (a) Confer with Commissioners' Court Legal Counsel concerning the case styled Jose Villarreal versus Cameron County and Joe Elizardi; Civil Action No. B-03-143, for discussion and authority to hire Counsel; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(1)(A).
- (b) To deliberate the Evaluation of the Public Works Director; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.074 (A).
- (c) Deliberation regarding Real Property concerning the Lease for Office and Program Space for the Title V Program; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072.
- (d) Deliberation regarding Real Property concerning the Concession Agreement between Cameron County and Brownsville Boys & Girls Club for Cameron Park Project; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072.

Upon motion by Commissioner Benavides, seconded by Commissioner Garza and carried unanimously, the Court reconvened in Regular Session at 12:23 P.M.

(27) ACTION RELATIVE TO EXECUTIVE SESSION:

- (a) **Confer with Commissioners' Court Legal Counsel concerning the case styled Jose Villarreal versus Cameron County and Joe Elizardi, Civil Action No. B-03-143, for discussion and authority to hire Counsel.**

Commissioner Benavides moved that the hiring of the Law Firm of Willette and Guerra be authorized to Represent Cameron County in the case styled Jose Villarreal versus Cameron County and Joe Elizardi, Civil Action No. B-03-143.

The motion was seconded by Commissioner Garza and carried unanimously.

-
- (b) **In the matter regarding deliberation of Evaluation of the Public Works Director. (TABLED)**

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

NOTE: THIS ITEM WAS NOT DISCUSSED.

(c) Deliberation regarding Real Property concerning the Lease for Office and Program Space for the Title V Program.

Commissioner Garza moved that negotiation and execution of the Lease for Office and Program Space for the Title V Program be authorized.

The motion was seconded by Commissioner Benavides and carried unanimously.

(d) In the matter regarding deliberation regarding Real Property, concerning the Concession Agreement between Cameron County and Brownsville Boys & Girls Club for Cameron Park Project. (NO ACTION TAKEN)

At this time, Mr. Fernando Ruiz, County resident, expressed concern with regards to the City of Brownsville's proposed purchase of 198 acres for \$3 million that were valued at \$91,000.00 in the tax roles. He stated that matter must be reviewed by the County in fairness to its constituents and recommended that the Appraisal District be audited.

Commissioner Garza stated that the properties were appraised as agricultural value as per Statutes.

Mr. Ruiz responded that the formula was apparently not being followed properly.

There being no further business to come before the Court, upon motion by Commissioner Benavides, seconded by Commissioner Garza and carried unanimously, the meeting was **ADJOURNED** at 12:28 P.M.

APPROVED this 7th day of **October 2003**.

GILBERTO HINOJOSA
COUNTY JUDGE

ATTEST:

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