

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 12th day of NOVEMBER 2003, there was conducted a Special 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:

1:30 P.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

COMMISSIONER, PRECINCT NO. 4

JOE G. RIVERA
COUNTY CLERK

Mary Robles Deputy Clerk

ABSENT:

EDNA TAMAYO

The meeting was called to order by Judge Pro-tem Pedro "Pete" Benavides at 1:34 P.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 November 7, 2003, at 4:17 P.M.:

PRESENTATION

(1) **IN THE MATTER REGARDING PRESENTATION REGARDING AN UPDATE ON THE EAST LOOP PROJECT (TABLED)**

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

(3) **PRESENTATION BY TAC AMERICAS ON THE ENERGY CONSERVATION SERVICES PROGRAM**

Mr. Bill Savarino, TAC America Representative, stated that the contracting concept was a facility improvement programs that guarantees energy conservation savings from TAC America to pay for the project and the program, governed by Local Government Code 302. He stated that improvements consist of implementation and upgrading energy management systems, air condition repairs, lighting repairs, water conservation projects, and miscellaneous facility improvements. Mr. Savarino stated that once the improvements were implemented there would be energy savings to the County's expenditures and that the savings, guaranteed by TAC America, would cover the annual cost of the project. He stated that the County must decide whether to continue paying \$800,000.00 per year for its facilities or to implement the facility improvements and be guaranteed not to spend \$800,000.00 per year. Mr. Savarino stated that the scope of work had uncertainties of which facilities would be used in the future; therefore, a committee was appointed to determine which facilities would be examined, adding that ten (10) County facilities were selected. He explained that there was little opportunity to do energy conservation improvements at the new detention center and the Sheriff's Department facility. Mr. Savarino proposed that light energy efficiency improvements be implemented by replacing 2,942 T-12 lights with T-8 lights and that the T-12 lights be stored and used in facilities that would not have improvements. He recommended that digital controls be placed in eight (8) County facilities to extend the life of the equipment and that water system be upgraded at Detention Centers No. 1 and No. 2. Mr. Savarino stated that the energy conservation program included replacement of the outdated fire and security system, placement of a film on the skylight to reduce heat, and provision of two (2) weeks of training for Maintenance Personnel. He explained that their company had an incentive to have county personnel trained in order to meet their guaranteed savings; that being that otherwise, they must issue a check to the County.

NOTE: JUDGE HINOJOSA ARRIVED AT THIS TIME.

Commissioner Tamayo questioned if follow-up training would be provided.

Mr. Savarino responded in the affirmative. He highlighted the following savings calculations:

Mr. Savarino stated that the total project had a cost of \$1,101,982.00 over a ten (10) year amortization at 3% interest rate with annual payments of \$134,680.00, projected savings of \$146,310.00, and \$135,250.00 guaranteed savings to cover the cost of the project. He stated that typically if there was a ten (10) year payback TAC America would guarantee savings for the length of the loan; however, TAC America agreed to keep the fifteen (15) year guarantee, resulting in projected net savings of \$885,000.00 with \$650,000.00 guaranteed savings.

Commissioner Garza asked how the \$146,310.00 savings were concluded.

Mr. Savarino stated that the \$146,310.00 included all energy and fire/security savings.

Commissioner Garza questioned the inclusion of fire/security system savings as part of the savings.

Mr. Savarino explained that the fire/security system savings, in the amount of \$52,000.00, were found to be part of the project.

Commissioner Garza stated that the fire/security system savings were not energy conservation and that the savings could occur upon the Court re-bidding the contract. He stated that he would like to see energy savings be "just energy."

Mr. Savarino asked if he would like for the fire/security system savings to be removed from the scope of work.

Commissioner Garza stated that he was looking at this project as an Energy Conservation Project and that he wanted to know what the County could afford to do with savings from the Energy Conservation Program.

Mr. Savarino explained that Statutes allow them to view operational savings as well in doing a comprehensive project.

Commissioner Garza stated that the energy conservation project should be self funded through energy savings, and noted that the County provides many services that may be funded through fire/security system savings.

Mr. Savarino stated that the said savings could be reviewed, and explained that total savings were examined because savings were not available in small facilities. He stated that he felt that the County would have continued to pay the \$59,000.00 over the years if he had not found it.

Commissioner Wood stated that the County would not be able to service the debt if the fire/security system savings was removed.

Mr. Savarino stated that the debt would have to be extended over fifteen (15) years.

Commissioner Garza stated that he would prefer to do so because energy conservation was an important aspect of county government. He stated that the loan should not be subsidized by a fire/security contract.

Mr. Savarino stated that the next step was for the Court to approve the contract; followed by implementation of the project. He clarified that feed-back would be presented regarding Commissioner Garza's concerns.

Upon motion by Commissioner Tamayo, seconded by Commissioner Wood and carried unanimously, the Presentation by TAC Americas on the Energy Conservation Services Program was acknowledged.

The Presentation is as follows:

(4) PRESENTATION ON THE STATUS OF THE RIO GRANDE VALLEY HEALTH SERVICES DISTRICT OCTOBER MEETING AND POSSIBLE ACTION REGARDING THE BUDGET PROPOSAL FOR FY 2003-3004 AND A CONTRACT BETWEEN THE COUNTY OF CAMERON AND THE RIO GRANDE VALLEY HEALTH SERVICES DISTRICT

Mr. Veronica De Lafuente, County Judge's Office, highlighted the following report:

Judge Hinojosa stated that unless Hidalgo County got on board the project was meaningless, noting that he was getting tired of Hidalgo County's attitude and changes of position. He stated that the Board was not on the same page as Cameron County and that their agenda of what needs to happen was constantly moving and not even close to Cameron County's agenda. Judge Hinojosa stated that he would recommend that Cameron County pull out of the Rio Grande Valley- Health Service District (RGV-HSD) unless he sees changes in Hidalgo County's position. He recommended that RGV-HSD not be funded through Tobacco Funds until Hidalgo County's position was known. Judge Hinojosa explained that what needs to happen to provide health care to low income people was very clear amongst the HSD Board members of Cameron County and that they were moving in that direction; however, Hidalgo County was not coming along, in addition to their Attorney indicating something diametrically opposed to Cameron County's opinion. He noted that Cameron County would not do what Hidalgo County's Attorney was recommending at any point, and that he did not care how much trouble it would be to form the HSD as long as it could be done. Judge Hinojosa stated that Cameron County could do its own project if Hidalgo County's position was to protect the jobs being utilized by the Indigent Health Care in Hidalgo County or to fund the medical providers in the matter that was being accomplished without expanding the provision of Indigent Health Care in the Rio Grande Valley. He suggested that perhaps Willacy County could switch over from a Hospital District in the next Legislative Session.

Commissioner Garza stated that Cameron County has spent funds to establish the HSD, and agreed with Judge Hinojosa as to the situation. He stated that it was evident that State wanted to wash its hands of the responsibility to South Texas. Commissioner Garza stated that Cameron County was already carrying its share of the burden by providing 8% of its General Fund Budget to provide descent service to the indigent population throughout the year.

Judge Hinojosa stated that Cameron County provides services at half the cost when compared with Hidalgo County, and that Cameron County could not make the Indigent Health Care Program more efficient under the current system, adding that it could be more efficient under the HSD as envisioned by Cameron County. He stated that Cameron County gets nothing from the HSD other than a building, and that Commissioner Garza was correct as to State not helping.

Commissioner Tamayo questioned when a decision would be made in order to not spend additional funds if the project would not be done.

Judge Hinojosa stated that Cameron County would not make further investments because a strategic plan has not been done, and noted that the request made by Hidalgo County's Attorney could not be fulfilled. He stated

that the HSD was over if Hidalgo County does not change its Attorney's position, adding that the same Attorney was telling Hidalgo County that it could not join the Redistricting Litigation.

Ms. De Lafuente stated that the consultant fees for developing the Biennial Strategic Plan were being paid by hospitals.

Commissioner Garza noted that Cameron County was paying staff.

Judge Hinojosa noted the need to compensate Mr. Ricardo Morado, and that Cameron County would have spent funds without getting what it wanted, which was a quality health program to provide healthcare to indigent people.

Commissioner Wood suggested that Cameron County not invest more monies on buildings that it would not be able to operate.

Commissioner Benavides recommended that communications continue with Hidalgo County.

Judge Hinojosa stated that Cameron County's HSD Board members had the vision of the project but were not getting cooperation from Hidalgo County.

Commissioner Tamayo asked if not all the scope of services would be provided.

Ms. De Lafuente responded that HSD was obligated to provide health care services provided by the Indigent Health Care Program, in addition to other services set by the Board.

Judge Hinojosa stated that the consultant indicated that they wanted to get to where Cameron County was at, and that the HSD was for Cameron County to improve provision of the indigent health care because it allows utilization and coordination of different resources available, yet Hidalgo County did not want to do so.

Ms. De Lafuente stated that Hidalgo County's Indigent Health Care Program had a very wide manner of handling their Program and that Cameron County ran a more efficient Indigent Health Care Program. She added that the Consultants wanted to introduce Cameron County's Indigent Health Care Program to Hidalgo County.

Judge Hinojosa noted the Cameron County had six (6) employees operating the Indigent Health Care Program versus twenty eight (28) employees doing the same in Hidalgo County.

Mr. Ricardo Morado, HSD Legal Counsel, stated that the draft contract proposed by Hidalgo County was provided to the Court through him as the contact person but not in representation of Hidalgo County, and presented a revised agreement that did not change the substance of the draft.

Judge Hinojosa stated that Cameron County was okay with the agreement, but expressed concern with the Hidalgo County's Legal Counsel's indications that the HSD would not work.

Mr. Morado stated that HSD was created for purposes of uniting Cameron and Hidalgo Counties in provision of indigent health care and to present itself as a unit to third party funding sources. He stated that the HSD

was a creature of Statute and of an Order adopted by Cameron and Hidalgo Counties. Mr. Morado stated that Statutes specify the funding mechanism for the HSD to undertake the provision of Indigent Health Care Program. He explained the problem to be that there was no structure or organization since the Order was adopted and that the Board attempted to bring the organization to life. Mr. Morado stated that both Counties' Judges' Offices and the Board have grown increasingly frustrated because of the counties' inability to. He stated that for the past year the Board has requested that the HSD be funded in accordance with Statute in order to take the necessary steps to give life to the HSD. Mr. Morado stated that the efforts of the Board were unsuccessful although requirements were met, them being the opening of a HSD's depository in February 2003 and the preparation of a preliminary budget for the first year, in the amount of \$200,000.00. He stated that the preliminary budget was intended to structure the HSD and was presented to both Counties, adding that Cameron County made minor changes to the preliminary budget and that Hidalgo County opposed it. Mr. Morado stated that Hidalgo County proposed to tender the 8% General Revenues, the Tobacco Fund, and the State funds to the HSD, and that the said funds be returned to Hidalgo County so that they continue providing indigent health care during the initial phase, leaving the Board with Tobacco Funds to fund the administrative work needed to establish the District for one year.

Judge Hinojosa stated that Cameron County was not willing to tender all Tobacco Funds and that its share of Tobacco Funds would be tendered for one year's budget because part of those funds were being used to fund the Indigent Health Care Program, noting that Hidalgo County's position was very different from Cameron County's position. He stated that he was uncertain as to whether he wanted to continue the project because he did not know where Hidalgo County was at on what they ultimately want to see with this District, making this was troubling for him. Judge Hinojosa stated that he has worked on this for the past two (2) years and was getting nowhere.

Commissioner Garza explained that Cameron County was being asked to provide more services to the community with less State funds, and that a building was being provided in order for the County to take over some of State's responsibilities. He questioned how much more Cameron County could and was willing to take on.

Judge Hinojosa stated that if Cameron County was able to set up a program that would expand the current services under the Indigent Health Care Program through the HSD he would be willing to do so. He explained that State was indicating that no matter what the county does the services at the South Texas Hospital would be cut back. Judge Hinojosa stated that Hidalgo County wants to keep the status quo and was not willing to do the same as Cameron County, adding that their proposal was the same as what they are doing today.

Commissioner Tamayo commented that concerns were getting much more serious.

Commissioner Tamayo moved that the Presentation on the status of the Rio Grande Valley Health Services District October meeting and possible action regarding the Budget proposal for FY 2003-3004 and a Contract between the County of Cameron and the Rio Grande Valley Health Services District be acknowledged.

The motion was seconded by Commissioner Benavides and carried unanimously.

The Report is as follows:

ACTION ITEMS

(2) PRESENTATION ON THE PROPOSED CREATION OF A TAX INCREMENT REINVESTMENT ZONE BY THE CITY OF BROWNSVILLE, PURSUANT TO SECTION 311.003(E) OF THE TEXAS TAX CODE, FOR A 280+ ACRE TRACT OF LAND LOCATED WEST OF HWY US 83 NEAR ALTON GLOOR, AND IMMEDIATELY NORTH OF THE OLD SPANISH TRAIL IN THE QUAIL HOLLOW SUBDIVISION

Mr. Bill Calderon, Hawes Hill & Associates, explained that a group of Brownsville developers retained their services to look at multiple projects for development in Brownsville and Cameron County. He stated that he was the director of the City of Houston's Economic Development Division prior to joining the firm where they established the largest tax increment financing program in the south. Mr. Calderon explained that municipalities may use the Program to develop and to partner with development community to do things like expanding their tax base, to see development occur where otherwise it might not occur, and to maximize revenue streams for multiple jurisdiction to accomplish expansion of the tax basis. Mr. Calderon stated that this was one of three projects in Brownsville that they were working on. He stated that the map was in an agricultural area west of US HWY 83, south of Alton Gloor, almost bounded by Alton Gloor on both the north and the west sides and immediately north of the Quail Hollow Subdivision. Mr. Calderon explained that there were multiple purposes for today's presentation, and that they were working who requested that the City of Brownsville consider creation of a Tax Increment Reinvestment Zone. He explained that the process to be used by municipalities was governed by Chapter 311 of the Texas Tax Code requires that certain steps be taken; one being, that the municipality of the other corresponding taxing jurisdictions be notified that the city was considering creation of the taxing zone through Presentations.

At this time, Mr. Calderon highlighted the following Report regarding Tax Funds:

Commissioner Garza asked which criteria identifies the track of land being addressed.

Mr. Calderon responded that the track of land was identified as predominant, also known as raw land, and explained that TIF (Tax Increment Financing) or TIRZ (Tax Increment Reinvestment Zones) could be created in federal designated areas for housing purposes, adding that in some instances municipalities could elect to create the zones by petition. He explained that the difference between a petition initiated versus a city initiated zones was that the petition zone provide for an expanded board to include a State Representative and State Senator pursuant to Statue. Mr. Calderon clarified that the city sent a letter on September 17, 2003, to the County Judge to inform Cameron County that it was contemplating creation of the Reinvestment Zone.

Commissioner Tamayo asked if guidelines were in place as to how the monies could be spent since some of the mentioned things were the developer's responsibility.

Mr. Calderon explained that much infrastructure costs of development occurring in Brownsville were covered by the developer and shifted to the consumers. He explained that the difference in jurisdictional use of increment financing was that development could be accelerated and the tax based could be expanded, adding that the mechanism could be used to drive what happens in the development by negotiating with the community certain infrastructure that might otherwise not occur

Judge Hinojosa explained that increment financing was designed to encourage development where it would otherwise not occur and that once infrastructure improvements were paid back from that fund then the taxing entities could go back to the normal taxing process to collect taxes, adding that some jurisdictions were examining the process of increment financing because otherwise the land might never be developed.

Commissioner Tamayo noted that development was occurring almost every where.

Mr. Calderon stated that market studies ascertain that there was an underserved market. He explained that much residential development was occurring on small/medium tracks of land with small housing and that developers were timing development to be in sync with capital improvement programs which provides for taxing jurisdictions to place the infrastructure or to provide lower quality roads. Mr. Calderon stated that their proposal was that this mechanism be used to enhance the bottom line for developers to make their projects more financially viable, resulting in higher quality products. He added that the same concept was taken to the City of Brownsville for consideration in creating the reinvestment zone, adding that development was occurring in two (2) nearby tracks of land yet the lots that were being proposed were 33% larger and the largest lot of over 60% when compared to what was currently seen. Mr. Calderon stated jurisdictions who elect to participate questioned whether to "proactively try to catalyze and stimulate higher level quality development by collectively pulling our resources pumping them into

this mechanism and working with the development community to enhance what is being built or do we not.” He indicated that jurisdictions experiencing the best and the most accelerated development were using the TIF or TIRZ.

Commissioner Wood stated that nearby subdivisions were doing 5,000 square foot lots versus 6,500 square foot lots being proposed by Mr. Calderon.

Mr. Calderon explained that the proposal included two (2) levels of development: 1) to be directed to accomplish affordable housing provision; and 2) to provide a minimum 9,600 square foot lot size. He stated that the real advantage was that they were proposing to bring in private capital to impact the placement and construction of public infrastructure needed today and in the future by virtue of creating the reinvestment zone. Mr. Calderon stated that increment financing could be used to fund public infrastructure, and highlighted the proposed Preliminary Reinvestment one Financing Plan for creation of a Tax Increment Reinvestment Zone in Brownsville. He stated that there was over \$10 million worth of proposed infrastructure improvements to be done in the zone by the development concerned and/or the redevelopment authority to be created to manage the reinvestment zone. Mr. Calderon stated that estimated costs were set forth in the preliminary plan to the best of their ability to date, in addition to a financing plan for the current appraised value of the property and the duration of the zone. He stated that they were recommending that the City of Brownsville examine a 30 year zone, although Statute allows creation of a 40 year zone. Mr. Calderon stated that the Bond Market has grown comfortable with 20 year amortization on tax increment bond financing and that bond sales were structured typically on a 20 year amortization with a ten (10) year call, adding that he expected some zones to payout in a maximum 12 – 15 year time period. Mr. Calderon stated that composition of a Board was a subject of negotiation between entities and that they recommended formation of a seven (7) Member board with 1-2 from the County and 1-2 from other taxing entities that might participate, adding that Statute provides that at minimum Counties and School Districts be afforded the opportunity to have a representative on the Board. He explained that levy and authority on bond issuance were governed by a Board created at the same time the zone was created, and that they must tax at given tax rates set by the respective entity and could not issue Bonds without consent from the city. Mr. Calderon stated that the proposed reinvestment zone was for about 288 acres with houses with costs raging between \$140,000 and \$175,000.00, that about 600,000 square feet of land would be developed as commercial, and that 12 to 14 acreage would be used for multi family type construction. He stated that the 60 day period set by Statute to notify other jurisdictions would end at the end of the month and that then the city may proceed to have a formal hearing on the reinvestment zone needed prior to creation of the actual zone itself. Mr. Calderon stated that once the zone was created and a Board was appointed then they would work with the Board towards finalizing a project plan that would be presented before the City Council for approval. He emphasized that the County’s participation would be very helpful in the process.

Judge Hinojosa stated that he would like to wait and see what action was taken by the City of Brownsville. He stated that the County could elect to participate because development would be enhanced ultimately bringing in more taxes and because it would enable the County to work with jurisdictions. Judge Hinojosa suggested that he be in contact with the Mayor as to whether and why the City would create a reinvestment zone and that he would present that information to the Commissioners. He requested further information regarding the zones and why they were done in Harris County.

Mr. Calderon explained that the County was not being requested to take a position at this time and that once a zone was formed, they would meet with other jurisdictions to present beneficial element to be gained through their participation, noting that they were not yet at that phase. He stated that they intent to work with the City of Brownsville toward establishing the zone and to negotiate rates of participation that would enable the zone to finance more quickly and to shut down for the benefit of other jurisdictions. Mr. Calderon added that participation would be done through Interlocal Agreements.

Commissioner Tamayo requested a track record of the zones created in Harris County.

Mr. Calderon stated that he could present the information and that the tax base was expanded by \$2.2 million in 6 years, adding that 15% of the growth may have been market driven.

Commissioner Garza questioned what TIF does to regular taxes and what the County must give up.

Mr. Calderon explained that a portion of future taxes must be given up.

Commissioner Garza asked if increases in value of properties would be given up by the County for a number of years in order for infrastructure to be constructed.

Mr. Calderon responded in the affirmative.

Commissioner Garza asked if the projects where Hawes Hill & Associates has participated were like inter city growth, and if agricultural land had been worked.

Mr. Calderon stated that they have done redevelopment projects and worked with agricultural.

Commissioner Tamayo moved that the Presentation on the proposed creation of a Tax Increment Reinvestment Zone (TIRZ) by the City of Brownsville, pursuant to Section 311.003(E) of the Texas Tax Code, for a 280+ Acre Tract of Land located West of Hwy US 83 near Alton Gloor and immediately north of the Old Spanish Trail in the Quail Hollow Subdivision, by Mr. Bill Calderon, Hawes Hill & Associates, be acknowledged and that the County Judge's Office be instructed to provide additional information.

The motion was seconded by Commissioner Benavides and carried unanimously.

The Reports are as follow:

(5) **BUDGET AMENDMENTS, LINE ITEM TRANSFERS
AND/OR SALARY SCHEDULES.**

Upon motion by Commissioner Benavides, seconded by Commissioner Tamayo and carried unanimously, the Budget Amendments No. 2004-04, Line Item Transfers, and/or Salary Schedules were approved.

The documents are as follow:

- (6) **APPROVAL OF MINUTES FOR:**
(A) **SEPTEMBER 30, 2003-REGULAR MEETING**
(B) **OCTOBER 7, 2003-SPECIAL MEETING**

Commissioner Benavides moved that the Minutes of the Regular Meeting held September 30, 2003 and the Special Meeting held October 7, 2003 be approved.

The motion was seconded by Commissioner Tamayo and carried unanimously.

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- (7) **CONSIDER AND TAKE APPROPRIATE ACTION REGARDING CAMERON COUNTY INVOLVEMENT IN LEGAL ACTION OBJECTING TO CONGRESSIONAL REDISTRICTING EFFORT BY THE TEXAS LEGISLATURE**

Commissioner Garza stated that constituents from the northwestern part of the County expressed concern with being carved out off their Congressional District. He questioned if direction could be given.

Judge Hinojosa stated that Webb County filed a lawsuit being headed by Rolando Rios to challenge the congressional redistricting and asked whether Cameron County should join as parties in existing litigation, adding that this process would be most cost effective.

Commissioner Garza indicated that he would have no objection as long as Cameron County was kept whole and well represented. He stated that Travis County might have filed another lawsuit.

Judge Hinojosa suggested that he look into the matter to learn the status of the lawsuit and that he would then present information to the Court.

Upon motion by Commissioner Garza, seconded by Commissioner Wood and carried unanimously, the Cameron County Commissioners' Court agreed to make an effort to involved themselves in any current action objecting to the congressional redistricting effort by the Texas Legislature.

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- (8) **IN THE MATTER REGARDING CONSIDERATION AND ACTION DESIGNATING THE COUNTY JUDGE AS THE COUNTY REPRESENTATIVE TO NEGOTIATE TERMS FOR COUNTY PARTICIPATION IN THE REINVESTMENT ZONE, AND AUTHORIZE A WAIVER OF THE 60 DAY NOTIFICATION PROVISION SET FORTH IN SECTION 311.003 (TABLED)**

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

(9) CONSIDERATION AND POSSIBLE ACTION REGARDING DUES AND MEMBERSHIP IN THE TEXAS BORDER INFRASTRUCTURE COALITION, THE TEX 21 TRANSPORTATION EXCELLENCE IN 21ST CENTURY AND THE CONFERENCE OF URBAN COUNTIES

Mr. Remi Garza, County Administrative Assistant, stated that according to Mr. Pete Sepulveda, International Bridge System Director, the Bridge System could fund dues, in the amount of \$16,761.31, for the Texas Border Infrastructure Coalition. He suggested that the \$8,000.00 budgeted for the Texas Border Infrastructure Coalition be used to fund the dues for the Conference of Urban Counties, in the amount of about \$8,600.00.

Commissioner Benavides moved that dues and membership in the Texas Border Infrastructure Coalition, the TEX 21 Transportation Excellence in 21st Century and the Conference of Urban Counties be approved.

The motion was seconded by Commissioner Tamayo.

Commissioner Garza informed that a proposal on what the cost would be to part of defining the rules on SB 839 that may be applied in Cameron County would be presented at the meeting that he would attend.

Judge Hinojosa suggested that participation, work, and attendance to these organizations be divided among members of the Court.

Commissioner Tamayo requested that the TEX 21 Transportation Excellence in 21st Century dues and membership not be funded through Road & Bridge.

Upon motion duly made by Commissioner Benavides that dues and membership in the Texas Border Infrastructure Coalition, and the Conference of Urban Counties be approved and that the dues and membership the TEX 21 Transportation Excellence in 21st Century be **TABLED** with direction to locate funding.

The motion was seconded by Commissioner Tamayo and carried unanimously.

(10) CONSIDERATION AND AUTHORIZATION TO RECLASSIFY FIVE (5) POSITIONS OF CHILD CARE WORKERS, TO BECOME FIVE (5) POSITIONS OF CONTROL BOOTH OPERATORS AND CREATE ONE (1) POSITION OF CHILD CARE WORKERS

(11) IN THE MATTER REGARDING CONSIDERATION AND AUTHORIZATION TO CREATE AND OPEN A POSITION OF STAFF PSYCHOLOGIST FOR THE JUVENILE PROBATION DEPARTMENT (TABLED)

Mr. Tommy Ramirez, Juvenile Detention Officer Director, stated that he was previously very involved in the Tax Increment Financing and offered to share information at another time. He requested authorization to

reclassify these positions to create one Child Care Worker Position in order to accomplish the needs of the Department.

Commissioner Garza asked if the five (5) positions were currently filled.

Mr. Ramirez responded negatively, and informed that the same process would be followed in the future to create an additional position.

Commissioner Benavides commended Mr. Ramirez for his excellent job performance.

Mr. Ramirez informed that the new 64 bed facility was opened and was now operating over capacity on a daily basis. He stated that funding available for Psychological Services and funding provided by State for counseling services were combined to create a full time Staff Psychologist Position, adding that the demand for the service was anticipated to increase thus increasing the cost.

Mr. Doug Wright, Commissioners' Court Legal Counsel, stated that the Juvenile Board would ultimately make the decision since the Court did budget the expense.

Mr. Ramirez clarified that the County funds were not within his Budget and requested that funding used for Psychological Services be allocated into the Juvenile Probation Department's Budget.

Judge Hinojosa noted that the matter has already been approved by the Juvenile Board and that the Court must minimally ratify the reclassification.

Mr. Wright stated that approval of the reclassification must be done if the funds were not within the Juvenile Probation Department's Budget.

Mr. Ramirez stated that he was working with Pan Am towards obtaining Psychological Services.

Mr. Wright noted the need to define the funding source.

Mr. Mark Yates, County Auditor, stated that Psychological Services were charged as Court Activities for Family and Juvenile Courts, adding that the amount was of about \$100,000.00. He added that funds could be reallocated upon the services being provided in-house.

Mr. Wright advised that action could not be taken due to the inappropriate Agenda Item's language.

Upon motion by Commissioner Tamayo, seconded by Commissioner Garza and carried unanimously, the reclassification of five (5) positions of Child Care Workers, to become five (5) positions of Control Booth Operators and the creation of one (1) position of Child Care Workers were approved.

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

Commissioner Garza questioned the type of back log available.

Mr. Ramirez responded that there was a tremendous back log concerning Psychological Services and that additional Psychologist were needed to help expedite cases.

The Salary Schedules are as follows:

(12) CONSIDERATION AND AUTHORIZATION TO PROVIDE SPACE FOR DISABLED AMERICAN VETERANS VAN ON NOVEMBER 18TH, 2004 FROM 8:00 A.M. TO 4:00 P.M

Commissioner Benavides moved that space be provided for Disabled American Veterans Van on November 18th, 2003 from 8:00 A.M. to 4:00 P.M.

The motion was seconded by Commissioner Wood and carried unanimously.

(13) CONSIDERATION AND APPROVAL OF ADDENDUM TO RECORDS MANAGEMENT AND IMAGING SYSTEMS CONTRACT WITH GOVERNMENT RECORDS MANAGEMENT A DIVISION OF AFFILIATED COMPUTER SERVICES TO INCLUDE THE OFFICE OF THE CAMERON COUNTY AND DISTRICT ATTORNEY, OR IN THE ALTERNATIVE APPROVE REQUEST FOR PROPOSALS FOR RECORDS MANAGEMENT AND IMAGING SERVICES FOR THE CAMERON COUNTY AND DISTRICT ATTORNEY

Judge Hinojosa – “We tabled that last week, I thought we had tabled it, for the sole purpose of allowing us to go out for proposals given the size of the contract. I think we’ve already decided that the DA’s Office is gonna have that contract, we’ve already funded it. It’s just I think we didn’t realize that it was such a big contract when it first came up that we felt it was important that we go out for proposals and allow a bid process for that. We can do that on an expedited basis or whatever, but I just that that size of a contract needs to be; we need to let people apply for it. And then, you know, once we go through the process we can select somebody and they can get started right away on the District Attorney’s work.”

Mrs. Yolanda De Leon, District Attorney – “We would ask that we, since the County. Thank you lady and gentlemen, but we would like to move this contract forward especially since it’s put forth as an addendum to an existing contract that the County has for these services also, regardless of how small or how large it is. Actually the existing contracts right now with the other offices is larger than ours. But the DA’s Office was an aspect of the old contract, so we simply did it as an addendum to it and we are ready to proceed with it as quickly as possible. We did modify what was proposed last week. Ours was for; we were looking at five (5) years in order to complete the job. The existing contract with this company has a remainder of three (3) years to go on it. So we modified so that whatever the work is that they do for runs concurrent with the contract that they have generally with the County, it wouldn’t run any longer. And at whatever time the County decides that it wants to put out for bids these services for the County in general then whatever it is that they are doing for us would be part of that also. But they can start; we are ready to go. And they can start for us on Monday.”

Judge Hinojosa – “And I am telling you that I don’t believe that I would support not going out for proposals. When this contract was awarded originally there was no funding for the District Attorney’s Office. There was no, we just recently funded that in the new Budget and I think that a budget of this size needs to go out for proposals. You know we are talking about a 30 day period of time before we can get it funded. And I just think that something this size, to me and which is really new and it’s not part of the existing contract even though that was discussed originally when it was not funded, should be put out for proposals and we should allow other vendors to bid for it or to submit a request for consideration on that.”

Mrs. De Leon – “And my thought is that I see no reason why the District Attorney’s Office would be treated any differently than anybody else. The District Clerk’s was done as an addendum to an existing contract. And I think that it would be. We can go forth with it and we are prepared to do it. There isn’t anything different. While the DA’s Office the money for this particular service to our office wasn’t in the Budget at that time it was included because it was perceived that the money would be made available when we were out there actively looking for funds to make it happen. And so I participated in that committee that was looking at it with that idea in mind.”

Judge Hinojosa – “I don’t know who perceived it because I never perceived it and I never understood that that money was going to be available until we received guarantees that you were going to receive that funding from the Federal Government. So to me this is a new project with a new funding source and I think we need to go out for proposals. And I mean that is something we always do on projects this big.”

Commissioner Garza – “I know that we went through a process and I remember distinctly that a committee of Joe River, Aurora de la Garza, Mr. Forbes, I don’t know if his here or not. You were part of that committee were you not?”

Mr. Mike Forbes – “Correct.”

Mrs. De Leon – “Computer Center.”

Commissioner Garza – “Was it Mark Yates.”

Commissioner Benavides – “Rudy.”

Mr. Mark Yates, County Auditor – “No I was not, but I was well advised by Mr. Forbes of the discussion and deliberation. Our hope was, regardless of what system was picked, that documents that flow from the District Clerk’s Office over to the DA’s Office would be all on the same server so that we wouldn’t have to worry about conversion.”

Judge Hinojosa – “That can be part of the RFP, RFQ, I’m sorry.”

Mr. Yates – “...it can be but it’s more difficult.”

Commissioner Wood – “Don’t we have a good request for proposals ready to go out?”

Mr. Forbes – “We do have the proposal that was used last time, and if it needs to be revised for whatever reason by the DA’s Office...”

Judge Hinojosa – “You can do that pretty quick.”

Commissioner Garza – “The thing is though, you have the template. Did our Legal Department do that? Who worked out the original agreement? It had to have been either you or... right?”

Mrs. Dylbia Jeffries, Contract Attorney – “The Agreement or the bid package?”

Commissioner Garza – “No not the bid package.”

Mrs. Jeffries – “The Agreement we reviewed it. It was sent by their company. We reviewed it, the original.”

Commissioner Garza – “And we approved it. One addendum was that we would add the District Clerk. First award was Mr. Rivera’s Office, the County Clerk’s Office right? How much was that contract? Mr. Forbes, Mr. Yates?”

Commissioner Tamayo – “Joe is here.”

Mr. Yates – “I don’t recall the nature of that. But it was significantly. It’s larger than \$60,000.00 a year.”

Commissioner Garza – “Mr. Rivera is here?”

Commissioner Tamayo – “Yeah he is here.”

Commissioner Garza – “How much was that Mr. Rivera?”

Mr. Joe G. Rivera, County Clerk – “\$180,000.00 a year.”

Commissioner Garza – “\$180,000.00 a year. Then we added...”

Mr. Yates – (inaudible)

Commissioner Garza – “Yeah right, and that was the first phase that we went ahead and approved. Then we approved the second phase which was the District Clerks and that’s how much? 70,000?”

Mr. Yates – “Well it’s \$170,000.00 a year also or \$145,000.00 I believe. Is that correct? Anywhere from \$145,000.00 to \$180,000.00.”

Commissioner Garza – “Okay, or the District Clerk?”

Mr. Yates – “Right”

Judge Hinojosa – “But that was already, I mean she had the money...”

Commissioner Garza – “No that was a supplement.”

Judge Hinojosa – “I know that. But she had the money in her Budget.”

Mr. Yates – “The original Budget for imaging services of the past year was \$125,000.00. And because she went into the new service her budget was increase from \$125,000.00 to \$180,000.00, I think. And so additional funding was provided for that.”

Judge Hinojosa – “Okay.”

Commissioner Garza – “Can I continue?”

Mr. Yates – “Trying to clarify.”

Commissioner Garza – “So this next contract is for 60,000?”

Mr. Yates – “An estimated 60,000 a year.”

Commissioner Garza – “Okay. So it’s really a small contract compare to the other two (2) we have with ACS you know.”

Judge Hinojosa – “That’s \$120,000.00.”

Commissioner Wood – “We were talking about \$60,000.00 a year over a five (5) year period. Are we talking about...?”

Commissioner Garza – “No I’m talking about all this numbers are per year that they are talking about, okay?”

Commissioner Wood – “But last week we were talking about \$60,000.00 a year for five years. What are we talking about? Three years now?”

Commissioner Benavides – “That’s 300,000.”

Mrs. De Leon – “That’s correct. We are talking about three years now because actually the County’s contract, the original contract that we would come in under, has three years left. So we simply said okay then we’ll do what we are doing and we’ll do it for the remainder of the contract that the County has with this company.”

Judge Hinojosa – “But I think what the request for proposals if we do it should be for the date that the ACS Contract ends, whatever that is. How much of a time that is and at that time we go out for proposals on everything all over.”

Commissioner Garza – “Well, but why should we go out for proposals for this contract, it would seem to me that you would want to have a seamless record systems in the County and that if we already awarded those two other contracts to that company. I mean just award. We have the agreement in place all that we need to do is approve the addendum. Simple as that, right?”

Mrs. De Leon – “That’s what we are asking for yes.”

Commissioner Tamayo – “And the money is there.”

Commissioner Garza – “And the money is there. You know you came up with the money, however you did it or whoever it was from. And that being the case I move that we approve the addendum to the contract with ACS for the following three years.”

Commissioner Benavides – “Before you vote, you know. Mrs. De Leon, will the thirty day hold on this affect you entire system? I mean if we would go out for proposals on this, would it throw you back?”

Mrs. De Leon – “Sure it would. Yes it would. One of the things that we have been doing, assuming as we have been advised in the past by Counsel for Commissioners Court, and that is that we begin to prepare for this and what the server would be and the equipment would have to be and the number of what the set up would have to be based on what they have going with the county right now. So because of that we are ready to start any day. I mean we can start on Monday, actually start the imagine next Monday because...”

Judge Hinojosa – “Well I’m not sure that’s...”

Commissioner Garza – “I visited with Mr. Rivera and I visited with Aurora De La Garza and neither of the two Offices have had problems with company.”

Judge Hinojosa – “That’s not what I’ve been told by Mrs. De La Garza. She’s complained to me about the services that she’s been getting with ACS.”

Commissioner Garza – “This was Tuesday that I visited with her.”

Judge Hinojosa – “I talked to her two weeks ago about it and she was not happy with that Contract.”

Commissioner Garza – “I visited with her Tuesday. I visited with Mr. Rivera as early as today and...”

Commissioner Tamayo – “I’d like to hear from Mr. Rivera. Cause I haven’t heard anything negative.”

Mr. Rivera – “Good afternoon. I’ve been doing business with ACS for the last 16 years. I have nothing but compliments for the kind of work that they do. One of the problems that we have when we go out, when new technology comes in; everybody and their uncles starts a new company you know. And they might under bid whoever’s got the contract, but they don’t have the background and the expertise and the storage facilities and the equipment that ACS has got. And we have onsite support, not only here but in Hidalgo County and they play it real well in covering up and trying to help out when we have problems. Like I said I’ve been with them 16 years and they do great work.”

Judge Hinojosa – “I got a little note from one of my staff, that Hidalgo County does all their Departments, I mean they do all their Departments for \$220,000.00 a year. That’s significantly less than what they are doing two Departments in Cameron County. I think that we need to look at this thing. I’m hearing complaints. I am also hearing from my staff that they think that if they put together the right system in place we can even conceivable do this in-house. I mean it’s not that complicated a thing to do. And we are spending a whole bunch of money with

one company doing this and I think that we really need to examine this. I just think that it's gone to a point where we are just assuming that this has to be contracted out and we are contracting out with one company. I mean I just really believe that we need to re-look at these contracts on imaging systems and see whether there is a better way of doing it. I certainly don't feel that we should be given everything to one company without giving other people the opportunity to apply."

Commissioner Garza – "But they bid for the Contract Judge, they went through an RFP process."

Mr. Rivera – "I understand where you're coming from Judge. When we sat on that Committee, all the users, the District Clerk's Office, the County Clerk's Office, future users, together with our Purchasing Agent and we looked at every aspect of the operation and what was best for Cameron County and this is the company that we picked you know. And everybody we had bigger companies also bid on it, and that's the only thing that I've got to say. Thank you."

Mrs. De Leon – "And I'm not adverse for what it is that you are saying Judge. But I'm not... I don't know that if you look into that, in speaking with Remi Garza, is that we are looking to do something differently and it can be done more effectively, then we can begin to do that. But the County has a contract with this company right now, and so if we start to looking at doing something differently, and doing it more effectively, doing it more efficiently, then let's start looking to that. But I don't see any reason why it is that my Office should be singled out as not being able to move forward with the service that we've been looking to for years to get started and finally did it because of this. I think that the need that this particular company has been working with the Computer Center, they know each other; they know each others' equipment. The District Clerk's Office is on it. County Clerk's Office is on that. The work that we're talking about deals precisely with those Offices; that deal with misdemeanor cases and felonies. We have three years more to go then let us move on with the work that we need to do and begin to look at how we want to do business with this company or another one that continues to make it seamless and more cost effective for the County."

Judge Hinojosa – "And they will have an opportunity to submit a proposal if the Commissioners vote to go out for proposals. They very well may be selected. I mean nobody is saying that we are going to change companies. But I think that a contract this big we need to go out for proposals and you know. And nobody is singling out your Department. I mean we did this a year ago; a year before we even found money for you to do that. This is the first time that I've seen this, you know, under this budget cycle it was the first time I had seen a serious request coming from the District Attorney's Office to fund it. We funded it and so now the next issue is who does it. We are not saying that they are going to be prohibited from doing it, but circumstances change in a year. I don't like, I don't

feel comfortable about given out a contract that may be up to \$200,000.00, because if it's not, you know, depending on how you allocated it, how much time is left just on an addendum to a contract."

Commissioner Garza – "We do have a 30 day out on every contract. So if you know if..."

Mr. Remi Garza, County Administrative Assistant – "This contract does not provide any provision other than a none appropriation of funds."

Commissioner Garza – "None appropriation of funds."

Mr. Garza – "Which would happen every October and based on a ninety day..."

Commissioner Garza – "So it would in next October?"

Judge Hinojosa – "Doesn't have a 30 day."

Mrs. De Leon – "We do have it."

Judge Hinojosa – "On the original one it doesn't."

Mr. Garza – "In the copy that we got last week, it isn't currently presented and I have not seen the revised version the DA's Office may have prepared."

Mrs. De Leon – "You have it. You requested it and we included it."

Judge Hinojosa – "It's on the addendum. So the only thing you can do is on the addendum have a 30 day out. Not on the original contract."

Mr. Garza – "An elective out clause."

Commissioner Garza – "Well we have a 30 day out on the addendum, which is what you are saying we need to go RFP on."

Mr. Francisco Martinez, Assistant District Attorney – "Excuse me Judge, Commissioners. We have a ten (10) day out on the original contract and we included that on the addendum. There's no problem with ACS. So it's a ten (10) day notice."

Judge Hinojosa – "If they are not in compliance."

Mr. Garza – "If they're not in compliance. There's not an elective out clause in this agreement."

Mr. Martinez – "That's not correct."

Judge Hinojosa – "Well, anyway."

Commissioner Tamayo – "I'll second his motion."

Judge Hinojosa – "There's a motion to approve the addendum without going out for proposals by Commissioner Garza, second by Commissioner Tamayo, any further discussion? All those in favor signify by stating Aye."

Commissioners Tamayo and Garza – "Aye."

Judge Hinojosa – “All those oppose?”

Commissioners Benavides, Wood, and Judge Hinojosa – “Nay.”

Judge Hinojosa – “Motion fails. Do I hear a motion to go out for proposals?”

Commissioner Wood – “I’ll move to go out for proposals.”

Commissioner Benavides – “Second”

Judge Hinojosa – “Okay so it would be a request for qualification?”

Mr. Mike Forbes – “Proposals.”

Judge Hinojosa – “For Proposals. Okay. So the motion for proposal was made by Commissioner Wood.

Is there a second to that motion?”

Commissioner Benavides – “Second.”

Judge Hinojosa - “By Commissioner Benavides. 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.”

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. 20: Mr. Remi Garza, County Administrative Assistant, requested that this item be tabled.

ITEM NO. 17: Mrs. Yvette Salinas, Health Department Administrator, clarified that the exhibit should reflect a time period of 2003 and 2004.

ITEM NO. 20: Judge Hinojosa stated that this item was set out as an RFP and that it was his belief that it should be an RFQ since services were being requested.

Mr. Mark Yates, County Auditor, responded negatively and explained that this was no exempt.

Mr. Mike Forbes, Purchasing Agent, stated that using RFP was the customary form to be used.

Judge Hinojosa questioned if an RFQ could not be done or if an RFP was preferred.

Mr. Forbes clarified that in checking with other counties and States, an RFP was customary use and that the Court could do an RFQ should that be the preference.

Judge Hinojosa requested that an Agenda Item be placed for the Court to elect whether to do an RFP or an RFQ. He questioned why the matter was being tabled.

Mr. Remi Garza, County Administrative Assistant, explained that finer points of the criteria and scoring system were being reviewed by the Contract Attorney and him.

Judge Hinojosa questioned how these services could be scored.

Mr. Yates stated that the services could be scored based on performance. He recommended that County Court at Law Judge Daniel T. Robles be part of the assessment.

Judge Hinojosa stated that a point system for this kind of a contract would not work.

Mr. Yates questioned in what fashion the point system did not work.

Judge Hinojosa questioned how the criteria would be gauged and given points with the point system being recommended. He suggested that the firms be reviewed and that a decision be based upon who the Court believes would be the best firm to represent the County in collections and not be bound by any form of point systems, adding that this was the way that law firms and most professional services were hired.

Mr. Yates stated that the service differs because only attorneys could do the work.

At this time there was a brief discussion concerning the point system and whether it was an adequate process to use for selection a firm.

Judge Hinojosa suggested that this Item be tabled.

- ITEM NO. 14:** Mr. Mark Yates, County Auditor, presented the following late claims:
Warrant No. 00106407, payable to Javier Barbosa, in the amount of \$342.00;
Warrant No. 00106408, payable to Elena Cisneros, in the amount of \$312.00;
Warrant No. 00106409, payable to Kenneth Elm, in the amount of \$342.00;
Warrant No. 00106410, loan to Fund No. 64, in the amount of \$20,000.00;
Warrant No. 00106411, payable to Homer Hernandez, in the amount of \$299.25;
Warrant No. 00106412, payable to Parks System, in the amount of \$351,000.00;
Warrant No. 00106413, payable to Rebecca J. Rosco, in the amount of \$288.00;
Warrant No. 00106414, payable to Comptroller of Public Accounts, in the amount of \$299.15; and
Warrant No. 00106416, payable to Rebecca Ruben and Norma Lopez, in the amount of \$8,000.00.

- ITEM NO. 23:** Commissioner Wood asked if Melba Court Road and Heavenly Gate Road would not be brought into the County Road System.
Mrs. Blanca Betancourt, Right-of-Way Agent, responded that only the road located within the subdivision would be considered at this time, and clarified that the said roads were not within the subdivision.

At this time Commissioner Tamayo complimented Mrs. Betancourt for the services she provides to constituents.

Commissioner Benavides moved that the "Consent and Travel Items" be approved and that Item No. 20 be

TABLED.

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

AYE: Commissioners Benavides, Wood, Garza, and Tamayo

NAY: None,

ABSTAIN: Judge Hinojosa as to Warrant No. 00106291, payable to Laguna Madre Water District, in the amount of \$184.08.

- (14) APPROVAL OF CLAIMS.
The Affidavit follows:**

- (15) APPROVAL OF APPLICATION SOFTWARE USER-BASED LICENSE AGREEMENT AND EXTENDED MAINTENANCE AGREEMENT BETWEEN CAMERON COUNTY AND HAMER ENTERPRISES FOR REAL ESTATE AND PERSONAL PROPERTY TAX ADMINISTRATION, BILLING, COLLECTION AND DISTRIBUTION SYSTEM;
The Agreement follows:**

- (16) **APPROVAL OF A MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CAMERON COUNTY HEALTH DEPARTMENT AND RURAL COMMUNITY HEALTH SYSTEM OF TEXAS FOR THE COORDINATION OF SERVICES TO CHILDREN'S HEALTH INSURANCE PROGRAM (CHIP) RECIPIENTS;**
The MOU follows
- (17) **APPROVAL OF CONTRACT BETWEEN THE CAMERON COUNTY HEALTH DEPARTMENT AND THE REACH OUT AND READ® NATIONAL CENTER;**
The Contract follows:
- (18) **APPROVAL OF ANNUAL DUES FOR BOARD MEMBERSHIP TO THE BORDER TRADE ALLIANCE;**
- (19) **APPROVAL OF A SUBRECIPIENT GRANT AGREEMENT-LAGUNA HEIGHTS WALKWAY AND BIRD BLIND, COASTAL MANAGEMENT PROGRAM, CYCLE #8 BETWEEN CAMERON COUNTY (PARKS) AND THE TEXAS GENERAL LAND OFFICE;**
The Agreement follows:
- (20) **APPROVAL OF RFP: COLLECTION SERVICES FOR DELINQUENT COURT COSTS AND FINES-CAMERON COUNTY COURTS;**
- (21) **AUTHORIZATION TO ACCEPT PARCEL 17 FOR THE FM 106 PROJECT;**
- (22) **AUTHORIZATION TO AMEND SCOPE OF WORK FOR PRIMERA ROAD TO INCLUDE RIGHT-OF-WAY MAPPING FROM STUART PLACE ROAD TO FM 800;**
- (23) **AUTHORIZATION TO ACCEPT PUERTA DEL CIELO AVE. OUT OF PUERTA DEL CIELO SUBDIVISION SECTION II, PRECINCT NO. 2, INTO THE COUNTY ROAD SYSTEM;**
- (24) **AUTHORIZATION TO APPROVE NOTICE TO TCDRS THAT CAMERON COUNTY, PARTICIPANT NO. 130, THAT THE COUNTY ELECTS NO "PLAN CHANGE" FOR CALENDAR YEAR 2004;**
The notice follows:
- (25) **AUTHORIZATION TO AWARD THE FOLLOWING BIDS:**
 - (A) **SAND BAGGER-BID NO. 031001**
 - (B) **SAFETY SHOES-ANNUAL BID NO. 2620**
- (26) **AUTHORIZATION TO OPEN THE FOLLOWING BIDS/RFP'S/RFQ:**
 - (A) **REGIONAL MOBILITY AUTHORITY-LEGAL SERVICES RFQ NO. 031002**
 - (B) **CONSULTING SERVICES TO PROCURE NEW SOLID WASTE COLLECTION SERVICES-RFQ NO. 031003**
 - (C) **BROWNE ROAD REGIONAL PARK-REBID NO. 030801**

TRAVEL ITEMS

- (27) **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) Commissioner Precinct 3, To Travel To Austin, Texas, On 11/14/03, To Participate In SB 873 Expanded Subdivision Regulation Authority Implementation Project By The Texas Conference Of Urban Counties.

- (b) District Attorney's Office Employee, To Travel to Dallas, Tx, On 11/17/03, To Attend The Southwest Border Executive Board Meeting.
- (c) Extension Agent, To Travel to Weslaco, Tx, On 11/11-13/03, To Attend The District Fall Faculty Conference.
- (d) Computer Center Communications Specialist, To Travel to Edinburg, Tx, On 11/19-24/03, To Attend An E-Trust Intrusion Detection Course.
- (e) Computer Center Communications Specialist and Operations Supervisor, To Travel To Austin, Tx, On 11/13-14/03, To Attend The Wireless Security Forum For Texas Government.
- (f) Public Health Technicians (2), To Travel to San Antonio, Tx, On 11/23-26/03, To Attend The Texas EMS Conference 2003.
- (g) Infirmery LVN, To Travel To Liberty County, Plain Unit TDCJ, On 11/6-7/03 Or 11/11-12/03, To Accompany Sheriff's Office Transporting An Inmate With Medical Needs.

- (14) APPROVAL OF CLAIMS.**
The Affidavit follows:

- (15) **APPROVAL OF APPLICATION SOFTWARE USER-BASED LICENSE AGREEMENT AND EXTENDED MAINTENANCE AGREEMENT BETWEEN CAMERON COUNTY AND HAMER ENTERPRISES FOR REAL ESTATE AND PERSONAL PROPERTY TAX ADMINISTRATION, BILLING, COLLECTION AND DISTRIBUTION SYSTEM;**
The Agreement follows:

- (19) **APPROVAL OF A SUBRECIPIENT GRANT AGREEMENT-LAGUNA HEIGHTS WALKWAY AND BIRD BLIND, COASTAL MANAGEMENT PROGRAM, CYCLE #8 BETWEEN CAMERON COUNTY (PARKS) AND THE TEXAS GENERAL LAND OFFICE;**
The Agreement follows:

- (16) **APPROVAL OF A MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CAMERON COUNTY HEALTH DEPARTMENT AND RURAL COMMUNITY HEALTH SYSTEM OF TEXAS FOR THE COORDINATION OF SERVICES TO CHILDREN'S HEALTH INSURANCE PROGRAM (CHIP) RECIPIENTS;**
The MOU follows

- (17) **APPROVAL OF CONTRACT BETWEEN THE CAMERON COUNTY HEALTH DEPARTMENT AND THE REACH OUT AND READ® NATIONAL CENTER;
The Contract follows:**

- (24) **AUTHORIZATION TO APPROVE NOTICE TO TCDRS THAT CAMERON COUNTY, PARTICIPANT NO. 130, THAT THE COUNTY ELECTS NO “PLAN CHANGE” FOR CALENDAR YEAR 2004;**
The Plan is as follows

EXECUTIVE SESSION

Upon motion by Commissioner Benavides, seconded by Commissioner Wood and carried unanimously, the

Court met in Executive Session at 4:05 P.M., to discuss the following matters:

(28) EXECUTIVE SESSION:

- (a) Confer With Commissioners' Court Legal Counsel concerning The Possible Litigation Involving The Cameron County Sheriff's Office, In Which The Duty Of The Attorney To The Governmental Body Under The Texas Disciplinary Rules Of Professional Conduct Of The State Bar Of Texas Clearly Conflicts With The Open Meetings Act; Pursuant To V.T.C.A. Government Code, Section 551.071(2).
- (b) Deliberation Regarding Real Property Concerning the Possible Amendment to Costa Rica Food & Spirits, Inc. Concession Agreement, Pursuant To V.T.C.A. Government Code, Section 551.072.
- (c) Deliberation Regarding Real Property Concerning, The Possible Installation Of A Microwave Antenna At The Port Isabel-Cameron County Airport Hanger Roof Top, Pursuant To V.T.C.A. Government Code, Section 551.072.
- (c) Deliberation Regarding Real Property Concerning the Possible Amendment to UETA Concession Agreement, Pursuant To V.T.C.A. Government Code, Section 551.072.
- (d) Deliberation Regarding Real Property Concerning: The Possible Acquisition Of Various Properties Located In Abstract 6-Palmito Estates, Pursuant To V.T.C.A. Government Code, Section 551.072.
- (e) Confer With Commissioners Court Legal Counsel Concerning The Colonia La Torre Water Improvement Project On Which The Duties Of The Attorney To The Governmental Body Under The Texas Disciplinary Rules Of Professional Conduct Of The State Bar Of Texas Clearly Conflicts With The Open Meetings Act, Pursuant To V.T.C.A. Government Code, Section 551.071(2) And 551.072.
- (f) Confer With Commissioners' Court Legal Counsel Concerning Claim By Raul Orlando Mireles, Pursuant To V.T.C.A. Government Code, Section 551.071(2).
- (g) Confer With Commissioners' Court Legal Counsel Concerning The Public Works Department On Which The Duty Of The Attorney To The Governmental Body Under The Texas Disciplinary Rules Of Professional Conduct Of The State Bar Of Texas Clearly Conflicts With The Open Meetings Act, Pursuant To V.T.C.A. Government Code, Section 551.071(2) & 551.074(A)(1).
- (h) Deliberation Regarding Real Property Concerning: The Possible Acquisition Of The Levi's Building, Pursuant To V.T.C.A. Government Code, Section 551.072.

Upon motion by Commissioner Benavides, seconded by Commissioner Wood and carried unanimously, the

Court reconvened in Regular Session at 5:20 P.M.

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

(b) **Deliberation regarding Real Property concerning the possible Amendment to Costa Rica Food & Spirits, Inc., Concession Agreement.**

Commissioner Garza moved that Mr. Joseph Ardito, Property Manager, be authorized to negotiate a Concession Agreement with Costa Rica Food & Spirits, Inc. and that the Amendment to the Agreement be approved to allow for the construction of Mongolos.

The motion was seconded by Commissioner Benavides and carried unanimously.

(c) **Deliberation Regarding Real Property Concerning the Possible Installation Of A Microwave Antenna At The Port Isabel-Cameron County Airport Hanger Roof Top, Pursuant To V.T.C.A. Government Code, Section 551.072.**

Upon motion by Commissioner Tamayo, seconded by Commissioner Garza and carried unanimously, the request was approved.

(d) **Deliberation Regarding Real Property Concerning the Possible Amendment to UETA Concession Agreement, Pursuant To V.T.C.A. Government Code, Section 551.072.**

Upon motion by Commissioner Garza, seconded by Commissioner Tamayo and carried unanimously, Mr. Doug Wright, Commissioners' Court Legal Counsel, was authorized to negotiate the Amendment to the UETA Concession Agreement pursuant to the terms as discussed in Executive Session.

(e) **Deliberation Regarding Real Property Concerning The Possible Acquisition Of Various Properties Located In Abstract 6-Palmito Estates.**

Commissioner Wood moved that the acquisition of various properties located in Abstract 6-Palmito Estates be authorized through gifts.

The motion was seconded by Commissioner Garza and carried unanimously.

(f) **Confer With Commissioners Court Legal Counsel Concerning The Colonia La Torre Water Improvement Project On Which The Duties Of The Attorney To The Governmental Body Under The Texas Disciplinary Rules Of Professional Conduct Of The State Bar Of Texas Clearly Conflicts With The Open Meetings Act.**

Upon motion by Commissioner Tamayo, seconded by Commissioner Benavides and carried unanimously, the Status Report by Mr. Frank Bejarano, PD&M Director was acknowledged.

(g) **In the matter regarding Confer with Commissioners' Court Legal Counsel concerning claim by Raul Orlando Mireles. (TABLED)**

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

(h) **Confer with Commissioners' Court Legal Counsel concerning the Public Works Department on which the duty of the Attorney to the Governmental Body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Open Meetings Act.**

Commissioner Garza moved that the salary for the Interim Director of the Public Works Department be set at \$60,000.00 during the time he serves as Interim Director.

The motion was seconded by Commissioner Wood and carried unanimously.

(i) **Deliberation Regarding Real Property Concerning the Possible Acquisition of the Levi's Building.**

Upon motion by Commissioner Wood, seconded by Commissioner Benavides and carried unanimously, the Status Report by Mr. Joseph Ardito, Property Manager, was acknowledged.

(a) **Confer With Commissioners' Court Legal Counsel concerning The Possible Litigation Involving The Cameron County Sheriff's Office, In Which The Duty Of The Attorney To The Governmental Body Under The Texas Disciplinary Rules Of Professional Conduct Of The State Bar Of Texas Clearly Conflicts With The Open Meetings Act**

Upon motion by Commissioner Tamayo, seconded by Commissioner Wood and carried unanimously, the Status Report by Mr. Doug Wright, Commissioners' Court Legal Counsel, was acknowledged, in addition to a statement to be read by Mr. Wright regarding the Cameron County Commissioners Court position on the issue:

"It is the unanimous position of all members of the Commissioners Court that political activity during County time, on county property is contrary to good government and the interest and tax payers of Cameron County. Cameron County has a clear written Policy against such conduct, which was approved by this Commissioners Court. And we expect all employees and Elected Officials to comply with that Policy. As a Commissioners Court we ask that any County employees who feel that they have a complaint or concern involving political activity on the job should contact our Commissioners' Court Legal Counsel so that we, as Policy Makers for the County, can take appropriate action from an employment stand point."

There being no further business to come before the Court, upon motion by Commissioner Tamayo, seconded by Commissioner Garza and carried unanimously, the meeting was **ADJOURNED** at 5:25 P.M.

APPROVED this 6th day of **January** 2004.

GILBERTO HINOJOSA
COUNTY JUDGE

ATTEST:

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