THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 18th day of NOVEMBER 2003, there was conducted a REGULAR Public Meeting of the Honorable Commissioners' Court of Cameron County, Texas, at the Courthouse thereof, in the City of Brownsville, Texas, for the purpose of transacting any and all business that may lawfully be brought before the same.

THE COURT MET AT:

9:30 A.M.

PRESENT:

GILBERTO HINOJOSA
COUNTY JUDGE

PEDRO "PETE" BENAVIDES
COMMISSIONER PRECINCT NO. 1

JOHN WOOD
COMMISSIONER PRECINCT NO. 2

DAVID A. GARZA
COMMISSIONER, PRECINCT NO. 3

EDNA TAMAYO
COMMISSIONER, PRECINCT NO. 4

JOE G. RIVERA
COUNTY CLERK

Mary Robles Deputy Clerk

ABSENT:

The meeting was called to order by Judge Hinojosa at 9:33 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 November 14, 2003, at 3:55 P.M.:

Judge Hinojosa informed that a hearing, sponsored by the City of Brownsville, was held with regards to the U.S. Visit Program, a very troubling program being proposed by the federal government. He stated that the program could create an economic havoc to border communities around the U.S. and explained that the Entry/Exit Program sets up a laser visa system that applies only to the Mexican border and not to the Canadian border. Judge Hinojosa explained that the program was exempt from the Canadian border as a result of representation that it would cause economic havoc on them, yet they believe that the program will not create economic havoc here. He explained that Entry/Exit Program would document the time that every Mexican citizen enters the U.S. and that they must exit within 72 hours because otherwise they loose their Visa for a five (5) year period the first time and up to ten (10) years the second time. Judge Hinojosa noted that the limitations affect Mexican citizens and not Canadian citizens. He questioned the logic of the difference in the treatment for the two countries and the purpose of the Entry/Exit Program relating to homeland security, adding that there was no evidence of terrorist entering the U.S. through Mexico; however, there was evidence that terrorist have entered through the Canadian border, and that the 9-11 terrorists entered the U.S. through Canada. Judge Hinojosa stated that terrorists entering the U.S. would not worry about going back within 72 hours, and that the federal government's proposal would have devastating affects on border communities, went against NAFTA, the relationship with Mexico, and the tax base on South Padre Island deriving from tourism. Judge Hinojosa stated that Mexican citizens who own real estate on South Padre Island might not want to visit if they must exit the Country within 72 hours. He noted that the Entry/Exit Program would affect Cameron County at a time when economic growth was expected from tourism.

Mr. Pete Sepulveda, International Bridge System Director, noted that $186,000.00 were lost between September 11, 2001 and September 30, 2001, as a result of the waiting period and inspection to enter into the U.S.

Judge Hinojosa stated that Canada provided information indicating that they would have 7 mile long waits in their international border crossings as a result of the Entry/Exit Program. He reiterated that the Entry/Exit Program would have devastating affect to our community.

Commissioner Wood stated that the situation differed because we are one community, with integrated social and economic activities. He suggested that perhaps 50 mile parameters be set up for thorough inspections, and that our community be more open and free as opposed to being more restrictive and confining.

Commissioner Garza stated that a resolution was adopted opposing the said program and that efforts from County staff were taking place to strongly oppose implementation of the process.

Mr. Sepulveda stated that according to Congressman Salomon Ortiz the issue concerning the six (6) months given to Canadian residents versus the 72 hours given to Mexican residents was an administrative issue that could be changed by the Secretary of Homeland Security.

Commissioner Benavides questioned the affects on Mexican citizens seeking medical attention in the U.S. and must remain in the U.S. more than 72 hours for treatment.

Judge Hinojosa questioned how the Entry/Exit Program relates to homeland security and how it would eliminate or lessen the threat of terrorism, noting that this program would cause problems for our communities. He stated that they would attend a meeting scheduled at UTB to provide opposing testimony and encouraged everyone to voice their opinions and concerns as forcefully as possible.

Commissioner Garza informed that during the Conference of Urban Counties meeting he attended it was proposed that a sub-set of rules be developed relating to Senate Bill 879 to incorporate legislation, adding that legislation was utilized as written by the cities in formulating their laws. He stated that the rules would provide tools to prevent future inferior development that have been a problem in the past, and noted that the cost of developing the instrument should be known within a week. Commissioner Garza explained that original proposal was expensive and that concerns were expressed with regards to the cost of the instrument; therefore, the committee was renegotiating.

Commissioner Tamayo noted the need to review current policies and to use this instrument as to how the policies could be improved, since many times there was good criteria not being implemented.

Commissioner Garza noted that current rules and regulations would be included in the instrument.

Judge Hinojosa stated that he was told that the County had the power to zone and promulgates ordinances on South Padre Island, although counties do not have the power to do so in most places. He explained that the issue was brought up by developers who want for Cameron County to request that the easement on Highway 100 be transferred from TXDOT to Cameron County for construction of a road north of South Padre Island and to develop that area. Judge Hinojosa explained that zoning ordinances adopted in 1927 made it almost impossible to build near the beach based upon the erosion and that these laws must be changed if future development would occur north of Highway 100. He requested that a report regarding the possibility for the County to zone and promulgate on the Island be provided in order to use it in the event that development and construction of a second causeway take place. He noted the need to adequately plan to preserve the environment while allowing for development, and that Cameron County could eventually go from poor to having sufficient revenues for needed projects and to decrease its

tax base. Judge Hinojosa stated that he would place an Agenda Item to consider requesting transfer of easement from TXDOT to the County, and reiterated the need to take advantage of the tourism industry.

Commissioner Garza informed that during his stay in Austin, Texas, he visited the Secretary of State with regards to Green Valley Farms where he suggested that $2 million be provided proceed with Drainage District No. 3's plan to alleviate the flooding. He stated that these funds could help solve 75% of the problem.

Commissioner Benavides informed that an estimated amount of $17,000.00 were outstanding to Rubio Trucking.

Commissioner Garza noted that funding was available from Proposition II.

PRESENTATIONS

(1) PRESENTATION BY BERTHA GARZA, DISTRICT EXTENSION ADMINISTRATOR, FOR CONSIDERATION AND APPROVAL OF MS. ROSIE PACHECO FOR THE COUNTY EXTENSION AGENT/FAMILY CONSUMER SCIENCE POSITION, EFFECTIVE DECEMBER 1ST

Mrs. Bertha Garza, District Extension Office Administrator, requested approval of appointment of Ms. Rosie Pacheco to the County Extension Agent/Family Consumer Science Position, to take effect on December 1, 2003. She informed that the position has been vacant since January 2003 and that Ms. Pacheco would provide leadership for educational programs that support families and improve quality of life. Mrs. Garza stated that Ms. Pacheco was chosen because of her 26 years of educational experience and briefed as to the same. She explained that Ms. Pacheco would work with Family Consumer Scientist responsibilities consisting of parenting, financial management, and oversight and managing of training of master volunteers.

Ms. Rosie Pacheco stated the she was pleased and honored to work for the program and noted that she would work strongly to support the projects.

Upon motion by Commissioner Tamayo, seconded by Commissioner Benavides and carried unanimously, the appointment of Ms. Rosie Pacheco as County Extension Agent Family Consumer Science Position was approved.

(2) PRESENTATION OF FOURTH QUARTER REPORT FOR THE INTERNATIONAL BRIDGE SYSTEM

Mr. Pete Sepulveda, International Bridge System Director, highlighted the Fourth Quarterly Report, and reported that the Bridge System had a total negative variance of $190,755.00, totaling a decrease of projected

revenue. He reported that total crossings decreased when compared to last year as a result of the orange alerts, the peso devaluation, and the economy. Mr. Sepulveda stated that the $700,000.00 appropriate by the U.S. Visit Program towards implementation of the Entry/Exit could fund a more efficient system to enter the country.

Commissioner Tamayo asked if the declines were in general throughout other areas.

Mr. Sepulveda responded in the affirmative.

Commissioner Garza asked if adjustments were made to expenditures to ensure that no net losses occur.

Mr. Sepulveda responded that expenditures were minimized; otherwise, the negative balance could be an extra $300,000.00. He clarified that the net loss to the County totaled $190,000.00.

Commissioner Tamayo moved that the Fourth Quarterly Report presented by Mr. Pete Sepulveda, International Bridge System Director, be acknowledged.

The motion was seconded by Commissioner Garza and carried unanimously.

The Report is as follows:

(3) PRESENTATION AND ACKNOWLEDGEMENT OF ENGINEERING REPORT FOR THE WEST RAIL PROJECT

Mr. Pete Sepulveda, International Bridge System Director, informed that the Engineering Report was prepared by HNTB and that the Engineering Assessment was submitted to the State Department on June 17, 2003. He added that the comments from about 30 different State and Federal Agencies were received by the State Department, that they were aken under account, and taken care of. Mr. Sepulveda stated that the issuance of a Finding of No Significant Impact (FONSI) was pending from the Department of State and that a 30 day notice would be published in the Federal Register once the FONSI was issued. He stated that a Presidential Permit may be issued after the 30 days, and that the Engineering Report culminates the contract with HNTB for the environmental assessment phase of the project.

Upon motion by Commissioner Benavides, seconded by Commissioner Wood and carried unanimously, the Presentation of the Engineering Report for the West Rail Project was acknowledged.

Commissioner Garza questioned if issues previously presented concerning the proper identification of property owners were addressed.

Mr. Balli responded in the affirmative.

The Report is as follows:

ACTION ITEMS

(4) BUDGET AMENDMENTS, LINE ITEM TRANSFERS AND/OR SALARY SCHEDULES

Judge Hinojosa noted that there were no Budget Amendments and that the Budget Officer wanted to report as to the overtime issue at the jails.

Mr. Xavier Villarreal, Budget Officer, informed that the Cameron County Jail was over budget by $100,000.00, addingthat he met with the Jail Administration to review the numbers, causes, and what would be done to correct the situation. He stated that the Jail Administration ensured him that personnel had been shifted to prevent incurring additional overtime, unless absolutely necessary. Mr. Villarreal stated that one of the issues that arose was that the incarceration of Mr. Rubio and Ms. Camacho being under suicide watch requires an individual guard 24 hours a day, placing a strain on other guards.

Judge Hinojosa questioned the total cost of overtime incurred while watching the prisoners.

Mr. Villarreal responded that approximately $5,000.00 was being incurred weekly.

Commissioner Wood questioned why that amount of overtime was being paid if the number of federal inmates was below capacity rather than scheduling the Detention Officers in a different manner.

Mr. Villarreal stated that Jail Standards require one Detention Officer to every 48 inmates; however, the way the inmates were housed the 1 to 48 could be exceeded.

Commissioner Wood asked if consolidation of the jails had been reviewed.

Mr. Villarreal stated that the Carrizales/Rucker Detention Center was at 100% capacity, and that another issue was that over 80 inmates housed in DC II were misdemeanors waiting to be processed through the Court System. He stated that the Jail Administration was working with the Courts to process the misdemeanors and that one of the problems was that some of the inmates did not have money to bond out of jail.

Commissioner Wood asked if arrangements were being done to prepare the misdemeanors for trial or to be released.

Mr. Villarreal stated that space was being made available at the Carrizales/Rucker Detention Center to house misdemeanors.

Judge Hinojosa stated that he had a meeting with the Representatives from the Courts, the Sheriff's Department, and the District Attorney, and that he received no cooperation to process the misdemeanors. He stated

that it was senseless that misdemeanors were sitting in jail because they could not bond out when the county was incurring expenses of about $40.00 per day to house each individual.

Commissioner Wood noted that most Courtrooms were empty in the afternoons.

Mr. Villarreal stated that the jail population was growing and that personnel were being shifted to cover to keep the overtime under control.

Commissioner Garza asked what was initially budgeted for overtime and the current overtime expense that has been incurred.

Mr. Villarreal responded that $4,800.00 was initially budgeted for the fiscal year because additional staff had been approved by the Court, and that $108,000.00 in overtime had been expended as of last pay period.

Commissioner Garza noted that there was a major problem with overtime in the amount of $108,000.00 being incurred eight (8) weeks into the fiscal year.

Judge Hinojosa stated that it was not right that he learns that the County was paying $100,000.00 in overtime through the media. He stated that if overtime was being given when there is only a $4,800.00 budget, then staff must inform the Court in order to make necessary adjustment to deal with the issue. Judge Hinojosa noted that the Court went through pains to balance the budget, in addition to funding an additional Detention Officer in order not to pay overtime and to comply with Jail Standards. He stated that the County had to increase taxes and that the Budget Officer advised him that unless there was some unforeseen cost in insurance premium the County should be alright, adding that now there was $108,000.00 overtime expenditure.

Commissioner Tamayo stated that the dialogue was being done with Mr. Villarreal and questioned why the person responsible was not present to provide some answers

Commissioner Wood noted the need to talk to the District Attorney and the Courts to process the inmates through the system because housing misdemeanors was costing the tax payers.

Judge Hinojosa stated that there has always been problem with staffing at the jail that have been fixed, and noted that other department would inform him if they had miscalculated their budget. He stated that funding was not available in the budget and that he did not know what to budget for next year if a full staff was already budgeted and still overtime expenses were being incurred.

Commissioner Tamayo stated that the management was wrong and reiterated the need fore responsible party to be present to answer questions.

Captain Robert Lopez, Sheriff's Department, stated that Commander Rivera was in charge of the jail operations and that a lot of the overtime occurred while Mr. Tweedy was in charge of the jail operation. He stated that overtime was incurred when employees were on sick or vacation leave and while transporting inmates.

Judge Hinojosa reiterated the issue to be that no one informed the Court that overtime was being incurred. He asked if the County Auditor was aware that overtime was being incurred.

Mr. Villarreal noted that the Auditor and he would learn of overtime until after it was incurred because it was incurred daily and not seen until payroll was processed.

Commissioner Wood noted the need to report overtime when incurred and paid to avoid a Fair Labor Standards Act.

Judge Hinojosa stated that $100,000.00 over six (6) weeks averages about $40,000.00 in a pay period should have resulted in someone informing the Court.

Mr. Villarreal stated that the two (2) days of the first pay period pertain to October and the remainder pertain to September; thus making it hard to believe that two (2) days total $50,000.00 in overtime. He stated that perhaps part of the said amount pertains to the previous fiscal year.

Commissioner Garza questioned the system used to document time.

Mr. Mark Yates, County Auditor, stated that the Kronos System has been implemented at the Sheriff's Department and that he would be presenting a list of policies regarding time and attendance keeping. He stated that the $54,000.00 of overtime were expended in the first pay period was believed to be an anomaly, $400.00 of overtime were expended in the second pay period, and that $52,000.00 of overtime were expended in the third pay period, based on the 28 day period for law Enforcement. Mr. Yates stated that he spoke about the overtime issue and the federal inmate population with any Commissioner that went to his Office and the Budget Officer. He stated that Commander Tweedy informed him that there was an average population of federal inmates of 250 per day, when 385 were budgeted. Mr. Yates stated that if the federal inmate population was down then there would be a shortage in revenues of about $125,000.00 for the month of October.

Judge Hinojosa questioned the reason for being short in the federal inmate population.

Mr. Yates explained that the lack of staff was an issu, and another issue was that the U.S. Marshal’s Office believes as to how many federal inmates could be handled by the County jail.

Commissioner Garza commented that the jail was 130 federal inmates short, understaffed, and still paying overtime, noting that this did not make sense.

Mr. Yates suggested that resources (staff) be reviewed and allocated as needed.

Commissioner Garza questioned the number of new positions approved throughout the year.

Mr. Yates stated that approximately 57 new positions were approved for the jail.

Commissioner Garza noted that there was a very serious problem with regards to managing staff at the jail.

Mr. Doug Wright, Commissioners' Court Legal Counsel, stated that another issue was the mandatory meeting held not to long ago and that out of 108 who attended the meeting only 43 submitted times. He stated that he advised top level administration staff at the Sheriff's Department that the employees must be paid if they were attended the meeting.

Judge Hinojosa noted the need to have a meeting to discuss these issues. He stated that he received a letter from the Texas State Jail Standard Commission indicating that the County was over populated at the jail on the guard jail ratio.

Commissioner Tamayo questioned the situation.

Commissioner Wood explained that the over population could relate to misdemeanors causing less space to accommodate federal inmates.

Commissioner Tamayo noted that she would oppose any further expenses for the jail until an explanation was provided.

Commissioner Benavides requested communication amongst the Commissioners' staff and the County Judge's staff, because Channel 5 went to his house to get a report on the matter.

Mr. Francisco Martinez, Assistant District Attorney, stated that the District Attorney's Office processes between 100 and 200 misdemeanor cases per week either by dismissal or prosecution. He stated that issues with misdemeanors could relate to a number of different variables and that some may not be able to bond out for these reasons. Mr. Martinez stated that the District Attorney's Office tries to process the cases within a month.

Judge Hinojosa noted the need to prioritize the individuals incarcerated.

Mr. Martinez stated that incarcerated individuals were always prioritized and that the matter also related to processing documentation among the different arresting agencies. He reiterated that the inmates were process as fast as possible depending on when documentation was received.

Commissioner Garza asked if there was a time period that must lapsed before the individual must be released.

Mr. Martinez stated that the inmates must be processed during a certain period of time otherwise they must be allowed to bond out.

Judge Hinojosa stated that the matter would be reviewed and that a report would be provided

Commissioner Garza suggested that no overtime be paid in the future.

Mr. Yates stated that it would be difficult to comply and that he would present a policy that stipulates that overtime for all Departments would not be paid immediately but rather that it would be held for two (2) pay period in order to have Court approval. He stated that overtime must be paid if incurred.

Commissioner Garza questioned which other Departments incur overtime, and if comp time would be considered an overtime issue.

Mr. Yates responded that Election Division was the only other Department that might incur overtime, and responded that comp time would be an overtime issue.

Commissioner Benavides asked what the difference between Public Works employees getting comp time rather than being paid.

Mr. Yates stated that there was no difference.

Judge Hinojosa explained that Detention Officers must be present and that the Public Works employees were able to take off since the paving a road could be delayed.

Commissioner Benavides stated that the Public Works employees were being cheated from getting paid overtime and that there would be a riot if the matter was switched to Sheriff's Department.

Mr. Yates stated that Law Enforcement may have 42 hours of comp time and that regular employees may have 24 hours of comp time based on County Policy, and that Statute stipulates that allowing 240 for none law enforcement and 420 for Law Enforcement, adding that beyond these amounts time and a half must be paid without accruing additional comp time.

Commissioner Garza agreed with Commissioner Benavides and indicated that emergency situation have arisen where Public Works employees had to work without being paid overtime, instead they have only been allowed to take the time off soon there after.

Mr. Yates stated that there could be reimbursement for capital murder cases and requested documentation regarding the time and positions utilized at the jail.

Judge Hinojosa commented that it was interesting that between $50,000.00 and $75,000.00 were being spent for suicide watch on inmates that the State was trying to kill. He clarified that a report would be provided concerning what is happening, why the issue was occurring, the federal inmate population, how the lack of federal inmates would be dealt, what was happening with the misdemeanor population, and how the overtime issue could be avoided. Judge Hinojosa stated that the problem might not relate only to the Sheriff's Department but also to the Courts and the District Attorney’s Office. He stated that prior to construction of the Carrizales/Rucker Detention

Center the County was not obligated to house misdemeanors and that the County must figure out how to release misdemeanors, adding that the Sheriff's Department only houses inmates and has nothing to do with processing them. He stated that District Attorney's Office and the Courts must process the misdemeanors.

Mr. Yates noted the need to invest on a reporting system to process documentation electronically and expeditiously to avoid individuals sitting in jail until documentation was processed.

Commissioner Tamayo asked from where were the $85,000.00 in overtime, mentioned by the Sheriff, transferred from.

Mr. Villarreal stated that the $85,000.00 figure was unknown to him and that there had been no transfer of funds to the Sheriff's or Jail's Budgets. He stated that Fund 90, Forfeiture Funds, was the only funding source available in discussions with the Sheriff's Department other than General Fund and that no transfer has taken place, adding that the intention may have been to transfer funds from Fund 90 to cover overtime pay.

Commissioner Tamayo questioned where the $85,000.00 came from to pay for the overtime.

Mr. Villarreal reiterated that he had no knowledge of the $85,000.00 figure derived from.

Commissioner Wood stated that Fund 90 had a total of about $70,000.00.

Mr. Villarreal stated that there were pending awards from the $70,000.00.

Commissioner Garza questioned who could designate the transfer of the funds.

Mr. Villarreal responded that the transfer must come from the County Sheriff.

Judge Hinojosa stated that he would recommend that proposals be obtain for privatization of the jail because there were saving of approximately $300,000.00 per year. He stated that some of the losses could be made up by doing this and that the issues must be dealt with now to avoid running into a deficit. Judge Hinojosa stated that all Department Heads and Elected Officials had worked hard on this Budget. He stated that the problem would be a major priority in order to ensure future problems.

Commissioner Tamayo requested that the report include the cost for the mandatory meeting, and questioned if there was timeline as to how quickly paper work must be handed.

Mr. Villarreal stated that the time worked should be noted in the individuals' time sheets.

Commissioner Wood stated that the time worked must be in the same pay period where it occurred.

Mr. Yates stated that time worked for the said individuals was submitted and paid during the pay period ending October 29, 2003. He stated that 47 employees indicated to have worked and according to the media over 100 employees attended the mandatory meeting, thus he guessed that many employees did not submit time.

Mr. Wright stated that last Friday he requested a roster of the meeting for the 108 individuals who were present but it was yet to be provided.

Mr. Yates stated that a number of employees might have not been compensated based on the 171 hours without reporting the hour.

Commissioner Garza asked when the Kronos System would be implemented.

Mr. Yates stated that employees were clocking in and out, but it was set for shift work.

Commissioner Garza asked why the Kronos System could not be implemented everywhere.

Mr. Yates stated that there were logistic problems because of the lack of data connectivity. He stated that implementation could be done in various fashions.

Commissioner Garza asked if implementation of the Kronos System could be prioritized in order to get real time on the system.

Mr. Yates stated that then there would be a need for the Court to support the accounting policies to be brought before the Court.

Commissioner Tamayo moved that the Status Report by Mr. Xavier Villarreal, Budget Officer, be acknowledged.

The motion was seconded by Commissioner Wood and carried unanimously.

Commissioner Garza noted that the message was clear "no overtime."

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(5) APPROVAL OF MINUTES OF THE REGULAR MEETING HELD OCTOBER 14, 2003

Upon motion by Commissioner Benavides, seconded by Commissioner Wood and carried unanimously, the Minutes of the Regular Meeting held on October 14, 2003, were approved.

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(6) CONSIDERATION AND ACTION REGARDING THE CONSOLIDATION OF THE ROAD AND BRIDGE AND VEHICLE MAINTENANCE DEPARTMENTS

Judge Hinojosa proposed that all maintenance of County equipment, including vehicles and equipment from the Public Works Department, be performed by the Vehicle Maintenance Department in order to have adequate repairs, inventory, and record keeping.

Commissioner Tamayo noted the need to organize the Department and to develop a better process without building a bureaucracy.

Judge Hinojosa proposed that the mechanics be assigned under the Vehicle Maintenance Department and stated that there was currently a bureaucracy where no one was currently responsible.

Commissioner Garza stated that a new person has been in charge of the Department for one week and as a result of his work there had been an indictment for $100,000.00 worth of County part that disappeared. He stated that before the opportunity to continue was taken from him; he should be allowed to raise a white flag to give up on the mechanics.

Judge Hinojosa stated that the new Interim Public Works Department Director did not oppose the proposal.

Commissioner Garza asked Mr. Esteban Bazan, Interim Public Works Department Director, if services would be improved by consolidating the Road & Bridge Department and the Vehicle Maintenance Department or if he would like an opportunity to continue working with it.

Mr. Esteban Bazan, Interim Public Works Department Director, responded that he wanted to continue the trend in a positive direction because there was a need to repair equipment, and that if there was a method that could expedite such repairs he would support it.

Commissioner Wood stated that the Commissioners must stop directing mechanics or Public Works employees, and that all work must now go through the Interim Public Works Department Director. He stated that having one person in charge of all mechanics made more sense, and that the Court must make policy as opposed to daily operations.

Commissioner Tamayo expressed concern with broken equipment at La Paloma and with the mechanics being short staffed. She stated that Commissioner Wood was quite irritated when he made a statement indicating that employees from the Public Works Department in Precinct Nos. 1 and 2 did not know that the Department was centralized. Commissioner Tamayo noted that in Precinct No. 4 it was quite the opposite situation because employees were frustrated because they were aware that the Department was centralized. She stated that the County was not centralized in many areas, one being equipment, noting that Precinct No. 4 had 1988 graters.

Judge Hinojosa stated that the County was aware that it had bad equipment, and asked Commissioner Tamayo what her point was.

Commissioner Tamayo stated that the centralized process was not being implemented.

Judge Hinojosa stated that Commissioner Tamayo called the County warehouse on the northern part of the County "Precinct No. 4." He stated that the problem was that when equipment breaks down in Precinct No. 4 a mechanic from Precinct No. 3 could not be called for help because that was not allowed to happen. Judge Hinojosa

stated that about $2 million have been spent over the past two (2) years in equipment for the Public Works Department.

Commissioner Garza noted that Proposition II equipment should be excluded.

Judge Hinojosa stated that it did not matter if they were Proposition II because it was still part of the Public Works Department, and questioned "how do you buy $2 million worth of equipment and then a County Commissioner comes and bawls me out last week and tells me that I have all of my equipments broken." He noted that to him the status-quo was wrong and noted the need to have a system to control the maintenance and repair of all County equipment.

Commissioner Tamayo explained that she came to the County Judge for the reason that Precinct No. 4 has the oldest equipment in the County.

Judge Hinojosa stated that she should be able to call Mr. Bazan to have equipment or vehicles assigned from anywhere in the County.

Commissioner Tamayo asked what happens when a foreman calls Mr. Bazan and if he has been able to help with equipment.

Mr. Bazan responded that in most cases he prefers that the foreman call each other to establish a working relation, but sometimes it doesn't work because the equipment might be in use. He added that sometime he intervenes and has been able to transfer or loan equipment to another area.

Judge Hinojosa stated that the word "loan" should not be used.

Commissioner Garza stated that Mr. Bazan has been on the job for seven (7) days and prior to that he could and was overwritten in about 99% of his good decisions.

Judge Hinojosa stated that half the time he was overwritten by Commissioners.

Commissioner Garza disagreed and stated that there was equipment sitting in Precinct No. 3, considered Proposition II equipment. He added that last week there was a break down on an oil distributor truck and that the employees had to go borrow a truck from Precinct No. 4 when a $150,000.00 truck sitting in an enclosed fence for the last six (6) weeks that Mr. Bernal refused anyone use. Commissioner Garza stated that there was a new paver taking up space in the garage for the past four (4) months because no one may use it because it belongs to Proposition II.

Mr. Mark Yates, County Auditor, noted that no equipment belongs to Proposition II.

Commissioner Garza stated that in the last week there has been more cooperation through Mr. Bazan's Office than there has been in the last three (3) years. He suggested that he be given a chance to make or break the Department before it was taken from him.

Judge Hinojosa stated that no one was taking anything away from Mr. Bazan because he and Mr. Lee Lozano, Vehicle Maintenance Supervisor, had a good relationship. He stated that Mr. Lozano was involved in the investigation of the missing tires. Judge Hinojosa added that the system works a lot better if done the way he was proposing.

Commissioner Tamayo asked why all the old equipment was at Precinct No. 4.

Judge Hinojosa stated that Item No. 7 pertained to the matter, and called the question at this time.

Commissioner Benavides moved that the consolidation of the Road & Bridge and the Vehicle Maintenance Departments be approved.

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

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

NAY: Commissioner Garza.

Commissioner Tamayo requested a report as to how the transfer would be processed.

Judge Hinojosa stated that his Office would work with Mr. Lozano to ensure that the Administrative Systems were in place to make the transfer work.

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(7) CONSIDERATION AND ACTION REQUESTING A COMPLETE ROAD AND BRIDGE EQUIPMENT INVENTORY, INCLUDING LOCATION AND OPERATING STATUS AND A RECOMMENDATION REGARDING ITS EQUITABLE DISTRIBUTION AND REASSIGNMENT PROVIDED BY THE INTERIM PUBLIC WORKS DIRECTOR AND VEHICLE AND EQUIPMENT MAINTENANCE SUPERINTENDENT

Commissioner Benavides moved that the request of a complete Road & Bridge equipment inventory, including location and operating status and recommendation regarding its equitable distribution and reassignment be provided by the Interim Public Works Director and the Vehicle and Equipment Maintenance Superintendent be approved.

The motion was seconded by Commissioner Wood.

Judge Hinojosa explained that equipment has ended and kept at warehouses without consideration to needs, and that the Mr. Bazan and Mr. Lozano must now prepare an inventory, including condition and present recommendations of placement of equipment based upon needs, with the understanding that the Public Works

Director may move equipment as needed. He stated that in two (2) week he would request that the Court ask for a priority list that would be turned over to the Public Works Director for implementation. Judge Hinojosa stated that the inventory list was important if the responsibilities would be turned over to Mr. Lozano and that Mr. Bazan must know where the equipment is located and its conditions, noting that one of the issues relates to equity.

Commissioner Tamayo asked who would supervise Mr. Lozano.

Commissioner Wood responded that Mr. Lozano would be supervised by Mr. Bazan

Judge Hinojosa responded that Mr. Lozano would be supervised by the Court.

Mr. Doug Wright, Commissioners' Court Legal Counsel, noted the need to give direction because the matter involved the Road & Bridge Fund and the General Fund and that if Mr. Lozano was to supervise the mechanics under the Road & Bridge Department an issue would be raised from the stand point that those are Road & Bridge Funds. He suggested that there might be a form of separation from an accounting stand point.

Mr. Mark Yates, County Auditor, stated that the source of funding for an employee depends on his/her function, and that this transfer would result in the General Fund Department subsidizing Road & Bridge activities through its their supervision, thus there might be a need to allocate Mr. Lozano and his secretaries salaries to commensurate the time spent to the Road & Bridge activities, noting that the issue could be worked with the Budget Officer.

Judge Hinojosa suggested that if the transfer does not work that problems be brought before the Court.

Commissioner Tamayo asked if Mr. Bazan would be ultimately responsible for the distribution of equipment.

Judge Hinojosa responded that Mr. Bazan and Mr. Lozano would make a recommendation to the Court.

Upon motion duly made by Commissioner Benavides that the request of a complete Road & Bridge equipment inventory, including location and operating status and recommendation regarding its equitable distribution and reassignment be provided by the Interim Public Works Director and the Vehicle and Equipment Maintenance Superintendent be approved.

The motion was seconded by Commissioner Wood and carried unanimously.

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(8) CONSIDERATION AND APPROVAL OF VEHICLE EQUIPMENT LIST FOR THE 2003-2004 FISCAL YEAR

Commissioner Garza questioned if this was the best dollar amount that could be obtained.

Mr. Xavier Villarreal, Budget Officer, responded that the dollar amounts were merely estimates because bids must be obtained, and explained that specification would be presented to the Court in the near future.

Commissioner Wood asked who determined that this equipment was absolutely necessary.

Mr. Villarreal stated that Mr. Lee Lozano, Vehicle and Equipment Maintenance Superintendent, and he met and made a determination based the vehicles mileage and conditions. He added that only replacement of current vehicles was being recommended.

Upon motion by Commissioner Benavides, seconded by Commissioner Garza and carried unanimously, the Equipment List for the 2003-2004 Fiscal Year was approved, as recommended by Mr. Xavier Villarreal, Budget Officer.

The list is as follows:

(9) IN THE MATTER REGARDING CONSIDERATION AND APPROVAL OF THE 2003-2004 ROAD & BRIDGE EQUIPMENT LIST AND TO UTILIZE THE TASB BUY BOARD OR THE HGAC INTER-LOCAL COOPERATIVE PURCHASING AGREEMENTS ON CERTAIN ITEMS (TABLED)

Upon motion by Commissioner Benavides, seconded by Commissioner Garza and carried unanimously, this Item was **TABLED** for two (2) weeks.

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(10) CONSIDERATION AND ADOPTION OF ORDER AUTHORIZING PUBLICATION OF NOTICE OF INTENTION TO ISSUE CERTIFICATES OF OBLIGATION AND OTHER MATTERS RELATING THERETO

Commissioner Garza moved that the Order authorizing publication of Notice of intention to issue Certificates of Obligation and other matters relating thereto be adopted.

The motion was seconded by Commissioner Benavides and carried unanimously.

The Order 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:

Upon motion by Commissioner Benavides, seconded by Commissioner Tamayo and carried unanimously, the "Consent and Travel Items", were approved.

(11) APPROVAL OF CLAIMS;

(12) ACKNOWLEDGEMENT OF DISTRICT CLERK'S JULY, AUGUST, SEPTEMBER'S MONTHLY FEE AND FINES REPORT;
The report follows:

(13) APPOINTMENT OF RUBEN HERRERA TO THE BROWNSVILLE ECONOMIC DEVELOPMENT COUNCIL;

(14) ADOPTION OF A RESOLUTION RECOGNIZING FORMER CAMERON COUNTY JUDGE AND NOW U.S. AMBASSADOR TO MEXICO, ANTONIO O. GARZA, JR;
The resolution follows:

(15) AUTHORIZATION TO SUBMIT A GRANT PROPOSAL TO THE TEXAS STATE PROTECTIVE AND REGULATORY SERVICES IN THE AMOUNT OF $355,000 FOR A COMMUNITY YOUTH DEVELOPMENT PROGRAM;

(16) AUTHORIZATION FOR FINAL APPROVAL:
A. PRECINCT 4- WILCOX ACRES, BEING THE SOUTH 7.00 ACRES OUT OF BLOCK NUMBER THIRTY-FOUR (34), WILSON TRACT SUBDIVISION, CAMERON COUNTY, TEXAS.

(17) AUTHORIZATION TO OPEN THE FOLLOWING BIDS:
A. FATHER JOSEPH O'BRIEN HEALTH CLINIC SITE & INTERIOR RESTORATION, PORT ISABEL, TX –BID NO. 031003

(18) AUTHORIZATION TO OPEN THE FOLLOWING BIDS/ RFP'S /RFQ:
A. FURNITURE-REVERSE AUCTION BID NO. 0420

TRAVEL ITEMS

(19) 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. Extension Office Agent, To Travel To Freer, Tx, On 11/22/03, To Assist With The District 12 4-H Food Show; And

B. County Judge Employee, To Travel To San Antonio, Tx, On 11/19/03, To Attend The Texas Border Infrastructure Coalition Monthly Meeting And The U.S. Visit Economic Impact Forum In Conjunction With The Texas Municipal League Annual Conference.

(12) **ACKNOWLEDGEMENT OF DISTRICT CLERK'S JULY, AUGUST, SEPTEMBER'S MONTHLY FEE AND FINES REPORT;**
The report follows:

(14) **ADOPTION OF A RESOLUTION RECOGNIZING FORMER CAMERON COUNTY JUDGE AND NOW U.S. AMBASSADOR TO MEXICO, ANTONIO O. GARZA, JR; The resolution follows:**

EXECUTIVE SESSION

(20) EXECUTIVE SESSION:

Upon motion by Commissioner Tamayo, seconded by Commissioner Benavides and carried unanimously, the Court met in Executive Session at 11:26 A.M., to discuss the following matters:

(a) Consideration and possible action regarding the acceptance of an Agreed Order between Texas Commission on environmental quality and the County of Cameron in enforcement matter concerning Cameron County Municipal Solid Waste unauthorized site; pursuant to V.T.C.A. Government Code, Section 551.071(1) B and 551.071 (2);

i. Confer with Commissioners' Court Legal Counsel regarding the Court's possible participation i the legal challenges to the recent Congressional Redistricting; pursuant to V.T.C.A. Government Code, Section 551.071(1)(A);

ii. Deliberation regarding Real Property concerning the possible acquisition of the Levi's Building; pursuant to V.T.C.A. Government Code, Section 551.072; and

iii. Deliberation regarding Real Property concerning the possible acquisition of the Port Isabel Annex Building; pursuant to V.T.C.A. Government Code, Section 551.072.

Upon motion by Commissioner Benavides, seconded by Commissioner Tamayo and carried unanimously, the Court reconvened in Regular Session at 12:05 P.M.

(21) ACTION RELATIVE TO EXECUTIVE SESSION:

(a) Consideration and possible action regarding the acceptance of an Agreed Order between Texas Commission on environmental quality and the County of Cameron in enforcement matter concerning Cameron County Municipal Solid Waste unauthorized site.

Commissioner Tamayo moved that the County Judge be authorized to execute the agreed Order.

The motion was seconded by Commissioner Garza and carried unanimously.

(b) Confer with Commissioners' Court Legal Counsel regarding the Court's possible participation in the legal challenges to the recent Congressional Redistricting.

Upon motion by Commissioner Benavides, seconded by Commissioner Garza and carried unanimously, the retaining of services of Rios & Associates to intervene on behalf of Cameron County and the motion for intervention were authorized.

(c) Deliberation regarding Real Property concerning the possible acquisition of the Levi's Building.

Commissioner Tamayo moved that the sending of a Letter of Intent to the Real Estate Agent who has the listing on the Levi's Building be approved.

The motion was seconded by Commissioner Benavides and carried unanimously.

(d) Deliberation regarding Real Property concerning the possible acquisition of the Port Isabel Annex Building.

Upon motion by Commissioner Garza, seconded by Commissioner Tamayo and carried unanimously, Mr. Joseph Ardito, Property Manager be authorized to negotiate on a certain tract of land discussed in Executive Session.

There being no further business to come before the Court, upon motion by Commissioner Wood, seconded by Commissioner Benavides and carried unanimously, the meeting was **ADJOURNED** at 12:08 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