

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 10th day of FEBRUARY 2004, there was conducted a Regular Meeting of the Honorable Commissioners' Court of Cameron County, Texas, at the Courthouse thereof, in the City of Brownsville, Texas, for the purpose of transacting any and all business that may lawfully be brought before the same.

THE COURT MET AT:

9:30 A.M.

PRESENT:

GILBERTO HINOJOSA
COUNTY JUDGE

PEDRO "PETE" BENAVIDES
COMMISSIONER PRECINCT NO. 1

JOHN WOOD
COMMISSIONER PRECINCT NO. 2

DAVID A. GARZA
COMMISSIONER, PRECINCT NO. 3

EDNA TAMAYO
COMMISSIONER, PRECINCT NO. 4

JOE G. RIVERA
COUNTY CLERK

Mary Robles Deputy Clerk

ABSENT:

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The meeting was called to order by Judge Hinojosa at 9:35 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 February 6, 2004, at 11:15 A.M.:

Commissioner Tamayo informed that the Santa Rosa Family Learning Center raised \$1,000.00 during a fundraiser.

Judge Hinojosa stated that Santa Rosa has been a neglected community. He questioned the status of the application for the Boys & Girls Club.

Mrs. Grace Salinas, County Judge's Office, responded that the application was complete, adding that a meeting would be scheduled for further discussion.

Judge Hinojosa requested a follow-up meeting be scheduled with Cameron Workforce.

Commissioner Garza commented that he attended the Citizenship Ceremony of Mr. Ray David Cuervo, deceased U.S. Soldier, which was very moving and helped bring closure to the family.

Commissioner Wood commented that the rodeo took place in Los Fresnos over the weekend.

Commissioner Tamayo thanked the Harlingen area Homebuilders Association for donating materials for the floors that were done by prisoners.

(1) **PUBLIC COMMENTS**

NOTE: NO REQUESTS TO BE HEARD WERE PRESENTED

PRESENTATIONS

(2) **PRESENTATION BY DR. VICTOR M. GONZALEZ,
HEALTH AUTHORITY REGARDING HEPATITIS A**

Dr. Victor M. Gonzalez, Jr., MD, FFAFP Cameron County Health Authority, noted the importance of the issue of Hepatitis A and informed that this disease has existed since recorded history. He stated that Hepatitis A is made present during late fall, early winter, late spring and early summer, and that once an individual becomes ill with Hepatitis A there was always a risk of transmission. Dr. Gonzalez proceeded to highlight the following Report:

Dr. Gonzalez explained that Cameron County's health department and the City of Brownsville, the Texas Department of Health in Harlingen and Austin, and the Center for Disease Control in Atlanta have provided assistance towards alleviating and identifying the outbreak of Hepatitis A in Cameron County. He stated that the 21st case of Hepatitis A was reported last week and that there was a possible case was pending verification. Dr. Gonzalez stated that the longer lapsed time in between reported cases the closer to ending of the outbreak.

Commissioner Benavides asked if any of the annual deaths as a result of Hepatitis A occurred within Cameron County.

Dr. Gonzales responded that to his knowledge no deaths have occurred within Cameron County.

(3) PRESENTATION OF REPORT REGARDING JAIL ISSUES BY COUNTY JUDGE

(11) IN THE MATTER REGARDING CONSIDERATION AND POSSIBLE ACTION TO CREATE ADDITIONAL DETENTION OFFICERS SLOTS FOR THE CAMERON COUNTY JAIL SYSTEM IF NECESSARY (TABLED)

Judge Hinojosa - "Last week I went to Austin, at the request of the Texas Commission on Jail Standards, and subjected myself to 45 minutes of grueling questions. I guess it is commonly known as being placed on the hot seat, and it certainly was a hot seat, the Texas Commission on Jail Standards. Interestingly, you know there were other counties that were there that had been in none compliance for a lot longer than Cameron County or had been in none compliance in a worst situation than we were, but they were certainly upset at us for some reason and I am not really sure why. I had a lot of questions about why we had not dealt with the situation about the inmate guard ratio for 120 days or six (6) months or whatever number it was. And they seem to believe for some reason that the Commissioners Court was not responding to their concerns. And they were upset about that. They seem to think that, we're being informed that there were problems and had turned our backs on that. And it got to be a confrontational situation between me and certain members of the Commission because I showed them that in fact at every turn we had addressed the issue. And at every point we had thought the problem was taken care of. But every time we would turn around it wasn't. In fact they said... They started from the June of last year a letter that they sent us that we were not in compliance. I said 'well we added something like 14 or 15 guards after that and we thought we were in compliance at that point; And I explained to them then in September they sent us another letter and we added 13 more guards after that and we budgeted to the point where we had to impose a tax increase to the tax payers of Cameron County in order to fund all this significant increases in the budget in the Sheriff's Department, particularly in the jail, and we thought the problem was taken care of. The interesting thing was that the Commission was upset at us because we had not allocated any money or enough money for overtime pay. And

when I pointed out to them that we had spent \$120,000.00 in the first month of the new fiscal year budget it was like they were not interested. They wanted to know how much overtime pay was set up in the budget now. And they wanted to know why we had not responded in November and I explained to them 'well we didn't know that we had a problem until we got this bill for a \$120,000.00 in overtime pay. We thought we were funded at full capacity at the jail for purposes of guards, and the first time we found out that there was a problem with the Texas Commission on Jail Standards was when we got that \$120,000.00 bill, and that after that we worked to get ourselves into compliance. And then they wanted to know why were you not in compliance in January when we came down' and we said 'well we thought that we were. I mean we believed that we had enough guards at that point. So then after that we got that ...Because of the decrease in the population, the procedures that we had imposed through the efforts of my Office in coordination with the JP's and the District Judges and the County Court at Law as well as the Probation Department, we thought that we had gotten the population down to where we were in compliance with the ratio. And then I said 'we went back again after January and worked with the Sheriff's Department; Put together a staffing plan that we believed puts us in compliance. So after that they had, you know, heaped a bunch of stuff on me they voted to not imposed the remedial order until such time that they had an opportunity to do surprise visits to make sure that we were in compliance with the one to 48 ratio. So what we are doing right now is two (2) things: the first thing is we are going to continue to meet at the jail on a weekly basis, my staff and the Sheriff's Department staff to ensure that our guard to prisoner ratio is complied with, that the staffing and the placement of prisoners is consistent with State Jail Standards Commissions regulations, that the classifications that they are using and that the guard inmate ratio meets that one (1) to 48 ratio required under the State Jail Standards Commissions Regulations. And we're going to be asking for daily reports on the population so that we can be monitoring that with the number of guards that we have there at this time. We want to have these meetings at the Sheriff's Department so that we can visualize what's going on so that we'll know where everybody is at, make sure that there is enough guards to cover that, and ensure that if there is a surprise visit by the State Jail Standards Commissions that we are in compliance. The other thing that we did, the day that I got back, was we sent a letter to the State Jail Standards Commission asking them to come down and analyze our staffing.....how you call it?"

Commissioner Tamayo- "analysis"

Judge Hinojosa- "give us a staffing analysis of the jail we think we are in compliance based upon the population that we have now, but we want them to come down and look at the way we see it and tell us in fact that's right. Because if it's not we want to know why it's not because we want to make the necessary changes so along those lines, and they agreed to do that. Remi talked to Mr. Julian, former County Judge Julian, who's the Executive Director of the State Jail Standards Commission and he said that they'll send somebody down to do that. I hope that

they do that before they do their surprised visits. But I got the impression that he knows that we are really trying hard to ensure that we're in compliance with their requirements. The thing though that we are concerned about is that if they show up or if something occurs that we feel at that moment we are not in compliance we want to have the ability to take some immediate steps to be able to fix it. And the two (2) things that we need authority for, and that's what Item No. 11 is about: is we need for the Commissioners Court to authorize a certain amount of overtime pay that will be controlled through Xavier. In other words if the Sheriff's Department... If something happens there's two (2) or three (3) people ill at one time and the extra staff that they've that are being utilized to cover for those staff members is not enough to continue to keep us within the one (1) to 48 and they feel that they need people to come in four (4) hour shifts or eight (8) hour shifts, you know, we are asking that they, if it's a two (2) hour absence that they need, that they bring in people for not more than four (4) hours. In other words why bring in a eight (8) hour shift person when you only need them for two (2) hours. But you know at least to make it worth their time bring them in for at least a half shift at a time. That the Sheriff's Department calls Xavier and says this is what I need; Xavier documents that information; gives his approval based up on whatever information he's got. He's one of the persons that's going to be meeting with them on a regular basis to make sure that they are in compliance. And then authorizes it and he keeps tab of what's being used and what's left and so forth, so that we can know where the tax payers' money is going. The other thing that I believe we need is: we need authority to hire three (3) more guards in case we need to hire them. Not to hire them right now but to give us the funding so that they can set the people up ready to go."

Commissioner Wood- "Three (3) or two (2)?"

Judge Hinojosa -"I'm sorry we had put two (2) in the report but we think the real number is three (3) okay. because it would be somebody to fill for three (3) shifts. Let's say we get our 70 prisoners back from the U.S. Marshall's Office, and if we do and I don't know. I have a meeting tomorrow with the U.S. Marshall and I don't know what he is going to tell us. But I'm hoping it's that they've agreed to pay us the increase rate that we requested. But I mean he could conceivably be coming over here to tell us that he's gonna take all his inmates out. Whatever it is, it is, right? What we want to do is to have enough staff, Detention Officers, approved by the Commissioners Court so that we can immediately fill them; get things going and ensure that we're in compliance with any ratio required by State Jail Standards Commissions. We are not gonna hire them yet, until we feel that we need to, but I need to make sure we've got the authority. And I have talked to Xavier. Yesterday we met about this. Xavier is gonna... We had a significant amount of savings as a result of the Workers Compensation Premiums that we don't have to pay because of our enhanced safety record for the County. And what he's gonna do essentially, just to make sure we do it right, is put that money into Fund Balance and then just pull out of Fund Balance the

amount of money that we may need to spend if we have to spend this. It's gonna be somewhere around \$45,000.00, about \$75,000.00. We are figuring \$30,000.00 in overtime pay and for the three (3) slots remaining in the year somewhere around the \$45,000.00. So we're not gonna spend the \$75,000.00 but we want to have them available in case we need them to ensure that we are in compliance with State Jail Standards Commissions Standards. Our whole effort here in my Office and the Sheriff's Department Office is to comply with the order of the State Jail Standards Commission. And we think, that spending money now is going to ensure that we don't spend money later on or lose money later on. The last thing we need is let's say that we do get an increase per diem from the U.S. Marshall's Office that makes it worth our while to keep the U.S. Marshall's and then they take away 100 inmates to get us in compliance because of the fact that we're not in compliance with the Remedial Order. The other thing is that the U.S. Marshall's Office, if they're going to keep there inmates in our jail, wants to ensure that we are in compliance with State Jail Standards Commission Standards. They are not going to put, they are not going to bring back inmates, federal inmates, unless they feel that we are in compliance. So I think this is something that's, that money. We're already going to be over/close to \$200,000.00 over budget on this, not including the savings that we might have incurred as a result of cutbacks in inmates through the procedures that we've been implementing. And I don't know how much money we saved there but the extra expenditures that we're incurring here are about \$200,000.00 with \$120,000.00 overtime pay and the three (3) additional slots, but in the long run, I think it should put us in a position where we are in compliance. We'll get back to normal there in terms of the ratio, and we can move forward. There's a lot of other issues to deal with in the jail that we are dealing with and we will be giving you reports on that. But we're working on it. That is it. The other thing that I failed to mention, and I briefly mentioned it, was that we've been in communication with the Marshall's Office about our concerns about the rate. They've gone back and taken a look at it. They've agreed to go back to October 1, which is the beginning of the fiscal year, on any adjustments that they make to the \$31.25 amount that they proposed about a month ago, which is unacceptable to us. If they go up to a number that is acceptable to us then I think we can go forward if not well then we're gonna have to make some tough decisions. And that's it. The rest of it I think is that we are finalizing the contract with the UTMB. We're working on the... We're meeting with the U.S. Border Patrol to setup a better system of identification of inmates for reimbursement on the SCAAP Program. And we're working on the request for proposals that we're going to send out for the kitchen program. and we're dealing with the Sheriffs' Department on that, and our Office is gonna work together to put that together and send it out in a couple of weeks or so to see that we start that process of privatizing the kitchen at the county jail."

Commissioner Wood – "When we look at that process, I think we need to also consider what our current kitchen operation is. And I personally I'd like to see if we have other people make presentations or present us with

their RFP that the current staff also present us with something so that we can measure what we're doing and what the current in-house staff can do as opposed to going out to contract."

Judge Hinojosa – "Yeah. And I think, you know, I mean I've had conversations with Sheriff Personnel on that issue and I think their approach is 'well you know we've implemented a lot of procedures to save money in the kitchen.' But there are certain very technical procedures that would result in savings no matter what, because of the way you scientifically approach feeding people in terms of portions and ensuring that the portions. You know when you are feeding 900 people a day, you know, the amount of the portions makes a difference over time. If you can save a dollar per plate; that's 900 bucks a day. That's the \$300,000.00 a year or so that we could save in the jail. The other thing is that I don't care what anybody says. No matter what the Sheriff's Department does they cannot purchase at prices when you purchase in quantities that an outside institution can purchase if they're buying for, 20 facilities."

Commissioner Wood – "Well. I understand that and I think that's where we get into looking at what the contracts might be. Whether we are tied to x number of meals that they're going to provide on a daily basis whether they provided them or not, depending on whether or not we have the inmates, or whether if they provide more than that x number they'd charge us extra. How is the contract? How it's gonna work. And what they do? You know how long their commitment is for a certain fee per meal, is it one year, two years, three years? After a year, does it jump up? You know, where are we at? So we need to look at those closely."

Commissioner Garza – "Judge, in regards to the report you made at the Commission on Jail Standards; who from the Sheriffs Department attended with you?"

Judge Hinojosa - "The Sheriff and Mr. Rivera."

Commissioner Garza – "Good. And in regards to the... I mean what I read here on eleven is 'additional Officer or Officers Slots.'"

Judge Hinojosa – "Right."

Commissioner Garza – "Should we not wait for the Commission of Jail Standards to give us a recommendation on the staffing analysis before we go out and approve more slots."

Judge Hinojosa – "Well, except that, if we've got a surging population for whatever reason. I mean we are not gonna get any slack what so ever from the State Jail Standard Commission anymore. That was the distinct impression... That was the message, not an impression, that was the message that was given to me by them. Which means that you know, if we get a surging population, for whatever reason, federal inmate or something happens that we get another 30 or 40 inmates there and something needs to happen quickly..."

Commissioner Tamayo – "It better happen."

Judge Hinojosa - "It better happen quickly, you know. If they show up the next day and we're not in compliance; they're going to shut our facility down or fine us or make us move inmates out. I'd rather just allocate the slots. Get the Sheriff's Department to start the process of interviewing people and getting them, you know, maybe into training with the understanding that the moment that the position opens up that they'll be able to walk in and fill it immediately."

Commissioner Garza - "So what I'm hearing right now is that every slot at the Sheriff's Department is full, that we have right now?"

Judge Hinojosa - "No. I don't think that's accurate."

Commissioner Garza - "I mean are there any openings?"

Judge Hinojosa - "I'm sure there was a couple of them."

Chief Deputy Juan Mendoza, Sheriff's Department - "At the jail?"

Commissioner Garza - "Yes."

Chief Mendoza - "We are ten short at the jail... (Inaudible)."

Commissioner Garza - "No. My question is 'do we have any slots that are budgeted right now that are not filled?'"

Commander Agustin Rivera, Sheriff's Department - "There's five (5) right now, Commissioner and they are in the process of going thru the (inaudible) and up the scale right now. They're coming up. They should be hired within the next ten (10) days."

Commissioner Garza - "Okay. So those are slots that have been budgeted and are approved but have not been filled."

Commander River - "Right."

Commissioner Garza - "That's it? Five?"

Commander River - "That's it."

Commissioner Rivera - "So that's gonna give us five more people than we have right now?"

Commander Rivera - "No, no those five slots were either; they got terminated or they resigned."

Commissioner Garza - "That's what I mean. But in staff, that means that you are gonna have five new staff people as far as jailers are concern, once they get approved."

Commander Rivera - "No, because we already have those five slots."

Commissioner Garza - "I know. But you don't have them working right now. How long have they been open?"

Commissioner Wood - "How long have they been vacant?"

Commander Rivera – “I would say about... maybe looking about a week, two weeks.”

Commissioner Wood – “Okay.”

Judge Hinojosa – “And I’m not sure that they’re not already calculated into our number for purposes of determining whether we are in compliance with our staffing.”

Commissioner Tamayo – “That’s what I was going to ask.”

Judge Hinojosa – “But I mean. Chief you know, we... I don’t think that it’s fair for you to say that there’s ten, the need for ten. We’ve sat down with your staff...”

Chief Mendoza – “Judge.”

Judge Hinojosa – “Excuse me sir. We’ve sat down with your staff and we’ve gone over the staffing patterns with the current population that we have today and... And I don’t know when you say you need ten more people. That is not what we’ve come up in conversations with your staff. We’re in compliance right now with the numbers that you’ve got in the jail right now and the staff that you have today.”

Chief Mendoza – “Well in my opinion we’re not in compliance. Jail Standard not once but twice issued the Remedial Order and we’re still not in compliance. That’s why you and the Sheriff had to go to Austin to face the courts.”

Judge Hinojosa – “Your Sheriff looked them in the eye and told them that they we’re in compliance.”

Chief Mendoza – “We’re not in compliance”

Judge Hinojosa – “Well you all need to get together and work this out.”

Commander Rivera – “We need ten more and the jail standards... Rusty gets over here and checks the jail right now, we’re not gonna pass. Twice they told us in writing, to us and to Commissioners Court. And I’ve been here before and we told you that we were short. We’ve gotten Detention Guards but not enough. I mean the jail has been operating under staffed.”

Commissioner Wood – “Does everyone that has a Detention Guard slot pay are they all Detention Guards or are any of them doing something other than Detention Guards? You know what I am saying? The slots are they filled appropriately?”

Commander River – “There was two slots that we brought back as Detention Guards that were not doing the Officer supervision and they’re back. Let me kind of straighten a little thing. The thing the commission wanted was... And I had a little issue with the Judge’s staff and everything. But the problem that the Commission over there has is that they want to know what’s gonna happen in the future. Right now, we’re in compliance due to our population that has been so low and because some because of the federal inmates that they took, which were 43

and the other ones because of the JP's Programs. But what I'm saying, we are in compliance right now because of our count."

Judge Hinojosa – "Well, that's what I said."

Commissioner Garza - "That's what you said, exactly."

Commissioner Tamayo – "Yes, we're having contradiction right here in front of us. Am I hearing correctly? You're saying that we are in compliance?"

Commander Rivera – "Right now, Commissioner Tamayo, we are because of our count."

Judge Hinojosa – "Exactly what I said right now was 'if we have a surge in the population today we need the slots to be able to stay in compliance. I specifically said that with the population that we've got today we are in compliance. That's what we went through. Those are the numbers we went through. Those are the adjustments we made with some of the people that you had in your office."

Chief Mendoza – "Judge we have a lot of problems there at that jail..."

Judge Hinojosa – "Well, I know you have a lot of problems. And those... And let me tell you sir, most of those problems don't have anything to do with anything that these five people have been doing sir. And I beg to disagree with you that we have any responsibility for that. I mean, I can go through part of those if you want to right now. But with respect to the guards we funded the slots that we were told to fund in September. I know that there's a disagreement as to what we had before, in terms of the slots, but when we were told what to fund in September of last year when we were putting together this budget and working together... (Inaudible) we were asked to fund."

Chief Mendoza – "Why is it that Jail Standards didn't pass us then?"

Commissioner Garza – "Maybe that's where the staffing analysis comes in, in my opinion."

Chief Mendoza – "Why didn't we pass?"

Judge Hinojosa – "Well...(Inaudible)."

Commissioner Tamayo – "You're the one that should be able to answer that."

Mr. Remi Garza, County Administrative Assistant – "I think that's an unfair question because the reason why the Jail Standards found our inmate to guard ratio to be out of compliance was because they were looking at a time before the Commissioner Court had taken action. We were being punished for the past that had existed in the jail. And to bring it to the Court and say that it is their responsibility that we did not pass for those months since September when they hadn't had the opportunity to act. I think it's completely unfair. I don't think that's appropriate. Because once that the Commissioners Court took action with the cooperation of the Sheriff's Office we were able to bring control of the population. There was a change in the way that Cameron County addressed its prison population. We moved from accept them and warehouse them and the more you get the more pods you open

up and the more guards you have to hire to a philosophy of let's move them through the system quicker and handled, so that they participate in the judicial system faster and we move it and we're not just warehousing people; We are actually processing people and using the judicial system to its fullest extent. We sat down with the Jail Administrator, the Sheriff Representative and another Officer and when we came up with a staffing pattern that's going into effect on the twentieth. It's not just based on our current population. It's also based on the full use of the facilities that the Sheriff's Office is using today. That every pod that's open and every bed that's available, that we sat down and worked with, in the Detention Center No. 1, the Carrizales/Rucker, and the pod that's being utilized in the Detention Center No. 2, based on the information that we were provided and that we talked about and discussed, that we would be in full compliance if every bed in those facilities is filled. So I mean there's... That would only leave 258 beds or 228 beds and the county jail. The old county jail would be available to put people in and that one pod from Detention Center No. 2. And if you're talking about the 10 Officers you're talking about that you say we need to be in compliance it's about opening up Detention Center No. 2's second pod, then you're right. We won't be in compliance there because that's going back to the old philosophy."

Judge Hinojosa – "But it's not opened."

Chief Mendoza – "If you get the federals back are you going to be in compliance, sir?"

Judge Hinojosa – "Well that's what I said. You know chief. I mean... I said..."

Commissioner Garza – "You know, even if we get them we can't afford to fill 10 slots. Why should we?"

Judge Hinojosa – "I mean, we're not going to hire guards to just have them sitting there twiddling their thumbs if there's not inmates for them to be guarding."

Commissioner Tamayo – "Just in case."

Chief Mendoza – "But we already got two Remedial Orders. If the Jail Standards comes... I'm not, you know. I'm here addressing the Commission, we're short and as per the Commander we need 10. And that's why I'm saying we need 10."

Judge Hinojosa – "That's not what your Commander said."

Commissioner Garza – "The Commander said that he was properly staffed."

Chief Mendoza – "No we're not."

Commissioner Garza – "He just said it."

Chief Mendoza – "We need 10. We've been short since we opened that jail. There was a lot of problems with that jail. That jail was opened too quick. We are under staffed. We didn't get the equipment that we needed to open that jail. The video the cameras I mean the box I mean you've got a lot of problems there."

Mr. Doug Wright, Commissioners' Court Legal Counsel – “Judge, we are way off track on this at this point. There also are some other issues I think the Court needs to visit with in Executive Session before we make any choice or call with regards to additional slots.”

Mr. Xavier Villarreal, Budget Officer – “I would request that we table this Item so that we can meet again and find exactly what it is.”

Judge Hinojosa – “We need to approve at least the three (3) slots now, I mean there’s no…”

Mr. Villarreal – “I think, I just checked with Doug. The only problem we may have if we create those slots; they can fill those slots.”

Commissioner Wood – “Whenever they want to.”

Commissioner Tamayo – “Yeah, whenever they want to.”

Mr. Wright – “The other problem is you have, what I understand from the Auditor’s Office, a deficit budget right now. If you’re gonna definitely have the revenues and support where to get the money from.”

Judge Hinojosa – “He’s already said, I mean we already talked about that Doug. I mean that’s…”

Mr. Wright – “Well I haven’t heard it today. And what he’s telling you about creation of the position; once you create it the Sheriff’s Office can fill it. And if that’s not what you want…”

Commissioner Tamayo – “Whether they need it or not.”

Judge Hinojosa – “Can’t, the Commissioner Court create the position as part of the creation of the position with the understanding that it will only be filled with the approval by the consensus between the Budget Officer and County Judge?”

Mr. Doug – “No sir.”

Judge Hinojosa – “Why not? Why not?”

Mr. Wright – “Because once you create the position it’s up to the Elected Official to fill that position.”

Commissioner Tamayo – “It’s theirs.”

Mr. Wright – “We’ve done that with the cooperation of Elected Officials and it’s worked pretty well in the past. But I’m not sure that you can count on it in this circumstance.”

Judge Hinojosa – “That’s an understatement. What do you all want to do?”

Commissioner Garza – “I think that I’d like to acknowledge the Report, Judge, that you gave us on the issues that were discussed the Presentation that you made on the Commission of Jail standards.”

Judge Hinojosa – “What about the overtime?”

Commissioner Garza – “I didn’t see overtime anywhere in the Agenda.”

Commissioner Wood – “(Inaudible)…the slots.”

Commissioner Tamayo – “No it’s not there. It only has the Detention Officers.”

Commissioner Garza – “I’ve supported every request that has come to this Court in regards to our Sheriff’s Department. Whether it be equipment. Whether it be staffing. Whether it be everything. Everything that has come before this Commission you have supported, Pete has supported, we’ve supported it.”

Chief Mendoza – “I don’t think that’s true Commissioner.”

Commissioner Garza – “It is true.”

Chief Mendoza – “No, you denied the fence, \$175,000.00 that it was gonna cost. It was too much money denied, and all the videos and cameras that we needed.”

Commissioner Garza – “We have a maximum security facility that is supposed to hold prisoners in you know.”

Chief Mendoza - “I was here in Commissioners Court in 2001 when I requested that, denied.”

Commissioner Garza – “We have a maximum security facility. Don’t we?”

Judge Hinojosa – “Yeah.”

Chief Mendoza – “I’ve got the letters here it was denied.”

Mr. Wright – “We’re off the subject again.”

Commissioner Garza - “Well, we’re off the subject but...”

Chief Mendoza – “I’m just letting you know, in my opinion we need 10. If you hire three, Jail Standards comes in and lets us have it.”

Mr. Wright - “I’ve heard a lot of technicalities and we’re way off the subject. But if there is a problem it looks like the Sheriff’s Office would be presenting you with specific recommendation on what you all ought to be doing.”

Commissioner Garza – “In regards to recommendation they should be coming through the sheriffs Department, in my opinion sir. You’re taking the time and the effort of your staff to try to help rectify a problem, you know. I appreciate what you’re doing in regards to this and your staff. I think that they’ve gone above and beyond the duty to take care of something that doesn’t fall in the prevalence of your Office, Judge.”

Chief Mendoza – “The Judge has been trying to help,”

Commissioner Garza – “He has been trying to help.”

Chief Mendoza – “If we don’t get the proper equipment and the necessary manpower to run the facility the way it is supposed to be run how do you expect us to do the job.”

Commissioner Tamayo – “...stop,”

Mr. Wright – “You’re getting into areas that have or may have significant implications on the budget of the County in the future and it’s way off the subject of what is before the Court now. I think that you need to cut this conversation off.”

Commissioner Garza – “I move to acknowledge the Report on jail issues by the County Judge’s Office and **TABLE** No. 11.”

Commissioner Tamayo – “Table, second.”

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

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

Judge Hinojosa – “All those opposed?” Motion carries.”

The Report is as follows:

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

Upon motion by Commissioner Garza, seconded by Commissioner Tamayo and carried unanimously the Budget Amendments, Line Item Transfers and/or Salary Schedules were approved.

The Documents are as follows:

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- (5) **APPROVAL OF MINUTES FOR:**
(A) **DECEMBER 9, 2003- REGULAR MEETING**
(B) **DECEMBER 16, 2003- REGULAR MEETING**

Commissioner Benavides moved that the Minutes for December 9, 2003- Regular Meeting and December 16, 2003- Regular Meeting be approved, inclusive of the changes.

The motion was seconded by Commissioner Wood and carried unanimously.

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- (6) **CONSIDERATION AND APPROVAL OF A RESOLUTION OF THE COMMISSIONERS COURT OF THE COUNTY OF CAMERON, TEXAS PROVIDING TAX ABATEMENT TO CERTAIN HISTORIC PROPERTIES LIST IN THE 2004 CITY OF BROWNSVILLE, TEXAS HERITAGE PLAN**

Mr. Joe Gavito, City of Brownsville Heritage Officer, informed that two (2) new local sites were added to the Heritage Plan, which has been in place for 18 years, that will get 50% tax abatement, and that one was blocked; thus causing a negative affect of plus one regarding to changes made from last year.

Upon motion by Commissioner Benavides, seconded by Commissioner Garza and carried unanimously, the Resolution providing tax abatements to certain Historic Properties List in the 2004 City of Brownsville, Texas, Heritage Plan was approved.

AYE: Commissioners, Benavides, Wood, Garza, and Tamayo,

NAY: None,

ABSTAIN: Judge Hinojosa as to properties located at 622 E. St. Charles and 504 E. St. Frances.

The Resolution and affidavit are as follows:

(8) CONSIDERATION AND AUTHORIZATION TO EXECUTE AN AGREEMENT BETWEEN CAMERON COUNTY (PARKS) AND BLUE APPLE PUBLISHING, INC.

Commissioner Wood moved that the Agreement between Cameron County (Parks) and Blue Apple Publishing, Inc. be approved.

The motion was seconded by Commissioner Tamayo and carried unanimously.

The Agreement is as follows:

(9) **CONSIDERATION AND POSSIBLE AUTHORIZATION
TO EXECUTE CONTRACT WITH JAMAIL
CONSTRUCTION FOR THE CONSTRUCTION OF
THE BROWNE ROAD REGIONAL PARK**

Commissioner Benavides informed that the Ground Breaking Ceremony for the Browne Road Regional Park was scheduled for February 20, 2004, at 10:00 A.M.

Upon motion by Commissioner Benavides, seconded by Commissioner Tamayo and carried unanimously the Contract with Jamail Construction for the construction of the Browne Road Regional Park was approved.

The Contract is as follows:

(10) **CONSIDERATION AND AUTHORIZATION TO APPROVE SUBDIVISION CONSTRUCTION AGREEMENT FOR UNBUILT SEPTIC SYSTEMS TO COMPLY WITH THE MODEL SUBDIVISION RULES FOR THE HEATHER SUBDIVISION**

Mr. Alejandro Sanchez, Engineer in Training, informed that the Agreement was in compliance with the Subdivision Regulations, that the letter of credit had expired, and that a notice has been sent. He recommended approval of the new Agreement for the 23 lots.

Commissioner Garza asked if the Agreement relates to declining letters of credit or if they were straight letters of credit.

Mr. Sanchez responded in the affirmative.

Commissioner Garza asked if the letters of credit were reduced once a septic system was built.

Mr. Sanchez responded that the letter of credit was reduced upon request.

Commissioner Garza asked if the same process was followed for county construction projects and if the declining letter of credits were used to ensure that Subdivision Regulations were enforced.

Mr. Sanchez responded in the affirmative.

Commissioner Garza moved the Subdivision Construction Agreement for un-built septic systems to comply with the Model Subdivision Rules for the Heather Subdivision be approved.

The motion was seconded by Commissioner Benavides and carried unanimously.

Judge Hinojosa commended Mr. Sanchez for his excellent job performance.

The Agreement is as follows:

CONSENT ITEMS

ALL ITEMS UNDER THE CONSENT AGENDA ITEMS WERE HEARD COLLECTIVELY 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. 26: Commissioner Garza clarified that the subdivision was within Precinct No. 4.

ITEM NO.12: Mr. Mark Yates, County Auditor presented the following late claims:
Warrant No. 00110849, payable to City of Los Fresnos, in the amount of \$175.00;
Warrant No. 00110850, payable to State Comptrollers Office, in the amount of \$328.70;
Warrant No. 00110851, payable to the Texas Juvenile Probation Commission, in the amount of \$175.00; and
Warrant No. 00110534, payable to U.S. Post Master, in the amount of \$625.00.

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

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

AYE: Commissioners Benavides, Wood, and Tamayo,

NAY: None

ABSTAIN: Judge Hinojosa as to Warrant No. 00110793, payable to Southwest Key La Esperanza, in the amount of \$131,460.37; Warrant 00110683, payable to Laguna Madre Water District, in the amount of \$184.08; and Commissioner Garza as to Warrant No. 00110713, payable to The Medicine Shoppe, in the amount of \$684.73.

- (12) **APPROVAL OF CLAIMS;
The Affidavits follow:**
- (13) **APPROVAL TO PROVIDE ACCESS TO LEGAL RECORDS FROM CAMERON COUNTY JUDICIARY SYSTEM VIA INTERNET FOR THE HARLINGEN DISTRICT PAROLE OFFICE;**
- (14) **AUTHORIZATION TO APPROVE A CELLULAR PHONE AND SERVICE FOR THE COORDINATOR OF THE BORDER CHILDREN JUSTICE PROJECT FROM STATE FUNDS;**
- (15) **AUTHORIZATION TO PURCHASE IBM SUPPORT SERVICES UTILIZING STATE OF TEXAS DEPARTMENT OF INFORMATION RESOURCES INTER-LOCAL COOPERATIVE PURCHASING AGREEMENT CONTRACTS;**
- (16) **APPROVAL OF MEMORANDUM OF UNDERSTANDING BETWEEN CAMERON COUNTY AND LOS FRESNOS CONSOLIDATED INDEPENDENT SCHOOL DISTRICT TO COLLABORATE EMERGENCY MASS IMMUNIZATION SERVICES;
The MOU follows:**
- (17) **APPROVAL OF MEMORANDUM OF UNDERSTANDING BETWEEN CAMERON COUNTY AND SANTA ROSA INDEPENDENT SCHOOL DISTRICT TO COLLABORATE EMERGENCY MASS IMMUNIZATION SERVICES;
The MOU follows:**

- (18) APPROVAL OF LICENSE AGREEMENT BETWEEN CAMERON COUNTY AND TEMPLO SHEKINA FOR THE USE OF SPACE AT OSCAR DANCY PARK BY GATEWAY BRIDGE DURING CHARRO DAYS FESTIVITIES;
The Agreement follows:
- (19) AUTHORIZATION TO ALLOW THE CAMERON COUNTY PARKS SYSTEM TO PURCHASE TWO (2) 4X4 UTILITY VEHICLE BASED ON QUOTATIONS FOR AN AMOUNT GREATER THAN \$15,000.00 BUT LESS THAN \$25,000.00;
- (20) AUTHORIZATION TO ISSUE A RENEWAL BEACH VENDOR PERMIT TO BRENNAN AND MISTY WELLS, D/B/A WELLS BEACH RENTALS;
- (21) ACCEPTANCE OF GRANT AWARD IN THE AMOUNT OF \$141,756.00 FROM THE TEXAS TASK FORCE ON INDIGENT DEFENSE AND ADOPTION OF RESOLUTION TO THAT EFFECT;
The Notice follows:
- (22) APPROVAL OF MODIFICATIONS 7 AND 8 TO COUNTY CONTRACT WITH THE RGV EMPOWERMENT ZONE CORPORATION FOR THE LAGUNA HEIGHTS DRAINAGE PROJECT;
The Amendment follows:
- (23) APPROVAL OF REIMBURSEMENT FOR PURCHASE WITHOUT A PURCHASE ORDER IN THE AMOUNT OF \$248.93 TO THE VALLEY MORNING STAR;
- (24) APPROVAL FOR PAYMENT ON PURCHASE ORDER WITHOUT A PURCHASE ORDER NUMBER TO PUENTE FIRE EXTINGUISHER;
- (25) AUTHORIZATION TO APPROVE WEAVER ROAD SUBDIVISION, REVISED AMENDED PLAT, PRECINCT No. 4;
- (26) CONSIDERATION AND AUTHORIZATION TO ACCEPT LYNANN CIRCLE AND HEATHER COURT FROM THE HEATHER SUBDIVISION, PRECINCT No.3, INTO THE COUNTY ROAD SYSTEM;
- (27) PRELIMINARY APPROVAL:
A. PRECINCT 3- PINTARELLI SUBDIVISION, BEING A PROPOSED SUBDIVISION OF LOT 13, 4.223 ACRES, BLOCK ONE (1), ATASCOSA ESTATES, UNIT ONE (1), CAMERON COUNTY, TEXAS;
- (28) PRELIMINARY AND FINAL APPROVAL:
A. PRECINCT 4- VILLA LOS RAMOS SUBDIVISION, BEING A 10.667 ACRE TRACT OF LAND, OUT OF BLOCK FORTY-NINE (49), ADAMS GARDENS SUBDIVISION "B" CAMERON COUNTY, TEXAS.

TRAVEL ITEMS

(29) 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) Assistant County/District Attorney to attend the “17th Annual Juvenile Law Conference,” in San Antonio, Texas, February 18-20, 2004;
- (b) County Drug Enforcement Task Force Employee to attend “First Line Supervisor School,” in San Antonio, Texas, February 15-20, 2004;
- (c) Justice of the Peace Precinct 5 Place 1 employee to attend the “Court Personnel Experienced Clerk Seminar,” in San Antonio, Texas, February 24-27, 2004;
- (d) Associate Judge/Juvenile Court Referee to attend the “17th Annual Juvenile Law Conference, in San Antonio, Texas, February 18-20, 2004;
- (e) Extension Office Program Assistant to attend the “Master Clothing Volunteers Training,” in Edinburg, Texas, February 6, 13, 20, 27, 2004 and March 5, 19, 2004;
- (f) Two (2) Extension Office Agents to attend the “2004 Valley Water Summit,” in Harlingen Texas, February 17, 2004.
- (g) Tax Office employee to attend the “Required Board of Tax Professional Examiners Level IV Assessor-Collector Examination,” in McAllen, Texas, February 26, 2004; and
- (h) Nine (9) Sheriff’s Department Deputies and four (4) Jail Certified Officers to attend the “Texas Tactical Police Officers Association 2004 Annual Conference,” in Houston, Texas, April 24-29, 2004.

- (12) **APPROVAL OF CLAIMS.**
The Affidavits are as follow:

- (16) APPROVAL OF MEMORANDUM OF UNDERSTANDING BETWEEN CAMERON COUNTY AND LOS FRESNOS CONSOLIDATED INDEPENDENT SCHOOL DISTRICT TO COLLABORATE EMERGENCY MASS IMMUNIZATION SERVICES.
The MOU is as follows:**

- (7) **APPROVAL OF MEMORANDUM OF UNDERSTANDING BETWEEN CAMERON COUNTY AND SANTA ROSA INDEPENDENT SCHOOL DISTRICT TO COLLABORATE EMERGENCY MASS IMMUNIZATION SERVICES.**
The MOU is as follows:

- (8) APPROVAL OF LICENSE AGREEMENT BETWEEN CAMERON COUNTY AND TEMPLO SHEKINA FOR THE USE OF SPACE AT OSCAR DANCY PARK BY GATEWAY BRIDGE DURING CHARRO DAYS FESTIVITIES.
The Agreement is as follows:**

- (21) **ACCEPTANCE OF GRANT AWARD IN THE AMOUNT OF \$141,756.00 FROM THE TEXAS TASK FORCE ON INDIGENT DEFENSE AND ADOPTION OF RESOLUTION TO THAT EFFECT.**
The Notice is as follows:

- (22) APPROVAL OF MODIFICATIONS 7 AND 8 TO COUNTY CONTRACT WITH THE RGV EMPOWERMENT ZONE CORPORATION FOR THE LAGUNA HEIGHTS DRAINAGE PROJECT.
The Amendments are as follow:**

EXECUTIVE SESSION

Upon motion by Commissioner Tamayo, seconded by Commissioner Benavides and carried unanimously, the Court met in Executive Session at 10:38 A.M., to discuss the following matters:

(30) EXECUTIVE SESSION:

- (a) Confer with Commissioners' Court Legal Counsel concerning the Technology Room at the Sheriff's Department 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 Vernon Texas Code Annotated (V.T.C.A.) Government Code, Section 551.071(2);
- (b) Confer with Commissioners' Court Legal Counsel concerning possible litigation involving Shepard Group; pursuant to Vernon Texas Code Annotated (V.T.C.A.) Government Code, Section 551.071(1)(A)&(2);
- (c) Confer with Commissioners' Court Legal Counsel concerning Maria Longoria on behalf of the Estate Of Juan Longoria, deceased, et al Versus Cameron County, et al Civil Action No. B-0-062, for discussion; pursuant to Vernon Texas Code Annotated (V.T.C.A.) Government Code, Section 551071(1)(A);
- (d) Confer with Commissioners' Court Legal Counsel concerning letter and answer from Discount Oil in response to Cameron County's petition; pursuant to Vernon Texas Code Annotated (V.T.C.A.) Government Code, Section 551.071(1)(A)&(2);
- (e) To deliberate the duties of the International Bridge System Director as they relate to the creation of the Department of Transportation; pursuant to Vernon Texas Code Annotated (V.T.C.A.) Government Code, Section 551.074;
- (f) Deliberate the appointment of a director for the Department of Transportation; pursuant to Vernon Texas Code Annotated (V.T.C.A.) Government Code, Section 551.074;
- (g) Deliberation regarding Real Property concerning the Cameron County Airport; pursuant to Vernon Texas Code Annotated (V.T.C.A.) Government Code, Section 551.072;
- (h) Deliberation regarding Real Property concerning the possible leasing of the Wetslips at the Marina; pursuant to Vernon Texas Code Annotated (V.T.C.A.) Government Code, Section 551.072;
- (i) Confer with Commissioners' Court Legal Counsel regarding the Cameron County Jail System on a matter 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 this Chapter; pursuant to Vernon Texas Code Annotated (V.T.C.A.) Government Code 551.071 (1)(A)&(2); and
- (j) Deliberation regarding Real Property concerning the acquisition of property in the Laguna Madre Area for a County Annex in Port Isabel, pursuant to Vernon Texas Code Annotated (V.T.C.A.) Government Code, Section 551.072.

Upon motion by Commissioner Benavides, seconded by Commissioner Tamayo and carried unanimously, the Court reconvened into Regular Session at 11:57 A.M., to discuss the following matters:

(31) ACTION RELATIVE TO EXECUTIVE SESSION:

- (a) **Confer with Commissioners' Court Legal Counsel concerning the technology room at the Sheriff's Department 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.**

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

The motion was seconded by Commissioner Wood and carried unanimously.

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- (b) **Confer with Commissioners' Court Legal Counsel concerning possible litigation involving Shepard Group.**

Upon motion by Commissioner Wood, seconded by Commissioner Garza and carried unanimously, the Status Report by Mr. Doug Wright, Commissioners' Court Legal Counsel, was acknowledged.

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- (c) **Confer with Commissioners' Court Legal Counsel concerning Maria Longoria on behalf of the estate of Juan Longoria, Deceased, et al versus Cameron County, et. al. Civil Action No. B-0-062, for discussion.**

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

The motion was seconded by Commissioner Garza and carried unanimously.

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- (d) **Confer with Commissioners' Court Legal Counsel concerning letter and answer from Discount Oil in response to Cameron County's Petition.**

Upon motion by Commissioner Benavides, seconded by Commissioner Tamayo and carried unanimously, the Status Report by Mr. Doug Wright, Commissioners' Court Legal Counsel, was acknowledged.

(e) **In the matter regarding to deliberate the duties of the International Bridge System Director as they relate to the creation of the Department of Transportation. (TABLED)**

(f) **In the matter regarding deliberate the appointment of a director for the Department of Transportation. (TABLED)**

(7) **IN THE MATTER REGARDING CONSIDERATION AND APPROVAL OF THE ACTION CREATING THE DEPARTMENT OF TRANSPORTATION, TO INCLUDE THE FOLLOWING DIVISIONS: INTERNATIONAL BRIDGE SYSTEM, ENGINEERING, PUBLIC WORKS, CONSTRUCTION MANAGEMENT, SUBDIVISION AND BUILDING INSPECTIONS, GEOGRAPHICAL INFORMATION SYSTEMS, VEHICLE MAINTENANCE AND COUNTY AIRPORT AND MATTERS RELATED THERETO (TABLED)**

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

(g) **Deliberation regarding Real Property concerning the Cameron County Airport. (TABLED)**

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

(h) **Deliberation regarding Real Property concerning the possible leasing of the Wetslips at the Marina. (TABLED)**

Upon motion by Commissioner Wood, seconded by Commissioner Benavides and carried unanimously, this Item as **TABLED**.

(i) **Confer with Commissioners' Court Legal Counsel regarding the Cameron County Jail System on a matter 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 this chapter.**

Commissioner Tamayo moved that the Status Report by Mr. Doug Wright, Commissioners Court Legal Counsel be acknowledged.

The motion was second by Commissioner Garza.

Mr. Remi Garza, County Administrative Assistant– “I’d like to inform the Commissioners Court that in conversation that I had in the hallway with the Jail Administrator and Chief Mendoza; they both acknowledged that with the current population in place and the use of the existing facilities Cameron

County is in compliance with the Jail Standards and should continue to be in compliance with the Jail Standards borrowing any unforeseen tremendous influx of prisoners which we've already anticipated and we've already kind of planned for in a plan that's being put in place on the 20th."

Commissioner Tamayo asked if any explanation had been given by Chief Mendoza as to why in matter of minutes he changed his mind.

Mr. Garza explained that it was a matter of miscommunication and misunderstanding of what was being asked at the time. He added that if the jail was filled the response by Chief Mendoza to that question was that about ten (10) Detention Officers would suffice in his opinion. Mr. Garza explained that Chief Mendoza felt that if he had ten (10) additional Detention Officers that would provide the comfort level needed in order to remain in compliance in the event of extraordinary circumstances. He added that Chief Mendoza took that request for ten (10) additional Detention Officers to mean that the Officers were needed immediately to be compliance with State Jail Standards.

Commissioner Tamayo moved that the status report by Mr. Doug Wright Commissioners Court Legal Counsel, be acknowledged.

The motion was second by Commissioner Garza and carried unanimously.

Judge Hinojosa stated that "if we would've known, I mean. If the \$120,000.00 that we spent on overtime pay and the money that we're going to spend, you know next week I think, to make sure that we have that cushion if you take all that money together it would have been enough almost to hire all those ten (10) people at the beginning of the fiscal year or at any point earlier. And we wouldn't have to be spending it for these kinds of things. It is very frustrating and I just don't even know what else to do."

(j) Deliberation regarding Real Property concerning the acquisition of property in the Laguna Madre area for a County Annex in Port Isabel.

Upon motion by Commissioner Garza, seconded by Commissioner Wood and carried unanimously, Mr. Doug Wright, Commissioners' Court Legal Counsel, was authorized to secure the services of a firm to do the Environmental Study on the property, and the County Judge was authorized to execute the Contract for acquisition of the property on behalf of the County, subject to securing the services of a firm for an environmental study.

The Contract is as follows:

There being no further business to come before the Court, upon motion by Commissioner Garza, seconded by Commissioner Wood and carried unanimously, the meeting was **ADJOURNED** at 12:09 P.M.

APPROVED this 2nd day of **March 2004**.

GILBERTO HINOJOSA
COUNTY JUDGE

ATTEST:

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