

THE STATE OF TEXAS           §

COUNTY OF CAMERON         §

**BE IT REMEMBERED** on the 18<sup>th</sup> day of May 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**

**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:**

**JOHN WOOD**

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The meeting was called to order by Judge Hinojosa at 9:40 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 May 14, 2004, at 4:43 P.M.:

Judge Hinojosa informed that he attended the County Commissioners and County Judges Conference being held on South Padre Island. He reported that presentations would be done regarding the Detention Centers and the Parks Systems. Judge Hinojosa added that meetings were being held and that recommendations would be presented to the Court next week regarding all construction projects and existing facilities, adding that there was a consensus regarding financial issues.

## EXECUTIVE SESSION

Upon motion by Commissioner Garza, seconded by Commissioner Tamayo and carried unanimously, the Court met in Executive Session at 9:49 A.M. to discuss the following matters:

**(26) EXECUTIVE SESSION:**

- (a) Confer with Commissioners' Court Legal Counsel concerning the original Federal Complaint of James R. Puryear, Qui Tam, El Rel. versus Texas State Court Order Cause No. 2002-11-4528-E Texas Office of Attorney General's File 0010001441 in the United States District Court, Case No. B-03-236; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(1)(A);
- (b) Confer with Commissioner Court Legal Counsel concerning the Cameron County Parks Dispatch Service Agreement; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071;
- (c) Deliberation regarding Real Property regarding an offer to purchase Lots 626 and 627, Block 24, Colonia Victoria, from the County; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072;
- (d) Confer with Commissioners' Court Legal Counsel concerning the Cameron County Computer System relating to 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 the Open Meetings Act; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(2);
- (e) 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-01-062, for discussion; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(1)(A);
- (f) Confer with Commissioners' Court Legal Counsel concerning Cameron County versus Faulkner, USA formerly known as Landmark; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(1) (A) & (2); and
- (g) Confer with Commissioners' Court Legal Counsel concerning issues regarding the Cameron County Detention Centers; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(2).

Upon motion by Commissioner Garza, seconded by Commissioner Tamayo and carried unanimously, the Court reconvened in Regular Session at 10:45 A.M. to discuss the following matters:

**NOTE: JUDGE HINOJOSA STEPPED OUT OF THE MEETING AT THIS TIME.**

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

- (a) **Confer with Commissioners' Court Legal Counsel concerning the Original Federal Complaint of James R. Puryear, Qui Tam, El Rel. versus Texas State Court Order Cause No. 2002-11-4528-E Texas Office of Attorney General's File #0010001441 in the United States District Court, Case No. B-03-236.**

Commissioner Garza moved that Legal Counsel be authorized to represent the defendant, and that the Status Report be acknowledged.

The motion was seconded by Commissioner Tamayo and carried unanimously.

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- (b) **Confer with Commissioner Court Legal Counsel concerning the Cameron County Parks Dispatch Service Agreement.**

Upon motion by Commissioner Tamayo, seconded by Commissioner Garza and carried unanimously, the Status Report was acknowledged.

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- (c) **Deliberation regarding Real Property regarding an offer to purchase Lots 626 and 627 Block 24, Colonia Victoria, from the County.**

Commissioner Garza moved that the purchase of Lots 626 and 627, Block 24, Colonia Victoria, from the County be approved with the stipulation that the other taxing entities agree to it.

The motion was seconded by Commissioner Tamayo and carried unanimously.

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- (d) **Confer with Commissioners' Court Legal Counsel concerning the Cameron County Computer System relating to 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 the Open Meetings Act.**

Upon motion by Commissioner Tamayo, seconded by Commissioner Garza and carried unanimously, the Status Report was acknowledged.

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- (e) **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-01-062, for discussion.**

Commissioner Garza moved that the Status Report by Legal Counsel be acknowledged.

The motion was seconded by Commissioner Tamayo and carried unanimously.

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- (f) **Confer with Commissioners' Court Legal Counsel concerning Cameron County versus Faulkner, USA formerly known as Landmark.**

Upon motion by Commissioner Garza, seconded by Commissioner Tamayo and carried unanimously, the Status Report by Legal Counsel was acknowledged.

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- (g) **Confer with Commissioners' Court Legal Counsel concerning issues regarding the Cameron County Detention Centers.**

Commissioner Garza moved that the Status Report be acknowledged.

The motion was seconded by Commissioner Tamayo and carried unanimously.

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(1) **PUBLIC COMMENTS**

**NONE WERE PRESENTED.**

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**PRESENTATIONS**

(2) **IN THE MATTER REGARDING PRESENTATION BY INSURANCE COMMITTEE AND POSSIBLE ACTION REGARDING POSSIBLE CHANGES TO CAMERON COUNTY'S PARTICIPATION IN THE TEXAS COUNTY AND DISTRICT RETIREMENT SYSTEM (TABLED)**

Mr. Manuel Villarreal, Human Resources Director, reported that the Retirement System proposed a supplemental life insurance program for county employees and/or county retirees. He explained that the county has death benefits in addition to the health plan, that being a \$10,000.00 life insurance while employed with the County. Mr. Villarreal explained that only twenty one retirees were grandfathered on the life insurance plan that was depreciating. He stated that supplemental death benefits offered by the retirement plan were set based on an employee's annual salary and would increase accordingly up to \$50,000.00. Mr. Villarreal stated that the county pays extra for the accidental death and dismemberment policy including in the existing plan.

Note: Judge Hinojosa returned into the courtroom at this time.

Mr. Villarreal stated that only 27 county employees earn less than \$20,000.00 per year. He stated that .27% of 1% was currently paid for accidental death and the life insurance, .22 for life insurance and .05 for the accidental death insurance. Mr. Villarreal stated that inclusion of life insurance in the amount of \$5,000.00 would cost the county .27% for the 215 county retirees.

Commissioner Garza asked if the proposal would supplant or augment current benefits.

Mr. Villarreal responded that the proposal would replace existing benefits to avoid additional costs and would result in savings if only employees were covered.

Commissioner Garza questioned if the plan would be managed by the insurance company.

Mr. Villarreal responded in the affirmative. He explained that the retirement plan does not have an accidental death and dismemberment plan.

Commissioner Garza asked if the Accidental Life and Death Plan No. 1 would be kept.

Mr. Villarreal responded that in order to obtain the savings and avoid additional cost it would have to be one plan or the other. He explained that the Insurance Committee was recommending approval of the plan that has the retirement system, which would signify giving up the accidental death and dismemberment plan. Mr. Villarreal stated that this plan would provide life insurance based on an individual's salary up to \$50,000.00 versus the \$10,000.00 currently provided and would include all retirees at no additional cost.

Commissioner Tamayo noted that the only negative issue would be the lack of coverage.

Mr. Villarreal agreed and noted that 215 retirees would gain \$5,000.00 life insurance. He explained that the new retirement system allows for lump sum disbursement up to the amount contributed by the employees at a reduced retirement. Mr. Villarreal clarified that there was no recommendation on this option.

Commissioner Benavides asked if employees had been consulted.

Mr. Villarreal responded negatively.

Judge Hinojosa suggested that employees be consulted.

Mr. Villarreal responded that he could conduct a survey.

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

## **ACTION ITEMS**

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

Commissioner Benavides moved that the Budget Amendments, Line Item Transfers and/or Salary Schedules be approved.

The motion was seconded by Commissioner Tamayo.

Commissioner Garza asked if any of the Budget Amendments were supplanting a Budget already above budget, and Mr. Xavier Villarreal, Budget Officer, responded negatively.

Upon motion duly made by Commissioner Benavides moved that the Budget Amendments, Line Item Transfers and/or Salary Schedules be approved.

The motion was seconded by Commissioner Tamayo and carried unanimously.

**The documents are as follows:**

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(4) **DISCUSSION REGARDING THE FISCAL YEAR 2002-2003 BUDGET AND COMPREHENSIVE ANNUAL REPORT**

Commissioner Garza – “We did not have electricity in my office till today. We’ve been out of electricity for three (3) days, until Thursday.”

Judge Hinojosa – “Okay. Remember we had this Item on the agenda last week. And there was an issue with respect to a reduction in the Fund Balance of somewhere around \$900,000.00 of which none of us were aware of and I had...”

Commissioner Tamayo – “I think it was \$800,000.00.”

Judge Hinojosa – “800?”

Mr. Xavier Villarreal, Budget Officer – “Yes, if you go to the column that says budgeted surplus, deficit on page 2 at the very bottom it has the \$826,900.00 that was in the financial report that was presented by the Auditor last week on the summary sheet, and then also the actual which is a million fifteen next to it.”

Judge Hinojosa – “And we found out what the issue there was. It was two fold, and correct me if I’m wrong, just so we can get to the quick on this thing. Part of that is money that we had budgeted as far as lapsed salaries are concern. Lapsed salaries normally go back into the reserve at the end of the year, but we had budgeted the lapsed salaries for operations. So what I don’t understand about that is why did that lapsed salary not go back into the reserve?”

Mr. Villarreal – “Well, because the lapsed salaries and that was one of the questions that Commissioner Tamayo asked was if you realize those lapsed salaries. Yes we did realize those lap salaries but then at year end there are adjustments that are done in order to balance everything out and because of overages in the over time in the Sheriff’s Department, in the jail, and in some shortfalls in some of the revenues, it kind of got absorbed back into it as they didn’t occur.”

Judge Hinojosa – “So then in fact there was over expenditures by the tune of \$326,000.00?”

Mr. Villarreal – “Actually it was \$412,000.00 well if you go to the \$1.015 million, which is the actual, of that \$526,900.00 of SCAAP Funds that had come in 2002.”

Judge Hinojosa – “I know about that.”

Mr. Villarreal – “Right. You take that out of the \$1.015 million because the Court was aware of that. Within 2003 there was several events where the Court actually appropriated Fund Balance; there was a special election called by the governor for a constitutional amendments and the Court appropriated \$94,000.00 from Fund

Balance in order to hold that election. There was also the issue with the Health Department where we had to move them out of the Aguirre Building and move them to Morgan Street there was \$103,000.00 from Fund Balance appropriated for that move. Plus there was another \$10,000.00 having to do with the special session with some travel. So of the \$498,000.00 difference from the \$1.015 million, that is \$207,115.00 additional funds were used from the Fund Balance. That is stemming from the overtime issues within the jail and then also some shortfalls within the revenues.”

Commissioner Garza – “I think it’s important to point out that this is pre-federal prisoner laws overtime.”

Mr. Villarreal – “Correct.”

Commissioner Garza – “Okay and if I read correctly some the commentary on this, we budgeted with the \$826,900.00 deficit in the Budget. It’s a deficit...”

Mr. Villarreal – “Right, you were utilizing...”

Commissioner Garza – “it’s not there, hoping to have other sources to come in.”

Judge Hinojosa – “No.”

Mr. Villarreal – “The \$300,000 of it was anticipated lapsed salaries, which did occur in the General Fund, but because of overages...”

Commissioner Garza – “Right. I’m not disputing that at all.”

Mr. Villarreal – “And the other \$500,000.00 had been received in the prior fiscal year.”

Commissioner Garza – “But this budget was approved with that deficit...”

Mr. Villarreal – “Right.”

Commissioner Garza – “...in anticipation of these revenues coming in.”

Judge Hinojosa – “No it’s a little different. Here’s the problem that occurred. And I don’t understand why this happened but it did. When we got our SCAAP allotment three (3) years ago, we got two (2) allotments in one year. We got it double. And so what we had budgeted for that fiscal year was one, for one allotment. We got the allotment that we had budgeted for and so that’s what we spent. But what happened was because we got the double amount in the allotment, Mark put the second allotment. See that second allotment should have come into the following fiscal year and we would’ve budgeted as revenue at that time. Because the revenue fell in a preceding year at a double rate, he took what would normally have been used for revenue in the following budget cycle and he put it into reserves. And so when we came into the budget the following year, we didn’t have the \$500,000.00 that we normally would have counted on for purposes of an operating budget. So we said wait a minute that’s not right I mean that would’ve been normal money that we normally would’ve gotten that year, but the federal government

screwed up and they gave it to us all at the same time the preceding year, take that out of reserves. Cause it's not supposed to be in reserves and put it in operations where it was supposed to be. And that is what happened. So that's why there's a reduction in the reserves of that \$500... how much was it?"

Mr. Villarreal – "\$526,000.00"

Judge Hinojosa – "\$526,000.00. So really the truth of the matter is that the reserve reduction is \$300,000.00 not \$826,000.00. Is that correct? I mean if you look at it from that perspective."

Mr. Villarreal – "From that point yes. Plus there was \$300,000.00 in anticipated savings from lapsed salaries which would offset as far as expenditures."

Judge Hinojosa – "Well but going back to what he said. Then is if you take that \$300,000.00 that is left out of that \$300,000.00 because of what the State of Texas did we ended up spending an additional \$100,000.00 in reserves for the Special Election and then the \$90,000 of, what was it?"

Mr. Villarreal – "It was \$94,000.00 for the election and \$103,000.00 for the Health Department..."

Judge Hinojosa – "For the Health Department Offices that we were kicked out of the Aguirre Building. So really, the over expenditures on the revenue technically speaking was only \$100,000.00. And a large part of that was taken up from the overtime in the Sheriff's Department. So I mean, look you know I'm not an accountant; I'm a lawyer. But practicality tells me that if you depend upon SCAAP money to balance your budget on a yearly budget and it comes in double one year, but then they skip a year because it came in double then you should be allowed to use that money as your operating revenues, right? I mean that's the way... Instead of throwing it into Fund Balance, so that \$826,900.00 is not practically speaking correct. Really it was a \$300,000.00 budget, \$200,000.00 of which we really didn't have a choice in because of situations that arose, which is what your fund balance is supposed to be for, for unanticipated cost."

Commissioner Garza – "Well, I know for a fact that I voted against this budget for partly that reason. But when I... I have a concern and I'm going to put it before the Commissioners Court here. I think that when we get an Audit Report presented to us I think the guy that does the report ought to present it to us. You know I mean we hire a firm to come in. Every group that I've ever served with, if we hire a firm to do an audit, you know they present the audit. And I have nothing against Mark Yates, nothing to do with that. But I would like to question Long Chilton in regards to some of the things that they wrote in here. Because I want some answers. This is pre-losing, and I want to reiterate that again, pre-losing federal inmates. According to what I read that they wrote in here we had an expenditure of over two (2) million dollars in the law enforcement and public safety area, an over expenditure on the budget. Is that correct? Page 24."

Mr. Villarreal – “I don’t have a copy of the Financial Report.”

Commissioner Garza – “Page 24 says ‘budget expenditures were \$4,693,089.00 higher in the final budget as compared to the original budget. That’s like 4.6 million. The majority of this amount occurred in the law enforcement and public safety area of the budget in the amount of \$2.173 million.’ Okay?”

Mr. Villarreal – “Correct.”

Commissioner Garza – “And I know that we had some guards that we hired. But I never imagined that we would’ve hired \$2.17 million worth of guards, you know. General government increased...huh?”

Judge Hinojosa – “We did.”

Mr. Villarreal – “Yeah it was a total of about 53 positions...”

Commissioner Garza – “It was in the ....year.”

Judge Hinojosa – “But in that fiscal year, acuerdate (remember). That fiscal year which is the fiscal year 2002/2003 we hired we brought in sixty or about what?”

Mr. Villarreal – “Fifty three, fifty four jail guards.”

Judge Hinojosa – “Fifty four jail guards at a price tag of about \$30,000.00 a jail guard. I mean it added up, I’m not...”

Commissioner Garza – “Was it like half year right?”

Mr. Villarreal – “It was some in December, there were some in March, and then April and May. I think it was May actually.”

Commissioner Garza – “Right that’s when the facility opened. April or May is when the facility opened. But you know that’s \$2.1 million over expenditure from what we said we were going to expend. Then we have another \$1.1 million, which is, I agree with that, those numbers that you brought in Judge, I think that probably reflects general government which includes some of the areas that you just discussed. But then there’s another item that says that the child welfare budget increased by \$1.6, almost, no \$1.3 million?”

Mr. Villarreal – “Okay. Those are just increases in budget.”

Commissioner Garza – “Yes.”

Mr. Villarreal – “Because...”

Commissioner Garza – “From the original budgeted amount.”

Mr. Villarreal – “There were a lot of things that happened as far as increases. From the original budget, there was also the equipment list that was approved. If you notice on the worksheet, Mark pulled this out. This worksheet was prepared by Mark and myself. There was the original budget and then there’s the amended budget at

year end, which is the first and second columns. If you go over a couple, there is an equipment purchase. The total of that is almost \$1.7 million which was added to the budget from the beginning of the year. So that much, the original budget was increased by that much just by equipment purchases that there was financing sources that came in order to offset that. There was also the additional funds that came in from the Indigent Health Care. So that was also an increase to our budget of a total of, let me see if I can see it, almost \$1.2 million. So, between those two, we're looking at \$2.8 million in additional budget from the original budget. So throughout the year the budget increases and decreases or increases for all the additional programs that are implemented or additional funding that come forward."

Commissioner Garza – "What line item is that equipment purchase you're talking about?"

Mr. Villarreal – "Oh it's the column. It's the sixth column over, equipment purchase, if you go to the second page at the very bottom. It gives you the total of almost \$1.7 million."

Judge Hinojosa – "So if you look at those additional expenditures and you consider the issue of what I mentioned in terms of the SCAAP money, and the fact that we were basically charged next to a couple of hundred dollars that we didn't have a choice into. Remember that fiscal year we instituted a lot of expenditure reductions and at that point. We froze travel. We did a lot of things that we anticipated that we were going to run into some problems. For us to end up essentially with a \$100,000.00 deficit in that fiscal year was I think a good example of the way everybody just came together to deal with what we were facing a budget crisis at that time. So I mean I am not... I think that it's good that we start looking at ways to replenish the reserves that were added to what would normally be operating revenue on the \$526,000.00 and as a result of unanticipated expenditures. But I also want to note that the County through the Budget Officer and the Auditor and different Department Heads really worked hard to make sure that we got a handle on that budget during that difficult fiscal year. We have another difficult fiscal year this year and I think everybody is working together to resolve that issue."

Commissioner Tamayo – "I had discussions with Xavier and as well as Mark Yates before the meeting. And Xavier when was it that... I think it would've been very helpful if we had the explanation that we heard this morning on the \$800,000.00. If we had that explanation in our documents I think it would have been helpful."

Mr. Villarreal – "You mean in the financial report?"

Commissioner Tamayo – "Right."

Mr. Villarreal – "Yeah..."

Judge Hinojosa – "He doesn't prepare the financial."

Mr. Villarreal – “The financial Report is prepared by the Auditor’s Office and then with the outside auditing firm, a combination of the two.”

Commissioner Tamayo – “I told Mark the same thing.”

Commissioner Garza – “And I think that guy ought to be here so we could answer the questions.”

Mr. Villarreal – “And I know last week when the question was raised last week going back to 2003 I couldn’t remember off hand what it was. And then plus the additional appropriations of Fund Balance throughout the year, that’s why I had to go back.”

Commissioner Tamayo – “So in reality it was \$100,000.00 and not the 800?”

Mr. Villarreal – “Right.”

Commissioner Garza – “Well, you know, in reality it was more than \$100,000.00 because when we had those... We had 4.6 million...”

Judge Hinojosa – “But we made it up though.”

Commissioner Garza – “But there was a whole lot of money in three different categories that was spent.”

Judge Hinojosa – “But it was in reality \$100,000.00 deficit budget because of what these overtime... Really the overtime issues that primarily took it up because of the other expenditure, well it was a \$300,000.00, but from the perspective of things that were internal it was only really \$100,000.00. And it would have been a lot more had we not (inaudible). And let me just tell you something else. Is that in the last few years because of rising healthcare cost, this law enforcement issues, you know the unfunded mandates by the State of Texas, every year we deal with this. Every year we deal with this. And that’s because we budget a budget that is bare bones budget. There is no fat in it; no fluff in it every year in order to ensure that we don’t increase taxes to the tax payers out there. But every year we run into this and every single year everybody scrambles and works to make sure that we take care of the situation. I don’t know if you remember when we had the major deficit in the workers compensation in the healthcare area. We’ve had to scramble. I think we were short like \$2 million on our healthcare fund at one point and we had to do a bunch of stuff to take care of that. So we’ve had to deal with it. This year it’s been the jail and I feel confident that we’ll be able to get a good handle on that as well.”

Commissioner Garza – “One additional comment that I’d like to make is, I agree with what you’re saying in regards to all those issues Judge. But there’s another issue that I think needs to be remembered if nothing else. And the other issue, which at that time when we approved this budget I had a real concern with that was the fund balance that we were going to experience when we approved this budget of the Road & Bridge Department. The Fund Balance of the Road & Bridge Department at the end of this budget was a \$1,000.00. Okay.”

Judge Hinojosa – “I agree with that. But we’ve replenished that.”

Commissioner Garza – “We’ve replenished some of it. But we ate it all up. The Fund Balance for our general operating budget, for our, you know, the General Budget, we lost 20% of that Fund Balance this budget year, okay. It just disappeared because of the over expenditures even if it was only that amount. So, you know, okay, it’s only a \$100,000.00 when you look at the big picture. But the reality is that our Fund Balances in the two accounts that are very important to this county were very significantly compromised; the Road & Bridge very compromised.”

Mr. Villarreal – “Correct.”

Judge Hinojosa – “I don’t know about the general revenue one if you add to that the half a million, I don’t think it was 10%, the half a million that was supposed to be operating revenues. The other factor that’s out there is that we’ve got land that we’ve purchased at the 511 site about additional 50-60 acres that we’ve used up Fund Balance for. That we decided we were going to buy because it was adjacent to our property to see if we could either resell it or use it. I think that we could replenish a lot of that Fund Balance by selling off that property to the South. We’ve also got buildings that are available, that will be available in the next few months for sale, the Harlingen Annex, the Goosby Building, the Aguirre Building, the facility, the clinic. And there was something else; I can’t remember what it was... That we also I believe we’ll be able to generate significant money to replenish Fund Balance and as soon as we consolidate all our services into the Levi Building we’re going to save a lot of money in rentals that we’re currently paying today. Health Department rentals, the Engineering Department rentals, the Warehousing rentals that we’re paying all over the County, and that is gonna to generate several hundred thousand dollars that we otherwise are budgeting for. That’s going to be a significant saving once we open up that facility. So, yes, we’ve had some tough years, but I believe that we can put ourselves back in the situation that we need to be in relatively easy because we’ve got the ability to do that with the existing resources that we have. And we put in some money into the Road & Bridge Program last time around and it’s beginning to replenish more and more.”

Commissioner Tamayo – “And we’ll continue doing that.”

Judge Hinojosa – “And we will continue doing that. So you know we’ve had some tight situations. But I think that we’re getting to a position where I think everybody’s going to be comfortable once we fix this jail issue as quickly as possible. And understand too that if we can get our jail population up to about 500 that’s 200 more than we’ve been budgeted for or about 150 more than we’ve been budgeted for, assuming that we get the rate at \$37.00 a day. That we believe we can get. In the new fiscal year if we could keep that population pretty steady we should be in pretty good shape financially. Okay.”

Commissioner Tamayo – “I make a motion we acknowledge the Report.”

Judge Hinojosa – “Alright, motion to acknowledge Report.”

Commissioner Garza – “I would like to make sure... Acknowledging the Report I’ll second the motion. But when we are presented Budget Amendments that we would at that time be told whether it is an over expenditure on our budget or not on any Budget Amendments.”

Mr. Villarreal – “Correct. Okay.”

Commissioner Garza – “You know if we’re transferring to this Department are we going to transfer because we’re over budget already or not, and if it is over budget I would like to know on each individual transfer.”

Mr. Villarreal – “Very well. Thank you.”

Judge Hinojosa – “And I think his been pretty good about telling us that. So I mean just as a reminder.”

Commissioner Garza – “I might not been listening I don’t know.”

Commissioner Tamayo – “And I pick up the phone and ask him, but I’ll be glad to add that to the motion.”

Judge Hinojosa – “All those in favor signify by stating Aye.”

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

Judge Hinojosa – “All those in opposed? Motion Carries.”

**The Report is as follows:**

(5) **CONSIDERATION AND POSSIBLE ACTION REGARDING THE USE OF STATE CONTRACTS TO PURCHASE SECURITY SYSTEM EQUIPMENT FOR DETENTION CENTER I AND THE OLD COUNTY JAIL AND RATIFICATION OF PURCHASE ORDERS ISSUED AS EMERGENCIES**

Judge Hinojosa explained that this was the Purchase Order for security systems, at a cost of \$57,594.00, for the jail facility, which should be received and installed within the next week.

Mr. Mike Leinart, Federal Detention Division Administrator, informed that the razor wire was being installed and that Detention Center No. 1 should be completely functional within the next ten days.

Judge Hinojosa informed that the scheduled tour of the detention center was cancelled due Mr. Leinart and the U.S. Marshal's Office expressing concerns with security being compromised by allowing access to the public.

Commissioner Garza moved that the use of State Contracts to purchase Security System Equipment for Detention Center I and the Old County Jail and ratification of Purchase Orders issued as emergencies be approved.

The motion was seconded by Commissioner Benavides and carried unanimously.

**The Purchase Order is as follows:**

**(6) CONSIDERATION AND ADOPTION OF EMERGENCY  
POLICIES REGARDING CAMERON COUNTY  
VEHICLE USE**

Judge Hinojosa recommended approval of an Emergency Policy that prohibits everyone from taking county vehicles home until the end of the fiscal year, except for the county personnel listed on the same.

Commissioner Garza asked if the policy applied to all personnel including personnel that were on call.

Judge Hinojosa responded that only the exceptions listed on the policy would be made.

Mr. Remi Garza, County Assistant Administrator, recommended that the sections pertaining to off duty usage and taking home of county vehicles be suspended with exception of the following Department Heads and Elected Officials: the Sheriff, Elected Constables; Commissioners; Department of Transportation Director; Department of Emergency Management Director; and Vehicle Maintenance Director. He added that on call individuals responding to emergencies would have time to go to where their vehicle was parked to get their equipment and to then respond to the call, adding that unfortunately, a trip would be added to them but it would keep the vehicle within the nearest county facility.

Commissioner Garza asked how individuals assigned to respond to a security alarm would be addressed.

Mr. Garza responded that these individuals would be asked to use their personal vehicles to respond to said calls, unless they preferred to drive to the warehouse to get a county vehicle and then respond to the call.

Judge Hinojosa noted that these individuals would be entitled to claim for mileage reimbursement under the current policy.

Commissioner Benavides expressed concern with some employees using their personal vehicles to travel to San Benito and back, and questioned if this fell within the same category.

Mr. Garza responded negatively, and clarified that mileage could not be claimed when using personnel vehicles to report to work; however, when responding to an emergency call mileage could be claimed from the moment the call was received.

Mr. Pete Sepulveda, Department of Transportation Director requested a couple of days to implement the Policy because of the need to make necessary arrangements since some employees take county vehicles home for security purposes.

Mr. Garza informed that they would meet with the Building Superintendent and Vehicle Maintenance Supervisor to identify secure areas where county vehicles could be parked after hours. He added that space was currently available at the Constantino Zerrata Warehouse and the Precinct warehouses in Harlingen and San Benito.

Judge Hinojosa stated that a policy would be proposed for implementation in October to create a Countywide Fleet System under the Vehicle Maintenance Department. He explained that under the said policy all vehicles would be assigned out from the Vehicle Maintenance Department in order to have better control over vehicles, maintenance issues, and use of gasoline. Judge Hinojosa added that the proposal includes possible use of the records maintenance warehouse located on the FM 511 as the vehicle maintenance facility with a large parking lot and above ground fuel tanks for the county fleet. He added that there were policy issues preventing implementation of the policy until the new fiscal year based upon State law; however, it could be legally implemented as of October 1, 2004. Judge Hinojosa recommended that mileage be claimed by employees as needed, and noted that implementation of this policy was temporary.

Commissioner Benavides reiterated his concern with employees commuting long distances at their expense, and suggested that administrative changes be made to accommodate them.

Commissioner Garza noted that the County was attempting to ensure that its vehicles were available as needed.

Commissioner Benavides stated that a disaster might occur by not allowing officers to take their vehicles home.

Judge Hinojosa questioned if off duty officers were called in.

Mr. Arnold Flores, Sheriff's Department, responded in the affirmative.

Judge Hinojosa stated that having a SWAT Team meeting at a specific location made more sense, and that parking a law enforcement vehicle on a driveway with weapons inside might not be the safest thing to do. He noted that law enforcement was not well organized, although it has always been done this way. Judge Hinojosa reiterated that implementation of this Policy was temporary and that gas prices were anticipated to drop in October.

Commissioner Garza suggested that the policy be kept in place permanently.

Mr. Garza suggested that a five (5) day period be allowed for implementation of the Policy.

Commissioner Garza moved the Emergency Policies regarding Cameron County Vehicle Use be adopted, with the stipulation that Department Heads and Elected Officials be aware that employees using their personnel vehicle in emergencies are entitled to mileage, and with an implementation phase of five (5) to seven (7) days.

The motion seconded by Commissioner Tamayo and carried as follows:

AYE: Commissioners Garza, Tamayo, and Judge Hinojosa,

NAY: Commissioner Benavides.

**The Policy is as follows:**

**(7) CONSIDERATION AND ACTION REGARDING  
OFFICE OF RURAL COMMUNITY AFFAIRS GRANT  
OF \$350,000.00 FOR THE DEL MAR HEIGHTS FLOOD  
MITIGATION AND BUYOUT PROJECTS**

Mrs. Grace Salinas, County Judge's Office, reported that ORCA informed that Cameron County was awarded disaster relief funds in the amount of \$350,000.00 for the 25% match needed for the Hazard Mitigation Grant received from FEMA.

Judge Hinojosa congratulated Mrs. Salinas for her efforts to obtain these funds, and asked if the buyouts could be forced.

Mr. Salinas responded that the buyouts must be done voluntary. She added that the next agenda item would explain options available to Del Mar residents.

Commissioner Garza stated that some residents were commenting that the County was doing a buyout because oil was found in the Del Mar Heights area. He stated that he attempted to clarify that matter but was unsure if he was believed.

Judge Hinojosa questioned who would own the property after the buyout.

Mr. Salinas responded that the property would belong to the County, and explained that the property could be used for a variety of things other than to construct any structures due to a federal requirement.

Mr. Doug Wright, Commissioner's Court Legal Counsel, suggested that the mineral rights not be transferred.

Upon motion by Commissioner Garza, seconded by Commissioner Benavides and carried unanimously, the \$350,000.00 Grant from the Office of Rural Community Affairs for the Del Mar Heights Flood Mitigation and Buyout Projects was accepted.

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**(8) CONSIDERATION AND APPROVAL TO AMEND THE  
PROFESSIONAL SERVICES CONTRACT WITH  
JEFFERY S. WARD & ASSOCIATES, CONSULTANT  
FOR THE DEL MAR HEIGHTS FLOOD MITIGATION  
AND BUYOUT PROJECT AND TO PROCEED WITH  
THE NEXT PHASE**

Mrs. Grace Salinas, County Judge's Office, informed that the contract with Jeffery S. Ward & Associates would be amended to include Task No. 14 to cover the lots.

Judge Hinojosa questioned the funding source.

Mrs. Salinas responded that the consultant would be paid through funding received from FEMA.

Commissioner Garza expressed concern with having to pay \$200.00 per lot covered under the grants regardless of whether it was purchased by the county or not.

Mr. Jeffery S. Ward, Jeffery S. Ward & Associates, briefed as to their experience and explained that they spent time figuring the price for acquisition of lots in Cameron County to avoid being over compensated for work. He explained that this strategy was taken because of his great relationship with State funding agencies, adding that the County would be compensated for administrative expenses towards the end, above the grant. Mr. Ward explained that cost for acquisition of a home totals about \$800.00 per structure for the entire process. He stated that the cost for acquisition of a lot was \$200.00 per unique owner, which would be charged regardless if the owners sells because of the amount of work involved. Mr. Ward highlighted the following power point presentation:

Commissioner Garza questioned the location of the line of demarcation.

Mrs. Salinas clarified that all properties below Monte Carlo Street would be bought out.

Commissioner Garza stated that over \$400,000.00 were allocated to redo Monte Carlo Street, where construction of structures would be encouraged since no flooding occurs in this area. He noted the need to prevent investing \$400,000.00 of Proposition II funding if the properties would be bought.

Mrs. Salinas stated that Commissioner Wood, Mr. Pete Sepulveda, Department of Transportation Director, and she were aware of the problem.

Mr. Ward highlighted the steps to the buyout process. He stated that structures could not be built on the bought property nor could it be sold, adding that the mineral rights could not be used for 250 years. Mr. Ward indicated that once the properties were acquired then the County must demolish all structures within a certain period. He explained that options to encourage participation in the buyout process were being examined. Mr. Ward stated that State was asked if relocation assistance could be funded through grant funds allocated for acquisition of lots and that the Office of Emergency Management responded by requesting that a plan be presented for approval. He stated that housing programs were also reviewed, one being, the Bruce Strap Program which could be augmented by the grant funds, as relocation assistance, to provide the people the minimal down payment needed to be eligible for a house at a potential zero interest thirty year note.

Commissioner Tamayo asked if any structures were worth relocating.

Mrs. Salinas responded that very few structures appraised at a value of about \$30,000.00 were worth relocating.

Commissioner Garza questioned how many of the forty two structures were inhabited and who would be responsible for cleaning the lots.

Mrs. Salinas responded that approximately thirty structures were in use.

Mr. Ward recommended that the bid include demolition and clean up of all structures and lots since funding was available.

Commissioner Garza asked who would be liable for clean up of any hazardous materials.

Mr. Ward responded that an assessment for asbestos and hazardous materials was typically done by the demolition contractor and that identified materials would be cleaned up by the grant. He recommended that upon something usual being identified that the matter be reviewed prior to an offer being made.

Commissioner Garza questioned the price.

Mr. Ward responded that the cost for presentation of an offer for a structure would be \$600.00 if not purchased, \$800.00 if purchased, and \$200.00 per unique owner of a lot regardless if it was acquired.

Upon motion by Commissioner Tamayo, seconded by Commissioner Garza and carried unanimously, the Amendment to the Professional Service contract with Jeffery S. Ward & Associates, Consultant for the Del Mar Heights Flood Mitigation and Buyout Project was approved, and proceeding with the next Phases was authorized.

**The Amendment is as follows:**

(9) **IN THE MATER REGARDING CONSIDERATION AND ACTION REGARDING MEMORANDUM OF UNDERSTANDING BETWEEN CAMERON COUNTY, BROWNSVILLE NAVIGATION DISTRICT AND UNION PACIFIC RAILROAD CONCERNING THE WEST RAIL RELOCATION PROJECT (TABLED)**

Commissioner Tamayo – “I didn’t see legal check off on this.”

Judge Hinojosa – “Well let me just say before we even get to the legal side of that. We are not really sure why we got this from the Navigation District. If you can see the memorandum of understanding, this is a memorandum of Understanding on the rate between Navigation District and Union Pacific Railroad Company, and so I’m not sure why we were placed on this memorandum to approve it. I mean we don’t have anything to do with the rate. The only thing we can figure out is that’s part of what UP wants is that the Navigation District agree to support the West Rail Project because that what they want, right? But if you read the memorandum of understanding it is unclear, assuming that that’s why we are being asked to sign off on their rates agreement on the tariff that are charged for use of the UP railroad lines and per car, assuming that that is why they want it. The big issue that I have with it is that it requests a mutual support between Brownsville and the Navigation District on each side supporting the other side’s bridge project and it does not limit the Navigation’s bridge project to a commercial truck bridge. When I met with Mr. B about this issue, I had thought that with the recommendation that he was going to make to the board, and the board was going to go ahead and accept. Was that in exchange for a support by the Navigation District for the West Rail Plan, that we would in turn support the Navigation District’s proposal for a commercial truck bridge but that that did not include a rail bridge. And there’s reason why I wanted to limit it to simply a commercial truck bridge. One, the two bridge projects are in competition with one another as far as Mexican approval is concerned. The practically of the situation as I’ve always said is that Mexico does not approve two like bridges within one area at the same time or within a short proximity of one another, time wise. So that if that project is approved ours will likely not be approved for a long, long time and vice versa. The other reason is that we have partners. And our partners are the State of Tamaulipas, the City of Brownsville, and the City of Matamoros, as well as TFM. At least from the perspective of the State of Tamaulipas, and the City of Matamoros, and I believe also the City of Brownsville they are not in support of a rail bridge at the Port of Brownsville. Practically the Mexican partners; they do not want a rail bridge at the Port of Brownsville. And as you read the paper yesterday, the Mayor of the City of Matamoros has said that he believes the rail bridge at the Port of Brownsville will choke Matamoros; I think those were his words. And so.”

Commissioner Garza – “He said ‘what part of no do you not understand.’”

Judge Hinojosa – “Yeah. ‘When I say no I mean no,’ I think is what he said. So for us to sign off on a memorandum of understanding that says that Cameron County supports a commercial truck and rail bridges at the Port of Brownsville would work contrary to what our partners want with respect to the rail portion. And my conversations with the Mayor and Representative of the State of Tamaulipas they are not adamantly opposed to a commercial truck bridge; they’re just not thinking that it’s necessary at this point but they are not oppose to it as they are opposed to a rail bridge at the Port of Brownsville. So my recommendation is at this point is a clarification on that issue is that I don’t have a problem signing off on a memorandum of understanding as long as it does two things. As long as it divorces us from any issues with respect to the rate issue because we don’t have, legally we don’t have an interest on that issue. I mean, obviously we have an interest from a community point of view that the Port of Brownsville get the best rate that it can get because it enhances the ability of the Port to do more business and therefore positively affects the economy of Cameron County. And the second... But I don’t think that it is good, and Doug can speak to this better than I can, for us to be signing off on a memorandum of understanding dealing with a rate structure because I don’t know what that means for us in a long term. If that’s some form of an agreement and we’re being asked to sign off on that. Secondly, I would want to also clarify that if we’re going to be asking to provide support for the Port Bridge Project that it be limited to the support for the commercial truck bridge as opposed to the commercial bridge and a rail bridge. That’s my recommendation but we can talk about it obviously. It is very difficult to read the Port.”

Commissioner Tamayo – “It’s complicated. I mean it just seems very complicated.”

Judge Hinojosa – “Cause on the one hand the Port is saying we are going to abandon the rail bridge project and proceed only with the truck bridge project. But then you know during the election I heard the candidates for the Port project on both sides, the ones that were running. The incumbents and ... (inaudible)... supporting a bridge project that included a rail bridge. And so I don’t understand what to do on this. And then also you know you had the administration saying on the other hand that there was no more money going to be spent on the rail portion of the bridge project and that their only discussions involved the commercial truck bridge portion. So I really don’t know where they are headed. I just know that from our perspective we need to insist that if we’re going to sign any memorandum of understanding in issues of support that it be limited to a commercial truck bridge and that’s it, unless you all want to do a mutual support thing.”

Commissioner Garza – “I have a problem with recital one.”

Judge Hinojosa – “Yeah, that’s what I’m saying.”

Mr. Doug Wright, Commissioners' Court Legal Counsel – "Well Judge, there's language in this also that is totally contrary to the idea that the rail bridge is abandoned. If you look at paragraph 8-4b, it says 'said rate shall apply whether the crossing is made at the B&M Bridge or the West Rail Bridge.'"

Commissioner Garza – "Well they are negotiating a rate with ..."

Mr. Wright – "Well but we're not a party to that."

Commissioner Garza – "I know but they are negotiating a rate regardless of where they cross, which I would do if I were in their shoes."

Judge Hinojosa – "Right."

Commissioner Tamayo – "And that's why they state both."

Judge Hinojosa – "And I don't have a problem with that."

Commissioner Garza – "Why are we involved?"

Judge Hinojosa – "Why are we involved too? It's quite clear that they're asking us as part of the memorandum of understanding, based upon what David pointed out, which is the first paragraph, is that their definition of a Port Bridge Project includes a rail bridge."

Commissioner Tamayo – "Exactly, that's throughout..."

Judge Hinojosa – "And we can't do that."

Commissioner Tamayo – "And that's what the focus is throughout."

Judge Hinojosa – "So my recommendation is that we table this with instructions to either my Office or to Counsel from Commissioners Court, which I think is probably better that it go through Counsel from Commissioners Court. That the language be clarified in the memorandum of understanding that, we do not have any legal obligations whatsoever on the issues of the rate structure. And secondly that if they are asking for our support that our support is limited to a support for an only and only commercial truck bridge."

Commissioner Garza – "No problem with that."

Judge Hinojosa – "So do I hear a motion to that extend?"

Commissioner Tamayo – "That it will be re...?"

Judge Hinojosa – "That we table it with the understanding that Counsel for Commissioners Court will contact Mr. Rentfro's Office and express our concerns and that those issues be resolved accordingly before we approve it."

Commissioner Tamayo – "Did Pete make a motion?"

Commissioner Benavides – "Yes."

Commissioner Tamayo – “Second.”

Judge Hinojosa – “Motion by Commissioner Benavides; second by Commissioner Tamayo, any further discussion? All those in favor signify by stating Aye.”

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

Judge Hinojosa – “All those oppose? Motion carries. The matter is tabled with that directive.”

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**(10) CONSIDERATION AND POSSIBLE ACTION  
REGARDING A FUNDING SOURCES TO COMPLETE  
THE BROWNE ROAD REGIONAL PARK AND OTHER  
PARK PROJECTS**

Judge Hinojosa explained that the local funds allocations for the Laguna Heights Parks would be replaced with \$468,000.00 CIAP funds originally allocated towards the Boca Chica Beach project that cannot be done because of unresolved title issues for purposes of offsetting the \$619,000.00 shortfall for Browne Road Regional Park.

Mr. Xavier Villarreal, Budget Officer, explained that \$163,000.00 CIAP Funds would be shifted to Browne Road Regional Park, and that the remaining deficit would be offset by savings within the Parks System’s Budget, decreasing the deficit to \$324,000.00. He stated that attempts would be made to push the \$310,000.00 into next fiscal year.

Judge Hinojosa stated that the \$305,000.00 allocation from the Parks System Capital Improvement Program for the seawall project at Thomae Park and pavilion lighting at Laguna Heights Park could be funded from CIAP funds, thus freeing up Capital Improvement monies to fund the remaining deficit for Browne Road Park at this time, decreasing the deficit to approximately \$19,000.00. He explained that the bird watching and canoe launch projects within Browne Road Regional Park would be done in-house to alleviate the remaining deficit. Judge Hinojosa stated that the big issues would be the lack of capital improvements funds next fiscal year, yet this would be replaced with CIAP funds.

Commissioner Tamayo questioned the status of the purchase of land for a park in El Ranchito.

Judge Hinojosa stated that the said purchase would be financed.

Mr. Javier Mendez, Parks System Director, responded that the President of the Boys & Girls Club purchased the property being considered by the county nearly two (2) months ago.

Commissioner Tamayo noted the need to continue looking for property for the park in El Ranchito.

Judge Hinojosa stated that this plan enhances the quality of the park in Laguna Height and expedites its construction.

Commissioner Garza suggested that possible involvement of other than current partners be explored.

Mrs. Grace Salinas, County Judge's Office, suggested that the possibility of Browne Road Regional Park being converted into a revenue park be considered, and that Allegis Gardens Cooperation (Six Flags) be consulted to determine if they were interested.

Commissioner Tamayo moved that the funding sources to complete Browne Road Regional Park and other park projects be approved.

The motion was seconded by Commissioner Benavides and carried unanimously.

**The Report is as follows:**

**(11) CONSIDERATION AND AUTHORIZATION TO OPEN THE PROPOSALS FOR THE DEVELOPMENT FOR THE ISLA BLANCA PARK AND TO APPOINT A COMMITTEE TO EVALUATE THE PROPOSALS**

Upon motion by Commissioner Benavides, seconded by Commissioner Tamayo and carried unanimously, the proposals for the development for the Isla Blanca Park were **REJECTED** for purposes of re-advertisement.

## **TRAVEL ITEMS**

**(12) 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) Constable Precinct 3 and two (2) employees to attend the "Lemit Program 20 Hour Management Seminar For Constables And Supervisors" in Huntsville, Texas, May 17-19, 2004;
- (b) Sheriff and Four (4) Sheriff employees to attend the "18<sup>th</sup> Annual Texas Jail Association Conference" in San Antonio, Texas, May 24-27, 2004;
- (c) Assistant County and Four (4) District Attorneys to attend a "Prosecutor Trial Skills Course" in Austin, Texas, July 11-16, 2004;
- (d) County Clerk to attend the "109<sup>th</sup> Annual County & District Clerk's Conference" in Lake Conroe, Texas, June 27-July 1, 2004;
- (e) Four (4) Extension Office employees to attend and assist in the "Annual District 12 Spring 4-H Faculty Meeting And The South Texas Judges And Commissioners Conference" in South Padre Island, Texas, May 17, 2004; and
- (f) Two(2) Extension Office employees to chaperone and assist the Cameron County 4-HER's at the Texas 4-H Round Up", in College Station, Texas, June 8-10, 2004.

## **CONSENT ITEMS**

**ALL ITEMS UNDER THE CONSENT AGENDA ITEMS WERE HEARD COLLECTELY UNLESS OPPOSITION WAS PRESENTED, IN WHICH CASE THE CONTESTED ITEM WAS CONSIDERED, DISCUSSED, AND APPROPRIATE ACTION WAS TAKEN SEPARATELY.**

DISCUSSION CONCERNING CONSENT AGENDA ITEMS:

ITEM NO. 13: Mr. Hendrick Quellhorst, Auditor's Office, presented the following late claims: Warrant No. 00116869, reimbursement to Adult Probation, in the amount of \$18,619.00; Warrant No. 00116870, transfer to Fifth Administrator of Judicial, in the amount of \$1,000.00; Warrant No. 00116871, transfer to Local Solid Waste Enforcement, in the amount of \$5,000.00; Warrant No. 00116872, payable to State Comptroller, in the amount of \$1,307.82; and, Warrant No. 00116873, operating loan to the SPEED Program, in the amount of \$5,000.00.

ITEM NO. 14: Commissioner Garza asked who was making the substitution. Mr. Eddie Gonzalez, County Treasurer, responded that this would result in 100% stand by of letter of credit.

ITEM NO. 23: Commissioner Tamayo questioned if there was a need to improve criteria to accept road into the County Road System since the report presented by the inspector reflects that road's conditions were of poor quality yet they pass County's specifications. Mr. Esteban Bazan, Interim Public Works Director, stated that in his option the road was in good condition, with exception of an interface placed by SBC that needed to be reallocated from the bar ditch into the easement. Commissioner Tamayo asked if there was a need to delay approval. Mr. Bazan responded in the affirmative. Commissioner Garza noted the need to do something. Commissioner Tamayo suggested that the guidelines be revised.

ITEM NO. 15: Judge Hinojosa recommended that this Item be tabled since it was covered under Item No. 16.

ITEM NO. 12-B: Ms. Veronica De La Fuente, County Judge's Office, clarified that five employees would attend the Jail Conference, the fifth person being Mr. Carlos Martinez.

Commissioner Garza moved that the "Travel and Consent Items" be approved, inclusive of the late claims, and that Item No. 15 be **TABLED**.

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

AYE: Commissioners Benavides, Garza, and Tamayo,

NAY: None,

ABSTAIN: Judge Hinojosa as to Warrant No. 00116700, payable to the Laguna Madre Water District, in the amount of \$184.08.

**(13) APPROVAL OF CLAIMS;  
The affidavit follows:**

**(14) AUTHORIZATION TO SUBSTITUTE TWO SECURITIES WITH A VALUE OF \$17,000,000.00, AT PAR, HELD WITH THE FEDERAL RESERVE BANK OF BOSTON FOR A FHLB IRREVOCABLE STANDBY LETTER OF CREDIT IN THE AMOUNT OF \$17,000,000.00;**

**(15) AUTHORIZATION TO FILL ONE (1) VACANCY IN THE CAMERON COUNTY TAX ASSESSOR-COLLECTOR'S OFFICE;**

**(16) AUTHORIZATION TO FILL (2) AUTO/TAX CLERK VACANCY IN THE CAMERON COUNTY TAX ASSESSOR-COLLECTOR'S OFFICE;**

**(17) APPROVAL OF AMENDMENTS TO EXISTING CONTRACTS FOR FIVE TITLE V INSTRUCTORS EXTENDING THE CONTRACT END DATE TO JULY 23, 2004;  
The amendments follow:**

**(18) AUTHORIZATION TO OPEN THE FOLLOWING BIDS/RFP'S/RFQ FOR:**  
**A. OFFICE SPACE LEASE (WIC) GARDEN PARK – ANNUAL BID #040403**  
**B. BUILDING SUPPLIES: ELECTRICAL – ANNUAL BID #2000-2**  
**C. BUILDING SUPPLIES: PLUMBING – ANNUAL BID #2008-2**

**(19) PRELIMINARY APPROVAL:**  
**A. PRECINCT 4- CROSSING EIGHT'S SUBDIVISION, BEING A 3.94 ACRE SUBDIVISION OUT OF 10.26 ACRES OF LAND COMPRISED OF 2.99 ACRES OUT OF BLOCK 157 AND 7.27 ACRES OUT OF BLOCK 194, SAN BENITO LAND AND WATER COMPANY SUBDIVISION, CAMERON COUNTY, TEXAS.**

- (20) AUTHORIZATION TO ACCEPT PARCEL 11, (CORNER CLIP AT THE INTERSECTION OF REGINA LANE AND FM 800) FOR FM 800 PROJECT;
- (21) AUTHORIZATION TO ACCEPT PARCEL 7, (CORNER CLIP AT THE INTERSECTION OF AMICK DRIVE AND FM 800) FOR FM 800 PROJECT;
- (22) AUTHORIZATION TO ACCEPT PARCEL 8, (CORNER CLIP AT THE INTERSECTION OF LA CANTERA DRIVE AND FM 800) FOR FM 800 PROJECT;
- (23) AUTHORIZATION TO ACCEPT CANELO LOOP FROM CANELO FIELD SUBDIVISION PHASE II, PRECINCT 3, INTO THE COUNTY ROAD SYSTEM;
- (24) AUTHORIZATION TO ALLOW THE DEPARTMENT OF TRANSPORTATION, ENGINEERING, RIGHT OF WAY, & BUILDING PERMIT DIVISION TO USE QUOTES FOR THE PURCHASE OF COMPUTERS AND COMPUTER RELATED EQUIPMENT FOR AN AMOUNT GREATER THAN \$15,000.00 BUT LESS THAN \$25,000.00.

## TRAVEL ITEMS

### (NO DIRECT COST TO GENERAL FUND)

- (25) CONSIDERATIONS AND AUTHORIZATION TO TRAVEL/OR APPROVAL OF TRAVEL EXPENSE FOR THE FOLLOWING (PLEASE NOTE: TRAVEL REQUESTS ARE SUBJECT TO ALL APPLICABLE COUNTY POLICIES):
  - (a) County Judge's Office employee and Director of Department of Transportation to meet with Department of State Officials regarding the West Rail Project in Washington, D.C., May 18-19, 2004;and
  - (b) Assistant County & District Attorney to attend a "Criminal Investigations Course", in Las Vegas, Nevada, June 6-10, 2004.

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At this time, Judge Hinojosa acknowledged all County Personnel for their efforts and collaboration in resolving all jail issues.

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

- (17) APPROVAL OF AMENDMENTS TO EXISTING CONTRACTS FOR FIVE TITLE V INSTRUCTORS EXTENDING THE CONTRACT END DATE TO JULY 23, 2004.  
The Amendments are as follow:**

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There being no further business to come before the Court, upon motion by Commissioner Tamayo, seconded by Commissioner Garza and carried unanimously, the meeting was **ADJOURNED** at 12:52 P.M.

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**APPROVED** this 13<sup>th</sup> day of **July 2004**.

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**GILBERTO HINOJOSA**  
**COUNTY JUDGE**

**ATTEST:**

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