

EXECUTIVE SESSION

Upon motion by Commissioner Benavides, seconded by Commissioner Tamayo and carried unanimously, the Court met in Executive Session at 9:45 A.M. to discuss the following matters:

(1) EXECUTIVE SESSION:

- (a) 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
- (b) Confer with Commissioners' Court Legal Counsel concerning issues regarding the Cameron County Detention Centers and the Cameron County Sheriff's Department Administration Building; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(2).

Upon motion by Commissioner Benavides, seconded by Commissioner Tamayo and carried unanimously, the Court reconvened into Regular Session at 10:14 A.M.

At this time, Commissioner Wood moved that the Court be recessed until 1:30 P.M. today.

The motion was seconded by Commissioner Tamayo and carried unanimously.

Mr. Doug Wright, Commissioners' Court Legal Counsel, informed that there was just general discussion and no action to be taken. He added that the Court was waiting on some information and would return at 1:30 P.M.

Commissioner Tamayo moved that the Court be reconvened into Regular Session at 1:43 P.M., to discuss the following matters:

The motion was seconded by Commissioner Benavides and carried unanimously.

Upon motion by Commissioner Tamayo, seconded by Commissioner Benavides and carried unanimously, the Court met in Executive Session at 1:44 P.M., to discuss the following matters:

(1) EXECUTIVE SESSION:

- (c) 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
- (d) Confer with Commissioners' Court Legal Counsel concerning issues regarding the Cameron County Detention Centers and the Cameron County Sheriff's Department Administration Building; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(2).

Upon motion by Commissioner Benavides, seconded by Commissioner Wood and carried unanimously, the Court reconvened into Regular Session at 2:17 P.M. to discuss the following matters:

Commissioner Wood moved that an emergency be declared such that the Cameron County Commissioners Court has authority to meet; pursuant to Government Code Section 551.045 (b)(2), as a result of an emergency as stated in the emergency notice, which is that a reasonably unforeseeable situation involving the Carrizalez-Rucker Facility and the Cameron County Sheriff's Department Administration Building concerning the environmental air quality of said building and the necessity of mold remediation exists.

The motion was seconded by Commissioner Tamayo.

Judge Hinojosa – “Let me just state for the record. The support for such a finding is, in my opinion and in the opinion of the Commissioners Court, that based upon conversations that I have had as well as Counsel for the Commissioners Court, Counsel Doug Wright, with employees of the Cameron County Sheriff's Department with respect to health concerns and conditions being experienced and expressed by employees of the Cameron County Sheriff's Department such that there was a possibility that some of these employees were not going to want to continue to be working at the facility. Some or all employees were not going to want to work at the facility. This in our opinion was not only a danger to the employees that were housed at this facility but to the public at large. In that are 911 services and dispatcher services and all the County's law enforcement services outside of Constables' Offices and the Park Police are concentrated at that facility. And failure of that facility to be fully operational would constitute a danger to the public immediately requiring immediate action by the Commissioners Court to try to resolve some of the concerns of the employees at that facility that would allow them to continue to work out of that facility until a permanent solution to the problem was obtained. So that's the basis of the emergency finding. Would anyone else like to add anything else to that?”

Commissioner Wood – “That pretty well covers everything that I am aware of.”

Commissioner Tamayo – “Covers it.”

Judge Hinojosa – “And this conversations are primarily from administration, top administration people with the Sheriff's Department. Okay with that in mind and unless anyone wishes to add anything to that. Is there any further discussion with respect to the motion to determine an emergency under section 551.045 (b)(2)? If not, all those in favor signify by stating aye.”

Commissioner Benavides, Wood, Tamayo, and Judge Hinojosa – “Aye”

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

(2) ACTION RELATIVE TO EXECUTIVE SESSION:

- (a) Confer with Commissioners' Court Legal Counsel concerning Cameron County versus Faulkner, USA, formerly known as Landmark.**
- (b) Confer with Commissioners' Court Legal Counsel concerning issues regarding the Cameron County Detention Centers and the Cameron County Sheriff's Department Administration Building**

Judge Hinojosa – “As I understand, based upon our conversations with our attorney, there has been a Rule Eleven Agreement pursuant to negotiations between the parties such that Landmark will begin some procedures in order to address the short term concerns that are being with respect to the environmental quality of the air at the facility and will pay for those pending the mediation that’s going to occur in two weeks as part of the negotiations. And that this temporary procedure will be implemented for a period of up to thirty days and hopefully by that time we will have come up with permanent solution to the problem depending on how the mediation goes. Is that a fair assessment of where we’re at Mr. Martinez?”

Mr. Trey Martinez, Attorney at Law- “That’s correct Judge.”

Judge Hinojosa – “Do we need to get anything more specific than that?”

Mr. Martinez – “I believe Mr. Pitman and I will be putting something in writing between the parties with respect to the joint efforts by both Landmark and Cameron County in regards to this situation.”

Judge Hinojosa – “And with respect to the motion that we need; do we need to get into specifics as to that or how do you want to do that?”

Mr. Doug Wright, Commissioners' Court Legal Counsel – “You may want some type of motion that gives general consent or authorization for our Counsel to enter into Rule Eleven Agreement with regard to the remediation immediately. There was an action item on the agenda for contracting for remediation. It was my understanding because of the willingness of Landmark to cooperate with the County and come up with solutions at this point in time, that is not necessary. Landmark is going to pay for the cost of this at this point; so just authorizing our Counsel to enter into a Rural Eleven Agreement.”

Judge Hinojosa – “And just for the record so that we can address some of the issues that are part of the litigation; this is part of the negotiations that are being handled between the parties. So that allows to continue this as a form of negotiation privilege between the parties. So what specific action do you need from us then?”

Mr. Wright – “I guess just a motion to the effect recognizing the Rule Eleven Agreement that’s going to be entered into and authorizing our Counsel to do that, which basically will capulate the cooperation going on, on a

temporary basis to remediate the problems at the facilities.”

Judge Hinojosa- “Okay do I hear a motion to that effect?”

Commissioner Tamayo – “I so move.”

Commissioner Wood – “Second.”

Judge Hinojosa – “Motion by Commissioner Tamayo, second by Commissioner Wood. Yes sir.”

Mr. Mark Yates – “If there is any cost on behalf of the County where we have to set up services at another location to remove employees to another location we’d like that authority without having to wait for a meeting. What is your issue on that?”

Mr. Wright – “Well it would probably be a good approach from a stand point that you know that time is of the essence and when we have or realize that we have a problem and are moving people, for instance the GIS people who are in the process of being moved to our new facility. We ran into problems with the stand point of issuance of checks and perhaps you can give the knot to Mr. Yates that task to emergency unexpected that and a limit...(inaudible).”

Judge Hinojosa – “Well wait a minute, wait a minute just before you go. I don’t want to go that far. I mean I don’t have a problem authorizing the expenditure of funds to move the 911 people and the GIS people that we had talked about, but I want to limit it to that for right now. And there is some minor expenditures involving the change of telephone lines and so forth and maybe any expenditures from moving. But aside from that from where our understanding is that at least on a temporary basis the temporary procedures that are part of the Rule Eleven Agreement will be adequate to deal with the situation until such time as the mediation is complete. And at that depending upon on what happens on the mediation, which is in two weeks, then we can make a decision of how much further we want to go. If something between now and then occurs such that we have to take additional action then I’d rather deal with that when it comes up and if it is an emergency we’ll handle it as an emergency. If it can come up through the course of a Regular Meeting we’ll put it in. We will put it as a... Remi are you here?”

Mr. Remi Garza, County Administrative Assistant – “Yes Sir.”

Judge Hinojosa – “Make sure that it is on the Agenda every week until such time as we get this thing resolved so that if it happens to fall immediately prior to a Tuesday we don’t have to call an emergency meeting, but if something happens between well we’ll just do what we need to do.”

Mr. Yates – “And our intention was just to handle the issues that dealt with the relocation with the Department that is moving right now.”

Judge Hinojosa – “The 911. Yeah and that’s fine. So do I hear a motion to that effect?”

Commissioner Tamayo – “So move.”

Judge Hinojosa – “Motion by Commissioner Tamayo is there a second? By Commissioner Benavides.
Any further discussion? All those in favor signify by stating Aye.”

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

Judge Hinojosa – “All those opposed? Motion carries.

There being no further business to come before the Court, upon motion by Commissioner Tamayo,
seconded by Commissioner Benavides and carried unanimously, the meeting was **ADJOURNED** at 2:34 P.M.

APPROVED this 14th day of **September 2004**.

GILBERTO HINOJOSA
COUNTY JUDGE

ATTEST:

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