

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 20th day of July 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 Pro tem Pedro "Pete" Benavides at 9:43 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 July 16, 2004, at 3:20 P.M.:

Commissioner Garza informed that Governor Rick Perry was scheduled to be in Cameron County Thursday, July 22, 2004.

(1) **PUBLIC COMMENTS**

Note: None were presented.

ACTION ITEMS

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

Mr. Xavier Villarreal, Budget Officer, informed that the Salary Schedules include the additional 24 Detention Officer slots approved for the Federal Detention Division, to be funded from lapsed salaries from within their budget for the remainder of the fiscal year.

Judge Hinojosa noted that the slots would be filled only as needed under the control of the Budget Officer.

Mr. Villarreal agreed, except for control over the Detention Officer slots under the old jail division.

Commissioner Garza asked why the salary schedules were lacking signatures and dates.

Mr. Villarreal responded that the salary schedules were prepared and submitted to meet the deadline for placement on the agenda and explained that they would be signed and submitted to payroll.

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

The Documents are as follow:

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- (3) **APPROVAL OF MINUTES FOR:**
(A) **MAY 11, 2004-REGULAR MEETING**
(B) **MAY 18, 2004-REGULAR MEETING**
(C) **MAY 26, 2004-SPECIAL MEETING**

Commissioner Benavides moved that the Minutes of the Regular Meetings held on May 11, 2004, and May 18, 2004, and the Special Meeting held May 26, 2004, be approved.

The motion was seconded by Commissioner Wood and carried unanimously.

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- (4) **DISCUSSION ON NEW POSITION OF LAW LIBRARY LEGAL ASSOCIATE AND EXPLANATION OF FUNDING SOURCE: TO INCLUDE REQUEST FROM DEPARTMENT HEAD FOR POSITION**

Commissioner Garza – “I put it on the agenda because when we approved the change of legal for our Legal Civil Division, I was not aware that we were at that time creating a Law Library Legal Associate, okay.”

Judge Hinojosa – “I didn’t know that either, Law Library Legal Associate.”

Commissioner Garza – “Law Library Legal Associate that is what I was told. Right?”

Mr. Doug Wright, Commissioners’ Court Legal Counsel – “That’s ah, Mark found monies that apparently are owed back to General Fund. Apparently we’ve loaned I don’t know, several years ago for a two year period monies to the Law Library when (inaudible) was in there as President and he is attempting to recoup some of that money. He visited with some of the Judges. They indicated that they needed some legal research assistance and John was contacted since there was not going to be a position for him in our Department and he accepted the responsibility to go over and do some research on a temporary basis. It’s only funded through the balance of this year. And hopefully it’s been indicated to me that he could be picked up again by the incoming District Attorney on January 1st.”

Commissioner Tamayo – “So this was a request that was made.”

Mr. Wright – “Well...”

Commissioner Garza – “I requested the back up from the Department Head that made the request, which in this case would have been Judge Euresti. Right? I called his Office a number of times and I’m still awaiting. You know I couldn’t get an answer in his Office. My concern more so was than anything else is that we found \$50,000.00 to fund this position because that is what the position pays. I called Doug’s Office and asked him about the individual that was gonna be replaced in his Office and he told me that the individual was no longer going to be

there, okay. Afterwards I received a fax from our Civil Legal Division on the 14th of July signed by the individual that is no longer going to be there. So evidently the individual is not working doing legal work for the Judges; his working for Doug. And I had a concern.”

Mr. Wright – “That’s not exactly correct, Commissioner. What’s happened...?”

Commissioner Garza - “No, what I said transpired exactly correctly, okay.”

Mr. Wright – “No.”

Commissioner Garza – “I’m not done yet. I would appreciate if you give me time to finish, sir, if you don’t mind.”

Mr. Wright – “Yes sir.”

Commissioner Garza – “I usually don’t try to interrupt others. That’s what happened. That happened with my phone call. I called Mr. Wright’s Office in regards to the issue and he says ‘well you should have known that you approved that position.’ And I say Doug I asked you what’s gonna happened to the individual and you said he was no longer going to be there. He says ‘it is your responsibility Commissioner to read your agenda and to make sure you understand what you approve, okay. I take full responsibility for reading my agenda and understanding what I approved and vote on totally. And if I’ve made a mistake, I made a mistake. I’m human and I’ve done them before and I guarantee you I’ll make them in the future because I’m gonna try and make decisions that make a difference in people’s lives. And by doing that it doesn’t mean that I will take advantage of constituents and their tax payers’ dollars. As a result of that phone call I was made aware by Mr. Wright that you know he is not here to protect my back as Commissioner. I depend on the Civil Legal Division Office totally to protect me in any contract that is undertaken by this County and also on any agenda item that we have on our agenda, okay. If I ask a questioned and I cannot get a direct answer I have a real serious problem with the information I’m getting from his office and the advice that I am getting. I’m not speaking for the rest of this commission. But you know with all due respect, I have a real concern if I’m going to have to watch my own back on legal matters and I will tell you Judge and the rest of the Commissioners that I will never vote on any item pending legal review. Because if they are not responsible enough to be able to review the information and sign off on it by the time we get here I don’t think that I can depend on them to do it for me later. And you know that is all I have to say in regards to that, you know.”

Commissioner Tamayo – “Let me just clarify some things. This position existed it’s not a new position? This Law Library...? There was a person in that position? And maybe I got confused.”

Mr. Wright – “No I don’t believe that position existed before the action that was taken like two weeks ago.”

Commissioner Garza – “We didn’t advertise, we didn’t you know...nothing. Again you know our own policies that legal drew up for us.”

Mr. Wright – “May I respond now?”

Judge Hinojosa – “Go ahead.”

Mr. Wright – “Now first of all. That position is not in the Civil Legal Division. That’s the reason the papers were submitted. You’ve received all of those papers; I did not prepare them either. The effort was made. I believe Mr. Olson has been with the county 18 years, because there was not going to be a space in the Civil Legal Division there was an attempt to keep him on so that he could back to the DA’s Office in January. Which I am told that he will be allowed to do. That position was created out of funds in the Library Fund. I believe Mr. Yates did the actual work on that; he found the money and it’s a temporary position. He talked to the District Judges and they accepted that as I understand it. I had no contact as far as creation of the position with the Judges. I did not do that. I would have encouraged the position for Mr. Olson but he is not in our Office. After all these transpired Mark asked me if it was possible for him to continue to physically be in that Office for a while until they found a location for him because they did not have any place. The reason he has done some work in our Office is because he went over talked to all the District Judges however, most of the District Judges are on vacation right now, so they are not here to assign work to him. I guess they have done or he has done some work for some of the judges in this interim period, but until they’re back Mr. Olson simply wanted something to do. And the paper that you referred to Commissioner was something that he had done early on as far as updating of the cases, and that’s the reason. Since he didn’t have anything to do for the Judges I asked him if he would look at those. Bring it up to the current date and that’s the reason he signed off as he did, but he is no longer in our Office as far as working for the County in the Civil Legal Division. He’s being paid and it was signed off on I believe by Mr. Yates on the last pay check through the Law Library.”

Judge Hinojosa – “Is the slot only funded through the end of the year, Mark?”

Mr. Mark Yates, County Auditor – “The slot is funded through the fiscal year.”

Judge Hinojosa – “The end of the fiscal year?”

Mr. Yates – “Right. A few years back, probably in the time frame of 96, 97, 98, the Law Library was operating in a deficit position prior to the implementation of having, I guess it’s per case, fee of \$5.00 to \$10.00.”

Commissioner Wood – “You might explain the basis of how the Law Library is funded...”

Mr. Yates – “The Law Library is funded through a \$5.00 fee for each civil case and certain other cases too. It’s self sufficient. We at the Auditor’s Office work with the staff at the Law Library in helping them on their daily

operations. It's under the general cur view of the Local Cameron County Bar Association. But Cameron County, the General Fund has subsidized the operations of the Law Library for a few years until the funds were able to catch up. We have those funds somewhat invested in the activity of the Law Library as well as the physical infrastructure. At the Auditor's Office we work well with the Law Library staff in making sure that they have their research material necessary and working with the District Judges. And then with regards to the Officers of the Cameron County Bar Association, we assisted in what we believed the will of the Commissioners Court in making some changes and trying to place for an individual who could lend some further expertise to the County and to help facilitate certain areas of research, evidently that's one of his expertise issues. So we were here to facilitate in a legal and lawful manner the will of the Commissioners Court."

Commissioner Garza – "I think that the will should have been publicly expressed."

Mr. Yates – "Right."

Commissioner Garza – "Okay and I don't think... I haven't missed a meeting that I know of, except for Friday of this last week when you had the Emergency Meeting, and I don't recall ever getting something from any judge requesting the position."

Mr. Yates – "No they did not."

Judge Hinojosa – "Let me tell you where I stand on this thing okay. Because I knew that Olson was going to stay on; I just didn't know how. I thought he was going to stay in your office basically. And my position on this thing is this: you know Mr. Olson has been a long time employee with the County and done real good work with the DA's in the appeals for many years. I've known him since I was a District Judge and when I was in the Court of Appeals he used to argue cases to us and he did excellent work in that area of the law. I understood that what we needed now was a civil litigator that was going to get out there and represent the County in the lawsuits that have been filed against the county and in the few instances law suits that the county has filed. For example this litigation that we have with respect to the..."

Mr. Yates – "First National Bank."

Judge Hinojosa – "Well that and I was thinking of the clinic in Port Isabel. And so that was the reason why Burst was asked to come back. Because you know, Burst does more civil litigation, knows it real well, and had represented the County back then. He just couldn't live on the salary he was getting back then. So he came back. I understood that Olson was going to continue to work for your office. I mean I understood the complete opposite for your office and then just provide support primarily to Richard or to the Civil Division in that area. I didn't know

that he was going to be working for the District Judges, but that really doesn't matter. I just knew that he was going to be on staff and continue to be on staff doing work for the county."

Mr. Yates – "Well this is not a position that the District Judges asked for."

Judge Hinojosa – "Well let me clarify something that I see."

Commissioner Garza – "That's what I was told."

Judge Hinojosa – "Whether or not he asked for him I promise you there's not a District Judge out there that is going to say that they don't need him, okay. Because you know Cameron County for a county of this size is one of the few counties in the State of Texas that doesn't have, that the District Judges don't have law clerks. I mean it really is needed because they end up doing a lot of the research by themselves and depend upon whatever the lawyers brief on and you always need somebody else to give you an independent opinion on what really is the law. Because advocates on both sides are not always... You know when I was on the Court of Appeals I had two attorneys working for me doing the research and helping write the opinions. But my point is this: I don't have a problem with moving Mr. Olson to this position because he has provided valuable service to the County for many years. The only thing that I would suggest that we think about and maybe it's the way that the funding is designed, is I just think that for the shorter period of time that we've got him is that he'd be much more useful providing support to the County Commissioners Counsel on existing litigation than using him for that short period of time with the District Judges. They didn't ask for him because they didn't think they could get a clerk based upon the money that's out there. But we certainly need someone to help us with this whole bunch of litigation that is out there as a result of some of the issues at the jail. And Richard can handle a lot of that litigation but he could use the support of a research lawyer to do a lot of the background work that needs to be done to support that. So my only disagreement here Doug is; I would think that it would be a better use of John's time to be assisting Richard in the litigation as opposed to a short term stay up in District Judges. He is a good guy he's done outstanding work for the County. When I was on the Court of Appeals he wrote excellent briefs for the Cameron County District Attorney's Office. What happened though was that when he left the DA's Office and started working for us his slot was filled over there for the reason I mention. So until the new DA comes in; he is not going to be having employment you know. And I think that you know long time loyal employees like John Olson deserve for us to see where we can put them pending certain changes in administration and so on and so forth. So my suggestion is I mean it's been done.... And I understand Commissioner Garza's concerns and I'm not upset about it I just think that a better use of him would be to put him in the County Commissioners Counsel providing support to Mr. Burst in that litigation as opposed to that short term stay. But that's your call. You know you need to decide whether you need him to do

that; whether Richard needs him to do that; or whether or not now that the District Judges have found out that they've got someone their gonna want to use him..."

Commissioner Tamayo – “That’s what I was gonna say. You know now they need to be told ‘no we changed our mind. Was the decision made due to a funding source?’”

Mr. Wright – “I’ve got to make it work within the monies of my budget and there is no money there and there is not money there for Mr. Olson’s...”

Judge Hinojosa – “Well is that funding source tied into the District Courts?”

Mr. Yates – “It is intended to be a legal research assistant that could assist in other fashion too. But primarily at this point in stage it as a short term he was going to assist the District Judges.”

Judge Hinojosa – “But I mean could that money be used for a County Commissioner Counsel?”

Mr. Yates – “I don’t believe that it would lend itself to that particular function. That’s the issue.”

Commissioner Wood – “Each of us probably have a little different understanding on several things, not just this one because that gonna happen as we look at things differently. My understanding was a little bit different, but maybe combined some of each of what you all have. My understanding was that John Olson was going to be leaving your office and was going to be working doing research for the District Judges and a lot more from than that really I didn’t have an understanding of as far as where the funding was coming from. I understood that the funding was going to be available and I didn’t know whether it was going to be coming from the District Judges or from this method you found for the funding to come from. I did not have the understanding that he was going to be continuing to help in the office in our Civil Office; however, I think that a county employees such as him that has some of the expertise and some knowledge and abilities and is willing to work, you know, wherever the need is that we should be using him wherever we need him as long as it complies with the needs of the District Judges. If that is where he is going to be doing most of his research and that’s where he should be doing it, I think. But if we have a need for him to do the research for Mr. Burst and for our Civil Legal Division and he have the time, I know he has the ability, but if he has the time to do it then that should be used there...”

Judge Hinojosa – “As well. I agree with that.”

Commissioner Wood – “...as well as long as we don’t get cross wise with the funding of where he is being funded.”

Judge Hinojosa – “Or any legal conflicts.”

Commissioner Wood – “Yeah.”

Mr. Yates – “What could have worked... And I apologize the Civil Legal Department could have been restructured. There was some restructuring early on with the movement of the Property Management into the County Judge’s Office, which that position is vacant or eliminated as of now. There was a position that is for a half full time professional moved to a half time professional to make room and salary for your Chief Litigator to return. But on top of that there wasn’t resources to accommodate what the Commissioners wanted to do to address their lawsuit defense and other particular law suits that needed to be addressed. So in looking at that; Counsel approached me and said we are spending \$200,000.00 plus in outside counsel with no light at the end of the tunnel per say and to return someone who has been proven themselves, my role is to say how we can do it in legal fashion, not necessarily to generate new funds. You know my understanding was that discussions were held and that everything was on board. But now with certain decisions the Commissioners Court...”

Judge Hinojosa – “Sometimes Remi doesn’t tell me what’s going on...”

Commissioner Tamayo – “Well are we hearing different things.”

Mr. Yates – “But I understand that it’s never, not always a five o decision and even then I respect everyone of you on the Commissioners Court.”

Judge Hinojosa – “Most of the time, 98, 99% of the time.”

Commissioner Tamayo – “99.5% of the time.”

Commissioner Garza – “Yeah, but that’s irrelevant. The fact of the matter is it’s easier to vote on items having information to vote on.”

Mr. Yates – “Absolutely. And I believe that better communication is in order through the agenda process.”

Commissioner Wood – “Mark, I think all of us understand that we’re bleeding to death. We’re in triage and we’re bleeding to death with legal cases right now and we had to stop that in some way. And the way to do that was bringing Mr. Burst in...”

Mr. Yates – “Yes.”

Commissioner Wood – “and because of funding within that department, even though we were spending outside funding you know we couldn’t continue to keep them both in there within that department.”

Mr. Yates – “There is no physical location and we are using the term office as in department structure and office as physical location as the same thing and it’s really not. We can be side by side and it be different organization structures.”

Commissioner Wood – “Sure”

Commissioner Tamayo – “John I have a question. At what point did you get that understanding of this whole scenario?”

Commissioner Wood – “You know I don’t remember. I think I kind of knew from the onset because...”

Commissioner Tamayo – “Are you a mind reader?”

Commissioner Wood – “No, no I’m here. I’m here a lot of everyday.”

Commissioner Tamayo – “Well some of us cannot be here a lot of everyday, so perhaps a better process of communication needs to be developed. Now I’m going to muddy the water even more. I’m gonna go back and look at the minutes. Doug did you not make the statement at one of the meetings when you told us about the new lawyer coming on board and we all agreed that we need him.”

Judge Hinojosa – “You said that kind of unusual. Did you say liar or lawyer?”

Commissioner Tamayo – “It all depends how you heard it. And this is what I believe you said Doug: you said Dylbia would be going part time and that John was going to retire. Did you not say that?”

Mr. Wright – “No he’s not eligible to retire until I believe it’s...”

Commissioner Tamayo – “Well I don’t know if his eligible or not but I believe you made that statement.”

Commissioner Wood – “His retirement time I think he may be looking... And I talk to John almost everyday because...”

Commissioner Tamayo – “John you must talk to the whole world.”

Mr. Yates – “We are talking about personnel issues...”

Commissioner Tamayo – “Well, anyway.”

Mr. Yates – “Some discussions about an impending retirement were there and there may have been some discussion, confusion of exactly when that was.”

Commissioner Tamayo – “Okay, well I don’t have an argument about John being very capable. I don’t have an argument about that we need him. I do want to make the statement that we need better communication.”

Mr. Yates – “Yes.”

Commissioner Tamayo – “Because I think you’ve heard all of us speak this morning as to what we thought we heard. And I am gonna go check the minutes.”

Judge Hinojosa – “What he did say... Well he did say whether it was now or in Executive Session was that John was going to be picked up by the new DA until his retirement. He did say that.”

Commissioner Benavides – “That is what I understand. That’s what I heard.”

Commissioner Garza – “And there is another issue there. That really I don’t think that’s a fair issue to make to the incoming DA because you know we all swear to the same thing. We can’t promise jobs before we are in office and we have to go through a process and you know there is a few ethical standards that some people try to live by. Others maybe no, but you know....”

Commissioner Tamayo – “Well I think that we... (Inaudible)”

Commissioner Garza – “The oath the Secretary of State makes you take in regards to holding an office an public office involves some things that are pretty significant.”

Commissioner Wood – “I think and you say before you take office; I think in a lot of cases like in this case he’s probably preparing now getting ready for taking and is making some decisions...(inaudible).”

Commissioner Garza – “...my comment is in reference to hear/say I hear on this Court where someone is promised a job and I think that is a wrong statement to make. Whatever he does privately with individuals as he is interviewing is his business, totally respect it. But I don’t think that, you know, we should be propagating hearsay.”

Commissioner Wood – “You’re correct.”

Commissioner Tamayo – “I want to clarify and see what is going to happen. What are we going to do?”

Mr. Yates – “Whatever you all tell us to do. That’s the way this works.”

Commissioner Tamayo – “Well it seemed like you were going to do something without us telling you.”

Commissioner Garza – “I put the agenda item on for discussion and explanation, okay. Not for telling you what to do. I just wanted a discussion from you as to what had transpired. I had a discussion with Doug and he said ‘no he is not working here’ and right in front of me I had a fax from him on a 14th of July. So he was working for you Doug, okay. Fact he signed the memo.”

Commissioner Tamayo – “Okay I’ll go back to my original question since we are not voting and evidently we are going to go ahead and continuing whatever position we have for him I just want once and for all to hear number one where John is going to be funded from and what he will be doing. It’s real simple; I just want information.”

Judge Hinojosa – “I think he’ll be funded through the Library Fund and he’ll be working for the District Judges but some of us up here don’t think it’s a bad idea if he helps Doug too.”

Commissioner Wood – “If he has time to do it.”

Mr. Yates – “Well there is the issue of office. I mean...”

Judge Hinojosa – “If they physically can fit him over there fine.”

Mr. Yates – “With your Contract Attorney going to what I call part time status it diminishes the time that you have in that office, I’m speaking for his, and you have two (2) secretaries or assistance, but we need someone there who we can deal with. Now speaking from the Auditors Office because you have your Chief Counsel pursuing a number of different issues at any given time, it is imperative for my Department and a number of other departments to make sure that somebody is there we can address and deal with the subject that can work the legal issue for you guys. Because we rely not only on the County Attorney up for advise, but in trying to get you, the Commissioners, the information we work through your counsel more so than through you all’s individual staffs because of the nature of some of the issues. That’s what we rely on from the Auditor’s Office. We need a conduit and half the times this conduit needs to be of the legal nature.”

Commissioner Garza – “I’ve heard John make a comment of bleeding to death you know in regards to litigation...”

Judge Hinojosa – “the litigation.”

Commissioner Garza – “We are bleeding to death financially.”

Mr. Yates – “Exactly.”

Commissioner Garza – “You know we can’t money to fund gas or patrol men. We’re looking at all types of things, yet just like that Mark you found \$50,000.00 to fund a position.”

Mr. Yates – “Not only...”

Commissioner Garza – “Is there any more monies out there that you can find for us so that we can help other folks in this County? Do you have other sources of intact surplus revenues that we can access so that we can take care of Aurora, so we can take care of Joe, so we can take care of all the other needs that we have.”

Mr. Yates – “You’re exactly right; we are in financial conditions and we spent \$500,000.00 approximately in restoring and renovating a jail that was in operation about three months ago. And us as a county renovating major systems in addressing those to bring in federal inmates or to expand our state inmates and at this point in time not necessary having a conduit of funding other than our Fund Balance is a big issue. And so would I recommend that we spend a dime to save fifteen cents; that’s the stand I will always take. And so we may need to spend some money to save a much larger sum. That’s my approach and that’s my recommendation.”

Commissioner Garza – “So there’s no other funds out there that’s what you’re telling me?”

Mr. Yates – “If you want to spend your savings on resources...”

Commissioner Garza – “No, we’re not talking about spending our savings. What did you do in this case? You spend savings right?”

Mr. Yates – “Right.”

Commissioner Garza – “It’s all right for the County Auditor to spend his savings, but it’s not right to spend our savings.”

Mr. Yates – “These are your savings.”

Commissioner Garza – “You spent them.”

Mr. Yates – “Yes that’s correct.”

Judge Hinojosa – “Well we did.”

Commissioner Tamayo – “You need a motion to acknowledge discussion.”

Judge Hinojosa – “Acknowledge”

Commissioner Garza – “I’ll second that.”

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

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

Judge Hinojosa – “All those oppose. Motion carries.”

**(5) CONSIDERATION AND APPROVAL FOR
SUBMISSION OF A GRANT PROPOSAL TO
CAMERON WORKS IN RESPONSE TO THE I CAN
LEARN PROGRAM REQUEST FOR PROPOSALS**

Upon motion by Commissioner Garza, seconded by Commissioner Wood and carried unanimously, the submission of a grant proposal to Cameron Works in response to the ‘I can Learn Program Request for Proposal’ was approved.

The Proposal is as follows:

**(6) CONSIDERATION AND AUTHORIZATION TO
REDUCE DISTRICT CLERK POSITION 10-450 SLOT
21 AND INCREASE 10-450 SLOTS 20 AND 22, AND
RECLASSIFY ALL 3 POSITIONS**

Commissioner Garza moved that the District Clerk Position 10-450 Slot 21, the increase to 10-450 Slot 20 and 22, and the reclassification of all three (3) positions be approved.

The motion was seconded by Commissioner Tamayo and carried unanimously.

The Salary Schedules are as follow:

(7) **CONSIDERATION AND AUTHORIZATION TO HIRE
ADDITIONAL STAFF FOR THE JAIL INFIRMARY:
ONE (1) LVN, (3) MEDICATION AIDS, AND (1)
INFIRMARY CLERK**

Judge Hinojosa asked if existing slots that were already funded were being filled.

Mrs. Yvette Salinas, Health Department Administrator, responded negatively and explained that these were new slots that lack funding.

Mr. Xavier Villarreal, Budget Officer, reported that funding was available within lapsed salaries in the Health Department Budget for the remainder of the fiscal year. He explained that the positions were required if all federal inmates and INS detainees came in and that personnel would be hired as needed.

Mrs. Salinas stated that the request was placed in anticipation of the inmate population increasing from one day to the next and that discussions would take place with the Budget Officer concerning the hiring of staff.

Upon motion by Commissioner Benavides, seconded by Commissioner Tamayo and carried unanimously, the hiring of additional staff for the Jail Infirmary: one (1) LVN, (3) Medication Aids, and (1) Infirmary Clerk was approved.

The Salary Schedules are as follow:

**(8) CONSIDERATION AND ACTION TO EXECUTE
CONSTRUCTION CONTRACT WITH J.M.
CONSTRUCTION, INC. FOR THE COMBES AREA
COLONIA SANITARY SEWER PROJECT (TCDP
CONTRACT NO. 722025)**

Commissioner Tamayo moved that the Construction Contract with J.M. Construction, Inc. for the Combes area Colonia Sanitary Sewer Project (TCDP Contract No. 722025) be approved.

The motion was seconded by Commissioner Benavides and carried unanimously.

The Contract is as follows:

(9) **CONSIDERATION AND APPROVAL OF CHANGE ORDER NO. 1 TO CONSTRUCTION CONTRACT WITH J.M. CONSTRUCTION, INC. FOR THE COMBES AREA COLONIA SANITARY SEWER PROJECT**

Commissioner Benavides moved that Change Order No. 1 to Construction Contract with J.M. Construction, Inc. for the Combes area Colonia Sanitary Sewer Project be approved.

The motion was seconded by Commissioner Tamayo.

Commissioner Wood suggested that the County Engineers closely review projects designed by someone other than County personnel, because the number of tanks do not match to the number of residents being served.

Mr. Raul Garcia, Project Engineer, explained that the number of tanks did not match the number of residents because it was less costly to install more tanks of lower capacity.

Upon motion duly made by Commissioner Benavides that the Change Order No. 1 to Construction Contract with J.M. Construction, Inc. for the Combes area Colonia Sanitary Sewer Project be approved.

The motion was seconded by Commissioner Tamayo and carried unanimously.

The Change Order is as follows:

(10) CONSIDERATION AND ACKNOWLEDGEMENT OF PERFORMANCE STATEMENT MODIFICATION NO. 1 TO TEXAS COMMUNITY DEVELOPMENT PROGRAM CONTRACT 722025

Upon motion by Commissioner Benavides, seconded by Commissioner Wood and carried unanimously, the Performance Statement Modification No. 1 to Texas Community Development Program Contract 722025 was acknowledged.

(11) CONSIDERATION AND SELECTION OF A PLANNING PROJECT FOR APPLICATION TO THE 2004 TEXAS COMMUNITY DEVELOPMENT PROGRAM COLONIA PLANNING FUND

Mr. Frank Bejarano, PD&M Director, explained that funding totals \$30,000.00 with a \$1,500.00 match.

Commissioner Benavides moved that the selection of a planning project for application to the 2004 Texas Community Development Program Colonia Planning Fund be approved.

The motion was sec bonded by Commissioner Garza and carried unanimously.

(12) IN THE MATTER REGARDING CONSIDERATION AND SELECTION OF PLANNING PROJECT FOR APPLICATION TO THE 2004 TEXAS COMMUNITY DEVELOPMENT PROGRAM COLONIA CONSTRUCTION FUND (TABLED)

Judge Hinojosa asked if the last two colonia construction projects were missed.

Mr. Frank Bejarano, PD&M Director, explained that the county missed out in 2003 and approved in 2002.

Judge Hinojosa stated that one of the reasons why the county has missed out was because the rankings were not high enough. He explained that the Santa Rosa project had the highest priority, at a cost of \$514,000.00, and added that the El Jardin project was also ranked high but lower than the Santa Rosa project.

Mr. Bejarano stated that the Santa Rosa Project, El Jardin Project, and the Breedlove Road Project would all score the same. He explained that the Office of Rural Community Affairs (ORCA) has another funding source for water or sewer connection from an EDA Fund for systems that were built through EDA. Mr. Bejarano explained that said funds were not shown to the Court during the Workshop because said funds were available year round with no deadlines. He suggested that he try to access the EDA Funds, up to \$500,000.00, to do the connections in order to use the colonia construction funds to do something else.

Commissioner Garza asked if Breedlove, Harris, and Colonia Colorado Projects could be selected.

Judge Hinojosa noted that the projects exceed the \$500,000.00.

Mr. Bejarano stated that the Breedlove Project would cost \$438,000.00 and recommended that it be selected because it was ready and self contained. He stated that he would like to do Harris Tract and Colonia Coronado except that the project was not ready to proceed due to the lack of Determination Certificates from the city. Mr. Bejarano stated that he would hate to submit the application without the certificates, and reiterated that another \$500,000.00 could be obtained from another funding source for the Santa Rosa Project.

Mr. Gayle Armstrong, El Jardin Water Supply, explained that they have two platting grants for the Colonia Coronado and Harris Tract Projects being concluded noting that they anticipated having the certificate well in advance of the August deadline. He requested that the Court consider their project and that the funding be split between them and East Rio Hondo and that the East Rio Hondo Project be kept as a reserve in the event that they were unable to obtain the certificate by the deadline.

Mr. Bejarano stated that the County has been working towards getting the certificate for Harris Tract for over a year now and that he could not guarantee that the certificate could not be obtained within the next three weeks, noting that both projects should be cleared by the City of Brownsville and ready to go by this time next year.

Commissioner Garza asked if the motion could be structured subject to obtaining the certificates or otherwise to go with the Breedlove Project totally.

Mr. Bejarano reiterated his recommendation to select the Breedlove Project.

Commissioner Wood questioned which project had the issue with regards to the easement.

Mr. Armstrong responded that the easements were complete and that they were pending resolutions regarding tax certificates needed due to delinquent taxes.

Commissioner Wood stated that the City Manager had the authority to overrule such issues.

Mr. Bejarano suggested that the Court select its top choice and a second choice and to set a timeline for submittal of the application.

Judge Hinojosa clarified that Mr. Armstrong had until August 3, 2004 to obtain the certificates or then the County would go solely with the East Rio Hondo Project.

Commissioner Garza noted the need to encourage the City of Santa Rosa to apply for the ORCA funding available.

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

(13) **CONSIDERATION AND APPROVAL OF INTERLOCAL AGREEMENT BETWEEN CAMERON COUNTY AND THE BROWNSVILLE PUBLIC UTILITY BOARD REGARDING UTILITY ADJUSTMENT AND/OR RELOCATIONS AS PART OF THE COLONIA FUND PROGRAM IN CAMERON PARK**

Commissioner Garza asked if the agreement was reviewed and approved by legal.

Mr. Pete Sepulveda, Department of Transportation Director, responded that the agreement was reviewed and approved by the Contract Attorney.

Commissioner Garza asked if the agreement was for Phase I, II, and III, and where it was specified.

Mr. Sepulveda responded that the agreement was merely for Phase I, and that such clause was not in the agreement.

Commissioner Garza questioned how this would be known and how two attorneys could have reviewed the agreement without realizing the lack of such language. He stated that the contract as presented would bind the county for the whole project, and expressed concern with review of contracts.

Mr. Sepulveda stated that the same would be done for all three phases.

Commissioner Garza stated that if the intent of the Court was to have the contract merely for Phase I then there was a serious legal review issue.

Mrs. Dylbia Jeffries, Contract Attorney, stated that when the contract was brought to her she was told that the County would merely replace the pipes and that PUB would maintain and keep ownership of the same, adding that she was not told about other phases.

Commissioner Garza stated that he was in favor of the agreement if totally for the Proposition II Program.

Mr. Sepulveda stated that the target was to bid out the project by August 8th.

Mr. Wright stated that the agreement content specifies a one time agreement between the parties and did not constitute a continuing agreement beyond the specific project as listed within the same.

Judge Hinojosa noted that regardless, the county could only contract with PUB to relocate utility lines in Cameron Park and recommended approval of the agreement as presented.

Commissioner Benavides moved that the Interlocal Agreement between Cameron County and the Brownsville Public Utility Board regarding utility adjustment and/or relocations as part of the Colonia Fund Program in Cameron Park be approved.

The motion was seconded by Commissioner Wood and carried unanimously.

The Agreement is as follows:

(14) **CONSIDERATION AND ACTION REGARDING
NEGOTIATED LOCAL LAW ENFORCEMENT
BLOCK GRANT AWARD AMOUNT FOR CAMERON
COUNTY**

Mr. Remi Garza, Assistant County Administrator, informed that negotiations with the Brownsville Chief of Police took place as authorized by the Court, and that it was determined that a 65% allocation for the City of Brownsville and a 35% allocation for Cameron County were appropriate, totaling \$30,000.00 for Cameron County and \$53,000.00 for the City of Brownsville.

Commissioner Benavides moved that the negotiated Local Law Enforcement Block Grant Award amount for Cameron County be approved.

The motion was seconded by Commissioner Tamayo.

Commissioner Garza asked if the grant award was for next fiscal year.

Mr. Garza responded in the affirmative and explained that it would begin November 2004.

Commissioner Garza asked what would be done with the \$30,000.00 or if it was allocated towards something, and if the six positions funded last year would no longer be funded or picked up by General Fund.

Mr. Garza stated that the Grant requires that a committee be set up to take request from the Local Law Enforcement Agencies and to present recommendation to the Court.

Commissioner Garza asked if the six positions would not longer be funded because of the reduction in the amount and what positions were in question.

Mr. Garza stated that the grant was for \$30,000.00 and that the positions would have to be picked up by the General Fund or eliminated if necessary. He stated that the Salary Schedule provided includes the six positions, totally approximately \$186,000.00.

Upon motion duly made Commissioner Benavides that the negotiated Local Law Enforcement Block Grant Award amount for Cameron County be approved.

The motion was seconded by Commissioner Tamayo and carried unanimously.

The Report is as follows:

(15) **CONSIDERATION AND ACTION FOR APPOINTMENT OF LIONEL GALVAN DEPUTY CONSTABLE FOR PRECINCT NO. 3 IN COMPLIANCE WITH THE FINDING THAT IT IS NECESSARY TO APPOINT THE DEPUTY IN ORDER TO PROPERLY HANDLE THE BUSINESS OF THE CONSTABLE'S OFFICE THAT ORIGINATES IN THE CONSTABLE'S PRECINCT AND THAT THE APPOINTMENT IS VALID ONLY THROUGH THE END OF THE FISCAL YEAR IN WHICH THE APPOINTMENT IS MADE OF THE CURRENT TERM OF THE ELECTED CONSTABLE WHICH EVER ENDS SOONER**

Upon motion by Commissioner Garza, seconded by Commissioner Tamayo and carried unanimously, the appointment of Lionel Galvan Deputy Constable for Precinct No. 3 in compliance with the finding that it is necessary to appoint the Deputy in order to properly handle the business of the Constable's Office that originates in the Constable's Precinct and that the appointment is valid only through the end of the Fiscal Year in which the appointment is made of the current term of the Elected Constable which ever ends sooner was approved.

At this time, Judge Hinojosa commented that Commissioner Wood and he met with Senator Hutchinson who informed them that she would continue working to ensure that the County obtains the Presidential Permit needed for the West Rail Relocation Project. He added that the permit might be obtained by early August and that Senator Hutchinson might come down to announce the same and to tour the proposed route. Judge Hinojosa stated that they had very good meeting with Senator Cornyn as well and spoke in detail about how the U. S. Marshal's Office determines the reimbursement rate for the housing of federal inmates, adding that he would review the matter. He added that Senator Cornyn has also taken a leadership role on how the Entry/Exit Program, adding that Senator Cornyn was very committed to South Texas.

Judge Hinojosa stated that Mayor Rodriguez called him to request that the North Rail Relocation Project be discussed in Washington, DC, and explained that the scheduling of a meeting was being worked.

Commissioner Wood stated that they met with U.S. Marshal Ben Reyna, whose staff were happy with the renovations and would provide federal inmates. He stated that creation of a new rate was discussed that includes the work that was recently.

Judge Hinojosa stated that the rate could not be adjusted for a year period once adjusted and that reimbursement might not be retroactive.

Commissioner Garza informed that Governor Perry would be here Thursday at 1:00 P.M. to visit the Proposition II projects and that a press conference would be held to announce the second Proposition II round.

TRAVEL ITEMS

DISCUSSION CONCERNING:

ITEM NO. 17: Mr. Mark Yates, County Auditor, presented the following late claims:
Warrant No. 00120806, loan to the Juvenile Justice Alternative Education Program, in the amount of \$2,000.00;
Warrant No. 00120807, payable to the State Comptroller Office, in the amount of \$152.00; and
Warrant No. 00120808, payable to the State Comptroller Office, in the amount of \$1,904.00.
Mr. Yates presented two claims for interest payment for bond proceeds for the 2004 Bond Series refunding debt in the amount of \$96,910.00 due August 1, 2004 and the semi annual payment of \$55,815.83 due August 1, 2004.
Commissioner Garza asked if a Budget Amendment was needed.
Mr. Yates responded that a Budget Amendment would be presented in a subsequent meeting, and explained that authority was needed to begin the process of doing the payment electronically.

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

The motion was seconded by Commissioner Wood and carried unanimously.

AYE:

NAY:

ABSTAIN: Commissioner Garza as to Warrant No. 00120645, payable to The Medicine Shoppe, in the amount of 1,660.20.

(16) 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) District Attorney's Office Investigator to attend a "TNOA 2004 Annual Training Conference," in Fort Worth, Texas, August 29 thru September 3, 2004;
- (B) Assistant County and District Attorney to attend "Suing and Defending Governmental Entities," in Galveston, Texas July 21-23, 2004;
- (C) County Clerk and Deputy Clerk attend the "Texas Probate Judges Annual Conference," in Houston, Texas, September 9-11, 2004;
- (D) County Clerk to attend the "2004 Annual Conference/Pre-Legislative," in Austin, Texas, August 11-13, 2004;
- (E) Two (2) Health Employees (2) to attend the TEEX Site Evaluator's Course on on-site Sewage Facilities in Longview, Texas, August 1-4, 2004;
- (F) PD&M Employee to attend the "Lower Rio Grande Valley Development Council Professional Advisory Review Panel Meeting", in Mercedes, Texas, July 14, 2004; and
- (G) Two (2) Human Resources Employees to attend "Texas Workers' Compensation Educational Conference", in Austin, Texas, August 17-20, 2004.

CONSENT ITEMS

ALL ITEMS UNDER THE CONSENT AGENDA ARE HEARD COLLECTIVELY UNLESS OPPOSITION IS PRESENTED, IN WHICH CASE THE CONTESTED ITEM WILL BE CONSIDERED, DISCUSSED, AND APPROPRIATE ACTION TAKEN SEPARATELY.

- (17) **APPROVAL OF CLAIMS.
The Affidavit follows:**
- (18) **CONSIDERATION AND ACCEPTANCE OF 2004 LOCAL LAW ENFORCEMENT TERRORISM PREVENTION PROGRAM GRANT AWARD IN THE AMOUNT OF \$77,246;
The Notice follows:**
- (19) **CONSIDERATION AND ACCEPTANCE OF 2004 STATE HOMELAND SECURITY PROGRAM GRANT AWARD IN THE AMOUNT OF \$273,505;
The Notice follows:**
- (20) **CONSIDERATION AND APPROVAL OF AMENDMENTS TO THE TITLE V CONTRACTS TO BE EXTENDED UNTIL AUGUST 13, 2004 FOR THE FOLLOWING TEACHERS: JAVIER BARBOSA, REBECCA RASCO, OMAR HERNANDEZ, ELENA CISNEROS AND KEN ELM;
The Amendment follows:**
- (21) **CONSIDERATION AND AUTHORIZATION TO HIRE ONE (1) CLERK FOR THE INDIGENT HEALTH CARE PROGRAM;**
- (22) **CONSIDERATION AND AUTHORIZATION FOR THE CAMERON COUNTY JUVENILE PROBATION DEPARTMENT TO SUBMIT AMENDED GRANT APPLICATION FOR THE PURCHASE OF JUVENILE ALTERNATIVE SERVICE TO THE STATE OF TEXAS OFFICE OF THE GOVERNOR;
The Resolution follows;**
- (23) **CONSIDERATION AND AUTHORIZATION TO EXECUTE A LICENSE AGREEMENT BETWEEN CAMERON COUNTY AND SCOTT E. KEE, CHAIRMAN FOR THE RIDER REGATTA EVENT;
The Agreement follows:**
- (24) **CONSIDERATION AND AUTHORIZATION TO AWARD BID FOR MEDICAL WASTE DISPOSAL COUNTY HEALTH DEPTS. TO STERICYCLE (ANNUAL BID #1965);**
- (25) **CONSIDERATION AND AUTHORIZATION FOR STAFF TO REQUEST BIDS THE TRUCK LANE EXPANSION PROJECT AT THE VETERANS INTERNATIONAL BRIDGE AT LOS TOMATES;**
- (26) **CONSIDERATION AND AUTHORIZATION TO INITIATE THE DRAWING PROCESS ON LETTER OF CREDIT FOR CANO ESTATES SUBDIVISION NO. 3, PRECINCT 4, FOR UNBUILT WATER WELLS SYSTEMS AND SEPTIC SYSTEMS;**
- (27) **CONSIDERATION AND AUTHORIZATION TO INITIATE THE DRAWING PROCESS ON LETTER OF CREDIT FOR COLONY ESTATES SUBDIVISION, PRECINCT 4, FOR UNBUILT SEPTIC SYSTEMS;**
- (28) **CONSIDERATION AND APPROVAL OF TIME EXTENSION FOR PROVIDING WATER (WATER WELLS) AND SEWER FACILITIES (SEPTIC SYSTEMS) AT ALOE VERA SUBDIVISION, SECTION 1, PRECINCT 4;**

- (29) CONSIDERATION AND APPROVAL OF TIME EXTENSION FOR PROVIDING SEWER FACILITIES (SEPTIC SYSTEMS) AT SAN CARLOS SOUTH SUBDIVISION, PRECINCT 3;
- (30) CONSIDERATION AND APPROVAL OF TIME EXTENSION FOR PROVIDING SEWER FACILITIES (SEPTIC SYSTEMS) AT MAGNOLIA ESTATES SUBDIVISION, PRECINCT 4;
- (31) CONSIDERATION AND APPROVAL TO FILL POSITIONS OF ASSISTANT FOREMAN, EQUIPMENT OPERATOR AND ROAD CREWMAN IN THE PUBLIC WORKS DIVISION OF THE DEPARTMENT OF TRANSPORTATION;
- (32) CONSIDERATION AND AUTHORIZATION TO RECLASSIFY POSITION OF ASSISTANT COUNTY ENGINEER TO ASSISTANT STAFF ENGINEER AND TO BE AUTHORIZED TO FILL VACANCY;
- (33) CONSIDERATION AND AUTHORIZATION FOR PRELIMINARY AND FINAL APPROVAL FOR:
 - A. PRECINCT NO. 4- TAROS SUBDIVISION, A 24.88 (24.85 CALC.) ACRE TRACT OUT OF RICE TRACT SUBDIVISION, CAMERON COUNTY, TEXAS, AS PER MAP RECORDED IN VOLUME 7, PAGE 42 AND IN VOLUME 9, PAGE 3, MAP RECORDS CAMERON COUNTY, TEXAS AND BEING ALL OF BLOCK TWENTY-NINE (29), CONSISTING OF 17.21 ACRES AND 7.67 ACRES OUT OF BLOCK TWENTY-EIGHT (28), SAID 7.67 ACRES BEING ALL OF BLOCK 28, LESS 10 ACRES CONVEYED TO RICE FARMS INC., BY DEED RECORDED IN VOLUME 433, PAGE 1, DEED RECORDS, CAMERON COUNTY, TEXAS.
- (34) CONSIDERATION AND AUTHORIZATION FOR PRELIMINARY APPROVAL FOR:
 - A. PRECINCT NO. 2- C & G SUBDIVISION, BEING LOT TWENTY-FIVE (25), BLOCK A, OF THE BARREDA GARDENS, AS SHOWN ON MAP NO. 6 OF BARREDA GARDENS, RECORDED IN VOLUME 8, PAGE 95, MAP RECORDS OF CAMERON COUNTY, TEXAS.
 - B. PRECINCT NO. 3- CUATRO ENCINOS SUBDIVISION, 2.90 ACRES BEING 1.16 ACRES OUT OF BLOCK 22 AND 1.74 ACRES OUT OF BLOCK 21 & 22, F. Z. BISHOP'S PALM SUBDIVISION, CAMERON COUNTY, TEXAS.

TRAVEL ITEMS

(NO DIRECT COST TO GENERAL FUND)

- (35) 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) Automobile Theft Prevention Authority Employees (3) to attend a "40 Hr Training Course Given By D.P.S. On The Texas Law Enforcement Telecommunications System (T.L.E.T.S.)," in Mission, Texas, August 2-6, 2004;
 - (B) Juvenile Probation Employees (4) to attend "Operation Outreach", in Edinburg, Texas, July 23, 2004;
 - (C) Health Department Employees (6) to attend a "Statewide Conference Connecting Families Caring for children with disabilities and special health care needs; in Temple Texas, July 29-31, 2004; and

- (D) Health Department Epidemiologist to attend the “Radiation Safety Training”, in Corpus Christi, Texas, August 2-3, 2004.

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

- (18) CONSIDERATION AND ACCEPTANCE OF 2004 LOCAL LAW ENFORCEMENT
TERRORISM PREVENTION PROGRAM GRANT AWARD IN THE AMOUNT OF
\$77,246.
The Notice follows:**

(19) CONSIDERATION AND ACCEPTANCE OF 2004 STATE HOMELAND SECURITY PROGRAM GRANT AWARD IN THE AMOUNT OF \$273,505.

The Notice follows:

- (20) CONSIDERATION AND APPROVAL OF AMENDMENTS TO THE TITLE V CONTRACTS TO BE EXTENDED UNTIL AUGUST 13, 2004 FOR THE FOLLOWING TEACHERS: JAVIER BARBOSA, REBECCA RASCO, OMAR HERNANDEZ, ELENA CISNEROS AND KEN ELM.
The Amendment follows:**

- (22) CONSIDERATION AND AUTHORIZATION FOR THE CAMERON COUNTY JUVENILE PROBATION DEPARTMENT TO SUBMIT AMENDED GRANT APPLICATION FOR THE PURCHASE OF JUVENILE ALTERNATIVE SERVICE TO THE STATE OF TEXAS OFFICE OF THE GOVERNOR.**
The Resolution follows:

- (23) CONSIDERATION AND AUTHORIZATION TO EXECUTE A LICENSE AGREEMENT
BETWEEN CAMERON COUNTY AND SCOTT E. KEE, CHAIRMAN FOR THE RIDER
REGATTA EVENT;
The Agreement follows:**

EXECUTIVE SESSION

Upon motion by Commissioner Tamayo, seconded by Commissioner Benavides and carried unanimously, the Court met in Executive Session at 11:09 A.M. to discuss the following matters:

(24) EXECUTIVE SESSION:

- (A) 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;
- (B) Deliberation regarding Real Property concerning the RFP NO. 040401 – Isla Blanca Park Master Plan, pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072;
- (C) Deliberation regarding Real Property concerning concession and leases on property in the Isla Blanca Park for a County Annex in Port Isabel; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(2);
- (D) Confer with Commissioners' Court Legal Counsel concerning issues relating to the demolition of the former Jeremiah's Riverside Concession; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(2);
- (E) 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
- (F) 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 Benavides, seconded by Commissioner Wood and carried unanimously, the Court reconvened into Regular Session at 12:08 P.M. to discuss the following matters:

(25) ACTION RELATIVE TO EXECUTIVE SESSION:

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

Commissioner Tamayo moved that the sale of the property be authorized, subject to the agreement of the \$10,900.00 and to the prorated reduction of the amount of taxes owed to each taxing entities.

The motion was seconded by Commissioner Wood and carried unanimously.

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- (b) Deliberation Regarding Real Property Concerning the RFP No. 040401 – Isla Blanca Park Master Plan.**

Upon motion by Commissioner Wood, seconded by Commissioner Benavides and carried unanimously, the Commissioners Court was designated as a committee as a whole to negotiate a development agreement with the Laguna Madre Enhancement Group.

- (c) **In the matter regarding deliberation regarding Real Property concerning concession and leases on property in the Isla Blanca Park for a County Annex in Port Isabel.**

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

- (d) **Confer with Commissioners' Court Legal Counsel concerning issues relating to the Demolition of the former Jeremiah's Riverside Concession.**

Commissioner Garza moved that Mr. Javier Mendez, Parks System Director, be authorized to bring back a RFP for the demolition of the former Jeremiah's Riverside Concession.

The motion was seconded by Commissioner Tamayo and carried unanimously.

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

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

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

Commissioner Wood moved that the Status Report by Mr. Remi Garza, Assistant County Administrator, be acknowledged.

The motion was seconded by Commissioner Garza and carried unanimously.

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