

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 1st day of March 2005, 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

COMMISSIONER, PRECINCT NO. 3

EDNA TAMAYO
COMMISSIONER, PRECINCT NO. 4

JOE G. RIVERA
COUNTY CLERK

Mary Robles Deputy Clerk

ABSENT:

DAVID A. GARZA

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 then led the Court and audience in reciting the Pledge of Allegiance.

The Court considered the following matters as posted and filed for Record in the Office of the County Clerk on February 25, 2005, at 2:55 P.M.:

At this time there was a brief discussion concerning Mr. Amigo and the related festivities.

Commissioner Tamayo informed that the Public Hearing concerning Dixie Land Road would be held at the Harlingen City Hall this evening.

(1) PUBLIC COMMENTS

None was presented.

PRESENTATIONS

(2) PRESENTATION OF CHECK FOR RIGHT-OF-WAY REIMBURSEMENT FOR THE VETERANS BRIDGE PROJECT. (PS-DEPT. OF TRANSPORTATION)

Mr. Pete Sepulveda, Department of Transportation Director, reported that reimbursement in the amount of \$144,097.00 for right-of-way for the Veterans Bridge was received and that another reimbursement in the amount of \$18,000.00 remains pending.

Judge Hinojosa asked where the funds would be placed.

Mr. Mark Yates, County Auditor, indicated that the funds would be placed within the Los Tomates Fund Balance and that said funds have been budgeted as receivable for approximately five years.

Upon motion by Commissioner Tamayo, seconded by Commissioner Benavides and carried unanimously, the Presentation of check for right-of-way reimbursement, in the amount of \$144,097.00, for the Veterans Bridge Project was acknowledged.

(3) PRESENTATION OF RESOLUTION RECOGNIZING THE BROTHERHOOD OF FAITH FOR THEIR SERVICE TO THE COMMUNITY (COMM. COURT)

Judge Hinojosa informed that the plaque Resolution would be presented during a Brotherhood of Faith meeting because it was not ready.

Commissioner Benavides stated that the Brotherhood of Faith was made up of retirees from the community who offer scholarships to students not making the highest scores.

At this time, Judge Hinojosa read the Resolution and requested more information about the organization.

Mr. Raul Torres, Brotherhood of Faith, explained that their organization was formed of retirees from different fields. He added that the organization teaches children the importance of saluting a veteran throughout, of

serving our country, and of education. Mr. Torres stated that the non profit organization meets every Wednesday at 9:00 A.M., at Whataburger on FM 802 and Padre Island Boulevard. He then introduced the following members of the organization: Mr. Lupe Gonzalez, Mr. Gilbert Garza, Mr. Rafael Alaniz, and Mr. Jose Enrique Salazar and stated that the following members were not present Mr. Luis Martinez, Mr. Raul Martinez, Mr. Joe Garza and Mr. Eddie Hernandez.

Judge Hinojosa expressed appreciation for the organization's efforts and encouraged them to continue.

Commissioner Tamayo thanked the organization and recognized them for their consistency.

Mr. Lupe Gonzalez, Brotherhood of Faith, informed that they would host their first fundraiser on April 2, 2005, at the Wal-Mart on Boca Chica.

Commissioner Benavides moved that the Presentation of Resolution recognizing the Brotherhood of Faith for their service to the community be acknowledged.

The motion was seconded by Commissioner Wood and carried unanimously.

(4) PRESENTATION OF LEGISLATIVE UPDATE. (VDL-COUNTY JUDGE)

Mr. Remi Garza, County Administrative Assistant, informed that HB 775 filed by Representative Veronica Gonzalez requires the Office of Rural Community Affairs to adopt a rule requiring political subdivisions that receive Community Development Block Grant Program funding, targeted towards street improvements projects, to allocate between 5% and 15% of funds towards street lighting. He added that the amendment proposed by Committee, Vice Chairman Bob Griggs to withdraw language that would affect communities within 150 miles of the international border and making it available to the entire State was approved by the Committee and would be considered by the Senate.

Mr. Garza stated that Item No. 14 was placed by mistake and requested that it be tabled.

Judge Hinojosa explained that although the efforts of Representative Gonzalez towards colonia residents were to be applauded, the problem with mandating that monies of the Community Development Block Grant be used in a certain way was that you deviate from what the funds were intended to do, that being to allow local communities to use the funds as they see fit. He stated that building lights was easy versus funding the operations, thus expressed concern with the lack of a mechanism that would fund its maintenance and operation. Judge Hinojosa explained that the county and Cameron Park residents were putting together a program by which street lights could be installed and where the light bill could be paid by colonia residents.

Commissioner Wood commented that there were liability issues upon the lights not working.

Judge Hinojosa stated that the county proposed legislation to allow a utility company to disconnect services if the cost for street lights was not paid. He stated that mandating an allocation between 5% and 15% of Community Development Block Grant Program funding was not a good idea at this time without further study. Judge Hinojosa suggested that the Court send a letter expressing concerns about the bill and requesting that a bill that works for rural areas of Cameron County be prepared and to inform her that the county wishes to discuss the matter.

Mr. Garza informed that HB 1732 and SB 815 filed by Representative Jim Solis and Senator Eddie Lucio were intended to change the current location of the South Texas Healthcare System replacement facility from Harlingen to Brownsville. He added that an advertisement was placed in the Brownsville Herald and that the location was expected to be filed from the thirty days, two weeks ago. Mr. Garza informed that the general filing deadline was March 11, 2005, yet this should not affect local bills, and added that Ms. Veronica De La Fuente, County Judge's Office, extended the availability of all court members to testify on behalf of other counties.

Upon motion by Commissioner Benavides, seconded by Commissioner Wood and carried unanimously, the Presentation of legislative update was acknowledged.

The Report is as follows:

ACTION ITEMS

**(5) 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 Wood and carried unanimously.

The Documents are as follow:

(6) **APPROVAL OF MINUTES FOR:
A. JANUARY 18, 2005-REGULAR MEETING**

Commissioner Wood moved that the Minutes of January 18, 2005 - Regular Meeting be approved.

The motion was seconded by Commissioner Tamayo and carried unanimously.

(7) **IN THE MATTER REGARDING CONSIDERATION
AND AUTHORIZATION TO AWARD THE FOOD
SERVICE CONTRACT TO ARAMARK INC. (OL-
SHERIFF) (TABLED)**

Sheriff Omar Lucio requested that this item be tabled because the contract was being prepared.

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

Sheriff Lucio reported that the federal inmate population was presently at 290, and that female inmates
would be brought in today, thus the population was expected to increase to 350 or 400 in about two weeks.

Judge Hinojosa questioned the status of the vestibules to be built.

Sheriff Lucio stated that he contacted Dr. Gilbert Leal, TSTC President, to requested that their welding
shop to do the vestibules and that they were waiting on a response.

(9) **CONSIDERATION AND RATIFICATION OF
AMENDMENT TO THE AGREEMENT BETWEEN
THE U.S. FEDERAL MARSHALL'S OFFICE AND
CAMERON COUNTY REGARDING THE
REIMBURSEMENT RATES FOR HOUSING FEDERAL
DETAINEES. (COMM. COURT)**

Sheriff Omar Lucio requested authorization to include all other entities and to place them at the same rate,
that being \$36.35.

Commissioner Benavides moved that the Amendment to the Agreement between the U.S. Federal
Marshall's Office and Cameron County regarding the reimbursement rates for housing federal detainees be ratified.

The motion was seconded by Commissioner Wood.

Commissioner Wood thanked Mr. Mark Yates, County Auditor, for his work on the matter.

Judge Hinojosa stated that the Budget Officer indicated that the county could break even at the end of the
present fiscal year in terms of revenue and expenditures upon the population staying at 290 and that a population
above that would signify additional revenue to upgrade the department.

Mr. Mark Yates, County Auditor, stated that the additional \$6.35 per inmate population totals \$202,000.00 for the year, including the amount going retro to October.

Commissioner Wood commented that the federal government was looking into a new method of calculation of payment that might benefit the county.

Mr. Yates stated that the federal government recognizes their need for additional beds, and noted the need to have a long range plans to provide 600 more beds for inmates, funded through revenue bonds. He reiterated that there was a potential for additional revenue to the county if the U.S. Marshal's Offices changes the manner of compensation and if the function can be provided by the county, thus the need to plan for said purposes.

Upon motion duly made by Commissioner Benavides that the Amendment to the Agreement between the U.S. Federal Marshall's Office and Cameron County regarding the reimbursement rates for housing federal detainees be ratified.

The motion was seconded by Commissioner Wood and carried unanimously.

The Agreement is as follows:

(10) **CONSIDERATION AND APPROVAL OF THE
CREATION OF A CLERICAL/DATA ENTRY
POSITION FOR JUSTICE OF THE PEACE PRECINCT
4. (COMM. COURT)**

Judge Hinojosa explained that the County Auditor has been working closely to put together the data entry program for the Justice of the Peace, and has suggested creation of a Clerical/Data Entry Position that addresses the staffing issues at Justice of the Peace Muniz, Precinct No. 4.

Mr. Mark Yates, County Auditor, reported that the data entry program for Justices of the Peace, presently being implemented in La Feria by Computer Center, would require staff to input the data for all Justices of the Peace. He stated that staff was not available in Rio Hondo to perform regular office work, thus suggested that a clerical/data entry position be created to do routine office work and to input Department of Public Safety tickets for all Justices of the Peace.

Mr. Yates noted the need for all Justices of the Peace to be organized with regards to personnel in order to be able to shift it as needed.

Mr. Yates stated that plans were directed towards Justices of the Peace having a computerized system that would eventually migrate to the County and District Courts and into the District Attorney's Office. He stated that better tracking of citations and implementation of the failure to appear program would generate revenues in excess of \$14,500.00 above projected revenues.

Upon motion by Commissioner Benavides, seconded by Commissioner Tamayo and carried unanimously, the creation of a Clerical/Data Entry Position for Justice of the Peace Precinct No. 4 was approved.

The Salary Schedule is as follows:

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

ITEM NO. 11: Mr. Mark Yates, County Auditor, reported that Warrant No. 00133806 was being replaced with Warrant No. 00133809, payable to Smith R. Insurance. He reported that Fund No. 11 was being created for operation of the RMA and that next week the Road and Bridge Fund would be requested to loan \$25,000.00 to the RMA to use as start-up funding. Mr. Yates reported that at the end of the year the Road and Bridge Fund Balance was at \$1.4 million, thus \$25,000.00 could be used as working capital, and that he requested that Legal Counsel draft a reimbursement resolution to be used upon the RMA receiving its own funds, adding that based on this, the county was handling the RMA's basic financial needs as they arise. Judge Hinojosa stated that the Auditor's comment was of significance, referring to Road and Bridge Fund Balance being at \$1.4 million. Mr. Yates stated that Proposition II helped the county build said fund balance. Judge Hinojosa stated that the over-all fund balance was relatively fiscally healthy as a result of the fiscal policies implemented in the last six months.

Commissioner Tamayo moved that the "Travel and Consent Items" be approved inclusive of the late claims and that Item No. 14 be **TABLED**.

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

AYE: Commissioners Benavides, Wood, and Tamayo,

NAY: None

ABSTAIN: Judge Hinojosa as to Warrant No. 00133597, payable to the Laguna Madre Water District, in the amount of \$10,627.60.

- (11) **APPROVAL OF CLAIMS;
The Affidavit follows:**
- (12) **AUTHORIZATION FOR COUNTY JUDGE TO EXECUTE REIMBURSEMENT AGREEMENT BETWEEN CAMERON COUNTY AND THE LOWER RIO GRANDE VALLEY DEVELOPMENT COUNCIL REGARDING THE RADIO INTEROPERABILITY GRANT (TH-EMERGENCY MANAGEMENT);
The Agreement follows:**
- (13) **ADOPTION OF RESOLUTION SUPPORTING THE 2005 COASTAL LEGISLATIVE AGENDA (COMM. COURT);
The Resolution follows:**
- (14) **IN THE MATTER REGARDING AND ADOPTION OF A RESOLUTION OPPOSING HOUSE BILL 775 RELATING TO THE ALLOCATION OF CERTAIN COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM MONEY FOR THE INSTALLATION OF STREET LIGHTS IN COLONIAS (COMM. COURT) (TABLED);**
- (15) **AUTHORIZATION TO AMEND THE SIGNATURE CARD ON THE FOLLOWING ACCOUNT WITH LONE STAR NATIONAL BANK: CAMERON COUNTY, CAMERON COUNTY JAIL, INMATE RELEASE ACCOUNT (EG-TREASURER);
The Resolution follows:**

- (16) **AUTHORIZATION TO OPEN THE FOLLOWING ACCOUNT WITH LONE STAR NATIONAL BANK: CAMERON COUNTY DISTRICT ATTORNEY, MERCHANT BANK CARD (EG-TREASURER);**
- (17) **AUTHORIZATION TO EXECUTE A LICENSE AGREEMENT BETWEEN CAMERON COUNTY AND L.F. DISTRIBUTORS, LTD. TO BRING THE BUDWEISER ROADHOUSE FROM MARCH 7-15, 2005 TO THE LOT IN FRONT OF THE WATER PARK (JM-PARK SYSTEM);**
The Agreement follows:
- (18) **APPROVAL OF CONTRACT WITH LEGAL SERVICES WITH ALEJANDRO DOMINGUEZ TO PROVIDE LEGAL REPRESENTATION FOR PATIENTS IN MENTAL COMMITMENT HEARINGS (COUNTY COURTS AT LAW I, II AND III);**
The Contract follows:
- (19) **AUTHORIZATION TO AWARD THE FOLLOWING BIDS/RFP/ RFQ FOR: (MF-PURCHASING)**
A. WATER TRUCK W/3,000 GAL. TANK TO SOUTH TEXAS FREIGHTLINER
The Tabulation follows:
- (20) **APPROVAL OF PURCHASE WITHOUT PURCHASE ORDER FOR RABA KISTNER IN THE AMOUNT OF \$1,495.45. (PS-DEPT. OF TRANSPORTATION)**
- (21) **AUTHORIZATION FOR PRELIMINARY AND FINAL APPROVAL FOR: (PS-DEPT. OF TRANSPORTATION)**
A. PRECINCT NO. 4- PLANTATION BLUFF SUBDIVISION, BEING 10.00 ACRES OF LAND, MORE OR LESS, COMPRISED OF ALL OF BLOCK 26 AND BLOCK 27, STUART PLACE SUBDIVISION OF SURVEY 295, RECORDED IN VOLUME 5, PAGE 6, MAP RECORDS OF CAMERON COUNTY, TEXAS.

TRAVEL ITEMS

- (22) **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) Justice of the Peace Precinct 2, Place 1, to attend "Court Personnel Seminar", in Austin, Texas, March 2-4, 2005;
 - (B) Justice of the Peace Precinct 1, Place 1, to attend "JP 20 Hour Seminar", in San Antonio, Texas, April 5-8, 2005;
 - (C) Sheriff and two (2) Chiefs to attend the "Texas Commission On Jail Standards Seminar", in San Antonio, Texas, March 7-9, 2005;
 - (D) County Judge Employee, (Gs-County Judge) to visit the Solid Waste Facility Collection Operations of Red River Service Corp. and the County of Madison, in Jackson, Mississippi, March 3-4, 2005;
 - (E) Computer Center Network Administrator to attend "Microsoft Security Guidance Hands-On Lab", in Edinburg, Texas, February 28-March 4, 2005;
 - (F) Computer Center Web Master to attend "SXSW Festivals & Conferences", in Austin, Texas, March 11-16, 2005.
 - (G) Juvenile Probation Employees (2) and Weed and Seed Board Member to attend the "2005 Weed and Seed Grant Application and Training Workshop", in Atlanta, Georgia, March 21-24, 2005;

- (H) Director of Department of Transportation to attend meetings regarding the West Rail and North Rail Projects and other projects submitted for federal funding in Washington, D.C., March 2-4, 2005;
 - (I) Elections Administrator to attend "Focus Group Meeting", in Austin, Texas, March 3, 2005;
 - (J) Department of Health and Human Services Registered Nurse to attend "Nurses Taking Care of Business Training Seminar", sponsored by the Department of Health and Human Services Region VI, in Austin, Texas, March 8-10, 2005;
 - (K) Department of Health and Human Services Veterans Service Officer to attend the "2005 Spring Conference for Veterans Service Officers", in Houston, Texas, March 21-25, 2005;
 - (L) Health Administrator and Emergency Management Technician to attend the "Lower Rio Grande Valley Metropolitan Medical Response System (MMRS) Management Team Meeting", in Roma, Texas, March 3, 2005;
 - (M) Department of Health and Human Services Nutrition Education Coordinator/Breastfeeding Coordinator to attend the "Texas WIC 2005 Nutrition and Breastfeeding Conference", in Austin, Texas, April 18-21, 2005;
 - (N) Pd & M CD Coordinator to attend the "Lower Rio Grande Valley Development Council RRC Ranking & Scoring Meeting", in Port Isabel, Texas, March 3, 2005; and
 - (O) Tax Office Chief Deputy, Manager, San Benito/Rio Hondo Branches and Application Developer, to attend Course #1 (Introduction to the Texas Property Tax System) in San Benito, Texas, March 14-18, 2005.
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- (11) APPROVAL OF CLAIMS.**
The Affidavit follows:

- (12) **AUTHORIZATION FOR COUNTY JUDGE TO EXECUTE REIMBURSEMENT AGREEMENT BETWEEN CAMERON COUNTY AND THE LOWER RIO GRANDE VALLEY DEVELOPMENT COUNCIL REGARDING THE RADIO INTEROPERABILITY GRANT (TH-EMERGENCY MANAGEMENT);**
The Agreement follows:

- (13) ADOPTION OF RESOLUTION SUPPORTING THE 2005 COASTAL LEGISLATIVE
AGENDA (COMM. COURT);
The Resolution follows:**

- (15) AUTHORIZATION TO AMEND THE SIGNATURE CARD ON THE FOLLOWING ACCOUNT WITH LONE STAR NATIONAL BANK: CAMERON COUNTY, CAMERON COUNTY JAIL, INMATE RELEASE ACCOUNT (EG-TREASURER);
The Resolution follows:**

- (17) **AUTHORIZATION TO EXECUTE A LICENSE AGREEMENT BETWEEN CAMERON COUNTY AND L.F. DISTRIBUTORS, LTD. TO BRING THE BUDWEISER ROADHOUSE FROM MARCH 7-15, 2005 TO THE LOT IN FRONT OF THE WATER PARK (JM-PARK SYSTEM);**
The Agreement follows:

- (18) APPROVAL OF CONTRACT WITH LEGAL SERVICES WITH ALEJANDRO DOMINGUEZ TO PROVIDE LEGAL REPRESENTATION FOR PATIENTS IN MENTAL COMMITMENT HEARINGS (COUNTY COURTS AT LAW I, II AND III);
The Contract follows:**

- (19) AUTHORIZATION TO AWARD THE FOLLOWING BIDS/RFP/ RFQ FOR: (MF-PURCHASING)**
A. WATER TRUCK W/3,000 GAL. TANK TO SOUTH TEXAS FREIGHTLINER
The Tabulation follows:

EXECUTIVE SESSION

Upon motion by Tamayo, seconded by Commissioner Benavides and carried unanimously, the Court met in Executive Session at 10:25 A.M. to discuss the following matters:

(23) EXECUTIVE SESSION:

- (A) Confer with Commissioners' Court Legal Counsel concerning the case styled Rolando Garza versus Cameron County in the 103rd District Court; Cause No. 2004-11-5547-D, for discussion on status of case; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(A) & (2);
- (B) Confer with Commissioners' Court Legal Counsel concerning Cameron County versus Bobo Construction Company in the 404th District Court; Cause No. 2002-05-2015-G, to discuss status of case; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(2);
- (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);
- (D) Confer with Commissioners' Court Legal Counsel concerning issues regarding the Cameron County Detention Centers and the Cameron County Sheriff's Administration Building; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(2);
- (E) Deliberation regarding contractual negotiations for Solid Waste Garbage Collection Services in Cameron County on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this Chapter; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071 (2); and
- (F) Confer with Commissioners' Court Legal Counsel concerning the termination of Cellular One Contract; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(2).

Upon motion by Commissioner Tamayo, seconded by Commissioner Benavides and carried unanimously, the Court reconvened into Regular Session at 11:25 A.M. to discuss the following matters:

(24) ACTION RELATIVE TO EXECUTIVE SESSION

- A. Confer with Commissioners' Court Legal Counsel concerning the case styled Rolando Garza versus Cameron County in the 103rd District Court; Cause No. 2004-11-5547-D, for discussion on status of case.**

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

The motion was seconded by Commissioner Tamayo and carried unanimously.

- B. Confer with Commissioners' Court Legal Counsel concerning Cameron County versus Bobo Construction Company in the 404th District Court; Cause No. 2002-05-2015-G, to discuss status of case.**

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

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

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

The motion was seconded by Commissioner Wood and carried unanimously.

- D. In the matter regarding confer with Commissioners' Court Legal Counsel concerning issues regarding the Cameron County Detention Centers and the Cameron County Sheriff's Administration Building. (TABLED)**

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

- E. Deliberation regarding contractual negotiations for Solid Waste Garbage Collection Services in Cameron County on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this Chapter.**

Commissioner Tamayo moved that the Status Report by Mrs. Grace Salinas, County Judge's Office, and Legal Counsel, be acknowledged.

The motion was seconded by Commissioner Wood and carried unanimously.

- F. Confer with Commissioners' Court Legal Counsel concerning the termination of Cellular One Contract.**

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

(8) CONSIDERATION AND POSSIBLE APPROVAL OF AGREEMENT WITH SPRINT PCS FOR MOBILE PHONES FOR COUNTY EMPLOYEES (DW-LEGAL)

Commissioner Tamayo requested clarification of the action to be taken

Mr. Doug Wright, Commissioners' Court Legal Counsel, clarified that arbitration provisions in the contract were pointed out to the court and that they usually, as a policy, do not recommend the signing of contracts under those terms. He added that sometimes the vendors do not modify the contracts to suit the county's desire, thus forcing it to sign it as is. Mr. Wright stated that it was his understanding from the discussion that the court was willing to do this, adding that further attempts would be made to modify the contract.

Commissioner Wood commented that ramifications from the arbitration provisions in this contract would not be as extreme as they might be with other contracts.

Upon motion by Commissioner Benavides, seconded by Commissioner Wood and carried unanimously, the agreement with Sprint PCS for mobile phones for county employees was approved, subject to present negotiations recognizing the arbitration provisions that the county prefers not to be in, but might have to be because of Sprint's position to not remove the provisions, thus the county having to sign the agreement as is.

The Agreement is as follows:

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 11:31 A.M.

APPROVED this 26th day of **April 2005**.

GILBERTO HINOJOSA
COUNTY JUDGE

ATTEST:

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