

THE STATE OF TEXAS           §

COUNTY OF CAMERON         §

BE IT REMEMBERED on the 24<sup>th</sup> day of May 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

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 A.M. He 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 May 20, 2005, at 3:50 P.M.:

NOTE: JUDGE HINOJOSA ARRIVED AT THIS TIME.

**(1) PUBLIC COMMENTS**

Mr. Terry Crocker, Tropical Texas for Mental Health and Mental Retardation (TTMHMR) CEO, informed that increased focus and efforts have been given to funds and grants for purposes of extending and expanding services throughout the valley. He stated that a new position whose primary function was to write grants was created and that its fruits were now being seen. Mr. Crocker stated that Tropical Texas was one of the nine maximum recipients of this year's Hogg Grant, which will allow; servicing people who lost eligibility because of the last legislation to fund expansion of services and training for law enforcement personnel. He thanked the county for assisting in applying for the grant specifically for Cameron County for jail diversion activities, and offered to partner or collaborate with any agency in efforts to increase services; provided through the county's jail system. He informed that an MOU with San Benito ISD, San Benito Police Department, and Cameron County Juvenile Probation was done to apply for a grant for expansion of mental health services in schools. Mr. Crocker stated that they have and will continue to work on transportation issues, law enforcement and with people who have complex mental health issues. He stated that two new Directors would be introduced this evening.

Judge Hinojosa stated that Dr. Thomas Gonzalez was Cameron County's new appointee.

Mr. Crocker stated that Mr. Enrique Saldana was Hidalgo County's new appointee.

Commissioner Garza questioned the delay in processing Dr. Gonzalez into the Board.

Mr. Crocker explained that Dr. Gonzalez had been unavailable during the last Board meeting.

**The Form is as follows:**

# PRESENTATIONS

## (2) **PRESENTATION OF MID-YEAR BUDGET REVIEW AND DISCUSSION REGARDING FY 2005-2006 BUDGET**

Mr. Xavier Villarreal, Budget Officer, reported that the county was doing well as to expenditures across the board in the various departments, except for issues resulting from high fuel costs and high expenditures in indigent healthcare due to high number of claims. He stated that the auditor would address state funding that may be available for indigent healthcare in slow flow rather than in a lump sum, in the amount of \$890,000.00, and that the Health Services District was receptive of assisting with the \$89,000.00 match needed, adding that a formal request could be made during their June meeting.

Commissioner Tamayo questioned the turnaround time from state for indigent healthcare funds.

Mr. Mark Yates, County Auditor, responded that this time could be up to thirty days, and added that about half the resources were left to finish the year.

Commissioner Benavides asked if the county gets the three cent discount gallon offered by local convenient stores.

Mr. Villarreal stated that the county gets a rate below the three cent discount, plus the tax discount given to governmental entities.

Judge Hinojosa stated that apparently the intent to increase and decrease fuel cost was to get the public accustomed to permanent high gas cost, thus suggested that the county adopt a policy for purchasing more fuel efficient vehicles. He stated that Cameron County and Matamoros combined have a significantly large population with many vehicles commuting on its roads and that these would eventually affect the environment. Judge Hinojosa noted the need to examine a bi-national approach to deal with environmental issues resulting from the urban growth that has occurred.

Mr. Yates explained that the county pays the pump price per gallon, less one cent, less the federal tax in the amount of 18.4 cents per gallon, based on the winning bid, adding that the average price paid last week was \$1.92.

Judge Hinojosa asked what the annual cost for fuel was to the county.

Mr. Villarreal responded that the fuel cost totals about \$600,000.00 per year.

Judge Hinojosa asked how much the county pays out in profit margin to convenient stores for fuel.

Mr. Villarreal responded that convenient stores made about a three cent profit per gallon some years back.

Mr. Yates stated that operating an underground fuel system was costing the county about \$.07 a gallon, excluding maintenance, fines and fees. He stated that savings related to time and efforts to drive to remote locations to fuel up were being incurred.

Judge Hinojosa stated that investing in placing fueling stations in key areas of the county and adopting a policy of how vehicles are to be fueled would result in savings to the county. He added that the problem was that the county has not evolved to set up a system by which it can be ensured that vehicle use minimizes the amount of fuel being spent.

Mr. Yates explained that a significant dollar amount of fuel was spent by allowing law enforcement and other employees to commute to and from work in county vehicles and suggested that the fleet manager maintain and fuel vehicles to have them ready for the next officer to use upon the it being parked at a location.

Judge Hinojosa commented that law enforcement has expressed opposition each time the Court has attempted to prohibit use of county vehicles for regular commute.

Mr. Yates stated that law enforcement was the highest gasoline consumer and Public Works was the highest diesel consumer.

Commissioner Garza stated that diesel availability was already centralized so adding the gasoline component should be relatively easy.

Mr. Yates commented that all diesel vehicles were parked at one location, fueled up and ready for use.

Judge Hinojosa noted the need to develop a plan for a centralized system while avoiding the problems expressed by law enforcement.

Mr. Yates stated that another problem relates to precinct personnel not being trained or willing to monitor the underground fuel system causing issues with TCEQ.

Judge Hinojosa noted the need to complete the Vehicle Maintenance Barn, inclusive of a fueling location at the Olmito site.

Mr. Villarreal reported that unexpected increases in the Worker Compensation Premium were addressed and that he was working on the increased Unemployment Premium for which funding was available within lapses salaries. He reported that the Road & Bridge Fund was doing well except for diesel cost; however, a budget amendment was being done to cover costs and to continue to operate for the remainder of the fiscal year. Mr. Villarreal stated that copies of the preliminary certified values showing an 8.6% increase in appraised values received from the Appraisal District were included in the back-up information and that the modified version showing that 11.2% increase in appraised values was just received.

Judge Hinojosa commented that these percentages were irrelevant because legislature might make changes.

Mr. Villarreal stated that the status of the tax or roll back rate was unknown until legislature finalizes the matter. He reported that he has not received the worksheet to calculate the rates for the upcoming fiscal year and that he would provide it upon receipt. Mr. Villarreal requested direction from the court as to its priorities.

Judge Hinojosa commented that the county was facing a tight budget due to the issue with the tax rates, leaving little room for high increases to the budget. He suggested that upon creating any positions that focus be given to law enforcement and perhaps one or two Assistant District Attorneys Positions if feasible, depending on the total revenue from housing of federal inmates being certified by the auditor.

Commissioner Garza recommended that salary increases for county employees be priority, and asked if providing salary increases at this time was possible.

Mr. Villarreal reported that presently the county was housing 326 federal inmates and that projected revenues would be exceeded if said population remains at about 325; however, the population has been very unstable. He stated that any salary increases depend on other revenues and would affect next year's budget, adding that a 3% salary increase for this year would cost about \$1 million.

Commissioner Garza suggested that the possibility of providing salary increases earlier in the year be explored.

Commissioner Tamayo asked how often the inmate population fluctuates.

Mr. Villarreal responded that the population fluctuates on a daily basis.

Judge Hinojosa suggested that the county contribution to the Health Insurance Fund be decreased and that those revenues be placed in the General Fund Reserves. He explained that using the Health Insurance Fund for pay increases was not a good thing because it could decrease quickly upon there being a large draw. Judge Hinojosa stated that moving part of the contribution, if not needed, from the Health Insurance Fund into the General Fund Reserve was wiser in order to build up reserves, and suggested that revenues be examined to determine the possibility of providing salary increases.

Mr. Villarreal stated that the suggestion would be included in the packet for the individual departments.

Judge Hinojosa suggested that Mr. Villarreal and the Tax Assessor meet to determine the number of positions needed to address staffing issues causing the Tax Offices to be closed.

Mr. Villarreal stated that they could review the activity and revenue generated by the individual offices to determine if consolidating was more beneficial.

Mr. Yates presented a report regarding the General Fund Revenues and stated that he prefers to do a presentation next week. He stated that an average of 400 federal inmates was needed to make a sizable contribution to the revenues. Mr. Yates explained that the inmate population was originally budgeted at 285, increased to 385, and later decreased because revenues did not match projections.

Judge Hinojosa asked why INS was not sending their OTMs to Cameron County when its facilities were certified to house them. He encouraged the Sheriff's Department to set up a meeting with INS on the matter.

Mr. Yates suggested that the 3% discount given to tax payers for early payment be examined because it costs the county nearly \$500,000.00 and 36% annual return in investments.

Judge Hinojosa recommended that the issue must be addressed upon the tax freeze taking effect.

Commissioner Garza suggested that the tax freeze for the elderly and disabled be considered.

Upon motion by Commissioner Tamayo, seconded by Commissioner Benavides and carried unanimously, the Presentation of Mid-Year Budget Review and discussion regarding FY 2005-2006 Budget were acknowledged.

**The Report is as follows:**

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(7) **CONSIDERATION AND POSSIBLE APPROVAL OF  
LEGAL SERVICES CONTRACT WITH ATTORNEY  
PAUL GOSSELINK CONCERNING SOLID WASTE  
ISSUES (DW-LEGAL)**

Mr. Doug Wright, Commissioners Court Legal Counsel, recommended approval to enter into a professional service agreement with Attorney Paul Gosselink, also hired by the City of Brownsville.

Upon motion by Commissioner Garza, seconded by Commissioner Benavides and carried unanimously, the Legal Services Contract with Attorney Paul Gosselink concerning solid waste issues was approved, at a cost not to exceed \$5,000.00 to be funded from the Civil Division Budget.

**The Contract is as follows:**

## **EXECUTIVE SESSION**

Upon motion by Commissioner Tamayo, seconded by Commissioner Benavides and carried unanimously, the Court met in Executive Session at 10:27 A.M. to discuss the following matters:

### **(33) EXECUTIVE SESSION:**

- A. Confer with Commissioners' Court Legal Counsel concerning the case styled 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);
- B. 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);
- C. Confer with Commissioners' Court Legal Counsel concerning the proposed Solid Waste Management Facility Site east of Los Fresnos proposed by Consolidated Waste Industries, Inc. on which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Open Meetings Act; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(2);
- D. Confer with Commissioners' Court Legal Counsel concerning issues regarding the Del Mar Heights Buyout Properties; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072;
- E. Deliberation regarding Real Property concerning the concession lease on county property within the Isla Blanca Park A/K/A Sea Ranch Grocery and Tackle; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(2);
- F. Deliberation regarding Real Property concerning the acceptance of the donation of property for the Arroyo City Fire/Law Enforcement Substation; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072; and
- G. Deliberation regarding security devices and the deployment of security personnel or devices for the Cameron County Courthouse Complex and Annexes; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.076.

### **(34) ACTION RELATIVE TO EXECUTIVE SESSION**

Upon motion by Commissioner Garza, seconded by Commissioner Tamayo and carried unanimously, the Court reconvened into Regular Session at 11:35 A.M. to discuss the following matters:

- 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 Administration Building.**

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

The motion was seconded by Commissioner Wood and carried unanimously.



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**D. Confer with Commissioners' Court Legal Counsel concerning issues regarding the Del Mar Heights Buyout Properties.**

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

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**E. Deliberation regarding Real Property concerning the concession lease on county property within the Isla Blanca Park A/K/A Sea Ranch Grocery and.**

Commissioner Garza moved that the Parks & Recreation Department be authorized to advertise for RFPs for the property that Sea Ranch Grocery and Tackle identified as wanting to lease.

The motion was seconded by Commissioner Tamayo and carried unanimously.

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**F. Deliberation regarding Real Property concerning the acceptance of the donation of property for the Arroyo City Fire/Law Enforcement Substation.**

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

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**G. Deliberation regarding security devices and the deployment of security personnel or devices for the Cameron County Courthouse Complex and Annexes.**

Commissioner Garza moved that a Representative of the following departments be appointed committee to review security issues at the Cameron County Courthouse and Annexes:

District Attorney

Legal Counsel

District Courts

Sheriff's Department

Building Maintenance

County Judge's Office – Emergency Management Coordinator

Human Resources

The motion was seconded by Commissioner Tamayo and carried unanimously.

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## 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**

DISCUSSION CONCERNING THE FOLLOWING CONSENT ITEMS:

ITEM NO. 28: Mr. Pete Sepulveda, Department of Transportation Director, recommended selection of Southern Texas Title Company.

Commissioner Garza moved that the "Consent Items" be approved.

The motion was seconded by Commissioner Tamayo and carried unanimously.

- (25) **CERTIFICATION OF MILEAGE FOR COUNTY MAINTAINED ROAD MILEAGE AS REQUIRED BY THE TEXAS DEPARTMENT OF TRANSPORTATION. (PS-DEPT. OF TRANSPORTATION)**
- (26) **APPROVAL OF CHANGE ORDER NUMBER TWO FOR THE PUBLIC UTILITIES BOARD (PUB) UTILITY RELOCATION UNDER THE CAMERON PARK COLONIA STREET, DRAINAGE AND UTILITY IMPROVEMENTS PROJECT. (PS-DEPT. OF TRANSPORTATION)**  
The Change Order follows:
- (27) **AUTHORIZATION TO ALLOW ROBINSON, DUFFY AND BARNARD APPRAISERS TO DO TWO (2) APPRAISAL REPORTS FOR US 77/83 EXPRESSWAY DRAINAGE DITCH WIDENING PROJECT FROM FM 511 TO SH 100 IN THE BROWNSVILLE PRECINCT 2 AREA. (PS-DEPT. OF TRANSPORTATION)**  
The Agreement follows:
- (28) **SELECTION OF A TITLE COMPANY TO DO TITLE COMMITMENTS AND TITLE POLICIES FOR US 77/83 EXPRESSWAY DRAINAGE EASEMENT PROJECT IN THE BROWNSVILLE PRECINCT 2 AREA. (PS-DEPT. OF TRANSPORTATION)**  
The Agreement follows:
- (29) **AUTHORIZATION TO ALLOW SIERRA TITLE COMPANY TO COMPLETE TITLE COMMITMENTS AND POLICIES FOR PRIMERA ROAD. (PS-DEPT. OF TRANSPORTATION)**  
The Agreement follows:
- (30) **AUTHORIZATION TO ENTER INTO AN ADVANCE FUNDING AGREEMENT BETWEEN THE STATE OF TEXAS AND CAMERON COUNTY FOR THE PROPOSED CONSTRUCTION OF THE OUTFALL CHANNELS REQUIRED FOR THE US 77/83 EXPRESSWAY FROM FM 511 TO SH 100 IN THE BROWNSVILLE AREA. (PS-DEPT. OF TRANSPORTATION)**  
The Agreement follows:
- (31) **AUTHORIZATION FOR PRELIMINARY APPROVAL FOR: (PS-DEPT. OF TRANSPORTATION)**  
A. **PRECINCT NO. 3- VICTORIA ESTATES SUBDIVISION, BEING A 21.404 ACRE TRACT OF LAND MORE OR LESS AND BEING THE SOUTH 21.404 ACRE TRACT OUT OF BLOCK ONE (1), OF THE PARKER SUBDIVISION OUT OF PARTITION SHARE 15, OF THE ESPIRITU SANTO GRANT, CAMERON COUNTY, TEXAS ACCORDING TO THE MAP THEREOF RECORDED IN VOL. 4, PG. 40, MAP RECORDS OF CAMERON COUNTY, TEXAS.**

- B.      PRECINCT NO. 4-      BEE'S SUBDIVISION, BEING 5.00 ACRES OF LAND  
OUT OF BLOCK EIGHTEEN (18) AND NINETEEN (19), HOSFELD PARK  
SUBDIVISION, AS SAID SUBDIVISION APPEARS ON SUBDIVISION MAP  
RECORDED IN VOLUME 8, PAGE 24, CAMERON COUNTY, TEXAS.**
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- (26) **APPROVAL OF CHANGE ORDER NUMBER TWO FOR THE PUBLIC UTILITIES BOARD (PUB) UTILITY RELOCATION UNDER THE CAMERON PARK COLONIA STREET, DRAINAGE AND UTILITY IMPROVEMENTS PROJECT. (PS-DEPT. OF TRANSPORTATION)**  
**The Change Order follows:**

- (27) **AUTHORIZATION TO ALLOW ROBINSON, DUFFY AND BARNARD APPRAISERS TO DO TWO (2) APPRAISAL REPORTS FOR US 77/83 EXPRESSWAY DRAINAGE DITCH WIDENING PROJECT FROM FM 511 TO SH 100 IN THE BROWNSVILLE PRECINCT 2 AREA. (PS-DEPT. OF TRANSPORTATION)**  
**The Agreement follows:**

- (28) SELECTION OF A TITLE COMPANY TO DO TITLE COMMITMENTS AND TITLE POLICIES FOR US 77/83 EXPRESSWAY DRAINAGE EASEMENT PROJECT IN THE BROWNSVILLE PRECINCT 2 AREA. (PS-DEPT. OF TRANSPORTATION)**  
**The Agreement follows:**

- (29) **AUTHORIZATION TO ALLOW SIERRA TITLE COMPANY TO COMPLETE TITLE COMMITMENTS AND POLICIES FOR PRIMERA ROAD. (PS-DEPT. OF TRANSPORTATION)**  
**The Agreement follows:**

- (30) **AUTHORIZATION TO ENTER INTO AN ADVANCE FUNDING AGREEMENT BETWEEN THE STATE OF TEXAS AND CAMERON COUNTY FOR THE PROPOSED CONSTRUCTION OF THE OUTFALL CHANNELS REQUIRED FOR THE US 77/83 EXPRESSWAY FROM FM 511 TO SH 100 IN THE BROWNSVILLE AREA. (PS-DEPT. OF TRANSPORTATION)**  
**The Agreement follows:**



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(3) **PRESENTATION BY NORMA TREVIÑO, LABOR READY BRANCH MANAGER, REGARDING TEMPORARY LABOR**

Ms. Norma Treviño, Labor Ready Branch Manager, explained that Labor Ready, located in Brownsville, provides temporary labor services, and requested approval to provide services to the county by becoming a certified vendor for Cameron County. She stated that she spoke with Mr. Joe Vega, Parks & Recreations Department Assistant Director, about needed help in county parks and offered to provide labor services to the county parks on South Padre Island. She stated that the best thing they do is putting people to work, especially from the community of Brownsville, while providing compensation and tax services.

Mr. David Davila, Labor Ready, stated that they hire people from the community and those in transition stages, such as layoff, to work temporary or attempt to hire positions, which enables freeing them from getting assistance from government aid. He stated that they also do attempts to hire, as done with the Cities of Brownsville, Harlingen and San Benito, allowing the entities to try the employees prior to being hired, saving them many pay charges.

Judge Hinojosa stated that county departments must be inquired as to the need and that upon it being identified then others must be allowed to present proposals or bids.

Commissioner Tamayo asked if closed screenings were done to hire qualified people.

Mr. Davila responded in the affirmative and added that criminal background checks were also done.

Commissioner Tamayo expressed concern with a list of items for which the county was held responsible.

Mr. Davila explained that the list was the conditions and services, a basic general form, and that they conform to an entities' vendor agreement when dealing with a governmental entity.

**The Report is as follows:**

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(9) **CONSIDERATION AND AUTHORIZATION TO  
CREATE DISTRICT ATTORNEY POSITION 90-4750  
SLOT 71 AS ASSISTANT DISTRICT ATTORNEY AND  
INCREASE SLOT 07 (AV-DA)**

Mr. Armando Villalobos, District Attorney, requested authorization to separate two positions for purposes of assisting in meeting all duties.

Upon motion by Commissioner Tamayo, seconded by Commissioner Wood and carried unanimously, the creation of District Attorney Position 90-4750 Slot 71 as Assistant District Attorney and increasing to Slot 07 were authorized.

**The Salary Schedule is as follows:**

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(11) **CONSIDERATION AND APPROVAL OF OFFICE ASSIGNMENT AND REORGANIZATION IN THE OLD SHERIFF'S OFFICE. (DG-DA)**

Mr. Armando Villalobos, District Attorney, stated that the Sheriff has been working with his office in attempting to provide needed office space. He stated that many interns and law students can work with them during summer for minimum wage or free to do much work; however, lack office space was an issue. Mr. Villalobos explained that the Sheriff's Department has allowed use of their vacant office, although at some point they will want to use said office.

Judge Hinojosa stated that Mr. Villalobos, Mr. Marcelino Ibarra, Building Maintenance Superintendent, and he have been working to possibly expand and reorganize office space at the District Attorney's Office through Fund 90. He stated that they were also looking at the possibility of building out the over hang area adjacent to the 357<sup>th</sup> District Court to place the Law Library in order to give the District Attorney's Office the library's space since it has the same space.

Mr. Villalobos stated that many issues needed to be addressed and that use of the old sheriff's office was a temporary solution to one concern until details of the construction were determined.

Judge Hinojosa agreed as to the use of space and to making better use of the library.

Mr. Villalobos stated that using the library space was also cost effective.

Commissioner Garza asked if any security issues would derive when using the vacant office space.

Mr. Villalobos responded negatively because the office was already equipped with security features since it was built for the Sheriff's Department.

Mr. Roger Ortiz, Elections Administrator, requested that lobby space used for elections not to be occupied.

Judge Hinojosa stated that the lobby space would not be used.

Mr. Remi Garza, County Administrative Assistant, clarified that relocation of the Bail Bond Office or Election Office was not being done, rather just the temporary use of the old sheriff's office. He requested authorization for doors in the Emergency Management Department to be shifted to make use of the second office in that row.

Commissioner Tamayo moved that the office assignment and reorganization in the old sheriff's office be approved.

The motion was seconded by Commissioner Garza and carried unanimously.

**(13) CONSIDERATION AND SELECTION OF ONE OR MORE PROJECTS FOR APPLICATION TO THE 2005-2006 TEXAS COMMUNITY DEVELOPMENT PROGRAM COLONIA CONSTRUCTION FUND. (FB-PD & M)**

Mr. Frank Bejarano, Project Development & Management Director, informed that Santa Rosa amended their proposal causing it to rank highest. He explained that they would withdraw the proposal and apply for ORCA funds, CDAP Program, making \$500,000.00 available.

Judge Hinojosa suggested that the North Alamo and Olmito projects be selected and that funds be divided.

Mr. Bejarano explained that the agreement was for both projects and that the \$500,000.00 would be divided on a prorated basis and that the water providers would make up the difference in cost.

Upon motion by Commissioner Tamayo, seconded by Commissioner Garza and carried unanimously, the selection of the North Alamo and Olmito projects for application to the 2005-2006 Texas Community Development Program Colonia Construction Fund was approved.

**The Report is as follows:**

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(6) **CONSIDERATION AND POSSIBLE ACTION  
REGARDING THE PROPOSED DEVELOPMENT OF  
SOLID WASTE MANAGEMENT FACILITY IN  
CAMERON COUNTY (COMM. COURT)**

Judge Hinojosa informed that a county landfill information center was set up, at the following: [www.co.cameron.tx.us/landfill.htm](http://www.co.cameron.tx.us/landfill.htm). He requested that people provide their names, address and e-mails for purposes of providing them with needed information.

**The Report is as follows:**

**C. Confer with Commissioners' Court Legal Counsel concerning the proposed Solid Waste Management Facility Site east of Los Fresnos proposed by Consolidated Waste Industries, Inc. on which the duty of the attorney to the governmental body under The Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Open Meetings Act.**

Mr. Doug Wright, Commissioners Court Legal Counsel, read the first motion to be that "the county has both the responsibility and the authority to protect the public health, safety and welfare by designating where solid waste disposal can and cannot occur within the county, pursuant to the authority of the Texas Health and Safety Code, Sections 363.112 and 364.012. In consideration of this responsibility and authority you need to have a motion made in open meeting to initiate action on a solid waste siting ordinance. That is an ordinance prohibiting solid waste disposal in certain locations in the county. The purpose of the ordinance would be to designate where solid waste disposal can and cannot occur to protect and promote the public health, safety and welfare by ensuring that all solid waste disposal occurs where it is most appropriate considering land use and other factors affecting the public interest. Specifically the motion before the court should authorize the publication of the draft solid waste siting ordinance presented by myself, and the scheduling of a public hearing to occur on June 3 2005. At the public hearing the county will take testimony from all interested persons. At the conclusion of the public hearing the county intends to take action on the ordinance to pass it as published or to modify it in response to the public testimony."

Judge Hinojosa asked if a finding must be made prior to the motion or if the motion would be made as proposed, and if the proposed ordinance was available.

Mr. Wright recommended that the motion be done as proposed and indicated that the ordinance was being done pursuant to discussions in Executive Session and should be available by 1:30 pm.

Commissioner Garza moved that the publication of the Draft Solid Waste Siting Ordinance presented by Legal Counsel and the scheduling of a public hearing to occur on June 3, 2005, be authorize.

The motion was seconded by Commissioner Tamayo and carried unanimously.

**The Order is as follows:**

Judge Hinojosa proposed that the public hearing be scheduled for June 3, 2005, at the courthouse at 5:30 pm in the courthouse.

Mr. Wright stated that another motion was needed pursuant to discussions in Executive Session. He stated that “the county considered whether it was required to perform a take-ins impact assessment prior to taking action on the solid waste ordinance. It was determined that there is no legal requirement to perform a TIA or publish any summary of the TIA for the reason that the proposed ordinance is exempt from the Texas Private Real Property Rights Preservation Act. The county voluntarily performed the TIA anyway, and determined that the proposed ordinance would not constitute a taking under the Texas Statements Act or under the United States or Texas Constitutions. However, we need a motion, as a matter of courtesy, that the county authorizes its staff to publish a summary of the TIA that has been performed even though there is no legal requirement to perform this and to publish this summary in a paper similar to what we’re doing on the order itself. We will be prepared to allow any interested persons to provide comments on the TIA at the June 3 Public Hearing.”

Upon motion by Commissioner Tamayo, seconded by Commissioner Benavides and carried unanimously, the publication of the summary of the TIA was authorized.

**The Summary is as follows:**

**(10) CONSIDERATION AND AUTHORIZATION TO NEGOTIATE A 457 SERVICE AGREEMENT WITH A.G. EDWARDS, ONE SOURCE, REPRESENTATIVES OF ING GROEP, NV FOR THE CAMERON COUNTY DEFERRED COMPENSATION AND SALARY ALLOTMENT PLANS. (MV-HUMAN RESOURCES)**

Mr. Manuel Villarreal, Human Resources Director, informed that the committee met and recommended approval of selection of ING Groep for the Cameron County Deferred Compensation and Salary Allotment Plans.

Commissioner Benavides moved that negotiations for the 457 Service Agreement be authorized with A.G. Edwards, One Source, Representatives of ING Groep, NV for the Cameron County Deferred Compensation and Salary Allotment Plans.

The motion was seconded by Commissioner Tamayo.

Commissioner Garza asked if ING Groep was the only company that presented proposals.

Mr. Villarreal responded that two companies already provide services, Valic and Nationwide, and that the companies come individually to be certified vendors. He explained that the county has the option to add or replace an existing company.

Judge Hinojosa suggested that the existing companies be replaced.

At this time there was a discussion concerning the ability to replace existing companies and the need for employees to have the option to select from amongst the services.

Judge Hinojosa suggested that the replacement be approved subject to the individual employees.

Mr. Eddie Gonzalez, County Treasurer, stated that the original proposal was that they would provide all services; however, the consensus of the committee was to add the company as a certified vendor.

The ING Groep Representative explained that the county was responsible for providing the best plan to employees, and that they were proposing to do a qualified plan.

Commissioner Wood stated that to his understanding Valic and Nationwide were not complying with IRS requirements.

Commissioner Garza expressed concern with discussing an issue not on the agenda.

Mr. Doug Wright, Commissioners Court Legal Counsel, stated that the committee was impressed with the presentation made by ING Groep and recommended that they be added as a certified vendor. He explained that there was a strong concern in dictating to employees where to place their money and that the county can work towards having only one company providing services to county employees.



Judge Hinojosa asked that the motion be modified to allow the county to bring in ING Groep, to notify employees enrolled with Valic and Nationwide that ING Groep would be available and of the difference amongst the companies and that employees be allowed to choose to stay with the company or to go with ING Groep. He added that the notice must show that the administrative fees will be lower, that the number of companies will be higher and that each individual employee be given the option to stay with present company or to go to the new company.

Commissioner Tamayo expressed opposition towards dictating to employees as to what agency to use.

Mr. Wright stated that ING Groep's proposal to waive the administrative charge was contingent to it being a sole representative.

Commissioner Benavides moved that the addition of A.G. Edwards, One Source, Representatives of ING Groep, NV for the Cameron County Deferred Compensation and Salary Allotment Plans be approved, that each employee enrolled with Valic and/or Nationwide be notified that A.G. Edwards, One Source, Representative of ING Groep, offers an administrative fee lower than the current companies and more options in terms of companies to invest in and that employees be allowed to choose.

Mr. Xavier Villarreal, Budget Officer, clarified that the fees were lower only if A.G. Edwards, One Source, Representatives of ING Groep, NV was the sole provider.

The ING Groep Representative stated that the fee would be between 5% and 10% and perhaps dropped when they become exclusive provider.

Mr. Remi Garza, County Administrative Assistant, stated that the fee could be addressed in the negotiations.

Mr. Wright advised that a cost would be incurred by the employee when switching.

Commissioner Garza requested to be informed by legal counsel on issues concerning the other companies serving the county.

Commissioner Benavides moved that the addition of A.G. Edwards, One Source, Representatives of ING Groep, NV for the Cameron County Deferred Compensation and Salary Allotment Plans be approved, that each employee enrolled with Valic and/or Nationwide be notified that A.G. Edwards, One Source, Representative of ING Groep, offers an administrative fee lower than the current companies and more options in terms of companies to invest in, and that the employee can make that choice.

The motion was seconded by Commissioner Tamayo and carried unanimously.

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**(14) CONSIDERATION AND ACTION REGARDING THE POSSIBLE LOCATION OF THE TWO DONATED PORTABLE BUILDINGS (MI-BUILDING MAINTENANCE)**

Judge Hinojosa informed that the sheriff expressed concern with placing a portable building next to the Sheriff's Department, and that the Building Maintenance Superintendent would prepare a plan for possible placement of a block building to house the pretrial release. He recommended that one portable building go to the La Feria Family Learning Center.

Upon motion by Commissioner Benavides, seconded by Commissioner Tamayo and carried unanimously, the location of one donated portable building to the La Feria Family Learning Center was approved.

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**(8) CONSIDERATION AND POSSIBLE ACTION REGARDING THE CAMERON COUNTY LEGISLATIVE AGENDA, TO INCLUDE PASSAGE OF RESOLUTIONS IN SUPPORT OF OR IN OPPOSITION TO CERTAIN LEGISLATION AFFECTING THE COUNTY'S INTEREST (VDL-COUNTY JUDGE)**

Judge Hinojosa informed that the Senate and House passed legislation pertaining to the hearing officer; however, they were not the same. He explained that the Senate mandates that the hearing officer be a lawyer with four years experience, whereas the House does not have this requirement. Judge Hinojosa explained that Senator Lucio attempted to keep language requiring four years experience or a justice of the peace with more than five years experience, but Senator Jeff Wentworth expressed opposition and legislation was passed requiring that hearing officers be a licensed attorney with four years experience. He stated that he would present a proposal on the hiring of a hearing officer similar to how District Courts operated with appointed attorneys, on contract basis, and to modify the budget to achieve what was now being achieved meeting state mandates.

Judge Hinojosa reported that legislation regarding the change of location of the Health Services District facility to Brownsville was in the consent in the House, guaranteeing its passage. He stated that legislation for local government to have ordinance making ability was denied.

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

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**(6) CONSIDERATION AND POSSIBLE ACTION  
REGARDING THE PROPOSED DEVELOPMENT OF  
SOLID WASTE MANAGEMENT FACILITY IN  
CAMERON COUNTY (COMM. COURT)**

**C. Confer with Commissioners' Court Legal Counsel concerning the proposed Solid Waste Management Facility Site east of Los Fresnos proposed by Consolidated Waste Industries, Inc. on which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Open Meetings Act.**

Commissioner Tamayo moved that the Budget Officer be directed to reprogram funds within the Civil Division Budget to fund publications of the proposed Draft Solid Waste Siting Ordinance and summary of the TIA.

The motion was seconded by Commissioner Wood and carried unanimously.

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NOTE: JUDGE HINOJOSA LEFT THE MEETING AT THIS TIME.

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

Upon motion by Commissioner Wood, 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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- (5) **APPROVAL OF MINUTES FOR:**  
A. **MARCH 8, 2005-REGULAR MEETING**  
B. **MARCH 15, 2005-REGULAR MEETING**  
C. **MARCH 22, 2005-REGULAR MEETING**

Commissioner Tamayo moved that the Minutes of the Regular Meetings held on March 8, 2005, March 15, 2005, and March 22, 2005 be approved.

The motion was seconded by Commissioner Wood and carried unanimously.

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- (12) **CONSIDERATION AND APPROVAL OF PERSONNEL POLICY CHANGES ON SECTION 9.04 SICK LEAVE, AMENDING ACCRUAL OF SICK LEAVE FROM EIGHT HOURS PER MONTH TO 6.67 HOURS PER MONTH AND 12.03 DISCIPLINE SUSPENSION FOLLOWING INDICTMENT (MV-HUMAN RESOURCES)**

Mr. Manuel Villarreal, Human Resources Director, explained that changes were for clarification purposes regarding sick leave and that revised policy manuals would be provided to county personnel. He stated that one change was a correction to the second paragraph to clarify that issues may be resolved when brought before legal counsel or commissioners' court and another relates to "suspension following indictment" would read "suspension with pay."

Upon motion by Commissioner Wood, seconded by Commissioner Tamayo and carried unanimously, the Personnel Policy changes on Section 9.04 Sick Leave, amending accrual of sick leave from eight hours per month to 6.67 hours per month and 12.03 Discipline Suspension following indictment were approved.

**The Policy 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

Commissioner Tamayo moved that the "Travel and Consent Items" be approved.

The motion was seconded by Commissioner Wood and carried unanimously.

- (15) **APPROVAL OF CLAIMS.**
- (16) **ACCEPTANCE OF THE FY 2005 EMERGENCY MANAGEMENT PERFORMANCE GRANT. (TH-EMERGENCY MANAGEMENT)**  
**The Notice follows:**
- (17) **APPROVAL OF A SHORT TERM LEASE WITH THE CATHOLIC DIOCESE OF BROWNSVILLE FOR THE SANTA MARIA CATHOLIC CHURCH. (DJV-LEGAL)**  
**The Lease follows:**
- (18) **AUTHORIZATION TO ISSUE A BEACH VENDOR PERMIT TO FRANCISCO TORRES, D/B/A EL REY DEL ELOTE #3. (JM-PARK SYSTEM)**
- (19) **AUTHORIZATION TO ISSUE A BEACH VENDORS' PERMIT TO BRENNAN AND MISTY WELLS, D/B/A WELLS RENTALS. (JM-PARK SYSTEM)**
- (20) **AUTHORIZATION TO ISSUE A BEACH VENDORS' PERMIT TO MELISSA BROWN, D/B/A SUNSHINE EXPRESS. (JM-PARK SYSTEM)**
- (21) **AUTHORIZATION TO ISSUE A BEACH VENDORS' PERMIT TO JAIME SALAZAR, D/B/A RUBY'S ELOTES #2. (JM-PARK SYSTEM)**
- (22) **AUTHORIZATION TO EXECUTE A COASTAL LEASE AGREEMENT NO. CL20050007, BETWEEN CAMERON COUNTY AND THE TEXAS GENERAL LAND OFFICE FOR THE CONSTRUCTION OF A BIRD WATCH PLATFORM AT LAGUNA HEIGHTS REGIONAL PARK. (JM-PARK SYSTEM)**  
**The Lease follows:**
- (23) **AUTHORIZATION TO EXECUTE A RENEWAL OF COASTAL LEASE AGREEMENT NO. CL930001, BETWEEN CAMERON COUNTY AND THE TEXAS GENERAL LAND OFFICE FOR THE CONSTRUCTION OF A BIRD WATCH AND NATURE TRAIL AT LAGUNA HEIGHTS REGIONAL PARK. (JM-PARK SYSTEM)**  
**The Lease follows:**
- (24) **AUTHORIZATION TO RENEW THE FOLLOWING BIDS/RFP'S: (MF-PURCHASING)**
  - A. **SAFETY GLASSES: PRESCRIPTION – ANNUAL BID #2610 TO HERMAN'S OPTICAL**
  - B. **AUDIT, ANALYSIS & RECONCILIATION OF UTILITY RATES & BILLINGS – ANNUAL RFP #1221-2 TO GULF COAST UTILITIES**

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## TRAVEL ITEMS

**(32) 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. Civil Legal Division Legal Counsel to attend the AIA Contracts Documents Seminar,” in Corpus Christi, Texas, June 22, 2005;
  - B. Tax Assessor-Collector and Administrative Assistant to attend the “2005 Tax Assessor-Collectors Association of Texas 51<sup>st</sup> Annual Conference,” in Round Rock, Texas, June 11-16, 2005;
  - C. Assistant Fire Marshal I to do “Fire Inspector Re-Examination”, in Austin, Texas, May 22-23, 2005;
  - D. County Judge’s Office employee to meet with TCEQ regarding format for public comments on proposed landfill application and meet with legislative offices regarding letters of support/resolutions connected with legislation in Austin, Texas, May 16, 2005;
  - E. Unified Narcotics Intelligence Task Force employee to attend the “I2 User’s Conference Alexandria,” in Virginia, April 3-8, 2005;
  - F. Department of Health and Human Services Epidemiologist, Licensed Vocational Nurse and Public Health Technician to attend the “Southwest Conference on Diseases in Nature Transmissible to Man,” in College Station, Texas, June 1-3, 2005;
  - G. G.I.S. Coordinator and Cartographer to attend the “Continuation Education Courses,” in Long Beach, California, June 24-30, 2005;
  - H. Juvenile Probation employees (4) to attend “9<sup>th</sup> Annual Drill Instructor Institute,” in Austin, Texas, July 10-15, 2005;
  - I. Juvenile Probation employees (2) to attend “Mental Health Officer Training,” in Weslaco, Texas, June 7-9, 2005;
  - J. Juvenile Probation employees (4) to attend “Texas Juvenile Probation Commission’s Budget Workshop,” in Austin, Texas, July 5-6, 2005; and
  - K. Juvenile Probation employees (2) to attend the “National Institute of Corrections, Training for Training Coordinators,” in Huntsville, Texas, May 22-27, 2005.
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- (16) ACCEPTANCE OF THE FY 2005 EMERGENCY MANAGEMENT PERFORMANCE GRANT. (TH-EMERGENCY MANAGEMENT)**  
**The Notice follows:**

- (17) APPROVAL OF A SHORT TERM LEASE WITH THE CATHOLIC DIOCESE OF BROWNSVILLE FOR THE SANTA MARIA CATHOLIC CHURCH. (DJV-LEGAL)**  
**The Lease follows:**



- (22) **AUTHORIZATION TO EXECUTE A COASTAL LEASE AGREEMENT NO. CL20050007, BETWEEN CAMERON COUNTY AND THE TEXAS GENERAL LAND OFFICE FOR THE CONSTRUCTION OF A BIRD WATCH PLATFORM AT LAGUNA HEIGHTS REGIONAL PARK. (JM-PARK SYSTEM)**  
**The Lease follows:**

- (23) AUTHORIZATION TO EXECUTE A RENEWAL OF COASTAL LEASE AGREEMENT NO. CL930001, BETWEEN CAMERON COUNTY AND THE TEXAS GENERAL LAND OFFICE FOR THE CONSTRUCTION OF A BIRD WATCH AND NATURE TRAIL AT LAGUNA HEIGHTS REGIONAL PARK. (JM-PARK SYSTEM)**  
**The Lease follows:**

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There being no further business to come before the Court, upon motion by Commissioner Tamayo, seconded by Commissioner Wood and carried unanimously, the meeting was **ADJOURNED** at 12:27 P.M.

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**APPROVED** this 30<sup>th</sup> day of **August 2005**.

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

**ATTEST:**

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