

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 15<sup>th</sup> day of July 2005, there was conducted a SPECIAL 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:

PRESENT:

1:30 P.M.

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

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The meeting was called to order by Judge Hinojosa at 1:43 P.M. 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 July 12, 2005, at 1:07 P.M.:

## **ACTION ITEMS**

**(1) CONSIDERATION AND POSSIBLE ACTION REGARDING THE ACQUISITION OF UTILITY BILLING SOFTWARE AND/OR ITEMS RELATED TO SETTING UP BILLING PROCEDURES FOR THE CAMERON COUNTY SOLID WASTE COLLECTION SYSTEM. (COMM. COURT)**

Judge Hinojosa reported that Mrs. Grace Salinas, County Judge's Office, was contacted by E. Rio Hondo Water District Director to possibly reinstate discussions about them doing the billing.

Mrs. Grace Salinas, County Judge's Office, stated that the East Rio Hondo Water District Board would meet on Monday, July 18, 2005, at 7:00 P.M., to discuss the matter.

Judge Hinojosa asked Mr. Simpson indicated that he would recommend doing the billing.

Mrs. Salinas responded in the affirmative.

Judge Hinojosa proposed that the county do the billing for the 2,000 to 5,000 water wells listed as none water district accounts in order to have one agency doing the billing instead of it being done by Red River Services Corporation as had been agreed. He stated that the said accounts and the 6,800 East Rio Hondo Water Supply accounts total between 12,000 and 15,000 accounts, adding that the total none water district accounts was unclear because of possible duplicate addresses. Judge Hinojosa commented that East Rio Hondo processing the billing was best because their established relations with clients would result in a more efficient system. He reiterated his proposal for none water district accounts to be billed by the county since a division was in place and the county was able to bill \$1.00 per account.

Commissioner Wood commented that the division was not in place as of yet, and that billing a \$1.00 for each account lacking water billing services might be more expensive because a hard copy bill must be generated and mailed, adding that the administrative cost could total about 30% of each dollar even once a billing system was set up.

Mrs. Salinas suggested that water supply districts be requested to consider a special billing process for water well customers within their districts.

Judge Hinojosa objected because water districts were hesitant to do the billing as is and preferred that they not be added an additional burden. He explained that an issue needing to be resolved was whether to authorize the Purchasing Department to provide three quotes for billing services and to decide on selection of a vendor next week and the capacity of the software or not to do this. Judge Hinojosa suggested that, in his opinion, the court must

move forward on the matter and that the adequate software with the capacity to bill numerous accounts must be purchased.

Mr. Mark Yates, County Auditor, explained that garbage collections services have a flat fee plus a sales tax of 6.25% that must be charged and remitted to state since it was a taxable service.

Judge Hinojosa asked if the sales tax was included in the service cost.

Mr. Yates stated that the County's Integrating Accounting System, in office, has an Accounts Receivable Module that is not used much and that a demonstration of the same was scheduled for Monday at 10:30 A.M. He stated that the vendor who handles the software package indicated that the software can handle garbage collections, and added that using the software for fees and collections made by the Engineering Office were discussed with Mr. Pete Sepulveda, Department of Transportation Director, and Mrs. Blanca Betancourt, Right-of-Way Agent. Mr. Yates stated that the software can generate a routine set of billing, inclusive of sales tax, and that the needed infrastructure to do the billing was in place. He stated that the process would require that data be received from the ten water districts in order to combine it with that of the county's to compare it to the services provided by Red River Services Corporation to make sure that the number of units served equals the number of units billed.

Judge Hinojosa questioned whether the sales tax was included in the \$18.80 service cost already presented to the public because otherwise this would add another dollar to this amount.

Mrs. Salinas stated that the question was brought to her attention by the Brownville Public Utility Board about a month ago and that she referred the matter to the County Auditor via e-mail.

Mr. Yates stated that he did not see the e-mail.

Judge Hinojosa asked how the court was just now learning that the base amount represented to the public must now be added an additional dollar in sales tax and questioned how this was overlooked.

Mrs. Salinas responded that the matter never came up and she was not aware that the county must pay any kind of tax.

Commissioner Wood clarified that the county was not paying the tax, but rather was merely collecting the state sales tax.

Mr. Yates clarified that water services was not a taxable service because it was consumable versus garbage collection services being taxable.

Commissioner Benavides asked why the court was not informed of this by Red River Services Corporation.

Mr. Yates stated that the consultant hired by the county should have been on top of these issues.

Mrs. Salinas commented that Brownville Public Utility Board includes city and state sales taxes in their billing.

Judge Hinojosa asked if sales tax was charged on the base amount or on the total amount including the administrative fee.

Mr. Yates responded that the sales tax must be charged on the total cost. He noted the need to work with the water districts in collecting the sales tax that must be remitted to the county because they normally do not bill for this.

Commissioner Wood asked if water districts would keep the \$1.00 fee upfront.

Mrs. Salinas responded in the affirmative.

Judge Hinojosa asked if that \$1.00 was taxable.

Commissioner Wood responded that the \$18.80 fee would be charged in addition to the sales tax.

Mr. Yates asked if water well customers would be charged the \$1.00 administrative fee, in addition to the \$0.85 fee.

Commissioner Wood responded in the affirmative.

Mr. Yates stated that based on the scheduled meeting it would be known if the county has software that can do the billing, and that according to the vendor a cast-certified billing system can be set up, this being a postage mailing sorted by postage zip codes. He noted the need to establish late payment charges and related days and that they be approved by the court. Mr. Yates stated that the credit card payment system used by Justices of the Peace could be added a feature for payment of waste collection services via online if desired by the court. He reiterated that the county has the basic infrastructure needed to handle this situation.

Commissioner Wood indicated that a place to make cash payments was needed.

Judge Hinojosa stated that Tax Offices located in Los Fresnos, Rio Hondo, La Feria, and Harlingen would be set up to receive cash payments.

Commissioner Wood stated that someone cannot be penalized with late fees when a Tax Office was closed due to employees being out on vacation.

Mr. Yates stated that payments due on days that an office is to be closed would automatically change to the next business day, noting that the fee structure would be worked with Legal Counsel and brought back to the court, adding that some water districts have these policies in place.

Judge Hinojosa suggested that Mr. Yates advise the court by Tuesday if the billing could be done or that he present recommendation on possible software that could be purchased.

Mrs. Salinas briefed as to a software demo viewed yesterday that is windows based program costing about \$30,000.00, and stated that she would highly recommend the software.

Mr. Remi Garza, County Administrative Assistant, stated that the maintenance fee associated with the software would fluctuate in accordance to the number of accounts, and that the vendor also provides billing services as an option.

Mr. Jaime Guillen, County resident, asked if the water companies have the authority to refuse services if garbage collection services are not paid.

Commissioner Wood responded in the affirmative.

Mr. Guillen expressed concern with the additional fees for garbage collection services, and questioned why water companies were given this authority.

Commissioner Wood explained that State gave water companies authority and the county was contracting with them on that basis.

Mr. Guillen asked why the county did not put the matter for the people to vote on.

Judge Hinojosa clarified that an intention was made to conduct a referendum vote but the Attorney General's Office objected. He added that four public hearings were held, in addition to many efforts, to inform the public and that the response from the public hearings was in favor of the garbage collection services in rural areas.

Mrs. Salinas stated that hardship cases could be considered on a one to one basis and that possible supplemental programs for low income people could be looked at.

Judge Hinojosa stated that most rates would decrease and services would increase based on the county-wide contract.

Commissioner Benavides asked if the people that have paid the three months advance fee charged by other waste collection companies would be reimbursed.

Mrs. Salinas responded that situations vary because some people have contracts that allow termination of the same and that an excuse performance, such as the Order issued by the county for exclusivity, allows for termination of contracts. She added that letters were sent to different providers for them to cease solicitation of contracts and to pick-up their bins in order for the new company that was awarded the contract to deliver their bins.

Commissioner Wood asked if customers would get reimbursed payments made in advanced.

Mrs. Salinas responded in the affirmative.

Judge Hinojosa stated that the court would work on the issues and that they would do the best to help people in the county.

Upon motion by Commissioner Wood, seconded by Commissioner Tamayo and carried unanimously, the discussion regarding the acquisition of utility billing software and/or items related to setting up billing procedures for the Cameron County Solid Waste Collections System was acknowledged.

## TRAVEL ITEMS

(2) **CONSIDERATION AND AUTHORIZATION TO TRAVEL/OR APPROVAL OF TRAVEL EXPENSE FOR THE FOLLOWING (PLEASE NOTE: TRAVEL REQUESTS ARE SUBJECT TO ALL APPLICABLE COUNTY POLICIES):**

Commissioner Tamayo moved that the "Travel Item" be approved.

The motion was seconded by Commissioner Wood and carried unanimously.

- A. Elections Administrator and Computer Programmer to attend the "Texas Elections Administrators Management Team Application Meeting," in Austin, Texas, July 18, 2005.

## EXECUTIVE SESSION

Upon motion by Commissioner Benavides, seconded by Commissioner Tamayo and carried unanimously, all Executive Session Items were **TABLED**.

(3) **EXECUTIVE SESSION:**

- A. In the matter regarding 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); **(TABLED)**
- B. 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; pursuant to Vernon Texas Code Annotated (V.T.C.A.) Government Code, Section 551.071(2). **(TABLED)**

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

- A. **Confer with Commissioners' Court Legal Counsel concerning Cameron County versus Faulkner, USA formerly known as Landmark.**
- B. **confer with Commissioners' Court Legal Counsel concerning issues regarding the Cameron County Detention Centers and the Cameron County Sheriff's Administration Building.**
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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 2:24 P.M.

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**APPROVED** this 8<sup>th</sup> day of **November 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**