

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 26th day of July 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:

The meeting was called to order by Judge Hinojosa at 9:30 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 July 22, 2005, at 4:18 P.M.:

Judge Hinojosa commended the efforts of all those who helped in preparing and during Hurricane Emily, many being county employees from throughout county departments, among them the Department of Transportation for having needed sandbags available promptly and the Department of Health and Human Services for opening shelters throughout the county and for having nurses available at the shelters. He stated that the only place where shelters were unavailable was in the City of Harlingen because they opted not to open shelters even though the county requested that shelters be opened and clarified that the county was not in agreement to not open these shelters contrary to what the press indicated. Judge Hinojosa stated that shelters were opened everywhere else that they were requested and were well utilized. He thanked Hidalgo County, the Hidalgo County Red Cross and school districts for accommodating about 1,500 Cameron County residents that relocated there for safety during the storm, as was recommended. He thanked the Sheriff's Department for providing patrol; the Building Maintenance Department for securing all county buildings and for ensuring that the EOC was set up; Computer Center for ensuring that all was in order and operating; and Mrs. Aurora De La Garza, District Clerk, and staff for manning the shelter next door for families of employees who were working. Judge Hinojosa thanked the many agencies that helped, among them: The Salvation Army, INS, State Homeland Security, U.S. Border Patrol and U.S. Customs. He thanked his staff for being present during the whole time, and congratulated local officials from small cities for doing an outstanding job.

Judge Hinojosa stated that State Emergency Management staff was very informative via telephone conferences held on a regular basis and had everything in place to ensure that help would arrive immediately if needed. He recognized Alex Camacho for being present the whole time at the EOC, noting that this was the first time a state officials was present during the whole time the EOC was activated.

Judge Hinojosa stated that the editorial in The Brownsville Herald never ceases to amaze him because it wrote that "at least one shelter reportably felt the need to turn people away after their rooms were filled, leaving some families out looking for other places to stay and into the high winds, pelting rains and flying debris brought by the hurricane." He stated that the county does not know of anyone who was turned away during the storm and that in fact not one shelter in Brownsville was filled to capacity. He stated that the newspaper also wrote that the county ran out of sandbags, when in fact 85,000 sandbags were distributed, they never ran out, and clarified that the bags were distributed up until weather prohibit doing so. Judge Hinojosa stated that this editorial was another example of how irresponsible this newspaper can be in making things up, rather than working with the community to deal with the issues. He stated that he makes mention of this because it was unfair for them to write these things with no factual basis whatsoever when the Department of Transportation and the Department of Health and Human Services worked their hearts out to ensure that everything and everyone was taken care of.

Commissioner Wood commented that the editorial also states that the City of Brownsville also ran out of sandbags, when it normally gives only between 30,000 and 40,000 sandbags yet this time they distributed 152,000 sandbags, adding that perhaps The Brownsville Herald would like to let them know how many sandbags should be given out. He thanked the Parks and Recreation Department for the great job done on South Padre Island and the rest of the county. Commissioner Wood commented that it was amazing to see what people can do when they work together to protect all of us, and that although we did not get a direct hit, the preparations were excellent training opportunity. He thanked everyone who participated and expressed gratitude to all employees and people of Cameron County that did an excellent job.

Commissioner Tamayo recognized volunteers from small communities.

Judge Hinojosa thanked the prisoners of Cameron County for filling many sandbags.

Commissioner Benavides thanked the little guy that worked till late hours in filling sandbags with shovels. He asked that employees be paid cash rather than overtime if State reimbursement was obtained.

Judge Hinojosa stated that State Funds would not be available because the county was not declared disaster area. He stated that he recommended to the Budget Officer that employees who worked during the days of the hurricane throughout the weekend and overtime be paid time and half and that employees who worked on the days the court closed be paid comp time.

Commissioner Benavides thanked all people who volunteered to help during the Hurricane.

Judge Hinojosa also recognized Mr. Mark Yates, County Auditor, for assisting in all needed purchases and for staying a step ahead as to ordering sandbags.

Judge Hinojosa stated that our neighbors to the south were not as fortunate because they got a direct hit by Hurricane Emily, and recognized Mrs. Aurora De La Garza, District Clerk, Reverend Bob Clark and Sheriff Omar Lucio for their efforts in getting food and supplies to the people in Mexico affected by Hurricane Emily's direct impact, noting that Mrs. De La Garza has worked tirelessly to organize these efforts. He requested that these people be kept in our prayers to make sure that they can get through this difficult times.

Commissioner Garza requested that residents save sandbags until the end of October in case they are needed.

(1) **PUBLIC COMMENTS**

None were presented.

PRESENTATIONS

(2) **PRESENTATION AND/OR ACKNOWLEDGEMENT OF
THE CAMERON COUNTY INVESTMENT REPORT
FOR THE QUARTER END OF MARCH 31, 2005. (EG-
TREASURER)**

Mr. Eddie Gonzalez, Cameron County Treasurer, reported that the county appeared to be keeping within its certified budgeted revenues for the first six months and that interest rates were currently 3.4%.

Commissioner Tamayo questioned what "Border Children" made reference to.

Mr. Mark Yates, County Auditor, responded that Border Children Fund was a special grant program, yet he does not have details available at this time.

Upon motion by Commissioner Tamayo, seconded by Commissioner Benavides and carried unanimously, the Cameron County Investment Report for quarter ending on March 31, 2005, was acknowledged.

The Report is as follows:

ACTION ITEMS

**(3) 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 Garza and carried unanimously.

The documents are as follow:

(4) APPROVAL OF CLAIMS.

Mr. Mark Yates, County Auditor, presented the following late claim: Warrant No. 00141867, payable to Swetnam Insurance Services, in the amount of \$91,071.42 for Business Risk and physical structure damage at the International Toll Bridges, noting that income up \$17 million was insured.

Upon motion by Commissioner Benavides, seconded by Commissioner Garza and carried unanimously, the Claims were approved.

The List is as follows:

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

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

(6) **CONSIDERATION AND APPROVAL OF AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF BROWNSVILLE, TEXAS, AND THE CAMERON COUNTY TAX ASSESSORS OFFICE, AND THE CITY OF MCALLEN, TEXAS, REGARDING A MUTUAL AID (MOTOR VEHICLE THEFT) LAW ENFORCEMENT TASK FORCE TO COOPERATE IN CERTAIN CRIMINAL INVESTIGATIONS. (TY-TAX ASSESSOR-COLLECTOR)**

Commissioner Tamayo moved that the Interlocal Agreement be approved between the City of Brownsville, Texas and the Cameron County Tax Assessors Office, and the City of McAllen, Texas, regarding a Mutual Aid (Motor Vehicle Theft) Law Enforcement Task Force to cooperate in certain criminal investigations.

The motion was seconded by Commissioner Wood.

Commissioner Garza asked if the county would operate the grant.

Mr. Tony Yzaguirre, Tax Assessor/Collector, responded that the grant, in the amount of \$900,000.00, would be administered by the Brownsville Police Department.

Upon motion duly made by Commissioner Tamayo that the Interlocal Agreement be approved between the City of Brownsville, Texas, and the Cameron County Tax Assessors Office, and the City of McAllen, Texas, regarding a Mutual Aid (Motor Vehicle Theft) Law Enforcement Task Force to cooperate in certain criminal investigations.

The motion was seconded by Commissioner Wood and carried unanimously

The Agreement is as follows:

(7) CONSIDERATION AND AUTHORIZATION TO RECLASSIFY THE EXISTING JOB TITLE MAINTENANCE TECH II TO MAINTENANCE FOREMAN, FUND NO. 100-5140, SLOT NO. 12. (MI-BUILDING MAINTENANCE)

Upon motion by Commissioner Wood, seconded by Commissioner Tamayo and carried unanimously, the reclassification of existing job titled Maintenance Tech II to Maintenance Foreman, Fund No. 100-5140, Slot No. 12 was authorized.

(8) IN THE MATTER REGARDING CONSIDERATION AND APPROVAL OF PURCHASE OF COMPUTER EQUIPMENT, NECESSARY SOFTWARE AND/OR HARDWARE REQUIRED BY THE SOLID WASTE DIVISION OF THE CAMERON COUNTY TRANSPORTATION DEPARTMENT. (PS-DEPT. OF TRANSPORTATION) (TABLED)

Judge Hinojosa asked if East Rio Hondo Water District opted to do the billing for waste collection services.

Mr. Pete Sepulveda, Department of Transportation Director, responded negatively. He reported that the County Auditor appeared to have existing software that might meet the needs.

Mr. Mark Yates, County Auditor, explained that staff was working on setting up the printing and that the database requested from Mrs. Grace Salinas, County Judge's Office, would be used to load customers into the PDID vendor files, adding that the system could be ready within three weeks.

Judge Hinojosa asked if needed equipment to produce and mail out invoices was available.

Mr. Yates responded in the affirmative. He clarified that bills could be printed on regular size paper and changed to postcard size paper soon after.

Judge Hinojosa requested that Mr. Yates meet with his office because they were dealing with many different issues.

Mr. Yates reiterated the need to have the database of customers to load it onto the software, and that a sample bill could be generated if Mrs. Salinas delivers the information on excel or access format. He stated that the bills would have a straight fee plus sales tax, and that the court must develop a policy on late charges.

Judge Hinojosa stated that there were other issues and that he would meet with Red River Services Corporation with regards to issues with mobile homes, adding that modification might be done to the billing. He added that most mobile home parks where problems were being encountered due to vast difference in prices were located within the East Rio Hondo Water District and explained that this might work out better for the county

because it can modify the billing as close as possible to where they are at now. He noted the need for the auditor to meet with his staff to work out these details.

Mr. Yates reiterated the need for the County Judge's Office to provide him the needed database to produce a sample billing, and requested a database of collections from the other water districts to match payments to Red River Services Corporation to services provided in order for the enterprise to be accountable.

Judge Hinojosa stated that all issues must be carefully examined and resolved.

Commissioner Garza stated that many phone calls were received from people in favor of the services being provided and from others who are upset because the county was mandating that the service be provided. He stated that much misinformation was being given in response to questions, such as people being informed by waste collection companies that they will be liable for the contracts they already have with them. Commissioner Garza expressed concern with finding out that when people call Red River Services Corporation it is not authorized to give out any information.

Mr. Remi Garza, County Administrative Assistant, stated that he was not sure the level of information that Red River Services Corporation was giving and that they were referring questions regarding policy issues to the county.

Commissioner Tamayo commented that many questions must be answered by the county rather than Red River Services Corporation.

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

Commissioner Garza stated that another issue that arose pertains to someone making calls regarding the proposed landfill east of Los Fresnos and transferring them to their respective commissioner's office, noting that they were interlinking the solid waste collection with the landfill.

Judge Hinojosa stated that this was a "Push Pole" which he assumes that Consolidated Waste was doing. He stated that Consolidated Waste was calling people from other areas of the county to tell them how good the landfill will be for them and asking that they call their County Commissioner or County Judge to get support for the landfill. Judge Hinojosa stated that this was a continued effort by this company to misrepresent what is happening and that it was creating many problems because people in northern Cameron County feel that the landfill was good for the county when the county has already taken the position that it is bad for the county.

Commissioner Garza stated that an unsuccessful attempt was made to get the phone number, and that the worst part was that they were targeting the elderly population that are very confused about the situation. He asked if there was anything that the court could do about the problem.

Judge Hinojosa stated that he did not know that there was much more that could be done other than to inform the public.

At this time, a county resident expressed concern with Red River Services Corporation possibly damaging her private road with the heavy trucks.

Judge Hinojosa requested that the resident leave her information with Mr. Garza to contact her to resolve the matter.

Commissioner Tamayo asked if Red River Services Corporation must get permission to enter a private road.

Mr. Doug Wright, Commissioners' Court Legal Counsel, indicated that the issue was between Red River Services Corporation and the customer.

Judge Hinojosa stated that someone would review the issue.

Mr. Garza commented that a memorandum sent out had needed information from what they understood was being presented by the callers and stated that addressing the misinformation given to people during the first part of the call was the best way to address the problem.

Commissioner Tamayo stated that the worst thing was that people think the county was doing the survey.

Judge Hinojosa stated that Allen Essex wrote an article in The Brownsville Herald saying that county officials told Consolidated Waste Industries not to announce the landfill until after the election and admitted that he made a mistake, thus he printed a correction in The Valley Morning Star and sent it to The Brownsville Herald, who refused to print the correction. He suggested that the auditor inform the court of needed purchases for possible authorization in order to have the billing system within three weeks.

Mr. Yates responded that no purchases were needed.

Judge Hinojosa noted the need to determine how the collection would be done.

Mr. Yates suggested that the Tax Offices do the collections.

Judge Hinojosa stated that they were already looking to doing collections through the northern annexes located in Los Fresnos, La Feria, Rio Hondo, and Harlingen since they are within the East Rio Hondo Water District.

Mr. Yates recommended doing the collection through the Tax or Justices of the Peace Offices and stated that his office was prepared to do the billing and to set up the databases needed for collections.

Upon motion by Commissioner Garza, seconded by Commissioner Tamayo and carried unanimously, Item No. 8 was **TABLED**.

(9) IN THE MATTER REGARDING CONSIDERATION AND AUTHORIZATION TO REQUEST BIDS FOR THE RENOVATION OF THE LEVIS BUILDING. (PS-DEPT. OF TRANSPORTATION) (TABLED)

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

(10) CONSIDERATION AND AUTHORIZATION TO HOLD A PUBLIC HEARING FOR THE PURPOSE TO DISCONTINUE AND ABANDON A PORTION OF ROAD 773, BETWEEN LOTS 5 AND 6, IN SUBDIVISION OF BLOCKS 231 & 232 OF SAN BENITO LAND AND WATER COMPANY SUBDIVISION, RECORDED IN VOLUME 6, PAGE 30 OF THE MAP RECORDS AND SAID ROAD BEING LOCATED IN PRECINCT 3. (PS-DEPT. OF TRANSPORTATION)

Upon motion by Commissioner Tamayo, seconded by Commissioner Wood and carried unanimously, the Public Hearing for the purpose of discontinuing and abandoning a portion of Road 773, between Lots 5 and 6, in subdivision of Blocks 231 & 232 of San Benito land and Water Company Subdivision, recorded in Volume 6, page 30 of the Map Records and said road being located in Precinct 3 was opened for public comment.

Mr. Pete Sepulveda, Department of Transportation Director, informed that information was included in the back-up and that the county has complied with the county process.

Upon motion by Commissioner Benavides, seconded by Commissioner Tamayo and carried unanimously, the Public Hearing for the purpose of discontinuing and abandoning a portion of Road 773, between Lots 5 and 6, in subdivision of Blocks 231 & 232 of San Benito land and Water Company Subdivision, recorded in Volume 6, page 30 of the Map Records and said road being located in Precinct 3 was closed.

- (11) **CONSIDERATION AND AUTHORIZATION TO ADOPT AN ORDER TO DISCONTINUE AND ABANDON A PORTION OF ROAD 773, BETWEEN LOTS 5 AND 6, IN SUBDIVISION OF BLOCKS 231 & 232 OF SAN BENITO LAND AND WATER COMPANY SUBDIVISION, RECORDED IN VOLUME 6, PAGE 30 OF THE MAP RECORDS AND SAID ROAD BEING LOCATED IN PRECINCT NO. 3. (PS-DEPT. OF TRANSPORTATION)**

Commissioner Garza moved that the Order to discontinue and abandon a portion of Road 773, between Lots 5 and 6, in Subdivision of Blocks 231 & 232 of San Benito Land and Water Company Subdivision, recorded in Volume 6, Page 30 of the Map Records and said road being located in Precinct No. 3 be adopted.

The motion was seconded by Commissioner Benavides and carried unanimously.

The Order is as follows:

(12) CONSIDERATION AND AUTHORIZATION TO HOLD A PUBLIC HEARING FOR THE PURPOSE TO DISCONTINUE AND ABANDON A PORTION OF TRACT 47 ROAD IN PRECINCT 4, DESCRIBED IN VOLUME 513, PAGE 396, OF THE DEED RECORDS, SAID ROAD LOCATED IN TRACT 47, SHARE 19, ESPIRITU SANTO GRANT, CAMERON COUNTY, TEXAS. (PS-DEPT. OF TRANSPORTATION)

Upon motion by Commissioner Tamayo, seconded by Commissioner Wood and carried unanimously, the Public Hearing regarding discontinuance and abandonment of a portion of Tract 47 Road in Precinct 4, described in Volume 513, Page 396, of the Deed Records, said road located in Tract 47, Share 19, Espiritu Santo Grant, Cameron County was opened for public comments.

Mr. Pete Sepulveda, Department of Transportation Director, stated that the information was also in the back-up and that it complies with the county process.

Upon motion by Commissioner Benavides, seconded by Commissioner Garza and carried unanimously, the Public Hearing regarding discontinuance and abandonment of a portion of Tract 47 Road in Precinct 4, described in Volume 513, Page 396, of the Deed Records, said road located in Tract 47, Share 19, Espiritu Santo Grant, Cameron County was closed.

(13) CONSIDERATION AND AUTHORIZATION TO ADOPT AN ORDER TO DISCONTINUE AND ABANDON A PORTION OF TRACT 47 ROAD IN PRECINCT NO. 4, DESCRIBED IN VOLUME 513, PAGE 396, OF THE DEED RECORDS, SAID ROAD LOCATED IN TRACT 47, SHARE 19, ESPIRITU SANTO GRANT, CAMERON COUNTY, TEXAS. (PS-DEPT. OF TRANSPORTATION)

Commissioner Tamayo moved that the Order to discontinue and abandon a portion of Tract 47 Road in Precinct No. 4, described in Volume 513, Page 396, of the Deed Records, said road located in Tract 47, Share 19, Espiritu Santo Grant, Cameron County be adopted.

The motion was seconded by Commissioner Garza and carried unanimously.

The Order 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

DISCUSSION CONCERNING THE FOLLOWING CONSENT ITEMS:

- ITEM NO. 18: Commissioner Wood questioned the contract being for 13 months rather than 12 months.
Mrs. Dylbia Jeffries, County Contract Attorney, explained that Judge Garza would retire at the end of July, thus requested that Mr. Padilla's contract be renewed for 13 months. She added that the contract has a 30 day out clause and would continue until the governor appoints another judge, who may then terminate Mr. Padilla's contract and appoint another attorney.
Judge Hinojosa commented that in the past the governor took about six months to appoint a new judge.
Commissioner Wood asked if salary was the same.
Mrs. Jeffries responded in the affirmative.

At this time, Judge Hinojosa recognized Constable Robles for his efforts and help during the hurricane.

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

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

AYE: Commissioner Tamayo, Wood, and Garza

NAY: None

ABSTAIN: Judge Hinojosa as to Item No. 15 and Item No. 16

- (14) **APPROVAL OF BANKING RESOLUTION WITH FIRST NATIONAL BANK: CAMERON COUNTY TREASURER, HARRIS TRACT/ BREEDLOVE/ COLONIA CORONADO, WATER SERVICE FUND NO. 360, ACCT. NO. 80011047. (EG-TREASURER)**
The Resolution follows:
- (15) **APPROVAL OF BUSINESS WEB BANKING EMPLOYEE FORMS WITH FIRST NATIONAL BANK. (EG-TREASURER)**
The Forms follows:
- (16) **APPROVAL TO OPEN 35 ACCOUNTS WITH FIRST NATIONAL BANK AS LISTED ON THE BANKS ATTACHED CORRESPONDENCE WITH THE SAMPLE OF THE BANKING RESOLUTION THAT WILL BE USED, AS AMENDED, PER THE NEEDS OF EACH OF THE ACCOUNTS AND THE CIVIL LEGAL DIVISION FINAL APPROVAL. (EG-TREASURER)**
The Resolutions follow:
- (17) **APPROVAL OF A POINT OF SALE REMOTE STICKER PRINTING SYSTEM (RSPS) AGREEMENT WITH CHARLIE CLARK NISSAN FOR EQUIPMENT USED BY DEALER TITLE APPLICATION PROCESS (DTA) USERS, THROUGH THE CAMERON COUNTY TAX ASSESSOR-COLLECTOR'S OFFICE AND THE TEXAS DEPARTMENT OF TRANSPORTATION MOTOL VEHICLE AND TITLE REGISTRATION DIVISION. (TY-TAX ASSESSOR-COLLECTOR)**
The Agreement follows:

- (18) **APPROVAL OF AGREEMENT WITH ALFREDO PADILLA TO PROVIDE LEGAL SERVICES TO INDIGENT DEFENDANTS IN THE 138TH JUDICIAL DISTRICT COURT. (DJV-LEGAL)**
The Agreement follows:
- (19) **APPOINTMENT OF ERNESTO HINOJOSA, CAMERON COUNTY STAFF ENGINEER TO THE REVIEW COMMITTEE FOR THE SELECTION OF A QUALIFIED ENGINEER FOR THE ADOLPH THOMAE PARK – SHORELINE STABILIZATION PROJECT. (JM-PARK SYSTEM)**
- (20) **APPROVAL OF A SUPPLEMENTAL GRANT AWARD FROM THE OFFICE OF THE GOVERNOR CRIMINAL JUSTICE DIVISION FOR THE CAMERON COUNTY DRUG ENFORCEMENT TASK FORCE. (FB-PD & M)**
The Agreement follows:
- (21) **AUTHORIZATION TO OPEN THE FOLLOWING BIDS/RFP'S/ RFQ FOR: (MF-PURCHASING)**
A. LASER PRINTING OF 2005 TAX STATEMENT & ENVELOPES – ANNUAL BID #1640.
- (22) **AUTHORIZATION FOR FINAL APPROVAL FOR: (PS-DEPT. OF TRANSPORTATION)**
A. PRECINCT NO. 3- TERESA GARDENS SUBDIVISION, BEING 1.67 ACRES OUT OF BLOCK 176, FRESNOS LAND AND IRRIGATION COMPANY'S SUBDIVISION, CAMERON COUNTY, TEXAS ACCORDING TO THE MAP OF SAID SUBDIVISION RECORDED IN VOL. 3, PG. 9, MAP RECORDS CAMERON COUNTY, TEXAS.
B. PRECINCT NO. 4- LAUREN ESTATES SUBDIVISION, BEING A SUBDIVISION OF ALL OF BLOCK ONE HUNDRED SEVENTY-NINE (179), CONTAINING 20.00 ACRES, ADAMS GARDENS SUBDIVISION "C" CAMERON COUNTY, TEXAS.

TRAVEL ITEMS

- (23) **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 to attend the "Sunbelt Minority Recruitment Program," in Dallas, Texas, September 8-9, 2005;
- B. Assistant District Attorney to attend the "Sunbelt Minority Recruitment Program," in Dallas, Texas, September 8-9, 2005;
- C. Sheriff's Department employee to attend the "Undercover Operative School (UCOS)," in Brunswick, Georgia, August 1-11, 2005;
- D. Sheriff's Department employees (4) to attend the "Internal Affairs and Administrative Investigation Conference," in San Antonio, Texas, August 14-19, 2005;
- E. Detention Officers (10) to attend the "Texas Jail Association Conference," in South Padre Island, Texas, August 22-25, 2005;
- F. Justice of the Peace Precinct 5, Place 2 Employees (2) to attend the "Court Personnel Seminar," in San Antonio, Texas, April 26-29, 2005;
- G. County Judge employee to attend the "Second called Special Session," in Austin, Texas, July 24 – August 22, 2005;

- H. County Treasurer to attend the “County Treasurer’s Continuing Education,” in Kerrville, Texas, October 16-20, 2005;
 - I. County Clerk Office Manager, Supervisor and Deputy County Clerk to attend the “Vital Statistics Regional Conference,” in McAllen, Texas, August 10, 2005; and
 - J. County Clerk to attend the “Texas Association of Counties Annual Conference,” in Austin, Texas, August 9-12, 2005.
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- (14) **APPROVAL OF BANKING RESOLUTION WITH FIRST NATIONAL BANK:
CAMERON COUNTY TREASURER, HARRIS TRACT/ BREEDLOVE/ COLONIA
CORONADO, WATER SERVICE FUND NO. 360, ACCT. NO. 80011047. (EG-
TREASURER)**
The Resolution follows:

- (15) APPROVAL OF BUSINESS WEB BANKING EMPLOYEE FORMS WITH FIRST NATIONAL BANK. (EG-TREASURER)**
The Forms follows:

- (16) **APPROVAL TO OPEN 35 ACCOUNTS WITH FIRST NATIONAL BANK AS LISTED ON THE BANKS ATTACHED CORRESPONDENCE WITH THE SAMPLE OF THE BANKING RESOLUTION THAT WILL BE USED, AS AMENDED, PER THE NEEDS OF EACH OF THE ACCOUNTS AND THE CIVIL LEGAL DIVISION FINAL APPROVAL. (EG-TREASURER)**

The Resolutions follow:

- (17) **APPROVAL OF A POINT OF SALE REMOTE STICKER PRINTING SYSTEM (RSPS) AGREEMENT WITH CHARLIE CLARK NISSAN FOR EQUIPMENT USED BY DEALER TITLE APPLICATION PROCESS (DTA) USERS, THROUGH THE CAMERON COUNTY TAX ASSESSOR-COLLECTOR'S OFFICE AND THE TEXAS DEPARTMENT OF TRANSPORTATION MOTOL VEHICLE AND TITLE REGISTRATION DIVISION. (TY-TAX ASSESSOR-COLLECTOR)**

The Agreement follows:

- (18) APPROVAL OF AGREEMENT WITH ALFREDO PADILLA TO PROVIDE LEGAL SERVICES TO INDIGENT DEFENDANTS IN THE 138TH JUDICIAL DISTRICT COURT. (DJV-LEGAL)**
The Agreement follows:

- (20) **APPROVAL OF A SUPPLEMENTAL GRANT AWARD FROM THE OFFICE OF THE GOVERNOR CRIMINAL JUSTICE DIVISION FOR THE CAMERON COUNTY DRUG ENFORCEMENT TASK FORCE. (FB-PD & M)**
The Agreement follows:

EXECUTIVE SESSION

Upon motion by Commissioner Benavides, seconded by Commissioner Tamayo and carried unanimously, the Court met in Executive Session at 10:20 A.M. to discuss the following matters:

(24) EXECUTIVE SESSION:

- A. Confer with Commissioners' Court Legal Counsel concerning Cameron County versus Faulkner, USA, formerly known as Landmark; pursuant to Vernon Texas Code Annotated (V.T.C.A.) Government Code, Section 551.071(1) (A) & (2);
- 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 issues relating to the possible acquisition of Real Property for the Dancy Building Renovation Project; pursuant to Vernon Texas Code Annotated (V.T.C.A.) Government Code, Section 551.072;
- D. Deliberation regarding Real Property Concerning acquisition of Parcel 35, Tracts 1 & 2, for Primera Road Project in the Primera, Precinct No. 4 area; pursuant to Vernon Texas Code Annotated (V.T.C.A.) Government Code, Section 551.072;
- E. Deliberation regarding contractual selection and 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 issues involving Solid Waste Collection; pursuant to Vernon Texas Code Annotated (V.T.C.A.) Government Code, Section 551.071(1)(A)(2).

Upon motion by Commissioner Tamayo, seconded by Commissioner Garza and carried unanimously, the Court reconvened into Regular Session at 11:08 A.M. to discuss the following matters:

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

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

Commissioner Tamayo moved that the Status Report by County Judge and Legal Counsel be acknowledged

The motion was seconded by Commissioner Garza and carried unanimously.

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. (TABLED)

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

C. Confer with Commissioners' Court Legal Counsel concerning issues relating to the possible acquisition of Real Property for the Dancy Building Renovation Project.

Commissioner Tamayo moved that the Status Report by Mr. Frank Bejarano, PD&M Director, be acknowledged

The motion was seconded by Commissioner Benavides and carried unanimously.

D. Deliberation regarding Real Property Concerning acquisition of Parcel 35, Tracts 1 & 2, for Primera Road Project in the Primera, Precinct No. 4 area.

Upon motion by Commissioner Wood, seconded by Commissioner Garza and carried unanimously, the purchase of the right-of-way for the amount of \$1,661.00 was authorized.

E. Deliberation regarding contractual selection and 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 be acknowledged

The motion was seconded by Commissioner Wood and carried unanimously.

F. Confer with Commissioners' Court Legal Counsel concerning the issues involving Solid Waste Collection.

Mr. Doug Wright, Commissioner's Court Legal Counsel, stated that this item was not discussed in Executive Session. He reported that BFI has filed former protest regarding the selection and that the court must make a decision.

Judge Hinojosa recommended that the matter be discussed next week.

Upon motion by Commissioner Benavides, seconded by Commissioner Tamayo and carried unanimously, Legal Counsel was authorized to file suit against all providers who are in violation of the court's Order regarding the solid waste collection.

There being no further business to come before the Court, upon motion by Commissioner Benavides, seconded by Commissioner Garza and carried unanimously, the meeting was **ADJOURNED** at 11:12 A.M.

APPROVED this 15th day of November 2005.

GILBERTO HINOJOSA
COUNTY JUDGE

ATTEST:

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