

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 28<sup>th</sup> day of March 2006, 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.

BE IT FURTHER RESOLVED, that the Cameron County Commissioners' Court wishes to dedicate its proceedings in memory of Judge Filemon Vela.

THE COURT MET AT:

PRESENT:

8:30 A.M.

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COUNTY JUDGE

PEDRO "PETE" BENAVIDES  
COMMISSIONER PRECINCT NO. 1

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COMMISSIONER PRECINCT NO. 2

DAVID A. GARZA  
COMMISSIONER, PRECINCT NO. 3

EDNA TAMAYO  
COMMISSIONER, PRECINCT NO. 4

JOE G. RIVERA  
COUNTY CLERK

AIDE A. TREJO Deputy Clerk

ABSENT:  
GILBERTO HINOJOSA

JOHN WOOD

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The meeting was called to order by Judge Pro-tem Pedro "Pete" Benavides at 8:50 A.M.

The Court considered the following matters as posted and filed for Record in the Office of the County Clerk on March 24, 2006 at 3:45 P.M.:

## EXECUTIVE SESSION

Commissioner Tamayo moved to go into Executive Session and the motion was seconded by Commissioner Benavides and carried as follows:

AYE: Commissioner Tamayo and Commissioner Benavides

NAY: None

ABSTAIN: Commissioner Garza

Before proceeding into Executive Session, Commissioner Garza asked for an explanation on section 551.071(2) as to how it is justified to go into Executive Session to review RFQ's.

Dylbia L. Jeffries Vega, Commissioners' Court Legal Counsel, explained that this information is considered confidential based on a past Attorney General's opinion stating that RFQ's can be considered confidential information and consequently can be withheld from an open records request making it possible to discuss RFQ's in Executive Session. She stated the proposals are kept confidential until the contracts have been signed as to as to prevent an unfair advantage to the company who is awarded the proposal, in the event that the proposal is not carried out.

Commissioner Garza's concern was violating an Open Meetings Act if he were to go into an illegal Executive Session based on a conversation with Rex Hall of the Texas Association of Counties. Commissioner Garza suggested that the Commission award an RFQ and then go into negotiations without reviewing the proposal beforehand.

Remi Garza, County Administrative Assistant, stated that at the previous Commissioners Court meeting there was confidential information contained in the proposal regarding the monetary amount of the offer submitted that had to be discussed under Executive Session.

Commissioner Tamayo recommended that proposals be made available to the Commissioners Court on the condition that the Commissioners not go in to Executive Session or discuss them with each other.

Commissioner Garza asked Mr. Mike Forbes, Purchasing Agent, if in the past any or all proposals were delivered to the Commission and Mr. Forbes responded that there have been times where the Commission has asked to review certain proposals and the request was granted.

Ms. Yvette Salinas, Department of Health and Human Services, asked if the Commission could receive proposals with her notes or just the proposal itself.

Ms. Vega stated that only the proposals could be seen as to not influence the Commission.

Commissioner Tamayo moved to withdraw her motion to go into Executive Session.

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

**(1) EXECUTIVE SESSION:**

**(A) CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL CONCERNING RFQ # 051105 INFIRMARY MEDICAL SERVICES FOR COUNTY JAIL & DETENTION FACILITIES, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.071(2).**

**(2) ACTION RELATIVE TO EXECUTIVE SESSION**

**(A) CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL CONCERNING RFQ # 051105 INFIRMARY MEDICAL SERVICES FOR COUNTY JAIL & DETENTION FACILITIES, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.071(2).**

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There being no further business to come before the Court, upon motion by Commissioner Garza, seconded by Commissioner Tamayo and carried unanimously, the meeting was **ADJOURNED** at 9:05 A.M.

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**APPROVED** this 3<sup>RD</sup> day of **May 2006**.

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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**