

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 17<sup>th</sup> day of April 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 Reynaldo G. Garza.

THE COURT MET AT:

PRESENT:

9:30 A.M.

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

Aide A. Trejo Deputy Clerk

ABSENT:

DAVID A. GARZA

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The meeting was called to order by Judge Hinojosa at 9:30 A.M. He asked Commissioner Tamayo for the invocation and she 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 April 13, 2006 at 4:56 P.M.:

## **ACTION ITEMS**

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

Upon motion by Commissioner Benavides, seconded by Commissioner Tamayo and carried unanimously, the Budget Amendments, Line Item Transfers and/or Salary Schedules were approved.

**The Documentation is as follows:**

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- (3) **APPROVAL OF MINUTES FOR:**  
(A) **FEBRUARY 21, 2006-REGULAR MEETING**  
(B) **FEBRUARY 28, 2006-SPECIAL MEETING**  
(C) **FEBRUARY 28, 2006-REGULAR MEETING**  
(D) **MARCH 6, 2006-SPECIAL MEETING**

Upon motion by Commissioner Benavides, seconded by Commissioner Tamayo and carried unanimously, the minutes for February 21, 2006-Regular meeting, February 28, 2006-Special meeting, February 28, 2006-Regular meeting and March 6, 2006-Special Meeting were approved.

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(4) **APPROVAL OF CLAIMS.**

Commissioner Benavides moved to approve the Claims.

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

AYE: Commissioner Benavides and Commissioner Wood

NAY: None

ABSTAIN: Judge Hinojosa as to Warrant No. 00157594 payable to Laguna Madre Water District in the amount of \$223.68 and Commissioner Tamayo as to Warrant No. 00157685 payable to Red River Service Corp. in the amount of \$54,065.98.

**The Claims and Affidavits are as follows:**

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**(1) PUBLIC COMMENTS**

Alejandrina Guerrero asked for the Court's monetary support for the Brownsville Urban System's proposed Route 30.

Maria de Jesus Cruz stated that she and others in the Southmost area are in need of more access and availability of public transportation. She stated the necessity of Route 30 was due in part to the far distance to the nearest bus stop and the danger the unpaved roads create. She added that there have been times when her child is ill and in need medical attention and she has no way of transporting her to the doctor.

Maria Gonzalez stated she is concerned for the health and safety of her family as that there are times when she walks with her children to the bus stop in the hot sun. She also added that she has to take (4) different bus routes just to go see her doctor.

**The Forms are as follows:**

## SUPPLEMENTAL ITEMS

**(1) CONSIDERATION AND POSSIBLE ACTION REGARDING THE BROWNSVILLE URBAN SYSTEM'S PROPOSAL IN RESPONSE TO TEXAS DEPARTMENT OF TRANSPORTATION'S REQUEST FOR PROPOSAL FOR JOB ACCESS AND REVERSE COMMUTE GRANT. (COMM. COURT)**

Commissioner Wood mentioned that the Brownsville Urban System has amended their proposal and eliminated the On-Call Service, thus changing the amount requested from Cameron County to \$119,814.75.

Judge Hinojosa stated that his understanding was that BUS needed a letter of support for the Job Access and Reverse Commute Grant from Cameron County to submit with their grant application.

Remi Garza, County Administrative Assistant, confirmed that BUS was in need of a letter of support with the understanding that the County would try to find the funding for this project. He added that when the County could support the project financially, they would need to send a letter of commitment so that the grant application from BUS could be considered.

Commissioner Wood added that the sample commitment letter that was provided to the Court mentions that County is willing to commit financially.

Mr. Garza stated that BUS is requesting a financial commitment at the reduced amount at this time to include with their application.

Xavier Villarreal, Budget Officer, stated that he does not have the funds to allocate to the project at the present time. He added that in September there should be enough funds in lapsed salaries to cover the cost of \$60,000 for the first year; however the County would still need to come up with the other \$60,000 for the next fiscal year.

Judge Hinojosa recommended that Cameron County fund the first \$60,000 with lapsed salaries from this fiscal year and award the remaining \$60,000, if there are enough funds in lapsed salaries in the coming fiscal year.

Commissioner Benavides moved to approve \$60,000 for funding the first year of the Brownsville Urban System's Job Access and Reverse Commute program from lapsed salaries and make a decision on funding the second year of the program at a later time.

The motion seconded by Commissioner Tamayo and carried unanimously.

**The Documentation is as follows:**

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(5) **CONSIDERATION AND APPROVAL OF PERSONNEL POLICY CHANGES ON SECTION 7.08 (4) REGARDING RESTORATION OF SICK LEAVE AND RETENTION OF YEARS OF SERVICE. (MV-HUMAN RESOURCES)**

Manuel Villarreal, Human Resources Director, stated that Legal Counsel advised Human Resources to amend the current policy as it was unfair to employees. He mentioned that employees who move onto other employment and wish to return to Cameron County with the restoration of sick and years of service must do with the same fiscal year and if an employee quits in October, they have a whole year to return to Cameron County, but if that employee quits in August, they only have one month to return. He recommended that if an employee quits, they have a year from the date of termination to return with benefits, with the authorization of the department head.

Commissioner Benavides added that he believes the policy is unfair to those employees who have been gone from the job more than one year or who return and there is a different department head. He recommended a time period of more than one year for an employee to return.

Remi Garza, County Administrative Assistant, added that accounting standards require counties and governmental entities to carry vacation time and sick leave on their accounting books for a certain period of time in order to identify liabilities. He added that this could essentially snow ball and make the county look insolvent and create a financial impact in the future.

Commissioner Benavides noted that most employees who quit are likely not to come back and they would have to go through the hiring process again making their rehire not as simple and easy as it seems.

Commissioner Wood moved to approve the personnel changes on Section 7.08 (4) regarding restoration of sick leave and retention of years of service for an employee who returns to service within 365 days from the date of termination , provided that all of the other conditions of the policy are met.

The motion was seconded by Commissioner Tamayo and carried unanimously.

**The Policy is as follows:**

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**(6) CONSIDERATION AND ACTION CREATING SUPPORT STAFF FOR THE IMPLEMENTATION OF CIVIL SERVICE SYSTEM. (MV-HUMAN RESOURCES)**

Commissioner Tamayo expressed her concern in terms of job descriptions and salary increases for the staff that will be implementing the civil service system. She noted that the information given to the Court does not reflect a salary increase for all of the staff.

Manuel Villarreal, Human Resources Director, stated that essentially all of his staff will get a pay increase. He stated that this is possible because the position that the Civil Service Coordinator is leaving will be filled by a current staff person and that person's position will be filled by another employee; in essence, everyone is being "promoted" in position and salary.

Commissioner Tamayo noted that there are duplications in job descriptions.

Mr. Villarreal explained that the reason for the duplication in job duties is due to the fact that all of his staff is cross-trained.

Commissioner Tamayo expressed her concern for the \$6,000 salary increase for Mr. Villarreal and added that there are many other employees who get additional work outside the scope of their job description and receive no raise. She recommended that the Civil Service Coordinator be paid \$30,000 as she has a bachelor's degree, lower the salary increase for the Human Resources/Safety Risk Director to \$3,000 and leave the \$2,000 salary increase for the Assistant Human Resources Director as is.

Commissioner Tamayo moved to approve the creation and satisfying the staffing needs for the implementation of the Civil Service System with the recommended salary increases.

The motion was seconded by Judge Hinojosa and carried as follows:

AYE: Commissioner Wood, Commissioner Tamayo, Judge Hinojosa

NAY: Commissioner Benavides

**The Documentation is as follows:**

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(7) **CONSIDERATION AND POSSIBLE ACTION REGARDING  
THE 79<sup>TH</sup> LEGISLATIVE SESSION TO INCLUDE POSSIBLE  
COMMITTEE INTERIM CHARGES AND LEGISLATIVE  
CHANGES. (VDL-COUNTY JUDGE)**

Veronica de Lafuente, County Judge's Office, stated that the State Legislature will be meeting from now until May 16<sup>th</sup>, 2006 on the issues of school finance reform and interim charges.

Commissioner Tamayo stated the representation at these sessions are necessary.

Upon motion by Commissioner Tamayo, seconded by Commissioner Benavides and carried unanimously, the item was approved.

**The Documentation is as follows:**



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**(8) CONSIDERATION AND POSSIBLE ACTION REGARDING A REQUEST FROM THE DEPARTMENT OF HOMELAND SECURITY REGARDING THE POSSIBLE WATER SYSTEM UPGRADE/WATER TANK REPLACEMENT AT THE PORT ISABEL DETENTION CENTER. (PS-DEPT. OF TRANSPORTATION)**

Pete Sepulveda, Department of Transportation Director, stated that there was a request from the Department of Homeland Security for the placement of a water tower at the Port Isabel Detention Center. He added that when the authorization to build the water tower was submitted to the aviation division of TxDOT and the FAA, they recommended that the tower be no higher than 168.8 ft. He added that the Department of Homeland Security re-submitted their request for the water tower to be built at 163 ft.

Upon motion by Commissioner Wood, seconded by Commissioner Tamayo and carried unanimously, the request from the Department of Homeland Security regarding the possible water system upgrade/water tank replacement at the Port Isabel Detention Center was approved.

**The Documentation is as follows:**

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(9) **CONSIDERATION AND APPROVAL OF LAYOUT FOR PARKING LOT IN FRONT OF COUNTY COURTHOUSE. (PS-DEPT. OF TRANSPORTATION)**

Pete Sepulveda, Department of Transportation Director, presented a preliminary layout of the parking lot in front of the County Courthouse.

Judge Hinojosa recommended that the parking lot be extended all the way to Harrison Street.

Mr. Sepulveda stated that the reason the layout does not extend to Harrison Street is due to the rail line and the Service Transportation Board is conducting an environmental assessment that was sent out to different agencies, which might have a concern with the rail road being removed. He added that the rail line cannot be removed until the Service Transportation Board gives its approval.

Commissioner Wood added that the Service Transportation Board will not allow the Brownsville & Rio Grande International Railroad to remove the rail lines until all the agencies have responded and have no concern with the lines being removed or until November 2006, the deadline to respond.

Mr. Sepulveda recommended that the rail lines be paved over, instead of removed, as it would be consistent with what the City of Brownsville is currently doing. He added that construction on the parking lot can begin within the next 30-40 days and should be complete within two weeks from the start of construction.

Judge Hinojosa suggested redesigning the layout of the parking lot to extend to Harrison Street, with the recommendation from Mr. Sepulveda to pave over the rail line.

Commissioner Wood suggested beginning construction in July 2006, as there is no jury duty held during that month.

Upon motion by Commissioner Tamayo, seconded by Commissioner Wood and carried unanimously, the layout for the parking lot in front of the County Courthouse was approved with the recommended changes.

**The Layout is as follows:**

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**(10) CONSIDERATION AND POSSIBLE ACTION REGARDING THE ADDITION OF AN EXEMPTION TO PERSONNEL POLICY SECTION 6.05 (OVERTIME AND COMPENSATORY TIME) REGARDING GRANT FUNDED OVERTIME. (COMM. COURT)**

Upon motion by Commissioner Tamayo, seconded by Commissioner Wood and carried unanimously, the addition of an exemption to Personnel Policy Section 6.05 (Overtime and Compensatory Time) regarding grant funded overtime was approved.

**The Policy is as follows:**

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**(11) CONSIDERATION AND POSSIBLE ACTION REGARDING  
THE CREATION OF SECURITY GUARD POSITIONS FOR  
THE DANCY BUILDING COURTHOUSE. (COMM. COURT)**

Remi Garza, County Administrative Assistant, stated that the temporary certificate of occupancy for the Dancy Building maybe granted as early as tomorrow, April 18, 2006, and furniture can begin being moved into the Dancy Building. He added that when the certificate is in effect, the County is then responsible for the building and any of its contents; therefore there is a need for security guards to monitor the building currently and when the Courthouse is in operation.

Commissioner Wood suggested looking at the financial differences in hiring a security company versus hiring individual security guards.

Mr. Garza added that Pete Sepulveda can provide employees from the Veteran's Bridge to guard the building during the day and Sheriff Lucio is willing to provide jailers in the evening until there are permanent positions in place.

Judge Hinojosa expresses his concern in hiring a private security company as they pay their security guards less than the County's current living wage at \$8.00 an hour and do not offer the same level of benefits.

Commissioner Wood suggested using County employees to oversee the building until more information can be compiled regarding the hiring of a security company and the salaries they provide.

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

# 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 CONSENT AGENDA ITEMS:**

Item No. 17: Remi Garza, County Administrative Assistant, requested that this Item be tabled.

Item No. 18: Pete Sepulveda, Department of Transportation Director, noted two corrections to the contract and they are as follows: (1) Page 2, Article 4.01 should read "...this Agreement is SIXTY SIX THOUSAND AND NO/100 DOLLARS (66,000.00)..." and (2) Page 5, Article 13.01 should read "This Agreement shall terminate at the close of business on March 31, 2007..."

Item No. 12: Jared Hockema, Emergency Management Assistant Director, explained that the Post-Hurricane Recovery Program has been in place for 7 years and would like to include damage assessment, debris removal and hazardous material removal in the program as they will soon become requirements of FEMA in the next few years. He requested that the agreement be subject to approval by Legal Counsel as HDR/Shiner Moseley and Associates has agreed to charge the County less for year one and they are sending a modification as to this agreement.

Judge Hinojosa expressed his concern for an evacuation plan in the event of a hurricane as Cameron County cannot depend on assistance from the State of Texas and the impediment that road construction presents.

Mr. Hockema added that there will be an exercise from May 2-May 5, 2006 in Pharr with Hidalgo County that will address hurricane evacuation.

Judge Hinojosa stated that there needs to be a meeting between all the appropriate entities as to the issue of evacuation as soon as possible, not only a training exercise.

Commissioner Tamayo moved that the "Travel and Consent Items" No.12-16 and No. 18-19 be approved and No. 17 be TABLED.

The motion was seconded by Commissioner Wood and carried unanimously.

- (12) **CONSIDERATION AND APPROVAL OF AN AGREEMENT BETWEEN CAMERON COUNTY AND HDR/SHINER MOSELEY AND ASSOCIATES INC. FOR THE 2006 POST-HURRICANE RECOVERY PROGRAM. (JH-EMERGENCY MANAGEMENT)**  
**The Agreement is as follows:**
- (13) **CONSIDERATION AND ADOPTION OF A RESOLUTION RECOGNIZING MR. ABEL PEREZ, JR. FOR HIS MANY YEARS OF SERVICE TO CAMERON COUNTY. (COMM. COURT)**  
**The Resolution is as follows:**
- (14) **CONSIDERATION AND ADOPTION OF A RESOLUTION SUPPORTING THE TOWN OF SOUTH PADRE ISLAND SUBMITTAL OF AN APPLICATION TO THE TEXAS DEPARTMENT OF TRANSPORTATION – STATEWIDE TRANSPORTATION ENHANCEMENT PROGRAM FOR A PROJECT NOMINATION PROVIDED BY THE TEXAS TRANSPORTATION COMMISSION FOR THE PADRE BOULEVARD SIDEWALK PROJECT. (JM-PARK SYSTEM)**  
**The Resolution is as follows:**

- (15) **CONSIDERATION AND POSSIBLE APPROVAL TO EXECUTE AMENDMENT NO. 3 ON TX GLO CONTRACT AGREEMENT NO. 02-369N – “ADOLPH THOMAE JR., PARK-SHORELINE STABILIZATION PROJECT” PARK BETWEEN CAMERON COUNTY AND THE TEXAS GENERAL LAND OFFICE. (JM-PARK SYSTEM)**  
The Agreement is as follows:
- (16) **CONSIDERATION AND AUTHORIZATION TO OPEN THE FOLLOWING BIDS FOR: (MF-PURCHASING)**  
(A) **HARLINGEN ANNEX BUILDING CONSTRUCTION – BID # 060302**  
(B) **BUILDING CONSTRUCTION MATERIALS FOR SAN BENITO ANNEX BUILDING – BID #060303**
- (17) **CONSIDERATION AND AUTHORIZATION TO AWARD BUILDING CONSTRUCTION MATERIALS FOR SAN BENITO ANNEX BUILDING – BID #060303. (MF-PURCHASING) (TABLED)**
- (18) **CONSIDERATION AND APPROVAL OF CONTRACT BETWEEN CAMERON COUNTY AND DOS LOGISTICS. (PS-DEPT. OF TRANSPORTATION)**  
The Contract is as follows:

## TRAVEL ITEMS

- (19) **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) **COMPUTER CENTER COMMUNICATIONS SPECIALIST, TO TRAVEL TO SAN ANTONIO, TX, ON 4/25-26/06, TO ATTEND CISCO TRAINING.**
- (B) **COMPUTER CENTER DIRECTOR, TO TRAVEL TO GALVESTON, TX, ON 5/16-19/06, TO ATTEND THE TEXAS ASSOCIATION OF GOVERNMENTAL IT MANAGERS CONFERENCE.**
- (C) **JUVENILE PROBATION DETENTION OFFICERS (6) AND PROBATION OFFICERS (4), TO TRAVEL TO EDINBURG, TX, ON 4/12-13/06, TO ATTEND “6<sup>TH</sup> ANNUAL SEXUAL ASSAULT TRAINING BEGIN BY BELIEVING.”**
- (D) **COUNTY EXTENSION AGENTS (4), TO TRAVEL TO SOUTH PADRE ISLAND, TX, ON 5/15-18/06, TO ATTEND THE DISTRICT 12 SPRING 4-H FACULTY MEETING.**
- (E) **DISTRICT CLERK AND DEPUTY CLERKS (3), TO TRAVEL TO VICTORIA, TX, ON 4/19-21/06, TO ATTEND THE COUNTY & DISTRICT CLERKS’ REGION 8 CONFERENCE.**
- (F) **ASSISTANT EMERGENCY MANAGEMENT COORDINATOR, TO TRAVEL TO AUSTIN, TX, ON 4/17-18/06, TO ATTEND TEXAS DEPARTMENT OF STATE HEALTH SERVICES “HEALTH AND MEDICAL DISASTER RESPONSE” SUMMIT.**
- (G) **ADMINISTRATIVE ASSISTANT ON INTERGOVERNMENTAL AFFAIRS, TO TRAVEL TO AUSTIN, TX, ON 4/17-23/06, TO ATTEND MEETINGS DURING THE 79<sup>TH</sup> 3<sup>RD</sup> SPECIAL LEGISLATIVE SESSION.**
- (H) **DISTRICT ATTORNEY AND ASSISTANT DISTRICT ATTORNEYS (2), TO TRAVEL TO HOUSTON, TX, ON 4/12-13/06, TO ATTEND LAW ENFORCEMENT COMMENDATION CEREMONY.**
- (I) **DEPARTMENT OF HEALTH AND HUMAN SERVICES PUBLIC HEALTH PREPAREDNESS SUPERVISOR, COMPUTER TECHNICIAN, LICENSED VOCATIONAL NURSES (2), PLANNER, PUBLIC HEALTH TECHNICIAN, STRATEGIC NATIONAL STOCKPILE COORDINATOR,**

**ASSISTANT HEALTH ADMINISTRATOR AND SERGEANT PATROL DIVISION, TO TRAVEL TO COLLEGE STATION, TX, ON 4/23-28/06, TO ATTEND THE TEXAS TRAINING INITIATIVE FOR EMERGENCY RESPONSE (T-TIER) TRAINING.**

- (J) DEPARTMENT OF HEALTH AND HUMAN SERVICES PLANNER AND STRATEGIC NATIONAL STOCKPILE COORDINATOR, TO TRAVEL TO AUSTIN, TX, ON 4/17-18/06, TO ATTEND THE “HEALTH AND MEDICAL DISASTER RESPONSE IN TEXAS.”**

- (12) **CONSIDERATION AND APPROVAL OF AN AGREEMENT BETWEEN CAMERON COUNTY AND HDR/SHINER MOSELEY AND ASSOCIATES INC. FOR THE 2006 POST-HURRICANE RECOVERY PROGRAM. (JH-EMERGENCY MANAGEMENT)**  
**The Agreement is as follows:**



- (13) CONSIDERATION AND ADOPTION OF A RESOLUTION RECOGNIZING MR. ABEL PEREZ, JR. FOR HIS MANY YEARS OF SERVICE TO CAMERON COUNTY. (COMM. COURT)**  
**The Resolution is as follows:**

- (14) **CONSIDERATION AND ADOPTION OF A RESOLUTION SUPPORTING THE TOWN OF SOUTH PADRE ISLAND SUBMITTAL OF AN APPLICATION TO THE TEXAS DEPARTMENT OF TRANSPORTATION – STATEWIDE TRANSPORTATION ENHANCEMENT PROGRAM FOR A PROJECT NOMINATION PROVIDED BY THE TEXAS TRANSPORTATION COMMISSION FOR THE PADRE BOULEVARD SIDEWALK PROJECT. (JM-PARK SYSTEM)**

**The Resolution is as follows:**

- (15) CONSIDERATION AND POSSIBLE APPROVAL TO EXECUTE AMENDMENT NO. 3 ON TX GLO CONTRACT AGREEMENT NO. 02-369N – “ADOLPH THOMAE JR., PARK-SHORELINE STABILIZATION PROJECT” PARK BETWEEN CAMERON COUNTY AND THE TEXAS GENERAL LAND OFFICE. (JM-PARK SYSTEM)  
The Agreement is as follows:**

- (18) CONSIDERATION AND APPROVAL OF CONTRACT BETWEEN CAMERON COUNTY AND DOS LOGISTICS. (PS-DEPT. OF TRANSPORTATION)**  
**The Contract is as follows:**

## **EXECUTIVE SESSION**

Upon motion by Commissioner Benavides, seconded by Commissioner Tamayo and carried unanimously, the Court met in Executive Session at 10:40 A.M. to discuss the following matters:

**(20) EXECUTIVE SESSION:**

- (A) CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL CONCERNING CAMERON COUNTY VS. FAULKNER, USA FORMERLY KNOWN AS LANDMARK, APPROVAL OF SETTLEMENT AGREEMENT, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.071(1) (A) (B) & (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 V.T.C.A. GOVERNMENT CODE, SECTION 551.071(2).**
- (C) CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL CONCERNING ISSUES RELATING TO POSSIBLE ACQUISITION OF REAL PROPERTY FOR THE DANCY BUILDING RENOVATION PROJECT, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.072.**
- (D) DELIBERATION REGARDING REAL PROPERTY CONCERNING A POSSIBLE CONCESSION LEASE BETWEEN CAMERON COUNTY AND AFFILIATED MANAGEMENT SYSTEMS, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.072.**

## **SUPPLEMENTAL ITEMS**

**(1) EXECUTIVE SESSION:**

- (A) CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL REGARDING THE POSSIBLE TERMINATION OF CONTRACT BETWEEN CAMERON COUNTY AND RED RIVER SERVICE CORPORATION 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 THE CHAPTER, PURSUANT TO V.T.C.A. GOVERNMENT CODE SECTION 551.071(2).**

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

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**(4) APPROVAL OF CLAIMS.**

Commissioner Tamayo moved to re-open the Approval of Claims.

The motion was seconded by Commissioner Benavides and carried unanimously.

Judge Hinojosa read the following late claims:

Warrant No. 00157822 made payable to Jones Construction, Inc. in the amount of \$508,197.00 and Warrant No. 00157823 made payable to Rico Construction in the amount of \$119,911.11.

Commissioner Tamayo moved to approve the late Claims, noting the original abstentions.

The motion was seconded by Commissioner Benavides and carried unanimously.

**The Late Claims are as follows:**

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

- (A) CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL CONCERNING CAMERON COUNTY VS. FAULKNER, USA FORMERLY KNOWN AS LANDMARK, APPROVAL OF SETTLEMENT AGREEMENT, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.071(1) (A) (B) & (2). (TABLED)**
- (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 V.T.C.A. GOVERNMENT CODE, SECTION 551.071(2). (TABLED)**
- (C) CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL CONCERNING ISSUES RELATING TO POSSIBLE ACQUISITION OF REAL PROPERTY FOR THE DANCY BUILDING RENOVATION PROJECT, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.072. (TABLED)**

Commissioner Tamayo moved to table Items No. 21 (A), 21 (B) and 21 (C).

The motion was seconded by Commissioner Wood and carried unanimously.

- (D) DELIBERATION REGARDING REAL PROPERTY CONCERNING A POSSIBLE CONCESSION LEASE BETWEEN CAMERON COUNTY AND AFFILIATED MANAGEMENT SYSTEMS, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.072.**

Upon motion by Commissioner Wood, seconded by Commissioner Tamayo and carried unanimously, the Status Report by Javier Mendez was acknowledged and the authority to continue negotiations with Affiliated Management Systems was approved.

## **SUPPLEMENTAL ITEMS**

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

- (A) CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL REGARDING THE POSSIBLE TERMINATION OF CONTRACT BETWEEN CAMERON COUNTY AND RED RIVER SERVICE CORPORATION 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 THE CHAPTER, PURSUANT TO V.T.C.A. GOVERNMENT CODE SECTION 551.071(2).**

Judge Hinojosa stated that the Commission believes that Red River Service Corporation is in noncompliance with the contract as per the following: (1) they have knowingly billed accounts that they are not allowed to bill under State Law and (2) they have not been collecting brush pursuant to the contract. He added that the Commission believes that these violations place Red River Service Corporation in breach of the contract and the Court has issued a notice stating that they are in violation and must immediately cease and desist with said violations. He recommended that Red River Service Corporation do the

following: (1) stop billing people who have opted out of the contract or are not supposed to be billed pursuant to State Law, (2) notify those who were improperly billed that they were erroneously billed on the account and (3) correct brush collection system and come into compliance of the contract. He noted that theses terms must be done so immediately and failure to comply with the terms of the contract will result in the termination of the contract under Section 14.

Commissioner Benavides moved to approve the recommendations of the contract between Cameron County and Red River Service Corporation.

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

AYE: Judge Hinojosa, Commissioner Benavides and Commissioner Wood

NAY: None

ABSTAIN: Commissioner Tamayo

**The Affidavit is as follows:**



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There being no further business to come before the Court, upon motion by Commissioner Benavides, seconded by Commissioner Tamayo and carried unanimously, the meeting was **ADJOURNED** at 11:31 A.M.

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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**