

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 12<sup>th</sup> day of December 2006, 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.

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

THE COURT MET AT:

PRESENT:

9:30 A.M.

GILBERTO HINOJOSA  
COUNTY JUDGE

SOFIA C. 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:

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The meeting was called to order by Judge Hinojosa at 9:30 A.M. He asked Reverend John Phillips 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 December 8, 2006 at 4:21 P.M.:

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**(1) PUBLIC COMMENTS.**

Ms. Rosie Cavazos invited the Court to tour the facilities of the South Texas Healthcare System and the Rio Grande State Center in order to learn about the services that are being provided to the community

**The Documentation is as follows:**

## **ACTION ITEMS**

**(14) CONSIDERATION AND ACTION REGARDING APPROVAL OF THE CONSTRUCTION OF A SECURITY WALL AT THE JUDICIAL COURTHOUSE. (MY-AUDITOR)**

District Judge Leonel Alejandro asked the Court to approve a security wall for the area where the District Judges park their vehicles. He noted that there has been an increase in incidences occurring at Courthouses across the country and Cameron County has grown considerably and growth translates into an increase in crime. He noted that there are many cases that involve gang-related activity and most recently there was a trial involving a gang member who was convicted of murder and there was information obtained that gang members had been surveying the Courthouse.

Judge Hinojosa inquired as to the funding source.

Mr. Mark Yates, County Auditor, stated that the Court approved a project of paving the front parking lot providing bolsters and the Detention Center parking lot which is going to require \$160,000 for the main parking lot and materials and an additional \$40,000. He stated that the security wall project is expected to cost \$240,000. He stated that there are several available funding sources and noted that the interest earnings on the settlement funds are expected to be at \$500,000 by the time the project is to commence.

Judge Hinojosa asked if the \$500,000 is dedicated to another project.

Mr. Yates replied that the interest earnings on the settlement funds are not dedicated.

Commissioner Garza clarified that the main parking lot, the Detention Center parking lot and the security wall will all be funded from the interest earnings.

Commissioner Garza moved to approve the construction of a security wall at the Judicial Courthouse on the condition that the funds are available from the interest earnings on the settlement funds and will include the main parking lot and the Detention Center parking lot.

The motion was seconded by Commissioner Tamayo and carried unanimously.

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(9) **CONSIDERATION AND ADOPTION OF ORDER ESTABLISHING A FORMAL PROCESS IN WHICH DESIGNATED REPRESENTATIVES OF CAMERON COUNTY EMPLOYEES MAY MEET AND CONFER WITH DESIGNATED MANAGEMENT REPRESENTATIVES ON MATTERS PERTAINING TO PERSONNEL POLICIES AND CONDITION OF EMPLOYMENT. (COMM. CT.) (Order No. 2006O12018)**

Upon motion by Commissioner Garza, seconded by Commissioner Wood and carried unanimously, the Order Establishing A Formal Process In Which Designated Representatives Of Cameron County Employees May Meet And Confer With Designated Management Representatives On Matters Pertaining To Personnel Policies And Condition Of Employment was adopted

**The Order is as follows:**

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**(10) CONSIDERATION AND POSSIBLE ACTION TO NEGOTIATE AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT BETWEEN CAMERON COUNTY AND AGUIRRE CORPORATION TO PROVIDE FOR THE DESIGN OF AN EXPANSION TO CARRIZALEZ-RUCKER DETENTION CENTER. (OL-SHERIFF)**

Commissioner Tamayo moved to negotiate an amendment to the professional services agreement between Cameron County and Aguirre Corporation to provide for the design of an expansion to Carrizalez-Rucker Detention Center.

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

AYE: Commissioner Tamayo, Commissioner Wood and Commissioner Benavides

NAY: Commissioner Garza

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**(13) CONSIDERATION AND POSSIBLE ACTION CONCERNING THE REQUEST OF CAMERON COUNTY TREASURER-ELECT DAVID BETANCOURT TO TRANSFER THE FOLLOWING FUNCTIONS, OR SUPERVISION THEREOF, TO HIS OFFICE EFFECTIVE JANUARY 1, 2007: ACCOUNTS PAYABLE, ACCOUNTS RECEIVABLE AND PAYROLL. (COMM. CT.)**

**(12) CONSIDERATION AND POSSIBLE ACTION REGARDING THE CREATION OF A CAMERON COUNTY PURCHASING DEPARTMENT, PURSUANT TO LOCAL GOVERNMENT CODE, SECTION 262.0115. (COMM. CT.)**

**(50) EXECUTIVE SESSION:**

**(C) TO DELIBERATE THE APPOINTMENT OF THE CAMERON COUNTY PURCHASING AGENT, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.074.**

Mr. David A. Betancourt, County Treasurer-Elect—"Good morning Judge and Commissioners. My name is David Betancourt and I'm the Cameron County Treasurer-Elect and I would just like to begin by thanking you for this opportunity to speak today. Public service, as you know, is a tradition in my family and I want to continue to maintain that tradition. All public offices are depositories of trust and that's particularly true in the Treasurer's Office. In anticipation of taking my responsibilities of that office, I've been engaged in reviewing the County operations and that's led me to develop several concerns that I'd like to share with you today. Under the current structure the Treasurer is the officer directly responsible for the receipt and disbursements of County funds and I believe, from what I've seen, that's also a statutory duty that the State has given us. But here the Treasurer does not have oversight of many of the functions relating to his duty and one of those that I'm concerned about is payroll,

accounts payable; the County Treasurer is responsible for the disbursements of those funds yet I have no staff that does that. We don't, I don't supervise that. Somebody else does and that's presently the County Auditor's Office. I'm not here to make extreme changes or anything, I'm just asking and saying that these are the duties that other County Treasurers are doing. I've been to Hidalgo County and the County Treasurer there even went to Court to fight for the right to do payroll because that is her duty; that is the Treasurer's duty throughout the State of Texas. In some smaller counties the Treasurer and the Auditor, the functions are more mixed, but I think in larger counties like Cameron County, the function should be the County Treasurer's. I know Willacy County, the Treasurer's Office has three employees. Cameron County, which is ten times as big, the Treasurer's Office has two employees. Those are the concerns that I have in moving forward with this Office. You know you all decide and maybe this is the beginning of something that we need to discuss and work out and certainly I'm willing to work with Mr. (Mark) Yates on all this and work with you all and the District Judge's on this. So I just appreciate you all allowing me to speak and I'd like you all to think about this and let's move forward and do the right thing. All I'm asking is that the duties that I've been elected to do, allow me to do them. Thank you."

Judge Hinojosa-"Thank you"

Commissioner Tamayo-"Thank you David"

District Judge Migdalia Lopez-"I'd like to take this opportunity to speak and I came here specifically on item number twelve, item number thirteen and item number (C) in Executive Session, which is under item number fifty. The Board of Judges met yesterday and they met again this morning at 8:15. We were there working on these items."

Commissioner Wood-"I had a meeting at 7:30 this morning."

Judge Lopez-"You beat us, you beat us. I'm going to tell them we're going to have to start our meetings earlier. Back in 1905, the Constitution was amended in which the Auditor's Office came under the District Judges and I want to, before I start, I want to give you this because it will help you follow along a lot better."

Commissioner Tamayo-"Well, Migdalia you read my mind because I was going to ask for some background on exactly the type of process that has taken place in the past."

Judge Lopez-"In that material you'll see where the Legislature, back in 1905, put the Auditor's Office under the District Judges. And I gave you there a little review of what the Auditor's Office does and what their responsibilities are. Part of it...I'm just going to read one section. The County Auditor was introduced into the District Court supervision role in 1905. The office was created by statute rather than Constitutional Amendment, and thus appears to be a legislative act intended as an adjunct to the District Court's exercise of supervisory

jurisdiction over Commissioners' Court. So the reason why if you read the article is, back in 1905, there were problems just like there are now and to protect and insulate the Auditor's Office from any problems that may arise with the Commissioners' Court this was done. That way it came before the District Judges, the District Judges control their budget. So if somebody was upset with the Auditor's Office and wanted to get back at the Auditor's Office, well then the (District) Judges were there to insulate and to stop that from occurring. The District Court was there as a cushion, as a check and balance for it not to occur and for government to run in an orderly manner. Back in 1981 this Commissioners' Court, of course other Commissioners and other Judges, voted to put the Purchasing Department in the Auditor's Office. And then they took another vote in 1982 and the Purchasing Department was put in the Auditor's Office. Since then the law has changed and different laws were enacted so the new law came into effect in 1987-1989. And I gave you a copy of the new law and it is under the local government code and it says there specifically and I want to get to that section. It says there specifically and if you would turn to subchapter "B" Purchasing Agents and if you look it is page number three of twenty and I in fact underlined it and I put a little star by it. It says the Board is...if we're going to have a purchasing agent, you know, and it is going to be under the Auditor's Office, then the Board is composed of three judges, three judges of the District Court of the County and two members of the Commissioners' Court of the County, unless the County has fewer than three District Judges for a change to be made. If you go to the next section that I want to refer to, which is page six of twenty and again it is underlined and again there is an asterisk there. It says section 262.0115 purchasing agents in counties where the population is more than 100,000, and specifically the portion that is underlined, however, this section does not apply to a county that has appointed a purchasing agent under section 262.011 and that has not abolished the position as authorized by law. If you look at section "E", a County that has established the position of County Purchasing Agent, under this section, may abolish the position at any time; and the abolition of the position the County Auditor shall assume the functions previously performed by the Purchasing Agent. If you go to these sections, it tells you that the District Judges, every year, sit down and we go over the budget of the Auditor's Office and we determine how much they get and all that. That's already been done for this year; that was done in September (2006). Again, we do not review that budget until September of the following year. You know, as the District Judges, we were a little puzzled as to why this was put on the table without even talking to us about it, without even consulting us and saying, "Judges, you know, we're thinking of doing this, what do you think? We know you have authority over them, would you work with us?" Nobody consulted us. The first time we hear about it is when it's already put on the agenda. Then later we see Remi (Garza) in the hallway talking to one of the judges and they talked to him and it's like how come we weren't consulted. How come, if it's going to impact all these departments and all these

authorities, nothing was done to include us in on it? So what we suggest...and you know we try to work with everybody and we want to work with the Commissioners' Court. If you think this is a good idea it will be a good idea tomorrow, the next day, the next day. Let's get together a committee and let's talk about this and let's work on this. Of course you have the power to make a Purchasing Agent, you have that power, but you have to get some money from us or some money from somewhere and we're not going to release our monies until we consider it, we talk about it and we work through it. So what we're asking you to do out of respect to each department...you know, trying to come up with the best decision we can come up with, that this be tabled.; that a committee be formed for us to discuss these issues, for us to look at the statute, for us to say this is the best way to proceed. But not to proceed to do this at the last minute at the end of the year, before we've had time to discuss this, before we've had time to decide what is the best thing to do. You know, you want everybody to work together, we want to work together. We don't want to be at odds with the Commissioners' Court. If we feel that it should be over there, we'll transfer some of our money, but right now we're not in a position to do that because we're broadsided by this. Nobody sat down and talked to us about it, nobody discussed it with this. And so for the first time we hear about it, yesterday, was the first time we get to discuss this. In fairness to everybody even the new Treasurer who is coming on board, who has no experience in this field; for him to put in his input, for the District Judges, for the Auditor, for the Commissioners' Court, for all these departments to come together and say, 'Hey, this is what we need to do'. I ask you to table item number twelve, item number thirteen and Executive Session item that was there."

Commissioner Tamayo-"Judge (Lopez) you are representing the other (District) Judges?"

Judge Lopez-"Yes, all the Judges have sat down and we've talked about it and of course they were busy and it's a good thing because I don't know how Judge (Leonel) Alejandro got to go before me and I had to wait but I understand and it's not a problem because I have all morning to be here and if necessary I will be here this afternoon. That's not a problem for me at all."

Judge Hinojosa-"I have a question Judge. I'm a little confused on this process of appointing. You gave us a copy of the statute..."

Judge Lopez-"Yes I did"

Judge Hinojosa-"...and section 262.011 has a method in which Purchasing Agents are appointed and (section) 262.0115 it says 'Purchasing Agents in a county with more than 100,000'. Are you...in what matter was the Purchasing Agent that we have today appointed? Was he appointed by section 262.011 or was he appointed by (section) 262.0115, do you know?"

Judge Lopez-"That goes exactly to what I'm saying. We're told about this at the last minute so we're



trying to get the legislative history from the Commissioners' Court as to how this all came about. The little bit that I was able to get at such short notice was that in 1981 a vote was taken by Commissioners' Court to put the Purchasing Department under the Auditor's Office and in '82 again another vote was taken and it was put there. Now I know Judge (Darrell) Hester was the presiding Judge at that time. Of course he passed away so I can't even ask him, but we need to do a little more research and that's what I'm saying again that we need to table this and do our research."

Judge Hinojosa—"My question is not how they created the current system; it's the individual Purchasing Agent. I'm confused by the statute that's here because it's got two different ways of doing it and one requires a board that is composed of three (District) Judges and two members of the Commissioners' Court and the other one is just Commissioners' Court appointment and the reason I ask is that I've been here twelve years and that I know of, the Purchasing Agent has never been appointed by any board composed of three judges and two County Commissioners."

Mr. Richard Burst, Legal Counsel—"Judge (Hinojosa) to answer that question, the current Purchasing Agent was not appointed under either of these statutes because neither statute existed in 1981. The (section 262.) 011 originated, it wasn't codified, it actually was originated for the first time in 1987. (Section 262.) 0115 was originated by the legislature for the first time and acted, not codified, but acted in 1989. So the current Purchasing Agent could not have been appointed under either of those sections; they didn't exist."

Judge Hinojosa—"But don't they have to be appointed under the current law?"

Mr. Burst—"There is a...no, if in fact there is, under current law, a void then as the Judge pointed out, the Auditor assumes the duty under (section 262.) 0115. The part she read it says 'On the abolishment of the position, the County Auditor shall assume the functions previously performed by the Purchasing Agent'. That's the only thing that addresses that. There were, historically, there were other statutes in place, many of which were found unconstitutional, because they bracketed, they were too bracketed. So I don't know, what in the history past 1981...I have been unable to determine what the history of the appointment of the Purchasing Agent was past that. Now as the Judge pointed out, the Commissioners' Court has the authority, under either of these sections. This Court could act under either; either establish a board or they could act under (section) 262.0115 and appoint a Purchasing Agent. The problem that she (Judge Lopez) accurately points out is that under the, I think it's (section) 262.042, the District Judges... the County Auditor from time to time applies for positions by name and an order is issued and the District Judges can only annually amend that. So if you establish the Purchasing Agent separate and apart from the Auditor's Office right now you would have to fund it..."

Judge Hinojosa—"Right"

Mr. Burst—"...from some other source."

Judge Hinojosa—"Let me just point out a couple of things Judge (Lopez) that I would like to just state. One, I did speak to your chief presiding Judge about this..."

Judge Lopez—"Yeah, he told me about it."

Judge Hinojosa—"...about a month ago that we were thinking about doing this. Secondly, I think that the problem that we have both with this, number thirteen and number twelve, is this and that's something that we have, for a long time, had problems with. I see the function of the Auditor as the person that insures two things; one that the revenues and the expenditures...that the revenues that are coming into the County are sufficient to be able to cover the expenditures that are coming in and he (County Auditor) certifies the revenues. The second function that he has is to ensure that the expenditures of the County, the actions taken by the County Commissioners in spending money complies with State law and County regulations. There's also a third function that's in there that is inherent in his responsibilities and that's to ensure that there's no...that the expenditures are spent in a way that complies with general accounting principles and that there is no hanky-panky going on, illegal stuff, and that if there is a problem with respect to how that money is being spent; whether somebody has taken money or somebody is doing stuff illegally, that he is there to oversee that. Those are essentially the functions of the Auditor. I think the problem that we have is this; is that when you have the function of the Purchasing Agent, which is involved in actually purchasing items on behalf of the County, ensuring that State law is applied within the bid process, and in the entire process that is involved with hiring professional and so forth, and when you have a function that is involved in actually issuing payroll and paying vendors and people who need to be paid, then it seems to me inherently a conflict of interest for the same person that is supposed to ensure that those expenditures and those proposals that are being offered to the vendors out there comply with State law and regulations. Basically he is auditing himself. Every one of those auditors...every one of those persons in the Purchasing Department, every one of the people that work in Payroll, every one of the people that work in Accounts Payable, they are called assistant auditors. They work directly for the Auditor. Now that being said, that's why these proposals were raised, that's why we felt all along that this is not a good way of doing business. But we also recognize that there is some major logistical issues that need to be resolved both with respect to how a structure would be developed, how to allow for both of those functions to be carried out by someone other than the Auditor. And secondly, how you transfer those slots that exist with the Auditor over to a new department that would be created by the Commissioner s' Court. And so I agree with you that we should table it for that reason. I continue to believe very strongly that those functions inherently conflict with one another and we can have some problems. We have had problems in that department before and they have never come to light; serious problems where people were actually caught with their hand in the cookie jar and none of that ever came up. That is

something that perhaps we should have dealt with back then but it's something that we have wanting to deal with. I know that Mr. (David) Betancourt has said, 'Look, I'm willing to come forward to do this now. I'd like to do it. I'd like to assume this function on January 1 (2007) because I'm prepared to do it.' I was here for twelve years with his predecessor, his soon to be predecessor, and he never asked, not once, during the entire time that he was County Treasurer to assume those functions. Mr. Betancourt has asked to assume those functions and that's why we have all of this together proposed. But I agree with you, in this respect, that it requires us to sit down and figure out how that function is going to be carried out. I firmly believe, however Judge, that payroll and accounts payable and purchasing have absolutely nothing to do with the statutory and constitutional oversight that Auditors were given in the legislature and by the people that wrote the constitution; those things are not at all connected. Whether or not you want to do this for purposes of making sure that it works better in the operation of the County is a different issue. That's why I believe we should proceed forward on that. Finally, just a side note, I have been here for twelve years and dealt with the District Judges, many of whom were my colleagues when I was a District Judge whom I have an enormous amount of respect for, and in my opinion, with you (Judge Lopez) included, are the best District Judges in the entire State of Texas. Many times, many times Judge (Lopez), the District Judges have acted in a way that affects the budget of the County, without ever consulting with the County Commissioners' Court, in a lot of different respects. And it has been a great source of dismay, I don't know what other word to use, but we have not been very happy about it. So we apologize if we didn't talk to you all earlier about more than just speaking to the chief administrative judge and some of the other judges. But I think that communication needs to be a two-way street and I think..."

Judge Lopez-"And I agree."

Judge Hinojosa-"...that the District Judges really need to...In the future, before they sign these orders forcing us to raise people's salaries and do all of the things that they do on an on-going basis to us without ever consulting with us, without ever taking into consideration the impact on our budget because we have to figure out where to get the money to pay people. When that happens I hope that before those decisions are made that you all come to the Commissioners' Court in the future because I think that makes for a lot better business on both directions and I agree with you that we should table this."

Judge Lopez-"Well you know, there are times when the District Judges do have to act and unfortunately, we can...for example, I'll give you a good example; the indigent attorneys. We have to provide attorneys for these people. If not we get into trouble. We can't come to the Commissioners' Court and say, 'Commissioners, can you give us more money?' We have to under that statute provide them. So yes, there are times when that happens; but it's mainly, I think, at least the times I've seen it happen, where we're in a position where we have to act. Now, on this

item you may have talked to Judge (Benjamin) Euresti but obviously he did not remember because when I talked to him today and he said, 'I have not been consulted on this' and he told me that he called you and talked to you about this and you just wanted to know why were we doing this, why were we against this? It's because we haven't been talked to about it. Again, I ask that it be tabled and I ask that we sit down and we try to work out this matter and you may get our cooperation completely but at this point you don't have it. I can speak for all six (District) Judges because I told them I'm going to come before the Commissioners' Court and they're going to ask me am I speaking for everybody or not..."

Commissioner Tamayo-"And I did that"

Judge Lopez-"...so I need to ask you, each one of you, and they said, 'Yes you are'. Thank you."

Commissioner Tamayo-"Well, what I'd like to say, I agree with you Judge, we need to table this item. And there's a lot of things that we need to, all of us, think about when we sit down and discuss this. Let's put the differences aside. We've got to look...and I applaud you Judge (Hinojosa) for the restructuring that has taken place but as I stated, at the last meeting, where I said let's look at the global picture. Let's look at the whole organization Countywide and get some process going that really makes sense. I don't want restructuring here and there, when you need to look at the whole picture. I would hope and I continue to be optimistic that all of us are going to come to the table in the spirit of what is best for the County; put our differences aside, its water under the bridge, if there has been any problems before. I can understand the frustration on both sides, but lets work together and we have to sit down and think this out and I applaud both of you for wanting to table because that's what we need to do."

Commissioner Wood-"Judge I'd like to add a little bit. Obviously, what I can deem for all of this, through the inaction of the County Commissioners' Court in the past years, we currently have the situation that we have. Obviously the Purchasing Director was there prior to these statutes being established and nothing was done since that time."

Judge Lopez-"Not exactly. Like I told you in 1981, this Commission, the Commissioners' Court voted for this; that it would be put under the Auditor's Office."

Commissioner Wood-"Since these statutes have been established..."

Judge Lopez-"Right"

Commissioner Wood-"...we have done nothing. We don't have a Board of Judges."

Judge Lopez-"We do have a Board of Judges."

Commissioner Wood-"Three (District) Judges and two County Commissioners?"

Judge Lopez-"No, when I..."

Commissioner Wood-“That’s what I’m talking about.”

Judge Lopez-“...oh.”

Commissioner Wood-“What is in the statute Judge (Lopez). The other issue is, you know there are things that do need to be changed from time to time and we do need a good system of checks-and-balances. We can’t have, in my estimation it doesn’t make sense, to have people that do a job audit themselves; which is what we have now. The way they audit themselves is they review what they did. Most Auditors don’t look at that as an audit practice. We do need to look at this and we need to put it on the table and I’ll be glad to do that. I think that we should do that and work together much better than perhaps we have in the past. Also, you mentioned the idea of the indigent defense. I would like, when we start talking about this, to have another agenda item on the table and that might be to create a system of where we don’t have the indigent defense lawyers hired the way we have them now. Perhaps have a public defender office set up so that we can take maybe a little better care of the indigent; who do need defense.”

Judge Lopez-“That is what I’m going to be doing with Willacy County.”

Commissioner Wood-“And we can also, I think, having a public defender...We magistrate out at the jail and if we have a public defender out there defending them right at that time, that’s another savings; where we can move them through and get them out. There are lots of things that we can put on the table and discuss to solve some of the problems.”

Commissioner Garza-“I move we...”

Judge Lopez-“I think the (District) Judges are not going to have a problem. When I say the ‘Board of Judges’ I mean the board of judges at the (Cameron County) Courthouse.”

Commissioner Wood-“I understand.”

Judge Lopez-“That means the six of us, that’s when I refer to the ‘Board of Judges’; that is who I am referring to. I think we has a little difference.”

Judge Hinojosa-“Let me recognize Commissioner Garza he moved...”

Commissioner Garza-“I move to table items twelve, thirteen and fifty ‘C’.”

Commissioner Tamayo-“Second”

Judge Hinojosa-“There’s motion and a second. Any further discussion? All those in favor signify by stating ‘aye’.”

Commissioner Garza, Commissioner Tamayo, Commissioner Wood and Commissioner Benavides-“Aye”

Judge Hinojosa-“All those opposed? Motion carries.”

Judge Lopez-“I thank you very much. And when you are ready to form the committee, please let us know

and we will work, we will put certain Judges on it or whatever we decide. Then we can work through this.”

Commissioner Tamayo-“That’s what the whole discussion has been about Judge (Lopez).”

Mr. Betancourt-“I would like to say I just wanted to start this dialogue. And you all, I know, together will work together and I’ll work with you all and we need to do the right thing. We need to do what the State requires us to do and we need to do it right. I think together we absolutely can do that. Thank you.”

Judge Hinojosa-“Thank you”

Ms. Melissa Zamora-“Judge and Commissioners’ Court, if I could just have a few words please. I was actually here to speak on behalf of Cameron County Judge-Elect Carlos Cascos regarding the same items. We express much of the same sentiments. We support much of what she (Judge Migdalia Lopez) said and we’re very pleased to hear that the items have been tabled. We look forward to working with the District Judges, including the County Auditor and the Treasurer-Elect, so that we can come to terms with an agreement where everyone agrees that this is the best move for Cameron County.”

Judge Hinojosa-“Thank you”

Ms. Zamora-“Thank you”

**The Documentation is as follows:**

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**(15) CONSIDERATION AND ACTION REGARDING RATIFICATION OF ADDITIONAL REVENUES AND DIRECTION REGARDING UNBUDGETED AND OVER BUDGETED COUNTY EXPENDITURES. (MY-AUDITOR)**

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

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**7) CONSIDERATION AND POSSIBLE ACTION CONCERNING THE PROPOSED PARKS R.V. RATE INCREASE. (JM-PARKS)**

Upon motion by Commissioner Tamayo, seconded by Commissioner Garza and carried unanimously, Option 2-B was approved.

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**(8) CONSIDERATION AND ACTION ON AN ORDER AUTHORIZING THE ISSUANCE OF "CAMERON COUNTY, TEXAS CERTIFICATES OF OBLIGATION, SERIES 2007" AND OTHER MATTERS RELATED THERETO. (COMM. CT.)**

Upon motion by Commissioner Garza, seconded by Commissioner Tamayo and carried unanimously, the Order Authorizing The Issuance Of "Cameron County, Texas Certificates Of Obligation, Series 2007" And Other Matters Related Thereto was approved.

**The Order is as follows:**

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**(11) CONSIDERATION AND POSSIBLE ACTION NAMING THE COUNTY ANNEX BUILDING IN SAN BENITO (LEVI'S BUILDING) IN HONOR OF JOE G. RIVERA AND AURORA DE LA GARZA. (COMM. CT.)**

Commissioner Garza expressed concern with naming the Levi's Building after (2) individuals that do not live or have directly contributed to the city of San Benito. He asked to consider naming the building after a local resident of San Benito.

Mr. Victor Trevino, City Manager for the City of San Benito, read a letter on behalf of the Mayor of San Benito, Mr. Joe Hernandez, recommending that a San Benito resident with official ties to Cameron County be considered for the naming of the San Benito Annex Building.

Judge Hinojosa informed the Court of a petition that has been distributed by the administrative assistant of Commissioner Garza recommending that the San Benito Annex Building be named after Commissioner Garza. He asked if Mayor Hernandez is recommending that the San Benito Annex Building be named after any San Benito resident or Commissioner Garza.

Mr. Trevino replied that the letter from Mayor Hernandez asks that a San Benito resident, with official ties to county government, be considered.

Commissioner Garza let it be known that he would not support the naming of any building after himself while he is still alive.

Ms. Mari Galvan, Administrative Assistant for Commissioner Precinct 3, informed the Court that there was no petition being passed around.

Judge Hinojosa asked Ms. Galvan if she approached members of the San Benito School Board or the San Benito City Commission regarding the naming of the San Benito Annex Building after Commissioner David Garza.

Ms. Galvan responded that the topic of the naming of the building was brought up in social events.

Commissioner Garza added that he would support naming the San Benito Annex Building after himself.

Ms. Lettie G. Perez, County Clerk's Office, informed the Court that Mr. Joe G. Rivera would be honored to have the San Benito Annex Building named after him. She noted that Mr. Rivera, as the Cameron County Clerk, serves all of Cameron County, including the city of San Benito.

Mr. Joey Carrizales, with the Niños Headstart Program, expressed support for naming the San Benito Annex Building after Ms. Aurora De La Garza. He stated that Ms. De La Garza has contributed to San Benito by bringing community leaders together to support the Headstart Program.



Ms. Rosie Sotelo, Civil Manager for the District Clerk's Office, thanked the Court for considering naming the San Benito Annex Building after Ms. De La Garza. She noted that Ms. De La Garza has been a dedicated Cameron County employee representing the entire County.

Ms. Marvelia Sandoval, Jury Administrator for the District Clerk's Office, expressed support for the naming of the San Benito Annex Building after Ms. De La Garza and added that Ms. De La Garza does support programs throughout the entire County, including the city of Harlingen and the city of San Benito.

Commissioner Wood moved to approve the Naming of the County Annex Building in San Benito (Levi's Building) In Honor of Joe G. Rivera and Aurora De La Garza.

The motion was seconded by Commissioner Benavides and carried unanimously.

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**(16) CONSIDERATION AND POSSIBLE ACTION REGARDING CONDUCTING AN ASBESTOS SURVEY FOR DISTRICT ATTORNEY RENOVATION AND ADMINISTRATIVE ANNEXES. (COMM. CT)**

Upon motion by Commissioner Garza, seconded by Commissioner Wood and carried unanimously, authorization to solicit bids for an Asbestos Survey for the District Attorney Renovation and Administrative Annexes was approved.

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## **PRESENTATIONS**

**(3) PRESENTATION ON THE NORTH RAIL RELOCATION STUDY. (PS-DEPT. OF TRANSPORTATION)**

Upon motion by Commissioner Wood, seconded by Commissioner Garza and carried unanimously, Presentation on the North Rail Relocation Study was acknowledged.

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**(2) PRESENTATION BY ALICIA GARCIA, VICE PRESIDENT MORTGAGE LENDING OF SECURITY 1<sup>ST</sup> FEDERAL CREDIT UNION. (COMM.CT.)**

Ms. Alicia Garcia, Vice President Mortgage Lending of Security 1<sup>st</sup> Federal Credit Union, asked the Court for authorization to allow Security 1<sup>st</sup> Federal Credit Union to provide payroll deductions to Cameron County employees.

Upon motion by Commissioner Tamayo, seconded by Commissioner Wood and carried unanimously, the Presentation by Alicia Garcia, Vice President Mortgage Lending of Security 1<sup>st</sup> Federal Credit Union, was acknowledged.

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

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

**The Budget Amendments, Line Item Transfers and/or Salary Schedules are as follows:**

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**(5) APPROVAL OF MINUTES FOR:  
(A) NOVEMBER 21, 2006-REGULAR MEETING**

Upon motion by Commissioner Garza, seconded by Commissioner Tamayo and carried unanimously, the Minutes for the November 21, 2006-Regular Meeting was approved.

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**(6) APPROVAL OF CLAIMS.**

Commissioner Tamayo moved that the all of the Claims be approved, inclusive of the late claims.

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

AYE: Commissioner Tamayo, Commissioner Wood and Commissioner Benavides

NAY: None

ABSTAIN: Judge Hinojosa as to Warrant No. 00172052, made payable to the Laguna Madre Water District, in the amount of \$348.41 and Commissioner Garza as to Warrant No. 00172067, made payable to the Medicine Shoppe, in the amount of \$6,664.16 and Warrant No. 00172068, made payable to the Medicine Shoppe, in the amount of \$654.94.

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

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**(17) CONSIDERATION AND APPROVAL OF THE 2006-2007 VEHICLE AND HEAVY EQUIPMENT REPLACEMENT LIST.(XV-BUDGET OFFICER)**

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

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**(18) CONSIDERATION AND AUTHORIZATION TO EXEMPT FROM THE COUNTY PURCHASING ACT EXTENDING THE CONTRACT FOR SOLID WASTE COLLECTION AS A HEALTH AND SAFETY ITEM, SPECIFICALLY THE REQUIREMENTS OF V.T.C.A., LOCAL GOVERNMENT CODE, SECTION 262.023, PURSUANT TO AUTHORITY GRANTED IN SECTION 262.024 (A)(2). (RB-CIVIL LEGAL DIVISION) (Order No. 2006O12019)**

Upon motion by Commissioner Garza, seconded by Commissioner Wood and carried unanimously, Authorization To Exempt From The County Purchasing Act Extending The Contract For Solid Waste Collection As A Health And Safety Item, Specifically The Requirements Of V.T.C.A., Local Government Code, Section 262.023, Pursuant To Authority Granted In Section 262.024 (A)(2) was approved.

**The Order is as follows:**

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(19) **CONSIDERATION AND POSSIBLE APPROVAL OF INTER LOCAL AGREEMENT WITH THE TOWN OF SOUTH PADRE ISLAND TO ALLOW A HELICOPTER LANDING SITE ON CAMERON COUNTY PROPERTY.(RB-CIVIL LEGAL DIVISION) (Contract No. 2006C12106)**

Upon motion by Commissioner Garza, seconded by Commissioner Wood and carried unanimously, Inter Local Agreement with the Town of South Padre Island To Allow A Helicopter Landing Site On Cameron County Property was approved.

**The Agreement is as follows:**

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**(20) CONSIDERATION AND ADOPTION OF CAMERON COUNTY  
FIRE MARSHALS' FEES. (TH-FIRE MARSHALS)**

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

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**(21) CONSIDERATION AND AUTHORIZATION TO PURCHASE  
ONE SWAT COUNTER ATTACK TRUCK. UTILIZING THE  
TEXAS NATIONAL GUARD PROCUREMENT PROCESS -1122,  
AND UTILIZING THE TEXAS LAW ENFORCEMENT 1122  
PROGRAM "LENCO ARMORED VEHICLE." (OL-SHERIFF)**

Judge Hinojosa asked that this Item be tabled.

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

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**(22) CONSIDERATION AND ADOPTION OF A RESOLUTION  
SUPPORTING THE CONTINUATION OF THE CAMERON  
COUNTY SHERIFF'S OPERATION LINEBACKER PROJECT,  
FOR THE PERIOD OF MAY 1, 2006 THRU AUGUST 31, 2007.  
(OL-SHERIFF) (Resolution No. 2006R12024)**

Upon motion by Commissioner Wood, seconded by Commissioner Tamayo and carried unanimously, the Resolution Supporting the Continuation of the Cameron County Sheriff's Operation Linebacker Project, For the Period of May 1, 2006 Thru August 31, 2007 was adopted.

**The Resolution is as follows:**

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- (27) **CONSIDERATION AND AUTHORIZATION TO UTILIZE THE INFORMAL BID PROCESS AND AWARD LOW BID IN THE AMOUNT OF \$19,425.00 TO VALLEY CARPENTER ALBERT MATAMOROS FOR CONSTRUCTION OF OUTSIDE RESTROOMS AND SHOWERS FOR TENT LOCATION.(OL-SHERIFF)**

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

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- (23) **CONSIDERATION AND APPROVAL OF USE OF ALLOWANCES TO COVER EXPENSES RELATED TO THE FOLLOWING ITEM AT THE HARLINGEN ANNEX BUILDING: BULLET PROOF GLASS FOR THE TAX OFFICE DRIVE-THROUGH. (PS-DEPT. OF TRANSPORTATION)**

Upon motion by Commissioner Garza, seconded by Commissioner Tamayo and carried unanimously, the Use of Allowances to Cover Expenses Related to the Following Item at the Harlingen Annex Building: Bullet Proof Glass for the Tax Office Drive-Through was approved.

**The Documentation is as follows:**

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(24) **CONSIDERATION AND APPROVAL OF ARCHITECT'S  
COLOR CHART FOR THE HARLINGEN ANNEX BUILDING.  
(PS-DEPT. OF TRANSPORTATION)**

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

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(25) **CONSIDERATION AND APPROVAL OF USE OF  
ALLOWANCES TO COVER EXPENSES RELATED TO  
REVISIONS TO THE HARLINGEN ANNEX FLOOR PLAN TO  
ACCOMMODATE THE DISTRICT ATTORNEY'S OFFICE  
AND TO CONVERT HOLDING CELLS INTO RESTROOM  
AND SHOWER. (PS-DEPT. OF TRANSPORTATION)**

Upon motion by Commissioner Wood, seconded by Commissioner Garza and carried unanimously, the Use  
of Allowances to Cover Expenses Related to Revisions to the Harlingen Annex Floor Plan to Accommodate the  
District Attorney's Office and to Convert Holding Cells into Restroom and Shower was approved.

**The Documentation is as follows:**



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**(26) CONSIDERATION AND AUTHORIZATION TO UTILIZE THE INFORMAL BID PROCESS AND AWARD LOW BID IN THE AMOUNT OF \$15,900.00 TO SUPER G'S SEPTIC SERVICE TO INSTALL 1 SEPTIC TANK IN THE HARRIS TRACK AND 4 IN COLONIA CORONADO, PURSUANT TO A FIRST-TIME WATER IMPROVEMENT PROJECT (TCDP CONTRACT NO. 724055). (FB-PD&M)**

Upon motion by Commissioner Wood, seconded by Commissioner Garza and carried unanimously, Authorization to Utilize the Informal Bid Process and Award Low Bid in the Amount Of \$15,900.00 To Super G's Septic Service to Install 1 Septic Tank in the Harris Track and 4 in Colonia Coronado, Pursuant To a First-Time Water Improvement Project (TCDP Contract No. 724055) was approved.

**The Documentation is as follows:**

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**(28) CONSIDERATION AND AUTHORIZATION TO SOLICIT BIDS FOR THE DEVELOPMENT OF THE SANTA ROSA BOY'S AND GIRLS CLUB. (JM-PARKS)**

Upon motion by Commissioner Tamayo, seconded by Commissioner Garza and carried unanimously, Authorization to Solicit Bids for the Development of the Santa Rosa Boy's And Girls Club was approved.

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**(29) CONSIDERATION AND AUTHORIZATION TO SOLICIT R.F.P.'S FOR THE DEVELOPMENT OF THE "FLATS" AREA IN ANDY BOWIE PARK. (JM-PARKS)**

Upon motion by Commissioner Benavides, seconded by Commissioner Tamayo and carried unanimously, Authorization to Solicit R.F.P.'s for the Development Of the "Flats" Area in Andy Bowie Park was approved.

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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 CONSENT ITEMS:

**Items No. 39 through No. 45:**

Mr. Richard Burst, Legal Counsel, asked to table Consent Items No. 39 through No. 45.

Commissioner Tamayo moved to approve the "Consent and Travel Items", tabling Items No. 39 through No. 45

The motion was seconded by Commissioner Garza and carried unanimously.

**(30) CONSIDERATION AND AUTHORIZATION TO ALLOW THE BOY AND GIRL SCOUTS TO USE THE COMMISSIONERS' COURTROOM ON JANUARY 18, 2007 FROM 4:00 – 9:00 P.M. FOR THE ELECTION OF SCOUT GOVERNMENT DAY OFFICIALS. (JW-COMM PCT.2)**

**(31) CONSIDERATION AND APPROVAL OF LICENSE AGREEMENT BETWEEN CAMERON COUNTY AND THE PORSCHE CLUB FOR THE USE OF THE AIRPORT PREMISES. (PS-DEPT. OF TRANSPORTATION)**

**(32) CONSIDERATION AND APPROVAL OF TIME EXTENSION FROM NOEMBER 20, 2006 TO NOVEMBER 20, 2007 FOR PROVIDING SEWER FACILITIES (SEPTIC SYSTEMS) AT VERDE ESTATES SUBDIVISION, PCT. 4. (PS-DEPT. OF TRANSPORTATION)**

**The Documentation is as follows:**

**(33) CONSIDERATION AND APPROVAL OF TIME EXTENSION FROM AUGUST 22, 2005 TO DECEMBER 1, 2008 FOR PROVIDING SEWER FACILITIES (SEPTIC SYSTEMS) AT HACIENDA DEL NORTE SUBDIVISION, SECTION III & IV, PCT. 2. (PS-DEPT. OF TRANSPORTATION)**

**The Documentation is as follows:**

- (34) **CONSIDERATION AND APPROVAL OF TIME EXTENSION FROM JANUARY 15, 2007 TO JANUARY 15, 2010 FOR PROVIDING SEWER FACILITIES (SEPTIC SYSTEM) AT RANCHO GRANDE SOUTH SUBDIVISION, SECTION V & VI, PCT. 4. (PS-DEPT OF TRANSPORTATION)**  
The Documentation is as follows:
- (35) **CONSIDERATION AND AUTHORIZATION TO ALLOW TEMPORARY CLOSURE OF A PORTION OF DATE PALM STREET IN THE PCT. 1 AREA. (PS-DEPT. OF TRANSPORTATION)**  
The Documentation is as follows:
- (36) **CONSIDERATION AND APPROVAL TO OPEN THE VETERANS BRIDGE AT LOS TOMATES 24 HOURS FOR SOUTHBOUND TRAFFIC FROM DECEMBER 15<sup>TH</sup> TO DECEMBER 24<sup>TH</sup>, 2006 FOR PAISANO TRAFFIC. (PS-DEPT. OF TRANSPORTATION)**
- (37) **CONSIDERATION AND AUTHORIZATION FOR PRELIMINARY AND FINAL APPROVAL FOR: (PS-DEPT. OF TRANSPORTATION)**  
(A) **PRECINCT NO. 2-C&C RANCH ESTATES LOT 4 RE-PLAT SUBDIVISION – BEING A 6.33 ACRES OF LAND, BEING LOT 4 OF THE C&C RANCH ESTATES, SUBDIVISION, CAMERON COUNTY, TEXAS.**  
The Documentation is as follows:
- (38) **CONSIDERATION AND AUTHORIZATION FOR PRELIMINARY APPROVAL FOR: (PS-DEPT. OF TRANSPORTATION)**  
(A) **PRECINCT NO. 4-LOUICANO SUBDIVISION – BEING A 23.44 ACRE TRACT OF LAND OUT OF BLOCK 38, LA FERIA LAND AND IRRIGATION COMPANY SUBDIVISION IN CAMERON COUNTY, TEXAS.**  
The Documentation is as follows:
- (39) **CONSIDERATION AND AUTHORIZATION TO RENEW A CONCESSION LEASE AGREEMENT BETWEEN CAMERON COUNTY (PARKS) AND CLIFFORD AND NORMA BENEDICT D/B/A OASIS. (JM-PARKS) (TABLED)**
- (40) **CONSIDERATION AND AUTHORIZATION TO RENEW A CONCESSION LEASE AGREEMENT BETWEEN CAMERON COUNTY (PARKS) AND KELLY BRYANT, D/B/A ISLAND FUN SPOT INC., ISLAND FUN SPOT. (JM-PARKS) (TABLED)**
- (41) **CONSIDERATION AND AUTHORIZATION TO RENEW A CONCESSION LEASE AGREEMENT BETWEEN CAMERON COUNTY (PARKS) AND WILL CABLE, D/B/A LA PLAYA BEACHWEAR. (JM-PARKS) (TABLED)**
- (42) **CONSIDERATION AND AUTHORIZATION TO RENEW A CONCESSION LEASE AGREEMENT BETWEEN CAMERON COUNTY (PARKS) AND SONNY GENTRY, D/B/A SONNY’S BEACH SERVICE. (JM-PARKS) (TABLED)**
- (43) **CONSIDERATION AND AUTHORIZATION TO RENEW A CONCESSION LEASE AGREEMENT BETWEEN CAMERON COUNTY (PARKS) AND KELLY BRYANT, D/B/A FUN N SHADE. (JM-PARKS) (TABLED)**
- (44) **CONSIDERATION AND AUTHORIZATION TO RENEW A CONCESSION LEASE AGREEMENT BETWEEN CAMERON COUNTY (PARKS) AND MARIA BOWDEN, D/B/A BEACH SNACKS. (JM-PARKS) (TABLED)**
- (45) **CONSIDERATION AND AUTHORIZATION TO RENEW A CONCESSION LEASE AGREEMENT BETWEEN CAMERON COUNTY (PARKS) AND MAURA MARTINEZ RODRIGUEZ D/B/A JETTIES’ BAIT STAND.(JM-PARKS) (TABLED)**
- (46) **CONSIDERATION AND APPROVAL FOR RENEWAL LEASE AGREEMENT BETWEEN CAMERON COUNTY AND OUR HEAVENLY FATHER CHURCH IN OLMITO, TEXAS TO RENT SPACE FOR WIC PROGRAM SERVICES. (YS-HEALTH) (Contract No. 2006C12107)**  
The Agreement is as follows:

- (47) **CONSIDERATION AND ADOPTION OF A RESOLUTION HONORING MR. ADOLPH BETANCOURT ON THE OCCASION OF HIS RETIREMENT. (COMM.CT.) (Resolution No. 2006R12023)**
- (48) **CONSIDERATION AND ADOPTION OF RESOLUTION HONORING MR. JUAN “BUTCH” BARBOSA ON THE OCCASION OF HIS RETIREMENT. (COMM.CT.) (Resolution No. 2006R12025)**  
**The Resolution is as follows:**

## **TRAVEL ITEMS**

- (49) **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) **HEALTH DEPARTMENT ASSISTANT, TO TRAVEL TO AUSTIN, TEXAS, ON 12/23-14/06, TO ATTEND A TOWARD 2010-ELIMINATING CHILD LEAD POISONING MEETING.**
  - (B) **COUNTY EXTENSION EMPLOYEE, TO TRAVEL TO NEW ORLEANS, LOUISIANA, ON 12/12-14/06, TO ATTEND THE GULF OF MEXICO PROGRAM –GULF GUARDIAN AWARD.**
  - (C) **TAX DEPARTMENT EMPLOYEES (2), TO TRAVEL TO EL PASO, TEXAS, ON 1/16-18/07, TO ATTEND THE ANNUAL TEXAS AUTOMOBILE THEFT PREVENTION AUTHORITY-BORDER SOLUTIONS COMMITTEE MEETING IN EL PASO, TEXAS.**
  - (D) **TAX DEPARTMENT EMPLOYEES (2), TO TRAVEL TO SAN BENITO, TEXAS, ON 1/8-11/07, TO ATTEND COURSES #5 (MASS APPRAISAL CONCEPTS).**
  - (E) **JUVENILE PROBATION DIRECTOR, TO TRAVEL TO AUSTIN, TEXAS, ON 12/7-8/06, TO ATTEND THE “TJPC (TEXAS JUVENILE PROBATION COMMISSION’S PRESIDENTS MEETING”.**

- (32) **CONSIDERATION AND APPROVAL OF TIME EXTENSION FROM NOEMBER 20, 2006 TO NOVEMBER 20, 2007 FOR PROVIDING SEWER FACILITIES (SEPTIC SYSTEMS) AT VERDE ESTATES SUBDIVISION, PCT. 4. (PS-DEPT. OF TRANSPORTATION)**  
**The Documentation is as follows:**

- (33) CONSIDERATION AND APPROVAL OF TIME EXTENSION FROM AUGUST 22, 2005 TO DECEMBER 1, 2008 FOR PROVIDING SEWER FACILITIES (SEPTIC SYSTEMS) AT HACIENDA DEL NORTE SUBDIVISION, SECTION III & IV, PCT. 2. (PS-DEPT. OF TRANSPORTATION)**

**The Documentation is as follows:**

- (34) CONSIDERATION AND APPROVAL OF TIME EXTENSION FROM JANUARY 15, 2007 TO JANUARY 15, 2010 FOR PROVIDING SEWER FACILITIES (SEPTIC SYSTEM) AT RANCHO GRANDE SOUTH SUBDIVISION, SECTION V & VI, PCT. 4. (PS-DEPT OF TRANSPORTATION)**  
**The Documentation is as follows:**

- (35) CONSIDERATION AND AUTHORIZATION TO ALLOW TEMPORARY CLOSURE OF A PORTION OF DATE PALM STREET IN THE PCT. 1 AREA. (PS-DEPT. OF TRANSPORTATION)**

**The Documentation is as follows:**



- (37) **CONSIDERATION AND AUTHORIZATION FOR PRELIMINARY AND FINAL APPROVAL FOR: (PS-DEPT. OF TRANSPORTATION)**
- (A) **PRECINCT NO. 2-C&C RANCH ESTATES LOT 4 RE-PLAT SUBDIVISION – BEING A 6.33 ACRES OF LAND, BEING LOT 4 OF THE C&C RANCH ESTATES, SUBDIVISION, CAMERON COUNTY, TEXAS.**

**The Documentation is as follows:**

**(38) CONSIDERATION AND AUTHORIZATION FOR PRELIMINARY APPROVAL FOR: (PS-DEPT. OF TRANSPORTATION)**

**(A) PRECINCT NO. 4-LOUICANO SUBDIVISION – BEING A 23.44 ACRE TRACT OF LAND OUT OF BLOCK 38, LA FERIA LAND AND IRRIGATION COMPANY SUBDIVISION IN CAMERON COUNTY, TEXAS.**

**The Documentation is as follows:**

- (46) **CONSIDERATION AND APPROVAL FOR RENEWAL LEASE AGREEMENT BETWEEN CAMERON COUNTY AND OUR HEAVENLY FATHER CHURCH IN OLMITO, TEXAS TO RENT SPACE FOR WIC PROGRAM SERVICES. (YS-HEALTH) (Contract No. 2006C12107)**  
**The Agreement is as follows:**

- (49) **CONSIDERATION AND ADOPTION OF RESOLUTION HONORING MR. JUAN “BUTCH” BARBOSA ON THE OCCASION OF HIS RETIREMENT. (COMM.CT.) (Resolution No. 2006R12025)**  
**The Resolution is as follows:**

## **EXECUTIVE SESSION**

Upon motion by Commissioner Tamayo, seconded by Commissioner Garza and carried unanimously, the Court met in Executive Session at 12:39 P.M. to discuss the following matters:

**(50) EXECUTIVE SESSION:**

- (A) DELIBERATION REGARDING REAL PROPERTY CONCERNING ACQUISITION OF REAL PROPERTY RELATING TO PARKING FOR THE DANCY BUILDING RENOVATION PROJECT, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.072.**
- (B) DELIBERATION REGARDING REAL PROPERTY CONCERNING ACQUISITION OF RIGHT OF WAY FOR THE WEST RAIL PROJECT, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.072.**
- (C) TO DELIBERATE THE APPOINTMENT OF THE CAMERON COUNTY PURCHASING AGENT, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.074. (ACTION TAKEN SEPARATELY)**
- (D) CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL CONCERNING AUTOPSY ISSUES INCLUDING THE POTENTIAL LOSS OF AUTOPSY CAPABILITIES IN COUNTY, CONTRACTING WITH A PATHOLOGIST OR ESTABLISHING A MEDICAL EXAMINER, AND THIS ISSUE'S IMPACT ON CRIMINAL PROSECUTION 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 V.T.C.A. GOVERNMENT CODE, SECTION 551.071(2).**
- (E) DELIBERATION REGARDING REAL PROPERTY CONCERNING THE POSSIBLE PURCHASE OF PROPERTY FOR PARK IN EL RANCHITO, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.071(2)**
- (F) DELIBERATION REGARDING REAL PROPERTY CONCERNING ACQUISITION OF PARCEL 47, PRIMERA ROAD IN THE PRECINCT 4 AREA, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.072.**
- (G) CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL TO DISCUSS DEVELOPMENT INCENTIVES REQUESTED BY TURF & MORTAR, LP, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.087.**
- (H) DELIBERATION REGARDING REAL PROPERTY CONCERNING ACQUISITION OF PARCEL 157, PRIMERA ROAD IN THE PRECINCT 4 AREA, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.072.**
- (I) CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL CONCERNING RED RIVER SERVICE CORPORATION'S COUNTER PROPOSAL FOR CONTRACT EXTENSION, 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 V.T.C.A. GOVERNMENT CODE, SECTION 551.071(2).**
- (J) DELIBERATION REGARDING REAL PROPERTY CONCERNING BEACH SNACKS IN ISLA BLANCA PARK PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.071(2).**

- (K) DELIBERATION REGARDING REAL PROPERTY CONCERNING LEASE AGREEMENT WITH CAMERON COUNTY CHILDREN ADVOCACY ENTER (MAGGIE'S HOUSE) FOR PROPERTY LOCATED ON THE SAN BENITO ANNEX PROPERTY, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.072.**
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**NOTE: Judge Hinojosa did not return to the meeting.**

Upon motion by Commissioner Tamayo, seconded by Commissioner Wood and carried unanimously, the Court reconvened into Regular Session at 1:06 P.M. to discuss the following matters:

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

- (A) DELIBERATION REGARDING REAL PROPERTY CONCERNING ACQUISITION OF REAL PROPERTY RELATING TO PARKING FOR THE DANCY BUILDING RENOVATION PROJECT, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.072.**
- (B) DELIBERATION REGARDING REAL PROPERTY CONCERNING ACQUISITION OF RIGHT OF WAY FOR THE WEST RAIL PROJECT, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.072.**

Upon motion by Commissioner Wood, seconded by Commissioner Benavides and carried unanimously, Executive Session Items No. 51 (A) and (B) were **TABLED**.

- (D) CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL CONCERNING AUTOPSY ISSUES INCLUDING THE POTENTIAL LOSS OF AUTOPSY CAPABILITIES IN COUNTY, CONTRACTING WITH A PATHOLOGIST OR ESTABLISHING A MEDICAL EXAMINER, AND THIS ISSUE'S IMPACT ON CRIMINAL PROSECUTION ON A MATTER IN WHICH THE DUTY OF THE ATTORNEY TO THE GOVERNMENTAL BODY UNDER THE TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT OF THE STAT BAR OF TEXAS CLEARLY CONFLICTS WITH THIS CHAPTER, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.071(2).**

Upon motion by Commissioner Tamayo, seconded by Commissioner Wood and carried unanimously, the Status Report was acknowledged and authorization to proceed as discussed in Executive Session was approved.

- (E) DELIBERATION REGARDING REAL PROPERTY CONCERNING THE POSSIBLE PURCHASE OF PROPERTY FOR PARK IN EL RANCHITO, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.071(2)**

Upon motion by Commissioner Tamayo, seconded by Commissioner Wood and carried unanimously, the Status Report was acknowledged and authorization to proceed as discussed in Executive Session was approved.

- (F) DELIBERATION REGARDING REAL PROPERTY CONCERNING ACQUISITION OF PARCEL 47, PRIMERA ROAD IN THE PRECINCT 4 AREA, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.072.**

Upon motion by Commissioner Wood, seconded by Commissioner Benavides and carried unanimously, Executive Session Item No. 51 (F) was **TABLED**.

- (G) **CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL TO DISCUSS DEVELOPMENT INCENTIVES REQUESTED BY TURF & MORTAR, LP, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.087.**

Commissioner Wood moved to issue a letter of support for the project.

The motion was seconded by Commissioner Tamayo and carried unanimously.

- (H) **DELIBERATION REGARDING REAL PROPERTY CONCERNING ACQUISITION OF PARCEL 157, PRIMERA ROAD IN THE PRECINCT 4 AREA, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.072.**

Commissioner Wood moved to authorize the Engineering Department to go back to the owner with a counteroffer.

The motion was seconded by Commissioner Tamayo and carried unanimously.

- (I) **CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL CONCERNING RED RIVER SERVICE CORPORATION'S COUNTER PROPOSAL FOR CONTRACT EXTENSION, 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 V.T.C.A. GOVERNMENT CODE, SECTION 551.071(2).**

Commissioner Wood moved to acknowledge the Status Report from Legal Counsel and to proceed as directed in Executive Session.

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

AYE: Commissioner Wood, Commissioner Benavides and Commissioner Garza

NAY: None

ABSTAIN: Commissioner Tamayo

Commissioner Wood let it be known that Commissioner Tamayo was not present during the discussion of this item.

**The Affidavit is as follows:**

**(J) DELIBERATION REGARDING REAL PROPERTY CONCERNING BEACH SNACKS IN ISLA BLANCA PARK PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.071(2).**

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

**(K) DELIBERATION REGARDING REAL PROPERTY CONCERNING LEASE AGREEMENT WITH CAMERON COUNTY CHILDREN ADVOCACY CENTER (MAGGIE'S HOUSE) FOR PROPERTY LOCATED ON THE SAN BENITO ANNEX PROPERTY, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.072.**

Upon motion by Commissioner Benavides, seconded by Commissioner Wood and carried unanimously, the Status Report was acknowledged and authorization to proceed as discussed in Executive Session was approved.



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There being no further business to come before the Court, upon motion by Commissioner Tamayo, seconded by Commissioner Benavides and carried unanimously, the meeting was **ADJOURNED** at 1:10 P.M.

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**APPROVED** this 28<sup>th</sup> day of **December 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**