

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 2<sup>nd</sup> day of January 2009, there was conducted a SPECIAL Meeting of the Honorable Commissioners' Court of Cameron County, Texas, at the Courthouse thereof, in the City of Brownsville, Texas, for the purpose of transacting any and all business that may lawfully be brought before the same.

THE COURT MET AT:

PRESENT:

8:00 A.M.

CARLOS H. CASCOS, CPA  
COUNTY JUDGE

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:  
SOFIA C. BENAVIDES

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The meeting was called to order by Judge Cascos at 8:00 A.M. He asked Commissioner Tamayo for the invocation. Constable Joe Cavazos then led the Court and audience in reciting the Pledge of Allegiance to the State Flag and 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 29, 2008 at 4:30 P.M.:

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**(1) PUBLIC COMMENTS.**

None were presented.

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**ACTION ITEMS**

**(2) ACTION ITEMS.**

**(A) CONSIDERATION AND AUTHORIZATION OF ADDITIONAL PAYROLL CLAIMS FOR WEEK ENDING DECEMBER 18<sup>TH</sup>. (MG-AUDITOR)**

Commissioner Tamayo motioned to approve the additional Payroll Claims for Week ending December 18<sup>th</sup>.

The motion was seconded by Commissioner Garza and carried unanimously.

**The Documentation is as follows:**

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- (B) **CONSIDERATION AND ACTION ON THE APPOINTMENT OF DEPUTY CONSTABLES AND RESERVE DEPUTY CONSTABLES FOR CONSTABLE PRECINCTS 1, 2, 3 AND 4 IN COMPLIANCE WITH THE FINDING THAT IT IS NECESSARY TO APPOINT THE RESERVE AND DEPUTY CONSTABLES IN ORDER TO PROPERLY HANDLE THE BUSINESS OF THE RESPECTIVE CONSTABLE'S OFFICE THAT ORIGINATE IN THE CONSTABLE'S PRECINCT AND THAT THE APPOINTMENT IS VALID ONLY THROUGH THE END OF THE FISCAL YEAR IN WHICH THE APPOINTMENT IS MADE OR THE CURRENT TERM OF THE ELECTED CONSTABLE MAKING THE APPOINTMENT WHICHEVER ENDS SOONER. (MV-HUMAN RESOURCES).**

Commissioner Wood motioned to approve the Appointment of Deputy Constables and Reserve Deputy Constables for Constable Precincts 1, 2, 3 and 4 in compliance with the finding that it is necessary to appoint the Reserve and Deputy Constables in order to properly handle the business of the respective Constable's Office that originate in the Constable's Precinct and that the appointment is valid only through the end of the Fiscal Year in which the appointment is made or the Current Term of the Elected Constable making the appointment whichever ends sooner.

The motion was seconded by Commissioner Tamayo and carried unanimously.

**The Documentation is as follows:**

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- (C) **CONSIDERATION AND ACTION ON THE APPOINTMENTS AND RE-APPOINTMENTS OF DEPUTY CONSTABLES AND RESERVE DEPUTY CONSTABLES FOR CONSTABLE PRECINCTS 5, 6 AND 7 IN COMPLIANCE WITH THE FINDING THAT IT IS NECESSARY TO APPOINT THE RESERVE AND DEPUTY CONSTABLES IN ORDER TO PROPERLY HANDLE THE BUSINESS OF THE RESPECTIVE CONSTABLE'S OFFICE THAT ORIGINATE IN THE CONSTABLE'S PRECINCT AND THAT THE APPOINTMENT IS VALID ONLY THROUGH THE END OF THE FISCAL YEAR IN WHICH THE APPOINTMENT IS MADE OR THE CURRENT TERM OF THE ELECTED CONSTABLE MAKING THE APPOINTMENT WHICHEVER ENDS SOONER. (MV-HUMAN RESOURCES).**

Commissioner Garza motioned to approve the Appointments and re-appointments of Deputy Constables and Reserve Deputy Constables for Constable Precincts 5, 6 and 7 in compliance with the finding that it is necessary to appoint the Reserve and Deputy Constables in order to properly handle the business of the respective Constable's Office that originate in the Constable's Precinct and that the appointment is valid only through the end of the Fiscal Year in which the appointment is made or the Current Term of the Elected Constable making the appointment whichever ends sooner.

The motion was seconded by Commissioner Tamayo and carried unanimously.

**The Documentation is as follows:**

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**(B) CONSIDERATION AND ACTION ON THE APPOINTMENT OF DEPUTY CONSTABLES AND RESERVE DEPUTY CONSTABLES FOR CONSTABLE PRECINCTS 1, 2, 3 AND 4 IN COMPLIANCE WITH THE FINDING THAT IT IS NECESSARY TO APPOINT THE RESERVE AND DEPUTY CONSTABLES IN ORDER TO PROPERLY HANDLE THE BUSINESS OF THE RESPECTIVE CONSTABLE'S OFFICE THAT ORIGINATE IN THE CONSTABLE'S PRECINCT AND THAT THE APPOINTMENT IS VALID ONLY THROUGH THE END OF THE FISCAL YEAR IN WHICH THE APPOINTMENT IS MADE OR THE CURRENT TERM OF THE ELECTED CONSTABLE MAKING THE APPOINTMENT WHICHEVER ENDS SOONER. (MV-HUMAN RESOURCES).**

Commissioner Garza highlighted the fact that the Constable Precinct 1 is resigning effective January 2, 2009 and Action Item No. 2 (B) approved the appointment of Deputy Constables and Reserve Deputy Constables for Precinct 1. He inquired as to what will occur to those appointments once a new Constable is appointed by the Court.

Judge Cascos asked for clarification as to when the current term for Constable Precinct 1 will end given the fact that the Constable for Precinct 1 submitted his resignation effective January 2, 2009.

Commissioner Garza asked that the motion for Action Item No. 2 (B) include "...subject to approval by Legal".

Judge Cascos recommended that the motion for Action Item No. 2 (B) include "...subject to Legal Counsel's clarification regarding the term of Constable for Precinct 1".

Commissioner Wood expressed concern that the Court would not be aware as to what Legal Counsel's findings may be unless they are each notified once a determination has been made.

Judge Cascos asked that the Court take a break in order to allow Legal Counsel time to research this issue.

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Ms. Dylbia Jeffries-Vega, Legal Counsel, explained that the Constable for Precinct 1 tendered his resignation and will be a holdover until the Court appoints a new Constable. She stated that the Constable for Precinct 1 does have the authority to appoint the Deputy Constables and Reserve Deputy Constables.

Judge Cascos added that even though the Constable for Precinct 1 has resigned, he remains Constable as he has not been convicted of any unlawful activities.

Mr. Richard Burst, Legal Counsel, added that the Deputy Constables and Reserve Deputy Constables are protected under Civil Service unless an individual has yet to complete the probationary period.

Commissioner Garza asked Mr. Burst if the Court was within their legal rights by approving Action Item No. 2 (B).

Mr. Burst replied that the action taken by Court with respect to Action Item No. 2 (B) approving the appointment of the Deputy Constables and Reserve Deputy Constables for Constable Precincts 1, 2, 3 and 4 is legal.

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There being no further business to come before the Court, upon motion by Commissioner Tamayo, seconded by Commissioner Garza and carried unanimously, the meeting was **ADJOURNED** at 8:53 A.M.

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**APPROVED** this 29<sup>th</sup> day of **January 2009**

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**CARLOS H. CASCOS, CPA**  
**COUNTY JUDGE**

**ATTEST:**

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