

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 9th day of July 2009, there was conducted a **REGULAR Meeting of the Honorable Commissioners' Court of Cameron County, Texas, at the Courthouse thereof, in the City of Brownsville, Texas, for the purpose of transacting any and all business that may lawfully be brought before the same.**

THE COURT MET AT:

PRESENT:

5:00 P.M.

CARLOS H. CASCOS, CPA
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

Mayra Medrano Deputy Clerk

ABSENT:

NOTE: Commissioner Garza was not present when the Meeting commenced.

The meeting was called to order by Judge Cascos at 5:00 P.M. He asked Ms. Martha Galarza, County Auditor, for the invocation. Mr. Robert L. Lopez, Director of Administrative Services, then led the Court and audience in reciting the Pledge of Allegiance and the Pledge of Allegiance to the State Flag.

The Court considered the following matters as posted and filed for Record in the Office of the County Clerk on July 6, 2009 at 1:59 P.M.:

CONSENT ITEMS

(5) CONSENT ITEMS.

- (X) CONSIDERATION AND AUTHORIZATION TO OPEN THE FOLLOWING BIDS/RFP'S/RFQ'S FOR: (MF-PURCHASING)**
- a. CONSULTANT FOR REDISTRICTING PLAN (CAMERON COUNTY) – RFQ #090601**
 - b. VITALS & COURT RECORDS – RFP #090504**
 - c. FUEL (GASOLINE & DIESEL) – ANNUAL BID #2280-1**

Commissioner Tamayo motioned to authorize the opening of the following Bids/ RFP'S/RFQ'S:

Consultant for Redistricting Plan (Cameron County) – RFQ #090601, Vitals & Court Records – RFP #090504 and Fuel (Gasoline & Diesel) – Annual Bid #2280-1.

The motion was seconded by Commissioner Wood and carried unanimously.

EXECUTIVE SESSION

Upon motion by Commissioner Benavides, seconded by Commissioner Tamayo and carried unanimously, the Court met in Executive Session at 5:04 P.M. to discuss the following matters:

(1) EXECUTIVE SESSION:

- (A) DELIBERATION REGARDING REAL PROPERTY CONCERNING ACQUISITION OF PARCEL 21, FOR RIGHT OF WAY FOR FM 732, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.072.**
- (B) DELIBERATION REGARDING REAL PROPERTY CONCERNING THE POSSIBLE SALE OF CAMERON COUNTY OWNED PROPERTIES TO THE U.S. DEPARTMENT OF ARMY KNOWN AS: TRACK NO. RGV-HRL-4000, LOCATED IN THE CONCEPCION DE CARRICITOS GRANT, CAMERON COUNTY, TEXAS SAID 1.104 ACRE TRACT, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.072.**
- (C) CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL CONCERNING MARTHA LOZANO VS. CAMERON COUNTY, TEXAS, BOARD OF JUDGES OF CAMERON COUNTY, TEXAS, CAMERON COUNTY AUDITOR, MARTHA GALARZA, AND ROBERT A. ALMON, II; IN THE 444TH DISTRICT COURT; CAUSE NO. 2009-06-3750-H, FOR AUTHORITY TO REPRESENT MARTHA GALARZA, INDIVIDUALLY AND AS COUNTY AUDITOR, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.071 (1)(A).**
- (D) CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL CONCERNING STATUS OF THE PROJECT AGREEMENT DATED 7TH DAY OF AUGUST, 2001 WITH AMENDMENTS AND SERVICE AGREEMENT DATED 16TH DAY OF JANUARY, 2002 WITH AMENDMENTS, CONCERNING THE COUNTY WIDE ADDRESSING PROJECT (G.I.S.), PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.071 (2).**
- (E) CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL CONCERNING CONTRACT ISSUES WITH NB DEVELOPMENT, INC., PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.071 (2).**
- (F) CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL CONCERNING CONTRACT BETWEEN CAMERON COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES AND THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES FOR THE COMMUNITY PREPAREDNESS SECTION/BIOTERRORISM DISCRETIONARY FUND PROJECTS PHASE II, AS ALLOWED BY TEXAS GOVERNMENT CODE §418.183(F).**

- (G) **CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL CONCERNING CONTRACT BETWEEN CAMERON COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES AND THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES FOR THE COMMUNITY PREPAREDNESS SECTION/BIOTERRORISM DISCRETIONARY FUND PROJECTS PHASE II, AS ALLOWED BY TEXAS GOVERNMENT CODE §418.183(F).**

Upon motion by Commissioner Wood, seconded by Commissioner Tamayo and carried unanimously, the Court reconvened into Regular Session at 5:49 P.M. to discuss the following matters:

NOTE: Commissioner Garza joined the Meeting when the Court reconvened into Regular Session at 5:49 p.m.

(2) ACTION RELATIVE TO EXECUTIVE SESSION:

- (A) **DELIBERATION REGARDING REAL PROPERTY CONCERNING ACQUISITION OF PARCEL 21, FOR RIGHT OF WAY FOR FM 732, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.072.**

Commissioner Wood motioned to acquire the parcel for \$187,500.00.

The motion was seconded by Commissioner Tamayo and carried unanimously.

- (B) **DELIBERATION REGARDING REAL PROPERTY CONCERNING THE POSSIBLE SALE OF CAMERON COUNTY OWNED PROPERTIES TO THE U.S. DEPARTMENT OF ARMY KNOWN AS: TRACK NO. RGV-HRL-4000, LOCATED IN THE CONCEPCION DE CARRICITOS GRANT, CAMERON COUNTY, TEXAS SAID 1.104 ACRE TRACT, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.072. (TABLED)**

Commissioner Wood motioned to TABLE Executive Session Item No. 2 (B).

The motion was seconded by Commissioner Benavides and carried unanimously.

- (C) **CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL CONCERNING MARTHA LOZANO VS. CAMERON COUNTY, TEXAS, BOARD OF JUDGES OF CAMERON COUNTY, TEXAS, CAMERON COUNTY AUDITOR, MARTHA GALARZA, AND ROBERT A. ALMON, II; IN THE 444TH DISTRICT COURT; CAUSE NO. 2009-06-3750-H, FOR AUTHORITY TO REPRESENT MARTHA GALARZA, INDIVIDUALLY AND AS COUNTY AUDITOR, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.071 (1)(A).**

Commissioner Wood motioned to authorize the representation of Martha Galarza, County Auditor, in her individual capacity and official capacity.

The motion was seconded by Commissioner Tamayo and carried unanimously.

- (D) **CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL CONCERNING STATUS OF THE PROJECT AGREEMENT DATED 7TH DAY OF AUGUST, 2001 WITH AMENDMENTS AND SERVICE AGREEMENT DATED 16TH DAY OF JANUARY, 2002 WITH AMENDMENTS, CONCERNING THE COUNTY WIDE ADDRESSING PROJECT (G.I.S.), PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.071 (2).**

Commissioner Wood motioned to acknowledge the Report by Legal Counsel and Mr. Pete Sepulveda, County Administrator.

The motion was seconded by Commissioner Tamayo and carried unanimously.

- (E) **CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL CONCERNING CONTRACT ISSUES WITH NB DEVELOPMENT, INC., PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.071 (2).**

Commissioner Tamayo motioned to acknowledge the Report by Mr. Pete Sepulveda, County Administrator, and to proceed along the terms and conditions as discussed in Executive Session.

The motion was seconded by Commissioner Garza and carried unanimously.

- (F) **CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL CONCERNING CONTRACT BETWEEN CAMERON COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES AND THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES FOR THE COMMUNITY PREPAREDNESS SECTION/BIOTERRORISM DISCRETIONARY FUND PROJECTS PHASE II, AS ALLOWED BY TEXAS GOVERNMENT CODE §418.183(F).**

Commissioner Tamayo motioned to approve the Contract as presented.

The motion was seconded by Commissioner Garza and carried unanimously.

- (G) **CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL CONCERNING CONTRACT BETWEEN CAMERON COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES AND THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES FOR THE COMMUNITY PREPAREDNESS SECTION/BIOTERRORISM DISCRETIONARY FUND PROJECTS PHASE II, AS ALLOWED BY TEXAS GOVERNMENT CODE §418.183(F). (TABLED)**

Commissioner Garza motioned to TABLE Executive Session Item No. 2 (G).

The motion was seconded by Commissioner Wood and carried unanimously.

(3) **PUBLIC COMMENTS.**

Commissioner Benavides commented on the recent littering at County beaches and urged the public to pick up after themselves when using the beaches.

Judge Cascos informed the Court that a trash pick-up event at the beaches was coordinated with the Prisoners at Work Program on July 6th. He instructed Mr. Javier Mendez, Parks Director, to place an item on the next Agenda to discuss what is being done to address beach maintenance issues.

PRESENTATIONS

(4) **PRESENTATIONS/RESOLUTIONS.**

(A) **PRESENTATION BY THE TEXAS BORDER COALITION. (PSJ-ADMINISTRATOR)**

Mr. Billy Moore informed the Court that the Texas Border Coalition represents interests common to the US-Mexico Border from Brownsville to El Paso with the purpose of educating and advocating on behalf of a member directive agenda which focuses on education, transportation, healthcare, border security, trade and ports of entry. He acknowledged that the Texas Border Coalition is best known for their work associated with the Border Fence and mentioned the other ventures that the Texas Border Coalition is currently involved with.

Commissioner Tamayo motioned to acknowledge the Presentation by the Texas Border Coalition.

The motion seconded by Commissioner Garza and carried unanimously.

The Documentation is as follows:

(B) PRESENTATION OF THE 3RD QUARTER REPORT FOR THE INTERNATIONAL BRIDGE SYSTEM. (PSJ-ADMINISTRATOR)

Mr. David Garcia, Deputy County Administrator, reported that the Gateway International Bridge had a 7% decrease in bridge crossings and a 15% decrease in revenues as compared to the same quarter last fiscal year.

Commissioner Garza requested that any future International Bridge System Reports show a comparison as to the impact of the Western Hemisphere Travel Initiative over the previous fiscal year.

Mr. Garcia advised the Court that the Free Trade International Bridge had a 7% decrease in bridge crossings with an 11% decrease in revenues and the Veteran's International Bridge had a 22% decrease in bridge crossings with a 23% decrease in revenues as compared to the same quarter last fiscal year.

Commissioner Garza motioned to acknowledge the Presentation of the 3rd Quarter Report for the International Bridge System.

The motion was seconded by Commissioner Tamayo and carried unanimously.

The Documentation is as follows:

(C) CONSIDERATION AND APPROVAL OF RESOLUTION APPOINTING MEMBERS TO THE CENSUS COMMITTEE. (PSJ-ADMINISTRATOR)

Commissioner Wood motioned to approve the Resolution appointing Members to the Census Committee.

The motion was seconded by Commissioner Tamayo and carried unanimously.

TRAVEL ITEMS

Judge Cascos requested that future agendas separate Travel Items such that those Travel Items which are at no cost to the County or grant-related be placed under "Consent Items" and any remaining Travel Items be placed under "Action Items" for discussion.

(C) CONSIDERATION AND APPROVAL OF RESOLUTION APPOINTING MEMBERS TO THE CENSUS COMMITTEE. (PSJ-ADMINISTRATOR) (Resolution No. 2009R07092)

Commissioner Tamayo appointed Ms. Maria Lourdes Saucedo to the Census Committee.

Commissioner Garza stated that he is pending confirmation from his prospective appointee.

Commissioner Wood appointed Ms. Gloria Moreno to the Census Committee.

Commissioner Benavides appointed Ms. Rosa Leticia Berardez to the Census Committee.

Commissioner Garza noted that at a previous Meeting Dr. Antonio Zavaletta was appointed as Co-chair with the County Judge appointing a second Co-Chair and one other Member.

The Resolution is as follows:

CONSENT ITEMS

- (5) **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:

Consent Item No. 5 (A):

Commissioner Garza asked to discuss this item separately.

Commissioner Tamayo moved to approve the "Consent Items", excluding Consent Items No. 5 (A) and (X).

The motion was seconded by Commissioner Garza and carried unanimously.

- (A) **CONSIDERATION AND APPROVAL OF WORK EXPERIENCE TRAINING AGREEMENT BETWEEN CAMERON COUNTY AND WORKFORCE SOLUTIONS, CAMERON (SER-JOBS PROGRESS NATIONAL, INC.). (RL-ADMINISTRATIVE SERVICES) (ACTION TAKEN SEPARATELY)**
- (B) **CONSIDERATION AND APPROVAL OF PURCHASE AGREEMENT BETWEEN CAMERON COUNTY, TEXAS AND THE RIO HONDO INDEPENDENT SCHOOL DISTRICT FOR PURCHASE BY CAMERON COUNTY OF CERTAIN REAL PROPERTY OWNED BY THE RIO HONDO INDEPENDENT SCHOOL DISTRICT. (PSJ-ADMINISTRATOR) (Contract No. 2009C07250)**
The Agreement is as follows:
- (C) **CONSIDERATION AND APPROVAL OF MONTHLY FINANCIAL INFORMATION IN COMPLIANCE WITH LGC 114.023 AND 114.024. (MG-AUDITOR)**
The Documentation is as follows:
- (D) **CONSIDERATION AND AUTHORIZATION TO RENEW INDEPENDENT AUDIT SERVICES FOR CAMERON COUNTY ANNUAL RFP #1220 WITH LONG CHILTON LLP FOR ANNUAL AUDIT FOR CAMERON COUNTY FISCAL YEAR ENDING 9/30/09. (MG-AUDITOR) (Contract No. 2009C08276)**
The Documentation is as follows:
- (E) **CONSIDERATION AND AUTHORIZATION FOR PRELIMINARY PLAT APPROVAL FOR EL REFUGIO ESTATES SUBDIVISION, PCT. 4, BEING AN 11.214 ACRE TRACT OF LAND, OUT OF BLOCK ONE HUNDRED AND SIXTEEN (116), H & H SUBDIVISION CAMERON COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 5, PAGE 12, MAP RECORDS OF CAMERON COUNTY, TEXAS. (EH-CCDoT)**
The Documentation is as follows:
- (F) **CONSIDERATION AND AUTHORIZATION FOR FINAL PLAT APPROVAL FOR PONDEROSA RANCHES SUBDIVISION REPLAT, PCT. 2, BEING 2.005 ACRES, COMPRISED OF ALL OF LOT 4, BLOCK 1, OF PONDEROSA RANCHES SUBDIVISION, SECTION II (CAMERON COUNTY MAP RECORDS, CABINET 1, SLOT 1189-B) AND 0.170 ACRE OUT OF A CERTAIN 2.623 ACRE TRACT (CAMERON COUNTY OFFICIAL RECORDS, VOLUME 3275, PAGE 36) OUT OF BLOCK 21, EL JARDIN HEIGHTS SUBDIVISION (CAMERON COUNTY MAP RECORDS, VOLUME 5, PAGE 48), IN CAMERON COUNTY, TEXAS. (EH-CCDoT) (Contract No. 2009C07251)**
The Documentation is as follows:
- (G) **CONSIDERATION AND APPROVAL OF CHANGE ORDER NO. 1 FOR THE REHABILITATION OF FREE TRADE INTERNATIONAL BRIDGE, BID NO. 090204. (EH-CCDoT) (Order No. 2009O7023)**
The Documentation is as follows:
- (H) **CONSIDERATION AND ACCEPTANCE OF FINAL COMPLETION OF THE REHABILITATION OF FREE TRADE INTERNATIONAL BRIDGE, BID NO. 090204. (EH-CCDoT)**
The Documentation is as follows:

- (I) **CONSIDERATION AND APPROVAL TO AWARD LOW BID TO J.M. CONSTRUCTION FOR THE CAMERON COUNTY BORDER COLONIA ACCESS PROGRAM (BCAP) 3RD CALL – LAS PALMAS SUBDIVISION ROAD & DRAINAGE IMPROVEMENTS PROJECT, BID NO. 090505. (EH-CCDoT)**
The Documentation is as follows:
- (J) **CONSIDERATION AND APPROVAL TO RELEASE THE LETTER OF CREDIT FOR NORTH RANCH SUBDIVISION, PCT. 2. THE SUBDIVISION HAS BEEN COMPLETED ACCORDING TO CAMERON COUNTY RULES AND REGULATIONS AND RECORDED WITH COUNTY CLERK’S OFFICE UNDER CABINET 1, PGS. 2967-B & 2968-A. (EH-CCDoT)**
The Documentation is as follows:
- (K) **CONSIDERATION AND AUTHORIZATION TO INITIATE THE DRAWING PROCESS ON LETTER OF CREDIT FOR PUERTA DEL CIELO, SECTION I SUBDIVISION, PCT. 2, FOR UNBUILT SEPTIC SYSTEMS. (EH-CCDoT)**
The Documentation is as follows:
- (L) **CONSIDERATION AND AUTHORIZATION TO INITIATE THE DRAWING PROCESS ON LETTER OF CREDIT FOR ZILLOCK RANCH SUBDIVISION, UNIT 3, SECTION I, PCT. 3, FOR UNBUILT SEPTIC SYSTEMS. (EH-CCDoT)**
The Documentation is as follows:
- (M) **CONSIDERATION AND AUTHORIZATION TO INITIATE THE DRAWING PROCESS ON LETTER OF CREDIT FOR TIO PANCHO GARZA SUBDIVISION, PCT. 4, FOR UNBUILT SEPTIC SYSTEMS. (EH-CCDoT)**
The Documentation is as follows:
- (N) **CONSIDERATION AND AUTHORIZATION TO INITIATE THE DRAWING PROCESS ON LETTER OF CREDIT FOR LA CAÑADA/THE DELL SUBDIVISION, PHASE I AND PHASE II PCT. 4, FOR UNBUILT SEPTIC SYSTEMS. (EH-CCDoT)**
The Documentation is as follows:
- (O) **CONSIDERATION AND AUTHORIZATION TO INITIATE THE DRAWING PROCESS ON LETTER OF CREDIT FOR RED BIRD SUBDIVISION, FOR UNBUILT WATER WELLS AND SEPTIC SYSTEMS. (EH-CCDoT)**
The Documentation is as follows:
- (P) **CONSIDERATION AND APPROVAL OF TIME EXTENSION FROM JULY 17, 2009 TO JULY 17, 2010 FOR PROVIDING SEWER FACILITIES (SEPTIC SYSTEMS) AT CACTUS ESTATES SUBDIVISION, PCT. 3. (EH-CCDoT)**
The Documentation is as follows:
- (Q) **CONSIDERATION, APPROVAL AND SIGNATURE BY CAMERON COUNTY JUDGE ON THE MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN CAMERON COUNTY, TEXAS FOREST SERVICE AND STATE OF TEXAS TO PARTICIPATE IN THE ALL HAZARDS REGIONAL INCIDENT MANAGEMENT TEAM (RIMT). (JC-EMERGENCY MANAGEMENT) (Contract No. 2009C07252)**
The Documentation is as follows:
- (R) **CONSIDERATION AND APPROVAL OF MEDICAL SERVICE AGREEMENT BETWEEN THE CAMERON COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES AND DR. JAMES WALTER CASTILLO II. (YS-HEALTH DEPARTMENT) (Contract No. 2009C07256)**
The Agreement is as follows:
- (S) **CONSIDERATION AND ACTION FOR THE APPOINTMENT OF ANTONIO PEREZ AND EDUARDO BENAVIDEZ RESERVE DEPUTY CONSTABLES FOR PRECINCT NO. 2 IN COMPLIANCE WITH THE FINDING THAT IT IS NECESSARY TO APPOINT THE RESERVE DEPUTIES IN ORDER TO PROPERLY HANDLE THE BUSINESS OF THE CONSTABLE’S OFFICE THAT ORIGINATES IN THE CONSTABLE’S PRECINCT. (MV-HUMAN RESOURCES)**
The Documentation is as follows:

- (T) **CONSIDERATION AND AUTHORIZATION TO EXECUTE STANDARD SERVICE AGREEMENT WITH MILITARY HIGHWAY WATER SUPPLY CORPORATION FOR WATER SERVICE AT LOS INDIOS COMMUNITY PARK. (JM-PARKS) (Contract No. 2009C07253)**
The Agreement is as follows:
- (U) **CONSIDERATION AND AUTHORIZATION TO APPROVE BEACH VENDING PERMIT FOR RNV ENTERPRISE, LLC. D/B/A QUIZNOS (VICTOR RIVET). (JM-PARKS)**
The Documentation is as follows:
- (V) **CONSIDERATION AND APPROVAL OF ADDENDUM TO CONCESSION AGREEMENT WITH SEA RANCH ENTERPRISES, LLP., ON SOUTH PADRE ISLAND. (JM-PARKS) (Contract No. 2009C06214)**
The Addendum is as follows:
- (W) **CONSIDERATION AND AUTHORIZATION TO ADVERTISE FOR THE FOLLOWING BIDS/RFP'S/RFQ'S: (MF-PURCHASING)**
a. **INSURANCE: FLOOD – ANNUAL RFP #1461 AND APPROVAL OF RFP**
The Documentation is as follows:
- (X) **CONSIDERATION AND AUTHORIZATION TO OPEN THE FOLLOWING BIDS/RFP'S/RFQ'S FOR: (MF-PURCHASING) (ACTION TAKEN SEPARATELY)**
a. **CONSULTANT FOR REDISTRICTING PLAN (CAMERON COUNTY) – RFQ #090601**
b. **VITALS & COURT RECORDS – RFP #090504**
c. **FUEL (GASOLINE & DIESEL) – ANNUAL BID #2280-1**
- (Y) **CONSIDERATION AND AUTHORIZATION TO ALLOW COMPASS BANK TO RELEASE SECURITIES PLEDGED AS COLLATERAL BY THE FEDERAL RESERVE BANK ON THE COUNTY'S BEHALF. (DAB-TREASURER)**
The Documentation is as follows:

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The Documentation is as follows:

- (G) CONSIDERATION AND APPROVAL OF CHANGE ORDER NO. 1 FOR THE REHABILITATION OF FREE TRADE INTERNATIONAL BRIDGE, BID NO. 090204. (EH-CCDoT) (Order No. 2009O7023)**
The Documentation is as follows:

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The Documentation is as follows:

- (I) CONSIDERATION AND APPROVAL TO AWARD LOW BID TO J.M. CONSTRUCTION FOR THE CAMERON COUNTY BORDER COLONIA ACCESS PROGRAM (BCAP) 3RD CALL – LAS PALMAS SUBDIVISION ROAD & DRAINAGE IMPROVEMENTS PROJECT, BID NO. 090505. (EH-CCDoT)**
The Documentation is as follows:

- (J) CONSIDERATION AND APPROVAL TO RELEASE THE LETTER OF CREDIT FOR NORTH RANCH SUBDIVISION, PCT. 2. THE SUBDIVISION HAS BEEN COMPLETED ACCORDING TO CAMERON COUNTY RULES AND REGULATIONS AND RECORDED WITH COUNTY CLERK'S OFFICE UNDER CABINET 1, PGS. 2967-B & 2968-A. (EH-CCDoT)**
The Documentation is as follows:

- (K) CONSIDERATION AND AUTHORIZATION TO INITIATE THE DRAWING PROCESS ON LETTER OF CREDIT FOR PUERTA DEL CIELO, SECTION I SUBDIVISION, PCT. 2, FOR UNBUILT SEPTIC SYSTEMS. (EH-CCDoT)**
The Documentation is as follows:

- (L) CONSIDERATION AND AUTHORIZATION TO INITIATE THE DRAWING PROCESS ON LETTER OF CREDIT FOR ZILLOCK RANCH SUBDIVISION, UNIT 3, SECTION I, PCT. 3, FOR UNBUILT SEPTIC SYSTEMS. (EH-CCDoT)**
The Documentation is as follows:

- (M) CONSIDERATION AND AUTHORIZATION TO INITIATE THE DRAWING PROCESS ON LETTER OF CREDIT FOR TIO PANCHO GARZA SUBDIVISION, PCT. 4, FOR UNBUILT SEPTIC SYSTEMS. (EH-CCDoT)**

The Documentation is as follows:

- (N) **CONSIDERATION AND AUTHORIZATION TO INITIATE THE DRAWING PROCESS ON LETTER OF CREDIT FOR LA CAÑADA/THE DELL SUBDIVISION, PHASE I AND PHASE II PCT. 4, FOR UNBUILT SEPTIC SYSTEMS. (EH-CCDøT)**
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- (O) CONSIDERATION AND AUTHORIZATION TO INITIATE THE DRAWING PROCESS ON LETTER OF CREDIT FOR RED BIRD SUBDIVISION, FOR UNBUILT WATER WELLS AND SEPTIC SYSTEMS. (EH-CCDoT)**
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The Agreement is as follows:

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- (V) **CONSIDERATION AND APPROVAL OF ADDENDUM TO CONCESSION AGREEMENT WITH SEA RANCH ENTERPRISES, LLP., ON SOUTH PADRE ISLAND. (JM-PARKS) (Contract No. 2009C06214)**
The Addendum is as follows:

- (W) CONSIDERATION AND AUTHORIZATION TO ADVERTISE FOR THE FOLLOWING BIDS/RFP'S/RFQ'S: (MF-PURCHASING)**
- a. INSURANCE: FLOOD – ANNUAL RFP #1461 AND APPROVAL OF RFP**
The Documentation is as follows:

- (Y) CONSIDERATION AND AUTHORIZATION TO ALLOW COMPASS BANK TO RELEASE SECURITIES PLEDGED AS COLLATERAL BY THE FEDERAL RESERVE BANK ON THE COUNTY'S BEHALF. (DAB-TREASURER)**
The Documentation is as follows:

(5) **CONSENT ITEMS.**

(A) **CONSIDERATION AND APPROVAL OF WORK EXPERIENCE TRAINING AGREEMENT BETWEEN CAMERON COUNTY AND WORKFORCE SOLUTIONS, CAMERON (SER-JOBS PROGRESS NATIONAL, INC.). (RL-ADMINISTRATIVE SERVICES) (Contract No. 2009C07249)**

Mr. Robert L. Lopez, Director of Administrative Services, informed the Court that the Work Experience Training Agreement that is up for approval is with Ser-Jobs Progress National, Inc. and noted that the Court previously approved a Work Experience Training Agreement with United Migrant Opportunity Service (UMOS).

Commissioner Wood motioned to approve the Work Experience Training Agreement between Cameron County and Workforce Solutions, Cameron (Ser-Jobs Progress National, Inc.).

The motion was seconded by Commissioner Benavides and carried unanimously.

The Agreement is as follows:

TRAVEL ITEMS

(6) 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) 444TH DISTRICT COURT JUDGE TO TRAVEL TO DALLAS, TEXAS, ON 7/19 TO 7/23/09, TO ATTEND ADVANCED CRIMINAL LAW COURSE. (DENIED)

Judge Cascos asked if Mr. Xavier Villarreal, Auditor's Office, has received all information relating to the number of continuing education hours for all elected officials.

Ms. Martha Galarza, County Auditor, replied that information is still being collected and noted that each Travel Item on today's Agenda has been reviewed and analyzed. She advised the Court that 444th District Court Judge Dan Sanchez has acknowledged that he has earned all continuing education hours.

Commissioner Garza motioned to deny Travel Item No. 6 (A).

The motion was seconded by Commissioner Tamayo and carried unanimously.

(B) COMMISSIONER PRECINCT 2 TO TRAVEL TO AUSTIN, TEXAS, ON 8/24 TO 8/26/09, TO ATTEND THE 2009 TEXAS ASSOCIATION OF COUNTIES ANNUAL CONFERENCE.

Commissioner Garza motioned to approve Travel Item No. 6 (B) subject to the Texas Association of Counties approving the number of continuing education hours.

The motion was seconded by Commissioner Tamayo and carried unanimously.

(C) CONSTABLE PRECINCT 4 STAFF (6) TO TRAVEL TO CORPUS CHRISTI, TEXAS, ON 7/28/09, TO ATTEND THE 8-HOUR 2009 LEGISLATIVE UPDATE WORKSHOP.

(D) CONSTABLE PRECINCT 4 STAFF (2) TO TRAVEL TO SAN ANTONIO, TEXAS, ON 8/11/09, TO ATTEND THE 8-HOUR 2009 LEGISLATIVE UPDATE WORKSHOP.

Constable Precinct 4 Mr. Robert Lopez stated that Travel Items No. 6 (C) and (D) are for TCLEOSE credit and advised the Court that the Travel is at no cost to the County.

Commissioner Garza motioned to approve Travel Items No. 6 (C) and (D).

The motion was seconded by Commissioner Wood and carried unanimously.

(E) ELECTIONS DEPARTMENT STAFF (4) TO TRAVEL TO AUSTIN, TEXAS, ON 8/17 TO 8/19/09, TO ATTEND THE 27TH ANNUAL ELECTION LAW SYMPOSIUM.

Mr. Roger Ortiz, Elections Administrator, informed the Court that the Travel is to be paid by the State as per Chapter 19 and noted that the Travel Request is for (5) staff members.

Commissioner Wood motioned to approve Travel Item No. 6 (E) for (5) staff members.

The motion was seconded by Commissioner Tamayo and carried unanimously.

(F) EMERGENCY MANAGEMENT STAFF (1) TO TRAVEL TO LEANDER, TEXAS, ON 7/8 TO 7/10/09, TO ATTEND ALL HAZARDS INCIDENT MANAGEMENT TYPE III TEAM MEETING FOR INCIDENT COMMANDERS.

Mr. Charles Hoskins, Emergency Management, informed the Court that the Travel is to be paid by the Texas Forest Service.

Commissioner Wood motioned to approve Travel Item No. 6 (F).

The motion was seconded by Commissioner Garza and carried unanimously.

Ms. Martha Galarza, County Auditor, asked for clarification as to the funding for the meals and fuel.

Mr. Hoskins replied that the cost of the meals will be reimbursed by the Texas Forest Service and the mileage used will be out of the County fuel budget.

(G) EXTENSION OFFICE STAFF (2) TO TRAVEL TO KINGSVILLE, TEXAS, ON 4/25/09, TO ASSIST IN DISTRICT 12 4-H FASHION SHOW. (TABLED)

Commissioner Tamayo motioned to TABLE Travel Item No. 6 (G).

The motion was seconded by Commissioner Garza and carried unanimously.

(H) HEALTH DEPARTMENT STAFF (1) TO TRAVEL TO AUSTIN, TEXAS, ON 7/13 TO 7/15/09, TO ATTEND THE TEXAS ASSOCIATION OF LOCAL WIC DIRECTORS JULY BOARD MEETING.

(I) HEALTH DEPARTMENT STAFF (16) TO TRAVEL TO WESLACO, TEXAS, ON 8/6/09, TO ATTEND THE 4TH ANNUAL RIO GRANDE VALLEY BREASTFEEDING COALITION EDUCATION CONFERENCE.

Ms. Martha Galarza, County Auditor, advised the Court that Travel Items No. 6 (H) and (I) are to be paid by the grant.

Commissioner Tamayo motioned to approve Travel Items No. 6 (H) and (I).

The motion was seconded by Commissioner Garza and carried unanimously.

(J) HUMAN RESOURCES STAFF (3) TO TRAVEL TO CORPUS CHRISTI, TEXAS, ON 6/13 TO 6/14/09 TO ATTEND THE 2009 LOSS CONTROL REGIONAL WORKSHOP.

Mr. Manuel Villarreal, Human Resources Director, stated that the dates of travel for Travel Item No. 6 (J) are July 13 thru July 14.

Ms. Martha Galarza, County Auditor, advised the Court that there is a \$243.00 cost to the General Fund for Travel Item No. 6 (J) and an \$872.70 cost to the General Fund for Travel Item No. 6 (K).

Commissioner Garza motioned to approve Travel Item No. 6 (J).

The motion was seconded by Commissioner Tamayo and carried unanimously.

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- (K) HUMAN RESOURCES STAFF (2) TO TRAVEL TO AUSTIN, TEXAS, ON 8/3 TO 8/5/09, TO ATTEND PERSPECTIVES 2009 (TEXAS COUNTY AND DISTRICT RETIREMENT SYSTEM) WORKSHOP. (DENIED)**

Commissioner Garza motioned to deny Travel Item No. 6 (K).

The motion was seconded by Commissioner Tamayo and carried unanimously.

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- (L) JUSTICE OF THE PEACE 2-1 JUDGE AND STAFF (1) TO TRAVEL TO HOUSTON, TEXAS, ON 8/6 TO 8/7/09, TO ATTEND THE 2009 LEGISLATIVE UPDATE WORKSHOP.**
- (M) JUSTICE OF THE PEACE 5-1 JUDGE AND STAFF (4) TO TRAVEL TO CORPUS CHRISTI, TEXAS, ON 7/27 TO 7/28/09, TO ATTEND THE 2009 LEGISLATIVE UPDATE WORKSHOP.**
- (N) JUSTICE OF THE PEACE 7-1 STAFF (2) TO TRAVEL TO CORPUS CHRISTI, TEXAS, ON 7/27 TO 7/28/09, TO ATTEND THE 2009 LEGISLATIVE UPDATE WORKSHOP.**

Commissioner Wood motioned to approve Travel Items No. 6 (L), (M) and (N).

The motion was seconded by Commissioner Tamayo and carried unanimously.

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- (O) JUVENILE PROBATION STAFF (1) TO TRAVEL TO SAN ANTONIO, TEXAS, ON 7/15 TO 7/17/09, TO ATTEND THE TEXAS LCP SUPERVISOR COURSE.**
- (P) JUVENILE PROBATION STAFF (11) TO TRAVEL TO SAN ANTONIO, TEXAS, ON 7/19 TO 7/24/09, TO ATTEND THE 1ST JUVENILE SUPERVISION OFFICER (JSO) INSTITUTE 2009.**
- (Q) JUVENILE PROBATION STAFF (1) TO TRAVEL TO AUSTIN, TEXAS, ON 7/20 TO 7/22/09, TO ATTEND THE CHAPTER 344 EMPLOYMENT CERTIFICATION AND TRAINING FOR JUVENILE OFFICERS.**

Commissioner Garza motioned to approve Travel Items No. 6 (O), (P) and (Q).

The motion was seconded by Commissioner Tamayo and carried unanimously.

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- (R) SHERIFF'S DEPARTMENT STAFF (2) TO TRAVEL TO CORPUS CHRISTI, TEXAS, ON 6/24 TO 6/25/09, TO PICK UP MILITARY SURPLUS.**

Commissioner Wood motioned to approve Travel Item No. 6 (R).

The motion was seconded by Commissioner Garza and carried unanimously.

The Documentation is as follows:

ACTION ITEMS

(7) ACTION ITEMS.

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

Upon motion by Commissioner Tamayo, seconded by Commissioner Benavides 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:

(B) APPROVAL OF CLAIMS.

Commissioner Garza motioned to approve the Claims, excluding Warrants No. 00221853, 00221986, 00221987, 00221996, 00222002 and 0022101.

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

AYE: Commissioner Benavides, Commissioner Wood, Commissioner Garza and Commissioner Tamayo

NAY: None

ABSTAIN: Judge Cascos as to Warrant No. 00221930, made payable to Brownsville Independent School District, in the amount of \$12,772.26, Warrant No. 00222021, made payable to Laguna Madre Water District, in the amount of \$328.66, Warrant No. 00222031, made payable to Los Frenos ISD, in the amount of \$40,766.52, Warrant No. 00222078, made payable to Point Isabel ISD, in the amount of \$20,332.76 and Warrant No. 00222082, made payable to Public Utilities Board, in the amount of \$33,536.40.

The Claims and Affidavits are as follows:

(B) APPROVAL OF CLAIMS:

- Warrants No. 00221853, 00221986, 00221987, 00221996, 00222002 and 0022101 (**TABLED**)

Mr. Richard Burst, Legal Counsel-“Commissioners, on June 22nd the Auditor sent me an email requesting or expressing that we were paying certain Claims for private process servers and asked me to look at it and basically, as I understand it and based on this understanding, Claims were being paid out of Funds that were approved by the Commissioners’ Court or out of a Budget approved by the Commissioners’ Court for Sheriff and Constables fees. There’s a statute 11-it’s a Local Government Code 118.131 that authorizes the Commissioners’ Court to set Sheriffs’ and Constables’ fees. The last time we did that was 2006 and so that sets our current fees until changed. The first item on there are the fees for citations for Sheriff and Constable service is \$60.00. What has been happening apparently is not all of, but a minority of some of the JPs (Justice of the Peace) have been charging that fee and then submitting a bill to the Auditor’s Office to pay private process servers. That fee is-those are County Funds. Private process servers are by statute, engaged by the party. In other words, it’s no different whether it’s District Court, County Court or JP Court; you file a suit, you have an option. You can have the Sheriff or Constable serve it. You pay a \$60.00 fee as set by the Court. If you don’t want to do that, the clerk gives you a certified copy of the citation and/or petition and it’s up to you to obtain the service by hiring your own private process server. The point is, that isn’t a County expense; that is a personal individual expense and you can’t use County Funds for that and so...”

Commissioner Garza-“But they’re not County Funds if they’re being collected by the JP are they?”

Mr. Burst-“Yes. Those funds, these are fees collected under authority of the Commissioners’-under fees set by the Commissioners’ Court and they go into the General Fund. Into a-I don’t know how to describe the Budget, but they go into the General Fund. Then once each month those are transferred to the-there’s a Budget set up for the Sheriff and for each Constable, as I understand it, and once each month those funds are transferred. All the fees, not just those, are transferred to either the Sheriff’s Budget or to the Constable for their use and for serving the fees and so those are County Funds.”

Commissioner Garza-“Evidently they’re not being serviced. Is that why these JPs are using this outside services?”

Ms. Martha Galarza, County Auditor-“I don’t know why they are using a private process server. When the District and the County Clerk collect this \$60.00 fee for civil process service and the monthly report that they submit to the Treasurer’s Office and to our Office, these revenues are credited to the Office that is serving these citations;

be it Constables' or be it the Sheriff's Department. The way that this revenue is coming in through the JPs Office is the JP will report the money as a collection and it gets credited in a reserve line item. Then the civil process server will initiate an invoice and send it to the individual Judge and then the Judge approves it for payment. It gets sent to our Office and then we will pay the private civil process server against the reserve line item that's set up so it should zero out."

Commissioner Benavides-"So the people, these civil processors, are they County employees or are they people just off the street with their own businesses?"

Ms. Galarza-"We have in the checks that were just listed right now as not approved, there are two now that are employees, that are County employees."

Commissioner Benavides-"And so what's the difference? I mean what are the other JPs doing?"

Ms. Galarza-"I believe that they are using the Constables."

Commissioner Benavides-"I mean why are we giving out the money, which should be staying within our General Fund? Do you have any..."

Commissioner Garza-"Unless those papers are not being processed and they need to get them done?"

Commissioner Benavides-"But if they're not, then shouldn't we bring those people that are supposed to be processing them before us and ask them why they're not doing it?"

Mr. Burst-"Commissioner, it's my understanding these aren't even being submitted to them; so you wouldn't know whether or not they're being processed but the law is fairly clear on it. There is a procedure for the JPs for issuing citations and it directs the clerk to issue the citation to the party and it specifically states it is the responsibility of the party to obtain service on the defendant, (*clears throat*) excuse me, of the citation and/or petition if any because in Justice Court there's not always a petition. There is an ability at any level at any Court to pay the \$60.00 fee, as authorized by the Commissioners' Court, and obtain the service by the Constable and/or Sheriff, but you can't-once that fee is collected that specific, by statute, for payment of service by the Sheriff or Constable not by a private process server."

Judge Cascos-"How much has been paid out that you can figure?"

Ms. Galarza-"In Fiscal Year 2008 there was approximately \$145,000 that was paid out to private civil process. This year, Fiscal Year, we're at probably about \$58,000, maybe \$64,000."

Commissioner Wood-"Does the JP have the option of not collecting that \$60.00 fee and having the private individual go to the process server?"

Mr. Burst-"That's not the JPs option. The JP has..."

Commissioner Wood-“That’s what I’m asking though.”

Mr. Burst-“No, the JP...”

Commissioner Wood-“We’re requiring the JP to collect the \$60.00?”

Mr. Burst-“No. That’s-no, no. You misunderstood me. The JP has the-okay. If the person requests service by the Sheriff or the Constable then they collect the \$60.00 fee. The fee for filing the suit in the JPs Court is \$27.00. If, I mean, I don’t know what the JP, each of them do individually. I know only four of them have been using this process. The rest of them use the Constables for service in their district.”

Commissioner Wood-“They collect the \$60.00 fee?”

Mr. Burst-“But only at the request of the party. Remember I told you the statute clearly says it is the obligation of the party filing the suit and they can request-you know if I were a JP, I would be telling, I’d have my clerk advise a person filing suit you’ve got three options. You can have the Sheriff or Constable serve it and you pay a \$60.00 fee. You can serve it yourself and that’s your responsibility to obtain your own process server or we can do it by certified mail; which there’s a charge for that and there’s an AG’s Opinion on how you charge that. So those are the options, but what the option is not that you collect the \$60.00 fee for Sheriff’s service and then divert those funds to a process server. I believe it would be, potentially-I’ve examined it from that point of view, but I think it could easily be a conflict for a JP’s clerk to collect funds for a private individual to serve the fee.”

Commissioner Garza-“Richard, we approved all these checks in the past, right?”

Ms. Galarza-“That’s correct.”

Commissioner Garza-“May I ask what the penalty is for, you know, having done that-could be to somebody like me sitting on this Court? I mean is it a felony, is it a...”

Mr. Burst-“I don’t think...”

Commissioner Garza-“...misdemeanor, is it a-I think it would be...”

Commissioner Wood-“(jokingly) Want to share a cell?”

Mr. Burst-“You’d have to ask the DA (District Attorney) what the criminal penalty is. I don’t know.”

Commissioner Garza-“I want to ask you because you’re my attorney.”

Mr. Burst-“But I don’t know what criminal penalties are. I...”

Commissioner Garza-“I mean you...”

Mr. Burst-“I don’t think that you would have any culpability Commissioner because...”

Commissioner Garza-“Well, does statute have any-does the statute include any culpability to anyone?”

Mr. Burst-“It could.”

Commissioner Garza-“Because if it doesn’t we can continue doing the same and it doesn’t matter.”

Mr. Burst-“No, no. It...”

Commissioner Garza-“But evidently there’s a problem because you brought it to our attention.”

Judge Cascos-“Well, there is a problem.”

Mr. Burst-“There is a problem.”

Judge Cascos-“And I think that you cure it when you’ve been made aware of it.”

Commissioner Garza-“Right.”

Judge Cascos-“In speaking to Martha earlier, this has been going on for as long as you can remember, right?”

Ms. Galarza-“Correct.”

Judge Cascos-“Ten, twelve years.”

Ms. Galarza-“Yes.”

Judge Cascos-“And this Court, present and past, have approved those payments based on the recommendation of the Auditor.”

Commissioner Garza-“Right.”

Commissioner Tamayo-“Uh-oh, Martha.”

Judge Cascos-“But she’s only been here, been there for a year so it’s not her fault and so this goes back to probably the last couple...”

Commissioner Garza-“Years.”

Judge Cascos-“...of Auditors that we’ve had. Now we’ve been made aware that it’s a problem, we need to fix it. One thing I agree that I think that you’ve got a-if you don’t have a conflict in fact, you’ve got a conflict in appearance by having a County employee after hours go serve and get paid whatever dollars they get paid. I’m not saying they’re doing anything inappropriate or wrong, but just the appearance of it should be enough to say, ‘Hey that’s got to stop’.”

Commissioner Garza-“Raise a red flag.”

Judge Cascos-“Yeah and I guess the other question is do you send-do you 1099 them at the end of the year if it’s over \$600.00? And that’s a rhetorical question. You probably don’t.”

Ms. Galarza-“Yes we do.”

Judge Cascos-“Do you really?”

Ms. Galarza-“Yes.”

Judge Cascos-"So then we've known..."

Commissioner Garza-"We've got a record then."

Judge Cascos-"...that they were getting that? Okay, but that's neither here nor there, let's go forward. I think the issue is that if we've spent one-hundred and some-odd thousand dollars in the last Fiscal Year. We're up to how much? \$58,000?"

Ms. Galarza-"Mhmm."

Judge Cascos-"In this Fiscal Year. That's money that could have stayed because the Constables get paid to do that. That's part of their core function is to be..."

Ms. Galarza-"It's part of their duties."

Judge Cascos-"Yeah to be process servers and over the years these Constables have developed doing-everybody kind of does their own thing. They need to go back to the core duty or their core function; which is to process serve. They get paid to do that, their deputies get paid to do that. So we need to make a decision, maybe not today but pretty soon, if that's what we're going to do. You stop this civil process thing and you've got to instruct the Constable to do that as best that we can. I know that we can't tell them what to do."

Commissioner Tamayo-"They're elected officials."

Commissioner Wood-"I think we also need to have Richard Burst hold a training session for the JPs."

Commissioner Garza-"Yeah but that..."

Commissioner Wood-"And explain it like he came and explained it to us."

Commissioner Garza-"...ought to be 'Basics 101'."

Judge Cascos-"That's continuing education but they're not going to go anywhere they're going to stay here."

Commissioner Wood-"But they're not going to go anywhere; no travel at all."

Mr. Burst-"Only four of the JPs, only four of the JPs are doing this Commissioner."

Commissioner Garza-"Well, those four need the training."

Commissioner Wood-"Those four need the training. They need to understand what their options are. They may not know."

Mr. Burst-"I've been asked by one of the JPs to attend-they've got an annual or a monthly meeting they have amongst the JPs and I've been asked to, as well as the Auditor, to attend that and explain this process to them."

Judge Cascos-"Well, you all need to do that. On the ones that are here today they've already-if they've already performed a service, wrongly or rightly, but they performed a service, they need to get paid but you stopped it unless you're telling us we can't pay."

Mr. Burst-“You can’t pay it in my opinion.”

Judge Cascos-“Even though they provided a service?”

Mr. Burst-“Yes in my opinion I think that...”

Judge Cascos-“That’s fine.”

Mr. Burst-“...it shouldn’t have been paid and now that we know it can’t be paid. You’re paying a private entity from County Funds for a person...”

Judge Cascos-“I understand.”

Mr. Burst-“...that’s a private person. You’re not paying a County expense...”

Judge Cascos-“Alright.”

Mr. Burst-“...from County Funds.”

Commissioner Garza-“Well I would like to move to table this item and have you research it to see-I don’t want to shortchange anyone that has performed a service knowing that they were going to get paid.”

Commissioner Wood-“And we’ve probably already got some who have served more...”

Mr. Burst-“I’ve already researched...”

Ms. Galarza-“I have...”

Commissioner Wood-“...and haven’t submitted request for reimbursement.”

Commissioner Tamayo-“Well obviously we have. She just said there were others.”

Ms. Galarza-“I have-the Claims presented today were \$3,060. I have pending \$1,080, which I received today, that have not been processed and one of the other JP Offices additionally has...”

Judge Cascos-“We don’t have a reason to continue the practice now that we’ve been made aware that it’s not right.”

Commissioner Garza-“I still would like to make sure-I’d like to move to table the item and have the Auditor and Legal look to see if there’s any way legally that the individuals that performed a service for us can be paid and then be brought back to us.”

Judge Cascos-“Ok, that’s a motion by Commissioner Garza as he stated. Do I have a second? I’ll second it. Any further discussion? All those in favor signify by saying ‘aye’.”

Commissioner Benavides, Commissioner Wood, Commissioner Garza, Commissioner Tamayo and Judge Cascos-Aye.”

Judge Cascos-“Any opposed? Item carries.”

(C) **APPROVAL OF MINUTES FOR:
JUNE 5, 2009 – SPECIAL MEETING
JUNE 11, 2009 – REGULAR MEETING
JUNE 15, 2009 – SPECIAL MEETING**

Commissioner Tamayo motioned to approve the Minutes for the June 5, 2009-Special Meeting, the June 11, 2009-Regular Meeting and the June 15, 2009-Special Meeting.

The motion was seconded by Commissioner Benavides and carried unanimously.

(D) **CONSIDERATION AND POSSIBLE APPROVAL TO GRANT THE U.S. DEPARTMENT OF ARMY A RIGHT OF ENTRY FOR CONSTRUCTION ON TRACK NO. RGV-HRL-4000, LOCATED IN THE CONCEPCION DE CARRICITOS GRANT, CAMERON COUNTY, TEXAS; 1.104 ACRE TRACT. (PSJ-ADMINISTRATOR) (TABLED)**

Commissioner Wood motioned to TABLE this item.

The motion was seconded by Commissioner Garza and carried unanimously.

(E) **DISCUSSION OF REQUEST FROM TOWN OF SOUTH PADRE ISLAND TO CREATE AN INTER-LOCAL AGREEMENT WITH CAMERON COUNTY TO DEVELOP AND IMPLEMENT LAND DEVELOPMENT REGULATIONS FOR THE TOWN'S EXTRA-TERRITORIAL JURISDICTION, AND AMENDING EXISTING PADRE ISLAND ZONING ORDINANCE. (ROB-LEGAL)**

Mr. Richard Burst, Legal Counsel, explained the existing Padre Island Zoning Ordinance and the process for amending the Ordinance.

Mr. Robert Fudge, Town of South Padre Island Planning & Zoning Commission Chairman, stated that over the past six months he has met with County staff to discuss and review zoning issues at South Padre Island.

Mr. Doyle Wells, South Padre Island resident, explained his understanding of the 1954 Padre Island Zoning Ordinance and noted that the Ordinance states, "...that all other lands north of this area are zoned single-family...". He recommended that the County appoint a Zoning Commission to include residents/landowners of South Padre Island, the City Planner for the Town of South Padre Island and the Chairman for the Town of South Padre Island Planning & Zoning Commission.

Commissioner Benavides recommended that a Zoning Commission be established to include South Padre Island residents.

Mr. Burst advised the Court that the Zoning Commission must be a 7-member board.

Judge Cascos recommended that each member of the Court appoint one member to the Zoning Commission, the Town of South Padre Island appoint one member and the final member to be a South Padre Island property owner.

Commissioner Garza motioned to acknowledge the discussion.

The motion was seconded by Commissioner Tamayo and carried unanimously.

The Documentation is as follows:

(F) CONSIDERATION AND APPROVAL OF AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF SAN BENITO, TEXAS, CAMERON COUNTY, TEXAS, AND SAN BENITO REINVESTMENT ZONE NO. 1, PURSUANT TO CHAPTER 311 OF THE TEXAS TAX CODE AND APPOINTMENT OF A MEMBER OF THE COUNTY COMMISSIONERS COURT TO THE ZONE BOARD OF DIRECTORS. (FB-PD&M) (Contract No. 2009C07255)

Commissioner Tamayo motioned to approve the Interlocal Agreement between the City of San Benito, Texas, Cameron County, Texas, and the San Benito Reinvestment Zone No. 1, pursuant to Chapter 311 of the Texas Tax Code and to appoint Cameron County Commissioner David A. Garza to the Zone Board of Directors.

The motion was seconded by Commissioner Wood and carried unanimously.

The Interlocal Agreement is as follows:

(G) DISCUSSION AND POSSIBLE ACTION REGARDING THE FISCAL YEAR 2009-2010 BUDGET. (MG-AUDITOR)

Ms. Martha Galarza, County Auditor, stated that she has met with 27 departments to review their budgets in order to determine where cuts can conceivably be made with 75 departments pending. She stated that the budget shortfall is projected to be \$4.7 million and after meeting with departments the projected shortfall is at \$4.1 million. She noted that recent information has been received from the Appraisal District and property values are projected to increase only 1.85%.

Commissioner Wood recommended the following: revisiting the rates charged at the Isla Blanca RV Park, using current County employees and equipment for repairing the roads in Precinct 2 that were damaged by Hurricane Dolly with the ORCA Disaster Recovery Funds subject to the County receiving the monies requested and having those Public Works employees that go out into the field working a 10-hour/4-day a week work schedule.

Ms. Galarza stated that she will meet with Mr. Louis Ara, Public Works, to work on a savings projection for changing the Public Works Employees' schedule to a 10-hour/4-day a week work schedule.

Mr. Tony Yzaguirre, Tax Assessor-Collector, advised the Court that the Scofflaw Program allows the Tax Assessor-Collector's Office to deny title registrations and renewal of licenses for individuals that owe fines to the County. He explained that there is \$10 million worth of fees and fines that are collectable and added that he will be making a presentation to the Court in the near future regarding the Scofflaw Program.

Judge Cascos asked why Fund 403, County Clerk, is projected to be down in revenue by \$389,526.00.

Ms. Galarza replied that the projection is based on the amount of case dispositions.

Judge Cascos inquired as to the decrease in revenue for Justice of the Peace 7-2 and 5-1.

Ms. Galarza replied that the cumulative revenue accounts for all Justice of the Peace are projected to be at the same amount as the previous fiscal year.

Judge Cascos inquired as to the decrease in revenue for Fund 405, District Clerk, by \$100,000.00.

Ms. Galarza noted that the general revenues for District Clerk's Office are down while the passport revenues are up.

Judge Cascos recommended reviewing the amount paid in the current fiscal year regarding external housing of inmates and requested that the larger departments be asked to reduce their budgets by 5-6% and the smaller departments to reduce their budgets by 2%.

Ms. Galarza advised the Court that if those departments with budgets between \$200,000 and \$400,000 would reduce their expenditures by 2% that would realize a savings \$121,000, if departments with budgets between \$401,000 and \$1,000,000 would reduce their expenditures by 2.5% that would realize a savings of \$232,000 and if those departments with budgets greater than \$1 million would reduce their expenditures by 3% that would realize a savings of \$1.5 million and cumulatively the savings would amount to \$1.8 million.

Judge Cascos recommended budgeting fuel expenses at \$3 per gallon instead of the current \$4 per gallon.

Commissioner Garza motioned to acknowledge the Report regarding the Fiscal Year-2010 Budget.

The motion was seconded by Commissioner Tamayo and carried unanimously.

The Documentation is as follows:

(H) CONSIDERATION AND POSSIBLE ACTION REGARDING REIMBURSEMENTS FROM FEMA. (PSJ-ADMINISTRATOR)

Mr. Robert L. Lopez, Director of Administrative Services, reported that there has been no new reimbursements received and that he is currently preparing for project audits in coordination with FEMA.

Commissioner Tamayo motioned to acknowledge the Report regarding the Reimbursements from FEMA.

The motion was seconded by Commissioner Garza and carried unanimously.

(I) CONSIDERATION AND POSSIBLE ACTION TO CONTINUE THE SOLID WASTE PROGRAM UNTIL THE END OF THIS FISCAL YEAR. (OL-SHERIFF) (TABLED)

Commissioner Garza motioned to TABLE this item.

The motion was seconded by Commissioner Tamayo.

Mr. Frank Bejarano, PD&M Director, advised the Court that the grant funding and General Fund contribution for the Solid Waste Program is sufficient through the end of the fiscal year and noted that the General Fund contribution for next fiscal year will increase from \$86,000 to \$106,000.

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

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 8:25 P.M.

APPROVED this 6th day of **August 2009**

CARLOS H. CASCOS, CPA
COUNTY JUDGE

ATTEST:

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