

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 28th day of July 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:

8:30 A.M.

CARLOS H. CASCOS, CPA
COUNTY JUDGE

SOFIA C. BENAVIDES
COMMISSIONER PRECINCT NO. 1

JOHN WOOD
COMMISSIONER PRECINCT NO. 2

COMMISSIONER PRECINCT NO. 3

EDNA TAMAYO
COMMISSIONER PRECINCT NO. 4

JOE G. RIVERA
COUNTY CLERK

Aide A. Trejo **Deputy Clerk**

ABSENT:
DAVID A. GARZA

The meeting was called to order by Judge Cascos at 8:30 A.M. He asked Commissioner Tamayo for the invocation. Mr. Rene Garza, District Attorney's Office, 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 24, 2009 at 3:36 P.M.:

ACTION ITEMS

(1) ACTION ITEMS.

(A) APPROVAL OF CLAIMS.

Commissioner Benavides motioned to approve the Claims.

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

AYE: Commissioner Benavides, Commissioner Wood and Commissioner Tamayo

NAY: None

ABSTAIN: Judge Cascos as to Warrant No. 00223190, made payable to Brownsville Independent School District, in the amount of \$50.00, Warrant No. 00223261, made payable to Los Fresnos Consolidated School District, in the amount of \$35.00, Warrant No. 00223290, made payable to Point Isabel ISD, in the amount of \$10.00, Warrant No. 00223291, made payable to City of Port Isabel, in the amount of \$50.00 and Warrant No. 00223297, made payable to Rio Hondo Independent School District, in the amount of \$15.00.

The Claims and Affidavits are as follows:

(B) CONSIDERATION AND APPROVAL OF RESOLUTION REQUESTING CHANGES ON MINUTE ORDER NO. 110690 REGARDING THE WEST RAIL RELOCATION PROJECT. (PSJ-ADMINISTRATOR) (Resolution No. 2009R07094)

Mr. David Garcia, Deputy County Administrator, stated that the Resolution requests that the deadline be changed to March 31, 2010.

Commissioner Wood motioned to approve the Resolution requesting changes on Minute Order No. 110690 regarding the West Rail Relocation Project.

The motion was seconded by Commissioner Tamayo and carried unanimously.

The Resolution is as follows:

(C) DISCUSSION AND POSSIBLE ACTION REGARDING THE FISCAL YEAR 2009-2010 BUDGET. (XV-BUDGET)

Mr. Xavier Villarreal, Auditor's Office-"Judge and Commissioners, there's a couple of handouts that were placed there. One of them was the same packet that was from last Thursday and then there was a single sheet that was already placed there and then Ms. (Martha) Galarza was passing out some additional information. Based on last week's discussion we informed the Court that where we were was at a deficit of just over \$5.6 million and then this Workshop or Commissioners' Court Meeting was set up to discuss that and some of the recommendations that the Committee is going to make plus some additional items that are on there for discussion and for consideration, but even with that we're still looking at a slight shortfall. If I can bring your attention- it's to the single sheet that's there that was placed before you. It starts off with the \$5.6 million shortfall and then it has the recommendations from the Committee as far as some items that we've looked at and are recommending to the Commissioners' Court for consideration. I'll start with Item A; let me put a copy of that up here (on the projector). Starting at the top with a shortfall of \$5.6 million, what has been discussed last week was the \$100 reduction in health insurance rate; that would generate savings to the General Fund-all of the dollar amounts are dealing specifically with the General Fund."

Judge Cascos-"That does not, on the first one (Item A), that does not impact the employees in any way?"

Mr. Villarreal-"Not at all. This is what the County contributes to the Health Insurance Fund."

Judge Cascos-"And the reason we're doing that is because we have a healthy fund balance..."

Mr. Villarreal-"Correct."

Judge Cascos-"...in that one?"

Mr. Villarreal-"Correct. Right now it's approximately \$3 million in that fund balance."

Judge Cascos-"Did they ever-I know we had some discussion when the consultant was here to give us an acceptable amount that we should have in that fund balance. Did he ever give you that number?"

Mr. Villarreal-"Not a specific dollar amount. He said it should be-in order to account for the, say if we were to change plans, for the run-off and the run-in, I guess, or the need to cover all pending claims, so it should be around \$3 million. So we're at where we need to be right now. So that would generate a savings to the General Fund of \$112,000. Commissioners' Court also discussed the reduction in what we have currently budgeted in the General Fund for fuel for the various departments by adjusting that to our current expenditures plus a projected increase would save \$400,000 (Item B). What has been discussed internally, currently our GIS program-well, we previously

had an agreement with the 911 Board to fund part of the operations in that particular program. We currently don't have an agreement with them; it's still in limbo. We don't have any funds budgeted or a revenue budgeted from 911 Board for those operations. We currently have the expenditures still there of just over \$357,000 within the General Fund."

Commissioner Wood-"What amount of money were we receiving from the 911 Board?"

Ms. Martha Galarza, County Auditor-"We had originally been receiving \$228,500. Last year that amount was budgeted as revenue and we only received \$57,000. This year we have received 4 payments of \$19,000 apiece and it's my understanding the contract-they are willing to negotiate another contract. So Legal is working with them, I understand."

Commissioner Wood-"Were we not reviewing the old contracts to see if they were behind on their payments to us or the amounts that were due to us based on contracts we had?"

Ms. Galarza-"Richard (Burst), you want to address that? Last year we did, I did, you know, verify the fact that they had only paid over \$57,000 and it's at that point that it became-that it was known to us that we did not have a contract with them. The 911 Board has, they have indicated to us that they've ordered an audit of the actual program to see where Cameron County stands with them. It's unknown-they had said they were going to order this audit since I believe November of last year. It's my understanding that they are doing the audit right now, but I don't know when we'll know where we're at. So at this point we don't know if in fact Cameron County owes them money or if they owe us money. At any point we were operating without a contract."

Commissioner Tamayo-"Martha, does that mean that perhaps we did not meet some of the terms of the contract?"

Ms. Galarza-"We did not have a contract so we did not have any-Richard do you want to pick up on that please?"

Mr. Richard Burst, Legal Counsel-"There's several contracts with the Board and the one that's pertinent to this discussion is the service contract with GIS, and it frankly has not been renewed for several years. They have been paying it month-to-month and they discontinued it the year before last and didn't start again until this year and I was informed by Brian Janis, their attorney, that they have engaged an external auditor and that as soon as they finish with that, they'll be able to sit down and tell us where they think they are. Apparently they believed they had overpaid us at one point. I think they believe now they may have under paid us overall. He said as soon as that audit is finished, they will sit down with us reconcile and continue the contract. There is no proposed change in terms;

however, I think from the County's perspective I've reviewed the contract and there is at least one issue that I think we need to address when we renew the contract."

Mr. Villarreal-"It is our recommendation, regardless if the Commissioners' Court decides to enter into an agreement again with the 911 Board. These functions were previously a part of the Planning & Inspection Department to the issuance of addresses. It was in the Road & Bridge Fund and years ago it was transferred out of Road & Bridge to the General Fund for various reasons. It is our recommendation (Item C) that it be transferred back to the Road & Bridge Department and assumed as part of the division that it was previously. To what extent that would be I guess, depending on the Court or an internal division by the County Administrator as to what level of staffing would be needed if, depending on if there was a contract entered into with 911 or they were just going to perform the services that are required by the County solely. So that would determine the level of staffing, but to transfer it out of the General Fund, it would be a savings of \$357,000; to what extent you wanted to fund it in Road & Bridge that would be up to the Commissioners' Court."

Commissioner Benavides-"But yet you have it here as transfer or elimination."

Mr. Villarreal-"Correct because it could be, if the Commissioners Court or if-it could be downsized or it could be eliminated or it could stay at the same level depending on when the 911 Board comes back and they want to continue with the County; or is going to ask the County to perform 'x' services for a set dollar amount, you know, you would fund it up to that level. At this point, we don't know what that is or if the County even wants to continue with that agreement or not or if they just want to go back to issuing the addresses and plotting those locations for the applications that are filed with the County. I mean that's an internal thing."

Commissioner Tamayo-"Well I would think that someone-and right now the GIS is under County Administrator's (Office)?"

Mr. Villarreal-"Correct."

Commissioner Tamayo-"Under County Administrator's Office, I would think that I would like to see an evaluation. Have we done any better by having it this way than it was before? I mean, is it better to have it separately? I mean has anyone evaluated the program? Has it improved since we started this other type of process than before when it was under the other Department? Obviously we added staff. Did we not? Staff was added."

Mr. Villarreal-"Yes."

Commissioner Tamayo-"Has it helped? Has there been an evaluation of the program?"

Judge Cascos-"I don't think that was a rhetorical question. I think someone needs to answer that question or if you don't have the answers to that question then make sure you bring them back at the next Meeting."

Mr. David Garcia, Deputy County Administrator-"Yeah, Commissioner we've-since we took over GIS we have evaluated them on a regular basis. Their duties, because of the 911 contract, have been extended and so they have staff within the GIS Department that is doing the daily GIS activities like mapping and streets and road inventory and things of that nature."

Commissioner Tamayo-"What kind of inventory?"

Mr. Garcia-"Road inventory. Making sure that all the County roads are in the County map, in the County process, road process, and so they do a lot of those things. They also have staff, some of their additional staff-most of the staff that has been added has been working on this 911 project for the addressing of all the counties and all the cities within the County to participate in this program and so, you know, we do evaluate them on an annual basis and we think they are doing the job they need to be doing and Alfonso (Garrido) can add more. He's here to address that."

Commissioner Tamayo-"Well I have something to say before he speaks. Pete (Sepulveda), if you will recall I think it was like two years ago, I had a concern about the fact that we were not being proactive in giving people addresses, physical addresses. If you will recall, before this gentleman took over, I had a meeting in Santa Maria and that gentleman that was in charge at the time met with them and the people said we need to get physical addresses, but then somebody dropped the ball. It never got done. Have we been proactive in that because I still get phone calls from people; and if you will recall Pete, I discussed this with you and said why don't we take one zone at a time and make sure that the GIS staff gets out there and get the physical addresses for these people?"

Mr. Pete Sepulveda, County Administrator-"Yes and we, you know, we made changes at that time, administrative changes, and, you know, Alfonso's here and he can answer, you know, the day-to-day level of work that they have, but I think Countywide-and what's covered by the agreement are the municipal services that we provide, but both at the municipal and at the County level. We should be up to date in issuing all addresses. Really what's left to do now is all the new subdivisions that come in; either from the cities or at the County level and so they should be pretty much up to date on issuing all addresses, both County and municipal addresses."

Mr. Alfonso Garrido, GIS-"Good morning. At this time we are up to date. Our issuance of an address has, you know, from days turned into hours; meaning that at the time of the phone call, the address is issued nowadays. I would say in a reference thereof 40 calls, one may have to be out there collected extensively worked at, but all the addresses are being issued in a timely manner."

Commissioner Tamayo-"Yeah, but that's when people call you."

Mr. Garrido-"Yes."

Commissioner Tamayo-"We're not doing anything out in the communities to encourage that to happen?"

Mr. Garrido -"Yes."

Commissioner Tamayo-"A lot of people don't know how to go about it. Now the ones that are calling you are the ones that call our offices. If they call me I give them your name, your phone number and where to call, but there's a lot of people out there that still don't have that information. Is there any type of process that you're using to make people aware how they get a physical address?"

Mr. Garrido -"I do have flyers, information at every post office. I have a lot of the County offices throughout the County; meaning when they go to get their registration for their license plates, at any point of entrance that they need a physical address at that time for any documentation my information is posted there. I believe I've had good response when people call my office to say-I'm actively communicating with all the postmasters. They, on their end, have a lot of turnover but we are proactive getting the word out there and our information to the people. At this time with the 911 project I'd like to say the project is current. We are meeting all the requirements to the service agreement for the addressing within the cities. I know that was one question you had. I just wanted to make sure I answered that."

Commissioner Tamayo-"With 911? Is that what you said?"

Mr. Garrido -"Yes."

Commissioner Tamayo-"I thought we didn't have an agreement."

Mr. Garrido -"Well the no-let me go back. The projects, the project-well the agreement-the project itself, the project itself was to collect all the information within the cities, streets and structures and that's the service that we provided that project."

Commissioner Tamayo-"So are you in charge of updating our County road list?"

Mr. Garrido -"Yes."

Commissioner Tamayo-"Well, it's-you are not keeping up and I realize it's a very big job but there's, we have had-and Pete you are aware of this because I always see you whenever we have a problem with some roads and I know it's hard because cities are annexing and so on, but that's one of my concerns."

Commissioner Benavides-"Mr. Garrido, are you the one that's in charge of actually going before the Board that meets to contract with the County?"

Mr. Garrido -"Well we're actually in charge of the, all the streets which update the MSAG, Master Street Addressing Guide, which is handled by AT&T; that is one aspect of the duties that we do there. Of course maintaining the County roads, we collect-we've driven every street, collected it. Most of the times they do come to

issue once that one street comes to surface and then we have to meet with the Right-of-Way Department, make sure it, you know, is a County Road and at that time it's brought into the Map System as a County maintained road."

Commissioner Benavides-"My question refers to the fact that supposedly we haven't had a contract since 2001 or 2002, is that right Martha?"

Mr. Garrido -"The contract right now that's in place is the one that has the figure of \$218,000 instead of \$228,000."

Commissioner Benavides-"Okay, but what I'm saying is who dropped the ball as far as going in and getting that contract renewed?"

Mr. Garrido -"At that time, I do not recall. I went back and brought in all the documents I could find within my office. It's my understanding it's either a, it's a document that lies within the 911..."

Commissioner Benavides-"So are you telling us that they didn't reach out to us to follow up, is that what it is?"

Mr. Garrido -"Oh yes. At one time it's my understanding that we needed to make an annual report as-we're talking about the lapsed salary issue? So at this point we're looking at is for the audit to be complete, bring us up to the present and see if we are in a plus or minus and the 911 Board has acknowledged that if there is money owed they will make the check. If there is an adjustment to be made, we'll make the adjustment."

Commissioner Benavides-"So Pete, who is going to be in charge of it from now on whether you transfer it under your Department or..."

Mr. Sepulveda-"I think we go back to an issue we have discussed for the last couple of years that we do not have one individual person in the County that's in charge of contract management and I think Purchasing has kind of started to do that, but really the individual at Purchasing is not a Contracts Manager. She keeps up with it because of the issuance of the purchase orders, but we still don't have one centralized location where all the contracts go to and where an individual can keep up as to whether or not we have contracts that are up-to-date. A couple of weeks ago we had the same situation on a concession agreement at the Parks that, you know, payments were not being made according to the terms and conditions in the contract and so, you know, as I've said we've discussed this the last couple of years and we've talked about it during the Budget process and at the end, you know, we..."

Commissioner Tamayo-"We didn't do anything."

Mr. Sepulveda-"Because of the fact that, you know, we are in a crunch to balance the Budget, you know, that position gets cut off but it's something that, you know, we really do need to address because, you know, just in

one contract alone in the Parks it was a pretty big difference moneywise in what we should have been collecting and what was actually being paid by the vendor."

Commissioner Tamayo-"Well I think at that point, Pete, and I recall that conversation you are absolutely right. Before that, though I do want to tell this gentleman that as far as my evaluation at least and I can't say an overall evaluation just the interaction that I've had with you. You do answer promptly, you do go and try and take care of the situation when I call. So that, I commend you for that but the rest, you know, I don't know what all, what the scope of what you do is but I thank you for that. Pete, getting back to what you mentioned; we did discuss that and at that time we talked about the fact we needed it centralized. Somebody being in charge of that, but you know you'd think that the Department heads would keep track of their contracts. It's a shame that we're going to have to spend money if we want to keep track of contracts because people don't take responsibility or is it that everybody is responsible and nobody is responsible? I mean is that-I mean did we not send a clear message to Department heads and Elected Officials that it's up to them to keep up with their contracts?"

Mr. Sepulveda-"We did, but, you know, we end up with situations, you know, to where they just don't, you know. A lot of times there's transitions and if-a lot of times we end up with issues in that, you know-and we've had to go back and check Minutes, but we don't have executed agreements and, you know, we can go back and send out another memo to Elected Officials and Department heads to do just that, but if the Department head does not go back immediately after Commissioners' Court and check whether the agreement was approved or denied, executed or not executed, you know, the time will pass and at the time when we go back and look for the agreement, we're going to find that it is was never executed by either party. So, you know, we can try and go back and meet with all Elected Officials, Department heads and see if, you know, they can start doing a better job of tracking and maintaining those agreements and contracts."

Commissioner Tamayo-"Well, maybe we should just cut across the board to fund that position."

Mr. Sepulveda-"Exactly."

Commissioner Tamayo-"Since they won't take responsibility and I really don't know who 'they' are because I don't know who all has not kept up with, but maybe that's one thing we need to do; cut across the board or cut from the people who have not been keeping up with their contracts."

Commissioner Wood-"A lot of the services the County provides is by contract and through interlocal agreements and different agreements with different entities and contractors and it is something we need to be watching closely. If in this case, if we had been watching this maybe a little closer we may know more about what we think the audit is going to come out with. If 911 originally thought we owed them money now they're thinking

no they owe us money, we'd probably-since we're the ones receiving the money we ought to be the ones taking a little closer look at it. Obviously things can fall through the cracks, but I think sometimes we see too many of them falling through the cracks and it is, I think, initially the responsibility of whomever the contracts with; whatever department it's with or Elected Official."

Mr. Sepulveda-"We even, I think it was about two years ago that we implemented a numbering system."

Commissioner Wood-"Yes."

Mr. Sepulveda-"So that it could make it easier for Department heads to track their contracts and resolutions but from time to time, you know, we'll have Department heads that, you know, don't follow that process."

Commissioner Wood-"And it's going to take time to get that evolved into that because the older ones didn't have that numbering system, but as they come up for renewal they will be numbered."

Mr. Burst-"Commissioner, you are correct. In 2006 we initiated a contract numbering system because historically we're finding that contracts didn't make it back to the Minutes clerk. In other words, when they are passed by this Board if they weren't signed by the vendor they were sent to the vendor and sometimes they did not make it back signed by both parties to the clerk. I did prepare a policy, a written policy that I presented to this Court maybe three or four months ago and suggested that you adopt a policy wherein we will not present-in other words, you can put it on the agenda but when a contract is presented by a vendor to this commission if the vendor has not already signed it, then it won't be considered. Now what this does, if the vendor has already signed it and this Commission approves it, then what happens is the County Judge signs it gets filed with the Minutes right then with the Minutes clerk and you've got a copy in the file from then on which is what's been missing in the past and that was tabled, but I would still suggest that that would be a good policy. There has to be exceptions. For instance, where it's at interlocal agreement with another body, one of you has got to give and approve it first and sign it but basically when it's a vendor out there in the public, there's no reason they can't sign a contract when it's presented to you after it's been approved by their staff and your staff; present it to you, sign it and present it so that when it's passed and signed here it's immediately part of the record and we can always find. Now I do agree with you and with Pete in terms of keeping track of the contracts once they have been signed, I think that's got to be primarily with the Department head because that is their, that's what they do. I mean it's got to be part of their job and duty, but we do need as far as purchasing contracts, I think that the Purchasing Department has a contract person that's trying to keep track of those and I think that's necessary, but I still think the primary responsibility has to do with the Department head that the contract effects because that's where it's got-I mean they are the ones that have to operate under it."

Commissioner Tamayo-"Well Richard, it seems like there is two things that we and when I say 'we' I mean Elected Officials and Department heads are not doing; one, keeping track of their contracts to make sure that if they expire that they take care of whatever needs to be done. The other is the lack of follow-up to where it doesn't end up back with us; exactly what you were saying. So there's two major things and both of them point to the fact that it's lack of responsibility from everybody and somebody and it seems like that's where we're at, but I just can't see, as tight as the Budget is, for us to put in a person just to do that because we can't be responsible; to me that's ludicrous."

Judge Cascos-"Richard, a question. Why was the item tabled? Do you recall?"

Mr. Burst-"Well I think I went ahead and presumed to prepare the Order and present it and that was without discussion and I think it was really was misunderstood and it was tabled."

Judge Cascos-"Well put it back on so that we can discuss it..."

Mr. Burst-"Okay."

Commissioner Tamayo-"Definitely."

Judge Cascos-"...and approve it. Let me go back to just a couple of things. Talking about the responsibilities to do all these contracts, we did discuss it some time back and I agree that it should be a multitasked event. I think that Purchasing should have, as the central location, should have a copy of all contracts. I think the Department head should be responsible for evaluating. The other issue is there's never a consequence. There's not a consequence for forgetting to charge an extra \$10,000 on a contract, you know, forgetting to look at the 911; but in the 911 contract, I mean, it appears to me that a lot of folks dropped the ball. Not only from our perspective, but also from the 911 people, their Legal, maybe our Legal, their auditors, you know, because as part of the audit process would be that they look at the contract; make sure it's up to date, make sure that the monies that are being distributed are complying with the terms of the contract. So it appears that a whole bunch of folks dropped the ball on that and so there's a whole lot of 'they' involved in this..."

Commissioner Tamayo-"Exactly."

Judge Cascos-"...but again I think it comes down to the fact that when we do have a Department head or Elected Official drop the ball on this it's normally, 'Well you know, yeah I should've, I shouldn't have, I'm sorry'; that's it, end of story, go onto the next one and there is no consequence and I don't have an answer for the consequence. That's up to the Department head or the County Administrator to develop a consequence whether it's a '1-2-3 strikes and you're out' or some kind of a disciplinary or reprimand letter in the file, I don't know. That's something for the Elected Official or the Department head to evaluate. The other issue is Pete-and let's go back to

the recommendation of the GIS. I know we got a little off track, but I think it's important that we discuss all that as we look at this. Were you part of this Committee that's making some of these recommendations?"

Mr. Sepulveda-"Yes."

Judge Cascos-"Okay and on the transfer or elimination, what we're talking about is really moving it away from the General Fund and placing part of it or all of it or some of it back into Road & Bridge, is that correct?"

Mr. Sepulveda-"That's correct."

Judge Cascos-"That's where it was originally until it was moved; someone said 'various reasons', give me two."

Mr. Villarreal-"I know there was personality issues between the former GIS Director and the former Public Works-well the County Engineer, I guess, the County Engineer at that time. I know that was one of the main reasons that it was transferred and made independent of Road & Bridge to where it was..."

Judge Cascos-"Well again, that-you know it's unfortunate that that occurred, but we as County taxpayers should not be paying for the personality conflicts of employees. They have a problem, you take issue; you either get rid of them or you send them to anger management class or whatever you need to do, but we should not have to be burdened with that. So with that it was moved over to General Fund, you're recommending that this function go back to where it used to be in terms of Road & Bridge, correct?"

Mr. Sepulveda-"Actually-and when it was transferred, I guess, from Road & Bridge to General Fund, then it was sent into the Computer Center because it was under the Computer Center for a while; when we did the restructuring it was sent back to Road & Bridge. For some reason the funding remained with the General Fund and we're actually just talking about \$130,000 because of the \$357,000, \$228,000 or \$218,000 are covered by the grant."

Judge Cascos-"Well, I don't recall seeing the revenue side."

Mr. Villarreal-"Currently we don't have any revenue."

Judge Cascos-"Exactly so, you know, if we don't-are you talking, I'm confused here. Okay, are you talking about-because right now that \$5.6 million does not include, unless I'm misreading it, does not include the two-hundred-and-some-odd-thousand-dollars coming in from the 911 System, does it?"

Mr. Villarreal-"No it does not because we don't have a contract with them."

Judge Cascos-"Exactly."

Mr. Villarreal-"But the positions are still there."

Judge Cascos-"I understand that, I understand. So when we're talking about the \$357,000, we're talking about just eliminating that number from the General Fund. Now the revenue that would come in, if it ever does come in; would it go into Road & Bridge?"

Mr. Villarreal-"Yes."

Judge Cascos-"I would assume that."

Commissioner Tamayo-"If we transfer."

Mr. Villarreal-"Yes."

Mr. Sepulveda-"Correct."

Judge Cascos-"That's where it should-okay."

Commissioner Tamayo-"Okay, tell me the bottom line; what would we be saving by transferring?"

Mr. Villarreal-"The General Fund will save \$357,000; the General Fund will. What's going to be expended in Road & Bridge is determined onto what level of staffing the Director wants to continue with or if there is an agreement with 911. It could be just the original staff that was there. If you choose not to continue with the 911 agreement or it could be reduced if some of the duties can be absorbed by some of the other staff. That is yet to be determined by, I guess, by the County administrator and the Commissioners' Court if they want to transfer."

Commissioner Tamayo-"But then we have the other problem that we're not even sure-the 911 Board is saying we might owe them money; that has not been determined. So we're in limbo there."

Mr. Villarreal-"Correct."

Judge Cascos-"We're in limbo in terms of that specific issue, but on the \$357,000, that's not a limbo item."

Mr. Sepulveda-"That's correct."

Judge Cascos-"That's something that you recommend that we just either for now eliminate because the people would be absorbed by Road & Bridge. Is that correct?"

Mr. Sepulveda-"Correct."

Commissioner Tamayo-"But the expense would still be there. So what are you going to eliminate in Road & Bridge in order to accommodate their salary? Or am I way off track?"

Mr. Sepulveda-"No, that's something we need to evaluate and we need to-the audit, I think, was supposed to be complete by the end of this week and so once that's complete by the 911 Board then we, you know, we'll have a much clearer picture as to where we're at. Whether we owe them money, they owe us money and whether or not they're going to continue with the same funding level of the \$220,000 that we have been getting and then evaluate

the remaining personnel that's covered by the General Fund or Road & Bridge and see if any downsizing can be accomplished and still providing the same level of service that we are."

Judge Cascos-"So for now the Committee's recommendation-and who is on the Committee? Is it you three basically, you four?"

Mr. Sepulveda-"Yeah and David (Garcia)."

Judge Cascos-"So for now it's to transfer or-either way it's a positive number to the General Fund."

Mr. Sepulveda-"Right and unfortunately until we get that audit from the 911 Board, you know, there's a lot of questions that can't be answered."

Judge Cascos-"But even when you get-let's assume that we owe them money or whatever; does that have anything to do with what we're doing now in terms of eliminating or transferring to General Fund, right?"

Mr. Sepulveda-"No."

Judge Cascos-"It's two separate issues."

Mr. Sepulveda-"Right."

Judge Cascos-"Okay."

Commissioner Tamayo-"See my concern, and I know we're dealing with the General Fund right now, but my concern is Road & Bridge is still not as healthy as it had been in the past and now we're doing something else to it to where I'm concerned about what's going to be eliminated from what you're doing with Road & Bridge; where that funding goes. I mean it can't, it's not going to evaporate. The problem isn't going to evaporate; we're just transferring the problem. I know there's no answer for that, it's just a fact."

Mr. Villarreal-"It's true, of course, that it's kind of a yes and a no. It all depends at what level of funding that the Court..."

Commissioner Tamayo-"Xavier, there is no such thing as a yes and a no."

Mr. Villarreal-"Well, it depends. For instance, if the Court decides we're going to transfer it out of the General Fund, we're not going to continue with the 911 contract so all the positions that were added to comply with the 911 contract in essence, I believe, would be eliminated so those expenditures are gone; of course that's my opinion. Initially when that, when it was transferred from Road & Bridge to the General Fund there was two, I think it was only two positions possibly three."

Mr. Garrido-"Three."

Mr. Villarreal-"Three. Now to those positions, one of them has in essence been eliminated I think it was last year or the year before through the Budget process. So there's two positions that were originally in Road &

Bridge that were transferred to the General Fund. As part of the process that they in issuing the addresses, there's a fee associated with that."

Commissioner Benavides-"There's a what?"

Mr. Villarreal-"There's a fee associated with somebody goes and applies for an address. I'm not sure what the dollar amount is, but that fee is collected and it stays right now in the Road & Bridge fund. It's not being transferred to the General Fund. So-and actually we're collecting a fee in one but the expenses are being picked up in the other. Now can the functions that that original staff be absorbed by other staff currently within Public Works or the Engineering or Planning & Inspection Department? I don't know. That's something that needs to be looked at internally but..."

Judge Cascos-"Internally, you mean by?"

Mr. Villarreal-"Correct, by them."

Judge Cascos-"Administration."

Mr. Villarreal-"That's why it's worded the way it is because it could just be transferred in its entirety and yes the Road & Bridge Fund is going to have to pick up \$357,000 worth of expenditures or if you enter into the 911 (contract); and depending on what level of funding they are going to agree to, say it's the same amount, it will be reduced by the \$218,000 because that revenue would then be going into Road & Bridge. You still have to pick up for the other staff that's in place and the operations. So that's why the exact amount is not known to the Road & Bridge side."

Commissioner Tamayo-"Well when you say, 'Engineering Department', are you referring-well I don't know how much staff is in the Engineering Department, but when we're talking about the two engineers that do the plans for us and..."

Mr. Villarreal-"No, not..."

Mr. Sepulveda-"Probably Building Permits."

Commissioner Tamayo-"Pardon?"

Mr. Sepulveda-"Under Building Permits."

Commissioner Tamayo-"Okay. I want to clarify that because I know just in my case I've already come up with a list for them and e-mailed it and you've got a copy of it; of all the plans for how many roads we're going to try and target next year. So it would be another category..."

Mr. Sepulveda-"Under Building Permits; that's the ideal, that's really where they should be."

Judge Cascos-"Chuck?"

Mr. Charles Hoskins, Emergency Management-"Judge, as a member of the 911 Board I'm willing to speak to any of your questions that you have. The 911 Board, just to set everybody's mind at ease, is still interested in continuing, continuing to fund the County to help assure that we do have addressing throughout the County. There was a project about 18, 20 years ago where they started rural addressing and that failed; that's when the 911 Board agreed that we would be willing to help the County in the process and later on it was decided that we needed to look at the whole County, not just the rural parts of the County and so the project was expanded to consider that also. We are interested in continuing this project and the reason there is an issue now is because we understand that the full complement of staff for GIS has not always been in place and we've been paying for those positions and that's what the evaluation is for. We've purchased vehicles and we've purchased computer equipment to augment the process and software also and we are interested in continuing to work with the County and continue to help with this process. It's very important from the 911 aspect that when a call goes into dispatch that we're able to physically locate where that person is calling from to try and get them the assistance they need."

Judge Cascos-"Chuck?"

Mr. Hoskins-"Yes sir?"

Judge Cascos-"Was the intent of the contract to have it fund 100% of the County operations?"

Mr. Hoskins-"No sir."

Judge Cascos-"What was the intent?"

Mr. Hoskins-"It was to help augment the County's already ongoing effort and to get them the equipment. In fact, we are constantly telling Mr. Garrido if there are deficiencies, if there are things that he needs like a computer or software or something like that he should come back and ask us for those things because we will amend what we're doing to try and assure that this process continues and is done properly."

Judge Cascos-"So we already had some of these costs that we were picking up as a County and then you all, not you all, the 911 Board came in and basically assumed part of those expenditures?"

Mr. Hoskins-"That is correct."

Judge Cascos-"But not 100% but it was more than more than what we were getting in the past?"

Mr. Hoskins-"Yes. We can tie that as a nexus to responding to calls and that allows us to spend some of the 911 money to help assure that this process is completed."

Commissioner Wood-"And your contract actually ended up requiring additional personal to do this work and that's really what you're paying for, that additional personnel?"

Mr. Hoskins-"Additional person..."

Commissioner Wood-“Equipment, vehicles, things like this.”

Mr. Hoskins-“...like I said from time to time equipment, etcetera. Yes sir.”

Commissioner Wood-“The question as you indicated comes up about the payment as to whether or not we continually had the number of personnel that you all felt was needed to the work.”

Mr. Burst-“Commissioner...”

Commissioner Wood-“If I understand you correctly.”

Mr. Burst-“Commissioner, there’s actually-kind of mixing apples and oranges here. There’s two separate contracts between the Board for our GIS. One is for equipment and it's in existence-I mean it’s a current contract but it's a reimbursement. If we buy equipment they approve it-the Board. We buy equipment, they reimburse us. That's one contract and there's money there every year that we haven’t used because we don't need the equipment. The second contract, that the one that's at issue on the accounting, is for a service contract and the base contract was good until 2003 and it was for \$174,000 and it’s not tied to any number of people. The amendment-there were actually two amendments the next year through 2004; and the second amendment increased from \$174,000 to \$228,000 and the increase, that increment, was for two additional staff positions. The \$174,000 is not tied to anything. That's just them giving us \$174,000 for the service. The increment from \$174,000 to \$228,000 was tied to two positions and that's what the basis of the audit is as it is explained to me by their attorney and they're trying to determine if during the full period of years that they've been paying us we've had those two positions and that's what the issues about.”

Commissioner Benavides-“So you're saying that since 2004 to now, the additional amount from \$174,000 \$228,000 was supposed to staff two additional positions?”

Mr. Burst-“That's my understanding, yes. The positions are named in the contract. I don’t remember them offhand but yes; two additional positions and actually the contract-we haven't really had a service contract since 2004, but they have been paying us. They paid us the full \$228,000 in 2005, 2006, 2007 and in 2008 they only paid us I think \$57,000 and then they hadn’t paid anything until the Auditor brought it to my attention and I brought it to their attention and they started paying us. It’s broken down at \$19,000 a month. They started paying that I think May 1. So far we’ve received four payments this year. What I am told is as soon as they complete their audit they will either make up what they owe us or let us know what they think we owe them and then they’ll start paying the \$19,000 again, but we have to extend the contract. Their attorney said they will extend the contract, but in responding to Commissioner Tamayo a while ago; the one thing I think we need to address is I think we need to take the reference to two specific positions out of the contract and just as long as we’re providing the service by already

whatever use of staff or utilization of staff we provide we should be paid the amount without you know an issue as to two additional slots.”

Commissioner Tamayo-“Richard...”

Commissioner Wood-“That's probably a good idea is to, you know, provide the service irregardless (*sic*) of the number of personnel needed to do it, but you said in 2004 the contract was extended or increased from \$174,000 to \$228,000 and adding two staff; how long was that contract for?”

Mr. Burst-“One year.”

Commissioner Wood-“One year? Okay.”

Judge Cascos-“Okay bottom line-thank you Chuck-unless I have some questions for Mr. Hoskins?”

Commissioner Tamayo-“I have one more question.”

Judge Cascos-“Chuck?”

Mr. Hoskins-“Yes sir?”

Judge Cascos-“To Chuck?”

Commissioner Tamayo-“Well, to whomever can answer this; do we have a timeline when that audit will be completed?”

Mr. Hoskins-“The audit is in the process and I have no idea how long it will take. I don't think it's going to take very much longer, but now that we have the documents-there was some delay getting the documents that the Board requested from the County, but those documents I believe are there and are being reviewed. I will be glad to report back to the Commission as soon as I know more.”

Commissioner Tamayo-“I'd appreciate that Chuck.”

Mr. Hoskins-“Sure.”

Judge Cascos-“Thanks Chuck.”

Mr. Hoskins-“You're welcome.”

Judge Cascos-“I think just go back to the fundamental accounting issue here and that's that this money was transferred or moved from Road & Bridge to General Fund when it originally was in Road & Bridge. Is that correct? And it was moved for a litany of reasons all of which have very little to do with the Budget or accounting so-and that's, I guess Pete, that's why you're recommending it go back to Road & Bridge?”

Mr. Sepulveda-“Well as I said really that when we did the restructuring, you know, staff when back to Road & Bridge, but the expense remained in the General Fund.”

Judge Cascos-“Okay, alright. Then again I think what Xavier, without speaking for them, but what Xavier and Martha and the committee are trying to do is give the Court members and us what’s out there and what we can look at and if there's any-and as we go down the list when you get down to the bottom we’re still somewhat short. So if anyone has a reason to pull these out, you know, that's okay. You’re just going to make that red number redder (*sic*). At the end of the day we’re still going to have to balance one way or another and there's only a few places that we can go. Okay, let's go on to the DPS (Department of Public Safety) Staff. That's fairly simple.”

Mr. Villarreal-“Currently the County provides two clerical positions for DPS offices; one in the Brownsville and one in the Harlingen area. They’ve been funded since I've worked for the County. They perform primarily functions for DPS offices; not necessarily anything that relates to County business. Our recommendation is to eliminate those two staff positions at a savings of just over \$61,000 (Item D). Currently within-I don’t know if there’s any questions on that before...no?”

Commissioner Tamayo-“Saving what, I’m sorry?”

Mr. Villarreal-“Our recommendation is to eliminate the two positions that the County provides to the Department of Public Safety. There is one position in Brownsville and one in Harlingen that provides clerical assistance to their officers.”

Judge Cascos-“Martha?”

Ms. Galarza-“I called yesterday and I spoke to the Captain in the McAllen Regional Office and the County had originally many years ago funded only one clerical slot. These, somehow throughout the years, were increased to two clerical slots. He says that apparently we have no agreement in place rather this is assistance that numerous counties throughout the state of Texas give or lend to DPS for them to process their case filings to offset the cost of them investigating accident scenes. He did make the comment that the Sheriff’s Office does not investigate accident scenes. I don’t know how true that is. Maybe somebody’s here that can address that. He said that that was part of the assistance that is given by some County’s throughout the State of Texas to offset some of their operations. He did indicate that they were critical. Of course I told him I would advise the Court, but that we were looking at ways to try to streamline and cut the deficit that we do have.”

Judge Cascos-“Okay.”

Ms. Galarza-“And these are just mainly clerical slots here.”

Judge Cascos-“Okay.”

Commissioner Benavides-“Can you tell me how long these-well I know it’s been going on for a long time; have they been the same clerks?”

Mr. Villarreal-"No."

Commissioner Benavides-"So it's been changed over the years?"

Ms. Galarza and Mr. Villarreal-"Mhmm."

Mr. Villarreal-"Currently within the Budget and this, I believe it was this year, the Court approved a part-time position for a court reporter for the District Courts. Presently that position is unfilled; has been unfilled since I would say February, January or February. It's our recommendation to eliminate it at a savings of \$70,745 (Item E). Each Court has a full-time court reporter assigned to them. If there is a case when a court reporter is out and there's one that is needed, one can be contracted with at a much lower rate than actually having them as a staff individual. That's our recommendation. Item F-there's been discussions, well since last year throughout this year, regarding the Warrant Officer Program and to see whether it was actually accomplishing the goals that were set out and it was generating the additional revenues that were anticipated with this program. Ms. Galarza has some information in relation to that that she's going to address. The operation of the Warrant Officers is just over \$145,000. If it's deemed that they are not performing to what was anticipated, it's our recommendation that those three slots be eliminated."

Commissioner Tamayo-"That \$145,000 includes everything in that budget?"

Mr. Villarreal-"Correct. Those are the positions and all operations; fuel, supplies, everything."

Commissioner Tamayo-"Fuel?"

Mr. Villarreal-"Yes."

Commissioner Tamayo-"I thought it was higher than that."

Ms. Galarza-"In the handout that I handed out on page 10 you will see a profit and loss based on what the warrant officer..."

Judge Cascos-"Which page? (Page) 10?"

Ms. Galarza-"I'm sorry, page 10. There is a profit and loss statement by month of what the warrant officers-of what we're able to attribute to their efforts which is actually the citation fee and the percentage that gets posted due to fees that they have generated. It's a little bit-while I do understand that they are working various JP Offices, they are not working all of the Offices. They only have three warrant officers. I think at one time they only had two and they had not filled the other one. So it's my understanding that the warrant officers will go in and they'll work so many weeks in one office and then they'll go and they'll work so many weeks in another. So they're just basically going from one office to the other and at the point that they pick up and leave to go to the other office they don't have-I don't think they have the manpower to go back and pursue the ones that said, the ones that they

extracted commitments that they were going to come in and pay. So I don't think they have the capacity to have the- to follow through all of these people that they are calling and these people that are making promises to come in. So I know that this was a program that was enacted back in 2007, in the latter part of 2007, and it's been operating for almost 2 years now. While it is not-we can't put a finger as to how much additional revenue has been generated for the JPs because some of the JPs' revenues are down in some offices and in some other offices they're up and that is attributed in the individual JP Offices based on case filings. Tickets are going from one office that, you know, they are going from one particular office to another. So we can't really put a finger on how much additional revenue they have generated for the offices; however we can isolate the citation fees that have been generated by them and it does not appear to be-it does not appear that they are covering their costs as yet. So it would be our recommendation that some other collection avenue be pursued."

Judge Cascos-"Okay."

Commissioner Tamayo-"Thank you."

Mr. Villarreal-"Item G. As you're aware the Committee met with a lot of the County Departments and the Departments submitted-most of the Departments that could felt that there were areas where they could reduce their Budgets-submitted those and all of those have been incorporated into the 'Recommended' column except for this one for the Tax Office because I know in the past there's been issues in reference to the (Tax) Offices; when they're open, the days they're open and having them open at all and I wanted list this one separately because this one, there would be an effect of closing three satellite offices and that's why I have this one separately. One of them-and I believe there's someone here from the Tax Office. One of the offices, I believe it's the west side here in Brownsville, one of them would be the Los Fresnos Office and the other one is the Rio Hondo Office that would be closed by the elimination of staff and other operational line items; that was their proposal. It's a savings of just over \$142,000 and also in discussions with meeting the Departments, I wasn't at this particular meeting, but in meeting with the Sheriff's Office, the Sheriff made a recommendation (Item H) or suggested that the Maintenance & Operations of the Jail facilities be transferred under his control. Currently, of course, they're under the Building Maintenance supervision and the staff is under the supervision and they work based on work orders submitted by the Department. The Sheriff, and I believe the Sheriff is here, stipulated that if it was turned over to him that he could find savings within the operations of the maintenance M&O of the Jail. The number of 25% was mentioned; that's what 25% savings of the maintenance and operation of the Jail is. Now whether that's an accurate number or not we'd have to meet again with the Sheriff to determine exactly what those additional savings are. That would be the maximum which as you know is just over \$392,000. If that's feasible we would recommend doing that; transferring

those functions to control of the Sheriff. The past couple of Meetings also regarding the tax rate-(Item I) a penny increase would generate approximately \$1.2 million in additional revenues. (Item J) Transferring a penny from the Road & Bridge fund would generate an additional \$1.2 million. From here (Item K) down, there's items here that are on the right-hand column. These are items that are out there that have been discussed in the past. Some of them have not, but they're kind of iffy. This one is more to-we're putting them out there as something for the Court to consider because if you notice just with the ones in the left-hand column, we're still at a deficit of-even after if the Court decided to take all of these recommendations and agree with those..."

Judge Cascos-"You're talking about the ones under 'Recommendations' (column)?"

Mr. Villarreal-"In the left-hand column."

Judge Cascos-"You want to move your little sheet up a little bit (on the projector)?"

Mr. Villarreal-"We're still at a deficit of \$1.5 million. So we have these other items and also below that some reductions. On the right-hand side..."

Commissioner Tamayo-"What letter?"

Mr. Villarreal-"...things that have been mentioned in the past..."

Commissioner Tamayo-"Excuse me, Xavier. What letter are you at?"

Mr. Villarreal-"(Letter) K."

Commissioner Tamayo-"K?"

Mr. Villarreal-"Yes because with the ones on the left-hand column we're still at a \$1.5 million deficit."

Commissioner Tamayo-"Okay."

Mr. Villarreal-"So we still need to find savings. What's been discussed in the past and we've kind of discussed it with Legal, amongst the Committee-the function of the magistrates. Which is-total operations is just over \$169,000. Now the appointment of the magistrates is, of course, at the discretion of the District and County Court Judges. They do have the option not to appoint, but that's the decision that they would have to make. We've mentioned this to (107th District Court) Judge Euresti. They are going to be having a Board of Judges meeting next week where this will be discussed and I guess more of it would have to do with an overall evaluation of the process and to see whether it's functioning the way it was intended and the way it all ties into the overcrowding issues at the Jail, but that's something that's out there. That's \$169,000."

Commissioner Tamayo-"Well and the other issue they need to discuss, and right now you know I'm not advocating one way or the other, but the other thing that has to be looked at is if they are eliminated, are we going to

be sure that that's covered by what-the JPs? And the JPs are elected officials you know. How far can we go telling them you have to cooperate with this?"

Mr. Villarreal-"Yes."

Commissioner Tamayo-"You know that's..."

Commissioner Wood-"The magistrates' positions were not created just kind of out of the air Commissioner. You recall what we went through. They weren't necessarily created as exactly as we had asked for in the legislature, but what we have-and the reason they were even started out was to help control the Jail population and I know they're out there doing their duties. They're doing their jobs and it is an issue that we have to weigh whether or not we can afford to have the Jail population get to a point where we're shipping inmates out. I think right now we're not holding-are we way holding the total amount of inmates, federal inmates, that we're contracted or supposed to be holding? Aren't we about 100 short there Sheriff because the facilities right now..."

Mr. Villarreal-"Correct."

Commissioner Wood-"...and that obviously impacts our Budget; by not being able to have that revenue come in, but crime is a big industry. It's a big business and we've got the Jail full or almost full and hopefully with the completion of the new addition, we'll be able to get those inmates back and have the revenues coming back into the County. I think we should be able to at that time. We've got a ways to go before that's completed."

Mr. Villarreal-"Correct. Item L, the new DA staff for the 444th District Court. I know initially when the Court or when this was presented the function of that Court was going to be primarily a Family Court. Currently this staff is within the recommended budget; which is two attorneys, a secretary and an investigator. Because there was discussion last year that this Court would also be hearing criminal cases and so as part of the request by the DA's Office and also as part of the Budget Office, this staff was put into place. If that was the case, that they were going to be hearing criminal cases, that this staff would be available for the DA's Office. In discussions or-I guess this is one of the items that I believe the District Judges are going to be discussing hopefully next week at their meeting to see if that's still the case or if it's still going to be primarily a Family Court and Civil because if that's all they're going to be hearing, then we feel, as the Committee, that this staff would not be necessary; which is \$257,000. Of course, that's all contingent on-and this is only for the DA's staff. This doesn't affect the staffing for the Court itself. That is in place and the staffing for the District Clerk's Office, which is also in place; that would not be affected by this."

Mr. David Gonzales, District Attorney's Office-"May I?"

Mr. Villarreal-"Sure."

Mr. Gonzales-“And it is primarily, I'm not sure what the District Courts are going to agree to or not agree to, but one of the other functions that we do we also do asset forfeiture; which is a civil function which-and I think we get pigeonholed as doing only criminal. We also do all the protective orders. So any protective orders which are going to be family law-oriented are going to require full-time staff. It's not easy for us to pull attorneys out of other Courts when other judges need them in their Courts and then you have a full-time Judge also conducting Court so we will have protective orders, asset forfeiture and more than likely a good percentage of criminal cases. So you know, please don't forget there are other functions that our Office performs including expunges and things of that nature; which are also civil in nature.”

Mr. Villarreal-“Item M, trying to make up the deficit, we looked at the reduction of salaries. I know right now the salary increases are completely off the table. So I listed here the savings within the Budget for three different levels at reducing all positions, I don't want to say slots, but all positions by \$250 would save the General Fund \$345,000; to reduce it by \$500 would save the General Fund \$690,000; and to reduce \$1,000, basically taking back the increase that was approved for this year, it would save the General Fund just over \$1.3 million.”

Commissioner Tamayo-“Xavier, when you say all salaries you're talking about custodians?”

Mr. Villarreal-“Across the board. Everyone, every slot. They're all treated the same.”

Commissioner Tamayo-“I wouldn't go for that. I would want to look at 'x' number of dollars salary. I mean I can't-we'll kill some of our people in the, you know, that are at the bottom. This would kill them.”

Commissioner Benavides-“Especially those that make minimum. I mean you have an employee that's making \$40,000, \$50,000, \$60,000 \$70,000, \$80,000; well it may not make a dent in their pocketbook, but the ones that are custodians, our Public Works people. I mean...”

Mr. Villarreal-“True. The level of savings would and I'm looking-I know that's on a personal or an individual level. This is strictly having to deal with dollars in trying to find places to where we can balance the Budget.”

Commissioner Tamayo-“And that's your job, Xavier.”

Mr. Villarreal-“And one of the intentions was the way I was looking at it is which is worse. Is it worse to reduce everyone's salary by \$250 or tell every Department that you need to cut a slot? Someone's without a job or you take a cut of each paycheck, which is reduced by \$20, \$25; and that's ultimately a decision the court has to make and we're just putting this out there for consideration and some way to try to balance the Budget.”

Commissioner Tamayo-“And you all are doing your job but I see my job as looking at it globally and looking at the people that could just not afford it and I'd rather cut even more for people that are making let's say

\$50,000, \$60,000 a year and up or maybe have a scale or something, but-and just like Commissioner Benavides mentioned, the people I'm around most are the Public Works workers and I can't, I just can't see cutting someone that is out there in the hot sun and doesn't even go to a restaurant for lunch because they're out in the middle of nowhere and then we tell them, our appreciation is to tell them, we're cutting their salary and they're definitely not making what you and I are making."

Commissioner Wood-"We've worked hard over the years to try to get the salary, the minimum salary, to an \$8.00 (an hour) level and I don't know how many are actually at that \$8.00 level, but now the minimum wage just also increased to what?"

Ms. Galarza-"\$7.25 (an hour)."

Commissioner Wood-"Okay, \$7.25 (an hour). \$8.00 an hour for employees is really really difficult for them to make ends meet in general depending on obviously the size of the family and all. They still qualify for lots of government subsidies; food stamps, housing, all sorts of things so, you know, we're putting a burden someplace else also."

Ms. Galarza-"We can do a projection based on a scale. What scale would the Court recommend that we use?"

Commissioner Wood-"You know we just received this today. It's kind of difficult to give you some kind of recommendation as to what we think, or in my case..."

Commissioner Tamayo-"And to your credit-I can assure you. My son is president of a union in California and his recommendation was exactly in order to save. So Xavier I'm not criticizing you for the job you've done. You all have done a good job and they're asking across the board, starting with superintendents to custodians, to work for free, I think its three days, and it saved all their jobs. So you know I realize which you're saying, but I don't feel that we can do that. I'd like to see a scale and right now I don't know what scale I'd use but I'd rather hit those of us that are making money."

Judge Cascos-"Why don't we do this? We don't have a scale but why don't you all come up with something but you start off at a benchmark; let's say of \$25,000. In other words don't touch anybody that's making under \$25,000 and then go in increments of \$25,000, you know, whatever or \$15,000. You know if you make-and I'm just throwing things out. If anybody making over \$60,000, between \$60,000 and-sorry Pete (Sepulveda), David (Garcia). Anybody making between \$60,000 and \$80,000, 'x' amount; \$80,000 and above 'x' amount. You know, but again I just don't think that we should-and this has got to be as fair as we can do it. I also don't think its fair penalizing those people that have worked hard that are making above \$25,000."

Ms. Galarza-"So I guess..."

Judge Cascos-"It's going to be a real balance. Just come up with something."

Ms. Galarza-"...the pay cuts also would be on a graduated scale starting at like \$500 for \$25,000."

Judge Cascos-"No. Don't touch anybody \$25,000 and below."

Ms. Galarza-"Right."

Judge Cascos-"And then from there let's say from \$25,000 to \$50,000: \$500; \$50,000 to \$80,000: \$750.

You know, I mean so no one has to take more than \$1,000 cut but I think what you're going to find is that most of the employees probably make between no more than \$35,000 to \$40,000 and that's where the lion's share of savings are going to be."

Commissioner Benavides-"And the majority of those have been here for a long long time."

Ms. Galarza-"We can work it on a scale like that."

Judge Cascos-"As difficult as it is, we cannot look at people for now. We have to look at the dollars and then we can always-I don't want to have to look at, 'Well this guy, you know...', look at the dollars and I think you're going to find that once we do that, it's not going to be anywhere near some of these savings because we don't have that many people that are making that kind of money but you have to start somewhere and just don't touch anybody, you know, below \$25,000 but keep in mind also that this is not the people out in the hot sun. This is General Fund. This has nothing to do with Road & Bridge at this point. Explain a little bit on (Item N) the Medical Death Investigator."

Mr. Villarreal-"In our discussions with some of the Departments you know the question arose by other Departments as to what exactly this individual does. I know what the intent was when it was approved and we've met and spoken about it. We have it here-one of the intents was to reduce the number of autopsies..."

Judge Cascos-"And save money."

Mr. Villarreal-"...that were being performed and to save money. There was another intent in doing that and one of them was in the discussions with the pathologist that we currently contract with. There were some requirements or requests or requirements that were put forth by this individual in order for her to come back and perform autopsies here locally; part of that was staff. This particular position fills that requirement or request as well as working with-and I want to say with some of the JPs because not all of all of the JPs are actually utilizing him for what he was meant to do. So we're not sure that if not everyone is going to be using him and taking the recommendations as to the level of autopsies that is being requested, that whether we're getting our money's worth out of that particular position and so we have this there. It's also tied back to, of course, if we eliminate it-what

happens with the agreement that we have with the pathologist. Is it a non-issue and then she'll hire her own and then bill the County for those services separately or you know refuses to perform the services here and then we would have to send everyone to Hidalgo County to possibly to have them done there."

Commissioner Tamayo-"Well I think this particular item goes back to the same thing we've been talking about. Has there been an evaluation to see that we're saving money?"

Mr. Villarreal-"Well at this point we know we're not-were spending the same amount on autopsy services now as we were in the past."

Ms. Galarza-"Autopsy expenditures in 2008 were \$460,000. Right now we've received billing up through July 15 and we're projected to spend at least \$403,000 this year. While we did spend \$460,000 last year and this year we would probably be at \$403,000, that particular autopsy account does not-if you factor in the salary and the benefits of the Medical Death Investigator, then we are actually exceeding the cost of the autopsy count for last year."

Commissioner Tamayo-"So it's more expensive so far?"

Ms. Galarza-"Correct. We met with the County Health Authority last Friday as well as with the Health Department and David was there and the Medical Death Investigator was there also and we went over some of the problems. The Medical Health Authority did have a good recommendation and basically it's to-we have the facility at Valley Baptist that we can use to have autopsies done and it was suggested that perhaps that the amount that we are paying for autopsies that we should consider contracting somebody that's perhaps retired and wants to come out and work on a semi-retired basis and have them perform the autopsies on a contract basis as opposed to what we are doing right now. So that's conceivably an avenue that we may be looking at. I don't know if David has something that he would like to add to that, but the way the autopsies are being handled right now and the way the contract is structured, we really don't have a way to control it, to control the cost on it."

Judge Cascos-"I think we need to also work with the JPs because they are the ones that well, for the most part they are the ones that call for the autopsies and sometimes..."

Ms. Galarza-"That's right."

Judge Cascos-"...from what I've seen and heard, they call for autopsies on very obvious causes of death and sometimes it's the family that wants the autopsy for no apparent reason and we have to burden that cost so we need to work with the JPs as well and maybe do they have-I know Gus (Garza) is here. Gus, would you mind just real real quick okay? Please."

Commissioner Tamayo-"Come over to the microphone."

Judge Cascos-"Do you all-yeah, please."

Commissioner Tamayo-"While he's walking up here, legally if a family requests an autopsy can we-if a JP is not the one requesting it, can we tell them, 'Well if there's one you have to pay for it'? Is that legal?"

Judge Cascos-"I think-and that's one of the questions, but let me ask that one plus, is there a code that you all follow in terms of when to ask for a JP? Do you have to stick to that code? In other words, you can't go below it but you can go above it?"

Commissioner Tamayo-"You mean to ask for an autopsy?"

Judge Cascos-"I mean, I'm sorry. What'd I say?"

Commissioner Tamayo -"A JP."

Judge Cascos-"Oh, well same thing; an autopsy."

Justice of the Peace Precinct 6 Gustavo Garza-"Let me answer you this way. The statute provides specific conditions for when the Justice of the Peace shall order an autopsy and they are limited. If a person dies totally alone without any witnesses and there is, you know, you can't determine the cause; even though it seems like a heart attack. The fact that the person died alone in the field or in the bedroom and nobody else was at home. If it's a child, I believe it's under six I'm not sure but I've to go back and look, but I think if it's a child under six we have to order an autopsy. If we determine there's foul play or if the investigators determine that there's foul play; breaking into the home, a rummaged home, burglary, robbery, whatever or the body has evidence of foul play then you know we have to. I mean common sense tells us. Other than that, we can make the call ourselves. The JP can make the call that it was natural causes. We don't have to be a doctor. I don't have to say that it was a heart attack. I don't have to say the medical, you know, reason for it. I just had a situation the other day where there was a lady that passed away and there were family members in the trailer home. The husband was outside, you know, talking to another mechanic or whatever and the lady was just taking a shower. She was a little bit overweight. She'd had some problems with blood pressure. Sheriff's Department responded, Constable responded and I went. I make it a practice to ask the investigators, just out of respect to them you know, 'Do we need an autopsy?' Whether I think we don't, whether I think we do I make it a practice to ask. Well in this case, I was asked for one. I asked the Sheriff's Department, 'Convince me. Why should I ask for it?' You know, windows are fine, curtains fine, the makeup was in her hand or it just fell off of her hand when she fell to the floor. The children were watching TV, the man-they got out together and they took a shower-I mean she did. I ordered a toxicology and that's it. I had calls and calls and calls from the Pathologists Department trying to convince me to order a full autopsy. I finally refused to answer the phone and told my staff to tell him that my order is my order and that's all I need. When I got the

preliminary report I became very upset because the pathologist came back and concluded that homicide cannot be excluded and I'm sitting there thinking now I'm getting setup a year from now, two years from now. Some family member is going to come look at this preliminary report and say, 'Hey JP, why didn't you order an autopsy? I'm going to sue you'. So I took the step and I wrote that person a letter and said, 'Hey that's not your job'. If there's foul play that's the Sheriff's Department, Police Department. They tell me. It's my job to determine cause of death, not the pathologist's, but somehow there's the impression that if we don't have the pathologist saying, 'You know it was a heart attack. It was brain hemorrhage. It was poisoning. It was a homicide', that they can't function. That's not at all the idea. Okay and when it comes to families, you know, I've had difficult situations and they demand an autopsy and I have said no."

Judge Cascos-"Well I-that's what I was trying to allude to; that we've had probably autopsies that were performed when they didn't need to be performed because a family's requested and I think that's where we need to get with you all or with Legal and say you know if you believe that an autopsy is not warranted but they want it, then they pay for it."

JP Garza-"Judge..."

Judge Cascos-"They're doing it for a reason. I mean, I don't know."

JP Garza-"I agree with you. We do need to get together and we do need to agree on the process we're going to use, but I have had situations where the hospital itself has called the JP and taken and asked for an autopsy when the decedent died in the hospital."

Judge Cascos-"If that's the case, then the hospital should pay for it and I think hopefully that's the position and the stance that we need to start taking. I mean \$400,000 a year in autopsies-how much does each autopsy cost? \$1,400."

Ms. Galarza-"\$1,450."

Judge Cascos-"Do the math. I mean how many autopsies..."

Ms. Galarza-"And that's just the autopsy. Every additional test is extra."

Judge Cascos-"I'm sorry?"

Ms. Galarza-"Every additional test that's ordered is extra."

Judge Cascos-"So what's the average cost of an autopsy? I mean I don't know. I thought it was about \$2,000?"

Ms. Galarza-"That's probably accurate."

Judge Cascos-"Do the math. I mean it's absurd."

Commissioner Tamayo-“It goes back to the fact that when it's not your money, it's easy to spend it you know. Think of your kids once they're through college. All of a sudden, and if they're on their own it happened to us you know, they start giving the parents recommendations. ‘You know that VISA really has a high interest’. They never noticed it before when the dad or the mom were paying it. It's the same thing you know; I'm just giving an example that it's the same thing. People will think twice if they have to pay for it.”

JP Garza-“Commissioner, Judge. That's not my practice. I do not order autopsies unless...”

Commissioner Tamayo-“No, no, no. I'm referring to-I'm referring to the fact that they keep pushing you to do it. Whoever's asking for it and the JP does not think that it's needed; they're the ones. For instance the hospital; if they ask for-I'm not referring to you or to the JPs, I'm referring to those that are asking for it when the JP has said it's not needed. That's what I'm talking about.”

Judge Cascos-“And the JPs need to stand firm as well.”

Commissioner Tamayo-“They have to be strong.”

Judge Cascos-“When they get pressure from family members or constituents and things like that. You know it's easy; it isn't their money but I think as we go through the budgetary process-how much have you budgeted for autopsies right now? Thank you Judge.”

JP Garza-“Thank you.”

Ms. Galarza-“We have to check and see what the Budget is. We always budget extra.”

Judge Cascos-“During this process we need to sit down and during when the JPs have their monthly meetings address this with them and drop this number down and just tell them, ‘You know you cannot be doing this’, or assign each JP a certain number of autopsy budget and you know once they use it up, they've used it up. I mean I don't-I'm trying to ask for solutions to this because I mean we're paying almost \$400,000 a year in autopsies and I bet you that if a lot of the JPs did what...I'm sorry?”

(inaudible dialogue from the audience)

Judge Cascos-“Yeah and whatever Judge Garza said; if they all did that, you know, we'd save a little bit of money.”

Commissioner Tamayo-“But see the thing is that-going back to Legal and I didn't feel like my question was answered. Legally, does a Court have to vote on that, Richard? If we're going to make the hospital-if the JP does not request an autopsy and either a hospital, or whomever, is pushing them to have a autopsy-or family-can we legally-does the Court have to pass that or can it be-how do we enforce that?”

Mr. Burst-“Well, it starts...”

Commissioner Tamayo-“Because we have to help the JPs. I mean you have to realize that they've got to have some support here.”

Mr. Burst-“It starts with the JPs. I mean they've got to do as Justice Garza has suggested or that he is doing; and that's simply evaluate each case based on the statutory guidelines because the Commissioners Court cannot interfere with that duty. If they determine that an autopsy is needed, then that's the bottom line. So it starts with the JP. Co-counsel here...”

Commissioner Tamayo-“Just a minute here Richard. It's a real simple answer I need. Who legally can go ahead and say-do the JPs as a group have to decide that so that it's uniform that they're going to tell that the hospital will have to pay for it or family or whomever if they are not requesting an autopsy?”

Mr. Burst-“Well it's an individual decision of the Justices and they have to make it. Now there are-co-counsel, Ms. Jeffries here, suggested something we are going to look at, maybe get with the JPs, and that is to produce a form where if the JP is willing to sign and just state that there is no, that they find no statutory reason for an autopsy and then have the family members sign that they want to request an autopsy understanding they'll have to pay for it because there is-maybe something can be done proactively to address the problem in that regard, but the bottom line is if the JP orders, it then we have to pay for it.”

Commissioner Wood-“But if the JP does not order it, then if someone wants it done that person can pay for it.”

Mr. Burst-“That's correct.”

Commissioner Wood-“Okay.”

Mr. Burst-“Frequently, like in...”

Commissioner Tamayo-“It was really was a simple answer to my question.”

Judge Cascos-“I think it's a policy decision that this Court can make. It's a policy decision that this Court can make if the JP does not believe that an autopsy is necessary, then whomever requests it, pays for it.”

Mr. Burst-“I'm not sure...”

Commissioner Tamayo-“He just told me that it's not.”

Judge Cascos-“How enforceable that is, I don't know.”

Mr. Burst-“I'm not sure that this Court has the ability to tell the JPs...”

Judge Cascos-“I'm not saying that. What I'm saying is if a JP says that an autopsy is not warranted...”

Commissioner Wood-“Then the County's out of it.”

Mr. Burst-“Then they don't order it.”

Judge Cascos-“Well, how is the family going to know that if they want it, that they pay for it? Who tells them that?”

Mr. Burst-“Well that's what I was saying. We're going to look at, after listening to you here, we're going to look at the idea of maybe producing a form, if the JPs are willing to use it, with the family signing and acknowledging it.”

Judge Cascos-“Right but who adopts that form? Don't we adopt that policy?”

Mr. Burst-“Oh yes.”

Judge Cascos-“Yeah, that's what I'm saying. We can set a policy in terms of giving a JP an out. That's exactly what I'm suggesting that they have an out and say, ‘You know, you know we don't see an autopsy is warranted. Here is a form you need to sign that the Commissioners Court approved. Legal signed off, everybody signed off. If you want to have it done, then you pay for it’.”

Commissioner Tamayo-“Judge that was originally my question.”

Judge Cascos-“Your question, right.”

Commissioner Tamayo-“Do we all understand? Are we going to get an answer from Legal? We don't have to have an hour discussion.”

Judge Cascos-“I think we just did.”

Commissioner Tamayo-“No he just said he's going to have to look into it.”

Judge Cascos-“Well again-look into how we can do it, but I still think it's a policy decision that this Court can make once the JP determines that an autopsy is not warranted.”

Mr. Burst-“We'll have to look at that because you have to balance between what the Court can do and at what point you're infringing on the JPs' duties.”

Judge Cascos-“No, no, no.”

Mr. Burst-“I understand what you're saying Judge, but that's still what you have to look at.”

Judge Cascos-“Once the JP says-makes the decision that an autopsy- this is real simple Richard.”

Mr. Burst-“That's not a problem.”

Judge Cascos-“ I think that this Court can set a policy to do that, but check it out and bring it to us when you can before the end of the Budgetary process.”

Mr. Burst-“We can do that.”

Judge Cascos-“Okay thank you. Alright next. (Item O) Early voting-did you ever get a number on that?”

Mr. Villarreal-“Yes actually Roger (Ortiz) provided that to me late yesterday afternoon.”

Commissioner Tamayo-“How much are we saving here?”

Judge Cascos-“That's what he's going to...”

Commissioner Tamayo-“Okay.”

Mr. Roger Ortiz, Elections Administrator-“Judge, Commissioners good morning. As far as Early Voting, we are not able to reduce Early Voting by one week, but I have something that will have the same effect; which is to reduce the number of locations to one per Commissioners’ Precinct. That would have the same effect of doing something like this now. Besides that I have already told my staff what we are going to do in regards to the number of locations that we have and the number of staff that we’re going to have in each location. We normally have four unless we have other jurisdictions that join us in an election. So we are getting down to-we’re recommending the minimum that is required by law; which is three per location and then I'm suggesting to come back to Commissioners Court in a couple of weeks and ask the Commissioners Court to consider consolidating some of those precincts in this coming November election; that would save us some money. The November election that we have coming up is a constitutional amendment election and there's not-well from what I see-there's not a real exciting bill or amendment that is going to be on the ballot that may generate a lot of interest. So what I'm going to be suggesting to Commissioners Court is to consider reducing it to 52 locations. Locations that would be placed in areas that would accommodate the voters throughout the County. So we will probably have savings of somewhere around \$26,000. That's not counting maybe some of the supplies and other little things that we may be able to save on because of that.”

Commissioner Tamayo-“Would you repeat the savings again?”

Mr. Ortiz-“I'm sorry?”

Commissioner Tamayo-“Would you repeat the amount?”

Mr. Ortiz-“It would probably be around \$26,000 that we can save there.”

Judge Cascos-“Well, just work with them and we're going to be addressing this at probably every Meeting. So as soon as you have those details, give it to them so they can factor this in as a ‘maybe’.”

Mr. Ortiz-“Yeah.”

Judge Cascos-“Okay. Thank you Roger.”

Mr. Ortiz-“Will do so.”

Judge Cascos-“Pete?”

Mr. Villarreal-“We also have changing-currently the County provides cell phones to various employees and also monthly stipends. If the Court were to consider eliminating the cell phones (Item P) and just provide everyone

who has one, or who the Court would approve, a stipend and set that stipend at \$40 a month; that would be a savings of \$83,797 and that does not account for the savings in man hours and time of actually managing the cell phones and the cell phone plan that both are within the Purchasing Department; with keeping up with the contract and the issues regarding the cell phones and also the payment of the invoices for the cell phones. We also have changing or removing all auto allowances...”

Sheriff Omar Lucio-“Good morning Judge, Commissioners. As far as the phones are concerned, under the law enforcement that would be very difficult. You give somebody \$40 he's going to go out here and try to find the cheapest phone. We need communication. Communication's a technology that law enforcement needs all the time. At the present time the phones that we use also have the capability to communicate by like a walkie-talkie and that prevents other people from listening in on the conversation. If you reduce that to \$40 on the law enforcement side I believe we're asking for problems because sooner or later those phones may not be the best phones in the market because everybody's going to try to find probably the cheapest phone and if he needs to communicate because he's out here in the middle of nowhere and we don't get the signals, then we got a bigger problem. So trying to save some money on some phones compared to the life of somebody, somebody getting hurt, I don't believe it makes sense at this time and I would like for the Court to reconsider that very strongly.”

Judge Cascos-“I don't want to reconsider that option, but I do want you to break out the law enforcement and how much that would be. Okay? Thank you.”

Sheriff Lucio-Thank you.”

Commissioner Benavides-“Sheriff I would like to ask you, and I know this is totally apart from what we're discussing right now, but I understand your officers were involved in a shooting this morning. Is everybody okay from your staff?”

Sheriff Lucio-“They're okay. I don't have a lot of details on it. As soon as I do get information I will certainly let the Court know about it. Okay?”

Commissioner Benavides-“Thank you.”

Sheriff Lucio-“But I don't have too many details on it at the present time, but he's doing okay.”

Commissioner Benavides-“Good.”

Judge Cascos-“(Item) Q.”

Mr. Villarreal-“We also have-we don't have a dollar amount associated with it because we're not sure exactly what it would generate but going from an auto allowance to requiring a mileage reimbursement. We figure there will be savings. We can't calculate right now an actual dollar amount tied to it but it's something for the Court

to consider. If you notice-if the Court were not to consider any of the 'Options' on the right-hand side, we're set at a deficit of \$1.5 million. What I have listed here is a 5% reduction, which is similar to what some of the-what was requested and what some of the Departments have come forth with already; in particular Juvenile Probation Department."

Judge Cascos-"You know Juvenile Probation, which is the leanest, one of the leanest departments in this County, were able-and thank you. Is the Chief here? Chief? They were able to find within their General Fund Budget a 5%-was it a 5% reduction?"

Mr. Villarreal-"Yes."

Judge Cascos-"You know and I think the Health Department as well. I think did a 5% (reduction) and if they can find it within their limited amounts, certainly some of the larger Departments can find that as well and I know that you all worked really really hard with a very very sharp pencil and I just ask that as you go through this with these Departments, that they look at that. As again we're not going to balance the Budget if we don't and it's really that. I don't know how much simpler we can put it. If we don't do it, we're not going to balance the Budget without more than a penny tax rate increase and I'm not supporting that."

Mr. Villarreal-"Correct. At this point we don't foresee any additional revenues or new revenues coming into the County. So the options are additional cuts, aside what's been proposed here, or increasing the tax rate; those are kind of your options. So what is listed here is just a 5% reduction for the larger Departments; which is the County Clerk's Office, District Clerk's Office and the District Attorney's Office. The amount that that translates into and even if you were to..."

Judge Cascos-"Just go back to the DA because I think there may be a duplication on that; \$257,000 and the \$223,000. It would only be one of those?"

Mr. Villarreal-"It would only be one of the two."

Judge Cascos-"I mean the thoughts are..."

Mr. Villarreal-"If the Court were to approve that, and even if those Departments were to cut 5%, that would generate \$437,000 in savings, we're still short \$1 million."

Judge Cascos-"That \$1 million does not consider anything under your 'Options' column?"

Mr. Villarreal-"Nothing with the 'Options'."

Judge Cascos-"Okay."

Mr. Villarreal-“So you know anything that's there would, of course, reduce that deficit by that particular amount and we'll try and come up with the numbers as far as on the (graduated) steps for the salaries and send that out sometime this afternoon.”

Commissioner Benavides-“Xavier, you have County Clerk \$835,782.”

Mr. Villarreal-“They have four different...”

Commissioner Benavides-“Is that the proposed 5% (reduction)?”

Mr. Villarreal-“No. That's the current Budget, the recommended Budget and there's four different Budgets for the County Clerk's Office and that's why they're listed there separately.”

Judge Cascos-“The cut would be \$120,314.”

Commissioner Benavides-“Okay.”

Commissioner Tamayo-“Okay I see. I was confused on that.”

Mr. Joe G. Rivera, County Clerk-“Good morning. I know that you guys got a big dilemma, you know, but we've got offices to run. It shows here four Budgets, but two of them belong to Records Management; which is almost \$700,000.”

Judge Cascos-“Is that the second and the third or the...”

Mr. Rivera-“Second and third. Correct and if you take those two out and you want us to give \$98,000 back, that's more than 5%. That's more than 5% and I met with this great Committee, you know, that you guys-with the exception of Mr. Villarreal-and I asked them, ‘Show me where you think that I can cut. Show me’, and they agreed with me that we could not unless we close our doors.”

Judge Cascos-“Did you all agree that there was no place they could cut? I want to hear that before it goes much further.”

Ms. Galarza-“We agreed that he could not cut his fixed operating expenses. The only thing that he could conceivably touch, without affecting actual operations and insurance and everything, would be employees.”

Mr. Rivera-“Employees, right. Now something else that we do with 404 funds, which is Records Management, we fund 13 slots that should be funded by General Fund money and I did it back maybe three County Judges ago where they promised that next year, ‘We're going to be in better shape and we will fund those slots for you’.”

Judge Cascos-“You should have known better than that Joe.”

Mr. Rivera-“I know that.”

Commissioner Tamayo-“I didn’t say that. I don’t know who you were meeting with, but I sure didn’t say that.”

Mr. Rivera-“I don’t want to call anybody a liar, you know, but they told me stories you know. ‘Help us out. Help us out.’ And you were on the Commission, Commissioner Cascos...”

Judge Cascos-“I remember it.”

Mr. Rivera-“...Judge and you said, ‘We’ll take care of you’. Well I haven’t been taking care of you know. So it’s hard for me to cut \$98,000 when I’m already funding 13 slots.”

Judge Cascos-“Yeah. I don’t think I said I was going to take care of you. I think what I said was-you know, look. We have to look at this as taxpayer dollars; whether its Records Management money, whatever it is. It all comes from the same pool of folks and this is not to penalize anyone. I mean you know –and the reason that Xavier put this on the screen was so everybody at home and here can look at what we’re faced with and it’s really easy for everybody to say, ‘Well, you know what? Just raise the tax rate. Services have gone up, this has gone’-but your revenues are down. County Clerk’s revenues are down. District Clerk’s revenues are down. Everything is down. We have to find somewhere to make this up and aside from the cuts, I want-you know the Court members also need to look at this because these are our recommendations, but we need at some point to tell them, ‘These are the numbers that we’re going to go with. Let’s keep looking’, but these, you know, we’re all going to agree to these first four, middle three, or whatever it is and for anyone-even if we approve everything, we’re still \$1 million short. Now we’re going to be a little but more than that. Add another \$28,000 if we take out Records Management as part of the cuts. Why would you include Records Management as part of your 5% if it doesn’t really affect General Fund?”

Mr. Rivera-“It’s what it says right here Judge.”

Judge Cascos-“No, no, no. I’m talking to Xavier behind you; why he included that in there.”

Mr. Villarreal-“Because currently the Records Management, (Fund) 404, particularly the first one, the one for \$379,000, is not generating enough revenues to cover the expenditures for that particular Department. We also have the ACS contract, which is paid under (Fund) 403, which is over \$200,000. Now granted not everything that that contract provides is related to Records Management, but I would venture to say at least 50% to 60% of what it does do is Records Management-related. Personally I think there’s kind of an offset with Records Management paying for these employees, but the General Fund, the regular General Fund, is also paying for this contract that provides Records Management services, so it’s in there.”

Judge Cascos-“Okay.”

Mr. Rivera-"I know that you're very good with numbers Mr. Villarreal, but you're wrong. You are wrong because for everything that's filed in the County Clerk's office, we charge a fee. We charge a fee, the Records Management fee, is added to that so our regular fee that we collect should be paying for that ACS contract because that's our daily work. That's our daily work. Now I just want to compare my good friend, the District Clerk's Office, (budget) is \$1,872,000. We have three County Courts and we have 10 times the amount of cases and we do it for \$894,000. So if there are any tight budgets, we have a tight, tight Budget and that's what I want to bring to your attention. I don't think you should cut salaries of employees. Heck, I've been here for 32 years and this was the first time I ever hear of anybody wanting to cut salaries on people that are on the frontlines because not only are there people that work on Road & Bridge, we have a lot of people that work on the frontlines in the County Clerk's Office, the Tax Office and District Clerk's Office that shouldn't be even considered for a cut."

Judge Cascos-"Joe, I don't think anyone on this Court said they want to do that."

Mr. Rivera-"But it's mentioned, Judge. It's mentioned."

Judge Cascos-"Of course it's mentioned."

Mr. Rivera-"Okay, that's why I'm here."

Judge Cascos-"I think it would be irresponsible not to. I think you have to look at it. I mean I don't think anybody wants to do this, but you know, and I don't think that's going to fly, but we have to make it up somewhere and all I'm suggesting is that everyone's going to have to hurt here and everyone's going to have to give. Now the revenue side, I'm asking Martha; why are the County Clerk's revenues down? Why are the District Clerk's revenues down?"

Mr. Rivera-"I think we discussed it. We discussed it."

Judge Cascos-"Well, but the fact is that they're down from last year."

Mr. Rivera-"Everything is down, Judge."

Judge Cascos-"I'm sorry?"

Mr. Rivera-"Everything's down."

Judge Cascos-"I understand..."

Commissioner Tamayo-"And that's our problem."

Judge Cascos-"...but expenses are staying same."

Mr. Rivera-"Correct."

Judge Cascos-"So we have to find a way to balance that."

Mr. Rivera-"The Bridge is down; way down."

Judge Cascos-"I understand that. The Bridge is down \$2.1 million."

Mr. Rivera-"Yeah."

Judge Cascos-"I understand all that. So that's two pennies, just about, on the tax rate that we're going to try to make up here and it's going to hurt some Departments, but I tell you what if Juvenile can come forward and find a 5% cut and they are about as lean-I mean Tommy (Ramirez) is grimacing in pain..."

Commissioner Tamayo-"Understaffed."

Judge Cascos-"...when I say that; '5%'. The Health Department; 5%. You know all these people are coming forward and I just don't believe there's a single Budget out there that cannot withstand a 3% to 5% cut."

Mr. Rivera-"I'm grimacing in pain too, Judge."

Judge Cascos-"I can tell."

Mr. Rivera-"I might not show it, but I'm grimacing in pain..."

Judge Cascos-"You hide it well."

Mr. Rivera-"...because every year, every year we get the same answer. We get the same answer. Now you're talking about cutting our car allowance. Now back above eight years ago, the Commissioners had a car allowance, the Judges had a car allowance, County Courts had a car allowance; all that was transferred to salary. So now they don't show a car allowance. Now they're wanting to cut us our car allowance. You know think about that. If you transfer my car allowance to salary, I'm not going to gripe, but you have done that for other people and the only ones you didn't do it for was the District Clerk and the County Clerk and that's all I have to say. Thank you."

Judge Cascos-"Thank you Joe. You have a good day too. Anything else? Xavier?"

Ms. Galarza-"I passed out some additional information in that last packet. Page 1 through page 2 is a comparison of the Employee Count, and this is strictly for General Fund, and the Departments are listed individually and you have the account number and the Department number. Then you have the Department description and it gives you the employee count per fiscal year. So it serves as a comparison so that you can see how these various Departments have grown per fiscal year and that goes to serve some basis so that you can analyze the Departments and look at them and review who has grown, who has not grown, the reasons why they have grown and if, in fact, they have been allowed to add employers for a particular reason; if that function is still actually substantiated at the present time."

Commissioner Tamayo-"That's good."

Ms. Galarza-"If you'll look on page 3, page 3 gives you Activity by County Court at Law and the history that you will see there is from October 2004 to June 2009; and it is June of 2009 because that is what is posted on

the website right now. What that gives you is, it gives you a total of civil cases filed, any docket adjustments that have been done, cases that were added or the cases that were filed and what the actual disposition is and pending at the end of the year; and that is broken out by calendar year and it shows you, you start with October 2004 and you go all the way down to the present right now; and you'll be able to see what the actual case disposition is running in the County Court at Law level. So you can have a closer picture of what their actual activity is by Fiscal Year, by County Fiscal Year, and this is all-inclusive for the three County Court at Laws. It is not just for one particular Court. One thing that I know that Mr. Rivera alluded to when we met with him in the meeting and he alluded to the fact that there are a continuing amount of Jail credits that are being given by the (County) Courts at Law and I guess we would have to address that with the Court at Law Judges. They didn't have any input in this information; rather it was just assimilated for presentation purposes for the Court and you'll see the actual-you have County Court at Law 1, 2 and 3-and then you have a cumulative of all Courts and it shows the fines that are being generated by Court, the amount of Court costs monthly that is being generated, the amount of Jail credits that are being given by each Court and then if any community service is being, if the defendants are being credited with any community service or if they're having to perform community service rather. I did that just for last Fiscal Year beginning with October 2007 going through September 2008 and I just noticed I didn't put a year-end total, which it should've had one, but I can go ahead and put that in there. Then you'll see the current count for this Fiscal Year as well; and I know that he (Mr. Rivera) alluded to the fact that some of his revenue is down because defendants are getting Jail credit and so that is, that was an issue that he addressed; however, I'm sure that the Judges have their reasons for issuing Jail credit and trying to dispose the case. So that would be something that could be addressed with them. The next page is page 5 and that shows the Cameron County, the District Court Activity Report and again you have the same format. You've got civil, criminal, juvenile cases and then your total cases and there you have your pending cases at the beginning of the year, any additions cases disposed and what was pending at the end of the year. So you can look at it and see what the activity reports show for the total trial courts. It's anticipated that at the end of this year, we should see an increase in case disposition and, hopefully, a decrease in pending cases since we have added two courts. While we have added two courts, they have not had their own courtroom so that has-they've had to improvise and work around the other courtrooms, but we should be able to see, hopefully, some reduction in pending (cases) and an increase in disposed cases. Your next pages are page 6, 7 and page 8 and page 9 and those four pages are on the JP Revenue Reports and what that takes into consideration-like we'll take JP Precinct 1, since that is Precinct 1 and you'll see in there it shows the total collection by month for that office and it's broken up from October 2008 up to the last reports that we have, which are in May (2009), and that will be the total collection that

they do; and then the next line shows the total County retention and that allows you to review, out of their total collections, how much is actually being retained by the County; and then right below that you'll see a 'Revenue by line item' which tells you where specifically this revenue is being generated; and also to the other far left-hand side- to the far right-hand of that page, you'll also see the number of staff that each JP office has and the projection that was done for fiscal year 2010. On page 9, at the very bottom of that, you will see 'County Clerk Collection'; this is County Clerk Collection that is done by the County Clerk's Office for the benefit of the JPs. Those should be the cases that the JPs refer to the County Clerk so that they can process them and put them on a payment basis. I believe when that particular Department-and I'm sure Mr. Rivera might have some input on that-when that Department was or when that option was, by statute, given to the County Clerk, there was three positions that were added, I believe. Was it three, Xavier? Yeah, there were three positions that were added to the County Clerk to facilitate this collection for the JP offices; based on the figures that we show, their monthly collection is averaging anywhere from at a high of \$21,000 to a low of \$14,000. County retention on that fee is approximately about 60%, but while I do understand that there is quite a bit of work in getting these people that come in and getting them to sign an agreement and explain to them what their options are and to monitor it, this is a function that is essentially collecting, like I said, anywhere from \$21,000 to \$14,000 per month. On the next page that you have is page 10; that is a Warrant Officer Actual Revenue Report as opposed to expenses. You'll see in there the Warrant Officer citation fee that is being generated by month and then the expenditures were broken down in that Department by operation type. We have 'Payroll & Fringe', we have 'Operating Expenses' which is-those are the two expenses that are particularly tied into the Warrant Officer Program. The other two categories of expenses that are there are Data Processing and Equipment and those are all basically funded by the technology fee and the security fee; so those, as far as the revenue that's there, is revenue that is being put in there to offset the expenses from the reserve and that is restricted revenue that is being used for that function. So those are not Warrant Officer expenses, nor are they Warrant Officer revenue. So I isolated the Warrant Officer Revenue in Section B and you'll see the '(Warrant Officer) Revenue' versus the 'Warrant Officer Expenses' and you get to see a monthly recap of what the actual net effect of that is. The next pages that you have are page 11 and 12. I know this is a lot of information. We wanted to make sure that you have it available to you and that you would be able to review it if you so choose after the Meeting to help you, assist you in any decisions that you may make. This as an Activity Report by JP Office and we've got in there all of the current JPs plus the Jail magistrates and you will be able to see this is by Fiscal Year again. You'll see the cases filed, the cases that are being disposed and any other miscellaneous functions that they may be performing for the Court System and it's basically to give you information; unless you know the activity that

is being generated at the various JP Offices and how particular Offices will compare to another Office and maybe that will give you some insight as to why some of the offices are experiencing a shortfall while others are having an increase overall.”

Commissioner Tamayo-“This is very good information Martha.”

Ms. Galarza-“Thank you.”

Commissioner Tamayo-“I’m going to take some time digesting it.”

Ms. Galarza-“Yes. It takes a little bit of time; and you know if you take each section at a time, you can review it and make comments or whatever.”

Commissioner Tamayo-“Call you with questions.”

Ms. Galarza-“That’s correct. So based on the information that you have seen today, we would like to-it may be a little bit presumptuous or too quick, but we would like to get some action from the Court if they choose to act on any of these...”

<changing DVDs>

Judge Cascos-“Commissioner Tamayo?”

Commissioner Tamayo-“I think the one that’s pretty obvious as much you know we hate to cut anywhere, but I think the Warrant Officers, you know, they’re not paying for themselves; but I don’t mind deferring if the other two Commissioners would rather wait.”

Judge Cascos-“Yeah, I don’t have any problem waiting until the following Meeting. I just hope that...”

Commissioner Tamayo-“Yeah.”

Judge Cascos-“...you know, we can’t be deferring...”

Commissioner Tamayo-“We can’t be putting it off.”

Judge Cascos-“...this indefinitely. I will tell you what, based on what you’ve provided so far, I support Items A, B, C, D, E, F-I don’t know about G. I’m not sure about the Tax Office proposal having to cut services yet, I don’t know, we’ll have to look at that-H, I and J. Those are the items that I will tell you that I support at this point. The Tax Office proposal, I think we’re going to have to do it just because we need to do it. I’m a little hesitant, Tony (Yzaguirre), in terms of having to close offices completely. You may have to either maybe reduce the hours of operations or whatever but I’m not-and I want to thank you for doing it. I want to thank you for coming forward and doing this cut, but for now I want to hold off on that one until maybe we discuss it more. On the other ones I support staff’s recommendations on those and we’re not going to vote on it today but that’s where I’m going to be.”

Mr. Sepulveda -“Judge, do you want to have a Budget Workshop before the next Commissioners’ Court Meeting?”

Judge Cascos-“We can do that. We can set one up at let’s say 4 o’clock. You know the reason we wanted to do this today was to spend the necessary time. It’s hard to do it, you know, with a 15-minute Agenda Item and have Xavier just give us info. Now we need to give him info and give feedback to him and again nothing is off the table so if any Commissioners want to go by and visit with him and look at other Departments; I mean obviously those are recommendations that can come back to the Commission. Okay, Xavier?”

Mr. Villarreal-“To let the Court know, for the rest of the Budget process, for the month of-all the month of August it’s going to be required that we have a Meeting every week. I’m assuming the Regular Meetings of course will be on Thursdays and I’m assuming the other Meetings would be on Thursday; also to give ample time to prepare and that’s to comply with statutory requirements in adopting the Tax Rate and adopting the Budget and that will go through September 3rd. I have scheduled the 10th, actually, no action being taken and the final adoption of the Budget on September 17th. For next week’s Meeting of course, the discussion of the Budget, but also we’ll have an item on the Agenda for the Court to consider the maximum amount of compensation for elected officials. At that time we’ll set the public hearing date and the date of the setting of the elected officials salaries so that we can publish that and that triggers the whole requirements for the grievance process, if necessary. So that will be on for next week’s Meeting also.”

Commissioner Wood-"Xavier, obviously you’ve got lots of things to continue to work on-working on. Would you come back to us next time with a clarification on L? How that compares to-because there was discussion about that may be part of the DA’s \$223,000 below in the bottom as compared to..."

Judge Cascos-"It is, it is."

Mr. Villarreal-"Yeah the bottom one is just a fixed dollar amount. Say the Court..."

Commissioner Wood-"Well I understand that, but is that the \$257,000 from L, also? I think we determined that was part of the same money."

Mr. Villarreal-"Yeah, it’s one or the other."

Commissioner Wood-"Okay."

Mr. Villarreal-"If the Court were to say, ‘Okay all larger departments’ or ‘all departments you have to cut 5%’, that would translate-you wouldn’t do both. You wouldn’t say, ‘Okay, you know, DA’s Office you’re going to lose this staff and then..."

Commissioner Wood-"Okay."

Mr. Villarreal-"... you need to cut another \$257,000'."

Commissioner Wood-"Okay that's what I wanted to clarify."

Mr. Villarreal-"It wouldn't be both."

Commissioner Wood-"Your point on that."

Mr. Villarreal-"You couldn't afford to do it."

Judge Cascos-"Judge, did you have a comment?"

Justice of the Peace Gustavo Garza, Precinct 6-"I understand it's difficult and my Budget's very small, but I've told the Auditor from the beginning that I will forgo my auto allowance and my cell phone and only ask that my latest salaries stay intact. I can do my part in the magistrations as far as the PR bonds. I think that will help the Sheriff's Department tremendously. I know I've got the Sheriff's Department call and ask that I reduce some bonds to PR so that the Jail space will be freed. I have a system and I think it works and I can also do my part in the questioning of defendants on court-appointed attorneys. I feel that a very small percentage actually qualify for court-appointed attorneys if we question them. I do. I write the notes so they can be followed up and on the autopsies. But, you know, for whatever it's worth, you can take my cell phone and my auto allowance and..."

Judge Cascos-"Thank you Judge."

JP Garza-"...then the other cuts that my Department has."

Judge Cascos-"I appreciate you doing that."

Commissioner Tamayo-"Thank you."

Judge Cascos-"Okay. Pete, go ahead and plan on posting meetings every other Thursday Regular, and the other Thursdays Special until we-even if we just start doing it."

Commissioner Tamayo-"So we'll be having weekly Thursday meetings?"

Judge Cascos-"Starting, our next Meeting then every Thursday after that, after the 6th..."

Mr. Villarreal-"Correct."

Judge Cascos-"... we'll have-okay."

Mr. Villarreal-"Yes."

Commissioner Tamayo-"Until September 3rd?"

Mr. Villarreal-"Yes."

Judge Cascos-"Okay, all right. Any other discussion? Do I hear a motion to acknowledge everyone's Budget Reports?"

Commissioner Tamayo-"So moved."

Commissioner Benavides-"Second."

Judge Cascos-"Moved by Commissioner Tamayo, second by Commissioner Benavides. All in favor signify by saying 'aye'."

Commissioner Benavides, Commissioner Wood, Commissioner Tamayo and Judge Cascos-"Aye."

Judge Cascos-"Any opposed? Item carries."

The Documentation is as follows:

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 10:38 A.M.

APPROVED this 20th 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