

THE STATE OF TEXAS §

COUNTY OF CAMERON §

**BE IT REMEMBERED** on the 27<sup>th</sup> day of August 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:**

**5:00 P.M.**

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

**SOFIA C. BENAVIDES**  
**COMMISSIONER PRECINCT NO. 1**

**JOHN WOOD**  
**COMMISSIONER PRECINCT NO. 2**

**DAVID A. GARZA**  
**COMMISSIONER PRECINCT NO. 3**

**EDNA TAMAYO**  
**COMMISSIONER PRECINCT NO. 4**

**JOE G. RIVERA**  
**COUNTY CLERK**

**Aide A. Trejo Deputy Clerk**

**ABSENT:**

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The meeting was called to order by Judge Cascos at 5:00 P.M. He asked Ms. Martha Galarza, County Auditor, for the invocation. Judge Garza 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 August 24, 2009 at 2:34 P.M.:

# **EXECUTIVE SESSION**

Commissioner Tamayo motioned for the Court to go into Executive Session.

Mr. Pete Sepulveda, County Administrator, advised the Court that they did not have to go into Executive Session as the items to be discussed can be heard in Regular Session.

Commissioner Tamayo withdrew her motion.

**(1) EXECUTIVE SESSION:**

- (A) DISCUSS WITH COMMISSIONERS COURT ATTORNEY POTENTIAL LITIGATION ON THE BUDGET THREATEN BY THE COUNTY AND CRIMINAL DISTRICT ATTORNEY FOR AUTHORITY TO HIRE OUTSIDE COUNSEL AND FOR THE COMMISSIONERS COURT COUNSEL TO REPRESENT THE COMMISSIONERS COURT AND THE COUNTY, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.071 (A)&(2).**
- (B) DELIBERATION REGARDING REAL PROPERTY CONCERNING THE POSSIBLE SALE OF CAMERON COUNTY OWNED PROPERTIES TO THE U.S. DEPARTMENT OF ARMY KNOWN AS: TRACK NO. RGV-HRL-4000, LOCATED IN THE CONCEPCION DE CARRICITOS GRANT, CAMERON COUNTY, TEXAS SAID 0.0181 ACRE TRACT, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.072.**

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

- (A) DISCUSS WITH COMMISSIONERS COURT ATTORNEY POTENTIAL LITIGATION ON THE BUDGET THREATEN BY THE COUNTY AND CRIMINAL DISTRICT ATTORNEY FOR AUTHORITY TO HIRE OUTSIDE COUNSEL AND FOR THE COMMISSIONERS COURT COUNSEL TO REPRESENT THE COMMISSIONERS COURT AND THE COUNTY, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.071 (A)&(2). (NO ACTION TAKEN)**

Judge Cascos stated that he met with Mr. Armando Villalobos, District Attorney, and this issue has been resolved.

- (B) DELIBERATION REGARDING REAL PROPERTY CONCERNING THE POSSIBLE SALE OF CAMERON COUNTY OWNED PROPERTIES TO THE U.S. DEPARTMENT OF ARMY KNOWN AS: TRACK NO. RGV-HRL-4000, LOCATED IN THE CONCEPCION DE CARRICITOS GRANT, CAMERON COUNTY, TEXAS SAID 0.0181 ACRE TRACT, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.072.**

Commissioner Garza motioned to accept the offer from DHS for \$5,000.00

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

AYE: Commissioner Benavides, Commissioner Garza, Commissioner Tamayo and Judge Cascos

NAY: Commissioner Wood

## CONSENT ITEMS

- (3) **ALL ITEMS UNDER THE CONSENT AGENDA ARE HEARD COLLECTIVELY UNLESS OPPOSITION IS PRESENTED, IN WHICH CASE THE CONTESTED ITEM WILL BE CONSIDERED, DISCUSSED, AND APPROPRIATE ACTION TAKEN SEPARATELY.**

DISCUSSION CONCERNING CONSENT ITEMS:

**Consent Item No. 3 (A):**

Commissioner Garza asked to discuss this item separately.

Commissioner Garza motioned to approve the "Consent Items", excluding Consent Item No. 3 (A).

The motion was seconded by Commissioner Benavides and carried unanimously.

- (A) **CONSIDERATION AND APPROVAL OF THE TOLL RATE SCHEDULE FOR THE CAMERON COUNTY INTERNATIONAL TOLL BRIDGE SYSTEM EFFECTIVE SEPTEMBER 1, 2009. (PSJ-ADMINISTRATOR) (ACTION TAKEN SEPARATELY)**
- (B) **CONSIDERATION AND APPROVAL OF E-GRANTS ACCESS FOR TWO CAMERON COUNTY DRAINAGE DISTRICT #1 USERS. (PSJ-ADMINISTRATOR)**  
**The Documentation is as follows:**
- (C) **CONSIDERATION AND APPROVAL OF SUBMITTAL OF GRANT APPLICATION ON BEHALF OF THE CAMERON COUNTY DRAINAGE DISTRICT #1 TO THE GOVERNOR'S DIVISION OF EMERGENCY MANAGEMENT UNDER THE HAZARD MITIGATION GRANT PROGRAM FOR A STORMWATER DETENTION POND WITH CONTROL GATES FOR FLOOD MITIGATION. (PSJ-ADMINISTRATOR)**  
**The Documentation is as follows:**
- (D) **CONSIDERATION AND POSSIBLE APPROVAL OF INTERLOCAL AGREEMENT (CONTRACT NO. 2009C08307) BETWEEN CAMERON COUNTY AND THE CITY OF SANTA ROSA FOR THE MAINTENANCE AND OPERATION OF THE SWIMMING POOL. (JM-PARKS)**  
**The Agreement is as follows:**

- (B) CONSIDERATION AND APPROVAL OF E-GRANTS ACCESS FOR TWO CAMERON COUNTY DRAINAGE DISTRICT #1 USERS. (PSJ-ADMINISTRATOR)**  
**The Documentation is as follows:**

- (C) CONSIDERATION AND APPROVAL OF SUBMITTAL OF GRANT APPLICATION ON BEHALF OF THE CAMERON COUNTY DRAINAGE DISTRICT #1 TO THE GOVERNOR'S DIVISION OF EMERGENCY MANAGEMENT UNDER THE HAZARD MITIGATION GRANT PROGRAM FOR A STORMWATER DETENTION POND WITH CONTROL GATES FOR FLOOD MITIGATION. (PSJ-ADMINISTRATOR)**

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**The Agreement is as follows:**

## **CONSENT ITEMS**

**(3) CONSENT ITEMS.**

**(A) CONSIDERATION AND APPROVAL OF THE TOLL RATE SCHEDULE FOR THE CAMERON COUNTY INTERNATIONAL TOLL BRIDGE SYSTEM EFFECTIVE SEPTEMBER 1, 2009. (PSJ-ADMINISTRATOR)**

Commissioner Garza motioned to approve the Toll Rate Schedule for the Cameron County International Toll Bridge System effective September 1, 2009.

The motion was seconded by Commissioner Benavides and carried unanimously.

**The Documentation is as follows:**

## **ACTION ITEMS**

**(4) ACTION ITEMS.**

**(G) CONSIDERATION AND APPROVAL OF RESOLUTION SUPPORTING THE BROWNSVILLE NAVIGATION DISTRICT'S EFFORTS TO RETAIN THE PRESIDENTIAL PERMIT FOR THEIR BRIDGE CROSSING. (PSJ-ADMINISTRATOR) (Resolution No. 2009R08100)**

Commissioner Wood motioned to approve the Resolution supporting the Brownsville Navigation District's efforts to retain the Presidential Permit for their Bridge Crossing.

The motion was seconded by Commissioner Benavides and carried unanimously.

**The Resolution is as follows:**



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

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

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

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**(B) APPROVAL OF CLAIMS.**

Ms. Martha Galarza, County Auditor, asked that an additional claim be approved for the Health Benefits Fund in the amount of \$150,591.90.

Commissioner Tamayo motioned to approve the Claims.

The motion was seconded by Commissioner Benavides and carried unanimously.

**The Claims are as follows:**

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

Mr. Xavier Villarreal, Auditor's Office, explained that the General Fund Budget was originally projected to be at a shortfall of \$5.6 million due in part to the \$2.1 million decrease in funds available for transfer from the Bridge System, the \$1.2 million loss in revenue as a result of the decrease of 100 federal inmates and revenue losses for the District Clerk and County Clerk. He stated that a "Budget" Committee, which included Ms. Martha Galarza, County Auditor, Mr. Pete Sepulveda, County Administrator, Mr. David Garcia, Deputy County Administrator, and himself, was appointed and tasked with meeting each individual department to discuss where cuts could be made within their operational Budgets.

Mr. Villarreal summarized the previous proposed savings recommendations which included a reduction of the transfer from the General Fund to the Health Insurance Trust Fund by \$112,000, a reduction in the Fuel Budget by \$400,000, eliminating the GIS Department to be re-organized within the Road & Bridge Fund, eliminating (2) DPS positions, the elimination of a part-time court reporter position, the elimination of 3 warrant officer positions, implementing energy conservation procedures at a savings of \$100,000, consolidating all travel budgets and reducing the total budget by \$21,300, consolidating election precincts for the November Constitutional Amendment Election at a savings of \$26,000, increasing the toll rates at a savings of \$708,000, eliminating the DA staff for the 445<sup>th</sup> District Court, transferring a penny from the Road & Bridge Fund to the General Fund increasing revenues by \$1.3 million, eliminating the funding for the Solid Waste Enforcement program saving \$106,000, the proposed penny increase to the tax rate generating \$1.3 million, reducing the Budgets for the larger County departments by 3.5%, reducing the M&O Budget for the Jail by \$105,000 and reducing the Magistrate's Budget by 3%.

Mr. Villarreal noted that the proposed savings recommendations decreased the General Fund Budget deficit from \$5.6 million to \$241,746 and presented an updated General Fund Budget, which include additional proposed savings and reduced the deficit to \$90,517.

Judge Cascos informed the Court that he met with the District Attorney and it was agreed that the DA staff for the 445<sup>th</sup> District Court will be funded through drug forfeiture funds. He thanked elected officials, department heads and staff for their help in reducing the Budget deficit.

Commissioner Garza motioned to acknowledge the Report regarding the Fiscal Year 2009-2010 Budget.

The motion was seconded by Commissioner Tamayo and carried unanimously.

**The Documentation is as follows:**

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**PUBLIC COMMENTS.**

Mr. Gregory Smith asked the Court to consider paving the streets and improving drainage in the La Palmas area and to install speed bumps on Teege Rd. to dissuade those persons who are speeding.

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**(D) CONSIDERATION AND AUTHORIZATION TO HOLD A PUBLIC HEARING REGARDING THE PROPOSED TAX RATE FOR FY 2009-2010 AT OR BELOW \$0.363191 FOR EVERY \$100 VALUATION. (MG-AUDITOR)**

Commissioner Tamayo motioned to open the Public Hearing.

The motion was seconded by Commissioner Garza and carried unanimously.

Mr. Dagoberto Barrera commented on the economic situation of the nation and asked that all County departments be frugal and make an effort to implement cost-saving measures.

Ms. Rebecca Gomez expressed opposition against the proposed tax rate increase. She commented on the need for an emergency water implementation plan, suggested that the County review the possibility of developing Boca Chica Beach as a potential revenue source and inquired as to whether the County is capable of handling the delinquent tax collection in lieu of hiring an outside firm.

Judge Cascos responded that the Tax Office and District Attorney's Office have already been discussing the likelihood of managing the delinquent tax collections.

Commissioner Garza motioned to close the Public Hearing.

The motion was seconded by Commissioner Tamayo and carried unanimously.

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**(E) CONSIDERATION AND ACTION AUTHORIZING THE INCREASE OF THE TAX ASSESSOR COLLECTOR'S OFFICE BUDGET TO ADEQUATELY STAFF THE LA FERIA TAX BRANCH OFFICE, TO ADMINISTER THE AD-VALOREM TAX COLLECTION FOR THE LA FERIA INDEPENDENT SCHOOL DISTRICT IN ACCORDANCE WITH THE TEXAS PROPERTY TAX CODE SEC. 6.27 AND INTERLOCAL AGREEMENT AS APPROVED BY COMMISSION COURT ON JULY 23, 2009. (TY-TAX ASSESSOR)**

Commissioner Garza motioned to authorize the increase of the Tax Assessor Collector's Office Budget to adequately Staff the La FERIA Tax Branch Office, to administer the Ad-Valorem Tax Collection for the La FERIA Independent School District in accordance with the Texas Property Tax Code Sec. 6.27 and Interlocal Agreement as approved by Commissioners' Court on July 23, 2009.

The motion was seconded by Commissioner Tamayo and carried unanimously.

**The Documentation is as follows:**

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**(F) CONSIDERATION AND POSSIBLE APPROVAL TO GRANT THE U.S. DEPARTMENT OF ARMY A RIGHT OF ENTRY FOR CONSTRUCTION ON TRACK NO. RGV-HRL-4000, LOCATED IN THE CONCEPCION DE CARRICITOS GRANT, CAMERON COUNTY, TEXAS; 0.0181 ACRE TRACT. (PSJ-ADMINISTRATOR) (Contract No. 2009C08305)**

Commissioner Garza motioned to grant the U.S. Department of Army a Right of Entry for Construction on Track No. RGV-HRL-4000, located in the Concepcion de Carricitos Grant, Cameron County, Texas; 0.0181 Acre Tract.

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

AYE: Commissioner Benavides, Commissioner Garza, Commissioner Tamayo and Judge Cascos

NAY: Commissioner Wood

**The Documentation is as follows:**

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There being no further business to come before the Court, upon motion by Commissioner Garza, seconded by Commissioner Tamayo and carried unanimously, the meeting was **ADJOURNED** at 6:52 P.M.

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**APPROVED** this 17<sup>th</sup> day of **September 2009**

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

**ATTEST:**

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