

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 19TH of August 2010, there was conducted a **REGULAR Meeting** of the **Honorable Commissioners' Court of Cameron County, Texas**, at the **Courthouse** thereof, in the **City of Brownsville, Texas**, for the purpose of transacting any and all business that may lawfully be brought before the same.

THE COURT MET AT:

5:00 P.M.

PRESENT:

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

COMMISSIONER PRECINCT NO. 4

JOE G. RIVERA
COUNTY CLERK

Aide A. Trejo **Deputy Clerk**

ABSENT:
EDNA TAMAYO

The meeting was called to order by Judge Cascos at 5:01 P.M. He then asked for a moment of silence. Mr. Horacio Barrera 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 16, 2010 at 11:47 A.M. with the Supplemental Agenda being filed at 4:32 P.M.:

EXECUTIVE SESSION

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

(1) EXECUTIVE SESSION:

- (A) CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL CONCERNING DORA TORRES, ET. AL. VS. OMAR LUCIO, ET. AL.; IN THE UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF TEXAS CIVIL ACTION NO. 09-cv-83, FOR DISCUSSION OF STATUS OF CASE AND POSSIBLE SETTLEMENT, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.071 (1)(A)&(B).**
- (B) CONFER WITH LEGAL COUNSEL CONCERNING FRANK A. TOMPKINS, INDIVIDUALLY AND AS TRUSTEE, AND CAROLYN TOMPKINS YOUNG VS. COUNTY OF CAMERON, TEXAS, BHARAT R. PATEL, AFFILIATED MANAGEMENT SYSTEMS, LTD., AND AFFILIATED HOSPITALITY, LLC; CAUSE NO. 2009-10-5624-A, FOR DISCUSSION OF STATUS OF CASE, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.071 (1)(A) & (2)**
- (C) CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL CONCERNING RICARDO HERRERA VS. OMAR LUCIO, IN HIS OFFICIAL CAPACITY AS SHERIFF OF CAMERON COUNTY, TEXAS, FOR DISCUSSION OF STATUS OF CASE AND POSSIBLE SETTLEMENT, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.071(1)(A) & (B).**
- (D) DELIBERATION REGARDING REAL PROPERTY CONCERNING ACQUISITION OF PARCEL 11(E) PARTS 1 & 2, FOR RIGHT OF WAY FOR FM 511 DRAINAGE OUTFALLS PROJECT, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.072.**
- (E) DELIBERATION REGARDING REAL PROPERTY REGARDING THE POSSIBLE LEASE OF PROPERTY LEGALLY DESCRIBED AS A .357 ACRE TRACT COMPRISED OF .291 ACRE OUT OF BLOCK 76 AND .066 ACRE OUT OF BLOCK 60, BOTH OUT OF THE AMENDED MAP OF LAND OWNED BY SAN BENITO LAND AND WATER COMPANY, RIO GRANDE CONSTRUCTION COMPANY, LOS INDIOS IRRIGATED LAND COMPANY IN SHARES, 9, 10, 11 AND 12 OF THE CONCEPCION DE CARRICITOS GRANT, RECORDED IN VOLUME 2, PAGE 43 MAP RECORDS OF CAMERON COUNTY, TEXAS PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.072.**

Upon motion by Commissioner Benavides, seconded by Commissioner Wood and carried unanimously, the Court reconvened into Regular Session at 6:06 P.M. to discuss the following matters:

(2) ACTION RELATIVE TO EXECUTIVE SESSION:

- (A) CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL CONCERNING DORA TORRES, ET. AL. VS. OMAR LUCIO, ET. AL.; IN THE UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF TEXAS CIVIL ACTION NO. 09-cv-83, FOR DISCUSSION OF STATUS OF CASE AND POSSIBLE SETTLEMENT, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.071 (1)(A)&(B).**

Commissioner Benavides motioned to acknowledge the Report of Counsel and to proceed along the terms and conditions as discussed in Executive Session.

The motion was seconded by Commissioner Garza and carried unanimously.

- (B) CONFER WITH LEGAL COUNSEL CONCERNING FRANK A. TOMPKINS, INDIVIDUALLY AND AS TRUSTEE, AND CAROLYN TOMPKINS YOUNG VS. COUNTY OF CAMERON, TEXAS, BHARAT R. PATEL, AFFILIATED MANAGEMENT SYSTEMS, LTD., AND AFFILIATED HOSPITALITY, LLC; CAUSE NO. 2009-10-5624-A, FOR DISCUSSION OF STATUS OF CASE, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.071 (1)(A) & (2)**

Commissioner Garza motioned to acknowledge the Report of Counsel.

The motion was seconded by Commissioner Wood and carried unanimously.

- (C) CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL CONCERNING RICARDO HERRERA VS. OMAR LUCIO, IN HIS OFFICIAL CAPACITY AS SHERIFF OF CAMERON COUNTY, TEXAS, FOR DISCUSSION OF STATUS OF CASE AND POSSIBLE SETTLEMENT, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.071(1)(A) & (B).**

Commissioner Garza motioned to acknowledge the Report of Counsel and to proceed along the terms and conditions as discussed in Executive Session.

The motion was seconded by Commissioner Wood and carried unanimously.

- (D) DELIBERATION REGARDING REAL PROPERTY CONCERNING ACQUISITION OF PARCEL 11(E) PARTS 1 & 2, FOR RIGHT OF WAY FOR FM 511 DRAINAGE OUTFALLS PROJECT, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.072. (TABLED)**

Commissioner Benavides motioned to TABLE this item.

The motion was seconded by Commissioner Garza and carried unanimously.

- (E) DELIBERATION REGARDING REAL PROPERTY REGARDING THE POSSIBLE LEASE OF PROPERTY LEGALLY DESCRIBED AS A .357 ACRE TRACT COMPRISED OF .291 ACRE OUT OF BLOCK 76 AND .066 ACRE OUT OF BLOCK 60, BOTH OUT OF THE AMENDED MAP OF LAND OWNED BY SAN BENITO LAND AND WATER COMPANY, RIO GRANDE CONSTRUCTION COMPANY, LOS INDIOS IRRIGATED LAND COMPANY IN SHARES, 9, 10, 11 AND 12 OF THE CONCEPCION DE CARRICITOS GRANT, RECORDED IN VOLUME 2, PAGE 43 MAP RECORDS OF CAMERON COUNTY, TEXAS PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.072.**

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

The motion was seconded by Commissioner Garza and carried unanimously.

(3) PUBLIC COMMENTS.

None were presented.

CONSENT ITEMS

- (4) 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. 4 (C):

Mr. Roger Ortiz, Elections Administrator, asked the Court for authorization to modify the addresses as needed.

Consent Item No. 4 (Q):

Commissioner Garza asked to discuss this item separately.

Commissioner Garza motioned to approve the "Consent Items", excluding Consent Item No. 4 (Q) and with the modification to Consent Item No. 4 (C).

The motion was seconded by Commissioner Benavides and carried unanimously.

- (A) **CONSIDERATION AND APPROVAL OF AGREEMENT BETWEEN CAMERON COUNTY AND JWH & ASSOCIATES. (PSJ-ADMINISTRATOR) (Contract No. 2010C08309)**
The Contract is as follows:
- (B) **CONSIDERATION AND APPROVAL OF AN ORDER IMPOSING VEHICLE REGISTRATION FEES FOR FY 2010 IN ACCORDANCE WITH TRANSPORTATION CODE SECTION 502.172, SECTION 502.173 AND SECTION 502.1725. (PSJ-ADMINISTRATOR)**
The Documentation is as follows:
- (C) **CONSIDERATION AND APPROVAL ORDERING THE NOVEMBER 2, 2010 GENERAL ELECTION FOR THE PURPOSE OF ELECTING COUNTY OFFICERS AS REQUIRED BY ARTICLE XVI SECTION 65 OF THE TEXAS CONSTITUTION AND SEC. 3.004(a)(1) OF THE TEXAS ELECTION CODE. (CHC-JUDGE) (Order No. 2010O8040)**
The Order is as follows:
- (D) **CONSIDERATION AND AUTHORIZATION TO APPROVE THE TASK ORDER PROPOSAL FROM BECK DISASTER RECOVERY FOR THE PUBLIC ASSISTANCE SERVICES FOR HURRICANE ALEX. (RL-ADMINISTRATIVE SERVICES) (Contract No. 2010C08316)**
The Documentation is as follows:
- (E) **CONSIDERATION AND APPROVAL OF MONTHLY FINANCIAL INFORMATION IN COMPLIANCE WITH LGC 114.023 AND 114.024. (MG-AUDITOR)**
The Documentation is as follows:
- (F) **CONSIDERATION AND AUTHORIZATION FOR FINAL PLAT APPROVAL FOR REPLAT OF FOUR-G-ESTATES, IN PCT. 4, BEING 4.77 ACRE TRACT OF LAND CONSISTING OF ALL OF LOT 1 (3.27 ACRES), FOUR-G-ESTATES AS RECORDED IN CABINET 1 SLOT 1915-B OF THE CAMERON COUNTY MAP RECORDS AND 1.50 ACRES OUT OF BLOCK NINETY-FOUR (94) OF THE WILSON TRACT SUBDIVISION AS RECORDED IN VOLUME 9, PAGE 28, MAP RECORDS OF CAMERON COUNTY, TEXAS. (EH-CCDoT ENG)**
The Documentation is as follows:
- (G) **CONSIDERATION AND APPROVAL TO USE WIC GRANT FUNDS TO PURCHASE A 2011 CHEVROLET IMPALA VEHICLE (BLUE) FROM CALDWELL COUNTRY CHEVROLET THOUGH HGAC BUY, INTERLOCAL CONTRACT. (YS-HEALTH)**
The Documentation is as follows:
- (H) **CONSIDERATION AND APPROVAL OF CONTRACT BETWEEN CAMERON COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES AND TEXAS DEPARTMENT OF STATE HEALTH SERVICES IMMUNIZATION BRANCH. (YS-HEALTH) (Contract No. 2010C08310)**
The Contract is as follows:
- (I) **CONSIDERATION AND ACTION FOR THE APPOINTMENT OF ISRAEL TAPIA, JR., RESERVE DEPUTY CONSTABLE FOR PCT. NO. 1 IN COMPLIANCE WITH THE FINDING THAT IS IT NECESSARY TO APPOINT THE RESERVE DEPUTY IN ORDER TO PROPERLY HANDLE THE BUSINESS OF THE CONSTABLE'S OFFICE THAT ORIGINATES IN THE CONSTABLE'S PRECINCT. (MV-HUMAN RESOURCES)**
The Documentation is as follows:
- (J) **CONSIDERATION AND APPROVAL OF THE CONTRACT BETWEEN CAMERON COUNTY AND AMERICAN EXPRESS FOR PAYMENT PROCESSING SERVICES FOR CREDIT CARD TRANSACTIONS MADE THROUGH NETDATA CORPORATION FOR THE JUSTICE COURTS 5-1 AND 5-2. (JUDGE GONZALEZ JP 5-1) (Contract No. 2010C08311)**
The Contract is as follows:
- (K) **CONSIDERATION AND APPROVAL OF THE CONTRACT BETWEEN CAMERON COUNTY AND CHASE BANK FOR PAYMENT PROCESSING SERVICES FOR CREDIT CARD TRANSACTIONS MADE THROUGH NETDATA CORPORATION FOR THE JUSTICE COURTS 5-1 AND 5-2. (JUDGE GONZALEZ JP 5-1) (Contract No. 2010C08312)**
The Contract is as follows:
- (L) **CONSIDERATION AND AUTHORIZATION TO EXECUTE A LICENSE AGREEMENT (CONTRACT NO. 2010C008302) BETWEEN CAMERON COUNTY (PARKS AND RECREATION) AND BUCKNER**

CHILDREN AND SERVICES, INC. TO PROVIDE SERVICES TO AT-RISK YOUTH AND THEIR FAMILIES AT THE BROWNE ROAD SOCIAL SERVICE CENTER. (JM-PARKS) (Contract No. 2010C08302)

The Contract is as follows:

- (M) **CONSIDERATION AND AUTHORIZATION TO EXECUTE A LICENSE AGREEMENT (CONTRACT NO. 2010C008303) BETWEEN CAMERON COUNTY (PARKS AND RECREATION) AND BUCKNER CHILDREN AND SERVICES, INC. TO PROVIDE SERVICES TO AT-RISK YOUTH AND THEIR FAMILIES AT EL CENTRO CULTURAL-CAMERON PARK. (JM-PARKS) (Contract No. 2010C08303)**
The Contract is as follows:
- (N) **CONSIDERATION AND AUTHORIZATION TO ADVERTISE FOR BIDS FOR DISASTER RECOVERY STREET RECONSTRUCTION FOR THE CITY OF SANTA ROSA (TDRA CONTRACT NO. DSR010021). (FB-PD&M)**
The Documentation is as follows:
- (O) **CONSIDERATION AND AUTHORIZATION FOR COUNTY JUDGE TO EXECUTE A PROJECT SITE CERTIFICATE FOR CERTAIN PROPERTY ACQUIRED BY CAMERON COUNTY AT 102 NORTH MAIN IN SANTA ROSA, TEXAS (EDA GRANT AWARD 80-79-04431). (FB-PD&M)**
The Documentation is as follows:
- (P) **CONSIDERATION AND APPROVAL OF 2010 STREETLIGHT BILLING STATEMENTS FOR MAGIC VALLEY ELECTRIC COOPERATIVE AND AMERICAN ELECTRIC POWER SERVICE AREAS IN CAMERON PARK. (FB-PD&M)**
The Documentation is as follows:
- (Q) **CONSIDERATION AND APPROVAL OF 2010 STREETLIGHT BILLING STATEMENTS FOR LAGUNA HEIGHTS. (FB-PD&M) (ACTION TAKEN SEPARATELY)**
- (R) **CONSIDERATION AND ISSUANCE OF ORDER APPROVING THE TREASURER'S REPORT FOR THE MAY 2010 TERM. (DAB-TREASURER)**
The Documentation is as follows:
- (S) **138TH DISTRICT COURT STAFF (1): COURT COORDINATOR MIRIAM MUNIZ TO TRAVEL TO SAN ANTONIO, TEXAS ON 10/12 TO 10/15/10 TO ATTEND THE 2010 ANNUAL TACA EDUCATION CONFERENCE.**
The Documentation is as follows:
- (T) **138TH DISTRICT COURT STAFF (1): COURT ADMINISTRATOR RAUL MARTINEZ TO TRAVEL TO SAN ANTONIO, TEXAS ON 10/12 TO 10/15/10 TO ATTEND THE 2010 ANNUAL TACA EDUCATION CONFERENCE.**
The Documentation is as follows:
- (U) **HEALTH DEPARTMENT STAFF (2): SNS COORDINATOR VICTOR RIVERA AND PHRP DIRECTOR FIDEL CALVILLO TO TRAVEL TO FALFURRIAS, TEXAS ON 9/1/10 TO ATTEND THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES – LOCAL HEALTH DEPARTMENT (LHD) AND REGIONAL HEALTH DEPARTMENT (RHD) STRATEGIC NATIONAL STOCKPILE (SNS) QUARTERLY MEETING.**
The Documentation is as follows:
- (V) **HEALTH DEPARTMENT STAFF (1): HEALTH AUTHORITY JAMES W. CASTILLO II, M.D., TO TRAVEL TO GALVESTON, TEXAS ON 9/15 TO 9/18/10 TO ATTEND THE TEXAS LOCAL HEALTH AUTHORITY NETWORKING AND PLANNING FORUM AND CME CONFERENCE.**
The Documentation is as follows:
- (W) **HEALTH ADMINISTRATOR YVETTE SALINAS TO TRAVEL TO CORPUS CHRISTI, TEXAS ON 8/26/10 TO ATTEND THE LOCAL HEALTH DEPARTMENT QUARTERLY MEETING.**
The Documentation is as follows:
- (X) **JUSTICE OF THE PEACE PCT. 2 PL. 1 STAFF (2): COURT COORDINATOR SYLVIA RODRIGUEZ AND COURT CLERK BEATRIZ MUNIVEZ TO TRAVEL TO SAN ANTONIO, TEXAS ON 8/26 TO 8/27/10 TO ATTEND THE REPORTING AND REDUCING TRAFFIC FATALITIES IN TEXAS SEMINAR.**
The Documentation is as follows:

- (Y) **PROGRAM DEVELOPMENT & MANAGEMENT DIRECTOR FRANK BEJARANO TO TRAVEL TO SOUTH PADRE ISLAND, TEXAS ON 9/17 TO 9/18/10 TO ATTEND THE AIA BUILDING COMMUNITIES CONFERENCE.**
The Documentation is as follows:
- (Z) **PROGRAM DEVELOPMENT & MANAGEMENT DIRECTOR FRANK BEJARANO TO TRAVEL TO SAN ANTONIO, TEXAS ON 10/6 TO 10/9/10 TO ATTEND THE STATE CONFERENCE OF THE AMERICAN PLANNING ASSOCIATION.**
The Documentation is as follows:
- (AA) **CONSIDERATION AND APPROVAL OF CHANGE ORDER #3 FOR THE DIXIELAND ROAD PROJECT. (PSJ-ADMINISTRATOR) (Order No. 2010O8041)**
The Change Order is as follows:
- (BB) **CONSIDERATION AND APPROVAL OF AIRPORT PROJECT PARTICIPATION AGREEMENT BETWEEN CAMERON COUNTY AND THE TEXAS DEPARTMENT OF TRANSPORTATION. (PSJ-ADMINISTRATOR) (Contract No. 2010C08313)**
The Agreement is as follows:
- (CC) **TAX OFFICE STAFF (4): CHIEF OF INVESTIGATIONS LT. JOE MIRELES, SGT. INVESTIGATOR PETE GARZA, INVESTIGATOR ELI ROLANDO TELLA AND INVESTIGATOR JESSE ESTRADA TRAVELED TO CORPUS CHRISIT, TEXAS ON 8/13/10 TO ATTEND AN AUTO THEFT INTELLIGENCE CLASS.**
The Documentation is as follows:

- (A) CONSIDERATION AND APPROVAL OF AGREEMENT BETWEEN CAMERON COUNTY AND JWH & ASSOCIATES. (PSJ-ADMINISTRATOR) (Contract No. 2010C08309)**
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(Order No. 201008040)
The Order is as follows:**

- (D) CONSIDERATION AND AUTHORIZATION TO APPROVE THE TASK ORDER PROPOSAL FROM BECK DISASTER RECOVERY FOR THE PUBLIC ASSISTANCE SERVICES FOR HURRICANE ALEX. (RL-ADMINISTRATIVE SERVICES) (Contract No. 2010C08316)**
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- (L) CONSIDERATION AND AUTHORIZATION TO EXECUTE A LICENSE AGREEMENT (CONTRACT NO. 2010C008302) BETWEEN CAMERON COUNTY (PARKS AND RECREATION) AND BUCKNER CHILDREN AND SERVICES, INC. TO PROVIDE SERVICES TO AT-RISK YOUTH AND THEIR FAMILIES AT THE BROWNE ROAD SOCIAL SERVICE CENTER. (JM-PARKS) (Contract No. 2010C08302)**

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- (P) CONSIDERATION AND APPROVAL OF 2010 STREETLIGHT BILLING STATEMENTS FOR MAGIC VALLEY ELECTRIC COOPERATIVE AND AMERICAN ELECTRIC POWER SERVICE AREAS IN CAMERON PARK. (FB-PD&M)**
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- (R) CONSIDERATION AND ISSUANCE OF ORDER APPROVING THE TREASURER'S REPORT FOR THE MAY 2010 TERM. (DAB-TREASURER)**
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- (S) 138TH DISTRICT COURT STAFF (1): COURT COORDINATOR MIRIAM MUNIZ TO TRAVEL TO SAN ANTONIO, TEXAS ON 10/12 TO 10/15/10 TO ATTEND THE 2010 ANNUAL TACA EDUCATION CONFERENCE.**

The Documentation is as follows:

- (T) 138TH DISTRICT COURT STAFF (1): COURT ADMINISTRATOR RAUL MARTINEZ TO TRAVEL TO SAN ANTONIO, TEXAS ON 10/12 TO 10/15/10 TO ATTEND THE 2010 ANNUAL TACA EDUCATION CONFERENCE.**

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- (U) HEALTH DEPARTMENT STAFF (2): SNS COORDINATOR VICTOR RIVERA AND PHRP DIRECTOR FIDEL CALVILLO TO TRAVEL TO FALFURRIAS, TEXAS ON 9/1/10 TO ATTEND THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES – LOCAL HEALTH DEPARTMENT (LHD) AND REGIONAL HEALTH DEPARTMENT (RHD) STRATEGIC NATIONAL STOCKPILE (SNS) QUARTERLY MEETING.**
The Documentation is as follows:

- (V) HEALTH DEPARTMENT STAFF (1): HEALTH AUTHORITY JAMES W. CASTILLO II, M.D., TO TRAVEL TO GALVESTON, TEXAS ON 9/15 TO 9/18/10 TO ATTEND THE TEXAS LOCAL HEALTH AUTHORITY NETWORKING AND PLANNING FORUM AND CME CONFERENCE.
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The Documentation is as follows:**

- (X) JUSTICE OF THE PEACE PCT. 2 PL. 1 STAFF (2): COURT COORDINATOR SYLVIA RODRIGUEZ AND COURT CLERK BEATRIZ MUNIVEZ TO TRAVEL TO SAN ANTONIO, TEXAS ON 8/26 TO 8/27/10 TO ATTEND THE REPORTING AND REDUCING TRAFFIC FATALITIES IN TEXAS SEMINAR. The Documentation is as follows:**

- (Y) PROGRAM DEVELOPMENT & MANAGEMENT DIRECTOR FRANK BEJARANO TO TRAVEL TO SOUTH PADRE ISLAND, TEXAS ON 9/17 TO 9/18/10 TO ATTEND THE AIA BUILDING COMMUNITIES CONFERENCE.**

The Documentation is as follows:

- (Z) PROGRAM DEVELOPMENT & MANAGEMENT DIRECTOR FRANK BEJARANO TO TRAVEL TO SAN ANTONIO, TEXAS ON 10/6 TO 10/9/10 TO ATTEND THE STATE CONFERENCE OF THE AMERICAN PLANNING ASSOCIATION.**

The Documentation is as follows:

(AA) CONSIDERATION AND APPROVAL OF CHANGE ORDER #3 FOR THE DIXIELAND ROAD PROJECT. (PSJ-ADMINISTRATOR) (Order No. 2010O8041)
The Change Order is as follows:

**(BB) CONSIDERATION AND APPROVAL OF AIRPORT PROJECT PARTICIPATION AGREEMENT
BETWEEN CAMERON COUNTY AND THE TEXAS DEPARTMENT OF TRANSPORTATION.
(PSJ-ADMINISTRATOR) (Contract No. 2010C08313)
The Agreement is as follows:**

(CC) TAX OFFICE STAFF (4): CHIEF OF INVESTIGATIONS LT. JOE MIRELES, SGT. INVESTIGATOR PETE GARZA, INVESTIGATOR ELI ROLANDO TELLA AND INVESTIGATOR JESSE ESTRADA TRAVELED TO CORPUS CHRISIT, TEXAS ON 8/13/10 TO ATTEND AN AUTO THEFT INTELLIGENCE CLASS.

The Documentation is as follows:

CONSENT ITEMS

(4) CONSENT ITEMS.

(Q) CONSIDERATION AND APPROVAL OF 2010 STREETLIGHT BILLING STATEMENTS FOR LAGUNA HEIGHTS. (FB-PD&M)

Commissioner Garza commended Mr. Frank Bejarano, PD&M Director, for being able to reduce the monthly cost per account.

Commissioner Garza motioned to approve the 2010 Streetlight Billing Statements for Laguna Heights.

The motion was seconded by Commissioner Wood and carried unanimously.

The Documentation is as follows:

ACTION ITEMS

(5) ACTION ITEMS.

(R) DISCUSSION AND POSSIBLE ACTION ON THE COUNTY PRE-TRIAL SERVICES PROGRAM. (CHC-JUDGE)

Commissioner Garza advised the presenter that if the complaint or concern that is being brought to the Court's attention is in regards to the Pre-Trial Services Office or the appointment system, as required by the Texas Fair Defense Act, then the appropriate body to hear the complaint would be the Board of Judges and if the complaint presented is in regards to bonds then the appropriate body to hear the complaint would be the Bail Bond Board.

Mr. Mark T. Holtschneider, Executive Vice President & General Counsel for Lexington National Insurance Corporation in Baltimore, Maryland, responded that the presentation is concerning Pre-Trial Services as it deals with the release of defendants prior to trial.

Commissioner Garza commented that the Pre-Trial Services Office and the appointment system is overseen by the Board of Judges and asked for clarification as to the Commissioners Court's jurisdiction on this issue.

Ms. Dylbia Jeffries-Vega, Legal Counsel, responded that the Court can discuss the funding of the Pre-Trial Services Office as that is what the Court has discretion over and noted that the Board of Judges is the entity that sets the procedures for the Pre-Trial Services Office.

Mr. Holtschneider stated that the presentation will include information as to the Criminal Justice System, Budgetary Impact and Compliance with Guidelines of the Pre-Trial Services Program. He explained that the Criminal Justice System is such that when a defendant is arrested they have a constitutional right to post bail and, in most cases, that occurs either through a personal bond, Pre-Trial Services or with a bail bond. He noted that the key question for any form of release is "Do the defendants appear in Court as required?" and "If not, how long do they remain fugitives?"

Mr. Holtschneider informed the Court that there have been various studies done as to the most effective form of release and one of the most comprehensive studies is "The Fugitive: Evidence on Public Versus Private Law Enforcement From Bail Jumping" which was conducted by Eric Helland, Claremont-McKenna College, and Alex Tabarrok, George Mason University, and published in the University of Chicago Journal of Law and Economics in 2004. He mentioned that the study analyzed ten years of statistics compiled by the United States Department of Justice Statistics Division which included the number of defendants who were released from jail, the type of release, whether they appeared or Failed to Appear (FTA) and if they Failed to Appear how long before they were brought back in. He noted that the results of the study were such that: 1) Defendants on bond were 28% less likely to Fail to Appear and 2) Defendants on bond were 53% less likely to remain a fugitive for one year. He acknowledged that one of the contributing factors as to why bail bonds are more effective is due to the "Circle of Responsibility" between the Court, the bondsman, the family and the defendant.

Mr. Holtschneider then presented the following Budgetary Impact comparing Bail Bonds to Pre-Trial Services (PTS):

Bail Bonds	PTS
\$0 cost to taxpayers	Partially taxpayer funded (State and County)
Pay \$15 for each bond posted	Fees used by PTS
Pay bond and court costs if FTA	No financial accountability if FTA
Apprehend fugitives at no cost	Sheriff's Office required to allocate resources to apprehend fugitives
Pay extradition cost	Taxpayer covers extradition cost

Mr. Holtschneider advised the Court that, according to the Cameron County Pre-Trial Services Guidelines, defendants who are not eligible for the Program include convicted felons, defendants with prior failures to appear, those persons on probation or parole, possession of hard drugs or large amounts of marijuana and if the bond is extremely high. He added that defendants are not eligible for personal bonds, as per Texas Code of Criminal Procedure Section 17.03, unless approved by a Judge if the charge involves burglary, engaging in organized criminal activity and other serious felonies.

Mr. Holtschneider then presented data as to Cameron County's Pre-Trial Services Office where from January 1, 2010 through August 4, 2010 there were 639 bonds written and of those bonds, 58% were for felonies and 42% were for misdemeanors.

Judge Cascos inquired as to the difference between those defendants who were charged with felonies and released through Pre-Trial Services versus those defendants who were released through bail bonds.

Mr. Holtschneider responded that the difference is that with a bail bond there is family involvement which gives the defendant more reason to show up, the bondsman places more requirements on the defendant and if the defendant fails to appear, the bondsman will search for the defendant at no cost to the taxpayer. He further explained that with Pre-Trial Services, there is no supervision and if the defendant fails to appear the Sheriff will have to search for the defendant.

Commissioner Benavides asked for clarification as to whether a Judge has to approve the bond prior to a defendant being released.

Mr. Holtschneider replied that a Judge or Magistrate has the discretion to set the bond amount and the type of bond.

NOTE: Judge Cascos stepped out of the Meeting at 6:35 p.m.

Mr. Rene Garza, District Attorney's Office, stated that he was asked by Mr. Kevin Saenz, Pre-Trial Services Coordinator, to monitor this discussion on his behalf as he is unable to attend the Meeting due to a recent death in the family. He noted that defendants released through Pre-Trial Services are being supervised with telephone calls and the defendants must show up to Court as required by the Judge. He mentioned that the Pre-Trial Services Guidelines have an exception which allows a defendant to receive a Pre-Trial Bond if so

ordered by a District, County Court of Law or Magistrate Judge.

NOTE: Judge Cascos returned to the Meeting at 6:37 p.m.

Judge Cascos inquired as to how the indigent status of defendants is determined.

Mr. Rene Garza responded that defendants fill out an application with Pre-Trial Services. He then began to read Item No. 7 of the Pre-Trial Services Guidelines: “Any person who falsifies any information on his or her Pre-Trial Service application...”

Judge Cascos asked about the consequences if a defendant falsifies information on their application.

Mr. Rene Garza responded that there may be additional charges added and/or the person will bond out through a bail bond.

Judge Cascos then questioned how the information on the Pre-Trial Services application is verified.

Mr. Rene Garza responded that he is under the belief that there is a self-proving affidavit and suggested that a public records search could be done to review any criminal history if needed.

Judge Cascos asked if someone is verifying whether the information provided on the Pre-Trial Services application is accurate.

Mr. Rene Garza responded he is unaware as to whether that is occurring.

Mr. Holtschneider stated that he is not in agreement with the proposition that Pre-Trial Services is assisting in alleviating jail overcrowding as the bonds that Pre-Trial Services is writing are the same bonds that the bondsman and their insurance companies would write. He suggested that Pre-Trial Services should be limited to non-violent, misdemeanor, first-time offenders who are indigent.

Mr. Holtschneider then presented information as to Texas Code of Criminal Procedure Section 17.42, which requires Pre-Trial Services organizations to post monthly records and submit an annual report that includes the Operating Budget, the number of employees and the number of defendants released on Pre-Trial Services. He noted that the statute has an exception for reporting requirements for those Pre-Trial Services organizations which were created prior to 1995.

Mr. Holtschneider requested the following action: 1) Amend Pre-Trial Services Guidelines to limit eligibility to non-violent, misdemeanor, first-time indigents; and 2) Require Pre-Trial Services to submit reports as per Texas Code of Criminal Procedure Section 17.42 and have the County Auditor perform audits.

Judge Cascos advised Mr. Holtschneider that the Commissioners’ Court does not have authority to amend the Pre-Trial Services Guidelines. He asked the County Auditor if audits are being performed and if the monthly reports and annual reports are being submitted.

Ms. Martha Galarza, County Auditor, replied that the funds received by Pre-Trial Services for the bonds they generate are in a special revenue fund, which is audited annually by the County’s Independent Auditor.

Judge Cascos questioned whether an internal audit is performed in regards to Pre-Trial Services.

Ms. Galarza explained that when the audit file is prepared for the Independent Auditor, the fund is then audited and it is also audited as deposits are incoming. She mentioned that she has not seen any sort of reporting

as required by Texas Code of Criminal Procedure Section 17.42.

Judge Cascos asked how often the reports are supposed to be presented to Commissioners' Court.

Mr. Holtschneider replied that the statute dictates that the monthly report is required to be filed for record with the County Clerk's Office.

Judge Cascos asked the County Clerk if his Office has filed any type of reporting for Pre-Trial Services.

Mr. Joe G. Rivera, County Clerk, responded that he could not recall any reports being filed.

Judge Cascos asked if there is a report being generated that is in compliance with Texas Code of Criminal Procedure Section 17.42.

Mr. Rene Garza pointed out that the Pre-Trial Services Office is funded by grants and grants typically require reporting; therefore a report of some type should be being generated.

Ms. Galarza added that she is aware that the Pre-Trial Services Office is required to submit quarterly reports in order to continue to receive funding.

Mr. Rene Garza stated that he will meet with Judge Arturo Nelson and Mr. Kevin Saenz in order to ensure that the necessary reports are forwarded to Commissioners' Court.

Commissioner Garza expressed concern regarding instances where a bondsman was called to bail out a defendant and when the bondsman showed up to the Jail they were informed that the defendant had been released through Pre-Trial Services.

Mr. Holtschneider stated that he had hoped to include in his presentation information as to the Pre-Trial Services Budget and did not as he was unable to receive a clear copy of the Budget.

Ms. Galarza informed the Court that the amount allocated within General Fund for Pre-Trial Services is \$94,000.

Judge Cascos instructed Mr. Holtschneider to meet with the Board of Judges to discuss amending the Pre-Trial Services Guidelines.

Mr. Carlos Masso suggested a 48-hour to 72-hour waiting period before Pre-Trial Services can interview defendants as that would allow ample time for a defendant to attempt to post a bail bond and if the defendant is unable to post bond within that time, then Pre-Trial Services would be able to assist. He commented on the need to amend the Pre-Trial Services Guidelines and stated that he will bring his recommendations to the Board of Judges.

Commissioner Garza and Commissioner Benavides recommended that the waiting period be no more than 24 hours.

There was a brief discussion as to an Open Records Request that was submitted regarding the Pre-Trial Services Office.

Mr. Rene Garza mentioned that the Pre-Trial Services Guidelines have an exception such that "Any person who does not qualify may receive a Pre-Trial Bond if so ordered by a District, County Court of Law or Magistrate Judge" and noted that the exception would allow a Judge to grant a Pre-Trial Services bond even if

the alleged charge committed is listed in the Guidelines.

Commissioner Garza informed Mr. Rene Garza that the Pre-Trial Services Guidelines he received states that “Any person who does not qualify may receive a Pre-Trial Bond if so ordered by a District or County Court at Law Judge” and does not mention “Magistrate Judge”.

Mr. Holtschneider stated that he received the "Pre-Trial Services Guidelines" from Ms. Prescilla Atkinson, Bail Bond Board Administrator, and Mr. Rene Garza stated that he received the "Pre-Trial Services Guidelines" from the assistant of Mr. Kevin Saenz.

Judge Cascos asked Mr. Rene Garza if the list of Guidelines he received is dated.

Mr. Rene Garza responded in the negative and then presented his list of Guidelines to Commissioner Garza for review.

Commissioner Wood motioned to acknowledge the presentation regarding the County Pre-Trial Services Program.

The motion was seconded by Commissioner Benavides and carried unanimously.

The Documentation is as follows:

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

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

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

(B) APPROVAL OF CLAIMS.

Ms. Martha Galarza, County Auditor, asked the Court to VOID Warrant No. 00242337 in the amount of \$22,383.00, which was approved at the previous Commissioners' Court Meeting.

Commissioner Garza motioned to approve the Claims.

The motion was seconded by Commissioner Wood and carried unanimously.

The Claims are as follows:

**(C) APPROVAL OF MINUTES FOR:
JULY 22, 2010 - REGULAR MEETING
JULY 26, 2010 - SPECIAL MEETING**

Commissioner Wood motioned to approve the Minutes for the July 22, 2010-Regular Meeting and the July 26, 2010-Special Meeting.

The motion was seconded by Commissioner Benavides and carried unanimously.

- (D) CONSIDERATION AND APPROVAL OF YATES CONSTRUCTION IOCC NO. 46 IN THE AMOUNT OF \$462.00 FOR THE CARRIZALEZ-RUCKER ADDITION PROJECT. (PSJ-ADMINISTRATOR) (Order No. 2010O8042)**
- (E) CONSIDERATION AND APPROVAL OF YATES CONSTRUCTION IOCC NO. 47 IN THE AMOUNT OF \$5,055.00 FOR THE CARRIZALEZ-RUCKER ADDITION PROJECT. (PSJ-ADMINISTRATOR) (Order No. 2010O8043)**
- (F) CONSIDERATION AND APPROVAL OF YATES CONSTRUCTION IOCC NO. 48 IN THE AMOUNT OF \$1,166.00 FOR THE CARRIZALEZ-RUCKER ADDITION PROJECT. (PSJ-ADMINISTRATOR) (Order No. 2010O8044)**
- (G) CONSIDERATION AND APPROVAL OF YATES CONSTRUCTION IOCC NO. 49 IN THE AMOUNT OF \$426.00 FOR THE CARRIZALEZ-RUCKER ADDITION PROJECT. (PSJ-ADMINISTRATOR) (Order No. 2010O8045)**
- (H) CONSIDERATION AND APPROVAL OF YATES CONSTRUCTION IOCC NO. 50 ALLOWING THE TRANSFER OF \$136,412.00 FROM THE SECURITY GUARD AND LANDSCAPE ALLOWANCE INTO REPLENISHMENT OF THE OWNER'S BETTERMENT FUND. (PSJ-ADMINISTRATOR) (Order No. 2010O8046)**
- (I) CONSIDERATION AND APPROVAL OF YATES CONSTRUCTION IOCC NO. 51 IN THE AMOUNT OF \$127,559.00 FOR THE CARRIZALEZ-RUCKER ADDITION PROJECT. (PSJ-ADMINISTRATOR) (Order No. 2010O8047)**
- (J) CONSIDERATION AND APPROVAL OF YATES CONSTRUCTION IOCC NO. 54 IN THE AMOUNT OF \$38,218.00 FOR THE CARRIZALEZ-RUCKER ADDITION PROJECT. (PSJ-ADMINISTRATOR) (Order No. 2010O8048)**

Commissioner Garza motioned to approve Yates Construction IOCC No. 46 in the amount of \$462.00, Yates Construction IOCC No. 47 in the amount of \$5,055.00, Yates Construction IOCC No. 48 in the amount of \$1,166.00, Yates Construction IOCC No. 49 in the amount of \$426.00, Yates Construction IOCC No. 50 allowing the transfer of \$136,412.00 from the Security Guard and Landscape Allowance into replenishment of the Owner's Betterment Fund, Yates Construction IOCC No. 51 in the amount of \$127,559.00 and Yates Construction IOCC No. 54 in the amount of \$38,218.00 for the Carrizalez-Rucker Addition Project.

The motion was seconded by Commissioner Wood and carried unanimously.

The Documentation is as follows:

(K) CONSIDERATION AND POSSIBLE APPOINTMENT OF TWO BOARD OF DIRECTORS TO THE CAMERON COUNTY CHILD WELFARE BOARD. (DJV-LEGAL)

Judge Cascos appointed Lyle Garza to the Child Welfare Board, who is replacing Minnie Martinez.

Commissioner Garza appointed Wally Gonzalez to the Child Welfare Board, who is replacing Lucy Vega.

Commissioner Benavides motioned to approve the appointment of Lyle Garza and Wally Gonzalez to the Cameron County Child Welfare Board.

The motion was seconded by Commissioner Garza and carried unanimously.

(L) CONSIDERATION AND AUTHORIZATION TO HOLD A PUBLIC HEARING TO DISCUSS THE COMPLETION OF THE CAMERON COUNTY DRAINAGE STUDY. (DAG-DEPUTY ADMINISTRATOR)

Commissioner Garza motioned to open the Public Hearing.

The motion was seconded by Commissioner Benavides and carried unanimously.

Mr. Tom Mountz, Espey Consultants, presented the Cameron County Drainage Study.

Commissioner Garza stated that he submitted a list of ten problem areas for consideration and none of which are included in the Study.

Mr. Mountz responded that he would include the concerns submitted by Commissioner Garza in the Study.

Commissioner Benavides motioned to close the Public Hearing.

The motion was seconded by Commissioner Wood and carried unanimously.

The Documentation is as follows:

(M) CONSIDERATION AND AUTHORIZATION TO ACCEPT CAMERON COUNTY DRAINAGE STUDY BY ESPEY CONSULTANTS. (DAG-DEPUTY ADMINISTRATOR) (TABLED)

Commissioner Wood motioned to TABLE this item.

The motion was seconded by Commissioner Garza and carried unanimously.

(N) DISCUSSION AND POSSIBLE ACTION REGARDING THE FY 2010-2011 BUDGET. (PSJ-ADMINISTRATOR)

Mr. Xavier Villarreal, Auditor's Office, presented and explained the following recommendations submitted by each member of the Court.

Commissioner Garza motioned to acknowledge the Presentation regarding the FY 2010-2011 Budget.

The motion was seconded by Commissioner Benavides and carried unanimously.

The Documentation is as follows:

(O) CONSIDERATION AND AUTHORIZATION TO HOLD A PUBLIC HEARING REGARDING THE SETTING OF ELECTED OFFICIALS SALARIES FOR 2010-2011 FISCAL YEAR. (MG-AUDITOR)

Commissioner Benavides motioned to open the Public Hearing.

The motion was seconded by Commissioner Wood and carried unanimously.

Upon sensing no public comments, Commissioner Garza motioned to close the Public Hearing.

The motion was seconded by Commissioner Benavides and carried unanimously.

(P) CONSIDERATION AND ACTION REGARDING THE SETTING OF ELECTED OFFICIALS' COMPENSATION. (MG AUDITOR)

Commissioner Garza motioned to approve setting the Elected Officials' Compensation at the same amount as the previous Fiscal Year.

The motion was seconded by Commissioner Benavides and carried unanimously.

The Documentation is as follows:

(Q) CONSIDERATION AND APPROVAL OF CONSTRUCTION AGREEMENT BETWEEN CAMERON COUNTY, THE CAMERON COUNTY REGIONAL MOBILITY AUTHORITY AND THE REPUBLIC OF MEXICO FOR THE WEST RAIL RELOCATION PROJECT. (PSJ-ADMINISTRATOR) (TABLED)

Commissioner Wood motioned to TABLE this item.

The motion was seconded by Commissioner Garza and carried unanimously.

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

Mr. Robert L. Lopez, Director of Administrative Services, reported that FEMA has allocated \$45,000 in reimbursements to Cameron County.

Commissioner Benavides motioned to acknowledge the Report regarding the reimbursements from FEMA.

The motion was seconded by Commissioner Garza and carried unanimously.

SUPPLEMENTAL AGENDA

CONSENT ITEMS

(1) 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.

Commissioner Garza motioned to approve Supplemental Consent Item No. 1 (A).

The motion was seconded by Commissioner Benavides and carried unanimously.

(A) CONSIDERATION AND APPROVAL OF INTERLOCAL COOPERATION AGREEMENT AND MEMORANDUM OF UNDERSTANDING FOR CAMERON COUNTY JUVENILE JUSTICE ALTERNATIVE EDUCATION PROGRAM 2010-2011 BETWEEN CAMERON COUNTY AND EACH OF THE CAMERON COUNTY INDEPENDENT SCHOOL DISTRICTS, THE COUNTY OF WILLACY AND EACH OF THE WILLACY COUNTY INDEPENDENT SCHOOL DISTRICTS PARTICIPATING IN THE CAMERON COUNTY JUVENILE JUSTICE ALTERNATIVE EDUCATION PROGRAM. (TR-JUVENILE PROBATION) (Contract No. 2010C08315)

The Documentation is as follows:

There being no further business to come before the Court, upon motion by Commissioner Benavides, seconded by Commissioner Wood and carried unanimously, the meeting was **ADJOURNED** at 8:49 P.M.

APPROVED this **9th** day of **September 2010**

CARLOS H. CASCOS, CPA
COUNTY JUDGE

ATTEST:

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