

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 23rd day of September 2010, 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:

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

EDNA TAMAYO
COMMISSIONER PRECINCT NO. 4

JOE G. RIVERA
COUNTY CLERK

Aide A. Trejo Deputy Clerk

ABSENT:

The meeting was called to order by Judge Cascos at 5:00 P.M. He then asked for a moment of silence. Ms. Aide A. Trejo, County Clerk'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 September 20, 2010 at 2:43 P.M.:

EXECUTIVE SESSION

Upon motion by Commissioner Tamayo, seconded by Commissioner Wood and carried unanimously, the Court met in Executive Session at 5:03 P.M. to discuss the following matters:

(1) EXECUTIVE SESSION:

- (A) CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL CONCERNING AUDITING ISSUES IN THE ADMINISTRATION AND OPERATION OF THE JUSTICE OF THE PEACE OFFICES, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.071(2).**
- (B) CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL CONCERNING DORA TORRES, ET. AL. VS. OMAR LUCIO, ET. AL.; IN THE UNITED STATE 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).**
- (C) 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).**

Upon motion by Commissioner Tamayo, seconded by Commissioner Benavides and carried unanimously, the Court reconvened into Regular Session at 5:50 P.M. to discuss the following matters:

(2) ACTION RELATIVE TO EXECUTIVE SESSION:

- (A) CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL CONCERNING AUDITING ISSUES IN THE ADMINISTRATION AND OPERATION OF THE JUSTICE OF THE PEACE OFFICES, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.071(2).**

Commissioner Wood motioned to acknowledge the Report of Counsel and the County Auditor.

The motion was seconded by Commissioner Tamayo and carried unanimously.

- (B) CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL CONCERNING DORA TORRES, ET. AL. VS. OMAR LUCIO, ET. AL.; IN THE UNITED STATE 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). (TABLED)**

Commissioner Tamayo motioned to TABLE this item.

The motion was seconded by Commissioner Benavides and carried unanimously.

- (C) 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 Tamayo motioned to acknowledge the Report of Counsel and to authorize to remove the petition to Federal Court.

The motion was seconded by Commissioner Garza and carried unanimously.

(3) PUBLIC COMMENTS.

Mr. John Shergold thanked the County for allowing him to serve as a prosecutor on a contract basis for the past four years. He also thanked his wife for her support over the years.

Mr. Gus Garza commented on the recent flooding in the County and stated that he has noticed that many of the drainage ditches are not flowing as they should and asked the Court to address this issue.

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 (I):

Ms. Dylbia Jeffries-Vega, Legal Counsel, asked to discuss this item separately.

Consent Item No. 4 (M):

Mr. Pete Sepulveda, County Administrator, asked to discuss this item separately.

Consent Item No. 4 (B):

Commissioner Garza asked to discuss this item separately.

Commissioner Tamayo motioned to approve the "Consent Items", excluding Consent Items No. 4 (B), (I) and (M).

The motion was seconded by Commissioner Benavides and carried unanimously.

- (A) CONSIDERATION AND APPROVAL OF A RESOLUTION AUTHORIZING THE CITY OF LA FERIA, TEXAS TO ACT ON BEHALF OF CAMERON COUNTY, TEXAS TO SUBMIT A ROUND TWO DISASTER RECOVERY SUPPLEMENTAL ALLOCATION APPLICATION THROUGH THE TEXAS DEPARTMENT OF RURAL AFFAIRS FOR ASSISTANCE RELATED TO PROPOSED DRAINAGE IMPROVEMENTS IN THE COUNTY; AUTHORIZING THE CITY OF LA FERIA, TEXAS, AND ITS AGENTS TO COORDINATE THE SUBMISSION OF ONE OR MORE APPLICATIONS TO THE TEXAS DEPARTMENT OF RURAL AFFAIRS ON BEHALF OF THE CITY OF LA FERIA, TEXAS, CAMERON COUNTY, TEXAS AND OTHERS; AND OTHER MATTERS IN CONNECTION THEREWITH. (PSJ-COUNTY ADMINISTRATOR) (Resolution No. 2010R09108)**
The Resolution is as follows:
- (B) CONSIDERATION AND POSSIBLE APPROVAL OF CONTRACT WITH STAFF CARE INC., TO PROVIDE A TEMPORARY PATHOLOGIST TO PERFORM AUTOPSIES FOR CAMERON COUNTY. (DJV-LEGAL). (ACTION TAKEN SEPARATELY)**
- (C) CONSIDERATION AND APPROVAL OF CONTRACT BETWEEN CAMERON COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES AND THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES CHS-FEE FOR SERVICE –FAMILY PLANNING PROGRAM TO PROVIDE FAMILY PLANNING SERVICES IN CAMERON COUNTY. (YS-HEALTH). (Contract No. 2010C09356)**
The Contract is as follows:
- (D) CONSIDERATION AND APPROVAL OF CONTRACT BETWEEN CAMERON COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES AND THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES TO PROVIDE PRENATAL SERVICES IN CAMERON COUNTY. (YS-HEALTH). (Contract No. 2010C09357)**
The Contract is as follows:
- (E) CONSIDERATION AND APPROVAL OF CONTRACT BETWEEN CAMERON COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES AND THE TEXAS DEPARTMENT OF STATE HEALTH**

SERVICES TO PROVIDE PREVENTIVE AND PRIMARY CHILD HEALTH SERVICES IN CAMERON COUNTY. (YS-HEALTH). (Contract No. 2010C09358)

The Contract is as follows:

- (F) **CONSIDERATION AND APPROVAL OF CONTRACT BETWEEN CAMERON COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES AND THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES CHS-TITLE XX TO PROVIDE FAMILY PLANNING SERVICES IN CAMERON COUNTY. (YS-HEALTH). (Contract No. 2010C09359)**

The Contract is as follows:

- (G) **CONSIDERATION AND APPROVAL OF CONTRACT AMENDMENT BETWEEN CAMERON COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES AND THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES TO CARRY OUT THE FY2010 PUBLIC HEALTH EMERGENCY RESPONSE WORKPLAN FOR LOCAL HEALTH DEPARTMENTS. (YS-HEALTH). (Contract No. 2010C09360)**

The Contract is as follows:

- (H) **CONSIDERATION AND AUTHORIZATION TO EXECUTE (CONTRACT NO. 2010C09353), SUBRECEIPT GRANT AGREEMENT (NO. 11-039-000-447) WITH THE TEXAS GENERAL LAND OFFICE FOR THE DEVELOPMENT OF A LOCAL EROSION RESPONSE PLAN (ERPS). (JM-PARK DEPARTMENT).**

The Agreement is as follows:

- (I) **CONSIDERATION AND POSSIBLE APPROVAL OF A LICENSE AGREEMENT (CONTRACT NO. 2010C09354) BETWEEN CAMERON COUNTY (PARKS AND RECREATION) AND MARIA ELENA PEREZ, DIRECTOR OF COMMUNITY MOBILIZATION, NATIONAL LATINA INSTITUTE FOR REPRODUCTIVE HEALTH TO PROVIDE PROGRAMS FOR WOMEN AND THEIR FAMILIES AT EL CENTRO CULTURAL AT CAMERON PARK. (JM-PARKS). (ACTION TAKEN SEPARATELY)**

- (J) **CONSIDERATION AND APPROVAL TO PURCHASE KITCHEN EQUIPMENT THROUGH VENDOR BOB BARKER AS PER TXMAS-8-840140. (OL-SHERIFF)**

The Documentation is as follows:

- (K) **138th STATE DISTRICT JUDGE ARTURO C. NELSON TRAVELED TO AUSTIN, TEXAS ON 8/24 TO 8/25/10 TO APPEAR BEFORE THE TASK FORCE ON INDIGENT DEFENSE FOR FY2010 EXTRAORDINARY DISBURSEMENT APPLICATION.**

The Documentation is as follows:

- (L) **DIVERT COURT JUDGE ARTURO C. NELSON AND STAFF (4) PROBATION OFFICER CESAR MENDEZ, COURT COORDINATOR BLANCA CASTANEDA, DISTRICT ATTORNEY ARTURO INGUINEZ, DISTRICT ATTORNEY RENE GARZA AND COUNSELOR JUAN BERROUT TO TRAVEL TO EL PASO, TEXAS ON 10/6 TO 10/8/10 TO ATTEND THE CAMERON COUNTY DIVERT COURT TRAINING (TADCP ANNUAL TRAINING CONFERENCE).**

The Documentation is as follows:

- (M) **HEALTH DEPARTMENT STAFF (2): ASSISTANT HEALTH ADMINISTRATOR ESMERALDA GUAJARDO AND CLINICAL SERVICES PROGRAM COORDINATOR SANDRA DE LA CRUZ TO TRAVEL TO AUSTIN, TEXAS ON 10/11 TO 10/13/10 TO ATTEND THE 2010 FAMILY PLANNING PROJECT DIRECTORS' CONFERENCE. (ACTION TAKEN SEPARATELY)**

- (N) **HEALTH DEPARTMENT STAFF (4): IMMUNIZATION PROGRAM COORDINATOR SYLVIA MACIEL, IMMUNIZATION OUTREACH SPECIALIST MONICA GASCA, PORT ISABEL CLINICAL COORDINATOR BELINDA PEREZ AND IMMUNIZATION CLERK AMALIA BENAVIDES TO TRAVEL TO FORT WORTH, TEXAS ON 9/29 TO 10/2/10 TO ATTEND THE TEXAS IMMUNIZATION SUMMIT TRAINING.**

The Documentation is as follows:

- (O) **HEALTH DEPARTMENT STAFF (4): PHRP DIRECTOR FIDEL CALVILLO, MA MARICELA AGUILAR, DATA ENTRY CLERK YVETTE GARZA AND ADMINISTRATIVE ASSISTANT BELINDA LOERA TO TRAVEL TO AUSTIN, TEXAS ON 10/13 TO 10/15/10 TO ATTEND THE NATIONAL ELECTRONIC DISEASE SURVEILLANCE SYSTEM (NEDSS) BASE SYSTEMS (NBS) TRAINING.**

The Documentation is as follows:

- (P) **HEALTH DEPARTMENT STAFF (1): WIC DIRECTOR LETY MONTIEL TO TRAVEL TO TYLER, TEXAS ON 10/18 TO 10/21/10 TO ATTEND THE 2010 ANNUAL TEXAS ASSOCIATION OF LOCAL WIC DIRECTORS' CONFERENCE.**
The Documentation is as follows:
- (Q) **JUSTICE OF THE PEACE PRECINCT 3-2 STAFF (2): COURT ADMINISTRATOR MEREDITH TAMAYO AND COURT ASSISTANT CHRISTY VELA TO TRAVEL TO SAN MARCOS, TEXAS ON 12/1 TO 12/3/10 TO ATTEND THE TEXAS JUSTICE COURT TRAINING.**
The Documentation is as follows:
- (R) **JUSTICE OF THE PEACE PRECINCT 3-2 JUDGE DAVID GARZA TO TRAVEL TO CORPUS CHRISTI, TEXAS ON 3/1 TO 3/4/11 TO ATTEND TEXAS JUSTICE COURT TRAINING.**
The Documentation is as follows:
- (S) **JUSTICE OF THE PEACE PRECINCT 5-1 JUDGE SALLIE GONZALEZ AND STAFF (3): COURT ADMINISTRATOR PAT GARCIA, BAILIFF ELOY GARCIA AND TRAFFIC CLERK SANDRA S. DIAZ TO TRAVEL TO SOUTH PADRE ISLAND, TEXAS ON 10/7 TO 10/9/10 TO ATTEND THE ANNUAL SOUTH TEXAS JUSTICES OF THE PEACE AND CONSTABLES ASSOCIATION EDUCATIONAL CONFERENCE.**
The Documentation is as follows:
- (T) **JUVENILE PROBATION STAFF (3): JPO SUPERVISOR MICHAEL MARTINEZ, JUVENILE PROBATION OFFICER IRMA PEREZ AND JUVENILE PROBATION OFFICER ABEL ZAPATA TRAVELED TO SOUTH PADRE ISLAND, TEXAS ON 8/19 TO 8/20/10 TO ATTEND THE GANG UNIT TRAINING.**
The Documentation is as follows:
- (U) **JUVENILE PROBATION STAFF (1): STAFF PSYCHOLOGIST SABRINA CHAVEZ TO TRAVEL TO AUSTIN, TEXAS ON 9/27 TO 9/29/10 TO ATTEND THE MENTAL HEALTH 101 TRAINING FOR TRAINERS WORKSHOP.**
The Documentation is as follows:
- (V) **SHERIFF'S OFFICE STAFF (2): LIEUTENANT AND DEPUTY TRAVELED TO HOUSTON, TEXAS ON 9/20 TO 9/21/10 TO ATTEND SWTSC-DEA/CBP OUTREACH/TRAINING MEETING.**
The Documentation is as follows:
- (W) **SHERIFF'S OFFICE STAFF (5): SGT. DANIEL VALERIO, DEPUTIES GABRIEL ARREOLA, ROBERT OYERVIDEZ, NATHAN RODRIGUEZ AND LT. DANIEL HUERTA TRAVELED TO BROWNSVILLE, TEXAS ON 9/20 TO 9/22/10 TO ATTEND THE FIRST REPONDER OPERATION IN RURAL TERRAIN (FORT) TRAINING.**
The Documentation is as follows:
- (X) **SHERIFF'S OFFICE STAFF (3): LIEUTENANT DOMINGO DIAZ, INVESTIGATORS ROSIE HERNANDEZ AND LISA FLETCHER TO TRAVEL TO SOUTH PADRE ISLAND, TEXAS ON 11/11 TO 11/13/10 TO ATTEND CHILD ABUSE PREVENTION AND INVESTIGATION SEMINAR.**
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(PSJ-COUNTY ADMINISTRATOR) (Resolution No. 2010R09108)
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The Documentation is as follows:

(T) JUVENILE PROBATION STAFF (3): JPO SUPERVISOR MICHAEL MARTINEZ, JUVENILE PROBATION OFFICER IRMA PEREZ AND JUVENILE PROBATION OFFICER ABEL ZAPATA TRAVELED TO SOUTH PADRE ISLAND, TEXAS ON 8/19 TO 8/20/10 TO ATTEND THE GANG UNIT TRAINING.

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- (U) JUVENILE PROBATION STAFF (1): STAFF PSYCHOLOGIST SABRINA CHAVEZ TO TRAVEL TO AUSTIN, TEXAS ON 9/27 TO 9/29/10 TO ATTEND THE MENTAL HEALTH 101 TRAINING FOR TRAINERS WORKSHOP.**
The Documentation is as follows:

- (V) SHERIFF'S OFFICE STAFF (2): LIEUTENANT AND DEPUTY TRAVELED TO HOUSTON, TEXAS ON 9/20 TO 9/21/10 TO ATTEND SWTSC-DEA/CBP OUTREACH/TRAINING MEETING.
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- (W) SHERIFF'S OFFICE STAFF (5): SGT. DANIEL VALERIO, DEPUTIES GABRIEL ARREOLA, ROBERT OYERVIDEZ, NATHAN RODRIGUEZ AND LT. DANIEL HUERTA TRAVELED TO BROWNSVILLE, TEXAS ON 9/20 TO 9/22/10 TO ATTEND THE FIRST REPONDER OPERATION IN RURAL TERRAIN (FORT) TRAINING.**

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- (X) SHERIFF'S OFFICE STAFF (3): LIEUTENANT DOMINGO DIAZ, INVESTIGATORS ROSIE HERNANDEZ AND LISA FLETCHER TO TRAVEL TO SOUTH PADRE ISLAND, TEXAS ON 11/11 TO 11/13/10 TO ATTEND CHILD ABUSE PREVENTION AND INVESTIGATION SEMINAR.
The Documentation is as follows:**

(4) **CONSENT ITEMS.**

(B) **CONSIDERATION AND POSSIBLE APPROVAL OF CONTRACT WITH STAFF CARE INC., TO PROVIDE A TEMPORARY PATHOLOGIST TO PERFORM AUTOPSIES FOR CAMERON COUNTY. (DJV-LEGAL). (Contract No. 2010C09352)**

Commissioner Garza motioned to approve the Contract with Staff Care Inc., to provide a temporary pathologist to perform autopsies for Cameron County.

The motion was seconded by Commissioner Tamayo and carried unanimously.

The Contract is as follows:

(I) CONSIDERATION AND POSSIBLE APPROVAL OF A LICENSE AGREEMENT (CONTRACT NO. 2010C09354) BETWEEN CAMERON COUNTY (PARKS AND RECREATION) AND MARIA ELENA PEREZ, DIRECTOR OF COMMUNITY MOBILIZATION, NATIONAL LATINA INSTITUTE FOR REPRODUCTIVE HEALTH TO PROVIDE PROGRAMS FOR WOMEN AND THEIR FAMILIES AT EL CENTRO CULTURAL AT CAMERON PARK. (JM-PARKS). (TABLED)

Ms. Dylbia Jeffries-Vega, Legal Counsel, explained that the vendor is asking for the County to waive the insurance provision in the License Agreement where the County would be listed as an "Additional Insured".

Judge Cascos inquired as to why an exception would be made for this vendor and not others.

Mr. Javier Mendez, Parks Director, stated that he does not believe this type of waiver has been granted.

Mr. Joe Vega, Deputy Parks Director, informed the Court that the vendor does not have the funds available to add the County on their insurance.

Commissioner Garza motioned to TABLE this item.

The motion was seconded by Commissioner Tamayo and carried unanimously.

(M) HEALTH DEPARTMENT STAFF (2): ASSISTANT HEALTH ADMINISTRATOR ESMERALDA GUAJARDO AND CLINICAL SERVICES PROGRAM COORDINATOR SANDRA DE LA CRUZ TO TRAVEL TO AUSTIN, TEXAS ON 10/11 TO 10/13/10 TO ATTEND THE 2010 FAMILY PLANNING PROJECT DIRECTORS' CONFERENCE.

Ms. Martha Galarza, County Auditor, explained that the documentation provided indicates that lunch will be provided on two occasions and requested that the amount for meals be reduced to \$104.00.

Commissioner Benavides motioned to approve the Travel for the Health Department Staff (2): Assistant Health Administrator Esmeralda Guajardo and Clinical Services Program Coordinator Sandra De La Cruz to travel to Austin, Texas on 10/11 to 10/13/10 to attend the 2010 Family Planning Project Directors' Conference with the modification to the amount advanced for meals to be \$104.00.

The motion was seconded by Commissioner Tamayo and carried unanimously.

The Documentation is as follows:

ACTION ITEMS

(5) ACTION ITEMS.

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

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

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

(B) APPROVAL OF CLAIMS.

Commissioner Tamayo motioned to approve the Claims.

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

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

NAY: None

ABSTAIN: Judge Cascos as to Warrant No. 00245242 made payable to Phillip T. Cowen and Warrant No. 00245431 made payable to Public Utilities Board.

The Claims and Affidavits are as follows:

**(C) APPROVAL OF MINUTES FOR:
SEPTEMBER 9, 2010-SPECIAL MEETING**

Commissioner Tamayo motioned to approve the Minutes for the September 9, 2010-Special Meeting.

The motion was seconded by Commissioner Garza and carried unanimously.

(D) CONSIDERATION AND APPROVAL TO AWARD LOW BID TO MCCARTHY BUILDING COMPANIES, INC., FOR THE CONSTRUCTION OF THE WEST RAIL PROJECT. (PSJ-COUNTY ADMINISTRATOR)

Commissioner Tamayo motioned to award the low bid to McCarthy Building Companies, Inc., for the construction of the West Rail Project.

The motion was seconded by Commissioner Garza and carried unanimously.

The Documentation is as follows:

(E) CONSIDERATION AND APPROVAL OF THE BUDGETS FOR THE DISTRICT ATTORNEY DRUG FORFEITURE FUND, SHERIFF DRUG FORFEITURE FUND, SHERIFF-CHILD SUPPORT FUND, DISTRICT CLERK CHILD SUPPORT FUND, DISTRICT ATTORNEY PRE-TRIAL DIVERSION FUND AND COUNTY BAIL BOND FUND. (MG-AUDITOR)

Commissioner Garza motioned to approve the Budgets for the District Attorney Drug Forfeiture Fund, Sheriff Drug Forfeiture Fund, Sheriff-Child Support Fund, District Clerk Child Support Fund, District Attorney Pre-Trial Diversion Fund and County Bail Bond Fund.

The motion was seconded by Commissioner Tamayo and carried unanimously.

The Documentation is as follows:

(F) DISCUSSION AND POSSIBLE DIRECTION FOR LEGAL COUNSEL TO ADVISE COUNTY PARKS DIRECTORS ON LEGAL STATUTES REGARDING OPERATIONS OF THE PARKS. (DJV-LEGAL)

Ms. Dylbia Jeffries-Vega, Legal Counsel: "Judge and Commissioners, I've put this on because I want some direction-or some direction to be able to go to the different Parks and speak with the Directors of the Centers to make sure everybody is on the same understanding of what can and cannot be done inside the Centers. We've had some issues that have been coming up that I think that, you know, some of these Directors are not fully aware of how much latitude they can give some of the agencies or some of the groups that are using the Centers and so I just want to be able to sit down with all of them and make sure everybody understands exactly what they can and can not allow and so I'm just asking, you know, for that authority to go and try to get them all straightened out."

Judge Cascos: "Anybody have any problem with that?"

Commissioner Garza: "What Parks are we talking about?"

Ms. Jeffries-Vega: "For right now I know there's Cameron Park and there's Browne Road Park. I think, Commissioner Tamayo do you have a Center at your Park?"

Commissioner Tamayo: "Yes and I called you on that because I didn't know if we needed something and contacted you. We have the flag football team organization that uses the Park for their tournaments and they have a concession stand for their organization. They're a nonprofit and according to Dylbia, all that's needed is what? An agreement or...?"

Ms. Jeffries-Vega: "Yes ma'am."

Commissioner Garza: "Well, we have baseball leagues at all the Parks."

Ms. Jeffries-Vega: "Right and see that's one of the other things. Javier (Mendez) sent me recently a facility use agreement. What I want to do with that is at a later time, maybe the next regular scheduled meeting that we have, is set up for workshop just to discuss, you know, the little leagues and the different sports leagues using the Parks and if you want to charge a nominal fee or not, but some of the Parks have an actual concession stand in it that these leagues want to use and be able to sell food and raise money and how you want to handle that. So that's some of the other issues I'm going to probably bring back to you for a workshop."

Commissioner Tamayo: "I took it for granted that it had to be a nonprofit and that's why they didn't open their concession stand in Los Indios until they had their nonprofit status and it's that organization that handles

the concession stand. I don't have anything to do with it."

Judge Cascos: "Part of the issue, you know, we have Directors at the Centers that are not given the opportunity to run the Centers the way they believe they need to be running them. And at times you have Commissioners or other staff micromanaging the operation of those Centers and that's created some problems. What's happened recently, and that's part of why this item was put on, I found out on Monday that staff people were going and providing free notary services. It was becoming like a Kinko's. People would come in, not nonprofits, but individuals and notary services being provided free of charge on non-County business and I think when you heard about it (Dylbia), she went ballistic. I mean, not in a bad way but she said, 'Hey, you know, this is not right'. So I said, 'You know let's talk about this, place it on so that everybody knows'. I think having a workshop-but giving the Directors the opportunity to call Legal if they have a question. Sometimes I know Javier (Mendez) is busy or Joe (Vega) is busy. I don't have any problem with a Director calling you if they have a question. The other issue was in Cameron Park. Putting up concession stands run by individuals that are not nonprofits, having bingos, you know, exchanging cash, charging; all that is not appropriate. Now I think it's-I don't know if it's illegal or not."

Commissioner Garza: "You can be licensed for..."

Judge Cascos: "You can be licensed, but these were just-I don't know who was doing it. I don't think they were licensed. I don't think the people that were operating concession stands, you know, selling food. I don't know what was happening to the money. I think they were ad-hoc nonprofit groups probably, but not official 501(c)(3)'s that are licensed and can do all that. So there's a whole litany of issues that we have at these two Parks and I think that you having a workshop with the Directors is a good idea. I think Javier (Mendez) and Joe (Vega) need to be there too and I appreciate the support that you're giving the Directors. You know, they need to be allowed to do their jobs and, you know, there are certain individuals out at these Community Parks that are residents that have taken a proprietary interest in these Parks and, you know, they have their own offices, their own keys, they come and go and I don't know if there's any written agreements that we have. I don't think that they have the right to exclusive use of an office with a key and all that stuff. So I think it's good that this be brought out. I think it's good that we give these Directors some direction as to what needs to be done and I think what's happened at least at Cameron Park; is that you have a new Director that's not changing the rules, just following the rules and there's some resistance. I've read the correspondence that has transpired. We were at a forum not too long ago and these ladies were talking about the Director and I said, 'You know, this is not the

proper venue to talk about the Director or personnel issues'. The story that I was told at that particular evening was way different than from what the e-mail that you sent that was corroborated by other people and so without getting into a discussion with that individual I said, 'You know what? Maybe you all need to sit down and talk'. You can't let the tail wag the dog. You know, the Directors are in charge of those Centers and if they're doing something that's wrong then they follow the protocols by going to Javier (Mendez) and not coming directly to the Commissioner, to me or to the news media or whatever you know. I think there's protocols that have to be followed. So Dylbia, I appreciate you doing this, but I encourage you to sit-I would like one of you guys, maybe not necessarily both of you, but at least one of you guys to sit in, you know, with Javier (Mendez) and/or Joe (Vega) and of course Dylbia and, you know, air these things out and let the Directors tell you- I mean they've told me, you know, and I'm sure they've probably shared it with you all that there's some problems out there. There's some issues out there and these Centers were not built to be, you know, personal fiefdoms, you know, for the residents and unfortunately that's what it appears that they're turning into. So that's the purpose-Javier?"

Commissioner Tamayo: "I'd like to clarify something. That's not the case in the Parks at Precinct 4."

Judge Cascos: "No. The only areas that I heard were Browne Park and Cameron Park. Those are the only ones that I heard now..."

Commissioner Tamayo: "Because we don't even have Directors."

Commissioner Garza: "Heck, we don't have offices, much less Directors."

Commissioner Tamayo: "But they do have their tournaments and what they do have is the concession stand and the money goes back and in fact, they don't have to show me their paperwork and they still do. They feel like they need to show me how much they made and what they're using it for in their organization and I have not requested that. That's just the organization wanting to do. So I'll be more than glad, Dylbia, to have the Chair of those Boards meet with you, but from where I'm sitting they're following everything the way they should. If there's anything different, you know, all we need to do is tell them."

Commissioner Wood: "I know at Centro Cultural, we try to work through Javier (Mendez) because it is his responsibility for running the Center there, in acquiring whatever is needed for the Center. The issue of notary service being provided; that has been being done by my secretary. She goes out every Wednesday, or has been for the last 7 1/2 years, and providing services to the public out there. Generally there are folks who live in Cameron Park that might need notary service for whatever the notary service is. She's never charged a dime."

Occasionally she will help them understand some of the paperwork they may have gotten from some agency or some entity whether it be Social Security, or IRS, or whatever it might be from and if these are things that we should not be providing to the public out there-of course, Cameron Park is a little different than some of the other areas in that we've got a population of 7,500 to 8,000 people and they don't have a lot of other areas to go to to receive, or to learn, or to find out what they need to do when they receive something from the government or from another entity. So it's been a service that we've been providing to those folks for a long time. Now if that's illegal and we shouldn't be doing that then we need to address it, but it has been a service free-of-charge to the people that have requested it and it's worked real well.”

Judge Cascos: “Well yeah, it is a service, but albeit it's probably an illegal service and the concern that I have is that they're on County time using a County paid to seal notarizing personal documents. What if they notarize a fraudulent document or...?”

Commissioner Benavides: “Well it's my understanding, Judge, that when a notary is there just notarizing the signature, he cannot be held accountable for what is in the content of whatever he may be notarizing.”

Judge Cascos: “I don't know.”

Commissioner Benavides: “That's the way it's been explained to me, but for years Judge, especially in your office, this was something that we did to help the residents of Cameron County. We would fill out welfare forms. We would fill out immigration forms. This was something that was done for the poor people and I know Pati (Matamoros) doesn't go on a regular basis to Browne Road, but I have worked very hard to bring services to that because that's what it is; it's a Community Center. Okay? And that I micromanage? You know, I mean I take offense to that because I don't micromanage anything. Javier (Mendez) always knows what I'm trying to do. If it's a community garden it's because whatever and I've tried to bring money into that area and very recently I got an additional \$15,000. So I am going to be there, Judge. I don't tell Ana what to do or what not to do. I ask her to do things.”

Judge Cascos: “I never said-I never mentioned who.”

Commissioner Benavides: “Well, you said that we are micromanaging. You just said there's only two Commissioners.”

Judge Cascos: “Well if you want to infer that, that's fine.”

Commissioner Benavides: “That's what I've taken offense to.”

Judge Cascos: “Well, you can take offense Commissioner. All I'm saying is...”

Commissioner Benavides: "I'm going to tell you right now, I'm not going to step back because..."

Judge Cascos: "I'm not asking you to step back."

Commissioner Benavides: "... my community needs help and I'm going to do everything that I can."

Judge Cascos: "Well that's fine, but you know everyone wants to help, but you don't do it by breaking the law."

Commissioner Benavides: "I'm not breaking the law Judge."

Commissioner Garza: "You know, the only thing I can say is that about a year ago we had so many people coming in for notary services at my office, there in San Benito, that I asked Richard Burst (former Senior Legal Counsel), 'Look, I'm willing to pay for my secretary to get trained. I think it's \$135. She's willing to do it no charge to whomever in the building comes around and get her trained'. He says, 'She's on County time. It's illegal. You don't do it.' That was Richard Burst, okay?"

Judge Cascos: "It's that simple."

Commissioner Garza: "Not Dylbia, or not Bruce (Hodge), or anybody else and I said, 'Okay'."

Judge Cascos: "It's simple and I know everyone has a good heart, but there's certain things that you can or cannot do with government funds and government facilities and government people and government time. The intentions are good, but until there's a law that allows for good intentions then I think we need to follow what Richard Burst recommended to Commissioner Garza a year ago and..."

Commissioner Garza: "And that was not written, that was just a verbal. He just told me."

Judge Cascos: "Dylbia has said the same thing."

Commissioner Garza: "If it's different, please let me know because I would like to get her trained because we get people every day coming in for notary services and the JP's (Justice of the Peace) won't do it, the Tax Assessor's Office-nobody will do a public notary."

Judge Cascos: "Well, now we know there's a reason for it; because you can't do it."

Commissioner Garza: "I don't know. I know that the JP clerks..."

Judge Cascos: "Dylbia, are you sure about that?"

Ms. Jeffries-Vega: "I will look into it for sure, but I'm pretty sure, but I will definitely get you some research on it."

Judge Cascos: "I think you should."

Commissioner Garza: "Let us know."

Judge Cascos: "Well, that way everybody can do it and that's fine, but if you were told a year and a half or so ago by Richard that you could not do it and he told you why. Dylbia is telling us the same thing. I don't know if Bruce (Hodge) had a chance to look at it, but how many lawyers do you need to talk to, you know, to let us know?"

Commissioner Benavides: "When I saw it on the Agenda I came up to see Dylbia. You were there Judge, you stopped by, but what I am telling you is as far as the micromanaging, I am telling you that I work hard in my Precinct, and especially in that area, and I do not consider myself micromanaging by going in there and seeing to it that the things get done there."

Judge Cascos: "Well that's fine. You can see it that way and that's okay."

Commissioner Tamayo: "I would feel better if you-you always bring up the statute and this and that on various issues, Dylbia, so I would think if you can do that for us, to show us that we're not supposed to do it because I would certainly not want to deprive the constituents in my Precinct by not doing it if it's possible. In other words, I don't want to be the Precinct that's not doing something. The constituents need that assistance, but the thing is to find out whether we can do it or not. I just took it for granted we couldn't and we haven't been doing it, but I would like a clarification, if you could bring that back to us."

Commissioner Garza: "Me too."

Ms. Jeffries-Vega: "I will."

Judge Cascos: "And I think you're going to find it probably in the arena of 'gifts'. It's a gift of some sort when you do that because it's saving them from having to-notaries charge, I don't know, a nominal \$10, \$20, whatever it is, but look into it and bring it back or just send us a memo."

Ms. Jeffries-Vega: "I will."

Judge Cascos: "But for now until you find it, then we can't be doing that unless you find otherwise. Okay?"

Ms. Jeffries-Vega: "Okay."

Mr. Javier Mendez, Parks Director: "Judge, one other thing. I just like to-I sent over a draft of our, some Policies and Procedures so that we can include whatever changes we are going to do in that. So whether the Court wants to adopt it or we adopt it in-house in the Parks, but it doesn't not just include that it, but it includes all our Community Parks."

Commissioner Garza: "Policies and Procedures in regard to what, Javier?"

Mr. Mendez: "To everything. To use of the Centers, to use of the pools, use of the baseball fields, soccer

fields, anything like that. It includes everything.”

Judge Cascos: “Does it address office spaces?”

Mr. Mendez: “No, but we will include it in this. I mean, it talks about, you know...”

Commissioner Garza: “Telephone, copiers, printers...”

Ms. Jeffries-Vega: “Fax machines.”

Commissioner Garza: “All that kind of stuff.”

Commissioner Wood: “Organized sport using fields, kids using pools...”

Mr. Mendez: “Everything.”

Commissioner Wood: “...you know whether we consider it a service to people as opposed to...”

Mr. Mendez: “I know one of the complaints was that we picked up a dog that was off the leash. You know, we have it posted in all our Parks that you can't have a dog without a leash.”

Judge Cascos: “Well people twisted that around.”

Mr. Mendez: “I know.”

Judge Cascos: “Okay? And, again the story that I heard in Cameron Park the other day was a little bit different from what I was told by not only the Director, but by you and somebody else that was there that corroborated their story and again, that wasn't the proper venue to, you know, discuss it. I think it needed to be discussed somewhere else, but we have these policies in place. Javier, it's up to you to make sure that they are being followed and giving the Directors the ability and the authority to follow those policies.”

Commissioner Garza: “I'd like a Director first so that I can at least have someone to tell (*laughs*).”

Commissioner Tamayo: “I was going to say...”

Judge Cascos: “Exactly.”

Commissioner Garza: “And I don't mean a director at your level (Javier), I mean at the Park-level, okay?”

Mr. Mendez: “Well, that's their title, but you know they are kind of coordinators. I mean they coordinate all the...”

Commissioner Garza: “Well, that'd be okay too, you know, a coordinator. Right now it's a german shepherd that walks around there.”

Commissioner Tamayo: (*inaudible*)

Judge Cascos: “Commissioner (Tamayo), would you mind turning on your mike? I can hardly hear you.”

Commissioner Tamayo: “Sorry.”

Judge Cascos: "I thank you. I couldn't hear you. Thank you. I'm going deaf."

Commissioner Tamayo: "I want to clarify, Dylbia, if the nonprofit organization can use that portable we have there for their meetings. It's been kind of nice because it's brought the community together and as long as they follow what we're supposed to be following legally, I'd like for that to continue, but that nonprofit organization has their meetings at the Center."

Ms. Jeffries-Vega: "We just need to do a license agreement with them Commissioner. We have streamlined most of the-almost all of the agencies, or anybody that uses the Centers, now all have license agreements. So if you have somebody that wants to use the County building at your Park, at the Park, just let me know and we'll get a license agreement."

Commissioner Tamayo: "Okay."

Commissioner Benavides: "But that means that they have the \$100,000..."

Commissioner Wood: "But that's going to require insurance and all this kind of stuff too."

Commissioner Benavides: "Would they be able to afford that?"

Ms. Jeffries-Vega: "The insurance?"

Commissioner Garza: "Unless it's an additional insured."

Mr. Mendez: "Dylbia, I think that one belongs to the School District..."

Ms. Jeffries-Vega: "It's not our building?"

Mr. Mendez: "...and what we did is we went in there and helped them to build a Park, but I think it still belongs to..."

Commissioner Tamayo: "It still belongs to the School District."

Ms. Jeffries-Vega: "Oh, then it's not our building."

Mr. Mendez: "It's not ours."

Commissioner Wood: "It's not under our control, right?"

Commissioner Tamayo: "It was an operation between the School District and the County."

Commissioner Wood: "What are we doing in there then if it's not under our control?"

Mr. Mendez: "I think there is an agreement, but we built-we made some improvements to that Park and there's a building there that was donated by I think the School District?"

Commissioner Tamayo: "By the School District."

Mr. Mendez: "And I think that the Border Patrol Department went in there and helped them renovate it."

Commissioner Tamayo: "They donated their services and monies to repair it and so I really need to get with you Dylbia to make sure that they're..."

Commissioner Wood: "You need to figure that one out. If they donated the building to us, then it's our building. If they didn't, then it's their building."

Commissioner Garza: "And again..."

Commissioner Tamayo: "How is that?"

Commissioner Wood: "Whose building is it, you know?"

Commissioner Garza: "I mean it's kind of like charging rent to the RMA (Regional Mobility Authority). You know, today there were meetings going on in the building in San Benito for AG Teachers of the Valley. You know, I mean it's like what's going on? You know, I mean there are meetings going on. I don't know who sets up meetings. You know the Health Department has a lot of meetings and we didn't charge them and we're not charging a lot of these other agencies. You know, I mean where do we draw a line?"

Commissioner Wood: "Where do you stop? Where do you start?"

Judge Cascos: "Well, you stop at \$6,000 a year (*laughs*)."

Commissioner Tamayo: "That's right."

Judge Cascos: "Alright. Okay so, then you're going to get back-No, I guess you have the authority to meet with them?"

Ms. Jeffries-Vega: "Right and I will e-mail, unless you want me to bring it back on the Agenda, but I will e-mail you about the notary issue."

Commissioner Garza: "Let us know because I need to know."

Commissioner Tamayo: "We need to know that."

Ms. Jeffries-Vega: "I can put it back on the Agenda or if you want me just to send an e-mail."

Judge Cascos: "I think just e-mail everybody."

Ms. Jeffries-Vega: "Okay."

Judge Cascos: "And say its okay and then if you want to place it back on the Agenda, place it back on the Agenda."

Commissioner Garza: "If it's okay, it's okay."

Judge Cascos: "It would be nice to tell Richard (Burst) he was wrong, right?"

Commissioner Garza: "I'll call him."

Judge Cascos: "Do I hear a motion to acknowledge discussion?"

Commissioner Benavides: "So moved."

Commissioner Tamayo: "Second."

Judge Cascos: "(Moved) by Commissioner Benavides, seconded by Commissioner Tamayo. Any further discussion? All those in favor signify by saying 'aye'."

Commissioner Benavides, Commissioner Wood, Commissioner Garza, Commissioner Tamayo and Judge Cascos: "Aye."

Judge Cascos: "Any opposed? Item carries."

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

Mr. Robert L. Lopez, Director of Administrative Services, informed the Court that he has spoken with staff from the Texas Division of Emergency Management and they have reassured him that the County's reimbursements are being processed.

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

The motion was seconded by Commissioner Garza and carried unanimously.

There being no further business to come before the Court, upon motion by Commissioner Benavides, seconded by Commissioner Tamayo and carried unanimously, the meeting was **ADJOURNED** at 6:47 P.M.

APPROVED this 12th day of **October 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