

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 30th day of November 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:

8:00 A.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 8:00 A.M. He then asked for a moment of silence. Mr. Bosey 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 November 24, 2010 at 4:56 P.M.:

ACTION ITEMS

(2) ACTION ITEMS.

(A) ACCEPTANCE OF PRECINCT ELECTION RECOUNT RETURNS FOR THE NOVEMBER 2, 2010 GENERAL ELECTION INITIAL RECOUNT CONDUCTED UNDER ELECTIONS CODE SECTION 212.022 AND RECOUNT OF PCT. 54 IN ACCORDANCE WITH ELECTIONS CODE SECTION 213.0111 OF THE COUNTY JUDGE'S RACE CONDUCTED ON NOVEMBER 23, 2010 TOGETHER WITH CORRECTED SUMMARY OF FINAL RECOUNT RESULTS. (RO-ELECTIONS)

Mr. Roger Ortiz, Elections Administrator: "Good morning Judge, Commissioners. What I have before you, what I've submitted to you is the results of the Recount of Precinct 54 that was conducted last Tuesday. Those numbers remained as they had originally been counted before within the tally sheets that had been included in the original canvassing of the initial Recount. The results of the, of that recount was Carlos Cascos-299 and John Wood-366. That Recount was chaired by Mr. Carlos Barrera and you've got the cover, the Recount Supervisor's Report, along with the copy of the tally lists that were filled in. In addition to that I've also included a complete and corrected Recount Supervisor's Report. As the Elections Administrator, my responsibility is to make sure that every vote counts in Cameron County and I believe that I need to report this Recount Supervisor's Report is a complete and accurate Report that I personally summed up myself, tallied and put together; which includes the Precinct 54 and also the corrections on Port Isabel and Cameron Park. The total results of the complete recount is Carlos Cascos-20,640, John Wood-20,576. In the Reports the candidate receiving most votes-Carlos Cascos by 64 votes."

Judge Cascos: "Thank you Roger. Any questions Commissioners?"

Commissioner Benavides: "I did. I wanted to ask something. Last week you wouldn't, you wouldn't correct your Recount totals to include Precinct 54, but this time, because we forced your hand when we did re-file whatever needed to be filed on behalf of Commissioner Wood, you recounted (Pct.) 54 and you've included this, but it's okay this time to include those votes from wherever, from Port Isabel and from Cameron Park?"

Mr. Ortiz: "Commissioner, I'm sure that Legal could explain it a lot better, but for the recount of Precinct 54 there was some affidavits filed on there. We were looking for a way to find-or we were trying to find a way through contact with the Secretary of State's Office Election Division and with our Civil Division Attorney on how we could do this based on the fact that the affidavits were filed. We followed that to include Precinct 54 in the total Recount. Just before we did the total Recount I was made aware that there was other mistakes in the Report in the sum of the totals and therefore we went back and proceeded to look for the method that the

procedure or the process to make this Report complete; and like I said I know that our Legal Division Attorney can explain it a lot better than I can, but I believe that this Report is one I need to submit to Commissioners' Court to make sure that everybody's vote is in that Report.”

Commissioner Benavides: "I guess I just find it kind of strange that 413 votes in Precinct 54 couldn't be counted because you found an error or because we brought it to your attention, but yet 69 or 66 votes can be done at this time.”

Commissioner Tamayo: “Roger, could I clarify something? Just for my own understanding and because perhaps this will help people that have been asking questions. I understood when we canvassed the votes the first time, your recommendation was for us to canvass the votes as you handed in the Report with the recommendation that there be a recount for Box 54 and then you were going to come back to us.”

Mr. Ortiz: “Yes ma'am.”

Commissioner Tamayo: “That's what I understood it to be and I believe in the paper also the Democratic Chair was quoted as interpreting the motion as such. That's what I understood you to say from that cover letter that you gave us. You were recommending a recount of Box 54 before bringing it to us for canvassing.”

Mr. Ortiz: “Yes ma'am. That was based on an affidavit that was filed.”

Commissioner Tamayo: “Okay. I just wanted clarification on that because that's what I understood. Thank you.”

Commissioner Benavides: “But in actuality it wasn't a recommendation. It was something that was-legally you are bound to have a recount of Precinct 54. Is that not right?”

Mr. Ortiz: “Yes ma'am.”

Commissioner Benavides: “Thank you. That's all I have to say.”

Commissioner Tamayo: “But you gave us that information because I'm not a lawyer so I depend on our staff that has the expertise and in your cover letter that's what I understood; that your recommendation was based on the legality of it.”

Mr. Ortiz: “Yes based on the affidavit that was timely filed in my Office.”

Commissioner Tamayo: “Okay. Thank you.”

Commissioner Garza: “At last week's Meeting the only thing that we could accept was the Recount Supervisor's Report that you presented to us excluding Precinct 54.”

Mr. Ortiz: “Yes sir.”

Commissioner Garza: "Okay and that's what we voted on knowing that was going to be recounted; and, you know, the media, the hype surrounding all this made it seem that we were disenfranchising voters of this County which was never the intent. The intent was to have a Recount, bring it back for canvassing and re-canvassing the Recount of Precinct 54. And I find it, you know, I find it interesting that, you know, last week I was chastised for disenfranchising voters in a despicable action I took by voting for your recommendation and today again before you, you know, I don't want to disenfranchise a single voter in this County. I want the true vote to be reflected and as a result of that true vote being reflected, whatever the results may be, they are. I would move that we accept the Recount of Precinct 54 along with the Corrected Summary of Final Results today."

Commissioner Tamayo: "And I second that motion."

Judge Cascos: "That was moved by Commissioner Garza, second by Commissioner Tamayo. I just have two questions: Have all the votes been counted?"

Mr. Ortiz: "Yes sir. I personally went through all the tally sheets."

Judge Cascos: "And now the tally sheets, which is what we're supposed to be canvassing, agree to your Final Report?"

Mr. Ortiz: "Yes sir. They do."

Judge Cascos: "Okay. Any further discussion? All those in favor signify by saying 'aye'."

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

Judge Cascos: "Any opposed?"

Commissioner Benavides: "Nay."

Judge Cascos: "Item carries."

Commissioner Wood: "Abstain."

The Documentation is as follows:

(1) **PUBLIC COMMENTS.**

Mr. Fernando Ruiz: “Commissioners, ladies and gentlemen, voters of Cameron County, my name is Fernando Ruiz. You cannot continue to have incompetent persons in key positions in government. This is why people get educated because they present credentials when they’re going to perform their jobs as either the Voters Administrator, etcetera, etcetera, etcetera. We don’t go to school to later come and be penalized by the cronyism that exists here in Cameron County. These are the results of cronyism. It’s called malfeasance and to me it’s called ‘corruption at its best’. I have been around this arena and this environment for over fifty years and I’m still convinced that since the time of James D. Wells, and we are now in the 21st century, this continues. I will not support this, nor the citizens of Brownsville or Cameron County. And I’m going to ask this Commission, this honorable Commission, and the citizens of Cameron County to back me up in having Mr. (Roger) Ortiz removed from his position. Thank you.”

Judge Cascos: “Thank you Mr. Ruiz. Donny Thompson?”

Mr. Donny Thompson: “Judge and County Court, I do not subscribe to the theory that the County Elections Administrator should fall on his sword or commit hara-kiri or even be removed when he makes a mistake. I think that this Elections Administrator does a lot of other things about the job, other than the elections. And he has gone to meetings in the evenings I know telling people, teaching people about the elections process and about trying to get more people, more registered voters in the County. So I think that that’s one thing to consider is that the job does involve a lot of other things besides just an election. Another thing that I think we should recognize is that there are a lot of volunteers that are involved in this process. All of us that work as volunteers and we know that there’s limitations on what you can do. Sometimes it’s a little bit like herding cats. So there’s limitations on what the man can be responsible for. Another thing that I think we should recognize is that if this were not such a close tight election, none of this would have surfaced. It’s very possible that this type of thing happens all the time. We don’t recognize and we don’t know about it because it doesn’t come down to five votes or fifty votes or eighty votes or whatever. Finally I’m just saying that I think Mr. Ortiz is an honorable man. I think he’s withstood partisan pressure. I feel like he has acknowledged his mistake and I certainly would assume that he would have learned from his mistake. So I just feel like replacing him and starting all over with somebody else is not necessarily in the County’s best interest. Thank you.”

Commissioner Tamayo: “Thank you Donald.”

Judge Cascos: “Thank you Mr. Thompson.”

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 8:15 A.M.

APPROVED this **28th** day of **December 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