

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 15th day of December 2015, 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:

PRESENT:

8:45 A.M.

PETE SEPULVEDA, JR.
COUNTY JUDGE

SOFIA C. BENAVIDES
COMMISSIONER PRECINCT NO. 1

ALEX DOMINGUEZ
COMMISSIONER PRECINCT NO. 2

DAVID A. GARZA
COMMISSIONER PRECINCT NO. 3

DAN SANCHEZ
COMMISSIONER PRECINCT NO. 4

SYLVIA GARZA-PEREZ
COUNTY CLERK

Aide A. Trejo Deputy Clerk

ABSENT:

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The meeting was called to order by Judge Sepulveda at 8:45 A.M. He then asked for a moment of silence.

The Court 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 December 11, 2015 at 8:06 a.m. with the first Supplemental Notice being filed at 12:11 p.m. and the second Supplemental Notice being filed at 4:47 p.m.:

(1) PUBLIC COMMENTS.

Mr. Gary Colton presented information regarding the Small Business Administration Disaster Assistance Program and advised those businesses in need of recovery funding to register with FEMA.

Mr. Desi Martinez commented on the Supplemental Agenda Item regarding a “sitting County Commissioner who announces a run for a County Judgeship” and noted that any vacancies are to be appointed by the County Judge.

Mr. Rudy Garza, TxDOT Engineer, presented the Texas Department of Transportation Road Hand Award to Cameron County Judge Pete Sepulveda.

ACTION ITEMS

(3) ACTION ITEMS.

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

Commissioner Garza motioned to approve the budget amendments, line item transfers and/or salary schedules.

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

AYE: Commissioner Benavides, Commissioner Dominguez, Commissioner Garza and Judge Sepulveda

NAY: None

ABSTAIN: Commissioner Sanchez

(B) APPROVAL OF CLAIMS.

Ms. Martha Galarza, County Auditor, asked the Court to approve the Claims as follows: Payroll, dated December 4, 2015, in the amount \$1,748,777.68; Warrants No. 00354323 thru 00354945; and to VOID Warrant No. 00348000, Warrant No. 00352887, Warrant No. 00347883, Warrant No. 00352187, Warrant No. 00348332, Warrant No. 00354664, and Warrant No. 00354856.

Commissioner Benavides motioned to approve the Claims as presented.

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

AYE: Commissioner Dominguez, Commissioner Garza, Commissioner Sanchez, and Judge Sepulveda

NAY: None

ABSTAIN: Commissioner Benavides as to Warrant No. 00354877

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- (C) **APPROVAL OF MINUTES.**
OCTOBER 6, 2015 - REGULAR MEETING
OCTOBER 8, 2015 - SPECIAL MEETING
OCTOBER 20, 2015 - REGULAR MEETING
NOVEMBER 3, 2015 - REGULAR MEETING
NOVEMBER 12, 2015 - SPECIAL MEETING
NOVEMBER 17, 2015 - REGULAR MEETING

Commissioner Dominguez motioned to approve the Minutes for the October 6, 2015 - Regular Meeting, the October 8, 2015 - Special Meeting, the October 20, 2015 - Regular Meeting, the November 3, 2015 - Regular Meeting, the November 12, 2015 - Special Meeting, and the November 17, 2015 - Regular Meeting.

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

AYE: Commissioner Benavides, Commissioner Dominguez, Commissioner Garza and Judge Sepulveda

NAY: None

ABSTAIN: Commissioner Sanchez

PRESENTATIONS

(4) **PRESENTATIONS/RESOLUTIONS.**

- (A) **PRESENTATION BY THE CITY OF PORT ISABEL AND THE PORT ISABEL IMPROVEMENT DISTRICT NO. 1 FOR CAMERON COUNTY TO CREATE A TAX INCREMENT REINVESTMENT ZONE ENCOMPASSING A PORTION SPECIFIED WITHIN THE AREA KNOWN AS PORT ISABEL'S "MODERN VENICE" OR "THE FINGERS". (MAY-PROGRAM, DEVELOPMENT AND MANAGEMENT)**

Commissioner Dominguez motioned to acknowledge the Presentation by the City of Port Isabel and the Port Isabel Improvement District No. 1 for Cameron County to create a Tax Increment Reinvestment Zone encompassing a portion specified within the area known as Port Isabel's "Modern Venice" or "The Fingers".

The motion was seconded by Commissioner Garza and carried unanimously.

ACTION ITEMS

(3) **ACTION ITEMS.**

- (L) **CONSIDERATION AND AUTHORIZATION TO APPROVE OVERTIME FOR CLERK'S SILVIA ALDAPE, BELLANIRA G. LEAL, GRECIA YANELLY MEJIA AND ORALIA GONZALEZ TO WORK OVERTIME FOR 6 MONTHS BEGINNING (JANUARY 2016) TO COMPLETE THE SCANNING OF TRAFFIC CITATIONS AND MAILING OF POST CARDS. (JDG-JP PCT. 2-2)**
- (M) **CONSIDERATION AND APPROVAL OF AN INCREASE TO LINE ITEM 6049-POSTAGE TO PROVIDE SUFFICIENT FUNDING IN THE FURTHERANCE OF COURT COLLECTION. FUNDING SOURCE TO BE DETERMINED AND A BUDGET AMENDMENT WILL BE NEEDED. (JDG-JP PCT. 2-2)**

Commissioner Garza motioned to approve Action Items No. 3 (L) and 3 (M) and to direct the County Auditor to identify a funding source.

The motion was seconded by Commissioner Sanchez and carried unanimously.

Upon motion by Commissioner Sanchez, seconded by Commissioner Garza and carried unanimously, the Court recessed the Regular Meeting at 10:46 a.m.

Upon motion by Commissioner Sanchez, seconded by Commissioner Benavides and carried unanimously, the Court reconvened the Regular Meeting at 11:00 a.m.

SUPPLEMENTAL AGENDA #1

PRESENTATIONS

(2) PRESENTATIONS.

- (A) PRESENTATION OF THE REPORT FOR THE TAX INCREMENT REINVESTMENT ZONE NO. 1, CITY OF BROWNSVILLE FOR TAX INCREMENTS TO BE RECEIVED ATTRIBUTABLE FOR THE TAX YEAR 2014 INCLUDING A RECONCILIATION OF TAX INCREMENTAL REVENUES TO BE DEPOSITED IN THE FUND ATTRIBUTABLE TO TAX YEARS 2005-2014. (MAY-PROGRAM, DEVELOPMENT AND MANAGEMENT)**

Commissioner Sanchez motioned to acknowledge the Presentation of the Report for the Tax Increment Reinvestment Zone No. 1, City of Brownsville for tax increments to be received attributable for the Tax Year 2014 including a reconciliation of tax incremental revenues to be deposited in the fund attributable to Tax Years 2005-2014.

The motion was seconded by Commissioner Garza and carried unanimously.

SUPPLEMENTAL AGENDA #1

(1) PUBLIC COMMENTS.

None were presented.

ACTION ITEMS

(1) ACTION ITEMS.

- (A) CONSIDERATION AUTHORIZATION TO RECLASSIFY FUND 420-5760 SLOT 8 PRE-TRIAL OFFICER POSITION WITH AN ANNUAL BASE SALARY OF \$35,495 TO ANNUAL BASE SALARY OF \$28,989. DIFFERENCE IN ANNUAL BASE SALARY WILL BE DISTRIBUTED AS**

FOLLOWS: FUND 420-5760 SLOT 5 WITH BASE SALARY OF \$35,494 WILL INCREASE TO \$40,000 AND FUND 420-5760 SLOT 4 WILL INCREASE FROM \$31,200 TO \$32,200 AND SLOT 9 WILL INCREASE FROM \$28,080 TO \$29,080. THIS IS A BUDGET NEUTRAL REQUEST. (KS-PRE-TRIAL RELEASE) (TABLED)

Commissioner Garza motioned to TABLE this item.

The motion was seconded by Commissioner Benavides and carried unanimously.

CONSENT ITEMS

- (2) 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. 2 (A):

Commissioner Benavides asked to discuss this item separately.

Consent Items No. 2 (B), (J), (K), (DD), and (GG):

Commissioner Garza asked to discuss these items separately.

Consent Items No. 2 (L) and (N):

Commissioner Dominguez asked to discuss these items separately.

Consent Item No. 2 (UU):

Judge Sepulveda asked to discuss this item separately.

Commissioner Garza motioned to approve the "Consent Items", excluding Consent Items No. 2 (A), (B), (J), (K), (L), (N), (DD), (GG), and (UU).

The motion was seconded by Commissioner Benavides and carried unanimously.

- (A) CONSIDERATION AND AUTHORIZATION FOR COUNTY JUDGE TO SIGN LETTER TO U.S. CITIZENSHIP AND IMMIGRATION SERVICES REGARDING AN EB-5 DESIGNATION OF TARGETED EMPLOYMENT AREA FOR SOUTH PADRE ISLAND. (DAG-COUNTY ADMINISTRATOR) (ACTION TAKEN SEPARATELY)**
- (B) CONSIDERATION AND APPROVAL OF CHANGE ORDER NO. 3 TO US 77/83 SOUTH PARALLEL CORRIDOR ROAD PROJECT. (DAG-COUNTY ADMINISTRATOR) (ACTION TAKEN SEPARATELY)**
- (C) CONSIDERATION AND APPROVAL OF THE TEXAS CONFERENCE OF URBAN COUNTIES FISCAL YEAR 2016 MEMBERSHIP DUES. (DAG- COUNTY ADMINISTRATOR)**
- (D) CONSIDERATION AND AUTHORIZATION TO APPROVE CONTRACT NUMBER 2015C12329 BETWEEN CAMERON COUNTY AND RWL GROUP FOR INDEPENDENT RISK MANAGEMENT SERVICES FOR THE DESIGN AND EVALUATION OF REQUESTS FOR PROPOSALS FOR THE CAMERON COUNTY VEHICLES, PROPERTY, GENERAL LIABILITY, WINDSTORM, FLOOD AND NFIP, INTERNATIONAL BRIDGES INSURANCES, CONTRACTOR'S EQUIPMENT, ERRORS AND OMISSIONS, EDP (DDTE) PROPERTY, BOILER AND MACHINERY AND CRIME COVERAGE. (GEJ-ADMINISTRATIVE SERVICES)**
- (E) CONSIDERATION AND ACTION FOR THE APPOINTMENT OF JAVIER VIVERO, JR. AS DEPUTY CONSTABLE FOR PRECINCT 1 IN COMPLIANCE WITH THE FINDING THAT IS NECESSARY TO APPOINT THE DEPUTY CONSTABLE IN ORDER TO PROPERLY HANDLE THE BUSINESS OF THE CONSTABLE'S OFFICE THAT ORIGINATES IN THE CONSTABLE'S PRECINCT. (GEJ-ADMINISTRATIVE SERVICES)**

- (F) CONSIDERATION AND ACTION FOR THE APPOINTMENT OF ROGELIO BANDA, JR. AS RESERVE DEPUTY CONSTABLE FOR PRECINCT 3 IN COMPLIANCE WITH THE FINDING THAT IT IS 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 AND THAT THE APPOINTMENT IS VALID ONLY THROUGH THE END OF THE FISCAL YEAR IN WHICH THE APPOINTMENT IS MADE OR THE CURRENT TERM OF THE ELECTED CONSTABLE WHICHEVER ENDS SOONER. (GEJ-ADMINISTRATIVE SERVICES)
- (G) CONSIDERATION AND ACTION FOR THE APPOINTMENT OF JONAH RENE CANALES AS RESERVE DEPUTY CONSTABLE FOR PRECINCT 2 IN COMPLIANCE WITH THE FINDING THAT IT IS 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 AND THAT THE APPOINTMENT IS VALID ONLY THROUGH THE END OF THE FISCAL YEAR IN WHICH THE APPOINTMENT IS MADE OR THE CURRENT TERM OF THE ELECTED CONSTABLE WHICHEVER ENDS SOONER. (GEJ-ADMINISTRATIVE SERVICES)
- (H) CONSIDERATION AND ACTION FOR THE APPOINTMENT OF EDDIE BOY MENDOZA AS DEPUTY CONSTABLE FOR PRECINCT 2 IN COMPLIANCE WITH THE FINDING THAT IT IS NECESSARY TO APPOINT THE DEPUTY CONSTABLE IN ORDER TO PROPERLY HANDLE THE BUSINESS OF THE CONSTABLE'S OFFICE THAT ORIGINATES IN THE CONSTABLE'S PRECINCT. (GEJ-ADMINISTRATIVE SERVICES)
- (I) CONSIDERATION AND AUTHORIZATION TO INITIATE THE DRAWING PROCESS ON LETTER OF CREDIT NO. 101116583 FOR BENT TREE SECTION V SUBDIVISION FOR REQUIRED MAINTENANCE ON ROAD AND DRAINAGE IMPROVEMENTS, PCT. 4. (CAS-CCD_oT ENG)
- (J) CONSIDERATION AND AUTHORIZATION OF TIME EXTENSION FROM NOVEMBER 30, 2015 TO NOVEMBER 30, 2017 FOR PROVIDING SEWER FACILITIES (SEPTIC SYSTEMS) FOR LA SIESTA PHASE I SUBDIVISION, PCT. 4. (CAS-CCD_oT ENG) (*ACTION TAKEN SEPARATELY*)
- (K) CONSIDERATION AND AUTHORIZATION FOR FINAL PLAT APPROVAL FOR RODRIGUEZ ESTATE NO. 1 SUBDIVISION, LOT 1, BLOCK 1, BEING A 6.744 ACRE TRACT OF LAND, MORE OR LESS, OUT OF THE EASTERN ONE THIRD, AND MIDDLE ONE THIRD OF THE NARANJO TRACT, SAID NARANJO TRACT BEING TRACT NO. 1 AS SHOWN ON THE MAP OF THE PARTITION OF THE JULIAN VERA LANDS OUT OF THE SAN PEDRO GRANT, CAMERON COUNTY, TEXAS AS RECORDED IN VOLUME 6, PAGE 36, OF THE CAMERON COUNTY MAP RECORDS. SAID 6.744 ACRE TRACT, DESCRIBED IN THE OFFICIAL RECORDS IN VOLUME 18664, PAGE 253, OF THE CAMERON COUNTY OFFICIAL RECORDS, CAMERON COUNTY, TEXAS, PCT. 4. (CAS-CCD_oT-ENG) (*ACTION TAKEN SEPARATELY*)
- (L) CONSIDERATION AND APPROVAL TO PURCHASE A NEW 1 SAMSUNG GALAXY S5 CELL PHONE AND ACTIVATION OF LINE FOR THE CAMERON COUNTY 444TH DISTRICT COURT/VETERANS TREATMENT COURT COORDINATOR, AS PER AT&T TDIR CONTRACT DIR-SDD-1777. (DAS-CAMERON COUNTY VETERANS TREATMENT COURT) (*ACTION TAKEN SEPARATELY*)
- (M) CONSIDERATION AND APPROVAL OF INSTALLATION OF CELLULAR BOOST INFRASTRUCTURE EQUIPMENT IN AND OUT OF THE SAN BENITO ANNEX BUILDING BY AT&T. (AZ-COMPUTER CENTER)
- (N) CONSIDERATION AND APPROVAL OF THE IN BUILDING SERVICE ENHANCEMENT METROCELL AGREEMENT. (AZ-COMPUTER CENTER) (*ACTION TAKEN SEPARATELY*)
- (O) CONSIDERATION AND ADOPTION OF A RESOLUTION HONORING THE LATE MRS. AURORA VILLARREAL FOR HER HIGH ACHIEVEMENT ON SERVING OUR COMMUNITY AS A HUMAN RESOURCE LEADER. (SCB-COMMISSIONER PCT. 1)
- (P) CONSIDERATION AND AUTHORIZATION TO REAPPOINT MS. DAISY FLORES TO THE AMIGOS DEL VALLE BOARD. (SCB-COMMISSIONER PCT. 1)

- (Q) CONSIDERATION AND APPROVAL OF THE NOVEMBER 2015 MONTHLY FINANCIAL REPORT. (PD-CONSTABLE PCT. 1)
- (R) CONSIDERATION AND APPROVAL OF THE NOVEMBER 2015 MONTHLY FINANCIAL REPORT. (AGJ-CONSTABLE PCT. 2)
- (S) CONSIDERATION AND APPROVAL OF THE NOVEMBER 2015 MONTHLY FINANCIAL REPORT. (RC-CONSTABLE PCT. 3)
- (T) CONSIDERATION AND ACTION TO APPROVE PATRIOT SIGNAGE INC. AS A SOLE SOURCE FOR POLY-BAGS SIGNS WITH COLLAPSIBLE FRAMES. (RG-ELECTIONS)
- (U) CONSIDERATION AND APPROVAL TO AWARD A MOBILE PHONE ALLOWANCE FOR A NEW FIRE MARSHAL SERVICE EMPLOYEE. (TH-EMERGENCY MANAGEMENT)
- (V) CONSIDERATION AND APPROVAL OF DATA USE AGREEMENT BETWEEN THE TEXAS HEALTH AND HUMAN SERVICES ENTERPRISE AND CAMERON COUNTY THROUGH ITS DEPARTMENT OF HEALTH AND HUMAN SERVICES. (EG-HEALTH AND HUMAN SERVICES)
- (W) CONSIDERATION AND APPROVAL OF THE NOVEMBER 2015 MONTHLY FINANCIAL REPORT. (LS-JP PCT. 2-1)
- (X) CONSIDERATION AND APPROVAL OF THE NOVEMBER 2015 MONTHLY FINANCIAL REPORT. (MES-JP PCT. 2-3)
- (Y) CONSIDERATION AND APPROVAL OF THE NOVEMBER 2015 MONTHLY FINANCIAL REPORT. (GA-JP PCT. 3-1)
- (Z) CONSIDERATION AND APPROVAL OF THE NOVEMBER 2015 MONTHLY FINANCIAL REPORT. (MT-JP PCT. 5-3)
- (AA) CONSIDERATION AND APPROVAL OF THE NOVEMBER 2015 FINANCIAL REPORT. (AEC-MAGISTRATE COURT)
- (BB) CONSIDERATION AND AUTHORIZATION TO EXECUTE A LICENSE AGREEMENT (CONTRACT NO. 2015C12327) BETWEEN CAMERON COUNTY (PARKS AND RECREATION) AND BEHAVIOR HEALTH SOLUTIONS OF SOUTH TEXAS TO PROVIDE SUBSTANCE ABUSE PREVENTION AND OUTREACH SERVICES AT THE BOB CLARK SOCIAL SERVICE CENTER. (JEV-PARKS)
- (CC) CONSIDERATION AND AUTHORIZATION TO EXECUTE A LICENSE AGREEMENT (CONTRACT NO. 2015C12328) BETWEEN CAMERON COUNTY (PARKS AND RECREATION) AND BEHAVIOR HEALTH SOLUTIONS OF SOUTH TEXAS TO PROVIDE SUBSTANCE ABUSE PREVENTION AND OUTREACH SERVICES AT THE EL CENTRO CULTURAL-CAMERON PARK. (JEV- PARKS)
- (DD) CONSIDERATION AND AUTHORIZATION TO EXECUTE CHANGE ORDER NO. 6 (CHANGE ORDER NO. 2015O12059) FOR A TIME EXTENSION TO CONTRACT NO. 2014C12430 WITH CLEAN AIR SOLUTIONS (CAS) FOR THE SEA RANCH RESTAURANT – EXTERIOR CLADDING RENOVATION. (JEV-PARKS) (*ACTION TAKEN SEPARATELY*)
- (EE) CONSIDERATION AND APPROVAL OF AMENDMENT NO. 1 TO TEXAS GENERAL LAND OFFICE DISASTER RECOVERY CONTRACT NO. 12-361-000-6127. (MAY-PROGRAM, DEVELOPMENT AND MANAGEMENT)
- (FF) CONSIDERATION AND AUTHORIZATION TO AWARD BIDS/RFP'S/RFQ'S FOR THE FOLLOWING: (MF-PURCHASING)
 - a. UNIFORMS: SHERIFF - PATROL, JAILOR, INMATE – ANNUAL BID NO. 2660 (GALLS, BOB BARKER)

- (GG) CONSIDERATION AND APPROVAL TO REINSTATE THE SHERIFF'S COMMUNITY SERVICE PROGRAM UTILIZING ONE OFFICER TO SUPERVISE UP TO SIX INMATES TO BE FULLY STAFFED AND FUNDED THROUGH THE INMATE COMMISSARY PROCEEDS. (OL-SHERIFF) *(ACTION TAKEN SEPARATELY)*
- (HH) CONSIDERATION AND AUTHORIZATION TO REFUND TAXES ON CORRECTION OF SUPPLEMENTAL CHANGES AS AUTHORIZED BY CAMERON APPRAISAL DISTRICT AS PER SECTION 11.131 OF THE TEXAS PROPERTY CODE (ADD DISABLED VETERAN 100% EX), AS PER SECTION 26.11 OF THE TEXAS PROPERTY CODE (ADD ABSOLUTE EX, AS PER SECTION 25.25H OF THE TEXAS PROPERTY CODE (CHANGE VALUE). (TYJ-TAX ASSESSOR COLLECTOR)
- a. HECTOR MARIO GARZA, JR. 79/1252/0220/0190/00 \$2,532.89 ADD DISABLED VET 100% EX FOR TAX YEAR 2015.
 - b. CITY OF PORT ISABEL 47/0000/0610/1000/00 \$2,753.59 ADD ABSOLUTE EX FOR TAX YEAR 2013.
 - c. CITY OF PORT ISABEL 47/0000/0610/1000/00 \$2,546.04 ADD ABSOLUTE EX FOR TAX YEAR 2014.
 - d. WILLIAM F. FIORI 79/1935/0010/0280/00 \$2,571.27 ADD DISABLED VET 100% EX FOR TAX YEAR 2015.
 - e. PEP BOYS No. 766 03/4700/0000/0010/00 \$4,772.79 CHANGE VALUE FOR TAX YEAR 2015.
- (II) CONSIDERATION AND AUTHORIZATION TO ALLOW BBVA COMPASS BANK TO ACCEPT AND RENEW AMENDED LETTER OF CREDIT NO. 85397. (DAB-TREASURER)
- (JJ) CONSIDERATION AND ISSUANCE OF ORDER APPROVING THE TREASURER'S NOVEMBER 2015 FINANCIAL REPORT. (DAB-TREASURER)
- (KK) CCDoT ENGINEERING OFFICE STAFF (1): ASSISTANT ENGINEER ALEJANDRO SANCHEZ TO TRAVEL TO CORPUS CHRISTI, TEXAS ON 01/14 TO 01/15/16 TO ATTEND THE STORMWATER MANAGEMENT 2016 TRAINING.
- (LL) COMMISSIONER PCT. 3 DAVID A. GARZA TO TRAVEL TO AUSTIN, TEXAS ON 12/16 TO 12/17/15 TO ATTEND THE 2015 TEXAS DEPARTMENT OF TRANSPORTATION COMMISSION MEETING.
- (MM) COMMISSIONER PCT. 3 DAVID A. GARZA TO TRAVEL TO AUSTIN, TEXAS ON 01/04 TO 01/06/16 TO ATTEND THE 2016 TRANSPORTATION FORUM.
- (NN) COUNTY ADMINISTRATOR DAVID GARCIA, DEPUTY COUNTY ADMINISTRATOR XAVIER VILLARREAL AND PARKS DIRECTOR JOE E. VEGA TO TRAVEL TO AUSTIN, TEXAS ON 12/16/15 TO MEET WITH THE TEXAS GENERAL LAND OFFICE.
- (OO) COUNTY COURT AT LAW NO. 3 JUDGE DAVID GONZALES, III TO TRAVEL TO CEDAR CREEK, TEXAS ON 01/24 TO 01/26/16 TO ATTEND THE FAMILY JUSTICE CONFERENCE 2016.
- (PP) DISTRICT ATTORNEY'S OFFICE STAFF (3): INVESTIGATORS REYNALDO PINEDA, ELIUD PLATA AND EUGENIO DE LEON, JR. TRAVELED TO MCALLEN, TEXAS ON 12/14/15 TO ATTEND THE STRENGTH & HONOR IN EVERYDAY LAWFUL DECISION (S.H.I.E.L.D.) COURSE.
- (QQ) DISTRICT ATTORNEY'S OFFICE STAFF (4): ASSISTANT DISTRICT ATTORNEYS LAYSHAUNI RODRIGUEZ, EDMUNDO LEANDRO, JASON CAMPO AND KEVIN YARLEY TO TRAVEL TO AUSTIN, TEXAS ON 01/10 TO 01/15/16 TO ATTEND THE 2016 TEXAS DISTRICT & COUNTY ATTORNEYS ASSOCIATION (TDCAA) PROSECUTOR TRIAL SKILLS COURSE.
- (RR) EXTENSION OFFICE STAFF (1): COUNTY EXTENSION AGENT-COASTAL & MARINE RESOURCES TONY REISINGER TRAVELED TO ALICE, TEXAS ON 11/22/15 TO ATTEND THE 2015 DISTRICT 12 4-H CONSUMER DECISION MAKING CONTEST.
- (SS) JUSTICE OF THE PEACE PCT. 3-1 OFFICE STAFF (1): COURT ADMINISTRATOR BRENDA JALOMO TO TRAVEL TO SAN ANTONIO, TEXAS ON 03/21 TO 03/23/16 TO ATTEND THE 16 HOUR EXPERIENCED COURT PERSONNEL SEMINAR.

- (TT) **TREASURER DAVID A. BETANCOURT TO TRAVEL TO AUSTIN, TEXAS ON 4/22/16 TO ATTEND THE 44TH ANNUAL TREASURER'S SEMINAR.**
- (UU) **CONSIDERATION AND ADOPTION OF A RESOLUTION HONORING THE BOARD OF DIRECTORS AND STAFF OF WORKFORCE SOLUTIONS CAMERON FOR EARNING A TOTAL OF \$130,000 IN TEXAS WORKFORCE COMMISSION INCENTIVE AWARDS AND THE STATEWIDE EXEMPLARY RECOGNITION AWARD FROM THE TEXAS WORKFORCE COMMISSION FOR FISCAL YEAR 2015 AGENCY PERFORMANCE. (PSJ-COUNTY JUDGE) (ACTION TAKEN SEPARATELY)**

CONSENT ITEMS

(2) **CONSENT ITEMS.**

- (A) **CONSIDERATION AND AUTHORIZATION FOR COUNTY JUDGE TO SIGN LETTER TO U.S. CITIZENSHIP AND IMMIGRATION SERVICES REGARDING AN EB-5 DESIGNATION OF TARGETED EMPLOYMENT AREA FOR SOUTH PADRE ISLAND. (DAG-COUNTY ADMINISTRATOR)**

Commissioner Dominguez motioned to approve authorization for County Judge to sign letter to U.S. Citizenship and Immigration Services regarding an EB-5 Designation of targeted employment area for South Padre Island.

The motion was seconded by Commissioner Garza and carried unanimously.

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- (B) **CONSIDERATION AND APPROVAL OF CHANGE ORDER NO. 3 TO US 77/83 SOUTH PARALLEL CORRIDOR ROAD PROJECT. (DAG-COUNTY ADMINISTRATOR)**

Commissioner Garza motioned to approve Change Order No. 3 to US 77/83 South Parallel Corridor Road Project.

The motion was seconded by Commissioner Benavides and carried unanimously.

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- (J) **CONSIDERATION AND AUTHORIZATION OF TIME EXTENSION FROM NOVEMBER 30, 2015 TO NOVEMBER 30, 2017 FOR PROVIDING SEWER FACILITIES (SEPTIC SYSTEMS) FOR LA SIESTA PHASE I SUBDIVISION, PCT. 4. (CAS-CCD~~o~~T ENG)**

- (K) **CONSIDERATION AND AUTHORIZATION FOR FINAL PLAT APPROVAL FOR RODRIGUEZ ESTATE NO. 1 SUBDIVISION, LOT 1, BLOCK 1, BEING A 6.744 ACRE TRACT OF LAND, MORE OR LESS, OUT OF THE EASTERN ONE THIRD, AND MIDDLE ONE THIRD OF THE NARANJO TRACT, SAID NARANJO TRACT BEING TRACT NO. 1 AS SHOWN ON THE MAP OF THE PARTITION OF THE JULIAN VERA LANDS OUT OF THE SAN PEDRO GRANT, CAMERON COUNTY, TEXAS AS RECORDED IN VOLUME 6, PAGE 36, OF THE CAMERON COUNTY MAP RECORDS. SAID 6.744 ACRE TRACT, DESCRIBED IN THE OFFICIAL RECORDS IN VOLUME 18664, PAGE 253, OF THE CAMERON COUNTY OFFICIAL RECORDS, CAMERON COUNTY, TEXAS, PCT. 4. (CAS-CCD~~o~~T-ENG)**

Commissioner Garza motioned to approve Consent Items No. 2 (J) and (K).

The motion was seconded by Commissioner Sanchez and carried unanimously.

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- (L) CONSIDERATION AND APPROVAL TO PURCHASE A NEW 1 SAMSUNG GALAXY S5 CELL PHONE AND ACTIVATION OF LINE FOR THE CAMERON COUNTY 444TH DISTRICT COURT/VETERANS TREATMENT COURT COORDINATOR, AS PER AT&T TDIR CONTRACT DIR-SDD-1777. (DAS-CAMERON COUNTY VETERANS TREATMENT COURT) (TABLED)**

Commissioner Dominguez motioned to TABLE this item.

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

AYE: Commissioner Benavides, Commissioner Dominguez, Commissioner Garza, and Judge Sepulveda

NAY: None

ABSTAIN: Commissioner Sanchez

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- (N) CONSIDERATION AND APPROVAL OF THE IN BUILDING SERVICE ENHANCEMENT METROCELL AGREEMENT. (AZ-COMPUTER CENTER)**

Commissioner Dominguez motioned to approve the In Building Service Enhancement Metrocell Agreement.

The motion was seconded by Commissioner Garza and carried unanimously.

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- (DD) CONSIDERATION AND AUTHORIZATION TO EXECUTE CHANGE ORDER NO. 6 (CHANGE ORDER NO. 2015O12059) FOR A TIME EXTENSION TO CONTRACT NO. 2014C12430 WITH CLEAN AIR SOLUTIONS (CAS) FOR THE SEA RANCH RESTAURANT – EXTERIOR CLADDING RENOVATION. (JEV-PARKS)**

Commissioner Garza motioned to approve Change Order No. 6 for a Time Extension to Contract No. 2014C12430 with Clean Air Solutions (CAS) for the Sea Ranch Restaurant – Exterior Cladding Renovation.

The motion was seconded by Commissioner Dominguez and carried unanimously.

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- (GG) CONSIDERATION AND APPROVAL TO REINSTATE THE SHERIFF’S COMMUNITY SERVICE PROGRAM UTILIZING ONE OFFICER TO SUPERVISE UP TO SIX INMATES TO BE FULLY STAFFED AND FUNDED THROUGH THE INMATE COMMISSARY PROCEEDS. (OL-SHERIFF)**

Commissioner Sanchez motioned to approve to reinstate the Sheriff’s Community Service Program utilizing one officer to supervise up to six inmates to be fully staffed and funded through the Inmate Commissary Proceeds.

The motion was seconded by Commissioner Garza and carried unanimously.

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- (UU) **CONSIDERATION AND ADOPTION OF A RESOLUTION HONORING THE BOARD OF DIRECTORS AND STAFF OF WORKFORCE SOLUTIONS CAMERON FOR EARNING A TOTAL OF \$130,000 IN TEXAS WORKFORCE COMMISSION INCENTIVE AWARDS AND THE STATEWIDE EXEMPLARY RECOGNITION AWARD FROM THE TEXAS WORKFORCE COMMISSION FOR FISCAL YEAR 2015 AGENCY PERFORMANCE. (PSJ-COUNTY JUDGE)**

Commissioner Dominguez motioned to adopt a Resolution honoring the Board of Directors and staff of Workforce Solutions Cameron for earning a total of \$130,000 in Texas Workforce Commission Incentive Awards and the Statewide Exemplary Recognition Award from the Texas Workforce Commission for Fiscal Year 2015 Agency Performance.

The motion was seconded by Commissioner Garza and carried unanimously.

ACTION ITEMS

(3) **ACTION ITEMS.**

- (D) **DISCUSSION AND POSSIBLE ACTION REGARDING THE FIXING AMERICA'S SURFACE TRANSPORTATION ACT (FAST ACT). (PSJ-COUNTY JUDGE)**

Commissioner Sanchez motioned to acknowledge the presentation regarding the Fixing America's Surface Transportation Act (Fast Act).

The motion was seconded by Commissioner Garza and carried unanimously.

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- (E) **DISCUSSION AND POSSIBLE APPROVAL OF AN INTERLOCAL AGREEMENT BETWEEN CAMERON COUNTY AND THE CITIES OF HARLINGEN AND SAN BENITO TO FINANCE A COLD STORAGE FACILITY AT THE FREE TRADE BRIDGE AT LOS INDIOS. (DAG-COUNTY ADMINISTRATOR)**

Commissioner Sanchez motioned to approve the Interlocal Agreement between Cameron County and the Cities of Harlingen and San Benito to finance a cold storage facility at the Free Trade Bridge at Los Indios, subject to adding language such that the Harlingen EDC will be taking the lead on the procurement and construction.

The motion was seconded by Commissioner Garza and carried unanimously.

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- (F) **CONSIDERATION AND POSSIBLE APPROVAL TO CREATE FIVE (5) NEW JAILER POSITIONS FOR THE OLD COUNTY JAIL. (DAG-COUNTY ADMINISTRATOR)**

Commissioner Garza motioned to approve to create five (5) new Jailer Positions for the Old County Jail, with the condition that lapsed salaries, within the department, will be utilized and a budget review will be conducted for next Fiscal Year.

The motion was seconded by Commissioner Sanchez and carried unanimously.

(G) CONSIDERATION AND APPROVAL OF THE 2015-2016 GENERAL FUND EQUIPMENT LIST. (XV-DEPUTY COUNTY ADMINISTRATOR)

Commissioner Garza motioned to approve the 2015-2016 General Fund Equipment List.

The motion was seconded by Commissioner Benavides and carried unanimously.

(H) CONSIDERATION AND AUTHORIZATION TO CREATE JOB SLOT NO. 1 TITLED SAFETY RISK OFFICER AND TO FUND THE SLOT FROM FUND/DEPARTMENT 301-4020. (GEJ-ADMINISTRATIVE SERVICES)

Commissioner Garza motioned to approve authorization to create Job Slot No. 1 titled Safety Risk Officer and to fund the Slot from Fund/Department 301-4020.

The motion was seconded by Commissioner Benavides and carried unanimously.

(I) CONSIDERATION AND APPROVAL OF PERSONAL SERVICE AGREEMENT BETWEEN CAMERON COUNTY AND CONTRACTORS OPERATING UNDER SOUTH TEXAS PARTNERSHIP, SOUTHWEST BORDER HIGH INTENSITY DRUG TRAFFICKING AREA (HIDTA). (MG-AUDITOR)

Commissioner Sanchez motioned to approve the Personal Service Agreement between Cameron County and Contractors operating under South Texas Partnership, Southwest Border High Intensity Drug Trafficking Area (HIDTA).

The motion was seconded by Commissioner Garza and carried unanimously.

(J) CONSIDERATION AND AUTHORIZATION TO UTILIZE JOB ORDER CONTRACT BUYBOARD NO. 464-14 WITH SPAWGLASS CONTRACTORS INC. FOR PHASE I OF THE DANCY BUILDING RESTORATION PROJECT TO INCLUDE ROOF REPLACEMENT AND EXTERIOR WINDOWS RESTORATION. (DV-CCD&T-FACILITIES MANAGEMENT)

Commissioner Dominguez motioned to approve authorization to utilize Job Order Contract Buyboard No. 464-14 with Spawglass Contractors Inc. for Phase I of the Dancy Building Restoration Project to include Roof Replacement and Exterior Windows Restoration.

The motion was seconded by Commissioner Garza and carried unanimously.

(K) CONSIDERATION AND ACTION REGARDING EARLY VOTING SITES, DATES AND TIMES FOR THE UPCOMING PRIMARY ELECTION TO BE HELD MARCH 1, 2016. (RG-ELECTIONS)

Mr. Remi Garza, Elections Administrator, presented a draft of the Early Voting Sites, Dates and Times for the upcoming Primary Election to be held March 1, 2016. He then presented the following recommendations: 1) adding the City of Rancho Viejo for one week on the second week of Early Voting; 2) reconsidering the Riverside Middle School location and changing the dates and times to Saturday, February 20th (8:00 a.m. to 8:00 p.m.), and Sunday, February 21st (10:00 a.m. to 6:00 p.m.); and 3) adding a second location in Harlingen with said location being either the Old Federal Building or the Harlingen Public Library.

Commissioner Dominguez motioned to approve the Early Voting Sites, Dates and Times for the upcoming Primary Election to be held March 1, 2016 with the recommendations as stated by the Elections Administrator.

The motion was seconded by Commissioner Garza and carried unanimously.

(N) DISCUSSION AND POSSIBLE ACTION RESPECTING THE EXISTING CONTRACTS BETWEEN THE COUNTY AND THE TEXAS DEPARTMENT OF AGRICULTURE, EAST RIO HONDO WATER SUPPLY CORPORATION AND THE NORTH ALAMO WATER SUPPLY CORPORATION AND ALSAY, INC., THE WATER WELL CONTRACTOR, WHOSE PERFORMANCE BOND IS WITH ARGONAUT INSURANCE COMPANY. (BWH-LEGAL) (TABLED)

Commissioner Garza motioned to TABLE this item.

The motion was seconded by Commissioner Sanchez and carried unanimously.

(P) DISCUSSION AND POSSIBLE ACTION WITH RESPECT TO THE NEW TEXAS OPEN CARRY LEGISLATION HOUSE BILL 910 EFFECTIVE JANUARY 1, 2016 WHICH WILL AUTHORIZE THOSE WITH A HANDGUN LICENSE TO OPENLY CARRY A HOLSTERED HANDGUN, EXCEPT WHEN IN SOME RESTRICTED PUBLIC SPACES, SUCH AS COURTS, AND PRIVATE BUSINESSES AT THE DISCRETION OF THE OWNERS, INCLUDING PROVISIONS OF NEW LAW, REQUIREMENTS AND RESTRICTIONS INCLUDING SPECIFIC WORDING OF SIGNAGE. (JAG-LEGAL)

Mr. Juan Gonzalez, Legal Counsel, gave a PowerPoint Presentation as to the “New Texas Open Carry Legislation House Bill 910” which included General Information, Obtaining a License, Texas Penal Code §46.035, Signage-Private Business, Exceptions, Signage-Private Property, SB 273-84th Legislature, Signage Requirements §30.06, Signage Requirements §30.07, Places Weapons Prohibited, and Unlawful Carrying of a Handgun by a License Holder.

Commissioner Garza inquired as to the rights of County employees as it relates to open carry and concealed

carry.

Mr. Gonzalez replied that he has been in communication with the Harris County District Attorney, the Houston Police Department, and the City of Houston. He noted that the attorneys at the City of Houston plan to implement rules for their office such that their employees are not allowed to have either concealed or open carry weapons on the jobsite and it will be a term and condition of their employment.

Mr. Gonzalez advised the Court that the County has no current policy prohibiting employees from concealed or open carry at work; however the Court could enact a policy if they so choose.

Commissioner Garza motioned to authorize Legal Counsel to contact the Texas Association of Counties regarding this matter, to consult with the Human Resources Department in order to discuss recommendations for future policies in regards to the various County departments and offices, and to look into the issue of employees carrying concealed or open carry weapons.

The motion was seconded by Commissioner Dominguez and carried unanimously.

(Q) CONSIDERATION AND APPROVAL OF RESOLUTION NO. 2015R12073 ADOPTING BEACH USER FEE SCHEDULE FOR THE CAMERON COUNTY COASTAL PARKS LOCATED ON SOUTH PADRE ISLAND. (JEV-PARKS)

Commissioner Garza motioned to approve Resolution No. 2015R12073 Adopting Beach User Fee Schedule for the Cameron County Coastal Parks located on South Padre Island.

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

AYE: Commissioner Garza, Commissioner Sanchez, and Judge Sepulveda

NAY: Commissioner Benavides and Commissioner Dominguez

(R) CONSIDERATION AND POSSIBLE ACTION TO INCREASE PARK USER FEES AT ADOLPH THOMAE, JR. COUNTY PARK. (JEV-PARKS)

Commissioner Garza motioned to approve to increase Park User Fees at Adolph Thomae, Jr. County Park.

The motion was seconded by Judge Sepulveda and carried unanimously.

(S) CONSIDERATION AND APPROVAL OF RESOLUTION NO. 2015R20754 ADOPTING PARK USER FEE SCHEDULE FOR THE ADOLPH THOMAE, JR. COUNTY PARK. (JEV-PARKS)

Commissioner Garza motioned to approve Resolution No. 2015R120754 Adopting Park User Fee Schedule for the Adolph Thomae, Jr. County Park.

The motion was seconded by Judge Sepulveda and carried unanimously.

(T) CONSIDERATION AND AUTHORIZATION TO AWARD BIDS/RFP'S/RFQ'S FOR THE FOLLOWING: (MF-PURCHASING)

- a. CONSULTING SERVICES FOR PREPARATION OF APPLICATIONS, IMPLEMENTATION AND DISTRIBUTION OF FEDERAL RESOURCES AND ECOSYSTEMS SUSTAINABILITY, TOURIST OPPORTUNITIES, AND REVIVED ECONOMIES (RESTORE) OF THE GULF COAST STATES ACT DOLLARS – RFQ NO. 150903.**

Mr. Mike Forbes, Purchasing Agent, recommended awarding the RFQ to S&B Infrastructure.

Commissioner Garza motioned to approve as recommended.

The motion was seconded by Commissioner Sanchez and carried unanimously.

SUPPLEMENTAL AGENDA #2

(1) PUBLIC COMMENTS.

None were presented.

ACTION ITEMS

(1) ACTION ITEMS.

- (A) DISCUSSION OF THE “RESIGN TO RUN,” “HOLDOVER” AND “APPOINTMENT POWER” LAW IN THE CONTEXT OF A SITTING COUNTY COMMISSIONER WHO ANNOUNCES A RUN FOR A COUNTY JUDGESHIP. (AD-COMMISSIONER PCT. 2)**

Mr. Bruce Hodge, Chief Legal Counsel: “It’s really pretty simple. When any member of the Court decides to announce, or run for a different office, the law says that he automatically resigns. At that point there is a vacancy in that position, but the Constitution of the State of Texas requires that person to holdover in that position until his successor is qualified, bonds, takes the oath and assumes the office; that is called the holdover position. So you got the resign to run, which would happen when you announce for a different office, and you have the holdover obligation of the Constitution to assure that the continuity of the government goes on and then the law, both the Constitution and in the statutes, say that where a sitting Commissioner does that, the County Judge is the one to replace or to appoint a replacement. Now there’s two statutes involved that we can draw some knowledge from and some AG (Attorney General) Opinions, but what they boil down to is law pertaining to the discretionary judgment of the appointing authority and to me, in my opinion, it does not make a great deal of difference whether it’s the Commissioners’ Court, as a whole, appointing a replacement for a resigning County Judge or a County Judge, in his own right, in his prerogative, deciding to appoint the successor when a Commissioner has resigned to run or otherwise vacated his office. They are both discretionary matters. They are clearly not ministerial matters. Which

means that they are non-mandamisable matters and because of that, and because the statutes and the Constitution do not prescribe what happens in penalty terms in the event that, you know, the replacement is not immediately appointed, the so-called “shall” language that is found in the statute pertaining to a County Judge who is required to appoint a successor, it is considered to be directory as opposed to mandatory; and so as he presently sits here today in this Court, Judge Sepulveda has the prerogative to appoint or not appoint a successor for the time being. He is not under any time constraint under law to act on that. In his judgment if he believes that it’s in the best interest of the County for him to leave this situation as it is until the people vote and select someone from Precinct 4; he would have that opportunity if he decided he wanted to intervene, he might go ahead and do so, but he is not compelled and it should be clear to everyone who is concerned about this that he is acting within his legal authority to await the day when he decides that he will act. Until he does so, it is his prerogative and limited only by his own judgment. So, that’s what it boils down to. That is the power of appointment part of this item that I was asked to put on. So, unless there are some questions about that, I mean I got detail authority...”

Commissioner Garza: “That’s regardless of whether he was elected or appointed?”

Mr. Hodge: “It is absolutely. He is just as qualified as a County Judge, appointed as he would be as elected.”

Commissioner Garza: “So, you know, because there’s been a lot of misinformation.”

Mr. Hodge: “Yes, sir.”

Commissioner Garza: “I’ve been giving the answer you just gave us to everyone that asked me the question. So, I guess it’s...”

Mr. Hodge: “That’s the way it is.”

Commissioner Dominguez: “The other only thing would be the Attorney General’s Opinions that I received and I think you’ve reviewed; those don’t in any way compel any kind of timeline decision by the County Judge?”

Mr. Hodge: “No. There’s not a whole a lot out there, specifically on the County Judge situation.”

Commissioner Dominguez: “I guess the reason why I ask is at what point then does the statute have any teeth?”

Mr. Hodge: “Well that’s...”

Commissioner Garza: “At the point that the County Judge wants it to have teeth.”

Mr. Hodge: “That’s part of the thinking on it, if you read the Bianchi case, which is that case; I think it was out of San Patricio County...”

Commissioner Garza: “I’m glad you’re there, not me.”

Mr. Hodge: "I'm sorry, did you have something..."

Commissioner Garza: "I'm telling Pete (Sepulveda) he does whatever he wants, whenever he wants without regards to any of our thoughts or opinions."

Mr. Hodge: "Well, it's not a Commissioners' Court decision. The law is clear that it is the County Judge that makes this decision; and so what law is out there on this subject - most of what my opinion is based on comes from the Bianchi case and that was a Commissioners' Court appointment situation, rather than a County Judge."

Commissioner Dominguez: "Was it an appointment of the County Judge?"

Mr. Hodge: "No."

Commissioner Dominguez: "What was the Commissioners' Court appointment?"

Mr. Hodge: "It was an appointment of a County Attorney who decided to resign and run for a County Court at Law position, but I would suggest to you that what we have in law is going to be the equivalent either way, okay. That's the long and the short of it."

Commissioner Dominguez: "Okay."

Commissioner Dominguez motioned to acknowledge the discussion.

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

AYE: Commissioner Benavides, Commissioner Dominguez, Commissioner Garza, and Judge Sepulveda

NAY: None

ABSTAIN: Commissioner Sanchez

EXECUTIVE SESSION

Upon motion by Commissioner Benavides, seconded by Commissioner Dominguez and carried unanimously, the Court met in Executive Session at 1:02 P.M. to discuss the following matters:

(5) EXECUTIVE SESSION:

(A) CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL REGARDING LEGAL ISSUES REGARDING THE COUNTY'S GRANT CONTRACT WITH THE TEXAS DEPARTMENT OF AGRICULTURE, AND THE COUNTY'S GRANT ADMINISTRATION AGREEMENT WITH EAST RIO HONDO WATER SUPPLY CORPORATION AND NORTH ALAMO WATER SUPPLY CORPORATION AND THE COUNTY'S WATER WELL CONTRACT WITH ALSAY, INC. AND THE RESPONSE OF ARGO SURETY, ALSAY'S BOND COMPANY TO OUR RECENT NOTICE LETTER, AS AUTHORIZED BY GOV'T CODE SECTION 551.071 (1)(A) AND (B) AND (2).

(B) CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL REGARDING POSSIBLY FILING A LAWSUIT AGAINST VOLKSWAGEN FOR AIR POLLUTION VIOLATIONS AND POSSIBLY HIRING OUTSIDE COUNSEL TO REPRESENT THE COUNTY AS PERMITTED BY V.T.C.A. GOV'T CODE SECTION 551.071(1) (A) & (2).

- (C) **CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL REGARDING THE TOMPKINS VS. CAMERON COUNTY CASE, CAUSE NO. 2009-10-5624-B, IN THE 138TH DISTRICT COURT, POSSIBLE SETTLEMENT OF THE CASE, THE LEGAL STATUS OF THE CASE, RECOMMENDATIONS FOR CONTINUED HANDLING, AND LEGAL ISSUES PERTAINING THERETO, PURSUANT TO V.T.C.A GOVERNMENT CODE, SECTION 551 .071 (1)(A)(B) AND (2).**
- (D) **CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL CONCERNING THE NEW TEXAS OPEN CARRY LEGISLATION HOUSE BILL 910 EFFECTIVE JANUARY 1, 2016 WHICH WILL AUTHORIZE THOSE WITH A HANDGUN LICENSE TO OPENLY CARRY A HOLSTERED HANDGUN, EXCEPT WHEN IN SOME RESTRICTED PUBLIC SPACES, SUCH AS COURTS, AND PRIVATE BUSINESSES AT THE DISCRETION OF THE OWNERS, INCLUDING PROVISIONS OF NEW LAW, REQUIREMENTS AND RESTRICTIONS INCLUDING SPECIFIC WORDING OF SIGNAGE AND RECOMMENDATIONS PURSUANT TO V.T.C.A. GOV'T CODE SECTION 551.071(1)(A)&(2).**

Upon motion by Commissioner Sanchez, seconded by Commissioner Benavides and carried unanimously, the Court reconvened into Regular Session at 1:37 P.M. to discuss the following matters:

(6) ACTION RELATIVE TO EXECUTIVE SESSION:

- (A) **CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL REGARDING LEGAL ISSUES REGARDING THE COUNTY'S GRANT CONTRACT WITH THE TEXAS DEPARTMENT OF AGRICULTURE, AND THE COUNTY'S GRANT ADMINISTRATION AGREEMENT WITH EAST RIO HONDO WATER SUPPLY CORPORATION AND NORTH ALAMO WATER SUPPLY CORPORATION AND THE COUNTY'S WATER WELL CONTRACT WITH ALSAY, INC. AND THE RESPONSE OF ARGO SURETY, ALSAY'S BOND COMPANY TO OUR RECENT NOTICE LETTER, AS AUTHORIZED BY GOV'T CODE SECTION 551.071 (1)(A) AND (B) AND (2). (TABLED)**

Commissioner Benavides motioned to TABLE this item.

The motion was seconded by Commissioner Sanchez and carried unanimously.

- (B) **CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL REGARDING POSSIBLY FILING A LAWSUIT AGAINST VOLKSWAGEN FOR AIR POLLUTION VIOLATIONS AND POSSIBLY HIRING OUTSIDE COUNSEL TO REPRESENT THE COUNTY AS PERMITTED BY V.T.C.A. GOV'T CODE SECTION 551.071(1) (A) & (2).**

Commissioner Sanchez motioned to acknowledge the Report and to proceed as discussed in Executive Session.

The motion was seconded by Commissioner Benavides and carried unanimously.

Commissioner Garza announced that he was not present during the discussions concerning Executive Session Item No. 6 (B).

- (C) **CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL REGARDING THE TOMPKINS VS. CAMERON COUNTY CASE, CAUSE NO. 2009-10-5624-B, IN THE 138TH DISTRICT COURT, POSSIBLE SETTLEMENT OF THE CASE, THE LEGAL STATUS OF THE CASE, RECOMMENDATIONS FOR CONTINUED HANDLING, AND LEGAL ISSUES PERTAINING THERETO, PURSUANT TO V.T.C.A GOVERNMENT CODE, SECTION 551 .071 (1)(A)(B) AND (2).**

Commissioner Sanchez motioned to acknowledge the Report.

The motion was seconded by Commissioner Benavides and carried unanimously.

- (D) **CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL CONCERNING THE NEW TEXAS OPEN CARRY LEGISLATION HOUSE BILL 910 EFFECTIVE JANUARY 1, 2016 WHICH WILL AUTHORIZE THOSE WITH A HANDGUN LICENSE TO OPENLY CARRY A HOLSTERED HANDGUN, EXCEPT WHEN IN SOME RESTRICTED PUBLIC SPACES, SUCH AS COURTS, AND PRIVATE BUSINESSES AT THE DISCRETION OF THE OWNERS, INCLUDING PROVISIONS OF NEW LAW, REQUIREMENTS AND RESTRICTIONS INCLUDING SPECIFIC WORDING OF SIGNAGE AND RECOMMENDATIONS PURSUANT TO V.T.C.A. GOV'T CODE SECTION 551.071(1)(A)&(2). (TABLED)**

Commissioner Sanchez motioned to TABLE this item.

The motion was seconded by Commissioner Garza and carried unanimously.

ACTION ITEMS

(3) **ACTION ITEMS.**

- (O) **DISCUSSION AND POSSIBLE ACTION TO APPROVE RESOLUTION AND RETAINER AGREEMENT FOR HIRING OUTSIDE COUNSEL IN THE VOLKSWAGEN LITIGATION. (BWH-LEGAL) (TABLED)**

Commissioner Benavides motioned to TABLE this item.

The motion was seconded by Commissioner Dominguez and carried unanimously.

There being no further business to come before the Court, upon motion by Commissioner Benavides, seconded by Commissioner Garza _and carried unanimously, the meeting was **ADJOURNED** at 1:38 P.M.

APPROVED this 26th day of **January 2016**

PETE SEPULVEDA, JR.
COUNTY JUDGE

ATTEST:

SYLVIA GARZA-PEREZ,
COUNTY CLERK AND EX-OFFICIO CLERK
OF THE COMMISSIONERS' COURT OF
CAMERON COUNTY, TEXAS