

THE STATE OF TEXAS :
COUNTY OF HIDALGO :

BE IT REMEMBERED that on the 17TH day of
AUGUST, 1993, after due notice having been given, there was
begun and holden, a SPECIAL MEETING of the Commissioners' Court
in the Commissioners' Courtroom of the Administration Building
in the City of Edinburg, Hidalgo County, Texas with the
following members of said Court present and participating:

Hon. J. Edgar Ruiz
County Judge

Hon. Samuel Sanchez
County Commissioner, Precinct #1

Hon. Lalo Arcaute
County Commissioner, Precinct #2

Hon. Juan Rosel
County Commissioner, Precinct #3

Hon. Leonard Camarillo
County Commissioner, Precinct #4

WHEREUPON, the following proceedings

were had, to-wit:

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AUGUST 17, 1993

The Honorable J. Edgar Ruiz, County Judge, called the Commissioners' Court meeting to order whereupon the following proceedings were had, to-wit:

The County Judge began by announcing that there would be a Workshop at 1:30 PM this afternoon. The reason for the Workshop would be to discuss some of the problems that were associated with the recent flooding, with presentations by both the Planning and the Drainage Departments.

Judge Ruiz then made some comments regarding the recent public hearing that was held regarding an amendment to our landfill permit, Permit #1593 from the Texas Water Commission. Commissioner Camarillo then elaborated on the actual proceedings and stated that this was just a preliminary hearing, that the formal hearing would be held in Austin, on the 28th of October. Commissioner Camarillo also added that there had been several acts of vandalism in the landfill area.

The County Judge then continued by stating that a request had been made by the County for emergency funds due to the flooding, which resulted from Tropical Storm Arlene, and that request had been denied, for the South Texas area. He stated that the Government didn't see the flooding, in this area, as an emergency and thus it was denied by FEMA. He then continued by stating that he felt that we would have to look for alternative measures to assist the citizens of this area.

Judge Ruiz then gave a brief explanation of his and Commissioner Rosel's meeting, in New Mexico, regarding the relations with the U.S. Government and the Mexican Government. He stated that of interest was the discussion held regarding international bridges, by technicians of both countries. He stated that many structural improvements were being proposed along the border, from San Diego, California to Brownsville, Texas. One of the main concerns, which would affect this area, was the feeling by those present, that a third bridge was needed, along this area. He then stated that he had requested that Mr. George McVea be present at a Workshop to give a brief presentation on this proposal. The County Judge added that this issue was also discussed with regards to the North American Free Trade Agreement.

Lastly, the County Judge announced that the Doot Camp would have an open house tomorrow at 5:30 PM and the public was invited.

CONSENT AGENDA

ITEM 1. APPROVAL OF BILLS - County Auditor
 General Fund - #91623 - #91843 - \$942,153.12
 Special Revenue Fund - #89505 - #89855 - \$756,337.24
 Debt Service Fund - # 892 - # 895 - \$340,231.90
 Trust and Agency Fund - # 3630 - # 3649 - \$330,216.86
 Enterprise Fund - # 1560 - # 1575 - \$ 12,484.83
 (SEE "EXHIBIT A")

ITEM 2. APPROVAL OF MONTHLY FEE REPORTS:
 A. County Clerk - \$180,661.98 - July
 B. Justice of the Peace:

(08/17/93)

0151-185A
2

1. Adan Caballero - \$2,853.00 - July
2. Guadalupe Garces - \$9,800.95 - " "
3. Jesus Morales - \$2,237.50 - " "
- C. Anzalduas Park - \$11,508.00 - July
- D. D.A. Processing:
 - I. Merchants:
 - A. Total Restitution Pd/Disbursed this Month - \$53,397.35
 - B. Total Merchant Fees Collected/Disbursed this Month - \$5,670.00
 - II. Processing Fees:
 - A. Total Processing Fees Collected this Month - \$9,594.44
 - B. Total Processing Fees Collected by the A. Probation Office for the D.A.'s Office - \$496.00
 - III. Interest:
 - A. Total Interest Pd. by the Bank for June 93 - \$73.64
 - B. Current Year/to/date Interest from Bank - \$428.38
 - IV. Other:
 - A. Total Refunds Pd. this Month - \$25.43
 - B. Total Reissued Checks made this Month - \$0.00

(SEE "EXHIBIT B")

ITEM 3. APPROVAL OF OFFICIAL BONDS:

- A. Juan Garza III - Deputy Constable - Pct. #3
- (SEE "EXHIBIT C")

0151 1988

- ITEM 4. INTERNAL FINE ITEM TRANSFERS:
- A. Adult Probation Restitution Center - \$1,100.00
 - B. J.P. Pct. #2 Pl. 1 - Ruben Ramon - \$128.00
 - C. Tax Assessor Collector - \$500.00
 - D. Traffic Control - \$12.56
 - E. County Court at Law #1 - \$1,600.00
 - F. Election - \$3,823.32
 - G. Buildings and Grounds - \$110.00
 - H. Financial Disruption Task Force - \$820.00
 - I. District Attorney (G.F.) - \$8,800.00

(SEE "EXHIBIT D")

ITEM 5. PLANNING DEPARTMENT:

- A. Lots 44a & 46a, Heritage Manor No. 2 Subdivision Amended - Pct. #2
- B. Tesoro Subdivision - Pct. #2
- C. La Joya Whataburger Subdivision - Pct. #3

(SEE "EXHIBIT E")

Judge Ruiz went through the Consent Agenda briefly after which he asked the Commissioners if they had any questions and/or comments on the Consent Agenda. There being none, a motion was made by Commissioner Arcaute, seconded by Commissioner Rosel, to approve the Consent Agenda, as presented.

MOTION CARRIED.
SEE "EXHIBITS A-E"

REGULAR AGENDA

ITEM 1. RESOLUTION DESIGNATING SEPTEMBER AS POLLUTION PREVENTION MONTH

Judge Ruiz began by stating that the Development Council has taken an active part in providing alternative and innovative ideas in preventing pollution within our County. He then explained some of the ways the Council has been doing this and he requested approval of this resolution. A motion was made by Commissioner Rosel, seconded by Commissioner Camarillo, to approve the resolution declaring September as "Pollution Prevention Month".

MOTION CARRIED.
SEE "EXHIBIT F"

ITEM 2. CONSIDERATION OF REQUEST OF DISCARDED LAW BOOKS - JOY EAVES

NO ACTION.
SEE "EXHIBIT G"

ITEM 3. HEALTH DEPARTMENT:

A. Discussion, modification and possible adoption of proposed environmental policies

Dr. Charles Wilson, Health Director, came before the Court and presented some policies regarding animal wardens and bee control eradicators. He explained that they had brought these previously to Commissioners' Court and due to his absence no action had been taken at that time. He felt that in order to protect both the Health Department and the County, there should be "something in writing, as a guideline for what we were going to do, in terms of animal control and bee eradication". He then presented his proposals, beginning with animal control.

He then read from a list of six policies that he was proposing. after which a question arose regarding the term "all strays" as mentioned in one of the policies proposed by Dr. Wilson. One of the concerns was if the Health Department would be able to comply with the present staff and budget and Dr. Wilson stated that presently their animal wardens were taking turns being on call for twenty-four hours. After a brief discussion, Dr. Wilson agreed to change the term to from "all strays" to "strays". Commissioner Sanchez then addressed the problem of carcasses, including those of cows and horses, and Dr. Wilson commented that the Sheriff's Department was in charge of taking care of larger carcasses, unless it became a health problem. Judge Ruiz then came back to number two, on the proposed policies, and recommended that it be changed to "the County's animal warden has the authority to pick up any stray on public property", for liability purposes. After further discussion and more clarification, a motion was made by Commissioner Rosel, seconded by Commissioner Arcaute, to approve a policy, under animal wardens, for, solely, cats and dogs, that are considered strays and defined by this policy, that we give authority for the animal warden to actually have the authority to pick up any animal that is in public property or is considered a stray; that they cannot go into private property, that if they have bitten a human, that they'll will be taken to the humane society and kept for ten days for observation; that we will have an animal warden on call for twenty-four hours solely for responses to serious emergencies where a human has actually been bitten and that there will be a schedule of wardens given to the Sheriff's Office, so

that they can respond.

MOTION CARRIED.
SEE "EXHIBIT H"

Dr. Wilson then presented his proposed policies regarding bees. He stated that they had been having many calls on bees, due to the public not knowing what kinds of bees can be handled safely, by a bee eradicator. The Doctor then went on to explain the difference between free and established swarms. He stated that free swarms were easier to take care off, whereas established swarms are more defensive. Dr. Wilson stated that only open swarms would be eradicated by the Health Department and that established hives needed to be taken care of by a certified pest control agency. He continued by saying that "the bee eradicator will deal with swarms only outside the incorporated city limits of a town or city unless it is an emergency or in a small town without a fire department". Judge Ruiz then recommended that the term "fire department" be left out due to ongoing discussions with the fire departments regarding payment, from the County, for the eradication of bees. A discussion then continued as to the difference between wasps and bees, with Dr. Wilson stating that the bee eradicator would make an assessment of a problem before he would take any action in the eradication of bees. After further discussion, a motion was made by Commissioner Rosel, seconded by Commissioner Camarillo, to approve a bee eradication policy for the rural area, in Hidalgo County, as amended.

MOTION CARRIED.
SEE "EXHIBIT H"

- ITEM 4. ADULT PROBATION DEPARTMENT/BOOT CAMP:
- A. Approval of Pharmacy License Application
 - B. Approval of Lease Agreement between Hidalgo County and Hidalgo County Adult Probation Department

4/A

Joe Lopez, Adult Probation Director, came before the Court requesting approval of a pharmacy license application, for the Boot Camp. He felt that there should be an in-house pharmacy at the Boot Camp and he will contract with the individual that is currently working for the Health Department. He mentioned that they had originally tried to apply for a Class D license, but after some research it was found that they could not apply for this type of license. So, now he was requesting to apply for a Class C license. Mr. Lopez continued by saying that the only one who would be authorized to dispense this medication would be the pharmacist and only with orders from the doctor, Dr. Marin Garza. After further discussion, a motion was made by Commissioner Arcaute, seconded by Commissioner Camarillo, to authorize the application for pharmaceutical license, within the Boot Camp Facility.

MOTION CARRIED.
SEE "EXHIBIT I"

4/B

Mr. Lopez stated that this was the agreement that was reached between the County and the Probation Department. It was written by Stephen Crane and it was negotiated with the Legal Counsel for the Community Justice Assistance Division. This contract, he stated further, is effective July 1, 1993 through July 1, 2003. Basically, the contract called for an amount of \$3,355.72 per month and included in this fee would be a \$500.00 maintenance fee, but the County would still be responsible for certain things, being the roof and the structural soundness of the building. After a brief discussion, regarding the maintenance portion of the contract, a motion was made by Commissioner Camarillo, seconded by Commissioners Rosel and Arcaute, to ap-

prove the lease agreement, as presented.

MOTION CARRIED.
SEE "EXHIBIT I"

ITEM 5. DECLARE EQUIPMENT SURPLUS:
A. Computer Equipment - Tax Office

A motion was made by Commissioner Arcaute, seconded by Commissioner Rosel, to authorize the removal computer equipment, from the inventory of the Tax Office, and check with the other departments if they would be able to use this equipment, if not to bring it back to Commissioners' Court for authority to dispose of it.

MOTION CARRIED.
SEE "EXHIBIT J"

ITEM 6. WIC:
A. Authorization and approval to appropriate surplus funds

Norma Longoria, WIC Director, came before the Court to request the appropriation of surplus funds into her budget. A motion was then made by Commissioner Arcaute, seconded by Commissioner Rosel, to authorize an appropriation of surplus funds, for equipment, drugs, telephone, electricity, building rental, office supplies and subscriptions; the amount is \$19,300.00.

MOTION CARRIED.
SEE "EXHIBIT K"

ITEM 7. COMMUNITY SERVICE AGENCY:
A. Authorization and approval of Utility Assistance Program

Judge Ruiz explained that he did not know if this Commissioners' Court had any authority in this matter, but he did ask Maribel Navarro to come forward and explain the situation. Ms. Navarro then began by giving a brief history of when this program was first amended. She stated that back sometime this year, this program had been transferred from the Government level to the State Level and as a result all the workload had fallen on the local level. She explained that, at first, many of the clients had not known where this program had been transferred to, but all that has changed in the past few months. As a result of this the Agency is now feeling the impact of this. She stated that most of the requests, under the Utility Assistance Program, are done through the mail, and because it took a while for the clients to find out where to apply, the Agency had alot of monies that needed to be expended before the end of the fiscal year. She added that aside from the mail requests, she was also trying to assist people on a one-to-one basis, but due to her small staff and the number of programs that they handle, she was limited in the number of people that could be help. Also, because of the flooding, most of the migrant workers were beginning to come back to the Valley, and asking for assistance. This in turn was also increasing the number of people who were seeking assistance. Ms. Navarro also said that at this time there was no administrative money available, to hire any additional people to assist her staff and the County Judge asked if it would help any by sending her some of the employees from other departments and she said that it would. Commissioner Camarillo also recommended that maybe there might be some Boot Camp

cadets, who might have some office training, and could be sent to assist and Judge Ruiz stated that they could also take the Adult Probation into consideration. A brief discussion then ensued on the new building in Weslaco, that was presently being renovated for the Agency, with comments from Commissioner Sanchez and Raul Hernandez, Buildings and Grounds Director. After further discussion, Judge Ruiz stated that there was no action to be taken, he had just wanted to address the problem, due to some calls that he had received.

NO ACTION.
SEE "EXHIBIT L"

ITEM 8. BUDGET AMENDMENT:
A. Public Scales

A motion was made by Commissioner Sanchez, seconded by Commissioners Camarillo and Arcaute, to authorize a budget amendment in the amount of \$405.00, to go into account 010-421-150-86.

MOTION CARRIED.
SEE "EXHIBIT M"

ITEM 9. PCT. #4:
A. Authorization and approval to rename street - Bar 6 Subdivision

Commissioner Camarillo stated that he had a petition, which had been signed by residents of Bar 6 Subdivision wanting to rename Juans Street to Encinos Avenue. A discussion then ensued as to whether or not this would result in duplication, after which Commissioner Camarillo made a motion, which was seconded by Commissioner Rosel, to TABLE this request, until further information could be obtained.

MOTION CARRIED.
SEE "EXHIBIT N"

ITEM 10. ECONOMIC DEVELOPMENT:
A. Request for audience - Variance to the Hidalgo County Subdivision rules and regulations - Nereyda M. Martinez

J.D. Salinas came before the Court and explained that Nereyda M. Martinez was requesting a hearing for a variance on her lot. He explained that she has 2.2 acres, in Precinct Three, located at 4 Mile Line, between Trospen and Los Ebanos Roads. Her request was that her lot did not comply with Section 4.2.3, of the County Subdivision Regulations, regarding a fifty foot frontage. Mr. Salinas stated that her property did not abut a public road and Ms. Martinez then explained that it was a family partition and her proposed home would be next to her in-laws home. She said that on her warranty deed it did specify that an easement would be furnished to allow entrance into the property. She mentioned that she had tried to acquire a building permit and she was denied due to her property not being next to a public road. She also added that there were homes around her property, which also had water, electricity and phone service. A discussion then ensued as to the easement and its definition, as per the subdivision regulations and her argument was that there were homes already there and she didn't see why she was being denied. Commissioner Arcaute brought up the recommendation of replatting this area to fall within compliance and and Ms. Mar-

tinez stated that it would not be feasible because one of the homes that was already in place was within the area that would have to be within this proposed fifty-foot easement. Judge Ruiz asked her if there was an economic or health reason for this development and she stated that it was due to her father in-law being disabled and being that her husband was the eldest son, they would like to remain close by in case of an emergency. After further discussion, a motion was made by Commissioner Rosel, seconded by Commissioner Sanchez, to approve the variance, due to health reasons.

MOTION CARRIED. (COMMISSIONER CAMARILLO VOTED AGAINST THE MOTION)
SEE "EXHIBIT O"

THE FOLLOWING ITEM IS IN VERBATIM FORMAT

- ADD. #1. OFFICE OF EMPLOYMENT AND TRAINING:
 - A. Request for approval of changes on Organizational Chart of the Office of Employment and Training
 - B. Request to reconsider Program and Budget Amendments approved by Commissioners' Court July 20, 1993
 - C. Executive Session:
 - A. Commissioners' Court may go into Executive Session pursuant to Article 6252-17, Section 2g, V.T.C.S. to discuss the following matter:
 - 1. Contract for Executive Director for the Office of Employment and Training
 - D. Open Session:
 - 1. Action on Contract for Executive Director for the Office of Employment and Training

JUDGE RUIZ

All right, we go into, to item, the our addendum on the agenda and we're leaving item eleven after, after we finish with the Office of Employment and Training and we have the ah, the first, the, the changes on the organizational chart of the Office of Employment and Training and, ah, Ms. West. Again, I'd like to state my position on, on this, on these changes on the organizational chart, ah, we went through a lengthy discussion on this Commissioners' Court, with Ms. West, whereby there was very pointed questions, in terms of, of your request to amend it after it had been previously approved. Consequently, those questions were that, that would be the last change that we would have on this organizational chart. You mentioned that I had led you to believe that, that after July 1st, you could change it, however you saw fit; I do not recall any type of discussion nor would I've said that in, in my right mind knowing better in being in this office for quite a number of years. So, we'd like to see what type of changes you are proposing at this point in time.

MS. WEST

Okay, I have a couple of things.

COMM. ARCAUTE

(WHISPERS) Ahi, vienen los handouts. Ya no nos los van a dar mas temprano, como no los leemos.
(LAUGHTER)

MS. WEST

The first sheet that I gave you, that says personnel policies...

JUDGE RUIZ

Huh-hum.

MS. WEST ...if you'll look on the page that says "56", it says "Chapter 33" at the top, this was the old personnel policies that were in effect before June 30th and as you can see, in the new personnel policies it is not addressed at all. So according to the personnel policies there is, there's nothing that gave this Court jurisdiction over the changes that were made. Under the previous, before June 30th, they weren't very explicit, it's...

JUDGE RUIZ Noe, excuse me, go upstairs and get me a personnel policy book. Go ahead, Ma'am.

MS. WEST I have one, right here, if you'd like to see it.

JUDGE RUIZ Give it to me. Let me, let me read to you...

MS. WEST Huh-hum.

JUDGE RUIZ The first statement that page one says...

MS. WEST Yes.

JUDGE RUIZ ..."Hidalgo County's governmental organization is established by the Constitution of the State of Texas and by State statutes. It's operations"...

MS. WEST Huh-hum.

JUDGE RUIZ ..."it's operations", everything, "are governed by State and Federal Law and by action of Commissioners' Court", period.

MS. WEST Huh-hum.

JUDGE RUIZ It's operations.

MS. WEST Huh-hum.

JUDGE RUIZ Everything.

MS. WEST Huh-hum.

JUDGE RUIZ Is by action of Commissioners' Court.

MS. WEST Huh-hum.

JUDGE RUIZ It that understood?

MS. WEST Yes, I understand that, that...

JUDGE RUIZ Do you have a conflict, do you have a different interpretation...

MS. WEST No, I understand that that is in the preamble, that is correct. The statement that you just made, however, what I'm saying is that in the previous personnel policies this area is specifically addressed and it is not addressed at all in the new policy manual; and maybe that...

JUDGE RUIZ So?

MS. WEST ...and, and I don't know, I'm saying that that may be where your statement came from.

see that position there?

JUDGE RUIZ

Huh-Hum.

CAROL WEST

It says systems programmer, on the new chart, okay. Same two positions, title changes. Now, if you'll look at, on the bottom right, you'll see on the old chart, where it says "special projects coordinator" and right directly under that is "recruitment officers, Job Developers Building Trade Instructors". If you'll look over on the new chart, those positions have all been re-aligned under the "Client Service Coordinator". All the positions are there, they're just moved over, the "Client Service Coordinator" is, handles all of the adult programs. Now, as you can see on the old chart the "Client Service Coordinator" just had the case managers and case aides, under their supervision; and all, what we did was removed all the adult programs that were sitting over here under special project, we moved them all under the adult component. So, it was just a shift of, of who these people are now answering to. Here at, on the old chart it says Willacy, if you'll look at the new chart, it says Willacy under "divisions operations manager", over on the right side, it's highlighted yellow there; what has occurred there is, after previewing the programs and trying to figure out what is going, what goes, what occurs in Willacy, they're all client services that are occurring in Willacy. Every single person is doing what the people are doing under "Divisions Operations". We took a survey to see what kind of, what the, workers were doing over there, we know that they're doing intake functions and we have an intake, an "eligibility coordinator". They do assessment functions and we have an "assessment coordinator", education services, the youth functions, we have a "youth coordinator", an adult functions, and we have an "adult coordinator". What was occurring was a mass amount of confusion, because these people sitting over here in Willacy were doing the same functions that the people here were doing at this center and, there was no coordination because of the way it was aligned. So, what we did, was we moved the whole Willacy Center, since the whole center are client functions, we moved them under the client function department; since, all the activity there is exactly the same. So, that coordination can occur and it will be less confusing for clients, it makes more sense and in terms of an organizational structure, just for ease of flow.

JUDGE RUIZ

Have you talked to the Commissioners' Court in Willacy County and the County Judge there?

CAROL WEST

I'm sorry?

JUDGE RUIZ

Have you spoken and gotten approval from Willacy County's County Judge and County Commissioners' Court for this change?

CAROL WEST

No, I have not spoken to the County Commission-

ers.

JUDGE RUIZ They are a partner in this organization.

CAROL WEST Yes, I am aware of that.

JUDGE RUIZ And I want you to understand that when this partnership was created...

CAROL WEST Huh-hum.

JUDGE RUIZ ...before I was here...

CAROL WEST Huh-hum.

JUDGE RUIZ ...as County Judge or in this Commissioners' Court...

CAROL WEST Huh-hum.

JUDGE RUIZ ...that there was an agreement reached whereby they would have their Executive Director and their organization parallel to the Executive Director of Hidalgo County.

CAROL WEST Huh-hum.

JUDGE RUIZ And do you...

CAROL WEST There are no...

JUDGE RUIZ Do you know that story?

CAROL WEST I've, I've heard that some deals were made, is, is what I heard...

JUDGE RUIZ No, no, it was not a deal. It was an agreement between two Commissioners' Courts...

CAROL WEST I've not seen an agreement, if that's what you're asking me, I've not seen that agreement.

JUDGE RUIZ Well, it's an agreement, you may want to re-search the minutes of the Commissioners' Court, but that was an agreement when that consortium was built and I will definitely not, not respect that nor, nor will I approve or recommend approval of this organizational chart by, by moving the Executive Director of Willacy County, under the "division operations manager" of the County of Hidalgo.

CAROL WEST There is nothing going, I mean this person is not doing anything, they're just sitting there, all day...

JUDGE RUIZ Alot of people are sitting there all day...

CAROL WEST ...and there's a salary being, being drawn and there are no functions going on there, in that, and because what, because all of the decisions...

JUDGE RUIZ That's between, ma'am, that should be addressed to the County Judge and the County Commissioners of Willacy County.

CAROL WEST Okay, well I wasn't, I didn't know that I was

supposed to come, I thought this was the only Commissioners' Court I was supposed to come through. I didn't know I had to go through them, too.

JUDGE RUIZ No, no, if the agreement is going to be changed it has to be approved mutually.

CAROL WEST Okay.

JUDGE RUIZ Okay.

CAROL WEST I thought I had to address everything here and I, I didn't know how it all worked itself out, but I thought this is the place I needed to address.

JUDGE RUIZ What I'm telling you is that I don't recommend you doing this.

CAROL WEST Okay.

JUDGE RUIZ Okay. I do not recommend you doing this, because that is what the County Judge Eustolio Gonzalez and myself sat down and approved, okay of which both Commissioners' Courts were apprised and, and they approved.

CAROL WEST Is there a formal job description for this person?

JUDGE RUIZ Same as yours.

CAROL WEST Well I don't see how that can be, when the fiscal functions, all the other functions are, I don't understand the agreement and maybe what I need to do...

JUDGE RUIZ All the support staff...

CAROL WEST ...maybe I need to research the minutes...

JUDGE RUIZ I think you do.

CAROL WEST ...and, and...

JUDGE RUIZ I think you do.

CAROL WEST ...look at it; and, but as, from an organizational standpoint, it makes no sense because this person is not doing anything.

JUDGE RUIZ It does not make more sense...

CAROL WEST Okay.

JUDGE RUIZ ...and it is not going to be changed and if it is to be changed it has to be mutually agreed by the, both, both Commissioners' Courts.

CAROL WEST Okay, that's fine. Those are, now if you want to turn to the next page, those are all the pictorial changes and we can turn to the next page and let me show you what the changes are, as far as the salary structures. Okay, well of course, on the Executive Director's as per Commissioners' Court. Ah, these are not exactly

aligned over here, as they are over here. On the page that you have on the old chart, the positions are just on there, on the new chart, I, the positions are all organized according to step. Now, what has changed, on the same positions that you saw earlier, on the other chart, the EEO compliance person, which is located on your second page, one, two three, four, fifth one down, I mean fourth one down...

JUDGE RUIZ

Ms. West?

CAROL WEST

...this, there has not been an increase, in that salary that is the same salary as all the other compliance monitors.

JUDGE RUIZ

Let me, ask, Melly, may be in a better position ask, answer this question.

CAROL WEST

Huh-hum.

JUDGE RUIZ

We are still working around the 2.3 million dollars that, that were, were budgeted for administration based on, on the, the proposed budgets that were approved by the Department of Commerce?

CAROL WEST

Huh-hum.

JUDGE RUIZ

Is that correct?

CAROL WEST

Yes, and we're less.

JUDGE RUIZ

So, so you're actually increasing and decreasing some, some, some to actually come up with the 2.3.

CAROL WEST

Absolutely.

JUDGE RUIZ

It was, it was my understanding that when we approved it, we approved it as a minimum salary, which gave discretion to the Director to go up or down, in that particular category.

CAROL WEST

Right.

JUDGE RUIZ

Why would be, would you have an interest to change it, if any?

CAROL WEST

I, I there's not, there's, the salary structures haven't changed.

JUDGE RUIZ

Well, you're proposing a change, I can see right of the bat, the Executive Director, we proposed it at fifty-two five...

CAROL WEST

Well, no...

JUDGE RUIZ

...and I think that...

CAROL WEST

...it was fifty-four five.

JUDGE RUIZ

... you're putting over here fifty-four five.

CAROL WEST

That's what you, that, that's what you proposed.

JUDGE RUIZ

No, no, what we authorized is a minimum salary

based on budgetary decision, of how much money administratively we had for salaries, okay. The Director, yourself, would have discretion to move up or down without going over the limit of the 2.3 that's the bottom line. Why would you want to change it?

CAROL WEST I, there's, we've not, I don't understand, what, what you're talking about; because what's been, what's happened is this, is that these are all the, the the base salaries of all the positions, that's not been changed.

JUDGE RUIZ You're not changing base salaries?

CAROL WEST No.

JUDGE RUIZ So, why, why are we changing the Executive Director's to fifty-two five to fifty-four four, is that a change of a base salary?

COMM. SANCHEZ I don't understand.

JUDGE RUIZ Yes or no?

CAROL WEST It's my understanding that my base pay is fifty-four five.

JUDGE RUIZ Ms. West, what we, I've asked you a question, you say you don't want to change any base salaries, yet you're saying that the base salary for the Executive Director is fifty-four five and it's not. It's fifty-two five, now you are getting paid fifty-four five, but the base salary is fifty-two five, my question is why do you want to mess with this, with this salary schedule, when you have discretion to go up or down.

CAROL WEST I, I don't understand what you're trying to get at, at your question...

JUDGE RUIZ Ms. West...

CAROL WEST ...all I do know is that it was my understanding that this was now my base pay and if, if you're saying something else then I don't understand what it is that you're trying to say.

JUDGE RUIZ I don't think this Commissioners' Court has ever said that fifty-four five was anybody's base pay. Anybody.

CAROL WEST Okay, would you like for me to continue with the structure.

JUDGE RUIZ Well, if, what I'm saying is, is that you can keep all these proposed salaries ----- structures, as it is, without...

CAROL WEST Did we go over budget is what you're saying, no we didn't.

JUDGE RUIZ ...going the overbudget.

CAROL WEST No.

JUDGE RUIZ As long as you don't that, you're, you're in compliance. No reason to change the base pay. Do you understand that, Mellie?

COMM. ROSEL I think you've got more people than the one here confused. I think we came in here and, and we, we voted on a salary of whatever it was fifty-four, fifty-four thousand.

COMM. SANCHEZ It's in this contract, also.

COMM. CAMARILLO Fifty-four five.

COMM. SANCHEZ The base salary.

JUDGE RUIZ Which is the base, a little higher than the base pay, which is within our discretion.

COMM. ROSEL Okay, so what you say, you're saying is that the base pay is fifty-two and he decided to pay fifty-four.

JUDGE RUIZ Sure, there's nothing wrong with that.

COMM. ARCAUTE That, that was the negotiated salary, not a, not a base pay.

COMM. SANCHEZ Okay, doesn't that make then the base pay for that position...

CAROL WEST It's fifty-four five.

JUDGE RUIZ No, it doesn't, it's still fifty-two five.

COMM. ROSEL We're making a mountain out of a little mole hill.

COMM. ARCAUTE This is a negotiated, this is a negotiated pay, not a base pay.

JUDGE RUIZ Go ahead, if you want to change one by one, go ahead. I was just trying to facilitate the problem.

COMM. ROSEL The important thing is that she's not going over, right?

JUDGE RUIZ That's all.

COMM. ROSEL All right, number one.

JUDGE RUIZ In other words her, the a hundred and twenty-nine positions that we approved apparently, she's saying that they still exist, in one form or another.

COMM. ROSEL Well...

JUDGE RUIZ The total, when you total all the 129 times the base pay, okay, it is 2.3 some odd million dollars.

COMM. ROSEL Still within.

JUDGE RUIZ Still within! That's all we need to know.

COMM. CAMARILLO So what's the argument?

COMM. ROSEL Yea.

JUDGE RUIZ I'm trying to stop the discussion, there is no need to change base pays, Ms. West. On this side in terms of personnel policies, it's all right. I am agreeing. (LAUGHTER)

COMM. ROSEL Good.

COMM. CAMARILLO Good.

CAROL WEST Okay, was there...

COMM. ARCAUTE In other words, the first column should be fifty-two five and the extension should be fifty-four five.

JUDGE RUIZ Your, your job descriptions, proposed salary schedules should stay as is.

COMM. ARCAUTE Level.

JUDGE RUIZ And you, and you negotiate salaries after that.

COMM. ROSEL That's what she should've said from the start, we would've...

JUDGE RUIZ I tried, I think I've said it three times. I thought I said it in English, okay. All right, in terms of the organizational chart, I am, I am not in agreement with the change on the Executive Director...

CAROL WEST Okay.

JUDGE RUIZ ...of Willacy County...

CAROL WEST Okay.

JUDGE RUIZ ...and would, would, without those changes I would not recommend this organizational chart changes. I still have to, so have, yes?

COMM. SANCHEZ Did the agreement that we have with Bill Rapt change when Eustolio came in? In writing?

JUDGE RUIZ No, it stayed the same. The problem that has happened within the, within the years of, of working with Willacy County, that Executive Directors have, have not given the responsibilities that come with the Executive Director pos., of Willacy County.

COMM. SANCHEZ Well Judge, but my recollection of that understanding between Judge Rapt and Hidalgo County at the time was that, it basically seated over the responsibilities for operating the program to Hidalgo County Commissioners' Court. Te acuerdas?

JUDGE RUIZ Yes...

COMM. SANCHEZ And after ----- changed.

JUDGE RUIZ All the, all the...

COMM. SANCHEZ As far, we, we never reported to them, is what

I'm asking.

JUDGE RUIZ No, no, no, all the direction and policy making is set by one private industry council and the County of, and this County of Hidalgo.

COMM. SANCHEZ (INAUDIBLE)

JUDGE RUIZ However, the structure of their offices...

COMM. SANCHEZ And that's in writing, sir, I, I don't remember it going through Commissioners' Court.

JUDGE RUIZ Yes, yes it is in the minutes.

COMM. SANCHEZ I know that, that they have members from Willacy County on the Private Industry...

JUDGE RUIZ On the PIC Board, on the PIC Board.

COMM. SANCHEZ They seated over the responsibility to this Court.

JUDGE RUIZ Yes.

COMM. SANCHEZ So, consequently, my understanding was that everthing was done through this Court and their PIC member then gave them whatever reports.

JUDGE RUIZ Exactly.

COMM. SANCHEZ But, you're saying that it changed with Totolio Gonzalez.

JUDGE RUIZ No, no, no there is no change, we are going to the original agreement that there will be an Executive Director, with Executive Director authority for Willacy County. That was always an agreement.

COMM. SANCHEZ But any changes as, as supposedly are being recommended here, besides our PIC members, has to be through Totolio and by this Court or by the Director? Are we supposed to let him know?

JUDGE RUIZ Jointly by this Commissioners' Court; by this Commissioners' Court and the Court of Willacy County.

COMM. ARCAUTE Willacy County's Court.

JUDGE RUIZ Sure.

COMM. SANCHEZ So, so are we taking this change out, or are we going to discuss it?

JUDGE RUIZ I would recommend that it not be changed. I would tend to believe that Eustolio Gonzalez or Willacy County is not going to approve this. I'm not going to ask him, no reason why.

COMM. CAMARILLO Judge, may I say something.

JUDGE RUIZ Yes sir.

COMM. CAMARILLO It seems to me that we have different recollections of what has happened in the past, but I

remember very clearly that when Mr. Ramon Cantu was the Executive Director there was some, there were some organizational chart changes, they were never taken to Willacy County. Even, as a matter of fact, his, the salary on Mr. Rene Garza was lowered tremendously, something like \$8,000.00 and it was approved by this Commissioners' Court, not by Willacy.

JUDGE RUIZ

So what are you saying, that, that two wrongs make a right?

COMM. CAMARILLO

No sir, I'm, what you're saying is that, that this got to go to Willacy County before it's approved...

JUDGE RUIZ

It should, it should.

COMM. CAMARILLO

...and I'm telling...

JUDGE RUIZ

That is the agreement.

COMM. CAMARILLO

...and I'm telling you that it didn't go when they made a chart, an organizational chart...

JUDGE RUIZ

I will believe you, on that. I will not argue that point.

COMM. CAMARILLO

Okay.

JUDGE RUIZ

It is not right.

COMM. CAMARILLO

Okay, all I'm saying is that we've done it before.

JUDGE RUIZ

You can do it again, it's still not right.

COMM. CAMARILLO

But don't, don't tell me that we have to do it because it's got to go through Willacy County, when it had not gone before, that's what I'm trying to say.

JUDGE RUIZ

It's still not right, Commissioner.

COMM. CAMARILLO

I'm not arguing the point whether it's right or wrong, what I'm telling you is don't tell me that, we're not supposed to do it because it has not gone through Willacy County, because...

JUDGE RUIZ

It should.

COMM. CAMARILLO

...we've done it in the past and it has not gone through Willacy County.

COMM. SANCHEZ

In the first case, we overlooked it, we're saying in this case we're going to make sure that we get it done properly; but my recollection is that...

JUDGE RUIZ

That's what I'm saying.

COMM. SANCHEZ

...was that it ceded over everything to Hidalgo County and we just went ahead and did it.

JUDGE RUIZ

Huh-hum.

COMM. SANCHEZ

We did it to Ramon Cantu and Frank Castellanos

and...

JUDGE RUIZ Policies are set by the Private Industry Council and approved...

COMM. CAMARILLO That's right.

JUDGE RUIZ ...and concurred by Commissioners' Court.

COMM. CAMARILLO That's right.

JUDGE RUIZ Okay, decisions in terms of, of their director and their staff is approved by their Commissioners' Court.

COMM. CAMARILLO Willacy County is entitled to receive 15% of our allocation and we have been concurring with that.

JUDGE RUIZ And spent appropriately by the decisions of their Commissioners' Court.

CAROL WEST I, I don't know how that can occur, because then they would need a fiscal department, they would need the same things duplicated that we would have over here. It's not making any sense.

JUDGE RUIZ Ms. West 15% of all your funds will be allocated budgetarily to Willacy County; that is the agreement, okay.

CAROL WEST Yea.

JUDGE RUIZ We keep the books for Willacy County, the support staff has to keep it, now if they don't spend it then we spend it, but budgetarily, day one, you have to give 15% of all the funds to Willacy County.

CAROL WEST I don't disagree with that, that makes perfect sense, but I'm saying that, this person has no job functions.

JUDGE RUIZ What do you mean he doesn't have any job functions? He has to work ----- with the County Commissioners' Court of that County...

CAROL WEST All of their programs...

JUDGE RUIZ ...to keep, to, to set the policies set by Willacy, by the, PIC, Private Industry Council to, to their Commissioners' Court.

CAROL WEST The PIC/CEO agreement says something that, that see that's what I'm confused about, there are so many different agreements. The PIC/CEO agreement says that all of Hidalgo/Willacy operations, programmatic, everything comes through this Court.

JUDGE RUIZ Yes.

CAROL WEST Everything.

JUDGE RUIZ That is correct.

- CAROL WEST The Commissioners from Willacy have signed that, to that affect.
- JUDGE RUIZ That is correct.
- CAROL WEST Now, and that seems contradictory with what you're saying about an, there's yet another agreement...
- JUDGE RUIZ There's is no contradiction, Ms. West, the implementation of all the policy set by the Private Industry Council and this Commissioners' Court is implemented by the Executive Director and his staff in Willacy County. The policies and direction set by the Private Industry Council and Commissioners' Court of Hidalgo County is implemented by the Executive Director of Hidalgo County. Same function, there is no duplication.
- CAROL WEST Well, in this respect there is duplication, the people, we can't, if we have meetings over here that relate to assessment, case management, eligibility, I mean, they're not going to have separate meetings and pay separate people to train those people out there, they're, they, we all as an assessment team come together, everybody comes together as an eligibility team. Now who's in charge of the people, they now have two supervisors standing there, I mean, it's a confusing mess. The assessment, we asked for the assessment team to come over to do the training that they need to do, they'll do it, every single function that's done at Willacy, there are no administrative functions at Willacy at all. All the functions are client functions.
- JUDGE RUIZ Implementation of policy.
- CAROL WEST And all those client functions all have department heads under the larger structure. So, in essence what, what's happening is, it's confusing, it's confusing for clients, because, one set of procedures set down over here and directions on how the, the clients are to be handled how programs are to be handled goes through over here, goes through yet one more person serving as the same person, as we've, it's just confusing and it makes no sense.
- JUDGE RUIZ It is not confusing, because it's worked like this for ten years and it's worked perfectly well.
- CAROL WEST Well, it has not. According to the last, everything that we've researched said that the person at Willacy was under the division operations manager. What I am saying is that it made sense then, when they were doing and it makes, it still makes sense now.
- JUDGE RUIZ Well, that is not the agreement and even though people may want to treat the Executive Director of, of Willacy County as a division manager or something lower than that, it is not right and it doesn't make sense and it should not be done

and I will award all that respect to Willacy County and their Commissioners' Court. Commissioners, I would recommend that in terms of the organizational chart, my only recommended change is to change the Willacy Executive Director and all its operation, be placed back directly under where we had it in the past, which would be directly under the dep., Deputy Director as a separate entity to report to the Deputy Director and the Executive Director solely.

COMM. ROSEL

Is that, is that Willacy County Executive Director under our Executive Director or is that equal responsibility and authority?

JUDGE RUIZ

Commissioner, can you see where it is in the old chart?

COMM. ROSEL

Yes, yes, I see, I'm looking at it.

JUDGE RUIZ

Right here.

COMM. ARCAUTE

The old chart.

JUDGE RUIZ

He will have the sole responsibility to report to and work with jointly Executive Director and the Deputy Director of the County of Hidalgo. That is where he is.

COMM. ROSEL

And he's, he's...

JUDGE RUIZ

The chain of command.

COMM. ROSEL

And he's repor., and he's reporting to the County Commissioners' out of Willacy County.

JUDGE RUIZ

He and she, he or she will be reporting to the Commissioners' Court of Hidal., of Willacy County.

CAROL WEST

He reports to us client functions and we're not doing client functions. The person that's doing client functions, that he should be reporting is the divisions operations person.

COMM. CAMARILLO

But why would you have a problem, under you? Why...

CAROL WEST

We don't do client functions, the deputy director or I, I mean, if, if he comes and reports to us, he's reporting not greek, but almost greek because that, we don't live the client functions, this, this person here, this divisions operations manager, that's all he does, is client functions. So, if the Willacy person came and reported information to him, they understand, they're on the same wavelength, he knows what he's talking about, because he has engineered all the changes, all the moves that affect Willacy. We are too distant from that activity.

COMM. SANCHEZ

The actual responsibilities do not merit the, the title, as I can, is what I'm hearing. The, maybe the political deals might be in according, in according Willacy County the fact that they, they have a Court and that they have 15%, but

what I hear her saying is the actual functions of this person should be reported to somebody that know what's going on here.

COMM. ARCAUTE

Has he, has he been made aware of that, the Executive Director of Willacy County?

CAROL WEST

We, we've talked about the functions of the agency, all of the managers have, and we're trying to run, make this as smooth, as possible...

COMM. ARCAUTE

No, my question is was, was he made aware...

CAROL WEST

...and we've talked, yes, we've talked about exactly that. In fact, the managers from these other programs have gone out to Willacy to try to determine how best to facilitate all of this and it's, it's such a confusing mess, all it does is slow down processes.

JUDGE RUIZ

Now, you said you have talked to Rene, is Rene Garza the Executive Director?

CAROL WEST

Yes, yes I've talked to him.

JUDGE RUIZ

What has he, and you have spoken with him on this change.

CAROL WEST

Yes, yes.

JUDGE RUIZ

He does agree with it?

CAROL WEST

No, I'm not saying that he agrees, he wants a larger salary, he wants a lot of things and he says that he's gonna go to the Commissioners' Court to get these things, in Willacy; but it's still again, what I'm saying is anything that he would report to me would make, I mean, it would make sense if I stopped and went back down to case manager type level and thought about it in terms that way, it might make sense but, it, it makes sense to the division operations manager, because the functions are identical.

COMM. ARCAUTE

We go back to the agreement.

JUDGE RUIZ

I reco., I've made a recommendation.

COMM. CAMARILLO

Please, let's go back to this thing. When we first ap., approved a new chart, this was the way it was, sort of, then we came back and we amended the chart and we put it separately, we put him under the Executive Director, right.

CAROL WEST

Huh-hum.

JUDGE RUIZ

Commissioner, I, I think that I recall at least five organizational charts...

COMM. CAMARILLO

Yes.

JUDGE RUIZ

...while I've been here.

COMM. CAMARILLO

Yes.

JUDGE RUIZ

And in...

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COMM. CAMARILLO No, no I'm talking about recently. I'm talking about the last three months.

COMM. ROSEL Under the transition team.

JUDGE RUIZ No.

COMM. CAMARILLO Under the transition team, yes sir.

JUDGE RUIZ No sir. When we were in the transition period team, we have Willacy County directly, as Executive Director. No, now previously to that...

COMM. CAMARILLO Huh-hum.

JUDGE RUIZ ...previously to that, yes, there has been three or four different positions where Willacy County has been placed under.

COMM. CAMARILLO Are you sure that during the, the transition team, we didn't come back and, and amend the chart that we originally started with, with the new organization.

JUDGE RUIZ We amended it to this.

COMM. ARCAUTE That included...

JUDGE RUIZ No, we, Willacy County, Willacy County was, excuse me, Lalo...

COMM. ARCAUTE Yea, go ahead.

JUDGE RUIZ ...Willacy County was under the Deputy Director. What, when we amended it during the transition team, committee. Then it came and it was amended by Ms. West, approved by this Commissioners' Court, like this. This was, this was approved, this was recommended by Carol West.

CAROL WEST Until we saw what was actually occurring...

JUDGE RUIZ Now...

CAROL WEST ...which is nothing.

JUDGE RUIZ ...now, it comes up like this, okay. So, in answer to your question, in the last two, it has been under the deputy director. Directly res., responding to the Executive Director.

COMM. ARCAUTE Let, let's move, we're not getting anywhere.

JUDGE RUIZ Well, I know.

COMM. ARCAUTE The only, the, your concern, Judge, and I agree with you, is the fact that the position of Executive Director of Willacy County does not agree and he plans to bring it up to his Commissioners' Court, which has to do with our agreement.

JUDGE RUIZ Sure.

COMM. ARCAUTE So, at this point, do you still would, do you still want to make that change, or would you rather wait until that is cleared up within the

Willacy County?

CAROL WEST We, we need to move on with whatever is gonna occur. If this, if us...

COMM. ARCAUTE ----- we don't do it to.., we've been doing this thing for three weeks, now, and it seems like every time somebody is, is dropping the ball at some point. Now, let's drop it again, okay; and, and let's get this thing right. If, if that's the point, let's clear it up -----

JUDGE RUIZ I, my recommendation still stands, I, you know I, I may, I may pick and choose where to place some of the other people, in terms, and, and I don't want to, but I think the Executive Director, of Willacy County should be answering to the Executive Director of the County of Hidalgo; and recommend that organizational chart. All the other changes ----- correct.

COMM. SANCHEZ Has this been, excuse me, can't this be discussed with the Willacy County Commissioners' Court and what do their Private Industry Council members say? They, they...

JUDGE RUIZ It should have been done, Commissioner...

COMM. SANCHEZ ...have reviewed this already, I understand.

CAROL WEST No, because it's a personnel issue.

COMM. SANCHEZ So...

CAROL WEST That doesn't go through the PIC, it goes through the Commissioners' Court.

JUDGE RUIZ In other words, it, it should have been done it's not, so we need to take action, because we need to move this agenda forward. I recommend that approval.

COMM. ARCAUTE Your, your recommendation is for...

JUDGE RUIZ To approve the organizational chart, with all the changes recommended by Ms. West, except the Willacy Executive Director and its organization that it be place directly under the Executive Director.

COMM. ARCAUTE So move.

JUDGE RUIZ Is there a second?

COMM. ROSEL That's the only problem that we have with the organizational chart...

JUDGE RUIZ As far as I can see, that's the only one.

COMM. SANCHEZ And that'll get this off the...

JUDGE RUIZ I don't want to argue the others.

COMM. ROSEL Okay, I'll second it.

JUDGE RUIZ All in favor signify by saying aye.

COMMISSIONERS

Aye.

JUDGE RUIZ

All opposed same sign, motion carries. Okay, now, the reconsideration of the program and budget amendments approved by Commissioner's Court on July 20th, 1993. Ladies and gentlemen, I, I'm not going to take time to go over this issue again. We had a Workshop that we, we, that we discussed this particular issue of, my major concern that I have on this particular program is that, is that there was a representation, in this Commissioners' Court that there would be a, a percentage of cuts that would be across the board. That has not been done, the, the, budgets that I have seen recently are not cuts that have been across the board. I will refer you, you've got the verbatim minutes, in your packets that is, that is page number eight. Okay, and it says here, Commissioner San., said something and it was inaudible, Commissioner Sanchez; then Carol West says let me see one, two, three, four five, six, seven, eight, nine, ten, eleven, twelve, the thirteenth item, "the formal plan amendment to Title II-A is to incorporate a recession cutback ordered by the Department of Labor on July 6th, of this year. The cutback is for 2.88% of the total allocation, the SDA has chosen to pro-rate amongst all costs categories", okay. "We received a call, as stated on July 6th telling us that there was going to be cutback across the State for our area it means nearly 6%, because it will encompass our Title II-A and it's a 2.8..., it is, it's a considerable amount of money, we're going to have to make some adjustments to continue, but we've decided that we should, we would just take the percentage across every cost category that we have just taken 2.88%. So it would hit everything evenly". Ms. West, has that been done?

CAROL WEST

Yes sir, it's been done. (INAUDIBLE) What the Commissioners Court, as, as you can read in the packet, if you'll, if you'll look at, the very last page, in the packet, what the Commissioners' Court voted on was, as stated, "The formal plan amendment to II-C is to incorporate a recession cutback ordered by Department of Labor on July 6th, the cutback is for 2.88% of the total allocation. This SDA has chosen to pro-rate amongst all cost categories"; now rather or not someone made a mathematical error, what was voted on was the 2.88% across all categories, and it is clearly stated that is what the Commissioners' Court voted on.

JUDGE RUIZ

Huh-hum.

CAROL WEST

Now, there was a mathematical error that was made, we talked about that, but it does not change what you voted on; you voted that the 2.88% would go across cost categories.

COMM. ARCAUTE

Contradictory, no?

CAROL WEST

This is the exact wording that was presented.

JUDGE RUIZ The, you just gave me a, a, and I may be totally confused, but, let's, let's look at page what's called "62A", here in the packet that you just gave me.

CAROL WEST Huh-huh.

JUDGE RUIZ Now, is, is, is item number one the original budget, that was approved previously, for II-A?

CAROL WEST On page "62A"?

JUDGE RUIZ Yea.

CAROL WEST Yea, this is the original.

JUDGE RUIZ And is item, proposed budget that you recommended?

CAROL WEST I'm sorry.

JUDGE RUIZ Was, was this the, the amendments that you recommended?

CAROL WEST Yes.

JUDGE RUIZ And you're telling me that there's 2.88% across the board change?

CAROL WEST See, we have to recommend those in increments, we can't, they're both different amendments. First...

JUDGE RUIZ What do you mean...

CAROL WEST Okay, first we have to amend saying that we want to program the change, that's, that's one kind of amendment. One, there's a, a, this amendment, as you'll notice, if you'll look back on page 61, it's an administrative amendment, that's strictly just talking about programs, and, and that's what that amendment is.

JUDGE RUIZ Your, your program mix?

CAROL WEST Huh-hum.

JUDGE RUIZ The program mix, is what you're talking about?

CAROL WEST Yes sir, and then if you'll look back at 90, you'll see that those things came back up again and that came back as a formal plan amendment, which is when we start talking about money. So, the amendments have to be done separately and that's why you don't see the cutback on that first one, because it's not there yet, because that's, that's just the program mix, the amendment to that. Then, we went back in, as you'll see in the later pages, we had to do another amendment that addresses fiscal areas.

JUDGE RUIZ So, you're saying that the original budget amend..., budget was amended by the, by, by the program mix, then that proposed budget was amended by the 2.88%?

CAROL WEST No, okay, let's, let's look back at 62A. Okay...

JUDGE RUIZ The plan amendment to the administrative change on program mix.

CAROL WEST Right.

JUDGE RUIZ And then, the, this proposed amendment, which is on 62A...

CAROL WEST Huh-hum.

JUDGE RUIZ ...was reduced 2.88 categorically in, in the, the, the...

CAROL WEST Not on 62A it wasn't.

JUDGE RUIZ No, on the, on the, on ni..., on, on 90.

CAROL WEST Huh-hum. Yea, that was the money, the, the reduction in the funds, on 90, on, back in the later pages. That was the fiscal amendment. II-A, that was on page, the formal plan amendment for II-A.

COMM. ARCAUTE It's not here.

JUDGE RUIZ Let me read what you read in the minutes, Ms. West.

CAROL WEST Okay.

JUDGE RUIZ And I hope I'm re..., I'm referring to the same thing that you're referring to.

CAROL WEST Okay.

JUDGE RUIZ "The formal plan amendment to Title II-A is to incorporate a recession cutback ordered by the Department of Labor July 6th, of this year"...

CAROL WEST Huh-hum.

JUDGE RUIZ ..."the cutback is for 2.88. The SDA has chosen to pro-rate amongst all cost categories".

CAROL WEST That's correct.

JUDGE RUIZ Okay. So, you're telling me that in, we, we changed the proposed amendment by changing the program mix, then we reduced the, all the program mix by 2.88%...

CAROL WEST Yes.

JUDGE RUIZ ...Ms. West, I'm, I assure you that that is the most misleading statement that I have heard anybody make in this County of Hidalgo, today.

CAROL WEST I don't know why, they're two different kinds of amendments...

JUDGE RUIZ There is, there is not two different kinds of amendments. There is only one budget that I know of, Ms. West; and what you did is you changed all this program, you reduced, deleted and deducted programs that you never discussed with the PIC Board or this Commissioners' Court.

CAROL WEST

Yes we did, discuss those...

JUDGE RUIZ

No, you didn't. The minutes show it. There is no, there is no discussion, in these minutes, verbatim, of any program cut. The only representation that you made in this Commissioners' Court was is there, there is going to be a category cost adjustment of 2.88%.

CAROL WEST

That was later. These were all different parts of the packet.

JUDGE RUIZ

Will you show me, when we approved program mix?

CAROL WEST

See, that 2.88% was at the very end of the whole agenda. Those were the last things that we discussed.

COMM. ARCAUTE

That's true.

JUDGE RUIZ

Let me, I understand, what you're saying, I, I totally understand what you're saying, I'm saying it is totally wrong. That it is misleading, that it was not discussed and I think this Commissioners' Court would have reacted differently if you would have discussed it properly and I'm going to come in here to say; let me tell you what your change, what you told Commissioners' Court you were going to change in Title II-A.

COMM. CAMARILLO

(WHISPERS) Is it Title II?

JUDGE RUIZ

"The administrative plan amendment to Title II-A addresses the following issues: a change in the training program mix, concentrating in classroom training, on-the-job training, number two, eliminating program address english as second language, adult basic education and GED. These programs will be addressed in the 8% Grant and, number three, incorporation of needs based payments". Never, did you discuss, this is the, the length of the discussion, for Title II-A, that you represent to this Commissioner, this are verbatim, as per the County Clerk's Office. Never did you discuss that there were, we would be, a reduction of building trades, from 150 people to 75 people and reducing the budget from \$360,000.00 to \$120,000.00. Never did you address that you were increasing staff and its by two, by 13,000, classroom training 800,000, eliminating limited work experience; never was that discussed.

CAROL WEST

Ah...

JUDGE RUIZ

I don't find it.

CAROL WEST

If you'll look on page 62A, please.

JUDGE RUIZ

62A.

CAROL WEST

That's right, let's, let's first look at page 62, the overview.

JUDGE RUIZ

This plan amendment?

CAROL WEST Let's start on page 62, please.

JUDGE RUIZ This is where you show, where you pro., you, actually a proposed budget?

CAROL WEST Can, can we start here on 62.

COMM. ROSEL Yea.

JUDGE RUIZ Go ahead.

COMM. ROSEL Go ahead.

CAROL WEST Okay, okay, the administrative plan amendment to Title II-A addresses the following, a change in the training program mix, we are now concentrating on classroom training and on-the-job training. Number two, eliminating programs addressing English as a second language, adult basic education and GED, these programs will be addressed in the 8 $\frac{1}{2}$ Grant; and then incorporation of a needs based payment policy language. Now, if you'll look at page 62A, on the actual, ah, the budget sheet, the administration, in the original budget, was 859, in the proposed budget it is the same. Staff Oral Five in the original budget, in the proposed budget it's the same...

JUDGE RUIZ Huh-hum.

CAROL WEST ...building trades 360,000, 150 enrollment, 120,000 is the new budget, it's been reduced by 240,000. The enrollment is reduced from 150 to 75...

JUDGE RUIZ Ms. West we can read.

CAROL WEST Now let me...

JUDGE RUIZ What, what...

CAROL WEST That's my point.

JUDGE RUIZ Yea.

CAROL WEST You, you said it exactly, that's my point.

JUDGE RUIZ We can read.

CAROL WEST It says right there that these programs are zeroed out. It...

JUDGE RUIZ Yes.

CAROL WEST ...so and you're telling me you can read, so I can stop explaining to you.

JUDGE RUIZ Yes, and I, I...

CAROL WEST Well, now you're saying I didn't explain it and and this is what I proposed to do.

JUDGE RUIZ Ms. West, you did not explain it. You put...

CAROL WEST That's my point.

JUDGE RUIZ ...this in the packets in Commissioners' Court for their review, I totally agree with that...

CAROL WEST You stopped me from reading, just then from doing the same thing you accused me of not doing...

JUDGE RUIZ 'Cause you didn't even attempt to do that the last time.

CAROL WEST But what did you tell me, I, "Ms. West, I can read"...

JUDGE RUIZ Well, and you told me in, in this Workshop that these people did not read.

CAROL WEST Well.

JUDGE RUIZ That is correct.

CAROL WEST Your comment just said it. I tried to go down through this...

JUDGE RUIZ Oh yes...

CAROL WEST ...and you stopped me.

JUDGE RUIZ ...once I, I...

CAROL WEST "Ms. West, I can read".

JUDGE RUIZ ...tried to ----- this proposal, and unfortunately I would have read it, Ms. West, but I was, unfortunately on vacation.

CAROL WEST Well.

JUDGE RUIZ And I, and, but I, I...

CAROL WEST Your packet was here before you went on vacation.

JUDGE RUIZ Well, I'll tell you one thing, and I didn't read it, but if I would have been coming into Commissioners' Court, I would have read it and I guarantee you that I would not or I at least I would have voted against, let's say that, reducing the amount of people we're going to help in this County, by reducing it from 1,600 to 985 it is totally an outrageous budget, it is an outrageous change, it is a total misdirection and misinformation of this Commissioners' Court.

CAROL WEST Well, actually what we are doing and it was explained to Commissioners' Court, is that we are allowing support services, that is what State expects us to do. They don't expect us to get people, send them to school, not be concerned about rather or not they have transportation dollars to get there, not be concerned about rather they have daycare to get them there, to no funds at all to sustain them, that's not what JTPA is all about. The reason we have a reduction in the people that we serve is we pre., is because we elected to assist these people that we're sending off to school. We have a terrible drop-out rate...

JUDGE RUIZ

Ms. West?

CAROL WEST

...because people get to school they do not even have the money to buy a sandwich, they don't have the money for assistance for s..., the neighbor to take them to school; that's why there's a reduction in the people we help, because we are, are providing support services to keep people in the programs...

JUDGE RUIZ

Ms. West?

CAROL WEST

...and I, I thought you...

JUDGE RUIZ

I may ha..., I may totally agree with your philosophical statement. My problem is that you did not represent that in Commissioners' Court. You...

CAROL WEST

Well.

JUDGE RUIZ

...failed to represent all the program changes, like you want to do today and like you wanted to do in the Workshop. If you should have done that in Commissioners' Court, when this was originally brought, you would not have this problem.

CAROL WEST

Well, I think I'm only having the problem with you, Judge. Ah, just a few moments...

JUDGE RUIZ

Oh, but they don't want to recognize their, their error.

CAROL WEST

...ago.

JUDGE RUIZ

Okay, and I understand what Commissioners' Court is, okay?

COMM. ARCAUTE

Judge, may...

JUDGE RUIZ

But I, I do wanna, wanna tel' you that I feel that it is a total misrepresentation, not only to this Board, but in, in trying to figure out what's happened in the planning committee and, and I have not seen the minutes of the PIC Board, verbatim, but I presume that you did the same thing...

CAROL WEST

Ah...

JUDGE RUIZ

...You know what I asked the Chairman of the Private Industry Council why he had cut CHAMPS.

CAROL WEST

Huh-hum.

JUDGE RUIZ

And he didn't know he did.

CAROL WEST

Huh-hum, well, that's not what our conversations say.

JUDGE RUIZ

He didn't read either, did he, Ms. West?

CAROL WEST

What I, what I would tell you...

JUDGE RUIZ

You know why, because you didn't tell him.

CAROL WEST

...is this. What'll I'll tell you is this, is that we discussed in length the, the fact that Chapter One, has funds set aside to pay for all remedial activity. We are duplicating services putting JTPA money there and again as I told you, when we discussed this the other day, you're talking about CHAMPS, in the school, that, I have a monitoring report here that says half the computers that you're claiming that needs to be in the schools, these high schools they send them over to junior high schools. It is illegal for them to be there, so if they really need CHAMPS that bad, don't you think they would've kept the computers in the high schools and not sent them to the junior high schools.

JUDGE RUIZ

It may be totally wrong, its your responsibility to tell that to Commissioners' Court.

CAROL WEST

It's a duplication of effort. It's a duplication...

JUDGE RUIZ

No after the fact, before the fact.

CAROL WEST

Well, as I said...

JUDGE RUIZ

Not fine to five changes in budgets and budget recommendations, but to explain them properly.

CAROL WEST

There are no hidden changes, there are none.

JUDGE RUIZ

I think they are.

CAROL WEST

There are no hidden changes.

JUDGE RUIZ

I think they are.

CAROL WEST

And the fact still remains that the money needs to be funneled, not in the hands of the contractors, as you would have us take it back, and that's what the, that's what these programs like CHAMPS represent, money in the hands of the contractors. What we're proposing is that we put the money in the hands of the people who most need it; these people that are out there requiring JTPA services and that's what this is all about.

JUDGE RUIZ

How many proposals did we receive, Ms. West?

CAROL WEST

We received seven.

JUDGE RUIZ

Seven proposals?

CAROL WEST

Yes sir. Even though people were told not to send them in, we still received seven.

JUDGE RUIZ

Who told them what?

CAROL WEST

I have no idea, it's all rumor, but, but we still received seven.

JUDGE RUIZ

Ah, now you're proposing rumors, now.

CAROL WEST

We, we, we still received...

JUDGE RUIZ Who submitted proposals, Ms. West?

CAROL WEST ...seven.

JUDGE RUIZ How are we going to replace this CHAMPS program and how are we going to serve...

CAROL WEST We don't need to replace the CHAMPS Program, the schools have funds to do that with, Chapter One funds.

JUDGE RUIZ Who, who, who came in with proposals? Tell me who came in with the proposals?

CAROL WEST Well, I have a list here, we got, on the 8th we received proposals from Community Advocacy, we received a proposal from Progreso School District and we received proposals from LULAC.

JUDGE RUIZ Okay.

CAROL WEST Under the II-C we've received proposals from Advocacy, LULAC, Realizing Potentials and Progreso.

JUDGE RUIZ Well, who are the school districts?

COMM. SANCHEZ Progreso.

JUDGE RUIZ Where's tutoring and mentoring?

CAROL WEST We had, these...

JUDGE RUIZ Where's Chap., where...

CAROL WEST These are the tutoring and mentoring programs.

JUDGE RUIZ Within the school districts? The school districts are not gonna do anything with their...

CAROL WEST Well, that was their choice, they chose not to send in a proposal.

JUDGE RUIZ No, Ms. West. It was not their choice. It was their choice, you know why, because, they started their school year.

CAROL WEST Huh-hum. You're saying to me that they could not have done like Prograso, Progreso sent in a proposal, why didn't they?

JUDGE RUIZ Ms. West?

CAROL WEST Why did they opt to just go away and see what to do, what action would happen today in this Courtroom.

JUDGE RUIZ Those programs ----- cannot.

CAROL WEST They have people on staff that do that.

JUDGE RUIZ We have no progressive program in the Office of Employment and Training?

CAROL WEST Yes we do, all the programs are very progressive. Every program, you, you...

JUDGE RUIZ

Well, Commissioners, let, let me...

CAROL WEST

...this is a duplication of effort, is what, what CHAMPS is.

JUDGE RUIZ

...let me tell you that, I am real discontent with the discussion, real discontent with...

COMM. CAMARILLO

So am I.

JUDGE RUIZ

...with, with the, with the direction of this program. We have totally left the educational system and community of this County, out of JTPA, when we had so much trouble getting them involved, in the first place. When we talk about remedial training, drop-out, mentoring, tutoring, TAAS tests, we've got nothing out there now.

CAROL WEST

CHAMPS does not, never did handle drop-out, those drop-out people were excluded, totally from CHAMPS. That's what we're doing now, now we're handling programs for drop-outs, that's what's in here, pro..., CHAMPS did not do that.

JUDGE RUIZ

I am going to recommend to this Commissioners' Court that, that, that the reconsideration of, of the budget amendments that were made, that we stick to the 2.8% across category, that would neg..., deny and neglect any program mix, any cancellation of CHAMPS, in this, in this proposed budget; and I'm asking that this be sent back to the Private Industry Council for their reconsideration.

CAROL WEST

Do you realize how many, how long that would delay programs?

COMM. ARCAUTE

We, ah, what we, before we take that on, I would like to just say in the, not in defense of the rest of the Commissioners, in this Court but, I'm going to do it on a personal basis, if the other Commissioners, Commissioners wish to do so, it's, it's their prerogative, but I will admit that I did not read all of the information that was submitted to us, two weeks before the, it was on the agenda.

CAROL WEST

Huh-hum.

COMM. ARCAUTE

I admit to that; and, ah, you can certainly present a good argument, Judge, because you were Executive Director for a certain period of time...

JUDGE RUIZ

I agree with that, Commissioner.

COMM. ARCAUTE

...and during all that time, we didn't get any information, to at least, for us to have some kind of background, to be able to challenge this, like you have, anyway. I agree with you.

JUDGE RUIZ

Itotally agree with you.

COMM. ARCAUTE

Yea, I agree with your challenge, but I, I can safely say, myself, that I was not ready to do that, because I didn't have the background or

the knowledge. So I, I thought I'd, I'd say that before we continue...

JUDGE RUIZ

And I, and I totally concur with your statement I don't expect myself or the Commissioners' Court to be experts on JTPA, it's totally impossible, Commissioners; and even if you read the whole pack, it would be difficult to understand, I, I know that and that's why I'm saying that it is very key for any director in this County, any director to be, come to Commissioners' Court and be able to explain what the program changes are about, or what they're proposing, what they want to do; because we cannot keep up with 83 departments and 187 programs. I mean, it, it is, it is inhuman, impossible, when you have to spend here twenty-fours a day; and, but and that is precisely my point, okay. That, that someone comes into this Commissioners' Court, okay, represent in very few words, a total change of direction in this program, a total change in budget, okay; and simple defends themselves by saying well there was piece of paper in your, in your packet, you didn't read it. That is not right.

COMM. ARCAUTE

Oh, I agree with you...

JUDGE RUIZ

And I think it was intentional.

COMM. ROSEL

It was our responsibility, Judge, and we need to take 95% of the blame, for it, -----

JUDGE RUIZ

Commissioner, you can't, you can't, because you will not able to be able to read that packet nor will you be able to research, all the issues, on that. I don't expect you to do that.

COMM. ROSEL

Yea, I remember in a conversation and you, that you and I had, you had told me I wish I had read this thing.

JUDGE RUIZ

Ah, I mean, I'm not, I'm in the same...

COMM. ROSEL

And you, you, you were the Acting Director...

JUDGE RUIZ

...I'm in, I'm the same position you are.

COMM. ROSEL

Exactly.

JUDGE RUIZ

I don't expect to read any, everything and anything, I don't expect to understand, you know, but I sure ask questions.

COMM. ROSEL

After the fact.

JUDGE RUIZ

No, before the fact.

COMM. ROSEL

In this situation, after the fact.

JUDGE RUIZ

Well, if I'd have been here, Commissioner, my, then my only problem, I had to take a vacation with my family. My apologies, for that.

COMM. CAMARILLO

I, I really don't have anything to apologize, I, I know, just like everybody else in this Commissioners' Court, sometimes we, we just don't

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have enough time to go over everything that, that we approve in this Commissioners' Court, but I remember when we all agreed that you would be taking over the, the agency, you came over, so many times with changes, we never questioned them. When you came back and told us that we, it was best that we dissolve the old agency and start a new one, for a better future better programs, to come in, we did that, well, I didn't question it, I didn't...

JUDGE RUIZ

Oh Commissioners, but didn't I...

COMM. CAMARILLO

Excuse me, excuse me...

JUDGE RUIZ

...explain it properly and thoroughly?

COMM. CAMARILLO

Not really. It's the same thing right now.

JUDGE RUIZ

Well, then you, you should've asked some questions, I would've answered.

COMM. CAMARILLO

Well.

COMM. ROSEL

No, but I think at that time...

COMM. CAMARILLO

Now, let me finish.

JUDGE RUIZ

Go ahead, go ahead, I'm sorry.

COMM. ROSEL

I'm sorry.

COMM. CAMARILLO

Uhm, we went through the, through the changes of the new organization, we put in place a transition team, they were, they came in with a lot of recommendations and we, we trusted that the transition team was, knowing what they were doing and, ah, finally after going through hundreds of applications we, we hired a, a new Executive Director and, and now all of a sudden we need more explanation, we need more time to go over the programs. Hey, I've got a, a precinct to run and I've got a whole County to make decisions on, so we, I hired a, with my vote, an Executive Director and I feel that, that I need to trust that she comes to this Commissioners' Court with programs that best, ah, fit our needs, so I, I'm just gonna have to go by the recommendations of the Executive Director.

JUDGE RUIZ

Well, I want you to, I, I, the only, the only thing that I'm going to, to, to object to your statement, Commissioner, because all of it is correct; is the fact that the, the Executive Director recommends to this Commissioners' Court and we approve policy...

COMM. CAMARILLO

Yes sir.

JUDGE RUIZ

The Executive Director only recommends, okay, we approve policy and after the Commissioners' Court approves policy, it has no to, one to blame, but itself, okay. On an individual basis for their vote, all right. So, so I'm not basing my trust in the Executive Director, I'm basing my trust on what I know and what I think

is best for my community, the community that elected me...

COMM. CAMARILLO

Yes sir.

JUDGE RUIZ

...to make those policy decisions.

COMM. CAMARILLO

I go along with that 100%.

JUDGE RUIZ

I still recommend, Commissioners...

COMM. SANCHEZ

Is a motion in order, Judge?

JUDGE RUIZ

Yes.

COMM. SANCHEZ

My, my feeling is that, you know, the, the direction this, that this agency is taking, the direction that Ms. West, is providing, in my opinion, is the direction that I think the agency should go. Ah, we gave birth to this thing, now we're just gonna have to raise it; we're going to have to come together and work on it. I trust the direction that she's providing for us, I trust the fact that she is competent. Her resume and her interviews dictated that and at this point, I would like to make a motion that we not reconsider the program and amendment budgets and let them stand as we approved them...

JUDGE RUIZ

Ratify...

COMM. SANCHEZ

...on July 20th.

JUDGE RUIZ

Is there a second to that motion?

COMM. ROSEL

I didn't hear what you said.

JUDGE RUIZ

Basically ratifying the fact.

COMM. SANCHEZ

To ratify the action.

COMM. ROSEL

I do second that motion.

JUDGE RUIZ

Motion and second, all in favor signify by saying aye.

COMMISSIONERS
SANCHEZ, ROSEL
& CAMARILLO

Aye.

COMM. ARCAUTE

Aye.

JUDGE RUIZ

Aye. Three, two, is that correct?

COMM. ROSEL

Three, two.

JUDGE RUIZ

Motion carries. All right let us now go into the Executive Session portion of Commissioners' Court, which is basically the contract for the Executive Director for Office of Employment and Training. Now, is, is, am I correct in saying that there has been changes in the contract. Would I ----- join me. Would you please wait for us, so we can look at this. (JUDGE AND COMMISSIONERS WENT INTO EXECUTIVE SESSION, ACCOMPANIED BY MR. TRAVIS HEISTER. DURING THIS

SESSION MS. WEST WAS CALLED IN BRIEFLY; THE EXECUTIVE SESSION LASTED APPROXIMATELY 1.5 HOURS)

I hereby call this meeting back to order, ah, we thank you for you patience, ladies and gentlemen, of our Commissioners' Court. The topic of our, of our discussion has been the employment agreement for Carol Elaine West, as the Executive Director of the Office of Employment and Training. As, as a history we had offered a proposal that was negotiated, a recounter proposal, there has been a counter proposal from the, from, from Ms. West, with, with changes that have been discussed in Executive Session, both by Commissioners' Court and also by, with, in the presence of, of Ms. Carol Elaine West. I would like to, to personally state that in the last ten days, I have had various discussions with Commissioners' Court, under a workshop setting, have tried to discuss and have discussed various direction changes in the agency, for, for programs and budgets in, in, in the Office of Employment and Training. I've stated my, my concern that I think there was a very little to no discussion, in terms of the direction with the Planning Committee, with the PIC Council and with the Commissioners' Court. So, therefore, I feel very uncomfortable into and totally disagree with some of the things that have been proposed in this Commissioners' Court and approved, by this Commissioners' Court, by, by, by at least three votes. In my discussions with the Commissioners, in Executive Session, we brought various concerns about these programs, again, I personally do not feel comfortable going into an employment agreement with Carol Elaine West and I will request this Commissioners to actually negate the offer, to Ms. West, for, for this proposed contract, as proposed originally, by this Commissioners' Court and wish that there will be a, a motion to negate the office, office, to negate this employment agreement to Ms. Carol Elaine West.

COMM. ARCAUTE

Judge, I so move.

JUDGE RUIZ

There is a motion, is there a second? Is there a second? Is there a second? I will second to take a vote. There is a motion and a second, to negate our original officer, office, offer of employment agreement to Ms. Carol Elaine West. All in favor signify by saying aye.

COMM. ARCAUTE

Aye.

JUDGE RUIZ

Aye. All opposed same sign.

COMMISSIONERS
SANCHEZ, ROSEL
& CAMARILLO

Aye.

JUDGE RUIZ

Motion carries. Motion fails, I'm sorry, in favor of proposing the agreement. Now, the agreement that, that we proposed has been changed, ah, minimally, by clarifying a couple

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of points, in, in some of the pages, I think, there is nothing significant, ah, Ms. West has agreed to those changes, under Executive Session, I, I wish to, to address Ms. West to make sure that publicly, she is saying that the, what was discussed, under Executive Session, she does agree with.

CAROL WEST

Yes, that's correct.

JUDGE RUIZ

Okay. Is there a motion to approve a contract with the Executive Director, Carol West, for the Office of Employment and Training, for a period of one year.

COMM. SANCHEZ

So move.

COMM. ROSEL

Second.

JUDGE RUIZ

Motion and second, all in favor signify by saying aye.

COMMISSIONERS
SANCHEZ, ROSEL
& CAMARILLO

Aye.

JDUGE RUIZ

All opposed same sign.

COMM. ARCAUTE

Aye.

JUDGE RUIZ

I oppose. The motion carries. Thank you, Commissioners.

(SEE "EXHIBIT T")

RETURNED TO REGULAR AGENDA AND FORMAT.

ITEM 11. NOE CAVAZOS - Administrative Assistant:

- A. Resolution in support of Edinburg and the County of Hidalgo to the Texas Department of Criminal Justice for co-location on prison facility as per Senate Bill 532

Noe Cavazos came before the Court requesting approval of a resolution as per Senate Bill 532. He stated that he had been contacted by the Texas Department of Criminal Justice, that they would be looking for a co-location project of other State facilities, within nine regions throughout the State. He stated that since this County had previously been funded for a state prison, we were automatically being considered as one of the co-location programs, under this Bill. After further explanation and discussion, a motion was made by Commissioner Rosel, seconded by Commissioners Arcaute and Sanchez, to approve a resolution in support of Edinburg and the County of Hidalgo to encourage, ask, apply and get, the Texas Department of Criminal Justice for co-location of the prison facility as per Senate Bill 532.

MOTION CARRIED.
SEE "EXHIBIT P"

ITEM 12. PURCHASING DEPARTMENT:

- A. Award Bids:
1. Rental Space - WIC

2. 3 Ditch Bank Mowers - Pct. #1
B. Consider second bid for salvage of scrap metal

12/A/1

Mary Maldonado, Purchasing Agent, came before the Court and presented the bidders for the rental space for the WIC Program in the area of La Joya. Ms. Maldonado was at this time recommending the second lowest bid, as per Ms. Longoria's request. Her reason for this was that it would be a new building, to be built to her specifications, plus the fact that it would provide for more parking; and Commissioner Rosel recommended that they should go with the low bid since it was stated in the bid that it would be renovated to fit the program's needs within a month. After further discussion, a motion was made by Commissioner Rosel, seconded by Commissioner Arcaute, to take all bids under advisement for the rental space required for the WIC Program in La Joya.

MOTION CARRIED.
SEE "EXHIBIT Q"

12/A/2

Mary Maldonado presented the bids for the purchase of three ditch bank mowers, with trade-in. Commissioner Sanchez then stated that they had advertised for either hydraulic or mechanical mowers, and he was at this time requesting that the bid from Seaver Implement Co. be accepted. He added that it was for three mechanical mowers and it was the low bid. A motion was made by Commissioner Sanchez, seconded by Commissioner Arcaute, to accept the low bid of Seaver Implement Company, out of Donna, for the purchase of three ditch bank mowers, for Precinct One.

MOTION CARRIED.
SEE "EXHIBIT Q"

12/B

Mary Maldonado informed the Court that previously she had been given permission, by this Court, to sell scrap metal to the highest bidder, which had been Weslaco Salvage. Since then Weslaco Salvage had declined to honor their proposal, by not picking up the scrap metal as stated in their bid. Ms. Maldonado was at this time requesting permission to award bid to the next highest bidder, which was Anglo Iron, of San Juan, at a price of \$20.00 per ton. A motion was made by Commissioner Arcaute, seconded by Commissioner Rosel, to rescind our [Commissioners' Court] award to sell the scrap metal to the highest bidder, which was Weslaco Salvage, for non-performance; and request that it be awarded to the second highest bidder, which is Anglo Iron, of San Juan.

MOTION CARRIED.
SEE "EXHIBIT Q"

ITEM 13. PLANNING DEPARTMENT:

A. Subdivisions:

1. Irma Shafer Subdivision - Pct. #3
2. Lots 1-18, McAllen Produce Terminal Market Subdivision - Pct. #3
3. Garcia-Bailey Subdivision - Pct. #4

13/A/1

A motion was made by Commissioner Rosel, seconded by Commissioners Sanchez and Camarillo, to approve the plat of Irma Shafer Subdivision, which is located approximately 353 feet north of State Highway 107, on the east side of Sharyland Road, City of McAllen, Precinct Three.

MOTION CARRIED.
SEE "EXHIBIT R"

13/A/2

A motion was made by Commissioner Rosel, seconded by Commissioner Arcaute, to approve the plat of Lots 1-18, McAllen Produce Terminal Market Subdivision, which is located on the southwest corner of South 23rd Street and F.M. 1016, City of McAllen, Precinct Three.

MOTION CARRIED.
SEE "EXHIBIT R"

13/A/3

A motion was made by Commissioner Camarillo, seconded by Commissioners Arcaute and Sanchez, to approve the plat of Garcia-Bailey Subdivision, which is located approximately one mile north of Monte Cristo Road, on the east side of Rio Grande Care Road, City of Edinburg, Precinct Four.

MOTION CARRIED.
SEE "EXHIBIT R"

ITEM 14. URBAN COUNTY:

- A. City of Palmview - Professional Services Contract (Engineering) for Street Improvements Project (Phase II), Year 5
- B. HOME - "First-Time Homebuyer Contract Agreements" and Letter of Commitment to Mortgage Company
- C. Colonia Fund 1992, Pct. 2, Tom Weekley Subdivision and El Charro #1 Subdivision
- D. Precinct #2 - Professional Services Contract (Engineering) Street Improvements - Year 6
- E. Approval of Bills

14/A

Anthony Covacevich, Urban County Director, came before the Court and stated that the City of Palmview wanted go into a professional services contract with with Noe Garza Engineers, Inc.. The contract was for street improvements on La Homa Road from Expressway 83 south to the Edinburg Main Canal; the total budget for this project was \$26,795.67. A motion was made by Commissioner Rosel, seconded by Commissioner Sanchez, to approve a professional services contract with Noe Garza Engineers, Inc., City of Palmview and the County of Hidalgo; for-Phase II street improvements, contract amount is \$3,188.00.

MOTION CARRIED.
SEE "EXHIBIT S"

14/B

Anthony Covacevich informed the Court that these were the next two applicants which had been found eligible, under the First Time Homebuyers Program. He said that he was requesting approval at this time, as well as approval of a letter of commitment with Farmers Home Administration. A motion was made by Commissioner Arcaute, seconded by Commissioner Sanchez, to find eligible Lazaro Rodriguez and Juan Carlos Sanchez, to participate in the HOME First Time Homebuyer Program, in the amount of \$5,000.00.

MOTION CARRIED.
SEE "EXHIBIT S"

14/C

Anthony Covacevich stated that he was requesting permission to advertise for housing rehab construction for ten plumbing and

toilet units for ten homes in the Colonia Fund Program. Tom Weekley Subdivision with four units and El Charro Subdivision with six units, this is to go out for bids. A motion was made by Commissioner Arcaute, seconded by Commissioner Camarillo, to authorize the advertisement for bids for the subdivisions of Tom Weekley and El Charro, under the Colonia Fund 1992; bid opening September 1st, bid award September 7.

MOTION CARRIED.
SEE "EXHIBIT S"

14/D

A motion was made by Commissioner Arcaute, seconded by Commissioner Camarillo, to approve a contract with Noe Garza Engineers, Inc. for the following street improvements, in Year 6. [NOTE: the streets to be improved are Sioux Road, N. Alamo Subdivision, S. Tower Road, Morningside, LJ Subdivision, Carrol Road, El Dora Road, Bethany et al and I Road.]

MOTION CARRIED.
SEE "EXHIBIT S"

14/E

A motion was made by Commissioner Arcaute, seconded by Commissioner Camarillo, to approve the CDES Inc. bill #5000 in the amount of \$142.72; the 1992 Urban County bills #5001 thru #5020 totaling \$302,334.66; the 1993 Urban County bills #5021 and #5022 in the amount of \$1,317.72; the HOME Program bills #5023 thru #5025 in the amount of \$10,305.56 and the 1992 Emergency Shelter Grant bills #5026 and #5027 totaling \$11,055.05. The total Urban County memorandum to be approved is \$325,155.71.

MOTION CARRIED.
SEE "EXHIBIT S"

There being no further business to come before the Court, a motion was made by Commissioner Arcaute, seconded by Commissioner Camarillo, that said meeting of Commissioners' Court be hereby adjourned.

MOTION CARRIED.

DRAINAGE DISTRICT

The Honorable J. Edgar Ruiz, County Judge called the Drainage District meeting to order whereupon the following proceedings were had to-wit:

- ITEM 2. REMOVAL OF STOLEN ITEMS FROM ASSET LIST
- ITEM 3. DECLARATION OF ITEMS SURPLUS

2 & 3

A motion was made by Commissioner Arcaute, seconded by Commissioner Sanchez, to authorize the declaration of stolen items surplus, taken off the inventory, plus declaration of equipment surplus and authorize our Purchasing Agent dispose of said equipment.

MOTION CARRIED.
SEE "EXHIBIT V"

ITEM 1. PERMIT - City of Edinburg

A motion was made by Commissioner Camarillo, seconded by Commissioner Arcaute, to approve a request for permit by the City of Edinburg, for both Canton Terrace and Mon Mack Estates Subdivisions.

MOTION CARRIED.
SEE "EXHIBIT U"

There being no further business to come before the Drainage District, a motion was made by Commissioner Camarillo, seconded by Commissioner Sanchez, that said meeting be hereby adjourned.

MOTION CARRIED.

THERE BEING NO FURTHER BUSINESS TO COME
BEFORE SAID COURT, the meeting of the Commissioners' Court was
adjourned.

J. Edgar Ruiz
County Judge

Samuel Sanchez
County Commissioner, Precinct #1

Lalo Arcaute
County Commissioner, Precinct #2

Juan Rosel
County Commissioner, Precinct #3

Leonard Camarillo
County Commissioner, Precinct #4

Dated this 17TH day of AUGUST, 1993.

ATTEST:

WILLIAM R. LEO, County Clerk
Hidalgo County, Texas



By: Jennifer Castillo
Jennifer Castillo, Deputy