

J. EDGAR RUIZ
HIDALGO COUNTY JUDGE

NOTICE is hereby given in accordance with Chapter 551, Texas Government Code, that a SPECIAL MEETING of the Commissioners' Court will be held on TUESDAY, JUNE 20, 1995 at 9:30 A.M. in the Commissioners' Courtroom of the Administration Building, Edinburg, Hidalgo County, Texas, discussion and possible action relating to the following business will be transacted:

NOTICE TO THE PUBLIC

CONSENT AGENDA

The following items are of a routine or administrative nature. The Commissioners' Court has been furnished with background and support on each item, and/or it has been discussed at a previous meeting. All items will be acted upon by one vote without being discussed separately unless requested by a Commissioner, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon. The remaining items will be adopted by one vote.

1. Approval of bills
2. Approval of Monthly Fee Reports:
 - A. Justice of the Peace:
 1. Rosa Trevino - \$ 11,352.72 - May
 2. Ismael Ochoa - \$ 9,564.03 - "
 3. Jesus Morales - \$ 6,108.00 - "
 4. Adan Caballero - \$ 8,565.00 - "
 - B. District Clerk - \$ 119,963.59 - May
3. Approval of Court Reporter's Fees:
 - A. Annette E. Escobar - \$ 112.00
- \$ 136.00
4. Planning Department:
 - A. Subdivisions:
 1. Del Oro Subdivision Unit 2 - Pct. 4
 2. I.B.C. Subdivision - Pct. 4
 3. Texas Vintage - Pct. 4
5. Internal Line Item Transfers:
 - A. Human Services
 - B. Adult Probation (State funds)
 - C. Adult Probation (Restitution Center)
 - D. Juvenile Probation
 - E. Drug Impact Court
 - F. WIC
 - G. Sheriff Department

Dated this the 14th day of June, 1995

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1. Approval of Resolution supporting I-69 *Aracote/Garcia*
2. Authorization and approval to enter into Interlocal Agreement with the City of McAllen and Hidalgo County for the acceptance of a 1989 Pontiac Trans-Am GTA - Drug Enforcement and Special Crimes Task Force
3. County Clerk:
 - A. Declare Equipment Surplus *Sanchez*
4. Budget Amendments:
 - A. Constable - Pct. #5 (Investigation Fund) *Aracote/Garcia*
 - B. Lunacy Trials
 - C. Appraisal District Fees
 - D. Landfill *Aracote/Garcia*
5. Dick Dickinson - Administrative Assistant:
 - A. Authorization and approval to submit grant for Solid Waste Program *Sanchez/Rose*
 - B. Discussion and action on County Policy Procedures:
 1. Paid holidays *Sanchez/Rose*
 2. Clarification of Accrued Comp-Time *Rose/Garcia*
 3. Accrued Annual Leave and Sick Leave *Sanchez/Garcia*
 - C. Approval of extension on Ambulance Service Contract *Rose/Garcia*
6. Approval of Change Order, Sweezy Construction, - T.B. Unit - Adult Detention Center *Rose/Garcia*
7. Pct. #1:
 - A. Approval to extend Landfill Lease *Aracote/Garcia*
8. Pct. #2:
 - A. Reappropriation of unbudgeted funds - Paved/unpaved roads and park fund *Sanchez/Rose*
 - B. Declare Equipment Surplus *Aracote/Garcia*
9. Pct. #3:
 - A. Resolution designating a County Road Intersection as a four way stop intersection *Rose/Garcia*

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10. Planning Department:

A. Subdivisions:

- 1. Hector Subdivision - Pct. #1 — *Arriola/Rosel*
- 2. Acevedo Subdivision Unit #7 - Pct. #3 — *Rosel/Garcia*
- 3. Acevedo Subdivision Unit #8 - Pct. #3 — *Rosel/Garcia*

B. Preliminary Plat Approval:

- 1. Tamarron Estates - Pct. #4 — *Garcia/Rosel*

11. Purchasing Department:

A. Award Bids:

- 1. 1995 - 15 Passenger Van - Restitution Center — *Garcia/Rosel*

12. Urban County:

- A. City of La Joya - Proposal for review appraisal services - Parks and Recreation Facilities
- B. HOME - "First Time Home Buyer Contract Agreements" and Letter of Commitment to Mortgage Company — *Rosel/Carees*
- C. Approval to allow Mission Service project to convert monies from Interim Financing to Permanent Financing under the Home Program — *Rosel/Garcia*
- D. First National Bank Line of Credit Resolution Colonias Fund Program — *Sanchez - Garcia*
- E. City of Alton - Professional Services Contract PFI-Parks and Recreation Facilities — *Rosel - Approval*
- F. City of Hidalgo Health Clinic - Termination of Contract — *J. D. Salinas*

13. Office of Employment and Training:

- A. TDOC Corrective Measures Report — *J. D. Salinas*

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 - A. Authorization and approval to submit grant for Solid Waste Program
 - B. Discussion and action on County Policy Procedures:
 1. Paid holidays
 2. Clarification of Accrued Comp-Time
 3. Accrued Annual Leave and Sick Leave
 - C. Approval of extention on Ambulance Service Contract
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13. Office of Employment and Training:
 - A. TDOC Corrective Measures Report

Dated this the 14th day of June, 1995

THE STATE OF TEXAS :

COUNTY OF HIDALGO :

BE IT REMEMBERED that on the 20TH day of JUNE, 1995, after due notice having been given, there was begun and holden, a SPECIAL MEETING of the Commissioners' Court and the Drainage District, 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. Guadalupe "Lupe" Garces
County Commissioner, Precinct #4

WHEREUPON, the following proceedings

were had, to-wit:

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CONSENT AGENDA

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ITEM 1. APPROVAL OF BILLS:

GENERAL FUND	- #110678	- #110917	- \$2,096,703.13
SPECIAL REVENUE FUND	- #110933	- #111174	- \$ 739,907.14
DEBT SERVICE FUND	- N/A	- N/A	- -0-
CAPITAL PROJECTS FUND	- # 4719	- # 4720	- \$ 675.00
TRUST AND AGENCY FUND	- # 4776	- # 4797	- \$ 312,911.89
ENTERPRISE FUND	- # 2294	- # 2299	- \$ 4,104.00

(SEE EXHIBIT A)

ITEM 2. APPROVAL OF MONTHLY FEE REPORTS:

A. JUSTICE OF THE PEACE:

1. Rosa Trevino - \$11,352.72 - May
2. Ismael Ochoa - \$ 9,564.02 - "
3. Jesus Morales - \$6,108.00 - "
4. Adan Caballero - \$119,963.59 - "

B. DISTRICT CLERK: - \$119,963.59 - May

(SEE EXHIBIT B)

ITEM 3. APPROVAL OF COURT REPORTER'S FEES:

- A. ANNETTE E. ESCOBAR - \$112.00
 \$136.00

(SEE EXHIBIT C)

ITEM 4. PLANNING DEPARTMENT:

A. SUBDIVISIONS:

1. Del Oro Subdivision Unit 2 - Pct. 4
2. I.B.C. Subdivision - Pct. 4
3. Texas Vintage - Pct. 4

(SEE EXHIBIT D)

ITEM 5. INTERNAL LINE ITEM TRANSFERS:

- A. HUMAN SERVICES
- B. ADULT PROBATION (STATE FUNDS)
- C. ADULT PROBATION (RESTITUTION CENTER)
- D. JUVENILE PROBATION
- E. DRUG IMPACT COURT
- F. WIC
- E. SHERIFF'S DEPARTMENT

(SEE EXHIBIT E)

A motion was made by Commissioner Garces and was seconded by Commissioner Rosel to approve Consent Agenda as presented.

MOTION CARRIED
(SEE EXHIBITS A-E)

REGULAR AGENDA

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ITEM 1. APPROVAL OF RESOLUTION SUPPORTING I-69.

Judge Ruiz opened by stating that this had been on the Agenda previously. After some comments concerning I-69, Judge Ruiz recommended

(06/20/95)

the approval of the resolution supporting I-69. Commissioner Arcaute so moved and was seconded by Commissioner Garces.

MOTION CARRIED
(SEE EXHIBIT F)

ITEM 2. AUTHORIZATION AND APPROVAL TO ENTER INTO INTERLOCAL AGREEMENT WITH THE CITY OF McALLEN AND HIDALGO COUNTY FOR THE ACCEPTANCE OF 1989 PONTIAC TRANS-AM GTA-DRUG ENFROCEMENT AND SPECIAL CRIMES TASK FORCE

After some comments from Mrs. Etnire, a motion was made by Commissioner Arcaute and was seconded by Commissioner Garces for approval of Interlocal Agreement between the City of McAllen and the County of Hidalgo for acceptance of this particular vehicle.

MOTION CARRIED
(SEE EXHIBIT G)

ITEM 3. COUNTY CLERK:
A. DECLARE EQUIPMENT SURPLUS:

A motion was made by Commissioner Sanchez and was seconded by Commissioner Arcaute for approval and disposition from the Purchasing Department.

MOTION CARRIED
(SEE EXHIBIT I)

ITEM 4. BUDGET AMENDMENT:
A. CONSTABLE - PCT. 5 (INVESTIGATION FUND)
B. LUNACY TRIALS
C. APPRAISAL DISTRICT FEES
D. LANDFILL

4A-D

Judge Ruiz opened by stating that the Constable actually wants to transfer \$13.72. He then stated that there was a pending bill of \$800 for Lunacy Trials. The Appraisal District had fees of \$5,402.92. He then stated the budget amendment for the landfill was just for payment of pending bills. After a few comments a motion was made by Commissioner Sanchez and was seconded by Commissioner Arcaute to approve 4A,B,C.

MOTION CARRIED
(SEE EXHIBIT I)

JUDGE RUIZ STATED THAT THEY WILL RETURN TO ITEM 4D WITH SOME FIGURES.

ITEM 5. DICK DICKINSON - ADMINISTRATIVE ASSISTANT:
A. AUTHORIZATION AND APPROVAL TO SUBMIT GRANT FOR SOLID WASTE PROGRAM
B. DISCUSSION AND ACTION ON COUNTY POLICY AND PROCEDURES:
1. Paid Holidays
2. Clarification of Accrued Comp-time
3. Accrued Annual Leave
C. APPROVAL OF EXTENSION ON AMBULANCE SERVICE CONTRACT

5A

Mr. Dickinson opened by stating that this grant was a State match of \$50,000 and the County match was \$50,241.99. As of April there was already \$33,200 and an additional amount needed is \$16,041.99 left to be paid on this grant. After some lengthy comments and discussion a motion was made by Commissioner Sanchez and was seconded by Commissioner Rosel to authorize the submittal of the grant for Solid Waste as presented.

MOTION CARRIED
(SEE EXHIBIT J)

5B 1,2 &3

THIS ITEM IS IN VERBATIM FORMAT.

ITEM 5B1,2,&3 DISCUSSION AND ACTION ON COUNTY POLICY AND PROCEDURES

JUDGE RUIZ I think that it's important that we all know..I think we all read the same paragraph and know exactly what is going on. I think we had a conflict in terms of how holidays are accrued and how compensatory time is paid and who takes vacation and who takes not so..This is our effort to clarify these particular issues.

DICK DICKINSON Judge, what we're asking for, in order to clarify this, is an amendment to County Policy Procedure Manual of section 11 which is in the back of those three pages and in subsection C what we're asking is that the ah.. policy be amended to state that all employees of the County shall be compensated for such designated paid holidays with compensatory time or time off as authorized by their Department Head irrespective of their assigned work schedule with the exception of those employees receiving workman's compensation and family leave.

JUDGE RUIZ What we were facing, it seems like if, if, if an employee had an irregular schedule Mon. thru Fri. 8-5 and that particular, lets say that, that you had worked Wednesday thru Tuesday as a Law Enforcement Officer and, and ah you were off Thursday and that particular Thursday was a holiday, ah I think the auditor was saying...

DICK DICKINSON ...that your not...

JUDGE RUIZ ...you're off...

DICK DICKINSON ...that you're not due ah...

JUDGE RUIZ ..that's not..

DICK DICKINSON ...payment or compensatory time for that holiday.

JUDGE RUIZ It never has been and never will, so we will have to make sure that this was included so that everybody gets paid fairly.

COMM. ARCAUTE That's, that's because of their schedule..if their schedule, you know..that day falls within the ah...

DICK DICKINSON What we're trying to..to ah...

COMM. GARCES This is a regular employee or the...

DICK DICKINSON To clarify the position if I can use the scenario...

COMM. ARCAUTE ---so if he didn't have to--

DICK DICKINSON if..if you're a person with the Adult Probation Office or

a Friday...holiday falls on that Friday.. as it...as it is now that the..., that the people that are off Sat. & Sun. if they choose to work Friday they get paid 48 hours for 40 hours work. If they choose to take Friday off, then they get paid 40 hours for 32 hours work, but if they are scheduled off, they get paid 40 hours for 40 hours and they lose the 8 hours because their off day happened to fall on a holiday.

COMM. SANCHEZ ..because of the holiday.

DICK DICKINSON ..because of their schedule.

COMM. SANCHEZ That's what you have now..

DICK DICKINSON Right.

COMM. SANCHEZ ..and your time..

DICK DICKINSON This the way..this the way Mr. Austin computes a holiday and what we're asking is that the policy be amended to stipulate irregardless of your scheduled off days, a paid holiday is a paid holiday.

COMM. ROSEL Exactly.

DICK DICKINSON You can either take it off, you can work it and get paid for it or if you're off you still get paid for it because it is a paid holiday. By amending the Policy and Procedure Manual I think that would ah..take off that problem in difference of interperatation.

COMM. ROSEL What you mean is, if your off and you work it..

DICK DICKINSON If you're scheduled to be off..

COMM. ROSEL ..and you work it..

DICK DICKINSON ..and you work..

COMM. ROSEL ..that's 48 hours.

DICK DICKINSON ..you get..you work 40 and you get paid...in other words...
Let me start over.

JUDGE RUIZ It's double time.

DICK DICKINSON On a seven day work period, if your off days are Sat. and Sun. and a holiday falls on a Fri., if you choose to take off, you will have in affect only worked 32 hours but you will be paid for 40. If you choose to work that Fri. you will have worked 40 hours and be compensated for 48.

COMM. ROSEL ..that's correct.

DICK DICKINSON ..cause you will be paid for the Fri. that you worked plus the 8 hours for the paid holiday. The problem that we have is that if your off day is scheduled on a paid holiday, the auditor says you shall not receive any payment for that day.

COMM. SANCHEZ ..for the holiday..

DICK DICKINSON ..for the holiday, because you were scheduled to be off and we're saying that everybody is supposed to be paid for a paid holiday.

JUDGE RUIZ County Commissioner's Court says eleven holidays, eleven paid holidays a year for all employees..

COMM. ROSEL whether you're off or not.

JUDGE RUIZ ..off or not.

DICK DICKINSON That's correct.

JUDGE RUIZ ..and Steve suddenly came up with an idea that if you're off you don't get paid. So we better clarify it now..

- COMM. ROSEL Yeah you're right. Why should we punish that particular individual...
- JUDGE RUIZ Thats' right..
- COMM. SANCHEZ It's the wrong way to save money.
- COMM. ROSEL You're right.
- JUDGE RUIZ I don't think the intent is to save money unfortunately commissioners.
- COMM. ROSEL No no. I don't think so.
- JUDGE RUIZ We recommend the amendments ah, on the County Policy Procedure Section 11 subsection C as recommended.
- COMM. SANCHEZ So move.
- COMM. GARCES Second.
- JUDGE RUIZ Motion seconded. All in favor signafy by saying aye.
- COMMISSIONERS Aye.
- JUDGE RUIZ All opposed same sign. Motion carries. Alright.
- COMM. SANCHEZ I also think that everybody should take every Sunday off.
- DICK DICKINSON Me too Commissioner. The next thing that were asking clarification on...
- JUDGE RUIZ Tell that to the Law Enforcement Officers. (laughter) we need policemen out there Sundays.
- JUDGE RUIZ *Clarification of Accrued Comp. time.*
- DICK DICKINSON There seems to be a another problem here as to how time is recorded for employees. Case in point is the Adult Probation. County Policy states that non Law Enforcement personnel are on 40 hour seven day work period and that compensatory time or overtime accrues on the 41st hour. The problem lies is in the timesheets that are being required by the auditor that if a..an individual works ten hours on Mon. that he's supposed to put 8 hours regular time and 2 hours compensatory time..and then if he works..if he's instructed by his supervisor to come in at ten o'clock instead of eight o'clock on Tues. he's supposed to request to use the two hours that he worked Mon. to add to the six hours that he's working Tues. to make it balance. What I'm asking for is a clarification from the Commissioners that the policy as I understand it is that the keeper of the time is the Department Head and at the end of the work period if his time is accurate, that it is straight time, regular time until that employee reaches that 41st hour not the ninth hour. If LSA ah..says that it is seven day forty hour work period. I have ah..Mr. Joe...
- COMM. ROSEL Any way you accumulate it..it's 40 hours..we talked about

COMM. GARCES He can submit 40 hours in three days. Thats' it...if he's off the rest of the work...

DICK DICKINSON ...he's off the rest of the week...and

JUDGE RUIZ What the auditor is saying is well if you work 10 hours on Tues....

COMM. ROSEL ..you get 2 hours comp.

JUDGE RUIZ ..2 hours comp. even though you worked 40 hours the whole week and that's not so.

DICK DICKINSON ..and the other problem I percieve in this is that if you are stating that on the 1st day of the week that you have made 8 hours regular time and 2 hours compensatory time, then you're anticipating the work schedule.

COMM. ROSEL Yeah. exactly.

DICK DICKINSON The county policy and FLSA states that overtime does not commence until the 41st hour in the seven day pay period.

JUDGE RUIZ Alright. So I think that our motion is to clarify our personnel policy dictating that compensatory time within a seven day 40 hour work week begins at the 41st hour.

DICK DICKINSON After the 40th hour..that's correct.

STEVE AUSTIN After the 40th hour..

DICK DICKINSON After the 40th hour.

JUDGE RUIZ After the 40th hour.

DICK DICKINSON Correct.

COMM. ARCAUTE That's the law?

STEVE AUSTIN That's the law, yes Commissioner. That..that's not gonna create any..any changes that ah..ah I believe what ah..Mr. Dickinson is..is saying here is it's just in the way that the time sheets are filled. Okay. There is a method by which the.. the time sheets have been required to be filled out and that being that an individual reports his regularly scheduled hours in one area and any hours exceeding those regularly scheduled hours are reported as comp. time and ah...there's nothing wrong with that because at the end of the week there's a computation that adds both of these amounts to calculate the total hours worked and any hours that exceed 40 hours, ah, are, ah, are paid at ah, at time and a half.

JUDGE RUIZ It's supposed to.

COMM. ROSEL -----lawyers...

COMM. ARCAUTE What we're...

DICK DICKINSON (INAUDIBLE)

JUDGE RUIZ That is totally misleading.

DICK DICKINSON Judge if I may...

JUDGE RUIZ If it's misleading the form has to change and that's what we're trying to say here Steve.

STEVE AUSTIN Well judge, do you have...

JUDGE RUIZ

If you put ten..when you put..in any day if this person worked ten hours and you put 8 hours regular and 2 comp. there is an insinuation that that person 2 hours comp. Now you...you've gotta change that because even though at the end he worked 40 hours..

STEVE AUSTIN

Well then what...

JUDGE RUIZ -----never tell'em that you're getting 2 hours comp. until after the 40th hour.

COMM. ROSEL Exactly.

JUDGE RUIZ ..as simple as that.

DICK DICKINSON We're saying that the 2 hour...

STEVE AUSTIN It's not overtime, it's not overtime and it's not calculated at time and a half. There...it's, it's on record that on that particular day that individual worked his regular scheduled hours and above and beyond that he worked x number of hours.

COMM. ROSEL Four years from now,---they're gonna sue us so those two other hours that you put down there, they're gonna come back...

JUDGE RUIZ ...because a work period is not based on a days' work. It's a seven day 40 hour work week, and if that person worked 24 hours that day he worked 24 hours that day. Period.

COMM. SANCHEZ ..within the seven day period.

DICK DICKINSON What we're..what we're...

JUDGE RUIZ ...seven day period.

DICK DICKINSON What we're...

JUDGE RUIZ ..but it's not based on a day to day basis. If that individual worked 10 hours that day, Lopez, he works ten hours and you put on that..on that regular day not 8 hours but 10 hours and don't put 8 and 2 somewhere else; anywhere else. 10 hours; that's it.

COMM. ROSEL 10, 15, 12

JUDGE RUIZ and..and..and not..

COMM. SANCHEZ However many hours accumulated within the seven days.

JUDGE RUIZ That's right.

COMM. ARCAUTE The clarification should come in this. This is why we say so much an hour. We don't work on an hourly ah.. ah..we work for a salary...wages in this County. There's no such thing as a per hour deal. I don't know where that comes from. Maybe it's a requirement.

JUDGE RUIZ That is true Lalo. That is exactly true.

COMM. ARCAUTE ...it is. Okay. So what do we do...are talking about here is you work..

DICK DICKINSON What were saying is that...

COMM. ARCAUTE We're working a 40 hour work period a week..

COMM. ARCAUTE Work period. We're not talking about whether...

JUDGE RUIZ That's exactly...

DICK DICKINSON ----compensatory time should not enter into it until...

COMM. ARCAUTE ---talking about when you get paid by the hour. In this

county we don't get paid by the hour.

- COMM. SANCHEZ Steve computes overtime on a daily basis. Anything over 8 hours...
- STEVE AUSTIN ...no, no, no commissioner.
- COMM. ARCAUTE Well that's overtime. See he's paying overtime not comp-time.
- COMM. SANCHEZ ...time and a half.
- COMM. ARCAUTE That's even worse.
- JUDGE RUIZ What we want to make sure is this. That if a person works on Mon. 7 hours, 10 hours, 12 hours, 24 hours, that that be appropriately logged in his time sheets, not as an 8 hour day plus.
- DICK DICKINSON That's correct.
- JUDGE RUIZ ...2 hours or 12 hours or 14 hours. You worked 24 hours then if the next day he didn't work, and the next day he didn't work and then the other day or Thur. he worked 16 then he worked 16 and the a cumulative of 40 hours. Thereafter, if he works any hours then it's compensatory time or whatever it may be done. But it is not broken down to 8 and 2 or 8 and 4..it...it..it is placed as..as..as it should be. Any other way would be insinuating that this person is going to get compensatory time and that should not be done Steve.
- COMM. ARCAUTE What's the problem, the forms that..that we are now ah...
- JUDGE RUIZ Yeah. In other words what Steve is saying is (a) you worked 10 hours today so you put 8 here on your regular day and put 2 hours over here; and say wait a minute no there's ten here. That's it.
- COMM. ARCAUTE I realize that but what is it we're trying to do here?
- DICK DICKINSON What we're asking..
- JUDGE RUIZ ----clarifying what
- DICK DICKINSON ...to clarify that..that...
- COMM. ARCAUTE What kind of action should we take?
- DICK DICKINSON ..the, the intent of the Policy is that compensatory time should not enter into ah..the computation of..of time worked until after..until after the 40th hour. It is all regular time until you have exceeded 40 hours.
- COMM. ARCAUTE Let me ask you. That's the law, right?
- JUDGE RUIZ Yes.
- DICK DICKINSON That's the policy..
- JUDGE RUIZ That's the way it reads.

DICK DICKINSON ...and that is the law.

COMM. ARCAUTE So what are we doing?

COMM. GARCES Why don't we confirm by legal counsel?

JUDGE RUIZ Steve Austin is insinuating other things.

COMM. ARCAUTE Well just give him a copy of the law. He's good at interpreting all this kind of stuff.

JUDGE RUIZ Well he's already read it but he interprets it different ways.

DICK DICKINSON Well I have had discussions with Mr. Austin and that's why ah..we, we have reached impass on this and I would like a clarification from the court as to their intent on the policy and their interpretation of the policy.

JUDGE RUIZ So a motion is in order to clarify the issue in terms of a seven day 40 hour week week, work week where by comp. time begins after the 40th hour of work. We recommend a motion.

COMM. ROSEL So move.

COMM. GARCES Second.

DICK DICKINSON Yes, this should be qualified that this is for non-Law Enforcement County Employees.

JUDGE RUIZ Correct.

COMM. GARCES As to the change, my second still stands.

JUDGE RUIZ Motion, second.

COMM. ROSEL Yep.

JUDGE RUIZ All in favor signify by say Aye.

COMMISSIONERS Aye.

JUDGE RUIZ All opposed same sign. Motion carries. NOW ANNUAL LEAVE AND SICK LEAVE.

DICK DICKINSON Item 3 is..this says ah...it has two parts to it. Ah.. there seems to be another problem as the..as it regards to the computation of earned vacation ah..in this particular point and I'm, I'm sure it probably has a similar problem with sick leave. The auditor has requested that..that vacation be computed at 3.6923 per pay period. County Policy states ah..if you'll look on your third page, that full time employees shall be eligible to use vacation or sick leave six months. The ah..if an employee begins work prior to the 16th day of the month, he or she shall earn a vacation day for that month. Vacation days are earned on the last day of the month. Ah.. as I interpret the..the policy is if an employee is in the employment of the County prior to the 16th day of the month, on the last day of that month, they shall receive 8 hours or 1 vacation day and that is to be credited to their account on the first day of the succeeding month not computed at 3.6923 per pay period. Example, this..in this month we have three pay periods. The computation would be 11.07 hours. In a..in a month, a calender month where there is two pay periods it computes out to 7.38 hours. The policy says 8 hours/1 day per month given on the first day of the succeeding month..

JUDGE RUIZ See what Steve is trying to do is change policy.

COMM. ARCAUTE I think you already lost us, so don't...(laughter)

JUDGE RUIZ They..they cleared..all, all you have to do Steve is follow the policy that was adopted and approved by Commissioner's Court.

COMM. ROSEL ..es todo..(That's all)

STEVE AUSTIN The poli...the policy is being followed, Judge..what ah..

JUDGE RUIZ ...no it's not.

STEVE AUSTIN ...Mr. Dickinson is trying to do is..is trying to..to find...he's getting into the mechanics of how our computer works in the office. How...how....

JUDGE RUIZ No he's not

STEVE AUSTIN ...employee records are being accrued..how..how employees are accruing their time, not ah..th...the..the employees accrued times based on the hours that they worked.

JUDGE RUIZ No. No. Listen to the policy. Listen to the policy, "full time employees shall be eligible to use vacation leave with pay after six months of probationary period. If the employee begins work prior to the 16th day of the month, which is half of the month, he or she will earn a vacation day for that month". So if they..between the first day of the month and the fifteenth day of the month if they begin their employment during...

STEVE AUSTIN ...full time employees..

JUDGE RUIZ ---they..they get one day.

STEVE AUSTIN That's correct.

JUDGE RUIZ Okay. Vaction days are earned on the last day of the month. It is not earned by pay periods. It is not owned by..ah..earned hours. It is earned by the month.

STEVE AUSTIN Right.

JUDGE RUIZ So..so what you're doing is again insinuating that that employee because he worked one pay period a two week period, that he earned 3.6923.

STEVE AUSTIN No.

JUDGE RUIZ ..and that's not necessarily true..

STEVE AUSTIN No Judge. What..what Mr. Dickinson I believe is..is he's equating accruing hours and earning hours and there is..there is a distinct difference there. Ah..employees earn these hours at the end of the month and that's..that's not a problem. That's the way the system is designed to..to..to give them those hours at the end of the month. They accrue..ah..hours..they increase in other words, they don't earn or get those hours ah..until the end of the month.

JUDGE RUIZ Okay.

DICK DICKINSON Well I have here your P2 form Mr. Austin and this is for a ah..employee with the ah..District Attorney's Office, and it has here vacation earned on the 9th day of the month 3.6923 hours. So that must be what you..

you're the one who put it there.

JUDGE RUIZ

You see..and..and it..and insinuates if that employee were to stop employment now, he's gonna say well you owe me 3.69 hours and..and we don't because that..that person, that individual earns the hours after the last of the month and how are you gonna tell him no because you put it on the form, see.

STEVE AUSTIN Well..well your policy, Judge, the County Policy says that you earned that..the...

JUDGE RUIZ ..but why put it on the form?

STEVE AUSTIN ...well the form...

JUDGE RUIZ You're misleading the employee...

STEVE AUSTIN ---we need to put ah..instead of earned in that column put accrued amount.

DICK DICKINSON He has not accrued it.

STEVE AUSTIN But that ah...

DICK DICKINSON He does not earn or accrue it until he has...

COMM. SANCHEZ ---until the last day of the month.

DICK DICKINSON ...been here the last day of the month and was here prior to the 16th of the month.

JUDGE RUIZ Yeah, why don't you just follow the policy, Jesus Christ, I mean it..it really..it really misleads the employee. It's wrong.

DICK DICKINSON Ah...

JUDGE RUIZ It is wrong.

STEVE AUSTIN Well then that column needs to be identified as..as accrual, accrued amount and not earned amount.

JUDGE RUIZ It's not accrued, it's not earned, it..it only is earned at the last of the month. 8 hours. Period. Every month 8 hours. Very simple.

DICK DICKINSON (INAUDIBLE)

JUDGE RUIZ Ahhhhh....

COMM. ARCAUTE I'm, I'm a...I'm tempted to agree with Steve on that one.

DICK DICKINSON What. If you ah..in Section 13 under sick leave...

COMM. ARCAUTE ...he hasn't accrued it yet.

DICK DICKINSON ...it says full time employees shall earn sick leave at a rate of 8 hours...

COMM. ARCAUTE ---recorded at the end of the month.

DICK DICKINSON ...per..ah.."1 day per month and may accrue up to 45 days and if I can go on with this, this is something else that's on this form that needs to be corrected. Ah..if an employee begins prior to the 16th day of the month, he or she will earn sick leave for that month. Sick leave may be accumulated over the maximum during the year will not be lost until the end of the calendar year and Mr. Austin's form here, it says vacation and sick

at the end of the calendar year ah..sick leave accrual exceeding 20 days vacation leave for less than 15 years or 30 days for less---will be lost. Sick leave is not to exceed 45 days regardless of tenure with the County. The policy says that it may exceed 45 days, but that it reverts back to 45 days at..on the first day of the next year. I can have 45 days of sick leave December 31st of 1995. I can accumulate another..I can have 62

days of sick leave December the 1st..another 11..I..I accumulate another 11 December...until December the 1st of 1996. If I don't use that, January the 1st..I revert back to 45 days..

JUDGE RUIZ That's exactly right.

DICK DICKINSON So..so this..this statement here is inaccurate and misleading.

JUDGE RUIZ You see what I'm saying Commissioners. I mean you can accrue that like that. At the 1st of the year you always go back to 45 days and that statement says you can't accrue over 45 and that's not necessarily so.

DICK DICKINSON ...and the other thing is..is Counsel just pointed out that accrual is an inaccurate word because you can lose it at the end of the..of the calendar year, so you do not accrue it.

COMM. ARCAUTE ...that's what I'm saying. There's a difference between accrued and earned.

STEVE CRAIN -----last day of the month.

COMM. ARCAUTE You earn it but you don't accrue it.

JUDGE RUIZ Dick, you want to....

(UNKNOWN) May I address the..the court?

JUDGE RUIZ I think there's no problem with us.

(UNKNOWN) I'm concerned about this. In the first place ah..Judge and Commissioners. It asks us to keep track of a third of a second and how is anyone going to..we have people that have a problem calculating two decimal places in their checkbook and you're asking..even attorneys.. okay, four decimal places most of them have their set to round off to two places for finances and they're not even posting this on there but two places. (laughter) It's creating some big headaches and..and it..it's ludicrous because it isn't there. I sat in Steve's office two Friday nights ago talking to him and he told me point blank that we do not have that time that he's asking us to post. Therefore, it's not accrued. It's not earned. It's not anything. It's not mine. I will lose that time that he says I've gotten because he's asking me to post it. If I have something accrue before the end of the month, it's not mine and he's asking me to track that and that is why on my timesheet I have listed for the last pay period of any given month 8 hours because that's what the policy says and I'm going to continue to do that and I don't mean to be disrespectful...

JUDGE RUIZ ...and you're gonna be incorrect.

(UNKNOWN) ...but I..in the first place, if you calculate this on the basis of his fractional calculation, we do not the number of paid holidays. We lose several thousandths

off anymore than I have to. Excuse me.

JUDGE RUIZ Thank you, Dick.

COMM. ARCAUTE Like..like you do at the gas station.

COMM. SANCHEZ Why don't we just pay him one day at the end of the month.

JUDGE RUIZ

I mean it is..it is absolutely---it really is...the policy it's so simple and so straight forward and all..and that's what we're trying to do because we don't wanna mislead anybody and I think that it should be corrected and we should instruct Mrs. Etnire..all our Department Heads..our time-keepers ah..to do it in such a manner. What action we do, do need for accrued annual leave or sick leave, Dick.

DICK DICKINSON

Ah...I would just like a clarification that the policy.. the interpretation of the policy is that if an employee commences work prior to the sixteenth of the month he shall receive 1 vacation ah..day and 1 sick day on the first day of the succeeding month and there is no factoring, there is no..this is not done by pay period. This is done by calendar month.

JUDGE RUIZ

Is there motion to that affect?

COMM. SANCHEZ

So move.

COMM. GARCES

Second.

JUDGE RUIZ

Motion second, all in favor signify by saying aye.

COMMISSIONERS

Aye.

JUDGE RUIZ

--I need to clarify further?

DICK DICKINSON

Yeah. We need just a little more clarification. That this..ah..that..that this comp. time or ah..vacation time and sick leave is earned on the last day of the month and is credited to his account on the first of the month.

JUDGR RUIZ

I understand. Simple Steve.

DICK DICKINSON

All right. Now I have one more thing...then I'll be done.

JUDGE RUIZ

All right.

DICK DICKINSON

On the second page of the handout I gave you, we're asking for a ah...an amendment. This was brought by Counsel for Civil Service ah...and to clarify so there will not be a problem ah..in the future with employees that terminate. As the policy dictates that if an employee commences work prior to the 16th he shall receive 1 vacation day, 1 sick leave day. We're asking that the policy be amended that on the final month of his employment, that if an employee terminates employment after the 16th day of the month the employee shall earn a vacation day for that month on the last day of the employee's employment in that month. So it..it's just the opposite of when one commences.

COMM. ARCAUTE

What we were talking about. It's over 50 percent of the month.

DICK DICKINSON

That's correct sir. And we would ask that that be adopted into policy----.

COMMISSIONER

(INAUDIBLE)

COMM. ARCAUTE ----that's so simple man. I'm glad I didn't go to school.

JUDGE RUIZ Motion...(laughter)

COMM. SANCHEZ It becomes a complete game after the fifth inning.

JUDGE RUIZ Motion, second to amend our Personnel Policy Section 12 Subsection B1 final month of employment as presented.

All in favor signify by saying aye.

COMMISSIONERS

Aye.

JUDGE RUIZ

All opposed same sign. Motion carries. Thank you.

BUDDY SILVA

(INAUDIBLE)

JUDGE RUIZ

Buddy.

BUDDY SILVA

I just have a question. With the concern of Department Head, I'd like to ahh..at one point and time ah..get record of all these changes to be made because we're following a certain procedure right now and I know that you all are making decisions on changes and I need to.. I think I feel obligated to know whats going on as far as to let my staff know.

UNKNOWN

Personnel has those changes

BUDDY SILVA

Well that's fine but I need to get them. If I don't get them..I....you know..I need to proceed with the way we're doing things now.

JUDGE RUIZ

I understand.

BUDDY SILVA

So I'd like to get them as soon as possible.

COMM. GARCES

---is already as is.

STEVE AUSTIN

Yes Judge, I would appreciate if you could get in writing to me any forms or any procedures that you have in place so that ah..I can also inform county employees...

JUDGE RUIZ

Steve; you follow the Personnel Policy.

BUDDY SILVA

I just need..I just need...

JUDGE RUIZ

You send more letters....

STEVE AUSTIN

Preparing the policy and getting the implement and implementing those policies are two different things here, and you know that very well. Ah..I would appreciate getting that information as soon as possible so that we can inform all departments of exactly what..what you want to change...

JUDGE RUIZ

These are amendments to the Personnel Policy.

BUDDY SILVA

Okay. So ah..I'll get the information from Personnel Department.

JUDGE RUIZ

Yes.

BUDDY SILVA

Because if I get stuff from the auditor and then stuff from personnel then we get..we may get conflicting information so..

JUDGE RUIZ

Exactly correct.

DICK DICKINSON

(INAUDIBLE)

JUDGE RUIZ

Good. Thank you.

(06/20/95)

5C

Judge Ruiz opened by stating that this extension was for 30 days beginning on June 13, 1995 and ending July 12, 1995. This is in the amount of \$8,333.33. A motion was made by Commissioner Rosel and was seconded by Commissioner Garces to approve the extension.

MOTION CARRIED

ITEM 6. APPROVAL OF CHANGE ORDER, SWEEZY CONSTRUCTION, T.B. UNIT - ADULT DETENTION CENTER

Judge Ruiz stated that this was a decrease from the \$150,000 by \$101,482. A motion was made by Commissioner Rosel and was seconded by Commissioner Arcaute to approve change order as presented.

MOTION CARRIED
(SEE EXHIBIT K)

ITEM 7. PCT. #1:
A. APPROVAL TO EXTEND LANDFILL LEASE

Judge Ruiz stated that this lease was Mr. Ray Jones for a 1.11 acres at a rate of \$200. The extension is for One year. A motion was made by Commissioner Sanchez and was seconded by Commissioner Arcaute to approve the extension of the lease with Mr. Ray Jones for 1 year as presented.

MOTION CARRIED
(SEE EXHIBIT L)

ITEM 8. PCT. #2:
A. REAPPROPRIATION OF UNBUDGETED FUNDS - PAVED/UNPAVED ROADS AND PARK FUND
B. DECLARE EQUIPMENT SURPLUS

8A

A motion was made by Commissioner Arcaute and was seconded by Commissioner Sanchez to reappropriate unbudgeted funds.

MOTION CARRIED
(SEE EXHIBIT M)

8B

A motion was made by Commissioner Arcaute and was seconded by Commissioner Arcaute and was seconded by Commissioner Rosel to authorize the declaration of equipment surplus taking the 1973 trucks of inventory to be used for trade-ins for new equipment.

MOTION CARRIED
(SEE EXHIBIT M)

ITEM 9. PCT. #3:
A. RESOLUTION DESIGNATING A COUNTY ROAD INTERSECTION AS A FOUR WAY STOP INTERSECTION

9A

Commissioner Rosel opened by stating that at this particular intersection, there had been many accidents. It is for this reason that he wants to make this a four way stop. At this time, a motion was made by Commissioner Rosel and was seconded by Commissioner Garces to make 2 Mile Line and Taylor Rd. a four way stop.

MOTION CARRIED
(SEE EXHIBIT N)

AT THIS TIME, JUDGE RUIZ STATED THAT HE WISHED TO RETURN TO ITEM 4D UNDER LANDFILLS.

4D

Judge Ruiz stated that there was a breakdown for the budget amendment totaling \$12,610 for pending bills. Judge Ruiz, at this time recommended the budget amendment. A motion was made by Commissioner Garces and was seconded by Commissioner Rosel to approve a \$13,000 budget amendment for item 4D Landfill for payment of pending bills.

MOTION CARRIED
(SEE EXHIBIT I)

ITEM 10. PLANNING DEPARTMENT:

A. SUBDIVISIONS:

1. Hector Subdivision - Pct. 1
2. Acevedo Subdivision - Pct. 3
3. Acevedo Subdivision - Pct. 3

B. PRELIMINARY PLAT APPROVAL:

1. Tamarron Estates - Pct. 4

10A1

After stating all requirements, a motion was made by Commissioner Sanchez and was seconded by Commissioner Rosel to approve Hector Subdivision as presented.

MOTION CARRIED
(SEE EXHIBIT O)

10A2

Mr. Garcia, after being asked by Judge Ruiz, are we doing 10A2 & 3 together, stated that 10A3 should be under preliminary plat approval. He went on to state that all requirements had been met. A motion was then made by Commissioner Rosel and was seconded by Commissioner Garces to approve Acevedo Subdivision Unit #7 as presented.

MOTION CARRIED
(SEE EXHIBIT O)

10A3

Mr. Garcia stated that this subdivision should fall under preliminary plat approval and went on to state that all requirements had been met. A motion was then made by Commissioner Rosel and was seconded by Commissioner Garces to approve preliminary plat approval for Unit #8 of Acevedo Subdivision.

MOTION CARRIED
(SEE EXHIBIT O)

10B1

After some comments concerning a closed road being opened, a motion was made by Commissioner Garces and was seconded by Commissioner Rosel to give preliminary plat approval to Tamarron Estates in Pct. 4 as presented.

MOTION CARRIED
(SEE EXHIBIT O)

ITEM 11. PURCHASING DEPARTMENT:

A. AWARD BID:

- 1. 1995 15 passanger van-Restitution Center

Ms. Maldonado stated that there were two bids. Bert Ogden Motors for \$14,400 and Roberts Chevrolet for \$17,690. She recommended Bert Ogden. A motion was then made by Commissioner Garces and was seconded by Commissioner Rosel to award low bid; Bert Ogden Motors at the price of \$14,400.

MOTION CARRIED
(SEE EXHIBIT P)

ITEM 12. URBAN COUNTY:

- A. CITY OF LA JOYA-PROPOSAL FOR REVIEW APPRAISAL SERVICES-PARKS AND RECREATION FACILITIES
- B. HOME-"FIRST TIME HOMEBUYER CONTRACT AGREEMENTS" AND LETTER OF COMMITMENT TO MORTGAGE COMPANY
- C. APPROVAL TO ALLOW MISSION SERVICE PROJECT TO CONVERT MONIES FROM INTERIM FINANCING TO PERMANENT FINANCING UNDER THE HOME PROGRAM
- D. FIRST NATIONAL BANK LINE OF CREDIT RESOLUTION COLONIAS FUND PROGRAM
- E. CITY OF ALTON - PROFESSIONAL SERVICES CONTRACT PFI-PARKS AND RECREATION FACILITIES
- F. CITY OF HIDALGO HEALTH CLINIC - TERMINATION OF CONTRACT

12A

A motion was made by Commissioner Rosel and was seconded by Commissioner Garces to approve a contract between Leonel Garza and Associates, County of Hidalgo and the City of La Joya for an amount of \$350.

MOTION CARRIED
(SEE EXHIBIT Q)

12B

A motion was made by Commissioner Rosel and was seconded by Commissioner Garces for a first time homebuyer program for residence in Edcouch which are Albert Gonzalez and the mortgage co. is Frontera Mortgage.

MOTION CARRIED
(SEE EXHIBIT Q)

12C

Mr. Covacevich stated that the money converted from PY 92-93 under the Home Program in the amount of \$24,000 will be used to purchase 4 lots for buildings if additional funding is available.

A motion was made by Commissioner Rosel and was seconded by Commissioner Garces to authorize Mission Service Project for the conversion of \$24,000 from Interim Financing to Permanent Financing on their Home Program.

MOTION CARRIED
(SEE EXHIBIT Q)

12D

Anthony Covacevich stated that they want to continue the \$300,000 line of credit that is used to pay contractors for the Colonia Fund. A motion was then made by Commissioner Rosel and was seconded by Commissioner Arcaute to approve the resolution authorizing a line of credit with First National Bank in the amount of \$300,000 for the Colonias Fund.

MOTION CARRIED
(SEE EXHIBIT Q)

12E

Mr. Covacevich stated that this was for the the building of Basketball Courts in the amount of \$1400. A motion was made by Commissioner Rosel and was seconded by Commissioner Arcaute to approve a Professional Service Contract with Perez Consulting Engineers in the amount of \$1400.

MOTION CARRIED
(SEE EXHIBIT Q)

12F

Mr. Covacevich stated that they wanted to terminate the contract with Delfino Garza, Design Group International to continue the construction management and complete the project. A motion was then made by Commissioner Arcaute and was seconded by Commissioner Garces to authorize the termination of contract with Delfino Garza, DBA Design Group International for the architectural firm that was used for the City of Hidalgo Health Clinic.

MOTION CARRIED
(SEE EXHIBIT Q)

ITEM 13. OFFICE OF EMPLOYMENT AND TRAINING:
A. TDOC CORRECTIVE MEASURES REPORT

J.D. Salinas opened by stating that he had a meeting with Jim Boyd, Division Workforce Director for TDOC. Judge Ruiz asked how Mr. Salinas felt about the overall report and he stated that overall he felt pretty good with the exception of 1 item, which is the paralegal training. He stated that it was because of the procurement process and they were denied but were still given IRP. Mr. Salinas stated that the next step is what they call phase II, which is waiting to see what the response is gonna be to give better justification. He stated that in the next step, they are gonna want them to give documentation on standing cost. His example of this is that JTPA is owned and operated by the County of Hidalgo, therefore there is no in kind cost. If they were to put a value to this program, it could be used to reduce the questioned cost. He feels that this could come up in an audit. Mr. Salinas went on to state that certain IRP schools were only with JTPA funds and participants and no one else.

(06/20/95)

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TDOC is questioning whether it was offered off the shelf to the public and advertised. In other words, they questioned that if someone wanted to join South Texas paralegal and he wants to pay with his own funds, would he be allowed to go into the school. In short, their saying that only certain schools are being funded completely. All in all, because of the advertisements in the paper, it looked as if they were only allowing JTPA participants and in one case they even gave 1 person a scholarship. Mr. Salinas stated that in an effort to get non public participants and no one responded, then it would be sufficient. If there is actual participation in this school, then something is not right. Mr. Salinas then stated again that he did feel comfortable with the rest of the report.

NO ACTION

After some comments from the Commissioners concerning bills not being paid on time and them losing certain vendors because of them not being paid, the meeting was then adjourned.

THERE BEING NO FURTHER BUSINESS TO COME
BEFORE SAID COURT, the meetings of the Commissioners' Court and
the Drainage District were hereby adjourned.

J. Edgar Ruiz _____
County Judge

Samuel Sanchez _____
County Commissioner, Precinct #1

Lalo Arcaute _____
County Commissioner, Precinct #2

Juan Rosel _____
County Commissioner, Precinct #3

Guadalupe "Lupe" Garces _____
County Commissioner, Precinct #4

Dated this 20TH day of JUNE, 1995.

ATTEST:

JOSE ELOY PULIDO, County Clerk
Hidalgo County, Texas

By: Aaron Betancourt
AARON BETANCOURT, Deputy

