

THE STATE OF TEXAS :

COUNTY OF HIDALGO :

BE IT REMEMBERED that on the 24TH day of JULY, 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:

-----000-----

SPECIAL MEETING
=====

Commissioner Arcaute made some opening comments concerning items 3 & 4 which were the executive and open sessions. He was recommending no action due to the fact that the names and positions of the individuals in questions needed to be placed on the posting and were left out.

ITEM 1. ORDER NAMING A MEMBER OF THE COMMISSIONER'S COURT TO EXECUTE DOCUMENTS IN REFERENCE TO THE ISSUANCE, SALE AND DELIVERY OF HIDALGO COUNTY, TEXAS GENERAL OBLIGATION REFUNDING BONDS, SERIES 1995 AND ORDAINING OTHER MATTERS RELATING TO THE SUBJECT

Commissioner Sanchez opened by stating that these were the bonds talked about two weeks prior. Mrs. Etnire further stated that these were in relation to the workers comp. as it relates to the Fair Labor Standards Act. Commissioner Sanchez then moved to appoint Commissioner Rosel as the member of the Commissioner's Court to execute this authority which was seconded by Commissioner Garces.

MOTION CARRIED
(SEE EXHIBIT A)

ITEM 2. TEMPORARY ADMINISTRATIVE AUTHORITY AS THEY RELATE TO THE COUNTY JUDGE

After being asked by the Commission as to how to take action on this item, Steve Crain, Legal Counsel, stated that there were two choices to consider. (1) The day to day administrative authority of the County Judge as well as (2) a copy of Section 26.015 which was an amendment to the Government Code which states that if a County Judge is suspended by the State Commission on Judicial Conduct, then the Commissioner's Court may appoint a resident of the County to fill the office until the next term of that office or until the suspension ends, whichever occurs first. He stated that under this act, they did have the authority to appoint an acting County Judge if so desired. Commissioner Rosel suggested that the Commission seek legal advice from the Attorney General as to the clarification of the resident of the County issue. Commissioner Sanchez then suggested that someone should be appointed to handle the administrative duties of the office. Mr. Crain then stated that it could be done but the duties would have to be approved by the Court because that person would not be the County Judge or the Acting County Judge. He also stated that it would have to be defined as to what those duties are and what category those duties fall under. He went on to state further if someone was appointed to handle the administrative duties, then that person would not be able to take care of discretionary matters due to him/her not being the acting or County Judge; therefore, those particular matters would have to be brought before the Court. There was also some legal concern as to whether the Commissioners could name someone from the Commissioner's Court or whether they could vote for themselves. After it was asked whether or not there was any pressing concern to take care of any pending bills, Joe Lopez from Adult Detention approached the Court and stated that there were some issues that needed to be addressed immediately. There was some food that needed to be ordered that was held off the previous Thursday until this matter of signatures could be cleared up. He stated that this food was needed for 2 resident facilities and the Jail also needed some food orders signed off on.

The Commissioners felt that someone from the Court could sign off on particular documents without there being a County Judge but Mr. Crain stated that there would be no problem with that if that particular item has already been approved by Commissioner's Court. The District Attorney then made his recommendation which was to itemize the bills on a weekly basis and approve the purchase and payment of those items to maintain the smooth operation of the County. He also went on to state that the Commissioner's Court would be running the County as a whole due to the fact that there is no County Judge at this time. Mr. Guerra also expressed his opinion in stating that Mrs. Etnire could still be the one who could sign off on the requisitions for purchases that come up in the future and he also did not feel that Steve Austin should hold up on payment of bills due to the fact that there is no County Judge because that action would only fail to keep the County operating smoothly. Mrs. Etnire also made a suggestion in regards to having invoices go directly from the Purchasing Department to the County Auditor eliminating all departments with the exception of the department making the purchase. What was basically being said by the DA, Mrs. Etnire, and the Commissioners was, that Mrs. Etnire be instructed to compile a listing of all items which require the signature of the County Judge and that they be prepared on a weekly basis and be brought to the Court and be approved. Upon approval that Mrs. Etnire sign off on the bills and if necessary one of the members of the Commission also sign off on the documents. Mr. Crain and Mr. Geurra did not feel that a motion was needed at this time. What had been discussed was sufficient enough.

NO ACTION

At this time a motion was made by Commissioner Rosel and was seconded by Commissioner Sanchez to adjourn.

MOTION CARRIED

There being no further business to come before this Commissioner's Court, the meeting was hereby adjourned.

DRAINAGE DISTRICT

Commissioner Arcaute called the Drainage District meeting to order where the following items were had to wit:

Commissioner Arcaute stated that NO ACTION on all the items need not be taken due to them being identical to the items on the Regular Agenda.

NO ACTION

A motion was made by Commissioner Garces and was seconded by Commissioner Rosel for adjournment.

MOTION CARRIED

There being no further business to come before the Drainage District Board, the meeting is hereby 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 Absent (Suspended)
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 24TH day of JULY, 1995.

ATTEST:

JOSE ELOY PULIDO, County Clerk
Hidalgo County, Texas



By: Aaron Betancourt
AARON BETANCOURT, Deputy