

THE STATE OF TEXAS :  
COUNTY OF HIDALGO :

vol 0209 PAGE 335

BE IT REMEMBERED that on the 27TH day of JULY, 1995, after due notice having been given, there was begun and holden, a EMERGENCY 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-----

EMERGENCY MEETING  
=====

Commissioner Arcaute called this Emergency Commissioner's Court meeting to order where the following items were had to wit:

ITEM 1. APPOINTMENT OF ACTING COUNTY JUDGE

Commissioner Arcaute opened this meeting by stating that he would like to recommend Mrs. Etnire as acting County Judge. Commissioner Sanchez expressed his concerns in regards to the operation of the Courthouse and concurred with Commissioner Arcaute on his recommendation of Mrs. Etnire. Commissioner Rosel then responded by stating that he did agree with Commissioner Sanchez in that she does know more about the running of County Business but he felt that someone other than a member of the Commission or that closely associated with the Commission should be named as the acting County Judge. Commissioner Sanchez again expressed his feelings as to why Mrs. Etnire should be appointed which was because he felt that the public would feel comfortable with Mrs. Etnire in that position. Commissioner Rosel replied by stating that he felt that Mrs. Etnire already was bogged down in her work and adding this title would only make that much more work for her. At this time Commissioner Rosel wanted to make a motion but was out of order due to the fact that there was a recommendation on the floor and a motion was needed towards that recommendation. After expressing his feelings towards Mrs. Etnire being appointed to that position, Commissioner Sanchez made a motion to that effect and was seconded by Commissioner Arcaute after no second was made by the other commissioners. The motion was put to a vote in which Commissioner Sanchez and Commissioner Arcaute voted in favor and Commissioner Rosel and Commissioner Garces voted against. MOTION DIED.

At this time Commissioner Rosel made a motion to appoint Juan J. Hinojosa as Interim County Judge. It was mentioned that the firm of Mr. Hinojosa was currently involved in a suit against the County and that there might be a conflict of interest. Mr. Crain stated that if he was appointed, he would have to resolve that suit with the County expeditiously. Commissioner Sanchez reiterated the fact that any which way they chose to go, the possibility of something coming up would be there. At this time Commissioner Garces seconded the motion of Commissioner Rosel. After more comments, the motion was put to a vote in which Commissioner Rosel, Commissioner Garces and Commissioner Sanchez voted in favor and Commissioner Arcaute voted against.

MOTION CARRIED

Commissioner Arcaute stated that this is to be effective 4:00pm July 27, 1995.

ITEM 2. APPROVAL OF BILLS, PRUCHASE ORDERS, PERSONNEL REQUISITIONS FORMS, CHANGE OF STATUSES & TIMESHEETS

Commissioner Arcaute stated that no action needed to be taken due the appointment of a County Judge.

NO ACTION

ITEM 3. EXECUTIVE SESSION:

(07/27/95)

COMMISSIONER'S COURT MAY GO INTO EXECUTIVE SESSION PURSUANT TO CHAPTER 551, TEXAS GOVERNMENT CODE, SECTION 551.074 TO DISCUSS THE FOLLOWING MATTER:

- A. CONTINUED EMPLOYMENT RELATIONSHIP OF PERSON CURRENTLY EMPLOYED AS DIRECTOR
- B. APPROVAL & CONSIDERATION OF INTERIM DIRECTOR - HEADSTART

Before moving on to the open session, Commissioner Arcaute asked Mrs. Etnire, how much the bond set for the County Judge. There was some confusion as to the amount of the bond;afterwhich, it was straightened out. At this time Commissioner Garces made a motion which was seconded by Commissioner Sanchez to set the bond for \$10,000.

MOTION CARRIED

ITEM 4. OPEN SESSION:

- A. POSSIBLE ACTION ON CONTINUED EMPLOYMENT RELATIONSHIP OF PERSON CURRENTLY EMPLOYED AS DIRECTOR
- B. APPROVAL & CONSIDERATION OF INTERIM DIRECTOR - HEADSTART

4A

Commissioner Sanchez felt that any action taken on the employment of the Executive Director needed to be initiated from the Commission, therefore any action taken now would be the incorrect procedure. He felt that they should wait until the following meeting to initiate the process in order to keep with the proper procedures. He also felt that this process was being initiated by the Parent Council. Commissioner Sanchez recommended that no action be taken and made that in the form of a motion which was seconded by Commissioner Garces.

MOTION CARRIED

4B

Commissioner Sanchez made a motion and was seconded by Commissioner Garces to not take any action on item B.

MOTION CARRIED

There being no further business to come before this Commissioner's Court, a motion was made by Commissioner Sanchez and was seconded by Commissioner Rosel for adjournment.

MOTION CARRIED

At this time, the Swearing In Ceremony of Acting County Judge, Juan Hinojosa commenced;afterwhich, the Drainage District Meeting is to be held.

DRAINAGE DISTRICT  
=====

ITEM 1. EXECUTIVE SESSION:

COMMISSIONER'S COURT MAY GO INTO EXECUTIVE SESSION PURSUANT TO CHAPTER 551, TEXAS GOVERNMENT CODE, SECTION 551.074 TO DISCUSS THE FOLLOWING MATTER:

- A. CONTINUED EMPLOYMENT RELATIONSHIP OF PERSON CURRENTLY EMPLOYED AS MANAGER
- B. CONTINUED EMPLOYMENT RELATIONSHIP OF PERSON CURRENTLY EMPLOYED AS SECRETARY

At this time, the Commissioners went into an Executive Session as it pertains to the Agenda.

ITEM 2. OPEN SESSION:

- A. POSSIBLE ACTION ON CONTINUED EMPLOYMENT RELATIONSHIP OF PERSON CURRENTLY EMPLOYED AS MANAGER
- B. POSSIBLE ACTION ON CONTINUED EMPLOYMENT RELATIONSHIP OF PERSON CURRENTLY EMPLOYED AS SECRETARY

COMM. ARCAUTE We're back in open session in regards to the...item 2A which is possible action on continued employment relationship of person currently employed as manager..more explicit, Mr. Joaquin Cerda. Let the record so reflect. We have met in executive session. We've seeked other information from the other sources as to the possibilities or action that these Commissioners can take in relationship to this position or this individual in this case. I would like to just preface, before this chair entertains any kind of action by the Commissioner's Court and just make a brief statement, something that I spent half the night last night thinking and looking at the crisis that this County now faces and I want to address this Commissioner's Court more in particular. I know we have some Department Heads here. I see ourselves at a crossroads in the history of this County, where we have a chance to..according to public opinion at this point, to turn this thing around. To be able to do it, it's gonna require a lot, especially from this group here or this Court. I've been here 12 years. I know two of the Commissioners haven't been here as long to be able to understand the history of this County and the way we've done business in this County. At this point, I fell like.. and this is why I make this statement. This can be turned around, but it's gonna take a change in attitude. An attitude that will put the business of this County ahead of everything else. Politics, personalities, especially personalities and this is the reason we have this crisis and these problems because we let our personalities take over and end up making wrong decisions. Now we gotta pay as a County. More in particular, as a Commissioner's Court of this County. The road ahead is not easy. It's not gonna be easy Commissioners. It never has been, but we can turn it around. We're going to have to put aside personalities, politics and whatever you want to do. I took an oath back in 1983;with that reason in mind, every action that I have taken is geared towards that. Un-

fortunately, I haven't been successful and it's obvious. I think that the action within the last couple of weeks, you've been able to see that. I could say a lot of other things but basically this is it. I think we could be a part of history on July 27, 1995 in this County. This could be history. It's up to us and with that I'd just like to say and as from the Commissioners, that I know I've come on very strong in my arguements and now you know why. So with that I'll just turn it over to the Commissioners and see what you're wishes as far as action on item 2A.

- COMM. GARCES           Commissioners. We've discussed this in great length and addressing the manager of the Drainage District and what I perceive through counsel, and it's not something that we decided just overnight or today back in that back room. My recommendation is suspension with pay. Now. In weighing what we have in the future and taking in account what the County might be getting itself in another scenario and being part of another office a couple of months ago and seeing the stack of petitions being piled up in the thirties. I so make that recommendation and I put it in motion. Suspension with pay on Item 1A.
- COMM. ARCAUTE           We have a motion.
- COMM. SANCHEZ           Second.
- COMM. ARCAUTE           Do we have a sec..and we have a second. Do we have any further discussion?
- COMM. ROSEL             Yes sir. In the past that I've been asked and I think that I have offered my opinion as to why I feel a certain way and I just want to indicate to this Commissioner's Court that what I have preached in the past...
- COMM. ARCAUTE           Commissioner. Can we stick to the discussion on the motion?
- COMM. ROSEL             That's what it is.
- COMM. ARCAUTE           ...not what I was referring to a while ago. The motion is and there's a second, that's to pass that motion. If you have any discussion, ti will be against the motion. Okay. That's just procedure.
- COMM. ROSEL             Okay. Go ahead.
- COMM. ARCAUTE           Okay. We've been here long enough. Do you have any discussion against the motion?
- COMM. ROSEL             Yes I do.
- COMM. ARCAUTE           Please state it.
- COMM. ROSEL             I think that action by the Commissioner's Court should be other action but the Commissioner's Court feels other wise

on another direction, then I will vote my opinion in this particular issue. That's all.

COMM. ARCAUTE Those in favor of the motion signify by saying aye.

COMM. GARCES &  
COMM. SANCHEZ Aye.

COMM. ARCAUTE Those against.

COMM. ROSEL Aye.

COMM. ARCAUTE Motion carries. ITEM 2B. POSSIBLE ACTION ON CONTINUED EMPLOYMENT RELATIONSHIP OF PERSON CURRENTLY EMPLOYED AS SECRETARY (MORE IN PARTICULAR MS. IMELDA VILLARREAL) What are the wishes of the Commission.

COMM. GARCES Again Commissioners. I think we need to adhere and take the position of what we have in the future with this item and therefore I'm gonna follow suit and recommend to this Court again suspension with pay.

COMM. ARCAUTE Is that a motion?

COMM. GARCES A motion.

COMM. ARCAUTE There a motion on the floor.

COMM. SANCHEZ Second.

COMM. ARCAUTE Do we have a second? Is there any discussion? No further discussion, in favor of the motion signify by saying aye.

COMM. GARCES &  
COMM. SANCHEZ Aye.

COMM. ARCAUTE Those against.

COMM. ROSEL Aye.

COMM. ARCAUTE Motion carries.

COMM. SANCHEZ I think a point of clarification on the motion. Are we saying that ah..We didn't put a time period until which time. Counsel, based on our discussion is this until...

STEVE CRAIN I assume in your motion, and you may want to clarify the effective date of that suspension and since you did not set a time period in accordance with County Personnel Policies, I assume you were meaning indefinite suspension. That's for you to clarify.

COMM. SANCHEZ So then what we need is a beginning point.

STEVE CRAIN Correct.

COMM. SANCHEZ Effective...

(07/27/95)

- COMM. GARCES Effective immediately would be my clarification on the motion then it will be addressing both items.
- COMM. ARCAUTE Okay. So you're...
- COMM. GARCES Motion is...
- COMM. ARCAUTE What is your clarified motion?
- COMM. GARCES Clarified motion would be to take effect immediately and also indefinitely.
- COMM. ARCAUTE The suspension to be indefinite.
- COMM. GARCES Indefinite.
- COMM. ARCAUTE Does the second agree with it?
- COMM. SANCHEZ Yes.
- COMM. ARCAUTE Let the record show that the ah...lets take a vote on that and we'll deal with item A & B both.
- STEVE CRAIN Can we do it separately Commissioners?
- COMM. ARCAUTE Yes we can. Item 2A. A clarified motion to read the suspension to be effective immediately and the suspension be indefinite. The second still stand Commissioner?
- COMM. SANCHEZ Yes sir.
- COMM. ARCAUTE Those in favor of the motion signify by saying Aye.
- COMM. GARCES & COMM. SANCHEZ Aye.
- COMM. ARCAUTE Clarified motion to be exact. Item 2B. ACTION AND CONTINUED EMPLOYMENT IN RELATIONSHIP OF PERSON CURRENTLY EMPLOYED AS A SECRETARY (MS. IMELDA VILLARREAL) Is your clarified motion is...
- COMM. GARCES Motion still stands.
- COMM. ARCAUTE ...that the suspension be immediate and that it be indefinite. Second holds. In favor of the motion signify by saying aye.
- COMM. GARCES & COMM. SANCHEZ Aye.
- COMM. ARCAUTE Motion carries. Motion has been clarified and voted on.

ITEM 3. RATIFICATION & APPROVAL OF BILLS INCURRED PRIOR TO JULY 18, 1995

Commissioner Arcaute stated that there was no action on the bills incurred by the Drainage District Manager. The new Judge would take care of this item.

NO ACTION

There being no further business to come before this Drainage District Board, this 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  
County Judge

*Suspended*

Samuel Sanchez  
County Commissioner, Precinct #1

Lalo Arcaute  
County Commissioner, Precinct #2

Juan Rosel  
County Commissioner, Precinct #3

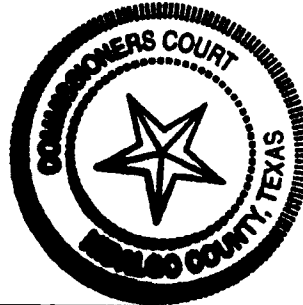
VOL 0209 PAGE 344

Guadalupe "Lupe" Garces  
County Commissioner, Precinct #4

Dated this 27TH day of JULY, 1995.

ATTEST:

JOSE ELOY PULIDO, County Clerk  
Hidalgo County, Texas



By: *Aaron Betancourt*  
AARON BETANCOURT, Deputy