

THE STATE OF TEXAS :

HIDALGO :

BE IT REMEMBERED that on the 14TH day of AUGUST, 1995, after due notice having been given, there was begun and holden, a REGULAR 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. Juan J. Hinojosa
Interim 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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AUGUST 14, 1995

Commissioner Arcaute called this meeting to order, whereupon the following items were had to wit:

CONSENT AGENDA

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ITEM 1. APPROVAL OF BILLS - COUNTY AUDITOR

GENERAL FUND	- # 112337	- # 112457	- \$ 1,287,136.04
SPECIAL REVENUE FUND	- # 112736	- # 112905	- \$ 1,126,804.30
DEBT SERVICE FUND	- # 979	- # 982	- \$ 812,180.64
TRUST AND AGENCY FUND	- # 4884	- # 4884	- \$ 277,680.18
ENTERPRISE FUND	- # 2369	- # 2374	- \$ 16,121.39

(SEE EXHIBIT A)

ITEM 2. APPROVAL OF ATTORNEY'S FEES IN THE AMOUNT OF \$975.00

(SEE EXHIBIT B)

ITEM 3. APPROVAL OF MONTHLY FEE REPORTS:

- A. COUNTY CLERK PART I - \$86,560.45 - JULY
- " " " II - \$104,874.99 - JULY

(SEE EXHIBIT C)

ITEM 4. APPROVAL OF COURT REPORTER'S FEES:

- A. ANETTE ESCOBAR - \$1,250.00

(SEE EXHIBIT D)

ITEM 5. APPROVAL OF COURT REPORTER'S FEES - GRAND JURY ACCOUNT

(SEE EXHIBIT E)

ITEM 6. PLANNING DEPARTMENT:

A. SUBDIVISIONS:

- 1. LOT 1A, WARMACK SUBDIVISION - PCT. 2
- 2. S.C.I. SUBDIVISION - PCT. 2
- 3. SHADOW SUBDIVISION - PCT. 2
- 4. BLASA PEREZ SUBDIVISION - PCT. 3
- 5. AMENDED, MAP LA ESTANCIA - PCT. 4
- 6. DOFFODIL ESTATES SUBDIVISION - PCT. 4
- 7. VACATED PLAT OF WATER FALL SUBDIVISION - PCT. 1

B. RELEASE LETTER OF CREDIT:

- 1. JO-MAR ESTATES

(SEE EXHIBIT F)

ITEM 7. PERMITS:

- A. SOUTHWESTERN BELL TELEPHONE - PCT. 1, 4

(SEE EXHIBIT G)

ITEM 8. INTERNAL LINE ITEM TRANSFERS:

- A. J.P. PCT. 2 PL. 2
- B. COUNTY TREASURER
- C. ADULT PROBATION (STATE FUNDS)
- D. ADULT PROBATION (COMMUNITY CORRECTIONS)
- E. ADULT PROBATION (EDUCATION & EMPLOYMENT)
- F. ADULT PROBATION (RESTITUTION CENTER)
- G. ADULT PROBATION (BOOT CAMP)
- H. 332ND DISTRICT COURT
- I. 139TH DISTRICT COURT
- J. COUTNY COURT AT LAW #4

- K. HEALTH DEPARTMENT (SANITATION)
- L. HEALTH DEPARTMENT (T.B. ELIMINATION GRANT DIVISION)
- M. HEALTH DEPARTMENT (T.B. ELIMINATION SERVICE GRANT)
- N. HEALTH DEPARTMENT (HEALTH CLINICS)

(SEE EXHIBIT H)

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

REGULAR AGENDA

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ITEM 1. PRESENTATION OF REVENUE SHARING CHECK - FISH & WILDLIFE SERVICE

Mr. Bryant opened by stating the amount of the check which was \$139,693. It is presented by the Fish and Wildlife Service in lieu of taxes on the land within Hidalgo County. No action was needed for this item since this was just a check presentation.

NO ACTION
(NO EXHIBIT AVAILABLE)

ITEM 2. ACCEPT PROPOSAL FOR CONSULTING SERVICES - KENNETH D. WETHE

Amber Etnire opened by stating that the services were already approved. The exhibit was just a letter of confirmation of what was said in court and the cost not to exceed \$6800. Commissioner Rosel then made some comments in which he stated that he felt that they had agreed that nothing was to be signed until the proposal was brought to Court and that there were some agencies that had mentioned to him that they would provide the same service at no cost to the County. Commissioner Arcaute mentioned the fact that this had already been approved and that this letter was outlining the services that would be provided and costs. Ms. Etnire also stated that she was under the impression that this had already been approved and that no work was done because there was no kind of formal signature. After a few more brief comments, a motion was made by Commissioner Rosel and was seconded by Commissioner Garces for consulting services provided by Kenneth Wethe.

MOTION CARRIED
(SEE EXHIBIT I)

ITEM 3. AUTHORIZATION AND APPROVAL TO PURCHASE TWO (2) DPS USED VEHICLES AND EXEMPT FROM BIDDING PROCEDURE

Dick Dickinson opened this topic by stating that this was for the two Warrants Officers that were previously created. They wanted to purchase two DPS used vehicles. One is a 1992 Chevrolet Caprice for \$6800 and the other is 1991 Chevrolet Caprice for \$6000. There were \$14,000 for this line item; therefore, there is sufficient funds for this expenditure. After further comments concening the cars, a motion was made by Commissioner Garces and was seconded by Commissioner Rosel to approve the purchase and the exemption from the normal bidding process and authorize Commissioner Rosel to sign off.

MOTION CARRIED

(SEE EXHIBIT J)

ITEM 4. APPROVAL OF HIDALGO COUNTY REDEFINING BOUNDARIES OF THE McALLEN
ISD AND PSJA ISD

Steve Crain addressed the Court and stated that there was some property in South McAllen that's on the boundary line between McAllen and PSJA ISD's. Both School Boards have agreed to move the boundaries to take the property out of PSJA and into McAllen ISD. According to the Education Code, the process by the two ISD's is complete but before it can be finalized, it must come before the Commission for approval. A motion was then made by Commissioner Sanchez which was seconded by Commissioner Garces to accept the redefining boundaries of the McAllen ISD and the PSJA ISD as presented and recommended by legal counsel and authorize Commissioner Rosel to sign the resolution and order.

MOTION CARRIED
(SEE EXHIBIT J)

ITEM 5. RIO GRANDE VALLEY POLICE ASSOCIATION

Miguel Carreon, President, Rio Grande Valley Police Association, opened by stating that he is requesting that the dues for deputies willing to join the association be deducted. There are approximately 26 whom they are asking that the dues be deducted from their payroll. As long as procedure is followed, there is no problem with that. A written request needs to be submitted to the Auditors upon approval by the Court. After some comments as to whether it needs Commissioner's Court approval, a motion was made by Commissioner Sanchez and was seconded by Commissioner Garces to accept the request for payroll deduction.

MOTION CARRIED
(SEE EXHIBIT L)

ITEM 6. DECLARE EQUIPMENT SURPLUS:
A. OFFICE FURNITURE - DISTRICT ATTORNEY

Steve Austin opened by stating that this was just a transfer from the County Auditor to the Sheriff's Department and no action was needed. Commissioner Sanchez disagreed because of the fact that there was no County Judge. There needed to be agreement by the Governing Body. At this time, Commissioner Sanchez made a motion and was seconded by Commissioner Garces to accept the request for the transfer of the assets named in the document from the Hidalgo County Auditor's Office to the Hidalgo County Sheriff's Office and authorize Commissioner Rosel to sign off.

MOTION CARRIED
(SEE EXHIBIT M)

ITEM 7. DISTRICT ATTORNEY:
A. APPROVAL TO AMEND GRAND JURY ACCT. - APPROPRIATED FROM
GRAND JURY GAMBLING FUNDS
B. APPROVAL TO AMEND H.B. 65 ACCOUNT BY \$319.56

Roy Casarez opened by stating that they were requesting to amend the Grand Jury Acct. by \$1,931 which will come from the Grand Jury Gambling Accounts which has a balance of \$9,752.59. This money will be used to pay a court report hired by the 370th Grand Jury which was investigating the murder of John Paul Carcano. Commissioner Rosel made a motion which was seconded by Commissioner Garces to approve the amendment in the amount of \$1,931.

MOTION CARRIED
(SEE EXHIBIT N)

7B

Roy Casarez stated that this was to compensate for a salary increase. He also stated that this was accidentally left out of last weeks agenda. Commissioner Rosel made a motion to amend H.B. 65 by \$319.56. Mr. Casarez also stated that the part time worker was currently making \$5.75 and that Mr. Guerra wanted to increase it to \$6.50 an hour. Commissioner Garces then seconded the motion and was put to a vote.

MOTION CARRIED
(SEE EXHIBIT N)

ITEM 8. APPROVAL OF AGREEMENT OF HEALTH CARE SERVICES BETWEEN HIDALGO COUNTY AND THE UNIVERSITY OF TEXAS MEDICAL BRANCH AT GALVESTON

Rudy De La Vina opened by stating that this was an existing contract that expires at the end of August and he is requesting approval to renew the contract for another year. There is no change in the amount of \$100,000 a year. A motion was then made by Commissioner Garces which was seconded by Commissioner Rosel for approval of the agreement between the Health Care Services of Hidalgo County and the University of Texas Medical Branch at Galveston and also the authorization of the signator being Juan Rosel.

MOTION CARRIED
(SEE EXHIBIT O)

ITEM 9. SHERIFF'S DEPARTMENT:

- A. APPROVAL TO PAY FOOD BILLS FOR ADULT DETENTION CENTER
- B. AUTHORIZATION TO PAY INTERNATIONAL LEASING COOPERATION

9A

Roy Quintanilla opened this topic by stating that they wanted these bills paid by the Auditor directly bypassing the PO process to get caught up with the bills. He stated that the outstanding balance was \$50,518 with the vendors. These invoices had already been approved the previous friday but the just wanted to try to expedite the matter due to some vendors refusing to do any more business with the County. A motion was made at this time by Commissioner Garces and was seconded by Commissioner Sanchez to approve the pending food services bills for the Adult Detention Center.

MOTION CARRIED
(SEE EXHIBIT P)

9B

Mr. Quintanilla opened this topic by stating that back in 1991, a fingerprint imager was leased from this corporation. According to the outline of the contract, notice should have been given back in April of 1994 for cancellation of the contract. This process was not followed. An agreement was reached with the company to pay out what is currently owed and once that is done, they will pick up the equipment and no more business will be conducted with this company. The balance owed is \$12,980. Mr. Quintanilla also stated that this bill was taken to the Auditor's Office in July of this year and payment was refused. The bill was then taken to the Judge's Office where it was found out that this bill needed to be approved by the Commission. Mr. Quintanilla stated that there was money for this payment in line item 102. After brief comments, a motion was made by Commissioner Garces and was seconded by Commissioner Rosel to approve the payment to International Leasing Corporation for the amount of \$12,980.

MOTION CARRIED
(SEE EXHIBIT P)

ITEM 10. HEALTH DEPARTMENT:

A. DISCUSSION AND APPROVAL FOR COPC CLINIC

Dr. Garza opened by stating the Texas Department of Health has given their approval to commence this program. Mr. Garza also stated that he had been in contact with some consultant engineers to get estimates as to how much the construction would amount to. He stated that he was quoted a price of about \$40 per square foot. Commissioner Sanchez recommended that Dr. Garza talk to some architects and obtain quotes from them since the building of Health facilities is so very different than your standard buildings. After further comments from Dr. Garza, the Commission and Legal Counsel, with regards to procedure, estimated costs and whether the County was permitted to have a COPC and whether it is done through a State contract and if so has that contract been brought before the Commission for approval, Commissioner Sanchez voiced his concerns in which he stated that he felt that the County was losing the handle on the COPC project due to all the confusion and misunderstandings. It was then suggested by Commissioner Garces to Dr. Garza, that he get with Mr. Crain and arrange the proper steps that need to be taken in order to get this project off the ground. There is too much confusion to have any organization. Commissioner Sanchez made a motion which was seconded by Commissioner Garces to table this item.

MOTION CARRIED (TABLED)
(SEE EXHIBIT Q)

ITEM 11. PCT. #1:

A. AUTHORIZATION TO EXECUTE PARTIAL RELEASE OF EASEMENT

Vona Walker opened by stating that IBWC had released the easement back to the County because the area is a natural high. The area would never be under water. Commissioner Sanchez stated this had been discussed in the past. The individual that was seeking the release of easement stated that he would be willing to pay a certain amount. He was asked to pay \$1000 per acre which Commissioner Sanchez and Ms. Walker felt that it was too high. Commissioner Sanchez then made a motion to charge \$1000 total and give him the easement for the individual

to build his home and authorize Commissioner Rosel to sign off on the release.

MOTION CARRIED
(SEE EXHIBIT R)

ITEM 12. PCT. #3:

- A. REQUEST TO ADVERTISE FOR COMPACTOR - PENITAS LANDFILL
- B. CHANGE STATUS ON LANDFILL FROM TYPE III TO TYPE IV
- C. CONSIDERATION AND APPROVAL OF INTERLOCAL COOPERATION AGREEMENT BETWEEN UNITED IRRIGATION DISTRICT & HIDALGO COUNTY
- D. REQUEST FOR AUDIENCE:
 - 1. HERMALINDA BENAVIDES

12A

Commissioner Rosel opened by stating that the area that is available now is very limited. It has come to the point that they need a compactor to try and create more space. He is requesting to advertise for the lease of a compactor bin. At this time, Commissioner Rosel made a motion to advertise for the leasing of a compactor under the penitas landfill budget. The motion was seconded by Commissioner Sanchez for discussion. He stated that he too is having the same problem and maybe they should consider advertising for more to get a better price. Commissioner Sanchez mentioned that right now he is making about 2 trips per day. Commissioner Rosel stated that a consultant had told him that with a compactor, his loads would be reduced to 1 or 2 per week. He also stated that right now they were looking at a cost of \$2500 dollars per month. Commissioner Arcaute suggested that quotes be obtained so that they know exactly what they are dealing with. He stated that he was concerned with the budget, particularly the enterprise fund. After further comments and questioned costs among the Commission and what fund this money would come from, the motion was put to a vote in which all the Commissioners voted in favor. Bid opening September 6 and September 11 to award.

MOTION CARRIED
(SEE EXHIBIT S)

12B

Commissioner Rosel stated that this item stemmed from item A. He stated that there is no such thing as a type III landfill. It is either a type I or a type IV or you're shut down. Type I would take too much money to operate and would not pay off because there is not enough property. Type IV would permit them to dump construction debris on sight. After further comments from the Commission, Commissioner Rosel made a motion and was seconded by Commissioner Garces to change type of landfill in the penitas area from a type III to a type IV which would permit the construction debris to be dumped at that landfill.

MOTION CARRIED
(SEE EXHIBIT S)

12C

Commissioner Rosel stated that this was for a bridge that is wider in width due to the new school that is in the area. This

project is estimated to be \$68,800 for the construction of this bridge. He is requesting half of the amount to fund the project. The money will be coming from within the pct. under Road and Bridge. At this time, Commissioner Rosel made a motion which was seconded by Commissioner Garces to approve the interlocal agreement with the County sponsoring half of the funds that it would take a give him the authority to sign the agreement.

MOTION CARRIED
(SEE EXHIBIT S)

12D

Commissioner Rosel stated that Mrs. Benavides wanted to come back next week, so he asked for this item to be brought back next week.

NO ACTION

ITEM 13. BUDGET AMENDMENTS:
A. 332ND DISTRICT COURT
B. PCT. #1

13A

Commissioner Arcaute stated that this was for outstanding bills and court reporters fees to carry them over until the end of the year. A motion was made by Commissioner Sanchez and was seconded by Commissioner Garces to approve the amendment as requested by the 332nd.

MOTION CARRIED
(SEE EXHIBIT T)

13B1

Commissioner Sanchez stated that this item was requested by the Auditors Office. He mentioned that sometime back, financing was approved for some equipment for Pct. 1. He stated that the Water truck was not needed and it was going to be taken off the financing by the bank. The note with the bank only includes the 2 motorgraders and a transfer truck. Commissioner Sanchez then so moved to approve the budget amendment and unappropriate the funds for the water truck in the amount of \$15,750. It was seconded by Commissioner Rosel.

MOTION CARRIED
(SEE EXHIBIT T)

13B2

Commissioner Sanchez stated that this was a contribution from the the residents of Colonia Robert Salinas. They will identify the account that these contributions will be appropriated into, so that they will help do the drainage work for this Colonia. The contribution amount is \$2,452.46 to offset the cost of the drainage. Commissioner Sanchez made a motion and was seconded by Commissioner Garces to accept the contribution and appropriate the money into object #37 Road Materials.

MOTION CARRIED
(SEE EXHIBIT T)

ITEM 14. PLANNING DEPARTMENT:

- A. FINAL PLAT APPROVAL:
 - 1. BASHAM NO. 36 - PCT. 3
 - 2. CARROL NO. 2 SUBDIVISION - PCT. 3
- B. PRELIMINARY PLAT APPROVAL:
 - 1. MINNESOTA MEADOWS UNIT NO. 2 - PCT. 2
 - 2. GLASSCOCK TERRACE - PCT. 3

14A1

A motion was made by Commissioner Rosel and seconded by Commissioner Sanchez to give final plat approval to Basham No. 36 as presented.

MOTION CARRIED
(SEE EXHIBIT U)

14A2

Mr. Gonzalez stated that all the requirements have been met and the Planning Department recommended approval. A motion was made by Commissioner Rosel and seconded by Commissioner Garces to give final plat approval to Carrol No. 2 subdivision as presented.

MOTION CARRIED
(SEE EXHIBIT U)

14B1

All requirements have been met and approval is recommended subject to the street traffic control devices, testing of all streets and a final letter from North Alamo Water Supply. A motion was made by Commissioner Sanchez and was seconded by Commissioner Rosel to give preliminary plat approval to Minnesota Meadows Unit No. 2 as presented.

MOTION CARRIED
(SEE EXHIBIT U)

14B2

A motion was made by Commissioner Rosel and seconded by Commissioner Garces to give preliminary plat approval to Glasscock Terrace as presented.

MOTION CARRIED
(SEE EXHIBIT U)

ITEM 15. PURCHASING DEPARTMENT:

- A. AWARD BIDS
 - 1. REPAIR OF ROOF - HEALTH DEPARTMENT
 - 2. TWO MOTORGRADERS AND THREE DUMP TRUCKS - PCT. 3
 - 3. AMBULANCE SERVICE FOR UNINCORPORATED AREAS OF PCT. 3

15A1

Ms. Maldonado stated that there were two bids. South Texas Uerathane for \$36,575 and Selana Roofing Company for \$26,850. She recommended Selana Roofing. Ms. Maldonado stated that the bond would be issued if Selana was awarded the bid. After comments from Steve Crain stating that the bid could be awarded but there would have to be a payment bond issued, a motion was made by Commissioner Rosel and was seconded by Commissioner Garces to award bid to low bidder, Selana Roofing Company in the amount of \$26,850 subject to review by

legal counsel and making sure all requirements are followed. If Mr. Crain O.K.'s the paperwork then construction will go on and if not, then no construction will occur.

MOTION CARRIED
(SEE EXHIBIT V)

15A2

Ms. Maldonado stated that she wanted to take these under advisement for the following week to review the bids that came in and that the equipment meets the specs. Commissioner Rosel made a motion and was seconded by Commissioner Sanchez to take the bids under advisement.

MOTION CARRIED
(SEE EXHIBIT V)

15A3

Mary Maldonado stated that two bids were received. EMS for \$160,000 for 2 years and Em-Care for \$360,000 for 2 years. Commissioner Arcaute asked about the funding for this service from the areas affected. Commissioner Rosel stated that there was an Interlocal Agreement in which it will be outlining the investments by the entities involved. At this time she moved on to the addendum which is the interlocal agreement before awarding the bid.

ADDENDUM 1. APPROVAL OF INTERLOCAL AGREEMENT OF AMBULANCE SERVICE-PCT. 3
****VERBATIM FORMAT****

COMM. ROSEL The one that you are looking at on item 1 is outlined on how the cities will participate in the funding. Outlined on a monthly basis. Is that correct? I think Gentleman that one is the participation by the cities on item 1 which would total the amount of \$52,000 by the cities and \$28,000 by the precinct which would total your \$80,000 per year on your contract. Also I think on item 3 it says that cities agree that they will indemnify and hold harmless and provide a defense to the County and its officials employees and so on. That was very important to be made sure that that was placed in the interlocal agreement between the cities and the County and the rest is self explanatory in regular contractual terms.

COMM. SANCHEZ My question remains the same. I have no problem with amount nothing like that. My only question is under section 1 where it says Company will provide ambulance service and it says that the County agrees to pay on behalf of each city whatever amount is outlined there. This infers that the cities will then pay the County or will the County just debit their Urban County allocation.

COMM. ROSEL Exactly. That is correct. That way. The method that we used previously is the way we're gonna conduct business. We went through the Urban County...

(08/14/95)

10

- COMM. SANCHEZ So the bottom line here is that each cities participation will come in form of allowing Pct. 3 or Mr. Covacevich to debit their Urban County allocation for that program year in this amount.
- MR. COVACEVICH I think that when the cities approve this agreement, they will also be approving a budget amendment to amend their Urban County funds and then lower their allocation by a certain amount and that allocation we will move into the County.
- COMM. SANCHEZ Yeah. I wanna clarify that for the record because object 1 here says that the County agrees to pay on their behalf.
- COMM. ROSEL Right.
- COMM. SANCHEZ As I read on down, besides the indemnity clause, it doesn't actually specify that you will bill or debit their Urban County allocation.
- MR. COVACEVICH Right. We are the grantee. We decide on the allocation.
- COMM. SANCHEZ That's fine, as long as its on here.
- COMM. ARCAUTE Wait.
- COMM. SANCHEZ Steve its not what....but that's the understanding. Pct. 3 County will provide all of this and then Urban County Program will debit their program.
- COMM. ROSEL Exactly.
- COMM. ARCAUTE Well. I thought it was an inelligible expense from Urban County.
- COMM. ROSEL No. It's not.
- COMM. SANCHEZ We've done it before.
- MR. COVACEVICH The Urban Count funds will go into the Parks and Rec. fund.
- COMM. SANCHEZ Parks and Rec.
- COMM. ARCAUTE Then he transfers to the General Fund.
- MR. COVACEVICH (INAUDIBLE)
- COMM. ARCAUTE That's a different story.
- COMM. SANCHEZ Creative financing for sure but I don't understand how it works now.
- MR. COVACEVICH (INAUDIBLE)
- COMM. ARCAUTE The year before.

- COMM. SANCHEZ But the funds were the money that came in through the park from Anzalduas but this is Urban County money that we're talking about.
- MR. COVACEVICH We did the same thing. We allocated money from Urban County funds to you all's budget.
- COMM. ARCAUTE Yeah, but through Urban County budget.
- COMM. ROSEL Right. Exactly.
- COMM. ARCAUTE But we can't pay ambulance service out of those funds?
- MR. COVACEVICH No. No.
- COMM. ROSEL No. That's why we're paying it from the General Fund.
- COMM. ARCAUTE So the transfer is gonna be from your pct. to General Fund of \$28,000 to cover the contract.
- COMM. ROSEL Yes sir. Then you're talking about the \$52,000 that has to come from the General Fund in order to fund the cities. Then the cities will, as Anthony has stated, the cities are going to amend their budget for the Urban County and Anthony then will appropriate that money to our precincts.
- COMM. SANCHEZ Stop.
- COMM. ROSEL That's what he just said.
- COMM. SANCHEZ Steve. If we can't do this directly out of the cities allocation, How can we do it indirectly out of the precincts allocation?
- STEVE CRAIN I'll just refer to Anthony on that one as to the operation of Urban County.
- MR. COVACEVICH Hidalgo County is the grantee of Urban County Funds. You can decide to give the cities no money at all and Do whatever you want with the money.
- COMM. GARCES Keep it all if you want.
- MR. COVACEVICH You can also decide to lower their amounts or increase their amounts and so it has nothing you know. If you do it because their gonna help you out another way, you can do it for any reason. For no reason at all.
- COMM. ROSEL It doesn't have to...
- MR. COVACEVICH You control the allocation.
- COMM. SANCHEZ It's very simple. You simply debit the allocation at the beginning of the year and you lower the amount that they get and they're out of the picture that you provided, but that's not what this says.

(08/14/95)

MR. COVACEVICH It was a timing issue here. It was a timing issue that the contract ends way into August. We start planning in April and really in January, you start planning your budget.

COMM. SANCHEZ So that's the reason it says on behalf of the cities.

MR. COVACEVICH You all will provide. That wording is for your General Fund and agreement for you all to spend your own fund money in the cities. That's what that cost is in there.

COMM. SANCHEZ My concern is will that General Fund get reimbursed from the money of those cities in the precinct? It's been my concern all along.

MR. COVACEVICH No, you will have more Urban County monies to spend. No, your Urban County monies will not go into your General Fund.

COMM. ROSEL Never has. Never has.

MR. COVACEVICH It can go to streets or road and bridge or...

COMM. SANCHEZ By then, the individual allocations to the precincts will be increased by that amount.

MR. COVACEVICH Right.

COMM. ROSEL Right.

COMM. SANCHEZ Okay.

COMM. ARCAUTE But they can only be spent for Urban County Programs. the cannot go to any other service.

COMM. ROSEL Well the fact is...

COMM. SANCHEZ That it's coming out of the General Fund.

COMM. ROSEL The fact is....

COMM. ARCAUTE I realize this but who is gonna reimburse the General Fund. See that's the question.

COMM. SANCHEZ Nobody.

COMM. ARCAUTE That's been the question all the time.

COMM. SANCHEZ Nobody.

COMM. ROSEL No one.

COMM. ARCAUTE Well...

COMM. SANCHEZ See that's the problem.

COMM. ARCAUTE Commissioner. We've made our position very clear on

that and I think like I say, the fourth time and fore-see it as a.....

COMM. SANCHEZ It doesn't really reimburse. My concern has been that the taxpayers of the fire district pay directly for their ambulance service and the General Fund is held free and harmless totally. In this case even though money is coming back into the precinct, into the Urban County funds of the individual or respective precincts, the General Fund itself will get debited by that amount and there's no reimbursement.

COMM. ROSEL I understood that from the start and obviously we have conducted business as has been conducted for the past 3 years or so in order to put the services together. I think that if the cities want to release x number of dollars or amend the budget for Urban County for x number of dollars then all they have to do is get it approved and that gives us more money to operate on in the Road and Bridge. Obviously we are at a disadvantage because we can't replace it from the in the..the money in the General Fund. I understand that. There is participation by the entities to pay that amount of money for those services but in a round about way.

COMM. SANCHEZ This is very difficult to do indirectly what can't be done directly.

COMM. ARCAUTE Can the cities contribute directly to the General Fund?

COMM. ROSEL Well, I think that what you're gonna have there is you have a problem with the cash flow of the cities. They are gonna be saying that they don't have the revenue to do that and that's why they have to use Urban County and that's why...

COMM. SANCHEZ Why don't think that...

COMM. ROSEL Previously they have asked the Commissioner's Court to help them out and in previous action we have helped them and they understood that we're gonna help them now and they have agreed to form a committee with the Mayors involved to go ahead and either form a fire district or to take a look at that new legislation creating an emergency management district or something like that. So that's in the works at this present time but between now and then they have to have some protection out there or they have the services out there that they need so badly by the ambulance companies. So it will.. we will be looking at a fire district or we will be looking at a fire district or we will be looking at a the new legislation that provides for the funding or for creating an entity that will be able to provide the revenue to go ahead and fund these projects.

COMM. SANCHEZ The thinking here as I see it Commissioner is that you

would lower the need for the precincts to tap the General Fund by allowing more money into their Urban County budget. The thing is that most of the precincts never tap the General Fund for amendments. Usually it's line item transfers.

- COMM. ROSEL That's right.
- COMM. SANCHEZ So that's not really helping the General Fund any....
- COMM. ROSEL Exactly.
- COMM. SANCHEZ ...as far as the amount of money available. Even though the precinct will have whatever prorated amount that will be for their Urban County Projects. I know we've done it before as an emergency but we really need a permanent solution and really the permanent solution in my personal opinion is establishing the fire districts.
- COMM. ROSEL It's on it's way and it'll be done as quickly as possible but in the meantime, we need to enter into this agreement.
- COMM. ARCAUTE Well yeah. I keep hearing it's been done before. Yes it's been done before but those precincts have returned those monies to the General Fund from either surplus monies out of the Parks or Road and Bridge and here Pct. 3 is not indicating any intention of replacing those monies in the General Fund. This is my concern.
- COMM. ROSEL Well. We're looking at participation of \$28,000 from our precinct. I will sit down and identify some more monies. I think that we're looking at finishing the year so we can appropriate the monies that we need to finish out the year and then I think that at the coming of the new year that we can look and see if can appropriate some more money from the precinct. That we will do.
- COMM. ARCAUTE Let me ask again. The monies that the cities are paying are going from their Urban County Funds to your Pct. 3 Urban County Funds?
- COMM. ROSEL No sir.
- COMM. SANCHEZ Their allocation is gonna be reduced simply. If they were to get \$500,000...
- COMM. ARCAUTE I understand that.
- COMM. ROSEL It's gonna be...
- COMM. ARCAUTE ...if it's gonna be reduced, where is the amount that is being reduced going to?
- COMM. SANCHEZ Into the precinct...

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- COMM. ROSEL 1, 2, 3 & 4.
- COMM. SANCHEZ The other precincts budgets.
- COMM. ARCAUTE Into the precinct three budget.
- COMM. ROSEL No sir.
- COMM. ARCAUTE Or even, well lets say that it goes into the other four precincts budget, but it's going to Urban County Funds which cannot be used to finance ambulance services.
- COMM. SANCHEZ So you're gonna use it to finance other things.
- COMM. ARCAUTE Other Urban County programs but is the precinct gonna reimburse the General Fund.
- COMM. ROSEL No.
- COMM. ARCAUTE Well I think it should you know. This is....
- COMM. SANCHEZ From where?
- COMM. ARCAUTE ...all the other precincts....
- COMM. ROSEL From where? The thing is....
- COMM. SANCHEZ Unless he takes it totally out of his Road and Bridge Fund.
- COMM. ROSEL One is I just told you that I'm gonna pull \$28,000 from my precinct and....
- COMM. ARCAUTE Well it should be \$80,000.
- COMM. SANCHEZ Commissioner.
- COMM. ROSEL Then I'm. That'll take care of some time. Now when we reach the end of the year, I'm gonna see if I can identify some more monies that we can appropriate and then what we cannot come in and do, then we'll ask the General Fund to do.
- COMM. SANCHEZ Why don't you just reduce your Urban County allocation by whatever amount they need?
- COMM. ARCAUTE You can't do anything with that Urban County. It might.
- COMM. ROSEL No. No. No. You heard right. You've heard right the last 2 or 3 years that we've done this. You understood that they have brought the money to us and we it distributed back out there in the Roads and Parks or whatever we want to. You understood because you're smarter than that. You understand how the system works. You are smarter than all of us put together. You know how this thing works and you know very well that we've done this for the past 2 or 3 years...

- COMM. ARCAUTE (INAUDIBLE)
- COMM. ROSEL ----you don't drill this thing here about the General Fund, the General Fund. I understand the position and I'm trying my best to be able to put the monies back into the General Fund. Now the thing that we have to understand is that we can not leave these people out there without these services that need to be provided. Now you might say well we don't have to. That is true we don't have to but I think it's a priority for this Commissioner's Court to help these cities out. If it wasn't, then I'd be the first to cut them off because I believe if I can save a penny, because I think that other people can do it better or they got the money to do it, I would have done it a long time ago.
- COMM. SANCHEZ It isn't a question of....
- COMM. ARCAUTE I don't have a problem with that.
- COMM. SANCHEZ The transaction is getting to broad. Can the whole be handled through the Pct. 3 budget.
- COMM. ROSEL Well you're talking about \$80,000. If I had \$62,000 that the Judge took away from or we took away from my precinct Park Budget, yes I could. Now....
- COMM. SANCHEZ If I had the \$200,000 that was taken from me, I could do a lot of things but what I'm saying is can your Road and Bridge Budget do that and then increase you Urban County allocation and you handle it.
- COMM. ROSEL I think that what I just....
- COMM. SANCHEZ (INAUDIBLE)
- COMM. ROSEL I think what I just said Commissioner is the fact that we're going to bring in \$28,000 to the General Fund for our participation. We're gonna look at finding out if we can identify any more monies that we can identify to put into the General Fund and we will put in there as much as we can to offset the expenditure by the General Fund. Whatever we can't put there, then I'll come before this Commissioner's Court and let you know so you can give me the help or deny me the help. Whatever it is. I think that the services that we need to provide at this time are very important and automatically the \$28,000 next week or the week after when we identify the monies and then if there's additional money we will come in with it and then we turn over in January 1, we'll have some more monies. We'll come in and appropriate more monies to the General Fund in order to pay for this. As much as we can.
- COMM. SANCHEZ No. The General Fund cannot pay for that. It's gotta be the precincts. It's gotta be your fire districts or we dissolve all the fire districts and bill all the

services to the General Fund.

COMM. ROSEL We tried but..they're trying but some....

COMM. SANCHEZ It can't be done now and it can't be done January 1. That's been the whole discussion.

COMM. GARCES You want to do the what, the second or third extension as far as the provider is concerned.

COMM. SANCHEZ The services are very much needed, like they were needed in my precincts, which is why we created the fire districts, because their service is needed to get out to the people. You have the same situation. The only thing is, that we're using the General Fund, which has money from the entire County to provide it. Now in this organization thing that Anthony has outlined, you are saying that the Urban County from each precinct will be increased by that amount but the General Fund will not.

(UNKNOWN) May I approach the Commission?

COMM. ARCAUTE Just a minute. Just a minute.

COMM. ROSEL You're asking the Pct. 3 to fund \$80,000.

COMM. SANCHEZ I'm asking is there a possibility in that you get the whole \$80,000 from the Cities in year Urban County Money.

COMM. ROSEL Commissioner. If I could have, I would have come in with this idea and told you that I was gonna fund it out of Pct. 3. At this time, the only thing I can do is commit to fund as much as I can. If I can fund the 100% of it, I will and if 80%, then I'll come and I'll tell you, it's only 80% that our monies that I could identify and then at that particular time, I'll come to you and then you could help me with the General Fund.

COMM. SANCHEZ I understand your need.

COMM. ROSEL If I can put the \$80,000 together from my precinct, I would benefit from it anyway because I'd pick it up from the Urban County. I understand that.

COMM. SANCHEZ I don't have any other questions.

COMM. ROSEL I'd like to make a motion that we approve the interlocal agreement with the Cities of Palmview, Granjeno, Penitas Alton, La Joya and the County of Hidalgo for the funding of the ambulance service, in which under present contract the cities will participate as stated in the agreement here and also that the cities agree that they will indemnify and hold harmless the County, its officials, employees, agents, successors and so on. Like to make that in a motion.

COMM. SANCHEZ I'll second that motion if I may, just recommend....

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COMM. ARCAUTE Motion and second. Any discussion?

COMM. SANCHEZ Yes sir.

COMM. ARCAUTE Further discussion.

COMM. SANCHEZ Any further discussion in that this particular instance, will be the last time that we'll do it this way. That we'll either have a fire district set up or that we won't fund ambulance services in the future.

COMM. ROSEL That's understood. The only thing that I want to say to you, is that this is a two year period. You understand that, but you have my commitment and I've already talked to the mayors of doing this. Of the fire district or something else.

COMM. SANCHEZ I understand.

COMM. ARCAUTE Any further discussion?

COMM. SANCHEZ I think the lady might have some discussion.

(UNKNOWN) Yes. Good morning. I....

COMM. ARCAUTE We'll take care of the....

(UNKNOWN) Okay.

COMM. ARCAUTE ...on the public's comments.

(UNKNOWN) I wanted to address the Commission and like Commissioner Sanchez was saying that you all can dissolve the fire districts if it comes to that but I'm under the impression that the fire districts were created by voters. Okay. So it's the voter decision to dissolve them at any..anyway. I...we were the ones that opened our fire district in Edinburg and I worked pretty hard for that fire district and I want to point out that it's not Commissioner Rosel but at the time that Pct. 3 Norberto Salinas was the Commissioner. He vowed that he would never have a fire district as long as he was the County Commissioner.

COMM. ARCAUTE Can we limit this? Is this...

(UNKNOWN) Sure.

COMM. ARCAUTE You're one of the bidders right?

(UNKNOWN) Right.

COMM. ARCAUTE Can we limit the comments to whatever is related to...

(UNKNOWN) Okay. So therefore, if you decide that you want to help Commissioner Rosel, that's fine. If you don't that fine to. You know. I understand that the am-

balance need is there. Whatever you all decide to do, that's fine. Thankyou.

COMMISSIONERS Thank you.

COMM. ARCAUTE Okay. There is a motion and a second. Any further discussion?

COMM. ROSEL No sir.

COMM. ARCAUTE If not, those in favor of the motion signify by saying Aye.

COMMISSIONERS SANCHEZ, GARCES AND ROSEL Aye.

COMM. ARCAUTE Those against. The chair votes in the nay against the motion for reasons stated four times already in four different meetings. Let the record so reflect. Can you show that on a verbatim.

COMM. ROSEL Verbatim. Like you said last week. Make sure we get a verbatim, word for word because we don't want to miss...

COMM. ARCAUTE Commissioner. You're out of order. Just put it on verbatim those commitments that were made orally. Okay. We have failed to get anything in writing from the Commissioner, so we'll use the minutes.

COMM. ROSEL I believe every word that you've got is verbatim.

COMM. SANCHEZ Thank you Paul.

COMM. ROSEL Send them...(shut up)
comments within the Audience.

COMM. ARCAUTE Okay. So this agreement would be effective what, today.

COMM. SANCHEZ At the expiration of contract.

COMM. GARCES There's an extension out there right now right Steve.

COMM. ARCAUTE The interlocal has been agreed. I mean to enter into an interlocal agreement. Okay we're supposed to go back to item 3, which is related to the bid.

ITEM 15A3

At this time the came back to this item which had been discussed prior to the interlocal agreement. Commissioner Arcaute reviewed the bids from EMS and Em-Care. A motion was then made by Commissioner Rosel and was seconded by Commissioner Garces to accept the low bid.

MOTION CARRIED

(SEE EXHIBIT V)

ITEM 16. URBAN COUNTY:

- A. CITY OF SAN JUAN - CHANGE ORDER #1
- B. CITY OF SAN JUAN - CHANGE ORDER #3
- C. CITY OF HIDALGO - HEALTH CLINIC CONSTRUCTION MANAGEMENT SERVICES
- D. DeANDA AND SAENZ COLONIAS INNOV. WW. PROJECT #248001 (FACILITY PLAN)
- E. SECTION 108 LOAN GUARANTEE APPLICATION
- F. 1995 INTERLOCAL AGREEMENTS
- G. INTERLOCAL AGREEMENT FOR AMBULANCE SERVICE

16A

Mr. Covacevich opened by stating that this was a change order in the amount of 1954.50 with American Light Company for electrical wiring. A motion was made by Commissioner Garces and was seconded by Commissioner Rosel to approve the change order.

MOTION CARRIED
(SEE EXHIBIT W)

16B

Mr. Covacevich stated that this was also a change order for contract with South Texas Utility in the amount of \$15,691.15 for the purpose of adding concrete for curb and add site lighting, trenching and pad. A motion was made by Commissioner Sanchez and was seconded by Commissioner Rosel to approve the change order as presented.

MOTION CARRIED
(SEE EXHIBIT W)

16C

Mr. Covacevich stated that there were two proposals received. One was from Grande Valley Builders and Aleco Construction Company. He stated that Grande Valley Builders did not meet specifications and Aleco did so he is recommending Aleco Construction Company for an 8% management fee. A motion was then made by Commissioner Garces and was seconded by Commissioner Sanchez to enter into contract with Aleco Construction Company.

MOTION CARRIED
(SEE EXHIBIT W)

16D

Mr. Covacevich stated that this was the final payment in the amount of \$3,623.63. A motion was made by Commissioner Sanchez and was seconded by Commissioner Garces to approve the final payment.

MOTION CARRIED
(SEE EXHIBIT W)

16E

Mr. Covacevich opened by stating the several months ago they had submitted for an Economic Development Initiatives Grant for \$250,000 that would service the loan loss reserve fund. He is now requesting the approval for submission of #108 application. He also

is requesting the signature for this application. A motion was then made by Commissioner Garces and was seconded by Commissioner Sanchez to apply for the 108 loan guarantees and designating Juan Rosel as the signee.

MOTION CARRIED
(SEE EXHIBIT W)

16F

These agreements that are signed with all these cities on their allocations. After further comments from the Commission, a motion was made by Commissioner Sanchez and was seconded by Commissioner Rosel to approve the interlocal agreements with the cities in the exhibit.

MOTION CARRIED
(SEE EXHIBIT W)

16G

NO ACTION
(SEE ADD. 1 - EXHIBIT W)

- ITEM 17. OFFICE OF EMPLOYMENT AND TRAINING
 - A. CONSIDERATION AND APPROVAL REAPPOINTMENT OF THE FOLLOWING PRIVATE INDUSTRY COUNCIL BOARD MEMBERS
 - 1. LILY MAJORS
 - 2. BUDDY DE LA ROSA
 - 3. MANUEL GARCIA JR.
 - 4. LAURO SOLIS

Paul Vazaldua opened by stating that these member could be renominated if they have met PIC requirements, which they have. He recommended that they be reappointed. After some comments, a motion was made by Commissioner Sanchez and was seconded by Commissioner Garces to reappoint the following Private Industry Council Board members as requested: Lily Majors, Buddy De La Rosa, Manuel Garcia, Jr. and Lauro Solis.

MOTION CARRIED
(NO EXHIBIT AVAILABLE)

- ITEM 18. EXECUTIVE SESSION:
COMMISSIONER'S COURT MAY GO INTO EXECUTIVE SESSION PURSUANT TO CHAPTER 551, TEXAS GOVERNMENT CODE, SECTION 551.071 TO DISCUSS THE FOLLOWING MATTER:

- A. DISCUSSION AND POSSIBLE ACTION ON TITLEWAVE CONTRACT - COUNTY CLERK - LITIGATION

- ITEM 19. OPEN SESSION:

- A. DISCUSSION AND POSSIBLE ACION ON TITLEWAVE CONTRACT - COUNTY CLERK - LITIGATION

NO ACTION

- ITEM 20. APPOINTMENT OF INTERIM COUNTY JUDGE

Commissioner Garces opened this topic by making his recommendation. He voiced his opinion and stated that he recommended Judge Richard Garcia due to his extensive time on the bench and practicing law. He made this in the form of a motion. Commissioner Rosel seconded the motion and opened it up for discussion. He stated that there were several names for this position, but he felt that Judge Garcia was the most qualified candidate that could and would make time for this position. He also stated that this motion carried the stipulation that was contingent on his resignation as County Court at Law #3 Judge. He also stated that Judge Garcia's name stood out above the rest due to his dedication and hard work. At this time, the motion was put to a vote in which all voted in favor. Commissioner Arcaute stated that the effective date would be after the bonds, affidavits and anything related there to was taken care of and also upon his resignation, which is to be accepted at the next Commissioner's Court meeting.

MOTION CARRIED
(NO EXHIBIT AVAILABLE)

ITEM 21. APPROVAL OF DESIGNATED SIGNATURE FOR WRITTEN INSTRUMENTS AS THEY PERTAIN TO HIDALGO COUNTY

Mrs. Etnire stated that this was for requisitions, invoices, etc. She just needed these documents to be signed off on. She stated that some of these relate to the Purchase Orders that were approved the previous week. After some comments from Steve Austin, Steve Crain stated the once Judge Garcia takes office, the problem of all this documentation will be solved. In the meanwhile, Commissioner Arcaute made a suggestion that all these invoices be sent back to the departments and resubmitted for approval and then designate someone to sign off on the paperwork. Steve Crain then mentioned that on the vehicle titles, as long as they knew exactly what the cars were, then they could sign off on those at this point and time. As far as everything else was concerned by way of requisitions and purchase orders and invoices Steve Crain suggested that these wait until the new County Judge took office and Mrs. Etnire would work with the Purchasing Agent and sort out the ones the need PO's and the ones that just be signed off on. A motion was then made by Commissioner Sanchez and was seconded by Commissioner Garces to sign all documents that do not pertain to purchases where bills, purchase orders and requisitions are involved and also to authorize Commissioner Rosel to sign on those documents.

MOTION CARRIED
(NO EXHIBIT AVAILABLE)

A motion was made by Commissioner Garces and seconded by Commissioner Rosel to adjourn.

MOTION CARRIED

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

DRAINAGE DISTRICT
=====

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

ITEM 1. AUTHORIZATION TO ADVERTISE FOR TWO PICKUP TRUCKS

A motion was made by Commissioner Garces and was seconded by Commissioner Rosel to advertise for two trucks according to specs. provided by Manager/Operator of Drainage District No. 1. Bid opening September 6 and September 11 to award.

MOTION CARRIED
(SEE EXHIBIT X)

ITEM 2. AUTHORIZATION TO DECLARE EQUIPMENT SURPLUS

Vona Walker stated that some of the items were on this list were some items that were disapproved by the workman's comp. representatives. Some of this list is also just old equipment that is no longer active. Some old tanks were replaced with new tanks. Also, some of these items were stolen and there are those items that are under \$100 in value. At this time, a motion was made by Commissioner Garces and was seconded by Commissioner Rosel to declare equipment surplus and also to remove items from asset inventory.

MOTION CARRIED
(SEE EXHIBIT Y)

ITEM 3. (SEE ITEM 2)
(SEE EXHIBIT Y)

ITEM 4. AUTHORIZATION TO PAY REPAIR BILL

Vona Walker stated that last year a loader was purchased for \$8,000. After being taken to a mechanic for repair, it was discovered that the mechanic could not repair what needed to be repaired. It was then taken to Anderson Equipment for repair. The result of that is a repair bill of \$9,452.40. She is requesting that this amount be paid. A motion was made by Commissioner Sanchez and seconded by Commissioner Garces to authorize the payment of a repair bill of \$9,452.40 to Anderson Equipment Company.

MOTION CARRIED
(SEE EXHIBIT Z)

ADDENDUM 2. APPROVAL OF PURCHASE REQUISITIONS AND PURCHASE ORDERS

A motion was made by Commissioner Garces and was seconded by Commissioner Rosel to approve the requisitions and purchase orders and also to include bills that are under the amount required.

MOTION CARRIED
(SEE EXHIBIT AA)

A motion was made by Commissioner Garces and was seconded by Commissioner Rosel to adjourn.

MOTION CARRIED

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

Juan J. Hinojosa
Interim 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 14TH day of AUGUST, 1995.

ATTEST:

JOSE ELOY PULIDO, County Clerk
Hidalgo County, Texas



By: Aaron Betancourt
AARON BETANCOURT, Deputy