



**RICHARD H. GARCIA**  
**HIDALGO COUNTY JUDGE**

*All present*  
*Judge Garcia*  
*Presiding*

VOL 0216 PAGE 272

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, OCTOBER 17, 1995 at 7:00 P.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being discussed separately unless requested by a Commissioner, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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 - County Auditor
2. Approval of Attorney's Fees:
  - A. Susan Miller - \$ 4,477.50
3. Approval of Monthly Fee Reports:
  - A. Justice of the Peace:
    1. Ruben Ramos - \$ 8,233.72 - September
4. Permits:
  - A. Southwestern Bell Telephone - Pct. 3
  - B. Valley Telephone Cooperative - Pct. 4
5. Internal line item transfers:
  - A. Sheriff Investigation Fund
  - B. County Auditor
  - C. Human Services
  - D. District Clerk
  - E. Planning Department
  - F. District Attorney Inv. Fund
  - G. Health Department - Adm.
  - H. Health Department - Health Clinics → *Ros / Arc w / changes*
  - I. J.P. Pct. 1, Pl. 1
  - J. Personnel Department
  - K. County Judge
  - L. Buildings & Grounds

Dated this the 11th day of October, 1995.

*Crab / San*

P.O. Box 1356  
Edinburg, TX 78540  
(210) 318-2600



**RICHARD H. GARCIA**  
**HIDALGO COUNTY JUDGE**

*Aaron*

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A D D E N D U M

1. Public Hearing on Tax Increase for Hidalgo County

*SAN / Gar*  
*to set date for vote*

Dated this the 14th day of October, 1995

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P.O. Box 1356  
Edinburg, TX 78540  
(210) 318-2600



**RICHARD H. GARCIA**  
**HIDALGO COUNTY JUDGE**

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- F1. >Authorization & approval of Resolution Urging Voters to Support Proposition 5 on November 07, 1995 Constitutional Amendment Election Ballot *ARC / San*
- G2. >Acceptance of 1994 Independent Audit *San / Gar*
- H3. Court Reporter's Fees:
  - A. Budget Amendment *ARC / San*
  - B. Annette E. Escobar - \$ 1,250.00
- J4. Consideration of request from Horizons of Mission - drug abuse funds *No Act*
- J5. Juvenile Probation Department:
  - >A. Acceptance of 1996 Criminal Justice Division (Juvenile Justice Alternatives) Grant in the amount of \$ 42,493.00 *San / ARC*
  - >B. Approval of Budget Amendment *ARC / GAR*
- K6. Computer Department:
  - >A. Acceptance of purchase order - telephone system *ARC / San Not to Accept*
- L7. Financial Disruption Task Force:
  - >A. Approval to convert one (1) Investigator position into one (1) Legal Secretary & one (1) Clerk Typist position *ARC / GAR*
  - >B. Line item transfer *SAN / ARC \$3,000*
- M8. Sheriff Department:
  - >A. Budget Amendment - Detention Center (Jail) *Gar / Ros Amended to \$25,000*
  - >B. Approval to accept donation from Mr. Oliverio Lopez & approval to deposit funds to County Treasurer's Office *San / Gar*
  - >C. Approval to accept a donation of 1,000 stick-on badges *Gar / ARC*
  - D. Consideration of proposed Inmate Health Care Proposal *No Action*
- N9. District Attorney:
  - A. South Texas Auto Theft Enforcement Task Force Grant:
    - >1. Budget amendment of matching funds in the amount of \$ 17,014.62 *ARC / Gar*
    - >2. Authorization for the County Auditor to appropriate \$ 66,545.62 retroactive to September 01, 1995 *San / ARC*
    - >3. Set salary for position *San / ARC*
    - >4. Approval of Interlocal Agreement & Cooperative Working Agreement *Gar / Ros*

P.O. Box 1356  
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10. Consideration of County Auditor's 1996 Budget *No ACTION*
11. Appropriation of Budget for Traffic Safety Grant *No Action*
12. > Buildings & Grounds: *Ros/GAR*  
 A. Budget Amendment
13. Constable Pct. #3:  
 >A. Approval to accept the contribution of four (4) vehicles to be used for law enforcement purposes in Pct. #3 *Ros/San*  
 >B. Declare two (2) vehicles surplus *Ros/GAR*
14. Purchasing Department:  
 A. Request to advertise:  
 >1. Rental space - City of La Joya - WIC Program *ARC/GAR*  
 >2. Rental space - City of Alton - WIC Program *Ros/GAR*
15. Planning Department:  
 A. Final Plat Approval:  
 >1. Tom Gill Subdivision No.1 - Pct. 3 *Ros/GAR*
16. Urban County:  
 >A. City of Weslaco - Palmer Drug Abuse Program Subrecipient Agreement - Year 7 *San/GAR*  
 >B. City of Weslaco - Amigos Del Valle, Inc. Subrecipient Agreement - Year 7 *San/Ros*  
 >C. City of Weslaco - Mujeres Unidas/Women Together Subrecipient Agreement - Year 7 *San/Ros*  
 >D. City of Weslaco - Coalition of Literacy Services Subrecipient Agreement - Year 7 *San/Ros*  
 >E. City of Weslaco - Palmer Drug Abuse Program Subrecipient Agreement - Year 8 *San/Ros*  
 >F. City of Weslaco - Amigos Del Valle, Inc. Subrecipient Agreement - Year 8 *San/Ros*  
 >G. City of Weslaco - Mujeres Unidas/Women Together Subrecipient Agreement - Year 8 *San/Ros*  
 >H. City of Weslaco - Coalition of Literacy Services Subrecipient Agreement - Year 8 *Ros/San*  
 >I. Professional Service Contract - Muniz Subdivision Colonia Construction Fund Project #714105 *GAR/ARC*  
 >J. Emergency Shelter Grant 1995 Subrecipient Agreements *San/GAR*

(continued)

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(continuation - Urban County)

- >K. Amendment to contract with Malcolm-Pirnie, Inc. DeAnda-Saenz  
Project TWDB #94-483-030 *SAN/GAR*
- L. City of Alton - HOME Housing Rehabilitation Program - Construction  
Contract Award *NO ACTION*

- ✓17. Authorization for final payment to contractor & architect - Jail TB  
Unit *ARC/SAN*

*GAR/ARC*  
*Adjourn*

Dated this the 11th day of October, 1995



**RICHARD H. GARCIA**  
**HIDALGO COUNTY JUDGE**

*Aaron*

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\*CORRECTED AGENDA\*

DRAINAGE DISTRICT #1

- ✓ 1. > Permit - North Alamo Water Supply Corporation *Gar/Ros*
- ✓ 2. Authorization to declare equipment surplus *Gar/Ros*
- ✓ 3. Authorization to remove items from inventory *Gar/Ros*
- ✓ 4. Acceptance of 1994 Independent Audit *san/Ros*

*Gar/Ros*  
*(Listen to Tape)*

Dated this the 13th day of October, 1995

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P.O. Box 1356  
Edinburg, TX 78540  
(210) 318-2600

THE STATE OF TEXAS :

COUNTY OF HIDALGO :

BE IT REMEMBERED that on the 17TH day of OCTOBER, 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. Richard H. Garcia  
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:

-----000-----

OCTOBER 17, 1995

The Honorable Richard H. Garcia, Interim County Judge, called this meeting to order, where upon the following items were had to wit:

CONSENT AGENDA

=====

- ITEM 1. APPROVAL OF BILLS - COUNTY AUDITOR
  - GENERAL FUND - #114035 - #114247 - \$ 441,188.72
  - SPECIAL REVENUE FUND - #114491 - #114700 - \$1,126,271.98
  - TRUST AND AGENCY FUND - # 5024 - # 5049 - \$ 126,533.40
  - ENTERPRISE FUND - # 2433 - # 2439 - \$ 224.08

(SEE EXHIBIT A)

- ITEM 2. APPROVAL OF ATTORNEY'S FEES:
  - A. SUSAN MILLER - \$4,477.50

(SEE EXHIBIT B)

- ITEM 3. APPROVAL OF MONTHLY FEE REPORTS:
  - A. JUSTICE OF THE PEACE:
    - 1. RUBEN RAMOS - \$8,233.72 - SEPTEMBER

(SEE EXHIBIT C)

- ITEM 4. PERMITS:
  - A. SOUTHWESTERN BELL TELEPHONE - PCT. 3
  - B. VALLEY TELEPHONE COOPERATIVE - PCT. 4

(SEE EXHIBIT D)

- ITEM 5. INTERNAL LINE ITEM TRANSFERS:
  - A. SHERIFF INVESTIGATION FUND
  - B. COUNTY AUDITOR
  - C. HUMAN SERVICES
  - D. DISTRICT CLERK
  - E. PLANNING DEPARTMENT
  - F. DISTRICT ATTORNEY INVESTIGATION FUND
  - G. HEALTH DEPARTMENT - ADMINISTRATION
  - H. HEALTH DEPARTMENT - HEALTH CLINICS
  - I. J.P. PCT. 1, PL. 1
  - J. PERSONNEL DEPARTMENT
  - K. COUNTY JUDGE
  - L. BUILDINGS & GROUNDS

(SEE EXHIBIT E)

Judge Garcia opened the meeting by stating that there were some corrections of items G & H of the Health Department. Steve Crain advised the Commission that they needed to remove the items from the Agenda and approve the rest of the Agenda and return to those particular items in question and approve those separately. A motion was then made by Commissioner Garces and was seconded by Commissioner Sanchez to delete items 5G & 5H from the Consent Agenda and approve it as so indicated with the changes.

MOTION CARRIED  
(SEE EXHIBITS A-E)

The corrections in the Consent Agenda are as follows: In the Health Department administration salaries, the change is the amount. It should read \$1,000 instead of \$2,000. There is a decrease in contractual services in the amount of \$7,800 and travel should read also \$1,000 instead of \$2,000. In the Health Department Clinic, salaries should read \$25,500 instead of \$30,500 and drugs should read \$5,000 as opposed to \$10,000. A motion was made by Commissioner Rosel and was seconded by Commissioner Arcaute to approve the corrections on the Consent Agenda.

MOTION CARRIED

#### REGULAR AGENDA

=====

ITEM 1. AUTHORIZATION & APPROVAL OF RESOLUTION URGING VOTERS TO SUPPORT PROPOSITION 5 ON NOVEMBER 7, 1995 CONSTITUTIONAL AMENDMENT ELECTION BALLOT

A motion was introduced by Commissioner Arcaute and was seconded by Commissioner Sanchez to adopt the resolution.

MOTION CARRIED  
(SEE EXHIBIT F)

ITEM 2. ACCEPTANCE OF 1994 INDEPENDENT AUDIT

Rick Longoria addressed the Court and recited some of the findings of an audit of the financing statements for Hidalgo County. He stated that this audit was not just the County as a unit but also separate component units were audited such as OET, Headstart, Urban County & The Community Service Agency. A financing statement was issued after the audit for the County as a whole and for the Drainage District. A motion

was then made by Commissioner Sanchez and was seconded by Commissioner Garces to accept the audit as presented by Burton, McCumber & Prichard.

MOTION CARRIED  
(SEE EXHIBIT G)

- ITEM 3. COURT REPORTER'S FEES:  
A. BUDGET AMENDMENT  
B. ANNETTE E. ESCOBAR - \$1,250

3A&B

A motion was made by Commissioner Arcaute and was seconded by Commissioner Sanchez to approve the budget amendment and the Court reporter's fees.

MOTION CARRIED  
(SEE EXHIBIT H)

- ITEM 4. CONSIDERATION OF REQUEST FROM HORIZONS OF MISSION - DRUG ABUSE FUNDS

Judge Garcia opened by stating that this amount was \$35,000. Commissioner Rosel then stated that this had been discussed previously and Horizons of Mission was accidentally left out of the funding from confiscated funds. A discussion ensued in regards to the breakdowns of the monies. It was stated that some of these monies were committed to the Traffic Safety Grant match. Mrs. Etnire attempted to clarify where the monies for this grant were coming from. She stated that back in June of this year, some monies were allocated to some organizations. Since that time, it was found out that monies from the confiscated funds can not be used for the Impact Court. This is where the monies come from for the Traffic Safety Grant match. It was mentioned in the conversation that up until it was found out that the impact court could not receive these funds, there was approximately \$2,000 in the confiscated fund balance. With this amount, there is now approximately \$47,000 and Horizons of Mission is requesting \$35,000. At this time Commissioner Rosel made a motion to appropriate \$35,000. Commissioner Sanchez suggested that the Court wait to take action until Mr. Austin could clarify exactly how much the balance is. There were some suggestions as to how to split the money and Arcaute expressed his feelings toward the Commission already being committed to the Traffic Safety match. Commissioner Arcaute recommended no action and Judge Garcia agreed.

NO ACTION  
(SEE EXHIBIT I)

ITEM 5. JUVENILE PROBATION DEPARTMENT:

- A. ACCEPTANCE OF 1996 CRIMINAL JUSTICE DIVISION (JUVENILE JUSTICE ALTERNATIVES) GRANT IN THE AMOUNT OF \$42,493
- B. APPROVAL OF BUDGET AMENDMENT

5A

Buddy Silva opened by stating that this was the 16th year for this grant and that there was no match required. The monies are used for services for juveniles. The amount of the grant is \$42,493. A motion was made by Commissioner Sanchez and was seconded by Commissioner Arcaute to accept the grant from the Criminal Justice Division.

MOTION CARRIED  
(SEE EXHIBIT J)

5B

Ms. Silva stated that this is a request for a budget amendment in the amount of \$60,000 and it is for residential services. Mr. Silva was asked why he didn't budget for an increase and he stated that he had, but there was more of an increase in juvenile cases than he expected. He stated that this amount of money would serve roughly 6 or 7 juveniles. After further comments, a motion was made by Commissioner Arcaute and was seconded by Commissioner Garces to approve the amendment of \$60,000 from the General Fund to pay for incurred expenses.

MOTION CARRIED  
(SEE EXHIBIT J)

ITEM 6. COMPUTER DEPARTMENT:

- A. ACCEPTANCE OF PURCHASE ORDER - TELEPHONE SYSTEM

THIS ITEM IS IN VERBATIM FORMAT:

PETE RIVERA Evening Commissioners, Judge. Back in June, the Computer Department turned in a requisition for a telephone system and I submitted three quotes. A P.O. was issued at the time and there was one quote that I did not submit because they had given me a prior quote a few months earlier different from the quote that they gave me the second time around and it was a big difference quote from the one that they turned in which is the third vendor that's highlighted in question. I've submitted my payment to the Auditor and find out later that the P.O. was held up by the Purchasing Agent because she was questioning the third vendor. If you look at the comparison chart that I gave you, that vendor

in question is not the lowest bidder. In the long run, it's gonna cost us more to maintain that telephone system. Also the bidder that got the phone installed, they made an error and it was adjusted that we did not receive the government entity discount which was applied, which is on the second column and therefore, it still reflects even a further costlier. Now the vendor that I picked, I felt that it was the most advantageous. The equipment was top of the line and that it was gonna serve the needs for my department and at this time, the purchase order has been held up and I have a deadline of tomorrow, that if this matter is not resolved, Southwestern Bell will come and repossess the telephone system. So I am hereby requesting that we accept the bid from Southwestern Bell and we take care of this matter.

COMM. ROSEL I have a question for you. Did I hear you right when you said you didn't turn in one of the quotations?

PETE RIVERA Yes. The quotation, which is highlighted, I did not submit because they had given me prior to that, a different quote that my staff lost and when I asked them to send me the quote again, it was totally different price than the original price that they had given me. It made me wonder exactly what it was they were trying to do. I didn't feel comfortable with it and I did not submit it.

COMM. SANCHEZ What was the difference?

PETE RIVERA It was over \$1,000 difference.

COMM. ROSEL But did it make it a lower bid?

PETE RIVERA Did it make it a lower bid?

COMM. ROSEL Did it make it a lower bid or the lowest bid?

COMM. SANCHEZ The was...that was left out.

COMM. ROSEL The one that was left out and then they called you.

PETE RIVERA They came in at a lower bid but if you were to compare the cost....

COMM. ROSEL Which is what you've done here...

PETE RIVERA Right. Over a five year period, that system is gonna cost us a lot more to maintain because their maintenance is \$300 a year compared to \$120...

COMM. ROSEL \* Do we gotta lease for five years or....

COMM. SANCHEZ Do we usually do this on a five year basis?

COMM. ROSEL Is that what...

PETE RIVERA I do a comparison of five years.

COMM. ROSEL ...but your normal lifespan of that system would be five years, ten years.

PETE RIVERA (INAUDIBLE)

COMM. ROSEL How long have you had the one that you presently have?

PETE RIVERA We've had it since we implemented that Courthouse PBX system; last 3, 4 years 5 years going on now.

COMM. SANCHEZ The system is already in place?

PETE RIVERA Yes sir.

JUDGE GARCIA I have a comment. My comment is that all of these late discoveries are all after the fact. The fact remains that there was a lower bid that was arbitrarily omitted. We have a situation where it's not a question of what it's gonna cost or gain the County. At this point obviously, we may pretty close to being on the line. The problem is that procedures, proper procedures were not followed unless the legal opinion is changing from the last opinion we received at the last meeting. Mr. Crain, can you give us...We've looked at this further and I don't know that there's been any change or any difference. I mean these are all fine and good argument as far as cost is concerned and nobody's...Go ahead.

STEVE CRAIN Thank you Judge and Commissioners. The bottom line, I think is that #1 procedures were not followed in that there was a bid from a vendor that was omitted and removed from

consideration and I have not seen this maintenance cost comparison but I think what you have to do is you have to base your selection on the lowest bid at the time. At that time, based on specifications, it's my understanding, the bid that was omitted, possibly was the lowest bid, but regardless, there was a bid that was not considered in the process and the procedures were not followed.

COMM. GARCES Having said that Steve, we can pick up that yellow page and pick up five more vendors. We can have five people complaining that maybe we should call them. This in an argument and being a devil's advocate on this scenario.

COMM. SANCHEZ But Commissioner, they have a deadline to submit bids. Did they meet this deadline?

PETE RIVERA Yes they did Commissioner, and again the reason...

COMM. SANCHEZ ...and those other people that you're talking about would not.

PETE RIVERA The reason....

COMM. SANCHEZ The deadline was met.

PETE RIVERA The reason I did not include their bid because the second bid that they gave was a total different price than the original.

COMM. SANCHEZ ...but there was the bid that they were submitting for consideration at the time.

PETE RIVERA Yes.

COMM. SANCHEZ ...and it was the lowest bid?

PETE RIVERA At that...yes.

COMM. SANCHEZ But you left it out because you had seen one prior.

PETE RIVERA Right and there was a big difference in price amount and my question was , this is something we were working on since December of last year and they could have gotten a hold of what the new prices were and they could have said this our new price and we're gonna beat everybody. So this is why they estimated our total....

COMM. SANCHEZ ...the other bids.

PETE RIVERA They could have Commissioner. I don't know if they....

COMM. SANCHEZ They were not sealed bids.

PETE RIVERA No sir. This is under \$10,000.

COMM. GARCES This is the rim of discretion as far as the Department Heads coming in and then maybe the Purchasing Department on some other vendors.

COMM. SANCHEZ I understand Judge, that your office is presently looking into this.

JUDGE GARCIA I think we've looked at it as far as we can and there was the Purchasing Department found problems with it. As a matter of fact, the sequence of events, I mean at all...it was done all contrary to policy and Mr. Dickinson you can give further information in connection with the sequence of events if...

COMM. SANCHEZ Do you have a recommendation on this now?

JUDGE GARCIA You want to do that?

COMM. SANCHEZ ...on this item.

JUDGE GARCIA Mr recommendation is if we're gonna follow the rules for one person, we gotta follow them for everybody and the problem with this is it probably was not going to be any cost difference to the County to go from what was put in place to where if we had selected the lower bid and probably what's gonna happen now is if we follow the rules, it's gonna cost the County money that it would not have cost, but unfortunately we're either gonna follow the rules or we're not and my recommendation is that we follow the rules and therefore not...

COMM. ARCAUTE Do you have ah...

JUDGE GARCIA ...go forward

COMM. GARCES I just don't want this to be one of these...that we need to be to careful because of what we have pending.

JUDGE GARCIA ...and, and you know...

COMM. GARCES That's my concern Judge.

JUDGE GARCIA We've looked at this carefully and I don't think it's a witch hunt by any means but it's there and it's the commission's Pleasure. My recommendation is...

COMM. SANCHEZ No action.

COMM. ROSEL Well, what I'd like to say is...

COMM. GARCES We need to take some action because tomorrow, I think...

PETE RIVERA Tomorrow, the Deadline. Whatever we resolve tonight...if it's not taken care of, the equipment will be repossessed and we'll be out of service completely.

COMM. GARCES (INAUDIBLE)

PETE RIVERA So we're gonna have to come back tomorrow and say emergency and I'll have go out and buy a telephone. Either way we have to do something.

COMM. ARCAUTE That doesn't qualify under an emergency so...

PETE RIVERA If you don't want anybody to call our office Commissioner then....

MR. DICKINSON Commissioner, if I might....

COMM. ARCAUTE This has been going on since...recommendation is what? Not to accept the purchase order Judge.

COMM. ROSEL Judge. The only thing I'd like to say before you...

COMM. ARCAUTE Is that your recommendation?

COMM. ROSEL I think...

COMM. ARCAUTE The agenda calls for acceptance of a purchase order.

COMM. ROSEL I think that it's been said by the Commissioner here that it's not necessarily the lowest bid that gets it but the most advantageous to the County. I don't know the facts and circumstances of these but I think that it boils down to that. I think we have to make a determination as to which bid and at some particular point take the Department Head's recommendation for what he thinks would be the best bid for his department. Now, I will take your recommendation and pursue it.

JUDGE GARCIA I don't know what the legalities...we've looked at options to try to...

MR. DICKINSON If I might...

JUDGE GARCIA ...not cost the County any money but I don't know what as far as first of all the legality of now going with another bid that wasn't even, that's not even really there. It wasn't in place. It never got...we don't have it before us, we just know about it you know. Well we can't accept that one so our legal counsel is shaking his head no. We've already discussed all these options and...

COMM. GARCES Judge, I'd like to hear from Dickinson cause he kind of...

MR. DICKINSON If I can...

COMM. GARCES ...got into it and what I'm trying to do is learn from this scenario and I hope we don't have to apply it anymore...

MR. DICKINSON Commissioner.

COMM. GARCES ..and make part of an agenda item.

MR. DICKINSON Judge. It don't want to get into a procedure of policy situation here. I can tell you what our options are now. We can...and the cost to the County. That can be weighed against what is proper and what is not. Carnesi Communications, having been the original low bidder upon request, we've been in contact with them. They have the system they said they can install. There's going to be a cost and there's gonna be a down time as far as modems and everything else to remove this equipment. I think, strictly from a monetary standpoint, I think if you stay with what you've got, it may cost you less than going to

Carnesi and then you also have the other option to go back to the original situation where the Computer Department runs through the main switchboard and the trunklines through the Courthouse. I don't know what problems that's gonna create to the switchboard, evidently Mr. Rivera felt that there were some problems or he would not have climbed off of that system. But those are our three options at this time.

- COMM. SANCHEZ Was this thing ever submitted to the Purchasing Department to determine whether it was the low bid or not or did you make that decision on your own Pete?
- PETE RIVERA I did submit it and they gave me a P.O. based on the vendors that I submitted.
- COMM. SANCHEZ Okay, but the problem is the one you left out.
- PETE RIVERA Yes sir.
- JUDGE GARCIA We have head of purchasing here.
- MS. MALDONADO No sir. He ordered the phone before we were given the requisition.
- COMM. ARCAUTE So the phones were in place already before....
- MS. MALDONADO It was in place. Yes sir.
- COMM. ARCAUTE So these phones have been installed already.
- MS. MALDONADO Yes.
- COMM. SANCHEZ They're doing it after the fact. There's a complaint from a vendor that actually had the lowest bid. That's what started this.
- COMM. ARCAUTE We just got 5 days out of that stuff man. What's happening here?
- COMM. SANCHEZ So what is that you're saying Ms. Maldonado? That...
- COMM. ARCAUTE That we cannot issue a Purchase Order for that.

MS. MALDONADO No.

COMM. ARCAUTE Is that what you...

MS. MALDONADO One has been...Okay...

COMM. ARCAUTE If that's the case, I move that we not accept the Purchase Order.

COMM. ROSEL See, cause he's not gonna get a P.O....

COMM. ARCAUTE I don't know how else we're gonna do it.

COMM. SANCHEZ The requisition has to be signed by the Judge and if he doesn't want to sign it....

COMM. ARCAUTE That's my motion.

COMM. ROSEL What was your motion? I'm sorry I didn't hear you.

COMM. ARCAUTE Not to accept the Purchase Order as requested in the item on the agenda.

JUDGE GARCIA That's your recommendation also...

MS. MALDONADO Yes sir.

JUDGE GARCIA ...Ms. Maldonado.

COMM. SANCHEZ Second.

COMM. ROSEL Legal Counsel's recommendation too.

JUDGE GARCIA Legal Counsel's recommendation also. Alright all in favor signify by saying Aye.

COMMISSIONERS Aye.

JUDGE GARCIA All opposed.

PETE RIVERA I just wanna advise you that tomorrow, the representative from Southwestern Bell will be by to pick up the equipment...

COMM. GARCES What time?

PETE RIVERA ...and would have to make...ah..I would imagine they're gonna be after lunch and we would have to make arrangements to get another system in there.

JUDGE GARCIA ...and I hope that can be done very quickly. It's unfortunate this situation is happening and it's happening because of policy not being followed. Thank you sir.

PETE RIVERA Yes sir.

MOTION CARRIED  
(SEE EXHIBIT K)

ITEM 7. FINANCIAL DISRUPTION TASK FORCE:

- A. APPROVAL TO CONVERT ONE INVESTIGATOR POSITION INTO ONE LEGAL SECRETARY & ONE CLERK TYPIST POSITION
- B. LINE ITEM TRANSFER

7A

Celia Horrow addressed the Court and stated that they want to delete one investigator position and create 2 clerical positions. A motion was made by Commissioner Arcaute and was seconded by Commissioner Garces to approve.

MOTION CARRIED  
(SEE EXHIBIT L)

7B

Mrs. Horrow stated that this transfer was to cover expenses that will be incurred throughout the grant. A motion was made by Commissioner Sanchez and was seconded by Commissioner Arcaute to approve the line item transfer.

MOTION CARRIED  
(SEE EXHIBIT L)

ITEM 8. SHERIFF'S DEPARTMENT:

- A. BUDGET AMENDMENT - DETENTION CENTER (JAIL)
- B. APPROVAL TO ACCEPT DONATION FROM MR. OLIVERO LOPEZ & APPROVAL TO DEPOSIT FUNDS TO COUNTY TREASURER'S OFFICE
- C. APPROVAL TO ACCEPT A DONATION OF 1,000 STICK ON BADGES
- D. CONSIDERATION OF PROPOSED INMATE HEALTH CARE PROPOSAL

8A

Ramiro Castellano opened by stating that this amendment was

needed to pay the September bill for water. The amount of this bill is \$6,483.14. A motion was then made by Commissioner Garces and was seconded by Commissioner Rosel to approve the budget amendment. Commissioner Sanchez then suggested that the budget for the detention facility be amended for \$25,000 to cover for the rest of the year. Commissioner Garces accepted the amendment and Commissioner Rosel's second still stands. The amended motion was put to a vote, in which all voted in favor.

MOTION CARRIED  
(SEE EXHIBIT M)

8B

Mr. Castellano stated that this was an approval to accept a donation of \$150 from Olivero Lopez and deposit the money with the County Treasurer to be utilized for the disbursement of paraphernalia for drug and crime prevention. A motion was made by Commissioner Sanchez and was seconded by Commissioner Garces to accept the donation and include a letter of thanks from the County Judge.

MOTION CARRIED  
(SEE EXHIBIT M)

8C

Mr. Castellano stated that these stick on badges were to also be used for the same purpose as item 8B. A motion was made by Commissioner Garces and was seconded by Commissioner Arcaute to accept the donation of 1,000 stick on badges.

MOTION CARRIED  
(SEE EXHIBIT M)

8D

Steve Crain addressed the Court and stated that they have met with other attorneys and together, they have been able to come up with an RFP for an Inmate Health Care Proposal. Dr. Marin Garza elaborated on the dilemmas that are plaguing the detention facility. He stated that there are no pharmacists and the doctor who is there on a limited basis is responsible for this medication and there are now no LVN's. There was one who was entirely over worked and was driven to quit. The detention facility is in dire straits at this time. He suggested that as opposed to hiring an R.N. & 3 L.V.N.'s, the money for the R.N. be divided up and create 4 L.V.N.'s. He felt that this would work out a lot better. Whatever is to be done, needs to be done expeditiously. Mr. Crain interrupted and stated that these matters that were being discussed with Dr. Garza, were subject to litigation in a Federal Court. He stated that

he did not want to go into detail about this RFP but he did state that the agreement was reached between the attorneys for both the County and the Plaintiff. This RFP covered everything being discussed at this time & more. Mr. Crain made a suggestion to the Commission to take the time to familiarize themselves with the proposal. There was some discussion in regards to some ideas as to how to go about getting some help immediately for the detention center. They are on the verge of not having any sick call. There was also further discussion as to what actions can be taken at this time and it was discovered that the only thing that could be done at this time was the acceptance of the proposal. There is no action at this time.

NO ACTION  
(SEE EXHIBIT M)

ITEM 9. DISTRICT ATTORNEY:

- A. SOUTH TEXAS AUTO THEFT ENFORCEMENT TASK FORCE GRANT:
1. BUDGET AMENDMENT OF MATCHING FUNDS IN THE AMOUNT OF \$17,014.62
  2. AUTHORIZATION FOR THE COUNTY AUDITOR TO APPROPRIATE \$66,545.62 RETROACTIVE TO SEPTEMBER 1, 1995
  3. SET SALARY POSITION
  4. APPROVAL OF INTERLOCAL AGREEMENT & COOPERATIVE WORKING AGREEMENT

9A1

Roy Carrisalez addressed the Court and stated that the matching funds for this item would be coming from the General Fund for employee salary account. They estimate a surplus in this account. After further comments, a motion was made by Commissioner Arcaute and was seconded by Commissioner Garces to approve the amendment.

MOTION CARRIED  
(SEE EXHIBIT N)

9A2

Mr. Carrisalez stated that they want to put this amount in the current budget so that an investigator can be paid. A motion was made by Commissioner Sanchez and was seconded by Commissioner Arcaute to authorize the County Auditor to appropriate the requested amount of \$66,545.62 and that it be retroactive to September 1, 1995.

MOTION CARRIED  
(SEE EXHIBIT N)

9A3

Mr. Carrisalez stated that this was to set the salary for the investigator position in item A2. A motion was made by Commissioner Sanchez and was seconded by Commissioner Arcaute to set the salary for the position of investigator as requested.

MOTION CARRIED  
(SEE EXHIBIT N)

9A4

A motion was made by Commissioner Arcaute and was seconded by Commissioner Sanchez to approve the agreements.

MOTION CARRIED  
(SEE EXHIBIT N)

ITEM 10. CONSIDERATION OF THE COUNTY AUDITOR'S 1996 BUDGET

Commissioner Sanchez opened by asking Mr. Austin; what was his overall increase? 15% with 3 new positions. Mr. Austin stated that that was correct. Commissioner Sanchez then asked Mrs. Etnire if there was some discussion to the effect that they wanted to keep the 1996 budget the same as the 1995 budget and give employees a 7% increase. He stated that the reason for this was to comply with Civil Service requirements. Mr. Dickinson was asked by Commissioner Sanchez that if they had finally decided to call it a cost of living increase. Mr. Dickinson responded with a yes and added that it was an across the board cost of living. Mr. Austin then stated that if not for the 3 new positions, the budget would be at 6.8%. The new positions is what was raising the proposed budget to 15% with fringes. Commissioner Sanchez then stated that the reason for maintaining the 1995 budget was to keep the tax rate low and any increases that are made should be taken in as amendments. He felt that if you ask one department to stay within a limit, then all departments should follow that example. Mr. Austin addressed the court and he stated that this item was considered by the Board of Judges on September 21 and they had approved this budget and had set the salaries as reflected in the proposed budget. Commissioner Arcaute asked Mr. Austin if the Board of Judges new the intentions of the Commission as far as operating under the 1995 budget for 1996 at the time the public hearing took place. Mr. Crain then addressed the Court and stated as per section 111.013 of the Local Government Code, that the County Auditor's budget as well as the salaries of any Assistant Auditor, shall not exceed five percent from one fiscal year to the next without the approval of the Commissioner's Court. Mr. Crain also mentioned to the Court that if they so choose to approve his budget as is, then they could or they could also have him take it back and

have him adjust it to meet the needs or requirements that the Court is stating at this time which is operating under the 1995 budget and approving a 7% rate for all departments. After being asked repeatedly by Commissioner Arcaute and Judge Garcia whether or not the Board of Judges new at the time of the hearing, the intentions of the Commissioner's Court as to a maximum increase of 7% for everyone, it was stated by Mr. Austin that they Board of Judges did not know the Commissioner's Court intentions. At this time, Judge Garcia stated that there be no action on this item.

NO ACTION  
(SEE EXHIBIT O)

ITEM 11. APPROPRIATION OF BUDGET FOR TRAFFIC SAFETY GRANT

Dick Dickinson addressed the Court and stated that approval for this grant was given back on Sept. 11, 1995. He is now requesting that the monies now be appropriated. A motion was made by Commissioner Arcaute to make the appropriation of the Traffic Safety Grant match. It was stated that this money would be obtained from the seized monies and if not available then it would come out of the General Fund. The Commission expressed their sentiment and they felt that they should wait until the monies are identified & it is verified that they are indeed there. Commissioner Rosel expressed his opinion and stated that he felt that Horizons was a more preferable program. Again Commissioner Arcaute moved to make the appropriation and was seconded by Commissioner Sanchez for discussion. It was stated that if these monies were appropriated to the Impact Court, they would have to be unappropriated from the Impact Court and appropriated where ever they are going to. Commissioner Arcaute then withdrew his motion and Commissioner Sanchez withdrew his second. Judge Garcia stated that there be no action at this time.

NO ACTION  
(SEE EXHIBIT P)

ITEM 12. BUILDINGS AND GROUNDS:  
A. BUDGET AMENDMENT

12A

Dick Dickinson stated that he will present this item due to Mr. Hernandez being out. He stated that this was a budget amendment for \$40,000. This money will be used to pay pending bills. Mr. Dickinson also stated that in his opinion this would not get Buildings and Grounds through the year. It might possibly get them through December 1 with this amendment and they will probably be able to delay the bills for December

long enough for the 1996 budget to take effect. A motion was made by Commissioner Rosel and was seconded by Commissioner Garces to amend the budget by \$40,000 for the Buildings and Grounds.

MOTION CARRIED  
(SEE EXHIBIT Q)

ITEM 13. CONSTABLE PCT. #3:

- A. APPROVAL TO ACCEPT THE CONTRIBUTION OF FOUR VEHICLES TO BE USED FOR LAW ENFORCEMENT PURPOSES IN PCT. 3
- B. DECLARE TWO VEHICLES SURPLUS

13A

George Long opened by stating that they would like to award these vehicles to the County so that they may be insured by the County and they will in turn use the vehicles for patrol. These vehicles were purchased by Luis Zamora. The cars that are currently being used by they constables are substandard and this is why they are making this request or donation so that they may have more capable vehicles. After further comments, a motion was made by Commissioner Rosel and seconded by Commissioner Garces to accept the donation from Luis Zamora, who is Pct. 3 constable, to accept the 4 vehicles to be donated to the County so that the County can provide a license and the insurance.

MOTION CARRIED  
(SEE EXHIBIT R)

13B

Mr. Long stated that these vehicles were beyond repair. A motion was made by Commissioner Rosel and was seconded by Commissioner Garces to declare the two vehicles as listed surplus in Pct. 3.

MOTION CARRIED  
(SEE EXHIBIT R)

ITEM 14. PURCHASING DEPARTMENT:

- A. REQUEST TO ADVERTISE:
  - 1. RENTAL SPACE - CITY OF LA JOYA - WIC PROGRAM
  - 2. RENTAL SPACE - CITY OF ALTON - WIC PROGRAM

14A

Commissioner Rosel opened by stating that he was unaware of any complaints by the people that were currently at these offices. He wanted to know if the department head was looking for a bigger building or what the circumstances were behind this. There was some question as to

what Ms. Longoria's reasons were for moving. Ms. Maldonado stated that she did not know what the reason for the move was. She just had some specifications that were sent by Ms. Longoria. It was mentioned that one of the possible reasons was that there was no renewal clause in the current lease. After further comments, a motion was made by Commissioner Arcaute and was seconded by Commissioner Garces to authorize the request for advertising for rental space in the City of La Joya for the WIC Program.

MOTION CARRIED  
(SEE EXHIBIT S)

14A2

A motion was made by Commissioner Rosel and was seconded by Commissioner Garces to authorize the advertisement for rental space in the City of Alton under the WIC Program.

MOTION CARRIED  
(SEE EXHIBIT S)

ITEM 15. PLANNING DEPARTMENT:

A. FINAL PLAT APPROVAL:

1. TOM GILL SUBDIVISION NO. 1 - PCT. 3

A motion was made by Commissioner Rosel and was seconded by Commissioner Garces to approve Tom Gill Subdivision as presented.

MOTION CARRIED  
(SEE EXHIBIT T)

ITEM 16. URBAN COUNTY:

- A. CITY OF WESLACO-PALMER DRUG ABUSE PROGRAM SUBRECIPIENT AGREEMENT-YEAR 7
- B. CITY OF WESLACO-AMIGOS DEL VALLE, INC. SUBRECIPIENT AGREEMENT-YEAR 7
- C. CITY OF WESLACO-MUJERES UNIDAS/WOMEN TOGETHER SUBRECIPIENT AGREEMENT-YEAR 7
- D. CITY OF WESLACO-COALITION OF LITERACY SERVICE SUBRECIPIENT AGREEMENT-YEAR 7
- E. CITY OF WESLACO-PALMER DRUG ABUSE PROGRAM SUBRECIPIENT AGREEMENT-YEAR 8
- F. CITY OF WESLACO-AMIGOS DEL VALLE, INC. SUBRECIPIENT AGREEMENT-YEAR 8
- G. CITY OF WESLACO-MUJERES UNIDAS/WOMEN TOGETHER SUBRECIPIENT AGREEMENT-YEAR 8

- H. CITY OF WESLACO-COALITION OF LITERACY SERVICES SUBRECIPIENT AGREEMENT-YEAR 8
- I. PROFESSIONAL SERVICES CONTRACT - MUNIZ SUBDIVISION COLONIA CONSTRUCTION FUND PROJECT #714105
- J. EMERGENCY SHELTER GRANT 1995 SUBRECIPIENT AGREEMENTS
- K. AMENDMENT TO CONTRACT WITH MALCOLM-PIRNIE, INC. DEANDA-SAENZ PROJECT TWDB #94-483-030
- L. CITY OF ALTON-HOME HOUSING REHABILITATION PROGRAM- CONSTRUCTION CONTRACT AWARD

16A

Anthony Covacevich opened by stating that this was an agreement for drug counseling. The amount was \$780. A motion was made by Commissioner Sanchez and was seconded by Commissioner Rosel to approve.

MOTION CARRIED  
(SEE EXHIBIT U)

16B

Mr. Covacevich stated that this was an agreement for \$10,000 to provide meals and services. A motion was made by Commissioner Sanchez and was seconded by Commissioner Rosel to approve.

MOTION CARRIED  
(SEE EXHIBIT U)

16C

Mr. Covacevich stated that this agreement was to continue family violence programs and rape crisis programs and he recommended approval. A motion was made by Commissioner Sanchez and was seconded by Commissioner Rosel to approve.

MOTION CARRIED  
(SEE EXHIBIT U)

16D

This agreement is to provide GED preparation services according to Mr. Covacevich. The amount is \$5,000. A motion was made by Commissioner Sanchez and was seconded by Commissioner Rosel to approve.

MOTION CARRIED  
(SEE EXHIBIT U)

16E

Mr. Covacevich stated that this contract was for the same

purpose as item A with the exception that this was year 8. A motion was made by Commissioner Sanchez and was seconded by Commissioner Rosel to approve.

MOTION CARRIED  
(SEE EXHIBIT U)

16F

A motion was made by Commissioner Sanchez and was seconded by Commissioner Rosel to approve the agreement with Amigos Del Valle in the amount of \$10,000 to provide for meals and services for year 8.

MOTION CARRIED  
(SEE EXHIBIT U)

16G

A motion was introduced by Commissioner Sanchez and was seconded by Commissioner Sanchez and was seconded by Commissioner Rosel to approve the agreement with Mujeres Unidas in the amount of \$2,000 for year 8.

MOTION CARRIED  
(SEE EXHIBIT U)

16H

A motion was made by Commissioner Sanchez and was seconded by Commissioner Rosel to approve the agreement for year 8.

MOTION CARRIED  
(SEE EXHIBIT U)

16I

Mr. Covacevich stated that this was for the purpose of building sewers for 3 colonias. It will also take water from Mission to Madero. Restrooms will also be installed at Colonia Muniz. Mr. Covacevich also stated that he would like to enter into negotiations with R.E. Garcia & Assoc. to provide the services. A motion was made by Commissioner Garces and was seconded by Commissioner Arcaute to approve R.E. Garcia & Assoc. as the Engineering Firm.

MOTION CARRIED  
(SEE EXHIBIT U)

16J

Mr. Covacevich stated that this program provides housing

for homeless people for 30 days. Mujeres Unidas, Red Cross and the Salvation Army will work together under these agreements. A motion was made by Commissioner Sanchez and was seconded by Commissioner Garces to approve the agreements.

MOTION CARRIED  
(SEE EXHIBIT U)

16K

This is an amendment for the purpose of setting a fixed amount as opposed to a percentage as per the EPA. The amount would be \$11,933. A motion was made by Commissioner Sanchez and was seconded by Commissioner Garces to approve the amendment.

MOTION CARRIED  
(SEE EXHIBIT U)

16L

Mr. Covacevich stated that he would like to table this item. Judge Garcia, then, stated that there be no action on this item at this time.

NO ACTION  
(SEE EXHIBIT U)

ITEM 17. AUTHORIZATION FOR FINAL PAYMENT TO CONTRACTOR & ARCHITECT - JAIL TB UNIT

A motion was made by Commissioner Arcaute and was seconded by Commissioner Sanchez to authorize the final payment.

MOTION CARRIED  
(SEE EXHIBIT V)

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

MOTION CARRIED

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

The Honorable Richard H. Garcia, Interim County Judge, called this Drainage District Board meeting to order, where upon the following items were had to wit:

DRAINAGE DISTRICT  
=====

ITEM 1. PERMIT - NORTH ALAMO WATER SUPPLY CORPORATION

A motion was made by Commissioner Garces and seconded by Commissioner Rosel to approve the permit request by North Alamo Water Supply Corporation.

MOTION CARRIED  
(SEE EXHIBIT W)

ITEM 2. AUTHORIZATION TO DECLARE EQUIPMENT SURPLUS

A motion was made by Commissioner Garces and was seconded by Commissioner Rosel to declare equipment surplus as listed.

MOTION CARRIED  
(SEE EXHIBIT X)

ITEM 3. AUTHORIZATION TO REMOVE ITEMS FROM INVENTORY

Ms. Walker stated that these 26 items were unable to be located. A motion was introduced by Commissioner Garces which was seconded by Commissioner Rosel to approve the removal of items from inventory.

MOTION CARRIED  
(SEE EXHIBIT X)

ITEM 4. ACCEPTANCE OF 1994 INDEPENDENT AUDIT

A motion was made by Commissioner Sanchez and was seconded by Commissioner Rosel to accept the audit as presented.

MOTION CARRIED  
(SEE EXHIBIT Y)

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

MOTION CARRIED

There being no further business to come before this Drainage District Board meeting, this meeting stands adjourned.

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

Richard H. Garcia  
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 17TH day of OCTOBER, 1995.

ATTEST:

JOSE ELOY PULIDO, County Clerk  
Hidalgo County, Texas



By: Aaron Betancourt  
AARON BETANCOURT, Deputy



**RICHARD H. GARCIA**  
**HIDALGO COUNTY JUDGE**

*All present*  
*Judge Garcia*  
*Presiding*

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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, OCTOBER 17, 1995 at 7:00 P.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 - County Auditor
2. Approval of Attorney's Fees:
  - A. Susan Miller - \$ 4,477.50
3. Approval of Monthly Fee Reports:
  - A. Justice of the Peace:
    1. Ruben Ramos - \$ 8,233.72 - September
4. Permits:
  - A. Southwestern Bell Telephone - Pct. 3
  - B. Valley Telephone Cooperative - Pct. 4
5. Internal line item transfers:
  - A. Sheriff Investigation Fund
  - B. County Auditor
  - C. Human Services
  - D. District Clerk
  - E. Planning Department
  - F. District Attorney Inv. Fund
  - G. Health Department - Adm.
  - H. Health Department - Health Clinics → *Ros / Arc w / changes*
  - I. J.P. Pct. 1, Pl. 1
  - J. Personnel Department
  - K. County Judge
  - L. Buildings & Grounds

Dated this the 11th day of October, 1995.

*Crab / San*

P.O. Box 1356  
Edinburg, TX 78540  
(210) 318-2600