

THE STATE OF TEXAS :

VOL 0222 PAGE 159

COUNTY OF HIDALGO :

BE IT REMEMBERED that on the 21ST day of NOVEMBER, 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:

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NOVEMBER 21, 1995

The Honorable Richard H. Garcia, Interim County Judge, 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	-#115094	-#115305	-\$1,103,292.70
SPECIAL REVENUE FUND	-#115285	-#115524	-\$ 780,347.57
DEBT SERVICE FUND	-# 989	-# 990	-\$ 6,745.92
TRUST AND AGENCY FUND	-# 5109	-# 5135	-\$ 401,557.74
ENTERPRISE FUND	-# 2461	-# 2474	-\$ 9,184.68

(SEE EXHIBIT A)

ITEM 2. APPROVAL OF MINUTES - JULY 24, 1995

ITEM 3. APPROVAL OF MONTHLY FEE REPORTS:

- A. LAW LIBRARY - \$ 631.20 - OCTOBER
- B. DISTRICT CLERK - \$127,501.00 - OCTOBER
- C. JUSTICE OF THE PEACE:
 - 1. JESUS E. MORALES - \$7,610.00 - OCTOBER
 - 2. ADAN CABALLERO - \$4,032.00 - OCTOBER
- D. CONSTABLES:
 - 1. HORACIO AGUIRRE - \$ 0.00 - OCTOBER
 - 2. GILBERTO ALANIZ - \$725.44 - OCTOBER
 - 3. LUIS ZAMORA - \$715.00 - OCTOBER
 - 4. RUMALDO CERDA JR. - \$585.00 - OCTOBER
 - 5. EUDARDO BAZAN - \$ 45.00 - OCTOBER

(SEE EXHIBIT B)

ITEM 4. PERMITS:

- A. SOUTHWESTERN BELL TELEPHONE - PCT. #2, #3
- B. BNP PETROLEUM CORPORATION - PCT. #3
- C. NORTH ALAMO WATER SUPPLY CORPORATION - PCT. #4

(SEE EXHIBIT C)

ITEM 5. INTERNAL LINE ITEM TRANSFERS:

- A. 92ND DISTRICT COURT
- B. COUNTY CLERK
- C. WARRANT OFFICERS DIVISION
- D. HIDALGO COUNTY FINANCIAL DISRUPTION TASK FORCE
- E. DISTRICT ATTORNEY'S OFFICE (GENERAL FUND)
- F. DISTRICT ATTORNEY'S OFFICE (SOUTH TEXAS AUTO THEFT)
- G. DISTRICT ATTORNEY'S OFFICE (NARCOTIC TRAFFIC)

- H. DISTRICT ATTORNEY'S OFFICE (STATE SUPPLEMENT)
- I. ADULT PROBATION RESTITUTION CENTER (STATE)
- J. ADULT PROBATION COMMUNITY CORRECTIONS (STATE)
- K. JUVENILE PROBATION DEPARTMENT (ACCOUNT 180)
- L. JUVENILE PROBATION DEPARTMENT (ACCOUNT 010)
- M. ELECTIONS DEPARTMENT
- N. COMPUTER DEPARTMENT
- O. HUMAN SERVICES
- P. VETERANS SERVICE OFFICE
- Q. HEALTH DEPARTMENT (ACCOUNT 150)
- R. HEALTH DEPARTMENT (HEALTH CLINICS)
- S. HEALTH DEPARTMENT (HIV/AIDS SURVEILLANCE)
- T. HEALTH DEPARTMENT (CTRPN GRANT)
- U. CONSTABLE PCT. #4
- V. SHERIFF'S DEPARTMENT (JAIL)
- W. PCT. #3 PAVED/UNPAVED
- X. PCT. #2 PAVED/UNPAVED
- Y. PCT. #2 PAVED/UNPAVED
- Z. SOLID WASTE ENFORCEMENT

(SEE EXHIBIT D)

Judge Garcia stated that there were some corrections on the Agenda. Items 5C & 5E. Mr. Crain advised the Court to pull those items off the agenda and discuss them separately. Commissioner Garces made a motion and was seconded by Commissioner Rosel to delete 5C & 5E and accept the Consent Agenda with the changes.

MOTION CARRIED
(SEE EXHIBITS A-D)

There were some questions as to what exactly the corrections were from the Commission. It was stated by Commissioner Sanchez that for the Warrant Officers, the change was in the object numbers. Instead of obj. #95, it should be obj. #30 and with the District Attorney, the amounts changed. He then made a motion and was seconded by Commissioner Garces to approve the changes as presented.

MOTION CARRIED

At this time Judge Garica went into the Drainage District Agenda out of order due to some pressing matters.

The Honorable Richard H. Garcia, Interim County Judge, called this Drainage District Meeting to order, whereupon the following items were had to wit:

DRAINAGE DISTRICT
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ITEM 1. LINE ITEM TRANSFER

Ms. Walker stated that the amount was for \$59,848. \$50,000 would be for equipment repair and \$9,800 would go into Building Insurance. A motion was made by Commissioner Rosel and was seconded by Commissioner Sanchez to approve the total amount of \$59,848.

MOTION CARRIED
(SEE EXHIBIT E)

ITEM 2. PERMIT:
A. CITY OF MISSION

A motion was made by Commissioner Rosel and was seconded by Commissioner Garces to approve the permit request.

MOTION CARRIED
(SEE EXHIBIT F)

ITEM 3. AUTHORIZATION TO ADVERTISE FOR CANAL BORING PROJECT - LINDA VISTA PROJECT

Ms. Walker stated that they were not ready for this item at this time and requested a no action. Judge Garcia moved on to the next item.

NO ACTION

ITEM 4. CLOSED SESSION:
COMMISSIONER'S COURT MAY GO INTO CLOSED SESSION PURSUANT TO CHAPTER 551 TEXAS LOCAL GOVERNMENT CODE SECTION 551.074 TO DISCUSS THE FOLLOWING MATTER:

A. REINSTATEMENT OF EMPLOYEE

At this time Commissioner's Court went into executive session.

ITEM 5. OPEN SESSION:
A. REINSTATEMENT OF EMPLOYEE

A motion was made by Commissioner Sanchez and was seconded by Commissioner Arcaute to reinstate the employee Imelda Villarreal immediately.

MOTION CARRIED
(NO EXHIBIT)

A motion was made by Commissioner Rosel and was seconded by Commissioner Garces to adjourn this Drainage District meeting.

MOTION CARRIED

There being no further business to come before this Drainage District Baord, this meeting is adjourned.

Judge Garcia called this Commissioner's Court meeting back to order, whereupon the following items were had to wit:

REGULAR AGENDA

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Judge Garcia moved out of order to item 17 at this time.

- ITEM 17. 370TH DISTRICT COURT:
- A. INTERNAL LINE ITEM TRANSFERS
 - B. DISCUSSION OF 370TH D.C. BUDGET
 - C. BUDGET AMENDMENT

17A

Judge Noe Gonzalez stated that this was to pay for repair work done in his Court. He stated that there was an outstanding bill for carpeting that was installed. Somehow, the bids that were obtained had been misplaced, therefore causing the bill to go unpaid. Judge Garcia stated that this item was related to item 16C. Judge Gonzalez will resubmit the bids to the Judge's Office. The bids were from Alladin Carpets for \$4,308.30, Diaz Floors for \$6,065, Valley Decore for \$4,714.63 and the final bid is from Carpet Distributers and P.S. Decorating for \$4,000. It was stated that there was no need for an exemption. The process simply needed to be redone. Ms. Maldonado stated to the Commission that her office never received a requisition and a P.O. was never issued for this. She had called Judge Gonzalez' office and talked to an Esther who had never submitted a requisition to Purchasing. After further comments, a motion was made by Commissioner Garces and was seconded by Commissioner Rosel to accept the line item transfer in the adequate line item.

MOTION CARRIED
(SEE EXHIBIT G)

17B&C

Judge Gonzalez stated that this was related to item C. Judge Gonzalez stated that he has not had much time to utilize his budget. As a result, he and his staff have had to pay for items out of their pockets. He is seeking reimbursement. This budget amendment is for computers & a printer. This should fall between six to seven thousand. This is also because his staff has been using personal equipment to keep the Court functioning while the equipment they had was down. After further comments, a motion was made by Commissioner Rosel and was seconded by Commissioner Garces to approve the amendment.

MOTION CARRIED
(NO EXHIBIT)

ITEM 1. REQUEST FOR AUDIENCE:

A. REQUEST FOR FUNDING - HARGILL PONY BASEBALL LEAGUE -
CECILIA DAVILA

CECILIA DAVILA Good evening. I'm Cecilia Davila.

JUDGE GARCIA You may proceed.

CECILIA DAVILA We're here today, Mr. Davila, Marcelino Davila and Mrs. Juanita Lopez. We are three people that got together and decided to do something for our community, for our children. For the kids from the town of Hargill. We're not a town, we are a community. In past years, as everyone knows, Hargill has been known to have bad kids and you can hear it everywhere. You hear it at the Sheriff's Department, on the news. We're trying to do something this year to change that. We spoke with Rosie Salinas. She's with the Edinburg Pony Baseball League Association and they have allowed us to bring the children in this year. Our children to play against the Edinburg...we've had a tremendous turnout. We have 69 children that have come forth that wanted to play...that want to play baseball. We, at this time, have a baseball park that has been there some odd 50 years. Never been used. We have made many changes...well changes to it. We have put two

diamonds in there. We practice 3 or 4 times a week. What we're wanting from the County, is some type of funding to help us out. My husband, Mrs. Lopez and myself, we have gone to the Judges at the Courthouse, Edinburg Hospital..other businesses in the area for donations. They have been very good about it. They have donated \$2500 and with that money, we have bought the children their baseball gloves, bats, batting helmets, catcher's equipment. We recently had a barbeque. We did very well.

JUDGE GARCIA Who is they first of all? You said the Judges.

CECILIA DAVILA Many Judges. Judge Gonzalez, Judge Partida, Judge Mancias, Judge Evins, Judge Garza, Judge Ramirez and Judge Salinas.

JUDGE GARCIA donating all this money here.

CECILIA DAVILA Pardon me.

JUDGE GARCIA I said I think they should get a good plug here, since they are donating all this money to you.

CECILIA DAVILA What does that mean?

JUDGE GARCIA A little advertisement here. Go ahead.

CECILIA DAVILA Oh, I have told anyone and everyone that will listen to me, how good they've been with these kids. They've all thought that it was something good and about time that something like this was being done for the children.

JUDGE GARCIA What are you requesting from us Maam?

CECILIA DAVILA What we need is monies. We have talked to Commissioner Garces and he has been trying. I will admit that, but we came before you to see if we could speed something up. We need backstops, we..my husband went out and had two portable backstops made. We needed the backstops. We could not have kids running down the street after those balls everytime you know..the batter missed the pitch. So we had two of them made at our own expense. Everything out there

that has been done to now, has been at my husband's expense and from the monies that have been raised. I'm here actually, to ask for more permanent backstops, which Commissioner Garces is trying.

COMM. GARCES

We have laid out right now as we speak Mrs. Davila and the unfortunate thing here is that we've already allocated the Urban County monies that we have to work with and in order for us to go out as precinct four road and bridge, we have to be very careful where we put our labor forces. But you will see more and I wish I could just have a check and cut it and say here you go \$5,000. Let's go do it. You will see some efforts put through through this government in the very near future. I think that what they're doing Judge, Commissioners, out there is literally taken these kids from the corner of 493 and 490 and chunking rocks at the patrol cars, deputy patrol cars---out here in a coordinated effort. Now these are just some of the leaders out there that are taking time to structure this Pony League Association. It doesn't come overnight. I think that we need to invest. Where we get the money, we have to be very careful and that's the only problem that I've had because if we could, we just draft up, change order and lets go, but we can't do that.

COMM. SANCHEZ

..ineligible expense on the Urban County.

COMM. GARCES

Exactly...

COMM. ARCAUTE

You can do it with...

COMM. GARCES

It can qualify beautifully...

COMM. ARCAUTE

...just amend you budget...

COMM. GARCES

...and we just went through..where's Anthony...we just got approved our federal dollars as to where there gonna be. See that's whats holding us back but we'll be out there more often than not and as I said, the backstops is rusted and we're gonna put a screen on it. We're gonna put it out there. It be a permanent one. One of two.

CECILIA DAVILA We need two permanent.

COMM. GARCES Yea. One of the two and also some of the top soil that we're gonna put out there. We'll go out there...but government, the way it is, takes a little while, rest assured, we'll be out there. Now! Granted, some of the parks around the City of Edinburg comparing it to what Hargill is gonna have in the very near future, it won't compare. I think you all know...

CECILIA DAVILA No. We're well aware of that. We're well aware of that.

COMM. GARCES ...I applaud you for that. We'll be out there Mrs. Davila.

CECILIA DAVILA Hopefully sometime soon.

COMM. SANCHEZ Do you have land? Do you have like...

COMM. GARCES (INAUDIBLE)

CECILIA DAVILA There is a community ball park that belongs to the community of Hargill. It is owned by the Community. I have checked that out.

COMM. SANCHEZ ...and it has----things like that.

CECILIA DAVILA The community does not have anyone per say as voted in officers. We do have an Interlocal Committee that was self appointed.

COMM. GARCES Years ago.

CECILIA DAVILA Years ago, but that hopefully will soon be remedied.

COMM. SANCHEZ My only reason in bringing that out Commissioner, is that you might consider some sort of hold harmless clause in whatever you put up there with backstops or equipment for liabilities sake. You know they can just give a letter saying...

COMM. GARCES Mrs. Davila and I have discussed who we need to work this agreement with and I'm sure it's gonna be worked

out in the very near future also because we need to sign off on interlocal agreements with the County when we go in there. I think that five or take what..a week or two. Give us an idea Mrs. Davila.

CECILIA DAVILA

Uhhh...

COMM. GARCES

..short of a time.

CECILIA DAVILA

No.

COMM. GARCES

We're going through the summer league right now and it's something new in the Edinburg and the Hargill area. It's a summer ball, getting the kid ready for the regular summer ball and if we have 69 kids out there right now, you can imagine the way it's gonna be once the regular season starts. So I think that we're still ahead of the ball game but I can understand their anciness towards this because we finally got the kids where we want them...

COMM. SANCHEZ

...establish a committee like they have...

COMM. GARCES

Exactly...

COMM. SANCHEZ

...then that committee can allocate funds in the community like we do our boy's clubs.

COMM. GARCES

...sure..

CECILIA DAVILA

Exactly.

COMM. SANCHEZ

...off the Urban County money.

CECILIA DAVILA

We do have our federal I.D. number. We have gone to the Federal Building, to the IRS, we have everything in order. We do have a checking account at First National Bank. We do have our officers.

COMM. SANCHEZ

You can give them money.

CECILIA DAVILA

I think that would be best. That way we don't have any problems.

- JUDGE GARCIA I know Commissioner Garces is very much interested in baseball because the first time I had to do some business with him as a Commissioner, that's where I was able to locate him. Out at the baseball field and it was after five o'clock.
- COMM. GARCES Her kid played on our team. She was one of the ladies out there at that time.
- JUDGE GARCIA Okay. So you have the commitment from him in that respect. I'm sure that he'll assist you.
- CECILIA DAVILA I hope to see something very soon.
- JUDGE GARCIA Thank you for your presentation.
- COMM. GARCES I applaud you. All of you all out there. We'll be going out.
- JUDGE GARCIA Alright. We have next item 2.

ITEM 2. CANVASSING OF THE NOVEMBER 7, 1995 (AMENDMENT ELECTION)

Mary Lou Mendez addressed the Court and reported the returns for the November 7th elections as per the exhibits. The total number of votes cast was 4,622. A motion was made by Commissioner Sanchez and was seconded by Commissioner Garces to accept the canvassing of the votes of the November 7th election for the amendments as presented.

MOTION CARRIED
(SEE EXHIBIT I)

ITEM 3. TAX ASSESSOR/COLLECTOR:

- A. APPROVAL OF THE HIDALGO COUNTY 1995 ASSESSMENT TAX ROLL SUMMARY

Mr. Ciro Trevino stated that this is for what was discussed during the budget hearings with the tax rate being set and so forth. This was just now put in writing. After further comments, a motion was made by Commissioner Rosel and was seconded by Commissioner Sanchez to approve the Hidalgo County 1995 assessment Tax Roll.

MOTION CARRIED
(SEE EXHIBIT J)

- ITEM 4. COMPTRROLLER OF PUBLIC ACCOUNTS AUDIT PAYMENT OF STATE COURT COSTS DUE STATE TREASURER:
A. REQUEST FOR HEARING
B. AUTHORIZATION TO PAY

4A

Judge Garcia stated to the Commission that if they felt that there was anything conspicuous about the audit, they could then request a hearing, but action would have to be taken by the Court to do so. Mr. Lopez stated that he had a problem with the suggestion of Comptroller that Court Cost Fees be paid first. The reason he had this problem was because the Judge presiding may allow the defendant a certain amount of time (up to 180 days) to pay the costs which would be contrary to the Comptroller's suggestion. There was a letter stated that if Court Costs were not collected first, then they go into some of the other fees that are imposed by the Judge and pay the State's share of Court Costs with that, which cannot be done. They are waiting on an opinion from the Attorney General to resolve this issue. Mr. Pulido also addressed the Court and stated that part of the problem for these costs being owed is because of unsuccessful probation foreclosures and there are a number of them, which would lead to defendants not paying these costs. It was also stated by Mr. Pulido that the problem may have been remedied because as of September 1, 1995, all costs and fines will be paid at the Probation Department. During the lengthy discussion, the Commission expressed their apathy towards the State's recommendation. A motion was then made by Commissioner Rosel and was seconded by Commissioner Garces to request a hearing.

MOTION CARRIED
(SEE EXHIBIT K)

4B

Since the Commission will request a hearing, there will be no action on this item at this time since they will not be paying pending the outcome of that hearing. Judge Garcia moved on to the next item.

NO ACTION

- ITEM 5. HIDALGO COUNTY LIBRARY SYSTEM:
A. AUTHORIZATION AND APPROVAL OF ELEVENTH AMENDMENT TO LEASE FOR HCLS OFFICES

William McGee stated that this lease would be up for renewal the coming month. He is seeking approval to renew as is presented at this time. A motion was made by Commissioner Rosel and was seconded by

Commissioner Garces for approval of the 11th amendment to lease for the County of Hidalgo.

MOTION CARRIED
(SEE EXHIBIT L)

ITEM 6. APPROVAL OF REIMBURSEMENT RESOLUTION FOR EXPENDITURES TO BE REIMBURSED FROM FUTURE PROCEEDS TO TAX EXEMPT DEBT

Judge Garcia stated that this was for reimbursement as it relates to bond issues such as Court of Appeals renovation. A motion was made by Commissioner Sanchez and was seconded by Commissioner Rosel to approve the reimbursement resolution for expenditures and it not exceed \$200,000 and that it be from the General Fund.

MOTION CARRIED
(SEE EXHIBIT M)

ITEM 7. ADULT PROBATION:

- A. APPROVAL OF TAX EXEMPTION OF PROFESSIONAL SERVICES FROM THE BIDDING REQUIREMENTS AND APPROVAL OF FY - 96 CONTRACTS:
1. DR. MARIN GARZA - BOOT CAMP
 2. DR. OMAR GARZ - BOOT CAMP
 3. TEXAS EMPLOYMENT COMMISSION - EMPLOYMENT & EDUCATION PROGRAM

7A2

Judge Garcia stated that these had been no action the previous week because there might be a conflict of interest being that Dr. Omar Garza was the Health Director. The opinion of Legal Counsel would be that this would not bring about any legal ramifications. During the discussion, Mr. Crain also explained that there is no problem being that Dr. Garza is like an Independent Contractor. A motion was then made by Commissioner Sanchez and was seconded by Commissioner Garces to approve. Commissioners Arcaute and Rosel voted against the motion and Judge Garcia voted in favor to approve.

MOTION CARRIED
(SEE EXHIBIT N)

COMM. SANCHEZ, COMM. GARCES & JUDGE GARCIA IN FAVOR AND COMM. ARCAUTE AND COMM. ROSEL OPPOSED.

7A1

NO ACTION
(SEE EXHIBIT N)

7A3

Mr. Lopez stated that this program is for the Probation Department to receive 2 full time counselors to work with probationers. They would work out of Weslaco & McAllen. They normally would have 3 counselors, but due to the low volume turnout in Edinburg, they only renewed with Weslaco and McAllen. This contract is together with the Texas Employment Commission. They have been able to place about 90% of all probationers who kept their appointments. After further comments, a motion was made by Commissioner Garces and was seconded by Commissioner Rosel to approve the contract with the State Employment Commission dealing with the Employment and Education Program.

MOTION CARRIED
(SEE EXHIBIT N)

ITEM 8. URBAN COUNTY:

- A. APPROVAL OF RESOLUTION AUTHORIZING A LINE OF CREDIT FROM FIRST NATIONAL BANK OF EDINBURG
- B. CITY OF ALTON - ENGINEERING CONTRACT CANCELLATION
- C. HOME - FIRST TIME HOME BUYER CONTRACT AGREEMENTS AND LETTER OF COMMITMENT TO MORTGAGE COMPANY

8A

NO ACTION
(SEE EXHIBIT O)

8B

Mr. Covacevich stated that this amendment was supposed to be for additional work to be done by the Engineer. They did not want to wait for this to go through Court He is now asking for the cancellation of this contract. A motion was then made by Commissioner Rosel and was seconded by Commissioner Garces to approve the Engineering Contract cancellation in the City of Alton.

MOTION CARRIED
(SEE EXHIBIT O)

8C

Mr. Covacevich stated that this was a list of 6 families that qualified for this program and recommended approval. A motion was made by Commissioner Garces and was seconded by Commissioner Rosel to approve.

MOTION CARRIED
(SEE EXHIBIT O)

ITEM 9. HEALTH DEPARTMENT:

- A. APPROVAL OF INTERLOCAL COOPERATION AGREEMENT BY AND AMONG HIDALGO COUNTY, TEXAS AND SERVICIOS COORDINADOS DE SALUD PUBLICA EN EL ESTADO DE TAMAULIPAS, MEXICO
- B. AUTHORIZATION AND APPROVAL TO PURCHASE A LARVACIDE SPRAYER
- C. AUTHORIZATION AND APPROVAL OF BUDGET AMENDMENT FOR THE TUBERCULOSIS ELIMINATION DIVISION GRANT ATTACHMENT NO. 03A (STATE FUNDS)
- D. AUTHORIZATION AND APPROVAL OF BUDGET AMENDMENT FOR THE TUBERCULOSIS ELIMINATION DIVISION GRANT ATTACHMENT NO. 04A (STATE FUNDS)

9A

Dr. Garza stated that this was part of the agreement that had been made with the Texas Department of Health in which they had to lend a fogger and an applicator to Tamaulipas for the prevention of Dengue Fever. These will be replaced with 4 ULV foggers which are in the possession of the County at this time. A motion was made by Commissioner Garces and was seconded by Commissioner Rosel to approve the interlocal cooperation agreement by and among Hidalgo County, Texas and Servicios Coordinados de Salud Publica en el Estado de Tamaulipas, Mexico.

MOTION CARRIED
(SEE EXHIBIT P)

9B

Dr. Garza stated that this will be bought with the money from the Texas Department of Health along with the ULV foggers. The Sprayer will cost approximately \$2,000. After further comments a motion was made by Commissioner Rosel and was seconded by Commissioner Garces to permit the Health Department to purchase a larvacide Sprayer.

MOTION CARRIED
(SEE EXHIBIT P)

9C

Dr. Garza stated that they have been asked to shorten this contract by the Department of Health. They will then bring about a new revamped contract starting the 1st of the year. The Department of Health wants this to end with their fiscal year which is the 31st of December. A motion was then made by Commissioner Garces and was seconded by Commissioner Rosel to approve the budget amendment for the Tuberculosis Elimination Division Grant Attachment no. 3A (state funds) for \$5,000.

MOTION CARRIED
(SEE EXHIBIT P)

9D

Dr. Garza stated that this involved an incentive grant that would give an extra \$5,000. They want to use these monies for office supplies, medical supplies and equipment repair. There was some confusion as to the wording of this item and what action to take. According to Mr. Crain, they could not take any action because the item stated budget amendment, therefore, it was not properly posted. After further comments, it was decided by the Commission to take a no action on this item until the wording was changed.

NO ACTION
(SEE EXHIBIT P)

ITEM 10 SHERIFF'S DEPARTMENT:

- A. APPROVAL TO EXEMPT THE FOLLOWING NURSING AND PHYSICIAN CONTRACTS FROM REQUIREMENTS OF SECTION 262.023 OF THE LOCAL GOVERNMENT CODE
- B. APPROVAL OF MEDICAL AND NURSING SERVICES AGREEMENTS FOR COMPLIANCE WITH EXTENDING INMATE HEALTH CARE SERVICES

MEDICAL SERVICES AGREEMENTS EFFECTIVE 12/01/95:

- A. DR. GILBERTO DIAZ - \$1,100.00 (EIGHT HR. PER MONTH)
- B. DR. MARIN GARZA - \$2,200.00 (SIXTEEN HR. PER MONTH)
- C. DR. JOHN YAMAGUCHI - \$2,200.00 (SIXTEEN HR. PER MONTH)

NURSING SERVICES AGREEMENTS:

- D. RAQUEL ADCOX - \$20.00 PER HR. (AS NEEDED)
- E. CAROLYN JACKSON - \$20.00 PER HR. (AS NEEDED)
- F. LISA HORTON - \$20.00 PER HR. (AS NEEDED)
- G. LINDA SALAZAR - \$20.00 PER HR. (AS NEEDED)

10A(D-G)

Mr. Castellano stated that they had been in contact with Mr. Crain and they would like to have these contracts exempt from the bidding process being that they are professional services and they fall under section 262.023. This is for just the nurses who will become County Employees at the end of the month. At this time, they would like the contracts with the Doctors tabled due to some problems with the liability Insurance issue. There were some questions concerning the nurses due to them being under contract if they are candidates for employment by the County. It was because there was a point at which there was no nurses at the Sheriff's Office to conduct sickcall, so they had to hire them under

contract temporarily. After further comments, a motion was made by Commissioner Arcaute and was seconded by Commissioner Garces to approve the four contracts that have been submitted to include the exemption.

MOTION CARRIED
(SEE EXHIBIT Q)

10A(A-C)

NO ACTION
(SEE EXHIBIT Q)

ITEM 11. CONSTABLE PCT. #5:

- A. AUTHORIZATION AND APPROVAL TO DECLARE COUNTY PATROL UNIT VEHICLE SALVAGE AND UTILIZE PARTS TO RESTORE PRESENT OPERABLE UNIT

11A

A motion was made by Commissioner Sanchez and was seconded by Commissioner Rosel to approve Constable Bazan's request to declare the County Patrol Unit salvage and allow him to cannibalize for parts to restore other present units.

MOTION CARRIED
(SEE EXHIBIT R)

ITEM 12. COUNTY CLERK:

- A. DISCUSSION AND POSSIBLE ACTION AS IT RELATES TO RECORDS MANAGEMENT BUDGET
- B. APPROVAL OF TWO RECORDS MANAGEMENT POSITIONS
- C. SET SALARIES

12A

Mr. Pulido stated that they want to develop a records management department. He would like to transfer the Records Management Budget to be under the County Clerk's Budget. Mr. Crain stated that there has to be a records management plan. Also the County can create a budget for whatever they may deem necessary. Mr. Crain would like to find this plan if in fact it exists, but he did not want to give any opinion until he did so. The Commission expressed their content with the direction Mr. Pulido was moving in. Judge Garcia then stated that he had spoken with Mrs. Etnire, who had talks with Austin, and according to those talks, the management plan does exist, but the way it is now, the records management budget cannot be transferred. The positions for records management can be created, but in order to expend out of the budget, Mr. Pulido will have to come before the Court and request permission. After further brief comments, Judge Garcia stated that there be no action on this item.

NO ACTION
(SEE EXHIBIT T)

12B

Mr. Pulido stated that they would like to create these two positions to manage the records that are stock piled in various offices and at the warehouse. These two employees will be responsible for organizing all these records into an orderly fashion so that they may destroy, file or retrieve records in a more efficient manner. There was some discussion as to how to go about setting the salaries for these two positions and where it would come from. Would it come from the General Fund or the Records Management Fund. It was stated that the monies could come from the Records Management as long as it was directly tied into Records Management purposes. There would just have to be some type of salary adjustments for this purpose. After further comments, Judge Garcia stated that this item would be placed on the next agenda properly to take care of this issue and commence the process of organizing all records.

NO ACTION
(SEE EXHIBIT T)

At this time, the Commission moved to item 20.

ITEM 20. CLOSED SESSION:

COMMISSIONER'S COURT MAY GO INTO CLOSED SESSION PURSUANT TO CHAPTER 551 TEXAS LOCAL GOVERNMENT CODE SECTION 551.071 TO DISCUSS THE FOLLOWING ITEM:

A. CONSIDER AND APPROVE SETTLEMENT OF HIDALGO COUNTY VS. CONWAY TECHNOLOGIES

ITEM 21. OPEN SESSION:

A. CONSIDER AND APPROVE SETTLEMENT OF HIDALGO COUNTY VS. CONWAY TECHNOLOGIES

A motion was made by Commissioner Garces and was seconded by Commissioner Rosel to give authority to Counsel to try to negotiate and settle. The motion passed unanimously.

MOTION CARRIED
(NO EXHIBIT)

ITEM 13. BUDGET AMENDMENTS:

A. 275TH DISTRICT COURT - \$ 500.00
B. GENERAL LITIGATION - \$30,000.00

C. COURT REPORTERS - \$11,000.00
D. ATTORNEY'S FEES - \$90,000.00

13A

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

MOTION CARRIED
(SEE EXHIBIT T)

13B

Steve Austin stated that at this time, there is approximately \$10,000 left in the budget for General Litigation purposes. This is the reason for this amendment. After further brief comments, a motion was made by Commissioner Arcaute and was seconded by Commissioner Sanchez to approve the litigation amendment.

MOTION CARRIED
(SEE EXHIBIT T)

13C

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

MOTION CARRIED
(SEE EXHIBIT T)

13D

A motion was introduced by Commissioner Arcaute to approve the amendment which was seconded by Commissioner Garces. All voted in favor.

MOTION CARRIED
(SEE EXHIBIT T)

ITEM 14. APPROVAL OF COURT REPORTER'S FEES:
A. SHIRLEY A. RALSTON - \$11,490.00

A motion was made by Commissioner Arcaute and was seconded by Commissioner Sanchez to approve payment of Shirley Ralston.

MOTION CARRIED
(SEE EXHIBIT U)

ITEM 15. APPROVAL OF ATTORNEY'S FEES IN THE AMOUNT OF \$70,885.26

A motion was introduced by Commissioner Arcaute and was seconded by Commissioner Garces to approve the payment of Attorney's Fees.

MOTION CARRIED
(SEE EXHIBIT V)

ITEM 16. PURCHASING DEPARTMENT:

- A. AWARD BIDS:
 - 1. TIRES - HIDALGO COUNTY
 - 2. RENTAL SPACE - CITY OF LA JOYA - WIC PROGRAM
- B. REQUEST TO ADVERTISE:
 - 1. HOT MIX COLD LAID - HIDALGO COUNTY
 - 2. LEASE OF REAL ESTATE - HIDALGO COUNTY
- C. DISCUSSION AND POSSIBLE ACTION ACTION TO EXEMPT FROM THE PURCHASING POLICY PURCHASES AS REQUESTED BY THE 370TH DIST. COURT IN THE AMOUNT OF \$4,000

16A1

Mary Maldonado opened by stating that she had two bids from Goodyear Service Store and Vista Oil Company. She stated that both vendors had informed her that they could not honor their bids for a full year. They were only going with State prices until July 31st and she would like to reject all bids and go with the State bid again. A motion was then made by Commissioner Garces and was seconded by Commissioner Sanchez to accept the recommendation of the Purchasing Agent to reject all bids. Commissioner Sanchez then asked if the Eagle tires for the Sheriff's Department were included in this. Ms. Maldonado stated that she was not sure and she would not be until the State sends her the catalog that she had requested from them. If those tires are not in the catalog, she will then come back to Commissioner's Court and request to go out for bids for these particular tires. The motion was then put to a vote, in which all voted in favor.

MOTION CARRIED
(SEE EXHIBIT W)

16A2

Ms. Maldonado stated that there were two bids from Nellie Leo Garcia for .74 a square foot and Rio Avenue Development for \$1.00 a square foot. Following the recommendation of Ms. Maldonado for Nellie Leo Garcia, Commissioner Rosel made a motion and was seconded by Commissioner Garces to approve according to the recommendation of the Purchasing Agent.

MOTION CARRIED
(SEE EXHIBIT W)

16B1

A motion was made by Commissioner Garces and was seconded by Commissioner Rosel to approve the advertisement.

MOTION CARRIED
(SEE EXHIBIT W)

16B2

Ms. Maldonado stated that this was to lease the premises for park and recreation uses and an out patient Health Clinic. This will be a ten year lease. This area is located in the Hidalgo Park Subdivision. Commissioner Arcaute stated that this area is in the Las Milpas area. There were some questions by the Commission as to whether they could lease for a 10 year period. Legal Counsel stated that he was unable to answer until he has reviewed the lease which he did not have a copy of. Judge Garcia stated that there be no action at this time.

NO ACTION
(SEE EXHIBIT W)

16C

This item has been discussed with item 17, which was taken up at the first item of the Regular Agenda due to Judge Gonzalez needing to go back to his Court.

ITEM 18. PCT. #4:

A. AUTHORIZATION AND APPROVAL TO CHANGE ROAD NAMES IN TAMARON SUBDIVISION (DUPLICATES OF EXISTING ROADS)

Commissioner Garces stated that this was a request to change some names as some of them were duplicates of existing roads in the County. As per the exhibit, Commissioner Garces made a motion to have these road names changed. The motion was seconded by Commissioner Rosel.

MOTION CARRIED
(SEE EXHIBIT X)

ITEM 19. OFFICE OF EMPLOYMENT AND TRAINING:

A. CONSIDER AND APPROVE AN ADDITIONAL \$204,000 ADVANCEMENT OF FUNDS TO PAY FOR OET CONTRACT EXPENDITURES AS REVIEWED AND APPROVED BY THE TEXAS DEPARTMENT OF COMMERCE

Mr. Mendiola opened by stating that TDOC had been reviewing the contracts of OET. He also stated that they had received a letter from TDOC which stated that no payment can be made until the current agreement is closed out. The amount owed needs to be concurred with by OET and the vendor and a non financial agreement with the vendors needs to be negotiated. When all this taken care of, then payment can be made with approval from Mr. Roland. Mr. Mendiola went on to state that the letter also mentioned the service provider contracts in which payment would not be made until the contracts were renegotiated by line item. He alluded to the fact that they currently have \$233,504 in invoices. Mr. Mendiola, at this time, is requesting to get an additional \$204,000 that was originally requested from the Commission. Steve Austin stated that the current unappropriated fund balance in the General Fund is \$115,000. Commissioner Rosel voiced his concern and stated that the participant wages needed to be paid whether they liked it or not. Mr. Mendiola also mentioned that the bulk of the participant wages have not yet been authorized by TDOC and the amount needed for this is \$28,000. Commissioner Sanchez again reiterated the fact that why aren't the contracts for participant wages halted to keep from incurring more expenditures. He questioned whether the State would let them stop the contracts or were they gonna force them to keep the contracts open and not fund these particular contracts. Mr. Roland then addressed the Court and stated that the contracts that have been made are within the grant that had been provided by TDOC. He stated that this was a cash flow problem and that if it was absolutely necessary, then they could use the \$250,000 already provided and pay one contractor, get reimbursed then pay another and so on. This could be done but it would work more smoothly if there were more monies available. As for the remaining contracts, TDOC will have to review the modifications made and then have them approved before disbursements can be made. As far as participants are concerned, they are trying to stay within the grant amount in order to prevent loss of monies, reallocations or what have you. Mr. Mendiola, after being asked by Commissioner Arcaute, stated that the amount owed right now for participant wages is approximately \$28,000. This is the accumulation of 3 months. Mr. Mendiola also stated that if it was absolutely necessary, they would have to survive on the \$250,000 to cover payroll internally, operating expenses, participant wages to some extent, subcontractor payments and things of that nature. Following further questions from the Commission, it was subsequently stated that if there are no more participants, then staff will no longer be needed. It was further stated by Mrs. Luke that there is approximately \$85,000 right now but they could not pay the participants from those funds because the State had not yet approved the participant contracts. It would have to wait until the high risk designation was lifted which could be as late as March of '96. After further comments from Mr. Roland and the Commission, it was decided that they could authorize the payment for participants from

the revolving \$250,000. Commissioner Sanchez made a motion and was seconded by Commissioner Garces to authorize the County of Hidalgo Office of Employment and Training to utilize \$28,000 to pay the participants contracts that were outlined which are the first eight contracts.

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 COMMISSIONER'S COURT, 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 21ST day of NOVEMBER, 1995.

ATTEST:

JOSE ELOY PULIDO, County Clerk
Hidalgo County, Texas

By: 
AARON BETANCOURT, Deputy

