

THE STATE OF TEXAS :

COUNTY OF HIDALGO :

BE IT REMEMBERED that on the 6TH day of FEBRUARY, 1996, 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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CONSENT AGENDA  
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ITEM 1. APPROVAL OF BILLS - COUNTY AUDITOR  
GENERAL FUND - #117171 - #117403 - \$951,715.89  
SPECIAL REVENUE FUND - #117273 - #117447 - \$512,627.47  
DEBT SERVICE FUND - # 997 - # 997 - \$390,462.72  
TRUST AND AGENCY FUND - # 5278 - # 5283 - \$459,571.98  
ENTERPRISE FUND - # 2535 - # 2540 - \$ 6,567.28  
(SEE EXHIBIT A)

ITEM 2. APPROVAL OF MINUTES - NOVEMBER 13, 1995

ITEM 3. PLANNING DEPARTMENT:  
A. SUBDIVISIONS:  
1. RENO SUBDIVISION - PCT. 4  
B. RELEASE LETTER OF CREDIT:  
1. COTTON ESTATES - PCT. 1  
(SEE EXHIBIT B)

ITEM 4. PERMITS:  
A. NORTH ALAMO WATER SUPPLY CORPORATION - PCT. 1 & 4  
B. SOUTHWESTERN BELL TELEPHONE COMPANY - PCT. 3  
(SEE EXHIBIT C)

ITEM 5. INTERNAL LINE ITEM TRANSFERS: (1995)  
A. ROAD AND BRIDGE - COUNTY WIDE ADMINISTRATION - \$ 1,484.93  
B. COUNTY COURT AT LAW #1 - \$ 255.00  
C. ENTERPRISE FUND - \$NO ACTION  
D. PCT. 3 - PAVED/UNPAVED - \$27,424.57  
(SEE EXHIBIT D)

ITEM 6. INTERNAL LINE ITEM TRANSFERS: (1996)  
A. IMPACT COURT - \$5,000.00  
B. ADULT PROBATION - NO ACTION  
(SEE EXHIBIT E)

ITEM 7. APPROVAL OF ATTORNEY'S FEES IN THE AMOUNT OF \$3,595.00  
(SEE EXHIBIT F)

Judge Garcia opened the meeting by stating that items 5C and 6B will be withheld from action at this time. A motion was then made by Commissioner Garces and was seconded by Commissioner Rosel to approve the Consent Agenda.

MOTION CARRIED  
(SEE EXHIBITS A-F)

Judge Garcia stated that the above mentioned items 5C & 6B will be for no action.

REGULAR AGENDA  
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ITEM 1. CLOSED SESSION:  
COMMISSIONER'S COURT MAY GO INTO CLOSED SESSION PURSUANT TO CHAPTER 551, TEXAS GOVERNMENT CODE, SECTIONS 551.071 & 551.

074 TO DISCUSS THE FOLLOWING MATTER:

- A. POTENTIAL OR PENDING LITIGATION - ADCOX ET AL VS. HIDALGO COUNTY

At this time, The Commission retired into executive session.

ITEM 2. OPEN SESSION:

- A. POTENTIAL OR PENDING LITIGATION - ADCOX ET AL VS. HIDALGO COUNTY

A motion was made by Commissioner Garces and was seconded by Commissioner Rosel to approve the revised settlement with the Department of Labor as presented.

MOTION CARRIED  
(NO EXHIBIT)

ITEM 5. TAX ASSESSOR/COLLECTOR:

- A. APPROVAL TO ACCEPT STATE TREASURER WARRANT #115546302 IN THE AMOUNT OF \$2,322.24 PAYABLE TO COUNTY TAX ASSESSOR/ COLLECTOR AND TO DETERMINE ITS DISPOSITION

Commissioner Garces made a motion to approve. He stated that he had spoken to Mr. Trevino and he was informed that this was unidentified people that had come in and Mr. Trevino would like to safeguard the amount and deposit it with the Treasurer. The motion was seconded by Commissioner Rosel.

MOTION CARRIED  
(SEE EXHIBIT G)

ITEM 6. URBAN COUNTY:

- A. CITY OF PALMVIEW - APPROVAL OF BIDS FOR THE PURCHASE OF A FIRE TRUCK
- B. CITY OF DONNA - PROFESSIONAL SERVICES CONTRACT AMENDMENT
- C. CITY OF ALTON - SUBRECIPIENT AGREEMENT ALTON BOYS & GIRLS CLUB
- D. CITY OF ALAMO - SUBRECIPIENT AGREEMENT ALAMO BOYS & GIRLS CLUB
- E. HOME - FIRST TIME HOMEBUYER CONTRACT AGREEMENTS AND LETTER OF COMMITMENT TO MORTGAGE COMPANY
- F. HOME - HOMEOWNER OCCUPIED HOUSING REHAB. APPLICATION

6A

Anthony Covacevich stated that Palmview was requesting the acceptance of the bid for \$23,200 from Bert Ogden for a fire truck. He stated that this was the low bid and recommended approval. A motion was made by Commissioner Rosel and was seconded by Commissioner Sanchez to accept the low bid.

MOTION CARRIED  
(SEE EXHIBIT H)

6B

Mr. Covacevich stated that this was an amendment to the

existing contract with Melden & Hunt. The original amount was \$10,000 and the amended amount will be \$17,580. The amendment is for additional work to be done on lift stations 1, 3 & 5. There will now be work for a water line and a sewer line. A motion was made by Commissioner Sanchez and was seconded by Commissioner Garces to approve.

MOTION CARRIED  
(SEE EXHIBIT H)

6C

Mr. Covacevich stated that this agreement would be with the City of Alton and Alton Boys & Girls Club. This will be for \$20,000 for Youth Activities. A motion was then made by Commissioner Rosel and was seconded by Commissioner Sanchez to approve.

MOTION CARRIED  
(SEE EXHIBIT H)

6D

Mr. Covacevich stated that this agreement was similar to the agreement in the above item. The City of Alamo is asking for permission to enter into a subrecipient agreement with the Boys & Girls Club in the amount \$20,000. A motion was made by Commissioner Arcaute and was seconded by Commissioner Rosel to approve.

MOTION CARRIED  
(SEE EXHIBIT H)

6E

Anthony Covacevich stated that there were 13 families that had qualified under the first time homebuyer program. These are the final 13 families. A motion was made by Commissioner Garces and was seconded by Commissioner Rosel to approve.

MOTION CARRIED  
(SEE EXHIBIT H)

6F

Mr. Covacevich stated that these were the applications from the cities as per the exhibit. These were the final applications that they have been waiting for and he recommended approval and authorization to proceed with the contracts. A motion was made by Commissioner Sanchez and was seconded by Commissioner Garces to approve.

MOTION CARRIED  
(SEE EXHIBIT H)

ITEM 7. APPROVAL TO ADVERTISE FOR TELEPHONE SYSTEM - HIDALGO COUNTY

Mrs. Etnire stated that she felt this would save the County money in the long run with this new phone system and the County will not be burdened with all the small glitches that require maintenance from the phone company. Commissioner Garces requested that Pct. 4 be included in this bidding. The representative for the phone company stated that this would be no problem. They would simply have to add more stations. After further comments, a motion was made by Commissioner Garces and was seconded by Commissioner to advertise for the

telephone system for Hidalgo County.

MOTION CARRIED  
(SEE EXHIBIT I)

AT THIS TIME, JUDGE GARCIA MOVED TO THE ADDENDUM ITEM AND TOOK UP ITEM 1A ONLY. HE WILL RETURN TO THE REST AT A LATER TIME.

ADD. 1A APPROVAL TO HAVE MOBILE VOTING FOR THE MARCH 12, 1996 ELECTION

Mr. Ramon Garcia opened by stating that they now have authority to have mobile voting. It was tried back in 1994 and was successful due to the accessibility. He felt that this needed to be done again during this election. He has come up with a list of mobile voting sites and he is open to suggestions concerning those sites. This has to be approved as soon as possible because it is a budget item and there is cost with this. The cost will be approximately \$4,000. The difference between mobile voting and permanent sites is that the turn out at permanent sites is about half of what it is at mobile sites. So he feels it is worthwhile to have these mobile units. There is a bit of a rush due to this having to be sent to the Department of Justice in order to be included in this coming election in March. Judge Garcia reverted back to some of the concerns and questions that were raised the previous time this item was before the Commission with regards to some of the mobile sites being in the proximity of permanent polling places. Commissioner Sanchez stated that he can deal with the money issue and he could see the advantages of mobile voting. He stated that in some cases where his precinct is concerned, there was a mobile and a permanent polling place within a block from each other and in another instance, they were about 500 feet apart and this is what he is referring to. He would like these stations more secluded and definitely away from permanent places. Mr. Garcia stated that one of the reasons why they were near church areas, was that they wanted to be near the churches with the larger amount of members so that when they are departing from church, they might be encouraged to vote since they are already there and out of their vehicles. After further comments and a suggestion by Commissioner Sanchez to replace St. Joan of Arc with San Martin De Porras as a polling place, a motion was made by Commissioner Sanchez and was seconded by Commissioner Rosel to approve the proposed schedule and locations and the comments that were made to setting up the actual vans as presented by Mr. Garcia.

MOTION CARRIED  
(SEE EXHIBIT J)

AT THIS TIME, JUDGE GARCIA MOVED BACK TO ITEM 8. HE WILL RETURN TO ADDENDUM ITEMS 1B&C AT A LATER TIME.

ITEM 8. HUMAN SERVICES:  
A. APPROPRIATION OF FUND TO PAY UTMB CONTRACT

NO ACTION  
(SEE EXHIBIT K)

ITEM 9. PLANNING DEPARTMENT:  
A. SUBDIVISIONS:  
1. ALCANTAR SUBDIVISION - PCT. 3  
2. BENNETT-BONHAM - PCT. 4

B. FINAL PLAT APPROVAL:

- 1. CHELSEA ESTATES - PCT. 3

9A1

Emilio Garcia, Chief Planner, opened by stating that all requirements have been met and he recommended approval of the subdivision. A motion was then made by Commissioner Rosel and was seconded by Commissioner Garces to approve Alcantar Subdivision as presented.

MOTION CARRIED  
(SEE EXHIBIT L)

9A2

Mr. Garcia stated that all requirements had been met on this subdivision. Upon his recommendation, a motion was made by Commissioner Garces and was seconded by Commissioner Rosel to approve.

MOTION CARRIED  
(SEE EXHIBIT L)

9B1

A motion was made by Commissioner Rosel and was seconded by Commissioner Sanchez to give final plat approval to Chelsea Estates as presented.

MOTION CARRIED  
(SEE EXHIBIT L)

- ITEM 10. APPROVAL OF BUDGET AMENDMENT IN THE AMOUNT OF \$75,000 FOR SETTLEMENT ON CASE #913281 AND #913277 - COMMISSIONER'S COURT APPROVED SETTLEMENT ON JANUARY 3, 1996

A motion was made by Commissioner Rosel and was seconded by Commissioner Garces to approve the budget amendment in the amount of \$75,000.

MOTION CARRIED  
(SEE EXHIBIT M)

ITEM 11. HEALTH DEPARTMENT:

- A. APPROVAL OF SIX WEEK SALARY EXTENSION FOR FIVE GRANTS:
  - 1. TDH HIV SURV-LHS
  - 2. TDH HIV/GHC-LHS
  - 3. TDH IMM/OPTS-LHS
  - 4. TDH T.B. OUTR-LHS
  - 5. TDH T.B. JA OR-LHS

11A1-5

Dr. Omar Garza stated that this item was involving an issue that was covered the previous meeting where an extension of five grants was given for some federal grants. These grants have been delayed due to CDC not being able to get their grants because of the budget impasse. Dr. Garza stated however, that they had just been informed that CDC has been granted full approval of these grants. He is now asking for the extension of six weeks. This extension money will come from the General Fund and will be reimbursed to the County. Dr. Garza stated that this has been done for the last five or six years. A motion was then

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

MOTION CARRIED  
(SEE EXHIBIT N)

ITEM 12. COUNTY AUDITOR:

- A. APPROVAL TO CLOSE PETTY CASH FUNDS
- B. POSSIBLE ACTION TO INCREASE MILEAGE RATE FROM .30 PER MILE TO .31 PER MILE
- C. DISCUSSION AND POSSIBLE ACTION REGARDING THE PURCHASE OF CERTAIN FOOD ITEMS

12A

A motion was made by Commissioner Garces and was seconded by Commissioner Rosel to approve as per the request and the review of the comptrollers office.

MOTION CARRIED  
(SEE EXHIBIT O)

12B

Steve Austin stated that this has been the practice of the County to reimburse the employees at the IRS reimbursement rate and the IRS has raised the rate to .31 as of January 1, 1996 and therefore, he would like to increase this rate to that of the IRS. This would simplify things at the end of the year. A motion was then made by Commissioner Garces to approve. The motion was seconded by Commissioner Rosel. The impact on the budget will be minimal.

MOTION CARRIED  
(SEE EXHIBIT O)

12C

Steve Austin opened by stating that he had written a letter to the Purchasing Agent concerning four purchase orders totaling \$980 for the purchase of apples. It came to his attention because of the vendor of the apples. That being the Kiwanis Club. He then went on and contacted some produce suppliers and he found out that the normal price for apples per case runs from \$15 to \$18.50 and these cases that were purchased from the Kiwanis Club were sold for \$35. Commissioner Arcaute responded by stating that this was for a fund raiser sponsored by the Club. Steve Crain then addressed the Court and stated that no matter what the circumstances behind the purchase, the policies must be followed and that was the understanding that he was getting from the Auditor, that the policies were not followed. Commissioner Sanchez then stated that in the letter that was written by Steve Austin, it was said that no quotes were necessary and that there were no violations. Mr. Ramiro Castellano of the Sheriff's Office also disagrees with Mr. Crain in that there was no violation. Ms. Mary Maldonado also stated that there was no violation. According to Mr. Castellano, the only thing that they can be accused of is good intentions. The Commission was left wondering what action should be taken. They had no problem with the way things were. Steve Austin felt that when the requisitions were submitted, there would be competitive bids sought and that since it wasn't done, then the Purchasing Agent should have done it. He stated that because the limit under the current policies is \$1,000, the seeking of competitive bids was not done due to

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the total for the apples was \$980. If that would be the price for just one case of apples, according to Steve Austin, there would not be a violation. After being asked by the Commission if what he was saying was that there was a violation, Steve Austin recanted that statement with regards to the violation, but he did not feel that the Commission should go on allowing these types of practices. Judge Garcia then reminded Steve Austin of what he had been told by his overseer, Judge Evins which was to stay out of business policy matters with the Commission. Judge Garcia asked Steve Austin if he was going to pay this bill or not and Steve Austin stated that if the Court authorizes the bill, then there will be no problem with processing that payment. The mark up for this product is right around 100%. Again Steve Austin reverted back to his earlier statement and stated that if the price would have been \$999 for just one case, then there would be no violation. Commissioner Sanchez asked him again if there was any violation of the policy. Mr. Crain then addressed the Court and stated that first of all, he wanted to say that he did not mean that there was any violation. However, if someone goes into a transaction knowing that you are paying more than the market rate and they know that upfront, then there are some possible violations of other statutes. He also mentioned that if you pay slightly below market rate and you know you're getting a better quality, then there is no violation but if you are making a contribution and using the purchasing policy to do it with, there may not be a violation of the purchasing policy itself but there may be other violations. Commissioner Rosel agreed with Steve Austin in that there may not be a violation, but he did not want to set a precedent in using the premise that it is for a good cause. The Commission was in agreement yet split in their thinking. Commissioner Garces feels that as long as it falls within the parameters, then let them do it. Judge Garcia agreed with Commissioner Rosel in the sense that it was not a good business practice. Sheriff Escalon addressed the Court and stated that there was never any intentions and he wanted to assure the Court that this was not a common practice by any means. He did state that he also purchased a case from his own pocket. Commissioner Rosel stated that he would be reluctant to approve this purchase after it was stated that authorization was needed to process payment. The rest of the Commission did not see a problem with this. It was indicated again by Judge Garcia that the Sheriff had informed them that this would not happen again. They asked Steve Austin again if he would pay this bill without any approval from the Court. Steve Austin stated that what he felt that the Commission was doing by not taking any action was actually approving payment of this bill and the Commission advised him that that was not what they were saying. In closing, Judge Garcia stated that it had been established that this is not a sound practice but since there was no violation, this needs to be paid. He then moved to the next item without any further action.

NO ACTION  
(SEE EXHIBIT O)

ITEM 13. SHERIFF'S DEPARTMENT:

- A. AUTHORIZATION TO TRANSFER CONTRIBUTION FUNDS AND SET UP APPROPRIATION
- B. APPROVAL FOR THE COUNTY AUDITOR TO PROCESS PAYMENT OF CLOTHING ALLOWANCE TO NON-UNIFORM OFFICERS FOR THE SHERIFF'S DEPARTMENT, JAIL DEPARTMENT AND SOUTH TEXAS AUTO THEFT TASK FORCE DEPARTMENT AND AUTHORIZATION TO MAKE PAYMENT IN CONJUNCTION WITH REGULAR PAYROLL DURING FEBRUARY

## C. APPROVAL OF BUDGET AMENDMENT IN JAIL COMMISSARY ACCOUNT

## 13A

Ramiro Castellano stated that they had been donated \$150 and some of those funds have been expended. There is still \$67.52 and they would like to have brought forward to the '96 budget. A motion was made by Commissioner Sanchez and was seconded by Commissioner Garces to approve.

MOTION CARRIED  
(SEE EXHIBIT P)

## 13B

Mr. Castellano stated that this had been the practice of the County to provide the non-uniformed officers with a clothing allowance of \$500. Mr. Castellano stated that this has been done for the past 11 years and now Steve Austin says that this has been done the wrong way and needs to be done properly. The money is already in the line item. He is now seeking the approval of the Court. This is to be done at \$250 every six months and this is one installment. A motion was made by Commissioner Garces and was seconded by Commissioner Rosel to approve the Auditor to process payment of clothing allowance to non uniform officers for the Sheriff's Department for \$500 per year to be divided up into two installments. Once every six months.

MOTION CARRIED  
(SEE EXHIBIT P)

## 13C

Mr. Castellano stated that there were \$20,000 left in the Commissary Account the previous year. They would now like to transfer this amount plus an additional \$18,000 to make a grand total of \$38,000. These monies are currently in the County Depository. This is for the purpose of purchasing items that the Commissary uses daily. A motion was made by Commissioner Rosel and was seconded by Commissioner Rosel to approve the budget amendment in the amount of \$38,000.

MOTION CARRIED  
(SEE EXHIBIT P)

## ITEM 14. PURCHASING DEPARTMENT:

- A. AWARD BIDS:
  - 1. ANZALDUAS PARK SECURITY - PCT. 3
  - 2. 1996 UTILITY VEHICLE - PCT. 3
- B. REQUEST TO ADVERTISE:
  - 1. HOT MIX - PCT. 3

## 14A1

Mary Maldonado opened by stating that there were no bids and she would like to readvertise. Commissioner Rosel stated that this is the third time that no bids have been received and he would like to sit down with legal counsel and revise the specs. He moved to readvertise for Anzalduas Park Security. Commissioner Sanchez suggested that maybe Commissioner Rosel set up some type of budget to hire his own security force and pay them through park revenue. This is since they have advertised numerous times and no one has responded. The motion was seconded by Commissioner Garces.

MOTION CARRIED  
(SEE EXHIBIT Q)

14A2

Ms. Maldonado stated that two bids had been received. One was from Roberts Chevrolet for \$27,269 and the second was from Bert Ogden motors for \$27,200. She then recommended Bert Ogden. A motion was made by Commissioner Rosel and was seconded by Commissioner Garces to approve the low bid from Bert Ogden.

MOTION CARRIED  
(SEE EXHIBIT Q)

14B

NO ACTION

ITEM 15. APPROVAL OF BUDGET AMENDMENT - HEALTH INSURANCE CONSULTING SERVICES - YEAR '95

Mrs. Etnire stated that this total amount is \$4,777. A motion was made by Commissioner Arcaute to approve.

MOTION CARRIED  
(SEE EXHIBIT R)

ITEM 16. APPROVAL TO EXTEND PAYROLL FOR SWEP GRANT UNTIL FEBRUARY 23, 1996

Roy Quintanilla addressed the Court and stated that they would like to extend the payroll date until February 23 until such time as the meeting with the Lower Rio Grande Valley Development Council on the 8th of February. At that time, the determination of disbursement of \$110,000 will be conducted. Commissioner Arcaute stated that the grant application has not even been approved through Court. The Commission expressed some concern regarding the protest by Cameron County to divide the money three ways as opposed to two and also Commissioner Arcaute stated that he did not even approve of this grant. Mrs. Etnire attempted to clarify what Ms. Salazar was requesting. She stated that this was an extension. After the grant terminates, there is enough to pay one week and then it is split. That is where this request comes in to cover the whole amount. Mr. Dickinson then addressed the Court and he attempted to clarify this issue. What is being requested is that payroll be extended until the 23rd of February and paid out of County Funds and when the budget comes back for the grant, the monies will be returned to the County. Commissioner Arcaute asked if the surplus fund from the previous grant year could be used to take care of this matter and Mr. Dickinson stated that grant monies from the previous grant year cannot be used for this grant year. County monies can but grant monies in effect become nulified. Commissioner Sanchez suggested that they attempt to get an approval from the State to forward the monies for this purpose because in effect, if it wasn't for the match that grant would not be and since it is, then actually the monies are County monies. If they are not able to get this approval, they will then turn to extending the payroll through February 23rd. If the program is not sanctioned by the County by the time the meeting for these monies occurs, then the program will be out. Commissioner Sanchez stated that he would need to get a breakdown of the monies that are to be received by the County and how much the County

will have to provide and also how much the salaries will total before he can make any type of decision. During the discussion, Commissioner Arcaute stated that the current was incurring debts with a grant that has not ever been approved by the Court and Commissioner Rosel stated that the submission of the application had been approved but it was clarified that a no action was taken concerning that submission pending this upcoming meeting regarding the disbursement of monies. After further comments, Mr. Dickinson asked if they could at least extend the payroll through the current pay period. By then, they will have enough time to make other decisions such as discontinuing the program or whatever they feel they need to do. Commissioners Sanchez and Arcaute again reiterated the fact that they were being asked to incur debt even though the grant has not been approved. Mr. Dickinson then asked the Court to extend the payroll through today the 6th of February and the workers will be sent home at 5:00 p.m. until this issue is resolved. The Commission stated that they could do that. After further comments, a motion was made by Commissioner Sanchez and was seconded by Commissioner Garces to authorize payroll through today. (February 6th)

MOTION CARRIED  
(NO EXHIBIT) COMM. ARCAUTE OPPOSED

ITEM 17. APPROVAL TO PAY 3RD QUARTER '95 UNEMPLOYMENT IN THE AMOUNT OF 48,592.04 & APPROVE LINE ITEM TRANSFERS

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

MOTION CARRIED  
(SEE EXHIBIT S)

ITEM 18. WARRANT OFFICERS:

- A. APPROVAL OF BUDGET AMENDMENT TO CREATE SUPERVISOR/WARRANT OFFICER & TWO NEW WARRANT OFFICER POSITIONS FOR DISTRICT COURTS
- B. SET SALARIES

18A

Judge Rudy Delgado addressed the Court and stated that he had been present at the last Board of Judges Meeting and they had expressed a concern regarding the felony warrants not being served on a timely basis. Judge Delgado was present today to basically answer any questions the Commission might need to ask concerning the need for these officers and how effective the current officers are. Judge Garcia spoke on behalf of the District Courts and agreed that these officers were needed due to the rise in warrants in the Courts. There are currently approximately 12,000 outstanding warrants for the District Courts. Commissioner Rosel expressed his thoughts on this matter. He stated that there were several reasons why the initial warrant officers were created. This was because there was a large volume of NiSi's, they were under the impression that this would increase revenues and as of this day, there is no information that can support this theory. The one figure he does know about is that there is now a higher number of inmates in the County Jail due to these outstanding warrants and they did not want that. Commissioner Rosel was reluctant to give out any more money for this purpose. He is in favor of abolishing the two current positions that are there presently and also telling the Courts that they will not fund these new

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positions. Commissioner Garces also was not to sure of this idea at this time being that some of these warrant officers might be to inexperienced to go serve felony warrants and this could possibly create some liabilities. He feels that they should wait until some type of analysis is provided by the Sheriff to see what type of personnel they have for this purpose. Commissioner Sanchez then entered the conversation and stated that he recalled one of the reasons for the creation of warrant officers was to allow the Sheriff to have more of his deputies on patrol. Judge Garcia stated that he had been approached by the D.A. and the Sheriff and was asked to have these officers under them but he did not feel that would serve the purpose that they were created for because they would more than likely have them start working on other duties that are not for this purpose and those officers would be lost. Judge Delgado, Warrant Officer Overseer, stated that he agreed with Commissioner Garces in the sense that a different type of officer would be needed to serve felony warrants. He did feel, however, that by properly selecting these warrant officers, this could work. He also feels that having these officers present when pleas and arraignments are conducted to be given the names of the people that do not show up is having a ripple effect in the Community. They will in turn tell someone else of what is now happening and the word will continue to reach other individuals that do not show up. He also feels that since this is a fairly new program, there are some wrinkles that need to be ironed out and once they are, this will work much better. Commissioner Rosel reverted back to not having the facts and figures. He also felt that the officers should be out on the streets more to better do their job. Judge Delgado agreed with him but he advised Commissioner Rosel that when they are there, it is only in the morning time for the purpose of the rippling affect that it would have for not showing up for Court. The rest of the day, they are doing what they were created for and that is serving warrants. Commissioner Rosel said that he has spoken with the Judge in the past and has expressed interest in creating a list of priorities for the County and more warrant officers is not on his list. Judge Garcia then stated that it may be appropriate to get more facts and figures concerning the officers and not take any action at this time. The rest of the Commission agreed as did Judge Delgado. After further comments, the Commission moved on to the next item.

NO ACTION  
(SEE EXHIBIT T)

- ITEM 19. PCT. 2:
- A. INTERLOCAL AGREEMENT WITH THE CITY OF SAN JUAN AND HIDALGO COUNTY PCT. 2
  - B. AMENDMENT TO GENERAL FUND TO ASSIST THE CITY OF SAN JUAN TO PROVIDE EMERGENCY AMBULANCE SERVICE
  - C. DE-OBLIGATE ROAD & BRIDGE 1995 SURPLUS FUNDS AND TRANSFER OUT TO GENERAL FUND

19A

Commissioner Arcaute stated that this was an agreement for ambulance service. This has been done with San Juan for the last two years. The County provides the monies for the service through the General Fund. The City in returns reimburses the Pct. 2 through their Urban County monies for programs that are eligible under Urban County. The way he has done this in the past, he de-obligates '95 surplus road and bridge funds and transfers them to the general fund for the purpose

of funding the ambulance service for \$24,000. Commissioner Sanchez then asked about the fire district and whether San Juan falls outside the fire district and Commissioner Arcaute reminded him that the Cities do not fall under the fire districts. He also stated that he is now thinking of just forwarding the full amount of \$24,000 to San Juan to cut down on the administrative work as opposed to forwarding it in installments of \$2,000 per month. The city will handle all the invoicing and billing. Commissioner Arcaute then made a motion and was seconded by Commissioner Rosel to approve the Interlocal Agreement with the City of San Juan.

MOTION CARRIED  
(SEE EXHIBIT U)

19B

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

MOTION CARRIED  
(SEE EXHIBIT U)

19C

A motion was made by Commissioner Arcaute and was seconded by Commissioner Rosel to approve. Steve Austin was under the impression that this could not be done until it was clarified by Commissioner Sanchez that it can be done according to the law, since all obligations have been complied with for that particular year and this is just surplus funds. After further comments, the motion was put to a vote and all voted in favor.

MOTION CARRIED  
(SEE EXHIBIT U)

ITEM 20. PCT. 3:

- A. APPROVAL TO APPROPRIATE 1995 FUND BALANCE INTO 1996 BUDGET

NO ACTION  
(SEE EXHIBIT V)

ITEM 21. OFFICE OF EMPLOYMENT AND TRAINING:

- A. DISCUSSION AND ACTION ON SELECTION OF PRIVATE INDUSTRY COUNCIL BOARD
- B. APPROVAL OF AMENDMENT TO HIGH RISK PROVISION OF TEXAS DEPARTMENT OF COMMERCE CONTRACT
- C. DISCUSSION AND POSSIBLE ACTION CONCERNING NEGOTIATIONS AS A RESULT OF MEETING WITH DEPARTMENT OF COMMERCE

21A

Dick Dickinson opened by stating that they were requesting selection for the Private Industry Council be made to oversee certain aspects of the JTPA program. There is a list of candidates for this selection as per the exhibit. All the candidates meet all requirements needed for this selection. Judge Garcia asked what the deadline was and he was told by Mr. Dickinson that this had to be done today. According to Mr. Dickinson, David Girault had spoken to Judge Salinas of Willacy County and they will be forwarding the names of their nominees but until then, they would like to name some alternates in case something were to go wrong.

This will have to be submitted to the Governer. There will be 19 appointments to cover all areas. With these appointments, they will move towards a future transition to a Work Force Development Board and the minimum will be 25. The actual number that the Commission needs to nominate is 18 due to the interlocal agreement with Willacy County whereby they nominate the rest. Dick Dickinson reminded the Court that there were two slots designated from the private sector designated to Willacy County and the remainder will be divided accordingly. The Commission felt reluctant to rush into this since this has not been discussed prior to today. After discussion amongst each other concerning nominees, Judge Garcia proceeded to read off the nominees. Adrian Arriaga, Mickey Pedraza, Phyllis Griggs, Jimmy Johnson, Oscar Gonzalez, Carl Wade Jr. subject to nomination and possible alternate, Alan Yoder, Leon Belila, Robert Lozano, Lupita Acosta Gomez, Roy Brooks, Yolanda Vega, Estella DeAnda, Rachel Garcia, Mike Allen, Adolfo Reyes, Mario Flores, and a third Willacy County nominee to be submitted, Manuel Rivera from Education, Jose Luis Salinas and Angie Garza to be nominated. It is noted that on the Carl Wade Jr. - Alan Yoder nomination, it should indicate that this is a process through the Mission Chamber of Commerce and the list should indicate that it will be Carl Wade Jr. or a particular individual nominated by the Chamber of Commerce. If you just go to the second name, this will eliminate this area from nominating. This notation was given by Commissioner Rosel. This will have no bearing on the Work Force Development Board which is totally separate from the PIC. It was stated that there were to many nominees from the Private Sector. There should be a total board composition at 26 and there were 27. Judge Garcia removed the name of Robert Lozano. He then proceeded to read the terms of the nominess. The first Willacy County nominee will be 6/14/96. Adrain Arriaga will be 2/7/97, Mickey Pedraza will be 12/14/97 along with Mary Ann Rios, the second Willacy County nominee, Ruby Delgado & Othal Brand Jr. will be 2/25/97, Martha Hinojosa will be 6/14/97, Sonia Perez will be 8/23/97, Phyllis Griggs will be 3/22/98, Jimmy Johnson will be 10/31/98, Oscar Gonzalez, Carl Wade Jr., Leon Belila & Cain Casarez will be 2/6/99, Lupita Acosta Gomez will be 1/21/97, Roy Brooks will be 6/28/97, Yolanda Vega will be 6/14/98, Estella DeAnda will be 2/6/99, Rachel Garcia will 10/25/97, Mike Allen will be 9/9/96, Adolfo Reyes will be 1/21/97, Mario Flores will be 11/22/97, the third Willacy County nominee will be 2/6/99, Manuel Rivera & Angie Garza will be 9/22/97. A motion was then made by Commissioner Garces and was seconded by Commissioner Rosel to approve as stated by recommendation.

MOTION CARRIED  
(SEE EXHIBIT W)

21B

Dick Dickinson stated that this was a revised provision of a contract with the Department of Commerce. Fred Biel then addressed the Court and provided some clarification on this revision. The changes in the contract are not all the ones that were asked for but the County is in a better position than in September of '95. There was no change to paragraph A. Paragraph B has a suggested change of allowing the Chief Elected Official of the County and the Steward act on procurement of up to \$5,000 without prior approval. Paragraph C has a change to provide for contract over \$5,000 go up for prior approval but TDOC will respond to that suggestion with 5 days to concur or not concur. The same goes for the procurement policies. Paragraph D will allow the County to go on an accrual basis as opposed to a cost reimbursement basis which means that they don't have to expend County monies to pay for bills and wait

to be reimbursed. They will simply submit a request for payment from JTPA funds. A purchase voucher, a request for advance, the detail for the voucher, a computer report that shows the expenditure are now required and they will act on that within 5 days. Paragraph E has no change along with paragraph F. Paragraph G now has a requirement that they will provide a written confirmation of any items that have been corrected on the corrective action plan of which there are many. Paragraphs H, I, J, K have no change. Paragraph L is the submission of a PIC Board by 2/1/96 but does not go into effect until 2/12/96. Paragraph M has no change. The action needed today is the authorization to allow the Judge to accept these changes in the contract. A motion was then made by Commissioner Rosel and was seconded by Commissioner Garces to approve.

MOTION CARRIED  
(NO EXHIBIT)

19C

NO ACTION  
(NO EXHIBIT)

ADD. 1. ELECTION:

- B. APPROVAL TO RENT TWO MOBILE UNITS TO CONDUCT MOBILE VOTING FOR THE MARCH 12, 1996 ELECTION.
- C. SALARY APPROVAL \$6.00 PER HR. FOR ELECTION JUDGES & CLERKS FOR 1996 ELECTIONS

ADD. A1 WAS TAKEN EARLIER IN THE MEETING.

ADD. 1B&C

Commissioner Rosel opened this topic by stating the the amendment that had been made prior was a bit much and they mentioned asking if the clerks and judges could bring in some supplies to help ease the cost of these supplies. The Commission then moved into item b. Noe Perez addressed the Court and stated that the first figure as per the exhibit was the cost for two units would be \$2,700 and the rental of the units themselves will be \$1,880 for both. The total would be approximately \$4,500 to run early voting for the primary and this is at \$5 per hour. Right now Mr. Perez is not asking for money from the General Fund. He does have money in the budget to pay for this even though this is not a budgeted item being that this is the first time this has been requested for the primaries. He stated that come November, he will ask for money from the General Fund. The Commission felt that if he is asking for money from the General Fund at this time, why is approval being sought? Steve Crain, Legal Counsel clarified that since there was no budget amendment on the addendum, all that is needed is approval to rent two mobile units. Since he has stated that he has the money in his budget and he is the administrator, then it doesn't need to come before the Court. As long as he follows County procedures and State Law regarding procurement, everything is fine. Judge Garcia stated that these items will be for no action at this time.

NO ACTION  
(SEE EXHIBIT X)

ADD. 2. PURCHASING DEPARTMENT:

- A. AUTHORIZATION TO EXTEND BFI CONTRACT FROM NOVEMBER 30, 1995

(02/06/96)

15

TO MARCH 31, 1996

NO ACTION  
NO EXHIBIT

ADD. 3. APPROPRIATE FUND FOR 1996 COURT REPORTER SERVICE ACCT. #109-412-000.68 IN THE AMOUNT OF \$96,000

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

MOTION CARRIED  
(NO EXHIBIT)

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 IS ADJOURNED.

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

DRAINAGE DISTRICT  
=====ITEM 1. PERMITS:  
A. CITY OF McALLEN

A motion was made by Commissioner Garces and was seconded by Commissioner Rosel to approve the permit request by the City of McAllen as requested.

MOTION CARRIED  
(SEE EXHIBIT Y)

ITEM 2. INTERNAL LINE ITEM TRANSFER

NO ACTION  
(SEE EXHIBIT Z)

ITEM 3. AWARD BID FOR PARTS FOR DRAGLINE

Mary Maldonado stated that there were 5 bids. Head &amp; Guild for \$23,763.53, Con-Equip for \$20,546.31 and also a second bid with a 5% discount of \$19,518.99, B-C Equipment Sales for \$19,452.33, Bado Equipment Service for \$20,553.68 and World Supply International for \$21,953.15. She recommended B-C Equipment for meeting all specs and being the low bid. A motion was then made by Commissioner Rosel and was seconded by Commissioner Garces to award the bid for parts for a dragline to B-C Equipment out of Corpus Christi in the amount of \$19,453.33.

MOTION CARRIED

(SEE EXHIBIT Q)

- ITEM 4. REQUEST TO ADVERTISE:
1. ONE TRACTOR AND ONE SHREDDER
  2. LUBRICANTS

4/1

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

MOTION CARRIED  
(SEE EXHIBIT AA)

4/2

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

MOTION CARRIED  
(SEE EXHIBIT Q)

ITEM 5. AMENDMENT AND SET SALARY FOR SLOT #3 - ADMINISTRATION

Commissioner Rosel stated that this position has taken on additional responsibilities for the last six or seven months and has gone unnoticed and he felt that this slot should be increase by a total \$3,246. The actual salary was a \$2,800 increase. Commissioner Sanchez made a motion and was seconded by Commissioner Garces to approve.

MOTION CARRIED  
(SEE EXHIBIT BB)

A motion was made by Commissioner Sanchez and was seconded by Commissioner Arcaute to adjourn this Drainage District Board Meeting.

MOTION CARRIED

THERE BEING NO FURTHER BUSINESS TO COME BEFORE THIS DRAINAGE DISTRICT BOARD, 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 6TH day of FEBRUARY, 1996.

ATTEST:

JOSE ELOY PULIDO, County Clerk  
Hidalgo County, Texas

By: Aaron Betancourt  
AARON BETANCOURT, Deputy

