

THE STATE OF TEXAS :

COUNTY OF HIDALGO :

BE IT REMEMBERED that on the 12TH day of FEBRUARY, 1996, after due notice having been given, there was begun and holden, a REGULAR MEETING of the Commissioners' Court and the Drainage District, in the Commissioners' Courtroom of the Administration Building in the City of Edinburg, Hidalgo County, Texas with the following members of said Court present and participating:

Hon. 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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The Honorable Richard H. Garcia, Interim County Judge, called this meeting to order, whereupon the following proceedings were had to wit:

CONSENT AGENDA

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ITEM 1. APPROVAL OF BILLS - COUNTY AUDITOR
 GENERAL FUND - #117404 - #117611 - \$1,240,640.24
 SPECIAL REVENUE FUND - #117448 - #117654 - \$ 766,198.14
 DEBT SERVICE FUND - # 998 - # 999 - \$ 9,850.00
 TRUST AND AGENCY FUND - # 5284 - # 5289 - \$ 357,027.28
 ENTERPRISE FUND - # 2541 - # 2557 - \$ 14,926.21
 (SEE EXHIBIT A)

ITEM 2. APPROVAL OF MINUTES - JANUARY 8, 1996

ITEM 3. APPROVAL OF COURT REPORTER'S FEES:
 A. MAGDALENA HINOJOSA - \$ 222.00
 B. MAGDELENA HINOJOSA - \$1,055.00
 C. SHANA LILES - \$ 958.00
 D. MARK KVAPIL - \$3,933.24
 E. SHIRLEY RALSTON - \$3,459.00
 F. FRANCISCO MORENO - \$ 244.30
 (SEE EXHIBIT B)

ITEM 4. APPROVAL OF ATTORNEY FEES - \$63,111.50
 (SEE EXHIBIT C)

ITEM 5. APPROVAL OF MONTHLY FEE REPORTS:
 A. SHERIFF'S DEPARTMENT - \$59,594.56 - DECEMBER
 B. CONSTABLES:
 1. HORACIO AGUIRRE - \$ 10.00 - DECEMBER
 2. GILBERT ALANIZ - \$ 505.00 - DECEMBER
 3. LUIS ZAMORA - \$ 430.00 - DECEMBER
 4. RUMALDO CERDA - \$ 325.00 - DECEMBER
 5. EDUARDO BAZAN - \$ 0.00 - DECEMBER
 C. JUSTICE OF THE PEACE:
 1. RUBEN RAMOS - \$24,068.33 - JANUARY
 D. ANZALDUAS PARK - \$ 2,280.00 - JANUARY
 (SEE EXHIBIT D)

ITEM 6. PLANNING DEPARTMENT:
 A. BENTSEN HEIGHTS SUBDIVISION - PCT. 3
 (SEE EXHIBIT E)

ITEM 7. PERMITS:
 A. MILITARY HIGHWAY WATER SUPPLY CORPORATION - PCT. 2
 B. NORTH ALAMO WATER SUPPLY CORPORATION - PCT. 4
 (SEE EXHIBIT F)

ITEM 8. INTERNAL LINE ITEM TRANSFERS:
 A. HEALTH DEPARTMENT - MOBILE CLINIC - \$ 400
 B. HEALTH DEPARTMENT - HEALTH CLINIC - \$ 2,400
 C. HUMAN SERVICES - \$100,000
 D. COUNTY CLERK - \$ 185
 E. WIC - \$ 17,939
 F. TRAFFIC SAFETY - \$ 2,800

G. HIDALGO COUNTY LIBRARY SYSTEM - \$ 156
(SEE EXHIBIT G)

Judge Garcia opened by stating that there were no changes or corrections to the Consent Agenda. There being no changes, a motion was made by Commissioner Garces and was seconded by Commissioner Rosel to approve the Consent Agenda.

MOTION CARRIED
(SEE EXHIBITS A-G)

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 LITIGATION - PROPERTY LOCATED AT 1615 S. CLOSER
At this time, the Commission retired into executive session.

ITEM 2. OPEN SESSION:

A. POTENTIAL LITIGATION - PROPERTY LOCATED AT 1615 S. CLOSER

A motion was made by Commissioner Sanchez and was seconded by Commissioner Garces to approve the settlement offered from Fairway Foods Inc. and that this Court authorize the County Judge to execute as such.

MOTION CARRIED
(SEE EXHIBIT H)

ITEM 3. CLOSED SESSION:
COMMISSIONER'S COURT MAY RECONVENE INTO CLOSED SESSION FOR THE DISCUSSION REGARDING AGENDA ITEMS LISTED

ITEM 4. OPEN SESSION:
COMMISSIONER'S COURT MAY RECONVENE INTO CLOSED SESSION FOR THE DISCUSSION REGARDING AGENDA ITEMS LISTED

ITEM 5. APPROVAL OF AGREEMENT BETWEEN HIDALGO COUNTY HISTORICAL MUSEUM & HIDALGO COUNTY

Judge Garcia stated that this was a standard agreement and there were no changes from previous agreements. Commissioner Arcaute stated that this was the same as the agreement from the previous year. A motion was made by Commissioner Garces and was seconded by Commissioner Arcaute to approve the agreement between the Hidalgo County Historical Museum and Hidalgo County.

MOTION CARRIED
(SEE EXHIBIT I)

ITEM 6. URBAN COUNTY:

- A. CITY OF DONNA - SUBRECIPIENT AGREEMENT - DONNA BOY'S AND GIRLS CLUB
- B. CITY OF EDCOUCH - CONSTRUCTION CONTRACT AWARD - FITZGERALD CONTRACTOR, INC.
- C. CITY OF ELSA - PROFESSIONAL SERVICES AGREEMENT (ENGINEERING) COMPREHENSIVE WATER DISTRIBUTION PLAN
- D. HIDALGO HEALTH CLINIC - CONTRACT AWARD
- E. CITY OF WESLACO - HOME HOUSING REHABILITATION PROGRAM - CONSTRUCTION CONTRACT AWARD
- F. BUDGET AMENDMENT
- G. PCT. 3 - CONSTRUCTION CONTRACT AWARD

6A

Anthony Covacevich stated that this was an agreement for \$15,000 and he recommended approval. A motion was made by Commissioner Sanchez and was seconded by Commissioner Arcaute to approve.

MOTION CARRIED
(SEE EXHIBIT J)

6B

Mr. Covacevich stated that this was contract in the amount of \$377,971 for a sewer plant project. The total amount budgeted for this activity is \$480,000 and this is a low bid. A motion was then made by Commissioner Sanchez and was seconded by Commissioner Arcaute to approve the construction contract award by the City of Elsa to Fitzgerald Contracting.

MOTION CARRIED
(SEE EXHIBIT J)

6C

Anthony Covacevich stated that this was a professional services agreement between Elsa and Noe Garza Engineers. He will be base mapping, water distribution mapping, sewer collection mapping, standards for water distribution systems, standards for sewer collection system and standards for the street. The amount of the contract is \$30,000. A motion was made by Commissioner Sanchez and was seconded by Commissioner Garces to approve the Professional Services Agreement by the City of Elsa with Noe Garza Engineers Inc.

MOTION CARRIED
(SEE EXHIBIT J)

6D

Mr. Covacevich stated that this was the last of the contracts on the Hidalgo Health Clinic. Packages I, K, P & Q are recommended for the low bidder of Link & Associates of McAllen. Package N is recommended for Design Depot of Pharr and packages E, F, G, H, J, L, M & O are recommended for Dovacor Builders of McAllen. He stated that these were the low bidders and he recommended approval. A motion was made by Commissioner Sanchez and was seconded by Commissioner Garces to approve the contract awards for the Hidalgo Health Clinic.

MOTION CARRIED
(SEE EXHIBIT J)

(02/12/96)

4

6E

Anthony Covacevich stated that this contract was with J.D. Villarreal, who was the low bidder with alternate bid No. 1 in the amount of \$59,980. Five homes will be rehabed in the City of Weslaco. A motion was then made by Commissioner Sanchez and was seconded by Commissioner Arcaute to approve.

MOTION CARRIED
(SEE EXHIBIT J)

6F

Mr. Covacevich stated that this was a budget amendment to follow up from the previous request made by him. This is for a \$6,000 cost to pay interest on the line of credit he had obtained from the bank. He was told by the attorney that a budget amendment form had to be submitted. A motion was made by Commissioner Sanchez and was seconded by Commissioner Arcaute to approve.

MOTION CARRIED
(SEE EXHIBIT J)

6G

Anthony Covacevich stated that this was a year 8 street improvement project. There was only one bidder and that was Mission Paving Inc. in the amount of \$139,141. The construction will include 43,000 square yards of 2 inch hot mix to be 24 feet wide. This will also be inclusive the reconstitution of the base. This project will involve Mile 3 Rd. from Iowa to Goodwin and Abram Rd. from Mile 3 South to Canal Rd. A motion was made by Commissioner Rosel and was seconded by Commissioner Garces to approve.

MOTION CARRIED
(SEE EXHIBIT J)

ITEM 7. OFFICE OF EMPLOYMENT AND TRAINING:

- A. ADJUSTMENT OF SALARIES
- B. CREATE POSITION
- C. SET SALARIES
- D. ACCEPTANCE OF MODIFICATION & CORRECTION TO ORGANIZATIONAL CHART
- E. RE-DESIGNATION OF RESPONSIBILITIES WITH CHANGE IN TITLE & COMPENSATION

Dick Dickinson commenced to give a brief summary of all the items on the agenda. Mr. Dickinson stated that he wanted to adjust the salary of the Executive Director. As is applies now, in level and step, paygrade 25 starts at \$49,723 and goes to \$62,289. He would like to raise that to a maximum of \$70,000. They would like the Deputy Director, which had been approved Jan. 23, to be re-designated to the title and responsibilities of Comptroller and a minimum salary of \$38,796 and be raised to a maximum of \$63,000. He is also asking that the EDWAA Supervisor title be changed as approved also on Jan. 23. The Planner would be moved to level 18 which will have a proposed minimum salary of \$28,836 and a maximum of \$40,000. The Fiscal Manager will be granted a level of 21 with a minimum and maximum salary of \$38,796 and \$50,000. Grant Writer and Assistant Planner would both be at level 17 with a minimum of \$28,836 and a maximum of \$36,000. Purchasing Agent would be raised to a level 14 and a minimum

salary of \$23,700 and a maximum of \$29,832. He went on to state that the Contract Procurement Specialist had also been approved by the Court on Jan. 23. They would like to set salary and appropriate it. They are asking for a new position of an Accountant II. This will not affect the Civil Service being that the individual who was an Accountant III has resigned and they took her status and made an Accountant II. All of this has been discussed with TDOC and there are no changes with the exception of the addition of the Accountant II. The monies will come from the OET budget. There will be monies available being that they are no longer on cash reimbursement and back on an accrual basis. There will be approximately \$462,000 to operate for the rest of the program year and that equates to \$85,000 per month. At this time, it appears that they will be able to operate on \$52,000 per month and this will leave the rest to transfer. After further comments, they went to the actual agenda items and took them separately.

7A

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

MOTION CARRIED
(SEE EXHIBIT K)

7B

Mr. Dickinson stated that this was the Accountant II position he is requesting. A motion was made by Commissioner Garces and was seconded by Commissioner Rosel to approve.

MOTION CARRIED
(SEE EXHIBIT K)

7C

A motion was made by Commissioner Garces and was seconded by Commissioner Rosel to approve as per the range on the attachment.

MOTION CARRIED
(SEE EXHIBIT K)

7D

Mr. Dickinson stated that the only changes that will be seen today from the chart that was approved on Jan. 23, will be that on the top left hand corner, the positions are lined up horizontally and not vertically, the buildings and grounds people have been moved to property control and that there are now three Accountant II positions as opposed to two. Everything is in line and in accordance with TDOC. A motion was made by Commissioner Garces and was seconded by Commissioner Rosel to approve.

MOTION CARRIED
(SEE EXHIBIT K)

7E

Dick Dickinson stated that the compensation issue had been taken care of at this time and he is asking that the Deputy Director title be changed to Comptroller and duties and responsibilities in the Job Description as per the exhibit be approved and the other positions that are covered. After further comments, a motion was made by

Commissioner Garces and was seconded by Commissioner Rosel to approve.

MOTION CARRIED
(SEE EXHIBIT K)

ITEM 8. PLANNING DEPARTMENT:

- A. SUBDIVISIONS:
 - 1. PUEBLO SUBDIVISION - PCT. 2
 - 2. RE-PLAT OF ABEL SUBDIVISION PHASE II - PCT. 4
 - 3. TORRES SUBDIVISION - PCT. 4
- B. FINAL PLAT APPROVAL:
 - 1. PALO BLANCO RANCHETTES UNIT. #2 - PCT. 1
- C. VARIANCE REQUEST:
 - 1. ARTURO CASAS - PCT. 1

8A1

Emilio Garcia, Chief Planner, opened by stating that this subdivision should be up for preliminary approval. He stated that all requirements had been met and recommended approval. A motion was then made by Commissioner Arcaute and was seconded by Commissioner Garces to give preliminary plat approval as presented.

MOTION CARRIED
(SEE EXHIBIT L)

8A2

Mr. Garcia stated that on October 10, 1995, this plat had been given final plat approval. There has since been an amendment to the plat of an 8' offset which is on lots 1 & 5. A motion was then made by Commissioner Garces and was seconded by Commissioner Sanchez to approve the re-platting of Abel Subdivision in Pct. 4.

MOTION CARRIED
(SEE EXHIBIT L)

8A3

After stating that all requirements had been met and upon Mr. Garcia's recommendation, a motion was made by Commissioner Garces and was seconded by Commissioner Rosel to give final plat approval to Torres Subdivision in Pct. 4.

MOTION CARRIED
(SEE EXHIBIT L)

8B1

A motion was made by Commissioner Sanchez and was seconded by Commissioner Rosel to give final plat approval on Palo Blanco Ranchettes.

MOTION CARRIED
(SEE EXHIBIT L)

8C1

Mr. Garcia stated that Mr. Casas has deeded over some property to his daughters of .70 acres and the daughters want to divide this into 2 equal parts, which will equal .35 acres. What they are requesting is that these lots have a separate deed and each tract under their own name. Mr. Garcia stated that he did not foresee any problem

since the the Health Department issued the Septic Tank Permits and since the tracts also abut Mile 5. Commissioner Sanchez did not see a problem with this request either. He then made a motion to approve the variance request by Mr. Arturo Casas as presented by Mr. Garcia. The motion was seconded by Commissioner Garces.

MOTION CARRIED
(SEE EXHIBIT L)

- ITEM 9. APPROVAL OF BUDGET AMENDMENTS:
A. RURAL FIRE CALLS
B. AUTOPSIES

9A

Mrs. Etnire stated that this amount of \$155,000 was to pay pending 1995 bills. A motion was made by Commissioner Sanchez and was seconded by Commissioner Garces to approve.

MOTION CARRIED
(SEE EXHIBIT M)

9B

Mrs. Etnire stated that this was also 1995 bills. The bill was in the amount of \$71,551. A motion was made by Commissioner Garces and was seconded by Commissioner Rosel to approve.

MOTION CARRIED
(SEE EXHIBIT M)

- ITEM 10. DECLARE EQUIPMENT SURPLUS:
A. VARIOUS OFFICE SUPPLIES - COUNTY COURT #3

NO ACTION
(SEE EXHIBIT N)

- ITEM 11. PCT. 1:
A. APPROVAL OF CONSULTING SERVICES AGREEMENT BETWEEN HIDALGO & MARIO CRUZ - PARKS

Commissioner Sanchez opened by stating that this agreement was approved a few months earlier for the operator of the sewer treatment plant at Delta Lake. The previous person that had the agreement was not following through with the agreement. Pct. 1 has since found another operator to take his place. His name is Mario Cruz and he will assume the duties of the Sewer Plant. The action being requested here is the termination of the agreement with Mr. Estebanes and approve the agreement with Mr. Cruz. David Girault, Legal Counsel, stated that the way this was listed was just for the approval of the agreement with Mr. Cruz. He also stated that if this was mutual agreement of termination with Mr. Estebanes, they may not need to take any action being that it is mutual. Commissioner Sanchez then made a motion and was seconded by Commissioner Rosel to approve the Consulting Services Agreement with Mario Cruz. Commissioner Rosel suggested that some type of hard copy be obtained so that there is no liability issues at a later time with the previous operator and Commissioner Sanchez stated he would obtain that. The motion was put to a vote and all voted in favor.

MOTION CARRIED
(SEE EXHIBIT O)

Commissioner Sanchez would like to make the agreement for 12 months retroactive to February 1, 1996 and he so moved to that effect. He was seconded by Commissioner Rosel to approve the amendment to the motion.

MOTION CARRIED

ITEM 12. PCT. 3.:

- A. RESOLUTION SETTING SPEED LIMIT ON MOOREFIELD ROAD BETWEEN 5 & 7 MILE LINE

Commissioner Rosel stated that this was being done due to several calls in regards to high speeds by the vehicles on the roadway. He would like to reduce the speed from 55 mph to 40 mph. He then made a motion to authorize the speed control from 55 mph on Moorefield Rd. Pct. 3, from Mile 5 to 7 to 40 mph. The motion was seconded by Commissioner Garces.

MOTION CARRIED
(SEE EXHIBIT P)

ITEM 13. PCT. 4:

- A. AUTHORIZATION TO CHANGE JOB TITLE IN ROAD & BRIDGE POSITION 26 FROM LABORER TO TEMPORARY PART TIME CLERK
- B. CREATE MAINTENANCE BUDGET FOR FAYSVILLE PARK
- C. ADJUST SALARIES IN ROAD & BRIDGE ACCOUNT

13A

Commissioner Garces requested a no action on this item at this time.

NO ACTION
(SEE EXHIBIT Q)

13B

Commissioner Garces stated that this was for a park in Faysville. He wants to create a small budget to maintain the park after being approached by some residents. What he does now, is he has landfill personnel go over and clean up and that takes from their work at the landfill. He would like to set up a park account of \$2,500 to help assist with the cleaning. He was asked if he hadn't done this already by Commissioner Sanchez and it was stated by Mrs. Etnire that that fund had been set up the previous year and this year, there had not been one set up. Steve Austin stated that this would have to be done from the County Wide Park Fund. He was asked if there was enough of a fund balance to do so and he stated that there was. Mr. Girault then stated, after being asked if an amendment could be done the way it was worded, that it could be done. A motion was then made by Commissioner Garces to establish a park fund for pct. 4 for the Faysville Park and take it from the County Wide Park Fund in the amount of \$2,500. The motion was seconded by Commissioner Rosel.

MOTION CARRIED
(SEE EXHIBIT Q)

13C

Commissioner Garces stated that he is trying to adjust the personnel according to what their job description is. What he has done with the Administrative Assistant, he has added other responsibility and he also would like to pay her for those additional duties. The Foreman also is the same situation as the Administrative Assistant as well as the Assistant Foremen and some Motorgrader Operators. He is trying to establish some parity with these positions. All these personnel will have there same job as well as the additional duties and that is why the names of the positions are the same on the exhibit. Commissioner Garces then proceeded to read them into the record. The Mechaninc currently is making \$18,500, the Assistant Foreman \$19,330.51, Assistant Mechanic at \$15,500. At this time he made light of the fact that the mechanic was on probation at this time, which caused some confusion for Commissioner Sanchez but he was told that only the slot which is held by that individual is being increased. Slot 07 is going from \$19,330.51 to \$22,000, slot 08 will stay at \$15,500, slot 13 is going from \$21,400 to 23,500, slot 16 is going from \$19,084 to \$20,000, slot 18 from \$12,239.13 to \$12,825.72, truck driver from \$12,840 to \$13,240, maintenance at \$10,949.75 to \$11,879.41, slot 26 was covered in the no action item and that being item 13A, slot 27 from \$24,610 to \$26,000. Commissioner Garces made this in the form of a motion which was seconded by Commissioner Rosel. Commissioner Sanchez still did not understand what was being done because of the language on the exhibit. After further comments, there appeared to be confusion among all of the Commission as to what was being done; therefore, it was suggested to Commissioner Garces to table this item to work out the details. He withdrew his original motion and submitted a motion to table and was seconded by Commissioner Rosel.

MOTION CARRIED
(SEE EXHIBIT Q)

ITEM 14. RIGHT OF WAY DEPARTMENT:

- A. AUTHORIZATION TO ADVERTISE FOR PROPOSAL FOR APPRAISAL SERVICES - FM 1015 BY-PASS

Vona Walker opened by stating that this has been in the planning stages for the last four years. She stated that they now finally need to get this going and if it isn't going by August, the State will lose the funding. Consequently, she would like to send out request for proposals for appraisers and review appraisers. A motion was made by Commissioner Sanchez and was seconded by Commissioner Rosel to approve.

MOTION CARRIED
(NO EXHIBIT)

ITEM 15. PURCHASING DEPARTMENT:

- A. AWARD BIDS:
 1. FINANCIAL AUDIT - ADULT PROBATION
 2. JANITORIAL SUPPLIES - HIDALGO COUNTY
- B. AUTHORIZATION TO ADVERTISE:
 1. 1996 SUPER CAB PICK-UP
 2. 1996 CREW CAB PICK-UP
 3. 1985 OR NEWER CATERPILLAR MOTORGRADER

15A1

Mary Maldonado stated that there were two proposals. The first one was from Joseph F. Hicks for \$14,850 and the second was from Rhonda Guillum for \$13,700. She recommended Rhonda Guillum being the low bid. Everything has been cleared with Joe Lopez. A motion was made by Commissioner Garces and was seconded by Commissioner Rosel to approve.

MOTION CARRIED
(SEE EXHIBIT R)

15A2

Ms. Maldonado stated that there were 4 bids. The first one was from Astro Supply Company out of McAllen, Gulf Coast Papers from Brownsville, AMC Chemicals of Mercedes and Blue Star Chemicals from Edinburg. She recommended 13 products from Astro Supply, Gulf Coast Papers for 10 products and Blue Star Chemicals for 11 products. A motion was then made by Commissioner Sanchez and was seconded by Commissioner Garces to accept the recommendation of the Purchasing Agent and award the bids as presented.

MOTION CARRIED
(SEE EXHIBIT R)

15B1,2&3

Ms. Maldonado stated that she did not have the specifications and she was not the one to put this item on the Agenda. Commissioner Garces stated that he wanted to table these items at this time. He so moved to that effect and was seconded by Commissioner Rosel.

MOTION CARRIED
(NO EXHIBIT)

Commissioner Arcaute had some comments to make before closing this meeting. He stated that he had secured the signatures of the Commissioners. He had requested that Steve Austin cut a manual check for the purchase of a truck. There is a Purchase Order for this vehicle. He was told by Steve Austin that they no longer cut manual checks and he would like to enter into the record that the Auditor explain the reason why he no longer does this. Steve Austin asked Commissioner Arcaute if he had 3 quotes and he stated that he did because you can't get a P.O. without having the quotes. Steve Austin went on to state that one of the concerns that the Comptroller raised during his review was the manual checks that were being processed by the Auditor. His concern was that there was no clear determination whether it was legal or what have you. It was brought to light that claims should be approved in open Court by the Commission and not individually. Commissioner Arcaute stated that he agreed with the Comptroller in that it should not be by just one person and that it should be in open Court. He also stated that he has the signature of the Commission and he is asking for this here in the open. He explained that his rush is because this gentleman that was selling the vehicle was leaving this upcoming Saturday and he would like to close this before his departure. He also has the title to the vehicle which is also required. David Girault then addressed that Court and concurred with Steve Austin as to a statute that says all bills and claims be approved in open Court. by the Commissioner. The Commissioners nor the County Judge have no authority to act or approve and act of the County outside of a duly

called meeting of the Court. He also added that the fact that all the Commissioners signed off on this is of no affect of the County Purchasing Act and the Local Government Code. What would need to be done is have a special meeting if it does need to be done by the end of this week and there is enough time to post the meeting with 72 hours notice and have it approved. Commissioner Arcaute stated that there were many situations where manual checks need to be cut and if this is no longer happening, what will happen? He also stated that there are in an open meeting and it is meeting approval. Mr. Girault stated that with regards to the open Court, an action that has not been duly posted for 72 hours is voidable by any citizen in the County upon a lawsuit. What can potentially happen as a result of this, with respect to the check already paid, the citizen can cause the County to defend the action and if not successful, the County will have to recover the funds. Commissioner Arcaute then brought up the point that why they would have to do this if this is a budgeted item and Mr. Girault could not answer that at this time. Commissioner Arcaute also stated that it was the opinion of the previous legal counsel that if this is a budgeted item, that in itself constitutes approval. Mr. Girault did state however, if there are claims to be made, they do have to be approved in open Court. If there is procedure by which funds are normally expendid for routine items without Court action once there in the budget, he doesn't know if this would be any different just because it is a vehicle instead of a case of toilet paper. Commissioner Arcaute asked if Mr. Girault would consider this an open meeting with public action with ratification the following week, which is another practice that is allowed in situations such as these. Mr. Girault stated that no action would be able to be taken at this time. Commissioner Arcaute asked if the check could be cut and the action ratified the following week and Mr. Girault stated that that would be up to the Commissioners. Commissioner Arcaute asked him if legally he would agree that this could be done and Mr. Girault's response was that it would not be the best way to handle it but it could be done. After further comments, the Commission decided to wait until the following week.

A motion was made by Commissioner Arcaute 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.

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

ITEM 1. LINE ITEM TRANSFER

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

MOTION CARRIED

(SEE EXHIBIT S)

ITEM 2. PERMIT:

A. NORTH ALAMO WATER SUPPLY CORPORATION

Vona Walker stated that this was for the area where a storage tank was being built to discharge the overflow into an irrigation district drain ditch. A motion was made by Commissioner Garces and was seconded by Commissioner Rosel to approve.

MOTION CARRIED
(SEE EXHIBIT T)

ITEM 3. AWARD BID FOR 1996 VEHICLE

Mary Maldonado stated that there were two bids from Roberts Chevrolet for \$28,943 and from Bert Ogden Motors for \$28,197. She recommended Bert Ogden Motors. A motion was made by Commissioner Rosel and was seconded by Commissioner Garces to accept the low bid from Bert Ogden Motors of \$28,197.

MOTION CARRIED
(SEE EXHIBIT R)

ITEM 4. CONTINUED EMPLOYMENT RELATIONSHIP OF THE PERSON CURRENTLY EMPLOYED AS MANAGER OF THE DRAINAGE DISTRICT NO. 1

Judge Garcia stated that he had received a letter of resignation as of February 12, 1996. Judge Garcia asked if the letter needed to be accepted. Mr. Girault stated that since it was on the Agenda to sufficiently do this, it would be more finalized if they did take some type of action. A motion was then made by Commissioner Sanchez and was seconded by Commissioner Garces to accept the resignation.

MOTION CARRIED
(SEE EXHIBIT U)

As a result of item 4 on the Drainage District Agenda, no action is needed for the items on the addendum which is directly related to this item. Judge Garcia stated that there will be no action concerning the addendum.

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

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 12TH day of FEBRUARY, 1996.

ATTEST:

JOSE ELOY PULIDO, County Clerk
Hidalgo County, Texas

By: Aaron Betancourt
AARON BETANCOURT, Deputy

