

THE STATE OF TEXAS :

COUNTY OF HIDALGO :

BE IT REMEMBERED that on the 19TH day of MARCH, 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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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 - #118630 - #118811 - \$18,857,579.80
SPECIAL REVENUE FUND - #118511 - #118685 - \$ 1,052,807.14
TRUST AND AGENCY FUND - # 5345 - # 5371 - \$ 195,371.79
ENTERPRISE FUND - # 2594 - # 2601 - \$ 336.61

(SEE EXHIBIT A)

ITEM 2. APPROVAL OF MINUTES - OCTOBER 10, 1995
(NO EXHIBIT)

ITEM 3. APPROVAL OF ATTORNEY'S FEES: \$85,881.50
(SEE EXHIBIT B)

ITEM 4. APPROVAL OF COURT REPORTER'S FEES:
A. MARK KVAPIL - \$2,767.01
(SEE EXHIBIT C)

ITEM 5. APPROVAL OF MONTHLY FEE REPORTS:
A. LAW LIBRARY - \$ 2,200.00 - FEBRUARY
B. ANZALDUA'S PARK - \$ 4,712.00 - FEBRUARY
C. JUSTICE OF THE PEACE:
1. CHARLIE ESPINOZA - \$43,795.00 - JANUARY
2. RENE O. TORRES - \$14,722.00 - JANUARY
3. ARNALDO CORPUS - \$ 1,833.12 - JANUARY
4. ADAN CABALLERO - \$ 4,421.00 - FEBRUARY
5. CHARLIE ESPINOZA - \$17,395.81 - FEBRUARY
6. JESUS MORALES - \$ 5,632.00 - FEBRUARY
7. ISMAEL OCHOA - \$13,612.77 - FEBRUARY
D. SHERRIF'S DEPARTMENT - \$52,463.67 - JANUARY

(SEE EXHIBIT D)

ITEM 6. PERMITS:
A. NORTH ALAMO WATER SUPPLY - PCT. 1 & 4
B. SOUTHWESTERN BELL TELEPHONE - PCT. 2 & 4
(SEE EXHIBIT E)

ITEM 7. INTERNAL LINE ITEM TRANSFERS:
A. SHERIFF'S DEPARTMENT - \$10,000.00
B. SHERIFF - JAIL COMMISSARY - \$ 3,000.00
C. 206TH DISTRICT COURT - \$ 1,170.00
(SEE EXHIBIT F)

ITEM 8. PLANNING DEPARTMENT:
A. SUBDIVISIONS:
1. COUNTRY CLUB HEIGHTS SUBDIVISION - PCT. 2
2. FUENTES-DAVILA SUBDIVISION - PCT. 2
3. ORION SUBDIVISION - PCT. 2
4. RESUBDIVISION OF LOT 31, SING SUBDIVISION - PCT. 2
(SEE EXHIBIT G)

Judge Garcia opened this meeting by stating that there were no corrections on the Consent Agenda. A motion was then made by Commis-

sioner Garces and was seconded by Commissioner Rosel to approve the Consent Agenda as submitted.

MOTION CARRIED
(SEE EXHIBITS A-G)

REGULAR AGENDA
=====

Judge Garcia stated that there was an addendum to the Agenda, which also involved a closed session. The Commission decided to leave the closed session for the end of the Agenda and proceed with the rest of the agenda at this time.

ITEM 5. CALAME, LINEBARGER, GRAHAM & PENA:
A. PRESENTATION OF DELINQUENT TAX REPORT

Lucy Canales addressed the Court and stated that this tax report covers the period of March 1, 1995 thru February 29, 1996. The collections period begins with mailing on behalf of the County. During this period, 10 mail-ins were conducted involving 398,671 pieces of mail. Her firm also sent out different letters that targeted delinquent accounts. There are different types of letters that are sent to the people that are delinquent. There are types such as Notice of Tax Lien, Notice of Intent to sue and a notice of intent to sell which is sent of after judgement is rendered in the suit. This type of notice provides the people a chance to pay even after this judgement. Finally they have a notice of default, which occurs after they come in and set up a contract to pay and default on it. During the reporting period, there were 557 lawsuits filed involving \$1,759,011.09. In addition to this, 321 lawsuits were taken to judgement involving \$588,565.21 and 174 more lawsuits are being prepared at this time involving \$452,725.85. They have dismissed as paid after the suit, 149 cases involving \$401,914.71. As of January 31, 1996, there are 1,293 suits on the Court dockets totalling \$3,583,807.41. They have also established a tax sale department in '95 for the purpose of selling tract of land. During this reporting year, they have sold 46 tracts involving \$112,761. They do send notices of intent to sell and the individuals are given one last chance to settle their debts. With these notices, 15 accounts were settled totalling \$64,316 and five tracts involving \$11,892 made some type of arrangement with the County and twenty four were sold involving \$26,607. There are 17 more tracts of land being prepared to be sold at this time totalling \$132,659. More tract sells will be held every other month on behalf of the County. In conclusion, Mrs. Canales stated that through December of '94, \$5,346,325 was collected on behalf of the County. Through December of '95, \$5,958,216 were collected on behalf of the County and through February of this year, \$851,987 have be collected. There were no questions on behalf of the Commission so Judge Garcia moved on to the next item.

NO ACTION
(SEE EXHIBIT H)

ITEM 6. CONTRACT FOR SERVICES - MEDICAL DIRECTOR

Dick Dickinson addressed the Court and stated that this was the contract that was approved the previous week for a 90 day extension.

There was some confusion on the language of the contract. Mr. Crain attempted to clarify this issue. He stated that this contract was not to exceed 90 days from the County's standpoint. It was read from chapter seven that the County or the Contractor could terminate the contract at any time with reason or no reason at all. The contractor must give a two week notice of his intent to leave. If a suitable replacement cannot be found, the contractor agrees to continue as the director for a period not exceed three months. If the County did terminate the contract before the 90 days, an argument could be made that the money is owed for those 90 days. By signing this contract a 90 day term is being agreed to. Mr. Dickinson stated that he worked with the Health Department all day Saturday and they are closer to finalizing the assessment of the health department so that the Court may review and make an affirmative decision regarding the Director. A motion was made by Commissioner Sanchez and was seconded by Commissioner Garces to approve the contract for Dr. Garza. Commissioner Rosel opposed this because he felt that there were some questions that needed to be answered at this time. His main objection was the fact that if his contract is terminated before those 90 days are up, then they are still liable for the remainder of the contract and he felt that there should be a stipulation in the contract contrary to this. Termination without this liability.

MOTION CARRIED (COMM. ROSEL OPPOSED)
(SEE EXHIBIT I)

ITEM 7. PROCLAMATION:

A. COUNTY PREVENTION & PROTECTION PLAN - HIDALGO COUNTY CHILD WELFARE

Robert Robles opened by stating that this plan was developed as a mandate from the Texas Family Code. This plan has to be in effect for every County. This plan was put together with the input of several entities to cover all aspects of abused and neglected children. After further brief comments, a motion was made by Commissioner Garces and was seconded by Commissioner Rosel to approve.

MOTION CARRIED
(SEE EXHIBIT J)

ITEM 8. ROY QUINTANILHA, ADMINISTRATIVE ASSISTANT:

A. RESOLUTION PROTESTING ACTIVITIES IN SIERRA BLANCA, TEXAS - WEST TEXAS TOXIC WATCH

Mr. Quintanilha stated that he had been asked by Mr. Boren of Hudspeth County for support in opposing the proposed nuclear waste dump in Seirra Blanca. This dump will take care of waste from Maine, Vermont and some parts of Texas and will be located approximately 16 miles from the Rio Grande River. A concern is that this dump will affect the under ground water supply and that in turn will affect the Rio Grande and consequently a direct affect on the Valley. There are other counties that have passed this resolution and there are three others pending. There are also some cities in Mexico that have done this. This resolution is simply to show support in condemning this project. Judge Garcia read the resolution as it appeared before him. A motion was then made by Commissioner Garces and was seconded by Commissioner Rosel to approve.

MOTION CARRIED

(03/19/96)

(SEE EXHIBIT K)

ITEM 9. LIBRARY SYSTEM:

A. AUTHORIZATION TO PAY 1995 BILLS

Mr. McGee addressed the Court and stated that this was for two outstanding invoices from 1995. One of them is from Walden Book Company in the amount of \$1,992.82 and the other is from Quality Books for \$1,456.70. These were incurred at the end of 1995 but were in 1995 nevertheless. This payment would close out 1995. A motion was then made by Commissioner Arcaute and was seconded by Commissioner Garces to authorize payment for the two 1995 bills.

MOTION CARRIED
(SEE EXHIBIT L)

ITEM 10. APPOINTMENT OF CIVIL SERVICE COMMISSIONER

NO ACTION
(NO EXHIBIT)

ITEM 11. WIC:

REQUEST TO REMOVE EQUIPMENT FROM INVENTORY - THEFT

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

MOTION CARRIED
(SEE EXHIBIT M)

ITEM 12. SHERRIF DEPARTMENT:

- A. REQUEST TO PROCESS PAYMENT OF CLOTHING ALLOWANCE TO A NON-UNIFORM OFFICER & PAY ALLOWANCE WITH REGULAR PAYROLL
- B. AMEND BUDGET - \$35,952 FOR HOUSING PRISONERS
- C. AUTHORIZATION TO PAY BILL TO SAN PATRICIO COUNTY - \$22,080 FOR HOUSING PRISONERS & AUTHORIZATION TO PAY BILL FROM ATASCOSA COUNTY - \$13,872 FOR HOUSING PRISONERS - TOTAL AMOUNT \$35,952

12A

Fidel Jasso stated that this was for one of the investigators that at the time when the allowance was approved earlier in the year, was out on workman's comp. A motion was made by Commissioner Garces and was seconded by Commissioner Rosel to approve.

MOTION CARRIED
(SEE EXHIBIT N)

12B&C

Glen Eastin addressed the Court and stated that this was a request to pay bills for housing prisoners in the amount of \$35,952. This will cover the month of February. There are 21 prisoners being housed outside of the County at this time and they are also 21 inmates over at the Edinburg Facility. Commissioner Sanchez asked if there was any money in the Jails budget to pay for this. Chief Eastin stated that they have tried to locate monies in other areas and they have been unable to find them anywhere else. If they did use other monies, they would

just have to come back later on in the year and ask for those monies that were used for this purpose. Commissioner Sanchez stated his position with regards to him not being comfortable with an amendment like this only three months into the year and they are still able to transfer monies from somewhere else. There was a mass arraignment previously and they are still over the cap. Chief Eastin stated that he would try to do this more often in the future if they can get the cooperation of the Courts. Commissioner Sanchez did not want to deal with the amendments this early in the year without all other means being exhausted. Commissioner Rosel felt that they should put it off so that they make look more into this issue. Again Commissioner Sanchez reiterated that this should wait til further in the year, as far as budget amendments go. Mrs. Etnire stated that there was a large amount of money in the Sheriff's equipment account and that could be transferred to this line item for this purpose. After further comments, Judge Garcia stated that there would be no action at this time.

NO ACTION
(SEE EXHIBIT N)

ITEM 13. AMEND BUDGET TO PAY FOR ACCOUNTING SERVICES FOR OET AS APPROVED BY COMMISSIONER'S COURT ON JANUARY 30, 1996

Mr. Dickinson stated that this was in relation to the services that were approved in the past. The services were approved up to \$25,000 but was not appropriated. They have now accumulated slightly over \$22,000 of bills incurred. Mr. Hicks, Burton McCumber & Pritchard and Cortez & Company have not been paid and they all participated in this activity. Mr. Dickinson assured the Court that all objectives set forth by the Court have been reached and all the was left to do as far as these monies, was the acclamation of the new fiscal manager that was hired by OET. After further brief comments, a motion was made by Commissioner Arcaute and was seconded by Commissioner Rosel to approve the budget amendment of \$25,000.

MOTION CARRIED
(SEE EXHIBIT O)

ITEM 14. URBAN COUNTY:

- A. CITY OF ALAMO - CHANGE ORDER NO. 2 - TOWER ROAD LIFT STATION PROJECT
- B. CITY OF ALTON - ENGINEERING CONTRACT - FLOOD & DRAINAGE IMPROVEMENTS
- C. CITY OF DONNA - YEAR 8 STREET IMPROVEMENTS
- D. PCT. 2 - PROFESSIONAL SERVICES CONTRACT YEAR 8
- E. DISCUSSION OF COUNTY AUDITOR'S REQUEST

14A

Anthony Covacevich stated that this change order was in the amount of \$1,900 and it will increase the contract to \$138,350. This money will be used to replace 6 inch connections with 12 inch connections. Upon recommendation by Mr. Covacevich, Commissioner Arcaute made a motion and was seconded by Commissioner Rosel to approve.

MOTION CARRIED
(SEE EXHIBIT P)

14B

Mr. Covacevich stated that this was a contract with

L.L. Rodriguez and Associates and it will be for \$2,500. It will consist of a drainage improvement along Hawaii Street. A motion was made by Commissioner Rosel and was seconded by Commissioner Arcaute to approve.

MOTION CARRIED
(SEE EXHIBIT P)

14C

Mr. Covacevich stated that this contract was with Mission Paving who was the low bid in the amount of \$322,038.22. This will be for the reconstruction of several roads as per the exhibit. A motion was made by Commissioner Arcaute and was seconded by Commissioner Rosel to approve.

MOTION CARRIED
(SEE EXHIBIT P)

14D

Mr. Covacevich stated that this was a \$22,000 engineering contract with Noe Garza & Associates. This will be for bridge widening designs for several bridges as per the exhibit. A motion was made by Commissioner Arcaute and was seconded by Commissioner Rosel to approve.

MOTION CARRIED
(SEE EXHIBIT P)

14E

THIS ITEM IS IN VERBATIM FORMAT AS PER REQUEST OF JUDGE GARCIA.

MR. COVACEVICH Yes. I would like to share some of my frustrations of working with the County Auditor's Office. This was brought to a head last week as I was being requested for more information on an item that you all approved here. We've had requests from the County Auditor for inventory items as far back as 1988, when we first started working. HUD does require us to keep records for only 3 years and to go back to 1988, I think is asking too much of us. These files are already in storage and we have to do that. We have provided the County Auditor an inventory listing with all source documentation for 1995 and that includes, that's a ---- list from back in 1988. Back in '88, '89, '90 & '91, the Auditor's Office had a staff member that went to our office and did an inventory listing and had source documentation. What happened to the source documentation, I don't know but I think it is too much to be asking of us to take our time, when we have so many other things to do about that. I'm also being asked to provide a list of 15 items to the Auditor's Office to prepare an annual report. We were not included in the County Auditor's annual report last year. We have to produce an annual report every year. This is 194 pages that we submit to HUD every year. This is our annual report every year. I understand Headstart and OET are not part of the Auditor's Annual Report. We feel we do enough reporting. This is advertised in the paper, made available to the public. It's made available

to Mr. Austin's office, anybody that would like to look at this annual report. It's a public document. This will show that we spent over 8 million dollars last year. We have an unreconcilable of \$495 which means we could not account for \$495. Our external auditors will be asked to look at this and help us reconcile that amount. We have over 16 million dollars worth of funding in this report, that's budgeted in this report. We feel that we do enough annual reporting to HUD and to the public, that we feel that is sufficient for anyone's point of view. We were not included in last years report by the County Auditor. I have not heard that that has affected the County in any such way that is detrimental to the County so I really do not see a need for us to be included in this annual report. Then a third item is, I think last week, you all took a, last week or two weeks ago, took action with Mrs. Dromgoole on some personnel items and were asked by Mrs. Dromgoole to transfer to the Auditor's Office a check in an account that we have that belongs to the money that they've earned through a Nations Bank contract. That contract has been before you all and signed every year and we've had it for three years. We prepared the check, a \$3,000 transfer to Steve Austin's Office. The word from Mr. Gilbert Garza was that if we did not respond to Steve Austin's letter asking us to submit all source documentation concerning the contract with Nations Bank, then not to bother to give them the check. I have the check here. He told me if I turned it over to them, they would kick it back to us. I'm turning it over to Steve Austin right now and see what he does with it because I'm fed up with that. I'm fed up with a personal comment made by Mr. Garza that if I don't want to do this then que me vaya mucho a la fregada. Now I don't think that's a professional comment that should be made by a person that works in the County Auditor's Office. I don't think I ever spoke to anybody in those types of comments and I don't appreciate being treated that way and I don't see how if Steve Austin wants this type of information, he can send a staff member over to my office. I'll show him where the files are and he can xerox them all he wants but we just don't feel we need to do that. The external auditors have reviewed this. They know about this account. They had no issues or questions about it. I don't see why I have to deal with Steve Austin on that. I get audited or I get monitored. This year I got monitored 4 times. I had a program monitor come down and monitor my programs. I had a fiscal monitor and...monitor my financial records. I had a fair labor standards individual come down and monitor me in that regard and now I had a desk monitor. A process that HUD does that monitors my programs from a desk monitoring process. Another lengthy monitoring report that I get. If I may, I direct your attention to the second page in the middle. It will be the fourth paragraph. Starts off with the words as we previously. Go into the middle of that paragraph, we also commend the County for having spent 98.9 percent of it's CDBG funds for activities

benefiting low and moderate income persons. Based on our review, the GPR 3.5% were spent for public services which is below the 15% regulatory cap and 6.4% was spent on planning and administration which is below the 20% regulatory cap. In recent discussions, they have also identified a need for us to increase for oversight. They made comment of our goals. We provide decent housing. We've been very successful in that and the next page; we provide suitable living environments. We expanded economic opportunities. We form and strengthen partnerships in the area. They make three points for us on the bottom of that page. They require us to do some analysis of impediments to fair housing, which we're working on right now. We need to develop a continuum of care system, which means we need to develop a strategy by taking a homeless individual who is out on the street and put him into affordable housing and we're to do that. They want us to develop a system of how we're gonna do that using the various federal funding.

COMM. GARCES Does that have a cap on it or is that a permanent housing situation?

MR. COVACEVICH They want us to get this into permanent or rental but that's a system we have to develop. A strategy we have to develop. They also want us to increase grants management and physical responsibility which means the staff we are to hire. In the very last page, as a result of our analysis, we have determined that the County's overall program progress is acceptable. This is the last report I've gotten on my program this year. I feel that I've been, I guess a patient at a doctor's office. I've been poked enough as it is. I really don't appreciate being poked more than I am. I think I'm meeting all the requirements of HUD, who is my funding agency, requires of me and I just, you know. Maybe I'm looking for some relief here or whatever but I'm just fed up and last Friday or last week was the last straw. So since this is not an action item, I just felt I'd come by and express my feelings at this time. If there's any questions, I'll be more than happy to answer them.

COMM. ARCAUTE We might not be able to take any action in regards to this discussion but I would like is this Commissioner's Court to take action and submit a copy of the tape of this, what you just presented to us to the Board of Judges, who are his supervisors. If that's alright with the Court and a motion is in order, I'd like to do that and take that action.

JUDGE GARCIA Do I hear a motion?

COMM. ARCAUTE I so move.

COMM. SANCHEZ Second.

COMM. ROSEL I don't know if you have to make a...

STEVE CRAIN You don't need a motion.

COMM. GARCES (INAUDIBLE)

COMM. ROSEL (INAUDIBLE)

COMM. SANCHEZ I have a question.

COMM. ARCAUTE Let the record so reflect that there was action taken
by this Commissioner's Court.

COMM. SANCHEZ Under what grounds is your office being requested to
submit additonal reports?

MR. COVACEVICH Well they want us to submit 18 items for the annual re-
port.

COMM. SANCHEZ Can't that report be submitted to them and that will suf-
fice?

MR. COVACEVICH I don't know. He hasn't looked at that. It's made a-
vailable to him. To his staff.

COMM. SANCHEZ ---with that report is sufficient Steve.

MR. COVACEVICH But the other issue also is why isn't OET and Headstart
on the annual report? I feel like I'm being singled
out...I mean if we're gonna do it, lets do it to all
of us. I was asked if John Sharp was to review the
other agencies and my name....Urban County wasn't on
there. I wanted to be included on there because if
you're gonna do something to OET and Headstart...I'm
in a similar situation. I want the same thing; to be
treated in the same manner.

COMM. ARCAUTE This is a very common practice in this town.

COMM. SANCHEZ I just want to know Judge. What is the basis for the
request? What is the basis for the harassment?

JUDGE GARCIA Steve is here. What is the...Steve you want to respond?

STEVE AUSTIN Well Judge. First of all, let me state that the County
Agencies are certainly component units of the County are
certainly included and have to be included in the Coun-
ty's independent audit. Certainly the County Auditor...

JUDGE GARCIA Well lets start with that question. Why are they being
singled out and being treated differently from the
other....

MR. COVACEVICH In the annual report, not the Auditor's report. Annual
report.

STEVE AUSTIN Well Judge. These are component units of the County and
certainly should be a part of the County Auditors report.
The Urban County Program in the past, been, always been a

part of the County Auditor's report except for last year when there was a plea by Mr. Covacevich to the County Judge at the time, that there was no significant impact on the County by leaving it out, and because they were having financial problems with Urban County in getting their financial records in order and therefore delayed the information to my office for the annual report and for the independent auditors as well. We had to make a decision and so the Urban County Program was left out of the Independent Auditor's of the County Auditor's report with the understanding of the County Judge at that time. That Urban County as well as the other programs of the agencies should certainly be included in the County Auditor's report. However, it does take time and effort. The County Auditor's Office has requested assistance time and time again and this Commissioner's Court...that request has fallen on deaf ears. Mr....I can identify with the demands upon Mr. Covacevich from all these various monitoring agencies and departments as well as my office but certainly my office has certain responsibilities that we need to....certain auditing functions that we need to perform and Mr. Covacevich, as a Department Head should seek compliance with those requests. I have not....Mr. Covacevich has not approached me in expressing the concern that he expresses today to this Commissioner's Court. I certainly think that this is perhaps maybe out of order, but nevertheless, Mr. Covacevich is here expressing his concern and I can understand that. I can understand the demand on his office. The financial demands, the personnel demands because my office is under the similar type of demands. Judge, the only thing I can say at this point is that I need certain information from Mr. Covacevich as well as other departments and that information needs to be supplied.

COMM. ARCAUTE Give him that green book.

MR. COVACEVICH Yea. I'll give him that green book. The other thing is that I have not talked to Steve. He doesn't call me his people call me. Mr. Gilber Garza, Mr. Joe Cabrera and I relayed those sentiments to those Gentlemen and if they have not relayed to you Steve, I can't help you with that, but those frustrations and those comments were related to them and last year when we were having computer transitional problems, that's when we found out last year that OET and Headstart were not included and have never been included in the annual report and I want to know why.

JUDGE GARCIA That was the question I asked and it still hasn't been answered.

STEVE AUSTIN Well Judge again. The reason they have not been included is because the manpower is not there in the Auditors Office.

JUDGE GARCIA It is for this Department...

MR. COVACEVICH There is for this Department but not for them.

JUDGE GARCIA ...you know that doesn't make sense Steve.

STEVE AUSTIN Well Judge. These other agencies were separate and a part. We take up the Community Service Agency and the Urban County Program in the County Auditor's Report. The Headstart Program and the Office of Employment and Training, because of their size and magnitude of the financial records and the problems that they have had in the past, it's created, it's been, it is a large responsibility that requires some time and attention and not having the financial resources, it has not been incorporated yet but there is a long term effort to incorporate those programs.

MR. COVACEVICH I'm sure that those agencies do the same things I do and prepare annual reports to their funding agencies. I don't why Steve can't just incorporate and make an addendum to his annual report and say this is the annual report for the Urban County Program and attach it to his report and you have there the annual report. This is what satisfies your funding agency. The agency looks at this and looks at the external auditor's report. The funding agency has no need for Steve Austin's report. Those are the people that you need to satisfy.

COMM. SANCHEZ I would agree with Mr. Covacevich. If that report satisfies the funding agency, then I don't see any reason why it can't be made part of the record for Steve to submit it as such.

MR. COVACEVICH It can be an appendix to Steve's report.

COMM. ARCAUTE The question has not been answered yet.

JUDGE GARCIA No and you know Mr. Austin. We had a discussion just the other day. All of these letters that are written, I get copies...I don't know 4 or 5 copies from you probably daily. I know that it takes you a whole lot of time to write that letter and it would take just a few minutes to punch the numbers and call directly to Mr. Covacevich.. who ever it is. The different Department Heads, the liaisons or whatever. I've asked you time and again to deal directly with them and then if there's a problem, you can come to my office and you insist that it has to be directly to me and letters and everything else and it's a breakdown and it's not the most efficient way to run things and again I'm gonna ask you to do this. It's simple to pick up a phone and call somebody. If you want to document something fine but it's just not happening. I don't know if there's no action to be taken on this matter.

MR. COVACEVICH I just appreciate you all's time.

JUDGE GARCIA No further discussion, then we'll move on. Thank you.

ITEM 15. PCT. 1:

- A. DISCUSSION & POSSIBLE ACTION - HIDALGO COUNTY HOUSING AUTHORITY DIRECTOR

NO ACTION
(NO EXHIBIT)

ITEM 16. PCT. 4:

- A. REQUEST TO APPROPRIATE BUDGETED FUND BALANCE FOR NEW EQUIPMENT

Commissioner Garces stated that he wanted to appropriate the unappropriated fund balance and increase the object numbers as per the exhibit by \$345,214.88 and \$2,000. The total will be \$347,214.88 and this was in the form of a motion. He was seconded by Commissioner Rosel.

MOTION CARRIED
(SEE EXHIBIT Q)

ITEM 17. PURCHASING DEPARTMENT:

- A. AWARD BIDS:
 - 1. HALF TON PICK-UP TRUCK - PCT. 4
 - 2. CREW CAB - PCT. 4
 - 3. MOTORGRADER - PCT. 4
 - 4. RENTAL SPACE - WIC
 - 5. AUCTIONEERING SERVICES - HIDALGO COUNTY
- B. REQUEST TO ADVERTISE FOR JANITORIAL SERVICES - COMMUNITY SERVICE AGENCY

17A1, 2&3

Mary Maldonado stated that she wanted to take all bids concerning Pct. 4 under advisement, which was the half ton pick-up, crew cab and the motorgrader. Commissioner Garces made a motion and was seconded by Commissioner Rosel to approve.

MOTION CARRIED
(SEE EXHIBIT R)

17A4

Ms. Maldonado stated that Ms. Longoria would also like to take this bid under advisement. A motion was made by Commissioner Garces and was seconded by Commissioner Rosel to take this bid under advisement.

MOTION CARRIED
(SEE EXHIBIT R)

17A5

Ms. Maldonado stated that there was only one bid from Bond & Bond Auctioneers for 8.5% of the gross sell. She recommended the only bid. A motion was made by Commissioner Garces and was seconded by Commissioner Rosel to approve.

MOTION CARRIED
(SEE EXHIBIT R)

17B

A motion was made by Commissioner Garces and was seconded by Commissioner Sanchez to approve. Bid opening is 4/10/96 and bid award will be 4/16/96.

MOTION CARRIED
(SEE EXHIBIT R)

ITEM 18. PLANNING DEPARTMENT:

- A. FINAL PLAT APPROVAL:
 - 1. LOS CAZADORES SUBDIVISION - PCT. 3
- B. DISCUSSION & POSSIBLE ACTION ON THE REFUND OF PERMITS
- C. VARIANCE REQUEST:
 - 1. ALLEN STEVENSON - PCT. 1

18A1

Emilio Garcia opened by stating that on April 1 of the previous year, preliminary approval had been granted by the Court and since then all improvements have been completed. Upon recommendation of Mr. Garcia, a motion was made by Commissioner Rosel and was seconded by Commissioner Garces to approve.

MOTION CARRIED
(SEE EXHIBIT S)

18B

Mr. Garcia stated that the Agenda should have read no refunds. He went on to state that on February 2, 1996, he had received a letter from Steve Austin's Office in which he was asked that they submit a request to the Court in which a no refund policy be adopted. Mr. Garcia stated that sometimes for various reasons, developers may obtain a permit and they are then not able to build so they ask for a refund of the permit monies. He also stated that there was a letter addressed to the County Judge on March 14, 1994, the Court had adopted a policy regarding the refunds of permits. This policy was 180 days for a refund. Now Steve Austin is stating that his office will only refund permit monies if they are approved through Commissioner's Court. Commissioner Arcaute did state that the 180 day policy was adopted by the Court and Mr. Garcia stated that there were minutes to that effect. Commissioner Sanchez asked why was this request coming from the Auditor's Office. Steve Austin responded by stating that there was no clear refund policy and the reason for this letter from him is so that the Commission can address this issue. Everyone's understanding is that the owner can come back within 180 days and ask for a refund if nothing was built. Steve Austin stated that he understood it to be that since there was a service provided for these fees, there should not be a refund. The Commission disagreed being that this policy was adopted and it is in place and there has been no change. They also felt that Mr. Garcia knows the policy and it is his job to implement it. Steve Austin then stated that under Mr. Garcia's guidance on this policy, he was authorized to do this and they will continue to do this. Steve Austin insisted that this policy be looked at by legal counsel but the Commission strongly disagreed unless Mr. Garcia was doing something wrong that they should be aware of. Judge Garcia then stated that this item would be for no action.

NO ACTION
(SEE EXHIBIT S)

(03/19/96)

18C

Mr. Garcia stated that this variance request was that Mr. Stevenson be allowed to sell a 2.19 acre tract of land. The reason for this request is because this tract was sold and then repossessed because of failure to pay the land off. Another reason was that there was no water services out there. Mr. Garcia had spoken with Roy Tijerina of North Alamo Water and he was advised by Mr. Tijerina that they could sell the tract with water services such as a waterwell provided that the specs to the radius of the septic tank system are met and the testing of the waterwell be done before any kind of permit was issued. Commissioner Sanchez stated that he had looked at the requirements from the State and he had no problems with granting the variance. He then made a motion and was seconded by Commissioner Garces to grant the variance. Mr. Stevenson then addressed the Court with regards to the Planning Department. He did not feel that the amount of inspectors working was enough for the County. Judge Garcia thanked Mr. Stevenson for his comments and stated that there had recently been a workshop concerning the staff of Mr. Garcia and those matters will be addressed in the near future. The motion was then put to a vote and all voted in favor.

MOTION CARRIED
(SEE EXHIBIT S)

ITEM 19. COMMUNITY SERVICE AGENCY, MARIBEL NAVARRO-SAENZ:
A. TEXAS DEPARTMENT OF HEALTH MEDICAL TRANSPORTATION AMENDMENT
NO. 7 & EXTENSION OF SUB-PROVIDER AGREEMENTS

Mrs. Saenz stated that this was amendment #7 to the contract from the Department of Health. This will extend this contract from March 1, 1996 to August 31, 1996 for an additional \$100,000 to continue to provide services as they have in the past. These monies will come from the State. A motion was then made by Commissioner Arcaute and was seconded by Commissioner Sanchez to approve the amendment.

MOTION CARRIED
(SEE EXHIBIT S)

Mrs. Saenz then stated that she also needed to extend the providers. There are a total of five providers. A motion was made by Commissioner Sanchez and was seconded by Commissioner Garces to extend the contracts as presented.

MOTION CARRIED
(SEE EXHIBIT T)

ITEM 20. COMPUTER DEPARTMENT:
A. BUDGET AMENDMENT TO CREAT A COMPUTER TECH I
B. SET SALARY
C. BUDGET AMENDMENT TO ADJUST SALARY FOR COMPUTER TECH II
D. SET SALARY

Judge Garcia stated that this item would be for no action at this time.

NO ACTION
(SEE EXHIBIT U)

ITEM 21. AGREEMENT BETWEEN HIDALGO COUNTY & SOUTH TEXAS ISD

Mrs. Etnire stated that this was for the election that the County holds for South Texas ISD. A motion was made by Commissioner Rosel and was seconded by Commissioner Garces to approve the agreement between Hidalgo County and South Texas ISD.

MOTION CARRIED
(SEE EXHIBIT V)

At this time, the Commission moved on to the closed session items which were items 1 & 2.

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. EEOC COMPLAINT/POSSIBLE LITIGATION
ADD. 1. OET - PERSONNEL

At this time, the Commission retired into executive session.

ITEM 2. OPEN SESSION:
A. EEOC COMPLAINT/POSSIBLE LITIGATION
ADD. 1. OET PERSONNEL

A motion was made by Commissioner Garces and was seconded by Commissioner Rosel to accept the recommendation of EEOC and settle the complaint in the amount of \$1,372.80.

MOTION CARRIED
(NO EXHIBIT)

Judge Garcia stated that at this time, there would be no action on OET Personnel, Add. 1.

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

NO ACTION

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

NO ACTION

A motion was made by Commissioner Rosel 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
=====

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. AUTHORIZATION TO DECLARE EQUIPMENT SURPLUS

Vona Walker stated that these were old shredders that were used for spare parts. They are inoperable and she would like to declare them surplus. A motion was then made by Commissioner Garces and was seconded by Commissioner Rosel to approve.

MOTION CARRIED
(SEE EXHIBIT W)

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

MOTION CARRIED

THERE BEING 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 19TH day of MARCH, 1996.

ATTEST:

JOSE ELOY PULIDO, County Clerk
Hidalgo County, Texas

By: Aaron Betancourt
AARON BETANCOURT, Deputy

