

The Honorable J. Edgar Ruiz, County Judge, called this meeting to order, whereupon the following items were had to wit:

### CONSENT AGENDA

**ITEM 1. APPROVAL OF BILLS - COUNTY AUDITOR**

GENERAL FUND	- #122849 - #123055	- \$1,420,682.15
SPECIAL REVENUE FUND	- #122341 - #122448	- \$1,014,458.82
TRUST AND AGENCY FUND	- # 5678 - # 5680	- \$ 338,215.34
ENTERPRISE FUND	- # 2774 - # 2783	- \$ 11,549.39

**(EXHIBIT A)**

**ITEM 2. APPROVAL OF ATTORNEY'S FEES - \$65,806.00**

**(EXHIBIT B)**

**ITEM 3. APPROVAL OF MONTHLY FEE REPORTS:**

A. COUNTY CLERK - PART I	- \$106,204.00	- JULY
PART II	- \$130,619.74	- JULY
B. DISTRICT CLERK	- \$123,776.75	- JULY
C. ANZALDUA'S PARK	- \$ 6,068.00	- JULY

**(EXHIBIT C)**

**ITEM 4. PERMITS:**

A. NORTH ALAMO WATER SUPPLY CORPORATION - PCT. 4

**(EXHIBIT D)**

**ITEM 5. INTERNAL LINE ITEM TRANSFERS:**

A. CONSTABLE PCT. 2	- \$ 1,450.00
B. COUNTY TREASURER	- \$ 449.00
C. CONSTABLE PCT. 4	- \$ 1,098.00
D. HEALTH DEPARTMENT - CLINICS	- \$ 3,000.00
E. ADULT PROBATION - STATE FUNDS	- \$ 6,600.00
F. PLANNING DEPARTMENT	- \$ 1,000.00
G. COUNTY CLERK	- \$ 8,000.00
H. CONSTABLE PCT. 5	- \$ 850.00
I. COUNTY AUDITOR	- \$ 9,250.00
J. SHERIFF'S DEPARTMENT	- \$ 2,000.00
K. JAIL	- \$ 200.00
L. 139 <sup>TH</sup> DISTRICT COURT	- \$ 1,000.00
M. PCT. 1 - R & B	- \$24,783.75

**(EXHIBIT E)**

Judge Ruiz opened by welcoming Sylvia Handy. He stated that she is now part of the Judge's Office and is an Administrative Assistant. He then went on to state there would be no action on item 5C. **A motion was then made by Commissioner Garces and was seconded by Commissioner Rosel to approve the Consent Agenda as amended.**

**MOTION CARRIED**

**(EXHIBITS A-E)**

### EXECUTIVE AGENDA

**ITEM 1. CLOSED SESSION:**

**COMMISSIONER'S COURT MAY GO INTO CLOSED SESSION PURSUANT TO CHAPTER 551, TEXAS GOVERNMENT CODE, SECTIONS 551.071 & 551.072 TO**

**DISCUSS THE FOLLOWING MATTER:**

- A. **DISCUSSION ON SETTLEMENT OF AVILA VS. HIDALGO COUNTY**
- B. **DISCUSSION ON SETTLEMENT OF CAUSE #T-393-88-C - CALAME, LINEBARGER, GRAHAM & PENA**
- C. **ADCOX VS. HIDALGO COUNTY**

At this time, the Commission retired into Executive Session.

**ITEM 2. OPEN SESSION:**

- A. **DISCUSSION & ACTION ON SETTLEMENT OF AVILA VS. HIDALGO COUNTY**
- B. **DISCUSSION & POSSIBLE ACTION ON SETTLEMENT OF CAUSE #T-393-88-C - CALAME, LINEBARGER, GRAHAM & PENA**
- C. **DISCUSSION ON LITIGATION - ADCOX VS. HIDALGO COUNTY**

**2A**

Judge Ruiz stated that this was a lawsuit that was filed back in 1990. The insurance company along with their attorney are recommending a settlement of \$30,000 of which \$5,000 comes from the company and \$25,000 is from the policy deductible. **A motion was then made by Commissioner Rosel and was seconded by Commissioner Garces to approve the settlement of this case, Avila vs. County of Hidalgo as presented.**

**MOTION CARRIED  
(NO EXHIBIT)**

**2B&C**

Judge Ruiz stated that there would be **no action at this time** on these two items but they may have to come back to these items later on in the agenda.

**NO ACTION**

**REGULAR AGENDA****ITEM 1. TAX ASSESSOR/COLLECTOR:**

- A. **ANNUAL REPORT OF CURRENT AND DELINQUENT TAXES COLLECTED FOR YEAR ENDING JUNE 30, 1996**
- B. **TAX REFUND**
  - 1. **GERARDO GARCIA - \$1,359.90**

**1A**

Ciro Trevino proceeded to give a report of the tax collected for the previous year as per the exhibit. A total of \$78,664,239.79 was collected for all entities involved which amounts to an 87.5% collection percentage. There are 4.4 million dollars in delinquencies for the fiscal year. This amount will be turned over to the attorneys for collection. He went on to state that collections for this year are comparable to the previous year. **A motion was then made by Commissioner Sanchez and was seconded by Commissioner Garces to approve the tax collection report as presented.**

**MOTION CARRIED  
(EXHIBIT F)**

**1B**

**A motion was made by Commissioner Garces and was seconded by Commissioner Rosel to approve the tax refund as presented.**

**MOTION CARRIED  
(EXHIBIT F)**

**ITEM 2. APPROVAL TO ADOPT HIDALGO COUNTY DRUG ABUSE & DRUG TESTING  
POLICY - RAYMOND AGUILAR**

Raymond Aguilar addressed the Court and stated that they should be in compliance of the policies within a couple of weeks. **A motion was made by Commissioner Garces and was seconded by Commissioner to approve the Drug Abuse and Drug Testing Policy for Hidalgo County as presented.**

**MOTION CARRIED  
(EXHIBIT G)**

**ITEM 3. JUVENILE PROBATION:**

**A. EXTENSION OF S.T.A.R. PROGRAM AGREEMENT WITH McALLEN I.S.D.**

Buddy Silva addressed the Court and stated that they were looking for an extension for this program through September 15, 1996. The original contract expired July 31. Through this program with McAllen ISD, they are funded by the ISD and they are able to hire personnel to run the program. This program is a day boot camp program. The reason that they need the extension is to work out a new agreement with McAllen and there are enough funds to carry the program through the extension period. **A motion was then made by Commissioner Sanchez and was seconded by Commissioner Garces to amend the present S.T.A.R. Project contract to extend it through September 15, 1996.**

**MOTION CARRIED  
(EXHIBIT H)**

**ITEM 4. APPROPRIATION OF FUNDS:**

- A. JAIL COMMISSARY ACCOUNT - \$3,000.00**
- B. ADULT PROBATION (STATE FUNDS) - \$7,500.00**
- C. CONSTABLE PCT. 5 - INV. FUND H.B. 65 - \$3,230.27**

**4A**

Lt. Fidel Jasso addressed the Court and stated that the reason for this appropriation is for the purchase of legal books at the jail. **A motion was made by Commissioner Garces and was seconded by Commissioner Rosel to approve the appropriation of \$3,000.00 of jail commissary funds.**

**MOTION CARRIED  
(EXHIBIT I)**

**4B**

Joe Lopez stated that these funds will be used for the purpose of the deposit money for a new computer system. They do have that in the budget at this time. **A motion was made by Commissioner Rosel and was seconded by Commissioner Arcaute to appropriate \$7,500 in Adult Probation State Funds for data processing.**

**MOTION CARRIED  
(EXHIBIT I)**

**4C**

Judge Ruiz stated that these funds were confiscated funds and they have to be appropriated. The total amount is \$3,230.27 and it will go into repair and maintenance, supplies

equipment repair and maintenance and machinery and equipment. **A motion was made by Commissioner Sanchez and was seconded by Commissioner Garces to approve the appropriation of \$3,230.27 as presented.**

**MOTION CARRIED  
(EXHIBIT I)**

**ITEM 5. SHERIFF'S DEPARTMENT:**

- A. **AUTHORIZATION TO TRANSFER \$1,670.67 TO MOTOR VEHICLE REPAIR PARTS AND SUPPLIES - INSURANCE CHECK**
- B. **AUTHORIZATION TO TRANSFER \$6,502.83 TO MACHINERY & EQUIPMENT INSURANCE CHECK**
- C. **ADJUSTMENT OF SHERIFF AND JAIL BUDGET**

**5A**

Fidel Jasso stated that these monies were received from an insurance company for damage to a vehicle. **A motion was made by Commissioner Rosel and was seconded by Commissioner Garces to authorize the transfer of \$1,670.67 from revenue from insurance into the Sheriff's Department for their motor vehicle repair parts and supplies.**

**MOTION CARRIED  
(EXHIBIT J)**

**5B**

Lt. Jasso stated that these monies are also from damages to a unit. **A motion was made by Commissioner Sanchez and was seconded by Commissioner Arcaute to authorize the transfer of \$6,502.83.**

**MOTION CARRIED  
(EXHIBIT J)**

**5C**

Lt. Jasso stated that the total amount is \$200,000. Judge Ruiz stated that this stemmed from surplus that has accumulated from the salaries line item. These funds will be transferred to the food category. **A motion was made by Commissioner Rosel and was seconded by Commissioner Garces to approve adjustments in the Sheriff's and Jail Budget changing from 03 to 25 in the amount of \$200,000.**

**MOTION CARRIED  
(EXHIBIT J)**

**At this time, Mr. De La Vina nor anyone from the Health Department was present. The Commission moved on to item 8 after being advised by Paul Vazaldua that they were on their way.**

**ITEM 8. PLANNING DEPARTMENT:**

- A. **PRELIMINARY PLAT APPROVAL:**
  - 1. **EVERGREEN DEVELOPMENT COMPANY SUBDIVISION UNIT #2 - PCT. 4**
- B. **VARIANCE REQUEST:**
  - 1. **LETICIA RIOS - PCT. 1**

**8A1**

Emilio Garcia stated that this subdivision was for preliminary approval and it is located in a rural area of the County. Mr. Garcia stated that they recommend the preliminary approval subject to the extension of the waterline to this tract. **A motion was then made by**

Commissioner Garces and was seconded by Commissioner Rosel to give Evergreen Development Company Subdivision preliminary plat approval as presented.

**MOTION CARRIED**  
**(EXHIBIT K)**

**8B1**

Mr. Garcia stated that the reason for this request is in reference to the family partition. He is requesting to be allowed to use a 30 foot easement instead of a 50 foot easement and this will allow him to meet the ½ acre requirement. They want to convey the land to their daughter so that she may live in the existing home. There is an existing home on the property. Commissioner Sanchez nor the rest of the Commission did not see a problem with this. **A motion was then made by Commissioner Sanchez and was seconded by Commissioner Garces to approve the variance request by Leticia Rios in Pct. 1 as presented.**

**MOTION CARRIED**  
**(EXHIBIT K)**

Mr. Garcia stated that he had been informed by the Engineer of Ayala-Bazan Subdivision that they will be bringing the rest of the items that were lacking for this subdivision. Those item was the Drainage Statement. Everything else is in place.

**ITEM 9. URBAN COUNTY:**

- A. **CITY OF MERCEDES - CHANGE ORDER #1 WITH RICHARDSON WATER WELL DRILLING CO.**
- B. **CITY OF PENITAS - PFI NEIGHBORHOOD FACILITIES IMPROVEMENTS (DEMO-LITATION & CLEARANCE) CONTRACT - RENE VILLARREAL**
- C. **CITY OF PENITAS - PFI STREET IMPROVEMENTS - CONTSTRUCTION CONTRACT WITH MISSION PAVING CO.**
- D. **CITY OF ELSA - SUBRECIPIENT AGREEMENT - SPECIAL OLYMPICS**
- E. **PCT. 4 - PFI STREET IMPROVEMENTS UCP YEAR 9 - PROFESSIONAL ENGINEERING SERVICES CONTRACT**
- F. **CDBG COUNTY WIDE YEAR 8 - BUDGET AMENDMENT**

**9A**

Raul Lozano stated that this change order was in the amount of \$27,215.95 and it is an increase. The new contract amount is \$214,215.95. This is to cover additional work. They will install pump. **A motion was made by Commissioner Sanchez and was seconded by Commissioner Arcaute to approve the change order to the contract with Richardson Water Well Drilling Co. doing work for the City of Mercedes. The amount increases \$27,215.95.**

**MOTION CARRIED**  
**(EXHIBIT L)**

**9B**

Mr. Lozano stated that this was a demolition contract and the low bid was Rene Villarreal to demolish an existing facility to conduct the Headstart Center Improvements. The contract amount is \$3,300. After further comment, **a motion was made by Commissioner Rosel and was seconded by Commissioner Garces to approve a contract with Rene Villarreal for demolition and clearance activity in the City of Penitas. The amount of the contract is \$3,300.**

**MOTION CARRIED**  
**(EXHIBIT L)**

**9C**

Mr. Lozano stated that this contract is with Mission Paving in the amount of \$27,500. This is for the paving of streets as per exhibit. **A motion was made by Commissioner Rosel and was seconded by Commissioner Sanchez to approve a contract with Mission Paving for the paving of certain roads in Penitas, County of Hidalgo. The amount of the contract is \$27,500.**

***MOTION CARRIED  
(EXHIBIT L)***

**9D**

Mr. Lozano stated that this agreement will be for \$5,000 and it will come from the City of Elsa's budget. They will purchase equipment for the Special Ed. Program. **A motion was made by Commissioner Sanchez and was seconded by Commissioner Arcaute to approve a subrecipient agreement with County of Hidalgo, Edcouch-Elsa City and the Edcouch-Elsa Cooperative Special Olympics in the amount of \$5,000.**

***MOTION CARRIED  
(EXHIBIT L)***

**9E**

Mr. Lozano stated that this was a contract in the amount of \$63,421 with J.E. Saenz and Assoc. They will be improve the year 9 streets as listed in the exhibit. After brief comments, **a motion was made by Commissioner Garces and was seconded by Commissioner Rosel to approve a Professional Service Contract with J.E. Saenz and Assoc. in the amount of \$63,421. This is for year 9 street improvements in Pct. 4.**

***MOTION CARRIED  
(EXHIBIT L)***

**9F**

Mr. Lozano stated that a public hearing for this amendment has been held. There were no comments from the public. This amendment will create two new activities under the County Wide year 8 program. This will be Public Service for Abused and Neglected Children or the CASA program for \$5,000 and Parks and Recreation Facilities for the Monte Alto ISD for \$20,000. These funds will come from an un-programmed fund line item which has \$94,000. **A motion was then made by Commissioner Garces and was seconded by Commissioner Arcaute to approve the budget amendment for the County Wide year 8 as presented.**

***MOTION CARRIED  
(EXHIBIT L)***

**ITEM 10. BUDGET AMENDMENTS:**

- A. 93<sup>RD</sup> DISTRICT COURT - \$2,775.00
- B. COURT OF APPEALS - \$147,891.00

**10A**

Judge Ruiz stated that this money was to pay outstanding bills. **A motion was made by Commissioner Rosel and was seconded by Commissioner Arcaute to approve a budget amendment of \$2,775.**

***MOTION CARRIED  
(EXHIBIT M)***

**10B**

Judge Ruiz stated that this was an amendment to the contract for payment #4 of the construction of the Court of Appeals. **A motion was made by Commissioner Sanchez and was seconded by Commissioner Garces to approve the amendment of \$147,891 for payment #4 to the Court of Appeals.**

**MOTION CARRIED  
(EXHIBIT M)**

**ITEM 11. APPROVAL OF APPLICATION NO. 4 - 13<sup>TH</sup> COURT OF APPEALS RENOVATION - MERRITT CONSTRUCTION.**

Judge Ruiz stated that this was the actual authorization of payment in the amount of \$140,497. **A motion was made by Commissioner Rosel and was seconded by Commissioner Garces to approve.**

**MOTION CARRIED  
(EXHIBIT N)**

**ITEM 6. INDIGENT HEALTH CARE, RUDY DE LA VINA****A. CONSIDERATION OF LOAN****6A**

Mr. De La Vina opened by stating that this is traditionally done every year about this time. This is more for cash flow purposes. This will be to access State Funds that are available under the 80/20 match. They have reached their 10% whereby they then go into the 80/20 match mode. The 10% was \$3,430,000 and they have now expended \$3,788,000 which puts them over the 10%. The amount that they are asking is 1.1 million. After further comments, **a motion was made by Commissioner Sanchez and was seconded by Commissioner Garces to approve the advance of 1 million dollars.**

**MOTION CARRIED  
(EXHIBIT O)**

**ITEM 7. HEALTH DEPARTMENT:**

- A. PRESENTATION PERTAINING TO STAFFING PATTERNS, ASSIGNMENTS ETC. FOR HEALTH CLINICS**
- B. AUTHORIZATION TO ADJUST HEALTH DEPARTMENT BUDGET AND APPROPRIATE \$148,000 APPROVED BY COMMISSIONER'S COURT**
- C. SET SALARIES**
- D. AUTHORIZATION TO INITIATE REDUCTION IN FORCE**

**7A**

Mr. De La Vina opened by stating that this was in relation of closure on non-closure of clinics. They have been trying to figure a way to keep the clinics open with the least amount of impact on the budget. They have come up with a revised figure and still keep all the clinics open with the exception of Sullivan City and that is \$74,000 but this is inclusive a reduction in force. **A motion was then made by Commissioner Rosel to keep all the clinics open with the exception of Sullivan City and was seconded by Commissioner Garces for discussion.** During these comments, Judge Ruiz stated that there are plans to re-open this clinic with some primary care as well as preventative care by a non-profit corporation. WIC will continue at this clinic. **After further comments, the motion was then put to a vote and all voted in favor.**

**MOTION CARRIED  
(EXHIBIT P)**

**7D**

Mr. De La Vina stated that if they did not do this, they would require the full \$148,000. This will require a reduction of 14 positions and they will be able to keep all the clinics open, hire more nurses and upgrade current staff positions and do it with less money. The 14 positions that are being proposed will have an annual affect on the budget of \$203,542. **A motion was then made by Commissioner Rosel and was seconded by Commissioner Garces to authorize and initiate the reduction in force of 14 in the Hidalgo County Health Department. Effective September 1.**

**MOTION CARRIED  
(EXHIBIT P)**

Mr. De La Vina stated that they may not meet the September 1 deadline but if they do not, they do have some overlapping funds to cover some time after Sept. 1. They will follow all rules and regulations as per the personnel policy.

**7B**

Judge Ruiz that this amount will change from \$148,000 to \$74,000 and they will be able to create 2 RN's and 1 APN and also give a salary increase to two positions. They are slot 7 and slot 56. The salary line item will not be adjusted in any way at this time. Commissioner Arcaute stated that the first thing that will have to be done is the rescission of the \$148,000 already appropriated. **A motion was then made by Commissioner Arcaute and was seconded by Commissioner Garces to rescind our previous action to appropriate \$148,000 to the Health Department.**

**MOTION CARRIED (RESCINDED)  
(EXHIBIT P)**

**A motion was then made by Commissioner Rosel and was seconded by Commissioner Garces to amend the General Fund by \$74,000 into the Hidalgo County Health Department.**

**MOTION CARRIED**

**A motion was made by Commissioner Rosel and was seconded by Commissioner Garces to appropriate the funds of \$74,000 to show salaries \$47,969.36 and all the fringes. There are drugs in the amount of \$15,173.64 and there are two salary increase. Slot 7 is being increased by \$3,334 and slot 56 is increased by \$2,334. There are three new positions being created. 2 RN's and 1 APN.**

**MOTION CARRIED****7C**

Mr. De La Vina stated there is a list as per the exhibit that is being considered for an upgrade. They propose use program income for this upgrade. Judge Ruiz stated that he did not have a problem with this because this is supposed to be the 7% increase that they did not get along with the rest of the County. He did question the performance of these individuals. Lydia Serna addressed the Court and stated that she has evaluated all the employees listed and feels that they do deserve this increase. There was some discussion on the performance of this staff. Mrs. Serna and the Commission did not agree on this issue. The Commission had a statistic that the staff was only seeing 3 patients per day and Mrs. Serna stated that it was more even though she did not know right off hand. Commissioner Garces stated that he derived at this figure by a 1989 report by Dr. Wilson. During further discussion, Judge Ruiz asked why these increases were not given at the first of the year. Mrs. Serna stated that it was her understanding that they

were not approved then and also because the way program income was distributed this year. It was divided among the different grants therefore making it more widespread. The money is there now. This increase will take effect now for September 1 for the new fiscal year. In essence, they are not getting any for year 1996 but it will be addressed come budget talks. After further comments, **a motion was made by Commissioner Garces and was seconded by Commissioner Rosel to approve an across the board salary increase of 7% for their RN's, RN Supervisors, LVN's, approximately 7%, at an annual effect of \$31,000 and it will come from their program income.**

***MOTION CARRIED  
(EXHIBIT P)***

Part of the reason that they are doing this is to remain competitive in the market for nurses. Commissioner Arcaute stated that if this was true, they are talking about a re-adjustment of salaries and not a 7% across the board increase. Mr. De La Vina stated that they are addressing it as an upgrade which amounts to 7% which goes back to the 7% given to all other County employees. **There was some confusion as to what exactly was being done, therefore, Judge Ruiz recommended that the action of a 7% increase be rescinded. Commissioner Sanchez so moved and was seconded by Commissioner Rosel.**

***MOTION CARRIED***

At this time, the Commission returned to their Executive Session.

**ITEM 2. OPEN SESSION:**

**DISCUSSION AND POSSIBLE ACTION ON SETTLEMENT OF CAUSE #T-393-88C - CALAME, LINEBARGER, GRAHAM & PENA**

Judge Ruiz stated that in this item, the City of McAllen has a good intention of acquiring approximately 4.7 acres of land to give to Amigos Del Valle for a possible low rent housing program. They have now accepted conveyance because of delinquent owners. In doing so, it is the opinion of Steve Crain that this was not handled in the most appropriate way. Because of this action, their request to the County to approve and Interlocal Agreement is faulted. He is recommending to Court that they work with McAllen to acquire this land so that it may be used in the future for this purpose. He feels that they should return to property back the owners and continue the ongoing lawsuit and the County recover the land through default and then go into an agreement whereby they return it to the McAllen to use for this housing. **No action was taken at this time.**

***NO ACTION***

**A motion was made by Commissioner Arcaute and was seconded by Commissioner Rosel to adjourn Commissioner's Court agenda.**

***MOTION CARRIED***

**DRAINAGE DISTRICT**

The Honorable J. Edgar Ruiz, County Judge, called this Drainage District Board Meeting to order, whereupon the following items were had to wit:

**ITEM 1. PERMITS:**

**A. CITY OF HIDALGO**

**A motion was made by Commissioner Arcaute and was seconded by Commissioner Rosel to approve the request for permit by City of Hidalgo as presented.**

***MOTION CARRIED  
(SEE EXHIBIT***

**ITEM 2. LINE ITEM TRANSFER**

Mrs. Walker stated that this was in the amount of \$2,353.75 and it was from other repairs into Judgments and Damages. **A motion was made by Commissioner Garces and was seconded by Commissioner Arcaute to approve the line item transfer as presented.**

***MOTION CARRIED  
(EXHIBIT R)***

**A motion was made by Commissioner Sanchez and was seconded by Commissioner Garces to adjourn Drainage District No. 1.**

***MOTION CARRIED***

**THERE BEING NO FURTHER BUSINESS TO COME BEFORE THIS DRAINAGE DISTRICT BOARD, THIS MEETING STANDS ADJOURNED.**