

The Honorable J. Edgar Ruiz, County Judge, called this Commissioner's Court Meeting to order whereupon the following items were had to wit:

**CONSENT AGENDA**

**ITEM 1. APPROVAL OF CHECK REGISTER AND PAYMENT OF CLAIMS/BILLS - COUNTY AUDITOR**

GENERAL FUND - #130335 - #130520 - \$ 805,290.09  
SPECIAL REVENUE FUND - #129507 - #129788 - \$1,154,087.98  
TRUST AND AGENCY FUND - # 6263 - # 6288 - \$ 65,657.75  
ENTERPRISE FUND - # 3111 - # 3111 - \$ 24,292.00

(EXHIBIT A)

**ITEM 2. APPROVAL OF MONTHLY COLLECTION REPORTS:**

- A. JUSTICE OF THE PEACE:
  - 1. ARNALDO CORPUS:
    - a. FEBRUARY - 1997 - \$2,379.01
    - b. MARCH - 1997 - \$3,923.86
- B. DISTRICT CLERK
  - 1. APRIL - 1997 - \$171,413.53

(EXHIBIT B)

**ITEM 3. PLANNING DEPARTMENT:**

- A. SUBDIVISIONS:
  - 1. LAS BRISAS DEL ORO UNIT 1 - PCT. 1

(EXHIBIT C)

**ITEM 4. COURT REPORTER FEES:**

- A. MARK KVAPIL - \$3,577.89
- B. ANNETTE ESCOBAR - \$868.00
- C. FRANCISCO MORENO - \$7,181.00

(EXHIBIT D)

**ITEM 5. PERMITS:**

- A. PCT. 1:
  - 1. WESTERN GEOPHYSICAL CORPORATION
  - 2. NORTH ALAMO WATER SUPPLY
- B. PCT. 2:
  - 1. 3M ENERGY CORPORATION
- C. PCT. 3:
  - 1. SOUTHWESTERN BELL TELEPHONE
- D. PCT. 4:
  - 1. NORTH ALAMO WATER SUPPLY

(EXHIBIT E)

**ITEM 6. INTERNAL LINE ITEM TRANSFERS**

A. SHERIFF'S DEPT. DEPT. OF JUSTICE IMMIGRATION PROGRAM - \$ 9,500.00

|   |   |    |
|---|---|----|
| B. SHERIFF'S DEPARTMENT - GENERAL FUND  |   |    |
| - \$10,820.00                           |   |    |
| C. LIBRARY SYSTEM - GENERAL FUND        | - |    |
| \$16,220.00                             |   |    |
| D. BUILDINGS AND GROUNDS - GENERAL FUND | - | \$ |
| 620.00                                  |   |    |
| E. RESTITUTION CENTER - STATE FUNDS     | - | \$ |
| 440.00                                  |   |    |
| (EXHIBIT F)                             |   |    |

A motion was made by Commissioner Arcaute and was seconded by Commissioner Garces to approve the Consent Agenda as presented.

MOTION CARRIED  
(EXHIBITS A-F)

### **REGULAR AGENDA**

**ADD. #1. OFFICE OF EMPLOYMENT AND TRAINING - AUTHORIZATION TO APPLY FOR AND BECOME GRANT RECIPIENT FROM DEPARTMENT OF LABOR TITLE IV FUNDS FOR PERSONS WITHIN THE RIO GRANDE VALLEY EMPOWERMENT ZONE OF HIDALGO & WILLACY COUNTIES - 1.8 MILLION DOLLARS**

Judge Ruiz stated that OET has worked on this proposal over the weekend to finish this proposal and have it submitted to Washington D.C. today. Dick Dickinson addressed the Court and stated that this was a pilot program for out of school youth. This were service the people within the empowerment zone. The total amount of this grant is 1.8 million and they will work in conjunction with the empowerment zone. The zone will match this with approximately 1.7 million. There will still be some negotiations. The County will be the grant recipient. This grant will allow OET to place their monies in other parts of the budget being that this grant covers the empowerment zone. After further comment, a motion was made by Commissioner Handy and was seconded by Commissioner Garces to authorize the submittal of this grant to Department of Labor "JOBS FOR THE FUTURE" proposal totaling \$3,260,067.26 and authorize the County Judge to sign all necessary documents thereof.

MOTION CARRIED  
(EXHIBIT G)

### **EXECUTIVE AGENDA**

**ITEM 1. CLOSED SESSION:**  
COMMISSIONER'S COURT MAY GO INTO CLOSED SESSION PURSUANT TO  
CHAPTER 551, TEXAS GOVERNMENT CODE, SECTION 551.071 TO

DISCUSS

THE FOLLOWING MATTER

A. LITIGATION:

1. CONSULTATION WITH ATTORNEY

At this time, the Commission retired into closed session.

**ITEM 2. OPEN SESSION:**

A. LITIGATION:

1. POSSIBLE ACTION REGARDING VALERO ENERGY CORPORATION

2A

NO ACTION

AT THIS TIME, THE COMMISSION CONTINUED WITH THE REGULAR AGENDA AND WENT TO ITEM 12.

**ITEM 12. DISCUSSION AND ACTION ON BANK DEPOSITORY BIDS**

Judge Ruiz stated that their initial intent was to take the bids under advisement to allow themselves more time to review the proposals. They were informed by legal counsel that it is mandatory that they award today. Juan Nunez, CPA, addressed the Court and stated that there were only two applications received by the County. He stated that they obtained clarifications from both banks on certain items. Manuel Garcia stated that they have evaluated both proposals. It was difficult because 1st National Bank did not stay within the requirements requested by the County. Upon their review, they are recommending 1st National Bank with two conditions and assumptions. This will be contingent on the County moving their demand accounts to their money market accounts or interest bank accounts. IBC's offer states that the money is deposited with them, the County's money will be earning interest 100% of the time. First national gives the option that the County can put it to that account. The other condition is the accountant needs to take the initiative to do the overnight investments. IBC will do this automatically. The assumptions are the overall interest will not drop below 4%. IBC gave a limit of not to go below this 4% and 1st National did not. Also, they expect 1st National Bank to stay competitive and provide good interest rates in their money market accounts or interest bearing accounts better than negative 75 points off the 13 week T bill. IBC provides a cap of not less than 75 points. Mr. Garcia stated that if there are any problems with the conditions or assumptions then the best bet is to go with IBC. Mr. Garcia made recommendations based on assumptions. The Commission proceeded to ask some questions. Upon Mr. Garcia closing, Judge Ruiz summarized the presentation. He stated that Mr. Garcia based his recommendation on yield. Other than these points aforementioned, both banks were similar in their proposals. Mr. Cavazos had a problem with the issue of the lock boxes being that the bank will keep the monies 6 days before returning them back to the County. Mr. Garcia, however, stated that this can be reduced upon negotiation. Mr. Cavazos wanted no holdover time, immediate credit. Commissioner Arcaute asked then about the specs because of the concern Mr. Cavazos had. The language in the specs called for 6 day hold. Mrs. Salazar was asked if everyone had a chance to review the specs and she stated that they had. Mr. Cavazos stated that he did not until the bids were received being that he just recently came on

board. Saul Ortega, Comptroller 1st National Bank, addressed the Court and proceeded to present their credentials to the Court. He feels that his firm will be the best for the County being that they have had the account for the last 10 years. They are paying at a higher rate than IBC. David Guerra of IBC then addressed the Court and gave the credentials for his firm. He stated that he feels that his bank is the best choice for the County being that his bank can match anything 1st National Bank can do. His bank processes more transactions than 1st National. They are also in the process of expanding. He feels that his firm has given the best proposal for this issue. He feels that they are the only ones who met the specifications. He stated that on the lock box issue, his bank will give credit the next day. They only stated six because that is what was on the specs. A question and answer session ensued. There was some discussion concerning the lock box issue. Commissioner Garces asked if these issues could be split up. Mr. Crain stated that technically the lock box is not part of the depository bid but he is not able to give a yes or no answer with regards to the question. Afterwards, a motion was made by Commissioner Arcaute and was seconded by Commissioner Garces to award bid to International Bank of Commerce based on their bid and their proposal.

MOTION CARRIED (COMM. ROSEL OPPOSED)  
(EXHIBIT H)

**ITEM 1. TEXAS DEPARTMENT OF PROTECTIVE SERVICES:**

A. PROCLAMATION PROMOTING THE MONTH OF MAY AS FOSTER CARE MONTH IN HIDALGO COUNTY

1A

A motion was made by Commissioner Handy and was seconded by Commissioner Garces to approve the proclamation.

MOTION CARRIED  
(EXHIBIT I)

**ITEM 2. TAX OFFICE:**

A. APPROVAL TO PAY TAX REFUND:

1. JOSE A. GONZALEZ - \$996.80
2. IRVIN WILLIAMSON - \$602.39
3. ENRIQUE GUERRA - \$7,194.89

2A1-3

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

MOTION CARRIED  
(EXHIBIT J)

**ITEM 3. SHERIFF'S DEPARTMENT:**

- A. DISCUSSION AND REPORT ON COUNTY JAIL POPULATION
- B. AUTHORIZATION TO ENTER INTO INTERLOCAL AGREEMENT WITH THE FOLLOWING COUNTIES FOR EXCESS INMATE HOUSING:

1. COLORADO COUNTY
  2. KERR COUNTY
  3. DALLAS COUNTY
- C. AUTHORIZATION TO ENTER INTO A VEHICLE USE AGREEMENT WITH ALLSTATE INSURANCE COMPANY FOR HTE TRANSFER OWNERSHIP OF 1 1993 GMC K1500 YUKON (#GKEK18K8PJ18464) PURCHASE PRICE IS \$1

3A

Adolfo Cantu addressed the Court and gave a break down of the inmates at the Jail per court. They are currently 716 inmates. There are 200 waiting for trial, 71 revocations and 121 pending TDC action. He continued with the break down. The Commission expressed their discontent with the process of the judicial system at this point and time. During further comments, Judge Ruiz reiterated on the fact that they need to pull all entities involved and work this out. No further action was taken.

NO ACTION

3B1&2

Joe Jackson stated that at this time, there are currently have the agreements with Colorado County and Kerr County. The rate will be \$35 per day per inmate with Kerr County and the rate for Colorado County the rate will be also for \$35 per day per inmate and they can house up to 40 inmates. There are some other agreements but those counties are currently at capacity. After further comments, a motion was made by Commissioner Rosel and was seconded by Commissioner Garces to approve the interlocal agreement with Colorado and Kerr County for the housing of prisoners for the County of Hidalgo.

MOTION CARRIED  
(NO EXHIBIT)

3B3

NO ACTION

3C

Emilia Uriegas addressed the Court and stated that this will be for a vehicle from Allstate in the amount of \$1 per year. A motion was made by Commissioner Garces and was seconded by Commissioner Handy to approve.

MOTION CARRIED  
(EXHIBIT K)

**ITEM 4. COUNTY JUDGE:**

- A. APPROVAL OF RESOLUTION DESIGNATING THE COUNTY JUDGE AS AUTHORIZED REPRESENTATIVE OF THE COUNTY OF HIDALGO TO GIVE NOTICE OF INTENT TO REIMBURSE EXPENDITURES WITH PROCEEDS OF TAX EXEMPT OBLIGATIONS

4A

Judge Ruiz stated that this is needed to include the Court of Appeals renovation as well as the Pulmonary Clinic. A motion was made by Commissioner Rosel and was seconded by Commissioner Garces to approve.

MOTION CARRIED  
(EXHIBIT L)

**ITEM 5. HEALTH DEPARTMENT:**

- A. APPROVAL TO CREATE NEW POSITION - PERMIT CLERK FOR THE PCT. 1 OFFICE AND SET SALARY IN THE AMOUNT OF \$13,375
- B. APPROVAL OF BUDGET AMENDMENT IN THE AMOUNT OF \$9,859 - THIS WILL COVER THE PRORATED SALARY FOR THE REMAINDER OF 1997 FOR PERMIT CLERK
- C. APPROVAL AND APPROPRIATION OF PROGRAM INCOME FOR:
  - 1. TDH OFFICE REG. ADM. SERVICE - \$ 17,693.71
  - 2. TDH TB. CONTROL - \$ 17,687.36
  - 3. TDH TB ELIMINATION SERVICES - \$ 28,912.63
  - 4. TDH IMMUNIZATION EPI - \$124,433.31
  - 5. TDH IMMUNIZATION - IAP - \$ 34,907.05

=====

\$223,634.06
- D. APPROVAL AND APPROPRIATION OF PROGRAM INCOME FOR TITLE V FUNDS IN THE AMOUNT OF \$70,880.62
- E. APPROVAL OF MERIT INCREASE AND SET SALARIES - MONIES ARE TO BE GENERATED FROM THE PROGRAM INCOME GRANT

5A

Michael Keenan addressed the Court and stated that this position was needed to due to the increase of permit application. A motion was made by Commissioner Handy and was seconded by Commissioner Garces to approve.

MOTION CARRIED  
(EXHIBIT M)

5B

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

MOTION CARRIED  
(EXHIBIT M)

5C-E  
NO ACTION

**ITEM 6. CONSTABLE PCT. 1:**

- A. BUDGET AMENDMENT TO ACCOUNT 7-010-421-231.49 IN THE AMOUNT OF \$1,003.77 - THESE ARE MONIES ANNUALLY RECEIVED FROM THE STATE (L.E.O.S.E.) FOR CONTINUING EDUCATION

6A

A motion was made by Commissioner Garces and was seconded by Commissioner Rosel to approve budget amendment of \$1,003.77 going to the budget of constable pct. 1.

MOTION CARRIED  
(EXHIBIT N)

**ITEM 7. PCT. 1:**

- A. APPROVAL OF ADDENDUM #1 TO PROFESSIONAL SERVICE AGREEMENT BETWEEN HIDALGO COUNTY AND L.L. RODRIGUEZ & ASSOC. INC. TO INCLUDE PREPARATION OF CONSTRUCTION PLANS

7A

Commissioner Handy stated that this contract was for constructions plans on some of the streets that were totaled. She is now adding 7 more roads to the contract. A motion was made by Commissioner Handy and was seconded by Commissioner Garces to approve the addendum #1 to the contract with L.L. Rodriguez & Assoc. as presented.

MOTION CARRIED  
(EXHIBIT O)

**ITEM 8. PCT. 3:**

- A. AUTHORIZE EXEMPTION FROM COMPETITIVE BIDDING FOR ENGINEERING SERVICES AND APPROVAL CONTRACT WITH PHASE V ENGINEERING

8A

Commissioner Rosel stated that they will be opening Schuerbach Road. This road is not paved but need to be. They will also work on Bryan Rd. They will be extending this road further. There was a question on behalf of the Commission being that they just hired Godfrey Garza as the Drainage District Director and there could be a conflict of interest. Mr. Garza stated that they are trying to finish out any work that was on going and not commence any new work. Mr. Garza also stated that all that was done was the research for this issue. Judge Ruiz suggested that they pay for that research and cut the contract off because of the conflict of interest. After further comments, Commissioner Rosel requested no action.

NO ACTION  
(EXHIBIT P)

**ITEM 9. URBAN COUNTY:**

- A. CITY OF DONNA - APPROVAL OF PROFESSIONAL SERVICE (ENGINEERING) CONTRACT WITH RUST LICHLITER & JAMESON, YR. 9 - PFI PARKS AND RECREATION FACILITY IMPROVEMENTS
- B. CITY OF EDCOUCH - PFI - PARKS, RECREATIONAL FACILITY (FY 1994, 1995, 1996) - APPROVAL OF A CONSTRUCTION CONTRACT WITH

APCON GENERAL CONTRACTORS

- C. CITY OF PROGRESO - HOME HOUSING REHABILITATION PROGRAM - CONSTRUCTION CONTRACT AWARD
- D. HOME/HOME OWNER OCCUPIED HOUSING REHAB APPLICATION
- E. HOME FIRST TIME HOME BUYER CONTRACT AGREEMENT AND LETTER OF COMMITMENT TO MORTGAGE COMPANY (2 FAMILIES)
- F. EXTENSION OF LETTER OF COMMITMENT TO MORTGAGE COMPANY ON HOME FIRST TIME HOME BUYER CONTRACT AGREEMENT (1 FAMILY)
- G. EXTENSION OF LETTER OF COMMITMENT TO MORTGAGE COMPANY ON HOME FIRST TIME HOME BUYER CONTRACT AGREEMENT (1 FAMILY)
- H. EXTENSION OF LETTER OF COMMITMENT TO MORTGAGE COMPANY ON HOME FIRST TIME HOME BUYER CONTRACT AGREEMENT (1 FAMILY)

9A

Anthony Covacevich stated that this contract was in the amount of \$4,000. A motion was made by Commissioner Handy and was seconded by Commissioner Arcaute to award a professional service contract to Rust, Lichliter and Jameson along with the City of Donna for force account work under parks and recreation facilities.

MOTION CARRIED  
(EXHIBIT Q)

9B

Mr. Covacevich stated that this contract with Apcon General Contractors is in the amount of \$144,300. He is recommending approval. A motion was made by Commissioner Handy and was seconded by Commissioner Arcaute to award bid to Apcon General Contractor as the low bidder awarding the base bid of \$133,300 and the alternate bid of \$11,000 total bid \$144,300.

MOTION CARRIED  
(EXHIBIT Q)

9C

NO ACTION

9D

Mr. Covacevich stated that there were two applicants in the amount of \$12,000 and \$15,000 as per the exhibit. A motion was made by Commissioner Rosel and was seconded by Commissioner Garces to approve the City of La Joya and City of Granjeno housing rehab, one for \$12,000 and one for \$15,000.

MOTION CARRIED  
(EXHIBIT Q)

9E

Mr. Covacevich stated that these two families met the requirements for

this program. A motion was made by Commissioner Handy and was seconded by Commissioner Arcaute to award Fransisco Rodriguez and Carlos Reyna letters of commitment and to Rosel Mortgage Services and Frontera Mortgage letter of commitment.

MOTION CARRIED  
(EXHIBIT Q)

9F

Mr. Covacevich stated that this extension was for 90 days. A motion was made by Commissioner Garces and was seconded by Commissioner Arcaute to award an extension of time of 90 days to the letter of commitment given to Nancy De Los Santos and the Veterans Land Board.

MOTION CARRIED  
(EXHIBIT Q)

9G

Mr. Covacevich stated that this was also for 90 days. A motion was made by Commissioner Garces and was seconded by Commissioner Rosel to approve.

MOTION CARRIED  
(EXHIBIT Q)

9H

A motion was made by Commissioner Rosel and was seconded by Commissioner Arcaute to approve a 90 day extension for Santos Estevanes and Frontera Mortgage as presented.

MOTION CARRIED  
(EXHIBIT Q)

**ITEM 10. PLANNING DEPARTMENT:**

- A. FINAL PLAT APPROVAL:
  - 1. EL SENDERO SUBDIVISION UNIT 1 - PCT. 3
- B. FINAL PLAT APPROVAL WITH LETTER OF CREDIT:
  - 1. PRAIRIE VIEW HEIGHTS PHASE III - PCT. 3
- C. DISCUSSION AND POSSIBLE ACTION WITH LETTER OF CREDIT:
  - 1. SALIDA DEL SOL ESTATES SUBDIVISION - PCT. 3

10A1

Emilio Garcia addressed the Court and stated that all improvements have been completed in accordance to the County. A motion was made by Commissioner Rosel and was seconded by Commissioner Garces to approve as presented.

MOTION CARRIED  
(EXHIBIT R)

10B1

Mr. Garcia stated that his subdivision has been approved by the City of Mission. The utilities will be serviced by the Mud District. He is recommending approval of this subdivision but before the release of the letter of credit, the developer must install the street signs, traffic control devices, testing of the streets, final letter from the corporation and drainage facility affidavit. A motion was made by Commissioner Rosel and was seconded by Commissioner Garces. Raul Sessin addressed the Court and stated that they will have a pond in the subdivision that will detain the water. Upon hearing the presentation of Mr. Sessin, Judge Ruiz and Commissioner Arcaute still had some concerns with this subdivision. The motion was then put to a vote.

MOTION CARRIED (JUDGE RUIZ & COMM. ARCAUTE OPPOSE)  
(EXHIBIT R)

10C1

Mr. Garcia stated that this subdivision is in the La Joya ETJ. Mr. Garcia is recommending approval of this subdivision but before the release of the letter of credit, the developer must complete the swales. There are some Zone A areas in this subdivision. They will need the final letter from FEMA for the fill ins in the areas that are zone A. Once filled in, it will no longer be in an A zone but a C zone. After further comments, a motion was made by Commissioner Rosel and was seconded by Commissioner Garces to approve.

MOTION CARRIED  
(EXHIBIT R)

**ITEM 11. PURCHASING DEPARTMENT:**

- A. APPROVAL TO ADVERTISE FOR WRECKER SERVICES FOR SHERIFF DEPARTMENT
- B. AUTHORITY TO SURPLUS VARIOUS AUTO AND MISCELLANEOUS ITEMS - HIDALGO COUNTY TASK FORCE
- C. AUTHORITY TO DECLARE SURPLUS FOR THE PURPOSE OF OBTAINING A LINE OF CREDIT AND UTILIZING SAID LINE OF CREDIT FOR THE PURCHASE OF NEW WEAPONS FOR THE DEPARTMENT - SHERIFF'S DEPARTMENT
- D. AUTHORITY TO SURPLUS VARIOUS AUTO AND MISCELLANEOUS ITEMS - HIDALGO COUNTY DISTRICT ATTORNEY
- E. APPROVAL OF LEASE CONTRACT FOR OFFICE SPACE WITH S.P. PLAZA, L.C. - HIDTA
- F. REQUESTING DECLARATION OF VALLEY TECH AS A SOLE SOURCE VENDOR
- G. RECOMMENDATION AND ACTION AS TO RFP FOR WEBSITE DEVELOPMENT FOR THE COUNTY CLERKS OFFICE

11A

A motion was made by Commissioner Garces and was seconded by Commissioner Rosel to authorize the advertisement for bids for wrecker services by areas which is J.P. Pcts.

MOTION CARRIED

(EXHIBIT S)

11B

A motion was made by Commissioner Arcaute and was seconded by Commissioner Handy authorize the declaration of equipment surplus and authorize our purchasing agent to dispose of said equipment.

MOTION CARRIED  
(EXHIBIT S)

11C

NO ACTION

11D

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

MOTION CARRIED  
(EXHIBIT S)

11E

NO ACTION

11F

Mrs. Salazar stated that there were some circumstances that warranted this declaration. After some comments, a motion was made by Commissioner Handy and was seconded by Commissioner Garces to approve Valley Tech as sole source vendor for the County of Hidalgo Library System. This declaration will end in August of 1997.

MOTION CARRIED  
(EXHIBIT S)

11G

Mrs. Salazar stated that she was directed by the Court to meet with the consultant who developed this RFP and revisit the RFP. The consultant wrote to Mrs. Salazar and recommended they reject to sole response. A motion was made by Commissioner Garces and was seconded by Commissioner Rosel to authorize the rejection of all RFP's for website development for the County of Hidalgo, County Clerk's Office.

MOTION CARRIED  
(EXHIBIT S)

**ITEM 13. AUTHORIZATION TO NEGOTIATE THE SALE OF LAND IN PCT. 3 WITH  
THE LA JOYA  
INDEPENDENT SCHOOL DISTRICT**

Judge Ruiz stated that there have been some talks about selling some land to La

Joya ISD. A motion was made by Commissioner Rosel and was seconded by Commissioner Handy to approve.

MOTION CARRIED  
(EXHIBIT T)

**ITEM 14. PRESENTATION AND POSSIBLE ACTION REGARDING REQUEST FOR \$1,500 FOR THE CATHOLIC WAR VETERANS**

Oralia Salinas addressed the Court and stated that this money will be used to transport a weapon system donated by the National Guard. After further comments, a motion was made by Commissioner Garces and was seconded by Commissioner Handy to approve the request of \$1,500.

MOTION CARRIED  
(EXHIBIT U)

IT WAS STATED THAT THERE IS AN ADDENDUM TO ITEM 14.

**ADD. #2. B. APPROVAL OF BUDGET AMENDMENT IN THE AMOUNT OF \$14,000 FOR**

**ARCHITECTURAL SERVICES FOR VETERANS MEMORIAL**

**C. AUTHORIZATION TO GIVE PURCHASE ORDER AUTHORITY FOR SPECIAL PROJECT**

2B

Judge Ruiz stated that the last time this was brought up, they failed to include the architectural services. Mr. Leal will bring in a contract once this has been finalized. After further comments, a motion was made by Commissioner Arcaute and was seconded by Commissioner Garces to approve.

MOTION CARRIED

2C

Judge Ruiz stated that this is to give authority to Mr. Leal to sign purchase order concerning the special project specifically. A motion was made by Commissioner Garces and was seconded by Commissioner Rosel to give Pete Leal authority to write purchase orders for this special projects which is the Veterans Memorial in the County of Hidalgo.

MOTION CARRIED

**ADDENDUM #3**

**ITEM 1. ACCEPTANCE OF RESIGNATION OF COUNTY JUDGE, EFFECTIVE MAY 20, 1997**

Judge Ruiz recommended that his resignation be accepted so that they can proceed with the appointment of the new judge. A motion was made by Commissioner Rosel and was seconded by Commissioner Garces to accept.

MOTION CARRIED

**ITEM 2. ACCEPTANCE OF RESIGNATION OF COUNTY COMMISSIONER**

NO ACTION

**ITEM 3. APPOINTMENT TO FILL VACANCY IN OFFICE OF COUNTY COMMISSIONER FOR UN-EXPIRED TERM**

NO ACTION

**ITEM 4. APPOINTMENT TO FILL VACANCY IN OFFICE OF COUNTY JUDGE FOR UN-EXPIRED TERM**

Judge Ruiz stated that Mr. Crain was asked by his office and by the Court to research on how to go about filling this vacancy. Mr. Crain stated that the Commissioner's Court may fill the vacancy in the County Office of the County Judge. Commissioner's Court is defined as the four commissioners and the county judge. He added that even if someone resigns, they continue the duties of the office until the successor has been qualified. Qualified means the taking of the oath and the filing of the bond. In essence, Judge Ruiz can still participate in the voting of the appointment. It will take the majority of the members present to appoint someone. The resigning County Judge will get paid until someone is appointed. The appointee will finish out the term of the departing county judge. The next general election will be in November 1998 but the appointee will still serve until December 31, 1998 which is when the term expires for the departing judge. There may be a possibility that after the elections, the new incoming judge may take office earlier than January 1, 1999. They will explore this opinion if and when this issue comes about. This law applies to the vacancy of a Commissioner. The resigning Commissioner can participate in the voting of the County Judge but not in the appointing of the Commissioner to take his or her place. The appointing of a Commissioner is solely up to the County Judge. Another question arose which was what does a County Commissioner have to do as to be appointed as the County Judge. Mr. Crain stated that the common law doctrine of incompatibility states that if you sit on a body, you cannot vote for yourself to attain another position of that body. They will have to resign and a vacancy body, the vacancy has to be filled and that individual has to be qualified. Once this happens, the resigning Commissioner just became a public citizen then they can be appointed as the County Judge. If a Commissioner resigns and none is duly qualified, they can only vote to appoint a County Judge but not himself as the County Judge. The rest of the Commission could not appoint him as the County Judge either because he would in effect be holding two offices being that none was duly qualified for his vacancy which he would have to serve in until someone is duly qualified. Judge Ruiz then recommended to the Commission a process to attempt to expedite the

process to appoint the County Judge. He will ask the Commissioners if they have any nominations and they will proceed from there with their nominations. There must be a nomination and a second. This will not be a vote. Two Commissioners have to agree on an individual for that individual to possibly be appointed as Judge. This will assure that the individual will at least have two votes. He stated that he will not nominate anyone and he also will refrain from voting for anyone unless he has to due to the Court not being able to appoint anyone. He will come in as a tie breaker. If they cannot come up with someone, they may recess to talk to each other one on one. They will not go into executive session so that the audience can know exactly what is happening at all times.

Judge Ruiz stated that one will be appointed today. Commissioner Rosel and Garces stated that they should not rush into this. Judge Ruiz did not agree with this because he feels that they have had a week. During further comments with regards to waiting another week, a motion was made by Commissioner Rosel and was seconded by Commissioner Garces to table item 4 which is the filling of vacancy of County Judge for the un-expired term.

#### MOTION DEFEATED (COMM. ARCAUTE AND HANDY & JUDGE RUIZ OPPOSED)

Judge Ruiz asked the Commissioners if they had anyone to nominate. Commissioner Garces did not have anyone to nominate at this time. Judge Ruiz then asked him if they recessed for an hour, would that be enough time to come up with someone. Judge Ruiz then went to Commissioner Rosel and he stated that he did have someone to nominate. He has had 3 individuals contact him concerning this appointment. He stated that there was contact through the media from Kika. Judge Ruiz asked him if he had authority from Mr. De La Garza himself and Commissioner Rosel stated that he did not. He does feel comfortable nominating him. Commissioner Garces seconded the nomination of Kika De La Garza. The next name from Commissioner Rosel was Billy Leo. Mr. Leo's nomination was seconded by Commissioner Handy. Commissioner Rosel then nominated Steve Austin. Commissioner Handy seconded the nomination of Steve Austin. Commissioner Arcaute did not have any nominations. Commissioner Handy nominated Richard Garcia. Commissioner Garces seconded the nomination of Richard Garcia. Commissioner Handy then nominated Eloy Pulido. There was no second to the nomination of Eloy Pulido. Commissioner Handy then proceeded to nominate Renato Cuellar. Commissioner Arcaute seconded the nomination of Renato Cuellar. The list of nominees is now at Kika De La Garza, Billy Leo, Steve Austin, Richard Garcia and Renato Cuellar. Commissioner Garces wanted some time to contact someone. Steve Crain then stated that to the Court that recesses are not looked upon favorably. If they do recess, it must be for a short time and it can't be with each other. Judge Ruiz the recessed for 15 minutes.

#### (RECESS)

At this time the Commission reconvened. Judge Ruiz asked if there were any other nominations. There being none at this time, he proceeded to verbalize the list of nominees. Kika De La Garza, Billy Leo, Steve Austin, Richard Garcia, Renato Cuellar and Ciro Trevino. Commissioner Rosel opened with a motion to appoint ex Congressman Kika De La Garza to be County Judge of Hidalgo County through December 31, 1998. The motion died for lack of second.

MOTION DIED (LACK OF SECOND)

Judge Ruiz asked for a motion for the appointment of William Billy Leo, ex County Clerk to be County Judge for the County of Hidalgo. Commissioner Rosel so moved.

MOTION DIED (LACK OF SECOND)

Judge Ruiz then asked for a motion to appoint Mr. Steve Austin as County Judge for the County of Hidalgo. Commissioner Rosel so moved.

MOTION DIED (LACK OF SECOND)

Judge Ruiz then asked for a motion to appoint Richard Garcia as County Judge for the County of Hidalgo. Commissioner Rosel so moved and was seconded by Commissioner Garces. Commissioner Rosel stated that he is in favor of Richard Garcia being that he has served on the Court in the past. He felt that everything was good when he was in office. He feels that this is vital for this appointee. Commissioner Garces also felt that he was the most logical choice. The motion was then put to a vote.

MOTION FAILS (COMM. ARCAUTE AND HANDY OPPOSE) (JUDGE RUIZ ABSTAINED)

Judge Ruiz then asked for a motion to appoint Renato Cuellar, State Rep as County Judge for the County of Hidalgo. Commissioner Handy so moved and was seconded by Commissioner Arcaute. Commissioner Handy stated that she felt that he has the experience necessary to fill the vacancy. The motion was put to a vote.

MOTION FAILS (COMM. ROSEL AND GARGES OPPOSED) (JUDGE RUIZ ABSTAINED)

Judge Ruiz then asked for a motion to appoint the ex Tax Assessor/Collector, Ciro Trevino to be County Judge for County of Hidalgo. Commissioner Garces so moved and was seconded by Commissioner Rosel. Commissioner Garces stated that he feels Mr. Trevino was the most qualified given his 30 years of service. The motion was put to a vote.

MOTION FAILS (COMM. ARCAUTE AND HANDY OPPOSED) (JUDGE RUIZ ABSTAINED)

Judge Ruiz stated that there were 3 people who received two votes. From this point on, he will only deal with those three individuals. He is now calling for a 5 minute recess.

(RECESS)

The Court reconvened. Judge Ruiz now asked for a motion on any nominee. Commissioner Handy so moved and was seconded by Commissioner Arcaute that Renato Cuellar be appointed County Judge of Hidalgo County. Judge Ruiz gave some credentials of Mr. Cuellar covering his 10 years in the States Legislature. The motion

was then put to a vote.

MOTION FAILS (COMM. ROSEL AND GARGES OPPOSED) (JUDGE RUIZ ABSTAINED)

A motion was made by Commissioner Garces and was seconded by Commissioner Rosel to appoint Ciro Trevino to be County Judge of Hidalgo County. Mr. Trevino served as Tax Assessor for 25 years running. He was a J.P. and he also served on the Edinburg City Commission. The motion was put to a vote.

MOTION FAILS (COMM. ROSEL AND HANDY OPPOSED) (JUDGE RUIZ ABSTAINED)

A motion was made by Commissioner Rosel and was seconded by Commissioner Garces to appoint Richard Garcia. Judge Ruiz proceeded to give some credentials on Judge Garcia. The motion was then put to a vote. Upon the vote there was an affirmative by Commissioner Arcaute. There was some discussion between Judge Ruiz and Commissioner Arcaute. Judge Ruiz asked legal counsel if a motion can be brought back around after a motion dies. Judge Ruiz feels he can and Commissioner Arcaute feels you cannot. Commissioner Arcaute the withdrew his affirmative.

MOTION FAILS (COMM. ARCAUTE AND HANDY OPPOSED) (JUDGE RUIZ ABSTAINED)

Judge Ruiz addressed the Commission and stated to them that he feels that anyone of these three individuals could serve and do what the job calls for. He has been warned by legal counsel not to call many more recesses because there might be some questions raised about the whole procedure. He called for the last 5 minutes recess.

(RECESS)

The Court reconvened. There have been six motions on the table up to this point. He is now calling for any motions that anyone has. A motion was made by Commissioner Garces and was seconded by Commissioner Rosel to appoint Ciro Trevino as County Judge for Hidalgo County.

MOTION FAILS (COMM. ARCAUTE AND HANDY OPPOSED) (JUDGE RUIZ ABSTAINED)

A motion was made by Commissioner Handy and was seconded by Commissioner Arcaute to appoint Renato Cuellar as the next County Judge for Hidalgo County. Commissioner Rosel does not feel that Mr. Cuellar is sincere in his intent to serve due to him not being in attendance. After some comments, the motion was then put to a vote.

MOTION CARRIED (JUDGE RUIZ IN FAVOR) (COMM. ROSEL AND GARGES OPPOSED)

Judge Ruiz addressed the Court and stated that he is breaking this tie because

he does not feel they will get anywhere the way they are going. Judge Ruiz asked Commissioners Garces and Rosel if they are willing to now make unanimous. Commissioner Rosel stated that he is not voting in favor but he will work with him and so will Commissioner Garces.

A motion was made by Commissioner Arcaute and was seconded by Commissioner Handy to adjourn Commissioner's Court.

MOTION CARRIED

There being no further business to come before this Commissioner's Court, this meeting is adjourned.

### **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:

### **REGULAR AGENDA**

#### ITEM 1. DISCUSSION AND ACTION ON BANK DEPOSITORY BIDS

A motion was made by Commissioner Arcaute and was seconded by Commissioner Garces to accept International Bank of Commerce as the bank depository for the County of Hidalgo.

MOTION CARRIED  
(NO EXHIBIT)

### **CONSENT AGENDA**

#### ITEM 1. LINE ITEM TRANSFER:

- A. ACCOUNT #7-080-433-200.89 - NEW BUILDING TO #7-080-433-200.12  
OFFICE EQUIPMENT

1A

A motion was made by Commissioner Arcaute and was seconded by Commissioner Garces to approve the consent agenda as presented.

MOTION CARRIED  
(EXHIBIT U)

A motion was made by Commissioner Arcaute and was seconded by Commissioner Handy to adjourn Commissioner's Court #1.

MOTION CARRIED

MAY 12, 1997

18

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