

## **DRAINAGE DISTRICT #1**

The Honorable Renato Cuellar, County Judge, called the Drainage District #1 meeting to order, whereupon the following proceedings were had, to-wit:

Judge Cuellar announced that all the Commissioners were present with the exception of Commissioner Handy, who was taking care of some flooding problems in her precinct.

### **CONSENT AGENDA**

#### **ITEM 1. LINE ITEM TRANSFER - \$107.41**

(See Exhibit A)

#### **ITEM 2. PERMIT**

A. City of Elsa - Azucar Estates

(See Exhibit B)

The County Judge introduced the Consent Agenda and asked if there were any changes. There being none, a motion was made by Commissioner Garces and seconded by Commissioner Rosel to approve.

MOTION CARRIED.

### **REGULAR AGENDA**

#### **ITEM 1. PURCHASING DEPARTMENT FOR DRAINAGE DISTRICT**

- A. Requesting approval of contract with Sascon, Inc. for McAllen Lateral Drain Ditch Project
- B. Requesting authority to advertise for a New Tractor
- C. Requesting authority to advertise for Proposed Drainage Improvements - Barbosa-Lopez Project

1/A

Martha Salazar, Purchasing Agent, came before the Board requesting approval of a contract with Sascon, Inc. for the McAllen Lateral drain ditch project. She stated that this contract was awarded on September 23 for an amount of \$671,240.00. A motion was made by Commissioner Rosel and seconded by Commissioner Arcaute to approve the request as presented.

MOTION CARRIED.

(See Exhibit C)

1/B

A motion was made by Commissioner Rosel and seconded by Commissioner Garces to authorize the advertising for bids for a new tractor for the Drainage District.

MOTION CARRIED.

(See Exhibit C)

1/C

A motion was made by Commissioner Garces and seconded by Commissioner Arcaute to authorize the advertising for bids for the proposed drainage improvements on the Barbosa-Lopez project.

MOTION CARRIED.

(See Exhibit C)

#### **ADD. 1. PURCHASING DEPARTMENT**

- A. Requesting authority to advertise for “an 8’ x 8’ structure to be constructed through the IBWC Levee at Mile 12  $\frac{3}{4}$  North”

A motion was made by Commissioner Garces and seconded by Commissioner Arcaute to authorize the advertising for bids for “an 8’ x 8’ structure to be constructed through the IBWC Levee at Mile 12  $\frac{3}{4}$  North”.

MOTION CARRIED.

(See Exhibit D)

There being no further business to come before the Drainage District #1 Board, a motion was made by Commissioner Arcaute and seconded by Commissioner Rosel that said meeting be hereby adjourned.

MOTION CARRIED.

### **COMMISSIONERS’ COURT**

The Honorable Renato Cuellar, County Judge, called the Commissioners’ Court meeting to order, whereupon the following proceedings were had, to-wit:

Judge Cuellar announced that all the Commissioners were present with the exception of Commissioner Handy, who was taking care of some flooding problems in her precinct.

## **CONSENT AGENDA**

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

### **ITEM 2. APPROVAL OF AGENDA MINUTES**

- A. December 03, 1996
- B. December 09, 1996
- C. December 17, 1996
- D. December 23, 1996

### **ITEM 3. LINE ITEM TRANSFERS**

- A. County Court at Law #4 - \$250.00
- B. HIDTA Task Force - \$25,917.91
- C. Elections Department - \$737.60
- D. J.P. Pct. 2 PL. 2 - \$160.60
- E. District Attorney - Investigation Fund - \$807.65
- F. District Attorney - Hot Checks - \$807.65
- G. District Attorney - General Fund - \$8,275.00
- H. District Attorney - State Supplement - \$56.49
- I. Adult Probation - Supervision - \$2,482.00
- J. Adult Probation - Community Corrections (State Funds) - \$200.00
- K. Adult Probation - Restitution Center (State Funds) - \$50.00
- L. Commissioner Pct. #3 - Administration - \$1,000.00
- M. Commissioner Pct. #4 - Paved/Unpaved - \$5,000.00
- N. Planning Department - \$300.00
- O. Extension Service - \$1,000.00

(See Exhibit E)

### **ITEM 4. DISTRICT CLERK'S OFFICE**

- A. Monthly Fee Report for the Month of September, 1997 in the amount of \$136,487.42

(See Exhibit F)

### **ITEM 5. COUNTY CLERK'S OFFICE**

- A. Monthly Fee Report for the Month of September, 1997 in the amount of \$151,445.62

(See Exhibit G)

### **ITEM 6. PLANNING DEPARTMENT**

- A. Subdivisions
  - 1. Azucar Estates Subdivision - Pct. 1
  - 2. Lost Pines Phase 2 - Pct. 3
- B. Release of Letter of Credit
  - 1. Los Nogales Subdivision - Pct. 3

(See Exhibit H)

**ITEM 7. RIGHT OF WAY DEPARTMENT**

- A. Permits
  - 1. Pct. #1 - Southwest Bell Telephone
  - 2. North Alamo Water Supply
- B. Pct. #3
  - 1. Southwestern Bell Telephone
- C. Pct. #4
  - 1. Southwestern Bell Telephone
  - 2. North Alamo Water Supply Corp.

(See Exhibit I)

**ITEM 8. URBAN COUNTY PROGRAM**

- A. HOME "First-Time Homebuyer Contract Agreement" and Letter of Commitment to Mortgage Company - (3 Families)
- B. Extension on "Letter of Commitment" to Mortgage Company on HOME "First Time Homebuyer Contract Agreement" (1 Family)
- C. HOME/Homeowner Occupied Housing Rehab Application (1 Family)

(See Exhibit J)

**ITEM 9. SHERIFF'S DEPARTMENT**

- A. Request authorization to increase P.O. #236467 to Houston-Galveston Area Council by \$1,480.02

(See Exhibit K)

The County Judge introduced the Consent Agenda and asked if there were any changes. There being none, a motion was made by Commissioner Garces and seconded by Commissioner Arcaute to approve.

MOTION CARRIED.

**REGULAR AGENDA**

**ITEM 2. CHILD PROTECTIVE SERVICES**

- A. Thanking the Commissioners for the office space that they have been using for 20 years, they will be moving at the end of the week

Roberto Robles, Program Director for the Child Protective Services, came before the Court and presented the Commissioners' Court with a plaque in appreciation for their support in providing office space for the past twenty years. Accompanying him in this presentation were Lindsey Barnett and Jesse Vasquez and the County Judge suggested that they present this plaque to Commissioner Arcaute, who was the senior member of this Court.

NO ACTION.  
(See Exhibit L)

**ITEM 9. FOSTER GRANDPARENT PROGRAM:**

- A. Approval of local resources in the amount of \$50,000.00 to enrich the services to children with special and exceptional needs

Mrs. De La Rosa, a spokeswoman for the Foster Grandparent Program, came before the Court along with some representatives of the program. She gave a brief history of the program and then went on to introduce some of the people who work with the program. Mrs. De La Rosa continued with a brief history of the program, as well as to explain what the program has done for special-and exceptional-needs children. She then mentioned that they were requesting an amount of \$50,000.00 from the County to enrich their program. She stated that presently the Foster Grandparent Program only had sixty slots to serve three counties and most of their slots were in Hidalgo County and they served in various schools throughout the County. She continued with her explanation of the program and again asked for the County Commissioners' Court to help by approving this request. Commissioner Rosel asked Commissioner Arcaute to clarify this item and Commissioner Arcaute replied that their original request had been for \$30,000.00 and now they were asking for \$50,000.00. He stated that he was suggesting that the amount approved by taken from Urban County Funds since the program would qualify as an eligible activity. He added that maybe the Precincts would be willing to fund it through their Urban County monies and split it four ways. Commissioner Rosel asked Commissioner Garces what his views were and Commissioner Garces indicated that he did not believe that it would qualify under the General Fund, but it would under Urban County. Commissioner Rosel stated that there may be some County Wide funds available under the Urban County Program, but he would go along with whatever was decided on by this Commission. Commissioner Garces pointed out that they would the take action today , to take the funds out of Urban County and instructing Anthony Covacevich to draft up the documents needed to qualify the program. Commissioner Garces made a motion, which was seconded by Commissioner Arcaute to approve an amount of \$30,000.00, contingent on the program qualifying under Urban County. Commissioner Arcaute then brought up the point that Commissioner Rosel had mentioned County Wide, and he asked that if they went with the County Wide Fund then they would not require any public hearing. Mr. Covacevich replied that it would still require a public hearing since they were amending the budget and this funding would not be available for at least thirty days. There being no further discussion the motion was put to a vote and it carried.

MOTION CARRIED.  
(See Exhibit M)

**ITEM 1. RIGHT OF WAY DEPARTMENT**

A. Authorization to approve and recommend application for license from I.B.W.C.

Vona Walker, Right of Way Director, came before the Court requesting authorization to approve and recommend application for license from I.B.W.C. A motion was made by Commissioner Rosel and seconded by Commissioner Garces to approve the request as presented.

MOTION CARRIED.  
(See Exhibit N)

**ITEM 3. COUNTY JUDGES OFFICE**

A. Approval of Proclamation for October 17, 1997 to be declared KURV day

Lisa Saucedo, Administrative Assistant to the County Judge, came before the Court requesting approval of a proclamation declaring October 17, 1997 as KURV day. This request is honor of the 50<sup>th</sup> anniversary of the opening of their station. A motion was made by Commissioner Arcaute and seconded by Commissioner Garces to approve the request as presented.

MOTION CARRIED.  
(See Exhibit O)

## **EXECUTIVE AGENDA**

**ITEM 1. CLOSED SESSION**

Commissioners' Court may go into Closed Session pursuant to Chapter 551, Texas Government Code, Section 551.071 to discuss the following matter

A. Litigation

1. Hidalgo County -vs- Adams - Cause # C-5586-94-F
2. Hearing #35,616, State of Texas, Audit Period 1/1/91 - 12/31/94 Local Revenue Funds

The County Judge and County Commissioners went into executive session accompanied by Steve Crain, the County legal counsel.

NO ACTION.

**ITEM 2. OPEN SESSION**

- A. Hidalgo County -vs- Adams - Cause # C-5586-94-F
- B. Hearing #35,616, State of Texas, Audit Period 1/1/91 - 12/31/94 Local Revenue Funds

2/A

Commissioner Garces announced that no action would be required on this item at this time.

NO ACTION.

2/B

A motion was made by Commissioner Garces and seconded by Commissioner Rosel to instruct legal counsel to file for the hearing.

MOTION CARRIED.

## **REGULAR AGENDA**

### **ITEM 4. COUNTY COURT AT LAW #2**

- A. Budget Amendment in the amount of \$2,400.00

A motion was made by Commissioner Garces and seconded by Commissioner Arcaute to approve a budget amendment in the amount of \$2,400.00 for postage and rental of machinery and equipment.

MOTION CARRIED.  
(See Exhibit P)

### **ITEM 5. COMMISSIONER PCT. 1**

- A. Authorization to enter into an interlocal agreement with the Hidalgo County Headstart Program and the Monte Alto I.S.D.

Commissioner Garces asked Steve Crain, the County legal counsel, if he had looked over the agreement and Mr. Crain replied that he had. Mr. Crain clarified that it entailed a building that was being used by the Headstart Program which did not have a road that connected this building to the main road and this was authorizing the County to put in a caliche-type road for accessibility. Commissioner Garces felt that they should not take any action until the Precinct One Commissioner is present.

NO ACTION.  
(See Exhibit Q)

### **ITEM 6. ADULT PROBATION**

- A. Authorization to pay 12 CSCD employees overtime wages totaling \$21,734.25 as approved by the Hidalgo County Board of Judges 9/29/97

Joe Lopez, Adult Probation Director, came before the Court requesting authorization to pay twelve CSCD employees overtime wages totaling \$21,734.25. This action was approved by the Hidalgo County Board of Judges on September 29<sup>th</sup> and this amount will be paid out of the FY'97 budget. A motion was made by Commissioner Arcaute and seconded by Commissioner Garces to approve the request as presented.

MOTION CARRIED.  
(See Exhibit R)

## **ITEM 7. JUVENILE PROBATION**

- A. Authorization to appropriate budget and set salary for the Juvenile Justice Alternative Education Program in the amount of \$309,390.58
- B. Approval of the 1998 Challenge Grant Contract in the amount of \$45,193.00 (TJPC-C-98-108)
- C. Approval of the 1998 Title IV-E Federal Foster Care Reimbursement Program Contract (TJPC-E-98-108)
- D. Approval of the 1998 Juvenile Justice Alternative Education Program (JJAEP) State Funding contract in the amount of \$84,661.00 (TJPC-P-98-108)

7/A

Israel "Buddy" Silva, Juvenile Probation Director, came before the Court requesting authorization to appropriate the Juvenile Justice Alternative Education Program budget in the amount of \$309,390.58 and set salaries. A motion was made by Commissioner Arcaute and seconded by Commissioner Garces to approve the request as presented.

MOTION CARRIED.  
(See Exhibit S)

7/B

Mr. Silva indicated that his next request was for the approval of the 1998 Challenge Grant contract in the amount of \$45,193.00. He added that these funds required a match which would come from his County budget and it would be used for residential services. A motion was made by Commissioner Garces and seconded by Commissioner Arcaute to approve the 1998 Challenge Grant contract in the amount of \$45,193.00.

MOTION CARRIED.  
(See Exhibit S)

7/C

Mr. Silva stated that the next item is for approval of the 1998 Title IV-E Federal Foster Care Reimbursement Program contract. This contract would allow the department to receive reimbursements for kids that are placed in certain residential

programs that meet certain criteria. A motion was made by Commissioner Garces and seconded by Commissioner Arcaute to approve the request as presented.

MOTION CARRIED.  
(See Exhibit S)

7/D

Mr. Silva reported that the last item was for approval of the 1998 Juvenile Justice Alternative Education Program State funding contract in the amount of \$84,661.00. these funds are provided to pay for students that are sent to the Juvenile Justice Alternative Education Program. A motion was made by Commissioner Garces and seconded by Commissioner Arcaute to approve the request as presented.

MOTION CARRIED.  
(See Exhibit S)

#### **ITEM 8. AUDITOR'S OFFICE**

- A. General Fund Budget Amendment for the Mobility Task Force, 1996 agreement \$22,172.80
- B. Approval for Auditor to pay invoice in the amount of \$22,172.80 to Rio Grande Valley Chamber of Commerce
- C. General Fund Budget Amendment for Fire Calls \$240,000.00
- D. General Fund Amendment for Jury Script \$145,000.00
- E. Court Reporter Service Fund Budget Amendment \$41,000.00
- F. General Fund Budget Amendment for General Litigation \$110,000.00

8/A

Manuel Cavazos, the County Auditor, indicated that he was requesting a budget amendment from the General Fund in the amount of \$22,172.80 for the Mobility Task Force. This contract was entered into on 1996 and the funds were not encumbered. A motion was made by Commissioner Rosel and seconded by Commissioner Arcaute to approve the request as presented.

MOTION CARRIED.  
(See Exhibit T)

8/B

A motion was made by Commissioner Rosel and seconded by Commissioner Garces to authorize the Auditor to pay the invoice in the amount of \$22,172.80 to Rio Grande Valley Chamber of Commerce.

MOTION CARRIED.  
(See Exhibit T)

8/C

A motion was made by Commissioner Rosel and seconded by Commissioner Garces to approve a budget amendment from the General Fund in the amount of \$240,000.00 for rural fire calls.

MOTION CARRIED.

(See Exhibit T)

8/D

A motion was made by Commissioner Arcaute and seconded by Commissioner Garces to approve a budget amendment from the General Fund in the amount of \$145,000.00 for the jury script.

MOTION CARRIED.

(See Exhibit T)

8/E

A motion was made by Commissioner Garces and seconded by Commissioner Arcaute to approve a budget amendment in the amount of \$41,000.00 for the court reporter service fund.

MOTION CARRIED.

(See Exhibit T)

8/F

A motion was made by Commissioner Rosel and seconded by Commissioner Garces to approve a budget amendment from the General Fund in the amount of \$110,000.00 for general litigation.

MOTION CARRIED.

(See Exhibit T)

## **ITEM 10. HUMAN SERVICES**

A. Review Current Funeral Assistance Policy and consider the following:

1. Allowing payments for cremation services
2. Authorizing additional expenditures when over sized bodies require a bigger coffin

10/A/1

Rudy de la Viña, Human Services Director, came before the Court requesting some clarification on the procedures that are currently used for the funeral services that are being provided for the indigents. He said that they are presently paying up to \$600.00 for funeral services and up to \$250.00 per plot. Mr. de la Viña indicated that there are some people who would prefer cremation which appears as an

additional charge which the Auditor is refusing to pay which was being picked up by the funeral directors and they are now asking that the County pay for this service. Currently the policy allows for no more than a \$600.00 expenditure and if it runs over the family members and/or friends are not allowed to assist with the additional costs. Mr. de la Viña proceeded to give an example of how the current policy works and why it was implemented. Commissioner Garces asked that they acquire a letter of opinion from the District Attorney's Office to justify that this policy will be set properly. A discussion ensued with comments from Commissioners Rosel and Garces as well as from Mr. de la Viña on some proposed policy that may be set. During this discussion, Steve Crain, the County legal counsel, indicated that the current policy stipulated that cremation is also allowed and is included in the \$600.00 price. The discussion continued and Commissioner Arcaute brought up the issue of the San Juan Cemetery. He stated that a policy had been set up where this cemetery was for San Juan residents only and they would get a special price, but most of the indigents and/or John Doe's were getting buried at this cemetery. Also, the indigent program was requesting that death certificates be furnished by the Cemetery Board in order to receive payment for the funeral services or the plots and he wanted some clarification on how this policy could be amended, as well. He was going to recommend to the Cemetery Board that they no longer accept John Doe's. Finally, Mr. De la Viña stated that it was his understanding that the policy would continue as is, cremations will be allowed but they are considered part of the \$600.00 fee and the Commissioners' Court concurred.

NO ACTION.  
(See Exhibit U)

10/A/2

Mr. de la Viña then stated that his next request was for clarification on authorizing additional expenditures on oversized bodies, which require a bigger coffin. He pointed out that this kind of problem arises mostly when a drowning victim is recovered and presently the cost for this was approximately \$725.00. He was recommending that family members and friends be allowed to help with the additional expense over \$600.00. Commissioner Arcaute when back to the issue of cemetery plots and pointed out that if the County would go out and buy some property and then could go out and put the funeral services out for bids this County could probably save quite a bit of money. Commissioner Garces brought up the issue of how long it would take to develop the land and acquire the proper certification and this resulted in a brief discussion. Mr. de la Viña then went back to the issue at hand to amend the policy to allow family and friends to offset the additional expenditures as long as the proper documentation is submitted. Mr. Crain then indicated that his only problem with making an exception to the policy was where the family pays additional amounts and his concern was with unethical conduct and how to determine what is an over-sized body. He was also concerned with what was being done with these over-sized bodies presently and Mr. de la Viña stated that they were eventually getting buried or cremated, but the funeral directors were complaining that they were having to write off

the extra costs. After further discussion, no action was required and the policy would remain as is.

NO ACTION.  
(See Exhibit U)

#### **ITEM 11. URBAN COUNTY PROGRAM**

- A. City of Granjeno - HOME/Housing Rehabilitation Change Orders (3 Families)
- B. Precinct #1 - Approval of a Subrecipient Agreement with Boys & Girls Club of Mercedes - Year 10 (1997)

11/A

Anthony Covacevich, Urban County Director, came before the Court and announced that the City of Granjeno was requesting approval of a change order under their HOME/Housing Rehabilitation Program. The change order was for an amount of \$3,195.00 for case number G-30-96-07; \$760.00 for case number G-30-96-08 and \$495.00 for case number G-30-94-05. A motion was made by Commissioner Garces and seconded by Commissioner Arcaute to approve the request as presented.

MOTION CARRIED.  
(See Exhibit V)

11/B

Precinct One was requesting approval of a subrecipient agreement with the Boys and Girls Club of Mercedes. This is out of Year 10 and it is in the amount of \$5,000.00. A motion was made by Commissioner Garces and seconded by Commissioner Arcaute to approve the request as presented.

MOTION CARRIED.  
(See Exhibit V)

#### **ITEM 12. PURCHASING DEPARTMENT**

- A. Pct. #2
  - 1. Requesting authority to surplus various items for auction
- B. Pct. #4
  - 1. Requesting authority to advertise for "Paving of Lateral Roads"
  - 2. Requesting authority to advertise for "Hauling of Hot Mix"
- C. Probation Department
  - 1. Requesting exemption from competitive bidding requirements Professional Services/Treatment Services for out-patient groups and individual counseling under Treatment Alternatives to Incarceration Program under TDCJ - Community Justice Assistance Division
  - 2. Requesting of a Professional Service contract

## D. HIDTA Task Force

1. Requesting authority to surplus for auction the items awarded through Final Default Judgment
2. Requesting authority to surplus for auction the items awarded, through forfeiture in Final Default Judgment

## E. Juvenile Probation

1. Requesting authority to advertise Request for Qualifications - Architect-Engineer Services-Juvenile Boot Camp

## F. Sheriff's Department

1. Requesting the removal of Negros, a K-9 officer dog, from asset inventory list due to death of animal and confirmed by copy of letter from Dr. Steve Bentsen, D.V.M.
2. Requesting to declare surplus for auction the following County owned vehicles

## 12/A

A motion was made by Commissioner Arcaute and seconded by Commissioner Garces to authorize the declaration of various items as surplus for auction from Precinct Two.

MOTION CARRIED.  
(See Exhibit W)

## 12/B/1

A motion was made by Commissioner Garces and seconded by Commissioner Rosel to authorize the advertising for bids for "paving of lateral roads" for Precinct Four.

MOTION CARRIED.  
(See Exhibit W)

## 12/B/2

A motion was made by Commissioner Garces and seconded by Commissioner Rosel to authorize the advertising for bids for "hauling of hot mix" for Precinct Four.

MOTION CARRIED.  
(See Exhibit W)

## 12/C/1

Martha Salazar, the County Purchasing Agent, came before the Court requesting an exemption from the competitive bidding requirements under professional services for treatment services for out-patient groups and individual counseling under the Treatment Alternatives to Incarceration Program under the TDCJ and Community Justice Assistance Division under the Adult Probation Department. A motion was made

by Commissioner Garces and seconded by Commissioner Arcaute to approve the request as presented.

MOTION CARRIED.

(See Exhibit W)

12/C/2

Mrs. Salazar indicated that she was requesting the approval of a professional service contract with Treatment Associates of the Rio Grande Valley not to exceed \$57,663.50 and Rio Grande Valley Council on Alcohol & Drug Abuse not to exceed \$57,663.50. A motion was made by Commissioner Rose and seconded by Commissioner Garces to approve the request as presented.

MOTION CARRIED.

(See Exhibit W)

12/D/1

A motion was made by Commissioner Arcaute and seconded by Commissioner Garces to authorize the declaration of items awarded through final default judgment as surplus for auction, from the HIDTA Task Force.

MOTION CARRIED.

(See Exhibit W)

12/D/2

A motion was made by Commissioner Rosel and seconded by Commissioner Garces to authorize the declaration of items awarded through forfeiture in final default judgment from the HIDTA Task Force.

MOTION CARRIED.

(See Exhibit W)

12/E

A motion was made by Commissioner Rosel and seconded by Commissioner Arcaute to authorize the advertising for Request for Qualifications for architect/engineer services for the Juvenile Boot Camp project.

MOTION CARRIED.

(See Exhibit W)

12/F/1

A motion was made by Commissioner Arcaute and seconded by Commissioner Garces to approve the removal of Negros, a K-9 officer dog, from asset inventory list due to the death of the animal and confirmed by a copy of a letter from Dr. Steve Bentsen, D.V.M. This request is under the Sheriff's Department.

MOTION CARRIED.  
(See Exhibit W)

12/F/2

A motion was made by Commissioner Rosel and seconded by Commissioner Garces to authorize the declaration of some County owned vehicles, as per exhibit, for auction from the Sheriff's Department.

MOTION CARRIED.  
(See Exhibit W)

There being no further business to come before the Court, a motion was made by Commissioner Garces and seconded by Commissioner Rosel that said meeting of Commissioners' Court be hereby adjourned.

MOTION CARRIED.  
(See Exhibit )