

DRAINAGE DISTRICT #1

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

Judge Cuellar announced that Commissioners Rosel and Handy were absent, but that the proceedings were in order being that there was a quorum present.

CONSENT AGENDA

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

ITEM 2. PERMIT:

A. City of McAllen - Wal-Mart Subdivision #2
(See Exhibit A)

A motion was made by Commissioner Arcaute and seconded by Commissioner Garces to approve the Drainage District #1 Consent Agenda as presented.

MOTION CARRIED.

REGULAR AGENDA

ITEM 1. AUTHORIZATION TO ENTER INTO AN INTERLOCAL AGREEMENT WITH THE CITY OF MCALLEN - Structure through levee near McAllen Trade Zone

Godfrey Garza, Drainage District Manager, informed the Court that he was requesting authorization to enter into an interlocal agreement with the City of McAllen. He explained the City of McAllen was requesting this interlocal agreement to assist in the provision of engineering services for a structure going through the main flood water channel in order to provide drainage for FM 1016 that is being developed by the City. The City will reimburse the County 100% on engineering costs. A motion was made by Commissioner Garces and seconded by Commissioner Arcaute to approve the request as presented.

MOTION CARRIED.
(See Exhibit B)

ITEM 2. PURCHASING DEPARTMENT:

- A. Recommending Bid Award for "Gasoline & Off-Highway diesel Fuel Products" to lowest bidder, Discount Oils, Lubricants & Fuel of Pharr, Texas
- B. Approval of contract for Gasoline and Off-Highway Diesel Fuel Products" to Discount Oils, Lubricants & Fuel of Pharr, Texas

2/A

Martha Salazar, the Purchasing Director, came before the Court to recommend the bid award for "gasoline & off-highway diesel fuel products. She stated that a bid opening was held on March 11th and two bids were received. The two bidders were Discount Oils, Lubricants & Fuel out of Pharr, Texas and Goldstar Petroleum out of Pharr, Texas. She announced that they were recommending the low bidder with was Discount Oils, Lubricants & Fuel out of Pharr, Texas. A motion was made by Commissioner Garces and seconded by Commissioner Arcaute to approve the request as presented.

MOTION CARRIED.
(See Exhibit C)

2/B

A motion was made by Commissioner Garces and seconded by Commissioner Arcaute to approve a contract with Discount Oils, Lubricants & Fuels, Inc., for gasoline and off-highway fuel products.

MOTION CARRIED.
(See Exhibit C)

There being no further business to come before the Drainage District #1 Board, a motion was made by Commissioner Arcaute and seconded by Commissioner Garces 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 Commissioners Rosel and Handy were absent, but that the proceedings were in order being that there was a quorum present.

CONSENT AGENDA

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

ITEM 2. LINE ITEM TRANSFERS:

- A. Commissioner Pct. 1 - Administration - \$100.00
- B. Commissioner Pct. 3 - Landfill - \$200.00
- C. Commissioner Pct. 3 - Park - \$5,000.00
- D. J.P. Pct. 5 Pl. 1 - \$250.00
- E. County Court at Law #2 - \$600.00
- F. 13th Court of Appeals - \$40.00
- G. Veterans Memorial - \$18,750.00
- H. Texas D.P.S. - \$65.00
- I. Youth Village - \$2,000.00
- J. Adult Probation - Community Corrections - \$2,500.00
- K. Health Department - Sanitation - \$3,000.00
- L. Historical Commission - \$2,000.00

(See Exhibit D)

ITEM 3. RIGHT OF WAY DEPARTMENT

- A. Pct. #1 - North Alamo Water Supply
 - Donna Irrigation District
 - Southwestern Bell Telephone
- B. Pct. #3 - Southwestern Bell Telephone
- C. Pct. #4 - Southwestern Bell Telephone

(See Exhibit E)

ITEM 4. URBAN COUNTY PROGRAM:

- A. HOME - Homeowner Occupied Housing Rehab Applications - 3 families
- B. HOME - First-Time Homebuyer Contract Agreement and Letter of Commitment to Mortgage Company - 6 families

(See Exhibit F)

The County Judge introduced the Commissioners' Court Consent Agenda. A motion was made by Commissioner Garces and seconded by Commissioner Arcaute to approve the Consent Agenda, as presented.

MOTION CARRIED.

REGULAR AGENDA

Commissioner Rosel joined the meeting at this time.

ITEM 1. OPEN FORUM

The County Judge asked if there was any business to be discussed in open forum and the reply was that there was none.

NO ACTION

ITEM 8. URBAN COUNTY:

- A. City of La Joya - PFI - Surface Water Treatment Plan FY - 1994 - Approval of Change Order #3 with R.P. Constructors, Inc.
- B. Pct. #2 - Public Services General - Subrecipient Agreement - UCP Year 8, 1995 Foster Grandparents Program
- C. Approval of Subrecipient Agreement with the San Juan Youth Program Year 10 1997 - City of San Juan
- D. Adoption of current Fair Housing Order by Hidalgo County
- E. Proclaiming the month of April 1998 as Fair Housing Month
- F. Public hearing considering the passage of an Order designation as a reinvestment zone property with the unincorporated area of Hidalgo County in particular 40 acres of land lying in Porción 48, Hidalgo County, Texas, Lot 2 of the Mission Farm Estates Subdivision
- G. Approval of an Order designating certain property within the unincorporated areas of the Hidalgo County as Reinvestment Zone, more particularly: being the 40 acres of land lying in Porción 48, Hidalgo County, Texas Lot 2 of the Mission Farm Estates Subdivision as recorded in Volume 9 page 26 of the Plat Records of Hidalgo County
- H. Approval of an agreement between County of Hidalgo and Frontera LLP granting tax abatement in accordance with the Guidelines and Criteria adopted March 31, 1998

Anthony Covacevich, Urban County Director, began by announcing that the previous week this Commissioners' Court had passed a resolution declaring the week of April 6-10, 1998 as Fair Housing Community Week. As a result, the Urban County Program had planned a number of festivities, including a small display of the activities that would be held during this week. He then proceeded in introducing some of the individuals from the various participating cities who were instrumental in getting the various projects done.

8/A

Anthony Covacevich, Urban County Director, informed the Court that the City of La Joya was requesting approval of a change order #3 with R.P. Constructors. The change order was for a surface water treatment plan, under FY 1994 and it was for an increase of \$22,972.00 and also an increase of forty-five (45) days. This was necessary due to the silting of the barge area in the La Joya lake. A motion was made by Commissioner Rosel and seconded by Commissioner Arcaute to approve the request as presented.

MOTION CARRIED.
(See Exhibit M)

8/B

Mr. Covacevich reported that Precinct Two was requesting approval of a subrecipient agreement, under Year 8, for Public Services General. The agreement was with the Foster Grandparents Program and it was for an amount of \$10,000.00 and it was for activities in relation to the elderly volunteers that assist children three through sixteen years of age. A motion was made by Commissioner Arcaute and seconded by Commissioner Garces to approve the request as presented.

MOTION CARRIED.
(See Exhibit M)

8/C

Mr. Covacevich announced that the City of San Juan was requesting approval of a subrecipient agreement with the San Juan Youth Program, Under Year 10. The amount of the agreement was for \$5,000.00 and it is for youth activities. A motion was made by Commissioner Arcaute and seconded by Commissioner Garces to approve the request as presented.

MOTION CARRIED.
(See Exhibit M)

8/D

Mr. Covacevich stated that they were requesting the adoption of the current Fair Housing Order by Hidalgo County. He explained that the Commissioners were presented with a copy of an order that was approved in April 1988 and there have been no revisions or amendments since its inception. The Urban County Program is requesting, at this time, to revise the order and the changes are in regards to the handicap and familiar status changes, which are two new classifications that have been added to discrimination; discrimination cannot occur for anyone who is handicapped and familiar status relates to the size of the family. A motion was made by Commissioner Garces and seconded by Commissioner Arcaute to approve the request as presented.

MOTION CARRIED.
(See Exhibit M)

8/E

Mr. Covacevich announced that this next request was to proclaim the month of April 1998 as Fair Housing Month. He added that this was in conjunction with CDBG week and he proceeded to read the proclamation. A motion was made by Commissioner Rosel and seconded by Commissioner Arcaute to approve the proclamation as presented.

MOTION CARRIED.
(See Exhibit M)

8/F-H

Mr. Covacevich disclosed that no action was needed on items 8/F, 8/G and 8/H at this time.

NO ACTION.
(See Exhibit M)

ITEM 2. RIGHT OF WAY DEPARTMENT:

A. Release of Easement - Home Depot Project

Godfrey Garza, Drainage District Manager, informed the Court that they were requesting approval of a release of easement for the Home Depot Project. He explained that the document had been prepared and this was being resubmitted in order to ensure that they have a signed document. A motion was made by Commissioner Garces and seconded by Commissioner Rosel to approve the request as presented.

MOTION CARRIED.
(See Exhibit G)

ITEM 3. WIC Program:

A. Approval of Cooperation Agreement between WIC and Hidalgo County Health Care Corporation

Norma Longoria, WIC Director, came before the Court requesting approval of a cooperation agreement between the WIC Program and the Hidalgo County Health Care Corporation. This agreement was to house WIC in the Edcouch area, in order to provide services to this area inside a the Hidalgo County Health Care Corporation's facility. A motion was made by Commissioner Rosel and seconded by Commissioner Garces to approve the request as presented.

MOTION CARRIED.
(See Exhibit H)

EXECUTIVE AGENDA

ITEM 1. CLOSED SESSION:

Commissioners' Court may go into Closed Session pursuant to Chapter 551, Texas Government Code, Section 551.074 to discuss the following

A. Personnel:

1. Settlement offer in grievance by employee Mariselda Flores

ITEM 3. CLOSED SESSION:

Commissioners' Court may reconvene into Closed Session for the discussion regarding the agenda items listed

The County Judge and Commissioner went into Executive Session accompanied by Steve Crain, the County Legal Counsel.

NO ACTION.

ITEM 2. OPEN SESSION:

A. Personnel:

1. Settlement offer in grievance by employee Mariselda Flores

ITEM 4. OPEN SESSION:

Commissioners' Court may reconvene into Open Session for the discussion regarding the agenda items listed

NO ACTION.

REGULAR AGENDA

ITEM 4. LIBRARY SYSTEM:

- A. Approval of copier Maintenance Agreement with the International Copier Corporation

Valde Guerra announced that Mr. Bill McGee would not be able to attend the meeting this morning and had asked that no action be taken on this item at this time.

NO ACTION.
(See Exhibit I)

ITEM 5. COUNTY JUDGE'S OFFICE:

- A. Approval of appointments to the Hidalgo County Historical Commission

- B. Consider and approve Resolution for Tarrant County Health Care Facilities Corporation for issuance of Bonds
- C. Consider and approve "Week of the Young Child" from April 13-17, 1998
- D. Consider and approve the revised 1998 Equal Employment Opportunity Plan (EEO Plan)
- E. Budget Amendment to decrease the Jail Court Budget and increase the Public Defense Budget for a Court Appointments Clerk
 - 1. Appropriate Budget
 - 2. Set Salary
- F. Budget Amendment to decrease the Jail Court Budget and increase the Criminal Auxiliary Court Budget
 - 1. Appropriate Budget
 - 2. Set Salary

5/A

Mrs. Loura Etnire explained that in their packets they had a list of people who were wanting to get appointed to the Historical Commission. She added that in order for these appointments to be effective Commissioners' Court must approve them. A motion was made by Commissioner Garces and seconded by Commissioner Rosel to approve the appointments as presented.

MOTION CARRIED.
(See Exhibit J)

5/B

Robert Kurt, the CFO for Mission Hospital, came before the Court requesting approval of a resolution for Tarrant County Health Care Facilities Corporation for issuance of bonds. He added that Mission Hospital was seeking approval of the resolution to go out and seek additional borrowing from the Tarrant County Health Care Facilities. He stated that it was a financing agreement through Texas Hospital Association. A motion was made by Commissioner Rosel and seconded by Commissioner Garces to approve the request as presented.

MOTION CARRIED.
(See Exhibit J)

5/C

Paul Vazaldua, Administrative Assistant to the County Judge, informed the Court that they were requesting approval of a resolution designating April 12-18, 1998 as "Week of the Young Child. He added that this resolution was in conjunction with the Texas Migrant Council Child Care Management Services. A motion was made by Commissioner Arcaute and seconded by Commissioner Garces to approve the request as presented.

MOTION CARRIED.
(See Exhibit J)

5/D

Mr. Vazaldua was also requesting approval of the revised 1998 Equal Employment Opportunity Plan. He stated that as required by various grants that the County receives, they are required to have an update for 1998 and there was an amendment to the 1998 plan that deals with under-utilization in Hidalgo County. He stated that they have identified no under-utilization of staff within Hidalgo County, at this time. A motion was made by Commissioner Garces and seconded by Commissioners Rosel and Arcaute to approve the request as presented.

MOTION CARRIED.

(See Exhibit J)

5/E

Mr. Vazaldua was also requesting a budget amendment to decrease the Jail Court budget and increase the Public Defense budget for the Court Appointments Clerk. He added that this amendment was done back in September 1997 and during the 1988 budget process the funds were left in the Jail Court and were not moved over to the appropriate budget. The amount of the amendment is \$12,997.60. A motion was made by Commissioner Arcaute and seconded by Commissioner Rosel to approve the request as presented.

MOTION CARRIED.

(See Exhibit J)

5/F

Mr. Vazaldua continued by saying that this next item was a request for a budget amendment to decrease the Jail Court Budget and increase the Criminal Auxiliary Court Budget and it entailed a second vacant court reporter. These monies are being moved to the Criminal Auxiliary Court budget to fund an assistant district attorney position. Commissioner Garces asked if the overall salary was \$48,711.60, including fringes, (salary alone was \$42,000.00) and the response was in the affirmative. Gilbert Garza indicated that the budget amount was a pro-rated amount. A motion was made by Commissioner Arcaute and seconded by Commissioner Garces to approve the request as presented.

MOTION CARRIED.

(See Exhibit J)

5/E/2

The Court went back to Item 5/E in order to set the salary. Commissioner Garces stated that according to the handout the salary was \$11,206.75 plus fringe benefits, totaling \$12,997.60, and it would be pro-rated for the remainder of the year. Mr. Vazaldua then pointed out that the annual salary was \$15,750.00 and the transfer was pro-rated based on the number of weeks left in the year. A motion was made by

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

MOTION CARRIED.
(See Exhibit J)

ITEM 6. COMMISSIONER PCT. 1:

- A. Authorization to appropriate 1997 Capetillo Subdivision funds to 1998 Capetillo Subdivision
- B. Authorization to accept the contribution for road improvements to Siesta Village Subdivision and enter into agreement

6/A

Raul Lozano came before the Court requesting authorization to appropriate the 1997 Capetillo Subdivision funds into the 1998 Capetillo Subdivision fund. The total amount was \$5,000.00 and it was from a 1997 contribution from the residents for improvements to the subdivision, which were made this year. A motion was made by Commissioner Garces and seconded by Commissioner Rosel to approve the request as presented.

MOTION CARRIED.
(See Exhibit K)

6/B

Mr. Lozano explained that on this next item they had been meeting with Siesta Village Subdivision residents and it was a County recorded subdivision. He added that the residents have a fund ready to transfer to the County for improvements to their subdivisions. He was requesting authorization to accept the contribution for road improvements to Siesta Village Subdivision and enter into an agreement. The agreement would entail for the residents to provide the funds for the material necessary to upgrade all the streets within the subdivision and the Precinct One will be providing the manpower, labor and equipment. The amount of the contribution was \$40,000.00 and these estimates were done by the Precinct One engineer and if the amount is more than necessary it will be refunded to the residents. Commissioner Garces indicated that these monies would be deposited with the Treasurer and it would be appropriated at a later date. A motion was made by Commissioner Garces and seconded by Commissioner Arcaute to approve the request as presented.

MOTION CARRIED.
(See Exhibit K)

ITEM 7. COUNTY AUDITOR:

- A. Approval of resolution of intent to reimburse the Hidalgo County General Fund for a loan to the Jail Project Fund to purchase land to be used in connection with the construction of a county jail
- B. Approval of resolution to authorize General Fund to loan \$195,000.00 to Jail Project Fund for purchase of Jail Project Land
- C. Budget amendment to appropriate General Fund loan monies, to purchase Jail Project Land
- D. Approval of resolution designating the County Judge and the County Auditor of the County of Hidalgo as authorized representatives to give notice of intent to reimburse expenditures with proceeds to tax exempt obligations

7/A

Manuel Cavazos, County Auditor, informed the Court that he was requesting approval of a resolution of intent to reimburse the Hidalgo County General Fund for a loan to the Jail Project Fund to purchase land to be used in connection with the construction of a county jail. He added that it was in relation to the lending of funds from the General Fund to the Capital Projects fund for the purchase of the land for the jail. He added that this was as per bond counsel. A motion was made by Commissioner Rosel and seconded by Commissioner Garces to approve the request as presented.

MOTION CARRIED.
(See Exhibit L)

7/B

This next item was for a resolution to authorize General Fund to loan \$195,000.00 to Jail Project Fund for purchase of Jail Project land. A motion was made by Commissioner Rosel and seconded by Commissioner Garces to approve the request as presented.

MOTION CARRIED.
(See Exhibit L)

7/C

Mr. Cavazos was also requesting a budget amendment to appropriate General Fund loan monies to purchase the jail project land. The amount of the amendment was for \$195,000.00. A motion was made by Commissioner Rosel and seconded by Commissioner Garces to approve the request as presented.

MOTION CARRIED.
(See Exhibit L)

7/D

The last item was for approval of a resolution designating the County Judge and the County Auditor of the County of Hidalgo as authorized representatives to give notice of intent to reimburse expenditures with proceeds to tax exempt obligations.

Mr. Cavazos indicated that there was already a resolution in place and Commissioner Rosel pointed out that the previous resolution was with the previous Commissioners' Court. A motion was made by Commissioner Rosel and seconded by Commissioner Garces to approve the request as presented.

MOTION CARRIED.
(See Exhibit L)

ITEM 9. PURCHASING DEPARTMENT:

A. HIDALGO COUNTY:

1. Recommending bid award for "Gasoline & Off-Highway Diesel Fuel Products" to lowest bidder, Discount Oils, Lubricants & Fuels of Pharr, Texas
2. Approval of contract for "Gasoline and Off-Highway Diesel Fuel Products" to Discount Oils, Lubricants & Fuels of Pharr, Texas
3. Recommending bid award for "MS 1-Emulsified Asphalt-Hidalgo County" for a bid price of \$.7582 per gallon to low bidder, Texas Fuel & Asphalt co., Inc. of Corpus Christi, TX
4. Approval of contract for "MS 1-Emulsified Asphalt-Hidalgo County" to Texas Fuel & Asphalt Co. Inc. of Corpus Christi, TX
5. Requesting authority to advertise for "Air Conditioning, Electrical and Plumbing Services" for Hidalgo County

B. HIDALGO COUNTY PRECINCT NO. 1

1. Report, discussion and action (if necessary) on "no responses received" from RFP: "Easter at the Park" Project

C. HIDALGO COUNTY PRECINCT NO. 3:

1. Requesting authority to declare various phone equipment surplus

D. HIDALGO COUNTY 93rd DISTRICT COURT

1. Requesting authority to declare various phone equipment surplus

E. HIDALGO COUNTY 275TH DISTRICT COURT

1. Requesting authority to declare various phone equipment surplus

F. HIDALGO COUNTY COURT AT LAW NO. 1

1. Requesting authority to declare various phone equipment surplus

G. HIDALGO COUNTY COURT AT LAW NO. 2

1. Requesting authority to declare various phone equipment surplus

H. HIDALGO COUNTY COURT AT LAW NO. 3

1. Requesting authority to declare various phone equipment surplus

I. HIDALGO COUNTY MASTER COURT NO. 1

1. Requesting authority to declare various phone equipment surplus

J. HIDALGO COUNTY PERSONNEL OFFICE

1. Requesting authority to declare various phone equipment surplus

K. HIDALGO COUNTY TREASURER OFFICE:

1. Requesting One (1) living room/love seat-burgundy (asset #022677) be declared surplus

L. HIDALGO COUNTY VETERAN'S OFFICE

1. Requesting one (1) phone Mitel Superset 4 (Asset #24589) be declared surplus

9/A/1

Martha Salazar, the Purchasing Director, came before the Court recommending a bid award for "Gasoline & Off-Highway Diesel Fuel Products". She stated that a bid opening was held on March 11 and two bids were received; Discount Oils, Lubricants & Fuels out of Pharr, Texas and GoldStar Petroleum out of Pharr, Texas. The recommendation is for Discount Oils, Lubricants & Fuels being low bidder. A motion was made by Commissioner Garces and seconded by Commissioner Rosel to approve the request as presented.

MOTION CARRIED.
(See Exhibit N)

9/A/2

Mrs. Salazar was then requesting approval of a contract for "Gasoline & Off-Highway Diesel Fuel Products" to Discount Oils, Lubricants and Fuels, of Pharr, Texas. A motion was made by Commissioner Rosel and seconded by Commissioner Garces to approve the request as presented.

MOTION CARRIED.
(See Exhibit N)

9/A/3

Mrs. Salazar reported that she was recommending bid award for "MS 1-Emulsified Asphalt-Hidalgo County". She pointed out that this was a bid that was opened on March 4th and two bids were received: Texas Fuel and Asphalt Company, out of Corpus Christi and Koch Material out of Corpus Christi. She was at this time recommending that the bid be awarded to the lowest bidder being Texas Fuel & Asphalt Company at a bid price of \$.7582 per gallon. A motion was made by Commissioner Garces and seconded by Commissioner Rosel to approve the request as presented.

MOTION CARRIED.
(See Exhibit N)

9/A/4

A motion was made by Commissioner Garces and seconded by Commissioner Rosel to approve a contract with Texas Fuel & Asphalt Company, out of Corpus Christi, for "MS 1-Emulsified Asphalt - Hidalgo County".

MOTION CARRIED.
(See Exhibit N)

9/A/5

Mrs. Salazar announced that she was requesting authorization to advertise for "Air Conditioning, electrical and Plumbing Services" for Hidalgo County. A motion was made by Commissioner Garces and seconded by Commissioner Arcaute to approve the request as presented.

MOTION CARRIED.
(See Exhibit N)

9/B

Mrs. Salazar informed the Court that they had gone out for RFPs for an "Easter at the Park" Project for Precinct One. She reported that a bid opening was held on April 1st and no responses were received.

NO ACTION.
(See Exhibit N)

9/C-L

Mrs. Salazar stated that she would like to take all of these items together as they entail the declaration of surplus of old telephone equipment. These departments are as follows: Hidalgo County Precinct No. 3, Hidalgo County 93rd District Court, Hidalgo County 275th District Court, Hidalgo County Court at Law No. 1, Hidalgo County Court at Law No. 2, Hidalgo County Court at Law No. 3, Hidalgo County Master Court No. 1, Hidalgo County Personnel Office and Hidalgo County Veteran's Office. The Hidalgo County Treasurer's Office was also requesting the declaration of one living room love seat (asset #022677) as surplus. A motion was made by Commissioner Rosel and seconded by Commissioner Garces to approve the request as presented.

MOTION CARRIED.
(See Exhibit N)

ITEM 10. COUNTY JUDGE'S OFFICE:

- A. Jail Construction
- B. Architect Selection Process

JUDGE CUELLAR County Judge's Office, jail construction.

PAUL VAZALDUA Judge, at this time the Texas Board of Architecture, Architectural Examiners has not given us any official notice on what they, what the proposer has pending at the State Office. It does seem that at this time there's, there's no action. I know the intent to put this on was in case that they had advised us, but they have not advised us at this time.

JUDGE CUELLAR It takes care of both "a" and "b". We received some mail this morning but we haven't had time to look at it and get it to the Commissioners.

COMM. ROSEL Well, may I ask what are, what are we waiting for in so far as a response is concerned. When you say response what are you talking about?

PAUL VAZALDUA In the discussion that I had with Cynthia Canfield, who's General Counsel from the TABE; she's indicated that the, the staff is not at this time prepared to give us a decision on whether there's going, what type of suspension Prospectiva will receive if any. They're taking it up to the board level.

COMM. ROSEL So, you're saying that there's a possibility that they may suspend these people, or what? Is that what I heard?

PAUL VAZALDUA Yeah, at this time that's...

JUDGE CUELLAR There's no question that they are in good standing.

PAUL VAZALDUA there's consideration.

JUDGE CUELLAR But again there's some action that might come up so we're going to, we'll, we'll have no action at this week and we'll bring it up next week again.

COMM. GARCES Yeah, before we...

JUDGE CUELLAR We should have more information.

COMM. GARCES ...Judge, let me ask you. Are we informed of a procedure, maybe calling for "x" amount of days after they receive the response that they should make a decision on. Do we have that...

PAUL VAZALDUA Yes. The next step is that the TABE's staff will present to their Board on May the 28th through May the 30th and Prospectiva will be on that agenda.

COMM. GARCES And then maybe shortly after that they'll make it....

COMM. ROSEL But next week what you're going to do, Judge, you're going to put this item on the agenda for action, is that what you're saying?

- JUDGE CUELLAR It's possible; depending on the information that we give you. As I said we received some this morning, but again it, it reassures us that, that the architect firm is, is in good standing at this time.
- PAUL VAZALDUA -----Cynthia Canfield was going to be here at this meeting and she, she apparently has not made it in...
- JUDGE CUELLAR We invited them and told them...
- PAUL VAZALDUA ...and we, we faxed her directions on how to get here from the airport yesterday and we thought she'd be here by now to help us get a little more clarification, but we'll visit with her again this week and maybe she'll come down.
- COMM. ROSEL Well, then there's, there's a list of issues that we need to talk about next week then. You're saying that we want to be assured or reassured of their good standing. There's a list of issues that we need to discuss and is she going to be here next week or do we need her here at all or what?
- JUDGE CUELLAR No, it's not that we need her, Commissioner, they made a request of us that if any, anything pertaining to this project; if we were going to discuss it, that they be advised so they could be present. We did advise them that this was put on the agenda, but it was based on the information that we thought they would give us an answer by the end of last month. We have not received it and as I say we had a letter this morning, but it's not the time, didn't have time to get it to you and to put...
- COMM. ROSEL I think, and this is my own saying it, I think what we should do is exercise leadership here and do two things: one, we should come next week prepared to appoint one, one per commissioner, a member to a negotiating committee, because I, I think that you said in recent past in a letter or something that she didn't want to be part of the negotiating committee, is that, is that what I understand?
- JUDGE CUELLAR That was under discussion, it's not, it's not on the agenda and...
- COMM. GARCES It was proposed, that's all.
- COMM. ROSEL Well, that's why I'm saying, but next week I think we should, we should come prepared for that and let's discuss that; and

number two, you know, we should exercise leadership and go ahead and say "look, in the best interest of this County, we're going to just continue the negotiation with number one and go to number two and number three and then with this new negotiating committee", I think that's what we should do.

JUDGE CUELLAR When we have all the information, I think it, it might proper, but at this time we don't have all the information.

COMM. GARCES Judge, we meet next Monday, can we send, Canfield, is that her name. Tell her that she's going to be on the agenda. Push the issue a little bit, saying "hey we got you on the agenda, we'd like to see you show up", not in those words, but you know what I'm saying.

COMM. ROSEL Well, I think the interest...

JUDGE CUELLAR This was her request, Commissioner.

COMM. ROSEL I think the information that we need from, that was requested from her office was sent to all the County Commissioners. I think it's better written than said in this case, you know, because I think we got it as a fact and we just need to act on what we've got. Real simple, for me.

JUDGE CUELLAR No action at this time.

COMM. ROSEL Well, I mean, can we take action.

JUDGE CUELLAR It's not properly before us, the information we need.

COMM. ROSEL Okay, we'll wait till next week.

NO ACTION.

ADD. 1. COMMISSIONER PCT. 4: (VERBATIM)

A. Discussion and action on Attorney General's Correspondence dated April 1, 1998

COUNTY JUDGE We have the addendum, Commissioner Precinct Four, discussion and action on Attorney General's correspondence dated April 1, 1998.

- COMM. GARCES I guess by now Judge, we all have received the memo from the AG's Office styled "To our Planner" and he sent copies to my office at my request, by Mr. Joe Riddell. You want me to read it out or want to discuss it.?
- JUDGE CUELLAR Please read it.
- COMM. GARCES Yes sir, "You have asked whether the County Commissioners' Court needs to review and approve a plat that is inside the city limits of McAllen. The short answer is 'no'. The county's plat review and approval authority under Chapter 232 of the Texas Local Government Code applies only to land located outside of the city limits of a municipality. Simply put, the model rules are adopted and enforced by the County apply to the unincorporated areas. For a plat inside city limits, the owner generally needs just the city's approval under Chapter 212 of the Local Government Code (including the city's subdivision rules developed thereunder plus, if adopted by the city, on the Model Rules. The county clerk may record an inside-city-limits subdivision without the need for county approval simply on the basis of the city's approval, but note that the clerks needs to check for certain attachments required by Local Government Code 212.0105 for a residential subdivision with lots of five acres or less. I hope this clears up the matter. I am not familiar with the law under which the drainage district is involved in the plat review, but I assume that you all can work out procedures so that the district's review of the drainage is accomplished at the time a plat is being reviewed by the city." That's probably the only little hitch, right now, right Vona? As far as how do we involved the review of Drainage District when this plat is kind of winging from the city over to the Drainage District, but we that already right, on preliminary?
- GODFREY GARZA What we've done is...
- COMM. GARCES Yes and no again, all right.
- GODFREY GARZA The answer is no, Commissioner, in which the District, because it is a Drainage District has certain guidelines, certain laws of governing it and we've talked to attorneys and we've been able to pull out the law in fact as to where the District has the responsibility and the right to review the drainage for any subdivision falling inside of Hidalgo County, within the District, including subdivisions inside the city limits.

So, at this time what we would be requesting is that the plat still be submitted to the Drainage District for review to make sure that they do comply with the Drainage District policies for calculations in storm detention and so forth; but that cuts off maybe about two weeks of processing time in which we would just review it for drainage, to make sure that it complies to our policy and that is it, you know, it still falls under the city limits then their ----- their city policy for drainage review, however we do need to make sure that they comply with the overall drainage district policy on how much water is detained and how the run-off is -----

COMM. ROSEL Am I hearing, am I hearing that these cities, in the city plats, subdivision plats will come through, not to the regular agenda but the drainage district agenda, that's what you're saying right.

COMM. GARCES No, not even that.

STEVE CRAIN Not even that.

COMM. GARCES I know, it to be admitted administratively.

GODFREY GARZA We've just reviewed, Commissioners, we would just review it to make sure that they complied with the Drainage District's policy which was adopted when the Master Plan was adopted for Hidalgo County. At that time, it was stated that any run-off within the Drainage District, "x" amount is detained, "x" amount is run-off, you calculate the size of pipes that are required and so forth. So it would have to go to the Drainage District so the drainage is reviewed to make sure that they comply to that.

COMM. ROSEL Is that sufficient, Legal Counsel?

STEVE CRAIN For anything within the cities or within their two mile ETJ.

COMM. GARCES That, that also has to be included, I'm glad you brought that up, Steve. The two mile, the immediate ETJ

STEVE CRAIN Let me back up, this letter from the AG is only talking about within city limits or within two ETJ.

COMM. GARCES Right.

STEVE CRAIN What Godfrey is talking about will apply to every subdivision located within the Drainage District of Hidalgo County.

COMM. ROSEL Inclusive.

STEVE CRAIN As it relates to the city, the only requirement they would need then in addition to what the requirements are would be Drainage District approval of the drainage.

COMM. GARCES A check-off, yeah.

COMM. ROSEL At what point does he challenge, at what point can he bring to Commissioners' Court a subdivision that he feels that would in the city, would, it would be detrimental to the what do you call it, out-flow...

GODFREY GARZA Basically whenever, whenever a subdivision would not comply with the District policies then the owner would have the right to request a variance from the District policy and at that point, then the subdivision would have to come through the Board of Directors to grant the variance or not grant a variance, but as long as they comply with the District's policy we should be able to handle it at the staff level instead of bringing in everything up to the Board of Directors. That's, that's the way I understand it, simply because it has fallen within city limits itself and they have their drainage criteria that should be more stringent than ours.

COMM. GARCES I think it's very that we have this in place. Obviously there's hasn't been any modifications on outfalls in over what, twenty-some odd years, right?

GODFREY GARZA Right, but again, we would go back, go ahead sir.

COMM. GARCES Yet, and yet the population already doubled since probably the last time that we had a good census count.

VONA WALKER Yes.

GODFREY GARZA Right.

COMM. GARCES So, the cities interest obviously is not going to be in the better interest of our County issues, with the Drainage District and this is something that we have seen the last eighteen months Precinct Four, Precinct One and some, well, not you, Juan, where we had these problems with the Drainage District, so I think that we have to get that very much in the front burner and ...

GODFREY GARZA Yes sir.

COMM. GARCES ...have a keen eye to the volume coming out of these cities.

GODFREY GARZA And that, and again the process of the subdivision review with anything outside the city limits would still fall under normal routing, the only thing that we would be addressing in this fashion would be items or developments that are within the city, the incorporated city limits.

COMM. GARCES And also to make things easier, Lalo, what would we require, Steve, to properly record this with the County Clerk or should we sit down with the County Clerk and say okay here is a checklist...

STEVE CRAIN There's a statute in the Local Government Code, the subdivision regulations, that specifically lays out what the County Clerk has to, what attachments they have to look at, to make sure they're there and Mr. Riddell does discuss that in his letter, to identify the section.

GODFREY GARZA One item that we did do in discussion with the City of McAllen; the City of McAllen would still like to use the clearing house of the Planning Department, because the Planning Department knows what to look for in the subdivisions and then they would not have to take it to the District then pick it up. In other words, when the plats are approved by the cities, they would go to the Planning Department then the Planning Department would deliver to the Drainage District for its review, we'd submit it back to the Planning Department, the Planning Department would record it; because they have in their process, for their checklist, what they need to check for as far as tax certificates and so forth. The only thing that would be not be going through would be putting it on the agenda submitting it to, you know, Commissioners' Court, getting it over to the Health Department, you know a lot of these issues we've completely cut off, but we would still have one central clearing house for subdivisions instead of, of every city running around with "where's it at, what is the process?" The Planning Department could still manage where that subdivision is in recording and the City of McAllen is receptive to that item, because they would rather keep the same channel of operation except the only thing they're gonna know is that any subdivision within the city is only

reviewed by the Drainage District. And, you know, that this the input that we received from Judy Rankin, from the City of McAllen Planning Department.

COMM. ROSEL So, you're saying that that applies also to the two mile ETJ?

GODFREY GARZA According, and I'm going back to what the attorney said, sir, you know, my understanding was that it was within the city limits...

COMM. GARCES In the memo..

GODFREY GARZA ...incorporated city limits.

COMM. GARCES Yeah, in the memo.

GODFREY GARZA Yes.

COMM. GARCES It doesn't say unless I'm...

GODFREY GARZA No, we called over there and Mr. Riddell responded back and made clarification that this only related to the incorporated city limits.

COMM. GARCES But, it does not include the immediate two mile ETJ.

STEVE CRAIN Well, with your permission...

COMM. ARCAUTE You're going to have to include the ETJ, 'cause that...

STEVE CRAIN You've got to include...

COMM. GARCES Have authority to enforce...

JUDGE CUELLAR Let the attorney give you the numbers on that letter and what he has checked out.

STEVE CRAIN This is, remember in the Local Government Code there's two subdivision statutes in effect; two types of statutes, one that applies to the entire state, one that applies basically to us and a few other counties. In the one that applies to us, 232.022 of the Local Government Code, this is the county one, it says "land is considered to be in the jurisdiction of a county if the land is located in the County outside the corporate limits of municipalities and outside the extra-territorial jurisdiction of municipalities as determined under

Chapter 42". Well, Chapter 42 is a two mile not a three-mile, five-mile, it's a two-mile.

COMM. GARCES

Immediate.

STEVE CRAIN

So I think with your permission I can contact Mr. Riddell and discuss with him this particular section that extends, municipality jurisdiction to the two-mile, it gets us out of the two-mile ETJ.

COMM. ROSEL

That'd be good.

COMM. ARCAUTE

So, so it does include the ETJ.

STEVE CRAIN

That's my interpretation, it includes the two-mile ETJ.

COMM. ARCAUTE

'Cause, not that's -----

COMM. ROSEL

So enforcement has to become....

COMM. GARCES

You see, Lalo...

COMM. ARCAUTE

But city enforcement, see, this has been the problem with the cities, you know. You have your city limits and you have your ETJs. They control that development, but yet they don't have enforcement.

STEVE CRAIN

And we still will have part of that problem even with this statute, because some of these cities under chapters have different ETJs. This particular statute only use the two-mile ETJ, whereas some of these cities under other chapters can do certain things up to five-mile ETJ.

COMM. GARCES

And the AG is only going to respond as to how you lay out that question and we didn't...

STEVE CRAIN

And that's why I'm saying, that question really hasn't been laid out to the AG to my knowledge.

COMM. ARCAUTE

That has always been a problem, there's an interpretation, we been getting confused with the...

STEVE CRAIN

Then there's a practical problem also, if we're correct about the two-mile ETJ, the practical problem is going to be when something comes in, how do you certify that it is within the two-mile ETJ or outside the two-mile ETJ.

- JUDGE CUELLAR Steve, what we have to keep in mind and remember, is will this, this subdivision situation was dumped on us all of sudden and we're dealing not only with the Water Development Board, we're dealing with the Attorney General's Office. We're having to deal with the cities and things that, that we've done in the past, did through misinterpretation or misunderstanding; we haven't been together with Austin. We're trying to bring it together now. Yesterday, I received a letter with fifteen pages, all total, bringing to a head some of the things that the Water Development Board has brought up. Anthony, went up and met with the people in Austin, for two days, they're just now clarifying the things that we should do that we haven't done and what we haven't done that we should do. We passed this out, the, the Planning Department's done a tremendous job on this, Emilio's present, and, and we're meeting with Austin, meeting with the Attorney General trying to get things clarified. I think at this point they agree that we're doing the best that we know how to stay ahead other problems that have developed through the years, because we had never been told that we were not comply..., in compliance; and we're going to, as, as was said by Commissioners' Court, we're going to comply with everything, it's going to be a little painful, in some areas, because of redirecting some of the things that in the past we didn't know we had to do, such as furnishing water meters and stuff like that.
- COMM. GARCES And that still has to be answered, Judge, by the AG's Office who were going to be the enforcement...
- JUDGE CUELLAR Yes
- COMM. GARCES ...of this all, overall scenario, so we're getting some letters from the Water Development Board, but we still have to wait for the final authority.
- JUDGE CUELLAR Exactly, they're the ones that have, they have the oversight. So, it's a matter of, of putting the horse back in front of the cart and, and getting things the way we're supposed to do. We acted in..., we reacted as quickly as we knew how so in some instances we're ahead of, of what they're requesting of us.
- GODFREY GARZA The, the only thing that I'm asking is, you know, some type of direction as far as, where, where the District stands as far

as drainage. We know that we have the right to review the plats and we have a, a tremendous load of plats that we know that are directly inside the corporate limits of the city, any city. And some of these plats are being picked up and taken for recordation without any drainage review being done on it. What I would is, you know, items, until some of these items are clarified, if there is no question of a development inside a corporate city limits that the Drainage District do its duty of reviewing it for drainage and then, you know, if it's going to be recorded, let it be recorded, at least some agency has looked at some of the items on there, which is the drainage, which we feel are within our powers to review. You know, right now there's some developments being recorded without even the District looking at it or reviewing it and we have the obligation and the right to do that.

COMM. GARCES

Regardless of location.

GODFREY GARZA

Regardless of location, may it be inside the city limits, one mile, two mile, five mile, it doesn't matter.

COMM. GARCES

They're casting their problems, their volume of water into our areas of concern.

GODFREY GARZA

Yes sir, and that's, that's why I feel that we should review, we should, when we have the right to review it and that's , you know the kind of direction that I'm looking for, is that we'll find out that we know that we were trying to clarify be-it city limits, ETJs and so forth, but it doesn't matter where this property falls, you as the District still have the responsibilities to review it.

COMM. GARCES

Very much.

GODFREY GARZA

And that's what we would like to do, is not put the District in a position, well, getting plats recorded or violating the statute by not reviewing it.

COMM. ARCAUTE

So, wouldn't that come at the time that the permit is secured by that city from the Drainage District to drain into our outfall.

GODFREY GARZA

No sir, it, it comes in there and it's very clear, it's clear in there in regards to whenever the Master Plan was adopted, any developments, not just a discharge from the Corp. of Engineers gave us the right for the discharge permit, when

they discharge into our, into our, into our system. In other words, we have a development adjacent to one of our ditch and they put a pipe into it, well there's a procedure for a discharge permit which comes before the Board and the Judge for review and approval.

COMM. ARCAUTE

Right.

GODFREY GARZA

However, when a subdivision is being developed and it ties into a city storm sewer and eventually storm sewer falls into our system, that's a different category of review. In other words, we just review the drainage statement as to what it's doing, where are the waters going; but we do not choked down the existing system, because the system falls to the city and the city has already received a permit from the District for discharging into our system.

VONA WALKER

Ah, excuse me, I might add that a lot of times, we get subdivision plats that are tying directly into our ditch that there's no permit, there's nothing. We don't even know it's happening until we get it and we have to say "hey, wait a minute, you need a drainage permit" and I mean this is not engineers who don't know...

COMM. GARCES

With that approach, with the simple man's approach, Vona, we're just assuming that we're still at 198,000 populous in Hidalgo County. It's not going to work.

GODFREY GARZA

You know, and again we've adopted certain policy or the Board has adopted certain policy with the new plans and old plans that we need to continue reviewing and making sure that it complies until modifications are made to our plan, as to detention or run-off. So basically, what I'm requesting is just some direction so, some of these subdivisions that we know are inside the city can be reviewed by the District and get them recorded, because we still have the responsibility to review no matter where they fall in Hidalgo County.

COMM. GARCES

Surely you're going to have...

JUDGE CUELLAR

We're doing the best job we can of passing it on and getting you the information that we don't have yet. Again, this has been of the problems that we're trying to make sure that we interpret the same way they do, by them telling us what it is they, that they want to interpret.

GODFREY GARZA

Yes sir.

JUDGE CUELLAR

I want to thank Anthony, he's made some, a couple of trips up to, up to State agencies and met with them. They've come down here and they've met with Emilio and, at best they've said that they thank us for the cooperation we've given them, of working together with them and from day one, we've done that and we will continue to do that because we don't, we don't inadvertently want to violate the law.

GODFREY GARZA

Yes sir.

COMM. GARCES

What're you asking...

COMM. ROSEL

(INAUDIBLE)

COMM. ARCAUTE

--- the last thirty minutes.

COMM. ROSEL

Subdivision regulations are not, don't come up, don't come from the County Commissioners', but they come from a collection of, of resources and these subdivis..., when these proposals are submitted as part of a subdivision regulation or a policy then that information is given back to legal counsel and then legal counsel can go, goes back and he reviews as to whether this could be a policy that could be adopted and that is according to the statutory requirements of the State of Texas. And at that time they come to us and they make a recommendation and, and tell us that it is or it isn't...

JUDGE CUELLAR

Except, Commissioner...

COMM. ROSEL

It doesn't come from us.

JUDGE CUELLAR

The city has the right to pass...

COMM. ROSEL

(INAUDIBLE)

JUDGE CUELLAR

...its regulations, the County has the right to pass them and so, and so does the State; and what they say is the most stringent rules are the ones that are going to apply.

COMM. ROSEL

And I agree with it and I think it should be like that all over...

JUDGE CUELLAR

They told us not to look to the statutes, because I don't think there's anything mentioned about water meters.

COMM. ROSEL That's what I'm saying.

COMM. GARCES That's why the AG's opinion is. Are we expecting anything from the AG, it's been about two weeks now, no? Three weeks?

VONA WALKER Have we asked for a formal AG's opinion.

COMM. ROSEL Yeah, that's another one.

JUDGE CUELLAR Yes, yes, yes.

VONA WALKER Good, good, good.

COMM. GARCES Three times.

JUDGE CUELLAR In fact we sent somebody and, who met with them and, and we made this request, again there's a lot that they have to look over. They've looked some of our plats and, and they're giving us, I have no quarrel with the way they're trying to work with us. The Attorney General hasn't, ah, this letter is the only thing we've received from them. There's some talk going on presently with the Planning Department of trying to correct some situations that might have gotten a little out of hand and, ah, I think in the final analysis it's going to come out all right. Emilio, do you want to add anything.

COMM. ROSEL My next question...

EMILIO GARCIA Yes, Judge, good morning, Commissioners. Yesterday we met with the State Auditor's Office, there's about six, seven individuals that are on right now doing on site inspections out there within the rural area. Roy Gonzalez is showing them the subdivisions. We don't know what they're looking for or what they're doing but basically they're out there doing on-site inspections. We've given them all the information they want, they are welcome to the maps, books that we have, records that we have. We met with them for about two hours yesterday, so this morning they were in my office and right now as, as we speak they are on the road and again doing on-site inspections and what they're looking for we just don't know. We have given them all the information that we could furnish. They might, you know go ahead and give us a report.

JUDGE CUELLAR Mari, you might make some copies if the press, if the media would like copies of the letter we received dated yesterday, they're, they're welcome to it.

COMM. GARCES The fifteen page one, Judge?

JUDGE CUELLAR Yes.

COMM. GARCES Okay.

JUDGE CUELLAR Yes, that's what we had for supper last night.

COMM. GARCES Judge, I went through it and, and in one term I think what, what the Development Board people are trying to bring out time and time again. They repeat themselves quite a bit on the nine steps, is it.

EMILIO GARCIA Yes.

COMM. GARCES The ambiguity of some of the statements in the statute itself.

EMILIO GARCIA Exactly.

COMM. GARCES Right?

EMILIO GARCIA There's, there's...

COMM. GARCES There's going to be a lot of leeway ...

EMILIO GARCIA On those, on those steps, Judge, we couldn't find some of the sections in our rules and regulations nor in the Model Rules and Regulations, you know, talking about water meters being installed or septic tanks being installed.

JUDGE CUELLAR Again I began to request from some of the cities if they have any subdivision rules, because you've got to remember that the County has only received two EDAP funds for two colonias. Is that correct, Anthony?

COMM. GARCES That's it.

ANTHONY COVACEVICH Excuse me.

JUDGE CUELLAR We only received EDAP funds for two colonias.

ANTHONY COVACEVICH Right.

JUDGE CUELLAR The rest of them have been received by the cities, they have not come to the County.

EMILIO GARCIA Exactly.

JUDGE CUELLAR And it's something that we didn't understand when they came and said that we were violating. Again it, it's a matter of misunderstanding or misinterpretation and, and at no time did the County refuse to meet with them or to furnish them in the information that they required. There's been several meetings and there'll be more meetings because we are cooperating and we think it's something that's, that deserves a lot of attention and we will be giving it.

COMM. ROSEL (INAUDIBLE)

COMM. ARCAUTE I think, Judge, what..., I think what the Water Development Board is doing here is, since this areas or these plats that we approved are outside the city limits, eventually the cities are going to annex and they bring an extra problems 'cause they apply for these grants. That's probably what they're referring to, but of course that's assuming too many things too.

EMILIO GARCIA Judge, meanwhile, the City of Edinburg has requested in writing two subdivisions to be released to the developers. They have requested their subdivisions be released to the developers from there, I don't know if they're being recorded or they're doing some changes on the subdivisions, but the city has requested the two plats to be released. I just want to give you that information that we...

COMM. GARCES Which ones are those, just for the record, Emilio.

EMILIO GARCIA Ah, one of them is the Chateau Subdivision

COMM. GARCES No problem.

EMILIO GARCIA And, that's inside the city limits, and the other one is the Attic...

VONA WALKER The Attic is in McAllen.

COMM. GARCES North McColl.

EMILIO GARCIA No, no...

COMM. GARCES It's North McColl, it's a single lot it's for a, the new location of the...

VONA WALKER In McAllen.

EMILIO GARCIA That's in McAllen.

COMM. ROSEL What plat, I'm sorry.

JUDGE CUELLAR What was misunderstood is we originally said that we would not approve any plats that did not meet the specifications required by the Texas Water Development Board and the Attorney General's Office...

EMILIO GARCIA Exactly.

JUDGE CUELLAR In fact, we said, we might let them look at them before we, we, ah, Anthony carried a sample plat up there and they've given us where they don't think it meets...

EMILIO GARCIA Exactly, there's nine.

JUDGE CUELLAR ...their specifications.

EMILIO GARCIA Yeah, there's nine section in there that.

JUDGE CUELLAR We're working on it now.

EMILIO GARCIA But, you know for the record, I just want to inform you that we have received in writing from the City of Edinburg that we release to them the subdivisions. Now, whether they're doing some revising or checking them or whatever, it's on their hands.

COMM. GARCES I ---- both of them, Judge, in fact I go by Sunday on the Chateau Heights which is off...

EMILIO GARCIA They had been recorded?

COMM. GARCES Yeah, they've been recorded already. So, I guess that's it. Chateau Heights has been recorded and I think the one in McAllen if I'm not mistaken, correct me, is that single lot...

GODFREY GARZA Yes sir...

COMM. GARCES ...for storage that no problem.

GODFREY GARZA They submitted two ----- and the County Clerk ----- do record them but Melden & Hunt is issuing volume and page. Again, I, I don't know what to say...

COMM. GARCES You didn't review them.

GODFREY GARZA No sir. I'm just saying, you know, that's, that's what I'm asking for. I don't mind them releasing them, -----, and you know the attorney told them that we have ----- to give me the right to review to review them as the Drainage District and I have not received any instructions to that effect.

COMM. ROSEL It goes, it goes back to the original statement that I made, or question is that at what point, can the Drainage District director challenge a subdivision and at this present time, you can't, because it's gone and it is recorded.

VONA WALKER Yeah.

COMM. ROSEL Right, Vona?

VONA WALKER Yeah, that's true.

COMM. ROSEL So, what I'm saying and this particular group of people or department has to be autonomous for the whole she-bang and, and it has to be, it has to be a cause that you go before even till you get through the Planning and Zoning Board in the cities. Planning and Zoning, verdad? So, it goes through them first, which they're not going to take long with it, they're going to look at it and they're going to pass it and it's gone. Then that way we are sure that there's a checks and balances, but at this present time there's no checks and balances. So, there's not alternative for him to challenge that subdivision that's already recorded.

COMM. GARCES Yeah, exactly.

COMM. ROSEL So, we need, we need a method of checks and balances, that's what I'm saying.

COMM. GARCES For this particular reason, for this particular scenario...

- COMM. ROSEL Then you get the State coming over there and speaking to us in parables, which is ridiculous.
- COMM. ARCAUTE Well, that's where the permitting process in. Cities, no I mean to drain into our, into the drain ditch. You don't control your subdivisions, we won't give you a permit to drain into the Master Drain.
- COMM. ROSEL Exactly.
- COMM. ARCAUTE See, what you're going to do with water.
- COMM. ROSEL Exactly.
- COMM. ARCAUTE So that would be the checks and balances.
JUDGE CUELLAR Anything else.
- COMM. ROSEL I've got something else.
- STEVE CRAIN Just one other statement, that I wanted to stress in the letter you received, April 1, from the Attorney General's Office. You had asked me before about ETJs and city limits, I think everything we've told you is correct that we don't have the authority necessary to look over the cities shoulders and check what's inside the city limits. However, there, there is one qualification of that, it doesn't have to do with this body, it has to do with the County Clerk's Office. An in the letter, I'm just going to read that sentence in the letter, that "the County clerk may record an inside-city-limits subdivision without the need for County approval, simply on the basis of the cities approval, but note that the clerk needs to check for certain attachments required by Local Government Code Section 212.01015". So even though it's not up to you to approve an inside the city limits one, I don't want anybody to misunderstand that the clerk still has duties under statute to check and make sure those plats are being presented to him for recording, have these attachments required by statute.
- JUDGE CUELLAR The one thing that I'll ask..., because of misinterpretation is anytime that our folks meet with the State that they send them a letter as to what they understand the meeting was about and I think this information ought to be passed on to our County Clerk, to make certain that we're all in tune. Now, sometimes you meet and you don't get, you don't get the same meaning out, so I think that we should, should do that, but, after we meet with them and I've instructed the

department heads to do that. Send a letter to the agency that they meet with specifying what they think was agreed to.

STEVE CRAIN

I think that's a good idea, Judge.

JUDGE CUELLAR

Thank you.

NO ACTION.
(See Exhibit O)

Commissioner Rosel then changed the subject and went on to discuss the appropriation of funds for the additional deputies for the Sheriff's Department. He added that during the budget workshops they had discussed the possibility of a grant and what repercussions it would entail if accepted. He continued by saying that the commitment by this Commissioners' Court was that if they accepted the grant, then they would, after two or three years continue the program with those grant funds. He added that the grant was applied for and in the meantime this Commissioners' Court assured that they would go ahead and make sure that they got the personnel out there in the rural areas where it was needed. They did this by approving nineteen new deputies on January 1 and then another nineteen just last week. He stated that they had agreed to do this contingent on the grant and he was concerned that they were hiring fifty additional personnel with General Fund monies that they were committing to carry on for the term of the grant. It was because of this that he felt that this Commissioners' Court needed to go back and talk to the Sheriff about ways to fund these additional slots. This resulted in a discussion with additional comments from the County Judge, Commissioner Garces and Commissioner Rosel.

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

MOTION CARRIED.