

SPECIAL MEETING – OCTOBER 28, 2003

BE IT REMEMBERED, that on this 28th day of October, A.D., 2003, there was begun and held a SPECIAL MEETING of the Honorable Commissioners' Court of Hidalgo County, Texas, wherein the following members thereof were present, to-wit:

HONORABLE RAMON GARCIA	HIDALGO COUNTY JUDGE
HONORABLE SYLVIA HANDY	COMMISSIONER, PRECINCT NO. 1
HONORABLE HECTOR (TITO) PALACIOS	COMMISSIONER, PRECINCT NO. 2
HONORABLE JOSE FLORES	COMMISSIONER, PRECINCT NO. 3
HONORABLE OSCAR L. GARZA JR.	COMMISSIONER, PRECINCT NO. 4

and **J.D. SALINAS, COUNTY CLERK & EX-OFICIO CLERK OF THE COMMISSIONERS' COURT** of Hidalgo County, Texas, wherein the following proceedings were had, to-wit:

**Ramon Garcia
County Judge**

**Sylvia S. Handy
Commissioner, Pct. #1**

**Joe M. Flores
Commissioner, Pct. #3**



**Hector "Tito" Palacios
Commissioner, Pct. #2**

**Oscar L. Garza, Jr.
Commissioner, Pct. #4**

**COMMISSIONERS' COURT
AGENDA**

NOTICE is hereby given in accordance with Chapter 551, Texas Government Code, that a SPECIAL MEETING of the Commissioners' Court will be held on TUESDAY, OCTOBER 28, 2003 at 9:00 A.M., in the Commissioners' Courtroom of the Administration Building, Edinburg, Hidalgo County, Texas, discussion and possible action relating to the following business will be transacted:

1. Roll Call

All members of the Court were counted present.

2. Pledge of Allegiance

Judge R. Garcia led the Court and Audience in the Pledge of Allegiance.

3. Prayer

Judge Garcia called on Commissioner Handy to lead the Court and Audience in Prayer.

At this time, the Court proceeded to discuss item #10.

4. Open Forum

- Mike Robledo, IT Task Force, commented on cell phone usage.
- Eddie Olivarez, Health Director, informed the Court of insect/mosquito eradication.
- Raquel Martinez commented on being fired from the Sheriff's Department.

5. Approval of Consent Agenda

At this time, the Court proceeded with the Consent Agenda.

6. Pct. #4 – Comm. Garza: (SEE EXHIBIT G)

A. Approval of Resolution honoring Mayor Richard Garcia

Commissioners' Garza and Handy read the Resolution into the record.
On motion of Commissioner Garza, seconded by Commissioners Flores and Palacios, the Court made a UNANIMOUS vote of approval.

-At this time, the Court proceeded to discuss item #17.A.8.a-c only.

B. Request approval of line item transfer CIP 2002

On motion of Commissioner Garza, seconded by Commissioner Handy, the Court made a UNANIMOUS vote of approval.

C. Approval of Application to Vacate or Close a Designated County Road

Commissioner Garza stated for the Record: I checked with my foreman, who's been with the County for seventeen (17) years, and he called one of our operators that's been with the County...years ago, and they've never maintained that road to their knowledge, ever.

On motion of Commissioner Garza, seconded by Commissioner Handy, the Court made a UNANIMOUS vote of approval to close/vacate the County Road, subject to Mr. Thaddeus delivering a copy of the affidavit.

7. Elections Department – Teresa Navarro: (SEE EXHIBIT H)

A. Approval, discussion and possible action of the following, but not limited to:

1. Update on Third Special Session – Congressional Redistricting

Discussion/presentation made by Teresa Navarro. NO ACTION taken on this item.

2. Early Voting Permanent Substations for the 2004 Primary

On motion of Commissioner Handy, seconded by Commissioners' Flores Garza, the Court made a UNANIMOUS vote of approval.

3. Early Voting Mobiles for the 2004 Primary

On motion of Commissioner Handy, seconded by Commissioners Flores and Garza, the Court made a UNANIMOUS vote of approval.

4. Early Voting Permanent Substations for the 2004 Primary Runoff

On motion of Commissioner Handy, seconded by Commissioner Flores, the Court made a UNANIMOUS vote of approval.

5. Elections Department Phone Bank for Year 2004 Primary, Runoff and General Elections

Presentation made. NO ACTION taken on this item.

The Court discussed item #7.A.5 and item #15, simultaneously.

8. Budget Office – Valde Guerra: (SEE EXHIBIT I)

A. Indigent Defense Program:

1. Approval to create obj. #534 for discretionary grant & line item transfer

B. WIC:

1. **Approval to create obj. #745 & line item transfer**
2. **Approval of line item transfer from salaries**

C. Veterans Services:

1. **Approval to create obj. #607 & line item transfer**

D. Criminal Auxiliary Court:

1. **Approval to create obj. #661 & #664 and line item transfer**

E. Raymondville Drain – CIP:

1. **Approval of line item transfer - \$ 433,024.00**

On motion of Commissioner Flores, seconded by Commissioner Garza, the Court made a UNANIMOUS vote to approve item 8.A.1. – 8.E.1. Judge Garcia and Commissioner Palacios were away from the Court.

F. Sheriff Department:

1. **Approval to appropriate monies received from the Office of the Attorney General for \$1,284.00 in Acct. #3-1100-421-00-280-001-0-432 (equipment repairs)**

On motion of Commissioner Flores, seconded by Commissioner Garza, the Court made a UNANIMOUS vote of approval. Judge Garcia and Commissioner Palacios were away from the Court.

For the Record as per Valde Guerra: These are reimbursement monies costs associated with sexual assault medical examinations.

2. **Approval to appropriate monies received from the Office of the Attorney General for \$5,592.00 in Acct. #3-1100-421-00-280-001-0-333 (legal services)**

On motion of Commissioner Flores, seconded by Commissioner Garza, the Court made a UNANIMOUS vote of approval. Judge Garcia and Commissioner Palacios were away from the Court.

9. Health Department: (SEE EXHIBIT J)**A. Set salary for Health Director**

On motion of Commissioner Flores, seconded by Commissioner Garza, the Court made a UNANIMOUS vote of approval of the base salary in the amount of \$75,000.00, with an auto allowance of \$3,600.00. Judge Garcia and Commissioner Palacios were away from the Court.

10. Indigent Defense Program – Isidro Sepulveda: (SEE EXHIBIT K)**A. Request approval for submission of Discretionary Grant Application and Resolution**

On motion of Commissioner Handy, seconded by Commissioner Palacios, the Court made a UNANIMOUS vote of approval.

11. County Judge – Lorie Ochoa: (SEE EXHIBIT L)**A. Discussion, consideration and action to request Hidalgo County to assist in the raising of funds and organization of a task force for a legal defense on the issue of redistricting**

NO ACTION taken on this item.

B. Approval of Resolution in support of the Rio Grande State Center “Parents Association”

Commissioner Handy read the Resolution into the Record.

On motion of Commissioner Flores, seconded by Commissioner Handy, the Court made a UNANIMOUS vote of approval. Commissioner Palacios was away from the Court on this item.

C. Discussion related to correspondence to President Bush and FEMA from U.S. Congressmen and Senators to assist Hidalgo County in receiving a Presidential Declaration and disaster relief assistance

This item was discussed in conjunction with item #18. Presentation/discussion made by Charlie Montgomery, Dr. Melendez, and the Court. Commissioner Palacios was away from the Court on this item.

Commissioner Palacios recommended that before next week Mr. Guajardo send Steve Crain the authority, and at that time they can determine if another trip needs to be made.

NO ACTION taken on this item.

12. Urban County – Diana Serna: (SEE EXHIBIT M)**A. Approval of a Construction Contract with Sascon, Inc. – City of Alamo – Street Improvements – UCP Years 15 & 16 (2002 & 2003) in the amount of \$317,926.00**

On motion of Commissioner Handy, seconded by Commissioner Flores, the Court made a UNANIMOUS vote of approval.

B. Request for approval of Emergency Assistance Classification of one (1) application and the reconstruction of the housing unit under the present HOME Homeowner Occupied Housing Rehabilitation Program under the County-wide area program

On motion of Commissioner Garza, seconded by Commissioner Flores, the Court made a UNANIMOUS vote of approval.

C. Approval of Construction Contract with Cris Equipment Co., Inc. – City of San Juan – Street Improvements – UCP Years 14, 15 & 16 (2001, 2002 & 2003) in the amount of \$ 521,522.50

On motion of Commissioner Palacios, seconded by Commissioner Handy, the Court made a UNANIMOUS vote of approval.

D. Approval to execute 2003 HOME contracts with Proyecto Azteca, The Community Development Corporation of South Texas, Housing Plus, South Texas Economic Development Corporation and Southern Rio Services and to certify these organizations as CHDOs (Community Development Housing Organizations) within the County of Hidalgo

On motion of Commissioner Handy, seconded by Commissioner Garza, the Court made a UNANIMOUS vote of approval.

13. Right of Way – Godfrey Garza: (SEE EXHIBIT N)

A. Authorization for surveys, title reports, appraisals and acquisition of additional right of way on South McColl Rd. from Dicker Rd. north to Orangewood (Rancho Blanco Rd.) McAllen, Texas

On motion of Commissioner Garza, seconded by Commissioner Handy, the Court made a UNANIMOUS vote of approval.

B. Authorization for surveys, title reports, appraisals and acquisition of additional right of way on a TXDOT Off-System Bridge Replacement Project CSJ 0921-02-057 located on 12th Street 2/10 of a mile east of FM 493

On motion of Commissioner Garza, seconded by Commissioner Flores, the Court made a UNANIMOUS vote of approval. Judge Garcia was away from the Court on this item.

C. Authorization to apply for an EDC Application through the Texas Department of Transportation for various traffic signal lights within Hidalgo County

On motion of Commissioner Palacios, seconded by Commissioner Flores, the Court made a UNANIMOUS vote of approval. Judge Garcia was away from the Court on this item.

D. Approval of Amendment to Advance Funding Agreement between the State of Texas and the County of Hidalgo for “I” Rd. Project from SH 495 North to 0.25 miles North of FM 3461(Nolana) (Pct. #2)

On motion of Commissioner Palacios, seconded by Commissioner Garza, the Court made a UNANIMOUS vote of approval, subject to legal counsel. Judge Garcia was away from the Court on this item.

14. Planning Department – Raul Sesin: (SEE EXHIBIT O)

A. Discussion regarding Subdivision Regulations

Presentation made by Raul Sesin and Godfrey Garza. Judge Garcia was away from the Court.

15. Pct. #2: (SEE EXHIBIT P)**A. Discussion, consideration and action on Relocation of Budget Office and County Treasurer's Office**

On motion of Commissioner Handy, seconded by Commissioner Palacios, the Court made a UNANIMOUS vote of approval of the relocation of the Budget Office and County Treasurer's Office and also for the Elections Phone Bank for year 2004 Primary Run-off and General Elections and training.

At this time, the Court proceeded with item #8.

16. Human Services – Rudy De La Vina: (SEE EXHIBIT Q)**A. Discussion and/or action, including, but not limited to the following items:****1. Authorize Attorney of Record, Steve Crain to proceed with negotiation of the structure of Contractual Agreement between the Health Services District and the counties of Hidalgo and Cameron on behalf of Hidalgo County**

Discussion/presentation made by Rudy de la Vina. NO ACTION taken on this item.

2. Indigent Health Care expenditures

Expenditures to date are in the amount of \$350,052.22, leaving a remaining balance for year 2003 of the budgeted monies of \$37,700,483.00.

This item was approved through the Consent Agenda. NO ACTION taken on this item.

3. Modify Services being provided

NO ACTION taken on this item.

4. Report and Recommendations regarding Indigent Health Care

NO ACTION taken on this item.

17. Purchasing Department: (SEE EXHIBIT R)**A. HIDALGO COUNTY –****Discussion and/or action, including, but not limited to the following items:**

1. New Hidalgo County Jail: Total inmate population:	<u>1099</u>	Other Information:
Physical Count:	<u>1038</u>	Males <u>955</u> Others <u>6</u>
Out of County: La Villa	<u>53</u>	Females _____
Brooks	_____	Federal <u>13</u>

2. Current inter-local(s) and/or contract(s) for the "Housing of Inmates"

NO ACTION taken on this item.

3. New Adult Detention Facility and Law Enforcement Center Project:

- a) Requesting acceptance and approval with authority for Auditor to process payment (after review, audit and processing procedures completed) of Inv. #4820 (dated 10-20-03), in the amount of \$39,959.00 submitted by Quintanilla, Headley & Associates, for engineering services rendered for the design of the Utility Extension (Waterline), Six Lane Jogging Track, East Portion Driver Training Track, West Portion Driver Training Track and Compacted Caliche Base Road, and as certified for payment by V-A Architecture for the Shooting Range Facility;**

On motion of Commissioner Palacios, seconded by Commissioner Flores, the Court made a UNANIMOUS vote of approval, subject to auditor's review. Commissioner Handy was away from the Court on this vote.

- b) County Auditor's Report on Detention Facility Law Enforcement Center Project paid and pending payment approval;**
- c) Discussion and possible action on-site projects on site of the New Adult Detention Facility and Law Enforcement Center including, but not limited to, structures (i.e. Shooting Range Facility, Jogging Track, Driver Training Track, Parking Lot(s) and Utility Extensions, under or anticipated construction on site and preliminary information and request for clarification and direction on the possible construction options for additional pod(s) with staffing and maintenance and operations analysis and impacts including the status of the old facility.**

NO ACTION taken on item 17.A.3.b & c.

- 4. Recommending award of bid and approval of contract for "Lubricants (Grease, Oil, Hydraulic Fluids) and Anti-Freeze Products" to sole bidder. A fully executed copy of the contract will be forwarded to the Hidalgo County Auditor's Office.**

On motion of Commissioner Palacios, seconded by Commissioner Flores, the Court made a UNANIMOUS vote of approval. Commissioner Handy was away from the Court on this vote.

- 5. Presentation by Health Plan Consultant, A.B. Flores Consultants, for discussion, consideration and approval of best and final offer (BAFO) by Humana renewal (as provided under current contract) for second year renewal (02-02-04 Plan); OR**

On motion of Commissioner Palacios, seconded by Commissioner Flores, the Court made a UNANIMOUS vote to approve with no change in coverage, and a maximum cap of 17%, subject to review at end of fiscal year.

- 6. If approved, requesting cancellation of RFP for Group Health Insurance-Hidalgo County, as scheduled for acceptance of November 05, 2003.**

On motion of Commissioner Garza, seconded by Commissioner Flores, the Court made a UNANIMOUS vote of approval. Commissioner Handy was away from the Court on this vote.

7. **Discussion, consideration and approval of a request by several insurance agents/firms to extend the acceptance date for the “Group Health Insurance- Hidalgo County” RFP from November 05, 2003 to November 12, 2003**

NO ACTION taken on this item.

8. **Presentation by Jail Committee for consideration, discussion and/or approval of the following:**
 - a) **Authority to advertise an RFQ/P for Architectural Services in connection with the renovation/remodeling of the former Jail Facility site located at 3100 S. Hwy. 281, Edinburg.**

Presentation made by Ms. Rose Guerra-Reyna.

On motion of Commissioners’ Palacios and Flores, seconded by Commissioner Handy, the Court made a UNANIMOUS vote of approval.

- b) **Authority to advertise the renovation/remodeling, as designed and supervised by contracted architect.**

On motion of Commissioner Handy, seconded by Commissioner Flores, the Court made a UNANIMOUS vote of approval.

- c) **Authority to renovate/remodel the temporary units (cell blocks) for conversion as to County-wide records storage and retrieval facility.**

On motion of Commissioner Handy, seconded by Commissioner Flores, the Court made a UNANIMOUS vote of approval.

Commissioner Palacios was away from the Court on this vote.

9. **Requesting authority to advertise and approval of specifications for: “Drinking and/or Spring Bottled Water Service”.**

On motion of Commissioner Palacios, seconded by Commissioner Flores, the Court made a UNANIMOUS vote of approval.

10. **Presentation for consideration, discussion, acceptance and approval, and /or ratification of purchase for flood related machinery/equipment, two (2) mosquito ULV foggers in the total amount of \$13,800.00, from State of Texas Building and Procurement Commission awarded vendors(s) B&G Chemical & Equipment Co., Inc.**

On motion of Commissioner Flores, seconded by Commissioner Palacios, the Court made a UNANIMOUS vote of approval.

B. HIDALGO COUNTY PRECINCT NO 3-

Commissioners’ Handy and Garza are away from the Court for items 17.B-G.

- 1. Requesting approval of Change Order No.1 (increase) in connection with “Friendly Acres Subdivision & Schuerbach Road Project” in the amount \$ 1,509.00 awarded to Mission Paving Co., Inc.**

On motion of Commissioner Flores, seconded by Commissioner Palacios, the Court made a UNANIMOUS vote of approval.

- 2. Recommending bid award to the lowest bidder meeting all requirements as attached hereto for: “Three (3) New Model 2004 Short Bed V6 Pickup Trucks”**

On motion of Commissioner Flores, seconded by Commissioner Palacios, the Court made a UNANIMOUS vote of approval of Philpott Motors in the amount of \$35,988.00 for three vehicles.

C. HIDALGO COUNTY PRECINCT NO 4-

- 1. Requesting authority to issue the “Notice to Proceed” for the awarded RFO project (previously approved by Commissioners’ Court on 07/08/03) “Landfill Cap & Closure, Phase II, Part C” to Absolute Industries, L.L.C.**

On motion of Commissioner Palacios, seconded by Commissioner Flores, the Court made a UNANIMOUS vote of approval.

D. HIDALGO COUNTY COLONIA ACCESS PROGRAM-

- 1. Requesting authority to advertise for: “Construction of roads for: “Arco Iris & Las Palmas Roads”**

On motion of Commissioner Palacios, seconded by Commissioner Flores, the Court made a UNANIMOUS vote of approval.

E. HIDALGO COUNTY WIC PROGRAM-

- 1. Recommending of bid award and approval of contract to sole bidder meeting all specifications attached hereto for: “Lease of space WIC Clinic in South City of McAllen”. A fully executed copy of the contract will be forwarded to the Hidalgo County Auditor’s office.**

On motion of Commissioner Palacios, seconded by Commissioner Flores, the Court made a UNANIMOUS vote of approval.

F. HIDALGO COUNTY COURT AT LAW NO.5-

- 1. Presentation for discussion, consideration, acceptance and approval of claim in the amount of \$ 2,015.62 from Corporate Express with the authority for Auditor to issue payment after review, audit and process procedures completed.**

On motion of Commissioner Palacios, seconded by Commissioner Flores, the Court made a UNANIMOUS vote of approval.

G. HIDALGO COUNTY COURTHOUSE SECURITY –

- 1. Recommending award of bid and approval of contract to sole bidder meeting all requirements and specifications for “Hidalgo County Courthouse Security –CCTV System” with a fully executed copy of contract to both The Hidalgo County Budget Office and County Auditor’s Office.**

On motion of Commissioner Palacios, seconded by Commissioner Flores, the Court made a UNANIMOUS vote to approve the sole bid in the amount of \$91,450.00 to Superior Alarms.

At this time the Court proceeded into Executive Session.

18. Risk/Emergency Management: (SEE EXHIBIT S)

Commissioner Palacios was away from the Court for item #18.

A. Update on Flood Event of 10/13/03

- **Status on water removal**
- **Discussion & approval to contract with waste removal contractor(s) for flood event debris removal**

On motion of Commissioner Flores, seconded by Commissioner Garza, the Court made a UNANIMOUS vote of approval.

- **Discussion and approval to negotiate with local landfills for special rate for acceptance of flood event debris**

On motion of Commissioner Garza, seconded by Commissioner Flores, the Court made a UNANIMOUS vote of approval.

- **Status of FEMA Disaster Declaration**
- **SBA Availability**
- **Volunteer Agencies’ Participation**

Discussion/presentation made by Charlie Montgomery on item #18.

B. Discussion and approval of Mutual Aid Agreement for emergency response, requested by the State of Texas through the Lower Rio Grande Valley Development Council (COG) to all municipalities and counties in Willacy, Cameron and Hidalgo Counties

On motion of Commissioner Garza, seconded by Commissioner Flores, the Court made a UNANIMOUS vote of approval.

19. Closed Session: (SEE EXHIBIT T)

On motion of Commissioner Palacios, seconded by Commissioner Flores, the Court made a UNANIMOUS vote of approval to go into Executive Session, with the Addendum.

Commissioners' Court may go into Closed Session pursuant to Chapter 551, Texas Government Code, Sections 551.071, 551.072 & 551.074 to discuss the following:

- A. Real Estate Acquisition**
- B. Litigation – Hidalgo County Ad Valorem Tax Cases**
- C. Cause #B-03-017; Jeffrey Jones vs. Enrique “Henry” Escalon, Sheriff of Hidalgo County, Texas, et.al**
- D. Cause #42,453 A & B, Mark Twenhafel, substitute trustee vs. U.S. IRS, TWC, Georgia Pacific Corp., Armando Barrera, City of Mission, STCC, Sharyland I.S.D., Roel Guerra, Valley Aloe Vera, Texas State Bank, City National Bank, Neta B. Bovik, Bonnie E. Bianchi**
- E. Evaluation of duties and responsibilities of the Hidalgo County Fire Marshal**
- F. Cause #CL-39,207-D; Omar Ramon dba River Valley Construction vs. Hidalgo County**
- G. C-1298-02-B; Hidalgo County Sheriff’s Department vs. Hidalgo County Civil Service Commission et.al**
- H. William H. Wyttenbach vs. Hidalgo County – constructive legal notice, demand and caveat to third parties in regards to ever receiving a notice of levy from IRS**

NO ACTION taken during Executive Session.

20. Open Session:

Judge Garcia was not present during Open Session.

A. Real Estate Acquisition

Proceed as directed.

B. Litigation – Hidalgo County Ad Valorem Tax Cases

Marty Salazar proceed as directed.

C. Cause #B-03-017; Jeffrey Jones vs. Enrique “Henry” Escalon, Sheriff of Hidalgo County, Texas, et.al

Valde Guerra requested authority to ask the firm of Atlas & Hall to monitor the citation.

On motion of Commissioner Palacios, seconded by Commissioner Flores, the Court made a UNANIMOUS vote of approval.

D. Cause #42,453 A & B, Mark Twenhafel, substitute trustee vs. U.S. IRS, TWC, Georgia Pacific Corp., Armando Barrera, City of Mission, STCC, Sharyland I.S.D., Roel Guerra, Valley Aloe Vera, Texas State Bank, City National Bank, Neta B. Bovik, Bonnie E. Bianchi

Steve Crain: Commissioner, it is because of priority of claims, we’re asking that we be given the

Continued: Item 20. D

authority to waive the claim of the County and to obtain all necessary documentation so that they can claim no affirmative in...(inaudible).

On motion of Commissioner Palacios, seconded by Commissioner Flores, the Court made a UNANIMOUS vote of approval.

E. Evaluation of duties and responsibilities of the Hidalgo County Fire Marshal

NO ACTION taken on this item.

F. Cause #CL-39,207-D; Omar Ramon dba River Valley Construction vs. Hidalgo County

NO ACTION taken on this item.

G. C-1298-02-B; Hidalgo County Sheriff's Department vs. Hidalgo County Civil Service Commission et.al

NO ACTION taken on this item.

H. William H. Wytttenbach vs. Hidalgo County – constructive legal notice, demand and caveat to third parties in regards to ever receiving a notice of levy from IRS

Valde Guerra, Budget Officer, requested authority to entertain the firm of Atlas and Hall to review the documents that were presented to us by that individual, and for the firm to monitor the situation.

On motion of Commissioner Palacios, seconded by Commissioner Flores, the Court made a UNANIMOUS vote of approval.

21. Fire Marshal: (SEE EXHIBIT U)

A. Approval of line item transfer or budget amendment

B. Approval to set salary

NO ACTION taken on item 21.A & B.

22. Closed Session:

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

NO ACTION taken on this item.

23. Open Session:

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

NO ACTION taken on this item.

On motion of Commissioner Palacios, seconded by Commissioner Flores, the Court made a UNANIMOUS vote of approval to adjourn.

NOTICE is hereby given in accordance with Chapter 551, Texas Government Code, that a SPECIAL MEETING of the Commissioners' Court will be held on TUESDAY, OCTOBER 28, 2003, at 9:00 A.M., in the Commissioners' Courtroom of the Administration Building, Edinburg, Hidalgo County, Texas, discussion and possible action relating to the following business will be transacted:

**NOTICE TO THE PUBLIC
CONSENT AGENDA**

The following items are of a routine or administrative nature. The Commissioners' Court has been furnished with background and support on each item, and/or it has been discussed at a previous meeting. All items will be acted upon by one vote without being discussed separately unless requested by a Commissioner, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon. The remaining items will be adopted by one vote.

On motion of Commissioner Handy, seconded by Commissioner Palacios, the Court made a UNANIMOUS vote of approval of the Consent Agenda, with the exception of item 2.M.

1. Approval of check register and payment of claims and bills - County Auditor

2. Line item transfers: (SEE EXHIBIT A)

A. 92nd District Court

B. Border Colonia Access – Pct. #1

C. Border Colonia Access – Pct. #4

D. Border Colonia Access – Pct. #3

E. Human Resources

F. 398th District Court

G. HIDTA – Task Force

H. Law Library

I. Constable Pct. #1

J. Constable Pct. #3

K. Constable Pct. #4

L. Constable Pct. #5 (Fund 1100)

M. Constable Pct. #5 – NO ACTION taken on this item.

N. Pct. #1 – R & B

O. Pct. #1 – Bldg. Add.

P. Pct. #2 – Parks

Q. Pct. #2 – County Wide Shop

R. Pct. #2 – Landfill

S. Pct. #3 – Park

T. Pct. #3 – Landfill

U. Veterans Services (2)

V. Adult Probation

W. Planning Department

Consent Agenda Continued:

- X. County Commissioners**
- Y. Budget Office**
- Z. County Judge (2)**
- AA. J.P. Pct. #2, PL. 2**

3. Right of Way – Permits: (SEE EXHIBIT B)

- A. Denali Oil & Gas Resources, LLC – Alberta Rd.**
- B. Denali Oil & Gas Resources, LLC – Alberta Rd.**
- C. North Alamo Water Supply – Val Verde Rd. on Eldora Rd.**
- D. North Alamo Water Supply – Mile 6 West on Mile 17**
- E. Cantu Plumbing/Jose M. Longoria – FM2221 & SH 107**

4. Planning Department: (SEE EXHIBIT C)**A. Approval of the following Certificates:**

- **Certificates of Plat & Utility Status under Local Government Code Section 232.028(b)**
- **Certificates of Residence Construction under Local Government Code Section 232.029 (c)(1)**
- **Certificates of Water Service Availability under Local Government Code Section (c)(2)**

5. Urban County: (SEE EXHIBIT D)

- A. Request for approval to enter into a “Homebuyer Assistance Program” Contract under the HOME Program (3 families)**
- B. Request for approval of eligibility status for six (6) County-wide HOME Occupied Housing Rehabilitation/Reconstruction Housing Program applicants**

6. Monthly Fee Reports – August: (SEE EXHIBIT E)

A. J.P. Palacios	\$48,513.10
B. J.P. Espinoza	\$39,212.06
C. J.P. Morales	\$30,278.49
D. J.P. Ochoa	\$51,475.76
E. J.P. Saenz	\$37,057.69
F. J.P. Trevino	\$46,128.14
G. J.P. Garza	\$52,968.51
H. J.P. Contreras	\$37,494.80
I. J.P. Jackson	\$12,043.40
J. Law Library	\$ 525.00
K. Sheriff Escalon	\$39,598.11
L. Anzalduas Park	\$ 2,308.03
M. Delta Lake	\$ 986.02
N. Constable Aguirre	\$ 1,770.00
O. Constable Alaniz	\$ 600.00
P. Constable Gallardo	\$ 1,565.00
Q. Constable Rios	\$ 6,380.00
R. Constable Bazan	\$ 420.00

Consent Agenda Continued:

7. Purchasing Department: (SEE EXHIBIT F)

A. HIDALGO COUNTY 389th DISTRICT COURT –

1. Requesting authority to purchase a computer printer from a CISV vendor, CDW-Government, through the State of Texas Building and Procurement Catalogue Purchasing Program in the amount of \$ 1,378.00.

B. HIDALGO COUNTY CRIMINAL DISTRICT ATTORNEY-

1. Requesting authority to purchase two (2) shredders from Michael Business, through the State of Texas contract 600-A1 with Texas Building and Procurement in the amount of \$ 2,038.25 each.

C. HIDALGO COUNTY COMPUTER DEPARTMENT-

1. Requesting authority to purchase computer software and equipment from CISV vendors through the State of Texas Building and Procurement Catalogue Purchasing Program for the following; Req # 37184 with CDW-Government in the amount of \$ 326.14, Req # 37170 for Dell Marketing in the amount of \$ 2, 742.00, Req # 37169 CDW-Government in the amount of \$ 99.99, Req # 37085 for S.J.S Computer in the amount of \$ 245.00, Req # 35066 for S.J.S. Computers in the amount of \$ 140.00.

D. HIDALGO COUNTY ELECTIONS DEPARTMENT-

1. Requesting authority to purchase computer equipment from a CISV vendor, CDW-Government, through the State of Texas Building and Procurement Catalogue Purchasing Program in the amount of \$ 423.33.

E. HIDALGO COUNTY 139TH DISTRICT COURT-

1. Requesting authority to enter into a rental agreement for a Minolta Di-200 Copier with Minolta through the State of Texas Contract 985-A5 with Texas Building and Procurement for \$116.00 a month effective upon approval.

F. HIDALGO COUNTY JUDGE'S OFFICE-

1. Requesting authority to purchase a Canon Fax Machine from a CISV vendor, Copy Graphics, through the State of Texas Building and Procurement Catalogue Purchasing Program in the amount of \$ 1,695.00.

NOTICE is hereby given in accordance with Chapter 551, Texas Government Code, that a SPECIAL MEETING of the Drainage District #1 Board of Directors will be held on TUESDAY, OCTOBER 28, 2003 at 9:00 A.M., in the Commissioners Courtroom of the Administration Building, Edinburg, Hidalgo County, Texas, discussion and possible action relating to the following business will be transacted:

**NOTICE TO THE PUBLIC
CONSENT AGENDA**

The following items are of a routine or administrative nature. The Drainage District #1 Board of Directors has been furnished with background and support on each item, and/or it has been discussed at a previous meeting. All items will be acted upon by one vote without being discussed separately unless requested by a Commissioner, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon. The remaining items will be adopted by one vote.

**DRAINAGE DISTRICT
(SEE EXHIBIT V)**

On motion of Commissioner Palacios, seconded by Commissioner Flores, the Court made a UNANIMOUS vote of approval. Judge Garcia and Commissioner Garza were not present for Drainage District issues.

- 1. Approval of check register and payment of claims and bills - County Treasurer**
- 2. Discharge Permits:**
 - A. Mission Consolidated Independent School District – Raquel Cavazos Elem.**
 - B. Juan Medina – Quail Hollow North**
- 3. Line item transfers:**
 - A. Main Drain - \$ 20,800.00**

**DRAINAGE DISTRICT BOARD OF DIRECTORS
AGENDA**

**Ramon Garcia
Chairman**

**Sylvia S. Handy
Board Member**

**Joe M. Flores
Board Member**



**Hector "Tito" Palacios
Board Member**

**Oscar L. Garza, Jr.
Board Member**

NOTICE

NOTICE is hereby given in accordance with Chapter 551, Texas Government Code, that a SPECIAL MEETING of the Drainage District #1 Board of Directors will be held on TUESDAY, OCTOBER 28, 2003 at 9:00 A.M., in the Commissioners Courtroom of the Administration Building, Edinburg, Hidalgo County, Texas, discussion and possible action relating to the following business will be transacted:

**DRAINAGE DISTRICT
(SEE EXHIBIT W)**

1. Roll Call

All members of the Court were counted present, with the exception of Judge Garcia and Commissioner Garza.

2. Open Forum

NO ACTION taken on this item.

3. Approval of Consent Agenda

At this time, the Court proceeded with the Consent Agenda.

4. Approval of Interlocal Cooperation Agreement between the City of Edinburg and the Hidalgo County Drainage District #1 – Monte Cristo Outfall Phase II

On motion of Commissioner Palacios, seconded by Commissioner Flores, the Court made a UNANIMOUS vote of approval.

5. Approval to create obj. #608 and line item transfer - \$ 200.00

On motion of Commissioner Flores, seconded by Commissioner Palacios, the Court made a UNANIMOUS vote of approval.

6. Approval for exemption from competitive bidding requirements and approval of contract for accounting/management services with Burton McCumber & Cortez, LLP

Steve Crain, Legal Counsel, questioned Godfrey Garza, Drainage District Manager, for the Record: They are your current external auditor? So really, training is still conserved.

Godfrey Garza, Drainage District, replied “yes” to both questions.

On motion of Commissioner Palacios, seconded by Commissioner Flores, the Court made a UNANIMOUS vote of approval, not to exceed \$25,000.00.

7. Amendment to Hidalgo County Drainage District #1 Interlocal Cooperation Agreement with Hidalgo County

On motion of Commissioner Flores, seconded by Commissioner Palacios, the Court made a UNANIMOUS vote of approval.

8. Approval of reclassification to exempt vacant slot #8 in Administration to Financial Officer and set salary

On motion of Commissioner Palacios, seconded by Commissioner Flores, the Court made a UNANIMOUS vote of approval.

9. Adoption of:

- A. Investment Policy**
- B. Capitalization Policy**

On motion of Commissioner Palacios, seconded by Commissioner Flores, the Court made a UNANIMOUS vote to approve the adoption of the policies, item 9.A & B.

10. Purchasing Department:

- A. Clarification of agenda previously approved for advertisement by Hidalgo County Drainage District No. 1 Board Of Directors on 08-19-03, to reflect the correction of title from: 03-256-09-17-South I Road- Levy Adjustment and Bridge Project to corrected title of 03-256-11-South I Road Floodway Pilot Channel Bridge Project.**

On motion of Commissioner Palacios, seconded by Commissioner Flores, the Court made a UNANIMOUS vote of approval.

11. Closed Session:

Board of Directors may go into Closed Session pursuant to Chapter 551, Texas Government Code, Section 551.072 to discuss the following:

- A. Real Estate Acquisition**

NO ACTION taken on this item.

12. Open Session:

A. Real Estate Acquisition

NO ACTION taken on this item.

13. Closed Session:

Board of Directors may reconvene into Closed Session for the discussion regarding the agenda items listed

NO ACTION taken on this item.

14. Open Session:

Board of Directors may reconvene into Open Session for the discussion regarding the agenda items listed

NO ACTION taken on this item.

On motion of Commissioner Palacios, seconded by Commissioner Flores, the Court made a UNANIMOUS vote of approval to adjourn this day's meeting at 1:05 p.m.

Ramon Garcia
County Judge

Sylvia S. Handy
Commissioner, Pct. #1

Joe M. Flores
Commissioner, Pct. #3



Hector "Tito" Palacios
Commissioner, Pct. #2

Oscar L. Garza, Jr.
Commissioner, Pct. #4

COMMISSIONERS' COURT
AGENDA

NOTICE is hereby given in accordance with Chapter 551, Texas Government Code, that a SPECIAL MEETING of the Commissioners' Court will be held on TUESDAY, OCTOBER 28, 2003 at 9:00 A.M., in the Commissioners' Courtroom of the Administration Building, Edinburg, Hidalgo County, Texas, discussion and possible action relating to the following business will be transacted:

ADDENDUM
(SEE EXHIBIT X)

1. Closed Session:

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

- A. Discussion on matter and issues related to Cause No. EP03CA0440, *Equal Access for El Paso, Inc., et al., vs. Albert Hawkins, Commissioner of the Texas Health and Human Services Commission, In the US District Court for the Western District of Texas, El Paso Division, related to a federal lawsuit filed by El Paso County regarding to equity distribution of Medicaid funds.***

NO ACTION taken on this item.

2. Open Session:

- A. Discussion, Consideration and Possible action on matter and issues related to Cause No. EP03CA0440, *Equal Access for El Paso, Inc., et al., vs. Albert Hawkins, Commissioner of the Texas Health and Human Services Commission, In the US District Court for the Western District of Texas, El Paso Division, related to a federal lawsuit filed by El Paso County regarding to equity distribution of Medicaid funds.***

NO ACTION taken on this item.

3. Closed Session:

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

NO ACTION taken on this item.

4. Open Session:

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

NO ACTION taken on this item.

There being no further business to come before said Court, the meetings of the Commissioners' Court and the Drainage District #1 Board are now hereby adjourned.

Dated this the 28th day of October, 2003

JUAN D. SALINAS, III, County Clerk
Hidalgo County, Texas

By: _____
Priscilla Torres, Deputy

I, JUAN D. SALINAS, III, County Clerk attest that this is an accurate accounting of a proceeding of the Commissioners' Court held on October 28, 2003.

Signed this _____ day of _____ 2003.

ATTEST:
JUAN D. SALINAS, III
County Clerk and Ex-Officio Clerk
Of the Commissioners' Court of
Hidalgo County

(Seal)

By: _____
Priscilla Torres, Deputy Clerk