

REGULAR MEETING – DECEMBER 09, 2003

BE IT REMEMBERED, that on this 9th day of December, A.D., 2003, there was begun and held a REGULAR 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:

STATE OF TEXAS §

COUNTY OF HIDALGO §

COMMISSIONERS' COURT MINUTES

NOTICE is hereby given in accordance with Chapter 551, Texas Government Code, that a REGULAR MEETING of the Commissioners' Court will be held on TUESDAY, DECEMBER 09, 2003 at 9:30 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

Judge Garcia convened the Court in order at 9:40 a.m.

All members of the Court were counted present.

2. Pledge of Allegiance

Judge 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.

4. Open Forum

- Eddie Olivarez gave the Commissioners' Court a handout.
- Godfrey Garza informed the Court of any updates on the County Loop and MPO.
- Rebecca Flores made a presentation on behalf of the United Farm Workers.

5. Approval of Consent Agenda

At this point, the Court moved to approve the Consent Agenda.

6. Request to relocate platted non-existing road, Block 18, Santa Cruz Gardens No. 2 (located in Pct. #4) – H. Hollis Rankin, III (SEE EXHIBIT F)

Presentation made by Mr. Rankin, Mr. Godfrey Garza, and Mr. Raul Sesin.

NO ACTION taken on this item.

7. Presentation and discussion of clearing a dedicated county road in Pct. #4 (Lots 15 & 16 of Baker's Subdivision) – Fermin Olivarez (SEE EXHIBIT G)

Presentation made by Mr. Fermin Olivarez and Mr. Godfrey Garza.

NO ACTION taken on this item.

8. Elections Department – Teresa Navarro: (SEE EXHIBIT H)**A. Approval, discussion and possible action of the following, but not limited to:****1. Election Services Agreement between Hidalgo County and the Hidalgo County Republican Party for the 2004 Primary and Runoff**

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

2. Amended Early Voting Substations for the 2004 Primary and Runoff

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

9. Planning Department – Raul Sesin: (SEE EXHIBIT I)**A. Partial Reimbursement of Cash Deposit:****1. Pastor Estates Phase I Subdivision – Pct. #1**

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

10. Fire Marshal – Art Gaytan: (SEE EXHIBIT J)

Commissioner Garza stepped away from the Court.

At this time, the Court proceeded with item 16.M. and then continued with the Regular order of the Agenda.

A. Request approval for an Interlocal Assistance Agreement for Fire and Explosion Investigations between city, county and other governmental agency

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

B. Request approval of a \$ 50.00 change fund for the Fire Marshal's Office

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

At this point, the Court proceeded with item 16.M.

11. Urban County – Diana Serna: (SEE EXHIBIT K)**A. Approval of a Construction Contract with DCR Demolition & Utility for Pct. #1 Parks, Recreational Facilities Project using UCP Year 13 (2000) funds and City of Progreso Parks, Recreational Facilities Project using UCP Year 15 (2002) funds**

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

B. HOME – Homebuyer Assistance Program – Cancellation of Application

On motion of Commissioner Flores, seconded by Commissioner Palacios, the Court made a 3-1 vote of approval. Specific votes are as follow:

AYE: Judge Garcia, and Commissioners' Flores and Palacios

NAY: None

ABSTAIN: Commissioner Handy (Commissioner Garza was not present for this vote.)

C. Requesting exemption from competitive bidding requirements under the Texas Local Government Code 262.024 (a) for professional engineering services with J.E. Saenz & Associates, Inc. in connection with City of Elsa for the design and surveying of the water treatment plant and water storage facilities

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

Commissioner Garza joined the meeting.

D. Approval of a professional services engineering contract with J.E. Saenz & Associates, Inc. with the City of Elsa for the design and surveying of the water treatment plant and water storage facilities

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

12. Buildings & Grounds – Daniel Flores: (SEE EXHIBIT L)**A. Authorization to correct and pay the difference on invoices for Valley Caliche**

On motion of Commissioner Palacios, seconded by Commissioners' Flores and Handy, the Court made a UNANIMOUS vote of approval in the amount of \$449.09

13. Right of Way – Godfrey Garza: (SEE EXHIBIT M)**A. Discussion and authorization to submit a Letter of Support to the Texas Department of Transportation regarding the Regional Mobility Authority Formation**

On motion of Commissioner Palacios, seconded by Commissioner Flores, the Court made a UNANIMOUS vote of approval. Specific votes are as follow:

AYE: Commissioners' Handy, Flores, Palacios and Garza

NAY: None

ABSTAIN: Judge Garcia

14. Health Department – Eddie Olivarez: (SEE EXHIBIT N)**A. Requesting a clerical position for Weslaco Substation**

Valde Guerra clarified to the Court that there will be a meeting held on January 01, 2004 at 12:00 noon.

On motion of Commissioner Handy, seconded by Commissioner Flores, the Court made a UNANIMOUS vote to approve the clerical position for the Weslaco Substation.

15. County Judge – Lorie Ochoa: (SEE EXHIBIT O)**A. Discussion, consideration and action regarding written Resolution and ballot selection of Appraisal District Board of Directors 2004-2005**

On motion of Commissioner Flores, seconded by Commissioner Palacios, the Court made a UNANIMOUS vote of approval to divide all the votes between the five incumbents, with the effect that the five incumbents will be elected. Specific votes are as follow:

AYE: Judge Garcia, and Commissioners' Handy, Flores, and Palacios

NAY: None

ABSTAIN: Commissioner Garza

16. Budget Office – Valde Guerra: (SEE EXHIBIT P)**A. Urban County:****1. Discussion and approval to authorize County Judge to sign the “General and No Litigation Certificate” of Hidalgo County and any related documents for the Hidalgo/Willacy Housing Finance Corporation**

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

B. Agriculture Extension Service:**1. Discussion and approval to authorize Budget Officer to sign Certification of Funds Form CB-5 “Annual County Budget for Agricultural Extension Work” for 2004**

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

C. Approval to unappropriate unused salary & fringe benefits – General Fund

On motion of Commissioner Garza, seconded by Commissioner Flores, the Court made a UNANIMOUS vote of approval in the amount of \$257,582.57.

D. Budget Amendments:

- 1. Public Defenders - \$253,182.57**
- 2. D.P.S. – Highway Patrol - \$3,400.00**
- 3. General Fund – Various Departments (to cover negative balances)**
- 4. Notes Payable - \$1,063.35**
- 5. Constable Pct. #4 – additional \$1,000.00**

On motion of Commissioner Garza, seconded by Commissioner Flores, the Court made a UNANIMOUS vote to approve item 16.D.1-5.

E. Lateral Roads Account:**1. Approval to budget lateral road funding from the State Comptroller to each Precinct in the amount of \$ 17,104.32 each for funds received in October 2003**

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

F. Pct. #1:**1. Request for approval of line item transfer from salaries to various line items**

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

G. Authorization and approval to de-obligate acct. #3-1100-444-00-240-002-0-339 in the amount of \$4,540.99 & appropriate same into acct. #3-1100-444-00-240-001-0-531 & 535 respectively

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

H. Authorization and approval to de-obligate acct. #3-1100-419-50-110-009-0-525 in the amount of \$1,389.00 and appropriate same into acct. #3-1100-412-20-080-001-0-832 & #3-1100-419-00-110-011-0-810, respectively

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

I. Approval to de-obligate cash match obligated for the Texas Automobile Prevention – this cash match is matched from Tax Office Special Inventory Fund approved by Comm. Court 8/12/03

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

J. Constable Pct. #3 – Project STOP/SWEEP:**Project STOP (Stop Truancy on Patrol)**

- 1. Request approval and acceptance of FY 2003 (9/1/03 to 8/31/04) – State Criminal Justice Planning (421) Fund Program**
- 2. Request additional cash match of \$ 7,881.00 for FY 2003 (9/1/03 to 8/31/04) – State Criminal Justice Planning (421) Fund Program**
- 3. Approval to appropriate grant and local match**
- 4. Approval to set salaries / 5% increase effective January 01, 2004**
- 5. Approval to submit application for Project STOP Grant to Lower Rio Grande Valley Development Council for 2004-2005**
- 6. Approval of Resolution**

On motion of Commissioner Garza, seconded by Commissioner Flores, the Court made a UNANIMOUS vote to approve item 16.J.1-6.

Project SWEEP (Solid Waste Enforcement Education Prevention):

- 1. Approval to apply to Lower Rio Grande Valley Development Council/Texas Commission on Environmental Quality FY 2004**
- 2. Approval of Resolution**

On motion of Commissioner Garza, seconded by Commissioner Flores, the Court made a UNANIMOUS vote to approve item 16.J.1&2-Project SWEEP.

K. CRC:

1. **Approval to create obj. #442 & approval of line item transfer in the amount of \$ 3,000.00**

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

Commissioner Flores stepped away from the Court.

L. WIC:

1. **Amend WIC Grant by \$ 271,158.00 and appropriate funds**
2. **Approval of salary increases for WIC Grant #4-1292-441-00-350-001-4**
3. **Approval of salary increase for BF Grant #4-1292-441-00-350-002-4**

On motion of Commissioner Palacios, seconded by Commissioner Flores, the Court made a UNANIMOUS vote to approve item 16.L.1-3, subject to the item being cleared through the Human Resources Department. These salary increases will be effective January 01, 2003.

M. Fire Marshal:

1. **Approval to utilize CIP funds**

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

17. Pct. #1 – Comm. Handy: (SEE EXHIBIT Q)

- A. **Request approval of payment Application No. 2 & Certificate of Substantial Completion to Rio Valley Construction Inc. for the Metal Roof Installation of the Multi-Purpose Center Project**

On motion of Commissioner Handy, seconded by Commissioner Garza, the Court made a UNANIMOUS vote of approval in the amount of \$16,706.93, subject to proper documents being submitted to the auditor's office.

- B. **Request approval of payment invoice #8 to Alcocer Garcia Associates Design Consulting for Renovations to existing facilities Pct. #1 Multi-Purpose Center, Buildings 1, 2 & 3 Construction Phase, Draw No.2**

On motion of Commissioner Handy, seconded by Commissioner Garza, the Court made a UNANIMOUS vote of approval, subject to the auditor's approval.

18. Pct. #2 – Comm. Palacios: (SEE EXHIBIT R)

- A. **Approval of easement to Valley View ISD for the installation of water lines**

On motion of Commissioner Handy, seconded by Commissioner Garza, the Court made a UNANIMOUS vote of approval, subject to the ratification next week.

19. Pct. #4 – Comm. Garza: (SEE EXHIBIT S)

A. Approval of Interlocal Agreement between Willacy, Kennedy County and Pct. #4 concerning joint maintenance of certain roads

Commissioner Flores joined the meeting, and Commissioner Handy stepped away from the Court.

Godfrey Garza for the Record: With respect to an easement with prescription, also a Common Law Doctrine, a private road may become a part of the public domain after long and continuous usage by the public. The public’s right to a road by prescriptive easement, right comes after ten years of continuous uninterrupted public use. That is at first an exclusive and that is open and notorious are known to the landowner or...by him or her. Both the Courts and the General Attorney’s opinion have recognized the County and authorize to maintain not only those roads that have been officially established as public roads by the Commissioners’ Court pursuant to statute, but also those roads that have become public roads by dedication or by prescriptive under the common law.

Commissioner Garza asked Godfrey Garza, Drainage District/ROW, for the Record: The records that you show there, Commissioner Garces was maintaining that road, correct?

Godfrey Garza replied: That is correct, sir. We have the record from the log book, where the county was maintaining that road back in 95/96. These are in the log book.

On motion of Commissioner Garza, seconded by Commissioners’ Palacios and Flores, the Court made a 3-1 vote of to approve the Interlocal Agreement between Willacy, Kennedy, and Hidalgo County, to maintain the portions of roads within Hidalgo County, in conjunction with Willacy and Kennedy Counties, subject to legal review. Specific votes as follow:

- AYE: Commissioners’ Palacios, Flores, and Handy
- NAY: Judge Garcia
- ABSTAIN: None

*At this point, the Court proceeded into Executive Session.

20. Human Services – Rudy De La Vina: (SEE EXHIBIT T)

A. Discussion and/or action, including, but not limited to the following items:

- 1. Authorization to pay 2003 claims: \$56,042.32**
- 2. Indigent Health Care expenditures**

Presentation made by Commissioner Garza. Item #20 was approved through the Consent Agenda.

NO ACTION taken on this item.

21. Purchasing Department – Marty Salazar: (SEE EXHIBIT U)

A. HIDALGO COUNTY –

Discussion and/or action, including, but not limited to the following items:

- 1. New Hidalgo County Jail: Total inmate population: 1040 Other Information:**

	Other:	<u>1</u>	Hospitalized	
Physical Count:		<u>1039</u>	Males	<u>969</u>
Out of County:	La Villa	<u>6</u>	Females	<u>70</u>
	Brooks	<u>0</u>	Federal	<u>11</u>

2. **Current inter-local(s) and/or contract(s) for the "Housing of Inmates"**
3. **New Adult Detention Facility and Law Enforcement Center Project:**
 - a) **Detention Facility Law Enforcement Center Design- Build Contract Action (if necessary)**
 - b) **County Auditor's Report on Detention Facility Law Enforcement Center Project paid and pending payment request 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 21.A.1-3.c.

4. **Requesting authority to approve the following requisitions that were submitted after the November 7, 2003 deadline, as ordered by CC on 10/03/03, process and issue purchase orders for the items listed and detailed on "Exhibit A" attached hereto.**

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

5. **Requesting approval to exercise the one (1) additional year (as provided in Article 1.2 of the current contract) with J.P. Luis Garza for the leasing of office space effective January 14, 2004.**

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

6. **Pursuant to Article § 81.005(a) (Terms of Court Meetings) of the Texas Local Government Code. Consideration and entering of an order into the minutes the designation of time of day, day of the week and week of the month of Hidalgo County Commissioners' Court Regular Term Meeting. Tex. Loc. Gov. Code.**

ORDER OF THE COURT:

HIDALGO COUNTY COMMISSIONERS' COURT:

Week of the Month: 2nd

Day of the Week: Tuesday

Time of the Day: 9:30 a.m.

Commissioner Palacios requested to have all meetings at 9:30 a.m., whether they were Special or Regular Meetings.

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

7. **Presentation for discussion, consideration, acceptance and approval of claims/invoices with authority for auditor to issue payment after, review, audit and processing completed for the following:**

Hidalgo County Precinct # 4	AAA Pest Control	\$ 36.00	3-1204-431-00-124-005-0-425
Hidalgo County Human Resources Esther A. Cortez	Reimbursement to Esther A. Cortez	\$ 39.57	3-1100-415-50-190-002-0-630
Hidalgo County District Clerk	Reimbursement to Mr. Heriberto Quiroga, Chief Deputy	\$425.00	3-1100-412-00-090-001-0-432
Hidalgo County Courthouse Security	Corporate Express	\$ 30.50	3-1100-419-40-220-003-0-602

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

B. HIDALGO COUNTY PRECINCT NO.1-

1. **Presentation for discussion, consideration and approval of lease agreement for a citizens collection station site with the lowest bidder(s) meeting all specifications and requirements (through sealed quotes) for the following area:**
a) **South of FM 493 & Mile ½ West, Donna, Texas**

NO ACTION taken on this item.

C. HIDALGO COUNTY PRECINCT NO.3-

1. **Requesting approval to exercise the one (1) additional year (as provide in Article 1.2 of the current lease agreement) extension with Jose Ramirez, Jr. for Precinct No. 3 landfill with an effective date of 1-01-04.**

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

D. HIDALGO COUNTY 206th DISTRICT COURT-

1. **Requesting authority to remove from the County's inventory numerous items as listed on Exhibit "A" and attached hereto.**

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

E. HIDALGO COUNTY BUDGET OFFICE-

1. **Requesting approval and authorization for County Auditor to issue payment (after review, audit, and processing procedures completed) for the amount of \$ 1,461.31 to CACC-Carolyn Arnold Communications Consultants (see attached):**
SWBT ACCOUNT-956-318-2000
Adjustment for billing errors on Off Premise Mileage, Local Plus, Caller ID and appropriate interest*
SBCLD- Adjustment for International Saver Plan billed to County in error

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

F. HIDALGO COUNTY CONSTABLE PCT # 5-

1. **Presentation for discussion, consideration, acceptance and approval of claims/invoices (all items were previously procured properly, however, funding sources were incorrect & purchase order cancelled) with authority for Auditor to issue payment after review, audit and processing procedures completed for the following and subject to funding:**

Hidalgo County Constable Pct # 5	R&R Auto Repairs	\$ 390.40	3-1100-421-00-295-001-0-434
	GT Distributors Inc.	\$2,153.34	3-1100-421-00-295-001-0-611
		\$2,770.78	3-1100-421-00-295-001-0-664
	Video Sound & Light	\$1,283.00	3-1100-421-00-295-001-0-434
	C & G Wholesale	\$4,698.90	3-1332-421-00-295-004-0-748

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

Commissioner Garza stepped away from the Court and was absent for the remainder of the meeting.

G. HIDALGO COUNTY COLONIA ACCESS PROGRAM PRECINCT NO. # 1-

1. **Requesting approval of change order No. 1- (Net Deduct) in connection with “Road Construction of Loma Alta, La Palma, Angela, Chapa No. # 3 and Delmiro Jackson” (Colonia Access Project) in the amount of \$ <54,165.10> awarded to Sascon, Inc.**

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

H. HIDALGO COUNTY COLONIA ACCESS PROGRAM PRECINCT NO. # 3-

1. **Recommending bid award and approval of contract for: “Construction of Roads for: palm Lake Estates Unit II & Alysonders Estates” (Colonia Access (CAP) Project) to low bidder meeting all specifications and requirements.**

On motion of Commissioner Handy, seconded by Commissioner Flores, the Court made a UNANIMOUS vote of approval in the amount of \$238,948.00, subject to approval of the contract pending TX-Dot’s review and concurrence.

I. HIDALGO COUNTY ELECTIONS DEPARTMENT-

1. **Requesting approval to award the purchase of thirty (30) wireless internet cards (through sealed request for offer) to a CISV (catalogue information systems vendor) vendor, meeting all specifications under the State of Texas Building and Procurement Catalogue Purchasing Program.**

On motion of Commissioner Handy, seconded by Commissioner Flores, the Court made a UNANIMOUS vote to approve Dot.com, in the amount of approximately \$5,700.00.

J. HIDALGO COUNTY HEALTH DEPARTMENT-

1. **Requesting authority to purchase through Texas Building and Procurement Commission-TXMAS Contract, awarded to Grainger, the following:**

One (1) Electric Chain Hoist-----	\$ 1,645.20
One (1) Canvas Coil and Metal Chain Containers-----	\$ 38.84
One Gallon Dry Film Lubricant -----	\$ 27.63
Total amount _____	\$ 1,711.67

On motion of Commissioner Palacios, seconded by Commissioner Handy, the Court made a UNANIMOUS vote to approve item 21.J.1.

2. **Requesting exemption from competitive bidding under the Texas Local Government Code 262.024 (C) for Professional Services for Licensed Nurse Practitioner for a short term (90 Days) contract.**

On motion of Commissioner Handy, seconded by Commissioner Palacios, the Court made a UNANIMOUS vote to approve with Emmalou Keys.

3. **Requesting approval of a short term professional service contract with Emmalou Keys for Nursing Services in an amount not to exceed \$ 8,400.00 and with an expiration date of March 10, 2004.**
4. **Requesting authority to advertise for an RFQ/P for “Licensed Nurse Practitioner”.**

On motion of Commissioner Handy, seconded by Commissioner Flores, the Court made a UNANIMOUS vote to approve item 21.J.3 and 4.

K. HIDALGO COUNTY PURCHASING DEPARTMENT-

1. **Requesting approval to delete slot # 7- (vacant) – Senior Purchasing Clerk;**
2. **Requesting approval to create Asst. Purchase Order Administrator;**
3. **Requesting approval to set salary- \$ 22,500.00**

On motion of Commissioner Handy, seconded by Commissioner Flores, the Court made a UNANIMOUS vote of approval of item 21.K.1-3.

L. HIDALGO COUNTY SHERIFF’S DEPARTMENT-

1. **Recommending award (from solicited quotes) and approval of contract for “Photo Processing” with Trevino’s Photo Center for a term from 12/9/2003 to 12/31/2004, but in no event to exceed \$24,500.00.**

Presentation made by Mrs. Marty Salazar, Purchasing Agent.

NO ACTION taken on this item.

M. HIDALGO COUNTY TAX OFFICE-

1. **Presentation for consideration, discussion and approval of a modification (Exhibit A) to Amendment No. (1) One to include the leasing of two(2) additional workstations, at a rate of \$1,500.00 per year machine between the County of Hidalgo and the State of Texas Registration and Title System (RTS) Information Resources and Support to include the use of Remote Sticker Printing Systems (RSPS) Equipment as permitted under Section 1, Sub-Chapter A, Chapter 520, Section 520.003 of the Texas Transportation Code as enacted by the 76th Legislature of the State of Texas with subsequent modifications to agreements between County of Hidalgo and Car Dealer Substation Contracts.**

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

Having discussed the items under Closed Session earlier, the Court proceeded to adjourn.

22. Closed Session: (SEE EXHIBIT V)

On motion of Commissioner Flores, seconded by Commissioner Garza, the Court made a UNANIMOUS vote of approval to go into Executive Session at 11:30 a.m. Commissioner Garza was present for this item since it was discussed earlier in the meeting.

After discussing the items in Closed/Open Session, the Court proceeded to discuss the Human Resources and Purchasing Items.

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

- A. Real Estate Acquisition**
- B. Litigation – Department of Human & Health Services Claim vs. Head Start**
- C. Potential & Possible Litigation – Javier Avalos Montes vs. County of Hidalgo**

The Court reconvened at 11:45 a.m., and certified that NO ACTION had been taken during Executive Session on items #23.A-C.

23. Open Session: (SEE EXHIBIT V)**A. Real Estate Acquisition**

NO ACTION taken on this item.

B. Litigation – Department of Human & Health Services Claim vs. Head Start

NO ACTION taken on this item.

C. Potential & Possible Litigation – Javier Avalos Montes vs. County of Hidalgo

NO ACTION taken on this item.

24. Closed Session:

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

NO ACTION taken on this item.

25. 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 Handy, the Court made a UNANIMOUS vote of approval to adjourn.

NOTICE is hereby given in accordance with Chapter 551, Texas Government Code, that a REGULAR MEETING of the Commissioners' Court will be held on TUESDAY, DECEMBER 09, 2003, at 9:30 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 Garza, the Court made a UNANIMOUS vote to approve all items on the Consent Agenda, with the exception of item 2.CC.

- 1. Approval of check register and payment of claims and bills - County Auditor (SEE EXHIBIT A)**
- 2. Line item transfers: (SEE EXHIBIT B)**
 - A. Court Reporters Fund**
 - B. 370th District Court**
 - C. 93rd District Court**
 - D. Law Library**
 - E. R & B – Insurance**
 - F. Assessing/Appraising**
 - G. Fire Marshal**
 - H. J.P. Pct. #1, Pl. 1**
 - I. Workers Compensation Fund (2)**
 - J. Buildings & Grounds**
 - K. Pct. #1 – Adm.**
 - L. Pct. #1 – Parks**
 - M. Pct. #4 – Adm.**
 - N. D.A. Supplement**
 - O. D.A. Inv. Fund**
 - P. Constable Pct. #4**
 - Q. Central PBX**
 - R. Pct. #1 – Sanitation**
 - S. Pct. #2 – Landfill**
 - T. Elections Department**
 - U. Texas Cooperative Extension**
 - V. Health Department – Sanitation**
 - W. Jail**
 - X. Sheriff Department**
 - Y. Human Resources**
 - Z. Tax Office**

Consent Agenda Continued:

AA. District Clerk

BB. County Court #2

CC. Health – Clinics – NO ACTION taken on this item.

DD. Health – Adm.

EE. County Court #4

3. Monthly Fee Reports – November: (SEE EXHIBIT C)

A. District Clerk - \$ 217,064.61

4. Planning Department: (SEE EXHIBIT D)

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. Purchasing Department: (SEE EXHIBIT E)

A. HIDALGO COUNTY –

- 1. Requesting authority to purchase computer equipment and software from CISV vendor through the State of Texas Building and Procurement Catalogue Purchasing Program from the following :**

Requisition #	Department	Vendor	Amount	Account #
40365	District Attorney	CDW-Government	\$ 2,470.34	3-1222-412-00-080-006-0-747
39898	Computer Dept.	CDW-Government	\$ 2,756.00	3-1242-412-00-000-001-0-745
39894	Computer Dept.	Dell Marketing	\$ 8,028.00	3-1242-412-00-000-001-0-745

B. HIDALGO COUNTY COURT AT LAW #2 –

- 1. Requesting authority to purchase a Xerox M151 Work centre with CISV vendor, Xerox, through the State of Texas Building and Procurement Catalogue Purchasing Program in the amount of \$ 1,291.37.**

C. HIDALGO COUNTY BUILDING & GROUNDS-

- 1. Requesting authority to purchase service with Simplex Grinnell a State vendor on the CMBL through the Texas Building and Procurement Commission, in the amount of \$1,438.41.**

DRAINAGE DISTRICT BOARD OF DIRECTORS

NOTICE is hereby given in accordance with Chapter 551, Texas Government Code, that a REGULAR MEETING of the Drainage District #1 Board of Directors will be held on TUESDAY, DECEMBER 09, 2003 at 9:30 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 Commissioner Garza.

2. Open Forum

NO ACTION taken on this item.

3. Approval of Consent Agenda

At this time, the Court moved to approve the Drainage District Consent Agenda.

4. Discussion, consideration and action regarding written Resolution and ballot selection of Appraisal District Board of Directors 2004-2005

On motion of Commissioner Palacios, seconded by Commissioner Flores, the Court made a UNANIMOUS vote of approval to divide all the votes between the five incumbents, with the effect that the five incumbents will be elected. Specific votes are as follow:

AYE: Judge Garcia, and Commissioners' Handy, Flores, and Palacios

NAY: None

ABSTAIN: None

5. 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.

6. Open Session:**A. Real Estate Acquisition**

NO ACTION taken on this item.

7. Closed Session:

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

NO ACTION taken on this item.

8. 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 Handy, seconded by Commissioner Flores, the Court made a UNANIMOUS vote of approval to adjourn this day's meeting at 12:07 p.m.

NOTICE is hereby given in accordance with Chapter 551, Texas Government Code, that a REGULAR MEETING of the Drainage District #1 Board of Directors will be held on TUESDAY, DECEMBER 09, 2003 at 9:30 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

On motion of Commissioner Handy, seconded by Commissioner Palacios, the Court made a UNANIMOUS vote to approve the Drainage District Consent Agenda.

- 1. Approval of check register and payment of claims and bills - County Treasurer (SEE EXHIBIT A)**

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 9th day of December, 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 December 9, 2003.

Signed this _____ day of _____ 2004.

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

By: _____
Priscilla Torres, Deputy

(Seal)