

SPECIAL MEETING – JANUARY 20, 2004

BE IT REMEMBERED, that on this 20th day of January, A.D., 2004, 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-OFFICIO 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
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, JANUARY 20, 2004 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

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

No presentations were made during Open Forum.

5. Approval of Consent Agenda

At this time the Court moved to approve the Consent Agenda.

6. Juvenile Probation – Buddy Silva: (SEE EXHIBIT H)

A. Request authorization to submit C.J.D. Juvenile Justice Accountability Block Grant Early Intervention Project Application for 2005 FY Funding (June 01, 2004 – May 31, 2005) in the amount of \$ 81,120.00 (\$ 12,000.00 is the required cash match)

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

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

A. Discussion and approval of department liaisons

NO ACTION taken on this item.

B. Authorize comp-time for Insurance Coordinator due to open enrollment of health insurance & voluntary products (approximately – 50 hrs.)

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

C. Pct. #2:

- 1. Approval to appropriate note proceeds of \$ 600,000.00 into Gen. Fund Sanitation Acct. - \$283,487.50 & R & B Acct. - \$ 316,512.50**

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

D. Indigent Defense Program:

- 1. Requesting approval to create obj. #810 & line item transfer (Fund 1100)**
- 2. Requesting approval to create obj. #604 & 663 & line item transfer (Fund 1290)**

E. District Attorney:

- 1. Approval to create obj. 608 (household supp.) & line item transfer – Grand Jury Acct.**
- 2. Approval to create obj. 607 (janitorial supp.) & line item transfer – D.A. Gen. Fund**
- 3. Approval to create obj. 532 (mobile phones) & line item transfer – D.A. Inv. Fund**

F. Constable Pct. #3:

- 1. Approval to create obj. #339 (other prof. serv.) & line item transfer**

On motion of Commissioner Handy, seconded by Commissioner Garza, the Court made a UNANIMOUS vote of approve items D, E, & F.

G. WIC:

- 1. Approval to decrease salary from #58 – WIC Acct. #4-1292-441-00-350-001-4-113 in the amount of \$ 1,960.00**
- 2. Approval to increase slot #68 & #207 in the amount of \$ 980.00 each for a total of \$ 1,960.00 to reflect starting pay of \$ 8.00 an hour**

On motion of Commissioner Handy, seconded by Commissioner Garza, the Court made a UNANIMOUS vote of approve items G.1 & G.2.

- 3. Approval to increase slot #5 – Breastfeeding Grant #4-1292-441-00-350-002-4-113 & set salary @ \$ 16,640.00**

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

H. Pct. #3:

- 1. Requesting approval to delete vacant slot #4 Service Truck Operator**

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

2. Requesting approval to create slot # 51 Service Truck Operator/Truck Driver II and set salary at \$ 21,399.79

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

3. Approval of amended salary schedule to include auto allowance for slot #43 and amend budget

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

I. Elections Department:

1. Approval of budget amendment (overtime)

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

2. Approval of budget amendment (temporary employees)

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

3. Approval of budget amendment (four (4)full time temporary employees)

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

At this time the Court moves into executive session.

J. IT Department:

1. Approval to create slot #12 Information Systems Administrator, amend salary schedule, set salary and budget amendment

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

K. Independent Audit:

1. Approval to unappropriate acct. #4-1100-415-13-110-031-0-335 in the amount of \$16,000.00 and appropriate into acct. #4-1100-415-19-110-065-0-339

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

L. Approval to unappropriate funds from various accounts (Health Insurance) into General Fund Balance

Valde Guerra informed the Court to unappropriate various funds in the amount of \$401,445.00 that shall go back into the General Fund balance.

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

8. Elections Department: (SEE EXHIBIT J)

A. Brief discussion of new statutes/legislation affecting Elections/Voting (for informational purposes)

NO ACTION taken on this item.

B. Discussion of Office of Public Weigher

C. Approval to create thirty (30) temporary positions for the Elections Phone Bank & set salary at \$8.00/hr.

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

D. Update and action on location for Hidalgo County Elections Phone Bank and Departmental Requests for additional office space

9. Sheriff Department – Chief Castellanos: (SEE EXHIBIT K)

A. Approval to authorize the County Auditor to process payment of clothing allowance to non-uniform officers in the Sheriff's Office, Jail, Combined Governmental Drug Enforcement and Special Crimes Task Force, and the South Texas Auto Theft Enforcement Task Force and make payment of same in conjunction with the regular payroll of January 30, 2004

Tony Sandoval had a concern stating that it should be the County Treasurer who should process and make the payment not County Auditor because he no longer does payroll.

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

B. South Texas Auto Theft Enforcement Task Force Grant:

1. Requesting acceptance and approval of a claim invoice #09-218007 for \$ 82.42 from Burton Auto Supply with authority for County Auditor to issue payment

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

10. Planning Department – Raul Sesin: (SEE EXHIBIT L)

A. Variance Request for Setback Encroachment:

1. Francisca Reyna, Lot 42, Western Village – Pct. #3

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

11. Urban County – Diana Serna: (SEE EXHIBIT M)

A. Requesting authorization on behalf of Pct. #3 to cancel Urban County Year 13 (2000) Subrecipient Agreement with the Mission Boys & Girls Club of Mission

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

B. Requesting authorization on behalf of Pct. #3 to cancel Urban County Year 13 (2000) Subrecipient Agreement with the Hidalgo County Museum

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

Commissioner Palacios joined the meeting.

C. Requesting authorization on behalf of Pct. #3 to cancel Urban County Year 13 (2000) Subrecipient Agreement with Abram Senior Services

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

D. Approval of Subrecipient Agreement with the Weslaco Youth Baseball/Softball (Youth Services) and the Urban County Program on behalf of the City of Weslaco – UCP Year 16 (2003)

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

E. Approval and ratification of amended salary schedules to reflect 3%, 5% & 7% increases as discussed during the 2004 budgeting process and approved by Hidalgo County Commissioners' Court

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

12. Human Services – Rudy De La Viña: (SEE EXHIBIT N)

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

- 1. Authorization to pay claims:

2003	<u>3,344,106.00</u>
2004	<u>9,075,000.00</u>

2. Indigent Health Care expenditures

13. Risk Management – Adan Perez: (SEE EXHIBIT O)

- A. Approval of reimbursement to the Hidalgo County's Workers Compensation Claims Paying Account for: workers compensation claims paid by Tristar Risk Management in the amount of: \$ _____ for the period ending _____**

NO ACTION taken on this item.

14. Pct. #4: (SEE EXHIBIT P)

- A. Approval of final invoice in the amount of \$ 7,725.60 from Texas Department of Transportation with authority for County Auditor to issue payment (after review and processing procedures completed) in connection with Advance Funding Agreement for Off-System Bridge Replacement Project: CR 344 (12th St.) Str. #AA03-44-002; CSJ 0921-02-057 – approved by court of 5/28/02**

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

15. Purchasing Department: (SEE EXHIBIT Q)

A. HIDALGO COUNTY –

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

1. **New Hidalgo County Jail:** Total inmate population: 1,085 Other Information: 6
 Physical Count: 1,078 Males 11 Total 1,003
 Out of County: La Villa _____ Females 1 Total 75
 Brooks _____ Federal 12
2. **Current inter-local(s) and/or contract(s) for the "Housing of Inmates"**
 - a) **Presentation for consideration, discussion and approval of a one(1) year extension as provided under Action 1.02 of the current contract with LCS Corrections Services, Inc. which will reflect a request to increase the negotiated best and final offer for per diem rate to \$ 37.50 wit all other terms and conditions remaining the same;**
Notes: Initial proposed rate increase was \$ 37.75: current per diem \$ 36.25; correspondence from Dr. Philip A. Ethridge related to dept's budget impact for 2004 fiscal year;

Commissioner Gaza and Flores stepped away from the Court.

On motion of Commissioner Palacios, seconded by Commissioner Handy, the Court made a UNANIMOUS vote to approve the rate increase up to \$37.50.

- b) **Status of current inter-local agreement with Brooks County for housing of inmates;**
 1. **Per diem rate \$36.25 (all terms & conditions same as LCS contract);**
 2. **Expiration date is May 2004;**

NO ACTION taken on this item.

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

- a) Detention Facility Law Enforcement Center Design- Build Contract Action (if necessary)**

Leo Zapata stated there was Nothing to report.

- b) Requesting acceptance and approval with authority for Auditor to process payment (after review, audit and processing procedures completed) of Inv. # 4700 in the amount of \$ 6,750.00 dated submitted by Quintanilla, Headley & Associates, for engineering services rendered for the design of the Water Distribution system, Sanitary Sewer Collection System, Storm Sewer System, Road and Parking Lots for the Maintenance & Motor Pool Building and Law Enforcement Training Facility projects and as approved by V-A Architecture;**

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

- c) Requesting rescission of action taken on Commissioners Court Agenda Item# 20.A.3.c) as detailed in documentation attached hereto;**

NO ACTION taken on this item.

- d) Presentation for acceptance, approval and authority for Auditor to issue payment to Velasco Construction in the amount of \$ 599.19 for city utilities paid to the City of Edinburg before Hidalgo County transferred service and incurred after substantial completion was achieved on 5-27-03 for both the Maintenance & Motor Pool Bldg. and Law Enforcement Training Facility with copies of cancelled checks enclosed for review and audit;**

Tony Sandoval stated that the check that appears is not the check that the bank has paid, but it is copy but not the one that the bank has paid, not a cancelled check, but is a copy of the back. Copy of the check that has been cashed is needed.

On motion of Commissioner Handy, seconded by Commissioner Palacios, the Court made a UNANIMOUS vote of approval subjecting to inaudible auditors concerns.

- e) Presentation for acceptance, approval and authority for Auditor to issue payment to Velasco Construction in the amount of \$ 3,435.93 for electrical utilities paid to Magic Valley Electric Cooperative (MVEC) from 8-24-03 to 9-30-03 which were incurred after substantial completion was achieved on 5-27-03 with copies of cancelled checks enclosed for review and audit;**

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

- f) County Auditor's Report on Detention Facility Law Enforcement Center Project paid and pending payment request approval;**

Nothing to report.

- g) Presentation for discussion, consideration and approval of a claim SBC in connection with Access Transport Services as reflected on a copy of the invoice attached hereto and labeled "FINAL BILL" dated 4-25-03;**

Commissioner Garza joined the meeting.

Commissioner Handy stepped away from the Court.

Tony Sandoval stated there was not enough money in the account. "If Commissioners Court makes an approval, the Budget office will take appropriate action to fund this at a later date, and will be \$10,000.00 in the hole. The account does have \$10,254 in there now in the account according to the records, but the bill is for \$17,039.99, but does not have any reason for it not being approved, as soon as it is funded they will right the check up."

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

- 4. Presentation for discussion, consideration, acceptance and approval of claims/invoices with authority for Auditor to issue payment after review, audit and processing procedures completed for the following: "Exhibit A" attached hereto.**

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

- 5. Requesting acceptance and approval of a final negotiated letter of engagement with the number one ranked firm, Burton, McCumber & Cortez, L.L.P. for independent financial audit services. Fully executed copies of the letter of engagement will be forwarded to both Hidalgo County Auditor's and Budget office.**

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

- 6. Requesting approval to exercise the additional (60) day grace period extension as provided in the current contract for "Reinforced Concrete, Heavy Wall Concrete, Corrugated Polyvinyl Chloride (PVC) Storm Sewer, Corrugated Steel Storm Type I, IR, & IA, Rubber Gasket Joint Concrete, Polyethylene pipes" under the same terms and conditions with the following awarded bidders:**

- (a) C-03-044-01-27 Rio Valley Pipe**
- (b) C-03-044a-01-27 Hughes Supply Company Inc.**
- (c) C-03-044b-01-27 Varmicon Industries**
- (d) C-03-044c-01-27 Contech Construction**

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

7. **Requesting authority to advertise for “Reinforced Concrete, Heavy Wall Concrete, Corrugated Polyvinyl Chloride (PVC) Storm Sewer, Corrugated Steel Storm Type I, IR, & IA; Rubber Gasket Joint Concrete, Polyethylene pipes”**

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

8. **Requesting modification to the current contract for “Gasoline & On & Off Highway Diesel Fuel Products” with South Texas Petroleum to reflect the replacement sites of fueling stations for Hidalgo County.**

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

9. **Presentation for consideration, discussion, acceptance and approval of recommendations by William Rusteberg, Consultant, for the purposes of Commissioners’ Court award to the Number One ranked firms submitting proposals in response to County’s RFP for Section 125 Cafeteria Plan Administration, Voluntary Products & Administration and Funding Vehicles for Deferred Compensation-Section 457 Plan**

On motion of Commissioner Palacios, seconded by Commissioner Handy, the Court made a UNANIMOUS vote of approval in recommendation of consultant for the Dental Plan.

On motion of Commissioner Handy, seconded by Commissioner Garza, the Court made a UNANIMOUS vote to approve Dennis Carruth as Broker for Vision- Silver 100 Plan.

On motion of Commissioner Flores, seconded by Commissioner Palacios, the Court made a UNANIMOUS vote to approve Alamo Insurance Group Flex Benefit as the Broker for the Cafeteria Plan 125.

(SEE EXHIBIT Q FOR RECOMMENDED PRODUCTS)

On motion of Commissioner Handy, seconded by Commissioner Garza and Flores, the Court made a UNANIMOUS vote of to approve Etna and Insurance Associates of the Valley for the Voluntary Group Term Life Insurance.

Commissioner Flores joined the meeting.

10. **Requesting approval of draft contracts for: Section 125 Cafeteria Plan Administration, Voluntary Products & Administration and Funding Vehicles for Deferred Compensation-Section 457 Plan- Hidalgo County, subject to legal review.**

On motion of Commissioner Garza, seconded by Commissioner Flores & Handy, the Court made a UNANIMOUS vote of approval subject to our lawyer accepting it.

11. **Presentation for consideration, discussion and action (if necessary) the authority for consultant to seek approval of Plan Year change from the current effective date from 02-01-04 to 03-01-04 for Hidalgo County’s Section 125 Cafeteria Plan**

NO ACTION taken on this item.

Commissioner Handy stepped away from the Court.

B. HIDALGO COUNTY PRECINCT NO. 1-

- 1. Requesting correction of effective date for the “Landfill Access” contract with BFI Waste Systems of North America, Inc. as of 10/15/03 and not 11/03/03.**

Commissioner Handy joined the meeting.

Judge Garcia stepped away from the Court.

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

C. HIDALGO COUNTY PRECINCT NO. 2-

- 1. Requesting authority to exercise the sixty (60) day grace period extension as provided under the contract for: “Geo-Grid Reinforcement Material”, so as to have no lapse while bid process is on going.**

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

- 2. Requesting authority to advertise for RFB- “Geo-Grid Reinforcement Material”.**

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

D. HIDALGO COUNTY PRECINCT NO. 4-

- 1. Presentation for discussion, consideration, acceptance and approval of claims/invoices with authority for Auditor to issue payment after review, audit and processing procedures completed for “Exhibit A” attached hereto.**

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

E. HIDALGO COUNTY INDIGENT DEFENSE-

- 1. Requesting authority to purchase computer equipment from CISV vendors through the State of Texas Building and Procurement Catalogue Purchasing Program for (req # 41250),with CDW-Government in the amount of \$ 1,655.00 and req # 41230, QA System in the amount of \$ 6,398.00.**

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

F. HIDALGO COUNTY ELECTIONS DEPARTMENT-

1. **Requesting ratification of P.O. # 527388 for Hart Intercivic a state awarded vendor on the Central Masters Bidders List of Texas Building and Procurement Commission, for the purchase of election supplies for the primary election in the total amount of \$ 16,750.00.**

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

2. **Requesting authority to enter into a new service with equipment agreement with Sprint/DotCom Technologies RGV, Inc., a vendor on the CMBL through the State of Texas Building and Procurement Catalogue Purchasing Program, in the amount of \$ 36.90 per month to include one hundred (100) free cellular phones for a total amount of \$ 44,280.00.**

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

3. **Requesting authority to purchase computer peripherals to include cabling and installation from QA Systems in the amount of \$ 8, 263.00 subject to vendor's compliance with insurance compliance documentation.**

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

G. HIDALGO COUNTY JUDGES OFFICE-

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.

H. HIDALGO COUNTY WIC PROGRAM-

1. **Presentation for discussion, consideration, acceptance and approval of claims/invoices with authority for Auditor to issue payment after review, audit and processing procedures completed for the following: "Exhibit A" attached hereto.**

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

16. Discussion, consideration and action on Resolution for Unfunded Mandates (SEE EXHIBIT R)

NO ACTION taken on this item.

On motion of Commissioner Garza, seconded by Commissioner Flores and Handy, the Court made a UNANIMOUS vote of approval to go into executive session.

17. Closed Session: (SEE EXHIBIT S)

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. Consultation with Attorney on contemplated litigation associated with New Adult Detention Facility & Law Enforcement Center Project**
- C. Civil Action No. M-03-182; Aureliano Miranda vs. Hidalgo County, et. al**
- D. Cause #C-640-03-A, B, E, F, H; Hidalgo County vs. Texaco, Inc.; Kerr-McGee Oil & Gas Onshore, LLC; Total Final Elf E & P USA, Inc., El Paso Production Oil & Gas Company; SWEPI, L.P.**

18. Open Session: (SEE EXHIBIT S)

- A. Real Estate Acquisition**
- B. Consultation with Attorney on contemplated litigation associated with New Adult Detention Facility & Law Enforcement Center Project**
- C. Civil Action No. M-03-182; Aureliano Miranda vs. Hidalgo County, et. al**
- D. Cause #C-640-03-A, B, E, F, H; Hidalgo County vs. Texaco, Inc.; Kerr-McGee Oil & Gas Onshore, LLC; Total Final Elf E & P USA, Inc., El Paso Production Oil & Gas Company; SWEPI, L.P.**

In addition for the Court made a UNANIMOUS vote of approval to authorize the County Judge to sign the verification page as it pertains to responses, to request for disclosure, admissions, and interrogatories on Cause #C-640-03-A, B, E, F, H; Hidalgo County vs. Texaco, Inc.; Kerr-McGee Oil & Gas Onshore, LLC; Total Final Elf E & P USA, Inc., El Paso Production Oil & Gas Company; SWEPI, L.P.

Commissioner Palacios stepped away from the Court.

On motion of Commissioner Handy, seconded by Commissioner Garza, the Court made a UNANIMOUS vote of approval on Item 18.D.

Judge Garcia stated for the record that Commissioner Joe Flores is abstaining on this particular item And to pursue it to the statute.

At this time the Court moves back to regular agenda on item 7.J.

19. Closed Session:

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

20. Open Session:

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

On motion of Commissioner Palacios, seconded by Commissioner Flores, the Court made a UNANIMOUS vote 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, JANUARY 20, 2004, 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.

Tony Sandoval, the County auditor had three concerns.

On motion of Commissioner Handy, seconded by Commissioner Flores and Garza, the Court made a UNANIMOUS vote of approval with the exceptions of items 6.D, 6.F, and 7.C.

- 1. Approval of check register and payment of claims and bills - County Auditor (SEE EXHIBIT A)**
- 2. Planning Department: (SEE EXHIBIT B)**
 - 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)**
- 3. Right of Way – Permits: (SEE EXHIBIT C)**
 - A. HESCO Utility Company – Cesar Chavez Rd. north of Trenton Rd.**
 - B. H & H Farms – 13th Street between Brushline Rd. & FM 493**
- 4. Monthly Fee Reports - December: (SEE EXHIBIT D)**
 - A. County Clerk \$456,176.33**
 - B. District Clerk \$192,747.36**
- 5. Line item transfers - 2003: (SEE EXHIBIT E)**
 - A. Purchasing Department**
 - B. County Court #1**
 - C. Criminal Auxiliary Court**
 - D. J.P. Pct. #1, Pl. 1**
 - E. Pct. #2 – CRC**
 - F. Tax Office**
 - G. Tax Office – Gen. Fund (2)**
 - H. Elections Department**
 - I. D.A. – Gen. Fund**
 - J. Constable Pct. #4**
 - K. Health – Adm.**
 - L. Health – Clinics**
 - M. D.A. – LEOSE**

- N. D.A. – Inv. Fund**
- O. HIDTA – Task Force**
- P. WIC**

- 6. Line item transfers – 2004: (SEE EXHIBIT F)**
 - A. 92nd District Court**
 - B. County Court #5**
 - C. J.P. Pct. 1, Pl. 2**
 - D. District Clerk**

On motion of Commissioner Handy, seconded by Commissioner Garza, the Court made a UNANIMOUS vote of approval for correction on line item transfer from \$ 9,100 to \$13,600.

- E. Pct. #2 – CRC**
- F. Elections Department (2)**

Tony Sandoval stated for the record line item transfer acct. #4-1100-414-00-1300010 object code 531 to object code 532 transferring \$44,280.00 also from the same object code 531 to object 431 transferring \$8,263.00 for a total of \$52,543.00.

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

- G. Tax Office (2)**
- H. Civil Service**
- I. Human Resources**
- J. Planning Department**
- K. Buildings & Grounds**
- L. Sheriff Department**
- M. Jail**
- N. Constable Pct. #1**
- O. Health – Adm.**
- P. District Clerk**
- Q. Pct. #3 – R & B**
- R. Pct. #1 – R & B**
- S. Pct. #1 – Adm.**
- T. Pct. #1 – Parks**
- U. Workers' Comp.**

- 7. Purchasing Department: (SEE EXHIBIT G)**
 - A. HIDALGO COUNTY PRECINCT NO.3–**
 - 1. Requesting authority to purchase three (3) portable Radios from a CISV vendor, Rio Radio Supply Inc., through the State of Texas Building and Procurements Catalogue Purchasing Program for Req #42540 in the total amount of \$ 1,197.00 (\$399.00ea).**
 - 2. Requesting authority to purchase six (6) mobile Radios from a CISV vendor, Rio Radio Supply Inc., through the State of Texas Building and Procurement Catalogue Purchasing Program Req # 42540 in the amount of \$ 2,094.00 (\$349.00ea.)**
 - B. HIDALGO COUNTY PRECINCT NO. 2-**

1. **Requesting authority to enter into a 36 month lease agreement with Xerox for a 420C copier through the State of Texas Contract 985-A3 in the amount of \$ 1,531.75 (Req # 42726). Effective upon approval.**

C. HIDALGO COUNTY J.P. PCT 1 PL.1-

1. **Requesting authority to enter into a 48-month lease agreement with Xerox for a CC35 copier through the State of Texas Building and Procurement State Contract 985-A3 for \$ 158.29 a month. Effective upon approval.**

Commissioner Handy stated that they are asking for a copy of lease agreement if it is approved.

Valde Guerra stated that they are asking for NO ACTION taken on this item.

At this time they go back to regular agenda.

D. HIDALGO COUNTY BUDGET OFFICE-

1. **Requesting authority to purchase computer hardware and peripherals from CISV vendor, Dell Marketing through the State of Texas Building and Procurement Catalogue Purchasing Program in the amount of \$ 2,966.82**

E. HIDALGO COUNTY INFORMATION TECHNOLOGY DEPARTMENT-

1. **Requesting authority to purchase computer software from a CISV vendor, S.J.S. Computer, through the State of Texas Building and Procurement Catalogue Purchasing Program Req # 42390 in the amount of \$ 1,950.00.**

F. HIDALGO COUNTY DISTRICT ATTORNEY-

1. **Requesting authority to purchase computer equipment from a CISV vendor, CDW-Government, through the State of Texas Building and Procurement Catalogue Purchasing Program Req # 42113 in the amount of \$ 603.00.**

G. HIDALGO COUNTY ELECTIONS-

1. **Requesting authority to purchase computer equipment from a CISV vendor, CDW-Government, through the State of Texas Building and Procurement Catalogue Purchasing Program Req # 42669 in the amount of \$ 900.00.**

H. HIDALGO COUNTY COURT AT LAW # 5 –

1. **Requesting authority to enter into a 36 month lease with Xerox for a copier through the Interlocal Agreement with the Cooperative Purchasing Network (RegionIV) in the amount of \$74.22 a month.**
2. **Requesting authority to purchase a computer multifunction copier through a CISV vendor, CDW- Government, through the State of Texas Building and Procurement Catalogue Purchasing Program in the amount of \$ 400.24.**

I. HIDALGO COUNTY HUMAN SERVICES-

1. **Requesting authority to enter into a 60 month lease with Xerox for a CC35 digital Copier through the State of Texas Building and Procurement State Contract 985-A3 in the amount of \$ 142.67 per month (Req# 42888). Effective upon approval.**

J. HIDALGO COUNTY TAX OFFICE-

1. **Requesting authority to enter into a maintenance agreement with General Binding Corporation (GBC) for a shredder machine in the amount of \$ 589.00 per year (Req # 42153). Effective date March 20, 2004 through March 19, 2005.**
2. **Requesting authority to enter into a maintenance agreement with Cummins-Allison Corp for a money counter scanner in the amount of \$ 422.00 per year (Req#42337). Effective date April 9, 2004 through April 8, 2005.**

3. **Requesting authority to enter into a maintenance agreement with Copy Graphics for a fax machine in the amount of \$ 200.00 per year (Req#41980). Effective January 23, 2004 through January 23, 2005.**
4. **Requesting authority to purchase computer equipment from a CISV vendor, Multiwave, through the State of Texas Building and Procurement Catalogue Purchasing Program for Req# 42156 in the amount of \$ 231.75.**

K. HIDALGO COUNTY PLANNING DEPARTMENT-

1. **Requesting authority to purchase computer software from a CISV, Computer Technical, through the State of Texas Building and Procurement Catalogue Purchasing Program for # 1 in the amount of \$ 198.00.**

DRAINAGE DISTRICT BOARD OF DIRECTORS

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, JANUARY 20, 2004 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

1. Roll Call

All members of the Court were counted present with the exception Judge Garcia

2. Open Forum

There were no presentations made at this time.

3. Approval of Consent Agenda

At this time the Court moved to approve the consent agenda.

4. Approval of Annual Agreement with Mobile Relays in the amount of \$ 4,662.00 (tower space @ \$388.50 per month) (SEE EXHIBIT T)

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

5. Risk Management – Adan Perez: (SEE EXHIBIT U)

- A. Approval of reimbursement to the Hidalgo County’s Workers Compensation Claims Paying Account for: workers compensation claims paid by Tristar Risk Management in the amount of: \$ _____ for the period ending _____**

NO ACTION taken on this item.

Judge Garcia joined the meeting.

6. Purchasing Department: (SEE EXHIBIT V)

- A. Requesting acceptance and approval of a final negotiated letter of engagement with the number one ranked firm, Burton, McCumber & Cortez, L.L.P. in connection with independent financial audit services. Fully executed copy of the letter of engagement will be forwarded to both Hidalgo County Budget and Treasurer’s Office.**

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

- B. Presentation for consideration, discussion, acceptance and approval of recommendations by William Rusteberg, Consultant, for the purposes of Board of Directors' award to the Number One ranked firms submitting proposals in response to County's RFP for Section 125 Cafeteria Plan Administration, Voluntary Products & Administration and Funding Vehicles for Deferred Compensation-Section 457 Plan**
- C. Requesting approval of draft contracts for: Section 125 Cafeteria Plan Administration, Voluntary Products & Administration and Funding Vehicles for Deferred Compensation-Section 457 Plan, subject to legal review.**

On motion of Commissioner Handy, seconded by Commissioner Flores, the Court made a UNANIMOUS vote of approval items 6.B,C.

Steve Crain stated, "For the record Judge it would be the same as inaudible for the Hidalgo County Court."

- D. Presentation for consideration, discussion and action (if necessary) the authority for consultant to seek approval of Plan Year change from the current effective date from 02-01-04 to 03-01-04 for subject to legal review.**

NO ACTION taken on this item.

- 7. Closed Session:** (See Exhibit W)

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

- 8. Open Session:** (See Exhibit W)
A. Real Estate Acquisition

NO ACTION taken on this item.

- 9. Closed Session:**
Board of Directors may reconvene into Closed Session for the discussion regarding the agenda items listed

- 10. Open Session:**
Board of Directors may reconvene into Open Session for the discussion regarding the agenda items listed

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 Drainage District #1 Board of Directors will be held on TUESDAY, JANUARY 20, 2004 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 Garza, seconded by Commissioner Flores, the Court made a UNANIMOUS vote of approval.

- 1. Approval of check register and payment of claims and bills - County Treasurer (See Exhibit A)**
- 2. Permits: (See Exhibit X)**
 - A. Discharge Permit:**
 - 1. City of San Juan – Hacienda De Las Nubes**
 - 2. City of McAllen – N.E. Blueline Ditch**
 - 3. Elias & Sonia Lozano – Lo-Ma Subdivision**
 - 4. John Phillips – El Dora Heights Mobile Home Subdivision – Phase III**
 - 5. City of Weslaco – Eagle’s Nest Estates, Unit III**
 - B. Pipeline Permits:**
 - 1. City of San Juan – Nolana Loop**
 - 2. City of San Juan – Eldora**
 - 3. City of Mercedes – Washington Ave., Mile 8 North, FM 491/Baseline, Mile 9 North, FM 1425/Mile 2 East**
 - C. Utility Permits:**
 - 1. Southwestern Bell – Trinity east of Bryan Rd.**
 - 2. HESCO Utility Company – Lot 4 Block 2 of John Closner Subd.**
- 3. Purchasing Department: (See Exhibit Y)**
 - A. Requesting authority to purchase computer software from a CISV vendor, Information Design, Inc. through the State of Texas Building & Procurement Catalogue Purchasing Program for Req. #42656 in the amount of \$ 1,375.00**

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 20th day of January, 2004

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

By: _____
Monique Garate, Deputy

I, JUAN D. SALINAS, III, County Clerk attest that this is an accurate accounting of a proceeding of the Commissioners' Court held on January 20th 2004.

Signed this _____ day of _____ 2004.

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

(Seal) By: _____
Monique Garate, Deputy