

COUNTY of HIDALGO



HIDALGO COUNTY AUDITOR'S OFFICE
Hidalgo County Administration Building
2808 South Business Highway 281
Edinburg, Texas 78539-6243
PHONE: (956) 318-2511
FAX: (956) 318-2577
WEBSITE: www.co.hidalgo.tx.us/auditor

September 14, 2023

The Honorable Richard F. Cortez, Hidalgo County Judge
The Honorable David L. Fuentes, Commissioner, Precinct No. 1
The Honorable Eduardo "Eddie" Cantu, Commissioner, Precinct No. 2
The Honorable Everardo "Ever" Villarreal, Commissioner, Precinct No. 3
The Honorable Ellie Torres, Commissioner, Precinct No. 4

RE: Certification of Revenue

Dear Judge and Commissioners:

Pursuant to Local Government Code § 111.0707 SPECIAL BUDGET FOR REVENUE FROM INTERGOVERNMENTAL CONTRACTS:

The county auditor shall certify to the commissioner's court the receipt of all revenue from intergovernmental contracts that is available for disbursement in a fiscal year but not included in the budget for that fiscal year. On certification, the court shall adopt a special budget for the limited purpose of spending the revenue from intergovernmental contracts for its intended purpose.

I, Linda Fong, Interim County Auditor of Hidalgo County, certify to the Hidalgo County Commissioners Court the receipt of an award from the Organized Crime Drug Enforcement Task Force (OCDETF). These funds may now be made available by creating a new special budget or amending a current budget for its intended purposes.

AMOUNT
\$4,000.00

PURPOSE
SW-TXS-1207 "Ice River"
Organized Crime Drug Enforcement Task Force OT

CERTIFIED BY:

09/18/2023

Linda Fong, CPFO
Interim County Auditor

Date

HIDALGO COUNTY DISTRICT JUDGES

LUIS M. SINGLETERRY JUDGE, 92ND D.C. FERNANDO MANCIAS JUDGE, 93RD D.C. J. R. "BOBBY" FLORES JUDGE, 139TH D.C. ROSE GUERRA REYNA JUDGE, 206TH D.C. MARLA CUELLAR JUDGE, 275TH D.C. MARIO E. RAMIREZ, JR. JUDGE, 332ND D.C. NOE GONZALEZ JUDGE, 370TH D.C. OVERSEER LETICIA LOPEZ JUDGE, 389TH D.C. L. KENO VASQUEZ JUDGE, 398TH D.C. ISRAEL RAMON, JR. JUDGE, 430TH D.C. RENEE R. BETANCOURT JUDGE, 449TH D.C. JOSE "JOE" RAMIREZ JUDGE, 464TH D.C. YSMAEL FONSECA JUDGE, 476TH D.C.

AI-92481

CC REGULAR AGENDA REGULAR MTG

Meeting Date: 09/26/2023

Submitted For: Steven Cortez, SHERIFF DEPT. **Submitted By:** Jose Rodriguez

Department: SHERIFF DEPT.

CAPTION

Sheriff's Office-Organized Crime Drug Enforcement Task Forces (OCDETF) (1284):

1. Ratification of OCDETF - ICE RIVER agreement for FY23 (04/02/23 - 09/30/23) between Hidalgo County Sheriff's Office and Drug Enforcement Administration McAllen District Office OCDETF Strike Force Group D-81.
2. Request authorization to pay overtime reimbursement under the grant terms and conditions.
3. Approval of certification of revenues, as certified by the County Auditor, for the FY2023 OCDETF-ICE RIVER grant agreement award in the amount of \$4,000.00 (in reference to Investigation Number SW-TXS-1207) and appropriation of same.
4. De-obligation of \$6,000 for OCDETF ICE RIVER originally Certified on AI-91515.

BACKGROUND

AI-91515 07/11/23 Approval and Certification of Revenues for OCDETF FY23 ICE RIVER for \$10,000.00 (06/05/23 - 06/05/24)

Ratification of orgianal Agenda Item due to changes made by grantor after agreement was signed and approved by HCSO and CC.

Fiscal Impact

CALENDAR YEAR: 2023

ACCT. #: 3-1284-421-10-280-064-3-XXX

FUNDS AVAILABLE Y/N?: Y

MATCHING FUNDS Y/N?: Y

BUDGETARY IMPACT:

Appropriation of funds in the amount of \$4,000.00 for OCDETF FY23 Overtiem Agreement. COR pending by County Auditor.

And Deobligation of \$6,000.00 due to grantor adjustment after HCSO & CC approved agreement.

Funding period, FY 2023 (04/02/2023 to 09/30/2023)

Revenue acct# 3-1284-331-11-280-064-3-010 OCDETF ICE RIVER FY23- Revenues

Attachments

OCDETF FY23 ICE RIVER Executed Agreement

Form Review

Inbox

(Originator)

Form Started By: Jose Rodriguez

Reviewed By

Jose Rodriguez

Date

09/13/2023 04:01 PM

Started On: 09/13/2023 04:01 PM

ORGANIZED CRIME DRUG ENFORCEMENT TASK FORCES
FY 2023 Agreement
FOR THE USE OF THE STATE & LOCAL
OVERTIME AND AUTHORIZED EXPENSE/STRATEGIC INITIATIVE PROGRAM

DUNS / UEI #: LHACK1UL6NR3

Federal Tax Identification: 7 4 - 6 0 0 0 7 1 7

<u>EXO USE ONLY</u>
DC#: Z-32-_____

Amount Requested: <u>\$ 10,000.00 \$4,000.00</u> <small>Amount requested should match the amount calculated on the Initial Funding Form, Page 2</small>
Number of Officers Listed: <u>1</u>

OCDETF Investigation / Strategic Initiative Number: <u>SW-TXS-1207</u>
Operation Name: <u>Ice River</u>

From: <u>April 2, 2023</u> <small>Beginning Date of Agreement</small>
To: <u>September 30, 2023</u> <small>Ending Date of Agreement</small>

Federal Agency Investigations Number: <u>M5-20-0085</u>

Addendum A in use? Y <input checked="" type="checkbox"/> N <input type="checkbox"/>

State & Local Organization
Narcotics Supervisor: <u>Captain Norbert Leal</u>
Telephone Number: <u>956-383-8114</u>
Email Address: <u>norberto.leal@hidalgo.org</u>

Sponsoring Federal Agency(ies): <u>DEA</u>

Sponsoring Federal Agency(ies) Group / Squad Supervisor: <u>Christopher Johnson</u>
Telephone Number: <u>(956) 356-7555</u>
Email Address: <u>Christopher.v.johnson@dea.gov</u>

State & Local Organization Name: <u>Hidalgo County Sheriff's Office</u>
Address to receive OCDETF paperwork (no PO Boxes): Attention: * <u>Attention: Myra Montoya</u>
<u>711 El Cibolo Rd</u>
<u>Edinburg, TX 78542</u>

* Include the name of the person the form should be mailed to

Please provide the name, telephone number, and email address for the **financial staff person at the State & Local Organization, who is directly responsible for the billing on the Reimbursement Request:**

Name: Myra Montoya

Telephone Number: (956) 383-8114

Email Address: Myra.Montoya@hidalgo.org

ORGANIZED CRIME DRUG ENFORCEMENT TASK FORCES
FY 2023 Agreement Initial Funding Form
 FOR THE USE OF THE STATE & LOCAL
 OVERTIME AND AUTHORIZED EXPENSE/STRATEGIC INITIATIVE

OCDETF Case #: SW-TXS-1207

Amount Requested: \$ ~~10,000.00~~ \$4,000.00
This amount should be entered on Page 1 of the Reimbursable Agreement.

Please note: The amount requested should cover your active investigation plan from the agreement start date (which cannot be prior to the case approval date. Proactive funding analysis will be conducted to determine the need for additional funds throughout the life of the agreement.

Agreement Activity: *(Please check all that apply)*

Surveillance
 Takedown
 Trial/Court
 Wire
 Approved Pending
 Other

If Other, please describe the type of investigative activity the State & Local Agency will be participating in:

TFO will assist with on-going surveillance during the course of this investigation as well as assist with upcoming arrests. Following the take down of this operation, Agents anticipate the TFO further assisting with during the judicial proceedings to include court/trial.

Factors to Consider when Determining the Initial Agreement Amount: *(Required)*

Average Officer Overtime Rate::	Estimated overtime hours for your active investigation plan, from the agreement start date:	Prior year agreement spending, if any:
<u>\$ 37.74</u>	<u>200.00</u>	<u>\$ 0.00</u>

Please provide a brief explanation on how the initial funding amount was determined, if other factors were considered:

TFO will assist with on-going surveillance during all hours of the day to include after normal working hours and/or during the weekend. Additionally, Agents anticipate additional arrests during this fiscal year during which time the TFO will be assisting.

This Agreement is between the above-named State & Local Law Enforcement Organization and the Organized Crime Drug Enforcement Task Forces (OCDETF) Program. This Agreement shall be effective when signed by an authorized State & Local Organization official, the sponsoring Federal Agency Special Agent-In-Charge, the sponsoring Agency Regional OCDETF Coordinator, the Assistant United States Attorney Regional OCDETF Director, and the OCDETF Executive Office.

1. It is agreed that the State & Local Law Enforcement officers named on this Agreement will assist in OCDETF Investigations, Strategic Initiatives and prosecutions as set forth in the Organized Crime Drug Enforcement Task Forces State & Local Overtime and Authorized Expense/Strategic Initiative Programs, Policies and Procedures Manual, Fiscal Year 2023.
2. No individual agreement with a State & Local Organization may exceed \$25,000, and the cumulative amount of OCDETF State & Local overtime monies that may be expended on a single OCDETF investigation in a single fiscal year may not exceed \$50,000 without express prior approval from the OCDETF Executive Office. The OCDETF EXO will entertain requests to exceed these funding levels; however, there will be increased scrutiny from management pursuant to levels of funding needed. To receive approval to exceed this level of funding, a Cap Waiver Request Form approved by the Regional Director, must be sent to the to the OCDETF Internal Auditor and OCDETF Budget Mailbox (ocdetf.budget.mailbox@usdoj.gov).
3. Each reimbursable agreement will be allowed no more than five (5) modifications per year. Amendments or changes in the amount of the agreement after an agreement has been executed must be agreed to by all approving officials. If the funds for a particular agreement are completely deobligated with the intention of closing that agreement, it will not count as a modification for purposes of this policy. As a best practice, no increase modifications should be submitted if there are no bills entered on the agreement in MIS. These amendments or changes must be transmitted by a Modification Memo, signed by the Regional OCDETF Director, or designee, and sent to the OCDETF Executive Office in a timely manner not to exceed thirty (30) days. Deobligations only require the initials of the OCDETF Program Specialist. The signed Modification Memo should be returned to the State & Local Organization and included in the region's State & Local agreement file and be available upon request.
4. If an agreement does not have a bill entered in MIS within ninety (90) days of the agreement funding date (in MIS) or ninety (90) days between the last bill payment date (in MIS), the funds should be deobligated. [For example, if an agreement is dated October 1st, and there is no activity by December 30th, the agreement's funds should be deobligated.] The Regional Program Specialist Assistant/Program Specialist will run a 90-day inactivity report from MIS monthly to identify inactive agreements eligible for deobligation. The OCDETF EXO will assist with the monitoring of the aging agreements. Further, if a State & Local Organization determines that it is no longer performing work under a particular agreement, a Funding Change Notification (modification memo) identifying the amount to be deobligated should be submitted to the OCDETF EXO as soon as possible.
5. The State & Local Law Enforcement Organization agrees to provide experienced drug Law Enforcement officers who are identified in this Agreement to work on the specified OCDETF Investigation or Strategic Initiative. Any change in Law Enforcement officers assigned must be agreed to by all approving officials.
6. Officers who are not deputized shall possess no Law Enforcement authority other than that conferred by virtue of their position as a commissioned officer of their parent Agency.
7. Officers who are deputized may possess Federal Law Enforcement authority as specified by the Agency affording the deputation.


8. Any State & Local officers assigned to an OCDETF Investigation or Strategic Initiative in accordance with this Agreement are not considered Federal employees and do not take on the benefits of Federal employment by virtue of their participation in the Investigation or Strategic Initiative.
9. Officers assigned to OCDETF investigations or Strategic Initiatives are expected to work full-time (as defined by the State & Local Organization) on the Investigation(s) or Strategic Initiative(s) to be paid overtime. To satisfy the "full-time" expectation, a Law Enforcement Officer should work forty (40) hours per week as defined by the State & Local Organization or eight (8) hours per day on a single or multiple OCDETF investigation(s) or Strategic Initiative(s). Any established exceptions or waivers to this definition shall be approved by the RCG and attached as an Addendum A to the agreement. Officers not meeting the full-time expectation will not be reimbursed for overtime without an approved exception or waiver in the Addendum A. If the Addendum A allows for zero regular hours to be worked, it must also limit the number of overtime hours allowed in a billing month with zero regular hours (the limit established is up to the discretion of the RCG but should be explicitly mentioned in Addendum A if allowed).
10. Analysis of reimbursement claims by the Regional Coordination Group may result in a modification of the obligation of funds contained within this Agreement as well as the time period covered. The Organization affected by any such modification will receive a memo notifying them of the changes.
11. Overtime payments, including all other non-OCDETF Federal sources (such as Safe Streets, HIDTA, IRS, ICE, FEMA, etc.) may not, on an annual per person basis, exceed 25% of the current approved Federal salary rate in effect at the time the overtime is performed. The State & Local Organization is responsible for ensuring that this annual payment is not exceeded. The Regional Program Specialist Assistant/OCDETF Program Specialist will monitor these payments via MIS and communicate to the Federal Agency Regional OCDETF Coordinators who provide status updates to any officer approaching the threshold.
12. The overtime log must be attached to the reimbursement request when submitting the monthly invoices. The Sponsoring Federal Agency Supervisory Special Agent and the State & Local official authorized to approve the Reimbursement Request must certify that only authorized expenses are claimed, the regular hours requirement is satisfied, and that overtime has not exceeded 25% of the current Federal salary rate in effect at the time the overtime was worked.
13. Under no circumstances will the State & Local Organization charge any indirect costs for the administration or implementation of this Agreement.
14. The State & Local Law Enforcement Organization shall maintain for a period of six (6) years, complete and accurate records and accounts of all obligations and expenditures of funds under the agreement in accordance with generally accepted accounting principles to facilitate on-site inspection and auditing of such records and accounts.
15. The RCG is also responsible for identifying and implementing any additional policy requirements for its specific region, as needed. Those regional policies will be documented in the Addendum B and attached to the approved agreement. The agencies are agreeing to adhere to these additional requirements and must have written approval by the RCG for any exceptions to the regional policies.
16. Fringe benefits (such as retirement, FICA, or other expenses) are NOT to be included in overtime payment. Auxiliary educational benefits are also NOT to be included in overtime payment. Reimbursement of overtime payment is based solely on the authorized overtime rate of each participating officer listed in the agreement. Under no circumstances may a State & Local Agency include any administrative fees for the processing of overtime. Additionally, officers are not eligible for reimbursement of compensation time earned in lieu of overtime payment.


OCDETF will only reimburse an actual dollar (\$) amount paid to the officer for overtime worked, any additional benefit (including compensation time) will NOT be reimbursed.

17. Fringe benefits (such as retirement, FICA, or other expenses) are NOT to be included in overtime payment. Auxiliary educational benefits are also NOT to be included in overtime payment. Reimbursement of overtime payment is based solely on the authorized overtime rate of each participating officer listed in the agreement. Under no circumstances may a State & Local Agency include any administrative fees for the processing of overtime. Additionally, officers are not eligible for reimbursement of compensation time earned in lieu of overtime payment. OCDETF will only reimburse an actual dollar (\$) amount paid to the officer for overtime worked, any additional benefit (including compensation time) will NOT be reimbursed.
18. The State & Local Organization shall permit examination and auditing by representatives of the OCDETF Program, the sponsoring Federal Agency(ies), the U.S. Department of Justice, the Comptroller General of the United States, and/or any of their duly authorized agents and representatives, of all records, documents, accounts, invoices, receipts, or expenditures relating to this Agreement. Failure to provide proper documentation will limit State & Local Law Enforcement Organizations from receiving OCDETF funding in the future.
19. The State & Local Organization will comply with Title VI of the Civil Rights Act of 1964 and all requirements applicable to OCDETF Agreements pursuant to the regulations of the Department of Justice (see, e.g., 28 C.F.R. Part 42, Subparts C and G; 28 C.F.R. 50.3 (1991)) relating to discrimination on the grounds of race, color, sex, age, national origin or handicap.
20. This Agreement may be terminated by any of the parties by written notice to the other parties ten (10) business days prior to termination. Billing for outstanding obligations shall be received by OCDETF within thirty (30) days of the notice of termination.
21. The Debt Collection Improvement Act of 1996 requires that most payments made by the Federal government, including vendor payments, must be made by electronic funds transfer (EFT). In accordance with the act, all OCDETF reimbursement payments will be issued via EFT. Participants are required to register in SAM.gov to receive reimbursements; registration information will be provided upon request. In certain circumstances the OCDETF Executive Office may make exceptions for Organizations that are unable to accept this form of payment, however, such Organizations must include written justification in the addendum of each new Agreement.

This Agreement is not a contract or obligation to commit Federal funds in the maximum amounts projected. Funding allocations for the time period set forth and agreed to herein represent projections only and are based upon consultation between the sponsoring Federal Agency and the State & Local Law Enforcement Organization. They are, therefore, subject to modification by OCDETF based upon the progress and needs of the OCDETF Investigation or Strategic Initiative. Additionally, resources are contingent upon the availability of funds per the approval and signature of the OCDETF Executive Office obligating authority. The OCDETF Executive Office will approve and certify that all the terms and conditions of the Agreement have been met.

Each Agreement must be approved and signed by a State & Local Law Enforcement Organization official who has supervisory authority over, and is authorized to assign, the participating Law Enforcement officers to the OCDETF Investigation or Strategic Initiative.

Approved By:  SHERIFF 6-20-23
Authorized State & Local Official Title Date
EDDIE GUERRA
Print Name

Approved By:  6/20/23
Sponsoring Federal Agency Special Agent in Charge or Designee Date
Ed Townsend
Print Name

Approved By: DAVID JENSEN Date: 2023.07.05 11:39:01 -05'00'
Sponsoring Agency Regional OCDETF Coordinator Date

Approved By: RICHARD MAGNESS Date: 2023.08.01 08:23:57 -05'00'
Assistant United States Attorney Regional OCDETF Director/Program Specialist Date

Funds are encumbered for the State & Local Organization overtime costs and authorized expense/Strategic Initiative Programs specified above. **Subject to availability of funds.**

Approving Official: _____
OCDETF Executive Office Date

OCDETF Officer Form (Continued)

State & Local Organization: Hidalgo County Sheriff's Office

OCDETF Investigation / Strategic Initiative Number: SW-TXS-1207

The Law Enforcement officers listed below will assist with the above identified OCDETF Investigation or Strategic Initiative. Any modification of the list of Law Enforcement officers must be agreed to in writing by all of the parties to this Agreement, made a part of the Agreement, and forwarded to the OCDETF Executive Office.

	<u>NAME</u>	<u>TITLE/RANK</u>	<u>DOB</u>
11.	_____	_____	_____
12.	_____	_____	_____
13.	_____	_____	_____
14.	_____	_____	_____
15.	_____	_____	_____
16.	_____	_____	_____
17.	_____	_____	_____
18.	_____	_____	_____
19.	_____	_____	_____
20.	_____	_____	_____
21.	_____	_____	_____
22.	_____	_____	_____
23.	_____	_____	_____
24.	_____	_____	_____
25.	_____	_____	_____
26.	_____	_____	_____
27.	_____	_____	_____
28.	_____	_____	_____
29.	_____	_____	_____
30.	_____	_____	_____
31.	_____	_____	_____
32.	_____	_____	_____

Addendum A

Definition of “Full-Time Participation” Exemption

The Southwest Region Coordination Group State and Local OVERTIME POLICY

For purposes of reimbursing OCDETF overtime claims, the following applies:

- 1. Work 40 hours per week on a single OCDETF investigation or multiple OCDETF investigations; or**
- 2. If the officer/agent is not assigned full time to a task force working exclusively OCDETF investigations, then the officer/agent is required to work 8 hours regular time in a given day toward the OCDETF investigation before claiming any overtime; or**
- 3. To accommodate exigent unforeseen circumstances when effective management of dedicated resources cannot handle a particular enforcement action, overtime hours incurred may be reimbursed without the officer/agent having worked an 8 hour shift dedicated to the investigation, provided that the officer/agent is diverted from normal shift work to accommodate the need at the request of a supervisor of a federal agency.**

Reimbursement under such circumstances will be limited to the overtime incurred in response to the unforeseen exigent circumstances, that is, when the enforcement action is complete, no additional overtime will be reimbursed without compliance with 1 or 2 above. Under no circumstances will more than 24 overtime hours per month per state/local entity be reimbursed under this provision. The federal agency supervising the enforcement action should notify the appropriate Regional Coordinator of the enforcement action and overtime hours incurred by the State and Local Department(s) promptly.

Exemptions will be considered on a case by case basis per individual incident. All approvals are subjected to the availability of funds.

A written justification for any waiver request where no regular hours were worked, under exceptions # 2 and #3, must be attached to each affected claim for reimbursement.

Any Other Exceptions or Justifications

NONE

ADDENDUM B
TO STATE AND LOCAL OVERTIME AGREEMENT
STRATEGIC INITIATIVE FUNDING REQUEST

Note: The following ONLY pertains to Strategic Initiative Funding Requests

State and Local agencies acknowledge that all proposed expenditures requested under State and Local Overtime funds are conditioned upon the Southwest Regional Coordination Group (RCG) approval concurrent with any pre-approval process by the OCDETF Executive Office before funding is initiated.

Furthermore, the requesting State and Local agencies acknowledge that any approval process from the State and Local Overtime funds are considered reimbursable expenditures.

Any State and Local agency seeking Strategic Initiative Funding should initially contact the federal agency point of contact. The federal agency point of contact will coordinate further responses with the RCG.

DATE: September 14, 2002

DEPARTMENT HEAD: Hidalgo County Sheriff J.E. Eddie Guerra

2023
De-Obligation
AI-92481



DEPARTMENT NAME: Hidalgo County Sheriff's Office

ACCOUNT NUMBER: 3-1284-421-10-280-064-3-XXX

Contact Person: Jose Rodriguez Ph# 956-393-6176

SUBJECT: **Appropriations of Funds** (increase (decrease)) in accordance with Local Government Code, Chapter 111, § 111.070, Item C (2).

Honorable Commissioners' Court of Hidalgo County:

I would like to request the following Appropriations of Funds (increase (decrease)) in accordance with Local Government Code, Chapter 111, § 111.070, Item C (2).

INCREASE ACCOUNT NUMBER(S)	ACCOUNT (OBJECT) NAME	AMOUNT
3-1284-421-10-280-064-3-131	OCDETF ICE RIVER FY23 - OVERTIME	(\$6,000.00)
3-1284-331-11-280-064-3-010	OCDETF ICE RIVER FY23 - REVENUES	(\$6,000.00)
TOTAL BUDGET INCREASE (DECREASE)		(\$6,000.00)

REASON: De-Obligation of funds due to Grantor changing the funding amount.

DEPARTMENT HEAD SIGNATURE

APPROVED COMMISSIONERS' COURT

____/____/_____
DATE

ATTEST COUNTY CLERK



HIDALGO COUNTY SHERIFF'S DEPARTMENT

SHERIFF ENRIQUE "HENRY" ESCALON

MEMORANDUM

To: Criminal Enforcement and Adult Detention Personnel

From: Chief Deputy Ramiro Castellano *RC*

Date: April 10, 2003

Ref: Pay Period Computation

Effective pay period # 10, which begins on April 21, 2003, Law Enforcement and Detention Personnel of the Hidalgo County Sheriff's Department will change the way they compute their comp-time hours.

Deputy Sheriffs and Detention Officers will work eighty (80) hours within a designated two-week pay period. When an employee is authorized or required to perform his duties for more than the eighty (80) hours, the time above the eighty (80) hours will accrue at the rate of time and a half (1.5).

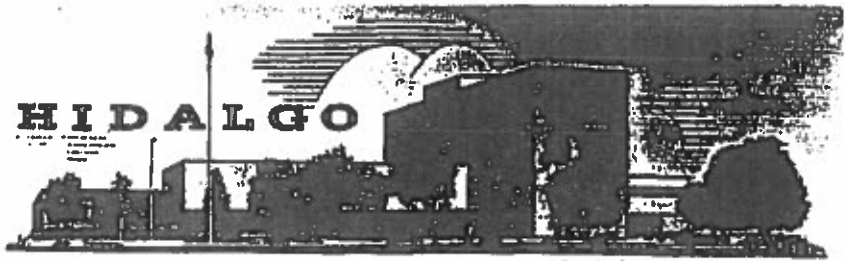
Example: An employee works 86 hours within a two-week pay period. The first eighty (80) hours will be computed at the regular pay rate. The remaining six (6) hours will be compensated at a rate of time and a half (1.5) which would amount to nine (9) hours.

Personnel affected are full time:

- Investigators
- Deputies
- Criminal Enforcement Sergeants
- Detention Sergeants
- Detention Officers
- Detention Matrons

CC COMANDER FLORENTINO GARZA
COMMANDER ADOLFO CANTU
MARILYN HILL
COUNTY AUDITOR, ANTONIO SANDOVAL

COUNTY *of* HIDALGO



HIDALGO COUNTY AUDITOR'S OFFICE
Administration Building 3rd Floor
100 East Cano
Edinburg, Texas 78539-3587
PHONE: (956) 318-2511
FAX: (956) 318-2577
E-mail: hidalgoauditors@hotmail.com

EDINBURG, TEXAS 78539

MAILING ADDRESS:
HIDALGO COUNTY AUDITOR'S OFFICE
P O Box 689
Edinburg Texas 78539

MEMORANDUM

TO: All Elected Officials and Department Heads
FROM: A. R. Sandoval, Hidalgo County Auditor
DATE: April 17, 2003
SUBJECT: Recording Of Law Enforcement Compensatory Time (Comp-Time)

Effective March 24, 2003, the Hidalgo County Commissioners' Court approved the recording of compensatory time for all law enforcement officers to be based on an 80 hour pay period instead of an 86 hour pay period.

Time sheets submitted erroneously for Pay Period No. 08 (03/24/03-04/06/03) have been corrected by payroll personnel. Copies of these time sheets have been forwarded to the department.

Please do not hesitate to call Ms. Loni Salinas, Payroll Supervisor, at (956) 318-2550, if you have any questions regarding this memo.

A. R. Sandoval (8)

HIDALGO COUNTY DISTRICT JUDGES

EDWARD O. APARICIO
JUDGE, 93RD D.C.
OVERSEER

RODOLFO DELGADO
JUDGE, 97TH D.C.

LETICIA HINOJOSA
JUDGE, 136TH D.C.

ROSE GUERRA REYNA
JUDGE, 206TH D.C.

JUAN R. PARTIDA
JUDGE, 275TH D.C.

MARCO E. RAMIREZ, JR.
JUDGE, 322ND D.C.

MOR GONZALEZ
JUDGE, 478TH D.C.

LETICIA LOPEZ
JUDGE, 539TH D.C.

ARBA BALBUENA FLO
JUDGE, 594TH D.C.

REGULAR MEETING – MARCH 11, 2003

BE IT REMEMBERED, that on this 11th day of March, 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 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:

**COUNTY OF HIDALGO
RAMON GARCIA
COUNTY JUDGE**

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, MARCH 11, 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

All Members of the Court were counted present, with the exception of Commissioner Palacios.

2. Pledge of Allegiance

At this time Judge R. Garcia called on Commissioner Handy to lead the Court and Audience in reciting the Pledge of Allegiance.

3. Prayer

Commissioner Handy led the Court and Audience in Prayer.

4. Open Forum

-Godfrey Garza made a presentation on illegal dumping in the Drainage Facilities.
-Anthony Covasavich and Thelma Garza made a presentation on behalf of the United Way Board advising that Hidalgo County has been one of the top ten contributors.

5. Approval of Consent Agenda

At this point, the Court continued with the Consent Agenda.

6. Approval of Proclamation proclaiming April 6th – 13th, 2003 as Hidalgo County Crime Victims' Rights Week (SEE EXHIBIT H)

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

7. Approval of Proclamation proclaiming March 28, 2003 as "Cesar E. Chavez Day" (SEE EXHIBIT I)

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

8. Planning Department: (SEE EXHIBIT J)

A. Preliminary Plat Approval:

- 1. Cowboy Subdivision – Pct. #1**
- 2. Luna I Subdivision – Pct. #4**

On motion of Commissioner Handy, seconded by Commissioner Garza, the Court made a UNANIMOUS vote to approve item 8.A. 1 & 2.

B. Final Plat Approval:

1. **Bluebonnet Village Phase 2 – Pct. #1**
2. **Abelardo Subdivision – Pct. #2**

On motion of Commissioner Handy, seconded by Commissioner Garza, the Court made a UNANIMOUS vote to approve item 8.B.1 & 2.

C. Final Plat Approval with Letter of Credit:

1. **A.R.C. Subdivision – Pct. #3**

Raul Sesin, Planning Director stated for the Record: There is a Letter of Credit for \$1,000.00 for Septic Tank included.

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

D. Partial Release of Letter of Credit:

1. **Frontera Heights East Phase I – Pct. #1**
2. **Old La Blanca Terrace Subdivision – Pct. #1**

On motion of Commissioner Garza, seconded by Commissioner Flores, the Court made a UNANIMOUS vote to approve item 8.D.1 & 2.

E. Release of Letter of Credit:

1. **Rio Bravo Ranch Phase I – Pct. #4**
2. **Polcitrus Subdivision Phase II – Pct. #3**
3. **Tuberville No. 2 Subdivision – Pct. #1**

On motion of Commissioner Garza, seconded by Commissioner Flores, the Court made a UNANIMOUS vote to approve item 8.E.1-3.

9. HIDTA – Task Force: (SEE EXHIBIT K)

A. Approval of the Federal Equitable Sharing Agreement between HIDTA Task Force and the U.S. Department of Justice

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

B. Approval to appropriate a budget increase in the amount of \$ 5,000.00 for the HIDTA Command Center

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

C. Requesting approval and authorization for County Auditor to issue payment (after review) in the amount of \$ 5,000.00 to CAPPs Van and Car Rental

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

10. Budget Office: (SEE EXHIBIT L)

A. Authorization and approval to accept Texas Association of Counties check in the amount of \$ 17,966.00 made payable to Hidalgo County and CAPPs Van & Car Rental, endorse same and release to CAPPs Van & Car Rental

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

B. County Auditor:

1. Approval to create obj. #661 (minor office equip.) & approval of line item transfer - \$ 1,000.00

C. 93rd District Court:

1. Approval to create obj. #608 (household/institutional supplies) & approval of line item transfer - \$200.00

D. 332nd District Court:

1. Approval to create obj. #607 (cleaning/janitorial supplies) & approval of line item transfer - \$ 17.82

On motion of Commissioner Flores, seconded by Commissioner Garza, the Court made a UNANIMOUS vote to approve item 10.B, C, and D.

Commissioner Handy is away from the Court.

E. Approval of budget amendment to transfer 2003 Right of Way funds originally budgeted in Right of Way Fund to each individual Commissioner Pct. R & B Budget

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

F. Approval of budget amendment to transfer out the Right of Way available balances to each County Commissioner Pct. R & B Budget

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

11. Right of Way: (SEE EXHIBIT M)

A. Approval to amend distance on Magic Valley, LP Pipeline permit from 21700' to 26200' (approved by Comm. Court on 05/17/00)

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

12. County Judge: (SEE EXHIBIT N)

A. Authorization and approval to delete slots #008 & 015

Commissioner Handy joined the meeting.

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

B. Authorization and approval to create slots #018, 019, 020 (Budget Control Officer, Administrative Aide I, Administrative Aide II)

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

C. Approval of amended salary schedule for slots 001 through 020

As per Valde Guerra: I will provide the Court Reporter and the County Auditor a copy (of the amended salary schedule).

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

D. Approval of line item transfer

On motion of Commissioner Flores, seconded by Commissioner Garza, the Court made a UNANIMOUS vote of approval. No amount stated.

At this time, the Court proceeded with item #11.A., and then item #10.E.

13. Risk Management: (SEE EXHIBIT O)

Commissioner Garza is away from the Court.

A. Approval to create Risk & Safety Component Director

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

B. Set annual salary at \$ 60,000.00

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

C. Approval of budget amendment

On motion of Commissioner Handy, seconded by Commissioner Flores, the Court made a UNANIMOUS vote of approval in the amount of \$59,691.60.

D. Presentation on Workplace Safety

E. Request approval to initiate "Hidalgo County Office Safety Training, Level I"

NO ACTION taken on item 13.D & E.

14. Urban County: (SEE EXHIBIT P)

A. Approval of budget and program amendments – City of Alamo – UC Years 13 & 15 (2000 & 2002)

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

B. Approval of budget and program amendment – City of Weslaco – UCP Year 13 (2000)

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

Commissioner Garza joined the meeting.

C. Consider awarding bid for the demolition of the existing structure; and the reconstruction of one (1) new unit in the City of San Juan to GMH Construction in the amount of \$ 32,900.00

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

15. Head Start: (SEE EXHIBIT Q)

- A. Requesting approval of the Western Road Head Start Lease Agreement between Hidalgo County Head Start Program and the Roman Catholic Diocese of Brownsville, San Martin de Porras Catholic Church of Alton, Texas in the amount of \$ 400.00 per month**

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

16. County Auditor: (SEE EXHIBIT R)

- A. Discussion and action on creating the position of PC Specialist**
- B. Approval of budget amendment**
- C. Set salary**

NO ACTION taken on item 16.A, B, & C.

- D. Approval of line item transfer for CO's 2002 – County Auditor office furniture in the amount of \$ 3,000.00**

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

17. WIC: (SEE EXHIBIT S)

- A. Approval to pay back wage payment for overtime worked during the period 10/07/00 to 07/06/03 for 152 employees**
- B. Approval to create obj. 131 in Acct. #3-1292-441-00-350-001-3 & line item transfer - \$ 22,709.59**

NO ACTION taken on item 17.A. & B.

18. Sheriff Department: (SEE EXHIBIT T)

- A. Approval to appropriate the December 31, 2002 fund balance (unreserved) in the amount of \$ 52,135.78 in the Sheriff's Inv. Fund 104**

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

- B. Approval to appropriate the December 31, 2002 fund balance (unreserved) in the amount of \$ 12,303.43 in the Sheriff's Inv. Fund 102**

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

- C. Discussion and action to change the work week of Law Enforcement Personnel from 86 hours a week to 80 hours a week**

On motion of Commissioners' Handy, and Flores, seconded by Commissioner Garza, the Court made a UNANIMOUS vote of approval, effective March 24, 2003.

- D. Approval of budget amendment for Adult Detention Facility - \$ 27,595.03**

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

19. Health Department: (SEE EXHIBIT U)

- A. Approval to rescind action taken on agenda item 9A of 2/25/03 Comm. Court Meeting "Authorization and approval to delete slot #4 – TB Outreach Worker and slot #6 – TB Clerk Adm. Program Income Acct. #3-1293-441-00-340-017-3-113**
- B. Authorization and approval to delete slot #6 – TB Outreach Worker and slot #7 – TB Clerk Administration Program Income Acct. #3-1293-441-00-340-005-0**

On motion of Commissioner Garza, seconded by Commissioner Handy, the Court made a UNANIMOUS vote to approve item 19.A & B.

20. Pct. #1: (SEE EXHIBIT V)

- A. Authorization to advertise for construction bids for the Colonia Access Program – Wes-Mer Subdivision road improvements**

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

Commissioner Handy is away from the Court.

21. Pct. #2: (SEE EXHIBIT W)

- A. Approval of line item transfer - \$ 2,000.00 (CRC Project)**
- B. Approval to create obj. 425 (pest control) and line item transfers for the following:**
 - 1. R & B Countywide - \$ 300.00**
 - 2. R & B Adm. - \$ 500.00**
 - 3. R & B - \$ 10,300.00**
 - 4. Parks - \$ 3,200.00**
 - 5. Sanitation - \$ 300.00**

On motion of Commissioner Garza, seconded by Commissioner Flores, the Court made a UNANIMOUS vote to approve item 21.A & B.1-5.

22. Human Services: (NO EXHIBITS)

- A. Discussion and/or action, including, but not limited to the following items:**
 - 1. Authorization to pay 2002 claims: \$609,920.59**

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

- 2. Authorization to pay 2003 claims: \$101,146.45**

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

- 3. Indigent Health Care expenditures**
- 4. Modify Services being provided**
- 5. Report and Recommendations regarding Indigent Health Care**

Presentation made. NO ACTION taken on item 22.A.3-5.

Commissioner Handy joined the meeting.

On motion of Commissioner Garza, seconded by Commissioner Flores, the Court made a UNANIMOUS vote of approval to recess, and continue with the Drainage District Meeting.

After concluding the Drainage District Meeting, the Court continued with the Purchasing Department on the Regular Agenda.

23. Purchasing Department: (SEE EXHIBIT X)

A. HIDALGO COUNTY -

1. Present Hidalgo County Jail:

Total inmate population:	<u>1033</u>
a) Physical Count:	<u>536</u>
b) Out of County Count: La Villa Facility (LCS):	<u>242</u>
Brooks:	<u>255</u>
Other	<u>0</u>

- c) **Presentation for discussion, consideration, acceptance and approval of a claim/invoice #3502, dated 4-16-02 in the amount of \$5047.50 from Delta Air Conditioning in connection with an "immediate emergency repair" of a walk-in freezer unit at the County Jail and authority for County Auditor to issue payment;**

Presentation made. NO ACTION taken on this item.

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

Presentation made. 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 Amendments (if any);**

Presentation made. NO ACTION taken on this item.

- b) **Acceptance, approval and authority for Auditor to pay Application and Certificate for Payment No. 25 (dated 11-30-02) by Landmark Organization, L.P. in the amount of \$1,730,416.93 with all applicable documentation provided and subject to Auditor's review, audit and processing procedures completed;**

NO ACTION taken on this item.

- c) **Acceptance, approval and authority for Auditor to pay Requests for Payment #8 in the amount of \$1,705.16 (01-1006A0) and \$4,326.42 (01-1006B) in connection with the design and construction of the and Maintenance & Motor Pool Building and the Law Enforcement Training Facility to V-A Architecture, project architect with all applicable documentation provided and subject to Auditor's review, audit and processing procedures completed;**

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

- d) **Requesting rescission of award (by CC on 3-4-03) of solicited quote to Lafayette Instrument in the amount of \$675.00 for the New Law Enforcement Center in as much as vendor did not include freight/shipping charges and award to next lowest quote reflected in item D below;**

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

- e) **Requesting authority to purchase the following goods/products and procured through awarded vendors, solicited quotes, or state awards, catalogue or purchasing programs for the structures on site of the New Adult Detention Facility (ADF), Law Enforcement Center (LEC), Maintenance and Motor Pool Building (MMP) and Law Enforcement Training Facility (LETF) and as detailed in the requisitions below;**

<u>Requisition No.</u>	<u>Vendor</u>	<u>Structure/Building</u>	<u>Total</u>
No. 42	Axciton Systems, Inc.	Law Enforcement Center	\$ 710.00

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

No. 44a Midway Auto Supply Maintenance & Motor Pool Bldg \$44,315.67

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

- f) Report and Recommendations from Design/Builder, Consulting Architect and/or other on-site projects Architect in connection with completion, turn-over, occupancy and transition into the New Adult Detention Facility and Law Enforcement Center including certification of the jail portion and other structures under construction on site;
- g) County Auditor's Report on Detention Facility Law Enforcement Center Project paid and pending payment request approval;
- h) Report of Hidalgo County Sheriff's Department on the Transition and Occupancy of the New Adult Detention Facility and Law Enforcement Center Project.

Presentation made. NO ACTION taken on item 23.A.3.f, g, & h.

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

On motion of Commissioner Garza, seconded by Commissioner Flores, the Court made a UNANIMOUS vote to approve item 23.A.4 & 5., to Oil Patch.

Commissioner Garza is away from the Court.

- 6. Presentation for discussion, consideration, acceptance and approval for the purpose of ranking by Hidalgo County Commissioner's Court as "Qualified", the sole response received to the RFQ&P in connection with "Consulting Services Turnkey Solution/Compliance with HIPAA-Hidalgo County", project from Border Visions.

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

- 7. Requesting authority for Purchasing Department to negotiate a contract with "Border Visions," as "Qualified" for Consulting Services Turnkey Solution/Compliance with HIPAA – Hidalgo County.

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

- 8. Requesting approval of a short-term contract (90 days) with Package & Postal Connection, L.C. for Mailing Services so as not to have a lapse in services while completing the procurement process.

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

- 9. Requesting authority to participate in and enter into a Fuel Card contract with Voyager, awarded contractor, under the Texas Building and Procurement Commission

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

B. HIDALGO COUNTY PRECINCT NO. 1 –

- 1. Requesting consideration, acceptance and approval with authority for Auditor to issue payment (after review, audit and payment procedures completed) of claims/invoices (#s0081, 0082, 0083, 0084) totaling \$25,752.00 to S.D.S., Inc., dba, Pothole Solutions. Said invoices reflect services rendered during a period of time that contracted vendor experienced a lapse of insurance coverage through an oversight from 1-14-03 to 2-21-03.

Commissioner Garza joined the meeting.

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

C. HIDALGO COUNTY PRECINCT NO. 3 –

- 1. Requesting approval of a short-term contract with BFI Waste Systems of Texas, LP for Solid Waste Collection Services for Hidalgo County Precinct No. 3.

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

- 2. Requesting authority to advertise for: "Construction of Storm Drain In Friendly Acres Subdivision and Schuerbach Road" (Project carried by Hinojosa Engineering)

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

D. HIDALGO COUNTY CRIMINAL DISTRICT ATTORNEY -

- 1. Requesting exemption from competitive bidding requirement under Texas Local Government Code §262.024(a) (9)(C), "...a state agency of this state", Texas Correctional Industries (TCI);
- 2. Requesting authority to purchase Panels and acoustical tiles from Texas Correctional Industries total purchase \$1,700.00.

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

At this time, Marty Salazar requested a to make a correction on the Consent Agenda on item 7.B.1.

E. HIDALGO COUNTY BUDGET OFFICE-

- 1. Discussion, consideration and approval of an invoice (#03125, dated 2-23-03) in the amount of \$120.00 from CACC-Carolyn Arnold Communications Consultant for an adjustment issued by Cingular for taxes billed in error since account was opened in December 2000 with authority for County Auditor to issue payment (after review, audit, and processing procedures completed.) See Attachment:

Invoice No. 03125-Dated 02-23-03	
Total adjustment	\$400.00
	<u>X 30%</u> commission due for services.
Total due CACC	\$120.00

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

F. HIDALGO COUNTY PURCHASING DEPARTMENT –

- 1. Approval of line item transfer from account #3-1332-415-18-160-002-0-741 (vehicle) to account #3-1332-415-18-160-002-0-747 (software).

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

G. HIDALGO COUNTY SHERIFF'S DEPARTMENT -

- 1. Requesting authority to advertise and approval of draft specifications as attached hereto for: "Hidalgo County Sheriff's Department" – Uniforms (Section I).**

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

- 2. Requesting authority to exercise the sixty (60) day grace period under the current contract for: "Pharmaceutical and Infirmary Medical Supplies", so as to have no lapse in service while bid process is on going.**

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

- 3. Requesting ratification of the renewal of the Interlocal Agreement between Brooks and Hidalgo Counties for one (1) additional year (as provided in Article 10 of the current agreement) in connection with the Housing of Hidalgo County prisoners in the Brooks County Jail.**

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

- 4. Discussion, consideration, approval and acceptance of a "donation/gift" consisting of one New Compressed Air Foam System (referred to as CAFS unit) from Mike and Josie Harvey the proprietors of O.F.B. International LTD for the new Hidalgo County Sheriff's Department, Jail Facility.**

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

At this time Commander Cantu addressed the court with a report on the status of the jail.

H. HIDALGO COUNTY WIC PROGRAM -

- 1. Recommending bid award to sole bidder meeting all specifications attached hereto for: "Lease space WIC Clinic in the City of La Joya"**
- 2. Requesting approval of contract to sole bidder meeting all requirements & specifications for: "Lease space WIC"**

On motion of Commissioner Flores, seconded by Commissioner Garza, the Court made a UNANIMOUS vote to approve item 23.H.1 & 2, and award the bid to Felix Alaniz Jr.

24. Closed Session:

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

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. Cause #T-390-99-E; McAllen Independent School District, et al vs. F.G. Subdivision Homeowners, Inc.**
- C. Duties and evaluation of Interim Fire Marshal**
- D. Pending and/or potential litigation – Planning Department issue**
- E. Duties and evaluation of Urban County Director**
- F. Potential Litigation – ADA Courthouse Project**

NO ACTION taken on this item.

25. Open Session:

A. Real Estate Acquisition

Parcel #57, Mile 2 W Rd Expansion, check requested i/a/o \$1,159.00 made payable to Victor Hugo Garcia and spouse Esmeralda Rincon.

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

B. Cause #T-390-99-E; McAllen Independent School District, et al vs. F.G. Subdivision Homeowners, Inc.

On motion of Commissioner Garza, seconded by Commissioner Flores, the Court made a UNANIMOUS vote of approval in the amount of \$39,000.00.

C. Compensation of/and Interim Fire Marshal status

Per Steve Crain, for the record: Compensation was not discussed in Closed Session.

Adjustment to salary in the amount of \$5,000.00, effective next pay cycle, which will make the salary \$38,600.00.

On motion of Commissioner Handy, seconded by Commissioner Flores, the Court made a UNANIMOUS vote to approve the status of Interim Fire Marshal into Fire Marshal.

D. Pending and/or potential litigation – Planning Department issue

Raul Sesin will proceed as directed.

E. Compensation of Urban County Director

Per Steve Crain, for the record: Compensation was not discussed during executive session.

As per previous agreement, the Urban County Director will be compensated with a full salary in the amount of \$85,000.00 per year. Effective date of the pay increase will be next pay period.

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

F. Potential Litigation – ADA Courthouse Project

Proceed as directed.

26. Closed Session:

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

NO ACTION taken on this item.

27. 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 Garza, seconded by Commissioner Handy, the Court made a UNANIMOUS vote of approval to adjourn.

MEMORANDUM

To: Mercedes Salinas, Attorney for the Civil Service Commission
Esther Cortez, Civil Service Secretary
From: Valorie C. Glass
Date: March 13, 2014
Subject: Request for Approval of wording for Chapter 7 of the Hidalgo County Civil Service Commission Rules

On or about March 24, 2003, the Hidalgo County Commissioner's Court discussed and took action to change the regular work period of Hidalgo County law enforcement personnel from 86 hours a week to 80 hours a week. On April 10, 2003, the change to the designated work period was memorialized and disseminated to the law enforcement and adult detention personnel of the HCSO. Additionally, the County Auditor gave notice of the change to all elected officials and department heads on April 17, 2003. [See attached] We submit and request approval of proposed language for the Hidalgo County Civil Service Rules to reflect the 2003 changes as follows:

- 7.02 There are 40 regular work hours in a seven day work period and 80 regular work hours in a fourteen day work period. In the event of a conflict between the work hours rules set forth in Section 7.01 through 7.08 hereof for Head Start Program employees, the work hours set forth in the County's approved grant application for operation of the County's Head Start Program shall control. (Amended March 24, 2003).
- 7.09 The Fair Labor Standards Act ("FLSA") is the federal law which governs overtime compensation for employees covered by the provision of that Act. Most County and/or District non-management employees are covered by the overtime compensation requirements of the FLSA. An FLSA covered employee receives: (i) time and one-half compensation; or (ii) compensatory leave of one and one-half hours, for each hour physically worked in excess of 40 hours for employees with a seven (7) day work period and 80 hours for those employees with the fourteen (14) day work period. Hours for which an employee receives pay, such as paid leave and holiday hours, but which are not physically worked, are not considered hours worked for purposes of calculating FLSA overtime. (Amended March 24, 2003).

[The following 2 sections were switched and re-numbered.]

- 7.48 An FLSA covered employee earns Compensatory Leave for overtime hours worked when the employee physically works more than 40 hours if the employee has a seven (7) day work period or 80 hours if the employee has

a fourteen (14) day work period. When this occurs, the employee is credited with leave calculated at one and one-half time (converted overtime) for each hour of overtime. (Amended March 24, 2003).

- 7.49 Compensatory Leave on an hour for hour basis, for an FLSA covered employee, is earned by any employee, including law enforcement personnel, when the total of hours actually worked is less than 40 hours for an employee who has a seven day work period or 80 hours for an employee who has a fourteen day work period, but the total of such hours actually worked, plus paid leave used, and official holiday hours, exceeds 40 hours for an employee who has a seven day work period or 80 hours for an employee who has a fourteen day work period. (Amended March 24, 2003).



Esther A. Cortez
Human Resources Director

HUMAN RESOURCES DEPARTMENT
County Of Hidalgo

HIDALGO COUNTY, TEXAS CIVIL SERVICE COMMISSION

NOTICE

NOTICE, IS HEREBY GIVEN IN ACCORDANCE WITH CHAPTER 551, TEXAS GOVERNMENT CODE, THAT A MEETING OF THE HIDALGO COUNTY, TEXAS CIVIL SERVICE COMMISSION WILL BE HELD ON THURSDAY, APRIL 03, 2014, AT 5:30 P.M., AT THE HIDALGO COUNTY HUMAN RESOURCES DEPARTMENT, LOCATED AT 208 WEST CANO, EDINBURG, TEXAS. DISCUSSION AND POSSIBLE ACTION RELATING TO THE FOLLOWING BUSINESS WILL BE TRANSACTED.

At anytime during the course of this meeting, the Board may retire to Executive Session under Texas Government Code, Section 551.071 (2) to confer with its legal counsel on any subject matter in this agenda in which the duty of the attorney to the Board under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Texas Government Code. At anytime during the course of this meeting, the Board may retire to Executive Session to deliberate on any subject slated for discussion at this meeting, as may be permitted under one or more of the exceptions to the Open Meetings Act set forth in Title 5, Subtitle A, Chapter 551, Subchapter D of the Texas Government Code;

AGENDA

- ITEM 1. Call to order;
- ITEM 2. Public Comments;
- ITEM 3. Approval of minutes of February 13, 2014;
- ITEM 4. Discussion, consideration and/or possible action regarding the following request;
"Acknowledgement of Hidalgo County Commissioners Court Law Enforcement Compensatory Time Change of 2003 and Approval of Language for Chapter 7 of the Hidalgo County Civil Service Commission Rules".



HUMAN RESOURCES DEPARTMENT
County Of Hidalgo

Esther A. Cortez
Human Resources Director

- ITEM 5. Discussion, consideration and/or possible action without hearing, consolidation, hearing setting, action on motion for continuance, and/or hearing on the following complaints/grievances;**
- | | |
|--------------|--------------|
| 1212-S-T-043 | 0913-S-T-026 |
| 0214-S-T-002 | |
- ITEM 6. Adjournment to closed session pursuant to Texas Government Code (551.074) for discussion and/or hearing on one or more of the complaints/grievances listed in Item 5;**
- ITEM 7. Reconvene in open session;**
- ITEM 8. Additional discussion and/or possible action on complaints/grievances listed on item 5;**
- ITEM 9. Adjourn;**

TO BE POSTED THIS 28th DAY OF MARCH 2014



HUMAN RESOURCES DEPARTMENT
County Of Hidalgo

Esther A. Cortez
Human Resources Director

THE STATE OF TEXAS *
COUNTY OF HIDALGO *

BE IT REMEMBERED that on the 03rd day of April, 2014 after due notice having been posted, a Meeting of the Civil Service Commission was held at the Hidalgo County Human Resources Department located at 208 West Cano, City of Edinburg, Hidalgo County, Texas with the following members present and participating:

AURORA VILLARREAL ZAMORA
CIVIL SERVICE CHAIRPERSON

MICHELLE RABINOVICH
CIVIL SERVICE VICE-CHAIRPERSON

SILVESTRE RODRIGUEZ
CIVIL SERVICE COMMISSIONER

Also present:

MERCEDES SALINAS ESPINOSA
CIVIL SERVICE ATTORNEY

SYLVIA RIOS
EXECUTIVE ASSISTANT III

HERMELINDA SOLIS
COURT REPORTER

The following matters were discussed and/or actions taken:



HUMAN RESOURCES DEPARTMENT
County Of Hidalgo

Esther A. Cortez
Human Resources Director

ITEM 1. Call to order;

Chairperson Aurora Villarreal Zamora calls the meeting to order at 5:38 p.m.;

ITEM 2. Public Comments;

None

ITEM 3. Approval of minutes of February 13, 2014;

Commissioner Silvestre Rodriguez, motion to approve the minutes;

Chairperson Aurora Villarreal Zamora, seconds the motion;

All in Favor say "Aye"

Motion Passes;

ITEM 4. Discussion, consideration and/or possible action regarding the following request; "Acknowledgement of Hidalgo County Commissioners Court Law Enforcement Compensatory Time Change of 2003 and Approval of Language for Chapter 7 of the Hidalgo County Civil Service Commission Rules".

Vice-Chairperson Michelle Rabinovich, motion to approve

Commissioner Silvestre Rodriguez, seconds the motion;

All in Favor say "Aye"

Motion Passes;



Esther A. Cortez
Human Resources Director

HUMAN RESOURCES DEPARTMENT
County Of Hidalgo

ITEM 5. Discussion, consideration and/or possible action without hearing, consolidation, hearing setting, action on motion for continuance, and/or hearing on the following complaints/grievances;

1212-S-T-043

Vice-Chairperson Michelle Rabinovich, motion to Dismiss;

Commissioner Silvestre Rodriguez, seconds the motion;

All in Favor say "Aye"

Motion Passes;

0214-S-T-002

Vice-Chairperson Michelle Rabinovich, motion to Dismiss;

Commissioner Silvestre Rodriguez, seconds the motion;

All in Favor say "Aye"

Motion Passes;

0913-S-T-026

Vice-Chairperson Michelle Rabinovich, motion to reset hearing based on rule 10.04;

Commissioner Silvestre Rodriguez, seconds the motion;

All in Favor say "Aye"

Motion Passes;



HUMAN RESOURCES DEPARTMENT
County Of Hidalgo

Esther A. Cortez
Human Resources Director

ITEM 6. Adjournment to closed session pursuant to Texas Government Code (551.074) for discussion and/or hearing on one or more of the complaints/grievances listed in Item 5;

Adjourned to closed session on Cases #0913-S-T-026 at 5:48 pm;

ITEM 7. Reconvene in open session;

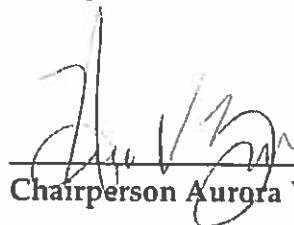
Reconvened to open session on Cases #0913-S-T-026 at 6:02 pm;

ITEM 8. Additional discussion and/or possible action on complaints/grievances listed on item 5;

None

ITEM 9. Adjourn;


Chairperson Aurora Villarreal Zamora adjourns at 6:08 pm;



Chairperson Aurora Villarreal Zamora

Dated this 12th day of June, 2014

By:



Sylvia Rios
Executive Assistant III