

# 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  
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WEBSITE: [www.co.hidalgo.tx.us/auditor](http://www.co.hidalgo.tx.us/auditor)

October 3, 2023

The Honorable Richard F Cortez, Hidalgo County Judge  
The Honorable David Fuentes, Commissioner, Precinct No. 1  
The Honorable Eduardo Cantu, Commissioner, Precinct No. 2  
The Honorable Everardo 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 Texas A&M University-Kingsville (TAMUK). These funds may now be made available by creating a new special budget or amending a current budget for its intended purposes.

AMOUNT	PURPOSE
\$30,095.00	TAMUK FY24 Hidalgo Co. Constable Precinct No. 1

CERTIFIED BY:

  
\_\_\_\_\_  
Linda Fong, CPFO

09/29/2023  
Date

**HIDALGO COUNTY DISTRICT JUDGES**

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

O: (956) 292-7025  
F: (956) 292-7034

[www.co.hidalgo.tx.us/budget](http://www.co.hidalgo.tx.us/budget)

505 S. McColl Rd. Suite G  
Edinburg, Texas 78539



## MEMORANDUM

**To:** Linda Fong, CPFO, Interim County Auditor

**From:** Dagoberto Soto, Jr., Budget Officer *D.S.*

**Date:** Thursday, September 28, 2023

**Subject:** Certification of Revenues-Constable Pct. 1 Interlocal Agreement-Texas A & M-Kingsville

**Cc:** Letty Chavez, First Assistant County Auditor  
Minerva Diaz, Grants Accounting Supervisor  
Abraham Salazar Martinez, Grants Accountant  
Constable Celestino Avila, Jr., Constable Pct. 1  
Chief Deputy Joe Espinosa, Constable Pct. 1  
Damaris SanMiguel, Division Manager  
Ivan Cantu, Budget Analyst

On behalf of Constable Pct. 1, please let this memo serve as a request for a Certification of Revenues letter from your office in reference to the Interlocal Agreement between Hidalgo County Constable Pct. 1 and Texas A & M University-Kingsville in the amount of \$30,095.00. The term of the agreement is from October 3, 2023 to October 2, 2024.

Please be advised that an agenda item has been placed for the next Commissioners Court meeting of October 3, 2023 (AI-92596) for the appropriation of funds.

Thank you for your prompt attention to this matter. If you have any questions, please do not hesitate to contact Ivan Cantu, Budget Analyst, at ext. 5425 or Damaris SanMiguel, Division Manager, at ext. 5410.

AI-92596

Constable Pct. #1 10. B.

**CC REGULAR AGENDA SPECIAL MTG**

**Meeting Date:** 10/03/2023

**Submitted For:** Constable Celestino Avila, Jr., CONSTABLE PCT. #1

**Submitted By:** Joe Espinoza

**Department:** CONSTABLE PCT. #1

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**CAPTION**

**Constable Pct. 1- Texas A & M University-Kingsville (TAMUK) (1285):**

1. Approval of an Interlocal Cooperation Agreement between County of Hidalgo, Texas, acting by and through the Hidalgo County Constable Pct.1 and Texas A & M University-Kingsville, acting by and through its Police Department in relation to security services with authority for County Judge, as authorized official, to execute agreement.
2. Authorization and approval to pay overtime reimbursable under the agreement terms and conditions.
3. Approval to certify revenues by Co. Auditor and appropriation of same.

**BACKGROUND**

FY 2024 term of agreement is from 10-3-2023 to 10-2-2024. As stipulated in section 15 of agreement, the total compensation amount is \$30,095.00 and the O/T hours worked will not exceed 50 hrs/month for Constable Pct. 1. Note that Constable Pct. 3 opted out of agreement and will no longer participate.

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**Fiscal Impact**

**CALENDAR YEAR:** 2023

**ACCT. #:** 3-1285-421-00-291-022-4-XXX

**FUNDS AVAILABLE Y/N?:** Y

**MATCHING FUNDS Y/N?:** N

**BUDGETARY IMPACT:**

Appropriation of funds in the amount of \$30,095.00 in relation to the Interlocal Agreement between Hidalgo Co. Constable Pct. 1 and TAMUK for FY 2024 (10.3.2023 to 10.2.2024), pending COR by Co. Auditor. No county cash match required.

Revenue acct #3-1285-337-00-291-022-4-000 *CONST PCT1-TAMU REVENUES*

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**Attachments**

Constable Pct. 1 TAMUK Agreement  
Legal Review Email  
TAMUK Revised Appropriation  
TAMUK Email Correspondence  
COR Request Memo  
LEA Overtime Policy

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**Form Review**

**Inbox**

Budget & Management

**Reviewed By**

Veronica Ortiz

**Date**

09/27/2023 03:41 PM

Diana Molina	Veronica Ortiz	09/27/2023 04:04 PM
Ivan Cantu	Ivan Cantu	09/28/2023 11:41 AM
Final Approval		
Ivan Cantu	Ivan Cantu	09/28/2023 02:54 PM
Final Approval		
Ivan Cantu	Ivan Cantu	09/29/2023 04:07 PM
Final Approval		
Ivan Cantu	Ivan Cantu	09/29/2023 04:20 PM
Final Approval		
Form Started By: Joe Espinoza		Started On: 09/20/2023 04:19 PM

**INTERLOCAL COOPERATION AGREEMENT BETWEEN  
TEXAS A&M UNIVERSITY-KINGSVILLE AND  
THE COUNTY OF HIDALGO, TEXAS**

This Interlocal Cooperation Agreement (Agreement) is entered into by and between the County of Hidalgo on behalf of its Precinct No.1 Constable's Offices (HCCO) and Texas A&M University-Kingsville (TAMUK), a member of The Texas A&M University System, an agency of the State of Texas, on behalf of its Police Department (TAMUKPD).

The purpose of this Agreement between the Texas A&M University Kingsville, University Police Department and the Hidalgo County Constable's Office, Precinct 1 (HCCO) to enhance the parties' ability to effectively address alleged crimes. This includes sharing information about Texas A&M University Kingsville, Citrus Center Campus, 312 N. International Boulevard, Weslaco, Texas 78599, students and employees who are the victim of, a witness to, or an alleged perpetrator of an offense of violence or sex offense. This Agreement also establishes a standard procedure for handling incidents and reports of Sexual Assaults and issuing Timely Warnings and Emergency or Immediate Notifications. Federal Laws provide specific requirements relative to these processes as outlined by the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (*Clery Act*) and Title IX of the Higher Education Amendments of 1972. This Agreement is entered into by the Parties pursuant to the authority granted under the Inter-local Cooperation Act, Texas Government Code, Chapter 791.

**GOALS**

Compliance with the terms of this Agreement should achieve the following goals:

- A. To ensure crimes committed on institution property are promptly and effectively reported, investigated and prosecuted.
- B. To enhance communication and cooperation between local law enforcement and Texas A&M University Kingsville in providing services and assistance to students and employees of the University who are victims of or witnesses to crime.
- C. To enhance the institution's ability to alert the campus community about crimes of a serious nature that pose a serious or on-going threat to public safety.

**WHEREAS:** Texas Education Code Section 51.203. Campus Peace Officers

- A. The governing boards of each state institution of higher education and public technical institute may employ any commissioned peace officers for the purpose of carrying out the provisions of this subchapter. The primary jurisdiction of a peace officer commissioned under this section includes all counties in which property is owned, leased, rented, or otherwise under the control of the institution of higher education or public technical institute that employs the peace officer.
- B. Within a peace officer's primary jurisdiction, a peace officer commissioned under this section:
  - 1. Is vested with all the powers, privileges, and immunities of peace officers;
  - 2. May, in accordance with Chapter 14, Code of Criminal Procedure, arrest without a warrant any person who violates a law of the state; and
  - 3. May enforce all traffic laws on streets and highways

**WHEREAS:** TAMUK has employed state certified peace officers commissioned under the requirements of the Texas Commission on Law Enforcement

**WHEREAS:** Both the HCCO and the TAMUKPD now wish to enter into this Agreement outlining communication and coordination of efforts between the two law enforcement entities.

**NOW THEREFORE: The parties to this Agreement hereby agree as follows:**

1. The TAMUKPD shall have primary jurisdiction for the provision of all police services, except as otherwise specified in the Agreement, on property owned or under the control of TAMUK except as provided in section 2.
2. TAMUKPD will maintain primary jurisdiction for the property of TAMUK Citrus Center located at 312 N. International Blvd., in Weslaco, Hidalgo County, Texas.
3. The TAMUKPD shall be responsible for responding to all requests, which come to their attention, for police services originating from all property owned or under the control of TAMUK.
4. The TAMUKPD shall be responsible for providing HCCO with a current list and map(s) of all properties owned or under the control of TAMUK that are within the County of Hidalgo. The list will include the property name and street address.
5. The TAMUKPD shall notify the HCCO of any incident or situation on any property owned, or under the control of TAMUK that may affect the safety of the residents of the County of Hidalgo not occupying said property.
6. The HCCO shall notify the TAMUKPD of any incident or situation on any property within the County of Hidalgo that may affect the safety of the occupants on any property owned, leased, rented, or under the control of the TAMUKPD.
7. Should the TAMUKPD request an entry for a Wanted Person record, a Missing Person record or Property (over \$500 in value only) record into the International Justice and Public Safety Network (NLETS), the TAMUKPD will execute the standard Non-Terminal Agency Agreement pertaining to access to the Texas Law Enforcement Telecommunications System (TLETS), the Texas Crime Information Center (TCIC), and the National Crime Information Center (NCIC), and associated systems. As per the Non-Terminal Agency agreement, the TAMUKPD agrees to deliver original warrants for housing at KPD until served, to provide full reports involved in any other NLETS entries, and to immediately notify KPD of any entry cancellations, modifications or deletions. All TAMUKPD officers' TLETS/TCIC certifications will be current.

8. Should the TAMUKPD request the assistance of HCCO's Criminal Investigation Division for the purpose of processing, collecting and preserving evidence of a major crime scene such as homicide, arson, etc., HCCO will retain primary jurisdiction authority until the incident has been terminated. The TAMUKPD will support and assist HCCO as directed by the ranking investigating officer at the scene. HCCO will assume the responsibility for the investigation and case management of the incident. HCCO shall involve and coordinate the processing of the crime scene, including handling of all evidence and case management of the incident with the TAMUKPD during and after the course of the event.
9. Should the TAMUKPD request the assistance of HCCO in incidences including but not limited to riot, violent demonstrations, the discovery of suspected explosive ordinance devices, or a hostage situation, primary jurisdiction authority of the incident shall be granted to the responding agency. The parties agree to assist in the investigation, as needed and/or requested. HCCO will provide TAMUKPD with a copy of the investigation; TAMUKPD will be required to report the incident to Uniform Crime Reporting Statistics (UCR). The HCCO report must document the actual location (identifying the jurisdiction) of the incident and list TAMUK as a "reporting party" or "other involved" for annual UCR search purposes (CLERY Act).
10. Should TAMUKPD encounter an active shooter situation on main campus or under the control of TAMUK, and/or adjacent to any properties stated herein, the TAMUKPD shall request the assistance of HCCO to immediately assist in quelling an incident of this magnitude without delay in order to avoid and/or limit human casualties or to assist in controlling access routes to and from campus. HCCO will retain primary jurisdiction authority until the incident has been terminated. HCCO shall be responsible for the investigation and case management of the incident. HCCO shall involve and coordinate the investigation of the incident with the TAMUKPD during and after the course for the event. *Refer to UCR reporting requirement in section 9 above.*
11. When HCCO executes a warrant on any property owned or under the control of TAMUK, HCCO will contact the TAMUKPD and request a TAMUK officer to accompany the HCCO officers, if there are no immediate mitigating circumstances. Efforts will be taken to refrain from interrupting TAMUK classes and other activities to effect an arrest or execute a search warrant.
12. In the event of "fresh" or "hot" pursuit on or directed toward TAMUK property, HCCO shall notify the TAMUKPD as soon as possible and a TAMUKPD officer will proceed as needed or requested.
13. In the event of "fresh" or "hot" pursuit on or directed toward the city limits of Weslaco, the TAMUKPD shall notify HCCO as soon as possible and the HCCO officer will proceed as needed or requested.

14. The Constable of HCCO or his/her designee will allow the use of the HCCO communication channel to expedite radio communications between agencies. TAMUKPD will monitor the HCCO frequency and respond to radio calls for assistance as needed or requested.
15. **Compensation:** Any law enforcement officer who provides services pursuant to this Agreement shall be paid by the agency employing the officer and be entitled to all approved benefits (wages, salary, overtime, etc.) afforded to the officer by the employing agency. Each party paying for the performance of governmental functions or services must make those payments from current revenues available to the paying party. Officers providing services pursuant to this Agreement are the employee of the agency employing the officer and shall not be deemed an employee of the other party to this Agreement, and as such, the officers are not entitled to pay, salary, wages, pension or any other employment benefit from the other party.

TAMUK agrees to pay and reimburse HCCO for actual costs borne by Hidalgo County pursuant to this Agreement, a total annual compensation amount of thirty thousand ninety five Dollars and zero cents \$(30,095.00) for Constable Pct. 1, as further described in Exhibit "A" attached hereto, incorporated, and made part of this Agreement. HCCO will not exceed the amount of monthly overtime hours of fifty (50) hours a month. HCCO will submit monthly invoices to TAMUK for the total number of hours to be reimbursed to HCCO. TAMUK agrees to pay promptly upon receipt of said invoices.

16. **All costs associated with:** the use of any equipment; damage to equipment or clothing; replacement of lost, damaged, or destroyed equipment; as a result of providing assistance pursuant to this Agreement, shall be the responsibility of the agency owning such property.
17. **Procedures to request aid:**
  - a) Any request for aid under this agreement shall include a statement of the amount and type of personnel and/or equipment being requested, and the location which such personnel and/or equipment are to be dispatched. The actual amount and type of personnel and/or equipment to be furnished shall be determined by the officer in charge of the responding department. Any request to render assistance and aid shall be responded to as is necessary to provide and make available the personnel and/or equipment requests; provided, however, that the responding department may withhold or withdraw personnel and equipment to the extent necessary to provide reasonable law enforcement services within its own jurisdiction.
  - b) If an on-duty law enforcement officer of either agency within this agreement personally observes a law enforcement officer of the other agency within this agreement involved in an emergency situation where it is obvious that immediate assistance and/or backup is necessary and proper for the safety of the officer and/or other persons, such as on-duty officer may provide such assistance as the officer is capable of rendering under the circumstances.
  - c) Any on-duty supervisor of the requesting agency may request emergency assistance by contacting the on-duty supervisor of the responding agency. If TAMUKPD is requesting

the assistance of HCCO, the on-duty HCCO supervisor will follow established HCCO procedures for notification and deployment authorization.

d) Officers responding to a request for aid shall report to the officer in charge of the scene.

18. **Status of Officer:** While any law enforcement officer employed as such by either agency is in the service of the other agency, that officer shall be acting as a peace officer with all the powers of a regular law enforcement officer for that agency as though that officer were within his or her own jurisdiction where he or she is regularly employed. That officer's qualification for office where he or she is employed shall constitute his or her qualifications for office in such other agency and no other oath, bond, or compensation need be made.
19. **Liability:** Each agency agrees to acquire and keep in full force and effect liability insurance at the statutory required limits under the Texas Tort Claims Act, covering its law enforcement officers when acting pursuant to this Agreement.
20. **Records:** During incidents involving mutual aid, each agency will maintain all records in accordance with the individual agency's policy. Mutual aid incidents will be considered joint investigation between the HCCO and TAMUKPD.
21. The Constable of HCCO or his/her designee and the Chief of TAMUKPD or his/her designee may enter into agreed upon inter-agency training opportunities on the main campus of TAMUK or at HCCO training facility, as needed or requested.
22. The Chief of TAMUKPD or his/her designee and the Constable of HCCO may enter into more specific and detailed operational procedures and guidelines as necessary. All such operational procedures and guidelines shall be in writing and specifically incorporated herein.
23. To be effective, any revision or additions to this Agreement must be in writing and signed by all the parties.
24. Either party may terminate this Agreement by writing to the other party at any time deemed necessary by that agency. Written notice is deemed effective if delivered via hand delivery with signed receipt, certified mail, or other US mail delivery system that provides proof of delivery.
25. This agreement shall be in full force and effect for a period of one (1) year from the effective date **October 3, 2023 to October 2, 2024**, unless otherwise terminated as provided herein.
26. This agreement may be terminated at any time in writing by mutual agreement of the parties or terminated by either party upon thirty (30) days written notice to the other party.
27. Each party shall comply with all applicable federal, state, and local laws, ordinances, and regulations in relation to this MOU. This obligation supersedes any conflicting obligation of this Agreement.

28. Each provision of this Agreement is severable. If any provision is rendered invalid or unenforceable by statute or regulations or declared null and void by any court of competent jurisdiction, the remaining provisions will remain in full force and effect if the essential terms of this Agreement remain valid, legal, and enforceable.
29. **Additional Documents.** The parties hereto covenant and agree that they will execute such other and further instruments and documents as are or may become necessary or convenient to effectuate and carry out the terms of this Agreement.
30. **Immunities.** This Agreement is not intended to extend the liability of the Parties beyond that provided by law. Neither Party waives, nor shall be deemed to have hereby waived, any immunity or defense that would otherwise be available to it against claims arising from third parties.
31. **Indemnification:** Without waiving its sovereign immunity, and if and to the extent allowed by law, each party shall indemnify and hold harmless each other, its officers, officials, and employees from and against all claims and liabilities of any nature or kind, including costs and expenses for or on account of any claims, damages, losses, or expenses of any character whatsoever resulting in whole or in part from the negligent performance or omission of either party's employees or representatives connected with the activities described herein.
32. **Nondiscrimination.** The parties agree that services and/or project proposals mutually agreed to shall be conducted in a manner that does not discriminate against any person on a basis prohibited by applicable County or TAMUK policy, State or Federal law, including without limitation, race, color, national origin, religion, sex, age, veteran, status, or disability.

**(Signature page to follow)**

**This agreement shall become effective upon the execution by all parties as noted below.**

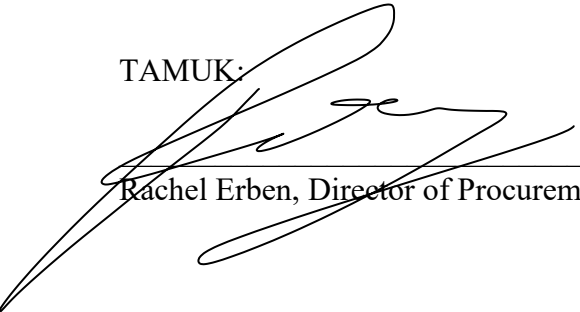
APPROVED BY COMMISSIONERS' COURT ON **OCTOBER 3, 2023**

Agenda Item No. 92596

Executive Office: \_\_\_\_\_

TAMUK:

COUNTY OF HIDALGO:

  
\_\_\_\_\_  
Rachel Erben, Director of Procurement and CPO

\_\_\_\_\_  
Hon. Richard F. Cortez, County Judge

APPROVED AS TO FORM:  
Office of the Criminal District Attorney,  
Toribio "Terry" Palacios

ATTEST:

\_\_\_\_\_  
Michelle Lopez, Assistant District  
Attorney

\_\_\_\_\_  
Arturo Guajardo, Jr., County Clerk

ATTACHMENTS:  
*Exhibit A Overtime Expense Projection*

SUPPLEMENTAL SIGNATURES:



# 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).

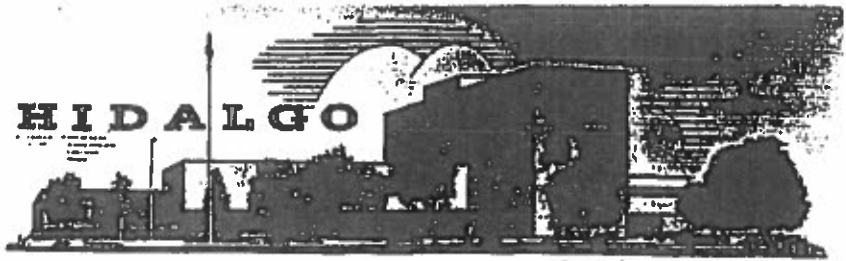
Example: An employee works 86 hours within a two-week pay period. The first eighty (80) hours will be computed at the regular pay rate. The remaining six (6) hours will be compensated at a rate of time and a half (1.5) which would amount to nine (9) hours.

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 3<sup>rd</sup> Floor  
100 East Cano  
Edinburg, Texas 78539-3587  
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**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 G. APARICIO  
JUDGE, 15<sup>th</sup> D.C.  
OVERSEER

RODOLFO DELGADO  
JUDGE, 19<sup>th</sup> D.C.

LETICIA HINOJOSA  
JUDGE, 13<sup>th</sup> D.C.

ROSE GUERRA REYNA  
JUDGE, 26<sup>th</sup> D.C.

JUAN R. PARTIDA  
JUDGE, 27<sup>th</sup> D.C.

MAURO E. RAMIREZ, JR.  
JUDGE, 32<sup>nd</sup> D.C.

NOE GONZALEZ  
JUDGE, 17<sup>th</sup> D.C.

LETICIA LOPEZ  
JUDGE, 38<sup>th</sup> D.C.

ARBA BALBUENA FLO  
JUDGE, 20<sup>th</sup> D.C.

**REGULAR MEETING – MARCH 11, 2003**

BE IT REMEMBERED, that on this 11<sup>th</sup> 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-OFFICIO 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 6<sup>th</sup> – 13<sup>th</sup>, 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. 93<sup>rd</sup> District Court:**

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

**D. 332<sup>nd</sup> 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:**

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

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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 28<sup>th</sup> 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 03<sup>rd</sup> 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;**

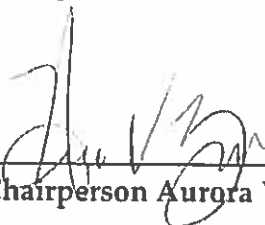
Reconvened to open session on Cases #0913-S-T-026 at 6:02 pm;

**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 12<sup>th</sup> day of June, 2014

By:

  
\_\_\_\_\_  
Sylvia Rios  
Executive Assistant III



Ivan Cantu <ivan.cantu@co.hidalgo.tx.us>

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## Re: Tamuk Interlocal for legal Review

1 message

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**Michelle Lopez** <michelle.lopez@da.co.hidalgo.tx.us>

Wed, Sep 20, 2023 at 1:52 PM

To: Joe Espinosa <joe.espinosa@co.hidalgo.tx.us>, Josephine Ramirez <josephine.ramirez@da.co.hidalgo.tx.us>, Robert Vina <robert.vina@da.co.hidalgo.tx.us>

Cc: Ivan Cantu <ivan.cantu@co.hidalgo.tx.us>

Good Afternoon Chief Espinosa,

This office has reviewed the Interlocal Agreement. I have made a minor grammatical correction to paragraph 25. This attached corrected Agreement is approved as to form.

Thank you,

Michelle Lopez  
Assistant District Attorney  
Civil Litigation Division

On Wed, Sep 20, 2023 at 11:31 AM Joe Espinosa <joe.espinosa@co.hidalgo.tx.us> wrote:

Can you please review and approve the interlocal agreement attached?

**Chief Deputy Joe F. Espinosa**

*Constable Avila's Office*

*1900 Joe Stephens*

*Weslaco, Texas 78599*

*956-447-3775 Office*

*956-447--8614 Fax*



ILA Hidalgo County Constable Pct.1 - TAMUK.docx

27K



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**FW: Please re-sign agreement-updated term dates**

1 message

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Catherine M Montalvo <Catherine.Montalvo@tamuk.edu>  
To: "Joe Espinosa@co.hidalgo.tx.us" <Joe.Espinosa@co.hidalgo.tx.us>, "Ivan Cantu@co.hidalgo.tx.us" <Ivan.Cantu@co.hidalgo.tx.us>  
Cc: Robert J Woodall <Justin.Woodall@tamuk.edu>, Julian Cavazos <Julian.Cavazos@tamuk.edu>

Tue, Sep 26, 2023 at 4:20 PM

Good afternoon Joe,

Attached is the signed Interlocal Agreement for the Precinct 1 Constable. Please let me know when this has been scheduled for Commissioners Court and when the agreement is fully signed, please provide me a copy for our records.

Kind Regards,

Catherine Montalvo

Contract Administrator  
Texas A&M University - Kingsville  
700 University Blvd., MSC 212  
Kingsville, TX 78363-8202  
Phone: (361) 593-2710  
E-mail: [Catherine.Montalvo@tamuk.edu](mailto:Catherine.Montalvo@tamuk.edu)

DATE: October 3, 2023

DEPARTMENT HEAD: Dagoberto Soto, Jr. Budget Officer

DEPARTMENT NAME: Dept of Budget & Mgmt for Const. Pct. 1 TAMU Security

ACCOUNT NUMBER: 3-1285-421-00-291-022-4-XXX

Contact Person: Ivan Cantu Ph#: \_\_\_\_\_ Ext. 5425

**2023**  
Appropriation

**AI-92596/CC 10-3-2023**  
**REVISED**



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

INCREASE ACCOUNT NUMBER(S)		ACCOUNT (OBJECT) NAME		AMOUNT
3-1285-421-00-291-022-4-	131	CONST PCT1 TAMU-SECURITY-	OVERTIME PAY	24,827.00
3-1285-421-00-291-022-4-	220	CONST PCT1 TAMU-SECURITY-	FICA	1,899.00
3-1285-421-00-291-022-4-	230	CONST PCT1 TAMU-SECURITY-	RETIREMENT	3,220.00
3-1285-421-00-291-022-4-	250	CONST PCT1 TAMU-SECURITY-	UNEMPLOYMENT COMP	149.00
<b>3-1285-337-00-291-022-4-</b>	<b>000</b>	<b>CONST PCT1-TAMU-</b>	<b>REVENUES</b>	<b>30,095.00</b>
<b>TOTAL BUDGET INCREASE (DECREASE)</b>				<b>30,095.00</b>

**REASON:** Appropriation of funds to fund overtime & fringes for Constable Pct. 1 in relation to the FY 2024 TAMUK Interlocal Agreement to provide security services to the TAMUK Citrus Center Campus located in Weslaco, TX. **FY 2024 term of agreement is from 10-3-2023 to 10-2-2024.**

\_\_\_\_\_  
DEPARTMENT HEAD SIGNATURE

\_\_\_\_\_  
APPROVED COMMISSIONERS' COURT

\_\_\_\_\_  
DATE

\_\_\_\_\_  
ATTEST COUNTY CLERK

**Hidalgo County**  
**Department of Budget & Management**

**TAMUK Agreement for Constable Pct. 1**  
**FY 2024 (10-3-2023 to 10-2-2024)**  
**Exhibit A - Overtime Expense Projection**

Department Name	Position Title	Budgeted Salary R8/S2	Regular Hourly Rate	Overtime Hourly Rate	Total Monthly Average O/T Hours Worked <sup>(1)</sup>	Total Monthly Estimated O/T Compensation	Total Estimated Annual Overtime Compensation
Constable Pct. 1	Senior Deputy Constable	57,377	27.59	41.38	50	2,069	24,827
						<b>Fringes<sup>(2)</sup>:</b>	
						FICA (7.65%)	1,899
						Retirement (12.97%)	3,220
						Unemployment (0.60%)	149
						Workers Comp (0.00%)	0
						<b>Total Fringes</b>	<b>5,268</b>
						<b>Total Overtime &amp; Fringes</b>	<b>30,095</b>

**Notes:**

1. The Total Monthly Average of O/T Hours Worked **cannot exceed 50 hours/month** as agreed by TAMUK Auditor's Office is recommending using this method.
2. Fringes are rounded

Department	Estimated Overtime	Estimated Fringes	Total Estimated Annual Compensation Amount
Constable Pct. 1	24,827	5,268	30,095
<b>Totals</b>	<b>24,827</b>	<b>5,268</b>	<b>30,095</b>

**DBM REVISED: 9-29-2023**



Abraham Salazar Martinez <abraham.smartinez@auditor.co.hidalgo.tx.us>

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## Certification of Revenues-Constable Pct. 1 Interlocal Agreement-Texas A & M-Kingsville

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Minerva Diaz <minerva.diaz@auditor.co.hidalgo.tx.us>

Thu, Sep 28, 2023 at 12:21 PM

To: Abraham Salazar Martinez <abraham.smartinez@auditor.co.hidalgo.tx.us>, Maria Munoz <maria.munoz@auditor.co.hidalgo.tx.us>

Abraham,

Agenda item# 92596 will be presented to Commissioners Court on October 3rd for approval to accept the interlocal agreement related to F1285 program 022 (TAMU). Please ensure to prepare the Certification of Revenues (COR) by Friday, September 29th.

Maria, please assist Abraham with the AI review and COR.

----- Forwarded message -----

From: **Melannie Rivera** <melannie.rivera@co.hidalgo.tx.us>

Date: Thu, Sep 28, 2023 at 11:27 AM

Subject: Certification of Revenues-Constable Pct. 1 Interlocal Agreement-Texas A & M-Kingsville

To: Linda Fong <linda.fong@auditor.co.hidalgo.tx.us>

Cc: Letty Chavez <letty.chavez@auditor.co.hidalgo.tx.us>, Minerva Diaz <minerva.diaz@auditor.co.hidalgo.tx.us>, Abraham Salazar Martinez <abraham.smartinez@auditor.co.hidalgo.tx.us>, Celestino Avila <celestino.avila@co.hidalgo.tx.us>, Joe Espinosa <joe.espinosa@co.hidalgo.tx.us>, Damaris San Miguel <damaris.sanmiguel@co.hidalgo.tx.us>, Ivan Cantu <ivan.cantu@co.hidalgo.tx.us>

## DEPARTMENT OF BUDGET &amp; MANAGEMENT

O: (956) 292-7025  
F: (956) 292-7034

www.co.hidalgo.tx.us/budget

505 S. McColi Rd., Suite G  
Edinburg, Texas 78539



## MEMORANDUM

**To:** Linda Fong, CPFO, Interim County Auditor  
**From:** Dagoberto Soto, Jr., Budget Officer *D.S.*  
**Date:** Thursday, September 28, 2023  
**Subject:** Certification of Revenues-Constable Pct. 1 Interlocal Agreement-Texas A & M-Kingsville  
**Cc:** Letty Chavez, First Assistant County Auditor  
Minerva Diaz, Grants Accounting Supervisor  
Abraham Salazar Martinez, Grants Accountant  
Constable Celestino Avila, Jr., Constable Pct. 1  
Chief Deputy Joe Espinosa, Constable Pct. 1  
Damaris SanMiguel, Division Manager  
Ivan Cantu, Budget Analyst

On behalf of Constable Pct. 1, please let this memo serve as a request for a Certification of Revenues letter from your office in reference to the Interlocal Agreement between Hidalgo County Constable Pct. 1 and Texas A & M University-Kingsville in the amount of \$30,095.00. The term of the agreement is from October 3, 2023 to October 2, 2024.

Please be advised that an agenda item has been placed for the next Commissioners Court meeting of October 3, 2023 (AI-92596) for the appropriation of funds.

Thank you for your prompt attention to this matter. If you have any questions, please do not hesitate to contact Ivan Cantu, Budget Analyst, at ext. 5425 or Damaris SanMiguel, Division Manager, at ext. 5410.

--

Minerva Diaz

Grants Accounting Supervisor

Hidalgo County Auditor's Office

[2808 S. Business HWY 281](#)[Edinburg, TX 78539](#)

Phone (956) 318-2511 Ext. 4675

Fax (956) 318-2577

[minerva.diaz@auditor.co.hidalgo.tx.us](mailto:minerva.diaz@auditor.co.hidalgo.tx.us)

**Certification of Revenues-Constable Pct. 1 Interlocal Agreement-Texas A & M-Kingsville.pdf**  
280K