

THE STATE OF TEXAS           §

COUNTY OF CAMERON         §

BE IT REMEMBERED on the 13th day of SEPTEMBER, 1994, there was conducted a REGULAR PUBLIC Session of the Honorable Commissioners' Court of Cameron County, Texas, at the Courthouse thereof, in the City of Brownsville, Texas, for the purpose of transacting any and all business that may lawfully be brought before the same.

THE COURT MET AT:

1:30 P. M.

PRESENT:

ANTONIO O. GARZA, JR.  
COUNTY JUDGE

LUCINO ROSENBAUM, JR.  
COMMISSIONER, PRECINCT NO. 1

CARLOS H. CASCOS  
COMMISSIONER, PRECINCT NO. 2

JAMES R. MATZ  
COMMISSIONER, PRECINCT NO. 3

NATIVIDAD VALENCIA  
COMMISSIONER, PRECINCT NO. 4

INELDA T. GARCIA                     Deputy  
COUNTY CLERK

ABSENT:

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The meeting was called to order by Judge Antonio O. Garza Jr. He then asked Mr. Alex F. Perez, Cameron County Sheriff, to lead the Court and the audience in reciting the Pledge of Allegiance to the Flag.

The Court considered the following matters as posted and filed for Record in the Office of the County Clerk on September 9, 1994, at 3:38 P. M.:

**(1) APPROVAL OF COUNTY CLAIMS**

At this time, Mr. Mark Yates, County Auditor, presented the late claim as to Scoggins Construction Incorporated, Warrant No. 105086 in the amount \$200,883.20, for approval.

Upon motion by Commissioner Valencia, seconded by Commissioner Rosenbaum and carried unanimously, the County Claims were approved, inclusive of the late claim as to Warrant No. 105086 in the amount of \$200,883.20, as recommended by the County Auditor.

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**(2) APPROVAL OF BUDGET AMENDMENTS AND/OR SALARY SCHEDULES**

Commissioner Rosenbaum moved that Fiscal Year 1994 Budget Amendment No. 94-34 be approved as recommended by the Budget Officer.

The motion was seconded by Commissioner Matz and carried unanimously.

**The Budget Amendment is as follows:**

**(3) IN THE MATTER OF MINUTES (TABLED)**

Upon motion by Commissioner Valencia, seconded by Commissioner Matz and carried unanimously, this Item was tabled for one (1) week.

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**(4) AUTHORIZATION TO CONDUCT A BUDGET HEARING OF THE PROPOSED FISCAL YEAR 1995 BUDGET FOR CAMERON COUNTY, AS REQUIRED BY CHAPTER 111.067, VERNON ANNOTATED CIVIL STATUTES, LOCAL GOVERNMENT CODE**

**(6) AUTHORIZATION TO ADOPT THE PROPOSED FISCAL YEAR 1995 BUDGET FOR CAMERON COUNTY**

Upon motion by Commissioner Valencia, seconded by Commissioner Matz and carried unanimously, the Budget Hearing was opened for public comment.

Ms. Rosemary Martinez, Budget Officer, stated that the Fiscal Year 1995 Budget for Cameron County was filed with the Offices of the County Clerk and the County Auditor on September 8, 1994. She stated that the total Budget was in the amount of \$41,451,000.00; which included the General Fund, Road and Bridge Fund, Land and Road Fund, Law Library, Drug Forfeiture Fund, Debt Services Fund, Bridge Systems Fund and the Parks System Fund. She reported that the Public Hearing on the proposed Tax Rate to be assessed in order to fund the Budget was held on September 9, 1994, at 1:30 P.M. and that the proposed Tax Rate was .320483 as compared to the current year Tax Rate of .310707, that being a nine-tenths (9/10) of a penny increase. She stated that a portion of the Tax Rate increase was to pay for the Debt Service requirements for Project Road Map which was approved by the voters in August, 1993.

She stated that "there were several Projects initiated in Fiscal Year 1993 and others in Fiscal Year 1994 and some of those Projects are finished and others are ongoing." She stated that Cameron County sold \$5,500,000.00 in Bonds to do three (3) Projects, those being the construction of the Juvenile Facility in San Benito, the addition of beds to the County Jail Adult System and the completion of the renovation begun on the Brownsville Health Clinic. She stated that the Brownsville Health Clinic and the Jail Facility had been finished and the Juvenile Detention Center should be completed in early 1995. She stated that the Budget included the necessary building maintenance and utility cost for the three (3) buildings and some of the required staffing. She stated that other Project impacting the Road and Bridge Fund Budget was the necessary funding to improve the Bridges affected by Cameron County Drainage District No. 5. She stated that the Drainage District would finance the improvements and the County would reimburse over a five (5) year period.

Ms. Martinez stated that \$1,500,000.00 of Bonds were issued to do Phase I of the Renovation Project of the Dancy Building, and that \$2,000,000.00 of Bonds were issued for the Right-of-Way acquisitions for Project Road Map.

**GENERAL FUND BUDGET:**

At this time, Ms. Martinez stated that the General Fund Budget increased by \$1,700,000.00, and she reviewed the following "transmittal letter" to the Budget which highlighted the major initiatives for the year and the significant

**Budget changes to the General Fund:**

At this time, Judge Garza initiated public comment and the following individuals appeared before the Court requesting additional staff and/or an increase to their Budget Allocation:

Mr. Alex Perez, Sheriff's Department,

Mr. Juan Mendoza, Constable Precinct No. 8, and

Mr. Tony Yzaguirre, Tax Collector-Assessor.

The following individuals appeared before the Court in support for additional funding for the Victims Against Violent Crimes Organization: Mr. Frank Puente, representing the Offices of State Representatives Jim Solis and Renato Cuellar; Mr. Roger Hughes, Attorney at Law, and Mr. Woody Peoples, Director of Victims against Violent Crimes Organization. Mr. Puente read the following letter in support of the County Victims Assistance Program:

At this time, Mr. Hector Peña, Commissioner-Elect Precinct No. 4, requested that the Court monitor the Budget for Precinct No. 4 for the balance of the year.

Commissioner Cascos remarked that "the tax rate in 1990 was slightly under thirty cents (\$.30) per hundred dollar (\$100.00) valuation, and that the proposed tax rate for 1994 was thirty-two cents (\$.32) per hundred dollar (\$100.00) valuation, and added that the tax rate had increased 1/4 of a penny in five (5) years". He noted that the County had an "A" Bond Rating, which "was the best along the Border." He stated that "the decisions that the Court had to make were difficult, and that people were bound to be upset". He noted that it was the first time that the Court raised the taxes, in excess of the three percent (3%), and that Cameron County voters approved a tax increase with Project Road Map, and expressed his support for the Budget.

Commissioner Valencia stated that it was his understanding that the salary increases were not more than two percent (2%) for all County employees; however, he noted that the County Judge's Budget had an increase of almost \$5,000.00.

Judge Garza responded that the position with the increase was that of the Budget Officer, "which was done in an attempt to bring it closer to the salary of other Departmental Heads and that it was not the only one that did not meet the two percent (2%) criteria".

Commissioner Valencia expressed his objections to any increase that did not meet that two percent (2%) criteria, and added "that they should all be treated the same and that a commitment should be made to give all County employees a two percent (2%) increase and that everyone should be treated equally."

Commissioner Matz stated that 1994 was "a very hard Budget Year but that 1995 would probably be worse due to the completion of pending Projects and the opening of the new facilities." He suggested that the Court accept the Budget Officer's recommendation on page 13 of the "Transmittal Letter", that being the suggestion to have a six (6) month Budget Review to address the needs of the Department Heads.

Judge Garza noted the concerns expressed by the Sheriff's Department, Tax Department and the Constable and added that they represented the same concerns expressed by Departments all around the County. He stated that "there was very little discretion in the current Budget cycle because of the need for thirty-nine (39) positions in Law Enforcement, and the increase funding required for operating and maintaining the new Detention Center Facility. He noted Commissioner Cascos recommendation that the requests by the Sheriff's Department and the People Against Violent Crimes be made a priority at the six (6) month Budget evaluation.

**GENERAL FUND BUDGET:**

Commissioner Cascos moved that the General Fund Budget be adopted as presented and filed.

The motion was seconded by Commissioner Matz and carried the following vote:

AYE: Commissioners Rosenbaum, Cascos, and Matz

NAY: Commissioner Valencia - as to the salary increases above two percent (2%).

**The Budget is as follows:**

**LAW LIBRARY FUND:**

At this time, Ms. Martinez briefly reviewed the Law Library Fund which was funded by a separate fee generated by the Library activities, and added that they had converted from buying books to buying CD-ROM (Compact Disk-Read-Only-Memory) subscriptions and should be up-dated within two (2) years.

**LATERAL ROAD FUND:**

Ms. Martinez stated that the Lateral Road Fund, received from the State of Texas, was based on the number of roads in Cameron County, and said amount was allocated to each of the Road and Bridge Precincts.

**DRUG FORFEITURE FUND:**

Ms. Martinez explained that the Drug Forfeiture Fund Budget was approved by the Court, but that the County Attorney, the County Sheriff and the Drug Enforcement Agency Division had the latitude to utilize those funds according to their discretion.

Upon motion by Commissioner Cascos, seconded by Commissioner Rosenbaum and carried unanimously, the Budgets for the Law Library Fund, Lateral Road Fund and the Drug Forfeiture Fund, were approved as presented and filed by the Budget Officer.

**The Budgets are as follow:**

**DEBT SERVICE FUND:**

Ms. Martinez stated that the revenues for the Debt Service Fund was estimated by the County Auditor's Office, based on the Bond requirements.

Commissioner Cascos moved that the Debt Service Fund Budget be approved as recommended by the Budget Officer.

The motion was seconded by Commissioner Matz and carried unanimously.

**The Debt Service Fund Budget is as follows:**

**ENTERPRISE FUND:**

Ms. Martinez stated that the Enterprise Funds consisted of the International Toll Bridge System and the Parks System Revenue Fund. She stated that the International Toll Bridge System consisted of the Los Indios Bridge and Gateway Bridge, and that the proposed Budget allowed them sufficient funds to meet their operating expenses. She added that the revenues at Los Indios Bridge were estimated to increase by two hundred percent (200%) as compared to Fiscal Year 1994, with projected revenues in the amount of \$800,000.00. She stated that Gateway Bridge continued to show growth in revenues, and that an increase in revenues, in the amount of \$200,000.00, were projected.

Commissioner Cascos questioned the amount of money transferred from the Toll Bridge System to the General Fund and Ms. Martinez responded that \$3,676,000.00 was transferred, of which \$210,000.00 were for the Auto Theft Detail.

Ms. Martinez stated that they were proposing a Budget that included some capital improvement items and added that the Bridge Systems Director was proposing to continue the improvements and enhancements, especially at Gateway Bridge.

Commissioner Matz stated that it would be appropriate for the Court to schedule a performance evaluation of the Bridge Systems Director and Ms. Martinez responded that the changes were subject to performance evaluations of the appointed Department Heads, and suggested that the Court schedule the evaluations before the end of the year.

She stated that the Parks System continued to show between a five percent (5%) to eight percent (8%) increases every year.

Upon motion by Commissioner Matz, seconded by Commissioner Valencia and carried unanimously, the Enterprise Fund was approved as presented and filed by the Budget Officer.

**The Enterprise Fund is as follows:**



**(5) AUTHORIZATION TO SET THE SALARIES OF  
ELECTED OFFICIALS FOR FISCAL YEAR 1995 AS  
PUBLISHED**

Judge Garza stated that the Schedule of the Elected Officials' Salaries was published and included the two percent (2%) increase allowed for all County employees, with the exception of the County Judge's position.

Commissioner Rosenbaum moved that the Salaries of Elected Officials for Fiscal Year 1995 be approved as published.

The motion was seconded by Commissioner Cascos and carried the following vote:

**AYE:** Commissioners Rosenbaum, Cascos, and Matz

**NAY:** Commissioner Valencia - as to any increases above the two percent (2%).

At this time, Ms. Martinez noted that the Elected Officials had until September 19, 1994, to file a Grievance on the proposed Salaries.

**The Schedule of Salaries is as follows:**

# **"CONSENT" AGENDA ITEMS**

**THE FOLLOWING ITEMS WERE RECOMMENDED FOR "CONSENT" AND WERE EITHER RECOMMENDED BY THE DEPARTMENT HEAD, WITHIN BUDGET OR AWARDED TO THE LOW BIDDER:**

Upon motion by Commissioner Valencia seconded by Commissioner Cascos and carried unanimously, the

"Consent" Agenda Items were approved as follow, exclusive of Items No. 20 and No. 23:

- (13) AUTHORIZATION TO APPROVE CHANGE ORDER FOR THE JUVENILE DETENTION FACILITY, CHANGING THE COMPLETION DATE FROM DECEMBER 18, 1994, TO JANUARY 31, 1995

The Change Order follows:

- (14) FINAL APPROVAL

- a) **Precinct No. 4:**  
El Valle Estate Subdivision - being a resubdivision of 13.91 acres of land, comprised of 8.91 acres of the North 10.0 acres and the North 5.0 acres of the South 10.0 acres out of Block No. 53, Hooks and Hodges Subdivision; and
- b) **Precinct No. 3:**  
East Fresnos Subdivision Unit II - being 45.515 acres out of Blocks No. 2 and No. 3, Cole Tract Subdivision.

- (15) PRELIMINARY AND FINAL APPROVAL

- a) **Precinct No. 3:**  
Rancho Primero Subdivision - being 23.64 acres out of Lot No. 31, Harris-Gentry Subdivision, Share No. 38, Espiritu Santo Grant;
- b) **Precinct No. 2:**  
Mi Ranchito Subdivision - being 2.279 acres of land and being all of Lot No. 1 of Las Haciendas Subdivision; and
- c) **Precinct No. 3:**  
Elias Subdivision - being 12.46 acres out of Block No. 2, Section II, Harris-Gentry Subdivision.

- (16) AUTHORIZATION TO OPEN BIDS FOR THE TIMBER BRIDGE CONSTRUCTION AT VASQUEZ ROAD
- (17) ADOPTION OF PROCLAMATION DESIGNATING THE WEEK OF SEPTEMBER 17 - 24, 1994, AS CONSTITUTION WEEK IN CAMERON COUNTY
- (18) APPROVAL OF APPLICATION FOR MOBILE BEACH BUSINESS ON SOUTH PADRE ISLAND FOR MARTINA H. TORRES, D/B/A LA REINA DEL ELOTE NO. 2

**The Application follows:**

- (19) APPROVAL OF FISCAL YEAR 1995 CAMERON COUNTY HOLIDAY SCHEDULE

**The Schedule follows:**

- (21) AUTHORIZATION TO OPEN ANNUAL BIDS FOR OFFICE SUPPLIES
- (22) AUTHORIZATION TO OPEN ANNUAL BIDS FOR JANITORIAL SUPPLIES
- (24) AUTHORIZATION TO OPEN ANNUAL BIDS FOR ROAD EMULSION OILS
- (25) AUTHORIZATION TO OPEN ANNUAL BIDS FOR ROAD DRAINAGE MATERIALS
- (26) AUTHORIZATION TO AWARD ANNUAL BIDS:

**LASERLUX, Mercedes, Texas**

A-1)	LaserJet I	-	\$39.00
A-2)	LaserJet II and III	-	\$32.00
A-3)	LaserJet IIP and IIP	-	\$34.00
A-4)	LaserJet IIISi and 4Si	-	\$59.00
A-5)	LaserJet 4	-	\$59.00
A-6A) LexMark IBM 40219 and 4029 - \$99.00;			

**C.S.C. PETER, Brownsville, Texas**

B-7)	LaserJet 4L and 4P	-	\$35.00.
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- (28) AUTHORIZATION TO TRAVEL AND/OR TRAVEL EXPENSES FOR THE FOLLOWING, SUBJECT TO AVAILABLE FUNDS IN THEIR BUDGETS:
  - a) Constable Precinct No. 5 to attend the Justice of the Peace and Constables Conference in Port Aransas, Texas, on September 8-10, 1994;
  - b) Program Specialist to attend a workshop on "How to Develop and Administer Budget" in McAllen, Texas, on September 19, 1994; and
  - c) Tax Assessor-Collector to attend the Tax Assessor-Collector's Conference in Austin, Texas, on September 14-15, 1994.

**ITEM NO. 13**

**AUTHORIZATION TO APPROVE CHANGE ORDER FOR THE JUVENILE  
DETENTION FACILITY, CHANGING THE COMPLETION DATE FROM  
DECEMBER 18, 1994, TO JANUARY 31, 1995**

**The Change Order follows:**

**ITEM NO. 18**

**APPROVAL OF APPLICATION FOR MOBILE BEACH BUSINESS ON SOUTH  
PADRE ISLAND FOR MARTINA H. TORRES, D/B/A LA REINA DEL ELOTE NO.  
2**

**The Application follows:**

**ITEM NO. 19**

**APPROVAL OF FISCAL YEAR 1995 CAMERON COUNTY HOLIDAY SCHEDULE**

**The Schedule follows:**

**(20) IN THE MATTER TO OPEN BIDS FOR ONE (1) VIBRATORY SMOOTH DRUM SOIL COMPACTOR (CASH OR LEASE PURCHASE) FOR PRECINCTS NO. 1 AND NO. 2 (REJECTED)**

**(23) IN THE MATTER TO OPEN ANNUAL BIDS FOR ROAD FLEXIBLE BASE MATERIALS (REJECTED)**

Commissioner Cascos moved that Items No. 20 and No. 23 be rejected and be re-advertised, on the recommendation of the Purchasing Agent.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

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**(10) IN THE MATTER OF PRESENTATION OF 1992 AND 1993 ANNUAL STATISTICS FOR THE CAMERON COUNTY JUVENILE PROBATION DEPARTMENT (TABLED)**

Upon motion by Commissioner Valencia, seconded by Commissioner Matz and carried unanimously, this Item was TABLED for one (1) week.

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**(11) APPROVAL OF CONTRACT FOR PURCHASE OF SERVICES WITH MS. ROSA O. GALVAN AS ALIEN COORDINATOR TO THE JUVENILE PROBATION DEPARTMENT**

Commissioner Cascos moved that the Contract for Purchase of Services with Ms. Rosa O. Galvan as Alien Coordinator to the Juvenile Probation Department be authorized.

The motion was seconded by Commissioner Valencia and carried unanimously.

**The Contract is as follows:**

**(9) RATIFICATION TO DESIGNATE SEPTEMBER AS  
VOTER REGISTRATION MONTH**

Commissioner Cascos moved that the approval given to designate September as "Voter Registration Month" be ratified.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

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**(8) DISCUSSION AND APPROVAL TO ESTABLISH A  
SHOE SHINE PARLOR WITHIN A DESIGNATED  
AREA**

Mr. Al Treviño, resident, briefly explained his Proposal to establish a Shoe Shine Parlor within the Court, adding that some people had expressed a need for said services.

Judge Garza noted that he found a Proposal for "Shoe Shine that had been utilized by other entities and noted that he did not know whether the County needed to carry the Proposal process to that extent.

Commissioner Cascos questioned the space required and the location for the Shoe Shine Parlor and Mr. Treviño responded that he did not have the specific information requested and the suggestion was made for Mr. Treviño to meet with the Building Director to find a "good location and out of the way", and to prepare the design and present it to the Court for consideration.

Judge Garza noted his support, adding that "as long as there was a standard Contract, that it was not exclusive, and that the County was held harmless."

Upon motion by Commissioner Cascos, seconded by Commissioner Matz and carried unanimously, the Shoe Shine Parlor Proposal was directed for review by County Counsel and the Building Director.

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(4) **AUTHORIZATION TO CONDUCT A BUDGET HEARING OF THE PROPOSED FISCAL YEAR 1995 BUDGET FOR CAMERON COUNTY AS REQUIRED BY CHAPTER 111.067, VERNON ANNOTATED CIVIL STATUTES, LOCAL GOVERNMENT**

(6) **AUTHORIZATION TO ADOPT THE PROPOSED FISCAL YEAR 1995 BUDGET FOR CAMERON COUNTY**

**ROAD AND BRIDGE FUND:**

Commissioner Cascos moved that the Road and Bridge Budget be approved as presented and filed by the Budget Officer.

The motion was seconded by Commissioner Rosenbaum.

At this time, Ms. Rosemary Martinez, Budget Officer, stated "that the Commissioners' Court approved the increase to the Road and Bridge Optional Registration Fee in May, 1994, from the current \$5.00 to the maximum of \$10.00 a year." She stated "that the additional revenue was supposed to provide the funding to Precinct No. 3 and No. 4, for their share of the Bridge improvements related to Cameron County Drainage District No. 5 and to afford all the Precincts the opportunity to do "Litter Abatement" in each of the Precincts."

She stated "that there was an overall decrease of revenues for the Road and Bridge from last year to this year; that they had initially projected a \$500,000.00 to \$600,000.00 increase due to this Fee, and that dollar amount ended being about \$300,000.00 due to the loss in tax collections and other revenues."

Commissioner Matz questioned the reason for the decrease and Ms. Martinez responded "that it was two-fold; there was a decrease in the Tax Collection Rate, they had initially projected revenues for prior budget years at about ninety five percent (95%) and they were short last year and it appears that they will be short this year also in the Tax collection." She stated at the time that the tax rate calculations are made and "when you have Unlimited Road Bond Issues, the tax rate when you calculate your savings on those, combines the tax rate necessary to service debt and also the tax rate for Road and Bridge, so you are shifting dollars; money is being lost in Road and Bridge for Unlimited Bond Issues and if it continues to be done, it will continue to happen."

She stated that "there was \$4,400,000.00 to appropriate in Road and Bridge and in order to come up with the necessary formula to allocate those dollars, the same formula that was used for the past two (2) Budget years was utilized again." She explained that "they took the Budget necessary to sustain the Engineering Operations, the Budget necessary to continue the Debt Service payments, and all the lease purchases that the Precincts are making." She stated that "then they allocated the Road and Bridge additional Fee in the "net" amount of \$300,000.00 to each of the Road Precincts, based on percentages that have previously been approved by the Court, that being fifty eight percent (58%) for Precincts No. 3 and No. 4 and forty two percent (42%) for Precincts No. 1 and No. 2." She stated that "then they allocated to each of the Precinct the Road Improvement money in the amount of \$325,000.00, and the remaining balance of the dollars available were allocated to sustain operations and that dollar amount was supposed to sustain staff, road equipment operators and to allocate dollars to each of the Precincts based on their road type." She stated that road type meant that "of every dollar, a nickel was given to dirt roads, seventy cents (\$.70) was given to caliche roads and twenty five cents (\$.25) was given to paved roads." She stated that "in using that formula, as has been applied for the past two (2) budget years; Precinct No. 1 allocation is \$672,000.00, Precinct No. 2 allocation is \$718,000.00, Precinct No. 3 allocation is

\$1,153,000.00 and Precinct No. 4 allocation is \$1,109,000.00."

She stated that "also included in the Engineering Budget was \$120,000.00 for Road and Bridge Improvements and that those were County-wide and 'not tagged' for any particular Precinct," and added "that the Court approved to allocate \$120,000.00 to improve Bridges in Precinct No. 3 but those dollars would not be spent until Fiscal Year 1995."

At this time, Judge Garza invited public comment.

Commissioner Matz stated that "he was going to vote against the Road and Bridge Budget." He stated that "Precinct No. 3 covered half of Cameron County, contributed fifty two percent (52%) of the property tax and contained approximately forty two percent (42%) of the total roads." He stated that "the total road break-down was one hundred twenty eight (128) dirt, one hundred thirty four (134) for caliche, and one hundred and ten (110) of paved roads for a total of three hundred seventy-two (372) miles, that represented forty-two percent (42%) of the total miles in the County, and also represented five hundred twenty-six (526) separate roads."

He reported that "the County Engineer did an Evaluation Report last year, and it showed that 82.5% of those roads, or four hundred thirty-four (434) roads were designated as either No. 2 or No. 3, meaning 'major' repair projects needed." He stated that "there are exactly twenty-three (23) bridges, of which according to BRINSAP, eleven (11) urgently need to be replaced and another eight (8) urgently need maintenance and repair."

He stated that "when you looked at the 'gross' Road and Bridge Budget of 4.4 (million) and then took off the 'off-the-top' items, which are primarily Engineering Department costs, and looked at the percentage of road miles versus the 'net' Budget, that Precinct No. 1 had eight percent (8%) of the miles. He stated that "those figures had to be checked because last year Precinct No. 1 had 47.2 miles and this year there are 71.7 miles." He stated that "Precinct No. 2, with 11.8% of the road miles and is ending with 19.7%, Precinct No. 3 with forty-two (42%) of the road miles and 31.5% and Precinct No. 4 with thirty-eight (38%) of the miles and 30.4% of the Budget." He stated that "if you look at that as a percentage of the total miles to the Budget, Precinct No. 3, with forty-two (42%) of the road miles, received less than thirty-two percent (32%) of the 'net' Budget and twenty-six percent (26%) of the 'gross' Budget.

He stated that "when you take a look within the Budget Categories, what is in-fact actually available for road maintenance and improvement for each Precinct, which includes the recent increase from \$5.00 to \$10.00 in the Registration Fee, Precinct No. 1 had \$235,459.00 or twenty-one (21%) of the Road Material Budget, Precinct No. 2 had \$324,610.00 or twenty-nine (29%) of the Budget; Precinct No. 3 had \$264,929.00 or twenty-four (24%), Precinct No. 4 with \$292,000.00 or twenty-six (26%) of the Budget."

He stated that "the cost to lay four (4) inches of compacted caliche was roughly \$24,000.00 a mile, and if you are dealing with \$260,000.00, that might reach ten (10) miles of caliche compared to 262 miles of dirt and caliche roads."

He stated that "if you want to go that way, or if you want to try to pave, at most you can do five (5) miles and you do nothing else". He stated that "we all know that we have a lot of other things we have to do within our Precincts, other than just worry of road improvement and maintenance."

He stated that "during this last year, I worked very hard to make improvements possible, and in particular, to honor the improvements of my predecessor." He reported that "through the Court, Right-of-Way had been donated on Track 43, and have already set aside the material necessary to do that and paving which will be in the amount of \$50,000.00." He stated that "the other major Project was Old Alice Road, which was approved by the Court, which is a

major thoroughfare, which was going to be well over \$100,000.00." He stated that he had been trying to adjust and was restricting the application of oil for dust control, and had established a "policy where that was only going to go with people who have medical respiratory problems, with a note from a doctor, and added that it costs over \$300.00 a mile to put down the oil." He stated that he "left one (1) slot unfilled and probably will have to lay-off personnel if the Budget goes through".

He stated that he "suggested to some of the property owners, that they share in the cost of road improvements, since the money is simply not there to meet all the needs." He stated that "in his opinion, the present method of allocating Road and Bridge Funds is unequitable, discriminatory and possibly illegal and cannot support the adoption of the Budget".

Commissioner Valencia commented that he "was not comfortable with Road and Bridge Fund Budget and how Precinct No. 1 received over \$80,000.00 from last year with only eight percent (8%) of the roads and Precinct No. 2 with over \$11,000.00 with only twelve (12%) of the roads." He stated that "Precinct No. 4 and No. 3 have the two (2) major portions of the roads in Cameron County and that these two (2) Precincts should have more adequate money", and added that "I cannot support the Budget because of this."

Commissioner Cascos stated that several years ago, the situation was reversed and only recently have they tried to equitably distribute monies and added that he did not think it was illegal. He stated that they came up with a fair distribution formula and it was with the consensus of the Court and Commissioner Valencia supported the Road and Bridge Budget every year. He stated that "the formulas have not changed and every Precinct is getting less, but that Precinct No. 1 and No. 2 are getting more because of the Registration Fee increase, and even though it was in Road Materials, it would probably be used for trash abatement." He stated that "the inequities of the past will be hard to overcome" and that they were not trying to even it out this year. He stated that "it costs more for Precinct No. 1 and No. 2 to pave a mile of road or lay caliche because of the type of zones".

At this time, Commissioner Matz presented the following Memorandum and asked Commissioner Cascos "to read from Title 1-16, Roads, Bridges and Ferries, Chapter 3, Sub-Chapter B, Section 3.103c, which has to do with the allocation of Road and Bridge Funds, that states: 'As nearly as the condition and necessity of the roads will permit, the funds shall be expended in each County Commissioners' Precinct in proportion to the amount collected in that Precinct:'"

Commissioner Cascos responded that the quote made by Commissioner Matz was one of the formulas and "that once you finish reading the whole Road and Bridge Act, that I have read time and time again, it gives the Court the latitude in the distribution; some Counties divide by four (4), others based on tax values, others by miles and some by consolidation."

Ms. Martinez stated that she had "read the Statutes, but that the bottom line is that, unless the allocation is arbitrary, then you can basically allocate it in any mechanism that you see fit, and it was not arbitrary."

Commissioner Matz responded "that twenty-nine percent (29%) is very arbitrary, as it relates to nothing."

Commissioner Valencia stated that "when he first entered the Court he felt that there were some discrepancies and that he wanted to find some ways to fix them but that so far the formula had been the same". He stated that he hoped the new Commissioner would be able to find a better formula and continue the Projects pending.

Judge Garza stated that he "felt that the Road and Bridge Budget was an the area where there was tremendous inequity, and that there have been many significant steps in the direction of equity, but that he did not know that we have taken too many steps in the area of efficiency". He added that the people of the County will have the opportunity to decide on that, when the matter of Consolidation of the Road and Bridge System was considered."

Upon motion duly made by Commissioner Cascos and seconded by Commissioner Rosenbaum, that the Road and Bridge Budget be adopted as presented and filed by the Budget Officer, the motion carried the following vote:

**AYE:** Commissioners Rosenbaum, Cascos and Judge Garza

**NAY:** Commissioners Matz and Valencia.

**The Road and Bridge Fund Budget is as follows:**

(7) **AUTHORIZATION TO ADOPT ORDER SETTING  
THE 1994 TAX RATE**

Commissioner Matz moved that the 1994 Tax Rate Order be adopted, said Tax Rate in the amount of .32048.

The motion was seconded by Commissioner Valencia and carried unanimously.

**The Order is as follows:**

Upon motion by Commissioner Matz, seconded by Commissioner Cascos and carried unanimously, the Public Hearing was closed.

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(12) **AUTHORIZATION TO APPLY TO FEDERAL EMERGENCY MANAGEMENT AGENCY FOR GRANT FUNDS TO CONSTRUCT HURRICANE PRE-DEPLOYMENT CENTER IN LAGUNA MADRE AREA**

Mr. Kenneth Conway, Parks Director, stated that he was directed by the Court to talk to the entities interested in the Laguna Madre Hurricane Pre-Deployment Center, and that those entities were enthusiastic and were willing to participate in the Project.

**At this time, Mr. Conway briefly reviewed the following Proposal prepared for the Commissioners' Court:**

Judge Garza stated that the Court was concerned with the financial aspect, and reviewed the allocations as follows: the City of Port Isabel \$25,000.00, plus the in-kind, Fresh Water District \$25,000.00, the County \$15,000.00 in-kind, and the Parks System \$35,000.00. Judge Garza asked the Parks Director if he was anticipating getting the money from his Budget, and Mr. Conway responded that it would come from his Budget, if approved by the Court.

Commissioner Matz stated that he did not anticipate that the amount would be \$35,000.00 because Emergency Medical System (EMS) had expressed an interest to be a part of the Program.

Upon motion by Commissioner Matz, seconded by Commissioner Cascos and carried unanimously, the Application to the Federal Emergency Management Agency for Grant Funds to construct a Hurricane Pre-Deployment Center in the Laguna Madre Area was authorized, subject to commitment of up to \$35,000.00 from the Parks System Capital Improvements Line Items, subject to the Parks Advisory Committee approval of said expenditure, and subject to the contributions from the City of Port Isabel in the amount of \$25,000.00, Fresh Water District in the amount of \$25,000.00, Emergency Medical Services (EMS) and the City of South Padre Island.

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**(29) EXECUTIVE SESSION**

Upon motion by Commissioner Matz, seconded by Commissioner Cascos and carried unanimously, the Court met in Executive Session at 3:30 P. M. to discuss the following matters:

- a) Discuss settlement offer on Rojano vs. Cameron County and Alex Perez, No. 94-03-1034-A, U. S. District Court, Southern District of Texas, Brownsville Division, pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071 (1)(B); and
- b) Discuss status of case and obtain consent to hire expert M. D., expert on Jail Conditions and attorney for nurse Pauline Dominguez and Longoria vs. Cameron County, No. B-94-65, U. S. District Court, Southern District of Texas, Brownsville Division, pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071 (A)(1).

Upon motion by Commissioner Cascos, seconded by Commissioner Valencia and carried unanimously, the Court reconvened in Regular Session at 3:45 P.M.

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**(30) ACTION RELATIVE TO EXECUTIVE SESSION**

- a) Action regarding Rojano vs. Cameron County and Alex Perez, No. 94-03-1034-A, United States District Court, Southern District of Texas, Brownsville Division.
- b) Action regarding case and obtain consent to hire expert M.D., expert on Jail Conditions and attorney for nurse Pauline Dominguez and Longoria vs. Cameron County, No. B-94-65, United States District Court, Southern District of Texas, Brownsville Division.

Judge Garza reported that after some discussion, it was the consensus of the Court as determined by polling, that County Counsel should proceed along the terms and conditions as outlined in Executive Session.

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Cascos and carried unanimously, County Counsel was directed to proceed, along the terms and conditions as outlined in Executive Session regarding the cases styled Rojas vs. Cameron County, No. 94-03-1034-A, United States District Court, Southern District of Texas; and

Longoria vs. Cameron County, No. B-94-65, United States District Court, Southern District of Texas, Brownsville  
Division.

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There being no further business to come before the Court, upon motion by Commissioner Rosenbaum, seconded  
by Commissioner Cascos and carried unanimously, the meeting was **ADJOURNED**.

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APPROVED this **18th** day of **OCTOBER, 1994**.

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**ANTONIO O. GARZA, JR.**  
**COUNTY JUDGE**

**ATTEST:**

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**JOE G. RIVERA,**  
**COUNTY CLERK AND EX-OFFICIO CLERK**  
**OF THE COMMISSIONERS' COURT OF**  
**CAMERON COUNTY, TEXAS**