

THE STATE OF TEXAS

COUNTY OF CAMERON

BE IT REMEMBERED on the 25th day of FEBRUARY, 1997, there was conducted a REGULAR Public Meeting 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:

4:00 P. M.

PRESENT:

GILBERTO HINOJOSA
COUNTY JUDGE

PEDRO "PETE" BENAVIDES
COMMISSIONER, PRECINCT NO. 1

COMMISSIONER, PRECINCT NO. 2

JAMES R. MATZ
COMMISSIONER, PRECINCT NO. 3

HECTOR PEÑA
COMMISSIONER, PRECINCT NO. 4

Hilda V. Treviño Deputy
COUNTY CLERK

ABSENT:

CARLOS H. CASCOS, C.P.A.

The meeting was called to order by Judge Gilberto Hinojosa.

The Court considered the following matters as posted and filed for Record in the Office of the County Clerk on February 21, 1997, at 1:16 P.M.:

(1) EXECUTIVE SESSION

Upon motion by Commissioner Matz, seconded by Commissioner Peña and carried unanimously, the Court met in Executive Session at 4:10 P.M. to discuss the following matters:

NOTE: COMMISSIONER BENAVIDES JOINED THE MEETING.

- a) Confer with County Counsel to discuss matters on the acquisition of the land at Cameron Park Recreation Project; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(2).
- b) Discuss the status and settlement of the case styled Maria V. Longoria, et. al. vs. Cameron County, et. al., B-94-065, in the United States District Court for the Southern District of Texas; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071 (1)(A)(B);
- c) Confer with County Counsel on the authorization to represent Cameron County and individual County Defendants and discussion of the case styled H.L. Watkins, Jr., et. al. vs. Cameron County, et. al., B-95-183, in the United States District Court for the Southern District of Texas; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071 (1)(A);
- d) Confer with County Counsel regarding the possible litigation of the Texas Natural Resources Conservation Committee (TNRCC) Regulations affecting County Fueling Stations; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071 (1)(A); and
- e) Confer with County Counsel concerning the authorization for partial payment of Legal Representation Fee involving the litigation arising from incident while former County employees were serving as Assistant County Attorneys; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071 (1).

At this time, the Court reconvened in Regular Session at 5:15 P.M.



Judge Hinojosa asked Mr. Bob Clark, Brownsville resident, for the invocation and the Court to lead the audience in reciting the Pledge of Allegiance.

(2) ACTION RELATIVE TO EXECUTIVE SESSION

- a) Confer with County Counsel to discuss matters on the acquisition of the land for the Cameron Park Recreation Project.

Mr. Doug Wright, Cameron County Counsel, recommended that the request for the waiver of retroactivity should be allowed for the Cameron Park Project.

Upon motion by Commissioner Benavides, seconded by Commissioner Matz and carried unanimously, the request for the Waiver of Retroactivity was approved for the acquisition of the land for the Cameron Park Recreation Project.

- b) Discuss the status and settlement of the case styled Maria V. Longoria, et. al. vs. Cameron County, et. al., B-94-065, in the United States District Court for the Southern District of Texas.

The County Attorney recommended that the Status Report by County Counsel should be acknowledged.

Commissioner Matz moved that the Status Report by County Counsel be acknowledged regarding the settlement of the case styled Maria V. Longoria, et. al. vs. Cameron County, et. al., B-94-065, in the United States District Court for the Southern District of Texas.

The motion was seconded by Commissioner Benavides and carried unanimously.

- c) Confer with County Counsel on the authorization to represent Cameron County and individual County Defendants and discussion of the case styled H. L. Watkins, Jr., et. al. vs. Cameron County, et. al., B-95-183, in the United States District Court for the Southern District of Texas.

Mr. Doug Wright, Cameron County Counsel recommended that the Resolution signed by the Court should be adopted.

Upon motion by Commissioner Matz, seconded by Commissioner Peña and carried unanimously, the Resolution regarding the authorization to represent Cameron County and the individual County Defendant was adopted regarding the case styled H. L. Watkins, Jr., et. al. vs. Cameron County, et. al., B-95-183, in the United States District Court for the Southern District of Texas.

The Resolution is as follows:

- d) Confer with County Counsel regarding the possible litigation of the Texas Natural Resources Conservation Committee (TNRCC) Regulations affecting County Fueling Stations.

Mr. Mark Yates, County Auditor, recommended that the County Auditor should be authorized to bring the fuel sites up to compliance with the 1998 requirements regarding said matter.

Commissioner Benavides moved that the County Auditor be authorized to bring the fuel sites up to compliance with the 1998 requirements regarding the possible litigation of the Texas Natural Resources Conservation Committee (TNRCC) Regulations affecting County Fueling Stations.

The motion was seconded by Commissioner Peña and carried unanimously.

- e) Confer with County Counsel concerning the authorization for partial payment of the Legal Representation Fee involving the litigation arising from the incident while former County employees were serving as Assistant County Attorneys.

Mr. Doug Wright, Cameron County Counsel recommended that the County Attorney should be authorized to pay the amount of \$1,370.00, from Fund No. 10 Budget, for Legal Services to Mr. David Horton, former County employee.

Upon motion by Commissioner Peña, seconded by Commissioner Matz and carried unanimously, the County Attorney was authorized to pay the amount of \$1,370.00, allocated from Fund No. 10 Budget, for Legal Services to Mr. David Horton regarding the partial payment of the Legal Representation Fee involving the litigation arising from the incident while former County employees were serving as Assistant County Attorneys.



(3) APPROVAL OF COUNTY CLAIMS

At this time, Judge Hinojosa reported that the Planning Process and the Construction of the Dilworth Bridge would begin in September 1997, noting that the latest date to begin the Project would be January 1, 1998.

Upon motion by Commissioner Benavides, seconded by Commissioner Matz and carried unanimously, the County Claims were approved as presented by the County Auditor.

The Budget Officer's Comments Report is as follows:

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

The County Auditor noted that there were no Budget Amendments and/or Salary Schedules for approval.

(3) **APPROVAL OF THE MINUTES OF FEBRUARY
11, 1997, AND FEBRUARY 18, 1997**

The Deputy County Clerk noted that there were no Minutes for approval.

(6) **ADOPTION OF A RESOLUTION HONORING MS.
ANGELICA MARIA, AS MR. AMIGO 1996, FOR
HER MANY ACCOMPLISHMENTS AND
TRIUMPHS IN THE WORLD OF
ENTERTAINMENT, AND CONFIRMATION OF
STATUS OF HONORARY CITIZEN OF
CAMERON COUNTY AND PROCLAMATION OF
FEBRUARY 24, 1997, THROUGH MARCH 2, 1997,
AS "ANGELICA MARIA WEEK"**

Commissioner Benavides moved that the Resolution honoring Ms. Angelica Maria as Mr. Amigo 1996, be adopted for her many accomplishments and triumphs in the World of Entertainment and that the confirmation of the status of Honorary Citizen of Cameron County, and the Proclamation of February 24, 1997, through March 2, 1997, as "Angelica Maria Week" be approved.

The motion was seconded by Commissioner Matz and carried unanimously.

The Resolution is as follows:

(7) PRESENTATION OF THE CURRENT PROJECTS AND ACTIVITIES BY THE REPRESENTATIVES OF THE CAMERON COUNTY HOUSING AUTHORITY (NO ACTION TAKEN)

At this time, Mr. Alejandro Coronado, highlighted the Strategic Plan and the current Projects and Activities of the Cameron County Housing Authority.



(8) PRESENTATION OF THE CURRENT PROJECTS AND ACTIVITIES BY REPRESENTATIVES OF THE CAMERON COUNTY CHILD WELFARE BOARD (NO ACTION TAKEN)

At this time, Mr. Robert Ybarra, President of the Cameron County Welfare Board, and Mr. Remberto Arteaga, Child Protective Services, presented and highlighted the current Projects and Activities of the Cameron County Child Welfare Board and requested the Court appoint five (5) members to the Board.

The Reports are as follow:

(9) **PRESENTATION OF THE 1997 TEXAS COMMUNITY DEVELOPMENT PROGRAM APPLICATION TIMETABLE AND AUTHORIZATION FOR THE PROGRAM DEVELOPMENT AND MANAGEMENT DEPARTMENT TO CONDUCT A PUBLIC HEARING TO SOLICIT PROJECT REQUESTS ON MARCH 6, 1997**

At this time, Mr. Frank Bejarano, Program Development and Management Director, presented the 1997 Texas Community Development Program Application Timetable, noting that there were seven (7) Funds to select from, and added that the County needed to apply for the Water and Wastewater Funds, in order receive the Colonia Construction and Community Development Funds.

Judge Hinojosa stated that the Court needed to designate the Colonias with higher priorities, in order to apply for the appropriate funds and suggested that the Court should focus on the Colonia Construction Fund, in the amount of \$500,000.00, and the Community Development Fund, in the amount of \$330,000.00.

Mr. Bejarano noted that if the County-s existing amount of \$300,000.00 was applied to the Community Development Grant Fund, a funding source would need to be located, in order to match the difference for the cost of the Project.

Upon motion by Commissioner Matz, seconded by Commissioner Peña and carried unanimously, the Presentation of the 1997 Texas Community Development Program Application Timetable was acknowledged and the Program Development and Management Department was authorized to conduct a Public Hearing to solicit Project Requests on March 6, 1997.

The Timetable is as follows:

(10) ACKNOWLEDGMENT OF THE REQUIRED MANDATORY COMMISSIONERS-CONTINUING EDUCATION COMPLETED BY COMMISSIONER HECTOR PEÑA IN 1996

Commissioner Matz moved that the Required Mandatory Commissioners-Continuing Education completed by Commissioner Peña in 1996 be acknowledged.

The motion was seconded by Commissioner Peña and carried unanimously.

The Certificate is as follows:

**(11) ADOPTION OF A RESOLUTION SUPPORTING
HOUSE BILL 92 SPONSORED BY STATE
REPRESENTATIVE KIM BRIMER**

At this time, Judge Hinojosa stated that said House Bill would authorize the County to implement up to a half cent Sales Tax on Hotel/Motel and Car Rentals, upon approval of the voter Referendum, in order to build a Sports Facility in the Valley. He added that the Valleywide Committee was working on bringing the Sports Facilities and Major League Spring Training Baseball to the Rio Grande Valley and had voted unanimously to support House Bill 92, which would provide the revenue raising authority to build the facilities.

Upon motion by Commissioner Peña, seconded by Commissioner Matz and carried unanimously, the Resolution supporting House Bill 92, sponsored by State Representative Kim Brimer, was adopted.

**(12) ADOPTION OF A RESOLUTION SUPPORTING
THE EXTENDED HOURS OF OPERATION AT
THE FREE TRADE BRIDGE AT LOS INDIOS,
TEXAS**

Commissioner Peña moved that the Resolution supporting the Extended Hours of Operation at the Free Trade Bridge at Los Indios, Texas, be adopted.

The motion was seconded by Commissioner Matz and carried unanimously.

The Resolution is as follows:

(13) **APPROVAL TO REFUND TAXES TO TEXAS
COMMERCE BANK, IN THE AMOUNT OF
\$5,992.16**

Upon motion by Commissioner Peña, seconded by Commissioner Matz and carried unanimously, the Taxes, in the amount of \$5,992.16, were refunded to Texas Commerce Bank.

(14) **ADOPTION OF A RESOLUTION WITH RESPECT
TO FINANCING CERTAIN FACILITIES BY THE
INDUSTRIAL DEVELOPMENT AUTHORITY OF
HARLINGEN, INCORPORATED**

At this time, Mr. Randy Whittington, Attorney at Law, explained that the Industrial Development Authority of Harlingen, Incorporated, was committed to issue Industrial Development Bonds, in order to bring Gibbs Die Casting, Incorporated, to the Harlingen area, which would be located outside the city limits.

Commissioner Matz moved that the Resolution be adopted with respect to the financing of certain facilities by the Industrial Development Authority of Harlingen, Incorporated.

The motion was seconded by Commissioner Peña and carried unanimously.

The Resolution is as follows:

(15) **IN THE MATTER OF THE REQUEST FOR PROPOSAL NO. 970202-1730 (DELINQUENT TAX ATTORNEY) (TABLED)**

At this time, Judge Hinojosa stated that AI put this on the Agenda. There was some questions raised as to the language on the Request for Proposal, I think Doug also had reviewed it, and what I would like to do, is have us withdraw the Request for Proposal and reissue it, making some of the corrections that need to be corrected on that, that I should not delay it for a couple of more weeks given the time lines that we have got. Commissioner Cascos had also asked to place this on the Agenda. There is just some language there that I think should probably not be in that Request for Proposal.”

Mr. Mark Yates, County Auditor, stated AI think that there were two (2) issues that were...My name is Mark Yates, I am the County Auditor, for those of you who are not regular attendees. The issues are relating to the Public Officials= involvement in the Contract and also a conflict of existing Contracts for current tax collection. I think the Request for Proposal stipulates that provide a listing of any conflict that you may have and also not engage in additional Contracts for the collection of current taxes, but it does not forbid the existing Contract. I would like to be able to recognized all the participants who have submitted Proposals, if that is alright. Heard Goggan is presented by ...”

Judge Hinojosa questioned AWhy do we need to do this?”

Mr. Yates responded AI am just interested in the level, to illustrate the level of interest in this.”

Judge Hinojosa replied ABut, I understand that there is a lot of level of interest. But, I think that some us have problems with this Request for Proposal, and I do not think that there is anything wrong if we reissue it, at least run it by the County Attorney=s Office and have this thing examined, let=s take a look at it.”

Mr. Yates questioned AAre you interested in the Counsel or the Commissioners= Court to review it? And, Doug, have you reviewed this?”

Mr. Doug Wright, County Counsel responded “I did not review it before it came up, no.”

Judge Hinojosa stated ANo. That is what he told me.”

Mr. Yates replied AAlright, o.k.”

Judge Hinojosa stated AI just think it is not going to hurt anything if we take a look at thing. There are certain things in there that I think create problems. One, on the involvement of the Elected Officials, I mean, I just do not think that is appropriate, to preclude an Elected Official from being involved in any of these projects; I mean, you know they are taking a lot of their time and their sacrifice, and their time as it is. If that is part of their business and their Company competes and gets the Contract, I do not think that there is anything wrong with that. And, secondly,

you know I, I mean I am not sure, I would like to take, I, to certain extent agree with you, with respect to the competitive nature of what they are doing with respect to the Contracts. I would like to examine how far that goes and set up, look at what the criterias with respect to that. I am not particularly crazy, as Tony has pointed out to us in the past, that we have had to be competing with our own Tax Collection Firm. And, I may ultimately agree with that in the Proposal, but that went through without us even having a chance to take a look at that. And, thirdly, there is some language in there about having to get along with the Tax Assessor-Collector, I think everybody in the County needs to get along with the Tax Assessor-Collector, but in terms of.....because he is a nice guy to get along, look at that face. How can you not get along with that, maybe even without the beard, you can get along with him.”

Mr. Yates stated AIt is not all the time that the Auditor and the Tax Assessor-Collector get together on an issue. In all likely whatever you all vote. I would just like to finish acknowledging who had participated. Just as an aside, we called, and I know our existing Contractor had some difficulties with the Request for Proposal, that is fine, but the other interested parties, they had no specific problems. But be that as it may, if the Court would like, I would like to introduce the rest of them, and then it is up to you all.”

Judge Hinojosa replied AGo ahead.”

Mr. Yates AHenry Gates and Steen.”

Commissioner Peña stated ASteen and Young.”

Mr. Yates replied AI apologize for that. Calame, Linebarger, Graham and Peña. Jeanie Navarro. Purdue, Brandon and Fielder. I believe their Proposal came in late. If the Court rejects these Proposals, then they all have another opportunity. McCreary, Vaselka, Bragg and Allen. William A. Faulk. And Reed, Edener and Moore. Thank you very much.”

Commissioner Matz questioned ADid you receive eight (8) Proposals?

Mr. Yates responded AWe received six (6) of the eight (8). We had to reject one (1) because it arrived at 4:00 P.M. or 4:30 P.M; they arrived afterwards and I believe there was a mistake at Federal Express.

Judge Hinojosa stated AYeah, thank you. And none of these guys have any problems if we reissue the Proposals, right? No? Juan, you do not have any problems, right? I did not think you all did.”

Mr. Yates stated AActually, what I am asking if the Court does approved to reject them.”

Judge Hinojosa responded AWe are not rejecting them. We just need to withdraw them and reissue them. Let us take a look at that and I think I would feel more comfortable, I know Commissioner Cascos was very concerned about it and he is not here to talk but he did ask me to.”

Commissioner Peña stated AHe did not have a concern with that?”

Judge Hinojosa replied "He called me several times."

Commissioner Peña questioned "Did he call you?"

Commissioner Benavides responded "I did not even know he was out of town, but..."

Judge Hinojosa replied "And he did talk to me."

Mr. Yates stated "Then, if we set another date to issue this Request for Proposal..."

Commissioner Matz stated "Well, we have not made a decision; Mark, I would just like to ask a few questions here. Mark, in the evaluation of these Proposals, you have in the Request for Proposal established certain criteria and asked certain questions. Now, the Judge specifically mentioned the "Non-Compete Clause", and he mentioned Elected Officials or Public Officials, I do not think anybody is going to say they can not cooperate with Tony. He just has that look about him. Right Roger?"

Mr. Roger Ortiz replied "That is right."

Commissioner Matz stated "Right. What if we had a firm that came in and said "Hey, we have got a problem with this particular provision and we can not agree to it." And take the "Non-Compete" for example. Does that throw them out or does that just affect the evaluation of the ranking of where they stand overall?"

Mr. Yates responded "Well, I normally speak for my own personal evaluation and not the other Committee Members. It was just affect the degree of ranking. It does not exclude it."

Judge Hinojosa stated "Well, that is not what I understood. I thought, that is unclear, at the very least in setting up the criteria for people to apply. You know, I would agree with that a Request for Proposals that did not mention that, but if that was something during the interview process or something that we did not get a satisfactory answer on, then I feel that is something that we need to consider in determining who we want to hire and who we do not want to hire. But, I do not know that it should be, I mean let us say that you end up with a situation where you have an outstanding firm that has got that, that is going to collect a lot of money for the County, and a mediocre firm that is not going to collect as much money, but they say they are not going to compete against you. You know, what are you going to do?"

Commissioner Matz responded "But, that is not the determinant, Judge. As I understand it..."

Judge Hinojosa replied "That is."

Mr Yates stated "There are a number of components that are determinants"

Judge Hinojosa stated "As I understand, that is a determinative."

Mr. Yates stated "If you have a real strong entity, if they do compete with us, but they can guarantee us the certain level of collections. Then I think that is the direction we need to go, even though they do compete with us."

Commissioner Matz stated "O.K. See. It is not a determinant, Judge."

Judge Hinojosa replied "Well, I do not know that, that is true."

Mr. Yates stated "Well, that is my philosophy and I will share it with you."

Commissioner Matz questioned "Well, who else is on that Committee. You are Tony, right?"

Judge Hinojosa stated "Tony, don't you, and you told me, and maybe I am wrong, that the Request for Proposals basically restricts anybody who accepts this Proposal and gets funded, from competing in the County with the County."

Mr. Yates replied "With our existing Contract."

Mr. Tony Yzaguirre, Tax Assessor-Collector, stated "It says the Contract."

Judge Hinojosa replied "Right. That is right. It says that. That is a prohibition right now in the County, under the Request for Proposal."

Mr. Yates stated "But that does not stop them from servicing their current Contract, or Contract that we do not service."

Mr. Wright stated "The other issue that I think the Court need to look at, I would assume the Firms would be too. I have a serious question, where this whole Proposal Process is based on we are soliciting Professional Services, of all firms. If they will look at their Code of Ethics, there is a real problem competing with your client. There is a real issue here that I think, not only the County needs to be concerned with, but the Law Firm itself. So, I mean that goes beyond what we are talking about here, but I think it is a serious issue."

Commissioner Peña questioned "Is there any of these law firms that have not submitted a Request for Proposal. Have all of them done it? Did everybody complete a deadline?"

Mr. Yates responded "All but two (2) have returned a, I mean all but two (2). One did not make the deadline, one did not submit."

Commissioner Peña "But everybody else submitted?"

Mr. Yates responded "Perdue, Brandon, Fielder, Collins and Mott did not make it."

Commissioner Peña questioned "But, everybody else who is here submitted their Request for Proposals."

Mr. Yates replied "That is right."

Commissioner Peña questioned "And on a timely basis?"

Mr. Yates responded "That is correct."

Commissioner Peña questioned "And nobody else has got any problems whatsoever?"

Mr. Yzaguirre responded "You can ask them, they are right here."

Commissioner Peña asked "You all have any problems with the Request for Proposal that were submitted to you? Anybody? O.k."

Mr. Yates "Thank you very much."

Commissioner Matz questioned "O.k., then Tony, for you, do you see any particular problems as a member of the Tax Committee?"

Mr. Yzaguirre responded "No sir, I sure do not."

Commissioner Matz questioned "And Mark? I am sorry, Doug? Doug, what concerns you?"

Mr. Wright replied "Well, I think Heard Goggan raised some issues that if I had been involved in the preparation of the Request for Proposal, I might have looked at it a different way and requested the information. So from the standpoint of their objections, I think it might have been clarified in a better way. The issue is that we are on a time deadline and if we are going to review; I guess the argument can be made on the other side that everybody is facing the same issue, the same problems, the question of clarification. And I did work some time with Representatives from Heard Goggan. I suggested that they go ahead and present the Proposal and if they felt the clarification was necessary, then add that in also. So, whatever is the Court's desire is, it is up to the Court."

Judge Hinojosa questioned "But, what about the thing on the Elected Officials, I mean. How do you answer that? I mean you have got Elected Officials in all these firms, in a lot of these firms. And I think it, I do not think that is right."

Commissioner Matz stated "Well, let us address that specifically. What did the Request for Proposal say concerning employment or retainers or Contract?"

Mr. Yates responded "The Request for Proposal says no Public Officials shall have interest in this Contract. Now, Public Official, I guess we can clarify that and we can issue an exempt on Board Certification, no Public Official with the ability to vote on this jurisdiction, I think that is some clarification, is that all right?"

Judge Hinojosa questioned "What do you mean. With the ability to vote on what?"

Mr. Yates replied "Or on the specific interest in this Contract."

Judge Hinojosa "I do not understand what you are, if you are saying that none of us can have any interest in that, well, that is automatically assumed in the law, right?"

Commissioner Peña replied "That is by law."

Mr. Juan Peña, Attorney at Law, clarified "Judge, a point of clarification on that issue. When the Request for Proposal came out, it had that verbiage, but it also had that government code that it pertains to. And if you look at that

Government Code, it specifically identifies Public Officials on commissions. It has nothing to do with the Elected Officials on any other ...”

Judge Hinojosa stated AI do not know what you mean by, >on commissions=.”

Mr. Peña replied AO.k. For instance, it specifically precludes the board, if this were a school district it specifically precludes members of that school district on voting on that Contract. That code that was recited on that Request for Proposal is specific as to that. That is what I am trying to say. So, the concern that you have as to some other Elected Officials from other entities, it does not concern them at all.”

Judge Hinojosa questioned AIs that your understanding. If you are an Elected Official, let us say that you are a member of the Legislature, let us just, you know, cut to the chase. If you are a member of the Legislature, can you?”

Mr. Yates responded AThat would make you ineligible.”

Judge Hinojosa questioned AThat would not make the Company ineligible to apply for the Contract?”

Mr. Yates replied ANo, I do not see it making it ineligible.”

Judge Hinojosa questioned AO.k., what about this other provision about having to get along with the Tax Assessor-Collector?”

Commissioner Peña stated AThat is an assumption. Judge, you put it right on the nail. Everybody gets along with him.”

Judge Hinojosa questioned AWell, why is that in the Request for Proposal?”

Commissioner Benavides questioned AWhat happens if we can not get along with Tony?”

Commissioner Matz replied AWell, then you run against him.”

Judge Hinojosa stated AThat raises a lot of questions.”

Mr. Yates stated AThis is not a perfect Request for Proposal and it is not a perfect process. But, I think that everybody has a Proposal in place and I can say that getting along with the Tax Assessor-Collector is probably a very small part of the evaluation.”

Judge Hinojosa questioned AWhat do you all want to do?”

Commissioner Matz responded AI want to go ahead and open Request for Proposals, since we have them on the Agenda. Carlos did not call me.”

Commissioner Benavides questioned AI just want to ask: Who is against this? Raise your hand. Make it real simple. I have not seen any hands or anything like that. Who is against?”

Commissioner Peña stated AI mean, everybody submitted their Request for Proposals and everybody did this on a timely basis, so let us go for it.”

Judge Hinojosa stated "Well, as long as we clarify, let me clarify a couple of things just so that there is not a problem here at all. One, the non-compete provision is not mandatory. Am I right or am I wrong?"

Commissioner Peña stated "That was addressed through our Legal Division."

Judge Hinojosa stated "Well, I have not gotten an answer to that."

Commissioner Peña stated "That was addressed through Doug Wright, that becomes a conflict and that becomes something ethical, that the law firm needs to address. That is exactly what he said. That has already been addressed, Judge."

Judge Hinojosa stated "Well, it is in the Request for Proposal, whether or not they want to. Let me tell you something, if that is the case then we would not have, it would not be in there, right? I mean, because you then would not have. Is it a mandatory in the Contract or not, on the Request for Proposal?"

Mr. Yzaguirre responded "Judge, remember that you all voted on a Resolution to consolidate property taxes. And, how the hell are we ever going to consolidate if we have our own delinquent tax attorney competing against us?"

Judge Hinojosa stated "That is not my question. I just want to know yes...I just want to know, Tony? My question is: Does the Request for Proposal preclude any kind of competition by the Law Firm on tax collection in the County with the County?"

Mr. Wright responded "Legally speaking, no it does not. It sets out back as an issue and it defines with respect to the existing Contracts. And the question was raised; Will you compete with regard to our existing current collection? O.k.? The bottom line is, you gentlemen will make the ultimate decision. The Committee will only recommend, right? So that issue ultimately comes back to your shoulder."

Judge Hinojosa responds "That is fine. I know that. My only concern is that the Request for Proposal, the way it was worded whether or not it precluded an entity that currently competed with the County on Tax Collection from applying from submitting a Proposal. And the answer to that is, no."

Mr. Yates replied "No, and I agree."

Judge Hinojosa stated "And then the answer to my question as to whether an Elected Official that is a Member of the Legislature, or that is not a member of this Commission, or that will have a direct financial interest, can not submit a Proposal and your answer is, yes, he can submit."

Mr. Wright replied "Yes."

Judge Hinojosa stated "And, then the question is whether or not he can get along with the Tax Assessor-Collector?"

Mr. Yzaguirre replied "Everybody can get along with me."

Judge Hinojosa stated Alf that is the case, then I will move to Table my motion.”

Commissioner Matz replied Al will second.”

Upon motion by Judge Hinojosa, seconded by Commissioner Matz and carried unanimously, this Item was **(TABLED)**.

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(16) IN THE MATTER OF THE CONTRACT WITH CROSLIN AND ASSOCIATES INCORPORATED FOR ARCHITECTURAL DESIGN SERVICES FOR THE CAMERON COUNTY BOOT CAMP AND EDUCATIONAL CENTER (TABLED)

At this time, Commissioner Matz questioned whether the Contract was reviewed by County Counsel and expressed concerned regarding the fees and the Mr. Doug Wright responded that the Contract had been reviewed by Ms. Dylbia Jefferies, County Counsel.

Mr. Remi Garza, Executive Assistant to the County Judge, requested that the Contract be approved, pending the States approval and the suggestion was made to Table this Item.

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

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(17) APPROVAL OF THE CONTRACT FOR JANITORIAL/CUSTODIAL SERVICES AT THE LA FERIA BRANCH-TAX OFFICE BETWEEN MS. ELVA SAUCEDA AND CAMERON COUNTY

Upon motion by Commissioner Peña, seconded by Commissioner Matz and carried unanimously, the Contract for Janitorial/Custodial Services at the La Feria Branch-Tax Office, between Ms. Elva Saucedo and Cameron County, was approved.

The Contract is as follows:

(18) AUTHORIZATION TO APPROVE THE LEASE AGREEMENT BETWEEN VALLEY BAPTIST MEDICAL DEVELOPMENT CORPORATION AND CAMERON COUNTY HEALTH DEPARTMENT WOMEN, INFANTS, AND CHILDREN-S PROGRAM

Commissioner Peña moved that the Lease Agreement between Valley Baptist Medical Development Corporation and Cameron County Health Department Women, Infants, and Children-s Program be approved.

The motion was seconded by Commissioner Matz and carried unanimously.

The Lease Agreement is as follows:

(19) AUTHORIZATION TO AWARD THE PROFESSIONAL SERVICE CONTRACT TO THE ENVIRONMENTAL CONSULTANTS INCORPORATED OF HARLINGEN, TEXAS AND TO APPROPRIATE FUNDS TO THE PROPERTY MANAGEMENT COORDINATOR TO ADVERTISE FOR ASBESTOS ABATEMENT AT 35 ORANGE STREET, BROWNSVILLE, CAMERON COUNTY, TEXAS

Upon motion by Commissioner Peña, seconded by Commissioner Matz and carried unanimously, the Professional Service Contract was awarded to the Environmental Consultants Incorporated of Harlingen, Texas; and the funds were appropriated to the Property Management Coordinator to advertise for Asbestos Abatement at 35 Orange Street, Brownsville, Cameron County, Texas.

(20) AUTHORIZATION TO EXECUTE THE SUBRECIPIENT GRANT AGREEMENT BETWEEN THE TEXAS GENERAL LAND OFFICE AND THE CAMERON COUNTY PARKS SYSTEMS FOR THE APPROVED AMOUNT OF \$47,000.00 GRANT FOR THE LAGUNA STATION IMPROVEMENTS IN ISLA BLANCA PARK

Commissioner Benavides moved that the Subrecipient Grant Agreement between the Texas General Land Office and the Cameron County Parks Systems be executed for the approved amount of \$47,000.00 Grant for the Laguna Station improvements in Isla Blanca Park.

The motion was seconded by Commissioner Matz and carried unanimously.

(21) APPROVAL TO CONTRACT TWO (2) COMPUTER INPUT SPECIALISTS FOR THE UNIFIED NARCOTIC INTELLIGENCE TASK-FORCE

Upon motion by Commissioner Peña, seconded by Commissioner Matz and carried unanimously, two (2) Computer Input Specialists were contracted for the Unified Narcotic Intelligence Task-Force.

The Contracts are as follow:

CONSENT AGENDA ITEM

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

At this time, Commissioner Benavides expressed concern regarding Item No. 22 Ac” as to the cost and purpose of the trip to Mexico.

Ms. Yvette Salinas, Health Department, explained that the hosting organization requested two (2) Health Department employees to make a presentation at the International Conference and added that the funds would be allocated from the Health Department-s Program Grant Funds.

Upon motion by Commissioner Benavides, seconded by Commissioner Peña and carried unanimously, the AConsent” Agenda Items were approved as follow:

(22) APPROVAL OF TRAVEL AND/OR TRAVEL EXPENSES FOR THE FOLLOWING, SUBJECT TO FUNDS IN THEIR BUDGET:

- a) Justice of the Peace Precinct No. 2, Place 2, to attend the AJudicial Seminar” in San Antonio, Texas, on February 23-26, 1997;
- b) Health Administrator to serve as a member of the Steering Committee for the Children-s Health Transition Project in Austin, Texas, on March 3, 1997;
- c) Two (2) Health Department employees to make a Breast-feeding Presentation in Hermosillo, Sonora, Mexico, on March 11-14, 1997;
- d) Health Department employee to attend a ATwo (2) Day Training on County Indigent Health Care Program” in McAllen, Texas, on March 5-7, 1997;
- e) Commissioner Precinct No. 3 to attend the AGeneral Land Office-s Texas Costal Issues Conference” in Corpus Christi, Texas, on March 24-25, 1997;
- f) Cameron Park Community Center Director to attend the ATexas A & M Center for Housing And Urban Development Colonia Project” in El Paso, Texas, on February 23, 1997, through March 1, 1997;
- g) Two (2) Unified Narcotics Intelligence Task-Force Agents to meet with Drug Enforcement Administration (DEA) Agent In Charge and Agent Personnel in reference to Case No. MA-96-0176;
- h) Unified Narcotics Intelligence Task-Force Director to attend a AHigh Intensity Drug Trafficking Area (HIDTA) Executive Committee Meeting” in San Antonio, Texas on February 11,

1997, and a "Briefing and Presentation to DEA" in Corpus Christi, Texas, on February 13, 1997;

- i) Vehicle Maintenance Director to attend the "Recycle/Used Oil Conference" in Dallas, Texas, on February 24-25, 1997;
- j) Personnel/Safety Risk Director and Personnel/Benefit Specialist to attend the "Texas Association of Counties 1997 County Management Institute Workshops" in Austin, Texas, on March 18-21, 1997; and
- k) County Judge Administrative Assistant and Executive Secretary to attend the "Texas Association of Counties 1997 County Management Institute Workshops" in Austin, Texas, on March 18-21, 1997.



(23) AUTHORIZATION TO OPEN BIDS/REQUEST FOR PROPOSALS FOR REQUEST FOR PROPOSAL NO. 970202-1730, FOR DELINQUENT TAX ATTORNEY AT 9:00 A.M. ON WEDNESDAY, FEBRUARY 26, 1997, IN THE COMMISSIONERS' COURTROOM

(24) PRELIMINARY AND FINAL APPROVAL

a) Precinct No. 4

Aguilar Estates No. 2 - the North ten (10) acres of Block No. 167, Adams Gardens Subdivision AC"; and

b) Precinct No. 2

Garcia Cantu Subdivision - 2.34 acres being a replat of the Northeast Quarter (NE 1/4) of Block No. 3, Olmito Gardens Tract.

(25) AUTHORIZATION TO RENEW THE AWARD OF ANNUAL BID NO. 1970 SOLID WASTE DISPOSAL FOR THE PARKS SYSTEM DEPARTMENT FOR ONE (1) ADDITIONAL YEAR

WASTE MANAGEMENT OF SOUTH TEXAS - Brownsville, Texas
Yard Containter - B.F.I./3 C.Y. Waste Management South Texas

1 Dump per week	2 Dump per week	3 Dump per week
\$58.05	\$116.10	\$174.15

(26) AUTHORIZATION TO ADVERTISE FOR BIDS FOR TWO (2) COMPACT PICKUP TRUCKS - PARKS SYSTEM DEPARTMENT



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



APPROVED this **19th** day of **March, 1997**.

GILBERTO HINOJOSA
COUNTY JUDGE

ATTEST:

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