

**THE STATE OF TEXAS  
COUNTY OF ZAPATA  
IN THE COMMISSIONERS COURT OF ZAPATA COUNTY, TEXAS**

Be it remembered, that on this the 9<sup>th</sup> day of August, A. D., 2010, the Commissioners Court of Zapata County, Texas, convened in **REGULAR SESSION** of said Court, at the regular meeting place thereof, in the Courthouse of Zapata, Texas, with the following members of said Court, to-wit:

**PRESENT:**

Hon. Rosalva Guerra	County Judge
Jose Emilio Vela	Commissioner, Precinct No. 1
Gabriel Villarreal	Commissioner, Precinct No. 2
Eddie Martinez	Commissioner, Precinct No. 3
Norberto Garza	Commissioner, Precinct No. 4
Saíd Alfonso Figueroa	County Attorney
Mary Jayne Villarreal-Bonoan	County Clerk

**VISITORS:** Romeo Salinas, Doroteo N. Garza, Mario Gonzalez-Davis, Audie Hernandez, Nellie R. Treviño, Jose F. Mendoza, Roger Miller, Delia Mendoza, Luis L. Gonzalez, Juan J. Meza, Bobbie Meza, Lupe Canales, Pete Canales, Paco Mendoza, San Juanita Sanchez, Alicia C. Villarreal, Diana C. Villarreal, Caleb Eaton, Manuel Gonzalez, Jr., and Brian Martinez.

**WHEREUPON**, the following Orders and Proceedings were had by said Court, to-wit:

**MEETING CALLED TO ORDER AT 9:00 A. M.**

**PLEDGE OF ALLEGIANCE**

**PRAYER BY REV. ROGER MILLER**

**ORDER APPROVING MINUTES FOR MEETING OF JULY 12, 2010**

Motion was made by Commissioner Vela, seconded by Commissioner Martinez, to approve the Minutes of July 12, 2010 as presented by Mary Jayne Villarreal-Bonoan, County Clerk.

The above motion, being put to a vote, was approved by the affirmative vote of all members of the Court.

**COMMUNICATIONS**

Dr. Edmundo Garcia, Zapata County Medical Group, presented Commissioners' Court his monthly report. He stated that the clinic is trying to cut down on same day services where two entities are trying to collect. This is common when children seen at one clinic will be taken to a different clinic if no improvement is seen in 24 hours. BCBS is the private insurance from

which the highest percentage is being collected. The clinic will not ask for more money for this fiscal year. (Report is attached for the record.)

**ORDER DESIGNATING COUNTY ATTORNEY TO REVISE  
EMPLOYEE POLICY MANUAL AND CLARIFY “TEMPORARY”  
PART - TIME EMPLOYEES**

Motion was made by Commissioner Vela, seconded by Commissioner Garza, to designate County Attorney to revise Employee Policy Manual and clarify “temporary” part-time employees’ fringe benefits on page 5 as requested by Romeo Salinas, County Treasurer.

The above motion, being put to a vote, was approved by the affirmative vote of all members of the Court.

**ORDER APPROVING RESOLUTION FOR OPERATION BORDER  
STAR SECURITY PROGRAM**

Motion was made by Commissioner Garza, seconded by Commissioner Martinez, to approve a Resolution for Operation Border Star Security Program as requested by Victor Sermino, Zapata County Sheriff’s Department.

The above motion, being put to a vote, was approved by the affirmative vote of all members of the Court.

**ORDER SETTING FEES FOR CIVIL SERVICES BY ZAPATA COUNTY  
SHERIFF’S OFFICE AND ZAPATA COUNTY CONSTABLES**

Motion was made by Commissioner Garza, seconded by Commissioner Vela, to approve fees charged for civil services by the Zapata County Sheriff’s Office and Zapata County Constables; fees are to remain the same as per Sheriff’s recommendation, as requested by County Judge Rosalva Guerra.

The above motion, being put to a vote, was approved by the affirmative vote of all members of the Court.

**NO ACTION WAS TAKEN ON REQUEST BY ROSENDO CANALES III TO  
FACILITATE PARKS FOR THE JUST ATHLETES INC. YOUTH FOOTBALL  
LEAGUE AS NEEDED FOR PRACTICE FIELDS**

**REPORT OF ZAPATA COUNTY WATERWORKS AND SEWER DEPARTMENT  
REGARDING EMERGENCY FLOOD PREPARATION AT RAW WATER  
PUMPS AND SEWER LIFT STATIONS**

Manuel Gonzalez, Premier Engineering, gave a report on the Zapata County Waterworks and Sewer Department regarding emergency flood preparation at raw water pumps and sewer lift stations. Mr. Gonzalez stated that caliche was brought to the raw water pump location and the area was built up. A diesel generated pump was rented to provide water to the town. The

communications antenna was removed from the erosion area. Electrical panels were lifted. Some lift stations were shut down because they were underwater.

### **COMMUNICATIONS**

Amada Gonzalez, from the Appraisal District clarified that there was no error in the Preliminary Certified Value reported. The reported amount is \$2,697,851,879.00.

Judge Guerra reminded the court that the public hearing for the County Budget is scheduled for September 13, 2010 before the Commissioner's Court meeting.

Judge Guerra also communicated that the San Ygnacio Ladies Club presented Commissioners' Court with a plaque.

MaryJayne Villarreal-Bonoan, County Clerk, advised Commissioners' Court that Norma Mendoza from the Food Pantry had submitted a copy of the Food Pantry's Report for the record. Ms. Mendoza was unable to be present due to a family emergency.

Romeo Salinas, County Treasurer, stated that Ms. Mendoza from the Food Pantry had not been included in the Proposed Budget. Judge Guerra advised Mr. Salinas that Ms. Mendoza was being transferred to the museum. Mr. Salinas also commented that the salary for the bus drivers had been lowered and that two salaries in another department have been eliminated. After a brief discussion among them, Judge Guerra advised Mr. Salinas that she would not entertain discussion on the budget and that a public hearing would be held on September 13. Judge Guerra held Mr. Salinas in contempt of court and asked that he be removed from Commissioners' Court.

### **DEPARTMENTAL REPORTS**

Caleb Eaton, Zapata County Extension Agent, presented Commissioners' Court with the monthly written report for June. (Report attached for the record.)

Luis Lauro Gonzalez, Zapata County Tax Assessor/Collector, reported that the tax office collected \$14,494.64 in Hotel Motel Tax fees and 97% in tax fees were collected for the month of July.

### **ORDER APPROVING INVOICES**

Motion was made by Commissioner Martinez, seconded by Commissioner Garza, to approve invoices as presented by Doroteo N. Garza, County Auditor.

The above motion, being put to a vote, was approved by the affirmative vote of all members of the Court.

**MONTHLY BUSINESS REPORT OF ZAPATA COUNTY ECONOMIC  
DEVELOPMENT CENTER**

(No one was present to give report.)

**ORDER APPROVING 2010-2011 HOLIDAY SCHEDULE**

Motion was made by Commissioner Vela, seconded by Commissioner Garza, to approve the 2010-2011 Holiday Schedule as requested by Nellie Treviño, Personnel Director.

The above motion, being put to a vote, was approved by the affirmative vote of all members of the Court.

**ORDER APPROVING 2010-2011 ZAPATA COUNTY COMMISSIONERS'  
COURT REGULAR MEETING SCHEDULE**

Motion was made by Commissioner Martinez, seconded by Commissioner Vela, to approve the 2010-2011 Zapata County Commissioners Court Regular Meeting schedule as requested by County Judge Rosalva Guerra.

The above motion, being put to a vote, was approved by the affirmative vote of all members of the Court.

**ORDER APPROVING USE OF ZAPATA COUNTY FAIR GROUNDS  
FOR SCHOOL SUPPLY CAR SHOW**

Motion was made by Commissioner Garza, seconded by Commissioner Vela, to approve the use of the Zapata County Fair Grounds for the School Supply Car Show on August 22, 2010 as requested by Jaime Peña, Nuestro Orgullo Car Club.

The above motion, being put to a vote, was approved by the affirmative vote of all members of the Court.

**ORDER DENYING REQUEST BY KARRAN WESTERMAN, CVB PRESIDENT,  
TO REQUEST REMAINING BUDGET BALANCE FOR CONVENTION &  
VISITORS BUREAU FOR 2009-2010 BUDGET**

Motion was made by Commissioner Martinez, seconded by Commissioner Vela, to deny request by Karran Westerman, CVB President, to request the remaining budget balance for the Convention & Visitors Bureau from the 2009-2010 budget.

The above motion, being put to a vote, was approved by the affirmative vote of all members of the Court.

**ORDER AWARDING BID FOR LAS PALMAS WATER TANK IMPROVEMENT**

Motion was made by Commissioner Garza, seconded by Commissioner Martinez, to award bid for the Las Palmas Water Tank Improvement to DEH, being the lowest bidder, with a bid of \$136,114.00. Funding to be obtained from line item 10-001-750 Capital Outlay Carryover as requested by Carlos Treviño, Jr., Waterworks Manager.

The above motion, being put to a vote, was approved by the affirmative vote of all members of the Court.

**ORDER DENYING REQUEST BY JOSE E. VELA,  
COMMISSIONER PRECINCT ONE, TO APPROVE PROPOSAL  
BY FLORES AUDITING, PLLC TO ASSIST COUNTY IN COMPLIANCE  
WITH GOVERNMENT AUDITS STANDARDS**

Motion was made by Commissioner Garza, seconded by Commissioner Villarreal, to deny request by Jose E. Vela, Commissioner Pct. 1, to approve a proposal by Flores Auditing, PLLC to assist Zapata County in compliance with governmental audits standards when dealing with the state and federal grants.

The above motion, being put to a vote, was approved by the affirmative vote Commissioner Garza, Villarreal and Judge Guerra. Commissioner Vela voted against. Commissioner Martinez abstained. Motion carried.

**ORDER APPROVING OFFICIAL FIVE-MEMBER COMMITTEE AND  
APPLY POLICIES OF FALCON COMMUNITY CEMETERY**

Motion was made by Commissioner Garza, seconded by Commissioner Martinez, to approve an official five-member committee and apply policies of the Falcon Community cemetery. Members appointed are: Amada V. Salinas, Maria Adelina Guerra, Isidro Ramirez, Lourdes Ramirez, and Ninfa R. Gracia as requested by Jose E. Vela, Commissioner Pct. 1.

The above motion, being put to a vote, was approved by the affirmative vote of all members of the Court.

**ORDER APPROVING BURIAL POLICY FOR FALCON  
COMMUNITY CEMETERY**

Motion was made by Commissioner Villarreal, seconded by Commissioner Martinez, to approve a burial policy for Falcon Community Cemetery as recommended by the Falcon Community residents as requested by Jose E. Vela, Commissioner Pct. 1.

The above motion, being put to a vote, was approved by the affirmative vote of all members of the Court.

**ORDER APPROVING FALCON COMMUNITY PARK USER AGREEMENT**

Motion was made by Commissioner Garza, seconded by Commissioner Villarreal, to approve the Falcon Community Park User Agreement for special functions are requested by Jose E. Vela, Commissioner Pct.1.

The above motion, being put to a vote, was approved by the affirmative vote of all members of the Court.

**ORDER APPOINTING A MEMBER OF ZAPATA COUNTY COMMISSIONERS' COURT TO SERVE ON COMMUNITY JUSTICE COUNCIL**

Motion was made by Commissioner Vela, seconded by Commissioner Garza, to appoint Commissioner Gabriel Villarreal to serve on the Community Justice Council as requested by County Judge Rosalva Guerra.

The above motion, being put to a vote, was approved by the affirmative vote of all members of the Court.

**ORDER REAPPOINTING COMMISSIONER VELA AS A MEMBER OF BORDER REGION MHMR COMMUNITY CENTER BOARD OF TRUSTEES**

Motion was made by Commissioner Garza, seconded by Commissioner Martinez, to reappoint Commissioner Vela as a member of the Border Region MHMR Community Center Board of Trustees as requested by County Judge Rosalva Guerra.

The above motion, being put to a vote, was approved by the affirmative vote of all members of the Court.

**ORDER APPROVING NEW FEE SCHEDULE FOR OSWALDO H. AND JUANITA G. RAMIREZ EXHIBIT HALL**

Motion was made by Commissioner Vela, seconded by Commissioner Martinez, to approve new fee schedule for the Oswaldo H. and Juanita G. Ramirez Exhibit Hall as requested by Brian Martinez, Zapata County Judge's Office.

The above motion, being put to a vote, was approved by the affirmative vote of all members of the Court.

**ORDER APPROVING USE OF OSWALDO H. AND JUANITA G. RAMIREZ EXHIBIT HALL PENDING AVAILABILITY OF ZAPATA COUNTY RODEO ARENA**

Motion was made by Commissioner Garza, seconded by Commissioner Martinez, to approve the use of the Oswaldo H. and Juanita G. Ramirez Exhibit Hall on the dates of September 10 through September 12 or September 17 through September 19, pending availability of the Zapata County Rodeo Arena. This will be used for the Zapata County Convention and Visitors Bureau Annual Team Roping Events as requested by Karran Westerman, CVB President.

The above motion, being put to a vote, was approved by the affirmative vote of all members of the Court.

**ORDER APPROVING TO REQUEST FUNDS FROM SECTION 74.602 OF TEXAS PROPERTY CODE FROM TEXAS COMPTROLLER OF PUBLIC ACCOUNTS**

Motion was made by Commissioner Garza, seconded by Commissioner Vela, to approve to request fund from Section 74.602 of the Texas Property Code from the Texas Comptroller

of Public Accounts effective July 25, 2010 for programs under Section 381.04 of the Local Government Code as requested by County Judge Rosalva Guerra.

The above motion, being put to a vote, was approved by the affirmative vote of all members of the Court.

**ORDER APPROVING AUTHORIZATION TO MAINTAIN TEXAS  
COUNTY & DISTRICT RETIREMENT SYSTEM PLAN  
PROVISIONS FOR PLAN YEAR 2011**

Motion was made by Commissioner Garza, seconded by Commissioner Vela, to approve authorization to maintain the Texas County & District Retirement System plan provisions for plan year 2011 as requested by County Judge Rosalva Guerra.

The above motion, being put to a vote, was approved by the affirmative vote of all members of the Court.

**ORDER APPROVING TO HIRE DANNY ARAMBULA IN SLOT #5 AT  
ENVIRONMENTAL DEPARTMENT**

Motion was made by Commissioner Garza, seconded by Commissioner Martinez, to approve hiring of Danny Arambula in slot #5 at Environmental Department at \$7.75 per hour as requested by Martin Saenz, Environmental Department.

The above motion, being put to a vote, was approved by the affirmative vote of all members of the Court.

**ORDER APPROVING SPEED HUMP**

Motion was made by Commissioner Vela, seconded by Commissioner Garza, to approve installation of speed humps at the following addresses:

- 790 Vista Hermosa
- Falcon and Carrizo

as requested by Eddie Martinez, Commissioner Pct. 3.

The above motion, being put to a vote, was approved by the affirmative vote of all members of the Court.

**ORDER APPROVING LINE ITEM TRANSFERS**

Motion was made by Commissioner Vela, seconded by Commissioner Garza, to approve the following line item transfers:

From: Waste Water	08-602-341	Chlorine & Chemical	\$23,000.00
To: Waste Water	08-602-336	Repairs & Maintenance	\$23,000.00
From: Waste Water	08-602-462	Equipment Rental	\$5,000.00
To: Waste Water	08-602-336	Repairs & Maintenance	\$5,000.00

From: Waste Water	802-602-311	Postage	\$3,000.00
To: Waste Water	802-602-336	Repairs & Maintenance	\$3,000.00
From: Waste Water	802-602-481	State Fees	\$2,000.00
To: Waste Water	802-602-336	Repairs & Maintenance	\$2,000.00
From: Waste Water	802-602-489	Refunds	\$500.00
To: Waste Water	802-602-336	Repairs & Maintenance	\$500.00

to meet budget requirements as requested by Carlos Treviño, Jr., Water Works Manager.

The above motion, being put to a vote, was approved by the affirmative vote of all members of the Court.

Motion was made by Commissioner Vela, seconded by Commissioner Garza, to approve the following line item transfers:

From: County Judges Office	10-400-400	Indigent Defense	\$1,941.47
To: County Judges Office	10-409-732	Border MHMR	\$1,941.47

to meet budget requirements as requested by County Judge Rosalva Guerra.

The above motion, being put to a vote, was approved by the affirmative vote of all members of the Court.

Motion was made by Commissioner Vela, seconded by Commissioner Garza, to approve the following line item transfers:

From: County Shop	15-621-427	Workshops & Travel	\$3,468.20
To: County Shop	15-621-205	Uniforms	\$3,468.20

From: County Shop	15-621-335	Computer Expense	\$1,000.00
To: County Shop	15-621-205	Uniforms	\$1,000.00

to meet budget requirements as requested by Jose Mendoza, Supervisor County Shop.

The above motion, being put to a vote, was approved by the affirmative vote of all members of the Court.

Motion was made by Commissioner Vela, seconded by Commissioner Garza, to approve the following line item transfers:

From: Precinct 2	10-002-428	Travel	\$2,800.00
To: Precinct 2	10-002-392	Parks	\$2,800.00

to meet budget requirements as requested by Gabriel Villarreal, Commissioner Pct. 2.

The above motion, being put to a vote, was approved by the affirmative vote of all members of the Court.

Motion was made by Commissioner Vela, seconded by Commissioner Garza, to approve the following line item transfers:



From: Nutrition Program	38-647-330	Fuel & Lubricants	\$500.00
To: Nutrition Program	38-647-454	Repair & Maintenance	\$500.00
From: Nutrition Program	38-648-330	Fuel & Lubricants	\$500.00
To: Nutrition Program	38-648-454	Repair & Maintenance	\$500.00
From: Nutrition Program	38-648-330	Fuel & Lubricants	\$500.00
To: Nutrition Program	38-648-454	Repair & Maintenance	\$500.00
From: Nutrition Program	38-647-336	Raw Food	\$500.00
To: Nutrition Program	38-647-467	Non-Food Consumables	\$500.00
From: Nutrition Program	38-647-427	Travel	\$500.00
To: Nutrition Program	38-647-456	Equipment & Maintenance	\$500.00
From: Nutrition Program	38-648-427	Travel	\$500.00
To: Nutrition Program	38-648-467	Non-Food Consumables	\$500.00
From: Nutrition Program	38-645-330	Fuel & Lubricants	\$500.00
To: Nutrition Program	38-645-336	Repair & Maintenance	\$500.00
From: Nutrition Program	38-645-427	Travel	\$500.00
To: Nutrition Program	38-645-336	Repair & Maintenance	\$500.00

to meet budget requirements as requested by Carmen Reyes, Nutrition Program Director.

The above motion, being put to a vote, was approved by the affirmative vote of all members of the Court.

Motion was made by Commissioner Vela, seconded by Commissioner Garza, to approve the following line item transfers:

From: County Attorney	10-475-311	Postage	\$500.00
To: County Attorney	10-475-392	Misc. Maintenance Expense	\$500.00
From: County Attorney	10-475-462	Equipment rental	\$3,000.00
To: County Attorney	10-475-392	Misc. Maintenance Expense	\$3,000.00
From: County Attorney	10-475-454	Vehicle Expense	\$3,000.00
To: County Attorney	10-475-392	Misc. Maintenance Expense	\$3,000.00

to meet budget requirements as requested by Said A. Figueroa, County Attorney.

The above motion, being put to a vote, was approved by the affirmative vote of all members of the Court.

Motion was made by Commissioner Vela, seconded by Commissioner Garza, to approve the following line item transfers:

From: Environmental	10-595-330	Fuel	\$10,000.00
To: Environmental	10-595-456	Maintenance	\$10,000.00

to meet budget requirements as requested by Martin Saenz, Environmental Department.

The above motion, being put to a vote, was approved by the affirmative vote of all members of the Court.

**MOTION WAS MADE BY COMMISSIONER GARZA, SECONDED BY  
COMMISSIONER MARTINEZ, TO ENTER INTO EXECUTIVE SESSION**

**MOTION WAS MADE BY COMMISSIONER VILLARREAL, SECONDED BY  
COMMISSIONER MARTINEZ TO RETURN TO REGULAR SESSION**

**ORDER AUTHORIZING LEGAL COUNSEL TO PREPARE DISMISSAL  
DOCUMENTS REGARDING CAUSE NO. 7506 AND AUTHORIZING COUNTY  
JUDGE TO SIGN ALL LEGAL DOCUMENTS**

Motion was made by Commissioner Villarreal, seconded by Commissioner Garza, to authorize legal counsel to proceed to prepare dismissal documents regarding Cause No. 7506; Zapata County, Texas vs. Joel Ruiz and Ana Maria Ruiz; in the 49<sup>th</sup> Judicial District Court, Zapata County, Texas and authorize County Judge to sign all legal documents as requested by Juan Cruz of Escamilla, Poneck & Cruz, LLP.

The above motion, being put to a vote, was approved by the affirmative vote of all members of the Court.

**NO ACTION WAS TAKEN ON REQUEST BY JUAN CRUZ OF ESCAMILLA,  
PONECK & CRUZ, LLP ON STATUS OF NEGOTIATIONS AND PURCHASE  
OF LOT ONE HUNDRED NINETY-FOUR (194) AND LOT ONE HUNDRED  
NINETY-SIX (196), BLOCK THIRTY-EIGHT (38), SITUATED IN THE TOWN  
OF SAN YGNACIO, ZAPATA COUNTY, TEXAS FROM JERRY LEE CORDS**

**NO ACTION WAS TAKEN ON REQUEST BY JUAN CRUZ OF ESCAMILLA,  
PONECK & CRUZ, LLP ON STATUS OF TELECOMMUNICATION LEASE  
AGREEMENT BETWEEN ZAPATA COUNTY AND TCI CABLEVISION OF  
SOUTH TEXAS**

**NO ACTION WAS TAKEN ON REQUEST BY NELLIE TREVIÑO,  
PERSONNEL DIRECTOR, REGARDING PERSONNEL MATTERS**

**NO ACTION WAS TAKEN ON REQUEST BY COUNTY JUDGE ROSALVA GUERRA TO APPROVE RESIGNATION OF HENRY MARTINEZ, CONSTABLE PRECINCT TWO**

**ORDER APPOINTING COUNTY JUDGE, COUNTY AUDITOR AND PERSONNEL DIRECTOR TO BE SOLE RESPONSIBLE PARTIES IN CHARGE OF TELEPHONE SYSTEM, RETIREMENT SYSTEM, INSURANCE AND ELECTRIC UTILITY FOR COUNTY OF ZAPATA**

Motion was made by Commissioner Villarreal, seconded by Commissioner Garza, to appoint the County Judge, County Auditor, and Personnel Director to be the sole responsible parties in charge of the telephone system, retirement system, insurance, and electric utility for the County of Zapata effective immediately as requested by County Judge Rosalva Guerra.

The above motion, being put to a vote, was approved by the affirmative vote Commissioner Villarreal, Garza and Martinez. Commissioner Vela voted against. Motion carried.

**ADJOURN**

Motion to adjourn was made by Commissioner Garza, seconded by Commissioner Martinez, and being put to a vote, was approved by the affirmative vote of all members of the Court.

There being no further business for disposition at this term, the Court adjourned.

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ROSALVA GUERRA, COUNTY JUDGE  
ZAPATA COUNTY, TEXAS

ATTEST:

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MARY JAYNE VILLARREAL-BONOAN  
COUNTY CLERK AND EX-OFFICIO CLERK  
OF THE COMMISSIONERS COURT OF  
ZAPATA COUNTY, TEXAS