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

Be it remembered, that on this the 23rd day of September A. D., 2013, 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. Joseph Rathmell County Judge

Jose Emilio Vela

Gabriel Villarreal

Eddie Martinez

Norberto Garza

Commissioner, Precinct No. 2

Commissioner, Precinct No. 3

Commissioner, Precinct No. 4

Saíd Alfonso Figueroa County Attorney Mary Jayne Villarreal-Bonoan County Clerk

VISITORS: Triunfo Gonzalez, Auddy Hernandez, Romeo Salinas, Brian J. Martinez, Juan J. Meza, Maria I. Gutierrez, Joyce Currington, Luis Lauro Gonzalez, Roger Miller, Nellie R. Treviño, Jose F. Mendoza, Diana Cuellar Villarreal, Dora A. Martinez, Pete Garza, Carlos Treviño, Jr., Mario Gonzalez-Davis, Dioni Hernandez, Delia Mendoza, Jeff Snowden, Mike Chapa, Bobbie Meza-Barrera, Guillermo Saenz, Avon Hatfield, Dr. Hildegardo Flores, Omelia Zapata, Daniel Martinez, and Elvia Chapa.

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

#### PUBLIC HEARING CALLED TO ORDER AT 9:00 A. M.

INTERESTED PARTIES COMMENTED AND MADE RECOMMENDATIONS ON PROPOSED BUDGET FOR FISCAL YEAR 2013-2014 BUDGET

PUBLIC HEARING WAS CONCLUDED AND COMMISSIONERS' COURT MEETING WAS CALLED TO ORDER AT 9:30 A. M.

ROLL CALL BY MARY JAYNE VILLARREAL-BONOAN, COUNTY CLERK

INVOCATION BY REV. ROGER MILLER

PLEDGE OF ALLEGIANCE

#### **COMMUNICATIONS**

Brian Martinez reported that he had communicated with Homer Carrizales of ZTAC program. ZTAC and the Zapata County Transportation Department will be working together in order to maximize the services.

Mario Gonzalez-Davis reported that Nelda Garza of TDACDBG will be here for a site visit.

Commissioners' Court presented retires with plaques as follows:

Mario Gonzalez-Davis 23 years of service

Mike Chapa 37 years of service

Elvia Chapa 33 years of service.

#### ORDER APPROVING INVOICES

Motion was made by Commissioner Vela, seconded by Commissioner Garza, to approve invoices as presented by Triunfo Gonzalez, County Auditor.

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

#### ORDER APPROVING CHECKS ISSUED

Motion was made by Commissioner Garza, seconded by Commissioner Martinez, to approve checks issued as requested by Hon. Romeo Salinas, County Treasurer.

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

## PRESENTATION BY CAPEX CONSULTING GROUP OF WATER AND WASTEWATER RATE STUDY CONSIDERATION AND ORDER ACCEPTING RECOMMENDATIONS AND INITIATING DRAFTING OF ORDINANCE

A presentation on Water and Wastewater Rate Study Consideration was made by Jeff Snowden of Capex Consulting Group. Mr. Snowden stated that there are 200 new water connections. The County is looking at increase in rates over the next 5 years to meet the debt service payment. His recommendation is to draft a Rate Ordinance. (Presentation attached for the record.)

Motion was made by Commissioner Vela, seconded by Commissioner Martinez, to accept the recommendation to initiate the drafting of a Rate Ordinance as requested by Hon. Joe Rathmell, County Judge and Jeff G. Snowden, Capex Consulting.

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

## PUBLIC HEARING WAS RE-OPENED AND CALLED TO ORDER AT APPROXIMATELY 10:00 A. M.

## PROPOSED BUDGET CHANGES WERE HEARD AND VOTED ON PUBLIC HEARING WAS CONCLUDED

#### ORDER ADOPTING COUNTY BUDGET FOR FISCAL YEAR 2013-2014

Motion was made by Commissioner Vela, seconded by Commissioner Martinez, to adopt and approve the County Budget for Fiscal Year 2013-2014, with recommendations and changes as approved by majority of vote, as requested by Triunfo Gonzalez, County Auditor.

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

#### ORDER APPROVING TREASURER'S REPORT

Motion was made by Commissioner Vela, seconded by Commissioner Villarreal, to approve Treasurer's Report as presented 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 ANNUAL AUDIT FOR FISCAL YEAR 2013

Motion was made by Commissioner Garza, seconded by Commissioner Martinez, to approve the annual audit for fiscal year 2013 as requested by Hon. Joe Rathmell, County Judge and Jorge Flores, Flores Auditing, PLLC.

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

#### ORDER APPROVING TAX RATE FOR FISCAL YEAR 2013-2014

Motion was made by Commissioner Martinez, seconded by Commissioner Vela, to approve the tax rate of \$0.810000 per \$100 valuation for Fiscal Year 2013-2014 and that the Order Setting the Tax Rate be approved as follows:

General fund	0.614000
Interest and Sinking Fund	0.145974
Special Road & Bridge	0.050000
F.M./Flood Control	0.000026
TOTAL TAX	0.810000

as requested by Triunfo Gonzalez, County Auditor.

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

## ORDER SETTING SALARIES AND NUMBER OF POSITIONS BY APPROVING GENERAL ORDER OF PERSONNEL FOR FISCAL YEAR 2013-2014

Motion was made by Commissioner Vela, seconded by Commissioner Villarreal, to approve to set salaries and the number of positions by approving the "General Order of Personnel for Fiscal Year 2013-2014 as request by Triunfo Gonzalez, County Auditor.

## ORDER APPROVING OPERATION GENERAL ORDER FOR FISCAL YEAR 2013-2014

Motion was made by Commissioner Martinez, seconded by Commissioner Garza, to approve request by County Auditor Triunfo Gonzalez, to approve the "Operation General Order for Fiscal Year 2013-2014".

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

## ORDER APPROVING AND AUTHORIZING COUNTY TREASURER AND COUNTY AUDITOR TO CLOSE ALL ACCOUNTS AND MAKE ALL NECESSARY LINE ITEM TRANSFERS

Motion was made by Commissioner Martinez, seconded by Commissioner Garza, to approve and authorize the County Treasurer and the County Auditor to close all accounts and make all necessary line item transfers as requested by Triunfo Gonzalez, County Auditor.

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

## ORDER APPROVING CONTRACT BETWEEN HECTOR URIBE AND ZAPATA COUNTY

Motion was made by Commissioner Vela, seconded by Commissioner Garza, to approve the contract between Hector Uribe, P.C. and Zapata County, pending review by County Attorney, as requested by Hon. Joe Rathmell, County Judge.

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

## ORDER APPROVING LINE ITEM TRANSFER FROM ROYALTIES TO NON-DEPARTMENT 10-409-760

Motion was made by Commissioner Martinez, seconded by Commissioner Garza, to approve a line item transfer from Royalties 10-370-901 to Non-Department 10-409-760 in the amount of \$3,248.00 as requested by Hon. Joe Rathmell, County Judge.

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

## ORDER APPROVING LINE ITEM TRANSFER FROM ROYALTIES TO NON-DEPARTMENT 10-409-394

Motion was made by Commissioner Vela, seconded by Commissioner Garza, to approve a line item transfer from Royalties 10-370-901 to Non-Department 10-409-394 in the amount of \$5,000.00 as requested by Hon. Joe Rathmell, County Judge.

## ORDER APPROVING LINE ITEM TRANSFER FROM ROYALTIES TO NON-DEPARTMENT 10-409-465

Motion was made by Commissioner Vela, seconded by Commissioner Martinez, to approve a line item transfer from Royalties 10-370-901 to Non-Department 10-409-465 in the amount of \$1,500.00 as requested by Hon. Joe Rathmell, County Judge.

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

## ORDER ACCEPTING RESIGNATION OF MARIO GONZALEZ-DAVIS FROM HIS POSITION AS PROJECT COORDINATOR

Motion was made by Commissioner Vela, seconded by Commissioner Garza, to accept the resignation of Mario Gonzalez-Davis from his position as Project Coordinator, Consultant, effective September 30, 2013 as requested by Hon. Joe Rathmell, County Judge.

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

## ORDER APPROVING HIRING OF GERSON GUZMAN IN SLOT #12 AT SAN YGNACIO LANDFILL

Motion was made by Commissioner Vela, seconded by Commissioner Garza, to approve hiring of Gerson Guzman in slot #12 at \$8.00 per hour at the San Ygnacio Landfill as requested by Guillermo Saenz, Environmental Director.

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

## ORDER APPROVING TRANSFER OF \$10,000 FROM TOBACCO FUND TO MEDICATION

Motion was made by Commissioner Garza, seconded by Commissioner Martinez, to approve the transfer of \$10,000.00 from line item 1114-890-7 (Tobacco Fund) to line item 10-543-460 Fire Department (Medication) as requested by Juan J. Meza, Chief, Fire Department)

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

#### ORDER APPROVING DENTAL / VISION RATE FOR FISCAL YEAR 2013-2014

Motion was made by Commissioner Martinez, seconded by Commissioner Garza, to approve the dental/vision rate for Fiscal Year 2013-2014 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 TO TABLE REQUEST BY NELLIE TREVIÑO REGARDING APPROVAL OF REPAIRS TO FIRE DEPARTMENT BUILDING

Motion was made by Commissioner Vela, seconded by Commissioner Garza, to table request by Nellie Treviño regarding approval of repairs to the Fire Department building 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 AND ADOPTING ZAPATA COUNTY PERSONNEL POLICY HANDBOOK

Motion was made by Commissioner Vela, seconded by Commissioner Martinez, to approve and adopt the Zapata County Personnel Policy Handbook with the recommendations by Texas Association of Counties and Juan Cruz, J. Cruz and Associates, PLLC.

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

## ORDER APPROVING WAIVING OF FEES FOR USE OF COMMUNITY CENTER FOR ANNUAL QUINCEAÑERA BALL

Motion was made by Commissioner Vela, seconded by Commissioner Martinez, to approve waiving of fee for the use of the Community Center for the annual Quinceañera Ball on December 14, 2013 as requested by Audelia Hernandez, Zapata County Historical Commission.

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

## ORDER APPROVING WAIVING OF FEES FOR COMMUNITY CENTER FOR DANCE TO RAISE FUNDS TO BUY TOYS FOR ZAPATA'S KIDS

Motion was made by Commissioner Martinez, seconded by Commissioner Vela, to approve waiving of fees for Community Center for a dance on November 29, featuring Los Palominos and Zamorales to raise funds to buy toys for Zapata's children. All proceeds will go to the Blue Santa Program and/or other charities in town as requested by Brian Martinez, Co-Chair, Zamorales Share Your Christmas.

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

#### ORDER TO TABLE REQUEST BY JUDGE GUERRA AND JUDGE MUÑOZ TO USE TECHNOLOGY FUNDS

Motion was made by Commissioner Garza, to approve the use of the technology funds for printer lease, toners, and Norton's Antivirus software. Motion dies for lack of a second.

Motion was made by Commissioner Vela, seconded by Commissioner Martinez, to table request by Judge Anna M. Guerra, Justice of the Peace, Pct. 1 and Fernando Muñoz, Justice of the Peace, Pct. 3, to approve the use of the technology funds for printer lease, toners, and Norton's Antivirus software.

#### ORDER APPROVING REQUEST BY OMELIA ZAPATA OF ZAPATA ENVIRONMENTAL CIVIC ORGANIZATION FOR MAN POWER, EQUIPMENT AND FINANCIAL SUPPORT

Motion was made by Commissioner Vela, seconded by Commissioner Garza, to approve request by Omelia Zapata of Zapata Environmental Civic Organization for man power, equipment and financial support. Commissioner Vela will contribute \$1,500.00 out of his parks budget. A county crew, equipment and man power will remove dirt to place concrete and marker for dedication of Intocable Boulevard Musical Heritage Walk on October 19, 2013.

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

# ORDER APPROVING PAY INCREASE FOR RUBEN PEÑA FOR SUCCESSFULLY COMPLETING EDUCATION REQUIREMENTS FROM TCEQ AND HAS ACHIEVED A CLASS "B" WATER OPERATOR LICENSE

Motion was made by Commissioner Garza, seconded by Commissioner Martinez, to approve a pay increase for Ruben Peña from \$13.04 per hour to \$15.03 per hour from slot #22. Mr. Peña has successfully completed all education requirements from TCEQ and has achieved a class "B" Water Operator License. Funding shall be obtained from line item 80-600-227 license stipends as requested by Carlos Treviño, Jr., Water Plant Manager.

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

# ORDER AUTHORIZING ISSUANCE OF "ZAPATA COUNTY, TEXAS CERTIFICATES OF OBLIGATION, SERIES 2013"; AUTHORIZING A PAYING AGENT/REGISTRAR AGREEMENT, AND A PURCHASE AND INVESTMENT LETTER; AND AUTHORIZING OTHER MATTERS RELATING THERETO

Motion was made by Commissioner Vela, seconded by Commissioner Villarreal, to approve Order authorizing the issuance of "Zapata County, Texas Certificates of Obligation, Series 2013"; authorizing a Paying Agent/Registrar Agreement, and a Purchase and Investment Letter; and authorizing other matters relating thereto as requested by Daniel Martinez, J.D., C.P.A., Winstead PC.

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

REQUEST BY JUDGE RATHMELL AND COMMISSIONER GARZA REGARDING CONSULTATION WITH ATTORNEY AND POSSIBLE ACTION TO INSTALL A DRAINAGE IMPROVEMENT AND/OR ASSIST IN THE CONSTRUCTION OF A DRAINAGE IMPROVEMENT ON PRIVATE LAND (WITH LAND OWNER CONSENT) SITUATED BETWEEN 4<sup>TH</sup> AVENUE AND 7<sup>TH</sup> AVENUE AND ON ZAPATA BOULEVARD TO ADDRESS THE PUBLIC SAFETY CONCERN CAUSED BY THE BUILDUP OF RAIN WATER ON THE ABOVE REFERENCED COUNTY ROAD WAS HEARD IN EXECUTIVE SESSION

# REQUEST BY COMMISSIONER MARTINEZ REGARDING CONSULTATION WITH ATTORNEY TO ACCEPT A PCT. 3 ROAD AND UTILITIES EASEMENT: ABST 101, PORCION 34, SEC. 20 PARCEL 251.2F (HATFIELD LANE), CONVEYANCE BY OWNER TO ZAPATA COUNTY WAS HEARD IN EXECUTIVE SESSION

#### ORDER APPROVING LINE-ITEM-TRANSFERS

Motion was made by Commissioner Martinez, seconded by Commissioner Garza, to approve the following line-item-transfer:

1110 10110 111110	11110 100111 11011101011			
FROM:	Zapata County Library	10-650-427	Workshop & Travel	\$1,000.00
TO:	Zapata County Library	10-650-310	Office Supplies	\$1,000.00
FROM:	Zapata County Library	10-650-330	Fuel	\$400.00
TO:	Zapata County Library	10-650-310	Office Supplies	\$400.00
FROM:	Zapata County Library	10-650-462	Repairs & Maint.	\$400.00
TO:	Zapata County Library	10-650-310	Office Supplies	\$400.00
FROM:	Zapata County Library	10-650-463	Repairs & Main.	\$500.00
TO:	Zapata County Library	10-650-310	Office Supplies	\$500.00

in order to meet budget requirements as requested by Aide R. Garcia, Zapata County Public Library.

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 Martinez, seconded by Commissioner Garza, to approve the following line-item-transfer:

FROM:	County Attorney	10-475-311	Postage Expense	\$450.00
TO:	County Attorney	10-475-392	Misc. Maint. Exp.	\$450.00
in order to me	et budgetary obligations	as requested by Said	Alfonso Figueroa,	County Attorney.

in order to meet budgetary obligations as requested by Said Altonso 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 Martinez, seconded by Commissioner Garza, to approve the following line-item-transfer:

FROM:	Indigent Care	10-640-395	Indigent Care State	\$2,700.00
TO:	Indigent Care	10-640-310	Office Supplies	\$2,700.00
FROM:	Indigent Care	10-640-396	Indigent/TERP	\$1,300.00
TO:	Indigent Care	10-640-427	Workshops & Travel	\$1,300.00

in order to cover expenses of 10 ton compressor for the urgent care/leasing side of facility and to cover travel expenses for 1115 Waiver Conference as requested by Mike Chapa, Indigent Care Director.

Motion was made by Commissioner Martinez, seconded by Commissioner Garza, to approve the following line-item-transfer:

FROM: Recycling Department 10-598-427 Workshop & Travel \$1,000.00 TO: Recycling Department 10-598-456 Repairs & Maint. \$1,000.00 to cover bailer repairs as requested by Laura Garza, Recycling 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 Martinez, seconded by Commissioner Garza, to approve the following line-item-transfer:

FROM:	ZC Museum of History 10-668-336	Supplies & Services	\$1,674.35	
TO:	ZC Museum of History 10-668-482	Contracted Services	\$1,674.35	
FROM:	ZC Museum of History 10-668-480	Subscript./Memberships	\$500.00	
TO:	ZC Museum of History 10-668-482	Contracted Services	\$500.00	
to cover additional needs for contracted services for exhibit enhancements as requested by Dr.				

Hildegardo E. Flores, ZC Museum of History.

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 Martinez, seconded by Commissioner Garza, to approve the following line-item-transfer:

FROM:	Wastewater	08-602-227	License Stipends	\$3,000.00	
TO:	Wastewater	08-602-336	Repairs & Maint.	\$3,000.00	
FROM:	Wastewater	08-602-481	State Fees	\$317.00	
TO:	Wastewater	08-602-336	Repairs & Maint.	\$317.00	
FROM:	Wastewater	08-602-443	Electricity	\$17,800.00	
TO:	Wastewater	08-602-336	Repairs & Maint.	\$17,800.00	
to meet budget needs as requested by Eloy Chapa, Wastewater Plant 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 Martinez, seconded by Commissioner Garza, to approve the following line-item-transfer:

FROM:	ZC Waterworks	80-600-341	Chlorine & Chemicals	\$5,000.00	
TO:	ZC Waterworks	80-600-330	Fuel & Lubricants	\$5,000.00	
as requested by Carlos Treviño, Jr., Water Plant 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 Martinez, seconded by Commissioner Garza, to approve the following line-item-transfer:

FROM:	Non-Department	10-409-336	Supplies General	\$1,930.00
TO:	Non-Department	10-409-730	Consulting	\$1,930.00

as requested by Hon. Joe Rathmell, County Judge.

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 Martinez, seconded by Commissioner Garza, to approve the following line-item-transfer:

FROM:	Zapata County Clerk	10-403-462	Equipment Rental	\$42.96	
TO:	Zapata County Clerk	10-403-310	Office Supplies	\$42.96	
FROM:	Zapata County Clerk	10-403-427	Workshop/Travel	\$233.70	
TO	Zapata County Clerk	10-403-310	Office Supplies	\$233.70	
FROM:	Zapata County Clerk	10-403-484	Election Expense	\$1,000.00	
TO:	Zapata County Clerk	10-403-437	Records Processing	\$1,000.00	
FROM:	Zapata County Clerk	10-403-484	Election Expense	\$5,000.00	
TO:	Zapata County Clerk	10-403-310	Office Supplies	\$5,000.00	
as requested by Hon. Mary Jayne Villarreal-Bonoan, County Clerk.					

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

#### MOTION WAS MADE BY COMMISSIONER GARZA, SECONDED BY COMMISSIONER MARTINEZ, TO RETURN TO REGULAR SESSION

# ORDER APPROVING ZAPATA COUNTY TO PROVIDE MATERIAL TO LAND OWNER FOR LAND OWNER TO CONSTRUCT DRAINAGE IMPROVEMENT TO ADDRESS PUBLIC SAFETY ISSUES CAUSED BY RAIN WATER BUILDUP ON ZAPATA BOULEVARD

Motion was made by Commissioner Martinez, seconded by Commissioner Garza, to approve that Zapata County provide material to land owner for land owner to construct drainage improvement on private land situated between 4<sup>th</sup> Avenue and 7<sup>th</sup> Avenue and on Zapata Boulevard to address the public safety concern caused by the buildup of rain water on the above referenced county road. *Executive session is requested pursuant to Texas Government Code Title 5, Sub Chapter D, Section 551.071 Consultation with Attorney and Section 551.072 Real Property as requested by Hon. Joe Rathmell County Judge and Hon. Norberto Garza, Commissioner, Pct. 4.* 

NO ACTION WAS TAKEN ON REQUEST BY COMMISSIONER MARTINEZ REGARDING CONSULTATION WITH ATTORNEY TO ACCEPT A PCT. 3 ROAD AND UTILITIES EASEMENT: ABST 101, PORCION 34, SEC. 20 PARCEL 251.2F (HATFIELD LANE), CONVEYANCE BY OWNER TO ZAPATA COUNTY

#### **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.

JOSEPH RATHMELL, COUNTY JUDGE ZAPATA COUNTY, TEXAS

ATTEST:

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