

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

Be it remembered, that on this the 13th day of August, A. D., 2012, 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	Commissioner, Precinct No. 1
	Eddie Martinez	Commissioner, Precinct No. 3
	Norberto Garza	Commissioner, Precinct No. 4
	Saíd Alfonso Figueroa	County Attorney
	Mary Jayne Villarreal-Bonoan	County Clerk

ABSENT: Gabriel Villarreal Commissioner, Precinct No. 2

VISITORS: Romeo Salinas, Triunfo Gonzalez, Mario Gonzalez,-Davis, Auddy Hernandez, Brian J. Martinez, J.J. Meza, Maria I. Gutierrez, Nellie R. Treviño, Antonio Resendiz, Elsa E. Rodriguez, Omelia Zapata, Gustavo Martinez, Lilonee Garza, Yolanda Garza, Angel Garza, Paco Mendoza, Frank X. Salinas, Nancy Cadena, Jerry Garza, Mike Chapa, Jorge Flores, Delia Mendoza, Luis L. Gonzalez, Ramiro Hernandez, David Quin, Dora Mtz. Ramos, Marisa Ramirez, Manuel Gonzalez, and Peggy U. Moffett.

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

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

ROLL CALL BY MARY JAYNE VILLARREAL-BONOAN, COUNTY CLERK

INVOCATION BY REV. ROGER MILLER, KING'S WAY CHURCH

PLEDGE OF ALLEGIANCE

**ORDER APPROVING MINUTES FOR MEETING OF
JULY 9, 2012 AND JULY 30, 2012**

Motion was made by Commissioner Martinez, seconded by Commissioner Vela, to approve the Minutes of July 9, 2012 and July 30, 2012, with corrections noted by Commissioner Vela, and 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

Ramiro Hernandez with the Zapata County Little League informed the court that he will soon have the end of year report. He also stated that 4 teams made all star tournaments and over 100 kids were present. Concession stand was a success this year and score boards have been erected.

Mr. Hernandez also reported that the Boys and Girls' Club had about 100 members and over 100 kids are participating in basket ball tournaments. Mr. Hernandez asked Commissioners' Court if computers for auction can be traded one for one.

MONTHLY REPORT OF ZAPATA FAMILY MEDICAL CLINIC

Mr. Ed Romero reported that 670 patients had been seen last month for a year to date total of 5247 patient encounters and an average of 25 patients per day. Mr. Romero also reported that the clinic will soon have 20 lab services available.

DEPARTMENTAL REPORTS

Jorge Flores, Manager of Flores Auditing, PLLC, presented Commissioners' Court with the Independent Auditor's report ending September 30, 2011. (Report attached for the record.)

Carlos Treviño, Jr., Water Plant Manager, reported that there is a Stage 3 drought contingency plan. Lake level is at 261. As of now, water restrictions have been voluntary, however, the public will be notified of mandatory water restrictions.

Audelia Hernandez of the Zapata County Judge's Office reported that the CJIS reporting has reached 83%.

Commissioner Vela commented on the clinic expansion project. He stated that he is very impressed and the expansion is a big success. Mr. Mike Chapa added that the expansion is not open, however, several doctors, including Dr. Wells, Dr. Galan and Dr. Vasquez, will soon be joining the clinic.

ORDER APPROVING INVOICES

Motion was made by Commissioner Martinez, seconded by Commissioner Garza, to approve invoices as presented by Triunfo Gonzalez, County Auditor. Commissioner Vela questioned invoices paid to Quick Air, J.D. Networks, and Journey to Recovery and Omni La Mansion.

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

ORDER APPROVING TREASURER'S REPORT

Motion was made by Commissioner Garza, seconded by Commissioner Martinez, to approve Treasurer's Report as presented 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.

PUBLIC COMMENT

Commissioner Jerry Garza and Mr. Frank Salinas addressed Commissioners' Court regarding the 115 Waiver (Texas Transformation and Quality Improvement Program) Webb County is affording this opportunity to provide comments or suggestions regarding the development of the Regional Healthcare Partnership Plan for Region 20. The waiver expands primary care capacity. Increases training of Primary care workforce. It expands Medicaid managed care to the entire state; and replaces upper payment limit program with uncompensated care pool, and the delivery system reform incentive payment pool. The pool will reimburse hospitals for the cost of care for Medicaid and uninsured patients for which the hospital does not receive payment. \$33,000,000 are available for Region 20. (RHP Planning Protocol attached for the record.)

Brian Martinez reported on the success of the surplus auction. He stated that \$41,671.17 were collected after fees and advertising.

Luis Lauro Gonzalez, Zapata County Tax Assessor/Collector, reported that the tax office collected \$16,498.47 in Hotel Motel Tax fees for a year to date total of \$179,897.56. Tax collections are at 95.86%.

PRESENTATION BY TEXAS DEPARTMENT OF TRANSPORTATION ON UPCOMING PROJECTS AND STATUS ON ON-GOING PROJECTS

Marissa Ramirez of the Texas Department of Transportation reported on upcoming and on-going projects. Lopeño, 17 mile project is 40% complete. Ramireño, 5 mile project is 80% complete. Other ongoing projects include Anderson Colombia, 8 mile project and Ramireño divided Highway, 3 mile project. Corralitos, 5.5 mile construction project to commence in the fall. San Ygnacio 2 mile, 5 lane highway with turning lane project will commence in September 2013. Dolores project will commence November 2012. Veleño project will commence March 2014.

Dr. Hildegardo Flores commented on the "Look Out Point" and the importance of the road side parks. Ms. Ramirez and Mr. Eddie Gracia were instrumental in keeping said parks, however, the state plans to demolish them.

PRESENTATION ON PUBLIC POWER POOL

Presentation was made by Mr. David Quinn, Program Manager of Public Power Pool, on future electric contract for Zapata County. Zapata County has saved \$356,001 against market rates since 2002. Based on past performance of the program, the targeted reduction cost for Zapata County in 2014 is \$203,602.

UPDATE AND PROGRESS REPORT ON PENDING POLICY PROPOSED BY ZAPATA COUNTY COMMISSIONERS COURT TO COLLECT EXTREMELY HIGH DELINQUENT WATER PLANT ACCOUNTS

Mr. Gustavo Martinez of Linebarger, Goggan, Blair and Sampson reported that the policy involves a 3 phase process being 1 - mailing, 2 - isolate if the account owners also owe taxes and 3 - sue directly on water accounts. Court costs in the amount of \$500.00 will be imposed. Amounts

owed on accounts will be considered for cost effectiveness. Mr. Martinez also stated that properties cannot be foreclosed on for water delinquencies.

ORDER TO TABLE REQUEST BY CHIEF MEZA TO CONSTRUCT HELIPAD

Motion was made by Commissioner Martinez, seconded by Commissioner Garza, to table request by Fire Chief Juan Jose Meza for construction of a helipad, 30' x 30' from either asphalt or concrete on the corner of Rathmell and Lincoln (located next to the Gateway Clinic). Construction cost to be taken from Tobacco Fund as requested by Chief Juan Jose Meza, Zapata County Fire Department. Chief Meza will come back with construction costs for this item at the next Commissioners' Court meeting.

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

**DISCUSSION ON EXECUTIVE SESSION ITEM REGARDING RESOLUTION
OF ISSUES AND COMPLAINTS FROM ZAPATA COUNTY
FIRE DEPARTMENT EMPLOYEES**

A brief discussion was had regarding the resolution of issues and complaints from Zapata County Fire Department employees against their immediate supervisor. Commissioner Vela stated that he had received phone calls from employees who claim that they are being pushed to retire. Furthermore, Commissioner Vela asked Chief Meza about the "Fill the Boot" donations, Meza stated that three "Fill the Boot" drives are held per year. Monies are used for donation towards Muscular Dystrophy and Christmas dance. County Attorney recommended that donations be deposited at the treasurer's office with a line item for accountability. Chief Meza further stated that he is being harassed by Commissioner Vela. Chief Meza asked to keep this item in open session, however, he was advised by the County Attorney that this item be discussed in closed session due to personnel issues.

**ORDER APPROVING USE OF COMMUNITY CENTER FOR ZAPATA
ENVIRONMENTAL CIVIC ORGANIZATION FUND RAISER**

Motion was made by Commissioner Martinez, seconded by Commissioner Garza, to approve the use of the Community Center for a Zapata Environmental Civic Organization fund-raising event, date to be determined at a later date. Seventy-five percent of the fees will be waived in exchange for 500 hours of community work as requested by Omelia Zapata, ZECO Member.

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 Vela, seconded by Commissioner Garza, to approve fees charged for civil services for 2013 by the Zapata County Sheriff's Office and Zapata County Constables; fees are to remain the same 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 RE-APPOINTING COMMISSIONER VELA AS TRUSTEE TO THE BORDER REGION MHMR BEHAVIORAL CENTER BOARD OF TRUSTEES

Motion was made by Commissioner Martinez, seconded by Commissioner Garza, to re-appoint Commissioner Vela, as Trustee to the Border Region MHMR Behavioral Center Board of Trustees 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 2013 COUNTY ROAD AND BRIDGE FEES / CHILD SAFETY FUND FEES

Motion was made by Commissioner Garza, seconded by Commissioner Martinez, to approve 2013 County Road and Bridge Fees / Child Safety Fund Fee, said fees are to remain the same, 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 TEXAS DEPARTMENT OF MOTOR VEHICLE IMPOSITION OF OPTIONAL FEES FOR CALENDAR YEAR 2013

Motion was made by Commissioner Garza, seconded by Commissioner Martinez, to approve the Texas Department of Motor Vehicle Imposition of Optional Fees for Calendar Year 2013, fees are to remain the same, as requested by Luis L. Gonzalez, Tax Assessor-Collector.

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

ORDER APPROVING INDEPENDENT AUDIT FOR CHECKING ACCOUNT NUMBER 1149237561098977

Motion was made by Commissioner Vela, seconded by Commissioner Martinez, to approve an independent audit for checking account number 1098977, a Zapata County checking account, excluded from the annual Zapata County Audit since FY-2009 to the present as requested by Hon. 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 TEXAS ASSOCIATION OF COUNTIES INSURANCE RFP FOR FISCAL YEAR 2012-2013

Motion was made by Commissioner Vela, seconded by Commissioner Martinez, to approve Texas Association of Counties insurance RFP, being the lowest bidder, for fiscal year 2012-2013 as requested by Nellie R. Treviño, County Personnel Director.

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

ORDER APPROVING TEXAS ASSOCIATION OF COUNTIES HEALTH INSURANCE RENEWAL FOR FISCAL YEAR 2012-2013

Motion was made by Commissioner Martinez, seconded by Commissioner Garza, to approve the Texas Association of Counties Health Insurance renewal for fiscal year 2012-2013 as requested by Nellie R. Treviño, Zapata County Personnel Director. Employees will pay 20% and retirees will pay 50%.

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

ORDER APPROVING PROPOSED HOLIDAY SCHEDULE FOR FISCAL YEAR 2012-2013

Motion was made by Commissioner Garza, seconded by Commissioner Martinez, to approve the proposed holiday schedule for Fiscal Year 2012-2013 as requested by Nellie R. Treviño, Zapata County Personnel Director.

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

ORDER APPROVING PROPOSED REGULAR COMMISSIONERS COURT MEETING SCHEDULE FOR FISCAL YEAR 2012-2013

Motion was made by Commissioner Martinez, seconded by Commissioner Garza, to approve the proposed Regular Commissioners Court Meeting Schedule for Fiscal Year 2012-2013 as requested by Nellie R. Treviño, Zapata County Personnel Director.

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

ORDER APPROVING PURCHASE OF FORD F-150 V6 SINGLE CAB PICK-UP

Motion was made by Commissioner Martinez, seconded by Commissioner Vela, to approve the purchase of Ford F-150 V6 single cab pick-up truck for the purchase price of \$15,833.25. Funds to be obtained from 80-600-569 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 APPROVING RESIGNATION OF ANABEL SALAZAR FROM ZAPATA COUNTY NUTRITION CENTER

Motion was made by Commissioner Vela, seconded by Commissioner Garza, to approve the resignation of Anabel Salazar from the Zapata County Nutrition Center as requested by Rosalinda Gonzalez, Nutrition Program Director.

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

**ORDER SECURING ENDING REVENUE BALANCE OF HOTEL/MOTEL TAX
FUND FOR FISCAL YEAR 2011-2012 FOR 2013 BASS MASTER
ELITE SERIES FISHING TOURNAMENT**

Motion was made by Commissioner Vela, seconded by Commissioner Garza, to approve and secure the ending revenue balance of the Hotel/Motel Tax fund for fiscal year 2011-2012 for the 2013 Bass Master Elite Series Fishing Tournament. Monies will be made payable to the Zapata County Chamber of Commerce and will be used to pay for event host fee and expenses as requested by Paco Mendoza, President / CEO, Zapata County Chamber of Commerce.

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 MANUEL GONZALEZ OF PREMIER
ENGINEER REGARDING APPROVING RE-PLATTING OF LOT 6 AND LOT 8
OF BLOCK 20 ESPERANZA FLORES ADDITION**

Motion was made by Commissioner Garza, seconded by Commissioner Martinez, to table request by Manuel Gonzalez of Premier Engineering regarding the re-platting of Lot 6 and Lot 8 of Block 20, Esperanza Flores Addition.

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

**ORDER APPROVING ENGINEER'S RECOMMENDATION TO APPROVE CHANGE
ORDER NO. 4 - 90 CALENDAR DAY TIME EXTENSION**

Motion was made by Commissioner Vela, seconded by Commissioner Martinez, to approve the engineer's recommendations to approve change order No. 4 - 90 calendar day time extension due to unforeseen utility conflicts for the TWDB Contract No. 61275 / DWSRG as requested by Manuel Gonzalez, Project Engineer.

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

**ORDER APPROVING TO WAIVE RENTAL FEE OF COMMUNITY CENTER FOR
FUND RAISING EVENT FOR ZAPATA COUNTY HELPING HANDS FOOD PANTRY**

Motion was made by Commissioner Martinez, seconded by Commissioner Garza, to waive rental fee of the Community Center for a fund raising event for the Zapata County Helping Hands Food Pantry as requested by Romeo Salinas, County Treasurer. (On August 2012, Mr. Daniel Crisp began contributing a \$1,000 donation, which will continue on the first of every month.)

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

ORDER APPROVING INSTALLATION OF SPEED HUMP

Motion was made by Commissioner Martinez, seconded by Commissioner Garza, to approve the installation of a speed hump at Falcon Shores Drive, as requested by Hon. Jose E. Vela, Commissioner Precinct 1.

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

ORDER APPROVING INSTALLATION OF STREET LIGHTS

Motion was made by Commissioner Martinez, seconded by Commissioner Garza, to approve the installation of the following street lights:

- a. 1407 Juarez - Medina Addition (pole exists)
- b. 1314 Guerrero
- c. 907 Medina (pole exists)
- d. 1416 Medina - Medina Addition
- e. 416 Ramireño

as requested by Hon. Norberto Garza, Commissioner Pct. 4.

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

PUBLIC COMMENT

Mr. Tony Mendoza commented on the installation of street lights and stated that this would cost the county approximately \$7,200.00 next year.

ORDER APPROVING LINE ITEM TRANSFERS

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

From: 49 th District	10-435-462	Rentals	\$1,750.00
To: 49 th District	10-450-462	Equipment	\$1,750.00

to meet budget needs, as requested by Hon. Jose A. Lopez, District 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 Garza, seconded by Commissioner Martinez, to approve the following line item transfer:

From: 49 th District	10-435-401	Indigent Defence (Juv)	\$4,000.00
To: 49 th District	10-435-400	Professional Service	\$4,000.00
From: 49 th District	10-435-403	CPS	\$4,000.00
To: 49 th District	10-435-402	Criminal	\$4,000.00
From: 49 th District	10-435-400	CPS	\$4,000.00
To: 49 th District	10-435-427	Travel Expense	\$4,000.00

to meet budget needs, as requested by Hon. Jose A. Lopez, District 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 Vela, seconded by Commissioner Martinez, to approve the following line item:

From: Library	10-650-427	Travel	\$800.00
To: Library	10-650-462	Repairs & Maintenance	\$800.00

to meet budget needs, as requested by Aida Garcia, Zapata County Library.

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

**ORDER APPROVING RESOLUTION IN SUPPORT OF LOCAL
BORDER SECURITY PROGRAM**

Motion was made by Commissioner Garza, seconded by Commissioner Martinez, to approve a Resolution in support of local Border Security Program as requested by Mario Elizondo, Sheriff's Office.

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 VELA,
TO ENTER INTO EXECUTIVE SESSION**

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

**NO ACTION WAS TAKEN ON REQUEST BY COMMISSIONER VELA REGARDING
DISCUSSION AND POSSIBLE ACTION TO RESOLVE ISSUES AND COMPLAINTS
FROM ZAPATA COUNTY FIRE DEPARTMENT EMPLOYEES AGAINST THEIR
IMMEDIATE SUPERVISOR**

(Gov't Code 551.074, Personnel Matters)

**ORDER AUTHORIZING COUNTY ATTORNEY TO SUBMIT COURT'S OFFER OF
SETTLEMENT IN REFERENCE TO GRIEVANCE INVOLVING EMPLOYEE OF
ZAPATA COUNTY WATERWORKS**

Motion was made by Commissioner Martinez, seconded by Commissioner Garza, to authorize Said A. Figueroa, County Attorney, to submit the court's offer of settlement in reference to the grievance involving an employee of the Zapata County Waterworks as requested by Said Alfonso Figueroa, County Attorney. (Gov't Code 551.071, Consultation with Attorney).

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 NELLIE R. TREVIÑO, PERSONNEL
DIRECTOR, REGARDING PERSONNEL MATTERS AT ZAPATA COUNTY SHOP**

(Gov't Code 551.074, Personnel Matters)

ORDER APPROVING CONTRACT FOR SALE OF WATER BETWEEN ZAPATA COUNTY WATER AND SEWER ADVISORY BOARD AKA ZCWW AND ZAPATA COUNTY WATER CONTROL & IMPROVEMENT DISTRICT (HWY 16)

Motion was made by Commissioner Martinez, seconded by Commissioner Garza, to approve contract for sale of water between Zapata County Water and Sewer Advisory Board AKA ZCWW and Zapata County Water Control & Improvement District (HWY 16), however, contract does not include 1st amendment to whole sale treated water purchase contract Zapata County Water and Sewer Advisory Board also known as ZCWW and Zapata County Water Control & Improvement District (HWY 16) as requested by Carlos Treviño, Jr., Water Plant Manager. (Gov't Code 551.071, Consultation with Attorney).

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

ADJOURN

Motion to adjourn was made by Commissioner Martinez, seconded by Commissioner Garza, 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