

**MONDAY, SEPTEMBER 22, 2008
COMMISSIONERS COURT MET IN REGULAR MEETING
AT 9:40 A.M.
WITH THE FOLLOWING MEMBERS PRESENT**

**HON. ANTHONY COBOS, PRESIDING
LUIS G. SARIÑANA,
VERONICA ESCOBAR,
MIGUEL A. TERAN,
DANIEL R. HAGGERTY,**

**COUNTY JUDGE
COMMISSIONER, PCT. # 1
COMMISSIONER, PCT. # 2
COMMISSIONER, PCT. # 3
COMMISSIONER, PCT. # 4**

PATRICIA PIETZYK, DEPUTY CLERK

MEETING CONVENED

SEPTEMBER 22, 2008

MOTION # 1

On this day, Commissioners Court of El Paso County, Texas was called to order by the Deputy Clerk.

PLEDGE OF ALLEGIANCE

SEPTEMBER 22, 2008

MOTION # 2

On this day, Commissioners Court began with the Pledge of Allegiance.

**APPROVED - RESOLUTION PROCLAIMING
"FAMILY DAY - A DAY TO EAT DINNER WITH YOUR CHILDREN"**

SEPTEMBER 22, 2008

MOTION # 3 (Item # 1)

On this day, on motion of Commissioner Escobar, seconded by Commissioner Teran, it is the order of the Court to adopt a resolution September 22, 2008 as "Family Day - A Day to Eat Dinner with Your Childrend" in El Paso County, Texas.

VOTE: YES – Judge Cobos, Escobar, Teran, Haggerty
NOT PRESENT - Sariñana

NO – None

PRESENTATION - BORDER CHILDREN'S MENTAL HEALTH COLLABORATIVE

SEPTEMBER 22, 2008

MOTION # 4 (Item # 4)

On this day, Commissioners Court received the presentation of a 2008 County Best Practices Award to the Border Children's Mental Health Collaborative from the Texas Association of Counties.

**POSTPONED - CREATION OF DEPARTMENT
FOR BORDER CHILDREN'S MENTAL HEALTH COLLABORATIVE**

SEPTEMBER 22, 2008

MOTION # 5 (Item # 35)

On this day, on motion of Commissioner Teran, seconded by Commissioner Sariñana, it is the order of the Court to postpone for one week the agenda item to discuss and take appropriate action concerning the creation of a New County Department for the transition from the Border Children's Mental Health Collaborative Grant.

VOTE: YES – Sariñana, Escobar, Teran

NO – Judge Cobos, Haggerty

**APPROVED - TRAVEL AND TRAINING REQUEST
FOR BORDER CHILDREN'S MENTAL HEALTH COLLABORATIVE**

SEPTEMBER 22, 2008

MOTION # 6 (Item # 36)

On this day, on motion of Commissioner Teran, seconded by County Judge Cobos, it is the order of the Court to approve the agenda item to approve and Authorize Roger Martinez, Project Director, to attend the El Paso Chamber of Commerce "State of The Military Address" on Friday, September 26, 2008 at the Judson F Williams Convention Center. The cost of the ticket for the luncheon is \$40.00. Funds are available in account BRDCHILD008- 6703.

VOTE: YES – Judge Cobos, Sariñana, Teran, Haggerty

NO – Escobar

APPROVED - RESOLUTION PROCLAIMING "AMIGO AIRSHO WEEK"

SEPTEMBER 22, 2008

MOTION # 7 (Item # 2)

On this day, on motion of Commissioner Sariñana, seconded by County Judge Cobos, it is the order of the Court to adopt a resolution proclaiming the week of September 27 through October 5, 2008 as "Amigo Airsho Week" in El Paso County.

Present to accept the resolution were Terrie Todd, Executive Director and Margie LeFleur, President, Amigo Airsho.

VOTE: YES – Judge Cobos, Sariñana, Escobar, Teran, Haggerty

NO – None

**APPROVED - RESOLUTION RECOGNIZING
50TH ANNIVERSARY OF COMMUNITY BAPTIST CHURCH**

SEPTEMBER 22, 2008

MOTION # 8 (Item # 3)

On this day, on motion of Commissioner Sariñana, seconded by Commissioner Escobar, it is the order of the Court to adopt a resolution recognizing September 28, 2008 as the 50th Church Anniversary of Community Baptist Church, in El Paso County.

VOTE: YES – Judge Cobos, Sariñana, Escobar, Teran, Haggerty

NO – None

PUBLIC COMMENT

SEPTEMBER 22, 2008

MOTION # 9 (Item # 5)

On this day, there was no public comment.

APPROVED - CONSENT AGENDA

SEPTEMBER 22, 2008

MOTION # 10

On this day, on motion of Commissioner Teran, seconded by Commissioner Escobar, it is the order of the Court to approve the following Consent Agenda items, including a correction to Item # 11.

6. Pursuant to the Texas Local Government Code, Section 115.021, audit and settle all accounts against the County shown on the attached listing and direct the payment of those accounts.

Submitted by: County Auditor Edward A. Dion, County Auditors Office

7. Approve amendment No. 40 to the 2007-2008 County of El Paso Operating Budget. This amendment will increase Grants by \$868,269 thus increasing the overall operating budget of \$404,768,946 to \$405,637,215.

Submitted by: County Auditor Edward A. Dion, County Auditors Office

8. Approve amendment No. 41 to the 2007-2008 County of El Paso operating budget. This amendment will not change the operating budget of \$405,637,215.

Submitted by: County Auditor Edward A. Dion, County Auditors Office

10. Approve the Certificates of Plat Compliance (under Texas Local Government Code Section 232.028(a), as provided on the attached listing.

Submitted by: Public Works Director Robert Rivera, P.E., County Road and Bridge

11. Pursuant to section 81.032 of the Texas Local Government Code, accept the donation of production services from Formagroup and its director Ricardo Armendariz to produce a Public Service Announcement (PSA) concerning Electronic Voting Education for the County of El Paso.

Submitted by: County Judge Anthony Cobos for Public Information Officer Aracely Lazcano, County Judge

14. Approve and authorize the parade route for Canutillo High School's Annual Homecoming Parade from 5:30 pm until 6:30 pm on October 01, 2008.

Submitted by: County Commissioner Daniel R. Haggerty, Commissioner, Pct. 4

15. Approve and authorize the closure of 2nd Street, to traffic, between La Mesa Avenue and La Union Avenue in Canutillo by St. Patrick's Church from 5:00 pm on October 10, 2008 until 12:00 am on October 12, 2008 for a Fall Bazaar.

Submitted by: County Commissioner Daniel R. Haggerty, Commissioner, Pct. 4

16. Approve and authorize the closure of 2nd Street, to traffic, between La Mesa Avenue and La Union Avenue in Canutillo by St. Patrick's Church from 7:00 am until 5:00 pm on November 15, 2008 for a church sponsored health fair.

Submitted by: County Commissioner Daniel R. Haggerty, Commissioner, Pct. 4

17. Approve and authorize the closure of La Florida Drive between 620 and 628 La Florida in Canutillo, Texas from 5:00 pm until 9:00 pm on October 07, 2008 for a National Night Out neighborhood event.

Submitted by: County Commissioner Daniel R. Haggerty, Commissioner, Pct. 4

18. Approve and authorize the use of the El Paso County Courthouse from 8:00 a.m. to 2:00 p.m. with access to the common areas of the first and second floors by members of the public and crime victim advocates attending the Walk Across El Paso for the Help, Hope Healing event in honor of crime victims, to take place on Sunday, October 19, 2008.

Submitted by: District Attorney Jaime Esparza, DA

19. Approve and authorize the removal and transfer from inventory a Computer Disk Drive #0102049, a Scanner #112313, a Shredder #102049, and Shredder 112313 from the 243rd District Court to the County Purchasing Department.

Submitted by: Judge David C. Guaderrama, 243rd District Court

20. Approve and authorize the transfer of funds within the budget of the 171st District Court, from Account 171STDC-6011 for \$1,671.00, and Account 171STDC-6234 for \$1,500.00 to Account 171STDC-6705.

Submitted by: Judge Bonnie Rangel, 171st District Court

21. Approve and authorize a Resolution certifying that the County has made a grant to support its home-delivered meal program to homebound elderly or disabled persons and authorize the County Judge to sign the required Certifications to submit the Resolution and an Application to the Texas Department of Agriculture for the Texans Feeding Texans: Home-Delivered Meal Grant Program.

Submitted by: Director Rosemary V. Neill , Family and Community Services

22. Approve and authorize the County Judge to sign an Interlocal Agreement between the Housing Authority of the City of El Paso and the County of El Paso for the relocation of a Texas Centennial Granite Marker from its present location at 2101 Magoffin to the Tays Apartment Complex.

Submitted by: Director Rosemary V. Neill , Family and Community Services

23. Approve and authorize the transfer of \$53.00 from COMMSVCS-6001 to COMSVCS-6705 to cover training costs for the Federal Grants Compliance Training in El Paso, Texas to be held at the Sheriff's Training Academy on November 3-4, 2008.

Submitted by: Director Rosemary V. Neill, Family and Community Services

24. Approve and authorize the removal of inventory and transfer of equipment as listed in the back up from the Child Welfare Board to the County Purchasing Department.

Submitted by: Child Welfare Board Coordinator Bea Huml, Child Welfare Board

25. Approve and authorize the County Judge to sign the contract between the Medical Examiner's Office and Juan U. Contin, M.D. for Physician Services-Forensic Pathologist.

Submitted by: Chief Medical Examiner Paul W. Shrode, M.D., Medical Examiner

26. The Public Defender requests the Court to allow the County Judge to sign the attached Technical Support Application Form in order to obtain a \$5,000.00 grant from the Task Force on Indigent Defense. There is no cost to the county.

Submitted by: First Assistant Robert Riley, Public Defender

27. Approve and authorize the contract extension for trash collection service in the Canutillo area with El Paso Disposal.

Submitted by: Public Works Director Robert Rivera, P.E., County Road and Bridge

28. Approve and authorize the transfer of items, as listed in the backup, from the Road and Bridge Department to the County Purchasing Department.

Submitted by: Public Works Director Robert Rivera, P.E., County Road and Bridge

29. Request approval and authorization to submit the enclosed Border Crime Initiative Grant Adjustment #2 as required by CJD. This grant adjustment requests incorporating generated program income in the amount of \$628,370.00 into the original grant budget of \$1,538,852.00 for a total grant budget of \$2,167,222.00. Sheriff Jimmy Apodaca, the project Director has approved this adjustment, however, the Authorized Official, County Judge Cobos must authorize certification of this adjustment. As per Texas Administrative Code Guidelines, all generated program income as a result of state and federal seizures generated by this project during the course of the grant cycle and may only be used for allowable project costs as reflected in a approved budget.
Submitted by: Grant Program Manager Catherine Guimond, Special Operations Division/El Paso County Sheriff's Office

30. Approve and authorize to transfer unserviceable equipment for the Maintenance Detention Facility to the County Purchasing Agent for disposal. Please see attachments.
Submitted by: Sheriff Jimmy Apodaca, Sheriff's Office

31. PAYMENTS FOR INMATE MEDICAL SERVICES

a) \$100.65 (Medicaid rate) to A. Abedin, M.D. Funds are available in Account SHERIFFJAILA-6908.
Submitted by: Sheriff Jimmy Apodaca, El Paso County Sheriff's Office

b) \$746.82 (Medicaid rate) to Cardiology Care Consultants. Funds are available in Account-SHERIFFJAILA-6908.
Submitted by: Sheriff Jimmy Apodaca, El Paso County Sheriff's Office

c) \$52.10 (Medicaid rate) to William C. Foote, MD. Funds are available in Account SHERIFFJAILA-6908
Submitted by: Sheriff Jimmy Apodaca, El Paso County Sheriff's Office

d) \$70.64 (Medicaid rate) to Northbank Emergency Physicians. Funds are available in Account SHERIFFJAILA-6908
Submitted by: Sheriff Jimmy Apodaca, El Paso County Sheriff's Office

e) \$133.11 (Medicaid rate) to Questcare Medical Services. Funds are available in Account-SHERIFFJAILA-6908.
Submitted by: Sheriff Jimmy Apodaca, El Paso County Sheriff's Office

f) \$657.68 (Medicaid rate) to Paul Resignato, DPM. Funds are available in Account-SHERIFFJAILA-6908
Submitted by: Sheriff Jimmy Apodaca, El Paso County Sheriff's Office

g) \$135.35 (Medicaid rate) to Rio Grande Pathology Services. Funds are available in Account-SHERIFFJAILA-6908
Submitted by: Sheriff Jimmy Apodaca, El Paso County Sheriff's Office

h) \$79.10 (Medicaid rate) to Salud & Vida, PA. Funds are available in Account SHERIFFJAILA-6908.

Submitted by: Sheriff Jimmy Apodaca, El Paso County Sheriff's Office

i) \$375.00 (Medicaid rate) to Schecter and Blumenfeld. Funds are available in Account SHERIFFJAILA-6908

Submitted by: Sheriff Jimmy Apodaca, El Paso County Sheriff's Office

j) \$33.89 (Medicaid rate) to Murray M. Vann, MD. Funds are available in Account SHERIFFJAILA-6908.

Submitted by: Sheriff Jimmy Apodaca, El Paso County Sheriff's Office

VOTE: YES – Judge Cobos, Sariñana, Escobar, Teran, Haggerty NO – None

**ACCEPTED - INTERIM FINANCIAL REPORT FOR MONTH ENDED AUGUST 2008
SEPTEMBER 22, 2008 MOTION # 11 (Item # 9)**

On this day, on motion of Commissioner Sariñana, seconded by Commissioner Escobar, it is the order of the Court to approve the agenda item as follows: Pursuant to the Texas Local Government Code, Sections 114.023, 114.024, 114.025 and 114.026, please accept the interim financial report for the month ended August 2008. This report is located on the internet at:www.epcounty.com/auditor/publications/default.htm

VOTE: YES – Judge Cobos, Sariñana, Escobar, Teran, Haggerty NO – None

**APPROVED - PAYMENT TO UNITED STATES/MEXICO
BORDER COUNTIES COALITION FOR MEMBERSHIP DUES;
APPROVED - TRANSFER OF FUNDS**

SEPTEMBER 22, 2008 MOTION # 12 (Item # 12)

On this day, on motion of Commissioner Teran, seconded by County Judge Cobos, it is the order of the Court to approve the agenda item to approve and authorize the payment of \$10,506.25 to the United States/Mexico Border Counties Coalition for membership dues for 2008/2009. Funds available in account GADMINGF-6021. Further, to authorize the County Auditor's Office to transfer funds in the amount of \$23 from Account GADMINGF-6872 to Account GADMINGF-6021.

VOTE: YES – Judge Cobos, Escobar, Teran, Haggerty NO – Sariñana

**DELETED - RIGHT OF FIRST REFUSAL OF BEHAVIORAL HEALTH CONTRACTS
TO EL PASO MENTAL HEALTH AND MENTAL RETARDATION CENTER;
APPROVED - PRIVATE SECTOR TO PARTICIPATE IN NEGOTIATIONS**

SEPTEMBER 22, 2008

MOTION # 13 (Item # 13)

On this day, on motion of Commissioner Sariñana, seconded by Commissioner Teran, it is the order of the Court to delete the agenda item to approve El Paso Mental Health and Mental Retardation (MHMR) the right of first refusal of all behavioral health contracts issued by El Paso County. Further, to authorize the private sector to participate in negotiations.

VOTE: YES – Judge Cobos, Sariñana, Teran

NO – Escobar, Haggerty

**APPROVED - INFORMATION TO BE PROVIDED
TO EL PASO MENTAL HEALTH AND MENTAL RETARDATION CENTER**

SEPTEMBER 22, 2008

MOTION # 14 (Item # 13)

On this day, on motion of County Judge Cobos, seconded by Commissioner Haggerty, it is the order of the Court to instruct that all necessary information be provided to the El Paso Mental Health Mental Retardation Center in order to generate a report.

VOTE: YES – Judge Cobos, Sariñana, Escobar, Teran, Haggerty

NO – None

RECONSIDERED - PUBLIC COMMENT

SEPTEMBER 22, 2008

MOTION # 15 (Item # 5)

On this day, on motion of County Judge Cobos, seconded by Commissioner Escobar, it is the order of the Court to reconsider the agenda item regarding Public Comment.

VOTE: YES – Judge Cobos, Sariñana, Escobar, Teran, Haggerty

NO – None

PUBLIC COMMENT

SEPTEMBER 22, 2008

MOTION # 16 (Item # 5)

On this day, Trini Lopez, Mayor, City of Socorro appeared before Commissioners Court to offer public comment regarding storm water control assistance.

**APPROVED - INTERLOCAL AGREEMENT FOR HEALTH SERVICES
WITH CITY OF EL PASO FOR FISCAL YEAR 2009**

SEPTEMBER 22, 2008

MOTION # 17 (Item # 32)

On this day, on motion of County Judge Cobos, seconded by Commissioner Haggerty, it is the order of the Court to approve the agenda item to discuss and take appropriate action on Interlocal Agreement for Health Services with the City of El Paso for FY 2009.

VOTE: YES – Judge Cobos, Escobar, Teran, Haggerty
ABSTAIN - Sariñana

NO – None

**APPROVED - AUTHORIZATION AND ALLOCATION OF FUNDING
FOR DEED TITLE SEARCH FOR KELLOG BUILDING IN SAN ELIZARIO**

SEPTEMBER 22, 2008

MOTION # 18 (Item # 33)

On this day, on motion of Commissioner Sariñana, seconded by Commissioner Teran, regarding the agenda item to discuss and take appropriate action regarding the use of the Kellog building in San Elizario, Texas by Familias Triunfadores Inc., it is the order of the Court to authorize the County Attorney's Office to conduct a deed title search. Further, to authorize the County Auditor's Office to allocate funding and to authorize payment from Account GADMINGF-6015 in an amount not to exceed \$300.

VOTE: YES – Sariñana, Escobar, Teran, Haggerty
NOT PRESENT - Judge Cobos

NO – None

**APPROVED - AMENDMENT TO CONTRACT
WITH PINNACLE SOCIAL SERVICES, LLC FOR 65TH DISTRICT COURT
FAMILY DRUG COURT PROGRAM**

SEPTEMBER 22, 2008

MOTION # 19 (Item # 34)

On this day, on motion of Commissioner Sariñana, seconded by Commissioner Teran, it is the order of the Court to approve the agenda item to approve and authorize the County Judge to sign an Amendment of the Contract for the 65th Family District Family Drug Court Program out of Grant No. 65EXPFAMDRUG09 for Pinnacle Social Services, LLC.

VOTE: YES – Sariñana, Escobar, Teran, Haggerty
NOT PRESENT - Judge Cobos

NO – None

**APPROVED - FOUR PERCENT COST OF LIVING INCREASE
FOR COUNTY EMPLOYEES FOR F. Y. 2008-2009;
APPROVED - REGRADES TO CURRENT SALARY PLANS**

SEPTEMBER 22, 2008

MOTION # 20 (Item # 37)

On this day, on motion of Commissioner Sariñana, seconded by Commissioner Teran, it is the order of the Court to approve and authorize the implementation of a four percent cost of living adjustment, new positions, and any approved regrades to current County salary plans, to become effective October 5, 2008 and paid on October 24, 2008, excluding any subsequent regrades which occur during the year. In addition, all salary step increases for employees will be effective on each individual's seniority date, upon receipt of a current satisfactory evaluation by the Human Resources Department. Please note that there will be no retro pays for evaluations not received by the Human Resources Department on a timely basis. This will not impact those employees under the Collective Bargaining Agreement or any Elected Officials as they are not subject to the County Salary Plan.

VOTE: YES – Sariñana, Escobar, Teran, Haggerty
NOT PRESENT – Judge Cobos

NO – None

**APPROVED - VARIANCES OF COUNTY SUBDIVISION REGULATIONS
FOR EMERALD ESTATES UNIT 4, EMERALD PARK UNIT 4,
PASEO DEL ESTE UNIT 4 AND PASEO DEL ESTE UNIT 5**

SEPTEMBER 22, 2008

MOTION # 21 (Items # 38, 39, 40, 41)

On this day, on motion of Commissioner Sariñana, seconded by Commissioner Escobar, it is the order of the Court to approve the following regular agenda items.

38. Discuss and take appropriate action on request from Hunt Communities Holding, L.P. through their engineer Gray-Jansing and Associates, Inc. for variances of the County's Subdivision Regulations of R.O.W., set back and lot size requirements for Emerald Estates Unit 4.

Submitted by: Public Works Director Robert Rivera, P.E., County Road and Bridge

39. Discuss and take appropriate action on request from Hunt Communities Holding, L.P. through their engineer Gray-Jansing and Associates, Inc. for variances of the County's Subdivision Regulations of R.O.W., set back and lot size requirements for Emerald Park Unit 4.

Submitted by: Public Works Director Robert Rivera, P.E., County Road and Bridge

40. Discuss and take appropriate action on request from Hunt Communities Holding, L.P. through their engineer Gray-Jansing and Associates, Inc. for variances of the County's Subdivision Regulations of R.O.W., set back and lot size requirements for Paseo Del Este Unit 4.

Submitted by: Public Works Director Robert Rivera, P.E., County Road and Bridge

41. Discuss and take appropriate action on request from Hunt Communities Holding, L.P. through their engineer Gray-Jansing and Associates, Inc. for variances of the County's Subdivision Regulations of R.O.W., set back and lot size requirements for Paseo Del Este Unit 5.

Submitted by: Public Works Director Robert Rivera, P.E., County Road and Bridge

VOTE: YES – Judge Cobos, Sariñana, Escobar, Teran, Haggerty NO – None

**POSTPONED - BID AWARDED - THIRTY SEVEN MOBILE
COMPUTER TERMINALS**

SEPTEMBER 22, 2008

MOTION # 22 (Item # 42)

On this day, on motion of County Judge Cobos, seconded by Commissioner Escobar, it is the order of the Court to postpone for one week the agenda item to award Bid # 08-110, Thirty Seven (37) Mobile Computer Terminals.

VOTE: YES – Judge Cobos, Sariñana, Escobar, Teran, Haggerty NO – None

**APPROVED - RESCIND COURT ORDER FOR DESIGNATION OF OFFICE
OF COUNTY JUDGE AS "PERMIT OFFICE" IN PROPOSED COURT ORDER;
APPROVED - FINDINGS OF EXISTENCE OF NEGATIVE SECONDARY EFFECTS
WHICH WARRANT AN ORDER REGULATING SEXUALLY ORIENTED
BUSINESSES;
ADOPTED - ORDER RELATING TO LICENSING REQUIREMENTS
AND REGULATIONS FOR SEXUALLY ORIENTED BUSINESSES
WITHIN EL PASO COUNTY**

SEPTEMBER 22, 2008

MOTION # 23 (Item # 43)

On this day, on motion of Commissioner Escobar, seconded by Commissioner Sariñana, it is the order of the Court to make the finding that having reviewed the negative secondary effects presented at the public hearing, which are listed on Pages 2 and 3, the finding is made that negative secondary effects do exist that warrant a sexually oriented business order regulating sexually oriented businesses; therefore, it is the order of the Court to adopt the order presented in hard copy at the meeting today with the following changes:

Page 18, Article 22:

Accept as otherwise provided herein, upon adoption, the provisions of this Order shall apply to the activities of all sexually oriented businesses defined herein, whether such businesses or activities were established or commenced before, on or after the effective date of this Order. No later than one hundred twenty (120) days following the effective date of this Order, all existing sexually oriented businesses must apply for a license as required by this Order.

Page 6, Section S:

"Permit Office" shall mean the office established by the El Paso County Commissioners Court to issue, renew, suspend and revoke permits for sexually oriented businesses and employees of sexually oriented businesses.

Further, since previous changes regarding the "Permit Office" were not accepted, to rescind the Court Order of September 8, 2008, Motion No. 28, Item No. 52, to approve the designation of the Office of the County Judge as the "Permit Office" as listed on Page 6 of the proposed El Paso County Commissioners Court Order relating to licensing requirements and regulations for sexually oriented businesses within El Paso County.

VOTE: YES – Judge Cobos, Sariñana, Escobar, Teran, Haggerty

NO – None

EXECUTIVE SESSION

SEPTEMBER 22, 2008

MOTION # 24 (Items # 44, Addendum # 1)

On this day, the Deputy Clerk announced that Commissioners Court would recess into executive session to discuss the following items, pursuant to *Texas Government Code §551*. The Court would reconvene to take official action.

44a) Receive report from County Attorney and discuss appropriate action needed regarding the County's negotiations for land acquisitions pursuant to Texas Government Code 551.072 for the Tornillo-Guadalupe POE and San Elizario infrastructure improvements.

Submitted by: Commissioner Precinct 3 Miguel Teran, Commissioners Court

44b) Receive report from County Attorney and discuss appropriate action needed regarding the County's negotiations with the Water Improvement District #1 for easements and permits to begin road work over irrigation channels pursuant to Texas Government Code 551.072.

Submitted by: Commissioner Precinct 3 Miguel A. Teran, Commissioners Court

44c) Pursuant to Texas Government Code Section 551.071, discuss County participation in litigation regarding the construction of the border fence in El Paso County.

Submitted by: County Attorney Jose R. Rodriguez, Office of the County Attorney

44d) Discuss the following administrative matter: Petition for Special Relief; in Re Petition of: Time Warner Entertainment-Advance/Newhouse Partnership before the Federal Communications Commission; county attorney number: AA-08-037; pursuant to Texas Government Code Section 551.071.

Submitted by: Assistant County Attorney Ralph E. Girvin, County Attorney's Office

44e) Discuss potential litigation RE County of El Paso; Cause No. 2008-758; CA No. PL-08-001; pursuant to Texas Government Code Section 551.071.

Submitted by: Assistant County Attorney Manuel Romero, County Attorney's Office

1. Executive Session: Discuss potential Litigation against William Burkett, reference number PC-07-031 pursuant to Texas Government Code §551.071

Submitted by: County Commissioner Daniel R. Haggerty, Commissioner, Pct. 4

The Court recessed at 12:59 p.m.

MEETING RECONVENED

SEPTEMBER 22, 2008

MOTION # 25

On this day, Commissioners Court reconvened into regular open session following executive session at 1:33 p.m.

**APPROVED - COUNTY ATTORNEY'S OFFICE TO FILE APPEAL
IN LITIGATION REGARDING CONSTRUCTION OF BORDER FENCE**

SEPTEMBER 22, 2008

MOTION # 26 (Item # 45)

On this day, on motion of Commissioner Teran, seconded by Commissioner Sariñana, it is the order of the Court to instruct the County Attorney's Office to join Mayer Brown in filing an appeal in litigation regarding the construction of the border fence in El Paso County.

VOTE: YES – Judge Cobos, Sariñana, Escobar, Teran

NO – Haggerty

**NO ACTION - POTENTIAL LITIGATION AGAINST WILLIAM BURKETT,
REFERENCE NUMBER PC-07-031**

SEPTEMBER 22, 2008

MOTION # 27 (Addendum # 2)

On this day, Commissioners Court took no formal action on the agenda item to discuss and take appropriate action regarding potential litigation against William Burkett, reference number PC-07-031.

NO ACTION

DELETED - EXECUTIVE SESSION AGENDA ITEM

SEPTEMBER 22, 2008

MOTION # 28 (Item # 44e)

On this day, on motion of Commissioner Sariñana, seconded by Commissioner Escobar, it is the order of the Court to delete the following executive session agenda item.

44e) Discuss potential litigation RE County of El Paso; Cause No. 2008-758; CA No. PL-08-001; pursuant to Texas Government Code Section 551.071.
Submitted by: Assistant County Attorney Manuel Romero, County Attorney's Office

VOTE: YES – Judge Cobos, Sariñana, Escobar, Teran, Haggerty

NO – None

MEETING ADJOURNED

SEPTEMBER 22, 2008

MOTION # 29

On this day, there being no further business to discuss, the meeting was adjourned at 1:34 p.m.

MEETING ADJOURNED - SINE DIE

ATTEST:

DELIA BRIONES, COUNTY CLERK
EL PASO COUNTY, TEXAS

PATRICIA PIETZYK, DEPUTY CLERK

EXAMINED AND APPROVED BY ME THIS:

_____ DAY OF _____, 2008.

COUNTY JUDGE ANTHONY COBOS, PRESIDING