

**MONDAY, DECEMBER 12, 2011  
COMMISSIONERS COURT MET IN REGULAR MEETING  
AT 9:34 A.M.  
WITH THE FOLLOWING MEMBERS PRESENT**

**HON. VERONICA ESCOBAR, PRESIDING  
ANNA PEREZ,  
SERGIO LEWIS,  
WILLIE GANDARA,  
DANIEL R. HAGGERTY,**

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

**PATRICIA PIETZYK, DEPUTY CLERK**

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**MEETING CONVENED**

**DECEMBER 12, 2011**

**MOTION # 1**

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

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**PLEDGE OF ALLEGIANCE**

**DECEMBER 12, 2011**

**MOTION # 2**

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

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**POSTPONED - PRESENTATION**

**DECEMBER 12, 2011**

**MOTION # 3 (Item # 1)**

On this day, on motion of County Judge Escobar, seconded by Commissioner Haggerty, it is the order of the Court to postpone for one week the agenda item to receive a presentation of the FirstLight Federal Credit Union Sun Bowl Thanksgiving Day Parade Clothing Drive.

VOTE: YES – Judge Escobar, Lewis, Haggerty  
NOT PRESENT - Perez, Gandara

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NO – None

## **PUBLIC COMMENT**

**DECEMBER 12, 2011**

**MOTION # 4 (Item # 2)**

On this day, the following person appeared before Commissioners Court to offer public comment.

Salvador Gomez, concerned citizen, requested a moment of silence in honor of the soldiers from El Paso who were recently killed while serving in the line of duty. He also commented on the cost of the new carpet in the Commissioners Courtroom.

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## **APPROVED - CONSENT AGENDA**

**DECEMBER 12, 2011**

**MOTION # 5**

On this day, on motion of Commissioner Haggerty, seconded by Commissioner Gandara, it is the order of the Court to approve the following Consent Agenda items, including a correction to Item # 7.

3. Approval of the Minutes of the special meeting of December 1, 2011.

Submitted by: , County Clerk's Office

4. 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

5. Approve amendment No. 08 to the County of El Paso's 2011-2012 operating budget. This budget amendment will increase Grants by \$1,200.00, thus increasing the overall operating budget of \$267,846,027.04 to \$267,847,227.04.

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

6. Approve and authorize termination of professional consulting services contract #KK-09-198. Furthermore, authorize the County Judge to sign the 60 day termination notice and County Purchasing Agent to go out on bid for service.

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

7. As corrected, approve and authorize reallocation of capital funds approved for Juvenile Probation Department for the purchase and installation for a heat exchange unit. Funding is requested in the amount of \$20,000 for purchase and installation of a Heat Exchanger as follows: Reallocate from CPCAPITAL07-Unallocated - \$20,000 to CPOCAPEQ07-EQUIPMENT- \$20,000.

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

8. Approve and authorize the transfer of law books listed in back-up from the 388th District Court to Purchasing Dept.

Submitted by: Office Manager Martha A. Banales, Council of Judges

9. Approve and authorize the transfer of a utility trailer from the Family and Community Services inventory through the Purchasing Department to the Public Works Department.

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

10. Approve and authorize the removal of unusable items assigned to various programs within the Department of Family and Community Services and transfer these items from each program's respective inventory to the Purchasing Agent for appropriate disposition.

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

11. Approve and authorize the transfer of furniture (Coffee Table #0055551) from the Office of the County Judge through the Purchasing Department to the Office of Commissioner Precinct 2.

Submitted by: County Judge Veronica Escobar, Commissioners Court

12. Approve and authorize the County Purchasing Agent to solicit bids for Uniformed Officer Badges and Patches. Specifications have been submitted to County Purchasing.

Submitted by: Sheriff Richard Wiles, El Paso County Sheriff's Office

13. Approve and authorize to transfer unserviceable equipment for the Warrants Section to the County Purchasing Agent for disposal. All items have been approved by County Purchasing. Please see attached.

Submitted by: Sheriff Richard Wiles, El Paso County Sheriff's Office

14. Authorize the County Judge to execute the applications for utility crossings of El Paso County Water Improvement District properties: T-216 lateral and the Tornillo Drain. Also authorize the County Auditor to issue two checks, each in the amount of \$1,000 for application fees.

Submitted by: Assistant County Attorney Cygne Nemir, County Attorney's Office

15. Approve and authorize the Department of Family and Community Services, through its General Assistance Program, to submit an application to the City of El Paso for \$160,000 in Emergency Solutions Grant funds for homelessness prevention and authorize the County Judge to sign any documents required by the funder for a successful grant application.

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

16. Approve and authorize the County of El Paso's participation in the 2012 Martin Luther King, Jr. Food Drive to collect non-perishable food items for El Paso's hungry and homeless from January 5-16, 2012 and to authorize the use of existing and in-kind County resources to make this effort successful.

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

17. Approve the contract with University Medical Center of El Paso (UMC) and authorize the Judge to sign an agreement for two years, with two 1-year extension options for services to provide pre-employment and employment medical examinations for the County Human Resources Department as they relate to the Sheriff's Division.

Submitted by: Director Betsy C. Keller, SPHR, Human Resources

18. Approve and adopt the "El Paso County Juvenile Case Manager Code of Ethics and Educational Standards" as required by the State of Texas. The standard has been reviewed and approved by the County Attorney's office. The rules are listed in the backup material.

Submitted by: Judge Brian J. Haggerty, JP 2

19. Approve and adopt the "El Paso County Council of Justices of the Peace Local Rules" as required by The State of Texas. The rules establish the Council of Justices of the Peace in El Paso County and have been reviewed and approved by the County Attorney's office. A list of the rules are listed in the backup material.

Submitted by: Judge Brian J Haggerty, JP 2

20. 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 Ernesto Carrizal III, P.E., County Road and Bridge

21. Approve and authorize the County Judge to sign the interlocal agreement with the Village of Vinton for OSSF (On-Site Septic Facility Program) service.

Submitted by: Public Works Director Ernesto Carrizal III, P.E., County Road and Bridge

23. Approve and Authorize the County Judge to sign the Overtime Agreement for reimbursement for 1 Lieutenant, 1 Sergeant and 7 Detectives through the Organized Crime Drug Enforcement Task Force (OCDETF) Program.

Submitted by: Lieutenant Robert Flores, EPCSO-HIDTA Task Force

24. Approve and Approve the County Judge to sign the Overtime Agreement for reimbursement for 1 Lieutenant, 1 Sergeant and 7 Detectives through the Organized Crime Drug Enforcement Task Force (OCDETF) Program.

Submitted by: Lieutenant Robert Flores, EPCSO-HIDTA Task Force

25. At this time we respectfully request authorization and approval for The County Judge to sign Amended Federal Equitable Sharing Agreement and Certification for the El Paso County Metro Criminal Enterprise Unit which has been reviewed and approved by the County Attorney's Office. (KK-11-618)

Submitted by: Sheriff Richard D. Wiles, El Paso County Sheriff's Office

26. Approve and authorize the County Judge to sign the Advanced Security Contractors, Inc. Agreement for the El Paso County Sheriff's Office - Jail Annex for DVR service (KK#11-598).

Submitted by: Sheriff Richard D. Wiles, EPCSO-Grants/Contracts

27. Approve and authorize the County Judge to sign the Advanced Security Contractors, Inc. Agreement for the El Paso County Sheriff's Office - HQ DVR service (KK#11-599).

Submitted by: Sheriff Richard D. Wiles, EPCSO-Grants/Contracts

28. Approve and authorize the County Judge to sign the Super Chef, Inc. contract for the El Paso County Sheriff's Office - Headquarters Cafeteria (KK#11-605).

Submitted by: Sheriff Richard D. Wiles, EPCSO-Grants/Contracts

VOTE: YES – Judge Escobar, Perez, Lewis, Gandara, Haggerty

NO – None

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**APPROVED - COUNTY ATTORNEY'S OFFICE TO TAKE LEGAL ACTION  
TO ENSURE FT. BLISS AREA IS INCLUDED WITHIN REPRESENTATION  
OF DISTRICT 16**

**DECEMBER 12, 2011**

**MOTION # 6 (Item # 29)**

On this day, on motion of Commissioner Lewis, seconded by Commissioner Perez, regarding the agenda item to discuss and take appropriate action regarding participation in the State redistricting litigation, it is the order of the Court to approve and authorize the County Attorney's Office to take any and all legal action possible to advance the Commissioners Court's opinion that the Fort Bliss area shall be included within the representation of District 16.

VOTE: YES – Judge Escobar, Perez, Lewis, Gandara, Haggerty

NO – None

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**POSTPONED - REQUEST FOR REORGANIZATION  
OF SHERIFF'S OFFICE MANNING TABLE**

**DECEMBER 12, 2011**

**MOTION # 7 (Item # 22)**

On this day, on motion of Commissioner Gandara, seconded by Commissioner Perez, it is the order of the Court to postpone for one week the agenda item to approve the committee's recommendation to approve Request#12-008 effective 01/01/2012 for a reorganization for the Sheriff's Office to include deleting two frozen Lieutenant positions, eliminating one vacant AMVA Technician position (pay grade 8NE), adding one Chief Deputy position to SHERIFFAW, reinstating the Training Director position (pay grade 6E), and reclassifying all future vacant Commander vacancies from the Assistant Chief pay grade to the previous Commander pay grade. The Auditor has analyzed the requests and the current budget of the Sheriff and finds that these changes can be made within existing budget allocations and without any additional impact to the general fund due to normal attrition.

VOTE: YES – Judge Escobar, Perez, Lewis, Gandara, Haggerty

NO – None

**DELETED - ORDER REDRAWING EL PASO COUNTY ELECTION  
PRECINCT BOUNDARIES AND ESTABLISHING POLLING PLACES  
BASED ON 2010 CENSUS AND TEXAS LAW**

**DECEMBER 12, 2011**

**MOTION # 8 (Item # 30)**

On this day, on motion of Commissioner Haggerty, seconded by Commissioner Gandara, it is the order of the Court to delete the agenda item to approve the updated voter precinct lines as depicted in Map 8 and the renumbered voter precincts and updated polling places as depicted in the Current and Updated Polling Places for Redistricting 2012, Precinct Numbers 1 - 189, to be effective January 1, 2012 or when approved by D.O.J., whichever is later. Also authorize the County Judge and County Commissioners to sign the Order Redrawing El Paso County Election Precinct Boundaries Based on 2010 Census and Court-ordered Interim Maps.

VOTE: YES – Judge Escobar, Perez, Lewis, Gandara, Haggerty

NO – None

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**APPROVED - AUTHORIZATION TO MAINTAIN TCDRS PLAN PROVISIONS FORM  
FOR PLAN YEAR 2012**

**DECEMBER 12, 2011**

**MOTION # 9 (Item # 31)**

On this day, on motion of County Judge Escobar, seconded by Commissioner Gandara, regarding the agenda item to discuss and take appropriate action to authorize the County Judge to sign the attached Authorization to Maintain TCDRS Plan Provisions Form for Plan Year 2012, it is the order of the Court to approve and authorize the County Judge to sign the TCDRS document.

VOTE: YES – Judge Escobar, Lewis, Gandara, Haggerty  
NOT PRESENT - Perez

NO – None

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**APPROVED - AMCAD SYSTEM/SERVICES CONTRACT  
WITH AMERICAN CADASTRE, LLC  
FOR VITAL RECORDS CONVERSION SERVICES FOR COUNTY CLERK'S OFFICE**

**DECEMBER 12, 2011**

**MOTION # 10 (Item # 32)**

On this day, on motion of Commissioner Haggerty, seconded by Commissioner Lewis, it is the order of the Court to approve the agenda item to approve and authorize the County Judge to sign the AMCAD System/Services Contract with American Cadastre, LLC for the provision of Vital Records conversion services for the County Clerk's Office in the amount of \$1,175,045.33.

VOTE: YES – Judge Escobar, Perez, Lewis, Haggerty  
NOT PRESENT - Gandara

NO – None

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**APPROVED - ORDER BANNING SALE/USE OF AERIAL FIREWORKS**

**DECEMBER 12, 2011**

**MOTION # 11 (Item # 33)**

On this day, on motion of County Judge Escobar, seconded by Commissioner Lewis, it is the order of the Court to approve the agenda item, as corrected, to discuss and take appropriate action to adopt an Order prohibiting the sale and use of restricted aerial fireworks in the unincorporated areas of El Paso County pursuant to Texas Local Government Code Section 352.051 and authorize the County Judge to sign said order. Additional backup information provided.

VOTE: YES – Judge Escobar, Perez, Lewis, Gandara, Haggerty

NO – None

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**DELETED - PROPOSAL TO PROVIDE INFORMATION TECHNOLOGY SERVICES  
TO EMERGENCE HEALTH NETWORK**

**DECEMBER 12, 2011**

**MOTION # 12 (Item # 34)**

On this day, on motion of Commissioner Gandara, seconded by Commissioner Haggerty, it is the order of the Court to delete the agenda item to discuss and take appropriate action regarding a proposal to provide county IT services to Emergence Health Network (formerly El Paso MHMR).

VOTE: YES – Judge Escobar, Perez, Lewis, Gandara, Haggerty

NO – None

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**EXECUTIVE SESSION**

**DECEMBER 12, 2011**

**MOTION # 13 (Item # 35)**

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.

35a) Discuss potential litigation regarding recordation of the transfer and/or assignment of deeds of trust, promissory notes and other legal instruments affecting title to property, county attorney number PC-11-027, pursuant to Texas Government Code Section 551.071.

Submitted by: Assistant County Attorney Omar Villa, County Attorney's Office

35b) Discuss potential litigation regarding the overpayment of salary to a County Employee; county attorney file number AA-11-193; pursuant to Texas Government Code Section 551.071.

Submitted by: Assistant County Attorney Omar Villa, County Attorneys Office

35c) Discuss subrogation claim regarding Keenon Cage; county attorney's number: PC-11-032; pursuant to Texas Government Code Section 551.071.  
Submitted by: Assistant County Attorney Ian R. Kaplan, County Attorneys Office

The Court recessed at 10:39 a.m.

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### **MEETING RECONVENED**

**DECEMBER 12, 2011**

**MOTION # 14**

On this day, Commissioners Court reconvened into regular open session following executive session at 11:27 a.m.

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### **DELETED - EXECUTIVE SESSION AGENDA ITEM**

**DECEMBER 12, 2011**

**MOTION # 15 (Item # 35a)**

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

35a) Discuss potential litigation regarding recordation of the transfer and/or assignment of deeds of trust, promissory notes and other legal instruments affecting title to property, county attorney number PC-11-027, pursuant to Texas Government Code Section 551.071.

Submitted by: Assistant County Attorney Omar Villa, County Attorney's Office

VOTE: YES – Judge Escobar, Perez, Lewis, Gandara, Haggerty

NO – None

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### **NO ACTION - OVERPAYMENT OF SALARY TO COUNTY EMPLOYEE; COUNTY ATTORNEY FILE NUMBER AA-11-193**

**DECEMBER 12, 2011**

**MOTION # 16 (Item # 36)**

On this day, Commissioners Court took no formal action regarding the agenda item to discuss and take appropriate action regarding the overpayment of salary to a County employee; county attorney file number AA-11-193.

**NO ACTION**

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**ACCEPTED - PAYMENT IN SETTLEMENT OF SUBROGATION CLAIM  
REGARDING KEENON CAGE, COUNTY ATTORNEYS NUMBER PC-11-032**

**DECEMBER 12, 2011**

**MOTION # 17 (Item # 37)**

On this day, on motion of Commissioner Perez, seconded by Commissioner Haggerty, it is the order of the Court to approve the agenda item to accept payment in the amount of \$2,516.09 in settlement of the subrogation claim regarding Keenon Cage, county attorneys number PC-11-032.

VOTE: YES – Judge Escobar, Perez, Lewis, Gandara, Haggerty

NO – None

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**RECONSIDERED - ORDER REDRAWING EL PASO COUNTY ELECTION  
PRECINCT BOUNDARIES AND ESTABLISHING POLLING PLACES  
BASED ON 2010 CENSUS AND TEXAS LAW**

**DECEMBER 12, 2011**

**MOTION # 18 (Item # 30)**

On this day, on motion of Commissioner Gandara, seconded by Commissioner Haggerty, it is the order of the Court to reconsider the agenda item to approve the updated voter precinct lines as depicted in Map 8 and the renumbered voter precincts and updated polling places as depicted in the Current and Updated Polling Places for Redistricting 2012, Precinct Numbers 1 - 189, to be effective January 1, 2012 or when approved by D.O.J., whichever is later. Also authorize the County Judge and County Commissioners to sign the Order Redrawing El Paso County Election Precinct Boundaries Based on 2010 Census and Court-ordered Interim Maps.

VOTE: YES – Judge Escobar, Perez, Lewis, Gandara, Haggerty

NO – None

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**APPROVED - CHANGE OF POLLING PLACE**

**DECEMBER 12, 2011**

**MOTION # 19 (Item # 30)**

On this day, on motion of Commissioner Gandara, seconded by Commissioner Perez, regarding the agenda item to approve the updated voter precinct lines as depicted in Map 8 and the renumbered voter precincts and updated polling places as depicted in the Current and Updated Polling Places for Redistricting 2012, Precinct Numbers 1 - 189, to be effective January 1, 2012 or when approved by D.O.J., whichever is later. Also authorize the County Judge and County Commissioners to sign the Order Redrawing El Paso County Election Precinct Boundaries Based on 2010 Census and Court-ordered Interim Maps, it is the order of the Court to approve and authorize the following change only in Precinct 2 polling location from the West Valley Fire Department, 510 East Vinton Road, to the Village of Vinton City Hall, 436 East Vinton Road.

VOTE: YES – Judge Escobar, Perez, Lewis, Gandara, Haggerty

NO – None

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**MEETING ADJOURNED**

**DECEMBER 12, 2011**

**MOTION # 20**

On this day, there being no further business to discuss, the meeting was adjourned at 11:33 a.m.

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MEETING ADJOURNED - SINE DIE

ATTEST:

DELIA BRIONES, COUNTY CLERK  
EL PASO COUNTY, TEXAS

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PATRICIA PIETZYK, DEPUTY CLERK

EXAMINED AND APPROVED BY ME THIS:

\_\_\_\_\_ DAY OF \_\_\_\_\_, 2011.

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COUNTY JUDGE VERONICA ESCOBAR, PRESIDING