

ORDERS OF COMMISSIONERS COURT
BEXAR COUNTY, TEXAS
TUESDAY, FEBRUARY 17, 2004

Commissioners Court Work Session was called to order by County Judge Nelson W. Wolff at 2:15 p.m.
Present at roll-call:

Nelson W. Wolff, County Judge,
Robert Tejada, County Commissioner Precinct No. 1,
Paul Elizondo, County Commissioner Precinct No. 2,
Lyle Larson, County Commissioner Precinct No. 3,
Tommy Adkisson, County Commissioner Precinct No. 4,
Susan D. Reed, District Attorney (Rep. by Ed Schwening),
Tommy J. Tompkins, County Auditor,
David J. Morgan, Executive Director - Electronic Voting System Project
David Marquez, Chief Operating Officer,
S. Marcus Jahns, Executive Director - Planning & Resource Management
Department/Budget Officer,
Jose E. Castillo, Executive Director - Housing and Human Services
Department,
Gabriel Perez, Executive Director - Infrastructure Services Department,
Gerry Rickhoff, County Clerk (Rep. by Rose Lynn French),

when the following proceedings were had to-wit:

COUNTY JUDGE NELSON W. WOLFF ADMINISTERED THE
OATH OF OFFICE TO LINDA F. PENN, TEMPORARY JUSTICE
OF THE PEACE, PRECINCT NO. 4.

FILING FOR RECORD COPY OF OFFICIAL BOND, OATH OF
OFFICE AND STATEMENT OF APPOINTED OFFICER FOR
LINDA F. PENN, TEMPORARY JUSTICE OF THE PEACE,
PRECINCT NO. 4. (ORIGINALS ARE FILED IN VITAL
STATISTICS DEPARTMENT - COUNTY CLERK'S OFFICE)

COMMISSIONERS COURT - ITEM 2
ORDER APPROVING ORDER BY COMMISSIONERS COURT OF
BEXAR COUNTY, TEXAS AUTHORIZING THE ISSUANCE OF
ABEXAR COUNTY, TEXAS COMBINATION TAX AND
REVENUE CERTIFICATES OF OBLIGATION SERIES 2004";
PROVIDING FOR THE PAYMENT OF SAID CERTIFICATES BY
THE LEVY OF AN AD VALOREM TAX UPON ALL TAXABLE
PROPERTY WITHIN THE COUNTY AND FURTHER SECURING
SAID CERTIFICATES BY A LIEN ON AND PLEDGE OF THE
PLEGGED REVENUES OF THE PARKING STATION;
PROVIDING THE TERMS AND CONDITIONS OF SAID
CERTIFICATES AND RESOLVING OTHER MATTERS INCIDENT
AND RELATING TO THE ISSUANCE, PAYMENT, SECURITY,
SALE, AND DELIVERY OF SAID CERTIFICATES, INCLUDING
THE APPROVAL AND DISTRIBUTION OF AN OFFICIAL
STATEMENT; AUTHORIZING THE EXECUTION OF A PAYING
AGENT/REGISTRAR AGREEMENT AND A PURCHASE
CONTRACT; COMPLYING WITH THE PROVISIONS OF THE
DEPOSITORY TRUST COMPANY'S LETTER OF
REPRESENTATIONS; AND PROVIDING AN EFFECTIVE DATE.
(RECORD)

A motion was presented by County Commissioner Paul Elizondo, duly seconded by County Commissioner Tommy Adkisson, which motion was voted on as follows: Commissioners Tejeda, Elizondo, Larson, Adkisson and Judge Wolff voting "Aye". It is ordered by the Court that the Order by Commissioners Court of Bexar County, Texas, authorizing the issuance of "Bexar County, Texas Combination Tax and Revenue Certificates of Obligation Series 2004"; providing for the payment of said Certificates by the levy of an ad valorem tax upon all taxable property within the County and further securing said certificates by a lien on and pledge of the pledge revenues of the Parking Station, providing the terms and conditions of said certificates and resolving other matters incident and relating to the issuance, payment, security, sale and delivery of said certificates, including the approval and distribution of an Official Statement; authorizing the execution of a Paying Agent/Registrar Agreement and a Purchase Contract; complying with the provisions of the Depository Trust company's Letter of Representations; and providing an effective date be, and hereby is, approved.

COMMISSIONERS COURT - ITEM 3
ORDER APPROVING ORDER BY COMMISSIONERS COURT OF BEXAR COUNTY, TEXAS AUTHORIZING THE ISSUANCE OF "BEXAR COUNTY, TEXAS LIMITED TAX GENERAL OBLIGATION REFUNDING BONDS, SERIES 2004"; LEVYING AN ANNUAL AD VALOREM TAX, WITHIN THE LIMITATIONS PRESCRIBED BY LAW, FOR THE PAYMENT OF THE BONDS; PRESCRIBING THE FORM, TERMS, CONDITIONS, AND RESOLVING OTHER MATTERS INCIDENT AND RELATED TO THE ISSUANCE, SALE AND DELIVERY OF THE BONDS, INCLUDING THE APPROVAL AND DISTRIBUTION OF AN OFFICIAL STATEMENT PERTAINING THERETO; AUTHORIZING THE EXECUTION OF A PAYING AGENT/REGISTRAR AGREEMENT, A PURCHASE CONTRACT, AND AN ESCROW AND TRUST AGREEMENT, COMPLYING WITH THE PROVISIONS OF THE DEPOSITORY TRUST COMPANY'S LETTER OF REPRESENTATIONS; AND PROVIDING AN EFFECTIVE DATE. (RECORD)

A motion was presented by County Commissioner Paul Elizondo, duly seconded by County Commissioner Tommy Adkisson, which motion was voted on as follows: Commissioners Tejeda, Elizondo, Larson, Adkisson and Judge Wolff voting "Aye". It is ordered by the Court that the Order by Commissioners Court of Bexar County, Texas authorizing the issuance of "Bexar County, Texas Limited Tax General Obligation Refunding Bonds, Series 2004"; levying an annual ad valorem tax within the limitations prescribed by law for the payment of the bonds, prescribing the form, terms, conditions, and resolving other matters incident and related to the issuance, sale and delivery of the bonds, including the approval and distribution of an Official Statement pertaining thereto, authorizing the execution of a Paying Agent/Registrar Agreement, a Purchase Contract, and an Escrow and Trust Agreement, complying with the provisions of the Depository Trust Company's Letter of Representations; and providing an effective date be, and hereby is, approved.

COMMISSIONERS COURT - ITEM 5
HOUSING & HUMAN SERVICES DEPARTMENT
ORDER THAT THE RECOMMENDATION OF THE COUNTY
AUDITOR BE FOLLOWED AND DIRECTING STAFF TO NOTIFY
THE TAX INCREMENT FINANCE (TIF) CITIZENS COMMITTEE
THAT THE BEXAR COUNTY HOSPITAL DISTRICT AND DEBT
SERVICE AND FLOOD CONTROL DISTRICT TAXES WILL BE
EXCLUDED FROM COUNTY TAX INCREMENT
CONTRIBUTION ON FUTURE TIF INTERLOCAL AGREEMENTS.
(RECORD)

A motion was presented by County Commissioner Paul Elizondo, duly seconded by County Commissioners Robert Tejeda and Tommy Adkisson, which motion was voted on as follows: Commissioners Tejeda, Elizondo, Larson, Adkisson and Judge Wolff voting "Aye". It is ordered by the Court that the recommendation of the County Auditor be followed and staff be, and hereby is, directed to notify the TIF Citizens Committee that the Bexar County Hospital District and Debt Service and Flood Control District taxes will be excluded from County tax increment contribution on future TIF Interlocal Agreements.

COMMISSIONERS COURT - ITEM 6
ORDER DIRECTING STAFF TO RE-ADVERTISE FOR FILLING
VACANCIES ON THE VIA METROPOLITAN TRANSIT
AUTHORITY BOARD. (RECORD)

A motion was presented by County Commissioner Paul Elizondo, duly seconded by County Commissioner Robert Tejeda, which motion was voted on as follows: Commissioners Tejeda, Elizondo, Larson, Adkisson and Judge Wolff voting "Aye". It is ordered by the Court that staff be, and hereby is, directed to re-advertise for filling vacancies on the VIA Metropolitan Transit Authority Board.

COMMISSIONERS COURT - ITEM 8

A MOTION WAS PRESENTED BY COUNTY COMMISSIONER PAUL ELIZONDO, DULY SECONDED BY COUNTY COMMISSIONER ROBERT TEJEDA, TO APPROVE PERSONAL SERVICES AGREEMENT, AS AMENDED, BETWEEN BEXAR COUNTY AND MARCUS JAHNS FOR ASSISTANCE AND ADVICE ON THE COUNTYWIDE STRATEGIC PLAN, THE REGIONAL MOBILITY PLAN, THE CITIZENS COMMITTEE ON CITY/COUNTY SERVICE INTEGRATION, PERFORMANCE MANAGEMENT AND MEASUREMENT AND OTHER BEXAR COUNTY ORGANIZATIONAL DEVELOPMENT ACTIVITIES.

AN AMENDMENT WAS PRESENTED BY COUNTY COMMISSIONER LYLE LARSON, DULY SECONDED BY COUNTY COMMISSIONER TOMMY ADKISSON, TO CAP THE PERSONAL SERVICES AGREEMENT AT \$88,000 AND TO PROVIDE OFFICE ACCOMENDATIONS ON A PART TIME BASIS.

**AMENDMENT WAS VOTED ON AS FOLLOWS:
COMMISSIONERS LARSON AND ADKISSON VOTING AYE@**

AND COMMISSIONERS TEJEDA, ELIZONDO AND JUDGE WOLFF VOTING ANAY.@

AMENDMENT FAILED.

AN AMENDMENT TO THE ORIGINAL MOTION WAS PRESENTED BY COUNTY COMMISSIONER PAUL ELIZONDO, DULY SECONDED BY COUNTY COMMISSIONER ROBERT TEJEDA, TO APPROVE THE PERSONAL SERVICES AGREEMENT, AS AMENDED, BETWEEN BEXAR COUNTY AND MARCUS JAHNS AND TO PROVIDE ADEQUATE WORK SPACE ON A TEMPORARY BASIS WHEN NECESSARY.

AMENDMENT TO THE ORIGINAL MOTION WAS VOTED ON AS FOLLOWS: COMMISSIONERS TEJEDA, ELIZONDO, ADKISSON AND JUDGE WOLFF VOTING AAYE@ AND COMMISSIONER LARSON VOTING ANAY.@

IT IS ORDERED BY THE COURT THAT THE PERSONAL SERVICES AGREEMENT, AS AMENDED, BETWEEN BEXAR COUNTY AND MARCUS JAHNS FOR ASSISTANCE AND ADVICE ON THE COUNTYWIDE STRATEGIC PLAN, THE REGIONAL MOBILITY PLAN, THE CITIZENS COMMITTEE ON CITY/COUNTY SERVICE INTEGRATION, PERFORMANCE MANAGEMENT AND MEASUREMENT AND OTHER BEXAR COUNTY ORGANIZATIONAL DEVELOPMENT ACTIVITIES BE, AND HEREBY IS APPROVED AND THAT ADEQUATE WORK SPACE BE PROVIDED TO MARCUS JAHNS ON A TEMPORARY BASIS WHEN NECESSARY. (RECORD)

COUNTY COMMISSIONER LYLE LARSON LEFT THE MEETING AT THIS TIME.

COMMISSIONERS COURT - ITEM 9
ORDER THAT THE FOLLOWING POSITIONS, AND EMPLOYEES, CURRENTLY UNDER DIRECTION OF PLANNING AND RESOURCE MANAGEMENT DEPARTMENT BE TRANSFERRED TO THE NEWLY CREATED CHIEF OF STAFF TO THE COUNTY JUDGE, EFFECTIVE FEBRUARY 17, 2004 AND APPROVING ALL APPROPRIATE BUDGETARY TRANSFERS TO IMPLEMENT AND DIRECTING SETH MITCHELL, CHIEF OF STAFF TO THE COUNTY JUDGE, TO PROVIDE THE COURT WITH A RE-ORGANIZATION PLAN, TO INCLUDE ANY TITLE, GRADE OR SALARY CHANGES AND AN ORGANIZATIONAL CHART OF HIS OFFICE FOR THE NEXT MEETING

<u>POSITION TITLE</u>	<u>EMPLOYEE</u>
SENIOR MANAGEMENT ANALYSIS	CINDY SEGOVIA

**ANALYSIS
COURT SUPPORT COORDINATOR
OFFICE ASSISTANT III**

**YVONNE ESCAMILLA
JANIE AGUIAR
DOLORES LEWIS**

A motion was presented by County Commissioner Robert Tejeda, duly seconded by County Commissioner Paul Elizondo, which motion was voted on as follows: Commissioners Tejeda, Elizondo, Adkisson and Judge Wolff voting "Aye". It is ordered by the Court that the above positions, and employees currently under direction of Planning and Resource Management Department be, and hereby are, transferred to the newly created Chief of Staff to the County Judge, effective February 17, 2004 and all appropriate budgetary transfers are approved to implement said order and directing Seth Mitchell, Chief of Staff to the County Judge to provide the Court with a re-organization plan, to include any title, grade or salary changes, and an organizational chart of his office for the next meeting.

**COMMISSIONERS COURT - ITEM 9
ORDER CLARIFYING THE COMMISSIONERS COURT ORDER
OF TUESDAY, FEBRUARY 10, 2004 AND SETTING
COMPENSATION FOR DAVID SMITH, NEWLY APPOINTED
EXECUTIVE DIRECTOR OF PLANNING & RESOURCE
MANAGEMENT DEPARTMENT/BUDGET OFFICER AT \$116,108
PER YEAR EFFECTIVE FEBRUARY 27, 2004.**

A motion was presented by County Commissioner Paul Elizondo, duly seconded by County Commissioner Robert Tejeda, which motion was voted on as follows: Commissioners Tejeda, Elizondo, Adkisson and Judge Wolff voting "Aye". It is ordered by the Court that the Commissioners Court Order of Tuesday, February 10, 2004 be, and hereby is, clarified and compensation for David Smith, newly appointed Executive Director of Planning & Resource Management Department/Budget Officer is set at \$116,108 per year effective February 27, 2004.

**COMMISSIONERS COURT - ITEM 9
ORDER DIRECTING DAVID SMITH TO PROVIDE AN
ORGANIZATIONAL CHART OF THE PLANNING AND
RESOURCE MANAGEMENT DEPARTMENT/BUDGET OFFICE
AND PREPARE A REPORT ON SAVINGS ACHIEVED BY ALL
THE PREVIOUS COURT ACTIONS REGARDING
REORGANIZATION OF THE DEPARTMENTS AND PERSONNEL
REPORTING TO COMMISSIONERS COURT.**

A motion was presented by County Commissioner Robert Tejeda, duly seconded by County Commissioner Paul Elizondo, which motion was voted on as follows: Commissioners Tejeda, Elizondo, Adkisson and Judge Wolff voting "Aye". It is ordered by the Court that David Smith be, and hereby is, directed to provide an organizational chart of Planning & Resource Management Department/Budget Office and prepare a report on savings achieved by all the previous Court actions regarding reorganization of the departments and personnel reporting to Commissioners Court .

**COUNTY COMMISSIONER LYLE LARSON RETURNED TO THE
MEETING AT THIS TIME.**

 COMMISSIONERS COURT - ITEM 7
 JUSTICE OF THE PEACE, PRECINCT NO. 4
 ORDER APPROVING COMPENSATION FOR LINDA F. PENN,
 TEMPORARY JUSTICE OF THE PEACE, PRECINCT NO. 4 AT
 \$41,583 PER YEAR, WHICH IS THE CURRENT SALARY FOR J.P.,
 PCT. 4, AND APPROVING THE FOLLOWING BUDGETARY
 TRANSFER. (RECORD)

FROM: FUND 001-NON-DEPARTMENTAL

AGENCY/ ORGN	SUB-ORGN/ OBJ.CODE	OBJECT CODE DESCRIPTION	TRANSFER AMOUNT
900-9300	9301-9400	UNDESIGNATED FUNDS	\$28,155

TO: FUND 001-JUSTICE OF THE PEACE, PCT 4

AGENCY/ ORGN	SUB-ORGN/ OBJ.CODE	OBJECT CODE DESCRIPTION	TRANSFER AMOUNT
234-2340	2344-0110	SALARY, REGULAR	\$25,989
	1090	SOCIAL SECURITY	1,988
	1414	WORKERS COMPENSATION	146
	1420	UNEMPLOYMENT	32

A motion was presented by County Commissioner Tommy Adkisson, duly seconded by County Commissioner Paul Elizondo, which motion was voted on as follows: Commissioners Tejeda, Elizondo, Larson, Adkisson and Judge Wolff voting "Aye". It is ordered by the Court that the compensation for Linda F. Penn, Temporary Justice of the Peace, Precinct No. 4 be, and hereby is, approved at \$41,583 per year and the above budgetary transfer is approved.

 COMMISSIONERS COURT - ITEM 9
 THE FOLLOWING ACTION WAS TAKEN REGARDING A
 REORGANIZATION OF THE DEPARTMENTS AND PERSONNEL
 REPORTING TO COMMISSIONERS COURT. (RECORD)

**ORDER APPROVING ASSIGNMENT OF RESPONSIBILITIES
 AS FOLLOWS:**

DAVID MORGAN:

**CHIEF INFORMATION OFFICER - BEXAR COUNTY
 INFORMATION SERVICES DEPARTMENT**

ARENA PROJECT SUPPORT

TECHNICAL SUPPORT FOR ELECTIONS DEPARTMENT

DAVID MARQUEZ:

ARENA PROJECT/ECONOMIC DEVELOPMENT DIRECTOR

CHRIS PROJECT IMPLEMENTATION

**CHIEF OPERATION OFFICER, BEXAR COUNTY
INFORMATION SERVICES DEPARTMENT**

A motion was presented by County Commissioner Paul Elizondo, duly seconded by County Commissioner Robert Tejeda, which motion was voted on as follows: Commissioners Tejeda, Elizondo, Larson, Adkisson and Judge Wolff voting "Aye". It is ordered by the Court that the assignment of responsibilities be, and hereby are, approved as stated above.

COMMISSIONERS COURT MET IN EXECUTIVE SESSION AT THIS TIME PURSUANT TO CHAPTER 551, TEXAS GOVERNMENT CODE AND THE FOLLOWING ITEMS WERE DISCUSSED.

551-071 - CONSULTATION WITH ATTORNEY FOR ADVICE REGARDING:

- 1. PENDING OR CONTEMPLATED LITIGATION OR SETTLEMENT OFFERS IN THE FOLLOWING MATTERS:

ROBERT RULE AND CHERIE RULE VS. BEXAR COUNTY, ET AL

CONSTABLE RUBEN C. TEJEDA, ET AL, V. BEXAR COUNTY, ET AL

551-072 - DELIBERATION REGARDING REAL PROPERTY:

- 1. DELIBERATION REGARDING THE PURCHASE, EXCHANGE, LEASE OR VALUE OF THE FOLLOWING REAL PROPERTY, THE DELIBERATION IN AN OPEN MEETING WOULD HAVE A DETRIMENTAL EFFECT ON THE POSITION OF BEXAR COUNTY IN NEGOTIATIONS WITH A THIRD PARTY:

18729 APPLEWHITE ROAD

COUNTY JUDGE NELSON W. WOLFF AND COUNTY COMMISSIONER LYLE LARSON LEFT THE MEETING AT THIS TIME. COUNTY COMMISSIONER PAUL ELIZONDO IS PRESIDING OFFICER.

4:40 P.M.

COMMISSIONERS COURT RETURNED TO OPEN SESSION AT THIS TIME.

5:05 P.M.

COMMISSIONERS COURT - ITEM 10
ORDER ACCEPTING THE RECOMMENDATION OF THE DISTRICT ATTORNEY'S OFFICE AND APPROVING SETTLEMENT OF ALL CLAIMS IN THE TOTAL AMOUNT OF \$100,000 (\$50,000 FROM COUNTY SELF INSURED RETENTION AND \$50,000 PAID BY EXCESS CARRIER) IN ROBERT RULE AND CHERIE RULE V. BEXAR COUNTY, ET AL.

A motion was presented by County Commissioner Robert Tejeda, duly seconded by County Commissioner Tommy Adkisson, which motion was voted on as follows: Commissioners Tejeda, Elizondo, Adkisson voting "Aye". It is ordered by the Court that the recommendation of the District Attorney's Office is accepted and settlement of all claims in the total amount of \$100,000 in Robert Rule and Cherie Rule v. Bexar County, et al be and hereby is, approved.

There being no further business Commissioners Court adjourned at 5:10 p.m.

**NELSON W. WOLFF, COUNTY JUDGE
BEXAR COUNTY, TEXAS**

**ATTEST: GERRY RICKHOFF
 COUNTY CLERK
 BEXAR COUNTY, TEXAS**

