

**THE STATE OF TEXAS  
COUNTY OF ZAPATA**

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

Be it remembered, that on this the 8<sup>th</sup> of October 2021, 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
Paco Mendoza	Commissioner, Precinct No. 1
Olga M. Elizondo	Commissioner, Precinct No. 2
Jose A. Solis	Commissioner, Precinct No. 3
Norberto Garza	Commissioner, Precinct No. 4
Mary Jayne Villarreal-Bonoan	County Clerk and Ex-Officio Clerk of the Commissioners Court

**VISITORS:** Nellie Trevino, Jose F. Mendoza, Cynthia Peña, Amalia Navarro, Antonio A. Mendoza, Angel Chapa, Fernando Castillo, Ruben J. Gutierrez, Karran Westerman, Joyce Currington, Carl Esser, Jose L. Guevara III, Luis Guevara, Ricardo Guevara, Ashley Dietert, Gabriella Guevara, Alicia Garcia Richards, Jorge Montes III, Ovidio Garza, Jr., Juan Ned Garza, Fidencio Mendoza, Jr., Dora A. Martinez, David A. Ramirez, Belinda Bravo, Yvonne Trapp, Angel Castañeda, Marisia Benavides, Steve Sanchez, and Daniel D. Arriaga.

**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 AND  
EX-OFFICIO CLERK OF THE COMMISSIONERS COURT  
PLEDGE OF ALLEGIANCE**

**COMMUNICATIONS**

Daniel Arriaga, Fire Chief, reported that Covid-19 numbers have gone down. Fire Department have administered 37 vaccines in the last 2 weeks for a total of 2,881 vaccines; 183 tests were conducted with a total of 2,295 total overall tests.

Vaccines by Fire Department are still available Monday, Wednesday, and Friday. CVS Monday – Friday. National Guard, DHS, and Daniel’s Pharmacy, Fire Department, Daniel’s Pharmacy and Gateway are still doing Covid-19 testing.

Judge Rathmell reported on Covid-19 testing as follows:

19,959 total tests	2,113 recovered
1,669 positive	33 active
18,201 negative	44 deaths
520 probable	

Commissioner Solis addressed the court regarding the salary increase approved and after talking to constituents, and although the budget cannot be amended, he will be signing an affidavit to reduce his salary to the previous amount of \$41,676. Commissioners Olga M. Elizondo, Paco Mendoza, and Norberto Garza will also sign the affidavit rejecting salary increase and will remain at the 2020-2021 salary.

Commissioner Elizondo announced that home repair loans are available through the U.S. Department of Agriculture (USDA) Rural Development is accepting applications for grants support housing repairs for low-income rural residents.

She added that Border Patrol will be holding a fund raiser at CVS Pharmacy.

Commissioner Mendoza stated that it is up to each elected official to reject raise and sign affidavit.

Dora Martinez, District Clerk, also stated that she will be signing the affidavit to rejecting salary increase.

Sheriff Del Bosque addressed the Court and announced that he too will sign said affidavit rejecting salary increase.

### **PUBLIC COMMENT**

Numerous constituents addressed the court regarding the approved budget with the salary increase. Alicia Garcia Richards, a tax payer, commented on item #10, and stated that she thanked the commissioners for giving up the raise. The court should be more diligent with what is going on in the county. Constituents were unaware of what was going on in the court. Suggested having budget hearing after hours. Ms. Richards commended the first responders and thanked all county employees for all the hard work.

Angel Chapa stated that he was happy with the decisions made today.

Fernando Castillo questioned the purchase of the golf course and stated that the closure of the nursing home is a priority.

Judge Rathmell responded and stated that there is a local group who has agreed to purchase the nursing home, therefore it will remain open. The purchase of the Golf Course is via an application for Texas Parks and Wild Life Funding grant from which the county received more than half of the funding. The purchase of the Golf Course not only affects the quality of life for people in our community and also Winter Texans and visitors that come to Zapata, but also comes with 122 acres of land of which half will benefit the county in the future as we continue to grow.

Joyce Currington addressed the court regarding Lake Front Lodge roads that need repairs; golf course is needed for the youth and commended RSL.

Juan Ned Garza addressed the court stating that he had an issue with the raises and questioned what gave the commissioners the right to give themselves such a percentage raise. He questioned the increase in taxes.

Judge Rathmell explained how the taxing process works, the appraisal district represents all taxing entities within the county and they set appraisals on each property in the county. The tax rate is set by commissioners' court and has not gone up in ten or twelve years.

Juan Ned Garza stated that there are no industries brought to this community. There is no revenue coming in to our community. He also addressed the purchase of the golf course. Judge Rathmell again explained the benefit of said purchase.

Judge Rathmell also explained that there has been an increase in funds to the county due to the windmill farms that have benefited several county entities.

Steve Sanchez addressed the commissioners in a disorderly manner and asked why they had such a high opinion of themselves when they hadn't done anything (shit) and had provided nothing to the county. Has only seen less services and more raises. They should be ashamed of themselves and use common sense.

Michael Finger stated that he is pleased with the decision to reject the raise. He added that there is no industry for young people to come back and stay. Walmart and HEB are not coming here. Mr. Finger asked why we don't build an international bridge

Mr. Figueroa explained that industries ask for tax abatements and that is the incentive to offer a corporation. Walmart and HEB overtures were made and offered tax abatements, the attempt was made. However, at the time the corporations felt that it was not cost effective for them. HEB is seeking locations that have access to Mexico.

Commissioner Mendoza explained that industries look at the numbers and population, our census has decreased. Large corporations are looking for large census number.

**PRESENTATION BY JENNY THATCHER OF \$430 FOR FOOD PANTRY AND  
SUBMISSION OF PETITION SIGNED BY ELIGIBLE ZAPATA COUNTY VOTERS  
AGAINST THE ZAPATA COUNTY COMMISSIONERS' 20% PAY RAISE**

Jennifer Thatcher addressed the court regarding item #10. A group of constituents raised \$430 for the food pantry that was handed to County Treasurer Romeo Salinas.

Jennifer Thatcher questioned the commissioners because she wants a justification for the raise. She added that a nonpartisan petition was signed. Petition was handed to County Clerk Mary Jayne Villarreal-Bonoan.

Paco felt that a salary would entice more insolvent and more people would seek to run for these positions. Salary increase was based on TAC averages.

Jennifer Thatcher responded that elected officials know what they are going to make when they run.

Commissioner Garza stated that commissioners work 24/7 and felt the raise was deserved.

Commissioner Solis stated that the last time the commissioners raise was in 2007; a 20% raise was approved. Justice of the Peace were given a 28%. The raise was an average of 19 counties similar to Zapata County.

Judge Rathmell stated the budget was filed prematurely without his affidavit and without his signature, but his affidavit will be submitted for the record.

Delia Mendoza, County Tax Collector will also sign the affidavit rejecting the salary increase.

Sara Rathmell addressed the court stating that it's frustrating to listen to the commissioner's explanations. If the average pay is \$42,000 and they have been making \$42,000 then they have been vastly overpaid for the past 15 years. What happened in court that day was that they showed contempt for every voter in the county. Her last statement was "We will take the county back from these corrupt clowns."

Sheriff Del Bosque signed the affidavit rejecting his salary increase and asked that the raise be given to his first responders.

**REPORT ON AFFIDAVIT OF JOSEPH RATHMELL PURSUANT TO  
LOCAL GOVERNMENT CODE §152.052 ON ELECTING NOT TO  
RECEIVE A RAISE ON SALARY AS COUNTY JUDGE**

Judge Joe Rathmell reported that he submitted an affidavit stating that he elected not to receive a raise on salary pursuant to Local Government Code §152.052. His salary will remain at \$41,875.00.

### **ORDER APPROVING INVOICES**

Motion was made by Commissioner Mendoza, seconded by Commissioner Elizondo, to approve invoices from September 24 through October 7, 2021, in the amount of \$783,126.58 as presented by Triunfo Gonzalez.

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 Mendoza, seconded by Commissioner Garza, to approve Treasurer's Report 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.

### **ORDER APPROVING CHECKS ISSUED**

Motion was made by Commissioner Mendoza, seconded by Commissioner Solis, to approve checks issued from September 24 through October 7, 2021, in the amount of \$783,126.58 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.

### **TAX / ASSESSOR COLLECTOR'S REPORT**

Tax Assessor/Collector's office reported Hotel-Motel tax collections in the amount of \$4,585.58 for the month of September with a year-to-date total of \$105,307.26. Tax collections were \$64,628.96 with a rate of 90.58%.

### **ORDER APPROVING TO WITHHOLD ALL FUNDING FOR NON-PROFITS UNTIL BUDGET AND FINANCIALS ARE SUBMITTED TO COUNTY**

Motion was made by Commissioner Mendoza, seconded by Commissioner Garza, to approve to withhold all funding for non-profits until budget and financials are submitted to the county as requested by Hon. Joe Rathmell, County Judge.

Gabriella Guevara expressed her concern regarding the lack of transparency, it's important to see where funds are spent.

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 JORGE MONTES III ADDRESSING INAPPROPRIATE POSTING OF POLITICAL SIGNS IN ZAPATA COUNTY AND DETERMINE IMPOSITION OF FINES AND/OR CONSEQUENCES**

Motion was made by Commissioner Garza, seconded by Commissioner Mendoza, to table request by Jorge Montes III addressing the inappropriate posting of political signs in Zapata County and to determine the imposition of fines and/or consequences to those who fail to adhere to policies as requested by Jorge Montes III, Zapata Co. Democratic Party Chairman.

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

**ORDER APPROVING REQUEST TO USE FRONT STEPS OF  
ZAPATA COUNTY COURTHOUSE FOR DEA DRUG TAKE BACK DAY**

Motion was made by Commissioner Garza, seconded by Commissioner Mendoza, to approve request to use the front steps of the Zapata County Courthouse on October 23, 2021 and April 23, 2022 for the DEA Drug Take Back Day as requested by: Sonia Montes, SCAN Inc.

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

**ORDER APPROVING ANNUAL AGREEMENT BETWEEN SERVING CHILDREN  
AND ADULTS IN NEED (SCAN) AND ZAPATA COUNTY FOR USE OF  
OFFICE SPACE AND UTILITIES**

Motion was made by Commissioner Mendoza, seconded by Commissioner Solis, to approve the annual agreement between Serving Children and Adults in Need (SCAN) and Zapata County for the use of office space and utilities as requested by: Sonia Montes, SCAN Inc.

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

**ORDER AWARDING CONTRACT FOR BIOLOGY SURVEY FOR  
LOS EBANOS GOLF COURSE PROPERTY**

Motion was made by Commissioner Mendoza, seconded by Commissioner Solis to approve to award contract for biology survey for the Los Ebanos Golf Course property for the amount of \$3,900.00, as requested by the TPWD, to Dr. Mickey W. Hellickson, CWD as requested by Carlos Colina Vargas, Consultant.

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

**CARL ESSER OF ESSER & COMPANY CONSULTING LLC REPORTED  
ON PRELIMINARY SCORES FROM TDA 2021-2022 TXCDBG COMMUNITY  
DEVELOPMENT GRANT APPLICATION**

Carl Esser of Carl Esser, Esser & Company Consulting, LLC, reported on preliminary scores from TDA for 2021-2022 TxCDBG Community Development Grant Application. Zapata County applied to the Texas Department of Agriculture for street improvements grant. Zapata County placed first for Falcon Mesa Subdivision Cardinal and Crane Streets in Precinct 3 with a 5% (\$15,500.00) match. A field staff member will do a site visit, the county will receive an award letter. Start date is February 1, 2022.

**ORDER APPROVING CARL ESSER, ESSER COMPANY CONSULTING, LLC  
TO ASSIST ZAPATA COUNTY WITH BORDER ZONE FIRE DEPARTMENT  
GRANT APPLICATION**

Motion was made by Commissioner Mendoza, seconded by Commissioner Solis, to approve Carl Esser, Esser Company Consulting, LLC to assist Zapata County with the Border Zone Fire Department Grant Application for \$250,000, no match required, as requested by Carl Esser, Esser Company Consulting LLC. This will be for purchase of equipment to use for emergency services (ambulance and marine unit).

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

**ORDER APPROVING ESSER & COMPANY CONSULTING, LLC  
TO ASSIST ZAPATA COUNTY WITH OPERATION  
LONE STAR GRANT APPLICATION**

Motion was made by Commissioner Garza, seconded by Commissioner Mendoza, to approve Carl Esser, Esser Company Consulting, LLC to assist Zapata County with Operation Lone Star Grant Application as requested by Carl Esser, Esser & Company Consulting LLC. For all Border operations, over time, court administration and operation of all offices involved.

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

**COMMUNICATION**

Mr. Figueroa reported that he received an email from attorney general regarding a class action law suit against makers of opioids; there will be compensation for local government that participated in the law suit. Zapata county will receive compensation for settlement.

**ORDER APPROVING PROCLAMATION FOR MENTAL ILLNESS  
AWARENESS WEEK**

Motion was made by Commissioner Garza, seconded by Commissioner Solis, to approve proclamation for Mental Illness Awareness week as requested by Jessica Hurtado, Border Region Behavioral Health Center.

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

**ORDER APPROVING RESOLUTION TO APPLY FOR BORDER ZONE FIRE  
DEPARTMENT GRANT TO GOVERNOR'S OFFICE**

Motion was made by Commissioner Mendoza, seconded by Commissioner Solis, to approve resolution to apply for Border Zone Fire Department Grant to Governor's Office as requested by Carl Esser, Esser & Company Consulting LLC.

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

**ORDER APPROVING RESOLUTION TO APPLY FOR OPERATION LONE STAR  
GRANT TO THE GOVERNOR'S OFFICE**

Motion was made by Commissioner Garza, seconded by Commissioner Mendoza, to approve resolution to apply for Operation Lone Star Grant to the Governor's Office as requested by Carl Esser, Esser & Company Consulting LLC.

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 Solis, seconded by Commissioner Garza, to approve installation of the following street lights:

- a) 2506 Iturbide
- b) 206 M. Ramirez

As requested by Hon. Olga M. Elizondo, Commissioner Pct. 2.

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 MENDOZA,  
SECONDED BY COMMISSIONER SOLIS,  
TO ENTER INTO EXECUTIVE SESSION**

**MOTION WAS MADE BY COMMISSIONER MENDOZA,  
SECONDED BY COMMISSIONER SOLIS,  
TO RETURN TO REGULAR SESSION**

**ORDER AUTHORIZING CARLOS TORRES TO NEGOTIATE  
WITH THE FEDERAL GOVERNMENT ON ISSUE OF RIGHT OF  
ENTRY ON ZAPATA COUNT PROPERTY**

Motion was made by Commissioner Mendoza, seconded by Commissioner Solis, to authorize Carlos Torres to negotiate with the Federal Government on the issue of right of entry on Zapata County as requested by Hon. Said Figueroa, County Attorney].

*Executive Session is requested pursuant to Texas Government Code Title 5, Sub Chapter D, Section 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 Mendoza, seconded by Commissioner Elizondo, 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.

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JOSEPH RATHMELL, COUNTY JUDGE  
OF ZAPATA COUNTY, TEXAS

ATTEST:

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