

**THE STATE OF TEXAS
COUNTY OF ZAPATA**

IN THE COMMISSIONERS COURT OF ZAPATA COUNTY, TEXAS

Be it remembered, that on this the 8th of August 2022, 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
Celica A. Rodriguez	Chief Deputy County Clerk

VISITORS: Roger Miller, Dave Petrakovitz, Nereida Garza, Daniel D. Arriaga, Manuel Uribe, Jesse Rodriguez, Ralph Treviño, Joseph Peña, Belinda Bravo, and Manuel Gonzalez, Jr.

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 CELICA A. RODRIGUEZ, CHIEF DEPUTY COUNTY CLERK
INVOCATION BY REV. ROGER MILLER, COMMISSIONERS COURT CHAPLAIN
PLEDGE OF ALLEGIANCE**

COMMUNICATIONS

Judge Rathmell stated that Congressman Cuellar was here, they are making effort to see how to improve the fire station and have been working on trying to receive federal funding to build the facility that they need and deserve. News were receive of an appropriation of \$1,000,000.00 for construction of the fire station. The county will match some additional funds. We have one more hurdle before the end of the year to make it a reality.

Judge Rathmell added that we have also been looking at the low lake levels. There are stories that Zapata is running out of water, but that is not true. We are at historic lows in our lake, but we have been looking for way to improve access to the river. We were able to accomplish that by trying to dredge and, if needed install portable pumping units. We also sought emergency help for Siesta Shores with their water district and we are in line to receive \$1,000,000, emergency funding through USDA for both Zapata County and Siesta Shores. Congressman Cuellar has been very proactive in setting up meetings with officials; he thanked the IBWC Commissioner for being receptive to what has been occurring in our area and has agreed to bring in additional equipment to continue with dredging.

Today's lake level is at 253.20, it is not a historical low. In 2001 we were a few feet lower than this.

With the \$1,000,000 grant we received we will be able to improve our infrastructure and raw water intake, bring in additional pumps and improve access to the river. The same will be done for Siesta Shores.

Commissioner Mendoza stated that there will be a backpack event for back to school.

Commissioner Elizondo added that the program for repairs of homes is still available.

ORDER APPROVING INVOICES

Motion was made by Commissioner Mendoza, seconded by Commissioner Solis, to approve invoices from July 22 – August 4, 2022, in the amount of \$1,029,909.51 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 Solis, seconded by Commissioner Garza, to approve checks issued from July 22 – August 4, 2022, in the amount of \$1,029,909.5, including additional invoice in the amount of \$4,658.47 for grapple trucks 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 \$7,713.74 for the month of June with a year-to-date total of \$121,653.10. Net tax collections were \$321,740.69 with a rate of 90.69%.

Mrs. Mendoza reported that 140 households have been assisted via the Texas Home Owners Fund which was established through the American Rescue Plan.

ORDER APPROVING ESTIMATE FOR REPAIRS OF RAMIREÑO LIVESTOCK DIPPING VAT

Motion was made by Commissioner Garza, seconded by Commissioner Solis, to approve estimate submitted by Abelardo Mendoza in the amount of \$1,790.00 for the repair of the Ramireño livestock dipping vat as requested by Hon. Joe Rathmell, County Judge.

The above motion, being put to a vote, was approved by the affirmative vote of Commissioners Garza, Solis, and Elizondo. Commissioner Mendoza abstained. Motion carried.

ORDER APPROVING TO DISTRIBUTE WINDFARM ALLOCATION TO ZAPATA COUNTY INDEPENDENT SCHOOL DISTRICT RENEWABLE ENERGY SCHOLARSHIP FOR THE CLASS OF 2022

Motion was made by Commissioner Garza, seconded by Commissioner Solis, to approve to distribute requested windfarm allocation to the Zapata County Independent School District Renewable Energy Scholarship for the Class of 2022; \$50,000 will be distributed to the top 30 students, as requested by Hon. Joe Rathmell, County Judge. (Distribution attached for the record.)

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

ORDER APPROVING INVOICE FROM ZAPATA Q.A., INC. FOR REMOVAL AND REPLACEMENT OF TEN TON SPLIT SYSTEM

Motion was made by Commissioner Solis, seconded by Commissioner Mendoza, to approve invoice in the amount of \$12,428.00 from Zapata Q. A., Inc. for the removal and replacement of a 10 Ton split system for the Zapata Co. Pavilion 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 PAYMENT TO MATIAS PRIETO FOR REPAIRS TO JOHN DEERE FAIRWAY MOWER AT LOS EBANOS GOLF COURSE

Motion was made by Commissioner Mendoza, seconded by Commissioner Garza, to approve payment in the amount of \$668.19 to Matias Prieto for the repairs to a John Deere Fairway Mower at the Los Ebanos Golf Course 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 APPOINTING COMMISSIONER SOLIS AS COMMISSIONERS COURT REPRESENTATIVE TO THE BORDER REGION BEHAVIORAL HEALTH CENTER BOARD

Motion was made by Commissioner Garza, seconded by Commissioner Elizondo, to appoint Commissioner Mendoza as Commissioners Court representative to the Border Region Behavioral Health Center Board.

In discussion, Judge Rathmell stated that Commissioner Mendoza has disqualified himself and is in contempt of court. The Court approved an order to provide all financial documents to the court and he has failed to comply on the deadline. Commissioner Mendoza stated that they are working on it, but are focusing on the audit. Judge Rathmell further added that he did not consider Commissioner Mendoza eligible to sit on any board representing the county while he is in contempt of court.

Commissioner Garza rescinded his motion.

Motion was made by Commissioner Elizondo, seconded by Judge Rathmell, to appoint Commissioner Solis as Commissioners Court representative to the Border Region Behavioral Health Center Board as requested by Hon. Joe Rathmell, County Judge.

The above motion, being put to a vote, was approved by the affirmative vote of Commissioner Garza and Elizondo and Judge Rathmell. Commissioner Mendoza and Solis abstained. Motion carried.

ORDER APPROVING USE OF SHOW BARN FOR SOUTH TEXAS FALL CLASSIC (SHEEP AND GOAT PROSPECT SHOW)

Motion was made by Commissioner Mendoza, seconded by Commissioner Garza, to approve the use of the show barn on November 19, 2022 for the South Texas Fall Classic, a sheep & goat prospect show as requested by Hon. Olga Elizondo, Commissioner, Pct. 2.

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

ORDER APPROVING PAYMENT TO DR. IKE’S FOR PENDING INVOICES FOR WORK DONE AT SAN YGNACIO PLAZA SPRINKLER SYSTEM

Motion was made by Commissioner Solis, seconded by Commissioner Garza, to approve payment of \$1,807.10 to Dr. Ike's for pending invoices for work done at San Ygnacio Plaza sprinkler system as requested by Hon. Olga Elizondo, Commissioner, Pct. 2.

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

ORDER APPROVING CONTRACT BETWEEN ZAPATA COUNTY AND ZAPATA COUNTY INDEPENDENT SCHOOL DISTRICT FOR ELECTION SERVICES FOR NOVEMBER 8, ELECTION

Motion was made by Commissioner Garza, seconded by Commissioner Mendoza, to approve a contract between Zapata County and the Zapata County Independent School District for election services for the upcoming November 8, 2022 election as requested by Hon. 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.

ORDER TO DENY REQUEST BY ROMEO SALINAS REGARDING ITEM 18. APPROVAL TO RESCIND APPROVED ITEM #15 DURING COMMISSIONERS COURT HELD JULY 11, 2022

Motion was made by Commissioner Solis, seconded by Commissioner Garza, to deny request by Romeo Salinas regarding item #18 - Approval to rescind approved item #15 during commissioner's court held July 11, 2022 as requested by Hon. Romeo Salinas, County Treasurer.

Romeo Salinas requested that the minutes reflect that he did not request item #15 approved during Commissioners Court held July 11, 2022. Item was requested by Judge Rathmell.

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

ORDER TO CERTIFY ORDER FOR ANNUAL COMPENSATION FOR COUNTY AUDITOR, ASSISTANT AUDITORS AND COURT REPORTER

Motion was made by Commissioner Garza, seconded by Commissioner Solis to approve to certify the order for annual compensation for County Auditor, Assistant Auditors and Court Reporter as follows:

County Auditor	Triunfo Gonzalez,	\$65,040.00
Deputy Auditor	Roberta S. Meza	\$36,151.00
Deputy Auditor	Dioni Hernandez	\$31,912.00
Court Reporter	Cynthia Lenz	\$12,842.00
49 th Judicial District Court		

as requested by Triunfo Gonzalez, County Auditor.

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

ORDER ACCEPTING RESIGNATION OF HUMAN RESOURCES ADMINISTRATIVE ASSISTANT AND ORDER ALLOWING HUMAN RESOURCES DIRECTOR TO ADVERTISE AND HIRE FOR THE POSITION AT \$12.50 PER HOUR

Motion was made by Commissioner Mendoza, seconded by Commissioner Garza, to accept the resignation of Human Resources Administrative Assistant and to allow the Human Resources Director to advertise and hire for the position at \$12.50 per hour as requested by Nellie Trevino, HR Director.

The above motion, being put to a vote, was approved by the affirmative vote of Commissioners Mendoza, Garza, and Elizondo. Judge Rathmell voted against. Commissioner Solis abstained. Motion carried.

ORDER APPROVING TO TRANSFER \$30,000 FROM TOBACCO FUND TO REPAIRS AND MAINTENANCE

Motion was made by Commissioner Mendoza, seconded by Commissioner Solis, to approve the transfer of \$30,000.00 from the Tobacco Fund line item #67-800-352 to Repairs and Maintenance Line item #10-543-457 as requested by Daniel A. Arriaga, Fire Chief.

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

ORDER APPROVING AEP TEXAS A 20 FEET EASEMENT AND RIGHT OF WAY AT THE LOS EBANOS GOLF COURSE FOR THE PURPOSE OF BRINGING POWER TO A NEW AT&T CELL POWER IN ADJACENT PROPERTY

Motion was made by Commissioner Solis, seconded by Commissioner Mendoza, to approve grant AEP Texas 20 feet easement and right of way at the Los Ebanos Golf Course for the purpose of bringing power to a new AT&T cell power in adjacent property as requested by Dave Petrakovitz, Pyramid Network Services. Mr. Petrakovitz will provide a sketch of the trail and number of lights and how much power will be used.

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

ORDER APPROVING REVIEW OF CONSTRUCTION PROGRESS OF THE FLORES DRAINAGE PROJECT PCT. 1 AND APPROVAL OF INVOICES

Motion was made by Commissioner Garza, seconded by Commissioner Solis, to approve review on construction progress of Flores Drainage Project – Oct, 1 and approve payment of invoice in the amount of \$1,500.00 to Guzman Juarez Backhoe and invoice in the amount of \$500.00 payable to Premier Engineering.

Review: Precinct 1 contractor is working on drainage channel by Flores Street – from last meeting to now the contractor has built retaining walls.

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

ORDER APPROVING UPDATE AND APPROVE INVOICES ON THE FALCON LAKE RAW WATER INTAKE CONSTRUCTION FOR WATER SERVICE TO ZAPATA COUNTY

Motion was made by Commissioner Solis, seconded by Commissioner Mendoza, to approve invoices in the amount of \$11,166.00 payable to Hawk Oilfield Services and invoice in the amount of \$38,256.35 payable to J.C. Investments for Falcon Lake raw water intake construction for water service to Zapata County.

Update: Contractors have been working on constructing a temporary location for diesel portable pump in case the lake continues to go down. Reservoir has been receding and the edge of the reservoir has accumulated about 15 feet of silt. This is part of the emergency services request. Construction is being done by J.C. Investments and Hawk Oilfield Services.

Mr. Gonzalez provided a breakdown for the emergency application for USDA for funding for construction.

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 FOR UPDATE AND APPROVAL OF INVOICES ON FALCON LAKE RAW WATER INTAKE CONSTRUCTION FOR WATER SERVICES TO SIESTA SHORES WATER DISTRICT

Motion was made by Commissioner Garza, seconded by Commissioner Elizondo, to table request made by Manuel Gonzalez regarding update and approval of invoices on the Falcon Lake Raw Water Intake Construction for water services to the Siesta Shores Water District.

Siesta Shores Water District is applying for \$1,000,000 in emergency funding.

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

ORDER APPROVING \$25,000 FUNDING FROM THE GENERAL FUND FOR THE ZAPATA COUNTY MUSEUM

Motion was made by Judge Rathmell, seconded by Commissioner Elizondo, to approve \$25,000 funding from the General Fund for the Zapata County Museum. Any funds needed for events from Hotel Motel Fund would have to be approved by Commissioners Court.

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 the installation of the following street lights.

- a. 2101 Delmar Street

as requested by Hon. Olga 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 Solis, seconded by Commissioner Garza, to approve the installation of the following street lights.

- a. 1312 4th Street
- b. 1504 3rd Street

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.

ORDER APPROVING LINE ITEM TRANSFERS

Motion was made by Commissioner Solis, seconded by Commissioner Garza, to approve the following line-item transfers to meet departmental needs:

	DEPARTMENT	LINE ITEM	FUND	AMOUNT
FROM	Tax Office	010-31149-499	Postage Expense / Freight	\$4,000.00
TO	Tax Office	010-42749-499	Workshops / Travel	\$4,000.00
FROM	Tax Office	010-31149-499	Postage Expense / Freight	\$3,000.00
TO	Tax Office	010-45749-499	Equipment Rental	\$3,000.00
FROM	Tax Office	010-33449-499	Scanning & Preservation	\$1,000.00
TO	Tax Office	010-45749-499	Equipment Maintenance	\$1,000.00

as requested by Hon. Delia R. Mendoza, Tax Assessor-Collector.

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 Solis, seconded by Commissioner Garza, to approve the following line-item transfers to meet departmental needs:

	DEPARTMENT	LINE ITEM	FUND	AMOUNT
FROM	County Clerk	10-43740-403	Records Processing	\$4,056.94
TO	County Clerk	10-42740-403	Workshops / Travel	\$4,056.94
FROM	County Clerk	10-43740-403	Records Processing	\$125.00
TO	County Clerk	10-42840-403	In-Service Training	\$125.00
FROM	County Clerk	10-43740-403	Records Processing	\$641.51
TO	County Clerk	10-46240-403	Equipment Rental	\$641.51

as requested by Hon. 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.

Motion was made by Commissioner Solis, seconded by Commissioner Garza, to approve the following line-item transfers to meet departmental needs:

	DEPARTMENT	LINE ITEM	FUND	AMOUNT
FROM	Justice of the Peace Pct. 2	010-46245-455	Equipment Rental	\$1,000.00
TO	Justice of the Peace Pct. 2	010-31145-455	Supplies	\$1,000.00
FROM	Justice of the Peace Pct. 2	010-46245-455	Equipment Rental	\$868.00
TO	Justice of the Peace Pct. 2	010-42845-455	Workshops / Travel	\$868.00

as requested by Hon. Judge Juana Maria Gutierrez, Justice of the Peace 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 Solis, seconded by Commissioner Garza, to approve the following line-item transfers to meet departmental needs:

	DEPARTMENT	LINE ITEM	FUND	AMOUNT
FROM	Sewer Plant	008-22760-602	License Stipends	\$5,000.00
TO	Sewer Plant	008-33660-602	Repair and Maintenance Supply	\$5,000.00
FROM	Sewer Plant	008-31160-602	Postage	\$1,400.00

TO	Sewer Plant	008-33660-602	Repair and Maintenance Supply	\$1,400.00
FROM	Sewer Plant	008-48160-602	State Fees	\$8,175.00
TO	Sewer Plant	008-33660-602	Repair and Maintenance Supply	\$8,175.00
FROM	Sewer Plant	008-56960-602	Improvements	\$1,587.45
TO	Sewer Plant	008-33660-602	Repair and Maintenance Supply	\$1,587.45

as requested by Ralph Trevino, Water Plant Director.

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 Solis, seconded by Commissioner Garza, to approve the following line-item transfers to meet departmental needs:

	DEPARTMENT	LINE ITEM	FUND	AMOUNT
FROM	Zapata Co. Water Plant	080-22760-600	License Stipends	\$7,000.00
TO	Zapata Co. Water Plant	080-33660-600	Repairs and Maintenance Supply	\$7,000.00
FROM	Zapata Co. Water Plant	080-31060-600	Office Supplies	\$2,574.56
TO	Zapata Co. Water Plant	080-33660-600	Repairs and Maintenance Supply	\$2,574.56
FROM	Zapata Co. Water Plant	080-33560-600	Computer Expense	\$2,600.00
TO	Zapata Co. Water Plant	080-34160-600	Chlorine and Chemicals	\$2,600.00
FROM	Zapata Co. Water Plant	080-34260-600	Water Sampling	\$2,000.00
TO	Zapata Co. Water Plant	080-34160-600	Chlorine and Chemicals	\$2,000.00
FROM	Zapata Co. Water Plant	080-44160-600	Water Purchase	\$1,500.00
TO	Zapata Co. Water Plant	080-34160-600	Chlorine and Chemicals	\$1,500.00
FROM	Zapata Co. Water Plant	080-48860-600	Inspection Fees	\$7,071.53
TO	Zapata Co. Water Plant	080-34160-600	Chlorine and Chemicals	\$7,071.53
FROM	Zapata Co. Water Plant	080-58960-600	Equipment	\$1,474.24
TO	Zapata Co. Water Plant	080-34160-600	Chlorine and Chemicals	\$1,474.24

as requested by Ralph Trevino, Water Plant Director.

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 Solis, seconded by Commissioner Garza, to approve the following line-item transfers to meet departmental needs:

	DEPARTMENT	LINE ITEM	FUND	AMOUNT
FROM	Justice of the Peace Pct. 3	010-455-315	Drug Testing	\$500.00
TO	Justice of the Peace Pct. 3	010-455-312	Supplies	\$500.00
FROM	Justice of the Peace Pct. 3	010-455-463	Equipment Rental	\$1,000.00
TO	Justice of the Peace Pct. 3	010-455-312	Supplies	\$1,000.00
FROM	Justice of the Peace Pct. 3	010-455-331	Fuel	\$1,500.00
TO	Justice of the Peace Pct. 3	010-455-312	Supplies	\$1,500.00

as requested by Hon. Judge Fernando Munoz, Justice of the Peace Pct. 3.

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 Solis, seconded by Commissioner Garza, to approve the following line-item transfers to meet departmental needs:

	DEPARTMENT	LINE ITEM	FUND	AMOUNT
FROM	Zapata Co. Library	010-46265-650	Repairs and Maintenance	\$1,000.00
TO	Zapata Co. Library	010-31065-650	Office Supplies	\$1,000.00

as requested by Amalia G. Navarro, Library Director.

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 MENDOZA,
TO ENTER INTO EXECUTIVE SESSION**

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

NO ACTION WAS TAKEN ON THE FOLLOWING ITEM

27/38. Update and possible action on border wall litigation. [Executive Session is requested pursuant to Texas Government Code Title 5, Sub Chapter D, Section 551.071 (Consultation with Attorney) as requested by Hon. Joe Rathmell, County Judge.

**ORDER APPROVING TO FOLLOW CHANGES TO PROPOSED GENERAL ORDER
FOR FY2022-2023 EFFECTIVE TODAY**

Motion was made by Commissioner Mendoza, seconded by Commissioner Garza, to approve to follow changes to proposed General Order for FY2022-2023, effective today, as discussed in Executive Session as requested by Hon. Norberto Garza, Commissioner, Pct. 4.

Executive Session is requested pursuant to Texas Government Code Title 5, Sub Chapter D, Section 551.074 (Personnel Matters)

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 Garza, seconded by Commissioner Solis, 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
OF ZAPATA COUNTY, TEXAS

ATTEST:

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