

**THE STATE OF TEXAS
COUNTY OF ZAPATA**

IN THE COMMISSIONERS COURT OF ZAPATA COUNTY, TEXAS

Be it remembered, that on this the 26th of September 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
Mary Jayne Villarreal-Bonoan	County Clerk and Ex Officio Clerk of Commissioners Court

VISITORS: Lucila B. Mendoza, Celia Balderas, Ramon E. Montes, Roger Miller, Ralph Treviño, Delia Mendoza, Nereida Garza, Raymundo Del Bosque, Joseph Peña, and Berta Lopez.

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
INVOCATION BY PASTOR ROGER MILLER, COMMISSIONERS COURT
CHAPLAIN
PLEDGE OF ALLEGIANCE**

COMMUNICATIONS

Judge Rathmell reported on Covid-19 as follows:
+10 positive for a total of 2,163
+24 probable cases for a total of 1,655
No additional deaths reported since last meeting.

Ramon Montes reported that a grant in the amount of \$550,000 has been secured for the upgrade of fuel farm. Grant is a 75/25 county match grant.

Nellie R. Trevino reported that she received a check in the amount of \$67,605.30 from C.M. Company Auctions.

Commissioner Elizondo announced that September is Childhood Cancer Awareness Month. Judge Rathmell read the Childhood Cancer Awareness Proclamation.

ORDER APPROVING INVOICES

Motion was made by Commissioner Mendoza, seconded by Commissioner Solis, to approve invoices from September 9 – September 22, 2022, in the total amount of \$561,247.59, which includes invoices payable to Anderson Equipment 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 CHECKS ISSUED

Motion was made by Commissioner Elizondo, seconded by Commissioner Solis, to approve checks issued September 9 – September 22, 2022, in the total amount of \$561,247.59, which includes invoices payable to Anderson Equipment 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 MINUTES

Motion was made by Commissioner Mendoza, seconded by Commissioner Solis, to approve pending minutes as presented 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.

NO ACTION WAS TAKEN ON ITEM #8 TO REVIEW ACTION TAKEN BY THE ZAPATA COUNTY COMMISSIONERS COURT ON SEPTEMBER 12, 2022, TO ADDRESS LEGAL CONCERNS REGARDING THE VOTING ON CERTAIN LINE-ITEMS AS REQUESTED BY HON. JOE RATHMELL, COUNTY JUDGE

County Attorney explained that he did research and clarified that because Commissioner Garza has a relationship that's within the degree of consanguinity he cannot vote for the raise. Had the raise been a cost of living across the board it would have been lawful at that point, but it's not lawful to certain individuals within the department and because Commissioners Court is ultimate arbiter of salaries within the county it would violate nepotism laws. When the final vote comes to adopt the budget, he would have to recuse himself from that specific line-item or vote.

The proposed budget was approved in the previous meeting.

Nellie R. Trevino stated that in reviewing documents submitted to the court for approval on September 12th, there has been a lot of back and forth as to what was submitted by Sheriff's Office and the general order may have a bigger effect depending on which way the Commissioners decide to vote today. There were two different sets of documents turned in so it made it more difficult to prepare the general order. Direction from the court is needed in order to properly present the general order for that department.

Judge Rathmell stated that documents were turned in the day of voting; and on those documents some of the changes included reductions in salaries to similar positions and that's what was approved. The final document does not add up with the percentages of benefits so the document is incorrect. There are numerous positions so it's very difficult to make those changes. The court took an action that's outside what was requested. Corrections need to be made and then the court will vote so they need to find out exactly the Sheriff wants.

County attorney added that changes need to be made to reflect the potential conflict that the commissioner had on the specific item and vote on it, then all other positions can be voted on.

ORDER APPROVING TO ALLOW PRIVATE CONTRACTORS TO MOW AND BALE GRASS AT ZAPATA COUNTY AIRPORT AT NO COST TO THE COUNTY

Motion was made by Commissioner Mendoza, seconded by Commissioner Elizondo, to approve to allow private contractors to mow and bale grass at the Zapata County Airport at no cost to the county, pending review by County Attorney, as requested by Hon. Joseph 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 CARLOS COLINA VARGAS FOR
PREPARATION OF PARK MASTER PLAN**

Motion was made by Commissioner Elizondo, seconded by Commissioner Mendoza, to approve payment of \$15,000 to Carlos Colina Vargas for the preparation of the Park Master Plan as requested by Hon. Joseph 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 REP & P INC. FOR REPAIRS DONE AT
ZAPATA COUNTY SWIMMING POOL IN PRECINCT 1**

Motion was made by Commissioner Elizondo, seconded by Commissioner Mendoza, to approve payment of \$1,145.00 and \$885.00 to REP & P Inc. for repairs done at the Zapata County swimming pool in Pct. 1. as requested by Paco Mendoza, Commissioner Pct. 1.

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

**ORDER APPROVING PURCHASE OF TRAILER FROM RON HOOVER
FOR PRECINCT 3**

Motion was made by Commissioner Garza, seconded by Commissioner Solis, to approve the purchase of a trailer from Ron Hoover for Pct. 1 in the amount of \$7,222.50 from the Certificate of Obligation as requested by Jose A. Solis, Commissioner Pct. 3. (Agenda stated Pct. 1, but this was clarified and corrected by Commissioner Mendoza on 10/11/2022 meeting.)

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

**ORDER APPROVING PAYMENT TO MARTINEZ ELECTRICAL SERVICES
FOR REPAIRS AT COUNTY POOL**

Motion was made by Commissioner Mendoza, seconded by Commissioner Garza, to approve the payment of \$181.85 and \$1,068.05 to Martinez Electrical Services for repairs at county pool as requested by Paco Mendoza, Commissioner Pct. 1.

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

**ORDER APPROVING PAYMENT TO MARTINEZ ELECTRIC SERVICES
FOR REPAIRS AT SAN YGNACIO PLAZA**

Motion was made by Commissioner Mendoza, seconded by Commissioner Solis, to approve the payment of \$664.72 to Martinez Electrical Services for repairs at the San Ygnacio Plaza as requested by 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 REP & P INC. FOR WORK DONE AT
ZAPATA COUNTY GOLF COURSE**

Motion was made by Commissioner Mendoza, seconded by Commissioner Garza, to approve payment of \$7,780.00 to REP & P Inc. for work done at the Zapata County Golf Course (\$1,980.00 will be paid out of Certificate of Obligation and the remaining \$5,800.00 out of the Golf Course budget) as requested by Jose A. Solis, Commissioner Pct. 3.

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

**ORDER APPROVING PURCHASE OF 2 MOWERS
FOR ROAD & BRIDGE PRECINCT 4**

Motion was made by Commissioner Mendoza, seconded by Commissioner Solis, to approve the purchase of 2 mowers for Road & Bridge Pct. 4, amount not to exceed \$30,000. Monies to be used from the Certificate of Obligation as requested by 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 TO CONTINUE OF LETTER OF CREDIT TO
ESTABLISH STAND BY TRUST FUND FOR FINANCIAL ASSURANCE
FOR CLOSURE AND POST CLOSURE OF SAN YGNACIO LANDFILL NO. 738
AND CLOSED ZAPATA LANDFILL NO. 1528**

Motion was made by Commissioner Mendoza, seconded by Commissioner Elizondo, to approve to continue the Letter of Credit to establish stand by trust fund for the financial assurance for the closure and post closure of San Ygnacio Landfill No. 783 in the amount of \$608,071.00 and closed Zapata Landfill No. 1528 in the amount of \$306,158.00 as requested by TCEQ, Deborah Wisenski, Financial Analyst, 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 APPROVING PAYMENT TO RDO EQUIPMENT COMPANY FOR REPAIRS

Motion was made by Commissioner Mendoza, seconded by Commissioner Solis, to approve payment of \$11,890.62 to RDO Equipment Company for repairs 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 APPROVING TO TERMINATE OCCUPANCY OF BUILDING
AGREEMENT WITH RAM NUTRITIONAL SERVICES
AND ALLOW TO USE OTHER COUNTY FACILITIES**

Motion was made by Commissioner Mendoza, seconded by Commissioner Garza, to approve to terminate occupancy of building agreement with Ram Nutritional Services. Premises to be evacuated by Friday, November 25, 2022; Mr. Hernandez will be allowed to use other county facilities, as requested by Berta Lopez, Nutrition Center Director.

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

**ORDER APPROVING ADDITIONAL \$17,000 FOR RAW FOODS
LINE ITEM #038-36664-647**

Motion was made by Commissioner Mendoza, seconded by Commissioner Solis, to approve request for additional \$17,000 for Raw Foods Line Item #038-36664-647 as requested by Berta Lopez, Nutrition Center Director.

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

ORDER APPROVING TO HIRE LUZ MARIA GARCILAZO AS ADMINISTRATIVE ASSISTANT FOR HUMAN RESOURCES DEPARTMENT

Motion was made by Commissioner Mendoza, seconded by Commissioner Solis, to approve to hire Luz Maria Garcilazo as administrative assistant for the Human Resources Department as requested by Nellie Trevino, HR Director.

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

ORDER APPROVING IMPLEMENTATION OF CLOVER MERCHANT SERVICES TO BE USED BY ZAPATA COUNTY

Motion was made by Commissioner Mendoza, seconded by Commissioner Solis, to approve implementation of the Clover Merchant Services to be used by Zapata County as requested by Nellie Trevino, HR Director.

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

ORDER APPROVING PAYMENTS TO RAMSA ELECTROMECHANIC INC. FOR REPAIRS TO TWO INTAKE PUMPS

Motion was made by Commissioner Solis, seconded by Commissioner Garza, to approve payments of \$26,000.00 and \$27,000.00 to Ramsa Electromechanic Inc. for repairs to two intake pumps which were caused by low water and high silt levels. Invoices to be paid from River Intake line item 080-47560-600 which will be submitted to USDA for reimbursement 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.

ORDER APPROVING TO REAPPLY FOR THE TEXAS VETERANS (TVC) GENERAL ASSISTANCE GRANT

Motion was made by Commissioner Garza, seconded by Commissioner Solis, to approve to reapply for the Texas Veterans Commission (TVC) General Assistance Grant as requested by Adolfo Gonzalez Jr, Veterans Service Officer.

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

ORDER APPROVING TO REAPPLY FOR THE TEXAS VETERANS COMMISSION (TVC) HOUSING FOR TEXAS HEROES GRANT

Motion was made by Commissioner Mendoza, seconded by Commissioner Solis, to approve to reapply for the Texas Veterans Commission (TVC) Housing for Texas Heroes Grant as requested by Adolfo Gonzalez Jr, Veterans Service Officer.

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

ORDER APPROVING TO ISSUE REQUEST FOR PROPOSALS FOR ADMINISTRATIVE SERVICES (RFP) AND REQUESTS FOR QUALIFICATIONS (RFQ) FOR ENGINEERING SERVICES FOR THE 2023-2024 TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FUNDS ADMINISTERED BY TEXAS DEPARTMENT OF AGRICULTURE

Motion was made by Commissioner Mendoza, seconded by Commissioner Solis, to approve to issue requests for proposals for administrative services (RFP) and requests for qualifications (RFQ) for engineering services for the 2023-2024 Texas Community Development Block Grant Program funds administered by the Texas Department of Agriculture as requested by Oralía Cardenas, Grant Works.

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

ORDER APPROVING AN ARCHEOLOGICAL STUDY REQUEST FOR PROPOSALS FOR TDA COLONIA GRANT CFC21-0191

Motion was made by Commissioner Garza, seconded by Commissioner Elizondo, to approve an archeological study request for proposals for TDA Colonia Grant CFC21-0191. The archaeological survey is required to environmentally clear the Medina drainage section of the Colonia project. The RFP procurement will be managed by GrantWorks and awarded by Zapata County as requested by Kendra Busse Rocha, Grant Works.

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 ZAPATA COUNTY PAVILION FOR ZHS STRUTTERS BENEFIT BINGO

Motion was made by Commissioner Garza, seconded by Commissioner Solis, to approve request to use the Zapata County pavilion on October 2, 2022 for the ZHS Strutters benefit bingo as requested by Amber Perez, Parent.

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

ORDER APPROVING USE OF ZAPATA COUNTY PLAZA FOR FARMERS MARKET BENEFIT FOR ZHS STUTTERS

Motion was made by Commissioner Solis, seconded by Commissioner Garza, to approve use of Zapata County Plaza for a Farmers Market benefit for the ZHS Stutters as requested by Amber Perez, Parent.

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 Mendoza, seconded by Commissioner Garza, to approve the following line-item transfer to meet budget requirements.

	DEPARTMENT	LINE-ITEM	FUND	AMOUNT
FROM	Fire Department	10-543-205	Uniforms	\$100.00
TO	Fire Department	10-543-427	Travel	\$100.00

as requested by Fire Chief Daniel D. Arriaga.

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

**ORDER APPROVING RESOLUTION IN SUPPORT OF ANNUAL HAWK FEST
HOMECOMING PARADE**

Motion was made by Commissioner Solis, seconded by Commissioner Mendoza, to approve resolution in support of the annual Hawk Fest Homecoming Parade to be held by ZCISD and allow the temporary closure of US Hwy 83, along 7th Avenue through 17th Avenue. Event will be held on October 12, 2022 as requested by Nellie Trevino, HR 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 MENDOZA,
SECONDED BY COMMISSIONER SOLIS,
TO ENTER INTO EXECUTIVE SESSION**

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

**ORDER APPROVING TO HIRE CHAMBERLAND LAW FIRM
FOR ACA FILINGS FOR 2019, 2020, AND 2021 AND ALSO 1099 FILING 2018**

Motion was made by Judge Rathmell, seconded by Commissioner Solis, to hire Chamberland Law Firm at a rate of \$550 per hour, not to exceed \$10,000.00, for ACA filings for 2019, 2020 and 2021 and also 1099 filing 2018 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.

**NO ACTION WAS TAKEN ON ITEM NO. 36./39. CONSULTATION WITH
ATTORNEY REGARDING THE BLOCKING OF COUNTY UTILITY EASEMENTS AS
REQUESTED BY HON. JOSEPH RATHMELL, COUNTY JUDGE**

County Attorney Alfonso Figueroa addressed the public and advised that there should be no obstruction in the utility easement. Private individuals cannot be driving through the easement.

ORDER APPROVING BUDGET FOR ZAPATA COUNTY SHERIFF'S OFFICE

Commissioner Garza abstained from voting on the budget including Lynell Garza.

Motion was made by Commissioner Elizondo, seconded by Judge Rathmell, to divide the \$225,000.00 equally among all county employees.

The above motion, being put to a vote, was approved by Commissioner Elizondo and Judge Rathmell. Commissioner Garza, Mendoza and Solis voted against. Motion failed 2/3.

Commissioner Elizondo stated that her vote is to not give anyone a raise, if Lynelle Garza is going to be left out.

Motion was made by Commissioner Mendoza, seconded by Commissioner Solis, to approve raises for Zapata County Sheriff's Office, with the exception of Lynelle Garza.

The above motion, being put to a vote, was approved by Commissioner Mendoza, Solis, and Garza. Judge Rathmell and Commissioner Elizondo voted against. Motion carried 3/2.

Motion was made by Commissioner Mendoza, seconded by Commissioner Solis, to approve raise for Lynell Garza.

The above motion, being put to a vote, was approved by Commissioner Mendoza, and Solis. Judge Rathmell and Commissioner Elizondo voted against. Commissioner Garza, abstained. Motion died 2/2.

**ORDER APPROVING TO ADOPT ZAPATA COUNTY BUDGET
FOR FISCAL YEAR 2022-2023**

Motion was made by Commissioner Mendoza, seconded by Commissioner Solis, to adopt the Zapata County Budget for Fiscal Year 2022-2023 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 APPROVING TO ADOPT THE 2022-2023 TAX RATE FOR ZAPATA
COUNTY IN ACCORDANCE WITH LOCAL GOVERNMENT CODE SECTIONS
111.007-111.010 BY EXECUTING AN “ORDER SETTING TAX RATE FOR 2022-2023”**

Motion was made by Commissioner Mendoza, seconded by Commissioner Solis, to adopt a tax rate of 0.893627/\$100, valuation for Zapata County in accordance with Local Government Code Sections 111.007-111.010 by executing an “Order Setting the Tax Rate for “2022-2023,” to be approved as follows:

General fund	0.608602
Interest and Sinking Fund	0.215000
Special Road & Bridge	0.070016
<u>F.M./Flood Control</u>	<u>0.000099</u>
TOTAL TAX	0.893627

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 APPROVING TO SET SALARIES AND NUMBER OF POSITIONS BY
APPROVING GENERAL ORDER OF PERSONNEL FOR FISCAL YEAR 2022-2023**

Motion was made by Commissioner Mendoza, seconded by Commissioner Garza, to approve to set the salaries and the number of positions by approving the General Order of Personnel for Fiscal Year 2022-2023 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 APPROVING “OPERATIONAL GENERAL ORDER FOR FISCAL YEAR
2022-2023**

Motion was made by Commissioner Mendoza, seconded by Commissioner Garza, to approve the "Operational General Order for Fiscal Year 2022-2023 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 AUTHORIZING COUNTY TREASURER AND COUNTY AUDITOR TO
CLOSE ALL ACCOUNTS AND MAKE ALL NECESSARY LINE-ITEM TRANSFERS**

Motion was made by Commissioner Mendoza, seconded by Commissioner Garza, to authorize the County Treasurer and the County Auditor to close all accounts and make all necessary line-item transfers 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.

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