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FEB 16 2010

**OPINION COMMITTEE**



**JO ANNE BERNAL**  
**COUNTY ATTORNEY**

EL PASO COUNTY TEXAS  
COUNTY COURTHOUSE  
500 E. SAN ANTONIO, ROOM 503  
EL PASO, TX 79901

(915) 546-2050  
FAX: (915) 546-2133

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FEB 16 2010  
OPEN RECORDS DIVISION

FILE # ML-46341-10  
ID # 46341

February 12, 2010

**RQ-0865-GA**

The Honorable Greg Abbott  
Attorney General, State of Texas  
Attn: Opinion Committee  
P.O. Box 12548  
Austin, Texas 78711-2548

CERTIFIED MAIL RETURN RECEIPT REQUESTED  
7006 3450 0000 0892 6536

Dear General Abbott:

Enclosed please find an opinion request regarding whether or not the District Attorney is subject to the El Paso County Code of Ethics. In addition, El Paso County Ethics Commission members unanimously requested that the attached letter be submitted as backup.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jo Anne Bernal".

JO ANNE BERNAL  
El Paso County Attorney

cc: El Paso County Ethics Commission Members  
Betsy Keller, El Paso County Human Resources Director

w/Attachments



**JO ANNE BERNAL  
COUNTY ATTORNEY**

**EL PASO COUNTY TEXAS  
COUNTY COURTHOUSE  
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February 12, 2010

The Honorable Greg Abbott  
Attorney General of Texas  
Attn: Opinion Committee  
P. O. Box 12548  
Austin, Texas 78711-2548

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED  
7006 3450 0000 0892 6536

Re: Whether Chapter 161 of the Texas Local Government Code Is Applicable To The  
34<sup>th</sup> Judicial District Attorney And His Staff

Dear General Abbott:

I am soliciting your opinion on behalf of the El Paso County Ethics Commission.  
My questions to you are the following:

- 1) Is Chapter 161 of the Texas Local Government Code applicable to the 34<sup>th</sup>  
Judicial District Attorney?
- 2) Is Chapter 161 of the Texas Local Government code applicable to the staff of  
the 34<sup>th</sup> Judicial District Attorney?

**Background**

On June 19, 2009, the Governor signed S.B. 1368 into law enacting Chapter 161  
of the Texas Local Government Code. On September 1, 2009, the El Paso County  
Commissioners Court entered an Order pursuant to Local Government Code Section 1  
61.051, creating the El Paso County Ethics Commission. The commission held its first  
meeting on November 2, 2009. Pursuant to an agenda item at its third meeting on  
January 14, 2010, the Commission requested the El Paso County Attorney to seek this  
opinion on its behalf.

OP10044

## Legal Arguments and Authorities

1) Is Chapter 161 of the Texas Local Government Code applicable to the 34<sup>th</sup> Judicial District Attorney?

All persons subject to Chapter 161 of the Texas Local Government Code are defined under Section 161.002(8) as a "county public servant." Specifically, all persons subject to an ethics code under Chapter 161 are covered in the definitions listed under Sections 161.002(5) "county employee", 161.002(7) "county officer", and 161.002(8) "county public servant."

Section 161.002(5) "County employee" -- The District Attorney does not meet the definition of a "county employee" pursuant to Section 161.002(5) because he is not "employed by the county" or "employed by... a county officer". The District Attorney himself is not even paid by El Paso County but is compensated by the State of Texas to serve as the District Attorney for the 34<sup>th</sup> Judicial District of the State of Texas comprising the counties of El Paso, Hudspeth, and Culberson. See Government Code Section 43.120. He receives only a salary supplement and automobile allowance from El Paso County and may from the other two counties as well.

Section 161.002(7) "County officer" -- A "County officer" is defined as a county judge, county commissioner, county attorney, sheriff, county tax assessor-collector, county clerk, district clerk, county treasurer, county auditor, county purchasing agent, and constable. The 34<sup>th</sup> Judicial District Attorney is not listed and is not a "county officer".

Section 161.002 (8) "County public servant" -- The 34<sup>th</sup> Judicial District Attorney also does not fall within the definition of a "county public servant". The 34<sup>th</sup> Judicial District Attorney is not "elected" as a "county officer" nor is he "selected, appointed, employed or otherwise designated" by the commissioners court or a county officer. Additionally, any vacancy in the office of District Attorney is filled by the appointment of the governor of the State of Texas, not the commissioners court. See Article IV, §12, of the Texas Constitution.

Additionally, a letter dated January 11, 2010 from co-authors to Senate Bill 1368 (Texas Local Government Code Chapter 161), State Senator, Eliot Shapleigh, and State Representative, Marisa Marquez, attached hereto and incorporated herein, states as follows: "It was not our intention to cover the District Attorney with that (Senate Bill 1368, the El Paso County Ethics Commission) legislation and covering the District Attorney was never considered in the course of passing the bill for the following reasons". In summary, the legislators stated that the El Paso County Ethics Commission's jurisdiction is limited to El Paso County. The fact that the 34<sup>th</sup> Judicial District Attorney serves a multi-county area, exceeds the jurisdiction of the El Paso County Ethics Commission.

Further, the 34<sup>th</sup> Judicial District Attorney is currently covered by the Texas Ethics Commission, and his office is specifically defined as a "state officer" under Texas Government Code, Section 572.002(4)(E).

Finally, in Attorney General Opinion No. GA-0755 (2010), you have already opined that a district attorney is a district officer and not a county officer for purposes of Texas Local Government Code Section 157.901-Legal Defense of Employee.

It has been suggested by members of the El Paso Ethics Commission that perhaps the 34<sup>th</sup> Judicial District Attorney would be subject to Chapter 161 of the Texas Local Government Code under Section 161.002(8)( C ) as "an attorney at law ... when participating in the performance of a governmental function".

The statute does not specifically identify what a "governmental function" is, and we agree that the meaning of this provision is unclear. However, Section 161.002(8)(C) is likely not applicable because "Texas law makes clear, however, that when acting in the prosecutorial capacity to enforce state penal law, a district attorney is an agent of the state, not of the county in which the criminal case happens to be prosecuted." See Esteves v. Brock, 106 F.3d 678, 1997 U.S. App. LEXIS 37734 (5th Cir. Tex., 1997). This court ultimately determined that an assistant district attorney violated a defendant's constitutional rights and determined "Given that a district attorney represents the state in criminal prosecutions, the county, which has no affirmative control over the prosecutor's decisions in a particular case, should not be held liable when a prosecutor engages in unconstitutional conduct during a criminal proceeding". Id at 678.

Thus, while the 34<sup>th</sup> Judicial District Attorney would be performing a "governmental function" under § 161.002(8) (C), he is acting in the name of the State of Texas, not the County of El Paso. Should the D.A. violate any laws while performing these "governmental functions", he would be subject to the State Ethics Commission pursuant to Chapter 572 of the Texas Government Code. It is our conclusion that Chapter 161 of the Texas Local Government Code is not applicable to the 34<sup>th</sup> Judicial District Attorney.

2) Is Chapter 161 of the Texas Local Government Code applicable to the staff of the 34<sup>th</sup> Judicial District Attorney?

Once again, all persons subject to Chapter 161 of the Texas Local Government Code are defined under Section 161.002(8) as a "County Public Servant." Specifically, all district attorney staff would have to fall under the definitions listed in Sections 161.002(5) "county employee" and 161.002(8) "county public servant." They are obviously not "county officers" under Section 161.002(7).

Section 161.002 (5) " County employee" -- The employees of the 34<sup>th</sup> Judicial District Attorney do not meet the definition of a "county employee" pursuant to Section 161.002(5) because they are not "employed by the county" or "employed by... a county officer". Under Section 41.102 (a) of the Texas Government Code, THE DISTRICT

ATTORNEY MAY EMPLOY the assistant prosecuting attorneys, investigators, secretaries, and other office personnel that in his judgment are required for the proper and efficient operation and administration of the office. Under Section 41.106 of the Texas Government Code, the District Attorney "shall fix the salaries of his assistant prosecuting attorneys, investigators, secretaries, and other personnel, subject to the approval of the commissioners court of the county...". As employees of the 34<sup>th</sup> Judicial District, the entire office, to include its staff, provides multi-county district services.

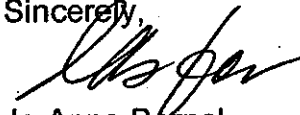
Section 161.002(8) "County public servant" -- The staff of the 34<sup>th</sup> Judicial District Attorney do not fall within the definition of a "county public servant". The 34<sup>th</sup> Judicial District Attorney is not listed a "county officer", and he is not a "county employee", thus his staff is not "selected, appointed, employed or otherwise designated" as a "county officer" or "county employee". In fact, as stated above, Government Code Section 41.102 provides that the district attorney employs the assistant prosecuting attorneys, investigators, secretaries and other office personnel. The commissioners court merely approves the number of such employees and sets their salaries. See Government Code Section 41.106. It is our conclusion that Chapter 161 of the Texas Local Government Code is likely not applicable to the staff of the 34<sup>th</sup> Judicial District Attorney.

### Conclusion

We believe the 34<sup>th</sup> Judicial District Attorney has all of the attributes of a state officer rather than those of a county officer or county public servant as defined under Chapter 161, and as such he is not subject to Chapter 161 of the Texas Local Government Code or any El Paso County Code of Ethics adopted under it. However, while there is some argument that the employees of the District Attorney may be "employed by the county" and thus qualify as "county employees" under Section 161.002(5), we believe the District Attorney employs his attorneys and staff pursuant to Texas Government Code Section 41.102, and thus they are not employed by the County of El Paso or a County Officer and consequently they are not subject to Chapter 161 of the Texas Local Government Code.

I respectfully request your opinion regarding these issues.

Sincerely,



Jo Anne Bernal  
El Paso County Attorney

cc: Commission Chair Stuart Leeds  
Commissioner David Chavez  
Commissioner David Nemir  
Commissioner Terry Pasqualone  
Commissioner Gina Palafox  
Commissioner Marcos Lizarraga  
Commissioner Roberto Oaxaca  
Commissioner John McGrath  
Commissioner Susan Barlow  
Commissioner James Clair



# COUNTY OF EL PASO

## ETHICS COMMISSION

February 11, 2010

The Honorable Greg Abbott  
Attorney General of Texas  
Attn: Opinion Committee  
P.O. Box 12548  
Austin, Texas 78711-2548

Dear General Abbott:

The El Paso County Ethics Commission is soliciting your opinion and analysis on the following issues:

Issues:

- (1). Whether §161.105 of the Texas Local Government Code, which obligates the county ethics commission to provide ethics training to county public servants, extends to a multi-county district attorney elected by voters of El Paso and two other contiguous counties?
- (2). Whether §161.105 of the Texas Local Government Code extends to the staff and employees of said multi-county district attorney's office; or, alternatively, to a special prosecutor acting in his stead due to a conflict of interest on a specific case?

### *Introduction*

The El Paso County Ethics Commission recently came into being as a result of passage of Senate Bill 1368 by the 81<sup>st</sup> Legislature. Responding to a local corruption scandal, in May 2009, El Paso County Commissioner Anna Perez testified in support of SB 1368 in pertinent part as follows: "This legislation will provide enough regulatory common sense so that County leaders can flourish in an ethical culture and will strengthen the public's confidence that El Paso County conducts its business with impartiality and integrity."<sup>1</sup> On June 19, 2009, Governor Perry signed SB 1368 into law and it was codified as Chapter 161 of the Texas Local Government Code (the "Act"). On September 1, 2009, the El Paso County Commissioners Court entered an Order creating the El Paso County Ethics Commission (the "commission") pursuant to Section 161.051 of said Act.

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<sup>1</sup> Testimony of Anna Perez, El Paso County Commissioner, Pct. No. 1, submitted March 23, 2009, in support of HB 2301 and SB 1368, El Paso County Ethics Legislation attached as exhibit A.

With regard to powers and responsibilities of the county ethics commission, Section 161.101(a) of the Act provides that the commission shall adopt, publish, and enforce an ethics code governing county public servants. The Act further provides that in formulating said code, the commission may adopt or use as a guide any ethics law or rule of the United States, the state of Texas, or a political subdivision in the state to the extent that the law or rule promotes the purpose of the chapter and serves the needs of the county. TEX. LOCAL GOV'T CODE §161.101(b).

The term "county public servant," is defined in the Act as a person elected, selected, appointed, employed, or otherwise designated as:

- (A) A county officer (161.002(7)) or county employee (161.002(5));
- (B) A person appointed by the commissioners court or a county officer to a position on one of the following, whether the position is compensated or not: (i) an authority, board, bureau, commission, committee, council, department, district, division, or office of the county; (ii) a multi-jurisdictional board;
- (C) An attorney at law or notary public when participating in the performance of a governmental function;
- (D) A candidate for nomination or election to an elected county office; or
- (E) A person who is performing a governmental function under a claim of right although the person is not legally qualified or authorized to do so.

Tex. Local Gov't Code §161.002(8).

The Act also obligates the commission and its staff to provide training for those persons covered by the code. TEX. LOCAL GOV'T CODE §161.105. While preparing to meet the obligation to train all persons covered by the code of ethics that will be adopted, the commission encountered difficulty in ascertaining whether or not the office of the district attorney (34<sup>th</sup> Judicial District) and his staff were included within the domain of county public servants envisioned by the Act.<sup>2</sup>

Factual Background on El Paso County and District Attorney:

The ethics commission does not question or dispute that the district attorney's office is not expressly listed as a "county officer" as that term is defined by Section 161.002(7) of the Act. One of the questions at hand is whether the district attorney and staff are included within the meaning of the term "public servant of the county," pursuant to §161.002(8)(C), or any other provision. Texas law informs that a vacancy in the office of district attorney is filled by the appointment of the governor of the state. Article IV, §12 Texas Constitution. Chapter 87 of the Texas Local Government Code, however, provides for the removal of "county officers" and expressly includes the office of district attorney.

The district attorney serving residents of El Paso County is a multi-county office assigned to the 34<sup>th</sup> Judicial District. Specifically, the district attorney is elected by voters of El Paso (pop. 679,622), Hudspeth (pop. 3,344) and Culberson (pop. 2,975) counties pursuant to Section 43.120 of the Texas

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<sup>2</sup> See County of El Paso organizational documents from FY10 Operating Budget attached as exhibit B.

Government Code. Currently, the office is staffed by 155 individuals assigned as prosecuting attorneys, investigators, legal secretaries, and administrative support, with an annual payroll budget of \$9.7 million excluding retirement and health care benefits.<sup>3</sup> The district attorney utilizes county office space, equipment and vehicles, and also receives a salary supplement allocated from the County Budget.

At the operational level, there is frequent and significant interaction between the district attorney's office and county government officials including the purchasing department, county auditors and county attorneys, to name but a few. For example, the agenda of Commissioners Court dated January 25, 2010, included a district attorney request to move a cabinet to the purchasing department (#19), a request to approve a \$2 million grant application for prosecution services along the southwest border (#51), and a request to sign a document scanning service contract reviewed by the County Attorney (#52).<sup>4</sup> With each of these agenda activities, El Paso residents might reasonably conclude that the district attorney does not act in an autonomous manner as a state officer. Instead, El Paso residents may believe that the district attorney interacts with our county governing body in the same deferential manner as county officers including the Sheriff, County Auditor, and others.

Consequently, within the county ethics commission's discussions on the training issue, questions arose regarding the proper classification of the district attorney and his staff pursuant to the terms of the Act. There have been at least three suggested interpretations of the Act as follows:

	Option 1 – DA Not County Public Servant nor are his staff	Option 2-DA not County Public Servant but staff are county employees	Option 3-DA is a County Public Servant and so are his staff
Elected District Attorney	No	No	Yes – 161.002(8)(C)
District Attorney Assistants and Staff	No	Yes-161.002(5)	Yes-161.002(5) and 161.002(8)(C)
Special Prosecutor	No	Yes-161.002(8)(C)	Yes- 161.002(8)(C)

The County Attorney opined that neither the district attorney nor any of his staff are considered "county public servants." (Option 1). On January 11, 2010, the ethics commission received a letter from Senator Shapleigh and Representative Marquez, who had been sponsors of the enabling legislation, expressing their view that the district attorney is exclusively covered by Chapter 572 of the Government Code as a "state officer." Regarding the employees, however, Senator Shapleigh and Representative Marquez stated that it "may depend on the specific facts regarding a given employee."<sup>5</sup> (Option 2). Among others, it has also been suggested that §161.002(8)(C) and 161.002(5) apply to the circumstances because the district attorney and his assistants are attorneys performing governmental functions and, secondly, employees of the office are county employees. (Option 3).

<sup>3</sup> See Salary Plan contained within Operating Budget of El Paso County, FY 2010, attached as exhibit C.


<sup>4</sup> See Agenda of El Paso County Commissioners Court, Jan. 25, 2010, attached as exhibit D.

<sup>5</sup> See Letter by Senator Shapleigh and Representative Marquez to Hon. Jo Anne Bernal, County Attorney, dated January 11, 2010, attached as exhibit E.



Given the desire to foster an ethical culture in local public service and implement the Act in harmony with other statutory provisions, the commissioners of the ethics commission of El Paso County respectfully request your opinion regarding the issues stated above.

Sincerely,



El Paso County Ethics Commission

for the Commission!



**HB 2301 and SB 1368:**  
**El Paso County Ethics Commission Legislation**

**Testimony of Anna Perez, El Paso County Commissioner, Pct. No. 1**  
**Submitted March 23, 2009**

Good afternoon. My name is Anna Perez and I serve as County Commissioner for Precinct 1 of El Paso County, recently taking office on January 1, 2009. I am a former state prosecutor for the 34<sup>th</sup> Judicial District of Texas and I am the former Chief of the Litigation Unit in the El Paso County Attorney's office where I represented El Paso County in civil legal matters before state and federal courts. I am here in support of HB 2301/SB 1368. This initiative is the appropriate remedy to the recent failure of elected and appointed El Paso County officials to uphold the public trust.

**Background**

In June 2007, the El Paso County Judge's chief of staff pleaded guilty to four federal counts of corruption. In July 2007, a former County commissioner pleaded guilty to six federal counts of corruption. The admission by these individuals of having engaged in corrupt conduct tainted the integrity of dozens of public decisions affecting the constituent's tax dollar. The factual information

behind these incidences demonstrated that County governmental operations were degraded in efficiency and accountability. Public investment into capital projects were diverted to where bribes and kickbacks were easily attainable without public awareness.

As is seen where public corruption exists, El Paso County has suffered the consequences. The guilty pleas have undermined economic development by generating considerable distortions in the playing field of doing business with the County. It became evident that business people gained access to County officials by unconventional means – those that did not utilize these methods suffered the disadvantages. The pleas highlighted the inefficient processes and practices that were in place and which allowed the corruption to occur. Compliance with construction, environmental, or other regulations in the public works projects implicated in the guilty pleas is now suspect. And worst of all, all confidence that may have existed in the operation of El Paso County government was ruined and the expectation of the citizenry of honest representation in County policymaking has collapsed.

The terminology used in the federal charging instruments said it all – these individuals devised schemes to defraud El Paso County and deprive the citizens of

their honest services in the affairs of the County. What has occurred in El Paso County has undermined the legitimacy of government and such democratic values as trust and tolerance.

### **Current Anti-Corruption Efforts of El Paso County**

And this occurred despite available efforts to ensure honest government. El Paso County utilizes standard employment disciplinary practices of reprimands, suspensions, demotions and terminations, and for covered employees, uses a civil service system providing due process. As many other communities, El Paso County utilizes a lobbyist registration and reporting system. But not all active lobbyists are registered or regularly report their activity, nor do all County officials encourage it. The County implemented an Ethics Code providing guidelines for the appropriate manner to conduct business. It appointed a body of citizens to serve as an Ethics Board where elected officials and department heads, lobbyists and vendors, employees and county volunteers alike would voluntarily abide by the Ethics Code and submit themselves to the scrutiny of the Ethics Board. And there has been consistent public scrutiny – constituents have spoken out, media has reported on questionable conduct, and public censure of individuals by the Ethics Board has made headline news.

The risk of continued misconduct exists. In fact at one point, certain elected naysayers critical of this voluntary system publicly encouraged dismantling the system permanently.

### **Need for Legislation**

Currently, Texas county governments cannot legally enact ethics codes that can be enforced with sanctions, civil or criminal. This legislation would provide this tool. A mandated ethics code will provide the necessary guidelines for conducting business, avoiding transgressions which would otherwise go undetected or unenforceable by conventional law enforcement methods. Under current laws, receipt of expensive gifts, promises of employment, and random large political contributions are difficult to tie to promises of official action. By sanctioning such things which tempt County officials and employees, the enticement would be avoided and the integrity of County government operation would be restored.

As previously noted, unscrupulous methods of conducting the work of public entities have their consequences. Corruption lowers investment and retards economic growth. Businesses interpret requests for bribes and other valuable inducements as a tax, and combined with the need for secrecy and uncertainty that

the bribe-taker will fulfill his part of the agreement, incentive to do business with government is diminished.

Funds used to support valuable programs and projects are diverted, or used in unproductive and wasteful manner. For example, El Paso County has initiated litigation to recoup significant losses believed to have been caused by a property transaction induced by corruption. This transaction was the subject of a federal conspiracy charge where a former county commissioner admitted to have received a bribe to facilitate the transaction.

The allocation of public procurement contracts through a corrupt system may lead to lower quality of infrastructure and public services. Less qualified or even unqualified individuals who clearly would be unable to provide the services are nonetheless awarded the contracts to the inevitable detriment of the project.

It may distort the composition of government expenditure in that it tempts government officials to choose government expenditures less on the basis of public welfare than on the opportunity they provide for extorting bribes. For example, one might expect that it is easier to collect substantial bribes or receive kickbacks on

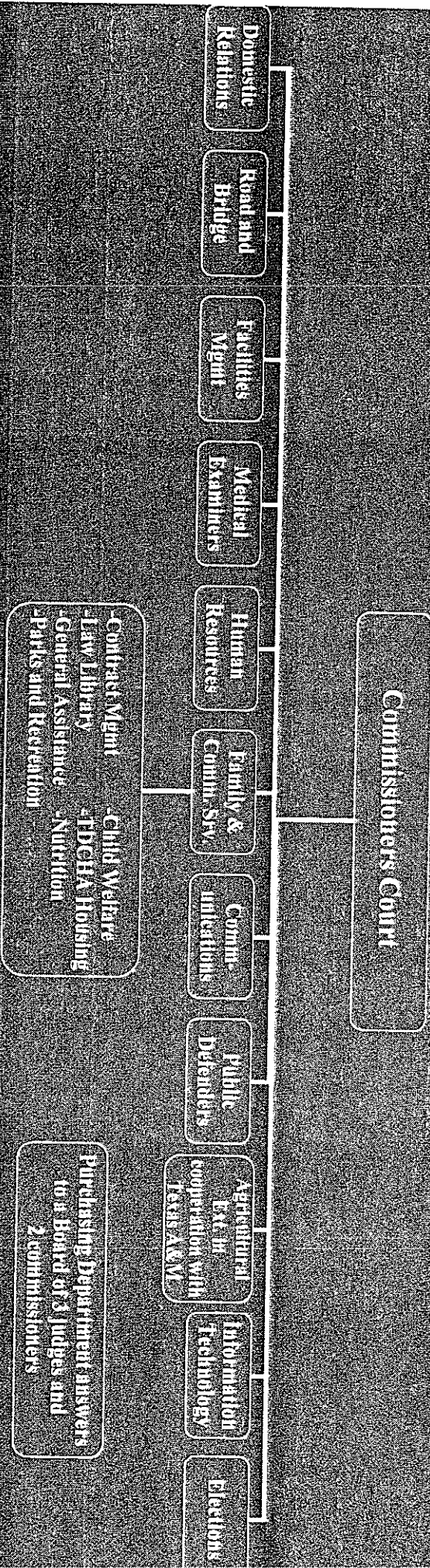
large infrastructure projects or high-technology systems than on employee salaries or smaller needed capital projects.

**Support of HB 2301 and SB 1368**

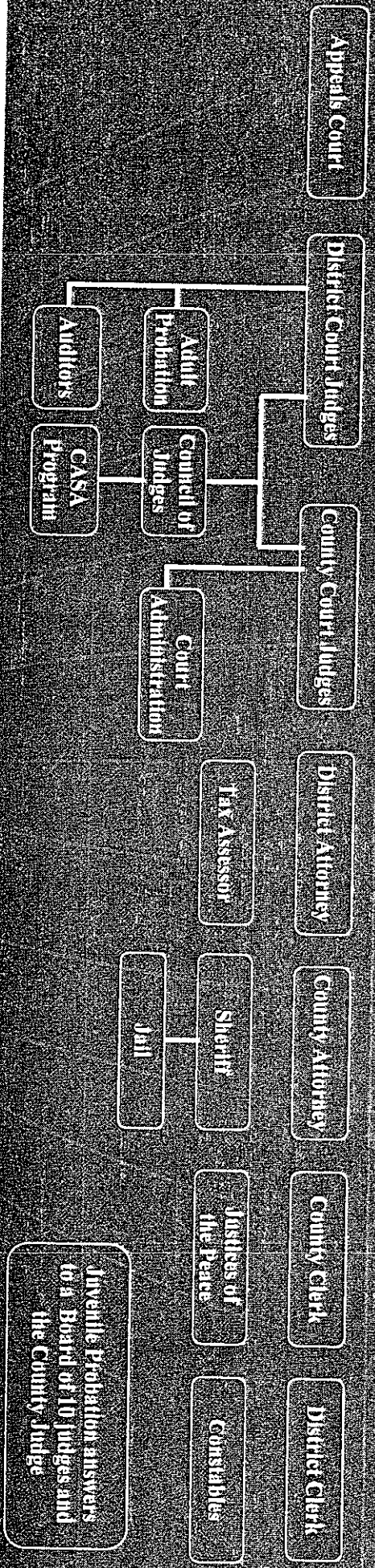
Today El Paso County will have a new opportunity to combat the conditions that have allowed what has occurred. El Paso County Commissioners and members of the County Ethics Board unanimously support this legislation. By pursuing this legislation, we are able to demonstrate to El Paso County constituents that there will exist a means to hold their elected county officials accountable to them. El Paso County elected officials, department heads, employees and all doing business with El Paso County must live up to a standard like no other in the state – fulfilled by the passing of this legislation. We will convert ourselves from being an example of government's worst to becoming a leader in what government should be. We must make steady progress toward change and this is a definite beginning for El Paso County to recover from its recent blows. This legislation will provide enough regulatory common sense so that County leaders can flourish in an ethical culture and will strengthen the public's confidence that El Paso County conducts its business with impartiality and integrity.

Thank you for your time and I would be happy to answer any questions you may have.

# El Paso County Organizational Chart



## Organization Chart of Departments answering to other County Elected Officials





POSITION COUNT	INDEX	POSITION TITLE	EMPLOYEE NAME	ANNUAL SALARY	STATUS
1	DA	1ST. ASSISTANT	V A C A N T	\$100,765	FR
2	DA	ACCOUNT CLERK, SENIOR	ESPINOZA, ANTHONY	35,593	FR
3	DA	ACCOUNT CLERK, SENIOR	OCEGUEDA, VENESSA	33,051	FR
4	DA	ASST. PROGRAM COORD.	HERNANDEZ, CYNTHIA N.	35,159	FR
5	DA	CHIEF INVESTIGATOR	SANCHEZ, JUAN J.	55,102	FR
6	DA	COMPUTER SYSTEMS SPECIALI	MARTINEZ, RAUL	37,084	FR
7	DA	COMPUTER SYSTEMS SPECIALI	MIRANDA, OSVALDO	38,961	FR
8	DA	DEPUTY CHIEF INVESTIGATOR	PORTERFIELD, WELDON E.	51,160	FR
9	DA	DISTRICT ATTORNEY	ESPARZA, JAIME E.	46,998	FR
10	DA	DIVISION/UNIT CHIEF	DARNOLD, TOM A.	120,471	FR
11	DA	DIVISION/UNIT CHIEF	DAVIS, JOHN L.	143,032	FR
12	DA	DIVISION/UNIT CHIEF	HAVLOVIC, GEORGE	143,032	FR
13	DA	DIVISION/UNIT CHIEF	HUGHES, LORI C.	126,494	FR
14	DA	DIVISION/UNIT CHIEF	LAROSE, KAREN	143,032	FR
15	DA	EXECUTIVE ASSISTANT	LUJAN, AMY	49,701	FR
16	DA	EXECUTIVE SECRETARY	PARRA, BLANCA E.	39,791	FR
17	DA	FORENSIC ACCOUNTANT	MENA, JUDITH MARIE	43,557	FR
18	DA	INVESTIGATOR	DOVE, JEFFERY K.	44,484	FR
19	DA	INVESTIGATOR	EDENS, DAVID L.	44,484	FR
20	DA	INVESTIGATOR	FERNANDEZ, DALE	44,484	FR
21	DA	INVESTIGATOR	GONZALES, RICARDO	44,484	FR
22	DA	INVESTIGATOR	GONZALES, ROBERTO B.	44,484	FR
23	DA	INVESTIGATOR	GUEVARA, LUZ ARACELI	44,484	FR
24	DA	INVESTIGATOR	HENDON, CATHERINE M.	44,484	FR
25	DA	INVESTIGATOR	LYNCH, ROBERT G.	44,484	FR
26	DA	INVESTIGATOR	MACHORRO, ALBERTO	44,484	FR
27	DA	INVESTIGATOR	MAJERCZYK, JOHN	44,484	FR
28	DA	INVESTIGATOR	MALDONADO, PETER	44,484	FR
29	DA	INVESTIGATOR	MARTIN, RUBEN JR.	44,484	FR
30	DA	INVESTIGATOR	MCBAIN, JOE B.	44,484	FR
31	DA	INVESTIGATOR	PEREZ, JORGE E.	44,484	FR
32	DA	INVESTIGATOR	REGALADO, RUBEN	44,484	FR
33	DA	INVESTIGATOR	ROMAINE, CHARLES	44,484	FR
34	DA	INVESTIGATOR	SERNA, VERONICA	44,484	FR
35	DA	INVESTIGATOR	TABULLO, ANTONIO	44,484	FR
36	DA	INVESTIGATOR	V A C A N T	44,484	FR
37	DA	LEGAL SECRETARY	CARRILLO, PATRICIA	27,458	FR
38	DA	LEGAL SECRETARY	FRAUSTO, SANDRA ESMERALDA	28,144	FR
39	DA	LEGAL SECRETARY	GREGORY, LESIA L.	30,308	FR
40	DA	LEGAL SECRETARY	MORALES, ALICE K.	28,144	FR
41	DA	LEGAL SECRETARY	QUESADA, VANESSA M.	30,308	FR
42	DA	LEGAL SECRETARY	QUIAMBAO, RITA E.	29,569	FR

POSITION COUNT	INDEX	POSITION TITLE	EMPLOYEE NAME	ANNUAL SALARY	STATUS
43	DA	LEGAL SECRETARY	RODRIGUEZ,ADRIANA	28,144	FR
44	DA	LEGAL SECRETARY	SOLIS,AUCIA	33,454	FR
45	DA	LEGAL SECRETARY	VASQUEZ,CLAUDIA V.	32,638	FR
46	DA	LEGAL SECRETARY INTERMEDI	GALVAN,ANDREA	36,483	FR
47	DA	LEGAL SECRETARY INTERMEDI	RAMOS,VÉLIA	35,593	FR
48	DA	LEGAL SECRETARY INTERMEDI	V A C A N T	30,691	FR
49	DA	OFFICE ADMIN./SUPPORT MGR	SPENCER,DINNA M.	62,352	FR
50	DA	OFFICE SPECIALIST	ALVARADO,JUAN ANTONIO	21,705	FR
51	DA	OFFICE SPECIALIST	CASTRO,ADRIAN RAUL	21,175	FR
52	DA	OFFICE SPECIALIST	DIAZ,ASHLEE A.	21,705	FR
53	DA	OFFICE SPECIALIST	GONZALEZ,EMMANUEL	22,247	FR
54	DA	OFFICE SPECIALIST	GUERRA,MAYRA IVETTE	21,705	FR
55	DA	OFFICE SPECIALIST	HERNANDEZ,BRENDA E.	21,175	FR
56	DA	OFFICE SPECIALIST	MURILLO,LILIANA	21,175	FR
57	DA	OFFICE SPECIALIST	QUINTANA,SAMANTHA L.	21,705	FR
58	DA	OFFICE SPECIALIST	RODRIGUEZ,JANET ALEXANDRA	22,247	FR
59	DA	OFFICE SPECIALIST, INTERM	CANO, RAMON	24,261	FR
60	DA	OFFICE SPECIALIST, INTERM	CASTANEDA,VANÉSSA	24,261	FR
61	DA	OFFICE SPECIALIST, INTERM	HERNANDEZ,BIANCA V.	24,261	FR
62	DA	OFFICE SPECIALIST, INTERM	LOPEZ,VIVIANA	23,669	FR
63	DA	OFFICE SPECIALIST, INTERM	MARQUEZ,CARMEN	24,261	FR
64	DA	OFFICE SPECIALIST, INTERM	MARTINEZ,CRYSTAL	24,868	FR
65	DA	OFFICE SPECIALIST, INTERM	PEREZ,MARIA	24,261	FR
66	DA	OFFICE SPECIALIST, INTERM	RODRIGUEZ,IMELDA	24,261	FR
67	DA	OFFICE SPECIALIST, INTERM	SALAZAR,MAYELA	24,261	FR
68	DA	OFFICE SPECIALIST, INTERM	SANCHEZ,SADIE L.	23,669	FR
69	DA	OFFICE SPECIALIST, INTERM	TORRES,JOANIE	24,868	FR
70	DA	PARA-LEGAL	CHAPARRO,SILVIA L.	37,547	FR
71	DA	PARA-LEGAL	NIETHAMER,FRANCES R.	48,064	FR
72	DA	PARA-LEGAL	RIVERA,ERNESTO	46,892	FR
73	DA	PARA-LEGAL	WELCH,DONNA	43,544	FR
74	DA	PROGRAM MANAGER	ZUBIA,FRANK J.	9,737	FR
75	DA	PROJECT ADMINISTRATOR	RAILEY-NYQVIST,S.RENEE	56,479	FR
76	DA	SR. TRIAL ATTORNEY	ACOSTA,HUMBERTO	69,811	FR
77	DA	SR. TRIAL ATTORNEY	ARAMBULA,MANUEL	69,811	FR
78	DA	SR. TRIAL ATTORNEY	BENJAMIN,BROCK	64,490	FR
79	DA	SR. TRIAL ATTORNEY	BROWN,NATHAN LEE	64,490	FR
80	DA	SR. TRIAL ATTORNEY	BUTTERWORTH,DENISE E.	94,288	FR
81	DA	SR. TRIAL ATTORNEY	CLAUSEN,LISA L.	89,798	FR
82	DA	SR. TRIAL ATTORNEY	COMPTON,WENDY ANN	103,953	FR
83	DA	SR. TRIAL ATTORNEY	COX,SANFORD CURTIS III	85,522	FR
84	DA	SR. TRIAL ATTORNEY	ESTAVILLE,TONI R.	74,698	FR

POSITION COUNT	INDEX	POSITION TITLE	EMPLOYEE NAME	ANNUAL SALARY	STATUS
85	DA	SR. TRIAL ATTORNEY	FERGUSON,ROBERT S.	109,150	FR
86	DA	SR. TRIAL ATTORNEY	FLETCHER,DOUG KENT	74,698	FR
87	DA	SR. TRIAL ATTORNEY	GIBSON,KENNETH JAMES	109,150	FR
88	DA	SR. TRIAL ATTORNEY	GRIFFITH,ROBYN RENE	89,798	FR
89	DA	SR. TRIAL ATTORNEY	HICKS,BILL D.	103,953	FR
90	DA	SR. TRIAL ATTORNEY	IRWIN,DANA R.	69,811	FR
91	DA	SR. TRIAL ATTORNEY	LASLEY,MICHAEL KYLE	79,925	FR
92	DA	SR. TRIAL ATTORNEY	MARCANTEL,KEVIN K.	89,798	FR
93	DA	SR. TRIAL ATTORNEY	MCCOSLIN,JOSEPH R.	74,698	FR
94	DA	SR. TRIAL ATTORNEY	MCCRACKEN,DAVID	64,490	FR
95	DA	SR. TRIAL ATTORNEY	MILLER,CHRISTOPHER R.	94,288	FR
96	DA	SR. TRIAL ATTORNEY	MOFFEIT,MICHAEL P.	94,288	FR
97	DA	SR. TRIAL ATTORNEY	MONSIVAIS,AMY SUZANNE	94,288	FR
98	DA	SR. TRIAL ATTORNEY	MONSIVAIS,JOSE J.	89,798	FR
99	DA	SR. TRIAL ATTORNEY	MOORE,DENNIS	85,522	FR
100	DA	SR. TRIAL ATTORNEY	MOORE,MATTHEW	109,150	FR
101	DA	SR. TRIAL ATTORNEY	NAVARRETE,DIANE R.	103,953	FR
102	DA	SR. TRIAL ATTORNEY	ORTEGA,ANDRES	69,811	FR
103	DA	SR. TRIAL ATTORNEY	PAGES,MYRNA	64,490	FR
104	DA	SR. TRIAL ATTORNEY	PRASHER,WILLIAM C.	89,798	FR
105	DA	SR. TRIAL ATTORNEY	PULNER,GAY C.	64,490	FR
106	DA	SR. TRIAL ATTORNEY	ROJAS-KINNE,INGRID	85,522	FR
107	DA	SR. TRIAL ATTORNEY	SCHULZ,KEVIN	89,798	FR
108	DA	SR. TRIAL ATTORNEY	SERANG,GHALIB A.	79,925	FR
109	DA	SR. TRIAL ATTORNEY	SHRODE,JOHN	89,798	FR
110	DA	SR. TRIAL ATTORNEY	SPINN,MARK	74,698	FR
111	DA	SR. TRIAL ATTORNEY	TARANGO,REBECCA	99,003	FR
112	DA	SR. TRIAL ATTORNEY	UDDIN,MARIUM S.	85,522	FR
113	DA	SR. TRIAL ATTORNEY	WAGGENER,THERYN	69,811	FR
114	DA	SR. TRIAL ATTORNEY	WARD,ANN E.	74,698	FR
115	DA	SR. TRIAL ATTORNEY	WILLIAMS,MICHAEL L.	103,953	FR
116	DA	SUPERVISOR (DA)	MATA,ELIDA	42,844	FR
117	DA	SUPERVISOR (DA)	MORALES,ELVA	35,164	FR
118	DA	SUPERVISOR (DA)	RODRIGUEZ,LIZETTE B.	37,868	FR
119	DA	SUPERVISOR (DA)	V A C A N T	34,306	FR
120	DA	TRIAL ATTORNEY	ALMONTE,ROBERT II	52,397	FR
121	DA	TRIAL ATTORNEY	BHATTI,MERWAN NAUM	52,397	FR
122	DA	TRIAL ATTORNEY	CASTILLO,ANTONIO ERNESTO	52,397	FR
123	DA	TRIAL ATTORNEY	CASTILLO,MOISES	59,115	FR
124	DA	TRIAL ATTORNEY	DIAZ,JORGE	52,397	FR
125	DA	TRIAL ATTORNEY	FORSCH,ERICA BETH	52,397	FR
126	DA	TRIAL ATTORNEY	HERRERA,ANTHONY J.	52,397	FR

POSITION COUNT	INDEX	POSITION TITLE	EMPLOYEE NAME	ANNUAL SALARY	STATUS
127	DA	TRIAL ATTORNEY	MCNEAL,MILES J.	59,115	FR
128	DA	TRIAL ATTORNEY	MORALES,ROLANDO	55,757	FR
129	DA	TRIAL ATTORNEY	MYERS,KYLE A.	59,115	FR
130	DA	TRIAL ATTORNEY	PEREZ,ALYSSA GARCIA	55,757	FR
131	DA	TRIAL ATTORNEY	RODRIGUEZ,HOLLY R.	55,757	FR
132	DA	TRIAL ATTORNEY	ROMERO,KRISTIN REQUEL	55,757	FR
133	DA	TRIAL ATTORNEY	SAHUALLA,ELI	55,757	FR
134	DA	TRIAL ATTORNEY	TATE,NICHOLA KIC	59,115	FR
135	DA	TRIAL ATTORNEY	TIEMANN,DOUGLAS J.	52,397	FR
136	DA	TRIAL ATTORNEY	V A C A N T	52,397	FR
137	DA	TRIAL ATTORNEY	V A C A N T	52,397	FR
138	DA	TRIAL TEAM CHIEF	ANDERSON,BILLY C.	97,504	FR
139	DA	TRIAL TEAM CHIEF	AUN,ANTONIO	124,518	FR
140	DA	TRIAL TEAM CHIEF	BRIGGS,JOHN P.	121,481	FR
141	DA	TRIAL TEAM CHIEF	CALLAN,JAMES MICHAEL	112,873	FR
142	DA	TRIAL TEAM CHIEF	HAMILTON,PENNY J.	107,498	FR
143	DA	TRIAL TEAM CHIEF	LOCKE,GEORGE R.	127,631	FR
144	DA	TRIAL TEAM CHIEF	MARTINEZ,VICTOR I.	107,498	FR
145	DA	TRIAL TEAM CHIEF	MERAZ,DIANA	127,631	FR
146	DA	TRIAL TEAM CHIEF	RAMOS,ROBERTO J	102,379	FR
147	DA	TRIAL TEAM CHIEF	REYES,DOLORES	112,873	FR
148	DA	TRIAL TEAM CHIEF	RUTLEDGE,TARA FLYNN	107,498	FR
149	DA	TRIAL TEAM CHIEF	SHAPLEIGH,BALLARD	107,498	FR
150	DA	TRIAL TEAM CHIEF	SHAPLEIGH,CHERI ELAINE R.	118,518	FR
151	DA	TRIAL TEAM CHIEF	STROUD,LILY M.	76,397	FR
152	DA	TRIAL TEAM CHIEF	VANDENBOSCH,JENNIFER L.	118,518	FR
153	DA	VICTIM ADVOCATE	ALVARADO,LORENZO J.	31,070	FR
154	DA	VICTIM ADVOCATE	CHAFINO,CARMEN	30,313	FR
155	DA	VICTIM ADVOCATE	DOMINGUEZ,JOHN	31,070	FR
156	DA	VICTIM ADVOCATE	FRAUSTO,IGNACIO	30,313	FR
157	DA	VICTIM ADVOCATE	GIORGETTI,JORGE	31,070	FR
158	DA	VICTIM ADVOCATE	LEYVA,MANUEL	31,070	FR
159	DA	VICTIM ADVOCATE	LOMELI,ANGELICA	31,070	FR
160	DA	VICTIM ADVOCATE	MADRID,SALLY D.	33,459	FR
161	DA	VICTIM ADVOCATE	SERNA,HERYCA	29,573	FR
162	DA	VICTIM ADVOCATE	VASQUEZ,BELINDA L.	31,070	FR
				DA Total	<u>\$9,737,799</u>

**EFFECTIVE**

**DATE**

**ACTION**

**PERSONNEL CHANGES, FISCAL YEAR 2010**

9/20/09 LEAVE VACANT FOR 25 PAY PERIODS; PART OF DEPT'S 1%

SUPERVISOR (DA)

V A C A N T

(\$45,473) FR

POSITION COUNT	INDEX	POSITION TITLE	EMPLOYEE NAME	ANNUAL SALARY	STATUS
9/20/09	LEAVE VACANT ALL YEAR; PART OF DEPT'S 1%	DIVISION/UNIT CHIEF	VACANT	(\$143,032)	FR
	LEAVE VACANT FOR 20 PAY PERIODS; PART OF				
9/20/09	DEPT'S 1%	TRIAL ATTORNEY	VACANT	(\$40,708)	FR
	LEAVE VACANT FOR 20 PAY PERIODS; PART OF				
9/20/09	DEPT'S 1%	TRIAL ATTORNEY	VACANT	(\$40,708)	FR

# EL PASO COUNTY COMMISSIONERS COURT

ANTHONY COBOS  
County Judge

ANNA PEREZ  
Commissioner, Pct. 1

WILLIE GANDARA  
Commissioner, Pct. 3



VERONICA ESCOBAR  
Commissioner, Pct. 2

DANIEL R. HAGGERTY  
Commissioner, Pct. 4

El Paso County Courthouse, 500 E. San Antonio,  
Commissioners Court Chambers, 3rd Floor, Room  
303,

El Paso, Texas 79901

Website address: [www.epcounty.com](http://www.epcounty.com)

View live video webcast: <http://intranet/apps/video>

## AGENDA

Regular Meeting, 1/25/2010 9:30:00 AM

### OPEN MEETING -

### PLEDGE OF ALLEGIANCE -

### RESOLUTIONS

1. Approve and adopt a resolution declaring the week of January 25-31, 2010 as (attachment) National Latino Congreso week in El Paso County.  
Submitted by: County Judge Anthony Cobos, County Judge
2. Approve and adopt a resolution declaring January 29, 2010 as "Tejano (attachment) Democrats Day" in El Paso County, Texas.  
Submitted by: Commissioner, Pct. 2 Veronica Escobar, Commissioners Court
3. Approve and adopt a resolution authorizing El Paso Water Utilities-Public (attachment) Service Board to prepare and submit an application to the Texas Water Development Board, in cooperation with the County of El Paso, for planning grant funds under the Economically Distressed Areas Program (EDAP), and affirming the commitment of \$35,000 in "IN-KIND" services by El Paso County for the completion of Montana Vista wastewater infrastructure planning project in El Paso County, Texas.  
Submitted by: County Commissioner Willie Gandara, Jr., Pct. 3

### PRESENTATION

4. Receive a presentation from James N. Valenti, President and Chief Executive (attachment) Officer of the El Paso County Hospital District and take any appropriate action.

Submitted by: President and CEO James N. Valenti, UMC of El Paso

**5. PUBLIC COMMENT**

Pursuant to Texas Government Code Section 551.042, public comment may not be used to discuss matters not posted on this agenda for consideration by the El Paso County Commissioners Court. Members of the public may only ask specific questions during public comment about a subject which has not been posted on the agenda which may be answered with specific, purely factual information. Discussions, deliberation, or debate on subjects which are not posted for consideration are not permitted during public comment.

Speaker's choice: Five (5) minutes per person during this segment regarding any items or three (3) minutes per person on each item as it appears on the agenda. The same will apply to any interest group consisting of three or more representatives. Commissioners Court retains the option to allow more comment as it deems necessary.

**NOTICE TO THE PUBLIC**

All matters listed under the Consent Agenda will be considered by the Commissioners Court to be routine and will be enacted by one motion in the form listed below. There will be no separate discussion of these items unless members of the Court or persons in the audience request that specific items be removed from the Consent Agenda to the Regular Agenda for discussion prior to the time the Commissioners Court votes on the motion to adopt the Consent Agenda.

All matters listed on the Consent Agenda and the Regular Agenda may be discussed in executive session at the option of the El Paso County Commissioners Court and following verbal announcement, if an appropriate exception to the open meeting requirement of the Texas Open Meetings Act is applicable.

Copies of the Agenda will be provided on audiotape upon request made a minimum of 48 hours prior to the meeting.

No cell phones, audible pagers, and/or beepers while Court is in session.

**CONSENT AGENDA**

- 6. Approval of the Minutes of the regular meetings of January 4, 2010 and January 11, 2010, and the two special meetings of January 15, 2010 (A & B).

Submitted by: , County Clerk's Office

- 7. 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

(attachment)  
(attachment)  
(attachment)  
(attachment)  
(attachment)  
(travel)

- 8.** Approve amendment No. 12 to the 2009-2010 County of El Paso Operating Budget. This amendment will increase Grants by \$19,498 thus increasing the overall operating budget of \$268,786,472 to \$268,805,970. (attachment)  
Submitted by: County Auditor Edward A. Dion, County Auditors Office
- 9.** Pursuant to the Texas Local Government Code, Sections 114.023, 114.024, 114.025 and 114.026, please accept the interim financial report for the month ended December 2009. This report is located on the Internet at: [www.epcounty.com/auditor/publications/default.htm](http://www.epcounty.com/auditor/publications/default.htm)  
Submitted by: County Auditor Edward A. Dion, County Auditors Office
- 10.** Pursuant to the Texas Government Code, Title 10, § 2256.003, please accept the attached investment report for the quarter ended September 30, 2009. (attachment)  
Submitted by: County Auditor Edward A. Dion, County Auditors Office
- 11.** Pursuant to the Texas Local Government Code, Section 115.002 and Section 115.0035, please accept the attached reports. (attachment)  
Submitted by: County Auditor Edward A. Dion, County Auditors Office
- 12.** Pursuant to the Texas Local Government Code, Section 114.025, the 2009 Funds and Fees of Office Report is hereby submitted for your acceptance. (attachment)  
Submitted by: County Auditor Edward A. Dion, County Auditors Office
- 13.** Approve the Certificates of Plat Compliance (under Texas Local Government Code Section 232.028(a), as provided on the attached listing. (attachment)  
Submitted by: Public Works Director Robert Rivera, P.E., County Road and Bridge
- 14.** In compliance with the El Paso County Code of Ethics, pursuant to Article XII, acknowledge the campaign contributions of \$1000 or more from the following individuals: Thad and Kathy Steele, Alfredo Corral and Woody and Gayle Hunt. (attachment)  
Submitted by: Commissioner, Pct. 2 Veronica Escobar, Commissioners Court
- 15.** Approve and authorize the County Judge to sign the service agreement between the County Clerk and Analog Photo Services, LLC to service the processor located in the County Clerk's Records Management lab. (attachment)  
Submitted by: County Clerk Delia Briones,
- 16.** Approve and authorize the County Judge to sign the service agreement between the County Clerk and Assurance Fire Protection, LLC to service the FM200 Fire Suppression System located in the County Clerk's Records Management vault. (attachment)  
Submitted by: County Clerk Delia Briones,



- 17.** Approve and authorize the County Judge to sign the maintenance agreement between the County Clerk and Matrix Special Systems to service Security System, Keri Card Access located in the County Clerk's Records Management Office located at the MDR. (attachment)  
Submitted by: County Clerk Delia Briones,
- 18.** Approve and authorize the use of the El Paso County Courthouse and County Parking Garage, open to the public, by schools participating in the Region XIX Annual High School Mock trial Competition beginning Friday, February 5, 2010 from 5:00 p.m. to 11:00 p.m. and ending Saturday, February 6, 2010 from 7:30 a.m. to 7:30 p.m..  
Submitted by: District Attorney Jaime Esparza, District Attorney's Office
- 19.** Approve and authorize the transfer of a cabinet (bar code 0065474) from the District Attorney's Office to the El Paso County Purchasing Department.  
Submitted by: District Attorney Jaime Esparza, District Attorney's Office
- 20.** Approve and authorize the transfer and disposal of unclaimed/abanodoned property/evidence, as listed in the backup, from the District Clerk's Office Archives Division, in accordance with Article 18.17 of the Code of Criminal Procedures. (attachment)  
Submitted by: District Clerk Gilbert Sanchez, District Clerk's Office
- 21.** Approve and authorize the County Judge to sign the Chapter 59 Asset Forfeiture Report to the Texas Attorney General for Constable Hector Bernal, Precinct 3. (attachment)  
Submitted by: Constable Hector Bernal, Pct. 3
- 22.** The Council of Judges hereby request the approval of a waiver to purchase kleenex tissues as previously approved for one of the courts by Commissioners. Request to consolidate the waiver with the Council of Judges Administration in order to purchase and distribute the kleenex to those courts requesting it for witnesses during their trials. Your approval of this matter is greatly appreciated.  
Submitted by: Office Manager Martha A. Banales, Council of Judges Adm.
- 23.** Approve and authorize the County Judge to execute a contract amendment (KK-10-031) to the current contract with Davis Investigations to continue the Process Server and Courier Services contract on a temporary basis until the service can be re-bid. (attachment)  
Submitted by: Assistant County Attorney Arthur S. Provenghi, County Attorney's Office
- 24.** Approve and authorize the County Judge to sign Release of Lien in bond forfeiture case, cause number 2007-B16350. (attachment)  
Submitted by: Executive Division Chief Cygme Nemir, El Paso County Attorney's Office
- Approve and authorize the transfer of listed office equipment from the inventory (attachment)

- 25.** of the El Paso County Purchasing Department to the El Paso County Attorney's Office for reuse.  
Submitted by: Office Manager/Network Admin. Sue Collins, County Attorney's Office
- 26.** Request authorization to submit Grant Application No. 18028-06 to the Governor's Office and for the County Judge to sign the attached Resolution in support of grant continuation funding through the Governor's Office, Criminal Justice Division, for the El Paso County Juvenile Drug Court Program to assist with the costs associated with the program operations. This grant application is due to the Governor's Office by January 29, 2010. Grant application is effective September 1, 2010 and shall continue until August 31, 2011. The Grant Application and Resolution have been reviewed and approved as to form by the County Attorney: KK-10-034. (attachment)  
Submitted by: Chief Juvenile Probation Officer Roger Martinez, Juvenile Probation Department
- 27.** Request authorization to submit grant application No. 23211-01 to the Governor's Office and for the County Judge to sign the attached Resolution in support of grant funding through the Governor's Office, Criminal Justice Division, for the El Paso County Juvenile Justice Center Serious Habitual Offender Comprehensive Action Program (SHOCAP) Enhancement Program to assist with the costs associated with the program operations. This grant application is due to the Governor's Office by January 31, 2010. This Resolution for Grant Application No. 23211-01 has been reviewed and approved as to form by the County Attorney: KK-10-039. (attachment)  
Submitted by: Chief Juvenile Probation Officer Roger Martinez, Juvenile Probation Department
- 28.** Request authorization to submit Grant Application No. 13358-12 to the Governor's Office and for the County Judge to sign the attached Resolution in support of grant continuation funding through the Governor's Office, Criminal Justice Division, for the El Paso County Probation Supervision Tools and Interventions Program to assist with the costs associated with the program operations. This grant application is due to the Governor's Office by January 29, 2010. Grant Application is effective September 1, 2010 and shall continue until August 31, 2011. The Grant Application and Resolution have been reviewed and approved as to form by the County Attorney: KK-10-038. (attachment)  
Submitted by: Chief Juvenile Probation Officer Roger Martinez, Juvenile Probation Department
- 29.** Approve and authorize the Juvenile Probation Department to apply for grant funds from the "Juvenile Accountability Block Grant" from the Criminal Justice Division of the Governor's Office. Funds will be utilized to support Project Hope/Juvenile Mental Health Court Program for FY2011.  
Submitted by: Chief Juvenile Probation Officer Roger Martinez, Juvenile Probation Department
- 30.** Approve and authorize the County Judge to sign the Interlocal Agreement with Texas Political Subdivisions (TPS) required to obtain Automobile and Employee Crime insurance policies. The agreement has been reviewed by the County Attorney's Office. (attachment)  
Submitted by: Human Resources Director Betsy C. Keller, SPHR, Human Resources

- 31.** Approve and authorize the Purchasing Agent to remove the item listed in the back-up from the Human Resources Department inventory. (attachment)  
Submitted by: Human Resources Director Betsy C. Keller, SPHR, Human Resources
- 32.** Approve and authorize the County Judge to sign the contract between El Paso County and VOTEC Corporation to provide elections/voter registration licensed software, associated support services and to further approve all acquisitions of equipment as per attachment. The agreements have been approved as to form with Amendments by the County Attorney's Office for KK-09-443, KK-10-032 and KK-10-033. Funds are available under the CPCAPITAL07 Capital fund account. (attachment)  
Submitted by: Elections Administrator Javier Chacon, Elections Department
- 33.** Approve and authorize the County Judge to execute Grant Application Part II and the County Transportation Program to submit Grant Application Part II to the Texas Department of Transportation (TxDOT) for funds available from the Federal Transit Administration (FTA) for Fiscal Year 2010. No County funds will be required. (attachment)  
Submitted by: Director Rosemary V. Neill, Family and Community Services
- 34.** Approve and authorize the County Judge to sign the contract documents under KK-10-012 for the Colonia Construction Fund Program (CCF) - to provide First Time Water services to forty three (43) households in the Wildhorse and Hacienda Real Subdivisions under the Texas Community Development Program No. 729035. No county funds are required. (attachment)  
Submitted by: Public Works Director Robert Rivera, P.E., County Road and Bridge
- 35.** Approve and authorize the County Purchasing Agent to purchase playground equipment and canopy for Westway Park through the Buy Board Co-Op. Funds are available. (attachment)  
Submitted by: Public Works Director Robert Rivera, P.E., County Road and Bridge
- 36.** Approve and authorize the County Purchasing Agent to solicit bids for three (3) 52,000 GVW Truck Chassis for the Road and Bridge Department. Funds are available in account ROADBRIDGES-6250. (attachment)  
Submitted by: Public Works Director Robert Rivera, P.E., County Road and Bridge
- 37.** I am requesting that the Honorable Judge Cobos approve and sign the enclosed leases for: 7145 Industrial and 3707 Admiral. These documents have been given legal review by the El Paso County Attorney's Office. (attachment)  
Submitted by: Director Stephen L. Enders, WTCSCD
- 38.** Approve and authorize the County Judge to sign the Dahill Maintenance Agreement for the El Paso County Sheriff's Office - Patrol/Central Office. The County Attorney's Office has reviewed the agreement (KK#09-512). (attachment)  
Submitted by: Sheriff Richard D. Wiles, SO-Administration

- 39. Approve and authorize the transfer of unclaimed property in the form of monies (attachment) to the County Purchasing Department for fund transfer in accordance with Article 18.17 of the Code of Criminal Procedures.  
Submitted by: Sheriff Richard Wiles, El Paso County Sheriff's Office
- 40. Approve and authorize to transfer unserviceable equipment for the Detention (attachment) Facility to the County Purchasing Agent for disposal. Please see attachment. Items have been approved by County Purchasing.  
Submitted by: Sheriff Richard Wiles, El Paso County Sheriff's Office
- 41. Approve and authorize to transfer unserviceable equipment for the Detention (attachment) Facility to the County Purchasing Agent. All items have been approved by County Purchasing. Please see attachments.  
Submitted by: Sheriff Richard Wiles, El Paso County Sheriff's Office
- 42. Approve and authorize to transfer unserviceable equipment for the Detention (attachment) Facility to the County Purchasing Agent for disposal. All items have been approved by the County Purchasing Agent. Please see attachments.  
Submitted by: Sheriff Richard Wiles, El Paso County Sheriff's Office
- 43. Approve and authorize to transfer unserviceable equipment for the Annex (attachment) Facility to the County Purchasing Agent. All items have been approved by County Purchasing. Please see attachments.  
Submitted by: Sheriff Richard Wiles, El Paso County Sheriff's Office

## REPORTS

- 44. Accept and take any other appropriate action related to the following quarterly reports:
  - a) (Postponed 12/14/09, 01/04/10, 01/11/10) Office of the Constable, Pct. 6  
Submitted by: , County Clerk's Office
  - b) (Postponed 01/11/10) Office of the Constable, Pct. 1  
Submitted by: , County Clerk's Office
  - c) (Postponed 01/11/10) Road and Bridge Department  
Submitted by: Public Works Director Robert Rivera, P.E., County Road and Bridge  
  
*A copy of the full report may be found at*  
<http://www.epcounty.com/meetings/commcourt/2010-01-25/44c.pdf>
  - d) Department of Family and Community Services  
Submitted by: Director Rosemary V. Neill, Family and Community Services  
  
*A copy of the full report may be found at*  
<http://www.epcounty.com/meetings/commcourt/2010-01-25/44d.pdf>
  - e) Office of the Constable, Pct. 2  
Submitted by: , County Clerk's Office
  - f) Project ARRIBA

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

*A copy of the full report may be found at*

<http://www.epcounty.com/meetings/commcourt/2010-01-25/44f.pdf>

**g) San Elizario Genealogy and Historical Society**

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

*A copy of the full report may be found at*

<http://www.epcounty.com/meetings/commcourt/2010-01-25/44g.pdf>

## REGULAR AGENDA

- 45.** Review and approve the El Paso County Hospital District d/b/a University Medical Center of El Paso Audited Financial Statements for the Fiscal Year Ended September 30, 2009. (A draft hard copy was in the packets distributed to the Court on January 5, 2010.) (attachment)  
Submitted by: President and CEO James N. Valenti, UMC of El Paso
- 46.** (Postponed 12/14/09, 01/04/10, 01/11/10) Discuss and take appropriate action on the Interlocal Agreement between the County of El Paso and the Lower Valley Water District relating to water and wastewater improvements within the Lourdes and Conquistador Subdivisions. Funding for this project was previously approved by the Court.  
Submitted by: County Commissioner Willie Gandara Jr., Pct. 3
- 47.** (Postponed 12/14/09, 01/04/10, 01/11/10) Approve and authorize the County Judge to execute the Interlocal Agreement with the Tornillo Water Improvement District allocating \$300,000 from 2007 CP Capital Project Bond Funds for the design and construction of a water well within the Tornillo Water District. (attachment)  
Submitted by: County Commissioner Willie Gandara Jr., Pct. 3
- 48.** Discuss and take appropriate action to reallocate \$25,000 of Hotel Motel Occupancy Tax funds from El Paso LULAC Council 132 to the Willie Velasquez Institute, for out-of-town advertisement of their upcoming event, the National Latino Congreso, to be held in El Paso January 29-30, 2010.  
Submitted by: Commissioner Pct. 1 Anna Perez, Commissioner Court
- 49.** Approve and authorize County Judge to sign contract between the County of El Paso and the Willie Velasquez Institute for the reimbursement of out-of-town advertisement costs with Hotel Motel Occupancy Tax funds for the National Latino Congreso, to be held in El Paso January 29-30, 2010.  
Submitted by: Commissioner Pct. 1 Anna Perez, Commissioner Court
- 50.** Discuss and take appropriate action concerning the El Paso MHMR Supportive Employment Program.  
Submitted by: County Commissioner Daniel R. Haggerty, Commissioner, Pct. 4
- 51.** Approve and authorize the County Judge to approve the grant application and sign the Resolution to be submitted to the Office of the Governor Criminal Justice Division (Grant Application 2283701) for the El Paso County DA Border Prosecution Unit, to provide prosecution services along the southwest border in the amount of \$2,000,000.00, with no County match. (attachment)  
Submitted by: District Attorney Jaime Esparza, District Attorney's Office
- 52.** Approve and authorize the County Judge to sign the contract with Professional (attachment)