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Jackson, Wharton, Austin, Fayette, another sliver of Lee and Fortbend, which border Houston's Harris County).

- e. ACTION ON DETERMINING PAY RAISES FOR EMPLOYEES WITH 15 PLUS YEARS OF SERVICE WITH WEBB COUNTY, AND FOR ALL OTHER EMPLOYEES OF WEBB COUNTY NOT PART OF THE WEBB COUNTY COLLECTIVE BARGAINING AGREEMENT (requested by Cmsr. Gerardo "Jerry" Vasquez).**

- f. ACTION TO APPROVE THE ALLOCATION OF \$25,000 FOR THE CONSTRUCTION OF AN ADDITIONAL WATER WELL TO BE LOCATED AT THE WEBB COUNTY GOLF COURSE (Requested by Cmsr. Judy Gutierrez).**

- h. DISCUSSION AND POSSIBLE ACTION TO ENTER INTO SUPPLEMENTAL AGREEMENT TO WORK AUTHORIZATION NO. 1 WITH DANNENBAUM ENGINEERING CORPORATION, 3100 WEST ALABAMA, HOUSTON, TEXAS TO DEVELOP INTERNATIONAL BRIDGE CONCEPT PLAN, PERFORM ADDITIONAL SURVEYING AND RELATED EFFORT, AND PREPARE TRAFFIC STUDY AND REVENUE PROJECTION FOR BRIDGE NO. 5. THE CURRENT AGREEMENT WILL BE MODIFIED BY PERFORMING ADDITIONAL ENGINEERING SERVICES REQUIRED BY TEXAS DEPARTMENT OF TRANSPORTATION GUIDELINES. THE TOTAL COST OF THE ADDITIONAL SERVICES SHALL NOT EXCEED \$284,486.00. THIS AMOUNT REPRESENTS AN INCREASE TO THE ORIGINAL CONTRACT PRICE IN EXCESS OF 25%, BUT IS PERMITTED SINCE**

**WEBB COUNTY COMMISSIONERS COURT
REGULAR MEETING
AUGUST 13, 2001
9:00 A.M.**

01.02-08-229. **CALL TO ORDER BY JUDGE MERCURIO MARTINEZ, JR.
INVOCATION
PLEDGE OF ALLEGIANCE**

02.01-08-230. **APPROVAL OF MINUTES**

03.01-08-231. **COMMUNICATIONS**

04.01-08-232. **APPROVAL OF BILLS, PAYROLL AND MONTHLY
REPORTS**

05. 01-08-233. **PROCLAMATIONS/RESOLUTIONS**

06.01-08-234. **COURT TO DISCUSS AND ACT ON THE
FOLLOWING:**

a. **TAX ASSESSOR COLLECTOR**

1. **ACTION TO APPROVE THE CERTIFICATION
OF THE TAX ROLL . ONE HUNDRED (100%)
PERCENT ANTICIPATED COLLECTION FOR
FY 2001.**
2. **ACTION TO APPROVE REFUND**

**Francisco A. Leal, MD PA
Reason: Property did not exist on 1st of the year
Total Refund: \$1,184.45**

Item 7-e

Motion to approve pay raises effective March 23, 2001 for all County employees with 15 years of non concurrent service and a 3% increase to those who have maxed out re the Waters Group Study and the rest to follow the schedule.

Moved: Commissioner Vasquez
Seconded: Commissioner Velasquez

For: 4
Against: 0
Abstain: 0

Continuous and non continuous service

Item 7-f

Motion to approve allocation of \$25,000 for the construction of an additional water well to be located at the Webb County Golf Course.

Moved: Commissioner Velasquez
Seconded: Commissioner Gutierrez

For: 4
Against: 0
Abstain: 0

Item 7-g

Motion to enter into supplemental agreement to Work Authorization No. 1 with Dannenbaum Engineering Corporation, to develop International Bridge Concept Plan, perform additional surveying and related effort, and prepare traffic study and revenue projection for Bridge No. 5. The current agreement will be modified by performing additional engineering services required by The Texas Department of Transportation guidelines. The total cost of the additional services shall not exceed \$284,486, which amount represents an increase to the original contract price in excess of 25%, but is permitted since the change is necessary to comply with State regulations.

**OFFICIAL MINUTES
OF THE WEBB COUNTY COMMISSIONERS COURT
MEETING OF AUGUST 13, 2001**

Let it be remembered that a regular meeting of the Webb County Commissioners Court was held on August 13, 2001, commencing at 9 o'clock A.M. At the regular meeting place with the following members present to wit:

Mercurio Martinez, Jr.	County Judge
Jerry Vasquez	Commissioner Prct. #1
Judith Gutierrez	Commissioner Prct. #2
Felix Velasquez	Commissioner Prct. #3
Miguel Urdiales	Commissioner Prct. #4

Thus constituting a quorum, the Commissioners Court proceeded to act upon the agenda as posted on the 9th and 10th of August, 2001. Present also was Henry Flores, Ex-Officio Clerk of the Commissioners Court, various officers and others interested in the business of the Court.

01-08-240

- 1. Call to order – Judge Martinez
 - Invocation – Mr. William N. Hall, Jr.
 - Pledge of Allegiance – said by all

01-08-241

2. Approval of Minutes –

Motion to approve the minutes as submitted with the following corrections:

Page 29 – item 10. – m } state that Commissioner Velasquez voted against this motion

Page 32 – item 10. – u. } correction on name of Sheriff Juan Garza.

Page 31 – item 10. – q. & r. } should state that the vote was four (4) in favor.

Page 19 – item 7. – e. } Should state that pay raises should be for all county employees for continuous and noncontinuous service. Commissioner Vasquez suggested to the court that he would like to have items identified with the department name.

01-08-241

3. Communications -

Judge Martinez presented Sgt. Don Valdez, a certificate of Service and Leadership for 29 years of service with the Department of Public Safety.

Mr. Joseph Calko came before the court to present a proclamation for “Liberty Day” to the court.

Ms. Sylvia Martinez, Community Action Corporation of South Texas came before the court to request possible funding from Webb County.

City Of Laredo EMS/Fire call to Webb County for July 2001.

Ms. Elise Garcia, Head Start Director presented the court with a Federal review of the program.

The court discussed naming a committee to be involved in the selection of Ms. Garcia’s successor.

Mr. Henry Flores, County Clerk reported on cattle brands.

**OFFICIAL MINUTES
OF THE WEBB COUNTY COMMISSIONERS COURT
MEETING OF AUGUST 27, 2001
LAREDO, TEXAS**

Let it be remembered that a regular meeting of the Webb County Commissioners Court was held on August 27, 2001 at 9:00 a.m. at the regular meeting place with the following members present to wit:

**Mercurio Martinez, Jr.
Jerry Vasquez
Judith Gutierrez
Felix Velasquez
Miguel Urdiales**

**County Judge
Commissioner Prct. #1
Commissioner Prct. #2
Commissioner Prct. #3
Commissioner Prct. #4**

Thus constituting a quorum, the Commissioners Court proceeded to act upon the agenda notice as posted in the meeting of the 23rd of August 2001. Present were Diana Gonzales, Deputy Clerk, representing Mr. Henry Flores, Ex-Officio Clerk of the Commissioners Court, various officers and others interested in the business of the court.

**requested pursuant to Texas Open Meetings Act,
Section 551.071, Government Code, Consultation with
Attorney]**

Cmr. Gutierrez motioned to defer item to Executive Session at the end of the meeting. Cmr. Cortez seconded the motion.

Motion carried 5-0 by unanimous consent to defer item to executive session.

- Item No. 15 Discussion and possible action to approve professional services contract with Victory Data for publicist services from April 14, 2003 through September 30, 2003, at a cost of FOUR THOUSAND FIVE HUNDRED DOLLARS (\$4,500.00) per month and authorizing the County Judge to sign all relevant documents. [Account #001-0200-6022 Professional Services]

Cmr. Vasquez motioned to approve item as submitted. Cmr. Cortez seconded the motion.

Motion carried 5-0 by unanimous consent.

Cmr. Cortez motioned to move up Item No. 50. Cmr. Gutierrez seconded the motion.

Motion carried 5-0 by unanimous consent to move up Item No. 50.

- Item No. 50 Discussion and possible action to award or reject bid 2003-34, the thirty-seven (37) acre tract La Presa to International Vapor Power Corporation.

Cmr. Cortez motioned to award bid to Vapor Power Corporation. Question was called before second with all members voting to award bid to Vapor Power Corporation.

- Item No. 16 Discussion and possible action to reduce salaries, (by an amount equal to the increase given in 2001 to all employees with at least 15 years of service), to all positions/slots where the employee that earned the increase has been separated from County employment and to allow 15 year employees that benefited from this increase in salary to transfer the

amount of the increase should they be hired at another county department.

Comr. Vasquez motioned to approve item as submitted. Comr. Cortez seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 17 Discussion and possible action on authorizing the County to negotiate Interlocal Agreement with the City of Laredo to participate in the development of a Little League Park adjacent to the existing Father McNaboe Park utilizing Recreation Bond funds not to exceed \$50,000.00 and authorizing the County Judge to sign all relevant documents pertaining to this matter. [Account #678-8103-8710-4 Park Development Precinct 4 Series 2001]

Comr. Gutierrez motioned to approve item as submitted. Comr. Velasquez seconded the motion.

Motion carried 5-0 by unanimous consent.

Mr. Homero Ramirez, County Attorney, stated that he has not seen any documents in regard to this agreement and would like to have an opportunity to review them before anything is signed.

- Item No. 18 Discussion and acceptance of Webb County Constable Precinct 1, Annual Report on Information Relating to Traffic Stops as required by the Texas Code of Criminal Procedure Law Enforcement Policy on Racial Profiling, Art. 2.132 (b)(7).

- Item No. 19 Discussion and possible action to approve a line item transfer by reducing the budgeted hourly salary of slot #581 by 14 cents from \$13.76 per hour to \$13.62 per hour and increasing the budgeted salary of slot #1266 by 14 cents from \$13.53 per hour to \$13.67 per hour. [Account #001-2500-5001 Payroll]

Comr. Vasquez motioned to approve item No. 18 and No. 19 as submitted. Comr. Gutierrez seconded the motion.

Official Minutes for Webb County Commissioners Court Meeting

Monday, April 14, 2003 at 1:30 P.M.

(Corrections approved 04-28-03 in bold and parenthesis)

Item No. 1 Call to order by Judge Louis H. Bruni
Let it be remembered that a regular meeting of the Webb County Commissioners Court was held at 1:30 p.m. at the regular meeting place with the following members present to wit:

Louis H. Bruni	County Judge
Jerry Vasquez	Commissioner, Pct. 1
Judith Gutierrez	Commissioner, Pct. 2
Felix Velasquez	Commissioner, Pct. 3
David Cortez	Commissioner, Pct. 4

Thus constituting a quorum, the Commissioners Court proceeded to act upon the Agenda as posted in the meeting notice of the 10th of April 2003. Present also were Ms. Nora Elia Prado, Deputy County Clerk representing Mrs. Margie Ramirez Ibarra, Ex-officio Clerk of the Commissioners Court, various officers and others interested in the business of the Court.

Item No. 2 Roll Call – Margie Ramirez Ibarra, Webb County Clerk

Item No. 4 Pledge of Allegiance – Cmr. Judith Gutierrez

Item No. 3 Invocation – Cmr. Felix Velasquez

Item No. 5 Approval of minutes – March 24, 2003 meeting

Cmr. Velasquez stated that on page 9 in regards to the reconciliation of bills, it should be the reconciliation of bank statements not bills.

Cmr. Gutierrez motioned to approve minutes with correction. Cmr. Vasquez seconded the motion.

Motion carried 5-0 by unanimous consent.

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Letter to Ms. Delia Perales
August 12, 2004
Page 2

has been separated from County employment and to allow 15 year employees that benefited from this increase in salary to transfer the amount of the increase should they be hired at another county department.

Cmr. Vasquez motioned to approve item as submitted. Cmr. Cortez seconded the motion.

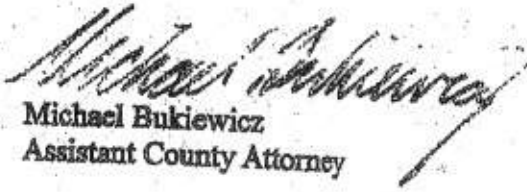
Motion carried 5-0 by unanimous consent.

See Minutes of April 4, 2003 Webb County Commissioners Court meeting.

Clearly, the salaries at issue were not "unconditionally" budgeted. It should also be noted that the longevity supplements are noted in the general order each year. ~~If the supplement had been permanently assigned to the slot rather than to the individual, no such notation would be necessary.~~ For all of the foregoing reasons, it seems clear that the Commissioners Court intended that the increases were personal to the employee and that the supplements follow the employee. They do not remain with the slot if another person fills that slot.

I hope that upon further review, the Auditor and County Clerk agree with this analysis. I would welcome an opportunity to discuss this further if anyone so wishes.

Regards,


Michael Bukiewicz
Assistant County Attorney

Enclosure

cc: ~~Mr. Leo Flores~~
Webb County Auditor
1110 Washington Street, Suite 201
Laredo, Texas 78040

Ms. Margarita Ramirez Ibarra
Webb County Clerk
1110 Victoria Street, Second Floor
Laredo, Texas 78040



OFFICE OF THE COUNTY ATTORNEY
1110 WASHINGTON STREET, SUITE 301
P. O. BOX 420268
LAREDO, TEXAS 78042-0268

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Sanya L. Marquez-Garcia
Madeline Lopez
Timothy R. Riland
Alexandra Celestides Salis
Brigitte Pitts
Robert A. Kline
Isidoro Miranda

(956) 523-4044
Telecopier (956) 523-5005

August 12, 2004

Ms. Delia Perales
Webb County Treasurer
1110 Washington Street, Suite 202
Laredo, Texas 78040

VIA HAND DELIVERY

Re: Questions related to Fifteen Year Longevity Supplements

Dear Ms. Perales:

You sent me a copy of a letter regarding some differences of opinion among the County Auditor, the County Clerk, and you in connection with salaries to be paid to individuals at the County Clerk's office. This situation has arisen in the context of a reorganization and specifically relates to whether persons who transfer into slots previously held by individuals who were granted a longevity supplement are entitled to that supplement. A review of relevant Commissioner Court actions indicates that the longevity supplement was granted to the particular employee and does not remain in that slot.

In 2001, the Commissioners Court decided that employees who had worked for Webb County for fifteen or more years should be granted a pay increase to reward that loyalty. The Court voted to increase by one step, as determined by the Waters Group salary survey, the pay of such employees. It was apparent at the time that such increases were intended to reward the long term employee and were not meant to increase the pay for any particular slot.

Importantly, at its meeting of April 14, 2003, the Commissioners Court voted to reduce a slot's salary by the amount of the supplement whenever the employee leaves the position.

Item No. 16 Discussion and possible action to reduce salaries, (by an amount equal to the increase given in 2001 to all employees with at least 15 years of service), to all positions/slots where the employee that earned the increase

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Click for Office of the Attorney General - State of Texas
John Cornyn

March 23, 1999

<p>The Honorable David Aken San Patricio County Attorney County Courthouse, Room 102 Sinton, Texas 78387</p>	<p>Opinion No. JC-0026</p> <p>Re: Whether the commissioners court may pay the sheriff the same amount of longevity pay he received as a deputy (RQ-1216)</p>
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Dear Mr. Aken:

You have asked this office, in effect, whether the commissioners court of San Patricio County may pay the sheriff the same amount of longevity pay per month to which he was entitled as a deputy before his election to office. We conclude that, while we find no bar to the court's deciding prospectively to compensate the sheriff at the rate in question (a decision which is wholly at the court's discretion), article III, section 53 of the Texas Constitution will not permit the court to increase such longevity pay retroactively.

As we understand it, the sheriff of San Patricio County has held his current position since 1989, after serving just under twenty-three years as a law enforcement officer with the county. Letter from Honorable David Aken, San Patricio County Attorney, to Honorable Dan Morales, Texas Attorney General (Mar. 6, 1998) (on file with Opinion Committee) [hereinafter Aken letter of 3/6/98]. As a deputy sheriff, he had been entitled on the basis of that length of service to longevity pay of \$100 per month. Elected officials of San Patricio County, however, are paid a maximum of \$60 per month longevity pay. Accordingly, since assuming his present office the sheriff has been paid at the \$60 rate. The commissioners court apparently now wishes to change the sheriff's rate of compensation to \$100 per month, and is also considering, as you put it, "paying him arrearages with interest." Letter from Honorable David Aken, San Patricio County Attorney, to Sarah Shirley, Office of the Texas Attorney General (Oct. 22, 1998) (on file with Opinion Committee).

Local Government Code section 152.011 provides that the commissioners court shall "set the amount of the compensation . . . and all other allowances for county and precinct officers and employees who are paid wholly from county funds." Tex. Loc. Gov't Code Ann. § 152.011 (Vernon 1988). This office has interpreted "compensation" for such purposes to include longevity pay. See Tex. Att'y Gen. LO-96-07 (county could provide longevity pay to county employees). Accordingly, the decision as to the rate of longevity pay to be granted the sheriff prospectively is for the court to make.

While the court may at its discretion increase the sheriff's rate of longevity pay, it may not pay him more for services already rendered. Article III, section 53 of the Texas Constitution forbids a county to pay "any extra compensation, fee or allowance to a public officer, agent, servant or contractor, after service has been rendered, or a contract has been entered into, and performed in whole or in part." This office has repeatedly opined that article III, section 53 prohibits the retroactive awarding of compensation. *See, e.g.*, Tex. Att'y Gen. LO-94-46, at 5 (county may not compensate county judge for performing tasks of emergency medical services administrator in prior fiscal year); LO-94-67, at 2 (board of directors of appraisal district may not pay bonuses to employees unless the bonus plan was approved before services were rendered); *see also* Tex. Att'y Gen. LO-94-93 (three per cent salary increase awarded five months after completion of contract violated article III, section 44, the state companion to article III, section 53).

There is a distinction between retroactive compensation for work already performed and back-pay to which an employee is entitled, but which has not been paid. *Douthit v. Ector County*, 740 S.W.2d 16, 18 (Tex. App.-El Paso 1987, writ denied). Accordingly in Letter Opinion 93-57, this office averred that article III, section 53 did not prevent the payment of a salary increase to which a jailer had become entitled a year before, but which she had not been receiving due to an oversight. Tex. Att'y Gen. LO-93-57.

However, the issue before us now can be distinguished from that in Letter Opinion 93-57. In that case, the jailer was entitled on the basis of the already-existing county pay scale to the payments she had not been receiving. Here, the sheriff has since he took office been receiving what you characterize as "the maximum rate [of longevity pay] that the County pays its elected officials." Aken letter of 3/6/98, *supra*. Since having taken office, he has, of course, been an officer and not an employee, and therefore is not entitled to the longevity pay rate due the deputies. Accordingly, any increased compensation would not be back-pay or "arrearages" which he had earned and for which he had an expectation. Therefore, such retroactive payments as you suggest might be made are not permitted by article III, section 53.

S U M M A R Y

The commissioners court of San Patricio County may, at its discretion, adjust its rate of longevity pay for the sheriff of the county prospectively. Article III, section 53 of the Texas Constitution, however, forbids it from making such an adjustment retroactively.

Yours very truly,

Cornyn signature

JOHN CORNYN
Attorney General of Texas

ANDY TAYLOR
First Assistant Attorney General

CLARK KENT ERVIN
Deputy Attorney General - General Counsel

ELIZABETH ROBINSON
Chair, Opinion Committee

Prepared by James E. Tourtelott
Assistant Attorney General

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