

Official Minutes for Webb County  
Commissioners Court Special Meeting

TUESDAY, MAY 5, 2009 AT 9:00 A.M.  
(approved May 26, 2009)

Call to order by Judge Danny Valdez

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

|                         |                      |
|-------------------------|----------------------|
| Danny Valdez            | County Judge         |
| Frank Sciaraffa         | Commissioner, Pct. 1 |
| Rosaura "Wawi" Tijerina | Commissioner, Pct. 2 |
| Jerry Garza             | Commissioner, Pct. 3 |
| Sergio "Keko" Martinez  | Commissioner, Pct. 4 |

Thus constituting a quorum, the Commissioners Court proceeded to act upon the Agenda as posted in the meeting notice of the 1<sup>st</sup> of May, 2009. Present also were Mrs. Imelda Diaz, 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. 1. Roll Call by Honorable Margie Ramirez-Ibarra, Webb County Clerk**

**Item No. 2. Pledge of Allegiance**

**Item No. 3. Communications**

Judge Valdez acknowledged all members of the committee who organized the picnic. He reminded everyone on the employee luncheon that was scheduled for Thursday from 11:30 a.m. – 1:30 p.m.

Comr. Sciaraffa had no items under communications.

Comr. Tijerina thanked the committee for an extremely well organized picnic and their hard work. She welcomed Albert Gutierrez.

Comr. Garza had no items under communications.

Comr. Martinez had no items under communications.

**Item No. 4. Public Comment - This section provides the public the opportunity to address the Commissioners Court on any items on the Agenda. Members of the public wishing to participate must complete a Witness Card specifying which agenda item they wish to comment on. Each public member will be allowed a total of Three (3) minutes within which to make any/all public comments.**

No one signed up for public comments.

Comr. Sciaraffa motioned to go into executive session. Comr. Garza seconded the motion.

Judge Valdez stated that he would not be participating in executive session and that Comr. Garza would preside.

Cmr. Tijerina stated that due to a conflict of interest she would excuse herself from participating.

Cmr. Garza advised that it would only be Cmr. Sciaraffa, Cmr. Martinez, and himself present in executive session.

Motion carried 3-0 with Judge Valdez and Cmr. Tijerina not present.

**(Closed Session Executive Session 9:06 a.m. - 9:49 a.m.)**

**Item No. 5. Discussion and possible action, including possible disciplinary action, in connection with alleged violations of the Webb County Personnel Policies by the Director of the Webb County Community Action Agency; and any other matters incident thereto. The Commissioners Court may take such other action as may be necessary to facilitate any decisions made in this matter. [Closed Session is requested pursuant to Texas Government Code, Title 5, Subchapter D, Sections 551.071 (Consultation with Attorney) and 551.074 (Personnel Matters)]**

Cmr. Garza asked that the Webb County Community Action Agency Director and his counsel approach the podium. Mr. Albert Gutierrez, Counsel for Webb County Community Action Agency Director, approached the podium and Cmr. Garza asked if his client wanted the proceeding in executive session or open court; to which, Mr. Gutierrez stated that they would request executive session.

Cmr. Sciaraffa motioned to go into executive session. Cmr. Garza seconded the motion.

Motion carried 3-0 by unanimous consent.

Cmr. Martinez motioned to declare the courtroom as executive session and that all employees who were not subpoena return back to work. Cmr. Sciaraffa seconded the motion.

Mrs. Anna Laura Cavazos Ramirez, County Attorney, asked for clarification on the motion since she had requested for four of her investigators be present. She explained that she was requesting for the two investigators who were involved in the investigation to be present and that two additional investigators be present to maintain order. Mrs. Cavazos Ramirez further explained that those individuals who were subpoena by the County Attorney's Office were to be kept in a conference room to the east of Cmr. Tijerina's office and those witnesses brought by Mr. Albert Gutierrez were to be kept in the waiting area to the west of Cmr. Tijerina's office. She stated that there was to be an investigator present in each side to maintain order and not allow any members to discuss the case.

Cmr. Martinez included in his motion to allow the investigators to be present as per Mrs. Anna Laura Cavazos Ramirez's request. Cmr. Sciaraffa seconded the motion.

Motion carried 3-0 by unanimous consent.

**(Executive Session 9:50 a.m. - 12:25 p.m.)**

Cmr. Garza stated that no action was taken in executive session and that the Court would recess for lunch and come back at 1:45 p.m.

Cmr. Martinez advised all witnesses going out together for lunch that that they have been advised that they are not to discuss the case.

**(Recess 12:27 p.m. – 1:45 p.m.)**

Cmr. Garza stated that the Court was back from recess.

Cmr. Martinez motioned to go back into executive session. Cmr. Sciaraffa seconded the motion.

Motion carried 3-0 by unanimous consent.

**(Executive session 1:47 p.m. – 4:35 p.m.)**

Cmr. Garza thanked everyone for their patience and stated that the court would recess until tomorrow at 8:30 a.m.

Mrs. Anna Laura Cavazos Ramirez, County Attorney, informed the Court that everyone scheduled for tomorrow has been advised and that they had also been informed that there would be a break from 11:00 a.m. – 1:30 p.m.

Cmr. Sciaraffa motioned to reconvene until 8:30 a.m. on Wednesday, May 6, 2009. Cmr. Martinez seconded the motion.

Motion carried 3-0 by unanimous consent.

**(Recess 4:37 p.m. – Wednesday, May 6, 2009 at 8:30 a.m.)**

Mr. Mike Bukiewicz, County Attorney's Office, stated that the court was reconvening and asked that they go into executive session.

Cmr. Sciaraffa motioned to go into executive session. Cmr. Martinez seconded the motion.

Motion carried 3-0 by unanimous consent.

Mr. Albert Gutierrez, Counsel for Webb County Community Action Agency Director, stated that he was concerned of the specific details that came out in the media yesterday. He asked that anyone involved and working with the County should be advised not to discuss any information regarding the case.

**(Executive session 8:38 a.m. – 10:48 a.m.)**

Cmr. Garza stated that no action was taken in executive session.

Cmr. Martinez motioned to recess and reconvene at 1:30 p.m. Cmr. Sciaraffa seconded the motion.

Motion carried 3-0 by unanimous consent.

**(Recess 11:30 p.m. – 1:30 p.m.)**

Cmr. Sciaraffa motioned to go into executive session. Cmr. Martinez seconded the motion.

Motion carried 3-0 by unanimous consent.

**(Executive session 1:31 p.m. – 4:42 p.m.)**

Mrs. Anna Laura Cavazos Ramirez, County Attorney, stated that the Court would reconvene on Thursday, May 7, 2009 at 9:00 a.m.

Cmr. Sciaraffa motioned to reconvene on Thursday, May 7, 2009 at 9:00 a.m. Cmr. Martinez seconded the motion.

Motion carried 3-0 by unanimous consent.

**(Recess 4:45 p.m. – Thursday, May 7, 2009 at 9:05 a.m.)**

Ms. Anna Laura Cavazos Ramirez, County Attorney, asked if the Court could go into executive session.

Com. Sciaraffa motioned to go into executive session. Com. Martinez seconded the motion.

Motion carried 3-0 by unanimous consent.

Com. Martinez asked to meet with both commissioners to discuss some issues.

**(Executive session 9:06 a.m. – 10:30 a.m.)**

Com. Garza stated that no action was taken during executive session.

Com. Sciaraffa motioned to recess until 2:30 p.m. Com. Martinez seconded the motion.

Motion carried 3-0 by unanimous consent.

**(Recess 10:31 a.m. – 2:33 p.m.)**

Com. Sciaraffa motioned to go into executive session. Com. Martinez seconded the motion.

Motion carried 3-0 by unanimous consent.

**(Executive session 2:33 p.m. – 5:03 p.m. )**

Com. Garza stated that no action was taken in executive session.

Com. Martinez motioned to recess and reconvene at 8:30 a.m. on Friday, May 8, 2009. Com. Sciaraffa seconded the motion.

Motion carried 3-0 by unanimous consent.

**(Recess 5:03 p.m. – Friday, May 8, 2009 at 8:31 a.m.)**

Com. Sciaraffa motioned to go into executive session. Com. Martinez seconded the motion.

Motion carried 3-0 by unanimous consent.

**(Executive session 8:32 a.m. – 12:00 p.m.)**

Com. Garza advised that no action was taken during executive session.

Com. Sciaraffa motioned to recess until 3:00 p.m. Com. Martinez seconded the motion.

Motion carried 3-0 by unanimous consent.

**(Recess 12:00 p.m. – 3:03 p.m.)**

Com. Martinez motioned to go back to executive session. Com. Sciaraffa seconded the motion.

Motion carried 3-0 by unanimous consent.

**(Executive session 3:03 p.m. – 5:44 p.m.)**

Com. Garza stated that no action was taken during executive session.

Com. Martinez stated that the Court wants to make sure that the integrity was maintained at all times and that two more witnesses were to be subpoena.

Com. Martinez motioned to appoint Mr. Javier Martinez as interim director at the Community Action Agency immediately at 5:45 p.m. at the same rate of pay, have Mrs. Alice Medina oversee both the Self Help Center and the Larga Vista Community Center, and allow retroactive pay to Mr. Mike Kazen and Ms. Nydia Tijerina, complainer. Com. Sciaraffa seconded the motion.

Motion carried 3-0 by unanimous consent.

Com. Martinez stated for the record that the Court requested additional documentation and to subpoena two other witnesses who were out of town.

Com. Garza stated that Commissioner's Court wants to be thorough and evaluate everything that has been presented to them which was the reason for this process to be taking so long.

Com. Sciaraffa motioned to recess and reconvene until Tuesday, May 12, 2009, at 10:00 a.m. Com. Martinez seconded the motion.

Motion carried 3-0 by unanimous consent.

**(Recess 5:52 p.m. – Tuesday, May 12, 2009 at 10:00 a.m.)**

Mrs. Anna Laura Cavazos Ramirez, County Attorney, informed Mrs. Margie Ramirez Ibarra, Webb County Clerk, on Tuesday, May 12, 2009 that due to the regular scheduled Commissioner's Court meeting of Monday, May 11, 2009, the meeting recessed for Tuesday, May 12, 2009, at 10:00 a.m. will be postponed until Friday, May 15, 2009 at 10:00 a.m.