President Steve Brewer called the meeting to order at 12:07 p.m. and asked Ms. Debby Morales to call roll. Upon conclusion of roll call it was ascertained that a quorum was present. President Brewer then moved to item 2. – Consider Approval RE: August 22, 2012 Meeting Minutes. 

Mayor David Simmons made a motion to approve the minutes as presented. Mr. Don Medina seconded the motion, and upon a vote the motion carried unanimously.

Upon conclusion of action on the minutes President Brewer moved to item 3.A. - Public Comments and recognized Mr. Robert Jeffrey who informed the Board of issues regarding bus transportation.

Upon conclusion of Public Comments President Brewer moved to item 3.B. – Consider Approval of MOU RE: Eagle Ford Shale Play (tabled 8/22/2012). Mayor Henry Hinojosa made a motion to remove this item from the table. Hon. Norma G. Garcia seconded the motion and upon a vote the motion carried unanimously. Mr. Ken Jones was recognized and reminded the Board that this MOU was discussed at the last meeting and was tabled, and that it would be between this Council of Governments and the others in the South Texas area outlining collaboration efforts related to Eagle Ford Shale Play. At the last meeting there were questions on the need for the MOU, what the impact would be, etc. Mr. Jones then introduced Mr. Joe Ramos from the Alamo Area Council of Governments (AACOG).

Mr. Ramos greeted the Board and introduced himself as the Senior Director of Regional Services for the AACOG and stated that he was directly involved in the creation of the MOU.

Mr. Ramos stated he was happy to be at the meeting and suggested CGOs should cross share information at each other’s board meetings more often regarding what is taking place in each others’ area of Texas.

Mr. Ramos stated that being this far away from the Eagle Ford Shale Play that the LRGVDC Board Members may not have seen the day-to-day activity taking place. But in the AACOG area if you draw a line from San Antonio to Laredo, there are older communities that have been barely existing, what one might call on a paycheck-to-paycheck level, just trying to provide services to their communities. All of a sudden Eagle Ford Shale comes into town and overnight makes an impact on them. Last week Mr. Ramos stated he was in Laredo for a task force meeting and somebody made a statement that stayed with him, “it’s like a disaster hitting our community, where overnight we have to provide funding and services for your community”.

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Everything from road maintenance, road repair, police, fire, housing, things that they knew had to happen, but were always on the back burner because as a community they did not have the funding.

This MOU is an idea the AACOG got from three Junior Colleges Mr. Ramos was working with on a project in Hondo in Medina County. AACOG staff set up a training center in that area that was serviced by the Uvalde Junior College District. But the community wanted a couple of other junior colleges to come in and decided to develop an MOU just to say that they recognized the need for technical training in the area, and they decided to sign an agreement to share information to collaborate with one another, and as the college district responsible for this area they were going to be available. Now that Eagle Ford Shale is here and impacting over 24 counties in South Texas, 7 COG Boards, 7 Workforce Boards and at least 4 Junior College Districts, we thought it was imperative that as another organization in Texas, the COGs need to be unified and show solidarity in terms of recognizing that Eagle Ford Shale is here to stay, at least for the next 20 years from what the experts say, and that we are going to work together to share information and resources and to make sure that all of us know what is taking place. This is going to be so important as we get ready for the next legislative session because our state leadership needs to hear not only from county judges and mayors, but from COGs and their respective leadership, that we have issues that need to be address not only locally but we need help from the State. So if they can view us as working together as 7 distinct unique COGs, working together to share information, I think it will help us in this coming session. So I am here to ask for your approval of this MOU. To date of the 7 COGs we have approached, 4 have approved it, 2 are addressing the MOU today, this COG and Golden Crest out of Victoria, TX, and the last one we will approach is the South Texas Development Council out of Laredo. Mr. Ramos then asked if there were any questions.

Commissioner Jim Darling was recognized and stated that he was aware that the Eagle Ford Shale Play has impacted this area by providing employment opportunities that were unheard of for many of our citizens, this is a benefit and we have a duty to those citizens. Commissioner Darling stated that his main concern in Mr. Ramos' presentation and even in the MOU is where it talks about joint responsibilities; it is very, very general. The only specific clause in the whole MOU is that it is to "collaborate to address the growth management and environmental issues associated with resource extraction through hydraulic fracturing will best serve the interests of each organization". Commissioner Darling stated that he did not know what the AACOG plan is to go to the legislation, and that he would like to know what it is before voting to approve an agreement to have this COG represented as being in support of something we do not even know about.

Mr. Ramos responded that looking further in the document; it says that whatever is in this document will not supersede what an individual COG has set in place by law or by local policy. The AACOG will not take anything away from another COG's ability to govern its counties and what takes place in any COG area. What we are trying to do is create a starting point to collaborate between the 7 COGs. Mr. Ramos said that this is the first time he is aware of where one COG has gone out to another COG to share information. This document says we are going to do that, whatever happens between now and, maybe next year, we are going to share information. And we kept the MOU general because if it was too specific it would tie us down to certain requirements and the COGs would not want to join up.
Commissioner Darling replied that that was very specific and asked if the AACOG currently had a legislative program. Mr. Ramos stated that AACOG has a legislative program every 2 years. Commissioner Darling asked what it was relating to Eagle Ford Shale. Mr. Ramos stated that currently the AACOG needs assistance with road repair and maintenance, so they are asking the legislature to provide TxDOT with additional funds outside their budget cycle just for road repair and maintenance. Commissioner Darling responded that those requests would compete with the Valley’s needs for road maintenance and the Valley needs a lot of funds for our road maintenance too. To the Board Commissioner Darling stated that if this MOU was approved he would like to strike the verbiage relating to environmental issues because that is the only specific item in the document. Commissioner Darling stated that he had been to the legislature before and did not want to face the legislature and have to explain why he was in favor of some environmental issues he had no idea about.

Mr. Ramos clarified that the AACOG would not go to Austin and present an agenda for all 7 COGs, it would be the AACOG agenda. What we would do though, is share it with the other 6 COGs and say “these are our issues, if you can relate to these issues feel free to use them”. Commissioner Darling responded that that was not what he heard Mr. Ramos say. He heard Mr. Ramos say he wanted to go to Austin united with all the COGs because it would be a better presentation. Mr. Ramos answered that it would not be to deliver a legislative agenda but to say that we have had discussions with all the COGs, and we are all on board to share information with one another. Commissioner Darling stated that that could be done without an MOU. Mr. Ramos agreed to that statement.

Council Member Gus Garcia stated that he agreed with Commissioner Darling. He understood what Mr. Ramos was saying and that the LRGVDC has the ability to rescind or make our own position when it comes to legislative dollars. And certainly the LRGVDC wants to support any kind of program that would benefit the entire State of Texas, but at the same time Council Member Garcia stated that as it stands the MOU gives a perception that the LRGVDC is willing to forego any funding or resources for the Valley in light of the legislation supporting this project. It is a slippery slope we are getting into by saying we are going to support Eagle Ford Shale, that gives the AACOG a lot of leeway to say we have this memorandum of understanding that they are going to support the collaborative efforts of these COGs and that message is we need more money for this area. At the same time we are sending mixed messages to our legislators saying we need more money as well, but we signed this collaborative agreement, so go ahead and forgo our requests in light of what this is. Council Member Garcia concluded that this MOU muddies the water on what message the LRGVDC sends to the legislators in the State of Texas. There needs to be some clear cut language that says exactly what Commissioner Darling was saying so that we do not create an obstacle for the Valley in the future or cause confusion and send the wrong message to Austin.

Mayor Pro-tem Eddy Gonzalez stated that he did not agree with Council Member Garcia’s statement and asked Mr. Jones to respond with his insight. Mr. Jones stated that the intent of the MOU was not to go to the extent the Board is concerned with and acknowledged Commissioner Darling’s point on legislative interpretation. Mr. Jones asked Mr. Ramos if there was a possibility to modify the language somewhat or include an addendum to it. Mr. Ramos replied that if it will take modifying the language to make it clearer for the LRGVDC Board to accept then the other COGs would accept it.
Commissioner Darling stated that he would be glad to consider legislative initiatives AACOG had on an individual basis and that there is time to do that before the session without us committing to this MOU.

Council Member Garcia stated that it is a fact that there is a finite amount of funding for transportation infrastructure, and that funding is separated by need and how it is lobbied for. Council Member Garcia stated that his concern is not so much helping Eagle Ford Shale, it is more of what happens if the Board approves this MOU and the joint collaborative effort says it needs more resources due to dire need. Certainly the entire Valley is in dire need, and it is the purpose of this COG to try and find resources, but those resources are finite and we have a certain amount that we are allotted, does this Board risk sending a message that it supports this collaborative effort with Eagle Ford Shale, and does it send a message to Austin that says Eagle Ford Shale has this collaborative effort in the entire state that says we are going to work together so send more funding. That will take money out of this pocket obviously, so will that reduce the amount of funding the Valley receives in the future?

Mr. Ramos stated that all this document would show to our state leadership is that as COGs we are cognizant of the Eagle Ford Shale Play in our area, we are talking about it and we are sharing ideas. That is it. It is not meant to say we are going to take a legislative agenda and all 7 COGs have signed up on that agenda. That is not what we are saying. Now, in terms of TxDOT and the funding for roads, there is a TxDOT task force already looking at that and all we are saying is we are going to support those efforts because a lot of money is being generated by the oil and gas company that is going to the State’s rainy day fund. What we are saying is all cities, all counties have needs, and they work with their area TxDOT engineering to make sure the projects are prioritized. That funding is not going to be touched or diminished in any way to make way for the Eagle Ford Shale. What we are saying is of all the money these cities and counties are generating for the State coffers, we need to get a portion of that back just for road repair and maintenance, on top of the regular TxDOT budget. So it is not going to take away from any area, you still have the COG area, your cities and counties have to deal with TxDOT on a one-on-one basis to make sure your needs are met.

Mr. Jones noted that the benefit of the LRGVDC participation, discussions at the table so to speak, with the other COGs, is to make sure that we are there to ensure that the concerns voiced here today do not come to pass.

President Brewer stated that he understood what Mr. Ramos said and added that as elected officials our Board members are more sensitive to protecting what we can appropriate. The President stated that the LRGVDC needs to support the Eagle Ford Shale in some way, but that a change in verbiage was needed to make the MOU acceptable to the Board. Many of the Valley’s unemployed are going to the Eagle Ford Shale to get good jobs, so the Rio Grande Valley has definitely been affected.

Council Member Garcia stated that he understood what Mr. Ramos was saying that it will not impact funding to the Valley and asked if that could be reflected in the MOU.

Commissioner Darling addressed President Brewer and stated that if the President would like to appoint a sub-committee to address this issue he would volunteer to assist in developing language to reflect the desire of the Board.
Mayor Pro-tem Eddy Gonzalez asked Mr. Ramos what kind of impact would it have on other COGs if the LRGVDC changed the MOU verbiage. Mr. Ramos stated that the other COGs will make their own decision on whether they want to stick with the MOU they signed or change it. Mayor Pro-tem Gonzalez stated that he was concerned the other COGs would view the LRGVDC as being uncooperative and wanted it to be understood that the Board wants to be supportive, but must look out for its own area. Mr. Ramos reiterated that this MOU is not a binding contract or agreement. It is only an MOU between various organizations saying that we have an issue here, we recognize the issue is here and that we are going to agree to collaborate on this issue. It's not going to cost any money.

Upon conclusion of discussion Commissioner Jim Darling made a motion to create a subcommittee to develop language for an addendum to the MOU. The Hon. Norma G. Garcia seconded the motion, and upon a vote the motion carried unanimously.

Mayor Orlando Correa recommended not looking at the Eagle Ford Shale Play MOU as a negative issue; it could be very positive for the Rio Grande Valley. Many of us were not aware of what was going on up north and they probably have no idea of the issues we face down here. They may be able to support us on something that we need; so communication has to be the main point.

Mr. Ramos noted Mayor Correa made a good point and added that the AACOG website, aacog.com has a link for the Eagle Ford Shale Play with an abundance of information.

The President next moved to item 3.C. – Executive Session: Consult with Legal Counsel Regarding the Purchase of Real Property at 301 W. Railroad St., Weslaco and Execution of Purchase Option on Existing Lease/Purchase Agreement with Weslaco EDC. The regular session was recessed and Executive Session began at 12:40 p.m. Executive Session adjourned and regular session recommenced at 12:56 p.m. Commissioner Jim Darling made a motion for approval of the entering into a loan agreement with the Weslaco EDC for the purchase of the real property at 301 W. Railroad Street in the amount of $1,630,000. Mayor Henry Hinojosa seconded the motion, and upon a vote the motion carried unanimously.

President Brewer then moved to item 4.A. – Act Upon Area Agency on Aging (AAA) Advisory Council Recommendations and recognized Mr. Joe Gonzalez. Regarding item 4.A.1. – Consider Approval RE: Vendor Agreements for Fiscal Year 2013. Mr. Gonzalez informed the Board that these vendors are utilized by the Case managers to acquire services for their clients depending on their individual needs. Mr. Robert Loreda made a motion for approval of the vendor agreements for Fiscal Year 2013 as presented. Commissioner Jerry Tafolla seconded the motion, and upon a vote the motion carried unanimously.

President Brewer next moved to item 4.A.2. – Consider Approval RE: CCTP Governance Committee Member. Mr. Gonzalez stated that the Advisory Council was recommending Commissioner Jerry Tafolla to the Community-based Care Transition Program's Governance Committee. Mayor Henry Hinojosa made a motion to approve Commissioner Jerry Tafolla as a member of the Community-based Care Transition Program's Governance Committee as recommended by the Advisory Council. Mayor Pro-tem Eddy Gonzalez seconded the motion, and upon a vote the motion carried unanimously.
Upon conclusion of action President Brewer moved to item 4.B. – Program Status Reports. Mr. Gonzalez reported to the Board the success of the Aging and Disability Resource Partnership Annual Conference and the progress of meeting with Post-Acute Care Providers.

President Brewer moved to item 5. - Report from Economic Development Department and recognized Ms. Terrie Salinas who gave the status reports for the Regional Small Cities Coalition Committee, the Lower Rio Grande Valley Regional Strategic Plan and the Regional Economic Adjustment Plan.

Upon conclusion of the status reports President Brewer moved to item 5.B.2. – Consider Approval RE: Support Resolution for the City of La Villa’s Delta Watershed and Project Reclamation. Ms. Salinas turned the floor over to Mr. Ryan Murphy. Mr. Murphy stated the city of La Villa is growing and planning for its economic future. During the last few months city staff have been working closely with the Economic Development Department and Valley Metro Transportation Department. The City has determined that safe and reliable detention and conveyance of storm water drainage is critical to economic growth and asked for Board approval of this resolution. **Mayor Pro-temp Eddy Gonzalez made a motion to approve the support resolution for the City of La Villa’s Delta Watershed and Protection Reclamation as presented. Commissioner Jerry Tafolla seconded the motion, and upon a vote the motion carried unanimously.**

President Brewer then moved to item 6. - Report from Transportation Department and recognized Mr. Tom Logan. Regarding item 6.A.1. – Consider Approval RE: Amendment to Transit Services Department Drug & Alcohol Free Workplace Policy Mr. Logan informed the Board that in August the annual drug and alcohol audit for the Transit Department was conducted. Staff is pleased to report that there were no deficiencies; however, TxDOT did make a recommendation in section 14 of the policy regarding “Behavior that Constitutes a Refusal to Submit to a Test”. Staff requests Board approval of these revisions. **Commissioner Jerry Tafolla made a motion for approval of the revisions to the Transit Services Department Drug & Alcohol Free Workplace Policy as presented. Mayor Pro-temp Eddy Gonzalez seconded the motion, and upon a vote the motion carried unanimously.**

Upon conclusion of action the President moved to item 6.A.2. – Consider Approval RE: City of La Villa Transit Service Project Letter/Resolution of Support. Mr. Logan stated that staff was requesting authorization for the Executive Director to sign a letter of support for additional transit service and amenities for residents of the City of La Villa, Texas. The letter would support a Transit Oriented Development/Streetscape project and the grant application to fund the project. **The Hon. Norma G. Garcia made a motion for approval of the City of La Villa Transit Service Project Letter/Resolution of Support as presented. Commissioner Jerry Tafolla seconded the motion, and upon a vote the motion carried unanimously.**

Upon conclusion of action Mr. Logan gave the status report for Valley Metro noting that to date there has been a 112% increase in ridership.

President Brewer next moved to item 7. - Report from Regional Planning & Services and recognized Ms. Oviedo. Regarding item 7.A.1.a. 182 Program Status Reports for the Rio Grande Regional Water Planning Group Activity and the Rio Grande Regional Water Authority (RGRWA) Activity Ms. Oviedo noted that those reports were in the Board folders. President Brewer next moved to item 7.A.2. – Solid Waste Management and Ms. Oviedo gave the
program status report.

The President next moved to 7.B. – Program Status Report on Round 2.2 Disaster Recovery Program. Ms. Oviedo noted that this portion of HUD Disaster Recovery will kick off October 28th when GLO executes the contract. Ms. Oviedo also introduced Ms. Tammy DeGannes, the new Project Manager for the Disaster Recovery Program. Regarding item 7.C. – Program Status Report on Brownsville Round 1 Disaster Program Ms. Oviedo informed the Board that almost one year has passed since the LRGVDC contracted with the Texas General Land Office to perform all duties related to Round 1 Disaster activities for the City of Brownsville and to date fifteen homes have been issued notices to proceed and two homes are pending notices to proceed. The LRGVDC has met and exceeded all GLO bench marks.

The President next moved to item 8. – Homeland Security and recognized Mr. Manuel Cruz. Regarding item 8.A.1. – Status Reports, Mr. Cruz highlighting the progress of the Spanish Language Public Safety Early Weather Warning System for the Lower Rio Grande Valley noting that $16,500 has been collected and staff has commitments for an additional $5,500 for a total of $22,000 for this project.

President Brewer next moved to item 8.B. – Criminal Justice Program. Regarding item 8.B.1. – Consider Approval RE: Criminal Justice Advisory Committee (CJAC) Revised Policy Manual Mr. Cruz stated that in accordance with the 2013 LRGVDC Interagency Contract, the CJAC convened in September to review and revise the CJAC Policy Manual. Mr. Cruz then noted each recommended revision. Commissioner Jerry Tafoya made a motion for approval of the revised Policy Manual as presented. Council Member Gus Garcia seconded the motion, and upon a vote the motion carried unanimously.

The President next moved to item 8.B.2. – Consider Approval RE: Criminal Justice Advisory Committee Revised By-laws. Mr. Cruz stated that in accordance with the 2013 LRGVDC Interagency Contract the CJAC convened in September to review and revise the CJAC by-laws. The Hon. Norma G. Garcia made a motion for approval of the revised CJAC by-laws as presented. Commissioner John Villarreal seconded the motion, and upon a vote the motion carried unanimously.

The President next moved to item 8.B.3. – Consider Approval RE: Criminal Justice Advisory Committee Membership. Mr. Cruz stated that in accordance with the 2013 LRGVDC Interagency Contract the CJAC convened in September to conduct a yearly review of the committee membership, accept the reappointed CJAC members and fill vacancies under Hidalgo County Citizen/Parent category with Ms. Nancy Trevino and under Cameron County Law Enforcement category with Ms. Lelina Uribe. The vacancy in Cameron County Prosecution Courts category is pending a nomination and will be addressed in October. Mr. Cruz noted that Mr. Pablo Almager expressed interest in serving. Mayor Pro-tem Eddy Gonzalez made a motion to appoint Mr. Pablo Almager as a member of CJAC. Commissioner Jerry Tafoya seconded the motion and upon a vote the motion carried unanimously. Commissioner Jerry Tafoya next made a motion to approve the CJAC appointments and reappointments as recommended by the CJAC and the LRGVDC Board of Directors. Council Member Gus Garcia seconded the motion, and upon a vote the motion carried unanimously.

President Brewer next moved to item 8.B.4. – Consider Approval RE: Criminal Justice Program Scoring Tool. Mr. Cruz stated that during the September CJAC meeting the committee
reviewed and revised the CJAC Scoring Tool. As per the LRGVDC interagency Contract Agreement with the Criminal Justice Division, the LRGVDC developed scoring criteria that includes the local priorities and LRGVDC’s strategic vision related to criminal justice issues within its region. **Mayor Pro-tem Eddy Gonzalez made a motion for approval of the Criminal Justice Program Scoring Tool as presented. Commissioner Jerry Tafolla seconded the motion, and upon a vote the motion carried unanimously.**

The President next moved to item 8.B.5. – Consider Approval RE: The Interagency Contract between the LRGVDC and the Office of the Governor Criminal Justice Division FY 2013. **The Hon. Norma G. Garcia made a motion for approval of the contract as presented. Mr. Roberto Loredo seconded the motion, and upon a vote the motion carried unanimously.**

Upon conclusion of action President Brewer moved to item 8.B.6. – Program Status report. Mr. Cruz summarized the reports noting on the Status of Computerized Criminal History Reporting that all three counties in the LRGVDC region have met the 93%. Mr. Cruz then noted that item 8.C. – Metropolitan Medical Response System Status Reports were in the Board folders.

President Brewer next moved to item 9. - 9-1-1 Department and recognized Mr. Juan Gomez. Mr. Gomez stated that the regular status reports were in the binders and added that the 9-1-1 staff was reaching out to all the cities and looking at their addressing systems. Staff is finding out that there are different numbers in the subdivisions than what is recorded with the city. When an individual cannot be found it is reported that 9-1-1 failed. Staff is struggling with this issue because they cannot access the cities data bases to isolate these discrepancies.

President Brewer next moved to item 10. - Regional Police Academy and recognized Mr. Paul Williams. Mr. Williams noted that the standard status report was in the binders for review and made special mention of the Human Trafficking Course being offered free of charge by the FBI on October 9th and a Civil Rights course also being offered free of charge on October 10th.

President Brewer next moved to item 11. - Old or New Business; there being no further business to come before the Board the meeting was adjourned at 1:37 p.m.

**MAYOR STEVE BREWER, PRESIDENT**

ATTEST:

**Norma G. Garcia**, 1ST VICE-PRESIDENT

Deborah Morales, Recording Secretary