



Mayor Oscar D. Montoya  
Mayor Pro-Tem Joe Martinez  
Commissioner Armando Garcia

Commissioner Jacob Howell  
Commissioner Ruben Saldana  
City Manager Alberto Perez

MERCEDES CITY COMMISSION  
REGULAR MEETING  
APRIL 4, 2023 – 6:30 P.M.  
MERCEDES CITY HALL – COMMISSION CHAMBERS  
400 S. OHIO AVE., MERCEDES, TX 78570

“At any time during the course of this meeting, the City Commission may retire to Executive Session under Texas Government Code 551.071(2) to confer with its legal counsel on any subject matter on this agenda in which the duty of the attorney to the City Commission under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Texas Government Code. Further, at any time during the course of this meeting, the City Commission may retire to Executive Session to deliberate on any subject slated for discussion at this meeting, as may be permitted under one or more of the exceptions to the Open Meetings Act set forth in Title 5, Subtitle A, Chapter 551, Subchapter D of the Texas Government Code.”

**1. Call Meeting to Order**

**2. Establish Quorum**

**3. Invocation**

**4. Pledge of Allegiance**

**5. Presentations:**

- a. Recognition of Sammy “El Gallo Fino” Castaneda
- b. Recognition of the Volunteer Fire Department (Comm. Howell & Martinez)

**6. Open Forum-**

Maximum length of time of forum is 30 minutes with individual presentations limited to a maximum of two minutes. The City Commission can take no formal action on any city related matter discussed during the open forum. Persons who wish to participate in this portion of the meeting shall sign up as they arrive, indicating the topic about which they wish to speak. No one will be able to sign up **AFTER 6:20 PM**. The information required for signing up must be completed by that time. No public comments will be allowed during any agenda item unless recognized by the Mayor or if the item requires a public hearing. State your name and address before beginning your presentation. Pursuant to Tex. Gov't. Code §551.007 the scope of the right to speak is limited to agenda items.

There can be no comments about specific employees. By Charter, the City Manager is exclusively given authority over personnel matters, including complaints against city personnel. All complaints against city personnel will be addressed pursuant to Mercedes Personnel Policies.

Comments must not be repeated and the Commission is not required to answer any question from the public. Any person who decides to directly question any member of the City Commission will be asked to discontinue their comments. The City Secretary's office representative will be responsible for notifying each presenter that their five-minute time limit has expired.

**7. Consent Agenda:** *(All matters listed under Consent Agenda are considered to be routine by the Governing Body and will be enacted by one motion. There will be no separate discussion of these items; however, if discussion is desired, that item(s) will be removed from the Consent Agenda and will be considered separately.)*

- a. Approval of Minutes for Commission Meeting(s) held February 28, 2023, March 7, 2023, and March 14, 2023.
- b. Approval of items for surplus from the police department for auction.

**8. Ordinances/Resolutions:** *Present, Discuss, Consider and Possibly Take Action Regarding:*

- a. Approval of Resolution 2023-09 to encourage the Texas Legislature to direct state funds toward broadband deployment.
- b. Approval of Resolution 2023-10 in support of legislation to file artificial drainage system.
- c. Approval of Resolution 2023-11 Accepting Operation Stone Garden #3172808

**9. Management Items:** *Present, Discuss, Consider, and Possibly Take Action Regarding:*

- a. Approval of Amnesty period for overdue fines during National Library Week
- b. Approval to Authorize City Manager to go out for bids and contract for I.T Services.
- c. Approval of Memorandum of Understanding with Texas Department of Public Safety for commercial vehicle enforcement
- d. Approval of Support to Sponsor the Little League and Pony League (Comm. Howell & Martinez)

**10. Executive Session:** *Chapter 551, Texas Government Code, Section 551.071 (Consultation with Attorney), Section 551.072 (Deliberation regarding Real Property), Section 551.074 (Personnel Matters) and Section 551.087 (Economic Development)*

- a. Consultation with Attorney regarding personnel matters – Section 551.074
- b. Status update regarding economic development projects – Section 551.087
- c. Status update with Attorney pending litigation – Section 551.071
- d. Update DCM current projects – Section 551.087

**11. Open Session:** *Present, Discuss, Consider, and Possibly Take Action Regarding:*

- a. Item A from Executive Session
- b. Item B from Executive Session
- c. Item C from Executive Session
- d. Item D from Executive Session

## 12. Adjournment

Notice is hereby given that the City Commissioners of the City of Mercedes, Texas will meet in a **Regular Meeting** on Tuesday, April 4, 2023 at 6:30 P.M. Said meeting will be conducted in the Commission Chambers of the City Hall located at 400 S. Ohio, Mercedes, Texas for the purpose of considering and taking formal action regarding the items listed above. This notice is given in accordance with Vernon's Texas Codes Annotated, Texas Government Code, Section 551.001 et. Seq.

WITNESS MY HAND AND SEAL OF THE CITY THIS THE 1<sup>ST</sup> DAY OF APRIL, 2023.

ATTEST:



Joselynn Castillo, City Secretary

Time of Posting: 11:20 A.M.

### ACCESSIBILITY STATEMENT

**The City of Mercedes recognizes its obligations under the Americans with Disabilities Act of 1990 to provide equal access to individuals with disabilities. Please contact the City Manager's Office at (956) 565-3114 at least 48 hours in advance of the meeting with requests for reasonable accommodations, including requests for a sign language interpreter.**

**MERCEDES CITY COMMISSION  
REGULAR MEETING  
FEBRUARY 28, 2023 – 6:30 P.M.  
MERCEDES CITY HALL – COMMISSION CHAMBERS**

<b>MEMBERS PRESENT:</b>	Oscar D. Montoya Sr.	Mayor
	Joe Martinez	Mayor Pro-Tem
	Jacob Howell	Commissioner
	Armando Garcia	Commissioner
	Ruben Saldana	Commissioner

<b>STAFF PRESENT:</b>	Alberto Perez	City Manager
	Martie Garcia-Vela	City Attorney
	Joselynn Castillo	City Secretary
	Javier Ramirez	Asst. City Manager
	Kristine Longoria	Human Resources
	Nereida Perez	Finance Director
	Ervin Vilchis	I.T Liaison

**1. CALL MEETING TO ORDER**

Mayor called the meeting to order at 6:30 P.M.

**2. ESTABLISH QUORUM**

All members of the commission were present full commission.

**3. INVOCATION**

RS

**4. PLEDGE OF ALLEGIANCE**

MPT

**5. OPEN FORUM**

- a. Mr. Ramon Mejia thanked the Commission for sending someone to clean his street although it has not been completed. He stated that he is disappointed in one of the Commissioners. Mr. Mejia expressed that not all mistakes will be caught by the auditors and added that the auditor's report is based on the information provided by staff. Mr. Mejia stated that a former commissioner stated the city had to do 52 corrections.

**6. DISCUSSION AND POSSIBLE ACTION ON APPROVAL OF AGREEMENT FOR THE TEMPORARY CLOSURE OF STATE RIGHT-OF-WAY.**

Mayor Pro-Tem Martinez made a motion to approve. Commissioner Garcia seconded. Upon a called vote, the motion passed unanimously.

**7. PRESENTATION BY CPA ADRIAN WEBB OF CITY OF MERCEDES FINANCIAL AUDIT FOR FY 21-22.**

Mr. Adrian Webb addressed the Commission that the City received an unmodified report which is the best rating a city could get. He stated that his company is comfortable with the information provided by the City of Mercedes. Mr. Webb informed the Commission

about the increase in revenues, the bond project funding, the findings that have been corrected, the Utility Fund having a positive cash balance of \$600,000, Fixed assets and the EMS Accounting issues from the previous year being corrected. The General Fund Balance increased by \$1.2 Million. There was discussion on the topics. No action required.

**8. ADJOURNMENT**

Commissioner Saldana made a motion to adjourn. Commissioner Garcia seconded. Upon a called vote, the motion passed unanimously. The meeting adjourned at 7:04 P.M.

**MERCEDES CITY COMMISSION  
REGULAR MEETING  
MARCH 7, 2023 – 6:30 P.M.  
MERCEDES CITY HALL – COMMISSION CHAMBERS**

**MEMBERS PRESENT:** Oscar D. Montoya Sr. Mayor  
Joe Martinez Mayor Pro-Tem - virtual  
Jacob Howell Commissioner  
Armando Garcia Commissioner  
Ruben Saldana Commissioner

**STAFF PRESENT:** Alberto Perez City Manager  
Martie Garcia-Vela City Attorney  
Joselynn Castillo City Secretary  
Javier Ramirez Asst. City Manager  
Ervin Vilchis I.T Liaison  
Marisol Vidales Library Director  
Nereida Perez Finance Director  
Richard Morin Rec. Center Director  
Kristine Longoria Human Resources  
Robert Castillo Public Works Director

**OTHERS:** Ruth Valdez, Oscar Gonzalez, Janie Palacios, Isabel Mendoza, Isabel Vallejo, Frank Rivas, Mary Jane Hernandez, Daniela Alejo, Salvador Gonzalez, Oscar Lopez

**1. CALL MEETING TO ORDER**

Mayor Montoya welcomed everyone and called the meeting to Order at 6:30 P.M.

**2. ESTABLISH QUORUM**

All members of the Commission were present which constitutes a full commission.

**3. INVOCATION**

Mayor Montoya said the invocation.

**4. PLEDGE OF ALLEGIANCE**

Ms. Marisol Vidales and Coach Roger Adame led in the Pledge of Allegiance.

**5. PRESENTATIONS:**

**a. Postponed: Proclamation for Coach Roger Adame for becoming Mercedes' High School's All-Time Winningest Coach**

Mayor Montoya read the proclamation dedicated to Coach Roger Adame and said a few words expressing the honor Coach Adame has and thanked him for his 21 years of service to the Mercedes Football program and becoming the All-time winningest Coach for Mercedes ISD. Coach Adame thanked everyone for the honor and said a few words about the support from the Community. Mayor Pro-Tem Martinez and Commissioner Saldana shared a story.

**b. Recognition of Cancer Survivor.**

Mayor Montoya said a few words to Ms. Marisol Vidales. Mayor Montoya recognized Ms. Vidales for her tough battle and surviving cancer.

**6. OPEN FORUM-**

No citizen signed up for open forum.

**7. CONSENT AGENDA:**

**a. Approval of Minutes for Meeting(s) held February 7, 2023**

Mayor Pro-Tem Martinez made a motion to approve item 7A. Commissioner Garcia seconded. Upon a called vote, the motion passed unanimously.

**8. City Manager Comments:**

**a. Status Update on S&P Global Ratings b. Invitation to LEAP Launch (Library)**

a) Mr. Perez reminded everyone of the combination of items they did to correct the city's issues. Mr. Perez briefed about the standards and pores process. The historical was not there to support where the city was headed. The City had to correct some issues like the utility fund being upside down. The Standards and

Pores report commented on the reserves amount for the city and the utility fund to become self-sufficient. Mr. Perez stated the economy fluctuating affects the budget. Mr. Perez emphasized that the City has now corrected the issues and now have a positive budget. He stated the Commission had a big part in correcting the issue. S&P recommended correcting the utility rates to bring the utility fund back to self-sufficient. Mayor Montoya stated that the City Manager informed the Commission of the Utility fund being subsidized by the General Fund to keep the it going. Doing this was taking from the general fund which is used to fix streets. It was stated that the water tower was rusted due to lack of maintenance and the important thing now is that the City can show that it has corrected the issues which allows the city to borrow more and to spend the money where its needed most. The goal is to get to a place where the city stops flooding and to possibly bring the rates back down. Mayor Montoya thanked Mr. Perez and the staff for taking the S&P audit rating seriously and congratulated Staff for getting the city back in order.

b) Ms. Vidales informed the Commission that Driscoll health care provided nature backpacks for check out. The backpacks will launch on March 14, 2023, and invited the Commission and the Community to engage the children to go adventure outside.

**9. Ordinances/Resolutions:** *Present, Discuss, Consider and Possibly Take Action Regarding:*

a. **Approval of First Reading of Ordinance 2023-03 to approve Senior Citizen Discount to extend to 1-ince residential meter accounts.**

Commissioner Howell motioned to approve and forego the reading of the ordinance. Commissioner Garcia seconded. Upon a called vote, the motion passed unanimously.

b. **Approval of First Reading of Ordinance 2023-04 to remove the disconnect fee and change the reinstatement fee and adding the afterhours reinstatement fee.**

Mayor Pro-Tem Martinez motioned to approve. Commissioner Garcia seconded. Mr. Perez stated that the city had a disconnect fee and a reconnect fee. Ms. Perez stated the disconnect and reconnect fee was \$25.00 each. She stated the fee would go into effect even if their water does not get disconnected. Ms. Perez added that there are about 300 account that get disconnected in a month. This ordinance will remove the disconnect fee and will only have a reconnect fee for office hours and after hours. At a question, Ms. Perez stated the process for the billing and notification of late bills and fees and the disconnect notification. Commissioner Saldana thanked staff for simplifying the process and fees. Upon a called vote, the motion passed unanimously.

**10. Management Items:** *Present, Discuss, Consider, and Possibly Take Action Regarding:*

a. **Approval of Amended Personnel Policy regarding Holiday Pay for Fire/EMS**

Ms. Longoria stated that the policy currently addressed the vacation and sick leave for Fire due to their 24 hour shifts. The holiday pay was not adjusted for Fire/EMS and the policy will give them 12 hours of holiday pay as opposed to the rest of the staff which receive 8 hours. Mayor Pro-Tem Martinez made a motion to amend the policy. Commissioner Saldana seconded. Upon a called vote, the motion passed unaimously.

**11. Bids/Contracts:** *Present, Discuss, Consider, and Possibly Take Action Regarding:*

a. **Approval of Contract between County of Hidalgo Elections Department and estimate for the May 6, 2023 City of Mercedes Election**

Ms. Castillo informed the Commission of the agreement with Hidalgo County Elections Department for the May 6, 2023 Elections. The estimate for 100% voter turnout was at \$37K which is above the budgeted amount. The City of Mercedes has about 8,000 voters and in the previous elections the voter turnout was about 1,300. Commissioner Saldana motioned to approve. Mayor Pro-Tem Martinez seconded. Upon a called vote, the motion passed unanimously.

b. **Approval of Memorandum of Understanding between the Dr. Hector P. Garcia Memorial Library Board and the Friends of the Mercedes Library**

Ms. Vidales stated the memorandum of understanding is to create the friends of the library. Mayor Pro-Tem Martinez motioned to approve. Commissioner Saldana seconded. Upon a called vote, the motion passed unanimously. Bylaws will be developed before they establish the 501c-3.

c. **Approval of Interlocal Cooperation Agreement between the County of Hidalgo, Texas and the City of Mercedes, Texas on behalf of Dr. Hector P. Garcia Memorial Library in order to provide library services to county residents.**

Mayor Pro-Tem Martinez motioned to approve. Commissioner Saldana seconded. Upon a called vote, the motion passed unanimously.

## **12. Monthly Departmental Reports**

### **a. Police Dept., Fire Dept., Library, Planning, Finance, Rec Center, City Sec/HR**

Ms. Longoria stated that the little league has started registration and the fee is \$50.00. Every Saturday and on Wednesday, March 8, 2023. Mr. Perez stated that the Fire Department was recognized in the Valley Business Report regarding the volunteer firefighter program. Mayor Pro-Tem Martinez asked Public Works if they will be putting up the livestock show banners. Commissioner Saldana would like an update on the status of the projects. City wide clean up on Saturday, March 25, 2023. Mayor Montoya stated that the citizen collection station has been opened on Saturdays. Mayor Montoya spoke about the recycling bins due to them being full and possibly getting more bins. Mayor Pro-Tem Martinez asked for hurricane preparedness season. Mr. Castillo stated that they are preparing with the mobile vacuor to clean the inlets and stated that a camera is needed to inspect the lines. Mr. Castillo explained the process for the work orders and the citizen requests. Mr. Castillo stated he believes they are making progress with addressing issues. There were 228 calls in 28 days for Public Works which is 10 calls per day. 17 animals were picked up today. Commissioner Howell asked about street repairs. Dawson street is going to get started next week.

Mayor Pro-Tem Martinez motioned to go into executive session. Seconded by Commissioner Saldana. The meeting went into executive session at 7:39 P.M.

## **13. Executive Session: Chapter 551, Texas Government Code, Section 551.071 (Consultation with Attorney), Section 551.072 (Deliberation regarding Real Property), Section 551.074 (Personnel Matters) and Section 551.087 (Economic Development)**

- a. Discussion regarding personnel policy – Section 551.074
- b. Discussion regarding future land use for Parks – Section 551.087 & 551.072
- c. Consultation with Attorney regarding Agent of Record contract – Section 551.071
- d. Consultation with Attorney regarding pending litigation – Section 551.071
- e. Discussion regarding Project Cruz – Section 551.087
- f. Discussion regarding Project STM – Section 551.087
- g. Discussion regarding Project Coffee – Section 551.087
- h. Discussion regarding Project Killer V – Section 551.087
- i. Discussion regarding Project MD – Section 551.087
- j. Discussion regarding Project M2 – Section 551.087
- k. Discussion regarding Project M30 – Section 551.087
- l. Discussion regarding Project Carwash – Section 551.087
- m. Discussion regarding Project UT – Section 551.087

Mayor Montoya called the meeting back to order at 10:27 P.M.

## **14. Open Session: Present, Discuss, Consider, and Possibly Take Action Regarding:**

- a. Item A, B, C, D, E, F, G, H, I, J, K, L, & M from Executive Session (separately)
  - a.) Ms. Longoria informed the commission about amending the policy regarding the hiring freeze to make the necessary changes to positions that need hiring, promotions and any salary changes. Mayor Pro-Tem Martinez motioned to amend the policy. Commissioner Garcia seconded. Ms. Garcia Vela stated this is a policy of the city. Upon a called vote, the motion passed unanimously. Ms. Longoria requested the Commission to consider changing the cats pool cap limit for retired employees. Mr. Perez explained the CATS pool hours and requested to make it retroactive to the beginning of the fiscal year. Mayor Pro-Tem Martinez motioned to approve. Commissioner Saldana seconded. Upon a called vote, the motion passed unanimously.
  - b.) No action on item B from executive session.
  - c.) Commissioner Saldana moved to proceed with the recommendation discussed in executive session for the City Manager to be authorized. Mayor Pro-Tem Martinez seconded. Commissioner Howell was absent. Commissioner Garcia abstained. Upon a called vote, the motion passed. 3 voting for -1 abstained -1 absent.

- d.) No action was taken on item D from executive session.
- e.) No action was taken on items E through M from executive session.

**15. Adjournment**

Mayor Montoya adjourned the meeting at 10:35 P.M.

**MERCEDES CITY COMMISSION  
REGULAR MEETING  
MARCH 14, 2023 – 6:30 P.M.  
MERCEDES CITY HALL – COMMISSION CHAMBERS**

<b>MEMBERS PRESENT:</b>	Oscar D. Montoya Sr.	Mayor
	Joe Martinez	Mayor Pro-Tem - virtual
	Jacob Howell	Commissioner
	Armando Garcia	Commissioner
	Ruben Saldana	Commissioner

<b>STAFF PRESENT:</b>	Alberto Perez	City Manager
	Martie Garcia-Vela	City Attorney
	Joselynn Castillo	City Secretary
	Javier Ramirez	Asst. City Manager
	Ervin Vilchis	I.T Liaison

**1. CALL MEETING TO ORDER**

Mayor called the meeting to order at 6:30 P.M.

**2. ESTABLISH QUORUM**

Four Members of the Commission were present and Mayor Pro-Tem Martinez attended virtually which constitutes a quorum.

**3. INVOCATION**

Commissioner Saldana said the invocation.

**4. PLEDGE OF ALLEGIANCE**

Commissioner Garcia led in the Pledge of Allegiance.

**5. OPEN FORUM**

No one signed up for open forum.

**6. CONSENT AGENDA:**

**a. Discussion and Possible Action regarding Final Plat Approval for Hacienda Olivia.**

**b. Discussion and Possible Action regarding Final Plat Approval for Dawson Estates.**

Commissioner Saldana motioned to approve A & B. Commissioner Garcia seconded. Mr. Ramirez stated Hacienda Olivia is a single family residential with 52 lots. Commissioner Howell stated that the subdivision is being detailed and includes a lift station and infrastructure. Commissioner Howell thanked the staff. Upon a called vote, the motion passed unanimously.

**7. MANAGEMENT ITEMS:**

**a. Discussion and Possible Action to approve bid for Capisallo Terrace Sanitary Sewer Project and Authorize City Manager to execute contract with selected bidder.**

Commissioner Howell motioned to approve. SWG Mr. Winston presented a power point regarding the subdivision. The Master service area provides service

to the outlet mall and the new lift station for the Capisallo Terrace should be able to handle future development and will have the capacity for more service area. The 124 connections will not cost the residents any money and will be a turnkey project. The stipulation is a right of entry waiver to be signed for the contractors to enter the properties to decommission the septic tanks and connect the new line. SWG's recommendation is Saenz Utility Construction, LLC \$3 Mil which is the lowest qualified bidder. Mayor Pro-Tem Martinez arrived at 6:43 P.M. The Lift station will be on mile 2 1/2 E. The subdivision will have 3 outfalls rather than the 1 outfall it currently has and a retention pond. New inlets will be added to the subdivision. Mayor Montoya stated that Pct 1 will be putting blacktop on the streets. Mayor Pro-Tem Martinez seconded. Upon a called vote, the motion passed unanimously. March 28 will be the groundbreaking for the construction. The contract has a 244-day timeline.

The Commission did not go into executive session.

**8. EXECUTIVE SESSION:**

- a. **Consultation with Attorney regarding Contract requirements for Capisallo Terrace**

**9. OPEN SESSION:**

- a. **Discussion regarding items discussed in executive session.**

No action

**10. ADJOURNMENT**

Commissioner Saldana motioned to adjourn. Mayor Pro-Tem Martinez seconded. Upon a called vote, the motion passed unanimously. The meeting adjourned at 6:57 P.M.

# Item 7B



## MERCEDES POLICE DEPARTMENT

2314 N. FM 491 Rd.  
Mercedes, Texas 78570  
(956) 565-3102 Fax (956) 565-2583

**Pedro Estrada**  
Chief of Police

### Vehicle Inventory 2023 – Scheduled for Decommission

UNIT #:	MAKE / MODEL:	YEAR :	VIN:	LICENSE PLATES:	MILEAGE:	DECOMMISSION DATE:	PURCHASED FROM:
HB3	FORD / CROWN VICTORIA	2011	2FABP7BV2BX102108	136-0661	175,853	11/22/2022	House Bill
506	GRAY / FORD / F150	2008	1FTRX12W78FB16671	145-2887	201,419	11/22/2022	HCSO Surplus
509	BLK / FORD / EXPEDITION	2011	1FMJU1G51BEF31242	136-0661	158,953	11/22/2022	HCSO Surplus
510	BLK / FORD / EXPEDITION	2013	1FMJU1G52DEF58890	145-2886	178,864	03/28/2023	HCSO Surplus
HB1	FORD / CROWN VICTORIA	2011	2FABP7BV4BX116446	136-0663		03/28/2023	House Bill
SG5	CHEV / TAHOE	2014	1GNLC2E05ER182877	118-0832	155,287	03/28/2023	Stonegarden
375/550	CHEV / CAPRICE	2014	6G3NS5U27EL934934	117-7928	93,655	03/28/2023	MPD Budget
551	CHEV / CAPRICE	2014	6G3NS5U28EL934974	117-7927		03/28/2023	MPD Budget
552	CHEV / CAPRICE	2014	6G3NS5U28EL935008	117-7929	124,340	03/28/2023	MPD Budget
553	CHEV / CAPRICE	2014	6G3NS5U29EL935017	117-7926		03/28/2023	MPD Budget
618	DODGE / DURANGO / GRY	2008	1D8HD38N58F130567	KYC-0911	186,431	03/28/2023	Seizure

Patrol Lt. Orlando Diaz  
March 28, 2023

**CAUSE NO. C-2848-22-F**

**IN THE STATE OF TEXAS**

**VS.**

**ONE (1) 2012 DODGE CAR  
VIN 2C3CDXCT1CH226343;**

**THREE HUNDRED FORTY ONE  
AND 00/100 DOLLARS (\$341.00)  
IN UNITED STATES CURRENCY**

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**IN THE DISTRICT COURT**

**332<sup>ND</sup> JUDICIAL DISTRICT**

**HIDALGO COUNTY, TEXAS**

**DEFAULT JUDGMENT**

On this the 10TH, day of FEBRUARY, 2023, came on to be considered the above-entitled and numbered cause wherein the State of Texas, as Plaintiff, alleged in her Original Petition and Notice of Seizure and Intended Forfeiture that she had seized a **ONE (1) 2012 DODGE CAR VIN 2C3CDXCT1CH226343 AND THREE HUNDRED FORTY ONE AND 00/100 DOLLARS (\$341.00) IN UNITED STATES CURRENCY.**

Plaintiff, THE STATE OF TEXAS, appeared by and through her attorney of record and announced ready for trial. Respondents, **DAMIEN LEDESMA AND EA USED AUTO**, although duly served with Citation and a certified copy of Plaintiff's Original Petition and Notice of Seizure and Intended Forfeiture in the manner prescribed by law, failed to appear or answer in this Cause. The Court finds that said citations were returned to the Clerk of the Court where they have remained on file for the time required by law. The Court finds that because no answers have been filed herein by the above-named Respondents and Respondents have failed to appear, Respondents have wholly made default pursuant to TRCP 239.

Plaintiff presented evidence to the Court that the **ONE (1) 2012 DODGE CAR VIN 2C3CDXCT1CH226343 AND THREE HUNDRED FORTY ONE AND 00/100 DOLLARS (\$341.00) IN UNITED STATES CURRENCY** the subject of this suit, was contraband pursuant to Article 59.01, Texas Code of Criminal Procedure, in that it was used in the commission of a felony under Section 20.05 of the Texas Penal Code and, pursuant to Article 59.05(e), said **ONE (1) 2012 DODGE CAR VIN 2C3CDXCT1CH226343 AND THREE HUNDRED FORTY ONE AND 00/100 DOLLARS (\$341.00) IN UNITED STATES CURRENCY** should be forfeited to the Hidalgo County Criminal District Attorney as agent for the State of Texas and the **MERCEDES POLICE DEPARTMENT**, pursuant to Section 59.06(t) to be used to provide direct victim services in accordance with the parties' local agreement.

The Court, after duly considering the Court's file, evidence admitted, arguments of counsel and applicable authority, is of the opinion and so finds that **ONE (1) 2012 DODGE CAR VIN 2C3CDXCT1CH226343 AND THREE HUNDRED FORTY ONE AND 00/100 DOLLARS (\$341.00) IN UNITED STATES CURRENCY**, the subject of this suit, is contraband as defined in the Texas Code of Criminal Procedure, Article 59.01(2) in that said **ONE (1) 2012 DODGE CAR VIN**

**2C3CDXCT1CH226343 AND THREE HUNDRED FORTY ONE AND 00/100 DOLLARS (\$341.00) IN UNITED STATES CURRENCY** was used in the commission of a felony enumerated in Chapter 59 of the Texas Code of Criminal Procedure, namely, Section 20.05 of the Texas Penal Code. It is therefore,

ORDERED, ADJUDGED and DECREED that the **ONE (1) 2012 DODGE CAR VIN 2C3CDXCT1CH226343 AND THREE HUNDRED FORTY ONE AND 00/100 DOLLARS (\$341.00) IN UNITED STATES CURRENCY** made the subject of this suit and identified in Plaintiff's Original Petition and Notice of Seizure is hereby disposed in the following manner:

**ONE (1) 2012 DODGE CAR VIN 2C3CDXCT1CH226343 AND THREE HUNDRED FORTY ONE AND 00/100 DOLLARS (\$341.00) IN UNITED STATES CURRENCY** is forfeited to the Hidalgo County Criminal District Attorney, and the **MERCEDES POLICE DEPARTMENT**, pursuant to Section 59.06(t) to be used to provide direct victim services in accordance with the parties' local agreement. It is further

ORDERED ADJUDGED and DECREED that all interest accrued pre and post judgment on the **THREE HUNDRED FORTY ONE AND 00/100 DOLLARS (\$341.00) IN UNITED STATES CURRENCY**, shall be forfeited pursuant to Chapter 59 of the Texas Code of Criminal Procedure to the Criminal District Attorney in and for Hidalgo County, Texas and the **MERCEDES POLICE DEPARTMENT** pursuant to Section 59.06(t) to be used to provide direct victim services in accordance with the parties' local agreement.

ORDERED, ADJUDGED and DECREED that the **ONE (1) 2012 DODGE CAR VIN 2C3CDXCT1CH226343** be awarded to the **MERCEDES POLICE DEPARTMENT** to be used for Law Enforcement purposes, and/or when the "subject vehicle" is disposed of or sold by the **MERCEDES POLICE DEPARTMENT** the proceeds from any sale shall be disbursed by the **MERCEDES POLICE DEPARTMENT** pursuant to Section 59.06(t) to be used to provide direct victim services in accordance with the parties' local agreement. It is further

ORDERED, ADJUDGED and DECREED that the "subject vehicle" be released INSTANTER to the **MERCEDES POLICE DEPARTMENT** and the TEXAS DEPARTMENT OF MOTOR VEHICLES is ordered to issue valid certificate of title to the **MERCEDES POLICE DEPARTMENT** for the "subject vehicle". It is further

ORDERED, ADJUDGED and DECREED that in the event the "subject vehicle" is to be sold at auction by the **CRIMINAL DISTRICT ATTORNEY OF HIDALGO COUNTY, TEXAS** as agent for the State of Texas or the **MERCEDES POLICE DEPARTMENT**, in accordance with their local agreement pursuant to the Texas Transportation Code and/or the Texas Code of Criminal Procedure, the *Texas Department of Motor Vehicles* is ordered to issue valid certificate of title to the **PURCHASER** of the "subject vehicle" subsequent to the sale at auction.

All costs of Court in this cause shall be adjudged against the **MERCEDES POLICE DEPARTMENT**.

This is a final, appealable judgment. All relief not expressly granted herein is hereby DENIED.

Signed for Entry on this the 14TH day of FEBRUARY, 2023.

  
\_\_\_\_\_  
JUDGE PRESIDING

CC: Asset Forfeiture Division  
Damien Ledesma  
EA Used Auto

[asset.forfeiture@da.co.hidalgo.tx.us](mailto:asset.forfeiture@da.co.hidalgo.tx.us)  
1920 Rebel Dr., Mercedes, TX 78570  
11708 Dillon Rd., Donna, TX 78537



**CAUSE NO. C-3054-22-J**

**IN THE STATE OF TEXAS**

**VS.**

**ONE (1) 2010 FORD FLEX  
VIN 2FMGK5BC0ABA34013**

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**IN THE DISTRICT COURT**

**430<sup>TH</sup> JUDICIAL DISTRICT**

**HIDALGO COUNTY, TEXAS**

**AGREED FINAL JUDGMENT**

12/16/2022 2:16:13 pm

On this the \_\_\_\_\_ date of \_\_\_\_\_, 2022 the Court came on to be considered the above referenced cause wherein Plaintiff, the State of Texas, in her Original Petition and Notice of Seizure, alleged that she has seized **ONE (1) 2010 FORD FLEX VIN 2FMGK5BC0ABA34013**, and came the State of Texas by and through her Criminal District Attorney in and for Hidalgo County, Texas and Respondent, **MCALLEN AUTO SALES, LLC**, appeared *Pro se*.

Plaintiff, **THE STATE OF TEXAS**, appeared by and through her attorney of record and announced ready for trial. Respondents, **JOSE ANTONIO RAMIREZ, LISA ISABEL TREVINO**, although duly served with Citation and a certified copy of Plaintiff's Original Petition and Notice of Seizure and Intended Forfeiture in the manner prescribed by law, failed to appear or answer in this Cause. The Court finds that said citations were returned to the Clerk of the Court where they have remained on file for the time required by law. The Court finds that because no answers have been filed herein by the above-named Respondents and Respondents have failed to appear, Respondents have wholly made default pursuant to TRCP 239.

The Plaintiff, by and through the Hidalgo County Criminal District Attorney and Respondent, **MCALLEN AUTO SALES, LLC**, and announced to the Court that the parties hereto agree that in lieu of a contested hearing an Agreed Final Judgment should be entered herein.

The terms of the Agreement are as follows:

- 1) ONE (1) 2010 FORD FLEX VIN 2FMGK5BC0ABA34013** is forfeited to the Criminal District Attorney in and for Hidalgo County, Texas and the **MERCEDES POLICE DEPARTMENT** pursuant to the parties' local agreement.

**IT IS THEREFORE ORDERED, ADJUDGED and DECREED** that the **ONE (1) 2010 FORD FLEX VIN 2FMGK5BC0ABA34013** made the subject of this suit and identified in Plaintiff's Original Notice of Seizure and Intended Forfeiture filed herein be and the same is hereby disposed in the following manner pursuant to the agreement between the parties:

**IT IS ORDERED** that **ONE (1) 2010 FORD FLEX VIN 2FMGK5BC0ABA34013** is forfeited to the Criminal District Attorney in and for Hidalgo County, Texas and the **MERCEDES POLICE DEPARTMENT** pursuant to the parties' local agreement. It is further,

**ORDERED, ADJUDGED and DECREED** that the **ONE (1) 2010 FORD FLEX VIN 2FMGK5BC0ABA34013** be awarded to the **MERCEDES POLICE DEPARTMENT** to be used for

Law Enforcement purposes, and/or when the "subject vehicle" is disposed of or sold by the **MERCEDES POLICE DEPARTMENT** the proceeds from any sale shall be disbursed by the **MERCEDES POLICE DEPARTMENT** pursuant to the parties' local agreement. It is further,

ORDERED, ADJUDGED and DECREED that the "subject vehicle" be released INSTANTER to the **MERCEDES POLICE DEPARTMENT** and the TEXAS DEPARTMENT OF MOTOR VEHICLES is ordered to issue valid certificate of title to the **MERCEDES POLICE DEPARTMENT** for the "subject vehicle". It is further,

ORDERED, ADJUDGED and DECREED that in the event the "subject vehicle" is to be sold at auction by the **CRIMINAL DISTRICT ATTORNEY OF HIDALGO COUNTY, TEXAS** as agent for the State of Texas or the **MERCEDES POLICE DEPARTMENT**, in accordance with their local agreement pursuant to the Texas Transportation Code and/or the Texas Code of Criminal Procedure, the *Texas Department of Motor Vehicles* is ordered to issue valid certificate of title to the **PURCHASER** of the "subject vehicle" subsequent to the sale at auction.

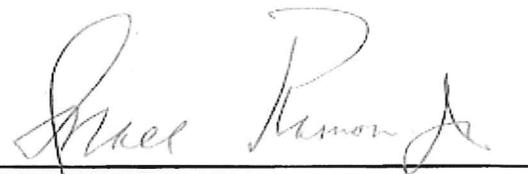
IT IS FURTHER ORDERED that the Criminal District Attorney in and for Hidalgo County, Texas as agent for the State of Texas and the **MERCEDES POLICE DEPARTMENT** will pay the total amount of the lien to the recorded lien holder, **MCALLEN AUTO SALES, LLC**, within 30 days of this signed Agreed Judgment.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Court Costs be paid by the **MERCEDES POLICE DEPARTMENT**.

All relief not expressly granted herein is hereby DENIED. This is a final, appealable judgment.

12/16/2022 2:16:13 pm

SIGNED for entry on this the \_\_\_\_\_ day of \_\_\_\_\_, 2022.



JUDGE PRESIDING

**APPROVED AS TO FORM AND SUBSTANCE:**



**MCALLEN AUTO SALES, LLC**  
**C/O CINDY GAONA**  
Respondent



**ERIC SCHREIBER**  
Assistant Criminal District Attorney  
[eric.schreiber@da.co.hidalgo.tx.us](mailto:eric.schreiber@da.co.hidalgo.tx.us)

**CC:** Asset Forfeiture Division  
Jose Antonio Ramirez (687285)  
Lisa Isabel Trevino (441199)  
McAllen Auto Sales, LLC

[asset.forfeiture@da.co.hidalgo.tx.us](mailto:asset.forfeiture@da.co.hidalgo.tx.us)  
711 E. El Cibolo, Edinburg, TX 78539  
711 E. El Cibolo, Edinburg, TX 78539  
[cindy@mcallenautofinance.net](mailto:cindy@mcallenautofinance.net)

### Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Kimiko Villarreal on behalf of Eric Schreiber  
Bar No. 24037447  
kimiko.villarreal@da.co.hidalgo.tx.us  
Envelope ID: 71062255  
Status as of 12/16/2022 9:26 AM CST

#### Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
CIVIL SHERIFF'S OFFICE		CIVIL@HIDALGOSO.ORG	12/15/2022 3:33:43 PM	SENT



**CAUSE NO. C-0475-22-D**

**IN THE STATE OF TEXAS**

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**IN THE DISTRICT COURT**

**VS.**

**206<sup>TH</sup> JUDICIAL DISTRICT**

**ONE (1) 2005 FORD VAN  
VIN 1FMPU17505LA19627**

**HIDALGO COUNTY, TEXAS**

**FINAL JUDGMENT**

On this the \_\_\_\_\_ day of 24th of March, 2022, 2022, came to be considered the above-entitled and numbered cause wherein the State of Texas as Plaintiff alleged that it had seized **ONE (1) 2005 FORD VAN VIN 1FMPU17505LA19627**, alleged in the Original Petition and Notice of Seizure and Intended Forfeiture filed herein.

**YADIRA L. HERNANDEZ GARCIA**, filed a Waiver of Citation and Interest in the assets seized herein on or about **MARCH 9, 2022**, and the Court finds that Respondent **YADIRA L. HERNANDEZ GARCIA** received a copy of Plaintiff's Petition and Notice of Seizure and Intended Forfeiture and such waiver was executed in compliance with Rule 119 of the Texas Rules of Civil Procedure.

Plaintiff, **THE STATE OF TEXAS**, announced ready for trial and presented evidence to the Court that the **ONE (1) 2005 FORD VAN VIN 1FMPU17505LA19627** the subject of this suit, was contraband pursuant to Article 59.01, Texas Code of Criminal Procedure, in that it was used in the commission of a felony under Section 20.05 of the Texas Penal Code. Pursuant to Article 59.05(e) the said **ONE (1) 2005 FORD VAN VIN 1FMPU17505LA19627** should be forfeited to the Criminal District Attorney in and for Hidalgo County, Texas as agent for the State of Texas and the **MERCEDES POLICE DEPARTMENT**, in accordance with their local agreement.

The Court, after duly considering the evidence and the law, is of the opinion and so finds that **ONE (1) 2005 FORD VAN VIN 1FMPU17505LA19627**, the subject of this suit, is contraband as defined in the Texas Code of Criminal Procedure, Article 59.01(2). The court further finds that the said **ONE (1) 2005 FORD VAN VIN 1FMPU17505LA19627** was used in violation of the Section 20.05 of the Texas Penal Code. Plaintiff, pursuant to Articles 59.01(2), and 59.05(e) of the Texas Code of Criminal Procedure requests that **ONE (1) 2005 FORD VAN VIN 1FMPU17505LA19627** subject of this suit, be forfeited to the Criminal District Attorney in and for Hidalgo County, Texas as agent for the State of Texas, and the **MERCEDES POLICE DEPARTMENT**, pursuant to Section 59.06(t) to be used to provide direct victim services and in accordance with their local agreement.

**IT IS THEREFORE ORDERED, ADJUDGED AND DECREED** that the **ONE (1) 2005 FORD VAN VIN 1FMPU17505LA19627** made the subject of this suit and identified in Plaintiff's Original Petition and Notice of Seizure is hereby disposed in the following manner:

**ONE (1) 2005 FORD VAN VIN 1FMPU17505LA19627** is forfeited to the Criminal District Attorney in and for Hidalgo County, Texas, and the **MERCEDES POLICE DEPARTMENT**, pursuant to Section 59.06(t) to be used to provide direct victim services and in accordance with their local agreement.

IT IS FURTHER ORDERED that the **ONE (1) 2005 FORD VAN VIN 1FMPU17505LA19627**, the subject of this suit, be awarded to the **MERCEDES POLICE DEPARTMENT** to be used for Law Enforcement purposes, and/or when the “subject vehicle” is disposed of or sold by the **MERCEDES POLICE DEPARTMENT** the proceeds from any sale shall be disbursed by the **MERCEDES POLICE DEPARTMENT**, pursuant to Section 59.06(t) to be used to provide direct victim services and in accordance with their local agreement.

IT IS FURTHER ORDERED that the “subject vehicle” be released INSTANTER to the **MERCEDES POLICE DEPARTMENT** and the TEXAS DEPARTMENT OF MOTOR VEHICLES is ordered to issue valid certificate of title to the **MERCEDES POLICE DEPARTMENT** for the “subject vehicle”.

IT IS FURTHER ORDERED that in the event the “subject vehicle” is to be sold at auction by the **CRIMINAL DISTRICT ATTORNEY OF HIDALGO COUNTY, TEXAS** as agent for the State of Texas or the **MERCEDES POLICE DEPARTMENT**, in accordance with their local agreement pursuant to the Texas Transportation Code and/or the Texas Code of Criminal Procedure, the *Texas Department of Motor Vehicles* is ordered to issue valid certificate of title to the **PURCHASER** of the “subject vehicle” subsequent to the sale at auction.

All costs of Court in this cause shall be adjudged against **MERCEDES POLICE DEPARTMENT**.

Signed and Entered: 24th of March, 2022



\_\_\_\_\_  
JUDGE PRESIDING

CC: Asset Forfeiture Division

[asset.forfeiture@da.co.hidalgo.tx.us](mailto:asset.forfeiture@da.co.hidalgo.tx.us)



**CAUSE NO. C-2933-22-E**

<b>IN THE STATE OF TEXAS</b>	§	<b>IN THE DISTRICT COURT</b>
	§	
<b>VS.</b>	§	
	§	<b>275<sup>TH</sup> JUDICIAL DISTRICT</b>
<b>ONE (1) 1998 FORD EXPLORER</b>	§	
<b>VIN 1FMZU35PXWZA43716</b>	§	<b>HIDALGO COUNTY, TEXAS</b>

**DEFAULT JUDGMENT**

On this the 14TH, day of FEBRUARY, 2023, ~~2022~~, came on to be considered the above-entitled and numbered cause wherein the State of Texas, as Plaintiff, alleged in her Original Petition and Notice of Seizure and Intended Forfeiture that she had seized a **ONE (1) 1998 FORD EXPLORER VIN 1FMZU35PXWZA43716**.

Plaintiff, THE STATE OF TEXAS, appeared by and through her attorney of record and announced ready for trial. Respondent, **YESENIA BAZALDUA**, although duly served with Citation and a certified copy of Plaintiff’s Original Petition and Notice of Seizure and Intended Forfeiture in the manner prescribed by law, failed to appear or answer in this Cause. The Court finds that said citation was returned to the Clerk of the Court where it has remained on file for the time required by law. The Court finds that because no answer has been filed herein by the above-named Respondent and Respondent has failed to appear, Respondent has wholly made default pursuant to TRCP 239.

Plaintiff, The State of Texas, appeared by and through her attorney of record and announced ready for trial. Respondents, **JOSE GONZALEZ RODRIGUEZ AND PONCIANO INFANTE**, although duly served with citation and certified copy of Plaintiff’s Original Petition and Notice of Seizure and Intended Forfeiture by posting at the courthouse door pursuant to Article 59.04(c) Texas Code of Criminal Procedure, and Rule 106 of the Texas Rules of Civil Procedure, failed to appear. The Court finds that said citations were returned to the Clerk of the Court where they have remained on file for the time required by law. The Court finds that no answers have been filed herein by the above-named Respondents and that the Respondents have failed to appear and have wholly made default pursuant to TRCP 239.

Plaintiff presented evidence to the Court that the **ONE (1) 1998 FORD EXPLORER VIN 1FMZU35PXWZA43716** the subject of this suit, was contraband pursuant to Article 59.01, Texas Code of Criminal Procedure, in that it was used in the commission of a felony under Section 20.05 of the Texas Penal Code and, pursuant to Article 59.05(e), said **ONE (1) 1998 FORD EXPLORER VIN 1FMZU35PXWZA43716** should be forfeited to the Hidalgo County Criminal District Attorney as agent for the State of Texas and the **MERCEDES POLICE DEPARTMENT**, pursuant to Section 59.06(t) to be used to provide direct victim services and in accordance with the parties’ local agreement.

The Court, after duly considering the Court’s file, evidence admitted, arguments of counsel and applicable authority, is of the opinion and so finds that **ONE (1) 1998 FORD EXPLORER VIN 1FMZU35PXWZA43716**, the subject of this suit, is contraband as defined in the Texas Code of Criminal Procedure, Article 59.01(2) in that said **ONE (1) 1998 FORD EXPLORER VIN**

**1FMZU35PXWZA43716** was used in the commission of a felony enumerated in Chapter 59 of the Texas Code of Criminal Procedure, namely, Section 20.05 of the Texas Penal Code. It is therefore,

ORDERED, ADJUDGED and DECREED that the **ONE (1) 1998 FORD EXPLORER VIN 1FMZU35PXWZA43716** made the subject of this suit and identified in Plaintiff's Original Petition and Notice of Seizure is hereby forfeited to the Hidalgo County Criminal District Attorney, and the **MERCEDES POLICE DEPARTMENT**, pursuant to Section 59.06(t) to be used to provide direct victim services and in accordance with the parties' local agreement. It is further,

ORDERED, ADJUDGED and DECREED that the **ONE (1) 1998 FORD EXPLORER VIN 1FMZU35PXWZA43716** be awarded to the **MERCEDES POLICE DEPARTMENT** to be used for Law Enforcement purposes, and/or when the "subject vehicle" is disposed of or sold by the **MERCEDES POLICE DEPARTMENT** the proceeds from any sale shall be disbursed by the **MERCEDES POLICE DEPARTMENT** pursuant to Section 59.06(t) to be used to provide direct victim services and in accordance with the parties' local agreement. It is further,

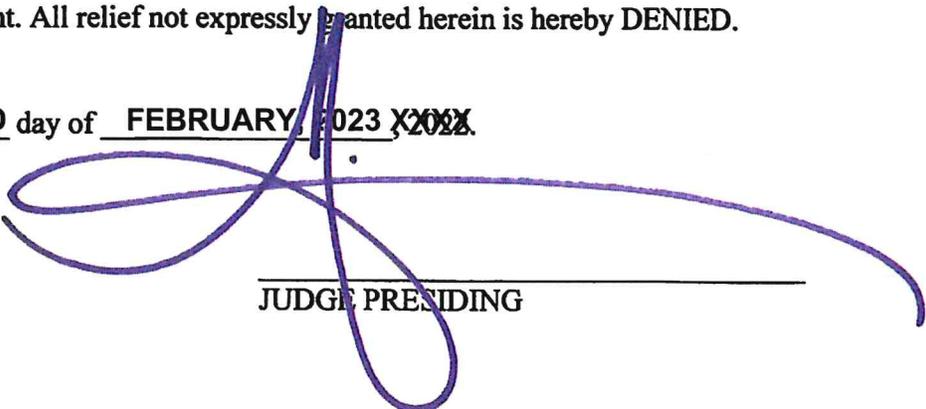
ORDERED, ADJUDGED and DECREED that the "subject vehicle" be released INSTANTER to the **MERCEDES POLICE DEPARTMENT** and the TEXAS DEPARTMENT OF MOTOR VEHICLES is ordered to issue valid certificate of title to the **MERCEDES POLICE DEPARTMENT** for the "subject vehicle". It is further,

ORDERED, ADJUDGED and DECREED that in the event the "subject vehicle" is to be sold at auction by the **CRIMINAL DISTRICT ATTORNEY OF HIDALGO COUNTY, TEXAS** as agent for the State of Texas or the **MERCEDES POLICE DEPARTMENT**, in accordance with their local agreement pursuant to the Texas Transportation Code and/or the Texas Code of Criminal Procedure, the *Texas Department of Motor Vehicles* is ordered to issue valid certificate of title to the **PURCHASER** of the "subject vehicle" subsequent to the sale at auction.

All costs of Court in this cause, to the extent such costs exceed \$2,500.00, shall be adjudged against the **MERCEDES POLICE DEPARTMENT**.

This is a final, appealable judgment. All relief not expressly granted herein is hereby DENIED.

Signed for Entry on this the 23RD day of FEBRUARY, 2023, ~~2022~~.

  
\_\_\_\_\_  
JUDGE PRESIDING

CC: Asset Forfeiture Division  
Jose Gonzalez Rodriguez  
Ponciano Infante  
Yesenia Bazaldua

[asset.forfeiture@da.co.hidalgo.tx.us](mailto:asset.forfeiture@da.co.hidalgo.tx.us)  
1113 S. Illinois Ave., Mercedes, TX 78570  
2802 W. Bay Area Blvd. # 2008, Webster, TX 77598  
1113 S. Illinois Ave., Mercedes, TX 78570



**RESOLUTION # 2023-09**

WHEREAS, high-speed internet access, or broadband, is essential in our increasingly digital world; and

WHEREAS, the City recognizes that broadband networks enhance economic, educational, and healthcare outcomes; and

WHEREAS, the City acknowledges that too many Texans still lack access to the broadband connections required to fully participate in and benefit from today's educational, professional, economic, and civic opportunities; and

WHEREAS, the City understands that building, maintaining and operating broadband networks is extremely expensive, especially in non-metro and hard to reach areas, and that closing the digital divide will require the public and private sectors working together; and

THEREFORE, BE IT RESOLVED, that the City of Mercedes encourages the Texas Legislature to direct state funds toward broadband deployment to ensure that all Texans have the connectivity they need to succeed in today's society.

PASSED AND APPROVED ON THIS 4<sup>TH</sup> DAY OF APRIL 2023.

\_\_\_\_\_  
Oscar D. Montoya Sr., Mayor

ATTEST:

\_\_\_\_\_  
Joselynn Castillo, City Secretary

**Board of Directors**  
*President*  
**Steve Jennings**  
*Secretary*  
**Jerome Wade**  
*Vice-President*  
**Nicholas Consiglio**

***Cameron County Drainage District # 5***  
***301 East Pierce***  
***Harlingen, Texas 78550***  
**956-423-6411 \* Fax 956-423-4671**  
**www.ccdd5.org**

*General Manager*  
**Alan Moore**  
*Assistant General Manager*  
**Rolando Vela**  
*Engineer*  
**Jack L. Brown**  
*Attorney*  
**Buddy R. Dossett**

## MEMORANDUM

To: Alberto Perez, City Manager, City of Mercedes  
From: Rolando Vela, Assistant General Manager, CCDD5  
Subject: Resolution on Artificial Drainage Systems Legislation  
Date: March 26, 2023

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As you well know, in the Rio Grande Valley, along with other coastal and border regions, we are flat. We lack the topographic relief, slope, and defined floodways that other regions of the state have. We essentially have artificial drainage systems.

State Representative Janie Lopez has filed two bills to address the funding challenges communities like yours face. State Senator Morgan LaMantia has filed the companion bills in the Senate.

One of the bills proposes changes to the Flood Infrastructure Fund of the Texas Water Development Board from recognizing artificial drainage systems to giving special considerations to those communities with these types of drainage systems, while the other one creates a Task Force to study the challenges communities with artificial drainage systems face.

I have attached a copy of the FAQ that details these two legislative bills.

Please let me know if you have any questions.

**RESOLUTION NO. 2023 - 10**

**RESOLUTION OF THE CITY OF MERCEDES, TEXAS SUPPORTING THE ARTIFICIAL DRAINAGE SYSTEM LEGISLATION FILED BY STATE REPRESENTATIVE JANIE LOPEZ AND STATE SENATOR MORGAN LAMANTIA PROPOSING CHANGES TO THE FLOOD INFRASTRUCTURE FUND PROGRAM AND ESTABLISHING A TASK FORCE TO STUDY THE FUNDING CHALLENGES THAT COMMUNITIES WITH ARTIFICIAL DRAINAGE SYSTEMS FACE.**

**WHEREAS**, Texas is a very diverse state from the High Plains to the Edwards Plateau, the Piney Woods, Permian Basin, the Gulf Coast and the Rio Grande Valley, each area is distinct and different and beautiful;

**WHEREAS**, Texas is a unique blend of diversity, but in such a diversity not all aspects are created equal. We are all subject to extreme weather events including extreme rainfall and flooding, but our ability to mitigate such events is not equal;

**WHEREAS**, Most of the state has topographic relief, slope, and defined floodways;

**WHEREAS**, Some areas including the Rio Grande Valley, along with other border and coastal regions, do not have this relief;

**WHEREAS**, with limited natural channels, the only way to mitigate flooding is by the creation of artificial drainage systems;

**WHEREAS**, State Representative Janie Lopez and State Senator Morgan LaMantia have filed legislation to address artificial drainage systems;

**WHEREAS**, The Mercedes City Commission finds it appropriate to support HB 3796 and HB 4742 that State Representative Janie Lopez and to support the companion bills SB 2182 and SB 2183 that State Senator Morgan LaMantia has filed that address the funding challenges the communities, along the border and coastal regions, face with artificial drainage systems;

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF MERCEDES, TEXAS, THAT IT:**

**SECTION 1.** SUPPORTS HB 4742 filed by State Representative Janie Lopez and SB 2182 filed by State Senator Morgan LaMantia that propose changes to the Flood Infrastructure Fund (FIF) program, including adding a definition of an “artificial drainage system;” establishing scoring criteria that prioritizes improvements to such systems; revising the current percentage grant calculations for any regional artificial drainage projects to emphasize Social Vulnerability Index (SVI) in lieu of income levels; creating a loan forgiveness program in Flood Infrastructure Fund

(FIF) specific to artificial drainage systems; and proposing that all loan funding provided from the Flood Infrastructure Fund (FIF) program to communities with artificial drainage systems located in coastal and border counties be in the form of zero-interest loans.

**SECTION 2.** SUPPORTS HB 3796 filed by State Representative Janie Lopez and SB 2183 filed by State Senator Morgan LaMantia that establishes an Artificial Drainage System Task Force to identify challenges for communities and drainage districts along the coast and Texas/Mexico border region to explore challenges and come up with solutions.

**SECTION 3.** RECOGNIZES the importance of this legislation to mitigate flooding and to help attract development to our community and to the border and coastal regions of the state.

**SECTION 4.** URGES the House Committee on Natural Resources and the Senate Committee on Water, Agriculture, & Rural Affairs to act favorably on this artificial drainage system legislation.

**CONSIDERED, PASSED, AND APPROVED AND SIGNED** this 4th day of March, 2023 at a regular called meeting of the City Commission of the City of Mercedes at which a quorum was present and which was held in accordance with the provisions of Chapter 551, Texas Government Code.

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Oscar D. Montoya Sr., Mayor

ATTEST:

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Joselynn Castillo, City Secretary

## FAQ on Artificial Drainage Systems Legislation

### Background:

Texas is a very diverse state. From the High Plains to the Edwards Plateau, the Piney Woods, Permian Basin, the Gulf Coast and the Rio Grande Valley, each area is distinct and different and beautiful. Texas is a unique blend of diversity, but in such a diversity not all aspects are created equal. We are all subject to extreme weather events including extreme rainfall and flooding, but our ability to mitigate such events is not equal. Most of the state has topographic relief, slope, and defined floodways. You know where the water will go; it is just a matter of how deep it will get.

Some areas including the Rio Grande Valley do not have this relief. Cameron County has the Rio Grande as a boundary and the only natural stream is the Arroyo Colorado. Willacy County is the only county in Texas with no natural streams.

With limited natural channels the only way to mitigate flooding is by the creation of artificial drainage systems. In reality, the Rio Grande Valley is not a valley at all but a delta. In numerous areas of the state if an area has flooding issues the improvement of a limited number of impediments, i.e. road crossings or railroad crossings, will have a dramatic effect.

Within an artificial drainage system not only must the road crossing need to be enlarged but the downstream channel needs to have increased capacity as well.

Most artificial drainage systems were originally designed and built for drainage, removal of water, not necessarily for flood control. Crops can withstand a certain amount of time being flooded but for houses any flooding at all is unacceptable. Historically, funds were requested from various agencies to improve certain points of restriction. They were designed to increase capacity but not necessarily to the one percent chance of occurrence level. Changes being made statewide such as the Texas Flood Plan will require new grant submittals to offer protection to the one percent chance of occurrence based on Atlas 14 (the most current hydrology data). This in effect will convert drainage systems to flood control systems.

Most drainage districts are already moving in this direction, however, it is very costly. We would not think of enlarging the Colorado River or the Trinity River or the Rio Grande, but when it comes to artificial systems that is basically what we are now requiring. In areas with minimal or undefined relief, areas that are extremely flat, simply increasing the capacity at a road crossing or railroad crossing has limited benefit to the system. It just moves the problem to the next downstream obstruction. While you may be funded under the proposed criteria, based on future downstream improvements, the project will not be fully effective until the downstream improvements are made, whether that be replacing multiple road crossings, widening channels, lining channels or excavating detention basins. The lack of topographic relief exacerbates the problem and increases the cost. To increase the capacity of an artificial drainage system is not a matter of fixing a point problem it is a matter of modifying an entire system.

### **What is an artificial drainage system?**

An artificial drainage system is a system to remove floodwater in a community that lacks natural topographic relief, slope, and natural defined floodways.

### **Which communities have artificial drainage system?**

The communities with artificial drainage system are in the border region and coastal areas of the state, along with the greater Houston area. All the communities in the Rio Grande Valley have artificial drainage systems.

### **What type of legislation has been filed to address artificial drainage systems?**

State Representative Janie Lopez, District 37, filed HB 3796 and HB 4742; and, State Senator Morgan LaMantia, District 27, filed SB 2182 and SB 2183. The two Senate Bills that Senator LaMantia filed are the identical versions of the ones that Representative Janie Lopez filed.

- a. HB 3796 / SB 2183 bills relate to the establishment of a task force to analyze artificial drainage systems in the border and coastal regions of the state along with the greater Houston area.
- b. HB 4742 / SB 2182 bills relate to providing financial assistances to communities with artificial drainage systems.

### **What is included in the HB 3796 / SB 2183 bills (“the task force” bill)?**

This legislation establishes a task force, composed of members from the House of Representatives and the Senate; representatives from cities, counties and drainage districts; and the leadership from the Texas Water Development Board (TWDB) to analyze the provisions of financial assistance from the Flood Infrastructure Fund (FIF) of the Texas Water Development Board.

- a. Task Force Members:
  - The Speaker of the House would appoint the House Members, and the Lieutenant Governor would appoint the Senate Members.
  - Individuals, representing drainage districts, cities, and counties, would also be appointed by the Speaker of the House and the Lieutenant Governor, respectively.
  - The Executive Administrator of the TWDB would appoint representatives to this task force.
- b. Responsibilities of the Task Force:

Analyze the requirements associated with the provisions of the financial assistance of the Flood Infrastructure Fund (FIF) and identify possible changes to those requirements that would facilitate the improvement of artificial drainage systems in the coastal and border regions and the greater Houston area including:

  - Alterations to the scoring criteria used to determine eligibility for and the amount of loans and grants provided by the Flood Infrastructure Fund (FIF) such as the inclusion of scoring criteria that prioritizes improvements to an artificial drainage system; scoring criteria to be used for communities with artificial drainage systems that are based on social vulnerability index instead of income levels; and the feasibility of:

1. Providing no interest loans for improvements to an artificial drainage system;
2. Introducing a loan forgiveness program for political subdivisions with outstanding loans from Flood Infrastructure Fund (FIF);
3. Increasing grant funding from the Infrastructure Fund (FIF) for communities with artificial drainage systems;
4. Revising the income levels used to determine the eligibility for or the amount of a grant or loan from the Flood Infrastructure Fund (FIF) for communities with artificial drainage systems.

### **What is included in the HB 4742 and SB 2182 bills?**

This legislation proposes to amend the Water Code to include the definition of artificial drainage system and further amends this Code to:

- a. Prioritizes funding for communities with artificial drainage systems;
- b. Forgives loans for communities with artificial drainage systems not to exceed a period of five years, annually forgive not less than 10% or more than 20% of a loan;
- c. Initiate the process to have the Texas Water Development Board (TWDB) to adopt scoring criteria for projects in artificial drainage systems.

### **Which political subdivisions benefit from this legislation?**

Any municipality, county, drainage district, applying for Flood Infrastructure Funds (FIF) of the Texas Water development Board (TWDB) in the border and coastal regions of the state.

### **Is “artificial drainage system” a new concept?**

For those working on making drainage improvements in the Rio Grande Valley, it is not. It appears, however, that the Water Code does not recognize artificial drainage systems and its current criteria does not take into consideration the funding challenges communities with artificial drainage systems have.

### **Has this type of legislation been filed previously?**

To the best of our knowledge, this is the first time this type of legislation on artificial drainage systems has been filed.

### **Why is it important that the term “artificial drainage system” be included in the Water Code?**

It is important the Texas Water Development Board (TWDB) recognize that not all the regions in the state have natural topographic relief as it considers funding applications for drainage improvements. Some regions in the state, have natural floodways while others – like the Rio Grande Valley - lack natural floodways. Subsequently, the drainage improvements we make are made on an artificial drainage system.

### **How does the current scoring criteria affect communities with artificial drainage systems?**

The current funding system uses the income level of the community or the county as scoring criteria. In other words, the higher low and moderate income percentage you have, the higher percentage of Flood Infrastructure Fund (FIF) grants you are eligible for and the less in interest rates you will secure in Flood Infrastructure Fund (FIF) loans.

This scoring criteria for communities with artificial drainage systems is a challenging one. Whether drainage improvements are being done in a subdivision with a higher low and moderate income percentage than the rest of the community or the rest of the region, flooding that occurs in a community with an artificial drainage system does not discriminate between these neighborhoods or areas. The floodwater looks for the lowest areas.

Essentially, the more affluent a community with an artificial drainage system becomes, it appears that it becomes harder for that community to secure funding. That community ends up securing a lesser percentage of Flood Infrastructure Fund (FIF) grants and a higher percentage of interest rate from the Flood Infrastructure Fund (FIF) loans.

**What is the primary goal with this legislation?**

We hope to raise awareness on the funding challenges that communities with artificial drainage systems face. In the process, we hope that the Water Code is revised to better address these challenges.

This ultimately is a development issue. As the regions, along the border and the coast, continue to grow, it is imperative that more funding is given to the communities with artificial drainage systems to keep up with this growth. Just as companies and corporations are creating jobs, more subdivisions are also being developed.

## AGENDA ITEM NO.8C

**CONSENT ITEM: Yes**

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**DATE:** April 4,2023

**FROM:** Aaron Villarreal, Lieutenant Mercedes Police Department

**ITEM:** **Approval of Resolution 2023-11 Accepting Operation Stone Garden #3172808**

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**BACKGROUND INFORMATION:** This is a grant-funded opportunity through the Governor's Office of Homeland Security Grants Division that the City Of Mercedes has historically taken advantage of.

The Grant will award \$106,000.00 to sustain interagency law enforcement operations and enhance local law enforcement patrols to facilitate directed actions to deter and interdict criminal activity. Mercedes Police Department will assist in the execution of coordinated border security operations.

Accepting the grant will award funds to the City of Mercedes which will allow the ability to conduct enhanced patrol operations in High Crime areas, and border security which is a key component in our goal to disrupt illegal smuggling operations.

**BOARD REVIEW/CITIZEN FEEDBACK:**

**ALTERNATIVES/OPTIONS:**

**FISCAL IMPACT:**

<b>Proposed Expenditure/(Revenue):</b>	<b>Account Number(s):</b>
\$	

**Finance Review by:**

**LEGAL REVIEW: Martie Vela**

**ATTACHMENTS:**

- 1.
- 2.
- 3.
- 4.

**DRAFT MOTION:**

**RESOLUTION NO. 2023-11**

**WHEREAS**, The City of Mercedes finds it in the best interest of the citizens of Mercedes, that the HS-Homeland Security Grant Program (HSGP) Operation Stonegarden – FY22 be operated from 09/01/2023 to 08/31/2025; and,

**WHEREAS**, The City of Mercedes agrees to provide, if applicable, matching funds for the said project as required by the Office of Governor, Homeland Security Grants Division; and,

**WHEREAS**, The City of Mercedes agrees that in the event of loss or misuse of the Office of the Governor funds, The City of Mercedes, assures that the funds will be returned to the Office of the Governor in full; and,

**WHEREAS**, The City of Mercedes designates the Mercedes City Manager, or their designee, as the grantee’s authorized official. The authorized official is given the power to apply for, accept, reject, alter or terminate the grant on behalf of the applicant agency.

**NOW, THEREFORE, BE IT RESOLVED** that the City of Mercedes approves submission of the grant application for the Operation Stonegarden – FY22 to the Office of the Governor.

Passed and approved on this the 4th Day of April, 2023.

\_\_\_\_\_  
Oscar Montoya, Mayor

ATTEST:

\_\_\_\_\_  
Joselynn Castillo, City Secretary

Grant Number: **3172808**

**Management Items**

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**DATE:** April 4, 2023  
**FROM:** Library Director  
**ITEM:** **Approval of an amnesty period for overdue fines during National Library Week**

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**BACKGROUND INFORMATION:**

The library ran a report using our Integrated Library System to determine the number of lost items as well as overdue fees in our system. The report we ran is from 2007 to mid-March of this year so it covers a period of 16 years. In total we have 3,213 items that were returned late therefore those borrowers accumulated overdue fines. We have lost 1,377 items meaning that those items were never returned by the borrower. This comes to a combined total cost of \$32,633.29.

We would like your approval to waive all overdue fees with the donation of shelf stable food item for either people or animals for every 10 dollars. We also want to accept the return of lost items without assessing any fines. This amnesty period would run from April 24<sup>th</sup>- April 28<sup>th</sup> during National Library Week.

**BOARD REVIEW/CITIZEN FEEDBACK:** Choose an item.

**ALTERNATIVES/OPTIONS:**

**FISCAL IMPACT:**

Proposed Expenditure/(Revenue):	Account Number(s):

**Finance Review by:**

**LEGAL REVIEW:**

**ATTACHMENTS:** The report is 459 pages so we did not attach the item but it is available if needed.

**Staff Recommendation:** Approval of amnesty period.

## Item 9C

### MEMORANDUM OF UNDERSTANDING

Between

DEPARTMENT OF PUBLIC SAFETY OF THE STATE OF TEXAS (DPS)

-and-

MERCEDES POLICE DEPARTMENT (Allied Agency)

#### I. GENERAL AGREEMENT

##### A. Introduction and Statutory Authority

DPS and Allied Agency enter into this Memorandum of Understanding (MOU) in order to maximize the effective utilization of commercial motor vehicle, driver, and cargo inspection resources; to avoid duplication of effort, to expand the number of inspections performed; to advance uniformity of inspections; and to minimize delays in schedules incurred by the industry inherent to this type of enforcement activity.

1. Due to the need for a basic delineation of routine responsibilities for the federal, state, county, and municipal agencies, it is agreed:
  - DPS will inspect vehicles operating over public highways and at carrier terminal facilities.
  - Allied Agencies must, as a routine practice, confine inspection activities to vehicles operating over public highways and city streets in their jurisdictions with the exception of municipal police officers certified under Tex. Transp. Code § 644.101. These certified municipal police officers may conduct vehicle inspections at carrier terminal facilities.
2. The Federal Motor Carrier Safety Administration (FMCSA) has imposed timeliness and accuracy standards on DPS regarding interstate and intrastate motor carrier information. DPS, in turn, has established timeliness and accuracy standards for Allied Agencies engaged in the inspection of commercial motor vehicles (CMV).
3. Allied Agencies and their authorized inspection representatives (Program Coordinators) must implement procedures in accordance with the minimum standards in this MOU.
4. In order to advance uniformity in the inspection of CMV and their operators, Allied Agencies must adopt the Commercial Vehicle Safety Alliance's (CVSA) North American Standard Roadside Inspection Procedures and the North American Standard Out-of-Service Criteria as adopted by DPS under the following:
  - Tex. Transp. Code Ch. 644, located at <http://www.statutes.legis.state.tx.us/>;
  - 37 Tex. Admin. Code Chapter 4, Subchapter B; 37 Tex. Admin. Code Chapter 16, Subchapter A; and 37 Tex. Admin. Code Chapter 21 located at <http://www.sos.texas.gov/tac/index.shtml>;
  - and
  - The most current version of the CMV Enforcement Guidance Documents provided by DPS to the Allied Agencies:

### CVSA Levels of Inspection

- Level 1 North American Standard
- Level II Walk-a-round Inspection
- Level III Driver-Only Inspection
- Level IV Special Inspection
- Level V Vehicle-Only Inspection (Terminal)

The State of Texas has an inspection quality agreement with the FMCSA in its Commercial Vehicle Safety Plan. Inspections found to be non-compliant with this policy may be nullified by the DPS Motor Carrier Bureau (MCB) from the carrier's safety profile and from the inspector's certification record by the authority of the Assistant Division Director of the DPS Texas Highway Patrol (THP) or that person's designee.

If amendments to 37 Tex. Admin. Code Chapter 4, Subchapter B require amending this MOU, DPS will do so within a reasonable period of time. The date of any amendment under this paragraph will not affect the renewal date described in Section IV, unless otherwise indicated by DPS.

## **II. DPS RESPONSIBILITIES**

DPS will:

- A. Train, retrain (as necessary or desirable), test, and certify Allied Agency inspectors as per the agreement between DPS and the CVSA.
- B. Approve inspection forms for all inspections conducted in conformance with this MOU.
- C. Approve vehicle and driver out-of-service stickers.
- D. Supply CVSA decals on a cost-recovery basis to Allied Agencies.
- E. Supply software necessary for the data entry of all inspection information, on a cost recovery basis to Allied Agencies.
- F. Supply Allied Agencies with inspection data, upon request.
- G. Forward challenges of data in inspections or crash reports to Allied Agencies for their inspections.
- H. Conduct random in-person observation of inspections conducted by Allied Agency in order to ensure Allied Agency's inspectors maintain practical proficiency in the program.

## **III. ALLIED AGENCY RESPONSIBILITIES**

### **A. Certification Testing**

Allied Agency must:

1. Enroll its commissioned, full-time officers who have not met the minimum certification requirements for enforcement of Tex. Transp. Code Ch. 644 in training programs required by 37 Tex. Admin. Code § 4.13(b) prior to using these officers as inspectors for commercial vehicle enforcement. Allied Agency must reimburse DPS for costs associated with any training provided by DPS under 37 Tex. Admin. Code § 4.13(b)(5).

2. Implement a program to ensure its officers perform the required number of inspections annually, as specified in 37 Tex. Admin. Code § 4.13(c), and successfully complete the required annual certification training to maintain certification. To further program goals and achieve the highest quality in inspections, Allied Agency must ensure its officers conduct more than the minimum number of inspections required annually to maintain certification and that inspections are evenly distributed throughout the year to maintain enforcement continuity.
3. Immediately suspend from performing CVSA enforcement and inspections, any officer who fails to maintain certification or who fails to perform the required number of inspections following CVSA's North American Standard Uniform Inspection Procedures and the North American Standard Out-of-Service Criteria guidelines.
4. Send a representative to the annual MCSAP meeting held by DPS to ensure familiarity with all updated policies and procedures.

**B. Policies and Guidelines**

Allied Agency must:

1. Conduct inspections only by using CVSA-certified officers.
2. Only conduct inspections on-duty. No inspections may be performed at any time for the specific purpose of benefitting a carrier's safety profile whether on-site or off-site (such as a roadside or at an inspection facility). Compensation for inspections of any kind by other entities (including carriers and carrier employees) is prohibited.
3. Not use inspection as a pretext to search commercial vehicles.
4. Ensure traffic stops performed on a commercial vehicle are made by either a CVSA certified inspector or by a peace officer using probable cause or reasonable suspicion guidelines. An absence of these requisites will be cause for inspection report invalidation and a program participation review.
5. Use the most current forms approved by DPS during the inspection process. Forms and software may not be altered without the prior, written approval of DPS.
6. Ensure that CVSA-certified inspectors have adequate tools and resources to conduct queries into motor carrier registration and operating authority while conducting roadside inspections.
7. Perform Level I, IV, and V inspections requiring undercarriage inspection and brake measurements utilizing an inspection pit or with a referring officer for safety.
8. Perform only Level V terminal inspections on motor coaches for certification purposes except for unusual circumstances (such as post-crash investigations). All other inspections must be conducted roadside. Level I, II, IV and V motor coach inspections must only be performed by Passenger Vehicle Inspection certified inspectors.
9. Forward inspection data electronically to DPS within ten calendar days following the date of inspection for processing and final compliance using the most recent version of reporting software.
10. Forward crash reports involving commercial motor vehicles to Texas Department of Transportation (TxDOT) no later than ten calendar days after the date of the crash investigation.
11. Allow DPS to conduct random in-person observation of inspections conducted by Allied Agency in order to ensure that Allied Agency's inspectors maintain practical proficiency in the program.

12. Not use its certification to enforce federal safety regulations as a primary method to generate program revenue through enforcement penalties, or to enhance criminal interdiction activities.
13. Not allow officers certified to enforce federal safety regulations to participate in secondary employment activities that present a conflict of interest related to their commercial vehicle enforcement duties. This prohibition includes Allied Agency officers trained by DPS that are no longer assigned to commercial vehicle enforcement units but remain employed by the Allied Agency.
14. Require all defects disclosed during the inspection process to be corrected.
15. Adopt the Recommended Out-of-Service Criteria and other defect repair verification procedures as developed by CVSA.
16. Honor CVSA inspection decals affixed to those vehicles by all authorized agencies. CVSA decals will be affixed to vehicles which pass the Level I or V CVSA inspection with no disqualifying violations under the North American Standard Roadside Inspection Procedures and the North American Standard Out-of-Service Criteria.
17. Maintain the official copy of all reports of inspections conducted by its CVSA certified inspectors for the current calendar year, plus two additional years. The official copy may be in paper or retrievable electronic form, and it must bear the signature of the commercial motor vehicles driver involved in the inspection. A copy must be provided to DPS upon DPS's request.
18. Conduct mock inspections and safety presentations as requested by the carrier and as approved by supervisors. Allied Agency may conduct safety presentations that include a mock (walk-around) inspection, but no documented inspection may be performed as part of a walk-around or safety presentation.
19. Note circumstances in the inspection report when more than two citations are issued during an inspection. An important aspect of the MCSAP is consistency in the inspection process and uniform enforcement. While it is recognized that uniform enforcement may include the issuance of a citation by the inspecting officer, it is also recognized that there may be exceptional occasions when the issuance of multiple citations may be warranted.
20. Document all violations (citations and warnings) discovered on the inspection report as violations, including violations of local ordinances. All CMV contacts must be recorded on the inspection report.
21. Investigate and determine whether a correction to data needs to be made when data in an inspection or crash report is challenged. Allied Agency must notify the motor carrier and DPS in writing of the results of the investigation within ten calendar days. If a correction is necessary, the Allied Agency must make the correction and forward the corrected reports to DPS immediately. Retaliatory actions against motor carriers who file data challenges are strictly prohibited
22. Must notify DPS in writing ten calendar days any time an officer's certification status changes (is certified, suspended, or decertified for different types of inspections, or transfers out of the CVSA inspection program). A cumulative list of officers whose status has changed must be sent to DPS by January 31 of each year.
23. Must comply with the annual fiscal requirements mandated by TRC 644.102 in reporting the total amount of fines collected, actual enforcement program expenses and the remittance of mandated funds to the Texas Comptroller of Public Accounts.

**IV. TERMINATION OF CERTIFICATION**

**\*\*\* UNLESS RENEWED, THIS MOU WILL EXPIRE ON AUGUST 1, 2023.\*\*\***

**A. Renewal of this MOU**

To prevent a loss of authority to conduct CVSA inspections, please mail or FAX your renewal request to the Department no more than 60 nor less than 30 days prior to the expiration of this MOU. If the renewal has not been executed by the Allied Agency before the MOU expiration date, certified officers must cease performing all CVSA inspections, until the renewal has been fully executed.

**B. Decertification**

1. DPS may decertify Allied Agency, or individual officers conducting inspections for Allied Agency, for failure to demonstrate practical proficiency in the program during random in-person observations by DPS, or by audits of inspections submitted.
2. DPS may decertify Allied Agency, or individual officers conducting inspections for Allied Agency, for using the certification as a primary method of generating program revenue or enhancing criminal interdiction activities.
3. DPS may decertify Allied Agency, or individual officers conducting inspections for Allied Agency, if officers to engage in secondary employment activities that present a conflict of interest with their commercial vehicle enforcement duties.
4. DPS may decertify Allied Agency, or individual officers conducting inspections for Allied Agency, for failure to comply with the provisions of the MOU, training, officer certification, or data-sharing requirements, including the requirement that Allied Agency reimburse DPS for training expenses and the requirement that Allied Agency forward information and respond to requests in a timely manner, or any other provisions of 37 Tex. Admin. Code §§ 4.13 and 4.14. Reimbursement can be made by check or money order, payable to the Department of Public Safety of the State of Texas.
5. DPS may decertify Allied Agency for failure to comply with the annual fiscal requirements mandated by Tex. Transp. Code § 644.102. Allied Agency must properly report fines collected, actual expenses, and the amount of remittance sent to the State of Texas's Comptroller of Public Accounts.

**C. Termination of Certification**

1. Termination of certification, whether by decertification, request of Allied Agency, or by failure to renew, will result in the inability of Allied Agency, to retain expenses for any enforcement actions taken after the effective date of the termination of certification. All reporting requirements, including the list of officers suspended and no longer certified which is normally due by January 31 of each year, inspection data reports, and crash reports must be provided to DPS immediately upon discontinuation in the certification program.
2. Allied Agency may discontinue certification at any time by notifying DPS Program Coordinator in writing.
3. The CVSA and Federal Motor Carrier Safety Administration require officers to complete a minimum number of inspections annually in order for officers to renew their certifications. The purpose of this requirement is to ensure officers achieve and maintain practical proficiency in inspecting commercial motor vehicles. Therefore, DPS will decertify Allied Agency, or individual officers conducting inspections for Allied Agency, for failure to report any inspections to DPS within a six month period or for failure to evenly space the required number of inspections throughout the year.
4. Any Termination of Certification terminates Allied Agency's authority to enforce federal safety regulations under Texas Transp. Code Ch. 644, and Allied Agency's eligibility for reimbursement of expenses from penalties assessed. DPS will notify the program coordinator for Allied Agency and the Comptroller of Public Accounts in writing of any Termination of Certification.
5. DPS may issue a warning to Allied Agency if Allied Agency fails to conduct any inspections within a three month period. DPS may also issue a warning if Allied Agency fails to comply with MOU requirements in such a way that DPS deems the quality or timeliness of inspection data could be compromised, or certified officers would fail to maintain practical proficiency in the program. Failure to correct the compliance issues within three months, or such other period as DPS may specify, can result in termination of the MOU and decertification of Allied Agency.

**V. PROGRAM COORDINATORS**

The parties' program coordinators are responsible for all communications and contacts *required to manage this MOU*. The parties must provide any updates regarding contact information *within 30 calendar days*. The current program coordinators for this MOU are:

**Allied Agency:**

**Department:**

DEPARTMENT OF PUBLIC SAFETY  
Texas Highway Patrol  
Motor Carrier Bureau

Captain Omar Villarreal  
Manager

\_\_\_\_\_  
Program Coordinator

\_\_\_\_\_  
Program Coordinator

\_\_\_\_\_  
Address

\_\_\_\_\_  
MCB, P.O. Box 4087  
Austin Texas 78773-0522

\_\_\_\_\_  
Address

\_\_\_\_\_  
Voice Phone Number

\_\_\_\_\_  
(512) 424-2053  
Voice Phone Number

\_\_\_\_\_  
Fax Number

\_\_\_\_\_  
(512) 424-5712  
Fax Number

\_\_\_\_\_  
E-mail Address

\_\_\_\_\_  
omar.villarreal@dps.texas.gov  
E-mail Address

**Evidence of Acceptance:**

---

Signature of Authorized Official

---

Political Subdivision

---

Name

---

Title

---

Date

## MEMORANDUM OF UNDERSTANDING

Between

DEPARTMENT OF PUBLIC SAFETY OF THE STATE OF TEXAS (DPS)

and

MERCEDES POLICE DEPARTMENT (ALLIED AGENCY)

### I. General Agreement

In accordance with Texas Transportation Code § 621.402, DPS has established parameters for approved Allied Agencies seeking to enforce Texas Transportation Code Chapter 621, Subchapter F. In order to maximize the uniform enforcement of statute, the parties enter into this Memorandum of Understanding (MOU) regarding training, approved scale use, annual scale re-calibration standards, violation report requirements, and mandated annual reporting.

### II. DPS Responsibilities

In order to better implement and maintain the standards in this MOU, DPS will:

1. Train, retrain (as necessary or desirable), test, and certify the officers of any qualified Allied Agency.
2. Forward any weight enforcement complaints or challenges to the issuing Allied Agency.
3. Supply software necessary for the data entry of all inspection information on a cost recovery basis to Allied Agencies.

DPS may conduct random, in-person observation of weight enforcement inspections conducted by an Allied Agency in order to ensure that Allied Agency's officers are adhering to DPS certification standards.

### III. Allied Agency Responsibilities

#### A. Certification Training

Allied Agency must enroll their commissioned, full-time officers in the 40 hour, Basic CVE course conducted at the direction of the DPS Motor Carrier Bureau. A commissioned officer must obtain 80% or better to become certified as a "weight enforcement officer." After initial certification, mandated re-certification training will take place following each legislative session. Weight enforcement officers must obtain 80% or better to maintain certification. DPS will immediately suspend any officer who fails to re-certify and Allied Agency must prohibit that officer from conducting or assisting with any weight enforcement activities.

Allied Agency may discontinue agency certification at any time by notifying DPS in writing. If a certified officer separates from an Allied Agency, Allied Agency must notify DPS within ten days.

**B. Application of Statute and Allied Agency Requirements**

1. During the course of duty, an Allied Agency weight enforcement officer must adhere to the “reasonable suspicion” requirements in weighing a commercial motor vehicle as inferred by Transportation Code § 621.402. There must be an articulable reason to detain a vehicle prior to utilizing any type of approved scale to determine actual weight. A fixed location signaling all commercial traffic to enter a weight enforcement site is in direct conflict with this mandate.
2. Allied Agency will only conduct weight inspections while an officer is on-duty. Allied Agency may not perform inspections at any time for the specific purpose of benefitting a carrier, whether onsite or offsite (such as a roadside or at a principal place of business). Compensation for weight inspections of any kind is prohibited.

**C. Approved Scales**

Allied Agency must purchase and use scales from the approved Scale List found at the following URL: <http://www.dps.texas.gov/cve/Publications/approvedScaleList.pdf>. Allied Agency must re-calibrate the approved scales during each calendar year by a certified scale technician or vendor. Allied Agency must retain all individual scale calibration records for the current year plus the two previous years. These records are subject to review during contested judicial proceedings or any DPS audit.

**D. Weight Inspection Reports & Upload**

Allied Agency must purchase hardware and software to conduct weight inspections in order to upload the reports to DPS. Allied Agency may only issue DPS authorized weight inspection reports.

**E. Annual Reporting Requirements**

Allied Agency must submit an annual report of its weight enforcement activities for each calendar year to DPS. Allied Agency must send the report to the Motor Carrier Bureau in Austin, Texas by January 31 of each year for the prior year’s enforcement activities. The annual reporting requirements under this Section will survive the termination date of this MOU.

**F. Statutory Financial Reporting and Remittance Requirements**

Allied Agency must comply with Transportation Code § 621.506(g) and report that data to DPS. This includes: (1) sending the required 50 percent share to the State of Texas’s Comptroller of Public Accounts (CPA) if the fine meets the statutory criteria; and (2) only imposing the minimum dollar fine unless the vehicle’s weight was determined by a scale given or approved by DPS. DPS will confirm fiscal standing with CPA before renewing an MOU with Allied Agency.

#### IV. Termination of Certification

**\*\*\* UNLESS RENEWED, THIS MOU WILL EXPIRE ON AUGUST 1, 2023 \*\*\***

To prevent a loss of authority to conduct weight enforcement inspections, please email DPS with your renewal request between the 60th and 30th day prior to the expiration of your current MOU. If the Allied Agency does not sign the renewal and mail it in to DPS before its current MOU expiration date, certified officers must cease performing all weight enforcement activities, until DPS receives the new fully executed MOU.

DPS may issue a warning to Allied Agency if Allied Agency fails to comply with MOU requirements in such a way that DPS deems that the weight enforcement action being taken is contrary to established training and statute. Failure to immediately correct any compliance issue or comply with the required remittance of assessed fines to the Comptroller of Public Accounts may result in the termination of the established MOU and the decertification of Allied Agency.

#### V. Program Coordinators and Signatory Acceptance

Allied Agency's weight enforcement coordinators are responsible for all communications and contacts required to manage this MOU. The coordinators must provide any updates regarding contact information within 30 calendar days.

**DPS Program Coordinator:**

Captain Omar Villarreal  
THP Motor Carrier Bureau  
P.O. Box 4087  
Austin, Texas 78773-0522  
Phone: (512) 424-2053  
Fax: (512) 424-5712  
[Omar.Villarreal@dps.texas.gov](mailto:Omar.Villarreal@dps.texas.gov)

Allied Agency Program Coordinator

*Insert name and title here.*

*Insert address*

*Insert phone, fax, and email*

Allied Agency Authorized Representative

*Insert name and title here*

Signature of Authorized Representative

Date: