On this the 22nd day of February, 2022, at 10:00 A.M. came on to be held a REGULAR meeting of the Ector County Commissioners' Court in the Commissioners' Courtroom, Ector County Administration Building Annex, 1010 E. 8th St., Odessa, Texas with the following members present:

Debi Hays, County Judge Mike Gardner, Commissioner Precinct #1 Greg Simmons, Commissioner Precinct #2 Don Stringer, Commissioner Precinct #3 Armando Rodriguez, Commissioner Precinct #4 Minutes taken by Jennifer Martin, County Clerk

when the following proceedings were had to-wit:

County Judge Debi Hays called the meeting to order at 10:04 A. M. with a quorum of the court present. The invocation was led by Commissioner Stringer. Commissioner Rodriguez led the pledge of allegiance to the United States flag and the pledge of allegiance to the Texas flag.

SPECIAL PRESENTATIONS/REQUESTS/RESOLUTIONS

To consider, discuss, and take any necessary action to allow Fix West Texas to utilize the Coliseum parking lot on the west side of the Playhouse to hold a low cost vaccination clinic on Saturday, March 5, 2022 from 1:00 p.m. – 3:00 p.m. and authorize the County Judge to sign. Commissioners Court

Commissioner Stringer made a motion to allow Fix West Texas to utilize the Coliseum parking lot on the west side of the Playhouse to hold a low cost vaccination clinic on Saturday, March 5, 2022 from 1:00 p.m. -3:00 p.m. and authorize the County Judge to sign; a second was made by Commissioner Simmons.

MOTION PASSED. 5-0

Voting for Motion:

- ✓ Judge Hays
- ✓ Commissioner Gardner ✓ Commissioner Stringer
- ✓ Commissioner Simmons ✓ Commissioner Rodriguez
- To consider, discuss, and take any necessary action regarding the verbal resignation of Monnie Sparkman that was presented at the Ector County/ Odessa Schlemeyer Airport meeting held on January 26, 2022 and to appoint David Dunham to the Ector County/Odessa Schlemeyer Airport Advisory Board.
 Armando S. Rodríguez – Commissioner Pct. 4

A motion was made by Commissioner Rodriguez to approve the verbal resignation of Monnie Sparkman that was presented at the Ector County/ Odessa Schlemeyer Airport meeting held on January 26, 2022 and to appoint David Dunham to the Ector County/Odessa Schlemeyer Airport Advisory Board; Commissioner Gardner seconded the motion. **MOTION PASSED. 5-0**

Voting for Motion:

- ✓ Judge Hays
- \checkmark Commissioner Gardner \checkmark Commissioner Stringer
- ✓ Commissioner Simmons ✓ Commissioner Rodriguez
- To consider, discuss, and take any necessary action in adopting amendments to the Ector County Game Room Ordinance for Ector County, Texas and any related matters to this agenda item and authorize the County Judge to sign. Lee McClendon – County Attorney

Lee McClendon addressed the court to go over the amendments made to the Ector County Game Room Ordinance.

Commissioner Stringer made a motion to adopt the presented amendments to the Ector County Game Room Ordinance for Ector County, Texas and authorize the County Judge to sign; a second was made by Commissioner Gardner. **MOTION PASSED. 5-0**

Voting for Motion:

✓ Judge Hays

✓ Commissioner Gardner

✓ Commissioner Simmons

✓ Commissioner Stringer ✓ Commissioner Rodriguez

4. To accept a \$1,500 donation from Basin Abstract & Title for the Ector County Sheriff's Office. Mike Griffis – Sheriff

A motion was made by Commissioner Simmons to accept a \$1,500 donation from Basin Abstract & Title for the Ector County Sheriff's Office; Commissioner Stringer seconded the motion. **MOTION PASSED. 5-0** Voting for Motion:

✓ Judge Hays

- $\checkmark Commissioner Gardner \qquad \qquad \checkmark Commissioner Stringer$
- ✓ Commissioner Simmons ✓ Commissioner Rodriguez
- To consider, discuss and take any necessary action regarding the purchase of an armored vehicle for the Ector County Sheriff's Office utilizing seized and donated funds and authorize the County Judge to sign.
 Mile Criffic Sheriff

Mike Griffis – Sheriff

Commissioner Stringer made a motion to approve the purchase of an armored vehicle for the Ector County Sheriff's Office utilizing seized and donated funds and authorize the County Judge to sign; a second was made by Commissioner Gardner. **MOTION PASSED. 5-0**

Voting for Motion:

- ✓ Judge Hays
- $\checkmark Commissioner Gardner \qquad \qquad \checkmark Commissioner Stringer$
- $\underline{\checkmark} Commissioner Simmons \qquad \underline{\checkmark} Commissioner Rodriguez$
- To receive the fiscal year 2021 annual audit report of the Ector County Jail Commissary Account in accordance with Local Government Code Section 351.0415(d). Randy Donner – County Auditor

A motion was made by Commissioner Simmons to accept the fiscal year 2021 annual audit report of the Ector County Jail Commissary Account in accordance with Local Government Code Section 351.0415(d); Commissioner Gardner seconded the motion. **MOTION PASSED. 5-0**

Voting for Motion:

✓ Judge Hays

- ✓ Commissioner Gardner ✓ Commissioner Simmons
- ✓ Commissioner Stringer ✓ Commissioner Rodriguez
- To consider approval of the January 1, 2021 thru December 1, 2021 Annual List of Gifts and Memorial to the Ector County Library in the amount of \$30,769.33. Cleopatra Callaway – County Treasurer

Commissioner Simmons made a motion to approve the January 1, 2021 thru December 1, 2021 Annual List of Gifts and Memorial to the Ector County Library in the amount of \$30,769.33; a second was made by Commissioner Gardner. **MOTION PASSED. 5-0**

Voting for Motion:

✓ Judge Hays

 \checkmark Commissioner Gardner \checkmark Commissioner Stringer

- ✓ Commissioner Simmons ✓ Commissioner Rodriguez
- To consider, discuss, and take any necessary action to approve repairing a damaged fence and gate due to the expansion of Cottonwood Road in Gardendale, Ector County, Texas (Precinct 2) and authorize the County Judge to sign. Greg Simmons – Commissioner Pct. 2

ITEM WITHDRAWN

9. To receive an update and status report regarding the Ector County/Odessa Schlemeyer Airport. Commissioners Court

Winston Kenworthy addressed the court with an update on the Ector County/Odessa Schlemeyer Airport.

NO ACTION WAS TAKEN ON THIS ITEM

 To consider, discuss, and take any necessary action regarding assigning 11 parking spots for the Ector County Health Department Staff.
 Brandy Garcia – Health Department

A motion was made by Commissioner Simmons to approve assignment of 11 parking spots for the Ector County Health Department staff; Commissioner Stringer seconded the motion. **MOTION PASSED. 5-0** Voting for Motion:

- ✓ Judge Hays
- ✓ Commissioner Gardner ✓ Commissioner Stringer
- ✓ Commissioner Simmons ✓ Commissioner Rodriguez
- To consider, discuss, and take any necessary action regarding developing cemetery plots on Dona Rabb Addition Lot 23, Block 2, Ector County, Texas (Precinct 4) and authorize the County Judge to sign.
 Armando S. Rodríguez – Commissioner Pct. 4

John Landgraf of Landgraf Crutcher and Associates addressed the court to explain that should the land be used to create additional cemetery plots, a public meeting would be required and no re-zoning would have to take place.

Billy Cleaver, 417 Washington, Odessa, TX addressed the court in support of converting the already owned property into additional cemetery plots explaining that plots at other local cemeteries are priced too high.

Commissioner Rodriguez made a motion to table the agenda item; a second was made by Commissioner Stringer. **MOTION PASSED. 5-0**

Voting for Motion:

✓ Judge Hays

✓ Commissioner Gardner

✓ Commissioner Simmons

✓ Commissioner Stringer

✓ Commissioner Rodriguez

12. To consider, discuss, and take any necessary action to approve the Joint Election Resolution for the Constitutional Amendments and the Ector County ISD Bond Election to be held jointly on May 7, 2022 and authorize the County Judge and County Commissioners to sign. Lisa Sertuche – Elections

A motion was made by Commissioner Gardner to approve the Joint Election Resolution for the Constitutional Amendments and the Ector County ISD Bond Election to be held jointly on May 7, 2022 and authorize the County Judge and County Commissioners to sign; Commissioner Simmons seconded the motion.

MOTION PASSED. 5-0

- Voting for Motion:
- ✓ Judge Hays
- $\checkmark Commissioner Gardner \qquad \checkmark Commissioner Stringer$
- ✓ Commissioner Simmons ✓ Commissioner Rodriguez
- 13. To consider, discuss, and take any necessary action to approve the Notice of Joint Constitutional Amendments and the Ector County ISD Bond Election, Early Voting Schedule, Election Day Voting Centers, and Early Voting Clerks and authorize the County Judge to sign. Lisa Sertuche - Elections

Commissioner Gardner made a motion to approve the Notice of Joint Constitutional Amendments and the Ector County ISD Bond Election, Early Voting Schedule, Election Day Voting Centers, and Early Voting Clerks and authorize the County Judge to sign; a second was made by Commissioner Simmons.

MOTION PASSED. 5-0

Voting for Motion: ✓ Judge Hays

✓ Commissioner Gardner ✓ Commissioner Simmons ✓ Commissioner Stringer ✓ Commissioner Rodriguez

AWARD OF BIDS/PROPOSALS

14. To award, reject, or take any other actions regarding the request for proposal for Grant Administrator for the American Rescue Plan Act (RFP #21-11-02-01) and authorize the County Judge to sign all documents associated with the agenda item Lucy Soto – Purchasing Randy Donner – County Auditor

Judge Hays explained that this item was placed on the agenda again due to the last approval being invalid because motions/votes via telephone were no longer legal. Motions/votes via telephone were temporarily acceptable by state guidelines due to COVID-19 policy updates but that the temporary policy had expired.

A motion was made by Commissioner Simmons to approve the request for proposal for Grant Administrator for the American Rescue Plan Act (RFP #21-11-02-01) and authorize the County Judge to sign all documents associated with the agenda item; Commissioner Rodriguez seconded the motion. **MOTION PASSED. 5-0** Voting for Motion:

- ✓ Judge Hays
- ✓ Commissioner Gardner✓ Commissioner Stringer✓ Commissioner Simmons✓ Commissioner Rodriguez
- 15. To consider, discuss, award, reject or take any other necessary action regarding the award on the West Apple Street Road Project and authorize the County Jude to sign. Lucy Soto – Purchasing Steven Davis – Public Works

Commissioner Simmons made a motion to approve the award on the West Apple Street Road Project and authorize the County Jude to sign; a second was made by Commissioner Gardner. MOTION PASSED. 5-0 Voting for Motion:

- ✓ Judge Hays
- ✓ Commissioner Gardner
- ✓ Commissioner Simmons

✓ Commissioner Stringer

✓ Commissioner Rodriguez

16. To consider, discuss, award, reject or take any necessary action regarding the following bid for the Cottonwood Road, Phase II Project and authorize the County Judge to sign. Lucy Soto – Purchasing Steven Davis – Public Works

A motion was made by Commissioner Simmons to approve the following bid for the Cottonwood Road, Phase II Project and authorize the County Judge to sign; Commissioner Stringer seconded the motion.

MOTION PASSED. 5-0

Voting for Motion:

✓ Judge Hays

✓ Commissioner Gardner ✓ Commissioner Stringer

- ✓ Commissioner Rodriguez ✓ Commissioner Simmons
- To consider, discuss, approve, reject, or modify bid specifications on the following: a.) Liquid Asphalt 17. Emulsion; b.) Asphalt Patching Material; c.) Graded Base Material; d.) Seal Coat Aggregate; e.) Water and authorize the County Judge and other County Officials to sign. Lucy Soto – Purchasing Steven Davis – Public Works

Commissioner Gardner made a motion to approve bid specifications on the following: a.) Liquid Asphalt Emulsion; b.) Asphalt Patching Material; c.) Graded Base Material; d.) Seal Coat Aggregate; e.) Water and authorize the County Judge and other County Officials to sign; a second was made by Commissioner Simmons. MOTION PASSED. 5-0

Voting for Motion:

✓ Judge Hays

- ✓ Commissioner Gardner ✓ Commissioner Stringer
- ✓ Commissioner Simmons ✓ Commissioner Rodriguez

CONTRACT/AGREEMENTS/GRANTS

18. To consider, discuss, and take any necessary action to approve a fuel flowage fee per gallon increase to .19 cents per the Commercial Lease Agreement between Ector County and Wildcatter Aviation, LLC and authorize the County Judge to sign all documents associated with this agenda item. Don Stringer - Commissioner Pct. 3

A motion was made by Commissioner Stringer to approve a fuel flowage fee per gallon increase to .19 cents per the Commercial Lease Agreement between Ector County and Texas Aero and authorize the County Judge to sign all documents associated with this agenda item; Commissioner Gardner seconded the motion.

MOTION PASSED. 5-0

Voting for Motion:

- ✓ Judge Hays
- ✓ Commissioner Gardner
- ✓ Commissioner Simmons
- ✓ Commissioner Stringer
- ✓ Commissioner Rodriguez

19. To consider, discuss, and take any necessary action regarding Amendment #1 to the Food Service Partnership Agreement for the Senior Centers, and authorize the County Judge to sign. Lucy Soto – Purchasing Donna Greaves - Senior Center

Commissioner Gardner made a motion to approve Amendment #1 to the Food Service Partnership Agreement for the Senior Centers, and authorize the County Judge to sign; a second was made by Commissioner Rodriguez. MOTION PASSED. 5-0

Voting for Motion:

✓ Judge Hays

- ✓ Commissioner Gardner ✓ Commissioner Stringer
- ✓ Commissioner Simmons ✓ Commissioner Rodriguez
- 20. To consider, discuss, and take any necessary action regarding Change Order #6 for Cottonwood Road Improvements PO #38097 and authorize the County Judge to sign. Lucy Soto – Purchasing Steven Davis – Public Works

A motion was made by Commissioner Simmons to approve Change Order #6 for Cottonwood Road Improvements PO #38097 and authorize the County Judge to sign; Commissioner Gardner seconded the motion. MOTION PASSED. 5-0

Voting for Motion:

✓ Judge Hays

- ✓ Commissioner Stringer ✓ Commissioner Gardner ✓ Commissioner Simmons ✓ Commissioner Rodriguez
- 21. To consider, discuss, and take any necessary action regarding a letter to request consent from Ector
- County to assign the contract to Maverick Permian LLC or its affiliate and authorize the County Judge to sign.

Lee McClendon – County Attorney

Commissioner Gardner made a motion to approve a request for consent from Ector County to assign the contract to Maverick Permian LLC or its affiliate and authorize the County Judge to sign; a second was made by Commissioner Simmons. MOTION PASSED. 5-0

Voting for Motion:

 \checkmark Judge Hays

- ✓ Commissioner Gardner
- ✓ Commissioner Stringer ✓ Commissioner Simmons ✓ Commissioner Rodriguez
- 22. To consider, discuss, and take any necessary action regarding a subscription account for Westlaw West Proflex online legal research system and related legal research products for the District Attorney's Office and authorize the County Judge to sign. Dusty Gallivan – District Attorney

A motion was made by Commissioner Gardner to approve a subscription account for Westlaw West Proflex online legal research system and related legal research products for the District Attorney's Office and authorize the County Judge to sign; Commissioner Simmons seconded the motion. MOTION PASSED. 5-0 Voting for Motion:

✓ Judge Hays

- ✓ Commissioner Gardner
- ✓ Commissioner Simmons
- ✓ Commissioner Stringer
- ✓ Commissioner Rodriguez

PERSONNEL REQUEST

23. To consider, discuss, and take any necessary action regarding recommendations made by the Reclassification Committee. Pat Patton – Human Resources

Patricia Patton, Human Resources Director addressed the court to present the recommendations made by the Salary Committee.

Commissioner Gardner made a motion to approve the recommendations as presented and to appoint a Law Enforcement Salary Committee consisting of the following members: Captain Tony Bass, Sheriff – Lt. James McKinney, Jail - Shawn Callendar, Post Sentence Monitoring - Kevin Mann, Juvenile Probation - Rickey George, Environmental Enforcement - Roland Cobos, District Attorney - Randy Donner, Auditor - Patricia Patton, Human Resources – Greg Simmons, Commissioner, Pct. #2; a second was made by Judge Hays. **MOTION PASSED. 5-0**

Voting for Motion:

✓ Judge Hays

- ✓ Commissioner Gardner
 - ✓ Commissioner Stringer
- ✓ Commissioner Simmons ✓ Commissioner Rodriguez
- To consider, discuss, and take any necessary action to review and change the job description for the 24. Public Works Director and Assistant Director to remove the CDL requirement for both positions and authorize the County Judge to sign. Steven Davis – Public Works

A motion was made by Commissioner Gardner to change the job description for the Public Works Director and Assistant Director to make the CDL requirement optional for both positions and authorize the County Judge to sign; Commissioner Simmons seconded the motion. MOTION PASSED. 4-1

Voting for Motion:

- ✓ Judge Hays
- ✓ Commissioner Gardner
- ✓ Commissioner Stringer
- ✓ Commissioner Simmons
- Voting Against Motion:
- ✓ Commissioner Rodriguez

PUBLIC WORKS

25. To consider, discuss, and take any necessary action on a Replat of Lot 6, Block 29, Pleasant Farms Subdivision Third Filing a subdivision of Ector County, Texas (Precinct 4) and authorize the County Judge to sign.

Steven Davis – Public Works

Commissioner Simmons made a motion to approve a Replat of Lot 6, Block 29, Pleasant Farms Subdivision Third Filing a subdivision of Ector County, Texas (Precinct 4) and authorize the County Judge to sign; a second was made by Commissioner Gardner. MOTION PASSED. 5-0

Voting for Motion:

- ✓ Judge Hays
- ✓ Commissioner Gardner ✓ Commissioner Stringer
- ✓ Commissioner Simmons
- ✓ Commissioner Rodriguez

BUDGET/FINANCIAL

 26. To consider, discuss, approve, reject and take any necessary action regarding the Ector County Investment Report for the quarter ending December 31, 2021.
 Randy Donner – County Auditor Cleopatra Callaway – County Treasurer

A motion was made by Commissioner Simmons to approve the Ector County Investment Report for the quarter ending December 31, 2021; Commissioner Gardner seconded the motion. **MOTION PASSED. 5-0** Voting for Motion:

- ✓ Judge Hays
- ✓ Commissioner Gardner ✓ Commissioner Stringer
- \checkmark Commissioner Simmons \checkmark Commissioner Rodriguez
- To consider, discuss, and approve a budget amendment to Elections Fund, HAVA, Special Department Equipment, 004-981-5506 for \$19,812, to HAVA Grant, 004-4058 for \$16,509 from Unreserved Fund Balance, 004-3310 for \$3,303.
 Randy Donner County Auditor

Commissioner Stringer made a motion to approve a budget amendment to Elections Fund, HAVA, Special Department Equipment, 004-981-5506 for \$19,812, to HAVA Grant, 004-4058 for \$16,509 from Unreserved Fund Balance, 004-3310 for \$3,303; a second was made by Commissioner Simmons.

MOTION PASSED. 5-0

Voting for Motion:

- ✓ Judge Hays
- ✓ Commissioner Gardner
- ✓ Commissioner Simmons
- ✓ Commissioner Stringer ✓ Commissioner Rodriguez
- To consider and approve the Accounts Payable Fund Requirements Report for February 22, 2022 to review County financial statements and reports. Randy Donner - County Auditor

A motion was made by Commissioner Simmons to approve the Accounts Payable Fund Requirements Report for February 22, 2022 to review County financial statements and reports; Commissioner Gardner seconded the motion. **MOTION PASSED. 5-0**

- Voting for Motion:
- ✓ Judge Hays
- \checkmark Commissioner Gardner
- ✓ Commissioner Simmons

✓ Commissioner Stringer ✓ Commissioner Rodriguez

Dustin Fawcett addressed the court to address his concerns regarding agenda item #14 (American Rescue Plan Act). Mr. Fawcett explained that he was concerned about the lack of public involvement regarding the distribution of the funds stating that several counties had been holding public forums and had already distributed some of the funds to other agencies. Mr. Fawcett also asked the following questions:

- 1) Is there a publicly available plan for the funds?
- 2) Is there a publicly available form for qualified non-profits to submit requests?
- 3) Has there been any use of the funds other than filling in holes in the county budget?
- 4) Will there be public meetings in the future? Mr. Fawcett stated that he felt like public meetings would help better determine the needs with regard to water in West Odessa, Broadband across Ector County, etc.
- 5) Has there been any follow up for the requests that have already been made?

Commissioner Gardner stated that most of what Mr. Fawcett was asking had nothing to do with the motion made for item #14. He did explain that the company that was hired would not tell the Court who to distribute the money to rather, they would make certain that all of the guidelines and qualifications are met.

Judge Hays provided the following press release in response to Mr. Fawcett's questions:

PRESS RELEASE FEBRUARY 21, 2022

As the county moves forward in uses for the ARPA funds the first priority are the needs in the county. The residence in Gardendale, West, and South Odessa need water and sewer. The County does not want to be in the utility business but can definitely accelerate the time frame by allocating some of the ARPA funds to ECUD. Another area that has the interest of the commissioners court are fire stations in all three areas of the county. This would help homeowners lower their insurance premiums as well as saving lives. Abandoned properties in the county need to be cleaned up, this will help in the transmitting of diseases, snakes, rodents, and drug paraphernalia. The ARPA funds are designed to help in infrastructure and that is where the county will start first. GrantWorks will not be deciding who gets a allocation from the county funds they will only be used by the county to navigate the purchasing, contracts, and accounting on a as needed basis.

Commissioner Stringer made a motion to adjourn into Executive Session; a second was made by Commissioner Rodriguez. MOTION PASSED. 5-0

Voting for Motion:

- ✓ Judge Hays
- ✓ Commissioner Gardner ✓ Commissioner Simmons ✓ Commissioner Stringer
- ✓ Commissioner Rodriguez

A motion was made by Commissioner Stringer to reconvene with a second by Commissioner Simmons. **MOTION PASSED. 5-0**

Voting for Motion:

✓ Judge Hays

✓ Commissioner Gardner	✓ Commissioner Stringer
✓ Commissioner Simmons	✓ Commissioner Rodriguez

EXECUTIVE SESSION

29. To consider and discuss legal matters pursuant to Title 5, Chapter 551, Section 551.071, Texas Government Code. Debi Hays - County Judge

Commissioner Simmons made a motion to accept the three legal settlements as presented by counsel; a second was made by Commissioner Rodriguez. MOTION PASSED. 5-0 Voting for Motion:

- ✓ Judge Hays
- ✓ Commissioner Gardner ✓ Commissioner Stringer
- ✓ Commissioner Simmons ✓ Commissioner Rodriguez
- 30. To consider and discuss legal matters (Opioid Settlement Update) pursuant to Title 5, Chapter 551, Section 551.071, Texas Government Code. Debi Hays - County Judge

NO ACTION WAS TAKEN ON THIS ITEM

To consider and discuss real estate issues/transactions pursuant to Title 5, Chapter 551, Section 551.072, Texas Government Code.
 Debi Hays - County Judge

NO ACTION WAS TAKEN ON THIS ITEM

32. To consider and discuss personnel matters pursuant to Title 5, Chapter 551, Section 551.074, Texas Government Code.
 Debi Hays - County Judge

NO ACTION WAS TAKEN ON THIS ITEM

12:45 P.M.

With no further business to discuss, Commissioner Gardner made a motion with a second by Commissioner Simmons to adjourn to the call of the chair. **MOTION PASSED. 5-0**

THE STATE OF TEXAS

COUNTY OF ECTOR

I, Jennifer Martin, County Clerk, do hereby attest to the accuracy of the Commissioners Court Proceedings for the Regular Commissioners' Court meeting of February 22, 2022.



JENNIFER MARTIN, COUNTY CLERK ECTOR COUNTY, TEXAS