

THE STATE OF TEXAS

COUNTY OF TERRELL

Terrell County Commissioners Court Special Session
Minutes of March 21, 2022

A quorum of the Terrell County Commissioners Court convened in special session on Monday, March 21, 2022 at 10:00 a.m. in the commissioners courtroom of the Terrell County courthouse, 105 Hackberry Street, Sanderson, Texas. Notices of this meeting were timely posted for at least seventy-two hours preceding the scheduled time of this session.

1.- Call to Order/Invocation -The Hon. Dale Carruthers, Terrell County Judge, called this meeting to order at 10:00 a.m. Commissioner Serna gave the Invocation.

The following members of this Court were present.

Hon. Adam Johnson	Commissioner Pct. 1 (via remote access/Zoom)
Hon. Arnulfo Serna	Commissioner Pct. 3
Hon. Heather Gully	Commissioner Pct. 4

Hon. Mike Sanchez, Commissioner Pct. 2 was absent from this meeting. Other county officials and appointees of this county included:

Hon. Rebecca Luevano	County Treasurer
Hon. Joe Juarez	Interim Sheriff
Hon. Ken Bellah	County Attorney (via remote access/Zoom)
Martha Allen	Interim Clerk

2.-The Pledge of Allegiance and Pledge to the Texas Flag were recited, followed by the general order of business, in accordance with the Court's Agenda.

3.-Esser & Company presented a symbolic check to the Terrell County Commissioners Court in the amount of \$1,000,000 representing a grant from the TxCDBG Colonia Fund Construction Contract CFC21-0464 award for water improvement to Terrell County Water Control and Improvement District No. 1. Mr. Esser informed that this is a two-year project funded by a Colonia Construction Grant for water system new improvements and upgrades, such as a new water well, booster pump, storage tank, and related appurtenances.

4.- Discuss and take action on direct deposit form to establish a new bank account for the Terrell County CFC21-0464 \$1,000,000 Contract Award. Mr. Esser explained that a direct deposit form is necessary for deposit of federal funds. All invoices for construction and professional services will be presented to the Commissioners Court for approval. Authorized county signators will submit a

request for payment to the Texas Department of Agriculture and funds will be directly deposited by the Texas State Comptroller into the county's grant project account. The county will be required to disburse payment(s) within five days of the direct deposit is posted, and failure to fulfill this requirement may result in a fine against the county. Two signatures are required on this account and the county may chose two and one alternate signator.

Motion made by Commissioner Serna to execute Direct Deposit Form establishing a new bank account for the **Terrell County CFC21-0464 \$1,000,000.00 Contract Award** and to authorize Hon. Rebecca Luevano, County Treasurer; Hon. Raeline Thompson, County Clerk and the Hon. Dale Carruthers, County Judge as signators on this account. Motion seconded by Commissioner Gully. Motion carried 4-0. IT IS SO ORDERED BY THE COURT.

This account will open with an initial deposit of \$20,000.00 representing the cash match from Terrell County WC&ID #1 for this project.

5.- Discuss and take action on Professional Engineering Contract from Burgess & Niple, Inc. for Engineering Services for the Terrell County TxCDBG CFC 21-0464 Contract and to authorize the County Judge to sign. The total cost of this service is \$105,000 with \$85,000 being paid by this grant and \$20,000 as the cash match contribution from Terrell County WC&ID#1. This cash match must be disbursed first, as the first phase of the engineering project is invoiced.

Motion made by Commissioner Serna to authorize the County Judge to execute the Professional Services Agreement with Burgess & Niple for Engineering Services for the Terrell County TxCDBG CFC 21-0464 project. Motion seconded by Commissioner Gully. Motion carried 4-0. IT IS SO ORDERED BY THE COURT. (A copy of this contract is attached hereto and made a part hereof)

6.- Discuss and take action on Professional Administration Services Contract from Esser & Company Consulting LLC for Grant Administration Services for the Terrell County TxCDBG CFC 21-0464 contract and authorize the County Judge to sign.

Motion made by Commissioner Serna to authorize the County Judge to execute contract for Professional Administration Services with Esser & Company Consulting LLC for Grant Administration Services for the Terrell County TxCDBG CFC 21-0464. Motion seconded by Commissioner Johnson. Motion carried 4-0. IT IS SO ORDERED BY THE COURT. (A copy of this contract is attached hereto and made a part hereof)

7.- Discuss and take action on Civil Rights Resolution and Compliance Attachments for the Terrell County TxCDBG CFC 21-0464 Contract and authorize the County Judge to sign. The following attachments to the resolution were presented and discussed by Mr. Esser: (1) Citizen Participation Plan and Grievance Procedures (Form A1013); (2) Excessive Force Policy (Form A1003); (3) Fair Housing Policy (Form A1015); (4) Section 504 Policy and Grievance Procedures (Form A1004); and (5) Code of Conduct Policy (Form A1002). Terrell County is also required to conduct project-specific analysis and take appropriate action to comply with the following requirements:

(6) Section 3 economic opportunity; (7) Limited English Proficiency; and (8) Activity to affirmatively Furth Fair Housing choice.

Motion made by Commissioner Serna to pass the Civil Rights Resolution and Compliance Attachments for the Terrell County TxCDBG CFC 21-064 Contract and authorize the County Judge to execute document(s). Motion seconded by Commissioner Gully. Motion carried 4-0. IT IS SO ORDERED BY THE COURT. (A copy of this Resolution with Compliance Attachments is appended hereto and made a part hereof)

8.- Discuss and take action on Form 1024 presentation of Texas Department of Agriculture Form 1024 Section 3 Goals and Concepts as required by the TxCDBG Terrell County CFC 2021-0464 Water Improvements for the TCWC&ID#1. In his presentation, Mr. Esser explained that the grant project for these water improvements in general will benefit low to moderate income families. This grant is funded through the Community Development Block Grant, via the US Department of Housing and Urban Development and the Texas Department of Agriculture. Terrell County has to comply with Section 3 of the Housing and Urban Development Act of 1968.

Persons qualify as Section 3 workers if their annual income is below the county threshold for the family size, and if a person is a current or recent Youthbild participant. Section 3 Workers that live near the project location may also qualify as Targeted Section 3 Workers and a Sanderson Section 3 Area map was provided. This map, which has a base population of 5000, includes adjacent counties such as Crockett, Brewster and Pecos.

Motion made by Commissioner Serna to acknowledge the Form 1024 presentation given by Mr. Esser. Motion seconded by Commissioner Gully. Motion carried 4-0. IT IS SO ORDERED BY THE COURT. (A copy of this presentation is attached hereto and made a part hereof)

9.- Discuss and take action on Consultation Letters to Indian Tribes requesting Section 106 Environmental Clearance for Terrell County CFC 21-0464 Project. This letter is addressed to the Comanche Nation of Oklahoma referencing the grant award and its source as well as the projected activities for the construction of these improvements and asks for review of the project sites that could impact findings of historical value. Other Tribes to contact include: Apache National Tribes, Wichita Tribes of Oklahoma and Tonkawa Tribes of Oklahoma.

Motion made by Commissioner Gully to authorize Consultation Letters to Indian Tribes requesting Section 106 Environmental Clearance for Terrell County CFC 21-0464 Project. Motion seconded by Commissioner Serna. Motion carried 4-0. IT IS SO ORDERED BY THE COURT. (Copy of letter to Comanche Nation of Oklahoma is attached hereto and made a part hereof)

10.- Discussion on Scoring Results for TDHCA Community Resilience Program Grant Applications - Public Service Activity- Emergency Medical Service Vehicle for Terrell County EMS and Terrell County Senior Citizen Center. Mr. Esser informed that the grant request for the ambulance vehicle

came in third (3rd) place state wide. The grant award is estimated at \$351,000. The Senior Citizen Center request placed thirty-third (33rd) and did not qualify. According to Mr. Esser, the ambulance contract should be ready by May 2022 and there are no matching funds required.

11.- Discussion on correspondence from the Texas Department of Agriculture regarding the Terrell County 2021/2022 Community Development Program Application for Elevator Improvements to Courthouse. Mr. Esser informed that TDA disqualified the application for elevator improvements due to the limited clientele ages 60 or older and 51% of the beneficiaries must be low to moderate income, and because the use of beneficiaries data must be approved prior the submission of application. Terrell County placed 4th with the Permian Basin Counsel of Governments and received 193 points out of 200.

12.- Discuss and take action on requesting proposals for Grant Writing/Application Preparation, Grant Administration for 2023-2024 Tx CDBG Community Development Funds. The Court agreed that it would be advantageous to start soliciting proposals from pre-approved grant writing firms for the new grant cycle.

Motion made by Commissioner Gully to request proposals for grant writing/application preparation, grant administration for the 2023-2024 Tx CDBG Community Development Funds. Motion seconded by Commissioner Serna. Motion carried 4-0. IT IS SO ORDERED BY THE COURT.

13.- Discuss and take action on requesting proposals for Grant Writing/Application Preparation, Grant Administration for 2022 Tx CDBG Colonia Construction Fund. This application would be to request additional funding for the installation of electronic water meters.

Motion made by Commissioner Serna to request proposals for grant writing/application preparation/grant administration for 2022 Tx CDBG Colonia Construction Fund. Motion seconded by Commissioner Gully. Motion passed 4-0. IT IS SO ORDERED BY THE COURT.

14.- Discuss and take action on requesting proposals for Professional Engineering Services for 2022 Tx CDBG Colonia Construction Fund.

Motion made by Commissioner Serna to request proposals for Professional Engineering Services for 2022 Tx CDBG Colonia Construction Fund. Motion seconded by Commissioner Gully. Motion carried 4-0. IT IS SO ORDERED BY THE COURT.

15.- Discuss and take action on requesting proposals for Grant Writing/Application Preparation, Grant Administration for 2022 FAST (Fire Ambulance Service Truck) Fund.

Motion made by Commissioner Serna to request proposals for grant writing/application preparation, grant administration for 2022 FAST fund. Motion seconded by Commissioner Gully. Motion carried 4-0. IT IS SO ORDERED BY THE COURT.

16.- Discuss and take action on scheduling public hearing for all TxCDBG grant applications for program year 2022.

Motion made by Commissioner Serna to hold a public hearing for this purpose on March 31, 2022 at 5:05 P.M. in the Commissioners Courtroom in the Terrell County Courthouse 105 Hackberry St., Sanderson, Texas. Motion seconded by Commissioner Gully. Motion carried 4-0. IT IS SO ORDERED BY THE COURT.

17.- Discuss and take action on renewal of the Big Bend Telephone contract that was previously tabled. No action was taken.

18.- Discuss and take action on selecting a roofing company from the bids received, and was previously tabled. The County Judge informed that the application of elastomeric coatings is covered by insurance through the Texas Association of Counties. The TAC Risk Management Pool offers assistance in an advisory capacity. They have recommended the county to also look into the warranty status of the roofing material for a potential warranty claim.

The Court members concurred to have one contractor for all projects, provided their bids are compatible. The following buildings were affected by the hail storm: Courthouse Building, Convention Center, Health Clinic, 4-H Extension Office/Building, Community Building, Public Library, Convention Center Pavilion, County Barn on Hwy 90, and carport on courthouse square next to public library.

Motion made by Commissioner Serna to accept and award bid to Alpha Insulation & Removal in the total amount of \$183,585.50 for replacement of damaged terracotta tile on courthouse building and application of elastomeric coating to all other buildings that sustained hail damage. Motion seconded by Commissioner Johnson. Motion carried 4-0. IT IS SO ORDERED BY THE COURT (A copy of contractor's bid is attached hereto and made a part hereof).

19.- Discuss and take action on adding to the Employee Handbook -Mental Health Leave for Law Enforcement under SB 1359 Chapter 64 subchapter A-1, that was previously tabled. At a previous meeting Commissioner Gully requested the removal of the wording "**as required by Texas Senate Bill 1359, codified at Chapter 614, subchapter A-1, Texas Government Code, effective September 1, 2021.**" found on page 1, paragraph 1 entitled **Law Enforcement Mental Health Leave Policy.**

Upon review of this policy, Commissioner Gully requested that on page 2 of this policy and under the title **MENTAL HEALTH SERVICES AVAILABLE TO THE OFFICER**, the names of mental health service providers be included.

Motion made by Commissioner Gully to approve the Law Enforcement Mental Health Leave Policy, subject to the modifications herein requested. Motion seconded by Commissioner by Commissioner


Serna. Motion carried 4-0. IT IS SO ORDERED BY THE COURT. (A copy of this policy is attached hereto and made a part hereof).

20.- Discuss and take action on adding to the Employee Handbook - Paid Quarantine Leave for First Responders Chapter 773, that was previously tabled. Upon review of the proposed policy, the Court agreed to modify line 3 of paragraph 1 by deleting "law enforcement office." The second change requested was under Quarantine Leave, that this should follow in accordance with the Centers for Disease Control (CDC) current regulations.

Motion made by Commissioner Gully to approve the Quarantine Leave Policy, subject to the modifications herein discussed. Motion seconded by Commissioner Serna. Motion carried 4-0. IT IS SO ORDERED BY THE COURT. (A copy of this policy is attached hereto and made a part hereof).

21.- Discuss and take action on reinstating the Covid-19 Policy previously tabled. Hon. Ken Bellah, County Attorney, advised to follow the Governor's guidelines relevant to this issue. The Court unanimously agreed that this matter should be sufficiently researched prior to any action.

22.- Adjourn. Motion made by Commissioner Serna to adjourn this meeting. Motion seconded by Commissioner Gully. Motion carried 4-0. THIS SPECIAL SESSION OF THE TERRELL COUNTY COMMISSIONERS COURT ADJOURNED AT 12:30 P.M.


Martha Allen - Interim County Clerk
Terrell County Commissioners Court
Terrell County, Texas

ORDER TO APPROVE MINUTES OF SPECIAL SESSION

The above and foregoing minutes of the Special Session held on the 21st day of March, have been read and examined, and the same are hereby approved as presented, as amended in Open Court this 11 day of April, 2022.


Presiding Officer

