

On this the 18<sup>th</sup> day of May, 2022, at 10:30 A.M. came on to be held a SPECIAL 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 10:34 A. M. with a quorum of the court present. The invocation was led by Commissioner Gardner. Commissioner Rodriguez led the pledge of allegiance to the United States flag and the pledge of allegiance to the Texas flag.

## ELECTIONS

1. To canvass vote totals for the Constitutional Amendments Election that was held on Saturday, May 7, 2022.  
Lisa Sertuche – Elections

Commissioner Rodriguez made a motion to approve the canvass of the vote totals for the Constitutional Amendments Election that was held on Saturday, May 7, 2022; a second was made by Commissioner Gardner. **MOTION PASSED. 5-0**

Voting for Motion:

<u>✓</u> Judge Hays	
<u>✓</u> Commissioner Gardner	<u>✓</u> Commissioner Stringer
<u>✓</u> Commissioner Simmons	<u>✓</u> Commissioner Rodriguez

A motion to recess until 1:30 p.m. was made by Commissioner Simmons with a second by Commissioner Gardner. **MOTION PASSED. 5-0**

Voting for Motion:

<u>✓</u> Judge Hays	
<u>✓</u> Commissioner Gardner	<u>✓</u> Commissioner Stringer
<u>✓</u> Commissioner Simmons	<u>✓</u> Commissioner Rodriguez

### 1:30 P.M.

Commissioner Stringer made a motion to reconvene; a second was made by Commissioner Rodriguez. **MOTION PASSED. 5-0**

Voting for Motion:

<u>✓</u> Judge Hays	
<u>✓</u> Commissioner Gardner	<u>✓</u> Commissioner Stringer
<u>✓</u> Commissioner Simmons	<u>✓</u> Commissioner Rodriguez

**ITEM #4 WAS HEARD BEFORE ITEM #2**

**SPECIAL PRESENTATION/REQUESTS/RESOLUTIONS**

2. To consider, discuss, and take any necessary action regarding all matters pertaining to the Henderson Drug Building and authorize the County Judge to sign.  
Commissioners Court

Christine Holcumb – White Pool House, addressed the court to ask them to preserve Ector County’s treasures with the Henderson Drug Building being one of them.

Commissioner Simmons stated that the Boy Scouts’ primary use of the building is for storage purposes. He stated that since the building is prime real estate that it would be possible to use the building for something more appealing to the community. His main goal was to start the conversation so the Boy Scouts would have ample opportunity to find another location to use.

A motion was made by Commissioner Simmons to notify the Boy Scouts that the Commissioners Court does not intend to renew their lease; Commissioner Stringer seconded the motion.

**MOTION PASSED. 5-0**

Voting for Motion:

- |                               |                                 |
|-------------------------------|---------------------------------|
| <u>✓</u> Judge Hays           |                                 |
| <u>✓</u> Commissioner Gardner | <u>✓</u> Commissioner Stringer  |
| <u>✓</u> Commissioner Simmons | <u>✓</u> Commissioner Rodriguez |

3. To consider, discuss, and take any necessary action regarding any and all issues related to ARPA Funds and authorize the County Judge to sign.  
Commissioners Court

Andrea Souflee, Project Manager for Grant Works addressed the court to explain the origin of the ARPA funds and what the funds can and cannot be used for.

Shaun Oglesby, 2104 N. Torrance, Odessa, Texas – Goldsmith Volunteer Fire Department requested \$37,500 of the ARPA funds to match grants from the Forrest Service. The grant funds will be used to purchase fire rescue equipment, small brush truck and tanker tender. Judge Hays stated that she was adding \$50,000 to offset fuel and operating costs to help get the department through the budget.

David Avary, 18700 SCR 1357, Odessa, Texas – South Odessa Volunteer Fire Department requested the matching funds for grants to assist with monthly operating costs, a new fire station, truck repairs and anticipated upcoming expenses for a brush truck, bunker gear, wild land gear, bunker gear rack and extractor for PPE cleaning. Avary stated that the match for their grants were 60/40, 80/20 and 90/10.

Richard Pease – West Odessa Volunteer Fire Department addressed the court stating that they have a harder time getting grants due to the proximity of one of the Odessa Fire Department stations. He made a request for \$5,616,500 including a new fire station costing \$4.5 million, 36 bunker gears, a new truck, airpacks and two (2) brush trucks. He stated that they are low on operating funds due to high diesel prices like other volunteer fire departments and recent truck repair costs.

Joey White, Assistant Fire Chief for Odessa Fire and Rescue – addressed the court regarding the donation of equipment and trucks by the City of Odessa stating that they cannot risk the liability should the donated equipment fail. OFR most recently donated radios but first had them checked by the Forrest Service to insure they were working properly. He reiterated that the City of Odessa could not risk donated equipment not working and coming back on them. Chief White stated that 30% of the calls received by OFR are in the county (outside of city limits) and that they rely heavily on the Volunteer Fire Departments in all areas. He pointed out that all the Volunteer Fire Departments are frugal using equipment and that they are using equipment that is being phased out. He also stated that West Odessa should have 2-3 departments.

Judge Hays thanked Odessa Fire and Rescue and all the Volunteer Fire Department workers.

Commissioner Simmons asked if all of the Volunteer Fire Chiefs had gotten together to discuss creating a Fire District. They stated that it had been discussed years ago but discussions had stopped.

Russell Tippin, President and CEO of Medical Center Health Systems, 500 W. 4<sup>th</sup> Street, Odessa, Texas - Mr. Tippin stated that his request was the same as it was in October for \$7 million. Medical Center Health Systems had more than 351,000 encounters with COVID since it started. Those encounters include testing, ER visits, sick employees, patients in the hospital and patients at urgent care clinics. The money would be used to pay for contract labor...contract nurses and contract respiratory therapists. At the highest time they had over 100 contract nurses and contract respiratory therapists working in the hospital, the number is now 61. They are slowly trying to move the contract laborers out, replace them and do things more efficiently. In the height of COVID there were 128 patients in the hospital with most of them on ventilators and they began to receive resignations throughout healthcare which is still occurring to this day. People left to take jobs that would pay \$285-\$300 an hour verses the \$40 an hour Medical Center Health Systems was paying. They were left with no choice but to bring in contract labor and continue to battle the shortage of nurses and respiratory therapists. Mr. Tippin stated that the money would also help pay for emergency ventilators that they were forced to purchase due to not having enough available during the pandemic. The cost of the ventilators was \$1.7 million. They also had to purchase additional air handlers for the 8<sup>th</sup> and 9<sup>th</sup> floors of the hospital due to issues with the negative air pressure. Mr. Tippin stated that when he last made a request the Court charged him to “find a way to get you reimbursed and we will fund the project.” Mr. Tippin stated that they found a way to get that done through FEMA but unfortunately that window has closed. Since the window to turn \$1 into \$2 has closed, his request is like everyone else being a one-time payment to help with expenses. Mr. Tippin thanked his staff who worked day in and day out regardless of how scared they were or what they had going on at home.

Commissioner Simmons stated that every citizen pays property taxes in order to maintain a great hospital here in the community and everyone knows that it is the premier healthcare facility in the region so many people from outside of Ector County come to use it. Commissioner Simmons asked if Mr. Tippin had any other funding sources from other counties to help support the level of service they receive. Mr. Tippin stated that the amount of people not only from Ector County, but surrounding counties that come to them that don't pay taxes is unbelievable. He said that they send bills to those counties only to have those bills returned with a letter that says their indigent care money has already been exhausted for the year. Mr. Tippin told the Court that they are the only business in the world where you can go in, receive an array of services and leave without paying a dime. Not only are the patients told thank you but they ask them to come back. They see anyone regardless of their ability to pay or where they live. Being on the interstate, they see many out of town patients who are passing through.

Judge Hays asked what the financial situation is for the hospital. Mr. Tippin responded that in the last quarter they have seen an \$11 million debt in the budget because \$38 million has gone to direct patient care and contract labor. He said that he believes once the contract labor is gone they will be able to come out of that situation but that there is a direct correlation in the amount of contract labor they are using and the deficit. Judge Hays clarified with Mr. Tippin that their balance sheet is a loss. Mr. Tippin said that it is a loss for the quarter. Judge Hays asked what it was like for the year. Mr. Tippin told the court that it was in good shape for the previous couple of years, getting worse with COVID and now it is as bad as he has seen it.

Tommy Ervin, 1005 N. Moss, Odessa, Texas – President Ector County Utility District and Steve Dennis, P.E. 4600 Valleybrook Lane, Odessa, Texas – Engineer for Ector County Utility District addressed the court, after introducing the Board and staff of ECUD, to explain the goals and needs of the Ector County Utility District. Mr. Ervin gave the history of ECUD beginning in 1973 stating that there were several people who realized that ground water was not sustainable for the growth of West Odessa. Mr. Ervin has been the President since 2016 at which time they hired an engineering firm. This engineering firm helped ECUD remedy several issues that had rendered them out of compliance with TCEQ. In 2019 Mr. Ervin was in a position to request funds from the Texas Water Development Board and received \$45.3 million at 1.12% interest. Since then they have spent approximately \$5 million of their own money doing waterline projects to help with pressure deficiency, volume deficiency and stagnant water. Mr. Ervin referenced maps and projects as presented in the attached packet for use of the ARPA money and informed the court of the most recent repairs and expenditures that had been made. The items in the request have been prioritized by the most necessary and required projects that the ARPA funds would be used for. Mr. Ervin requested \$13,255,000 of the ARPA funds. He stated that this would make water available to the citizens of West Odessa but would not get it to their homes. The block grants from the Community Development is what will actually get the water to the homes. He discussed many people who have water wells that have dried up so they have to go to water stations and fill up containers of water for use during the week. This must be done in order to serve the citizens in the absence of water lines directly to the homes.

Commissioner Simmons asked if they had applied for any grants. Mr. Ervin stated that they do not yet qualify because the County does not have Model Subdivision Rules (MSR). He did clarify that the County is working on those and once they are approved they will put out grant applications.

Bill Fowler, Attorney at Law, 6900 Crossbar Rd, Odessa, Texas stated that the project benefits all of Odessa pointing out that when the fire rating is low insurance rates are lower and when they are high insurance rates are higher. He also informed the court that TCEQ has to look at storage when calculating the fire rating and Odessa's is higher because there is not water storage in West Odessa which is added to the City of Odessa's score. Mr. Fowler stated that this project could be effective in lowering the fire rating which would lower insurance costs for the entire community.

Judge Hays told the court of an instance where she witnessed a lady that had a coffee can that was used to dispose of sewage waste and buried in her front yard where her children play. Judge Hays stated that as a leader of the community she was saddened that people who live within this community have had to live in the environment they live in. She stated that while they take into consideration every project regardless of what it is and if there is not money given to ECUD whatsoever that there is a mission field in West Odessa and South Odessa for the leaders of Ector County to help those people.

Anthony Shackelford, 12358 W. Barbara Drive, Odessa, Texas – Ector County Utility District stated to the court that Buddy West Elementary is a high priority for them where water is concerned. Their current fire suppression system is not fully operational. The proposed water line in front Buddy West Elementary would give them the water they need for backup. He also spoke about the issues when there was a line break a couple years back and the cost of redirecting the water lines.

Matt Cody spoke to the court stating that there are some agencies that have other sources of income and that he did not know much about hospital finance until he attended a meeting a couple of weeks prior to this one. He asked the court to consider the smaller people when determining how to spend the ARPA funds.

Jamie Tisdale, 5229 New Orleans, Odessa, Texas – Ms. Tisdale wanted to speak on her support of the South Odessa Volunteer Fire Department and asked that \$4 million be set aside to build the new fire station. She also stated that the Clearwater Mesa is affected by the water issue and is located in South Odessa. She told the court that ECUD cannot start on South Odessa until West Odessa is complete so she would request that the court to give money to ECUD as well.

#### **CONTRACT/AGREEMENTS/GRANTS**

4. To consider, discuss, and take any necessary action regarding any and all issues related to the Proposed GCC Permian, LLC Tax Abatement Application in Ector County (Precinct 4) and authorize the County Judge to sign all documents associated with this agenda item.  
Commissioners Court

Commissioner Rodriguez made a motion to approve the Proposed GCC Permian, LLC Tax Abatement Application in Ector County (Precinct 4) and authorize the County Judge to sign all documents associated with this agenda item; a second was made by Commissioner Stringer. **MOTION PASSED. 5-0**

Voting for Motion:

<u>✓</u> Judge Hays	
<u>✓</u> Commissioner Gardner	<u>✓</u> Commissioner Stringer
<u>✓</u> Commissioner Simmons	<u>✓</u> Commissioner Rodriguez

#### **EXECUTIVE SESSION**

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

DID NOT CONVENE IN EXECUTIVE SESSION

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

DID NOT CONVENE IN EXECUTIVE SESSION

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

DID NOT CONVENE IN EXECUTIVE SESSION

**3:38 P.M.**

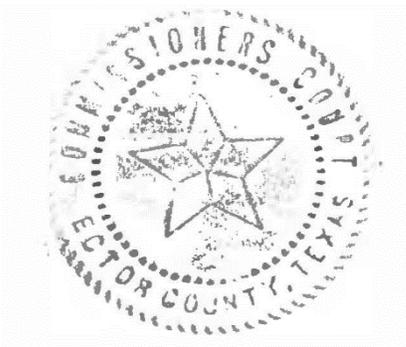
With no further business to discuss, Commissioner Simmons made a motion with a second by Commissioner Stringer to adjourn to the call of the chair. **MOTION PASSED. 5-0**

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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 Special Commissioners' Court meeting of May 18, 2022.



*Jennifer Martin*  
JENNIFER MARTIN, COUNTY CLERK  
ECTOR COUNTY, TEXAS