



P.O. Box 683  
Clint, Texas 79836

Phone (915) 851-0304 • Fax (915) 851-9000

## **MINUTES OF A REGULAR MEETING**

**Date:** Tuesday, September 17, 2019

**Time:** 6:00 PM

**Place:** El Paso County Emergency Services District #2 – Board Room  
100 S. San Elizario Rd., Suite N  
Clint, Texas 79836

**Posted:** Friday, September 13, 2019

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All matters listed on this agenda may be discussed in executive session at the option of the El Paso County Emergency Services District #2 Commissioners following verbal announcement if an appropriate exception to the open meeting requirement of the Texas Open Meetings Act is applicable.

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1. Call meeting to order.  
Meeting was called to order by Mariana Navarrete at 6:00 P.M.

Pledge of Allegiance  
&  
Prayer

2. Establishment of Quorum  
Present: Vice President Michael Diaz, Secretary Jacqueline Butler, Treasurer Rick Avalos and Commissioner Michael Barnes and Ken Campbell, Legal. Absent was President Adrian Santana.
3. Public comments: must notify the board to speak on certain agenda items.  
(5 minutes) Sign-in sheet provided.

### Consent Agenda

4. Discuss and approve the minutes of the special meetings held on August 27, 2019.
5. Discuss and take action on the financial report by Mariana Navarrete.
  - a. Report on the bank balances.



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Money market, operation account, inspection account

- Bank reconciliations
- Check registers attached
  
- Department profit & loss budget vs. actual

b. Approve for payment of the monthly bills and the request for reimbursement.

Motion: Approved

Motioned by Jacqueline Butler

Seconded by Mike Barnes

Members Voting Aye: Jacqueline Butler, Mike Barnes, Mike Diaz, Rick Avalos

Members Voting Nay: None

Members Not Present: Adria Santana

### Regular Agenda

6. Discuss reports by Chief Esparza, Department Chief's, Communications and FRO.

*Submitted By: Roger Esparza, Fire Marshal*

*No action needed, informational purposes only.*

7. Postponed on August 27, 2019 by Mike Diaz. Discuss and take action on a three percent cost of living increase for District employees, effective October 1, 2019.

*Submitted By: Mariana Navarrete, Administrator*

Motion: Approved cost of living increase based on Fiscal Year for all employees regardless of tenure.

Motioned by Mike Barnes

Seconded by Mike Diaz

Members Voting Aye: Jacqueline Butler, Mike Barnes, Mike Diaz, Rick Avalos

Members Voting Nay: None

Members Not Present: Adria Santana

8. Discuss and take action on purchased over \$2,000 for fire prevention week for West Valley Fire Department.

*Submitted By: Bill Adler, West Valley Fire Department*

Motion: APPROVED

Motioned by Mike Barnes

Seconded by Rick Avalos

Members Voting Aye: Jacqueline Butler, Mike Barnes, Mike Diaz, Rick Avalos

Members Voting Nay: None

Members Not Present: Adrian Santana

9. Discuss and take action on purchases over \$2,000 for nine 4.5 Scott air packs and three Scott RIT kits

*Submitted By: Bill Adler, West Valley Fire Department*

Motion: APPROVED the purchase in the amount of \$63,249.00 from Daco Fire Equipment.

Motioned by Rick Avalos

Seconded by Mike Barnes

Members Voting Aye: Jacqueline Butler, Mike Barnes, Mike Diaz, Rick Avalos

Members Voting Nay: None

Members Not Present: Adrian Santana

10. Discuss and take action on delivery schedule from the ESD to be morning of the 1<sup>st</sup> and the 15<sup>th</sup> of every month, or if these days are a weekend or holiday, the next business day following.

*Submitted By: Bill Adler, West Valley Fire Department*

Motion: POSTPONE

Motioned by Mike Diaz

Seconded by Mike Barnes

Members Voting Aye: Jacqueline Butler, Mike Barnes, Mike Diaz, Rick Avalos

Members Voting Nay: None

Members Not Present: Adrian Santana



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**11. Discuss and take action on sending two West Valley Fire Department members to Life Academy for EMT school.**

*Submitted By: Bill Adler, West Valley Fire Department*

Motion: APPROVED for two members in the amount of \$2,765.00

Motioned by Mike Barnes  
Seconded by Rick Avalos

Members Voting Aye: Jacqueline Butler, Mike Barnes, Mike Diaz, Rick Avalos  
Members Voting Nay: None  
Members Not Present: Adrian Santana

**12. Discuss and take action on allowing the Fire Marshals to attend the State Fire Marshals Conference.**

*Submitted By: Roger Esparza, Fire Marshal*

Motion: APPROVED

Motioned by Mike Barnes  
Seconded by Rick Avalos

Members Voting Aye: Jacqueline Butler, Mike Barnes, Mike Diaz, Rick Avalos  
Members Voting Nay: None  
Members Not Present: Adrian Santana

**13. Discuss and take action on the purchase of nine SCBA for West Valley Fire Department.**

*Submitted By: Roger Esparza, Fire Marshal*

Motion: DELETE

Motioned by Mike Diaz  
Seconded by Mike Barnes

Members Voting Aye: Jacqueline Butler, Mike Barnes, Mike Diaz, Rick Avalos  
Members Voting Nay: None  
Members Not Present: Adrian Santana

**14. Discuss and take action on setting the number of volunteers a department can have.**

*Submitted By: Roger Esparza, Fire Marshal*

Motion: Item was moved to EXECUTIVE session. A motion to APPROVE to create a committee consisting of Commissioner Mike Barnes, Mike Diaz, Mariana Navarrete and Roger Esparza

Motioned by Rick Avalos  
Seconded by Mike Barnes

Members Voting Aye: Jacqueline Butler, Mike Barnes, Mike Diaz, Rick Avalos  
Members Voting Nay: None  
Members Not Present: Adrian Santana

**15. Discuss and take action on the sale of surplus equipment.**

*Submitted By: Roger Esparza, Fire Marshal*

Motion: APPROVED

Motioned by Mike Diaz  
Seconded by Jacqueline Butler

Members Voting Aye: Jacqueline Butler, Mike Barnes, Mike Diaz, Rick Avalos  
Members Voting Nay: None  
Members Not Present: Adrian Santana

**16. Discuss and take action on the Chief for the Clint Fire Department.**

*Submitted By: Roger Esparza, Fire Marshal*

Motion: Item was moved to EXECUTIVE session. A motion to APPROVE moving forward Chief Rivera shall permanently be suspended from using any District real or personal properties, facilities, vehicles and or equipment of any kind. And no longer allowed to participate in District activities, responses and functions as a contractor or member of a contractor indefinitely.

Motioned by Mike Diaz  
Seconded by Jacqueline Butler

Members Voting Aye: Jacqueline Butler, Mike Barnes, Mike Diaz, Rick Avalos  
Members Voting Nay: None  
Members Not Present: Adrian Santana

**17. Discuss and take action on Salary Caps.**

*Submitted By: Mike Diaz, Commissioner*

Motion: POSTPONE



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Motioned by Mike Diaz  
Seconded by Jacqueline Butler

Members Voting Aye: Jacqueline Butler, Mike Barnes, Mike Diaz, Rick Avalos  
Members Voting Nay: None  
Members Not Present: Adrian Santana

**18. Discuss and take action on involvement of board with command staff.**

*Submitted By: Mike Diaz, Commissioner*

Motion: POSTPONE

Motioned by Mike Diaz  
Seconded by Jacqueline Butler

Members Voting Aye: Jacqueline Butler, Mike Barnes, Mike Diaz, Rick Avalos  
Members Voting Nay: None  
Members Not Present: Adrian Santana

**19. Discuss and take action on lawsuit and breakdown of payments to previous legal for outstanding lawsuit.**

*Submitted By: Mike Diaz, Commissioner*

Motion: POSTPONE

Motioned by Mike Diaz  
Seconded by Jacqueline Butler

Members Voting Aye: Jacqueline Butler, Mike Barnes, Mike Diaz, Rick Avalos  
Members Voting Nay: None  
Members Not Present: Adrian Santana

**20. Discuss and take action on purchase of bunker gear for Montana Vista and the ESD.**

*Submitted By: Roger Esparza, Fire Marshal*

Motion: APPROVED

Motioned by Rick Avalos  
Seconded by Mike Barnes

Members Voting Aye: Jacqueline Butler, Mike Barnes, Mike Diaz, Rick Avalos  
Members Voting Nay: None  
Members Not Present: Adrian Santana

**21. Discuss and take action on the purchase of furniture for Fabens Fire Department. Total cost \$6,928.00 for both locations 222 NW Austin St. and 219 W Main St.**

*Submitted By: Tony Reyes, Fabens Fire Department*

Motion: APPROVED

Motioned by Jacqueline Butler  
Seconded by Mike Diaz

Members Voting Aye: Jacqueline Butler, Mike Barnes, Mike Diaz, Rick Avalos  
Members Voting Nay: None  
Members Not Present: Adrian Santana

**22. Discuss and take action on the purchase of a pumper.**

*Submitted By: Roger Esparza, Fire Marshal*

Motion: POSTPONE

Motioned by Mike Diaz  
Seconded by Jacqueline Butler

Members Voting Aye: Jacqueline Butler, Mike Barnes, Mike Diaz, Rick Avalos  
Members Voting Nay: None  
Members Not Present: Adrian Santana

**Executive Session**

The El Paso County ESD #2 is now entering into a closed meeting, pursuant to the Texas Government code section 551-071: to consult with the District Attorney concerning all matters identified in the agenda. Where the board members seek the advice of their attorney as privileged communications. The date is September 17, 2019 and the time is 6:45 pm.



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23. Discussion regarding the completion of position descriptions for ESD leaders.

*Submitted By: Mike Barnes, Commissioner*

The El Paso County ESD #2 has completed its closed meeting. The date is September 17, 2019 and the time is 9:21 p.m.

Regular Session

24. Discuss and take action regarding the completion of position descriptions for ESD leaders.

*Submitted By: Mike Barnes, Commissioner*

Motion: POSTPONE

Motioned by Mike Barnes

Seconded by Jacqueline Butler

Members Voting Aye: Jacqueline Butler, Mike Barnes, Mike Diaz, Rick Avalos

Members Voting Nay: None

Members Not Present: Adrian Santana

25. Discussion and action on Service Provider Contracts and legal issues related to same; the District reserves the right to enter into closed meeting on this item pursuant to Section 551.071, Texas Government Code.

*Submitted By: Ken Campbell, Legal*

Motion: APPROVE the contract as amended and authorize the District attorney to proceed as deliberated.

Motioned by Mike Diaz

Seconded by Mike Barnes

Members Voting Aye: Jacqueline Butler, Mike Barnes, Mike Diaz, Rick Avalos

Members Voting Nay: None

Members Not Present: Adrian Santana

26. Discuss and approve the next meeting to take place on October 15, 2019 at 6:00P.M.

*Submitted By: Mariana Navarrete, District Administrator*

Motion: APPROVED

Motioned by Mike Diaz

Seconded by Mike Barnes

Members Voting Aye: Jacqueline Butler, Mike Barnes, Mike Diaz, Rick Avalos

Members Voting Nay: None

Members Not Present: Adrian Santana

27. Adjournment.

\* The District reserves the right to consider and take action on the above agenda items in any order. It also reserves the right to enter into a closed meeting on any agenda item as allowed by law. A Citizens Comment Form must be filed with the Secretary at least 10 minutes prior to the beginning of the meeting for an individual to be allowed to speak during Citizen Comment. By completing the Citizen Comment Form, the individual understands and acknowledges that the public is not entitled to choose the items to be discussed or to speak about items not on the agenda, but that this opportunity is provided as a privilege. The individual executing the Citizen Comment Form understands that he/she is provided a limited amount of time, and that he/she may not be allowed to continue to address the Board of Emergency Services Commissioners if the comments are rude, disparaging or defamatory to any individual or entity, or the comments become disruptive to the good order of the meeting. If at a meeting of a governmental body, a member of the public or of the governmental body inquires about a subject for which notice has not been given as required by the Texas Open Meetings Act, the notice provisions of the Texas Open Meetings Act do not apply to a statement of specific factual information given in response to the inquiry; a recitation of existing policy in response to the inquiry; or, any deliberation of or decision about the subject of the inquiry shall be limited to a proposal to place the subject on the agenda for a subsequent meeting. It should be noted that pursuant to Section 38.13, Texas Penal Code, HINDERING PROCEEDINGS BY DISORDERLY CONDUCT: (a) A person commits an offense if he intentionally hinders an official proceeding by noise or violent or tumultuous behavior or disturbance; (b) A person commits an offense if he recklessly hinders an official proceeding by noise or violent or tumultuous behavior or disturbance and continues after explicit official request to desist; and, (c) An offense under Section 38.15, Texas Penal Code is a Class A misdemeanor.



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