

Monday, April 3, 1989, the Honorable Commissioners Court met in a special session at 10:00 A. M., with the following members present:

- Royce C. Smith County Judge
- C. Carlin McDaniel Commissioner, Prct. # 1
- Billy J. McGee Commissioner, Prct. # 2
- James H. Conn Commissioner, Prct. # 3
- Chester Cox, Sr. Commissioner, Prct. # 4
- Nadine Gary Clerk of the Court

Commissioner Billy McGee did not arrive until 10:25. He had a meeting in Brookeland.

Meeting was called to order by Judge Smith. He informed the Court he talked with TAC Friday afternoon concerning coverage for public officials. Errors and Omissions coverage - \$1,000.00 deductible - \$100,000.00 coverage for County Clerk; \$15,000.00 coverage for District Clerk- at cost of \$2,397.00. Motion was made by Commissioner McGee, seconded by Commissioner Cox, to accept this coverage. Motion carried. (Covers present and past incedents.)

Law Enforcement Liability - \$1,000.00 deductible - Cost\$10,186.00. This is coverage for present and past incedents. Commissioner McGee made a motion, which was seconded by Commissioner Conn, to accept this proposal. All voted for. These policies were effective March 29, 1989.

Commissioner Cox made a motion which was seconded by Commissioner Conn, that meeting recess. Motion carried.

Royce C. Smith
COUNTY JUDGE

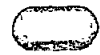
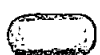
C. Carlin McDaniel
COMMISSIONER, PRCT. # 1

Billy J. McGee
COMMISSIONER, PRCT. # 2

James H. Conn
COMMISSIONER, PRCT. # 3

Chester D. Cox
COMMISSIONER, PRCT. # 4

Nadine Gary
CLERK OF THE COURT





Texas Department of Health

Robert Bernstein, M.D., F.A.C.P.
Commissioner

SEP 28 1988

1100 West 49th Street
Austin, Texas 78756-3199
(512) 458-7111

Division of Solid Waste Management

NEWSLETTER

Robert A. MacLean, M.D.
Deputy Commissioner
Professional Services

Hermas L. Miller
Deputy Commissioner
Management and Administration

FOR ALL CITY AND COUNTY OFFICIALS, SOLID WASTE MANAGERS AND INTERESTED PERSONS:

The long-awaited proposed revisions to the criteria for municipal solid waste landfills were finally published in the Federal Register on August 30, 1988. These revisions, entitled "Criteria for Municipal Solid Waste Landfills" will be published under Title 40, Code of Federal Regulations, Part 258. After they have become final, the states will have 18 months to implement the rules. These proposed rules will apply to all new and existing sites and are not expected to be retroactive to sites closed at the time the rules become effective. A brief summary of the rules follows:

I. Operating Criteria

1. Daily cover will be required on all sites.
2. Explosive gases control will be required.
3. Open burning will be prohibited.
4. 24-hour access control will be required on all sites.
5. Drainage control will be required to consist of run-on control systems to prevent flow into active portions of the landfill during a 25-year storm and run-off control systems to collect and control the volume of a 24-hour, 25-year storm.
6. No discharge of water from a landfill will be permitted unless it is in accordance with the Clean Water Act.
7. Liquids will not be allowed to be accepted at a landfill to include vacuum truck wastes.
8. A program must be implemented to detect and prevent the disposal at the facility of regulated hazardous wastes and PCB's.

II. Closure and Post-Closure Criteria

1. All sites will have to submit a closure and a post-closure plan for approval. New sites have to have these plans at the time of permit application.
2. The post-closure maintenance period will last a minimum of 30 years.
3. Financial assurance for proper closure and post-closure maintenance will have to be provided for the life of the landfill and the post-closure period. Only federal and State-owned facilities would be exempt. The amount of financial assurance will be based on a detailed, annually revised, cost estimate as to what it would cost for a third party to effect proper closure or post-closure remedial action.

III. Design Criteria

1. New landfills and new units (trenches) within existing landfills will be designed against an allowable groundwater carcinogenic risk level and may be required to have liners and leachate collection systems. The allowable risk level would apply to the site boundary and would be based on a lifetime cancer risk level (due to continuous lifetime exposure) within a range from 1×10^{-4} to 1×10^{-7} (one case of cancer per 10,000 persons exposed to one case per 10,000,000 persons exposed).
2. Completed sections of an existing landfill would not have to be retrofitted for liners and leachate collections systems, but would have to have a proper final cover and cover maintenance.

IV. Groundwater Monitoring Criteria

1. All new sites will be required to monitor the groundwater. The sampling requirements will be intense and will go through the 30-year post-closure maintenance period.
2. Previously filled areas within existing landfills will be exempt from groundwater monitoring requirements only if the permittee can demonstrate that there is no potential for migration of hazardous constituents to the uppermost aquifer during the active life of the landfill and the post-closure care period.

Since these rules contain very stringent requirements, EPA has explained the background and rationale for each proposed rule in an 84-page preamble to the rules and requests your comments on them.

Comments on the proposed rules must be submitted by October 31, 1988. In view of the complex and voluminous nature of the preamble and rules, the Association of State and Territorial Solid Waste Management Officials has asked EPA for a 30-day extension to the comment period. A response has not been received, so if you want additional time you should write Mr. Lee M. Thomas, Administrator, U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460.

The proposed rules are contained in Part III, pages 33313-33422, of the August 30, 1988, Federal Register, Vol. 53, No. 168. If you do not have ready access to a copy, call the USEPA Hotline (800) 424-9346 to see if a copy can be provided (may take 2 weeks to receive) or you can order a copy from the Superintendent of Documents, U. S. Government Printing Office, Washington D.C. 20402, by sending him a check or money order or charging to your GPO Deposit Account or Visa or MasterCard. Cost is \$1.50 per copy. You can order by phone at (202) 783-3238. When ordering, use the volume number and the first page number involved - 53FR33313.

Enclosed for your information is an excerpt of a recent presentation given by Mr. Glendon Eppler concerning the requirement for local governments to assure that solid waste services are provided to all persons within their jurisdiction.

Hector H. Mendieta

Hector H. Mendieta, P.E., Director
Division of Solid Waste Management

HHM:csh
Enclosure

EXCERPT FROM PRESENTATION BY MR. GLENDON EPPLER
OF THE DIVISION OF SOLID WASTE MANAGEMENT
DURING THE MAY 18-20, 1988, SOLID WASTE CONFERENCE

II. Local Government Provision of Solid Waste Service - Is a Plan Required for Verification?

A. Legislative Mandate

In 1983, the 68th Texas Legislature enacted the Comprehensive Municipal Solid Waste Management, Resource Recovery, and Conservation Act. It is codified in Vernon's Texas Civil Statutes as Article 4477-7c. Among the law's many provisions, there is a section (Section 12) related to provision of solid waste service within each city and county in Texas. It is quoted as follows:

"Establishment of Solid Waste Management Service

Sec. 12. Each city and county shall review the provision of solid waste management services in its jurisdiction and shall assure that such services are provided to all persons within its jurisdiction by a public agency or by a private person or persons."

In addition, Section 37 of the same law contained the following deadline for provision of service.

"Compliance With Solid Waste Management Service Requirements

Sec. 37. Each city and county must comply with Section 12 of this Act not later than December 31, 1987."

During the most recent (70th) legislative session, this latter provision was amended to extend the deadline for compliance to December 31, 1989. Also, counties (not cities) of less than 30,000 population were exempted from the requirements in Section 12 of the law.

B. Who Must Provide the Services? What Do These Provisions Mean?

I believe that the provisions were originally enacted to remove any doubt about whether or not local governments have a responsibility to provide solid waste service (including collection and disposal) to citizens in their jurisdictions.

The provisions do not specify that a city or county must provide the service directly; it allows them to enter into agreements or contracts with private/commercial waste businesses or other local governments to provide the necessary service. If local governments determine that someone else will provide the service, I believe there should be written contracts or agreements and that they should contain specific conditions and requirements that the service provider must meet; and that those agreements or contracts should be effective for a specified time period which may be extended periodically, after the service is evaluated and determined to meet the contract conditions or requirements.

Why is a contract or agreement necessary? For one thing, when a local government does not provide the service directly, I think it makes good business sense to clearly define minimum standards for service, and periodically review the program of the service provider to see whether or not those standards are met. If they are not, then alternative action needs to be taken. Second, what better way can a local government find to show that the service is provided, when that local government is not providing the service directly? Third, I believe that each local government should retain ultimate control over the waste stream. To do otherwise will severely hamper our future efforts on the part of government at any level to implement a change in waste management policy, related to recycling, a regional system, waste-to-energy plant, etc.

C. What "Level" of Service Must be Provided?

To meet the law's requirements, what level of service must be provided? In a letter to every mayor and county judge, mailed in January 1987, we tried to answer that question. The Texas Department of Health's Division of Solid Waste Management presently does not have the resources to develop and implement specific minimum service standards that local governments must meet. Also, in the absence of a clear mandate in the law that requires the department to intervene, we believe the minimum standards of service should be developed by the governing body of each local government, based on local conditions and certain other variables. For example, variables may include:

1. The type and level of existing service;
2. The severity of existing problems that need to be addressed (such as open dumping, etc.);
3. The population density;
4. The hauling distance from the point of waste generation to the point of disposal;
5. The level of citizens' support; and
6. The citizens'/government's ability to pay.

D. Method of Standard-Setting/Verification.

I have already stated that in the absence of specific standards in the law and in the rules of the Texas Department of Health, standards for the minimum acceptable level of service should be developed by the governing body of each local government. This would logically take the form of a study or plan of some type, upon which the governing body could take official action for the record. Since the Texas Department of Health does not have the resources to individually review and approve plans from all the cities and counties affected, we would not require that a study or plan, for the purpose of service verification, meet the requirements of "Subchapter O" of our regulations. (Subchapter O contains our guidelines for regional and local solid waste management plans.) It would be best, however, if some form of study or plan was adopted by the governing body of the local government. If properly developed, adopted, and implemented, a plan would provide verification that the local government is in compliance with Section 12 of the Comprehensive Municipal Solid Waste Management, Resource Recovery and Conservation Act. We do not require these plans to be submitted to the Texas Department of Health for review and approval.

I, NADINE GARY, County Clerk of Sabine County, Texas do hereby certify
that the foregoing instrument was filed _____ 1909 at
_____ O'Clock _____ M. and duly recorded April 5
1909 at 9:00 O'Clock A. M.

NADINE GARY

CLERK

Janice McDaniel

DEPUTY

TEXAS ASSOCIATION OF COUNTIES

P.O. Box 2131, Austin, Texas 78768



1204 San Antonio (512) 478-8753

Sam D. Seale, Executive Director

Paul Spell, Ph.D., Associate Executive Director

March 28, 1989

The Honorable Royce C. Smith
Sabine County Judge
P. O. Box 716
Hemphill, Texas 75948

Dear Judge Smith:

Thank you for the opportunity to present the enclosed proposal for Automobile and General Liability coverage to your county. Because of problems that counties have had in the past in obtaining liability insurance, TAC developed a program which, I believe, responds well to the unique needs of county government. I have enclosed a liability comparison checklist that you can use to compare our proposal with any others you may receive.

To initiate coverage, please complete the enclosed coverage acceptance form immediately and return to us. In addition, two copies of the interlocal agreement are included. Please have the appropriate official sign both copies of the agreement and return one copy to us.

If you have any questions or need assistance in completing these forms, please do not hesitate to call Jim Jean, Director of Programs or myself at 1-800-222-5974.

Sincerely,

A handwritten signature in cursive script, appearing to read "Max Wilson".

Max Wilson
Director of Marketing

MW/pm

Enclosures

TEXAS ASSOCIATION OF COUNTIES
P. O. Box 2131
Austin, Texas 78768

COMPREHENSIVE GENERAL LIABILITY

PROPOSAL DATE: March 28, 1989

ENTITY: SABINE COUNTY

Limits: Bodily Injury \$100,000/person
 \$300,000/occurrence
 Property Damage \$100,000

Proposed Effective Date: April 1, 1989

Annual contribution (non-assessable) includes modifier of 1.00.
If we determine a different modifier applies, the contribution
will be revised accordingly.

with no deductible per BI or PD claim	\$7,790
with \$5,000 deductible per BI or PD claim	\$6,616
with \$10,000 deductible per BI or PD claim	\$6,103

Proposal includes the following coverages:

- Comprehensive general liability coverage including protection for independent contractors, contractual liability and;
- Products/completed operations (aggregate limit provision \$300,000 BI and \$100,000 PD applies)
- Employee benefit liability coverage affording protection for claims arising out of errors in the administration of employee benefit programs. (\$1,000 deductible)
- the operations of a county dump are covered, with the exception of pollution exposures.
- Pollution claims are not covered.
- The broad form comprehensive general liability endorsement including coverages schedule below:
 - contractual liability coverage providing coverage for liability assumed in both written and oral contracts.
 - advertising injury liability.

Personal injury is included. However, since the comprehensive general liability policy is not intended to provide law enforcement protection, the personal injury provisions covering false arrest, detention, imprisonment or malicious prosecution and covering wrongful entry or eviction or other invasion of the right of private occupancy have been deleted. The result is a restriction in personal injury protection which leaves law enforcement liability protection with those underwriters.

- Premises medical payments coverage.
- Host liquor law liability coverage.
- Fire legal liability coverage - for real property.
- Broad form property damage liability coverage (including completed operations).
- Incidental medical malpractice liability coverage. The most notable exclusion here indicates the incidental medical malpractice does not apply to an entity engaged in providing medical services.
- Coverage has been extended to include protection for claims arising from both owned and nonowned watercraft liability (with watercraft under 26 feet in length).
- Limited worldwide coverage.
- Additional persons insured coverage.
- Unintentional errors and omissions endorsement stating that the unintentional failure of the county to disclose all hazards existing as of the inception date of the coverage shall not prejudice that county with respect to coverage under the Pool.
- Blanket additional insured endorsement stating that coverage is provided for additional insureds as required by contracts entered by the county.
- Except this endorsement shall not apply to any contract between the named insured and any other governmental body, political subdivision or voluntary association.

TEXAS ASSOCIATION OF COUNTIES
P. O. Box 2131
Austin, Texas 78768

AUTO LIABILITY

PROPOSAL DATE: March 28, 1989

ENTITY: SABINE COUNTY

Limits: Bodily Injury \$100,000/person
\$300,000/occurrence
Property Damage \$100,000

Proposed Effective Date: March 29, 1989

Annual contribution (non-assessable) includes modifier of 1.00.
If we determine a different modifier applies, the contribution
will be revised accordingly.

No deductible	\$7,247
\$1,000 deductible	\$6,537
\$5,000 deductible	\$5,719

This proposal includes the coverages checked below:

- Coverage for nonowned and hired vehicles.
 - Coverage for county-owned vehicles only.
 - Uninsured motorists coverage = 20/40/15 included in contribution.
- Limits:
- Bodily Injury - \$20,000/person
 - \$40,000/occurrence
 - Property Damage - \$15,000
- Personal injury protection: \$5,000/person included in contribution for private-passenger, pickup and vans.
 - Limited Mexico coverage included. Provides protection for up to 25 miles from United States border.
 - Unintentional errors and omissions endorsement stating the unintentional failure of the insured to disclose all hazards existing as of the inception date of the policy shall not prejudice the county with respect to coverage.

IT IS UNDERSTOOD THE FIRE TRUCKS AND AMBULANCES INCLUDED IN
THIS AUTO LIABILITY QUOTE ARE 100% COUNTY OWNED.

TEXAS ASSOCIATION OF COUNTIES

P. O. Box 2131

Austin, Texas 78768

PROPOSAL DATED: March 28, 1989

Entity: Sabine County

Contact Person: The Honorable Royce C. Smith, Sabine County Judge

Type of Coverage: Public Officials Liability

Limits: Deductible: Annual Contribution (Basic Coverage)

\$1,000,000 \$1,000 \$1,747

Retrodade: (X) Inception () Full Prior Acts

OPTIONS/ENDORSEMENTS LIMIT OF LIABILITY ANNUAL CONTRIBUTION

Punitive Damages: \$1,000,000 \$175

County Clerks E & O Endorsement: \$100,000 \$300

District Clerks E & O Endorsement: \$15,000 \$175

Total Contribution: \$2,397

Proposal is subject to: Receipt of completed TAC application and current county financial statement.

Signature of TAC Official:

COVERAGE ACCEPTANCE

Liability coverage as offered on this proposal is accepted.

EFFECTIVE DATE: 3-29-89

SIGNATURE OF ACCEPTING OFFICIAL: [Signature] DATE: 3-29-89

Provide name, address and phone number of individual to contact as coordinator for billing and other matters.

*This acceptance not valid unless received by the TAC office no later than 60 days from the proposal date shown above unless extension is granted by TAC.

TEXAS ASSOCIATION OF COUNTIES
P. O. Box 2131
Austin, Texas 78768

COVERAGE OPTIONS AND CHARGES

ACCEPTANCE FORM

FOR: SABINE COUNTY

Coverage: Auto Liability

Proposal Date: March 28, 1989

Signature of Entity Official: *Roy Smith*

Basic Coverage Limit: Bodily Injury \$100,000/person
\$300,000/occurrence

Property Damage \$100,000

Deductible:

Contribution:

Please check the option you prefer.

no deductible per BI or PD claim

R.S. \$7,247

\$1,000 Deductible per BI or PD claim

_____ \$6,537

\$5,000 Deductible per BI or PD claim

_____ \$5,719

Total contribution (to be completed by TAC upon acceptance) \$ _____

Signature of TAC official

Date

Individual to contact as the Coordinator:

Kenice Smith
(Name)

County Judge
(Title)

(Address)

(Zip)

(Area Code) (Telephone Number)

*This acceptance not valid unless received by the TAC office no later than 60 days from the proposal date shown above unless extension is granted by TAC.

TEXAS ASSOCIATION OF COUNTIES
P. O. Box 2131
Austin, Texas 78768

COVERAGE OPTIONS AND CHARGES

ACCEPTANCE FORM

FOR: SABINE COUNTY

Coverage: General Liability

Proposal Date: March 28, 1989

Signature of Entity Official: *Royce Smith*

Basic Coverage Limit: Bodily Injury \$100,000/person
\$300,000/occurrence
\$100,000

Deductible:

Please check the option you prefer.

no deductible per BI or PD claim

\$ deductible per BI or PD claim

\$ deductible per BI or PD claim

_____ \$6,103

_____ \$6,616

JA \$7,790

Contribution:

Individual to contact as the Coordinator:

(Name)

Royce Smith

(Title)

Circuit Judge

(Address)

(Zip)

(Area Code) (Telephone Number)

*This acceptance not valid unless received by the TAC office no later than 60 days from the proposal date shown above unless extension is granted by TAC.

TEXAS ASSOCIATION OF COUNTIES
P. O. Box 2131
Austin, Texas 78768
1/800/222-5974

Entity: Sabine County

Proposal Date: April 1, 1989

Contact Person: The Honorable Royce C. Smith, Sabine County Judge

TYPE OF COVERAGE: Law Enforcement Liability

Limits:	Deductible:	Contribution: (Basic Coverage)
1,000,000	\$1,000	\$ 5,500

OPTIONS/ENDORSEMENTS:

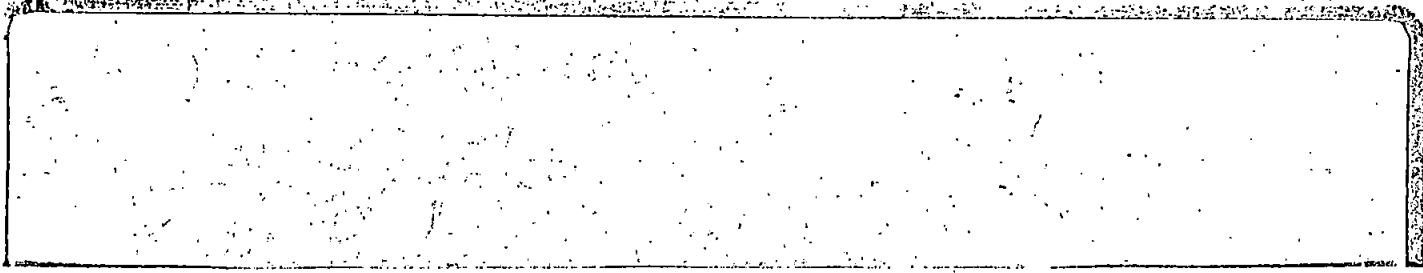
Full Prior Acts	\$ 4,136
Punitive Damages Endorsement (\$1,000,000 Limit)	\$ 550

TOTAL CONTRIBUTION:	
WITH \$1,000,000 LIMIT:	
At Inception -	\$6,050
With Full Prior Acts -	\$10,186

Subject to receipt of original/completed TAC application and verification of no claims.

Signature: 

Date: 4/3/89



*This acceptance not valid unless received by the TAC office no later than 60 days from the proposal date shown above unless extension is (area code) (telephone number)

(address) _____ (zip) _____

(name) _____ (title) _____

Individual to contact as the Coordinator:

Signature of TAC official _____ Date _____

Total contribution (to be completed by TAC upon acceptance) \$ _____

I decline Punitive Damages Coverage _____

I elect Punitive Damages coverage (Price Included in Quotation)

Option I Punitive Damages Coverage

With Full Prior Acts \$10,186

At Inception \$6,050

Deductible: \$1,000

Contribution:

Please check the option you prefer:

Basic Coverage Limit: \$1,000,000

Signature of Entry Official: _____

Proposed Effective Date: ~~April 5, 1989~~

Coverage: Law Enforcement Liability

FOR SABINE COUNTY

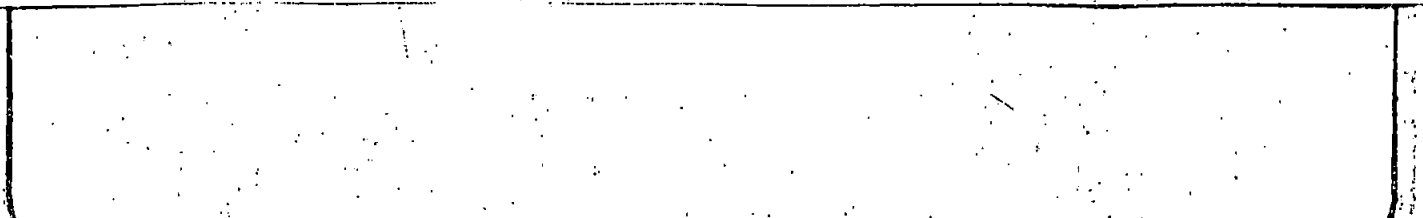
COVERAGE ACCEPTANCE

PROPOSAL DATE:

TEXAS ASSOCIATION OF COUNTIES

P. O. Box 2131 Austin, Texas 78768 1/800/222-5974

TEXAS ASSOCIATION OF COUNTIES



TEXAS ASSOCIATION OF COUNTIES

P.O. Box 2131, Austin, Texas 78768

1204 San Antonio (512) 478-8753



Sam D. Seale, Executive Director

Paul Spell, Ph.D., Associate Executive Director

FACSIMILE COVER PAGE

This facsimile is for:

Name Judge Royce Smith

Department Sabine County

Phone Number 409-787-3543

Telecopier Phone: 1-409-787-2554

This facsimile is from:

Name JIM JEAN

Department Tex Assoc. of Counties

Phone Number (512) 478-8753

Telecopier Phone 1-(512)-478-0519

The number of pages being transmitted is: 1
(This also includes the cover page).

Please call (512) 478-8753 if transmission is incomplete.

Message: This is Confirmation that your Automobile + General Liability Coverage with THE TEXAS Association of Counties was placed in Force 3/29/89.

James W. Jean
Texas Assoc. of Counties
Risk Program Mgr
4/3/89

I, NADINE GARY, County Clerk of Sabine County, Texas do hereby certify that the foregoing instrument was filed _____ 1989 at _____ O'Clock _____ M. and duly recorded April 12 1989 at 9:00 O'Clock A. M.

NADINE GARY _____ CLERK Janice McDaniel DEPUTY