

KAUFMAN COUNTY EMERGENCY SERVICES DISTRICT #3

MINUTES FROM APRIL 11, 2023

Present: Commissioners: David Wallace, Chuck Carpenter, Earl Bourland, and Jon Leigh
Fire Departments: ASVFD, CMVFD, EVFD and TVFD

1. **Call meeting to order.** David Wallace declared a quorum was present and called the meeting to order at 7:00 p.m.
2. **Public comment on items not on the Agenda** David Wallace read the statement about public comment on items not on the Agenda. Peter Esposito invited everyone to the Ables Springs VFD fish fry that will be April 29.
3. **Public comment on Agenda items.** David Wallace read the statement about public comments on Agenda items. No public comment was presented.

Administrative

4. **Review and consider approval of March 14, 2023 meeting minutes;** Chuck Carpenter moved to approve the minutes from the meeting on March 14, 2023. Earl Bourland seconded the motion. The motion passed unanimously.
5. **Discuss bank signature cards and take action;** Chuck Carpenter moved to remove Chuck Shepard and Eric Porter from the bank signature cards and add Jon Leigh. Earl Bourland seconded the motion. The motion passed unanimously.
6. **Discuss and take action to authorize the Board President to approve limited expenditures between board meetings;** Chuck Carpenter moved to approve limited expenditures by the President between board meetings. Jon Leigh seconded the motion. The motion passed unanimously. Chuck Carpenter moved to raise the credit card amount allowed by each commissioner to \$5,000.00. Earl Bourland seconded the motion. The motion passed unanimously.

David Wallace moved to item 12 on the agenda so David Carroll could give his presentation and leave.

12. **Discuss and take action regarding David Carroll, CPA, completing the VFD's annual compilations and possibly monthly financials;** David Carroll thanked the fire departments for all the service they provide. He explained that Misty Culpepper provided a compiled financial statement from the information she received. This is assurance work, that means even if you say you are not giving assurance that everything is correct, you really are. David explained he does a prepared financial statement but does not do assurance work. He also provides bookkeeping services, reconciles QuickBooks, prepares 990 returns and 1099 NEC. He has a secure portal for QuickBook information. He said he would be happy to match the current prices the departments are paying and his prepared financial statement would probably be less than the current compiled financial statement. He stated that if he saw fraud and thought something might be fraud, he would bring it to the attention of management. He has worked closely with Kyle Caperton in the past and would provide anything Kyle needed for audits or add more if there was something Kyle especially wanted to see. David thanked the board and the departments for the opportunity to come and make a presentation. David Wallace told David Carroll he would be in touch with him on Wednesday.

There was more discussion after David left about what Misty had told the different departments she could still do. Chuck Carpenter requested each department contact Misty and find out what she could continue to provide and report back next month.

Reports

7. **Receive monthly report from the Treasurer and consider;**

(a) **Approval of reimbursements;** There were no reimbursements this month.

(b) **Approval of payment of monthly bills and invoices;** Chuck Carpenter moved to approve payment of invoices to Carlton Law Firm \$396.50 for legal fees and Kristie Jones \$850.00 for April clerical duties. Jon Leigh seconded the motion. The motion passed unanimously.

(c) **Approval of monthly financial report;** A financial report was given stating the ANB tax account had a balance of \$1,077,115.39, the ANB operating account had a balance of \$3,026.91, and TBT with a balance of \$4,550.31. The current total for all accounts is \$1,084,692.61. The Commissioners were provided with copies of the bank statements. Kristie Jones provided a breakdown of the current budget and the amounts paid year to date for each item. The Pledge Security Listing from American National Bank for March was provided to the Commissioners. Chuck Carpenter moved to approve the financial report. Earl Bourland seconded the motion. The motion passed unanimously.

8. **Receive monthly report from Ables Springs Volunteer Fire Department regarding financial matters, training, management activities, membership, emergency operations and out of station times, and call volume for fire/rescue calls and for EMS calls.** Ables Springs VFD reported 30 calls for the month of March. There were no missed calls. The calls included 2 Building Fires, 1 Grass Fire, 19 Medical Assist, 3 Motor Vehicle Accidents, 2 Person in Distress, and 3 Dispatched and Cancelled. Average response time was 8:16 minutes. Average number of personnel per incident was 5.2. The turn-out time for the month was an average of 2:16 minutes. They received no mutual aid and provided mutual aid 3 times. Training for March included 2 hours EMS training and 4 hours of Fire Training. They have 2 new EMT's that recently passed their national test. This gives them 6 or 7 EMT's in their department.

9. **Receive monthly report from College Mound Volunteer Fire Department regarding financial matters, training, management activities, membership, emergency operations and out of station times, and call volume for fire/rescue calls and for EMS calls.** College Mound VFD responded to 28 calls during March. 14 of the 28 were in ESD 3 and 14 calls occurred in ESD 1. The calls in ESD 3 consisted of 1 Building Fire, 1 Mobile Home Fire, 6 Medical Assists, 10 EMS calls, 8 Motor Vehicle Accidents, 1 Extrication, and 1 Animal Rescue. Average number of personnel per incident was 2.9. Average response time in ESD 3 area was 10:43 minutes. Average turn-out time was 4:20 minutes. The department currently has 25 firefighting members and 3 support services members. Two members are enrolled in EMT school, 1 has passed their national test..

10. **Receive monthly report from Elmo Volunteer Fire Department regarding financial matters, training, management activities, membership, emergency operations and out of station times, and call volume for fire/rescue calls and for EMS calls.** Elmo VFD reported 60 calls for the month of March. The calls consisted of 1 Building Fire, 1 Structure Fire, 1 Trash Fire, 1 Grass Fire, 3 Medical Assists, 20 EMS, 16 Motor Vehicle Fires, 1 Arcing electrical equipment, 1 Public Service, 8 Dispatched and Cancelled, 1 No Incident Found, 1 False Alarm, 2 Alarm Systems, and 3 Other Incidents. They had no missed calls, provided mutual aid 5 times, and requested mutual aid 3 times. Average response time was 8:52 minutes. Average turn-out time was 3:19 minutes. Average number of personnel per incident was 2.7. March training consisted of SOPs, EMS, and Apparatus familiarization.

11. **Receive monthly report from Terrell Volunteer Fire Department regarding financial matters, training, management activities, membership, emergency operations and out of station times, and call volume for fire/rescue calls and for EMS calls.** During March, TVFD responded to 41 calls. 37 of the 41 occurred in ESD 3, 1 in ESD #7 and 3 in the City of Terrell. Average Turnout Time was 1:46, Average Response Time within TVFD's response area was 8:34 minutes, and Average number of personnel on each call was 5.2. There were no missed calls. They responded to 5 mutual aid requests and did not request aid. The calls within ESD 3 consisted of 1 Building Fire, 1 Passenger Vehicle Fire, 7 EMS, 12 Motor Vehicle Accidents, 1 Arcing, 1 Assist Police, 4 Public Service, 3 No Incident Found, 1 Authorized Burning, 1 Smoke Detector, 2 Special Type Incidents, 1 Dispatched and cancelled, 1 Authorized Controlled Burning, and 1 Alarm Malfunction. Training consisted of 4 hours of demo and hands-on training on two SCBA systems. One member is in EMT school and two members will attend Texas A&M school in March. They currently have 21 members. Total time spent on calls was 32:37:55 (H:M:S).

Discussion/Action Items

13. **Review Records Management Program and approve changes, if necessary;** This item was tabled until next month. The Records Management needs updated signatures from the current Secretary and President.

14. **Discuss City of Terrell annexations and answers from attorney, take action if necessary;** David Wallace shared what he read while testifying before the Land and Resources Management Committee in Austin.

I am David Wallace President of Kaufman County Emergency Services District #3

Thank You for the opportunity to comment on HB 1204 and HB 4275

1. Currently Emergency Services District do not have protection from the loss of land and tax base from Annexation.

2. Our Story: Kaufman County Emergency Services District #3 encompasses all of Terrell ISD and Wills Point ISD that is in Kaufman County. We currently contract with 4 Fire Departments for fire and emergency medical services.

The City of Terrell is currently in the process of annexing 7,000 acres with homes from our district. They have future plans of annexing 76,500 acres (120 square miles) from our current district. Their plans are to annex every piece of property in Terrell Independent School District which consist of 166 square miles. The City of Terrell is saying that they are grandfathered from current law on annexation. That annexation would remove approximately 75% of our tax base. Leaving us with not enough funds to continue fire and E.M.S. services for the remainder of the citizens in our community.

3. The City of Terrell, from their own website state they can handle emergency services for the annexed areas with the assistance of mutual aid agreements. I have copies of that website statement if you would like one. With out the tax base we will not exist and therefore will not be able to give mutual aid.

The City is planning to use our tax money to support their annexations.

4. The City of Terrell currently has 2 fire stations and 30 paid staff, only 27 firefighters.

Kaufman County Emergency Services District contracted fire departments have 4 fire stations 86 fire fighters. 3 fire departments currently have paid personnel on duty.

Kaufman County Emergency Services District Fire Departments have over 4 times the equipment and newer equipment than the City of Terrell.

Kaufman County Emergency Services District #3 has 4 water tankers. The City of Terrell has none and with no plans to purchase any. Why is this important, because the areas Terrell is annexing is served by rural water supply whose systems cannot be hooked onto and pumped from. The city cannot arbitrarily take over the Special Utility Districts and Rural Water Supplies.

5. In conclusion the annexation of areas without properly prepared plans, personnel, equipment and finances to support those areas are endangering lives and property of Texans.

6. Please support HB 1204 and HB 4275

7. Thank you

David said the Terrell Tribune is wanting to publish the information he shared with the committee. He would like a list of the emergency vehicles each department has so that could be included with the information for the paper.

David explained that his 3 minutes to speak was extended to almost 10 minutes by the committee. He also explained that HB 4275 is also being discussed. HB 4275, if passed, would require the city of Terrell to come to the ESD board before annexation and prove they could provide services to any area being annexed and the board would have to give approval. The Land and Resources Management Committee believes Terrell has gone around the intent of the law (HB 347) passed in 2019. A rollback to 2017 is being considered that would only allow voluntary annexation. There may also be a bill coming that eliminates extra territorial jurisdictions. However, if the city continues, David stated, “the ESD would be in for the fight of our life.”

Chuck Carpenter described a 45 minute conversation he had with Keith Bell about the Texas Supreme Court decision in 2019. This was before David met with Keith in Austin. David explained to Mr. Bell some of the things Terrell has done and said. Hopefully, Mr. Bell has now changed his position. The proposed bills will stay in committee until May 15, then go to the House of Representatives or Senate floor.

David went on to explain that he believes the city of Terrell is leveraging the ESD by saying the city can provide services with mutual aid agreements using ESD equipment. In conversations he had with John Carlton about the annexation, John told him that there needed to be an addendum to the Service Agreement limiting automatic mutual aid to anyone outside our district and requiring prior permission for activities outside the district. John Carlton said an addendum is the way to handle it, not an interlocal agreement. David said the board is supposed to receive the addendum by the May meeting. David explained that the courts and Attorney General have both ruled the fire equipment and stations in ESD districts belongs to the taxpayers.

Another bill being discussed would require cities, if annexing an ESD, to share the additional 2 cents of sales tax with the ESD, if the ESD had previously passed a sales tax election.

There was more discussion about mutual aid within the city of Terrell. Terry Van Sickle explained there has been a contract with the city for many years. The city pays TVFD \$36,000.00 a year and pays for TVFD worker’s comp insurance. Terry will send this contract to the board, since no one has ever seen it. Kristie will forward it to the attorney for him to see. Terry also said he could provide data for the percentage of calls the TVFD provides mutual aid for within the city. David stated that the TVFD equipment should not be used in July 4th celebrations without the city reimbursing the ESD for the use of the taxpayers equipment. Discussion continued about the use of such equipment at parades and July 4th celebrations being done so to create good morale with the taxpayers.

Brandon Porter asked about obtaining permission to go out of district. He said EVFD already has plans to be at Wills Point High School for a Shatters Dreams demonstration. Did he need to ask permission before agreeing to help with this program? David Wallace responded no, that it was fine.

Terry Van Sickle expressed his concern that signing the addendum would put his department in breach of contract with the city of Terrell. He would like to continue a good working relationship with the fire department in Terrell.

Everyone agreed the city of Terrell and their annexation proposal is what is driving this situation. Everyone also agreed the best interest of the public and public safety is the most important.

15. **Discuss agenda items, time and date for next meeting** Agenda items for May 9, 2023 include reviewing records management program, service agreement addendum concerning mutual aid from attorney, and discussion concerning Misty Culpepper and the services she will provide the VFD’s.

16. **Adjournment.** Earl Bourland moved to adjourn the meeting at 8:43 p.m. Chuck Carpenter seconded the motion. The motion carried unanimously.

By: Kristie Jones

Kristie Jones, Clerk
Kaufman County Emergency Service Dist. #3