

**KAUFMAN COUNTY EMERGENCY SERVICES DISTRICT #3
MINUTES FROM JANUARY 9, 2024**

Present: Commissioners: David Wallace, Jon Leigh, Chuck Carpenter, Ryan Hamilton, and Billy Bourland
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. David Wallace introduced BR (Billy) Bourland as the new commissioner.
2. **Public comment on items not on the Agenda.** David Wallace read the statement about public comment on items not on the agenda. No public comment was presented
3. **Public comment on Agenda items.** David Wallace read the statement about public comments on agenda items. No public comment was presented.

Administrative

4. **Approve and accept statements and oaths for appointed commissioners;** David Wallace and BR Bourland were administered the Oath of Office by County Judge Jakie Allen in Kaufman last week. Jon Leigh moved to approve and accept their statements and oaths. Chuck Carpenter seconded the motion. The motion passed unanimously.
5. **Action regarding election of officers for the Board;** Chuck Carpenter moved to nominate David Wallace as President. Jon Leigh seconded the nomination. David was elected President unanimously. Billy Bourland moved to nominate Jon Leigh as Vice-President. Ryan Hamilton seconded the nomination. Jon was elected Vice President unanimously. Jon Leigh moved to nominate Chuck Carpenter as Treasurer. Ryan Hamilton seconded the nomination. Chuck was elected Treasurer unanimously. Ryan Hamilton moved to nominate Billy Bourland as Assistant Treasurer. Chuck Carpenter seconded the nomination. Billy was elected Assistant Treasurer unanimously. Billy Bourland moved to nominate Ryan Hamilton as Secretary. Chuck Carpenter seconded the nomination. Ryan was elected Secretary unanimously.
6. **Review and consider approval of December 12, 2023 meeting minutes.** Jon Leigh moved to approve the minutes from the meeting on December 12, 2023. Ryan Hamilton seconded the motion. The motion passed unanimously.
7. **Action regarding obtaining Treasurer's bond;** Chuck Carpenter reported the Treasurer's bond is automatically renewed with the insurance policy.

Reports

8. **Receive monthly report from the Treasurer and consider:**
 - (a) **Approval of reimbursements;** There were no reimbursements.
 - (b) **Approval of payment of monthly bills, invoices, and contract payments;** Chuck Carpenter moved to approve payments of bills and invoices. The invoices included Anderson, Marx & Bohl, PC \$1,200.00 (TVFD Compiled Financial Statement), Visa for \$1,529.13 (Safe-d Conference registration, ink and GIS map), and Kristie Jones \$1,000.00 for January clerical duties. Jon Leigh seconded the motion. The motion passed unanimously.
 - (c) **Approval of monthly financial report;** A financial report was given stating the TBT operating account with a balance of \$2,692.90 and the TBT tax account with a balance of \$589,516.07. The current total for both accounts is \$592,208.97. 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 Listings from Texas Bank and Trust for December were provided to the Commissioners. Chuck

Carpenter moved to approve the financial report. Billy Bourland seconded the motion. The motion passed unanimously.

(d) **Approval of the quarterly investment report for the 4th quarter of previous year;** During the 4th quarter of the previous year, the ESD earned \$4,647.98 in interest. Jon Leigh moved to approve the investment report. Ryan Hamilton seconded the motion. The motion passed unanimously.

9. **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 December. There were no missed calls. The calls included 2 Building Fires, 1 Vehicle Fire, 1 Grass Fire, 18 Medical Assist, 1 EMS Call, 4 Motor Vehicle Accidents, 1 Person in Distress, 1 Unauthorized Burning, and 1 Authorized Controlled Burning. Average response time was 6:00 minutes. Average number of personnel per incident was 5.1. The turn-out time for the month was an average of 2:24 minutes. The VFD did not receive mutual aid and provided mutual aid 3 times. Training for December included 2 hours EMS Training and 4 hours of Fire Training. They currently have 20 members.

10. **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 55 calls during December. 31 of the 55 calls were in ESD 1 and 24 calls occurred in ESD 3. The calls in ESD 3 consisted of 1 Brush Fire, 1 Grass Fire, 7 Medical Assists, 3 EMS calls, 4 Motor Vehicle Accident, 1 Public Service Assistance, 5 Dispatched and Cancelled, and 2 Citizen Complaints. Average number of personnel per incident was 2.6. Average response time in ESD 3 area was 12:40 minutes. Average turn-out time was 3:01. Training was cancelled due to Christmas holidays. They currently have 4 members in EMR School.

Josh reported that October 1, 2023 they changed their perimeters to track the medical calls they do not respond to because they do not meet the criteria. He wanted the commissioners to know if they saw a call listed in the report with no personnel responding it is due to this tracking.

11. **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 59 calls for the month of December. The calls consisted of 1 Road Freight Fire, 1 Natural Vegetation Fire, 1 Brush Fire, 1 Grass Fire, 1 Excessive Heat, 13 Medical Assists, 14 EMS calls, 15 Motor Vehicle Accidents, 1 Assist Police, 1 Assist Invalid, 3 Unauthorized Burning, 1 Dispatched and Cancelled, 4 No Incident Found, and 1 Carbon Monoxide Activation. They had no missed calls, provided mutual aid 4 times, and requested mutual aid 4 times. Average response time was 9:16 minutes. Average turn-out time was 2:33 minutes. Average number of personnel per incident was 2. December training consisted of SOP's, apparatus familiarization, and EMS training. Currently, they have 22 members.

12. **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 December, TVFD responded to 35 calls. 30 of the 35 were in ESD 3, 4 in the City of Terrell, and 1 in Van Zandt County. The calls in ESD 3 consisted of 1 Building Fire, 1 Grass Fire, 8 EMS calls, 11 Motor Vehicle Accidents, 1 Arcing, 4 Unauthorized Burning, 2 Authorized Burning, 2 No Incident Found, and 2 Dispatched and cancelled. They had no missed calls. Average turn-out time was 2:39. Average response time was 10:07 and average number of personnel was 4.6. They responded to mutual aid 7 times and requested mutual aid 4 times. They have 24 firefighting members. Total time spent on calls was 25:47:44 (H:M:S).

Discussion/Action Items

13. **Publish notice of address of administration office location.** Chuck Carpenter moved to approve the publication of the address in *The Terrell Tribune*. Ryan Hamilton seconded the motion. The motion passed unanimously.

14. **Discuss and take action as needed on Agreement for Providing Emergency Services for Terrell Volunteer Fire Department.** The inspection for Terrell Volunteer Fire Department's FRO is scheduled for next week. The Agreement cannot be signed until the FRO is approved and in place. David explained that he put out the request for members of the TVFD to attend tonight's meeting. He wanted everyone to understand the background and exactly what was going on with TVFD. The Agreement states Terrell VFD must have their FRO. According to what Terry has told the Commissioners, he has been working on the FRO for two years. The Board had removed the FRO stipulation from Terrell's contract for at least two years to give him time to complete it. The Agreements with the other 3 departments include the FRO requirement. But, after all this time, it was necessary to put it back. The contract can't be signed without it in place.

David Wallace stated he wanted to share several instances about Terry Van Sickle's leadership of the TVFD that the commissioners were concerned about. Terry was given a designated amount of \$80,000 during the 2022-23 budget to purchase the fire department property from Union Pacific. He used a loan instead of the designated funds for the purchase. The board asked him to pay for the property with the designated funds. He has provided documentation that the loan for the property had been paid.

Misty Culpepper, CPA, had notified Kristie Jones, ESD Clerk, that she had not received any financial information from TVFD since June 2023. Terry submitted financial information for TVFD Compiled Financial Statement to Misty on December 31, 2023. However, he did not provide her with the QuickBooks information she requested until January 5, 2024. David explained that if you accept tax money the law requires financial records to be open to anyone who asks. This is just like open meetings and open records. David stated, he has never spoken or emailed Misty Culpepper. All communication from Misty is forwarded to him by the clerk, Kristie Jones.

Terry did send his yearly run report by December 31, 2023.

During the Agreed Upon Procedures (AUP's) audit, the CPA had trouble getting the information from Terry. This was not a financial audit but an audit of the procedures the fire department followed. Terry had volunteered for TVFD to be the first department to participate in the AUP's. This audit was paid for by the ESD. However, the CPA had to email Kristie multiple times about no response from Terry. David explained how he called Terry on two occasions. Some of the items, like minutes, should have been able to be provided within minutes of the request. Eventually, Terry set the date for when he would have everything to the CPA and he did provide everything by that date. In the audit, it says the TVFD Board members would approve checks over a certain amount. Currently, TVFD does not have a board of directors. The new agreement requires TVFD to have a board in place within 90 days of signing the Agreement. The new agreement also requires TVFD to submit monthly financials to be reviewed by the ESD Board until the ESD Board is confident in the new TVFD Board and their financial procedures. David explained that the Commissioners take an Oath to uphold state laws and are responsible for taxpayer money. When the ESD became a large district, it had to follow new rules and that is why we have an attorney to advise us. That is why some ESD's in the south part of the county have kept their collection of funds under \$500,000 so they aren't required to follow these rules.

David said in the last two years, Terry has been contentious to work with and repeatedly states we are requiring things that are not in the contract. There may be items not in the contract, but they are items required by law. The ESD would like TVFD to provide someone to take Terry's place that is willing to work with the ESD Board. He realizes the Board does not have the authority to tell you who can be chief, but they have an issue working with Terry. Terry has told the Board that TVFD must rewrite their charter to allow for changes required in the Agreement. David said he knows there are Board members (Peter Esposito) from the other 3 departments that are willing to help TVFD with establishing a board of directors and following procedures to be in compliance. David stated the ESD Board is not out to do away with TVFD. They just want better cooperation without hostility. That is why he wanted the Terrell volunteers to attend this meeting. He then asked for questions or comments.

Colby McFadden, TVFD Secretary, asked if David was questioning the integrity of his minutes. David responded no he wasn't, but it didn't make sense for it to take weeks to send minutes from meetings to the auditor.

The Terrell volunteers stated they supported their chief. Chuck Carpenter stated he understood when Terry took over that some things were in a mess, but it has been over two years.

Sammy Turner asked what the Terrell Volunteer Fire Department needed to do in order to sign their contract. Chuck told him everything that is required is listed in the Agreement.

Terry said he wanted to be crystal clear about what the Agreement said that he still needed to complete. David said he needed to complete the FRO, establish a Board of Directors, and provide invoices, checks and bank statements to the ESD Board until they no longer request them. Terry asked about finding this information. Chuck told him it was already in the Agreement and David said it could be found on the website in the approved minutes.

David said the ESD Board would like to meet with the new TVFD Board once they are established and would like board members from the other departments to attend and share how they do things.

David said he has read the laws and read the laws, and still the board has to have interpretation from the attorney. The Board is frustrated and tired. We are not after Terry. We just want a smooth transition.

Melissa Rose, TVFD volunteer, asked if Terry continued to be chief would there still be a problem. David said he could not speak for the Board and apologized to BR Bourland for all of this taking place during his first meeting. The Board has no animosity towards TVFD. They even had a 55 minute meeting with the attorney during executive session to determine how to best incorporate the changes to the Agreement with TVFD to limit frustrations.

Sammy Turner asked about the section in the Agreement that states equipment cannot be taken out of the District. David explained he and Chuck met with the County Attorney and were told that taxpayer equipment should not be taken out of the District except for mutual aid, which is required by state law. If equipment is going to be used outside of the District, then an Interlocal agreement should be in place. The Board has requested to be informed about situations where the department wants to use the equipment outside the District. They completely understand equipment repairs being outside the District and times when a piece of equipment would be used at a funeral. They just ask to be informed ahead of time so if a taxpayer were to ask them about it they would know.

Before moving on to the other agenda items, David thanked the Terrell Volunteers again for attending.

15. **Discuss response areas and City of Terrell map, take action if needed.** David Wallace provided up-to-date maps of the ESD including all the entities the ESD serves.

16. **Receive and review submitted year end reports from VFD's, take action if needed.** All the departments have submitted their year-end reports. Chuck Carpenter moved to accept the reports. Ryan Hamilton seconded the motion. The motion passed unanimously. David told the departments the commissioners review these reports when determining budgets for the next year and how to distribute funds to each department.

17. **Fire Station update and ESD mapping information, take action if needed.** There is no new information on the property next to I-20.

18. **Review training requirements and compliance status for each commissioner.** The commissioners are all registered to attend the Safe-d Conference in February where they will receive training hours.

19. **Report from meeting with City of Terrell, take action if needed.** David Wallace has still not heard anything else about this meeting. He will send another email to inquire about it.

20. **Discuss and take action as needed on engaging GIS OUR Data to assist with upcoming sales tax election.** David Wallace received an engagement letter from Jake Hug with GIS Our Data to assist with the address verification for the sales tax election. After he and Chuck reviewed the agreement and checked references, they told Jake they would hire his company. Jake lives in Kaufman County and was referred to us by our attorney and KCESD 7. The County Elections Office has worked with Jake in the past. The cost to the ESD will be \$5,200.

Jon Leigh moved to give permission to David Wallace to handle any necessary paperwork in preparation for the election. David said he would always have Chuck Carpenter review anything before it was signed. Billy Bourland seconded the motion. The motion passed unanimously.

21. **See Supplemental agenda for election items.**
22. **Discuss agenda items, time and date for next meeting.** The agenda for February 13, 2024 will include Board signatures for TVFD 2023-24 Agreement, sales tax election, and any action needed after meeting with city of Terrell.
23. **Adjournment.** Ryan Hamilton moved to adjourn at 8:20 PM. Billy Bourland seconded the motion. The motion passed unanimously.

By: Kristie Jones

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