

KAUFMAN COUNTY EMERGENCY SERVICES DISTRICT #3
MINUTES FROM MAY 9, 2023

Present: Commissioners: David Wallace, Chuck Carpenter, and Taelor Brewer
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 7:01 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. 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. **Review and consider approval of April 11, 2023 meeting minutes.** Chuck Carpenter moved to approve the minutes from the meeting on April 11, 2023. Taelor Brewer seconded the motion. The motion passed unanimously.

Reports

5. **Receive monthly report from the Treasurer and consider:**
 - (a) **Approval of reimbursements;** Taelor Brewer moved to reimburse David Wallace \$311.78 for the cost of mileage for his trip to Austin to speak before the Land and Resources Management Committee. Chuck Carpenter seconded the motion. The motion passed unanimously.
 - (b) **Approval of payment of monthly bills and invoices;** Chuck Carpenter moved to approve payment of invoices to HdL Companies \$2,500.00 for sales tax estimate report and Kristie Jones \$850.00 for May clerical duties. Taelor Brewer 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 \$1,112,473.66, the ANB operating account had a balance of \$3,026.91, and TBT with a balance of \$3,303.96. The current total for all accounts is \$1,118,804.53. 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 April was provided to the Commissioners. Chuck Carpenter moved to approve the financial report. Taelor Brewer seconded the motion. The motion passed unanimously.
6. **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 April. There were no missed calls. The calls included 1 Other Fire, 20 Medical Assist, 3 Motor Vehicle Accidents, 1 Electrical Wiring, 1 Arcing, 1 Person in Distress, 1 Unauthorized Burning, 1 Dispatched and Cancelled, and 1 Smoke Scare. Average response time was 8:28 minutes. Average number of personnel per incident was 4.4. The turn-out time for the month was an average of 2:28 minutes. The VFD received no mutual aid and provided no mutual aid. Training for April included 2 hours of EMS training and 4 hours of Fire Training.
7. **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 30 calls during April. 18 of the 30 calls were in ESD 3 and 12 calls occurred in ESD 1. The calls in ESD 3 consisted of 1 Cooking Fire, 1 Passenger Vehicle Fire, 2 Medical Assists, 8 EMS calls, 3 Motor Vehicle Accidents, 2 Dispatched and Cancelled, and 1 Special Type Incident. Average number of personnel per incident was 3.2. Average response time in ESD 3 area was 11:56 minutes.

Average turn-out time was 4:22 minutes. The department currently has 25 firefighting members and 3 support services members. Two members are enrolled in EMT school and 2 have passed their national EMT test.

8. **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 65 calls for the month of April. The calls consisted of 1 Building Fire, 1 Trash Fire, 1 Natural Vegetation Fire, 2 Medical Assists, 26 EMS calls, 15 Motor Vehicle Fires, 1 Assist Invalid, 1 Good Intent, 7 Dispatched and Cancelled, 1 No Incident Found, 2 False Alarm, 1 Alarm Systems, 2 Special Type Incidents, 1 Citizen Complaint, and 2 Other Incidents. They had no missed calls, provided mutual aid 4 times, and requested mutual aid 4 times. Average response time was 8:13 minutes. Average turn-out time was 2:22 minutes. Average number of personnel per incident was 2.2. April training consisted of SOPs, EMS, FF1 Objectives, and Apparatus familiarization.

9. **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 April, TVFD responded to 33 calls. 24 of the 33 occurred in ESD 3, 1 in ESD #1, 2 in ESD#6, 1 in ESD #7, and 5 in the City of Terrell. Average Turnout Time was 2:55, Average Response Time within TVFD's response area was 9:52 minutes, and Average number of personnel on each call was 4.2. There were no missed calls. They responded to 10 mutual aid requests and did not request aid. The calls within ESD 3 consisted of 3 EMS, 8 Motor Vehicle Accidents, 1 Lock-in, 1 Unauthorized Burning, 6 Dispatched and cancelled, 1 Authorized Controlled Burning, 1 Smoke Detector, and 1 Lightning Strike. Training consisted of 4 hours of first-in actions, scene size-up, and incident command responsibilities. They currently have 21 members. Total time spent on calls was 17:51:38 (H:M:S).

Discussion/Action Items

10. **Discuss conversation with Erleigh Wiley, Kaufman County District Attorney, take action if needed.** This item was discussed with item 11 and 12.

11. **Discuss conversation with Karen Badgley, Chief of Civil Division for Kaufman County General Counsel, about Fire Department procedures, take action if needed.** This item was discussed with item 10 and 12.

12. **Discuss automatic aid agreements and mutual aid obligations with neighboring political subdivisions and fire departments and take action if needed.** David and Chuck met with Erleigh Wiley and Karen Badgley about the Terrell annexation and the different information they had been told. Both County Attorneys agreed the ESD needs an interlocal agreement with the City of Terrell to cover everything that is not mutual aid. There should not be any automatic aid or first call out to another district. Kaufman County ESD 3 tax dollars need to stay in the District. The County Attorneys advised David and Chuck to attend a Terrell City Council meeting and speak on the record to the fact that there is not a current interlocal agreement and one is needed. The Kaufman County Attorneys said the interlocal agreement should state in writing that the volunteer departments in ESD 3 cannot be called first before the correct department is called. This will help prevent the City of Terrell from automatically asking for help within the area they plan to annex and service. The City of Terrell should respond and then request mutual aid. Terrell Fire Department should not automatically depend on Terrell Volunteer Fire Department to cover the area previously in their jurisdiction.

There was discussion with the departments about the current procedures. They explained the responding department is toned out first, then depending on the type of emergency, dispatch notifies the next closest department to that location. If the responding department is busy on another call, then another department would be toned out first, but only if the responding department is unavailable.

David said the City of Terrell didn't even know the ESD owned the equipment used by the volunteer departments. Terry Van Sickle asked if there should be an interlocal agreement with Kaufman County ESDs No. 1, 6, and 7? David explained again that it is only necessary with the City of Terrell because they are the only ones annexing areas within the District and expecting the District to continue responding in those areas. The interlocal agreement will require the City of Terrell to pay for the use of District equipment for everything except mutual aid. The interlocal agreement will

not change the way the VFDs currently respond to mutual aid. David said that if the District successfully holds an election to collect available sales and use tax, the District will lose the portion of revenue from the annexed areas unless a law is passed requiring cities to split sales tax revenue with special districts. There is the possibility of losing 70% of the tax money the District currently collects, potentially from approximately \$1,000,000 to \$300,000-\$400,000.

13. **Review Addendum to Agreement for Providing Emergency Service with Volunteer Fire Departments and consider approval.** David stated when he received the initial addendum it wasn't exactly what he thought he had discussed with John Carlton. He wanted to share the original as sent by Carlton with the Board and ask about a revision before approval. He read section 3.04 B:

In the event the Department is called to respond and provide emergency services outside the boundaries of the District, whether pursuant to an agreement for automatic aid, mutual aid, or other obligation, the Department shall not use Facilities, Equipment, or other assets belonging to the District without prior written authorization from the District's Board or the existence of an agreement between the District and the entity requesting services from the Department. Such agreement must address the District's Facilities, Equipment and other assets and the use thereof in the provision of emergency response services by the District's contracted service providers.

David stated he thought the wording "mutual aid" needed to be removed because the departments do and will continue to provide mutual aid. Brandon Porter requested to ask a few questions. He stated he did not like being told the departments could not see the addendum before the meeting. David explained again that the addendum needed Board approval before it would be incorporated to the Service Agreement. Brandon asked if there had been a motion and vote by the Board to have an addendum. Kristie Jones read a portion from the March 2023 minutes: "David would like to ask John Carlton some questions about mutual aid, interlocal agreements, and reimbursements for pre-planned events. Chuck Carpenter moved for David to contact John Carlton for his legal opinion. Earl Bourland seconded the motion. The motion passed unanimously." Then in the April 2023 minutes David spoke of his conversation with John Carlton while he was in Austin and John Carlton thought an addendum rather than an interlocal agreement would be the best way for the ESD to deal with the annexation. David stated the addendum was to be prepared by John and the Board should have it by the May meeting. Brandon also asked about the cost of the addendum. The departments were told the ESD had not received an invoice for the cost and therefore, do not have an answer. Chuck Carpenter also said once the interlocal agreement is in place the addendum will be moot. However, the interlocal agreement will be difficult to hash out and may take a while. Taelor Brewer spoke and said he thought there was some confusion between the Board and the departments. The Board is only trying to protect themselves and District property if the annexation happens.

David asked the Board if they wanted to strike the words "mutual aid" from section 3.04 B and then approve the addendum. Taelor Brewer moved to approve the addendum with the words "mutual aid" removed from section 3.04 B. Chuck Carpenter seconded the motion. The motion passed unanimously. At the end of the meeting Kristie will give each department an addendum. It will be up to the department and their Board to sign it and return it.

Josh Phillips stated he thought the presentation of the addendum would have been more positive if the departments had been allowed to see it before the meeting. David said he wanted the Board to approve it first. David went on to say that the Board's only reason to be there is to help the fire departments. The departments know that last year the Board took time to listen to the departments' suggestions of things to remove or change in the Service Agreement.

14. **Review Records Management Program and approve changes, if necessary.** Taelor Brewer moved to update the Resolution Establishing Records Management Program to include the names of the current President and Secretary. Chuck Carpenter seconded the motion. The motion passed unanimously. The

Resolution, Certificate for Resolution, and Form SLR 508 and SLR 504 were signed. Kristie will file the forms.

15. **Review and consider adoption of Resolution Confirming Review of Rules for Public Participation at Open Meetings.** This item was not addressed.

16. **Discuss report about potential sales tax revenue from Katie Biggers, HdL Companies, take action if needed.** David said he was disappointed in what the report did not include. He expected it to estimate the amount the ESD might receive from online and streaming sales. That information was not included. The report did tell the ESD what areas of the district already collect the \$.02 sales tax. The departments were provided with copies of the report and asked to review it. No action was taken.

17. **Approval of District's financial audit and filing audit with county.** No action taken. The 2021-2022 audit was approved at the December 13, 2022 meeting. Kristie submitted it to the County Commissioners following the meeting.

18. **Follow up on Misty Culpepper and her plans for the bookkeeping and compilations for the VFDs.** Misty Culpepper will continue to do the bookkeeping and compilations for the VFDs.

19. **Set date and time for contract and budget workshop.** A date was not set at this time. Budgets need to be submitted by the June meeting. David Wallace asked the departments to be prepared for their budgets to be less because of the decrease the ESD may have in taxes once Terrell annexes part of our tax base. Terrell has a meeting scheduled for September 30 to complete their service plan.

Chuck Carpenter told the departments to read through the Service Agreement to see if they had any changes they thought needed to be made. A date may be set in the future for a budget and contract workshop.

20. **Discuss agenda items, time and date for next meeting.** Agenda items for June 13, 2023 include service agreement addendum, VFD budgets, potential sales tax election, and contract payments.

21. **Adjournment.** Taelor Brewer moved to adjourn the meeting at 8:55 p.m. Chuck Carpenter seconded the motion. The motion carried unanimously.

By: Kristie Jones

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