Hays County Emergency Services District No. 5
Kyle Fire Department Station 1 (Miller-Whitaker) - 210 W. Moore St. - Kyle, Texas 78640
February 27, 2013 – 4:30 p.m.
Regular Meeting
Minutes

1. The meeting was called to order at 4:35 p.m. and quorum established with Commissioners Mike Fulton, Susan Meckel and Paul Terry present. Commissioner Eric Holen arrived at 5:17 p.m., and Commissioner Beth Smith was absent.

2. Public comments on agenda items or other topics related to HCESD No. 5 were heard from Vanessa Jo Park, Aaron Crain, Mark Schultz, and Lila Knight. Vanessa Jo Park presented information on her 501(c)3 charity to provide a food bank for the Kyle area and a bid for use of Station 4 in which to house the operation. Aaron Crain spoke in support of a sales and use tax collection for HCESD No. 5, reconsideration of the existing KFD employee retirement program, and also spoke in favor of implementing performance metrics for the department and employees. Mark Schultz spoke in favor of a sales and use tax collection for HCESD No. 5. Lila Knight raised concerns/questions about how a sales and use tax could be use, and whether the collected tax revenue would be used within the HCESD No. 5 District or disbursed to other districts in the county. No other public comments were heard.

3. Discussion was held on election of HCESD No. 5 BOD officers. Motion was made by Susan Meckel seconded by Mike Fulton to nominate Paul Terry as to fill Assistant Treasure position. Motion passed unanimously by Commissioners present.

4. Minutes of previous meeting from Special Meetings February 11, 2013 were read. Motion was made by Paul Terry, seconded by Mike Fulton to accept the minutes of February 11, 2013 was made. Motion passed unanimously. (3-0). Paul Terry motioned to temporarily table reading and acceptance of minutes from the November 28, 2102 meeting and January 23, 2013 meeting pending arrival of Commissioner Holen, since Commissioner Terry was not a member of the BOD at the time of those meetings. Motion was seconded by Mike Fulton, and motion passed unanimously. (3-0) After Commissioner Holen arrived, minutes of the meeting from January 23, 2013 were read with motion made by Mike Fulton, seconded by Eric Holen to approve the minutes. Mike Fulton, Eric Holen and Susan Meckel voted to accept the minutes. Paul Terry abstained. Motion passed. The minutes of the November 28, 2012 were not available so motion was made by Mike Fulton, seconded by Eric Holen to table acceptance of minutes from November 28, 2012 meeting until the next ESD meeting. Mike Fulton, Eric Holen and Susan Meckel voted "aye". Paul Terry abstained. Motion passed.

5. The Treasurer's report was temporarily tabled to bring **Agenda Items 18, 16, and 17** forward for discussion to accommodate interested public in attendance. After discussion of other agenda items 18, 16, and 17, the Treasurer's Report was presented by Treasurer Eric Holen. Motion was made by Mike Fulton, seconded by Paul Terry, to accept the Treasurer's Report as presented. Motion passed unanimously. (4-0)

6. The Kyle Fire Department Report was presented by Interim Chief Clay Huckaby. Motion was made by Paul Terry, seconded by Mike Fulton, to accept the report. During discussion Eric Holen stated that staff reports do not require action. Motion was withdrawn; no action required.

7. Discussion was held on implementation of information policy, including procedure for media information requests and news releases. Draft policy was presented by Susan Meckel and Interim Chief Huckaby stating that release of information to media shall be performed by the

ESD President, the Fire Chief, or by the Secretary of the ESD BOD or their designated representatives with some conditions attached. Motion was made by Mike Fulton to approve the media press policy. Motion was seconded with an amendment by Paul Terry to correct a typo on 2B and strike the extra word "for" and allow for future updates of grammatical errors if needed. Motion passed unanimously. (4-0)

8. Discussion was held on adopting and implementing and investment policy including the need to appoint an investment officer. Motion was made by Eric Holen, seconded by Mike Fulton to table the item and include it as a recurring agenda item. Motion passed unanimously. (4-0)

9. Discussion was held to establish an account with TexPool to invest local funds in investments that provides for the preservation and safety of principal, liquidity, and yield consistent with the Public Funds Investment Act. Motion was made by Eric Holen, seconded by Mike Fulton, to table the item to evaluate and compare rates we are getting at Broadway Bank in public funds account versus what would be available under TexPool, and this ties in with the Investment Policy (agenda item 8) to be tabled until the next meeting. Motion passed unanimously. (4-0)

10. Discussion was held to authorize reorganization of funds currently invested in one large Certificate of Deposit (CD) to be redistributed into smaller CDs with rotating maturity dates to facilitate accessibility to funds when/if needed. Motion was made by Eric Holen, seconded by Mike Fulton, to dissolve the CD and fold the funds into the Public Funds Money Market account due to the upcoming expiration so the ESD would not be committed to reinvestment in the CD. Motion passed unanimously. (4-0)

11. Discussion was held on consolidation and closure of certain bank accounts and credit cards. Motion was made by Eric Holen, seconded by Paul Terry, to close out two non-operating accounts that were tied to the old KVFD accounts and fold them into the ESD Non-operating Account. Motion passed unanimously. (4-0). Another motion was made by Eric Holen, seconded by Mike Fulton to close the Lowes, Office Depot, Sams Club, Auto Zone, Staples and Home Depot credit card accounts, which leaves Chase credit card as the sole credit card account for the Department. Motion was amended after discussion by Eric Holen, seconded by Mike Fulton, to allow the Auto Zone account to remain open because it is a charge account and not a credit card account and to close the remaining accounts. Motion passed unanimously. (4-0) Also during discussion, Interim Chief Huckaby informed the BOD he has implemented policy requiring a credit card agreement form for authorized card holders. He also informed the BOD that the outgoing administration had allowed individuals to purchase private items under department credit cards and would then withhold the payment amount from paychecks. The new agreement would not allow that, and use of Department credit cards for personal or other unauthorized purchases would be cause for termination.

12. Discussion was held to enter into agreement with Automated Data Processing (ADP) for payroll processing. Motion was made by Eric Holen to allow staff to negotiate payroll processing with ADP, and after discussion motion was amended by Mike Fulton, seconded by Paul Terry, to direct Chief to enter into agreement with ADP for payroll processing. During discussion, Melissa Endicot informed the BOD that the agreement had to be with the entity contracting with ADP. Motion was withdrawn. A new motion was made by Mike Fulton, seconded by Paul Terry, to enter into an agreement with ADP

for payroll processing with direction that they pay 53/3 work schedules. Motion passed unanimously. (4-0)

Agenda Item 22 relating to personnel was brought forward to accommodate Interim Chief Huckaby scheduling conflict, and the ESD BOD adjourned into Executive Session at 6:07 p.m. Executive Session was held with discussion on matters relating to personnel pursuant to Section 551.074 of the Texas Government Code. No action was taken in Executive Session. Executive Session adjourned at 6:39 p.m. and the ESD BOD reconvened into Open Session at 6:42 p.m.

a. Discussion was held on grievance received from outgoing/resigning Captain Miller regarding ESD Commissioner and KFD Volunteer Fulton. Susan Meckel summarized discussion with explanation that the ESD has not had a media policy in place, and the ESD President was aware Commissioner Fulton was going to discuss issues with the newspaper. The BOD has an agenda item on this agenda to consider and implement media policy. No action was required.

13. Discussion was held on allocated, but as yet unpaid ESD contributions to matching retirement program accounts. Motion was made by Paul Terry, seconded by Mike Fulton, to re-designate the item for consideration in the next Special Meeting of the ESD BOD. Motion passed unanimously. (4-0)

14. Discussion was held on creation, adoption, revision and implementation of personnel and operational policies and procedures. Interim Chief Huckaby has been revising policy and job descriptions and will be ready to discuss and make recommendations at the upcoming workshop scheduled for March 5, 2013 and recommended that the BOD be ready to take action on recommendations in a Special Meeting following the workshop.

Agenda Items 14, 19, 20 and 21: Motion was made by Mike Fulton, seconded by Susan Meckel, to table **Agenda Items 14, 19, 20, and 21** until the next Special Meeting of the ESD BOD. Motion passed unanimously. (4-0)

15. Updates and Recommendations from the Long-term Structural and Operational Committee with brief discussion was held on items listed below. Motion was made by Susan Meckel, seconded by Mike Fulton, to set a Workshop in conjunction with the Long-term Structural and Organizational Committee and Chief Huckaby followed by a Special Meeting on March 5, 2013 to continue the work from a previous workshop of February 11, 2013 regarding the following agenda items. Motion passed unanimously. (4-0)

a. Volunteer incentive program for ESD to pay Volunteer certification fees and/or State Fire Marshall Association Fees with total estimated cost of $900.00 annually from reallocated/unused funds.

b. Paid staff incentive program for educational assistance with ESD payment of enrollment fees and book costs for paid firefighters enrolled in Fire Science or other fire-related classes, upon presentation of degree plan with approval by ESD Fire Chief; to be reimbursed with proof of passing grade. Estimated budget line item $1000.00 annually from reallocated/unused funds.

c. Job descriptions, duties, and pay grades of paid ESD personnel – Susan Meckel updated the BOD with information regarding need for better structure, performance metrics, disconnect with upper management and employees on the floor, need for systematic and consistent review processes so employees can meet their career goals; ESD BOD may want to consider continued meetings with staff to understand needs of the Department.

d. Structure of the ESD and KFD programs: Susan Meckel updated the BOD on concerns that there needs to be more comprehensive in-house training for our firefighters who have asked for trainings but have not received them due to the way the current training program is structured, and that training should include administrative staff in attendance, participating in employee training and also receiving continuing education.

e. Setting future meeting dates of the Committee and ESD Board for consideration and possible action to adopt and/or implement recommendations as determined by Committee and Interim Chief. Paul Terry stressed the need for review and consideration of meeting budgetary constraints, and having continued dialogue with the firefighters to determine the needs of the Department.

16. Discussion was held on ordering an election for May 11, 2013 on the adoption of a Sales and Use Tax in Hays County Emergency Services District No. 5 at a rate of one and one-half percent (1.5%) or other appropriate rate as allowed by law; and authorizing District officials, including the District's attorney and District's Fire Chief to take all actions and execute necessary documents to conduct said election; authorizing the District to provide notice related to same and to enter into necessary agreements for the conduct of same; exclude any areas in the District currently at the two percent maximum locals sales and use tax, including, but not limited to the City of Kyle, the City of Mountain City, the City of Uhland, the City of San Marcos and any other area in the District currently at two percent; discussion and action of matters related to same, including matters related to the adoption of the District's Sales and Use Tax. James Earp, City of Kyle Assistant Manager, was invited by the ESD BOD to address the Board regarding the City's concerns with this item. Mr. Earp asked the BOD to consider voting not to hold an election in May for collection of sales and use tax and stated that he felt the City and the ESD could come to some agreement on future funding. Motion was made by Mike Fulton to table item 16 for a November election after having discussions with other taxing authorities in the area, to be tabled until our March meeting to prepare to have on the November ballot and to make item 16 a recurring agenda item, set up a committee and staff to work with the City Long-term Operations Committee to get with the City on best source of revenue. Motion was amended by Mike Fulton to table the item and direct it to the Long-term Structural and Organizational Committee with a recurring agenda item. Motion passed unanimously. (4-0)

17. Discussion and action on contracting with Hays County Elections Administrator or other appropriate authority to conduct said Sales and Use Tax election for May 11, 2013 was not necessary due to actions taken on agenda item 16. Motion was made by Mike Fulton, seconded by Paul Terry, to table item 17 and remove from the agenda. Motion passed unanimously. (4-0)

18. Discussion and possible action on organization and structure of District operations, emergency services provision by District, and long- and short-term planning related to same, including reorganization of debt, ownership, and related matters of real and personal property of District and KFD. The District reserves the right to enter into Closed Meeting on this agenda item pursuant to Section 551, Texas Government Code.

a. Discussion with possible action on necessary accounting procedures including banking and credit accounts with designated signatory and purchasing authority, and employer identification numbers as required by various programs, and retirement and other benefit programs. No discussion or action taken – see **Agenda Item 10**.

b. Discussion with possible action on transfer of real and personal property and reorganization of debt and ownership No Discussion or Action

c. Ongoing long-term planning including expansion of facilities, staffing requirements, EMS planning, equipment and property acquisition none

d. Discussion was held on Station 4 property use; including receipt of bids for proposals on use of property. Mike Fulton has been working with the City of Kyle to determine the rezoning process need for the property and requested authorization to spend $592.28 to pay $407.00 to City, and $181.15 to the City for public notice requirements in the Hays Free Press newspaper, plus unknown costs of any printing fees for documents from the appraisal district. Motion was made by Paul Terry, seconded by Mike Fulton, to allocate $592.28 plus any additional funds for paperwork necessary to complete the rezoning process. Motion passed unanimously. (4-0)

19. Discussion with possible action on adoption of performance metrics related to operations of the department was tabled until the next Special Meeting of the ESD BOD. (See above)

20. Updates and recommendations from the Benefits Committee with discussion and possible action regarding existing or proposed benefit programs was tabled until the next Special Meeting of the ESD BOD. (See above)

21. Updates and old business with discussion and possible action was tabled until the next Special Meeting of the ESD BOD. (See above)

a. Fire Cadet and EMT Training
b. Other internal and external training programs

22. Agenda Item 22 was pulled forward for consideration after Agenda Item 12 above. (See above.)

23. Other

a. Discussion was held to set special workshop and/or meeting sessions to facilitate transition to an ESD-run department. Motion was made in **Agenda Item 15** to set Workshop; ESD set the workshop, followed by a Special Meeting on March 5, 2013 for consideration and possible action on recommendations from Workshop discussions, with any additional agenda items to be sent through the ESD President.

24. Motion to adjourn was made by Paul Terry, seconded by Mike Fulton. No action required. Meeting was adjourned at 7:08 p.m.

Respectfully submitted,
Susan Meckel, Secretary
HCESD No. 5