Hays County Emergency Services District No. 5 (HCESD NO. 5)
Kyle Fire Department Station 1 (Miller-Whitaker)
210 W. Moore St. - Kyle, Texas 78640
June 22, 2022 – 6:30 p.m.
Regular Meeting Minutes

Regular Meeting Minutes

1. Call to order, establish quorum.
- ⇒ Meeting was called to order at 6:37 p.m. and quorum established with Commissioners Beth Smith, Eric Holen, Paul Terry and Susan Meckel present.
- ⇒ Commissioner Sergio Bazaldua was absent for the entirety of the meeting.

2. Accept public comments on agenda items or other topics related to HCESD No. 5.
- ⇒ No public comments were offered at this time.

3. Read and approve minutes of previous Regular Meeting May 25, 2022, and Special Meeting June 16, 2022. (Meckel)
- ⇒ Motion made by Paul Terry, seconded by Eric Holen to approve minutes of Regular Meeting of May 25, 2022 and Special Meeting of June 16, 2022 as presented.
- ⇒ Motion passed (4 – 0)

4. Receive monthly report from the Treasurer (Holen) and consider:

a) Approval of payment of monthly bills and invoices; and
- ⇒ Motion made by Eric Holen, seconded by Beth Smith to approve payment of monthly bills and invoices.
- ⇒ Motion passed (4 – 0)

b) Approval of monthly financial report; and
- ⇒ Motion made by Susan Meckel, seconded by Paul Terry to approve the monthly financial report as presented.
- ⇒ Motion passed (4 – 0)

c) Approval of quarterly investment report; and
- ⇒ Quarterly investment report tabled by Eric Holen until regular meeting July 27, 2022

d) Action regarding amendments to budget for FY2021-2022, if needed.
- ⇒ No discussion held nor action taken

5. Receive monthly report from Kyle Fire Department regarding emergency operations, response times, call volume, training, management activities and membership.
- ⇒ Discussion held with no action taken

6. Discussion and possible action on national, state and local disaster declarations and orders, and response to COVID-19 pandemic, and matters relating to same. (Smith, Taylor)
- ⇒ No discussion held nor action taken

7. Presentation of preliminary budget for FY 2022-2023 with discussion. (Taylor)
- ⇒ No discussion held nor action taken

8. Discussion and possible action to correct Tax Assessor-Collector application of incorrect tax rate for ad valorem tax revenue collections for FY2019-2020, with possible associated corrective options. (Taylor)
- ⇒ Discussion held with no action taken

9. Updates and Recommendations from the Long-term Structural and Operational Committee with discussion and possible action on recommendations: (Meckel/Taylor/Terry)
- ⇒ No discussion held nor action taken

10. 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 the District.

a) Discussion and possible action on land acquisition, construction and related financial matters for new fire substation, including request for quotes process. (Taylor)
- ⇒ No discussion held nor action taken

b) Discussion and possible action regarding Station No. 24 committee members meeting with Hays County ESD No. 9 Commissioners. (Smith/Holen)
- ⇒ No discussion held nor action taken

c) Discussion and possible action to approve an agreement by and between Hays County ESD No. 5 and Martinez Architects for services in relation to the design of Fire Station 24 at 110 High Road, Kyle, TX. (Taylor)
- ⇒ Motion made by Eric Holen, seconded by Paul Terry to accept the contract from Martinez Architects for architectural services, allowing for non-substantitive corrections to be made until contract is executed by signature of President Smith.
- ⇒ Motion passed (4 – 0)

Authorized by the Texas Open Meetings Act and in accordance with Section 551.072 of the Texas Government Code, The HCESD No. 5 Board of Commissioners entered into Executive Session at 7:16 p.m. for the purpose of discussing personnel matters. No action was taken during Executive Session.

At 10:05 p.m., the HCESD No. 5 Board of Commissioners closed the Executive Session returned to posted Agenda item order in open meeting.

FINAL

11. Discussion with possible action on employee training, hours, staffing, policies, and procedures.

a) Discussion, and possible action on HCESD No. 5 employee satisfaction survey results. (Smith)

1. SOP development and revisions committee updates (Taylor)

⇒ Motion made by Paul Terry, seconded by Beth Smith that the SOP regarding disciplinary actions be amended as needed to include the following provisions:

1. When discipline of an employee would warrant suspension, demotion, or termination, an internal review of the matter be conducted by the Department's Office of Fire Prevention. The individual under disciplinary action would immediately be placed on administrative leave until such time as a review of the merits of the case be conducted and final determination made.
2.Since the officers serving in the Fire Prevention Office are members of the Department but work in a capacity outside the normal chain of command and trained in investigative procedures and evidence handling, they would be tasked to work with the Fire Chief to develop the necessary provisions of the SOP in order to perform item 1.
3.In the event that a disciplinary action be determined to be of a criminal nature then all reports, evidence, and interviews are to be turned over to the appropriate law enforcement agency for review/charges to be made.

⇒ Motion passed (4 – 0) with a roll call vote of "aye" by Commissioners Holen, Meckel, Smith and Terry.

At this time Board President Beth Smith moved forward to agenda item # 11. b) 1.

b) Discussion and possible action on temporary freeze on personnel changes, including but not limited to hiring, promotions, terminations, transfers, and other employment status activity and matters relating to same. (Smith)

1. Discussion and possible action on investigation of termination of Brandon Kitchens. (Terry)

⇒ Motion made by Paul Terry, seconded by Beth Smith whereas in review of the material and evidence regarding the disciplinary actions taken towards Officer Kitchens, it has been determined that the findings for termination are in error; therefore the following action be taken that Brandon Kitchens be returned to active duty status at the position and tenure to which he had attained prior to this disciplinary action and the charges/disciplinary action be removed from his personnel file.

⇒ Motion passed (4 – 0)

c) Discussion and possible action on Hays County ESD No. 5 policy development regarding employee matters including but not limited to professional and respectful workplace conduct, employee performance reviews, hiring and promotions processes, discipline and appeals processes and matters relating to same. (Smith)

1. Policy development committee updates (Smith)

⇒ Discussion held with no action taken

d) Discussion and possible action on operational and organizational structure, staffing, and matters relating to same. (Smith)

⇒ Motion made by Paul Terry, seconded by Eric Holen whereas all positions of the Kyle Fire Department are at will positions and therefore subject to elimination with or without cause, the following action be taken:

1.The position of Division Chief of Operations be eliminated from the Organizational Chart and current officeholder dismissed from duty effective immediately. The current duties and responsibilities of that office be assumed by and merged into the office of Division Chief of Training.
2.The position of Executive Assistant be eliminated from the Organizational Chart and current officeholder dismissed from duty effective immediately. The current duties and responsibilities of that office be assumed by the Accounting Assistant on a temporary basis until such time as the Board can determine the actual administrative needs of the Department.
3.The Fire Chief under the guidance and direction of the HCESD No. 5 Board President and Secretary will engage an "outside of the department" administrative professional (or service) to assist the Accounting Assistant in the performance of the administrative needs of the department.
4.The revised organizational chart will be reflected by the attached diagram until such time as the Board with the assistance of the Fire Chief determine what additional needs of the Department will be.

⇒ Motion passed (4 – 0) with a roll call vote of "aye" by Commissioners Holen, Meckel, Smith and Terry.

At this time Board President Beth Smith moved back to agenda item # 11. b)

11. b) Discussion and possible action on temporary freeze on personnel changes, including but not limited to hiring, promotions, terminations, transfers, and other employment status activity and matters relating to same. (Smith)

FINAL

⇒ Motion made by Eric Holen, seconded by Beth Smith that the temporary freeze on personnel changes continue and remain in effect with the exception of hiring firefighters, and the motion made by Commissioner Terry regarding departmental structure and revised Organizational Chart.

⇒ Motion passed (4 – 0)

12. Discussion with possible action to set workshops and/or meetings of HCESD No. 5.

⇒ The next Regular Meeting will be held July 27, 2022 at 6:30 p.m. at Station 21 located at 210 W. Moore St. in Kyle, TX 78640.

13. Adjourn.

⇒ The meeting adjourned at 10:16 p.m.

Respectfully submitted,

Susan Meckel

Susan Meckel,
Secretary HCESD No.5

FINAL

Hays County Emergency Services District No. 5 (HCESD NO. 5)
Kyle Fire Department Station 1 (Miller-Whitaker)
210 W. Moore St. - Kyle, Texas 78640
June 22, 2022 – 6:30 p.m.
Regular Meeting Minutes

Attachment to Minutes – Revised Organization Chart per Motion passed in Agenda Item 11. d)