

Village Fire Department  
Regular Board of Commissioners Meeting  
Wednesday, September 28, 2022  
Minutes

**VILLAGE FIRE DEPARTMENT  
REGULAR BOARD OF COMMISSIONERS MEETING  
MINUTES  
Wednesday, September 28, 2022, 6:03 P.M.**

Present & Voting Were:

City of Hilshire Village	Commissioner Ron Presswood, Chair
City of Hedwig Village	Commissioner Matt Woodruff, Vice-Chair
City of Bunker Hill Village	Commissioner Keith Brown, Treasurer
City of Piney Point Village	Commissioner Zebulun Nash, Secretary
City of Spring Valley Village	Commissioner Allen Carpenter, member
City of Hunters Creek	Commissioner Rob Adams, member

Present Were:

City of Hilshire Village	Alternate John Cooper
City of Bunker Hill Village	Alternate Clara Towsley
City of Piney Point Village	Alternate Aliza Dutt
Village Fire Department	David Foster, Fire Chief
Village Fire Department	Marlo Longoria, Administrator
Village Fire Department	Katherine Stuart, Administrative Specialist
Randle Law Firm	Brandon Morris, Attorney

Not Present:

City of Hedwig Village	Alternate Doug Bergen
City of Spring Valley	Alternate Bo Bothe
City of Hunters Creek Village	City of Hunters Creek Village

**2. COMMENTS FROM THE PUBLIC –**

- None

**3. CONSENT AGENDA** – All Consent Agenda items listed are considered to be routine by the Board of Commissioners and will be enacted by one motion. There will be no separate discussion of these items unless a Board Member so requests, in which event the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.

**3A. Approval of Minutes** – Regular meeting July, August, & Special meeting- September 6, 2022

**3B. Approval of Bills Paid** – August 2022 – GF & FF

**3C. Quarterly investment reports**

Commissioner Presswood asked for a motion to approve the minutes as amended.  
Commissioner Brown moved; seconded by Commissioner Nash.

Commissioner(s) Adams, Carpenter and Woodruff “Aye”, “Noes” none.

MOTION CARRIED UNANIMOUSLY

**4. REPORTS**

**4A. Insurance Property and Casualty and possible action – Frank Comiskey**

**Mr. Frank Comiskey**

The only bid received for Property/Casualty Insurance Coverage for September 30,2022-September 30,2023, was submitted by Mr. Frank Comiskey, Frank Comiskey Agency, Inc. The insurance coverage for 2021- 2022 was different from prior years due to the insurance market. The coverage dates are February 10-2021 through February 10,2022 with added short-term policy (STP). The Village Fire department continued with a STP from February 10, 2022, through September 30, 2022. This policy was \$40,295.02. The \$71,488.00 bid is significantly higher than the current policy. Mr. Comiskey stated that the policy includes an increase due to increase building coverage and inflation. He explained other items that are covered under the policy. **(Article 1)**

Commissioner Woodruff asked if the deductible was increased, how would this impact the premium?

Mr. Comiskey said that he would investigate the request and submit the cost to the commission once received.

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Following the discussion, Commissioner Woodruff asked for a motion to approve the quote presented and instruct the agent to determine what premium adjusted the Village Fire Department will have. If the VFD increase the deductible changing the premium the policy would retro. back to the original date. Commissioner Adams moved; seconded by Commissioner Carpenter.

Commissioner(s) Presswood, Nash and Brown “Aye”, “Noes” none.

#### **Roof update**

Chief Foster stated the roof is still in the unrepaired condition. There is a meeting set for tomorrow morning. All parties are still working on a solution. We did get Mr. Karl Schaack, the roof consultant to review all items presented on the roof and he thinks the roof should be completed replaced. The roof manufacturer thinks that they can solve the problem by putting a significant number of screws in the roof to ensure it stays in its position. Chief Foster reassured the commission that the contractor is aware the commission expects what was spec'd to be completed and not a band aid over a mistake. The discussion will continue until a resolution has been made.

#### **Bay Door Glass Update**

Chief Foster stated Solar X film came out to apply the film on the Bay doors. The bay doors are all sealed. The estimated cost for the Solar X film is \$8,700. He also stated this is a temporary immediate fix to ensure that during 2022 hurricane season the station is protected from shattering glass. This is only temporary, and the contractor is working on a solution.

#### **Plumbing Update**

Chief stated the department replaced the drainage pipe near the new generator with a new 12” pipe. The original 8” pipe was blocked by roots. The blockage was creating flooding around the station. He also stated the station received 4 bid, \$22,000, \$12,000, 8,000 and \$6,100. The department replaced the pipe for \$6,100.

#### **Generator**

The generator muffler and exhaust were wrapped this week. This should eliminate the heat causing the generator to stop. The generator was run for an hour and did not shut off.

#### **Annex (and tower) Roof Update**

Further discussion occurred and no action was taken on this item. The Annex (and tower) roof went out for bid, and the bid opening was August 3, 2022.

- Pyramid Waterproofing – Annex – 146K and Tower- 20K
- Vogler Sheet Metal- Annex- 161K and Tower 15K
- Atlas universal\_ Annex- 191,500 and Tower 29K

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- Marton Roof- Annex – 204K and Tower- 30K
- JR Jones Roofing- Annex- 114,900 and Tower- 156,035

Commissioner Woodruff requested the commission reevaluate what was originally sent for the replacement of the roof.

**4B. Treasurer’s Financial Reports – August 2022**

Marlo Longoria stated when reviewing the budget summary, we, the Village Fire Department is about even for the year 66.6% used. The overtime (OT) line item is still high. We are in hopes that the OT will decrease with being fully staffed. Items that are overbudget are the same ones that have been in discussion throughout the year, overtime, maintenance of vehicles and utilities.

**4C. Fire Chief’s Report – Events of August 2022, monthly performance, a record of calls, response times, and ambulance staffing**

Chief Foster first welcomed Mr. Cooper, the new alternate for City of Hilshire Village.

Chief Foster presented the **August Response Chart (Article 2)**

- Fully staffed (3 FTEs hired in September)
- Rescue 1 in the shop due to CO leak
- Received the two vin # for the new ambulances
- Active Shooter class November 2022
- Incident command training – October 18, 2022

Continued discussion on hiring 3 full-time employees to staff the OT for the second ambulance. Chief Foster stated for 2023 possibly moving the OT budget to hire the 3 FTEs. In 2023 the line item for OT is over 400K, moving some of this money to hire and fully staff the second ambulance would decrease the OT line item and increase the salary line item. It roughly cost the department 103k for 1 FTE. The demand for the EMS Services is increasing overall. The need is becoming greater. Benefit component is 40%.

**5. CONSIDERATION OF CONTRACTS/AGREEMENTS – The Board will discuss and consider possible action on the following:**

**5A. Auditor- 2022 Belt Harris Engagement**

Marlo Longoria presented the Auditor engagement letter. (Article 2)  
Several questions on the cost and process of the auditor were presented.

Three questions:

- Cost/ increased rate
- Length of the contract
- Audit timing in year

No action was taken

**5B. Auditing services - RFP discussion 2024 - wait 2023 to send RFP**

Marlo Longoria presented auditing services specification.

Commission Presswood stated that the commission would revisit the auditing services at the beginning 2023.

No action was taken.

6. **CONSIDERATION OF RESOLUTIONS** – The Board will discuss and consider possible action on the following:
  - **None**
  
7. **DISCUSSION ITEMS/PRESENTATION OF SPECIAL REPORTS** – The Board will discuss and consider possible action on the following:
  - **None**
  
8. **CONSIDERATION OF AND POSSIBLE ACTION ON THE FOLLOWING** – The Board will discuss and consider any actions:

**8A. Discussion of legal opinions-**

The **Fire Commission attorney, Grady Randle, Randle Law offices presented on how the Village Fire commission started receiving services from Randle Law office in 2010.** He stated the fire commission is an unincorporated association of cooperating cities under an interlocal agreement. The interlocal agreement is 44 years old and has had some minor amendments throughout the years. The interlocal agreement has vague language on how a budget amendment should be adopted. In previous year a budget amendment would take the same weight as approving the budget. The budget is approved by majority vote; therefore, a budget amendment would be adopted by a majority vote. Examples of the procedure is the 2018 amendment to approve the replacement of the roof, again when Bunker Hill village thought differently on a new station and now 2022 budget amendments.

Ambulance staffing being the issue this year. Staffing the ambulance is a payroll items and therefore, payroll is in the budget as “salaries.” So, in interpreting the Interlocal 6.02. and 5.01.d it is already a budgeted item. The fire commission would be increasing

the line item for staffing the second ambulance in salaries. The Fire Chief mentioned staffing the second ambulance staff at every meeting ensuring that this is a continued directive of the fire commission. In staying to consistent to previous years to amend the budget it takes a majority vote. Mr. Randle stated he consulted with several other attorneys and colleagues and the interpretation was the same. He also stated that if the fire commission is unhappy about the interlocal then amend the interlocal. If you amend the interlocal and all six cities agree, then you know precisely what you need to go through.

5.01.d states the following

d. Disburse the collected funds for the purposes and to the extent authorized in the budget approved by the contracting cities to procure and provide those services contemplated by this Agreement. Any intra-budget transfer of funds, regardless of amount, from a budgeted reserve for major capital items, and any intra-budget transfer of other funds or combination or accumulation of intra-budget transfers of such other funds in excess of \$10,000.00 **must first be approved by the favorable vote of the governing bodies of contracting cities representing at least seventy percent (70%) of the total fiscal voting strength of all such contracting cities in the Village Fire Department, as such fiscal voting strength is defined and determined by Sections 5.02 and 6.02 of this Agreement. All non-budgeted expenditures, regardless of amount, must first be approved by the governing body of each of the contracting cities. It is specifically provided, however, that the expenditure of funds from a budget contingency account would not constitute a non-budgeted expenditure. (Amend #1 4/1/1983)**

He also stated there has been discussion on having a “cushion” in the fire budget, the fire station would go in and use the “cushion” budget. The cities did not approve of the is either. The discussion was that if the fire department needed emergency funding or funds just ask the cities. They want the FD to run on tight budget. If the cities or commission wants this to change, then again, he stated the cities would need to amend the budget.

#### **8B. Discussion of budgeting strategy and procedure for amending the budget**

Commissioner Woodruff stated that his legal opinion and the City of Hedwig attorney is consistent interpretation of the document. that this is an unambiguous document or contract and that you should read all the words and ensure they make sense. That procedure as follows.

- every word is general and superseded by specific controls
- amendment supersedes the base document

Applying different rules such as amendment to 5.01.d line in bold face controlling language with respect to amendment. Moving one line item to another line item in

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excess of 10K triggers 70 % and all non-budgeted expenditures triggers 100%. Therefore, does the fire commission have the authority outside of getting an approval of the contracting cities whether 5 or 6 to spend monies exceeding the budget.

Commission Carpenter stated that the interlocal is very clear on the budget process. Amending the budget is a budget process. Therefore, it should be treated as approving the budget, majority vote. He also stated that he is more than willing to discuss making changes in the future, but for this year and next the budget process has occurred. Commission Carpenter also stated that the commission receives advice and opinions by the fire commission attorney. The fire commission then moves forward in processes and procedure.

Grady Randle stated he was hired to provide legal counsel to the fire commission in 2010 to present. If Grady Law Firm interprets the interlocal agreement to say, a budget amendment is approved by majority vote, then this is interpretation of the fire commission.

Commission Carpenter explained an inter-budgetary transfer and a non-budgetary item. An inter-budgetary transfer is moving money from one bucket to another bucket and the amount exceeds 10k that inter-budgetary transfer. A non-budgetary item is an item that is not a line item on the existing budget. OT is an existing line on the budget, if we follow what the commission has been doing prior to this meeting budget approval is 4 out of 6 or majority vote. Per the interlocal and the opinion of the attorney this is the practice of a budget amendment. He also restates that the fire department is an independent entity controlled by a board of commission, the fire commission. The fire commission requires full approval of the budget and procedurally the commission would then submit the approved proposed budget to each city for a majority approval.

Commission Presswood stated it was the timing. We as the fire commission decided to staff and pay OT. He stated that if the budget going to be exceeded then the Cities should be notified prior to the following year.

Chief Foster stated each city commission receives monthly budget analysis and from August 2021 to July 2022, he has continued to ask for approval to continue staffing the second ambulance exceeding the over-time/ salaries line item. The department does not receive the audited numbers until late March or early April. In order to confirm the amount of money the department exceeding the budget the audit has to be complete. Once the audit was complete, the department submitted all documents to the fire commission and then to the cities for approval. In the past if the budget was exceeded the money came from the ARF, however the money was allocated to fund the facility in 2021.

Commission Brown stated the interlocal could be interpreting by bracketing of funds. The department has 4 funds; General Fund (GF), Capital Replacement Fund (CRF), and the Facility Funds (FF), The 4th fund is the Ambulance Revenue (ARF), this fund receives revenue from EMS billing. Therefore, if the department is moving funds within the GF

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this is an inter-budgetary transfer. If department is moving funds from CRF to the GF or the FF to the GF, this will trigger the 10k rule. It is all in the matter in how it interpreted.

Commissioner Woodruff stated the question is, did the fire commission have the authority to spend money outside of getting approval of the contracting cities whether 5 or 6 knowingly exceeding the budget. It seems to me that the commission spent in excess of the budget and then asked for permission after the year end.

Commissioner Carpenter stated that the ambulance revenue should be kept by the department

Commissioner Nash stated in agreement with commission Carpenter the budget is so tight and in order for any change or emergency disaster to occur at the department the budget will be exceeded.

Chief foster stated through all the discussion it can be very difficult or challenging to work for 6 different cities and appease everyone. It stated that if a hurricane or a natural disaster was to hit tonight, the department does not have enough money to cover the expenses. If the department was to follow procedure and wait to ask the cities to staff a hurricane the department would be hindered. The direction has always been come back to the cities and we will help.

Commissioner Brown stated the department should go out for bid on to see the market for Auditors, Attorneys, and Accountants. He stated that it not to change or get a new professional service, but just see and compare services.

Commissioner Presswood stated the procedure clear. The problem is that the cities did not receive written notification. The commission followed guidelines by directing the chief to do what was necessary in the current situation and the OT is a budgeted line item.

Commissioner Woodruff stated if the cities of Hedwig had a number and notification the fire department was exceeding the budget. The city would have been more prepared for the approval of funding. What point does an entity have the obligation to go back to cities who approve the budget to know the entity is exceeding the budget.

Commission Presswood stated that the department has done a great job explaining the documents and answering questions. He also has spoken to Hilshire's Attorney, and he agrees with everything that the fire commission's attorney has stated. The problem came down to not following the procedure of providing a document to the cities stating the need to staff the second ambulance. He stated the commission should have gone back to the cities and communicated with their city about the shortfall when they began staffing the second ambulance. If the document would have been relayed the cities could have approved more money prior to the deficit.

Commissioner Carpenter stated that the Fire Department and the commission have followed the interlocal and the recommendation of the fire commission's legal counsel.



Moving forward if the commission wants to change or amend the interlocal agreement to clarify any procedure then the commission will discuss how this can be done in the future. We stated the commission needs to move forward for the good of the department and the six cities.

Further discussion continued....

**8C. Discussion of Alternates for EMS service if all VFD ambulances are out of service**

Chief Foster stated that the 2023 budget has 400k in the overtime budget, one option would be to hire 3 full-time employees and add a crew to the utility truck. The utility can be equipped with an AED and medic bag. This option would increase the staff needed and lose overtime with no cost to the cities. The other option would be continued what is being done and staff with overtime. The real challenge is the issue stated previously resolve the "4<sup>th</sup> call" and the population growth of the cities during the day.

**8D. Discussion of options to reduce "wall time" after delivering patients to a hospital**

Continued discussion occurred.

**Commission tabled 8D**

**8E. Discussion of EMS (ambulance) revenue**

Continued discussion occurred.

**Commission tabled 8E**

**8F. Discussion fund account**

**Commission tabled 8F**

9. **EXECUTIVE SESSION** – The Board of Commissioners will retire into Executive Session as authorized by Chapter 551; Texas Government Code, to discuss the following matters:

**Commissioner Presswood asked for a motion to go into executive session at 8:57:38, seconded by Commissioner Carpenter.**

**Architect/Construction contract**

**MOTION CARRIED UNANIMOUSLY**

10. **ACTION – CLOSED SESSION** – The Board of Directors will discuss and consider any actions necessary on items discussed in Executive Session

**Commissioner Presswood made a motion back into open session at 9:38 p.m.**

**No action was taken**

**11. FUTURE TOPICS**

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**12. NEXT MEETING DATE**

October 26,2022

**13. ADJOURNMENT**

Commissioner Nash moved to adjourn at 9:42 p.m. seconded by Commissioner Brown.

**MOTION CARRIED UNANIMOUSLY**

Respectfully submitted.

Commissioner Ron Presswood, Chair

Attest:

Commissioner Zeb Nash, Secretary