

# UPSHUR COUNTY EMERGENCY SERVICES DISTRICT NO. 1

JUNE 10, 2024

6:00 P.M.

## MINUTES

The regular meeting of the Upshur County Emergency Services District No. 1 Board of Commissioners was held on June 10, 2024, in the Upshur County Courtroom, Upshur County Courthouse, 150 E. Jefferson Street, Gilmer, Texas.

**The District considered and acted upon the following matters:**

- 1) **Call to order and establish quorum.** The meeting was called to order at 6:00 p.m. by Kenny Southwell and a quorum was present with Kenny Southwell, Scott Mischnick, Anthony Depaepe, Brian Jones, and Ray Cook being present.
- 2) **Public Comment.** Issues were mentioned to the Court regarding dispatching concerns with a recent incident.
- 3) **BUDGET DISCUSSION** Kenny Southwell gave a brief overview of some of the figures that they have received to be plugged into the proposed upcoming budget. Kenny Southwell stressed to the departments that they need to focus on recruitment of new members. He further announced that the Board will need input from the departments as to whether they would like the option of a retirement account for volunteers or a "paid for attendance" fund for the members. There was discussion regarding both options. The Board asked all of the departments to provide numbers to the Board as to how many active members each department has. There was discussion regarding the proposed accident policy and what will be required of the departments when there is an accident.
- 4) **Consent agenda items:**
  - A. **Minutes of the May 13, 2024 regular meeting; May 14, 2024 special meeting; and the May 31, 2024 strategic planning meeting.**
  - B. **Accounts Payable**
    1. **City of Gilmer (May Dispatching) \$ 3,000.00**
    2. **Terri Ross (May Bookkeeping/Clerical) \$ 750.00**
    3. **ETEX \$ 103.95**
    4. **Swepco (Draft) \$ 20.42**
    5. **Upshur Co. Appraisal District \$ 9,951.09**
    6. **City of Gilmer (3<sup>rd</sup> qtr) \$22,500.00**
    7. **City of Big Sandy (3<sup>rd</sup> qtr) \$ 8,750.00**
    8. **The Carlton Law Firm (Special Project) \$ 1,398.00**

- 9. The Carlton Law Firm (General)           \$ 1,022.25
- 10. Gilmer National Bank (Glenwood note) \$20,259.12

**C. Pay rural fire departments for invoices submitted**

- 1. Bettie VFD   \$ 688.40
- 2. East Mountain VFD                             \$ 1,644.37
- 3. Ewell VFD   \$ 1,595.74
- 4. Harmony VFD                                    \$ 281.73
- 5. Pleasant Grove VFD                          \$ 3,248.98
- 6. Pritchett VFD                                 \$ 5,053.06
- 7. West Mountain VFD                         \$ 519.29

Scott Mischnick made a motion to approve consent agenda excluding items C4 and C6. Brian Jones made a second to that motion. Motion carried 5-0. Unanimous vote in favor.

Scott Mischnick made a statement to remind the departments that the invoices submitted need to be for the period reflected on the cover sheet as there were several departments that submitted invoices outside of that period reflected.

Scott Mischnick made a motion to pay C4 (Harmony VFD) as submitted minus the ETEX bill since it was past 60 days old. He further stated that this should be addressed as a separate agenda item according to policy. Brian Jones made a second to that motion. Motion carried 5-0. Unanimous vote in favor.

Scott Mischnick discussed the Pritchett VFD prepaid receipt of \$100.00 for fuel submitted for payment. This bill cannot be paid since it does not properly reflect how much was credited back to the prepaid amount. Motion made by Brian Jones with a second by Anthony Depaepe to pay Pritchett VFD in the amount of \$4,953.06. Motion carried 5-0. Unanimous vote in favor.

**5) Discuss and take action to approve the Upshur County ESD #1 Driving and Accident Policy.**

Ray Cook made a motion with a second by Brian Jones to approve the Upshur County ESD #1 Driving and Accident Policy. Motion carried 5-0. Unanimous vote in favor.

**6) Discuss and take action to approve the final draft of the new ESD #1 response area map and vote to make new copies for all departments.**

Brian Jones made a motion with a second by Ray Cook to approve the final draft of the new ESD #1 response area map and to purchase 2 maps per department (16 departments) at the cost of \$80.00/set which is \$1,280.00. Motion carried 5-0. Unanimous vote in favor.

**7) Discuss and take action to approve the new CPA.**

Kenny Southwell made a motion to hire Karen Jacks as the new CPA for the ESD #1 to be paid monthly as billed while getting our

books transferred over in preparation of the new fiscal year at which time she will be paid at a contract amount when she submits her engagement letter. Brian Jones made a second to the motion. Motion carried 5-0. Unanimous vote in favor.

- 8) **Discuss and take action to approve the new Auditor.** Brian Jones made a motion to hire HVM (Heard, McElroy and Vestal) as the new Auditor firm for the ESD #1. Ray Cook made a second to the motion.

Kenny Southwell announced that they would not engage with us until they had an engagement letter which will probably be around November. Scott Mischnick had a question as to whether we should approve until such time as we had an engagement letter. Brian Jones informed the Board that they had talked with the firm and they do work closely with Karen Jacks. They wanted Ms. Jacks to start working on getting the books ready for them before they actually presented an engagement letter to begin October 1, 2024.

Brian Jones amended his motion to approve the future hiring of HVM (Heard, McElroy and Vestal) as the new Auditor firm for the ESD #1.

Brian Jones amended his amended motion to send a letter of intent to HVM (Heard, McElroy and Vestal) for future engagement. Scott Mischnick made a second to this motion. Ray Cook rescinded his original second to the first motion. Motion carried 5-0. Unanimous vote in favor.

- 9) **Discuss and take action on the purchase of a new primary radio frequency for Upshur County ESD #1.** Kenny Southwell announced that the ESD #1 has on radio frequency as a result of the expiration in April of 2022. In order to move forward, the ESD would need to start the licensing process of obtaining a new radio frequency. Ray Cook made a motion to approve an amount of up to \$1,600.00 for the coordination of a new frequency to replace the expired frequency that we currently are utilizing. There was discussion as to taking this expenditure out of the radio maintenance line item at the time of payment. Motion was seconded by Brian Jones. Motion carried 5-0. Unanimous vote in favor.


- 10) **Discuss and take action on the Construction of the Upshur County ESD #1 fire station in Harmony and accept the proposal from TCMC Construction at the do not exceed cost.** Motion by Scott Mischnick to accept the proposal from TCMC Construction to build the fire station on Jaguar Road at the do not exceed cost of \$550,978.46. Brian Jones made a second to this motion. Ray Cook had a question regarding the infrastructure that was pulled from the original bid. Kenny Southwell informed the Board that the infrastructure would still be there and that Harmony VFD had agreed to purchase the appliances. Ray Cook also questioned the additional \$100,000.00 that was not included in this year's budget for the build of the station. Kenny Southwell informed the Board that the next year's budget will include the additional funds needed to complete the station.



Scott Mischnick amended his motion to state that any overage of this year's budget will come out of next year's budget line item for the Harmony station. Ray Cook also suggested that there be a ground breaking ceremony. Motion carried 5-0. Unanimous vote in favor.

- 11) **Discuss and take action on the transfer of property from Harmony VFD to Upshur County ESD #1 for the construction of the new building.** Nicole Stanley informed the Board that all of the paperwork is ready to go to the attorney. Kenny Southwell needs a copy to be forwarded to our attorney for approval. No action needed.
- 12) **Discuss and take action to get the new 911 address for the new fire station and then contact all of the utility companies to begin the process of obtaining utilities (Upshur Rural Electric, Water system, CenterPoint Energy, phone/internet provider).** Motion by Ray Cook and second by Brian Jones to proceed in the action of getting a new 911 address for the new fire station and then to contact all of the utility companies to begin the process of obtaining utilities. Motion carried 5-0. Unanimous vote in favor.
- 13) **Discuss and take action to reschedule the July regular scheduled meeting.** Motion by Kenny Southwell and second by Scott Mischnick to reschedule the July regular scheduled meeting to July 15, 2024. Motion carried 5-0. Unanimous vote in favor.
- 14) **Discuss and take action to allow the fire departments to add UTV and/or trailers to their fleet and add to the ESD #1 insurance policy.** There was discussion regarding those UTVs and trailers bought by donation money should be paid for with the department funds. Anthony Depaepe made a motion that we allow side-by-sides and trailers with an approved policy in the future allowing it. Brian Jones made a motion to table this and have further discussion on our criteria for the trailers and UTVs. Ray Cook made a second to the motion. (Not a valid motion as there was already one on the floor). Motion failed for lack of second.
- 15) **Discuss and set a time and date for the next Strategic Planning meeting.** Motion by Kenny Southwell with a second by Scott Mischnick for the next Strategic Planning meeting to be set for June 24, 2024 at 5:00 p.m. Motion carried 5-0. Unanimous vote in favor.
- 16) **Discuss and consider adopting the tax and budget planning calendar for 2024 and authorize payment for tax process publications.** Pass this matter to the July meeting.
- 17) **Discuss and consider of the ESD website, accessibility, and posting requirements and take any related action.** No action.
- 18) **Discuss and take action on any insurance claim payouts to rural departments.**
  - A. West Mountain VFD (Draw #4) \$2,344.58Motion by Kenny Southwell with a second by Brian Jones to pay the fourth draw to West Mountain VFD in the amount of \$2,344.58. Motion carried 5-0. Unanimous vote in favor.
- 19) **Discuss and take action on any grant reimbursement requests submitted.** None.

- 20) Discuss and take action on any budget amendments. No action. Discuss this at the June 24<sup>th</sup> meeting.
- 21) Discuss and take action on items to be considered for next month's agenda. Active number of members from the Fire Chiefs on the June 24<sup>th</sup> meeting; Appointment of a Retention/Recruitment Committee for the June 24<sup>th</sup> meeting; Approve Gladewater Contract and approve payment on the July meeting agenda
- 22) Adjournment. Meeting adjourned at 8:05 p.m.

  
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Presiding Officer Signature  
Title: Vice-President

Date: July 15, 2024

## **Upshur County ESD #1 Driving and Accident Policy (Approved June 10, 2024)**

Upshur County ESD 1 pays for the vehicle and station insurance for all member Volunteer Departments and our carrier is VFIS. With this, it is imperative that each department adopt a driving and accident policy for their department which meets these minimum requirements. If the department has no adopted policy, it will be assumed under contract that the department will use this policy as their driving and accident guidelines. Contracted departments (Gilmer, Gladewater, and Big Sandy) are exempt from these requirements and should have their own policies and guidelines for their drivers.

Each department should have a driver selection policy which includes a background check for traffic violations. VFIS recommends, [www.intellicorp.net](http://www.intellicorp.net) for all background checks, but each individual department may choose their own company to complete a comprehensive background check. VFIS has a list of violations that should concern your department when you are selecting driver candidates, this may be found at VFIS Drivers Selection document.

Drivers should have an initial check off and participate in an industry accepted driver training program such as one provided by VFIS University, and they should regularly participate or have driver operator refresher reviews to discuss driver safety. Resources can be found at [VFISu.com](http://VFISu.com) or at [RESPONDERHELP.COM](http://RESPONDERHELP.COM).

Driver training records should be kept by the members' department.

### **Fire Department Apparatus Operations**

1. Drivers of district insured vehicles must possess a valid Texas Driver's License and must be a member of an Upshur County ESD VFD or be an Upshur County ESD #1 board member and be listed as a driver under the Upshur County ESD #1 vehicle insurance policy.
2. Drivers of district insured vehicles exceeding 26,000 pounds GVWR must possess a Texas Class A, Class B, or Class B Exempt Driver's License. Drivers without a Class A, Class B, or Class B Exempt License may drive the vehicles ONLY during training in controlled settings with the prior approval of the Chief of the Department.
3. District Insured vehicles may not be operated by any member until that member is trained and authorized by a Department Officer through a program which meets the standards of our insurance carrier. This can be an online VFIS course, TEEX, SFFMA or an in-house policy and driving course. Check off rides will be performed with the prospective driver demonstrating thorough knowledge of operation of both the vehicle and the equipment in a controlled setting before operating the vehicle on open roadways. The Officer performing the check off ride will notify the Chief of the Department when the check off ride has been completed. A Vehicle proficiency test will be documented in the member's personnel file.
4. Drivers are encouraged not to drive department vehicles while wearing structural firefighting protective clothing or boots.
5. Drivers shall perform a 360 degree "walk around" of the vehicle each time before the vehicle is moved to identify obstacles or hazards and to ensure that the vehicle and all equipment is secured and ready for travel.
6. Vehicles shall not be moved when cab doors or compartment doors are open.
7. Vehicles shall not be moved while structural firefighting hose is deployed from the vehicle; hoses shall be depressurized and disconnected before moving, unless directed otherwise by a Chief Officer.



8. When hose reel or whip lines are deployed from the vehicle, the vehicle may be moved only when there is at least one attendant for each line deployed.
9. Drivers should enlist another member to assist as a "spotter" when backing the vehicle. The "spotter" should be used each time the vehicle is moved at an incident scene, especially off-road. Spotters shall check for obstacles and hazards and shall direct the driver through the safest route. While backing, the spotter shall be visualized by the driver from the driver's left side rear-view mirror prior to moving.
10. Drivers will ensure that all passengers are seated and utilizing seat belts while the vehicle is in motion. No personnel shall ride in/on the beds, on tailboards/steps, or anywhere else outside of the cab of the vehicles during emergency operations.

***EXCEPTION: Personnel may be authorized to stand in the gated wells of Brush trucks designed for that purpose to fight fire only when the vehicle is conducting fire suppression activity off-road and only when the vehicle is traveling at a maximum speed of 10 miles-per-hour or less, and any provided, safety restraints are worn.***

11. Drivers shall not use cell phones while the vehicle is in motion, only passengers should be using electronic devices during vehicle operations. The passengers, especially front seat members should stay alert and assist the driver in identifying hazards.
12. Warning Lights and Sirens shall be used during emergency response. Drivers should not operate Radios, Warning Lights, or Sirens unless no other member is available.
13. During emergency response, drivers shall come to a complete stop at all intersections protected by stop signs and traffic lights, ensure that other vehicles are yielding, then proceed only when safe to do so. When maneuvering around vehicles stopped at an intersection, the emergency vehicle will pass to the left of the stopped vehicles only after all vehicles in the "oncoming" lane have stopped.
14. Vehicles responding to an emergency call should not exceed 10MPH over posted speed limits and only if conditions permit. At all times the operator must show due regard for the safety of all citizens.
14. Drivers shall come to a complete stop when encountering school buses displaying warning lights and loading or unloading passengers. Drivers shall observe school zone speed limits when in effect.
15. Passing of vehicles yielding to emergency vehicles on open roadways shall only be performed when safe to do so if the yielding vehicle has pulled to the right allowing the emergency vehicle the right of way.
16. Volunteer Fire Fighters often will respond to the station or a scene in their personal vehicle, as such, each member should always adhere to all motor vehicle laws applicable to personal vehicles. No member should treat their personal vehicle as an emergency response vehicle and personal vehicles should not be equipped with lights and sirens.

### Alcohol/Drug Policy:

Department members shall not participate in any aspect of a Fire or Emergency Incident while under the influence of alcohol or drugs (illicit, prescription, or over the counter, which may impair ability to drive, operate machinery, or make critical decisions). It is recommended that members refrain from department activities within 8 hours of consuming alcohol. Activities include but are not limited to Fire and Emergency Incidents and Training. An Officer of the Department may have an individual removed from an activity if the Officer determines or suspects the individual is under the influence of alcohol or drugs and is potentially impaired. Alcohol shall not be permitted on the premises of the Fire Department. Any individual involved in an accident that causes measurable injury or damage to self, other people, apparatus, or property may be required to submit to a blood alcohol test and/or drug test. Members may at times be subject to random illicit drug testing by authorized department representatives. A drug test may also be ordered if two officers agree upon suspicion that such activities have taken place.

### Accident / Injury / Illness / Exposure Treatment and Reporting Procedure

1. In the case of a motor vehicle accident with damage to property or person the following policy shall be followed:
  - a. The member or members will immediately check for potential injuries to all parties involved, both private and department persons. They should immediately notify appropriate resources needed and secure the scene to prevent further accidents or injuries.
  - b. Immediately notify the appropriate law enforcement agency as listed in this policy. Fleet accidents **shall be investigated by the Texas Department of Public Safety**, or if the accident is within a city jurisdiction, that local agency may choose to investigate and document the accident. Vehicles involved will remain on scene until advised to be moved by Law Enforcement. Members will refrain from speaking with other drivers until Law Enforcement has taken all statements.
  - c. The driver of the vehicle shall have a drug/alcohol test post-accident with the results sent to the Chief of their department. The officer will use the contracted testing agency for all drug and alcohol testing and these results will be shared with the ESD Commissioners. The member department will be responsible to pay for all drug and alcohol testing.
  - d. Notify the Chief of their department and that Chief shall notify a member of the ESD #1 Commissioners.
  - e. The person driving will provide a complete written report within 12 hours of the incident to their Chief and the Chief shall forward a copy of this to the ESD for record keeping and/or to complete the insurance claim or investigation. If there was another front seat passenger or a backer involved in the accident, they too shall provide an Independent written report of the same incident.
  - f. Very minor damage caused to a department vehicle or equipment during emergency operations, which is determined to be unpreventable, may be exempted from this reporting if the Chief of the department and a member of the ESD Board choose.
  - g. The Chief of the department will notify VFIS about the accident and coordinate all VFIS or adjuster meetings required during the investigation.



h. The Chief of the department will be responsible for notifying their workers comp carrier in the case of a member injury.

2. Any member suffering an injury or illness due to exposure to bloodborne pathogens, body fluids, potentially infectious, or toxic material shall notify the Chief or Officer-in-Charge immediately. Emergent patients shall be transported by Emergency Medical Services and treated at the most appropriate Emergency Room. Any individual involved in an Accident requiring medical treatment in an acute care facility may be required to submit to a blood alcohol test and/or drug test.

2. The attending EMS Provider, and/or the infection control officer at the receiving hospital will serve as the Infection Control Specialist for the incident.

**\*In the event of an Exposure or Accident the following procedure will be followed:**

**Notify the Direct Officer, or Incident Commander that the incident has occurred.**

**Any immediate injuries need to be evaluated, treated and transported by EMS, or an available Officer if on-scene medic is not needed, to the most appropriate Emergency Room.**

**\*Documentation such as Workman's Compensation/First Report of Injury will be completed by the Chief.**

**\*All injuries will also need to be documented on the Fire Report.**

**\*All non-emergency injuries or illness, including exposures, will be done at UT Health Pittsburg or Longview Regional Medical Center unless directed elsewhere by the Chief.**

3. The Chief or his/her designee shall complete the appropriate injury/illness or exposure reports and will initiate appropriate follow-up treatment, testing or other action.

4. The injured/exposed member shall be treated by a physician, approved by the department's Worker Compensation carrier.

5. The injured/exposed member shall keep the Chief informed about the status of the treatment.

6. A written "Return to Work" or "Fitness for Duty" statement from a physician may be required at the discretion of the Chief.

7. All reports shall be kept confidential and kept on file the length of time required by the retention laws of the State of Texas.