

**MEDINA COUNTY EMERGENCY SERVICE DISTRICT 1
PO BOX 1037
CASTROVILLE, TEXAS 78009**

MINUTES

WEDNESDAY, JULY 12, 2023, 7:00PM

Meeting Location: Courtroom of the Medina County Sub Courthouse at Precinct 2, 8366 FM 471 S, Castroville, TX

I. OPEN MEETING:

1. CALL TO ORDER and ROLL CALL:

Board President Marvin Dziuk called the meeting to order at 7:01pm, and established a quorum with Board Vice President Rodney Hitzfelder, Board Secretary Tom Page, Board Treasurer Terry Beck, and Board Assistant Treasurer Jenny Ferren present. Fire Chief Clinton Cooke, Assistant Chief Sarah Windsor, District Administrator Polly Edlund, Administrative Assistant Lori Stein, and District Analyst Ronda McNew were also in attendance. Additional attendees were MCESD1 Deputy Chief of Operations Jamie Esquivel, MCESD1 Lieutenant Ian Zabel, MCESD1 Firefighters/EMS personnel Ramon Martinez, Noberto Herrera, Jonathan Crank, Michael Castillo, Gabriel Martinez, Lucas Lopez, Colt Strickland, and MCESD1 citizens Ed Dennis and Doris Jungman.

1 – A. PLEDGE OF ALLEGIANCE TO UNITED STATES AND TEXAS FLAG:

President Dziuk requested all in attendance to rise, face the United States flag and then the State of Texas flag and pledge their allegiance to each, respectively. President Dziuk thanked all for their loyal and patriotic participation.

1 – B. INVOCATION:

Chief Cooke led the assembly in prayer thanking the Lord for the opportunity to serve the citizens of Medina County and His guidance to those tasked with decisions. He asked the Lord to keep His hand on the firefighters, keeping them safe as they respond to emergency scenes, and always to bring glory to Him.

1 – C. RECOGNITION OF SPECIAL GUEST(S) / RECOGNITION(S):

Chief Cooke read a letter that administration received from David Mangold, representing the citizens of LaCoste and the LaCoste Lions Club Volunteer Fire Company, thanking MCESD1 for their support and for building a new fire station for the City of LaCoste. Mr. Mangold quantified several reasons for his deep appreciation: the growth of the area exemplified by present and future planned subdivisions, the increase of regular and construction-related vehicle traffic on FM 471 S., FM 2790, Macdona/LaCoste Road, and continual concern related to delayed responses due to the railroad tracks that divides LaCoste. These concerns increased after the railroad company added an extra railway spur or branch line to accommodate trains passing each other multiple times a day. 'Having only one station located on the south side of the tracks, the residents on the north side of the tracks relied on emergency services from another station in another city when the train blocked the crossings.'

2. CITIZEN COMMENTS:

None.

3. ADMINISTRATION - DISCUSSIONS & RESOLUTIONS/ACTIONS ON THE FOLLOWING:

3 – A. MINUTES, RESOLUTION of ACCEPTANCE – (June)

Commissioner Page moved to accept the June meeting minutes as presented. Commissioner Ferren seconded his motion, and the motion was approved with a 4-0 vote.

3 – B. TREASURER'S REPORT - FINANCIAL REPORTS, APPROVAL FOR PAYING BILLS, and APPROPRIATE TRANSFERS:

Chief Cooke reviewed the June 2023 Finance Report that was presented to members of the Board. The report detailed the budget versus actuals showing all the fiscal year-to-date transactions covering the period of October 1, 2022, through June 30, 2023, listed by chart of accounts categories, listed all transfers, deposits, and remittances, and a summary of all account balances. Chief Cooke noted that the District is nine months or 75% into the current fiscal year and on track with budget and he is comfortable with the current monetary position.

President Dziuk asked if all the account consolidation and moving of funds was complete, and District Administrator Edlund confirmed its completion. Chief Cooke stated that the district had not received the monthly report from Randall Parr, the District's Investment Officer; however, when he does receive the report, he will forward it to members of the Board for their information. Commissioner Ferren questioned if all the additional apparatus were already funded, and Chief Cooke

confirmed the status of those purchased and those within open purchase orders. President Dziuk questioned where the sales tax fund amount (unencumbered funds – \$5.5 million) was located on the report, and District Administrator Edlund stated that these funds, as well as all reserve funds were now part of the surplus reserve account. President Dziuk summarized and confirmed that after the order of all apparatus and equipment, the district has \$5 million of funds unencumbered. Commissioner Beck moved to accept the June treasurer's report as presented. Commissioner Ferren seconded his motion, and the motion was approved with a 4-0 vote.

3 – C. SALES TAX REPORTS (June/YTD):

Chief Cooke noted that the district received the July 2023 net sales tax deposit total from the Comptroller, and it is tracking 8.53% over the 2022 sales tax totals for the same period and right on budget.

3 – D. MCAD VALUATIONS FOR 2023-2024 BUDGET YEAR - UPDATE:

Administrator Edlund informed the Board that the district had not received the 'certified valuations' from the Medina County Appraisal District and these final numbers normally arrive by end of July. Due to the many tax protests the Medina County Appraisal District received this year, the final certified figure could be delayed. Chief Cooke stated the preliminary valuation information received in May, from Medina County Appraisal District, indicated \$2.9 billion in appraised value, a \$450 million increase in valuations over the previous year's valuations. President Dziuk asked how much additional property tax revenue this increase would generate for the district, at the present tax rate, and was informed the amount would be approximately \$390,000; however, until the final certified figures were received from the Medina County Appraisal District, it was too early to confirm exact numbers.

3 – E. TRUTH AND TAXATION CALENDAR FOR SETTING BUDGET AND TAX RATE:

District Administrator Edlund stated that Wednesday, August 9, and Wednesday, September 13, are confirmed dates for the truth and taxation calendar for setting the budget and tax rate, District Administrator Edlund also stated there would be a strong possibility of a scheduled hearing between the two already-scheduled meetings. She will update the Board, if necessary.

3 – F. CONSIDER AND APPROVE ATTORNEY CONFLICT OF INTEREST LETTER:

In 2022 Medina County ESD1 President Dziuk had been approached by Medina County ESD6 Board, President Larry Hoffman, requesting the assistance and guidance of MCESD1, regarding fire administrative management and operational guidance. Medina County ESD1 Board authorized Fire Chief Cooke to begin discussions and dialog with Medina County ESD6. Over the past several months this discussion between Fire Chief Cooke and the Medina County ESD6 Committee representatives has evolved and moved forward in a positive direction, and as a result, a draft proposal for creating an interlocal agreement between the two entities had been forwarded to attorney Ken Campbell to begin drafting a legal document for the proposed arrangement. Since attorney Ken Campbell is currently legal counsel for both MCESD1 and MCESD6, he was required by law to notify both ESDs of the conflict of interest, via a Conflict-of-Interest Letter presented to both ESD Presidents for signature before he could begin drafting any agreement between the two entities. Chief Cooke stated that this letter is the initial step needed to begin a possible agreement. President Dziuk stated that he read the letter and he and MCESD6's Board President Larry Hoffman had spoken, and both are fine with signing the letter. He further expressed the concerns discussed with President Hoffman, as they related to wording within the letter, especially those pertaining to future legal matters or investigations and subjecting both ESDs to each other's legal issues. Both Presidents confirmed the ESDs are governmental entities of the citizens, and therefore had nothing to hide, 'so investigate away'.

Commissioner Beck had serious concerns about the letter. He remarked Attorney Ken Campbell stated and strongly suggested, four times in the letter in bold font, that MCESD1 should seek outside legal counsel before acting on this letter. Commissioner Beck noted that MCESD1's counsel instructed the Board to seek outside counsel, and this had not been done. He had concerns about which attorney would represent which entity. Commissioner Hitzfelder stated that an attorney with ESD knowledge and experience was needed for this matter, not just any lawyer. Commissioner Hitzfelder further noted that until a contractual agreement is signed, there was no sharing of any physical information, command staff, or insider information until a legal document is completed and signed. This was the beginning of negotiations on the matter. District Administrator Edlund interjected that she knew of other ESD attorneys should a contact be needed, or a list provided to move forward. President Dziuk stated that he felt that the letter was a way to protect Attorney Campbell from any liability. Commissioner Hitzfelder stated that he understood Commissioner Beck's concern and President Dziuk's point; however, to him this was a process and MCESD1 is not committing to signing a contract. This is the first and legal step to provide this service to MCESD6. He noted that an outside counsel was necessary on the matter. The real question was, when in the process to get another lawyer involved. Commissioner Ferren noted that the conflict letter had a proposal for services attached and questioned if Attorney Campbell had been involved with the proposal for services. Chief Cooke answered the question by stating that the draft proposal was part of a discussion that was taking place between the two ESDs. District

Administrator Edlund noted that MCESD6 had several meetings during this discussion process, and by viewing the posted agendas, Attorney Campbell had been participating in meetings, to help guide ESD6 through the process.

Commissioner Beck had additional concerns regarding the time a new agreement would take, and would it be a distraction to projects this ESD already had its staff working on. This ESD has major projects it is currently working on; starting up EMS, station projects starting, and he questions if ESD1 staff would have the time to handle all this. He also remarked on his concerns about the attached draft proposal as it related to current shared staff, and conflicts of interest this may cause for those working for both entities. When asked if this would cause ESD6 current staff any conflict of interest; District Administrator Edlund stated she had noticed both the ESD6 Board, and President Dziuk that she would agree to resign from her contracted position at ESD6 should the two ESDs enter a new contractual arrangement that would cause her a conflict. She could not speak on behalf of contractor McNew, however, the two of them were currently the only two contracted staff working for MCESD#6.

Commissioner Beck stated that he was proud of Chief Cooke and the way he handled himself in an unsettling situation at a recent Medina County Commissioners Court meeting. He had concerns about how this new proposed arrangement could be affected if commissioners were not renewed by Commissioner's court. Commissioner Hitzfelder noted that three of the current ESD1 Commissioners currently on the ESD1 board had been here longer than any other commissioners, and should the renewal process present new inexperienced commissioners, this would definitely slow things down.

Following much discussion and voicing of concerns, Commissioner Hitzfelder moved to proceed with the contractual process, approve the conflict letter, and to have a legal review of the final draft document and all paperwork of this matter by independent legal counsel (another ESD attorney). Commissioner Page seconded his motion, the motion was approved by a 3-1 vote, Commissioner Beck voting against the motion.

4. FIRE CHIEF'S REPORTS – DISCUSSIONS and ACTIONS ON THE FOLLOWING:

4 – A. FIRE CHIEF'S REPORT – PROJECT UPDATES:

Administration:

- Chief Cooke developed the first draft of the 2023/2024 budget.
- Chief Cooke participated in the pre-bid site meeting for Station 11.
- Chief Cooke met with the County Commissioners on site of potential station location for Station 14 along FM 1283.
- Chief Cooke developed and implemented an Incident Action Plan for the Castroville July 4th celebration and parade.
- Chief Cooke met with Microsoft regarding response needs for their current and future campuses.
- Chief Cooke held the bid opening for Station 11.
- Chief Cooke developed plans to apply for the Operation Lone Star Grant from TDEM (Texas Division of Emergency Management).

Operations:

- Chief Cooke presented the Fire Programs Incident Report by Incident Type – Summary (51-total incidents – 16 incident types) and the Department Response Time by District and individual stations – turnout time and travel time noted in minutes. The District continues to improve in response times.
- Chief Cooke reported that crews began wildland firefighter training; upon completion of this training, they will be eligible for a wildland firefighter certification.
- Chief Cooke stated during the month of June that forty-five firefighters had a total of 438 hours of combined firsthand and classroom training.
- Chief Cooke noted that during June, 1,262 hours of staffing were covered with volunteers supplementing our full-time staff. Had this been career staff, this would have cost just over \$28,000 for the month.
- Chief Cooke reported that during June, MCESD1 positioned a Tender and crew to Dilley for three weeks to cover the prison that was without water. This was part of a TIFMAS (Texas Intrastate Fire Mutual Aid System) deployment that will be reimbursed by the State.

Insurance Services Office (ISO):

- Chief Cooke reported that the initial ISO audit was completed on February 23, 2023, and the district awaits the final awarding by the Texas Department of Insurance. As of July 1st, the Texas Department of Insurance were notified of a Class 5/10W grade for our unincorporated areas and a Class 4 rating for the City of LaCoste. The district received their 30-day notice of a Class 4 rating for the City of Castroville and a Class 8B/10 rating for the Mico response area. Chief Cooke noted that the next update to the Texas Department of Insurance would be in December. Chief Cooke also stated that there would be publicity from the district when the rate change becomes effective.

EMS:

- Chief Cooke stated that currently the district continues to prepare our system with no specific updates to report. Commissioner Ferren asked when the district could expect the delivery of the ambulances. Chief Cooke replied that he anticipated delivery September/October 2024. Chief Cooke further stated that the district is looking to purchase a demo model before allowing the district to complete the required documentation earlier than projected.

Status of District Assets:

- Chief Cooke reported Engine 8115 is currently out of service due to one of the rear wheels coming loose. Pierce is involved and awaiting determination if it will be covered under warranty. Damage is limited to a broken lug stud.
- Chief Cooke noted that Chief Windsor's vehicle was delivered to the outfitter company with expected completion by the end of July.
- Chief Cooke reported that he and the facilities committee completed a preliminary sketch of floor plan for a remodel of the Castroville Station on Madrid Street to better accommodate 24/7 staffing.
- Chief Cooke reported that he and the facilities committee worked on plans for the Castroville Old Station on Paris Street to present a better front to the community.
- Chief Cooke noted that all other assets are operational to their capabilities.

Additional Activities:

Chief Cooke had many discussions and meetings regarding the operation of the District. A listing of these activities included:

- Conducted multiple discussions with officers from stations.
- Multiple discussions with the finance committee.
- Attended Commissioner Court meetings.
- Multiple discussions with ISO regarding final grading.
- Attended bid opening.
- Compiled first draft of budget.
- Communicated with the State regarding the Dilley water supply deployment.
- Attended and completed a TCFP Incident Commander class.
- Continuing to work on obtaining a site for Station 14.
- Responded for three days with TX-TF1 (Texas A&M Task Force 1) to Perryton for a tornado.

Public Education and Outreach:

- Chief Cooke reported the district's participation in the Independence Day parade and fireworks event. The district continues to maintain a social media presence and, upon invitation, attends community events. The district continually looks for public education and outreach ideas.

Chief Windsor's Activities:

Chief Cooke reported the following activities of Chief Windsor:

- Attended a site visit to Vulcan for a building with Chief Cooke and Chief Esquivel.
- Met with Zoll for a product demonstration of their AEDs and an overview of their Rescue Net Case review product (software).
- Began working, in conjunction with Chief Esquivel, to establish a comprehensive fleet specification list and new equipment list for incoming vehicles.
- Obtained various product demonstrations from vendors to ascertain if the products will meet our organizational requirements.
- Registered for the Texas Fire Chiefs Academy courses in October 2023.
- Set up an account with NPP, a free national cooperative procurement organization. (NPPGov serves public and non-profit markets as a cooperative purchasing organization providing access to contracts created through an RFP process.)
- Supplied Chief Cooke with budgetary numbers for the approximated startup cost for EMS.
- Met with local agency representatives to create an IAP (Incident Action Plan) for the Independence Day events.
- Began working on Operation Lone Star Grant.
- Drove to Houston with Chief Esquivel to deliver Command 8201 vehicle to the outfitters.
- Ordered (2) 10'x10' popup tents and (2) vinyl 5'x10' signs to be used as needed for department PR events.
- Attended and participated in Independence Day events.
- Attended various meetings, product demonstrations, and training with Chief Cooke and Chief Esquivel.

Chief Esquivel's Activities:

Chief Cooke reported the following activities of Chief Esquivel:

- Organized crews to attend Castroville's Lions Sports Complex.
- Organized fire/EMS crews for church function in LaCoste.
- Deployed firefighters and apparatus to Dilley, Texas.
- Organized ATV class and skills test.
- Picked up Medina County Emergency trailer from Hondo to utilize safety cones for EVOC (Emergency Vehicle Operator Certification) training for an insurance company.
- Installed radio and antenna on Brush 8112.
- Scheduled fire personnel and apparatus photo shoot.
- Removed all training props from Station 15 and relocated them to Station 10.
- Attended pre-bid meeting for LaCoste's new Station 11.
- Met with Vulcan Materials and Quarry Management to discuss possibilities for a future fire station along FM 1283.
- Attended funeral for fallen first responder in Bexar County.
- Attended meeting for 4th of July event IAP (Incident Action Plan) planning.
- Worked on new Lieutenant's schedule for Station 15 and the everyday personnel's schedule, training, and daily station duties.
- Outfitted the new ATV with emergency lighting and sirens.
- Delivered Chief Windsor's command vehicle to Houston for emergency response outfitting.
- Responded to calls with fire crews when necessary.

4 – B. AWARD OF CONSTRUCTION BID FOR NEW LACOSTE STATION PROJECT (STATION 11 NORTH OF RAILROAD):

At the posted bid opening, June 29, 2023 Debra J. Dockery, Architect, P.C. opened the competitive sealed proposals for construction services of the new LaCoste Fire Station #11. MCESD#1 Administrative staff were present for the bid opening. Nine proposals were received. The proposals were reviewed for compliance and required documentation. The proposals were evaluated based on the monetary proposal, past project experience and reputation of the firm, quality control process and Assurance Plan, Job site safety procedures and safety record, proposed personnel, and financial capability. The evaluations were performed by Debra J. Dockery Architect, P.C. and representatives from her office, Medina County ESD1 project committee, and several MCESD#1 administration staff. The highest ranked qualified proposer was WR Griggs Construction Company, a local company, and the firm recommended by Architect Debra J. Dockery and by the committee. Commissioner Hitzfelder moved to enter negotiations with WR Griggs Construction for construction of the new LaCoste Fire Station #11 in the amount not to exceed \$4.3 million. Commissioner Page seconded the motion. President Dziuk noted that another local construction company bid less, and the district would save approximately \$180,000 by selecting them. After additional discussions regarding the evaluation process, President Dziuk called for a vote on the motion. The motion was approved with a 4-0 vote. The district will seek value engineering proposals and other construction alternates/adjustments that would save the district funds while providing a high-quality construction of the station.

President Dziuk asked the Board to consider financing only a portion of the construction amount and to utilize some of the District's reserve funds (\$5.5 million) to pay a portion of this project. Chief Cooke stated that there really was not \$5 million in surplus funds available for this project. He had a draft 2023-2024 budget, to be discussed with the Finance Committee next Tuesday, which planned for spending a large amount of surplus funds on capital budget items and equipment. The surplus amount was closer to \$2.6 million. President Dziuk asked for details. Treasurer Beck asked that the Board allow the Finance Committee to hold its meeting, next week Tuesday, and following the Committee's meeting on the proposed draft, the Committee would come back at the August meeting to discuss the proposed budget in more detail.

4 – C. DISCUSSION AND UPDATE ON FINANCING PROPOSALS FOR THE LACOSTE STATION CONSTRUCTION PROJECT:

District Administrator Edlund stated that the district is waiting upon the receipt of two audits from the Coleman and Horton auditing firm in Uvalde. The Financial RFP normally requires three years of audits. And before proposals could be sent out to financial institutions, the last two audit reports were needed. She had spoken with the auditor, and the estimated time for completion was within the month.

4 – D. CONSIDER and APPROVE OPERATION LONE STAR GRANT:

Chief Cooke stated that Governor Greg Abbott announced the availability of \$100 million in grant funding through the Operation Lone Star (OLS) Grant Program to enhance interagency border security operations supporting OLS, including the facilitation of directed actions to deter and interdict criminal activity and detain non-citizens arrested for state crimes related to the border crisis. This availability of funds is limited to only thirty-three counties in the state upon application. Chief Cooke detailed some of the uses envisioned for the grant funds. After his presentation, Commissioner Page moved that MCESD1 should apply for the Operation Lone Star Grant. Commissioner Hitzfelder seconded his motion, and the motion was approved by a 4-0 vote.

5. NEW or UPCOMING DISTRICT DEVELOPMENT(S) - DISCUSSIONS and ACTIONS ON THE FOLLOWING:

Chief Cooke reported new subdivisions were opening all around the district, i.e., Potranco Landing, Park Road 37, and other areas on 471N. Microsoft will soon begin construction on their US 90 W site with construction work already ordered for this location. Microsoft has purchased 650-acres on CR 381 for an additional site. Chief Cooke summarized the district situation by stating that there is no shortage of development.

Commissioner Hitzfelder asked what sales tax monies the district was receiving from Microsoft. Chief Cooke informed the Board that currently the only sales tax from Microsoft is from construction-related purchases like concrete, metal products, wall panels, and electricity. Currently, the district does not receive sales tax from the computer related activity within the data center. District Administrator Edlund reminded the board that the sales tax received from the construction of the data center was noted in a prior month's e-mail sent with the detailed sales tax report.

6. OLD BUSINESS – DISCUSSION and POSSIBLE RESOLUTIONS ON THE FOLLOWING:

None.

7. NEW BUSINESS – INTRODUCTION OF ANY NEW BUSINES

7 – A. MONTHLY MEETING – AUGUST AND PUBLIC HEARINGS FOR BUDGET AND TAX RATE:

The next regular meeting of MCESD1 will be at 7:00pm on Wednesday, August 9, 2023, in the Courtroom of the Medina County Sub Courthouse at Precinct 2, 8366 FM 471 S, Castroville, TX.

Other dates noted were Tuesday, July 18, 2023, for a finance committee meeting, Wednesday, September 9, 2023, for the September regular meeting and a to-be-scheduled/announced proposed Tax Rate hearing sometime between the August and September regular meetings.

8. ADJOURN (MOTION):

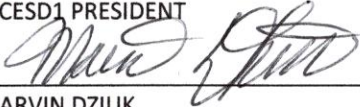
Commissioner Beck moved to adjourn the meeting. Commissioner Page seconded his motion, and the motion passed with a 4-0 vote. President Dziuk adjourned the meeting at 8:48pm.

RESPECTFULLY SUBMITTED,



POLLY EDLUND, DISTRICT ADMINISTRATOR

MCESD1 PRESIDENT



MARVIN DZIUK