

**MINUTES OF THE REGULAR MEETING OF THE  
BOARD OF COMMISSIONERS OF THE  
JEFFERSON COUNTY EMERGENCY SERVICES DISTRICT NO. 1**

A Regular Meeting of the Board of Commissioners of the Jefferson County Emergency Services District No. 1 ("District") was called at 6:00 p.m. on the 26th day of April 2021, at the 13550 River Oaks Blvd., Beaumont, Texas 77713, pursuant to notice duly posted according to law.

This meeting was held pursuant to the December 6, 2020 Order by the Governor of the State of Texas to allow Commissioners, staff, and members of the public to participate in the Regular Meeting by conference call. In addition, a recording of the meeting was made and is available to public.

The roll was called of the Commissioner on the Board, to-wit:

<b>Commissioners</b>	<b>Position</b>
John Johnson	President
Hoyt Simmons	Vice-President
Mark Zambardino	Treasurer
Brett Weldy	Secretary

All said members were present, except Director Zambardino, thus constituting a quorum. In addition to the above-named Directors, the following persons were also present:

<b>Attendee</b>	<b>Position</b>
Chief Chris Gonzales	Administrator
Mrs. Julie LaFlamme	Assistant Administrator
Mr. Robert Ring	Administrative Assistant in Training
Mr. Hubert Oxford, IV	Benckenstein & Oxford, LLP

At 6:03 p.m., President Johnson announced that a quorum was established, and then called on Mr. Robert Ring to lead the group in prayer and the Pledge of Allegiance. Afterwards, President Johnson asked for public comment but there was none.

## **Agenda Item No. 5 – Approve Prior Minutes**

The President then requested that the Commissioners review the minutes of the March 29, 2021 Regular Meeting. Attorney Oxford reported that the minutes, as presented, included most of the changes submitted by Mr. Robert Ring and Mrs. LaFlamme.

After reviewing the minutes, Commissioner Hoyt Simmons made a motion, which was seconded by Commissioner Brett Weldy, and the unanimous vote of all the Commissioners present, to approve minutes of the March 29, 2021 Regular Meeting.

## **Agenda Item No. 6 - Review and approve and take-action, if necessary, on approving financial statement; authorize payment of invoices; and amending the budget.**

Assistant Administrator LaFlamme reported that at the beginning of the month, the District had \$343,389.54 in its checking account. During the month of March 2021, the District received a tax deposit of \$14,675.93; interest payment of \$48.63; and debit of \$157.82 for bank fees. After taking into consideration the \$13,194.14 in checks approved at the last meeting, the ending balance in the District's checking account at the end of the month was \$344,762.14. In addition, the District's balance in its savings account increased by \$3.74 in interest to \$27,483.86. This brought the total liquid assets of the District to \$372,246.00 as of March 31, 2021. (See **Exhibit "A-1"**).

Mrs. LaFlamme also presented the Department's financial summary and explained that nothing had changed since the March 29, 2021 Regular Meeting. As of April 26, 2021, the Department's checking account balance remained at \$10,000.00 and there was still \$8,825.02 in the Department's savings account. (See **Exhibit "A-2"**).

Mrs. LaFlamme then asked the Commissioners to review the invoices that have been paid since the last meeting and the outstanding invoices to be paid at the current meeting. Per Mrs. LaFlamme, the expenses paid following the March 2021 meeting and the invoices to be paid at the meeting totaled \$25,500.50. (See **Exhibit "A-3"**). Below is the complete list of all the invoices to be paid:

Paid @ April 2021 Meeting					
Payee	Category	Check #	Date Incurred	Date Paid	Amount
AT&T	OE-10 Telephone Service (Phone/Fax/Security)	AUTO	03/31/21	4/8/2021	\$137.20
CenterPoint Energy	OE-17 Utilities (Electric & Gas)	AUTO	03/31/21	4/9/2021	\$49.73
MaxNguyen	OE-14 Medical Training (CPR & Other)	2111	03/09/21	4/13/2021	\$100.00
Hayden & Company	OE-5 Equipment Maint/Repair/Purchase	2112	03/29/21	4/13/2021	\$5,265.33
Hayden & Company	OE-5 Equipment Maint/Repair/Purchase	2113	04/12/21	4/16/2021	\$4,710.00
Card Service Center	OE-6 Fuel	POP	03/31/21	4/23/2021	\$395.44
Card Service Center	OE-29 Meals	POP	03/31/21	4/23/2021	\$127.14
Card Service Center	OE-23 Station Maintenance	POP	03/31/21	4/23/2021	\$88.86
Card Service Center	OE-4 Vehicle Main/Repair/Pump Recertification	POP	03/31/21	4/23/2021	\$168.25
Card Service Center	OE-5 Equipment Maint/Repair/Purchase	POP	03/31/21	4/23/2021	\$28.50
Stryker Sales Corporation	OE-22 Defibrillator Testing (Physio-Control)	2114	04/01/21	4/26/2021	\$1,346.40
Emergency Medical Products	OE-15 Medical Supplies/Oxygen	2115	04/07/21	4/26/2021	\$109.16
Terry Paddy Pest Control	OE-23 Station Maintenance	2116	04/05/21	4/26/2021	\$55.00
Safe and Sound Security Services	OE-11 Fire Alarm Service	2117	04/26/21	4/26/2021	\$443.40
Entergy	OE-17 Utilities (Electric & Gas)	2118	03/31/21	4/26/2021	\$187.36
Backdraft OpCo, LLC	OE-26 Emergency Reporting (Software)	2119	04/05/21	4/26/2021	Void
Southern Tire Mart	OE-4 Vehicle Main/Repair/Pump Recertification	2120	12/01/20	4/26/2021	\$2,534.00
Elite Card Payment Center - Wells Fargo	OE-5 Equipment Maint/Repair/Purchase	2121	03/31/21	4/26/2021	-\$17.89
Elite Card Payment Center - Wells Fargo	OE-4 Vehicle Main/Repair/Pump Recertification	2121	03/31/21	4/26/2021	\$941.70
Elite Card Payment Center - Wells Fargo	AE-6 Office, Postage, Operations, Misc.	2121	03/31/21	4/26/2021	\$324.70
Elite Card Payment Center - Wells Fargo	OE-18 Internet & TV	2121	03/31/21	4/26/2021	\$89.63
Chris Gonzales - Unit #101	OE-25 Paid Salaries	2122	04/21/21	4/26/2021	\$288.00
John Stone - Unit #171	OE-25 Paid Salaries	2123	04/21/21	4/26/2021	\$960.00
Greg Hollaway - Unit #174	OE-25 Paid Salaries	2124	04/21/21	4/26/2021	\$160.00
Ehren Davis - Unit #177	OE-25 Paid Salaries	2125	04/21/21	4/26/2021	\$320.00
Mathew Behnken - Unit #178	OE-25 Paid Salaries	2126	04/21/21	4/26/2021	\$152.00
Ura Lara - Unit #182	OE-25 Paid Salaries	2127	04/21/21	4/26/2021	\$160.00
Gabe Luke - Unit #183	OE-25 Paid Salaries	2128	04/21/21	4/26/2021	\$296.00
Buddy Land - Unit #184	OE-25 Paid Salaries	2129	04/21/21	4/26/2021	\$160.00
Emergency Training Enterprises	AE-3 Firefighter Coordinator	2130	03/31/21	4/26/2021	\$100.00
Joshua C. Heinz	AE-4 Legal Expenses	2131	03/31/21	4/26/2021	\$350.00
Hubert Oxford, IV	AE-4 Legal Expenses	2132	03/31/21	4/26/2021	\$350.00
Chris Gonzales	AE-13 Staff	2133	03/31/21	4/26/2021	\$1,120.00
Chris Gonzales	OE-25 Paid Salaries	2133	03/31/21	4/26/2021	\$960.00
Julie LaFlamme	AE-13 Staff	2134	03/31/21	4/26/2021	\$500.00
Municipal Emergency Services	OE-5 Equipment Maint/Repair/Purchase	2135	04/23/21	4/26/2021	\$175.00
Backdraft OpCo, LLC	OE-26 Emergency Reporting (Software)	2136	04/05/21	4/26/2021	\$2,327.60
Verizon	OE-18 Internet & TV	AUTO	03/31/21	4/26/2021	\$37.99
					<b>\$25,500.50</b>

During the discussion of the invoices, Mrs. LaFlamme and Mr. Ring highlighted the payment to Backdraft Solutions (i.e., Emergency Reporting) and explained that Check No. 2119 had to be cancelled because after writing the checks, the District received a revised bill for \$2,327.60. Staff then stated that as part of their investigation into the Emergency Reporting invoicing issues, they confirmed the contracted rate for the year was \$2,327.60, not \$2,463.74 as originally invoiced.

The Commissioners were informed that after researching the budget amendments made at the last meeting regarding OE-26 Emergency Reporting (“OE-26”), and OE-28 Dispatch OCESD No. 2 (“OE-28”), staff revisited the timing and contractual obligations with Orange County Emergency Services District No. 2 (“OCESD No. 2”) and Emergency Reporting Software and determined that the discussion and minutes for the March 29, 2021 Regular meeting concerning these two (2) line-items were incorrect. A timeline of the budget issues involving OE-26 and OE-28 is set forth as follows:

Date	Fiscal year	Event
April 16, 2018	2017-2018	During the April 16, 2018 Regular Meeting, which was in FY 2017-2018, the Commissioners approved a five (5) year contract for the Emergency Reporting Software. In years 2-4, the contracted rate was \$2,327.60. At the time, the annual fee and initial set up cost was \$3,394.60.
May 15, 2018	2017-2018	<u>Department</u> made the initial payment to Emergency Reporting in the amount of \$3,394.60 that included initial set up and the annual fee. Since the Department made the payment as part of their lump sum payment, this expenses was reported in the Department's financials.
September 17, 2018	2017-2018 budget for 2018-2019	<p>When discussing the Budget for 2018-2019, for the first time, the Commissioners merged the financials for the District and the Department for the first time.</p> <p>At the same time, the Commissioners authorized staff to enter into a Dispatch Agreement with OCESD No. 2 for \$3,300.00 to perform the dispatch services and to pay \$719.66 to cover a one-time payment for a third of a radio component. Thus, the total expenses assigned to OE-28 were correctly set at \$4,019.66.</p> <p>According to the Chief, the Agreement called for an annual payment of \$3,300.00 per year plus a one-time payment of \$719.66 to cover the 1/3<sup>rd</sup> of the cost for a radio tower.</p> <p>Moreover, this budget established line-item OE-26 Emergency Reporting. OE-26 is for the District's Emergency Reporting Software needs. The cost for 2-4 years is \$2,327.60.</p>
October 22, 2018	2018-2019	District made its first payment of \$4,019.66 to OCESD No. 2 as approved at the September 17, 2018 Regular Meeting.
April 22, 2019	2018-2019	District made the second annual payment to Emergency Reporting in the amount of \$2,327.60.

September 26, 2019	2019-2020 budget 2020-2021	District adopted budget and assigned \$3,999.00 to OE-28. This amount included the annual payment of \$3,300.00 to OCESD No. 2 for their dispatch services and a one-time payment of \$699.00 for 1/4 <sup>th</sup> of the set-up cost for Emergency Reporting Software to be used by OCESD No. 2. This payment to OCESD No. 2 for Emergency Reporting Software is separate and distinct from the District's payment for use of the software as set forth in OE-26.
May 3, 2020	2019-2020	<p>Invoice by Emergency Reporting was sent to District. This invoice should have been for \$2,327.60 but was slightly more. However, the District did not know the invoice was submitted.</p> <p>This invoice was for May 2020-April 2021 or five (5) months in FY 2019-2020 and seven (7) months in 2020-2021.</p>
September 13, 2020	2019-2020 payment for 2020-2021	District received an invoice for \$3,300.00, not \$3,999.00 from OCESD No. 2 for Dispatch services.
September 21, 2020	2019-2020 budget for 2020-2021	<p>District paid the invoice for \$3,300.00 to OCESD No. 2 for FY 2020-2021 dispatch services but failed to question why the invoice was \$699.00 less than it should have been.</p> <p>During the September 21, 2020 Regular meeting, the Commissioners adopted Budget Amendment No. 2 for FY 2019-2020. In this budget, the District Moved \$699.00 from OE-28 Dispatch to line-item to OE-26 Emergency Reporting. Likewise, the Commissioners reduced the OE 28 Dispatch line item from \$3,999.00 to \$3,300.00. Meanwhile, despite not having paid the May 3, 2020 Emergency Reporting invoice at the time, the Commissioners left OE-26 at \$2,327.60 but with a balance of \$1,628.60.</p> <p>At the same time, when adopting the 2020-2021 Budget and having overlooked the payment of the May 3, 2020 Emergency Reporting invoice, the Commissioners adopted a budget for 2020-2021 that budgeted \$699.00</p>



		for OE-26 and \$3,300.00 for OE-28, not \$2,327.60 for OE-26 and \$3,999.00 for OE-28.
December 31, 2020	2020-2021	Having learned that the May 3, 2020 Emergency Reporting invoice was not paid, the Department paid the invoice and then got reimbursed by the District during its February 23, 2021 Regular Meeting.
March 29, 2021	2020-2021	The Commissioners adopted Amendment No. 2 for the year. In this amendment, OE-26 was increased from \$699.00 to \$2,327.60. However, given the confusion, the Commissioners failed to increase OE-28 to \$3,999.00.
April 5, 2021	2020-2021	District receives invoice from Emergency Reporting for May 1, 2021 through April 2022. This invoice, in the amount of \$2,327.60, is for five (5) months in FY 2020-2021 and seven (7) months in FY 2021-2022.
April 26, 2021	2020-2021	At the day of the meeting, Mr. Robert Ring announced that he had discussed the \$699.00 payment and learned that this payment was a one-time set up fee and now the District should be paying \$189.00, representing one-fourth of annual maintenance fee for Emergency Reporting fee assessed to OCESD No. 2. Thus, the budget amount for OE-28 needs to be increased from \$3,300.00 to \$3,500.00, <u>not</u> \$3,300.00 to \$3,999.00.

Taking all this into consideration, staff made the recommendation to amend line-item OE-28 from \$3,300.00 to \$3,500.00 to account for one-fourth of the Orange County Emergency Service District's Emergency Reporting maintenance fee of \$189.00. (See **Exhibit "A-4"**).

Lastly, once the District's bank account at Community Bank is set up, Attorney Oxford recommended that the District transfer \$150,000.00 into this account for operations. At the same time, he recommended transferring the balance in the District's Wells Fargo checking account, less \$500.00, into the Wells Fargo savings account. Then, in anticipation of closing the Wells Fargo checking account, Attorney Oxford recommended that staff work with entities that make deposits into this account and transfer the deposits to the Community Bank Account.

At the end of the discussion on this agenda item, Commissioner Brett Weldy made a motion to approve: 1) the Account Balance reports for the District and the Department; 2) income statement and other financial reports presented; 3) invoices set forth above; 4) the recommended budget amendments; and 5a) transfer \$150,000.00 into the District's Community Bank checking account by way of check; 5b) transfer the balance in the Wells Fargo checking account to the savings account; and 5c) authorize staff to work with the County Tax Assessor's office to begin making tax deposits into the Community Bank checking account. This motion was seconded by Commissioner Hoyt Simmons and unanimously approved by all the Commissioners.

**Agenda Item No. 7 - To review, discuss, and take any needed action regarding: 1) staffing; 2) purchase and/or 3) repair requests submitted by the Volunteer Fire Department.**

The Chief reported on several items that he would like to purchase including: 1) tires on trailer because existing tires are over ten (10) years old; 2) tools to begin building a toolbox; 3) handouts to give to kids for upcoming events such as July 4<sup>th</sup> parade; and . In addition, Chief Gonzales provided the Commissioners with a roster of current firefighters and volunteers. The Chief then spent time explaining the list and the qualifications of various volunteers. (See **Exhibit "B"**).

In response to whether the Chief needed authority to purchase the requested items, the Chief was reminded that he had spending authority so long as the spending was within the budget. Otherwise, no action was taken.

**Agenda Item No. 8 - To review, discuss, and take any needed action regarding applying and/or accepting grants.**

The Chief reported that the Department received the hose purchased as part of the Texas Forest Service equipment grant. Per the Chief, since the Department received the hose, the Department was able to submit the purchases made through the grant for reimbursement from the Forest Service. He then presented a list of the equipment acquired and for which the Department is seeking reimbursement. (See **Exhibit "C"**).

**Agenda Item No. 9 - Discuss and take-action, if necessary, on hiring an administrative assistant to replace Mrs. Julie LaFlamme.**

Attorney Oxford was asked to present a proposed Agreement for Administrative Assistant Service with Mr. Robert Ring to serve as the District's Administrative Assistant. (See **Exhibit "D"**). The terms of the agreement closely mirrored the prior agreement with the Administrative Assistant. Afterwards, Attorney Oxford informed the Commissioners that shortly after the March 2021 meeting, he advised the Chief that he authority per the Administrator's Agreement to engage Robert, which he did. Therefore, Attorney Oxford recommended a motion to authorize the President to execute the Agreement for Administrative Services and to make the effective date of the agreement April 1, 2021 so that Mr. Ring could get paid for the time spent training as the Administrative Assistant from April 2021 through June 2021.

Regarding Mrs. LaFlamme, Attorney Oxford stated that her agreement provides that she continues to get paid ninety (90) days from when she announced her retirement during the March 29, 2021 Regular Meeting, or June 28, 2021. Mrs. LaFlamme assured the Board that she has been and would continue to use this period to train Mr. Robert Ring.

The Commissioners concurred with the recommendation and Commissioner Hoyt Simmons then made a motion to approve to authorize the President to execute the Agreement for Administrative Services and to make the effective date of the agreement April 1, 2021 so that Mr. Ring qualifies to get paid for the time spent training as the Administrative Assistant in April 2021. This motion was seconded by Commissioner Brett Weldy and unanimously approved by all the Commissioners.

**Agenda Item No. 10 - Discuss and take-action, if necessary, on approving amendment to Bank Account Resolution to remove Julie LaFlamme as Assistant Administrator and to include Mr. Robert Ring as Assistant Administrator.**

Once again, Attorney Oxford was called on to explain this agenda item. Attorney Oxford presented the Commissioners with an Amended Community Bank Authorizing Resolution that removes Mrs. Julie LaFlamme from having view access and authority to have a credit card and replaces her with Mr. Robert Ring. (See **Exhibit "E"**). He then asked the Commissioners for a motion to adopt the resolution.



Afterwards, Commissioner Brett Weldy made a motion to approve the amendment to Bank Account Resolution that removes Julie LaFlamme as Assistant Administrator and to include Mr. Robert Ring as Assistant Administrator with view access authority and authority to have a credit card up to \$2,500.00 and spending limits per the District's Credit Card Policy and Spending/Purchasing Policy. This motion was seconded by Commissioner Hoyt Simmons and unanimously approved by all the Commissioners.

**Agenda Item No. 11 - Discuss and take-action, if necessary, on authorizing the President to sign collateral agreement with Wells Fargo Bank.**

Staff presented the Commissioners with a collateral agreement prepared by Wells Fargo Bank and asked Attorney Oxford for his opinion and reasoning for the Agreement. (See **Exhibit "F"**). Attorney Oxford explained that this type of agreement was usually presented to banks by governmental entities of the State of Texas as required by Chapter 2257 of the Texas Government Code. In this case, it was his opinion that Wells Fargo wanted to update the Agreement because of the changes at the bank. Attorney Oxford read the agreement and advised that it complies with Chapter 2257 of the Government Code and recommended the Commissioners give the President authority to sign it.

Upon receiving this recommendation, Commissioner Hoyt Simmons made a motion to authorize the President to execute the collateral agreement submitted by Wells Fargo Bank. This motion was seconded by Commissioner Brett Weldy and unanimously approved by all the Commissioners.

**Agenda Item No. 12 - Discuss and take-action, if necessary, on waiver of penalty and interest for Irving E & Maranda De La Torre pursuant to Sec. 33.011 of the Texas Property Code.**

Staff then presented the Commissioners with a request by Jefferson County to waive the penalties and interest for Irving E & Maranda De La Torre in the amount of \$83.14 pursuant to Sec. 33.011 of the Texas Property Code. (See **Exhibit "G"**). Staff reported that this waiver was also approved by the Jefferson County Commissioner's Court and recommended that the Commissioners do the same.

The Commissioners agreed, and a motion was made by Commissioner Hoyt Simmons to approve the waiver of penalty and interest for Irving E & Maranda De La Torre pursuant to Sec. 33.011 of the Texas Property Code. This motion was

seconded by Commissioner Brett Weldy and unanimously approved by all the Commissioners.


### **Agenda Item No. 13 - Chief's Report**


According to the Chief, in March 2021, the Department and the District's firefighters responded to twenty-three (23) calls. He then went through the list of calls below and gave the Commissioners highlights for various calls.

<b>Date / Time</b>	<b>Response Address</b>	<b>Nature of Call</b>	<b>Disposition</b>
*3/5/21 - 17:38	Forest Trail Circle	Fall with injury	AEMS transported to St Elizabeth
3/6/21 - 13:40	1325 Moore Road	Grass fire	Extinguished fire
3/6/21 - 14:35	23551 Hwy #105	Grass fire	ESD#1 units cancelled en route
*3/7/21 - 11:12	Reins Road	Possible seizures activity	AEMS transported to St Elizabeth
*3/7/21 - 14:18	Tram Road	Possible stroke	AEMS transported to St Elizabeth
*3/9/21 - 08:51	220 Avenue C, China TX	Smoke investigation	ESD#1 units cancelled en route-smoke testing in area
*3/9/21 - 10:02	19245 Hwy #90	Smoke in building	ESD#1 units cancelled en route-smoke testing in area
*3/12/21 -11:41	Thousand Oaks	Rectal bleed	AEMS transported to St Elizabeth
*3/14/21 -07:44	Moss Hill	Seizures	AEMS transported to Baptist
*3/14/21 -11:32	Frio	Breathing problems	AEMS transported to St Elizabeth
3/14/21 - 17:16	Frio	Fall with possible injury	AEMS transported to St Elizabeth
*3/16/21 - 13:38	Davida	Cardiac issues	AEMS transported to Baptist
3/17/21 - 23:40	1071 Tram Road	Motor vehicle collision	Single vehicle accident-no injuries
3/19/21 - 13:12	420 Galveston St. - China	Electrical line down	ESD#1 units cancelled en route
*3/19/21 - 15:01	12388 Sherman Road	Structure fire	Assisted ESD#3 w/ structure fire
3/20/21 - 18:26	35642 FM #365	Possible structure fire	ESD#1 units cancelled en route
3/22/21 - 23:07	Hwy #105	Unresponsive	AEMS transported to St Elizabeth
*3/26/21 - 15:40	Chimney Rock	Cardiac arrest	DOS - scene transferred to JCSO
3/27/21 - 01:40	River Oaks Blvd.	Possible heart attack	AEMS transported to Baptist
3/28/21 - 17:03	Hwy #105 @ Tram Road	Motorcycle accident	AEMS transported to St Elizabeth
3/28/21 - 22:04	Wayside Dr.	Choking baby	Pt. refusal
3/30/21 - 19:31	11770 Hwy #105	Odor investigation	Product leak from pumping station. Contacted pipeline authorities
*3/31/21 - 12:07	411 W. Railroad	Structure fire	Assisted ESD#3 w/ structure fire
*Daytime FF Response			

There being no other matters to discuss, President Johnson thanked the Commissioners for attending and then set the next meeting for Monday, May 24, 2021 at 6:00 p.m. Thereafter, Commissioner Hoyt Simmons made a motion to adjourn the meeting at 7:47 p.m. This motion was seconded by Commissioner Brett Weldy and was unanimously approved by all the Commissioners.

**ATTEST TO:**

  
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Position: PRESIDENT  
Date: 5-24-2021

  
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Position: Secretary  
Date: 5/24/21