

Minutes

Burnet County Emergency Services District #8

Monday, January 27th 2020

Regular Meeting

In compliance with the provisions of Chapter 551, Texas Government Code, notice is hereby given of a Regular Meeting of the Board of Emergency Services Commissioners of Burnet County Emergency Services District #8 to be held at the Oakalla Volunteer Fire Station, located at 29111 FM 963 Oakalla, Tx 78608 at 6:45 PM on the fourth Monday of each month.

Burnet County Emergency Services District #8 Board serving Briggs/Oakalla are will hold regular meetings at the Oakalla Volunteer Fire Department until further notice.

AGENDA

1. **Call to order and establish a quorum.** President Roberta Elmore called the meeting to order at 6:45 PM. ESD Commissioners present were Roberta Elmore, Wayne Eaton, Brian Butler, Ned Ewart. A quorum was present.
2. **Pledge of Allegiance and Invocation.** Commissioner Elmore led the pledges to the US and Texas flags. County Commissioner Beierle led the invocation.
3. **Recognition of Citizens.** President Elmore recognized County Commissioner Damon Beierle. Chief Weeks recognized Reese Aystrike (chief) / fire marshal from Lampasas, Mark Baker Lampasas fireman, Kelly Staller.
4. **Citizen Comment.** President Elmore said that no citizens signed up to address the board. Commissioner Elmore recognized Crystal Kinsey and asked her if she wanted to speak and she said no, but wanted to file a Formal Complaint with the OVFD. Commissioner Elmore read the Complaint into the public record.
5. **Approve and accept statements and oaths of office for appointed/reappointed commissioners.** This was done prior to the meeting by County Commissioner Beierle for commissioner Butler.
6. **Action regarding election of officers for board.** Commissioner Elmore nominated Commissioner Butler to take over as Secretary, Commissioner Eaton seconded the motion. No further discussion and motion passed. Commissioner Butler made motion to keep offices the way they are now: Elmore-President, Eaton-Vice President, Ewart-

Treasurer, Butler-Secretary, Commissioner Ewart seconded the motion. No further discussion and the motion passed.

7. **Review posted minutes for additions or corrections and approve minutes from December 16, 2019.** Commissioner Butler made correction on page 2, 8a. (controller burns should be controlled burns). No further discussion. Commissioner Elmore made motion to accept the minutes, Commissioner Butler seconded the motion, no discussion, the motion passed.
8. **Review posted treasurer's report for any questions and approval from the month of December 2019.** Commissioner Ewart presented information for December 2019. The December tax deposit from Burnet County Central Appraisal District was \$47,402.87 and the sales tax deposit from the State Comptroller was \$17,444.20. As of January 21, 2020, BCAD property tax deposits have been \$13,564.98. The January sales tax thus far is \$16,217.65. The bank balance as of December 31, 2019 was \$103,488.52. The bank balance as of January 21, 2020 is \$181,171.43. The contingency fund balance as of December 31, 2019 \$216,131.91. Totals for the year of 2019 were; Property taxes - \$167,971.07 and Sales tax of \$174,025.09. A total of \$341,996.36 was collected in 2019. A total of \$165,692.78 in ESD funds was also collected from the former Briggs VFD in 2019. Attorney fees for 2019 totaled \$33,037.11. Approximately \$27,000 of this \$33k was for the litigation against the BVFD. Professional fees are expected to increase as our revenue increases. Commissioner Elmore made a motion to approve the treasurer's report, second by Commissioner Butler. No further discussion and the motion passed.
9. **Approve and accept VFD annual report.** Commissioner Butler made a motion to accept the OVFD annual reports consisting of Department roster, Calls, Training hours, Water usage, etc. Commissioner Ewart seconded the motion. No further discussion and the motion passed.
10. **Complete compiled financial statement to the County Auditor.** Commissioner Ewart stated that our auditor already had year end information and he hopes to have the completed audit results by the next meeting in February.
11. **Report of Service Provider in District territory:**
 - a. **Review posted activity report for Oakalla VFD for the past month.** Question regarding water usage of 9000. Chief weeks stated we had mutual aid from Kempner and used their water. Also, more medical calls than fire for the month. Average response time is 10 minutes.
 - b. **Review Oakalla VFD financial report due for December 2019.** The reports were reviewed. Commissioner Elmore asked where property tax money goes when received by the fire department. They answered into the ESD account of theirs. Also, asked is what account did the insurance recovery check go. Answer was into the VFD operating account. Commissioner Elmore made motion to accept financials and

Commissioner Ewart seconded the motion. The motion passed and there was no discussion.

- c. **Fire Chief's Report.** Chief weeks presented the facts for the incident at Firefly. He stated that he was notified through the department's radios at 6:25p. The report came in as an explosion. A member of the department (Becky) works at Firefly and was already on scene. She is the one who called the Sherriff's dispatch to report the incident. When chief Weeks arrived at the scene it was total chaos. The first thing they tried to do was to make sure everyone was safe. He asked personnel at Firefly for their MSDS book but was denied that. He asked for access to control room and was also denied that as well. Chief Weeks also noted that Firefly employee was running between 2 buildings with a loud speaker telling everyone to evacuate. Chief Weeks then made direction to evacuate the area of everyone within a mile from plant. Chief Weeks that he has made numerous attempts to work with Firefly on getting safety procedures, training in place and even tried to have a community wide open house with them but each time was turned away by Christina head of their HR department in his belief. Becky was able to produce some MSDS sheets finally during the incident. Firefly did not have a head count of employees at work that day. Burnet County dispatch initiated the reverse 911 calls and told everyone within a mile to evacuate. Dispatch notified County Commissioner, Sheriff, Judge. Becky with OVFD stayed on site with a radio while the chief managed the command post. Firefly evacuated all but 19 people that need to stay in control room to try to re-establish communication with the rocket. Burnet county Sherriff said they didn't have protocol for this type of event but is working with the authorities and fire department soon to establish it for the future. Lampasas fire chief stated that ERG guidelines were properly followed by Chief Weeks for the evacuation area of 1 mile. He stated that ERG states a minimum distance of 800 meters (1/2 mile) for unknown hazards and he was around 1600 meters (1 mile). County commissioner Beierle arrived at the scene around this time relaying information to Burnet County Sherriff and County Judge. Lampasas firefighters also showed up on scene around this same time and worked with their supervisors, Firefly, and Chief weeks. They were all told by Firefly that the accident was under control and it was safe for everyone to return to their homes, back to Firefly, and ok to open up 183. They all concluded it was safe at that time. State Fire Marshall spoke saying that he is aware now that Firefly did not have any procedures in place for this type of accident and evacuation. He stated that an instance of this usually gets them more motivated to work with authorities, fire department and public notice and he is sure this will be the case with Firefly. He also stated that reverse 911 will only notify people that have signed up for it. It is not automatic. Sheriff also noted that they are having issues with this system also. Sheriff also stated that he believed that Chief Weeks did the very best with the lack of information he was given. He also stated that Firefly told him that should be able to contain any explosion themselves without outside assistance. **Ms. Kinsey had

already left the meeting before all of this information was presented regarding her complaint. President Elmore will work with Chief Weeks, and Fire Department board, to discuss the complaint.

- d. Chief Weeks also announced that the Watson substation is up and running. Clayton goes by and checks on it in the mornings.

12. Consider, Discuss, and take appropriate action on the following items:

- i. **Pay regular bills.** Commissioner Ewart presented one bill totaling \$1135.00 from Carlton Law Firm. Commissioner Ewart also presented a payment to Burnet County property tax of \$2.76 on the 4 acre tract in Briggs. Motion to pay made by Commissioner Elmore, second by Commissioner Eaton, some discussion regarding the attorney fees and it was explained it was for the continuing litigation with BVFD, Commissioner Butler expressed his frustration with the continual attorney expenses. Commissioner Ewart said it was necessary until the case was closed. No further discussion and the motion passed.
- ii. **Discuss, and vote on publishing the official ESD administration location.** Commissioner Ewart said he would notify the newspaper that the OVFD address is the ESD Administration location. Commissioner Elmore made the motion, second by Commissioner Butler. No discussion, and the motion passed.
- iii. **Review training requirements and compliance status for each Commissioner.** Commissioner Butler said he is going to Galveston in February for 1-1/2 days of training at Safe-D, Commissioner Ewart said he did 7 hours in 2019 and he is good. Commissioners Eaton and Elmore are good for now.
- iv. **Consider, Discuss and take appropriate action on future Briggs firehall:**
 - 1, Update the status of the crossover for the land with TXDOT.** Paperwork for crossover has been turned in to TXDOT for the 2nd time as it got lost the first time.
 - 2. Update community on progress of the building and its status.** Layout is going to be smaller than originally planned. Just 4 bays for now. Chief Weeks said that the Department will build the building and lease back to ESD. Bids will go out for several contractors to do complete building.
 - 3. Discuss next steps for moving forward with construction.** Waiting on TXDOT.

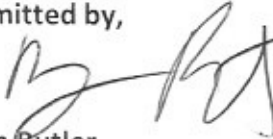
- 13. . Discuss and consider actions of receiving legal briefing regarding legal pending litigation: Burnet County ESD No.8 v Briggs Community Center, Inc. et al., Cause No. 50111.** No actions taken. Commissioner Elmore said to review attachments from

attorney before next meeting which will probably lead to an Executive Session discussion.

14. Next meeting is located at 29111 FM Oakalla, TX 78608 at 6:45 PM on Monday, February 24, 2020.

15. **Adjourn.** Motion to adjourn at made by Commissioner Ewart, second by Commissioner Elmore, the meeting adjourned at 7:35. Motion approved. There was no discussion.

Submitted by,

A handwritten signature in black ink, appearing to read 'Brian Butler', is written over the printed name.

Brian Butler

Commissioner

ESD #8

Burnet County