

LIBERTY COUNTY E.S.D NO.3
MONTHLY AGENDA FEBRUARY 13, 2020
7:00p.m AT 8704 FM 1409 LIB. CO FIRE STATION #1
P.O BOX 2108 DAYTON, TX 77535

- 1. Call To Order**
 - a) Pledge**
 - b) Roll Call and Establish Quorum**
- 2. Welcome New Commissioner Jeff Leblanc**
- 3. Consent Agenda**
 - a) Previous Minutes**
 - b) Treasures Report**
 - c) Motion to Accept Consent Agenda**
- 4. Election of Officers**
 - President, Vice President, Secretary, Treasure and Assistant Treasure**
- 5. Discuss and Take Action to Pay Legal Lawyer Services**
- 6. Discuss and Take Action on Transferring Money from one Account to Another Account**
- 7. Discuss and Take Action on Paying off Bank Note**
- 8. Discuss and Take Action on Lawn Service**
- 9. Discuss and Take Action on Purchasing New Lock**
- 10. Discuss and Take Action on SafeD Conference**
- 11. Discuss and Take Action for Lettering the Engine**
- 12. Discuss and Take Action with Westlake Community Vol. FD and Liberty CO E.S.D NO.3 Westlake Fire and Rescue**
- 13. Discuss and Take Action on Yearly Audit**
- 14. Motion to Adjourn**

ESD Representative

Date

Liberty County ESD 3
Meeting Minutes
Meeting Date 02/13/2020

Meeting called to order approximately 7:17 PM

Meeting delay due to Commissioner Jeff Leblanc being tardy

Pledges

Roll call – Robert Johns, Len Jones, Lynn Pruitt, Jeff LeBlanc & Denny Loonam present

Quorum established

Public Comment – Denny Loonam explained the public comment law and the need to sign up for comment.

No Public Comments

Previous minutes – Minutes presented by Lynn Pruitt.

Correction on date in minutes.

Correction on engine not tanker 'would not go that far'

Lyn Jones asked for either to add to next agenda or a motion. Unclear motion/ action on an update on how minutes are being kept. Lynn Jones says he's unclear how to go about it since it is not on agenda but there has got to be a better way. Denny Loonam explained there will be a workshop and it can be taken up there. Lynn Jones said okay.

No motion was made to accept minutes (?)

Treasurer Report – Len Jones presented the report

Denny Loonam questioned if Len Jones ever dealt with that \$183.70. Len Jones explained \$183.70 is what is left of the \$300.00 used to open account originally.

Report showed deposits of \$14,338.52

Expenses of \$18,731.36

Outstanding check to #3588 \$62.00 to Terminix

Len Jones mentioned that Terminix needed to be approved to increase payments to \$66.00. Service is going from \$62.00 to \$66.00. Len Jones recommends we accept increase. Denny Loonam stated he was unsure if this was the proper time to discuss this, and maybe we'd need

to take it up next meet. Denny Loonam then questioned isn't the increase automatically going to occur? Len Jones affirmed that is corrected but he wanted approval.

Len Jones motioned to accept increase. Bob Johns second. Passed unanimously.

Denny Loonam asked if there were questions

Building fund total \$9,610.28 – Len mentioned because hasn't replaced money moved, which is further on the agenda to address.

Sales Tax Fund Balance \$14,035.06 – Discussion ensued about the amount of sales tax being around \$6,000.00. Len stated if that kept up, we would be in good shape. Denny Loonam and Len Jones discussed December was \$7,000.00. Perhaps due to Christmas shopping. Len Jones clarified that the sales tax in January \$6,848.16.

Len Jones stated that was his report.

Total of all accounts \$42,314.70

Denny Loonam clarified that this total is after paying bills including Safe-D costs

Len Jones affirmed yes, that was correct.

Denny asked for a motion to accept report

Bob Johns motioned to accept. Vote was unanimous to accept.

Election of Officers –

Len Jones makes a nomination that Denny Loonam be President. Bob Johns seconded

No further nominations – passed unanimously

Len Jones nominates that Robert Johns be vice chairman. Lynn Pruitt seconded

No further nominations – passed unanimously

Denny Loonam nominates Jeff LeBlanc for Secretary. Len Jones seconded.

No further nominations – passed unanimously

Lynn Pruitt nominates Len Jones for treasurer. Jeff LeBlanc seconded

No further nomination - passed unanimously

Len Jones nominates Lyn Pruitt for assistant treasurer. Bob Johns seconded.

No further nominations – passed unanimously

Discuss & Take Action to Pay Attorney Bill

Discussion of if the amount owed was \$2,600.00 by Denny Loonam. Len Jones stated it was about \$2,570.00. Len Jones corrected himself and stated he believes it was \$2,650.00

Len Jones stated he gave attorney notice we would be voting on payment tonight.

Jeff LeBlanc motions the attorney bill be paid. Lynn Pruitt seconded. Passed unanimously

Discuss & Take Action On Money Transfers.

Denny explained there are two accounts and the sales tax funds are in a separate account from the account with taxpayer (property tax) money and we needed to be able to move money between the two.

Len Jones stated he wanted to be able to keep the main account. Denny Loonam mentioned the sales tax account could be used to replenish the building fund.

Bob Johns motioned to give authority to transfer funds between accounts. Len Jones seconded. Passed Unanimously.

Discuss & Take Action On Paying Off Bank Loan

Len Jones stated as of today \$19,280.04 is owed on the loan. He stated interest is accruing at \$2.67 a day, which is almost \$1,00.00 a month. He proposes that we could save money by paying it off and use those savings for an emergency.

Len Jones stated that after paying off the loan we would still have about \$19,000.00 to operate off of and that is a lot more than we usually work off of. Clarification the loan is for the truck and the generator. Discussion that this would take the ESD almost out of debt but for regular bills.

Jeff LeBlanc sought clarification of when the payoff amount was obtained to assure the total was correct. Len Jones clarified it was as of today.

Denny stated he thought about just keep paying on it. Len Jones stated he felt it was taxpayer money going up in smoke for no reason.

Jeff LeBlanc motions to pay the loan off. Lynn Pruitt seconds. Passed unanimously.

Discuss & Take Action On The Lawn Service

Denny suggested the agenda item be tabled until next meeting

Brief discussion that the rate was going up \$20.00 a cut. Len Jones stated \$200.00 a month opposed to \$160.00 a month.

Jeff LeBlanc inquired as to why the request to table. Len Jones clarified that they had not got him a written request to increase. He did not want to pass anything without documentation.

Discuss & Take Action On Paying For A New Lock –

Denny explained the lock was giving us issues and needs to be replaced. He said the lock on the office was a nice lock and asked Angela Ungels the amount they paid for it. Angela clarified it was only \$40.00 but it was an internal lock not an external lock and if Denny wanted an external lock he's likely double that price.

Jeff LeBlanc asked Denny Loonam how much he was seeking for the lock. Denny stated probably no more than \$150.00. Jeff LeBlanc makes motion to allow Denny to spend up to \$150.00 on a lock. Lynn Pruitt seconded. Passed unanimously.

Discuss & Take Action On Safe-D Conference

Denny explain the item was taken care of. Everyone has rooms booked for them and registrations with Safe-D were done.

Denny mentioned this would be the last time the ESD could use a debit card and would need to go to a credit card in the future.

No action for the item needed.

Discuss & Take Action On The Lettering Of The Engine

Denny questioned Caleb about the lettering and asked for a status

Denny asked was there an issue where either Caleb got upset with the vendor or if the vendor got upset with Caleb.

Discussion if lettering had been done on a Tahoe

Denny asked for the name and address of who was doing the lettering so he could speak to them, in Huffman.

Lynn Pruitt asked what was the change on the lettering

Denny stated the name Westlake had been pulled off of it before all the changes now being discussed to take place. Denny stated in other words the Westlake needs to be put back, but the volunteer needed to be removed and say Liberty County ESD 3.

Denny stated he will take care of this issue. He clarified \$300.00 had been approved for it. Inaudible discussion from audience. Denny replied to let him know something before he went to Huffman.

Denny suggested we table but it needed to be solved. It has been on the agenda since September or October.

No official action taken. Table mentioned but not affirmed.

Discuss and Take Action With Westlake Community Vol. Fire Dept. & Liberty County ESD 3 Westlake Fire & Rescue.

Jeff LeBlanc makes a motion to go into executive session

Angela Ungles, unrecognized, out of order, stated that in order to go into executive session it needed to state on the agenda that we would be going into executive session on the agenda item. She stated that it was not on the bottom of the agenda that we could go into executive session.

Jeff LeBlanc seeks clarification does the board not function on Roberts Rules Of Order. Denny stated he thinks Angela is addressing a legality and asked for a public comment sign up paper. Denny stated that is wasn't on there.

Jeff LeBlanc stated the reason for the inquiry is due to Roberts Rules does allow for executive session. He sated he has no clue what this is issue is about or what is about to be discussed and to not allow executive session would leave him as a Commissioner not aware of the item at hand.

Angel Ungles disagreed and stated it has to be on the agenda that the board would go into executive session.

Jeff cedes and told Denny to continue with the discussion.

Len Jones speaks to not wanting to take over their accounts. He would be opposed to taking over their accounts.

Denny asked Angel Ungles how much is in the account

Angela Ungles presents the board with a package handout stating she needs to board to figure out the \$3,000.00

Angela states that back in August the board voted that the board was no longer contract due to it never being signed. She stated ESD law states we cannot give money away without a contract and they cannot take money without a contract. She claimed she did not know what to do because money was left over from the district. Further Stated - when they decided to purchase the pagers, the board tabled assuming the bills the district should pay which would be the e-dispatch, the phone bill, the internet bill, the response master and insurance. Because the insurance went to their policy and everything on the property is under their policy.

Denny objected stating the ESD had taken over the insurance on the trucks. Angela stated then it is being paid by both of them because they are still getting a bill every month. She stated that she has had to pay all the bills, the insurance, the internet bills, the e-dispatch bill and phone bill

Denny objected that there is no internet in the building. Angela said there is. Denny stated she cut it off. Angela stated that it was deactivated but then reactivated and an extension was given to avoid a cancellation fee. She then stated she took everything to Matthew Poston. Denny

asked why she did not come to him with these concerns. Angela stated she has been attending meetings and telling the board the bills needed to be taken over.

Denny objects and states she was not here in December or October, but she was here in November and asked when the board wanted to take the bills over. Denny stated he said to turn them over then and there to Len Jones.

Angela objects and states she was told to meet with him to tell him what the bills were, which she did. But she states the board needs to vote to take over the bills. She cannot turn them over to us and we can't just pay them without a vote. She questions if she owes the board \$32,000.000 or not.

Denny asked for explanation. Angela states that they assumed they were under contract 2018/2019. up until August 1st when the board told them they were not under contract. Up to that point the board had paid them \$32,000.00 off the basis of an August 9, 2018 meeting the agreement was contract as previous year same agreement. Stated from minutes discussion was held on contract for the 2018/2019 fiscal year. Linda Pruitt made motion to enter into the contract for the 2018/2019 fiscal year with the second of Vice President Robert Jons. No opposition and the motion carried. Claims she took this to Matthew Poston and stated under the law they were under contract for the 2018/2019 year. There was an agreement to pay them quarterly and they would provide a service. Up until August of 2019 we were paying them, and they were providing service.

Jeff LeBlanc calls a point of order. Point of order ignored

Angela continued when it came down to the left-over money, she asked Mr. Poston if she should continue paying the bills or not, Mr. Poston stated they should continue paying the bills because we have to have them. She claims he stated hopefully by January this would all be worked out. Angela re-stated she did ask for the bills to be taken over in October, but she was not here in December. Denny states she was not here in October because she was at another meeting.

Angela clarifies her only concern is that if they were not under contract than the department owes the ESD \$32,000.00

Denny states that regarding the \$3,000.00 they could never reach them. Denny claims the \$3,000.00 is water under the bridge, the board has lost it. Angela had the \$3,000.00, she paid bills with it. It is not relevant.

Denny clarifies she does not owe us \$32,000.00

Angela states she did send a budget on the 2019/2020 year. When they rolled over into the new fiscal year they had \$2,558.74 left and that was what has been paying bills.

Angela explained they paid the bill on the Jaws because they would not cover the RAM that fell out of the truck. They said it was too far gone past. Claim was denied and she had to pay it.

Angela further states that the department has personally paid out of their accounts \$5,257.69 of bills.

Robert Johns states that the department violated the contract by not having enough firefighters
Jeff LeBlanc again states point of order. Acknowledged this time.

Jeff LeBlanc states he understands in the past the board has had some issues with organization but the board has to get some parliamentary procedures. The meeting has been off the rails and out of order. Angela is not on the agenda for the meeting too present anything. The board should not be accepting handouts from the audience unless it is invited testimony. The constant discussion with the audience is out of order. He also stated that an executive session can be called and that he had just clarified that with the courthouse. That is a governmental board right. He stated everyone needs to study Roberts Rules of Order, the board on those in the audience.

Len Jones states what he wanted to propose is the department keeps their accounts and we approve a petty cash amount say \$1,000.00 a month that's it to take care of bills. Let them keep operating the way they are operating and that keeps that responsibility off the board's backs.

Denny again mentions he does not understand why they are paying insurance when the board did also.

We do not see it being paid. Denny asks Angela what the operations for \$179.00 is for. Angela replies \$100.00 for response master and \$79.00 for e-dispatch. Denny asked who is on response master. Angela stated she added the entire fire department, but the issue is the response master is in Westlake's name and unit for it to be added back to the system they have to be in service and they are not. Audience member states he has not be able to use the statement.

Discussion on e-dispatch issues. Denny says they need to drop it and not pay it. JR Ungles states every fire department uses it. It is a one stop shop. The issue is the conflict over 83 / 88. The issue is coming from the separation then the decision to merge again.

Denny suggests a special called meeting or executive session. Discussion ensued over a possible special meeting.

Len Jones states that he wants Angela included in executive session. Len Jones was told that Angela cannot attend an executive session, per rules of order. He stated then he would not attend.

JR Ungles reminded Denny Monday was a holiday. President's Day.

Further discussion on a possible special meeting. Talk ensued between board members and the audience of days that would work for individuals.

Denny asks to work around Jeff LeBlanc's schedule. Jeff LeBlanc states whenever. He addressed Len Jones that while it may be uncomfortable for some members to go into executive session, no one makes that decision but the board. No audience members or anyone else. The board is responsible to the taxpayers and that the issue needs to be dealt with.

Len Jones responded if he knows he's not going to do something in the future..(trail off)

Jeff LeBlanc stated he understood

Jeff LeBlanc asks if the board would now consider executive session (Motion)

Board goes into executive session

Board returns and states that the two parties need to come to agreement before the next meeting on merging the department or the ESD will handle it March 12, 2020.

Len Jones states that the board has approved \$1,000.00 petty cash to pay Westlake Volunteer Fire Department to pay the bills. Asked if that would cover the bills until the next meeting. Angela confirmed it would. Len Jones stated we are starting from \$0.00 on the books regarding money either Westlake volunteer owing the board money or the ESD boards owing them money. Angela agreed.

Reporting requirements were discussed with Angela on monthly reporting and receipt copies going forward.

Denny asked for a motion to adjourn. Jeff LeBlanc motioned. Len Jones seconded. All in favor

Meeting adjourned 9:25 PM

Item 13 never addressed. Discuss and take action on yearly audit