

UPSHUR COUNTY EMERGENCY SERVICES DISTRICT NO. 1

MARCH 13, 2023

7:00 P.M.

MINUTES

The regular meeting of the Upshur County Emergency Services District No. 1 Board of Commissioners was held on March 13, 2023, in the Upshur County Courtroom, Upshur County Courthouse, 100 W. Tyler Street, Gilmer, Texas.

- 1) **Open meeting.** The meeting was opened at 7:00 p.m. by Michael Kuza.
- 2) **Call meeting to order, Roll Call of Board and establish quorum.** Michael Kuza called the meeting to order. Michael Kuza determined a quorum was present with Michael Kuza, Scott Mischnick, Cloddie Henson, and Kenny Southwell present. Bobby Jenkins arrived at 7:08 p.m.
- 3) **Public comment.** Brady Sweat presented the Board with documentation he had prepared from information received from the State Comptroller regarding sales tax data for Upshur County. Scott Mischnick announced training opportunities available in March and April. Michael Kuza announced a course being offered in April.
- 4) **Consider and take action on approval of:**
 - A. The minutes of the previous meetings.

Scott Mischnick made a motion to correct the minutes of the February 27th meeting to correct the name of Jason Bardwell to Josh Bardwell. Cloddie Henson made a second to that motion. Kenny Southwell made a motion with a second by Cloddie Henson to approve the minutes of the previous meetings with the correction to the February 27th minutes. Motion carried 5-0. Unanimous vote in favor.
 - B. Accounts payable.

Bobby Jenkins made a motion with a second by Scott Mischnick to pay the following bills:

ETEX Telephone	\$ 104.95
Terri Ross (February bookkeeping/clerical)	\$ 750.00
Terri Ross (reimbursement office supplies)	\$ 31.12
City of Gilmer (February Dispatching)	\$3,000.00
Kenny Southwell (reimbursement for conference)	\$ 570.55
City of Gilmer (cost share SCBA compressor repair)	\$1,500.00
Michael Kuza (reimbursement for postage)	\$ 9.65

Motion carried 5-0. Unanimous vote in favor.

5) Hear updates on the following:

- A. East Mountain engine and VFIS check. Michael Kuza announced that the engine had gone for salvage and that the check had been received and deposited.
- B. Harmony Consolidated VFD station. Kenny Southwell announced that everything had been turned over to the attorney. The survey and contract had been done. Hopefully the paperwork will be complete this week.

6) Discuss and take action to purchase truck from Deep South. Jason Pitts was present to answer any questions the Board might have. Scott Mischnick made a motion with a second by Kenny Southwell to purchase the truck from Fire Trucks of Texas in the amount of \$396,500.00. Motion carried 5-0. Unanimous vote in favor.

7) Discuss and take action to allow the auditor, Margaret Nixon, to make corrections to the bookkeeping program currently used. Scott Mischnick made a motion with a second by Cloddie Henson to allow the auditor, Margaret Nixon, to make corrections to the bookkeeping program currently used at the rate of \$95.00/hour. Motion carried 5-0. Unanimous vote in favor.

8) Discuss and take action on adoption of a new policy regarding monthly expense reports. Michael Kuza read the proposed policy number 5. He also announced that all policies will be available for review on the Upshur County ESD #1 website. Kenny Southwell made a motion with a second by Cloddie Henson to adopt the new policy (Policy number 5) regarding monthly expense reports. Motion carried 5-0. Unanimous vote in favor. (SEE ATTACHED)

9) Discuss and take action on methods of submitting monthly reports and purchase of scanners. Scott Mischnick made a motion with a second by Bobby Jenkins to table this item until next month. Motion carried 5-0. Unanimous vote in favor.

10) Discuss and take action on repairs to the Lafayette tanker. Kenny Southwell made a motion with a second by Bobby Jenkins to open this matter for discussion. Terry Conyers announced that the tanker had several issues including transmission problems and leaking. Bobby Jenkins announced that he had spoken with a mechanic regarding the issues with this tanker. Bobby Jenkins suggested that the tanker needs to have the transmission checked first. Kenny Southwell made a motion with a second by Bobby Jenkins that the tanker be taken to Stewart Stephenson to have the transmission checked and then report back to the board of the findings for further action. Motion carried 5-0. Unanimous vote in favor.

- 11) **Discuss transferring the Simpsonville fire station to the Upshur County ESD #1.** Marc Nichols announced to the Board that the Simpsonville station #2 (known as the Simpsonville substation) was to be transferred to the Upshur County ESD #1 but had not been done. Marc Nichols presented the Board with a Special Warranty Deed transferring the property to the Upshur County Emergency Services District #1 that needs to be recorded in the Upshur County Clerk's office.
(SEE ATTACHED)
- 12) **Discuss and take action regarding the Glenwood VFD PPE grant.** Terry Conyers presented a letter from TFS regarding the \$20,000.00 grant for PPE. No action until further review.
- 13) **Discuss and take action regarding the Glenwood VFD and preparation going forward.** No action until recommendation from the Upshur County District Attorney.
- 14) **Discuss and take action to pay BGS for Glenwood VFD bunker gear.** Motion by Scott Mischnick with a second by Kenny Southwell to pay BGS in the amount of \$18,603.00 for Glenwood VFD bunker gear. Motion carried 5-0. Unanimous vote in favor.
- 15) **Discuss and take action to pay the outstanding bills for Glenwood VFD.** Terry Conyers presented the Board with a list of the outstanding bills. Kenny Southwell made a motion to have Terry Conyers or his representative get the current bills from vendors (whose products he has in his possession at the Glenwood station) and bring back to the Board for review. Motion by Cloddie Henson with a second by Kenny Southwell to pay Siddons-Martin in the amount of \$895.76 and Delta in the amount of \$720.28. Motion carried 5-0. Unanimous vote in favor.
- 16) **Discuss dispatching.** Michael Kuza announced that he and Kenny Southwell met with Chief Taylor, Judge Tefteller, and the City Manager regarding the dispatching issues. It was announced to all departments present that if there were issues in the future, all issues are to be in writing noting the date and time of the incident and submitted to the Board for review.
- 17) **Discuss and take action to pay bills for Bettie VFD as submitted and approved.** Motion by Kenny Southwell with a second by Cloddie Henson to pay Bettie VFD in the amount of \$12,210.36. Motion carried 4-0 with Michael Kuza abstaining.
- 18) **Discuss and take action to pay bills for East Mountain VFD (station #1 and station #2) as submitted and approved.** Motion by Cloddie Henson to pay the bills as submitted. Scott Mischnick made a motion to pay the bills submitted for East Mountain (station #1 and station #2) with the exception of the duplicate invoice submitted for diesel in the amount of \$93.91 for East Mountain station #2. Cloddie Henson made a motion to amend his motion to pay the bills for East Mountain VFD (station #1 and station #2) minus the duplicate amount of \$93.91 as submitted. Bobby Jenkins made a second to that motion. Motion carried 5-0. Unanimous vote in favor.

- 19) **Discuss and take action to pay bills for Ewell VFD as submitted and approved.** Motion by Kenny Southwell with a second by Bobby Jenkins to pay Ewell VFD in the amount of \$1,392.07. Motion carried 5-0. Unanimous vote in favor.
- 20) **Discuss and take action to pay bills for Harmony VFD as submitted and approved.** Motion by Kenny Southwell with a second by Cloddie Henson to pay Harmony VFD in the amount of \$9,052.95. Motion carried 5-0. Unanimous vote in favor.
- 21) **Discuss and take action to pay bills for Pleasant Grove VFD as submitted and approved.** Motion by Kenny Southwell with a second by Bobby Jenkins to pay Pleasant Grove VFD in the amount of \$2,598.32. Motion carried 4-0 with Scott Mischnick abstaining.
- 22) **Discuss and take action to pay bills for Pritchett VFD as submitted and approved.** Motion by Scott Mischnick with a second by Kenny Southwell to pay Pritchett VFD in the amount of \$1,084.00. Motion carried 5-0. Unanimous vote in favor.
- 23) **Discuss and take action to pay bills for Simpsonville VFD as submitted and approved.** Motion by Kenny Southwell with a second by Scott Mischnick to pay Simpsonville VFD in the amount of \$5,757.02. Motion carried 5-0. Unanimous vote in favor.
- 24) **Discuss and take action to pay bills for West Mountain VFD as submitted and approved.** Motion by Scott Mischnick to pay the bills for West Mountain VFD as submitted minus the sales tax of \$17.90 on the Stanley Ford invoice. Bobby Jenkins made a second to that motion. Motion carried 5-0. Unanimous vote in favor.
- 25) **Discuss and take action on adoption of new policy regarding monthly expense reports.**
See item 8) above.
- 26) **Discuss and take action on methods of submitting monthly expense reports and purchase of scanners.**
See item 9) above.
- 27) **Discuss and take action on any insurance claim pay outs to rural departments.** No action.
- 28) **Discuss and take action on any grant reimbursement requests submitted.** No action.
- 29) **Discuss and take action on any budget amendments.** No action.
- 30) **To review and discuss any items to be considered for next month's agenda.** #9 above;
Ewell VFD pump test invoice
- 31) **Adjournment.** Motion by Cloddie Henson and second by Kenny Southwell to adjourn.
Motion carried 5-0. Unanimous vote in favor.

Michael King

Presiding Officer Signature

Title: President

Date: 4-10-23



UPSHUR COUNTY ESD #1

Policy for: Process for submitting monthly bills to Upshur County ESD #1

Policy number: 5

Title: Submission of Monthly Expense Reports Procedure

General description/purpose: The purpose of this policy is to provide direction on how to submit monthly bills for budgetary reimbursement to Upshur County ESD #1.

Going forward: It is the policy of Upshur County ESD #1 that each department shall submit a monthly expense report on a form approved by the board. This report shall be accompanied by bills incurred by that department. Expense reports shall be turned in by 5:00pm at least 7 days prior to the scheduled meeting. For example, if the meeting is on the 13th then expense reports shall be submitted by 5:00pm on the 6th or earlier. Expense reports can be sent by email to tross@upshuresd.com or by dropping packets off at the drop box at Gilmer FD. Expense reports not turned in by this deadline shall be submitted with next month's expense report. Bills held for over 60 days must be submitted separately for approval. Clearly indicate on each bill what the expenditure is for and the initials of the person completing the transaction for the ESD. Corresponding information about the same bill should be noted on the expense report. Monthly credit statements on fuel purchases must be accompanied by all individual fuel receipts with name of individual making the charge and what the fuel was for. All bills should be clearly legible. If a copy is made of a bill, receipt, or check, please make sure all information is legible and clearly designated for the expense report. It is very important for all reporting information to be correct and legible for reimbursement and auditing purposes.

This policy takes effect March 14 2023
month day year

Michael Ryan
ESD board member

SHD Milch
ESD board member

Kenny Smith
ESD board member

SPECIAL WARRANTY DEED

THE STATE OF TEXAS §
 §
COUNTY OF UPSHUR §

This Special Warranty Deed is made this 9th day of March, 2023, **SIMPSONVILLE VOLUNTEER FIRE DEPARTMENT**, a Texas Non-Profit Volunteer Fire Department, whose address is 10282 FM 556 Gilmer, TX 75644 (whether one or more, "**GRANTOR**"), and **UPSHUR COUNTY EMERGENCY SERVICES DISTRICT #1**, whose address is P.O. Box 1432 Gilmer, TX 75644 ("**GRANTEE**").

Now Therefore, the GRANTOR, for and in consideration of good and valuable consideration in hand paid by GRANTEE, the receipt and sufficiency of which is hereby acknowledged has GRANTED, SOLD and CONVEYED and by these presents does GRANT, SELL and CONVEY unto the said GRANTEE, its successors and assigns forever, all of its undivided interests in the following described property ("**Property**") situated in Upshur County, Texas, To-Wit:

Surface Estate. Surface estate only of the one (1) acre of real property described in Exhibit A attached hereto and made a part hereof for all purposes, together with all improvements thereon and any appurtenances to such real property;

Reservation. Notwithstanding the foregoing, GRANTEE for GRANTOR and GRANTOR's successors and assigns reserves from the conveyance all oil and gas and other minerals that are in and under, and that may be produced from the Property but GRANTEE on behalf of GRANTOR and GRANTOR's heirs, successors and assigns waives the right to enter upon the surface of the Property for the purposes of exploration, development or production of oil, gas and other minerals, including but not limited to, that certain Easement and Right of Way Agreement between GRANTOR to Midcoast G & P (East Texas) L.P. dated September 1, 2020 and recorded under Instrument No. 202006421 in the Public Records of Upshur County, Texas.

Reservation. Notwithstanding the foregoing, GRANTEE for GRANTOR and GRANTOR's successors and assigns reserves from the conveyance an easement for the right of ingress and egress across the property.

Reservation. Notwithstanding the foregoing, GRANTEE for GRANTOR and GRANTOR's successors and assigns reserves from the conveyance that if GRANTEE and GRANTEE's heirs, successors and assigns ever dissolves the Property will revert full ownership back to the GRANTOR.

This conveyance is made and accepted subject to all validly existing restrictions, easements, reservations, exceptions, and ordinances that affect the Property (the "Permitted Exceptions").

TO HAVE AND TO HOLD subject as aforesaid, the Property and premises, together with all and singular the rights and appurtenances thereto in anywise belonging, unto said GRANTEE and its successors and assigns, forever, and GRANTOR hereby binds GRANTOR and GRANTOR's successors and assigns, to Warrant and Forever Defend all and singular the above described property and premises unto the said

GRANTEE and its successors and assigns, against the claims and demands of all persons lawfully claiming or to claim the same or any part hereof, by, through or under GRANTOR, but not otherwise subject, however to the Permitted Exceptions.

EXECUTED AND DELIVERED effective as of the 9th day of March, 2023.

SIMPSONVILLE VOLUNTEER FIRE DEPARTMENT

10282 F.M. 556 Gilmer, TX 75644

By: [Signature]

Name: Marcus A. Nichols

Title: Fire Chief

Witnessed:
By: [Signature]

Name: JANFORD BOLIV II

Title: Asst Fire Chief

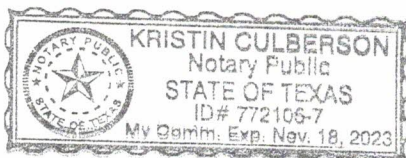
ACKNOWLEDGEMENT

THE STATE OF TEXAS §

§

COUNTY OF UPSHUR §

This instrument was acknowledged before me on this the 9th day of March, 2023 by Marcus Nichols the Fire Chief of the SIMPSONVILLE VOLUNTEER FIRE DEPARTMENT



[Signature]
Notary Public, State of Texas

AFTER RECORDING RETURN A COPY TO:

Simpsonville Volunteer Fire Department

Attn: Fire Chief Marc Nichols

10282 FM 556

Gilmer, TX 75644

AFTER RECORDING RETURN A COPY TO:

Upshur County Emergency Services District #1

Attn: Board of Commissioners

P.O. Box 1432

Gilmer, TX 75644