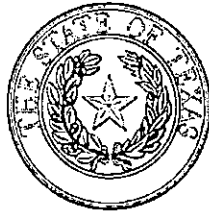


Kleberg County Commissioners' Court Minutes



Workshop Session On Monday, March 10, 2025, 10:00 A.M.

BE IT REMEMBERED, that on this the 10th day of March, 2025 the Commissioners' Court of Kleberg County, Texas, met in Workshop Session in the Courthouse Annex, of the Law Enforcement Center, 1500 E. King, Kingsville, Texas with the following present:

Kleberg County Commissioners Court:

Hon. Rudy Madrid, Co. Judge
David Rosse, Commissioner Pct. #1
Chuck Schultz, Commissioner Pct. #2
Jerry Martinez, Commissioner Pct. #3
Marcus Salinas, Commissioner Pct. #4
Salvador "Sonny" Barrera, III, County Clerk

Also present were:

Kira Talip- Sanchez, Co. Attorney
Melissa Green, Co. Auditor
Priscilla A. Cantu, Co. Treasurer
Dema Trevino, Chief Deputy
Janie Espindola, Deputy Clerk

COURT WAS OPENED and called to order by Kleberg County Judge Rudy Madrid to consider the following Workshop items, Commissioner Martinez gave the invocation and Commissioner Schultz led the Court in the Pledge of Allegiance of the United States and Texas Flag.

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Judge: We are here just to have a workshop we have both side of the fire department here. We have our new Fire Marshall/Fire Chief here. I think you guys have been in discussions and that's the idea, that exactly what we wanted. From this point forward commissioners are taking a step back, we have hired Mr. Pray to be in , charge of the Fire Departments. Ron, you want to take the lead on this.

Ron Pray: We actually have met with both the Ricardo and Riviera Fire Stations, we talked to them. As you all know and I'm sure the County Attorney has informed you there's only three (3) ways under local Government Code 352 to have a County Fire Protection and what you are allowed to do as a Commissioner's Court falls under that local Government Code, those three (3) options are: Those are the only options that you have

1. To have your own Fire Department
2. Contract with a Municipality in the area
3. Contract with independent 501C3's or non-profit agencies to do count fire protection

Those are the only options that you have due to the way the state laws are written. I have talked to both sides, both departments and heard their issues and really I think they may want to have some discussions with you all and tell you what their thoughts are and once that has been done and you want to discuss further we can.

Judge: Sounds good

Commissioner Schultz: Ron, could you please give an example of those three (3), just to be clear.

Ron: Back in 2006, I thought it happened in 2006, but apparently it did not, the county here formed Kleberg County Fire and Rescue in 2006 when I was hired by the Commission then to run the fire departments and that was a County Fire Department. Currently the way it sits the County owns all the trucks, owns all the stations, all of the equipment, everything from Bunker gear to Air Packs, chain saws, shovels and tools and equipment, everything is purchased by the county. That's how a County Fire Department operates, just like any other department within the county, just like the Precincts and Health and Human Services, the Sheriff's Department or whoever, everything is purchased through the General Fund. I'm not sure what happened back then but I guess it was not solidified or made permanent and then when I left in 08, I'm not sure what happened between that time and when the 501C3's for the different entities went away, but that's how a County Fire Department works. That's what we did in Victoria County when I went over there, that also gives us a grant mechanism with the Forest Service where the county itself can apply for the grant itself through the Fire Department and make sure through the Auditor's Office and The Treasurer's Office that everything is accounted for and there is a full complete audit of every single Grant Fund that comes in and out. The Forest Services requires some kind of financial accountability and oversight when they give out this money. Sometimes your talking about \$250,000.00, \$300,000.00 or \$450,000.00 for these trucks and is what their part is and in some cases several thousand dollars of equipment, whether it be education tools, Bunker Gear or whatever, so that is a mechanism that some departments use. We also had twelve (12) Volunteer Fire Departments in Victoria County, that were independent of the county, They didn't received a budget from the county, they didn't receive any other funding from the county other than when they went to the Commissioner's Court and said "we got a grant for this and can you help us out with the match or we burned up some hose and it's an emergency, can you help us out as we do not have the funds. So I don't think at this point anyone is interested in contracting with a municipality and that would basically involve. In Victoria County we did all three (3). We had a contract with the City of Victoria to provide fire protection to the county, at that time it was a 1.5 million and now I believe it's now at 2.7 million. But really what that more funded was EMS and some other issues we had in the county, there was a lot of trouble getting volunteers out there in the day time, everyone has a job, everyone has to work but when there is a fire everyone has to respond. That's how the county over there did it they actually did all three (3). The agreement they had with the non-profits was basically, we don't pay you anything, we have a contract with you, we agree to allow them to respond and put out fires in the county in your geographic area. They had broken everything throughout the entire county so there were response districts. Then the city fire department and the county fire department responded to everything. And that's how they operate today. No funds were provided to those 501C.3's. They had to have Fish Fries, Pancake Suppers and donations from the county residents that lived in their areas. They were constantly have donation drives trying to make money keep the lights on, to pay the gas bills. No vehicles were owned by them, the stations were not owned by the county, everything was owned by them individually as a 501.C3 and they would handle everything themselves.

Commissioner Schultz: So we are the first one, we own the equipment,

Ron Pray: Yes, currently, and correct me if I'm wrong, as I'm still new, but all the trucks, equipment and the stations, everything that has been purchased through the budget that the county has provided for the volunteer department stations, Riviera and Ricardo. So that's where we sit right now, that's what was set up in 06 by then Judge De La Garza and the rest of the Commission, I think you were on the Commission then Commissioner Rosse. What happened between when I left and now I can't speak for but that's the way it's been for a long time and you as Commissioners have overseen and made sure that funding is there. The great thing about that model is they don't have to worry about whether or not the lights will be on when we come back or did the power company shut them off, are we going to have enough fuel to fill these trucks back up for when the next fire comes, if we break a pump or something happens there are ways that get that taken care of, and where some of these smaller departments and this is a model that is done throughout the whole state, they have a chicken supper, or have

a Ba-B-Que Fundraiser just to put ties on a truck, replace a pump that's broke or whatever, have a gun raffle, they do it a million different ways. Many of them have a big event each year, some of them have Bar-B-Que Cook Offs, many of them, have a big Bar-B-Que with a Silent Auction and raffle and they raise a lot of funds from the community. But sometimes it does not last all year as they have a catastrophic issue and they have to pay for that. It's also more difficult for them in a lot of ways cause the price of equipment has gone up. When I was here in Kingsville, we could get a pumper or a brush truck for \$150K, now they are closed to 1M. We could get Bunker Gear for \$800/\$900 now it's about \$5K for the same set of Bunker Gear. It's about the same issue with meat and eggs and gas. It's all about economics now. A lot of equipment you could be able to purchase a lot cheaper then, that you can now. Unfortunately, a lot of these smaller departments struggle constantly to pay the bills and there is a lot of expense that goes into that. You have to comply with State and Federal laws relating to safety and they are on the hook and there's a lot liability if you have some get hurt. A lot of times whether it's a contract or a county fire department they are going to go after the county. That's just the way the law works and lawyers do too. Some counties use different structures some are just non-profits that cover the county, some have just municipalities and don't have any volunteer fire departments. Some counties are using ESD's which is what Kenedy county has and they get their funds from taxes just like the school district.

Judge: County Attorney and I reached out to TAC, it seems that the more modern, operational approach is to have the county operate the facility, it insures the facility that one (1) they are funded, two (2) it insures transparency, checks and balances cause you have audit control, treasurer control, three (3), you have to have a Chief/Fire Marschall which we checked that box and it was recommended to us and it helps with personnel issues, now the county can get involved. Our hands are tied when there is a 501C3 outside agency as we have no jurisdiction what so ever and we have no day to day operational control. If there's issues happening internally, that's their own facility we have no control over it, we are only providing them with money to make it operate.

Ron: It's like hiring a contractor to built your house, you don't control who he hires, you don't control a lot of things, you are just paying him to do a job.

Judge: I think that can be misconstrued as, oh well, the county doesn't give them enough love. We will support them with everything we can and I think we have proven that. The last couple of years alone, we have purchased trucks, we have purchased tractors. We have three (3) new fire stations we are getting ready to break ground on. We got Oxy Carbon Capture Grant that is sitting in the kitty that we are going to outfit the Fire Marshall's truck with. We are applying right now for the Texas Wild Fire Grant which was just release. We are also applying for Helen Groves-Robert J. Kleberg Grant which has a March 20, 2025 deadline. So as everyone knows, Ron has given us an intense inventory of everything that needs to be replaced, I'm submitting them through the Helen Groves Foundation. I would be glad if we got something from it. I do believe that there is good opportunities in the Texas Wide Fire Grant. I think all of this is music to our ears to Commissioner's Court as we are more organized now, we can focus on having you, who has a lot of experience in acquiring grants. We are going to have a third fire station we have never had that and we need to outfit it. Ideally, I have had discussions with Ron and we all know this, one thing that our county has is a 6.75% interest out in the county when every other county in Texas has 8.25%. We can raise that up to the normal which is 8.25% but it has to go up to the voters, the only problem with that is the Commissioner's Court is not allowed to endorse it. We can't go to the voters and say we are going up to 8.25% and say this is not a tax that is going to directly affect you, 90% of that tax is going to be affected by all those truck stops, all those coming through our town every time they stop and put gas. When we stop in Three Rivers to put gas we are paying their 8.25% but no one is paying ours. Collectively as a Commissioner's Court we had already verbally agreed that if this was approved, we would give it to the fire stations. We are here to support you 100%, we want you guys to work together, I think it's exciting, you're going to have fire stations. Friday, the environmental reviews were completed, we had to do that 90 day public comment deal, so Friday at 5 P.M., was the day for final comments, no one reached out to the state to

dispute it so we got the environmental\$ now so the engineers are going to work. Before long you are going to see shovels in the ground as they are going to start building these things. This is perfect timing to make things happen in preparation for all that is coming. The county has money, grant money that we fought for very hard to bring to Kleberg County, it's new facilities that is going to belong to you all. We are going to open up the mike, anyone who wants to speak can do so. When you come up here please state your name, address for the record.

Ron: Do the commissioners have any questions of me.

Adam LaRosa, 268 FM 771, Riviera, Texas, this is directed to the Fire Marshall.
If we were to do a county fire department for example, that would fall under TAC, right?

Ron: No, it does not have to be cause, we don't have any, the only paid employee is myself and I'm already regulated, so the rest of the department would not be regulated by TCF.

Adam: It would not?

Ron: No, it would not.

Adam: Can a county own a volunteer fire department?

Ron: A county may have a volunteer fire department and purchase equipment under local government code.

Adam: I understand what you are saying, but can a county own a volunteer fire department?

Ron: I don't understand what you mean by "own."

Adam: The stipulation that is being made right now is that the county can have a volunteer fire department, I get that, but can they actually own the whole entity, can they own the 501C?

Ron: When you have a county department, there is not an ownership where a 501C3 is involved at all, there's nothing like that at all.

Adam: Exactly, that what I am bringing up is the differences between the two. So, if you were to have a county department, you would have paid employees.

Ron: You don't have to.

Adam: That would fall under that, the equipment and all of that would have to be updated to whatever the state statutes regulate for it, right?

Ron: Unless you're a department that wants to be regulated on the commission on fire protection and even then, there's only a limited amounts of items that they regulate. As far as trucks, stations, all that stuff is not regulated by the commission on fire protection, it's regulated by mainly ISO and inspected by ISO. There are no requirements, you can have a pick up with a jockey pump and a 50 gallon tank and call it a fire truck. It does not have to a commercial EPA regulated truck.

Adam: Under the description of the county fire department that you are describing right now, who would be handling the fires?

Ron: The stations.

Adam: But you said there would not be any employees, are you going to be doing it all by yourself?

Ron: No, there is an employee, there's the chief, and the rest is done by the stations.

Adam: I apologize for putting you on the spot but you were brought in for this specific purpose, so I figured I would ask you how we were going to man these fires, how we are going to do that as most likely it would be a fulltime position within the county, to at least be a chief at each one of the departments, if not (Ron cut in)

Ron: Not a fulltime position in each department, I would be the only employee and then it would be the station chiefs which are volunteers

Adam: The station chiefs are volunteers?

Ron: Yes

Adam: So how would that work if you are not a county employee but you are expected to show up to a fire, outside the structure of a volunteer fire department.

Ron: What do you mean outside the structure.

Judge: You are still a volunteer, nothing changes.

Ron: Nothing changes with what's been happening as before.

Adam: Right, but the statutes when it comes to the volunteer fire department there is a set of structure within the statute for a volunteer fire department where you have board, you have members of the department that show up.

Ron: What statute are you referring to? I need to get some context as to what you are referring to, cause under government code 352 which is what we are discussing, which is state statute, it specifically says that the county may furnish fire protection. However, they decide to do that as a county, that's up to them.

Adam: That's exactly what we are discussing now the difference between a county fire department and a volunteer department.

Ron: But they are both the same, you can have a volunteer department within a county department.

Adam: So the county can have volunteers working within their departments? But establish another fire department as they are unregulated.

Ron: Yes

Judge: I can tell you that's correct because that's the discussions we have had with TAC and that the discussions we have had with them.

Adam: Just to have a county department instead of a volunteer department.

Judge: The county would have 100% ownership. It will now be Kleberg County Fire Department run by a paid Fire Marshall/Fire Chief and then operated by volunteers.

Adam: How would the volunteers be put into the stations?

Judge: You are already there, you are volunteers,

Commissioner Schultz: You are already there, you are all part of the program

Adam: Understood, but in the establishment of all this and that's where I'm leading to. There were two volunteer fire departments, the Ricardo Volunteer Fire Department which is documented with the state and there was a Riviera Volunteer Fire Department which was also documented with the state, both of those establishments were under

state statute as they had a board, volunteers that showed up, they were 501C3 and all of that. The only thing that I'm asking is a clarification between a county fire department and you have it run by a private contractor or volunteers. Do you want people to just show up within the citizenry?

Ron: The organizational structure will be set up by the Fire Marshall, he will appoint officers and chiefs, if he chooses to have a board, that is totally up to him.

Adam: There no reason for it as you guys would be the board at that point.

Judge: No, we are not the board, he is the fire chief.

Adam: You guys are the ones allowing it to happen.

Judge: No, if there are issues that pertain, that needs to come to commissioner's court, we are the governing body.

Adam: Correct, but you are also the ones that will be establishing this mechanism., so ultimately you guys would be the board.

Judge: Yes, but we are going to treat you just like any other department, just like the public library. I'm not going to go in and tell my Librarian what the organizational structural if going to be.

Adam: I'm glad you brought up the public library as the librarian has a paid employee or employees that work for the public library. When you are establishing a county government or a county fire department and you have these expectations.

Commissioner Salinas: But as a volunteer don't you get paid?

Adam: Say again.

Commissioner Salinas: As a volunteer do you get paid?

Commissioner Rosse: Only for call outs.

Adam: Only for call outs.

Commissioner Salinas: Technically, you do get paid.

Kira: I think what the judge (interrupted by Adam)

Adam: If you would like to talk about that Marcus, we get paid \$8.00 which is way below minimum wage.

Commissioner Salinas: Well minimum wage right now is 7 something, how much is it? So, its you get paid more, then minimum wage.

Adam: For 2 hours, that's less then minimum wage.

Commissioner Salinas: You're the ones who agreed to the contract, I'm not trying to argue.

Adam: We didn't agree to any contract. This contract has been established since 2021. In 2021 you didn't even have a volunteer fire department, let alone fiduciaries that could sign on behave of the department.

Kira: Just to clarify what the judge is trying to say at the end of the day, now that he has Ron Pray as a Fire Marshall/Fire Chief he is going to do the structure, it's a volunteer fire department under the county as opposed to a volunteer fire department under a 501C3, it's still the same thing, he is going to run it as he sees fit and he will do that

structure. What he is trying to say is the commissioners are going to respect what he chooses and how he chooses to it, as long as it's legal.

Judge: And then just to touch on the 501C3 part, the Fire Marshall is correct, now that's it's a county entity we are not required to have a 501C3. Now what will happen is we will create a line item for donations. Every time a donation is made to the county, we will put it into that fire fighter line item so when they need money and stuff it goes straight to them as it is already ear tagged for them, for you guys.

Kira: I think logistically it's not going to change much from what it has been except everything has been streamlined, it will go through Mr. Pray as a payment, a bill, as in purchasing equipment, short of him saying "hey I need this for my volunteers or they need this, it's all going to go through him."

Judge: If you spend 15 minutes talking to my auditor, she will give you a laundry list of reasons why we needed to have an organizational approach going into this. Invoices that were coming in months late, things that were not authorized, vehicles being ticketed out of town. We washed that all away. The county is taking control of it, we are going to make sure you guys are fully funded. I think you guys will have more opportunities then you have ever had. It's opening the door to grants and more grants, you are going to have three (3) new fire stations, to me your daily operation should not be changing at all, you guys are volunteers now you will have someone to represent you. From what I have heard in the past and I have heard it many, many times and I have an ear that will listen and it's always "we are always left out, no one pays us any attention:" now you have a true representative.

Adam: That's entirely true, there is no disputing that and we have had great conversations with Mr. Pray. I'm not saying anything against Mr. Pray, I'm just trying to understand how a volunteer fire department would fall under a volunteer structure when it is not a volunteer fire department. That's the part I am trying to understand that.

Commissioner Rosse: It's a fire department manned by volunteers basically. You going to be a volunteer to fight fires but the facilities according to this-----

Judge: We are not inventing this, there are many other counties that have the same model.

Adam: I never accused you of inventing it Rudy, all I'm asking is because there are statues regarding a volunteer fire department how it is supposed to be implemented and how it's supposed to be within a county. It requires a board, it does not necessarily require a 501C3 but it does require a non-profit entity controlling the volunteer fire department. What it sounds like is we are trying to hybrid two different types of entities into one. That is what it sounds like and that is the basis of my question.

Commissioner Schultz: Why don't you ask the Fire Marshall.

Ron: I think where you are confused is that under local government code 352, which is state statue, you can have a volunteer fire department that is contracted by the county and is either a 501C3, 501C4 whatever mechanism that is true you can have that and many of these do require a board which is part of their 501C3 which is for the corporation structure. But what I'm telling you is the other option is municipal, we are not talking about that today and the other option, the first option in that statue is that the county can furnish fire protection. Commissioners court then decides if it can be without a paid employee at all, it can be all volunteer, volunteered chiefs, no paid employees, and that can happen. It can be with a paid Fire Marshall/Fire Chief as is here now. That is also in the same chapter "the establishment of a Fire Marshall's office", and it's up to the commissioner's court how they want that individual to oversee the volunteer fire departments within that county, they have the power to do that. It doesn't have anything to do with a 501C3, anything to do with the board, those are two (2) separate entities or two different options.

Adam: The statute that you are referencing is saying that in a volunteer fire department and there are other state statutes to reference what the state defines as a volunteer fire department.

Ron: But we are talking about a 501C3 entity.

Adam: Right, and that's part of the state statute of what is a volunteer fire department is.

Ron: There are options for that, but what I am telling you is if the county decides to provide fire protection, they can establish the structure, they can hire someone to oversee the volunteers or the paid department if there is one. For example, in Victoria County where I was at, we had a combination department. I had 4 paid personnel, the rest of the department were all volunteers. It was a different structure there. There are county fire departments that have hundreds of paid personnel and a bunch of volunteers too. You have county departments that are completely volunteers and don't have any paid employees. The statute doesn't specifically state anything about you have to have to be a 501C3, you have to have a board, you have to have only volunteers, any of that. Basically, it says and there was actually an Attorney General's opinion that was brought forward by the same county years and years ago about that question, how can you have a fire department, can you pay them money directly, all that kind of stuff. The Attorney General at the time specifically states county may offer fire protection, that's what the statute says. There are many counties within the state of Texas and the judge's talked to TAC, they are the experts on this. The Texas Association of Counties has a gaggle of lawyers to handle all of kind of issues. They take care of counties, they understand, they are a breath of knowledge throughout the entire state of what goes on and it clearly states in that statute that the county can provide fire protection.

Commissioner Salinas: So right now with what we have, instead of having them with a 501C3, like them having to do fundraisers and stuff like that, this is beneficial in the sense that you don't have to worry about that.

Judge: They can't have a 501C3 now. They don't have to worry about that now as they are fully funded. Now again, they can still get donations which will go to their line item, it's controlled by the county because we control the funding but it's ear tagged specially for them as no one can touch that money. If the Chief comes in and says "hey can we draw some of that money so we can have an Appreciation Day for the firefighters, well we now have transparency.

Commissioners Salinas: It's a benefit now for the them now, right?

Judge: I would think so.

Commissioner Salinas: They don't have to take donations now or worry about how to raise money.

Adam: There's a couple of different benefits when the questions were being raised back in 2023 that there was a running agreement between Kleberg County and Fire and Rescue that didn't exist. There was said to be station one (1) and station two (2) in that contract and that was back in 2021. The problem with that contract was that neither of the signers of that contract were fiduciaries or legal fiduciaries of the departments that they were supposed to be representing. They were not registered agents of the department and they were signing on behalf of an entity that no longer existed. This is where all of this stems from and how we have gotten to where we are right now. What I was asking, yes there is clear statute as to what a BFE is and it does require that you are registered with the Secretary of State. In regards to your question, being fully funded is it easier that way or is it more beneficial that way, sort of yes and no as it depends where the property was acquired from, where was the Ricardo Station or Riviera Station acquired from, where the equipment was acquired from cause a lot of it was purchased by donors back when the 501C3's were established. We have

equipment that was titled over to the county and I don't know if the county bought it or donated to them or what the case may be, there are a lot of questions that have not been answered in regards to it. If we have to do fundraise for ourselves that's not a big problem. Yes it would be a lot more difficult but if the county own the equipment and they are not keeping up the equipment which the judge was speaking about before where they are getting line items that were months old and they didn't even know about it, that was not necessarily on us. There was only one person that was being the liaison, so we didn't know, but the other problem that created this was it was not working in a structure as defined by volunteer fire department and it necessarily wasn't working in a structure as defined as a county fire department. That's what we have been trying to figure out, which one are we going by, and there is not statute that I have seen so far that I have seen so far that makes a hybrid department necessarily but that's what we are kind of leaning toward, ok, well we want volunteers to run each one of the departments, we're going to decide who are going to be the officers, well that does not fall within the volume of the statute. We are just trying to work out the details.

Judge: I'm sure the Fire Marshall, and that's internal for you guys. I'm sure he is going to sit down with you guys and discuss how you guys are going to go about figuring out your officers and all that.

Ron: Judge I'll be honest with you I'm not changing anything right now. I want to be able to evaluate everyone and figure out what their strengths and weaknesses are and work on improving whatever we need to improve and train. Honestly things are working right now and there is no need to change it.

Judge: We are signing up a form with TEEKS, Texas A&M College Station, we just finished building our Regional Law, Fire and Resue Training Facility, so TEEKS is going over the classes they are going to bring here. TEEKS is saying, you have Ron Pray, he is going to help teach these things, he teaches for us already. You guys have all kinds of opportunities coming.

Adam: I have not heard from the department of anyone having issues with Mr. Pray, we have had some really good conversations, including myself. The conversation we had was a great conversation and we were bringing up concerns that we have had for quite a while, for the last year and a half (1 ½) We had genuine concerns as we did not understand how the structure was and how the authority was being granted and all the back and forth. Nobody could answer our questions and that was the problem. The only point of reference that we had to go to was you guys and it seemed you guys didn't know any better than we did. I don't mean that as a slight toward you but over the course of a year and a half (1 ½) we couldn't get answers.

Commissioner Salinas: So prior to this you did not have a board or anything.

Kira: Marcus, I think the main issue, Ron Pray knows how he wants to run it, if you vote on that, this is not voted on till 1:30 when they make the final decision so maybe he can explain how he plans to structure it a little bit, just so they know.

Judge: He just said right now that the organizational structure he is going to keep the same.

Kira: Yes, but will he have a chief at each station:

Ron: Down the road there will be, well currently there is a chief at each station and there are officers at each station, captains, lieutenants, etc. and that's how it normally works, that's normal fire house structure. As far as numbers, we can look at that as we expand our volunteer base, we may need more captains, more lieutenants, more whatever, but that will all be the decision of that station and we will work together to determine what is needed.

Judge: Whatever complaints you had before from drawing a line in the sand we starting over now that the county is involved. You need to remember three (3) years ago we told by our outside attorney, Roxanne Paiz, that we had no leadership and no authorization in that department. All the issues you guys were having, that was you all's circus, that was not our monkey. We are sitting back, telling you all figure it out. You came up here multiple times and we don't have any control. I can't tell any single member anything, I can't hire anyone, I can't fire anyone. Our responsibility to the county is, the accountability for the monies that were going in and out of that. You yourself came up to the podium, you would use works like fraud, waste, abuse and racketeering. The work racketeering, so now we have financial accountability. You tell the judge racketeering, well now guess what, now me and the auditor see "red flags" go up. It's our jobs as stewards for the tax payers to make sure that we have somebody who is accountable and who is going to be transparent and who reports directly to the auditor, the county attorney and to the commissioners and now that puts us at peace. Life goes on with you guys, you're getting new stations, more equipment, more love, more money. I think you are set up for success. I think you guys got everything you wanted.

Adam: I don't necessarily disagree with you judge and the only reason we brought that up was we could not find any statutes, that allowed what was going on to actually happen. Will the Riviera Department and the Riviera Department be recognized moving forward or is it your intention just to ignore the fact that we do have boards now, that we did give non-profit entities now that we have fixed the problems of the past on our own and have removed the mind set of "this is just the way it is." We have informed our volunteers of what was going on, let them know what the state statute says and each one of us has independently given our boards a copy. We don't want to divide it as it was before. We want to work together with everyone and do it the right way so we also have accountability as well so what happened in the past does not happen as well.

Judge: The only thing that is going to change now is you will have a Baffin Bay Station, a Riviera station and a Ricardo station.

Commissioner Schultz: And, you have a Fire Marshall to go to.

Adam: Thank you for your time.

Commissioner Rosse: I have a question for Mr. Pray.

Judge: Just for the record, Commissioner Rosse was here before it started, he was here before the internet came to Kleberg County. Commissioner Rosse replied he still did not have internet, that is a lie.

Commissioner Rosse: I know you are saying that a county owned Fire Department is the best. But, I'm wondering if we hire you and you oversee them, would having two (2) 501C3's give more protection to the county and you would oversee all three (3) of those. They have their boards, would that be better insulation because of a lawsuit because we have a 501C3.

Judge: I think the county attorney would need to do research to see if that is even allowed now that the county has their entity, I don't believe we can have a 501C3.

Commissioner Rosse: We have not voted on it yet.

Kira: I'm thinking, just to clarify that you mean, just in case we did do business with a 501C3, a unincorporated volunteer fire department, but he would not be in charge of them.

Commissioner Rosse: He would be our employee but the volunteer fire department would we would contract with them.

Ron: In that case you would have to pay them a check once a year and they would deal with whatever way they wanted. They would buy whatever they needed or wanted with it. They would be in control of the funds.

Commissioner Rosse: It would not be the way we have done it in the past.

Ron: No, it would not be that way.

Commissioner Rosse: No, I don't want to do that.

Leo Jauregui: 2203 Margaret, Kingsville, Texas. Judge I just want to touch on a question that you had asked earlier, do we get paid.

Commissioner Salinas: Yes sir.

Leo: Yes, we receive a stipend. However, if we get to the technicality of things, the firefighters are not paid their minimum wage standards as required by the law. For example, the firefighters worked the King Ranch Fire, last Thursday and they were engaged in eight (8) hours of operation, well the current standard and I don't know when it changed. I came on in 2011, when I first joined in 2011, I was a pure volunteer. We didn't get paid until there was a contract set. Within that first contract, firefighters were paid on the hour. I don't know how or when it changed, where it changed or how it changed. The current contract states that within the first two (2) hours, firefighters received \$8.00 dollars, you break that down and it's only \$4.00 an hour. The second four (4) hours which will be three (3) and four (4) follows that same model, so the first four (4) hours are prorated at \$8.00 dollars so essentially the first four (4) hours you are only make \$16.00. So just to break that down, the first 4 hours are only \$16.00, but the other four (4) hours you are getting \$32.00. On that fire for eight (8) hours with of work they were only paid \$48.00. If you take the state or federal minimum wage which is \$7.25 and you multiply that by 8 that's \$45.00, for firefighters that's below minimum wage.

Judge: Well now you have a Fire Marchall who can come and negotiate that, on your behalf.

Commissioner Salinas: As far as that contract goes.

Judge: I'm glad you are bringing that again because if we don't know about these things we can't fix them.

Commissioner Salinas: Yeah, I agree, I didn't read any contract for any of this stuff but you guys agreed to it. As far as it goes, we are moving forward. Obviously you are looking at making some changes in that structure.

Leo: I thought that was today's workshop was for.

Judge: Today, I think what we are going to do is decide what direction we are going to go, decide if the county is going to run it or if it's going to be a separate entity. And then, you guys, that's what we hired him for.

Ron: That will be part of the yearly budget.

Judge: So, you guys can go through it, you have an advocate now. He has an office next to my office so I'm sure I will hear it everyday. It's a voice. We are not here to help you guys, you say you are underpaid, you talk to your chief and he will come talk to us and we will figure something better out.

Leo: That's just touching on that, some of the other things do involve going back to the payment but it sounds like none of that is going to be done today but just to air it out at least, when firefighters do perform their current activities whether it's a PR event, or if

they are requested. At our meeting the superintendents were requesting the firefighters come and present educational program or something for the schools. As you know, we currently do that as well whether it be a parade or do a presentation on fire prevention. Firefighters even go down to the station to prepare for severe winter weather to winterize the trucks as in South Texas we do not have heated bays or anything like that. We also do preventative maintenance such as oil changes and such. We come back from a call and begin getting the trucks ready to go to another call if the need arises. Firefighters will submit their hours for all of that but when it comes for payouts it all gets cancelled saying "that's not one of your duties." So for example, we the firefighters are winterizing the vehicles which took three (3) guys eight (8) hours as there are twelve (12) outdated apparatuses, that would be \$72.00 between 3 firefighters. If we were to send those vehicles to a mechanic or dealership that would be the minimum just to come in the door. We are trying to save money as well and that is going to be a slap in the face to the volunteers, that's getting scratched off as it is not one of our duties. What are we supposed to do, let them break and let the county pay for them or do we continue the preventative maintenance?

Judge: Now that the chief is in your shop, now is the time for you to sit down with him and say this is the way it has been going on, and these are the recommendations we have and then he comes and negotiates with the commissioners to change the policy as these guys need to be compensated as they are doing preventative maintenance on these vehicles. We get it, they need to get compensated, everyone wants to get compensated. No one is going to argue with you at all.

Ron: If the Commissioners Court approves that, then it's approved, it's up to them to go through that negotiation and say yes we will pay for that, as long as it's legal.

Commissioner Rosse: Yes, but we need someone to organize it and that's your responsibility, listen to their concerns, write them down and give us, a check list that we could like this, and this, and this, then you bring it to us and we decide whether or not we can adhere to that or not. Ultimately it is our decision but we are going to depend on you

Judge: You are giving the transparency that the auditor needs to prove it. Your vouching that you had those guys working, it's all about transparency. It's a transparent way of doing business.

Ron: I would be there to certify this is all getting done.

Judge: The fire department is such a different beast as it is so multi fast and you have so many volunteers, and so many things going on. When you talk about accounting you always talk about transparency, well it's easy to have transparency, in my public library, in my human services in any of my departments. But when you have so many moving parts over here, then you are going to have an auditor that's going to say, hold the fort over here. Here have an invoice over here, we have people putting in hours over here, whose managing it, whose operating it and we don't have any answer for that as we do not run it. To us we are excited, we think this is going to fix it, these are exciting times for our firefighters. We have put you as our number one (1) priority on our list right now. We are working hard on getting you guys more money next fiscal year. You still have over \$100,000.00 in your budget

Commissioner Rosse: Is the money in the bank that's the question?

Judge: We are here to help you and I like the fact that you guys come up here as that tells me you have a vested interest in what's going on. Without you guys, we know what you are doing. You're out there day and night while we comfortable in our beds and your out there fighting fires in 120 degree weather and then in 20 degree weather and it's dangerous. You are out helping the surrounding areas, you have a Naval Base here, you have an critical infrastructure on the King Ranch. We had one of our Navy doctors lose their house this past week-end. The jobs you guys have is very important and just know it's a number one (1) priority for us. We are here to support you guys in

any way possible. We are going to get those fire stations built as soon as we can for you guys. Dealing with the General Land Office and them, they make things a lot more difficult than they should be but you should be seeing some movement here soon. We are going to have to coordinate between the fire chiefs cause I think they are going to start the Baffin Bay first as we are still going through the paperwork with the Ricardo School District on swapping the land, so that tells me that the Riviera one will get started first. While Riviera is getting worked on, you will have some logistical stuff to shift to Ricardo. We can only do one at a time between Ricardo and Riviera so you have a station to work out of, then Baffin Bay will start right away.

Commissioner Salinas: How are you going to get more volunteers? What are your plans for getting more help?

Ron: Most of your volunteers come from the local communities. We will probably have people who are interested to come in and talk to them. The biggest issue is we have to get that station built and equipped because other than that they will not have a way to do anything. We definitely want to get the local folks as they are the closest to the station to man the trucks and stuff like that. I'm planning to do that for all three (3) departments. We need to get more volunteers. Developing a junior volunteer post with the high schools. You have a lot of young guys wanting to learn about the fire service, even becoming firefighters. We will train them and get to help the departments and really be the biggest advocates for the fire department will be these guys themselves will be the biggest advocates as they will go out and tell people about the work they do and do their best to get them to be volunteers. We will do it a bunch of different ways, advertise in the newspaper, face book and that kind of thing. We will do whatever we can to get new volunteers.

Commissioner Rosse: I'll give you a history lesson. Back when I joined the Ricardo Fire Department, in 1983. The total budget for the Riviera and Ricardo Fire Department was \$6,400.00, \$3,200 for Riviera and \$3,000 for Ricardo. Riviera had the EMS service too. Their big fund raiser was, we would get the chickens from the live stock show and each department would have Chicken Bar B Que not too long after that.

Judge: Anyone have any other questions?

Adam: There is one question Commissioner Rosse brought up, does having a volunteer fire department shelter you from any liability. Having a volunteer fire department does shelter you as your contracting out to a volunteer entity and under the law when it comes to volunteer entity it reads, "a volunteer fire fighter or volunteer fire department is not liable for damages to property resulting from the fire fighter or the departments reasonable or necessary actions in fighting or extinguishing a fire on the property. So, yes it does shelter you in two (2) different ways. Now your county attorney would obviously feel there is a contract between the two (2) entities and say we contract this as a service to our residents so then it's on them. Then when it falls back on us, we use the law that is written specifically to shelter us from any sort or kind of liability.

Judge: We asked that question from TAC.

Commissioner Rosse: Throw everything up the against the wall and see if it sticks and mainly the deep pockets. Our pockets are not that deep.

Adam: Just to give you that bit of insight, there are statutes that protect both of us.

Judge: Alright if there are no other comments, we will be back here at 1:30PM for our scheduled commissioners court regular session.

Patrick Guzman: I have been here 21 years, I have seen department grow and fall. Years ago both Riviera and Ricardo had fire departments, but a lot has changed over the years. There are a lot of issues we need to resolve and understand. We need to deal with Ron Pray. Four years ago, I was told that I was suspended anywhere from 6 months to a year. Ron's credentials are great. Nothing has changed, you all pay the

bills and handle everything. How difficult will it be to get money from the line item when we need it? I recently paid for Whataburgers for all of our volunteers who were out fighting fires. I'm not asking for reimbursement but this is why I ask.

Commissioner Schultz: You will be reimbursed.

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Pursuant to the authority granted under Government Code 551, the Commissioners Court may convene a closed session to discuss any of the agenda items. Immediately before any closed session, the specific sections of Government Code, Chapter 551 that provides statutory authority will be announced.

- Conduct any other business necessary for the proper functioning of County business

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With No Further Business At Hand To Be Considered By The Court At This Time, Adjournment Was Had. Court adjourned at 3:10PM.



Rudy Madrid, County Judge

ATTEST:



Salvador "Sonny" Barrera, III
County Clerk
Kleberg County, Texas

