

Thursday, February 1, 2024, Special Meeting 6:30 PM

The City Council of the City of Robert Lee, Texas met in a Special Session at the Robert Lee Volunteer Fire Department at 6:30 p.m.

Present: Mayor Jason Moran Council Members: Josh Tennison, Mike Stephens, Steven Arens, Brantly Robertson, Jonathan Torres, City Attorney Jeff Betty.

Call to Order, Quorum Determined, Meeting Declared Open at 6:31 PM

Proclamations and Presentations

Consent Agenda

Regular Agenda

A. Robert Lee Volunteer Fire Department Discussion & Action

Discussion: For the last five to six years, the City of Robert Lee (City) and the Robert Lee Volunteer Fire Department (VFD) have been trying to properly separate which would allow the VFD to apply for more grants than they otherwise wouldn't have access to while being a part of the City.

A letter from the City was hand-delivered on January 24, 2024, to a member of the VFD requesting several documents. This letter requests for documentation required by the Texas State Constitution by any organization that receives taxpayer money. This letter was read aloud by Council Member Brantly Robertson during the open session for all the public present.

After research, legal counsel, and a considerable amount of time, the City Council of Robert Lee has determined the Robert Lee Fire Department does not currently operate in a fashion that will allow the City to continue to fund and support its operation. The requirements for the City to fund or to in any way provide support to an organization must be met, or the City will be in violation of its requirement under the Texas Constitution and related statutes to properly safeguard the tax dollars collected from the citizens of Robert Lee (See attachment A). As a general rule, an organization receiving tax dollar support or using City property must be properly organized with a Board of Directors, appropriate Bylaws, proper personnel procedures, purchasing and budget controls, and maintenance of records responsive to the above as well as the value the organization provides to the community. The City of Robert Lee simply cannot provide tax dollar support to an organization that cannot demonstrate that the funds provided benefit the citizens regardless of our belief in the goodwill and intent of the people involved. Unless changes are made, the City of Robert Lee must withhold future financial support and remove the current organization from its property. The organization would also be asked to cease and desist in its use of any language that implies that they and the City of Robert Lee are affiliated in any way. The Robert Lee City Council will be meeting in a special session on February 1st, 2024, at 6:30 P.M. at the Robert Lee Fire Department to address this matter. All documentation detailed above will be required to be presented at that time.

Attachment A

A minimum checklist is required for the City to support a community-based organization with tax dollars or use of the City Property.

- 1. A Board of Directors*
- 2. A signed copy of the By-Laws with minutes and attendance from the adoption meeting.*
- 3. Adoption of appropriate operation policies and procedures (Personnel Policy, Purchasing Policy, Budget and Financial Controls Policy as well as related procedures)*

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4. *Appointment or hiring of a knowledgeable person as Executive Director, Administrator, Organization Secretary, or similar title to act as responsible party for maintenance of required records and financial documents, policies and procedures, and meeting minutes.*
5. *A list of officers kept on file with the City, updated within 24 hours of a change.*
6. *Any records required to demonstrate fulfillment of the mission in the community (example: training schedule and certification for members of the VFD, copies of CDLs, and list of approved drivers or equipment maintenance records)*
7. *Annual Report to the Council (example: budget, record of expenditures for the previous year, report of activities in the community and special needs moving forward)*
Depending on the mission of the community-based organization seeking support, additional requirements may be necessary. A written agreement should be entered into with each organization providing for the above. The agreement should be reviewed regularly to ensure compliance and that the requirements are meeting the needs of the City and the organization.

Assistant Chief Bill Torres spoke on behalf of the RLVFD and presented a stack of original documents that they believed to suffice Attachment A.

Members of the community began to ask questions regarding the letter.

Members of the community voiced their concerns about the lack of record-keeping within the VFD. B. Ross asked who the current members of the Board of Directors were, Bill Torres explained that they do not have a current board of directors but instead have a standing committee of officers on the VFD.

The President of the Windgate VFD voiced her concerns that this agreement has taken years, but no progress has been made. She expressed her concerns with the City about prolonging this agreement due to a rumor of budget cuts, and she expressed concern that the City Attorney was not holding the City accountable to get this agreement done sooner.

City Attorney Jeff Betty introduced himself to the community present, giving a summary of how he became the City Attorney in 2017. Jeff Betty made it clear that this agreement was not prolonged due to budget cuts, rather due to the lack of participation by the VFD. A letter was sent to the VFD in 2020 so the department could determine its status as either a Volunteer Fire Department or a Municipal Fire Department, however, no response was received. Mr. Betty has met with the officers of the VFD to attempt to resolve these issues, however, no documentation has been provided.

Mr. Betty explained that if the VFD would like to continue to receive funds from the City, they have to be held accountable for the funds. They then must provide the requested documentation in Attachment A. If they do not wish to receive funds from the City, they do not have to provide any documentation.

B. Ross and S. Scott, members of the community explained that other organizations often have board members who are not affiliated with the organization itself, rather they are citizens at large to help with checks and balances within the group. Board members are typically composed of a combination of citizens at large and members of the organization itself.

Mr. Betty explained Attachment A further, stating that once the By-Laws and policies are approved, the rest of the requested documentation will be provided annually. This annual report at minimum would need to include a financial report of the money they received and how it is being used to benefit the citizens at large. This report will help the City Council determine if the allotted money needs to be raised at any time and to ensure that taxpayer money is being utilized appropriately.

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The City Council is asking the VFD to satisfy the requirements of the Texas State Constitution regarding Municipal entities funding community-based organizations by providing the documents in Attachment A. Meeting these requirements would also help the VFD acquire proper insurance for their volunteers and equipment, as well as start moving towards a 501(c)(3). The way the VFD is currently operating, its status as a Volunteer Fire Department is vague since it is under the umbrella of the City, meaning it could still be considered a Municipal Fire Department which inhibits it from obtaining some grants that it could otherwise apply for as a 501(c)(3).

One of the requested documents includes an updated set of by-laws that have the attendance, time, and date stamp from the meeting that it was adopted. The last valid set of by-laws the VFD has are from 2010 which they are not currently operating under.

Mr. Betty has offered his services to assist the VFD with the City's approval. He can help collect any of the documents needed and provide any edits that the VFD needs to suit their organization. He also recommends that the VFD find a CPA or a financial advisor to start rectifying their books.

C. Bland volunteered her services to aid the VFD in coming back up to acceptable standards with their record keeping since she has prior experience solving similar issues with the Windgate VFD.

The VFD voiced their concerns throughout the meeting regarding the lack of volunteers. Ryan Stanford, Assistant Chief of the VFD, informed the public that the VFD has meetings on the first and third Monday of each month at 7:00 PM, and he urged the public to attend. The first meeting is a business meeting while the second is a training meeting. The Council has decided to impose a deadline for Attachment A to ensure that this agreement is no longer delayed.

Motion by Council Member Brantly Robertson to impose a deadline for the VFD for the required documentation outlined in Attachment A as well as provide a reasonable deadline to appoint a board of directors and an executive director by February 15, 2024, the Regular City Council Meeting. Seconded by Council Member Jonathan Torres. Vote 5-0, motion carries.

Mr. Betty offered clarification to the public that any other community-based organization can request funds from the City, so long as all the requirements are met.

M. Rackham, a member of the VFD, asked the council if the VFD could continue to utilize the building to provide services to the community. Mayor Jason Moran stated that Robert Lee will never be without a fire department and that they can and will continue to utilize the property to do so.

Request for Agenda Items

Adjournment

Motion by Council Member Jonathan Torres to adjourn the Special City Council meeting at 7:48 PM. Seconded by Mayor Pro Tem Mike Stephens. Vote 5-0, motion carries.

ATTEST:



Kiara Burns, Deputy City Secretary



Jason Moran, Mayor