

HECTOR CITY COUNCIL
Special Meeting Tuesday, August 27, 2024 at 6:00pm
Hector City Hall

Meeting called to order by/time: Mayor John Riley at 6:06pm

Council Members:	<u>Position</u>	<u>Name</u>	<u>Present / Absent</u>
	Alderman 1	Samantha Brashear	Present
	Alderman 2	John Mosley	Present
	Alderman 3	Peggy Gregory	Present
	Alderman 4	Carey McGee	Present
	Alderman 5	Hannah D'Amato	Present
Attorney:	Bill Smith		Absent

Media has been notified to announce Special Council Meeting.

- A. Call the meeting to order.
- Prayer conducted by Peggy Gregory

Agenda Item B: Council discussion regarding active fire services within the city.

1. Council and citizens presented with temporary plan.
 2. Council consideration of Ordinance 2024-An ordinance establishing the Hector Volunteer Fire Department (with an emergency clause).
- Mayor Riley stated the meeting would be to discuss the consideration of Ordinance 2024-1, which is to establish a Hector Volunteer Fire Department with an emergency clause. See Exhibit A.
 - Mayor Riley was informed that several firefighters have resigned or retired, leaving the fire department with a very small crew. He was also informed that all board members of the Hector Fire Department had resigned, leaving the board with no active members.
 - Mayor stated this leaves the city in a peculiar situation and he wants to establish a solution that would be best for the community and the fire department members so they could move forward. Mayor has reached out to the state for legal opinion due to the fire department is currently a non-profit corporation which leads the city into some legality issues with regards to equipment, buildings, and real property. Another issue is what steps the city would have to take to achieve the goals that would best benefit the citizens of Hector and the volunteer fire district. Upon opinion from the state, due to the fact the cities are required by law to provide fire protection in the event there is not a fire protection district or department within their area the option would be for the city to take the fire department over. Mayor stated this is not what the city wants to do, and the city has no intention of doing this. The city wants to establish a solution that all can agree upon and that moves the fire department forward in a way that it can grow and prosper in the future.
 - Mayor read the proposed ordinance in its entirety to council members and to members of the public in attendance.
 - Mayor opened for brief discussions of the proposed ordinance to council members and to members of the public in attendance.
 - Public comments, questions made by: Tim Morley, Rebecca Housley, Drew Manson, Gail Carr, and Kenny Woods.
 - Tim Morley asked if additional officer positions would be elected by the fire department. The mayor stated the proposed ordinance will establish interim positions for chief, assistant chief, and recorder the other positions from what the mayor understands would remain. During the interim period, the advisory board would be established and the two board members would be appointed by the city council. Mayor has discussed with others in the county and suggestions have been to have one of the interim board members

be a person from outside the district that has significant experience to assist the fire department. The advisory board along with the membership of the fire department would establish new bylaws, which should include the requirements for positions.

- Mayor stated the city wants the fire department to be self-sustaining and self-sufficient, the city does not want to have daily control, the city wants to help get things established and recorded so there will be no questions on what is being done. Mayor discussed that the city would assist the fire chief in creating an annual operating budget for the fire department.
- Council member Hannah D'Amato asked if it would be better for a committee to appoint the fire chief instead of the mayor due to an issue previously on where past mayors have appointed the fire chief and that members of the fire department want to have the ability to elect their own fire chief. Mayor Riley stated he planned to have the fire department members in attendance to make recommendation on who they would prefer to be the fire chief and reminded this ordinance is to establish interim positions, so the fire department can get back up and running.
- Council member Hannah D'Amato also asked if an ordinance needs to be passed to eliminate the requirement for the fire department to seek a non-profit on their behalf. The fire department is currently a non-profit corporation and that is the issue, the city cannot pass an ordinance dissolving the fire department as non-profit organization and there are no board members left on the board that can legally dissolve that corporation at this point and time. She asked if they could still legally operate under this, mayor stated this would be a question for the attorney but from what he understands from his discussions with others that due to being no active board members than the department is dissolved unless they go through some legal process.
- Rebecca Housely asked if this would affect the ISO rating/insurance. Mayor stated he was not sure if this would be affected.
- Scottsville is included. It is a district that the fire department has determined that Scottsville lacks fire protection services. The city could maintenance facilities outside the city limits if that determination is made. The proposed ordinance provides for a mutual aid agreement.
- There is a Mutual Aid agreement within the county to help with assisting with fires.
- Drew Manson asked what the fire department would do currently for funds to help with expenditures. Mayor stated that the fire department currently has money, but the problem is it belongs to the corporation. The city will need to find out what will transpire with that money. If the proposed ordinance is approved, then the city would set up a budget for the fire department. The city can also apply for grants to help upgrade the fire department.
- Tim Morley asked about recruitment and retention of new members, would council establish them. No, as long as they meet the requirements under section seven of the proposed ordinance. Mayor also discussed if the proposed ordinance is passed then he would bring a proposal to council members for all members to be under LOPFI retirement and in addition to look at ways for firefighters to be paid for runs they go on.
- Council Hannah D'Amato asked about qualifications for members and if a person will be driving fire department vehicles to have a driver's license check and list that a person must respond to a certain number of calls. Mayor stated this is why the bylaws need to be created soon. He also stated the city, with help from the advisory board, could develop job descriptions for all positions.
- Rebecca Housley asked if the first responders would remain standalone. Kenny Woods in attendance stated the response team is incorporated as a 501c non-profit and is a separate entity. The only association is that it shares members.
- Gail Carr asked why all the resignations of the board members for the fire department. Mayor stated this is something she would have to discuss with those who were on the board or members of the fire department.
- The proposed ordinance in consideration would allow the city control to establish an Interim leadership for the fire chief, assistant fire chief and recorder. The term for all would end on 12/31/2024 at 11:59PM. It would also allow the city to manage funds for the fire department. This is to help bring stability in the interim until the fire department can get reestablished.

- The Fire station is open and able to respond to 911 calls.
 - Council member Samantha Brashear asked if the proposed ordinance passed what are the next steps. The next steps would appoint interim fire chief, assistant fire chief, and recorder before conclusion of the meeting. Mayor would ask for recommendations for these positions. Interim fire chief, assistant fire chief would appoint the other three advisory board members. For the other two advisory board members, the mayor will make phone calls and present to council in September experienced persons to be on the advisory board. Set up advisory board meetings and then work on bylaws and membership requirements, etc.
 - The Interim leadership established by the city will need to establish bylaws for the Fire Department, the mayor requested to have these established by 12/31/2024.
 - Drew Manson asked if there would be a conflict of interest if a husband/wife team was on the board. Mayor stated he did not know if this would be a conflict of interest, but this could be established in the new bylaws.
 - Kenny Woods stated whoever was established in the Interim leadership roles would need to have knowledge of day-to-day business, fire department equipment and the officers would need to know fire ground tactics, and necessary paperwork.
 - If passed this is a permanent ordinance unless it is repelled. Mayor Riley stated that Ordinance 2024-1 could be amended by vote of the council members if the need arises later.
 - Mayor Riley asked fire members in attendance if they were nervous about this change and if so, what is the concern. Yes, they were nervous about this due to this is a big change and a new way of business but thought this might be the better way to get things restarted.
 - Mayor Riley asked if there were any further discussions or oppositions from council or members of the public in attendance. No further questions, comments or objections from council members or members of the public in attendance.
- | | | | |
|---|--|--|---|
| <ul style="list-style-type: none"> • Motion presented by council member:
Motion to accept Ordinance 2024-1: to establish a Municipal and Rural Hector Volunteer Fire Department. with emergency clause. | <p>Motion made by:
Peggy Gregory</p> | <p>Motion 2nd by:
Carey McGee</p> | <p>Vote:
Passed
100% (5/5)</p> |
|---|--|--|---|

Mayor asked for recommendations to establish Interim Fire Chief.
 Mayor asked for recommendations for Interim Assistant Fire Chief or if anyone was interested in this position.
 Mayor asked for recommendations for Interim Recorder.

Motion made by Hannah D'Amato to appoint Mike Geurian as Interim Fire Chief of the Hector Volunteer Fire Department with term ending 12/31/2024 at 11:59PM, the motion 2nd by John Mosley. Passed 100% (5/5)

Motion made by Hannah D'Amato to appoint Mike Geurian as Interim Fire Chief of the Hector Volunteer Fire Department, Michael Castro as Interim Assistant Fire Chief and Rhonda Bowden as Interim Recorder of the Hector Volunteer Fire Department with terms ending 12/31/2024 at 11:59PM for all, the motion 2nd by Carey McGee. Passed 100% (5/5)

Clarification: motion made already for Mike Geurian as Interim Fire Chief.

Agenda Item C: Council discussion and consideration of a resolution authorizing the mayor/treasurer to establish a Fire Department Fund with Chambers Bank

- Item will be tabled to meeting scheduled on 9/16/2024.

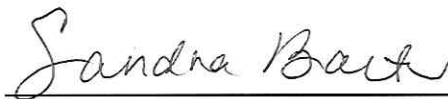
Agenda Item D: Council discussion and consideration of a resolution authorizing the mayor to take all necessary steps to transfer property of the Hector Volunteer Fire Department to the City of Hector.

- Mayor will be working with the city attorney and municipal league to help with the process of this item.
- **Resolution presented by council member:** Resolution 2024-21: to authorize the mayor to take necessary actions to transfer property of the Hector Volunteer Fire Department to the City of Hector Volunteer Fire Department. **Motion made by:** Samantha Brashear **Motion 2nd by:** Carey McGee **Vote:** Passed 100% (5/5)

Meeting adjourned:

Time: 7:25pm
Motion made by: Peggy Gregory
Motion 2nd by: John Mosley
Vote: Passed 100% (5/5)

The next meeting will be held on September 16, 2024, at 6:30pm.



Recorder/Treasurer



Mayor

By signing, I agree that pages 1-4 are true and correct copy of the special meeting held by the Hector City Council on August 27, 2024.

EXHIBIT A

ORDINANCE 2024-1

**ESTABLISHING A MUNICIPAL AND RURAL
VOLUNTEER FIRE DEPARTMENT;
DECLARING AN EMERGENCY AND FOR
OTHER PURPOSES**

ORDINANCE NO. 24-1

AN ORDINANCE ESTABLISHING A MUNICIPAL AND RURAL VOLUNTEER FIRE DEPARTMENT; DECLARING AN EMERGENCY AND FOR OTHER PURPOSES

WHEREAS, ARKANSAS CODE ANNOTATED (A.C.A) 14-53-101 gives the power to the city council to establish a fire department and provide them with engines and other such equipment as shall be necessary to extinguish fires and preserve the property of the city and the inhabitants from conflagration.

SECTION 1: ESTABLISHMENT: The governing body of the City of Hector hereby affirms this action.

SECTION 2: INTERIM FIRE CHIEF

1. Appointment: A.C.A 14-42-110 gives the mayor sole authority to appoint or remove the Fire Chief. The city council may override the Mayor's action with a two-thirds vote of all council members. The Interim appointment will be for a period ending on December 31st, 2024 at 11:59 P.M.

SECTION 3: FIRE CHIEF

1. Appointment of the permanent Fire Chief will be determined upon a recommendation from the Hector Volunteer Fire Department Advisory Board and voted on by the Hector City Council.
2. Duties of the Fire Chief will be outlined in the job description and duties as determined by the city council and the Hector Volunteer Fire Department Advisory Board

SECTION 4: HECTOR VOLUNTEER FIRE DEPARTMENT ADVISORY BOARD

1. The Hector Volunteer Fire Department Advisory Board will consist of five members. Member positions one through three will be elected among the active membership of the Hector Volunteer Fire Department. Member positions four through five will be appointed by the Mayor and approved by the Hector City Council. All member positions will serve a term of 2 years.

SECTION 5: HECTOR VOLUNTEER FIRE DEPARTMENT INTERIM ASSISTANT CHIEF, AND RECORDER

1. The Assistant Fire Chief and Recorder of the Hector Volunteer Fire Department will be for a period ending on December 31st, 2024 at 11:59 P.M.

SECTION 6: ASSISTANT FIRE CHIEF AND RECORDER

1. Appointment of the permanent Assistant Fire Chief and Recorder will be determined upon a recommendation from the Hector Volunteer Fire Department Advisory Board upon approval of the Hector City Council.

SECTION 7: MEMBERS

1. Must live within the boundaries of the Hector Volunteer Fire District.
2. Must be at least 18 years of age
3. If under 18 years of age, must be in an established explorer program.
4. Must have and maintain a valid Arkansas Driver's License
5. Must attend mandatory training to be certified by the State of Arkansas
6. Members that do not meet the training, certification, or other bylaw requirements may be dismissed at the discretion of the Fire Chief.

SECTION 8: MUTUAL AID

1. The Hector Volunteer Fire Department will provide Fire Protection Services inside the city limits of Hector.
2. The Hector Volunteer Fire Department will provide Fire Protection Services within the assigned fire district.
3. The Hector Volunteer Fire Department will participate in mutual aid agreements with all local county fire departments.

SECTION 9: FINANCES

1. The City of Hector will establish a Hector Volunteer Fire Department Fund in which all funds received on behalf of the fire department will be deposited.
2. The City of Hector will establish a Hector Volunteer Fire Department annual budget to include projected revenue and projected expenditures.

SECTION 10: SEVERABILITY, if for any reason, any portion of this ordinance shall be held invalid, such invalidity shall in no way affect the remaining portions.

SECTION 11: EMERGENCY CLAUSE It has been determined by the governing body of the City of Hector that in the interest of public health, peace, and safety of all citizens of the City of Hector, that an emergency is hereby declared. This ordinance shall be in full force and effect upon passage.

PASSED AND ADOPTED, THIS 27 DAY OF AUGUST, 2024

YEAS 5 NAYS 0

ATTEST Sandra Beck
Recorder/Treasurer

[Signature]
Mayor