



Montgomery County Emergency Services District No. 10

DATE: June 18, 2020

THE BOARD OF COMMISSIONERS OF MONTGOMERY COUNTY EMERGENCY SERVICES DISTRICT NO. 10 (the "District") met in a regular session, open to the public, at the Magnolia Volunteer Fire Department, Station 181, 18215 Buddy Riley Blvd, Magnolia Texas 77354 on Thursday, June 18, 2020 at 2:00 p.m. inside the boundaries of the District.

AGENDA ITEM:

1. Call Meeting to order

At 2:17 p.m., Commissioner Buschardt called to order the Regular Meeting of the Montgomery County Emergency Services District #10 (the "District") and the roll was called of the duly appointed officer's to-wit:

2. Roll Call, Pledge of Allegiance, Pledge of Texas and Invocation.

COMMISSIONER	BOARD POSITION	
Robert Buschardt	President	Present
Scot Wall	Vice President	Present
Johnnie Bryant	Secretary	Present
Tate Robinson	Treasurer	Absent
Tommy Gage	Assistant Secretary/Treasurer	Present

4 of 5 Commissioners were present thus constituting a quorum.

Also present were Magnolia Volunteer Fire Department ("MVFD" or "the Department") Fire Chief Gary Vincent, and Office Manager Rhonda Reinholz, Jon Watson with representing BrooksWatson & Co., PLLC, and Deputy Silvio.

Commissioner Buschardt led the Board in the Pledge of Allegiance to the U.S. Flag.

Commissioner Bryant led the Pledge to the Texas Flag.

The Invocation was given by Commissioner Wall.

3. To receive public comment.

There was no public comment.

The Board agreed to take items out of order as posted on the Agenda to address item #7 before addressing item #4.

7. To review and take action on District 2019 Audit.

Upon discussion of this topic a motion was duly made by Commissioner Wall and seconded by Commissioner Gage, the Board unanimously approved the 2019 Annual Financial Report as presented by Jon Watson with BrooksWatson & Co., PLLC.

The Board agreed to take items out of order as posted on the Agenda to address item #6 before addressing item #4.

6. To address financial matters including depositories, Investment Policy and investments, to receive Financial Reports from the District Bookkeeper and pay District bills.

Ms. Reinholz presented the June 18, 2020 Bookkeeper's Report including a listing of the disbursements presented, for the Board's approval and signature. Ms. Reinholz bared the discrepancies of the disbursements and the June 18, 2020 Transaction List on the aforementioned Bookkeeper Report. Discussion ensued on this topic, hence the Board did not to accept the aforementioned Bookkeeper Report as presented.

Upon a motion duly made by Commissioner Buschardt and seconded by Commissioner Wall, the Board unanimously approved a committee comprised of two (2) Commissioners and the Department to schedule a meeting with Municipal Accounts regarding the June 18, 2020 Financial Report.

Further discussion ensued on this topic whereto the Board approved the payment of two (2) additional checks as presented by Ms. Reinholz:

2410 to BrooksWatson & Co., PLLC in the amount of \$10,000.00 for the 2019 Audit Fee;

2411 to Domino's Pizza in the amount of \$49.69 for the June Meeting Expense.

The Board agreed to take items out of order as posted on the Agenda to address item #9 before addressing item #4.

9. To receive and review the monthly sales tax report.

The June 2020 Sales Tax Report was prepared by Sales Revenue Inc. The Board discussed the June 2020 Sales Tax Report with Ryan Fortner via phone.

4. Review and take action on matters relating to calling an election to be held on November 3, 2020:

- a. Approve an Order calling for an election under Texas Health and Safety Code Sections 775.0751 and 775.0752 on the proposition to increase the local sales and use tax in the District;
- b. Order Approving and Appointing an Agent for the Election;
- c. Order Appointing an Early Voting Clerk and Deputy Early Voting Clerk;
- d. Order Establishing and Designating Election Precincts and Polling Places;
- e. Order Establishing and Designating Early Voting Polling Places;
- f. Order Adopting Form of Notice of District Election;
- g. Action to approve a contract with the Montgomery County Elections office for services relating to the conduct of the election.
- h. To review and take action to hold an election jointly with one or more other political subdivisions.
- i. To consider and take action on such other Orders, Resolutions and related matters as required or appropriate to conduct the District election.

4. Repasar y actuar en relacion asuntos relativos a la convocación de una elección a celebrarse el 3 noviemre de 2020.

- a. Aprobar una Orden que solicite una elección bajo las Secciones 775.0751 y 775.0752 del Código de Salud y Seguridad de Texas sobre la propuesta de aumentar el impuesto local sobre las ventas y uso en el Distrito;**
- b. Orden para Aprobar y Designar un Agente para la Elección;**
- c. Orden para Designar un Oficial de Votación Anticipada y un Oficial de Votación Anticipada Auxiliar;**
- d. Orden para Establecer y Designar Precintos Electorales y Lugares de Votación;**
- e. Orden para Establecer y Designar Lugares de Votación Anticipada;**
- f. Orden para Adoptar la Forma del Forma del Aviso de Elección del Distrito;**
- g. Acción para servicios relacionados con la oficina de elecciones del condado de Montgomery para servicios relacionados con la celebración de la elección.**
- h. Para repasar y tomar medidas en relacion a la celebracion de una eleccion en conjunto con otra u otras subdivisiones politicas.**
- i. Considerar y actuar sobre tales otras Órdenes, Resoluciones y asuntos pertinentes que sean requeridas o apropiado para llevar a cabo la elección del Distrito.**

The Board consulted with the District's legal counsel via phone whereto discussion ensued concerning the November 3, 2020 election.

Counsel presented a proposed Order calling an election to be held on November 3, 2020 on the proposition to increase the District sales and use tax from 1% to 2% in any area of the District not already at the 8.25% maximum rate. The Order as written encompassed items a, c, d, e, and f. Upon a motion duly made by Commissioner Buschardt, and seconded by Commissioner Wall, the Board unanimously approved an Order calling for an election to be held November 3, 2020 under Texas Health and Safety Code Sections 775.0751 and 775.0752 on the proposition to increase the local sales and use tax in the District from one percent (1%) to two percent (2%). The Board finalized the aforementioned motion to include unanimously approving the following items:

- c. Order Appointing an Early Voting Clerk and Deputy Early Voting Clerk;
- d. Order Establishing and Designating Election Precincts and Polling Places;
- e. Order Establishing and Designating Early Voting Polling Places.
- f. Order Adopting Form of Notice of District Election.

b. The Board appointed Ms. Reinholz as the Agent for the Election at the February 13, 2020 meeting thus no action was necessary.

g. Upon a motion duly made by Commissioner Buschardt and seconded by Commissioner Wall, and Commissioner Bryant voting as present, the Board approved contracting with the Montgomery County Elections Office for services to conduct the election.

h. Upon a motion duly made by Commissioner Buschardt and seconded by Commissioner Gage, the Board unanimously approved to hold the election jointly with any other political subdivisions also holding an election on November 3, 2020 who also contracts with the county.

i. Upon a motion duly made by Commissioner Buschardt and seconded by Commissioner Wall, the Board unanimously authorized counsel to seek opinion of Ethics Commission for Community Outreach Material.

5. To approve the Minutes of prior meeting(s).

The Board consulted with the District's legal counsel via phone where to discussion ensued concerning the amendment of prior minutes. Counsel advised the Board that audited minutes cannot be amended and only the final minutes need to be posted on the District's website.

The Board was in agreement to readdress this item later.

The Board readdressed this item after item #25.

Upon a motion duly made by Commissioner Buschardt and seconded by Commissioner Bryant, the Board unanimously approved the Minutes of the District's Regular Meeting held May 14, 2020 as presented and the District's Special Meeting held June 4, 2020 as presented.

Commissioner Gage exited the meeting at 4:00 pm.

The Board agreed to take items out of order as posted on the Agenda to address items #16, #22, #23, #24, and #25 before addressing item #8.

16. To review and discuss 2021 budget and 2020 tax setting planning and scheduling, including review of new Truth in Taxation procedures.

The Board consulted with the District's legal counsel via phone where to discussion ensued on this topic and legal counsel referred to the Truth In Taxation for ESD's Presentation, 2019 and 2020 Preliminary Values Comparison, and the Montgomery County Tax Assessor 2020 Truth In Taxation Packet:

The Board was in agreement with counsel's suggestion to have a 2021 Budget ready to review at the July meeting.

Upon a motion duly made by Commissioner Wall and seconded by Commissioner Bryant, the Board authorized counsel to complete the Montgomery County Tax Assessor Packet and respectively submit it to Tammy McRae's office.

22. To act to ratify a continuing contract with a private law firm for the collection of delinquent District ad valorem taxes and providing for the payment of 20% of the delinquent taxes, penalties and interest which are collected by the attorney under said Contract.

The Board consulted with the District's legal counsel via phone where to discussion ensued on items # 22- #25 where to the Board was in agreement to continue the current contracts and penalty impositions.

Upon a motion duly made by Commissioner Buschardt and seconded by Commissioner Bryant, the Board unanimously approved to ratify a continuing contract with the law firm of Linebarger, Goggan, Blair & Sampson, LLP for the collection of delinquent District ad valorem taxes and providing for the payment of 20% of the delinquent taxes, penalties, and interest which are collected by the attorney under said Contract.

23. To discuss and act on the imposition of additional penalty on delinquent taxes pursuant to §33.07 of the Property Tax Code and adoption of a Resolution regarding same.

Upon a motion duly made by Commissioner Buschardt and seconded by Commissioner Bryant, the Board unanimously approved to impose additional penalties on delinquent taxes pursuant to §33.07 of the Property Tax Code and adoption of a Resolution regarding the same.

24. To discuss and act on the imposition of additional penalty on delinquent taxes to defray costs of collection by the District's delinquent tax attorney, pursuant to §33.08 of the Property Tax Code and adoption of a Resolution regarding same.

Upon a motion duly made by Commissioner Buschardt and seconded by Commissioner Bryant, the Board unanimously approved the imposition of additional penalty on delinquent taxes to defray costs of collection by the District's delinquent tax attorney, pursuant to §33.08 of the Property Tax Code and adoption of a Resolution regarding same.

25. To discuss and act on the imposition of early additional penalty for collection costs for taxes imposed on personal property on delinquent taxes pursuant to §33.11 of the Property Tax Code and adoption of a Resolution regarding same.

Upon a motion duly made by Commissioner Buschardt and seconded by Commissioner Bryant, the Board unanimously approved the imposition of early additional penalty for collection costs for taxes imposed on personal property on delinquent taxes pursuant to §33.11 of the Property Tax Code and adoption of a Resolution regarding same.

The Board agreed to take items out of order as posted on the Agenda to readdress item #5 and address item #13 before addressing item #8.

13. To receive a report from the Department regarding the good and welfare of the Fire Department and act on requests for equipment and expenses for the Department.

Fire Chief Gary Vincent presented the Fire Chief's ESD June 2020 Board, Fire Chief's MVFD May and June 2020 Board Report, and handouts with special mention to the Board about the following topics:

- The Department is tracking the COVID-19 responses and exposures.
- The Rescue Trailer is scheduled for delivery in July or August.
- There are some ESD property repairs that need attention and funding (refer to Chief Griffith's presentation)
 - a) The detention pond pump and piping at 187. \$2,000.00
 - b) The Acidic Water Neutralizing System on Station 187. \$4,000.00
 - c) The Fire Hydrant in the back of Station 181. \$10,000.00
 - d) Total \$16,000.00
- The Department is working on the 2021 Budget.
- Requesting permission to sell two (2) of the three (3) old Command Vehicles at auction as presented in the handout.
- Real Estate Contract was amended and signed.
- Request discussion on engaging the same realtor to locate property for a Fire Training Facility. (refer to Chief Herrman's presentation)

Upon a motion duly made by Commissioner Buschardt and seconded by Commissioner Wall, the Board unanimously approved to sell two (2) old Command Vehicles identified as Unit 77 and Unit 79 as presented.

Upon a motion duly made by Commissioner Bryant and seconded by Commissioner Buschardt, the Board unanimously approved up to \$16,000.00 for the repairs at Station 187 and the Fire Hydrant replacement at Station 181 as presented.

8. To receive the monthly ad valorem tax report.

The Board reviewed the May 2020 Ad Valorem Tax Report.

10. To review and act on the payment of operations funding pursuant to budget and service agreement with the Magnolia Volunteer Fire Department ("MVFD" or "Department").

This topic was addressed on item #6 whereto the Board did not approve the June 18, 2020 Bookkeeper Report. The list of disbursements included check number 2396 in the amount of \$787,607.83 for Payroll Transfer 07/20 Payroll and check number 2397 in the amount of \$117,602.00 for Maintenance & Operations Transfer 07/1/20 consequently no action was taken.

11. To review and act to approve the purchase, funding and payment for capital assets, including vehicles, fire-fighting apparatus and equipment.

No action was taken.

12. To receive a report and act as appropriate to revise District and/or Department current year operating and/or capital budgets pursuant to Department quarterly re-allocations and/or other matters.

No action was taken.

14. To receive a financial report from the MVFD.

Upon discussion of this topic, the Board was in agreement to review the report(s) at the July meeting.

15. To review, discuss and take action on amendments to the District's 2020 budget.

No action was taken.

17. To review, discuss and act on the disposition of surplus and/or salvage property.

No action was taken.

18. To review and act on real estate matters, including but not limited to purchase, sale, utilities, encumbrances and/or easements.

The Board addressed this topic on item #13.

19. To review and act on District/Department PPC/ISO ratings including engagement of consultant(s), review of recommendations and purchase of equipment.

No action was necessary.

20. To receive a report and act on improvements, repairs, maintenance and construction of District facilities, including utilities, construction payments, engagement of architectural or engineering services and selection of contractors.

No action was necessary.

21. To review and act on employment/personnel issues, including hiring, retention, compensation, benefits and scheduling for District employees, including administrative staff, Fire Chief, suppression staff and command staff.

No action was necessary.

26. To meet in Closed Session, pursuant to Government Code §551.071 to consult with legal counsel regarding pending or contemplated litigation, settlement offers or on matters which require confidentiality under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas and Tax Code §323.3022 to discuss sales tax matters.

The Board did not enter into Closed Session on this item.

27. To meet in Closed Session pursuant to Government Code §551.072 to deliberate regarding real estate matters.

The Board did not enter into Closed Session on this item.

28. To meet in Closed Session pursuant to Government Code §551.074 to discuss personnel matters.

The Board did not enter into Closed Session on this item.

29. To meet in Closed Session pursuant to Government Code §551.089 to deliberate regarding security assessments or deployments relating to information resources technology, network security information, or the deployment, or specific occasions for implementation, of security personnel, critical infrastructure, or security devices.

The Board did not enter into Closed Session on this item.

30. To review and take action on matters related to claims regarding construction of Station 181.

Upon discussion of this topic no action was necessary.

31. To review and take action on matters related to COVID-19, including but not limited to meeting procedures, emergency expenditures and continuity of operations per Government Code §418.1101.

Upon discussion of this topic no action was necessary.

32. ADJOURNMENT

There being no further business to come before the Board, upon a motion duly made by Commissioner Bryant and seconded by Commissioner Wall, the Board unanimously approved adjourning the meeting at 4:57 pm.

Next regularly scheduled meeting is tentatively July 9, 2020 at 2:00 pm.



Robert Buschardt, President



Johnnie Bryant, Secretary

