



Montgomery County Emergency Services District No. 10

**DATE:** February 11, 2021

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, February 11, 2021 at 12:00 p.m. inside the boundaries of the District.

**AGENDA ITEM:**

**1. Call Meeting to order**

At 12:21 p.m., Commissioner Buschardt called to order the Regular Meeting of the Montgomery County Emergency Services District No.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.**

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

3 of 5 Commissioners were present thus constituting a quorum.

Also present were Magnolia Volunteer Fire Department ("MVFD" or "the Department") Fire Chief Gary Vincent, Assistant Chief of Finance and Administration Eloise Roberson, Assistant Chief of Logistics August Naumann, Assistant Chief of Operations Gary Pangarakis, and Office Manager Rhonda Reinholz, Deputy Michael Silvio, John Peeler of Coveler & Peeler, PC, members of the public Lesha Roberts, Michael Cockrell, and from the Montgomery County District Attorney's Office Jon Buckholtz and Philip Harris.

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 Robinson.

**3. To receive public comment.**

Lesha Roberts addressed the Board with questions about the Commissioners appointments and terms. She also had questions and concerns about the operations of the Magnolia Volunteer Fire Department, specifically if the Board was going to address the reinstatement of Chuck Grant at the Fire Board Meeting.

District's counsel pointed out to the Board and the public that per the Open Meetings Handbook put out by the Attorney General's Office, public comment is not a back and forth conversation with the public. It is only meant for the public to offer comments.

There was no other public comment.

#### **4. To approve the Minutes of prior meeting(s).**

Upon a motion duly made by Commissioner Robinson and seconded by Commissioner Buschardt, the Board unanimously approved two (2) sets of Minutes as presented; the District's Regular Meeting held January 14, 2021 and the District's Special Meeting held February 3, 2021.

#### **5. To review and take action to join cooperative purchasing programs.**

Discussion ensued whereto District's legal counsel recommended the Board to join four (4) CO-OP Purchasing Programs commonly used by other Districts which are HGAC, BuyBoard, Tarrant County, and Fort Bend County.

Upon a motion duly made by Commissioner Robinson and seconded by Commissioner Bryant, the Board unanimously approved to join the aforementioned four (4) CO-OP Purchasing Programs.

**The Board agreed to take items out of order as posted on the Agenda to address items #7 before addressing item #6.**

#### **7. To receive and review the monthly ad valorem tax report.**

The Board consulted with Ms. Morrison via phone whereto she presented the January 2021 Ad Valorem Tax Report.

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

The Board consulted with Ms. Morrison via phone whereto she presented the February 11, 2021 Bookkeeper's Report including a listing of the disbursements presented, for the Board's approval and signature. Discussion ensued on this topic notating the payoff date for Community First National Bank is 3/3/26, and the payoff date for First Financial Bank is 6/15/2025.

Upon a motion duly made by Commissioner Robinson and seconded by Commissioner Bryant, the Board unanimously approved the payment of district bills as presented in the Bookkeeper's Financial Report with the addition of check number(s):

2554 to Generator Supercenter in the amount of \$6,685.00 for the Annual Generator Maintenance Contract;  
2555 to Montgomery County Sheriff's Office in the amount of \$17,288.74 for FY 2021 System Access Fee.

**The Board readdressed this topic after item #16.**

Discussion ensued whereto District's legal counsel presented the resolution for the District's Investment Policy and recommended the Board resolve that no changes are necessary at this time to the Investment Policy adopted in May 2020 under which the District will continue to operate in 2021, unless and until such time as the Board by resolution revises, amends or replaces the Investment Policy.

Upon a motion duly made by Commissioner Robinson and seconded by Commissioner Bryant, the Board unanimously approved to accept the one (1) page document stating the District will continue the same

Investment Policy as the previous year whereto the motion passed with a vote of 3 to 0 approving the Resolution Of Montgomery County Emergency Services District No. 10 Regarding 2021 Review Of The Adopted Investment Policy.

**The Board agreed to take items out of order as posted on the Agenda to address items #16 and #9 before addressing item #8.**

**16. To review, discuss and take action on revisions or amendments to the District's budget(s).**

Ms. Morrison presented the 2021 Amended Capital Budget inclusive of the Operating Reserve analysis noting the percentage of operating reserve funds were less than her recommendation of one (1) year operating budget. Discussion ensued concerning the reserve fund and the existing debt relative to the Board's consideration of any additional major apparatus purchases until the real estate deals are completed.

Upon a motion duly made by Commissioner Robinson and seconded by Commissioner Bryant, the Board unanimously approved to accept the revised 2021 Budget as presented.

**The meeting was recessed at 1:19 pm.**

**The meeting reconvened for regular business at 1:45 pm.**

**9. 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").**

The Board reviewed the payment of Operation's Funding presented in the February 11, 2021 Bookkeeper's Report. Assistant Chief Roberson addressed the Board noting that with the amendment to the 2021 budget it increased the Department's M&O Budget by \$150,000.00 therefore, the monthly M&O payments going forward should be \$133,796.73 to include the months of January, February, and March consequently increasing the M&O payments by \$12,499.98 for a total of \$133,796.73 for each of the aforementioned months.

Upon a motion duly made by Commissioner Robinson and seconded by Commissioner Bryant, the Board unanimously approved the payment of Operation's Funding as presented in the February 11, 2021 Bookkeeper's Report which was check number 2547 in the amount of \$832,180.78 for Payroll Transfer 3/21 and check number 2548 in the amount of \$121,296.73 for Maintenance & Operations Transfer notating a correction from 2/21 to 3/21. The Board also approved additional check number 2556 in the amount of \$37,499.94 for Maintenance & Operations for the months of January, February, and March.

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

Fire Chief Gary Vincent presented a handout from Triad Marine with a request of up to \$30,000.00 to purchase one (1) additional custom Zodiac Rescue Boat, inclusive of BuyBoard Contract pricing.

Upon a motion duly made by Commissioner Bryant and seconded by Commissioner Buschardt, the Board unanimously approved up to \$30,000.00 out of the 2021 Capital Budget to purchase one (1) Zodiac Rescue Boat as presented.

Upon a motion duly made by Commissioner Buschardt and seconded by Commissioner Robinson, the Board unanimously approved the payment of check number(s):

- 2553 to Texas Department of Criminal Justice, TDCJ Cashier in the amount of \$902.00 for Station 181 Kitchen Table approved and reimbursed by the Department in 2020.

**11. 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 necessary.

**12. To receive a report from 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 February 2021 Board, Fire Chief's MVFD February 2021 Board Report, and handouts with special mention to the Board about the following topics:

- The Department's Command Staff has had the first of the COVID-19 vaccine administered and the Department is returning to normal 8-5 Monday thru Friday Office Hours Monday, March 1, 2021.
- Assistant Chief Noriega was featured in a statewide magazine of Communications Directors this month.
- Captain Dallen Dains and his crew have been selected to be honored by the 100 Club for their rescue of an elderly female from a mobile home fire in 2020. It was a remarkable rescue, including CPR, and I am very proud of the entire team's performance that day! Chief Vulgamott was the Incident Commander, and both Chief Pangarakis and myself were also on scene. Captain Chelette and his crew were also instrumental in the rescue efforts.
- Requesting one (1) additional Zodiac Rescue Boat for our new Rescue Team. Triad Marine has joined the Buyboard system after our discussion last month. This topic was addressed on item #10.
- The Department's 2020 Audit has begun.
- Parade complaint handout.
- Discussion on Loan for Rescue Truck to repay Reserve Account now that is "substantially completed". We used Reserve Funds to take advantage of Prepay discounts to get the lowest cost for Rescue Truck in early 2020, but had planned on getting loan at this point to repay the reserve account.
- Discussion on Air Pacs as they will be reaching their end of life in the near future.

Assistant Chief Naumann presented the invoice from Generator Supercenter for the Annual Generator Maintenance Contract noting the pricing is the same as 2019 and 2020.

**13. To receive a financial report from the MVFD.**

Assistant Chief Roberson presented the January 31, 2021 GL and the January 2021 1<sup>st</sup> Quarter Rolling Budget. She thanked the Board for the additional \$150,000.00 funding and also presented the COVID-19 Reimbursement check in the amount of \$52,954.87 per the provisions of the Interlocal Agreement with Montgomery County for COVID-19 Related Expenses.

**8. To receive the monthly sales tax report from the sales tax consultant.**

The Board reviewed the February sales tax report prepared by Sales Revenue Inc.

**14. To review and discuss issues related to the District assuming direct provision of emergency services, including actions to employ firefighting staff.**

Discussion ensued on this topic whereto no action was necessary. District's legal counsel recommended the Board develop questions on the issues they want to address and stressed that this would be a long term discussion item that would require input from the public and Fire Department personnel.

**The meeting was recessed at 3:01 pm.**

**The meeting reconvened for regular business at 3:03 pm.**

**15. To review and take action on information technology (“IT”) matters, including engagement of consultants for the maintenance and improvement of IT infrastructure and resources.**

District’s legal counsel gave a verbal update to the Board where to no action was necessary.

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

No action was necessary.

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

Fire Chief Gary Vincent gave a verbal update where to no action was necessary.

**19. 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.

**The Board agreed to take items out of order as posted on the Agenda to address items #24 before addressing item #20.**

**24. To review and take action on matters related to claims regarding construction of Station 181, including potential settlement of same.**

No action was necessary.

**The meeting was recessed at 3:09 pm.**

**The meeting reconvened for regular business at 3:18 pm.**

**20. 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 entered into Closed Session at 3:20 pm and reconvened for regular business at 4:20 pm.

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

The Board entered into Closed Session at 3:20 pm and reconvened for regular business at 4:20 pm.

**22. To meet in Closed Session pursuant to Government Code §551.074 to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or to hear a complaint or a charge against an officer or employee, including the District’s administrative staff,**

executive staff and Fire Chief. Any employee the subject of review will be given the opportunity to request open meeting discussion of the matters if they are present at the meeting.

The Board entered into Closed Session at 3:20 pm and reconvened for regular business at 4:20 pm.

**23. 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.

**25. 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.**

Upon a motion duly made by Commissioner Buschardt and seconded by Commissioner Robinson, the Board unanimously approved for Fire Chief Gary Vincent to be placed on administrative leave with full pay and benefits and still accumulate vacation time as per normal for a brief period, to be reevaluated by the District as the Board deems appropriate.

Upon a motion duly made by Commissioner Robinson and seconded by Commissioner Bryant, the Board unanimously authorized the Board President to engage Jeff Hevey, on a temporary basis, to be the Acting Fire Chief for the District and the Department while Fire Chief Gary Vincent is on Administrative Leave.

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

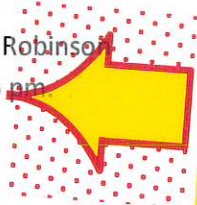
Upon a motion duly made by Commissioner Buschardt and seconded by Commissioner Bryant, the Board unanimously approved to appoint a real estate committee of two (2) Commissioners to have the authority to authorize minor revisions to the contract and consultation with counsel to continue moving the proposed purchases forward whereto the committee will be comprised of Commissioner Buschardt and Commissioner Robinson.

**27. 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.**

No action was necessary.

**28. ADJOURNMENT**

There being no further business to come before the Board, upon a motion duly made by Commissioner Robinson and seconded by Commissioner Bryant, the Board unanimously approved adjourning the meeting at 4:25 pm.



~~Robert Buschardt~~, President

Larry Smith

~~Johnnie Bryant~~, Secretary

Heath Schultz, Assistant Secretary/Treasurer