



Montgomery County Emergency Services District No. 10

DATE: March 9, 2021

THE BOARD OF COMMISSIONERS OF MONTGOMERY COUNTY EMERGENCY SERVICES DISTRICT NO. 10 (the "District") met in a special session, open to the public, at the Magnolia Volunteer Fire Department, Station 181, 18215 Buddy Riley Blvd, Magnolia Texas 77354 on Tuesday, March 9, 2021 at 2:00 p.m. inside the boundaries of the District.

AGENDA ITEM:

1. Call Meeting to order

At 2:02 p.m., due to no Commissioner being designated as the Board President yet, District legal counsel John Peeler called to order the Special 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.

COMMISSIONER

Larry Smith	Present
Charles McDonald	Present
Kelly Violette	Present
Heath Schultz	Present
Jeffrey Cunningham	Present

All 5 Commissioners were present thus constituting a quorum.

Also present were Magnolia Volunteer Fire Department ("MVFD" or "the Department") Interim Fire Chief Jeffrey Hevey, Assistant Chief of Logistics August Naumann, Assistant Chief of Operations Gary Pangarakis, Assistant Chief of Training and Safety Jason Herrman, and Office Manager Rhonda Reinholz, and the District's general counsel John Peeler of Coveler & Peeler, PC.

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

Commissioner McDonald led the Pledge to the Texas Flag.

The Invocation was given by Commissioner Cunningham.

3. To receive public comment.

Randy Harris welcomed the newly appointed commissioners as a resident of ESD 10 and Firefighter/Paramedic for MVFD since 08'.

Lesha Roberts welcomed the newly appointed commissioners as a concerned citizen and wife of a Magnolia Firefighter. She expressed two (2) concerns; - 1) lack of communication from the ESD Board and Fire Board to the members resulting from the decisions made by the ESD, because some MVFD members are concerned about their jobs and would like an official announcement from a resource other than The Golden Hammer; - 2) Interested in finding out how this Board was seated so quickly after the last Board resigned, what process is in place and was the process followed? She also said the public needs to be educated on the Board appointment process because it does not seem to be a transparent process.

Other members of the public that were in attendance did not address the Board.

4. Take action to elect Board officers.

Upon a motion duly made by Kelly Violette and seconded by Heath Schultz, hearing no other nominations and all in favor, the Board unanimously approved Larry Smith as President.

Upon a motion duly made by Charles McDonald and seconded by Kelly Violette, hearing no other nominations and all in favor, the Board unanimously approved Charles McDonald as Vice-President.

Upon a motion duly made by Jeffrey Cunningham and seconded by Charles McDonald, hearing no other nominations and all in favor, the Board unanimously approved Kelly Violette as Secretary/Treasurer.

Upon a motion duly made by Heath Schultz and seconded by Kelly Violette, hearing no other nominations and all in favor, the Board unanimously approved Heath Schultz as Assistant Secretary/Assistant Treasurer.

It was noted that Commissioner Jeffrey Cunningham holds no additional office as a District Board Member.

5. Take action to update all signature cards and related documents/files with all District financial institutions and depositories.

Upon a motion duly made by Commissioner Schultz and seconded by Commissioner McDonald, the Board unanimously approved the Resolution regarding access and authorizations of the District's financial institutions as written where to removing the former Commissioners and former District employee Gary Vincent and the addition of newly appointed Commissioners on all of the District's financial institutions, with the exception of correcting the spelling of Commissioner Violette's name.

Commissioner Violette exited the meeting at 2:26 pm.

6. 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.

The Board entered into Closed Session at 2:26 pm and reconvened for regular business at 5:09 pm.

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

The Board entered into Closed Session at 2:26 pm and reconvened for regular business at 5:09 pm.

8. To meet in Closed Session pursuant to Government Code §551.074 to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of employees; hear a complaint or a charge against employee, including the District administrative staff, executive staff and Fire Chief.

The Board entered into Closed Session at 2:26 pm and reconvened for regular business at 5:09 pm.

9. To review and take action on lawsuits and claims, including potential settlement of same.

Upon discussion of this topic, no action was necessary.

10. 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.

Legal counsel announced that Chief Vincent tendered a retirement letter over the weekend noting that his employment with the District and the Department has come to an end. The Board was in agreement to accept Chief Vincent's retirement letter. No further action was necessary.

11. To review and act on real estate matters, including but not limited to purchase, sale, lease, utilities, encumbrances and/or easements and actions to engage services related to real estate.

Upon discussion of this topic, no action was necessary.

12. To review and act to engage special counsel to conduct an investigation of employment matters and fiscal matters of the District and Magnolia Volunteer Fire Department.

Upon a motion duly made by Commissioner Schultz and seconded by Commissioner McDonald, the Board unanimously approved the engagement letter with Adam Dietrich to conduct an investigation of employment and fiscal matters of the District and the Magnolia Volunteer Fire Department related to the recent allegations of potential wrongdoing, with an initial cap of \$20,000.00, pending an interim report from Mr. Dietrich.

13. To review and take action on matters related to the District becoming the direct provider of emergency services for its territorial jurisdiction, including actions to terminate the contract with Magnolia Volunteer Fire Department, actions on personnel, equipment, and related assets.

Mr. Peeler advised the Board that this would be a subject requiring a great deal of community input and involvement over the coming months. Upon discussion of this topic, no action was necessary.

The Board agreed to take items out of order as posted on the Agenda to readdress Item #3 before addressing Item #14.

The Board thanked the public for waiting and returning to the meeting upon reconvening after closed session. Lesha Roberts asked the Board to consider a different meeting time other than noon to conduct their meetings.

14. ADJOURNMENT

There being no further business to come before the Board, the Board unanimously agreed to adjourn the meeting at 5:18 pm.



Larry Smith, President



Kelly Violette, Secretary/Treasurer

