



Montgomery County Emergency Services District No. 10

**DATE:** April 8, 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, April 8, 2021 at 3:30 p.m. inside the boundaries of the District.

**AGENDA ITEM:**

**1. Call Meeting to order**

At 3:31 p.m., Commissioner Smith 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>	
Larry Smith	President	Present
Charles McDonald	Vice President	Present
Kelly Violette	Secretary/Treasurer	Present
Heath Schultz	Assistant Secretary/Treasurer	Present
Jeffrey Cunningham	Board Member	Present

All 5 Commissioners were present thus constituting a quorum.

Also present were Magnolia Volunteer Fire Department ("MVFD" or "the Department") Fire Chief Jeffrey Hevey, Assistant Chief of Finance and Administration Eloise Roberson, Assistant Chief of Operations Gary Pangarakis, Assistant Chief of Logistics August Naumann, and Office Manager Rhonda Reinholz, Deputy Mike Silvio, Carol Morrison of Municipal Accounts, John Peeler of Coveler & Peeler, PC, members of the public Lesha Roberts, Shannon Hoffart, Randy Harris, Eva Vigh Community Impact Reporter, and other unidentified persons.

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.**

Lesha Roberts addressed the Board as a concerned citizen and wife of a Magnolia Firefighter. She expressed concern on Elisa Noriega's National Fire Academy attendance for advanced training and MVFD hiring practices in regards to Ms. Noriega.

Other members of the public that were in attendance did not address the Board or sign in to record their attendance.

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

Upon a motion duly made by Commissioner Violette and seconded by Commissioner Schultz, the Board unanimously approved the Minutes of the District's Regular Meeting held March 9, 2021 as presented.

Upon a motion duly made by Commissioner Schultz and seconded by Commissioner Cunningham, the Board approved the Minutes of the District's Special Meeting held March 18, 2021 with 4 in favor and Commissioner Violette abstained.

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

Ms. Morrison presented the April 8, 2021 Bookkeeper's Report including a listing of the disbursements presented, for the Board's approval and signature.

Upon a motion duly made by Commissioner Schultz and seconded by Commissioner Violette, the Board unanimously approved the payment of district bills as presented in the Bookkeeper's Financial Report with the addition of check number(s):  
2593 to TRL Consulting in the amount of \$5,000.00 for Water/Wastewater Investigating and Detention Study of Dobbin Huffsmith Property;  
2594 to Precision Surveyors in the amount of \$650.00 for Final Survey of Dobbin Huffsmith Property;  
2595 to South Texas Surveying Associates in the amount of \$4,600.00 for Surveying Services of Dobbin Huffsmith Property.

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

Ms. Morrison noted there was no Ad Valorem Tax Report available at this time.

### **7. To receive the monthly sales tax report from the sales tax consultant.**

The Board consulted with Ryan Fortner of Sales Revenue Inc. via phone conference and reviewed the April Sales Tax Report.

Upon a motion duly made by Commissioner Violette and seconded by Commissioner Schultz, the Board unanimously approved the April Sales Tax Report as presented by Sales Revenue Inc.

### **8. 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 was in agreement to address Items #8 and #12 together.

Assistant Chief Roberson presented the March 2021 1<sup>st</sup> Quarter Rolling Budget, the March 2021 GL, and the 2021 1<sup>st</sup> Quarter re-allocation in the amount of \$59,659.00.



Discussion ensued on the Department's Financial Reports where to, Ms. Roberson noted the disbursement to the District for funds the Department received from the Tower Lease in the amount of \$2,700.00.

Upon a motion duly made by Commissioner Cunningham and seconded by Commissioner Schultz, the Board unanimously approved the Department's Financial Reports.

Ms. Roberson noted that she has set up the District's payroll in ADP.

The Board reviewed the payment of Operation's Funding presented in the April 8, 2021 Bookkeeper's Report.

Upon a motion duly made by Commissioner Schultz and seconded by Commissioner Cunningham, the Board unanimously approved the payment of Operation's Funding as presented in the April 8, 2021 Bookkeeper's Report which was check number 2586 in the amount of \$832,180.78 for Payroll Transfer for 5/21 and check number 2587 in the amount of \$133,796.73 for Maintenance & Operations Transfer 5/21.

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

Fire Chief Jeffrey Hevey noted the Rescue Truck should be delivered in May. No action was necessary.

**10. 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.**

This item was addressed on Item #8.

**Ms. Morrison exited the meeting at 4:11 pm.**

**11. 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 Jeffrey Hevey presented the Fire Chief's April ESD and MVFD 2021 Board Reports with special mention to the Board about the Challenges and Positives topics mentioned in both of his April Board Reports. Additionally, Mike McCall is a consultant that is recommended by VFIS and will be conducting interviews with staff members. He deals with harassment and retaliation and will probably conduct classes sometime in May.

He attended Texas Fire Chief's Executive Conference and the Department will need to address issues that focus on Firefighter Health and Safety. Discussion ensued on this topic where to a motion duly made by Commissioner Violette and seconded by Commissioner Cunningham to unanimously approve the Fire Chief's Reports.

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

This topic was addressed under item #8.

**13. To review and take action on issues related to the District assuming direct provision of emergency services, including actions to employ firefighting staff, and scheduling public meetings on this issue.**

Ms. Roberson addressed the Board about areas of concern for Department employees related to the potential transition to a direct provider in regards to how the District will handle tenure and transitioning from the 457(b) plan to TCDRS and if the District will keep the same employer contributions in place. Ms. Roberson explained the differences between the two (2) plans. She clarified the current plan is a Tax Exempt 457(b) that can be transferred to a Governmental 457(b) plan. District's legal counsel John Peeler also explained that the District

established TCDRS as its retirement system to which the District is required to have all employees participate with employer matching contributions however, employees will have the option to also participate in the 457(b) individually with no employer contributions. He also explained how the market fluctuation effects contributing entities in the TCDRS system. He suggested that a TCDRS Representative should address this issue. Ms. Roberson noted that a TCDRS Representative will be meeting with her in a couple of weeks.

Discussion ensued regarding conducting Town Hall style meetings and creating a subcommittee to work with the Department in regards to public communication. The Board was in agreement to appoint a Public Communication Committee and a Direct Provider Transition Committee comprised of Commissioner Smith and Violette with the primary focus on Public Communication.

Discussion ensued on this topic where to no action was necessary.

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

Fire Chief Jeffrey Hevey gave a verbal update on this topic. The vendor is working on giving a price on improving the IT Platform and email system platform that is government based. District's legal counsel John Peeler will coordinate with Mr. Wassell in regards to his proposal on changes in ESD email and website system. Will also need to coordinate with QZip to have everything comprehensive. Discussion ensued on this topic where to no action was necessary.

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

This topic was addressed under item #12.

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

Fire Chief Jeffrey Hevey noted that one of the obsolete vehicles is a 2000 Tanker that had a fire and a part burned up during the freeze. Manufacturers don't make the part anymore but found the part in Minnesota. Chief Naumann noted that he is in the process of verifying that the issue is the Electrical Box. There are also other parts that are needed to get the tanker up and running. There are three (3) obsolete vehicles; two (2) Boosters and one (1) Tanker.

The Board was in agreement to authorize the disposition of the obsolete vehicles mentioned above as surplus next month and Chief Hevey is to bring a status report on them.

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

Upon discussion of this topic no action was necessary.

**18. 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.**

Upon discussion of this topic no action was necessary.

**19. 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 5:12 pm and reconvened for regular business at 7:17 pm.



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

The Board entered into Closed Session at 5:12 pm and reconvened for regular business at 7:17 pm.

Commissioner Schultz stepped out of Closed Session on real estate matters because of his involvement of the other side of the potential deal as noted in previous minutes. He participated in all Closed Session Items except real estate.

**21. 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 5:12 pm and reconvened for regular business at 7:17 pm.

**22. 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 convene in Closed Session on this item.

**23. To review and take action on matters related to lawsuits or claims, including potential settlement of same.**

Upon a motion by Commissioner Schultz and seconded by Commissioner Violette, the Board unanimously approved to authorize counsel to complete the settlement documents and authorize the Board President to execute the settlement documents and to issue payment as was discussed of the Grant Lawsuit in Closed Session.

**24. To review and take action on matters related to the District investigation of District and Department operations, personnel and fiscal matters.**

No action was necessary on this topic.

**25. To review and act on employment/personnel issues, including hiring, retention, compensation, benefits, scheduling, complaints and discipline of District employees, including administrative staff, executive staff and Fire Chief.**

No action was necessary on this topic.

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

Commissioner Schultz addressed the Board verbalizing to the Board to feel free to ask him if they have any questions about the parcel. District's legal counsel John Peeler advised the Board they could ask Mr. Schultz questions as the opposite party in open session since he has filed a conflict disclosure and he could offer any information on the parcel. The Board did not have any questions for Commissioner Schultz and no action was necessary on this topic.


**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 on this topic.

**28. ADJOURNMENT**

There being no further business to come before the Board, the Board unanimously agreed to adjourn the meeting at 7:20 pm.

**Next regularly scheduled meeting will be on May 13, 2021 at 3:30 pm.**

  
Larry Smith, President

  
Kelly Violette, Secretary

