



Montgomery County Emergency Services District No. 10

**DATE:** August 12, 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, August 12, 2021 at 3:30 p.m. inside the boundaries of the District.

**AGENDA ITEM:**

**1. Call Meeting to order**

At 3:33 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	Absent
Heath Schultz	Assistant Secretary/Treasurer	Present
Jeffrey Cunningham	Board Member	Present

4 of 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 Operations Gary Pangarakis, Assistant Chief of Finance and Administration Eloise Roberson, Assistant Chief of Training and Safety Jason Herrman, Assistant Chief of Safety and Health Chuck Grant, Assistant Chief of Logistics August Naumann, Firefighter Randy Harris, and Office Manager Rhonda Reinholz, Montgomery County Constable Deputy Duane Burrell, Carol Morrison of Municipal Accounts, District General Counsel John Peeler of Coveler & Peeler, PC, and Ross Winkler of Winkler Public Relations.

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.**

There was no public comment from members of the public in attendance.

**4. To review and take action on appointments to Magnolia Volunteer Fire Department's Executive Fire Board for term beginning September 2021, including review of applicants.**

Upon a motion duly made by Commissioner Schultz and seconded by Commissioner McDonald, the Board unanimously agreed on the reappointment of Mr. Gary Pangarakis, Mr. Alan Paulk, Mr. David Ward, and Mr. Bill Wright to serve on the Executive Fire Board of the Magnolia Volunteer Fire Department effective September 01, 2021, noting that no other applications were submitted.

**5. 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 website, digital records and electronic mail, including presentation from contractor QZIP regarding the recreation of the entire IT system, Information storage and new email system.**

Chief Hevey gave a verbal update of the IT Server, Microsoft Licensing, Email, and Backup Internet status.

Ms. Reinholz reported that QZIP presented a revised Master Consulting Agreement only converting the client from MVFD to the District. Counsel noted the District had previously approved to directly assume the one (1) year IT Contract with QZIP effective December 2020. Chief Hevey noted that the District will need to decide if they want to continue using QZIP or go out for RFQ's for IT Vendors. QZIP also submitted the New Server Scope of Work which was previously approved by the District on July 8, 2021. The Board was in agreement to accept both documents from QZIP whereto no action was necessary.

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

Upon a motion duly made by Commissioner Cunningham and seconded by Commissioner Schultz, the Board unanimously approved the Amended Minutes of the District's Regular Meeting held June 24, 2021, Minutes of the District's Regular Meetings held July 8, 2021 and July 22, 2021, and Minutes of the District's Special Meeting held August 4, 2021 as presented.

**7. 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 August 12, 2021, Bookkeeper's Report including a listing of the disbursements presented, for the Board's approval and signature.

Discussion ensued whereto upon a motion duly made by Commissioner Schultz and seconded by Commissioner Cunningham, the Board unanimously approved the Bookkeeper's Financial Report as presented, to include payment of district bills as presented. There were no additional checks.

Discussion ensued on the Texas Workforce Commission invoice dated August 10, 2021 for unpaid charges whereto Ms. Morrison and Ms. Roberson will research further.

Discussion ensued on check number 2664 to Sales Revenue, Inc. in the amount of \$5,000.00 whereto the Board was in agreement not to pay Sales Revenue, Inc. since they have not provided a report to the District for two (2) months. Counsel reported that SRI has been notified of the contract cancellation and will have RFP's from Sales Tax Consultants to present at the 1<sup>st</sup> meeting in September.

**The Board readdressed this topic after Closed Session.**

Ms. Morrison reported to the Board that she issued additional Check number 2678 to Texas Workforce Commission in the amount of \$445.79 for Quarter 1 unpaid charges upon Ms. Roberson's recommendation. The Board was in agreement for Ms. Morrison to hold and Ms. Roberson and Ms. Morrison will research further.

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

Ms. Morrison presented the July 2021 Ad Valorem Tax Report noting that the amount collected is 98.46% of Collections.

**9. To receive and review the monthly sales tax report from sales tax consultant.**

There was no sales tax report where to no action was necessary.

**10. To review and take action on public outreach and communications, including reports from consultants and District Committees on same.**

Ross Winkler gave a verbal update to the Board on the following topics:

- Communications are ongoing between their firm and the Community Impact. He sent the District's proposed tax rate from the August 3<sup>rd</sup> meeting and tax rate meeting information to Anna Lotz with Community Impact. He expects a reporter from the Community Impact to attend the August 23<sup>rd</sup> meeting due to the District's proposed property tax increase.
- Mr. Winkler expressed the importance of scheduling the Open Houses after the tax rate adoption meeting
- Discussion ensued about putting the proposed tax rate increase in perspective to homeowners in relation to the average home value, amount of increase and what the District is planning to do with the money noting these calculations are included in the published Notice of Public Hearing on Tax Increase,
- Mr. Winkler noted that he would like to hear public comment from the upcoming August 23<sup>rd</sup> meeting so their firm can address questions from the public.

**11. 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").**

Upon a motion duly made by Commissioner Schultz and seconded by Commissioner McDonald, the Board unanimously approved the payment of Operation's Funding as presented in the August 12, 2021, Bookkeeper's Report which was check number 2661 in the amount of \$832,180.78 for Payroll Transfer 9/21 and check number 2662 in the amount of \$133,796.73 for Maintenance & Operations Transfer 9/21.

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

Ms. Roberson presented the following checks to the District:

- LDF Construction check number 12432 Roof Settlement payment number 6 in the amount of \$5,000.00;
- MCHD check number 109673 for August 2021 Rent, ambulance (Medic 42) housed at Station 183 in the amount of \$950.00 that was mailed to Municipal Accounts 7/20/21;
- MVFD check number 26980, reimbursement check for Crown Castle Tower Rent 7/01/21 Lease # 515185 in the amount of \$2,700.00;
- LDF Construction check number 15380 Roof Settlement payment number 5 in the amount of \$5,000.00 that was mailed to Municipal Accounts 7/9/21

Ms. Roberson reported on the following topics:

- She calculated and paid the 2<sup>nd</sup> Quarter Workers' Compensation premium to Texas Mutual in the amount of \$76,329.00 noting a savings of \$10,705.00 premium discount for electronic processing on a quarterly basis of which \$76,329.00 will be reimbursed to the Department by the District.
- The Texas Workforce Commission tax rate for the Department is .29% but is 2.8% for the District since it is a political subdivision to which she believes TWC is charging the wrong rate in the aforementioned TWC invoice. She has paid \$7,859.00 in chargebacks which was for MVFD wages paid in 2018 and 2019.
- Still meeting with the Commissioners in ongoing transition meetings.

Ms. Roberson presented the following reports:

- July 31, 2021 GL noting the tire project has been completed and Siddons Martin reimbursed us for the damage done to two (2) vehicles MR and Booster damage which will be reflected on the GL next month. Discussion ensued whereto Chief Hevey noted that there are about 2 years of maintenance to be done.
- July 31, 2021 Rolling Budget which is the 1<sup>st</sup> month of the 3<sup>rd</sup> quarter noting the increase in fuel costs

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

Chief Hevey reported that he is hoping to use some of the Department's PPP Grant Funds to purchase 65-70 SCBA's but will still need to buy 30 more that he will budget for next year. Discussion ensued on retired cylinders whereto Chief Hevey explained that they get discarded.

The Board unanimously approved the 2021 Capital Payments the following disbursements presented in the August 12, 2021 Bookkeeper Report:

2655 to QZIP.net, Inc. in the amount of \$7,251.60 for New Server;

2669 to Municipal Emergency Services in the amount of \$149,883.88 for 134 SCBA Cylinders;

2676 to Magnolia Volunteer Fire Department in the amount of \$23,900.00 as reimbursement for Rescue Truck Equipment;

2677 to Magnolia Volunteer Fire Department in the amount of \$13,470.39 as a reimbursement for Station 182 Electrical and Plumbing Repairs.

**14. 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.

**15. To receive a report from Department regarding Fire Department activities and operations and act on requests for equipment and expenses for the Department.**

Chief Hevey presented the Fire Chief's August 2021 report with special mention to the Board on the following topics:

- COVID – Implemented COVID guidelines and practices again which has also increased overtime
- Rescue 188 was sent to College Station for a fire conference. He received positive feedback from other Fire Chief's and vendors about the truck and more importantly how well our people represented us
- SCBA Cylinders have arrived and are in the process of being disbursed throughout the Department
- The stations have their own tones now
- Had 201 unfilled shifts in July which he brought to the attention of the volunteers and part-time firefighters which is why it is important to accelerate the hiring of part-time firefighters
- Identified 13 part-time candidates that will be interviewed
- Plan on filling two (2) Battalion Chief positions which will create two (2) open Captain positions then may need to hire fourteen (14) Full-Time Firefighters instead of twelve (12).
- Assistant Chief Herrman and 3 other members attended the FDIC in Indianapolis the first week of August.
- Assistant Chief Herrman reported on his experience at the conference. He took 3 Full-Time Firefighters, 1 from each shift consisting of 2 Captains, 1 FF. They all split up and took classes that were relevant to their current positions and what they are inspiring for. He feels they all took something away from it and will utilize and adapt to the organization.
- There is a transition meeting this Saturday at 9 am
- Will be attending the Westwood Magnolia Parkway Improvement District (WMPID) lunch tomorrow along with Commissioner Smith. They plan to introduce themselves and be available for any questions they may have about the Department or District noting to the Board that WMPID donated Ladder 186 to the District in 2013.

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

Chief Hevey reported that Chief Naumann is in the process of making packets for the vehicles that have been designated for disposition which are Engine 185, Reserve Engine 18, Booster 182, Booster 185, and Water Craft 184,

Discussion ensued about removing them from the insurance policy.

**17. 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.**

Chief Hevey reported on the following:

- All of the repairs at Station 182 have been completed
- Made repairs to the bathroom ceiling at Station 185 that was caused by water damage during the freeze
- In the process of repairing light fixtures in the parking lot of Station 181 Administration side, specifically the light ballasts.
- Noted that once the District decides to do improvements at Station 186 that he would like to approach WMPID about connecting to Westwood Commercial water and sewer lines.

**The Board was in agreement to enter into Closed Session.**

**18. 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 4:53 pm and reconvened for regular business at 5:34 pm.

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

The Board entered into Closed Session at 4:53 pm and reconvened for regular business at 5:34 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.

**20. 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 4:53 pm and reconvened for regular business at 5:34 pm.

**21. 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.

**22. To review and take action on matters related to lawsuits or claims, including potential settlement of same.**  
No action was necessary on this topic.

**23. 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.

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

No action was necessary on this topic.

**25. To review and take action on scheduling District meetings.**

The next scheduled meetings will be:


Public Hearing and Tax Adoption Meeting on August 23, 2021 at 3:30 pm

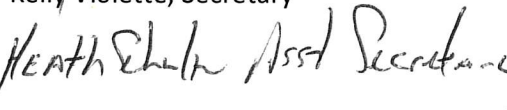
Regular Meeting on August 26, 2021 at 3:30 pm

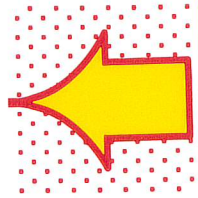
**26. ADJOURNMENT**

There being no further business to come before the Board, the Board unanimously agreed to adjourn the meeting at 5:37 pm.

  
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Larry Smith, President

  
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Kelly Violette, Secretary

  
Heath E. Clark Asst Secretary



**SIGN  
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