



Montgomery County Emergency Services District No. 10

**DATE:** October 28, 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, October 28, 2021 at 3:30 p.m. inside the boundaries of the District.

**AGENDA ITEM:**

**1. Call Meeting to order**

At 3:40 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	Absent
Kelly Violette	Secretary/Treasurer	Absent
Heath Schultz	Assistant Secretary/Treasurer	Present
Jeffrey Cunningham	Board Member	Present

3 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 Finance and Administration Eloise Roberson, Assistant Chief of Safety and Health Chuck Grant, Captain Jeff Jackson and Magnolia Steward of the Montgomery County Professional Firefighters Association IAFF Local 4183, and Office Manager Rhonda Reinholz, Montgomery County Constable Deputy Michael Silvio, District General Counsel John Peeler of Coveler & Peeler, PC, MVFD legal counsel Andy Clark, 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.

**4. To pay District Bills.**

No action was necessary.

**5. To review and take action on engagement of Auditor to prepare District 2021 Audit.**

There was a motion by Jeffrey Cunningham, seconded by Health Schultz to accept the engagement of BrooksWatson & Co., PLLC as presented, to conduct the 2021 Audit of the MONTGOMERY COUNTY EMERGENCY SERVICES DISTRICT No.10 (the "District") and for fees as outlined in the agreement and terms therein. The motion carried.

**6. To review and take action on annual review of Investment Policy and designation of Investment Officer.**

District General Counsel John Peeler of Coveler & Peeler, PC noted that earlier this year the prior Board members had acted on the annual review of the Investment Policy, including designating employees of Municipal Accounts as the Investment Officer's for the "District". He noted that no further action is required at this time. No action was taken.

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

Mr. Peeler reported that is is working with Mr. Clark to finalize the Assignment Agreement which will resolve the transfer of Department assets to the District as part of the transition to the District being the direct provider of emergency services.

No action was taken on this item.

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

Assistant Chief of Finance and Administration Eloise Roberson provided a recap of the Departments financial status as of October 28, 2021, noting pay-period ending December 18, 2021 the last pay-date of "Budget Year 2021" for Community Emergency Services by the Magnolia Volunteer Fire Department. She then identified pay-period beginning Sunday, December 19, 2021 through Saturday, January 1, 2022 as "Budget Year 2022 Expenditures", being as the compensation for this existing pay schedule to be Friday, January 7, 2022; a date recognized as the first pay date of "Budget Year 2022", and for tax purposes. Chief Roberson then noted the variances in the Departments existing compensation schedule vs. the Districts. In closing she relayed the Executive Fire Board's decision (October 25, 2021 meeting) to provide compensation to certain full-time firefighters for 2021 Holiday time (*Veterans Day, Thanksgiving Day, the day after Thanksgiving, Christmas Eve, and Christmas Day*) of up to 12 hours, not recognized by the policies of the District after transition. By consensus, the Commissioners resolved to retain the compensation schedule of the Department after transition.

**9. 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.**

Assistant Chief of Finance and Administration Eloise Roberson remarked expectancy of the "Districts" normal and regular December 2021 allocation for Department Operations and Payroll and an established deadline of December 15, 2021 by Chief Jeffrey Hevey (Fire Chief) to finalize all Magnolia Volunteer Fire Department invoices and purchase orders outstanding. Chief Hevey then presented a conceptual drawing of a future fire station 186 for presentation to WMPID, mentioning the rendering was prepared by Ricardo Martinez, AIA, NCARB, Principal of Martinez Architects.

**10. To review and take action on approval of Multi-Year Equipment Calibration & Maintenance Program.**

Assistant Chief of Training and Safety Jason Herrman provided an update on the "Multi-Year Equipment Calibration & Maintenance Program" and service agreement. Approval was granted by general consent by the Commissioners present of the Service Agreement as presented.

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

Ross Winkler of Winkler Public Relations gave an update on the Districts public outreach and communications and noted the support of Department in the community outreach initiative and the success of the past two District Open Houses held; noting the final District Open House to be held after today's meeting (October 28, 2021) from 5:30 p.m. - 7:30 p.m. at Station 181, located at 18215 Buddy Riley Blvd., Magnolia, Texas 77354.

**12. 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.**

Fire Chief Jeffrey Hevey provided an update on progress of the information technology ("IT") matters, including engagement of consultants for the maintenance and improvement of IT infrastructure and resources.

**13. To review and take action on agreement with Department regarding the transfer of Department assets to the District and other matters relevant for the transition to the District becoming the direct provider of fire suppression services.**

Assistant Chief of Finance and Administration Eloise Roberson stated the balances in the Departments Operations and Payroll Account at the Wells Fargo bank and noted transfer of Fund in the Operations account to the "District". She then noted the Fire Board's authorization to transfer separate assets to the Departments Payroll account at the Wells Fargo bank for supplementary personnel cost. In closing she provided an estimate of amounts from separate Department assets retained for Magnolia Volunteer Fire Department future expenses.

**14. 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 4:25 pm. The Commissioners resumed open session at 5:45 pm.

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

The Board entered into Closed Session at 4:25 pm. The Commissioners resumed open session at 5:45 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.

**16. 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.**

No closed session was held under this item.

**17. 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.

No closed session was held under this item.

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

No action was taken.

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

No action was taken.

**20. 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.**

Chief Hevey informed the Commissioners of Assistant Chief Griffith's last day with Department after a long tenure will be Tuesday, November 2, 2021, and responsibilities of Chief Griffith's position transferred to Assistant Chief of Safety and Health Chuck Grant. He then informed the Commissioners of the development of the District job descriptions and progress and the commencement of the Districts background checks by the Departments Screening and Selection Services, Inc. on the potential New hires and Volunteer suppression personnel. The Fire Chief informed the Commissioners of a Request for Proposal (RFP) for the "District" Professional Payroll Services + HR with RFP's due on November 8, 2021 in anticipation of District open enrollment and onboarding.

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

Motion by Commissioner Cunningham and second by Commissioner Smith to approve closing on the purchase of the two parcels next to Station 182 which are currently under contract and in feasibility review. The motion was approved by a vote of 2 to 0 with Commissioner Schultz abstaining.

**22. To review and act on repairs or renovations to District or Department facilities.**

Chief Hevey reported that he has received a conceptual plan from Martinez Architects for a new Station 186 which would be developed in cooperation with WMPID. He noted that current estimates place the cost of such a station at \$6,000,000 - \$7,000,000, depending on the number of bays and other considerations.

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

Commissioner Larry Smith noted the next regularly scheduled meeting will be on November 10, 2021 at 1:00 pm

**24. ADJOURNMENT**

There being no further business to come before the Board, the Board unanimously agreed to adjourn the meeting at 6:50 pm.



Larry Smith, President



Kelly Violette, Secretary



Heath Schultz, Asst. Secretary

