



Montgomery County Emergency Services District No. 10

DATE: September 23, 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, September 23, 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.

COMMISSIONER	BOARD POSITION	
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") Assistant Chief of Operations Gary Pangarakis, Assistant Chief of Finance and Administration Eloise Roberson, Assistant Chief of Safety and Health Chuck Grant, Assistant Chief August Naumann, Battalion Chief Adam Vulgamott, Battalion Chief Mark Akers, Captain Jeff Jackson, and Office Manager Rhonda Reinholz, Montgomery County Constable Deputy Michael Silvio, District General Counsel John Peeler of Coveler & Peeler, PC, District Special Counsel Adam Dietrich, Ross Winkler of Winkler Public Relations, Sales Tax Consultants Catherine Wheeler and Derek Michael with SRI, Katie Biggers with HdL, and Ryan Fortner with Revenue Management Services. Mark Miller was in attendance via phone conference.

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 address sales tax matters, including reviewing monthly sales tax information and acting to engage sales tax consultant.

Legal Counsel provided proposals from three (3) Sales Tax Consultants for the Board's review and consideration. All three (3) Sales Tax Consultant vendors were in attendance. The Board allotted five (5) minutes on the floor for each consultant with SRI first, Revenue Management Services second, and HdL third. No other consultant was in the room while the other had the floor where to each consultant exited the meeting afterwards. The Board was in unanimous agreement to defer the award of Sales Tax Consultant engagement contingent upon consultation with Chief Hevey.

The Board was in agreement to enter into Closed Session.

The Board readdressed this topic after item # 21.

Discussion ensued where to upon a motion duly made by Commissioner Schultz and seconded by Commissioner Cunningham, the Board unanimously approved for Commissioner Smith to contact Mr. Fortner to make a counter offer and to invite him to the next meeting for further discussion.

12. 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 4:16 pm and reconvened for regular business at 5:33 pm.

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

The Board entered into Closed Session at 4:16 pm and reconvened for regular business at 5:33 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.

14. 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 did not convene in Closed Session on this item.

15. 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.

The Board was in agreement to address item #19 before addressing item #6.

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

Upon a motion duly made by Commissioner Violette and seconded by Commissioner McDonald, the Board approved the 2nd Amendment to the contracts supplied by Mr. Thrower to update the legal description. The vote to approve was 4 to 0 with Commissioner Schultz abstaining.

Upon a motion duly made by Commissioner Violette and seconded by Commissioner McDonald, the Board approved engaging LJA and The Murillo Company for feasibility and geotech studies. The vote to approve was 4 to 0 with Commissioner Schultz abstaining.

The Board was in agreement to address item #11 before addressing item #6.

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

Upon a motion duly made Commissioner Violette and seconded by Commissioner Cunningham, the Board unanimously approved to allow counsel to present an amendment of the current contract for Fire Suppression regarding the use of on-hand funds by the Department for payroll not to exceed \$1 Million.

6. 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.

No action was necessary.

7. To receive a financial report from the MVFD.

Ms. Roberson presented the following reports:

- August 31, 2021 GL noted that there was an adjustment made to the report included in the packet and distributed an adjusted August 31, 2021 GL to the Board
- Rolling Budget 3rd Quarter August 31, 2021 Rolling Budget noting to refer to the footnotes on the back of the report for further details on Department Payroll and M & O expenses

Ms. Roberson reported on the following topics:

- ABIP auditing firm has begun the Department's 2020 Audit and should have the report by the next ESD meeting.
- Sent Municipal Accounts the 2022 Combined Department and District Budget
- Conveyed to the Board that Chief Hevey asked for input on the Employee Handbook for the Transition Committee Meeting on Saturday to include vacation and sick roll-over hours.
- Assistant Chief Pangarakis conveyed to the Board from Chief Hevey that the Air Packs have been ordered from Municipal Emergency Services and distributed copies of the PO and quotes to the Board.
- Ms. Roberson noted that she is in the process of generating a five (5) year report to present to the Board.

8. 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.

9. 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:

- Open Houses; Will be finalizing the details of the three (3) Open Houses, will be creating a press release and sending out invitations, Community Impact published an article about the Open Houses on September 10th, MVFD created a Facebook Event.
- Article published this afternoon about LoneStar College is creating an Emergency Management Degree.

10. 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.

No action was necessary.

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

No action was necessary.

17. 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.

18. 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.

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

No action was necessary.

21. To review and take action on scheduling District meetings.

The next scheduled meeting(s) will be:


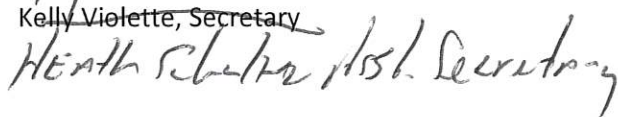
Regular Meeting on October 14, 2021 at 3:30 pm

The Board was in agreement to readdress item #5.

22. ADJOURNMENT

There being no further business to come before the Board, the Board unanimously agreed to adjourn the meeting at 6:11 pm.


Larry Smith, President


Kelly Violette, Secretary

Heath Schulte, Asst. Secretary

