



Montgomery County Emergency Services District No. 10

DATE: December 9, 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, December 9, 2021 at 3:30 PM inside the boundaries of the District.

AGENDA ITEM:

1. Call Meeting to order

At 3:33 PM, 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") 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, Captain Kevin Hoffart, Firefighter Randy Harris, Mechanic Michael Maignaud, and Office Manager Rhonda Reinholz, Montgomery County Constable Deputy Rick Garlock, Mark Miller of Municipal Accounts, District General Counsel John Peeler and Dawn Selden of Coveler & Peeler, PC, Dennis Winkler of Winkler Public Relations, Shannon Hoffart, Linda Bohac, Keith Bohac, and Community Impact Reporter Chandler France.

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.

Members of the public did not address the Board.

The Board readdressed this topic after item #6.

Magnolia Volunteer Fire Department Captain Kevin Hoffart addressed the Board stating that he is not a disgruntled employee or an upset person but as an advocate for personnel because a lot of good people are leaving because of the current administration. He asked to address the Board in Closed Session.

Upon consent from the Board legal counsel asked Captain Hoffart if he had a complaint about a specific District employee to which Captain Hoffart replied yes, Chief Hevey.

Counsel noted that the Open Meetings Act allows an employee who is the subject of review or a complaint to choose to have the issue reviewed in Open Session rather than Closed Session. Chief Hevey agreed to the review in closed session.

The Board entered into Closed Session at 4:09 PM to consult with legal counsel regarding requirements of the Open Meetings Act and related legal matters. The Board reconvened for regular business at 4:20 PM.

The Board requested Chief Hevey and Captain Hoffart to enter in Closed Session later on in the meeting.

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 November 10, 2021 and the District's Special Meeting held November 18, 2021 as presented.

The Board was in agreement to address item #6 before addressing item #5.

5. To address financial matters including depositories, audits, Investment Policy and investments, financial reports, tax reports and to pay District bills.

Mr. Miller presented the December 9, 2021, Bookkeeper's Report including a listing of the disbursements presented, for the Board's approval and signature.

Upon discussion on the check number sequence discrepancies, Mr. Miller noted that additional checks issued at the November 10, 2021 meeting were not recorded before issuing check numbers 2742, 2743, & 2744 requested by Ms. Reinholz prior to the December 9, 2021 meeting therefore they were recorded as 2742a, 2743a, & 2744a on the list of disbursements.

Ms. Roberson presented the following checks to the District:

- MCHD check number 110859 for December 2021 Rent, ambulance (Medic 42) housed at Station 183 in the amount of \$950.00;
- LDF Construction check number 12889 Roof Settlement payment number ten (10) in the amount of \$5,000.00;
- Winstar Insurance Group (VFIS) check number 054702 in the amount of \$100.00 for Public Official Bond refund;
- The Local Government Purchasing Cooperative check number 21542 in the amount of \$538.00 for 2020-21 CO-OP BuyBoard Rebate;
- Commissioner Violette check number 1829 in the amount of \$17.19 for amount owed for Per Diem less expenses for 2021 SAFE-D Conference

The Board was in unanimous agreement to void the payment of the Department's Operation's Funding as presented in the December 9, 2021, Bookkeeper's Report which was check number 2747 in the amount of \$832,180.78 for Payroll Transfer 01/22 and check number 2748 in the amount of \$133,796.73 for Maintenance & Operations Transfer 01/22.

Discussion ensued on a forwarding extension for the closure of the post office box. The Board was in unanimous agreement that the forwarding extension wasn't necessary.

Mr. Miller presented the October 2021 Ad Valorem Tax Report noting that the District's property tax collection rate is 1.8% collected for the 2021 levy. The November report was not available.

Mr. Miller noted Municipal Accounts submitted a 30-Day Resignation Notice for bookkeeping services to the District. Municipal Accounts will provide the following services; prepare the report and checks through the regularly scheduled meeting in January which will be the last bookkeeping report, will prepare the District's 1099's, will provide final invoice for services and cost of transition at the District's February meeting. The invoice will charge for any remaining bookkeeping report preparation, additional hourly fees, all out of pocket expenses and any night meeting charges for meeting attendance. Request contact information of the party the District would like them to transition records to and if the District would prefer transition prior to preferred end date.

Upon a motion duly made by Commissioner Schultz and seconded by Commissioner Violette, the Board unanimously approved the Bookkeeper's Financial Report as presented, to include payment of district bills as presented with the addition of check numbers:

2759 to Revenue Management Services in the amount of \$2,500.00 for Sales Tax Consulting Fee;

2760 to QZIP.net in the amount of \$3,737.50 for November IT Services, Invoice # 28406;

2761 to QZIP.net in the amount of \$836.00 for Exchange Online/GCC/Monthly Billing, Annual Contract, Invoice #28429.

Upon a motion duly made by Commissioner Violette and seconded by Commissioner Cunningham, the Board unanimously accepted Municipal Accounts resignation as the District's Bookkeeper.

6. To address sales tax matters, including reviewing monthly sales tax information.

Ryan Fortner with Revenue Management Services presented the December 2021 Sales and Use Tax Report noting that he will correct and add the dollar amount to the Sales Tax Allocations by Year and send out corrected report to essential personnel.

Upon a motion duly made by Commissioner Schultz and seconded by Commissioner McDonald, the Board unanimously approved to accept the December 2021 Sales and Use Tax Report as presented.

The Board was in agreement to readdress item #3 before addressing item #7.

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

Dennis Winkler thanked the District, Chief Hevey, and Staff for assistance with the Open Houses and Fire Prevention month. Emphasized the need to start planning and building a strategy and how to continue transparency and telling story of MVFD and ESD.

8. To review and act on all matters related to transition by the District to direct provider of services, including transfer of assets from Magnolia Volunteer Fire Department ("MVFD" or Department") to the District.

Chief Hevey gave a verbal update on the following:

Part-Time and Volunteer Firefighter interviews; Training Captain interviews, settled on a candidate and a conditional offer of employment has been sent; Full-Time Firefighters; Battalion Chief applications. Will request assistance from Commissioners during interview process.

Counsel gave a verbal update on finalizing the transfer of real property, personal property, and other assets from the Department to the District.

The Board readdressed this topic after Item #11

Ms. Roberson prepared and presented a draft RFP for Accounting Services to the Board. She will be testing the new ADP Platform to ensure it is functioning properly.

The Board unanimously approved to accept the Department's Financial Report and the 457 Resolution Documents designating the transfer of the Department's 457 to the District.

Upon a motion duly made by Commissioner Schultz and seconded by Commissioner Cunningham, the Board unanimously approved to send out the RFP for Bookkeeping and/or Accounting Services.

9. To review and act to approve an amendment to the Contract for Providing Fire Suppression Services between the MVFD and District.

No action was necessary.

The Board was in agreement to address item #12 before addressing item #10.

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

Chief Hevey noted that Martinez Architects will be attending the 1st meeting in January; The new SCBA's have been received but have not received an invoice yet.

Chief Grant presented a demo Ladder Truck Comparison comprised of Lone Star Group (Ferrara), Metro Fire (Spartan), and Siddons-Martin (Pierce) pricing. Discussion ensued whereto the Board requested more information and hard numbers by the next meeting.

10. To review and act on the payment of operations funding pursuant to budget and service agreement with the Magnolia Volunteer Fire Department.

The Board was in unanimous agreement to address items 10 and 11 together.

Ms. Roberson presented the GL Nov 30 2021 cumulative (Condensed), noting that moving forward the Board will receive a cover and detail; she did not present a Rolling Budget; will provide a closure report at the next meeting; will finish paying all MVFD bills by December 15th; plan to close payroll and M&O accounts with the balance being transferred to the District; there will be two (2) Payrolls for December, the 1st will be paid on 12/10 the 2nd will be 12/24 which will be processed early due to the holiday; the Fire Board codified the closure of 457 plan at their previous meeting and closed the 401 plan; the documents were signed yesterday so the ESD can accept the transfer of the 457 plan; will be asking employees what their election option will be for 401 with the option to transfer to the new 457 plan; provided the Board with 457 and 401 plan balances that show a total of \$8.3 million total that Department employees have saved; will be finalizing the 2022 budget; will inform the Board of how many Department employees are transitioning to the District; this week was dedicated to "Benefits Days" to inform the full-time employees of the 2022 benefits package and the introduction of electronic enrollment.

Ms. Roberson noted that there is no payment due for the Department's January Payroll and January M & O.

Upon a motion duly made by Commissioner Schultz and seconded by Commissioner Violette, the Board unanimously approved to accept the Department's Financial Report.

The Board was in agreement to readdress Item #8.

11. To receive a financial report from the Department.

The Board addressed this topic on Item #10.

13. To review and act to approve the purchase of seven (7) Exacqvision Enterprise Channel Licenses in the total amount of \$1,146.60.

The Board was in unanimous agreement to address items 13, 14, and 15 together.

Discussion ensued related to the QZIP invoices whereto no action was necessary.

The Board unanimously agreed to hold action on items 13 – 15 pending further information from QZIP at a subsequent meeting.

14. To review and act to approve the purchase of the STS360 Connect Care Plus Plan in the amount of \$1,830.00.

The Board addressed this topic on Item #13.

15. To review and act to approve the purchase of the STS360 Open Options Server Migration and Configuration License in the amount of \$1,560.00.

The Board addressed this topic on Item #13.

16. 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.

Chief Hevey noted that the new SCBA's have been received.

17. To receive a report from Department regarding Fire Department activities and operations and act on request for equipment and expenses for the Department.

Chief Hevey presented the Fire Chief December Board Report.

Chief Grant presented a Station 181 LED Lighting Project and requested \$17,261.00.

Upon a motion duly made by Commissioner Violette and seconded by Commissioner Schultz the Board unanimously approved \$17,261.00 for Station 181 lighting as presented from 2021 Capital.

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

Chief Hevey reported that the old SCBA Bottles previously declared as salvage were taken to be recycled.

19. 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.

JH Comcast hooked up for redundancy for backup internet at 181.

20. To review and act on improvements, repairs, maintenance and construction of District facilities, including utilities, architectural or engineering services and selection of contractors.

Chief Hevey noted that Martinez Architects will be attending the 1st meeting in January to address the need for new Stations 182 and 186 and regarding Stations 184 and 185 needing maintenance.

The Board was in agreement to enter into Closed Session.

21. 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 convened in Closed Session on this item from 4:09 PM to 4:20 PM, as noted above. The Board also met in Closed Session under this item from 5:30 PM – 7:21 PM.

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

The Board entered into Closed Session at 5:30 PM and reconvened for regular business at 7:21 PM.

23. 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 5:30 PM and reconvened for regular business at 7:21 PM.

24. 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.

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

No action was necessary.

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

Upon a motion duly made by Commissioner McDonald, and seconded by Commissioner Schultz, the Board unanimously approved the Battalion Chief job description as submitted by Chief Hevey.

27. To review and act on real estate matters, including but not limited to purchase, sale, lease, utilities, encumbrances, easements and engaging consultants for feasibility and other matters related to real property transactions.

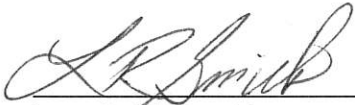
No action was necessary.

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

The District's next scheduled meeting is a Regular Meeting on December 23, 2021 at 2:00 PM.

29. ADJOURNMENT

There being no further business to come before the Board, the Board unanimously agreed to adjourn the meeting at 7:25 PM.



Larry Smith, President



~~Kelly Violette, Secretary~~

