



Montgomery County Emergency Services District No. 10

**DATE:** January 13, 2022

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 Fire Department, Station 181, 18215 Buddy Riley Blvd, Magnolia Texas 77354 on Thursday, January 13, 2022 at 3:30 PM inside the boundaries of the District.

**AGENDA ITEM:**

**1. Call Meeting to order**

At 3:37 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.**

<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 Fire Chief Jeffrey Hevey, Business Manager Eloise Roberson, Office Manager Rhonda Reinholz, Assistant Chief of Operations Gary Pangarakis, Assistant Chief of Administration Chuck Grant, Division Chief of Training Jason Herrman, Division Chief of Planning and Logistics August Naumann, District General Counsel John Peeler and Dawn Selden of Coveler & Peeler, PC, Dennis and Ross Winkler of Winkler Public Relations, Ryan Fortner of Revenue Management Services, Training Captain Christopher Thornton and family, Captain Jeff Jackson and Magnolia Steward of the Montgomery County Professional Firefighters Association IAFF Local 4183, Captain Scott St. John, Firefighter Daniel Wooten, Firefighter Bryan Fuentes, Firefighter Marcus Holcomb, Fire Board President Alan Paulk, Montgomery County Constable Deputy Duane Burrell, Captain Kevin Hoffart, Shannon Hoffart, Richard Martinez of Martinez Architects, and Carol Morrison of Municipal Accounts arrived at 3:47 PM.

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.

Commissioner Smith welcomed everyone to the first meeting of the ESD 10 for the year 2022. On behalf of the Board, he stated the Board is excited about the opportunities they are faced with this year, and to be able to serve the tax payers who they represent, as well as provide the needed facilities, apparatus, and equipment for the firefighters. He also expressed his thanks to the Command Staff, Transition Committee and team, and the Fire Board for all their hard work during the transition, and lastly thanked John Peeler for guiding the Board and District during the transition making it an easy transition process.

### **3. To receive public comment.**

Members of the public did not address the Board.

### **4. Oaths of office for re-appointed Commissioners.**

Ms. Roberson administered the Oath of Office to Charles McDonald for the two (2) year term ending December 31, 2023 after reappointment as District Commissioners by Montgomery County Commissioner Charlie Riley. Ms. Roberson notarized the Oath's of Office and Statements of Appointed Officers. Commissioner Violette's oath to be administered at a later date.

### **5. Action to elect Board officers for 2022 term.**

The Board was in unanimous agreement for Board officers to remain the same as 2021 by affirmation. The District Board officers for 2022 are President Larry Smith, Vice President Charles McDonald, Secretary/Treasurer Kelly Violette, and Assistant Treasurer/Secretary Heath Schultz, and Board Member Jeffrey Cunningham.

### **6. Presentation of Certificates for Promotions, Recognitions and Appointments of District firefighters, fire officers and administrative staff.**

Fire Chief Hevey administered the Oath of Office to Christopher Thornton as Training Captain. Captain Thornton's family came forward for the Pinning of the Captain Badge carried out by his son.

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

Upon a motion duly made by Commissioner McDonald and seconded by Commissioner Schultz, the Board unanimously approved the Minutes of the District's Regular Meeting held December 9, 2021 and December 23, 2021 as presented.

**The Board was in agreement to address item #19 before addressing item #8.**

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

Richard Martinez with Martinez Architects presented a Design Package for Station 182, 186, and Maintenance Building.

Upon a motion duly made by Commissioner Schultz and Commissioner Cunningham, the Board unanimously approved to engage Martinez Architects for the design of Station 182, 186, and Maintenance Building whereto Martinez Architects will present a contract at the next meeting.

Chief Hevey added that MCHD notified Magnolia Fire Department of their intentions to fund improvements of Station 183 living quarter improvements for MCHD EMS personnel which will in turn cause a ripple effect for the District. He suggested that the District engage Martinez Architects on a separate contract for the Station 183 improvements. Mr. Martinez will submit a proposal for those services.

**The Board was in agreement to address item #9 before addressing item #8.**

**9. To receive a financial report from the District administrative staff which may include information on financial matters regarding Magnolia Volunteer Fire Department.**

Ms. Roberson presented sample reports from all three (3) of the Bookkeeper/Accounting Service Vendors, as requested at the previous meeting; 1) PE CPA, 2) Clarity Consulting, 3) Shah Group.

Upon a motion duly made by Commissioner Cunningham and seconded by Commissioner Schultz, the Board unanimously approved the Shah Group as the District's Bookkeeper/Accounting Service provider.

Ms. Roberson noted the following:

Presented payroll handout to the Board with an explanation of payroll costs;

District check number 2768 to MVFD in the amount of \$450,000.00 was for payroll for 12/19/21 – 1/1/22 of which \$20,504.00 was returned to the District;

Did not take out matching for 457 and TCDRS from MVFD final payroll and 1/1/22 payroll so payroll will be a greater amount moving forward;

Aligned the MVFD and ESD pay schedule;

Additional manual payroll was to pay the firefighters the additional half time due for the New Year Holiday as they are to be compensated double time on holidays;

Next meeting: will have a synopsis of December and January and solid numbers to look at for the year to include Annual amounts for contracts to the following:

- 1) Grace and Guidance – Behavioral Health – \$65,000.00
- 2) Rebound – main purpose is a go between for injured employee and work comp carrier which also extends to immediate family to find a physician and Physical Therapy. They are concerned about the outcome of the firefighter's care – \$25,050.00

Presented the MVFD 2020 Audit that was accepted and approved by the Fire Board.

*The Board readdressed this topic after Item #8.*

Ms. Roberson presented the option of implementing electronic Board Packets by establishing a secure Dropbox for the Commissioners and essential personnel/Issue tablet to the Commissioners. Chief Grant provided tablet options and approximate cost and delivery time.

The Board was in unanimous agreement to authorize Chief Grant to proceed with the Dropbox and cellular enabled tablets with a budget of up to \$4,500.00.

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

Ms. Morrison presented the January 13, 2022 Bookkeeper's Report including a listing of the disbursements presented, for the Board's approval and signature.

Ms. Roberson presented the following checks to the District:

- MVFD check in the amount of \$20,504.45 to the District for unused payroll funds for payroll 12/19/21 – 1/1/22;
- MVFD reimbursement check for Crown Castle Tower Rent 1/01/22 Lease # 515185 in the amount of \$2,700.00;
- LDF Construction check number 13002 Roof Settlement payment number ten (10) in the amount of \$5,000.00;

Ms. Morrison presented the December 2021 Ad Valorem Tax Report.

Upon a motion duly made by Commissioner Schultz and seconded by Commissioner McDonald, 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:

2771 to Cokinos & Young in the amount of \$3,140.96 for Legal Fees;

2772 to Coveler & Peeler, PC in the amount of \$10,192.50 for Legal Fees 12/21;

2773 to Municipal Accounts & Consulting, LP in the amount of \$3,611.60 for Bookkeeping 12/31/2021;

2774 to Revenue Management Services in the amount of \$2,500.00 for Sales Tax Consulting Fee;

2715 to QZIP.net in the amount of \$5,407.25 for October IT Services and Exchange Online/GCC/Monthly Billing was voided and reissued on check number 2769;

2747 to MVFD in the amount of \$832,180.78 for Payroll Transfer 01/22 was voided;

2748 to MVFD in the amount of \$133,796.73 for Maintenance & Operations Transfer 01/22 was voided.

**The Board was in agreement to readdress item #9 before addressing item #10.**

**10. To receive a report and act as appropriate to revise District operating and/or capital budgets.**

No action was necessary.

**11. To review and act on District insurance policies.**

No action was necessary.

**12. To address sales tax matters, including reviewing monthly sales tax information.**

Ryan Fortner with Revenue Management Services presented the January 2022 Sales and Use Tax Report noting that moving forward he will prepare a public report that can be presented on the overhead projector, in addition to his comprehensive monthly reports to the Board which contain confidential information that is not for public release.

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

Dennis Winkler thanked the District for remembering his mother who passed away in December and presented a Thank You card to the Board. Mr. Winkler presented a draft of the communications plan for the coming year for the Board's review and consideration noting the objective will be to continue to build a positive brand, image and reputation of the Montgomery County ESD No. 10 as a superior emergency services organization that delivers life-saving services in a professional, effective and efficient manner and to engage the Commissioners, command staff, employees, residents, and stakeholders, including news media to tell that story.

Chief Hevey noted that he will have a special event to swear in the three (3) new Full-Time Battalion Chief's and twelve (12) Full-Time Firefighters. The Board instructed Chief Hevey to notify the media. Ms. Roberson noted that new Full-Time personnel mentioned by Chief Hevey will be the first to onboard using the new ADP Platform.

**14. To review and take action 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.**

Ms. Roberson noted that she will provide information at the next meeting once she gets with the accounting firm that they can reconcile and put closure on the books.

Legal counsel noted that there are a few real estate matters they are still working on however the District still has access to all of the facilities under the amendment contract. Working with counsel for the Department to ensure those matters are resolved.

Fire Board President Alan Paulk noted that going forward the Executive Fire Board will meet quarterly and will also have a meeting to amend the By-Laws.

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

Chief Grant gave a verbal update on the ladder truck purchase. Finalizing construction process for the vendor to provide final pricing, and on schedule for an eight (8) month delivery timeframe. The vendor will not discuss pricing for a second ladder truck purchase until the first truck is done.

Chief Herrman gave a verbal update of a grant awarded from the Office of Emergency Management submitted three (3) years ago for ballistic vests to which we have received 44 vests and 44 helmets. The vests have a ten (10) year shelf life.

**16. 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 and the following items:**

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

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

c) 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.

Chief Grant gave a verbal update on these topics whereto no action was necessary.

**17. To receive a report from District Fire Department Chief and staff regarding Fire Department activities and operations.**

Chief Hevey noted that we now have a Training Division with the new Training Captain position; Going forward the Training Division will be responsible for the training of all new hires; Will continue to send the Board emails informing them of working fires; Will be working with North Montgomery County, City of Conroe and The Woodlands fire departments for upcoming training in May; Onboarding new employees; Will be presenting Life Saving Awards at the February 10<sup>th</sup> meeting for two (2) significant events, Cement Mixer on top of car then one (1) week later Firefighters and Law Enforcement pulled a guy from a burning car; Will be doing an after action next Wednesday with The Woodlands Fire Department.

**18. To review, discuss and act on the disposition of surplus and/or salvage property including but not limited to the process to dispose of same.**

Chief Hevey reported that he dropped the asking price with Brindlee Mountain for the three (3) fire trucks, Unit 43, Unit 45, & Unit 47 declared as salvage, from \$60K to \$50K. Legal counsel instructed the Board on the process of transferring or selling surplus vehicles; To sell or transfer to a volunteer fire department or another ESD in the state does not require any form of advertisement or bidding. If not selling to another ESD or Volunteer Fire Department in the state requires some type of bidding procedure like an advertisement in newspaper, sealed bidding, or online auction.

**The Board was in agreement to address item #27 before addressing item #20.**

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

The District's next scheduled meetings are:

Regular Meeting on January 27, 2022 at 3:30 PM.

Regular Meeting on February 10, 2022 at 3:30 PM.

Regular Meeting on February 24, 2022 at 3:30 PM.

Regular Meeting on March 10, 2022 at 3:30 PM.

Regular Meeting on March 24, 2022 at 3:30 PM.

**20. 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 did not convene in Closed Session on this item.

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

The Board did not convene in Closed Session on this item.

**22. 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.

**23. 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.

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

No action was necessary.

**25. 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.**

No action was necessary.

**26. 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. ADJOURNMENT**

There being no further business to come before the Board, the Board unanimously agreed to adjourn the meeting at 5:40 PM.



Larry Smith, President



Kelly Violette, Secretary