



Montgomery County Emergency Services District No. 10

DATE: September 22, 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, September 22, 2022 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	Absent
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; Training Captain Christopher Thornton; Division Chief of Logistics and Planning, August Naumann; Battalion Chief and Magnolia Steward of the Montgomery County Professional Firefighters Association IAFF Local 4183, Jeff Jackson; Ricardo Martinez, President of Martinez Architect Firm; District Legal Counsel, John Peeler of Coveler & Peeler, PC; Ross Winkler of Winkler Public Relations; and Montgomery County Constable Deputy Eric Gray.

Members of the public recorded on Public Comment Sign-In Sheet were Vivian Kahla, Irene Collins, Laurie Clifton, Bruce Clifton, Shannon Hoffart, and Matt Pegoda. Other member{s} of the public observed to be in attendance were Kevin Hoffart and Vicki McDonald.

Commissioner Smith led the Board in the Pledge of Allegiance to the U.S. Flag.

Commissioner McDonald led the Pledge to the Texas Flag.

Commissioner Cunningham gave the Invocation.

3. To receive public comment.

Commissioner Smith welcomed everyone to the meeting of the ESD 10, and invited comments from the public as recorded on the Public Comment Sign-In Sheet, and noted that public comment is limited to 3 minutes whereto the Board received the following public comments:

- Vivian Kahla: No public comment was offered after she was recognized as signing the Public Comment sign-in sheet.
- Irene Collins: She stated that no public comment was from her necessary because she talked with District legal counsel regarding her question.
- Laurie Clifton: Offered comments to the Board regarding the Board's affirmation at the last meeting that they represent and report to the people. She requested clarification regarding who District legal counsel reports to. She also asked about the cost of the recent employee appreciation event.
- Bruce Clifton: No public comment was offered after he was recognized as signing the Public Comment sign-in sheet.
- Shannon Hoffart: Directed a question towards Assistant Chief Gary Pangarakis regarding his supervision of firefighters.
- Matt Pegoda: Offered comment to the Board regarding his dissatisfaction with how the Board conducts their business. He offered comment regarding the supervision of office staff.
- Kevin Hoffart: No public comment was offered after he was recognized as signing the Public Comment sign-in sheet.

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

No action was necessary.

5. To recognize the donation of gift cards from HEB distributed to each fire station and the pending donation from High Meadow Ranch HOA.

Chief Hevey reported that the local HEB donated gift cards to the Fire Department and the Fire Department will be present at HEB's grand opening. It was noted that HEB also supports the firefighters during the holidays.

Ms. Roberson advised the Board that High Meadow Ranch is interested in making a donation to the District, in the near future. The District does not have a policy in place on how to accept donations, therefore requesting direction from the Board on how to move forward accepting donations for the District.

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

Ms. Reinholz and legal counsel conveyed to the Board that the preparation of prior minutes is in process and some or all will be ready for the next meeting. whereto No action was necessary.

The Board was in agreement to address Item #8 before addressing Item #7

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

Ms. Roberson conveyed to the Board that the September General Ledger was placed in the Dropbox for their review for the meeting and requested approval of the monthly financial report and to pay the bills as presented. The Board requested an update on the quarterly audit process where Ms. Roberson reported that the 3rd quarter is in process and will provide a report in October upon completion of the audited financials from The Shah Group.

Upon a motion duly made by Commissioner Cunningham and seconded by Commissioner McDonald, the Board unanimously approved the financial report and accepted the bills as presented for September.

At this time Ms. Clifton who had offered public comments earlier interrupted the meeting by expressing her opposition to the Board conducting a meeting with minutes from prior meetings still pending. Commissioner McDonald informed Ms. Clifton that she was out of order, and she had been allowed her time during public comments. Commissioner McDonald informed Ms. Clifton that she would be removed from the meeting if she continued to disrupt the meeting. Ms. Clifton continued to comment upon her belief that it is illegal to hold the current meeting, since minutes have not been approved since May. Commissioner McDonald requested Deputy Gray to escort Mr. and Mrs. Clifton out of the meeting.. Mr. and Mrs. Clifton left the meeting at 3:46 p.m.

9. To receive a report and act as appropriate to revise District budgets.

Ms. Roberson presented the 2023 Budget noting that the 4th quarter will provide a more decisive figure to present for the Boards review and consideration. Chief Hevey conveyed to the Board that this is the first time the command staff has participated in budget discussions. Ms. Roberson noted that the numbers indicate 79.1% expenses for the 2022 Budget and she anticipates the 4th quarter tax collections to be robust.

No action was necessary on this topic.

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

Ross Winkler noted his colleague was able to capture details of the Employee Appreciation Ceremony to be used in Magnolia360; his priority is to finish the content for the Magnolia 360 newsletter.

11. 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.

Assistant Chief Grant provided an update on new Ladder Truck 181 noting the mid-point inspection will likely be moved to the third week in October, but noted it is still on track overall for delivery right after the first of the year.

Chief Hevey presented a purchase agreement to the Board for a new gear extractor at Station 186, to which the Board was in agreement, at a cost of approximately \$15,000.00. Discussion ensued noting the automated soap dispenser and gear cleaning setting features, additional electrical work will be necessary for installation, one (1) month estimated delivery time, and regularly scheduled machine calibration and soap replenishment.

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.

No action was necessary.

13. To review and act on records retention matters.

Ms. Reinholz conveyed to the Board there has been no major work regarding records retention recently. Chief Hevey reported the need to continue going through boxes to determine what records have meet the retention period and may be shredded.

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

The Board requested an explanation of the maintenance request process from Chief Hevey. Chief Hevey explained that maintenance requests are entered in PSTrax software to which he reviews the most recent entries every morning; reviews all requests twice a week by reverse chronological order then enters comments if necessary and then tries to resolve them. The Board asked if any requests are deleted. Division Chief Naumann affirmed that the PSTrax program is cloud based so none are deleted; can only be closed out; all requests are archived. Discussion ensued on Station repairs requiring attention and completed repairs emphasizing most of the past and present station repairs are for Station 182, 183, 184, 185, & 186. Chief Hevey noted that he prefers the repairs to be done by professional contractors rather than the firefighters. Additionally, Chief Hevey mentioned that old Station 181 will no longer be used once all the contents are removed. Legal counsel affirmed that no progress has been made on that issue.

Additionally Chief Hevey reported on the following topics:

Recently hired twelve (12) new firefighters; Quartermaster interviews have been completed and have made a verbal conditional job offer with a projected hire date of October 10, 2022; Will be promoting fifteen (15) Engine Operators in November whereto Division Chief Herrman outlined the hiring process; Chief Hevey reported a working commercial fire on Sugar Bend, the smoked contained asbestos and described the process the firefighters had to follow afterwards.

15. To review and act on mutual aid agreements with neighboring emergency services providers.

Chief Hevey reported that there is no action necessary.

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

Chief Hevey reported that he has instructed staff to review the large amount of old firefighter interior protective equipment ("Bunker Gear") to determine if it the Bunker Gear should be discarded if damaged or donated through the TAMU Forest Service Helping Hands Program any Bunker Gear that is still serviceable.

Division Chief Naumann reported that he listed three (3) surplus items with Rene Bates Auctioneers. The items listed are Unit 55 (Old Booster 182), Unit 57 & 59 (Old Watercraft 184), and the Forklift. They all have bids thus far. Discussion ensued on the need for a forklift whereto the Board noted that a determination will be made when evaluating equipment needs for the Logistics Building.

17. 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 p.m. to 6:07 p.m.

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

The Board convened in Closed Session on this item from 4:09 p.m. to 6:07 p.m.

19. 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; or to hear a complaint or charge against an officer

or public employee, including the District 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 convened in Closed Session on this item from 4:09 p.m. to 6:07 p.m.

20. 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 convened in Closed Session on this item from 4:09 p.m. to 6:07 p.m.

The Board was in agreement to address Item #7 before addressing Item # 21

7. To review and act on improvements, repairs, maintenance and construction of facilities, including including but not limited to permits, utilities, architectural or engineering services, selection of contractors, approval of costs/budgets for projects, and payment of construction related bills.

Upon a motion duly made by Commissioner McDonald and seconded by Commissioner Violette, the Board accepted the Guaranteed Maximum Price at \$8.5 Million from Martinez Architects and LaW Construction for the Station 183 Remodel and Logistics Building Construction project and authorized execution of documents for same.

The Board re-opened Public Comment after Item # 7 upon a request from District Fire Department Captain Kevin Hoffart.

3. To receive public comment.

Captain Kevin Hoffart stated that Ms. Clifton was trying to address an issue that was a concern about the meeting minutes. Commissioner Smith explained there were extenuating circumstances that were taken into consideration and accepted by the Board regarding the late completion of the minutes for prior meetings. Mr. Hoffart asked that the Board answer the public's questions and expressed his belief regarding the appropriateness of removing people from a meeting. Commissioner Smith stated that Ms. Clifton interrupted and disrupted the meeting. Mr. Hoffart stated that he had previous conversations with the Board in Closed Session which did not result in a resolution of his concerns. Commissioner Smith ended the Public Comment session.

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

No action was necessary.

22. 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, including renewal of Fire Chief's employment contract.

No action was necessary.

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

Upon a motion duly made by Commissioner Violette and seconded by Commissioner McDonald, the Board unanimously approved the replat application of Station 182 property and authorized execution of documents necessary for the same.

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

Regular Meeting on October 13, 2022 at 3:30 p.m.

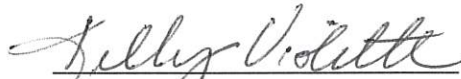
Regular Meeting on October 27, 2022 at 3:30 p.m.

26. ADJOURNMENT

There being no further business to come before the Board, the Board unanimously agreed to adjourn the meeting at 6:14 p.m.



Larry Smith, President



Kelly Violette, Secretary

