



Montgomery County Emergency Services District No. 10

DATE: September 8, 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 8, 2022 at 3:30 p.m. inside the boundaries of the District.

AGENDA ITEM:

1. Call Meeting to order

At 3:32 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	Absent
Heath Schultz	Assistant Secretary/Treasurer	Absent
Jeffrey Cunningham	Board Member	Present

3 of 5 Commissioners were present thus constituting a quorum.

Also present were Assistant Chief of Operations Gary Pangarakis; Business Manager Eloise Roberson; Office Manager Rhonda Reinholz; 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; Battalion Chiefs; Lieutenant Brian Wischnewsky; Firefighters Bryan Fuentes, and Fallin Fuller; Ricardo Martinez, President of Martinez Architect Firm; District Legal Counsel, John Peeler of Coveler & Peeler, PC; Dennis & 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, and Bruce Clifton. Other member{s} of the public observed to be in attendance was Shannon Hoffart.

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 whereto the Board received public comment:

Laurie Clifton offered comments and questions regarding clarification on who governs the Board, who the Board reports to, who is responsible for minutes since May, June, and July Minutes are not posted yet, the status of charity scholarship fund and a 3D printer mentioned in a previous June meeting she attended. Discussion ensued whereto the Board conveyed to her that the Board reports to the District's tax payers in Montgomery County; Ms. Reinholz is responsible for District minutes however there was a staffing issue since she was out of the office due to an accident but she is trying to get caught up. The District's legal counsel advised her the charity scholarship fund questions should be directed to the corporate entity Magnolia Volunteer Fire Department of which the District Board does not govern. Counsel noted that the District has not and is not taking control of any charity funds, including the MVFD Scholarship fund. The District staff informed Ms. Clifton that there has been no progress made to sell or donate the 3D printer.

There was no other public comment.

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

No action was necessary.

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

Upon a motion duly made by Commissioner McDonald and seconded by Commissioner Cunningham, the Board unanimously approved the amended minutes of the Minutes of the District's Tax Setting Meeting held August 8, 2022 as presented. Ms. Reinholz noted that she removed the word "Volunteer" from the location of the meeting.

It was discussed that the previous meeting minutes will be prioritized whereto legal counsel affirmed some of the minutes are pending his review.

6. To review and act on improvements, repairs, maintenance and construction of facilities, including utilities, architectural or engineering services, selection of contractors, coordination with MCHD, and construction financing.

Mr. Martinez provided an update on the Station 183 remodel and Logistics Building construction project. LaW Construction received numerous bids that are currently being assessed; the construction team will meet early next week to narrow down the scope of work and numbers; they intend to present a GMP on 9/22/22. He also conveyed to the Board that he is working with the District's legal counsel on finalizing the application for the plat for Station 182 properties and hopes to have it in time for approval on 9/22/22.

7. 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 3:43 p.m. to 4:43 p.m.

8. 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 3:43 p.m. to 4:43 p.m.

9. 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 3:43 p.m. to 4:43 p.m.

10. 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.

11. 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 District financial reports are in their binder. The reports include July bills that were approved which is data for reference; she requested the Board's review and consideration of the District's financial report as mentioned and to accept the bills as presented ranging from September 1, 2022 to present.

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

Additionally, Ms. Roberson note: the statement for period ending August 31, 2022 are in the Drobox for the Board's review and consideration; the Rolling Budget is a snapshot of the District's current financial situation, and anticipates that the District is right on track as we are ending the 3rd quarter and about to begin the 4th quarter; the August financials presented today are unaudited and in the review process by the accounting firm whereto Ms. Roberson will present audited financials upon completion by the accounting firm; she then presented a snapshot of anticipated payroll from present through the end of the year, which is right on track; she conveyed to the Board that the financial reports presented today will be the same information, as audited, at the next meeting.

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

No action was necessary.

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

No action was necessary.

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

Ross Winkler provided an update on the Magnolia360 newsletter. He conveyed to the Board that they continue to compile information for the second edition for July through September. The Board expressed that it was well done and discussion ensued about public release. Consensus was reached that the newsletter is for internal communications and is not accessible to the public though some of the content, such as pinning ceremonies, is released to the media; most of the content is submitted by staff and it is a document by firefighters for firefighters.

15. 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 to the District.

No action was necessary. The District's legal counsel conveyed to the Board that he is in conversations with the attorneys for the Magnolia Volunteer Fire Department to ensure there aren't final issues that haven't been addressed. He conveyed to the Board that the public wants to know what happens to funds held by Magnolia Volunteer Fire Department, and while those aren't necessarily issues that will transition to the District, he will encourage the MVFD legal counsel and Board to work to resolve those matters.

16. 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 provided an update on new Ladder Truck 181; the production is on schedule. Legal counsel noted that as the delivery date gets closer, the Board will need to discuss financing options.

17. 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.

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

Chief Pangarakis reported on the following topics in Chief Hevey's absence:

Staff meetings are held on a regular basis and are usually in depth, lasting 2-3 hours;

Chief Hevey met with the Chamber of Commerce, WMPID, and Magnolia City Council;

The last class of full-time firefighters has made a big impact on staffing the fire stations whereto he thanked the Board;

There were six (6) Lieutenant promotions and six (6) Engine Operators of which were grandfathered in; upcoming Engine Operator test in October which will result in 15 more Engine Operator positions and fill our EO spots;

Ladder 181 is out of service for cylinders as warranty work;

Tanker 184 – the tank has been repaired and is back in service;

Chief Grant noted that Mr. Martinez explained the delay in the GMP for Station 183 and Logistics Building earlier; the developer for the subdivision behind Station 187 is making final preparations to provide us fresh water and potentially sewer, which could potentially save \$300,000.00 in construction costs.

Captain Thornton noted that the registration for the Annual Physicals and Cancer Screenings has begun and thus far, 44 people have signed up. The registration will remain open for 2 weeks.

The 70th Annual Awards Ceremony will commence next Friday, September 16, 2022 at Dry Creek Gatherings.

19. 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.

No action was necessary.

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

This topic was discussed on Item #6 whereto no action was necessary.

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 Public Information Act requests and policies related to District responses to requests.

Discussion ensued on this topic where legal counsel recommended adopting a resolution to allow the District to recoup certain costs, noting this is not a retroactive resolution but prospective therefore, the recommendation is to approve the resolution according to the rules propagated by the Attorney General, the District will be able to recoup some of the costs to reimburse the District's taxpayers for the otherwise uncompensated time answering requests.

Upon a motion duly made by Commissioner McDonald and seconded by Commissioner Cunningham, the Board approved to recoup costs and to adopt a Resolution to limit the uncompensated expenditure of time and resources when responding to a Public Information Request pursuant to the Texas Government Code Section 552.275. The resolution was passed and approved on September 8, 2022, by a vote of 3 in favor, 0 against, and 0 abstaining.

23. 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.

Chief Herrman provided a brief description of the Training Program Policy and the policy code to the Board.

24. 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.

No action was necessary.

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

Commissioner Smith made the following statement regarding the Employee Recognition event scheduled for September 16th:


"The Board chooses to continue the tradition of the event that has been held by the Magnolia Volunteer Fire Department in prior years. The Board declares that continuing the tradition will boost employee and volunteer morale, promote spirit de corps and provide individual recognition to employees and volunteers. We believe these are important public purposes within the fire service. No District business will be conducted at the event, and therefore it is NOT scheduled as an open meeting. Any information regarding District activities mentioned at the event will only be incidental to the recognition of the exceptional work of the District's employees and volunteers."

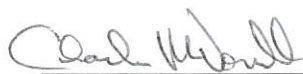
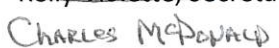
The Board accepted the statement by unanimous consent.

Regular Meeting on September 22, 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 5:52 p.m.


Larry Smith, President


Kelly Violette, Secretary
 Vice President

