



Montgomery County Emergency Services District No. 10

DATE: December 15, 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, November 10, 2022 at 3:30 p.m. inside the boundaries of the District.

AGENDA ITEM:

1. Call Meeting to order

At 3:31 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 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; Battalion Chief Adam Vulgamott; Battalion Chief and Magnolia Steward of the Montgomery County Professional Firefighters Association IAFF Local 4183 Jeff Jackson; Dennis and Ross Winkler of Winkler Public Relations; District Legal Counsel John Peeler and Krystine Ramon of Coveler & Peeler, PC; Montgomery County Constable Deputy Eric Gray; Battalion Chief and Department Chaplain Mark Akers; and District Engine Operator Oaths of Office recipients and family members, and other Department Staff.

Commissioner Smith led the Board in the Pledge of Allegiance to the U.S. Flag.  
Commissioner McDonald led the Pledge to the Texas Flag.  
Department Chaplain Mark Akers gave the Invocation.

*The Board was in agreement to address item #4 before addressing item #3.*

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

Chief Hevey presided over the Engine Operators Oaths of Office and Pinning Ceremony whereto, all recipients, family members, Department Chaplain, and other Department Staff exited the meeting upon conclusion of the aforementioned ceremony.

**3. To receive public comment.**

Commissioner Smith welcomed comments from the public. The Board noted that no one had signed up to offer comments. There were members of the public in attendance that were not recorded on the Public Comment Sign-In Sheet, nor did they offer public comment.

**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 following Minutes of the District's Regular Meetings as presented: May 26, 2022; June 9, 2022; June 23, 2022; October 27, 2022; and November 10, 2022.

**6. To review and act on improvements, repairs, maintenance and construction of facilities, 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.**

Chief Grant informed to the Board that Montgomery County Hospital District ("MCHD") agreed to a cost share of \$609,779.49 for the Station 183 Remodel Project. He presented the cost share breakdown between the District and MCHD noting the cost share amount will be prorated whereto MCHD will pay \$250,000.00 by the end of the year and pay the balance upon completion in addition to the District presenting the Certificate of Occupancy.

The Board approved the housing agreement between MCHD and the District as presented by general consent.

*The Board was in agreement to address Item #15 before addressing Closed Session Items #7, 8, 9, & 10.*

*The Board readdressed this topic after item #16*

Ms. Roberson requested the Board's approval to pay the bills from Martinez Architects from the loan proceeds.

Upon a motion duly made by Commissioner McDonald and seconded by Commissioner Cunningham, the Board unanimously approved to pay the bills from Martinez Architect's from the loan proceeds.

**15. To review and act on public outreach and communications, including reports from consultants and District Committees on same.**

Ross Winkler reported on recent communications and public outreach matters: the Magnolia360 newsletter was distributed November 16, 2022; Chief Hevey and Commissioner Smith conducted a phone interview with a reporter from County Magazine that is distributed through the Texas Association of Counties. The topics were how to transition from a Volunteer Fire Department to an ESD Direct Provider of Service, the need for fire departments throughout Texas Counties, the importance of volunteer firefighters, and what impact the growth of Montgomery County has on the District. The article will be published in the first quarter of 2023; he is also finalizing an article for publication, highlighting the professionalism of the First Responders, Rescue Specialists, and personnel serving on the Texas Task Force Response Unit that are in this department. Chief Herrman affirmed that this department has four (4) of the 244 rescue specialists globally, and three (3) others that serve on the Texas Task Force Response Unit that were recently deployed to Florida. Mr. Winkler stated he will include this information in the Magnolia 360 Newsletter and the County Magazine article. He is also collaborating with Chief Hevey on job recruitment flyers.

*The Board was in agreement to address item #14 before addressing item #11.*

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

The Board reviewed and accepted the District's local Sales Tax Report for the month of December 2022 prepared by Ryan Fortner with Revenue Management Services, noting that Mr. Fortner could not attend today's meeting.

**11. To review and act on matters related to lawsuits, claims or Public Information requests.**

No action was necessary.

*The Board was in agreement to address item #12 and #13 together.*

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

Ms. Roberson presented the November and December 2022 Financial Reports and requested the Board's consideration for approval to pay the current bills as presented. The Board approved the monthly financial reports and to pay the bills as presented by general consent.

Ms. Roberson also presented the 2023 Amended Budget combined with documents composed of corroborating data for the Board's consideration. She noted there is no reduction in Volunteer Stipends as previously discussed, there is an increase in wages for District personnel as outlined and this includes the funds from MCHD as outlined by Chief Grant. She affirmed the reserve amount is equivalent to six (6) months of District operation expenses. She also advised the Board they will need to decide how they will choose to fund the new ladder truck that is expected to be delivered after January.

The Board expressed their concern of the command staff's perspective of the budget where to the Board requested they prioritize their budget requests accordingly. Discussion ensued on the status of the Firehouse Subs Foundation Grant for a four (4) wheel drive ATV, and essential apparatus, equipment, and building necessities that are fundamental to the District's growth.

The Board unanimously approved the 2023 Amended Operating Budget as presented by general consent.

**13. To receive a report and act as appropriate to revise District Budgets.**

This topic was addressed with item #12.

**16. To review and act on all matters related to transition by the District to direct provider of services.**

Legal counsel informed the Board that the District is required to enter into a HIPAA Business Associate Agreement with MCHD and presented the agreement for the Board's review and consideration.

Upon a motion duly made by Commissioner Cunningham and seconded by Commissioner McDonald, the Board unanimously approved the HIPAA Business Associate Agreement between the District and MCHD as presented.

*The Board was in agreement to readdress Item #6 before addressing item #17. The action on item #6 is noted above.*

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

Division Chief Herrman addressed the Board representing the Health, Fitness & Wellness Committee. The committee was organized to aid the Department utilizing standards from the National Fire Protection Association (NFPA) 1583, Standard on Health-Related Fitness Programs for Fire Departments Members (2022) and the fire service Joint Labor Management, Wellness-Fitness Initiative, and have identified equipment necessary to facilitate the program where to he requested the District approve the purchase of an In-Body Scan. He presented an

itemized list of equipment for a total estimated cost of \$11,995.00. The Board approved the purchase of an In-Body Scan and interconnected equipment as presented by general consent.

**18. To review and act 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.

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

Chief Hevey reported on recent Department activities and issues: he attended a VCOS conference last month; he gave a verbal update on the Station 183 Remodel and 187 Logistics Building Project; he is in the process of drafting Policies and Procedures for the Community Risk Reduction (CRR) position, Assistant Office Manager, and an additional mechanic for the Board's review; the Department is planning to hire an additional 24 Full-Time Firefighters in 2023 with half to be hired in April and the other half in August. He noted that all aforementioned positions are included in the 2023 budget.

Chief Grant and the Chief Master Mechanic Jack Maignaud traveled to Nebraska for the mid-point inspection of the new ladder truck. Chief Grant reported that minimal changes will be made upon the recommendation of the Mechanic. He was advised that production time for future ladder trucks will be 850 days or more from the order date.

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

Chief Hevey reported that there is no action necessary. Waller-Harris ESD #200 is not ready to proceed with a mutual aid agreement at this time. Legal counsel reminded the Board that his firm represents both Districts which creates a conflict of interest, therefore requiring each organization to secure separate representation.

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

Chief Hevey reported that no action was necessary. The District sold two (2) surplus 2019 Dodge Durango's Medical Response (MR) Vehicles to Waller-Harris ESD No. 200 as previously approved. A technician was located to fix the functionality from propeller to wheels on the Hydratrek. The company the District purchased it from is no longer in business.

**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, fire suppression staff, executive staff and Fire Chief.**

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.**

Legal Counsel announced that Commissioner Schultz has sent a new Conflict Disclosure Statement pertaining to the location of water supply and access to same on property owned by the District at the Station 182 location, as Mr. Schultz is the affected party requesting access to the water supply. Mr. Peeler reported that special counsel Greg Thrower is reviewing the issue to develop a planned resolution.

Other items to be discussed in Closed Session

*The Board was in agreement to enter into Closed Session at 4:47 p.m.*

**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 4:47 p.m. to 5:40 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 4:47 p.m. to 5:40 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 did not convene in Closed Session on this item.

**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.

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

Regular Meeting on January 12, 2023 at 3:30 p.m.

Regular Meeting on January 26, 2023 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 5:42 p.m.

  
Larry Smith, President

  
Kelly Violette, Secretary

