



**Montgomery County ESD No. 10
Magnolia Fire Department**

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DATE: March 9, 2023

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, March 9, at 3:30 p.m. inside the boundaries of the District.

AGENDA ITEM:

1. Call meeting to order.

At 3:30 p.m., Commissioner Smith called to order the Regular Meeting of the Montgomery County Emergency Services District No. 10 (the "District").

2. Roll Call, Pledge of Allegiance, Pledge of Texas, and Invocation.

COMMISSIONER	BOARD POSITION	
Larry Smith	President	Present
Charles McDonald	Vice President	Present
Laurie Clifton	Commissioner	Present

Three Commissioners were present, thus constituting a quorum.

Also present were Fire Chief Jeffrey Hevey; Business Manager Eloise Roberson; Assistant Office Manager Joanna Padilla, Assistant Chief of Operations Gary Pangarakis; Assistant Chief of Administration Chuck Grant; Division Chief of Training Jason Herrman; Training Captain Chris Thornton; Battalion Chief Jay Smith; Battalion Chief Jeffrey Jackson; District Legal Counsel John Peeler of Coveler & Peeler, PC; Montgomery County Constable Deputy Eric Gray; and other Department Officers and Staff.

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

Commissioner Smith led the Pledge of the Texas Flag.

Commissioner Smith gave the Invocation.

3. To receive Public Comments. Texas law and District policy establish that members of the public may offer comments on any subject of concern to the public. District policy establishes time limits to address the Board: 3 minutes for items on the agenda; two minutes for items not on the agenda; or one minute if the person has spoken on the same topic at any of the two preceding meetings. Anyone who interrupts the meeting intending to prevent or disrupt the Board from conducting the meeting by interjecting comments after the Public.

There were no public comments.

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

No action taken on this item.

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

Minutes of the meetings held on February 9, 2023 and February 23, 2023 were presented for approval. Upon a motion made by Commissioner McDonald, the Board approved prior meeting minutes. Commissioner Clifton seconded the motion. The motion passed 3 to 0.

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.

Assistant Chief Grant provided updates on several projects: the water line project at the logistics facility site seems to be complete, but the contractor for Southeast Regional Management District and its developer has still not submitted a detailed invoice, so the funds are still held in escrow, and the road paving project is still underway; Station 183 permitting is done, work started last week for an expected October completion; the Storm Water Quality Management Plan for Logistics was rejected by the County, so we have a second engineer coordinating on it; new station alerting system will be presented under IT below.

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 entered into Closed Session at 5:01 p.m. on the agenda item.

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

The board entered into Closed Session at 5:01 p.m. on the agenda item.

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, including the District administrative staff, executive staff, and Fire Chief. Any employee the subject of review will be given the opportunity to request an Open Session discussion of the matters if they are present at the meeting.

The board entered into Closed Session at 5:01 p.m. on the agenda 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 entered into Closed Session at 5:01 p.m. on the agenda item. The Board re-convened Open Session at 6:55 p.m.

11. To review and act on matters related to lawsuits, claims against the District, or Public Information Act requests.

No action taken on this item.

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

Business Manager, Eloise Roberson noted correspondence received from the financial institution to acquire updated Commissioner Signature cards. Texas Workforce Commission will also be requiring updated signature cards for their records.

The Board approved by general consent the issuance of new signature cards for any banks or other financial institutions noting the current makeup of the Board and current staff who are allowed to access the accounts, and to remove any prior commissioners or former staff from same.

Motion made by Commissioner McDonald to approve the IRS form 8821 to allow Coveler & Peeler to communication with the IRS if necessary to confirm the District's EIN. Commissioner Clifton seconded the motion. The motion passed 3 to 0.

The board approved by general consent to proceed with the payment to Alliance Realty in the amount of \$2,950.00.

The board approved by general consent to proceed with the payment to the approved appraisal from Thrower Law, P.C. in the amount of \$6,580.59.

Ms. Roberson presented the District's General Ledger outlining invoices and purchase orders to be reviewed for approval. By General consent, the Board approved the payment of District Invoices and Purchase Orders as presented.

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

Ms. Roberson reviewed the latest update from the Tax Office showing a slight decrease in the 2022 Tax Levy from the previous update. No action taken.

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

No action taken on this item as the latest information was not yet available from the Comptroller.

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

No action taken on this item.

16. To review and act on engagement of District legal counsel.

The Board discussed the status of the RFQ for legal services, with a due date of March 23, 2023. The

17. To review and act on 2023 ad valorem tax exemptions.

Counselor Peeler discussed the Ad Valorem tax exemptions for General Homestead, following up on the last board meeting. The Board noted the deadline for adopting tax exemptions is July 1, 2023.

No action was taken on this item, but the Board instructed that the item remains on the agenda for the next meeting.

18. To act on the engagement of consultant(s) to study and prepare to forecast District growth, property tax revenue, demographics, and related information for long-term planning.

The Board discussed Municipal Information Services. Noting that new Commissioner Clifton had not had the opportunity to review the contract, the Board took no action on the item and asked that it remain on the next agenda.

19. 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.

Chief Grant discussed the new fire truck is expected to arrive by the end of April 2023. The estimated purchase cost was \$1.37 million. T

20. 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.

Chief Hevey provided an update on the eleven (11) tablet computers and modems to be installed on the trucks. The Board and staff discussed communications issue for Station 186, noting that Station 186 has been missing calls with the current communication system (VHF radio). Chief Hevey requested the Boards permission to replace the VHF radio with a U.S. Digital Alerting system for Stations 181-182-186.

The board approved by general consent to proceed with the purchase of the U.S. Digital Alerting System in the amount of \$63,000.00 from the Capital budget line item, noting that the system was a sole source as it is the only system compatible with the MCHD system needed for interoperability with MCHD.

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

Fire Chief Jeffrey Hevey provided a verbal summary of his report including the interview of twelve (12) candidates for Full-Time Firefighter; one (1) Assistant Mechanic, and one (1) Community Risk Reduction position. Currently working on Standard Operating Guidelines: How to Occupy a Firehouse when you have a Co-ed group. Also, Policy No. 2 has been updated and sent to the labor attorney for review.

22. To review and act on mutual aid agreements.

No action taken on this item.

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

Chief Herrman provided an update on the surplus generators; they have been posted up for auction online; the bid closes on March 10, 2023, at 2:00 p.m.

24. To review and take action to solicit proposals for human resources services.

Ms. Roberson notes that some HR firms have declined to submit proposals which are due April 6th.

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

Mrs. Roberson explained to the Board the situation with ADP in regard to the W-2s being re-issued to properly reflect the employment of the fire suppression and other staff by the District beginning in January 2022.

26. 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, including engagement of realtor(s)/broker(s).

The Board approved the engagement agreement with R Group Realtors to assist in securing two parcels of land for future stations.

The Board asked Ms. Emmerich to offer comments about the current state of mortgage loans. She reported that such loans for an entity like ESD 10 would be expected in the 4.5 – 5.5% range but that changes to the interest rate by the Federal Reserve could cause those to increase.

The Board approved by general consent to proceed with the two (2) letters of Intent regarding the parcels presented by Jo Mark Robinson with R Group.

27. To review and act on scheduling District meetings.

The next Regular Meeting is scheduled as follows:

Thursday, March 23, 2023, at 3:30 p.m.

28. Adjournment.

With no further business to come before the Board, the Board unanimously agreed to adjourn the meeting at 7:13 p.m.



Commissioner Larry Smith
President



Commissioner Jeffrey Cunningham
Assistant Secretary / Treasurer

