



## Montgomery County ESD No. 10

### Magnolia Fire Department

18215 Buddy Riley ♦ Magnolia, Texas 77354

Office (281) 356-3288 ♦ Facsimile (281) 356-1572

www.magnoliafire.org ♦ www.magnoliaesd.org ♦ mvfd@magnoliafire.org



**DATE:** April 27, 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, April 27, 2023, at 3:31 p.m. inside the boundaries of the District.

#### **AGENDA ITEM:**

#### **1. Call meeting to order.**

At 3:31 p.m., Commissioner McDonald 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.**

Charles McDonald	Vice President	Present
Jeffrey Cunningham	Assistant Secretary/Treasurer	Present
Kelly Violette	Secretary/Treasurer	Present
Laurie Clifton	Board Member	Present

#### ***4 Commissioners were present thus constituting a quorum.***

Also present were Fire Chief Jeff Hevey; Business Manager Eloise Roberson; Division Chief of Logistics & Planning August Naumann; Assistant Chief of Operations Gary Pangarakis; Assistant Chief of Administration Chuck Grant; Division Chief of Training Jason Herrman; Training Captain Chris Thornton; Assistant Office Manager Joanna Padilla; Office Manager Rhonda Reinholz; District Legal counsel John Peeler of Coveler & Peeler, PC; Ross Winker of Winkler Public Relations; Ryan Fortner of Revenue Management Services; Ricardo Martinez from Martinez Architects, LP; Ron Welch of MIS; and other Department Officers and Staff.

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

Commissioner Cunningham led the Pledge to the Texas Flag.

Commissioner McDonald gave the Invocation.

- 3. To receive Public Comment. 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; 2 minutes for items not on the agenda; or 1 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 Comment item has concluded are subject to removal from the meeting and premises under Texas law after receiving reasonable warning from the presiding officer.**

No Public Comments were received.

***The Board entered into Closed Session at 3:33 PM on the following agenda items:***

- 6. 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 3:33 PM*

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

The Board entered into Closed Session at 3:33 PM

- 8. 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 Open Session discussion of the matters if they are present at the meeting.**

The Board entered into Closed Session at 3:33 PM

- 9. 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 3:33 PM

***The Board re-convened Open Session at 4:30 PM***

***The Board Moved to Address Item # 3***

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

Fire Chief Hevey introduced the new Community Risk Coordinator (CRR) Captain Bryan Perry who will be taking charge of all community-related events. Mr. Perry in turn presented a Life Saving Award wherein Tanker 185 and Battalion 181 assisted a family who performed CPR for over 40 minutes, saving the life of a young man.

- 5. 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.**

Mr. Martinez provided an update on the current projects: Station 183s construction progress includes insulation, concrete passed all their inspection/testing, and the interior framing is to begin within two weeks; the design team is focused on cost-effective design changes, including swapping out the plywood flooring to structo-crete decking material for the mezzanine. He presented a change proposal for the change in material to the board. A motion to approve Change Proposal 6 was made by Commissioner Cunningham and seconded by Commissioner Violette. Motion was approved by a vote of 4 to 0.

Mr. Martinez further reported: the fire training facility is to have a fire hydrant installed onsite and an electrical circuit to be provided for future use; the foundation design is to be coordinated and worked on next; the logistics facility will be breaking ground on May 1, 2023; for utilities, coordination efforts with Quadvest and Centerpoint have been completed; an \$8,000 credit from Centerpoint Electrical is to be credited.

- 10. To review and act on lawsuits and claims or Public Information Act requests.**

After Closed Session, Mr. Peeler briefly reviewed the Board's need to designate a District liaison with trial counsel for the Noriega lawsuit. Motion by Commissioner Violette and second by Commissioner McDonald designating the District President or Vice President if the President is unavailable as liaison with trial counsel to approve discovery and pre-trial decisions on behalf of the Board. The motion was approved. The Board noted that major decisions regarding the case, such as settlement negotiations or similar matters, would still be addressed by the full Board at a District meeting.

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

Eloise Roberson presented General Ledger for bills to be paid. Also submitted was a payroll audit report from Texas Mutual for the months of January 1, 2023, to March 31, 2023, which accounted for a refund of \$18,051.00 and a credit of \$23,002.50, which was added to the most recent invoice. Commissioner Violette made a motion to pay bills which Commissioner Clifton seconded. Motion Passed.

Ms. Roberson reported on changes to the plan assessment for TCDRS for 2024, noting a contribution rate change for the District from 10.87% to 11.09%.

A reminder was given to the Commissioners to have them complete and submit the audit questionnaire from the District's auditor. The Board generally discussed the due date for filing the annual audit, noting a due date of June 1<sup>st</sup>, with an option to extend to July 1<sup>st</sup>. Counsel reminded the Board that failure to file the audit with the County by September 1<sup>st</sup> would result in the Board President and Treasurer being removed from the Board by operation of law. He also recommended that a letter to the Commissioners Court for the July 1<sup>st</sup> extension be sent out in advance if the Board determines it is necessary.

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

Ms. Roberson presented an amended budget. Ad Valorem decreased by \$75,000. Included wages for the newly hired mechanic, community risk reduction officer, and admin. Texas Workforce Commission was updated to \$12,393.56 and AFLAC was added for clarity.

Chief Herrman reiterated the importance of attaining additional apparatus and bunker gear and would like to increase the units available from 20 to 40 by the end of this year. Also mentioned was the need to supply staff with shirts and pants, in which Chief Naumann stated the Department has plenty of shirts in reserve and only needs for those in need to reach out to be provided with them.

Also discussed, Chief Naumann requested an increase in the budget to provide water to the stations as well as for apparatus maintenance. The vehicle maintenance schedule was discussed at the last meeting in which Chief Naumann now explained the vehicle maintenance schedule is based on how many hours the apparatus has on the field not miles. A motion to approve the amended budget was made by Commissioner Cunningham and was seconded by Commissioner Violette. Motion was approved by a vote of 4 to 0.

[Commissioner Violette left the meeting at 5:28 PM.]

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

Ms. Roberson noted that Ryan Fortner had to leave while the Board was in closed session, but that he had left his report with staff to present to the Board and plans to email additional details to the Board and staff regarding the current report.

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

Mr. Winkler provided an update on the publication Magnolia 360. Commissioner Cunningham inquired as to how the publication is distributed. Currently, there is a physical copy in Station 181, and a digital pdf copy is sent and distributed internally. The plan is to have the publication posted online and distributed throughout social media.

Mr. Winkler noted that Community Impact reported on the full-time firefighter graduation that occurred on April 21, 2023.

Bryan Perry will be working together with the Winklers to produce the Magnolia 360 articles and publications and other community outreach efforts.

**15. To review and act on the engagement of consultant(s) to prepare forecasting on District growth, property tax revenue, demographics or related information for long-term planning.**

Mr. Peeler reported that he has reviewed the contract offered by Municipal Information Services (MIS) and that Dr. Welch is present to answer any questions the Board has. Commissioner Clifton questioned the total cost and inquired about having this project be placed on hold if it was not deemed a priority. The cost for a three (3) year contract will be \$53,500, it was also recommended to make Mr. Welch a part of the Strategic Planning Committee to further assist in his research on the ESD. Commissioner Cunningham moved to approve the contract but with a 3-year term rather than the originally proposed 5-year terms, and Commissioner McDonald seconded the motion. The motion was approved by a vote of 3 to 0.

**16. To review and act on engagement of District human resources vendor.**

The Board reviewed the RFQs received for Human Resources: Angela Zacharias from Organizology LLC and Human Capital Business Solutions (HCBS). The Board discussed the relative strengths and weaknesses of each proposal and vendor including services offered and cost. Cost wise, Organizology LLC quoted their services at \$4,650/Month & \$55,800/Year; HCBS- Human Capital Business Solutions \$39,583.33/Month & \$475,000/Year. Commissioner Cunningham made a motion to further engage the vendor Organizology LLC which Commissioner Clifton seconded. Motion was approved by a vote of 3 to 0.

**17. To review and act on engagement of auditing services to review District payroll records.**

Ms. Roberson and Chief Hevey reported that based upon conversations with ABIP, the auditor originally designated to lead the review, Mr. Rich Majeres, is currently unavailable but recommended a colleague from the same firm. Commissioner Clifton asked if there is a time frame as to when this audit will be completed. Ms. Roberson advised the board to provide a time frame in which it would seem reasonable to have this project completed, and she will provide it to the auditor. Chuck Grant is still to provide questions and issues they would like looked at by the auditor. Per Ms. Roberson, the last audit performed cost \$15,000; she is recommending \$15,000 to \$35,000 to be put aside for this upcoming audit. Also recommended was to have said auditor have access to ADP to run the necessary reports, as well as to have them take a look at Chuck Grants' Excel files. Commissioner Violette made a motion to engage ABIP to perform the audit of payroll from the time the District became the direct employer through present, with an approved budget not to exceed \$20,000, and was seconded by Commissioner Cunningham. The motion was approved by a vote of 4 to 0.

Department Captain Kevin Hoffart, attending the meeting as a member of the public, questioned when the payroll audit is to be done, noting that firefighters have not noticed any movement for the last 6-8 months this has been a topic. Ms. Roberson answered that the audit has been for the most part completed, with only a few corrections that need to be done based on the data the BCs were able to finally turn in. Mr. Hoffart also questioned how the District will be able to retain personnel if they keep making pay cuts. Fire Chief Hevey explained that legacy firefighters have not had their pay reduced since moving over from their employment with the MVFD. He noted that new firefighters starting pay is at \$60,471, which was increased over the old MVFD levels. Chief Hevey also noted that the requested \$72,000 base pay is not currently sustainable seeing how Magnolia does not now have the same tax base as the Woodlands or Cyfair. Chief Hevey also noted that Magnolia is ranked 3<sup>rd</sup> pay-wise after the Woodlands and Cyfair. Chief Hevey reiterated that if firefighters feel the need to seek out greater opportunities elsewhere, it is always encouraged as the District is always encouraging advancement whenever possible. He provided the example of two firefighters that recently took promotions elsewhere; one went to Tomball and the other to Willowfork.

**18. 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 Hevey reported that there are items being looked at for future purchase: a Ladder truck and an Engine. He reported that according to the vendors, a Ladder truck will most likely take three years to be delivered if ordered soon. He also referenced conversations with vendors regarding price stability on ladder trucks and engines. Fire Chief Hevey is planning to focus on the BC's trucks in the following year.

**19. 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 reported the District's Technical Support Technician Matt Potter has been visiting Station 182 in regard to their current modem issues. It was also discussed that he be the main point of contact for services with ADP. However, since he is a contractor and not an ESD employee, Chuck Grant was recommended to be the one on boarded with ADP.

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

Fire Chief Hevey reported on the following matters:

The eleven (11) new hires having begun their assignments. The next class of new hires is to start in early August and graduate in September, we are looking for a group of 12-15. As for current firefighters, two (2) have resigned and have taken promotions elsewhere.

Volunteer Firefighters are to begin being interviewed on Monday, May 8<sup>th</sup>. We have a total of 24 applicants who have scheduled their appointment.

The job opportunity for part-time firefighters is to be advertised shortly.

A report on the fatal fire that occurred this past Sunday, April 23, 2023. The Fire Marshall's office is still investigating the cause of the fire and has not released a report as of yet. Engine 187, including two new hires, discovered a fatality on site. Assistance has been made available to those who responded to the call.

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

Chief Hevey reported that the Department Command Staff has discussed designating the Hydratrek (amphibious vehicle) as surplus for sale with the hope of getting at least \$140,000. The proceeds from this sale will be used to purchase a used military truck which can be converted for high water rescue operations to replace the sold apparatus. Options on where to sell the unit will be explored; Government auction vs local auction, to contact a local ESD, alternatively Centerpoint as well as Texas Parks and Wildlife may have use of the apparatus. Commissioner Cunningham moved to designate the Hydratrek as surplus and authorize staff to sell the truck under the provisions of the Health and Safety Code. Commissioner Clifton seconded the motion. The motion was approved by a vote of 3 to 0.

**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.**

The Departments SOGs (Standard Operating Guidelines) have been sent to the District's legal counsel for review. One point discussed was cohabitation within the stations. Currently, stations 183 and 181 have sufficient space to accommodate cohabitation with station 186 possibly becoming the next point of focus.

Ms. Roberson and Chief Hevey have also been working on updating the department's handbook and are making progress.

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

Mr. Peeler reviewed items for action by the Board:

First, he asked the board to review an invoice for a Home Inspection for the Dobbin Huffsmith Rd property, a total cost of \$1,470.00. Commissioner Cunningham made a motion to pay the invoice, seconded by Commissioner Clifton. Motion approved by a vote of 3 to 0.

Second, he asked the Board to designate a member to approve an additional feasibility period for the property on Honea Egypt if feasibility matters could not be resolved prior to the initial deadline, and by unanimous consent, Commissioner Cunningham was designated.

Third, he asked the Board was to designate a member to provide Joe Mark Robinson permission to make changes to the price in the contract for the Dobbin Huffsmith property, and by unanimous consent, Commissioner Smith was designated.

Lastly, Mr. Peeler asked the board to review and approve the utility easement to allow MidSouth to run an electrical line across the property at Station 188 to provide electrical service to the neighboring property owners. Commissioner Cunningham made the motion to approve the easement and Commissioner Clifton seconded. Motion was approved by a vote of 3 to 0.

#### **24. To review and act on District legislative priorities.**

The Board discussed a few bills of interest in the current legislative session.

##### ***The Board Moved to address a public comment.***

The Board re-opened Public Comment in order for Laurie Clifton, not as a commissioner but as a private citizen, to address efforts by the community to support the Department's firefighters. She has partnered up with several other members of her precinct and others to cater lunch for firefighters for Firefighter Appreciation Day. She and the others will be in contact with the stations to gather information as to how many full-time firefighters and what days and times will work to best accommodate them all.

#### **25. To review and act on scheduling District meetings.**

May 11, 2023, at 3:30 pm

June 1, 2023, at 3:30 pm

#### **26. Adjournment.**

With no further business to come before the Board, the Board unanimously agreed to adjourn the meeting at 6:43 pm



Commissioner Larry Smith  
President



Commissioner Kelly Violette  
Secretary / Treasurer