



Montgomery County ESD No. 10 Magnolia Fire Department

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DATE: December 6, 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 Wednesday, December 6, 2023, 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 #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.

Larry Smith	President	Present
Charles McDonald	Vice President	Present
Laurie Clifton	Board Member	Present

3 Commissioners were present, thus constituting a quorum.

Also present were Fire Chief Jeffrey Hevey; Assistant Chief of Operations Gary Pangarakis; Assistant Chief of Administration Chuck Grant; Division Chief of Logistics & Planning August Naumann; Division Chief of Training Jason Herrman; Office Manager Rhonda Reinholz; Assistant Office Manager Joanna Padilla; District Legal counsel Krystine Ramon of Coveler & Peeler, PC; Dennis Winkler and Ross Winker of Winkler Public Relations; District human resources consultant Angela Zacharias from Organizology LLC; Joe Mark Robinson of Robinson Group Realtors; 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 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.

Public Comments were received from the following:

- Matt Pegoda – Formal Complaint
- Tabitha Pegoda – Formal Complaint
- Christopher Dorsett – Formal Complaint
- Andrew Heinson – Item # 25 Grace and Guidance
- Leshia Roberts – Payroll / Audit

Matt Pegoda, a former member of the Department, submitted a formal complaint comprised of his dissatisfaction with the current Administrative staff under Fire Chief Jeff Hevey, together with the following members: Gary Pangarakis, Jason Herrman, August Naumann, and Adam Vulgamott. Mr. Pegoda claimed he was forced to resign after the Department discovered that he had been exploring other employment options while under medical care. He also expressed his concerns about “damage being done to the Department’s ‘Brotherhood’” in the form of claims of ongoing harassment, which have resulted in lawsuits against the Department. Formal resignations were requested of Fire Chief Jeff Hevey, Commissioner Larry Smith, Assistant Chief of Operations Gary Pangarakis, and Battalion Chief Adam Vulgamott.

Tabitha Pegoda requested that a formal investigation of Mr. Pegoda’s claims be launched, not just heard.

Christopher Dorsett, a former member of the Department, submitted a formal complaint concerning acts of retaliation in part of Jeffrey Hevey and the Magnolia Fire Department Administration. On August 17, 2023, Mr. Dorsett learned from his current crew and Chief, Amy Ramon, at the Cy-Fair Fire Department that Chief Hevey had sent her several screenshots from his social media account. He sees this action as harassment, retaliation, and an attempt to censor his freedom of speech. A request for Chief Hevey’s formal resignation was made.

Andrew Heinson, a current member of the Department, discussed the benefits and continued support that Grace and Guidance provide to those in the Department and their families.

Lesha Roberts inquired about the payroll audit and asked if accountability had been determined and why it took over a year to begin the audit. She also inquired as to why her public comments are not fully included into the Minutes, to which she provided a copy of her previously stated comments.

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

No presentations were made at this time.

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

The Board discussed whether public comments should be added to the minutes, verbatim or summarized. District legal counsel Krystine Ramon informed the Board of the Open Meetings Act, which does not dictate how public comments should be recorded, and how each District handles the recording of their minutes in their own way. The Board decided to keep public comments summarized in the minutes for the time being. A motion to approve the November 1st and 15th minutes was made by Commissioner Clifton and seconded by Commissioner McDonald. The motion was approved.

6. To review and take action on the election ballot for the 2024-2025 Montgomery Central Appraisal District Board of Directors Election.

The Board cast their votes for the 2024-2025 Montgomery Central Appraisal District Board of Directors Election. The votes are as follows: Arthur Bredehoft, Matthew Dantzer, Guy Hancock, Misty Perinne, Brent Thor, and Bruce Tough. A motion to approve the votes was made by Commissioner Clifton and seconded by Commissioner McDonald. The motion was approved. Krystine Ramon will be submitting the approved and signed resolution on the District’s behalf.

The Board moved to address Item # 24.

24. To review, discuss and act on Ready Rebound Contract.

Both Chief Hevey and Office Manager Rhonda Reinholz discussed their positive experience with working alongside Ready Rebound. The program prioritizes members' well-being by expediting medical appointments with hand-picked providers to facilitate their recovery and return to duty. Legal Counsel Krystine Ramon assisted in working on a one-year vs three-year contract. The Board questioned the return on investment in using this service and decided to table further action until the next Board Meeting.

25. To review, discuss and act on Grace & Guidance, PLLC Service Contract.

Lona Snell introduced herself and her company, Grace & Guidance. She spoke of the specialized services they have been able to provide to first responders. Such services including a variety of counseling theories and techniques, mental health assessments, interventions, and more. Legal Counsel Krystine Ramon assisted in working on a one-year vs. two-year contract at \$45,000.00. A resolution to renew the contract with Grace & Guidance was made by Commissioner Clifton and seconded by Commissioner McDonald. The motion was approved.

7. 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 Chuck Grant provided updates to the current construction projects:

- Station 183 is to have a final walkthrough which will be completed within the next two weeks. Once the punch list is completed, the station will be turned over and ready to move into. One last hurdle this station underwent was the transfer of the fiber network from the trailer to the main building.
- Station 187, the Logistics Center, a portion of the driveway just had concrete poured. The 18 containers for the Training Center are to be delivered the following Monday, given the concrete is cured.
- The pond at Station 182 has been cleared out, and it's been confirmed not to be spring-fed. A geotechnical engineering company is to go out and drill to confirm the depth and a hydrologist to confirm if the location can be used for storm water retention.

The Board moved to address Item # 12.

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

No further action was taken at this time.

13. 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) and acquisition financing.

Joe Mark informed the Board of a proposal for review and approval from a surveying company. This survey is for the 3 parcels on Dobbin Huffsmith to be re-platted. A motion to have the Dobbin Huffsmith property re-platted, as proposed by Joe Mark, was made by Commissioner Clifton and seconded by Commissioner McDonald. The motion was approved.

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

Jim Lord informed the Board of the work done alongside Chief Hevey, Rhonda Reinholz, Eloise Roberson, and others in the Department, who all assisted in the full-time benefits selection. Open enrollment meetings will be done tomorrow, and Open enrollment for eligible employees will run from December 1, 2023, to December 15, 2023.

15. To receive a report from Shah Group Consulting, Inc. and act as appropriate to the District's budget.

The representative from Shah Group Consulting, Inc. was unable to attend the meeting due to unforeseeable circumstances. Due to such short notice, no other representative was made available for this meeting. Commissioner Clifton provided a list of items in which the Shah Group should be assisting the District with, but have been unable to provide results. The Board discussed the possibility of seeking alternative firms to work with. Krystine Ramon can provide a list of firms used by other ESDs, but it is important to note that this list is not a recommendation from Coveler and Peeler. No further action was taken.

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

No new report on the District Budget was presented. No further action was taken.

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

No new sales tax report was presented to the Board at this time. No further action was taken.

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

Ross Winkler presented on recent and planned events:

- The Winkler group created a flyer for the Department's upcoming benefit elections.
- This upcoming Sunday, Robinson Group Realtors and HEB are sponsoring Pictures with Santa taking place at Station 181. SOS toys and canned food drive.
- Interviews with Fox 26 featuring Chief Jason Herrman and Captain Bryan Perry on educating the general public about lithium batteries. This follows a recent house fire caused by a toy left to charge in the garage.
- Station 183 re-opening and bringing awareness to the public.
- Internal communication on the upcoming suppression schedule change to 48-96.

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 reported an overall lowered cost of \$28,000 as a result of the recent pre-construction conference in Omaha back on November 15th. The initial project was approved at \$2,228,463.00 and was brought down to \$2,200,440.00. Chief Grant is requesting approval of the updated project price. No further action was taken.

20. To review and act on information technology ("IT") matters, including engagement of consultants.

No further action was taken at this time.

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

Chief Hevey reported a somewhat busy month including for EMS. Three structure fires to make note of: a structure fire caused by a lithium battery, a structure fire at a small abandoned home which was being investigated by the Fire Marshalls office, and an attic fire taken care of by Station 182.

22. To review and act on payroll procedures and policies, including implementation of services for same.

No further action was taken at this time.

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

Per Chief Hevey, Ladder 181 and a boat will be put up for auction on the GovDeals website.

The Board moved to address Item # 26.

26. To review and act on employment/personnel issues, including policies, handbooks, procedures, hiring, firing, retention, compensation, benefits, scheduling, complaints and discipline of District employees, including administrative staff, fire suppression staff, executive staff and Fire Chief.

Chief Herrman informed the Board of a job training program for veterans that the State of Texas has available, this program is run through the VA. The use of this program can be a valuable marketing tool for hiring. No further action was taken at this time.

27. To engage a law firm to conduct an investigation regarding employment and personnel issues.

No action was taken at this time.

28. To review and act on insurance matters, including employee health insurance benefits and policies related to HB 471 coverage for line of duty injuries.

No action was taken at this time.

29. To review and act on administrative policies and procedures.

No action was taken at this time.

The Board agreed to enter into Closed Session at 4:53 p.m. on the following agenda items:

30. 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.

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

32. 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.

33. 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 re-convened Open Session at 9:10 p.m.

The Board re-opened items # 22 and 29

22. To review and act on payroll procedures and policies, including implementation of services for same.

By General Consent, the Board approved switching part-timers from 53 to 106 within a 14-day period, effective December 31, 2023.

By General Consent, the Board approved paying out the completed audit for the part-timers, including three full-time corrections.

By General Consent, the Board approved changing Holiday pay to equal Base Rate X2 and to count as hours worked towards FLSA Overtime.

- Overtime is only calculated based on actual hours worked for a given work week or work period and is based on an employee's regular rate of pay. PTO, sick time, and non-worked holidays are examples of non-worked time that does not count toward time worked for overtime purposes. Standard work time and worked holidays do count toward overtime calculations. These hours can include hours worked for regularly scheduled shifts, administrative hours, holiday hours, and other time that an employee is intentionally engaged at work for the Department. Premium pay rates do not impact the calculation of overtime rates for the purpose of calculating overtime pay. This means that overtime premium pay does not compound on premium pay for holidays worked, pay for additional duties, or pay for ride-ups/higher class.

29. To review and act on administrative policies and procedures.

By General Consent, the Board decided that no promotions or job announcements would be made without prior Board approval, which is to last until March 31, 2024.

34. To review and act on scheduling District meetings.

December 15, 2023, at 9:00 am – Special Meeting

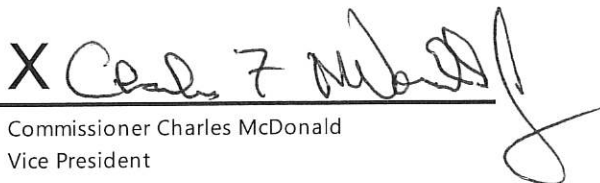
December 20, 2023, at 3:30 pm

35. Adjournment.

With no further business to come before the Board, the Board unanimously agreed to adjourn the meeting at 9:21 pm

X 

Commissioner Larry Smith
President

X 

Commissioner Charles McDonald
Vice President