



DATE: January 26, 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, January 26, at 3:31 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	Present

3 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; Dennis and Ross Winkler of Winkler Public Relations; Niraj (Nick) Shah of the The Shaw Group; Ryan Fortner of Revenue Management; Captain Mike Cockrell; District Legal Counsel John Peeler of Coveler & Peeler, PC ; Montgomery County Constable Deputy Eric Gray; and other Department Officers and 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.

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.

Union Steward Jeff Jackson requested meeting with Commissioner and Fire Chief on District payroll matters.

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

No action taken

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.

Assistant Chief of Administration Chuck Grant provided an update on District construction project noting certain permits are soon to be issued; he provided information from his most recent discussions with Civil Engineers and with Martinez Architects on construction costs.

District discussed Item #13 out of order

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

Ryan Fortner (Revenue Management) provided an update on sales tax collection as of December 2022; noting a reporting date of January 2023 and increase in collection compared to January 2022. Mr. Fortner informed Commission of future increases due to e-commerce and new residential and commercial development and that final sales tax collected by the District for calendar year end December 2022 will be reported when verified by the Texas Comptroller's Office.

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 went in to closed session to discuss agenda item at 4:17 PM

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

No action taken.

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.

No action taken.

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.

No action taken

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

Motion by Charles McDonald, seconded by Kelly Violette to authorize legal counsel John Peeler to execute the Waiver of Service of Summons reviewed by the Board. Motion was approved by a vote of 3 to 0.

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

There was a motion by Charles McDonald, seconded by Kelly Violette approving payment of District invoices and bills received as of January 26, 2023, and as presented. The motion carried.

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

Mrs. Roberson informed the Board of receipt of update property tax collection report for Montgomery County Emergency Service District No. 10 (2023 Ad Velorem) from Lorena Garcia, CTOP, PCC, (Administrative Manager of the Office of Tammy J. McRae Tax Assessor-Collector) of the most recent supplement for jurisdiction; updating the District's tax levy amount; which may require an amendment to the Districts currently adopted 2023 Budget; in addition, Commission approved transfers and the update to Sales Tax Collection revenue. Niraj Shah (the Shah Group) provided an overview

of expenditures for the District for period ended December 31, 2022 noting a full comparative study accomplished based upon 2022 Experience.

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

Ross Winkler provided ongoing update on its public outreach siting that they are putting together another year in review and noting the positive reviews from the Magnolia360 news editions created.

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

Commissioner Smith presented a draft Request for Qualifications (RFQ) for District's Professional Legal Services, noting that it was developed in consultation with attorney Larry Mitchell who represents the Westwood Magnolia Parkway Improvement District. The Board members present agreed that the Board needed time to review the draft RFQ and instructed counsel to keep this item on the next meeting agenda for further action.

16. 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 noncapital items and expenses.

Staff informed Commissioners of upcoming meeting with vendor for Ladder Truck and the formation of a committee to review department capital needs and specifications.

17. 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 on this item

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

Fire Chief informed Commissioner of Handbook revisions in process and estimated to be complete sometime in May 2023. He also noted that he is developing a plan to have members of the community work with staff on developing strategic planning.

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

No action on this item

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

The Board noted that some action should be taken with regard to the 3-D printer that is no longer used by the Department. No action on this item.

21. 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.

After review of all applications received for position of Assistant Office Manager, the Fire Chief stated his intention to extend a conditional offer of employment to a candidate for the position, pending background check and pre-employment screenings. He also reported that a new position of Community Risk Reduction Officer is being considered.

22. 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.

Assistant Chief Grant reported that neighboring property owners are still letting their horses onto the District's Station 182 property. The Board discussed sending a formal letter regarding removal of animals and personal property to the neighbors. Counsel reported that District Special Counsel for real estate Greg Thrower is working on the issues regarding a request for a utility easement at Station 188.

District meeting reconvened at 4:52 PM

23. To review and act on scheduling District meetings.

Regular meeting to be held on February 9, 2023 at 3:30 PM

Regular meeting to be held on February 23, 2023 at 3:30 PM

24. Adjournment. 4:59 PM


Commissioner Larry Smith, President


Commissioner Kelly Violette, Secretary/ Treasurer