



# Montgomery County ESD No. 10

## Magnolia Fire Department

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**DATE:** July 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 Thursday, July 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 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.

Larry Smith	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 Jeffrey Hevey; Division Chief of Logistics & Planning August Naumann; Division Chief of Training Jason Herrman; Assistant Chief of Administration Chuck Grant; Battalion Chief of Training Chris Thornton; Battalion Chief Jeffrey Jackson; Office Manager Rhonda Reinholz; Assistant Office Manager Joanna Padilla; District Legal counsel John Peeler of Coveler & Peeler, PC; Ross Winker of Winkler Public Relations; 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 Smith led the Board in the Pledge of Allegiance to the U.S. Flag.

Commissioner Smith led the Pledge to the Texas Flag.

Commissioner Cunningham 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 Received.

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

Fire Chief Hevey presented former Captain of Training Chris Thornton with a promotion to Battalion Chief of Training.

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

Minutes of the June 1, 2023, and June 15, 2023, meetings were presented for approval. Upon a motion made by Commissioner Clifton and seconded by Commissioner Violette, the Board approved the prior meeting minutes with amendments.

**6. To review and act on improvements, repairs, maintenance, and construction of facilities, including but not limited to permits, utilities, architectural/engineering services, selection of contractors, approval of costs/budgets, and payment of construction-related bills.**

Chief Grant provided updates to stations 183 and 187: Station 183 is finishing up metal work and is expected to be completed by mid-July, while Station 187 is in the process of having dirt work done.

Chief Naumann provided an update on the renovations for Station 184. Painting has been completed, a new toilet installed, and the kitchen and dining are done. Still awaiting renovations are the ceiling, lockers, dividers, and mattresses.

***The Board entered into Closed Session at 3:54 PM on the following agenda items:***

- 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.**
- 8. To meet in Closed Session pursuant to Government Code §551.072 to deliberate regarding real estate matters.**
- 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 Open Session discussion of the matters if they are present at the meeting.**
- 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 re-convened Open Session at 6:12 PM***

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

No action was taken on this item.

**12. 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.**

A motion to approve a commercial lease on the Honea Egypt property as presented by Mr. Joe Mark Robinson was made by Commissioner Violette and seconded by Commissioner Clifton. The motion was approved.

Motion to approve the contract offer to purchase real property as presented by Mr. Robinson was made by Commissioner Violette and seconded by Commissioner Cunningham. The motion was approved.

A motion to approve the engagement of feasibility studies and a survey upon acceptance of the contract was made by Commissioner Violette and seconded by Commissioner Clifton. The motion was approved.

A motion to engage Joe Mark Robinson and his company to search for property on the West and North sides of the District was made by Commissioner Clifton and seconded by Commissioner Violette. The motion was approved.

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

No action was taken on this item.

***The Board moved to address Item # 17.***

**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.**

Staff requested approval to secure quotes for a new ladder truck from vendors who participate in cooperative purchasing programs. A motion for approval on acquiring quotes for a new ladder truck was made by Commissioner Clifton and seconded by Commissioner Violette. The motion was approved.

***The Board moved to address Item # 14.***

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

No action was taken on this item.

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

No action was taken on this item.

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

Ross Winkler provided an update on Magnolia 360 and recent events captured, such as the following:

- Great feedback was provided from the recent Smoke Alarm Blitz.
- The groundbreaking at Station 187 for the Logistics Center.
- The re-opening of Station 183 will be featured with news media coverage.

Mr. Winkler reported that he is also assisting with internal communications.

Commissioner Clifton requested that Mr. Winkler coordinate with CRR Bryan Perry and create a business plan of outreach activities for the following months.

***The Board moved to address Item # 18.***

**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.**

Chief Herrman requested that the Board grant him permission to merge the MVFD and Magnolia ESD 10 websites. In merging the sites, ESD10s information will be added, including events, calendars, minutes, and tax information. Commissioner Clifton provided feedback and would like to see a phone number on the top right corner as well as blog and media pages. Staff will provide updates to the Board and will coordinate with counsel on legal items required for the consolidated website.

**Items 19 and 23 were discussed together.**

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

**23. To review and act on District administrative policies and procedures, including social media policies.**

Fire Chief Hevey presented on the following matters:

- The Department is currently working with vendors regarding the annual insurance renewals.
- About 90% of unused line items will be used by November, or they will be redistributed; wants vs. needs to be considered for remaining purchases.
- Chief Hevey sent the Districts Handbook for review to Commissioners, legal counsel, and HR representative for review. A final review by the command staff and Commissioners will be taken into consideration before it is finalized.
- Also distributed, District policies were sent out to the Districts' HR representative for review; Social media, Personnel, Sleeping in Fire Stations, and dress attire.
- Delivery of the District's new ladder truck is expected to occur in August.

**20. To review and act on mutual aid agreements.**

Chief Hevey reported that communications with Todd Mission are ongoing, and we have clarified that the mutual aid agreement covers all calls needing assistance, rather than just structure fires.

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

Chief Naumann is researching information on the GovDeals site for selling surplus property. Chief Hevey informed the Board of a potential buyer for an old ladder truck, noting interest from another ESD.

**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.**

Chief Hevey and Chief Herrman provided updates on the Full-time firefighter new hires. Six (6) offers of Conditional employment have gone out, with the remaining candidates awaiting medical and psych evaluation appointments.

July 2, 2023, is the proposed date to begin the new FSLA pay schedule change from a 28-day pay cycle to 14. Commissioner Violette made a motion to approve the new 14-day pay schedule which is to be based upon actual hours worked with no leveling pay over the month, and with time and a half pay for hours over 106, which was seconded by Commissioner Clifton.

Also discussed was a change of schedule from 24/48 to 48/96. Battalion Chief Jay Smith, along with other firefighters in attendance, voiced their opinions on the timing for this schedule change. Commissioner Clifton directly asked Chiefs Grant and Herrman their opinion on the matter. Chief Grant commented that vacation schedules that have already been scheduled will need to be modified. Chief Hevey proposed the schedule changes to take place at the end of the year in order to allow for those who have prior commitments enough time to resolve them. A motion to institute the change of schedule to 48/96 on the 1<sup>st</sup> pay period of 2024, or the best-suited date around the first of the year, was made by Commissioner Cunningham and seconded by Commissioner Clifton. The motion was approved.

Motion was made by Commissioner Clifton and seconded by Commissioner Violette to approve access to the ADP payroll system to Assistant Chief Grant and HR Consultant Angie Zacharias. The Board and Chief Hevey generally discussed the need for access to be limited to ensure no improper access. Motion was approved.

The Board by unanimous consent added Veterans Day back to the District holiday schedule.

**24. To review and act on scheduling District meetings and items to be added to meeting agendas.**

July 27, 2023, at 3:30 PM is the next regular meeting. August 10, 2023, at 3:30 will be a regular meeting and include tax and budget proposal. August 24, 2023 will be a regular meeting and include the public hearing and final action on the tax rate.

**25. Adjournment.**

With no further business to come before the Board, the Board unanimously agreed to adjourn the meeting at 7:14 PM

X Charles F. McDonald  
Commissioner Larry Smith  
Vice President

X Kelly Violette  
Commissioner Kelly Violette  
Secretary / Treasurer