



# Montgomery County ESD No. 10

## Magnolia Fire Department

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**DATE:** June 19, 2024

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, June 19, 2024, 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
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; Business Manager Eloise Roberson; 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; Community and Risk Reduction Captain Bryan Perry; Battalion Chiefs Adam Vulgamott and Jeffrey Jackson; Office Manager Rhonda Reinholz; Assistant Office Manager Joanna Padilla; District Legal counsel Krystine Ramon of Coveler & Peeler, PC; Ross Winker of Winkler Public Relations; District human resources consultant Angela Zacharias from Organizology LLC; Ryan Fortner of Revenue Management Services; Joe Mark Robinson of Robinson Group Realtors; Mark Frank of Frank Financial; 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.**

At this time, there were no promotions or recognitions presented.

**5. To review, discuss and take action regarding the District's 2023 audit prepared by Brooks Watson.**

Legal Counsel Krystine Ramon informed the Board that the District's 2023 audit will be ready to present the following week. A Special Board Meeting was decided to take place on Wednesday, June 26, 2024 at 3:30 pm. No Further discussion took place.

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

No minutes were presented for approval.

**7. To receive a report from Mark Frank and act as appropriate to the District's budget.**

Mark Frank informed the Board of certain excessive expenses that should have alternatives looked into. Such expenses include Dropbox with a yearly payment of \$4,605.12 or roughly \$383.00 a month, and late charges on credit cards. Chief Grant will look into the current services and needs for Dropbox and provide recommendations to the Board. Eloise informed the board that paying the credit cards is not included in the resolution, which allows her to pay essential recurring bills.

A motion to give Eloise Roberson authority to pay the minimum payment on credit cards to avoid incurring late charges was made by Commissioner Clifton, and was seconded by Commissioner Violette. **The motion was approved 4 to 0.**

Legal Counsel Krystine Ramon is reviewing a Purchase Order (PO) Agreement, provided by Mark Frank. Further discussions will be had once council completes their review.

**8. 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 Grant informed the Board the final expenses for Station 183 which had a \$2.5 million budget. A total of \$2.4 million was spent which resulted in being 2.26% under budget, with an additional \$230,000.00 spent on unforeseeable expenses.

Eloise presented an invoice from LAW Construction for the Logistics project for \$395,571.43, and requested direction on paying said invoice.

A motion was made to pay the LAW construction invoice for \$395,571.43, \$342,601.00 is to be paid from the Burn Building Loan and \$52,959.00 from Capital expenditures by Commissioner Cunningham and seconded by Commissioner Violette. **The motion was approved 4 to 0.**

***The Board moved to address Items # 9 - 24 out of order***

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

No action was taken.

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

Ryan Fortner reported on this month's sales tax findings. Local sales tax allocation in June 2024 was \$952,665.33, compared to June 2023, which received \$796,257.27 - an increase of 19.7%. Ryan also presented information they have gathered on WMPID remittance, which found at least seven businesses that have been turned over to the State. Further research will take place in August.

***The Board agreed to enter into Closed Session at 4:09 p.m. on the following agenda items:***

**9. 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.

10. **To meet in Closed Session pursuant to Government Code §551.072 to deliberate regarding real estate matters.**
11. **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.**
12. **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 5:30 p.m.**

24. **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.**

Lieutenant Andrew Heinson presented to the Board the Fire Chief Job Description and job posting information as decided on by the selection committee.

Commissioner Violette made a motion to approve the Fire Chief Job description as written, and was seconded by Commissioner Clifton. **The motion was approved 4 to 0.**

Commissioner Violette made a motion to approve the job posting from July 1 – August 12, and Commissioner Clifton seconded. **The motion was approved 4 to 0.**

Commissioner Violette made a motion to approve the job posting locations, and was seconded by Commissioner Cunningham. **The motion was approved 4 to 0.**

Commissioner Violette made a motion to approve the salary range of \$175,000.00 - \$220,000.00, and was seconded by Commissioner Cunningham. **The motion was approved 4 to 0.**

Commissioner Clifton suggested that moving forward, firefighters be informed of all developments after each meeting. Commissioner Smith also thanked those in the selection committee for the progress made.

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

Ross Winkler will be working on spreading information regarding the Fire Chief Job postings. He will be communicating with several media outlets and providing them updates along the way.

The three year review will be shared sometime in July, any additional feedback is welcomed.

A baseball tournament is taking place which is to benefit a Montgomery County ESD No. 6 firefighter battling lung cancer. Sponsors are being looked into as well as any who may want to make a donation.

14. **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.**

Commissioner Violette motioned to have the property on Coe Loop replatted, and was seconded by Commissioner Clifton. The motion was approved 4 to 0.

Commissioner Cunningham motioned to approve the lease application for 2978, and was seconded by Commissioner Violette. **The motion was approved 4 to 0.**

15. **To address financial matters including depositories, audits, Investment Policy and investments,**

**financial reports, tax reports and to pay District bills.**

Eloise Roberson presented the District's General Ledger for review and payment approval. After further review Commissioner Violette motioned to approve the District bills for payment, and was seconded by Commissioner Clifton. **The motion was approved 4 to 0.**

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

No action was taken.

**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 informed the Board of tools and vehicle lifts being purchased for the Maintenance Building, they come at no additional costs as they are included in the projects total cost. The mechanics will be providing a list tools and other equipment needed by the move in date. No further action was taken.

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

Chief Grant provided an update on the contract for Consolidated Communications. He requested the Board to qualify Consolidated Communications as the Districts Single Source Provider in order to avoid going out for bids. Legal Counsel Krystine Ramon said that the Board needed to designate Consolidated Communications as a Single Source Provider for the contract to comply with section 775.084 of the Texas Health and Safety Code. Commissioner Cunningham motioned to qualify Consolidated Communications as the Districts Single Source Provider, and was seconded by Commissioner Violette. **The motion was approved 4 to 0.**

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

Fire Chief Hevey had the following to report:

- Attended a meeting in the WIMPD area.
- The recent building collapse is still under investigation and no further information has been released from the Sheriffs' office.
- A fatal fire with one casualty. Had mutual aid support from various departments when an oxygen sensor took an engine out of service. This is the Districts' fourth fatality, and third fatal fire of the year.
- The 2025 Budget is being discussed at the staff meetings. A \$25 million budget is estimated to be received, but no numbers have been finalized.
- Sometime next year Chief is looking to hire about 10 Full-time firefighters, 6 will be replacements for those who have recently left the Department along with hiring more Part-time firefighters.
- Vehicles F150s for the Battalion Chiefs are planned to be purchased next year. Chief also received the POs for the four engines and one ladder truck.
- Looking at options on relocating Rescue 188. The additional personnel will be assigned to this station once it has been converted into a dual station with an engine.

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

No action was taken.

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

There was no surplus or salvage to report.

**25. To review and act on administrative policies and procedures.**

No action was taken on this item.

**26. To review and act on scheduling District meetings.**

June 26, 2024 at 3:30 pm - Special Meeting

July 3, 2024 at 3:30 pm

July 17, 2024 at 3:30 pm

**27. Adjournment.**

With no further business to come before the Board, the Board unanimously agreed to adjourn the meeting at 6:04 pm