



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: November 15, 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, November 15, 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; Business Manager Eloise Roberson; Assistant Chief of Operations Gary Pangarakis; Division Chief of Logistics & Planning August Naumann; Division Chief of Training Jason Herrman; Community and Risk Reduction Captain Bryan Perry; Assistant Office Manager Joanna Padilla; District Legal counsel Krystine Ramon of Coveler & Peeler, PC; Dennis Winkler and Ross Winkler 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 Smith 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.

A member of the public, Lesha Roberts, made a public comment regarding the payroll audit. She presented the following questions to the Board: what is the additional cost of administration double-checking the completed audit? And whether any Board members have sat down to see what the problem was, how it was created, and by whom? Her personal opinion was that the audit added no real value since select administrative members have taken it upon themselves to review and create their own audit.

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

There were no presentations at this time.

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

There were no minutes to present at this time.

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

Legal Counsel Krystine Ramos presented to the Board information on candidates for the Montgomery Central Appraisal District Board of Directors Election. She also advised that as a taxing authority, the members of the Board are able to submit a vote, six in total. The members of the Board are able to each cast an individual vote or submit a vote collectively. Voting is due on December 15, 2023. The Board discussed needing time to further research each candidate before putting in a vote and decided to table the item until the next meeting.

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

Ryan Fortner presented to the Board his sales tax findings for the past month. The total Sales Tax allocation for November 2023 totals \$862,734.10, compared to last year's total of \$793,720.07, which reflects a 7% increase in allocations. The allocations received in 2023 so far total \$9,305,196.44, and with one month remaining, it is estimated to exceed the predicted \$10 million. Ongoing collaborative work on gathering sales tax information from the city with Rachel Steele, the Economic Development Director for the City of Magnolia, has been difficult but continuous.

Commissioner Clifton questioned the estimated number for the 2024s budget. Ryan worked alongside Eloise Roberson to decide on the estimated number, \$11 Million, based on historical growth within the District and estimated growth of new businesses on a month-to-month basis.

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 Hevey provided updates on several stations undergoing construction:

- Station 187 has had concrete poured for the flooring.
- Station 183 has had several appliances, kitchen sinks, and cabinets installed. The lighting fixtures will be going up next.
- Station 182 has had landscaping work done. The pond on site has begun getting pumped, and so far, about 2-3 feet has been cleared.

The Board moved to address Item # 13

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

No further action was taken at this time.

14. 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 the month of November for review. A budget overview was completed to get an estimate for any remaining spending this year:

- December 15th will be the cutoff date for 2023 spending.
- Two debt payments due in December.
- Three payroll cycles remaining this year.
- \$350,000.00 was estimated for any remaining expenses for Operations in December.
- \$2.9 Million to end the year, with an estimated \$3.7 million left in spending, which means ending the year under the projected budget.

- An agreement made with the Montgomery County Hospital District (MCHD) involves them paying \$359,779.00 for current construction requests and costs before having them move into Station 183. Per Chief Chuck Grant, this payment will be made once they move in, by the first or second week in December. This payment has also been made a part of the 2024 budget.
- Eloise is anticipating receiving \$822,000.00 in sales tax, which is a more moderate number compared to the \$862,000.00 received in November.

Commissioner Clifton questioned whether there would be enough funds to pay the remaining three payrolls, the payback for the firefighters (\$200,000.00), and COLA. Eloise Roberson reassured the Commissioner that, yes, there are enough funds for the rest of the year for the remaining payrolls and back pay. Regarding the COLA adjustment, one person was in need of an adjustment, which was taken care of during the previous pay period.

By general consent, the Board agreed to pay the District Bills.

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

Eloise Roberson reported that an expected \$293,855.87 in Ad Valorem is to be received, as reported by the Tax Assessor's office.

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

Ross Winkler had the following to report on:

- Community Impact has reported on the District's recently purchased properties.
- A community event, pictures with Santa, is being sponsored by R Group Realtors. The event is scheduled for December 10, 2023, from 1-3 PM and will take place at Station 181.

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.

Commissioner Smith would like to schedule a meeting with Jacob Pillion from LaW Construction for updates on the stations' construction and to have a station delivery date finalized.

The Board reviewed bills by both LaW Construction (\$679,217.47) and Martinez Architects (\$36,869.00). Upon review, the Board decided by general consent to pay both bills.

Chief August Naumann reported on vehicles under maintenance:

- Engine 183 has had two tires replaced.
- Recalls on several Dodge Durango's that have been waiting on parts have been completed.
- Ladder 181 is still at Metro with ongoing repairs. Most items have been addressed and the apparatus is expected to be back in service the week after Thanksgiving.

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.

No further action was taken at this time.

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

Fire Chief Hevey reported on the following

- Chief Chuck Grant and a few other members have headed to Nebraska to begin the ladder truck designing and to get a tour of the plant where the apparatus' are built.
- November 5th was the deadline for vendors to send specifications for the next three engines to be purchased. All but one vendor submitted their specifications by the deadline.

20. To review and act on mutual aid agreements.

Per Chief Hevey, he is in the process of working with Plantersville. Chief Hevey and Chief Pangarakis had recently paid them a visit to gather more information on their wants and needs. Plantersville VFD receives funding from Grimes County and receives about \$40,000.00 a year. Plantersville VFD has been out collecting additional funding with the Fill the Boot program.

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

Metro has yet to provide a price for having the truck traded in with them or to use the price as a starting point in auctioning the apparatus. If the apparatus is traded in, no taxes will be paid, but there are concerns of their lack of interest in taking the apparatus in.

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.

Per Chief Jason Herrman, he and Chief Chuck Grant have completed re-auditing the payroll audit for 100 full-time firefighters. Chief Herrman stated that completing the part-time and volunteer firefighters audit will take another two weeks. The part-time firefighters accrue overtime after working 54 hours on a seven day work period, and volunteers will be spot-checked as they are paid per shift versus hourly. December 24, 2023, will be when the new schedule for firefighters begins, which should minimize the errors currently being fixed. By general consent, the Board agreed to have the generated checks for the completed full-time firefighters re-audit be distributed the following week. By general consent, the Board agreed to pay the part-timers once their re-audit is completed and to have the volunteers' pay spot checked.

23. 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.

No further action was taken at this time.

The Board agreed to enter into Closed Session at 4:10 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 7:00 p.m.

The Board decided to re-open item #22

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.

By general consent, the Board agreed to keep the insurance as is and to add the 100% employee/100% dependent coverage for dental and vision.

24. To review and act on scheduling District meetings.

December 6, 2023, at 3:30 pm

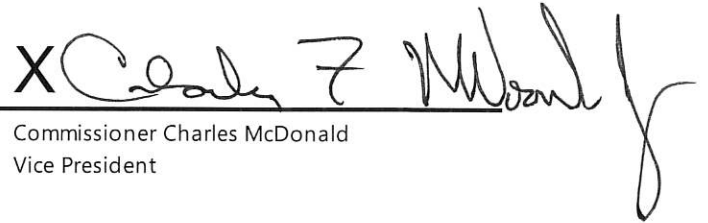
December 20, 2023, at 3:30 pm

25. Adjournment.

With no further business to come before the Board, the Board unanimously agreed to adjourn the meeting at 7:04 pm.

X 

Commissioner Larry Smith
President

X 

Commissioner Charles McDonald
Vice President