



Montgomery County ESD No. 10

Magnolia Fire Department

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DATE: October 4, 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, October 4, 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
Jeffrey Cunningham	Assistant Secretary/Treasurer	Present
Kelly Violette	Secretary/Treasurer	Present
Laurie Clifton	Board Member	Present

5 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; Battalion Chief of Training Chris Thornton; Community and Risk Reduction Captain Bryan Perry; Battalion Chief Jeffrey Jackson; Office Manager Rhonda Reinholz; Assistant Office Manager Joanna Padilla; District Legal counsel John Peeler and David Manley of Coveler & Peeler, PC; Ross Winker of Winkler Public Relations; Joe Mark Robinson of Robinson Group Realtors; Jacob Pillon from LaW Construction & Consulting, LLC; Tom Newby from VFIS of Texas; Jim Lord of Texas First Insurance; Montgomery County Constable Deputy Eric Gray; other Department Officers and Staff; and members of the public.

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 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. To receive a presentation from Tom Newby, representative of VFIS of Texas, and Jim Lord,

representative of Texas First Insurance, on employee benefits for District personnel and take any necessary action.

VFIS of Texas representative Tom Newby, as well as a Texas First Insurance representative, Jim Lord, presented to the Board their 2024 benefit quotes for review and consideration. An explanation of House Bill H.B. 471 was given and further clarified. Both presenters also made recommendations to keep Principal for dental as they are providing the best quotes. Per the Board, a committee made up of command staff and firefighters to compare policies presented and make recommendations for selection. No further action was taken.

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

No presentations were made at this time.

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

Minutes from September 7th and 20th were presented for review and approval from the Board. Commissioner Clifton would like to make revisions to the September 20th draft minutes. To have the public comments made at the September 20th meeting be included in the approved minutes and to make note in the minutes that a High Meadow Ranch resident paid for the AimVets-sponsored team event. A motion to approve the minutes with amendments to September 20 was made by Commissioner McDonald and seconded by Commissioner Violette. 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/engineering services, selection of contractors, approval of costs/budgets, and payment of construction-related bills.

Chief August Naumann informed the Board that Stations 185 and 182 have each received two quality recliners. Chief Hevey provided the following updates:

- Logistics building: concrete to be poured in the next couple of weeks as the electrical and plumbing is being completed.
- Station 183 is on track to be completed by mid-November
- Station 182 had a visit from the Health Department and the larger property will be getting re-plat.

Chief Chuck Grant has been in contact with multiple vendors for clearing out the pond at Station 182 and will be requesting multiple quotes. He is requesting from the Board a preliminary budget not to exceed \$75,000.00 for the pre-construction pond remediation, which is to be taken from the construction loan as 'pre-construction expenses'. A motion was made to approve a preliminary budget not to exceed \$75,000.00 to clear out the pond at Station 182 was made by Commissioner Cunningham and seconded by Commissioner Clifton. The motion was approved.

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 action was taken.

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.

Chief Chuck Grant reported the formal feasibility study for Coe Loop has yet to be submitted by Ricardo Martinez. Also reported, the Patricia Lane property was found to have additional buildings not previously

reported. Joe Mark Robinson reported on Coe Loop. 6.5% more land was found in the recent survey, from an estimated 29 acres to 32 acres. As such, the current owners are looking to increase the sale price of the property to account for the additional acreage reported, as called for in the contract. Mr. Peeler notes that proposals for the real estate loan at the prior price have already been received, and therefore, the District may have to pay the additional cost out of pocket, an additional \$121,500.00.

A motion to approve the price adjustment on the Coe Loop property was made by Commissioner McDonald and was seconded by Commissioner Violette. The motion was approved.

A motion to approve the resolution to purchase Coe Loop for \$2.546 million and Patricia Lane for \$830,000 was made by Commissioner Violette and seconded by Commissioner Clifton. The motion was approved.

Discussion on selecting and moving forward with real estate loan proposals took place. The Board selected to move forward with a 15-year loan with Gov't Capital. Commissioner Violette made a motion to move forward with Gov't Capital on the 15-year loan, and Commissioner McDonald seconded. The motion was approved. The Board asked Mr. Peeler to see if Government Capital could adjust the loan amount to accommodate the higher purchase price for the Coe Loop property.

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 General Ledger for review. Chief Jason Herrman informed the Board of the recent equipment updates made to the Training Room: new projectors along with a monitor, with microphones to be added soon. Chief Herrman is requesting the Board approve and sign a check for payment for a total of **\$26,971.37**, and payment to be held until the microphones are installed and the job is completed. Commissioner McDonald made a motion to approve the payment, which was seconded by Commissioner Cunningham. The motion was approved.

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

Eloise Roberson informed the Board that an updated budget, which will include recommendations from staff on the just presented insurance carriers, will be presented at the following meeting.

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

Updates on sales tax are to be presented at the following meeting. No further action was taken.

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

Ross Winkler provided updates on current public outreach projects and the like.

- He reported on Department participation in local National Night activities.
- A recent arson incident occurred that was largely publicized through numerous news outlets. The investigation is still ongoing.
- Plans to promote the re-opening of Station 183 in November are being scheduled.

18. 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.

No action was taken.

19. 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 was taken.

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

Fire Chief Jeffrey Hevey reported the following:

- The Department has been able to send out plenty of manpower to the recent grassfires.
- The Fire Marshall credited the Department with saving seven homes at a recent wildland fire. The residents also did their best to lend a hand with their lawn hoses. There have also been three mutual aid assists for structure fires and three that were within the District.
- The Booster vehicles have been putting in a lot of mileage and being roughed up by the elements, which they are made to take damage but will need to be replaced eventually.
- Ron Welch from MIS recently presented a very detailed report to the strategic planning committee. Among those details is an estimated seven thousand homes to be constructed in High Meadow Ranch Estates West. Ron Welch will also be working alongside developers to locate land for future fire stations.

21. To review and act on payroll procedures and policies, including engagement of consulting services for same.

The District's HR representative, Angela Zacharias (who was not present), emailed Commissioner Clifton and Chief Chuck Grant a flowchart on the payroll system. The flowchart will be used to develop the District's pay policy and procedures.

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

Chief August Naumann reported that the Hydratrek has been sold and picked up. The total price collected was \$63,000.00.

23. 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.

John Peeler presented David Manley from their firm to the Board. Mr. Manley is an attorney from the Coverer and Peeler firm who has a great deal of experience in employment matters. He will be providing assistance and working alongside the District's HR representative and staff in reviewing payroll practices.

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

No action was taken.

The Board agreed to enter into Closed Session at 5:23 p.m. on the following agenda items:

- 8. 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.**
- 9. To meet in Closed Session pursuant to Government Code §551.072 to deliberate regarding real estate matters.**
- 10. 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.

11. 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 6:39 p.m.

25. To review and act on scheduling District meetings.

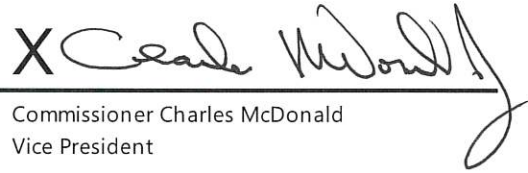
October 18, 2023, at 3:30 PM

26. Adjournment.

With no further business to come before the Board, the Board unanimously agreed to adjourn the meeting at 6:41 PM



Commissioner Larry Smith
President



Commissioner Charles McDonald
Vice President