



# Montgomery County ESD No. 10 Magnolia Fire Department

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**DATE:** May 15, 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, May 15, 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
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 Administration Chuck Grant; Division Chief of Logistics & Planning August Naumann; 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; Dennis Winkler and 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; Albert Bunick and Joseph Chaudhary from SHAPE Integrations; Stepping in for Montgomery County Constable Deputy Eric Gray is Thomas Epperson; 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.**

The following Public Comments were received:

Cliff Langton – Expressed his concerns regarding the hiring of the next Fire Chief. He is also requesting a “cross-section of rank-and-file members be granted seats at future tables.” Commissioner Smith responded that HR will be

sending the Department an email the following day in hopes of creating a selection committee, whose purpose will be to assist in selecting candidates for the Fire Chief position.

Jeff Jackson – Spoke on his short-term disability as well as having had payment issues with AFLAC.

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

There were no certificates to present at this time.

**5. To receive a presentation from Mark Frank of Frank Financial and take any necessary action.**

Mark Frank of Frank Financial introduced himself and the services his business provides. Financial obligations would be \$7,500.00 thousand per quarter, compared to current payments of \$6,000.00 a quarter for the Shah Group. Krystine is to review the contracts of both financial institutions before advising any further.

A motion was made by Commissioner Clifton and seconded by Commissioner Violette to approve the contract with Mark Financial, pending final review by the council. **The motion was approved 5 to 0.**

**Commissioner Clifton took this time to introduce the new Mayor of Magnolia, Matthew Dantzer.**

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

There were no minutes presented for approval.

**7. 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 reported on the following:

- The Logistics building is having electrical and painting done.
- The house on Dobbin Huffsmith has had three (3) showings, but no current bids.
- Made a recommendation to pay three construction invoices; two invoices for LAW Construction totaling \$703,343.90, and one invoice for Martinez Architects for a total of \$43,900.00.
- Will present design documents for Station 182 within the next two Board meetings to decide financing. //

A line item for “Architectural Services” is to be added for future budgets.

A motion was made by Commissioner Violette to pay the LAW invoices totaling \$703,343.90 from the \$1.1 million dollar Burn Building loan. The motion was seconded by Commissioner McDonald. **The motion was approved 5 to 0.**

Commissioner Clifton made a motion to pay \$43,900.00 of the Martinez invoices from the \$1.1 million dollar Burn Building loan, and was seconded by Commissioner McDonald. **The motion was approved 5 to 0.**

Commissioner Violette proposed paying \$242,410.88 of the Martinez invoices from the Certificate of Deposit (CD), and the remaining \$23,266.12 from the Operations account. Commissioner McDonald seconded the motion. **The motion was approved 5 to 0.**

**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 at this time.

**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.**

No 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 General Ledger dated May 1<sup>st</sup> – 15<sup>th</sup> for Board review. As spending will continue for the remainder of the month, such expenses will be presented at the next Board Meeting. A check will need to be re-issued as our usual constable was not able to attend today's meeting.

After further review and discussion, Commissioner McDonald made a motion to pay the District bills, and was seconded by Commissioner Clifton. **The motion was approved 5 to 0.**

Eloise informed the board that the audit is nearly complete. No further action was taken.

**15. To receive a report from Shah Group Consulting, Inc and act as appropriate to the District's budget.**

Shah Group was not present. No action was taken.

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

No action was taken.

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

Ryan Fortner presented his monthly sales tax report for May 2024. Sales Tax Allocations for May 2024 totaled \$934,366.73, which is a 6% increase to the previous year. He is currently waiting on the state to provide him with a combined use report. No further action was taken.

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

Ross Winkler reported on the following:

- Community Impact ran an article on the Departments search for the next Fire Chief.
- Progress on the Department's year in review focusing on the past, present, and future.

No further 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.**

Fire Chief Hevey had the following to report:

- Waiting on estimates to come in for the two BC trucks.
- A line item is to be added for the four Fire Engines and one Ladder Truck to be purchased. A decision will need to be made about whether to take out one loan or two.

No further action was taken.

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

Chief Grant presented the following:

- A proposal for the phone lines from Consolidated Communications. This will be a three year agreement with an additional \$800.00 increase, this update will increase bandwidth, add another station, and replace 7 year old phones.
- Being in talks with T-Mobile for switching over service from Verizon for mobile devices with an estimated \$800.00 to \$900.00 in savings.

Commissioner Cunningham questioned the 36-month contract terms and agreement. Chef Grant verified that the contract will go into a month-to-month contract following the anniversary date.

A motion to move forward with Consolidated Communications pending final legal review was made by Commissioner Clifton, and was seconded by Commissioner Violette. **The motion was approved 5 to 0.**

Albert Bunick from Shape Integrations informed the Board of having completed the Districts system review. Updating the internal infrastructure will be the next step. This will involve speeding up servers and creating additional backup hard drives to replace the current ones onsite. Eloise added that Shape has sent out the letters of approval/authorization to the District's financial institutions. No further action was taken.

**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 the Chamber of Commerce meeting and heard Senator Lois W. Kolkhorst's ideas for the future of Texas.
- Attended the Commissioners Court alongside 11 other Fire Chiefs and the Fire Marshall. The widening of roads from 22ft to 28ft was discussed, and he is happy to report that it is currently being implemented on several new road construction sites.
- On May 22<sup>nd</sup>, a representative from VFIS will be visiting several stations; Gale St, 187, and 189.
- Short-Term and Long-Term Disability meeting with Command Staff.

No further action was taken.

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

Fire Chief Hevey stated the following three policies are being worked on by multiple staff:

- Workers Compensation
- Payroll – Eloise is assisting in setting up an EDI feed for updating contributions, benefits, etc.
- Hurricane / Flooding

No further action was taken.

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

No action was taken.

**24. To review and act on employment/personnel issues, including policies, handbooks, procedures, hiring, firing, retention, compensation, benefits, scheduling, complaints and discipline of District employees, including administrative staff, fire suppression staff, executive staff and Fire Chief.**

No action was taken.

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

No action was taken.

***The Board agreed to enter into Closed Session at 5:02 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 7:59 p.m.***

***Commissioners McDonald and Violette departed the meeting.***

***With the remaining quorum - The Board re-addressed Items #15 & #20***

15. To receive a report from Shah Group Consulting, Inc and act as appropriate to the District's budget.

Commissioner Cunningham motioned to end the District's Contract with the Shah Group, and Commissioner Clifton seconded. **The motion was approved 3 to 0.**

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

Commissioner Cunningham motioned to end the District's Contract with Shape Integrations, and Commissioner Clifton seconded. **The motion was approved 3 to 0.**

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

June 5, 2024 at 3:30 pm

13. Adjournment.

With no further business to come before the Board, the Board unanimously agreed to adjourn the meeting at 8:01 pm