

**MINUTES OF MEETING OF THE BOARD OF COMMISSIONERS**

**May 11, 2022**

**THE STATE OF TEXAS** §  
**COUNTY OF MONTGOMERY** §  
**MONTGOMERY COUNTY EMERGENCY SERVICES DISTRICT NO. 4** §

The Board of Commissioners (the "Board" or the "Commissioners") of Montgomery County Emergency Services District No. 4 (the "District") met in regular session, open to the public, at Needham Fire Rescue, Co. ("NFR") Station No. 61, 9430 State Highway 242 East, Conroe, Texas 77385, the regular meeting place of the District, on Wednesday, May 11, 2022, at 11:30 a.m.; whereupon, the roll was called of the members of the Board, to-wit:

Brian Arceneaux	President
Roxann McDaniel	Vice President
Mark Abbey	Secretary
Raymond Veit	Treasurer
Karen Keels	Assistant Secretary/Treasurer

All members of the Board were present, except Commissioners McDaniel and Abbey, thus constituting a quorum. Also attending the meeting were the following District employees: Fire Chief Kevin Hosler; Chief Randy Doyle, Assistant Chief of Administration; Chief William Dicker, Assistant Chief of Operations; Mrs. Alison Doyle; Ms. Emily Daley; Mr. Colwyn Lee; Battalion Chief Richard Sanguedolce; and Lieutenant Donald Moore (via videoconference). District consultants in attendance were: Ms. Regina D. Adams and Ms. Sholeh Abedinzadeh (via videoconference), attorneys, and Ms. Raechel Rodriguez (via videoconference), legal assistant, of Radcliffe Bobbitt Adams Polley PLLC (the "Attorney" or "RBAP"), attorney for the District; Ms. Robin Humphrey of HDL Companies, sales tax consultant to the District; Mr. Brian Grossman of Grossman Design Build ("GDB"); and Mr. Paul Kullman and Ms. Cindi Robinson of AG|CM ("AGCM").

WHEREUPON, the meeting was called to order at 11:41 a.m. and evidence was presented that public notice of the meeting had been given in compliance with the law. The posted notices of the meeting are attached hereto.

**PUBLIC COMMENT**

There was no public comment.

**DISTRICT STAFF AWARDS, RECOGNITIONS AND/OR PROMOTIONS**

There were no awards or promotions.

## **APPROVE MINUTES**

The Board considered approval of the April 13, 2022 regular meeting minutes, which were previously distributed to the Board. Upon motion by Commissioner Veit, seconded by Commissioner Keels, after full discussion and the question being put to the Board, the Board voted unanimously to approve the April 13, 2022 regular meeting minutes.

## **MINUTES AND FINANCIAL STATEMENTS OF NFR BOARD OF DIRECTORS MEETING**

The Board reviewed the minutes and financial statements of the prior NFR Board of Directors meetings. Commissioner Veit noted improved response times.

## **TREASURER'S REPORT**

Commissioner Veit next presented to and reviewed with the Board the Treasurer's Report. Upon motion by Commissioner Keels, seconded by Commissioner Veit, after full discussion and the question being put to the Board, the Board voted unanimously to approve the Treasurer's Report.

## **MONTHLY INVOICES AND PAYMENTS**

Mrs. Doyle then presented to and reviewed with the Board monthly invoices and pending payments for authorization, including the Southside Bank loan for Station No. 61 construction due May 25, 2022. Upon motion by Commissioner Veit, seconded by Commissioner Keels, after full discussion and the question being put to the Board, the Board voted unanimously to authorize payment of the monthly invoices, as presented, including the Southside Bank loan payment.

## **AUTHORIZE DISTRICT STAFF TO RELOCATE THE DISTRICT ADMINISTRATION BUILDING AND APPROVE ANY EXPENSES RELATED TO SAME**

Chief Hosler reported that the District Administration Building needs to be relocated so Station No. 61 construction may begin. Chief Hosler noted the administrative staff would be temporarily relocated to Station No. 62 and then to the property the District recently purchased. Upon motion by Commissioner Veit, seconded by Commissioner Keels, after full discussion and the question being put to the Board, the Board voted unanimously to authorize the relocation of the District Administration Building, subject to receipt of bids for same.

## **AUTHORIZE SUBMISSION OF FISCAL YEAR ENDED ("FYE") SEPTEMBER 30, 2021 AUDIT REPORT (THE "2021 AUDIT") TO MONTGOMERY COUNTY (THE "COUNTY") COMMISSIONERS COURT**

Upon motion by Commissioner Keels, seconded by Commissioner Veit, after full discussion and the question being put to the Board, the Board voted unanimously to authorize the submission of the 2021 Audit to the County Commissioners Court.

**ADOPT ORDER REGARDING ANNUAL REVIEW OF RULES, POLICIES AND CODE OF ETHICS FOR THE INVESTMENT OF DISTRICT FUNDS (THE "INVESTMENT POLICY ORDER")**

Ms. Adams reviewed with the Board the Investment Policy Order noting that the only recommended amendment was to include Truist Bank and Allegiance Bank on the Authorized Brokers List. Upon motion by Commissioner Veit, seconded by Commissioner Keels, after full discussion and the question being put to the Board, the Board voted unanimously to adopt the Investment Policy Order.

**SALES AND USE TAX REPORT**

Ms. Humphrey reviewed the Sales and Use Tax Report with the Board. Upon motion by Commissioner Veit, seconded by Commissioner Keels, after full discussion and the question being put to the Board, the Board voted unanimously to accept the Sales and Use Tax Report.

**TAX ASSESSOR-COLLECTOR'S REPORT**

Ms. Adams presented to and reviewed with the Board the monthly Tax Assessor-Collector's Report. Mrs. Doyle noted that the District has received the preliminary 2022 taxable values from Montgomery Central Appraisal District. Upon motion by Commissioner Veit, seconded by Commissioner Keels, after full discussion and the question being put to the Board, the Board voted unanimously to accept the Tax Assessor-Collector's Report.

**REVIEW AND APPROVE DISTRICT EMERGENCY RESPONSE PLAN ("ERP"), AS NECESSARY**

Chief Hosler reviewed with the Board the amendments to the District ERP. Upon motion by Commissioner Veit, seconded by Commissioner Keels, after full discussion and the question being put to the Board, the Board voted unanimously to approve amendments to the District ERP.

**STATUS OF STATION NO. 61 CONSTRUCTION**

Chief Hosler reviewed with the Board the status of the design of Station No. 61. Chief Hosler reminded the Board that he again met with the County Engineer who stated one (1) detention pond would be required. Chief Hosler went on to relay discrepancies in the County's requirements since detention ponds are only required for properties with 15,000 square feet of improvements and Station No. 61 as designed is less than 15,000 square feet. Chief Hosler stated that construction should commence by January 2023.

**FIRE CHIEF'S REPORT**

Chief Hosler then reviewed the Fire Chief's Report with the Board. Chief Hosler reported that, in April, the District and NFR responded to 306 service calls, 27 of which were out of District, with an average response time of 5:01 minutes.

Chief Hosler reported that construction on Station No. 63 was complete and another phase of construction on Station No. 64 was also complete. Chief Hosler also reported that various District vehicles had minor repairs and that all District vehicles were in service.

Chief Hosler requested the Board consider the purchase of a utility truck with approximately 7,000 miles on it for a cost of less than \$50,000.00. Chief Hosler noted the District had all the needed equipment for the truck. Chief Hosler stated that the purchase of the utility truck would eliminate the need to replace another District vehicle in the following year and would consolidate the use of two (2) vehicles into one (1). Upon motion by Commissioner Veit, seconded by Commissioner Keels, after full discussion and the question being put to the Board, the Board voted unanimously to authorize the purchase of the utility truck for a price not to exceed \$50,000.00.

### **REVIEW AND APPROVE FIVE (5) AND TEN (10) YEAR CAPITAL IMPROVEMENT PLANS**

Chief Hosler presented to the Board the District's five (5) and ten (10) year capital improvement plans and requested the Board table this matter until the June 8<sup>th</sup> Board meeting.

### **REVIEW PERSONNEL MATTERS**

There was nothing to review.

### **REVIEW DISTRICT REAL ESTATE MATTERS**

Ms. Adams reported that the survey to the property the District leased to the lessee by way of the Life Lease was complete and the exhibit to the Life Lease needed to be updated. Ms. Adams noted that RBAP was awaiting a response from the lessee in order to update same. Chief Hosler reported that the ownership of the mobile home on the property was mistakenly transferred to the District at closing and would need to be transferred back to the lessee.

### **REVIEW CITY OF CONROE (THE "CITY") ANNEXATION MATTERS**

### **EXECUTIVE SESSION**

Pursuant to the provisions of the Texas Open Meetings Act, Chapter 551, Texas Government Code, as amended, specifically Section 551.071, regarding matters of attorney-client privilege pertaining to the City annexation matter, Commissioner Arceneaux convened the Board in Executive Session at 12:52 p.m. The persons present in Executive Session were: Commissioners Arceneaux, Veit and Keels; Chief Hosler; and Ms. Adams.

### **RECONVENE IN OPEN SESSION**

All meeting attendees still present re-entered the meeting at this time.

Commissioner Arceneaux then reconvened the meeting in open session at 1:44 p.m. at which time no action was taken by the Board.

There being no further business to come before the Board, the meeting was adjourned at 1:46 p.m.

PASSED, APPROVED, AND ADOPTED this 8<sup>th</sup> day of June, 2022.

Mark Abbey, Secretary

Board of Commissioners