

MINUTES OF MEETING OF THE BOARD OF COMMISSIONERS

October 13, 2021

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 61, 9430 State Highway 242 East, Conroe, Texas 77385, the regular meeting place of the District, on Wednesday, October 13, 2021, 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; Battalion Chief Larry Weaver; Battalion Chief Richard Sanguedolce; Mrs. Alison Doyle; Ms. Emily Daley; Mr. Colwyn Lee; Mr. Ken Carrizal; Captain Norman Langwell; Mr. Don Landvogt; and Firefighter Ian Whitla. District consultants in attendance were: Ms. Sholeh Abedinzadeh, attorney, and Ms. Raechel Rodriguez (via videoconference), legal assistant, of Radcliffe Bobbitt Adams Polley PLLC (the "Attorney" or "RBAP"), attorney for the District; and Ms. Robin Humphrey of HDL Companies, sales tax consultant to the District.

WHEREUPON, the meeting was called to order at 11:47 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 were no public comments.

DISTRICT STAFF AWARDS RECOGNITIONS AND/OR PROMOTIONS

There were no District staff awards or promotions.

APPROVE MINUTES

The Board considered approval of the September 8, 2021 regular meeting minutes which were previously distributed to the Board. 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 September 8, 2021 regular meeting minutes.

MINUTES AND FINANCIAL STATEMENTS OF NFR BOARD OF DIRECTORS MEETING

The Board then reviewed the agenda, minutes, and financial statements of NFR's August 17, 2021 Board of Directors meeting.

Commissioner Veit asked if the Lazy River donation was new and Mrs. Doyle responded that it was not, and the \$530.00 donation is for two (2) months.

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.

REVIEW QUARTERLY INVESTMENT REPORT

Mrs. Doyle presented to and reviewed with the Board the Quarterly Investment Report noting that the total interest earned in the previous quarter is \$3,248.89.

MONTHLY INVOICES AND PAYMENTS

Mrs. Doyle then presented to and reviewed with the Board monthly invoices and pending payments for authorization. Mrs. Doyle explained that she is aware of additional invoices not yet received that would be due by the end of October and requested the Board authorize the payment of such invoices. Mrs. Doyle specifically referenced the NFR invoice as an example and asked for direction from the Board on same. Mrs. Doyle added that she would create a report that lists every invoice received and payment made for the Board's review each month. 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; authorize the debt service payment to TIB, N.A. in the amount of \$66,219.90; and authorize Mrs. Doyle to pay any District invoices/bills not yet received that are due by October 31, 2021.

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.

Ms. Humphrey exited the meeting at this time.

TAX ASSESSOR-COLLECTOR'S REPORT

Ms. Abedinzadeh presented to and reviewed with the Board the monthly Tax Assessor-Collector's Report. In response to a question from Commissioner Arceneaux, Ms. Abedinzadeh explained that the "adjustments" are generally a result of taxpayers protesting their taxes.

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 accept the Tax Assessor-Collector's Report.

LETTER OF INTENT TO COMMISSIONER'S COURT FOR REAPPOINTMENT OF COMMISSIONERS ARCENEAUX AND KEELS

Mrs. Doyle reviewed with the Board the proposed Letter of Intent to the Montgomery County Commissioner's Court for both Commissioners Arceneaux and Keels. Commissioners Arceneaux and Keels executed their respective request for re-appointment letters for submission.

DISCUSS ANNUAL EMPLOYEE EVALUATION OF CHIEF KEVIN HOSLER AND RENEWAL OF CONTRACT FOR EMPLOYMENT OF FIRE CHIEF (CONTRACT EXPIRES OCTOBER 1, 2021)

The Board tabled this matter until Executive Session.

STATUS OF STATION NO. 61 CONSTRUCTION

Chief Hosler reviewed with the Board the cost for the construction of Station No. 61 in the Design-Build Contract for Construction of a Government Building with Grossman Design Build, LLC (the "Construction Agreement"), noting that the costs, addresses and dates have been included in the Construction Agreement. Chief Hosler requested the Board approve the cost range of \$6,021,014 - \$6,200,000, as reflected in the Construction Agreement.

Chief Hosler reported that the District is further along in the design/construction process for Station No. 61 than anticipated.

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 cost range of \$6,021,014 - \$6,200,000, as reflected in the Construction Agreement.

AUTHORIZE ATTENDANCE AT SAFE-D ANNUAL CONFERENCE IN ROUND ROCK, TEXAS ON FEBRUARY 17 – 19, 2022 ("SAFE-D CONFERENCE")

Ms. Abedinzadeh reminded the Board of the annual training requirements for Commissioners and discussed the upcoming SAFE-D Conference. 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 attendance at the SAFE-D Conference.

MONTHLY CHIEF'S REPORT

Chief Hosler reviewed the Fire Chief's Report with the Board. Chief Hosler reported that the District and NFR responded to 235 service calls, 43 of which were out of District, with an average response time of 6:35 minutes.

Chief Hosler next discussed proposed revisions to District standard operating policies ("SOP") and standard operating guidelines ("SOG"), noting his recommendations to amend: 1) SOP 210, Firefighter Pay; 2) SOP 206, Firefighter Holiday Compensation; and 3) SOP 310, Paid Time Off Accruals. Chief Hosler noted that amendments to SOP 117, Entry and Promotional Testing were already approved, but still needed to be revised.

Chief Hosler then updated the Board regarding development in and around the District, noting the McDonald's, Taco Bell and a car wash are now open and that a pizza restaurant is currently being constructed.

Chief Hosler then reported to the Board that the proposed Fire Dispatch Services Agreement between Montgomery County Fire Chief's Association and the Woodlands Township ("Dispatch Agreement") is delayed due to cost negotiations. Chief Hosler reported that the Dispatch Agreement outlines a flat fee for participating emergency services districts ("ESDs") but there are two (2) ESDs that do not want to participate under such structure. In response to a question from Commissioner Arceneaux, Chief Hosler explained the flat fee was calculated by dividing \$600,000 by the 14 ESD service areas. Chief Hosler requested the Board table this matter until November when more information has been received. Chief Hosler noted if the Dispatch Agreement is not finalized by January 2022, a month-to-month agreement extending the current agreement may need to be entered into.

REVIEW PERSONNEL MATTERS

The Board tabled this matter until Executive Session.

REVIEW DISTRICT REAL ESTATE MATTERS, INCLUDING POTENTIAL STATION PROPERTY PURCHASE AND TAKE ANY NECESSARY ACTIONS ON SAME

The Board tabled this matter until Executive Session.

REVIEW AND ADOPT ANY NECESSARY REVISIONS TO THE DISTRICT'S POLICIES AND PROCEDURES MANUAL

Chief Hosler explained that as SOPs and SOGs are amended, the corresponding policy and/or procedure must be amended. 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 amend the District's SOPs and SOGs per Chief Hosler's request, as well as the District's Policies and Procedures Manual.

AUTHORIZE PARTICIPATION IN DISTRICT/NFR 2021 AWARDS DINNER

Chief Hosler stated the District/NFR 2021 Awards Dinner is scheduled for December 3, 2021 at the Crowne Plaza Hotel in Shenandoah, Texas. Chief Hosler also stated that the cost in previous years averaged close to \$15,000, but the cost is estimated to be less this year. 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 participation in and payment not to exceed \$10,000 for the District/NFR 2021 Awards Dinner on December 3, 2021.

REVIEW AND APPROVE CONSENT AND WAIVER OF CONFLICT WITH CHIEF HOSLER AND RBAP

Chief Hosler explained to the Board that he has personal legal matters for which he would like to retain RBAP. Chief Hosler further explained that these personal matters do not involve the District, but due to any potential conflicts of interest, the Board would need to approve the Consent and Waiver of Conflict applicable to RBAP's representation even though it is unlikely one would exist, so that he may retain RBAP as legal counsel.

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 and authorize execution of the Consent and Waiver of Conflict.

EXECUTIVE SESSION

Pursuant to the provisions of the Texas Open Meetings Act, Chapter 551, Texas Government Code, as amended, specifically Sections 551.071, 551.072 and 551.076 regarding matters of attorney-client privilege, personnel and real estate, Commissioner Arceneaux convened the Board in Executive Session at 1:11 p.m. to review personnel and real estate matters. The persons present in Executive Session were: Commissioners Arceneaux, Veit and Keels; Ms. Abedinzadeh; Chief Hosler; and Mrs. Doyle.

Mrs. Doyle exited Executive Session.

Ms. Abedinzadeh exited the meeting during Executive Session.

Mrs. Doyle re-entered Executive Session.

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 2:19 p.m. at which time the following action was taken by the Board:

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 and authorize execution of the Agreement for Employment between the District and Chief Hosler, as discussed in Executive Session.

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 actions necessary to pursue the purchase of the proposed station site as discussed in Executive Session.

There being no further business to come before the Board, the meeting was adjourned at 2:23 p.m.

PASSED, APPROVED, AND ADOPTED this 10th day of November, 2021.

Mark Abbey, Secretary

Board of Commissioners