

**Montgomery County  
Emergency Services District No. 4  
Minutes from Regular Meeting of Board of Commissioners**

**May 12, 2021**

**Item 1 – Call the meeting to order**

The meeting was called to order at 11:49 a.m. by Commissioner Arceneaux. The Commissioners present were: Brian Arceneaux, Roxann McDaniel, Mark Abbey, Raymond Veit, and Karen Keels. Also in attendance were: Chief Hosler, Assistant Chief Dicker, Assistant Chief Doyle, Alison Doyle, Emily Daley, Captain Lee, Captain Carrizal, and via video conference: Regina Adams, Hannah Slaven, and Sholeh Abedinzadeh of Radcliffe Bobbitt Adams Polley PLLC ("RBAP"), Landon Newton of Government Capital Corporation, Justus Corley of Woodforest National Bank, Brian Grossman of Grossman Design Build ("GDB"), and Paul Kullman of AGCM.

**Item 2 – Public comments.**

No comments.

**Item 3 – District staff awards, recognitions and/or promotions.**

None .

**Item 4 – Approve the minutes of the regular meeting of April 14, 2021.**

A motion to approve the minutes was made by Commissioner Abbey and seconded by Commissioner Veit. The motion carried 5 for (Commissioners Arceneaux, McDaniel, Abbey, Veit, and Keels), 0 against, with 0 abstentions.

**Item 5 – Review the minutes and financial statements from the Needham Fire Rescue ("NFR") May 11, 2021 Board of Directors meeting.**

The Board reviewed the agenda, minutes, and the financial statement from the May 11, 2021 NFR Board of Directors meeting. Chief Hosler noted that the NFR Board of Directors will move forward with filling open positions on the Board left by Mrs. Capozzelli and C. Collins.

**Item 6 – Review and approve Treasurer's monthly report.**

Commissioner Veit reviewed the Treasurer's Report with the Board. A motion was made by Commissioner Abbey and seconded by Commissioner Keels to accept the Treasurer's Report, as presented by Commissioner Veit. The motion carried 5 for (Commissioners Arceneaux, McDaniel, Abbey, Veit, and Keels), 0 against, with 0 abstentions. The fund account balances at Woodforest National Bank, N.A. ("Woodforest") are as follows:

- A. General Fund Account (6823) - \$959,147.02
- B. Debt Service Account (6864) - \$0.00
- C. Reserve Account (6880) - \$1,560,879.93
- D. Sales Tax Revenue Account (6872) - \$5,781.44
- E. Payroll Account (9181) - \$21,697.65

**Item 7 – Review and approve monthly invoices, including authorization of Purchase Order (“PO”) PO2020-00026 to Performance Truck for Tanker 61 repairs.**

The invoices were reviewed and a motion was made by Commissioner Veit and seconded by Commissioner Abbey to approve the payment of the monthly invoices as presented, including payment of PO2020-00026. The motion carried 5 for (Commissioners Arceneaux, McDaniel, Abbey, Veit, and Keels), 0 against, with 0 abstentions.

**Item 8 – Review and approve monthly Sales and Use Tax Report.**

Mrs. Doyle reviewed the Sales and Use Tax Report with the Board. A motion was made by Commissioner McDaniel and seconded by Commissioner Veit to approve the Sales and Use Tax Report as presented. The motion carried 5 for (Commissioners Arceneaux, McDaniel, Abbey, Veit, and Keels), 0 against, with 0 abstentions.

**Item 9 – Authorize submission of Fiscal Year Ending (“FYE”) 9/30/2020 Audit to Montgomery County Commissioners Court.**

A motion was made by Commissioner McDaniel and seconded by Commissioner Veit to authorize submission of Fiscal Year Ending (“FYE”) 9/30/2020 Audit to Montgomery County Commissioners Court. The motion carried 5 for (Commissioners Arceneaux, McDaniel, Abbey, Veit, and Keels), 0 against, with 0 abstentions.

**Item 10 – 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 the Investment Policy Order with the Board, noting that the only change from the previous year was that Woodforest had been added to the District's list of qualified brokers. A motion was made by Commissioner McDaniel and seconded by Commissioner Abbey to adopt the Investment Policy Order. The motion carried 5 for (Commissioners Arceneaux, McDaniel, Abbey, Veit, and Keels), 0 against, with 0 abstentions.

**Item 11 – Review and adopt Amended and Restated Order Establishing Records Management Program and Designating a Records Management Officer (the “Records Management Policy Order”).**

Ms. Adams reviewed the Records Management Policy Order with the Board, noting that of the Board would need to appoint a new Records Management Officer (“RMO”). Ms. Adams reminded the Board that the District's RMO has previously been the Administrative Assistant and recommended that the Board continue with such designation. A motion was made by Commissioner McDaniel and seconded by Commissioner Veit to adopt the Records Management Policy Order, including the continued designation of the Administrative Assistant as RMO. The motion carried 5 for (Commissioners Arceneaux, McDaniel, Abbey, Veit, and Keels), 0 against, with 0 abstentions.

## **Item 12 – Station 61 construction and financing:**

- A. Review and accept bids for financing of the design/build of Station 61.
- B. Review and approve Resolution Regarding Financing Agreement for the Purpose of Constructing a New Fire Station and any other documents as may be necessary to close same.

The financing proposals for the design/build of Station 61 were presented to and reviewed with the Board. It was noted that the AmegyBank bid reflecting a 20 year term was submitted after the deadline for submissions but AmegyBank did submit a bid with a shorter term prior to the deadline. It was also noted that Woodforest submitted its bid timely and then resubmitted the same bid after the deadline. Messrs. Newton and Corley summarized their bids, and responded to questions from the Board. The Commissioners expressed reservations regarding Woodforest's bid and the various terms reflected therein. Mr. Corley stated he would ask whether such terms were negotiable. After some discussion, a motion to consider only the bids submitted by the May 6, 2021 deadline was made by Commissioner McDaniel and seconded by Commissioner Abbey. The motion carried **5** for (Commissioners Arceneaux, McDaniel, Abbey, Veit, and Keels), 0 against, with 0 abstentions.

Executive Session was called at 12:51 p.m. The Commissioners, Chief Hosler, Mrs. Doyle, Ms. Adams, and Ms. Abedinzadeh were in attendance. Such Executive Session regarded:

Section 551.071 Consultation with Attorney.

Executive Session concluded at 1:11 p.m. No action was taken.

A motion to establish a bid review committee, consisting of Commissioners Keels and Veit, Mrs. Doyle and Chief Hosler, accept the Woodforest bid, , subject to negotiation of certain of the terms of same with the qualification that if such negotiation is not successful, accept the GovCap bid, and adopt the Resolution Regarding Financing Agreement for the Purpose of Constructing a New Fire Station, was made by Commissioner Veit and seconded by Commissioner Abbey. The motion carried **5** for (Commissioners Arceneaux, McDaniel, Abbey, Veit, and Keels), 0 against, with 0 abstentions.

- C. Review and Adopt Resolution Authorizing Reimbursement of District General Fund from loans fund.

This item was tabled.

- D. Review and approve Design/Build Construction.

Mr. Grossman explained that the contract has not been finalized due to volatile prices in construction materials. Mr. Grossman added that the terms of the contract are generally complete, however Grossman is reviewing potential additional language that is suitable for the circumstances.

A motion to approve the Design Build Contract with Grossman, subject to construction committee and RBAP review of language and pricing, was made by Commissioner McDaniel, and seconded by Commissioner Abbey. The motion carried **5** for (Commissioners Arceneaux, McDaniel, Abbey, Veit, and Keels), 0 against, with 0 abstentions.

**Item 13 – Monthly Chief’s Report:**

A. Summary of Department Monthly Financials and Call Activity

Response Times and Counts for April 2021: 113 calls for service with 35 calls out of District. Average response time of 6:77 compared to the prior month’s time of 7:38.

Chief Hosler noted that the Department has begun review of the Fiscal Year Ending September 30, 2022 budget and is proposing various value changes. Chief Hosler also noted that Station 64 may need a new septic system, which will be revisited at a later date.

B. Summary of ISO regrading process.

C. Discuss any questions regarding Department SOP and SOG’s forwarded in packet.

**Item 14 - Review service developments in and around the District’s service area.**

Chief Hosler informed the District of the plans for two (2) restaurants, two (2) retail openings, and a car wash that are being built in the District.

**Item 15 – Review and adopt any necessary revisions to the District’s Policies and Procedures Manual.**

A motion to adopt the amended Policies and Procedures Manual was made by Commissioner Abbey and seconded by Commissioner Keels. The motion carried **5** for (Commissioners Arceneaux, McDaniel, Abbey, Veit, and Keels), 0 against, with 0 abstentions.

**Item 16 – Review Memorandum Regarding 87<sup>th</sup> Legislative Session and Pending Legislation.**

Chief Hosler discussed HB2683 relating to remote public meetings. Ms. Adams the reviewed the memorandum regarding pending legislation and the status of same.

**Item 17- Review District personnel matters.**

No comment.

**Item 18 - Executive Session to discuss items as authorized by the Texas Open Meetings Act, as may be necessary.**

Executive Session was called at 2:20 p.m. The Commissioners, Chief Hosler, and Ms. Adams were in attendance. Such Executive Session regarded:

Section 551.071 Consultation with Attorney.

Executive Session concluded at 2:41 p.m. No action was taken.

The motion carried **5** for (Commissioners Arceneaux, McDaniel, Abbey, Veit, and Keels), 0 against, with 0 abstentions.

**Item 19 - Miscellaneous Inquiry.**

No comment.

**Item 20 – Adjourn.**

Motion was made by Commissioner McDaniel to adjourn at 2:42 p.m. and seconded by Commissioner Abbey. The motion carried **5** for (Commissioners Arceneaux, McDaniel, Abbey, Veit, and Keels), 0 against, with 0 abstentions.

Mark Abbey

Secretary, Board of Commissioners