

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

**JUNE 9, 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, June 9, 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, thus constituting a quorum. Also attending the meeting were: Fire Chief Kevin Hosler, Assistant Chief William Dicker, Assistant Chief Randy Doyle, Battalion Chief Sanguedolce, Captain Lee, Captain Carrizal, Lieutenant Matthews, Emily Daley, Alison Doyle, Helen Capozzelli, and Colwyn Lee, employees of the District; and Elliot M. Barner, of Radcliffe Bobbitt Adams Polley PLLC (the "Attorney" or "RBAP"), attorneys for the District. Also attending via videoconference were Ms. Sholeh Abedinzadeh, attorney, and Ms. Hannah Slaven, paralegal, of RBAP.

WHEREUPON, the meeting was called to order at 11:31 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, RECOGNITION, AND PROMOTIONS**

Chief Hosler and the Board recognized Mrs. Capozzelli for her years of service to the District and NFR.

**APPROVE MINUTES**

The Board considered approval of the May 12, 2021 regular meeting minutes, which were previously distributed to the Board. Upon motion by Commissioner Veit, seconded by Commissioner McDaniel, after full discussion and the question being put to the Board, the Board voted unanimously to approve the May 12, 2021 regular meeting minutes, as presented.

The Board next considered approval of the May 28, 2021 special meeting minutes, which

were previously distributed to the Board. Upon motion by Commissioner Veit, seconded by Commissioner Abbey, after full discussion and the question being put to the Board, with three (3) Commissioners voting aye, no Commissioners voting nay, and two (2) abstentions by Commissioners McDaniel and Keels, the Board approved the May 28, 2021 special meeting minutes, as presented.

In response to a question, Mr. Barner clarified that a Commissioner may move and vote to approve minutes even if such member was not present at the meeting for which such minutes were prepared, and abstention from voting in such cases is not required by law.

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

The Board then reviewed the agenda, minutes, and financial statements of NFR's June 8, 2021 Board of Directors meeting.

### **REVIEW AND APPROVE TREASURER'S REPORT**

Commissioner Veit next presented to and reviewed with the Board the Treasurer's Report. In response to a question, Chief Hosler explained that repairs performed to one of the District's trucks by Performance Trucks cost substantially less than estimated because such truck's engine had not required a full rebuild, and only certain parts of such engine had to be replaced. Upon motion by Commissioner Abbey, seconded by Commissioner McDaniel, after full discussion and the question being put to the Board, the Board voted unanimously to approve the Treasurer's Report.

### **REVIEW AND APPROVE MONTHLY INVOICES AND PAYMENTS**

Mrs. Doyle then presented to and reviewed with the Board monthly invoices and pending payments for authorization, including two (2) Spirit of Texas loan payments due July 1, 2021, related to the financing of a ladder truck purchase and construction of Station 62. Upon motion by Commissioner Veit, seconded by Commissioner Abbey, after full discussion and the question being put to the Board, the Board voted unanimously to approve monthly invoices as presented, including payment of two (2) Spirit of Texas loans.

### **SALES AND USE TAX REPORT**

Mrs. Doyle reviewed the Sales and Use Tax Report with the Board. Upon motion by Commissioner McDaniel, seconded by Commissioner Veit, after full discussion and the question being put to the Board, the Board voted unanimously to approve such report.

### **AUTHORIZE NEGOTIATIONS WITH NFR REGARDING RENEWAL OF SERVICE AGREEMENT (THE "AGREEMENT")**

Chief Hosler explained that the Agreement is renewed every two (2) years, and noted that a budget overhaul this year may require more changes than usual. Upon motion by Commissioner McDaniel, seconded by Commissioner Abbey, after full discussion and the question being put to the Board, the Board voted unanimously to authorize Chief Hosler to begin negotiating the renewal of the Agreement.

## **SET DATE FOR BUDGET WORKSHOP**

Chief Hosler requested that the Board set multiple dates in July to discuss the District's budget for its fiscal year ending ("FYE") September 30, 2022. After discussion, the Commissioners reached a consensus to schedule two meetings, July 8, 2021 at 10:00 a.m., and July 29, 2021 at 10:00 a.m. for the purposes of discussing such budget, with a possible third (3<sup>rd</sup>) meeting, if necessary.

## **REVIEW AND ADOPT RESOLUTION ADOPTING POST-ISSUANCE TAX-EXEMPT DEBT COMPLIANCE POLICY (THE "PICP")**

Mr. Barner then presented to and reviewed with the Board a draft of the PICP, a copy of which is attached hereto. Mr. Barner explained that since the District recently issued debt, the Board will need to adopt the PICP to ensure the District's compliance with arbitrage rebate and yield restrictions imposed by the Internal Revenue Service (the "IRS"). Mr. Barner also recommended that the District appoint a compliance officer as required by the PICP in order to ensure compliance with such policy.

Upon motion by Commissioner McDaniel, seconded by Commissioner Abbey, after full discussion and the question being put to the Board, the Board voted unanimously to adopt the Resolution Adopting the PICP and appoint Commissioner Veit as the District's Compliance Officer.

## **STATUS OF STATION 61 CONSTRUCTION**

Chief Hosler next explained that detention requirements for the Station 61 site still needed to be determined before construction could begin, and that survey results and soil samples from the site must be analyzed before the engineer could determine detention requirements. Assistant Chief Doyle clarified that the survey has been completed, and that District staff will meet with Grossman Design Build ("Grossman") at 1:30 p.m. on Tuesday June 15, 2021.

## **DISCUSS AVAILABLE PROPERTIES FOR NEW STATION LOCATION**

Chief Hosler stated that he was not aware of any properties of interest available for a new station at this time.

## **FIRE CHIEF'S REPORT**

Chief Hosler reviewed his report with the Board, a copy of which is attached hereto. Of note, the Chief reported that the District and NFR responded to 210 calls for emergency service, 36 of which were out-of-District, with an average response time of 6:23 minutes, and that he had recently hired three (3) new part-time firefighters. Chief Hosler also reported that the Department had just completed its Insurance Services Office ("ISO") rating evaluation, and was awaiting the updated rating. Chief Hosler next reported that the 1991 tanker truck previously declared surplus property by the Board has sold and been delivered to the buyer.

Chief Hosler also noted some issues at the Station 64 site, stating that he planned to have a fence removed, and wanted to plant either trees or other plants that would absorb plenty of water along the property line, and that there was some delay in installing a septic system until

these items were completed. Chief Hosler also explained that due to supply chain issues, doors for the station were on back order, and his contractor for the doors had said that they would not be able to obtain doors for the station until November or December of 2021. Chief Hosler stated he was in contact with Grossman regarding this matter in hopes that they might be able to procure doors on an expedited schedule.

Chief Hosler next presented to and reviewed with the Board a revised Standard Operating Procedure ("SOP") 304 regarding Grievance Procedures, which now provides a process for employees to appeal disciplinary matters to Human Resources. Chief Hosler stated that this change has been reviewed by the District's SOP Advisory Committee.

Chief Hosler also updated the Board regarding development in and around the District, noting that new water supply lines had been laid for an irrigation system on FM 1488, Taco Bell is under construction, and construction on the car wash is ongoing.

### **REVIEW AND ADOPT CHANGES TO POLICY & PROCEDURE ("P&P") MANUAL**

Chief Hosler explained that a change would need to be made to the District's P&P Manual to reflect the revision to SOP 304. Upon motion by Commissioner McDaniel, seconded by Commissioner Keels, after full discussion and the question being put to the Board, the Board voted unanimously to adopt such change to the P&P Manual.

### **DISTRICT PERSONNEL MATTERS**

The Board tabled this matter for discussion in executive session.

### **EXECUTIVE SESSION**

Pursuant to the provisions of the Texas Open Meetings Act, Chapter 551, Texas Government Code, as amended, specifically Sections 551.071 and 551.076(1) regarding personnel and real estate matters, Commissioner Arceneaux convened the Board in Executive Session at 12:07 p.m. to review personnel and real estate matters. The persons present in Executive Session were: all members of the Board, Chief Hosler, Assistant Chief Dicker, Mrs. Alison Doyle, and Mr. Barner. The Board reconvened into regular session at 12:37 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 12:37 p.m.

PASSED, APPROVED, AND ADOPTED this 14<sup>th</sup> day of July, 2021.

Mark Abbey, Secretary

Board of Commissioners