

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

**November 10, 2021**

**THE STATE OF TEXAS**

**COUNTY OF MONTGOMERY**

**MONTGOMERY COUNTY EMERGENCY SERVICES DISTRICT NO. 4**

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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, November 10, 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 Commissioner 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; Mrs. Alison Doyle; Ms. Emily Daley; Mr. Colwyn Lee; and Mr. Ken Carrizal. District consultants in attendance were Ms. Regina D. Adams, 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.

WHEREUPON, the meeting was called to order at 11:42 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**

Chief Hosler reported that Chief Weaver was being promoted to Chief of Training and would be the third (3<sup>rd</sup>) officer in charge of fire suppression. Chief Hosler administered the Oath of Office to Chief Weaver.

**APPROVE MINUTES**

The Board considered approval of the October 13, 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 October 13, 2021 regular meeting minutes.

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

The Board then reviewed the agendas, minutes, and financial statements of NFR's October 19, 2021 and November 9, 2021 Board of Directors meeting.

**TREASURER'S REPORT**

Commissioner Veit next presented to and reviewed with the Board the Treasurer's Report. 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 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. 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 authorize payment of the monthly invoices, as presented.

**REVIEW AND AMEND DISTRICT'S BUDGET FOR FISCAL YEAR ENDING ("FYE") SEPTEMBER 30, 2022 (THE "2022 BUDGET")**

**REVIEW AND AMEND DISTRICT'S TEXAS COUNTY AND DISTRICT RETIREMENT SYSTEM ("TCDRS") RETIREMENT PLAN, AS MAY BE NECESSARY**

Mrs. Doyle presented to and reviewed with the Board the proposed amendments to the 2022 Budget. Mrs. Doyle stated that the District anticipates additional tax revenue in the amount of \$144,085 determined subsequent to the setting of the District's 2022 Budget and adoption of the District's 2021 tax rate. Chief Hosler stated that the additional revenue is proposed to be accounted for amongst various expense line items where unexpected costs typically occur. Mrs. Doyle added that some of the additional revenue could be utilized to increase the District's contribution to its retirement plans.

Mrs. Doyle then presented to the Board a current and proposed plan comparison for retirement plans through TCDRS. Mrs. Doyle reported that premiums have increased. Mrs. Doyle also reported that the proposed plan outlines the District's contribution of ten percent (10%) and the employees contribution of five percent (5%).

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 the

amendments to the 2022 Budget, as presented.

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 and amend the proposed retirement plan through TCDRS, as presented.

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

Mrs. Doyle reviewed the Sales and Use Tax Report with the Board.

Ms. Adams entered the meeting at this time.

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 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. 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 accept the Tax Assessor-Collector's Report.

### **STATUS OF STATION NO. 61 CONSTRUCTION**

Chief Hosler reviewed with the Board the status of design of Station No. 61. Chief Hosler reported that the District is approximately 80% complete with civil engineering and is ready to submit plans to Montgomery County (the "County") for review and approval. Chief Hosler reviewed the District's energy efficiency plans and stated the District is currently researching grants for solar power.

Chief Hosler stated that design should be complete by the end of February 2022, subject to County approval of the District's plans.

### **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 230 service calls, 33 of which were out of District, with an average response time of 6:13 minutes.

Chief Hosler reminded the Board that he obtained quotes for repairs to the District's Ford F-550 that was previously declared as surplus property. Chief Hosler recommended to the Board that the Ford F-550 remain surplus property, as repairs are too extensive and costly.

Chief Hosler next reviewed with the Board recommended revisions to District standard operating procedures ("SOPs") pertaining to officers. Chief Hosler stated that all officer-related SOPs now include stipulations that officers cannot work part-time positions that interfere with their duties as a District employee.

Chief Hosler next reported that the District's new Pierce Manufacturing ("Pierce") truck purchased from Cummins, Inc. ("Cummins") has a broken fuel rail which has been recalled and noted that the truck is rendered unusable. Chief Hosler reported that parts covered by the warranties are not available and any other parts would void such warranties. A discussion ensued regarding the warranties on the Pierce truck and the possibility of RBAP requesting an extension of same to Pierce.

Chief Hosler reported that the Chic-fil-A is almost complete, and construction of the conference center has ceased as the required detention pond is too costly.

Upon motion by Commissioner McDaniel and seconded by Commissioner Keels, after full discussion and the question being put to the Board, the Board voted unanimously to authorize RBAP to prepare correspondence to Cummins and Pierce regarding freezing and/or extending the warranties on the Pierce truck.

#### **REVIEW PERSONNEL MATTERS**

The Board tabled this matter until Executive Session.

#### **REVIEW DISTRICT REAL ESTATE MATTERS, INCLUDING DUE DILIGENCE MATTERS RELATED TO POTENTIAL STATION PROPERTY PURCHASE AND TAKE ANY NECESSARY ACTIONS ON SAME**

Chief Hosler and Ms. Adams reviewed with the Board the status of the purchase of land and a life lease to the seller for a portion of such land. An extensive discussion ensued regarding moving the seller to a different location on the property. In response to a question, Commissioner Arceneaux stated the District would pay the utility transfer costs, if needed. Chief Hosler stated that the District needs an overall survey of the land being purchased as well as a survey of the land to which the seller will have a life lease.

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 appoint Commissioners Arceneaux and Keels to a committee to assess and determine area to lease to the seller.

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

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

**EXECUTIVE SESSION**

Pursuant to the provisions of the Texas Open Meetings Act, Chapter 551, Texas Government Code, as amended, specifically Section 551.074 regarding personnel matters, Commissioner Arceneaux convened the Board in Executive Session at 1:33 p.m. to review personnel and real estate matters. The persons present in Executive Session were: Commissioners Arceneaux, McDaniel, Veit and Keels; Chief Hosler; and Mrs. Doyle.

**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 1:45 p.m. at which time the following action was taken by the Board:

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 authorize personnel payments as discussed in Executive Session.

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 December, 2021.



*Karen D. Keels*  
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Assist. Secretary, Board of Commissioners