

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

**April 12, 2023**

**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 No. 61, 9430 State Highway 242 East, Conroe, Texas 77385, the regular meeting place of the District, on Wednesday, April 12, 2023, at 11:30 a.m.; whereupon, the roll was called of the members of the Board, to-wit:

Brian Arceneaux	President
Gary Landrum	Vice President
Mark Abbey	Secretary
Raymond Veit	Treasurer
Karen Keels	Assistant Secretary/Treasurer

All members of the Board were present at the meeting, 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; Mrs. Kelly Sipp; Mr. Colwyn Lee; Mr. Ken Carrizal; and Mr. Steven Waldrep. District consultants in attendance were: Ms. Regina D. Adams and Ms. Meredith King (via videoconference), attorneys, and Ms. Raechel Rodriguez (via videoconference), legal assistant, of Radcliffe Adams Barner PLLC (the "Attorney" or "RAB"), attorney for the District.

WHEREUPON, the meeting was called to order at 11:33 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 awards or promotions.

**APPROVE MINUTES**

The Board considered approval of the March 8, 2023 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 March 8, 2023 regular meeting minutes.

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

The Board then reviewed the minutes and financial statements of NFR's prior Board of Directors meeting.

**REVIEW AND APPROVE AUDIT REPORT FOR FISCAL YEAR ENDED ("FYE") SEPTEMBER 30, 2022 ("2022 AUDIT")**

This matter was tabled until the May Board meeting.

**STATUS OF STATION NO. 61 CONSTRUCTION**

Chief Hosler reported that the Station No. 61 construction was progressing.

The Board then reviewed Pay Application ("PA") No. 8 from Grossman Design Build ("GDB") in the amount of \$684,236.94 in connection with Station No. 61 construction.

The Board then reviewed Change Order ("CO") No. 2 from GDB in an additive amount of \$35,948.00 for culvert improvements and to fill an island on the east side of the building with concrete. Chief Hosler also noted the need for erosion control.

Upon motion by Commissioner Abbey, seconded by Commissioner Keels, after full discussion and the question being put to the Board, the Board voted unanimously to approve PA No. 8 in the amount of \$684,236.94 and CO No. 2 in the additive amount of \$35,948.00.

**TEMPORARY STATION NO. 63 CONSTRUCTION**

Chief Hosler presented a proposal from Lone Star Pavement Services ("Lone Star") in the amount of \$24,983.63 for paving the inside of the Station No. 63 building, including the driveway. Chief Hosler also stated that the septic system was completed for Station No. 63 and additional information needed to be provided to Montgomery County to obtain the related permit.

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 proposal from Lone Star in the amount of \$24,983.63, subject to legal review.

**REPAIRS TO STATION NO. 62 GARAGE**

Chief Hosler stated that the repairs to the Station No. 62 garage were completed.

**TREASURER'S REPORT**

Commissioner Veit next presented to and reviewed with the Board the Treasurer's Report. Upon motion by Commissioner Abbey, 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.

**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 first quarter of 2023 was \$58,663.14.

**MONTHLY INVOICES AND PAYMENTS**

Mrs. Doyle then presented to and reviewed with the Board monthly invoices and pending payments for approval, including a loan payment to Spirit of Texas Bank for the new multi-vocational pumper. 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.

**SALES AND USE TAX REPORT**

Mrs. Doyle reviewed with the Board the Sales and Use Tax Report. Upon motion by Commissioner Veit, seconded by Commissioner Landrum, 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 Landrum, 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.

**REVIEW AND APPROVE DISTRICT EMERGENCY RESPONSE PLAN, AS NECESSARY**

This matter was tabled until the May Board meeting.

**REVIEW AND ACCEPT PROPOSALS FOR WEBSITE/PUBLIC RELATIONS SERVICES AND TAKE ANY NECESSARY ACTIONS ON SAME**

Chief Hosler stated that he met with a website company who indicated that it could perform an annual review of the District's website for a flat fee.

**REVIEW PROPOSAL FOR 2023 PURCHASE OF CHEVROLET TAHOE**

Chief Hosler then presented a proposal in the amount of \$52,477.00 from Buckalew Chevrolet, LP ("Buckalew") for a 2023 Chevrolet Tahoe.

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 proposal from Buckalew in the amount of \$52,477.00.

## **ADOPT ORDER DECLARING PROPERTY AS SURPLUS PROPERTY AND AUTHORIZING SALE OF SAME**

Chief Hosler stated that the District owned a diesel cargo truck which was in need of repairs more costly than the value of such truck. Chief Hosler then recommended declaring the truck as surplus property and authorizing the sale of same.

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 adopt the Order Declaring Property as Surplus Property and Authorizing Sale of Same.

## **FIRE CHIEF'S REPORT**

Chief Hosler then reviewed the Fire Chief's Report and the status of operations with the Board. Chief Hosler reported that, in March, the District and NFR responded to 231 service calls, 34 of which were out of District, with an average response time of 5:92 minutes.

Chief Hosler reported that maintenance staff began moving District property to the Station No. 62 garage area. Chief Hosler also reported that the Training Division had been working on TCFP classes and that 43 firefighters had completed the class.

Chief Hosler also reported that District staff was working on the projected plan for the apparatus replacement and would schedule a trip to visit potential vendors and manufacturing plants.

Chief Hosler stated that District staff also held construction meetings with AG|CM, Inc. and GDB regarding Station No. 61 construction and also worked to have repairs made to Station Nos. 63 and 62.

Chief Hosler also presented Standard Operating Procedures ("SOP's") Nos. 122, 123, and 312 regarding Budgets, the Administrative Assistant position, and Fit for Duty, respectively.

## **REVIEW AND ADOPT AMENDMENTS TO THE DISTRICT'S POLICIES AND PROCEDURES ("P&P") MANUAL**

Chief Hosler stated that District staff would be forwarding the District's Employee Handbook and SOPs and SOGs to RAB for review.

Chief Hosler went on to explain that revisions would need to be made to the District's P&P Manual to reflect the revisions to SOP Nos. 122, 123, and 312.

Upon a motion by Commissioner Abbey, seconded by Commissioner Keels, after full discussion and the question being put to the Board, the Board voted unanimously to adopt such revisions to the P&P Manual, subject to legal review.

## **REVIEW UPDATES FROM THE 88<sup>TH</sup> TEXAS LEGISLATURE**

Chief Hosler then reported on several bills that have been filed in the 88<sup>th</sup> Texas Legislative Session. Chief Hosler specifically stated his concerns with House Bill 1775, relating to the election of board members of certain emergency services districts, and Senate Bill 175, related to the use of public funds by a political subdivision for lobbying and certain other activities.

**REVIEW PERSONNEL MATTERS**

The Board tabled this matter for discussion in Executive Session.

**REVIEW DISTRICT REAL ESTATE MATTERS**

There were no real estate matters to review.

**EXECUTIVE SESSION**

Commissioner Arceneaux then stated that the Board would convene in Executive Session to deliberate personnel matters pursuant to Section 551.074, Texas Government Code.

All members of the Board present and Chief Hosler convened into Executive Session at 1:09 p.m.

**RECONVENE IN OPEN SESSION**

The Board reconvened in open session at approximately 1:17 p.m., at which time no action was taken by the Board.

There being no further business to come before the Board, and upon motion by Commissioner Landrum, seconded by Commissioner Arceneaux, after full discussion and the question being put to the Board, the Board voted unanimously to adjourn the meeting at 1:17 p.m.

PASSED, APPROVED, AND ADOPTED this 10<sup>th</sup> day of May, 2023.



  
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Secretary, Board of Commissioners