

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

**July 12, 2023**

**THE STATE OF TEXAS**

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**COUNTY OF MONTGOMERY**

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**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, July 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, except Commissioners Landrum 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 Richard Sanguedolce; Lieutenant Cody Brown; Lieutenant Jeffrey Zepeda; Mrs. Alison Doyle; Ms. Emily Daley; Mrs. Kelly Sipp; and Messrs. Colwyn Lee and Steven Waldrep. District consultants in attendance were: Ms. Regina D. Adams (via videoconference) and Ms. Meredith King, attorneys, and Ms. Raechel Rodriguez (via videoconference), legal assistant, of Radcliffe Adams Barner PLLC (the "Attorney" or "RAB"), attorney for the District; and Mr. John Nuche of AG|CM. Also in attendance was Mrs. Kaycee Brown.

WHEREUPON, the meeting was called to order at 11:30 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 recognized Wesley Creager and Colby Stump as recipients of the Excellence Certificate for going above and beyond in their duties. Chief Hosler went on to recognize Lt. Brown as a recipient of the Excellence Certificate for making an impact during his short tenure with the District.

## **APPROVE MINUTES**

The Board considered approval of the minutes of the June 2, 2023 special and June 14, 2023 regular Board meetings, 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 June 2, 2023 special meeting minutes. 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 June 14, 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.

## **APPROVE SECOND AMENDED AND RESTATED SERVICES AGREEMENT (THE "NFR AGREEMENT")**

Ms. King explained that the NFR Agreement was amended to include a two (2) year term and noted that the statutory verifications were updated. 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 NFR Agreement.

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

Chief Hosler reviewed with the Board the status of design and construction activities.

The Board reviewed Pay Application ("PA") No. 11 from Grossman Design Build ("GDB") in the amount of \$326,947.34 in connection with Station No. 61 construction.

Chief Hosler reminded the Board that Montgomery County Municipal Utility District No. 15 ("MCMUD No. 15") informed the District that it would need to install a six-inch (6") water meter in lieu of the originally proposed two-inch (2") meter in order to meter and monitor the fire sprinkler line, the station's fire hydrant which fills the trucks, and the station's domestic water line. Chief Hosler reported that the proffered tap fee was \$58,281.06. Ms. Adams then reported that she had conversations with MCMUD No. 15 regarding various line items on the tap fee invoice that were not accounted for in MCMUD No. 15's Rate Order and requested various revisions to same. Chief Hosler stated that he would attend MCMUD No. 15's Board meeting later in the day when MCMUD No. 15 would consider the District's requests.

Ms. Adams noted that the Change Order approved at the June 14, 2023 Board meeting in the amount of \$20,400.00 stated that it was for the six-inch (6") water meter. Ms. Adams stated that she has spoken to GDB and confirmed that the reference to the six-inch (6") meter was inaccurate and needed to be revised.

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: 1) PA No. 11 in the amount of \$326,947.34; 2) the tap fee invoice from MCMUD No. 15, subject to the requested revisions; and 3) the revised Change Order omitting the installation of the six-inch (6") meter.

### **TEMPORARY STATION NO. 63 CONSTRUCTION**

Chief Hosler stated that the District sent Requests for Proposals for installation of a sprinkler system and alarm system for Station No. 63. Chief Hosler recommended accepting the proposals from Maverick First Aid LLC d/b/a Maverick Fire and Safety ("Maverick") in the amount of \$13,050.00 for the sprinkler system and \$10,364.00 for the alarm system. Ms. Adams noted that the bid was not the lowest bid and requested the Board table this matter until later in the meeting upon an opportunity to further review.

### **REVIEW AND APPROVE PURCHASE OF FURNITURE, FIXTURES AND EQUIPMENT ("FFE") FOR ANY APPLICABLE STATION, AS NECESSARY**

Chief Hosler presented to the Board a proposal from Geargrid Corporation ("Geargrid") in the amount of \$12,248.83 for the purchase of 27 gear lockers for Station Nos. 62 and 63. Chief Hosler noted that Geargrid sent two (2) orders instead of one (1). Chief Hosler stated that if the District sent back the additional order, the cost would be \$7,616.85. Chief Hosler added that if the District kept the additional order, the cost would be \$12,248.83. 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 proposal from Geargrid in an amount up to \$12,248.83 for the purchase of gear lockers, subject to potentially returning a portion of the order.

### **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 second (2<sup>nd</sup>) quarter of 2023 was \$63,078.53.

### **MONTHLY INVOICES AND PAYMENTS**

Mrs. Doyle then presented to and reviewed with the Board monthly invoices and pending payments for approval. Ms. Adams noted that RAB would issue a credit on the next invoice for duplicative copy charges. 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 Keels, 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. King presented to and reviewed with the Board the monthly Tax Assessor-Collector'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 accept the Tax Assessor-Collector's Report.

**DISCUSS GENERAL, PROPERTY AND WORKERS' COMPENSATION INSURANCE RENEWAL AND AUTHORIZE DISTRICT STAFF TO OBTAIN PROPOSALS FOR SAME (EXPIRES SEPTEMBER 30, 2023)**

Mrs. Doyle next reminded the Board that the District's general, liability, automobile, property and workers' compensation insurance was set to expire on September 30, 2023 and requested the Board authorize District staff to obtain proposals for same. An extensive discussion ensued regarding statutory changes that would affect workers' compensation coverage. Further discussion ensued regarding whether employees were classified as employees of the District or NFR. 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 District staff to obtain proposals for general, liability, property, automobile, and workers' compensation.

**AUTHORIZE FACILITIES AND APPARATUS VALUATIONS UPDATE FOR INSURANCE PURPOSES**

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 District staff to update the District facilities and apparatus valuations for insurance purposes.

**DISCUSS EMPLOYEE MEDICAL AND DENTAL INSURANCE RENEWAL AND AUTHORIZE DISTRICT STAFF TO OBTAIN PROPOSALS FOR SAME (EXPIRES SEPTEMBER 30, 2023)**

Mrs. Doyle next reminded the Board that the employee medical and dental insurance was set to expire on September 30, 2023 and requested the Board authorize District staff to obtain proposals for 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 authorize District staff to obtain proposals for employee medical and dental insurance.

**DISCUSS ANNUAL EMPLOYEE EVALUATION OF CHIEF HOSLER AND RENEWAL OF CONTRACT FOR EMPLOYMENT OF FIRE CHIEF (EXPIRES OCTOBER 1, 2022)**

Mrs. Doyle presented to the Board the annual employee evaluation form for Chief Hosler and noted the Board would discuss this matter and the related employment contract at the August Board meeting.

**ADOPT RESOLUTION ADOPTING AMENDED DISTRICT FEES OF OFFICE AND REIMBURSEMENT POLICY ("AMENDED REIMBURSEMENT POLICY")**

Ms. King then reviewed the Amended Reimbursement Policy with the Board and the recommended revisions to same. Ms. King reported that recently enacted legislation allowed the District to increase the maximum daily fees of office payable to Commissioners at an amount not to exceed the amount of the per diem set by the Texas Ethics Commission for members of the Texas Legislature, which was \$221.00. Ms. Adams then explained the duties of Commissioners and stated that the annual limit of \$7,200.00 on the fees of office has not changed. 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 adopt the Amended Reimbursement Policy.

**ADOPT ORDER ADOPTING NATIONAL FIRE PROTECTION ASSOCIATION ("NFPA") 291 RECOMMENDED PRACTICE FOR WATER FLOW TESTING AND MARKING OF HYDRANTS ("NFPA 291")**

Chief Hosler reported that the Montgomery County (the "County") Fire Marshal recommended the District adopt NFPA 291 regarding the practice of water flow testing and marking of fire hydrants. An extensive discussion ensued regarding which entities were responsible for water flow testing and the marking of the fire hydrants. Ms. Adams noted that public water systems, such as water districts and cities handled such matters and should be made aware of the new standards before implementation. The Board tabled this matter until additional information was received.

**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 June, the District and NFR responded to 247 service calls, 37 of which were out of District, with an average response time of 7:09 minutes.

Chief Hosler reported that Station No. 63 was damaged during a recent storm.

Chief Hosler also reported that the District's IT department completed the radio assessment and were working with the County to begin reprogramming or replacing radios.

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

Ms. King updated the Board on the status of RAB's review of the District's P&P Manual.

**REVIEW PERSONNEL MATTERS**

There were no personnel matters to review.

**REVIEW DISTRICT REAL ESTATE MATTERS**

It was noted that real estate matters would be reviewed in Executive Session.

**EXECUTIVE SESSION**

Pursuant to the provisions of the Texas Open Meetings Act, Chapter 551, Texas Government Code, as amended, specifically Section 551.072 regarding real estate matters, Commissioner Arceneaux convened the Board in Executive Session at 1:16 p.m. The persons present in Executive Session were: Commissioners Arceneaux, Veit and Keels; Chief Hosler; Ms. Adams (via teleconference); and Ms. King.

**RECONVENE IN OPEN SESSION**

The Board reconvened in open session at approximately 1:38 p.m., at which time no action was taken by the Board.

It was the consensus of the Board to table consideration of the Maverick proposal until a later date.

There being no further business to come before the Board, and 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 adjourn the meeting at 1:40 p.m.

PASSED, APPROVED, AND ADOPTED this 9<sup>th</sup> day of August, 2023.



*Lauren D. Keels*  
Asst. Secretary, Board of Commissioners