

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

September 11, 2019

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

The meeting was called to order at 12:01 pm by Commissioner Arceneaux. The Commissioners present were: Brian Arceneaux, Mark Abbey, Raymond Veit, and Howard Livesay. Commissioner Roxann McDaniel was unable to attend. Also in attendance were: Chief Hosler, Assistant Chief Dicker, Assistant Chief Doyle, Alison Doyle, Helen Capozzelli, Teri Johnson, Captain Carrizal, Lieutenant Moore, Ricardo Martinez (Martinez Architects), and Regina Adams (“RBAP”).

**Item 2 – Public comments.**

No Comments.

**Item 3 - Presentation of Architectural Feasibility Study for Station 61.**

Mr. Martinez reviewed the preliminary Architectural Feasibility Study with the Commissioners explaining that confirmation from the civil engineer regarding the detention ponds would be needed before the completed study should be approved and accepted. Mr. Martinez stated that after meeting with the civil engineer cost estimates would be able to be prepared.

**Item 4 - Review, and if found appropriate, accept Architectural Feasibility Study for Station 61.**

This item was tabled until a later Board meeting.

**Item 5 - Approve the minutes of the regular meeting of August 14, 2019.**

A motion to approve the minutes was made by Commissioner Veit and seconded by Commissioner Livesay. The motion carried 3 for (Commissioners Abbey, Veit, and Livesay), 0 against, with 1 abstention (Commissioner Arceneaux).

**Item 6 - Review the minutes and financial statements from the Needham Fire Rescue (“NFR”) September 3, 2019 Board of Directors meeting.**

The agenda, minutes, and the financial statement from the September 3, 2019 NFR Board of Directors meeting were reviewed. Commissioner Livesay asked for the date of National Night Out. It was noted that National Night Out is October 1<sup>st</sup>. No action was taken.

**Item 7 - Review, and if found appropriate, adopt Order Adopting Fiscal Year Ending (“FYE”) September 30, 2020 Budget (the “Budget”).**

Mrs. Doyle explained that the Budget had been updated with the revisions suggested at the August Board meeting. Mrs. Doyle also informed the Commissioners that as of that date, the District is \$941,679.00 in the black. When asked, Mrs. Doyle explained that the Contingency Expenses were funds that had not be spent. A motion to adopt the Order Adopting FYE September 30, 2020 Budget, as discussed, by Commissioner Livesay and seconded by Commissioner Veit. The motion carried 3 for (Commissioners Abbey, Veit, and Livesay), 0 against, with 1 abstention (Commissioner Arceneaux).

**Item 8 - Adopt Order Setting 2019 Ad Valorem Tax Rate.**

- a) Consider, Adopt, and Set by Order the 2019 Ad Valorem Tax Rate for Maintenance and Operation, \$0.0570/\$100.

- b) Consider, Adopt, and Set by Order the 2019 Ad Valorem Tax Rate for Debt Service, \$0.0369/\$100.

After discussion, a motion to adopt the Order Setting 2019 Ad Valorem Tax Rate, as discussed, by Commissioner Abbey and seconded by Commissioner Livesay. The motion carried 3 for (Commissioners Abbey, Veit, and Livesay), 0 against, with 1 abstention (Commissioner Arceneaux).

**Item 9 - Review and approve Treasurer's monthly report.**

Commissioner Veit reviewed the Treasurer's Report with the Board. A motion was made by Commissioner Livesay and seconded by Commissioner Abbey to accept the Treasurer's Report, as presented by Commissioner Veit. The motion carried 3 for (Commissioners Abbey, Veit, and Livesay), 0 against, with 1 abstention (Commissioner Arceneaux). The fund account balances at Woodforest National Bank, N.A. ("Woodforest") are as follows:

- A. General Fund Account (6823) - \$527,813.47
- B. Debt Service Account (6864) - \$12,714.78
- C. Reserve Account (6880) - \$1,510,582.52
- D. Sales Tax Revenue Account (6872) - \$98,945.12
- E. Payroll Account (9181) - \$2,128.32

**Item 10 - Review and approve monthly invoices.**

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. The motion carried 3 for (Commissioners Abbey, Veit, and Livesay), 0 against, with 1 abstention (Commissioner Arceneaux).

**Item 11 – Review and if appropriate, authorize purchase of a new Engine.**

Chief Hosler explained to the Commissioners that the items previously included in the schematics of the Engine that do not work with the current fleet have been removed. Chief Hosler noted that the Engine is 27.7' which is smaller than the Districts tankers (30'). Chief Hosler stated that the Engine is almost 20,000 pounds lighter than the current engines. Chief Hosler also stated that all of the parts on the Engine can be found locally and that after the warranty period ends the Engine will be able to be repaired locally. A motion was made by Commissioner Abbey and seconded by Commissioner Veit to authorize purchase of the new Engine. The motion carried 3 for (Commissioners Abbey, Veit, and Livesay), 0 against, with 1 abstention (Commissioner Arceneaux).

**Item 12 - Engage Auditor for preparation of audit for Fiscal Year Ending ("FYE") September 30, 2019.**

The Commissioners reviewed the letter of understanding from McCall Gibson Swedlund Barfoot PLLC. A motion was made by Commissioner Livesay and seconded by Commissioner Abbey to engage the auditor to prepare the audit for FYE September 30, 2019. The motion carried 3 for (Commissioners Abbey, Veit, and Livesay), 0 against, with 1 abstention (Commissioner Arceneaux).

**Item 13 - Review and approve 2019-2020 Annual Agenda.**

The Commissioners reviewed the 2019-2020 Annual Agenda. A motion was made by Commissioner Abbey and seconded by Commissioner Livesay to approve the 2019-2020 Annual Agenda. The motion carried 3 for (Commissioners Abbey, Veit, and Livesay), 0 against, with 1 abstention (Commissioner Arceneaux).

**Item 14 - Review and approve Second Amended and Restated Service Agreement with NFR (the “NFR Agreement”).**

Ms. Adams explained that the term of the NFR Agreement is two (2) years and that she and Mr. Mark Smith, NFR’s attorney, had reviewed the terms thereof in light of new legislation, and the only significant amendments, beyond cleaning up redundant terms, were to the compensation provisions. A motion was made by Commissioner Abbey and seconded by Commissioner Veit to approve the NFR Agreement. The motion carried 3 for (Commissioners Abbey, Veit, and Livesay), 0 against, with 1 abstention (Commissioner Arceneaux).

**Item 15 - Review and approve Second Amended and Restated Agreement for Employment with Kevin Hosler.**

After discussion, a motion was made by Commissioner Livesay and seconded by Commissioner Veit to approve the Second Amended and Restated Agreement for Employment with Kevin Hosler. The motion carried 3 for (Commissioners Abbey, Veit, and Livesay), 0 against, with 1 abstention (Commissioner Arceneaux).

**Item 16 – Monthly Chief’s Report:**

A. Summary of Department Monthly Financials and Call Activity

Chief Hosler presented his monthly report to the Commissioners. Chief Hosler noted that the District and NFR responded to 142 calls, 19 of which were outside the District. The overall response time was 5:17 (5:48) minutes.

- The Department completed 641.0 hours of training.
- Chief Hosler worked 256.5 hours, with 10 days off.
- Chief Hosler worked with the Montgomery County Commissioner, Precinct 4 personnel on the Firehouse Road construction.
- Chief Hosler worked on TIFMAS (Texas Intrastate Fire Mutual Aid System) task books with the crews
- Chief Hosler, Assistant Chief Dicker, Captain Carrizal, and Firefighter Hosler made a trip to Holden, Louisiana to pick-up Truck 61.
- District personnel placed Truck 61 back in service.
- There was a house fire in Montgomery Creek Ranch. Firefighter Franks was transported to the hospital for heat-related injuries.
- Administration completed working with the Command Staff on the concrete issues with the front parking lot of Station 61.
- District personnel made several truck repairs in-house. Replaced tires on Maintenance 661 (Captain Carrizal’s); Tanker 64 dump valve bushing wore out and the parts were ordered; General Truck Body installed new breaker for rear motor on Booster 61; MVP is down with a blown turbo and wheel seal on right rear; 2012 command truck (#6) light bar went bad, was removed from the truck and the command center for emergency lights was replaced and rewired.
- Chief Hosler was injured on a rescue call in Wood Hollow and was in the hospital two (2) times for excessive high blood pressure.
- Chief Hosler worked with Administration staff on the insurance renewals for the medical benefits and the property insurance for the District.
- Chief Hosler worked to complete the FYE September 30, 2019 budgets for the District and NFR.
- Chief Hosler worked with Mrs. Capozzelli to revise the vehicle maintenance Standard Operating Guideline (SOG) to a Standard Operating Procedure (SOP).
- Chief Hosler is working on the proposed new engine replacement with Pierce Manufacturing.



Chief Hosler informed the Commissioners that the continuing issue with the front pad concrete at Station 61 has reached the point where it needs to be repaired. As of the Board meeting the repair costs are approximately \$15,000.00. Chief Hosler stated that for the next Board meeting cost estimates for the repair and necessary insurance and Form 1295's will be presented for the Board's consideration.

B. Review and consider any new and/or revised Department SOP's and SOG's

The following SOP's were presented:

- 1) Index-approved
- 2) SOP 111a – Full/Part-Time Firefighter-approved
- 3) SOP 113 – Organization Chart-approved
- 4) SOP 118 – Engine/Operator ("E/O") -approved
- 5) SOP 201 – Leave of Absence-approved
- 6) SOP 202 – Energy Conservation-approved
- 7) SOP 205 – Code of Conduct and Ethics-approved
- 8) SOP 215 – Open Records Request-approved
- 9) SOP 449 – Vehicle Maintenance Program-approved
- 10) SOG 1901 – Department Task Schedule-approved

**Item 17 – 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 Livesay and seconded by Commissioner Abbey. The motion carried 3 for (Commissioners Abbey, Veit, and Livesay), 0 against, with 1 abstention (Commissioner Arceneaux).

**Item 18 - Review service developments in and around the District's service area.**

Chief Hosler informed the District that the tank farm will have its first hearing with the Texas Commissioner on Environmental Quality ("TCEQ") and the developer. Chief Hosler stated that he will be in attendance for suppression and containment. Chief Hosler noted that Montgomery Creek Ranch is starting its last phase and Harper's Trace is moving across the drainage ditch and about to start its next phase by Carter Slough. Chief Hosler also reported that HEB construction is ahead of schedule and has begun the concrete pads for the parking area businesses. Chief Hosler noted that there will be two (2) banks and a restaurant, who's plans are now under review and Blue Wave will begin construction in the next 1-2 months and Wendy's should begin construction within the next month. Chief Hosler stated that the property across Firehouse Road from Station 61 will be a six (6) story Cube Storage with an alleyway in between connecting Firehouse Road and South Gleneagles. Chief Hosler reported that in the FM 1488 area the business that wants to purchase the corner property will be surveying part of the Station 64 property as well as their own property and after the survey is completed, an amended lease for the Station 64 property with Montgomery County will be necessary. Chief Hosler added that the business will construct seven (7) midsized store fronts and two (2) commercial pad sites. Chief Hosler added that Texas Department of Transportation ("TXDOT") will close Donwick and Great Oaks to widen and lengthen the left turn lane for Harper's Preserve.

**Item 19 - Executive Session to discuss items as authorized by the Texas Open Meetings Act, as may be necessary.**

Executive Session was called at 2:22 p.m. The Commissioners, and Chief Hosler were in attendance. Such Executive Session regarded:

Section 551.074 Personnel.

Executive Session concluded at 2:42 p.m. No action was taken.

**Item 20 - Miscellaneous Inquiry**

No comment.

**Item 21 - Adjourn**

Motion was made by Commissioner Abbey to adjourn at 2:42 p.m. and seconded by Commissioner Veit. The motion carried **4** for (Commissioners Arceneaux, Abbey, Veit, and Livesay), 0 against, with 0 abstentions.

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Mark Abbey  
Secretary, Board of Commissioners

