

MINUTES OF MEETING OF THE BOARD OF COMMISSIONERS

September 13, 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, September 13, 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; and Mr. Colwyn Lee. 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; Ms. Robin Humphrey of HDL Companies, sales tax consultant to the District; Ms. Jennifer Day of McCall Gibson Swedlund Barfoot PLLC ("MGSB"), auditor for the District; Mr. John Nuche of AG|CM; and Mr. Philip Corley (via videoconference) of Leavitt Group ("Leavitt"), insurance broker for the District.

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

There were no staff awards.

APPROVE MINUTES

The Board considered approval of the minutes of the August 7, 2023 workshop and August 9, 2023 regular Board meetings, which were previously distributed to the Board. Upon motion by Commissioner Abbey, seconded by Commissioner Veit, after full discussion and the question being put to the Board, the Board voted unanimously to approve the minutes of the August 7, 2023 workshop and August 9, 2023 regular Board meetings.

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.

Ms. Adams entered the meeting at this time.

REVIEW AND ACCEPT NFR BUDGET FOR FISCAL YEAR ENDING ("FYE") SEPTEMBER 30, 2024 (THE "2024 NFR BUDGET")

Chief Hosler then reviewed with the Board the proposed 2024 NFR Budget. Upon motion by Commissioner Abbey, seconded by Commissioner Landrum, after full discussion and the question being put to the Board, the Board voted unanimously to accept the 2024 NFR Budget.

PUBLIC HEARING ON 2023 TAX RATE

ADOPT ORDER SETTING RATE AND LEVYING TAX FOR 2023 (THE "TAX RATE ORDER")

Chief Hosler noted that the Public Hearing on 2023 Tax Rate and the Tax Rate Order needed to be tabled due to the notice of same not being posted on the District's website in a timely manner. 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 republication of the notice of the proposed 2023 tax rate and reschedule the public hearing on same for September 27, 2023 at 11:00 a.m. at Station No. 61.

STATUS OF STATION NO. 61 CONSTRUCTION

Chief Hosler reviewed with the Board the status of design and construction activities. Chief Hosler reported that construction of Station No. 61 would be substantially complete once electricity service from Entergy Texas, Inc. was established.

The Board reviewed Pay Application ("PA") No. 13 from Grossman Design Build ("GDB") in the amount of \$293,630.78 in connection with Station No. 61 construction.

Upon motion by Commissioner Abbey, seconded by Commissioner Landrum, after full discussion and the question being put to the Board, the Board voted unanimously to approve PA No. 13 in the amount of \$293,630.78.

TEMPORARY STATION NO. 63 CONSTRUCTION

Chief Hosler noted that the District was awaiting plans and data for the Station No. 63 sprinkler system.

REVIEW AND APPROVE PURCHASE OF FURNITURE, FIXTURES AND EQUIPMENT FOR ANY APPLICABLE STATION, AS NECESSARY

Chief Hosler stated there was nothing to review at this time.

TREASURER'S REPORT

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

STATUS OF STATION NO. 61 CONSTRUCTION (CONT.)

Chief Hosler presented to and reviewed with the Board an Allowance Transfer ("AT") from GDB for building signage in the deductive amount of \$5,120.00. 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 AT from GDB in the deductive amount of \$5,120.00 for building signage.

MONTHLY INVOICES AND PAYMENTS

Mrs. Doyle then presented to and reviewed with the Board monthly invoices and pending payments for approval. 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

Ms. Humphrey reviewed with the Board the Sales and Use Tax Report. Upon motion by Commissioner Landrum, 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.

Ms. Humphrey exited the meeting at this time.

REVIEW AND APPROVE 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 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.

CONFIRM ENGAGEMENT OF AUDITOR FOR PREPARATION OF AUDIT FOR FYE SEPTEMBER 30, 2023 (THE "2023 AUDIT REPORT")

Ms. Day presented to and reviewed with the Board the confirmation of MGSB's engagement for preparation of the 2023 Audit Report. Ms. Day stated that the cost for such services would range from \$17,000.00 - \$18,500.00.

Upon motion by Commissioner Keels, seconded by Commissioner Abbey, after full discussion and the question being put to the Board, the Board voted unanimously to confirm engagement of MGSB for preparation of the 2023 Audit Report.

Ms. Day exited the meeting at this time.

REVIEW AND ACCEPT GENERAL LIABILITY, AUTOMOBILE, PROPERTY AND WORKERS' COMPENSATION INSURANCE PROPOSALS (EXPIRES SEPTEMBER 30, 2023)

Ms. Doyle presented to and reviewed with the Board insurance proposal from Leavitt that included a proposal for general liability, automobile and property insurance coverage from Intact Insurance Specialty Solutions ("Intact") for a total premium of \$68,977.00 and a proposal for workers' compensation coverage from Benchmark Insurance Group of Texas ("Benchmark") for a total premium of \$63,640.00 for the 2023 – 2024 insurance term. A discussion ensued regarding cyber liability coverage.

Upon motion by Commissioner Abbey, seconded by Commissioner Landrum, after full discussion and the question being put to the Board, the Board voted unanimously to accept the 2023 – 2024 general liability, automobile and property insurance proposal from Intact for a premium of \$68,977.00, in addition to cyber liability coverage, and accept the 2023 – 2024 workers' compensation insurance proposal from Benchmark for a premium of \$63,640.00.

REVIEW AND ACCEPT EMPLOYEE MEDICAL, DENTAL AND VISION INSURANCE PROPOSALS (EXPIRES SEPTEMBER 30, 2023)

Chief Doyle presented to and reviewed with the Board an insurance proposal for employee medical plans through Blue Cross/Blue Shield of Texas ("BCBSTX") and employee dental and vision plans through Humana for the 2023 – 2024 insurance term. Chief Doyle reviewed four (4) medical insurance plan choices, including one (1) Health Maintenance Organization plan and three (3) Participating Provider Option plans.

Upon motion by Commissioner Abbey, seconded by Commissioner Landrum, after full discussion and the question being put to the Board, the Board voted unanimously to accept the BCBSTX medical and Humana dental and vision insurance plan proposals, as presented.

APPROVE AMENDMENT TO CONTRACT FOR EMPLOYMENT OF FIRE CHIEF (EXPIRES OCTOBER 1, 2023)

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 approve the Second Amended and Restated Agreement for Employment between the District and Chief Hosler.

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 August, the District and NFR responded to 273 service calls, 47 of which were out of District, with an average response time of 7:00 minutes.

Mr. Corley exited the meeting at this time.

A discussion ensued regarding the District's fleet. Chief Hosler noted that a tanker/pumper was included in the Capital Improvement Plan for Station No. 62. Chief Hosler also noted that he would present a report regarding the usefulness of components of the District's apparatus fleet. A discussion ensued regarding appointing Commissioners to an apparatus committee at a future Board meeting. Commissioners Veit and Landrum stated that they would be interested in joining such committee.

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

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

REVIEW MEMORANDUM ON SENATE BILL ("SB") 232

Ms. Adams presented to and reviewed with the Board the Memorandum on SB 232 prepared by RAB and responded to questions from the Board regarding same.

REVIEW PERSONNEL MATTERS

There were no personnel matters.

REVIEW DISTRICT REAL ESTATE MATTERS

There were no real estate matters.

REVIEW AND APPROVE 2023 – 2024 ANNUAL AGENDA

Ms. Adams explained that this item was considered annually at the end of each fiscal year, but items were added or removed depending upon the District's needs and/or requirements. 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 2023 – 2024 annual agenda.

There being no further business to come before the Board, and upon motion by Commissioner Abbey, seconded by Commissioner Landrum, after full discussion and the question being put to the Board, the Board voted unanimously to adjourn the meeting at 12:39 p.m.

PASSED, APPROVED, AND ADOPTED this 11th day of October, 2023.





Secretary, Board of Commissioners