

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

JANUARY 17, 2023

THE STATE OF TEXAS
COUNTY OF FORT BEND
FORT BEND COUNTY EMERGENCY SERVICES DISTRICT NO. 4

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The Board of Commissioners (the "Board" or the "Commissioners") of Fort Bend County Emergency Services District No. 4 (the "District") met in regular session, open to the public, at 33301 F.M. 1093, Fulshear, Texas 77441, the regular meeting place of the District, on Tuesday, January 17, 2023, at 8:00 a.m.; whereupon, the roll was called of the members of the Board, to-wit:

Daniel McJunkin	President
Ed Krenek	Vice President
Tommy Kuykendall	Secretary
Kim Stacy	Treasurer
Robert Pechukas	Assistant Secretary/Treasurer

All members of the Board were present, thus constituting a quorum. The following District employees were in attendance: Fire Chief Herc Meier; Assistant Chief Wade Goates; Ms. Brandi Crone, Chief Operations Officer; and Ms. Karol Bone, Administrative Assistant. Also in attendance were: Ms. Regina D. Adams and Ms. Meredith King (via teleconference), attorneys, and Ms. Raechel Rodriguez (via teleconference), legal assistant, of Radcliffe Bobbitt Adams Polley PLLC (the "Attorney" or "RBAP"), attorney for the District; Ms. Carol Morrison (via teleconference) of Municipal Accounts & Consulting, L.P. ("MAC"), bookkeeper for the District; and Mr. Ricardo Martinez of Martinez Architects ("Martinez"). Also in attendance were Messrs. Harry Folloder, Frank Ellison and Frank Mann, residents of the District and other District residents.

WHEREUPON, the meeting was called to order at 8:04 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.

**CONFIRM APPOINTMENT OF COMMISSIONERS, INCLUDING QUALIFY
COMMISSIONERS AND ADMINISTER OATHS OF OFFICE**

Ms. Adams proceeded to administer the Oath of Office to Commissioner-Appointees Krenek and Kuykendall. It was noted that Commissioners Krenek and Kuykendall were appointed to the following term of office: January 1, 2023 to December 31, 2024.

Ms. Adams then presented the Affidavit of Commissioner to Commissioners Krenek and Kuykendall, who executed same, thereby verifying their qualifications to serve as Commissioner of the District.

Ms. Adams presented Commissioners Krenek and Kuykendall with their sworn Statement of Appointed Officer, as required by the Texas Constitution, which statement was then duly executed by Commissioners Krenek and Kuykendall.

ELECT OFFICERS

The Board next considered the election of officers.

Upon motion by Commissioner McJunkin, seconded by Commissioner Pechukas, after full discussion and the question being put to the Board, the Board voted unanimously to appoint Commissioner Krenek as President.

Commissioner Krenek then motioned to nominate Commissioner Pechukas as Vice President. The motion failed for lack of a second.

Upon motion by Commissioner McJunkin, seconded by Commissioner Stacy, after full discussion and the question being put to the Board, the Board voted unanimously to appoint Commissioner Kuykendall as Vice President.

Upon motion by Commissioner Kuykendall, seconded by Commissioner McJunkin, after full discussion and the question being put to the Board, the Board voted unanimously to appoint Commissioner Stacy as Treasurer.

Upon motion by Commissioner Kuykendall, seconded by Commissioner Stacy, after full discussion and the question being put to the Board, the Board voted unanimously to appoint Commissioner Pechukas as Secretary.

Upon motion by Commissioner Krenek, seconded by Commissioner Stacy, after full discussion and the question being put to the Board, the Board voted unanimously to appoint Commissioner McJunkin as Assistant Secretary/Treasurer.

It was noted that the District's slate of officers is as follows:

Ed Krenek	President
Tommy Kuykendall	Vice President
Robert Pechukas	Secretary
Kim Stacy	Treasurer
Daniel McJunkin	Assistant Secretary/Treasurer

PUBLIC COMMENT

Mr. Folloder offered to volunteer for the District and then reviewed his *curriculum vitae*. Commissioner Krenek thanked Mr. Folloder for attending the Board meeting.

Commissioner Krenek also thanked Messrs. Ellison and Mann for their public comments and attendance at the Board meeting.

APPROVE CONSENT AGENDA

The Board reviewed the items reflected on the Consent Agenda. Commissioner Krenek explained that this portion of the agenda deals with routine matters of the Board, and that no separate discussion of such items would occur unless a Commissioner or a member of the public requests that an item be moved to the regular portion of the agenda.

Upon motion by Commissioner McJunkin, seconded by Commissioner Pechukas, after full discussion and the question being put to the Board, the Board voted unanimously to approve or authorize the item(s) on the Consent Agenda, as follows:

1. Minutes from the December 20, 2022 Board meeting;
2. Bookkeeper's Report, including authorize payment of bills; and
3. Purchase orders.

DISTRICT REAL ESTATE, DESIGN AND CONSTRUCTION MATTERS:

CENTRAL STATION AND FIRE TRAINING FACILITY CONSTRUCTION

Ms. Crone updated the Board on the Central Station construction, noting that the two (2) remaining bollards were completed and inspected by Brookstone Construction ("Brookstone"). Ms. Crone went on to report that the construction audit was underway, but that the Auditor needed additional information from Brookstone.

Ms. Crone noted the warranty period for the Central Station ends in April and that District staff was working through additional punch list items. Commissioner Krenek requested a written list with pictures of the remaining punch list items.

A discussion ensued regarding the handling of maintenance matters at the Central Station.

CROSS CREEK RANCH ("CCR") STATION DESIGN AND CONSTRUCTION INCLUDING PAY APPLICATIONS, CHANGE ORDERS AND ALLOWANCE TRANSFERS

Mr. Martinez provided the Board an update regarding the CCR Station. Mr. Martinez stated that Bass Construction ("Bass"), the contractor from whom the Board previously accepted a proposal, would send a draft contract by January 20, 2023. A discussion ensued regarding the groundbreaking.

A discussion ensued regarding the alternate items in the Bass proposal. Commissioners Krenek and Pechukas agreed that the Board should not include alternates as previously voted upon. Commissioner Krenek noted that if any Commissioners wanted to include alternate items, that they could discuss the matter further at the February 20, 2023 Board meeting.

Mr. Martinez then reviewed with the Board a proposal from Terracon Consultants, Inc. for materials testing services for the CCR Station construction. Upon motion by Commissioner Pechukas, seconded by Commissioner Kuykendall, after full discussion and the question being put to the Board, the Board voted unanimously to accept the proposal from Terracon for materials testing services, subject to legal review.

JORDAN RANCH STATION DESIGN

There was nothing to report at this time.

FULSHEAR STATION DESIGN

Ms. Crone reported that District staff was working with PGAL on the design of the Fulshear Station. Ms. Crone stated that the District sent new Requests for Statements of Qualifications for general geotechnical services and surveying services which were now due in early February, and rescinded the previous requests.

KATY-GASTON STATION DESIGN

A discussion ensued regarding whether a ladder company would be stationed at the Katy-Gaston Station. Ms. Crone and Commissioner Kuykendall agreed that the ISO would determine the District's needs.

RESOLUTION ADOPTING COMMISSIONER PER DIEM AND REIMBURSEMENT POLICY (THE "PER DIEM POLICY")

The Board then reviewed the District's Per Diem Policy. An extensive discussion ensued regarding the provisions and parameters of the District's Per Diem Policy. It was the consensus of the Board to not amend the Per Diem Policy.

ALTERNATIVE METHODS OF CONDUCTING BOARD MEETINGS

Commissioner Krenek stated he was seeking clarification on the rules for holding Board meetings via video conference in light of the District's new technology at the Central Station. An extensive discussion ensued regarding the legal requirements for holding Board meetings via video conference. Ms. Adams noted there would be changes to the format of the agenda and that the District would be required to post recordings of any meetings held by video conference on the District's website.

Messrs. Martinez and Folloder exited the meeting at this time.

DISTRICT STAFF APPRECIATION

Commissioner Pechukas reminded the Board that he was interested in doing something for District firefighters to show appreciation. Commissioner Krenek agreed and requested that Ms. Crone add a reminder to the calendar to hold such an event a couple of times a year.

DISTRICT ADMINISTRATIVE REPORT

Ms. Crone reviewed with the Board ISO priorities and the proposed strategic planning special meeting preparation. Ms. Crone also reviewed with the Board updates on new hires and departures.

FIRE CHIEF RUN REPORT

Chief Meier gave the Fire Chief's Report and noted that Mr. Mike Pietsch would be in the District performing the ISO review on February 21, 2023. Chief Meier also noted that approximately 430 hours of paid time off was paid out in 2022 which totaled \$12,094.88.

Commissioner Pechukas noted that he had discussions with military branches in the Houston area regarding recruitment and was waiting to hear back from Ms. Crone and Chief Meier regarding his questions related to same.

PERSONNEL MATTERS

CONVENE IN EXECUTIVE SESSION

Commissioner Krenek then stated that the Board would enter into Executive Session to discuss personnel matters.

All meeting attendees, with the exception of all members of the Board present, Chief Meier, Ms. Adams, Ms. King and Ms. Rodriguez exited the meeting at 9:49 a.m.

Pursuant to the provisions of the Texas Open Meetings Act, Chapter 551, Texas Government Code, as amended, Section 551.074, regarding personnel matters, Commissioner Krenek convened the Board into Executive Session at 9:49 a.m. The persons present in the Executive Session at various times were Commissioners McJunkin, Krenek, Stacy, Kuykendall and Pechukas; Ms. Crone; Chief Meier; Ms. Adams; Ms. King; and Ms. Rodriguez.

Chief Meier and Ms. Crone exited Executive Session at 10:33 a.m. and re-entered Executive Session at 10:55 a.m.

RECONVENE IN OPEN SESSION

All meeting attendees still present re-entered the meeting at 10:57 a.m. and Commissioner Krenek reconvened the meeting in open session, at which time the Board took the following action:

Commissioner Kuykendall motioned, and Commissioner Stacy seconded, to request Chief Meier provide the District's Organizational Chart for the Board's consideration at the February 21, 2023 Board meeting. A discussion ensued and Commissioner Pechukas motioned, and Commissioner Krenek seconded, to amend the prior motion to amend the Organizational Chart to include the proposed Assistant Chief position. The vote failed with two (2) votes in favor and three (3) votes against, with Commissioners Stacy, McJunkin and Kuykendall voting against.

Upon motion by Commissioner Kuykendall, seconded by Commissioner Stacy, after full discussion and the question being put to the Board, the Board voted three (3) votes in favor, and two (2) votes against, with Commissioners Krenek and Pechukas voting against, to have Chief Meier provide the Organizational Chart at the February 21, 2023 Board meeting for the Board's review and consideration.

There being no further business to come before the Board, and upon motion by Commissioner Kuykendall, seconded by Commissioner Pechukas, after full discussion and the question being put to the Board, the Board voted unanimously to adjourn the meeting at 10:32 a.m.

PASSED, APPROVED, AND ADOPTED this 21st day of February, 2023.

(DISTRICT SEAL)

Daniel W. Jenkins
Asst. Secretary, Board of Commissioners

