

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

JULY 18, 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, July 18, 2023, at 8:00 a.m.; whereupon, the roll was called of the members of the Board, to-wit:

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

All members of the Board were present, except Commissioner McJunkin, thus constituting a quorum. The following District employees were in attendance: Fire Chief Herc Meier; Chief Wade Goates, Assistant Chief of Training; Chief Mark Flathouse, Assistant Chief of Operations; Ms. Brandi Crone, Chief Operations Officer ("COO"); Ms. Karol Bone, Administrative Assistant; and Firefighters Christopher Bawa, Felix Castillo, Anthony Gillespie, Connor Lamb, Christopher Morones, William Palomino and Caleb Weaver (collectively, the "Firefighters"). Also in attendance were: Ms. Regina D. Adams (via teleconference) and Ms. Meredith King, attorneys, and Ms. Raechel Rodriguez (via teleconference), legal assistant, of Radcliffe Adams Barner PLLC (the "Attorney" or "RAB"), attorney for the District; Ms. Carol Morrison (via teleconference) of Municipal Accounts & Consulting, L.P. ("MAC"), bookkeeper for the District; and Mr. Ricardo Martinez (via teleconference) of Martinez Architects ("MA"). Also in attendance were Patrick Polasek, Ford Stein, and Undraye McCoy, members of the public.

WHEREUPON, the meeting was called to order at 8:00 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.

OATH OF OFFICE

Commissioner Pechukas administered the Oath of Office to Chief Flathouse. Commissioner Pechukas then administered the Oath of Office to the Firefighters.

The Firefighters exited the meeting at this time.

PUBLIC COMMENT

There was no public comment.

APPROVE CONSENT AGENDA

The Board reviewed the items reflected on the Consent Agenda. Commissioner Krenek explained that this portion of the agenda dealt 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 requested that an item be moved to the regular portion of the agenda. It was noted there were no purchase orders for approval.

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 approve or authorize the item(s) on the Consent Agenda, as follows:

1. Minutes from the June 20, 2023 and June 27, 2023 Board meetings;
2. Bookkeeper's Report, including authorize payment of bills;
3. Acknowledge receipt of 10/20 Year Write Off of Delinquent Ad Valorem Taxes; and
4. Interlocal Agreement with TEEEX.

DISTRICT REAL ESTATE, DESIGN AND CONSTRUCTION MATTERS:

CENTRAL STATION AND FIRE TRAINING FACILITY CONSTRUCTION

There was nothing to report at the time.

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

Mr. Martinez reviewed with the Board an update on design and construction activities for the CCR Station. Mr. Martinez then presented PA No. 3 in the amount of \$54,847.30 from Bass Construction ("Bass"). Mr. Martinez went on to update the Board on structural engineering matters, including delays in steel fabrication. Mr. Martinez noted that Bass would present four (4) COs at an upcoming Board meeting. A discussion ensued regarding authorizing District staff or a Commissioner to approve COs outside of Board meetings.

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 approve PA No. 3 from Bass in the amount of \$54,847.30.

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 authorize Commissioner Stacy and Chief Meier to approve COs for the CCR Station Project for amounts not to exceed \$25,000.00.

JORDAN RANCH STATION PROPERTY LOCATION AND DESIGN

Ms. Adams presented to and reviewed with the Board the Earnest Money Contracts for sale of 3.5-acres of land to Fort Bend Jordan Ranch LP ("FBJR") and the purchase of 1.43-acres of land by the District from FBJR. A discussion ensued.

Upon motion by Commissioner Stacy, seconded by Commissioner Kuykendall, after full discussion and the question being put to the Board, the Board voted unanimously to approve and authorize execution of the Earnest Money Contract for the purchase of 1.43-acres from FBJR, as revised, and payment of the related earnest money.

Upon motion by Commissioner Stacy, seconded by Commissioner Kuykendall, after full discussion and the question being put to the Board, the Board voted unanimously to approve and authorize execution of the Earnest Money Contract for the sale of 3.5-acres to FBJR, as revised.

FULSHEAR STATION DESIGN

Ms. Crone updated the Board on the status of the proposed Standard Form of Agreement Between Owner and Architect with PGAL, Inc. ("PGAL") for the Fulshear Station design ("PGAL Agreement"). A discussion ensued regarding appointing a committee to handle matters related to the PGAL Agreement. Upon motion by Commissioner Stacy, seconded by Commissioner Krenek, after full discussion and the question being put to the Board, the Board voted unanimously to appoint Commissioners Kuykendall and Pechukas to the PGAL Agreement Committee.

UPDATE ON REQUEST FOR PURCHASE OF WATER LINE EASEMENT AT STATION NO. 3 FROM NORTH FORT BEND WATER AUTHORITY ("NFBWA")

Ms. Adams noted that she had previously contacted Property Acquisition Services, LLC, NFBWA's property acquisition consultant, with regard to the District's counteroffer and had not received a response.

UPDATE ON HEALTH INSURANCE BENEFITS

Ms. Crone reviewed with the Board 2023-2024 monthly premiums for medical, dental and vision coverage. Ms. Crone stated that the premiums presented at the June Board meeting were incorrect. Ms. Crone recommended the Board approve the corrected premiums for employee benefits, as presented.

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 approve the 2023-2024 premiums for medical, dental and vision coverage, as presented.

CONFERENCE CALL ACCESS FOR PUBLIC

Commissioner Stacy recommended the District establish a policy outlining procedures for employee and public attendance at Board meetings via teleconference. Ms. Adams reminded the Board that the teleconference call-in information would be required to be added to the agenda.

Ms. Adams then fielded questions from the Board regarding recording requirements. It was noted that attendance would need to be taken for those attending via teleconference at the start of the Board meetings. Further discussion ensued regarding the District's streaming capabilities.

Upon motion by Commissioner Stacy, seconded by Commissioner Pechukas, after full discussion and the question being put to the Board, the Board voted unanimously to authorize including teleconference call-in information on Board meeting agendas.

COMMISSIONER ACCESS TO DISPATCHED CALLS

It was noted that this item would be discussed during Executive Session.

SECURITY DEVICES, EQUIPMENT, POLICIES AND PROCEDURES AND/OR PROTOCOLS AT ALL DISTRICT STATIONS

It was noted that this item would be discussed during Executive Session.

ORGANIZATIONAL CHART

It was the consensus of the Board to have Chief Meier update the District's Organizational Chart monthly as positions are filled.

ORGANIZATION AND APPOINTMENT OF BOARD MEMBERS TO VARIOUS COMMITTEES

The Board discussed the creation of various Committees to provide for more involvement by Commissioners in District administrative matters. The Commissioners stated that a committee could help with the creation of positions for the District and address issues with the stations. The Board noted that it was not attempting to undermine District staff, but that it was the Board's responsibility to ensure that District procedures work for the District. Commissioner Kuykendall noted the importance of the District's command structure, to which Commissioner Krenek reiterated the Board's respect for same. Commissioner Stacy then stated that she has attended Captain's meetings and noted that they were very informative.

Upon motion by Commissioner Krenek, seconded by Commissioner Pechukas, after full discussion and the question being put to the Board, the Board voted unanimously to appoint Commissioners Stacy and Kuykendall to the Facilities Committee.

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 appoint Commissioners Pechukas and McJunkin to the Human Resources Committee. Commissioner Krenek noted that should Commissioner McJunkin not be able to serve on the Human Resources Committee, that he would volunteer to do so.

It was noted that only two (2) Commissioners should attend Committee meetings to avoid a quorum.

HEALTH/WELLNESS GYM EQUIPMENT/MEMBERSHIP FOR DISTRICT EMPLOYEES

Commissioner Stacy explained that District staff was requesting strength training equipment at Central Station. Commissioner Stacy noted that she believed if the District was not providing strength training equipment, then the District should provide gym memberships. It was the consensus of the Board to review proposals for strength training equipment at the August Board meeting. The Board also noted that it would consider gym membership costs and potential discounts on same should strength training equipment be outside the District's budget.

AMEND RESOLUTION REGARDING COMMISSIONERS FEES OF OFFICE AND EXPENSE REIMBURSEMENT POLICY ("AMENDED REIMBURSEMENT POLICY")

Ms. King reviewed the Amended Reimbursement Policy with the Board and the statutory amendments requiring amendment to same. Ms. King reported that recently enacted legislation allowed the District to increase the maximum daily amount of the fees of office payable to Commissioners at an amount not greater than the amount of the per diem set by the Texas Ethics Commission for members of the Texas Legislature, which was \$221.00. Ms. King then explained that the annual limit of \$7,200.00 on the fees of office had not changed. A discussion ensued. 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 adopt the Amended Reimbursement Policy, as presented.

DISTRICT WEBSITE UPDATE

Chief Meier presented to the Board a proposal from First Arriving for website development. Chief Meier noted that the set-up fee was \$1,795.50 with an annual hosting cost of \$1,188.00. Upon motion by Commissioner Pechukas, seconded by Commissioner Stacy, after full discussion and the question being put to the Board, the Board voted unanimously to accept the proposal from First Arriving and authorize the COO or Chief Meier to execute same, subject to legal review.

RESCHEDULE AUGUST BOARD MEETING

Commissioner Krenek requested the Board reschedule its August 15th meeting to August 28th at 8:00 a.m. A discussion ensued regarding when the District's regular bill payments are due. It was the consensus of the Board to hold a Board meeting on August 15th to approve any invoices and then handle all other regular agenda items on August 28th at 8:00 a.m.

Commissioner Krenek requested MA provide a summary of the PAs to be considered at the August 28th Board meeting

Mr. Martinez exited the meeting at this time.

DISTRICT ADMINISTRATIVE REPORT

Ms. Crone reported that the insurance renewal included Aflac coverage. Ms. Crone also reported that an Administrative Professionals lunch would be held on August 2, 2023.

FIRE CHIEF REPORT

Chief Meier reviewed the Fire Chief Report noting there were 316 total calls for service. Chief Meier then reviewed areas of concern related to recent extreme temperatures.

Chief Meier went on to report that two (2) part-time employees have completed orientation and noted Station No. 4 could now be fully staffed 80% of the time.

PERSONNEL MATTERS

It was noted that this item would be discussed during Executive Session.

CONVENE IN EXECUTIVE SESSION

Commissioner Krenek then stated that the Board would enter into Executive Session to discuss personnel and security matters, as well as matters covered by attorney-client privilege.

All meeting attendees, with the exception of all members of the Board present, Chief Meier, Chief Goates, Chief Flathouse, Ms. Crone, Ms. Bone, 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 551.071 regarding matters of attorney-client privilege, Section 551.074, regarding personnel matters, and Section 551.076, regarding security 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 Krenek, Stacy, Kuykendall, and Pechukas, Chief Meier, Chief Goates, Chief Flathouse, Ms. Crone, Ms. Bone, Ms. Adams, Ms. King and Ms. Rodriguez.

RECONVENE IN OPEN SESSION

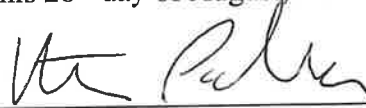
All meeting attendees still present re-entered the meeting at 11:20 a.m. and Commissioner Krenek reconvened the meeting in open session, at which time the Board took the following action:

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 approve the proposed salary structure, not including the assignment, certification or education pay, as discussed in Executive Session, to be effected August 27, 2023.

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 authorize District staff to request proposals for a recruitment firm to assist with advertising the Fire Chief position.

There being no further business to come before the Board, and 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 adjourn the meeting at 11:25 a.m.

PASSED, APPROVED, AND ADOPTED this 28th day of August, 2023.



Secretary, Board of Commissioners

(DISTRICT SEAL)

