COMAL COUNTY EMERGENCY SERVICES DISTRICT NO. 4

**Meeting Minutes for Thursday March 21, 2019 Meeting**

A meeting of the Board of Commissioners of Comal County Emergency Services District No. 4 was held on **Thursday, March 21, 2019, at 4:30 p.m.**, at 30475 Johnson Way Bulverde, TX 78163, for the following purposes:

1. Call meeting to order;

Mr. Barnett called the meeting to order at 4:38 pm and declared a quorum with the following four commissioners present: President Barnett, Secretary Graf, Mr. Bruce and Treasurer Clausen. Vice-President Dean was listening to the meeting by phone but could not vote by phone. Mr. Dean physically arrived at 5:20 pm.

Mr. Bruce has been duly sworn in and is now the Assistant Treasurer.

1. Public Comment: In accordance with the Texas Attorney General’s opinion, any public comment that is made on an item that is not on the published final agenda will only be heard by the Board of Commissioners. No formal action, discussion, deliberation, nor comment will be made by the Board of Commissioners;

No Public comments were made.

**REPORTS**

1. Receive monthly report from the Treasurer and consider:
   1. approval of payment of monthly bills and invoices;

Ms. Clausen made a motion to approve payment of the following monthly bill and invoices:

* Payment # 4 to Seidel for $198,599.46 (for Station 4 construction).
* VFIS for $1440.00 (insurance).
* Payment to BSBES for Squad vehicle accessories for $1099.00.
* Comal Appraisal District for $3687.79.
* Bartlett Tree Experts for $1095.49 for tree trimming at station 4.
* Schmoyer Reinhard, LLP for $2489.20 for law suit support.
* BRW for $3916.00 for architectural services.
* Carlton Law Firm for $185.00 for legal services.
* Motorola Solutions, Inc. for $5610.10 for radios for new squad vehicle.

Mr. Graf seconded the motion and it was approved by the 4 present commissioners.

* 1. approval of monthly financial report.

Mr. Graf made a motion to accept the monthly financial report. Motion was seconded by

Ms. Clausen with unanimous approval of the 4 present commissioners.

A request was made for a monthly project-to-date summary of the capital expenditures for Station 4. A similar request was made for the capital expenditures for the new temporary station.

**DISCUSSION/ACTION ITEMS**

1. Review and consider approval of Regular Meeting Minutes;

Mr. Graf made a motion to approve the meeting minutes from:

* February 17, 2019 Regular Meeting
* January 29, 2019 Special Meeting
* January 14, 2019 Regular Meeting

Motion was seconded by Ms. Clausen and passed unanimously.

1. Discuss and consider any needed repairs or other uses related to Bremer Training Center;

No action taken.

1. Discuss and consider construction, financing, furnishing and staffing the new station on FM 311 (Station 4); This may include presentations by potential financial institutions;
   1. Consider protesting Canyon Lake Water Service fees

The CLWSC fees will be taken up at the next meeting.

Motion was made by Ms. Clausen to approve the attached resolution for financing the new Station 4 at 311 and Rebecca Creek. Motion was seconded by Mr. Graf and passed unanimously by the 4 commissioners present. (Mr. Dean indicated his support for the resolution by Phone.).

1. Discuss and consider items related to the budget and to bank accounts;

No action taken.

1. Discuss and consider budget amendments for the District’s 2019 budget, including adjustments to personnel compensation;

No action taken. See item 16 below.

1. Update, discuss and consider BSBES activities, financials, and other related items, including the potential sale of the Rodeo Drive facility;

Board briefly discussed the agreement drafted by the Peeler law firm for the purchase of Rodeo Drive and consensus was to discuss at the next ESD 4 meeting in early April.

1. Discuss and consider purchase or repair of apparatus and proposed capital items;

No action taken.

1. Discuss and consider the District’s financial forecast;

No action taken. Ms. Clausen plans to call a Financial Committee meeting.

1. Update, discuss and consider the potential combining of ESD 4 and ESD 5, including funding any due diligence required;

No action taken.

1. Discuss ongoing law suits and recent depositions;

No action taken.

1. Executive Session to discuss purchase of Real Estate;

Board did not go into Executive Session. See 9 above.

1. Discuss agenda, time and date for next meeting.

Next meeting is planned for April 8, 2019 at 5:30 at the Bremer Building. .

1. Break for Joint Session – Reconvene in Joint Session

Board broke at 5:10 for the Joint Session. Mr. Dean arrived at 5:20 pm. Board came out of the Joint session at 6:35 and then reconvened to discuss Chief Southwell’s proposal for competitive compensation under item 8 above.

Motion was made by President Barnett to support Chief Southwell’s proposal for competitive compensation. Mr. Dean seconded with unanimous approval of all 5 commissioners.

Meeting adjourned at 7:00 pm. .

**A packet containing all supportive documentation for this meeting is available for inspection at 353 Rodeo Drive, Spring Branch, Texas 78070, between the hours of 8:00 a.m. and 5:00 p.m.**

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Paul Graf, Secretary Comal County Emergency Services District 4

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The Board may retire to Executive Session any time between the meeting’s opening and adjournment for any purpose authorized by the Texas Open Meetings Act, including but not limited to: consultation with legal counsel (Section 551.071 of the Texas Government Code); personnel matters (Section 551.074) and/or discussion of real estate acquisition (Section 551.072). Action, if any, will be taken in open session.

**CERTIFICATE FOR RESOLUTION**

THE STATE OF TEXAS §

COUNTY OF COMAL §

COMAL COUNTY EMERGENCY §

SERVICES DISTRICT NO. 4 §

We, the undersigned officers of Comal County Emergency Services District No. 4, a political subdivision of the State of Texas (the “District”), hereby certify as follows:

1. The Board of Commissioners of the District convened in a regular meeting on March 21, 2019, at the designated meeting place (the “Meeting”), and the roll was called of the duly constituted officers and members of said Board of Commissioners, to wit:

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| Eugene B. Barnett, III | President |
| Deena B. Clausen | Treasurer |
| Paul Graf | Secretary |
| Robert Bruce | Assistant Treasurer |

and all of said persons were present, thus constituting a quorum. Joshua Dean, Vice President, arrived at the meeting after this vote was taken. Whereupon, among other business, the following was transacted at the Meeting: a written

RESOLUTION OF THE BOARD OF Commissioners OF COMAL COUNTY

EMERGENCY SERVICES DISTRICT NO. 4 REGARDING A LOAN

(the “Resolution”) was duly introduced for the consideration of the Board of Commissioners. It was then duly moved and seconded that the Resolution be adopted; and, after due discussion, said motion carrying with it the adoption of the Resolution, prevailed and carried by the following vote:

AYES: \_\_4\_\_

NOES: \_\_0\_\_

ABSTAIN: \_\_0\_\_

ABSENT \_\_1\_\_

2. That a true, full, and correct copy of the Resolution is attached to and follows this Certificate; that the Resolution has been duly recorded in the Board of Commissioners’ minutes of the Meeting; that the above and foregoing paragraph is a true, full, and correct excerpt from the Board of Commissioners’ minutes of the Meeting; that the persons named in the above and foregoing paragraph are the duly chosen, qualified, and acting officers and members of the Board of Commissioners as indicated therein; that each of the officers and members of the Board of Commissioners was duly and sufficiently notified officially and personally, in advance, of the time, place, and purpose of the Meeting, and that the Resolution would be introduced and considered for adoption at the Meeting, and each of the officers and members consented, in advance, to the holding of the Meeting for such purpose, and that the Meeting was open to the public and public notice of the time, place, and purpose of the Meeting was given, all as required by Chapter 551, Texas Government Code.

3. That the President of the Board of Commissioners of the District has approved and hereby approves the Resolution; that the President and the Secretary of the District have duly signed the Resolution; and that the President and the Secretary of the District hereby declare that their signing of this Certificate shall constitute the signing of the attached and following copy of the Resolution for all purposes.

SIGNED this 21st day of March, 2019.

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Secretary, Board of Commissioners President, Board of Commissioners

SIGNATURE PAGE FOR CERTIFICATE FOR RESOLUTION

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF**

**COMAL COUNTY EMERGENCY**

**SERVICES DISTRICT NO. 4 REGARDING A LOAN**

WHEREAS, COMAL COUNTY EMERGENCY SERVICES DISTRICT NO. 4, a political subdivision of the State of Texas (the “District”) proposes to enter into the TAX-EXEMPT LOAN AGREEMENT, dated as of March 17, 2019 (the “Loan Agreement”), with Capital One Public Funding, LLC (“Lender”) to enable the District (1) to finance the construction of a new fire station and the purchase of equipment in connection with the fire station, and (2) paying costs of issuing the loan, all within the boundaries of the District, in an amount equal to $2,500,000, and as security for the payment of the principal of and interest thereon, the District has agreed to grant to Lender a lien on the fire station.

WHEREAS, the proposed form of the Loan Documents (as such term is defined in the Loan Agreement) have been presented at this meeting;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF COMAL COUNTY EMERGENCY SERVICES DISTRICT NO. 4 AS FOLLOWS:

Section 1. The Board of Commissioners agrees that it is appropriate for the District to enter into the Loan Agreement and the Note for the purposes described above, in a principal amount equal to $2,500,000 at an interest rate of 3.69% to finance the construction of a fire station, and, in order to secure the principal of and interest on the Note, to execute the Deed of Trust in order to grant to Lender a lien on the fire station.

Section 2. Any one or more of the Authorized Officers of the District listed in Section 3 below is hereby authorized to execute, acknowledge and deliver in the name and on behalf of the District to the Lender the Loan Documents; and the Loan Documents shall be in substantially the form presented at this meeting with such changes as the signing officer shall determine to be advisable. Further, said Authorized Officers are authorized to execute, acknowledge and deliver in the name and on behalf of the District any other agreement, instrument, certificate, representation, and document, and to take any other action as may be advisable, convenient or necessary to enter into the Loan Documents, and the execution thereof by any such Authorized Officer shall be conclusive as to such determination.

Section 3. For the purpose of this resolution, the following persons, or the persons holding the following positions, are “Authorized Officers” duly authorized to enter into the transaction and execute documents contemplated by this resolution in the name and on behalf of the District:

Title Name

President Eugene B. Barnett, III

Vice President Joshua Dean

Secretary Paul Graf

Treasurer Deena B. Clausen

Section 4. This Resolution shall take effect immediately.