

**MINUTES OF THE SEPTEMBER 19, 2022 MEETING OF
HARRIS COUNTY EMERGENCY SERVICES DISTRICT NO. 46**

A meeting was duly called of **HARRIS COUNTY EMERGENCY SERVICES DISTRICT NO. 46**, which was held on September 19, 2022, at the Atascocita Fire Department Headquarters Building, located at 18425 Timber Forest Drive, Humble, Texas 77346.

The Meeting was called to order at **7:00 p.m.** by **BUDDY RICE**, Vice-President and Chairman of the meeting. Other Commissioners who were also present for the meeting were **RON CLARKE**, **JOHN BOLLON**, and **JAMES CONE**. Commissioner **TOM TRUVER** was not in attendance at the meeting. Chief of the Department, Mike Mulligan, Assistant Chief of EMS Sean Conley, Assistant Chief of Operations Terry Wygal, Director of ITC & Operations Support Mike Wassell, Director of Human Resources and Finance Mary Anne Sokol, District Counsel, Mr. Ira Coveler of Coveler & Peeler, P.C., Ricardo Martinez of Martinez Architects, Sales Tax Consultant for the District Alberta Balderas, Melissa Wiggins of Coveler & Peeler P.C., and members of the Fire Department along with the Union President were also in attendance.

The Board opened the floor to receive public comment though none was offered.

The Board then addressed the Station 29 construction project. Ricardo Martinez of Martinez Architects presented an update on the project and made special note of the following matters:

- The foundation has been found to be in good condition, and currently known cosmetic issues in the bay and column areas are being addressed.
- Efforts are underway to create a “safe site” working environment during the construction process.
- The Super structure has been completed, and the roof is almost complete though areas of insulation need repair or replacing as noted in previously presented reports.
- Exterior wall build out and framing is 80% complete
- Trap work for ducting in the ceiling is about 50% complete
- Overhead inspection is expected to be completed by Martinez Architects soon which will then allow for commencement of work on interior stud walls after approval.
- Upcoming Activities: Site paving: current situation poses a danger to workers with mud and adjacent traffic on Atascocita Road.

The Board next addressed payment of Application 12 for \$398,905.38. A Motion to pay the application was made by Mr. **CONE**, seconded by Mr. **CLARKE**. Thereafter, Vice President **RICE** called for a vote and the Motion passed by a vote of 4 to 0.

Communication is ongoing between Martinez Architects and the ESD engineer about current holding pattern due to waterline discovery. The local school initially specified outfall of waterlines, but failed to flag the main line running contrary to the new tie in. Analysis of whether

to move the line or dig deeper to go under continues, as it is unclear who might hold responsibility of the cost for such a project.

Further discussion was held with the Board concerning the continued leak from the jointed roof in the canopy area. The full-span roof area does not leak in comparison, and the problem has been reported by the architect to be fixed soon. After review, a Motion to accept the report by Mr. Martinez was made by Mr. **BOLLOM**, seconded by Mr. **CONE**, and unanimously approved after a call to vote by Mr. **RICE**.

The Board then reviewed the District sales tax report prepared by Ms. Alberta Balderas. Discussion was held between Ms. Balderas and Vice President RICE as to the format of future Tax Allocation reports, comparing Year to Date allocation formats to represent the data more easily from common businesses year to year. According to Ms. Balderas, some allocations were missing from the report and the cause, whether late filing or new/missing tax number on the part of three businesses, was being investigated with the hope of providing an answer at the next meeting, October 17, 2022. After review of special allocation, a Motion to accept the report was made by Mr. **BOLLOM**, seconded by Mr. **CONE**. Thereafter, Vice President **RICE** called for a vote and the motion passed by a vote of 4 to 0.

The Board next received a report prepared by Mary Anne Sokol, Director of Finance. Ms. Sokol stated that current bank account totals stand at \$14,729,187.33. Approximately \$2.5 million were being moved to cover ongoing costs of construction and renovations of ESD 46 stations. It was agreed that the current numbers, even with withdrawals, suggest an available six month reserve as future borrowing and expenditures are likely to rise. After review, a Motion to accept the report was made by Mr. **CLARKE**, seconded by Mr. **BOLLOM**. Thereafter, Vice President **RICE** called for a vote and the motion passed by a vote of 4 to 0.

The Board next addressed District bills and commissioner submittals. Two large wire payments were discussed as expenditures for loans due in October for stations 19 and 29. After review, a Motion was made by Mr. **CLARKE** seconded by Mr. **CONE** to approve both expenditures, along with overdue payments to Commissioner **BOLLOM**. Thereafter, Vice President **RICE** called for a vote and the motion passed by a vote of 4 to 0.

Please see the District's treasurer's Report for a more detailed presentation of the financial condition of the District.

The Board next approved meeting minutes of the previous meetings including July 18, 2022, August 12, 2022, August 15, 2022, and August 23, 2022, presented by Mr. Ira Coveler. After review, a Motion to approve the minutes was made by Mr. **BOLLOM**, seconded by Mr. **CONE**. Thereafter, Vice President **RICE** called for a vote and the motion passed by a vote of 4 to 0.

The Board then reviewed Department reports made by Chief Mulligan. No comments were made. At this time, Mr. **CLARKE** made a Motion that the discussion be closed, seconded by Mr. **BOLLOM**. Thereafter, Vice President **RICE** called for a vote and the motion passed by a vote of 4 to 0.

The Board next addressed thirty (30) day advance requests submitted by the Department. No requests were received for consideration and no action was taken.

The Board then reviewed and discussed a Memorandum of Understanding, submitted by Harris County regarding Harris County First Responders in active shooter and hostile event incidents. The discussion was opened by Mr. Ira Coveler and continued by Chief Mulligan, who explained that Harris County has asked for the adoption of this MoU to allow recognition of a "unified command" structure in any active shooter or hostile event situation, in order to avoid confusion during such events, and allowing for smoother dispatch of services at the scene. The point was raised that without such structure, continued incidents of miscommunication and lack of direction between the Sheriff's Department, local Police Departments, EMS, and Fire Services would continue to impede the ability of First Responders to effectively act in an active shooter or hostile event situation. Intense discussion was held between Mr. **CLARKE**, Mr. **RICE**, and Chief Mulligan as to the benefits and potential issues with the MoU at which time Mr. **CLARKE** requested that reports or information on active issues such as this should be provided to the board in advance of the monthly meeting for them to be aware of current information in time to vote accordingly. After offering his intention to support the MoU, Chief Mulligan was asked to hold such support until the Board had further time to discuss and review the implications of the Memorandum of Understanding from Harris County. After review, a Motion to approve or hold action on the MoU was requested by Mr. **RICE**, however no such motion was given. The Board moved on with further agenda items with the intent of discussing the MoU again at the October meeting.

The Board then addressed the sale or disposal of surplus and/or salvage property pursuant to Texas Health and Safety Code §775.251. No comments or discussion were forthcoming, and the Board took no action.

The Board next discussed actions and necessary repairs needed for equipment, apparatus, and facilities in service of the District. The Board was informed that one ambulance is set for repair. No other action was taken.

The Board exercised the option to enter Closed Session to review personnel matters and discuss consult with legal counsel at 7:37 p.m., and exited closed session at 8:05 p.m.

The Board took no action following closed session.

The Board then opened the floor for discussion of any new items which would be placed on the agenda for the subsequent District meeting set for October 17, 2022. No items were mentioned, and no action was taken.

There being no further business brought before the Board, Mr. **CLARKE** made a Motion seconded by Mr. **CONE** to adjourn the meeting 8:04 P.M. Thereafter, Vice President **RICE** called for a vote and the Motion passed by a vote of 4 to 0.

The foregoing minutes were passed and approved by the Board of Commissioners on October 17, 2022.



JOHN BOLLUM

District Secretary of the Board