

**MINUTES OF THE NOVEMBER 21, 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 November 21, 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 **TOM TRUVER**, Board President, and Chairman of the meeting. Other Commissioners who were present include **BUDDY RICE**, **RON CLARKE**, **JOHN BOLLUM** and **JAMES CONE**. Chief of the Department Mike Mulligan, 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., Melissa Wiggins of Coveler & Peeler, P.C., and members of the Fire Department were also present.

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

The Board next addressed the Station 29 construction project and approval of pay applications from Martinez Architects as presented by Director Wassell. Special note was made of the following matters:

1. Payment Application No. 14 in the amount of \$317,619.75 was being presented this evening related to the Station 29 project.
2. Director Wassell stated that site paving would begin shortly, domestic, and sanitary lines were prepped for upcoming pressure testing, stud walls were being prepped for priming, metal duct work was 95% complete, and temporary doors had been installed for security purposes.
3. Regarding the Maintenance facility, Director Wassell noted that Martinez Architects was coordinating with the City of Humble to attain access to water supply, and with the fencing contractor to complete the gate and site fencing.
4. Roof repairs continue to be an issue on the covered parking area of the Maintenance building due to faulty installation and disregard by Christensen Building Group of the building plans prepared by Martinez Architects.
5. Lastly, the storm sewer outfall pipe was ninety (90) percent installed, however Humble ISD had made no effort to complete work or resolve issues related to the Detention Pond which has since been redesigned as a community park with walking trails and fountains.

At this time, Mr. **BOLLUM** reemphasized to the Board that the ongoing roofing problems for the covered parking persist because Christenson disregarded the original plans from Martinez Architects which called for a tilted steel roof. Christenson instead installed a precut metal roofing piece without regard to the ground slope, resulting in a flat surface where water pools and leaks. He suggested, and was supported by Mr. **RICE**, to not accepting the building as is and finding an alternate "one-time" solution from another company, and back-billing Christenson for the

permanent repairs. Mr. **RICE** further suggested withholding payment until the issue was resolved satisfactorily.

After further discussion and review, a Motion was made by Mr. **BOLLOM**, seconded by Mr. **CONE**, to accept the report and enlist Mr. Coveler to follow-up with Christenson regarding the required roof repairs. Thereafter, President **TRUVER** called for a vote and the Motion passed 5-0. After review, a Motion was made by Mr. **CONE**, seconded by Mr. **CLARKE**, to approve pay application No. 14. Thereafter, President **TRUVER** called for a vote and the Motion passed 3-2, with Mr. **BOLLOM** and Mr. **RICE** opposed to approval of the pay application.

Next the Board received a report regarding sales tax for the District. The Board reviewed the report prepared by Ms. Alberta Balderas. Ms. Sokol delivered the report and announced that the November allocation for the District totaled \$475,349.57. The report all identified three (3) entities which failed to post allocations in October and were being investigated, one (1) entity had closed their local store and was removed from the report, and two (2) other entities had not posted an allocation, though recovery had been allotted to the District. After review, a Motion was made by Mr. **CLARKE**, seconded by Mr. **CONE** to accept the report as delivered. Thereafter, President **TRUVER** called for a vote and the Motion passed 5-0.

The Board next received a financial report prepared by Ms. Sokol, Director of Finance and addressed District bills and commissioner submittals. The overall budget was reported as in good condition despite high expenses. Mr. **BOLLOM** requested justification for the use of out-of-District vendors, and was told similar local vendors did not meet acceptable standards. President **TRUVER** also inquired about the \$6,000 Comcast bill and was told by Director Wassell the bill covered ethernet, internet and fiber services for all four (4) District stations with a dedicated (rather than shared) fiber connection. Commissioner submittals were noted for Mr. **BOLLOM**, including two (2) attendance reports totaling \$750, and for President **TRUVER** including eight (8) meetings and reimbursement for expenditures totaling \$1,200. After review, a Motion was made by Mr. **RICE**, seconded by Mr. **CONE** to approve the report and payments for commissioner submittals. Thereafter, President **TRUVER** called for a vote and the Motion passed 5-0.

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

The Board next approved meeting minutes of the previous meeting on October 17, 2022. After review, a Motion to approve the minutes was made by Mr. **CONE**, seconded by Mr. **RICE**. Thereafter, President **TRUVER** called for a vote and the Motion passed 5-0.

The Board next reviewed Department reports from Chief Mulligan. Reports were submitted to the Board for review. After review, a Motion to accept the reports was made by Mr. **BOLLOM**, seconded by Mr. **CONE**. Thereafter, President **TRUVER** called for a vote and the Motion passed 5-0.

No advanced requests were made at this time, and the Board took no action.

The Board next discussed the non-disclosure agreement ("NDA") between the District and Ransom Resources pursuant to Leadership training. Mr. Coveler advised the Board of issues regarding the NDA and suggested approval of the training program with further revision needed on the NDA by Ransom Resources. After review, Mr. **CLARKE**, seconded by Mr. **RICE**, made

a Motion to request a full scope of services by Ransom Resources with a standard contract, and deny the NDA. Thereafter, President **TRUVER** called for a vote and the Motion passed 5-0.

The Board next discussed entering into an agreement with PRMG to provide mortgage financing services to Department members. Mr. Coveler cautioned the Board on the use of open language in the proposed agreement with PRMG and advised against accepting said document as it was presented. Chief Mulligan and Ms. Sokol stated similar proposals and requests were often made by other entities, and the option to participate in any such plan was left to individual Department members, but that no company was given exclusive access or support by the District. Both Mr. **CLARKE** and Mr. **RICE** registered opinions against exclusivity. After review, a Motion was made by Mr. **RICE**, seconded by Mr. **CLARKE**, not to sign the agreement. Thereafter, President **TRUVER** called for a vote and the Motion passed 5-0.

The Board next discussed action regarding the proposed settlement with the Houston-Galveston Subsidence District related to a delayed water well registration issue. Mr. Wassell advised the Board that a water well permit for the maintenance facility had lapsed, unbeknownst to the Department, and a settlement of \$500 had been offered as restitution against further issues. The offer would remove the need for any further permit, but would require metered services on the water well in use. Mr. Coveler recommended to the Board that they accept the Settlement Agreement as presented. After review, a Motion was made by Mr. **CLARKE**, seconded by Mr. **CONE** to accept the settlement. Thereafter, President **TRUVER** called for a vote and the Motion passed 4-1 with Mr. **RICE** opposed to the Motion.

The Board next discussed action related to the Memorandum of Understanding amongst Harris County First Responders regarding Active Shooter and Hostile Event incidents. This agreement was previously introduced in September, but was requested to be added to this meeting agenda for further review by the Board. President **TRUVER** stated more conversation and exploration of the Memorandum of Understanding was needed before any action could be taken. The issue was tabled for review at the December meeting.

The Board next reviewed the sale or disposal of surplus or salvage items. No items were presented, and no action taken.

The Board next reviewed any necessary repairs to equipment, apparatus, or facilities in the District, but none was required, and no action was taken.

The Board then addressed the ratification of a continuing Contract with a private law firm for the collection of delinquent District ad valorem property taxes and providing for the payment of up to 20% of the delinquent taxes, penalties, and interest which are collected by the attorney under said Contract. After review, Motion was made by Mr. **CLARKE**, seconded by Mr. **BOLLOM** to approve the Contract with Linebarger Goggan Blair & Sampson LLP. Thereafter, President **TRUVER** called for a vote and the motion passed by a vote of 5 to 0.

The Board then discussed the imposition of additional penalty on delinquent taxes for 2022 pursuant to §33.07 of the Texas Property Tax Code and adoption of a Resolution regarding same. After review, Motion was made by Mr. **CLARKE**, seconded by Mr. **BOLLOM** to adopt a Resolution imposing additional penalty on delinquent taxes for 2022. Thereafter, President **TRUVER** called for a vote and the motion passed by a vote of 5 to 0.

The Board then addressed the imposition of additional penalty on delinquent taxes for 2022 to defray costs of collection by the District's tax attorney, pursuant to §33.08 of the Texas Property Tax Code and adoption of a Resolution regarding same. After review, Motion was made by Mr. **CLARKE**, seconded by Mr. **BOLLOM** to adopt a Resolution imposing additional penalty on delinquent taxes for 2022 to defray costs of collection by the District's tax attorney. Thereafter, President **TRUVER** called for a vote and the motion passed by a vote of 5 to 0.

The Board then discussed the imposition of early additional penalty for collection costs for taxes imposed on personal property on delinquent taxes pursuant to §33.11 of the Texas Property Tax Code and adoption of a Resolution regarding same. After review, Motion was made by Mr. **CLARKE**, seconded by Mr. **BOLLOM** to adopt a Resolution imposing an early additional penalty for collection costs for taxes imposed on personal property on delinquent taxes. Thereafter, President **TRUVER** called for a vote and the motion passed by a vote of 5 to 0.

The Board did not exercise the option to enter Closed Session.

The Board reviewed any new items requiring note on the agenda for the December 19th meeting, though none were offered.

There being no further business brought before the Board, Mr. **RICE** made a Motion, seconded by Mr. **BOLLOM** to adjourn the meeting at 7:43 P.M. Thereafter, President **TRUVER** called for a vote and the Motion passed 5-0.

The foregoing minutes were passed and approved by the Board of Commissioners on December 19, 2022.



JOHN BOLLOM
District Secretary of the Board