

**MINUTES OF THE DECEMBER 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 December 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 **TOM TRUVER**, Board President and Chairman of the meeting. Other Commissioners 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., Ricardo Martinez of Martinez Architects, and members of the Fire Department and public were also present.

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

The Board next addressed the District construction projects and approval of pay applications. Ricardo Martinez of Martinez Architects presented an update on the project and made special note of the following matters:

1. Regarding Fleet Maintenance, Mr. Martinez advised the Board of continued failure by Christensen to repair the facility's leaking outdoor canopy, and stated Mr. Christensen would be at the site on Thursday to inspect the problem and recommend a solution.
2. Debris from a neighboring site has also become an issue and has been addressed with the project builder to rectify the problem and come into compliance with Harris County standards.
3. Regarding Station No. 29, Mr. Martinez stated interior studs were complete with tape and floating occurring in preparation for painting to begin soon. Exterior brick stone had been delivered and was 75% installed, with masonry issues to be solved before the mason leaves the site next week. Temporary safety doors had been installed, and duct work is being installed with insulation to follow. Domestic and sanitary lines had also been installed and insulated though other elements still require insulation.
4. Paving at the site has not yet been completed, though it is expected shortly to decrease risk factors to crews and personnel.
5. Mr. Martinez also advised the Board that Walker Consulting has inspected the site concerning moisture and penetration of the exterior wall which has been reported to Christensen, though no response or solution has yet been provided.

After further discussion, Mr. **RICE** requested enhanced and more frequent inspections by Martinez Architects, to provide awareness, evidence, and full disclosure on continuing issues regarding the Station 29 project which have been avoided or dismissed by Christensen's team.

When asked, Mr. Coveler stated that failure to complete the project to specifications constituted a breach of contract on Christensen's part and would be dealt with accordingly as work continues. Mr. **CLARKE** then stated he would not vote on the subject due to lack of more detailed information from reports, and District personnel involved in the project.

After review, a Motion was made by Mr. **BOLLOM**, seconded by Mr. **CONE**, to withhold payment to Christensen, to schedule a meeting with Marc Christensen to discuss ongoing problems with the project and personnel, and to replace Todd with another superintendent for the Station 29 project. Thereafter, President **TRUVER** called for a vote and the Motion passed 4-1 with Mr. **CLARKE** abstaining. At this time, Mr. **CLARKE** requested separate reports be provided to the Board by the construction committee as an internal review of construction projects related to the District.

Next the Board received a sales tax report regarding sales tax for the District. Due to delays by the State Comptroller's office, no report was available to be presented for the month of November. After review, a Motion to table this item was made by Mr. **RICE**, and seconded by Mr. **CLARKE**. Thereafter, President **TRUVER** called for a vote and the Motion passed 5-0.

The Board next received a financial report prepared by Director of Finance, Ms. Mary Anne Sokol, and addressed District bills and commissioner submittals. Ms. Sokol advised the Board the District was currently 3% over budget, and the 2023 budget would likely need adjusting due to cost increases in areas including station supplies and IT software. Funds had also been moved from the Texas Class account to cover construction costs, though final combined bank balances remained at \$10,813,759.89. Three (3) loan payments were also submitted for approval in the following amounts:

1. Administrative Building loan from Trustmark: \$199,995.43
2. Fleet loan from Trustmark: \$105,434.36
3. Pumpers loan from US Bancorp: \$121,648.56

One (1) Commissioner expense report reflecting total meeting attendance for 2022 was also submitted in the amount of \$1,800. After review, a Motion was made by Mr. **CONE**, seconded by Mr. **BOLLOM** to accept the report, and approve payment of the three (3) loans and single expense submittal. 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 financial condition of the District.

The Board next reviewed the terms of the evergreen audit engagement with McCall Gibson Swedlund Barfoot PLLC. Mr. Coveler advised the Board the terms of the audit engagement were consistent with previous years, though the cost of engagement had otherwise decreased from \$31,500 to between \$24,500 and \$29,000. After review, a Motion was made by Mr. **RICE**, seconded by Mr. **CLARKE** to accept the audit engagement. Thereafter, President **TRUVER** called for a vote and the Motion passed 5-0.

The Board next took action to approve the minutes of the November 21st meeting. After review, a Motion was made by Mr. **CLARKE**, seconded by Mr. **CONE** to approve the minutes. Thereafter President **TRUVER** called for a vote and the Motion passed 5-0.

The Board next reviewed and discussed Department reports presented by Chief Mulligan. Overall calls had decreased from previous months despite ongoing construction along FM 1960, though response times were not appreciably affected. After review, a Motion to accept the report was made by Mr. **RICE**, seconded by Mr. **CLARKE**. Thereafter President **TRUVER** called for a vote and the Motion passed 5-0.

Please see Chief Mulligan's Report for a more detailed presentation of the operations and response data of the District's fire and EMS service for the prior month.

No submittals for thirty (30) day advance requests related to the District were made and no action was taken by the Board.

The Board next discussed a Memorandum of Understanding amongst HC first responders regarding active shooter and hostile event incidents. After review, a Motion was made by Mr. **RICE**, seconded by Mr. **CLARKE**, to table the issue. Thereafter President **TRUVER** called for a vote and the Motion passed 5-0.

The Board next reviewed the need for the sale or disposal of obsolete surplus and/or salvage property, though none was required, and no action was taken by the Board.


The Board next reviewed necessary repairs of equipment apparatus and facilities in service to the District though none were required and no action was taken by the Board.

The Board did not exercise its option to meet in closed session.

The Board next discussed whether any new items should be included as part of the next agenda for the regular District meeting set for January 16, 2023. The scheduled date for the upcoming meeting was confirmed and no further action was taken by the Board.

There being no further business brought before the Board, Mr. **CLARKE** made a Motion, seconded by Mr. **CONE** to adjourn the meeting at 7:41 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 January 16, 2023.



JOHN BOLLOM
District Secretary of the Board