

**MINUTES OF APRIL 17, 2023, MEETING**  
**HARRIS COUNTY EMERGENCY SERVICES DISTRICT NO. 46**

A meeting was duly called of **HARRIS COUNTY EMERGENCY SERVICES DISTRICT NO. 46**, which was held on April 17, 2023 at the Offices of the District 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**, President. Those Commissioners present were **TOM TRUVER, JOHN BOLLOM, JAMES CONE** and **RON CLARKE**. Commissioner **BUDDY RICE** was not in attendance. Chief of Department Mike Mulligan, Director of ITC & Operations Support Mike Wassell, Director of Finance Mary Anne Sokol, District Counsel, Mr. Ira Coveler of Coveler & Peeler, P.C., Melissa Wiggins of Coveler & Peeler, P.C., Alberta Balderas of Tax Management Services, Ricardo Martinez of Martinez Architects and members of the public and Department were also in attendance.

The Board opened the floor to receive public comment. At this time, Chief Mulligan presented Commissioner **CLARKE** with a plaque commemorating five (5) years of service to the Department, and another representing his tenure with the Department. Chief Mulligan then *in absentia* presented Commissioner **RICE** with a plaque commemorating five (5) years of service to the Department. Lastly, he presented President **TRUVER** with plaques and awards representing, five (5), fifteen (15), twenty (20), twenty-five (25), and thirty (30) years of service with the Department, as well as a plaque representing his tenure with the Department. He then thanked the Board for their combined dedication to the Department and District as a whole.

The Board next discussed matters related to the Station 29 construction project and District's maintenance facility including the approval of any certified pay applications received from Martinez Architects ("MA"). Mr. Martinez presented an update on the projects and made note of the following matters regarding Station 29, Station 39, the Fleet Maintenance building and the Training Field.

1. Station 29 - Christensen Building Group ("CBG") continues to work on remaining items and obtaining permanent power to the facility. One (1) missing right-of-way easement continues to stall those efforts with Harris County. Additional concrete was poured up to approximately one foot (1') of Atascocita Road, leaving MA with questions of structural integrity and inspection feasibility. Mr. Martinez anticipated a need to remove existing concrete and re-pour to the roadway in order to maintain structural integrity in a high traffic driveway, but was waiting for more information from CBG.
2. Water service for the Station relating to an agreement with Trail Lakes MUD would also soon be secured. Tap fees for this project totaled \$13,772.77 and were covered in the cost of the overall project. All documentation and approvals by the District have been obtained to secure the needed water service. It is anticipated that Trail Lakes MUD will approve the District for "out of District" service. Mr. Martinez lastly stated that on-site inspections by MA representatives are ongoing, though CBG has consistently failed to provide proof of completion for steps in the project. Pay Application No. 19 was then presented, having

been revised at MA's request. The application totaled \$158,998.20 and was certified by MA for payment by the District, pending Board approval.

3. Training Field - Efforts to develop feasibility information and cost estimates to be presented at the July or August meetings are ongoing.
4. Fleet Maintenance Facility - MA was advised by Humble ISD that miscommunications and delays due to personnel turnover were being addressed, and plans which were previously discussed, would be brought before the Humble ISD Board of Trustees for approval. Humble ISD has requested an easement for storm water, and the school district is discussing plans with their engineers to provide domestic water lines to the District's Fleet Maintenance Facility.
5. Sanitation lines will not be provided due to distance factors, but storm water and access to domestic water will be discussed at the full ISD Board meeting in May, after a prior internal meeting May 1, 2023. The site's current septic system would remain, the former water well would be closed, and at least one (1) hydrant would be installed on the property in addition to a building sprinkler system. Mr. Martinez stated additional work might be required to satisfy the City of Humble as the Fleet Maintenance Facility would not be within city limits, but that no additional issues were anticipated.
6. Station 39 - Meetings with administration have occurred to finalize the floor plans based on provided comments and suggestions. Cost estimates and budgetary factors are expected to be presented to the Board at the May meeting.

Commissioner **BOLLOM** then requested confirmation that the issues related to the Station's mezzanine and internal wall braces had been resolved between MA and CBG. Mr. Martinez confirmed that plans for the mezzanine had been agreed upon and submitted to the contractor through Procure as requested, and that a remittance of \$4,000 had been accepted from CBG relating to the missing braces from the Station's original specifications. At this time, Commissioner **BOLLOM** made a Motion, seconded by Commissioner **CONE** to approve payment of Pay App No. 19 in the amount of \$158,998.20, and to accept the resolution of the mezzanine design and cross bracing as presented. Thereafter, President **TRUVER** called for a vote and the Motion passed by a vote of 4 to 0.

There being no further questions or concerns, Commissioner **CLARKE** made a Motion, seconded by Commissioner **CONE** to accept the report as presented. Thereafter, President **TRUVER** called for a vote and the Motion passed by a vote of 4 to 0.

The Board next received a sales tax report from ESD Tax Management Services. Ms. Alberta Balderas advised the Board that allocations for the month of March totaled \$383,710.22 with seven (7) taxpayers showing significant allocations totaling \$131,952.48 during the month. One (1) entity did not post allocations and was being investigated further, though another posted \$15,225.94 during March, representing past owed allocations from 2019 through 2022 in addition to their regular allocation.

One (1) posting entity was found to be questionable based on use of a home address for business reporting, resulting in the Board requesting Ms. Balderas to contact the Comptroller for

further instruction and possible deallocation of funds to ESD No. 46. After review, Commissioner **BOLLOM** made a Motion, seconded by Commissioner **CONE** to approve the sales tax report as presented. Thereafter, President **TRUVER** called for a vote and the Motion passed by a vote of 4 to 0.

The Board then received a financial report from Mary Anne Sokol who stated that District cash balances at the end of March totaled \$16,000,087.82, with some funds being moved from the Operating account to Texas Class, and another \$800,000 expected to be moved this month as well. When Commissioner **CLARKE** asked about consolidating accounts, Ms. Sokol advised that no such action was recommended at this time, though one (1) account would soon be eliminated after cessation of current activities by EMS collections.

The Board next reviewed District bills and Commissioner submittals for approval and payment. Ms. Sokol advised the Board that two (2) large checks had been submitted related to the new ambulance chassis for approximately \$470,000, and another related to small tax payment owed to Harris County regarding a parcel of land which had been purchased for the Fleet Maintenance Facility. Mr. Coveler stated that land for that project had been purchased in two (2) separate transactions and in two (2) separate parcels. He concluded that the second parcel came with some small back-taxes which were allocated to the District as new owners.

Two (2) submittals were made for President **TRUVER** (including mileage costs) from the SAFE-D conference in February totaling \$234.49, and attendance payments for nine (9) meetings, including SAFE-D and construction site walks, totaling \$1,350. After review, Commissioner **CLARKE** made a Motion, seconded by Commissioner **BOLLOM** to approve the treasurer's report and all bills and Commissioner submittals as presented. Thereafter, President **TRUVER** called for a vote and the Motion passed by a vote of 4 to 0.

The Board then discussed exemption statuses for 2023. Mr. Coveler reminded the Board that past exemption grants stood at zero percent (0%) for homestead exemptions, and caps of \$50,000 for disability, and \$50,000 for persons aged sixty-five (65) and above. He then advised the Board based on current legislative discussions and other similarly impactful matters that no changes were recommended to the District's exemptions. After review, Commissioner **CLARKE** made a Motion, seconded by Commissioner **CONE** to maintain the exemption settings from the prior year without modification.

The 2023 Homestead Exemption was set at **Zero percent (0%)**.

The 2023 Over-65 Exemption was set at **\$50,000**.

The 2023 Disability Exemption was set at **\$50,000**.

Thereafter, President **TRUVER** called for a vote and the Motion passed by a vote of 4 to 0.

The Board next discussed a Resolution designating the Harris County Tax Assessor-Collector's Office to prepare the District's No New Revenue Tax Rate and related tax rate calculations for 2023. Mr. Coveler explained that these calculations are prepared by the Harris County Tax Assessor-Collector's Office every year and that there was no cost to the District for these calculations to be made. Mr. Coveler confirmed that his office does review and verify the calculations based upon the information provided. After review, Commissioner **BOLLOM** made

a Motion, seconded by Commissioner **CONE** to adopt the resolution. Thereafter, President **TRUVER** called for a vote and the Motion passed by a vote of 4 to 0.

The Board then reviewed the Minutes of prior meetings. After review, Commissioner **BOLLOM** made a Motion, seconded by Commissioner **CLARKE** to approve the minutes from the March 2023 meeting. Thereafter, President **TRUVER** called for a vote and the Motion passed by a vote of 4 to 0.

The Board next received Department reports. Chief Mulligan advised the Board that he had made nine (9) visits to the District's stations, which encompasses all shifts, to discuss operations and morale with Department personnel, and to attend to the distribution of service awards for District members. Association President Mr. Keith Sagray, who was also in attendance at the Board meeting, agreed that morale was high in the Department, and the firefighters seemed pleased with their situations and surroundings.

When asked about staffing levels by Commissioner **CONE**, Chief Mulligan stated that four (4) new firefighters had been hired to fill recently vacated positions, along with another three (3) EMS personnel to serve the District. Two (2) additional positions for firefighters were also posted, to provide a fourth (4<sup>th</sup>) firefighter on Engine 19 for all three (3) shifts. Chief Mulligan then advised that payment for the new hires was discussed and approved based on the Department's strategic plan and was covered by reallocating funds which would have served as overtime payments to members covering those open shifts in the absence of permanent hires.

Discussions of the 2024 budget were expected to begin shortly for presentation in August of 2023. Lastly, he reported that an automatic aid agreement with the City of Houston went into effect as of April 10<sup>th</sup> and had already resulted in various calls both in and out of the District, despite prior communication issues. After review, Commissioner **BOLLOM** made a Motion, seconded by Commissioner **CONE** to accept the report as presented. Thereafter, President **TRUVER** called for a vote and the Motion passed by a vote of 4 to 0.

The Board then reviewed submittals of thirty (30) day advance request(s) for necessary purchases related to the provision of emergency services in accordance with the current District Budget, though none were forthcoming, and no action was taken by the Board.

The Board next discussed the purchase of a new Chevrolet Tahoe, and a new pickup truck in accordance with the District's current Strategic Plan. Mr. Wassell stated that despite approving the Tahoe purchase in 2022, delivery of the vehicle would likely not take place until mid-2024 due to supply chain and production delays. Regarding the new pickup truck, a ten percent (10%) contingency had been budgeted for the cost of that vehicle in an attempt to ensure the purchase would be fulfilled.

Chief Mulligan confirmed issues still existed related to supply and delivery of fire apparatus, reiterating that vehicular and rolling stock capital purchases currently have an additional eighteen (18) months lead time beyond what was already anticipated for equipment and vehicles ordered this year. Future purchases would likely be presented for Board approval in advance, despite a delayed monetary commitment to ensure "timely" delivery for these items. After review, Commissioner **CLARKE** made a Motion, seconded by Commissioner **CONE** to approve the

purchase updates and reports as provided. Thereafter, President **TRUVER** called for a vote and the Motion passed by a vote of 4 to 0.

The Board then discussed the remount of one (1) District ambulance box onto a new chassis. Mr. Wassell stated that the chassis had been received almost a full year ahead of schedule, and that payment would be required within thirty (30) days of delivery. The full remount would not be completed until the first quarter of 2024, but all parts and components would be covered by Frazer's Bond until delivery of the completed unit was accepted by the District next year. He then asked for the Board's preference in paying cash or financing the remaining balance for the project. Having been advised of current interest rates, Commissioner **CLARKE** suggested cash payments would be preferable for the District. After review, Commissioner **CLARKE** made a Motion, seconded by Commissioner **CONE** to approve payment for the project in cash, and to accept the project update as presented. Thereafter, President **TRUVER** called for a vote and the Motion passed by a vote of 4 to 0.

The Board next discussed the purchase of a new pumper from Sutphin Corporation. Chief Mulligan stated that after repeated communication issues and missed delivery schedules, he had been advised of an internal misrepresentation between Texas Fire Apparatus ("TFA") and Texas Fire Resources ("TFR") which led to the delay in supply for equipment purchased by the District. A meeting with two (2) of the senior principals with Sutphin Corporation would take place this week to discuss steps moving forward, including the provision of expected equipment at the originally agreed upon price which would be guaranteed by Texas Fire Resources. A formerly approved Change Order for the same equipment was never communicated to TFR and would likely be unnecessary in the procurement of said equipment.

The Board then reviewed the sale or disposal of obsolete surplus and/or salvage District property. Mr. Wassell advised the Board that some items including expired SCBA bottles, and a washer and dryer were being put up for auction as surplus/salvage equipment. After review, Commissioner **CONE** made a Motion, seconded by Commissioner **BOLLOM** to approve the disposal of the salvage equipment as described. Thereafter, President **TRUVER** called for a vote and the Motion passed by a vote of 4 to 0.

The Board next discussed repairs of equipment, apparatus, and facilities in service to the District and was advised by Mr. Wassell that none were available, but that future repairs could require attention or amendments to the budget moving forward.

The Board did not exercise the option to meet in Closed Session for any reason permitted by law.


The Board took no action regarding District real estate and personnel matters.

The Board then confirmed the date of the next District meeting set for May 15, 2023.

At this time, Ms. Jetta Richardson requested permission to speak, and stated, "we had a promotional service back in March, and someone commented that one third (1/3) of our members have been here over five (5) years so that is awesome. I think that is worth mentioning and says a lot about our Department." The Board thanked Ms. Richardson for the comments and agreed that the retention of these volunteers reflected well on the Department.

There being no further business brought before the Board, Mr. **CLARKE** made a Motion, seconded by Mr. **CONE**, to adjourn the meeting at 7:48 p.m. Thereafter, President **TRUVER** called for a vote and the Motion passed 4 to 0.

The foregoing minutes were passed and approved by the Board of Commissioners on May 15, 2023.

  
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**JOHN BOLLOW**  
District Secretary of the Board