

MINUTES OF SEPTEMBER 18, 2023 MEETING
HARRIS COUNTY EMERGENCY SERVICES DISTRICT NO. 46

A meeting was duly called by the Commissioners of **Harris County Emergency Services District No. 46** which was held on Monday September 18, 2023 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 BOLLUM, JAMES CONE, RON CLARKE**, and **BUDDY RICE**. Chief of Department Mike Mulligan, Director of ITC & Operations Support Mike Wassell, Assistant Chief of EMS Sean Conley, Assistant Chief of Operations Terry Wygal, District Counsel, Mr. Ira Coveler, of Coveler & Peeler, P.C., Melissa Wiggins of Coveler & Peeler, P.C., Ricardo Martinez of Martinez Architects, Mark Christensen of Christensen Building Group and members of the public and Department were also in attendance.

The Board first opened the floor to receive public comment, at which time Ms. Jetta Richardson announced a blood drive would be held at the Department Headquarters Building located at 18425 Timber Forest Drive, on Saturday September 30, 2023 from 10:00 a.m., until 2:00 p.m. Additional public comment was requested, but no other members of the public requested to speak and at this time President **TRUVER** closed the opportunity for any additional public comment.

The President **TRUVER**, next announced that the Board would take the agenda out of order and convened in Closed Session to consult with legal counsel beginning at 7:01 p.m. Chief Mulligan joined the Board in closed session. The Board reconvened in Open Session at 7:27 p.m.

At this time, President **TRUVER** moved to agenda item 4 “to review, discuss and take action on any matters related to the Station 29 construction project”. President **TRUVER** asked if there were any motions to be made regarding the Station 29 construction project. Mr. **CONE** next made a Motion to terminate the District’s construction contract with Christensen Building Group. The Motion was seconded by Mr. **BOLLUM**, to terminate the District’s construction contract with Christensen Building Group. After review, President **TRUVER** called for a vote and the Motion passed by a vote of 4 to 1, with Mr. **CLARKE** opposed to the motion to terminate.

The Board then returned to the regular agenda order and moved to review matters related to the upcoming November 7, 2023 election.

Ms. Wiggins then presented the Board with a contract for election services between the District and Harris County related to the November 7, 2023 tax rate election which required approval by the Board for execution. Ms. Wiggins also explained that with the execution of the election services contract, the District was obligated to make a deposit with the Harris County Clerk’s office for sixty percent (60%) of the estimated total cost of election services. The District’s remaining balance for election services would be finalized closer to the election date. After review, Mr. **CLARKE** made a Motion, seconded by Mr. **CONE** to approve execution of the county’s election contract, and to approve payment of the related deposit in the amount of \$67,473. After discussion, President **TRUVER** called for a vote and the Motion passed by a vote of 5 to 0.

The Board then again reviewed matters related to the Station 29 construction project. Mr. Martinez addressed the Board and stated that Pay Application No. 23 had been revised and submitted in the amount of \$105,389.80, but was received too late to be approved at this meeting. Mr. Martinez further advised that permanent power had finally been established at Station 29, allowing HVAC systems to run and acclimatize the building. Once acclimated, work related to interior finishes and projects could commence. He lastly informed the Board that three (3) windows had again failed a recent leak retest, requiring additional repair work to correct. More information related to those failures will be provided at the Board's October meeting.

The Board next discussed matters related to the District's maintenance facility. Mr. Martinez advised the Board that the City of Humble was open to providing water to the facility, though it would require a new design plan to run a line interfacing with fire hydrants in addition to domestic water service. Mr. Martinez stated that requests for potential designs related to the line had been made to Ninyo & Moore and Weisser Engineering though no plans were available for discussion at this time. After review, Mr. **RICE** made a Motion, seconded by Mr. **CONE**, to pursue a proposal from Weisser Engineering related to the maintenance facility's waterline connection with the City of Humble. Thereafter, President **TRUVER** called for a vote and the Motion passed by a vote of 5 to 0.

The Board then reviewed a sales tax report provided by ESD Tax Management Services. President **TRUVER** presented the report on behalf of ESD Tax Management Services. He first announced that for the month of September the District received a monthly allocation of \$582,483.34. President **TRUVER** next announced that through the month of September 2023, the District had received total sales tax revenue of \$4,242,789.97, representing a \$178,997 increase from the same period in 2022. Further analysis also showed an increase of \$113,403.47 in year-to-date revenues received from the top one hundred seventeen (117) taxpayers when compared to 2022.

The Board next received a financial report from Mary Anne Sokol, who stated District bank balances as of August 31, 2023 totaled \$13,547,335.36. She further stated that the District's PNC bank account would likely be closed by the end of the year. Lastly, Ms. Sokol advised the Board that the loan payment related to fleet costs required authorization for payment by October 1, 2023. After review, Mr. **CLARKE** made a Motion, seconded by Mr. **CONE**, to accept the report as presented, and authorize payment of the fleet loan payment in the amount of \$525,390.12. Thereafter, President **TRUVER** called for a vote and the Motion passed by a vote of 5 to 0.

The Board then discussed payment of District bills and Commissioner submittals. One (1) submittal was received in the amount of \$750 from Commissioner **BOLLOM**. After review, Mr. **CLARKE** made a Motion, seconded by Mr. **CONE** to authorize payment of the District's bills, and Commissioner **BOLLOM**'s submittal. Thereafter, President **TRUVER** called for a vote and the Motion passed by a vote of 5 to 0.

The Board next reviewed the minutes of prior meetings. Mr. Coveler advised that two (2) sets of minutes had been submitted from the August 21, 2023 special and regular meetings. After review, Mr. **BOLLOM** made a Motion, seconded by Mr. **RICE**, to approve both sets of minutes. Thereafter, President **TRUVER** called for a vote and the Motion passed by a vote of 5 to 0.

The Board then received the Department reports presented by Chief Mulligan. Chief Mulligan stated that the Department was working with the First Responder Task Force (“FRTF”) regarding potential term life insurance for Department members, volunteers, and even Commissioners. He advised that though similar offers had been made in the past, interest was historically low due to unfavorable sales and communication tactics from potential providers. FRTF alternatively had been recommended by another similarly cautious Department whose experience was more favorable.

Chief Mulligan then advised the Board regarding reimbursements from the City of Houston related to mutual aid services provided by the Department. He added that the current belief is that in the past there was incomplete data exchanged between the District’s and the City of Houston’s cooperative systems. The result of those systems not properly exchanging necessary information is that some past and open accounts might require additional billing services, for accounts which had not been properly coordinated in the past. Next, President **TRUVER** added that discussions regarding the District’s mutual aid agreement with the City of Houston were ongoing and more information would hopefully be forthcoming soon, as calls with the City had remained high with forty-six (46) calls made in the prior month. After review, Mr. **RICE** made a Motion, seconded by Mr. **BOLLOM**, to approve the Department report as presented. Thereafter, President **TRUVER** called for a vote and the Motion passed by a vote of 5 to 0.

The Board then reviewed purchase requests, though none were forthcoming, and no action was taken.

The Board next discussed any necessary sales or disposal of District assets, though none were forthcoming, and no action was taken.

The Board then reviewed any necessary repairs to District assets, though none were forthcoming, and no action was taken.

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

The Board next reviewed any items requiring inclusion on upcoming District meeting agendas. Mr. Coveler advised that an additional special meeting would likely be required regarding construction matters, though no further items were noted.

Mr. Christensen asked to be recognized and requested a formal termination notice be provided to his office and that District counsel should coordinate with Christensen Building Group’s counsel to facilitate any necessary actions related to the District’s construction projects. Mr. Coveler announced that he was already in contact with Christensen Building Group’s counsel and he assured everyone a formal notice of termination would be submitted to Christensen Building Group’s promptly. The Board then confirmed the next meeting of the District would occur on Monday, October 16, 2023.

There being no further business brought before the Board, Mr. **CONE** made a Motion, seconded by Mr. **CLARKE**, to adjourn the meeting. Thereafter, President **TRUVER** adjourned the meeting at 7:42 p.m.

The foregoing minutes were passed and approved by the Board of Commissioners on October 16, 2023.



RON CLARKE
District Secretary of the Board