

MINUTES OF NOVEMBER 13, 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 **November 13, 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 Board President, **TOM TRUVER**. Those Commissioners present were **TOM TRUVER, JOHN BOLLUM, JAMES CONE, BUDDY RICE**, and **RON CLARKE**. Also in attendance were Chief of Department Mike Mulligan, Director of ITC & Operations Support Mike Wassell, Director of Human Resources and Finance Mary Anne Sokol, Assistant Chief of Operations Terry Wygal, EMS Director Sean Conley, Ira Coveler and Melissa Wiggins of Coveler & Peeler, P.C., District legal counsel, Alberta Balderas of ESD Tax Management Services and other members of the public and Department.

The Board first opened the floor to public comment, at which time Commissioner **Cone** thanked the Atascocita Fire Union for their efforts on behalf of the District in the recent tax rate election. "Without you, it wouldn't have been passed. I saw a lot of good stuff, and had a lot of people comment on it. You did an awesome job, and I just want to thank you." Everyone joined together to applaud the recent election victory.

There was no additional public comment offered.

The Board then determined to take the agenda out of order and determined to convene in Closed Session to consult with legal counsel at 7:01 p.m.

The Board returned to Open Session at 7:15 p.m.

The Board next discussed matters related to the Station 29 construction project. Mr. Wassell informed the Board that Martinez Architects had sent out a solicitation package for potential project managers on November 10th. Bids for the project position would be received at Mr. Martinez' office on November 17, and would be reviewed on November 28th. A pre-bid meeting was scheduled for Wednesday, November 15th at which time prospective bidders could introduce themselves and present information about their candidacy to members of the construction committee and command staff. After review, the construction committee will present the Board with its recommendation for the project Construction Manager at a special meeting to be scheduled in December. Commissioner **CLARKE** inquired about qualifications and criteria for the position, and was assured that Mr. Martinez had a schedule of qualifications which would be scored for each applicant, and then considered by the Committee and Board.

The Board then discussed matters related to the District's maintenance facility. Mr. Wassell informed the Board that little progress had been made as communication from Humble I.S.D., was slow, but work to resolve matters related to the water system and detention pond was ongoing.

The Board next reviewed the process for the selection of a Construction Manager at Risk to complete the District's Station 29 project and the District's maintenance facility. Mr. Coveler and Mr. Martinez had a discussion with the Board regarding the Construction Manager at Risk selection process for the Station 29 project. They stated that a decision regarding a Construction Manager could be made at a meeting to be held in December.

The Board then received a sales tax report from Ms. Alberta Balderas of ESD Tax Management Services. Ms. Balderas presented two (2) reports as neither had been available in the previous month. October allocations totaled \$439,732.95 with a year-to-date total of \$4,682,522.92. Monthly allocations represented a \$33,350 increase over the same period in 2022. Two (2) entities did not post allocations in September and were being investigated, though another entity had allocated over \$130,000 to the District as a result of back taxes discovered during a recent state audit. Confirmation on that one-time allocation had been received by the Comptroller.

November allocations totaled \$455,027.85 with a year-to-date total of \$5,137,550.77. Seven (7) entities contributed significant allocations to the District totaling \$140,560.69. Two (2) entities failed to post allocations during October and were being investigated. Ms. Balderas also noted one (1) internet delivery entity which had requested and been granted a one-time refund or deallocation from the District by the Comptroller. When questioned by Commissioner **CLARKE**, Ms. Balderas explained that though the point of purchase determined allocations for similar entities, it was in some cases impossible to determine the purchase and delivery points for such entities and thus not possible to accurately verify sales. After review, Commissioner **CLARKE** made a Motion, seconded by Commissioner **RICE**, to accept the reports as presented. Thereafter, President **TRUVER** called for a vote and the Motion passed by a vote of 5 to 0.

The Board next received a financial report from Mary Anne Sokol who stated District bank balances stood at \$11,903,705.81 including reserve funds as of October 31, 2023. She further advised that financial figures were in line with budget expectations for the period. After review, Commissioner **BOLLOM** made a Motion, seconded by Commissioner **CONE** to approve the 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 District bills and Commissioner submittals. After review, Commissioner **BOLLOM** made a Motion, seconded by Commissioner **CONE** to approve the report as presented. Thereafter, President **TRUVER** called for a vote and the Motion passed by a vote of 5 to 0.

The Board next reviewed and discussed the District's Texas County & District Retirement System (TCDRS) plan contribution for 2024. Chief Mulligan advised the Board that prior to proposing the District's 2024 tax rate, TCERS contributions had been modeled in the District's 2024 Budget with an increase to 7% with a 2.5:1 match rate from the Department for all enrolled members. He then provided the Board with paperwork for signatures which would enact those contribution changes. After review, Commissioner **RICE** made a Motion, seconded by Commissioner **CONE** to approve the TCERS contribution increase as presented. Thereafter, President **TRUVER** called for a vote and the Motion passed by a vote of 5 to 0.

The Board then discussed possible amendments to the 2024 District Budget. Chief Mulligan informed the Board that in addition to the TCDRS increase for member pension programs, a \$2.00/per hour overall increase to all salary ranges including entry level through top tiers, excluding the Fire Chief and Medical Director. He stated the increase was outlined in budget scenario documents which were previously provided to the Board for consideration. Commissioner **BOLLOM** inquired if it was possible to increase all salaries by \$3.00/per hour rather than \$2.00/per hour, and was informed that \$3.00/per hour would be possible within the 2024 budget without impacting reserve funds, and without negative impact to the District's long term strategic plan.

Commissioner **RICE** then inquired if certificate pay was practiced in the Department, and told that certificate pay was not used, in order to maintain a simple system without complications related to overtime calculations related to the requirements of the Fair Labor Standards Act. Commissioner **RICE** requested that such pay programs be considered in the future as an incentive for members to earn additional certifications while also benefiting financially. Commissioner **CONE** then clarified that the proposed pay increases did not include the four percent (4%) merit raise, and was told that the increase would be in addition to the merit raise. After review, Commissioner **BOLLOM** made a Motion, seconded by Commissioner **CLARKE** to enact a \$3.00/hour salary increase for all personnel except the Fire Chief and Medical Director, and to adopt the amended 2024 budget as discussed. 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 the October Board meeting which were provided to the Board prior to the meeting. After review, Commissioner **CONE** made a Motion, seconded by Commissioner **CLARKE**, to approve the minutes of the October Board meeting. Thereafter, President **TRUVER** called for a vote and the Motion passed by a vote of 5 to 0.

The Board then reviewed the Department reports provided by Chief Mulligan prior to the meeting. Chief Mulligan asked the Board if they had any questions about the reports and if there were matters they wanted to discuss. Commissioner **RICE** restated his frustration with automatic aid response figures by the District to the City of Houston ("COH"). After Commissioner **CLARKE** questioned the agreement, it was stated that calls to COH were holding steady between forty (40) and fifty (50) calls a month, with between thirty (30) to thirty-five (35) transports occurring each month.

Commissioner **CLARKE** agreed that the frequency of calls seemed to represent an undue strain to District resources, and potential loss to the Atascocita community. President **TRUVER** advised that after multiple conversations with command staff and shift personnel, he felt confident that Department members would come forward if faced with undue burdens due to the agreement with COH, but that no such complaints had yet been received. There being no further comments, a Motion was made by Commissioner **CLARKE**, seconded by Commissioner **BOLLOM**, to accept the report as provided. Thereafter, President **TRUVER** called for a vote and the Motion passed by a vote of 5 to 0.

The Board next reviewed thirty (30) day submittals by the Department, though none were forthcoming, and no action was taken by the Board.

The Board then reviewed the sale or disposal of obsolete surplus and/or salvage District property, though none was forthcoming, and no action was taken by the Board.

The Board next reviewed any necessary repairs of equipment, apparatus and facilities in service to the District. Mr. Wassell advised the Board that Shop 366, which was recently damaged in a traffic accident would be repaired for a total cost of approximately \$28,000. He then noted after Commissioner inquiry, that based on the needed repairs it would be prudent to fix the unit and maintain its service in the Department fleet rather than replacing the entire unit.

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 Commissioner **CONE**, seconded by Commissioner **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 2023 pursuant to §33.07 of the Texas Property Tax Code and adoption of a Resolution regarding same. After review, Motion was made by Commissioner **CONE**, seconded by Commissioner **BOLLOM**, to adopt a Resolution imposing additional penalty on delinquent taxes for 2023. 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 2023 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 Commissioner **CONE**, seconded by Commissioner **BOLLOM**, to adopt a Resolution imposing additional penalty on delinquent taxes for 2023 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 Commissioner **CONE**, seconded by Commissioner **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 reconvene in Closed Session to consult with legal counsel or to discuss sales tax matters.

The Board did not meet in Closed Session to discuss personnel matters.


The Board did not meet in Closed Session to deliberate real estate matters.

The Board then reviewed real estate and personnel matters, though none were forthcoming, and no action was taken by the Board.

The Board lastly discussed any new items which required inclusion on the agenda for the upcoming December meeting, and reviewed potential dates for the same which was currently scheduled for December 18, 2023. Mr. Coveler advised that a special meeting would be held on Monday, November 20th to canvass the results of the November 7th tax rate election. The meeting would only require the presence of two (2) Commissioners. After review, the Board agreed to hold a special meeting on Monday November 20th at 6:00 p.m. to canvass the recent election results, and to confirm the regular December Board meeting for Monday, December 18, 2023.

There being no further business brought before the Board, Commissioner **BOLLOM** made a Motion, seconded by Commissioner **CONE** to adjourn the meeting. Thereafter, President **TRUVER** adjourned the meeting at 7:33 p.m.

The foregoing minutes were passed and approved by the Board of Commissioners on December 18, 2023.



RON CLARKE
District Secretary of the Board