

**MINUTES OF NOVEMBER 18, 2024**  
**HARRIS COUNTY EMERGENCY SERVICES DISTRICT NO. 46**

A public meeting was duly called by the Board of Commissioners of **Harris County Emergency Services District No. 46** on **November 18, 2024**, which was held at the **Atascocita Fire Department, Headquarters Building** located at **18425 Timber Forest Drive, Humble, Texas 77346**.

**CALL MEETING TO ORDER, ROLL CALL AND ESTABLISH A QUORUM.**

The meeting was called to order at 7:00 p.m. by **Tom Truver**, President of the Board and Chairman of the meeting.

President **Truver** announced that a quorum was present. Those Commissioners present for the meeting were:

<b>Tom Truver</b>	President	Present
<b>Buddy Rice</b>	Vice President	Absent
<b>John Bollom</b>	Treasurer	Present
<b>Ron Clarke</b>	Secretary	Present
<b>James Cone</b>	Asst. Sec/Treas.	Present

Also present at the meeting were Chief of the Department, Mike Mulligan, Director of ITC & Operations Support Mike Wassell, Director of Human Resources and Finance Mary Ann Sokol, Assistant Chief of Operations Terry Wygal, EMS Director Sean Conley, Ira Coveler and Melissa Wiggins of Coveler & Peeler, P.C., District legal counsel, Ricardo Martinez of Martinez Architects, and members of the Fire Department and public.

**JOIN TOGETHER IN THE PLEDGE OF ALLEGIANCE.**

The District Commissioners and other persons present at the meeting joined together to recite the Pledge of Allegiance to the United States and Texas.

**TO RECEIVE PUBLIC COMMENT.**

The Board first opened the floor to public comment at which time President **Truver** recognized Commissioner **Rice** as the President of the Texas Fire Marshal Association.

**TO REVIEW, DISCUSS AND TAKE ACTION ON ANY MATTERS RELATED TO THE STATION 29 CONSTRUCTION PROJECT.**

The Board next received an update on the Station 29 project from Mr. Martinez who stated that Maco had made great progress, though there were some delays due to shipping issues with the apparatus bay flooring. "Once that's received in Houston, they'll finish up and do installation of equipment in the bay, and schedule the Fire Marshall inspections." When asked, Chief Mulligan stated that December 13<sup>th</sup> was the current date to move into the station, though that was contingent on completing the floor installation. Pay application No. 4 from Maco Construction was submitted in the amount of \$170,731.42. After review, Mr. **Cone** made a Motion, seconded by Mr. **Clarke**,

to approve the report as presented, and authorize the payment as discussed. Thereafter, President **Truver** called for a vote and the Motion passed by a vote of 4 to 0.

**TO REVIEW, DISCUSS AND TAKE ANY NECESSARY ACTION RELATED TO THE CONSTRUCTION OF THE DISTRICT'S MAINTENANCE FACILITY.**

Mr. Martinez informed the Board that progress on the facility was still held up by delays with Humble ISD, and no further updates were available. There being no further discussion, Mr. **Cone** made a Motion, seconded by Mr. **Clarke**, to accept the report as presented. Thereafter, President **Truver** called for a vote and the Motion passed by a vote of 4 to 0.

**TO RECEIVE A SALES TAX REPORT FROM ESD TAX MANAGEMENT SERVICES.**

President **Truver** next presented the District's sales tax report, stating that November allocations totaled \$501,023.99. Eight (8) taxpayers provided significant allocations in the month of October for a total allocation of \$189,815.30, approximately \$64,286.28 more than October 2023. He then noted several entities whose allocations were being investigated for validity or who failed to post allocations during the month of October. After discussion, Mr. **Bollom** made a Motion, seconded by Mr. **Cone**, to approve the report as presented. Thereafter, President **Truver** called for a vote and the Motion passed by a vote of 4 to 0.

**TO RECEIVE A FINANCIAL REPORT FROM MARY ANNE SOKOL AND TAKE ANY NECESSARY ACTION REGARDING THE REPORT.**

Ms. Mary Anne Sokol then advised the Board regarding the District's financial report, noting that some changes to capital payments in the District books were incorrect and were being addressed. Chief Mulligan added that the corrections would bring the District's budget expenditure from over one hundred percent (100%) to only ninety-five percent (95%). She then noted one (1) invoice related to the District's Fleet Maintenance facility in the amount of \$57,251.60. Mr. Coveler reminded Ms. Sokol and Mr. **Bollom** to contact the District's banking institution to increase their pledge coverage over the holidays on District funds to cover potential increased deposits from property tax income at the end of the year. After discussion, Mr. **Clarke** made a Motion, seconded by Mr. **Bollom**, to approve the report as presented. Thereafter, President **Truver** called for a vote and the Motion passed by a vote of 4 to 0.

**TO PAY DISTRICT BILLS AND APPROVE COMMISSIONER SUBMITTALS PURSUANT TO TEXAS HEALTH AND SAFETY CODE §775.038(A-1).**

The Board next reviewed District bills and Commissioner submittals for payment. After review, Mr. **Bollom** made a Motion, seconded by Mr. **Clarke**, to approve payment of the bills and submittals as received. Thereafter, President **Truver** called for a vote and the Motion passed by a vote of 4 to 0.

**TO APPROVE THE MINUTES OF PRIOR MEETING(S).**

The Board then reviewed minutes of the October 21, 2024 meeting. After review, Mr. **Cone** made a Motion, seconded by Mr. **Bollom**, to approve the minutes as presented. Thereafter, President **Truver** called for a vote and the Motion passed by a vote of 4 to 0.

**TO REVIEW AND TAKE ACTION ON THE RATIFICATION OF A CONTINUING CONTRACT WITH A PRIVATE LAW FIRM PURSUANT TO §6.30 OF THE TAX CODE 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.**

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 twenty percent (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. **Cone** 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 4 to 0

**TO DISCUSS AND TAKE ACTION ON THE IMPOSITION OF ADDITIONAL PENALTY ON DELINQUENT TAXES PURSUANT TO §33.07 OF THE TAX CODE AND ADOPTION OF A RESOLUTION REGARDING SAME FOR TAXES.**

The Board then discussed the imposition of additional penalty on delinquent taxes for 2024 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. **Cone**, to adopt a Resolution imposing additional penalty on delinquent taxes for 2024. Thereafter, President **Truver** called for a vote and the motion passed by a vote of 4 to 0.

**TO DISCUSS AND TAKE ACTION ON THE IMPOSITION OF ADDITIONAL PENALTY ON DELINQUENT TAXES TO DEFRAY COSTS OF COLLECTION BY THE DISTRICT'S DELINQUENT TAX ATTORNEY, PURSUANT TO §33.08 OF THE TAX CODE AND ADOPTION OF A RESOLUTION REGARDING SAME.**

The Board then addressed the imposition of additional penalty on delinquent taxes for 2024 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. **Cone**, to adopt a Resolution imposing additional penalty on delinquent taxes for 2024 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 4 to 0.

**TO DISCUSS AND TAKE ACTION ON THE IMPOSITION OF EARLY ADDITIONAL PENALTY FOR COLLECTION COSTS FOR TAXES IMPOSED ON PERSONAL PROPERTY ON DELINQUENT TAXES PURSUANT TO §33.11 OF THE TAX CODE AND ADOPTION OF A RESOLUTION REGARDING SAME.**

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. **Cone**, 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 4 to 0

**TO REVIEW, DISCUSS AND TAKE ACTION ON THE DEPARTMENT REPORTS.**

Chief Mulligan next addressed Department Reports, stating that over all Unit Hour Utilization rates had decreased and were all below twenty-five percent (25%) usage. Mutual Aid

calls to Humble and the City of Houston were now even, with a lower overall run volume for the month. After review, Mr. **Clarke** made a Motion, seconded by Mr. **Cone**, to approve the report as presented. Thereafter, President **Truver** called for a vote and the Motion passed by a vote of 4 to 0.

**TO REVIEW, DISCUSS AND TAKE ACTION ON 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.**

Mr. Wassell then addressed the Board regarding the need for training sites due to continued delays with the District maintenance facility and Humble ISD. Mr. Wassell advised that a pad site could be installed at the fleet maintenance property with Connex boxes for training with District personnel. The cost of this project would total approximately \$45,000 and was expected to be presented for approval in December. This was not a budgeted item, but was considered necessary due to continued delays in construction. Chief Mulligan further advised that the site would eventually hold a District tower, and would merely provide a training location in the interim, and provide the opportunity to train District personnel that were currently unable to train at the HCFMO training center. "This lets us move forward for training we've had to delay so far. This was never the plan, but it's a stopgap." No special permitting would be required for the area, and the price was anticipated to stay below the \$50,000 bid requirement. No action was taken at this time.

**TO REVIEW, DISCUSS AND TAKE ACTION FOR THE SALE OR DISPOSAL OF OBSOLETE SURPLUS AND/OR SALVAGE PROPERTY PURSUANT TO TEXAS HEALTH AND SAFETY CODE §775.0735.**

Mr. Wassell informed the Board that no new items were being presented for sale or disposal at this time. No action was taken.

**TO REVIEW, DISCUSS AND TAKE ACTION ON ANY NECESSARY REPAIRS OF EQUIPMENT, APPARATUS AND FACILITIES IN SERVICE TO THE DISTRICT.**

The Board took no action regarding repairs to District property.

**TO REVIEW AND ACT TO APPROVE COVERED APPLICATIONS AND PROHIBITED TECHNOLOGY POLICY BASED UPON MODEL POLICY DEVELOPED BY THE TEXAS DEPARTMENT OF INFORMATION RESOURCES.**

Mr. Coveler next advised the Board regarding a new policy related to Prohibited Technology and Covered Applications. In 2023, the Texas Legislature passed a law requiring the prohibition of certain technologies by Government entities, including political subdivisions. The policy, adapted from a model provided by the Texas Department of Information Resources, outlawed the use of certain hardware and software on District devices, and was required to be adopted by November 20, 2024. Implementation of the policy would be managed by the District command staff and IT Department.

Mr. Coveler informed the Board that at this time, the policy did not require the removal of those software programs from personal devices of District employees, but that the District could amend the policy to make that demand if desired. Chief Mulligan informed the Board that a camera belonging to the District would have to be replaced to comply with this policy, but that the issue

was already being addressed. After discussion, Mr. **Bollom** made a Motion, seconded by Mr. **Cone**, to approve the policy as presented. Thereafter, President **Truver** called for a vote, and the Motion passed by a vote of 4 to 0.

**TO MEET IN CLOSED SESSION PURSUANT TO GOVERNMENT CODE §551.071 TO CONSULT WITH LEGAL COUNSEL OR TO DISCUSS SALES TAX MATTERS AS PERMITTED BY TAX CODE §323.3022.**

The Board did not meet in Closed Session to consult with legal counsel.

**TO MEET IN CLOSED SESSION PURSUANT TO GOVERNMENT CODE §551.074 TO DISCUSS PERSONNEL MATTERS.**

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

**TO MEET IN CLOSED SESSION PURSUANT TO GOVERNMENT CODE §551.072 TO DELIBERATE REGARDING REAL ESTATE MATTERS.**

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

**TO REVIEW AND ACT TO ENGAGE THE FIRM LOCKE LORD FOR GOVERNMENTAL RELATIONS SERVICES FOR THE 2025 LEGISLATIVE SESSION.**

Mr. Coveler next discussed matters related to the 2025 Legislative Session with the Board, providing them the opportunity to work with eight (8) other Districts to discuss and impact upcoming legislation through the firm Locke Lord. Mr. Coveler explained that in prior years, the District had participated in this effort with a larger group of Districts, and though having so many participants led to a lower cost, it was also less efficient to achieve the group's legislative goals. This session, nine (9) clients would be invited to participate, at a cost of approximately \$55,000 each which would be paid to Locke Lord for their services throughout the session. Each participating group would send two (2) Commissioners, and likely the Fire or EMS Chief, to attend meetings in Houston, as well as other events and meetings in Austin throughout the legislative session.

President **Truver** expressed his interest in participating, but questioned the fairness of such limited participation across all ESDs in the area, and the balance of interests from the participating groups. Mr. Coveler advised that participating in the group could only help the District's cause with upcoming matters, including tax rate adoption and future elections, but recognized the appearance of inequity in the process. Though only a small number of ESDs would participate in the group working with Coveler & Peeler, P.C., other entities throughout the state would also benefit from their efforts based on legislation that was enacted or rejected. He further advised that other counties including Parker and Bexar county participated in similar efforts with their own lobbyists, to influence legislative sessions on behalf of the ESD world, and reminded the Board that individual ESDs, Commissioners, and entities had every right to approach their representatives in Austin regarding legislation of concern or interest, even without the aid of a lobbyist.

Mr. **Clarke** pointed out the inequity of the situation, noting his distaste for subsidizing the efforts of "three hundred ESDs who don't put in a penny. It's not fair to ask richer ESDs to carry the burden for those ESDs that don't put anything in. We probably would want to do it if it was fair, but it's not. If we weren't part of this District, then you don't give us the opportunity to put

my thoughts in.” Mr. Coveler acknowledged Mr. **Clarke’s** perspective and concern and again stated his recommendation to participate in the group. There being no further discussion, President **Truver** called for a vote on the item as presented.

After review, Mr. **Bollom** made a Motion, seconded by Mr. **Cone**, to approve the engagement of Locke Lord for Government Relations and legislative efforts for the 2024 – 2025 legislative session. Thereafter, President **Truver** called for a vote and the Motion passed by a vote of 3 to 1, with Mr. **Clarke** opposing the Motion.

**TO REVIEW AND ACT TO APPOINT A GOVERNMENTAL RELATIONS COMMITTEE TO PREPARE DISTRICT CONCERNS AND PRIORITIES FOR THE 2025 LEGISLATIVE SESSION.**

The Board next discussed who would represent the District during the legislative season. Commissioners **Bollom** and **Truver** were named to the legislative Committee, along with Chief Mulligan. Commissioner **Cone** would serve as an alternate if needed. After review, Mr. **Bollom** made a Motion, seconded by Mr. **Cone**, to appoint the District’s legislative Committee as discussed. Thereafter, President **Truver** called for a vote and the Motion passed by a vote of 3 to 0, with Mr. **Clarke** abstaining.

**REVIEW AND TAKE ACTION ON DISTRICT REAL ESTATE MATTERS AND PERSONNEL MATTERS.**

The Board took no action regarding real estate or personnel matters at this time.

**DISCUSS ANY NEW ITEMS WHICH NEED TO BE ON THE AGENDA FOR THE SUBSEQUENT DISTRICT MEETINGS, INCLUDING THE REGULAR DISTRICT MEETING SET FOR DECEMBER 16, 2024.**

At this time, the Board confirmed the date of the District’s upcoming meeting for Monday December 16, 2024, and stated that any District representative that was interested could meet at 6:00 p.m. at Station 29 for an initial walkthrough and tour prior to hosting the meeting at its regular location at 7:00 p.m.

**TO REVIEW, DISCUSS AND TAKE ACTION REGARDING CHANGING THE DISTRICT’S REGULAR MEETING DATE AND TIME.**

The Board took no action regarding the District’s meeting schedule.

**RECEIVE ANY ANNOUNCEMENTS FROM THE BOARD OF COMMISSIONERS OR THE DEPARTMENT STAFF.**

Chief Mulligan informed the Board that the Executive Director of Family Time in Humble, Judy Cox, had passed away and asked for condolences for her family. President **Truver** also expressed condolences on the passing of Brandi Contreras, a former District employee.

**ADJOURNMENT.**

There being no further business brought before the Board, Mr. **Clarke** made a Motion, seconded by Mr. **Cone**, to adjourn the meeting at 7:33 p.m. Thereafter, President **Truver** called for a vote and the Motion passed by a vote of 5 to 0.

The foregoing minutes were approved by the Board of Commissioners on December 16, 2024.

By: 

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**RON CLARKE**  
Board Secretary