

**MINUTES OF MARCH 20, 2018, MEETING
HARRIS COUNTY EMERGENCY SERVICES DISTRICT NO. 48**

A regular meeting was duly called of Harris County Emergency Services District No. 48, which was held at the District Administrative Building located at 21201 Morton Road, Katy, Texas 77449 on Tuesday, March 20, 2018.

CALL MEETING TO ORDER AND ESTABLISH A QUORUM.

The meeting was called to order at 7:00 p.m. by **Marshall Kramer**, President, who announced that a quorum was present. Those Commissioners present were:

Marshall Kramer	Present
Sam Henderson	Present
Bret Fossum	Present
Russell Solomon	Present
Michael Fleming	Present

Also present at the meeting were Fire Chief and Emergency Management Director, Jeff Hevey, Assistant Chief of EMS, Eric Bank, Assistant Chief of Administration, Tommy Westall, Assistant Chief of Operations, Les Fulgham, Division Chief of Logistics, Ray Sidwell, HR Office Manager, Walla Mourad, Assistant Office Manager, Jackie Tobar, Public Information Officer, Simon VanDyk, EMS Division Chief, George Hebert, EMS Training Division Chief, Kevin Leverance, and other ESD Members. Also present were, Rich Majeres with Ubernosky & Majeres, PLLC, Hieu Hart with Wiesner Engineering, Mr. Littlejohn, District's Realtor, Ryan Fortner of Wheeler & Associates, Inc., the District's sales tax revenue consultant, and Ira Coveler, of the law firm of Coveler & Peeler, the District's legal counsel.

TO ADMINISTER OATHS TO NEWLY HIRED AND/OR PROMOTED EMPLOYEES IN SERVICE TO THE DISTRICT.

Fire Chief, Jeffrey S. Hevey, welcomes all to tonight's Swearing-In and Promotion Ceremony.

The Pledge of Allegiance led by Assistant Chief of Operations, Les Fulgham.

The Opening Prayer led by Chaplain, Mardie Menke.

Swearing-In and Promotion Ceremony Full-Time EMS Division Chiefs:

George Hebert
Kevin Leverance

Recess to The District Meeting.

TO REVIEW AND TAKE ACTION ON MATTERS RELATING TO CALLING AN ELECTION TO BE HELD ON MAY 5, 2018.

- a. To consider and take action on such other Orders, Resolutions, and related matters as required or appropriate to call for the District election.

Mr. Coveler asked the Board for approval of up to \$5,000 for the processing cost and postage related to the mailing of the election ballots. Mr. Coveler also requested for the election, the purchase of two (2) used optical ballot scanner at a cost of \$3,000 each.

Mr. **Solomon** made a motion to approve the mailing for the election ballots and scanner. Mr. **Fleming** seconded the motion. The motion passed 5 to 0.

TO RECEIVE PUBLIC COMMENT.

No public comment made.

TO REVIEW AND TAKE ACTION ON MINUTES OF PRIOR MEETINGS.

Mr. Coveler stated that there were no Minutes of prior meetings to present and that he would have the minutes caught up at the April meeting.

TO RECEIVE AND REVIEW THE MONTHLY SALES TAX REPORT.

Mr. Fortner of Wheeler & Associates, Inc., presented the Monthly Sales Tax Report. A review of the monthly reports provided by the Comptroller of Public Accounts reflects 2,608 active taxpayer accounts coded to Harris County Emergency Services District No. 48. Average number of taxpayers filing in the current month: 1,231. Sales tax receipts for calendar year 2018 total \$1,026,033.57. For tax year 2018 (March 2018-February 2019), sales tax receipts total \$285,619.86. Out of the District's current sales tax allocation, forty (40) businesses filed local taxes in excess of \$1,000.00. It is important to note that the taxpayers with returns over \$1,000.00 reflect 75% of the total monthly allocation, with combined filings of \$212,877.18. Harris County Emergency Services District No. 48 has received \$8,477,165.92 in sales tax receipts since the October 1, 2014, effective date. The March 2018 local tax allocation to be refunded to the District totals \$285,619.86. Mr. Fortner was authorized by the Board to prepare a ten (10) year forecast of Sale Tax Revenue projections.

Mr. Fortner brought to the Board's attention that on February 23, 2018, the Comptroller of Public Accounts determined that Newpark Drilling Fluids, LLC, a business categorized by the State as "99999" or "having no physical location in the SPD," was reporting sales tax into the District incorrectly. The cause was deemed by the State as an error in reporting taxes based on jobsite, rather than where the business orders were being placed. The company admitted that a software error was to blame and reported that they were looking into correcting the issue. According to the State, and confirmed by review of an encrypted, confidential report by Wheeler & Associates, Inc., (which was NOT provided to the District or presented at the meeting) the District has received \$125,901.94 in error. The State has provided several repayment options. While this case is being reviewed, Mr. Fortner recommended that the Board repay the \$125,901.94 by choosing repayment Option 3, which allows the District to repay the overpayment over a 27-month period. This option allows the District to repay the funds through

an automatic monthly reduction of the sales tax revenue that would normally be distributed to the District on a monthly basis. The amount to be deducted is \$4,664.00 per month for twenty-six (26) months with a final deduction of \$4,637.94. The payment plan is interest free to the District.

Mr. Kramer asked Mr. Fortner if it is ultimately determined that these funds do belong to the District, would the District receive a refund of the amounts repaid to the comptroller. Mr. Fortner responded that such funds, if incorrectly reduced from the District's monthly distribution, would be refunded to the District. Mr. Coveler stated we would need to advise the auditor of this even for the District's 2017 audit.

Please see report submitted by Ryan Fortner with Wheeler & Associates, Inc., for additional details.

Thereupon, Mr. **Henderson** made a motion to repay the overpayment amounts in question on a monthly basis as set forth above and to accept the Monthly Sales Tax report as presented. Mr. **Solomon** seconded the motion. The motion passed 4 to 1. Mr. Kramer opposed the action taken.

TO RECEIVE A FINANCIAL REPORT FROM THE DISTRICT BOOKKEEPER AND TAKE ANY ACTION RELATED THERETO.

Mr. Majeres with Ubernosky & Majeres, PLLC presented the District's Financial Report. Mr. Majeres went over Cash Balances as of March 20, 2018:

The District's has combined cash assets totaling \$13,938,711. The Remaining 2018 Budgeted Expenditures as of March 20, 2018 total \$12,160,479. The District's combined liabilities & equity total \$15,146,474.74. The District has collected \$1,026,033.57 in Sales Tax Revenue for 2018.

Mr. **Henderson** made a motion to accept the Financial Report from the District Bookkeeper as presented. Mr. **Fossum** seconded the motion. The motion passed 5 to 0.

Please see the report from Mr. Majeres with Ubernosky & Majeres, PLLC for complete listings and details of all figures presented.

TO REVIEW, DISCUSS, AND TAKE ACTION RELATED TO THE DISTRICT'S BANK ACCOUNTS AND DISTRICT INVESTMENT FUNDS, POOLS, AND ACCOUNTS.

Chief Westall stated the Westbound bank resolution was signed today, March 20, 2018. Representatives of the District will attend a meeting with Allegiance Bank on March 24, 2018.

TO PAY DISTRICT INVOICES AND EXPENSES.

Ms. Tobar presented the Board with the District bills. The Board reviewed and discussed the District bills. Mr. **Henderson** made a motion to approve the District bills related to expenses incurred by the District since the prior meeting. Mr. **Solomon** seconded the motion. The motion passed 5 to 0.

TO RECEIVE A REPORT FROM CHIEF JEFF HEVEY AND TAKE ANY NECESSARY ACTION RELATED TO HIS REPORT.

Chief Hevey discussed the District's report. Chief Hevey informed the Board that The District has hired several EMS and Fire personnel in the last months. Chief Hevey reiterated a job well done by the staff on the significant Type 1 Incident during Hurricane Harvey.

TO RECEIVE AN EMS DIVISION REPORT FROM ASSISTANT CHIEF ERIC BANK AND TAKE ANY NECESSARY ACTION RELATED TO THE REPORT.

Chief Bank presented the District's EMS Report. EMS had a total of 635 EMS calls year to date. Average response time was six minutes and thirty-five seconds (6:35). There were three-hundred and fifty (350) non-transport/non-emergency calls. Used Life-Flight zero (0) times. EMS conducted the following Mutual Aid: five (5) calls to Westlake FD and two (2) calls to Katy FD. Chief Bank stated there are four (4) Paramedics currently out on medical leave and we are hiring three (3) Full-Time Paramedics to come on board this year. Memorial Hermann will be filming the District on March 27, 2018. Chief Bank will need to see how the next two (2) month's call volumes proceed in order to provide an estimated report of the call volume for this year. The population growth is continuing to grow and prices of medical supplies continue to increase well beyond the rate of inflation. Chief Bank asked permission from the Board to proceed with the purchase of the Ambulance with an additional cost of \$50,211.00.

Mr. **Henderson** made a motion to authorize the additional \$50,211.00 for the ambulance. Mr. **Fleming** seconded the motion. The motion approved 5 to 0.

TO RECEIVE A FIRE DIVISION REPORT AND TAKE ANY NECESSARY ACTION RELATED TO THE REPORT.

Chief Fulgham presented the District's Fire Division Report. The total District's calls were 735: Suppression Apparatus 218, EMS Assist 86, Motor Vehicle Incidents 39, Suppression 132, Mutual Aid 16 total requests, 8 arrivals: (4) Katy FD, (5) Cy-Fair FD, (1) Houston (Reservoir), (5) Westlake FD, and (1) Willowfork FD. Chief Fulgham stated, "We currently have 27 Full-Time Suppression, (48) Part-Time, (52) Volunteers, and (17) Rehab personnel." Chief Fulgham stated that he spent time with the ISO Consultant last week. There are twenty-seven (27) structure fire records in District being reviewed by the ISO consultant. Chief Fulgham obtained more return surveys from the MUD Districts regarding water source information. The ISO consultant will input our data over the next 3 to 4 months. The District will need to perform water flow tests of approximately fifty (50) hydrants. It will 8 to 10 months from today to receive our initial ISO rating. The District training records were reviewed by the ISO consultant and it is expected that the Department will receive maximum credit on all Training point allotted under the ISO metric. It is expected that ISO will award credit for temporary Station 1 and credit for our automatic aid departments within five (5) miles of stationed apparatus. ISO is working on a four (4) year cycle survey rather than every ten (10) year cycle to perform surveys of the service providers in the State of Texas.

TO RECEIVE ADMINISTRATIVE REPORTS FROM THE DISTRICT AND TAKE ANY NECESSARY ACTION RELATED TO THE REPORT.

Chief Westall presented the District's Administrative Report. Chief Westall stated he would like to finance 2/3rd of vehicles over a span of two (2) years. These vehicles consist of the Ambulance, Maintenance Supervisor, and Administrative Chief vehicles.

TO RECEIVE A REPORT FROM THE DISTRICT'S HUNKER DOWN AUXILIARY GROUP.

Chief Hevey stated the Hunker Down Auxiliary Group now has the paperwork showing it is a 501 (c)(3).

TO REVIEW, DISCUSS, AND TAKE ACTION REGARDING ADOPTION, AMENDMENT, AND EXPLANATION OF DISTRICT POLICIES, PROCEDURES, AND STANDARD OPERATING GUIDELINES.

Chief Hevey presented the Board with three (3) Standard Operating Guidelines for approval: SOG PER-32 Paid Firefighter and Emergency Medical Technician-Basic (EMT-B), SOG PER-17 Division Chief of EMS Detailed Job Description, SOG PER-29 Public Information Officer.

Mr. **Solomon** made a motion to accept all three (3) Standard Operating Guidelines. Mr. **Fossum** seconded the motion. The motion passed 5 to 0.

TO REVIEW, DISCUSS, AND TAKE ACTION REGARDING THE DISTRICT'S EMPLOYEE HANDBOOK.

No action taken.

TO REVIEW, DISCUSS, AND TAKE ACTION REGARDING THE DISTRICT'S 2018 HONORS AND RECOGNITION DINNER.

Captain Fabricant presented the backpacks for the banquet dinner to the Board and stated that preparations for the banquet were underway.

TO REVIEW, DISCUSS, AND TAKE ACTION WITH RESPECT TO PREPARING FOR THE ANNUAL SAFETY FEST EVENT.

Lieutenant Vandyk discussed the annual Safety Fest event. Lieutenant Vandyk stated, "Forty-thousand people were reached on Facebook. There are three (3) radio stations interested in promoting Safety Fest." *Community Impact Magazine* incorrectly quoted the cost of the advertisement and the advertisement ended up being a half page advertisement rather than a full page advertisement. Mr. Vandyk uploaded a video to the safetyfest.org web page. He stated that will be uploading all the sponsors on the webpage as well and that MUDs are being included this year at Safety Fest. We are four (4) weeks away from Safety Fest, which will be held on Saturday, April 14, 2018, from 10:00 a.m. to 2:00 p.m. The 5K Fun Run for the National Stroke Association will begin at 9:00 a.m.

TO REVIEW, DISCUSS, AND TAKE ACTION REGARDING ENTERING INTO AN AGREEMENT WITH BRANCH TOWERS III, LLC FOR THE INSTALLATION OF A CELL TOWER.

Mr. Coveler informed the Board that he spoke to Mr. Hart Mason, president of Branch Towers III, LLC, who stated they have to have a fifty by fifty (50X50) site at 21201 Morton road to construct and maintain the tower. He also informed the Board that Branch Towers III, LLC has offered \$175,000 for the twenty-five hundred (2,500) square feet they need. The Board took no action on this matter and asked Mr. Coveler to inform Mr. Hart Mason that the Board was not interested in pursuing this matter.

TO REVIEW, DISCUSS, AND TAKE ACTION REGARDING ENTERING INTO A REAL ESTATE PURCHASE AGREEMENT WITH I-10 KATY LTD.

Mrs. Hart stated that we will have to re-plat the land on Cobia and that a detention pond on the side will be needed. The pond can be 9' to 10' deep pond and will require approximately .4 acres of land. It will also need to tie into the existing storm system, and doing so would be at substantial cost. Mrs. Hart stated that the boundary survey is being performed, but she did report that there are no flooding issues that caused any real concern on the flood plan. Mr. Littlejohn stated that the Costco land is willing to sell at \$15.00 per square foot and that the District would only need to buy what land is actually needed. The offsite detention pond is available and the property is already graded. The Papp Family land can be obtained at a cost of \$2.17 million. Mr. Coveler asked Chief Hevey what property is best suitable for the District's needs? Chief Hevey preferred the Costco property over the Papp family. Mr. Fossum asked, "What is the rough cost of installing the detention pond at Cobia. Mrs. Hart stated she would need to review current estimated construction costs.

Mr. Fossum made a motion to enter into Costco (I-10 KATY LTD) property for the 2.75 acres at \$15 per foot. Mr. Henderson seconded the motion. The motion passed 5 to 0.

To review, discuss, and take action regarding entering into a real estate purchase agreement with Papp Family Limited Partnership.

Mr. Solomon made a motion to accept the Papp Family Limited Partnership contract as presented. Mr. Fleming seconded the motion. The motion passed 5 to 0.

TO REVIEW, DISCUSS, AND TAKE ACTION ON ANY EQUIPMENT, VEHICLE MAINTENANCE, AND STATION MAINTENANCE MATTERS.

Chief Hevey stated that the Engine 5 hit a mailbox and working on having the engine repaired.

REVIEW AND TAKE ACTION ON DISTRICT PERSONNEL MATTERS, INCLUDING ACTIONS REGARDING COMPENSATION, PROMOTION, DEMOTION, BENEFITS, SCHEDULING, RETENTION, HIRING, AND/OR TERMINATION OF EMPLOYEES.

This agenda item will be discussed in closed session.

TO REVIEW, DISCUSS AND TAKE ACTION ON SUBMITTALS BY THE DEPARTMENT OF THIRTY (30) DAY ADVANCE REQUEST(S).

The Board asked Mr. Coveler to remove this item from the Agenda.

TO DISCUSS ANY NEW ITEMS WHICH NEED TO BE ON THE AGENDA FOR THE SUBSEQUENT DISTRICT MEETINGS AND APPROVE THE PROPOSED MEETING DATES FOR THE BILL PAY MEETING ON APRIL 4, 2018 AND REGULAR MONTHLY MEETING ON APRIL 17, 2018.

Mr. Fossum would like to hold a long-range planning meeting and review the District's 2018 Budget at a workshop for the Board to review. This idea was well received and in the future such a workshop will be scheduled.

TO REVIEW, DISCUSS, AND TAKE ACTION REGARDING HVAC REPAIRS BEING MADE AT STATION NO. 3.

Chief Sidwell discussed the HVAC system at Station 3. "We are seeing up and downs on the HVAC trends. DBR has their employees collecting data." Chief Sidwell hopes the data that DBR is collecting is coinciding with what our crews are also collecting. A meeting will be scheduled on March 29, 2018.

EXECUTIVE SESSION, PURSUANT TO GOVERNMENT CODE §551.072, TO DISCUSS REAL ESTATE MATTERS OR GOVERNMENT CODE §551.074 TO DISCUSS DISTRICT PERSONNEL MATTERS, DISTRICT EMPLOYMENT VACANCIES, AND HIRING.

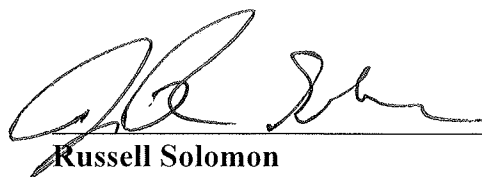
District counsel recommended to the Board that the Commissioners meet in closed session to discuss personnel matters pursuant to Texas Government Code §551.074. President Kramer next announced at 9:54 p.m., that the meeting was being conducted as a closed session. Following the announcement, the Board met in closed session to discuss personnel matters. The Board exited closed session at 10:25 p.m.

TO MEET IN EXECUTIVE SESSION, PURSUANT TO §551.071 GOVERNMENT CODE, TO CONDUCT A PRIVATE CONSULTATION WITH THE DISTRICT'S LEGAL COUNSEL ON A MATTER IN WHICH THE DUTY OF THE ATTORNEY TO THE GOVERNMENTAL BODY UNDER THE TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT OF THE STATE BAR OF TEXAS CLEARLY CONFLICTS WITH THIS CHAPTER.

The District consulted with Mr. Coveler during closed session.

ADJOURNMENT.

Mr. **Henderson** moved to adjourn the meeting at 10:26 p.m. Mr. **Solomon** seconded the motion. The meeting was adjourned.



Russell Solomon
District Secretary