

**MINUTES OF NOVEMBER 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 Administration Building located at 21201 Morton Road, Katy, Texas 77449 on Tuesday, November 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:

<b>Marshall Kramer</b>	Present
<b>Sam Henderson</b>	Present
<b>Bret Fossum</b>	Present
<b>Russell Solomon</b>	Absent
<b>Michael Fleming</b>	Present

Also present at the meeting were Fire Chief and Emergency Management Director, Jeff Hevey, Assistant Chief of Administration, Tommy Westall, Assistant Chief of EMS, Eric Bank, Assistant Chief of Operations, Les Fulgham, Division Chief of Logistics, Ray Sidwell, HR Office Manager, Walla Mourad, Fundraising Coordinator, Lia Hales, and other ESD Members. Also, Rich Majeres with Ubernosky & Majeres, PLLC, Ricardo Martinez with Martinez Architects, LLC, and Ira Coveler with the law firm of Coveler & Peeler, the District's legal counsel, were also present.

**TO RECEIVE PUBLIC COMMENT.**

Mr. **Kramer** asked for public comment from those persons present at the meeting. However, no public comment was offered.

**TO RECEIVE A PRESENTATION FROM THE "HUNKER DOWN" AUXILIARY GROUP TO MAKE A PRESENTATION ON THEIR PROGRESS.**

Mrs. Hales, Fundraising Coordinator, discussed that "The Hunker Down Auxiliary" is working on Memberships. The Auxiliary has applied for a grant to purchase reach out bags for the "After the Fire Program". The reach out bags will be provided at the scene of a fire and will include children's blankets and other children items.

**TO REVIEW, DISCUSS, AND TAKE ACTION RELATED TO THE MONTHLY SALES TAX REPORT.**

The Monthly Sales Tax Report was emailed to the Commissioners by Mr. Fortner. The Board reviewed the Sales and Use Tax Administration Report. Thereupon, Mr. **Henderson** made a motion to approve the Monthly Sales Tax Report as received. Mr. **Fossum** seconded the motion. The motion passed 4 to 0.

Please see Report from Ryan Fortner with Sales Revenue, Inc. for complete listings and details of all figures presented.

**TO RECEIVE A PRESENTATION FROM MR. RICARDO MARTINEZ OF MARTINEZ ARCHITECTS, LLC.**

Mr. Martinez discussed the following items in his presentation:

Design Activities:

- The Design team is currently putting together construction documents for civil, landscaping, architectural, structural, MEP, and technology.
- Preliminary layout of temporary facility.
- Design Team met 10/18/2018 to discuss project programming, civil design, MEP systems, and general space allocation and design.
- Design Team also met 11/20/2018 to discuss technology requirements and coordination with the District's vendors.

Anticipated Activities:

- Construction Document under review for 50% Construction costs estimates.
- Owner review of 50% Construction Documents.
- Temporary facility installation is awaiting owner review structures.

Schedule:

- On schedule for March bid.

Financials:

- No action

**TO DISCUSS AND TAKE ACTION REGARDING THE DISTRICT'S NEW FIRE STATION NO. 1 PROJECT.**

Mr. Martinez discussed the costs for Station 1 Trailers. After speaking to a contractor, the base bid is approximately \$57,000 for the pad site installation. If there is a concrete approach added as part of the scope of the project, that cost would be at an additional cost of approximately \$145,000, which includes the installation of the utility lines.

Mr. Coveler suggested that the District go out for a competitive sealed proposal for this phase of the work that would be coordinated by Martinez Architects, LLC.

Mr. **Henderson** made a motion to approve Martinez Architects, LLC to acquire additional bids for the Station 1 site work. Mr. **Fleming** seconded the motion. The motion passed 4 to 0.

**TO RECEIVE THE FINANCIAL REPORT FOR THE DISTRICT PREPARED BY THE DEPARTMENT ADMINISTRATIVE STAFF IN CONJUNCTION WITH MR. RICH MAJERES OF UBERNOSKY & MAJERES, PLLC AND TAKE ANY ACTION RELATED THERETO.**

Mr. Majeres with Ubernosky & Majeres, PLLC presented the District's Financial Report. As of November 19, 2018, the District's combined Cash Balances total \$5,836,303.39. Mr. Majeres also reported that the estimated remaining Property Tax Collections for 2017 are approximately \$100,000. The estimated remaining 2018 Sales Tax Collections for the year total approximately \$335,000.00. The estimated remaining 2018 EMS Billing Collections are approximately \$200,000.

Mr. Majeres stated that the 2018 Budgeted Expenses total around \$1,246,961 and that the projected Cash Reserve for 12/31/18 is \$5,224,342. The District's Total Debt Service Outstanding is \$18,413,008. The District's combined Note Balances total \$14,413,804.46. The District has collected \$3,331,957.96 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 4 to 0.

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

**TO PAY DISTRICT INVOICES AND EXPENSES AND TAKE ACTION RELATED TO THE DISTRICT'S INVESTMENT FUNDS AND OTHER ACCOUNTS.**

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. **Fossum** seconded the motion. The motion passed 4 to 0.

Chief Westall stated that funds in the amount of \$500,000 are needed to be transferred from Compass Bank into Allegiance Bank.

Mr. **Henderson** made a motion to approve the transfer of funds from Compass Bank to Allegiance Bank in the amount of \$500,000. Mr. **Fleming** seconded the motion. The motion passed 4 to 0.

**TO REVIEW, DISCUSS, AND TAKE ACTION REGARDING AMENDMENTS TO THE 2019 BUDGET.**

Chief Westall presented the revised 2019 budget. The Board asked questions about various portions of the budget and there was a general discussion regarding the budget.

Following the discussion related to the 2019 budget, Mr. **Henderson** made a motion to approve the revised 2019 budget as submitted. Mr. **Fleming** seconded the motion. The motion passed 4 to 0.

**TO REVIEW AND TAKE ACTION ON MINUTES OF PRIOR MEETINGS.**

Mr. Coveler presented the minutes that he and Ms. Mourad had prepared. He stated that there had been no corrections received subsequent to the presented version of the minutes. Following those statements, Mr. **Henderson** made a motion to approve the minutes for the month of October 2018. Mr. **Fossum** seconded the motion. The motion passed 4 to 0.

**TO REVIEW AND TAKE ACTION ON ENGAGEMENT OF AUDITOR TO PERFORM DISTRICT 2018 AUDIT.**

Mr. Coveler presented the engagement letter from Ms. Jill Henze with Breedlove & Co. He stated that the audit process seemed to have gone very well for 2017 and asked Mr. Majeres and the Department staff if they had objections to resolving issues and questions posed by the auditors. Mr. Coveler made the recommendation that the Board of Commissioners again retain Breedlove & Co., LLC to provide audit services to the District for the 2018 Audit.

Mr. **Fossum** made a motion to approve retaining Breedlove & Co., LLC to conduct the 2018 audit of the District's finances. Mr. **Fleming** seconded the motion. The motion passed 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 PROPERTY 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.**

Mr. **Fossum** made a motion to retain the law firm of Linebarger Goggan Blair & Sampson, LLP pursuant to §6.30 of the Property 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. Mr. **Henderson** seconded the motion. The motion passed 4 to 0.

**TO DISCUSS AND TAKE ACTION ON THE IMPOSITION OF ADDITIONAL PENALTY ON DELINQUENT TAXES ACCRUING PRIOR TO JUNE 1, 2019, PURSUANT TO §33.07 OF THE PROPERTY TAX CODE AND ADOPTION OF A RESOLUTION REGARDING SAME FOR TAXES.**

A Motion was made by Mr. **Fossum**, seconded by Mr. **Henderson** to approve the imposition of additional penalty on delinquent taxes accruing prior to June 1, 2019 (§33.07 of Property Tax Code). After discussion, the Motion was approved by a vote of 4 to 0.

**TO DISCUSS AND TAKE ACTION ON THE IMPOSITION OF ADDITIONAL PENALTY ON DELINQUENT TAXES ACCRUING AFTER JUNE 1, 2019, TO DEFRAY COSTS OF COLLECTION BY THE DISTRICT'S**

**DELINQUENT TAX ATTORNEY, PURSUANT TO §33.08 OF THE PROPERTY TAX CODE AND ADOPTION OF A RESOLUTION REGARDING SAME.**

Motion was made by Mr. **Fossum**, seconded by Mr. **Henderson** to approve the imposition of additional penalty on delinquent taxes accruing after June 1, 2019 (§33.08 of Property Tax Code). After discussion, the Motion was approved 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 PROPERTY TAX CODE AND ADOPTION OF A RESOLUTION REGARDING SAME.**

Motion was made by Mr. **Fossum**, seconded by Mr. **Henderson** to approve the imposition of additional penalty for collection costs for taxes imposed on personal property on delinquent taxes (§33.11 of Property Tax Code). After discussion, the Motion was approved by a vote of 4 to 0.

**TO REVIEW, DISCUSS, AND TAKE ACTION REGARDING LONG-RANGE PLANNING OBJECTIVES FOR THE FUTURE.**

Chief Hevey discussed long-range planning objectives for the future.

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

Chief Hevey discussed his report. Chief Hevey proudly announced that HCESD No. 48 received an ISO rating of 2. The District missed an ISO 1 classification due to missed pre-fire plans and the MUD Districts not testing and inspecting the hydrants annually. The ISO Consultant is expected to come in to review the District's rating and to see if we can dispute the rating to possibly place us as at a 1 category. Chief Hevey also attended the Volunteer Symposium at FDIC during the first part of November. One of the classes held at FDIC involved situational awareness and was entitled "Do We Teach Our Firefighters to Make Decisions"? Chief Hevey stated that we teach skills, but we need to focus on allowing Firefighters to make decisions and accept that sometimes they will make wrong decisions. He stated that three (3) suppression positions need to be filled because of employees who left to join other Departments. The District has sent out an advertisement for Full-Time Firefighter EMT-B firefighters. Applications will be due on Friday, November 23, 2018.

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

Chief Bank discussed his report. He stated that EMS is in the process of hiring one (1) Part-Time Paramedic and four (4) Full-Time Paramedics to join HCESD No. 48 in January 2019.

**TO RECEIVE FIRE DIVISION AND ADMINISTRATIVE REPORTS AND TAKE ANY NECESSARY ACTION RELATED TO THE REPORT.**

The Fire Report illustrates that the total Department calls for the month of October 2018 were 731 calls. There were 27 Mutual Aid requests. District-wide response times on all responses combined averaged to 6 minutes and 44 seconds. Full-Time Suppression consists of thirty-seven (37) personnel: (3) Battalion Chiefs, (3) Captains, (5) Lieutenants, (16) Firefighter Driver-Operator, and (11) Firefighter EMTs. Part-Time Suppression consists of forty (40) personnel. Volunteer Suppression consists of forty-four (44) personnel. Rehab consists of twenty-one (21) personnel. Chief Fulgham discussed and made a brief presentation regarding a product from QWAKE Tech which contains an in-mask thermal imaging technology. He stated that HCESD No. 48 was one of three (3) Departments in Texas asked to participate in evaluating the mask for its level of safety inside fire buildings.

**TO DISCUSS AND TAKE ACTION REGARDING HAVING TOPOGRAPHICAL SURVEYS PERFORMED AT THE DISTRICT'S PORTER ROAD AND MORTON ROAD PROPERTIES.**

Chief Sidwell discussed having topographical surveys performed at the District's Porter Road and Morton Road properties. After a phone conversation with Chief Sidwell and Ms. Hieu Hart with Wiesner Engineering, it was recommended that HCESD No. 48 have a topographical survey performed at the District's Porter Road and Morton Road properties. The cost for the topographical survey at the Morton location will cost the District \$2,860. The cost for topographical survey at the Porter location will cost the District \$3,730.

Thereupon, Mr. **Henderson** made a motion to engage Wiesner Engineering to proceed with the topographical surveys performed at the District's Porter Road and Morton Road properties. Mr. **Fossum** seconded the motion. The motion passed 4 to 0.

**TO REVIEW AND TAKE ACTION ON THE APPROVAL OF THE 2019 SERVICE AGREEMENT WITH FORT BEND COUNTY EMERGENCY SERVICES DISTRICT NO. 1 FOR FIRE PROTECTION AND EMERGENCY MEDICAL SERVICES.**

Mr. **Henderson** made a motion to approve the 2019 Service Agreement with Fort Bend County Emergency Services District No. 1 for fire protection and emergency medical services. Mr. **Fossum** seconded the motion. The motion passed 4 to 0.

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

Chief Hevey discussed and presented a Uniform Guideline and an Employee Transition Policy.

Mr. **Henderson** made a motion to approve the Uniform and Employee Transition Standard Operating Guideline. Mr. **Fleming** seconded the motion. The motion passed 4 to 0.

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

Mr. Sidwell announced that Ladder 3 is out of service. He noted that Ladder 3 also recently had a hydraulic tank replaced.

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

The District is in the process of hiring one (1) Full-Time Firefighter EMT-B, one (1) Part-Time Paramedic, and four (4) Full-Time Paramedics.

**TO REVIEW, DISCUSS, AND TAKE ACTION FOR THE SALE OR DISPOSAL OF SURPLUS AND/OR SALVAGE PROPERTY PURSUANT TO TEXAS HEALTH AND SAFETY CODE §775.251, INCLUDING DISPOSAL TO THE TEXAS FORESTRY SERVICE HELPING HANDS PROGRAM OR TO THE PUBLIC SURPLUS AUCTION.**

Chief Sidwell sent bids on old 109 service truck vehicle to all the ESDs in the State of Texas. He is awaiting a response on that solicitation.

**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 TO BE HELD ON WEDNESDAY, DECEMBER 5, 2018 AT 6:30 P.M., AND THE REGULAR MONTHLY MEETING TO BE HELD ON THURSDAY, DECEMBER 18, 2018 AT 7:00 P.M.**

The bill pay meeting will be held on Wednesday, December 5, 2018, at 6:30 p.m. and the regular monthly meeting will be held on Thursday, December 18, 2018, at 7:00 p.m.

**TO MEET IN CLOSED SESSION PURSUANT TO GOVERNMENT CODE §551.071 TO CONSULT WITH LEGAL COUNSEL REGARDING PENDING OR CONTEMPLATED LITIGATION, SETTLEMENT OFFERS, OR ON MATTERS WHICH REQUIRE CONFIDENTIALITY UNDER THE TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT OF THE STATE BAR OF TEXAS AND TAX CODE §323.3022 TO DISCUSS SALES TAX MATTERS.**

The Board entered closed session with Mr. Coveler and Chief Hevey to discuss legal and personnel matters at 8:49 p.m.

**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 regarding any real estate matters.

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

The Board entered closed session with Mr. Coveler and Chief Hevey to discuss legal and personnel matters at 8:49 p.m.

The Board exited Closed Session at 10:14 p.m.

**TO MEET AND TAKE ACTION ON DISTRICT REAL ESTATE MATTERS AND PERSONNEL MATTERS DISCUSSED IN CLOSED SESSION.**

Mr. **Henderson** made a motion authorizing Chief Hevey to conduct an investigation at his discretion and to take any and all necessary action regarding the personnel matters discussed in closed session. Mr. **Fossum** seconded the motion. The motion passed 4 to 0.

**ADJOURNMENT.**

Mr. **Henderson** made a motion to adjourn the meeting. Mr. **Fleming** seconded the motion. The motion passed 4 to 0. The meeting adjourned at 10:20 p.m.

The foregoing minutes were passed and approved by the Board of Commissioners on December 18, 2018.



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**Russell Solomon**  
District Secretary