

**MINUTES OF NOVEMBER 18, 2020, MEETING
HARRIS COUNTY EMERGENCY SERVICES DISTRICT NO. 48**

A regular meeting was duly called of Harris County Emergency Services District No. 48, held at the District Administration Building located at 21201 Morton Road, Katy, Texas 77449, on Wednesday, November 18, 2020.

CALL MEETING TO ORDER AND ESTABLISH A QUORUM.

The meeting was called to order at 6:06 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 District Interim Fire Chief, John Patoew, Assistant Chief of EMS, Eric Bank, Assistant Chief of Operations, Brett Ellis, Assistant Chief of Administration, Ray Sidwell, Chief of Logistics, Machele Richter, Business Manager, Walla Almasri, Office Manager, Jackie Tobar, Community Paramedic, Joe Casciotti, Division Chief of Safety and Planning, Tommy Westall, Division Chief of CRR, Jason Tharp, Paramedic, Sean Gillette, and Paramedic, Lisa Gillette. Ira Coveler, the District's legal counsel with the law firm of Coveler & Peeler and Human Resources, Amanda Coveler with RIT Management Group. On the phone: Rich Majeres with Ubernosky & Majeres, PLLC, and Ryan Fortner with Sales Revenue Inc.

TO RECEIVE PUBLIC COMMENT.

No public comment was made.

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

Mr. Fortner presented the Monthly Sales Tax Report. A review of the monthly reports provided by the Comptroller of Public Accounts reflects 4,701 active taxpayer accounts coded to Harris County Emergency Services District No. 48. The average number of taxpayers filing each month: 2,245. Sales tax receipts for calendar year 2020 total \$5,004,822.20. For tax year 2020 (March-February 2020), sales tax receipts total \$3,850,685.52. Within the District's recent sales tax allocation, sixty-eight (68) 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 83% of the total monthly allocation, with combined filings of \$387,658.63. Harris County Emergency Services District No. 48 has received \$20,828,401.35 in sales tax receipts since October 1, 2014, effective date. The November 2020 local tax allocation to be refunded to the District totals \$464,647.44.

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

Thereupon, Mr. **Henderson** made a motion to accept the Monthly Sales Tax Report as presented. Mr. **Fleming** seconded the motion. The motion passed 5 to 0.

TO REVIEW AND TAKE ACTION ON MINUTES OF PRIOR MEETINGS.

Item tabled.

TO RECEIVE THE FINANCIAL REPORT FOR THE DISTRICT AND TAKE ANY ACTION RELATED THERETO.

Mr. Majeres with Ubersnosky & Majeres, PLLC, presented the District’s Financial Report. As of November 17, 2020, the District’s Cash Balance totals \$11,006,664.00. Less Cash in Construction account \$152,689.00. The Projected Cash Reserve as of 12/31/2020 \$7,313,358.00. The District’s Total Debt Service Outstanding is \$25,132,492.00. The District’s combined Note Balances (Liabilities and Equity) total \$19,987,536.82. The District has collected \$4,540,174.76 in Sales Tax Revenue for 2020.

Thereupon, 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.

Mr. Kramer then determined that the Board should take the agenda out of order and moved to closed session regarding personnel matters.

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

The Board entered into Executive Session at 6:19 p.m. to discuss personnel matters and resumed the regular meeting at 7:33 p.m.

The Board resumed the regular agenda at 7:34 p.m.

TO PAY THE DISTRICT’S INVOICES AND EXPENSES, INCLUDING THE APPROVAL OF ANY PAY APPLICATIONS OR WIRE TRANSFERS.

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 previous meeting for \$1,444,176.26. Mr. **Solomon** seconded the motion. The motion passed 5 to 0.

TO REVIEW, DISCUSS, AND TAKE ACTION ON FUNDING THE DISTRICT’S PAYROLL OBLIGATIONS FOR OCTOBER AND NOVEMBER.

a.	Biweekly Payroll	\$	649,805.07
b.	Volunteer Payroll	\$	14,314.20
	Total	\$	664,119.27

Mr. **Henderson** made a motion to approve the District's payroll obligations for October and November for \$664,119.27. Mr. **Fleming** seconded the motion. The motion passed 5 to 0.

TO REVIEW, DISCUSS, AND TAKE ACTION REGARDING THE DISTRICT'S TEXAS COUNTY & DISTRICT RETIREMENT SYSTEM (TCDRS) PLAN.

Ms. Almasri presented the District's Texas County & District Retirement System (TCDRS) plan. She has calculated the numbers using the Budgets 2021 Payroll cost at \$9,325,588.00. It is suggested to stay with Plan Summary option #1 to lower retirement eligibility from 80 years total age + service/30 years of service to 75 years total age + service/ 20 years of service at no additional cost to the District.

Mr. **Henderson** made a motion to approve the District's Texas County & District Retirement System (TCDRS) option # 1 plan. Mr. **Fossum** seconded the motion. The motion passed 5 to 0.

TO REVIEW, DISCUSS, AND TAKE ACTION TO ENGAGE AN AUDIT COMPANY TO PERFORM AN AUDIT OF THE DISTRICT'S EMS BILLING.

Chief Bank discussed an audit company to perform an audit of the District's EMS Billing due to compliance and legal ramifications.

Mr. **Henderson** made a motion for Mr. Coveler to contract an auditor for EMS billing. Mr. **Solomon** seconded the motion. The motion passed 5 to 0.

TO RECEIVE ANY REPORTS FROM FIRE CHIEF JOHN PAETOW AND TAKE ANY NECESSARY ACTION RELATED TO HIS REPORT.

Interim Fire Chief Paetow stated that there would be no Duty Chief, and the Battalion Chiefs would manage it. Chief Paetow attended the ESD 1 Meeting. Someone at the meeting requested to have a special card made to attend the scenes as access.

TO REVIEW, DISCUSS, AND TAKE ACTION TO ENGAGE STAR SERVICES TO PROVIDE HVAC MECHANICAL SERVICES FOR THE DISTRICT'S STATIONS.

Chief Sidwell stated Star Services' annual contractual agreement cost for HVAC mechanical services for all facilities is \$27,957.00. Per the agreement plan selected, both Station 3 and Station 4 will need to be inspected by technicians and brought up to plan standards before Star accepts the equipment. Once the equipment is at their accepted standard, any repair or failure will be covered. Chief Sidwell requested the Board to approve the agreement with Star Services pending legal review.

Mr. **Henderson** made a motion to engage Star Services as outlined by chief Sidwell. Mr. **Fossum** seconded the motion. The motion passed 5 to 0.

TO REVIEW, DISCUSS, AND TAKE ACTION REGARDING MAINTENANCE OF THE MORTON ROAD SEPTIC AND WATER SYSTEMS.

Chief Sidwell discussed the maintenance of the Morton Road septic and water systems.

Christensen Bid:

Without Bond: \$123,000.00

With Bond: \$125,888.00

Chief Sidwell stated, “Jacobs Engineering believes it would be in the best interest of the District to not permit any additional warranty work from Katy Plumbing. We are asking for Board approval to engage with Christensen to begin work. We are looking at needing to use the two far east bays of Station 5 as the drive-thru while working is being performed across the vehicular gate.

Mr. **Solomon** made a motion to engage Christensen Building Group, LLC without a bond for \$123,000.00. Mr. **Henderson** seconded the motion. The motion passed 5 to 0.

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

Chief Bank discussed the EMS Report. EMS had 813 calls for October 2020. The average response time was six (6) minutes, forty-one (41) seconds. There were four-hundred twenty-two (422) non-transport/non-emergency calls. Life Flight was utilized three (3) times this month. EMS conducted the following Mutual Aid: two (2) calls to Westlake FD and five (5) calls to Katy FD. Chief Bank discussed the influx increase of COVID-19 in the country and across the world. We do not see an increase in Flu numbers. We have a medical supply shortage of gloves. We are working on people following decon guidelines.

TO RECEIVE A FIRE DIVISION REPORT FROM ASSISTANT CHIEF BRETT ELLIS AND TAKE ANY NECESSARY ACTION RELATED TO THE REPORT.

Chief Ellis discussed the Fire Report. The total Department calls for Fort Bend ESD No. 1 in October were three (3) calls. The total Department calls for the District in October were two-hundred eighty-six (286) calls.

The Training Department is conducting the following: Driver Operator and DO Aerial courses, hosted Incident Safety Officer, Cadet Class currently has fifteen (15) Members, an initial planning meeting for Station 6 Fire Field Development.

Preparing for Full-Time Driver Operator process in November and testing LION Gear.

Chief Tharp discussed the CRR report.

TO RECEIVE AN ADMINISTRATIVE REPORT FROM ASSISTANT CHIEF RAY SIDWELL AND TAKE ANY NECESSARY ACTION RELATED TO THE REPORT.

Chief Sidwell stated, “We are still working through the NACHA file requirements with Allegiance Bank. To extract the NACHA files, we will have to use a third-party vendor with a monthly fee for these files. In addition, Ms. Tobar is asking for Board approval to pay District utility services online. These would include Water, Electricity, WCA, Comcast, Verizon, and AT&T due to these vendors not accepting ACH payment.”

Mr. **Henderson** made a motion to approve Ms. Tobar to pay District utilities online. Mr. **Solomon** seconded the motion. The motion passed 5 to 0.

TO RECEIVE AN EQUIPMENT, APPARATUS, AND FACILITIES REPORT AND TAKE ANY NECESSARY ACTION RELATED TO THE REPORT.

Item tabled.

TO REVIEW, DISCUSS, AND TAKE ACTION REGARDING ADOPTION AND AMENDMENT OF DISTRICT POLICIES, STANDARD OPERATING GUIDELINES, OR JOB DESCRIPTIONS.

Item tabled.

TO REVIEW AND TAKE ACTION ON THE APPROVAL OF THE 2021 SERVICE AGREEMENT WITH FORT BEND COUNTY EMERGENCY SERVICES DISTRICT NO. 1 FOR FIRE PROTECTION AND EMERGENCY MEDICAL SERVICES.

Item tabled.

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.

Mr. **Henderson** 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. **Fossum** seconded the motion. The motion passed 5 to 0.

TO REVIEW 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.

A Motion was made by Mr. **Henderson**, seconded by Mr. **Fossum** to approve the imposition of additional penalty on delinquent taxes accruing prior to June 1, 2021 (§33.07 of Property Tax Code). After discussion, the Motion was approved by a vote of 5 to 0.

TO REVIEW 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.

Motion was made by Mr. **Henderson**, seconded by Mr. **Fossum** to approve the imposition of additional penalty on delinquent taxes accruing after June 1, 2021 (§33.08 of Property Tax Code). After discussion, the Motion was approved by a vote of 5 to 0.

TO REVIEW 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.

Motion was made by Mr. **Henderson**, seconded by Mr. **Fossum** 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 5 to 0.

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.

Chief Bank discussed the Ambulance. The plan is to remove parts from the truck, empty it out to place a flatbed, and sell the vehicle and rest for simulation.

Mr. **Solomon** made a motion to repurpose the ambulance as a high-fidelity simulator. Mr. **Fleming** seconded the motion. The motion passed 5 to 0.

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 2, 2020, AT 6:00 P.M., AND THE REGULAR MONTHLY MEETING TO BE HELD ON WEDNESDAY, DECEMBER 16, 2020, AT 6:00 P.M.

The Bill Pay meeting will be held on Wednesday, December 2, 2020, at 5:00 p.m.

The Regular Monthly meeting will be held on Wednesday, December 16, 2020, at 6:00 p.m.

TO DISCUSS ANY DISTRICT PERSONNEL MATTERS.

Commissioner Henderson stated the Strategic Planning Meeting would consist of the following Committee Members: Commissioner Solomon, Commissioner Henderson, Chief Bank, Chief Ellis, Chief Sidwell and Business Manager Almasri.

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 re-entered into Executive Session at 8:50 p.m., to consult with legal counsel. The Board exited closed session at 9:42 p.m.

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

The Board did not address any real estate matters in closed session.

REVIEW AND TAKE ACTION ON DISTRICT REAL ESTATE MATTERS AND PERSONNEL MATTERS DISCUSSED IN CLOSED SESSION.

The Board did not take any action following closed session.

ADJOURNMENT.

Mr. **Henderson** made a motion to adjourn the meeting. Mr. **Solomon** seconded the motion. The motion passed 5 to 0. The meeting adjourned at 9:42 p.m.

The foregoing minutes were passed and approved by the Board of Commissioners on December 16, 2020.



Russell Solomon
District Secretary