

MINUTES OF MARCH 19, 2019, 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, March 19, 2019.

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	Absent
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, Acting Assistant Chief of Operations, Brett Ellis, Division Chief of Logistics, Ray Sidwell, Battalion Chief of EMS Training, Kevin Leverance, HR Office Manager, Walla Mourad, Assistant Office Manager, Jackie Tobar, 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.

WELCOME BY CHIEF JEFF HEVEY AND SWEARING-IN CEREMONY OF NEW PERSONNEL OF THE DISTRICT.

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

The Pledge of Allegiance led by Fire Chief, Jeffrey S. Hevey.

The Opening Prayer led by Suppression Division Chief of Training, Glen Trahan.

History of the Bugle led by Fire Chief, Jeffrey S. Hevey.

Swearing-In and Promotion Ceremony:

Full-Time Firefighter Emergency Medical Technician-Basic:

Hunter T. Isbell
DeAuntae G. Richardson
William G. Sumpter
Jesus O. Trejo

Battalion Chief of Emergency Medical Services Training Promotion:

Kevin Q. Leverance

Meeting briefly held in recess to move into the District's regular meeting room.

TO RECEIVE PUBLIC COMMENT.

No public comment.

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

Please see the report from **Ryan Fortner** with Sales Revenue, Inc. 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.

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 4 to 0.

TO RECEIVE A PRESENTATION FROM MR. RICARDO MARTINEZ OF MARTINEZ ARCHITECTS, LLC AND TAKE ANY NECESSARY ACTION RELATED TO HIS REPORT.

Mr. Martinez discussed the following items in his presentation:

Design Activities:

- The Design Team has finalized construction documents
- Documents have been provided to Harris County for permitting
- Martinez Architects has published solicitation for Request for Proposals
 - Currently, there are 17 bidders reviewing the project
- Temporary Facility
 - CenterPoint to install temporary power
 - Coordinate Water Tap with Harris – Fort Bend County MUD 3
 - District Operator reviewing Civil Plans
 - Fire Alarm Proposal by Boxx Modular
 - Sprinkler Revision by Boxx Modular
 - Schedule – reference attached revised schedule

Anticipated Activities:

- Total Project Cost Estimate - \$6,300,622
- Martinez Architects currently scheduled to receive proposals April 9th

Construction Activities:

- Coordinate with Agave onsite construction activities
- Coordinate with Weisser Engineering to provide an updated topographical survey and re-establish property lines prior to construction

Schedule:

- On schedule

Financials:

- No action

TO DISCUSS AND TAKE ACTION REGARDING THE DISTRICT'S NEW FIRE STATION NO. 1 PROJECT, INCLUDING MATTERS RELATED TO LAW CONSTRUCTION AND BOXX MODULAR.

Mr. **Solomon** made a motion to approve bids for Station 1 submitted by LaW Construction and Boxx Modular. 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 AND TAKE ANY ACTION RELATED THERETO.

Mr. Majeres with Ubernosky & Majeres, PLLC presented the District's Financial Report. As of March 19, 2019, the District's combined Cash Balances (Current Assets) total \$13,854,470.29. The estimated remaining Property Tax Collections are \$403,654. The estimated remaining 2018 Sales Tax Collections are \$3,719,052. The estimated remaining 2018 EMS Billing Collections are \$1,812,742. The estimated remaining ESD 1 Agreement is \$250,000. The remaining 2019 Budgeted Expenses are \$13,786,871. The projected Cash Reserve for 12/31/2019 is \$6,253,047. The District's Total Debt Service Outstanding is \$18,015,197. The District's combined Note Balances (Liabilities & Equity) total \$14,062,984.59. The District has collected \$782,118.92 in Sales Tax Revenue for 2019.

Mr. **Henderson** made a motion to accept the Financial Report from the District Bookkeeper as presented. Mr. **Solomon** 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 REVIEW AND TAKE ACTION ON MINUTES OF PRIOR MEETINGS.

Mr. **Henderson** made a motion to approve the minutes from January 2, 2019, January 15, 2019, January 24, 2019, February 5, 2019, February 11, 2019, February 19, 2019 and March 6, 2019 meetings and workshops as corrected. Mr. **Fleming** seconded the motion. The motion passed 4 to 0.

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

Chief Hevey presented his report. Chief Hevey stated, that the District has trained four (4) firefighters, and they have been on shift for one (1) week. The District has a class of nine (9) volunteers that will be graduating in May. The ESD will be hosting a Company Symposium in the training room during April 1st through April 3rd. The class is specifically for Lieutenants and Captains. ICS-300/400 class will be held here sometime in May. Chief Hevey attended the Fire Chief's Conference in Georgetown. There are a couple of engines out on repairs.

TO RECEIVE 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 a total of 553 calls for March 2019. The average response time was 6.32 minutes. There were 312 non-transport/non-emergency calls. Life Flight was used once this month. EMS conducted the following Mutual Aid calls: one (1) call to Cy Fair FD, and seven (7) calls to Westlake FD.

Chief Leverage presented a PowerPoint presentation illustrating EMS Academy and all the great things they are achieving in the Department.

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

Chief Ellis discussed the Fire Report. The suppression side had a total of 233 calls for March 2019. There was 1 Mutual Aid request. The District-wide average response times on all responses combined was 6.48 minutes. Full-Time Suppression consists of thirty-nine (39) personnel: (3) Battalion Chiefs, (3) Captains, (6) Lieutenants, (15) Firefighter Driver-Operators, and (12) Firefighter EMTs. Part-Time Suppression consists of thirty-nine (39) personnel: (3) Captains, (10) Lieutenants, and (26) Firefighter/ Driver-Operators. Volunteer Suppression consists of forty-nine (49) personnel. Rehab consists of nineteen (19) personnel. Upcoming Suppression events: Four (4) Full-Time Firefighters were onboard and started shift work. Hosting Company Officer Symposium April 1st – 3rd, TFCFA. All Volunteers were assigned to “home” stations for ownership, accountability, and probationary clearance consistency. ESO rollout scheduled for May 1, 2019.

Acting AC Operations Initiatives: Personnel Organizational Needs Assessment, guest speaker at WAVE Conference in Austin, March 21st & 22nd, attending Firefighter Health and Wellness Board for Texas on April 25, 2019. Chief Ellis will work on a “Mandatory Call-Back” SOG for Full-Timers.

Chief Westall shared that VFIS paid the \$237 claim for the rear-view mirror that was clipped by the Firetruck.

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

Chief Hevey stated, “Adjustments will have to be made to the District Handbook.”

TO REVIEW, DISCUSS, AND TAKE ACTION REGARDING ADOPTING LIMITS FOR THE EXPENDITURE OF TIME WHEN RESPONDING TO PUBLIC INFORMATION REQUESTS PURSUANT TO TEXAS GOVERNMENT CODE §552.275 AS WELL AS THE IMPOSITION OF PERMISSIBLE COSTS AND FEES PURSUANT TO CHAPTER 552 TEXAS GOVERNMENT CODE IN RESPONDING TO SUCH REQUESTS.

Mr. Coveler stated that pursuant to Texas Government Code §552.275 it was permissible to adopt limits for the expenditure of time when responding to public information requests as well as the imposition of permissible costs and fees pursuant to Chapter 552 Texas Government Code in responding to such requests. Mr. Coveler explained how the law worked and what the District could do regarding Public Information Act Requests.

The Board next discussed that per the statute a more than reasonable limit on the amount of time that personnel of the District are required to spend producing public information for inspection or duplication by a requestor, or providing copies of public information to a requestor is a total of 36 hours for a requestor during each calendar year. The Board also stated that a monthly time limit of 15 hours for a requestor for a one-month period was reasonable as well. Requests in excess of these limits shall be charged to the requestor in accordance with Texas Government Code §552.275 and billed to the extent permitted by law pursuant to the rules established by the Texas Attorney General. Such costs would include media costs, labor costs, programming costs and overhead costs as permitted by statute.

The Board inquired whether legal fees incurred in responding to open records request would be recoverable. Mr. Coveler replied that unfortunately, pursuant to Rule 70.3 of the Attorney General section of the Texas Administrative Code that a “charge shall not be recovered for any time spent by an attorney, legal assistant, or any other person who reviews the requested information” or who “research or prepare a request for a ruling by the attorney general's office pursuant to §552.301 of the Texas Government Code”.

Mr. **Henderson** made a motion to accept adopting limits for the expenditure of time when responding to public information requests pursuant to Texas Government Code §552.275 as well as the imposition of permissible costs and fees pursuant to Chapter 552 Texas Government Code in responding to such requests. Mr. **Fleming** seconded the motion. The motion passed 4 to 0.

TO REVIEW, DISCUSS, AND TAKE ACTION ON ANY NEEDED MAINTENANCE OR REPLACEMENTS OF THE DISTRICT’S EQUIPMENT, APPARATUS, AND FACILITIES.

Chief Sidwell discussed the issue with the water heater at Station 3 and that a claim had been filed with VFIS for the water heater and he is waiting for them to finish their investigation.

REVIEW AND TAKE ACTION ON DISTRICT PERSONNEL MATTERS.

Item tabled until after closed session.

TO REVIEW, DISCUSS, AND TAKE ACTION REGARDING THE SALE OF MEDIC 7 TO SOUTH ROBESON FROM FAIRMONT, NORTH CAROLINA.

Chief Sidwell discussed the sale of Medic 7 to South Robeson. He stated that the unit had been listed with an online Internet auction site approve by District counsel and that the District had received a notification from South Robeson from Fairmont, North Carolina that they want to purchase the old Medic 7-unit vehicle for \$17,500.

After review and discussion of the process and the amounts being paid, Mr. **Solomon** made a motion to approve the sale of the Medic 7 vehicle to South Robeson from Fairmont, North Carolina. Mr. **Fleming** seconded the motion. The motion passed 4 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 §775.0735.

Chief Sidwell received a request from Liberty County Constable Precinct #5 for the District's GETAC B300 MDCs. Chief Sidwell stated that he had consulted with the command staff and others regarding the usefulness and value of the GETAC units. Chief Sidwell reported that such units were of no value to the District and that the process of auctioning them would not return a value to the District worth the labor and costs to be expended to list them with an auction site.

Following a discussion about the disposal of the units, Mr. **Fleming** made a motion to approve the salvage disposal of GETAC B300 MDCs. Mr. **Solomon** seconded the motion. The motion passed 4 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, APRIL 3, 2019 AT 6:30 P.M., AND THE REGULAR MONTHLY MEETING TO BE HELD ON TUESDAY, APRIL 16, 2019 AT 7:00 P.M.

The Strategic Planning meeting will be held on Thursday, March 28, 2019, at 6:30 p.m. and the Budget Workshop meeting will be held on Saturday, March 30, 2019, at 9:00 a.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 into Executive Session at 8:45 p.m., and concluded at 10:16 p.m., 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.

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

The Board entered into Executive Session at 8:45 p.m., and concluded at 10:16 p.m., to discuss personnel matters. Chief Hevey and Bret Ellis were present in closed session for a portion of the closed session.

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

The Board discussed the open Assistant Chief vacancy and the process for filling the position. The Board discussed the opening and acknowledged that Bret Ellis would be the best candidate for the job. Following the discussion, the Board took action to offer a contract to Bret Ellis for the amounts and upon the terms discussed in closed session after Mr. Ellis exited closed session.

Following the discussion, Mr. **Solomon** made a motion to hire Bret Ellis as the Assistant Chief of the Department. Mr. **Fleming** seconded the motion. The motion passed 4 to 0.

ADJOURNMENT.

There being no further action needed by the Board, Mr. **Henderson** made a motion to adjourn the meeting. Mr. **Solomon** seconded the motion. The motion passed 4 to 0. The meeting adjourned at 10:27 p.m.

The foregoing minutes were passed and approved by the Board of Commissioners on June 18, 2019.

Russell Solomon
District Secretary