

MINUTES OF MAY 2, 2024 MEETING
HARRIS COUNTY EMERGENCY SERVICES DISTRICT NO. 29

A meeting was duly called by the Board of Commissioners of **Harris County Emergency Services District No. 29** on Thursday, May 2, 2024 at Fire Station 11, located at **12730 Champion Forest Drive, Houston, Texas 77066**.

CALL MEETING TO ORDER.

The meeting was called to order at 4:00 p.m. by **Scott Morgan**, President and Chairman for the meeting.

President **Morgan** announced that a quorum was present. Those Commissioners present were:

Scott Morgan	Present
David Parker	Present
Jon Taylor	Present
Kenneth Latimer	Present
Bill Hogue	Present

Also present at the meeting were Fire Chief Dan Shelor, District Fire and Life Safety Officer Division Chief Dustin Ledford, Fire and Life Safety Officer Captain Brandon Blount, Melissa Wiggins and Ira Coveler of Coveler & Peeler, P.C., legal counsel, Katie Vickers and Richard Fletcher of HdL Companies, Stephanie Dew and Shannon Stryk of VFIS, Pat Hull of Jacobs-Weber Insurance, and other members of the Department and public.

PLEDGE OF ALLEGIANCE TO THE UNITED STATES FLAG AND TO THE TEXAS FLAG.

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

TO RECEIVE PUBLIC COMMENT.

The Board first opened the floor to public comment, though none was forthcoming.

TO REVIEW, DISCUSS AND TAKE ACTION REGARDING ANY DISTRICT FINANCIAL INSTITUTION MATTERS.

Mr. **Latimer** next informed the Board that Cadence Bank would now pay four percent (4%) interest on all accounts. He then stated that having spoken with Mr. Rhodes regarding the District's new account with Texas Traditions Bank ("TTB"), it was now possible to transfer the previously approved funds to the District's new account with TTB. Mr. Rhodes would also attend the June Board meeting to discuss further matters with the new account.

TO REVIEW, DISCUSS AND TAKE ACTION REGARDING THE DISTRICT'S INVESTMENT POLICY.

The Board then discussed the District's Investment Policy. Mr. Coveler advised that a full policy had been adopted in 2020, and by law, the District was required to annually review and adopt a policy regarding the District's investment interests. At this time, Mr. Coveler informed the Board that due to differences with TTB's dispersal program, some changes were required to the previous policy. He presented those revisions to the Board for consideration, especially noting requirements for depository institutions and certificates of deposit. All funds, regardless of location, would be fully insured through FDIC. He lastly reminded the Board of legislated inclusions denying the option to boycott various industries and political groups. After review, Mr. **Latimer** made a Motion, seconded by Mr. **Taylor**, to adopt the new policy as presented, and to maintain Mr. **Latimer** as the District's Investment Officer. Thereafter, President **Morgan** called for a vote, and the Motion passed by a vote of 5 to 0.

TO RECEIVE A REPORT FROM BETTER BOOKKEEPERS, INC., THE DISTRICT'S BOOKKEEPER, AND TAKE ACTION ON THE TREASURER'S REPORT.

At this time Mr. **Taylor** advised that due to inclement weather, the District's new bookkeeper was unable to attend to present a report, but that the reports had previously been provided to the Board via email for review. There being no questions regarding that report, Mr. **Taylor** made a Motion, seconded by Mr. **Hogue**, to accept the report as provided. Thereafter, President **Morgan** called for a vote, and the Motion passed by a vote of 5 to 0.

TO PAY OR AUTHORIZE DISTRICT BILLS AND FUND TRANSFERS REQUIRED FOR OPERATIONAL EXPENSES, PAYROLL EXPENSES AND CAPITAL EXPENSES.

The Board then reviewed fund transfers required to address District bill and expenses. Mr. **Taylor** stated transfers would need to be approved in the following amounts:

1. Operations – \$77,372.18
2. Payroll – \$322,278.77
3. Admin – \$24,861.67

After review, Mr. **Hogue** made a Motion, seconded by Mr. **Latimer**, to approve the transfers and bill payments as presented. Thereafter President **Morgan** called for a vote and the Motion passed by a vote of 5 to 0.

The Board was then advised that ACH transfers were requested in the total amount of \$33,121.29. After review, Mr. **Latimer** made a Motion, seconded by Mr. **Taylor**, to approve the ACH payments as presented. Thereafter, President **Morgan** called for a vote and the Motion passed by a vote of 5 to 0.

TO REVIEW, DISCUSS AND TAKE ACTION REGARDING ESTABLISHING THE RATE OF COMPENSATION FOR DISTRICT COMMISSIONERS PURSUANT TO TEXAS HEALTH AND SAFETY CODE §775.038(A-1).

Next, Mr. Coveler advised the Board that Commissioner compensation was defined by law in both the Water Code and Health & Safety Code. Previously, Commissioners were entitled to

claim compensation up to \$150 per day, for a total of \$7,200 a year. After recent legislative changes, however, that daily rate was raised to \$221 per day, though the yearly cap remained \$7,200. The Board was currently entitled to earn the original \$150/day rate, though they could move to raise the rate with a majority vote. This rate would only apply to compensation and not impact reimbursement requests.

After review, Mr. **Taylor** made a Motion, seconded by Mr. **Parker**, to adopt the new rate of \$221/day for Commissioner compensation as allowed by law. Thereafter, President **Morgan** called for a vote, and the Motion passed by a vote of 5 to 0. Mr. Coveler advised the Board that the new rate would apply to any future compensation requests from this date forward.

TO REVIEW, DISCUSS AND TAKE ACTION ON SUBMITTALS RECEIVED FROM THE DISTRICT COMMISSIONERS SEEKING COMPENSATION AS PERMITTED BY TEXAS HEALTH & SAFETY CODE §775.038 (A-1).

The Board next reviewed Commissioner submittals. After review, Mr. **Taylor** made a Motion, seconded by Mr. **Hogue**, to approve the submittal from Commissioner **Latimer** in the amount of \$150. Thereafter, President **Morgan** called for a vote and the Motion passed by a vote of 5 to 0.

TO REVIEW, DISCUSS AND TAKE ACTION REGARDING THE HDL PROPERTY TAX DASHBOARD PROGRAM.

The Board then received a presentation from Mr. Richard Fletcher of HdL Companies (“HdL”), regarding a new property tax dashboard program. Mr. Fletcher explained that while the company’s current focus centered on sales tax information, a new dashboard was being released which would analyze and report on property tax matters as well. This program would provide information to give insight into exemptions, land values, certified and preliminary tax values, and would show developments in a given area over time. All of the program’s information would come from HCAD, not title companies, and was based on certified tax values from the prior year. Once operational, the program would be updated monthly until certified rolls were provided by the tax office, and then again, a few months after those certifications were posted.

Chief Shelor stated he had previously seen a demonstration of the program, and was very interested in using the program. Mr. Coveler further explained that the program would offer a full period explanation of data to help determine yearly tax rates, rather than relying solely on the “snapshot” provided through the tax rate worksheet created by Coveler & Peeler, P.C. every year. Mr. Fletcher explained that the program was a subscription service with tiered pricing models for each District. Full access would be granted to the District for an annual fee of \$7,500. Access to the program could be granted by June 1st. When asked, Mr. Fletcher added that all boundary data was gathered from the Harris County Appraisal District and was hosted on a cloud-based system.

President **Morgan** inquired about contract terms, and was told a one (1) year contract could be administered, through evergreen contracts were preferred by HdL. Mr. Coveler advised that as long as terms in the contract remained constant, there should be no problem with the evergreen version, but if there were questions of price increases or other deviations without strict limitations, adjustments to the contract would be necessary. There being no further discussion, Mr. **Parker** made a Motion, seconded by Mr. **Latimer**, to adopt the dashboard program, subject to legal review

of the requisite contract. Thereafter, President **Morgan** called for a vote, and the Motion passed by a vote of 5 to 0.

TO REVIEW, DISCUSS AND TAKE ACTION REGARDING DISTRICT INSURANCE MATTERS.

The Board next discussed District insurance matters. Chief Shelor informed the Board that current policy coverages through ESIP would expire on May 17th. A proposal for coverage through VFIS had been received, however, and would now be presented to the Board. Mr. Shannon Stryk, Vice President of VFIS, addressed the Board, describing the company's thirty-eight (38) year history of service with Fire Departments throughout Texas. He then reviewed coverage details, advising the Board that guaranteed station replacement costs were included in the proposed plans, which also included guaranteed replacement costs for portable equipment such as fire hoses, radios, helmets, bunker gear, air packs, and other common tools and equipment.

Ms. Dew then stated VFIS enjoyed two (2) claims specialists out of a sixteen (16) person team, and that generally a claim was initially addressed within forty-eight (48) hours of being made. Over thirteen hundred (1,300) Departments across Texas were currently covered through VFIS. Ms. Dew and Mr. Stryk then addressed questions regarding identity and cyber threat coverages, as well as deductible figures for buildings and all thirteen (13) District vehicles. Mr. Stryk also informed the Board that the VFIS policy provided additional coverage to the Board as needed when traveling for District functions. Ms. Dew lastly clarified when asked, that the proposal was an occurrence policy, not claims based, and would apply from the point of approval forward, but could not be applied to claims already made to another carrier at the time VFIS became engaged by the District.

Mr. Pat Hull of Jacobs-Weber Insurance, then addressed the Board regarding its current policies through ESIP in comparison to VFIS. He agreed that VFIS was a reputable coverage provider, and stated the terms and policy offerings were very similar. Mr. Coveler suggested taking additional time to consider the two policies, and to discuss the matter further at the May 13th special meeting. When asked, Mr. Hull stated that the lowest available deductibles through ESIP would be \$2,500 for comprehensive coverage, compared to VFIS's \$1,000, and \$2,500 for vehicle coverage, compared to the rate of \$5,000 through VFIS. ESIP also offered in-house adjusters to begin claims processes for clients, after which point a third-party adjuster would complete the majority of the claims process. Additional training courses were also available through ESIP in person, and online through e-training platforms and webinars related to multiple areas of coverage concern tools. The Board then thanked both company's representatives for their input and participation in the meeting, and agreed to hold any action until the May 13th special meeting.

At this time, the Board unanimously agreed to move to Agenda Item No. 13, to approve the District meeting minutes of prior meetings, until representatives from all interested parties regarding District insurance matters were present.

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

The Board next reviewed prior meeting minutes. President **Morgan** questioned the phrase "property intervention events" regarding the District's Fire & Life Safety Report, but did not require amendment to the minutes. After review, Mr. **Latimer** made a Motion, seconded by Mr.

Parker, to approve the minutes as presented. Thereafter, President **Morgan** called for a vote and the Motion passed by a vote of 5 to 0.

TO RECEIVE, DISCUSS AND TAKE ACTION ON THE DEPARTMENT'S FIRE OPERATIONS REPORT PRESENTED BY CHIEF DAN SHELOR.

Chief Shelor then presented the District's March 2024 Fire Operations Report. He stated ninety-nine (99) calls were made in the month of March, thirty-nine percent (39%) of which were EMS related. Turnout times averaged one minute twenty-two seconds (1:22), with travel times averaging four minutes forty-four seconds (4:44). Total response times for emergency and non-emergency calls averaged six minutes six seconds (6:06) for the month. One (1) major incident was noted related to a local apartment fire. Mutual aid to Northwest, Klein, Cypress-Creek, and Little York Fire Departments was given thirteen (13) times, and received twice.

Chief Shelor then noted that ESD 11 had recently agreed to apply changes in the CAD which would dispatch ESD 29 to any high priority call for which ESD 11's response time would exceed ten minutes (10:00). Responses would also be dispatched to any incident less than a road minute from any District station. Mr. **Parker** inquired as to ESO's inability to break out emergency call data from non-emergency data, and was told that currently it was not possible to do so, and that support for the new software was severely lacking. There being no further questions, Mr. **Taylor** made a Motion, seconded by Mr. **Latimer**, to approve the report as presented. Thereafter, President **Morgan** called for a vote and the Motion passed by a vote of 5 to 0.

All representatives now being present, the Board returned to Agenda Item No. 12, to discuss matters related to HB471.

TO REVIEW, DISCUSS AND TAKE ACTION REGARDING INSURANCE MATTERS RELATED TO HB471.

Chief Shelor informed the Board that the Department was currently covered by Hartford short-term and long-term disability policies for full-time personnel. VFIS has reviewed the current Provident policy, however, and believed it was adequate to cover the gap between the seventy percent (70%) and one hundred percent (100%) rate for part-time personnel. That policy would pay up to \$650 a week based on a prior thirteen (13) week analysis. The policy previously cost the District approximately \$4,866 a year for seventy-seven (77) employees, and would cost \$33,800 annually if fully maxed out.

Mr. **Parker** inquired if the plan took into account the impacts of overtime payments for replacement personnel and exacerbations in salary based on the same. Ms. Stephanie Due of VFIS confirmed that those situations were not taken into account by the policy. She further stated that the policy existed in two (2) classes, for volunteer or paid class personnel. Volunteer coverage included lifetime coverage, though paid personnel maxed out at five (5) years. Chief Shelor reminded the Board that this policy was already in effect, and having been confirmed by the District's healthcare insurer, did not require any Board action at this time.

Mr. **Parker** pointed out that due to discrepancies with wording in the new law, and interpretations by Departments and coverage providers, there were many questions remaining to

be considered. As the Board agreed with the need for additional information, they then agreed to call a special meeting on Monday, May 13th at 11:00 a.m. to continue discussing insurance matters.

At this time, President **Morgan** called for a brief intermission beginning at 5:33 p.m.

The meeting was reconvened by President **Morgan** at 5:43 p.m., at which time the Board assumed the regular agenda item, moving to item no. 15, to receive the Fire & Life Safety report.

TO RECEIVE, DISCUSS AND TAKE ACTION ON THE FIRE & LIFE SAFETY REPORT.

Division Chief (“DC”) Dustin Ledford next presented the District’s April 2024 Fire & Life Safety report. Several commercial businesses in the District had been toured and Pre-Fire Plan/Fire & Life Safety Surveys had been completed in the month of April, some of which required advice regarding fire safety standards. Additional businesses, including a local Church, were visited and given advice on potential safety improvements.

Five (5) apartment complexes were assisted with Knox box and locks issues in April. Another property on Bourgeois Road was also inspected after multiple false alarm reports were made. It then came to the Department’s attention that the overall structure at that property had been split into multiple suites, without the knowledge or approval of the Harris County Fire Marshal’s Office (“HCFMO”), and was operating on a single fire system which could be manipulated by on-site personnel. DC Ledford informed the Board that efforts were ongoing with HCFMO to investigate each suite on the property and determine further course of action. Other local concerns involved multiple alarm and sprinkler system issues at a nearby event venue on 1960. The owner of that property, however, was out of the country and so far, unavailable to address those concerns.

DC Ledford then stated information had been turned over to HCFMO and HCSO after ninety-two (92) calls were received from the same phone number since May of 2023. Additionally, five (5) false alarm invoices were submitted for payment, thirty-five (35) false alarm run reports were reviewed, information for twenty (20) businesses was updated with NorthComm, and responses were made to seven (7) emergency calls for service. He also noted intervention and response events with local businesses, including a hookah lounge, cigar lounge, massage parlor, appliance liquidation center, and local apartment complex. DC Ledford lastly informed the Board of the District’s participation with an Alert Class training event with Cypress Creek, and introduced Captain Brandon Blunt, the District’s newest Fire and Life Safety Officer.

At this time, Chief Shelor informed the Board that formerly “Captain” Ledford had recently been promoted to Division Chief. After review, Mr. **Parker** made a Motion, seconded by Mr. **Taylor**, to approve the report as presented. Thereafter, President **Morgan** called for a vote, and the Motion passed by a vote of 5 to 0.

TO REVIEW AND TAKE ACTION ON APPROVAL OF EXPENSES RELATED TO UPCOMING TRAINING CLASSES, COURSE MATERIALS, EQUIPMENT AND RELATED EXPENDITURES TO BE INCURRED BY THE DISTRICT.

Chief Shelor requested Board approval for costs associated with a two (2) day presentation by Mr. Michael McCall regarding employment issues. That presentation would consist of four (4)

two (2) hour sessions and would be scheduled for June 4th and 5th, if approved. The total cost for the presentation was quoted at \$5,000. After review, Mr. **Parker** made a Motion, seconded by Mr. **Taylor**, to approve the presentation expense as requested. Thereafter, President **Morgan** called for a vote, and the Motion passed by a vote of 5 to 0.

TO REVIEW, DISCUSS AND TAKE ACTION REGARDING A PROPOSED TRAFFIC WARNING SYSTEM ON CUTTEN RD.

Regarding the Cutten Road warning system, Chief Shelor informed the Board that the system would need to go through the Harris County permitting process for approval. In the meantime, an arborist would be trimming back trees around the driveway and clearing underbrush to increase visibility to the intersection. If approved, a signal would be installed on the North bound side of Cutten Road to warn of emergency vehicle traffic. The estimate for that signal totaled \$10,632. At this time, Mr. **Parker** requested to hold off on the signal to see if removing nearby foliage could accomplish the same result. If not, the topic could be revisited at a later date. No action was taken at this time.

TO REVIEW, DISCUSS AND TAKE ACTION REGARDING ANY MATTERS RELATED TO THE DISTRICT'S BUDGET.

The Board took no action regarding the District's budget.

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

The Board took no action regarding District policies or guidelines.

TO REVIEW, DISCUSS AND TAKE ACTION ON NEEDED IMPROVEMENTS OR REPAIRS TO THE DISTRICT'S STATION, RELATED FACILITIES, VEHICLES OR EQUIPMENT.

Next, Chief Shelor addressed the Board regarding repairs to the District's stations. A company named Garland, recommended by Klein Fire Department, had come to inspect Stations 11 and 12 looking for any issues in need of repair. Regarding Station 12, some repair issues were found with an estimated repair cost of \$4,683, along with additional roofing issues, though Chief Shelor stated those would be covered by warranty. Regarding Station 11, small repair needs were noted, and would cost approximately \$3,288 to complete. If approved, Garland, having completed the review and inspection, would assign contractors to complete the repairs, except the warrantied roof work. After review, Mr. **Parker** made a Motion, seconded by Mr. **Latimer**, to approve the costs of repairs as presented. Thereafter, President **Morgan** called for a vote, and the Motion passed by a vote of 5 to 0.

TO REVIEW, DISCUSS AND TAKE ACTION REGARDING A PROPOSAL TO REPLACE THE SCBA AIR COMPRESSOR SYSTEM.

Chief Shelor next advised the Board that the current SCBA compressor system was a 2008 system which was no longer in production and could not easily be repaired. It had been discovered that seals on the system were blown, and there was concern that the system had been contaminated. It was therefore recommended that the system be replaced with a new model by Maco, Bauer, or

Arctic. All three (3) brand units would cost between \$60,000 to \$65,000, and the purchase would go through HGAC or Buy Board, unless otherwise handled through necessary means as an emergency purchase. He lastly stated that funds had been budgeted to replace a station generator, but as that replacement was unnecessary, the funds could be put towards this purchase instead. After review, Mr. **Taylor** made a Motion, seconded by Mr. **Parker**, to approve purchase of a new SCBA air compressor system in the amount of up to \$65,000. Thereafter, President **Morgan** called for a vote, and the Motion passed by a vote of 5 to 0.

REVIEW, DISCUSS AND TAKE ACTION ON SUBMITTALS BY THE DEPARTMENT OF THIRTY (30) DAY ADVANCE REQUEST(S) FOR NECESSARY PURCHASES RELATED TO THE PROVISION OF EMERGENCY SERVICES.

Though no Department submittals were available for review at this time, Chief Shelor advised the Board that a proposal for a new lift and trailer would be presented for approval at the June meeting.

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.

The Board took no action regarding the sale or disposal of District property.

TO DISCUSS ANY NEW ITEMS THAT NEED TO BE ON THE AGENDA FOR THE SUBSEQUENT DISTRICT MEETINGS AND TO REVIEW THE DATE FOR THE NEXT REGULARLY MONTHLY MEETING CURRENTLY SCHEDULED FOR JUNE 6, 2024.

At this time, the Board confirmed the June District meeting, which was scheduled for Thursday, June 6, 2024. They furthermore requested a special meeting be scheduled for Monday May 13, 2024 at 11:00 a.m. to discuss District insurance matters.

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 Closed Session at 6:32 p.m. to consult with legal counsel.

The Board reconvened in Open Session at 6:36 p.m.

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

The Board did not enter into Closed Session to deliberate real estate matters.

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

The Board did not enter into Closed Session to discuss personnel matters.

TO RECONVENE IN OPEN SESSION TO REVIEW, DISCUSS AND TAKE ACTION ON ANY REAL ESTATE OR PERSONNEL MATTERS.

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

ADJOURNMENT.

There being no further discussion, President **Morgan** adjourned the meeting at 6:36 p.m.

The foregoing minutes were approved by the Board at the June 6, 2024 meeting.

By:



Jon Taylor
District Secretary