

HARRIS COUNTY EMERGENCY SERVICE DISTRICT NO. 47

MINUTES OF REGULAR MEETING

August 17, 2023

The Board of Directors of Harris County Emergency Service District No. 47 (“the District”) met in regular session, open to the public, on the 17th day of August 2023 at 7:00 p.m. at the Westlake Fire Station, 19636 Saums Rd., Houston, TX 77084, a designated meeting place of the Board. The roll was called of the duly constituted members of the Board, to-wit:

Mitch Copeland	President
John P. Blanke	Commissioner
Gilberto Porras	Vice President, Assist. Treasurer, Assist. Secretary, and Records Retention Officer
Brian Havran	Secretary and Public Information Officer
Mike Miller	Treasurer and Investment Officer

All Commissioners were present at the Fire Station.

Also present at the fire station were Marc Palmer, Interim Fire Chief of Westlake Fire Department; Brian Desilets of Clarity Consulting Corp., bookkeeper for the District; and “Butch” Callegari, Jr. of Callegari Law Firm, PC, Attorney for the District (“Attorney”).

Commissioner Copeland called the meeting to order at 7:05 p.m., and the following business was transacted.

No members of the public were present so public comment was deferred.

Comm. Copeland discussed the minutes from the June regular meeting. Comm. Havran noted that the list of attendees at the meeting was wrong, and it was corrected. **Comm. Porras made a motion to accept the July regular meeting minutes as corrected. Comm. Havran seconded the motion, and the motion was unanimously accepted by the District.**

The discussion of a possible retirement plan for firefighters was deferred until the Fire Department report.

Next, Mr. Desilets presented the report for July 2023 to the District for their review. Mr. Desilets noted that the depository institution for receiving tax payments had been changed to Texas Class. **After review, Comm. Havran’s motion, seconded by Comm. Porras to approve the Bookkeeper’s report, the District’s Financial Report, the Investment Report and payment of the bills as presented, received unanimous consent of the Board.**

The sales and use tax collection report sent via email to the Commissioners prior to the meeting was next for discussion. **After review, Comm. Miller’s motion, seconded by Comm. Blanke, to approve the Sales Tax report received unanimous consent of the Board.**

Commissioner Copeland and the other Commissioners observed that the various reports and discussion items for tonight’s meeting had been sent out very close to the meeting time. By consensus the Commissioners requested that all such reports be emailed no later than the Monday before each meeting.

Commissioner Copeland recognized Interim Chief Palmer for consideration of the Fire Department report for the month of July 2023, who presented the written monthly report detailing the number of calls by category, overall response times, and call locations.

Commissioner Copeland stated that he, Commissioner Miller, and Commissioner Havran toured ESD 100's new Comm Center facility after the last meeting; and all three Commissioners noted that the facility was very impressive. They did collegially voice concerns regarding future costs of participating in the Comm Center facility because during the tour they learned that several ESD's that were expected to be part of the joint facility had decided not to participate. It was also noted that participation costs have changed upward and downward over the past year. The Commissioners concluded that they would contact the appropriate parties at the Comm Center to address their concerns.

Interim Chief Palmer indicated that the Department was trying to staff a 3rd ambulance based on the high number of back to back to back calls. He noted that based on call volume a fully staffed 3rd ambulance would be needed in 2025, and that staffing that vehicle would cost in excess of \$500,000 per year. He also reminded the Commissioners that a 3rd ambulance chassis was on order with no known delivery date.

Interim Chief Palmer presented information regarding a new provider for the testing currently done by LifeScan. He is considering making a switch, but has not reached a conclusion.

Interim Chief Palmer provided price proposals for replacing landscaping at the fire station and for a third party lawn maintenance company to handle mowing, edging, etc. instead of having department personnel do that work. The Commissioners reminded him that maintaining the station and landscaping was included in the base contract and that he can choose to handle that in the manner that he deems most appropriate, whether using internal personnel or an outside third party, noting that the costs for that are already included in the funds from the District to the Department. With regard to replacing the landscaping, the Commissioners opined that he could select the provider and landscaping he felt best, noting that the District would reimburse the Department for the amount in the District budget, which was believed to be \$4,000.

Commissioner Copeland then reviewed last month's discussion regarding retirement plans for firefighters. He asked Interim Chief Palmer to review the options with the Department Board and advise as to how the Department wanted to proceed. It was noted that for a plan to be in place by January 1, 2024, a definitive decision would need to be made prior to October 1.

After review, Comm. Porrás' motion, seconded by Comm. Blanke to approve the Fire Department's report as presented, received unanimous consent of the Board.

Options for a third-party review of the departments 2022 financials was deferred. Mr. Desilets stated that he has spoken with Breedlove and Breedlove may be able to complete the audit. The Commissioners had a general discussion about the new auditor doing the 2023 audit for the District and the Department, and the value of changing auditors from time to time. Attorney Callegari will reach out to the Breedlove group to gauge their interest.

The sidewalk safety project was deferred.

Amending the District Budget was deferred.

The commissioner’s election was discussed. Comm. Copeland and Comm. Blanke, are up for reelection and both have provided a candidacy application. Attorney Callegari received one inquiry about the positions but has not received any additional candidacy applications.

Attorney Callegari presented the tax rate calculations to the Commissioners, noting that these had been sent out via email prior to the meeting, and noting that the numbers had to be revised based upon errors found by Harris County in the initial HCAD calculations. The Commissioners discussed the possible impact of the new tax relief bill recently signed by Governor Abbot, and the fact that at this time the District is already scheduled to hold an election. Accordingly, serious discussion about raising the tax rate back to the \$0.10 statutory rate ensued. **Commissioner Miller then made the following motion: I move that the property tax rate be increased by the adoption of a tax rate of 0.100000, which is effectively a 36.53 percent increase in the tax rate. Commissioner Havran seconded the motion. The motion was specified in a Written Resolution of Intent to Levy Tax. A record vote was taken on the motion and written resolution, with all five Commissioners voting for the motion and resolution.**

Attorney Callegari then explained that since the proposed tax rate would exceed the Voter Approval Rate and the De Minimis Rate, applicable law requires that the District hold a hearing to finally to approve such new tax rate and that the notice of tax increase and hearing date would need to be published prior to the hearing. By consensus, the Commissioners agreed to hold the required hearing on September 21, 2023 and to vote on the tax rate at that hearing. Accordingly, the notice of tax increase and notice of hearing will be published in the Houston Business Journal on September 8 to facilitate this process.

Attorney Callegari then explained that since the proposed tax rate would exceed the Voter Approval Rate and the De Minimis Rate, applicable law requires that the District hold an election to approve such new tax rate. He also observed that because the District is already scheduled to hold an election this November, there would be no additional cost to include this tax approval election, also noting that if the District chose to set a tax rate that did not require a tax election, the tax election can be canceled if needed. **Upon motion from Comm. Havran, seconded by Comm. Copeland, the Board unanimously approved adopting the order to call the tax approval election, with Harris County conducting such election pursuant to the same contract with Harris County previously authorized for the November 7, 2023 Commissioner’s election. The motion received the unanimous consent of the Board.**

Attorney Callegari explained the impact of HB 2815 which increased the compensation which can be paid to Commissioners, noting the amount was increased to the per diem paid to members of the legislature as authorized by the Texas Ethics Commission. **Upon motion from Comm. Havran, seconded by Comm. Porras, the Board unanimously approved increasing the compensation to Commissioners in accordance with the amounts and provisions specified in HB 2815 and the Texas Ethics Commission, retroactively to July 1, 2023, the effective date of the enacted legislation.**

THERE BEING NO FURTHER DISTRICT BUSINESS TO CONDUCT, Comm. Porras motioned for adjournment at 8:47 p.m. Comm. Havran seconded the motion, which received the Board’s unanimous consent.

Passed and approved (date)

Brian Havran, Secretary