

HARRIS COUNTY EMERGENCY SERVICE DISTRICT NO. 47

MINUTES OF REGULAR MEETING

March 2, 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 2nd day of March 2023 at 7:00 p.m. at the Westlake Fire Department, 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 “Butch” Callegari, Jr. of Callegari Law Firm, PC, Attorney for the District (“Attorney”); Marc Palmer, Interim Fire Chief of Westlake Fire Department; Bobby Branch, Assistant Chief of Westlake Fire Department; Brian Desilets and Caleb Desilets of Clarity Consulting Corp., bookkeeper for the District and Ginny Valls, recording secretary for the District.

Commissioner Copeland called the meeting to order at 7:13 p.m., and the following business was transacted.

There were no members of the community present for public comment, so the matter was deferred.

Comm. Copeland discussed the minutes from the January regular meeting and the workshop meeting. Comm. Havran proposed two corrections. The first correction was to note that the training facility to the property owner, G.O. Weiss Inc. is happy with the cleanup as opposed to listing the owner of the company. The second item was to clarify that Callegari Law Firm had nothing further to report at the meeting. **Comm. Havran made a motion to accept the January regular meeting minutes as corrected. Comm. Porras seconded the motion, and the motion was unanimously accepted by the District.**

Comm. Copeland discussed the minutes from the January workshop meeting. No corrections were noted. **Comm. Havran made a motion to accept the January workshop meeting minutes as presented. Comm. Porras seconded the motion, and the motion was unanimously accepted by the District.**

The sales and use tax collection was next for discussion. Mr. Fortner emailed the report to the District prior to the meeting. The report, from January 2023, was reviewed. Comm. Havran noted that on page 4 it shows the local tax rate of \$0.01%. The District will let Mr. Fortner know of the error. **After review, Comm. Porras’ motion, seconded by Comm. Havran, to approve the Sales Tax report received unanimous consent of the Board.**

Commissioner Copeland next discussed the bookkeepers report. Mr. Desilets introduced his son Caleb Desilets. Checks were signed as well as banking paperwork. After last month's meeting, loan payment checks were sent to the fire station for signing and mailing. Mr. Desilets has moved funds to Texas Class as it has the highest interest rate. The District has collected 69% of its tax collections and more has come in in February **After review, Comm. Miller's motion, seconded by Comm. Havran 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.**

Commissioner Copeland recognized Interim Chief Marc Palmer for consideration of the Fire Department report for the month of January 2022. Interim Chief Palmer presented copies of the written monthly report detailing the number of calls by category and the overall response times. The Department's annual report was emailed to the commissioners prior to the meeting. Interim Chief Palmer discussed a couple of calls where the response time was high (35 and 42 min), explaining that these were due to staging and how dispatch shows the call. The Department can discuss this with WestComm to see if there is anything that can be done to correct it.

The Department is averaging twelve individuals on shift per night and only fell short of the minimum of (10) four times in the month of January. They are advancing with the swift water team. Assist. Chief Branch spoke on the swift water team. They have 17 people signed up that have done their first water testing. They have been utilizing the pool facility at the British International School. They are waiting on the remaining equipment. The School is allowing them to put the boat in the pool for more training possibilities. The AEMT class recently started as well as the EMT B. The Chief Officer training that the department hosted was a great class. Comm. Copeland stated that the on-scene response time seems to be creeping up and the Department should keep an eye on it. Comm. Copeland stated that he sees the department is conscious of the numbers and looking to do what they can to respond effectively.

Interim Chief Palmer discussed the vote of no confidence for Chief Draper. Of the 24 individuals able to vote, 17 voted - 10 for no confidence and 7 with confidence. Many complaints have been sent to the Department's board. A special meeting was held on Tuesday, February 28 to get a reading on where the membership is with the situation. A poll was taken of all members as advised by counsel and the Department board has another meeting with their attorney scheduled for Friday, May 3. Comm. Havran asked if the Department had contacted the ESD with this information. Comm. Copeland stated that he had been contacted and informed that the Department was suspending Chief Draper on February 18, 2023. Comm. Havran vehemently expressed his displeasure with Chief Draper's suspension, and opined that he believes the District should immediately go to direct service instead of contract service. He strongly admonished the Department for this turn of events with Chief Draper. Attorney Callegari stated that the contract between the District and the Department made the selection and retention of Chief a Department matter and not a District matter. Attorney Callegari advised that because this is an internal Department personnel matter, the District should refrain from active involvement in the matter. He also noted that there is an item relating to direct service versus contract service later on the agenda. **After review, Comm. Miller's motion, seconded by Comm. Porrás to approve the Fire Department's report as presented, received unanimous consent of the Board.**

The Department's strategic plan was discussed. Interim Chief Palmer is making sure the trucks and ambulances are staffed as he has in the past. Further discussion on the plan was deferred.

The Safer Grant was discussed. It has not been filed and is due on March 10, 2023. The department could still file it pending access to Chief Draper's District computer. The department currently does not have the access codes to Chief Draper's computer, which led to a discussion on ensuring Department access to all District equipment and files. It was noted that most items are backed up and that secondary access is available, particularly for accounting and reporting. The Department will have their attorney assist with getting access to Chief Draper's computer and all grant materials. The Department agreed to review its policies regarding redundancy, back-up and access to all data and property of the Department and the District, and to put appropriate policies in place for the future.

The training facility discussion was deferred.

The review of the Department's 2022 budget and financial status was discussed. Attorney Callegari gave a bit of history on how this discussion came about. In past discussions, it was determined that the department would maintain one month's worth of the District's annual allocation as operating capital. By consensus between the District and the Department, the Department will issue a check or wire transfer of excess funds back to the District in February of each calendar year. The amount currently in the Department's accounts and the amount to be sent back to the District was discussed. As of the end of December 2022, the Department's District funds totaled \$596,660.00. The amount collectively in their accounts as of February 28, 2023 is \$434,676.00. **Comm. Havran made a motion that the department return \$172,000.00 to the District to achieve the agreed upon reserve amount. Comm Porras seconded the motion and the motion received unanimous consent of the Board.**

The Greenhouse Road Joint Sidewalk project with Harris County was discussed. The county has a new commissioner and things are starting to happen. Comm. Copeland encourages all the commissioners to visit the website onecreekwest.org. They are dedicated to the community's safety and well-being. They have been able to help obtain funding for things like sidewalks. Ray Guerra with the County Commissioners office has been tasked some of the projects and Comm. Copeland has a tentative meeting with him in April.

Authorizing the audit of the Departments 2022 financial statements was deferred. Attorney Callegari is still looking for a new company to handle the matter. He has not been getting call backs as the potential auditing firms have been too busy to take on more work.

Amending the District's budget was deferred.

Discussion on correspondence regarding the Department's Fire Chief was next. The District as well as the Fire Board received correspondence from Chief Draper's attorney requesting that the Chief work directly for the District. Attorney Callegari stated that the Department and Chief Draper have an internal arrangement and advised against getting involved in the Department's internal personnel matter. Comm. Havran again expressed his displeasure that the Department cannot access Chief Draper's computer, noting that in a large company this would not be an issue. Attorney Callegari observed that the Department is a smaller entity and that a policy needs to be made for these items in the future. No motion was made with regard to Chief Draper's attorney's request, and no action was taken.

The District's conversion from contract service to direct service was then discussed. Attorney Callegari gave a brief background on the contract between the District and the Department. He stated that unless the District and Department reached a mutually agreeable arrangement for such conversion, the District would have to terminate its agreement with the Department to make the conversion. He specifically noted that there is a nine month wind down period should the District decide to terminate the

agreement. Accordingly Attorney Callegari recommended that instead of terminating the contract, the District and the Department should enter into dialogue to establish a plan for conversion in the future and suggested that the District should be fully aware of what they are getting into in making such a change. He also reminded the Commissioners that conversation about the likelihood of conversion to fully paid staffing happening sometime in the future has been going on for some time but opined he is not sure it is time for this yet. Comm. Havran discussed the decline of volunteers nationwide and he feels this may be the time to take over and the District can hire a fire chief. Attorney Callegari stated that the District should not piece meal things together, believing that doing so would cause more issues than it would solve. Comm. Havran gave his plan for the next four years if the District went to direct service. There was discussion on who would work for the Department and the District under this plan. Comm. Copeland asked Comm. Havran to share his plan and vision with the other commissioners for review; and he agreed to email it to them outside of the meeting. Comm. Copeland stated that the issue with the current fire chief is a temporary issue and bad timing. He also stated that he has faith that the Fire Board will work this out and make a sound decision for its ongoing leadership. He is not against the thought process of direct services but does not think it is needed yet. Interim Chief Palmer discussed the desire of the volunteers to learn and train. Part time and volunteers have a good working relationship. Interim Chief Palmer feels that if you go fully paid, you will lose part time and volunteers due to lack of being able to promote and it will be a revolving door. He feels the Department should make it more alluring to stay with retirement, pay or a favorable schedule. There was discussion on types of retirement and what can be offered. Interim Chief Palmer agrees that we need to keep an eye on the staffing so that we can be aware if volunteer numbers continue to decline. Interim Chief Palmer is unsure of the reasons for the decline in the last year but he feels confident that it is not the time to go fully paid noting that the Department is working toward some great things with recruitment and training. The Department has recruitment at one of the area high schools and some gyms to promote the Department and have had a good response so far.

Attorney Callegari presented the written resolutions approved at last month's meeting for signatures, but had nothing else to report on.

**THERE BEING NO FURTHER DISTRICT BUSINESS TO CONDUCT, Comm. Porras motioned for adjournment at 9:25 p.m. Comm. Havran seconded the motion, which received the Board's unanimous consent.**

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Passed and approved (date)

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Brian Havran, Secretary