

HARRIS COUNTY EMERGENCY SERVICES DISTRICT # 13

11900 Cypress North Houston
Cypress, Texas 77429-5948
281 894-0151

MEETING MINUTES

Monday, November 28, 2016, 7:30 P.M.

Commissioners present: Ben Henderson
Vince Tobin
Scott Johnson
Homer Stevens
JoAnne Arosell

Others: Richard Lieder Sara Hooper
Timothy Gibson Angela Hazlegrove
Jason Blackman Ira Coveler
R.C. Ford Casey Estilette
Joey Dockins Will McDugle

Ben Henderson called the meeting to order at 7:30 p.m.

Information items:

A. Fire Department Report.

Flood Recovery submission for \$47,410 has been approved. We are waiting the final processing from the State of Texas before we are issued the check.

The proposed cutover date to the combined radio dispatch system is January 16, 2017.

A PO has been issued to Centimark for the repair of Station 24's roof.

Primary change to the CCVFD and ESD #13 budget is to move the part-time duty crew personnel from CCVFD to ESD #13.

We anticipate making the offers for the additional 3 captains and 3 full-time driver operators in December. Their start date, with ESD approval, will be January 1, 2017.

Four station staffing will start in 2017 with a desired 4 personnel per station. Staffing will be a combination of full time, part time, paid-on-call, and volunteers.

B. Staff Report

John Hancock distributions were made on October 31, 2016 as planned. There is a final fee from Nova 401(k) Associates for a termination amendment to be done per IRS requirements.

The Annual Report to SAFE-D was submitted on November 19.

The ESD will incur additional charges for the audit due to participation in the TCDRS retirement plan and the additional work necessary to incorporate the plan into the report.

The county clerk's office has provided a fax number to send our meeting postings. There is a processing fee, but this fee is considerably cheaper than USPS charges and less hassle.

As scheduled the office was closed for Thanksgiving Holidays last Thursday and Friday.

C. Treasurer Report.

We received \$26.84 this month and are now at 98.67% of total collections. \$364,000 was transferred November 28, 2016 to cover expenses including HCAD quarterly assessment for \$11,241; deposit for the Station 24 roof work for \$25,676.33; and Department reimbursement of \$166,473.04. Year-end carryover at this point is \$885,421.22.

D. Public Comment.

None.

E. Any additional business that may come before the Board.

None.

Action items:

- I. To discuss and take action on the ratification of a continuing Contract with a private law firm for the collection of delinquent District ad valorem property taxes, and providing for the payment of 20% of the delinquent taxes, penalties, and interest which are collected by the attorney under said Contract.
Homer Stevens moved, Vince Tobin seconded, a motion to approve the continuing Contract with the private law firm for the collection of delinquent District ad valorem property taxes and providing for the payment of 20% of the delinquent taxes, penalties, and interest which are collected. The motion passed 5-0.
- II. To discuss and take action on the imposition of additional penalty on delinquent taxes for 2016 pursuant to section 33.07 of the Property Tax Code and adoption of a Resolution regarding same.
Vince Tobin moved, Homer Stevens seconded, a motion to approve the imposition of additional penalty on delinquent taxes for 2016 pursuant to Section 33.07 of the Property Tax Code. The Resolution will be provided by Ira Coveler. The motion passed 5-0.
- III. To discuss and take action on the imposition of additional penalty on delinquent taxes for 2016 to defray costs of collection by the District's delinquent tax attorney, pursuant to Section 33.08 of the Property Tax Code and adoption of a Resolution regarding same.
Vince Tobin moved, JoAnne Arosell seconded, a motion to approve the imposition of additional penalty on delinquent taxes for 2016 to defray costs of collection pursuant to Section 33.08 of the Property Tax Code. The motion passed 5-0.
- IV. To discuss and take action on the imposition of early additional penalty for collection costs for taxes imposed on personal property on delinquent taxes pursuant to Section 33.11 of the Property Tax Code and adoption of a Resolution regarding same.
Vince Tobin moved, Homer Stevens seconded, a motion to approve the imposition of early additional penalty for collection costs for taxes imposed on personal property on delinquent taxes pursuant to Section 33.11 of the Property Tax Code. The motion passed 5-0.
- V. To review and approve payment of remaining balance of Purchase Order #012 for combined fire dispatch channel.
Postponed.
- VI. To declare 1967 Kaiser Vin#4M0357 as surplus property; auction for best offer; or consider donating it to another ESD in Texas.
Homer Stevens moved, Scott Johnson seconded, a motion to declare the 1967 Kaiser as surplus property and donate it to ESD #48 at a value of \$100. The motion passed 5-0.

- VII. To declare radio equipment per attached list as surplus and dispose of by auction for best offer or donate it to Texas Forestry Service Helping Hands Program.
Homer Stevens moved, JoAnne Arosell seconded, a motion to declare the list of radio equipment as surplus and donate it to the Texas Forestry Service Helping Hands Program. The motion passed 5-0.
- VIII. To declare excess tools as surplus and approve donating them to Texas Forestry Service Helping Hands Program.
Postponed.
- IX. To review and discuss capital improvement plans for 2017 including construction, repair, or renovation of fire stations.
Postponed.
- X. To review, discuss, and approve strategic planning for Cypress Creek VFD and HCESD13.
Postponed.
- XI. To review and approve changes to the Cypress Creek VFD 2017 budget.
Vince Tobin moved, JoAnne Arosell seconded, a motion to approve the changes to the Cypress Creek VFD 2017 budget. The motion passed 5-0.
- XII. To review and approve changes to the District 2017 budget.
Vince Tobin moved, Homer Stevens seconded, a motion to approve the changes to the District 2017 budget. The motion passed 5-0.
- XIII. To review and consider hiring of 6 additional full-time personnel and proceed with the hiring process.
Vince Tobin moved, Homer Stevens seconded, a motion to approve the hiring of 6 additional full-time personnel. The motion passed 5-0.
- XIV. To review the use of property located on Huffmeister Road and determine if property is excess real estate and if declared excess real estate discuss and approve options for disposal.
Vince Tobin moved, Homer Stevens seconded, a motion to have the ESD staff look into disposal of the property and retain professional help to do so. The motion passed 5-0.
- XV. To discuss and consider payment for professional services from Joiner Architects related to architectural and engineering services for station renovations.
Postponed.
- XVI. To consider approval for payment to Coveler & Katz, P.C. for professional services as invoiced.
Vince Tobin moved, JoAnne Arosell seconded, a motion to approve payment to Coveler & Katz in the amount of \$2,427.97 for the months of August, September, and October. The motion passed 5-0.
- XVII. To consider payment to Cypress Creek VFD:
a. Monthly reimbursement.
Vince Tobin moved, JoAnne Arosell seconded, a motion to accept \$166,473.04 as the reimbursement to Cypress Creek VFD. The motion passed 5-0.

- XVIII. To review and approve expense reimbursements and Trainings including SAFE-D webcasts, continuing college education credits and online training classes for Commissioners and Employees.
Homer Stevens moved, Vince Tobin seconded, a motion to approve the \$329.93 for dinner during the October 24th SAFE-D webcast. The motion passed 5-0.
- XIX. To consider approval of the List of Checks Issued which includes disbursements as approved separately: ACH withdrawals and transfers for payroll processing; quarterly HCAD assessment; TCDRS retirement plan; and operating expenses.
Vince Tobin moved, Homer Stevens seconded, a motion to approve the list of checks issued for \$445,531.90. The motion passed 5-0.
- XX. To accept HCESD #13 Financial Statements of October 31, 2016, as presented.
Vince Tobin moved, JoAnne Arosell seconded, a motion accept HCESD #13 Financial Statements of October 31, 2016. The motion passed 5-0.
- XXI. To consider approval of the minutes from the monthly meeting October 24, 2016.
JoAnne Arosell moved, Scott Johnson seconded, a motion to approve the minutes from the monthly meeting October 24, 2016.
- XXII. To approve employer matching contributions to the Texas County and District Retirement System (TCDRS), a 401(a) defined benefit plan, and approve the contribution limit of 7% for employees with an employer dollar for dollar match of \$2.00 for every employee dollar contributed and authorize personnel to execute the necessary documents for 2017.
Vince Tobin moved, Scott Johnson seconded, a motion to approve employer matching contribution to TCDRS of \$2.00 for every employee dollar contributed and approve the contribution limit of 7% for employees. The motion passed 5-0.
- XXIII. To review and consider continuation of employees Flexible Spending Account with TASC (Total Administrative Services Corporation) for 2017 and approve administration fee for annual renewal of \$110 and monthly administration fees of \$39.16 (or approximately \$4.40 per month per participant) for 2017.
Vince Tobin moved, Homer Stevens seconded, a motion to approve the continuation of employees Flexible Spending Account and the administration fee of \$110 for annual renewal and monthly administration fees of \$39.16. The motion passed 5-0.
- XXIV. To confirm and announce scheduled meeting date for December 19, 2016.
This was approved in the October 24th meeting. The December meeting will be held on the 19th.
- XXV. To review, update, and approve personnel matters and policies which may include, rates, benefits, hours, paid time off, sick pay and holiday pay.
Postponed.
- XXVI. Executive session to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee as permitted by the Texas Government Code, Open Meetings Act, Sec. 551.074.
The meeting was adjourned to executive session at 9:43 p.m. to confer with the District's attorney as permitted by the Texas Government Code, Open Meetings Act. The session was attended by the District Commissioners, Ira Coveler, Richard Lieder, Tim Gibson, Jason Blackman, Sara Hooper, and Angela Hazlegrove. No action was considered during the executive session which was adjourned at 10:21 p.m. to open session.

XXVII. To Take Action considered as a result of executive session to discuss personnel matters.
No action was considered as a result of the executive session.

Adjourn

JoAnne Arosell moved a motion to adjourn. The motion passed 5-0. The meeting was adjourned at 10:22 p.m.

Respectfully submitted,



Scott A. Johnson
Secretary/Treasurer



Ben Henderson
President

**HARRIS COUNTY EMERGENCY SERVICES DISTRICT NO. 13 RESOLUTION
AUTHORIZING THE IMPOSITION OF A 20% PENALTY FOR COLLECTION COSTS
ON DELINQUENT TAXES FOR TAX YEAR 2016 AND SUBSEQUENT YEARS**

RECITALS

Section 6.30 of the Property Tax Code, as amended, authorizes a taxing unit to provide for compensating an attorney up to 20% of the delinquent tax, penalty, and interest collected by the attorney.

Sections 33.07, 33.08, and 33.11 of the Property Tax Code, as amended, authorize a taxing entity to impose additional penalties secured by a tax lien to defray the cost of collection, not to exceed the amount of the compensation specified in the contract with an attorney pursuant to section 6.30 of the Property Tax Code.

The Harris County Emergency Services District No. 13 has contracted with LINEBARGER GOGGAN BLAIR & SAMPSON, LLP ("LINEBARGER") to collect its delinquent taxes pursuant to section 6.30 of the Property Tax Code, as amended.

The contract provides that LINEBARGER's compensation shall be comprised of section 33.07 penalties, section 33.08 penalties, section 33.11 penalties and section 33.48 attorney fees awarded to and collected by LINEBARGER, pursuant to each statute of the Property Tax Code.

The Harris County Emergency Services District No. 13 has agreed in the contract to impose section 33.07, section 33.08, and section 33.11 penalties of 20% to offset the cost of delinquent tax collection efforts. Notwithstanding any other provision of this resolution, it is not intended to and it should not be construed so as to impose an additional penalty under Section 33.07 of the Property Tax Code on any delinquent tangible personal property taxes that Section 33.11 of the Property Tax Code forbids its application.

ORDER

**IT IS ORDERED, ADJUDGED AND DECREED BY THE HARRIS COUNTY
EMERGENCY SERVICES DISTRICT NO. 13 THAT:**

Section 1. The matters and facts related in the preamble of this order are hereby found and determined to be true and correct.

Section 2. In connection with 2016 taxes that become delinquent before June 1, 2017, and subsequent years' taxes, the Harris County Emergency Services District No. 13 hereby affirmatively imposes an additional 20% penalty pursuant to Property Tax Code § 33.07.

Section 3. In connection with 2016 taxes that become delinquent on or after June 1, 2017, and subsequent years' taxes, the Harris County Emergency Services District No. 13 hereby affirmatively imposes an additional 20% penalty pursuant to Property Tax Code § 33.08.

Section 4. In connection with 2016 taxes imposed on tangible personal property that become delinquent on or after February 1, 2017, and subsequent years' taxes, Harris County Emergency Services District No. 13 hereby affirmatively imposes an additional 20% penalty pursuant to Property Tax Code § 33.11.

Section 5. The Harris County Tax Assessor-Collector is authorized to mail notice of the delinquency and of the penalty to each property owner in accordance with Property Tax Code sections 33.07, 33.08, and 33.11.

PASSED, APPROVED, AND ADOPTED this 28th day of NOVEMBER, 2016.

ATTEST/SEAL:

**HARRIS COUNTY EMERGENCY
SERVICES DISTRICT NO. 13**

By: Ben Henderson
Ben Henderson, President

By: Scott Johnson
Scott Johnson, Treasurer