

HARRIS COUNTY EMERGENCY SERVICES DISTRICT # 13
11900 Cypress North Houston
Cypress, Texas 77429-5948
281 894-0151

MEETING MINUTES
Monday, November 26, 2018 7:30 P.M.

Commissioners present: Ben Henderson – President
Vince Tobin – Vice-President
Scott Johnson – Treasurer
Homer Stevens – Secretary
JoAnne Arosell – Assistant Treasurer/ Assistant Secretary

Others: Richard Lieder (Chief) Ira Coveler (Legal Counsel)
Jason Blackman (Assistant Chief) Jason Corthell (District Chief)
Angela Hazlegrove (Office Manager) Mike Harris (Training Chief)
Alexa Carrasco (Admin Assistant) Simon VanDyk (Touchstone)

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

Information items:

A. Fire Department Report.

Volunteers provided a total of 3,312 volunteer hours for the previous month. The Department used 76 part-time personnel and 10 full-time personnel in 12-hour staffing shifts to maintain minimum staffing levels for the District.

The ESD received 42 applications for the 9 full time firefighter positions. The first past review was done November 26, 2018 and we will be sending out the invitations to test.

We have completed the 2019 budget for the final revision prior to the start of 2019.

Our recruiting group has been doing very well. We have 22+ signed up for the cadet class that starts in January.

B. Staff Report

The department had the Texas mutual audit our 2017-2018 workers' comp policy on Tuesday, November 20th. The estimated wages that the policy was based on was low which means we owed \$11,595.00

C. Treasurer Report.

The percentage of collections for 2018 is approximately .42%. \$420,000 will be transferred to cover expenses including the reimbursement to the Department for \$118,197.70. A Year-end carryover at this point is expected to total \$3,136,279.24.

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 collection of delinquent District and valorem taxes providing for the payment of up to 20% of the delinquent taxes, penalties, and interest which are collected by the attorney under said Contract.
- II. To discuss and take action on the imposition of additional penalty of delinquent taxes for 2018 pursuant to Section 33.07 of the Property Tax Code and adoption of a Resolution regarding same.
- III. To discuss and take action on the imposition of additional penalty of delinquent taxes for 2018 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.
- IV. To discuss and take action on the imposition of early additional penalty for collection cost for taxes imposed on personal property on delinquent taxes pursuant to Section 33.11 of the same Property Tax Code and adoption of a Resolution regarding same.

Action Items I, II, III, IV discussed and a collective motion was made.

Vince Tobin moved, Homer Stevens seconded, a motion to accept the continuance of the contract with Linebarger Goggan Blair & Sampson, LLP to collect delinquent taxes and adopt the Resolution as presented. The motion passed 5-0.

V. To review and revise the District 2019 budget.
Postpone.

VI. To review and take action on disposal of District records in accordance with records management procedures' retention schedule.
Vince Tobin moved, Homer Stevens seconded, a motion to approve the disposal of district records as presented. The motion passed 5-0.

VII. To review, discuss and take action obtaining credit cards for HCESD#13.
Homer Stevens moved, Vince Tobin seconded, a motion to obtain credit cards for the people listed. The motion passed 5-0.

- VIII. To review, discuss and take action regarding on obtaining 4 bank accounts through Trustmark for Station Recruiting and retention.
Vince Tobin moved, JoAnne Arosell seconded, a motion to obtain 4 bank accounts through Trustmark for Station Recruiting and retention. The motion passed 5-0
- IX. To review, discuss and take action for Hurricane Harvey mitigation.
Table.
- X. To review, discuss and take action regarding any needed repairs or improvements related to the operation of the District fire stations or equipment.
a. Siddons-Martin invoice for E23 maintenance.
Homer Stevens moved, JoAnne Arosell seconded, a motion to approve the payment of \$12,198.51 for the invoice from Siddons-Martin for the maintenance for E23.
- XI. To consider payment to Cypress Creek VFD:
a. Monthly reimbursement.
Vince Tobin moved, JoAnne Arosell seconded, a motion to approve reimbursement payment in the amount of \$118,197.70 to the department. The motion passed 5-0.
- XII. To review sales tax analysis from consultant to discuss any matter related to the imposition of a sales tax.
The closest estimate of possible sales tax collections was discussed.
- XIII. To approve the sale or disposal of surplus and/or salvage property pursuant to Texas Health and Safety code §775.251.
a. Kitchen pans & cookware from Station 23.
b. Office Chairs
Vince Tobin moved, JoAnne Arosell seconded, a motion to dispose of the cookware at Station 23 and office chairs. The motion passed 5-0.
- XIV. To consider approval for payment to Coveler & Peeler, P.C. for professional services as invoiced.
Vince Tobin moved, Homer Stevens seconded, a motion to pay Coveler & Peeler for professional services invoice in the amount of \$4,682.82. The motion passed 5-0.
- XV. To review and approve expense reimbursements and Trainings including the SAFE-D Annual Conference & webcasts, continuing college education credits, and online training classes for Commissioners and Employees.
Richard Lieder, Jason Blackman, JoAnne Arosell, Angela Hazlegrove, and Alexa Carrasco will be attending the SAFE-D webcast on Monday December 3, 2018
- XVI. To pay District bills and consider approval of the List of Checks Issued which includes disbursements as approved separately; ACH withdrawals and transfers for payroll processing; TCDRS retirement plan; and operating expenses as well as any other checks that are presented at the meeting
Vince Tobin moved, Homer Stevens seconded, a motion to accept \$450,922.64 in expenses for November 2018 plus estimated mid-month December expenses of \$158,280.10. The motion passed 5-0.

XVII. To accept Harris County E.S.D. No. 13 Financial Statements of October 31, 2018 as presented.
Postpone.

XVIII. To consider approval of the minutes from the meeting October 22, 2018.
Vince Tobin moved, JoAnne Arosell seconded, a motion to approve meeting minutes for October 22, 2018 as presented. The motion passed 5-0.

XIX. To review, update, and approve personnel matters and policies which may include, rates, benefits, hours, paid time off, sick pay, and holiday pay.
a. Full-Time suppression pay chart updates for 2019.
b. Full-Time Office pay updates for 2019.
c. Hourly pay chart updates for 2019.
d. Travel Reimbursement Policy
e. Discrimination and Harassment Policy.
f. Updates Pay and Leave Policy for Full Time Salary Non-Exempt employees.

The board went into Executive Session pursuant to Government Code §551.074 to discuss the personnel matters presented for a, b, and c.

The board discussed the Policies presented for d, e, and f, and concluded to postpone a decision until everyone could review the policies at length.

XX. To review, discuss and take action on any District matters which need to be included on the October 2018 meeting agenda.
Add an Agenda Item for Simon VanDyk with Touchstone.

XXI. 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.
No closed session regarding legal matters.

XXII. To meet in Closed Session pursuant to Government Code §551.072 to deliberate regarding real estate matters.
No closed session regarding real estate matters.

XXIII. To meet in Closed Session pursuant to Government Code §551.074 to discuss personnel matters.
Vince Tobin moved, Homer Sevens seconded, to adjourn the regular session to an executive session as authorized by Government Code section 551.074 to discuss personnel matters. Ben Henderson called the executive session to order at 9:15 p.m. which lasted until 10:52 p.m.

XXIV. To take action considered as a result of executive session.

Vince Tobin moved, JoAnne Arosell seconded, a motion to accept the Full-Time suppression pay chart as presented. The motion passed 5-0.

Vince Tobin moved, JoAnne Arosell seconded, a motion to accept the Full-Time Office Staff pay as discussed. The motion passed 5-0.

Vince Tobin moved, JoAnne Arosell seconded, a motion to accept the hourly pay chart as presented. The motion passed 5-0.

Adjourn:

Vince Tobin moved, Scott Johnson seconded, a motion to adjourn. The motion passed 5-0. The meeting adjourned at 10:59 p.m.

The meeting minutes were adopted on December 20th, 2018 by a vote of 5 to 0.

Respectfully submitted,



Homer Stevens
Secretary



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 2018 AND SUBSEQUENT YEARS**

RECITALS

§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.

§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.

§§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 §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 §6.30 of the Property Tax Code, as amended.

The contract provides that LINEBARGER’s compensation shall be comprised of §33.07 penalties, §33.08 penalties, §33.11 penalties and §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 §33.07, §33.08, and §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 §33.07 of the Property Tax Code on any delinquent tangible personal property taxes that §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 2018 taxes that become delinquent before June 1, 2019, 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 2018 taxes that become delinquent on or after June 1, 2019, 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 2018 taxes imposed on tangible personal property that become delinquent on or after February 1, 2019, 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 §33.07, §33.08, and §33.11.

PASSED, APPROVED, AND ADOPTED this 26th day of November, 2018.

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

By: 
Ben Henderson, President

ATTEST/SEAL:

By: 
Scott Johnson, Treasurer