

**MINUTES OF THE APRIL 21, 2016 MEETING OF THE  
HARRIS COUNTY EMERGENCY SERVICES DISTRICT NO. 11**

A meeting was duly called of the **HARRIS COUNTY EMERGENCY SERVICES DISTRICT NO. 11**, which was held on April 21, 2016, at Cypress Creek EMS Education Center, 7111 Five Forks Rd., Spring, Texas 77379.

The Meeting was called to order at 9:03 AM by **LYNN LEBOUF**, President. Those Commissioners present were **LYNN LEBOUF, KAREN PLUMMER, FRED GRUNDMEYER, ROBERT BERLETH** and **KEVIN BROST**. Also present were the District legal counsel John Peeler, of Coveler & Katz, P.C., District book keeper Bill Russell, of Myrtle Cruz, Inc., Cypress Creek Emergency Medical Services ("CCEMS") staff including Executive Director Brad England, Public Information Officer Norm Uhl, Toivo Sari, and members of the public.

The Board first addressed item 1 of the agenda, matters relating to the May 7, 2016 general election to elect three commissioners to the Board of Commissioners. Counsel presented orders appointing the Early Voting Ballot Board and Central Counting Station personnel. After review, Motion was made by Mr. **BERLETH**, seconded by Mr. **GRUNDMEYER** to approve the orders appointing the Early Voting Ballot Board Judge and Central Counting Station Personnel. After discussion, the Motion was approved by a vote of 5 to 0.

The Board reviewed the Minutes of the April 14, 2016 special meeting. During review, Mr. **BROST** expressed his opinion that Counsel John Peeler left out too many details regarding comments made by Ms. **PLUMMER**. Counsel explained that his notes were not meant to act as a recording of every word said during a meeting, and that he would be happy to add any material the Board finds appropriate. After review, Motion was made by Mr. **BROST**, seconded by Mr. **GRUNDMEYER** to approve the Minutes. After discussion, the Motion was approved by a vote of 4 to 0, with Mr. **BERLETH** abstaining since he was not present at the April 14<sup>th</sup> meeting.

The Board then addressed agenda item 3, public comment. Tommy Ripley offered comments regarding the "turmoil" on the Board and asked why Mr. **BROST** was agitating. Mr. Ripley said he is concerned of the accusations against the District Board, CCEMS and Brad England. He said that the

community tells him that CCEMS is “in the right” and that Mr. BROST and Mr. BERLETH are “in the wrong”.

Mr. **BERLETH** stated that Public Comment is not a back and forth or question and answer item. Counsel also advised the Board not to answer questions or engage in conversation with the public during the Public Comment period, but to allow the public freedom to make their comments for consideration by the Board of the possible need for future agenda items to address any concerns raised by the public.

The Board then addressed Financial Matters. The District received a report from District bookkeeper **BILL RUSSELL**, of **MYRTLE CRUZ, INC.** Mr. Russell reported the expenses were tracking according to the budget, generally and that investments still were not generating much revenue due to very low interest rates. He added that Amegy Bank is moving away from public funds. Mr. **BERLETH** added that the District was doing substantially better than when they only had \$10,000 in reserve.

Mr. Russell continued to report that the operating account balance of the District as of March 24, 2016 was \$11,451,126.90. He also noted the receipt of tax revenue since the prior meeting in the amount of \$235,787.98, tax penalty and interest of \$21,038.27, and interest of \$2,178.20. He also reported that as of this meeting and prior to the payment of current bills, \$11,438,500.97 was on deposit at the Prosperity Bank operating account, plus additional demand deposits of \$213,245.65 at Prosperity Bank, \$1,005,320.06 in TexPool, CD/investment accounts plus interest as to all said accounts/CD: \$236,727.65 at Spirit of Texas Bank, \$232,791.49 at Icon Bank, \$225,888.26 at Community Bank (previously Vista Bank), \$1,101,193.59 at Compass Bank, \$890,763.23 at Wells Fargo Bank plus \$240,000.00 at three banks. Thereupon, after review, motion was made by Mr. **BROST**, seconded by Mr. **BERLETH** to approve the Financial Report as presented. After discussion, the motion was approved by a vote of 5 to 0.

The Board then addressed payment of District bills. After review, Motion was made by Ms. **PLUMMER**, seconded by Mr. **GRUNDMEYER**, to approve the payment of District bills as follows:

1.	Myrtle Cruz, Inc. (bookkeeping)	\$ 2,278.12
2.	Coveler & Katz, P.C. (legal)	\$ 28,306.50
3.	Hart Intercivic (Inv 64749, 64808)	\$ 1,572.75
4.	Webwize Inc. (Inv 7056, 7057)	\$ 190.00

After discussion, the Motion was approved by a vote of 5 to 0.

Mr. Peeler presented the Coveler & Katz, P.C. invoice for services performed regarding the federal grand jury subpoena received in February. After review, Motion was made by Mr. **BERLETH**, seconded by Mr. **BROST**, to approve the subpoena invoice presented. After discussion, the Motion was approved by a vote of 5 to 0. Mr. Peeler will submit the charges to the District's insurer for reimbursement consideration.

The Board then addressed item 6, granting exemptions for 2016. After review, Motion was made by Mr. **BERLETH**, seconded by Mr. **LEBOUEF** to table the granting exemptions for 2016. After discussion, the Motion was approved by a vote of 5 to 0.

The Board then addressed District investments. No action was taken.

The Board took no action on the District 2016 Investment Policy.

The Board took no action on depository institutions, including depository pledge agreements and investment policy.

The Board took no action on item 10, 2016 budget revisions.

The Board unanimously agreed to hold review of item 11 until after item 13.

Without objection, the Board then moved to agenda item 12, the acquisition and/or payment for capital items pursuant to District budget and/or service agreement with Cypress Creek EMS. Brad England reported: bids being gathered for supervisor vehicles and requested direction regarding the old vehicles; 2 new Tahoes or Expeditions were being purchased; old vehicles to be moved to reserve; no approvals requested today; AEDs now to be delivered along with Zoll monitors.

No action taken.

The Board then received a report from CCEMS. Brad England presented the monthly report and provided a verbal summary of same. Mr. England reported: an approximate \$300,000 overage in the budget due to three payroll cycles in March; no additional funds being requested as the budget will work

itself out soon; last month produced the second highest number of runs in CCEMS history; 13 mutual aid in, 22 mutual aid out; working on new blood product protocols; 990 extra calls due to flooding which required adjusted protocols during the high volume period.

Mr. **BERLETH** asked Mr. England about the statistics for Medic 521 and Medic 523. Mr. England was unable to include the charts in the report due to printer issues but verbally presented information. Mr. **BERLETH** stated that there are still only thirteen full-time trucks and one day truck. Mr. **BERLETH** and Mr. **BROST** identified several trucks not on charts provided. Mr. England and Toivo Sari noted the need for Page 2 of the report which apparently had not been included in the report. Mr. England secured page 2 of the report and noted that it includes all ambulances – 13 24-hour trucks and 4 floaters were originally scheduled for 2016, but now there are 14 24-hour trucks and 2 floaters. He noted that they are currently training new staff to add medic 523 as a floater in approximately 3 months. Commissioner **BERLETH** asked why some trucks make over 300 calls per month and if floaters are moved to those heavy volume areas to provide adequate coverage. Mr. England said that M513 and M521 are now at the Exxon station and Station 51 which now houses M51, M501 and M521. Mr. England explained that the timing of the completion of the new station and the fact that CCEMS is currently staffing 14 24-hour trucks and 2 floaters is the budgetary equivalent to 13 24-hour and 4 floaters. He also reminded the Board that additional crews are training to put new trucks in service soon. Commissioner **BERLETH** expressed concern that M521 is actually running part-time as M51 or M501. Mr. Sari said he would review those reports. Mr. **BERLETH** asked if any new litigation had occurred. Mr. England had no new matters to report. After review, motion by **BERLETH** and second by **PLUMMER** to approve the CCEMS monthly report. After discussion the motion was approved by a vote of 5 to 0.

The Board then addressed item 11, monthly operations funding of CCEMS. Motion was made by Commissioner **PLUMMER** to pay the CCEMS operations funding as requested in the amount of \$1,003,835.00, and Commissioner **GRUNDMEYER** seconded the motion. After discussion the motion was approved with **LeBOUEF**, **PLUMMER** and **GRUNDMEYER** voting in

favor, **BERLETH** voting against and **BROST** abstaining. Commissioner **BROST** expressed concern that the District is paying for ambulances promised in December 2015 but which are still not on the street, even though the approved budget calls for 14 full-time and 4 “floater” or part-time ambulances. Mr. England replied that the monthly operations funding pays for what is currently on the street, and that CCEMS is working to add more ambulances and staff to reach the 14 and 4 during 2016. Mr. Russell offered some advice on reviewing the amounts paid versus the amount budgeted noting that the monthly operations payment is simply the total operations budget divided equally into 12 payments rather than adjusting each month for how many ambulances are in service. He reminded the Board that the budget is reconciled annually, not monthly, and could result in CCEMS owing the District a refund for part of the operations money paid to CCEMS.

The Board then addressed item 14, action regarding construction, improvements, repairs and renovations to District stations. Ricardo Martinez reported one pay application is still expected noting a “positive” change order to follow on the Station 513/Coventry project. Mr. Martinez also requested approval of an easement in favor of CenterPoint energy, and counsel noted his lack of objection to the easement. After review, Motion was made by Ms. **PLUMMER**, seconded by Mr. **GRUNDMEYER** to approve the CenterPoint Easement. After discussion, the Motion was approved by a vote of 4 to 0 with Mr. **BERLETH** abstaining.

The Board then addressed item 15 pertaining to real property. Mr. **BROST** inquired about the status of Station 52. Brad England stated that the “check was in the mail” and the remodel would begin when the money arrives. He added that they may need to house an ambulance at the nearby fire station during the remodel period. Mr. **BROST** then voiced his concern that the District budgeted for a new station rather than a remodel. Mr. England shared his concern of the cost of a new station (\$2 million) vs. a remodel (\$200,000). Mr. **LEBOUEF** agreed that a new station is not needed at this time. Mr. **BROST** disagreed saying the Station 52 area needs a new station due to the demolition of the old station. Mr. England informed the Board that Station 52 would be rebuilt only when funding became available. Mr. **BROST** asked if any stations

experienced flooding during the recent storms. Mr. England confirmed that Station 52 did flood though no trucks were lost due to the high water.

The Board took no action on item 16, Capital Lease Agreement.

The Board took no action on item 17, District requests to CCEMS for information under the service agreement for documents, reports and information.

The Board then addressed the District website. John Peeler assured the Board that Coveler & Katz, P.C. will assist with any items, as needed for the website. Mr. **BERLETH** expressed his wish to have District meetings recorded and placed on the District website. Mr. Peeler said this could be done from a legal aspect, though he would offer no opinion on the bandwidth/capacity issues. The Board then discussed a new website vs. updates to the old website. Ms. **PLUMMER** and Toivo Sari worked with Glenn Brooks to get the minutes current. Mr. **BERLETH** asked if the capacity or bandwidth would be difficult. Mr. Sari will coordinate with Mr. Brooks on capacity. Mr. **LEBOUEF** will consult with Mr. Brooks on requirements/capacity. Mr. **BERLETH** added that the District should have a social media presence and was mistaken that Ms. **PLUMMER**'s personal page was the official Face Book page adding that an official Face Book page including notices, minutes, etc. would be useful to the community. Mr. **LEBOUEF** suggested asking Glenn Brooks to present a proposal on the Face Book page. Mr. Peeler presented the issue of access and responsibility of managing page, including updates. Mr. **BERLETH** asked if Norm Uhl could be the designated party. Mr. Uhl agreed that he could link to the website. Mr. England then questioned whether the District would pay CCEMS for the service. Mr. Peeler said the District would coordinate with Mr. Books requesting a proposal for setup, access, for a District Face Book page.

The Board then addressed item 19, traffic preemption. ESD 16 Commissioner Pate addressed the Board on current issues, specifically "1960 situation" or "debacle": TXDOT is putting old devices back on 1960 which will cause loss of preemption; asking for emergency funds to get working ones in place; presented chart breaking costs by ESDs 11, 16, 28, and 29; requesting \$99,658 from the District. A brief discussion ensued regarding currently budgeted vs. additional funding and how TXDOT intersections will match County. After review, Motion was made by Mr. **BROST**, seconded by Mr. **BERLETH**. To

amend budget to \$250,000 to immediately cover the request for additional traffic preemption funding. After discussion, the Motion was approved by a vote of 5 to 0.

The Board entered Closed Session at 10:25 a.m. and ended at 10:47 a.m. The Board returned to Open Session at 10:49.

The Board then discussed possible intervention in Cause No. D-1-GN-14-004998, Cypress Creek EMS v. Texas Attorney General. Mr. Peeler will forward documentation to Board for review. No action taken.

The Board then addressed agenda item 22, the date of the meeting to canvass the results of the May 7, 2016 election. The canvass meeting will be held in conjunction with the regular meeting, May 19, 2016 at 9:00 AM unless the deadline to canvass requires an earlier meeting.

There being no further business brought before the Board nor any further public comment, upon Motion made the meeting adjourned 10:50 a.m.

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Secretary of the Board