

**MINUTES OF THE JUNE 20, 2013 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 June 20, 2013, at Cypress Creek EMS Education Center, 7111 Five Forks Rd., Spring, Texas 77379.

The Meeting was called to order at 9:00 a.m. by **LYNN LeBOUEF**, President. Those Commissioners present were **LYNN LeBOUEF, FRED GRUNDMEYER, KAREN PLUMMER, and KEVIN BROST**. Also present were **HOWARD KATZ, of COVELER & KATZ, P.C.**, the District's Counsel, and **BRAD ENGLAND**, Executive Director of Cypress Creek EMS ("CCEMS"), and Board officers of CCEMS, and members of the public. Also present was Andrew McKinney, attorney for CCEMS.

The Board first reviewed the Minutes of the May 16, 2013 regular meeting. After review, Motion was made by Mr. **GRUNDMEYER**, seconded by Mr. **BROST** to approve the Minutes. After discussion, the Motion to approve the Minutes was approved by a vote of 4 to 0.

The Board then received a Financial Report prepared by **BILL RUSSELL**, of **MYRTLE CRUZ, INC.**, the District's bookkeeper. In the absence of Mr. Russell, Counsel delivered the report. He reported that the operating account balance of the District following the prior meeting was \$3,772,779.13. He also noted the receipt of tax revenue since the prior meeting in the amount of \$31,856.14, tax penalty and interest of \$1,532.62 and interest of \$807.55. He also reported that as of this meeting and prior to the payment of current bills, \$2,259,352.08 was on deposit at the Prosperity Bank operating account, plus demand deposits of \$12,374.62 (Prosperity Bank), plus \$5,207.47 at TexPool, plus CD/investment accounts plus interest as to all said accounts/CD: \$34,506.59 at Spirit of Texas Bank, \$81,328.07 at Icon Bank, \$24,060.85 at Vista Bank Texas, plus \$1,506,418.17 at Compass Bank. He also said that all District funds were properly insured and/or secured by pledged securities. Thereupon, after review, Motion was made by Mr. **BROST**, seconded by Mr. **GRUNDMEYER**

to approve the Financial Report as presented. After discussion, the Motion was approved by a vote of 4 to 0.

As part of the Financial Report, the Board then addressed District investments. Mr. **BROST** said the revised investments were made and \$1,500,000.00 was transferred to Compass Bank. After review, Motion was made by Mr. **BROST**, seconded by Mr. **GRUNDMEYER** to approve and authorize the investment schedule as outlined in the Financial Report: none at this time. After discussion, the Motion was approved by a vote of 4 to 0.

The Board reviewed the final District 2012 audit. Counsel noted that no financial changes were made to the initial draft approved at the April meeting. After review, Motion was made by Mr. **GRUNDMEYER**, seconded by Mr. **BROST** to approve final the District 2012 audit. After discussion, the Motion was approved by a vote of 4 to 0.

The Board then addressed the 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)	\$	1,877.28
2.	Coveler & Katz, P.C. (legal-May – election)	\$	16,903.76
3.	Coveler & Katz, P.C. (legal-May)	\$	5,378.00
4.	HCAD (Q'trly assessment)	\$	87,289.36
5.	Hart Intercivic (Election Expense)	\$	1,163.00
6.	Thomas Herold (Election worker)	\$	15.00
7.	Sheryl Herold (Election worker)	\$	15.00

After discussion, the Motion was approved by a vote of 4 to 0.

The Board then addressed and determined no action was required on revisions to the District 2013 budget.

The Board then addressed the 2013 tax rate setting process and appraisal reports. Counsel said the preliminary report was prepared and the expected date for the certified tax roll was mid-August. He said that public hearings would definitely be required if the District intended to raise the tax rate above \$.0300/\$100 in light of the recent tax rate election where the maximum authorized District tax rate was increased to \$.0600/\$100. After review, Motion was made by Ms. **PLUMMER**, seconded by Mr. **GRUNDMEYER** to approve for Counsel to prepare and publish the District's Effective Tax Rate calculations. After discussion, the Motion was approved by a vote of 4 to 0.

The Board tabled Agenda Item 7, discussion on the proposed 2013 District tax rate pending the HCAD certified tax rolls and Agenda Item 8, the proposed District 2014 budget.

The Board then addressed the payment of CCEMS Operations and Capital funding as set forth in the Financial Report. Brad England, Executive Director of CCEMS, noted that Operations funding was due at this meeting in the amount of \$462,328.00. After review, Motion was made by Ms. **PLUMMER**, seconded by Mr. **GRUNDMEYER** to approve the payment of CCEMS Operations in the amount \$462,328.00. After discussion, the Motion was approved by a vote of 4 to 0.

The Board then addressed the payment of CCEMS Capital funding. Mr. England noted that no Capital funding was due at this meeting.

The Board then received a report from CCEMS. Brad England, Executive Director of CCEMS, presented the report.

Mr. England, referring to the CCEMS report, noted the line graphs showing responses, response times, dispatch times, fire/ems breakdown in dispatched calls and hospital times as well as for EMS billing collections information.

Mr. England said that in May there were 16 mutual aid responses in District territory and CCEMS provided 16 mutual aid responses into out of District territory. He reported that CCEMS responded to 394 STEMI calls YTD, with a 98% correct call rate. Mr. England said that 8:00 minutes was the average total response time, with 6:42 the average travel time and average scene time was 23:18 minutes and the average transport at 16:03 minutes. Mr. England said that the average dispatch time at 54 seconds was well under the 90 seconds national average. He also reported that through May 31, CCEMS responded to 13,285 calls, with the prior month's ALS being 1,553 and BLS being 1,515. Mr. England said there were also 5 life flights in the prior month.

Mr. England said that the CCEMS Medical Director (Dr. Vartanian) and Assistant Medical Director (Dr. Escott) responded to 10 calls during the prior month.

Mr. England said the state inspection of the new CCEMS Academy is expected soon.

After review, Motion was made by Mr. **GRUNDMEYER**, seconded by Ms. **PLUMMER** to receive the CCEMS monthly report. After discussion, the Motion was approved by a vote of 4 to 0.

The Board then addressed E-Views. Mr. **BROST** said that 33 intersections were in place and all have been approved at the state and county levels. Counsel said that there was a bill from Advanced Traffic Solutions (E-View) in the amount of \$49,500.00 for preemption equipment and services. After review, Motion was made by Mr. **BROST**, seconded by Ms. **PLUMMER** to approve the payment of \$49,500.00 for preemption equipment. After discussion, the Motion was approved by a vote of 4 to 0.

The Board then addressed the Coventry development project. Mr. **BROST** and Mr. England said that they thought the demands by the Coventry Design Group were too high and too costly. Mr. England said he did not think the District should do that design and the need for an EMS station was not pressing because CCEMS has a station not far from the Coventry area. He said for fire protection Spring FD probably needs to build in the Coventry area, but that EMS was already provided by a close facility. Ms. **PLUMMER** and Mr. **GRUNDMEYER** said they agreed with the assessment. The Board deferred any further action until a later date.

The Board then addressed an invoice submitted by Joiner Architects to CCEMS dated January 31, 2013 in the amount of \$28,350.00. Mr. England said CCEMS never engaged Mr. Joiner on this project and this was now a District project anyway. Mr. **LeBOUEF** said that the District did not take on the project until March or April. Mr. **BROST** said he saw Mr. Joiner as being a facilitator in hopes of getting the project but he was not hired yet. Mr. **GRUNDMEYER** asked how Joiner came up with the amount of the invoice amount since the project was not yet approved for an amount. He said he knows that Mr. Joiner did work on this but how much is for the fire side and how was the fee determined. Counsel said he understood the Board questions. He said that he could not see how the Board or CCEMS could question if work for the District or CCEMS was done by Mr. Joiner, especially since they came to the District meetings and presented EMS station designs as recently as May. Mr. **LeBOUEF** said he agreed with Mr. Grundmeyer that Joiner was due money but he could not see how the amount

was arrived out and he needs more information. Counsel said that was a fair comment and he would contact Mr. Joiner.

The Board then addressed the McGrath Report on CCEMS. There was discussion about setting up a strategic planning session.

The Board then addressed a multi-year service agreement with CCEMS. Mr. England and CCEMS attorney Andrew McKinney discussed the contract sent out by Mr. England. Counsel said he responded to Mr. England and Mr. McKinney that Counsel would prepare the new service agreement after consulting with the Board. Mr. England said the discussion had been that assuming a good report from McGrath regarding CCEMS, which was the case as agreed by the District Board, a new multi-year contract would be signed. Mr. **BROST** said he has not reviewed the proposed contract and would have expected a workshop on the new terms of the contract. Mr. McKinney said he basically updated the prior service agreement and extended the term for ten years and revised some of the reporting requirements. Counsel said the only draft he received was from Mr. England. Mr. **BROST** asked if they can do such a long terms contract. Counsel said yes, as long as the District is not committed to future funding and there is a non-appropriation clause, which there is in this case. Mr. **BROST** said he also would have wanted to see CCEMS performance levels in the service agreement. Ms. **PLUMMER** said this is the same contract as before just for the longer term. Mr. **GRUNDMEYER** said it is good for there to be stability. Mr. McKinney said he deleted the termination without cause on 160 days notice. Mr. **BROST** said this is very one-sided. Mr. **GRUNDMEYER** asked Counsel what he thought. Counsel said that he expected to prepare the contract after a workshop with the District and CCEMS. However, he said that as a legal matter he did not have an objection to the proposed contract. After review, Motion was made by Ms. **PLUMMER**, seconded by Mr. **GRUNDMEYER** to approve the CCEMS service agreement as presented, except for a couple of non-material typos. After discussion, the Motion was approved by a vote of 3 to 0 (Mr. Brost abstaining.)

The Board tabled discussion about developing a five-year plan with CCEMS until the certified tax rolls are submitted.

Counsel said there was no need for an executive session.

After discussion between Mr. McKinney and Counsel, Counsel requested that Agenda Item 15 (multi-year service agreement with CCEMS) be re-opened. Counsel explained that he and Mr. McKinney discussed the budget process and tax rate setting and agreed on adding language requested by Counsel. Mr. McKinney read an insert into the service agreement, Section 5.01(B), that “the District retains the unfettered right and discretion to set, raise and lower that tax rate and its decision shall, under no circumstances, be subject to review, challenge or question by any court or arbitration proceeding”. After review, Motion was made by Ms. **PLUMMER**, seconded by Mr. **GRUNDMEYER** to approve the CCEMS service agreement as revised. After discussion, the Motion was approved by a vote of 4 to 0.

There being no further business brought before the Board nor any further public comment, upon Motion made the meeting adjourned at 11:15 a.m.

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Secretary of the Board