

MINUTES OF MEETING OF THE  
BOARD OF COMMISSIONERS

June 21, 2018

THE STATE OF TEXAS §  
COUNTY OF HARRIS §  
HARRIS COUNTY EMERGENCY SERVICES DISTRICT NO. 11 §

The Board of Commissioners (the "Board") of Harris County Emergency Services District No. 11 (the "District") met in regular session, open to the public, at 7111 Five Forks Drive, Spring, Texas 77379, a meeting place inside the boundaries of the District, on Thursday, June 21, 2018, at 9:00 a.m.; whereupon, the roll was called of the members of the Board, to-wit:

Tommy Ripley	President
Karen Plummer	Vice President
Fred Grundmeyer	Secretary
Robert Pinard	Treasurer
Kevin Brost	Asst. Treasurer

All members of the Board were present, thus constituting a quorum. Also attending the meeting were: Ms. Evette Pinard, a District resident; Mr. Ricardo Martinez of Martinez Architects ("Martinez"); Mr. Kerry Johnson of NRG Marketing Group ("NRG"), the District's website service provider; Mr. Glen Hastings, of VFIS, the District's insurance broker; and Ms. Regina D. Adams and Ms. Monica Garza, attorneys, and Ms. Carla Christensen, paralegal, of Radcliffe Bobbitt Adams Polley PLLC ("RBAP"), attorneys for the District; In addition, the following representatives of Cypress Creek Emergency Medical Services ("CCEMS") were in attendance at the meeting: Mr. Dave Billings, member of the Board of Directors of CCEMS; Mr. Brad England, Executive Director of CCEMS; Mr. Wren Nealy, Assistant Executive Director of CCEMS; and Mr. Norm Uhl, Public Information Officer ("PIO") for CCEMS.

WHEREUPON, the meeting was called to order by the President and evidence was presented that public notice of the meeting had been given in compliance with the law. The posted notices of the meeting are attached hereto.

After a 30-second moment of silence for prayer and reflection, the Board conducted the Pledge of Allegiance to the United States' Flag.

CONSIDER AUTHORIZING PREPARATION OF RECONCILIATION AUDIT AND/OR FORENSIC AUDIT REPORT FOR FISCAL YEAR ENDING ("FYE") DECEMBER 31, 2017 (DISTRICT FUNDING VS. CCEMS EXPENDITURES)

The President first reminded the Board that the District had previously engaged Roth & Eyring, CPA ("Roth & Eyring") to prepare reconciliation audits for FYE December 31, 2015 and FYE December 31, 2016, in connection with the review of CCEMS accounts funded through District payments pursuant to the Service Contract. Ms. Adams added that at the February Board meeting, the Board reviewed a proposal from Roth & Eyring for the preparation of a Reconciliation Audit for FYE December 31, 2017, which would cost between \$5,500 and \$6,500, but no action was taken on such item.

Commissioner Pinard then stated that he had coordinated with HSSK and Counts|Thomson regarding their capabilities and availability to conduct a forensic audit for the District related to the CCEMS accounts funded through District payments in FYE December 31, 2017. Commissioner Pinard went on to present the proposals from such firms. The Board reviewed the proposals and a discussion ensued regarding same.

Upon motion by Commissioner Pinard, seconded by Commissioner Plummer, after full discussion and the question being put to the Board, the Board voted unanimously to: 1) approve and authorize execution of the proposals from HSSK and Counts|Thomson in connection with conducting a forensic audit for the District as described herein, subject to receipt of a completed Form 1295; and 2) appoint Commissioners Ripley and Plummer to a committee to review and coordinate with Counts|Thomson regarding the legal matters in connection with the forensic audit; and 3) appoint Commissioners Pinard and Brost to a committee to review and coordinate with HSSK regarding the accounting matters (including definition of the scope of services) in connection with the forensic audit. Copies of the executed proposals with HSSK and Counts|Thomson are attached hereto.

#### STATUS OF PROPOSED ADMINISTRATIVE AND OPERATIONAL POLICIES AND PROCEDURES OF THE BOARD AND TAKE ANY NECESSARY ACTIONS ON SAME

Commissioner Pinard reminded the Board that he previously presented a list of proposed policies and procedures for the District, which included the creation and implementation of a process for the Board to vet and review proposed presentations to projects of and purchases for the District. Commissioner Pinard also reminded the Board that it had previously approved the implementation of the proposed application form for prospective vendors and/or companies. Commissioner Pinard stated that he is in the process of finalizing the application form. Upon motion by Commissioner Pinard, seconded by Commissioner Plummer, after full discussion and the question being put to the Board, the Board voted unanimously to approve implementation of the proposed application form and appoint Commissioners Ripley and Pinard to a committee to review completed applications from prospective vendors or companies.

#### APPROVAL OF THE MINUTES

The Board next considered approval of the minutes of the canvassing and special meeting of May 15, 2018, the regular meeting of May 17, 2018 and the Certified Agenda from the Executive Session of May 17, 2018. Ms. Adams noted that the certified agenda is considered confidential information under the Texas Open Meetings Act (the "Act") and, therefore, may not be shared with anyone. Ms. Adams added that the Act provides for court-ordered access of certified agendas under specific circumstances.

Upon motion by Commissioner Plummer, seconded by Commissioner Grundmeyer, after full discussion and the question being put to the Board, the Board voted unanimously to approve the minutes of the canvassing and special meeting of May 15, 2018, as presented.

Upon motion by Commissioner Plummer, seconded by Commissioner Grundmeyer, after full discussion and the question being put to the Board, the Board voted four (4) votes in favor, and one (1) abstention, with Commissioner Ripley abstaining, to approve the minutes of the regular meeting of May 17, 2018, as presented.

Commissioner Pinard requested one (1) revision to the Certified Agenda from the Executive Session of May 17, 2018. Upon motion by Commissioner Brost, seconded by Commissioner Grundmeyer, after full discussion and the question being put to the Board, the Board voted four (4) votes in favor, and one (1) abstention, with Commissioner Ripley abstaining, to approve the Certified Agenda from the Executive Session of May 17, 2018, as corrected.

STATUS OF PROPOSED ADMINISTRATIVE AND OPERATIONAL POLICIES AND PROCEDURES OF THE BOARD AND TAKE ANY NECESSARY ACTIONS ON SAME (CONTINUED)

A discussion ensued regarding moving the District's regular Board meeting date and time. It was the consensus of the Board to move the District's regular Board meeting date and time from the third (3<sup>rd</sup>) Thursday at 9:00 a.m. to the third (3<sup>rd</sup>) Wednesday at 6:30 p.m.

REVIEW, DISCUSS AND TAKE ACTION ON MISCELLANEOUS MEDIA MATTERS, INCLUDING UPDATE BY NRG ON STATUS OF DISTRICT'S WEBSITE

Mr. Johnson next reported on the status of the re-design of the District's website, <http://www.esd11.com>, and noted that the website is up-to-date except that Commissioner Brost's biography needs to be added.

Commissioner Brost then requested that the Board consider the use of District email addresses for Commissioners. A discussion ensued regarding the historical reasons why the Board previously eliminated District email addresses. Upon motion by Commissioner Brost, seconded by Commissioner Plummer, after full discussion and the question being put to the Board, the Board voted unanimously to authorize NRG to prepare District email addresses for all Commissioners.

DISCUSS DISTRICT'S OFFICIAL MAILING ADDRESS AND TELEPHONE NUMBER AND TAKE NECESSARY ACTIONS ON SAME

Commissioner Brost next requested that the Board consider changing the District's official mailing address and telephone number, which are currently listed on the District's website as the CCEMS address and phone number. Ms. Adams noted that the annual report that is filed pursuant to Section 775.083, Texas Health and Safety Code, includes RBAP's address and telephone number as the District's official mailing address and telephone number. Ms. Adams also noted that the District's administrative office address, which is published annually pursuant to Section 775.036(f), Texas Health and Safety Code, is RBAP's address. A discussion ensued.

Commissioner Pinard and Ms. Pinard exited the meeting at this time.

It was the consensus of the Board that any District meeting or administrative-related matters be directed to RBAP's office.

UPDATE ON STATUS OF TRANSITION TO NEW INTERSECTION PREEMPTION CONTROLLER AND DRAFT INTERLOCAL AGREEMENT WITH HARRIS COUNTY EMERGENCY SERVICES DISTRICT ("ESD") NOS. 7, 13, 16, 28 AND 29 AND VENDOR SERVICES CONTRACT, AND TAKE ANY NECESSARY ACTIONS ON SAME

Commissioner Brost then reported on recent communications he has had with Mr. Michael Pate of ESD No. 16 in connection with prior intersection preemption controller device stakeholder meetings. Commissioner Brost reminded the Board that it had previously reviewed a summary of the costs, vendor options and necessary equipment to transition from the E-Views intersection preemption controller devices to a different intersection preemption controller device vendor that will be compatible with the County's updated device requirements and standards. Commissioner Brost then reported that the proposed new intersection preemption controller devices are currently being tested at one (1) intersection. In response to a question, Commissioner Brost stated that the installation of any intersection preemption controller device equipment in vehicles will be the responsibility of the requisite ESD. Commissioner Brost went on to state that Mr. Pate expects that the draft service contract with GTT/Opticom will be distributed to all stakeholders in the near future. Ms. Adams noted that her office has not received any other document related to this matter.

REVIEW AND TAKE ANY NECESSARY ACTIONS ON MONTHLY OPERATIONS AND FINANCIAL REPORT FROM CCEMS, INCLUDING CONSIDERATION OF MONTHLY OPERATIONS FUNDING REQUESTS, CAPITAL FUNDING REQUESTS AND REQUEST FOR FUNDING ASSISTANCE OF PROPOSED SALARY INCREASE

Commissioner Ripley then recognized Mr. England, who presented to and reviewed with the Board the Executive Director's Report, the monthly CCEMS Operations and Financial Reports, including the operations statistics for the month of May 2018, and the 2018 CCEMS budget comparison, copies of which are attached hereto. Mr. England reported that during the month of May there were 2,192 transports, three (3) Life Flight transports, and that 28% of the calls made during the month were "no transports." Mr. England went on to report that during the month of May, CCEMS received 18 mutual aid assists and provided 31 mutual aid assists outside of CCEMS's boundaries.

In response to a question from Commissioner Brost, Mr. England stated that CCEMS will include the monthly response times for CCEMS Station No. 50 in the CCEMS response time statistical report.

Mr. England next reminded the Board that CCEMS recently re-implemented the Community Wellness and Paramedic Program (the "Wellness Program"), which allows a physician's assistant to respond directly to less urgent patients that do not require an ambulance. Mr. England went on to report that necessary vehicles and equipment have been ordered for the Wellness Program and such vehicles and equipment are expected to be delivered sometime in August.

Mr. England then reported that the four (4) new ambulances (two (2) of which were paid for by the District) are expected to be ready for pick-up in October.

Mr. England reported that the CCEMS Clinical Fellowship Program (with the U.S. Army) will resume in the near future. Mr. England noted that Dr. V has approved the cost for CCEMS to house the doctors.

In response to a previous Board request, Mr. England noted, in Mr. Bill Russell's of MCI, the District's bookkeeper absence, the updated total costs for previous election-related legal fees and expenses: \$111,530 in 2014, \$157,650 in 2016 and, to-date, \$233,486.54 in 2018. Ms. Adams noted that the FYE December 31, 2016 budget reflects the total election-related legal fees and expenses were \$221,791.96 for the 2016 election.

Mr. England next reported on hurricane preparedness currently underway by CCEMS.

Mr. England then stated that CCEMS is in the process of communicating with representatives of Northland Christian Church regarding the possible purchase or lease of property for a potential future CCEMS station.

Mr. England went on to report that CCEMS recently received the American Heart Association's "Gold Plus" award for excellence in connection with its emergency medical services.

Mr. England then presented to and reviewed with the Board a map depicting the locations of the Stonebridge and Thundercloud subdivisions and a summary of taxes assessed by both ESD No. 8 and the District for such subdivisions, copies of which are attached hereto. Mr. England noted that in addition to some properties in both subdivisions being taxed by ESD No. 8 and the District, some properties in Stonebridge and Thundercloud are also being provided emergency medical services by both Northwest EMS and CCEMS. A discussion ensued regarding the possibility of de-annexing the Stonebridge subdivision from the District and de-annexing the Thundercloud subdivision from ESD No. 8. Ms. Adams stated that RBAP will further research the matter and report back to the Board at the July Board meeting.

Mr. England next reported that the CCEMS Board recently appointed Mr. Nealy as the Assistant Executive Director of CCEMS.

In response to a question from Commissioner Grundmeyer, Mr. England noted that the fire departments within the District respond to any high water/rescue situations and refer any medical situations to CCEMS.

Upon motion by Commissioner Grundmeyer, seconded by Commissioner Brost, after full discussion and the question being put to the Board, the Board voted unanimously to approve the CCEMS Operations and Financial Report and authorize the CCEMS Operations payment in the amount of \$1,213,560.00 for the month of June.

REVIEW AND TAKE ANY NECESSARY ACTIONS ON FINANCIAL MATTERS, INCLUDING FINANCIAL REPORT FROM DISTRICT TREASURER AND BOOKKEEPER

In the absence of Mr. Russell, Ms. Adams presented to and reviewed with the Board the Bookkeeper's Report, including the revenues and expenses of the District, the budget comparison, the adopted budget for FYE December 31, 2018, the investment report and the checks being presented for payment at the meeting, copies of which are attached hereto.

Mr. Johnson exited the meeting at this time.

Ms. Adams reported that during the prior month, the District received \$142,507.52 in 2017 property tax revenue, \$4,341.67 in penalties and interest and \$1,826.58 in investment interest. Ms. Adams further reported that all such revenue had been deposited into the District's Compass Bank Operating Account.

Ms. Adams then noted that there is one (1) check is being presented for approval that was not included in the written report. Ms. Adams stated that the check is numbered 1238, in the amount of \$933.56 and is payable to an election official, Ms. Connie Leday, for her work in connection with the early voting ballot board.

Upon motion by Commissioner Brost, seconded by Commissioner Plummer, after full discussion and the question being put to the Board, the Board voted unanimously to approve the Bookkeeper's Report and authorize payment of the checks reflected therein.

CONSIDER COMMISSIONER AND FORMER COMMISSIONER REQUESTS FOR REIMBURSEMENT OF DEFENSE COSTS AND ADOPTION OF REIMBURSEMENT RESOLUTION REGARDING SUCH REQUESTS

There were no requests for reimbursement at this time.

SCHEDULE WORKSHOP MEETING IN CONNECTION WITH PROPOSED BUDGET FOR FYE DECEMBER 31, 2019.

A discussion ensued regarding holding a workshop meeting to discuss the proposed budget for FYE December 31, 2019 and setting the 2018 tax rate. Commissioner Ripley noted that both he and Commissioner Pinard are planning to attend more CCEMS Board meetings to aid in planning for the adoption of the District's budget for FYE December 31, 2019. Ms. Adams noted that the District has not yet received the preliminary taxable values for the 2018 tax year. Mr. England noted that the CCEMS Board will consider adoption of the CCEMS budget at the July meeting and the adopted budget will be provided to the District within 30 days of adoption by CCEMS.

TAX ASSESSOR/COLLECTOR'S REPORT

Ms. Adams then reviewed with the Board the Tax Assessor/Collector Report for the month of May 2018, a copy of which is attached hereto. Ms. Adams reported that 98.03% of the District's 2017 tax levy has been collected as of May 31, 2018 with \$358,917.01 remaining to be collected.

COMMISSIONER'S MONTHLY FACILITIES INSPECTION/TOUR REPORT

Commissioner Ripley reported that no facility inspections were conducted after the May Board meeting and no facility inspections/tours would be conducted after the June Board meeting.

STATUS OF DISTRICT CONSTRUCTION, REPAIR, IMPROVEMENT, OR RENOVATION PROJECTS, AND TAKE ANY NECESSARY ACTIONS ON SAME

Mr. England then reported that CCEMS is currently working with Mr. Martinez on the construction of a supply building behind CCEMS Station No. 50. Mr. England noted that once supplies are transferred from CCEMS Station No. 50 to the supply building, the station will be converted into a two (2)-ambulance EMS station.

There was no report on any additional District construction, repair or renovation projects at this time.

DISCUSS PROPOSED ESTABLISHMENT AND IMPLEMENTATION OF DISTRICT/BOARD GOALS FOR 2018 AND TAKE ANY NECESSARY ACTIONS ON SAME

Commissioner Ripley stated that he and Commissioner Pinard plan to attend more community-area meetings, including the monthly CCEMS Board meetings. No action was taken on this matter at this time.

ATTORNEY'S REPORT

UPDATE/REVIEW OF RECENT PUBLIC INFORMATION ACT ("PIA") REQUESTS AND STATUS OF RESPONSES TO SAME

Ms. Adams next reported that there had been one (1) PIA request received since the May Board meeting, such request being received from Mr. Zach Karrenbrock on May 17<sup>th</sup> for a digital copy of all of Commissioner Plummer's emails dated from January 1, 2018 to May 17, 2018 that relate to District business. Ms. Adams stated that Mr. Karrenbrock also requested a waiver of charges for same, claiming that the release of Commissioner Plummer's emails is in the public interest and such information primarily benefits the general public. Ms. Adams reported that her office responded to Mr. Karrenbrock on May 31, 2018 requesting clarification on the request and informing him that, pursuant to the PIA, the Board is the arbiter to determine if a fee waiver (or reduction) of charges is in the public interest. Ms. Adams added that Mr. Karrenbrock responded that he would wait for the Board's determination regarding the fee waiver before receiving the requested information. A discussion ensued. Upon motion by Commissioner Plummer, seconded by Commissioner Grundmeyer, after full discussion and the question being put to the Board, the Board voted three (3) votes in favor, and one (1) abstention, with Commissioner Brost abstaining, to declare that waiver or reduction of the charge is not in the public interest because providing a copy of such information does not primarily benefit the general public.

After discussion regarding the process of responding to PIA requests it was the consensus of the Board to discuss the adoption of a PIA Policy at the next Board meeting. A discussion ensued. Mr. England noted that payment for a PIA request by Dolcefino Consulting to CCEMS was returned due to insufficient funds.

Ms. Adams then stated that she had nothing further to report at this time.

PUBLIC COMMENTS AND MISCELLANEOUS MATTERS

Commissioner Ripley encouraged Commissioners Grundmeyer and Brost to meet outside of a Board meeting to discuss campaign concerns. Commissioner Grundmeyer then inquired whether Commissioner Brost believes the allegations that were published in his campaign advertisement in the Community Impact Newspaper. Commissioner Grundmeyer went on to state that he does not feel it will be easy for him to serve on a Board with another Commissioner calling the Board corrupt.

There were no further comments from the public at this time.


CONFIRM NEXT REGULAR MEETING DATE AND MEETING ADJOURNMENT

Ms. Adams then reminded the Board that the next regular meeting is scheduled for Wednesday, July 18, 2018, at 6:30 p.m.

There being no further business to come before the Board, the meeting was adjourned at approximately 11:00 a.m.

PASSED, APPROVED AND ADOPTED this 18<sup>th</sup> day of July, 2018.



  
Secretary, Board of Commissioners