

MINUTES OF MEETING OF THE  
BOARD OF COMMISSIONERS

October 21, 2021

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 Bridgestone Municipal Utility District ("Bridgestone") Operations and Water Education Center, 19720 Kuykendahl Road, Spring, Texas 77379, a meeting place inside the boundaries of the District, on Thursday, October 21, 2021, at 9:00 a.m.; whereupon, the roll was called of the members of the Board, to-wit:

Karen Plummer	President
Steve Williams	Vice President
Fred Grundmeyer	Secretary
Robert Pinard	Treasurer/Asst. Secretary
Kevin Brost	Asst. Treasurer

All members of the Board were present, except Commissioner Grundmeyer, thus constituting a quorum. Also attending the meeting were: the following District employees: Mr. Douglas Hooten, Chief Executive Officer ("CEO"); Mr. Rob Farmer, Chief Administrative Officer ("CAO"); Mr. Jamie Chebra, Chief Operating Officer ("COO"); Mr. Dave Snively, Chief Financial Officer ("CFO"); Ms. Shirley Ware, Executive Assistant; Ms. Katie Conn, Compliance Manager; Dr. Casey Patrick, Medical Director; and Mr. Jerry Thomas, Community Engagement Manager. District consultants in attendance were: Mr. Ricardo Martinez of Martinez Architects ("Martinez"); Ms. Regina D. Adams and Ms. Monica Garza, attorneys, and Ms. Carla Christensen, paralegal, of Radcliffe Bobbitt Adams Polley PLLC ("RBAP"), attorney for the District; Mr. Brian Trachtenberg and Ms. Anna Phillips of Greathouse Holloway McFadden Trachtenberg, special counsel to the District; and Messrs. Zach Karrenbrock and Grant McAnelley of 62 Digital, LLC ("62 Digital"), the District's communications coordinator. Also in attendance was: Mr. Steven Beesley, employee of Cypress Creek Emergency Medical Services ("CCEMS"). A copy of the sign-in sheet is attached hereto.

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.

This meeting was video recorded by Mr. Beesley for use by CCEMS and by 62 Digital for use by the District. The meeting was also streamed live by 62 Digital on the District's website.

The Board held a 30-second moment of silence for prayer and reflection.

## PUBLIC COMMENTS

There were no public comments at this time.

## APPROVAL OF THE MINUTES

The Board considered approval of the minutes of the regular meeting of September 9, 2021. Upon motion by Commissioner Williams, seconded by Commissioner Brost, after full discussion and the question being put to the Board, the Board voted unanimously to approve the minutes of the regular meeting of September 9, 2021, as presented, and the certified agenda for same.

## ADMINISTRATION, DISPATCH AND LOGISTICS FACILITIES REPORT, INCLUDING:

### STATUS OF CONSTRUCTION OF PHASE I REDEVELOPMENT OF DISTRICT ADMINISTRATION PROPERTY ("PHASE I PROJECT")

### APPROVE CONSTRUCTION PAY APPLICATIONS/CHANGE ORDERS AND TAKE NECESSARY ACTION ON SAME

Commissioner Pinard entered the meeting at this time.

Mr. Martinez reported that he continues to coordinate with the District's Construction Committee and J.E. Dunn Construction Co. ("J.E. Dunn") representatives in connection with the ongoing construction of the Phase I Project. Mr. Martinez then presented to and reviewed with the Board a design and construction status report and photographs of the Phase I Project, copies of which are attached hereto.

Ms. Garza entered the meeting at this time.

Mr. Martinez noted that the updated layout plans for Phase II of the redevelopment of the District Administration Property (the "Phase II Project") have been reviewed by District staff. Mr. Martinez stated the Phase II Project construction documents have been updated and were resubmitted to the Harris County (the "County") permitting office on October 20<sup>th</sup>. Mr. Martinez went on to remind the Board that J.E. Dunn reviewed the Phase II Project construction documents and provided the estimated Phase II Project budget amount of \$10,874,760.

Mr. Martinez next reviewed with the Board Pay Application No. 6 from J.E. Dunn in the amount of \$1,148,700 in connection with the Phase I Project, a copy of which is attached hereto. A discussion ensued regarding the status of construction of the Phase I Project.

Upon motion by Commissioner Williams, seconded by Commissioner Brost, after full discussion and the question being put to the Board, the Board voted unanimously to accept the Phase I Project construction report and approve Pay Application No. 6 in connection with the Phase I Project and authorize payment to J.E. Dunn for same.

REVIEW GROSS MAXIMUM PRICE ("GMP") AMENDMENT FOR CONSTRUCTION OF THE PHASE II PROJECT FROM J.E. DUNN AND TAKE NECESSARY ACTION ON SAME

Mr. Martinez went on to report that once GMP bids for the Phase II Project are received, he will present a bid tabulation of same to the Board. Mr. Martinez stated that he anticipated presenting the GMP for the Phase II Project to the Board in late November.

REVIEW FINANCING OPTIONS FOR PHASE II PROJECT AND TAKE NECESSARY ACTION ON SAME

Ms. Adams noted that the Board previously authorized the District's financial advisor, Mr. John Howell of GMS Group, LLC, to obtain proposals for financing of 100% of the capital costs for the Phase II Project. Ms. Adams stated that Mr. Howell is in the process of speaking with potential lenders and coordinating with Mr. Snavely regarding the District's financial status.

DISCUSS DESIGN OF PHASE III REDEVELOPMENT OF DISTRICT ADMINISTRATION PROPERTY ("PHASE III PROJECT") AND TAKE NECESSARY ACTION ON SAME

Mr. Martinez then reported that he anticipated coordinating with the District's Construction Committee regarding preparation of the concept and scope of the Phase III Project.

CEO, DISTRICT ADMINISTRATION AND OPERATIONS REPORT

Mr. Hooten then reported on transitional matters during the month of September and District operational matters during the month of October.

STATUS OF DELIVERY AND DEPLOYMENT OF DISTRICT'S VEHICLES

Mr. Hooten reported that during the month of September 2021, the District: 1) responded to 4,952 calls, which resulted in 2,932 transports to hospitals; and 2) provided mutual aid seven (7) times and requested mutual aid three (3) times. Mr. Hooten noted that the District currently has 36 ambulances in operation and the remaining four (4) ambulances will be received by Monday, October 25<sup>th</sup>. An extensive discussion ensued.

Mr. Hooten next presented to and reviewed with the Board a Human Resources Report, a copy of which is attached hereto. Mr. Hooten noted that the District currently has 265 employees.

Mr. Hooten then recognized Ms. Conn, who presented to and reviewed with the Board the Compliance Manager's Report, a copy of which is attached hereto. Ms. Conn stated that she continues to coordinate with the Texas Department of State Health Services ("DSHS") to obtain ambulance approvals, respond to requests/subpoenas for patient care records, and respond to complaints filed with DSHS.

Dr. Patrick next presented to and reviewed with the Board the District's Clinical Operations Report for the month of September, including patient treatments and related technology, a copy of which is attached hereto. Dr. Patrick reported that the District's transport percentage, once on-scene, is 67% and the average wall time at hospitals during the month was approximately 40-50 minutes.

Mr. Hooten then recognized Mr. Chebra, who presented to and reviewed with the Board the September Operations Report, a copy of which is attached hereto. Mr. Chebra reported that the District's average incident volume was 165 per day and the average transport volume was 98 per day. In response to a question from Commissioner Brost, Mr. Chebra stated that during September, approximately 56% of the District's responses to calls were emergency based (with lights and sirens) while 44% of the District's responses to calls were non-emergency related.

STATUS OF ENTRANCE INTO FIRST RESPONDER ORGANIZATION ("FRO") PROVIDER AGREEMENTS WITH VARIOUS OVERLAPPING FROS AND TAKE NECESSARY ACTIONS ON SAME

Mr. Hooten then reported that the FRO Provider Agreements which were previously approved by the Board have been finalized and executed.

STATUS OF DISTRICT'S STANDARD OPERATING POLICIES AND PROCEDURES ("SOP") AND TAKE NECESSARY ACTIONS ON SAME

Mr. Hooten reported that District staff continues to prepare the necessary District SOPs and RBAP reviews and comments on same. Mr. Hooten went on to explain how staff is calculating District response times and the efforts being made to improve response times. Mr. Hooten then reported that District staff is preparing a SOP related to the District's expectations for response times.

REVIEW AND APPROVE CLINICAL AFFILIATION AGREEMENT WITH THE SCHOOL OF EMS

Mr. Hooten then presented to and reviewed with the Board the proposed Affiliation Agreement with The School of EMS in connection with the use of the District's facilities by The School of EMS students. A discussion ensued. Ms. Adams noted that RBAP reviewed and commented on the Affiliation Agreement.

Upon motion by Commissioner Williams, seconded by Commissioner Brost, after full discussion and the question being put to the Board, the Board voted unanimously to approve and authorize the CEO to execute the Affiliation Agreement with The School of EMS, a copy of which is attached hereto, subject to finalization of same.

REVIEW AND APPROVE RECORDS MANAGEMENT AGREEMENT FOR RELEASE OF RECORDS WITH MRO CORPORATION ("MRO")

Mr. Hooten then presented to and reviewed with the Board a proposed Release of Information ("ROI") Online Agreement with MRO in connection with the provision of disclosure management services by MRO for the release of protected health information. Ms. Adams noted that her office is in the process of reviewing the ROI Online Agreement and preparing the necessary addendum for same and awaiting the Business Associate Agreement related to same.

Upon motion by Commissioner Williams, seconded by Commissioner Brost, after full discussion and the question being put to the Board, the Board voted unanimously to approve the ROI Online Agreement and Business Associate Agreement and authorize the CEO to execute same, subject to review of same by RBAP.

**REVIEW AND APPROVE LEASES AND/OR USE AGREEMENTS, AS NECESSARY**

Mr. Hooten stated that there are no lease or use agreements for the District to approve at this time.

**REVIEW AND APPROVE PURCHASE ORDERS AND AGREEMENTS FOR VEHICLES, SUPPLIES, FURNITURE, FIXTURES AND EQUIPMENT AND SERVICES FOR THE DISTRICT, AS NECESSARY**

Mr. Hooten then noted that he did not have any purchase orders to present.

**CFO'S REPORT**

**APPROVE PAYMENT OF BILLS AND ISSUANCE OF CHECKS, AND REVIEW INVESTMENT REPORT**

Mr. Snavelly then presented to and reviewed with the Board a summary of activity and list of checks and related invoices being presented for payment, copies of which are attached hereto. A discussion ensued.

Upon motion by Commissioner Williams, seconded by Commissioner Pinard, after full discussion and the question being put to the Board, the Board voted unanimously to: 1) approve the CFO's Report, as discussed; and 2) authorize payment of the bills as submitted, with the exception of the Dailey & Wells invoices.

In response to a question from Ms. Adams, Mr. Snavelly stated that he will begin preparing and presenting an Investment Report to the Board, as required by the Texas Public Funds Investment Act.

**STATUS OF TRANSFERRING DISTRICT'S DEPOSITORY ACCOUNT FROM BBVA TO ALLEGIANCE BANK ("ALLEGIANCE")**

Mr. Snavelly next reminded the Board that he coordinated with Myrtle Cruz Inc., the District's previous bookkeeper, regarding the transfer of the District's bank accounts from BBVA due to its recent merger with PNC Financial Bank ("PNC") and PNC's decision to no longer invest public funds. Mr. Snavelly went on to report that all of the District's Allegiance Bank accounts are active and in use and he is working to move remaining funds held in BBVA/PNC accounts to Allegiance Bank. Mr. Snavelly noted that the District's PNC Operations account must remain active for outstanding checks that were written before the transfer to Allegiance. Mr. Snavelly also reported that the District is receiving payments from Medicare, Medicaid and private insurance carriers.

**TAX ASSESSOR/COLLECTOR'S REPORT**

Ms. Adams presented to and reviewed with the Board the Tax Assessor/Collector's Reports for August and September 2021, copies of which are attached hereto.

**DISTRICT COMMUNICATIONS REPORT, INCLUDING STATUS OF PUBLIC RELATIONS ("PR") ACTIVITIES, INCLUDING:**

**STATUS OF PUBLIC RELATIONS ACTIVITIES**

Mr. Karrenbrock then reviewed with the Board 62 Digital's monthly website and PR report, a copy of which is attached hereto.

Mr. Karrenbrock noted that his office continues to meet weekly with Mr. Hooten and the District's Communications Committee regarding District PR activities.

**REVIEW AND APPROVE PROPOSAL FOR WEBSITE BUILDING AND DESIGN SERVICES FROM 62 DIGITAL, LLC**

Mr. Hooten next presented to and reviewed with the Board a memorandum recommending that the District authorize 62 Digital to create a new and improved District website, a copy of which is attached hereto. Mr. Hooten went on to review with the Board the current issues with the District's website and stated that it will cost approximately \$24,997 for 62 Digital to create a new District website.

Mr. Karrenbrock then presented to and reviewed with the Board a proposal from 62 Digital in connection with the creation of a new District website, a copy of which is attached hereto. Mr. Karrenbrock went on to review with the Board the website creation process and proposed timeline. A discussion ensued.

Upon motion by Commissioner Pinard, seconded by Commissioner Williams, after full discussion and the question being put to the Board, the Board voted unanimously to approve the proposal from 62 Digital and authorize the creation of a new District website for a cost not to exceed \$25,000.

**REVIEW AND DISCUSS MATTERS RELATED TO CCEMS, INCLUDING:**

**STATUS OF SECOND PHASE OF PANNELL KERR FORSTER OF TEXAS, P.C. ("PKF") SPECIAL DISTRICT EXAMINATION REPORT (THE "PKF REPORT")**

Mr. Trachtenberg stated that he will report on the status of the PKF Report in Executive Session later in the meeting.

**INVESTIGATION OF CCEMS MAINTENANCE FACILITY AND EMPLOYEES RELATED THERETO**

There was no update on the CCEMS Maintenance Facility/Employee Investigation at this time.

**ATTORNEY'S REPORT, INCLUDING:**

**DISCUSS AND TAKE NECESSARY ACTION REGARDING METHOD OF CONDUCT OF MAY 7, 2022 GENERAL ELECTION**

Ms. Adams next explained that the District's next General Election will be held on May 7, 2022 (the "Election"), and stated that the terms of office of Commissioners Grundmeyer and Brost are expiring at such time.

Ms. Adams next informed the Board that the Harris County Elections Administration ("County EA") recently informed her office that the County EA will offer joint election services for the Election due to the Texas Secretary of State's (the "SOS") intention to call a Constitutional Amendment election to also be held on May 7, 2022. Ms. Adams then reviewed the estimated cost for the District to contract with the County EA to conduct the District's Election, which is a flat fee of \$2,500 plus \$1.05 per registered voter of the District (approximately \$365,000). Ms. Adams stated the District must decide if it would like to contract with the County EA for a possible joint Election before January 7, 2022.

An extensive discussion ensued regarding the advantages and disadvantages of contracting with the County EA to conduct the Election.

**STATUS OF *CCEMS VS. THE DISTRICT, ET AL*, (THE "CCEMS LITIGATION") AND TAKE ANY NECESSARY ACTION ON SAME**

Mr. Trachtenberg stated that he will report on the CCEMS Litigation during Executive Session.

**REVIEW RECENT PUBLIC INFORMATION ACT ("PIA") REQUESTS AND STATUS OF RESPONSES TO SAME AND *DISTRICT VS. KEN PAXTON***

Ms. Adams noted that one (1) PIA request had been received since the October 7<sup>th</sup> Board meeting. Ms. Adams stated that the District is seeking an Attorney General ruling regarding the related responsive information.

**REVIEW DISTRICT CONSULTANT CONTRACTS AND TAKE NECESSARY ACTIONS ON SAME**

There was no discussion on this matter at this time.

**STATUS OF THE PKF REPORT**

**REVIEW MATTERS RELATED TO CCEMS LITIGATION**

**REVIEW RECENT PIA REQUESTS AND STATUS OF RESPONSES TO SAME AND *DISTRICT VS. KEN PAXTON***

Commissioner Plummer then stated that the Board would be going into Executive Session to deliberate the items listed above as matters of attorney-client privilege and pending or contemplated litigation as they relate to the CCEMS Litigation, pursuant to Section 551.071, Texas

Government Code.

All members of the Board present, Ms. Adams, Ms. Garza, Ms. Christensen, Mr. Trachtenberg, Ms. Phillips, Mr. Hooten and Mr. Farmer convened into Executive Session at 11:03 a.m.

Pursuant to the provisions of the Texas Open Meetings Act, Chapter 551, Texas Government Code, as amended, specifically Section 551.071, regarding matters of attorney-client privilege and pending or contemplated litigation, Commissioner Plummer convened the Board in Executive Session at 11:05 a.m. The persons present in the Executive Session at various times were Commissioners Plummer, Williams, Pinard and Brost, Ms. Adams, Ms. Garza, Ms. Christensen, Mr. Trachtenberg, Ms. Phillips, Mr. Hooten and Mr. Farmer.

Mr. Farmer exited the Executive Session at 11:15 a.m.

RECONVENE IN OPEN SESSION

Those attending Executive Session then re-entered the meeting at 12:44 p.m.

Commissioner Plummer reconvened the meeting in open session at approximately 12:45 p.m. at which time no action was taken by the Board.

There being no further business to come before the Board, the meeting was adjourned at 12:45 p.m.

PASSED, APPROVED AND ADOPTED this 17<sup>th</sup> day of November 2021.



Secretary, Board of Commissioners