

MINUTES OF MEETING OF THE  
BOARD OF COMMISSIONERS

August 3, 2021

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

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The Board of Commissioners (the "Board") of Harris County Emergency Services District No. 11 (the "District") met in special session, open to the public, at the District's Administration Building, 18334 Stuebner Airline Road, Spring, Texas 77379, a meeting place inside the boundaries of the District, on Tuesday, August 3, 2021, at 8:30 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, thus constituting a quorum. Also attending the meeting were: the following District employees: Mr. Douglas Hooten, Chief Executive Officer ("CEO"); Mr. Dave Snaveley, Chief Financial Officer ("CFO"); Mr. James Chebra, Chief Operations Officer; Mr. Rob Farmer, Chief Administrative Officer; Ms. Shirley Ware, Executive Assistant; Ms. Katie Conn, Compliance Manager; and Mr. Xavier De La Rosa, Chief Clinical Officer. 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"), attorneys for the District; Mr. Brian Trachtenberg 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 were: Mr. Brian Gillman, Cypress Creek Emergency Medical Services ("CCEMS") Chief Operations Officer; Mr. George Vie of Feldman & Feldman, P.C., attorney for CCEMS; Chief Richard Lieder of the Cypress Creek Fire Department; and members of the public and District employees. 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 an employee of CCEMS 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.

**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**

Mr. Martinez reported that he continues to coordinate with the 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 noted that he provided the updated Phase I Project plan layout to District staff for review. Mr. Martinez stated he is also proceeding with design of Phase II.

Commissioner Williams entered the meeting at this time.

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. Mr. Martinez reminded the Board that he previously presented Pay Application No. 3 from J.E. Dunn in the amount of \$3,769,593.00 in connection with the Phase I Project. A discussion ensued regarding the status of Phase I Project construction and related completion date.

Upon motion by Commissioner Brost, seconded by Commissioner Grundmeyer, after full discussion and the question being put to the Board, the Board voted unanimously to approve Pay Application No. 3 in connection with the Phase I Project and authorize payment to J.E. Dunn for same.

**REVIEW PROPOSED LEASE OF TEMPORARY OPERATIONS FACILITY AND TAKE ANY NECESSARY ACTION ON SAME, INCLUDING AUTHORIZE ANY NECESSARY FURNITURE FIXTURES AND EQUIPMENT ("FFE") LEASES OR PURCHASES AND SERVICE AGREEMENTS**

Mr. Martinez then reported that the original substantial completion date for the Phase I Project construction was August 17<sup>th</sup>, but due to material shortages, the estimated substantial completion date of the Phase I Project is now October 5<sup>th</sup>. Mr. Hooten stated that since the transition of the emergency medical services ("EMS") from CCEMS to the District occurs on September 1<sup>st</sup>, the District will need to consider the lease of property to house the District's operations until the Phase I Project is complete.

**STATUS OF SECOND PHASE OF SPECIAL DISTRICT EXAMINATION BY PANELL KERR FORSTER OF TEXAS, P.C. ("PKF"), RELATED TO: A) RECONCILIATION OF DISTRICT FUNDING VS. CCEMS EXPENDITURES; B) PHYSICAL INVENTORY OF DISTRICT AND CCEMS ASSETS; AND C) CONCLUSIONS FROM HSSK, LLC REPORT (THE "PKF REPORT")**

**REVIEW AND DISCUSS FINANCIAL AND OPERATIONAL MATTERS RELATED TO CCEMS, INCLUDING: RECEIVE CCEMS AUDIT FOR FISCAL YEAR ENDED ("FYE")**

DECEMBER 31, 2020 (THE "2020 AUDIT"); AND STATUS OF TRANSITIONAL MATTERS  
REVIEW MATTERS RELATED TO CCEMS VS. THE DISTRICT, ET AL (THE "CCEMS  
LITIGATION") AND TAKE NECESSARY ACTION REGARDING SAME

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, pending or contemplated litigation and real property as they relate to the PKF Report, the CCEMS Litigation and real property negotiations pursuant to Sections 551.071 and 551.072, Texas Government Code.

All members of the Board present, Ms. Adams, Ms. Garza, Ms. Christensen, and Messrs. Trachtenberg and Hooten exited to the Executive Session room at 8:45 a.m.

Pursuant to the provisions of the Texas Open Meetings Act, Chapter 551, Texas Government Code, as amended, specifically Sections 551.071 and 551.072 regarding matters of attorney-client privilege, pending or contemplated litigation and real property, Commissioner Plummer convened the Board in Executive Session at 8:45 a.m., regarding the PKF Report, the CCEMS Litigation and real property matters. The persons present in the Executive Session at various times were Commissioners Plummer, Williams, Pinard, Grundmeyer and Brost, Ms. Adams, Ms. Garza, Ms. Christensen, and Messrs. Trachtenberg, and Hooten.

Commissioner Pinard entered the meeting at 8:46 a.m.

RECONVENE IN OPEN SESSION

Those attending Executive Session then re-entered the meeting at 10:15 a.m.

Commissioner Plummer reconvened the meeting in open session at approximately 10:17 a.m. at which time the following action was taken by the Board:

Upon motion made by Commissioner Williams, seconded by Commissioner Brost, after full discussion and the question being put to the Board, the Board voted unanimously to authorize: 1) the District to enter into a lease for a temporary operations facility; 2) Mr. Hooten to execute the lease agreement on behalf of the District; 3) disbursement in an amount not to exceed \$200,000 for the lease of furniture, fixtures and electrical improvements for the temporary operations facility; and 4) authorize Mr. Hooten to approve the low bids/quotes for the above items on behalf of the Board.

Upon motion by Commissioner Williams, seconded by Commissioner Grundmeyer, after full discussion and the question being put to the Board, the Board voted unanimously to authorize Mr. Hooten to send notice of breach of the service agreement to CCEMS because it has come to the Board's attention from neighboring EMS providers that CCEMS is opting not to run emergency calls in the District and instead, prioritizing non-emergency transport calls over the health and safety of District residents.

## CEO AND DISTRICT ADMINISTRATION REPORT, INCLUDING:

### STATUS OF DELIVERY OF DISTRICT'S VEHICLES

Mr. Hooten then reported that the District received the first (1<sup>st</sup>) delivery of vehicles on Monday, July 26<sup>th</sup> and expects to receive four (4) to six (6) vehicles every week thereafter until the end of August. Mr. Hooten also reported that the vehicles will have graphics applied as they are delivered.

### STATUS OF HIRING FOR VARIOUS OPEN EMPLOYMENT POSITIONS

Mr. Hooten next reported that he and the District's Executive Staff continue to conduct interviews for logistics and other various staff positions.

### STATUS OF ESTABLISHING THE NECESSARY VENDOR ACCOUNTS FOR DISTRICT ADMINISTRATION PURPOSES

Mr. Hooten next reported that he continues to coordinate with various vendors to establish the necessary District accounts.

### STATUS OF MEDICAID APPROVAL OF PROVIDER ENROLLMENT

Mr. Hooten then stated that the District has submitted its application to enroll as a Medicaid provider. Mr. Hooten stated that he anticipates approval of the Medicaid provider enrollment by the end of August.

### STATUS OF ENTRANCE INTO MUTUAL AID AGREEMENTS

Mr. Hooten next stated that the standard form of the District's Mutual Aid Agreement was previously approved by the Board. Mr. Hooten stated that he continues to meet with potential mutual aid partners for the District.

### STATUS OF FIRST RESPONDER ORGANIZATION ("FRO") PROVIDER AGREEMENT FOR USE WITH OVERLAPPING FROS

Mr. Hooten then reported that the form FRO Provider Agreement, which was previously approved by the Board, was recently returned by Mr. Ira Coveler, the attorney for various FROs, with comments and is under further review.

### REVIEW AND ADOPT DISTRICT EMPLOYEE HANDBOOK

Mr. Hooten then reported that District staff prepared a draft proposed District Employee Handbook and provided same to RBAP for review. Mr. Hooten noted that District staff is also in the process of preparing the standard operating policies and procedures for the District. Ms. Adams stated that her office has reviewed and commented on the proposed District Employee Handbook. A discussion ensued.

Mr. Hooten then presented to and reviewed with the Board an updated Immunization Policy for District staff, a copy of which is attached hereto.

Upon motion by Commissioner Brost, seconded by Commissioner Grundmeyer, after full discussion and the question being put to the Board, the Board voted unanimously to adopt the District's Employee Handbook, subject to final review by the District's CEO and RBAP, and adopt the updated Immunization Policy, as presented.

REVIEW AND APPROVE OFF-DUTY LAW ENFORCEMENT SERVICES SCHEDULING AND OVERSIGHT AGREEMENT WITH SERGEANT GARRETT HARDIN

A discussion ensued regarding the necessity of the District to engage the services of off-duty law enforcement officers to patrol the District's property. Ms. Adams reported that her office is in the process of preparing the proposed Off-Duty Law Enforcement Services Scheduling and Oversight Agreement between the District and Sergeant Garrett Hardin. It was the consensus of the Board to table this matter, pending receipt of the proposed agreement.

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

PURCHASE ORDER REQUESTS FOR:

SHRINK WRAPPERS (GLOBAL INDUSTRIAL (VIA BUYBOARD))

Mr. Hooten then presented to and reviewed with the Board a summary, purchase order request and proposal in connection with the District's purchase of shrink wrappers from Global Industrial with pricing through the BuyBoard Purchasing Cooperative, copies of which are attached hereto. Mr. Hooten noted that it will cost approximately \$14,238.89 to purchase the shrink wrappers.

Upon motion by Commissioner Grundmeyer, seconded by Commissioner Williams, after full discussion and the question being put to the Board, the Board voted unanimously to accept the proposal from Global Industrial and authorize payment in the amount of \$14,238.89 for the purchase of shrink wrappers.

AMBULANCE SUPPLIES (BOUNDTREE MEDICAL)

Mr. Hooten then presented to and reviewed with the Board a summary, purchase order request and proposal from BoundTree Medical in connection with the District's purchase of ambulance supplies, copies of which are attached hereto. Mr. Hooten noted that it will cost approximately \$250,030.80 for ambulance medical supplies to stock 40 ambulances. Upon motion by Commissioner Brost, seconded by Commissioner Grundmeyer, after full discussion and the question being put to the Board, the Board voted unanimously to accept the proposal from BoundTree Medical and authorize payment in the amount of \$250,030.80 for the purchase of the ambulance medical supplies.

Ms. Conn then provided an update on the status of COVID-19 among District staff. Ms. Conn stated that the District currently has ten (10) employees with COVID-19 and she is ensuring the proper notifications are being made.

**STATUS OF SECOND PHASE OF THE PKF REPORT**

Mr. Trachtenberg noted that there is no update on the PKF Report at this time.

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

**RECEIVE CCEMS 2020 AUDIT; AND STATUS OF TRANSITIONAL MATTERS**

There was no report or updates provided at this time.

**CFO'S REPORT, INCLUDING:**

**APPROVE PAYMENT OF BILLS AND ISSUANCE OF CHECKS; AND STATUS OF TRANSITION OF DISTRICT'S BANK ACCOUNTS AND TAKE NECESSARY ACTIONS ON SAME**

Mr. Snively then presented to and reviewed with the Board a list of checks and related invoices being presented for payment, copies of which are attached hereto.

Mr. Snively then reported on the status of the transfer of all District bookkeeping records from Myrtle Cruz, Inc. ("MCI") to the District's administrative staff.

Mr. Snively next reported that he is coordinating with MCI regarding the District's depository bank, BBVA, due to its recent merger with PNC Financial. Mr. Snively then reminded the Board that BBVA previously informed MCI that it will no longer be providing investment options for the investment of public funds. Mr. Snively stated that he is currently researching other bank options for the District and the collateralization of the District's funds. A discussion ensued.

Upon motion by Commissioner Brost, seconded by Commissioner Grundmeyer, 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.

**REVIEW 2021 TAX RATE SETTING PROCESS AND TRUTH IN TAXATION MATTERS AND TAKE ANY NECESSARY ACTION ON SAME, INCLUDING ADOPTING RESOLUTION APPOINTING THE HARRIS COUNTY (THE "COUNTY") TAX ASSESSOR-COLLECTOR AS THE DESIGNATED OFFICER TO CALCULATE TAX RATES FOR THE DISTRICT**

Ms. Adams distributed for Board review and discussion correspondence from the County's Tax Assessor-Collector regarding Truth in Taxation and the District's historical tax collection percentages for the years 2018 through 2020, a copy of which is attached hereto.

A discussion ensued regarding Truth in Taxation and the 2021 Tax Rate setting processes.

Ms. Adams went on to report that the District's financial advisor's 2021 tax rate analysis and recommendation will be presented at the August 19<sup>th</sup> Board meeting since 2021 certified values have not yet been released by the Harris County Appraisal District until later this month.

Ms. Adams then presented to and reviewed with the Board the proposed Resolution Appointing the County Tax Assessor-Collector as the Designated Officer to Calculate Tax Rates for the District. Upon motion by Commissioner Grundmeyer, seconded by Commissioner Williams, after full discussion and the question being put to the Board, the Board voted unanimously to adopt the Resolution Appointing the County Tax Assessor-Collector as the Designated Officer to Calculate Tax Rates for the District, a copy of which is attached hereto.

**ATTORNEY'S REPORT, INCLUDING:**

**ADOPT ORDER DECLARING PROPERTY AS SURPLUS OR SALVAGE AND AUTHORIZING SALE OR DISPOSAL OF SAME ("SURPLUS PROPERTY ORDER")**

Ms. Adams reported that the District's staff is in the process of determining which of its personal property (i.e. ambulances/vehicles and related equipment) can be declared salvage with no value and which of its personal property can be declared as surplus property and be sold at fair market value. Ms. Adams noted that once the Surplus Property Order is adopted, the District can properly dispose of the salvage property and can sell the surplus property at fair market value. It was the consensus of the Board to table adoption of the Surplus Property Order, pending receipt of the summary of the District's personal property.

**REVIEW STATUS OF DISTRICT'S VARIOUS STATION LEASE AGREEMENTS, AUTHORIZE RENEGOTIATION OF SAME, AS APPLICABLE AND AUTHORIZE CEO TO EXECUTE SAME**

Ms. Adams next reported that the District currently has lease agreements with a few other emergency services districts ("ESD") for the lease of property for EMS stations. Ms. Adams stated that her office is in the process of reviewing the District's lease agreements and preparing any necessary amendments to remove reference to CCEMS as the District's EMS provider. A discussion ensued. Upon motion by Commissioner Brost, seconded by Commissioner Williams, after full discussion and the question being put to the Board, the Board voted unanimously to authorize preparation of the necessary amendments to District lease agreements and authorize the CEO to execute same as necessary.

**REVIEW UPDATE FROM 87<sup>TH</sup> LEGISLATURE**

Ms. Adams requested that this item be tabled, pending RBAP's finalization of a memorandum regarding recent legislation that affects the District.

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

Ms. Adams noted that no PIA requests were received since the July 22<sup>nd</sup> Board meeting. Ms. Adams then reported on the status of the outstanding PIA requests, including responses to and requests for Texas Attorney General rulings on same.

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

There was no discussion on this matter at this time.

There being no further business to come before the Board, the meeting was adjourned at 10:35 a.m.

PASSED, APPROVED AND ADOPTED this 9<sup>th</sup> day of September 2021.

  
Secretary, Board of Commissioners

