

MINUTES OF MEETING OF THE  
BOARD OF COMMISSIONERS

October 17, 2019

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 regular session, open to the public, at Spring Fire Department Station No. 71 Administration Building, Spring, Texas 77373, a meeting place inside the boundaries of the District, on Thursday, October 17, 2019, 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 Pinard, thus constituting a quorum. Also attending the meeting were: Mr. Bill Russell of Myrtle Cruz, Inc. ("Bookkeeper"), bookkeeper for the District; Mr. Kerry Johnson of NRG Marketing Group ("NRG"), the District's website service provider and public relations consultant; and Ms. Monica A. Garza, attorney, 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: Messrs. Ruben Gonzales and Dave Billings, members of the CCEMS Board of Directors; Mr. Brad England, CCEMS Executive Director; and Mr. Norm Uhl, CCEMS Public Information Officer.

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. Uhl for use by CCEMS.

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

PUBLIC COMMENTS

There were no comments from the public at this time.

## APPROVAL OF THE MINUTES

The Board considered approval of the minutes of the regular meeting of September 26, 2019 and the special meeting of October 8, 2019. 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 approve the minutes of the regular meeting of September 26, 2019, as prepared, the minutes of the special meeting of October 8, 2019, as prepared, and the certified agendas for same, previously distributed to the Board.

## STATUS OF PROPOSED ADMINISTRATIVE AND OPERATIONAL POLICIES AND PROCEDURES OF THE BOARD AND TAKE ANY NECESSARY ACTIONS ON SAME, INCLUDING ADOPT AMENDED ORDER ESTABLISHING CELLULAR PHONE POLICY ("AMENDED CELL PHONE POLICY")

Ms. Garza then reported that the Board previously authorized RBAP to prepare a written standard operating procedure/protocol in connection with the Commissioners' use of the "push-to-talk" feature on the District cell phones. Ms. Garza stated that District's Cell Phone Policy has been amended to state that the "push-to-talk" feature on any and all District-furnished cell phones/equipment shall only be utilized during an emergency event to relay information to Commissioners and that any communications that could constitute a "Walking Quorum" under the Texas Open Meetings Act are prohibited. A discussion ensued regarding the Commissioners' use of the District-owned cell phones. 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 adopt the Amended Cell Phone Policy, a copy of which is attached hereto.

## STATUS OF TRANSITION TO NEW INTERSECTION PREEMPTION CONTROLLER DEVICES (THE "PREEMPTION DEVICES")

Commissioner Brost then reminded the Board that the District had previously approved the Preemption Device Agreement by and between the District, ESD Nos. 7, 13, 16, 28 and 29 and Global Traffic Technologies, LLC ("GTT") and the Interlocal Agreement (the "ILA") with Harris County (the "County"). Commissioner Brost then reviewed with the Board the status of installation of the new preemption devices at the County and Texas Department of Transportation intersections. Commissioner Brost noted that Econolite, the County's contractor, is still months behind on installation and deployment of the new preemption devices and fixing the software for same. A discussion ensued.

## STATUS OF INDEPENDENT AUDIT OF HSSK, LLC ("HSSK") REPORT FOR FISCAL YEAR ENDED ("FYE") DECEMBER 31, 2017 (THE "HSSK FORENSIC REPORT") AND CCEMS FINANCIALS, CONTROLS, POLICIES AND PROCEDURES

Mr. England stated that Houston Financial Forensics, LLC ("HFF") is in the process of conducting the audit of the HSSK Forensic Report and CCEMS finances, controls, policies and procedures, which should take several more months to complete. In response to a question, Mr. England stated that HFF anticipates completion of such audit in January or February, 2020.

Regarding the invoice from HSSK in the amount of \$7,020.00 in connection with its provision of responsive information related to the April 30, 2019 Public Information Act ("PIA") request submitted by Mr. Andrew McKinney of McKinney Taylor, P.C., Attorney for CCEMS, Ms. Christensen reminded the Commissioners that they previously authorized Commissioner Pinard to

contact Mr. Greg Schuelke of HSSK and, on behalf of the District, offer to pay HSSK one-half (1/2) of such amount. There was no further update on such matter.

APPROVE RECONCILIATION AUDIT REPORT (DISTRICT FUNDING VS. CCEMS EXPENDITURES) FOR FYE DECEMBER 31, 2018

Ms. Garza next reminded the Board that the District's special auditor, Mr. Mark C. Eyring, CPA, previously distributed and reviewed with the Board the draft Reconciliation Audit for FYE December 31, 2018, a copy of which is attached hereto. Ms. Garza noted that the Board previously agreed to review the draft Reconciliation Audit and contact Mr. Eyring with any questions or comments on the draft Reconciliation Audit. Commissioner Brost stated that his questions in connection with the draft Reconciliation Audit have been addressed. A discussion ensued. It was the consensus of the Board to table action on this matter until later in the Board meeting.

REVIEW AND TAKE ANY NECESSARY ACTIONS ON MONTHLY OPERATIONS AND FINANCIAL REPORT FROM CCEMS, INCLUDING CONSIDERATION OF MONTHLY OPERATIONS FUNDING REQUESTS AND CAPITAL FUNDING REQUESTS

Commissioner Plummer next recognized Mr. England, who presented to and reviewed with the Board the Executive Director's Report and the CCEMS Operations and Financial Reports, including the operations statistics for the month of September 2019, copies of which are attached hereto. Mr. England reported that during the month of September there were 2,535 transports, ten (10) Life Flight transports and that 26% of the calls made during the month were "no transports." Mr. England went on to report that during the month of September, CCEMS received 18 mutual aid assists and provided 23 mutual aid assists outside of CCEMS' boundaries.

Mr. England next reported that Fort Bend County has requested to join the CCEMS communications/dispatch center.

Mr. England then reported that McGraph Consulting Group, Inc. ("McGraph") has provided a draft of the updated Operational Assessment Report/Handbook to CCEMS for review. Mr. England stated that McGraph continues to work on the Handbook policies/procedures/job descriptions and plans to be complete with the Handbook by the end of the year.

Mr. England next reported that CCEMS has hired a full-time Controller, Mr. Rene Johnson.

Mr. England went on to report that CCEMS is making minor repairs to all of its stations.

Mr. England then reminded the Board that body cameras have been deployed for both CCEMS supervisors and emergency medical services staff, but are being turned off at the emergency room docks due to ongoing conversations between CCEMS and local hospital CEOs and legal representatives regarding HIPAA concerns pertaining to same.

Mr. England next reported that a tactical class will be held on Sunday, October 20<sup>th</sup>.

Mr. England then reported that he met with the District's budget committee, Commissioners Plummer and Williams, on October 9<sup>th</sup> to review CCEMS' draft budget for FYE December 31, 2020 (the "CCEMS Budget") Mr. England then presented to and reviewed same with the Board a copy of which is attached hereto. An extensive discussion ensued. It was the consensus of the Board to take

action in connection with approving the CCEMS Budget and amending the District's FYE December 31, 2020 budget (the "District Budget"), if necessary, at the November 21<sup>st</sup> Board meeting once all Commissioners have had a chance to review the CCEMS Budget.

Mr. England next reported that the recent IRS investigation of CCEMS came back clean. In response to a question, Mr. England explained that the IRS performed an investigation of CCEMS due to an anonymous report of tax irregularities at CCEMS.

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 approve the CCEMS Operations and Financial Report and authorize the CCEMS Operations payment in the amount of \$1,251,058.33 for the month of September.

STATUS OF INVESTIGATION OF CCEMS MAINTENANCE FACILITY AND EMPLOYEES RELATED THERETO

Mr. England next reported that he has nothing new to report in connection with the status of CCEMS' investigation of its maintenance facility employees.

REVIEW AND TAKE ANY NECESSARY ACTIONS ON FINANCIAL MATTERS, INCLUDING FINANCIAL REPORT FROM DISTRICT TREASURER AND BOOKKEEPER AND AMENDING BUDGET FOR FYE DECEMBER 31, 2019, IF NECESSARY

Mr. Russell then presented to and reviewed with the Board the Bookkeeper's Report, including the revenues and expenses of the District, the budget comparison, the quarterly investment report and the checks being presented for payment at the meeting, copies of which are attached hereto.

Mr. Russell reported that during the prior month, the District received \$14,982.57 in 2018 property tax revenue and \$49.55 in investment interest. Mr. Russell further reported that all such revenue had been deposited into the District's Operating Account.

A discussion ensued regarding the District Budget and potential Amendments to same that was adopted in August 2019. It was noted that, as discussed earlier in the meeting, it was the consensus of the Board to consider approving the CCEMS Budget and amending the District Budget at the November 21<sup>st</sup> Board meeting.

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 the Bookkeeper's Report and authorize payment of the checks reflected therein.

TAX ASSESSOR/COLLECTOR'S REPORT

Ms. Garza then reviewed with the Board the Tax Assessor/Collectors Report for the month of September, a copy of which is attached hereto.

DISTRICT COMMUNICATIONS REPORT

STATUS OF PUBLIC RELATIONS ("PR") ACTIVITIES FROM NRG AND TAKE NECESSARY ACTION ON SAME

Mr. Johnson then reported that he is coordinating with the Commissioners to create official Commissioner signatures for their respective District email accounts.

Mr. Johnson next inquired whether the Board would like for him to add any verbiage to the District's website informing the public that social media posts by an individual Commissioner only represent their beliefs as a member of the public and does not represent the beliefs of the District. An extensive discussion ensued. It was the consensus of the Board to further discuss whether a District social media policy is necessary at the November 21<sup>st</sup> Board meeting.

STATUS OF DISTRICT CONSTRUCTION, REPAIR, IMPROVEMENT OR RENOVATION PROJECTS

There was nothing to report on this matter.

REVIEW BOARD GOALS FOR 2020 AND TAKE ANY NECESSARY ACTIONS ON SAME

There was no discussion on this matter at this time.

ATTORNEY'S REPORT

REVIEW RECENT PIA REQUESTS, IF ANY, AND STATUS OF RESPONSES TO SAME

Ms. Garza next reported that no PIA requests had been received since the September Board meeting.

REVIEW TERM SHEETS FOR PROPOSED AMENDMENT TO SERVICE AGREEMENT WITH CCEMS

Ms. Garza reported that her office previously provided Mr. McKinney with the District's proposed term sheet in connection with amending the Service Contract with CCEMS in April. Ms. Garza added that Mr. McKinney stated at the August Board meeting that he had reviewed the District's proposed term sheet with the CCEMS Board of Directors and that subsequent to such review, provided the District's attorney with CCEMS' term sheet in July which the Board reviewed.

CONFIRM NOVEMBER REGULAR MEETING DATE AND LOCATION AND ADOPT RESOLUTION DESIGNATING DISTRICT ADMINISTRATION OFFICE, AND REGULAR MEETING LOCATION(S), IF NECESSARY

Ms. Garza then reminded the Board that the next regular meeting is scheduled for Thursday, November 21, 2019, at 9:00 a.m. Ms. Garza noted that the Board had previously agreed to hold regular meetings at the new Bridgestone Municipal Utility District ("Bridgestone") Administration Building, beginning with the November 21<sup>st</sup> Board meeting, if possible. Ms. Garza stated that she will confirm whether the Bridgestone Administration Building will be available for the November 21<sup>st</sup> Board meeting. It was the consensus of the Board to begin meeting at the Bridgestone Administration Building as soon as possible and, if it is not available for the November 21<sup>st</sup> Board

meeting, the Board will meet at the Spring Fire Department Station No. 71 Administration Building.

REVIEW DISTRICT CONSULTANT CONTRACTS AND TAKE NECESSARY ACTIONS ON SAME

Discussion on this matter was tabled until the next Board meeting.

All meeting attendees, with the exception of all members of the Board present, Ms. Garza and Ms. Christensen exited the meeting at 10:09 a.m.

CONVENE IN EXECUTIVE SESSION

Pursuant to the provisions of the Texas Open Meetings Act, Chapter 551, Texas Government Code, as amended, specifically Section 551.071(2), regarding matters of attorney-client privilege, Commissioner Plummer convened the Board in Executive Session at 10:11 a.m., to consult with the District's attorney regarding legal matters pertaining to the term sheet for the proposed Amendment to Service Agreement with CCEMS. The persons present in the executive session were Commissioners Plummer, Grundmeyer, Brost and Williams and Ms. Garza and Ms. Christensen.

RECONVENE IN OPEN SESSION

Commissioner Plummer then reconvened the meeting in open session at approximately 10:54 a.m. @ such time no action was taken on matters discussed in Executive Session.

Mr. Uhl re-entered the meeting at this time.

The Board then further briefly discussed the Reconciliation Audit. 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: 1) approve the Reconciliation Audit for FYE December 31, 2018; and 2) decline payment to CCEMS for the 2018 amount of underfunding determined by the Reconciliation Audit.

There being no further business to come before the Board, the meeting was adjourned at approximately 10:57 a.m.

PASSED, APPROVED AND ADOPTED this 21<sup>st</sup> day of November, 2019.

  
Secretary, Board of Commissioners

