

MINUTES OF MEETING OF THE  
BOARD OF COMMISSIONERS

April 18, 2019

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, April 18, 2019, 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/Asst. Secretary
Kevin Brost	Asst. Treasurer

All members of the Board were present, except Commissioner Plummer, thus constituting a quorum. Also attending the meeting were: Messrs. Robert Martin and Steve Williams, residents of the District; Ms. Mayra Cruz of the Houston Chronicle; Mr. Mark Eyring of Mark C. Eyring, CPA, PLLC ("Eyring"); 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. 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: Messrs. Dave Billings and Ruben Gonzales, members of the CCEMS Board of Directors; Mr. Brad England, CCEMS Executive Director; Mr. Wren Nealy, CCEMS Assistant Executive Director; and Mr. Norm Uhl, CCEMS Public Information Officer. A 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. 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.

APPROVAL OF THE MINUTES

The Board considered approval of the minutes of the regular meeting of March 21, 2019 and the special workshop meeting of March 28, 2019. 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 minutes of the regular meeting of March 21, 2019 and the special workshop meeting of March 28, 2019, as prepared.

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

Ms. Adams reported that her office has confirmed that both the Spring Fire Department Station No. 71 (646 E. Louetta Road) and the Champions Fire Department Station (12730 Champion Forest Drive) are available for the District to use as alternative meeting locations. 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 Spring Fire Department Station No. 71 and the Champions Fire Department Station as alternative meeting locations for the District.

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 and the Interlocal Agreement (the "ILA") with Harris County (the "County"). Commissioner Brost went on to report that the new preemption devices have been installed at three (3) test locations and are currently being installed on vehicles. Ms. Adams added that RBAP previously provided the District's executed ILA to the County and is awaiting receipt of the fully-executed ILA.

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

Mr. England next reported that, based on discussions at the District's March 28<sup>th</sup> Board meeting, CCEMS has requested an updated scope in the engagement letter from Mr. Don Ramey, CPA of Houston Financial Forensics, LLC for the audit of the findings of the HSSK forensic report for FYE December 31, 2017 (the "Forensic Report") and CCEMS finances, controls, policies and procedures. Mr. England stated that upon CCEMS' receipt of the revised engagement letter from Mr. Ramey, he will provide same to RBAP for distribution to the Commissioners.

ENGAGE MARK C. EYRING, CPA ("EYRING") TO PREPARE RECONCILIATION AUDIT REPORT (DISTRICT FUNDING VS. CCEMS EXPENDITURES) FOR FYE DECEMBER 31, 2018

Ms. Adams next reminded the Board that the District previously engaged Roth & Eyring, CPA 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 Contract for Providing Emergency Medical Services (the "Service Contract") but, in lieu of doing same for FYE December 31, 2017, the Board opted for the HSSK report. Mr. Eyring then presented to and reviewed with the Board Eyring's engagement letter to prepare a reconciliation audit for the FYE December 31, 2018 in connection with the review of CCEMS accounts funded through District payments, a copy of which is attached hereto. Mr. Eyring stated that he estimates a fee range between \$5,950 and \$6,950 to perform the reconciliation audit. A discussion ensued, after which Mr. Eyring answered questions from the Board.

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 engage Eyring to prepare the reconciliation audit for FYE December 31, 2018 and authorize execution of the engagement letter for same, a copy of which is attached hereto.

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 (THE "CCEMS REPORT")

Commissioner Ripley 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 March 2019, copies of which are attached hereto. Mr. England reported that during the month of March there were 2,607 transports, one (1) Life Flight transport and that 30% of the calls made during the month were "no transports." Mr. England went on to report that during the month of March, CCEMS received 30 mutual aid assists and provided 22 mutual aid assists outside of CCEMS boundaries.

Mr. Eyring exited the meeting at this time.

Mr. England then reported that CCEMS continues to coordinate with the U.S. Army regarding the Clinical Fellowship Program, which is ongoing.

Mr. England also reported that McGraph Consulting Group, Inc. is still in the process of updating CCEMS' Operational Assessment Report, but that the related policies should be finalized by the beginning of June.

Mr. England reminded the Board that the sign at Station No. 511 was damaged in a single vehicle accident in October, 2018. Mr. England reported that the sign is in the process of being replaced. Ms. Adams then reported that LaW Construction & Consulting ("LaW") has installed the foundation and the back-lit sign. Ms. Adams added that the final, itemized invoice from LaW (in the amount of \$25,878) had been provided to Progressive Insurance ("Progressive") for reimbursement to the District in the maximum coverage amount of \$25,007. Ms. Adams stated that Progressive has provided RBAP with a Property Damage Release with Indemnity, a copy of which is attached hereto for execution prior to releasing the check to the District.

Mr. England then stated that approximately 100 body cameras have been deployed for both CCEMS supervisors and emergency medical services staff.

Mr. England next reported that CCEMS is currently training four (4) new dispatchers.

Mr. England went on to report about a complaint made by the neighbor of a recent CCEMS patient to the Commissioners. Regarding such complaint, Mr. England informed the Board that CCEMS takes its patients to the nearest hospital which can provide the required medical care and/or facilities to treat a patient's particular condition.

STATUS OF INVESTIGATION OF CCEMS MAINTENANCE FACILITY AND EMPLOYEES RELATED THERETO

Mr. England next reported on the status of CCEMS' investigation of its maintenance facility and maintenance employees. Mr. England reminded the Board that, upon being made aware of the allegations against certain CCEMS employees performing work on privately-owned vehicles at the CCEMS maintenance garage, CCEMS began its own internal investigation and had terminated the employment of the maintenance facility manager. Mr. England went on to report that CCEMS turned the matter over to the Harris County Sheriff's office (the "Sheriff's office"), to conduct a criminal investigation and CCEMS' internal investigation is ongoing.

In response to a question from Commissioner Brost, Mr. England stated that he is not sure how long the Sheriff's office will take to conduct its criminal investigation. Mr. England also clarified that CCEMS' attorney, Mr. Andrew McKinney of Litchfield & Cavo LLP, will not provide any additional detailed information related to the criminal investigation with the Commissioners until each Commissioner has executed a non-disclosure agreement. A copy of the proposed non-disclosure agreement is attached hereto.

Mr. England then provided an article that CCEMS recently posted on its website regarding EMS dispatchers, their role as first responders and CCEMS' efforts to have the federal government reclassify the "dispatcher" job title from "clerical worker" to "protective service workers." A copy of such article is attached hereto.

In response to a question from Commissioner Brost regarding the status of any outstanding criminal matters and/or civil litigation involving CCEMS, Mr. England generally noted his understanding of the status of same.

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, authorize the CCEMS Operations payment in the amount of \$1,251,058.33 for the month of April and approve the Property Damage Release with Indemnity with Progressive and authorize execution of same.

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

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 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 \$164,597.40 in 2018 property tax revenue, a \$168.90 check from Litchfield Cavo, LLP for costs associated with the responsive information to Mr. McKinney's Public Information Act (the "PIA") request, and \$1,354.27 in investment interest. Mr. Russell further reported that all such revenue had been deposited into the District's Operating Account.

A motion was made by Commissioner Grundmeyer to approve the Bookkeeper's Report, authorize payment of the checks reflected therein and approve the March 2019 investment report. After Commissioner Ripley seconded the motion, an extensive discussion ensued. Commissioner Brost abstained from voting. The motion failed for lack of a majority vote.

#### TAX ASSESSOR/COLLECTOR'S REPORT

Ms. Adams then reviewed with the Board the Tax Assessor/Collector Report for the month of March 2019, a copy of which is attached hereto. Ms. Adams noted that 96.96% of the District's 2018 taxes had been collected as of March 31, 2019.

## DISTRICT COMMUNICATIONS REPORT

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

Mr. Johnson then reported that he has coordinated with the District's PR committee regarding the release of official District statements in connection with the actions being taken as a result of the KPRC Ch. 2 investigation. In response to a question, Mr. Johnson stated that he will coordinate with CCEMS in order to obtain a copy of its recent article noted by Mr. England to post on the District's website.

### COMMISSIONER'S MONTHLY FACILITIES INSPECTION/TOUR REPORT

It was noted that no facility inspections were conducted after the March Board meeting and no facility inspections/tours would be conducted after the April Board meeting.

### STATUS OF DISTRICT CONSTRUCTION, REPAIR, IMPROVEMENT, OR RENOVATION PROJECTS, AND TAKE ANY NECESSARY ACTIONS ON SAME, INCLUDING STATION NO. 511 SIGN REPLACEMENT AND POTENTIAL LATENT STATION NO. 513 ELEVATION/CONSTRUCTION MATTERS

Ms. Adams stated that RBAP recently contacted the attorney for Harris County Emergency Services District No. 7 ("ESD 7") regarding the District's understanding that there may be potential elevation/construction problems with a number of ESD 7 stations, including the station built in conjunction with the District's EMS Station No. 513. Ms. Adams noted that the ESD 7 attorney informed her office that he had no knowledge of any building structural issues at such locations

Commissioner Pinard entered the meeting at this time.

Commissioner Brost then reported on a recent conversation he had with the President of the ESD 7 Board of Commissioners regarding numerous elevation/construction issues that were discovered approximately six (6) months ago with many ESD 7 stations. Commissioner Brost reported that ESD 7 recently hired a construction litigation attorney to further pursue such matter. An extensive discussion ensued regarding the elevation/construction issue investigation. Mr. England stated that he would also investigate whether there are any known elevation/construction issues with Station No. 513.

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 appoint Commissioners Brost and Plummer to a committee that will coordinate with ESD 7 regarding the status of potential elevation/construction issues at Station No. 513 and authorize RBAP to provide notice to ESD 7 that the District is aware of potential elevation/construction issues at Station No. 513 and requesting ESD 7 apprise and consult with the District of any and all actions taken in connection same.

### REVIEW AND TAKE ANY NECESSARY ACTIONS ON FINANCIAL MATTERS, INCLUDING FINANCIAL REPORT FROM DISTRICT TREASURER AND BOOKKEEPER (-CONTINUED-)

Commissioner Brost stated that the District has a fiduciary duty to the taxpayers of the District to be responsible stewards of taxpayer dollars. Commissioner Brost stated that he is not in favor of the District continuing to fund 84% of the CCEMS Communications Center (the "Comm Center") wages

and health insurance when only 47% of the calls dispatched by CCEMS are for the District. An extensive discussion ensued. Commissioner Brost added that he wants to ensure that District funds/tax dollars are utilized within the District and for the benefit of the District's taxpayers and are not being used to subsidize other entities that are utilizing the Comm Center. In response to a statement from Commissioner Brost, Mr. Nealy clarified what he had previously reported: that the minimum staffing required at the Comm Center for any given shift is seven (7) dispatchers and one (1) supervisor (plus one (1) additional dispatcher when training is occurring), and that six (6) dispatchers are necessary to dispatch District calls and one (1) dispatcher is necessary to dispatch calls outside of the District. In response to a request from Commissioner Pinard, Mr. England stated that he will develop a flow chart depicting how calls are handled by dispatchers in the Comm Center.

Upon motion by Commissioner Pinard, 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) vote opposed, with Commissioner Brost opposing, to approve the Bookkeeper's Report, authorize payment of the checks reflected therein and approve the March 2019 investment report.

#### REVIEW BOARD GOALS FOR 2019 AND TAKE ANY NECESSARY ACTIONS ON SAME

There was no report on this matter at this time.

Commissioner Pinard exited the meeting at this time.

#### ATTORNEY'S REPORT

#### REVIEW SERVICE AGREEMENT WITH CCEMS, TERMS THEREIN, DISCUSS ANY PROPOSED AMENDMENTS TO SAME AND/OR OTHER AVAILABLE SERVICE OPTIONS, AND TAKE NECESSARY ACTIONS ON SAME

Ms. Adams reminded the Commissioners that they had previously authorized her office to begin reviewing the Service Agreement and preparing term sheet to amend same. Ms. Adams added that she had previously reviewed a proposed term sheet for amending the CCEMS Service Contract with the Commissioners and has further updated the term sheet based upon the Commissioners comments and will review same further with the Commissioners in Executive Session.

#### REVIEW RECENT PUBLIC INFORMATION ACT ("PIA") REQUESTS, IF ANY, AND STATUS OF RESPONSES TO SAME

Ms. Adams stated that in regards to Mr. McKinney's PIA request dated February 21, 2019, her office had received copies of all relevant communications from each District Commissioner and provided Mr. McKinney with same on March 18, 2019 and March 19, 2019. Ms. Adams added that her office has requested an Attorney General ruling in connection with the responsive documents to Mr. McKinney's two (2) identical PIA requests dated March 13, 2019 and March 20, 2019.

Ms. Adams went on to report that, in regards to Mr. Wayne Dolcefino's four (4) PIA requests dated March 13, 2019 and March 18, 2019 respectively, her office has provided Mr. Dolcefino with the responsive information to one-half (1/2) of one (1) of his requests, is compiling the remaining responsive information to the same request, and has requested an Attorney General ruling in connection with remaining three (3) PIA requests.

Ms. Adams stated that her office, as the District's Public Information Officer, will be continuing to coordinate with the Commissioners regarding potentially responsive information to any PIA requests, as necessary.

STATUS OF PREPARATION OF DISTRICT PIA POLICY

Ms. Adams stated there was nothing to report on this matter at this time.

ANNUAL REVIEW OF RESOLUTION ADOPTING DISTRICT REIMBURSEMENT POLICY (THE "REIMBURSEMENT POLICY") AND TAKE ANY NECESSARY ACTIONS ON SAME

Ms. Adams reminded the Board that they adopted a Resolution Establishing the District's Reimbursement Policy on May 18, 2017. Ms. Adams reported that Section 775.038, Texas Health and Safety Code, was amended during the 85<sup>th</sup> Texas Legislature to allow a commissioner of an emergency services district to receive compensation in the same manner and amount as provided by Section 49.060, Texas Water Code. A brief discussion then ensued regarding amending the Reimbursement Policy to reflect such changes even if the Board collectively chooses not to be compensated, which is the District's current policy. 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 a Resolution Adopting an Amended District Reimbursement Policy, with revisions as discussed.

PUBLIC COMMENTS AND MISCELLANEOUS MATTERS

The President recognized Mr. Martin, who explained that as a former CCEMS paramedic and a current resident of the District, he has serious concerns regarding the current CCEMS leadership. Mr. Martin went on to state that it is his opinion Messrs. England and Nealy are very good at providing excuses, but short on providing solutions to the many issues at CCEMS. Mr. Martin noted that there are alternative EMS service providers available to the District and he would like for the Board to keep that in mind. Lastly, Mr. Martin stated that he believed the video of Commissioners Ripley, Plummer and Pinard pledging their allegiance to CCEMS during the May 2016 Commissioner's Election was inappropriate. Mr. Martin reminded the Board that its responsibility is to the District taxpayers, not CCEMS and its staff.

A discussion ensued.

Mr. Gonzales stated he believed the Board was doing a fine job and that Mr. Martin sounded as though he was a disgruntled former employee.

Commissioner Brost then requested that Public Comments be moved to the beginning of the agenda. The Board then discussed the matter further and tabled moving same.

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

CONFIRM MAY REGULAR MEETING DATE AND MEETING ADJOURNMENT

Ms. Adams then reminded the Board that the next regular meeting is scheduled for Thursday, May 16, 2019, at 9:00 a.m.

REVIEW MID-SESSION LEGISLATION UPDATE

Ms. Adams then presented to and reviewed with the Board RBAP's mid-session Legislative Update for the 86<sup>th</sup> Legislature (2019), a copy of which is on file in the records of the District.

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 Ripley convened the Board in Executive Session at 10:16 a.m., to consult with the District's attorney regarding attorney-client privilege matters concerning the CCEMS contract. The persons present in the executive session were Commissioners Ripley, Grundmeyer and Brost, Ms. Adams, Ms. Garza and Ms. Christensen.

RECONVENE IN OPEN SESSION

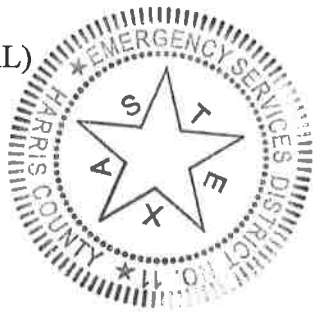
Commissioner Ripley then reconvened the meeting in open session at approximately 11:15 a.m.

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 authorize RBAP to update the proposed term sheet in connection with amending the Service Contract with CCEMS, with revisions as discussed in Executive Session, and to provide the term sheet to CCEMS for review.

There being no further business to come before the Board, the meeting was adjourned at approximately 11:16 a.m.

PASSED, APPROVED AND ADOPTED this 16<sup>th</sup> day of May, 2019.

(DISTRICT SEAL)



Secretary, Board of Commissioners