

MINUTES OF MEETING OF THE
BOARD OF COMMISSIONERS

June 20, 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, June 20, 2019, at 9:00 a.m.; whereupon, the roll was called of the members of the Board, to-wit:

Karen Plummer	President
Fred Grundmeyer	Vice President/Secretary
Robert Pinard	Treasurer/Asst. Secretary
Kevin Brost	Asst. Treasurer
<i>Vacant</i>	Commissioner

All members of the Board were present, except Commissioner Brost, thus constituting a quorum. Also attending the meeting were: Messrs. Steve Williams and Luis Varela, residents of the District; 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, 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: Mr. Dave Billings, member 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.

DISCUSS AND TAKE NECESSARY ACTION IN CONNECTION WITH NOMINATIONS FOR
AND APPOINTMENT OF NEW COMMISSIONER

Commissioner Plummer reminded the Board that, as of the June 15th deadline, the District had received two (2) completed Applications for Appointment to the Board (the "Applications") to fill the vacant Board position. The President noted that the Applications received were from Messrs. Steve Williams and Matt Folsom. A discussion ensued regarding the candidates and the corresponding Applications.

Upon motion by Commissioner Grundmeyer, seconded by Commissioner Pinard, after full discussion and the question being put to the Board, the Board voted unanimously to appoint Mr. Williams to the Board.

ADMINISTRATION OF OATH OF OFFICE AND EXECUTION OF STATEMENT OF APPOINTED OFFICER

Ms. Adams administered the Oath of Office to Commissioner Williams, a copy of which is attached hereto.

Ms. Adams next presented Commissioner Williams with his sworn Statement of Appointed Officer, as required by the Texas Constitution, which statement was then duly executed by Commissioner Williams, a copy of which is attached hereto.

ELECTION OF OFFICERS

The Board next considered the election of officers. Upon motion by Commissioner Grundmeyer, seconded by Commissioner Pinard, after full discussion and the question being put to the Board, the Board voted unanimously to appoint Commissioner Williams to serve as Vice President.

APPROVAL OF THE MINUTES

The Board considered approval of the minutes of the regular meeting of May 16, 2019. Upon motion by Commissioner Grundmeyer, seconded by Commissioner Pinard, after full discussion and the question being put to the Board, the Board voted three (3) votes in favor and one (1) vote abstaining, with Commissioner Williams abstaining, to approve the minutes of the regular meeting of May 16, 2019, as prepared.

STATUS OF PROPOSED ADMINISTRATIVE AND OPERATIONAL POLICIES AND PROCEDURES OF THE BOARD AND TAKE ANY NECESSARY ACTIONS ON SAME, INCLUDING REVIEW OF POTENTIAL IMPLEMENTATION OF CELLULAR ("CELL") TELEPHONE POLICY AND ACQUISITION OF CELL PHONES AND DISTRIBUTION TO COMMISSIONERS

Ms. Adams then reported that Senate Bill ("SB") 944 was recently signed into law after the 86th Texas Legislature. Ms. Adams explained that SB 944 relates to the Public Information Act and requires current and former officers or employees of a governmental body to forward public information held on a privately owned device to the governmental entity so it can be available to the public or requires the public information be preserved in a cloud or otherwise. Commissioner Pinard suggested that, in light of the passage of SB 944, the Board consider purchasing cell phones for the District's Commissioners and implementing a Cell Phone Policy. A discussion ensued regarding whether the District should purchase cell phones for the Commissioners to conduct District-related business.

The Board also discussed the exclusive use of the District-issued email addresses.

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 authorize obtaining proposals for the District's purchase of cell phones.

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

Ms. Adams 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"). Ms. Adams then reported that the County Commissioner's Court has approved the ILA and RBAP has received the fully-executed ILA from the County.

In response to a question from Mr. England, Ms. Adams agreed to contact the other ESD representatives to confirm if the preemption controller devices/modems are new or refurbished.

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

Ms. Adams then reminded the Board that, based on discussions at the District's March 28th Board meeting with Mr. England and Mr. Andrew McKinney, CCEMS' general counsel, it was the District's understanding that CCEMS had requested an updated scope in the engagement letter from Houston Financial Forensics, LLC ("Houston Financial"), for the audit of the HSSK Forensic Report and CCEMS finances, controls, policies and procedures. Mr. England then presented to and reviewed with the Board the updated scope of the audit from Houston Financial, a copy of which is attached hereto. Mr. England reported that Houston Financial has begun work on such audit.

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

Ms. Adams reminded the Commissioners that, at the April 18th meeting, they engaged Mark C. Eyring, CPA ("Eyring") to prepare the reconciliation audit for FYE December 31, 2018. Ms. Adams reported that Eyring anticipates presenting a draft of same at the July 18th 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 May 2019, copies of which are attached hereto. Mr. England reported that during the month of May there were 2,494 transports, five (5) 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 May, CCEMS received 26 mutual aid assists and provided 19 mutual aid assists outside of CCEMS' boundaries.

Mr. England then provided the Commissioners with the CCEMS audit for FYE December 31, 2018, a copy of which is attached to the Executive Director's Report and has been provided for the District's files.

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

Mr. England added 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 end of June.

Mr. England then reminded the Board that body cameras have been deployed for both CCEMS supervisors and emergency medical services staff. A discussion ensued.

Mr. England next reported that CCEMS is in the process of training new staff members.

Upon motion by Commissioner Grundmeyer, seconded by Commissioner Pinard, 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 June.

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 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 \$95,499.39 in 2018 property tax revenue and \$498.41 in investment interest. Mr. Russell further reported that all such revenue had been deposited into the District's Operating Account.

An extensive discussion ensued regarding the invoice from HSSK in the amount of \$7,020.00 in connection with its provision of responsive information to the District related to Mr. McKinney's April 30, 2019 Public Information Act ("PIA") request. It was the consensus of the Board to further discuss payment to HSSK at the July 18th meeting.

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 approve the Bookkeeper's Report, authorize payment of the checks reflected therein (with the exception of check no. 1323 to HSSK, which should be held) and approve the quarterly investment report.

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.

TAX ASSESSOR/COLLECTOR'S REPORT

Ms. Adams then reviewed with the Board the Tax Assessor/Collector Report for the month of May, a copy of which is attached hereto. Ms. Adams noted that 98.10% of the District's 2018 taxes had been collected as of May 31, 2019.

Ms. Adams went on to report that the District's 2019 preliminary taxable value is \$49,864,598,551, which is an increase from the 2018 preliminary taxable value of \$46,308,794,998. A copy of the 2019 preliminary taxable value 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 will coordinate with Commissioner Williams regarding posting his photograph and a short biography on the District's website. Mr. Johnson also stated that he will prepare an ESD11.com email address for Commissioner Williams.

Additional discussion ensued regarding the purchase of District-owned cell phones for the Board. At the Board's request, Mr. Johnson agreed to obtain proposals for the District's purchase of cell phones for consideration at the July 18th Board meeting.

SCHEDULE WORKSHOP MEETING IN CONNECTION WITH PROPOSED BUDGET FOR FYE DECEMBER 31, 2020

A discussion ensued regarding conducting a joint workshop meeting with CCEMS to discuss the proposed budget for FYE December 31, 2020. Mr. England noted that he will not have information in connection with the CCEMS budget for FYE December 31, 2020 until September. It was the consensus of the Board to tentatively schedule a special budget workshop meeting for Thursday, August 1 at 5:30 p.m. at 7111 Five Forks Drive, Spring, Texas.

In response to a question, Mr. England reported that CCEMS will be reviewing the draft term sheet in connection with amending the District's Service Contract with CCEMS at the CCEMS Board meeting on June 26th. Mr. England added that CCEMS will also likely be proposing a "per call amount" of \$425.

COMMISSIONER'S MONTHLY FACILITIES INSPECTION/TOUR REPORT

It was noted 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, INCLUDING POTENTIAL LATENT STATION NO. 513 ELEVATION/CONSTRUCTION MATTERS

Ms. Adams then reminded the Board that RBAP previously provided notice to Harris County Emergency Services District No. 7 ("ESD 7") that the District is aware of the potential latent elevation/construction issues at Station No. 513 and requested ESD 7 apprise the District of any and all actions taken in connection with same at its Station No. 70 so that the District may act, if necessary.

Ms. Adams added that she received correspondence from the attorney for ESD 7 acknowledging receipt of the District's notice and informing her that he would consult with ESD 7's building committee, but she has not received any further relevant communication despite several status update requests. Ms. Adams went on to report that, after the May Board meeting, she obtained a copy of the Original Petition and Request for Disclosure that was filed in the County Court against Brookstone, L.P. by ESD 7 on May 10th. An extensive discussion ensued.

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 RBAP to: 1) obtain proposals for inspection of Station No. 513; 2) contact ESD 7's litigation counsel, as may be necessary regarding the status of such litigation; and 3) submit a PIA request to ESD 7 requesting a copy of the original inspection report for Station No. 70.

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

There was no discussion on this matter 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

This item was discussed earlier in the Board meeting.

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

Ms. Adams next reported that one (1) PIA request was received since the May Board meeting, on June 6, 2019 from Dolcefino Consulting ("Dolcefino"). Ms. Adams stated that Dolcefino has requested all documents produced in response to Mr. McKinney's PIA request for copies of HSSK's working documentation, related communications and back-up information in connection with the findings of the HSSK Forensic Report. Ms. Adams explained that pursuant to the PIA, the District has provided Notice to CCEMS (as an interested third party) in the event that CCEMS wishes to file arguments with the Texas Attorney General (the "AG") objecting to the release of certain proprietary CCEMS information. Ms. Adams added that the District has provided the AG with the Notice to CCEMS and has requested a ruling in connection with the potential third party proprietary information. Ms. Adams noted that the District has provided Dolcefino with the responsive information not potentially subject to a PIA exception.

Ms. Adams stated that in regards to Mr. McKinney's April 30, 2019 PIA request for copies of HSSK's working documentation, related communications and back-up information in connection with the findings of the HSSK Forensic Report, the District has provided Mr. McKinney with the responsive information

Ms. Adams reported that, in regard to Mr. McKinney's February 21, 2019 PIA request, the District 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 the District has received the AG's ruling in connection with Mr. McKinney's two (2) identical March 13, 2019 and March 20, 2019 PIA requests and subsequently provided Mr. McKinney with correspondence that there was no responsive information on June 12, 2019.

Ms. Adams went on to report that, in regards to Mr. Wayne Dolcefino's four (4) March 13, 2019 and March 18, 2019 PIA requests, which were both received on March 18, 2019, the District has provided Mr. Dolcefino with the responsive information to one (1) of his requests. Ms. Adams stated that the District recently received the AG's ruling in connection with the remaining three (3) PIA requests and is awaiting receipt of the responsive information, if any, from Commissioners Plummer and Grundmeyer and former Commissioner Tommy Ripley.

REVIEW 86TH LEGISLATURE UPDATE

Ms. Adams next reviewed the status of certain legislation from the 86th Legislature. Ms. Adams noted that she will present RBAP's final report on the 86th Legislature, at the July 18th meeting. Ms. Adams recommended that in light of new tax legislation, SB2, the Board review the proposed 2019 tax rate with Mr. John Howell of the GMS Group, LLC at the appropriate time.

ANNUAL REVIEW OF CONSULTANT CONTRACTS

Ms. Adams noted that the Board may review the District's consultant contracts at any time. Ms. Adams noted that Commissioner Brost requested copies of the District's contracts with NRG at the May Board meeting. Mr. Johnson reported that he provided Commissioner Brost with copies of all such contracts.

PUBLIC COMMENTS AND MISCELLANEOUS MATTERS

There were no comments from the public at this time.

CONFIRM JULY REGULAR MEETING DATE AND MEETING ADJOURNMENT

Ms. Adams then reminded the Board that the next regular meeting is scheduled for Thursday, July 18, 2019, at 9:00 a.m.

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

PASSED, APPROVED AND ADOPTED this 18th day of July, 2019.




Secretary, Board of Commissioners