

MINUTES OF MEETING OF THE
BOARD OF COMMISSIONERS

January 19, 2017

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 7111 Five Forks Drive, Spring, Texas 77379, a meeting place inside the boundaries of the District, on Thursday, January 19, 2017, 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
Lynn LeBouef	Asst. Treasurer

All members of the Board were present, thus constituting a quorum. Also attending the meeting were: Ms. Robin S. Bobbitt, attorney, and Ms. Carla Christensen, paralegal, of Radcliffe Bobbitt Adams Polley PLLC ("RBAP"), attorneys for the District; Mr. Bill Russell of Myrtle Cruz, Inc. ("MCI"), bookkeeper for the District; Mr. Joseph Ellis of McCall Gibson Swedlund Barfoot PLLC ("McCall Gibson"), auditors for the District; the following representatives of the Cypress Creek Emergency Medical Services (the "CCEMS") were in attendance at the meeting: Mr. Ruben Gonzales, President of the CCEMS Board of Directors and Mr. Dave Billings, Director on the CCEMS Board of Directors; Mr. Brad England, Executive Director; Mr. Andrew Mckinney, attorney, and Mr. Norm Uhl, Public Information Officer. Other persons attending the meeting included the following: Mr. Chad Joiner of Joiner Architects, Inc. ("Joiner"), architects for CCEMS Station 513 building; Mr. Ricardo Martinez of Martinez Architects ("Martinez"), architects for CCEMS Station No. 52 building; and Mr. Kerry Johnson of NRG Marketing Group ("NRG"), the District's website service provider.

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.

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 first considered approval of the minutes of the regular meeting of December 15, 2016, previously distributed to the Board. Upon motion by Commissioner

Plummer, seconded by Commissioner LeBouef, after full discussion and the question being put to the Board, the Board voted unanimously to approve the minutes of the regular meeting of December 15, 2016, as presented.

Ms. Bobbitt reported that her office is in the process of preparing the minutes from the special meeting of September 27, 2016, which were not prepared by the District's previous attorneys, and the certified agendas of the regular meetings of November 17, 2016 and December 15, 2016 and the certified agenda of the special meeting of September 27, 2016.

ENGAGE AUDITOR TO PREPARE AUDIT FOR FISCAL YEAR ENDED ("FYE")
DECEMBER 31, 2016

Mr. Ellis then presented an engagement letter for the preparation of the District's financial statements for the FYE December 31, 2016, and noted a fee range of \$12,000-\$13,000 for preparation of such audit. A copy of the engagement letter and Form 1295 are attached hereto. Mr. Ellis noted that the fee for preparation of the FYE December 31, 2015 audit was \$12,500. Mr. Ellis also explained that because of the new Form 1295 requirements, McCall Gibson has revised this engagement letter to apply to preparation of all future audits for the District. Upon motion by Commissioner LeBouef, seconded by Commissioner Grundmeyer, after full discussion and the question being put to the Board, the Board voted unanimously to engage McCall Gibson to prepare the District's audit for the FYE December 31, 2016.

Mr. Joiner entered the meeting at this time.

In response to a question, Mr. Ellis stated that the audit should be completed in time for review at the District's March meeting.

RESOLUTION AUTHORIZING THE 20% PENALTY FOR COLLECTION COSTS ON
DELINQUENT 2016 TAXES

Ms. Bobbitt then explained that pursuant to Sections 6.30, 33.07, 33.08 and 33.11 of the Texas Tax Code, as amended, the District may levy an additional 20% penalty on 2016 real property taxes that remain delinquent as of July 1, 2017 and an additional 20% penalty on 2016 personal property taxes that remain delinquent as of April 1, 2017 to help defray the costs of collection, if the Board has entered into an agreement with an attorney for the collection of delinquent taxes and if adequate notice of such penalty is provided to property owners. Upon motion by Commissioner LeBouef, seconded by Commissioner Plummer, after full discussion and the question being put to the Board, the Board voted unanimously to adopt the Resolution Authorizing the 20% Penalty for Collection Costs on Delinquent 2016 Taxes, a copy of which is attached hereto.

REVIEW AND TAKE NECESSARY ACTION ON FINANCIAL MATTERS,
INCLUDING FINANCIAL REPORT FROM DISTRICT TREASURER AND BOOKKEEPER

Mr. Russell then presented and reviewed with the Board the Bookkeeper's Reports for the month ending December 31, 2016 and the January 2017 report, including the revenues and

expenses of the District, the budget comparison, the investment report and the checks being presented for payment at today's meeting, copies of which are attached hereto.

Mr. McKinney entered the meeting at this time.

Mr. Russell reported that from December 15th through December 31st the District had received \$ 1,557,620.68 in property tax revenue, \$1,738.81 in penalties/interest and \$212.24 in investment interest. Mr. Russell went on to report that from January 1st the District had collected \$6,569,589.27 in property tax revenue and \$1,530.42 in penalties/interest. Mr. Russell added that all such revenue was deposited into the District's Compass Bank Operating Account.

Upon motion by Commissioner Plummer, seconded by Commissioner Grundmeyer, after full discussion and the question being put to the Board, the Board voted unanimously to approve the Bookkeeper's Reports and to authorize payment of the checks reflected therein.

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

President Ripley next recognized Mr. England, who presented and reviewed with the Board the Executive Commissioner's Report, the monthly CCEMS Operations and Financial Reports, including the operations statistics for the month of December 2016 and the 2016 CCEMS budget comparison, copies of which are attached hereto. Mr. England then briefly reported that during the month of December there had been 2,154 transports, eight (8) Life Flight transports, and that 21% of the calls during the month were "no transports." Mr. England added that during December, the CCEMS received 17 mutual aid assists and provided six (6) mutual aid assists outside of the CCEMS's boundaries.

Mr. England next reported that Martinez had completed the plans for the new CCEMS Station No. 52 ("Station 52") and that such plans have been accepted by the Harris County Permit office. Mr. England added that he anticipates that construction on Station 52 will commence sometime in February 2017. A copy of Martinez's architectural rendering of Station 52 is attached hereto.

Mr. England next requested that the District provide funding for the purchase of new radios from Northwest Communications ("NW Communications") for CCEMS ambulances at a total cost of \$58,569.50. A copy of the proposal from NW Communications is attached hereto. Mr. England explained that the fire station radios now utilized by the City of Houston (the "City"), are not compatible with the current CCEMS radios and that the City had provided an opportunity for CCEMS to purchase the radios at a good price from NW Communications. Mr. England went on to explain that such expense was included in the CCEMS's 2017 budget, but that he is requesting funding assistance from the District for the acquisition of the new radios. Extensive discussion ensued regarding whether the District has adequate capital expenditure revenue in its 2017 budget to fund the new radios. Mr. Russell noted that the District's 2017 budget includes a capital expense line item of \$1,500,000 and, therefore, he feels the District is able to provide funding to the CCEMS for the radio purchase.

Upon motion by Commissioner LeBouef, seconded by Commissioner Plummer, after full discussion and the question being put to the Board, the Board voted unanimously to approve the CCEMS Operations and Financial Report, approve the monthly CCEMS Operations payment in the amount of \$1,162,925 for the month of January and approve the capital funding request and payment thereof in the amount of \$58,569.50 for the purchase of new radios for the CCEMS ambulances.

Mr. Johnson entered the meeting at this time.

STATUS OF DISTRICT CONSTRUCTION, IMPROVEMENTS, REPAIRS AND RENOVATIONS TO DISTRICT REAL PROPERTY, STATIONS AND BUILDINGS, INCLUDING LEED CERTIFICATION, CONSTRUCTION PAYMENTS, CHANGE ORDERS AND ENGAGEMENT OF PROFESSIONAL SERVICES AND CONTRACTORS

Mr. Joiner then reported that all of the necessary LEED documentation had been submitted to the Green Council in late November in connection with obtaining the LEED Certification for CCEMS Station No. 513 ("Station 513"). Mr. Joiner noted that the Green Council approval process typically takes at least thirty (30) days, but he expects to receive comments from the Green Council within the next week or two.

At this time, Mr. Joiner then briefed the Board regarding the contractor that Joiner had engaged and utilized to assist with obtaining the LEED Certification, as well as the invoices related to such services that have been received by the District. Mr. Joiner reminded the Board that they were informed at the July 18, 2013 Board meeting that obtaining LEED certification as required by the Springwoods Village/Coventry Development ("Coventry") project would mean incurring additional project costs. Mr. Joiner further stated that the Board was told at that time that such additional costs could be as much as \$150,000.00 depending on the level of LEED certification applied for by the District. Mr. Joiner also explained that the District's contract with Joiner for basic architectural services related to Station 513 does not include services related to obtaining LEED certification. Mr. Joiner further explained that DBR Engineering ("DBR") is a firm that Joiner had engaged to assist with the LEED certification after Mr. Martinez left Joiner, and, therefore the District had received invoices from DBR for such work. In response to a question, Mr. Russell stated that he is currently holding two (2) checks related to payment for LEED certification services, including invoice no. 16177 in the amount of \$3,243 and invoice no. 16198 in the amount of \$2,750. Further discussion ensued. Based upon discussion by the Board and a recommendation from Mr. Russell, Mr. Joiner agreed that his firm would pay its sub-contractor, DBR, as needed and issue one (1) final invoice to the District for payment in connection with the LEED certification services once the LEED certification is received. Mr. Russell stated that he will void the two (2) checks that he is currently holding.

Ms. Bobbitt then noted that her staff has not been able to find a fully executed copy of the District's contract with Joiner in the District's files that had been received from the District's former attorneys, but had reviewed a copy of such contract.

Mr. Joiner next reported that he had received and reviewed the correspondence dated November 17, 2016 from Springwoods Village (Mr. Clayton Benedict) to the District and Harris County Emergency Services District No. 7 regarding the re-vegetation plant/tree survey

and the costs associated with same as required by Coventry in connection with the construction of Station 513. A copy of such correspondence is attached hereto. Mr. Joiner stated that he had also recently spoken with Mr. Benedict and informed him that Coventry had approved the plans for Station 513 and were very involved with Joiner when the land for the project was cleared and trees were tagged for removal. Mr. Joiner stated that he had requested that Coventry reconsider its request that the District pay the SV Green Community Fund \$200,000 tree removal fee.

UPDATE BY NRG ON STATUS OF DISTRICT'S WEBSITES AND TAKE ANY NECESSARY ACTIONS ON SAME

Mr. Johnson then reported that he had received all of the necessary files and domain authorizations from the District's previous website provider. Mr. Johnson went on to report that he has transferred the website information and re-routed the links from the District's old website domain to the current domain. Mr. Johnson added that the District's website, <http://www.esd11.com>, is now current. Mr. Johnson also reported that all Commissioner email accounts set up and hosted by the District's previous website provider have been de-activated and deleted.

A brief discussion next ensued regarding Board meeting protocols, District policies and the appropriate procedures for posting District-related information on the District's website and the appropriate use of Facebook and other social media for providing information about the District. In response to a question from Commissioner Plummer, Ms. Bobbitt stated that her office will coordinate with Commissioner Plummer and Mr. Johnson to ensure that control of the District's Facebook page is turned over to NRG for updating, necessary maintenance and handling of future postings. Additionally, Ms. Bobbitt stated that she will include an item on the February meeting agenda for the Board to further discuss the proposed adoption of District policies and procedures relating to the District's website and use of social media.

REVIEW AND CONSIDER PROPOSALS FROM PUBLIC RELATION FIRMS AND TAKE NECESSARY ACTION ON SAME

Commissioner Pinard reported that he is in the process of obtaining proposals from several public relations firms, but that no action on such matter was necessary at this time.

ATTORNEY'S REPORT

STATUS OF FILING OF ANNUAL REPORT WITH TEXAS DEPARTMENT OF RURAL AFFAIRS (THE "TDRA") AND ANNUAL PUBLICATION OF DISTRICT ADMINISTRATIVE OFFICE LOCATION

Ms. Bobbitt next reported that, pursuant to Section 775.083 of the Texas Health and Safety Code, RBAP had filed the District's Annual Report with the TDRA on December 22, 2016.

Ms. Bobbitt next reported that, pursuant to Section 775.036(f) of the Texas Health and Safety Code, RBAP has scheduled the annual publication of the District's administrative office location in the Houston Chronicle for January 18th.

UPDATE ON STATUS OF PUBLIC INFORMATION ACT ("PIA") REQUESTS

Ms. Bobbitt next reported that there was one (1) PIA request received since the last Board meeting, such request being received from Dolcefino Consulting ("Dolcefino") and dated January 17, 2017, a copy of which is attached hereto. A brief discussion ensued. Ms. Bobbitt added that her office has initiated work on the response to Mr. Dolcefino's request and that such response must be provided to Dolcefino by no later than Tuesday, January 31st, in accordance with the provisions of the Texas Public Information Act.

Ms. Bobbitt went on to report that she had recently spoken with Mr. Jonathan Frels of Bracewell LLP ("Bracewell") regarding invoicing received by the District related to Bracewell's responses to Mr. Wayne Dolcefino's previous PIA requests to the District. Commissioner Pinard stated that, after correspondence with Mr. John Peeler of Coveler & Katz ("C&K") at the time Bracewell was engaged, it was his understanding that C&K was going to pay all of the District's invoices received from Bracewell. Ms. Bobbitt requested that Commissioner Pinard forward such correspondence to her for review.

REVIEW AND DISCUSS LEGAL SERVICES INVOICES RELATED TO PIA RESPONSES AND TAKE NECESSARY ACTION ON SAME

An extensive discussion then ensued regarding the final legal services invoice the District had received from C&K, a copy of which is attached to the Bookkeeper's Report. The Board expressed frustration with the state of the District's files that were transferred to RBAP from C&K.

Ms. Bobbitt next reviewed with the Board RBAP's invoices for legal services. Ms. Bobbitt explained that the invoice is for a two (2) month period, including the months of November and December, 2016.

REVIEW AND DISCUSS RECORDS MANAGEMENT POLICIES AND TAKE ANY NECESSARY ACTIONS ON SAME

Ms. Bobbitt next reported that her office is still in the process of reviewing the District's records and files received from C&K. Ms. Bobbitt noted that her office will continue to review and organize the District's records, as well as review the District's Records Management Policy and make any recommendations regarding the District's records and/or proposed revisions to the current Records Management Policy in the next few months.

UPDATE ON STATUS OF TRANSITION OF DISTRICT FILES FROM FORMER LEGAL COUNSEL

Ms. Bobbitt next reminded the Board that her office had received the District's records (a total of 22 boxes) from C&K in December. Ms. Bobbitt added that last week, her office had received an additional 13 boxes of District records related to the May 7, 2016 Commissioner's Election.

PUBLIC COMMENTS

There were no comments from the public at this time.

Messrs. Russell, England, Gonzales, Billings, Uhl, Martinez, Joiner and Johnson then exited the meeting at this time.

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), President Ripley convened the Board in Executive Session at 10:07 a.m., to consult with the District's attorney to discuss and deliberate on certain matters concerning attorney-client privilege.

RECONVENE IN OPEN SESSION

President Ripley then reconvened the meeting in open session at approximately 11:02 a.m.

Messrs. Gonzales, McKinney and Uhl re-joined the meeting.

No action was taken by the Board at this time.

Ms. Bobbitt then reminded the Board that the next regular meeting is scheduled for Thursday, February 16, 2017, at 9:00 a.m.

There being no further business to come before the Board, the meeting was adjourned at approximately 11:04 a.m.

PASSED, APPROVED AND ADOPTED this 16th day of February, 2017.


Secretary, Board of Commissioners

