

MINUTES OF MEETING OF THE  
BOARD OF COMMISSIONERS

July 18, 2018

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 Wednesday, July 18, 2018, at 6:30 p.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
Kevin Brost	Asst. Treasurer

All members of the Board were present, except Commissioner Grundmeyer, thus constituting a quorum. Also attending the meeting were: Messrs. Wayne Dolcefino and Kenny Breiger of Dolcefino Consulting ("Dolcefino"); Mr. Zach Karrenbrock of Spring Happenings; Mr. Brian Havran, a member of the Board of Commissioners of Harris County Emergency Services District No. 47; Mr. Bill Russell of Myrtle Cruz, Inc. ("Bookkeeper"), bookkeeper for the District; Mr. Ricardo Martinez of Martinez Architects; Mr. Kerry Johnson of NRG Marketing Group ("NRG"), the District's website service provider; and Ms. Regina D. Adams and Ms. Monica Garza, attorneys, 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: Mr. Dave Billings, member of the Board of Directors of CCEMS; Mr. Brad England, Executive Director of CCEMS; Mr. Wren Nealy, Assistant Executive Director of CCEMS; and Mr. Norm Uhl, Public Information Officer of CCEMS.

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.

The meeting was video recorded by Mr. Breiger for use by Dolcefino and by Mr. Uhl for use by CCEMS.

APPROVAL OF THE MINUTES

The Board considered approval of the minutes of the regular meeting of June 21, 2018.

Upon motion by Commissioner Plummer, 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 June 21, 2018, as presented.

Mr. Dolcefino entered the meeting at this time.

UPDATE ON STATUS OF TRANSITION TO NEW INTERSECTION PREEMPTION CONTROLLER DEVICES AND MASTER SALE OF GOODS AND SERVICES AGREEMENT (THE "PREEMPTION DEVICE AGREEMENT") BY AND BETWEEN THE DISTRICT, HARRIS COUNTY EMERGENCY SERVICES DISTRICT ("ESD") NOS. 7, 13, 16, 28 AND 29 AND GLOBAL TRAFFIC TECHNOLOGIES, LLC ("GTT") AND TAKE ANY NECESSARY ACTION ON SAME

Ms. Adams presented to and reviewed with the Board the proposed Preemption Device Agreement by and between the District, ESD Nos. 7, 13, 16, 28 and 29 and GTT and her comments on same, a copy of which is attached hereto. An extensive discussion regarding the Preemption Device Agreement ensued, including: 1) questions from the Board; 2) the leasing requirements for the equipment; 3) the proposed terms; and 4) necessary revisions. In response to a question, Mr. England noted that the E-Views preemption controller devices will be removed from the intersections when the GTT equipment is installed. Ms. Adams stated that the E-Views preemption controller devices that were purchased by the District are the property of the District and, therefore, should be returned to the District upon removal. In response to a question, Ms. Adams reported that she has not yet received a draft of the new Interlocal Agreement between the County and the ESDs in connection with the deployment of the preemption controller devices.

Commissioner Brost went on to report that the District had previously received checks for insurance claim payments in connection with the E-Views devices that were substantially damaged during Hurricane Harvey. A discussion ensued regarding whether former Commissioner Josh Fetner had finalized working with the other partner ESDs to determine the ownership of the damaged E-Views and, subsequently, whether the District had distributed the appropriate pro-rata share of the insurance proceeds to the proper entities.

It was the consensus of the Board to table action on this matter, pending certain clarifications and revisions to the Preemption Device Agreement. Commissioner Brost agreed to contact Mr. Mike Pate, with ESD No. 16, regarding some of the questions in connection with the Preemption Device Agreement and work with CCEMS regarding technical modem matters. Ms. Adams noted she would make additional revisions to the Preemption Device Agreement and inquire regarding status of the preparation of the Interlocal Agreement with the County.

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

Commissioner Ripley then recognized Mr. England, who presented to and reviewed with the Board the Executive Director's Report, the monthly CCEMS Operations and Financial Reports, including the operations statistics for the month of June 2018, and the 2018 CCEMS

budget comparison, copies of which are attached hereto. Mr. England reported that during the month of June there were 2,304 transports, seven (7) Life Flight transports, and that 28% of the calls made during the month were "no transports." Mr. England went on to report that during the month of June, CCEMS received 17 mutual aid assists and provided 27 mutual aid assists outside of CCEMS's boundaries.

Mr. England next reminded the Board that CCEMS recently re-implemented the Community Wellness and Paramedic Program (the "Wellness Program"), which allows a physician's assistant to respond directly to less urgent patients that do not require an ambulance. Mr. England went on to report that the necessary vehicles and equipment have been ordered for the Wellness Program and such vehicles and equipment are expected to be delivered sometime in August.

Mr. England then reported that the CCEMS Clinical Fellowship Program (with the U.S. Army) will resume in the near future.

Mr. England next reported that 2018 hurricane preparedness is currently underway by CCEMS.

Mr. England went on to report that CCEMS recently changed its health insurance company, which should reduce CCEMS health insurance costs in the next insurance coverage year.

Mr. England then reported that the four (4) ambulances (two (2) of which are intended to be paid for by the District) were previously expected to be ready for delivery in October, but will now be ready for delivery at the end of July. An extensive discussion regarding the following matters related to the new ambulances ensued: 1) timing of the District's payment for same; 2) title and ownership; 3) liability; and 4) vehicle insurance.

Commissioner Pinard entered the meeting at this time.

Discussion ensued regarding the potential advantages and disadvantages of having CCEMS purchase and title the new ambulances in its name rather than the District's name. Commissioner Brost expressed his opinion that title of the two (2) ambulances paid for with District funds be in the name of the District and not CCEMS. In response to a question, Ms. Adams stated that she will review the District's Service Contract with CCEMS (the "Service Contract") regarding the requirements in connection with any District capital acquisitions as well as the Lease Agreement for Vehicle Apparatus and Stations with CCEMS.

Commissioner Brost then inquired on the status of various CCEMS operations matters, including posting of the CCEMS Board of Directors meeting minutes on the website, staff retention and newly hired employees. Mr. Uhl informed Commissioner Brost that the CCEMS Board of Directors meeting minutes have been posted on the CCEMS website through January 2018 and the remainder would be posted soon.

Upon motion by Commissioner Plummer, 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 \$1,213,560.00 for the month of July.

#### STATUS OF CCEMS LITIGATION/LEGAL MATTERS

Commissioner Brost then inquired about the status of CCEMS litigation and/or legal matters. Commissioner Ripley stated that such discussion should be held in executive session. A discussion ensued regarding whether such matter(s) is allowed to be discussed in executive session. Ms. Adams explained that, she would recommend any potential litigation and/or CCEMS legal matters be explained in executive session in the event that such legal matters might potentially affect the District. In response to a statement from Mr. Dolcefino, Ms. Adams stated that, she recommends convening in executive session under Section 551.071(2), Texas Open Meetings Act.

#### 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 adopted budget for fiscal year ending ("FYE") December 31, 2018, 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 \$51,751.63 in 2017 property tax revenue, \$4,012.55 in penalties and interest, \$1,388.96 in investment interest and \$145.18 in insurance dividends from the Texas Municipal League. Mr. Russell further reported that all such revenue had been deposited into the District's Compass Bank Operating Account.

In response to a question from Commissioner Pinard regarding the District's budget and election-related legal fees and expenses, a discussion ensued. Commissioner Ripley reminded Commissioner Pinard that the total election costs for 2014 (\$111,530) and 2016 (\$221,791.96) had been reported at the previous two (2) Board meetings. After additional discussion, Ms. Adams requested that Mr. Russell move \$1,809.20 from RBAP's election-related legal fees to election expenses on the budget.

A discussion then ensued regarding whether to release check no. 1246 in the amount of \$377,800.00 to Sterling McCall Ford for the District's purchase of the two (2) ambulances. It was the consensus of the Board to withhold check no. 1246, subject to resolution of the title, ownership and vehicle insurance questions.

Upon motion by Commissioner Brost, seconded by Commissioner Plummer, 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, within the exception of check no. 1246.

CONSIDER COMMISSIONER AND FORMER COMMISSIONER REQUESTS FOR REIMBURSEMENT OF DEFENSE COSTS AND ADOPTION OF REIMBURSEMENT RESOLUTION REGARDING SUCH REQUESTS

There were no requests for reimbursement at this time.

SCHEDULE WORKSHOP MEETING IN CONNECTION WITH PROPOSED BUDGET FOR FYE DECEMBER 31, 2019.

A discussion ensued regarding conducting a joint workshop meeting with CCEMS to discuss the proposed budget for FYE December 31, 2019. Commissioner Ripley stated that he and Commissioner Pinard attended CCEMS's most recent Board of Directors meeting at which the CCEMS Board of Directors reviewed the draft CCEMS budget for FYE December 31, 2019. It was the consensus of the Board to hold a special joint budget workshop/meeting with CCEMS representatives on Wednesday, August 1<sup>st</sup> at 6:30 p.m. at 7111 Five Forks Drive, Spring, Texas.

TAX ASSESSOR/COLLECTOR'S REPORT

Ms. Adams then reviewed with the Board the Tax Assessor/Collector Report for the month of June 2018, a copy of which is attached hereto. Ms. Adams reported that 98.4% of the District's 2017 tax levy has been collected as of June 30, 2018 with \$291,137.06 remaining to be collected.

Ms. Adams next reviewed with the Board the District's preliminary values for the 2018 tax year. Ms. Adams reported that the District's preliminary appraised value (excluding personal property) is \$51,688,852,164 and the District's initial taxable value (excluding personal property) is \$46,308,794,998. A discussion ensued and Ms. Adams noted that some values may decrease after property owners have completed their protest, but that personal property accounts will boost the valuation.

STATUS OF RECONCILIATION/FORENSIC AUDIT REPORT FOR FISCAL YEAR ENDING ("FYE") DECEMBER 31, 2017 (DISTRICT FUNDING VS. CCEMS EXPENDITURES)

Commissioner Pinard reminded the Board that at the last meeting they had approved and authorized execution of the proposals from HSSK and Counts|Thomson in connection with conducting a forensic audit for the District. Commissioner Pinard reported that he and Commissioner Brost are communicating with HSSK in connection with the preparation of the forensic audit and Commissioner Ripley reported that he is communicating with Counts|Thomson regarding the legal matters in connection with preparation of the forensic audit for FYE December 31, 2017.

A discussion ensued. In response to a question from Commissioner Brost, Ms. Adams stated that the District had 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 Service Contract.

REVIEW, DISCUSS AND TAKE ACTION ON MISCELLANEOUS MEDIA MATTERS, INCLUDING UPDATE BY NRG ON STATUS OF DISTRICT'S WEBSITE AND STATUS OF DISTRICT'S EMAIL ADDRESSES FOR COMMISSIONERS

Mr. Johnson then reported on the status of the re-design of the District's website, <http://www.esd11.com>. A discussion ensued regarding certain updates that Mr. Johnson will make to the District's website.

Mr. Johnson next reported that he has prepared District email addresses for all Commissioners. In response to a question, the Commissioners determined that only the general District email address be posted on the contact page.

COMMISSIONER'S MONTHLY FACILITIES INSPECTION/TOUR REPORT

Commissioner Ripley reported that no facility inspections were conducted after the June Board meeting and no facility inspections/tours would be conducted after the Board meeting today.

STATUS OF DISTRICT CONSTRUCTION, REPAIR, IMPROVEMENT, OR RENOVATION PROJECTS, AND TAKE ANY NECESSARY ACTIONS ON SAME

There was no report on any District construction, repair or renovation projects at this time.

DISCUSS PROPOSED ESTABLISHMENT AND IMPLEMENTATION OF DISTRICT/BOARD GOALS FOR 2018/2019 AND TAKE ANY NECESSARY ACTIONS ON SAME

In response to a question from Commissioner Pinard, Ms. Adams stated that upon completion of a list of District Goals, her office can forward same to all Board members for review. No further action was taken on this matter at this time.

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

Commissioner Pinard then reminded the Board that it had previously approved the implementation of the proposed application form for prospective vendors and/or companies. Commissioner Pinard stated that he is coordinating with Mr. Johnson to have the application form posted on the District's website and will coordinate with Commissioner Ripley to review completed applications before they are presented to the Board for consideration.

In response to a question, Commissioner Pinard stated that he will review the draft Preemption Device Agreement and coordinate with Ms. Adams and Commissioner Brost regarding any questions he may have on same.

## ATTORNEY'S REPORT

### UPDATE/REVIEW OF RECENT PUBLIC INFORMATION ACT ("PIA") REQUESTS AND STATUS OF RESPONSES TO SAME

In response to a question from Commissioner Pinard, Ms. Adams stated that all PIA requests to the District must be in writing.

Ms. Adams next reported that there had not been any PIA requests received since the June meeting. Ms. Adams stated that Mr. Zach Karrenbrock, who previously submitted a PIA request to the District on May 17<sup>th</sup>, submitted a cost complaint to the Texas Attorney General (the "AG") in connection with the fees assessed by the District to respond to his PIA request. Ms. Adams noted that her office has not yet received any correspondence/list of questions from the AG's office, which would be the next step in the cost complaint process.

### REVIEW DISTRICT PIA POLICY AND TAKE NECESSARY ACTIONS ON SAME

Ms. Adams next reminded the Board that they previously adopted a Resolution to Limit the Expenditure of Time and Uncompensated Resources When Responding to a PIA Request Pursuant to Texas Government Code Section 552.275 (the "PIA Resolution"), a copy of which is attached hereto. Ms. Adams stated that the PIA Resolution places a limit of 36 hours per PIA requestor in a 12-month period of time. An extensive discussion ensued regarding the legal costs associated with, and the process for, responding to PIA requests.

Ms. Adams went on to present and review with the Board a draft outline of a proposed PIA policy for the District, a copy of which is attached hereto. A discussion ensued and Commissioner Pinard noted that he would like to further review the PIA before the District proceeds with adoption of a PIA policy. Ms. Adams noted that she will bring the PIA handbook to the next meeting. Commissioner Brost stated that he will request copies of current PIA policies from some other ESDs. In response to a question from Commissioner Ripley, Ms. Adams stated that her office will always provide the Commissioners with copies of any District-related PIA requests.

### APPROVE COST ESTIMATE FROM HART INTERCIVIC ("HART") TO REPAIR DISABLED ACCESS UNIT ("DAU")

Ms. Adams then presented to and reviewed with the Board a cost estimate from Hart in the amount of \$459.00 to repair one (1) of the District's DAU voting machines. Upon motion by Commissioner Brost, seconded by Commissioner Plummer, after full discussion and the question being put to the Board, the Board voted unanimously to approve the Hart cost estimate and authorize execution of same.

### DISCUSS STATUS OF PROPERTIES LOCATED IN BOTH THE DISTRICT AND ESD NO. 8

Mr. England then reminded the Board that he had previously requested that RBAP research whether the homes within Stonebridge Ranch Estates and Creekside Park subdivisions, that are being taxed by both the District and ESD No. 8, can be de-annexed from one (1) of the

emergency medical services ("EMS") ESDs. Ms. Garza reported that she had a discussion with Mr. England and CCEMS dispatch representatives and performed additional research in connection with such matter. Ms. Garza stated that the boundaries of both the District and ESD No. 8 encompass the following 13 addresses:

- 9626 Stonebridge Place
- 9510 Stonebridge Place
- 9511 Stonebridge Place
- 9318 Lake Breeze Drive
- 9519 Stonebridge Lake Drive
- 57 S. Waterbridge Drive
- 61 S. Waterbridge Drive
- 65 S. Waterbridge Drive
- 68 S. Waterbridge Drive
- 70 S. Waterbridge Drive
- 38 N. Waterbridge Drive
- 42 N. Waterbridge Drive
- 45 N. Waterbridge Drive
- 49 N. Waterbridge Drive

Ms. Adams then presented to and reviewed with the Board the Harris County Appraisal District facet maps of the Stonebridge Ranch Estates and Creekside Park properties affected by the ESD boundary lines, copies of which are attached hereto. Ms. Adams went on to state that the boundaries of the District and ESD No. 8 runs directly through such addresses and, therefore, both the District and ESD No. 8 are taxing and should be providing EMS to such addresses. Ms. Adams added that de-annexing any of the above listed addresses from the District would require an election and could result in a reduction of the District's taxable value if the District were even statutorily allowed to do so pursuant to Texas Health and Safety Code §775.056. A discussion ensued. It was the consensus of the Board that the District not pursue the matter further but that CCEMS could work with Northwest EMS as it deemed necessary.

Mr. England stated that the CCEMS dispatch center will coordinate with the Northwest EMS dispatch center regarding responses to any of the 13 addresses that are located within the boundaries of both ESDs.

Ms. Adams then stated that she had nothing further to report at this time.

#### PUBLIC COMMENTS AND MISCELLANEOUS MATTERS

Mr. Dolcefino stated that he recently spoke with a special prosecutor regarding pending CCEMS litigation. Mr. Dolcefino further commented on the legal requirements for convening in executive session to consult with the District's attorneys regarding matters of attorney-client privilege. Mr. Dolcefino added that he would like the Board to discuss matters such as the District's funding of CCEMS operations during a public meeting. Mr. Dolcefino went on to offer his pro bono assistance to the District in connection with responding to PIA requests.

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



All meeting attendees, with the exception of all members of the Board present, along with Ms. Adams, Ms. Christensen and Mr. England, exited the meeting at 8:25 p.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 Ripley convened the Board in Executive Session at 8:30 p.m., to consult with the District's attorney regarding the status of CCEMS litigation/legal matters. The persons present in the executive session were Commissioners Ripley, Plummer, Pinard, and Brost and Ms. Adams, Ms. Garza and Mr. England.

Mr. England exited the Executive Session at 8:45 p.m.

RECONVENE IN OPEN SESSION

Commissioner Ripley then reconvened the meeting in open session at approximately 9:25 p.m., at which time no action was taken.

CONFIRM NEXT REGULAR MEETING DATE AND MEETING ADJOURNMENT

Ms. Adams then reminded the Board that the next regular meeting is scheduled for Wednesday, August 15, 2018, at 6:30 p.m. and the next special meeting is scheduled for Wednesday, August 1, 2018, at 6:30 p.m.

There being no further business to come before the Board, the meeting was adjourned at approximately 9:30 p.m.

PASSED, APPROVED AND ADOPTED this 15<sup>th</sup> day of August, 2018.



  
Secretary, Board of Commissioners