

MINUTES OF MEETING OF THE  
BOARD OF COMMISSIONERS

December 19, 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 the Klein Public Utility District Administration Building, 19001 Mirror Lake Drive, Spring, Texas 77388, a meeting place inside the boundaries of the District, on Thursday, December 19, 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, thus constituting a quorum. Also attending the meeting were: Mr. Joseph Ellis of McCall Gibson Swedlund Barfoot PLLC ("McCall"), auditors for 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 and Ms. Monica A. 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: Messrs. Eric Seymour and Dave Billings, 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.

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.

The Board recognized 30-second moment of silence for prayer and reflection.

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 November 21, 2019. 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 minutes of the regular meeting of November 21, 2019, as prepared, and the certified agenda for same, copies of which were previously distributed to the Board.

Commissioner Pinard entered the meeting at this time.

CONFIRM AUDITOR ENGAGEMENT FOR FISCAL YEAR ENDING ("FYE")  
DECEMBER 31, 2019.

Mr. Ellis then presented to and reviewed with the Board the confirmation of the Auditor's engagement for preparation of the annual audit for FYE December 31, 2019, a copy of which is attached hereto. Mr. Ellis stated that the Board previously engaged McCall to prepare future annual audits. Mr. Ellis noted that the fee for preparation of the FYE December 31, 2018 audit was \$15,750 and estimates a fee range of \$15,000 to \$16,000 for preparation of the FYE December 31, 2019 audit. Upon a motion by Director Brost, seconded by Director Williams, after full discussion and the question being put to the Board, the Board voted unanimously to confirm McCall's engagement to prepare the audit of the District's books and records for FYE December 31, 2019.

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

Commissioner Pinard stated that he would like to have a marketing committee meeting.

Mr. Ellis exited the meeting at this time.

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 next reviewed with the Board the status of the installation of the new preemption devices at the County and Texas Department of Transportation ("TxDOT") intersections. Commissioner Brost then provided the first (1<sup>st</sup>) quarterly lease invoice from GTT in the amount of \$38,508.92 to the Bookkeeper for payment. Commissioner Brost noted that the Board authorized payment of same at the previous meeting. Commissioner Brost then reminded the Board that, in the near future, the District will receive an invoice from Klein Fire Department for any overages on the new Preemption Device project to be paid with a portion of the insurance proceeds the District received in connection with damage to the previously utilized EViews preemption devices. A discussion ensued regarding minor installation issues.

STATUS OF INDEPENDENT AUDIT OF HSSK, LLC ("HSSK") REPORT FOR 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. Mr. England noted that such audit should be ready after the CCEMS maintenance facility investigation is complete in January 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, Commissioner Pinard reminded the Commissioners that they previously authorized him to contact Mr. Greg Schuelke of HSSK and, on behalf of the District, offer to pay HSSK one-half (1/2) of such amount. Commissioner Pinard reported that he has attempted to contact Mr. Schuelke numerous times, but has yet to speak with him.

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 November 2019, copies of which are attached hereto. Mr. England reported that during the month of November there were 2,565 transports, nine (9) Life Flight transports and that 24% of the calls made during the month were "no transports." Mr. England went on to report that during the month of November, CCEMS received 39 mutual aid assists and provided 26 mutual aid assists outside of CCEMS' boundaries.

Mr. England then reported that McGraph Consulting Group, Inc. ("McGraph") had provided a draft of the updated Operational Assessment Report/Handbook to CCEMS for review. Mr. England stated that McGraph intends to complete the Handbook by the end of 2019 and the CCEMS Board will consider approval of same in January 2020.

Mr. England next reported that CCEMS is coordinating with the U.S. Army regarding the Clinical Fellowship Program for 2020.

Mr. England then reminded the Board that Fort Bend County had previously requested to join the CCEMS communications/dispatch center and CCEMS is currently negotiating with Fort Bend County regarding same.

Mr. England next reminded the Board that CCEMS hired a full-time Controller, Mr. Rene Johnson, who began employment with CCEMS on October 21<sup>st</sup>.

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 emergency room docks

due to ongoing discussions between CCEMS and local hospital CEOs and legal representatives regarding HIPAA concerns pertaining to same.

Mr. England then reported that he recently met with representatives of the Ponderosa Fire Department regarding fire station plans.

Mr. England next inquired on the status of the Board's approval of CCEMS' budget for FYE December 31, 2020 (the "CCEMS Budget"). Mr. England went on to state that the delay in the District's approval of the CCEMS Budget is affecting CCEMS' daily operations. Ms. Adams and Commissioner Brost informed Mr. England that, at the November 21<sup>st</sup> meeting, the Board decided not to amend the District's budget for FYE December 31, 2020 and agreed that CCEMS should amend its budget to correspond with the District's budget (separate expense line items for Ambulance Service (\$15,900,000) and ESD Capital Expenditures (\$780,000)), as was reflected in the November 21<sup>st</sup> draft minutes provided to Mr. England. Mr. England stated he does not receive the draft District minutes. Ms. Adams reviewed email communications transmitting draft minutes and noted that Mr. England and various other CCEMS representatives are included thereon. Ms. Adams also noted that draft correspondence regarding the Board's decision about the budget was under review by the Board and would be sent after the meeting.

#### 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 but added that as soon as CCEMS receives new information on same it will be conveyed to the District. Commissioners Plummer and Brost both noted that they have yet to be contacted by any law enforcement agency regarding the investigation. An extensive discussion ensued. Mr. England stated that CCEMS previously reimbursed the District in the amount of \$38,317.59, for the CCEMS' maintenance wages and benefits that the District paid to CCEMS in January 2019 due to such investigation. Commissioner Brost responded that the acts of the maintenance facility manager was a crime and the District needs to know that it is being made whole for all funds paid to CCEMS for such services. Upon motion by Commissioner Brost, seconded by Commissioner Pinard, after full discussion and the question being put to the Board, the Board voted four (4) votes in favor and one (1) abstention, with Commissioner Williams abstaining, to proceed with filing a criminal claim with the appropriate jurisdiction for the prior acts of CCEMS' maintenance facility employees.

In response to a previous statement by Commissioner Grundmeyer, an extensive discussion ensued regarding the importance of informing the public of the value the District provides to its constituents and the emergency medical services that the District funds, including the advertising of the funding source of ambulances (amongst other property) purchased and owned by the District. After some discussion, Mr. England stated that CCEMS might consider applying stickers to the ambulances advertising that the District is a funding source for the purchase of such ambulances depending on whether the Board decides to move its regular meeting location back to the CCEMS administrative office building. An extensive discussion ensued. In response to a question from Mr. England, Commissioner Plummer stated that she had not personally received the correspondence from the CCEMS Board President dated November 25<sup>th</sup> or Mr. England's correspondence dated November 27<sup>th</sup> in connection with the Term Sheet for the proposed amendment to the Service Agreement between the District and CCEMS. Commissioner Plummer went on to state that she and the other Commissioners have briefly reviewed such correspondence and the November 27<sup>th</sup> letter did not

contain the referenced attachments. Commissioner Plummer informed Mr. England that the Board will respond to CCEMS' correspondence after the Board has consulted with the District's attorney regarding same. 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 authorize CCEMS to purchase, on the District's behalf, stickers to be placed on all ambulances purchased by District funds.

In response to questions from Commissioner Brost regarding the new graph in Mr. England's report analyzing CCEMS' medic unit volume, Mr. England agreed to have such report reflect the dates/times when CCEMS has three (3) or fewer ambulances in service.

Commissioner Pinard exited the meeting at this time.

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 December.

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 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 \$1,530,933.15 in 2019 property tax revenue and \$40.59 in investment interest. Mr. Russell further reported that all such revenue had been deposited into the District's Operating Account.

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. Adams then reviewed with the Board the Tax Assessor/Collectors Report for the month of November, 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 the District's website is up-to-date and all required election information has been posted. Mr. Johnson stated that once the District stickers have been affixed to the requisite ambulances, he will update the website with photographs of same.

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.

AUTHORIZE COMMISSIONER ATTENDANCE AT SAFE-D ANNUAL CONFERENCE IN GALVESTON, TEXAS

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 authorize the Board's attendance at the SAFE-D Annual Conference to be held in Galveston, Texas on February 20-22, 2020.

Ms. Christensen noted that the regular February 20<sup>th</sup> Board meeting will need to be rescheduled due to SAFE-D.

ATTORNEY'S REPORT

AUTHORIZE FILING OF FINANCIAL AND TAX-RELATED INFORMATION WITH TEXAS STATE COMPTROLLER (THE "COMPTROLLER") PURSUANT TO TEXAS LOCAL GOVERNMENT CODE, SECTIONS 203.062 AND 403.0241 FOR THE SPECIAL PURPOSE DISTRICT PUBLIC INFORMATION DATABASE ("SPDPID")

Ms. Adams then reminded the Board that the District is required to annually file certain financial and tax-related information with the Comptroller's SPDPID. Ms. Adams noted that such information must be filed with the Comptroller by April 1, 2020. Upon motion by Commissioner Brost, seconded by Williams, after full discussion and with all Directors present voting aye, the Board voted to authorize RBAP to file the required financial and tax-related information with the Comptroller by April 1, 2020.

ADOPT RESOLUTION DESIGNATING DISTRICT ADMINISTRATIVE OFFICE AND REGULAR MEETING LOCATION(S) AND AUTHORIZE PUBLICATION OF NOTICE OF DISTRICT ADMINISTRATION OFFICE ADDRESS

Ms. Adams next reported that, pursuant to Section 775.036(f), Texas Health and Safety Code, RBAP will schedule the annual publication of the District's administrative office location in the Houston Chronicle for publication by January 31, 2020. A draft copy of the Notice of Administration Office Location is attached hereto. 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 authorize the publication of the Notice of District Administration Office, with such address being that of the District's General Counsel.

AUTHORIZE FILING OF ANNUAL REPORT WITH TEXAS DEPARTMENT OF EMERGENCY MANAGEMENT (THE "TDEM")

Ms. Adams reported that, pursuant to Section 775.083, Texas Health and Safety Code, RBAP will file the District's Annual Report with the TDEM by January 1, 2020. 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 authorize RBAP to file the required Annual Report with the TDEM.

REVIEW 2020 ANNUAL AGENDA

Ms. Adams then distributed the draft 2020 Annual Agenda for the Board's review, a copy of which is attached hereto. 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 proposed 2020 Annual Agenda.

REVIEW TERM SHEETS FOR PROPOSED AMENDMENT TO SERVICE AGREEMENT WITH CCEMS

Ms. Adams stated that she would further review legal matters pertaining to the District's term sheet for the proposed Amendment to the Service Agreement with CCEMS with the Commissioners in Executive Session.

REVIEW OF RECENT PIA REQUESTS AND STATUS OF RESPONSES TO SAME

Ms. Adams next reported that there had been no PIA requests received since the November Board meeting.

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

Ms. Adams then reminded the Board that the next regular meeting is scheduled for Thursday, January 16, 2020, at 9:00 a.m. Ms. Adams noted that the Board had previously agreed to hold regular meetings at the new Bridgestone Municipal Utility District ("Bridgestone") Administration Building, beginning with the December 19<sup>th</sup> Board meeting, if possible, but Bridgestone had not received its certificate of occupancy in time. Ms. Adams stated that her office will confirm whether the Bridgestone Administration Building will be available for the January 16<sup>th</sup> Board meeting and make the necessary arrangements for same.

REVIEW DISTRICT CONSULTANT CONTRACTS AND TAKE NECESSARY ACTIONS ON SAME

There was no discussion on this matter at this time.

All meeting attendees, with the exception of all members of the Board present, Ms. Adams, Ms. Garza and Ms. Christensen exited the meeting at 10:14 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 10:22 p.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. Adams, Ms. Garza and Ms. Christensen.

## RECONVENE IN OPEN SESSION

Commissioner Plummer then reconvened the meeting in open session at approximately 11:40 a.m. at which time no action was taken.

It was the consensus of the Board to schedule a special meeting for Wednesday, January 8, 2020 at 12:00 p.m. at Uncle Julios to further discuss the Term Sheet for the proposed Amendment to the Service Agreement with CCEMS.

## ELECTION AGENDA

Ms. Garza next explained that the 2020 Commissioner's Election will be held on Saturday, May 2, 2020 (the "Election"), and noted that the terms of office of Commissioners Plummer, Pinard and Williams are expiring at such time. Ms. Garza went on to briefly explain the Election process.

A brief discussion ensued regarding possible polling locations and potential election officials should the District have opposed candidates in the election. Ms. Garza went on to explain that RBAP is in the process of reviewing potential polling locations and alternate polling locations, including the polling locations used in the 2018 District election and noted that the Board may further discuss polling locations and voting equipment at the January 16<sup>th</sup> Board meeting. Ms. Christensen also stated that she will begin contacting potential election officials sometime in January.


Ms. Garza next reminded the Board that the District had previously purchased four (4) Electronic Poll Pad Books ("Poll Pads") plus software, from Hart Intercivic ("Hart") for each early voting location so that the early voting machines can communicate and inform Election officials if a voter has previously cast a vote at another early voting location or has cast a ballot by mail. Ms. Garza recommended that the Board consider the purchase of two (2) additional Poll Pads plus software, from Hart, for the two (2) additional Election Day polling locations so that Poll Pads can be used at all Election Day polling places. A brief discussion ensued. 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 proceed with purchasing two (2) additional Poll Pads for use at the additional two (2) Election Day polling locations, including authorizing RBAP to obtain a proposal for the purchase of such Poll Pads.

Ms. Garza went on to report that RBAP is currently coordinating with a company, Runbeck Election Services ("Runbeck"), to obtain a proposal for printing Election ballots, compiling packets for eligible ballot by mail ("BBM") voters and mailing BBM packets to voters. A discussion ensued regarding the BBM process and annual applications for same. Ms. Garza noted that the District's early voting clerk mailed approximately 10,000 BBM packets for the May 2018 election and the District can anticipate at least double such amount for the upcoming Election since it is a Presidential election year.



There being no further business to come before the Board, the meeting was adjourned at 12:01 p.m.

PASSED, APPROVED AND ADOPTED this 16<sup>th</sup> day of January, 2020.

  
Secretary, Board of Commissioners

