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August 25, 2020

Re: Action of Commissioners of Harris County Emergency Service District #11 at August 20, 2020 Regular Board Meeting

Communication made during compromise negotiations about a disputed claim
(Tex. R. Evid. 408)

Regina D. Adams
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Dear Ms. Adams:

This letter from the Board of Directors of Cypress Creek Emergency Medical Services Association transmits, to the Board of Commissioners of Harris County Emergency Service District #11, a proposal in connection with the audit by Danielle Supkis Cheek and Pannell Kerr Forster of Texas (“PKF”).

CCEMS has previously expressed in writing and elsewhere its concern that the scope of the PKF audit exceeds the standards of Section 7.02(B), Contract for Providing Emergency Medical Services. In discussions on the subject at the August 20 Regular Meeting, Commissioner Pinard raised the issue of a nondisclosure agreement or other protection for confidential or proprietary CCEMS information.

CCEMS proposes the following: It will permit Ms. Cheek and PKF full access to review books and records of CCEMS responsive to the 22 categories of information listed in the July 2 letter signed by the Board of Commissioners. PKF will thus have access to the information necessary to perform the demanded examination of CCEMS’ financial information from January 1, 2016 through the current fiscal year. Ms. Cheek and PKF will then be able to provide a written report and analysis to the Commissioners regarding PKF’s review of the CCEMS financial and non-financial documentation and the reconciliation of the District funding cf. CCEMS

expenditures. PKF and Ms. Cheek, however, will be specifically prohibited from releasing or disclosing the underlying data, books, records, and PKF audit working papers to any person except as specifically authorized by CCEMS. This precludes releasing or disclosing copies of the books, records, and audit working papers to Commissioners of Harris County Emergency Service District #11 or the District's attorneys.

Additionally, Ms. Cheek and PKF will be prohibited from viewing or researching any data that does not fall within the parameters of the 22 listed categories of information in the July 2 letter signed by the Board of Commissioners.

Finally, CCEMS reaffirms it will also permit PKF to undertake a physical inventory of District and CCEMS assets, consistent with the position CCEMS has previously taken on this subject.

In exchange, the Board of Commissioners agree that access to the books and records of CCEMS responsive to the 22 listed categories of information, from January 1, 2016 through the current fiscal year and on the terms proposed in this letter, will satisfy:

the motion passed at the June 18, 2020 meeting by which the Board of Commissioners authorized withholding 30% of CCEMS's monthly operation invoices until the District has completed the audit;

the motion passed at the August 20, 2020 meeting by which the Board of Commissioners authorized withholding all further CCEMS's monthly operation invoices after a 30-day period in which CCEMS must provide the requested audit information.

We look forward to hearing from you after consideration of this compromise proposal.

Yours very truly,

/s/ George W. Vie III

cc:

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