

MINUTES OF MEETING OF THE  
BOARD OF COMMISSIONERS

April 6, 2021

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 special session, open to the public, via teleconference, pursuant to the Texas Governor's suspension of certain Texas Open Meetings Act (the "OMA") provisions due to COVID-19, on Tuesday, April 6, 2021, at 11:00 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, except Commissioner Pinard, thus constituting a quorum. Also attending the meeting were: the following District employees: Mr. Douglas Hooten, Executive Director; and Ms. Shirley Ware, Executive Assistant. District consultants in attendance were: Ms. Chris Linn of Myrtle Cruz, Inc., bookkeeper for the District; Ms. Regina D. Adams, Ms. Monica Garza and Ms. Sholeh Abedinzadeh, attorneys, and Ms. Carla Christensen, paralegal, of Radcliffe Bobbitt Adams Polley PLLC ("RBAP"), attorneys for the District; Mr. Brian Trachtenberg and Ms. Anna Phillips of Greathouse Holloway McFadden Trachtenberg, special counsel to the District; and Mr. Zach Karrenbrock of 62 Digital, LLC ("62 Digital"), the District's website service provider and communications coordinator. Also in attendance were: Mr. Wren Nealy, Cypress Creek Emergency Medical Services ("CCEMS") Chief Executive Officer; and Mr. George Vie of Feldman & Feldman, P.C., attorney for CCEMS; members of the public and CCEMS employees who were unable to be identified other than by telephone number.

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 audio recorded by RBAP and 62 Digital for use by the District. The audio of the meeting was also streamed live by 62 Digital on the District's website.

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

PUBLIC COMMENTS

There were no public comments at this time.

REVIEW AND APPROVE PARTIAL PAYMENT OF CCEMS JANUARY AND FEBRUARY 2021 INVOICES

Ms. Adams reminded the Board that, at the special meeting held on April 1, 2021 the Board approved CCEMS' budget proposal for January-August of fiscal year ending ("FYE") December 31, 2021 in the amount of \$10,874,263, paid as \$1,359,283 per month, under protest and duress, and with the stipulation that CCEMS will account for, and report to the Board, its actual costs to operate 19 peak ambulances each month. Ms. Adams then noted the amounts the District previously paid CCEMS at the January 2021 – March 2021 regular Board meetings. The Board reviewed correspondence that RBAP's office received on March 31<sup>st</sup> from Mr. Vie on behalf of CCEMS, a copy of which is attached hereto. The Board then reviewed a spreadsheet summarizing the District's payments to CCEMS for the invoices submitted to the Board in January, February and March 2021, a copy of which is attached hereto.

An extensive discussion ensued regarding whether the CCEMS invoices submitted to the Board each month are for services performed in the prior month or for services performed in the current month. In response to a question from Ms. Adams regarding whether CCEMS can provide the Board with any back-up information related to CCEMS' actual total costs to provide emergency medical services ("EMS") to the District for the months of January and February 2021, Mr. Nealy stated that it was his understanding that he would present the CCEMS back-up information/data at the regular Board meeting on April 15<sup>th</sup>. Ms. Linn noted that, according to her available records since 2018, the District has paid CCEMS each month for services performed in that same month.

Ms. Linn exited the meeting at 11:27 a.m.

Commissioner Plummer then stated that the Board would be going into Executive Session at this time to discuss matters of attorney-client privilege and pending litigation pursuant to Section 551.071, Texas Government Code regarding this agenda item and related matters.

All meeting attendees, with the exception of all members of the Board present, Ms. Adams, Ms. Garza, Ms. Abedinzadeh, Ms. Christensen, Mr. Trachtenberg, Ms. Phillips and Mr. Hooten exited the meeting at 11:28 a.m.

Pursuant to the provisions of the Texas Open Meetings Act, Chapter 551, Texas Government Code, as amended, specifically Section 551.071 regarding matters of attorney-client privilege and pending litigation, Commissioner Plummer convened the Board in Executive Session at 11:29 a.m., to deliberate matters related to payment to CCEMS as it relates to *Cypress Creek Emergency Medical Services vs. the District, et al.* The persons present in the Executive Session at various times were Commissioners Plummer, Williams, Pinard, Grundmeyer and Brost, Ms. Adams, Ms. Garza, Ms. Abedinzadeh, Ms. Christensen, Mr. Trachtenberg, Ms. Phillips and Mr. Hooten.

RECONVENE IN OPEN SESSION

All meeting attendees still present re-entered the meeting at 12:10 p.m.

Commissioner Plummer then reconvened the meeting in open session at approximately 12:11 p.m.

Ms. Adams stated that, based on some brief research, the District was billed by CCEMS and paid CCEMS 12 payments in the amount of \$1,325,000 per month (less requisite withheld amounts) from January through December 2020, which was based on the approved CCEMS budget for FYE December 31, 2020, which means the District paid CCEMS for services during the then-current month.

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 payment to CCEMS in the amount of \$752,849 via wire with the Board's electronic signatures for remainder due for services rendered in January through March 2021 under protest and duress and subject to future adjustments upon the District's receipt of information and data sufficient to establish CCEMS' entitlement to such amounts from CCEMS at least seven (7) days in advance of the next meeting.

There being no further business to come before the Board, the meeting was adjourned at 12:16 p.m.

PASSED, APPROVED AND ADOPTED this 20<sup>th</sup> day of May 2021.

  
Secretary, Board of Commissioners

