

MINUTES OF MEETING OF THE
BOARD OF COMMISSIONERS

July 8, 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, at the District's Administration Building, 18334 Stuebner Airline Road, Spring, Texas 77379, a meeting place inside the boundaries of the District, on Thursday, July 8, 2021, 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, except Commissioner Pinard, thus constituting a quorum. Also attending the meeting were: the following District employees: Mr. Douglas Hooten, Chief Executive Officer ("CEO"); Mr. James Chebra, Chief Operations Officer; Mr. Rob Farmer, Chief Administrative Officer; Mr. Dave Snavely, Chief Financial Officer ("CFO"); Ms. Shirley Ware, Executive Assistant; Mr. Jerry Thomas, Community Engagement Manager; and Mr. Xavier De La Rosa, Chief Clinical Officer. District consultants in attendance were: Ms. Regina D. Adams, Ms. Monica Garza (via teleconference) and Ms. Sholeh Abedinzadeh, attorneys, and Ms. Carla Christensen, paralegal, of Radcliffe Bobbitt Adams Polley PLLC ("RBAP"), attorney for the District; Mr. Brian Trachtenberg and Ms. Anna Phillips of Greathouse Holloway McFadden Trachtenberg, special counsel to the District; and Messrs. Zach Karrenbrock and Grant McAnelley of 62 Digital, LLC ("62 Digital"), the District's communications coordinator. Also in attendance were: Mr. Dave Billings, member of the Cypress Creek Emergency Medical Services ("CCEMS") Board of Directors; Mr. George Vie of Feldman & Feldman, P.C., attorney for CCEMS; and members of the public and CCEMS employees. A copy of the sign-in sheet is attached hereto.

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 an employee of CCEMS for use by CCEMS and by 62 Digital for use by the District. 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.

ADMINISTRATION, DISPATCH AND LOGISTICS FACILITIES REPORT, INCLUDING STATUS OF CONSTRUCTION OF PHASE I REDEVELOPMENT OF DISTRICT ADMINISTRATION PROPERTY ("PHASE I PROJECT"), APPROVE CONSTRUCTION PAY APPLICATIONS/CHANGE ORDERS AND TAKE NECESSARY ACTION ON SAME

Mr. Hooten reported that J.E. Dunn Construction Co. continues construction of the Phase I Project.

Ms. Adams, Ms. Phillips and Mr. Trachtenberg entered the meeting at this time.

CEO AND DISTRICT ADMINISTRATION REPORT, INCLUDING

STATUS OF HIRING FOR VARIOUS OPEN EMPLOYMENT POSITIONS

Mr. Hooten went on to report on the status of hiring for open employment positions. Mr. Hooten noted that five (5) new District employees were hired since the last Board meeting. Mr. Hooten then reported that he and the District's Executive Staff continue to conduct interviews for the middle-management and emergency medical technicians and paramedic positions. Mr. Hooten noted that new employee orientation and training will commence on July 12th.

Mr. Hooten next reported on the virtual town hall meeting on July 7th. Mr. Hooten also stated that the District's next podcast regarding deployment of ambulances will be released July 9th.

STATUS OF ESTABLISHING THE NECESSARY VENDOR ACCOUNTS FOR DISTRICT ADMINISTRATION PURPOSES

Mr. Hooten reported that he continues to coordinate with various vendors to establish the necessary District accounts.

STATUS OF MEDICAID PROVIDER ENROLLMENT

Mr. Hooten then stated that the District previously received its Texas Department of State Health Services emergency medical services ("EMS") Provider license, is enrolled as a Medicare provider and had submitted its application to enroll as a Medicaid provider. Mr. Hooten stated that he anticipates approval of the Medicaid application later in the month.

STATUS OF FIRST RESPONDER ORGANIZATION ("FRO") AND PROVIDER AGREEMENT FOR USE WITH OVERLAPPING FROS AND TAKE NECESSARY ACTION ON SAME

Mr. Hooten reported that the form FRO and Provider Agreement, which was previously approved by the Board, has not yet been returned with comments.

REVIEW AND APPROVE DISTRICT STAFF IMMUNIZATION POLICY

Mr. Hooten then presented to and reviewed with the Board the proposed District Staff Immunization Policy, a copy of which is attached hereto. A discussion ensued. Ms. Adams noted that her office has reviewed the proposed Immunization Policy and provided comments on same.

Upon motion by Commissioner Williams, seconded by Commissioner Brost, after full discussion and the question being put to the Board, the Board voted unanimously to adopt the District Staff Immunization Policy.

REVIEW AND APPROVE AMENDED DISTRICT PURCHASING POLICY

Mr. Hooten next presented to and reviewed with the Board the proposed Amended District Purchasing Policy, a copy of which is attached hereto. A discussion ensued. Ms. Adams noted that her office reviewed the proposed Amended District Purchasing Policy and provided comments on same.

Upon motion by Commissioner Williams, seconded by Commissioner Brost, after full discussion and the question being put to the Board, the Board voted unanimously to adopt the Amended District Purchasing Policy.

APPROVE SERVICE AGREEMENT WITH TEXAS DEPARTMENT OF INFORMATION RESOURCES (THE "DIR") COMMUNICATIONS TECHNOLOGY SERVICES DIVISION

Mr. Hooten then presented to and reviewed with the Board the proposed Service Agreement with the DIR Communications Technology Services Division for with the DIR's provision of connectivity to the District through various transmission methods to the TEX-AN network for specific communication services (i.e. video, voice, routed data, internet), a copy of which is attached hereto. A discussion ensued. Ms. Adams noted that her office has reviewed the Service Agreement with the DIR Communications Technology Services Division.

Upon motion by Commissioner Williams, seconded by Commissioner Brost, after full discussion and the question being put to the Board, the Board voted unanimously to approve and authorize execution of the Service Agreement with the DIR Communications Technology Services Division by Mr. Hooten.

APPROVE FORM OF MUTUAL AID AGREEMENT WITH OTHER FROS AND AUTHORIZE CEO TO ENTER INTO SAME AS NECESSARY

Mr. Hooten went on to present and review with the Board the proposed form of the Mutual Aid Agreement to be utilized with other FROs, a copy of which is attached hereto. A discussion ensued. Ms. Adams noted that her office reviewed and commented on such form.

Upon motion by Commissioner Williams, seconded by Commissioner Brost, after full discussion and the question being put to the Board, the Board voted unanimously to approve the form of the Mutual Aid Agreement and authorize execution of such Mutual Aid Agreements by the CEO, as necessary.

REVIEW AND APPROVE PURCHASE ORDERS AND AGREEMENTS FOR VEHICLES, SUPPLIES, FURNITURE, FIXTURES AND EQUIPMENT AND SERVICES FOR THE DISTRICT, INCLUDING:

MOBILE DEVICE MANAGEMENT SOFTWARE FROM OPTIMUM COMPUTER SOLUTIONS, INC. ("OCS")

Mr. Hooten then reviewed with the Board a summary regarding the District's need for mobile devices and mobile device management ("MDM") software and a proposal from OCS for the purchase of MDM, copies of which are attached hereto. Mr. Hooten noted that the District is purchasing 200 mobile devices through the DIR and will need to procure the necessary MDM software for such devices. A discussion ensued. Mr. Hooten noted that his office has not yet secured an agreement from OCS for the purchase of the MDM.

Upon motion by Commissioner Williams, seconded by Commissioner Brost, after full discussion and the question being put to the Board, the Board voted unanimously to accept the proposal from OCS for the purchase of MDM software for an annual cost of \$6,390.00 and authorize the CEO to execute a Service Agreement with OCS for same, subject to final review of the Service Agreement by RBAP.

BACKUP INTERNET APPLIANCES FROM ACCESS WIRELESS DATA SOLUTIONS ("AWDS")

Mr. Hooten next reviewed with the Board a proposal and cost estimate from AWDS for the purchase of backup internet service appliances, copies of which are attached hereto. A discussion ensued. Mr. Hooten stated that the proposal from AWDS is for the purchase of four (4) cellular modems and one (1) antenna box for a cost of \$6,623.16.

Upon motion by Commissioner Williams, seconded by Commissioner Brost, after full discussion and the question being put to the Board, the Board voted unanimously to accept the proposal and authorize payment to AWDS in the amount of \$6,623.16 for the purchase of the backup internet service appliances.

GEOGRAPHIC INFORMATION SYSTEM ("GIS") SOFTWARE FROM ENVIRONMENTAL SYSTEMS RESEARCH INSTITUTE, INC. ("ESRI"), A SOLE SERVICE PROVIDER

Mr. Hooten went on to present to and review with the Board the Master Agreement (the "GIS Agreement"), sole source letter and cost estimate for purchase of GIS software from ESRI, copies of which are attached hereto. A discussion ensued. Ms. Adams stated that her office reviewed and had no revisions to the GIS Agreement to ESRI.

Upon motion by Commissioner Williams, seconded by Commissioner Brost, after full discussion and the question being put to the Board, the Board voted unanimously to approve and authorize execution of the GIS Agreement with ESRI and authorize payment to ESRI in the amount of \$20,800.00 for purchase and maintenance of the GIS software.

RACK SPACE AND DATA CIRCUITS FOR RADIO SYSTEM CORE AND REMOTE BACKUP TO THE RADIO SYSTEM:

Mr. Hooten then presented to and reviewed with the Board an executive summary in connection with the necessary components (i.e. co-location/space and electricity, dedicated connection and internet connection) for the radio communication back-up system, a copy of which is attached hereto.

AGREEMENT TO HOUSE THE BACKUP EQUIPMENT FOR HARRIS COUNTY RADIO SYSTEM WITH TRG DATACENTERS ("TRG")

Mr. Hooten then presented to and reviewed with the Board the Master Services Agreement ("MSA") with TRG (the "TRG MSA") and the cost estimate to house the back-up equipment for the Harris County Radio System from TRG, copies of which are attached hereto. A discussion ensued. Ms. Adams stated that her office is in the process of reviewing the proposed TRG MSA.

Upon motion by Commissioner Williams, seconded by Commissioner Brost, after full discussion and the question being put to the Board, the Board voted unanimously to approve and authorize execution of the TRG MSA and authorize payment to TRG in the amount of \$639.00 per month, plus a one-time set up fee of \$900.00, to house the backup equipment for the Harris County Radio System, subject to final review of the TRG MSA by RBAP.

AGREEMENT TO PROVIDE CONNECTIVITY BETWEEN ADMINISTRATIVE BUILDING AND TRG WITH PS LIGHTWAVE ("PS LIGHTWAVE AGREEMENT")

Mr. Hooten went on to present and review with the Board the PS Lightwave Agreement and monthly cost estimate to provide connectivity to the equipment to be housed at TRG, copies of which are attached hereto. A discussion ensued. Ms. Adams stated that her office is in the process of reviewing the proposed PS Lightwave Agreement.

Upon motion by Commissioner Williams, seconded by Commissioner Brost, after full discussion and the question being put to the Board, the Board voted unanimously to approve and authorize execution of the PS Lightwave Agreement and authorize payment to PS Lightwave in the amount of \$496.00 per month, plus a one-time set up fee of \$300.00, for connectivity between the District's Administration Building and TRG, subject to final review of the PS Lightwave Agreement by RBAP.

AGREEMENT TO PROVIDE INTERNET ACCESS FOR FIELD CREWS TO USE TO BACKUP HARRIS COUNTY RADIO SYSTEM WITH NETDEPOT ("NETDEPOT MSA")

Mr. Hooten next presented to and reviewed with the Board the NetDepot MSA and monthly cost estimate to provide internet access for field crews, copies of which are attached hereto. A discussion ensued. Ms. Adams stated that her office is in the process of reviewing the proposed NetDepot MSA.

Upon motion by Commissioner Williams, seconded by Commissioner Brost, after full discussion and the question being put to the Board, the Board voted unanimously to approve and authorize execution of the NetDepot MSA and authorize payment to NetDepot in the amount of

\$250.00 per month, plus a one-time set up fee of \$150.00, for internet access for field crews, subject to final review of the NetDepot MSA by RBAP.

AGREEMENT TO PROVIDE CONNECTION TO THE BACKUP RADIO SYSTEM AND MUTUAL AID COMMUNICATIONS WITH ICTX ("ICTX MSA")

Mr. Hooten next presented to and reviewed with the Board the ICTX MSA, Supplement for same and monthly cost estimate to provide connection to the backup radio system and mutual aid communications, copies of which are attached hereto. A discussion ensued. Ms. Adams stated that her office reviewed the proposed ICTX MSA and Supplement and provided comments on same.

Upon motion by Commissioner Williams, seconded by Commissioner Brost, after full discussion and the question being put to the Board, the Board voted unanimously to approve and authorize execution of the ICTX MSA and Supplement and authorize payment to ICTX in the amount of \$500.00 per month, plus a one-time set up fee of \$2,950.00, for connection to the backup radio system and mutual aid communications.

DATA CENTER ROUTER FROM PARANET SOLUTIONS ("PARANET")

Mr. Hooten then presented to and reviewed with the Board a proposal from CDW-Government, LLC ("CDW-G") via Paraneet for the purchase of a data center router, a copy of which is attached hereto. A discussion ensued.

Upon motion by Commissioner Williams, seconded by Commissioner Brost, after full discussion and the question being put to the Board, the Board voted unanimously to accept the proposal from CDW-G via Paraneet and authorize payment to CDW-G for an amount not to exceed \$2,500.00 for the purchase of the data center router.

CONSOLE SUBSYSTEM INTERFACE ("CSSI") TALKPATHS AND LICENSE TO TACTICAL EMERGENCY CASUALTY CARE FROM DAILEY & WELLS COMMUNICATIONS, INC. ("DAILEY & WELLS")

Mr. Hooten then requested that the Board table action on the purchase of CSSI talkpaths from Dailey & Wells.

STATION COMPUTERS, MONITORS AND ROUTERS FROM PARANET

Mr. Hooten then presented to and reviewed with the Board a proposal from CDW-G via Paraneet and purchase order for station computers, monitors and routers, copies of which are attached hereto. A discussion ensued.

Upon motion by Commissioner Williams, seconded by Commissioner Brost, after full discussion and the question being put to the Board, the Board voted unanimously to accept the proposal from CDW-G via Paraneet and authorize payment to CDW-G in an amount not to exceed \$38,000.00 for the purchase of station computers, monitors and routers to equip 11 locations.

FORD EXPEDITIONS FROM CHASTANG FORD

Mr. Hooten went on to present to and review with the Board a proposal from Chastang Ford and purchase order for three (3) 2020 Ford Expeditions, copies of which are attached hereto. A discussion ensued.

Upon motion by Commissioner Williams, seconded by Commissioner Brost, after full discussion and the question being put to the Board, the Board voted unanimously to accept the proposal from Chastang Ford and authorize payment to Chastang Ford in the amount of \$216,447.00 for the purchase of three (3) 2020 Ford Expeditions procured through BuyBoard purchasing cooperative.

EMERGENCY SERVICES SOFTWARE FROM FIRST WATCH, INC. ("FIRST WATCH")

Mr. Hooten then presented to and reviewed with the Board a summary of First Watch's "FirstPass" software suite and cost estimate for same, copies of which are attached hereto. A discussion ensued. Mr. Hooten stated that he is coordinating with First Watch and Harris County Emergency Corps regarding the District's purchase of the First Watch software suite and license for same and a related cost-sharing agreement.

CFO'S REPORT, INCLUDING:

APPROVE PAYMENT OF BILLS AND ISSUANCE OF CHECKS

Mr. Snavelly then presented to and reviewed with the Board a list of checks and related invoices being presented for payment, copies of which are attached hereto. Mr. Snavelly went on to report that he anticipates that all District bank accounts will be transferred from Myrtle Cruz, Inc. (the "Bookkeeper" or "MCI") to the District in the next few days.

Mr. Snavelly next reported that the District's current depository bank, BBVA, informed him that three (3) fraudulent checks were attempted to be cashed on the District's account yesterday.

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 payment of the bills as submitted.

STATUS OF DISTRICT'S BANK ACCOUNTS AND TAKE NECESSARY ACTIONS ON SAME

Mr. Snavelly next reported that he is coordinating with MCI regarding the District's depository bank, BBVA, due to its recent merger with PNC Financial. Mr. Snavelly reminded the Board that BBVA had previously informed MCI that it will no longer be providing the investment of public funds. Mr. Snavelly stated that MCI is currently researching other bank options for the investment of public funds and the collateralization of same. A discussion ensued.

STATUS OF SECOND PHASE OF SPECIAL DISTRICT EXAMINATION BY PANNELL KERR FORSTER OF TEXAS, P.C. ("PKF"), RELATED TO: A) RECONCILIATION OF DISTRICT FUNDING VS. CCEMS EXPENDITURES; B) PHYSICAL INVENTORY OF DISTRICT AND CCEMS ASSETS; AND C) CONCLUSIONS FROM HSSK, LLC REPORT (THE "PKF REPORT")

Mr. Trachtenberg next reminded the Board that the second (2nd) phase of the PKF Report entails a more in-depth review of additional CCEMS financial documents and Koronis billing records to further identify discrepancies and quantify the related amounts of over and/or under payments by the District to CCEMS. Mr. Trachtenberg went on to state that PKF has continued to make requests to CCEMS, through correspondence to Mr. Vie, for access to additional financial records and explanations as well as responses to outstanding requests. Mr. Trachtenberg reported that PKF continues to be frustrated with CCEMS regarding the flow of responsive information and lack of direct answers or responses. Mr. Trachtenberg stated that on July 1st, PKF requested a response(s) from CCEMS to all of the outstanding requests for financial records and explanations by July 15th. Mr. Vie then reported that he is currently meeting with the appropriate CCEMS personnel to obtain and forward the requested information to PKF.

REVIEW AND DISCUSS FINANCIAL AND OPERATIONAL MATTERS RELATED TO CCEMS, INCLUDING:

RECEIVE CCEMS AUDIT FOR FISCAL YEAR ENDED ("FYE") DECEMBER 31, 2020

Regarding the status of the CCEMS audit for FYE December 31, 2020, Mr. Vie reported that CCEMS anticipates receipt of its FYE 2020 Audit by mid to late July.

INVESTIGATION OF CCEMS MAINTENANCE FACILITY AND EMPLOYEES RELATED THERETO

Mr. Vie stated that there is no update on the CCEMS Maintenance Facility investigation. Mr. Vie went on to state that, as requested, he provided Ms. Adams with the contact information for the Harris County District Attorney's Office investigator handling the CCEMS Maintenance Facility investigation.

STATUS OF TRANSITIONAL MATTERS

In response to a question from Commissioner Brost regarding District-owned assets, Mr. Hooten reported that he is coordinating with CCEMS and its CEO, Mr. Wren Nealy, regarding the expected timeline for returning District-owned assets (i.e. ambulances and related equipment) to the District as soon as possible after September 1st.

Ms. Garza entered the meeting at this time.

ATTORNEY'S REPORT, INCLUDING:

REVIEW PROPOSALS FROM ELECTION SYSTEMS AND SOFTWARE ("ES&S") AND HART INTERCIVIC ("HART") FOR PURCHASE OF ELECTION EQUIPMENT AND TAKE NECESSARY ACTIONS ON SAME

Ms. Adams and Ms. Garza then presented to and reviewed with the Board three (3) proposals from ES&S and five (5) proposals (one (1) being for the purchase of four (4) additional electronic poll pads) from Hart for the purchase of new election equipment, copies of which are attached hereto. An extensive 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 three (3) votes in favor and one (1) in abstention with Commissioner Grundmeyer abstaining, to accept the following proposals from Hart: 1) quote no. 00008306 for purchase of four (4) Poll Pads for \$5,965.00 plus annual license/support fees of \$500.00; and 2) quote no. 00008301 for the purchase of 13 Verity Duo ballot marking devices and four (4) digital ballot scanners for \$114,481.00.

STATUS OF SECOND PHASE OF SPECIAL DISTRICT EXAMINATION BY PKF, RELATED TO THE PKF REPORT)

REVIEW MATTERS RELATED TO SERVICE AGREEMENT WITH CCEMS, INCLUDING STATUS OF *CCEMS VS. THE DISTRICT, ET AL* (THE "CCEMS LITIGATION") AND TAKE NECESSARY ACTION REGARDING SAME

REVIEW AND TAKE ANY NECESSARY ACTIONS ON FINANCIAL AND OPERATIONAL MATTERS RELATED TO CCEMS

REVIEW RECENT PUBLIC INFORMATION ACT ("PIA") REQUESTS AND STATUS OF RESPONSES TO SAME AND *DISTRICT VS. KEN PAXTON* (THE "PIA LITIGATION")

Commissioner Plummer then stated that the Board would be going into Executive Session at this time on these items to discuss matters of attorney-client privilege and pending or contemplated litigation as it relates to the PKF Report, the CCEMS Litigation and the PIA Litigation pursuant to Section 551.071, Texas Government Code.

All meeting attendees, with the exception of all members of the Board present, Ms. Adams, Ms. Garza (via teleconference), Ms. Abedinzadeh, Ms. Christensen, Mr. Trachtenberg, Ms. Phillips and Mr. Hooten exited the meeting at 10:00 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 or contemplated litigation, Commissioner Plummer convened the Board in Executive Session at 10:04 a.m., regarding the PKF Report, the CCEMS Litigation and the PIA Litigation. The persons present in the Executive Session at various times were Commissioners Plummer, Williams, Grundmeyer and Brost, Ms. Adams, Ms. Garza (via teleconference), 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 11:17 a.m.

Commissioner Plummer then reconvened the meeting in open session at approximately 11:19 a.m. at which time no action was taken by the Board.

There being no further business to come before the Board, the meeting was adjourned at 11:20 a.m.

PASSED, APPROVED AND ADOPTED this 19th day of August 2021.




Secretary, Board of Commissioners