

MINUTES OF MEETING OF THE  
BOARD OF COMMISSIONERS

February 27, 2020

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 Bridgestone Municipal Utility District Operations and Water Education Center (the "Bridgestone Administrative Building"), 19720 Kuykendahl Road, Spring, Texas 77379, a meeting place inside the boundaries of the District, on Thursday, February 27, 2020, at 6:30 p.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: Messrs. Bob Schmanski and Richard Lieder, residents of 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; 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; and Mr. Brian Trachtenberg and Ms. Anna Phillips of Greathouse Holloway McFadden Trachtenberg. In addition, the following representatives of Cypress Creek Emergency Medical Services ("CCEMS") were in attendance: Messrs. Ruben Gonzales and Dave Billings, members of the CCEMS Board of Directors; Mr. Brad England, CCEMS 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.

After a 30-second moment of silence for prayer and reflection, the Board conducted the Pledge of Allegiance to the United States' Flag.

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 special meeting of January 8, 2020 and regular meeting of January 16, 2020. Upon motion by Commissioner Brost, seconded by Commissioner Pinard, after full discussion and the question being put to the Board, the Board voted unanimously to approve the minutes of the special meeting of January 8, 2020 and regular meeting of January 16, 2020, as prepared, and the certified agendas for same.

## UPDATE ON COMPREHENSIVE REVIEW REPORT PREPARED BY MUNICIPAL INFORMATION SERVICES (RON WELCH)

Commissioner Plummer reminded the Board that Mr. Ron Welch previously presented to and reviewed with the Board a draft of the Annual Comprehensive Review Report for December 2019, a copy of which can be found in the District's files. The Commissioners indicated they had no questions for Mr. Welch.

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

Ms. Adams stated that she received a request from a couple of Commissioners for the Board to consider amending the Resolution Adopting the District Reimbursement Policy in order to allow the Commissioners to receive a fee of office for each day that the Commissioner spends performing the duties of Commissioner. After a brief discussion, the Board agreed to consider such matter at the March 19<sup>th</sup> meeting.

There was no additional report on the District's administrative and operational policies.

Commissioner Williams entered 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 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 intersections. Commissioner Brost stated that he has provided a new invoice from GTT to the Bookkeeper for payment. After a brief discussion, Commissioner Brost stated that he will coordinate with Mr. Russell to ensure payment of the recent GTT invoice prior to the March 19<sup>th</sup> Board meeting.

## STATUS OF INDEPENDENT AUDIT OF HSSK, LLC ("HSSK") REPORT FOR FISCAL YEAR ENDED ("FYE") DECEMBER 31, 2017 (THE "HSSK FORENSIC REPORT") AND CCEMS FINANCIALS, CONTROLS, POLICIES AND PROCEDURES

Mr. England stated that Houston Financial Forensics, LLC 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 is expected to be completed by June 2020.

REVIEW AND TAKE ANY NECESSARY ACTIONS ON MONTHLY OPERATIONS AND FINANCIAL REPORT FROM CCEMS, INCLUDING CONSIDERATION OF MONTHLY OPERATIONS FUNDING REQUESTS, CAPITAL FUNDING REQUESTS, CCEMS PERSONNEL MANPOWER REPORT, EXECUTIVE DIRECTOR'S ANNUAL REPORT AND CCEMS ANNUAL PERFORMANCE REVIEWS AND PLAN

Mr. England 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 January 2020, copies of which are attached hereto. Mr. England reported that during the month of January there were 2,722 transports, nine (9) Life Flight transports and that 22% of the calls made during the month were "no transports." Mr. England went on to report that during the month of January, CCEMS received 48 mutual aid assists and provided 49 mutual aid assists outside of CCEMS' boundaries.

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

Mr. England then reported that McGraph Consulting Group, Inc. ("McGraph") has finalized and provided the updated Operational Assessment Report/Handbook to CCEMS. Mr. England stated that, in response to such Report, CCEMS is implementing new operational procedures.

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

Mr. England then presented to the Board the adopted amended CCEMS budget for FYE December 31, 2020, a copy of which is attached hereto.

Mr. England then reported that CCEMS continues to coordinate with representatives of the Ponderosa Fire Department and other fire departments within the District regarding future plans for fire stations and ambulance bays. A discussion ensued regarding the increasing demand for additional ambulances within the District. Mr. England went on to report that CCEMS hopes to have two (2) additional floater/12-hour shift ambulances in operation in the near future.

At this time, Mr. England presented to and reviewed with the Board the Executive Director's Annual Report, which includes the following items: 1) the Annual Performance Review and Planning Report for the years 2014 through 2019; and 2) CCEMS' 2019 Annual Manpower Report, copies of which are attached hereto.

Mr. England next reviewed with the Board a comparison summary of statistics related to CCEMS dispatch calls, life flight calls, response times and students taught in 2010 versus 2019. Mr. England stated that CCEMS calls increased from 30,342 in 2010 to 44,997 in 2019, while CCEMS response times decreased from eight (8) minutes and 49 seconds in 2010 to eight (8) minutes and 26 seconds in 2019.

An extensive discussion ensued regarding "actual" response times versus the reported average response times, especially in the far northern areas of the District. Commissioner Brost stated that he has been contacted by the chiefs of some of the fire departments within the District regarding the necessity to reduce high ambulance response times and placement of additional ambulances in operation. Mr. England stated he provided the CCEMS 8 minute and 10 minute coverage areas per census tract, per Commissioner Brost's request, Mr. Brost stated that was not the information he requested. Commissioner Brost agreed to provide his request, in writing, to Mr. England for specific

response time information/reports, to be provided to the Board monthly for review. After additional discussion, Mr. England noted that it would take approximately three (3) months to obtain the necessary vehicle, staff and supplies to place one (1) additional ambulance into operation. A discussion ensued regarding the District's payment for medical supplies and the use of such supplies by EMTs. Commissioner Brost noted that CCEMS needs to ensure that the medical supplies purchased by the District are being utilized by the District's ambulances and not being commingled with the medical supplies provided to and paid for by the fire departments. Mr. England stated that CCEMS receives reimbursement from the fire departments within the District's boundaries for the medical supplies. Mr. England noted that the District pays for the medical supplies. In response to a question from Commissioner Brost, Mr. England reported that the ambulances and stretchers are equipped with the mechanisms to auto-load patients into the ambulance, but the ambulances are not currently equipped with auto-loading stretchers. Mr. England explained that it would cost between \$25,000 and \$50,000 to equip each ambulance with an auto-loader.

#### STATUS OF INVESTIGATION OF CCEMS MAINTENANCE FACILITY AND EMPLOYEES RELATED THERETO

Mr. England stated that the CCEMS forensic investigation report has been provided to the Harris County Sheriff's Office ("HCSO") earlier in the day. In response to a question, Mr. England stated that he does not have a case/file number from the HCSO regarding the criminal investigation. Mr. England went on to explain that, upon originally reporting possible criminal activity by CCEMS maintenance facility employee(s), HCSO recommended CCEMS hire a forensic specialist to investigate the matter. Mr. England noted that the forensic specialist has reviewed all of the CCEMS maintenance facility receipts and purchase orders for the last year and the report has been turned over to the HCSO and the Harris County District Attorney for review. Mr. England stated that he would provide additional information relating to the ongoing investigation to the Board in Executive Session.

#### REVIEW AND TAKE ANY NECESSARY ACTIONS ON FINANCIAL MATTERS, INCLUDING FINANCIAL REPORT FROM DISTRICT TREASURER AND BUDGET COMPARISON

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 \$6,747,000 in 2019 property tax revenue and \$984.26 in investment interest. Mr. Russell further reported that all such revenue had been deposited into the District's Operating Account.

#### REVIEW AND DISCUSS POSSIBLE AMENDMENTS TO FISCAL YEAR END DECEMBER 31, 2020 BUDGET (THE "2020 BUDGET")

A discussion ensued regarding the District's 2020 Budget as well as the CCEMS budget for FYE December 31, 2020. It was the consensus of the Board to amend the budgets, if necessary, at the July 2020 meeting.

#### TAX ASSESSOR/COLLECTOR'S REPORT

Ms. Adams then reviewed with the Board the Tax Assessor/Collector's Report for the month of

January, a copy of which is attached hereto. Ms. Adams noted that, as of January 31, 2020, the District had collected 93.24% of its 2019 tax levy.

#### RESOLUTION CONCERNING EXEMPTIONS FROM TAXATION FOR 2020 TAX YEAR

Ms. Adams then explained that pursuant to the Texas Property Tax Code, as amended, the District is authorized to grant exemptions relative to the District's property tax levy. The Board next considered approval of tax exemptions for the 2020 tax year, including homestead exemptions, exemptions for residents 65 years of age and older, and exemptions for disabled residents. Ms. Adams explained that in 2019, the Board did not grant a general residential homestead tax exemption, but granted a homestead exemption of \$50,000 for residents 65 years of age and older or disabled residents.

The Board decided to grant the same exemptions for the 2020 tax year as were granted for the 2019 tax year. 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 Resolution Concerning Exemptions from Taxation for the 2020 Tax Year reflecting a homestead exemption of \$50,000 for residents 65 years of age and older or disabled residents, a copy of which is attached hereto.

#### DISTRICT COMMUNICATIONS REPORT

##### STATUS OF PUBLIC RELATIONS ("PR") ACTIVITIES FROM NRG AND PR COMMITTEE 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 added that, since the District is able to cancel its May 2, 2020 Commissioners Election (the "Election"), he will coordinate with RBAP to post the required notice(s) regarding same on the District's website.

Mr. Johnson went on to report that once the District stickers have been affixed to the requisite ambulances, as approved at the December Board meeting, he would update the website with photographs of same. Mr. England noted that CCEMS is in the process of designing the stickers and the CCEMS Assistant Executive Director, Mr. Wren Nealy, was supposed to coordinate with Commissioner Brost to obtain approval of such design. Commissioner Brost noted that he has not yet been contacted by Mr. Nealy to sign off on the design of the ambulance stickers. Mr. England stated that he would ensure that Commissioner Brost is contacted by Mr. Nealy as soon as possible regarding approval of the ambulance stickers.

##### PRESENTATION OF BRAND RANCH MEDIA FOR WEBSITE AND PR SERVICES AND TAKE NECESSARY ACTIONS ON SAME

There was no presentation at this time.

DISCUSS NRG PR, MARKETING AND REPUTATION MANAGEMENT AGREEMENT AND DIGITAL MARKETING SERVICES/WEBSITE CONTRACT AND TAKE NECESSARY ACTIONS ON SAME

A discussion ensued. In response to a question, Mr. Johnson stated that Ms. Joanna Stratmann is the person on his staff who coordinates with the Board regarding PR Services. Commissioner Pinard requested that Mr. Johnson and Ms. Stratmann coordinate with the PR Committee (Commissioners Pinard and Brost) in the near future regarding sending out pro-active news blasts, preparing and distributing news articles and posting an update regarding the CCEMS maintenance facility investigation.

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 authorize the PR Committee to coordinate with NRG to prepare and distribute news blasts, news articles and an update regarding the CCEMS maintenance facility investigation.

DISCUSS CREATION OF STRATEGIC CAPITAL PLAN AND REVIEW GENERAL AREAS WITHIN THE DISTRICT FOR POTENTIAL ADDITIONAL STATION LOCATIONS AND ACQUISITION OF ADDITIONAL AMBULANCES AND TAKE NECESSARY ACTION ON SAME

An extensive discussion ensued regarding the creation of a strategic capital plan for the District. It was the consensus of the Board to begin meeting with representatives of the fire departments located within the District's boundaries in an effort to plan for the increasing population and determine potential future station locations. Mr. England noted that he recently met with the fire chiefs for the fire departments to discuss the increasing demand for EMS and fire protection services. In response to a question, Mr. England agreed to continue such discussions with the fire chiefs and relay any pertinent information to the Board. A discussion ensued regarding the starting salary for firefighters, EMTs and firefighter/EMTs.

Commissioner Grundmeyer entered the meeting at this time.

Mr. Schmanski and Mr. Lieder both concurred that there is an increasing demand for EMS services. Further discussion ensued.

REVIEW BOARD GOALS FOR 2020 AND TAKE ANY NECESSARY ACTIONS ON SAME

The President noted that the top priority for the Board is putting additional ambulances in operation in an effort to meet the increasing demand and reduce high response times. There was no additional discussion on this matter at this time.

ATTORNEY'S REPORT

ADOPT RESOLUTION DESIGNATING DISTRICT ADMINISTRATIVE OFFICE AND REGULAR MEETING LOCATION(S)

An extensive discussion ensued regarding establishing the District's regular meeting location.

A motion was made by Commissioner Brost to adopt the Resolution Designating District Administrative Office and Regular Meeting Location(s), thereby designating the Bridgestone

Administration Building (19720 Kuykendahl Road, Spring, Texas) as the District's regular meeting location. Commissioner Pinard seconded the motion, after full discussion and the question being put to the Board, the Board voted two (2) votes in favor and three (3) votes opposed, with Commissioners Plummer, Grundmeyer and Williams voting against, the motion failed for lack of a majority vote.

Upon motion by Commissioner Williams, seconded by Commissioner Grundmeyer, after full discussion and the question being put to the Board, the Board voted three (3) votes in favor and two (2) votes opposed, with Commissioners Brost and Pinard opposing, to adopt the Resolution Designating District Administrative Office and Regular Meeting Location(s), thereby designating the CCEMS EMS Educational Center (7111 Five Forks Drive, Spring, Texas) as the District's regular meeting location, a copy of which is attached hereto.

#### REVIEW VARIOUS MATTERS RELATED TO SERVICE AGREEMENT WITH CCEMS AND TAKE ANY NECESSARY ACTIONS ON SAME

Ms. Adams reminded the Board that, on January 9<sup>th</sup>, RBAP transmitted correspondence to CCEMS and Mr. England in care of the CCEMS attorney (via regular and certified mail) in response to CCEMS letters of November 25<sup>th</sup> and 27<sup>th</sup>. Ms. Adams stated that she would further review legal matters pertaining to the District's term sheet for the proposed Amendments to the Service Agreement with CCEMS with the Commissioners in Executive Session.

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

Ms. Adams then reported that Mr. Andrew McKinney of McKinney Taylor, P.C., attorney for CCEMS, contacted her office on January 27, 2020, to request that he be provided with a copy of the documents responsive to his PIA request dated April 30, 2019, for HSSK's working documentation, related communications and back-up information in connection with the findings of the HSSK forensic audit. Ms. Adams explained that her office subsequently provided Mr. McKinney with the responsive documents along with proof that such documentation was originally provided to Mr. McKinney on May 30, 2019.

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

#### ELECTION AGENDA

#### ADOPT ORDER DECLARING UNOPPOSED CANDIDATES ELECTED TO OFFICE AND CANCELLING THE MAY 2, 2020 COMMISSIONERS ELECTION (THE "ORDER CANCELLING")

Ms. Adams then presented the Order Cancelling in connection with the May 2, 2020 Commissioners Election for the Board's approval, a copy of which is attached hereto. Ms. Adams explained that since the candidates to be listed on the ballot for the 2020 Commissioners Election are unopposed, those being Commissioners Plummer, Pinard and Williams, the District is not required to hold the Election.

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 adopt the Order

Cancelling, thereby declaring Commissioners Plummer, Pinard and Williams elected to office for a four (4) year term to expire in May 2024. Ms. Adams noted that a copy of the Order Cancelling would be posted on the District's website and at the polling locations utilized at the May 2018 Commissioners Election, as required by the provisions of the Texas Election Code.

All meeting attendees, with the exception of all members of the Board present, Mr. England, Ms. Adams, Ms. Garza, and Ms. Christensen exited the meeting at 7:40 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 and 551.072, regarding matters of attorney-client privilege and real estate matters, Commissioner Plummer convened the Board in Executive Session at 7:43 p.m., to consult with the District's attorney regarding legal matters pertaining to the proposed Amendment to the Service Agreement with CCEMS and the acquisition of property for additional stations or ambulance bays. The persons present in the executive session were Commissioners Plummer, Grundmeyer, Pinard, Williams and Brost, Mr. England, Ms. Adams, Ms. Garza and Ms. Christensen.

Mr. England exited the Executive Session at 7:57 p.m.

#### RECONVENE IN OPEN SESSION

Commissioner Plummer then reconvened the meeting in open session at approximately 8:30 p.m.

Mr. Russell entered the meeting at this time.

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 action as discussed in Executive Session.

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 hold the March 19<sup>th</sup> meeting (at 9:00 a.m.) at the Bridgestone Municipal Utility District Operations and Water Education Center.

Mr. Trachtenberg and Ms. Phillips exited the meeting at 9:42 p.m.

Upon motion by Commissioner Williams, seconded by Commissioner Plummer, after full discussion and the question being put to the Board, the Board voted unanimously to authorize the Exploratory Committee (Commissioners Brost and Pinard) to begin negotiations with the fire departments or any other entities within the District's boundaries for the lease of property for additional EMS stations and/or ambulance bays.



## MONTHLY OPERATIONS AND FINANCIAL REPORT FROM CCEMS (CONTINUED)

Upon motion by Commissioner Williams, 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 to authorize the CCEMS operations payment in the amount of \$1,208,500 (\$1,325,000 minus \$116,500 for medical supplies) for the month of February and authorize Radcliffe Bobbitt Adams Polley to send correspondence to CCEMS on the District's behalf explaining the Board's decision. It was noted by the Commissioners that the payment does cover the salary and benefit commitments of the District to certain classifications of CCEMS employees.

## FINANCIAL REPORT FROM DISTRICT TREASURER AND BUDGET COMPARISON (CONTINUED)

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 approve the Bookkeeper's Report and authorize payment of the checks reflected therein, including payment to CCEMS in the revised amount of \$1,208,500.

Mr. Russell exited the meeting at 8:39 p.m. and Mr. Trachtenberg and Ms. Phillips entered the meeting at 8:41 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, regarding matters of attorney-client privilege, Commissioner Plummer convened the Board in Executive Session at 8:40 p.m., to consult with the District's attorney regarding legal matters pertaining to the proposed Amendment to the Service Agreement with CCEMS. The persons present in the executive session were Commissioners Plummer, Grundmeyer, Pinard, Williams and Brost, Ms. Adams, Ms. Garza, Ms. Christensen, Mr. Trachtenberg and Ms. Phillips.

Commissioner Pinard exited the meeting at 9:06 p.m.

Commissioner Grundmeyer exited the meeting at 9:15 p.m.

## RECONVENE IN OPEN SESSION

Commissioner Plummer then reconvened the meeting in open session at approximately 9:39 p.m. at which time the following action was taken.

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 action as discussed in Executive Session.

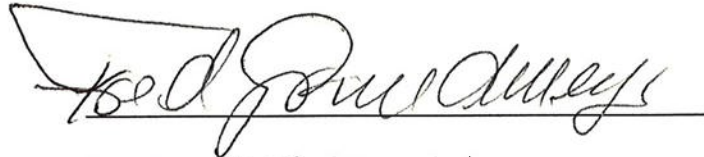
Upon motion by Commissioner Williams, seconded by Commissioner Brost, after full discussion and the question being put to the Board, the Board voted unanimously to hold the March 19<sup>th</sup> meeting (at 9:00 a.m.) at the Bridgestone Municipal Utility District Operations and Water Education Center.

Mr. Trachtenberg and Ms. Phillips exited the meeting at 9:42 p.m.

Upon motion by Commissioner Williams, seconded by Commissioner Plummer, after full discussion and the question being put to the Board, the Board voted unanimously to authorize the Exploratory Committee (Commissioners Brost and Pinard) to begin negotiations with the fire departments or any other entities within the District's boundaries for the lease of property for additional EMS stations and/or ambulance bays.

There being no further business to come before the Board, the meeting was adjourned at 9:50 p.m.

PASSED, APPROVED AND ADOPTED this 19<sup>th</sup> day of March, 2020.



Secretary, Board of Commissioners

