

MINUTES OF MEETING OF THE  
BOARD OF COMMISSIONERS

February 16, 2017

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 regular session, open to the public, at 7111 Five Forks Drive, Spring, Texas 77379, a meeting place inside the boundaries of the District, on Thursday, February 16, 2017, at 9:00 a.m.; whereupon, the roll was called of the members of the Board, to-wit:

Tommy Ripley	President
Karen Plummer	Vice President
Fred Grundmeyer	Secretary
Robert Pinard	Treasurer
Lynn LeBouef	Asst. Treasurer

All members of the Board were present, thus constituting a quorum. Also attending the meeting were: Ms. Robin S. Bobbitt, attorney, and Ms. Carla Christensen, paralegal, of Radcliffe Bobbitt Adams Polley PLLC ("RBAP"), attorneys for the District; Mr. Bill Russell of Myrtle Cruz, Inc. ("MCI"), bookkeeper for the District; the following representatives of the Cypress Creek Emergency Medical Services (the "CCEMS") were in attendance at the meeting: Mr. Ruben Gonzales, President of the CCEMS Board of Directors and Mr. Dave Billings, Director on the CCEMS Board of Directors; Mr. Brad England, Executive Director; and Mr. Norm Uhl, Public Information Officer. Other persons attending the meeting included the following: Mr. Chad Joiner of Joiner Architects, Inc. ("Joiner"), architects for CCEMS Station No. 513 building; Mr. Ricardo Martinez of Martinez Architects ("Martinez"), architects for CCEMS Station No. 52 building; and Mr. Kerry Johnson of NRG Marketing Group ("NRG"), the District's website service provider.

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.

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

APPROVAL OF THE MINUTES

The Board first considered approval of the minutes of the regular meeting of January 19, 2017, the minutes of the special meeting of September 27, 2016, the certified agendas of the regular meetings of November 17, 2016, December 15, 2016 and January 19, 2017 and the certified agenda of the special meeting of September 27, 2016, all previously distributed to the Board. Upon motion by Commissioner LeBouef, seconded by

Commissioner Plummer, after full discussion and the question being put to the Board, the Board voted unanimously to approve the minutes of the regular meeting of January 19, 2017, the minutes of the special meeting of September 27, 2016, the certified agendas of the regular meetings of November 17, 2016, December 15, 2016 and January 19, 2017 and the certified agenda of the special meeting of September 27, 2016, as presented.

#### RESOLUTION CONCERNING EXEMPTIONS FROM TAXATION FOR 2017 TAX YEAR

Ms. Bobbitt 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 2017 tax year, including homestead exemptions, exemptions for residents 65 years of age and older, and exemptions for disabled residents.

Ms. Bobbitt explained that in 2016, the Board did not grant a general residential homestead tax exemption, but granted an exemption of \$50,000 for residents 65 years of age and older and for disabled residents. The Board decided to grant the same exemptions for the 2017 tax year as were granted for the 2016 tax year. Upon motion by Commissioner Plummer, seconded by Commissioner LeBouef, 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 2017 Tax Year reflecting an exemption of \$50,000 for residents 65 years of age and older and for disabled residents, a copy of which is attached hereto.

#### REVIEW AND TAKE NECESSARY ACTION ON MONTHLY OPERATIONS AND FINANCIAL REPORT FROM CCEMS, INCLUDING CONSIDERATION OF MONTHLY OPERATIONS FUNDING REQUEST AND CAPITAL FUNDING REQUESTS

President Ripley next recognized Mr. England, who presented and reviewed with the Board the Executive Director's Report, the monthly CCEMS Operations and Financial Reports, including the operations statistics for the month of January 2017 and the 2017 CCEMS budget comparison, copies of which are attached hereto. Mr. England then briefly reported that during the month of January there had been 2,311 transports, four (4) Life Flight transports, and that 26% of the calls during the month were "no transports." Mr. England added that during January, the CCEMS received 18 mutual aid assists and provided 20 mutual aid assists outside of the CCEMS's boundaries.

Mr. England next reported that Martinez had completed the plans for the new CCEMS Station No. 52 ("Station 52") and that such plans have been approved by the Harris County Permit office. Mr. Martinez added that he anticipates construction on Station 52 to commence in the next few days.

Mr. England then informed the Board that the capital cost of the new radios from Northwest Communications ("NW Communications") for CCEMS ambulances was reduced from \$58,569.50 to \$49,768.20. Mr. England noted that there are no new requests for capital funding from CCEMS being presented at today's meeting.

Mr. England next reported that the CCEMS will be featured on the cover and in an article in the March 2017 edition of the EMS World magazine publication.

Upon motion by Commissioner LeBouef, seconded by Commissioner Plummer, after full discussion and the question being put to the Board, the Board voted unanimously to approve the CCEMS Operations and Financial Report, approve the monthly CCEMS Operations payment in the amount of \$1,162,925 for the month of February.

Mr. Johnson entered the meeting at this time.

PRESENTATION AND REVIEW OF REPORTS FROM CCEMS REQUIRED PURSUANT TO VARIOUS PROVISIONS OF THE CONTRACT FOR PROVIDING EMERGENCY MEDICAL SERVICES BY AND BETWEEN THE DISTRICT AND CCEMS, DATED JUNE 30, 2013 (THE "SERVICE CONTRACT")

Ms. Bobbitt then explained that CCEMS is required to provide certain reports to the District pursuant to the Service Contract. At this time, Mr. England then presented to and reviewed with the Board the Executive Director's Annual Report, which includes the following: the Annual Performance Review and Planning Report for the years 2011 through 2016; the Annual Manpower/Staffing Report for 2016; and the five (5) year Cypress Creek Growth Plan Report, copies of which are attached hereto. Extensive discussion ensued.

Upon motion by Commissioner Plummer, seconded by Commissioner Grundmeyer, after full discussion and the question being put to the Board, the Board voted unanimously to acknowledge and accept the various CCEMS Executive Director's Annual Reports.

REVIEW AND TAKE NECESSARY ACTION ON FINANCIAL MATTERS, INCLUDING FINANCIAL REPORT FROM DISTRICT TREASURER AND BOOKKEEPER

Mr. Russell then presented 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 today's meeting, copies of which are attached hereto.

Mr. Russell reported that during the last month, the District had received \$6,499,728.65 in property tax revenue, \$3,846.82 in penalties and interest and \$889.37 in interest. Mr. Russell added that all such revenue was deposited into the District's Compass Bank Operating Account.

Mr. Russell next reported that, upon Board approval, MCI will wire a payment in the amount of \$71,250 to E-Views Safety Systems, Inc. in connection with the installation of emergency vehicle preemption ("EVP") devices. Mr. Russell noted that the District had budgeted \$150,000 for EVP devices for the current fiscal year ending December 31, 2017.

Mr. Russell then noted that two (2) checks are being voided, including: 1) check number 1055 to Joiner Partnership for \$3,243; and 2) check number 1077 to NW Communications in the amount of \$58,569.50. Mr. Russell added that check number 1078 will be issued at today's meeting in connection with the District's capital payment of \$49,768.20 to NW Communications for purchase of the new ambulance radios.

Mr. Russell went on to report that MCI is researching additional investment options for a portion of the District's 2016 tax revenue.

Upon motion by Commissioner Plummer, seconded by Commissioner Grundmeyer, after full discussion and the question being put to the Board, the Board voted unanimously to approve the Bookkeeper's Reports and to authorize payment of the checks reflected therein.

REVIEW AND DISCUSS PROPOSED ENGAGEMENT OF UBERNOSKY AND MAJERES, PLLC ("UBERNOSKY") FOR PREPARATION OF A RECONCILIATION AUDIT FOR THE FISCAL YEARS ENDING ("FYE") DECEMBER 31, 2015 AND DECEMBER 31, 2016 AND TAKE NECESSARY ACTIONS ON SAME

Ms. Bobbitt next explained to the Board that the District had previously engaged Ubernosky to prepare a reconciliation audit for FYE December 31, 2014 in connection with the review of CCEMS accounts funded through District payments. An extensive discussion ensued regarding the possible engagement of Ubernosky to prepare reconciliation audits for FYE December 31, 2015 and December 31, 2016. Upon motion by Commissioner LeBouef, seconded by Commissioner Plummer, after full discussion and the question being put to the Board, the Board voted unanimously to: 1) authorize RBAP to request proposals from Ubernosky and at least one (1) additional auditing firm for the preparation of reconciliation audits for FYE December 31, 2015 and December 31, 2016; and 2) to appoint Commissioners Ripley and Pinard to the reconciliation audit committee for purposes of reviewing the proposals received and approving one (1) of the proposals.

STATUS OF DISTRICT CONSTRUCTION, IMPROVEMENTS, REPAIRS AND RENOVATIONS TO DISTRICT REAL PROPERTY, STATIONS AND BUILDINGS, INCLUDING LEED CERTIFICATION, CONSTRUCTION PAYMENTS, CHANGE ORDERS AND ENGAGEMENT OF PROFESSIONAL SERVICES AND CONTRACTORS

Mr. Joiner then reminded the Board that all of the necessary LEED documentation had been submitted to the Green Council in late November in connection with obtaining the LEED Certification for the CCEMS Station No. 513 ("Station 513"). Mr. Joiner noted that the Green Council has assigned the Station 513 building with 49 points, which confirms the building's LEED accreditation. Mr. Joiner further stated; however, with the addition of two (2) additional points, the Station 513 building can reach Silver LEED status. Mr. Joiner went on to explain that Silver LEED status can be achieved through an amendment to the CCEMS electricity contract whereby the electric service to the building would be "green energy." Mr. Joiner further explained that the Green Council would increase Station 513 building's LEED status by two (2) points if the building utilized an electricity company that provides at least 30% of its electricity from green energy sources. Mr. England then stated that the CCEMS just recently entered into a three (3) year electricity contract and, at the very least, it would cost the CCEMS an additional \$1,250 per year in electricity costs to switch electric service providers. In response to a question, Ms. Bobbitt stated that to date, she has not found any specific requirement in the District's agreement with the developer, Springwoods Village/Coventry Development ("Coventry") that the Station 513 building be Silver LEED status. Upon motion by Commissioner Plummer, seconded by Commissioner Pinard, after full discussion and the question being put to the Board, the Board voted unanimously to authorize Joiner to request regular LEED certification of the Station 513 building.

Mr. Joiner next reminded the Board that he had been communicating with Mr. Clayton Benedict regarding the correspondence dated November 17, 2016 from Springwoods Village to the District and Harris County Emergency Services District No. 7 ("ESD 7") regarding the re-vegetation plant/tree survey and the costs associated with same as required by Coventry in connection with the construction of Station 513. Mr. Joiner stated that he had informed Mr. Benedict that Coventry had approved the plans for Station 513 and were very involved with Joiner when the land for the project was cleared and trees were tagged for removal. Mr. Joiner stated that he had requested that Coventry reconsider its request that the District pay its portion of the SV Green Community Fund \$200,000 tree removal fee. Mr. Joiner reported that Mr. Benedict had informed him that Springwoods Village is standing firm with their original payment request. Mr. Joiner went on to state that he has provided Ms. Bobbitt with documentation regarding the tree preservation requirements of Springwoods Village. An extensive discussion ensued. Ms. Bobbitt stated that she will make a recommendation to the Board once she has been able to review the District's Construction and Cost Sharing Agreement with ESD 7 and the related Purchase and Sale Agreement between ESD 7 and Springwoods Realty Company in connection with the construction of Station 513 (and the fire station within the boundaries of ESD 7).

Mr. England then reported that he had received a request from the Chief of the Spring Fire Department for the installation of an EVP device at the traffic signal located in front of Station 513. After a brief discussion, the Board informed Mr. England that such request should be sent to the District's EVP Device Committee (Commissioners Plummer and Grundmeyer and Mr. Rich Jones) for consideration.

REVIEW, DISCUSS AND TAKE ACTION ON MISCELLANEOUS MEDIA MATTERS, INCLUDING UPDATE BY NRG ON STATUS OF DISTRICT'S WEBSITE, CREATION OF A DISTRICT LOGO AND POLICIES AND PROCEDURES FOR USE OF SOCIAL MEDIA

Mr. Johnson then reported that he had received all of the necessary files and domain authorizations from the District's previous website provider. Mr. Johnson went on to report that he has transferred the website information and re-routed the links from the District's old website domain to the current domain. Mr. Johnson added that the District's website, <http://www.esd11.com>, is now current and up and running.

Mr. Johnson next reported that he has been coordinating with Commissioner Plummer to transfer control of the District's Facebook page to NRG for updating, necessary maintenance and handling of future postings. An extensive discussion ensued in connection with the viability of the District having a Facebook page. Mr. Johnson inquired whether the District would like to disable the ability for viewers to provide comments on the District's Facebook page. After additional discussion, it was the consensus of the Board that the District's Facebook page will only be utilized for publication of District news and information and, therefore, authorized NRG to disable commenting on the District's Facebook page.

A brief discussion next ensued regarding Board meeting protocols, District policies and the appropriate procedures for posting District-related information on the District's website and the appropriate use of Facebook and other social media for providing information about the District. Ms. Bobbitt stated that she will include an item on a future meeting agenda for the Board to further discuss the proposed adoption of District policies and procedures relating to the District's website and use of social media.

A discussion then ensued regarding the creation of a District logo. Commissioner Pinard volunteered to have a District logo designed. Upon motion by duly made and seconded, after full discussion and the question being put to the Board, the Board voted unanimously to authorize Commissioner Pinard to have the District logo designed at a cost not to exceed \$200.

DISCUSS PROPOSED ESTABLISHMENT AND IMPLEMENTATION OF DISTRICT/BOARD GOALS FOR 2017 AND TAKE ANY NECESSARY ACTIONS ON SAME

Commissioner Ripley then discussed the proposed establishment of goals for the District and Board for 2017, including: 1) continuing education (i.e. attendance at Safe-D Conference or online seminar); 2) Board representation/attendance at the monthly CCEMS meetings; and 3) touring the District's EMS stations and other EMS facilities.

An extensive discussion ensued regarding the establishment and implementation of various policies and standard operating procedures for the District, including the adoption of a Commissioner Reimbursement and Expense Policy. Ms. Bobbitt stated that an item on such matters would be added to a future meeting agenda.

ATTORNEY'S REPORT

Ms. Bobbitt next reported that her office is still in the process of reviewing, organizing and indexing the District's records and files received from the District's previous attorney.

UPDATE ON STATUS OF PUBLIC INFORMATION ACT ("PIA") REQUESTS

Ms. Bobbitt next reported that there have been no additional PIA requests since the request received from Dolcefino Consulting ("Dolcefino") dated January 17, 2017. A brief discussion ensued. Ms. Bobbitt added that her office had responded to Mr. Dolcefino's request in accordance with the PIA. Ms. Bobbitt then encouraged the Board to always respond as timely as possible to her inquiries regarding the existence of potential items responsive to PIA requests.

DISCUSS PROPOSED UPDATES/REVISIONS TO THE SERVICE CONTRACT AND AUTHORIZE ATTORNEY TO INITIATE WORK WITH CCEMS ATTORNEY ON SAME

An extensive discussion ensued regarding proposed revisions to the Service Contract. Ms. Bobbitt explained that there are several areas of concern and ambiguity in the current Service Contract and that Andrew McKinney, the CCEMS attorney, has proposed and requested that the Service Contract be reviewed and updated as may be needed. A brief discussion ensued. Upon motion by Commissioner LeBouef, seconded by Commissioner Grundmeyer, after full discussion and the question being put to the Board, the Board voted unanimously to authorize Ms. Bobbitt to coordinate with Mr. Andrew McKinney regarding updating/revising the Service Contract.

DISCUSS PROPOSED IMPLEMENTATION OF POLICIES AND PROCEDURES FOR COMPLIANCE WITH VARIOUS SERVICE CONTRACT PROVISIONS AND TAKE NECESSARY ACTION ON SAME

A discussion ensued regarding the implementation of policies and procedures for compliance with various provisions of the Service Contract. In response to a recommendation

from Commissioner Pinard, Ms. Bobbitt stated that, her office will schedule a future special workshop meeting session with the Board to further review various provisions in the Service Contract and further discuss proposed implementation of policies and procedures for compliance with the terms of the Service Contract.

PUBLIC COMMENTS

There were no comments from the public at this time.

Messrs. Russell, England, Gonzales, Billings, Uhl, Martinez, Joiner and Johnson then exited the meeting at this time.

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), President Ripley convened the Board in Executive Session at 10:45 a.m., to consult with the District's attorney to discuss and deliberate on certain matters concerning attorney-client privilege.

RECONVENE IN OPEN SESSION

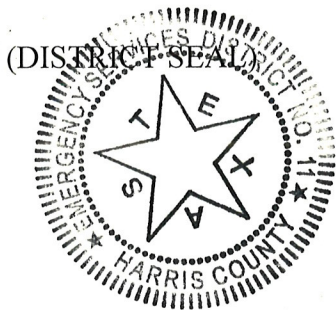
President Ripley then reconvened the meeting in open session at approximately 11:05 a.m.

No action was taken by the Board at this time.

Ms. Bobbitt then reminded the Board that the next regular meeting is scheduled for Thursday, March 16, 2017, at 9:00 a.m.

There being no further business to come before the Board, the meeting was adjourned at approximately 11:07 a.m.

PASSED, APPROVED AND ADOPTED this 16<sup>th</sup> day of March, 2017.



  
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President, Board of Commissioners