

MINUTES OF MEETING OF THE
BOARD OF COMMISSIONERS

October 24, 2023

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 the District's Administration Building, 18334 Stuebner Airline Road, Spring, Texas 77379, a meeting place inside the boundaries of the District, on Tuesday, October 24, 2023, at 5:00 p.m.; whereupon, the roll was called of the members of the Board, to-wit:

Karen Plummer	President
Steve Williams	Vice President
Dorothy Dalton	Secretary
Robert Pinard	Treasurer/Asst. Secretary
Zach Dunlap	Asst. Treasurer

All members of the Board were present, thus constituting a quorum. Also attending the meeting were the following District employees: Mr. Jamie Chebra, Chief Executive Officer ("CEO"); Mr. Tony Farmer, Chief Financial Officer ("CFO"); Ms. Katie Conn, Compliance Manager; Mr. Jordan Anderson, Chief Quality Officer ("CQO"); Ms. Dan Wang, Financial Controller; Ms. Brandi King, Human Resources Manager; Ms. Shirley Ware, Administrative Assistant; and Messrs. Matt Folsom, Brian Piatkowski, Mark Price, Dustin Yaks, Carlo Dibonaventura and Mohammed Edaibes; Ms. Pandora Peckne, Ms. Rachel Ramos, Ms. Dana Hogue and Ms. Brandi Richardson. District consultants in attendance were: Mr. Justin Jenkins of McCall Gibson Swedlund Barfoot PLLC ("McCall"), auditor for the District; Dr. Casey Patrick, Medical Director; Mr. Rene Aviles of J.E. Dunn Construction Co. ("J.E. Dunn"); Ms. Regina D. Adams and Ms. Meredith King, attorneys, and Ms. Carla Christensen, paralegal, of Radcliffe Adams Barner PLLC ("RAB"), general counsel for the District; and Mr. Xander Kannick of 62 Digital, LLC ("62 Digital"), the District's communications coordinator. Members of the public were also in attendance. 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 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 moment of silence for prayer and reflection.

PUBLIC COMMENTS

There were no public comments at the time.

PRESENTATION OF SERVICE AND MERITORIOUS AWARDS

Dr. Patrick then recognized Mr. Edaibes and Ms. Ramos and presented them with a Clinical Meritorious Service Award in recognition of their outstanding service to the District on a critical call in September 2023.

Mr. Chebra went on to recognize the members of the District's Information Technology ("IT") Department and presented them with Meritorious Service Awards in recognition of their dedication and outstanding service to the District during a recent cyber-attack.

Mr. Chebra next recognized Dr. Patrick and presented him with a Meritorious Service Award in recognition of his dedication and outstanding service to the District during his tenure as Medical Director for the District.

APPROVAL OF THE MINUTES

The Board considered approval of the September 26, 2023 regular meetings minutes. Upon motion by Commissioner Williams, seconded by Commissioner Dalton, after full discussion and the question being put to the Board, the Board voted unanimously to approve the September 26, 2023 regular meetings minutes and certified agenda for same.

ADOPT ORDER ADOPTING BUDGET FOR FISCAL YEAR ENDING ("FYE") DECEMBER 31, 2024 ("2024 BUDGET")

Mr. Farmer next presented to the Board the proposed 2024 Budget, a copy of which is attached hereto. Mr. Farmer reported that he met and reviewed the proposed 2024 Budget with the Budget Committee the previous week. A discussion ensued. Upon motion by Commissioner Dalton, seconded by Commissioner Williams, after full discussion and the question being put to the Board, the Board voted unanimously to adopt the 2024 Budget, as presented.

PUBLIC HEARING REGARDING PROPOSED 2023 TAX RATE

The President declared the public hearing open regarding the District's proposed 2023 tax rate.

Ms. Adams reminded the Board that at the September 26, 2023 Board meeting, the Board voted to publish a total proposed 2023 tax rate of \$0.030175 per \$100 assessed valuation for operation and maintenance purposes. Ms. Adams reported that the Notice of Public Hearing on Tax Increase for the proposed 2023 tax rate had been published, as required by law, in the *Houston Chronicle*.

There being no comments from the public, the public hearing was adjourned.

ADOPT ORDER SETTING RATE AND LEVYING TAX FOR 2023 ("TAX RATE ORDER")

Upon motion by Commissioner Williams, seconded by Commissioner Dalton, after full discussion and the question being put to the Board, the Board voted unanimously to adopt the Tax Rate Order, thereby levying a total ad valorem tax rate of \$0.030175 per \$100 assessed valuation for operations and maintenance purposes for the District's FYE December 31, 2024, a copy of which is attached hereto

ADMINISTRATION, DISPATCH AND LOGISTICS FACILITIES CONSTRUCTION/DEVELOPMENT REPORT, INCLUDING:

STATUS OF CONSTRUCTION OF PHASE II OF DISTRICT ADMINISTRATION COMPLEX ("PHASE II PROJECT"), INCLUDING CONSTRUCTION/INSTALLATION CORRECTIONS, AND TAKE NECESSARY ACTION ON SAME

In the absence of Mr. Ricardo Martinez of Martinez Architects ("MA"), Mr. Aviles reported that the Phase II Project was substantially complete and J.E. Dunn was addressing numerous outstanding warranty items (i.e. faulty light fixtures and audio/visual equipment, etc.).

REVIEW AND APPROVE PHASE II PROJECT CONSTRUCTION AGREED-UPON PROCEDURES ("PHASE II AUP") AND CONSIDER FINAL PAY APPLICATIONS ("PA") AND/OR CHANGE ORDERS ("CO") FOR PHASE II PROJECT EXPENDITURES, AS NECESSARY

Mr. Aviles then presented to and reviewed with the Board PA Nos. 27 and 28 from J.E. Dunn in the amounts of \$54,812.00 and \$569,228.00, respectively, and CO No. 147 in the deductive amount of \$3,435.60 from J.E. Dunn for the Phase II Project. Mr. Aviles noted that CO No. 147 was a credit to the District for unspent budgeted items for the Phase II Project. Copies of the PAs and CO are attached hereto. Mr. Aviles noted that there was still \$10,065.00 retainage being withheld. A discussion ensued after which Mr. Aviles responded that MA had yet approved PA Nos. 27 and 28. Ms. Adams noted that if MA had not yet approved the PAs then they were not yet ripe for the Board's consideration.

Mr. Jenkins next presented to and reviewed with the Board the Phase II Project AUP, a copy of which is attached hereto. An extensive discussion ensued after which Mr. Jenkins addressed questions from the Board.

Upon motion by Commissioner Dunlap, seconded by Commissioner Williams, after full discussion and the question being put to the Board, the Board voted unanimously to accept the Phase II AUP, as presented.

Mr. Jenkins exited the meeting at this time.

CEO REPORT

Mr. Chebra then reported on various service matters, including the status of the District's operations, ambulance fleet, communications and District staffing in September 2023.

REVIEW COMPLIANCE, COMMUNICATIONS, HUMAN RESOURCES ("HR"), CLINICAL MATTERS AND OPERATIONS

Mr. Chebra next presented to and reviewed with the Board the monthly Operations, IT, Safety, HR and Clinical Reports, copies of which are attached hereto.

Mr. Chebra then reviewed with the Board: 1) critical failures; 2) fleet updates; and 3) the 24-hour unit consumption time, copies of which are attached hereto. Mr. Chebra also reported that, in September 2023, the District's ambulance fleet drove a total of 91,227 miles.

Mr. Chebra reported that, in September, the District: 1) operated its ambulances with approximately 226 lost unit hours; 2) received 5,537 calls, of which 3,201 resulted in transports to hospitals; 3) provided mutual aid four (4) times and requested mutual aid four (4) times; and 4) maintained an overall response time compliance of 89%.

REVIEW AND AUTHORIZE REPAIRS AND MAINTENANCE TO DISTRICT STATIONS, AS NECESSARY

Mr. Chebra stated that there were no District station repairs or maintenance matters for the Board to consider at the time.

REVIEW AND APPROVE EMS SURVEY SERVICES AGREEMENT WITH EMS SURVEY TEAM (THE "SURVEY SERVICES AGREEMENT")

Mr. Chebra next reviewed with the Board the Survey Services Agreement in connection with the provision of patient survey and related services, a copy of which is attached hereto. Mr. Chebra stated that the estimated cost to utilize such services was \$1.99 per mailed paper survey or \$1.25 per text survey sent. Ms. Adams noted that RAB reviewed the Survey Services Agreement and provided comments on same. A discussion ensued.

REVIEW AND APPROVE WASTEWATER SYSTEM SERVICE AGREEMENT WITH KLEIN ENVIRONMENTAL SERVICES INC. ("KLEIN ENVIRONMENTAL")

Mr. Chebra then presented to and reviewed with the Board a proposed Wastewater System Service Agreement with Klein Environmental and the addendum to same in connection with the servicing of the aerobic system serving the District's Administration complex. A discussion ensued. Ms. Adams noted that RAB was reviewing the Wastewater System Service Agreement and would provide comments to same. A discussion ensued.

REVIEW AND APPROVE WASTE MANAGEMENT OF TEXAS, INC. ("WM") SERVICE AGREEMENT ("WM SERVICE AGREEMENT")

Mr. Chebra then presented to and reviewed with the Board a proposal from WM for recycling services. Ms. Adams noted that RAB was reviewing the proposed WM Service Agreement and would provide comments to same. Mr. Chebra stated that the proposed cost for recycling services at the District Administration complex would be \$332.50 per month.

REVIEW AND APPROVE EVERBRIDGE SERVICE AGREEMENT ("EVERBRIDGE AGREEMENT")

Mr. Chebra then presented to and reviewed with the Board the proposed Everbridge Agreement for employee communication software. Ms. Adams noted that RAB was reviewing the proposed Everbridge Agreement and would prepare the necessary Addendum to same. Mr. Chebra stated that the proposed cost for the software was \$10,000.00 per year.

REVIEW AND APPROVE MEDICAL DIRECTOR PROFESSIONAL SERVICES EMPLOYMENT AGREEMENT ("MEDICAL DIRECTOR AGREEMENT")

Mr. Chebra then reminded the Board that he and Mr. Anderson previously recommended that the Board approve and authorize execution of a Medical Director Agreement with Dr. Sarah Francis McClure. Mr. Chebra and Ms. Adams reported that Dr. McClure's attorney was currently reviewing RAB's comments on the proposed Medical Director Agreement. Commissioner Pinard requested additional changes to the insurance provision. Mr. Chebra noted that Dr. McClure's anticipated start date was November 6, 2023.

Upon motion by Commissioner Dalton, seconded by Commissioner Williams, after full discussion and the question being put to the Board, the Board voted unanimously to approve the CEO's Report and approve and authorize the CEO to execute the: 1) Survey Services Agreement with EMS Survey Team; 2) Wastewater System Service Agreement with Klein Environmental and the addendum to same; 3) WM Service Agreement; and 4) Everbridge Agreement and the addendum to same, subject to legal review and finalization of same.

CFO REPORT

APPROVE PAYMENT OF BILLS AND ISSUANCE OF CHECKS, AND REVIEW INVESTMENT REPORT

The President then recognized Mr. Farmer, who presented to and reviewed with the Board the summary of activity, profit and loss statement, budget comparison, statement of cash flows, debt service payment schedule, list of checks and related invoices being presented for payment and the Investment Report, copies of which are attached hereto. A discussion ensued.

Upon motion by Commissioner Williams, seconded by Commissioner Dalton, after full discussion and the question being put to the Board, the Board voted unanimously to approve payment of the bills as submitted, with the exception of the JINCO invoices, which would be considered separately.

Commissioner Plummer stated that she had a conflict of interest in connection with the JINCO invoice(s) and payment of same and would be abstaining from any discussion or action on such matter.

Upon motion by Commissioner Williams, seconded by Commissioner Dalton, after full discussion and the question being put to the Board, the Board voted four (4) votes in favor, with one (1) abstention by Commissioner Plummer, to authorize payment of the JINCO invoices.

Upon motion by Commissioner Pinard, seconded by Commissioner Dalton, after full discussion and the question being put to the Board, the Board voted unanimously to approve the CFO Report.

TAX ASSESSOR/COLLECTOR'S REPORT

Ms. Adams then reviewed with the Board the Tax Assessor/Collector's Report for September 2023, a copy of which is attached hereto.

ATTORNEY'S REPORT, INCLUDING:

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

Ms. Adams reported that no new PIA requests had been received since the September 26, 2023 Board meeting. Ms. Adams also reported that the PIA complaint to the Attorney General ("AG") regarding redaction of protected health information ("PHI") had been resolved in the District's favor, as the AG agreed with the District's argument that PHI was not public information under the PIA and was therefore not subject to the PIA.

STATUS OF CYPRESS CREEK EMERGENCY MEDICAL SERVICES VS. THE DISTRICT, ET AL, AND RELATED LEGAL MATTERS AND TAKE NECESSARY ACTION ON SAME

Ms. Adams stated that there were no updates on this matter at the time.

REVIEW RELEASE OF DISTRICT PATIENT PHI, AND TAKE NECESSARY ACTIONS IN CONNECTION WITH SAME

Ms. Adams stated that there were no updates on this matter at the time.

DISTRICT PERSONNEL MATTERS

Mr. Chebra reported on various personnel matters, including recent promotions.

Mr. Chebra stated that he had one (1) other personnel matter to discuss with the Board in Executive Session.

DISTRICT REAL ESTATE MATTERS, INCLUDING CONSIDER PROFESSIONAL SERVICE CONTRACT IN CONNECTION WITH THE DISTRICT'S ADMINISTRATION PROPERTY FROM META PLANNING AND DESIGN ("META") FOR LAND PLANNING SERVICES

Commissioner Pinard stated that he had a potential conflict of interest in connection with the potential future sale of District owned property located at 18126 and 18334 Stuebner Airline Road (the "District Property") and would be abstaining from any discussion or action on such matter.

Mr. Chebra reminded the Commissioners that the Board previously accepted the Statement of Qualifications from Meta and authorized District staff to negotiate a contract with same for land planning services. Mr. Chebra then presented to and reviewed with the Board three (3) proposals from Meta for ascending levels of land planning services: 1) Option 1 - \$6,200.00; 2) Option A - \$9,100.00; and 3) Option B - \$23,800.00. A discussion ensued regarding the differences between the proposals after which Mr. Chebra recommended that the Board approve Option A.

Upon motion by Commissioner Dalton, seconded by Commissioner Williams, after full discussion and the question being put to the Board, the Board voted four (4) votes in favor with one (1) abstention by Commissioner Pinard, to accept Option A proposal from Meta for land planning services, subject to legal review. Ms. Adams noted that RAB would review the agreement with Meta for land planning services upon receipt of same.

RESCHEDULE DECEMBER 26, 2023 BOARD MEETING

After a brief discussion, it was the consensus of the Board to reschedule the November 28, 2023 Board meeting to November 30, 2023 and the December 26, 2023 Board meeting to December 19, 2023.

ELECTION AGENDA:

UPDATE ON MAY 4, 2024 COMMISSIONERS ELECTION (THE "ELECTION") MATTERS, AND TAKE ANY NECESSARY ACTIONS ON SAME

Ms. Adams explained that the Election would be held on Saturday, May 4, 2024, and noted that the terms of office of Commissioners Plummer, Williams and Pinard were expiring at such time. Ms. Adams went on to state that she recently inquired with the Harris County (the "County") Clerk's office regarding whether the County would offer to conduct a joint election with the District, but had not yet received a response. A discussion ensued regarding whether the District desired to conduct the Election or contract with the County for a joint election.

DISTRICT PERSONNEL MATTERS

Commissioner Plummer then stated that the Board would convene in Executive Session to deliberate matters of pending or contemplated litigation and personnel matters pursuant to Sections 551.071 and 551.074, Texas Government Code.

All members of the Board present, Mr. Chebra, Ms. B. King, Ms. Adams, Ms. M. King and Ms. Christensen convened into Executive Session at 6:26 p.m.

All other meeting attendees still present re-entered the meeting at 6:45 p.m.

RECONVENE IN OPEN SESSION

Commissioner Plummer reconvened the meeting in open session at approximately 6:45 p.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 6:45 p.m.

PASSED, APPROVED AND ADOPTED this 30th day of November, 2023.


Secretary, Board of Commissioners

