

**MINUTES OF THE MARCH 22, 2012 MEETING OF THE
HARRIS COUNTY EMERGENCY SERVICES DISTRICT NO. 9**

A meeting was duly called of the **HARRIS COUNTY EMERGENCY SERVICES DISTRICT NO. 9**, which was held on March 22, 2012, at the administrative offices of the District, 9630 Telge Drive, Houston, Texas 77095.

The meeting was called to order at 7:45 p.m. by **MICHAEL LARRIVEE**, President. Those Commissioners present were **MICHAEL LARRIVEE**, **SUZANNE DAVIS**, **DAVID WIGGINS**, **KEVIN KYLE** and **JACK BODMAN**. Also present were **JENNIFER WALLS** and **JOE DAVIS**, President and Chief, respectively, of the **CY-FAIR VOLUNTEER FIRE DEPARTMENT** (the "Department), chief officers and members of the Department, **AMY RAMON**, the District's General Manager, **HOWARD KATZ**, of **COVELER & KATZ, P.C.**, the District's Counsel, and **BILL RUSSELL**, of **MYRTLE CRUZ, INC.**, the District's bookkeeper. Also present was Gail Schubot, attorney for the Department. Also present was Bob Janusaitis, a candidate for the May 12 District Commissioner election.

The Board first addressed the commissioner election for May 12, 2012 for two seats. Counsel explained the formalities of the election. Counsel explained that the prior election order was being implemented, except for adding Station 11 in place of West Houston Church of Christ, 17100 West Road, Houston, Texas 77095. Counsel said that the requisite preclearance request to the US Department of Justice was submitted. He also explained that the election equipment was being scheduled for arrival later in the month.

The Board next reviewed the Minutes of the February 23, 2012 regular meeting. After review, Motion was made by Mr. **KYLE**, seconded by Ms. **DAVIS** to approve the Minutes of the prior meeting. After discussion, the Motion to approve the Minutes was approved by a vote of 5 to 0.

The Board then received a Financial Report from **BILL RUSSELL**, of **MYRTLE CRUZ, INC.**, the District's bookkeeper. Mr. **RUSSELL** noted the operating account balance following the prior meeting of \$13,826,797.48, the receipt of tax revenue in the amount of \$878,333.43, tax penalty and interest in

the amount of \$3,820.99, interest of \$4,277.82, and ambulance reimbursement for the Department emergency medical services of \$367,061.64. Mr. **RUSSELL** said that dispatching fees of \$-0- were also received. He also noted the balance sheet showed total District assets at \$53,265,088.80 (\$26,416,531.72 cash/cash equivalents) short-term liabilities of \$ -0-, long term liabilities of \$ -0-, and equity of \$53,265,088.80. Thereupon, after review, Motion was made by Mr. **WIGGINS**, seconded by Mr. **BODMAN** to approve the Financial Report as presented. After discussion, the Motion was approved by a vote of 5 to 0.

The Board then addressed District investments. The Board reviewed the investment reports. Thereupon, after review, Motion was made by Mr. **WIGGINS**, seconded by Ms. **DAVIS** to approve the investment schedules and recommendations: none at this time. After discussion, the Motion was approved by a vote of 5 to 0.

Mr. **RUSSELL** delivered the compliance certification for the District investments showing compliance with the District's investment strategy/policy, and that all banks had returned security pledge agreements for the District's excess deposits.

The Board then addressed the payment of District administrative bills and commissioner fees as set forth in the Financial Report. After review, Motion was made by Mr. **WIGGINS**, seconded by Ms. **DAVIS** to approve the payment of District administrative bills and commissioner fees as presented in the Financial Report. After discussion, the Motion was approved by a vote of 5 to 0.

The Board then addressed the payment of Department Operations and Capital funding as set forth in the Financial Report. Ms. Ramon noted that Operations funding was due at this meeting in the amount of \$1,368,555.00. After review, Motion was made by Mr. **WIGGINS**, seconded by Ms. **DAVIS** to approve the payment of Department Operations in the amount of \$1,368,555.00. After discussion, the Motion was approved by a vote of 5 to 0.

The Board then addressed the payment of Department Capital funding as set forth in the Financial Report. Ms. Ramon noted that Capital funding was due at this meeting in the amount of \$44,733.92 (previously scheduled budgeted

capital funding). After review, Motion was made by Mr. **WIGGINS**, seconded by Mr. **BODMAN** to approve the payment of Department Capital in the amount of \$44,733.92. After discussion, the Motion was approved by a vote of 5 to 0.

Mr. **LARRIVEE** said there was no quarterly reallocation report for this meeting.

The Board then addressed the 2012 service agreement with the Department. Counsel said he received comments from the Department and some commissioners on the 2012 service agreement. There was discussion about the revised terms. Counsel pointed out revisions made to the Fire Chief provisions concerning the selection and approval process. He also noted the inclusion of a paragraph addressing the ambulance billing procedures. There was discussion about the fire chief provisions in particular. After review, Motion was made by Ms. **DAVIS**, seconded by Mr. **WIGGINS** to approve the 2012 service agreement with the Department as presented by Counsel. After discussion, the Motion was approved by a vote of 5 to 0.

The Board then addressed the Long Range Planning. There was limited discussion about the long range plan and the recent workshops. Mr. **LARRIVEE** said there was a workshop scheduled for Sunday.

The Department said there were 30-day requests for this meeting. As part of the planning discussion was the purchase of boosters. The Chief said the plan was to sell two old boosters (1996) and purchase the new boosters. There was discussion about opening up the old boosters to needy state VFDs. Counsel was asked to include an agenda item for the purchase of booster(s).

The Board then received the monthly report from the Cy-Fair Volunteer Fire Department.

The Board received written reports from the Department.

The Board received the report on apparatus movement.

The Department presented the EMS billing report.

Ms. Walls delivered the status change report.

Ms. Walls said that the monthly TexFir reports were filed with the State Fire Marshall's office.

Ms. Walls delivered the over-time report and the accident/injury log and the DNR reports.

Ms. Walls said that the Department employee count was 224 (109 full-time, 115 part-time), and the active volunteer membership was 381, with 8 new members.

The Board then reviewed the Department's Purchase Requisition Report.

The Board reviewed page 1, emergency requests. There were none.

The Board then reviewed budgeted capital expenditures and non-budgeted capital expenditures on page 2 of the report. Mr. **BODMAN** asked if the 6 new PCs were part of the CAD upgrade. Assistant Chief-Support Services Mark Braswell said yes. After review, Motion was made by Mr. **WIGGINS**, seconded by Mr. **BODMAN** to approve page 2. After discussion, the Motion was approved by a vote of 5 to 0.

The Board next reviewed the Within Budget purchase requests as set forth on pages 3-4 of the report. The Board discussed the PO for EMS lift equipment. After review, Motion was made by Ms. **DAVIS**, seconded by Mr. **KYLE** to approve the Within Budget purchase requests, as set forth on the top part of the report on page 3 and the Lifts PO as long as there is a 30-day free cancellation. After discussion, the Motion was approved by a vote of 5 to 0.

Ms. Walls noted the LOSAP report.

The Chief requested approval for attendance by members at an upcoming CAD/API training conference for up to \$3,000.00. After review, Motion was made by Mr. **WIGGINS**, seconded by Mr. **BODMAN** to approve the request. After discussion, the Motion was approved by a vote of 5 to 0.

Ms. Walls requested approval for a 2.5% pay increase for Department employees. She noted that the paid people have not received a pay increase for many years. After review, Motion was made by Mr. **WIGGINS**, seconded by Mr. **KYLE** to approve the request. After discussion, the Motion was approved by a vote of 5 to 0.

Ms. Walls reported that the Department Policy Committee was reviewing the Department LOSAP program.

The Department requested approval to increase the Voluntary Manning Program pay from \$50.00/shift to from \$60.00/shift. The Chief said that the weekends were the weakest spots. The Chief said some volunteers were upset with the manning program. There was discussion about the proposed policy. The Chief said response was the critical issue. He said DNR's were up. After review, Motion was made by Ms. **DAVIS**, seconded by Mr. **BODMAN** to approve the request. During discussion, the Department reps said that to remain active in the program, a member must make at least one response per month. After discussion, the Motion was approved by a vote of 5 to 0.

Ms. Walls reported that the Station 9 renovation was complete. Assistant Chief Scott Mullins reported that the door repairs at Yearling Drive were out for quotes. Mr. **LARRIVEE** said that any price in the \$5-\$6/sq.ft range seemed okay.

Assistant Chief Tom Linnenkugel said the Honor Guard was requesting to send 7-10 people to Lewisville, TX for training at the cost of \$4,000.00. After review, Motion was made by Ms. **DAVIS**, seconded by Mr. **WIGGINS** to approve the request. After discussion, the Motion was approved by a vote of 5 to 0.

Assistant Chief-Support Services Braswell reported that in October the CAD bid solicitation would go out. He said that next month the Department would request to purchase servers.

The Chief reported that a Department-wide open house at all stations was set for April 21, 9-1.

Assistant Chief-EMS Kenny Grayson reported that the new AEV ambulance was due April 9. He said the production delays were due to issues at Ford. He also said that new NFPA rules on the design of ambulances may increase the cost by \$8,000.00. Assistant Chief-EMS Grayson requested approval of \$2,500.00 for expenses for an inspection visit to AEV. After review, Motion was made by Mr. **WIGGINS**, seconded by Mr. **BODMAN** to approve the request. After discussion, the Motion was approved by a vote of 5 to 0.

A local chamber sponsoring Cy Fest asked the Department to provide ambulance for the event at no cost. The Chief said the Department declined and proposed billing at \$175/hr, or \$4,200.00 for the weekend. After review, Motion

was made by Mr. **WIGGINS**, seconded by Ms. **DAVIS** to approve the request. After discussion, the Motion was approved by a vote of 5 to 0.

Ms. Walls requested approval for a hardship request paramedic to attend paramedic school for \$2,800.00 with the student signing an education agreement. After review, Motion was made by Ms. **DAVIS**, seconded by Mr. **WIGGINS** to approve the request. After discussion, the Motion was approved by a vote of 5 to 0.

The Department requested approval to amend a PO with Titus Medical for EMS certifications. The original PO had 60 certifications, but 67 is the final number. After review, Motion was made by Ms. **DAVIS**, seconded by Mr. **WIGGINS** to approve the request. During discussion, Ms. Ramon noted that this vendor was a related company to a member of the Department. After discussion, the Motion was approved by a vote of 5 to 0.

The Chief requested approval for \$390.00 for a Emergency Vehicle Technical class. After review, Motion was made by Ms. **DAVIS**, seconded by Mr. **BODMAN** to approve the request. After discussion, the Motion was approved by a vote of 5 to 0.

The Department then presented an update on EMS billing. Assistant Chief-EMS Kenny Grayson reported that EMS billing had improved and March was a great month with collections of \$466,000.00. He said he hoped that Intermedix had turned the corner. However, Assistant Chief-EMS Grayson said the Department is down 21.5% from where it should be. There was general discussion about seeking collection from patients who are delinquent in EMS payments. There was also discussion about MVA billing and the policy about billing non-residents only. Counsel raised a question about that policy as possible illegal discrimination, especially as to federal medical payments. The Chief said that Jersey Village follows this policy. Assistant Chief-EMS Grayson said the department wrote off \$4 million in 2008.

The Board entered executive session at 11:05 p.m. pursuant to Section 551.074 Government Code, to discuss and consider District personnel matters. The Board re-entered open session at 11:18 p.m.

The Board addressed hiring a receptionist. After review, Motion was made by Ms. **DAVIS**, seconded by Mr. **BODMAN** to approve hiring on a permanent basis Jaime O'Dowd effective when the Burnett placement agency contract is up, at the rate of \$12/hr. After discussion, the Motion was approved by a vote of 5 to 0.

There being no further business brought before neither the Board nor any further public comment, upon Motion made the meeting adjourned at 11:30 p.m.

Secretary of the Board