

**MINUTES OF THE JUNE 20, 2013 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 June 20, 2013, at the administrative offices of the District, 9630 Telge Drive, Houston, Texas 77095.

The meeting was called to order at 7:38 p.m. by **MICHAEL LARRIVEE**, President. Those Commissioners present were **MICHAEL LARRIVEE**, **SUZANNE DAVIS**, **KEVIN KYLE**, and **ROBERT JANUSAITIS**. Also present were **JENNIFER WALLS** and **RODNEY JANCZAK**, President and Interim Fire 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, **JOE DAVIS**, the District's emergency services consultant, **HOWARD KATZ**, of **COVELER & KATZ, P.C.**, the District's Counsel, and members of the public.

(Counsel announced at the outset of the meeting that Commissioner Jack Bodman was absent due to a family emergency.)

The Board addressed public comment. There was affirmative public comment about the District's granting of an over-65 tax exemption for 2013.

The Board then addressed the Minutes of the May 23, 2013 regular meeting. After review, Motion was made by Mr. **KYLE**, seconded by Mr. **JANUSAITIS** to approve the Minutes as presented. After discussion, the Motion to approve the Minutes as corrected was approved by a vote of 4 to 0.

The Board then received a Financial Report from Ms. Ramon on behalf of **BILL RUSSELL, of MYRTLE CRUZ, INC.**, the District's bookkeeper. Ms. Ramon noted the operating account balance following the prior meeting of \$9,698,658.24, the receipt of tax revenue in the amount of \$87,746.17, tax penalty and interest in the amount of \$3,621.43, interest of \$3,222.15 and ambulance reimbursement for the Department emergency medical services of \$455,881.75. Ms. Ramon said that dispatching fees of \$ -0- were also received. She also noted the balance sheet showed total District assets at \$53,199,479.39 (\$26,250,922.31 cash/cash equivalents; \$2,999,241.67 T-bills) short-term

liabilities of \$ -0-, long term liabilities of \$4,221,136.00, and equity of \$48,978,373.39. Thereupon, after review, Motion was made by Mr. **KYLE**, seconded by Mr. **JANUSAITIS** to approve the Financial Report as presented. After discussion, the Motion was approved by a vote of 4 to 0.

The Board then addressed District investments. The Board reviewed the investment reports. There was discussion about investment instrumentalities. Mr. **KYLE** recommended that all maturing CDs not be renewed and instead be placed into appropriate money market accounts to allow for later re-investment. Thereupon, after review, Motion was made by Mr. **KYLE**, seconded by Mr. **JANUSAITIS** to approve that all maturing CDs not be renewed and be placed into appropriate money market accounts to allow for later re-investment. After discussion, the Motion was approved by a vote of 4 to 0.

The compliance certification was delivered 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 administrative bills and commissioner fees as set forth in the Financial Report. After review, Motion was made by Ms. **DAVIS**, seconded by Mr. **KYLE** 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 4 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 \$1,432,490.00. After review, Motion was made by Ms. **DAVIS**, seconded by Mr. **KYLE** to approve the payment of Department Operations the amount of \$1,432,490.00. After discussion, the Motion was approved by a vote of 4 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 \$17,345.87 (previously scheduled budgeted capital funding). After review, Motion was made by Ms. **DAVIS**, seconded by Mr.

JANUSAITIS to approve the payment of Department Capital in the amount of \$17,345.87. After discussion, the Motion was approved by a vote of 4 to 0.

The Board then addressed and determined no action was required on revisions to the District 2013 budget.

The Board then addressed the 2013 tax rate setting process and appraisal reports. Counsel said the preliminary report was prepared and the expected date for the certified tax roll was mid-August. After review, Motion was made by Ms. **DAVIS**, seconded by Mr. **JANUSAITIS** to approve for Counsel to prepare and publish the District's Effective Tax Rate calculations. After discussion, the Motion was approved by a vote of 4 to 0.

The Board tabled Agenda Item 10, discussion on the proposed 2013 District tax rate pending the HCAC certified tax rolls.

The Board then received a report from Amy Ramon, the District General Manager. She introduced Daisy Adame and Jamey O'Dowd, District employees who were interested in attending a District meeting. Ms. Ramon reported the new GP purchasing program was working and the new accounting program was also working. Ms. Ramon also said the Department's 2012 audit was presented and was a clean audit.

The Board then addressed the Long Range Planning. Mr. **LARRIVEE** said this item will be addressed in more detail in the upcoming workshop.

The Department presented a report on the radios and communications systems and towers. Assistant Chief-Support Services Mark Braswell and communications coordinator Michael Hebert reported that the contract comment period was underway. After review, Motion was made by Mr. **KYLE**, seconded by Ms. **DAVIS** to approve for Commissioner Janusaitis and Assistant Chief-Support Services Braswell to negotiate a best and final offer from the vendor. After discussion, the Motion was approved by a vote of 4 to 0.

The Board then addressed the revived Long Range Planning task force and facilitator. There was discussion about the new task force and making a new single phase contract with Steve Ferguson. After review, Motion was made by Mr. **KYLE**, seconded by Ms. **DAVIS** to approve making a new single phase

contract with Steve Ferguson to assist with the new task force. There was discussion about the single phase contract, the membership on the task force and the timing of its activities. Mr. **LARRIVEE** suggested that this matter be addressed at the July 1 workshop and for the Department to submit 3 names for membership on the task force. The District will have 1-2 members plus Joe Davis. After discussion, the Motion was approved by a vote of 4 to 0.

There was discussion about borrowing and the sales tax revenue expected as a component to the long range planning. Mr. **KYLE** said interest rates are moving up.

The Board then addressed the Bridgeland development and the prospect of building facilities there for the fire and EMS service. Counsel said that with the sales tax election completed he would meet with the Bridgeland group.

The District then considered Department 30-day requests. Ms. Walls said there were none this month.

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

The Board received written reports from the Department.

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.

Ms. Walls said that the Department employee count was 245 (115 full-time, 130 part-time), and the active volunteer membership was 354, with 3 new members.

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

The Board reviewed page 1, emergency requests. After review, Motion was made by Mr. **KYLE**, seconded by Ms. **DAVIS** to approve page 1. After discussion, the Motion was approved by a vote of 4 to 0.

The Board then reviewed budgeted capital expenditures and non-budgeted capital expenditures on page 2 of the report. After review, Motion was

made by Ms. **DAVIS**, seconded by Mr. **KYLE** to approve page 2. Mr. **JANUSAITIS** said he opposed approval of the IT requests until there was a full opportunity to review the items. The item for building two computers was to be held and the Motion was withdrawn.

The Board next reviewed the Within Budget purchase requests (\$187,466.00) as set forth on pages 3-4 of the report. After review, Motion was made by Ms. **DAVIS**, seconded by Mr. **JANUSAITIS** to approve the Within Budget purchase requests (\$187,466.00), as set forth on the top part of the report on page 3. After discussion, the Motion was approved by a vote of 4 to 0.

The Department requested approval to solicit bids for medical/health benefits. After review, Motion was made by Ms. **DAVIS**, seconded by Mr. **JANUSAITIS** to approve the request. After discussion, the Motion was approved by a vote of 4 to 0.

Ms. Walls noted the LOSAP report. Mr. **KYLE** asked about the Department's LOSAP and the fact that there are donated funds involved. Mr. **LARRIVEE** said that is a historic funding number of funds accumulated over time.

The Department delivered an IT report. Mr. **JANUSAITIS** said he has serious concerns about IT. The Department said that the prior vendor that could not solve the IT problems was replaced by the second place vendor and the Department was reverting to the old system.

Assistant Chief-Facilities Scott Mullins, reported on the construction project and camera installation. He said there were some additional parts needed for the alarm panel that are difficult to obtain which was causing a delay. The cost is \$7,695.39 and he requested approval to pay for the items as an add-on to the budget. After review, Motion was made by Ms. **DAVIS**, seconded by Mr. **JANUSAITIS** to approve the request. After discussion, the Motion was approved by a vote of 4 to 0.

The Department requested approval for the new computer program related to the new projects. There was discussion about the impact on IT. The Department said there was a minimal impact. After review, Motion was made by

Ms. **DAVIS**, seconded by Mr. **KYLE** to approve the request. After discussion, the Motion was approved by a vote of 4 to 0.

The Department requested approval to expend \$4,237.45 for furniture for Station 6. After review, Motion was made by Ms. **DAVIS**, seconded by Mr. **KYLE** to approve the request. After discussion, the Motion was approved by a vote of 4 to 0.

There was discussion about the recent HFD incident that claimed the lives of four firefighters. There was discussion about whether the Department has SOGs or policies addressing that kind of event. Assistant Chief-Facilities Mullins said the Department does not have an SOG because it is really a training issue and all events are unique so most fire Department have to rely on its training and controlling the level of aggressiveness the firefighters in fighting fires, especially structure fires.

The Department requested approval to expend \$4,500.00 for two members to attend firefighter training sessions. After review, Motion was made by Ms. **DAVIS**, seconded by Mr. **KYLE** to approve the request. After discussion, the Motion was approved by a vote of 4 to 0.

The Department reported on EMS: on apparatus the new ambulance is 120 days out; the union election is June 25-28.

The Department reported on apparatus: Booster 2 is being worked on; Tower-9 will be at Pierce for repairs through August 9.

The Department requested to move an hourly employee to salaried based on the hours assigned to this person. There is minimal financial impact but more correctly reflects the person's supervisory position. After review, Motion was made by Mr. **JANUSAITIS**, seconded by Mr. **KYLE** to approve the request. After discussion, the Motion was approved by a vote of 4 to 0.

The Department requested approval for Department shop employee's ASE mechanic training (not to exceed \$150.00). After review, Motion was made by Ms. **DAVIS**, seconded by Mr. **KYLE** to approve the request. After discussion, the Motion was approved by a vote of 4 to 0.

The Department presented for approval the proposed Station 5 lease agreement. The Department's attorney, Gail Schubot, said she reviewed it and approved it for the Department. After review, Motion was made by Mr. **JANUSAITIS**, seconded by Ms. **DAVIS** to approve the request. After discussion, the Motion was approved by a vote of 4 to 0.

The Board then received a report from the Department regarding the naming of an interim Fire Chief. Ms. Walls said Rodney Janczak remained the Interim Fire Chief. She requested approval to extend Chief Janczak's interim fire chief status for 60 days while the full-time fire chief procedures are revised. After review, Motion was made by Mr. **KYLE**, seconded by Ms. **DAVIS** to approve the request. After discussion, the Motion was approved by a vote of 4 to 0.

The Department reported the EMS billing collections solicitation was completed and requested approval to make an award. Assistant Chief-EMS Kenny Grayson said that 5 bids were received. He said that the collection fees ranged from 3.5% to 5.2%. He said the ownership and personnel of the proposed vendors were reviewed by the committee. Assistant Chief-EMS Grayson said that Vendor No. 2, EMS/MC, was the recommended awardee. He said the contract will have an October 2013 effective date. After review, Motion was made by Ms. **DAVIS**, seconded by Mr. **JANUSAITIS** to approve the contract award for EMS billing and collection services to EMS/MC. After discussion, the Motion was approved by a vote of 4 to 0.

The Department reported the EMS billing software solicitation was completed and requested approval to make an award. Assistant Chief-EMS Grayson said that Image Trend, was the recommended awardee, with a contract for \$45,000.00/annually for a three year term, with 50% start-up and balance upon completion. Assistant Chief-EMS Grayson said that the software was compatible. After review, Motion was made by Ms. **DAVIS**, seconded by Mr. **JANUSAITIS** to approve the contract award to Image Trend. After discussion, the Motion was approved by a vote of 4 to 0.

The Department reported the solicitation for the purchase of hardware for the EMS billing software was completed and requested approval to make the

purchase. Assistant Chief-EMS Grayson said that the hardware cost will be a maximum of \$114,375.00, which the Department stated was a budgeted item. After review, Motion was made by Mr. **KYLE**, seconded by Mr. **JANUSAITIS** to approve the purchase of hardware for the EMS billing software. After discussion, the Motion was approved by a vote of 4 to 0.

Emergency Services consultant Joe Davis, requested approval to contract for mold inspection and eradication services for the Department auxiliary station, Station 98 (Yearling Drive). After review, Motion was made by Mr. **JANUSAITIS**, seconded by Ms. **DAVIS** to approve the request. After discussion, the Motion was approved by a vote of 4 to 0.

Ms. **DAVIS** requested approval for the purchase of a new laptop for a cost of up to \$1,000.00 for her use as a commissioner. After review, Motion was made by Mr. **JANUSAITIS**, seconded by Mr. **KYLE** to approve the request. After discussion, the Motion was approved by a vote of 4 to 0.

The Board reviewed a revision to the District Code of Conduct. Mr. **LARRIVEE** said that the Code reads that a commissioner shall not influence Department decisions. He said that is a difficult standard because the commissioners offer proper opinions on Department activities and policies. He said he would strike that provision to come up with an alternate provision that reinforces that the District and commissioners will not dictate policy to the Department. After review, Motion was made by Mr. **KYLE**, seconded by Mr. **JANUSAITIS** to approve the deletion. After discussion, the Motion was approved by a vote of 4 to 0.

The Board reviewed College matters. Ms. **DAVIS** said a meeting was held by the College committee on June 12. She said things were slow during the summer recess.

The Board then addressed District employee office assignment. Mr. **LARRIVEE** said there was a problem with this earlier but the problem with assigning offices has been resolved.

The Board addressed setting the date and time for a workshop on the new task force, long range planning and other related matters. After review, Motion

was made by Mr. **JANUSAITIS**, seconded by Ms. **DAVIS** to approve the workshop for Saturday, June 22. After discussion, the Motion was approved by a vote of 4 to 0.

The Board then addressed District employee manuals. The Board discussed revisions and setting December 31 as the deadline to finalize the revisions. After review, Motion was made by Ms. **DAVIS**, seconded by Mr. **JANUSAITIS** to set December 31 as the deadline to finalize the revisions. After discussion, the Motion was approved by a vote of 4 to 0.

The Board received committee reports, including the District website.

Ms. Walls and Assistant Chief Tom Linnenkugel reported that the recent Department cadet class was set for graduation. Ms. Walls requested approval to expend \$700.00 for two Sam Houston helmets for the top graduates. After review, Motion was made by Mr. **KYLE**, seconded by Mr. **JANUSAITIS** to approve the request. After discussion, the Motion was approved by a vote of 4 to 0.

Mr. **LARRIVEE** addressed District and Department promotion. He said that with the sales tax election over and the results good, the two boards need to develop a quick strategy to promote the District and the Department.

There being no further business brought before the Board nor any further public comment, upon Motion made the meeting adjourned at 10:24 p.m.

Secretary of the Board