

**MINUTES OF THE MARCH 21, 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 March 21, 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, JACK BODMAN** and **ROBERT JANUSAITIS**. 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.

Without objection, the Board reviewed Agenda Item 2 and the Minutes of the February 21, 2013 regular meeting. After review, Motion was made by Ms. **DAVIS**, seconded by Mr. **BODMAN** to approve the Minutes of the prior meeting. After discussion, the Motion to approve the Minutes as corrected was approved by a vote of 5 to 0.

Without objection, the Board reviewed Agenda Item 3, and the 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 \$11,002,424.41, the receipt of tax revenue in the amount of \$1,554,861.85, tax penalty and interest in the amount of \$3,287.13, interest of \$2,162.86 and ambulance reimbursement for the Department emergency medical services of \$363,507.87. Mr. **RUSSELL** said that dispatching fees of \$4,300.00 were also received. He also noted the balance sheet showed total District assets at \$55,368,724.78 (\$28,420,167.70 cash/cash equivalents; \$2,999,241.67 T-bills) short-term liabilities of \$ -0-, long term liabilities of \$749,302.00, and equity of \$54,619,422.78. Thereupon, after review, Motion was made by Mr. **KYLE**,

seconded by Mr. **BODMAN** to approve the Financial Report as presented. After discussion, the Motion was approved by a vote of 5 to 0.

Without objection, the Board reviewed Agenda Item 4 and addressed District investments. The Board reviewed the investment reports. There was discussion about investment instrumentalities. Mr. **RUSSELL** recommended renewing any maturing CDs for like terms. Thereupon, after review, Motion was made by Mr. **KYLE**, seconded by Mr. **BODMAN** to approve the investment schedules and recommendations. 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.

Without objection, the Board reviewed Agenda Item 5 and addressed administrative bills and commissioner fees as set forth in the Financial Report. After review, Motion was made by Mr. **BODMAN**, 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.

Without objection, the Board reviewed Agenda Item 6 and 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 \$1,320,325.00. After review, Motion was made by Ms. **DAVIS**, seconded by Mr. **BODMAN** to approve the payment of Department Operations in the amount of \$1,320,325.00. After discussion, the Motion was approved by a vote of 5 to 0.

Without objection, the Board reviewed Agenda Item 7 and addressed 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 \$25,658.11 (previously scheduled budgeted capital funding). After review, Motion was made by Ms. **DAVIS**, seconded by Mr. **BODMAN** to approve the payment of

Department Capital in the amount of \$25,658.11. After discussion, the Motion was approved by a vote of 5 to 0.

Without objection, the Board reviewed Agenda Item 8 and addressed amendments to the Department budget. The Board took no action.

The Board then addressed Agenda items 1 and 11 and reviewed the called May 11, 2013 sales tax election. Mr. **LARRIVEE** said the election committee and the election consultants had met and discussed strategies. It was agreed that there would be no town hall meetings. He said it was decided that mailings would be the most appropriate media communications along with direct outreach to local groups. After review, Motion was made by Mr. **KYLE**, seconded by Mr. **BODMAN** to authorize the election committee to develop talking points for the committee and commissioners for public presentations. After discussion, the Motion was approved by a vote of 5 to 0.

Counsel reported on the issue with the Bridgeland Management District which has a current 1% local sales and use tax and is planning on annexation of additional area within the broader Bridgeland development. Counsel said that he and Mr. Janusaitis met with representatives of the Bridgeland Management District to discuss the potential boundary conflict. There was discussion about who would be entitled to the sales tax in the area. After review, Motion was made by Mr. **JANUSAITIS**, seconded by Mr. **LARRIVEE** to authorize Counsel to discuss the matter with Bridgeland Management District. After discussion, the Motion was approved by a vote of 5 to 0.

The Board then received a report from Amy Ramon, the General Manager. She reported that she was working with the District auditor.

The Board then addressed the Long Range Planning. Assistant Chief-Support Services Mark Braswell presented a report on the radios and communications systems and towers. He said the proposals were received and were under review with the vendor and District and Department consultant.

Mr. **LARRIVEE** asked if the Long Range task force had a report. Mr. **KYLE** reported no but asked that the item be tabled. The item was tabled without objection.

The Board addressed Long Range Plan Phase 2. Mr. **LARRIVEE** said this item was tabled last month.

The Board then addressed the Bridgeland development and the prospect of building facilities there for the fire and EMS service. Assistant Chief-Support Services Braswell said the committee met and things are proceeding.

There were no Department budget revisions to review.

The District then considered Department 30-day requests. The Chief said there were none.

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 noted the LOSAP report.

Ms. Walls said that the Department employee count was 243 (115 full-time, 128 part-time), and the active volunteer membership was 369, with 3 new members.

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

The Board reviewed page 1, emergency requests. No items.

The Board then reviewed budgeted capital expenditures and non-budgeted capital expenditures on page 2 of the report. After review, Motion was made by Mr. **KYLE**, seconded by Ms. **DAVIS** 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. After review, Motion was made by Mr. **KYLE**, seconded by Ms. **DAVIS** to approve the Within Budget purchase requests, as set forth on the top part of the report on page 3. After discussion, the Motion was approved by a vote of 5 to 0.

The Department requested approval for a Department employee to attend the upcoming HR conference, for the cost of \$299.00. There was discussion, and after review, Motion was made by Mr. **KYLE**, seconded by Mr. **BODMAN** to approve the request. After discussion, the Motion was approved by a vote of 5 to 0.

The Department requested approval for a 3% across the board payroll increase for the Department paid personnel. Ms. Walls said there has not been an increase for some time. Mr. **LARRIVEE** asked where the accountability was, if there was a merit review. She said it effects all paid people but the Chief and paid personnel had to be employed for the last 90 days. Ms. **DAVIS** asked if she had the budget numbers. The Chief said no, but the increase was already factored into the budget. Mr. **LARRIVEE** asked if this was a COLA increase. Mr. **KYLE** asked how the Department determined the number. The Chief said the Department reviewed 25 payroll sources. Mr. **KYLE** said he thinks payroll should be reviewed by an outside agency and not just internally. After review, Motion was made by Mr. **BODMAN**, seconded by Mr. **KYLE** to approve 3% payroll increase for the Department paid personnel, except for the Chief who is under a contract. During discussion, Mr. **BODMAN** said he generally supports the request to maintain the best people on the job, but there should be a review-based adjustment when compensation is increased. He said that this seemed like a COLA. Ms. **DAVIS** said in all her years on the Board she has not seen evaluations of the Department paid people. Mr. **BODMAN** said the Department should incorporate what is known as a “200 review”. Ms. **DAVIS** said that not all companies give raises even COLA. Mr. **JANUSAITIS** said he would support this but there needs to be an evaluation of the whole Department personnel system. After discussion, the Motion was approved by a vote of 5 to 0.

The Department requested approval for three additional attendees to the FDIC conference, for an additional \$2,500.00. 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 5 to 0.

The Chief addressed cameras for the stations. He said the cost for security cameras has gone up. The Chief said that for the digital type cameras the cost would be \$50,000.00 for the software and cameras. Mr. **JANUSAITIS** said that he agreed digital IP based cameras were the way to go. He said there were still other questions not yet answered. IT coordinator, Danny Corgiat said he tried to answer all the questions. He said that the plan was not to send everything to the "Cloud". Mr. Corgiat also said he believed the cost of the server was in the price. Mr. **LARRIVEE** said let's begin with the IP cabling and wiring and get all the questions answered. Mr. **JANUSAITIS** said there was no breakdown in the pricing and no model numbers shown. After review, Motion was made by Ms. **DAVIS**, seconded by Mr. **JANUSAITIS** to approve the commencement of the wiring for digital. After discussion, the Motion was approved by a vote of 5 to 0.

The Department requested approval for up to \$6,000.00 for three attendees to the IAFC-Hazmat conference in Baltimore. 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 5 to 0.

The Department delivered an EMS report. The Chief and others reported on the shift to free standing clinic affiliated with hospitals as part of the 911 delivery system.

The Chief reported that Ambulance 5 was involved in a major accident. He said two Department personnel suffered mild injuries.

The Department requested approval to sell old surplus equipment: bunker pants (35); bunker coats (11); bunker coat hoods (3); lawnmowers; old warehouse equipment, all through the Surplus Property website. 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 5 to 0.

Ms. Walls said there was no report on the fire chief position. Counsel asked if a committee meeting on the issue was needed. Mr. **KYLE** said he did not support working on this issue through a committee. Mr. **JANUSAITIS** said he needed to know what the status was. Ms. Walls said that there has not been

any action by the District Board. She said the issue came up in June or July and there was a meeting and then the task force was formed and no resolution. She said the Department board felt it was time for them to make a decision. Mr. **LARRIVEE** asked what type of evaluations were done and what type of review was done. Ms. Walls said reviews were done. Mr. **KYLE** said that the task force was set up to deal with all these issues including the fire chief matter. He said the Department representatives on the task force never brought it up that action was going to take place before the task force was completed. Ms. Walls said she never understood that the fire chief was part of the task force. Mr. **KYLE** said he could not understand that because all the issues of the Department, whether it was the board or fire chief were part of the task force review. Department board member Bob Fitzgerald said the Department is handling its issues and the personnel matter should not have to come up to the District Board. The Department board member from Station 9 said that it was never the intention to replace the Chief but the Department board is trying to develop a process of review and evaluation. Mr. **LARRIVEE** asked how you do that after you let the current person go, and that is the whole problem. He said this is just like the 3% raise. There is no evaluation and no written process and no merit review. The Station 9 board member said the District Board has delayed the Department's action time and again and that is what has caused this crisis. He said just let the Department board complete its task. He said this had begun 2 years ago. Ms. **DAVIS** said she has been on the District Board second longest and does not recall this coming up two years ago. The Station 9 board member said the Department boards of the past were jokes but this board is committed to doing a good job. Mr. **KYLE** said the fire chief issue is not the biggest issue and that was why the task force was formed. Mr. **JANUSAITIS** said the District Board wanted the task force to review all the issues because the District could not trust all the decisions being made by the Department. Mr. **KYLE** said he was very frustrated because he put in many hours on the task force and believed it was serious for the Department too and then he is told never mind, the Department board is going to act on its own anyway. Mr. Corgiat said the task force was forced down

the Department's throat and he takes offense that the District says it does not trust the Department board to make decisions. He said the District Board should butt out because its actions have caused low morale in the Department. Mr. **KYLE** asked has there been a study on morale to see what really is hurting it among the members. Mr. **BODMAN** said he does not understand because this Board does not want to micromanage the way it was way back. The District and Department need to jointly develop goals and objectives and that was what the task force was to do. But that the Department does not seem to want to do that. Mr. **KYLE** said he has this idea, that the District should hire Joe Davis after April 30 when he is no longer fire chief as an interim chief and hire a third party firm to evaluate the fire chief and chief position and have the third party firm assist with hiring a fire chief and also to evaluate the Department. Mr. Corgiat said that any evaluation of the chief position should be different from the lower level personnel evaluations. Ms. **DAVIS** said she would like to see the problem and solutions on paper.

The Board returned to Agenda Item 10(b). There was discussion, and after review, Motion was made by Ms. **DAVIS**, seconded by Mr. **KYLE** to take up the task force report. After discussion, the Motion was approved by a vote of 5 to 0.

The Chief said the task force has seen a lot and reviewed a lot. He said in the end the task force should be to jointly make a new Department model and help the District and Department work together. The Chief said a District fire department was not the answer. Mr. **BODMAN** said the parties need to work without animosity because the task force and parties are getting into the harder areas. He said he believes the task force is moving in the right way.

The Chief reported on EMS matters. The Department reported it was developing an RFP for EMS billing services.

The Board reviewed College matters. The Chief said there was little activity at present.

The Board addressed traffic preemption and the E-View program.

There were no committee reports.

The Board received a report on the District website. Ms. **DAVIS** said when she receives the election notice she will get it posted to the District website.

There being no further business brought before the Board nor any further public comment, upon Motion made the meeting adjourned at 11:30 p.m.

Secretary of the Board