

**MINUTES OF THE FEBRUARY 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 February 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.

Mr. **LARRIVEE** first invited public comment. None was offered.

The Board then reviewed calling a sales tax election for May 11, 2013. Counsel and the Board discussed the mechanics of an ESD sales tax election for 1% using the statutory carve out provisions for those areas covered by the Metro and Houston SPA combined 2% sales tax. There was extensive discussion about the timing and if there was enough time to get out the District's reasons for calling for the sales tax election. There was discussion about the fairness of a sales tax where everyone - including travelers through the District – participates in a sales tax regimen as well as providing an opportunity to keep property taxes low at \$.06/\$100, when most ESDs are at ten cents. Mr. **KYLE** asked if the Department board and members supported this effort. Tom Jackovich, Department vice president, said that the Houston SPA sales tax brings no benefits to the community. There was discussion whether May 2013 was too soon and maybe November 2013 was a better date. Mr. **KYLE** said he did not see the broad support from the membership. Mr. **LARRIVEE** said he was confident that the Department and members would support the effort. After review, Motion was made by Ms. **DAVIS**, seconded by Mr. **KYLE** to call an

election for May 11, 2013 on the proposition of establishing a 1% sales tax in the District's area after carving out those areas covered by the Metro and Houston SPA combined 2% sales tax. Mr. **JANUSAITIS** said there was only about 60 days to get going. Mr. **LARRIVEE** said 60 days is a good time frame and the Department members will get the sales tax passed. Ms. Walls said that she thinks the Department members will support this because the money stays in the community to support fire and EMS. After discussion, the Motion was approved by a vote of 5 to 0.

The Board then discussed designating an agent for the election. After review, Motion was made by Mr. **KYLE**, seconded by Mr. **BODMAN** to name Amy Ramon as the District's agent for the election. After discussion, the Motion was approved by a vote of 5 to 0.

The Board then discussed designating an Early Voting Clerk for the election. After review, Motion was made by Ms. **DAVIS**, seconded by Mr. **KYLE** to name Joann Linnenkugel as the Early Voting Clerk for the election. Counsel noted that she served last year and did a very good job. After discussion, the Motion was approved by a vote of 5 to 0.

The Board then discussed approving the election precincts for the election. Counsel discussed the proposed precinct designations, which consisted of 10 election day locations. The Board reviewed the District map and voting locations. After review, Motion was made by Ms. **DAVIS**, seconded by Mr. **JANUSAITIS** to approve the election precincts for the election to be the same as in the 2012 election, which consisted as 10 election day locations. After discussion, the Motion was approved by a vote of 5 to 0.

The Board then discussed designating an Early Voting site for the election. After review, Motion was made by Mr. **BODMAN**, seconded by Ms. **DAVIS** to designate the District administrative office (9630 Telge, Houston, Texas 77095) as the Early Voting site for the election. After discussion, the Motion was approved by a vote of 5 to 0.

The Board then discussed designating early voting hours for the election. After review, Motion was made by Mr. **BODMAN**, seconded by Ms. **DAVIS** to establish the early voting hours as follows:

Early voting shall be conducted from April 29, 2013 through May 7, 2013.
The location of the early voting place and hours are designated as follows:

District administrative offices, 9630 Telge Drive, Houston, Texas 77095
Monday-Friday: 9:00 a.m. – 5:00 p.m.
Saturday, May 4, 2013: 10:00 a.m. – 3:00 p.m.

After discussion, the Motion was approved by a vote of 5 to 0.

The Board then discussed approving the election notice for the election. After review, Motion was made by Ms. **DAVIS**, seconded by Mr. **BODMAN** to approve the form of the election notice. After discussion, the Motion was approved by a vote of 5 to 0.

The Board then addressed approving to contract with Hart Intercivics for election support and ballot preparation. Thereupon, after review, Motion was made by Ms. **DAVIS**, seconded by Mr. **JANUSAITIS** to approve contracting with Hart Intercivics for election support and ballot preparation for the May 11, 2013 District election. After discussion, the Motion was approved by a vote of 5 to 0.

The Board turned to the Agenda and Motion was made by Mr. **BODMAN**, seconded by Mr. **KYLE** to take up Item 11, to engage consultants to assist with election planning and outreach. There was discussion about a proposal from Cliff Avery from Pflugerville, Texas and Carl Joiner from Kingwood, Texas. Mr. **LARRIVEE** said that Mr Avery's firm has assisted many ESDs with sales tax elections and Mr. Joiner was assisting the college in a bond election. Thereupon, after review, Motion was made by Mr. **KYLE**, seconded by Ms. **DAVIS** to approve for the District election committee to pursue contracting with Cliff Avery and Carl Joiner to assist with election planning and outreach for the May 11, 2013 District sales tax election, with a total budget of \$67,000.00.. After discussion, the Motion was approved by a vote of 5 to 0.

The Board reviewed the Minutes of the January 24, 2013 regular meeting. After review, Motion was made by Mr. **KYLE**, seconded by Mr. **BODMAN** to

approve the Minutes of the prior meeting. During discussion Mr. Bodman pointed out various revisions which were noted. After discussion, the Motion to approve the Minutes as corrected 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.

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 \$7,540,637.19, the receipt of tax revenue in the amount of \$4,653,579.18, tax penalty and interest in the amount of \$3,580.17, interest of \$7105.49, and ambulance reimbursement for the Department emergency medical services of \$345,826.58. Mr. **RUSSELL** said that dispatching fees of \$ -0- were also received. He also noted the balance sheet showed total District assets at \$54,927,943.87 (\$27,979,386.79 cash/cash equivalents; \$1,000,000.00 T-bills) short-term liabilities of \$ -0-, long term liabilities of \$749,302.00, and equity of \$54,178,641.87. 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.

The Board then addressed District investments. The Board reviewed the investment reports. There was discussion about investment instrumentalities. Mr. **RUSSELL** recommended renewing the 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.

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. **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.

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 \$1,349,025.00. After review, Motion was made by Ms. **DAVIS**, seconded by Mr. **BODMAN** to approve the payment of Department Operations in the amount of \$1,349,025.00. 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 \$105,220.42 (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 \$105,220.42. After discussion, the Motion was approved by a vote of 5 to 0.

The Board addressed and took no action on amendments to the Department budget.

The Board then received a report from Amy Ramon, the General Manager. She reported that she was working with IT regarding the accounting software. She said the programming with the vendor was delayed again for 30 days. IT coordinator, Danny Corgiat said he was working with the vendor and hoped for a better result soon. Mr. **JANUSAITIS** asked what per cent was done. Mr. Corgiat said 50%. Ms. Ramon also noted the Radio RFP was due soon.

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. Assistant Chief-Support Services Braswell said a workshop with the District in early April could be planned.

Mr. **LARRIVEE** asked if the Long Range task force had a report. Mr. **KYLE** reported on the work with the facilitator.

The Board addressed Long Range Plan Phase 2. Mr. **LARRIVEE** said there were more critical issues to discuss. After review, Motion was made by Ms.

DAVIS, seconded by Mr. **BODMAN** to table this item. After discussion, the Motion was approved by a vote of 5 to 0.

The Board then addressed the Bridgeland development and the prospect of building facilities there for the fire and EMS service. Assistant Chief-Facilities Mullins 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 244 (115 full-time, 129 part-time), and the active volunteer membership was 376, with 6 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 Ms. **DAVIS**, seconded by Mr. **JANUSAITIS** 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. **BODMAN**, seconded by Mr. **JANUSAITIS** 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 reported that First Net would manage the Department's new radio communications systems.

The Chief reported on a meeting with Cy-Fair ISD where they discussed active shooter policies.

The Department reported on developing a cloud-based communications system for Dispatch notifications.

The Department requested approval for officers and members to attend the upcoming FDIC conference in Indianapolis. There was discussion, and after review, Motion was made by Ms. **DAVIS**, seconded by Mr. **JANUSAITIS** to approve the request with funding not to exceed \$21,000.00. After discussion, the Motion was approved by a vote of 5 to 0.

The Chief reported that the Department S&R team did well in a recent fire in La Porte.

The Department requested approval for Assistant Chief-Facilities Scott Mullins to attend a fire station related conference. There was discussion, and after review, Motion was made by Ms. **DAVIS**, seconded by Mr. **JANUSAITIS** to approve the request with funding not to exceed \$2,500.00. After discussion, the Motion was approved by a vote of 5 to 0.

The Chief reported that a recent leadership conference in Frisco was a good conference.

The Department reported on EMS billing matters. Assistant Chief-EMS Kenny Grayson reported on a status meeting with Intermedix. He said there were still some lingering problems. There was discussion, and after review, Motion was made by Ms. **DAVIS**, seconded by Mr. **JANUSAITIS** to approve for Mr. Katz and Ms. Ramon to meet with the Department over these issues. After discussion, the Motion was approved by a vote of 5 to 0.

Ms. Walls requested approval for the Department to contract for landscape service with Associated Lawn Care. After review, Motion was made by Ms. **DAVIS**, seconded by Mr. **BODMAN** to approve for the Department to contract for landscape service for all the stations/facilities with Associated Lawn Care. After discussion, the Motion was approved by a vote of 5 to 0.

Mr. **JANUSAITIS** and Mr. Corgiat reported on a good IT committee meeting.

There being no further business brought before the Board nor any further public comment, upon Motion made the meeting adjourned at 10:30 p.m.

Secretary of the Board