

**MINUTES OF THE JANUARY 24, 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 January 24, 2013, at the administrative offices of the District, 9630 Telge Drive, Houston, Texas 77095.

The meeting was called to order at 7:34 p.m. by **MICHAEL LARRIVEE**, President. Those Commissioners present were **MICHAEL LARRIVEE, SUZANNE DAVIS, KEVIN KYLE, JACK BODMAN** and **ROBERT JANUSAITIS**. Also present were **TOM JACKOVICH** and **JOE DAVIS**, Vice 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** and **TERRY HOLLAND**, of **MYRTLE CRUZ, INC.**, the District's bookkeeper. Also present was Dr. Ronald Welch, of Municipal Information Services, a District consultant on District growth, projected valuation and population trends.

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

The Board reviewed the Minutes of the December 20, 2012 regular meeting. After review, Motion was made by Ms. **DAVIS**, seconded by Mr. **BODMAN** to approve the Minutes of the prior meeting. During discussion the following changes were made: on page 7, the comments attributed to Mr. Janusaitis were made by Mr. Kyle. 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.

12/31: Mr. **RUSSELL** noted the operating account balance following the prior meeting of \$626,121.52, the receipt of tax revenue in the amount of \$12,861.40, interest of \$3,694.20, and ambulance reimbursement for the Department emergency medical services of \$363,460.84. Mr. **RUSSELL** said that dispatching fees of \$ -0- were also received.

1/24: Mr. **RUSSELL** noted the operating account balance following the prior meeting of \$626,121.52, the receipt of tax revenue in the amount of \$8,332,260.65, tax penalty and interest in the amount of \$2,671.50, interest of \$177.84, and ambulance reimbursement for the Department emergency medical services of \$195,688.42, and a Buy-Board rebate of \$787.61, plus equipment sales proceeds of \$72,504.20. Mr. **RUSSELL** said that dispatching fees of \$ -0- were also received. He also noted the balance sheet showed total District assets at \$51,511,640.24 (\$24,563,083.16 cash/cash equivalents) short-term liabilities of \$ -0-, long term liabilities of \$749,302.00, and equity of \$50,762,338.24. Thereupon, after review, Motion was made by Mr. **BODMAN**, seconded by Mr. **JANUSAITIS** to approve the Financial Report as presented. During discussion the following matters were noted: there was an erroneous double payment (\$83,171.52 x 2 = \$166,345.04) of the Amegy dispatch equipment loan; Mr. **KYLE** asked about the L/T capital budget not fully reflected on the budget. Mr. **RUSSELL** said that the loan payments are reflected or budgeted as of January 1 and the other capital expenses are updated as the year goes on and expenses are approved. After discussion, the Motion was approved by a vote of 5 to 0, and the consensus was to treat the overpayment as a principal pre-payment.

The Board then addressed District investments. The Board reviewed the investment reports. Mr. **RUSSELL** said that CDs and the CEDARs program will mature in March. Thereupon, after review, Motion was made by Mr. **KYLE**, seconded by Ms. **DAVIS** to wait until the February meeting for all maturing CDs and investments. 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 addressed the proposed 2013 District Investment Policy. At Mr. Kyle's request and without objection the item was tabled until the March meeting.

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 Ms. **DAVIS**, seconded by Mr. **BODMAN** 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 \$1,299,645.00. After review, Motion was made by Ms. **DAVIS**, seconded by Mr. **JANUSAITIS** to approve the payment of Department Operations in the amount of \$1,299,645.00. 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 \$117,232.31 (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 \$117,232.31. After discussion, the Motion was approved by a vote of 5 to 0.

The Board then addressed the engagement of the auditing firm of McCall Gibson Swedlove & Barfoot as District auditor for the 2012 District audit. The proposal presented the services and read that the fee proposed was the same as the prior year with an estimated fee of \$15,500.00-\$16,500.00, which reflected a \$500.00 increase. The proposal also set out arrangements to ensure the audit report is presented in compliance with all timing requirements. After review, Motion was made by Ms. **DAVIS**, seconded by Mr. **BODMAN** to approve the engagement of the auditing firm of McCall Gibson Swedlove & Barfoot as District auditor for the 2012 District audit. After discussion, the Motion was approved by a vote of 5 to 0.

The Board then addressed engagement of Coveler & Katz, P.C. as District Counsel. Mr. Katz said the he and the firm have enjoyed serving as Counsel and would like to remain Counsel. The Board expressed appreciation of the good work done by Counsel. Counsel said there was no proposed change in the rates. After review, Motion was made by Ms. **DAVIS**, seconded by Mr. **BODMAN** to

approve engagement of Coveler & Katz, P.C. as District Counsel. After discussion, the Motion was approved by a vote of 5 to 0.

(Mr. Bodman departed the meeting at 8:00 p.m.)

Members of Station 5 appeared before the Board and requested time to comment. Mr. **LARRIVEE** explained that public comment was already called but as a courtesy he re-opened Agenda Item 1, to receive public comment, without objection. There was extensive public comment from Station member Ernest Powell and others regarding the proposed relocation of Rescue 5. The speakers said that they were told by the Chief that ISO was the reason for the movement and now that ISO was not the reason. They said there was now the implication that Rescue 5 did not pull. They said the District Board had agreed to look at the issue. Mr. **LARRIVEE** said that Mr. Bodman was the liaison to the membership and he looked at this issue and determined that this was a Department issue. Mr. **LARRIVEE** suggested that Station 5 and the Chief develop an action plan for the District to look at to see if the District had any reason to express a view.

Ms. **DAVIS** requested to move up the Agenda Item her committee report on the District website. Ms. **DAVIS** said the website was completed for review before launching the site. She presented the website on the projector. The Chief and Counsel noted that in some pictures there were members of the public and possible patients. Counsel discussed releases being necessary and the Chief said that patients and actual emergency scenes outside of training purposes cannot be shown. However, all expressed general approval of the site characteristics. After review, Motion was made by Ms. **DAVIS**, seconded by Mr. **JANUSAITIS** to approve and proceed with final development the website format as presented subject to the public and patient issues raised. Ms. **DAVIS** said she would get with Counsel and the Chief on those matters. After discussion, the Motion was approved by a vote of 4 to 0.

The Board then returned to the regular order of the agenda and addressed engagement of Myrtle Cruz, Inc. as the District's bookkeeper. Mr. Russell said the he and the firm have enjoyed serving as the District's bookkeeper and would like to remain so. The Board expressed appreciation of the good work done by

Mr. Russell. Mr. Russell said there was no proposed change in the rates. After review, Motion was made by Mr. **KYLE**, seconded by Ms. **DAVIS** to approve engagement of Myrtle Cruz, Inc. as the District's bookkeeper. After discussion, the Motion was approved by a vote of 4 to 0.

The Board then received a report from Amy Ramon, the General Manager. She reported that she was working on the accounting software. She noted the Radio RFP was due soon.

The Board then addressed the Long Range Planning. Assistant Chief-Support Services Mark Braswell and communications coordinator Michael Hebert presented a Report on the radios and communications systems and towers. They said the proposals were due this Friday, January 25. Assistant Chief-Support Services Braswell also said that the Department had appealed the Region 51 apparent denial of the Department's request for frequencies and that position was being reviewed by Harris County on behalf of the Department.

Mr. **LARRIVEE** asked if the Long Range task force had a report. Mr. **KYLE** reported on the work with the facilitator. Mr. **KYLE** said that a major finding by the committee and the facilitator was a major break-down in communications between the Department Board and Chief officers and the membership. The facilitator said there was finger pointing about how the Long Range Plan was communicated to the membership, including the renovation Phase 1 of the Plan. Mr. **KYLE** said some reps from Station 7 said they were unaware that their station was to be renovated and they had no input into the plans. The Chief said there was discussion about the plans and the Department board had requested the Station 7 work be moved to the top of the list for the work. Mr. **JANUSAITIS** asked if there is a disconnect and does the Department board support the Long Range Plan. Tom Jackovich, Department board vice president, said yes, the Department board voted yes to proceed with the plans. Counsel said that certainly seemed correct because for the Phase 1 loan the Department had to pledge some of the properties and a special board meeting was held and the closing documents were signed. Assistant Chief-Facilities Scott Mullins said he knows that Station 7 members have seen the plans and blueprints. Mr. **KYLE**

said the he wanted to be clear that this is not a District-only project. This is a joint project and we all have to be on the same page. Mr. Jackovich said that was true and it is up to the Department board members to educate and inform their stations and the membership.

Mr. **LARRIVEE** suggested that a workshop be scheduled to discuss key performance indicators of the various District committees. He suggested February 2 and the Board members concurred.

The Board addressed long range planning and the possibility of calling a sales tax election for May 2013. The Board discussed the matter and reviewed the map depicting where the City of Houston already had sales tax agreements with area MUDs. There was also discussion about a consultant to assist with the election mission statement and information promulgation. Counsel mentioned that there will likely be serious opposition to a District sales tax election from the city and area MUDs. After review, Motion was made by Ms. **DAVIS**, seconded by Mr. **JANUSAITIS** to approve a committee to look into the possibility of a sales tax election and consultant for a report at the February 2 workshop. After discussion, the Motion was approved by a vote of 4 to 0.

The Board addressed Long Range Plan Phase 2. The Chief said he and Mr. **LARRIVEE** and District architect and long range plan consultant Carl Joiner discussed devising a smaller EMS-only and fire-only station format to enable more volunteer-based fire stations to be built at less cost and to meet ISO requirements. The Chief said the station cost would drop by \$500,000.00 per station, to \$1.4-\$1.6 million. Mr. **LARRIVEE** said he received a report from Mr. Joiner that suggested moving up the implementation of Phase 2 of the Long Range Plan because of the many bond projects recently approved for the city, HISD and HCC which may delay other projects or increase the cost. The Chief agreed that this was a concern. Mr. **LARRIVEE** said there was a also a \$30,000.00 consult fee associated with the Phase 2 Plan revisions. There was discussion about the proposal. Mr. **KYLE** said there was incomplete information and the Joiner report had not been circulated. Mr. **LARRIVEE** agreed but he said the Board needs to consider the consultant's fee to get the plan review under

way. Mr. **KYLE** said he was not ready to even look at that with the radio communications bid still out. He also said that the 10-year plan is really only looking at facilities. He asked about all the other projects related to the Department including manpower and apparatus. He asked what he was getting with this proposal. Counsel said that the District has a plan in place that is tied into revenue and financing. He said there is a 5 year gap in phases in case the District revenue does not increase through a tax increase or sales tax revenue. Counsel said that later if revenues do increase the projects could be advanced, but to do so now seemed out of place. Mr. **KYLE** said that is correct. He said he has no idea what the expected costs of the ten-year plan are. He said that instead of focusing on moving up projects that all the costs should be put into a plan so the futures can be planned. Mr. **LARRIVEE** said that is what the comprehensive plan is for and what the District and Department were operating under. Mr. **KYLE** said the plan seems out of sync. Who actually is in charge of the plans to determine what projects are under way and in compliance. Mr. **JANUSAITIS** said Ms. Ramon can be the central conduit for this information. Ms. Ramon said she can help gather information to keep tabs on the projects and to address any changes, such as the suggestion by Mr. Joiner to advance some projects. After review, Motion was made by Ms. **DAVIS**, seconded by Mr. **JANUSAITIS** to approve for Ms. Ramon to be the central conduit for Long Range Plan information and to help gather information to keep tabs on the projects and to address any changes. During discussion, Mr. **KYLE** asked why is this to the Board at this time. He said there is a committee to address Long Range Planning and they have not seen the Joiner proposal. Mr. **KYLE** asked if Mr. Larrivee could review the Joiner proposal for a report at the February workshop. Ms. **DAVIS** and Mr. **JANUSAITIS** agreed to withdraw the Motion.

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 next meeting was January 29.

There were no 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.

Mr. Jackovich delivered the status change report.

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

Mr. Jackovich delivered the over-time report and the accident/injury log.

Mr. Jackovich noted the LOSAP report.

Mr. Jackovich said that the Department employee count was 236 (113 full-time, 123 part-time), and the active volunteer membership was 374, with 11 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 Mr. **KYLE**, seconded by Mr. **JANUSAITIS** to approve page 2. After discussion, the Motion was approved by a vote of 4 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 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 4 to 0.

The Department requested approval to award bids for protective gear. The Chief and Ms. Ramon said all awards were to the low bidder in compliance with the specs. After review, Motion was made by Ms. **DAVIS**, seconded by Mr. **KYLE** to approve the request to award bids for protective gear as outlined in the written

reports. During discussion Mr. **LARRIVEE** asked if the contract award prevented the Department from buying from other vendors if the need arose. Ms. Ramon said no. After discussion, the Motion was approved by a vote of 4 to 0.

The Department requested approval to award bids for tools and emergency/extrication equipment; fire suppression equipment; EMS equipment. The Chief and Ms. Ramon said all awards were to the low bidder in compliance with the specs. After review, Motion was made by Ms. **DAVIS**, seconded by Mr. **JANUSAITIS** to approve the request to award bids for tools and emergency/extrication equipment; fire suppression equipment; EMS equipment as outlined in the written reports. After discussion, the Motion was approved by a vote of 4 to 0.

Mr. Jackovich and Ms. Ramon reported that landscape service had been a problem and the Department will address that. Ms. Ramon said that IMS Landscape Service was performing the service in the interim.

The Department delivered an IT report. IT coordinator, Danny Corgiat, delivered the report. Mr. Jackovich requested approval for attendance by the IT staff to the upcoming IAFC Innovation Conference for IT and policy issues for the cost of up to \$2,000.00. Mr. **LARRIVEE** asked that Mr. Janusaitis be included as the committee head of IT. Mr. Corgiat said that was good. 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.

Mr. **KYLE** asked about an Operations funding analysis for unused funds at 12/31.

The Chief reported that he and Assistant Chief-EMS Kenny Grayson met with the Cy-Fair Hospital regarding improving service.

Assistant Chief Tom Linnenkugel requested approval for himself and Training Chief Freddie Williams to attend the Southwest Fire-Rescue Class for a cost not to exceed \$2,000.00. 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. Kyle exited the meeting at 11:15 p.m.)

The Chief reported on a news article in The Navasota Gazette about how the Department helps with training for smaller fire departments.

(Mr. Kyle returned to the meeting at 11:17 p.m.)

Assistant Chief-Support Services Mark Braswell requested approval to increase the part-time hours for Communications. He said the cost was covered by the 2013 budget. He said the extra hours were to assist handling new and current projects. Assistant Chief-Support Services Braswell said that a full-time employee converted to part-time and hours were added. Now there is a new full-time employee but the part-time side is still short. He said that 20 additional part-time hours were needed for the pool of part-time staffing to keep up with projects. 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 Chief reported on EMS matters. He said that for 2012, \$4.8 million was received. He said that calls increased about 1,000 over 2011. The Chief said the new power loads were to be delivered shortly for the EMS trailer.

The Chief reported that apparatus was in the shop. He requested approval to add a full-time mechanic to the Department apparatus maintenance crew. He said the cost was in the budget. 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 requested approval for an Air-Pack Upgrade and Stabilization Project. Assistant Chief Lenny Fauser delivered the report. He said the project goal was to achieve full compliance this year with the 2007 NFPA-1981 Standard for Open Circuit SCBA equipment. He said the goal was to bring all equipment into compliance with the year 2007 standard. He said some equipment was still under the 1997 standard and over-all the Department equipment was under one of three standards. He said this project will get all the SCBA equipment under the single 2007 standard. He added this is especially important because after the 2013 standard goes into effect the equipment under the 2007 standard will not be available so it is critical to perform the 2007

upgrades now. Assistant Chief Fauser said the Department preferred the 2007 standards to the 2013 standards. Assistant Chief Fauser said the project included 100 upgrade kits, 18 complete new packs and single items of new equipment article, with a total estimated cost of \$300,823.00. He added that the budget cost will come from the airpack line items over the next 5 years. After review, Motion was made by Mr. **KYLE**, seconded by Ms. **DAVIS** to approve the project and funding. After discussion, the Motion was approved by a vote of 4 to 0.

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

The Board then addressed traffic preemption and the E-View program. Mr. **LARRIVEE** said he plans to meet with reps of HCESD No. 11. The Chief said that the cost in the Department service area was \$8,500.00 per intersection. He said the Department would try to come up with a sensible plan. He estimated there would be 10 intersections to start off.

Mr. **LARRIVEE** asked for any committee reports. Mr. **JANUSAITIS** said his IT report would be available next month. Mr. **KYLE** said the task force committee was planning to finalize its report and findings next month.

The Board entered executive session at 12:05 a.m. pursuant to Section 551.074 Government Code, to discuss and consider District personnel matters. The Board re-entered open session at 12:55 a.m.

There being no further business brought before the Board nor any further public comment, upon Motion made the meeting adjourned at 12:56 a.m.

Secretary of the Board