

**MINUTES OF THE MAY 21, 2015 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 May 21, 2015, at the administrative offices of the District, 9630 Telge Drive, Houston, Texas 77095.

The meeting was called to order at 6:15 p.m. by **JEREMY M. MARTINSON**, President. Those Commissioners present were **JEREMY M. MARTINSON, SUZANNE DAVIS, ROBERT JANUSAITIS, BETTY BOREN AVERY, and SCOTT DeBOER**. Also present were **DAVID MANLEY, and AMY RAMON**, President and Fire Chief, respectively, of the **CY-FAIR VOLUNTEER FIRE DEPARTMENT** (the "Department"), chief officers and members of the Department, **BILL RUSSELL, of MYRTLE CRUZ, INC.**, the District's bookkeeper, **HOWARD KATZ, of COVELER & KATZ, P.C.**, the District's Counsel, and members of the public. Also present were Chad Joiner from Joiner Partnership, and Ricardo Martinez, real estate feasibility consultant.

Ms. Avery delivered an invocation.

The Board received public comment. Colleen Vera said the District and Department should consider the effect on District taxpayers before agreeing to provide to other agencies, such as Katy FD, dispatch or other communications services the District taxpayers spent a lot of money to develop. Ms. Avery noted the good work of the Post Traumatic Stress Disorder Foundation which area of service includes the District community.

The Board addressed the Minutes of the April 16, 2015 regular meeting. After review, Motion was made by Ms. **AVERY**, seconded by Mr. **DeBOER** to approve the Minutes. After discussion, the Motion 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 \$8,245,851.36, the receipt of tax revenue in the amount of \$163,895.08, tax penalty and interest in the amount of \$4,364.28, sales tax receipts of \$2,345,449.08, interest of

\$5,175.15, and ambulance reimbursement for the Department emergency medical services of \$470,719.65. Mr. **RUSSELL** said that dispatching fees of \$1,420.00 were also received. He also noted the balance sheet showed total District assets at \$75,184,014.38 (\$53,043,312.38 cash/cash equivalents) short-term liabilities of \$ -0-, long term liabilities of \$6,868,918.00, and equity of \$68,315,096.38. Thereupon, after review, Motion was made by Mr. **DeBOER**, seconded by Ms. **DAVIS** to approve the Financial Report. After discussion, the Motion was approved by a vote of 5 to 0.

The Board then addressed the District 2014 audit. Brian Desilets, of McCall Gibson Swedlund & Barfoot, CPAs, the District's auditors, presented the audit. He said the audit was clean and without any qualifications or reservations. The Board reviewed the audit and had some questions for the auditor. Without objection, final consideration of the audit was held for the June meeting.

The Board then addressed granting 2015 property tax exemptions. Counsel presented a report based on information from HCAD from the 2014 certified tax rolls and the current \$.06/\$100 tax rate. The Board reviewed the report. The Board discussed the upcoming District budget, anticipated tax revenues and the District 1% sales tax. There was discussion about the homestead and over-65 and disabled exemptions.

After review, Motion was made by Mr. **DeBOER**, seconded by Mr. **JANUSAITIS** to grant a 5% homestead exemption for 2015. After discussion, the Motion was approved by a vote of 5 to 0.

After review, Motion was made by Ms. **DAVIS**, seconded by Mr. **DeBOER** to grant an exemption of \$160,000.00 for disabled for 2015. After discussion, the Motion was approved by a vote of 5 to 0.

After review, Motion was made by Ms. **DAVIS**, seconded by Mr. **DeBOER** to grant an exemption of \$160,000.00 for over-65 for 2015. After discussion, the Motion was approved by a vote of 5 to 0.

The Board then addressed engagement of a law firm to collect 2014 and prior delinquent taxes. The Board noted that the firm of Linebarger Goggan Blair and Sampson collected the Harris County delinquent taxes and the District taxes

were part of the consolidated county tax bill. After review, Motion was made by Ms. **DAVIS**, seconded by Mr. **DeBOER** to approve the engagement of the law firm of Linebarger Goggan Blair and Sampson to collect 2014 and prior delinquent taxes at the penalty rate of 20%. After discussion, the Motion was approved by a vote of 5 to 0.

The Board then addressed imposition pursuant to Section 33.07, Texas Tax Code, of a 20% penalty for delinquent 2014 property taxes. After review, Motion was made by Ms. **DAVIS**, seconded by Mr. **JANUSAITIS** to approve the imposition pursuant to Section 33.07, Texas Tax Code, of a 20% penalty for delinquent 2014 property taxes. After discussion, the Motion was approved by a vote of 5 to 0.

The Board then addressed imposition pursuant to Section 33.08, Texas Tax Code, of a 20% penalty for delinquent 2014 property taxes. After review, Motion was made by Ms. **DAVIS**, seconded by Mr. **JANUSAITIS** to approve the imposition pursuant to Section 33.08, Texas Tax Code, of a 20% penalty for delinquent 2014 property taxes. After discussion, the Motion was approved by a vote of 5 to 0.

The Board then addressed imposition pursuant to Section 33.11, Texas Tax Code, of a 20% penalty for delinquent 2014 personal property taxes. After review, Motion was made by Ms. **DAVIS**, seconded by Mr. **JANUSAITIS** to approve the imposition pursuant to Section 33.11, Texas Tax Code, of a 20% penalty for delinquent 2014 personal property taxes. After discussion, the Motion was approved by a vote of 5 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 in place security pledge agreements for the District's excess deposits.

The Board then addressed District investments. The Board reviewed the investment reports. Mr. **RUSSELL** said he recommended no action at this meeting other than the Board's decision on joining the Texas Class Investment Pool.

The Board then addressed enrollment in the Texas Class Investment Pool following a report from the District investment committee. The Board discussed the Texas Class Investment Pool. After review, Motion was made by Mr. **JANUSAITIS**, seconded by Mr. **DeBOER** to approve enrollment in the Texas Class Investment Pool, with an initial authorized investment of \$2,000,000.00. After discussion, the Motion was approved by a vote of 5 to 0.

The Board received a presentation from Wells Fargo Bank regarding District investments. Mr. **RUSSELL** addressed the Wells Fargo Depository Pledge Agreement. Counsel said he would review to see if the form presented is the same as the Depository Pledge Agreement he has already reviewed. After review, Motion was made by Ms. **DAVIS**, seconded by Mr. **MARTINSON** to approve an investment with Wells Fargo Bank of \$10,000,000.00, subject to the approved Depository Pledge Agreement. After discussion, the Motion was approved by a vote of 5 to 0.

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. **DeBOER** 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 as set forth in the Financial Report. Chief Amy Ramon noted that Operations funding was due at this meeting in the amount of \$1,882,352.00. After review, Motion was made by Ms. **DAVIS**, seconded by Mr. **JANUSAITIS** to approve the payment of Department Operations. 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. Chief Ramon noted that Capital funding was due at this meeting in the amount of \$35,315.01 (previously scheduled budgeted capital funding). After review, Motion was made by Ms. **DAVIS**, seconded by Mr. **DeBOER** to approve the payment of Department Capital. After discussion, the Motion was approved by a vote of 5 to 0.

The Board addressed revisions to the Department 2015 budget. Mr. Manley said there were none.

The Board addressed revisions to the District 2015 budget. Mr. **RUSSELL** said there were none.

The Board addressed sales tax matters.

The Board addressed new District furniture and furnishings. Karina Martinez, the District Administrative Assistant said the invoice was \$8,737.00. After review, Motion was made by Ms. **DAVIS**, seconded by Ms. **EVERY** to approve \$8,737.00 to purchase District furniture and furnishings. After discussion, the Motion was approved by a vote of 5 to 0.

The Board then addressed parking area striping at Station 98 (auxiliary). Ms. **EVERY** said the stripes cannot be seen at the facility which she said was used by the public as well as the auxiliary. She said there was also a concrete problem. The Board then discussed striping and concrete for other facilities, including Stations 12, 10 and 11. After review, Motion was made by Ms. **DAVIS**, seconded by Ms. **EVERY** to appoint a committee to study the concrete and striping situations. Mr. **MARTINSON** designated Ms. Davis and Mr. DeBoer for the committee. After discussion, the Motion was approved by a vote of 5 to 0.

The Board then addressed the KPIs for the District-Department service evaluation. Ms. **DAVIS** said the District committee of herself and Ms. Avery met with the Department committee of Mr. Manley and Chief Ramon. She said there was progress and they are moving forward. The joint committee agreed to future meetings on May 26 and June 1.

Counsel delivered a legislative update.

The Board then received a report from Karina Martinez, the District Administrative Assistant. She reported on receipt of certain donated pictures.

The Board addressed hiring a District Managing Director. Counsel said he worked on a proposed employment agreement which had been approved by the District committee and the applicant Kyle Williams. The Board reviewed the matter. After review, Motion was made by Mr. **DeBOER**, seconded by Ms. **DAVIS** to approve hiring Kyle Williams as the new District Managing Director,

with a start date of June 1, 2015, and approval of the employment agreement as presented. Mr. Williams noted his assent to the hiring and employment agreement. After discussion, the Motion was approved by a vote of 5 to 0.

The Board then addressed the Motorola radio system implementation. Chief Ramon said the system was performing well, with no operational issues to report.

The Board addressed and tabled long-range planning and future station matters. Counsel was asked to delete the item.

The Board addressed the land acquisition for a new station in Bridgeland. The Board received an update on the feasibility review from Ricardo Martinez.

The Board then addressed Station 7 construction options, including the purchase of the site. Counsel said he would need an executive session on this matter.

The Board then addressed the Station 9 construction options, including the purchase of the site. Counsel said he would need an executive session on this matter.

The Board then addressed fence matters at Dispatch. The Board received an update from Chad Joiner from Joiner Partnership. He reported that three bids were received and all were reliable companies. He estimated this would be a 30-day job. The job would include fabrication of the new fence, removal of the old fence and installation of the new fence. Ms. **AVERY** and Mr. Joiner discussed the dimensions and location of the new fence, including driveway and sidewalks. After review, Motion was made by Mr. **DeBOER**, seconded by Mr. **JANUSAITIS** to approve awarding the contract to Anchor Agency for the job as bid for the price of \$68,599.00. After discussion, the Motion was approved by a vote of 5 to 0.

The Board addressed revisions to the Department 2015 budget or quarterly reallocations. Mr. Manley said there were none.

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

The Board then addressed approvals (Agenda Item 32):

Budget Capital Expenses:

- a. CDW Server hardware for Kaspersky endpoint security enterprise management \$7,704.00
- b. CDW Server hardware to install Symantec data backup at dispatch/backup dispatch \$23,786.00

The Board reviewed the items. Ms. **AVERY** addressed the Kaspersky system. After review, Motion was made by Mr. **JANUSAITIS**, seconded by Mr. **DeBOER** to approve the items. After discussion, the Motion was approved by a vote of 5 to 0.

Operations in Budget:

- a. Comerica bank Payroll taxes 5/31/15 \$110,000.00
- b. Comerica bank Payroll taxes 5/27/15 \$110,000.00
- c. DEA license renewal for stations \$7,310.00
- d. Alertall Promotional materials \$2,550.00
- e. Cozen O'Conner Legal services \$5,075.00
- f. Resilient Networks Fortimail VM server software license \$4,261.00
- g. Dell Computer monitors for back up dispatch \$2,837.00
- h. Thawte SSL Web server security certificate \$2,335.00
- i. Siddons Martin Pierce Mobile Training Session \$2,613.00

The Board reviewed the items. Chief Ramon said item (c) as listed was probably meant to be for Station 2. After review, Motion was made by Mr. **JANUSAITIS**, seconded by Ms. **DAVIS** to approve the items. After discussion, the Motion was approved by a vote of 5 to 0.

Bid Approval:

- a. Tires to be purchased off the TXMAS contract TXMAS-15-23V02 good through March 31,2016

The Board reviewed the item. After review, Motion was made by Mr. **JANUSAITIS**, seconded by Ms. **DAVIS** to approve the tire item. After discussion, the Motion was approved by a vote of 5 to 0.

The Board addressed the receipt by the District of a citizen complaint about an alleged incident when the Department personnel involved was allegedly rude and unprofessional. Mr. Manley said the Department chief officers would address the matter.

The Board then addressed authorizing Department dispatching service for the City of Katy Fire Department. The Board discussed the merits and questions raised about performing the service. There was no action taken on the matter.

The Board addressed approval of requests to solicit bids and proposals and to approve awards following bids and proposals.

The Board addressed Records Management and sustainability and assessing elements of critical infrastructure. Mr. **JANUSAITIS** said there would be a report in the next few months.

The Board addressed development of a Department EMS patient satisfaction program. The Board and Department discussed the benefits of the reports. Ms. **DAVIS** said items like pain management, over-all help to the patient were good items for the study and KPI program. There was discussion about keeping the questions consistent on the study reports to always compare apples with apples.

The Board received committee reports. There were no reports for this meeting.

The Board noted there was no new District newsletter or website report.

The Board then addressed approval of an official District logo. The over-all logo suggested would be the State Seal with HCESD 9 listed on the logo. After review, Motion was made by Ms. **DAVIS**, seconded by Mr. **DeBOER** to approve the presented logo. After discussion, the Motion was approved by a vote of 5 to 0.

The Board addressed the revised employee manual. Counsel said he presented a revised manual following review by labor counsel of the new draft by the District employment committee.

The Board tabled review of the Harris County Office of Homeland Security and Emergency Management Plan.

The Board entered executive session at 8:20 p.m. pursuant to Section 551.072 Government Code, to discuss real estate matters with attorney.

The Board re-entered open session at 8:55 p.m.

Without objection, the Board re-opened Agenda Item 25, District long range planning. The Department and Mr. **JANUSAITIS** requested approval for the purchase of 9 network switchers from Cisco Systems. Ms. **AVERY** said she knows Mr. Janusaitis has expertise, but she does also and that she is on the IT committee. Mr. **JANUSAITIS** said it was an important IT purchase and was available under the State Contract. It was also noted that this item is included under the 10-year plan. After review, Motion was made by Mr. **JANUSAITIS**, seconded by Ms. **DAVIS** to approve the purchase of 9 network switchers from Cisco Systems under the State Contract for the price of \$152,484.00, using the cash payment option. During discussion, Ms. **AVERY** said she has a strong background in IT and she said she thought this way of IT purchasing and development was short-sighted and in a piece-meal fashion. She said a full IT review is required. After discussion, the Motion to approve the purchase of 9 network switchers from Cisco Systems under the State Contract for the price of \$152,484.00 was approved by a vote of 4 to 1.

There being no further business brought before the Board nor any further public comment, upon Motion made the meeting adjourned at 9:05 p.m.

Secretary of the Board