

**MINUTES OF THE DECEMBER 17, 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 December 17, 2015, at the administrative offices of the District, 9630 Telge Drive, Houston, Texas 77095.

The meeting was called to order at 6:03 p.m. by **JEREMY M. MARTINSON**, President. Those Commissioners initially present were **JEREMY M. MARTINSON, ROBERT JANUSAITIS, BETTY BOREN AVERY, and SCOTT DeBOER**. Also present were **KYLE WILLIAMS**, District Managing Director, **AMY RAMON**, Fire Chief 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 Ricardo Martinez, District real estate feasibility consultant, Richard Fletcher of Sales Tax Assurance, District sales tax consultant, and representatives of BRW Architects.

Ms. Avery delivered an invocation.

The Board received public comment. Dave Wilson discussed transparency in government and videotaping of District meetings and an on-line public comment sign-up sheet process.

The Board addressed the Minutes of the November 19, 2015 regular meeting. After review, Motion was made by Mr. **JANUSAITIS**, seconded by Ms. **AVERY** to approve the Minutes. After discussion, the Motion was approved by a vote of 4 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 \$707,058.28, the receipt of tax revenue in the amount of \$903,697.81, tax penalty and interest in the amount of \$4,573.04, sales tax receipts of \$2,159,385.54, interest of \$12,281.78, and ambulance reimbursement for the Department emergency medical services of \$458,256.62. Mr. **RUSSELL** said that dispatching fees of \$ -0- and other

income of \$16,970.30 (Jersey Village radio contract payment) were also received. He also noted a transfer of \$510,424.55 from the District EMS billing account into operating. He also noted the balance sheet showed total District assets at \$70,937,066.16 (\$48,796,364.16 cash/cash equivalents) short-term liabilities of \$ -0-, long term liabilities of \$ -0-, and equity of \$70,937,066.16. Thereupon, after review, Motion was made by Mr. **JANUSAITIS**, seconded by Mr. **DeBOER** to approve the Financial Report. 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 in place security pledge agreements for the District's excess deposits.

The Board then addressed District investments. Mr. **RUSSELL** said no action was required at present

The Board then addressed action on District depository pledge agreements. Counsel presented a new Depository Pledge Agreement for Independent Bank and providing for letter of credit collateral. Thereupon, after review, Motion was made by Mr. **JANUSAITIS**, seconded by Mr. **DeBOER** to approve the Depository Pledge Agreement for Independent Bank. After discussion, the Motion was approved by a vote of 4 to 0.

The Board then addressed engagement of an auditor for the District 2015 audit. Chris Swedlund, CPA, of McCall Gibson Swedlund and Barfoot, CPAs presented a proposal. He discussed the services and said the estimated fee was \$15,500.00-\$16,500.00. After review, Motion was made by Ms. **AVERY**, seconded by Mr. **JANUSAITIS** to approve the engagement of the auditing firm of McCall Gibson Swedlund & Barfoot as District auditor for the 2015 District audit. After discussion, the Motion was approved by a vote of 4 to 0.

The Board then addressed administrative bills and commissioner fees as set forth in the Financial Report, except for check no. 6636 (\$4,900.00) to Weisser Engineering pending further information. After review, Motion was made by Mr. **JANUSAITIS**, seconded by Ms. **AVERY** to approve the payment of

District administrative bills and commissioner fees, with the exception of check no. 6636. After discussion, the Motion was approved by a vote of 4 to 0.

Counsel requested the Board hold on Agenda Items 9 and 10 (the payment of Department Operations as set forth in the Financial Report, and the payment of Department Capital funding as set forth in the Financial Report) pending District approval of a Department 2016 budget under Agenda Item 11.

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

The Board addressed revisions to the Department 2015 budget. Chief Ramon said there were none.

The Board then addressed the Department's proposed 2016 budget.

Department Chief Amy Ramon and Department Board president David Manley discussed the budget. Ms. **AVERY** pointed out a math error in the budget totals and that the correct total should be \$25,269,120.00.

Chief Ramon said that EMS supplies cost was increased over the 2015 total, \$384,000.00 to \$500,000.00.

Mr. Manley said that for the EMS Supervisor position salary over-time was eliminated.

Ms. **AVERY** asked about a prior approved COLA increase. Mr. Manley said there was a 1.7% COLA increase approved in April, but there is no new COLA increase calculated in the 2016 budget.

After review, Motion was made by Mr. **JANUSAITIS**, seconded by Mr. **DeBOER** to approve the Department's proposed 2016 budget, noting the math error for correction. After discussion, the Motion was approved by a vote of 4 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 \$1,887,171.00. After review, Motion was made by Mr. **JANUSAITIS**, seconded by Mr. **DeBOER** to approve the payment of Department Operations. 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. Chief Ramon noted that Capital funding was due at this meeting in the amount of \$182,984.78 (previously scheduled budgeted capital funding). After review, Motion was made by Mr. **JANUSAITIS**, seconded by Mr. **DeBOER** to approve the payment of Department Capital. After discussion, the Motion was approved by a vote of 4 to 0.

The Board then addressed a proposed Interlocal Agreement with Harris County to allow Harris County to utilize space on District communications tower(s) under state and county broadband network programs. Counsel presented a final approved draft Agreement reflecting Counsel's revisions. After review, Motion was made by Mr. **JANUSAITIS**, seconded by Ms. **AVERY** to approve the proposed Interlocal Agreement with Harris County. After discussion, the Motion was approved by a vote of 4 to 0.

The Board addressed sales tax matters. Richard Fletcher of Sales Tax Assurance, District sales tax consultant, delivered a report. He referred to the historic sales tax collections and the efforts by his company to make sure all appropriate business entities were paying the District's sales tax correctly. He also reported that the District contract with his company was approaching its one year anniversary. He said based on the prior performance his company would propose a contract amendment whereby the annual retainer paid by the District be reduced from \$18,000.00 to \$6,000.00. After review, Motion was made by Mr. **JANUSAITIS**, seconded by Ms. **AVERY** to approve a contract amendment with Sales Tax Assurance whereby the annual retainer is reduced from \$18,000.00 to \$6,000.00. He noted that the retainer was credited against contract collection fees. After discussion, the Motion was approved by a vote of 4 to 0.

The Board then addressed the KPI's for the District-Department service evaluation. This item was tabled for a future meeting.

The Board then received a report from Kyle Williams, the District Managing Director. He said has was involved with the Department 2016 budget review and KPIs review with Commissioner Davis. ~~He also discussed a program~~

~~called First Watch. He discussed the District 2016 calendar, including holidays and meeting dates.~~

Mr. Williams addressed a problem with sick or over-hanging trees that caused a health and safety concern. He presented for approval a contract with Arbor Care. He said the contract price was \$15,400.00. There was discussion about other trees that may be involved. He estimated that another \$2,500.00 should cover the possible extra cost. After review, Motion was made by Mr. **JANUSAITIS**, seconded by Mr. **DeBOER** to approve a contract a contract with Arbor Care for the contract price of \$15,400.00, plus up to an additional \$2,500.00 for any trees not covered by the contract specification. After discussion, the Motion was approved by a vote of 4 to 0.

The Board then addressed and tabled security devices and security camera matters ~~finding that this was a completed item.~~

The Board then addressed the Motorola radio system implementation. Department IT Coordinator Mike Hebert said the system was completed and the warranty period has commenced.

(Commissioner Suzanne Davis arrived at the meeting at 6:50 p.m.)

The Board addressed the land acquisition for a new station on Wortham. Counsel said he would need an executive session on this matter.

The Board then addressed the District architect selection. The Board said they reviewed the proposals, noted the interviews held by the committee and also reviewed additional information and criteria requested by Ms. Avery from the firms. The Board complimented all the firms interviewed and said all were impressive, and endorsed the committee ranking of Martinez Architects, BRW Architects, and Randall-Porterfield Architects. After review, Motion was made by Mr. **JANUSAITIS**, seconded by Mr. **DeBOER** to approve Martinez Architects as the District architect for the upcoming 2016 construction projects. After discussion, the Motion was approved by a vote of 5 to 0.

The Board then received a report on re-construction of driveways and parking areas of Station 11. Mr. Williams said that the proposed contractor was Hondor Utilities. After review, Motion was made by Mr. **JANUSAITIS**, seconded

by Mr. **DeBOER** to approve a contract with Hondor Utilities for re-construction of driveways and parking areas of Station 11. 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. Chief Ramon said there were none.

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

The Board then addressed approvals (Agenda Item 26):

Emergency Requests

1. Siddons Martin Replacement waterway Tower 10 \$8,109.33
2. Siddons Martin Husky 10 Foam Module Engine 7 \$2,232.40
3. Siddons Martin Transmission cooler Engine 6 \$2,121.72
4. Cummins Repair Exhaust Manifold/gaskets Ladder 7 \$7,680.10
5. Evolve Generator repairs for station 3 and station 10 \$7,008.94

After review, Motion was made by Mr. **JANUSAITIS**, seconded by Mr. **DeBOER** to approve the items listed. After discussion, the Motion was approved by a vote of 5 to 0.

Capital Requests

1. Office Supply Computer desks QA/QI and EMS Billing (2) \$2,928
2. Grace Watchdog monitor and accountability (3) \$20,671
3. Motorola Bank Charger (2) \$2,160
4. Safety Vision Cameras for Horton Ambulances (2) \$8,430

After review, Motion was made by Mr. **DeBOER**, seconded by Mr. **JANUSAITIS** to approve the items listed. After discussion, the Motion was approved by a vote of 5 to 0.

Operations Requests

1. Comerica Bank Payroll taxes 12/9/15 \$110,000
2. Comerica Bank Payroll taxes 12/23/15 \$110,000
3. Advantage Interests Annual sprinkler/backflow inspection \$2,250
4. Cy-Fair Med Center Workers Comp 9/17/15 \$2,436
5. SFFMA 2016 Annual dues \$9,575
6. Motorola Replace (2) remote speaker mics and batteries \$2,998
7. Main Event Member appreciation night \$56,221
8. Multiple Member awards \$30,000
9. Shaffer Tower services Labor to install antenna at station 1 \$2,250

10. PPE Care Front/back SCBA Identifiers \$2,565

Ms. **AVERY** asked for items 7 and 8 to be held for further discussion. After review, Motion was made by Mr. **DeBOER**, seconded by Mr. **JANUSAITIS** to approve Items 1-6, 9-10. After discussion, the Motion was approved by a vote of 5 to 0.

The Board then addressed items 7 and 8. There was discussion about the Department member appreciation-banquet night at the Main Event banquet facility. The Board discussed the inclusion of alcohol. Chief Ramon said the members asked that alcohol be included. Counsel noted that alcohol was not included all the past years when the event was held at the Cy-Fair ISD Berry Center. Chief Ramon said that attendees were limited to two drink tickets. The Board then addressed the member award night. Chief Ramon said this was separated this year from the member appreciation-banquet. She said no food or alcohol would be provided at this second event.

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. Avery abstaining). Counsel asked if the Board wanted to have the alcohol paid for with Department donated funds. Ms. **DAVIS** said the Board has voted and could move on.

The Board addressed approval of requests to solicit bids and proposals and to approve awards following bids and proposals. Mr. Manley said that the Department requested approval: (a) to award a contract for mold remediation and elimination services at Station 2 for \$2,700.00 with JE Spear Consulting; and (b) to approve solicitation of proposals for payroll services. 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.

The Board received an update on the Department EMS patient satisfaction program.

The Board received committee reports. There was a report from Ms. Avery regarding a request received from the Cy-Fair CERT for the District to sponsor the group in the annual CERT Rodeo. Counsel said he has reviewed the matter

and recommended that the District not contribute money toward the event, although providing time and equipment could be addressed. Also, Ms. **DAVIS** said the Board may have discussed the First Watch program and she thought the program is great.

Counsel reported that all the paperwork to enroll the District in the TCDRS pension program has been submitted.

The Board entered executive session at 7:40 p.m. pursuant to Section 551.072 Government Code, to discuss real estate matters with attorney.

The Board re-entered open session at 7:45 p.m.

The Board addressed real estate matters. Counsel requested approval for Ricardo Martinez as the District's architect for 2016 projects to be authorized to work on the Wortham feasibility review and to address utility commitments and capacity for Cherry Park. After review, Motion was made by Mr. **DeBOER**, seconded by Ms. **DAVIS** to approve the request. After discussion, the Motion was approved by a vote of 5 to 0.

There being no further business brought before the Board nor any further public comment, upon Motion made the meeting adjourned at 7:50 p.m.

Secretary of the Board