

**MINUTES OF THE JULY 21, 2016 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 July 21, 2016, at the administrative offices of the District, 9630 Telge Drive, Houston, Texas 77095.

The meeting was called to order at 6:00 p.m. by **ROBERT JANUSAITIS**, President. Those Commissioners present were **ROBERT JANUSAITIS, SCOTT DeBOER, JEREMY M. MARTINSON, DAVID LANGENBERG** and **BETTY BOREN AVERY**. Also present were **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** and **IRA COVELER**, of Coveler & Katz, P.C., the District's Counsel, and members of the public. Also present were Ricardo Martinez, District architect and Michael Balkemore of J.E. Dunn.

The commissioners and other persons present at the meeting joined together in reciting the Pledge of Allegiance of the United States and the Pledge of Allegiance to the Texas state flag. Ms. Avery delivered an invocation.

The Board received public comment. Dave Wilson addressed the Board with a prepared statement. He stated that it was his opinion that (1) training received by the District commissioners using public funds should not be used related to a private gain of a commissioner; (2) there are certain destinations that commissioners should not attend for training such as Las Vegas and (3) the District should post an agenda packet on the website.

The Board next addressed the Minutes of the June 30, 2016 regular meeting. After review, Motion was made by Mr. **MARTINSON**, seconded by Mr. **LANGENBERG** 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 \$9,861,121.29, the receipt of tax revenue in the amount of \$35,047.05, tax penalty and interest in the amount of \$740.03, sales

tax receipts of \$1,997,309.17, interest of \$4,272.25, and ambulance reimbursement for the Department emergency medical services of \$526,682.37. The balance sheet presented at this meeting showed assets of \$108,867,370.11 (\$61,693,880.11 cash), liabilities of -0-, and equity of \$108,867,370.11. Thereupon, after review, Motion was made by Mr. **MARTINSON**, seconded by Mr. **DeBOER** to approve the Financial Report. After discussion, the Motion was approved by a vote of 5 to 0.

The President then appointed District committees as follows:

Construction matters: Mr. **MARTINSON**, Mr. **DeBOER**

Records and Reporting matters: Mr. **LANGENBERG**

IT and Website Technology: Mr. **JANUSAITIS**

Newsletter: Ms. **AVERY**

Postings for District's Website: Mr. **LANGENBERG**

The Board then addressed the issue of attendance at conferences and related expense reimbursement procedures and adoption of uniform reporting form. Mr. Katz reported he had reviewed expenditures of funds related to travel, software and training expenses incurred by the District commissioners. He said the issue was raised at the June meeting by Ms. Joyce. Mr. Katz reported as follows:

2015-2016:

1. Bob Janusaitis:

SAFE-D conference: Addresses basic ESD commissioner training and satisfies continuing education requirements;

Emergency Management Assoc. of Texas: Addresses emergency management operations and responses, including 911 communication and first responder management and activities. One of its directors is liaison and PIO for HC Office of Emergency Management, ESD 9 has an interlocal agreement with HC regarding emergency management and responses.

International Wireless Communications Expo: Attended with CFVFD radio and communications committee. The conference involves communications technology and new communications framework. ESD 9 was involved with implementing a new radio communications system.

Texas Emergency Management Conference: The event is sponsored and Texas DPS and the Texas Division of Emergency Management. The attendee list includes agencies that conduct emergency planning, training and interaction with emergency support agencies, including Health & Human Services (EMS), Tx Commission on Fire Service and Texas Forest Service and Texas Division of Em Mgmt.

International Assoc of Fire Chiefs/Volunteer and Combination Officers Symposium: Conference that addresses the needs and challenges facing volunteer and combination fire departments and the over-all delivery of emergency services.

2. Other Commissioners:

SAFE-D conference;

Fire Director Instructors Conference: This is one of the biggest conferences for up close viewing and evaluation of emergency services products (fire apparatus, ambulances wildlands fire equipment, training , etc.) and training opportunities.

Mr. Katz suggested that the Board might want to adopt a schedule of conferences each year that are approved in advance for any commissioner who may want to attend. He also suggested that commissioners view the conferences subject matter and if their might be dual benefit as both a commissioner and private endeavor.

Regarding Commissioner compensation and expense reimbursement, Mr. K explained that compensation of \$50 per day up to a maximum amount of \$3,000 was in the statute and in addition the statute provided that expenses were reimbursable to District commissioners wherein those expenses were related to District business.

Mr. **JANUSAITIS** inquired as to the implementation of standards for reimbursement stating that (1) the District should establish guidelines for approval of supplemental travel and training by the Commissioners, (2) develop an approval process for trip requests, (3) utilize a standardized expense report and (4) have the commissioner trained develop a summary report of the training after the event is concluded. Ms. **AVERY** asked if it would be “like a lessons learned report” and Mr. **JANUSAITIS** confirmed that this was his intent..

The Board then addressed the Bookkeeping Agreement with Myrtle Cruz. Thereupon, after review, Motion was made by Ms. **AVERY**, seconded by Mr. **DeBOER** to approve a one year contract with automatic renewal thereafter, allowing for termination with a thirty (30) day notice. After discussion, the Motion was approved by a vote of 5 to 0.

The Board then addressed the appraisal values of the District. Mr. Katz explained the process of approval of tax value certification, proposing a District Budget, District tax rate, holding any necessary hearings and adopting of a Budget and ad valorem tax rate for the District. Thereupon after review, Motion was made by Mr. **DeBOER**, seconded by Mr. **MARTINSON** to authorize counsel to prepare and publish Effective Tax Rate Notice.

The Board then addressed District investments. Mr. **RUSSELL** stated that there were no CDs needing review or renewal at this time. No action was required at this time.

The Board then addressed action on District depository pledge agreements. Mr. **RUSSELL** said no action was required at this time.

The Board then addressed administrative bills and commissioner fees as set forth in the Financial Report. After review, Motion was made by Mr. **DeBOER**, seconded by Mr. **MARTINSON** to approve the payment of District administrative bills and commissioner fees. After discussion, the Motion was approved by a vote of 5 to 0.

The Board 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 \$1,849,923. After review, Motion was made by Mr. **DeBOER**, seconded by Mr. **MARTINSEN** 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 \$70,287.71. After review, Motion was made by Mr. **DeBOER**, seconded by Mr. **LANGENBERG** to approve the payment of

Department Capital and the expense reimbursement. After discussion, the Motion was approved by a vote of 5 to 0.

The Board addressed revisions to the District and Department 2016 budgets. **Mr. RUSSELL** and Chief Ramon said there were none.

The Board addressed sales tax matters. Sales tax consultant will present a report at the August meeting.

The Board then addressed the KPI's for the District-Department service evaluation. Counsel explained that previously reported: FT – Fire, FT – EMS, PT – Fire, PT – EMS, and Volunteer. Ms. **EVERY** questioned the number of people on Full Time Equivalent (“FTE”) to be 51 to 60 to 68. Page 107 of the Board Packet, Cy-Fair VFD, Items 6 and 11, number of paid FTE 153 to 167 expected to increase to 245 by 2020. Chief Ramon explained the FTE is calculated by the number of hours worked, based on a thirty hour work week.

The Board then addressed E-View traffic preemption and to install traffic preemption equipment on traffic signals in the District. Mr. Katz stated that the District was still pursuing the E-Views traffic system and Harris County had issued a memorandum that the E-Views traffic system is the sole source vendor for traffic preemption on Harris County roads. Additionally, he shared that he was still waiting for verification from E-Views of the correct cost amounts for the system. Mr. Katz also shared that approval was needed from Harris County for installation of the E-Views traffic system on County roads. The Board held on action pending further review.

The Board then addressed a proposed Interlocal Agreement with Harris County to allow for the District to install E-View traffic preemption equipment on traffic signals on the county roads in the District. Mr. Katz stated that the District would need to hold on this item for now.

The Board received a report from District architect, Ricardo Martinez, and an update on 2016 construction projects. Mr. Martinez reported the following: (1) he now has all of the Building addresses; (2) the building committee and IT committee meeting were developing standards for the projects, (3) his goal was to permit by August 30, 2016, and (4) the JE Dunn contract was presented to District

Counsel for review. Mr. **DeBOER** asked about alerting systems for the stations and Mr. Martinez stated that the final implementation of how station alerting would work was still being developed. Ms. **AVERY** expressed that she was also interested in learning more about the station alerting systems and expressed her desire for the Department to be involved in the development and design of the fire stations to be constructed. No action was taken on this matter.

The Board addressed the manner of payment for the construction project, cash, financing or a combination. It is anticipated that the decision about how to fund the construction projects will be made by September 1, 2016.

The Board then addressed the possible road abandonment at the Cherry Park site. Mr. Katz shared that he had spoken with consulting engineer, Hieu Hart of Weisser Engineering, regarding the possibility of the abandonment by Harris County of the adjoining county right-of-way. If the right-of-way is abandoned by Harris County, half of the land consisting of the right-of-way abandoned would come to the District and the other half of the right-of-way would other parties who were not identifiable at this time without a title report. Mr. Katz advised that District should obtain a title report to determine who owned what land with respect to the adjacent right-of-way. Counsel also advised that surveys needed to be prepared indicating water and sewer easements. After review, Motion was made by Ms. **AVERY**, seconded by Mr. **LANGENBERG** to approve Weisser Engineering perform the surveys at the discussed rate of \$8,110. After discussion, the Motion was approved by a vote of 5 to 0.

The Board addressed revisions to the Department 2016 budget or quarterly reallocations. Chief Ramon said there were none.

The District then considered Department 30-day requests or requests for the sale of surplus vehicles and depleted equipment. Chief Ramon said there were none other than set forth in Agenda No. 24.

The Board then addressed approvals (Agenda Item 24):

Emergency Requests

1. Stewart & Stevenson, Replace Turbo E-7, \$3,829.26
2. Chastang Ford, Replace catalyst, NOX sensors, recalibrate ECM, M-525, \$5,878.77

3. Stewart & Stevenson, Replace all 6 fuel injectors and harness, E-7, \$5,948.12
4. Houston Compression, Rebuild cafs compressor air end, E-7, \$4,409.60

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

Operations

1. BB&T Bank, Payroll taxes 2 weeks end 07/06/16, \$135,000
2. BB&T Bank, Payroll taxes 2 weeks end 07/20/16, \$135,000
3. Cy-Fair Medical Center, Workers Comp, \$3,597
4. Siddons Mation, Radiator for stock, \$2,967
5. Texas EMS Conference, 11/20-23 (4 persons), \$4,468
6. Matt Streger, Just Culture instruction, \$5,625
7. Multiple Gear, Cleaning Solutions, 08/04/16 (not to exceed 3 persons), \$1,500
8. FDI Creative Services, Website design and development (not to exceed), \$7,250

Ms. **EVERY** questioned the change in payroll taxes. It was explained that the amount had been updated to reflect the correct amount. After review, Motion was made by Mr. **DeBOER**, seconded by Mr. **LANGENBERG** to approve the the operational expenses presented. After discussion, the Motion was approved by a vote of 5 to 0.

The Board then addressed other requests for bids and proposals and purchases. No action taken.

The Board reviewed the amended mutual aid agreement between Cy-Fair VFD and HCFFA. Without objection, the item was tabled.

The Board then addressed ISO matters. Chief Ramon stated she had reached out to the ISO representative though no return call had been received. She shared that an ISO presentation was anticipated to occur on Monday, August 15, 2016.

The Board addressed the Department EMS patient satisfaction program. Chief Ramon said there was no new report this month.

The Board then addressed District committees. The matter of Records Retention Policy was discussed as to whether a committee should be designated. However, no action was taken at this time.

There was no need to enter closed session.

A motion was made by Mr. **LANGENBERG**, seconded by Mr. **DeBOER** to reopen the payment of District Bills. The Motion was approved by a vote of 5 to 0. A separate Motion was then made by Ms. **AVERY**, seconded by Mr. **DeBOER** to approve payment in the amount of \$86,735 to GANT Industries for repairs made related to flood damage suffered by the District. It was reported that the amount approved was \$11,545 in excess of the \$75,190 which had been previously been approved after discovering concealed damage during the restoration process that necessitated additional repairs. After discussion, the Motion was approved by a vote of 5 to 0 to pay the invoice of Gant Industries and to seek the supplement from the insurance for previously unclaimed damages. 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 7:12 p.m.

Secretary of the Board