

MINUTES  
FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 151

July 12, 2018

The Board of Directors (the "Board") of Fort Bend County Municipal Utility District No. 151 (the "District") met in special session, open to the public, on the 12th day of July, 2018, at the Firethorne Fire Station, 2944 FM 1463, Katy, Texas, inside the boundaries of the District, and the roll was called of the members of the Board:

Keith Gier	President
Vacant	Vice President
Sean F. Fitzsimmons	Secretary
Louis James	Assistant Secretary
Kara Morrison	Assistant Vice President

and all of the above were present except Director Morrison, thus constituting a quorum.

Also present at the meeting were Chief Russell Wilson of the City of Katy Fire Department ("Katy FD"); Whitney Higgins and Jennifer Ramirez of Allen Boone Humphries Robinson LLP ("ABHR"); and residents of the District as shown on the attached list.

RECEIVE REPORT FROM THE CITY OF KATY FIRE DEPARTMENT

Chief Wilson introduced himself and reviewed a report from the Katy FD, a copy of which is attached.

Chief Wilson discussed the status of fire protection services in the District, including training and community outreach initiatives. He discussed the National Fire Protection Association ("NFPA") standards that the Katy FD follows and discussed the benefits of four-man crew staffing at the fire station and first responder and paramedic capabilities provided by the Katy FD. Chief Wilson also discussed the mutual aid agreements amongst the regional fire departments.

PUBLIC COMMENTS

Director Gier reported that, based on updated information received from the City of Katy (the "City"), the District is currently spending significantly less than the budgeted amount. Director Gier stated that while the District was paying less for fire protection services under the previous contract with Fort Bend County Emergency Services District No. 4 ("ESD 4"), ESD 4 terminated the previous contract and was not willing to renew the previous contract under those terms. He stated that he believes the District is receiving a higher level of service under the current contract with Katy FD.

Director Fitzsimmons discussed budget considerations related to the fire

protection service contract, including total number of residential and commercial connections receiving fire protection services.

Director James inquired whether the District will receive an itemized accounting from the City of money spent and if so, will the District receive a credit for any amount overpaid. Director Fitzsimmons stated that quarterly true-ups are built into the contract and the District will receive a credit or refund for any amounts overpaid.

Director James stated that he calculates that 32% of the calls handled by the Firethorne fire station have been out-of-contract calls. He inquired how those calls are handled and whether the District is reimbursed for those calls. Chief Wilson stated that responses handled through mutual aid agreements are not typically reimbursed. He noted that the Katy FD did not charge the District for responding to calls within the District when services were provided by ESD 4.

Mr. Waronoff inquired whether there was a way to track how many times the District provided mutual aid responses versus received mutual aid responses. Chief Wilson stated that information could be found in the computer-aided dispatch reports, but noted he did not have that information for other fire protection service providers.

Mr. Norvell stated that he believes the District should receive a refund for time the District fire engine is not inside District. He stated the current contract has no such reimbursement provision.

Mr. Norvell stated he is circulating a petition for annexation of the District into ESD 4. He stated that ESD 4 has promised him, in writing, that ESD 4 will call the election for annexation if petitioned and that ESD 4 agreed to purchase the fire station from the District if the District is successfully annexed.

Director Gier stated the District did not receive such a written proposal from ESD 4 after ESD 4 terminated the fire protection agreement between ESD 4 and the District. He stated that if the District is annexed and the residents taxed as a result of the annexation, many residents may pay more for fire protection than under the current agreement with the Katy FD.

Director Fitzsimmons stated that he submitted an open records request to ESD 4 for all communications with residents of Firethorne regarding fire protection services and ESD 4 produced no responsive documents.

Mr. Norvell said that he believes that out-of-contract calls into the City were not for mutual aid, but instead served as the primary response for the City to those calls. He stated that he calculated that 45% of the calls responded to by the District fire engine were to the City and he believes the District should be reimbursed for the 45% of the time the District fire engine was not in the District. Discussion ensued regarding responses to calls and Chief Wilson noted that 45% of calls would not necessarily equate

to 45% of time spent.

Mr. Foster inquired how many trucks would respond if there was a fire in the District. Chief Wilson stated that the District fire truck would respond, along with additional fire trucks from the City and other surrounding fire protection providers.

Mr. Foster stated the District can't afford standalone fire protection services and he believes the District and surrounding areas need mutual aid agreements with each other.

Ms. Goodart stated that there has been no communication from ESD 4 with the residents of the District. Discussion ensued regarding attempts to receive a written proposal from ESD 4 to provide fire protection services.

Ms. Plata stated that even if 45% of the total amount of calls were out-of-contract calls, she calculates that would equate to only approximately 7% of the total time on duty. She stated during a 40-day period, the firefighters work a total of 960 hours and if each out-of-contract call averages 3 hours per call, that is a total of 72 hours out of the District, which equals roughly 7% of the time.

Chief Wilson stated that 86% of the total calls were medical calls and noted that the Katy FD has paramedics on every truck. Director Fitzsimmons reported, in a meeting with ESD 4, they informed him that ESD 4 has no plans to add paramedic services.

Mr. Hughes inquired how the District's contract with the Katy FD compares to other contracts for other Districts and the Katy FD. Chief Wilson stated the Katy FD does not have any other contracts with Districts for fire protection services at this time.

Mr. Hughes inquired whether the Katy FD is tracking response times. Chief Wilson stated Katy FD does track response times.

Mr. Hughes asked if District residents are billed for medical emergency calls responded to by the Katy FD. Chief Wilson stated that he was not aware of residents being billed for medical emergency responses.

Ms. Taliaferro inquired whether ESD 4 would have records of how many times ESD 4 responded to calls outside of the District when ESD 4 was providing the fire protection services to the District. Discussion ensued regarding requesting information from ESD 4 regarding responses to calls outside of the District when ESD 4 was providing fire protection services.

Ms. Fitzsimmons inquired if other fire protection service providers ask for reimbursement when responding to calls outside of their service area. Mr. Foster stated that, based on his experience in the Villages of Memorial City, other providers do not ask for reimbursement.

Ms. Foster asked Chief Wilson about procedures for responses in mutual aid situations and discussion ensued regarding responses in the City and surrounding areas.

Mr. Jackson stated that he believes ESD 4 provided the District with substandard service and he noted that the Katy FD now provides the District with a full crew of four firefighters at all times.

Mr. Hughes inquired about the response times for Fort Bend Emergency Medical Services ("FB EMS"). Director Gier reported that he knows of at least one example when the response time for FB EMS was fifteen minutes.

Director Gier stated that Mr. Norvell was on the Board of Directors for the District when the District began contracting for fire protection services and built the fire station. He stated that the Board is working to get the best fire protection service for the District.

Director Fitzsimmons stated that he voted in favor of the Agreement for Automatic Aid Assistance because he believes the Katy FD can provide the best service to the District based on their ability to provide four man staffing and paramedic capabilities. Chief Wilson explained that City of Katy complies with NFPA standards and that, unless it is a rescue, NFPA standards require four firefighters in order for responders to enter a residence, based on the "two in, two out" response standards.

Director James inquired about the number of medical calls responded to by the Katy FD that required an ambulance. Chief Wilson stated he did not have that information at the moment.

Director James inquired about the procedures for dispatching fire and EMS and whether there were any delays. Chief Wilson stated that the Fort Bend County dispatch office should notify Katy FD in addition to FB EMS. He stated that typically, the delay between one public safety answering point ("PSAP") to a secondary PSAP is no more than 45 seconds. Chief Wilson noted that there have been occasions when FB EMS has directly requested Katy FD dispatch a fire engine to assist in a response.

Director James inquired about the Katy FD first responder protocols. Mr. Lee, a firefighter with the Katy FD, reviewed the first responder protocol followed by the Katy FD, including pit crew CPR and Katy FD emergency medical services training.

Ms. Foster stated that when ESD 4 responded to a medical emergency at her residence, ESD 4 had no paramedic staff and they had to wait for the ambulance to respond. She stated her concerns regarding a return to a service provider that does not have paramedic staff in the event the District were to be annexed into ESD 4.

Mr. Vaesa stated that he is a part-time firefighter with the Willow Fork Fire Department ("Willow Fork FD") and he reported that he often saw the District fire

station staffed with only one firefighter or none at all when ESD 4 was providing fire protection services to the District. He stated that Willow Fork FD had to respond to calls in the District when ESD 4 was unable to respond.

Mr. Hughes inquired about the District's plan to finance the fire protection agreement over the life of the contract with the City. Director Gier stated that the Board is still considering all options in conjunction with the 2019 budget cycle, but he stated the Board does not anticipate raising taxes at this time.

Ms. Chappell inquired why Mr. Norvell believes it is acceptable for the District fire engine to respond to mutual aid calls in the Willow Fork FD jurisdiction, but not in the City. Mr. Norvell stated he would answer her question outside the meeting.

Mr. Hughes inquired about the 5% administrative markup included in the fire protection agreement with the City. Chief Wilson stated that the 5% administrative cost covers the Katy FD command staff and administrative staff and functions.

Mr. Norvell stated he believes that the City is benefitting from the contract with the District and that the District is subsidizing fire protection services in the City by responding to calls in a primary capacity.

Chief Wilson stated that if Katy FD is able to shorten response times, then it is a benefit to everyone in the area.

Mr. Foster stated that the District benefits from the Katy FD's additional fire engines staffed with paramedics, noting that as Chief Wilson stated, 86% of the calls in the District are medical.

Ms. Chappell inquired whether the District was reimbursed for out-of-contract calls through the contract with ESD 4. Director Gier stated that the District was not reimbursed for out-of-contract calls.

Director Fitzsimmons stated that when ESD 4 terminated the agreement for fire protection services, the District had three options: (1) approach ESD 4 in an attempt to negotiate a new agreement with ESD 4, (2) pursue annexation into ESD 4, or (3) negotiate a contract with a different entity. He stated the Board worked to find the option that provided the District with the best service for the best value.

Mr. Hughes inquired when the District would be able to have its ISO rating reviewed to match the Katy FD's ISO rating. Chief Wilson stated Katy FD is working on the ISO rating review process.

Mr. Vaesa stated that the Board needs better communication with the residents. Director Fitzsimmons and Gier stated the Board is actively working to improve communication with residents. Director Fitzsimmons noted that there is a vacancy on the Board and encouraged any interested residents to contact the Board.

There being no further business to come before the Board, the meeting was adjourned.

(SEAL)



  
Secretary, Board of Directors

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