COMAL COUNTY

EMERGENCY SERVICES DISTRICT #1

BOARD OF COMMISSIONERS

Board Meeting Minutes for April 19, 2018

A Regular meeting of the ESD #1 Board was held at the Emergency Services Building at 353 Rodeo Drive, Spring Branch, Texas 78070 on Thursday the 19th of April 2018 beginning at 4:00 p.m.

Discussion/Action Items:

1. Call meeting to order: Having been duly posted the meeting was called to order at 3:59 pm by President Bill Gonser. Commissioners Mark Schmalz, Rhonda Zunker, Brad McMinn and Patrick Feely were present and a quorum was declared.

Guests in attendance: Mr. Mark Southwell - Chief/BSBES.

Meeting Agenda

Public Comment: In accordance with the Texas Attorney General's opinion, any public comment that is made on an item that is not on the published final agenda will only be heard by the Board of Commissioners. No formal action, discussion, deliberation, nor comment will be made by the Board of Commissioners. Citizens' Comments are limited to 3 minutes per citizen.

Discussion/Action items (continued)

2. Approve March 20, 2018 Regular Meeting minutes: A motion was made by Rhonda Zunker and seconded by Brad McMinn to approve the minutes as presented. Motion carried.

- 3. Review, consider, and accept monthly financial reports Commissioner Zunker: The financial report (attachment 1-a) shows an operating account balance of \$3,359,141.92 with \$36.66 in checks outstanding. (Rhonda Zunker). There are 3 outstanding bills totaling \$3,010.91 resulting in an available funds balance of \$3,356,094.35. The first bill is for Safe-D Membership in the amount of \$1,100.00. The second bill is for Rhonda Zunker (Norton) in the amount of \$97.41. The third bill is for Denton Navarro Rocha Bernal & Zech in the amount of \$1,813.50 (attachment 1-b). Attachment 1-c is the Operating Account History for April 2018. Attachment 1-d is the ESD1 Property Tax Remittances from Comal County and Interest Earned YTD.
- **4.** Consider and approve bills/invoice to be paid Commissioner Zunker: Amended with additional invoice for AR Technology in the amount of \$300.00 (attachment 2) Motion made by Brad McMinn to approve and seconded by Rhonda Zunker.
- 5. Review and approve a contract with M&S Engineering for drainage improvements and extending the concrete apron at Station 2. Commissioner Gonser. (attachment 3) Motion made by Pat Feely to approve and seconded by Brad McMinn.
- 6. Receive and discuss progress reports from the BBSBES board and standing ESD committees All commissioner; (attachment 4) Move service provider agreement from June 1st to July. Deadline date not changed. Motion to approve made by Rhonda Zunker and seconded by Bill Gonser.
- 7. Discuss agenda time and dates for next meeting(s) All Commissioners; The next regular meeting of ESD1 is scheduled for Thursday May 17th at 4:00 PM in BSBES Building at Rodeo Dr.

Adjourn: 4:58 pm – A motion to adjourn was made by Bill Gonser, seconded and approved.

Board Acceptance 5/17

2018

Patrick Feely

(Date)

(Signature)

Attachments:

1-a: ESD1 Financial Report for April 2018

1-b: Invoice for Denton Navarro Rocha & Zech

1-c: ESD1 YTD Operating Account History

1-d: ESD1 Property Tax Remittances from Comal County earned YTD

2: AR Technology invoice

3: M&S Engineering drainage design proposal

4: BSB Chief report

			4.

Financial Report

Comal County ESD #1

April 17, 2018

Checking Account Balances (as of 04/17/2018):

Operating Account BNB

\$ 3,359,141.92

Checks issued not cleared

Rhonda Zunker

36.66

Total outstanding

36.66

Bills received or payments due

Safe-D Membership

1,100.00

Rhonda Zunker (Norton)

97.41

Denton Navarro Rocha Bernal & Zech 1,813.50

Total Bills outstanding

3,010.91

Available Funds

\$3,356,094.35

Finance Council met and to help the BSBES cash flow, we are requesting that all 3 ESD's make a onetime \$50,000 prepayment of their Service Provider payment with a subsequent reduction in the remaining monthly payments so that the total of 2018 payments still comes to amount budgeted. (see attached spreadsheet)

This would make our May 2018 payment \$235,000 with the monthly payments from June through December at \$177,857 each (reduced from 185,000).

22.862.

April 17,2018 advachment 1-a

Denton Navarro Rocha Bernal & Zech, P. C.

A Professional Corporation

ATTORNEYS & COUNSELORS

2517 North Main Avenue San Antonio, TX 78212

(210) 227-3243 Office (210) 225-4481 Fax

Tax ID # 74 259 3927 www.rampagelaw.com

STATEMENT

March 28, 2018

Rhonda Zunker Treasurer Comal County ESD #1 353 Rodeo Drive Spring Branch, TX 78070

In Reference To:

DNRB&Z #25089

Comal County Emergency Service District #1 General Counsel

 Date
 Description
 Amount
 Balance

 2/22/2018 Invoice #23576 3/28/2018 Invoice #23669
 156.00 1,813.50
 156.00 1,969.50

 Ending Balance
 1,969.50

 Amount Due
 1,969.50

Current	30 Days	60 Days	90 Days	120+ Days
\$1,813.50	\$156.00	\$0.00	\$0.00	\$0.00

Need a copy of your invoice, have questions or concerns, please contact Donald "Don" Kelsey in the Billing Department at (210) 227-3243.

RECEIVED APR 0 2.2019

Denton Navarro Rocha Bernal & Zech, P. C.

A Professional Corporation
Attorneys & Counselors
2517 N. Main Avenue
San Antonio, TX 78212
(210) 227-3243 Office (210) 225-4481 Pax
Tax ID # 74 259 3927
www.rampagelaw.com

Attorney - Client Communication Privileged and Confidential

INVOICE NO. 23669

March 28, 2018

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Rhonda Zunker Treasurer Comal County ESD #1 353 Rodeo Drive Spring Branch, TX 78070

RE: DNRB&Z #25089

Comal County Emergency Service District #1 General Counsel

Professional services

0///0010			Hou	s Amount
2/4/2018	TDS	Research provisions of Medicare reimbursement; research provisions governing subscription programs in Texas; pull relevant statutes and guidance material	1.8	0 351.00
2/9/2018	TDS	Preparation for teleconference with President Gonser; teleconference to discuss Medicare and charge-offs	0.70	136.50
2/11/2018		Additional research on the write-off of charges; review Interlocal Agreements, Bylaws, and Agreements in place between Non-profit and Districts	1.20	234.00
2/13/2018	. —	Research additional Office of Inspector General Opinions on Charge-offis and Indigent Programs	0.30	58.50
2/16/2018		Review of Constitutional provisions, Attorney General Opinions and Texas Administrative Code provisions that govern debt, billing and subscription programs for Emergency Medical Services; begin drafting legal Memorandum	2.00	390.00
2/17/2018		Complete initial draft of Billing Memorandum	3.00	585.00
2/20/2018	IDS 1	Inal edits to first draft of Billing Memorandum	-100	303.00
		D consistent	0.30	58.50
F	or profe	ssional services rendered		
P	revious i	balance	9.30	\$1,813.50 \$312.00
B	lalance d	ue	-	
				\$2,125.50

again 17 2018

Page 2

	30 Days	60 Days	90 Days	120+ Days
	\$156.00	\$0.00	\$0.00	\$156.00
Name		Timekeeper Summa	ry	
D. Santee	. \			Hours Rate Amount 9.30 195.00 \$1,813.50

DENTON NAVABRO ROCHA BERNAL & ZECH A Professional Corporation

If you have any questions/or concerns regarding this invoice, please contact Donald "Don" Kelsey at (210) 227-3243 or by email at donald.kelsey@rampage-sa.com

attachment 1-6

CCESD #1 - Operating Account History

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	and and carees withdrawal Fee		×	5.00		3 359 105 26	

Page 1 of 1

attachment 1-C

CCESD#1 PROPERTY TAX REMITTANCES FROM COMAL COUNTY

<u>MONTH</u>	<u> 2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>
JAN	\$ 1,166,234	1,319,077	1,125,502	1,533,119
FEB	728,628	752,756	1,118,564	969,286
MAR	220,714	270,391	214,697	178,212
APR	68,543	63,349	77,481	58,434
MAY	22,384	25,188	25,632	
אטנ	28,716	30,222	38,558	
JUL	20,148	21,267	17,231	
AUG	26,434	22,396	24,812	
SEPT	8,472	14,978	11,164	
ОСТ	5,867	4,141	4,886	
NOV	7,759	23,971	105,444	
DEC	194,537	258,978	220,869	
TOTAL	\$ 2,498,437	\$ 2,806,714	\$ 2,984,840	2,739,052

The 2018 Budget for revenues from taxes & Interest is \$3,106,500. The 2018 collections are \$202,808 ahead of 2017 collections.

MONTH	<u>2016</u>	<u>2017</u>	2018
JAN	418.30	315.50	717.22
FEB	569.61	579.50	1283.74
MAR	670.47	683.93	1166.32
APR	741.25	738.31	1703.99
MAY	576.20	655.02	
אטנ	547.11	682.30	
JUL	492.83	682.75	
AUG	415.66	697.40	
SEPT	406.41	659.53	
ОСТ	316.03	541.68	
NOV	280.01	525.20	
DEC	270.32	521.06	
TOTAL	5,704.20	7,282.18	4,871.27
	2,812,418	\$ 2,992,122	\$ 2,743,923

affachment 1-d

laptop to Bret after determining that it was not cost effective to fix.



Description	Rate	Qty	Line Total	Amount Due (USD)
Time (IT Support) Andy Roca – Mar	\$75.00	1	\$75.00	\$300.00
28, 2018 Worked on ESD1 Secretary laptop - Java updates and Windows updates				Billed To ESD 1 United States
Time (IT Support) Andy Roca – Mar 29, 2018 Met with Rhonda. Updated	\$75.00	1	\$75.00	Invoice Number 0000068
Credit Card for Norton Antivirus. Ensured that Norton renewal was correct. Updated ESD1@ccesd1.com to forward				Date of Issue 04/15/2018
to ESD1 president and secretary				Due Date 04/30/2018
75 Tech Support (IT Support) Andy Roca – Apr 5, 2018 Setup laptop for incoming vice treasurer - Troubleshott laptop failing to boot - Returned	\$75.00	1	\$75.00	

attachment 2

Time
(IT Support) Andy Roca - Apr
14, 2018
Review Microsoft account for
ESD1 and forward information
to Bret. Provide admin
credentials to Bill to allow
diagnostics to run.

1	\$75.00		

Subtotal	300.00
Tax	0.00
Total	300.00
Amount Paid	0.00
Amount Due (USD)	\$300.00

\$75.00



376 LANDA STREET NEW BRAUNFELS, TX 78130 (830) 629-2988 PH | (830) 885-2170 FX FIRM F-1394 WWW.MSENGR.COM

August 18, 2017 (REVISED 4/18/2018)

Comal County Emergency Services District #1 (ESD)
Attn: Bill Gonser, President
353 Rodeo Drive
Spring Branch, Texas 78070
(281) 961-1044
president@ccesd1.com

Reference:

Bulverde-Spring Branch Fire & EMS Station #2 - Drainage Design

Mr. Gonser

Thank you for your interest in the unique capabilities of M&S Engineering (M&S) and allowing us the opportunity to work with you on this project. This proposal is based on our discussions with you and the following:

Project Description

- 1. The project site is located at 2016 Puter Creek Rd, Spring Branch, TX 78070.
- 2. It is our understanding that during large rainfall events Station #2 encounters stormwater runoff inside the station. The intent of the project is to provide a design of drainage infrastructure that will alleviate the potential of stormwater entering the station.
- 3. In addition, the ESD wishes to extend the length of the concrete apron in front of the bay doors by 15-feet to allow for truck parking.

Scope of Work

M&S Engineering will provide professional services to assist you with the engineering for the project as described above. Our proposal includes providing the following services in support of the engineering required for this project:

Civil Design

- 1. Dimensional site plan and details.
- 2. Site grading plan for proposed improvements.
- 3. Construction drawings and details for drainage infrastructure and concrete apron.
- 4. Drainage calculations to determine peak stormwater runoff in order to appropriately design proposed drainage improvements.
- 5. Prepare an Opinion of Probable Cost for the improvements.

Construction Support & Administration

- 1. Submittal reviews.
- 2. RFI coordination.
- 3. Our proposal includes allocations for two (2) construction site visits. Any additional site visits will be billed hourly as additional expense.

april 17,2018 attachment 3



Assumptions

Our proposal is based on the following:

- 1. Free access to the site will be provided to M&S Staff.
- Detailed topographic survey and imagery has been performed by ProSight and will be provided for the design. No additional on-ground survey is necessary for this scope of work.

Pricing

M&S Engineering will provide the scope of work as described for the following amounts. The amounts below are lump sum unless noted otherwise.

Civil Design	\$8,000
Construction Admin	\$2,000 (Hourly not to Exceed)
Total	\$ 10,000

Exclusions

- M&S Engineering's proposal is exclusive of any federal, county, and city permits required for the project. All submittals of plans for building permits and payment of permits shall be done by others.
- Engineering activities will be performed from our facilities in New Braunfeis, TX. Local presence through the duration of this project will not be required.
- 3. Detailed bidding documents and technical specifications are excluded from this proposal.
- 4- Any service not specifically listed in the above scope of work is excluded from this proposal.

Our proposal is based upon work being performed per attached M&S standard terms and conditions. We truly appreciate the opportunity to support you in this project. If there is anything that you would like to discuss about this proposal, please do not hesitate to contact us. Should you find this proposal and terms acceptable, please indicate so by signing and dating this document below.

Sincerely,		
Lance Klein, P.E., P.H., C.F.M. New Braunfels Civil Department Manager	Approved:	Date:
_	Print:	Title:

Page 2 of 2

april 1 8018



FIRM F-1394 6477 FM 311 SPRING BRANCH, TX 78070 WWW.MSENGR.COM | (830) 228-5446

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Terms of Sale

The following terms of sale shall apply except as otherwise stated in written quotations or by written acceptance of an order or contract.

PRICE POLICY – Quotations are valid for 30 days from date of quotation unless otherwise notes. Prices quoted are firm for all services performed within 90 days after the date of quotation. Services performed later that 90 days from the date of quotation or later than the dates established in the quotation will be invoiced at prices in effect at time of performance.

TERMS OF PAYMENT – Terms of payment are net 30 days from date of invoice for services completed within a 30 day period. If payment is not received within 30 days, your project will be placed on hold and a charge of 1.5% per month will be added to the account until such time the account is made current. Reimbursable costs including, but not limited to, plotting, faxes, travel, or other reasonable expenses shall be billed at cost plus 15%.

TERMINATION – Any order or contract may be terminated or delayed by the Purchaser only upon payment of reasonable charges based upon expenses already incurred and commitments made by M&S Engineering. If Purchaser defaults in the performance of any payment obligation under this contract and fails to correct such default within seven (7) days following receipt of written notice thereof from M&S Engineering, LLC. M&S Engineering may, without prejudice to any other rights or remedies it may have, upon twenty-four (24) hour notice to Purchaser, cease performance of the contract and suspend its Work thereunder until such failure to pay is cured. In addition, in the event of Purchaser's and/or Owner's (a) bankruptcy, reorganization, receivership, insolvency, or making an assignment for the benefit of creditors, or (b) evidencing financial or organizational instability, M&S Engineering may, upon twenty-four (24) hour notice to Purchaser, cease performance of the Subcontract and suspend its Work thereunder until M&S Engineering, LLC receives reasonable assurance that its right to payment hereunder shall not be adversely impacted thereby.

INDEMNIFICATION AND LIMITATION OF LIABILITIES - Purchaser shall indemnify and hold harmless M&S Engineering, LLC, its owners, officers, employees, affiliated companies, parents, agents and representatives ("M&S Engineering, LLC Indemnitees") against any and all liabilities, claims, judgments, losses, orders, awards, damages, costs, fines, penalties, costs of defense, and reasonable attorney's fees ("Liabilities") to the extent they arise from or in connection with the willful misconduct or negligence of the Purchaser, its officers, employees, agents and/or representatives. Purchaser shall not be required hereunder to indemnify M&S Engineering, LLC Indemnitees to the extent of their negligence, act or omission, nor that of their invitees, workmen, subcontractors and/or suppliers or any of them. M&S Engineering, LLC shall not indemnify Purchaser, Owner, or any other party to the extent of such party's negligence, act or omission, nor that of their respective parents, affillates, subsidiaries, agents, their officers, directors, shareholders, employees, agents, invitees, workmen, subcontractors and/or suppliers, (except for M&S Engineering, LLC's and its subcontractors and suppliers) or any of them. Except as expressly provided for herein, NEITHER PARTY SHALL BE LIABLE TO THE OTHER FOR ANY INCIDENTAL, INDIRECT, SPECIAL, PUNITIVE OR CONSEQUENTIAL DAMAGES OF ANY KIND, INCLUDING BUT NOT LIMITED TO ANY LOSS OF USE, LOSS OF BUSINESS OR LOSS OF PROFIT; provided, however, there shall be no limitation on a party's liability to the other for any fines or penalties imposed on the other party by any court of competent jurisdiction or federal, state or local administrative agency resulting from the failure of the party to comply with any term or condition of this Contract or any valid and applicable law, rule or regulation; provided further, and notwithstanding anything to the contrary contained in this agreement, M&S Engineering, LLC's total liability with respect to any and all claims, losses or damages shall not exceed the value of the services performed under the terms of this agreement.

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254 July 17. 2018

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2018 Reimbursable & Miscellaneous Pricing

Date: January 2, 2018

The following reimbursable schedule is in effect for the 2018 calendar year and will be reviewed annually for appropriate changes as may be required.

Deliverable/Printing Pricing Schedule

The state of the s	
DESCRIPTION	COST
Small job books (1"to 1 1/2" binder)	\$25.00
Medium job books (2" to 2 1/2 " binder)	\$45.00
Large job books (3" and above binder)	\$65.00
Plots - "C" size (18x 24) Black & White	\$1.50
Plots - "C" size (18x 24) Color	\$2.50
Plots - "D" size (22X34) Black & White	\$2.50
Plots - "D" size (22X34) Color	\$3.50

^{*}Any additional reimbursable items shall be billed at cost plus 15%.

Shipping

 All shipping of drawings, job books, and other deliverables will be involced based on actual cost plus 15%.

Additional Equipment

For site specific requirements that do not allow for access via 4x4 trucks, M&S will provide use of various all-terrain vehicles to facilitate field work. Reimbursement for usage of such equipment will be billed at the following rates:

Equipment Rate
4 Wheeler \$100/day
Utility Vehicle (Mule) \$150/day

Travel Reimbursement Rates

- Hotel charges for overnight accommodations will be invoiced based upon actual cost plus 15%.
- Meals for traveling personnel will be invoiced based upon actual cost plus 15%.
- Air Travel
 - Air travel will be invoiced based on actual cost plus 15%.
 - Approval
 - Air travel costs in excess of \$500 per individual will require prior approval by client personnel requesting travel.
 - Air travel less than \$500 per Individual will be considered pre-approved by client personnel requesting travel.
- Rental Car
 - o Auto rentals (including fuel) will be invoiced based upon actual cost plus 15%.
- Mileage
 - Vehicle mileage will be invoiced based upon current IRS standard rates (plus \$0.05 per mile for 4x4 vehicles)

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2018 Engineering Rate Schedule

The following rate schedule is in effect for the 2018 calendar year and will be reviewed annually for appropriate changes as may be required

Labor Classification	Base Rate
Principal Engineer III	210.00
Principal Engineer II	200.00
Principal Engineer I	190.00
Senior Engineer IV/RPLS IV	180.00
Senior Engineer III/RPLS III	175.00
Senior Engineer II/RPLS II	170.00
Senior Engineer I/RPLS I	165.00
Project Engineer V	160.00
Project Engineer IV	155.00
Project Engineer III	150.00
Project Engineer II	145.00
Project Engineer I	135.00
Technical Specialist IV	155.00
Technical Specialist III	145.00
Technical Specialist	135.00
Technical Specialist I	125.00
Graduate Engineer/SIT IV	130.00
Graduate Engineer/SIT III	120.00
Graduate Engineer/SIT II	110.00
Graduate Engineer/SIT I	100.00
Project Manager IV	180.00
Project Manager III	170.00
Project Manager II	160.00
Project Manager I	150.00

Labor Classification	Base Rate	
Senior Technician IV	120.00	
Senior Technician III	115.00	
Senior Technician II	110.00	
Senior Technician I	105.00	
Project Technician V	100.00	
Project Technician IV	95.00	
Project Technician III	90.00	
Project Technician II 85.00		
Project Technician I	80.00	
Technician IV	75.00	
Technician III	70.00	
Technician II	65.00	
Technician I	60.00	
1 Man Survey Crew	110.00	
2 Man Survey Crew 155.		
Man Survey Crew 175.00		
enior CAD Operator II 85.00		
Senior CAD Operator I 80.0		
CAD Operator II	75.00	
CAD Operator I	70.00	
Administrative	80.00	
dministrative II	75.00	
dministrative	65.00	
oftware Level II	20.00	
oftware Level I	10.00	

¹Includes AutoCAD, Microstation, L-Pile, SAG10 and other common licensed software packages.

²includes PLS-CADD, Bentley Systems, e-tap and other premium licenses software packages.

³Rates are inclusive of all surveying equipment, including staking, marking paints, and other consumable items required. Special request items such as T-posts, 36" Laths, concrete monuments, will be billed on a cost plus 15% basis.

⁴Overtime Rates shall be 1.5 times the base rate.

april 11,2018 addachment

	Initi	Initial Call Volume	me		Fractile					_
	2016	2017	2010					l ransports		_
aniiary			VOTO2	2016	2017	2018	2016	2017	2010	_
A remains	193	220	297	86.29%	91 AGez	1000 00			0703	_
Febuary	185	208	230	02 076/	04 9000	00.40%	/8	100	113	
March	Ę	310		02.00.00	7. EU%	88.27%	8	82	104	_
April		27.7	7/7	90.27%	89.47%	94.02%	109	693	440	
	121	237		89.66%	89.18%		98		443	
IMay	573	253		90 20c	7000		8	513		_
annf	210	244		NO. 20.	27.20%		111	109		
July	٥٧٤			37.05%	89.60%		102	105		
Assessed	2	/87		89.67%	92.74%		100	404		
Jengmy	185	222		43 A48/	A4 man	1	COT	\$		
September	165	200		22.41.70	24.3C%		88	104		
October	3	SU4		89.47%	93.82%		9	ě		
Bronno	176	204		76UB U6	02 E26/					
November	183	326			25.3378		87	8		
December	403			86.90%	87.39%		74	107		
	207	6//2		90,63%	89.87%		Z,	2		
	2344	2808	763				3	700		
			}				1121	1198	330	
	YTD 2017	647								
	Variance		17.93%				710 2017	275		
							variation		20.00%	

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BSBES Modified Income Streams From the ESD's to Enhance Working Capital

		8SB Birdpet	-	085,822,2	\$ 1,361,916	\$ 1.300.004
	2mg	ESD Approved		and a	v)	\$ 1,300,008
		Total	\$ 2,220,000	¢ 106 957	000'sac'+ +	\$ 1,300,008
		Dec	\$ 177,857	¢ 106 957	(m/m)	\$ 101,191
		Nov.	\$ 177,857	\$ 106.857		\$ 101,191
For 2018		텅	\$ 177,857	\$ 106,857	4	\$ 101,191
	•	red Fig	\$ 177,857	\$ 106,857	\$ 100 404	TETTOT &
	4	Sin .	\$ 177,857	\$ 106,857	\$ 101.194	
	3		\$ 1//gg/	\$ 106,857	\$ 101,191	
	June	¢ 177 057	100'117 6	\$ 106,857	\$ 101,191	
	May				\$ 158,334	
	Apr.		¢ 114 ppp		\$ 108,334	
	Mar.		\$ 114 000			
	EB	\$ 185,000	\$ 114,000		\$ 108,534	
	Jan	\$ 185,000	\$ 114,000			
		ESD 1	ESD 4	FKD R		

4,890,500 2,492

\$ 4,888,008

\$ 4,888,008