COURT ORDER NO. 2010- 902 -11-01

STATE OF TEXAS

COUNTY OF COLLIN

COMMISSIONERS' COURT MEETING MINUTES OCTOBER 4, 2010

On Monday, October 4, 2010, the Commissioners Court of Collin County, Texas, met in Regular Session in the Commissioners' Courtroom, Jack Hatchell Administration Building, 4th Floor, 2300 Bloomdale Road, City of McKinney, Texas, with the following members present, and participating, to wit:

Present: Judge Keith Self
Precinct 1 Commissioner Matt Shaheen
Precinct 2 Commissioner Jerry Hoagland

Absent:
Precinct 3 Commissioner Joe Jaynes
Precinct 4 Commissioner Kathy Ward

Commissioner Shaheen led the Invocation.
Commissioner Hoagland led the Pledge of Allegiance.
Judge Self led the Pledge of Allegiance to the Texas Flag.

Judge Self called to order the meeting of the **Collin County Commissioners Court** at 9:30 a.m. and recessed into the **Collin County Health Care Foundation.**

President Self called to order the meeting of the **Collin County Health Care Foundation** at 9:31 a.m. and adjourned the meeting at 9:34 a.m.

President Self called to order the meeting of the **Collin County Toll Road Authority** at 9:34 a.m. and adjourned the meeting at 9:34 a.m.

DECISIONS MANDATED BY LEGAL ENTITIES OUTSIDE OF COMMISSIONERS COURT AUTHORITY:

1. AI-32661 Budget amendment in the amount of $50,000 to establish the budget for education and training utilizing the Drug Forfeiture fund, Auditor.

Commissioner Hoagland asked Jeff May, County Auditor, how much is involved in the Drug Forfeiture fund. Mr. May said he would need a minute to access that information. In the interim, Commissioner Hoagland requested the addition of an item to the potential 82nd legislative agenda to review the decisions mandated and FYI notifications section of the agenda stating that all expenditures should be reviewed and approved by the

Commissioners' Court. Commissioner Hoagland feels it is inappropriate for departments to have the authority to impose indirect taxes on the voting public without the consent of the Commissioners' Court. Commissioner Hoagland continued saying that if the Commissioners' Court is responsible for setting the tax rate, then it should have control over all expenditures in the county as well. Commissioner Shaheen agreed. Commissioner Hoagland recommended this be added to the agenda when the court had discussions with the state legislators.

Mr. May addressed Commissioner Hoagland's questions saying the current fund balance was approximately $300,000; the amount spent fluctuates each year. In Fiscal Year 2010, $141,000 was spent and in 2009 $38,000 was spent. Discussion among court members regarding the Commissioners approving expenditures of the funds followed. Commissioner Hoagland asked Bill Bilyeu, County Administrator, to add the item to the agenda for potential 82nd legislative items. Judge Self asked Monika Arris, Budget, who controls the out of county sex offender revenue funds. These funds are controlled by the Juvenile Board. Mr. May stated the funds are not state funds; they are generated from contracts with the Juvenile Board. (Time: 9:41 a.m.)

FYI NOTIFICATION

1. **AI-32598** Budget amendment in the amount of $25,000 to reallocate funds to the appropriate line items to properly administer the functions of the Collin County Juvenile Probation department and to recognize the increased cost of Hearing Masters, Auditor.

2. Public Comments.

3. Presentation/Recognition:

a. **AI-32720** Retirement plaque for Judge Curt Henderson - 219th District Court, Human Resources.

4. Consent agenda to approve: Judge Self asked for any comments on the consent agenda. Judge Self pulled item 3a due to Judge Henderson being unable to attend. Purchasing requested item 4b1 pulled from the agenda. Commissioner Hoagland asked to discuss Decisions Mandated item 1 and FYI Notification item 1. Commissioner Shaheen requested item 4c1 be pulled from the consent agenda and placed on General Discussion. There being no further comments, a motion was made to approve the remainder of the consent agenda. (Time: 9:36 a.m.)

Motion by: Commissioner Jerry Hoagland
Second by: Commissioner Matt Shaheen
Vote: 3 - 0 Passed

a. **AI-32685** Disbursements for the period ending September 28, 2010, Auditor.

COURT ORDER NO. 2010-790-10-04

b. Award(s):

1. **AI-32651** Fencing, Labor and Materials All-Inclusive (IFB No. 07306-10) to Tectonic Construction and Destruction, Public Works.

PULLED

2. **AI-32672** Road Materials: Recycling of Asphalt Millings (IFB No. 08356-10) to TexOp Construction, L.P., Public Works.

COURT ORDER NO. 2010-791-10-04

c. Agreement(s):

1. **AI-32632** Cooperation Agreement (Contract No. 09433-10) and Intent Memo with TVpug Entertainment for participation in the teen court documentary series and further authorize the County Judge to finalize and execute same, Administrative Services.

Commissioner Shaheen requested this item be placed on General Discussion. Judge John Payton approached the court and presented a DVD on teen defendants and teen courts. The DVD was a documentary of the Keller teen court and included testimonials from teen offenders as well as members of the teen court and behind the scenes footage of the defense team, prosecutors and interviews with the parents of the teens. The documentary also included victim impact statements from family members who lost loved ones to teen drunken drivers. It centered around four teens with different charges and how teen court helped prevent the behavior from continuing. Judge Payton stopped the DVD to give comments to the court regarding the results of the program and how it can assist in deterring unacceptable behavior. Judge Payton stated Collin County would be a good place to approve a contract for the documentary series which would be used as training on Saturdays from 9:00 a.m. to 12:00 p.m. for teen offenders. Discussion with court members followed. Judge Self expressed concern over verbiage in the contract that states creative and editorial control must stay with the documentary's producers. Judge Payton asked for clarification on which paragraph needed to be changed. Judge Self replied he wanted the County to have final approval on the program, not just the rough edit. Commissioner Hoagland stated if this can help just one child it is worth having it. A brief discussion of the benefits of a program in Collin County followed. Judge Self asked Bill Bilyeu, County Administrator, to contact the City of Keller and find out whether they are using this documentary series for training. Item held until the contract could be reviewed and amended.
(Time: 10:01 a.m.)

HELD

2. **AI-32673** Novation Agreement for Printing, General Office Forms (IFB No. 03080-07) originally awarded to PostNet McKinney which has sold, assigned, transferred, and conveyed certain assets, contracts, rights and holdings to a new owner under the same terms, conditions, and pricing and further authorize the Purchasing Agent to finalize and execute same, Purchasing.

COURT ORDER NO. 2010-792-10-04

d. Amendment(s):

1. **AI-32447** No. 1 to Law Enforcement Service (Contract No. 06677-09) with the City of Lucas to extend the contract for one (1) year through and including September 30, 2011, further authorize the Purchasing Agent to finalize and execute same, Sheriff.

COURT ORDER NO. 2010-793-10-04

2. **AI-32648** No. 4 to Emergency Alert Notification System (Contract No. 02060-07) with Emergency Communications Network, Inc. to extend the contract for three (3) months through and including December 25, 2010 and further authorize the Purchasing Agent to finalize and execute same, Homeland Security.

COURT ORDER NO. 2010-794-10-04

e. Change Order(s):

1. **AI-32678** No. 1 to Supplies, Janitorial Paper and Disposable Products (IFB No. 07722-09) with Glazier Foods to extend the contract for one (1) year through and including September 30, 2011 with a price redetermination to the contract, further authorize the Purchasing Agent to finalize and execute same, Facilities.

COURT ORDER NO. 2010-795-10-04

2. **AI-32649** No. 1 to Road Materials, Stone RipRap (Contract No. 05601-10) with Martin Marietta Materials to extend the contract for one (1) year through and including September 30, 2011 and further authorize the Purchasing Agent to finalize and execute same, Public Works.

COURT ORDER NO. 2010-796-10-04

3. **AI-32297** No. 2 to Supplies: Janitorial Equipment (IFB No. 07728-09) with Pyramid School Products to extend the contract for one (1) year through and including September 30, 2011 and further authorize the Purchasing Agenda to finalize and execute same, Facilities.

COURT ORDER NO. 2010-797-10-04

4. **AI-32623** No. 3 to Printing, General Office Forms (IFB No. 03080-07) with Cooper's Copies and Printing to extend the contract for one (1) year through and including September 30, 2011 and further authorize the Purchasing Agent to finalize and execute same, Purchasing.

COURT ORDER NO. 2010-798-10-04

5. **AI-32626** No. 3 to Printing, General Office Forms (IFB No. 03080-07) with Print Tyme to extend the contract for one (1) year through and including September 30, 2011 and further authorize the Purchasing Agent to finalize and execute same, Purchasing.

COURT ORDER NO. 2010-799-10-04

6. **AI-32628** No. 3 to Printing, General Office Forms (IFB No. 03080-07) with Marfield Corporate Stationary to extend the contract for one (1) year through and including September 30, 2011, further authorize the Purchasing Agent to finalize and execute same, Purchasing.

COURT ORDER NO. 2010-800-10-04

7. **AI-32681** No. 3 to Printing, General Office Forms (IFB No. 03080-07) with PostNet to extend the contract for one (1) year through and including September 30, 2011 and further authorize the Purchasing Agent to finalize and execute same, Purchasing.

COURT ORDER NO. 2010-801-10-04

8. **AI-32605** No. 4 to Services: Coffee (IFB No. 02067-07) with Compass Group, USA to extend the contract for one (1) year through and including September 30, 2011 and further authorize the Purchasing Agent to finalize and execute same, Purchasing.

COURT ORDER NO. 2010-802-10-04

9. **AI-32622** No. 4 to Printing, General Office Forms (IFB No. 03080-07) with Applied Litho Resource, Inc. to extend the contract for one (1) year through and including September 30, 2011 and further authorize the Purchasing Agent to finalize and execute same, Purchasing.

COURT ORDER NO. 2010-803-10-04

10. **AI-32627** No. 4 to Printing, General Office Forms (IFB No. 03080-07) with American Bank Note Company to extend the contract for one (1) year through and including September 30, 2011 and further authorize the Purchasing Agent to finalize and execute same, Purchasing.

COURT ORDER NO. 2010-804-10-04

11. **AI-32629** No. 6 to Printing, General Office Forms (IFB No. 09080-07) with Data Flex Business Products to extend the contract for one (1) year through and including September 30, 2011 and further authorize the Purchasing Agent to finalize and execute same, Purchasing.

COURT ORDER NO. 2010-805-10-04

f. Receive and File, Auditor:

1. **AI-32611** Monthly Financial Report for July 2010.

COURT ORDER NO. 2010-806-10-04

g. Miscellaneous

1. **AI-32682** Sale of Struck Off Property located at 815 Fenet Street, McKinney, Texas to Tammy Luckett and further authorize the County Judge to finalize and execute the associated documents, Administrative Services.

COURT ORDER NO. 2010-807-10-04

2. **AI-32674** Placement of four (4) Historical Markers to recognize the last two (2) one-lane iron truss bridges in Collin County, Public Works.

COURT ORDER NO. 2010-808-10-04

GENERAL DISCUSSION

5. **AI-32589** Omnilink JV Monitoring Technology, Commissioner, Precinct 1.

Judge John Payton, Justice of the Peace, Precinct 3-2, addressed the court with information on delinquent teen offenders and a request to purchase ankle monitoring devices. Judge Payton asked the court for funds from the court technology fund to pay for training. A packet was shared with the court that explained the tracking system and included diagrams of how the system works. This system would provide software that would allow the County to set parameters for the most severe offenders and would also alert officials should the teen go outside those set parameters. Judge Payton informed the court that this system has an 89% success rate; this is for the hard core truancy offenders. Judge Payton also explained the struggles the parents of the teens were having due to the teen being uncontrollable; the parents themselves have asked for help. Some of the issues being faced are teens refusing to get up to go to school and staying out late at night. The most requested item is for an ankle monitoring device. Judge Self asked if the parents would be willing to pay for the devices. Judge Payton replied yes, and if the parents were indigent they would go through the same process as adult offenders who requested indigent defense. He said the devices would belong to Collin County and he is asking for six (6) units.

Judge Self had questions regarding the school district versus Collin County and who would be losing money if the kids are not in school. Judge Payton replied this has nothing to do with the school; this for compliance with a court order for kids that take off and can't be found. Warrants are sent to the Sheriff's office in hopes of picking them up or to the Constable's office to see if they can go out and try to locate them. Judge Payton stated he is spending a lot of money in tax dollars on 15 to 20 students that require more supervision; ones he can't just give a court order with instructions to return in a couple of weeks. Judge Self asked if the request for the six (6) devices was a proof of concept, or is this the number needed for the program. Judge Payton replied both; what he has found is that the devices can be rotated. For the 17 and 18 year olds he uses the Sheriff's office to put them on an ankle monitor. Some can pay and some are indigent. If they cannot pay, they have to put them on the monitor anyway because they are indigent. His personal success rate is out of eight who were on this system, seven returned to high school and graduated. Commissioner Shaheen asked about the pay back for the devices. Judge Payton said the plan is to charge the parent the $4.79 daily that the county would be expending. The money would come out of the court technology fund so it is user fee money, not budget money. Commissioner Shaheen said to make sure to cover all costs. Judge Payton referenced the packet he presented to court members and said the $4.79 includes any costs associated with the devices.

Judge Payton also requested that the court allocate $10,000 to cover any expenses that may occur not covered by the daily cost, such as replacing a lost device when the teen is indigent. In closing, Judge Payton told the court the program would cut clerical time, Constable's time and most of all deter the teens from winding up in juvenile detention or probation. Commissioner Shaheen said he would support the program if the fees could be structured to recoup the money spent including the $10,000. Commissioner Shaheen also asked Judge Payton work with the County Auditor on the fund account. Motion to approve item as submitted. Judge Self asked if the funds could be used for this purpose. Bill Bilyeu, County Administrator, came forward saying an AG (Attorney General) opinion has been issued that expands the fund's use. The funds could be used as requested. Judge Self stated he would support this and asked that Judge Payton report back to the court with the results. A brief discussion regarding eligibility of indigence followed and it was decided that the Indigent Defense department would determine eligibility. (Time: 10:15 a.m.)

Motion by: Commissioner Matt Shaheen
Second by: Commissioner Jerry Hoagland
Vote: 3 - 0 Passed

COURT ORDER NO. 2010-809-10-04

6. **AI-32677** Consider an order of the Commissioners Court of Collin County, Texas, authorizing the issuance and sale of Collin County, Texas limited Tax Refunding Bonds, Series 2010; Approving the Official Statement, Bond Purchase Agreement and Escrow Agreement; Levying a tax and providing for the security for and payment of said bonds; and enacting other provisions relating to the subject, Administrative Services.

David Medanich, First Southwest, came forward to give information to the court regarding tax refunding bonds. This item was discussed in conjunction with item 7. A handout with the report information was shared with the court. Mr. Medanich began by saying the Unlimited Tax Refunding Bonds amounted to $14,810,000 and the Limited Tax Refunding Bonds were $8,120,000. The two are separated because they have different security. The county has received a AAA rating from both Moody's and Standard and Poor's (S&P); a very positive response and positive outlook was received from both.

The report included the county's ratings with strengths as well as weaknesses, which were very few. Mr. Medanich gave an overview of interest rates which are currently at the lowest so far this year. A summary of the bonds to be refunded was reported next. The rates on these ranged from 4.40% to 4.85%. The bonds which made the most sense to refund were chosen. Also included in the report was a summary of the benefit to the county. Judge Self asked why these bonds were selected. Mr. Medanich replied they tried to use a three percent or better present value savings.

Mr. Medanich continued with an overview of the prior debt service and the savings when replacing with the new bonds, which is approximately $714,681. The $8,120,000 is the same thing; outstanding bonds are the debt service and they will be replaced with the refunded bonds. Mr. Medanich said all they are doing is replacing the outstanding bonds with the refunded bonds. The figures include all costs, so the savings is a net savings for the county. The combined savings is $1,277,336. Nothing has been stretched out or extended. This is replacing the bonds at a lower interest rate for a savings.

Commissioner Shaheen asked if this would keep the county in debt for a longer period of time. Mr. Medanich replied no, this tracks exactly what the county has; it stays over the exact same term. Judge Self clarified that this is not a refinancing; it is a refunding. Mr. Medanich stated nothing was stretched out, they are just getting a lower interest rate.

Judge Self gave comments on Moody's rating for Collin County. Judge Self stated he reads these very carefully because these are people selling bonds; this is not political, this is people who have absolute money invested and credibility invested. The county's direct debt is very low; however, Mr. Medanich used to say the overlapping county debt was moderately high at seven percent.

We are now calling it significantly higher at 8.4% because of the large number of overlapping school districts and cities that have issued debt. At what point should the county be concerned; while the direct debt is low, it's at .5 percent, at some point the debt in the entire county will restrict us. Mr. Medanich replied it depends on whose report you look at. Some of it you have no control over. As far as the school districts are concerned, they have a fifty cent tax rate limitation; it is not going to get higher than the fifty cents. There are others who developed a little quicker and do not have as high a tax rate. It's a grey area; the direct debt is less than one percent which is extremely good. You are talking about subdivision overlapping that the county has no control over.

The county is in an incredible position; the amount of debt and the way it is paid off, the reserves you have, the diversification of the tax base and they way the county manages the day to day operations. Discussion regarding how the bond holders are paid followed. Commissioner Shaheen asked if the rates were variable and if the county was at any risk. Mr. Medanich stated once the transaction is completed, it doesn't change. Once this is adopted, the rate will not change; the savings will not change; no matter what the market does.

Ben Brooks, Vinson and Elkins, County Bond Counsel, came forward. Mr. Brooks informed the court they had two court orders before them for their authorization of the issuance of the refunding bonds. Mr. Brooks called the court's attention to the fact that while they are recommending the court vote to adopt the court orders today; it will be necessary at the next meeting to ratify the action and set a tax rate. Because the bonds are tax bonds, it requires that four members of the court be present. It can be approved with three votes; however, the government code requires four members of the court to be present. Mr. Brooks said they recommend the court adopt the orders today to preserve the sale; should the court table the item the bonds would have to be re-priced. The two court orders authorize the issuance of the bonds, set the interest rates on the refunding bonds, call the refunded bonds for redemption and set all other terms that are necessary to properly document the fact that the county is reissuing the bonds.

Judge Self commented that he did not see a draft court order and wanted to make sure they were not setting the tax rate. Mr. Brooks stated he had the draft court orders and gave a copy to each court member. He then informed the court that the order was complete and did set the tax rate; however, he recommended the court approve the entire order. The section of the order that relates to the setting of the tax rate will not be effective until there are four members of the court present. Judge Self clarified with Mr. Brooks that he could go ahead with what he needed to do if the court makes a caveat to the motion that they are not setting the tax rate.

Mr. Brooks replied, absolutely. Judge Self said he thinks that is what they should do. Commissioner Shaheen asked if it were correct that the tax rate on these bonds should be lower than the old bonds. Mr. Brooks replied going forward they will be; the county sets the tax rate once each year and the savings are in years subsequent to the fiscal year, so this will show up in next year's budget and beyond. Additional discussion regarding the refunding bonds followed. Commissioner Hoagland made a motion to approve item 6 and item 7 with the acknowledgment the court will have to ratify the orders and set the tax rate in a future meeting. (Time: 11:17 a.m.)

Motion by: Commissioner Jerry Hoagland
Second by: Commissioner Matt Shaheen
Vote: 3 - 0 Passed

COURT ORDER NO. 2010-810-10-04

7. AI-32679 An order of the Commissioners Court of Collin County, Texas, authorizing the issuance and sale of Collin County, Texas Unlimited Tax Refunding Bonds, Series 2010; Approving the Official Statement, Bond Purchase Agreement and Escrow Agreement for the bonds; Levying a tax and providing for the security for and payment of said bonds; and enacting other provisions relating to the subject, Administrative Services.

This item was discussed and adopted with item 6.

COURT ORDER NO. 2010-811-10-04

8. AI-32610 End of term update, District Attorney.

Judge John Roach, District Attorney, approached to give the court an update regarding two funds controlled by the District Attorney's office. These are the Asset Forfeiture fund and the Service Fee Fund. The Service Fee fund is generated from fees collected for hot checks. Asset Forfeiture funds are generated from things such as an automobile that is confiscated during a drug arrest and then sold at auction. The update included how the funds are utilized instead of using taxpayer funds. Expenditures ranged from office supplies to indigent defense as well as training and crime victim expenses. Judge Roach reiterated to the court that the money used for these expenses is not taxpayer money; it comes from the service fee account.

Judge Roach then addressed another item on the agenda regarding the Children's Advocacy Center. Judge Roach gave the court an overview of what services the center provides and the various agencies which are involved with and housed at the center. These agencies work together to stop and prevent child abuse and neglect in Collin County. He is preparing to allocate funds from the Asset Forfeiture account for a grant to the Advocacy Center.

The grant would have certain restrictions on how the money could be used and would have to be approved by the Advocacy Center Board. Judge Roach is working with Jeff May, County Auditor, to set up the account and how the money can be used. Judge Roach stated that when he leaves office there will be more money in the two accounts than when he took office; therefore, he would like to donate $250,000 of the asset funds to the county's general fund and is working with the auditor on the details of that donation. There will be other requests for expenditures from these funds over the next two months. Judge Roach stated that he basically just wanted to inform the court of the fund accounts and his intention to donate money to the county's general fund. He also stated that the incoming District Attorney would still have plenty of money in the accounts to start his term. Judge Roach informed the court that in the last eight years he has been in office, his department has been under budget by $2,676,000 and in the past year he has been under budget by $450,000. In closing Judge Roach said he has been a good steward of the taxpayer's money and wanted to give the Commissioners a smile by putting some money back into the general fund. (Time: 10:27 a.m.)

NO ACTION TAKEN

9. **AI-32551** Compensate District Attorney employees for office closure on August 17, 2010, District Attorney.

Judge Roach then addressed his request for compensation to District Attorney employees during the emergency office closure after the shooting at the McKinney Police Headquarters on August 17, 2010. He stated that there is a bank of radios in his office which allows his staff to monitor events around them. Judge Roach stated that, to his knowledge, his office is the only office that has a disaster reaction plan such as a courthouse shooting, tornados, bad weather, fire drills and heart attacks. As far as he knows only his office has every employee trained in CPR (Cardiopulmonary Resuscitation) and each and every member of his staff knows how to operate the electronic defibrillators located throughout county buildings.

Judge Roach stated that his office takes the security of his employees, the equipment and files very seriously. All of his investigators are trained to protect these things. When his office found out there was a shooting at a nearby courthouse, they went on alert and monitored the situation. It was their understanding that the person who shot at the McKinney Police Department had bomb making materials in his vehicle, so his office questioned whether there was bomb at the Bloomdale Courthouse. At that time his office was on lock down and the only personnel allowed to leave were the investigators trained to protect the office and staff. At 4:00 p.m. he sent the secretaries at the Bloomdale location home as a safety measure.

Judge Roach then requested that instead of charging the staff PTO (Paid Time Off) they be compensated for the hour. This was a decision made by his office and he believes it to be the right one; however, the employees should not have to pay for that decision.

Mr. Bilyeu was asked to give the court a review of what other departments did in response to the emergency.

Mr. Bilyeu responded that the Sheriff and Homeland Security looked at this matter in detail and suggested that they would be able to more clearly report to the court. Sheriff Terry Box was asked to address the court. Sheriff Box came forward with a detailed review on how his office responded to the threat. The situation which had begun earlier in the day was contained by 3:30 p.m. At that time, a call was received saying a bomb had been placed in the Sheriff's Office. No other building was mentioned.

The courthouse security team, of which the District Attorney's Office is not a part, was notified of the bomb threat in the Sheriff's Office. Sheriff Box's staff searched the entire surroundings of the Sheriff's Office and non essential personnel were released at four o'clock. All of the Sheriff's buildings were cleared at 5:00 p.m. and no other county building was a concern at that time. He did not notify anyone of an all clear, nor did Homeland Security Director Kelley Stone and they did not see any reason to do so.

Judge Self clarified that Sheriff Box also sent staff home at 4:00 p.m. Sheriff Box replied yes, because it was believed the bomb had been placed at the Sheriff's Office. Sheriff Box contacted Human Resources and Mr. Bilyeu regarding sending the staff of 10 on administrative leave. Because the threat was specific to the Sheriff's Office, the administrative leave was approved. Commissioner Hoagland asked Bill Bilyeu to explain. Mr. Bilyeu responded saying because there was a threat to the staff of the Sheriff's Office, using administrative leave to compensate the employees was justified.

Commissioner Shaheen commented that the difference was the threat was specific to the Sheriff's Office and not the Courthouse or any other department. Judge Self stated this is a reason the county needs a consolidated courthouse plan. After hearing comments from Judge Roach requesting his staff be compensated for the hour they were sent home during the threat, Commissioner Shaheen replied that the challenge is the District Attorney was never under threat. Judge Roach responded saying; looking back he would say that to be true; however, he did not know that at the time. A discussion regarding courthouse security and how a plan should be formulated followed.

Judge Self commented there is no doubt that there is a disconnect in the security plan and stated to Mr. Bilyeu that the county needed to have a consolidated security plan and it should include the Sheriff's Office, Homeland Security, the District Attorney's Office and any others who needed to be involved. Judge Self then made a motion to pay the staff for the time taken, saying they should not have to pay for the disconnect. The motion died for lack of second.

Judge Self asked for any other motion on the issue. Commissioner Hoagland stated he had to go along with the decision that had already been made.

Commissioner Hoagland made a motion to not compensate for the time off. The motion died for lack of a second.

Commissioner Shaheen asked Cynthia Jacobson, Human Resources, how the time would be paid. Ms. Jacobson replied the employees would have to use PTO as discussed with the District Attorney's Office. Judge Self stated there was a motion to ratify the PTO policy and asked for a second. There being none, the motion died for lack of a second. No further action was taken. (Time: 10:41 a.m.)

NO ACTION TAKEN

10. AI-32552 Paid Time Off program for exemplary performance in the District Attorney's office, Human Resources.

Judge Roach moved to the next item he placed on the agenda. Judge Roach requested the court authorize Human Resources (HR) change the county's computer software in a way that allows his office to more ably account for the department's High Five Program. Judge Roach stated his office has a High Five Program; High Five meaning congratulations. An example of one of the certificates which are awarded was shown to the court. Judge Roach continued saying when a supervisor recognizes exemplary performance of an employee's work; they recommend that employee for a High Five certificate. The award is an amount of time off. The recommendations are reviewed by the manager and the division chief, and then reviewed by Judge Roach personally. He then decides to either grant the award or not grant the award. An example of one of the award recipients was given to the court. One of the secretaries in the Crimes against Children division was recognized by her supervisor, an Assistant District Attorney, for going above and beyond when a certain prosecutor who was on the case was out of the office. She took a call from a victim of a sexual assault case.

The call regarded a defendant who was on the run. The secretary got the necessary information to prepare a warrant then found a deputy willing to serve the warrant and a judge to sign the warrant. This was done five minutes before 5:00 p.m. on the day in question. Due to her diligence and hard work the defendant was found and arrested that evening. Judge Roach continued saying when he gets something like this, he makes that decision. He will give an hour off or two hours off and the employee has to take it within a certain amount of time, usually within 30 days. After approval by the manager, the employee has to fill out a schedule request that lets Mrs. Bridges know what time they are taking off and when they are going to take it, so it can be put in the county's computer. It used to be that they could put in an "A"; by hand or on the computer.

Now they have to adjust the hours to show it, but then they have to put an explanation as to why this person is taking the time off, so that their record will reflect accurately when that employee was at work and when that employee wasn't.

His office has every single scheduling request ever made since he has been in office for every single pay period, for every single month, for every single year since January 1, 2003. It is no longer easy, and may mess things up for HR, for them to explain why they made an adjustment for the High Five award. Judge Roach said all he is asking for is a way to modify, or asking HR to approve a modification of some kind for the computer program that will allow them to just go in and enter an "A" or type in an explanation without having to cut and paste; as he understands it, the computer program will not let them do even that. Mrs. Bridges has talked with Ms. Jacobson about this and he needs the court's okay in order to make the adjustment that allows him to account for the program.

Judge Self asked Cynthia Jacobson, Human Resources, to approach with an opinion from HR. Judge Self asked what this would do to the county, policy wise, if they formalized the process. Ms. Jacobson replied the county used to have an administrative code which was what Judge Roach was talking about; the "A" code. This was used as a kind of catch all for anyone who had time off. The county switched to PeopleSoft and there are very specific codes for time off such as jury duty or personal time off. The specific code is to show how the hours are getting paid like for training which shows what hours are paid as; the county never had a training code before. There is not a code for incentive time off, which is what Judge Roach is looking for so he can record that and track how much it is; the county does not have that code. Commissioner Shaheen stated the application should reflect the policy and the question is does the county have a policy for time off for good reports. Ms. Jacobson replied this is done from an HR perspective through court which is why she asked Judge Roach to come to court with this program; if court approved the program it would be done from an HR standpoint, but they do not do this unless it is approved by court.

Commissioner Shaheen asked if other areas do this. Ms. Jacobson replied that the only area right now that has something close is CSCD (Community Supervision and Corrections Department). They have a particular program that they have had for years; it's called the snooze and cruise program that has a very specific policy with it and they do have that in PeopleSoft. Commissioner Hoagland asked if CSCD were county employees or state employees. Ms. Jacobson said they are state employees; they are fully paid by the state. Commissioner Hoagland commented on the various benefits available for time off and stated to have a department that is doing something that the other departments don't have the opportunity to do is inappropriate. Judge Roach responded saying when people perform beyond their general expectation, he should have the discretion to reward them. Commissioner Hoagland disagreed; it is up to the Commissioners' Court to make that decision. It is a policy issue related to personnel.

Commissioner Hoagland asked for a future agenda item to seek an Attorney General's opinion on whether it is the Commissioners' Court or the Elected Official who determines salary and benefits including days off. This has occurred many times over his tenure and he thinks it is time that something is determined and finalized of who is in charge.

Commissioner Shaheen asked Judge Roach if he had looked at using PFP to reward the High Five program. Judge Roach replied they do use the PFP program. The High Five program an immediate reward. It's not just for the person who gets it, it's for others to see they can earn this too; it is an idea to encourage work above and beyond the call of duty. Discussion with the court followed. Judge Self directed Mr. Bilyeu to take another look at the money set aside from the county's rebate program. He thinks the court should set that money aside for Judge Roach's idea which is good at its kernel. That is an immediate reward for people who do things. Judge Self thinks the money should be set aside and they should look at it as a court to have an immediate reward; the county does not have that mechanism. (Time: 10:53 a.m.)

NO ACTION TAKEN

Judge Self recessed the meeting at 10:53 a.m. and reconvened at 11:00 a.m.

11. AI-32704 Elected Official Changes, Human Resources.

Cynthia Jacobson, Human Resources, came forward with Elected Official changes. Ms. Jacobson informed the court that an employee has moved to an Elected Official position. The effective date was obtained from the Governor and the status was changed. Motion to approve the change. (Time: 11:18 a.m.)

Motion by: Commissioner Matt Shaheen
Second by: Commissioner Jerry Hoagland
Vote: 3 - 0 Passed

COURT ORDER NO. 2010-812-10-04

12. AI-32705 Personnel Appointments, Human Resources.

Cynthia Jacobson, Human Resources, addressed the court with personnel appointments. Ms. Jacobson stated there was one appointment, which was at the beginning of the pay range. (Time: 11:18 a.m.)

Motion by: Commissioner Jerry Hoagland
Second by: Commissioner Matt Shaheen
Vote: 3 - 0 Passed

COURT ORDER NO. 2010-813-10-04

13. **AI-32706** Personnel Changes, Human Resources.

Cynthia Jacobson, Human Resources, addressed the court with personnel changes. Ms. Jacobson stated all personnel changes meet standard guidelines. Commissioner Hoagland questioned the percentage over minimums and asked what they meant. Ms. Jacobson explained these are current employees who are making changes; the court is informed of the change and where they are in the pay range. Commissioner Hoagland clarified that the employees were still within the pay range. Ms. Jacobson said yes; the standard change is five percent. If it goes higher it is because the employee moved to the beginning of the new pay range. Everyone is standard practice. There is nothing unusual. Motion to approve personnel changes. (Time: 11:19 a.m.)

Motion by: Commissioner Jerry Hoagland
Second by: Commissioner Matt Shaheen
Vote: 3 - 0 Passed

COURT ORDER NO. 2010-814-10-04

14. **AI-32723** Board/Committee Appointments, Commissioners Court.

NO ACTION TAKEN

15. Potential 82nd Legislative items, Commissioners Court:

Judge Self asked for any potential legislative items. Commissioner Hoagland added an item for decisions mandated by legal entities outside the Commissioner Court authority. (Time: 11:20 a.m.)

a. **AI-31816** Discussion of legislative priorities

NO ACTION TAKEN

16. Possible future agenda items by Commissioners Court without discussion.

Commissioner Hoagland requested to seek an Attorney General's opinion on whether it is the Commissioners' Court or the Elected Official who determines salary and benefits including days off. (Time: 11:20 a.m.)

EXECUTIVE SESSION

The court did not recess into Executive Session. There being no further business of the Commissioner Court, Judge Self adjourned the meeting at 11:20 a.m.

Keith Self, County Judge

Matt Shaheen, Commissioner, Pct. 1

Not Present

Jerry Hoagland, Commissioner, Pct. 2

Joe Jaynes, Commissioner, Pct. 3

Kathy Ward, Commissioner, Pct. 4

ATTEST:

Stacey Kemp, Ex-Officio Clerk
Commissioners' Court
Collin County, TEXAS