COURT ORDER NO. 2011- 104 -02-21

STATE OF TEXAS **COMMISSIONERS COURT MEETING MINUTES**

COUNTY OF COLLIN **JANUARY 24, 2011**

On Monday, January 24, 2011, the Commissioners Court of Collin County, Texas, met in Regular Session in the Commissioners Courtroom, Jack Hatchell Collin County 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 Cheryl Williams
Precinct 3 Commissioner Joe Jaynes
Precinct 4 Commissioner Duncan Webb

Commissioner Williams led the Invocation.
Commissioner Jaynes 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. Judge Self recessed the meeting at 12:23 p.m. Commissioner Jaynes was not present for the afternoon session.

President Self called to order the meeting of the **Collin County Health Care Foundation Board of Trustees** at 1:20 p.m. and adjourned the meeting at 1:33 p.m.

President Self called to order the meeting of the **Collin County Toll Road Authority Board of Directors** at 1:34 p.m. and adjourned the meeting at 1:34 p.m.

President Self called to order the meeting of the **Collin County Housing Finance Corporation Board of Directors** at 1:34 p.m. and adjourned the meeting at 1:34 p.m.

DECISIONS MANDATED BY LEGAL ENTITIES OUTSIDE OF COMMISSIONERS COURT AUTHORITY:

1. **AI-33166** Update to the personnel listing for the District Attorney investigator cell phones, District Attorney.

2. AI-33168 Update to the personnel receiving the District Attorney Salary Supplement, District Attorney.

Commissioner Webb had questions for Cynthia Jacobson, Human Resources, on how the District Attorney makes up the salary supplement budgetarily. Ms. Jacobson said he makes a full payment to us of the salary differential plus the benefits associated with the salary differential at the beginning of the fiscal year. Each new fiscal year he makes another payment for any additional supplementals. The funds come from the hot check fund. Commissioner Webb asked Ms. Jacobson if she made the calculations. Ms. Jacobson said she works with Budget and everybody, including the District Attorney, agrees with the number. It is then presented to the Court so the Auditor knows as well. (Time: 1:36 p.m.)

3. AI-33171 Personnel Appointments, Human Resources.

4. AI-33172 Personnel Changes, Human Resources.

FYI NOTIFICATION

1. AI-33109 Addendum No. 1 to Vehicles: Dump Truck (IFB No. 11032-11) extending the bid end date to January 6, 2011 and offering shipping costs as a separate line item, Purchasing.

Commissioner Webb asked why the bidding date was extended. Frank Ybarbo, Purchasing, said there were questions on that particular bid and we were giving the vendor one week to respond. Commissioner Webb asked if separating out the shipping costs is usual. Mr. Ybarbo said that is one thing we changed. There were questions on shipping since he was local. The recommendation is for them not to drive a new vehicle for delivery more than 100 miles. (Time: 1:39 p.m.)

2. Change Order(s):

a. AI-33148 No. 6 to Construction, Building: Collin County Courthouse Addition (IFB No. 11067-10) with Turner Construction Company to make various changes to the contract (previously approved by the County Administrator per Court Order No. 2007-180-02-27), Construction & Projects.

Bill Bilyeu, Administrative Services, came forward to address this item. Commissioner Webb said a memo to the Court said a change order was previously approved by the County Administrator per a prior court order. He asked Mr. Bilyeu what the court order authorized him to approve. Mr. Bilyeu said it allows him to approve nominal amounts, up to $10,000, to keep the project on schedule. Commissioner Webb questioned an amount of $12,205. Mr. Bilyeu said it was a cumulative total. (Time: 1:40 p.m.)

b. **AI-33153** No. 7 to Construction, Building: Juvenile Alternative Education Building and Juvenile Probation (CSP No. 11267-09) with Crossland Construction Company, Inc. to move ten (10) outlets (previously approved by the County Administrator per Court Order No. 2007-180-02-27), Construction & Projects.

c. **AI-33161** No. 8 to Construction, Building: Juvenile Alternative Education Building and Juvenile Probation (CPS No. 11267-09) with Crossland Construction Company, Inc. to make various changes to the contract, Construction & Projects.

Commissioner Webb had questions on the removal of a retractable basketball goal at the Juvenile Building. Mr. Bilyeu said they had originally planned to put a basketball goal in the activity center; however, the juvenile director did not want a basketball goal. The cost the Court is seeing there is to remove the retractable basketball goal equipment. Commissioner Webb asked if we get someone else and we have to put it back, will it end up costing us more money. Mr. Bilyeu said it would cost us money, but this is a credit now. Judge Self said there is talk about doing away with the JJAEP program all together. (Time: 1:42 p.m.)

3. **AI-33074** Utilization of the states Department of Information Resources (DIR) contract (DIR-SDD-835) with Twotrees Technologies to purchase desktops/laptops for multiple departments in Collin County, Information Technology.

Mr. Bilyeu said this item is IT equipment we're purchasing for the year. Commissioner Webb said there are over 100 plus computers being purchased. He wanted to know where those are going and why we're buying so many in bulk. Mr. Bilyeu said we don't have a true replacement schedule but we do have some equipment that is outdated and needs to be replaced. Also, we're now buying the laptops that will be used for the ERP project that was approved last year. Some are regular replacements of equipment that has deteriorated. Commissioner Webb asked if these would take care of some of the issues in the County with older equipment. Mr. Bilyeu said this is a fix gap. He stated IT and Purchasing works hard to reutilize equipment. (Time: 1:45 p.m.)

4. **AI-33165** Utilization of the state agreement (TXMAS-4-70080) for the purchase of Computer Equipment for the ERP Project from various vendors, Purchasing.

5. **AI-33143** Budget amendment(s)/adjustment(s) totaling $155,342 (over $5,000 per c/o 2005-589-08-01), Budget.

Commissioner Webb asked what is meant by shift differentials. Monika Arris, Budget, came forward and explained the shift differential had to do with a grant that is received each year by the Sheriff's office. At the end of the year the

Auditor has to true it up. The grant did not cover everything but the Sheriff had money in his M & O and it was reallocated for year end for the Auditor. Commissioner Webb asked if this was normal. Ms. Arris said it's become normal since we've started budgeting tighter. (Time: 1:46 p.m.)

2. Public Comments. Public comments were heard under General Discussion.

3. Presentation/Recognition:

a. Presentation of Service Pins for the month of January, Human Resources.

Jon Kleinheksel, Public Works, came forward and recognized employees Benito Muniz and Richard Doan with service pins for ten years of service. (Time: 9:33 a.m.)

Judge Self stated due to the number of questions on the consent agenda, the Court would be hearing the General Discussion items first. The Court returned to the consent agenda at 1:37 p.m.

4. Consent agenda to approve: Judge Self asked if any member of the Court or any member of the audience had an item they wanted pulled from the consent agenda for individual consideration. Commissioner Webb pulled FYI items 2a, 2c 3, and 5 and consent agenda items 4a, 4b, 4c1, 4c2, 4d1, 4d2, 4d3, 4e1, 4f1, 4g1, 4h1, 4i1a, 4i1b, 4i1c, 4i1d, 4j3, 4k1, 4k2, 4k5, and 4k6 for discussion. He then made a motion to approve the balance of the consent agenda. (Time: 1:37 p.m.)

Motion by: Commissioner Duncan Webb
Second by: Commissioner Matt Shaheen
Vote: 4 - 0 Passed

a. **AI-33184** Disbursements for the period ending January 18, 2011, Auditor.
COURT ORDER NO. 2011-028-01-24

Commissioner Webb asked about a payment on the expenditure approved list to Tom and Janie Abel. He found it unusual since payments are usually to one person or an entity. Mr. Bilyeu said it is a line item for a right-of-way for a county road project. They are probably the owners on the deed. Commissioner Webb said we paid Collin County Days $200. Mr. Bilyeu said that is our payment for a chamber event that will occur in March. Commissioner Webb wanted to know why we paid the Collin County Tax Assessor money. He asked if that was normal. Mr. Bilyeu said it's not always normal, but it happens. Mr. Bilyeu and Jeff May, County Auditor, gave examples of situations where the Tax Assessor would pay the county money and might be owed a reimbursement. (Time: 1:51 p.m.)

b. AI-33144 Tax refunds totaling $970,382.41, Tax Assessor Collector.

Commissioner Webb had a comment about procedure. He said there were over 400 pages attached to the packet connected with this item. We have a tax assessor collector, so he was wondering why we needed 400 pages of details when the tax assessor collector makes the calculation. Mr. Bilyeu said the answer is transparency; you're getting his supporting documentation. Judge Self said this is in the public packet as well. Nicole Gillespie, Administrative Services, said not all of it is. Mr. Bilyeu said Court members are the only ones that see the detail. Commissioner Webb said he noticed there were a lot of checks going back to Denton County. He suspected it was because of some relationship to the City of Frisco, numerous refunds going from our county to them. Mr. Bilyeu said the City of Frisco has Ken Maun collecting taxes, and since part of Frisco is in Denton County that is money that is being refunded back. Commissioner Williams also asked for less of this detail. Mr. May said he will check that. (Time: 1:53 p.m.)

COURT ORDER NO. 2011-029-01-24

c. Award(s):

1. AI-33127 Broker Services: Sale of University Drive Courthouse Facility (RFP No. 09435-10), Administrative Services.

Commissioner Webb had questions about the brokerage service for the sale of University Drive. This courthouse was under contract or letter of intent to the school district. Mr. Bilyeu said we received an offer from the school district in the $8.5 to $9 million range, but we didn't accept the offer. When we came to the point of being ready to accept that offer, the school district decided to go another route. Mr. Bilyeu said the hope is to put the building back on the tax rolls. The Purchasing Department contacted brokers. We only had two that responded. Commissioner Webb asked if we've dealt with A. M. Scott Real Estate before. Mr. Bilyeu replied yes. (Time: 1:56 p.m.)

COURT ORDER NO. 2011-030-01-24

2. AI-33145 Insurance: Stop Loss (RFP No. 11018-11), Human Resources.

Commissioner Webb asked Ms. Jacobson who is reviewing this submission for purposes of analysis that this is in the best interest of the county. Ms. Jacobson said we only received two bids: United Healthcare and ING. United Healthcare's bid was significantly more expensive so from a financial standpoint she said we took it and ran with the ING bid. Commissioner Webb asked how they were paid. Ms. Jacobson replied monthly. Commissioner Webb said he was surprised that ING would not allow a third-party audit. He wondered if that was the norm, and if so why. Ms. Jacobson said ING is the stop loss carrier. By the time it gets to ING, the audit would be through United Healthcare, not through ING. Ms. Jacobson answered further questions from Commissioner Webb. Commissioner

Webb said he wanted to make sure someone on the county level was reviewing all of this. Ms. Jacobson said they do and they also pull S & P ratings on them. (Time: 2:02 p.m.)

COURT ORDER NO. 2011-031-01-24

d. Agreement(s):

1. AI-33151 2008 Grant Adjustment Notice for the 2008 Homeland Security Grant Program (HSGP) with the Texas Department of Public Safety to extend the performance period to March 31, 2011 and further authorize the County Judge to finalize and execute same, Auditor.

Commissioner Webb asked since this is a legal agreement that has terms and conditions, who reviews these. Do we have legal involvement with this? Mr. Bilyeu said if they come from the state, they are boiler plate and cannot be amended at all, so we accept them as is. Commissioner Webb asked if that was the same case with the federal government. Mr. Bilyeu said yes, except if they have additional requirements, such as an EEOC plan. Commissioner Webb asked about cities or other counties. Mr. Bilyeu said we have some agreements with other counties, mostly piggyback purchasing agreements and agreements with cities for emergency operations. (Time: 2:04 p.m.)

COURT ORDER NO. 2011-032-01-24

2. AI-33103 Interlocal Agreement with the City of McKinney for the design and construction of Bloomdale Road, East from US 75 to Press Elementary (Bond Project No. 07-044 – 2009 Funding NTE $1,370,000) and further authorize the County Judge to finalize and execute same, Engineering.

Commissioner Webb asked about the interlocal agreement with the City of McKinney. Tracy Homfeld, Engineering, said we have a master agreement that has been vetted through an attorney. Mr. Bilyeu said when we have a bond election, we have our attorney keep an eye out for any changes. (Time: 2:05 p.m.)

COURT ORDER NO. 2011-033-01-24

3. AI-33130 Interlocal Cooperation Agreement with the City of Celina for Road Improvements and further authorize the County Judge to finalize and execute same, Public Works.

Commissioner Webb was under the impression the County could not enter into agreements for more than one year but this is agreement is for four years. Mr. Bilyeu said this agreement has no cost tied to it. It gives us the framework to be able to exercise work inside their city without having to bring the agreement back. Commissioner Webb asked if we entered into a four-year agreement with an option out, would that comply with the law. Mr. Bilyeu said yes. (Time: 2:08 p.m.)

COURT ORDER NO. 2011-034-01-24

e. Amendment(s):

1. AI-33163 No. 3 to Engineering Services for Improvements to US 380 from West of the Collin County Line to Coit Road with AECOM Technical Services, Inc. for additional services required to address new environmental policies as well as extending the project limits an additional two (2) miles from Coit Road to Custer Road, budget amendment in the amount of $753,262 and further authorize the Purchasing Agent to finalize and execute same, Engineering.

Commissioner Webb asked for background on this item. Ms. Homfeld said this agenda item is bringing back a supplement to the original contract that was approved back in 2006 for preliminary engineering and environmental clearance. Commissioner Webb asked for the proposal for which we're doing the environmental. Ms. Homfeld said to expand to six lanes to the Denton County line and part is to add the portion from Coit to Custer that's not in our current agreement with AECOM. She said we want to get the engineering on track. Ms. Homfeld said what we're trying to do is design it within the RTR dollars we have available. There was further discussion on the numbers of lanes westbound. Mr. Delgado said when we first started with AECOM, Denton County allocated $500,000 and put it in our ledgers so we could administer the improvements of their section in Collin County of 380 to 423, which is about three miles. Judge Self said our congressional delegation has asked for ideas on the environmental clearance process. He asked for a letter to be drafted explaining the process and expenses. Commissioner Webb had a question on funds spent on U.S. 380 which will go towards regional toll revenue, 20% local match. Mr. Delgado addressed that issue. Commissioner Shaheen asked when they put together items for the federal representatives, can they put together a resolution to help streamline the TxDOT process as well. Commissioner Shaheen showed a comparison of AECOM's hourly rate. He said he likes to show the analysis since we're forbidden by state law to competitively bid engineering services. (Time: 2:16 p.m.)

COURT ORDER NO. 2011-035-01-24

f. Change Order(s):

1. AI-33158 No. 3 to Supplies: Janitorial Chemical (IFB No. 07718-09) with Eagle Brush Chemical, Inc. to add Item No. 07718-09-1-43 Dust Mop/Dust Cloth Treatment and Item No. 07718-09-1-47 Furniture Polish to the contract and further authorize the Purchasing Agent to finalize and execute same, Facilities.

Commissioner Webb wanted to know why we awarded the contract to Eagle Brush Chemical when on the spreadsheet Pyramid School Supplies seemed to have lower numbers. Mr. Ybarbo said he would have to go back and look at it. Whoever has the best competitive rate gets the contract. Commissioner Webb asked to hold this item. (Time: 2:18 p.m.)

HELD

2. AI-33160 No. 4 to Supplies, Janitorial Paper and Disposable Products (IFB No. 07718-09) with Empire Paper Company to add various items to the contract and further authorize the Purchasing Agent to finalize and execute same, Facilities.

COURT ORDER NO. 2011-036-01-24

g. Ratification of the County Judge's prior approval:

1. AI-33114 Acceptance of the FY2011 Indigent Defense Formula Grant from the Task Force on Indigent Defense in the amount of $343,760, Auditor.

Mr. Bilyeu said this is an allocation grant. The state collects money and they give a reimbursement based on what each county spends. Last year we spent $5.5 million on court-appointed attorneys. Commissioner Webb asked if we get this every year. Mr. Bilyeu yes, when the legislature meets. Commissioner Webb asked what happens when the legislature has to balance their budget. Mr. Bilyeu said we will still have to spend the $5.5 million but we won't get our reimbursement. The Auditor would have to reduce his revenue estimate by next year by that amount. Mr. May said he's heard they are going to cut it by 10 to 15%. (Time: 2:20 p.m.)

COURT ORDER NO. 2011-037-01-24

h. Budget adjustment(s)/amendment(s):

1. AI-33113 $41,000 to transfer FY2010 funds from the General Fund to the Fire Code Inspection Fund to cover a negative fund balance, Auditor.

Mr. Bilyeu said this is an inspection fund through the Development Service Department. When you go in and pay for your construction permits, it pays for our inspectors to go out. The fund is supposed to collect enough to pay for itself but when you have peaks and valleys, especially valleys now, it doesn't generate enough to cover our costs. This is a shortfall between what we expected our revenues to be and what they actually were. Commissioner Webb asked why we haven't gone the other approach which is to downsize the department. Mr. Bilyeu said they do contract out some work. Mr. May said this is an FY2010 transfer. (Time: 2:22 p.m.)

COURT ORDER NO. 2011-038-01-24

i. Receive and File, Auditor:

1. Final Audit Result(s):

a. AI-33118 County Clerk (2nd Quarter FY2010).

COURT ORDER NO. 2011-039-01-24

b. AI-33115 Fire Marshal (2nd & 3rd Quarter FY2010).

Commissioner Webb asked about fixed asset verification. He wanted to know how often this is done. Mr. May said the Purchasing Department does an annual inventory. When the auditors go to visit the departments, they will take that list and verify that those assets are present. Commissioner Webb asked how often that audit occurs. Mr. May said right now we are only checking offices that collect fees on a regular basis, and those are normally done on a quarterly basis. Commissioner Webb wanted to know how often fixed asset verification occurs. Mr. May said they are looking to streamline their process to a once a year expanded audit. They do not audit every department. Purchasing sends an inventory list to each department. Mr. Ybarbo said they do a physical inventory every two years, and based on that, the Auditor audits their inventory. Self-inventory is done in between years; the following year Purchasing will do a physical inventory. (Time: 2:26 p.m.)

COURT ORDER NO. 2011-040-01-24

c. AI-33134 Justice of the Peace, Precinct 1 (2nd Quarter FY2010).

Commissioner Webb had a question about a $404 differential. He asked for an understanding of what the Justice of the Peace was requesting. Mr. May said this issue came up because there was a $2 fee they were required to start collecting on January 1st. This JP didn't start collecting it until January 22nd. If he doesn't collect the fee, he is personally responsible for paying that out of his own pocket. Commissioner Webb asked who the final judge was of whether or not he should have been collecting it. Mr. May said all he can do as Auditor is report the information to the Commissioners Court, the Court can take action, or if he has to pay the money to the state, the state can take action. Randall Rice, Auditor's Office, offered further input. Commissioner Webb asked what we are taking action on this since the Justice of the Peace is asking the Court if he can be relieved of this liability personally and the Auditor is asking that he be personally responsible for it. Mr. May said we still have to pay the $404 to the state. If he doesn't pay the $404, the County will be out $404. Judge Self stated the only thing we have on our agenda today is to accept the audit report. If we're going to decide this, we've got to get it back on another court. Mr. May said you can bring this back on another Court and/or have Judge Raleeh come before the Court. Commissioner Webb asked if the County does nothing else, who is on the hook for the $404. Mr. May said if you take no further action, the County will be out $404 unless Judge Raleeh decides to pay it. Judge Self asked if there was a remedy back to the customers who should have originally paid it. Mr. May replied no. Mr. May said we can hold this audit and bring it back. Judge Self recommended that we do that. Commissioner Williams had a generic audit question: does the Auditor's office provide each department with a standard operating procedures manual so they know what they should be doing to avoid exceptions? Mr. May said there are generic policies that all departments are required to follow. Normally with each department it varies drastically from what

they do. A lot of that information is usually better coming from their associations. (Time: 2:34 p.m.)

HELD

d. AI-33116 Elections (3rd Quarter FY2010).

Commissioner Webb referred to a report form Sharon Rowe that stated on September 13, 2010, the following entities owed money to the County for the May 8th, 2010, election: Allen ISD, City of Wyllie and Parker. Commissioner Webb wanted to know what rights and options the County has to get this collected. Mr. May replied Sharon Rowe is responsible for doing the collections. Mr. Bilyeu said this is out of the Elections Contract Fund. They will eventually pay. Commissioner Webb asked if we get interest on these amounts. Mr. Bilyeu replied no, but the incentive is the next time they want to run an election, Ms. Rowe will remind them what is due. (Time: 2:37 p.m.)

COURT ORDER NO. 2011-041-01-24

2. 2010 Inventory Audit(s):

a. AI-33117 Facilities.

COURT ORDER NO. 2011-042-01-24

b. AI-33119 Justice Center Kitchen.

Commissioner Williams commended the Sheriff's office for a remarkable audit. (Time: 2:37 p.m.)

COURT ORDER NO. 2011-043-01-24

j. Filing of the Minute(s), County Clerk:

1. AI-33108 December 20, 2010.

COURT ORDER NO. 2011-044-01-24

2. AI-33137 January 3, 2011.

COURT ORDER NO. 2011-045-01-24

3. AI-33154 January 10, 2011.

Commissioner Webb said the minutes of the last meeting noted that he wasn't present when officially he was present when the meeting started but then he had to leave because of jury duty. He wanted to get the minutes corrected to reflect that. (Time: 2:38 p.m.)

HELD

k. Miscellaneous

1. AI-33040 Return the $199,000 from the District Attorney's Drug Seizure Fund and the $151,000 from the Service Fee Fund, Auditor.

Mr. May addressed this item. He said former D.A. John Roach paid $350,000 to the County out of his drug forfeiture money and his hot check fund. Mr. May said he set that money aside because it had restrictions on it. He now has to take it to Commissioners Court to accept or reject the money. Since then Mr. May contacted county counsel, with Mr. Bilyeu's permission, and received a legal opinion. County counsel felt the statute did not authorize funds to be handled in that manner. Mr. May recommended the funds be returned to the D.A. since we might be facing a legal issue if we retain the money. Commissioner Webb said from reading the attorney's letter, if we accept this money, we would be committing a felony. Commissioner Webb again addressed the size of the court packet; he said if he has the attorney's legal opinion, he doesn't need all the statutes and cases on what was the basis of the legal opinion. Discussion offered further explanation over how the funds would be handled if the Court decided to accept it. Commissioner Webb didn't understand why the Court was put in this position in the first place. He again asked if attorneys are looking at this because he doesn't want to be placed in a situation where he unknowingly finds out he's committed a criminal offense. Mr. May said he felt he needed to seek legal counsel to protect the Court. (Time: 2:42 p.m.)

COURT ORDER NO. 2011-046-01-24

2. AI-33093 FY2011 Emergency Management Performance Grant (EMPG) application with the Texas Division of Emergency Management, Texas Department of Public Safety, Homeland Security.

Commissioner Webb said this is a request to fund another position. Mr. Bilyeu came forward with Jason Lane from Homeland Security. Mr. Bilyeu said this is an ongoing grant for a position we have. It's Mr. Lane's position; the grant pays for half of his salary. Commissioner Webb wondered if we need another person and who makes the analysis of whether or not another person is needed. Mr. Bilyeu said the Commissioners Court makes the decision, and it was made because grant money was available to them. This has been ongoing for three years. As far as we know we will continue to receive this grant up until the next budget cycle. Commissioner Webb asked if that person understands what will happen if the grant goes away. Mr. Bilyeu asked Mr. Lane if he understood if the grant went away his job was in jeopardy. Mr. Lane replied yes. By way of explanation, Mr. Bilyeu said Mr. Stone makes recommendations to the Court, but the Judge is the statutory emergency manager for the county. He can delegate those duties to Kelley Stone to assist him. Mr. Lane is the back-up to Kelley, as well as

having day-to-day managerial duties in the department. Discussion followed on the process for determining when the County needs additional staffing. (Time: 2:47 p.m.)

COURT ORDER NO. 2011-047-01-24

3. AI-33131 Partial road closure (right lanes) of County Roads 105, 132, 134, 135, 175 and 177 on March 13, 2011 to facilitate the Texas High School Cycling League (THSCL) bicycle race, Public Works.

COURT ORDER NO. 2011-048-01-24

4. AI-33152 Acceptance of the Office Depot rebate check in the amount of $7,989.10 to be deposited into account no. 001-1001-411-4014 for the Going the Extra Mile (GEM) Employee Incentive Program and budget amendment for same, Purchasing.

COURT ORDER NO. 2011-049-01-24

5. AI-33164 Submission of a revised Local Initiative Project application to the Texas Commission on Environmental Quality (TCEQ) to utilize the remaining grant funds to purchase two (2) low emission vehicles (replace older vehicles) and further authorize the County Judge to finalize and execute same, Public Works.

Commissioner Webb wanted to know who is getting these vehicles. Mr. Bilyeu said according to Jon Kleinheksel, Public Works, the Escape is going to Constable Elkins and the pick-up truck is going to Facilities to replace an older vehicle. (Time: 2:48 p.m.)

COURT ORDER NO. 2011-050-01-24

6. AI-33167 Adoption of the Public Works Price Matrix for Cities, Public Works.

Commissioner Webb said he understood the concept but he wanted to make sure he understood what the chart said. Mr. Kleinheksel came forward. He said if the Court approves this, he requested some items be grandfathered: CR 588 in Royce City, and CR 290, 372 and 474 in the cities of Anna and Van Alstyne. Commissioner Webb wanted to know if the cost schedule provided to the Court included the 30% that he called mark up. Mr. Kleinheksel said yes. Commissioner Webb said he wanted to propose that we approve this fee schedule as the base minimum. He said it can be amended to go up but it shouldn't be amended to go down. Mr. Kleinheksel said that was the intent. Commissioner Webb wanted assurance that the Court had a baseline so that the county didn't do a road at below cost, thereby subsidizing the cost for a city. Mr. Kleinheksel agreed. Judge Self asked for an individual motion including the

grandfathering of the four roads discussed. Commissioner Webb made a motion to that effect. (Time: 2:53 p.m.)

Motion by: Commissioner Duncan Webb
Second by: Commissioner Matt Shaheen
Vote: 4 - 0 Passed

COURT ORDER NO. 2011-051-01-24

Following discussion on item 4k6, Judge Self asked for a motion on all consent agenda items discussed except items f1, i1c and j3 which were being held. Commissioner Webb made a motion to approve all items discussed with those exceptions as noted. (Time: 2:53 p.m.)

Motion by: Commissioner Duncan Webb
Second by: Commissioner Matt Shaheen
Vote: 4 - 0 Passed

GENERAL DISCUSSION

5. AI-33129 Public Hearing – Placement of Regulatory Signs on Various County Roads, Public Works.

Jon Kleinheksel, Public Works, came forward to request a public hearing for the placement of regulatory signs on county roads. He stated it was mainly new construction with one residential request. Judge Self opened the public hearing for public comments. Hearing no public comments, Judge Self closed the public hearing. Commissioner Jaynes made a motion to approve. (Time: 9:35 a.m.)

Motion by: Commissioner Joe Jaynes
Second by: Commissioner Matt Shaheen
Vote: 5 - 0 Passed

COURT ORDER NO. 2011-052-01-24

6. AI-33051 UNT Mental Health Phase II presentation, Administrative Services.

des Anges Cruser, Ph.D., University of North Texas, came forward with a power point presentation called "Pieces of the Puzzle". She started by saying this is the second phase of a three-phase study, to examine the data, to look at it from a fact-based perspective. The third phase is to assist the county in developing a strategic plan for behavioral health services. Mr. Bilyeu has convened a leadership task force and they will be working with them. She said her report differentiated between several different types of mental illnesses and several types of other illnesses and behavior health problems treated by the North Star organization. Individuals with a dual diagnosis of mental illness and mental retardation are also treated. NorthStar is a blended, funded program. In most parts of Texas a community mental health center receives funds directly from the

state to provide mental health services and mental retardation services. In NorthStar, chemical dependency treatment funds are provided to Value Options and Value Options contracts with the providers. Dr. Cruser spoke about the system components for financing, such as cash expenditures, non-cash expenditures and other local costs paid by the County.

Moving through her presentation, for 2011 Dr. Cruser said Collin County ranked tops in health factors and health outcomes in a recent study by the University of Wisconsin. Texas struggles with the effects of the economic downturn on the state budget. Judge Self asked Dr. Cruser if she saw that the initial report was a $20 million cut. Dr. Cruser said yes. She continued, saying the existing behavioral health services system needs improvement; unemployment and poverty rates are increasing; and there needs to be grassroots health and mental health advocacy.

Dr. Cruser presented a summary of findings:

- Finding I – providers are paid the same rates for the same service
- Finding II – the mix of services could be improved in Collin County
- Finding III – Collin County needs a stronger presence in the existing system
- Finding IV – Expenditures and financing potential suggest a range of possibilities.

Dr. Cruser went into more detail on Finding I. Collin County services rates appear lower because Collin County residents have used less intensive, less expensive services. The more intensive services are located in Dallas. Collin County needs forensic services, emergency, psychiatric and alcohol and drug detox and treatment services for adults and youth. And Collin County needs outreach screening and community education programs. Dr. Cruser then presented a comparison of Collin County to the other seven counties in the NorthSTAR service area. She presented a pie chart depicting diagnostic groups from Collin County using NorthSTAR services. Collin County clients are more likely to have an episode of serious depression, a diagnosis of bipolar disorder, or a drug related disorder.

In 2009 for Collin County, most encounters were for major depression, bipolar disorder and drug related disorders. Increases in visits for developmental or behavioral disorders outpaced those for a person with schizophrenia or thought disorders. Alcohol and drug problems represented 23% of all encounters. Dr. Cruser offered more comparisons of services used in the NorthSTAR service area.

Finding II was discussed next. The mix of services could be improved in Collin County with a novel model of services that provides a complete continuum of services with easier access. How far do Collin county residents have to travel for treatment? Dr. Cruser said their study looked at whether the need matches the

services utilization. Does it look like people who have more serious mental illnesses are more often using crisis beds and inpatient services? Most outpatient counseling services were for depression. People with bipolar disorder may need more access to outpatient counseling to prevent them from going in the hospital. 57% of crisis intervention encounters were for adjustment disorders first and bipolar disorders second.

Moving on to directly assessed needs, they looked at three measures: directly assessed needs, national based rates to estimate incidences and prevalence of mental illness and substance abuse problems in the community, then conducted a synthetic estimate as well that takes into consideration the uniqueness of Collin County. An estimated 171 (36.8%) of the adult respondents to the Collin County Community Survey are probably NorthSTAR eligible. Of those 171, 12% reported being unable to get needed mental health care in the previous 12 months and 3% reported being unable to get needed drug or alcohol abuse services. 64% of those NorthSTAR eligible had not heard of NorthSTAR. NorthSTAR eligibility is 200% of poverty and below, so for a family of four it is approximately $44,000. Dr. Cruser presented a table of moderate estimations for risk to gap. There could be as many as 6,500 individuals needing services but not receiving them.

Commissioner Shaheen said Collin County is very different from the nation in multiple respects. He asked if this study could be done for counties of similar size. Dr. Cruser said the synthetic estimates in the report will give you that and will come closer to the real need than the figures at the national level. Commissioner Webb asked how this compared to the synthetic estimate. Dr. Cruser said Collin County demographics are very different from almost any other county in the country. It's hard to find another county with the same economic mix, education, and jobs. Discussion continued.

Finding III, Dr. Cruser said Collin County needs a stronger presence in the existing behavioral health system. Collin County has a new leadership task force, but Dr. Cruser believes Collin County needs to hire a behavioral health services director.

Finding IV stated expenditures and financing potential suggests a range of possibilities. The question frequently asked is how much would Collin County get if we calculated the expenditures on a per capita basis? There are several different ways to calculate a per capita expenditure. Between $7.76 and $9.31 per capita is the current range based on expenditures and a mix of "buckets of funds". Dr. Cruser continued with her explanation of per capita calculations. She said if Collin County established their own Mental Health Authority, they would have to establish a plan and negotiate with the state for state hospital beds.

Commissioner Shaheen asked how many people were served by the $10.5 million. An unidentified speaker said about 8,000 individuals, but half were

served with only one service. Dr. Cruser said a lot of people are not continually served throughout the year.

Dr. Cruser moved on to steps to the future, proposed strategies for phase three. She said they will assess the need, prospectively monitor services utilization, evaluate outcomes by population and produce a community-wide strategic plan.

Commissioner Webb said it was his understating that the recommendation was to pull out of VO (Value Option) and NorthSTAR. He asked Dr. Cruser if she was looking at that side of it? Dr. Cruser said she has struggled with this. It is a complicated system. There was discussion about moving more of the authority role to the North Texas Behavioral Authority. She said she would never recommend that anyone pull out of a system at this point in time given the economic and political tone. She again stated that Collin County will need its own Mental Health Authority to service its citizens. Commissioner Webb asked if it is possible. Dr. Cruser said yes, it is possible. She thinks there needs to be a new model, not the same model every other mental health system in Texas has. (Time: 10:28 a.m.)

NO ACTION TAKEN

7. AI-33110 Election Day Vote Centers, November 2, 2010 update, Elections.

Sharon Rowe, Elections Administrator, came forward to report on November's elections, the vote center experience, and to share some challenges and some good things. The November election was the second election for Collin County voters to participate in vote centers. Vote centers allow voters to in any Election Day location based on convenience; they are not assigned to a specific precinct. There were 72 Election Day vote centers, whereas there are normally 129 Election Day precinct polling places. Notices were posted at all locations that were not used, and they went a step further by posting in 77 locations two weeks before the election for locations not used. Three-foot maps were posted with notices to the voters which included a list of all vote center locations. Ms. Rowe said she felt overall it was a good election. They strive for excellence; however, they did have challenges. She said they are still in the process of evaluating technical issues, communication, polling place assignments, and the numbers of machines assigned to each location. They will evaluate that for 2012.

Ms. Rowe addressed challenges. She said when the planning process began, they had a very aggressive agenda in place. They had to purchase additional laptops, but could not get as many as they hoped. She gave an example of a location where they planned to use a large room and send 20 machines. They were told they could not use the larger room so they could not send more than eight machines. Additionally, they were told to set up in the hallway. But on Election Day, they had been moved into the larger room after all. They're evaluating how to better partner with locations. How can they provide for the best

possibility of good turnouts and minimize lines. She cannot assure that there will never be lines.

Ms. Rowe said they had tremendous support from so many departments in the County. IT support was there throughout the process, Sheriff's and Constables' deputies were there ready to deploy technicians and supplies, 47 technicians were assigned in Election Day locations.

Moving forward the focus of the voting process is the voter. They want convenience and flexibility. They don't want a voter to have a provisional ballot rejected because on voting day they went to the wrong precinct assignment.

Ms. Rowe said there is a bill introduced in this legislative session that talks about removing a reason for a mail ballot. Currently in order to vote by mail ballot, you have to present a reason, such as you will be out of the county or country or you are disabled. If a voter is out of the county, such as on a cruise, a ballot has to be mailed to them at their out-of-county location. The new legislation would alleviate that.

Continuing, Ms. Rowe said in even number election years there are normally three uniform election dates with the potential for two run-off election dates. In 2010 they had nine election dates. Currently if a jurisdiction has three-year terms, if a vacancy occurs, it must be filled within 120 days. That costs the jurisdiction a lot of money and is challenging in a year where there are a lot of elections. Ms. Rowe would like to see that issue brought before the legislature. Another challenge in this election was one jurisdiction which had 36 propositions on the ballot.

Judge Self asked for Ms. Rowe's opinion on why there weren't any more voters than in 2006 when we did not use a vote center. Ms. Rowe said there was a slight increase. Percentage information is also based on the number of registered voters. 47% is a decent turnout. She doesn't know if it's because there were a number of elections that year.

Commissioner Webb said in talking to constituents they said there were unused voting machines because of the restriction of laptops. He asked if it was a budget issue or do we have the laptops but had difficulty getting them in the field? Ms. Rowe said it's a little of both. We did have 93 laptops at 72 locations. The desire was to put two as a minimum at every location but there were budgetary restrictions on that and issues of support. Also, election officials deal with situations differently. Commissioner Shaheen heard the same thing, that there was a hold up at check in. He said another issue was parking. He wanted to talk about examining alternate locations, such as churches, that did not perform their main functions on a Tuesday.

Commissioner Williams had some questions for Ms. Rowe. She asked when working with a facility, does the facility have a contractual obligation to provide agreed upon space. Ms. Rowe said not with every location, but that is something they are discussing. She wants to plan now for 2012 and get contracts in place. Commissioner Williams asked about situations where there were popular locations vs. locations with not as much traffic. She would like to reduce the numbers of locations, but provide more parking and more laptops and machines. Ms. Rowe said they have evaluated several locations based on their popularity. The community college, for example, wants their campuses used when they have their elections every other year. Allen Municipal Courts Building is a large room, but the constraint was the parking. People were towed. She said they will be combing the county to find ideal locations. Commissioner Williams asked if there is legislation about a required teacher in-service day. Ms. Rowe said they've discussed it and they would like to see it.

Commissioner Jaynes asked if we were going to continue with the vote centers in 2012. His overall concern was it seemed like we had a system in place and we made an overall change, but we didn't change the locations as much as we did the process. He asked have we discarded having just 12 to 20 mega locations at the big churches around the county. Ms. Rowe said we haven't scrapped that idea. She said she is looking at the Plano Center. Commissioner Jaynes said he didn't support Election Day vote centers in the past because he feels like we are coming in with Plan B but still using our infrastructure from the traditional mode. He said we need to make the convenience for the voters all the way through the process.

Judge Self called Shawn Stevens, Chairman of the Democratic Party of Collin County, to come forward. Mr. Stevens said it is a whitewash to say it was a good election. Hundreds of voters would disagree with that, with some having waits in excess of three hours to vote. He said "challenges" is a euphemism for the fiasco voters experienced. He said this was an under funded, under equipped, understaffed, oversold program. The county was warned about a number of different issues. Mr. Stevens said in 2009 he sat on the site selection committee but there wasn't enough time to do a true site selection. If the program goes forward in the future, it needs to be revamped with extensive involvement from community groups and political parties. In conclusion, Mr. Stevens said there needs to be an increased number of vote center locations. (Time: 10:44 a.m.)

NO ACTION TAKEN

Judge Self recessed the meeting at 10:44 a.m. for a ten-minute break. The meeting was reconvened at 10:54 a.m.

8. AI-33141 Fit for Service Program, County Judge.

Judge Self said in the interest of time Item No. 8 would be pulled from today's agenda.

PULLED

9. AI-32863 Revised project plan for the Tax Increment Financing Reinvestment No. 2, with the City of Plano, Budget.

Lloyd "Skip" Jenkins, Plano, came forward and presented background on the TIF agreement. In 1999 Collin County Community College district, Plano ISD and the City of Plano entered into a state approved tax increment financing agreement for economic development and neighborhood revitalization to the downtown area of East Plano. Each agreed to commit their taxes to projects confined to that district. The building of schools and school districts are specifically included and encouraged. The City of Plano has estimated that the TIF will collect up to $48 million before it expires in 2014, which is $24 million more than originally estimated. Mr. Jenkins said what we're talking about is the allocation of new money. 68% of that money came from Plano ISD taxpayers. Of the new $24 million, $11.5 million of new revenue will build a new school, leaving about $12.5 million available to the city's economic development and neighborhood revitalization efforts. Mr. Jenkins then enumerated the advantages of such funding.

Richard Matkin, CFO for Plano ISD, was the next speaker. He thanked the Court for their partnership in the TIF agreement. It's worked well and it's enhanced the area. They were able to build new elementary schools, replacing older elementary schools outside of the TIF zone. If you look at the results of that, it's brought additional students and will increase property values. He encouraged the Court to vote for this amendment.

Monika Arris, Budget, said representatives from the City of Plano were present to speak. Commissioner Jaynes asked Ms. Arris what the County has in this TIF as far as revenue money. Alan Upchurch, Director of Public Works, City of Plano, said he would answer that question. Mr. Upchurch said in the overall 15-year time frame, the estimate is about $4 million. The County contributed $2.6 million into TIF so far. There has been significant improvement already. Tax rolls have gone from $328 million to $488 million, a 50% increase. Mr. Upchurch was asking the Court to approve a list of $26.6 million in projects over the next five-year time frame to allow them to enhance and improve the area and encourage economic development. Commissioner Jaynes asked of the $26.6 million that is unallocated, how much is related to Collin County. Mr. Upchurch said $1.4 million. Judge Self said when he looked at the overall expenditures for Plano's $47.5 million, he can only identify $2.4 million that he can say went towards projects that the County normally participates in: 15th Street reconstruction, 18th Street improvements. He asked, if we're contributing over time $4.3 million and

we can only identify $2.3 to $2.5 million that tend to be the projects in which the County partners, are we then not subsidizing the ISD? Mr. Upchurch replied no and then offered explanation. He said they have tried to be broad enough to capture the type of project they want to do related to streets and infrastructure and not have to come back before the Court each time they saw a need for a change. Discussion continued. Commissioner Shaheen wanted assurance that County taxpayer dollars would be allocated to County related items.

Commissioner Williams said to date you have approximately $2.5 million that's been provided, so we're on target. Mr. Upchurch agreed. Commissioner Williams said this TIF is a classic example of what a TIF is supposed to be as envisioned by the legislature. This was an area that needed revitalization and this TIF has worked exactly as it was supposed to work. It's created value for county residents, the school district and the city. Commissioner Williams said this TIF should be a model for future economic development attempts, and she made a motion to approve the changes. Commissioner Webb seconded. He said if he understands correctly, the County will put another $1.5 million into the TIF, and there is going to be $5 million worth of benefit. Mr. Upchurch agreed and answered additional questions from Court members. Mr. Upchurch said there will be approximate $1.4 million that will be generated from today through the end of the TIF period. Commissioner Jaynes said the issue is what to do with the $1.4 million, and he asked if that could be tied into the infrastructure improvements. Mr. Upchurch said they could commit to the Court that at least $1.4 million will be spent on infrastructure related projects. Commissioner Shaheen said he needs a designation of county funds into the infrastructure before he can feel comfortable. Commissioner Williams said that's what he's committing to at this point. Judge Self said we have allocated road bond money to Plano for out of county contingency. Our contract started coming in less. He asked if Plano returns that money to the county contingency. Mr. Upchurch said he doesn't believe the city has used any of the county contingency money. Commissioner Shaheen did not think Mr. Upchurch's response was strong enough. He doesn't think the county dollars are being designated. He said the funds are going into the "pot" for land acquisition. Commissioner Webb said it's the legal structure of the TIF that's set by state law.

Mr. Upchurch asked Denise Tacke, Finance Director, City of Plano, for some input. Ms. Tacke said you aren't supposed to necessarily designate dollars as they come in. The TIF is for revitalization of the area and the funds come into a pool. We know you are contributing $4 million into the TIF over the 14-year life. So far $2.6 million has been collected and another $1.4 million is to be collected. She said we are committing to the County that there will be $5 million contributed to the types of projects the County would contribute to. Commissioner Williams points out that there has been to date approximately the same amount of infrastructure improvements as had the County contributed to this TIF. We will see infrastructure improvements at a similar rate coming forward in the remaining time period. TIF's are a way to revitalize areas in the community that are in

decline which benefits the County in increased property values over time. There are ancillary benefits to county residents by participating in a TIF. Ms. Tacke said the County participates at 80%. As property values have increased, there is 20% of that increased value going back into the County now.

Commissioner Jaynes asked for specifics on the $1.4 million projects. Commissioner Williams said projects haven't been identified yet. As the projects come to the TIF Board, the infrastructure will be broken out at that time. Mr. Upchurch said maybe 18th Street or other areas in the downtown area; they talked recently about a potential 12th Street DART station. He said maybe you can add to your motion that the $1.4 million going forward would be committed to infrastructure related projects. Judge Self asked them to come back with projects, and asked when they could do that. Mr. Upchurch said they are not anticipating going back to the TIF Board every time they identify a specific project. He said they can present projects if requested to the Court for informational purposes with their assurance that they are moving forward with infrastructure related projects. Mr. Upchurch said it is not required for them to get the Court's approval on projects as long as the program is approved. Commissioner Shaheen said if we put in the court order that the remaining amount goes to the infrastructure, he would be happy with that. Commissioner Williams said she would be happy to amend her motion to that effect. Commissioner Shaheen said he won't approve the pool theory. Ms. Tacke said she can tell how much each entity has participated in for each project. She said they send an annual report every year that identifies the list of TIF projects. They don't designate the dollars, just what the dollars have been spent on.

Judge Self shared with the new Court members that in December of the current fiscal year, Collin County contributed $422,831. He read off the amounts listed in expenditures, and said none of that money was spent on infrastructure projects. He said this goes to Commissioner Shaheen's point that you do tell us exactly what you spent a fiscal year's money on in your yearly report. In 2009 none went to infrastructure projects. Commissioner Williams said that's not to say it won't in 2010. Judge Self agreed. Mr. Upchurch said over the next four years they will spend more than $1.4 million on infrastructure projects. Commissioner Shaheen said he doesn't want a dime of county tax dollars to go outside of infrastructure. He wants that put in the court order. Commissioner Williams was happy with that and amended her motion. Mr. Upchurch said we'll make it work. Commissioner Webb said Commissioner Shaheen is just asking for an allocation. (Time: 11:20 a.m.)

Motion by: Commissioner Cheryl Williams
Second by: Commissioner Duncan Webb
Vote: 5 - 0 Passed

COURT ORDER NO. 2011-053-01-24

Following the conclusion of Item No. 9, Judge Self presented a slide show and briefing entitled "What is Equal? A Review of Current Tax Abatements and Tax Increment Reinvestment Zones." It showed the current status as of FY2010. He stated there are six cities that do either tax abatements or TIRZ. He said we give out rebates, which is a combination of tax abatements and TIRZ payments, currently of $5.2 million. Tax abatements go to five cities and TIRZ go to four cities. Plano gets a rebate of $1.9 million. He then broke it down per citizen, with Plano at $7.43.

Judge Self presented a history of the rebates, starting in 2000 at $74,000. For FY2010 the rebates are $5.2 million. The next slide talked about factors. Judge Self said we take a project oriented view of these things and projects will never be evenly distributed across the county. But the cities want some way to be treated equally. Judge Self talked about the possible ways to measure the impact of rebates. Moving on, he had a slide entitled "Analysis of Rebates versus Revenues" which showed Richardson and Frisco on top, as well as a percentage of county taxes we collect from the city, the amount of county tax per citizen, this shows the percent of county taxes rebated through tax abatements of TIF payments. Non-rebate cities account for 57% of the current population.

Judge Self moved on to the next slide, "What is equal for 2.2 million citizens?" The amounts per citizen ranged from $32.90 for Richardson to $4.23 for Allen. Possible methods to monitor impacts were presented. Judge Self said we need to watch what will be the total impact on the county's budget in the future. He said he was not asking for action; he just wanted to present this as a thought piece of where we stand today.

Commissioner Shaheen wanted this item included as a future agenda item. Discussion followed among Court members. (Time: 11:29 a.m.)

10. AI-33157 Tax Abatement for Blue Cross Blue Shield to increase the percentage of tax abatement applicable to the Tangible Personal Property to ninety percent (90%) for tax year 2011, Budget.

Monika Arris, Budget, this is a request from Blue Cross Blue Shield. This is a tax abatement that was approved in December 2006. It did not have a hard start date. Last year Blue Cross Blue Shield came before the Commissioners Court requesting an increase in the percentage they are abated. In their abatement agreement it says the abatement is for ten years with an average of 50% abated over the ten years. They have submitted to bump that up to 90%. In order to maintain that 50% average over ten years, the next eight years would have to be at 80%. Commissioner Shaheen asked if we ever do a time value of money. Ms. Arris said they have not looked at that. The hope would be the values would increase over the years, and they would be paying more in the future. Ms. Arris answered questions from Court members. Bill Bilyeu, Administrative Services, said this is more of an FYI only because it was at their option.

Commissioner Webb didn't understand why this was in general discussion versus consent agenda. His concern is that when this was originally negotiated, he can see a scenario coming up where they bump it up to 90% every year until they drive the back end down so that it goes below the minimum. Discussion followed. Mr. Bilyeu said no action is needed. Judge Self said we get a report every year saying they have met the terms of the agreement. (Time: 11:33 a.m.)

NO ACTION TAKEN

11. AI-33142 North Central Texas Fusion Center Privacy Policy, Homeland Security.

Kelley Stone, Homeland Security, came forward to ask the Court to approve their privacy policy. Mr. Stone had a power point presentation, and he started by reading their Mission Statement and responsibilities aloud. He listed the steps taken to ensure protection of Civil Rights and Civil Liberties. They established an Executive Advisory Board. They continue to take steps daily to ensure Civil Rights and Civil Liberties are protected. He said now that they have an Executive Advisory Board, they hope to take on a group that will take feedback that will give ideas and concerns that are coming up in our world every day.

Mr. Stone presented three documents, the first entitled "Privacy, Civil Rights and Civil Liberties Policy Implementation" which identified their role and how they would go about it. Additionally they have their "Privacy Policy" and "Standard Operating Procedures" which established procedures to be followed during the course of a given operation or in a given situation. Commissioner Webb asked if this policy, once approved, will be posted on the website. Mr. Stone said yes, it has been shared and has been posted for comments on the website.

Commissioner Shaheen asked about a section which addressed "reasonable suspicion". Mr. Stone said from a law enforcement officer's standpoint, reasonable suspicion or probable cause are standards set forth that is more than mere suspicion, but engages an officer's training and experience.

Commissioner Shaheen asked about individuals who would have access to information subject to collection analysis. Mr. Stone replied on the law enforcement side, each agency has their supervisor decide who will have access and then Homeland Security goes through a vetting process. He said if they're a law enforcement officer they don't do a background check. Volunteers will undergo a background investigation. Commissioner Webb asked who reviews this policy before it's brought before the Court for approval. Mr. Stone said there is a template provided by the Institute of Intergovernmental Research, which is a non-profit group of attorneys who worked on this, as well as the legal staff of DHS Intelligence and Analysis, Civil Rights Civil Liberties. Our representation was with Mr. Hudson through a webinar. He was engaged line for line with the

other attorneys. He signed off on it and we have a letter from the Department of Homeland Security saying we've met all the requirements for a privacy policy.

Commissioner Williams stated she appreciated the openness Mr. Stone's department has shown to the public.

Judge Self said Mr. Piziali is here. He asked if he wanted to come forward with comments.

Andrew Piziali, Parker, said Mr. Stone hosted a meeting of the Allen Area Patriots. Mr. Stone spent a lot of time with them and answered questions. Mr. Piziali said he reviewed the document and he thinks it's thorough.

Mr. Piziali had questions of Mr. Stone. He asked whether the Fusion Center Memorandum of Agreement and user agreement were legal contracts between the participant and the center. Mr. Stone said his understanding was the MOA or interlocal agreements are in place so that it's clear what the expectations are for the government that is providing information as well as our government that is facilitating sharing that information.

Commissioner Williams asked if there were any instances where an agency misused or mishandled information coming from the Fusion Center. Mr. Stone said no. There is a policy and procedure in place in the event that they see or hear that there is an abuse. Judge Self said if they violate other laws that are included in this, that would be a violation of the federal law.

Mr. Piziali had some additional questions for Mr. Stone. Judge Self asked Mr. Piziali if he had any general comments for the Court. He suggested Mr. Piziali and Mr. Stone have a discussion offline. Mr. Piziali agreed, and then stated he felt the policy was thorough and he recommended adoption of the policy. Judge Self asked for a motion. Commissioner Williams made a motion to approve. (Time: 11:56 a.m.)

Motion by: Commissioner Cheryl Williams
Second by: Commissioner Duncan Webb
Vote: 5 - 0 Passed

COURT ORDER NO. 2011-054-01-24

12. AI-33169 Personnel Appointments, Human Resources.

Cynthia Jacobson, Human Resources, came forward to discuss personnel appointments. She stated there were four appointments, with one exception from standard practice for HR. Ms. Jacobson asked for an exception above midpoint. She said this is the most qualified candidate for this position. She has a major compensation project due for Court and she's been without this position for quite some time. She said this individual would be taking a $6,000 pay cut.

Commissioner Webb asked how this will impact her budget for the year. Ms. Jacobson she has money in her budget because the position has been vacant. Commissioner Webb made a motion to approve. Commissioner Jaynes voted no. (Time: 11:59 a.m.)

Motion by: Commissioner Duncan Webb
Second by: Commissioner Cheryl Williams
Voted no: Commissioner Joe Jaynes
Vote: 4 - 0 Passed

COURT ORDER NO. 2011-055-01-24

13. AI-33170 Personnel Changes, Human Resources.

Cynthia Jacobson, Human Resources, stated all personnel changes met minimum guidelines. Commissioner Jaynes made a motion to approve. Commissioner Webb wanted to know why this item was under General Discussion rather than the consent agenda. Ms. Jacobson said personnel matters are always under General Discussion in case the Court has any questions. (Time: 12:00 p.m.)

Motion by: Commissioner Joe Jaynes
Second by: Commissioner Cheryl Williams
Vote: 5 - 0 Passed

Following the vote, Commissioner Jaynes had questions about changes for the D.A.'s office. Ms. Jacobson said they related to car allowances.

COURT ORDER NO. 2011-056-01-24

14. AI-33189 Designation and ballot drawing of nine (9) public members (in lieu of nine elected officials) and four (4) alternate members from the 2010 Grand Jury members to be appointed and serve on the 2011 Salary Grievance Committee and any action, Commissioners Court.

The Commissioners drew the following nine names as members of the 2011 Salary Grievance Committee:

Commissioner Shaheen drew Piper McCraw and Liz Mertz.
Commissioner Williams drew Don Hinton and Carroll Maxwell.
Judge Self drew Danette Cooper
Commissioner Jaynes drew Ed Steffek and Harold Eldridge.
Commissioner Webb drew John Krieger and Robert Cain.

The Commissioners drew the following four names as alternate members of the 2011 Salary Grievance Committee:

Commissioner Williams drew Linda Baker and Danielle Taylor.

Commissioner Jaynes drew Barbara Adams and Diane Young Lester.

Commissioner Shaheen made a motion to approve the 2011 Salary Grievance Committee. (Time: 12:02 p.m.)

Motion by: Commissioner Matt Shaheen
Second by: Commissioner Duncan Webb
Vote: 5 - 0 Passed

COURT ORDER NO. 2011-057-01-24

15. AI-33159 Board/Committee Appointments, Commissioners Court.

Commissioner Webb appointed Pat Lawson to CPS Board.

Motion by: Commissioner Duncan Webb
Second by: Commissioner Matt Shaheen
Vote: 5 - 0 Passed

Commissioner Shaheen appointed Mark Reid to the Planning Board.

Motion by: Commissioner Matt Shaheen
Second by: Commissioner Cheryl Williams
Vote: 5 - 0 Passed

Judge Self reappointed Susan Fletcher and Diann Jones to the Health Care Advisory Board, Loydell Seward and Erma Beeson to the Historical Commission, Mary Dell Green to LifePath Systems, Nancy Joslin to the Parks Foundation Advisory Board, and Stan Sewell to the Planning Board.

Motion by: Judge Keith Self
Second by: Commissioner Matt Shaheen
Vote: 5 - 0 Passed

Commissioner Williams reappointed Don Grissom to the Health Care Advisory Board, Eric Hogue to LifePath Systems, and Carter Kendall to the Planning Board. (Time: 12:03 p.m.)

Motion by: Commissioner Cheryl Williams
Second by: Commissioner Joe Jaynes
Vote: 5 - 0 Passed

COURT ORDER NO. 2011-058-01-24

a. AI-33185 North Texas Behavioral Health Authority Board

Judge Self said this is a recommendation that came out of our major study to beef up our representation on the NTBHA Board. We need to appoint a member

of this court to be our representative on the North Texas Behavioral Health Authority Board. Commissioner Webb nominated Judge Self to the Board. Judge Self abstained. (Time: 12:05 p.m.)

Motion by: Commissioner Duncan Webb
Second by: Commissioner Joe Jaynes
Abstained: Judge Keith Self
Vote: 4 - 0 Passed

COURT ORDER NO. 2011-059-01-24

16. RTC monthly update, Commissioner, Precinct 3.

As the County's representative to the RTC, Commissioner Jaynes updated the Court on their monthly meeting. He showed a slide of the 2030 and 2035 Mobility Plan and spoke about funding for various projects. Ruben Delgado, Engineering, came forward with input on Segment 2 up to Rockwall County. (Time: 12:08 p.m.)

NO ACTION TAKEN

17. Potential 82nd Legislative items, Commissioners Court:

a. AI-31816 Discussion of legislative priorities

Commissioner Williams said they might want to add to the agenda the possibility of requiring teacher in-service days to occur on Election Days. That would solve a lot of issues. She would also like to see legislation changed on the jurisdictions with three-year terms that are required to fill their vacancies within 120 days because that is a tremendous burden to both the County Elections and those jurisdictions. Judge Self asked if we should sponsor legislation or support it. Commissioner Williams said just support it. She said she will canvas the legislators. She also wanted to talk about mail ballots. She was not sure she wanted to support that. Judge Self did not think that was in the best interest. Mr. Bilyeu said the Association of Elections Administrators is active on the first two, and as soon as a resolution is created it will be brought before the Court. (Time: 12:10 p.m.)

NO ACTION TAKEN

b. AI-33197 Support of HJR 56

Judge Self said Eric Nishimoto, Public Information Officer, redrafted the resolution for the Court to make it more straightforward. Judge Self did not think the resolution should mention a representative's name. It should just be in support of an HJR. Commissioner Jaynes said he put this item on the agenda. He thinks it's very important that the Court supports it. It has to do with unfunded mandates from the states to the counties. This is dated January 1, 2012, so it will not apply to this legislative session. Commissioner Jaynes added there was

a term "budgetary reform" and he wants that placed in the resolution Mr. Nishimoto drafted. Judge Self agreed. Commissioner Jaynes made a motion to adopt the first resolution with those changes and sign it and get it to our state representative. Judge Self said by way of clarification, taking out the state representative's name and adding the "whereas" sentence. (Time: 12:12 p.m.)

Motion by: Commissioner Joe Jaynes
Second by: Commissioner Duncan Webb
Vote: 5 - 0 Passed

COURT ORDER NO. 2011-060-01-24

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

Judge Self wants to talk about bonds not sold sitting in the bank. Commissioner Webb wanted to add an item about moving meeting dates and times and a priority of adopting and refreshing IT equipment. (Time: 12:13 p.m.)

EXECUTIVE SESSION

Judge Self recessed the meeting into Executive Session at 12:14 p.m. under Legal 551.071 of the Local Government Code. The meeting was reconvened at 12:22 p.m.

Personnel (551.074)

To deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee.

Legal (551.071)

AI-33188 Right-of-Way (ROW) - Dishaw property, Commissioner, Precinct 3.

Commissioner Jaynes made a motion to accept the agreement worked out on the public safety issue. (Time: 12:23 p.m.)

Motion by: Commissioner Joe Jaynes
Second by: Commissioner Matt Shaheen
Vote: 5 - 0 Passed

COURT ORDER NO. 2011-061-01-24

Judge Self recessed the meeting at 12:23 p.m. for a one-hour lunch break. The meeting was reconvened at 1:20 p.m. Commissioner Jaynes was not present for the afternoon session.

There being no further business of the Court, the meeting was adjourned at 2:53 p.m.

Keith Self, County Judge

Matt Shaheen, Commissioner, Pct. 1

Cheryl Williams, Commissioner, Pct. 2

Joe Jaynes, Commissioner, Pct. 3

Duncan Webb, Commissioner, Pct. 4

COMMISSIONERS COURT
COLLIN COUNTY
TEXAS

ATTEST:

Stacey Kemp, Ex-Officio Clerk
Commissioners Court
Collin County, T E X A S