COURT ORDER NO. 2011- 276 -05-02

STATE OF TEXAS

COUNTY OF COLLIN

COMMISSIONERS' COURT
MEETING MINUTES
APRIL 11, 2011

On Monday, April 11, 2011, 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 Cheryl Williams
Precinct 3 Commissioner Joe Jaynes
Precinct 4 Commissioner Duncan Webb

Commissioner Williams led the Invocation.
Commissioner Jaynes led the Pledge of Allegiance.
Commissioner Webb led the Pledge of Allegiance to the Texas Flag.

1. Judge Self called to order the meeting of the **Collin County Commissioners' Court** at 1:34 p.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 2:26 p.m. and adjourned the meeting at 2:26 p.m.

President Self called to order the meeting of the **Collin County Toll Road Authority** at 2:26 p.m. and recessed the meeting at 2:26 p.m.

Judge Self reconvened the **Collin County Commissioners' Court** at 2:27 p.m. and adjourned the meeting at 2:43 p.m.

President Self reconvened the meeting of of the **Collin County Toll Road Authority** at 3:30 p.m. and adjourned the meeting at 3:44 p.m.

DECISIONS MANDATED BY LEGAL ENTITIES OUTSIDE OF COMMISSIONERS COURT AUTHORITY:

1. AI-33478 Personnel Changes, Human Resources.

FYI NOTIFICATION

1. AI-33440 Addendum No. 1 to Services, Cost Allocation Plan Provider (RFP No. 12072-11) to make various changes to the Request For Proposal, Purchasing.

2. AI-33432 Amendment No. 9 to Professional Services, Architectural: Collin County Courthouse Addition Phase II (Contract No. 11089-08) with Pierce, Goodwin, Alexander & Linville (PGAL) to provide revisions to the layout for office space in the District Attorney and District Clerk offices (previously approved by the County Administrator per Court Order No. 2007-180-02-27), Construction & Projects.

3. AI-33429 Budget amendment in the amount of $9,266 for the FY2011 Title IV-E Child Welfare Services to move the estimated FY2011 amount reimbursable to Collin County for child welfare services into an existing grant fund, Auditor.

4. AI-33448 Budget amendment(s)/adjustment(s) totaling $8,171 (over $5,000 per c/o 2005-589-08-01), Budget.

2. Public Comments.

3. Presentation/Recognition:

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

Jeff May, County Auditor, presented a service pin to Randall Rice in recognition of 10 years of service to Collin County.

Greg Willis, District Attorney, presented a pin to Bill Dobiyanski in recognition of 20 years of service to Collin County.

4. Consent agenda to approve: Judge Self asked for any comments on the consent agenda. Commissioner Webb requested item 4a be pulled for discussion. Judges Self requested item 4e2 be placed on General Discussion. Commissioner Shaheen requested item FYI 2 be pulled for discussion. There being no further comments, a motion was made to approve the remainder of the consent agenda.
(Time: 2:28 p.m.)

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

a. AI-33467 Disbursements for the period ending April 5, 2011, Auditor.

Commissioner Webb asked that the disbursement to Schindler Elevator be voted on separately so that he may step down from the vote.

Additionally, Commissioner Webb questioned a disbursement to Terry Bower for Counseling Services in the amount of $16,000, which appears to be high for one month's services by one individual. Annualizing this amount would bring the expense to approximately $250,000 to one person for counseling services. The Commissioner questioned whether it would be more cost effective to hire in-house versus paying such high fees. Commissioner Williams asked for background information. Jeff May, County Auditor, informed the Court that the fees came from the Juvenile Probation fund and was approved through the Juvenile Board, not Commissioners' Court. The fees vary between $15,000 and $16,000 each month. Commissioner Shaheen commented that the individual was a Masters Level Social Worker and from his observations is performing a phenomenal job; however it is a lot of money for a Social Worker and well above market.

Bill Bilyeu, County Administrator, came forward to address the concerns. The Juvenile Board makes this decision; they went out for an RFQ (Request for Qualifications). The Juvenile Board made their selection and it went before court. The Court did not have any discretion over the matter. Judge Self asked that the minutes from that discussion be pulled for review. Commissioner Jaynes suggested the Court have discussion with the Juvenile Board. Motion to approve disbursements with the exception of Schindler Elevator. (Time: 2:32 p.m.)

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

COURT ORDER NO. 2011-219-04-11

A separate motion was made to approve the disbursement to Schindler Elevator. (Time: 2:32 p.m.)

Motion by: Commissioner Joe Jaynes
Second by: Commissioner Matt Shaheen
Vote: 4 – 0 Passed
Abstain: Commissioner Duncan Webb

COURT ORDER NO. 2011-220-04-11

b. AI-33452 Tax refunds totaling $1,543,232.66, Tax Assessor Collector.

COURT ORDER NO. 2011-221-04-11

c. Agreement(s):

1. AI-33450 Cooperative Agreement with the U.S. Army Corps of Engineers, Fort Worth District to provide additional law enforcement services for Lake Lavon from May 27, 2011 through and including September 6, 2011 and further authorize the County Judge to finalize and execute same, Sheriff.

COURT ORDER NO. 2011-222-04-11

d. Amendment(s):

1. AI-33425 Amendment to the contract with the Department of State Health Services (DSHS) for Program Attachment No. 001B to Contract No. 2010-035576, Amendment No. 001C: CPS – Cities Readiness Initiative to purchase equipment; and reallocate funds to reflect change in Personnel, Fringe Benefits, Travel, Supplies and Other categories, Homeland Security.

COURT ORDER NO. 2011-223-04-11

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

1. AI-33441 $2,036 to establish a budget utilizing the Justice Court Technology funds to purchase one (1) laptop, Justice of the Peace, Precinct 3–1.

COURT ORDER NO. 2011-224-04-11

2. AI-33443 $7,400 to establish a budget for weekly drug court staffing lunches and funding to pay a contract defense attorney, 366th District Court.

Judge Self asked that this item be placed on General Discussion and requested additional information. Judge Ray Wheless, 366th District Court, approached to answer questions from the Court. Judge Wheless explained there is a drug court program in the 366th District Court that was established to help those with alcohol and drug addiction. The primary focus is on felony DWI (Driving While Intoxicated) offenses; however almost all types of drug addiction related offenses are covered in the program.

The funds being requested to establish the budget do not come from taxpayer money; they are user fees that are paid by the people in the program. Everyone who is convicted of a DWI or drug charge in Collin County pays a court fee; thirty six dollars of each fee is kept by Collin County to help pay for the treatment of those who need it. The funds are held in an account which is segregated from general revenue. In addition, each person in the program pays a $400 fee which also goes into a special account. The money is used to pay for treatment of those who do not have their own health insurance. Judge Wheless informed the Court that statutorily, the money can be used for any purpose that is related to the drug court program. There are six county employees and two private parties that meet each week to discuss those in the program. Lunch is brought in because they work through the lunch hour in order to keep the court open. Commissioner Jaynes asked about the success rate of the program. Judge Wheless replied they do not keep statistics; that is typically done when trying to get a grant. He has never received a grant; he runs the program from his own budget.

Nationwide, the rate at which people who are in a program relapse is four to twenty nine percent compared to forty eight percent for those who are not in a program. Since the program began in 2005 they have graduated approximately 200 people and Judge Wheless said he can count on two hands how many have been arrested for new offenses. Approximately 55 people are in the program at any given time. The program is mandated; every county with more than 200,000 in population must have a drug court program. If a program is not established, the state will cease funding to the probation department.

Commissioner Shaheen asked who attended the staff meetings. Judge Wheless replied his staff, including himself, a probation officer, a prosecutor and treatment providers from Life Management Resources in Plano and Recovery Health Care Corporation. The treatment providers are contracted and supply ankle monitors and a drug patch that can detect the presence of drugs through the perspiration in the skin. Commissioner Shaheen asked about the court appointed attorney. Judge Wheless explained that sometimes offenders are put in jail if they violate the rules of the program or they are placed in the S.C.O.R.E. (Sheriff's Convicted Offender Re-Entry Effort) Program. Before this happens they want to make sure an attorney is available to ensure the offender's rights are not violated and to answer any questions they may have.

Commissioner Webb asked if this money was associated with only the weekly staff meeting. Judge Wheless replied it is for the weekly meeting as well as the court appointed attorney. He reiterated that they are not asking for any additional funding from the county; they are not asking for taxpayer dollars. They are requesting the establishment of line items to pay for lunches for the weekly staff meetings and defense attorney fees. Judge Self asked if this would hurt the counseling services since that is the budget the funds would come from. Judge Wheless replied, the counseling services would go down some, but he makes sure they use their own health insurance; if they do not have insurance, most of the people in the program qualify for North STAR.

Commissioner Webb asked about the number of participants in the program. Judge Wheless replied they have a cap at 55 because they only have one probation officer and she cannot handle more than that. It is very intensive supervision; the idea being these are the most serious offenders and considered the most dangerous, particularly those who have committed felony DWIs and need to be watched very closely.

Commissioner Jaynes commended Judge Wheless for the program and made a motion to approve the item. Commissioner Shaheen seconded the motion.

Judge Self thanked Judge Wheless for appearing before the Court and explained that he asked for this item to be placed under General Discussion so that everyone would understand this is drug court money being used for the drug court program and did not come from the general budget.

Commissioner Williams stated she still had questions and would appreciate a more in depth discussion. She asked if this could be brought back. Judge Wheless replied he would be happy to and informed the Court he had handouts that explained the process. Commissioner Jaynes asked Judge Wheless if he was okay the motion being rescinded. Judge Wheless replied he was and stated there was no since of urgency; they just had an attorney who was not getting paid and probably did not want to provide services free of charge for much longer. Commissioner Jaynes pulled his motion. Judge Wheless invited the Court to visit one of the drug court sessions which are held every Monday and Friday. (Time: 2:00 p.m.)

HELD

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

1. AI-33437 March 21, 2011.

COURT ORDER NO. 2011-225-04-11

g. Miscellaneous

1. AI-33499 Sublease with Project Access of Collin County for property located at 6101 Frisco Square Blvd., Frisco, Texas, Commissioner, Precinct 1.

COURT ORDER NO. 2011-226-04-11

2. AI-33445 Acknowledgment for assignment of Tax Abatement Agreement, Reinvestment Zone 107 from KanAm Grund Kapitalanlagegesellschaft mbH to FSP Legacy Tennyson Center LLC, Budget.

Commissioner Jaynes pulled this item with comments to the Court that he does not agree that an abatement should be transferred when one company sells to another. The reassignment is to a company with whom he is not familiar. Commissioner Jaynes asked the Court their thoughts on not allowing a reassignment; the abatement goes to the company to which it was awarded. Commissioner Williams asked how the agreement was originally written and if it was written to allow this. Commissioner Jaynes replied that the original agreement did allow a transfer.

Commissioner Webb gave comments that to him it is no different than a merger where the successor is assuming all obligations. After additional brief discussion, a motion was made to approve the acknowledgement. (Time: 2:34 p.m.)

Motion by: Commissioner Matt Shaheen
Second by: Commissioner Cheryl Williams
Vote: 4 – 1 Passed
Nay: Commissioner Joe Jaynes

COURT ORDER NO. 2011-227-04-11

3. AI-33474 Special Warranty Deed for property located at 1516 Lucas Terrace, Block 3, Lot 10 of the Wyatt North #1 Addition to the City of Plano, Texas as described in the Warranty Deed recorded in Volume 1082, Page 75, Deed Records of Collin County, Texas to RCMI Investment Group, LLC in the amount of $7,500 and further authorize the County Judge to finalize and execute same, County Judge.

COURT ORDER NO. 2011-228-04-11

4. AI-33435 Preliminary Plat for the Hills of Lone Star Phase III; North Star Ranch, Engineering.

COURT ORDER NO. 2011-229-04-11

5. AI-33479 Personnel Appointments, Human Resources.

COURT ORDER NO. 2011-230-04-11

6. AI-33480 Personnel Changes, Human Resources.

COURT ORDER NO. 2011-231-04-11

GENERAL DISCUSSION

5. AI-33449 Collin-Rockwall-Hunt Strike Team presentation by the Frisco Fire Chief Mack Borchardt, Homeland Security.

Mack Borchardt, City of Frisco Fire Chief, came forward with a power point presentation on the development and 2011 activities of the Collin-Rockwall-Hunt Fire Task Force. Regional cooperation and interoperability became the hallmark in fire and other emergency services after 9/11. This was further branded in the minds of Texans after a series of hurricanes along the gulf coast. In the aftermath of Hurricanes Katrina, Rita, Ike and others, Texas began to make an effort to coordinate resources in a cost effective way to help our neighbors when major disasters occur. While federal resources support the efforts, they often do not have the necessary equipment. If emergency services can come in early enough they can hopefully diminish the extent of recovery.

A few years ago the State of Texas developed TIFMAS (Texas Intrastate Fire Mutual Aid System) which is managed by the Texas Forrest Service. Through the efforts of the Frisco Fire Department, Collin County was approached to coordinate a task force. The concept was to provide emergency services outside the area when needed while still maintaining necessary resources in our home communities. The task force was dubbed the Collin-Rockwall-Hunt Fire Task Force. Rockwall and Hunt Counties were sought out because they are much more rural in nature; therefore, have more brush trucks. The two main emergencies indentified are hurricanes and wildfires.

Chief Borchardt included a list of fire departments that participate in the tri-county task force which was organized on December 12, 2009. Chief Borchardt pointed out the reason some departments were not listed was because of their limited resources; however, in the event of an emergency they provide protection to the home communities.

Due to recent wildfires, a significant number of resources have been deployed. Chief Borchardt informed the Court that the State has implemented a system by which departments are reimbursed for equipment and personnel. A major concern was for those who participate in the system and have volunteer fire fighters. Chief Borchardt approached the state with his concerns and they made a commitment to have a system in place that will reimburse volunteers for their time when deployed out of town. The system is expected to be in place by the fall of 2011 or at least by the beginning of 2012. So far this year, six Brush Truck Strike Teams have been deployed to fight wildfires. These teams include one Strike Team Leader and four Type VI Engines, which are brush trucks as well as one Engine Strike Team with Tenders, which consists of one Strike Team Leader, four Type I Engines (pumpers) and two Water Tenders each containing approximately 2000 gallons of water. The first deployment was made February 27, 2011. Participates are brought to the Central Fire Station in Frisco and then sent out to predetermined areas. A second Strike Team was deployed on March 7, 2011 and a third on March 22, 2011. April 8, 2011 two Strike Teams were deployed. On April 9, 2011 they were called by the State of Texas to send out another Strike Team to the same area in West Texas. Participants included Wylie, Rockwall, Plano, Nevada, Greenville, Frisco, Prosper, Cash, Allen and Josephine Fire Departments.

In closing, Chief Borchardt thanked Kelley Stone, Homeland Security, for the support of his department and he thanked the county for the use of the Collin County name which is a benefit in implementing the system; it has been very successful. The Collin-Rockwall-Hunt Fire Task Force currently has the most strike teams fighting the wildfires in West Texas. (Time: 1:50 p.m.)

NO ACTION TAKEN

6. AI-33504 Adoption of a resolution regarding the North Texas Tollway Authority (NTTA) Performance Review, Commissioners, Precinct 2 and Precinct 4.

Judge Self opened the discussion saying this is fast moving issue; there are two bills in legislation dealing with the NTTA (North Texas Tollway Authority). The Anchia bill was the first to come out and relates to a Sunset Review process for the NTTA. Representative Ken Paxton also has a bill that requires an online checkbook and an external audit instead of a full Sunset Review. In response to the Anchia bill, Chairman Vandergriff proposed a local review. There are two resolutions on the agenda for discussion.

Bill Bilyeu, County Administrator, came forward to give the Court information on a meeting he attended with the NTTA Board. Chairman Vandergriff discussed Representative Anchia's testimony and his interest in the bill. The number one interest was more minority representation on the Board. Second, he wants to look at the way Legacy Firms are awarded contracts. The third regarded administrative fees that were charged on tickets. Based on that discussion, Chairman Vandergriff talked with each of the County Judges in the four member counties and asked for their feedback. At that point in time he had a Dallas County Resolution and a Tarrant County Resolution. A Denton County Resolution was discussed, but it was not available at that time. Mr. Bilyeu has since obtained a copy and forwarded it to the Commissioners' Court. Mr. Bilyeu informed the Court there was an extended discussion regarding the Sunset Review. Commissioner Shaheen asked about the areas of the audit. Mr. Bilyeu replied, the four areas are minority contracts, legacy firms, administrative fees related to non paid tolls and more minority representation on the Board. Board members are appointed by the Commissioners' Court of participating counties, not the NTTA.

Commissioner Williams expressed her concerns with the Anchia bill and some of the focus it has on minority representation on the Board. The logical conclusion is the State potentially imposing quotas on the Board which are the Commissioners' appointees. Commissioner Williams is not inclined to be comfortable with the focus of the Anchia bill. Those are not Collin County issues; those are Representative Anchia's issues. Commissioner Williams agrees with an outside review of the agency and thinks it is needed. Mr. Bilyeu found it interesting that the way Chairman Vandergriff explained the testimony, Representative Anchia's concerns had nothing to do with the debt load, how the debt was structured or how they built their roads or set their toll rates.

Commissioner Williams stated she looks forward to the opportunity for the four counties to do a review and require an outside review; there are a lot of questions that the public would like to see answered as related to the NTTA. Commissioner Williams does not think the review should be done in Austin or under the umbrella of Representative Anchia's bill. Judge Self gave comments that the four counties cannot require an external audit which is his only hesitancy; some kind of review is needed but the four counties cannot require one. Commissioner Shaheen suggested adopting a resolution in support of HB 1636 which is Representative Paxton's bill. Commissioner Webb agrees with Commissioner Williams regarding the Anchia bill and thinks the Representative's reasons do not make sense. Commissioner Webb thinks they should continue to push the NTTA to be accountable to the four member counties for which it was created. Additional discussion regarding state authority over the NTTA Board and how the Board should be reviewed followed. The Court agreed to not support HB 1577 which is the Anchia bill. Judge Self asked the Court if they wanted to make a motion to go back to Representative Paxton to discuss a resolution that would give a county Commissioners' Court authority to recall a Board member and to have an Oversight Board to be controlled by the four Commissioners' Courts.

Commissioner Jaynes suggested conferring with Representative Paxton and the other counties before a formal vote was taken. Judge Self informed the Court that in order to move forward, they needed vote on a resolution that supports the local review. After additional discussion, a motion was made to adopt Resolution Option Number 1 as amended. Commissioner Webb seconded the motion.

Commissioner Shaheen amended the motion to include striking the next to last sentence from the the resolution. The amended motion was accepted.
(Time: 2:26 p.m.)

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

COURT ORDER NO. 2011-232-04-11

7. AI-33466 Board/Committee Appointments, Commissioners Court.

NO ACTION TAKEN

8. Potential 82nd Legislative items, Commissioners Court:

a. AI-31816 Discussion and any action of legislative priorities

Bill Bilyeu, County Administrator, came forward to give the Court an update on the county's legislative priorities. Mr. Bilyeu informed the Court that Representative Madden has requested that a member of the Commissioners' Court attend a hearing in support of a bill regarding the Local Initiative Project funds for environmental quality. A request has also been made for a member of the Court to attend a hearing on a bill regarding video conferencing which was requested by Judge John Roach, Jr. and is also sponsored by Representative Madden.

Regarding the Specific Proposals, Item number 3, SB (Senate Bill) 420 passed the Senate last week; the House version which is HB (House Bill) 655 made it out of committee and was sent to Calendars. Item 7, HJR (House Joint Resolution) 56 also passed committee and was sent to Calendars.

Item 8, regarding the use of 4A and 4B funds, is still in committee. Item 9, was sent to the Local Consent Calendar. All other items are still in committee. HB 1, which is the budget bill, passed last weekend. This could be an impact to the county of $1.5 to $3.5 million dollars. A large portion is CSCD (Community Supervision and Corrections Department) and Juvenile funding. Commissioner Williams asked for a summary of the potential impact to the county in a worse case scenario regarding the state's budget.

Judge Self requested HB 3784 regarding the personal financial statements of certain governmental bodies, be added to the list. This bill would require those who volunteer for certain boards to file a personal financial statement, which could prevent someone from volunteering their time to serve on county boards. (Time: 2:41 p.m.)

NO ACTION TAKEN

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

Commissioner Williams requested an update of county officials who have been talked to regarding a compensation study. Commissioner Williams wants to ensure appointed and elected officials have input and are in agreement with compensation before the county pays for a complete study. (Time: 2:43 p.m.)

EXECUTIVE SESSION

The Court did not recess into Executive Session. There being no further business of the Court, Judge Self adjourned the meeting at 2:43 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

ATTEST:

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