COURT ORDER NO. 2011- 585 -08-15

STATE OF TEXAS

COUNTY OF COLLIN

COMMISSIONERS' COURT
WORKSHOP MINUTES
JULY 25, 2011

On Monday, July 25, 2011, the Commissioners' Court of Collin County, Texas, met in Regular Session for a Workshop 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:

Judge Keith Self
Precinct 1 Commissioner Matt Shaheen
Precinct 2 Commissioner Cheryl Williams
Precinct 3 Commissioner Joe Jaynes
Precinct 4 Commissioner Duncan Webb

1. Judge Self called to order the meeting of the **Collin County Commissioners' Court Workshop** at 4:00 p.m. The workshop discussion panel consisted of the Commissioners' Court, Constable Paul Elkins, Precinct 1, Constable Joe Barton, Precinct 2, Constable Chuck Presley, Precinct 3, Constable Johnny Todd, Precinct 4 and Sheriff Terry Box.

2. Public Comments. Judge Self asked if there were any blue cards for public comment. A total of 72 cards were received; there were 10 speakers. Each speaker was allowed three minutes to address the workshop panel. Minutes for the Public Comments are recorded under General Discussion.

GENERAL DISCUSSION

3. **AI-33937** Constable Duties and Operations, Commissioners Court.

Judge Self opened the discussion with a brief overview of the afternoon's proceedings. Commissioner Cheryl Williams will introduce the concept of the workshop; Bill Bilyeu will present a power point presentation consisting of budgetary information used as supporting documentation for the agenda item; Constable Joe Barton will give the briefing for the Constables and then the meeting would be opened to public comment followed by a round table discussion.

Commissioner Williams informed the Court and audience that she had asked what would happen if the civil processes of the Constable's offices were to be blended with the Sheriff's Office including any financial ramifications caused by the consolidation. She has seen a decrease in papers served; even with no movement from the Constables to the Sheriff, adjustments would have to be made.

The Commissioner asked that while reviewing the slides should any inaccuracy or discrepancy issues be found, bring them to the Court's attention. Commissioner Williams is hopeful that by the end of the discussion there will be two or three options that staff can review for further discussion.

Bill Bilyeu, County Administrator, came forward to introduce a power point presentation reflecting quarterly reports from each Constable's precinct. The information came from quarterly reports that are filed with the Budget Department. Constable Presley interjected to disagree with the numbers saying the figures he has was much higher. Mr. Bilyeu explained that the figures shown are quarterly not annual. The presentation included the number of papers served per officer and total revenues by precinct. The figures did not include vehicles, gas, phones, etc. because those expenses are paid out of the combined county budget, not individual budgets. Mr. Bilyeu also pointed out that the Constable handles all of the indigent cases which do not generate revenue and cause a loss. An estimation of what it would cost to reduce 28 deputies to 21 and move the civil process to the Sheriff's Office was also shown; it would be approximately $1.1 million dollars less. Sheriff Box wanted to clarify that he did not recommend cutting any deputy constables; that suggestion came from the Court. Mr. Bilyeu clarified that the question was how many deputies it would take to perform the duties, not how many would be cut. Mr. Bilyeu discussed the salaries for all staff in all four precincts; there are 42 total with 32 being long term employees. The long term employees receive longevity while the newer hires do not; the longevity program was discontinued by the Commissioners' Court for new employees.

Constable Barton asked if staff transitioning to the Sheriff's Office would lose longevity; Mr. Bilyeu replied not if there is no break in service. It is up to the Court on when they expect the layoffs; it is Mr. Bilyeu's recommendation that the employees continue receiving the longevity. As elected officials, the Constables do not receive longevity. Additional supporting documentation was briefly discussed which included a proposal from Constable Elkins. (Time: 4:13 p.m.)

Commissioner Williams wanted it made clear that there is no proposal on the table to eliminate the Constable's positions. In addition, the Sheriff did not ask for the additional duties; the Court specifically approached him to ask what it would take if the duties were rolled into his office. There is not an attempt to eliminate the Constables positions and the intent is for the level of service to remain the same.

There being no further comments from the panel, Judge Self opened the meeting to public comments.

1) Casey Wright, Apartment Association of Greater Dallas, came forward. The association is made of several companies that include property owners, management companies and vendors. More than 450,000 rentals are represented across North Texas and 50,000 in Collin County.

There is concern about the consideration for moving the civil process responsibilities from the Constables and moving their deputies to the Sheriff's; it could jeopardize the civil service that affects their industry. It could cause delays in getting eviction notices served and when criminal activity is involved, the safety of their residents could be comprised. With such a high number of notices being served each month, Constables that are located throughout the county are needed to carry out the services. Mr. Wright asked that Court reconsider removing the Constables from their elected duties so there is no reduction in the kind of service currently being received.

Commissioner Williams asked Mr. Wright if he were confident that there would be no reduction in service, would he still have an objection. Mr. Wright replied that would depend on the proposal; if there was not a delay, there would be no concern.

2) Ginny Williams, Milestone Management, addressed the Court to express concerns on reassigning the civil process and the deputy constables to the Sheriff's Office. It would remove local service and accountability from JPs (Justices of the Peace) throughout Collin County. This would put an economic hardship on her properties requiring managers to drive long distances to file evictions and would adversely affect daily operations. Due to the economic state, the apartment industry is filing more evictions in 2010 and 2011. She asked for reconsideration of the the proposal.

Commissioner Williams responded to the comments to clarify that the Court is not considering making any changes to the JP courts; the managers would be going to the same places to file the evictions. A brief discussion followed. Constable Elkins asked if Ms. Williams was happy with the service her Constable's Office was providing. Ms. Williams replied very much.

3) Bruce Lane, Jr., McKinney, addressed the Court next. Mr. Lane is a 10 year resident of the county and is very concerned about the growth in the community. In 18 months the city's population rose from 112,000 to 131,119; by FY 2011 the population will be very close to 150,000. With McKinney being the fifth fastest growing city in the United States, the county would be making a mistake in lowering standards and not allowing the service of civil process. Mr. Lane believes that the Constable's budget should go by the elected term. If a budget is in place, it should remain for the entire four year term. If there is any consideration of changing the budget, it should be when there is another election.

4) Kenneth Brown, Wylie, came forward next. When this issue came to his attention, Mr. Brown did his own investigation to get more information. He found that the Constables work very hard and make money for the county. In addition, they are located close to the areas in which they serve. If they are located centrally as proposed, there will be more time in cars and less time serving papers. He is concerned that this change would result in warrants being served late or not at all which increases the chance of lawsuits for the county. He does not pay taxes to fight lawsuits of that kind. In closing, Mr. Brown wanted to know the real reason for wanting to close the Constable's offices.

5) Roy Serpa, Fairview, approached to say this morning was good example of the progress of the county's performance over the last five and a half years that he has been attending. Over the last five years he has seen a tremendous improvement in the transparency and accountability of the county. After reviewing the data presented by Mr. Bilyeu, Mr. Serpa had one question; why, over the last four years, has the performance gone down while the revenue has stayed flat and the expenses gone up. He asked for a response saying that to him this is not indicative of improved efficiency.

In addition, people keep saying there is a proposal on the table; there is not. If there were, he would have heard it at the Court meetings. He thinks people are misinformed. This is an analysis of performance, revenue and cost in order to become more efficient and effective in serving the taxpayer.

6) Autumn Barton, Farmersville, came forward with her comments. Ms. Barton appreciates the comment from Commissioner Williams that they are not getting rid of the Constable's Office; however, when they were elected, they were elected with a staff. The people you surround yourself with have a huge impact on the voters. When the people vote for the Constable, they vote for the deputies because they are a part of the community as well. Her concern is that the estimated savings which is approximately $1.1 million dollars means roughly five dollars for each property taxpayer per year. Ms. Barton thinks that everyone in the county would be willing to spare five dollars a years to save these jobs. It has not been said with any definition that those employees would be moved to the Sheriff's Office. Several are over the age of forty and people typically do not hire those over forty as much and they do those who are younger. She understands they are paid more and receive longevity, but the county gets the benefit of their experience. She asked that the Court seriously consider the savings.

7) Joe Bellows, Lavon, addressed the Court. Mr. Bellows has been a resident since 1978 and a business owner for over 30 years. Mr. Bellows has daily interaction with law enforcement from a variety of different agencies. All of the officers do excellent jobs but each agency has a different personality toward the public. The Collin County Constables do an excellent job serving papers. He is not saying a deputy could not do the job; the Constables have a more compassionate side.

Other law enforcement officers cannot show the same compassion because of the types of situations they have to deal with. In talking about reducing the deputies by seven, they will be doing the same job with less people. All the officers do an effective job, but if you start combining the different jobs it will become difficult.

8) Nicole McQuarry, Regional Vice President, Winthrop Management, spoke last. Ms. McQuarry was informed of this consideration by a property manager who is very concerned this could have adverse ramifications for onsite properties. It takes a least three attempts to serve an eviction notice before it can be filed.

Ms. McQuarry does not see how doing more work with less people will be a benefit. They deal with very real situations with evictions and the Constables are there; they are known and they will be fast to respond. A brief discussion followed. Constable Elkins asked if she and her property managers were happy with the service her Constables provided; Ms. McQuarry said they are very happy. (Time: 4:40 p.m.)

After the public comments concluded, Judge Self read the names of the other attendees who did not wish to speak, but wanted their opinion heard. All were against the consideration. They are as follows:

Billy J. Barbo, McKinney
Christine Barbo, McKinney
Virginia Battle, Anna
Matt Carpenter, Plano
Brittney Carpenter, Plano
Pam Reynolds, McKinney
Rodney Reynolds, McKinney
Barbara C. Brown, Wylie
Chad Jordan
Barry Eaves, McKinney
Sammy Knapp, Fairview
Mandy Elsner, Dallas
Amy Stafford, McKinney
Marilyn Holder, Plano
Cliff Holliefield
J. Ivanovskis, Plano
Greg Fisher, Richardson
Rachel Fisher, Richardson
Beverly Stevens, Plano
Dusty Sanders, McKinney
Ashley Dodenhoff
Kellie Shaffer
John Steinsier, Hurst
Jerry Wright, Farmersville
Dorothy Wright, Farmersville
Laura Green, McKinney
Reggie Green, McKinney
Cheryl Simmons, Allen
Pat Cottle, Melissa
Peggy Cottle, Melissa
Patrick Turner
Jodie Byrne
Maria Hilblom
Angela Fisher, McKinney
Patrick Wilson, McKinney
Jacinda Yoder, Wylie
Glenn McClain
Johnnie Newton, McKinney
Alice Newton, McKinney
Darlene Fisher, Richardson
Tommy Fisher, Richardson
Vanessa Bangs, McKinney
Bill Smith, McKinney
Mark Shook, Princeton
Keith Geiger, Plano
Kathy Hebert, McKinney
Josh Thurlkill
James Babb
Martin Castillo, Granbury
Lydenna Bruce, Plano
Darla Barlett, Plano
Andrew Michrina, Anna
Shane Williams, Anna
Mike Bates, Wylie
Richard Ranspot, Plano
Debbie Ranspot
Emilie Whitaker, McKinney
Darla Boone
Gary Edwards, Nevada
Sharon Coleman, Farmersville
Tiffany Eaves
Tim Walker

9) Jared Clark and Joe Wright, Collin County Deputies Association, came forward with a proposal that they believe will benefit the day to day operations of the Constables' Offices. Mr. Clark began by saying he relies on the Constables daily to serve court documents in a timely manner and thinks they perform exemplary jobs. In order to remain exemplary and raise the bar higher they should concentrate on the core functions of the office as outlined in state statutes and those functions alone. They should cease redundant law enforcement duties such as traffic patrol and accident investigation. The proposal included suggesting that each precinct dedicate one vehicle as a marked car for officer safety. The cars would not be used for routine traffic; they would be used for officer safety only such as when serving a warrant.

Suggestions that could bring a cost savings included using magnetic striping which can be removed and reapplied, having employees flex their schedules to be more in line with the needs of the public and serving the civil process in business attire as opposed to being in uniform. Additionally, mandate customer service training for all employees and adopt the same hiring standards as the Sheriff.

Other recommendations included adopting a process for publicizing the civil process so that attorneys and their clients can follow the documents being served via the internet. They also recommended a new process for maintaining warrants. Currently after several attempts to serve a warrant is it sent to the Sheriff's Office where it could take up to six months to be entered into the TCIC/NCIC (Texas Crime Information Center/National Crime Information Center) databases. By having the Constables enter the warrants they would be available to a police dispatcher who could provide verification of the warrant which would allow police officers to make an arrest if someone who is pulled over has a warrant.

They are also recommending educating the public in how to clear their warrants using neighborhood newsletters and periodicals as well as maintaining a scheduling system that will allow those with warrants a convenient opportunity to come into the Constable's office clear their warrants. The clerks and deputies would have to be flexible in their time; they need to keep their offices open until 7:00 p.m. to allow those who work until 5:00 p.m. a chance to come in a clear their warrant. Another recommendation was to organize a non-confrontational warrant round-up which is being done across the state; Mr. Wright thinks there is no reason the Constables cannot do this as well.

The next recommendation was regarding fiscal responsibility in vehicle usage. Mr. Clark and Mr. Wright are recommending the use of non-police specific vehicles which are more economical and better on fuel mileage. The annual savings would cut the fleet and the fuel costs in half. In addition, they recommend the Constables adopt a uniform policy so that all deputies have the same uniform; they would have different patches and badges for their precincts, but the uniform would be the same. The savings would be $7,300.

In closing, Mr. Clark informed the panel their proposal was not an extensive research study; this is another way to look at the issue. By concentrating on the core functions as outlined by state law, and reducing the costs of the fleet while increasing business through better business practices, the $1.1 million in cost savings may not be what is being looked at; the county could save money and even generate more.

Discussion regarding the proposal followed. Judge Self asked for more information regarding the recommendation of wearing civilian clothes to serve civil process as opposed to a uniform. Mr. Wright explained that they could still carry their weapon in case it was needed; however, walking into a business to serve notice of a lawsuit in a uniform could scare away other customers. It allows for better future cooperation and a better atmosphere.

Constable Barton gave comments on some of the recommendations. Regarding keeping the warrants in-house, they would have to have someone there 24 hours a day 7 days a week to verify the warrant; he does not think the Sheriff would want his staff confirming a warrant that is located in a Constable's office at two in the morning. Mr. Wright explained that Harris County currently uses this process; once the warrant is scanned into a secured system, a dispatcher can pull up the image and confirm the warrant using a computer without physically pulling the warrant.

Constable Barton continued with comments regarding using the Ford Fusion. As a group, the Constables are not opposed to using hybrid fuel efficient vehicles; the problem with the Fusion is that he cannot get in one and doesn't think Commissioner Webb could either. He has arrested people many times that he couldn't get handcuffs on much less get them in a Ford Fusion. He does not have a problem with efficient cars, he has problem with inappropriate cars for the mission. Additional discussion regarding fuel savings followed.

Constable Todd expressed concern about serving papers in business attire. That method had been tried when he first began in the Constable's office. However, with there being so many process servers they have more of a presence in uniform. Constable Barton added additional comments regarding uniforms. (Time: 5:07 p.m.)

After public comments Judge Self opened the workshop for discussion. Constable Barton began with a prepared statement on the duties and responsibilities of Constables as well as their required training which exceeds the required training for Sheriff's deputies.

Constable Barton also spoke of a meeting at the Farmersville Rotary Club at which Judge Self appeared. There had been discussion regarding the JPs and Constables and Judge Self had said that they were very important because they are the closest elected officials to the people.

Regarding warrants, the Constables feel that everything they do in that process is the most efficient for the county and the local business owners. They have no doubt they can serve the county more efficiently than the Sheriff can from a central office; if they will be using the Constable's existing precinct office then where is the savings. The savings being proposed is to have people laid off. There would be six to seven deputy positions and three to four clerk positions that would lose their jobs. In addition, officers that are retained by the Sheriff must go through the same hiring process as a non-employee which includes a polygraph and an agility test. Some of the deputies have been loyal county employee a long time; they deserve better than this. Constable Barton continued saying the Constables felt there were inaccuracies in the budget packet regarding their revenues. For example, the warrants in his precinct were off by 100%.

The Constables recommended an alternative plan to what the Court was considering. They propose to eliminate six deputy positions instead of the recommended seven which would have a savings of approximately $440,000. The eliminated positions would come from Precincts 1, 3 and 4. By eliminating the positions, they would give up criminal warrants completely.

Commissioner Williams requested the warrants be quantified; it is her understanding most of them wind up at the Sheriff's Office. Sheriff Box gave his understanding of how the warrants get to his office. Constable Barton corrected him saying in his prescient most of the warrants are for hot checks; they have others from the JP courts, but they are mostly hot checks. Once the warrant is received they try to contact the person to get the warrant served. They try every possible way to find the person and if they cannot, the warrant is sent back to the JP court that then sends it to the Sheriff's Office to be entered on the computer.

Commissioner Williams wants to explore the possibility of getting the warrants entered more quickly so if the person was pulled over the officer would know about the warrant. Discussion about the probability and legality of the Constables entering warrants followed.

Judge Self asked about the timeframe in which the warrants are processed. Constable Todd responded that the county requires they have 120 days before they are sent to the Sheriff's Office. They try to find the person, but if they cannot they send the warrant to the Sheriff's Office after 120 days. It is unknown what percentage of the warrants is resolved within 30 days, but it is a good percentage. Constable Presley's precinct is a little different because he has three toll roads in his precinct. A large number of his warrants come from the NTTA.

Judge Self asked for the Constables proposal step by step. It is the elimination of six (6) deputies and three (3) clerks; go to the hybrid vehicles, eliminate six (6) cars and use the vehicles longer than current fleet service process. In addition, assign each vehicle to a deputy. Vehicles are better taken care of if they have one driver.

Additionally, the three Chief Deputies need to stay as they are the most knowledgeable about the offices and the processes.

All four Constables agree with the proposal that would result in $787,271 in costs savings to the county. In addition they requested the changes take effect no sooner than April 1, 2012 to allow those being laid off a chance to find another job.

The consolidation of duties was discussed next. They will give up all criminal warrants and keep civil. There will be no traffic. Constable Barton is against working traffic to raise revenue. However, he does want the authority to issue a violation if he sees an egregious offense occur. Discussion regarding how the Constable's process criminal warrants and what affect adding the the additional warrants would have on the Sheriff's Office followed.

Commissioner Jaynes suggested they look at increasing fees. They have not been increased in 15 to 20 years. Constable Elkins took an informal survey in his office for citations. The average cost is $65.70; they recommend raising Collin County's fees to $70.00 (could be $75.00) from the current fee of $55.00. On notices, the average was $78.50; they are recommending $70.00. Executions are slightly higher than average, no change is recommended. Postings average $42.10 and they are recommending raising the county's posting fee to $30.00 from the current of $18.00.

Judge Self commented that raising fees is a budget issue and the recommendations need to be sent to the Budget Department. Then he asked the four Constables to communicate with the Sheriff and inform him of what their duties are so that during the next discussion he will know how this will affect him.

Commissioner Webb gave comments regarding the Constables' earlier comments on needing a presence when serving a civil process. Every private law firm uses process servers exclusively; while they are paid more, they are in civilian clothes, not uniforms. There is no need whatsoever to have a presence especially when serving processes for divorces and civil lawsuits. When an officer whether Sheriff, Constable or Police is seen is uniform they are assumed to be police period; if you go into an office to serve a civil process and you are in uniform, it can cause a lot of commotion.

Judge Self gave his points which were the Constables need to get with the Sheriff to discuss their criminal warrant process, they need to decide how to "right size" the number of people it will take to complete the processes and they need to get the JPs involved.

Commissioner Williams wants to quantify how many warrants are cleared in the Constables office, how many are sent to the Sheriff and what is the real number of kids that are transported at any given time. She also wanted to point out that any savings they are discussing is not a one time savings; it is an annual savings. In addition, regarding comments heard about time delays, the Commissioner has no reason to believe that the Sheriff would not provide the same level of service as the Constables. Commissioner Williams also wants to look into the online tracking of papers and getting the warrants entered into the TCIC/NCIC databases faster.

In addition, Commissioner Williams suggested the consideration of raising fees and the county's involvement in a warrant round-up. Constable Todd commented that the county had organized a warrant round-up in the past, but it has been a long time. There was brief discussion on past warrant round-ups in Collin County. Commissioner Williams also pointed out that the Constables seem to be a little top heavy in their upper management; reducing the higher paid staff is where there will be savings. She does not see the need to have three (3) Chief Deputies in order to carry out the duties of the office. Constable Barton thinks they are the most important employees because of their years of experience and the knowledge they have.

Commissioner Jaynes gave his comments saying he thinks there needs to be a clearer plan; the plan that was brought to the table is not that clear to him and probably still leaves the Sheriff a little confused on what is being asked of him. He was glad to see the Constables present their plan which is key. The Commissioner expressed his concerns about centralization. Trying to get papers to McKinney from cities such as Wylie and Frisco will be challenging; Highway 380 and State Highway 121 will be under construction. In addition, work on US 75 will begin in the fall. Secondly, the Commissioner knows the people and what kind of work they do; he wants to give them the opportunity to come up with a plan so the Court doesn't start eliminating positions just so they can say they eliminated four tenths of one percent on the budget.

Commissioner Webb asked why there was such a large disparity comparing Precinct 3 to the other Precincts; there should be a constant in comparing the revenues of the offices. Also, they need to find more efficiencies and eliminate duplicate services. The Commissioner appreciates the proposal; it contains a lot of good ideas that he is willing to review. However, he wants to make sure that he fully understands the proposal and wants to see something in writing. After looking at all the information, Commissioner Webb wants assurance there will be no decrease in services; if there are he will not support it. The Court is trying to see if there is a better way and if the process can be made more efficient. The panel had discussion regarding the goal of the Court which is to live out fiduciary responsibility to the taxpayer by providing the same level of service at a lower cost.

Commissioner Shaheen gave his comments saying there is a threshold of $1 million that the Court has set; the Constables need to get closer to that threshold in their proposal. He is grateful that the Constables got together and created the proposal; however, they need to be more aggressive in trying to reach the threshold. Also, when doing a comparison, make sure it is apples to apples.

Constable Elkins disagreed with the premise of the Court's intent. He said that the Sheriff was asked how many deputies it would take to perform the duties of the civil function. The Constables proposed the identical amount of their deputies for the civil function. Interjections from the audience indicated they are very pleased with the services they receive; they will continue to receive the same level of service which is some of the best in Texas. He does not think there will be an improvement in service by taking away the Constable's deputies and giving them to the Sheriff; they are doing a top notch job. They are proposing to do the same job with fewer deputies and without the criminal function.

Constable Presley said his revenue report is higher than what was shown for 2010 and 2009. The information in Odyssey has significantly lower figures because it is hard to track the papers they get credit for in Odyssey. Also, his Chief Deputy has a salary comparable to a Lieutenant. He supervises 10 deputies and six (6) reserves. He cannot be a 100% supervisor because he also has to serve papers. In addition, his Administrative Secretary is a tenured employee who is doing a great job. His staff should not be penalized.

Constable Todd agreed with the other Constables. He needs his Chief Deputy who runs his office while he is taking care of other things. Constable Todd used to serve papers but quit because the papers had gone down; he wanted to be sure his deputies got papers to serve. As for his Administrative Secretary, in the seven years she has been with him there has never been a problem with an audit.

In closing, Constable Barton responded to the comment that the Constable's were trying to be Sheriff's deputies. They don't want to be considered a lesser peace officer than a Sheriff's deputy. He does not want to jump their calls; he will assist when needed and loves backing up a Sheriff's deputy. The Constables are much more efficient as a community based, precinct based entity then they would be as the Sheriff's Department.

Judge Self thanked the citizens who attended and stated the Court looks forward to seeing the quantification of the plans. With there being no further comments, Judge Self adjourned the meeting at 6:13 p.m.

NO ACTION TAKEN

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, TEXAS