

COURT ORDER NO. 2012_____

STATE OF TEXAS

COMMISSIONERS' COURT
MEETING MINUTES
DECEMBER 3, 2012

COUNTY OF COLLIN

On Monday, December 3, 2012, the Commissioners' Court of Collin County, Texas, met in Regular Session at the Haggard Library, 2501 Coit Road, City of Plano, Texas, with the following members present, and participating, to wit:

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

Commissioner Jaynes led the Invocation.
Commissioner Webb led the Pledge of Allegiance.

Judge Self noted the Pledge of Allegiance to the Texas flag was not done due to the absence of a Texas flag in the meeting room.

Commissioner Webb welcomed everyone to Precinct 4. Judge Self thanked the City of Plano for hosting tonight's meeting.

1. Judge Self called to order the meeting of the **Collin County Commissioners' Court** at 6:00 p.m. and adjourned the meeting at 7:31 p.m.

President Self called to order the meeting of the **Collin County Health Care Foundation** at 7:31 p.m. and adjourned the meeting at 7:31 p.m.

DECISIONS MANDATED BY LEGAL ENTITIES OUTSIDE OF COMMISSIONERS COURT AUTHORITY:

1. **AI-36103** Personnel Appointments, Human Resources.
2. **AI-36104** Personnel Changes, Human Resources.

FYI NOTIFICATION

1. **AI-34688** Outstanding Agenda items, Commissioners Court.
2. **AI-36100** Second Amendment to Real Estate Purchase Agreement of the UDCF Building, Administrative Services.

3. **AI-36036** Budget amendment in the amount of \$32,846 to reallocate funds for the purchase of an electronic data storage system for fingerprints, Sheriff.

2. Public Comments. Public comments were heard under General Discussion Item 5.

3. Presentation/Recognition.

4. **Consent agenda to approve:** Judge Self asked for comments on the consent agenda. Hearing none, a motion was made to approve the consent agenda. (Time: 7:31 p.m.)

Motion by: Commissioner Cheryl Williams

Second by: Commissioner Joe Jaynes

Vote: 5 – 0 Passed

a. **AI-36099** Disbursements for the period ending November 27, 2012, Auditor.

COURT ORDER NO. 2012-880-12-03

b. **AI-36085** Tax refunds totaling \$32,964.02, Tax Assessor Collector.

COURT ORDER NO. 2012-881-12-03

c. **Agreement(s):**

1. **AI-36060** Interlocal Agreement with the City of Plano for funding through the 3rd Series – 2007 Parks/Open Space Project Funding Assistance Program (Bond Project No. 07PG44) for construction of the Plano–Murphy–Richardson Regional Hike and Bike Trail Connector and further authorize the County Judge to finalize and execute same, Special Projects.

COURT ORDER NO. 2012-882-12-03

d. **Amendment(s):**

1. **AI-36086** No. 6 to the Interlocal Agreement with the City of Melissa for Animal Control Services to set the rate and extend the agreement for one (1) year through and including September 30, 2013. Payments will be made in quarterly installments for an annual amount of \$18,989, further authorize the Purchasing Agent to finalize and execute same, Development Services.

COURT ORDER NO. 2012-883-12-03

2. **AI-36088** No. 6 to the Interlocal Agreement for Animal Control and Animal Shelter Services with the Town of New Hope to extend the agreement for one (1) year through and including September 30, 2013. Payments will be made in quarterly installments for an annual amount of \$4,075, further authorize the Purchasing Agent to finalize and execute same, Development Services.

COURT ORDER NO. 2012-884-12-03

3. **AI-36087** No. 6 to the Interlocal Agreement with the City of Melissa for the Facility Construction and use of Animal Shelter Services to set the rate for FY2013 to be paid in quarterly installment payments for an annual amount of \$13,162 effective October 1, 2012 through and including September 30, 2013 and further authorize the Purchasing Agent to finalize and execute same, Development Services.

COURT ORDER NO. 2012-885-12-03

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

1. **AI-36057** November 5, 2012.

COURT ORDER NO. 2012-886-12-03

2. **AI-36082** November 12, 2012.

COURT ORDER NO. 2012-887-12-03

3. **AI-36084** November 14, 2012, Canvass Election Special Session.

COURT ORDER NO. 2012-888-12-03

f. Miscellaneous

1. **AI-36101** Personnel Appointments, Human Resources.

COURT ORDER NO. 2012-889-12-03

2. **AI-36102** Personnel Changes, Human Resources.

COURT ORDER NO. 2012-890-12-03

GENERAL DISCUSSION

5. **AI-35978** City participation with the Animal Shelter, Development Services.

Judge Self noted this is the start of a long conversation. The Collin County Animal Shelter (CCAS) is a collaboration between Collin County and fourteen cities. Agreements will run for three more years. Tonight's discussion was planning for the future and the possibility that some of the larger cities may want to withdraw their participation and build their own shelters.

Bill Bilyeu, County Administrator, came forward with a Power Point presentation entitled "Collin County Animal Services: By the Numbers". The presentation was an accumulation of data requested by Court members. Mr. Bilyeu started by showing an intake chart for dogs and cats starting in September 2006 and ending in June 2012. He pointed out there are seasonal spikes in the numbers. The EU number, which is the number of animals euthanized each month, was 0.2% for August 2012. Unadoptable animals are those that are sick or quarantined. Rescue groups work with them.

In September 2012 20% of the animals that came into the shelter were reclaimed by their owners; 37.5% were adopted out of the shelter; 34.8% were rescued; and EU's were 8.9%. The staff at the shelter is comprised of county employees and volunteers.

The annual cost per capita by city is \$2.53 which is for sheltering only. The City of McKinney pays the most at 38%. McKinney also brings in the largest number of dogs at 39.2%. By comparison, the City of Frisco pays 32% of cost based on population, but their intake of animals is less than 12%.

A comparison was presented between the Williamson County Animal Shelter and Collin County Animal Shelter (CCAS). The Williamson County Animal Shelter is operated through a Board and the County with a \$1.1 million budget. They cover an area of 1,135 square miles. Their annual average intake for cats and dogs is 5,652. CCAS is operated through two Boards and the County with a \$500,000 budget. They cover an area of 886 square miles. Collin County's annual average intake for cats and dogs is 5,911. Statute says the County must have a Board that inspects and oversees the shelter. The second Board is required in Collin County's contract because of the Interlocal agreement with the cities. The second Board must be made up of representatives of the three largest entities and representatives from the smaller entities.

Commissioner Williams noted the Board that is state required is a McKinney appointed Board. They deal with a very narrow portion of state law. The second Board required by the Interlocal agreement has not been active due to no increase in costs.

Commissioner Shaheen added both counties have an equivalent amount of population being served and each county is handling approximately the same amount of intake. However, Collin County operates their animal shelter with fewer employees at less cost to the taxpayer. The Commissioner stated the animal shelter is effective and efficient and so are its employees.

The City of Plano operates its own animal shelter. They cover an area of 71 square miles and have a budget of \$1.7 million. Their animal intake for 2011-2012 was 7,364.

McKinney and Frisco paid 70% of the Maintenance and Operation and building fees for the animal shelter in FY2012. They make up 70% of the coverage area population. Combined, the animal intake from FY2012 came to 51% of the shelter's total intake. McKinney and Frisco would lose more than \$2.4 million projected to FY2016 to be paid into the shelter's building cost re-pay plan.

Looking to the future, Mr. Bilyeu stated if McKinney and Frisco were to pull out of the collaboration in 2016, costs for the remaining entities would go up. The county's annual share would increase from \$102,480 to \$341,526. The population from which the County pro-rates costs would drop from 334,250 to 100,300, meaning the County would assume about 54% of the costs. Per capita costs for each city/client would increase

from \$1.58 to \$5.27. Scenarios were presented with and without Frisco and McKinney in the collaboration.

Judge Self received ten requests for public comment. Each speaker was allowed three minutes to address the Court.

Cassie Meier, DVM, came forward. Dr. Meier is a veterinarian who practices in Prosper and lives in McKinney. She is President of the Hillcrest Animal Rescue, a group that works hard to find homes for animals at the shelter. Dr. Meier gets the euthanasia list and works to see if she can get the animals on that list adopted or into foster care. She volunteers her services to the shelter and leaves with animals that need surgery or attention. She feels access to veterinary services at the shelter is a problem. As a taxpayer she would like to see a better resolution to the care the pets get. Dr. Meier had concerns as far as being a guest at the facility and offering help. She felt anything brought to the staff's attention was unwanted. She wanted to maintain a positive relationship and move forward with rescue efforts that could be better utilized by the city and county. (Time: 6:22 p.m.)

Commissioner Jaynes asked for clarification. He wanted to know if the Court was voting on removing cities. Judge Self replied no; the current agreement is in effect for three more years. The purpose of the discussion is to look to the future so the citizens and cities can think about what they want to do.

Bracy Wilson, McKinney, was in favor of renewal of the animal shelter agreement with McKinney and Frisco. He felt not renewing the agreement would be mismanagement. As a 12-year citizen of Collin County Mr. Wilson encouraged the Court to renew the agreement when the current agreement ends. Not renewing would have a negative impact to the cities of Frisco and McKinney and would cause them to spend millions of dollars to build their own shelters. Not renewing would also have a negative impact on the remaining cities served by the animal shelter and would cause their costs to more than triple. (Time: 6:27 p.m.)

Todd McCally is the Mayor Pro Tem of Celina. As an animal lover, he and his wife have taken in many strays until permanent homes could be found for them. Mr. McCally is a proponent of a no kill shelter. He is against not renewing the agreement with Frisco and McKinney because it would create a tremendous burden to his community. He is in favor of keeping Frisco and McKinney in the agreement and increasing the size of the facility. Mr. McCally asked the Court to explore other alternatives. (Time: 6:30 p.m.)

Sheryl Terhall, Frisco, pays taxes to the county and the City of Frisco. She was not present to speak negatively about the shelter. She understands government budgeting. Ms. Terhall also works in animal rescue and understands the staff at the shelter has a difficult job. However, she is in favor of Frisco and McKinney building their own shelters. Residents would then know where their animal shelter was. If that doesn't happen, Ms. Terhall would like to see improvements to the current animal shelter in

terms of expansion. The heating and air conditioning need to be properly maintained and the ventilation system needs to be repaired. It's time to look to either maintaining the building adequately or have Frisco and McKinney build their own animal shelters. (Time: 6:34 p.m.)

Ron Patterson is the Assistant City Manager for the City of Frisco. Mr. Patterson stated the City of Frisco is interested in continuing the current agreement with the County. The City has questions about allocations but feel they can work with Mr. Bilyeu on that. They've had a good relationship regarding adoptions and hope to see those expanded as well. (Time: 6:35 p.m.)

Carroll Maxwell, McKinney, stated he doesn't have the expertise of the prior speakers; he wanted to address the issue in terms of dollars and cents. If McKinney is not in agreement to renew with the County, they will have to spend more money than they are presently spending to build a new shelter. The remaining cities would have to spend more also. The logic of separatism escapes him. In conclusion, Mr. Maxwell is not in favor of excluding Frisco and McKinney. (Time: 6:36 p.m.)

Jason Cooley, Strategic Planning and Budget Director, City of McKinney, came forward. Mr. Cooley agrees with what Mr. Patterson said earlier. The City of McKinney appreciates the opportunity to have this discussion and the foresight of the Court going forward. The City of McKinney is satisfied with the arrangement and would like to continue. McKinney would like to see how they can be better partners in the future.

Commissioner Williams had a question for Mr. Cooley and Mr. Patterson. Currently there is very little input on policy or operation from the cities. She asked if the cities are comfortable with paying a majority of the costs while having very little say. Mr. Patterson responded by saying Frisco would like to see the Operating Committee come back into function. Mr. Cooley agreed on behalf of the City of McKinney. (Time: 6:39 p.m.)

Kathy Hebert, McKinney, was the next speaker. Ms. Hebert said we have a facility that needs updates and improvements. The Court has done an exemplary job of keeping the County within budget. She would like to see the cities and county work together with input from people with expertise, even if it means spending a little money. Ms. Hebert was in favor of renewing the agreement with Frisco and McKinney. (Time: 6:40 p.m.)

Ann Harris, Frisco, spoke in favor of the County releasing the shelter to the cities. She is confident if Frisco had their own shelter that smaller cities could join in an agreement with them. Ms. Harris was concerned that taxpayers did not have more control over what they were paying for such as a veterinarian and staff. (Time: 6:43 p.m.)

Jennifer Wilcox, DVM, is a veterinarian in Frisco. Dr. Wilcox believes the location of the current animal shelter does not serve the needs of Frisco or McKinney or the needs of the animals. She believes Frisco and McKinney will have to step up and take responsibility for their own animal control. There's been a lack of oversight at the animal shelter. Dr. Wilcox believes the needs of the animal must come first. Prior to the CCAS, the county had a contract with the SPCA. When that ended, the County had to build their own facility. Dr. Wilcox stated it's time for the County to step up and take responsibility. (Time: 6:46 p.m.)

Commissioner Williams pointed out that Dr. Wilcox has given her time, energy and money to the CCAS by coming in and doing rabies vaccinations. Additionally she discovered four or five dogs who were sick and one who needed surgery. That dog is now doing well and is recuperating at Commissioner Williams' home. Dr. Wilcox added that Collin County has an amazing group of rescuers who save thousands of lives every year.

Judge Self asked for discussion from Court members. Commissioner Shaheen read excerpts from several emails praising the shelter and asking the Commissioners to not remove the existing agreement.

Commissioner Williams felt the Court had three choices: expand the current facility to accommodate additional growth; expand by adding shelters in different parts of the county; or kill a lot more animals. The Commissioner wanted citizens to be clear as to what the County will and will not do. Commissioner Williams said the County will not support an adoption program. The adoption program is done through volunteers. The Commissioner said the County has made all the rules, while the cities have had very little input. Commissioner Shaheen disagreed, stating the CCAS has a 37.5% adoption rate.

There was discussion on staff hours spent on adoptions versus volunteer hours and input from the cities versus county input. Mr. Bilyeu was asked if animal shelters are a core county function. He replied the county's function is tied to the spread of disease, such as rabies. Also, loose livestock can be a danger to drivers.

Commissioner Williams also wanted it noted that the County has been unwilling to contract with a veterinarian to provide vaccinations.

Commissioner Webb thinks the CCAS should be looked at as a model to which everybody aspires since it is a consolidation of government services to minimize impact on taxpayers. The Commissioner stated the cities have the right to dictate policy; they have chosen not to exercise that right.

Commissioner Jaynes is in favor of partnership. He noted the County has partnered in the past on road projects and open space for parks. The Commissioner wants the Court to look at the need for medicines for the animals in next year's budget.

Judge Self thanked everyone for coming to the meeting. The Judge said growth will force change, but the cities will make that decision, not the county. (Time: 7:15 p.m.)

NO ACTION TAKEN

6. AI-36077 Affiliation Agreement with the Collin County Adult Clinic and Centennial Medical Center to provide Intergovernmental Transfer dollars in Fiscal Year 2013 and further authorize the County Judge to finalize and execute same, Administrative Services.

The Court was asked to consider a request to enter into a Medicaid 1115 waiver affiliation agreement for a pass 2 DSRIP (Delivery System Reform Incentive Payment) project with Centennial Medical Center and the Collin County Adult Clinic. Mr. Bilyeu came forward with an update and explanation of the agreement for Court members and the audience. The 1115 waiver provides an opportunity for medical providers and the county to put out money and get a match from the federal government. For every \$0.40 put up, the federal government gives back \$0.60. The Collin County Adult Clinic wanted to expand their services by 25%. Mr. Ernest needed a partner for his project and Centennial Medical Center has agreed to be that partner.

John Ernest, Executive Director of the Collin County Adult Clinic, was present. The clinic serves the indigent and uninsured. They've looked for ways to serve more people through testing for HIV/AIDS, diabetes, hypertension and women's issues. The agreement requested will provide the money needed for the Collin County Adult Clinic to expand and serve more patients. Following discussion, a motion was made to move forward with the agreement. (Time: 7:28 p.m.)

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

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7. Board/Committee Appointments, Commissioners Court:

a. AI-36078 Re-nomination of Mr. Harry Kepner to serve as a member on the Regional Aging Advisory Committee (RAAC).

A motion was made to re-nominate Harry Kepner to the Regional Aging Advisory Committee. (Time: 7:29 p.m.)

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

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8. **AI-35285** Medicaid 1115 Waiver, Regional Health Partnership, Administrative Services.

Mr. Bilyeu said everything is moving along well. There is a public hearing scheduled for next week. (Time: 7:30 p.m.)

NO ACTION TAKEN

9. **AI-34804** 83rd Legislative Agenda for 2013, Commissioners Court.

NO ACTION TAKEN

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

Commissioner Williams wanted a comparison of the cost of outsourcing estray services (Request for Proposal) to the cost of relocating the livestock area. (Time: 7:31 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 7:31 p.m.