

STATE OF TEXAS

COMMISSIONERS' COURT
MEETING MINUTES
AUGUST 17, 2015

COUNTY OF COLLIN

On Monday, August 17, 2015, 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:

Judge Keith Self
Commissioner Susan Fletcher, Precinct 1
Commissioner Cheryl Williams, Precinct 2
Commissioner Chris Hill, Precinct 3
Commissioner Duncan Webb, Precinct 4

Judge Self led the Invocation.
Commissioner Fletcher led the Pledge of Allegiance.
Commissioner Williams led the Pledge of Allegiance to the Texas Flag.

1. Judge Self called to order the meeting of the Collin County Commissioners' Court at 1:30 p.m. and adjourned the meeting at 2:20 p.m.

President Self called to order the meeting of the Collin County Health Care Foundation at 2:20 p.m. and adjourned the meeting at 2:20p.m.

President Self called to order the meeting of the Collin County Housing Finance Corporation at 2:20 p.m. and adjourned the meeting at 2:20p.m.

DECISIONS MANDATED BY LEGAL ENTITIES OUTSIDE OF COMMISSIONERS COURT AUTHORITY:

1. AI-40301 Personnel Appointments, Human Resources.
2. AI-40314 Personnel Changes, Human Resources.

FYI NOTIFICATION

1. AI-34688 Outstanding Agenda Items, Commissioners Court.
2. AI-40274 Addendum No. 2 to Software and Implementation Services for an ERP Financial System (RFP No. 2015-192) to make various changes to the Request for Proposals, Purchasing.

2. Public Comments.

3. Presentation/Recognition:

a. **AI-40242** MCCI will present Collin County with an award for "Experiencing Excellence with Laserfiche as an Enterprise Solution".

Caren Skipworth, CIO, invited Russell Haddock, MCCI (Municipal Code Corporation Innovation), to come forward to present the award. Mr. Haddock stated every year MCCI presents excellence awards to customers who use the product correctly and have great systems in place. Out of approximately 600 MCCI customers nationwide who use Laserfiche, only three were awarded the 2015 excellence award. The three recipients are all government entities in Texas. Mr. Haddock presented Collin County with the 2015 Experiencing Excellence with Laserfiche as an Enterprise Solution award. (Time: 1:59 p.m.)

b. Service Pins, Human Resources.

Andrea Thompson, District Clerk, presented Brian Edwards, Deputy District Clerk II, with a 15-year pin and Amy Mathis, Deputy District Clerk II, with a 20-year pin for their dedicated service to Collin County.

Judge Weldon Copeland presented Lucretia Barch, Probate Auditor, with a 20-year pin for her devoted service to the County

Tim Nolan, GIS, presented Bret Fenster, GIS Analyst, and Ramona Luster, GIS Address Coordinator, with 15-year pins for their committed service to Collin County.

Bill Bilyeu, County Administrator, presented Kelley Stone, Ph.D., Homeland Security, with a 30-year pin and Caren Skipworth, CIO, with a 25-year pin for their dedicated service to the County. (Time: 1:44 p.m.)

4. Consent agenda to approve: Judge Self asked for comments on the consent agenda. Commissioner Webb pulled item 4g2. Hearing no further comments, a motion was made to approve the remainder of the consent agenda. (Time: 1:44 p.m.)

Motion by: Commissioner Cheryl Williams
Second by: Commissioner Susan Fletcher
Vote: 5 - 0 Passed

a. **AI-40268** Disbursements for the period ending August 11, 2015, Auditor.

COURT ORDER NO. 2015-533-08-17

b. **AI-40280** Tax refunds totaling \$1,083,905.30, Tax Assessor Collector.

COURT ORDER NO. 2015-534-08-17

c. Advertisement(s):

1. **AI-40257** Supplies: Culverts, Bands, Steel, and Drop Structures (IFB No. 2015-228), Public Works.

COURT ORDER NO. 2015-535-08-17

d. Award(s):

1. **AI-40286** Services, Inmate Health Care (RFP No. 2015-122), Sheriff.

COURT ORDER NO. 2015-536-08-17

2. **AI-40249** Vehicle Lease/Rental for Various Collin County Departments (IFB No. 2015-157) to Enterprise Holdings, Sheriff.

COURT ORDER NO. 2015-537-08-17

e. Amendment(s):

1. **AI-40287** No. 1 to Collection of Delinquent Fines for JP3-1 with Perdue, Brandon, Fielder, Collins & Mott LLP (RFP No. 2014-248) to extend the contract for one (1) year through and including September 30, 2016 and further authorize the Purchasing Agent to finalize and execute same, Justice of the Peace, Precinct 3-1.

COURT ORDER NO. 2015-538-08-17

2. **AI-40275** No. 2 to Inter-Governmental Cooperative Reimbursement Agreement for the Low Income Vehicle Repair Assistance, Retrofit and Accelerated Vehicle Retirement Program (LIRAP) (Contract No. 582-12-20275) with the Texas Commission on Environmental Quality (TCEQ) to extend the expiration date to August 31, 2017 and add additional funding for FY2016 and FY2017, Special Projects.

COURT ORDER NO. 2015-539-08-17

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

1. **AI-40335** Outdoor Burn Ban in the unincorporated areas of Collin County, Fire Marshal

COURT ORDER NO. 2015-540-08-17

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

1. **AI-40288** \$1,100 to reallocate funds from Office Supplies to Education and Conference to cover the cost of attending school, Justice of the Peace, Precinct 1.

COURT ORDER NO. 2015-541-08-17

2. **AI-40294** \$41,000 to utilize the CJIS fund (Project 03JUS) to cover the cost of the new credit card machines for Odyssey departments, Information Technology.

Commissioner Webb pulled this item to look at the first paragraph on page 167 of the court packet. It states, "Effective October 1, 2015, the liability on fraudulent use for a transaction will be shifted from the card provider to the county if the transaction consisted of an EMV (EuroPay, MasterCard and Visa) enabled card and was processed by a non-EMV card terminal." This item is to purchase EMV terminals for the use of credit card payments on terminals with non-EMV machines. The Commissioner asked why we want to take on liability which could potentially bring huge losses with fraudulent use of credit cards.

Caren Skipworth, CIO, said the County currently has three credit card vendors: 1) Tyler Technologies running with Odyssey; 2) Certified Payments used by the County Clerk's Land and Vitals Department, and the Tax Assessor's Office; and 3) RBS (Royal Bank of Scotland) WorldPay. We have been working with Tyler Technologies for recommendations of a swipe unit device to replace the ones currently installed. The CJIS (Common Integrated Justice System) ones have been recommended. Certified Payments include the swipe machines in our contract which would replace 67 units. The new units are on order and ready to be replaced once received. At this time, RBS is not providing a recommended replacement for the 13 units the County currently has with them. Ms. Skipworth explained the chip in the credit card is encrypted and when it hits a machine the software used by the machine has to be able to receive and decode the encryption which is the challenge for some of the vendors. She said she has recommended including the 13 units in this budget request. Once feedback is received from RBS, IT will bring the item to Court to approve the purchase of the new units.

Commissioner Webb said there is no incentive for the vendors to tell us what machine to use if all the liability shifts to us October 1st, and once the vendors give us the right solution, the liability shifts back to them. We need to push hard to get the remaining 13 machines either replaced with proper equipment or we need to stop using the non-EMV machines.

Ms. Skipworth stated the requirement to use EMV machines is new federal legislation which affects both the public and private sectors. The law does not clearly define who the merchant is that will take on the liability. In some cases our vendors could be the merchant because they are providing the County with the credit card service. Commissioner Williams asked what would be entailed by using a different vendor for the 13 machines. Ms. Skipworth said it would have to go through the procurement process. She added, even though we are pushing for the new equipment, the Certified Payments and RBS machines will not be in place by October 1st. It is also unsure if the Tyler Technologies machines will be ready to install at that time. In the end the County has to offer the customers the capability of using the chip in their credit card. The County will also have to be certified with the vendors to use the new machines because the vendor software has to read and decode the card encryption.

Commissioner Webb said the County needs to do what can be done, but come October 1st there needs to be an analysis on whether or not to keep accepting credit cards in the non-EMV machines. Judge Self asked Stacey Kemp, County Clerk, how this will affect the Treasury Office and her operation. Ms. Kemp stated currently there is not a credit card machine in the Treasury Office, but there will be one at a later date. The impact will fall on the Land, Vitals and Court Collections departments. Court Collections sets up payment plans and makes payments to the court; therefore, if the credit card machines are pulled out, they will not be able to make credit card payments for court costs, fines and fees. Ms. Kemp said Certified Payments is the merchant and will take the liability loss if one occurs.

Commissioner Williams would like to look at cancelling the contract with RBS in order to streamline the number of vendors. Commissioner Hill would like to find out if RBS would be willing to redefine the contract making them the merchant in the same manner as Certified Payments as well as providing the new EMV machines. Judge Self requested a risk assessment if any of the options do not happen by October 1st. It was decided the request to include the replacement of the 13 RBS machines be put off until it is determined if RBS will be willing to redefine the contract. The request can be brought to the Court as a budget amendment at any time. With no further discussion, a motion was made to approve the item. (Time: 1:56 p.m.)

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

COURT ORDER NO. 2015-542-08-17

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

1. **AI-40283** July 27, 2015.

COURT ORDER NO. 2015-543-08-17

i. Miscellaneous

1. **AI-40330** Purchase of the John Wesley Building in Frisco, Texas, Administrative Services.

COURT ORDER NO. 2015-544-08-17

2. **AI-40266** Amend the FY2015 Fee Schedule to update fees collected by the County Clerk's Office effective September 1, 2015, County Clerk.

COURT ORDER NO. 2015-545-08-17

3. Sale of property, County Judge:

a. **AI-40291** 110 E Bailey Street, Anna, Texas to Mitzi Stephens upon the payment of \$2,000.

COURT ORDER NO. 2015-546-08-17

b. **AI-40295** 208 Georgia Avenue, Anna, Texas to Mitzi Stephens upon the payment of \$3,300.

COURT ORDER NO. 2015-547-08-17

c. **AI-40292** Lot 108 in Holiday Acres, Princeton, Texas to Chuck Hutcheson upon the payment of \$8,106.

COURT ORDER NO. 2015-548-08-17

d. **AI-40293** 216 N 5th Street, Princeton, Texas to Chuck Hutcheson upon the payment of \$12,601.

COURT ORDER NO. 2015-549-08-17

4. **AI-40284** Re-plat of Waterstone Estates (Phase II, Block K), Lots 5 and 6, Engineering.

COURT ORDER NO. 2015-550-08-17

5. **AI-40302** Personnel Appointments, Human Resources.

COURT ORDER NO. 2015-551-08-17

6. **AI-40303** Personnel Changes, Human Resources.

COURT ORDER NO. 2015-552-08-17

GENERAL DISCUSSION

5. **AI-40289** Ratification of the County Judge's prior approval to apply for Emergency Federal Funding Assistance to restore damages to Floodwater Retention Structure, Site 19, Little Elm watershed, Homeland Security.

Kelley Stone, Ph.D., Homeland Security, gave a recap of the potential funding assistance to restore the damage to SCS Dam Little Elm 19 and request for ratification of the County Judge's prior approval to apply for Emergency Federal Funding Assistance. Dr. Stone provided the Court with a map and description of the location as well as data regarding downstream issues and depth.

Judge Self asked Clyde Hogue, USDA (United States Department of Agriculture), how deep the lake is now. Mr. Hogue said the sediment pool is not very deep at about an average of two to three feet. It does have flood retention in it from the permanent pool to the auxiliary spillway for an estimate of nine to ten feet of flood storage. It can hold 500-600 acre-feet of water. Mr. Hogue said there are no homes downstream from the dam.

Bridge analysis has not been done on the dam because it is considered low hazard. Mr. Hogue said the last statement on the agreement signed in 1959 says, "if a structure is damaged to the extent it may cost as much to repair as to build a new one, it can be abandoned if all parties agree." He does not believe this has ever happened in the state. Congress has yet to give out any of the Emergency Watershed Program funds. The TSSWCB (Texas State Soil and Water Conservation Board) has come up with money the last two budget cycles for repairs which is the 95% of the 25% match, but none of this is guaranteed. Mr. Hogue does not believe the dam will be high on the repair list especially if there are other dams that have potential loss of life. Judge Self said the dam is close to its end of service life and asked what Mr. Hogue recommends. Mr. Hogue recommended the sponsors open the valve to keep the lake drained which will give a few more feet in case of a large winter rain. Another option suggested would be to flatten or remove the dam, lime treat it and bring it up to specifications. The lime treatment reduces the plasticity index which is the shrink-swell potential of cracks. Commissioner Hill asked if the USDA or the TSSWCB would pay to flatten and treat the dam. Mr. Hogue said he does not know but the Court could submit a request.

Commissioner Fletcher asked Jon Kleinheksel, Public Works, what impact would be put on the county roads in proximity if the dam fails. Mr. Kleinheksel said the impact to the county roads would be minimal.

Because the dam repair is not a high priority for the federal government who runs the program, it is not a high priority for the County's Road and Bridge Department. The Judge would like to get a better answer on what will happen if the dam is leveled. Mr. Hogue said the Court will have to make a request alongside the TSSWCB to the USDA stating the parties understand they can walk away from the dam based on the 1959 agreement, but would like to know what is involved and what steps should be taken. Mr. Hogue reiterated his recommendation of opening the valve to drain the lake if the sponsors deem the dam is causing an unsafe condition.

Commissioner Hill asked Mr. Kleinheksel if the work would be considered "improvement to private property" if the County was determined to be the one to do the work. Mr. Kleinheksel stated we would have to confer with counsel, but it is beyond the County's scope of work. It would be an engineering process and be contracted out. Mr. Kleinheksel said the best option would be to look at opening the valve to bring the water down. The Court was in consensus of not moving forward with the request. Commissioner Webb would also like to look into accelerating the termination of the agreement with the other two parties in order to abandon the dam. If the parties are not willing to do so, the agreement will expire in 2020. (Time: 2:19 p.m.)

NO ACTION TAKEN

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

Commissioner Hill requested a representative from the District Courts and District Clerk's Office to update the Court on the strategy for bringing the new Family District Courts online and the strategy to increase efficiency and effectiveness of all the Courts as they work together. (Time: 2:19 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 2:20 p.m.



Keith Self, County Judge

Susan Fletcher, Commissioner, Pct. 1

Cheryl Williams, Commissioner, Pct. 2

Chris Hill, Commissioner, Pct. 3

Duncan Webb, Commissioner, Pct. 4

ATTEST:

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