

STATE OF TEXAS
COUNTY OF COLLIN

COMMISSIONERS' COURT
MEETING MINUTES
MARCH 20, 2017

On Monday, March 20, 2017, 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

Commissioner Hill led the Invocation.
Commissioner Webb led the Pledge of Allegiance.
Judge Self 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 recessed the meeting at 2:12 p.m. The meeting was reconvened at 2:13 p.m. and immediately recessed into Executive Session. The meeting was reconvened at 3:21 p.m. and adjourned at 3:35 p.m.

President Self called to order the meeting of the Collin County Health Care Foundation at 2:13 p.m. and adjourned the meeting at 2:13 p.m.

President Self called to order the meeting of the Collin County Toll Road Authority at 2:13 p.m. and adjourned the meeting at 2:13 p.m.

DECISIONS MANDATED BY LEGAL ENTITIES OUTSIDE OF COMMISSIONERS COURT AUTHORITY:

1. AI-42882 Personnel Changes, Human Resources.

FYI NOTIFICATION

1. AI-34688 Outstanding Agenda Items, Commissioners Court.

2. AI-42861 Addendum No. 1 to Services, Detention Slider Door Repairs (IFB No. 2017-161) to add the Pre-Bid Sign-In Sheet to the Invitation for Bid, Purchasing.

2. Public Comments.

3. Presentation/Recognition.

Stacey Kemp, County Clerk, came forward to present Brenda Cavender and Donna Laird with their 20-year service pins. Ms. Cavender is a Senior Administrator with the County Clerk's Office, and Ms. Laird is a Deputy Clerk in the County Clerk's Land Recording Department. (Time: 1:35 p.m.)

4. Consent agenda to approve: Judge Self pulled items 4e1 and 4g1 and then asked for comments on the consent agenda. Commissioner Fletcher pulled item 4a1, and Commissioner Webb pulled item 4d1. Commissioner Hill pulled item 4b. With no further comments, a motion was made to approve the remainder of the consent agenda. (Time: 1:36 p.m.)

Motion by: Commissioner Chris Hill
Second by: Commissioner Cheryl Williams
Vote: 5 - 0 Passed

a. **AI-42845** Disbursements for the period ending March 14, 2017, Auditor.
COURT ORDER NO. 2017-177-03-20

1. **AI-42927** Paxton Disbursements.

Commissioner Fletcher pulled this item to state that she would not be voting in favor of it. With no further discussion, a motion was made to approve the item. (Time: 1:36 p.m.)

Motion by: Commissioner Duncan Webb
Second by: Commissioner Chris Hill
Vote: 4 – 1 Passed
Nay: Commissioner Susan Fletcher

COURT ORDER NO. 2017-178-03-20

b. **AI-42926** Indigent Defense Disbursements, Auditor.

Commissioner Hill pulled this item and gave the Court a partial list of the disbursements which he and Commissioner Williams reviewed with Jeff May, Auditor. The Commissioners were not able to get sufficient answers as to whether or not these particular invoices were consistent with local rules and the state statute. Mr. May will review the disbursements and then ask the judges how these payments fit in the Indigent Defense Plan. Commissioner Williams pointed out that the disbursements held from last week's Court have all been paid. Commissioner Webb said the judges would identify any bill that includes a special exception. Mr. May said these bills were submitted before that agreement was made by the judges.

Commissioner Fletcher does not want to micromanage the judiciary and will only review disbursements that total more than \$5,000. Commissioner Williams said the Court has an obligation to make sure that every payment meets state law, and state law requires the Court set up local rules for how indigent defense attorneys get paid. It is the Court's obligation to make sure payments, regardless of the amount, fit those rules. Commissioner Hill referenced the case of Texas Attorney General Ken Paxton saying the Court needs to be consistent with all cases. A lengthy discussion ensued.

Commissioner Webb's objective is to get a higher court to determine whether a judge has judicial discretion to set a payment/rate at whatever amount he or she chooses. Commissioner Williams said the information the Court is asking for will in no way compromise any of the data, individuals or defendants. Commissioner Hill wants to make sure the Court is applying justice appropriately and blindly. After another lengthy discussion, a motion was made to hold the 14 items on the list and approve the remainder which includes those held from last week. (Time: 1:55 p.m.)

Motion by: Commissioner Cheryl Williams

Second by: Commissioner Chris Hill

Vote: 4 – 1 Passed

Nay: Commissioner Susan Fletcher

COURT ORDER NO. 2017-179-03-20

Judge Self reopened this item after Executive Session. Jeff May, Auditor, spoke with Judge Wheless who gave him permission to discuss the two juvenile cases. Mr. May explained it is two misdemeanor cases at \$550 each which is "C" on the fee schedule and one detention hearing for \$100 which is "A" on the fee schedule. Commissioner Williams would like this information put on the spreadsheet going forward. Mr. May then certified these two payments are payable and approvable.

Commissioner Hill said there are 12 other payments on the list that have been held. The Commissioner then asked Mr. May if he, as the Collin County Auditor with the independent constitutional authority to review invoices that are presented for payment, can certify to the Court that each of these 12 disbursements is payable and certifiable based on the local rules without reliance upon Paragraph 7.03(b) which is the Exception Clause. Mr. May said he would need to get clarification from the judges on those. Mr. May added, according to 113.064 of the Local Government code, the Auditor is required to determine two things: the first is to determine if a payment is legal and the second is to determine that it is owed by the County. According to Mr. May's attorney, if a judge orders a payment, that makes it legal.

Judge Self said the Court is not asking the Auditor to challenge a judge, but rather how does he certify it if he doesn't have the information required to measure it against something that is measureable. There was a lengthy conversation regarding the Auditor's certifying payments.

Regarding the 12 disbursements that were held, the Auditor is unable to certify that they are within the fee schedule without reliance on 7.03(b). The Auditor would like the judge to respond to these disbursements and explain how these fit into the Indigent Defense Plan. With no further discussion, a motion was made to approve the two juvenile cases. (Time: 3:35 p.m.)

Motion by: Commissioner Duncan Webb
Second by: Commissioner Chris Hill
Vote: 5 – 0 Passed

COURT ORDER NO. 2017-180-03-20

c. Award(s):

1. **AI-42844** Base Bid and Alternative A for Collin County Courthouse Parking Lot Gate Replacement (IFB No. 2017-087) to Construction Rent-A-Fence, Inc. and further authorize the Purchasing Agent to finalize and execute the Construction Agreement, Construction & Projects.

COURT ORDER NO. 2017-181-03-20

2. **AI-42860** Supplies: Plumbing (IFB No. 2016-113) to Johnson-Burks Supply Co, Inc., Facilities.

COURT ORDER NO. 2017-182-03-20

d. Agreement(s):

1. **AI-42862** Interlocal Agreement with the City of Lucas for the acquisition of real property needed to realign and improve sections of existing FM 1378 and FM 3286 (approximately 2.194 acres) at or adjacent to their intersection (Bond Project No. 07-00-52), Engineering.

Commissioner Webb supports this project but pulled the item because he does not support the Court's putting in half a million dollars of taxpayer money and then giving it away. The Commissioner supports buying the property, entering into an interlocal agreement in which the City of Lucas puts up \$300,000 and the County puts up \$500,000. Since this is a state road, the County would then go to TxDOT (Texas Department of Transportation) saying we have the ROW (Right of Way) and when you are ready to improve the road we will contribute it in return for a credit of \$500,000 to use as a match for another project.

There was a brief conversation regarding how to purchase the property. With no further discussion, a motion was made to buy the property, enter into an ILA (Interlocal

Agreement) with the City of Lucas and seeking a credit from TxDOT for the \$500,000.
(Time: 2:00 p.m.)

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

COURT ORDER NO. 2017-183-03-20

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

1. **AI-42854** County overtime for the pay period ended March 12, 2017, Human Resources.

Judge Self pulled this item and asked Cynthia Jacobson, Human Resources, to report on overtime and open positions. Ms. Jacobson said we are doing well and down to 40 open detention officer positions. Both HR and the Sheriff's Office are aggressively working on filling those positions. In the past two weeks, we have received 162 applications which is three times the amount we would normally receive. Ms. Jacobson would like to get to 10 or fewer open positions. With no further discussion, a motion was made to approve the item. (Time: 2:03 p.m.)

Motion by: Judge Keith Self
Second by: Commissioner Cheryl Williams
Vote: 5 – 0 Passed

COURT ORDER NO. 2017-184-03-20

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

1. **AI-42866** February 27, 2017.

COURT ORDER NO. 2017-185-03-20

g. Miscellaneous

1. **AI-42836** FY2017 tax exemptions for historical structures and/or landmarks, Collin County Historical Commission.

Jacque Weinberg, McKinney, came forward to address the Court. Ms. Weinberg owns the Thompson House which is a historical marker and receives the historic property tax abatement every year. Ms. Weinberg was denied this year due to two required repairs. The first was painting which has been completed, and the second was replacing the front stairs. The stairs have been removed, but due to the weather, they have not been replaced.

Commissioner Fletcher recommended holding this item for a week in order to find out where the City of McKinney is on this so we can match the City's recommendation. With

no further discussion, a motion was made to approve the recommended abatements.
(Time: 2:10 p.m.)

Motion by: Commissioner Chris Hill
Second by: Commissioner Cheryl Williams
Vote: 5 – 0 Passed

COURT ORDER NO. 2017-186-03-20

2. **AI-42865** Raising the height of the perimeter fence at Juvenile Detention and budget amendment in the amount of \$51,000 for same, Construction & Projects.

COURT ORDER NO. 2017-187-03-20

3. **AI-42855** Appointment of reserve investigators per Texas Government Code Section 41.102 Employment of Assistants and Personnel, District Attorney.

COURT ORDER NO. 2017-188-03-20

4. **AI-42864** Acceptance of the donation of two (2) AR15 multi-gun racks from a private citizen to be used in the Quartermaster area for additional storage, Sheriff.

COURT ORDER NO. 2017-189-03-20

5. **AI-42883** Personnel Appointments, Human Resources.

COURT ORDER NO. 2017-190-03-20

6. **AI-42884** Personnel Changes, Human Resources.

COURT ORDER NO. 2017-191-03-20

GENERAL DISCUSSION

5. **AI-42580** 85th Legislative Agenda for 2017, Commissioners Court.

a. **AI-42907** HB 1926 Regulation of food production and sales operations by a home food processor; requiring an occupational permit; authorizing a fee and an administrative penalty.

Commissioner Webb said the way this bill is designed the County would have to inspect every home business handling food preparation. There will be a flat fee but, according to Developmental Services, that fee will not be enough to cover the hard costs. The Commissioner said there could be more than 5,000 home businesses dealing with food preparation within the County.

The bill was filed on February 15th, referred to Public Health on March 13th, and nothing has happened with the bill since then. With no further discussion, a motion was made to use one of the Court's generic resolutions against this bill. (Time: 2:12 p.m.)

Motion by: Commissioner Duncan Webb
Second by: Commissioner Susan Fletcher
Vote: 5 – 0 Passed

COURT ORDER NO. 2017-192-03-20

b. **AI-42904** SB 14 Ethics of public officers and related requirements; creating criminal offenses.

Judge Self said this is the ethics bill that is currently in the House. It was received from the Senate on February 8th, and nothing has happened in the House since then. This bill passed the Senate with a vote of 31 – 0 and had approximately 27 co-sponsors. With no further discussion, a motion was made to support this item. (Time: 2:13 p.m.)

Motion by: Commissioner Duncan Webb
Second by: Commissioner Chris Hill
Vote: 5 – 0 Passed

COURT ORDER NO. 2017-193-03-20

c. **AI-42824** SB 292 Creation of a grant program to reduce recidivism, arrest, and incarceration of individuals with mental illness.

Commissioner Williams said they are waiting for language on this bill. (Time: 2:12 p.m.)
HELD

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

EXECUTIVE SESSION

Judge Self recessed Commissioners' Court into Executive Session at 2:13 p.m. in accordance with Chapter 551.071, Legal to discuss the Collin County Felony Indigent Defense Plan and Texas Local Government Code Sec. 74.093.

Judge Self reconvened Commissioners' Court at 3:21 p.m.

Legal (551.071)

AI-42712 Collin County Felony Indigent Defense Plan and Texas Local Government Code Sec. 74.093, Commissioners Court.

NO ACTION TAKEN

With no further business of the Court, Judge Self adjourned the meeting at 3:35 p.m.



ATTEST:

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

Keith Self, County Judge

Susan Fletcher, Commissioner, Pct. 1

Cheryl Williams, Commissioner, Pct. 2

Chris Hill, Commissioner, Pct. 3

Duncan Webb, Commissioner, Pct. 4