

STATE OF TEXAS
COUNTY OF COLLIN

COMMISSIONERS' COURT
MEETING MINUTES
SEPTEMBER 11, 2017

On Monday, September 11, 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

Absent: Commissioner Duncan Webb, Precinct 4

Commissioner Hill led the Invocation.
Judge Self led the Pledge of Allegiance.
Commissioner Fletcher 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.

President Self called to order the meeting of the Collin County Health Care Foundation at 2:42 p.m. and adjourned the meeting at 2:42 p.m.

President Self called to order the meeting of the Collin County Toll Road Authority at 2:43 p.m. and adjourned the meeting at 2:43 p.m.

DECISIONS MANDATED BY LEGAL ENTITIES OUTSIDE OF COMMISSIONERS COURT AUTHORITY:

1. AI-43698 Acceptance of the FY 2018 Specialty Court Program Grant through the Office of the Governor, Criminal Justice Division to help fund the 417th Juvenile Drug Court, SOAR Program, Juvenile Probation.

2. AI-43704 Personnel Changes, Human Resources.

FYI NOTIFICATION

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

2. **AI-43644** Furniture, Detention Grade Day Room Tables & Shelves (IFB No. 2017-324), competitive bids will be received in accordance with Vernon's Texas Codes Annotated Subchapter C, Section 351.0415, Purchasing.

3. **AI-43695** Budget amendment in the amount of \$15,000 to purchase a K-9 and for handler training utilizing the Drug Forfeiture Fund, Sheriff.

4. **AI-43729** P-Card Disbursements, Auditor.

5. **AI-43577** County overtime for the pay period ended August 27, 2017, Human Resources.

6. **AI-43679** Voluntary Terminations, Human Resources.

2. Public Comments.

Public Comments were heard under General Discussion item 11.

3. Presentation/Recognition:

a. **AI-43647** Recognition of Suzanne Davis for resolving issues with outstanding warrants and old bonds, District Clerk.

Lynne Finley, District Clerk, presented Suzanne Davis, Deputy District Clerk II, with a GEM (Going the Extra Mile) Award for resolving issues with outstanding warrants and old bonds. (Time: 1:32 p.m.)

Greg Church, AgriLife Extension, and Hurley Miller, Ph.D., AgriLife Extension District Administrator, came forward to introduce Annie Tinsley as the new AgriLife Extension Home Economics Agent. (Time: 1:34 p.m.)

4. Consent agenda to approve: Judge Self asked for comments on the consent agenda. Hearing no comments, a motion was made to approve the consent agenda. (Time: 1:35 p.m.)

Motion by: Commissioner Cheryl Williams

Second by: Commissioner Chris Hill

Vote: 4 – 0 Passed

a. **AI-43641** Disbursements for the period ending September 5, 2017, Auditor.

COURT ORDER NO. 2017-656-09-11

b. **AI-43642** Indigent Defense Disbursements, Auditor.

COURT ORDER NO. 2017-657-09-11

c. **AI-43579** Tax refunds totaling \$822,984.18, Tax Assessor/Collector.
COURT ORDER NO. 2017-658-09-11

d. Advertisement(s):

1. **AI-43653** Construction, Collin County Adventure Camp Roof Replacements (IFB No. 2017-320), Construction & Projects.
COURT ORDER NO. 2017-659-09-11

e. Award(s):

1. **AI-43607** Transportation of Election Equipment (IFB No. 2017-237) to C&D Couriers, Inc., Elections.
COURT ORDER NO. 2017-660-09-11

2. **AI-43692** Insurance, Third Party Claims Administration (RFP No. 2017-254), Human Resources.
COURT ORDER NO. 2017-661-09-11

3. **AI-43612** Road Striping (IFB No. 2017-191) to Accelerated Critical Path, Inc., Public Works.
COURT ORDER NO. 2017-662-09-11

4. **AI-43615** Lease: Copiers (COOP No. 2017-001) to NovaCopy, Inc. and further authorize the Purchasing Agent to finalize and execute the Copier Lease Agreement, Purchasing.
COURT ORDER NO. 2017-663-09-11

f. Agreement(s):

1. **AI-43686** Interlocal Agreement with the City of McKinney for the design and construction of Lake Forest Drive from Wilmeth Road to Bloomdale Road (Bond Project No. 07-047) and budget amendment in the amount of \$425,251 for same (County participation NTE \$1,900,000), Engineering.
COURT ORDER NO. 2017-664-09-11

2. **AI-43693** Professional Services Agreement with Tyler Technologies, Inc. in the amount of \$242,550 for modifications to Odyssey to improve Indigent Defense functionality and further authorize the Purchasing Agent to finalize and execute same, Information Technology.
COURT ORDER NO. 2017-665-09-11

3. **AI-43649** Interlocal Cooperation Contract, DPS General Stores with the Texas Department of Public Safety for the Breath Testing and Laboratory Alcohol and Drug Testing Program, Sheriff.
COURT ORDER NO. 2017-666-09-11

4. **AI-43632** Maintenance contracts for the Motorola Radio System with Motorola Solutions Inc. for Local Repair with onsite response (Infrastructure) and Network Management for the period October 1, 2017 through and including September 30, 2018 in the amount of \$370,394.04 and further authorize the Purchasing Agent to finalize and execute same, Sheriff.

COURT ORDER NO. 2017-667-09-11

5. **AI-43702** Mutual-Aid Agreement for Cooperation on Law-Enforcement Efforts between the Sheriff's Offices of Various Texas Counties, Sheriff.

COURT ORDER NO. 2017-668-09-11

6. **Interlocal Agreement(s) for Law Enforcement Services, Sheriff:**

a. **AI-43650** City of Lowry Crossing.

COURT ORDER NO. 2017-669-09-11

b. **AI-43652** City of Lucas.

COURT ORDER NO. 2017-670-09-11

c. **AI-43651** McKinney Municipal Utility District No. 1 and McKinney Municipal Utility District No. 2 (Trinity Falls).

COURT ORDER NO. 2017-671-09-11

g. **Amendment(s):**

1. **No. 2 to the Interlocal Agreement for Environmental Services to extend the contract for one (1) year through and including September 30, 2018 and further authorize the Purchasing Agent to finalize and execute same, Development Services:**

a. **AI-43658** City of Anna.

COURT ORDER NO. 2017-672-09-11

b. **AI-43659** City of Melissa.

COURT ORDER NO. 2017-673-09-11

c. **AI-43660** City of Princeton.

COURT ORDER NO. 2017-674-09-11

d. **AI-43661** City of Wylie.

COURT ORDER NO. 2017-675-09-11

2. **AI-43636** No. 3 to Teen Court Services (Contract No. 2014-140) with the City of Frisco to extend the contract for one (1) year through and including September 30, 2018 and further authorize the Purchasing Agent to finalize and execute same, Administrative Services.

COURT ORDER NO. 2017-676-09-11

3. **AI-43657** No. 10 to the Interlocal Agreement for On-Site Sewage Facility (OSSF) with the City of Lucas (Contract No. 10027-08) to extend the contract for one (1) year through and including September 30, 2018 and further authorize the Purchasing Agent to finalize and execute same, Development Services.

COURT ORDER NO. 2017-677-09-11

h. Change Order(s):

1. **AI-43637** No. 1 to Road Materials, Cement Treated Base (IFB No. 2016-115) with Martin Marietta Materials, Inc. to include a price redetermination for an overall increase of 4.87%, extend the contract for one (1) year through and including September 30, 2018 and further authorize the Purchasing Agent to finalize and execute same, Public Works.

COURT ORDER NO. 2017-678-09-11

i. Contract Renewal(s):

1. **AI-43689** Vehicle Lease/Rental for Various Collin County Departments (IFB No. 2015-157) with EAN Holdings, LLC dba Enterprise Rent-A-Car to extend the contract for one (1) year through and including September 30, 2018, Sheriff.

COURT ORDER NO. 2017-679-09-11

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

1. **AI-43631** \$8,490 to reallocate funds for the Spay/Neuter Program, Development Services.

COURT ORDER NO. 2017-680-09-11

k. Receive and File, Auditor:

1. **AI-43699** Monthly Financial Reports for July 2017.

COURT ORDER NO. 2017-681-09-11

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

1. **AI-43628** August 14, 2017.

COURT ORDER NO. 2017-682-09-11

2. **AI-43681** August 21, 2017.

COURT ORDER NO. 2017-683-09-11

3. **AI-43696** August 28, 2017.

COURT ORDER NO. 2017-684-09-11

m. Miscellaneous

1. **AI-43691** Establish 18 cash drawers in the amount of \$100 each for the McKinney, Plano and Frisco Tax offices, Auditor.

COURT ORDER NO. 2017-685-09-11

2. **AI-43687** Resolution supporting the Texas Department of Agriculture, Texans Feeding Texans: Home Delivered Meal Grant Program, Budget.

COURT ORDER NO. 2017-686-09-11

3. **AI-43279** Preliminary Plat for Carter Estates, Engineering.

COURT ORDER NO. 2017-687-09-11

4. **AI-43635** Re-plat of The Hills of Lone Star Phase 2A (Bear Creek) lots 1/2R and 2/3R, Engineering.

COURT ORDER NO. 2017-688-09-11

5. **AI-43685** Final Plat for the Carter Landing Subdivision, Engineering.

COURT ORDER NO. 2017-689-09-11

6. **AI-43618** Trimming and removing brush and tree limbs on private property at the northeast corner of CR 404 and CR 407 to restore line of sight visibility for approaching traffic, Public Works.

COURT ORDER NO. 2017-690-09-11

7. **AI-43663** Declare the attached list of Collin County property as surplus and authorize the Purchasing Agent to sell via on-line auction per V.T.C.A. Local Government Code 263 and authorize advertising for same, Purchasing.

COURT ORDER NO. 2017-691-09-11

8. **AI-43664** Deposit the net proceeds totaling \$397,644.80 from the Collin County OnLine Auction held on July 24, 2017 per Local Government Code 263.156, Purchasing.

COURT ORDER NO. 2017-692-09-11

9. **AI-43625** Reclassification of an exempt Lieutenant position (grade 570) to a non-exempt Sergeant position (grade 558), Sheriff.

COURT ORDER NO. 2017-693-09-11

10. **AI-43705** Personnel Appointments, Human Resources.

COURT ORDER NO. 2017-694-09-11

11. **AI-43706** Personnel Changes, Human Resources.

COURT ORDER NO. 2017-695-09-11

GENERAL DISCUSSION

5. AI-43670 Public Hearing – Proposed FY 2018 Tax Rate, Budget.

Monika Arris, Budget, briefed the Court on the proposed tax rate before the opening for the Public Hearing. The 2017 certified adjusted taxable value is \$122.4 billion which equates to a 13% increase over the 2016 tax year. The average home value in Collin County for the 2017 tax year is \$344,382. Ms. Arris explained the truth-in-taxation calculations. The effective tax rate is a calculation which would give the County the same amount of revenue it had in the previous and present year for properties that existed in both tax years. This year's effective tax rate is \$0.192246. The effects of the tax rate are determined by the increases or decreases in the appraised value each year for properties that existed in both tax years. If appraised values go up, the effective tax rate goes down and vice versa.

The rollback rate is a calculation which splits the tax rate into two separate components – maximum operating rate and debt tax rate. The rollback rate allows the County to raise the same amount in operations as in the prior year plus an additional 8% allowed by law. Commissioner Hill said there is no cap on the additional amount allowed by law, but if the County goes over 8% the citizens can file a rollback petition. The maximum operating tax rate of \$0.152639 added to the debt tax rate of \$0.05345 gives this year's total rollback rate of \$0.206089. The County is proposing an operating tax rate of \$0.138796 plus the debt tax rate of \$0.05345 which gives the proposed total tax rate of \$0.192246 for 2017.

The current tax rate is \$0.208395 per \$100 valuation and the proposed tax rate is \$0.192246 per \$100 valuation. If this tax rate is adopted it would be the twenty-fifth year without a tax rate increase. FY2018 will be the ninth year for the 5% Homestead Exemption. With the proposed tax rate of \$0.192246, and a 5% homestead exemption, the average homeowner will pay \$628.96 in county taxes for the 2017 tax year.

The proposed budget will be filed today, September 11, 2017, and will be posted on the County's website. On Monday, September 18, 2017, at 1:30 p.m. a public hearing will be held on the FY2018 proposed budget in the Jack Hatchell Administration Building, Commissioners' Courtroom. The adoption of the FY2018 budget, FY2018 tax rate and FY2018 fee schedule will occur at that time.

Judge Self opened the public hearing for the FY2018 Proposed Tax Rate at 1:42 p.m. and asked for comments. Hearing no comments, the Judge closed the public hearing at 1:42 p.m. (Time: 1:42 p.m.)

Commissioner Fletcher said following Budget Workshop she had Budget look at certification pay for law enforcement professionals outside the Sheriff's Office. This includes the District Attorney's office, the Fire Marshal and the Constables. The Commissioner would like to discuss the merits of including certification pay for those

departments when all members of the Court are present. The reoccurring amounts for these would be \$70,101 without bailiffs included and \$87,112 with bailiffs. (Time: 1:44 p.m.)

NO ACTION TAKEN

6. AI-43700 Addition of one (1) Felony Collections Clerk, District Clerk.

Lynne Finley, District Clerk, came forward to present additional information requested by the Court for the reconsideration of the Felony Collections Clerk position. Denying this position will have the following impacts: unpaid fines, loss of public revenue, decrease in services, increase in taxes, weaker local government including law enforcement. Providing the position will advance enforcement compliance of court orders, increase revenue, promote efficiency and accountability to defendants. A felony collections clerk is involved in making sure defendants pay court costs, fees and fines which are part of the restitution owed by an individual as part of a plea or conviction of a crime committed in Collin County. In 2014 the County agreed to three full-time collections clerks with the mandate from the state of the Collection Improvement Program. There has been no increase of personnel for collections since that time.

Ms. Finley said due to the increase of criminal cases it has been difficult to meet minimum standards with three clerks. It is not the goal of her office to meet minimum standard in this situation. She does not want Collin County to have the reputation among the criminal community that only minimum standards are being met leading them to believe court costs, fees and fines are not going to be collected. There has been an almost 25% increase in criminal cases from 2015 to 2016 and an additional increase of 10-15% in 2016 to 2017. The number of ingoing and outgoing calls has also increased. In 2014 there were 29,000 calls in and out for three clerks and by mid-2017 calls had reached 50,000. That information showed her there is a need for an additional collections clerk to keep this core function in compliance, not just meeting minimum standards. She said this was also enough information to satisfy the Budget office for recommendation to the Court.

The Collection Improvement Program put in place in 2014 has been further added to with requirements effective January 1, 2017, all of which must be implemented and spoken about every time a clerk reaches out to a defendant. That adds more time and creates less ability to reach more defendants to bring in more money. The three clerks cannot comply with what the new unfunded mandates require.

Even though there is a request for a new position, in order to help stay in compliance the District Clerk is working with Everbridge to formulate automated phone calls to help as criminal cases increase. This is at no cost to the County. Ms. Finley has also worked with the Law Librarian to develop forms for indigent defendants to use in seeking modifications to their payments or qualifications for community service.

In 2016 the three collections clerks with one part-time clerk who was brought in to help stay in compliance, brought in \$1.46 million. Of that a portion went directly to the County: \$260,000 went to Road and Bridge Fund, \$55,000 went to the General Fund and \$20,000 to the Records Management Preservation Fund. In April 2017 the Board of District Judges reallocated how the District Clerk collects fees which made the County first to be paid and the state last. It is anticipated this will increase the amount to the County by 52% in the coming year.

The District Clerk's office uses OmniBase Services of Texas which stops individuals who have failed to comply with collections from getting their driver's license renewed. In 2014 less than \$2,500 was collected with OmniBase, but that has dramatically increased to \$120,000 collected with the use of the service. This service is at no cost to the County. There is a \$30 fee tacked on to what the defendants owe which holds them accountable to what they agreed to as part of their sentence.

Until compliance is realized and maintained Ms. Finley said the County is at risk of losing grant funds. Right now the County has approximately \$740,000 in grant funds. Comptroller revenues will also be at risk which is approximately \$342,000 a year. There has only been one audit under the Collection Improvement Program which was done in 2014. She anticipates another audit will be coming soon with the new mandates in place.

Judge Self asked Jeff May, Auditor, what is increasing to the revenue side of the ledger. Mr. May said due to the change he has increased the General Fund by \$55,000, the Road and Bridge Fund by \$260,000 and the Records Management Preservation Fund by \$20,000. These are increases above what was presented at the Budget Workshop. Commissioner Hill asked Monika Arris, Budget, if she has a sense of where the budget is with the adjusted revenue changes projections. Ms. Arris said in the General Fund there is additional revenue of \$246,233 over the budgeted surplus. Commissioner Hill also asked for the expenditure impact of the collection clerk position. Ms. Arris said the amount would be \$62,043.

Commissioner Hill referred back to the OmniBase Services and asked what the County has to do in order to participate in the program and asked if all of the district judges are participating with the program. Ms. Finley said a contract was signed in 2014. The judges are all participating for the most part. They can choose to participate on a case by case basis.

Occasionally there will be a defendant who, for example, is trying to get a new job, and because not having their license would be a burden, the defendant may be allowed to pay the \$30 fee to be taken out of OmniBase. If that occurs a new payment plan will be set up. As long as the individual stays in compliance with the new plan they will not go back into OmniBase.

Commissioner Hill asked Mr. May if he believes not funding the position would put the County at risk with the grant funds and comptroller revenue. Mr. May did not believe it

would put the County at risk in the upcoming year, but it could in the future if we are not in compliance. Judge Self said he does not remember any Court member using the term “minimum standards” during Budget Workshop. He did recall asking if the County would be liable for sanctions, to include loss of grant funds, if all elements of the Collection Improvement Program are not met. Commissioner Williams said she has not seen any statute to indicate sanctions for not being in compliance. Ms. Finley said she would provide the Court with the information. The information was presented by the Office of Court Administration at a clerks’ conference. The Judge also requested the legal backup for this information. The Court was in consensus to hold off on voting on this item until they can review the information. (Time: 2:05 p.m.)

Following the discussion on the Felony Collections Clerk Commissioner Williams said if the Court is going to discuss options for the use of the \$246,000 in the General Fund she would like to look into setting aside funding to do architectural design work of a single facility for Justice of the Peace, Precinct 2. Ms. Arris clarified the \$246,000 is in the General Fund and cannot be moved into the Permanent Improvement Fund without adjusting the tax rate, but the design consultant can be paid out of the General Fund. Bill Bilyeu, County Administrator, said the design consultant amount will be \$70,000 to \$90,000. (Time: 2:07 p.m.)

NO ACTION TAKEN

7. AI-43624 Public Hearing – FY 2018 Preservation, Restoration and Records Archive Plan, District Clerk.

Lynne Finley, District Clerk, requested a public hearing for the consideration and approval of the District Clerk’s FY2018 Preservation, Restoration and Records Archive Plan. The State Library and Archives Commission require permanent retention of all case papers and trial dockets dated prior to 1950. Records preservation and restoration efforts are funded by the collection of fees added to specific types of cases filed in the District Clerk’s Office as found in the Texas Government Code Sections 51.305 and 51.317(b)(4)(c).

Judge Self opened the Public Hearing on the FY2018 Preservation, Restoration and Records Archive Plan for the District Clerk’s Office at 2:10 p.m. and asked for comments. Hearing none, Judge Self closed the Public Hearing at 2:11 p.m. With no further comments, a motion was made to approve the plan. (Time: 2:11 p.m.)

Motion by: Commissioner Cheryl Williams
Second by: Commissioner Susan Fletcher
Vote: 4 – 0 Passed

COURT ORDER NO. 2017-696-09-11

8. AI-43634 Public Hearing – Consideration and any action for the issuance of a Mass Gathering permit for LG Motorsports: The Lights Fest event on November 3, 4, 17 and 18, 2017 at LG Motor Sports Park located at 7581-8199 County Road 526, Anna, Texas in accordance to the Health and Safety Code 751, Fire Marshal.

Brett Hanes, Event Coordinator for The Lights Fest event, came forward to request approval of the Mass Gathering Permit for LG Motorsports: The Lights Fest event on November 3, 4, 17 and 18, 2017. The event is a family oriented event which brings in 5,000 – 8,000 people. There will be live music and performances, food trucks and sky lantern release. Mr. Hanes explained the use and safety of the sky lanterns. Judge Self asked for comments or discussion. Hearing none, a motion was made to approve the item. (Time: 2:13 p.m.)

Motion by: Commissioner Susan Fletcher
Second by: Commissioner Cheryl Williams
Vote: 4 – 0 Passed

COURT ORDER NO. 2017-697-09-11

9. AI-43622 Consider a resolution calling certain outstanding bonds for redemption, Budget.

Monika Arris, Budget, requested the approval of the resolution to pay callable bonds which will save taxpayers interest. This was included in the proposed budget as agreed on during the Budget Workshop. A motion was made to approve the item. (Time: 2:14 p.m.)

Motion by: Commissioner Susan Fletcher
Second by: Commissioner Cheryl Williams
Vote: 4 – 0 Passed

COURT ORDER NO. 2017-698-09-11

10. AI-43690 Board/Committee Appointments, Commissioners Court:

a. Child Protective Services Board.

Commissioner Hill informed the Court that Child Protective Services Board member, Steve Bell, has resigned from the Board. He did not have a recommendation for a replacement member at this time. (Time: 2:14 p.m.)

NO ACTION TAKEN

11. AI-43734 Invoice from Dykema for legal expenses, Commissioner Precinct 1.

Public comments were heard before Court Discussion.

Keresa Richardson, McKinney, came forward to urge the Court to reimburse Commissioner Fletcher for the legal expenses to obtain a legal opinion from Dykema on the egregious payments of special prosecutor fees in the case against Ken Paxton, Texas Attorney General. She said the 5th District Court of Appeals has validated and ruled in favor of the legal position; therefore, the payment of the bill should be approved. (Time: 2:15 p.m.)

Brian Newman, McKinney, said the legal memo from Dykema has panned out with the 5th District Court of Appeals and he strongly encouraged the Court to approve payment of the invoice. Because of the ruling, the County will save taxpayers hundreds of thousands of dollars in expenses not seen yet and even more money when moving forward with disgorgement. (Time: 2:18 p.m.)

Commissioner Fletcher thanked Ms. Richardson and Mr. Newman for voicing support on the item. She then clarified that she acted as surety for this bill. The bill has yet to be paid and Dykema has been patient in the delay of payment. The Commissioner did not encumber the Court. She believes it was the correct course of action because the opinion provided to the Court did not address her concerns and position on the matter which is why she moved forward with getting an opinion. In order to represent her constituents and address their concerns, she said having a legal document was important. She is pleased the Court is united at this point and is moving forward on the advice. She believes that a \$5,300 bill is worth it to save the taxpayers hundreds of thousands of dollars and asked the Court to respectively consider paying the bill.

Judge Self said this opinion and the opinion received by the Court, in his mind, did not address the issues. The Court had to determine how to challenge the exorbitant bills without interfering, influencing or giving the perception of influencing the criminal case. The May 17th, 2017 order of the 5th District Court of Appeals took the decision out of the Court's hands. The order lifted the stay only to allow the Court to consider an act on the order to pay. The County Auditor and County Treasurer were not lifted and could not have paid the bill under the lift of the order.

Commissioner Fletcher said we, as a court, did not order the opinion. The County Administrator was asked to order the legal opinion, but it was not something the Court as a whole was able to consider. This is why she said she did not encumber the Court by acting as the surety. The bill for the other opinion has not been paid because they have not submitted a bill. Dykema has said they will lower their bill if the other bill comes in lower. The opinion received by Commissioner Fletcher is what the Court had moved forward with; therefore, she moved to approve the payment of the invoice from Dykema.

Commissioner Williams said the Commissioners' Court has a process for obtaining legal opinions by either taking a vote or by the County Administrator receiving direction from a

majority of the Court. She does not believe any one Court member has the authority to seek opinions that the rest of the Court has not agreed to and expect to get the opinion paid for. This is outside the norm of operation. Regardless of whether the opinion was right or wrong, there is a process to follow. This opens the door to spending dollars no one intended to spend.

Commissioner Fletcher said nothing has been done routinely on this case. She was informed after the fact that an opinion was requested. Once the opinion was received she realized it did not address the concerns she publicly addressed. Because the County's attorney was conflicted, she did not have anyone to provide professional legal advice for her to carry out the duties of her office. If the item does not pass, we will have to figure out a different way to pay the bill.

Commissioner Hill said he did not have a hand in requesting either legal opinion. He did not feel the Court needed either of them because, to him, the issue has been black and white. The Texas statutes are clear and the Fair Defense Act is clear. He has been very vocal of his position on the case from the beginning and has voted accordingly. The Commissioner is happy in the direction the Court is moving and seconded the motion.

Mr. May said before he would approve paying the bill he would have to seek legal counsel to make sure this is done in accordance with Local Government Code 113.065.

Discussion continued on the process the Court takes to seek legal counsel and the potential to set precedence by approving this item.

Commissioner Hill asked Mr. May if this is dissimilar to the votes taken to ratify previous decisions. Mr. May said this is a little different. He does not believe there was an agreement with the law firm in advance; therefore, this would be outside of the purchasing process which is what concerns him. Michalyn Raines, Purchasing, said typically she works with the County Administrator on these. When an attorney is found, a letter of engagement and/or MOU (Memorandum of Understanding) comes to the Court asking for an exemption to the bid process as a professional service. There was a previous letter of engagement or MOU on the law firm who provided the opinion to the Court which was ratified after the opinion was received. Currently there is not a letter of engagement or MOU for Dykema.

Commissioner Fletcher moved to table her previous motion in order for the Auditor to gain information on his ability to approve the payment of the invoice. The item will be brought back for discussion on September 18, 2017. (Time: 2:42 p.m.)

HELD

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

EXECUTIVE SESSION

Judge Self recessed Commissioners' Court into Executive Session at 2:44 p.m. under Paragraph 551.071, Legal to discuss Nos. 05-17-00634; 05-17-00635; 05-17-00636 -CV; In Re: Collin County Texas and County Commissioners, In the Court of Appeals, 5th District of Texas at Dallas.

Judge Self reconvened the meeting at 3:23 p.m.

Legal (551.071)

AI-43645 Nos. 05-17-00634; 05-17-00635; 05-17-00636 -CV; In Re: Collin County Texas and County Commissioners, In the Court of Appeals, 5th District of Texas at Dallas, Commissioners Court.

A motion was made to authorize and direct legal counsel to file a petition or petitions for writs of mandamus declaring Judge George Gallagher's orders on payments of attorney's fees to attorneys pro tem are void. (Time: 3:23 p.m.)

Motion by: Commissioner Chris Hill
Second by: Commissioner Susan Fletcher
Vote: 4 – 0 Passed

COURT ORDER NO. 2017-699-09-11

There being no further business of the Court, Judge Self adjourned the meeting at 3:23 p.m.



Not Present

Keith Self, County Judge

Susan Fletcher, Commissioner, Pct. 1

Not Present

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