

STATE OF TEXAS

COMMISSIONERS COURT MINUTES

COUNTY OF COLLIN

JULY 20, 2009

On Monday, July 20, 2009, the Commissioners Court of Collin County, Texas, met in Special Session in the Commissioners Courtroom, Jack Hatchell Administration Building, 4th Floor, 2300 Bloomdale Road, City of McKinney, Texas. The following members were present, and participating, to wit:

Present: Judge Keith Self
Commissioner Prct 1 Matt Shaheen
Commissioner Prct 2 Jerry Hoagland
Commissioner Prct 3 Joe Jaynes
Absent: Commissioner Prct 4 Kathy Ward

Commissioner Jaynes led the Invocation.

Commissioner Shaheen led the Pledge of Allegiance.

Judge Self led the Pledge to the Texas Flag.

1 Judge Self called the meeting of the Collin County Commissioners Court to order at 1:30 p.m.

Judge Self noted that the Commissioners Court meeting would recess at 3:30 p.m. in order for the Collin County Toll Road Authority meeting to be heard. At the conclusion of the Collin County Toll Road Authority meeting, Commissioners Court would be reconvened.

2 Public Comments. Judge Self noted that public comments would be heard during the specific items to which they pertained.

GENERAL DISCUSSION

Presentation, discussion and any action regarding:

3 AI-30378 Texas County & District Retirement System (TCDRS), Human Resources.

Judge Self noted that Item No. 11 would be heard immediately following Item No. 3 as they were companion topics.

Cynthia Jacobson, Human Resources, introduced Kristina Acuna, Employer Services Representative from TCERS (Texas County and District Retirement

System). Ms. Acuna came forward with a briefing entitled "Your TCDRS Retirement Plan" which was presented via Power Point. Ms. Acuna's presentation touched primarily on three topics:

1. How the County pays for retirement benefits.
2. The County's current retirement benefits and determining the cost of plan changes.
3. Retirement benefits the County's governing board may select or alter from year to year.

The County is saving in advance for retirement checks to be paid in the future. The retirement fund is affected by downturns in the economy. Following that explanation, Ms. Acuna discussed Collin County's rate history for the last five years. Rates are projected to increase gradually over the next ten years, a method known as "smoothing", allowing markets time to recover. Judge Self had questions about UAAL (unfunded amount) which increased from 2008-09 – 2009-2010. Ms. Acuna also talked about COLA's (cost of living adjustments). Ms. Acuna answered questions from the Court and then invited the Court to attend TCDRS's annual conference in Austin, August 4-5, 2009. Ms. Jacobson returned to the podium and asked the Court to look at the packet attached to the agenda. The funding level for the 2010 budget was discussed. Judge Self wanted to make all decisions after Item No. 11, the GASB 45 discussion. At this time Item No. 3 was held and Item No. 11 was heard. At the conclusion of Item No. 11, both items were discussed simultaneously and a vote taken.

Motion Commissioner Prct 2 Jerry Hoagland
Second Commissioner Prct 3 Joe Jaynes

Motion passes: 4 – 0

COURT ORDER NO. 2009-533-08-10

4 AI-30426 Public Hearing - Centralized Election Day polling locations, Commissioners Court.

Sharon Rowe, Elections Administrator, came forward with a request for opinions and to inform the public and voters of the County of their submission of a Notice of Interest to the Secretary of State for countywide voting centers for the November election. These voting centers would act like early voting; voters can vote at any of the locations. Ms. Rowe highlighted the benefits of voting centers and gave the criteria the County would have to meet in order to implement this program. This program has worked successfully in Lubbock County. Ms. Rowe would like to see a committee put together to find suitable locations.

Judge Self wanted to hear public comments.

Linda Magid, Allen, Texas, is a voter, poll watcher, and a mom. She understood the need for centralized voting locations, which she called super centers, but had

a concern about informing the voters of new locations. Collin County has more citizens than Lubbock County. She felt if people found they couldn't vote in their normal location, they may go home and not vote.

Deborah Angell Smith, Allen, Texas, was a former Chairwoman of the Democratic Party of Collin County. Ms. Smith stated the idea of voting centers came up in 2006, but there were concerns then. The November election will be a low turn out election. 2010 will be a fairly large election. Ms. Smith concluded by saying she loves the concept of voting centers, but there are a lot of details to be considered.

Judge Self stated this election year would be a good year to try this concept as the ballot will be for constitutional amendments only. Commissioner Jaynes asked is this only good for November elections; it will not affect primaries? Ms. Rowe replied this is only for this November election, or a May election. Commissioner Jaynes wanted to know if it was worth all the trouble for one election. Ms. Rowe thought it was.

Marlene Byndon, Prosper, Texas, is the Assistant County Chairwoman for the Democratic Party of Collin County, de facto leader of the Democratic Party of Collin County. Ms. Byndon stated her party had two concerns: one, the protection of the minority vote; and, two, implementation, how quickly can this be done and done successfully?

Linda S. Marcus, Plano, Texas, was next to speak. She has worked as an election worker. Her concern was voter confusion. She has seen voters come to the wrong county and wrong locations.

Judge Self said these are valid concerns. Lubbock County exit surveys said 95.54% of the voters liked the voter center concept. Judge Self read the survey results aloud.

Barb Walters, Frisco, Texas, loved the idea of voter centers. She also wanted to voice her concerns about the implementation plan. Ms. Walters had extensive experience as a poll worker and would be happy to serve on an election committee.

Bill Baumbach, Wylie, Texas, also worked in the election process. Mr. Baumbach stated when this proposal was presented in 2006, it was not good. He was concerned that we are going down the same path. Additionally, he did not feel this would be complete by November. He wants to make it work, but has concerns.

Humberto Rodriguez, Melissa, Texas, read a statement to the Court. He also had concerns. Mr. Rodriguez stated in pilot programs previously, minority voting was always reduced. Finally, he thinks the Court should wait for the 2010 census.

Judge Self stated Ms. Rowe indicated she was looking for a complete cross-section of the community.

Michael Handley spoke next. Mr. Handley has served as an election clerk for every early voting cycle since the adoption of the DRE voting machines. Mr. Handley liked the idea of voting centers. He thinks if it is done well, it could work well. Mr. Handley felt implementing a pilot program during a low interest election could be a good thing.

Steve Bolden, Allen, Texas, was the immediate past president of the African-American Bar Association of Dallas. His organization's focus is that minority communities not be disenfranchised. Mr. Bolden stated when you remove voting locations in minority communities, voter turn out decreases. He wanted the Court to think about Precinct 23, which is the Douglas community in Plano, and Precinct 3, which is the Hispanic majority precinct in McKinney. Mr. Bolden felt if the Court approved this, it would have a disparaging effect on those communities.

Dustin Rynders, Austin, Texas, is an attorney with Advocacy Incorporated, which is a disability rights organization. Advocacy Incorporated's staff has been involved in site selection and community outreach in the Lubbock program. Advocacy Incorporated would like to partner with Collin County if this program is approved to make sure it is a positive experience.

D. Shawn Stevens, Dallas, Collin County, Texas, is an attorney practicing election law. Mr. Stevens agreed with the concept of offering the convenience of voting centers, but strongly cautioned the Court about reducing the number of precinct polling locations. His big concern was whether a reduction in the number of polling places would have a disproportionate effect on minority voting groups. Commissioner Shaheen had questions about the Federal Voting Rights Act; asking Mr. Stevens if he saw any conflict with the federal law and voting centers. Mr. Stevens did not know if it was a direct conflict, but it would be under review with the Department of Justice.

Bill Brannon, Texas Democratic Party, was present to speak in opposition to this item. Mr. Brannon stated per House Bill 719, Texas Legislature allows counties to participate in programs to eliminate precinct polling locations; however, a 2006 pilot program in Lubbock County resulted in a decrease in turnout among Democrats, specifically minorities.

Victor Manual, McKinney, Texas, had concerns about the election change under consideration. Mr. Manual wondered how the County can ensure that everything will be done in the time available. How can the County make sure the technology will be there at each location so they have a constant connection to the data base? Finally, if written ballots had to be brought to each precinct, there would be an incredibly disproportionate amount of paper piling up in warehouses.

Fred Moses, Plano, Texas, is the current Chairman of the Republican Party of Collin County. Mr. Moses did not have a chance to review this notice with his Executive Committee, but he was in favor of this process. Polling locations frequently change, so he felt centralized locations would make it easier for citizens. Mr. Moses felt the County could get it done in the time allowed.

Deborah Watkins, City Secretary for the City of Dallas, stated they are concerned with how centralized election centers will affect the citizens of Dallas who live in Collin County. The City of Dallas offered to provide any assistance they can in communicating information to their citizens that reside in Collin County. Additionally, Ms. Watkins requested to be made aware of any meetings scheduled so she can keep Dallas City Council members and the citizens aware of any voting locations that are chosen. Ms. Watkins complimented Ms. Rowe for having a good working relationship with the City of Dallas.

Ms. Rowe and Caren Skipworth, IT, came forward at the request of Judge Self. Ms. Rowe stated she was looking for a "yes" or a "no" from Commissioners Court today in order to proceed. Ms. Rowe added a plan would be submitted by August 15th; however, all of the locations do not need to be submitted at that time. Ms. Rowe's recommendation is to keep Precincts 3 and 23 as voting locations. Judge Self asked Ms. Skipworth about instantaneous communication. Ms. Skipworth replied the vote safe real time system was used in the last election, so she thought everything would be fine. Ms. Rowe and Ms. Skipworth answered questions from the Court. Ms. Rowe asked that a committee be made up of the three party chairs, members from three advocacy groups, one member from IT, and perhaps the ballot board judge and alternate judge that served last November. Commissioner Hoagland made a motion to appoint a committee as requested by Ms. Rowe. Commissioner Jaynes agreed with Commissioner Hoagland, but voted against this item because he did not feel there was enough time to get it completed.

Motion Commissioner Prct 2 Jerry Hoagland
Second Commissioner Prct 1 Matt Shaheen

Nay Commissioner Prct 3 Joe Jaynes

Motion passes: 3-1

COURT ORDER NO. 2009-534-08-10

Judge Self recessed the Commissioners Court Special Session Meeting at 3:49 p.m. and convened the meeting of the **Collin County Toll Road Authority**.

Commissioners Court was reconvened at 4:55 p.m.

5 AI-30414 Bond Sale process, First Southwest.

Bill Bilyeu, Administrative Services, introduced David Medanich from First Southwest because, as Mr. Bilyeu stated, "there is a bond sale on the horizon". A handout was presented to Court members entitled "Debt Issuance Process and Considerations" and a Power Point was shown on Collin County Credit Ratings. Mr. Medanich explained the bond sale process via the Power Point presentation. Questions and answers followed between the Court and Mr. Medanich and then Mr. Medanich returned to his presentation. Following an explanation, he asked the Court if they would like First Southwest to keep selling Build America Bonds or would the County prefer tax exempt bonds. Judge Self had a question about BAB's (Build America Bonds). Mr. Medanich said their job is to find the best financing available, but also to inform the Court of the risks involved. Mr. Medanich's opinion was that a negotiated sale was the best option.

Discussion followed on pricing back on construction. Commissioner Hoagland wanted the item put on the next Court agenda for clarification. President Self asked for a motion for Mr. Medanich on a negotiated sale and refunding in the amount of \$12 million so he has formal guidance from the court. Commissioner Hoagland made a motion to approve for a negotiated sale and refunding as noted.

Motion Commissioner Prct 2 Jerry Hoagland
Second Commissioner Prct 1 Matt Shaheen

Motion passes: 4 – 0

COURT ORDER NO. 2009-535-08-10

6 AI-30422 Proposal from UNT Health Science Center to review mental health operations in Collin County, Commissioners Court.

Bill Bilyeu, Administrative Services, stated this item dealt with having UNT Health Science Center evaluate indigent services for the mentally ill in Collin County. Mr. Bilyeu's question was: are the people in Collin County receiving the services they need. Commissioner Hoagland made a motion to approve, but wanted to see a statewide comparison done as well. Commissioner Shaheen wanted to see this item competitively bid out to UNT and other universities with proposals sent to Mr. Bilyeu. Commissioner Hoagland agreed.

Motion Commissioner Prct 2 Jerry Hoagland
Second Commissioner Prct 1 Matt Shaheen

Motion passes: 4 – 0

COURT ORDER NO. 2009-536-08-10

7 AI-30401 Vision and mission statements and determine next steps, Commissioners Court. Judge Self stated this item would be placed on the next Court agenda.

NO ACTION TAKEN

8 AI-30415 Efficiency Committee, Commissioner Precinct 1.

Commissioner Shaheen stated his appointee to the Efficiency Committee, Marv Wilson, was here to present the approach the Efficiency Committee will take. Mr. Wilson came forward with a detailed Power Point to show the Court the methodology the Efficiency Committee plans to use. Questions followed from the Court. Commissioner Jaynes had concerns because the entire committee has not yet met and his appointee was not notified of any meetings. He would like this presentation to be heard by the entire committee. Commissioner Shaheen explained how the committee will work. Judge Self wanted to move forward. Commissioner Hoagland felt there were big dollars that had to be saved. Mr. Wilson suggested the committee be identified. Commissioner Hoagland was getting ready to appoint Roy Serpa to the Efficiency Committee. Mr. Wilson presented the Court with a copy of his resume.

NO ACTION TAKEN

9 AI-30423 Board/Committee Appointments, Commissioners Court.

Commissioner Hoagland appointed Roy Serpa to the Efficiency Committee and made a motion to approve.

Motion Commissioner Prct 2 Jerry Hoagland
Second Commissioner Prct 1 Matt Shaheen

Motion passes: 4 – 0

COURT ORDER NO. 2009-537-08-10

10 AI-30432 TIF and Tax Abatement Policy, Budget.

Bill Bilyeu, Administrative Services, stated Commissioners Ward and Hoagland were put together to meet with every city in Collin County to learn about their economic processes and focus. Mr. Bilyeu also attended those meetings and updated the Court on their findings. Commissioner Hoagland wanted one more meeting with Commissioner Ward and Judge Self agreed. Commissioner Jaynes wanted to see feedback from cities. Additionally, Commissioner Hoagland wanted a public hearing to follow.

NO ACTION TAKEN

11 AI-30377 GASB 45 actuarial valuation, Human Resources.

Following Item No. 3, Mark Guajardo, Milliman, came before the Court to present the GASB 45 actuarial valuation results. A Power Point presentation was shown to the Court with a brief background of what GASB 45 is, a summary of evaluation inputs, the valuation process, the results, and the potential next steps. GASB relates to the liabilities associated with post-employment health care

benefits. Commissioner Jaynes stated it is long range planning for the future. Mr. Guajardo continued with his Power Point presentation, stating 80% of retirees will cover their spouse for health care. Discussion between Mr. Guajardo and the Court followed. Cynthia Jacobson, Human Resources, returned to the podium to discuss future unfunded liability elements. She had two requests of the Court: first, TCDRS and, second, GASB 45. Both plans are related to retirement and the setting aside of funds for the employees' plans in retirement. Ms. Jacobson stated if the County remained at their current funding level of 13% for TCDRS, they will not pay down any significant extra amounts. If the County increased funding to 13 ½%, an increase of approximately \$400,000, they will keep up with their current funding level. Ms. Jacobson needed approval from the Court in order for Monika Arris, Budget Director, to put that into the 2010 Budget. Commissioner Hoagland made a motion to approve Ms. Jacobson's request. Judge Self wanted to discuss the items all together. Further discussion followed between Ms. Jacobson and Court members.

Ms. Jacobson continued with TCDRS, talking about retirees, stating previously retirees received a flat rate increase, with Collin County giving the maximum they could give. The question before the Court is whether or not to switch from a flat rate percentage increase, which would be 0% this year, to a CPI (Consumer Price Index) increase, which says a retiree would get the difference between what it was when they left and the CPI amount. HR recommended 100% CPI. Ms. Jacobson answered questions from the Court regarding CPI's.

Ms. Jacobson next discussed GASB 45. She asked the Court to consider a recommendation to allow her to work with the Auditors and the Budget Department to set up a 115 Trust Account as opposed to a VEBA. \$1.2 million was put aside last year, but they are not getting credit for it because it is part of the general fund.

The next request was for funding. Ms. Jacobson consolidated the request for funding both TCDRS and GASB 45. Explanation and discussion of unfunded liability followed. Ms. Jacobson stated between \$2 million to \$3 million needed to be set aside for the GASB 45 requirements. The question for the Court is whether or not they want to do the same with TCDRS given the large increase with unfunded liability. According to Ms. Arris there is \$5 million to split between TCDRS and GASB 45. Ms. Jacobson recommended \$3 million for GASB 45. TCDRS could be done as a lump sum or increase percentage from 13 ½% to 14 ½%.

Judge Self summed up the requests: 1, 13.5% with TCDRS; 2, CPI at 100% for retiree increase this year; 3, give Ms. Jacobson authority to negotiate a Trust Account; 4, fund GASB 45 account with an additional \$3 million lump sum payment this year; and, 5, fund TCDRS with a \$2 million lump sum payment this year.

Commissioner Hoagland made a motion to approve the five requests as itemized by Judge Self.

Motion Commissioner Prct 2 Jerry Hoagland
Second Commissioner Prct 3 Joe Jaynes

Motion passes: 4 – 0

SEE AI-30378

12 AI-30427 Commissioners redistricting, Commissioners Court.
The Commissioners decided to hold this item for a future agenda.

NO ACTION TAKEN

13 Possible future agenda items by Commissioners Court without discussion. Commissioner Hoagland wanted it noted that he was dropping his support of Marketplace Chaplains.

14 AI-30459 Rescind Court Order No. 2002-269-04-08 to comply with LGC Chapter 159.

Judge Self stated this court order was being rescinded because it was not in compliance with Local Government Code 159. Monika Arris, Budget, came forward to present this item which had to do with the filing of candidates' personal financial statements and the amount of time the County Clerk is required to keep them. Commissioner Hoagland made a motion to approve.

Motion Commissioner Prct 2 Jerry Hoagland
Second Commissioner Prct 1 Matt Shaheen

Motion passes: 4 - 0

COURT ORDER NO. 2009-538-07-27

EXECUTIVE SESSION

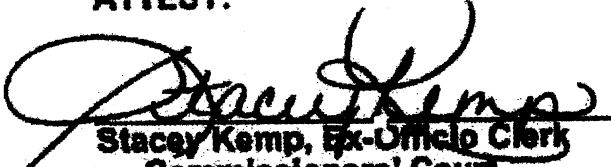
There being no reason to recess into Executive Session, Judge Self adjourned the meeting at 6:15 p.m.

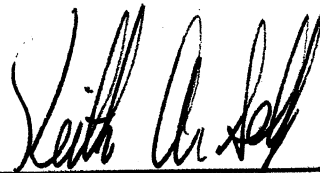
EXECUTIVE SESSION

There being no reason to recess into Executive Session, Judge Self adjourned Commissioners Court at 6:20 p.m.



ATTEST:


**Stacey Kemp, Ex-Officio Clerk
Commissioners' Court
Collin County, TEXAS**




Keith Self, County Judge



Matt Shaheen, Commissioner, Pct. 1



Jerry Hoagland, Commissioner, Pct. 2



Joe Jaynes, Commissioner, Pct. 3



Kathy Ward, Commissioner, Pct. 4