

STATE OF TEXAS

COMMISSIONERS' COURT MINUTES
SPECIAL SESSION

COUNTY OF COLLIN

SEPTEMBER 21, 2009

On Monday, September 21, 2009, the Commissioners Court of Collin County, Texas, met in Special Session at the First Baptist Church of Melissa, 266 State Highway 121, City of Melissa, Texas, with the following members present, and participating, to wit:

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

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

1. Judge Self called to order the meeting of the Collin County Commissioners Court at 6:19 p.m.
2. Public Comments.
3. AI-30759 Collin County Field and Stream 4H Club, Commissioner Pct. 2.

Commissioner Ward recognized Brittany Dockery, Captain of the Recurve Archery Team, and her teammates for their success in state and national competitions. (Time: 6:23 p.m.)

GENERAL DISCUSSION

Presentation, update or discussion regarding:

4. AI-30680 Public Hearing - FY2010 Tax Rate, Budget.

Monika Arris, Budget, came forward at the second public hearing to present highlights of the FY2010 Tax Rate. The first public hearing was September 14, 2009. Ms. Arris noted a few changes since the first public hearing: Judges of County Courts at Law 2 and 3 will receive \$5,939 in supplemental salary; the probate judge will receive \$1,000 in supplemental salary; and District Court court reporters will not receive a salary increase, which will decrease the general fund by \$24,851. The next step in the budget process will be to adopt the FY2010 budget, tax rate and fee schedule on Monday, September 28th, 2009, during the regularly scheduled Commissioners Court meeting.

Bill Baumbach, Wylie, Texas, came forward. He stated he has watched the budget process as closely as possible for the last four years and he feels the County has done a good job. However, Mr. Baumbach is opposed to budget hearings he feels the Court has made to various County departments this year because it was impossible for citizens to track. Additionally, agendas and minutes were not posted. Commissioner Ward stated a recommendation was made at the Citizens Academy to use those visits as an opportunity for a virtual tour. Commissioner Hoagland stated the purpose of those departmental visits was to see how the departments work and what their needs are, not to discuss dollars. Judge Self concurred with Commissioner Hoagland.

Judge Self opened the public hearing session and asked if anyone would like to comment. Seeing none, Judge Self closed the public hearing. (Time: 6:36 p.m.)

5. AI-30758 Re-designation of rural County, FM, and US numbered roads in the Melissa area, with address updates, to maintain 9-1-1 addressing consistency with properties annexed by the City of Melissa, GIS/Rural Addressing.

Tim Nolan, IT, presented the Court with a Power Point presentation entitled "Collin County Rural Addressing Policy". This presentation was being given in Melissa since it involved Melissa citizenry. Mr. Nolan gave background on the County's addressing policy for 911 purposes. Chief Perry Elliott, Melissa Fire Department, came forward to describe the City of Melissa's process and how they have worked with the County. The City Council of Melissa is making an effort to plan for growth and be prepared for emergencies. Mr. Nolan described maps that have been approved by the City of Melissa. Commissioner Jaynes had questions of Chief Elliott. Mr. Nolan stated that the post office will work with residents and honor both addresses for one year and DPS (Department of Public Safety) will waive the fee for changing addresses on driver's licenses for effected residents. Citizens have been notified that this change will go into effect September 22nd. Mr. Nolan added this is for ETJ (extraterritorial jurisdiction) addresses. The city has made their adjustments.

Carol Rodriguez, Melissa, Texas, stated this was the first public hearing for which she received notice. Ms. Rodriguez lives at 322 County Road 280, which is also known as Melissa Road West. Ms. Rodriguez's house number will be changed to 317. She preferred to have her street be known as Melissa Road West and her house number remain as 322.

Sally Bridges Roman, Melissa, Texas, spoke on behalf of the Miller family. The Miller family, who owns property on County Road 339 North and South, had received approval from City Council to change the name of that portion of road to Miller Road. Ms. Roman asked the Court to allow the name to remain as Miller Road.

Judge Self asked Mr. Nolan to see what he can do to assist Ms. Rodriguez.

Commissioner Jaynes made a motion to approve with the request that Mr. Nolan work with Ms. Rodriguez. (Time: 6:55 p.m.)

Motion: Commissioner Joe Jaynes
Second: Commissioner Kathy Ward
Vote: 5-0 Passed

6. AI-30776 Change and clarification of Election Day Vote Centers for the November 3, 2009, Special Elections, Elections.

Sharon Rowe, Election Administrator, presented the Court with back-up documentation noting two changes and two clarifications for Election Day Vote Centers and reasons for those changes and clarifications. Commissioner Hoagland made a motion to approve. Commissioner Jaynes seconded. Commissioner Shaheen asked if it was appropriate for the Court to take action on any items tonight because the agenda, under General Discussion, reads: "Presentation, update or discussion regarding". Judge Self agreed that the items are not posted for action. Ms. Rowe stated her memo asked for the Court's consideration and approval. Taking no action will delay Ms. Rowe's ability to declare these changes with the Department of Justice. This item will be voted on at the next Commissioners Court session on September 28th, 2009.

Judge Self noted the vote taken on the previous item, Item No. 5, is null and void.

Bill Bilyeu, Administrative Services, came forward with a legal opinion, stating the word "change" in the agenda item allows the Court to take action. Attorney Jim Shepherd also stated the word "change" suggests the Court will take action. Commissioner Jaynes withdrew his second. Motion died for lack of a second. Commissioner Shaheen asked for clarification that this delay will not effect the November election. Ms. Rowe replied that it would not. (Time: 7:01 p.m.)

7. AI-30797 Farm Museum, Commissioner, Precinct 4.

Commissioner Ward spoke about funding for the North Texas History Museum and commended them for the good work they do. She had two proposals for the Court to consider:

1. The formation of a Farm Museum Board that would report directly to the Court and coordinate with Myers Park. She would like a staff member from the youth park to serve on the board.
2. Do they need a full-time or part-time curator? Do they need someone to coordinate volunteers? Should they contract with the North Texas History Center? The Board will need time to get appointed and get a business plan in

place. As a 501(c)3, the museum will be able to get state and federal funding. More ideas will be discussed at the next Commissioners Court meeting.

Judge Self stated the Farm Museum is housed in the Wells Building, which is germane to two of the public comment cards. The first card is from Marianne Wells who had concerns about funding and staff for the Farm Museum. The second card is from Nancy Wells Warder who was in support of proper funding and management of the Farm Museum.

Glen Renfro, Allen, Texas, stated he was one of only three people who knew the history of Myers Park. Mr. Renfro then presented the Court with that history as well as history of the Farm Museum. The staff at Myers Park has worked diligently to raise money, and Mr. Renfro urged the Court to help back this "jewel of Collin County". (Time: 7:11 p.m.)

8. AI-30770 Illegal dumping program update, Public Works.

Jon Kleinheksel, Public Works, came forward with a Power Point presentation on the Inmate Work Program, which is his department's collaboration with the Sheriff's Department and CSCD. This program allows Public Works' employees who have undergone training to pick up prisoners from the jail every morning and have them work on county roads as well as other projects. The program is voluntary with prisoners earning two days off their sentences for every day worked. Mr. Kleinheksel showed some before and after photos of work done and enumerated statistics for inmate hours vs. the amount of trash picked up and program costs. Judge Self wanted it noted that although Mr. Kleinheksel is doing an excellent job, the next step is putting a program together with the Sheriff's Office, the constables and the district attorney so as not to encourage illegal dumping sites. Next, Mr. Kleinheksel discussed CSCD participants and the tasks they perform, such as filing and washing vehicles. Commissioner Ward had questions about dangers associated with the program. Judge Self stated the program was off to a great start and he cannot wait to see it mature. (Time: 7:23 p.m.)

9. AI-30679 TIRZ/TIF and Tax Abatement Policies, Budget.

Mr. Bilyeu stated this is the second public hearing for the TIRZ/TIF (Tax Increment Reinvestment Zone/Tax Increment Financing) and Tax Abatement policies. Notices had been sent out to all cities with the amended TIRZ policy. The matter will be back before the Court again next week for final adoption. Philip Sanders, City Manager, City of Anna, came forward to reiterate comments he made at the first public hearing on September 14th. Mr. Sanders felt that this policy puts the City of Anna at a disadvantage in terms of being competitive with neighboring counties. Commissioner Ward had questions of Mr. Sanders and discussion followed. Commissioner Hoagland suggested that he and Commissioner Ward meet with Mr. Bilyeu and Ms. Arris before the next Court to

discuss these issues and possibly have one more public hearing before voting on this matter. Following a question from Commissioner Shaheen, Ms. Arris stated she had not received feedback from other cities. Commissioner Shaheen had additional questions of Mr. Bilyeu. (Time: 7:31 p.m.)

10. AI-30818 Filling the vacancy in County Court at Law No. 4, Administrative Services.

Mr. Bilyeu returned to the podium at the request of Judge Self to outline this issue. He stated Governor Perry elevated Judge Raymond Wheless from County Court at Law No. 4 to 366th District Court. As a result, according to statute, the Commissioners Court serves as the authority to fill that vacancy. The statute reads: "Commissioners Court shall fill that vacancy". An election will be held to fill that vacancy, starting with the primary in March 2010 and the election in November 2010. Judge Self asked Mr. Bilyeu how this was handled in the past and Mr. Bilyeu gave the Court a brief history.

Judge Self asked for public comments.

Bill Baumbach, Wylie, Texas, urged the Court to perform its legal duty and keep the process open. He did not want the Collin County Republican Executive Committee to be asked to make a recommendation.

Richard Dodson, McKinney, Texas, spoke next. Mr. Dodson wanted the Court to choose the democratic election process for replacement of the judge for County Court at Law No. 4. He recommended the Court utilize a visiting judge or a retired judge for the interim period.

Margaret Langteau, Plano, Texas, stated as a taxpayer she is concerned about who selects judges in the community where she lives. She does not want the process influenced by campaign contributions and partisans.

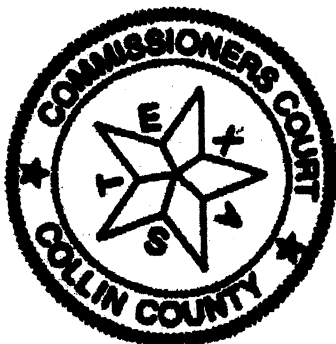
Judge Self asked for thoughts from the Court. Commissioner Jaynes stated the Court could save taxpayers approximately \$30,000 by using visiting judges in the interim period. Commissioner Ward felt the Court had an opportunity to build back trust from the community by supporting the elective process. Judge Self agreed that this was an opportunity to let the people speak. Commissioner Shaheen felt it was incumbent on the Court to make an appointment per Texas state law. Judge Self read paragraph C, which states: "We shall appoint a person to fill a vacancy. This section applies to a vacancy existing on creation of the office of judge". Mr. Shepherd returned before the Court and stated it was his opinion the statute pertained to the appointment of a judge to a new court. Commissioner Hoagland also felt the people should make the decision as to who was elected and he was intrigued by the possibility of saving taxpayer dollars. Judge Self asked Mr. Shepherd to come before the next Court with a definitive answer on paragraph C. (Time: 7:49 p.m.)

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

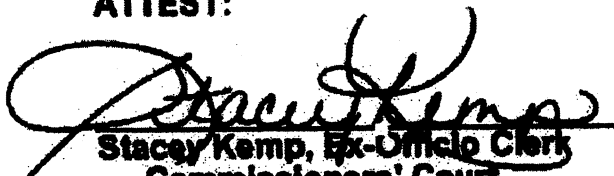
Commissioner Ward stated the discussion regarding the Farm Museum would be on the next agenda, as well as an update on the Citizens Academy. Commissioner Shaheen noted the re-designation of rural county roads would be brought back before the Court. (Time: 7:50 p.m.)

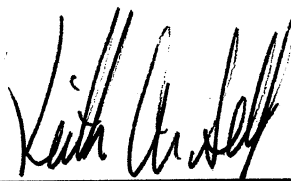
EXECUTIVE SESSION

There being no reason to recess into Executive Session, Judge Self adjourned the Special Session meeting of the Collin County Commissioners Court at 7:50 p.m. and reconvened the Workshop Session of the Collin County Toll Road Authority.



ATTEST:


**Stacey Kemp, Ex-Officio Clerk
Commissioners' Court
Collin County, T E X A S**



Keith Self, County Judge



Matt Shaheen, Commissioner, Pct. 1



Jerry Heagland, Commissioner, Pct. 2



Joe Jaynes, Commissioner, Pct. 3



Kathy Ward, Commissioner, Pct. 4