

STATE OF TEXAS

COUNTY OF COLLIN

COMMISSIONERS' COURT
MEETING MINUTES
MARCH 22, 2010

On Monday, March 22, 2010, the Commissioners Court of Collin County, Texas, met in Regular Session in the Commissioners' Courtroom, Jack Hatchell Administration Building, 4th Floor, 2300 Bloomdale Road, City of McKinney, Texas, with the following members present, and participating, to wit:

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

Commissioner Hoagland led the Invocation.
Commissioner Jaynes led the Pledge of Allegiance.
Commissioner Ward led the Pledge to the Texas Flag.

1. Judge Self called to order the meeting of the Collin County Commissioners Court at 9:30 a.m.

President Self called to order the meeting of the Collin County Health Care Foundation Board of Trustees at 10:00 a.m. and adjourned the meeting at 10:03 a.m.

President Self called to order the meeting of the Collin County Toll Road Authority at 10:03 a.m. and adjourned the meeting at 10:12 a.m.

DECISIONS MANDATED BY LEGAL ENTITIES OUTSIDE OF COMMISSIONERS COURT AUTHORITY:

1. AI-31604 Personnel Appointments, Human Resources.
2. AI-31614 Personnel Changes, Human Resources.
3. **Notification of budget adjustment(s)/amendment(s), Auditor:**
 - a. AI-31542 \$608 to establish a budget to purchase two types of magnifiers for fingerprint comparisons utilizing Drug Forfeiture funds, District Attorney.

FYI NOTIFICATION

1. Addenda:

a. **AI-31561** No. 1 to Body Armor, Threat Levels IIA, II and IIIA (IFB No. 01130-10) to make various changes to the bid specifications, Purchasing.

b. **AI-31570** No. 1 to Construction, Bridge: County Road 618 over Cedar Creek and County Road 655 over Branch of Brushy Creek to make various changes to the bid specifications, Purchasing.

c. **AI-31579** No. 2 to Construction, Bridge: County Road 618 over Cedar Creek and County Road 655 over Branch of Brushy Creek to make various changes to the bid specifications, Purchasing.

2. **AI-31575** Change Order No. 1 to New Exterior Stairs, 900 Park Plaza Building (IFB No. 03439-09) with Mart, Inc. for additional repairs in the amount of \$4,966.95 and add seven (7) days to the contract (previously approved by the County Administrator per Court Order No. 2007-180-02-27), Construction & Projects.

3. **AI-31533** Utilization of The Cooperative Purchasing Network (TCPN) to award to Convergent Technologies (Contract No. R4789) for Services, Electronic Fire Alarm/Fire and Sprinkler Alarm Inspections & Testing for Collin County, Purchasing.

Judge Self questioned the cost of the services and asked if it was a competitive bid. Frank Ybarbo, Purchasing Agent, approached in response saying it was competitive and was more than seven thousand dollars cheaper than the next lowest bidder; therefore, Purchasing is recommending them.

4. Notification of budget adjustment(s)/amendment(s), Auditor:

a. **AI-31505** \$11,806 to make adjustments between General Ledger line items and project code budgets.

b. **AI-31247** \$30,000 to establish the budget for the FY2009 Emergency Management Performance Grant (EMPG).

5. **AI-31576** Budget amendment(s)/adjustment(s) totaling \$30,000 (over \$5,000 per c/o 2005-589-08-01), Budget.

2. **Public Comments.** There were no public comments.

3. Presentation/Recognition:

a. Presentation of Service Pins to employees with 10, 15, 20 and 25 years of service in the month of March, Human Resources. (Time: 9:34 a.m.)

Hannah Kunkle, District Clerk, presented service pins recognizing years of service to two of her staff:

Sylvia Greer - 15 years
Sandra Akins - 10 years

Jon Kleinheksel, Public Works, presented service pins recognizing years of service to five members of his staff:

Gary Christian - 10 years
Donald Ragsdale - 10 years
Jimmie Feagins - 10 years
Rex Reagan - 10 years
Donnie Pat - 15 years

b. **AI-31459** Certificate of Achievement Letter from the Government Finance Officers Association for the 2008 CAFR (Comprehensive Annual Financial Report), Auditor.

Judge Self presented a Certificate of Achievement to Jeff May, County Auditor, from the GFOA recognizing excellence in the annual CAFR reporting. The award for the 2008 report marks 31 consecutive years the award has been given to the Collin County Auditor's Office. Mr. May accepted on behalf of former County Auditor, Don Cozad who was in office at the time the report was submitted. (Time: 9:35 a.m.)

4. Consent agenda to approve: Judge Self asked for any comments on the consent agenda. Judge Self requested items FY13, 4k6, 4k12, 4k14 and 4k15 be pulled for discussion and Commissioner Shaheen requested items 4d1, 4d2 and 4k4 be pulled for discussion. Motion to approve remainder of the consent agenda. (Time: 10:13 a.m.)

Motion by: Commissioner Jerry Hoagland
Second by: Commissioner Joe Jaynes
Vote: 5 - 0 Passed

a. **AI-31546** Disbursements for the period ending March 16, 2010, Auditor.

COURT ORDER NO. 2010-194-03-22

b. **AI-31563** Tax Refunds totaling \$1,420,202.66, Tax Assessor Collector.

COURT ORDER NO. 2010-195-03-22

c. Advertisement(s):

1. **AI-31574** Construction, Bridge: County Road 638 over Sabine Creek (IFB No. 02180-10) and budget amendment in the amount of \$412,500 for same, Special Projects.

COURT ORDER NO. 2010-196-03-22

d. Agreement(s):

1. **AI-31516** Interlocal Agreement between Collin, Cooke, and Denton Counties, Texas, and the North Texas Groundwater Conservation District further authorize the County Judge to execute same, Commissioners Court.

Commissioner Shaheen had questions regarding the conflicting information in the backup on this item. One opinion states the County cannot fund the district and another that state the County can fund the district. Bill Bilyeu, Administrative Director, approached to address the Commissioner's question. Mr. Bilyeu said that this item was brought to the Court on a previous agenda and he was asked to get an additional opinion on the legalities. Mr. Bilyeu stated that the attorney who reviewed the matter has put his reputation on the line and stated in his opinion the County has the authority to make the loan. Mr. Bilyeu continued saying the district does not have the funding to get started. The Commissioners Court supported the creation of a tri-county district; however, the district needs start up costs in order to operate. Commissioner Jaynes asked if the other counties were approving this. Mr. Bilyeu confirmed and said that Denton County would be approving the loan today. Judge Self commented that the County chose to do this because it is a cheaper option rather than taxing district. Motion to approve. (Time: 10:18 a.m.)

Motion by: Commissioner Jerry Hoagland

Second by: Commissioner Joe Jaynes

Vote: 4 - 1 Passed

Nay: Commissioner Matt Shaheen

COURT ORDER NO. 2010-197-03-22

2. **AI-31594** Advance Funding Agreement for Project Using Funds Held in the SH 121 Subaccount with the Texas Department of Transportation (TxDOT) for FM 1378 (Country Club Road) from FM 544 to FM 3412 (Brown Street) and further authorize the County Judge to finalize and execute same, Engineering.

Commissioner Hoagland asked for the status of the segment of Parker Road on the north and Parker Road on the south. Ruben Delgado, Engineering, approached the Court in response to the question. Commissioner Hoagland stated there was going to be tremendous traffic logs if it is not corrected. He then directed Mr. Delgado to take charge of the project and get it on an agenda for approval before it became a major problem. Mr. Delgado said the City of Wylie was working with the County.

Joe Carter, Birkhoff, Hendricks and Carter, approached the Court saying he is in discussion with the City of Wylie regarding the segment of road in question. Commissioner Hoagland said he wanted this on the agenda fairly soon. Mr. Delgado replied saying it was being addressed. Motion to approve. (Time: 10:21 a.m.)

Motion by: Commissioner Jerry Hoagland
Second by: Commissioner Matt Shaheen
Vote: 5 - 0 Passed

COURT ORDER NO. 2010-198-03-22

3. **AI-31559** Interlocal Agreement with the City of McKinney for the design and construction of improvements to Ridge Road from Creekside Drive to US 380 (2007 Bond Project No. 07-0004) (County's participation NTE \$1,442,228), budget amendment in the amount of \$1,240,000 and further authorize the County Judge to finalize and execute same, Engineering.

COURT ORDER NO. 2010-199-03-22

e. Amendment(s):

1. **AI-31489** No. 1 to Engineering Services for Roads-Improvements to FM 455 from US 75 to 0.75 Miles East of SH 5 with Dannenbaum Engineering (AGR 12273-09) for completion of the Plans, Specifications and Estimates (PS&E), reallocation of funds from the 2003 Bond Project No. 03-116 and No. 03-113, budget amendment in the amount of \$957,043 for same and further authorize the Purchasing Agent to finalize and execute same, Engineering.

Judge Self asked Ruben Delgado, Engineering, to approach the Court. Judge Self said the original contract was allocated \$107,000 and now an additional one million dollars was being added without going out for a bid. Judge Self questioned why the County would add the additional funds without a bid. Mr. Delgado said Dannenbaum had been on the project from the first phase. He continued saying the County could request a RFQ; however, this will delay the process. Mr. Delgado said the County could give the contract to another who was not as familiar with the project, but Dannenbaum would be the one to rise to the top and someone else would be higher. Judge Self remarked that there is a problem with the process and that this was an opportunity to change the Engineering process in the State of Texas. He continued saying the Engineering companies were irritated with Collin County because the County goes out for bid on each contract, but that is the only way to change the process.

Commissioner Shaheen asked to see the rates for Dannenbaum; they were not in the back up. Commissioner Jaynes asked how much was originally allocated to the contract. Extensive discussion with the court regarding the current process for awarding contracts for engineering projects followed.

Judge Self said the problem he was having was that if there was a bid out for the original \$107,000 then a company could dramatically under bid everyone else because they would know they would get the million dollar contract later in the project.

Mr. Delgado said that the reason the contracts are awarded separately is because many years can pass from the beginning of the first phase to the PS&E phase and rates and fees usually rise. The County sees how the original firm performs on the first phase and then makes a decision on the larger contract. Commissioner Shaheen suggested going back to Dannenbaum and getting new rates compared with other companies. He also suggested Mr. Delgado work with Jeff Durham to negotiate the best rates. Commissioner Shaheen said Mr. Durham has saved hundreds of thousands of dollars on negotiations. Commissioner Jaynes suggested the County go back to Dannenbaum and re-negotiate their rates before seeking out another company. All agreed with the suggestion. Judge Self gave Mr. Delgado the direction to re-negotiate the rates with Dannenbaum. Commissioner Jaynes remarked this should be done as quickly as possible because time is a factor. (Time: 10:30 a.m.)

NO ACTION TAKEN

2. AI-31568 No. 1 to Engineering Services for Roads-Improvements to FM 2514 (Parker Road) (RFI No. 07106-04) with Birkhoff, Hendricks & Carter, L.L.P. for additional services FM 2514 from FM 2551 to East of FM 1378 (2003 Discretionary Bond Project No. 99-00-17), reallocation of funds from 2003 Discretionary Bond Project No. 03-113, budget amendment in the amount of \$411,800 and further authorize the Purchasing Agent to finalize and execute same, Engineering.

Commissioner Shaheen stated this item was the same as item 3e2 and requested the same process, which would have the County go back to the firm and renegotiate the rates. (Time: 10:31 a.m.)

NO ACTION TAKEN

3. AI-31560 No. 1 to Services: Fusion System Data and Analysis Development (RFP No. 02362-09) with ADB Consulting, LLC to extend agreement to January 15, 2011 to coincide with grant funding, further authorize the Purchasing Agent to finalize and execute same, Homeland Security.

COURT ORDER NO. 2010-200-03-22

f. Change Order(s):

1. AI-31565 No. 1 to Supplies: Janitorial Equipment (IFB No. 07728-09) with Clean Care, Inc. to delete item 07728-09-1-11, Mop Head and further authorize the Purchasing Agent to finalize and execute same, Facilities.

COURT ORDER NO. 2010-201-03-22

2. **AI-31564** No. 1 to Supplies: Janitorial Equipment (Contract No. 07728-09) with Empire Paper Company to add item 07728-09-1-45, Mop Head and further authorize the Purchasing Agent to finalize and execute same, Facilities

COURT ORDER NO. 2010-202-03-22

3. **AI-31529** No. 4 to Supplies: Jail and Personal Inmate (IFB No. 03447-09) with Bob Barker Company, Inc. to add Clear Safe Detention Mattress (Line Item No. 03447-09-1-18) to the contract and further authorize the Purchasing Agent to finalize and execute same, Purchasing.

COURT ORDER NO. 2010-203-03-22

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

1. **AI-31619** Cooperative Agreement with The Office of the Attorney General (OAG) of the State of Texas for the State Case Registry/Local Customer Service (Contract No. 09-C0019) and Amendment No. 1 to increase the maximum liability of the OAG from \$30,000 to \$45,000, District Clerk.

COURT ORDER NO. 2010-204-03-22

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

1. **AI-31583** \$7,000 for the Image Format Conversion from the AS/400 and image type for the Sheriff's office records, Information Technology.

COURT ORDER NO. 2010-205-03-22

2. **AI-31586** \$12,000 to purchase Computer Hardware for Exchange Environment, Information Technology.

COURT ORDER NO. 2010-206-03-22

3. **AI-31587** \$125,000 to purchase Computer Hardware for GIS Environment, Information Technology.

COURT ORDER NO. 2010-207-03-22

i. Receive and File – Final Audit Results, Auditor:

1. **AI-31044** Justice of the Peace, Precinct 1 (4th Quarter FY2008, 1st and 2nd Quarter FY2009).

COURT ORDER NO. 2010-208-03-22

2. **AI-31305** Medical Examiner (1st & 2nd Quarter FY2009).

PULLED

3. **AI-31304** Substance Abuse (2nd & 3rd Quarter FY2009).

PULLED

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

1. **AI-31535** February 15, 2010.

COURT ORDER NO. 2010-209-03-22

2. **AI-31543** February 22, 2010.

COURT ORDER NO. 2010-210-03-22

k. Miscellaneous

1. **AI-31581** Appointment of Kenneth Maun, Tax Assessor-Collector as the official responsible for calculating, reporting and publishing the FY2011 Effective Tax, Rollback Tax Rate and the Notice of Hearing Limit in accordance with Property Tax Code, Section 26.04, Auditor.

COURT ORDER NO. 2010-211-03-22

2. **AI-31549** FY2010 tax exemptions for historical structures and/or landmarks, Collin County Historical Commission.

COURT ORDER NO. 2010-212-03-22

3. **AI-31580** Payment to the City of Wylie in the amount of \$15,984.00 (54 months X \$296/month) for retroactive utility charges, garbage removal and janitorial services as stated in Section 6.1 of approved lease agreement, Court Order 2005-784-10-14, Construction & Projects.

COURT ORDER NO. 2010-213-03-22

4. **AI-31515** Utilization of the BB Owens Trust Funds in the amount of \$97,979 for various items at Myers Park and Event Center as detailed in the attached documentation, Construction & Projects.

Commissioner Shaheen stated the amount on the cover memo conflicts with the amount in the backup and asked which figure was correct. Judy Florence, Myers Park, approached in response saying the figures on the backup documents were correct. The cover memo was not replaced and apologized to the Court for the oversight. Motion to approve. (Time: 10:32 a.m.)

Motion by: Commissioner Matt Shaheen
Second by: Commissioner Kathy Ward
Vote: 5 - 0 Passed

COURT ORDER NO. 2010-214-03-22

5. **AI-31566** Reallocation of funds and the creation of a project code for the widening of Plano Parkway from the Dallas North Tollway (DNT) to Park Boulevard - Bond Project No. 03-128 (City of Plano) and budget amendment in the amount of \$1,409,613 for same, Engineering.

COURT ORDER NO. 2010-215-03-22

6. **AI-31569** Resolution supporting the construction of FM 455 from US 75 to 0.75 miles East of SH 5 to a 6-lane divided highway and further authorize the County Judge to finalize and execute same, Engineering.

Judge Self questioned why the Court would pass a resolution and asked if it would be helpful. Ruben Delgado approached in response saying for the environmental approval and assessment in Austin it is always good to get the resolutions up front. Motion to approve resolution. (Time: 10:33 a.m.)

Motion by: Judge Keith Self
Second by: Commissioner Matt Shaheen
Vote: 5 - 0 Passed

COURT ORDER NO. 2010-216-03-22

7. **AI-31596** Early voting locations, dates and times for the April 13, 2010, Republican Primary Runoff Election, Elections.

COURT ORDER NO. 2010-217-03-22

8. **AI-31534** Reject all bids received for Services, Electronic Fire Alarm/Fire and Sprinkler Inspections & Testing (IFB No. 10019-10), Facilities.

COURT ORDER NO. 2010-218-03-22

9. **AI-31558** Re-designation of a portion of County Road 367 between S Ferguson Parkway and N US Highway 75 to Taylor Boulevard (with address updates), GIS/Rural Addressing.

COURT ORDER NO. 2010-219-03-22

10. **AI-31556** Re-designation of Private Road 5577 to Kvanli Lane (with address updates), GIS/Rural Addressing.

COURT ORDER NO. 2010-220-03-22

11. **AI-31504** Grant application for the FY09 Public Health Emergency Preparedness (PHEP) grant from the State of Texas Department of State Health Services in the amount of \$75,000, Homeland Security.

COURT ORDER NO. 2010-221-03-22

12. AI-31577 Retain one Pole Saw (Collin County No. 36397) for use in the CSCD Program and the Inmate Work Program, Public Works.

Judge Self stated this discussion also applied item 4k14 and asked if the County would be replacing the items at some point and if not how would they be tracked as inventory. Jon Kleinheksel, Public Works, approached in response saying his department would keep track of the items and when they no longer met the County's needs he would either dispose of them or put them in auction. Judge Self asked Mr. Kleinheksel how he would remember the items. Mr. Kleinheksel replied he would remind the Court and said he wanted to get the program off the ground and utilize old equipment where possible. Judge Self said to allow room in the inventory in case this turns out to be a necessary part of the equipment and would need to be added in the future. Motion to approve both items 4k12 and 4k14. (Time: 10:34 a.m.)

Motion by: Judge Keith Self
Second by: Commissioner Joe Jaynes
Vote: 5 - 0 Passed

COURT ORDER NO. 2010-222-03-22

13. AI-31591 Application for the Dive Team grant through the Laci and Conner Search & Rescue Fund in the amount of \$10,000, Sheriff.

COURT ORDER NO. 2010-223-03-22

14. AI-31517 Acceptance of two (2) Scout 27 Sweepers as a donation from Northeast Texas Distributors to be used at Myers Park and Event Center, Special Projects.

Item discussed and approved with item k12.

COURT ORDER NO. 2010-224-03-22

15. AI-31548 Grant exemption from the competitive bidding process per V.T.C.A. Local Government Code, Chapter 262.024 (a)(4), for Right-of-Way Acquisition Services with Halff Associates, Inc. and further authorize the Purchasing Agent to finalize and execute the agreement, Special Projects.

Commissioner Shaheen commended Jeff Durham, Special Projects, on the work he has done to secure the best bids and remarked Mr. Durham has saved the County a significant amount of money on the special projects. Motion to approve.
(Time: 10:35 a.m.)

Motion by: Judge Keith Self
Second by: Commissioner Matt Shaheen
Vote: 5 - 0 Passed

COURT ORDER NO. 2010-225-03-22

GENERAL DISCUSSION

5. AI-31573 2010 Election review, Commissioner, Precinct 1.

Commissioner Shaheen asked Sharon Rowe to update the Court on how the 2010 Elections went. Commissioner Shaheen said he had heard from citizens regarding the long lines and shortage of voting machines. Sharon Rowe, Elections Administrator, approached and explained how the process works. Ms. Rowe explained how the statistics are gathered and based on those statistics the party chair tells her how many voting machines they anticipate will be needed. Ms. Rowe said you cannot guess exactly what will be needed on Election Day. For example, the 2010 Elections saw the highest voter turnout in the past 20 years. Ms. Rowe explained to the Court why a voting machine cannot just be placed wherever needed; there are quality checks that have to be performed before each election. In this past Election, parties shared the laptop registration equipment as well as the voting machines. Judge Self asked if it was legal for parties to share the equipment. Ms. Rowe stated yes. Discussion with Court members followed. Commissioner Hoagland asked if the County needed legislation in order to hold joint Elections. Ms. Rowe stated no, it would be between the parties. Holding joint elections is definitely something that is open to discussion. In closing Ms. Rowe commended the County departments that participate in the voting process and remarked it takes a whole County effort in voter administration. (Time: 10:45 a.m.)

NO ACTION TAKEN

6. AI-31588 Revised payment schedule for road construction/repair for the City of Celina, Public Works.

PULLED

7. AI-31555 DFW Airport Free Trade Zone reorganization, County Judge.

Judge Self announced that Collin County is now part of the free trade zone. Business involved in import/export could now have an advantage in the global market. (Time: 10:46 a.m.)

NO ACTION TAKEN

8. AI-31551 NCAA Championship, Commissioner Precinct 1.

Commissioner Shaheen announced the City of Frisco has been chosen to host the NCAA Division I Football Championship on January 07, 2011. Commissioner Shaheen said this is important to the city as well as the County. James Gandy, Frisco Economic Development Corporation, addressed the Court with background information on how the city was chosen to host the game. The city was informed that the NCAA had put the 2011 championship game out for bid.

Frisco community leaders wanted a chance to host the game, so in August of 2009 they organized a group which they named Team Frisco. Over a period of several weeks the group formulated a bid proposal and submitted it in October of 2009.

The selection committee narrowed the proposals down to a list of five cities which included Frisco. In November of 2009 the committee narrowed the selection down to two finalists, Frisco and Chattanooga, Tennessee, who had hosted the event for the past 13 years. In January 2010 the city hosted a two day visit of NCAA officials. Team Frisco showed the officials the city's eating establishments, hotel accommodations and toured the stadium. After the visit, Team Frisco launched www.collegefootballfrisco.com for people to log in and pledge to buy tickets to the event. Within five weeks pledges for more than eight thousand tickets from 103 different cities in Texas and 16 different states were received. This information was presented to the officials of the NCAA. On February 25, 2010 both finalists were invited to the NCAA headquarters in Indianapolis, Indiana to give a one hour presentation about their community. On February 26, 2010 the NCAA announced the City of Frisco would host the game for the next three years. (Time: 10:57 a.m.)

NO ACTION TAKEN

9. RTC monthly update, Commissioner, Precinct 3.

Commissioner Jaynes gave the Court an update on the RTC. The committee met last week and are moving ahead with Highway 161 and Southwest Parkway. Commissioner Jaynes said he has been bringing attention to the funding especially the discretionary funding. The West has received approximately 700 million dollars while Collin County in the East has had to give back 86 million dollars from earned interest. Commissioner Jaynes recommended the Court meet with the State Legislators to inform them of what is going on with the funding. Commissioner Jaynes said he thinks there should be formulated funding which would give 69 percent to the East and 31 percent to the West. The Commissioner said although he voted for Proposition 12, had he known the East would only get seven percent of the funds, he would have had second thoughts. Commissioner Jaynes reiterated the Court needed to seriously think about meeting with the State Representatives. Judge Self said it would be a future agenda item. (Time: 10:59 a.m.)

NO ACTION TAKEN

10. AI-31333 Designation and ballot drawing of nine (9) public members (in lieu of nine elected officials) and four (4) alternate members from the 2009 Grand Jury members to be appointed and serve on the 2010 Salary Grievance Committee and any action, Commissioners Court.

Judge Self began the process of drawing names for the appointment of public members. Court members drew names randomly from a box until nine names for had been drawn. The results are as follows:

Drawn by Commissioner Shaheen:
Thomas Baird, Sr. and William Avery

Drawn by Commissioner Hoagland:
Rhonda Detro, Colin Chopin and Mary Lou Coughlin

Drawn by Commissioner Jaynes:
Kim Pacheco and Tom Taszarek

Drawn by Commissioner Ward:
Larry Ashner and Wyatt McGuire

Judge Self began the process of drawing names for the appointment of alternate members. Court members drew names randomly from a box until four names had been drawn. The results are as follows:

Drawn by Commissioner Ward: Vicki Draper
Drawn by Commissioner Jaynes: Robert Faircloth
Drawn by Commissioner Hoagland: Joe Privitt
Drawn by Commissioner Shaheen: Woodruff Leel

Motion to approve the appointment of 9 public and 4 alternate members to the 2010 Salary Grievance Committee. (Time 11:01 a.m.)

Motion by: Commissioner Jerry Hoagland
Second by: Commissioner Matt Shaheen
Vote: 5-0 Passed

COURT ORDER NO. 2010-226-03-22

11. AI-31557 Ratification of the County Judge's prior approval for acceptance of the 2010 Edward Byrne Memorial Justice Assistance Grant from the Office of the Governor's Criminal Justice Division in the amount of \$158,413, approve the grant budget and the creation of a Child Abuse Forensic Investigator grant funded position, Sheriff.

Rick Allen, Chief Deputy Sheriff, approached to give the Court information on the grant. Chief Allen said this was a second year grant that had been approved, but not funded until late September 2009. As a result some of the funds had to be returned. In an effort to prevent the same from happening this year, the Sheriff's Office requested approval of the grant by Judge Self so none of the money would be lost.

Over \$100,000 of the money can be used. Even if the funding goes away, the equipment that comes out of it is kept.

Discussion with court members and explanation of how the process works followed.
Motion to approve ratification of prior approval. (Time: 11:08 a.m.)

Motion by: Commissioner Matt Shaheen
Second by: Commissioner Jerry Hoagland
Vote: 5 - 0 Passed

COURT ORDER NO. 2010-227-03-22

12. AI-31605 Personnel Appointments, Human Resources.

Cynthia Jacobson, Human Resources, addressed the Court regarding the appointment of new employees. Ms. Jacobson informed the Court all appointments follow standard procedures; however there is an exception to the employee changes. The candidate hired to fill the District Court Operator/Information Center position cannot be approved until a decision is made on the employee changes agenda. Ms. Jacobson said until the Court decides on the promotion of Cynthia Watson, there is not an available position for Christina Walters. The replacement for Ms. Watson was pulled until a decision could be made on the employee changes agenda.

Motion to approve all with the exception of Ms. Walters pending decision in Executive Session. (Time: 9:24 a.m.)

Motion by: Commissioner Jerry Hoagland
Second by: Commissioner Matt Shaheen
Vote: 5 - 0 Passed

Vote taken after Executive Session: Motion to approve the appointment of Christina Walters. (Time: 11:46 a.m.)

Motion by: Commissioner Joe Jaynes
Second by: Commissioner Matt Shaheen
Vote: 5-0 Passed

COURT ORDER NO. 2010-228-03-22

13. AI-31606 Personnel Changes, Human Resources.

Judge Self informed the Court this item was moved forward to accommodate an Elected Official. Cynthia Jacobson, Human Resources, came forward and stated Cynthia Watson was placed back on the agenda at the current salary requested by Judge Oldner until 10/01, and then we did a modification based on market data as of 10/01 to reflect that all of the criteria had not been met of the position.

Judge Chris Oldner, 416th District Court, approached the Court to address the comments. Judge Oldner stated his problem was with the representation that the qualifications had not been met. Every qualification of the job has been met. There is a job description that has been promulgated and approved by the District Judges and adopted by the Commissioners Court, and she has met every qualification. Judge Oldner said there was a request by Human Resources for Ms. Watson to take a typing test; a typing test is not part of the job description. He continued by saying in the age of technology in which we now live, typing tests are relics and a thing of the past.

Judge Oldner remarked he takes issue with the statement that Ms. Watson had not met the qualification of the position; therefore his request of the Court was to approve the change in her position. Also the issue of the salary change on October 1, 2010 should not be considered because that is part of the regular budget cycle. Judge Self said the salary change would be considered during the budget cycle as a reclassification. Judge Oldner replied that would be fine and he could address it at that time. Additionally, he doesn't think it's appropriate to single out one individual who met the job description and qualifications and try to make them at a different level than what has been approved for the entire class of Court Coordinators.

Commissioner Hoagland asked Ms. Jacobson if that was a correct statement. Ms. Jacobson replied typing tests have never been on job descriptions; that has always been kept separate. That is not something that is new. From HR's perspective, Commissioners Court does not approve job descriptions; they have been in place for many years. The issue is that the standard criterion for differentiating clerical personnel is the typing test. It is a high level executive secretarial position, so the typing test is standard and the judges are aware of that. Commissioner Shaheen asked if a typing test is required for all clerical positions. Ms. Jacobson answered yes.

Judge Self stated that Judge Oldner has the authority to appoint whoever he wants, with the salary which has already been approved through this fiscal year. Once the Court sets the salaries for positions, those salaries belong to the Elected Official until the end of the year. Today's discussion has to do with the budget for next year.

Commissioners Shaheen and Jaynes stated all clerical positions had to pass a typing test. Ms. Jacobson agreed. Commissioner Hoagland asked Judge Oldner why he did not want Ms. Watson to take the typing test. Judge Oldner stated it wasn't that he didn't want her to take the test; the judges see this as an encroachment on the individuals they want to hire. These standards were not adopted by the Court or judges. Rather, HR has arbitrarily adopted a "hoop they must jump through". Judge Oldner also stated the person appointed by him has been denied three weeks of her salary. Ms. Jacobson stated these typing tests, rules and criteria have been in place longer than she has been in her job. There is no written record but information was documented and sent to the Judge. Commissioner Hoagland recalled years ago there were no policies related to personnel. Back in the 80's policies were put in place that set minimum standards such as a physical and typing test. Judge Oldner said that policy couldn't be found.

Judge Oldner responded saying speaking for himself only and not representing any of the other judges; he sees this as a continuing encroachment by Human Resources. There is no court order that adopts a typing test for this position. This is a higher position than clerical. Commissioner Jaynes was worried about setting precedent and setting a standard. He was afraid of making exceptions. Judge Self felt this was a discussion better suited for budget time.

Commissioner Hoagland again asked why not let her take the test? Judge Oldner replied that that was like letting Ms. Jacobson just do it her way. Commissioner Shaheen didn't understand why she couldn't take the test. This person was not being singled out; it's a test required across the board for all clerical positions.

Judge Oldner said if there was a standard that was passed showing this was necessary, then this would be a different discussion. That has never been done. This is HR generated. Ms. Jacobson again said HR does not bring job descriptions to Court for approval. Judge Self said this is well within HR's discretion. Judge Oldner again stated this person is perfectly qualified for the job under the job description that currently exists. The word "typing" is not even in the job description. Commissioner Shaheen agreed with Judge Oldner, but also felt there was a standard across the county for a typing test for clerical positions.

Judge Oldner asked Ms. Jacobson if there were any clerical positions that were in an exempt status to which Ms. Jacobson replied yes. Commissioner Jaynes asked Ms. Jacobson what they have done with the other Court Coordinators, have they taken the typing test? Ms. Jacobson replied yes. Judge Oldner felt it was less about the typing test but more about the Elected Officials and Commissioners Court having a say in what the qualifications are and whether or not someone will be put in a position. It is not Ms. Jacobson's call.

Commissioner Hoagland wanted to see Ms. Jacobson bring back an item related to standards for typing tests.

Ms. Jacobson said it was on the agenda as of October 1 to change the salary.

Commissioner Shaheen said the judge is asking for an exception for his employee; not to follow a standard. Judge Oldner said no, that is not correct. Commissioner Shaheen again said there is a standard for clerical positions to take a typing test. Judge Oldner replied no there isn't. There is no written standard that says every clerical position will take a typing test. Ms. Jacobson said it is their differentiator. It's a high level administrative position. It's the difference between a Clerk II and a \$46,000 per year Clerk. Commissioner Ward was okay with approving this position and moving forward. Discussion followed among court members.

Commissioner Hoagland felt it should be the same standard for a physical or a typing test. Judge Oldner said there is a section in the job description that talks about physical demands and overall physical strength requirements and that is logically related to that, but there is nothing in the job description related to how fast you can type. It is a relic from 30 years ago.

Judge Self requested a vote and asked if there was any other discussion before taking a vote on the recommendation as presented by Ms. Jacobson.

Commissioner Hoagland asked for a separate vote for Cynthia Watson. Judge Self asked for a motion to accept Ms. Watson as recommended by Human Resources. Ms. Jacobson explained her reasoning for her recommendation, having gathered salary information from the City of Plano as well as Dallas, Tarrant and Denton Counties. She recommended the salary be moved to \$39,686 on October 1. She also felt the salary should currently be at \$39,686. Judge Self disagreed with Ms. Jacobson, noting the attachment to the agenda said \$46,426. That is what the Court has to vote on. On October 1 the salary would go back to \$39,686. After further discussion Commissioner Hoagland made a motion not to approve the salary of \$46,426.

Motion to not approve Cynthia Watson's salary of \$46,426 as submitted on the employee changes agenda. (Time: 9:58 a.m.)

Motion by: Commissioner Jerry Hoagland

Second by: Commissioner Matt Shaheen

Vote: 3 – 2 Passed

Nay: Commissioner Kathy Ward

Judge Keith Self

After the vote Judge Oldner voiced his disagreement with the decision and stated it is disrespectful to all Elected Officials. He continued by saying this is a microcosm of friction and problems that the Commissioners Court is having with the Public Servants of the County.

Judge Oldner reiterated the big issue here is the continuing encroachment by Human Resources. Judge Self interjected and directed Bill Bilyeu, Administrative Director, to prepare a conference with the County's attorney to discuss this matter further. Judge Self said the Court will recess into Executive Session under Chapter 551.071 following this session.

Judge Oldner requested Judge Self look under Chapter 74 of the Government Code which gives the District Judge complete discretion over this matter. Discussion continued. Commissioner Jaynes asked which section of Chapter 74 was being referenced. Judge Oldner replied the statute begins with Chapter 74, Section 101 and continues for several sections.

Judge Self recessed the Court into Executive Session after the Court business was completed. The meeting was reconvened at 11:46 a.m. at which time a vote was taken on the employment changes and appointments.

Motion to approve balance of employee changes agenda. (Time: 11:46 a.m.)

Motion by: Commissioner Jerry Hoagland
Second by: Commissioner Joe Jaynes
Vote: 5 - 0 Passed

Motion to approve Cynthia Watson as submitted on employee changes agenda.
(Time: 11:47 a.m.)

Motion by: Commissioner Joe Jaynes
Second by: Commissioner Matt Shaheen
Vote: 5 - 0 Passed

COURT ORDER NO. 2010-229-03-22

14. AI-31609 Board/Committee Appointments, Commissioners Court.

Commissioner Shaheen appointed Andrea Stroh to the Parks Foundation Advisory Board.

Motion by: Commissioner Joe Jaynes
Second by: Commissioner Jerry Hoagland
Vote: 5 - 0 Passed

COURT ORDER NO. 2010-230-03-22

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

Judge Self requested the history and use of County right of way on Stacy Road at the intersection of Country Club Road to the East, a complete review of funding and changes of the transportation funding by the RTC, discussion on Pizza Hut Park tickets to be included as employee incentives, schedule a meeting with State Legislators and begin work on the legislative agenda for next year. Judge Self directed Bill Bilyeu to bring the Court a recommendation on multiple meetings to get started on items for discussion. Commissioner Jaynes requested the County apply for a portion of the \$300 million the State will be offering in Pass Through Financing. (Time: 11:14 a.m.)

EXECUTIVE SESSION

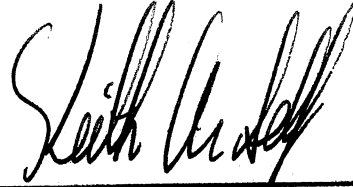
Judge Self recessed the meeting into Executive Session at 11:14 a.m. in accordance with Chapter 551.071 of the Government Code. Judge Self reconvened the meeting at

11:46 a.m. to vote in Open Court. There being no further business of the Court, Judge Self adjourned the meeting at 11:47 a.m.



ATTEST:

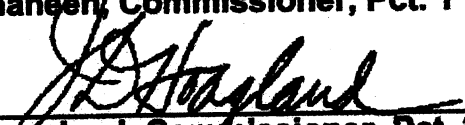

Stacey Kemp, Ex-Officio Clerk
Commissioners' Court
Collin County, T E X A S



Keith Self, County Judge



Matt Shaheen, Commissioner, Pct. 1



Jerry Hoagland, Commissioner, Pct. 2



Joe Jaynes, Commissioner, Pct. 3



Kathy Ward, Commissioner, Pct. 4