

STATE OF TEXAS

COMMISSIONERS COURT
MEETING MINUTES

COUNTY OF COLLIN

FEBRUARY 14, 2011

On Monday, February 14, 2011, 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:

Present: Judge Keith Self
Precinct 1 Commissioner Matt Shaheen
Precinct 2 Commissioner Cheryl Williams
Precinct 3 Commissioner Joe Jaynes
Precinct 4 Commissioner Duncan Webb

Commissioner Webb led the Invocation.
Judge Self led the Pledge of Allegiance.
Commissioner Shaheen led the Pledge of Allegiance to the Texas Flag.

1. Judge Self called to order the meeting of the Collin County Commissioners Court at 1:30 p.m. and recessed into the Collin County Health Care Foundation at 1:39 p.m.

President Self called to order the meeting of the Collin County Health Care Foundation at 1:39 p.m. and adjourned the meeting at 1:42 p.m.

President Self called to order the meeting of the Collin County Toll Road Authority at 1:42 p.m. and adjourned the meeting at 1:42 p.m. Judge Self reconvened the meeting of the Collin County Commissioners Court.

FYI NOTIFICATION

1. **AI-33230** Change Order No. 1 to Justice Center Domestic Water Line Replacement (IFB No. 07302-10) with American Mechanical Service to utilize standard copper sweat fittings on all 140° and 160° Domestic Hot Water and Hot Water Return piping in lieu of Pro Press and add twenty-nine (29) calendar days to the contract (previously approved by the County Administrator per Court Order No. 2007-180-02-27), Construction & Projects.

2. Public Comments.

Roy Serpa, Fairview, Texas, had a few words based on his experience and concern about abatements. In the last five years of his 44-year working life he

was involved with a government program that served Harris County and 31 surrounding counties. People who came forward and proposed abatements and economic development investments never came back to tell us what happened to that money. He saw hundreds of thousands of dollars wasted. He urged the Court to be cautious with this money. You have an excellent county, excellent real estate, excellent work force, and an excellent education. Why give away taxpayer money when you have a competitive advantage with the resources you have available? Mr. Serpa concluded by saying if you go through with this make sure the people complete their contract; and if they don't, then you should have some recourse. (Time: 1:39 p.m.)

3. Presentation/Recognition:

Judge Mark Rusch presented a plaque to Jeff May, County Auditor, for Achievements in Government Reporting. This is the 35th year in a row that this award has been awarded to the Collin County Auditor's Office. Judge Rusch said it is further evidence of the commitment to quality of the people that work in this County. (Time: 1:34 p.m.)

a. Service Pins for the month of February, Human Resources.

District Attorney Greg Willis came forward to present a ten-year service pin to Cindy Springer. (Time: 1:37 p.m.)

4. Consent agenda to approve. Judge Self asked if any member of the Court or any member of the audience had an item they wanted pulled from the consent agenda for individual consideration. Commissioner Webb pulled items 4a, 4c1, 4d1 and 4d2. Commissioner Shaheen made a motion to approve the remainder of the consent agenda. (Time: 1:43 p.m.)

Motion by: Commissioner Matt Shaheen
Second by: Commissioner Cheryl Williams
Vote: 5 - 0 Passed

a. AI-33246 Disbursements for the period ending February 8, 2011, Auditor.

Commissioner Webb started by thanking the County Auditor for meeting with him. He asked for background on a check to Terri Bauer for \$17,578 which was on page 46. Jeff May, County Auditor, said it was for counseling services. She does group counseling for juveniles in the Juvenile Probation Department. Commissioner Webb asked if this was done on a regular basis or per court order. Mr. May said it is a monthly charge. She bills us per session. Commissioner Shaheen said this isn't under our jurisdiction. This is counseling for juveniles who have been accused of sexual assault. Commissioner Webb said we're approving the disbursement so we must have some jurisdiction. Mr. May said you don't set the budget for the Juvenile Probation Department. Commissioner Webb moved

to page 60, a check for \$13,005 for Adventura Properties, LLC. He said this relates to office space for Frisco's constable. Mr. May said this is the monthly rent payment to Adventura. Commissioner Webb said the amount of space is 8,214 square feet which is almost \$19 per square foot a year for this office space. That seems to be a fairly significant amount of rent. It may be time to look at buying a facility so we can cut this high dollar rental out of our budget. Commissioner Shaheen asked to find out when this lease is up. Bill Bilyeu, Administrative Services, said it is a one-year lease hold. Judge Self said we have this discussion yearly. Mr. Bilyeu presented the Court with amounts the County pays for various rentals in the area and said the rate is competitive. Commissioner Williams wants to revisit it. She would like to see the County purchase some additional space.

Commissioner Webb moved to page 87 which was a check to Motorola Service Division for \$30,870. Mr. May said that is related to radio maintenance for the Sheriff's Office and Road and Bridge Department. Commissioner Webb asked if it included infrastructure of the four towers. Mr. May said yes. Commissioner Jaynes asked about a payment to the City of Murphy for \$4,300. He asked for explanations in the future. Mr. May said he will add an account description. He said the \$4,300 is a refund. When they have a contract election, they pay upfront and we refund them if the costs were less than they paid. Following discussion, Commissioner Webb made a motion to approve. (Time: 1:51 p.m.)

Motion by: Commissioner Duncan Webb
Second by: Commissioner Matt Shaheen
Vote: 5 - 0 Passed

COURT ORDER NO. 2011-083-02-14

b. Advertisement(s):

1. **AI-33212** Construction, Bridge: County Road 127 over Haw Branch (IFB No. 01075-11), Special Projects.

COURT ORDER NO. 2011-084-02-14

c. Agreement(s):

1. **AI-33229** Interlocal Agreement with the City of Celina for utilization of \$32,000 of the Local Initiative Project (LIP) funds from the Texas Commission on Environmental Quality (TCEQ) for installing Idle Reduction Technology in City police vehicles and further authorize the County Judge to finalize and execute same, Special Projects.

Commissioner Webb wanted to know what was left in this fund. And he wanted to know if these funds are available to the other cities in the county on the same basis so they could take advantage of it like the City of Celina's Police Department has. Jeff Durham, Special Projects Manager, came forward and stated there will be about \$527,000 left in the account if we approve the \$32,000

for the City of Celina. And the answer to the second question is yes. He said Plano, Frisco and Dallas have contacted him about doing some vehicles in their fleet. North Texas Council of Governments has contacted other agencies in the area to let them know money was available. Mr. Durham answered additional questions from Court members. Sheriff Box said they have their own internal policy on sitting and idling of vehicles. Commissioner Webb made a motion to approve. (Time: 1:53 p.m.)

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

COURT ORDER NO. 2011-085-02-14

d. Miscellaneous

1. AI-33214 Acceptance of an offer from Integrated Computer Systems (ICS) of a trade for software no longer needed in the Detention Facility (due to the recent upgrade to Odyssey) for software that would enhance the Patrol software at no cost to the County and further authorize the Purchasing Agent to finalize and execute the software license addendum, Sheriff.

Commissioner Webb asked Sheriff Box to explain what the upgrade software will do for patrol officers so the public will understand it is a significant upgrade. Sheriff Box said ICS is the software company that sold them software. With the implementation of the Odyssey program, they have cut out taking mug shots and issuing arm bands in the jail, which saves them \$30,000 per year. Dispatch has the ability to see where all the squad cars are in the county. They're trying to get this feature into the squad car units so the officer can see where the other officers are. If they need help, they can get a pinpoint view of where other officers are. By touching the car on the screen, they can send a message to that car. Commissioner Webb said it sounds like a great deal to be exchanging software that is not doing us any good because of our new system and exchanging it for new equipment at no cost to the County. He commended the Sheriff's Department for coming up with this and then made a motion to approve. (Time: 1:56 p.m.)

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

COURT ORDER NO. 2011-086-02-14

2. AI-33231 Application for access to the 10-33 Military Surplus Program for the Sheriff's Office to obtain military surplus items, Sheriff.

Commissioner Webb said he pulled this item because in the presentation it said the Auditor didn't sign off on the proposal and he wanted an explanation on why

the Auditor didn't sign off on it. Sheriff Box said he would address this. He talked to the Auditor this morning. This is an agreement we've had for ten years with the Government Surplus Department. Over the years they have received various pieces of equipment for their tactical officers. This has to be in place when we get a notification that government surplus is available to be disbursed. The Auditor did not know at the time that there would be no shipping cost. The items will be brought to Oklahoma City or Austin and someone from the Sheriff's Office will pick them up. Mr. May concurred, and stated he wanted the Court to approve the assets. Commissioner Webb made a motion to approve. (Time: 1:58 p.m.)

Motion by: Commissioner Duncan Webb
Second by: Commissioner Matt Shaheen
Vote: 5 - 0 Passed

COURT ORDER NO. 2011-087-02-14

3. **AI-33260** Personnel Appointments, Human Resources.

COURT ORDER NO. 2011-088-02-14

4. **AI-33261** Personnel Changes, Human Resources.

COURT ORDER NO. 2011-089-02-14

GENERAL DISCUSSION

5. **AI-33228** Low-Income Vehicle Repair Assistance, Retrofit, and Accelerated Vehicle Retirement Program (LIRAP) and Local Initiative Project (LIP) presented by the North Central Texas Council of Governments (NCTCOG), Special Projects.

PULLED

6. **AI-33257** Retiree Insurance update, Human Resources.

Cynthia Jacobson, Human Resources, came forward at the request of Commissioner Williams to address the retiree medical program. She had a Power Point presentation with general information and background. The plan was approved on November 15, 2006, by a 3-2 vote of the Court. It enables retirees who are 65 years of age or older to receive the exact same plan as our active employees. Amendments which were basically housekeeping issues had been made to the plan and approved by the Court with a 5-0 vote on December 12, 2006, and became effective December 31, 2006. The plan does state that it can be changed at any time.

Moving to financial information, Ms. Jacobson said GASB 45 requires the county to allocate the costs of the retiree medical plan over the years of active employment. There is no requirement to fund it. As of the last actuarial analysis for FY2008 the actuarial accrued liability was \$37,461,770, with an actuarial present value of total projected benefits of \$93,053,377. Each year there is an

annual required contribution which is currently calculated at over \$6 million. The County has allocated \$9.2 million over the last three years toward the unfunded liability. Mr. May added that in this year's CAFR (Comprehensive Annual Financial Report) the accrued liability will be at \$45,500,000 because it's been growing at \$6 million per year.

Ms. Jacobson said we currently have 30 employees over 65 years of age who participate in the medical portion of the plan and another seven in the dental portion. There are 45 individuals who have retired but are not yet 65 years of age yet. Medicare is the primary payer and we are secondary. They will be eligible once they reach 65. Commissioner Williams said we have nothing here that requires that they go to a doctor who accepts Medicare. Ms. Jacobson said in that case, we reduce our payment by the Medicare allocation. Continuing on, she said of the 45 retirees who are currently not eligible, 80% have 20 or more years of service. There is a high likelihood that they will participate. Also, there is another 8% that have 16 to 19 years of service and would pay 25% upon reaching the age of 65. We have 191 individuals who are working and meet the retirement criteria; 61 of those are 65 years old or above and most of those have 16 or more years of service. The cost per participant is about \$25,000 and this number most likely will increase if a trust fund is not put in place.

The next topic was costs. Ms. Jacobson's next slide presented costs associated with different choices under this plan. If a Medigap plan is implemented, that will save us approximately 20%. Commissioner Williams asked about Medigap. Ms. Jacobson explained what Medigap has to offer. Discussion continued with Ms. Jacobson answering questions from Court members.

Judge Self stated at this time the Commissioners Court meeting is going to recess into Executive Session under paragraph 551.071 of the Local Government Code, Legal, to consult with our attorney by phone. We will return to open session to adjourn and take action at a future time. (Time: 3:01 p.m.)

Judge Self reconvened the meeting of the Commissioners Court at 3:20 p.m.

Ms. Jacobson returned to the podium. Judge Self asked for questions or discussion. Commissioner Williams said because she's new, she was under the impression last year during Budget that this was a long-standing liability that had accumulated over a number of years. This occurred just four years ago on a single vote of the Commissioners Court, which encumbered the County for \$93 million and ongoing costs. She said she can't in good conscience agree to continue a policy that creates that level of encumbrance on the taxpayer. She proposed that we do a reduction in benefits to this program, while leaving the program in place, requiring anybody participating to cover their entire costs. Commissioner Shaheen agreed. \$93 million, as you add employees, that number will grow. Commissioner Webb said unless you reserve money and put it into the

fund. Commissioner Jaynes said this came about before GASB 45 which is why the "subject to change" language was left in there. This was uncharted territory.

Commissioner Williams made a motion to take the benefit amount down to zero. Commissioner Webb would not support cutting the benefit down to zero for the current employees that are receiving it. He would support cutting it off for future employees. These people retired based on a certain benefit. Commissioner Williams said she struggled with the fact that if somebody retires before they are 65, they have to cover the entire cost. As soon as they turn 65 and are eligible for Medicare, they have a benefit kick in. Commissioner Shaheen seconded the motion, adding if the County feels they are on the right side of the law, they ought to hold firm to that. Judge Self wondered how to treat everybody alike, and he felt Commissioner Williams' motion was the closest way to do that since the entire program is only four years old. Commissioner Jaynes said he agreed with Commissioner Webb. We gave our word to these retirees and we are now pulling the rug out from under them.

Ms. Jacobson asked that the motion have a timeframe. Commissioner Webb said if we do it effective now that means people are going to get a bill next month and they have to pay it without any notice. Judge Self said we can grandfather those 30 people for two months in the motion. If somebody retires tomorrow, they won't be grandfathered. Commissioner Williams amended her motion to grandfather those 37 retirees for six months. (Time: 3:32 p.m.)

Motion by: Commissioner Cheryl Williams
Second by: Commissioner Matt Shaheen
Nay: Commissioner Joe Jaynes
Nay: Commissioner Duncan Webb
Vote: 3 - 2 Passed

COURT ORDER NO. 2011-090-02-14

7. AI-33250 Board/Committee Appointments, Commissioners Court.

Judge Self said we do not have a current representative on the DRMC (Dallas Regional Mobility Coalition). Commissioner Shaheen appointed Commissioner Williams as our representative. (Time: 3:33 p.m.)

Motion by: Commissioner Matt Shaheen
Second by: Commissioner Duncan Webb
Vote: 5 - 0 Passed

Commissioner Jaynes made a motion to appoint Commissioner Duncan Webb as an alternate member on the RTC (Regional Transportation Council). (Time: 3:33 p.m.)

Motion by: Commissioner Joe Jaynes
Second by: Commissioner Cheryl Williams
Vote: 5 - 0 Passed

COURT ORDER NO. 2011-091-02-14

8. RTC monthly update, Commissioners, Precinct 3.

Commissioner Jaynes, the Court's representative on the RTC, presented the Court with an update following their monthly meeting. (Time: 3:36 p.m.)

NO ACTION TAKEN

9. Potential 82nd Legislative items, Commissioners Court:

a. AI-31816 Discussion and any action of legislative priorities.

Mr. Bilyeu came forward to lead the discussion of potential legislative items. He had a clarification on the cover sheet. The bill drafted having to do with primacy was not drafted by Representative Paxton's office. That was drafted internally. Mr. Bilyeu said he redid the order of legislative policy statements and discussion followed. Mr. Bilyeu presented the Court with a proposed resolution that would be used as bills are filed and the Court is ready to support them with a unanimous vote. Commissioner Williams said she wanted to tighten up some of the language on the legislative policy statements as it is overly broad. Additionally she wanted a deeper understanding of what the Court means by regulating special districts. And she wants clarification of what the Court means by "prioritize transportation spending". Discussion among Court members and Mr. Bilyeu continued on general policy statements. Following discussion, the Court voted on the following items: (Time: 3:51 p.m.)

b. AI-33282 HB 141

Motion by: Commissioner Joe Jaynes
Second by: Commissioner Cheryl Williams
Vote: 5 - 0 Passed

COURT ORDER NO. 2011-092-02-14

c. AI-33283 HB 655

Motion by: Commissioner Matt Shaheen
Second by: Commissioner Cheryl Williams
Vote: 5 - 0 Passed

COURT ORDER NO. 2011-093-02-14

d. AI-33285 Redistricting Resolution

Judge Self presented a slide of the resolution, which was created by Representative Paxton, for Court members to read. Following discussion, Commissioner Jaynes made a motion to approve. Following approval, Judge Self asked for original signatures as soon as possible. (Time: 3:55 p.m.)

Motion by: Commissioner Joe Jaynes

Second by: Commissioner Matt Shaheen

Vote: 5 - 0 Passed

COURT ORDER NO. 2011-095-02-14

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

Commissioner Shaheen wants a presentation by Project Access which would include a number of doctors and CEO's. Commissioner Webb wants a presentation on the current status of our bond program. In conjunction with that, Commissioner Williams wants a presentation and an update to the thoroughfare master plan. (Time: 3:57 p.m.)

Supplemental Agenda

11. AI-33267 Mustang Ranch Municipal Management District #1, County Judge.

Judge Self said this is a briefing on the Traditional Tax District Financing versus Assessment Financing. He stated he had a long conversation with Representative Laubenberg and she is not under a time crunch for a response from this Court. Judge Self invited Mr. Wilson to address a specific project between the City of Celina and the Cambridge Company. Thomas Kirk Wilson with T. Wilson and Associates, Inc., in Carrollton, came forward with a Power Point presentation. He started by stating approximately 2,200 Special Districts are located throughout the State of Texas; 1,500 to 1,600 are in the Houston area and they are mostly MUDs (Municipal Utility Districts). Mr. Wilson went into a detailed explanation of how special districts were set up in the past and gave examples of special districts in the DFW area. MUDs were used to tax the property and repay the developer over time for their investments in water, sewer drainage and roads. He said as the years have gone by, a lot of these districts don't go away. He used the City of Trophy Club as an example of a town that had two MUD districts originally. Mr. Wilson said districts should be collapsed but the citizens who run the districts want to keep the authorities perpetuated. Continuing, Mr. Wilson said what they did in Trophy Club is what they want to do in the City of Celina.

In Trophy Club they spoke to the mayor of the city, spoke to both MUDs, and then the city said we don't want you to create Trophy Club MUD 3; we want you to look at using assessment finance. They agreed to an assessment on their

property of 1,500 lots. Mr. Wilson then explained the assessment financing process and answered questions from Court members. Mr. Wilson addressed bond rates and risk factors and he spoke about resistance to the assessment finance model.

Mr. Wilson had a slide entitled "Cambridge Company and the City of Celina". The Cambridge Company has entered into a development agreement with the City of Celina for a proposed development to be known as "The Lakes at Mustang Ranch". The development will be located initially in the ETJ of Celina; Prosper School District; and will contain approximately 1,300 homes. Mr. Wilson said the City of Celina has determined that creation of a Municipal Management District (MMD) is a better approach if a legislative bill can be passed. The MMD has no taxing authority. The request of the City of Celina and the Cambridge Company is not for the Commissioners Court to support the bill; rather, they are requesting that the Court not oppose the bill in the 82nd Legislative Session. Following the conclusion of Mr. Wilson's presentation, there was discussion between Mr. Wilson and Court members. Commissioner Williams said she had no reason to oppose it. Commissioner Jaynes wanted to see a map leading into the district because he said it's the secondary roads leading to the district which usually fall back into the County's laps. Judge Self agreed, adding the cities want development, but since it's not in the city limits, their concern is things may fall back on the County.

Jason Gray, Celina City Manager, was present and informed the Court they're still working out a couple small issues on the final bill language as proposed by the developer. He asked that if the Court offers their consent on a letter of non-opposition, that that decision be contingent upon that language. A final version should be complete within the next two weeks or so. Commissioner Shaheen doesn't usually like these arrangements; but he's okay contingent upon the city working out their issues. He also agrees we have an open issue concerning an additional burden on the county as far as roads leading to the development. Following further discussion, Mr. Wilson said if the Commissioners Court authorizes the Judge to put a letter out, you can pull your support any time you choose. Commissioner Webb would not support the bill until he saw the final draft. Judge Self said the state legislator is still looking at it so that is a reasonable position. A decision was made to wait until the final version was available. (Time: 2:32 p.m.)

NO ACTION TAKEN

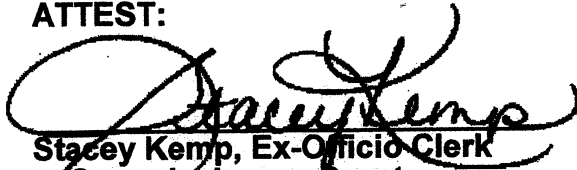
Judge Self recessed Commissioners Court at 2:32 p.m. and reconvened the meeting at 2:41 p.m.

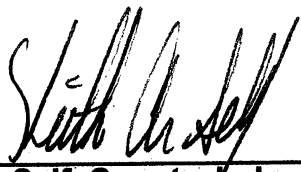
EXECUTIVE SESSION

There being no further reason to recess into Executive Session and no further business of the Court, Judge Self adjourned the meeting at 3:57 p.m.



ATTEST:

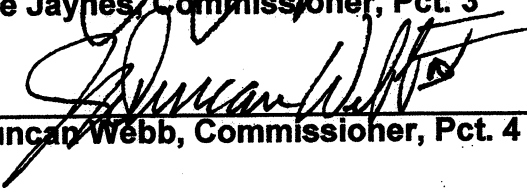

Stacey Kemp, Ex-Officio Clerk
Commissioners Court
Collin County, T E X A S


Keith Self, County Judge


Matt Shaheen, Commissioner, Pct. 1


Cheryl Williams, Commissioner, Pct. 2


Joe Jaynes, Commissioner, Pct. 3


Duncan Webb, Commissioner, Pct. 4