

STATE OF TEXAS

COMMISSIONERS' COURT
MEETING MINUTES
DECEMBER 12, 2011

COUNTY OF COLLIN

On Monday, December 12, 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.

DECISIONS MANDATED BY LEGAL ENTITIES OUTSIDE OF COMMISSIONERS COURT AUTHORITY:

1. AI-34539 Budget amendment in the amount of \$13,507 to reallocate funds from Juvenile Out of County Sex Offender Program (Fund 45) to Juvenile Probation (Fund 18) to provide funding for substance abuse assessments, Auditor.

FYI NOTIFICATION

1. Addenda:

a. AI-34597 No. 1 to Services, Herbicide Treatment of Roadside Right of Ways and Encroachments (IFB No. 06233-11) to extend the due date to December 8, 2011 and add an insurance endorsement for pesticide and herbicide applicators, Purchasing.

b. AI-34599 No. 1 to Maintenance, Road: Microsurfacing (IFB No. 09314-11) to extend the due date to December 8, 2011, Purchasing.

c. AI-34600 No. 1 to Road Materials, Asphaltic Concrete (IFB No. 09315-11) to extend the due date to December 8, 2011, Purchasing.

2. AI-34580 Utilization of cooperative contracts to purchase two (2) John Deere mowing tractors (model 6430) from Ag Power (replacing Unit No. 37924 and 42137) and two (2) Tiger TRB50C-SS boom mowers from Bane Machinery (replacing Unit No. 38091 and 42138), Public Works.

3. AI-34610 Monthly report on county website usage, Administrative Services.

Judge Self wanted to comment on the vast number of hits that the County website takes. He commended the CIO and county departments for getting things moved to the website. People find it very useful. Commissioner Webb asked if hits to the Court agenda and video streaming are tracked. Caren Skipworth, CIO, stated currently they are not, but they can get stats for that. Bill Bilyeu, County Administrator, stated he could add the number of viewings to the next court packet. (Time: 2:09 p.m.)

4. AI-34542 Budget amendment in the amount of \$90,463 (includes a matching contribution of \$15,417) to establish the third year budget for the Texas Department of Transportation (TxDOT) DWI No-Refusal Blood Draw Program to provide funding for nurses to assist county law-enforcement by performing blood draws, Auditor.

5. AI-34615 Outstanding Agenda Items, Commissioners Court.

Judge Self wanted to make the Court and audience aware that this item would now be part of the agenda. It is a tracking of items that the Court asked to be held. The Judge added the additional contract scope for the Outer Loop to the list. (Time: 2:10 p.m.)

2. Public Comments. Eddy Daniel was present to speak on behalf of the North Texas Groundwater Conservation District (NTGCD) and to answer questions that were posed at a previous meeting. Mr. Daniel is an appointed representative of the District. There was a question as to how directors are elected or appointed. There are three representatives from each county: one is representing the largest municipal user in each county, one is all other groundwater users in each county, and one at-large director. There are nine directors on the NTGCD Board. There was a question regarding the audit, financial information, approved budget for 2012 and funding each county agreed to provide. Mr. Daniel stated each of the three counties agreed to provide \$150,000 for two consecutive years. In 2010 the Board expended a little over \$100,000 of the \$450,000 collected. \$338,000 remained which went into fund balance. In 2011 they will have about \$40,000 left over that will go into fund balance. Next year the Board will begin to collect usage fees. They have available fund balances to cover projected deficit spending for next year. Beginning in 2013 the Groundwater District has committed to begin paying back the zero interest loans to the three counties. The loans must be paid back by the end of fiscal year 2017. (Time: 1:35 p.m.)

3. Presentation/Recognition:

a. Presentation of Service Pins for the month of December, Human Resources.

4. Consent agenda to approve: Judge Self pulled FYI Notification items 3 and 5 for comment and items 4b5, 6, 7 and 8 and g2 for discussion. Commissioner Williams pulled item 4c1 for discussion and Commissioner Webb pulled the disbursement to Schindler Elevator and item 4b1. Commissioner Jaynes made a motion to approve the remainder of the consent agenda. (Time: 2:06 p.m.)

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

a. **AI-34607** Disbursements for the period ending December 6, 2011, Auditor.

Commissioner Webb pulled one item from the disbursements in order to step down from the vote on a check to Schindler Elevator; all disbursements with the exception of Schindler Elevator were approved with the consent agenda vote. (Time: 2:10 p.m.)

COURT ORDER NO. 2011-965-12-12

A motion was made to approve the disbursement to Schindler Elevator.

Motion by: Commissioner Joe Jaynes
Second by: Commissioner Cheryl Williams
Vote: 4 – 0 Passed
Abstained: Commissioner Duncan Webb

COURT ORDER NO. 2011-966-12-12

b. Agreement(s):

1. AI-34445 Interlocal Agreement with the City of Allen (Agreement No. 06215-11) for Jail Services through and including September 30, 2012 and further authorize the County Judge to finalize and execute same, Sheriff.

Commissioner Webb pulled this item because the agreement did not include the City of Allen's name or any contact information. He would like to see that added before the Court signs it. With that condition, the Commissioner made a motion to approve. (Time: 2:10 p.m.)

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

COURT ORDER NO. 2011-967-12-12

2. AI-34553 Interagency Agreement with Dallas County to accept the FY2012 North Texas Auto Task Force grant funds to reimburse Collin County a sum covering 80% of

the salary and fringe benefits of one (1) Investigator (NTE \$83,982 – Collin County Match \$20,995) through and including August 31, 2012 and further authorize the County Judge to finalize and execute same, Sheriff.

COURT ORDER NO. 2011-968-12-12

3. **AI-34589** Property Transfer Record Agreement (Texas Department of Public Safety, State Administrative Agency, Public Safety Interoperable Communications) to transfer various equipment items from the North Central Texas Council of Governments (NCTCOG) to Collin County and further authorize the County Judge to finalize and execute same, Sheriff.

COURT ORDER NO. 2011-969-12-12

4. **AI-34528** Funding Agreement with the Blackland Prairie Raptor Center for funding through the 2nd Series – 2007 Parks/Open Space Project Funding Assistance Program (Bond Project No. 07PG22) and further authorize the County Judge to finalize and execute same, Special Projects.

COURT ORDER NO. 2011-970-12-12

5. **AI-34550** Interlocal Agreement with the City of Anna for funding through the 2nd Series – 2007 Parks/Open Space Project Funding Assistance Program (Bond Project No. 07PG25) for the acquisition of land to provide additional park and recreational facilities and further authorize the County Judge to finalize and execute same, Special Projects.

HELD

6. **AI-34551** Interlocal Agreement with the City of Anna for funding through the 2nd Series – 2007 Parks/Open Space Project Funding Assistance Program (Bond Project No. 07PG24) for the extension of the North Slayter Creek Trail and further authorize the County Judge to finalize and execute same, Special Projects.

HELD

7. **AI-34585** Interlocal Agreement with the Town of New Hope for funding through the 2nd Series – 2007 Parks/Open Space Project Funding Assistance Program (Bond Project No. 07PG28) for the acquisition of land to provide additional park and recreational facilities and further authorize the County Judge to finalize and execute same, Special Projects.

HELD

8. **AI-34549** Interlocal Agreement with the City of Lucas for funding through the 2nd Series - 2007 Parks/Open Space Project Funding Assistance Program (Bond Project No. 07PG27) for improvements to the New Lucas Community Park and further authorize the County Judge to finalize and execute same, Special Projects.

Judge Self pulled items 4b5, 6, 7 and 8 for a discussion of the mutual boundary roads payment methods. In a previous court meeting Jon Kleinhessel, Public Works, was given a list of potential payment options. The \$17 million bond package was discussed.

Commissioner Jaynes had a meeting scheduled with the City of Anna; he did not want any action taken until after the meeting. Commissioner Webb stated the decision for the Court was whether they will issue these grants to the cities because they have not reached an agreement on mutual boundary funding. Following discussion among Court members, Jeff Durham, Parks and Projects Manager, stated this round of funding was approved in late September-early October by the Commissioners' Court. Commissioner Jaynes wanted to approve these four items because they were approved under a prior set of rules.

Sheryl Mills, Fairview, came forward for public comment. She asked the Court to consider wants versus needs. In 2007 voters approved \$17 million for open spaces and parks, yet at that time we were not experiencing the economic woes that we are today. Ms. Mills urged the Court to consider road projects a priority.

Commissioner Jaynes made a motion to approve these four items. Motion died for lack of a second. Judge Self stated these four items would be held in order for the Commissioners to let their cities know what the Court has done. (Time: 2:19 p.m.)

HELD

c. Amendment(s):

1. **AI-34574** No. 2 to the Interlocal Agreement for Emergency Medical Services (EMS) (Agreement No. 06663-09) with the Town of Prosper to renew the contract for the period October 1, 2011 through and including September 30, 2012 at the new rate of \$11,118 per year and further authorize the Purchasing Agent to finalize and execute same, Fire Marshal.

Commissioner Williams asked Fire Marshal Mike Smith to come forward and explain to the Court how he was able to achieve the savings on this contract. Fire Marshal Smith stated with the assistance of other county departments, he reviewed this contract before it was renewed. The original contract was written years ago for a larger piece of land with a larger population. Currently the land consists of six plots of land with a population of six. The last ambulance call was made in 2005. As a result, Fire Marshal Smith was able to renew the contract at a lower rate. Commissioner Williams made a motion to approve. (Time: 2:21 p.m.)

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

COURT ORDER NO. 2011-971-12-12

d. Change Order(s):

1. **AI-34593** No. 1 to Construction, Bridge: County Road 408 over Bomars Branch (IFB No. 04169-11) with Jeske Construction Co. to add additional signs and barricades for

two (2) bridges along CR 408 to the contract, budget amendment in the amount of \$5,000 and further authorize the Purchasing Agent to finalize and execute same, Engineering.

COURT ORDER NO. 2011-972-12-12

2. **AI-34557** No. 3 to Supplies, Janitorial Paper and Disposable Products (Contract No. 07722-09) with Olmsted-Kirk Equipment Supply to add item no. 07722-09-1-22 – Toilet Tissue and item no. 07722-09-1-23 Jumbo Roll Towels to the contract, extend the contract for one (1) year through and including September 30, 2012 and further authorize the Purchasing Agent to finalize and execute same, Facilities.

COURT ORDER NO. 2011-973-12-12

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

1. **AI-34584** \$6,000 to transfer funds from the Room and Board line item to the Out of County Commitments line item, County Clerk.

COURT ORDER NO. 2011-974-12-12

f. Receive and File, Auditor:

1. Final Audit Result(s):

a. **AI-34564** Justice Center Kitchen and Minimum Security Kitchen - Inventory.

COURT ORDER NO. 2011-975-12-12

g. Miscellaneous

1. **AI-34583** Reimbursement of fencing materials in the amount of \$1,680.40 to Mr. and Mrs. Robert Thompson for property along CR 534 and further authorize the County Judge to finalize and execute the Agreement for Release and Waiver of Liability, Public Works.

COURT ORDER NO. 2011-976-12-12

2. **AI-34526** Elimination of two (2) bridge projects County Road 58 (Bond Project No. 07-111, \$693,000) and County Road 580 (Bond Project No. 07-113, \$429,000) and reallocation of bond funds to three (3) roads (CR 132, CR 419 and CR 601) with drainage issues, budget amendment in the amount of \$262,000 and further authorize the use of three (3) engineering firms (Binkley and Barfield, Dannenbaum and Charles Gojer and Associates) previously selected through the RFQ process to submit a design fee proposal and estimated construction costs on a single project to be determined by engineering, Special Projects.

Judge Self asked Jeff Durham, Parks and Projects Manager, to return to the podium. He asked Mr. Durham to explain this bond project in more detail. Mr. Durham said there are two projects out of the ten bridge projects that are at the point of funding and

going into the design and construction phase. Mr. Durham summarized each project. Based on the advice of the engineering firm, Mr. Durham was recommending that the funds would be better used on three other projects that could be done right now. Judge Self noted bonds were sold for these two bond projects. Bill Bilyeu, County Administrator, stated the bond covenants are for transportation. The Court must decide their priorities and move the money around. Judge Self asked Mr. Durham when these projects would be done. Mr. Durham replied it is hard to forecast at what point in the future they would do these projects. He remained before the Court to answer questions. Ruben Delgado, County Engineer, offered additional input and answered questions. Commissioner Jaynes agreed with the economics discussed but was concerned about the homeowners effected by the two original projects. Once it rains, they cannot get off their roads. The Commissioner asked Jon Kleinheksel, Public Works, to look at asphaltting that road so those homeowners will have access to getting out. Following discussion, Mr. Delgado agreed with Mr. Durham's recommendation to reallocate the funds to fund the three culverts. Judge Self made a motion to approve. (Time: 2:36 p.m.)

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

COURT ORDER NO. 2011-977-12-12

3. AI-34612 Personnel Appointments, Human Resources.

COURT ORDER NO. 2011-978-12-12

4. AI-34613 Personnel Changes, Human Resources.

COURT ORDER NO. 2011-979-12-12

GENERAL DISCUSSION

5. AI-34576 Justice of the Peace audit results and bank reconciliation findings, Justice of the Peace, Precinct 1.

Paul Raleeh, Justice of the Peace, Precinct 1, came forward to address audit results and bank reconciliation findings. Approximately one month ago items concerning the JP audit results came up in Commissioners' Court. Judge Raleeh was in a trial at the time and wanted to address those issues today. He stated the problems are with regard to the audit; the Auditor is not getting a true audit. He is not auditing the Odyssey system because they don't have access to it through the County's software. The Auditor's office has asked the JP's to keep a separate Excel spreadsheet. The JP's are audited off of that spreadsheet. Another issue Judge Raleeh had was with a mistake made by his court administrator that was found, corrected and documented, yet they still got written up on the audit report. There is no appeal process for the audit. Judge Raleeh discussed being written up for not collecting fees pertaining to moving violations. There is nowhere in the State of Texas where you can get a fee schedule

that lists every fee the justice courts are supposed to collect. Collin County has one; however, the Judge doesn't know how much of it is correct. There are 30 pages with 25 fees per page. Judge Raleeh gave an example of a juvenile case manager fee. It was approved in Commissioners' Court but none of the JP's were told about it and they were subsequently written up for not collecting it.

Judge Raleeh suggested having a research center that can help us research the fees to make sure they are still proper and are updated. Judge Raleeh wants Collin County to take the lead and have a research team that will check the fees and the laws. The current system is not working due to lack of communication. Judge Raleeh also wants a centralized treasury department that can take payments in one location. Currently people have to go to different locations to pay different fees. With a centralized treasurer, if you have fees in JP1, JP2, County Court and the Probation Department, an individual should be able to swipe a credit card and pay all those fees in one location. Judge Raleeh feels the County will collect more fines and fees and will be able to offer better customer service.

Judge Self said a new position has been added to the JP courts that should be staying on top of the fee schedule. He said Judge Raleeh's association should be distributing those fees. They are following the legislation and pushing the legislation. He recommends Judge Raleeh take that issue to his association. Concerning the issue of a centralized treasurer, Judge Self said that situation will be better once the 380 Building relocates to the Courthouse.

Commissioner Shaheen asked Jeff May, County Auditor, about his access to Odyssey. Mr. May said Odyssey does not provide a bank reconciliation. It doesn't identify the uncleared items so they can reconcile the bank account balance to the Odyssey balance. Therefore, his office has been requiring them to put the information on a spreadsheet. Odyssey has a fix for them coming up soon. Caren Skipworth, CIO, came forward and stated the fix has been delayed. The testing version is not complete that is in their current test environment. The estimate is to have it ready for January.

Judge Raleeh thanked the Court for the functional analyst position but said she is "snowed under" with all the enhancements coming up with Odyssey. Mr. May said he's on the Board of the Association of County Auditors. They are working on comparing fee schedules with all counties. His goal is to create a statewide fee schedule.

Discussion followed on how to handle the audit appeal process. Commissioner Webb agreed with Judge Self, he thought the new position was designed to deal with issues with Odyssey. Commissioner Williams stated there is value in reviewing that fee schedule to make sure all those fees are being collected. Commissioner Webb felt confident that this year the fee schedule was disseminated by department and area, and they received input before it was submitted to the court for approval.

Monika Arris, Budget Director, said every year the fee schedule is sent out to each department head and elected official and they are contacted several times throughout the year. The law librarian does research for new statutes and fees. Commissioner Jaynes said there should be a better way to bring this information in. (Time: 2:00 p.m.)

NO ACTION TAKEN

6. AI-34622 Potential addition of a County to the NTTA Board, Commissioner, Precinct 4.

This discussion was about the possibility of Johnson County adding a member to the NTTA (North Texas Toll authority) Board. Commissioner Webb said this was a concern because if they were to get a full membership, it could potentially move voting control and power over to the west side of the region. If they get a full board position, because of a new project which is in Johnson County, they would be automatically eligible to get a second board position. They would then have the same voting as Collin County even though their total toll revenues for last year were \$100,000. Judge Self said to put the revenues in context, in 2010 Dallas County contributed \$127 million into the NTTA revenues and Collin County gave them about \$122 million. Commissioner Webb said Dallas County is in opposition to this. (Time: 2:04 p.m.)

NO ACTION TAKEN

7. Board/Committee Appointments, Commissioners Court:

a. AI-34621 Appointment to the Bail Bond Board, County Judge.

Judge Self appointed Commissioner Williams to the Bail Bond Board.

Motion by: Judge Keith Self

Second by: Commissioner Matt Shaheen

Vote: 5 – 0 Passed

COURT ORDER NO. 2011-980-12-12

b. AI-34624 LifePath Systems Board.

Commissioner Shaheen re-appoints Ernest Myers to the LifePath Board.

Motion by: Commissioner Matt Shaheen

Second by: Commissioner Duncan Webb

Vote: 5 – 0 Passed

Commissioner Williams re-appoints Catherine Gibb to the LifePath Board.

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

c. AI-34648 Historical Commission.

Judge Self re-appointed Elaine Borgogni to the Historical Commission.

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

Commissioner Williams re-appoints Joy Gough to the Historical Commission.

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

Commissioner Shaheen re-appointed Clyde Kerley to the Historical Commission.

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

d. AI-34649 Myers Park Advisory Board.

Judge Self re-appoints Paul Furr to the Myers Park Advisory Board. (Time: 2:05 p.m.)

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

COURT ORDER NO. 2011-981-12-12

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

Judge Self would like to add an appointment to the Parks Foundation Advisory Board and he would like Mr. May to come back with an update on the RTC funds tracking. Commissioner Jaynes would like a vote on the TIRZ policy. (Time: 2:37 p.m.)

EXECUTIVE SESSION

Executive Session, in accordance with Chapter 551 of the Government Code, to discuss the following subjects:

Personnel (551.074)

To deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee.

Legal (551.071)

AI-34602 Pending or Contemplated Litigation and Attorney-Client Information.

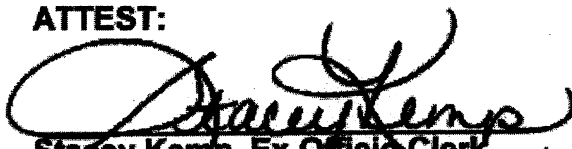
PULLED

Real Estate (551.072)

The Court did not recess into Executive Session. There being no further business of the Court, the meeting was adjourned at 2:37 p.m.



ATTEST:


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


Keith Self, County Judge


Matt Shaheen, Commissioner, Pct. 1


Cheryl Williams, Commissioner, Pct. 2

Not Present
Joe Jaynes, Commissioner, Pct. 3


Duncan Webb, Commissioner, Pct. 4