

STATE OF TEXAS
COUNTY OF COLLIN

COMMISSIONERS' COURT
MEETING MINUTES
AUGUST 13, 2012

On Monday, August 13, 2012, 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:

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

Commissioner Shaheen led the Invocation.
Commissioner Williams led the Pledge of Allegiance.
Commissioner Jaynes led the Pledge of Allegiance to the Texas Flag.

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

President Self called to order the meeting of the Collin County Health Care Foundation at 3:03 p.m. and adjourned the meeting at 3:03 p.m.

FYI NOTIFICATION

1. AI-34688 Outstanding Agenda items, Commissioners Court.
2. **Public Comments.** There were no public comments.
3. **Presentation/Recognition:**
 - a. Service Pins, Human Resources.

Caren Skipworth, IT, presented a service pin to David McCurdy in recognition of 15 years of dedicated service to Collin County. (Time 1:32 p.m.)

4. Consent agenda to approve: Judge Self pulled item 4g1 from the consent agenda and asked for comments from the Court. Commissioner Webb pulled one payment to Schindler Corporation from item 4a for a separate vote and requested item 4c1 be pulled for discussion. There being no further comments, a motion was made to approve the remainder of the consent agenda. (Time: 3:01 p.m.)

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

a. **AI-35613** Disbursements for the period ending August 7, 2012, Auditor.

All disbursements with the exception of the payment to Schindler Corporation were approved with the consent agenda vote.

COURT ORDER NO. 2012-533-08-13

A motion was made to approve the disbursement to Schindler Corporation. Commissioner Webb did not participate in the vote. (Time: 3:01 p.m.)

Motion by: Commissioner Cheryl Williams
Second by: Judge Keith Self
Vote: 4 – 0 Passed
Abstain: Commissioner Duncan Webb

COURT ORDER NO. 2012-534-08-13

b. **Advertisement(s):**

1. **AI-35586** Construction, IT Vault (IFB No. 07333-12), Construction & Projects.

COURT ORDER NO. 2012-535-08-13

2. **AI-35574** Construction, Towers and Zip Lines (IFB No. 07334-12), Construction & Projects.

COURT ORDER NO. 2012-536-08-13

3. **AI-35594** Supplies, Janitorial (IFB No. 05263-12), Facilities.

COURT ORDER NO. 2012-537-08-13

4. **AI-35475** Equipment, Lease: Construction and Right-of-Way Maintenance Equipment (IFB No. 05248-12), Public Works.

COURT ORDER NO. 2012-538-08-13

c. Award(s):

1. **AI-35592** Services: Prisoner Transport (IFB No. 04215-12) to Texas Prisoner Transportation Division, Sheriff.

Commissioner Webb pulled this item for discussion because the insurance requirement was not met. He asked why the Court is being asked to approve a contract when they did not meet bid specifications. Frank Ybarbo, Purchasing, came forward to inform the Court that the required insurance is a federal motor carrier regulation of five million dollars for a company that transports 15 or more prisoners. He is thinking that this company will be using smaller vehicles which is why he took acceptance to the regulation. Since he is not sure of this, he requested the item be pulled until he can obtain confirmation and bring it back to the Court.

HELD

d. Agreement(s):

1. **AI-35535** Contract No. 2013-041110 with the Department of State Health Services (DSHS) in the amount of \$1,482,201, Health Care.

COURT ORDER NO. 2012-539-08-13

2. **AI-35548** Funding Agreement with the Allen Heritage Guild for funding through the FY2012 Historical Commission Grant Program for guttering churches at the Allen Heritage Village and further authorize the County Judge to finalize and execute same, Historical Commission.

COURT ORDER NO. 2012-540-08-13

3. **AI-35555** Funding Agreement with the Bear Creek Cemetery Foundation for funding through the FY2012 Historical Commission Grant Program to repair damaged markers and further authorize the County Judge to finalize and execute same, Historical Commission.

COURT ORDER NO. 2012-541-08-13

4. **AI-35556** Funding Agreement with the Cemetery Association of Murphy for funding through the FY2012 Historical Commission Grant Program for tombstone inscription preservation and further authorize the County Judge to finalize and execute same, Historical Commission.

COURT ORDER NO. 2012-542-08-13

5. **AI-35557** Funding Agreement with the Collin County Genealogical Society for funding through the FY2012 Historical Commission Grant Program for digitizing McKinney Historical Newspapers and further authorize the County Judge to finalize and execute same, Historical Commission.

COURT ORDER NO. 2012-543-08-13

6. **AI-35558** Funding Agreement with the Heard-Craig Center for the Arts for funding through the FY2012 Historical Commission Grant Program for Heard-Craig House inline guttering and further authorize the County Judge to finalize and execute same, Historical Commission.

COURT ORDER NO. 2012-544-08-13

7. **AI-35559** Funding Agreement with the Heritage Association of Frisco for funding through the FY2012 Historical Commission Grant Program for construction of a Frisco Calaboose Replica and further authorize the County Judge to finalize and execute same, Historical Commission.

COURT ORDER NO. 2012-545-08-13

8. **AI-35561** Funding Agreement with the Heritage Farmstead Association for funding through the FY2012 Historical Commission Grant Program to create a Blackland Prairie Garden and further authorize the County Judge to finalize and execute same, Historical Commission.

COURT ORDER NO. 2012-546-08-13

9. **AI-35560** Funding Agreement with the Heritage Farmstead Association for funding through the FY2012 Historical Commission Grant Program to publish a commemorative book and further authorize the County Judge to finalize and execute same, Historical Commission.

COURT ORDER NO. 2012-547-08-13

10. **AI-35562** Funding Agreement with the Plano Conservancy for Historic Preservation for funding through the FY2012 Historical Commission Grant Program to renovate the Texas Electric Railway Car #360 and further authorize the County Judge to finalize and execute same, Historical Commission.

COURT ORDER NO. 2012-548-08-13

11. **AI-35563** Funding Agreement with the Snow Hill Cemetery Association for funding through the FY2012 Historical Commission Grant Program to build a secure fence and further authorize the County Judge to finalize and execute same, Historical Commission.

COURT ORDER NO. 2012-549-08-13

12. **AI-35564** Funding Agreement with the Stoney Point Cemetery Association for funding through the FY2012 Historical Commission Grant Program to fabricate and install steel entry and fence and further authorize the County Judge to finalize and execute same, Historical Commission.

COURT ORDER NO. 2012-550-08-13

13. **AI-35565** Funding Agreement with the Young Family Cemetery Association for funding through the FY2012 Historical Commission grant program to reprint two (2) historical accounts, print promotional brochure, monument and flagstone for a Scatter Garden and further authorize the County Judge to finalize and execute same, Historical Commission.

COURT ORDER NO. 2012-551-08-13

e. Amendment(s):

1. **AI-35587** No. 2 to Services: Professional Audit (RFP No. 06294-10) with Pattillo, Brown & Hill, L.L.P. to extend the contract for one (1) year through and including September 30, 2013 at a price NTE \$103,000 and further authorize the Purchasing Agent to finalize and execute same, Auditor.

COURT ORDER NO. 2012-552-08-13

f. Change Order(s):

1. **AI-35611** No. 1 to Testing: Postmortem Toxicology (IFB No. 07246-11) with NMS Labs to extend the contract for one (1) year through and including September 30, 2013 and further authorize the Purchasing Agent to finalize and execute same, Medical Examiner.

COURT ORDER NO. 2012-553-08-13

g. Receive and File, Auditor:

1. **AI-35573** CSCD (1st & 2nd Quarter FY2012).

PULLED

2. **AI-35572** Juvenile Probation (1st & 2nd Quarter FY2012).

COURT ORDER NO. 2012-554-08-13

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

1. **AI-35582** July 23, 2012.

COURT ORDER NO. 2012-555-08-13

i. Miscellaneous

1. **AI-35585** Acceptance of the FY2013 Discretionary Grant Program funding in the amount of \$250,774 with the Texas Indigent Defense Commission for grant period beginning October 1, 2012 through and including September 30, 2013, Auditor.

Judge John Roach, Jr. came forward to address the Court regarding approval of the grant. This is a four year grant, but he is only asking for approval of the first year. It is a one year obligation to hopefully be renewed three times.

The reason for the effort is the cost and the need for a more comprehensive approach in how defendants with mental illness are managed in Collin County's criminal justice system. Judge Roach offered a brief overview of the issues to the Court. The average cost of housing a mentally ill inmate is approximately \$200 per day as compared to an inmate who is not mentally ill which costs approximately \$70 per day.

The average length of stay for a mentally ill defendant in Collin County is 213 days and is 430% longer than a non-mentally ill defendant which is an average of 49 days. In the past two and a half years, inmates found to be incompetent and either transported or waiting to be transported to a mental health facility for competency restoration has cost taxpayers \$1.9 million.

The goal is to create a comprehensive overall system to manage mentally ill defendants as they come into the criminal justice system. Because the current system is inadequate and costs an enormous amount of taxpayer dollars, his group reached out to the Texas Indigent Defense Commission (TIDC) for a grant. Out of the ten submissions received by the Commission, only three were selected; Collin County was the number one choice. Judge Roach asked for \$62,694 from county funds in order to receive \$250,000 from the state in the first year. The program will be implemented over the next year. They will need to hire an outside consultant as the program director such as a non-profit organization and two other people. Judge Roach noted that by saying "hire" he did not mean the hiring of a county employee with benefits and retirement. Throughout the process, the program will be continually evaluated to determine its success.

Commissioner Webb commented that when reading the documentation it will take approximately six months to hire a program director and get the program in place. He asked if they are going to have the ability to analyze and determine the programs effectiveness in just six months. Judge Roach replied no; to be statistically accurate they will not see it in six months to a year. It is his opinion that they will not get a good picture of the program's success until the second year.

Judge Self asked about the process if, after two years, it is decided that the program is not successful. The state will have put in approximately \$330,000 and the county will have put in approximately \$190,000; do all parties move to fifty percent or do they just call it off. Judge Roach responded saying it is his understanding that they can just call off the program.

Judge Self asked for an example of a non-profit that might manage the program. Judge Roach replied LifePath Systems for one, but there are many others. He prefers the idea of the non-profit hiring the program director then contracting with LifePath or a similar organization for a social worker and a case worker. Commissioner Jaynes asked for another example of a non-profit. Judge Roach replied Children and Family Guidance Services.

Commissioner Shaheen asked why not take the wheel that is in place now, annotate which legal counselors have experience with mental health and then give the dollars to LifePath for mental health management. It appears to him to be additional layers that could have some duplication. Judge Roach replied because it is the county's responsibility to protect the citizens of Collin County and he does not want to delegate that to anyone else.

The mentally ill usually get worse when in jail. Jail it is not a benefit to their mental health treatment; it is a deterrent. Families do not know how to handle them so they do not want the responsibility either; therefore, they end up the the system costing jail dollars. Judge Roach would rather give the family and the county resources to account for mentally ill defendants if they are out on bond. At present, there is no mechanism in place to monitor a defendant who is out on bond. Since they have not been convicted of anything, they cannot be sent to Probation.

Commissioner Shaheen pointed out that this is what LifePath is doing now. Judge Roach replied that it is not; they do not monitor a defendant out on bond. They are not equipped and do not monitor to ensure the terms and conditions of the bond are being followed. Commissioner Shaheen believes that the focus should be on mental health restoration to get them ready to stand trial. If we could give additional dollars to LifePath to get competency restoration on top of case management, then address the wheel by annotating the legal counsel with mental health backgrounds, it seems like that would address the issue. Judge Roach pointed out that LifePath can only manage that if the defendant is in jail. The issue is where to place these defendants when they are out of jail. Discussion regarding LifePath's ability to manage mentally ill defendants out on bond followed.

Judge Self asked about the Managed Assigned Counsel Oversight Board and who would be on the board. Judge Roach anticipates a judge, a member of the criminal defense bar and Court Administrator Pamela Devault. Judge Self asked if the Commissioners' Court would make the decision as to the selection of the program director or non-profit entity. Judge Roach replied it is his understanding that is the requirement of the TIDC. He stressed the need for the Court to give a great deal of deference to the District Judges and him in particular as the Administrative Judge.

Judge Self noted that when averaged over the next four years, the county would be spending \$150,000 per year and asked if the services could be provided in-house for the same. Judge Roach anticipates the annual cost to decrease because of the initial startup costs in the first year. Regarding the ability to provide the same services in-house, he does not know. Judge Roach pointed out that when looking at the \$500,000 the state will provide, the county would not get the same quality program for the money. Judge Self commented that there has been Court discussion regarding the acceptance of grants. When a grant is accepted, a lot of their rules must also be accepted. He questioned whether the infrastructure is worth the extra dollars.

Judge Roach responded that when looking at \$150,000 per year, the cost of an attorney, a licensed social worker and a licensed case worker would easily exceed \$150,000.

Commissioner Shaheen asked whether there is flexibility with the grant and if it could be applied for next year. Judge Roach replied he is very certain that if they turn this down now, they will never be able to apply for this grant again. Discussion regarding the Court's options followed.

Judge Self stated that a review date must be set if this is approved. Commissioner Webb suggested next August before budget. Commissioner Jaynes asked about the process for getting these services. Judge Roach replied that they do not have to bid so they could seek out providers that are known by the county. Commissioner Shaheen questioned why the process would not be bid. Frank Ybarbo, Purchasing, came forward. The county has the option to bid, but if the Commissioners' Court orders it a professional service it does not have to be bid. Commissioner Shaheen thinks it is a mistake not to use LifePath and that the dollars should be given to them for indigent mental health inmate services. A motion was made to approve the grant as stated.
(Time: 2:03 p.m.)

Motion by: Judge Keith Self
Second by: Commissioner Cheryl Williams
Vote: 4 - 1 Passed
Nay: Commissioner Matt Shaheen

COURT ORDER NO. 2012-556-08-13

2. **AI-35537** Reject all bids received for Uniform Miscellaneous Rental and Laundry Services (IFB No. 04205-12), Facilities.

COURT ORDER NO. 2012-557-08-13

3. **AI-35346** Odyssey eSignature project; Amendment No. 7 to the Techshare Resource Sharing Addendum Common Integrated Justice System (CIJS) Court Administration System with the Texas Conference of Urban Counties (CUC), End User License Agreement and Professional Services Agreement with Tyler Technologies and further authorize the County Judge to finalize and execute the associated documents, Information Technology.

COURT ORDER NO. 2012-558-08-13

GENERAL DISCUSSION

5. **AI-35394** NTTA Annual update, Administrative Services.

Gerry Carrigan, NTTA, came forward with an annual update. Mr. Carrigan acknowledged the presence of Jane Willard and Bill Moore who are Collin County's appointees to the NTTA Board.

Mr. Carrigan presented a power point presentation to the Court. He began with a map of the Regional Plan which is the blueprint for surface transportation and mobility for the region through the planning horizon of 2035. The principle goal of the NTTA is to partner with various entities to see their projects come to life. Judge Self pointed out that the first segment of the Outer Loop is scheduled to open next month.

Mr. Carrigan's briefing included a background of the NTTA which was formed in 1997. They continue to expand and in the last eight years they have seen dramatic growth. A time line of facility openings was shown and a brief overview of the expansion progress was given. The western extension project is due to begin opening in October and by the end of 2012 should be completely open to IH-20. Mr. Carrigan also briefed the court on the future projects which are in the environmental process.

The presentation included a then and now comparison. Total revenue in 1997 was approximately \$66 million and today is \$480 million; toll revenue grew from \$58.8 million to \$459.8 million. Outstanding debt rose from \$1.6 billion to \$9 billion; however, this amount also represents the NTTA's investment in the region. Lane miles grew from 124 to 824 and are expected to grow to 1,000. There are more than half a billion transactions annually. Toll tags to date total 2,622,324. The footprint of the NTTA has gone from a two (2) county to a five (5) county perimeter. Total expansion costs were nearly \$5 billion. In addition, as a developer of the SH-121 project and the SH-161 project, they have contributed \$3.4 billion to local improvements.

The NTTA is about to enter into new phase. A chart showed the evolution over the past 15 years of going from builder to operator. They are moving more to maintenance and operation and will be more focused on customer service, collections and continuing to maintaining excellence in the maintenance of their facilities. The struggle as they enter into the "pinch point" from 2013 to 2018, is maintaining their bond coverage and maximizing their revenues.

They will continue to build into 2014, but need to look at ways other than standard municipal bond finance. They will continue to look at partnerships much like the Chisholm Trail project where a number of entities contributed to the project. Considering private equity and public/private partnerships is the next frontier for the NTTA.

Next, a slide depicting the five year capital plan which is 2013 to 2017 was shown. In comparison to the past five years, this is a much more austere plan. The estimated cost will be just over half a billion dollars, most of which is related to minor capital improvements and maintenance projects both routine and preventative. There are three projects that affect Collin County and are major capital expenditures. They just led a contract to finalize cashless tolling on the George Bush Turnpike. This relates only to the ramp plazas and includes the removal of booths and coin machines to make it safer for travelers.

Projects affecting Collin County include the Dallas North Tollway (DNT) fourth lane expanding from the Bush Turnpike to the Sam Rayburn Tollway (SRT); the DNT/Bush Turnpike interchange which includes modifications to the north side to provide traffic improvements and the George Bush Turnpike fourth lane which is widening on the inside of the turnpike from I-35E to SH-78; this is a late year project scheduled to begin in 2016. In addition, looking 15-20 years down the road, there will be further extension of the DNT depending on the economy and cost feasibility.

Mr. Carrigan discussed the progress of the County Review as of June 2012. He presented a chart showing the areas of focus and the progress status. The independent financial and performance review that was conducted under the guidance of the County Judges found that they were accomplishing their mission which was building and maintaining good roads and taking care of customers. The review also identified 82 specific areas for improvement.

The NTTA Board and staff embraced the study fully. There have been two quarterly reports to the judges since the findings were received and 76% of the recommended improvements have been implemented to date. 18% are in progress and 5% are pending. Mr. Carrigan informed the Court that they are taking the findings of the review seriously and intend to have the recommendations implemented by the end of the fiscal year.

One of the recommendations of the study was to improve collections. 92% who use the facilities pay and on time; there are some who have issues with paying. 75% use toll tags and 25% are billed using ZipCash a pay by mail program. The focus is more on repeat offenders with 100 or more unpaid tolls. These are people who have been notified multiple times without success. More than 850 have paid their tolls as a result of the NTTA's publicity effort. For the others who have still not paid, two other options include payment agreement lawsuits and collections lawsuits.

Mr. Carrigan thanked the Court for supporting the legislative goals of the NTTA which include blocking vehicle registration, banning repeat violators and placing a boot on the vehicle. Commissioner Jaynes asked how banning offenders would work. Mr. Carrigan replied by using automatic license plate recognition they can track the pattern of repeat offenders and then call ahead to have them stopped by law enforcement. They have the ability to do this now, but not the legislation. They are looking for specific authority in this legislation to accomplish the method.

Commissioner Webb asked about the success of the violator's publicity campaign. Mr. Carrigan replied it has gone better than hoped; the first day nearly shut down their system because of the people downloading the violators list; it made national news. More than 850 have paid up in the first couple of weeks. When they go to Phase II which is the lawsuits, Mr. Carrigan believes that will complement and re-enforce the effort. Commissioner Webb commented that the county is blessed that the gateway to Collin County goes through two intersections; the George Bush and the DNT.

Money has been allocated at US 75 and George Bush to solve congestion at that interchange. The Commissioner noticed the plan to make modifications in the next four years to the interchange at George Bush and the DNT. He would like to see the changes made as soon as possible because if traffic backs up at those points, a driver cannot get through the rest of the system. Mr. Carrigan replied the NTTA is aware of the issue and the design is scheduled to begin next year.

Commissioner Shaheen asked what source of funding will be used for the project. Mr. Carrigan replied it is actually their funds and no additional bonds will be issued.

Commissioner Shaheen asked about the \$9 billion in debt and the magnitude of that debt against the financials. Mr. Carrigan replied that they are highly leveraged at half a billion to \$9 billion. Commissioner Shaheen asked, given their current leverage, what is the risk to the US 75 and George Bush project. Mr. Carrigan responded that the project is in the projections and they are still able to maintain their coverage so they are okay unless something changes. It is against cash that will accrue by the time construction starts in 2016. Commissioner Shaheen asked how the NTTA's violators compare with other toll agencies. Mr. Carrigan replied it varies. Everyone in the industry who uses electronic tolls is facing the same issue. Since they are one of the first to convert, they are one of the first to feel the pain. Other agencies are watching the NTTA to see what they are doing. There is not an industry standard at this time so there is no benchmark.

Commissioner Webb is interested in knowing how collections change if the legislature gives them some of the enforcement tools. He would like to see information data on how collections change from right now versus using the collections tools. If the tools are successful, maybe they could use the same ideas to collect for the county. A brief discussion followed.

Judge Self commented that of the eight percent that do not pay their tolls, 11.5 % are not paid in 12 months. That number has gone down to 10%. The majority of the people are law abiding and want to do the right thing, it's the small percentage that we have to keep working on; no business can survive if it is losing 10% of its revenue. The Judge then asked how the county's three toll roads were doing against projections. Mr. Carrigan replied that their system is meeting their projections. He does not have the quarterly figures but can get them for the Court. Judge Self asked for the pinch point. It is 2013 through 2018. They should be past the pinch point in 2018.

(Time: 2:28 p.m.)

NO ACTION TAKEN

6. AI-35614 Filling the vacancy in County Court at Law No. 2, Administrative Services.

Judge Self introduced Barnett Walker as the newly elected County Court Judge. A motion was made to appoint Judge Walker to County Court at Law No. 2.

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

COURT ORDER NO. 2012-559-08-13

7. AI-35624 Personnel Appointments, Human Resources.

Cynthia Jacobson, Human Resources, came forward with information regarding one of the positions on the Personnel Agenda. The position being filled requires a degree; however, the candidate that was chosen does not have a degree. Commissioner Jaynes asked for the pay range that would be compatible with being non-degreed.

Ms. Jacobson replied that the pay range for a non-degreed position with the same types of responsibilities is two grades lower than the degreed position. Commissioner Jaynes asked about the candidate's years of experience. Ms. Jacobson said the person has seven years with Hunt County. Commissioner Jaynes suggested using the non-degreed pay range and then giving the candidate credit for the experience. Commissioner Webb asked for the salary in the non-degreed pay range. Ms. Jacobson replied \$42,753 is the beginning pay. Commissioner Jaynes asked where in the range the candidate would be with experience. Ms. Jacobson replied they typically do not exceed three to six percent above the beginning of the range.

Kenneth Maun, Tax Assessor/Collector, came forward to discuss the qualifications of the candidate. The job description he has does not require a degree. It states "*....knowledge normally acquired through four years of college resulting in a bachelor's degree or equivalent...*" Mr. Maun disagrees with Human Resources' assessment of the candidate's qualifications. The person has worked in the tax office for 10 years; there are no other applicants that are more qualified than this person. In the 27 years he has been in office, he has only seen seven who actually has experience in the tax office. Not only is he responsible to the taxpayers, he sees himself as personally libel to find the most qualified person for the position. He finds it questionable that HR would devalue a position because the candidate does not have a degree; it is not the person, it is the function of the position.

Commissioner Shaheen pointed out that HR's point is that the county is budgeted for a position with a degree and what is being brought forth is a person without a degree. Mr. Maun understands but thinks this is wrong. Nearly every job in the county talks about a degree level of knowledge or equivalent experience and this person has that experience.

Commissioner Shaheen asked Mr. Maun to clarify that the range of \$42,000 to \$59,000 is not the position he is trying to fill. Mr. Maun replied that is correct; the position he is trying to fill has a base salary of \$51,000.

Mr. Maun has been asking for 10 to 15 years for job descriptions of various kinds including this one; he has never been able to obtain them. This one seems to have been written on the spur of the moment because now all of the sudden they have a description. Any job description he would write would have equivalent experience; we are still in a time where a lot of people did not attend college, but have gotten the experience.

Commissioner Shaheen commented that this person is currently working in Hunt County making \$26,000 and asked if going from that salary to \$42,000 was not sufficient. Judge Self asked Ms. Jacobson to come forward and explain what "or equivalent" means. Ms. Jacobson responded that her department performed a salary survey, in comparable counties. Entities that required a degree had a salary equal to where the position is currently; non-degreed positions with the same types of responsibilities were in the pay range two grades lower.

Commissioner Jaynes replied that the question was not answered and asked again what the verbiage meant. Ms. Jacobson said there is not an equivalent. Commissioner Shaheen asked if the non-degreed range was based on experience. Ms. Jacobson replied yes; accountants in particular matter when it comes to having a degree.

Judge Self pointed out that the county typically holds the line regarding education requirements; this is important in setting precedence. He asked Mr. Maun if he understood that they are willing to pay above the minimum of the range for the candidate's experience. Mr. Maun replied that he does understand; however, he is dealing with something unique. He could go get a Master's or a Doctorate and would still have to start from scratch in training. Judge Self responded that Collin County is a more complex county than Hunt County. There is \$2 billion in revenue and 1 million people being dealt with; there is a magnitude of complexity in difference. Commissioner Jaynes wants the description more clearly defined regarding the education and knowledge. A discussion regarding the wording in the job description followed.

Mr. Maun thinks there is a bias in this case that he does not like. Commissioner Shaheen replied there is not a bias. Mr. Maun replied what he is talking about is that his candidate is black and until he went to orientation there was not a problem. Commissioner Shaheen continued saying that the position was budgeted as degreed; the candidate is still getting approximately \$45,000 when he is currently making \$26,000. In addition, if the Court is not consistent, it will create issues across the county.

Before moving forward, Judge Self addressed Mr. Maun's accusation directly saying he and the Court had no idea of the candidate's color until it was brought up in this court and it is entirely inappropriate. The Court is addressing qualifications and salary and not anyone's color that comes to work for Collin County.

There was a brief discussion regarding the recommended salary. Judge Self suggested to Mr. Maun that he use PFP for compensating his candidate further. Ms. Jacobson was directed to revise the job description to reflect the degree requirement. There being no further discussion, a motion was made to approve the appointment with the starting salary of \$45,318 annually. (Time: 2:47 p.m.)

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

Judge Self revisited the issue in order to call a re-vote on the appointment as the Court is not authorized to change the budget for this fiscal year. He made a motion to approve the salary of \$45,318 annually to be effective October 1, 2012.
(Time: 2:58 p.m.)

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

COURT ORDER NO. 2012-560-08-13

A motion was made to approve the remainder of the personnel agenda.
(Time: 2:58 p.m.)

Motion by: Commissioner Duncan Webb
Second by: Commissioner Joe Jaynes
Vote: 5 - 0 Passed

COURT ORDER NO. 2012-561-08-13

8. AI-35285 Medicaid 1115 Waiver, Regional Health Partnership, Administrative Services.

Bill Bilyeu, County Administrator, came forward saying Commissioner Williams has the most information as she attended the summit. Commissioner Williams briefed the Court on the most recent information regarding the waiver. Originally, the State of Texas modeled their RHP after California. The assumption was that since the California model had been accepted, it should help move things forward quickly. The Centers for Medicare and Medicaid Services (CMS) indicated that for Texas, that model was not going to be acceptable because they want much more detail and there will be a much higher level of oversight due to the magnitude of dollars involved. The state did not have as many negotiations complete with CMS, so there was not as much information as they had hoped for at this stage of the process.

Another point commented on was that CMS is looking for truly regional projects. There is a lot of detail on the forms themselves and how hospitals are supposed to apply for uncompensated care which is the replacement for UPL. Only providers who have had UPL previously can apply for uncompensated care which was a concern to some of the hospitals.

One of the new elements is the Pass 1 which is initial funding and if there is any funding left over there will be a Pass 2. In order to be eligible for additional funding under Pass 2, the RHP must demonstrate that there is broad hospital participation where the RHPs fund a minimum percent which is where the five percent comes in. They have gotten away from just urban and rural and have now broken it out into tiers such as tier one, tier two, tier three and tier four with tier four being thought of as rural.

They have increased the number of projects that will be required. The five percent is not as large as first thought so it may not be problematic. It is very critical to get the template in place early because if we wait until October 31st, it will go directly to CMS without review by the state and they will not defend something they have not reviewed. One of the questions raised was, does a hospital have to identify the Intergovernmental Transfer funds (IGT) provider before the Delivery System Reform Incentive Payment (DSRIP) project can be submitted; the answer is yes. Also, regarding the eight percent that Grayson County typically provides for indigent care, which is very meaningful to them, it was determined that there is a way for the funds to be considered IGT.

Once again it was stated that inmate care is completely off the table and no one should give it any consideration. Ron Anderson asked about the North Texas Behavioral Health Authority (NTBHA) and the ability to use the NTBHA money for a match. It appears to the Commissioner that the Health and Human Services Commission (HHSC) is looking closely at this and seeing if those dollars can be used for a match. Judge Self noted that the NTBHA Board was told not this year, it would be next year at the earliest. It is Commissioner Williams' opinion that Pass 1 and Pass 2 were created to push the big public hospitals like Parkland to continue to provide some funding to private hospitals because the 25% needs to be non-profits or private hospitals not just the public hospitals.

Mr. Bilyeu informed the Court that Public Information Associates received the template responses from partners in the RHP. They are working on developing the document how it should appear based on what was learned at the summit. They want to get the document back to the state no later than October 1st so it can be reviewed by the state. If the state has the time and the deadline is met, then they will help argue for a project to be approved by CMS. Public hearings are being scheduled with each of the other two counties. After the second public hearing, it will come back to the Collin County Commissioners' Court for final approval.

Judge Self asked if there were enough projects to meet the criteria. Commissioner Williams replied that she thinks there are enough projects. Judge Self then asked about the IGT. Commissioner Williams replied that will depend on the hospitals. Mr. Bilyeu responded IGT options have been offered under current programs; some may come back in year two or year three.

Commissioner Williams closed her comments saying the consultants are doing a great job; they are very engaged and very knowledgeable about how this is moving forward and she is very pleased with their efforts. (Time: 2:57 p.m.)

NO ACTION TAKEN

9. AI-34804 83rd Legislative Agenda for 2013, Commissioners Court.

Mr. Bilyeu came forward with an update regarding the workshop. Invitations will be sent out tomorrow for an October 1st date at 11:30 a.m. Two years ago they had lunch then started Commissioners' Court at 2:30 p.m.

Commissioner Jaynes asked for focus on driver's license offices on item 18. He would like to see a regional location in Plano or somewhere in the area. Mr. Bilyeu replied that Commissioner Shaheen had talked to DPS about this and it may be an issue of looking at their budget. The largest location is in Garland for the Dallas area. Commissioner Shaheen wants to look at working with DPS regarding how much is charged for space and will meet with them after the legislative session. (Time: 3:02 p.m.)

NO ACTION TAKEN

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

Commissioner Webb requested an item for the financial policy and next Monday an item related to a RTC update and proposal. (Time: 3:03 p.m.)

EXECUTIVE SESSION

Judge Self recessed the Court into Executive Session, in accordance with Chapter 551 of the Government Code at 3:03 p.m. to discuss the following subjects:

Legal (551.071)

AI-35618 Litigation for road construction on CR 618 and CR 655, Special Projects.

Judge Self reconvened the Court at 3:23 p.m. and asked for a motion on the item. A motion was made to utilize all means against both parties. (Time: 3:23 pm.)

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

COURT ORDER NO. 2012-562-08-13

There being no further business of the Court, Judge Self adjourned the meeting at 3:23 p.m.



Keith Self, County Judge

Matt Shaheen, Commissioner, Pct. 1

Cheryl Williams, Commissioner, Pct. 2

Joe Jaynes, Commissioner, Pct. 3

Duncan Webb, Commissioner, Pct. 4

ATTEST:

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