

STATE OF TEXAS
COUNTY OF COLLIN

COMMISSIONERS' COURT
MEETING MINUTES
SEPTEMBER 10, 2012

On Monday, September 10, 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

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

1. Judge Self called to order the meeting of the Collin County Commissioners' Court at 6:00 p.m.

DECISIONS MANDATED BY LEGAL ENTITIES OUTSIDE OF COMMISSIONERS COURT AUTHORITY:

1. AI-35681 Budget amendment in the amount of \$10,000 to reallocate funds from Out of County Sex Offender (Fund 045) to Juvenile Probation (Fund 18) to provide funding for residential services, Auditor.

FYI NOTIFICATION

1. AI-34688 Outstanding Agenda items, Commissioners Court.
2. AI-35639 Budget amendment in the amount of \$35,000 to establish the budget for the FY2012 Solid Waste Implementation Project Grant, Auditor.
3. AI-35694 Budget amendment(s)/adjustment(s) totaling \$194,882 (over \$5,000 per c/o 2005-589-08-01), Budget.

Commissioner Webb wanted to address an item for \$76,000 to repair electrical damage from a squirrel. The Commissioner wanted to know if actions were being taken to prevent this from occurring again. Bill Bilyeu, Administrative Services, said safeguards

were being put in place and other areas are being checked for similar risk exposure.
(Time: 6:11 p.m.)

2. Public Comments. Public comments were heard under General Discussion.

3. Presentation/Recognition:

a. **AI-35708** Check presentation in the amount of \$42,585 to the Collin County Children's Advocacy Center, Budget.

Lynne McLean, CEO, Collin County Children's Advocacy Center, came forward with an update for the Court. Ms. McLean expressed gratitude for the Court's support. The Advocacy Center opened in Plano in 1992 as an initiative of the Plano Junior League. To date they have served more than 40,000 children. All services are provided at no cost for as long as children need them. 15% of their funding comes from government sources; 78% of the funds are spent on program services. In the past 20 years the child population has increased by 144%, but child abuse has increased by 249%. Ms. McLean announced the Children's Advocacy Center is about to open a satellite office in northern Collin County which is where the highest increase in abuse has occurred. The new office will open October, 1, 2012. At the conclusion of Ms. McLean's presentation, she accepted a check from Judge Self and the Commissioners' Court on behalf of the Children's Advocacy Center in the amount of \$42,585. Judge Self noted the funds were a result of rebates from an electrical co-op. Ms. McLean thanked the Court and invited them to the open house. (Time: 6:09 p.m.)

4. **Consent agenda to approve:** Judge Self pulled items e1, f2, h2 and h3 for discussion. Commissioner Webb pulled item FYI 3. A motion was made to approve the remainder of the consent agenda. (Time: 6:11 p.m.)

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

a. **AI-35712** Disbursements for the period ending September 4, 2012, Auditor.
COURT ORDER NO. 2012-605-09-10

b. **AI-35714** Tax refunds totaling \$295,882.62, Tax Assessor Collector.
COURT ORDER NO. 2012-606-09-10

c. Agreement(s):

1. **AI-35729** Amended and Restated Tax Abatement Agreement for Reinvestment Zone No. 111 with the City of Plano, Collin County and Capital One, National Association to consolidate the abatements for the separate phases of the Capital One project into one agreement and further authorize the County Judge to finalize and execute same, Budget.

COURT ORDER NO. 2012-607-09-10

2. **AI-35529** Participation Agreement with the Nationwide SAR (Suspicious Activity Reporting) Initiative (NSI) Program Management Office (PMO) to provide funding and/or support to certain activities, including equipment procurement, training and technical assistance in support of the North Central Texas Fusion Center (NCTFC) and further authorize the County Judge to finalize and execute same, Information Technology.

COURT ORDER NO. 2012-608-09-10

d. Amendment(s):

1. **AI-35579** No. 3 to Interlocal Agreement for Environmental Services (Agreement No. 02189-10) with the City of Lowry Crossing to extend the contract for one (1) year through and including September 30, 2013. Payments will be made in quarterly installments for an annual amount of \$1,368 and further authorize the Purchasing Agent to finalize and execute same, Development Services.

COURT ORDER NO. 2012-609-09-10

2. **AI-35616** No. 5 to Interlocal Agreement for Environmental Services (Agreement No. 10175-09) with the City of Anna to extend the contract for one (1) year through and including September 30, 2013. Payments will be made in quarterly installments for an annual amount of \$6,864 and further authorize the Purchasing Agent to finalize and execute same, Development Services.

COURT ORDER NO. 2012-610-09-10

3. **AI-35641** No. 5 to Interlocal Agreement for On-Site Sewage Facility (OSSF) with the City of Lucas 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, Development Services.

COURT ORDER NO. 2012-611-09-10

4. **AI-35575** No. 5 to Interlocal Agreement for Environmental Services (Agreement No. 10176-09) with the City of Melissa to extend the contract for one (1) year through and including September 30, 2013. Payments will be made in quarterly installments for an annual amount of \$4,160 and further authorize the Purchasing Agent to finalize and execute same, Development Services.

COURT ORDER NO. 2012-612-09-10

5. **AI-35615** No. 5 to the Interlocal Agreement for Environmental Services (Agreement No. 10177-09) with the City of Princeton to extend the contract for one (1) year through and including September 30, 2013. Payments will be made in quarterly installments for an annual amount of \$5,608 and further authorize the Purchasing Agent to finalize and execute same, Development Services.

COURT ORDER NO. 2012-613-09-10

6. **AI-35578** No. 5 to Interlocal Agreement for Environmental Services (Agreement No. 10178-09) with the City of Wylie to extend the contract for one (1) year through and including September 30, 2013. Payments will be made in quarterly installments for an annual amount of \$34,152, further authorize the Purchasing Agent to finalize and execute same, Development Services.

COURT ORDER NO. 2012-614-09-10

e. Change Order(s):

1. **AI-35458** No. 31 to Construction: Collin County Courthouse Addition (IFB No. 11067-0) with Turner Construction Company to add various Price Change Orders in the amount of \$396,334 to the contract and further authorize the Purchasing Agent to finalize and execute same, Construction & Projects.

Bill Burke, Building Projects Manager, said there are two change orders involved in this request. One is associated with moving the bar inside the courtroom forward to change access for witnesses for security purposes. And the second is adding 60 bollards to the outside of the building for homeland security.

Judge John Roach, 296th District Court, came forward as the Local Administrative Judge. Judge Roach was present to speak about the safety modifications requested for the district courtrooms. These safety changes have been made in the new County Court at Law courtrooms. The Judge was asking to retrofit the District Court courtrooms to be safe for the use of the litigants, audience and defendant. Judge Roach had a diagram depicting the layout of the courtroom. Under the current design, a criminal defendant in Collin County has direct access from his seat in the courtroom to the gallery where the public sits and into the public corridors of the courthouse. The reason the defendant sits where he does is because the holdover cell is to the left of that seat. Witnesses entering the courtroom to testify enter through a swinging door to the left of the courtroom and they must walk right next to the defendant. Judge Roach gave an example of a recent murder trial heard in his courtroom. Because of the seating arrangement, the mother of the murder victim had to walk within inches of the man accused of murdering her daughter and then face him on her way out of the courtroom.

Under the new design proposed, witnesses would enter the courtroom and walk between the defense and prosecution tables to get to the witness stand. Commissioner Shaheen asked if the bailiff could stand between the defendant and the witness entering the courtroom. Judge Roach said in an attempt to give the defendant a fair trial, they try not to make it look as if he is under a secured watch.

Various alternatives were discussed. Judge Roach stated his job is to keep witnesses, defendants and families safe. He believes it is obvious that this is an unsafe courtroom design. If there was a problem, the liability to the county could be substantial. Judge Self noted a comment in this court that it's a faulty design does not constitute a faulty design. Mr. Burke said the original design from 2005 was done from a plan from the judges in 2001. These changes came about in 2008 when the judges came and said they had some concerns and wanted to look at these things for the new courtrooms. Judge Roach added if it wasn't a faulty design, it wouldn't have been changed when the new courtrooms were built. The District Attorney also supports this proposal.

Sheriff Terry Box was asked if he sees a security issue. Sheriff Box said the Courthouse Security Committee met on this and felt the current design should be changed when the new court offices opened up. If this is not approved, Sheriff Box said it could require more manpower. Commissioner Jaynes asked if the bailiff could act as doorman for everybody coming through. Judge Roach said the bailiff is there to protect him and he shouldn't have to worry about being a doorman. Following lengthy discussion, Commissioner Shaheen doesn't think there's a design flaw. The Commissioner thinks the bailiff can get closer to the defendant. Commissioner Jaynes also liked the idea of the bailiff moving.

Judge Self asked for a motion on the \$317,000 for courtroom renovations. Hearing none, the discussion returned to the request for bollards. Commissioner Williams said she is comfortable with the request for bollards. A motion was made to approve the placement of bollards around the east side of the courthouse. (Time: 6:41 p.m.)

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

COURT ORDER NO. 2012-615-09-10

f. Receive and File, Auditor:

1. **AI-35663** Justice of the Peace, Precinct 3-1 (4th Quarter FY2011 & 1st Quarter FY2012).

COURT ORDER NO. 2012-616-09-10

2. AI-35665 Justice of the Peace, Precinct 3-1 (2nd & 3rd Quarter FY2011).

Judge Self asked for clarification regarding the discrepancy on fee verification. There were discrepancies on 53% of the sampled receipts. Most of the fees charged are not right. Jeff May, County Auditor, said it's his understanding a lot of these are for time-payment fees. Sheila Vinson, Internal Audit Manager, came forward. Ms. Vinson stated the total dollar amount is correct; however, the actual allocation of where the fee should be posted is not correct. Within the system it should be programmed to where these should come out correctly if they're entered correctly, but the correct amount has to be put into the system. Judge Self said fees for all of our elected officials seem to be a problem. Mr. May said his office was working on automating a process to help with that. Ms. Vinson felt we should see an improvement in the next fiscal year in the way we're trying to capture the information and they will be in a better position to help the agencies.

Ms. Arris said the new fee schedule will be adopted in court next week. Commissioner Williams wants to know if it's possible to follow-up with the elected officials to ask if they've received that fee schedule and have them sign off that they have implemented those fees correctly in Odyssey. Commissioner Webb wanted to speak on this issue. He stated he thinks this is one of the worst audit reports he's seen since he's been on the Court; to contain over 228 items is ridiculous. Monthly reports are not filed timely in compliance with state law. The only good news is the fourth quarter and first quarter did not have the same issue. The Commissioner stated it is very disappointing to have this come from one of our elected officials. A motion was made to accept the audit for the second and third quarters FY 2011. (Time: 6:47 p.m.)

Motion by: Judge Keith Self
Second by: Commissioner Cheryl Williams
Vote: 5 - 0 Passed

COURT ORDER NO. 2012-617-09-10

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

1. **AI-35700** August 13, 2012.

COURT ORDER NO. 2012-618-09-10

2. **AI-35719** August 20, 2012.

COURT ORDER NO. 2012-619-09-10

h. Miscellaneous

1. AI-35713 Acknowledgment of the issuance of the Tarrant County Cultural Education Facilities Finance Corporation Bonds for improvements to Texas Health Presbyterian Hospital Plano and Texas Health Presbyterian Hospital Allen and further authorize the County Judge to finalize and execute associated documents, Administrative Services.

COURT ORDER NO. 2012-620-09-10

2. AI-35698 Sale the abandoned portion of Holiday Drive undeveloped right-of-way in Holiday Harbor Estates Subdivision to Robert Wakefield in the amount of \$6,700 and further authorize the County Judge to finalize and execute the associated documents, Public Works.

Judge Self asked for clarification. The document talks about an appraisal of \$6,700 and also an appraisal of \$1,000. Is the sale for \$6,700 or \$7,700? Jon Kleinheksel, Public Works, came forward to answer the Judge's question. The sale was for \$6,700 and the survey was done for \$1,000, which was paid by Mr. Wakefield. A motion was made to accept the \$6,700. (Time: 6:48 p.m.)

Motion by: Judge Keith Self

Second by: Commissioner Joe Jaynes

Vote: 5 - 0 Passed

COURT ORDER NO. 2012-621-09-10

3. AI-35717 Authorization to request distribution of the FY2013 Low Income Vehicle Repair Assistance, Retrofit, and Accelerated Vehicle Retirement Program County Funding from Texas Commission on Environmental Quality in the amount of \$346,876, Special Projects.

Judge Self stated this is a request for distribution of the FY 2013 Low Income Vehicle Repair Assistance, Retrofit and Accelerated Vehicle Retirement Program to accept a check for almost \$347,000; the Judge wanted to point out to the citizens that they pay \$2.6 million into this fund to the state every year when they get their vehicles inspected. In turn Collin County gets back less than \$400,000. This is a program where we subsidize the rest of the state. A motion was made to approve. Following the motion, Commissioner Jaynes said that's always been the case. (Time: 6:51 p.m.)

Motion by: Judge Keith Self

Second by: Commissioner Cheryl Williams

Vote: 5 - 0 Passed

COURT ORDER NO. 2012-622-09-10

4. **AI-35685** Notice of Intent to Participate in the FY2013 Hog Out County Grants Program through the Texas Department of Agriculture (TDA), Texas AgriLife Extension Service.

COURT ORDER NO. 2012-623-09-10

5. **AI-35730** Re-plat of The Trails of 1827 Phase I - Lot 1, Block D, Engineering.

COURT ORDER NO. 2012-624-09-10

6. **AI-35779** Personnel Appointments, Human Resources.

COURT ORDER NO. 2012-625-09-10

7. **AI-35780** Personnel Changes, Human Resources.

COURT ORDER NO. 2012-626-09-10

GENERAL DISCUSSION

5. **AI-35588 Public Hearing** – Fiscal Year 2013 Preservation and Restoration Plan and Records Archive, County Clerk.

Judge Self asked County Clerk Stacey Kemp to come forward. Ms. Kemp stated the purpose of the public hearing is to define the restoration and preservation plan of the County Clerk's office for the upcoming fiscal year. The scope of work will be ongoing for many years, but the purpose is to preserve all of our historical books and get the images and indexes available up on the web so we can provide access to the public. The money comes from document preservation fees of \$5 when documents or court cases are filed in the clerk's office. The money is put into this fund and Ms. Kemp must get the Court's approval to spend this money. The plan shows what the County Clerk's office is planning on doing this next fiscal year. The documents will be preserved and citizens will have the convenience of looking at them from home.

Judge Self opened the public hearing. This is a continuing plan and the money is available in this dedicated fund. Hearing no public comments, the public hearing was closed. A motion was made to accept the preservation plan for FY 2013. (Time: 6:53 p.m.)

Motion by: Commissioner Cheryl Williams

Second by: Commissioner Duncan Webb

Vote: 5 - 0 Passed

COURT ORDER NO. 2012-627-09-10

6. AI-35598 Public Hearing – Proposed FY 2013 Tax Rate, Budget.

Judge Self opened the public hearing.

Kelly Cooper, Prosper, came forward to speak about the issue of the Sheriff's Department hiring two deputies. She understands the Sheriff's Office has been short 15 deputies and she encouraged the Court to stay on track and consider adding three deputies. Judge Self reminded everyone that this is the proposed budget. The final budget will be decided on September 17th. Ms. Cooper said the hiring and funding for three additional deputies, and for the years it will take to get up to the numbers that will address the issues discussed, is not just a matter of officers' safety, it's for the public's safety as well. Additionally, the deputies provide mutual aid and back up for the cities. Ms. Cooper said she appreciated the Commissioners not growing the budget, but this is for essential services and public and officer safety.

Judge Self called Ms. Arris forward for an update on the proposed budget. Ms. Arris had a Power Point presentation entitled "Tax Rate Public Hearing". The current tax rate is \$0.2400 per \$100 valuation; Collin County has had no tax rate increase in 19 years; and a 5% homestead exemption has been in place for the past three years. Adjusted taxable value for 2012 is 3% over last year. 2013 certified adjusted taxable value is \$74.6 billion which is certified from Collin County Central Appraisal District. The average home in Collin County is valued at \$230,218 and the average homeowner will pay \$524.90 in county taxes for the 2012 tax year, which is a decrease of \$1.66 from last year.

Ms. Arris showed a slide comparing the variance between the FY 2012 adopted tax rate as well as the effective tax rate and rollback tax rate. The effective tax rate is a calculated rate that would provide Collin County with about the same amount of revenue it received in the year before on properties that existed in both years. The rollback rate provides Collin County with about the same amount of tax revenue it spent the previous year for day-to-day operations, plus an extra 8% increase for those operations and sufficient funds to pay debts for the coming year. Ms. Arris said all of this was published as the truth-in-taxation for our effective tax rate on August 10th, 2012, in the Dallas Morning News.

The next slide showed the effective tax rate and rollback rate compared to the FY 2013 recommended tax rate that was proposed. The \$.024 tax rate has been maintained and the operating total is \$0.174663.

On Monday, September 17th, 2012, at 1:30 in the Commissioners' Courtroom the Commissioners will adopt the FY 2013 fee schedule, FY 2013 tax rate and FY 2013 budget.

Ann Lieber, Prosper, came forward to speak about the office of constable. She is perplexed at the scrutiny the office has come under this past year. She sees this office as one that is historical, outlined constitutionally and serving the citizens of Collin County in a unique and beneficial way. Ms. Lieber said if the Court strips the office of the historical duties and takes employees away in order to justify lower pay standards, they are taking incremental steps to disband the office. Proper representation by the legislature is becoming increasingly difficult to achieve. Our only hope of saving our constitutional republic will be via the oaths honorable elected officials such as the Court swears to uphold to defend the sacred constitution. Ms. Lieber asked why the office of constable has been singled out and placed under the microscope. She said surely the Commissioners' Court does not see the popular trend of fiscal conservatism as trumping the existence of the constitutionally outlined office of constable and its duties. Surpluses remain the peoples' money. Many municipal and county coffers seem healthy despite the recession. Ms. Lieber urged striving for balance concerning fiscal restraint and not overly stripping government. Citizens want what this Court has managed to provide throughout the worst economic environment in recent history: a well-run, accessible, accountable, and lawful government.

Chuck Presley, Constable Precinct 3, was present wearing two hats. As a citizen, Constable Presley was present to speak on behalf of the Sheriff. He opposed the Sheriff in the election but said he was here to tell the Court there's not a professional law enforcement officer in the State of Texas that will tell you our staffing levels in Collin County meet minimum standards. Denton County, with 200,000 less citizens, has 64 patrol deputies. Collin County has 34 patrol deputies. Constable Presley urged the Court to give the Sheriff enough staff so he can not only provide minimum service, but have overlapping shifts and really attack the issue at hand.

As a department head and elected constable, Constable Presley wanted to address the deputy constable issue. Deputy Constables have been considered the same as Deputy Sheriffs for the 27 years he's been in county government. Their job descriptions, as written by the County's Human Resources Department, are similar to those of a Deputy Sheriff. If you separate and reclassify those positions, it's going to become punitive to four of his top senior deputies because they will no longer get PFP until their salaries come into line with the new pay scale. The Court is topping them out which is not an adequate reward for officers that have served the citizens of Collin County for over 25 years apiece. Constable Presley asked the Court to reconsider.

Jim Simpson, Anna, was the next speaker. He wanted to speak about employee safety. Mr. Simpson has been a resident of Collin County for 50 years. His mother works in the District Clerk's Office. Mr. Simpson stated it's been documented by violent acts at other courthouses that the family courtroom is a dangerous place for everybody. In the courtroom they have an armed bailiff to help with security. However, at the pay window at the District Clerk's Office there is no security. In the old courthouse, when people paid child support in the District Clerk's Office, they went to a teller's window. Now that window has been taken down. That gives whoever is at that office an opportunity to

assault an employee. Mr. Simpson said all he's talking about is a window. Two or three items on tonight's agenda have been about safety so Mr. Simpson felt safety is an important concern for everyone. Our employees are our best assets. He pleaded to the Court to reconsider the decision for just the glass window.

Judge Self noted Sam Fritcher submitted a blue card but was not present to speak. The public hearing was closed at 8:24 p.m.

NO ACTION TAKEN

7. AI-35749 FY2013 Budget Update, Budget.

Ms. Arris had a handout for Court members entitled "FY 2013 Public Hearing Potential Changes". There have been a few changes made since the budget workshop. The proposed FY 2013 budget was filed this evening. Included in that budget are stipends approved by the Juvenile Board, a change in the Assistant Director's salary, a revenue adjustment for state funding, moving detention officers from the juvenile budget into non-departmental contingency and an adjustment in college tuition reimbursement. Items not in the budget are things that have been brought to Ms. Arris's attention that other elected officials wished to discuss with the Court such as the Sheriff's patrol positions and Judge Payton's Clerk I.

Judge Self called Sheriff Box forward. In a previous Court, Sheriff Box was asked to return and report how many times officers used their guns. Sheriff Box presented the following statistics: in the last two years there were 16 police officers assaulted, 14 cases of resisting arrest, five cases of fleeing, 13 documented cases where tasers were used on defendants and suspects, three incidences of officers firing a weapon which resulted in two deceased suspects, and over 1,000 occasions of officers drawing their weapons. Sheriff Box recanted a recent incident. A lieutenant and deputy went to a residence to serve a warrant. The suspect became combative and gunfire ensued. The suspect was shot. In his attempt to shoot at the officers, the suspect shot his mother and then shot himself in the head. The officers called for help immediately. It took 15 minutes for the police chief of Farmersville to get to the location. The Sheriff is trying to build up the patrol division for the safety of the officers. In 2010 the Sheriff's Office dispatch received 28,081 calls from the public and in 2011 they received 29,064.

Commissioner Williams is in support of adding the two positions. She thinks it's critical especially for her precinct which has rural areas. Commissioner Jaynes supports it as well; however, he thinks it's a shame that the officers must provide their own guns, cuffs and belts. Commissioner Webb thinks there's a different level of service in the rural areas than in the cities. He only supports this on the basis of officer safety. Commissioner Webb is willing to do this with the understanding that he is not in favor of providing the same level of service that a city provides. They don't pay the same level of taxes. If we provide the same level of service, the city residents are supplementing it.

Sheriff Box said there were discussions in prior years that due to the populations, there are more people that come to the jail from Plano, Allen and McKinney versus those from Farmersville, Prosper and Celina, which the county tax offsets to operate.

Commissioner Shaheen feels we made a big investment in the sheriff's office last year. The Sheriff stated the plan is to eventually move to overlapping shifts but they don't have enough officers to do that. Sheriff Box stated they are 15 officers short of what they should have in the patrol division. Judge Self doesn't see how more people will help response time since they are still responding from the same place. Commissioner Williams stated the Sheriff needs 15 officers over time and he is moving in that direction. Following discussion, a motion was made to add two deputy sheriffs to the budget. (Time: 7:14 p.m.)

Motion by: Commissioner Cheryl Williams

Second by: Commissioner Joe Jaynes

Vote: 4 – 1 Passed

Voted No: Commissioner Matt Shaheen

COURT ORDER NO. 2012-628-09-10

Judge Self moved the discussion to the stipends and increase to the Assistant Director's salary for juvenile probation. Commissioner Webb wanted to discuss state funding. The Judge is a member of the Juvenile Board. He wanted to measure these four approvals against the county policy for pay. These are stipends paid by the state above the county's PFP. There are Juvenile Board members who don't like the merit pay that PFP provides. These stipends augment PFP. These folks must be max performers in order to get a stipend to augment PFP. This doubles the maximum for PFP. This court has the authority to take money out of the juvenile budget as it's approved only up to the amount the county is going to fund. The Court can't tell them to reduce these salaries; all the Court can do is reduce an equivalent amount out of their budget. That amount totals \$24,860. To be fair to our other employees we need to hold to our salary policies. Continuing, Judge Self said the Assistant Director's salary was put in the middle of the pay range for that position. County policy is 5% or up to the minimum depending on experience. While the individual is well thought of, he has no experience and he's been in his current job for a very short period of time. This equates to a 15% raise which is three times the County's policy. The Judge recommended that the Court remove \$24,860 from the juvenile budget, all coming out of the county provided budget. Commissioners Webb and Shaheen agreed.

Commissioner Webb wanted to understand why \$209,000 was being put into the budget. Mr. May said this was as a result of combining the funds together. In the past Mr. May would provide a revenue estimate which did not effect anything. Now that this fund is merged into the general fund and the state funding was pulled out, Ms. Arris took the amount of Mr. May's estimate and reduced the salaries. However, Mr. May's estimate was \$209,000 too high, so Ms. Arris had to reduce that adjustment. By way of

clarification, Commissioner Webb stated this isn't a reduction in revenues, but rather revenues coming into the county were overestimated. Mr. May replied that was correct.

Pam Huffman, Director, Juvenile Probation Services, wanted to address the stipend issue. The stipends are for intensive supervision caseload officers who work with high risk, high need kids. They're looked after more frequently on a more regular basis. These officers work harder; they spend more time out in the streets in high pressure situations. These are the kids that nobody else wants to supervise. Ms. Huffman said it is hard to get officers who have experience into these positions because there is no incentive for them to do that job. Ms. Huffman understands the PFP system, but wishes the difference was a little better.

Judge Self had a slide depicting the hours of five employees in the juvenile probation office. The slide showed no weekend hours and very little comp time. Ms. Huffman said an officer might run by and see a kid in Braum's and a lot of that time will not show up. Commissioner Shaheen said consistency is important. Following discussion, Judge Self made a motion that \$24,860 be reduced out of those four lines for juvenile probation. (Time: 7:24 p.m.)

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

COURT ORDER NO. 2012-629-09-10

Following the motion and vote, Commissioner Webb asked about four juvenile detention officers proposed to be in the budget being moved to non-departmental contingency. The Commissioner said following a discussion with Mr. Scott, that position has been vacant for over a year. Commissioner Webb did not see a reason to put that position in contingency if it's been vacant for over a year. Ms. Huffman acknowledged that their numbers have been down; however, they are in compliance with the ratios required by the state. She would like to keep the four positions in a contingency basis. If they get four more juveniles, they will have to open another pod which would require those positions. Since her officers work on 12-hour shifts, it's difficult to ask an individual to work overtime. Ms. Huffman said they try to watch their comp time. Discussion followed on what would happen with those four positions if the number of juveniles went down. Judge Self noted the County spends overtime with the Sheriff's Office in order to not permanently staff a pod. He asked Ms. Huffman to let the Court know when she must hire. Ms. Huffman agreed and asked that the four positions be held in contingency. Judge Self said if there is no change and the positions are included in the proposed budget, the Court will not need a motion. (Time: 7:29 p.m.)

a. **AI-35676** Annual contract with the Collin County Community Supervision and Corrections Department (CSCD) to establish a system for CSCD employee benefits, pay the Judicial District Fund \$60,433 for fee collections and further authorize the County Judge to finalize and execute same, CSCD.

Bob Hughes, Director, CSCD, presented a document to Court members outlining the question from the Court, which was why in the new contract did the collections portion go from \$30,000 to \$60,000. Historically it's been \$60,000. Ms. Arris approached Mr. Hughes at the end of 2010 and asked him about the \$60,000 figure because it was thought the felony side would be handed over to the collections unit or to the District Clerk's office. Mr. Hughes agreed to lower that figure to \$30,000 assuming it would be handed off. This is a complex issue. Mr. Hughes has a position to be dedicated to the compliance side of the District Clerk collections part, as required by OCA. Ms. Arris said the funding is included in the proposed budget but the Court needed to vote on the contract. A motion was made to approve the contract. (Time: 8:08 p.m.)

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

COURT ORDER NO. 2012-630-09-10

8. **AI-35662** Clerical position, Justice of the Peace, Precinct 3-2.

John Payton, Justice of the Peace, Precinct 3-2, presented Court members with a booklet. Judge Payton was present as a result of the elimination or transfer of a collections position from his office to Ms. Kemp's office. The issue is the collections person in Judge Payton's office collects approximately 41%, whereas Ms. Kemp's team has a collection average of 61-62%. Judge Payton noted his court is a court that is punishable by fine only. Unlike the District Courts, the justice courts cannot pull money out of the commissary to pay for fines and court costs that are due. By way of background, Judge Payton stated in 2006, as the result of a new state law, the Collin County Implementation Program was proposed to OCA (Office of Court Administration). There were years where the caseload was over 2,500 per clerk. They were trying to figure out a way of issuing warrants and reducing backlog. The Implementation Program was proposed by Rodney Rhoades, former Collin County Director of Budget and Finance. Judge Payton read aloud from the Implementation Program and offered background. The Justice Courts must do a different form of collections based on enforcement.

Judge Payton contacted the Collin County Collections Department in 2007 and asked where their Improvement Collections Program was. He was informed there would not be a collections program for the JP courts. Collections would be done for the county courts only; district court collections would fall to the CSCD. The JP courts were told to follow their own protocol. Judge Payton continued with lengthy explanation of actions and emails that occurred over the last five years. Judge Self asked for a connection to

the position of Clerk I, salary and benefits. Judge Payton continued with his presentation. He again stated the justice courts were never included in the Improvement Collections Program, therefore, Judge Payton put together a program to ensure that the justice courts would be in compliance with state statute and the County would not be fined. At the request of Judge Raleeh, Judge Payton took the lead and kept the other JP's up to date. In 2006 Judge Payton's office was granted a new position. That individual was being used to generate more show cause letters, more warrants and create a quicker collection process.

Commissioner Jaynes noted Judge Payton's office has an extra position for collections whereas the other JP's are doing collections with the staff they have. Judge Payton didn't have an answer to that. Commissioner Jaynes was not happy about removing a position from Judge Payton's office to give to Ms. Kemp to help Judge Raleeh. Commissioner Williams said by doing that aren't we in the process of coming into compliance because it's a pilot program? The goal is to get all the justice courts involved. Judge Self said the language on the FY 2006 adopted budget for this position said "Justice of the Peace Precinct 3-2 is receiving a legal clerk I to assist in issuing show cause letters and warrants on outstanding cases. This will help to lower accounts receivable due to Collin County. The total cost for this is \$37,000." Judge Self said that's history. The County is trying a new pilot program that will make another effort on this JP level to collect everything due the County. Commissioner Williams agreed and said it is not solely for the benefit of Judge Raleeh. That's where we're starting.

Judge Payton remained before the Court and continued his presentation. He showed progress his office has made over the years in collections. In 2009 his office sent to the County \$195,460; in 2010, \$438,273; in 2011, \$458,540; and for the first eight months of 2012, \$464,802. An audit from OCA showed they are collecting at over 80% which meets state requirements. They are implementing, using and exercising that program based on the staff they have.

Continuing, Judge Payton talked about a meeting with Ms. Kemp about removing the collections from the JP courts and centralizing them under the County Clerk's Treasury office. They spoke about piloting the program in Plano and at that time Judge Payton was willing to give up a person for the program because he wouldn't need that position any more. Judge Payton is in agreement with a centralized justice court collections department. He thinks they need a clerk over the clerks to do collections for the JP courts. They are the only court on the state and local level that does their own finances and their own collections.

Commissioner Shaheen wanted to see the accounts receivable balance. Commissioner Jaynes asked Judge Payton what happens to these numbers if he loses that position. Judge Payton wasn't sure but he is concerned because the law says he has to make collections a priority. Judge Self said that's the change the Court made. A position was made to handle and prioritize JP cases. We're trying to get at the figure of \$18 million. Judge Self appreciated the collection of half a million dollars, but they are trying to

collect \$18 million. The pilot program is trying to collect \$4 million. Judge Self said we are meeting the prioritized system Judge Payton is referring to from the direction of the OCA. We've taken one position out of one office and put a position in another office with a directed priority towards JP collections. Because the pilot program is just directed at Precinct 1, Judge Payton said at this point he would have to reprioritize job duties so his office doesn't come out of compliance. Judge Self asked Ms. Kemp to come forward for clarification. He said the reason Judge Raleeh limited the program JP 1 is because he could not speak for the other JP's. Ms. Kemp said since she took over collections, she has been in compliance. She plans on being in compliance in whatever direction the Court wants to go. County Court at Law received a superior rating on the court collection process through OCA. Judge Self said we may need to look at doing that across all the JP's. Commissioner Webb mentioned a JP who is in compliance with one less person. Judge Payton said if they can include JP 3-2 in the pilot program, then he has no issue with it. Ms. Kemp said if we do take on another justice court, we have to set up something in Plano because citizens are not going to drive to McKinney to pay their court costs.

Paul Raleeh, Justice of the Peace, Precinct 1, entered the courtroom. Judge Raleeh said everything Judge Payton said is correct and he offered some input into how the pilot program would operate. Judge Raleeh doesn't support the Commissioners' Court taking a position from Judge Payton and putting it into a program he won't benefit from. Commissioner Shaheen asked Ms. Kemp if she was comfortable with a pilot program that has two JP's. Ms. Kemp again said if we go to Plano, we'll need a section there and a section in McKinney. Commissioner Williams isn't in agreement. Ms. Kemp said if her office is in receipt of the money, her clerk has to take the money and issue the receipt.

Discussion continued. In conclusion, Judge Self said this is for a Clerk I, salary and benefits. If we want to add it, we have to add it because it's not in the proposed budget that was posted today. Hearing no motion, Judge Self moved to the next agenda item. (Time: 8:05 p.m.)

NO ACTION TAKEN

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

Mr. Bilyeu said there is nothing of high priority. There is a workshop scheduled for Wednesday. Mr. Bilyeu received a draft of the Community Needs Assessment. The Court will receive that shortly. DSRIP projects were sent to the Court. (Time: 8:24 p.m.)

NO ACTION TAKEN

10. Board/Committee Appointments, Commissioners Court:

a. AI-35646 McKinney TIRZ No. 1 (Town Center).

Commissioner Jaynes made a motion to appoint Commissioner Elect Chris Hill to the McKinney TIRZ No. 1. Mr. Hill can serve as a citizen until January 2013.
(Time: 8:25 p.m.)

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

COURT ORDER NO. 2012-631-09-10

b. AI-35647 McKinney TIRZ No. 2 (Airport).

Commissioner Jaynes made a motion to appoint Judge Self to the McKinney TIRZ No. 2. (Time: 8:25 p.m.)

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

COURT ORDER NO. 2012-632-09-10

c. AI-35732 Appointment to the NTTA Board, Administrative Services.

Commissioner Jaynes made a motion to re-appoint Jane Willard to the NTTA Board.

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

COURT ORDER NO. 2012-633-09-10

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

NO ACTION TAKEN

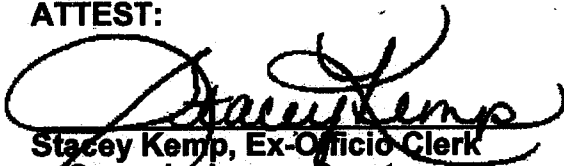
12. Possible future agenda items by Commissioners Court without discussion.

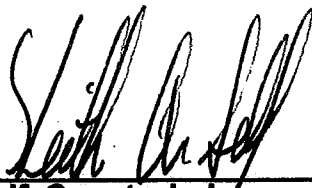
EXECUTIVE SESSION

The Court did not recess into Executive Session. There being no further business of the Court, Judge Self adjourned the meeting at 8:26 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

Not Present
Duncan Webb, Commissioner, Pct. 4