

STATE OF TEXAS
COUNTY OF COLLIN

COMMISSIONERS' COURT
MEETING MINUTES
SEPTEMBER 17, 2012

On Monday, September 17, 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.

1. Judge Self called to order the meeting of the Collin County Commissioners' Court at 1:30 p.m. and adjourned the meeting at 3:29 p.m.

President Self called to order the meeting of the Collin County Health Care Foundation at 3:29 p.m. and adjourned the meeting at 3:29 p.m.

President Self called to order the meeting of the Collin County Toll Road Authority at 3:29 p.m. and adjourned the meeting at 3:29 p.m.

DECISIONS MANDATED BY LEGAL ENTITIES OUTSIDE OF COMMISSIONERS COURT AUTHORITY:

1. Amendment(s):

a. AI-35524 No. 1 to Services: Juvenile Sex Offender Counseling with Terri Bauer, LCSW, LSOTP (RFP No. 07244-11) to extend the contract for one (1) year through and including September 30, 2013, Juvenile Probation.

b. AI-35523 No. 2 to Psychological Evaluations, Juvenile with Spartan Psychological Consulting (RFP No. 05261) to extend the contract for one (1) year through and including September 30, 2013, Juvenile Probation.

2. AI-35800 Personnel Changes, Human Resources.

FYI NOTIFICATION

1. **AI-34688** Outstanding Agenda items, Commissioners Court.
 2. **AI-35738** Addendum No. 1 to Supplies, Janitorial (IFB No. 05263-12) to extend the due date, Purchasing.
 3. **AI-35747** Change Order No. 4 to Replacement of Fuel Tank Dispensers and Fuel Tank Monitoring Systems (IFB No. 12075-12) to install electro-mechanical totalizers in new dispensers at Farmersville and the Service Center, Public Works.
 4. **AI-35745** Budget amendment in the amount of \$13,600 for the purchase of license rights to use 60 seats through McKinney ISD APEX Software, Auditor.
2. **Public Comments.** There were no public comments.
 3. **Presentation/Recognition:**
 - a. Service Pins, Human Resources.

District Attorney Greg Willis presented a pin to Rhonda Watkins in recognition of 30 years of dedicated service to Collin County.

Commissioner Joe Jaynes presented Donna Gelvin with a pin in recognition 30 years of dedicated service to Collin County.

4. **Consent agenda to approve:** Judge Self asked for comments on the consent agenda and pulled item 4d4. Commissioner Webb requested one disbursement on 4a be pulled for a separate vote and that items 4c4, 4d1 and 4d2 be pulled for discussion. There being no further comments, a motion was made to approve the remainder of the consent agenda. (Time: 3:14 p.m.)

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

- a. **AI-35721** Disbursements for the period ending September 11, 2012, Auditor.

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

COURT ORDER NO. 2012-634-09-17

A motion was made to approve the disbursement to Schindler Corporation. Commissioner Webb did not participate in the vote. (Time: 3:14 p.m.)

Motion by: Commissioner Cheryl Williams
Second by: Commissioner Matt Shaheen
Vote: 4 – 0 Passed
Abstain: Commissioner Duncan Webb

COURT ORDER NO. 2012-635-09-17

b. **AI-35741** Tax refunds totaling \$49,704.87, Tax Assessor Collector.

COURT ORDER NO. 2012-636-09-17

c. **Advertisement(s):**

1. **AI-35770** Road Materials: Cement Treated Subgrade (IFB No. 08367-12), Public Works.

COURT ORDER NO. 2012-637-09-17

2. **AI-35769** Road Materials: Emulsified Asphalt (IFB No. 08365-12), Public Works.

COURT ORDER NO. 2012-638-09-17

3. **AI-35768** Road Striping (IFB No. 08366-12), Public Works.

COURT ORDER NO. 2012-639-09-17

4. **AI-35764** Services, Light Duty Vehicle Body Repair and Painting (IFB No. 08373-12), Public Works.

Commissioner Webb pulled the item because he noticed a conflict in the advertisement which read the contract term was for 60 days and asked for clarification. Frank Ybarbo, Purchasing, came forward to inform the Court that the agenda attachment was a carry-over from a transcript the year before; the official document in the advertisement has been corrected. A motion was made to approve the item. (Time: 3:15 p.m.)

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

COURT ORDER NO. 2012-640-09-17

d. **Award(s):**

1. **AI-35718** Services: Historical Records Restoration and Preservation (RFP No. 04216-12) to Kofile Preservation Inc., District Clerk.

Commissioner Webb noticed a significant price differential in the award versus other bidders and asked for an explanation. Andrea Thompson, District Clerk, came forward to address the question.

There were only two that replied to the bid at the pre-bid meeting and the low bid could not provide disaster safe binding as requested. This special binding is mandatory in trying to preserve the minutes of the district court records that date back to the 1800's. There are final orders in every case in Collin County's history of the district courts and these books are deteriorating rapidly. Ms. Thompson wants to preserve them in the best way possible to protect them from fire and water damage, which Kofile can provide. The special binding is fire and water resistant and has a life expectancy of approximately 300 years. This will be a one-time cost that will come specifically from her document preservation fund that cannot be used for anything else. The historical significance of the documents she is trying to preserve justifies the cost of the project. The price also includes shelving.

In addition, there will be a much faster turnaround with Kofile than with the other bidder. Kofile can do the project in ten weeks versus a two year estimate from the other company. And, Kofile is in Dallas while the other is located in North Carolina which would mean the historical books would be taken out of state and to a hurricane prone area which was another consideration in the decision.

Kofile also invented the special type of polyester used in the binding and is of archival quality; the other company cannot provide this product. Judge Self asked how the District Clerk's standard compared to what the County Clerk has already been doing; a process he is already familiar with. Ms. Thompson replied that it is the same. Judge Self also asked about a document preservation plan which the County Clerk must submit to the Court. Ms. Thompson replied that she is finishing their plan and expects to have it on the next Court. A motion was made to approve the award of services to Kofile. (Time: 3:21 p.m.)

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

COURT ORDER NO. 2012-641-09-17

2. AI-35774 Services, Janitorial (RFP No. 05262-12) to CTJ Maintenance Inc., Facilities.

Commissioner Webb pulled this item because he has had bad experiences with janitorial contracts in past. After some investigation, he discovered that the current company, James Enterprises, has been with the county for five (5) years and was the third lowest bid. The Commissioner expressed concerns regarding going with the lowest bid, a difference of \$42,000, because it may not necessarily be the best choice; with his past experience at Plano ISD, he wants to be sure the buildings will be properly cleaned and maintained. He will support the new company if Purchasing is on board, but was apprehensive as to what the county may be getting into. Commissioner Williams asked if it would be appropriate to ask what the other bidders would charge if their staffing were the same level.

Frank Ybarbo, Purchasing, came forward saying he would have to refer the question to Facilities. Commissioner Webb would like to see if the staffing is what makes up the entire differential. Mr. Ybarbo informed the Court that his office checked references from Dallas and Tarrant Counties and Region 10 Educational Center; all came back very positive. To answer the question, they would have to go back and re-evaluate those who were the most eligible for the award. Commissioner Williams suggested that all who were eligible get the opportunity to bid their cost with the same level of staffing.

Bill Bilyeu, County Administrator, explained that the county gave each a minimum standard square footage and the bidders projected what they thought it would take to complete the job. Judge Self asked to clarify any relationship between Dan James, Director of Facilities, and James Enterprises. Mr. Bilyeu replied there is none. After a brief discussion, a motion was made to approve the award of janitorial services to CTJ Maintenance, Inc. (Time: 3:29 p.m.)

Motion by: Commissioner Matt Shaheen

Second by: Commissioner Joe Jaynes

Vote: 5 - 0 Passed

COURT ORDER NO. 2012-642-09-17

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

COURT ORDER NO. 2012-643-09-17

4. **AI-35703** Uniforms Law Enforcement and Related Items, Work Uniforms and Misc. (IFB No. 03193-12) to Lone Star Uniforms, Inc., Sheriff.

HELD

e. Agreement(s):

1. **AI-35627** Personal Services Agreement with Denny Burnside (Contract No. 05228-12) to conduct plumbing inspections on an as-needed basis through and including September 30, 2013 and further authorize the Purchasing Agent to finalize and execute same, Development Services.

COURT ORDER NO. 2012-644-09-17

2. **AI-35628** Personal Services Agreement with Gary Machado (Contract No. 09441-12) to conduct plumbing inspections on an as needed basis through and including September 30, 2013 and further authorize the Purchasing Agent to finalize and execute same, Development Services.

COURT ORDER NO. 2012-645-09-17

3. **AI-35704** Interlocal Agreement with the City of McKinney for the construction of Lake Forest Drive from Boyd High School to US 380 improvements - Bond Project No. 07-045 (County's 2012 participation NTE \$660,885) and further authorize the County Judge to finalize and execute same, Engineering.

COURT ORDER NO. 2012-646-09-17

4. **AI-35740** Personal Services Agreement with Tamara Tarrant (AGR No. 06275-12) for autopsy assistant services at the Collin County Medical Examiner's office through and including September 30, 2013 and further authorize the Purchasing Agent to finalize and execute same, Medical Examiner.

COURT ORDER NO. 2012-647-09-17

5. **AI-35765** Renewal of Maintenance Contracts in the amount of \$428,922.56 for Motorola communications equipment & software (Contract No. 03511-09) through and including September 30, 2013 and further authorize the Purchasing Agent to finalize and execute same, Sheriff.

COURT ORDER NO. 2012-648-09-17

6. **Interlocal Agreement(s) for Dispatch Services through and including September 30, 2013 and further authorize the County Judge to finalize and execute same, Sheriff.**

a. **AI-35763** City of Anna in quarterly installment payments of \$8,864.36 (totaling \$35,457.44).

COURT ORDER NO. 2012-649-09-17

b. **AI-35760** City of Celina in quarterly installment payments of \$4,901.45 (totaling \$19,605.80).

COURT ORDER NO. 2012-650-09-17

c. **AI-35757** Town of Fairview in quarterly installment payments of \$8,944.52 (totaling \$35,778.08).

COURT ORDER NO. 2012-651-09-17

d. **AI-35752** City of Farmersville in quarterly installment payments of \$6,239.12 (totaling \$24,956.48).

COURT ORDER NO. 2012-652-09-17

e. **AI-35753** City of Josephine in quarterly installments payments of \$835 (totaling \$3,340).

COURT ORDER NO. 2012-653-09-17

f. **AI-35761** City of Lavon in quarterly installment payments of \$3,348.35 (totaling \$13,393.40).

COURT ORDER NO. 2012-654-09-17

g. **AI-35758** City of Melissa in quarterly installment payments of \$5,539.39 (totaling \$22,157.56).

COURT ORDER NO. 2012-655-09-17

h. AI-35756 City of Parker in quarterly installment payments of \$5,268.85 (totaling \$21,075.40).

COURT ORDER NO. 2012-656-09-17

i. AI-35755 City of Princeton in quarterly installment payments of \$14,074.76 (totaling \$56,299.04).

COURT ORDER NO. 2012-657-09-17

f. Amendment(s):

1. AI-35766 No. 2 for Professional Services, Surveying (RFQ No. 07301-10) with Halff Associates 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, Special Projects.

COURT ORDER NO. 2012-658-09-17

g. Change Order(s):

1. AI-35771 No. 1 to Fuels (IFB No. 01113-12) with Martin Eagle Oil., Inc. 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, Public Works.

COURT ORDER NO. 2012-659-09-17

2. AI-35697 No. 1 to Herbicide Treatment of Roadside Right-of-Ways and Encroachments (IFB No. 06233-11) with Vegetative Management Specialist, Inc. 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, Public Works.

COURT ORDER NO. 2012-660-09-17

3. AI-35692 No. 1 to Maintenance, Roads: Crack Sealing Services (IFB No. 07237-11) with Curtco, Inc. to extend the contract for one (1) year through and including September 30, 2013 and further authorize the County Judge to finalize and execute same, Public Works.

COURT ORDER NO. 2012-661-09-17

4. AI-35733 No. 1 to Road Materials, Asphaltic Concrete (IFB No. 09315-11) with Austin Asphalt, LP 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, Public Works.

COURT ORDER NO. 2012-662-09-17

5. AI-35696 No. 1 to Road Materials, Asphaltic Concrete (IFB No. 09315-11) with Zack Burkett Co. 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, Public Works.

COURT ORDER NO. 2012-663-09-17

6. **AI-35772** No. 2 to Equipment, Grounds Maintenance (IFB No. 03212-10) with AG Power 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, Public Works.

COURT ORDER NO. 2012-664-09-17

7. **AI-35695** No. 2 to Road Materials: Lime Treated Subgrade (IFB No. 08362-10) with JRJ Paving 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, Public Works.

COURT ORDER NO. 2012-665-09-17

8. **AI-35691** No. 3 to Road Materials, Cement Treated Base (IFB No. 05602-09) with TXI Operations, L.P. 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, Public Works.

COURT ORDER NO. 2012-666-09-17

9. **AI-35693** No. 3 to Road Materials, Stone RipRap (IFB No. 05601-09) with Martin Marietta Materials 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, Public Works.

COURT ORDER NO. 2012-667-09-17

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

1. **AI-35762** \$65,000 for Substitute Court Reporters pay through the end of FY2012, District Courts.

COURT ORDER NO. 2012-668-09-17

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

1. **AI-35742** August 9-10, 2012, Budget Workshop.

COURT ORDER NO. 2012-669-09-17

j. Miscellaneous

1. **AI-35680** Resolution Supporting the Texas Department of Agriculture Home-Delivered Meal Grant Program, Administrative Services.

COURT ORDER NO. 2012-670-09-17

2. **AI-35803** Personnel Appointments, Human Resources.

COURT ORDER NO. 2012-671-09-17

3. AI-35804 Personnel Changes, Human Resources.

COURT ORDER NO. 2012-672-09-17

GENERAL DISCUSSION

5. AI-35599 Public Hearing – Proposed FY2013 Budget, Budget

Monica Arris, Budget and Finance, came forward with a power point presentation to re-cap the previously discussed FY 2013 budget before the opening of the Public Hearing. The presentation was based on the proposed budget which was posted on the county website September 10, 2012 and did not include any changes that were added during the first Public Hearing. The proposed budget totaled \$258.9 million; the estimated revenues totaled \$260.7 million. The FY 2013 proposed budget will be \$6 million less than the FY 2012 Budget.

Decisions made during the budget workshop included a two (2) percent increase for the Pay for Performance (PFP) program. There will be no increase in the salaries for Elected Officials. The Texas County and District Retirement System (TCDRS) payment increased from 7.7% to 8.5% of salaries. A lump sum of \$2,045,000 will be paid at the end of FY 2012. Employee medical increased from \$765 per month per full time employee to \$800 per month.

Position changes included the addition of one (1) Collections Clerk in the County Clerk's office and one (1) Collections Clerk in contingency; one (1) District Clerk II for Evidence; one (1) Passport Clerk; one (1) Grant Accountant; one (1) Veterinarian Technician and one (1) Field Officer for the Animal Shelter. Positions eliminated included one (1) Computer Parts Warehouse Coordinator and one (1) Legal Clerk I in Justice of the Peace Precinct 3-2. Four (4) Juvenile Detention Officers were removed from the Juvenile Services budget and placed in contingency.

Decisions made during the first Public Hearing included the addition of two (2) Deputy Sheriff Patrol positions, a reduction of \$24,852 in the Juvenile Services budget, the addition of \$8,294 in recommended re-classes and \$62,084 in Nurse RN re-classes. Re-classes will be presented today by Human Resources. The amended proposed budget which includes re-classes, will come to \$259,113,699 and is still less than the estimated revenue. Ms. Arris ended her presentation with a review of the next steps in adopting the FY 2013 budget.

Judge Self opened the Public Hearing at 2:37 p.m. and asked for public comments.

Meredith Luman, Prosper, came forward and strongly encouraged the support of the Sheriff's Office and the Constables' Offices. Ms. Luman read from a written statement regarding the need for law enforcement. Collin County is growing by leaps and bounds and our law enforcement offices must keep up with the growth.

Ms. Luman has experience in law enforcement and served as deputy in Bossier Parrish, Louisiana. Her daughter in law and step-son also served in law enforcement. She strongly supports Judge Roach's efforts to make court rooms more secure and asked that the Court give sincere consideration to his requests. Ms. Luman speaks from first-hand experience in crime; her father was shot and killed during an armed robbery of his store. He was only 53 years old at the time. She believes our officers deserve the best the county can provide. The Court says that they are doing the work of the people; the protection of the people should be one of their highest priorities. (Time: 2:41 p.m.)

Judge Cindy Wheless, 417th District Court, came forward to correct any misperceptions about the Juvenile budget that may have occurred during the last public hearing. Judge Wheless referred to a comment made by Judge Self during the hearing regarding the Juvenile Board and its dislike of PFP. While she admits certain persons did make comments, she personally supports it. Her issue is with having only two employees on which she must base her evaluations. Judge Wheless believes in the program but thinks it should be funded higher so that it is an actual merit pay for work performed above and beyond the call of duty; a suggestion she made to Judge Self in a previous conversation. Judge Wheless really likes the PFP system and does not adopt any of the comments against it that may have been heard. Judge Self asked the Judge if it were legal, would she allow the county to pool all of the district court employees into a larger group. Judge Wheless eagerly supported the idea. Judge Self encouraged her to talk with the Board of District Judges to see if that might be a possibility.

Another issue that may have come across incorrectly regarded the Deputy Director pay. Handouts were shared with the Court that compared Collin County with Dallas, Denton, Fort Bend, and Williamson Counties. When they chose their new Deputy Director, the Board elected to go with a salary \$2,000 lower than the average due to the candidate's experience level. In addition, in choosing the Director, they also went with the bottom of the range; however that raised the candidate's salary by 14%.

Judge Wheless also had comments regarding stipends and wanted to clarify that the Board followed Judge Self's suggestion to keep within county policy. She informed the Court that they are always welcome to attend the Juvenile Board meetings. They gave the stipends to those who are saving the county money which are the officers who work drug court. When putting juveniles in drug court, they are saving the county \$20,000 per juvenile by not putting them in detention. She wanted the Court to understand the process for giving stipends; they are not giving them to everyone.
(Time: 2:48 p.m.)

Pam Huffman, Juvenile Probation, came forward with comments regarding the PFP program. One of the issues they have is that they cannot reward their officers with PFP increases from one year to the next when they are doing the same job because they can only give them credit once. Her department considers the stipend as hazard pay.

The officers visit the juveniles in their homes and schools and are out on the street. Ms. Huffman believes they can easily keep 25 juveniles out of detention which, at six (6) months each, adds up to about \$500,000 a year in savings. (Time: 2:51 p.m.)

NO ACTION TAKEN

Judge Self asked for any additional comments. Hearing none, Judge Self closed the Public Hearing at 2:51 p.m. and moved to item six (6) on the General Discussion agenda.

6. 35600 Adoption of an order setting and approving the Fiscal Year 2013 Elected Officials Compensation, Budget.

A motion was made to set and approve the FY 2013 Elected Officials' Salaries. (Time: 2:52 P.M.)

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

COURT ORDER NO. 2012-673-09-17

7. 35601 Adoption of an order setting and approving the Fiscal Year 2013 Budget, Budget.

A motion was made approve the FY 2013 Budget as submitted including amendments presented in today's presentation. Commissioner Shaheen disagreed with the addition of a Passport Clerk and stated he would not support the position. It was his understanding that the position was to be deleted. Ms. Arris responded that a motion was not made to remove the position during the budget workshop, therefore, the position stayed in the budget.

Commissioner Williams added the Court had additional discussion on the matter during a session when Commissioner Shaheen was not present; it was decided to keep the position. Commissioner Jaynes explained that they did not want to get into a situation similar to the driver's license office. Commissioner Williams replied that after their discussion no motion was made on the position and referred the Court to the minutes. Commissioner Shaheen reiterated that in previous dialogue, he did not support adding a position for peak times and wants additional discussion. He proposed that the Court approve the budget without the addition of the Passport Clerk.

Judge Self asked Commissioner Williams if she accepted the amendment to her motion; the Commissioner replied no. Judge Self asked for a vote on the motion.
(Time: 2:56 p.m.)

Motion by: Commissioner Cheryl Williams
Second by: Commissioner Joe Jaynes
Vote: 4- 1 Passed
Nay: Commissioner Matt Shaheen

COURT ORDER NO. 2012-674-09-17

8. 35603 Adoption of an order setting the debt service tax rate for Fiscal Year 2013, Budget.

A motion was made to set the FY 2013 debt service tax rate at \$0.065337.
(Time: 2:56 p.m.)

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

COURT ORDER NO. 2012-675-09-17

9. 35602 Adoption of an order setting the maintenance and operating tax rate for Fiscal Year 2013, Budget.

A motion was made to set the FY 2013 maintenance and operating tax rate at \$0.174663. (Time: 2:57 p.m.)

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

COURT ORDER NO. 2012-676-09-17

10. 35604 Adoption of an order setting the combined tax rate for Fiscal Year 2013, Budget.

Commissioner Williams made a motion to set the combined tax rate for FY 2013 in the following statement: *"I move that the property tax rate be increased by the adoption of a tax rate of \$0.240000, which is effectively a 0.40 percent increase in the tax rate."*

Prior to the vote, Judge Self clarified that the tax rate does not change; the effective tax rate changes because the county is collecting more dollars.

The individual's taxes will be based on whether their property increased or decreased in value. Overall as a county more tax dollars will be collected due mainly to construction. The tax rate however, will not increase. Judge Self asked for the vote by a show of hands. (Time: 2:57 p.m.)

Motion by: Commissioner Cheryl Williams
Second by: Commissioner Joe Jaynes
Vote: 5 – 0 Passed by a show of hands

COURT ORDER NO. 2012-677-09-17

11. 35671 Adoption of an order setting and approving the County Fee Schedule for Fiscal Year 2013, Budget.

Commissioner Williams made a motion to set and approve the County Fee Schedule for FY 2013 and added that the schedule should be circulated to all county Elected Officials with the requirement that they sign a verification the scheduled was received.
(Time: 3:00 pm.)

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

COURT ORDER NO. 2012-678-09-17

12. AI-35605 Restrictions on funds in compliance with Government Accounting Standards Board (GASB) Statement Number 54 for FY 2013, Budget.

A motion was made to accept required restrictions on the listed funds.
(Time: 3:09 p.m.)

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

COURT ORDER NO. 2012-679-09-17

13. AI-35743 FY2013 Employee Reclassifications, Human Resources.

Cynthia Jacobson, Human Resources, came forward with reclassification requests for FY2013. Ms. Jacobson explained that these are typically done outside the budget cycle as it does not typically change someone's pay. The county standard criteria for a re-class are having a minimum and maximum salary of 10% or more below market.

Ms. Jacobson gave a brief overview of requests that HR recommends which are re-classes for the County Clerk, Developmental Services, Homeland Security and the County Auditor.

District Court Administration requested the re-class of the District Court Operator to a Court Coordinator for the Auxiliary Courts; in past years it was an operator, but has grown into coordinating for the Auxiliary Courts. HR recommends re-classing up one pay grade and is working with Judge John Roach, Jr.

A couple of the requests are less typical and include a request from the Probate Court to re-class their Guardianship Coordinator position which was previously approved as a social worker. Judge Copeland wants it to be an attorney level position. Ms. Jacobson tried to perform an analysis on the position but was not able to find a standard.

The next issue they are seeing is in Health Care. This department is facing a difficult situation with the opening of Baylor Hospital. Due to the demand for Nurse RNs the market pay is increasing. These positions did not meet the standard criteria for a re-class; however, Health Care is seeing other entities starting at a higher salary than the county's minimum. There are two options, move the position to a higher pay range or allow a higher than minimum starting salary for new hires in the field.

HR did not give a recommendation on the Probate or Health Care positions because they are unusual situations and so are being referred to the Court for a decision.

The remaining requests for re-classes are not recommended because they are within the market survey data compiled by HR. The Purchasing Board re-classed their Purchasing Administrator due to additional duties and responsibilities, but the salary will not change. HR will meet with the Purchasing Board for further discussion.

Ms. Jacobson asked that the Court approve the HR recommended re-classes and make decisions on the Probate Court and Health Care positions. Judge Self asked for discussion on re-classes not recommended by HR. Hearing none, a motion was made to approve the HR recommended re-classes which include County Clerk, Development Services, Homeland Security and County Auditor. (Time: 1:44 p.m.)

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

The Court moved discussion to the District Court Administration position next. Ms. Jacobson stated this does not have a budget impact. A motion was made to approve the HR recommendation of pay range 535. (Time: 1:45 p.m.)

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

The Court then discussed the position in the Probate Court. Commissioner Shaheen had discussed this with Judge Copeland. It is his understanding that there is a Guardianship Coordinator and another who performs audits. The Commissioner understands the re-class to be someone who can perform both job duties. Ms. Jacobson replied there are two distinct positions that at some point could be merged into one. Commissioner Webb expressed concern because there are two different positions that require completely different skill sets. He does not support re-classing the Coordinator on the basis that it may perform the additional duties at a later time.

Commissioner Shaheen sees it as a savings during the second year because two positions would become one. He does have an issue with the one year transition period which he thinks is too high. The Commissioner is okay with the move if the transition period is shortened. Commissioner Jaynes is confident with what Judge Copeland wants to do; he thinks it is creative and is in support of the idea. Commissioner Webb commented that it has not been filled in two years so why does it have to be filled now. Discussion among Court members on qualifications and whether to fill the position as an attorney followed.

Ms. Arris came forward saying the position is funded by a special fee account that can only support the current position; the auditor position is funded out of the General Fund. A motion was made to approve the position with salary and benefits starting in month seven of the budget and that the audit position be funded until the end of FY 2013 and then funding stops. Judge Self reminded the Court that two years ago the position was approved because of a statutory mandate and it still has not been filled. Commissioner Webb asked if the audit position was statutory. Ms. Jacobson was not sure and left to get the information for the Court.

Judge Self moved to a discussion regarding the Nurse RN salaries and commented that he believes the issue to be short term. Commissioner Williams asked Candy Blair to approach and stated that there is clearly a shortage in nurses across the state as well as nationwide. She believes the issue will be faced as long as there is the situation of supply and demand and that the issue is not short term. Commissioner Webb is not convinced that changing the pay range one step will solve the issue, but it is a step in the right direction. He suggested letting Baylor fill all of their nurse positions and then see where the county is next year and if the Court needs to do anything to be more competitive in the market. Judge Self clarified that the pay range by market data did not change. Ms. Jacobson replied that the position did not meet the criteria; the private sector is on the edge of the criteria, the public sector is not. She used both to obtain data. The issue is Baylor which is having a big impact this year.

Candy Blair, Health Care, came forward with information. She was surprised that the evidence was overwhelming at the need to increase nurses' salaries. HCA McKinney starts at \$47,000 and within the first year, they move their nurses to \$49,000; this is without experience.

Centennial Hospital starts at \$51,000 and Tarrant County starts at \$53,000; both are with no experience. The Texas Board of Nurses stated that the average salary for a nurse in Texas is \$71,000 annually.

Ms. Blair referenced renowned economist, Dr. Ray Perryman who recently released a statement that the nurse shortage is nowhere close to ending and will be here for years to come. Ms. Blair has lost four nurses in the past year to better paying jobs with similar hours and benefits. She is being forced to look at candidates who are not the best to choose from; most have things on their licenses or with the Board and they need direct supervision as well as other undesirable behavior. Ms. Blair does not want to lower her standards to that level and believes it is ethically wrong. The county has critical patients and the employee nurse is critical to the health of county employees and their dependents. She is currently dealing with eight nurses in four facilities; if she loses any more, it will impact services. Ms. Blair told the Court she originally asked to re-class the position from 537 to 539 to at least give her something to bring to the table.

Commissioner Williams recognizes that the Court is trying to get the budget passed today; however, she would have liked to have seen the information that Ms. Blair presented compared to what Ms. Jacobson is using. Ms. Jacobson replied that she looks at job ranges; if compared to Tarrant County, they would be starting at a higher rate in the range. Commissioner Williams replied that the Court has already decided that they will not pay over five percent of the beginning of the range; this puts them in a difficult position because the five percent above the starting salary will not be adequate.

Commissioner Shaheen stated he was fine with the range. Commissioner Jaynes agreed; not only is Ms. Blair dealing with a skeleton staff, she must also provide care to TB patients, HIV patients and other illnesses. Judge Self questioned why there are two different pictures. Ms. Blair's figures and Ms. Jacobson's compensation study bear no relationship whatsoever to each other. Ms. Jacobson replied that she has verified her range information and that it is correct. Both pieces of information are correct in terms of the county's range and the re-class criteria. Ms. Blair is looking at what beginning salary other entities are offering especially with the nurse shortage and the opening of Baylor. Ms. Jacobson reiterated the Court can move the range or keep the current one and allow a new hire to come above the minimum. Ms. Blair sees this as an issue in that the nurses she has now will be impacted. If she were able to negotiate a higher starting salary for a new nurse they would be making more than her current nurses. They are on the verge of leaving now, if she hires someone at a higher salary they will walk out the door. In addition, that would pit department against department if the Court allowed Health Care to hire at 10, 15 or 20% above the minimum. Ms. Blair has been in the industry for more than 20 years and it is her belief that there is a statewide and nationwide nursing shortage; this is not just Baylor. As the country moves more toward the new health care reform, more nurses will be required.

Commissioner Williams asked how close the county is on the 10% requirement. Ms. Jacobson replied that it is very close. It is eight to nine percent on the minimum of the range and is more than 10% off on the maximum of the range.

Judge Self commented that the Court is moving the pay ranges by four percent and then allowing to up to five percent over that so they should be on target. Commissioner Williams is fine with moving the pay range and also suggests more flexibility when hiring. Ms. Blair explained that she requested the move to 539 so that she would be able to recruit and retain nurses and hopefully not have to ask the Court for anything additional for a least a few years.

Commissioner Shaheen asked if the Court moves the pay range to 538 and then allow up to five percent based on experience, would that be sufficient. Ms. Blair replied that she thinks it will help and will not turn anything down; she will take what she can get. However, the 539 pay range will put her where she wants to be to allow her to look at applicants that have experience and are competent to provide the service she wants to deliver. Commissioner Williams asked Ms. Blair to review what area hospitals are paying. Ms. Blair replied HCA McKinney starts at \$47,840, within one year they are raised to \$49,920. Centennial Hospital starts at \$51,584 with no experience. Tarrant County starts at \$53,470. Raises are given at 3.25% each year for six years then the percentage goes down slightly. Commissioner Webb asked where the nurses that left the county went. Ms. Blair replied Methodist in Richardson, a surgery center, Plano ISD which is the most difficult for her to handle and Baylor. Commissioner Webb is okay with a range of 538 or possibly 539. He sits on a hospital board and knows that they are constantly short on nurses. Commissioner Williams has no problem with making the range 539. A motion was made to approve moving the pay range to 539.
(Time: 2:10 p.m.)

Motion by: Commissioner Joe Jaynes
Second by: Commissioner Cheryl Williams
Vote: 4 – 1 Passed
Nay: Judge Keith Self

COURT ORDER NO. 2012-680-09-17

Judge Self returned to discussion on the Guardianship Coordinator position in the Probate Court. Ms. Jacobson asked the Court to move discussion to the next item so she could obtain the requested statute governing the position. Judge Self then moved to item 14 on General Discussion. (Time: 2:10 p.m.)

Following the General Discussion item Judge Weldon Copeland, Statutory Probate Court, came forward to take questions regarding the Guardianship Coordinator. Commissioner Webb clarified that Judge Copeland currently has a court auditor who has been employed for the past 17 years. Commissioner Williams commented that the auditor position appears to be one that cannot be eliminated.

Commissioner Shaheen pointed out that the language in the statute does not allow the flexibility he first thought the Court would have in ceasing the funding for the position after 2013; therefore, the Court cannot change that position. It could be possible to have two positions in 2014. The Commissioner then directed his comments to Judge Copeland saying there are two positions, one guardianship coordinator and one auditor who would eventually be merged into one position per Judge Copeland's request. Commissioner Shaheen proposed to accommodate the request; however, the new position would not start until the middle of the fiscal year which would allow a six month transition period. In addition, as of FY 2014, the county would no longer fund the position that is currently performing the court audits. It is now the Court's understanding that they do not have the flexibility of not funding the position. They are now struggling with the idea that current auditor position will remain.

Judge Copeland replied that the Court has the ability to set the salaries for both positions; both are provided for and mandatory by statute. There is another position mandatory by statute but since it is not needed, it is not used. Judge Copeland agrees that the Court cannot abolish either function, but they can set the salary for each of them. After a brief discussion among the Court, Judge Self asked for a motion on the request. Commissioner Webb commented that if Judge Copeland were willing to combine the two positions into one, he would be willing to consider the request. At this point there are two positions; one filled and one vacant. This will cause one position to be paid substantially more than what the county currently provides. He is not convinced that attorney pay is merited for social work and does not like a situation where an auditor position may be staffed for years. Judge Self asked again for a motion. Hearing none, Judge Self moved the meeting to the Public Hearing. (Time: 2:29 p.m.)

COURT ORDER NO. 2012-681-09-17

14. AI-35606 Interlocal Agreement with the City of Farmersville for Reinvestment Zone No. 1 and further authorize the County Judge to finalize and execute same, Administrative Services.

Bill Bilyeu, County Administrator, came forward. The Mayor of Farmersville has two specific issues with the Court's changes to the Tax Increment Reinvestment Zone (TIRZ) interlocal agreement wording. One is the definition of storm water drainage structure and the other pertains to the TIRZ Board and its authority. At Judge Self's request, Mr. Bilyeu gave the court the overall definition of storm water drainage structure which includes any structure that keeps the roads from flooding or being washed out. Judge Self asked Mayor Joe Helmberger to approach the Court and if he was satisfied with the given definition. Mayor Helmberger came forward and agreed to the definition.

The Mayor then addressed the second issue he had with the agreement under part IV, paragraph A of the Project Plan which was amended to read "*...The project plan and Finance Plan may not be amended without the prior approval of the City Council and the Collin County Commissioner's Court...*" The City of Farmersville presented a Finance plan and a Project Plan to the Court to get the TIRZ Board started.

If the verbiage is left the way it was amended, each time the developer or the city wants to revise the project plan to include a road that was not included in the current plan, the TIRZ Board would not be able to approve the revision; they would be required to get approval from the Commissioners' Court every time a change was needed including any changes to the finance plan. The Court would, in essence, become the TIRZ Board.

Commissioner Webb responded to the comments saying the intent was to give the county opportunity to be consulted with and have input as to where any additional revenue would go; he stands by his changes to the agreement. In the original language the county has no voice if an additional three or four million dollars in revenue is seen.

A discussion followed regarding the Court's policy on TIRZ agreements. Commissioner Jaynes asked Mr. Bilyeu for the policy and wanted to know if this was the policy, why the verbiage was not included in the original agreement. Mayor Helmberger replied the TIRZ Board drafted the policy based on information they received by the county. Commissioner Webb said he is not interested in how categories are tweaked as long as the revenues stay within the categories. He reiterated that the intent is to give the county a voice in how any additional revenue funds are spent. Under TIRZ law, the TIRZ Board can make a recommendation of where any revenues that exceed the projected revenues should go. He wants the county to have a say as to where the additional revenues go.

Mayor Helmberger replied that the agreement is specific as to what you can and cannot spend the revenue on. Judge Self replied that the issue is when the city is successful as the Court expects it to be, the county at some point will want a say in all of the revenue flow that will be coming in. Mayor Helmberger then said that the agreement needs to be re-written to say what is meant, not what it reads.

Mr. Bilyeu brought the county policy which does not say anything about the make-up of a TRIZ board. What it does say is that all county participations must be for project specific categories. It also reads that the county must have the ability to designate the projects in which they will participate and for which it will administer the construction. Commissioner Williams did not have an issue spending more time crafting the language to be more specific. Judge Self recommended the item be held so the county could work on the language. A brief discussion followed. (Time: 2:23 p.m.)

HELD

15. AI-33858 RTC monthly update, Commissioner, Precinct 4.

Commissioner Webb updated the court on the RTC. Prior to the meeting held last Thursday, a work session was held at which the exact terms of the proposed purchasing of a North Texas Tollway Authority (NTTA) loan that was made by the Texas Department of Transportation (TxDOT) was received. The interest rate is 4.2% versus what was originally stated at approximately six percent.

Instead of eight years there is approximately 16 years left on the loan that matures January 1, 2028. The positive on the engineering costs is that they have stayed the same which is approximately \$10 million. Previously there was discussion as to whether the county would have to pay back money that was charged to the Regional Toll Revenues (RTR) funds for the engineering costs; however, now as long as it can be identified that the money is being spent on projects in the county it is fine with them. There is overall support from the RTC to move forward with getting participants to buy the note.

Some analysis performed by the RTC indicates that the county may not have to come up with real money in terms of \$10 million should the county want to participate in buying the loan. There is enough cash flow into the RTR account and timing between the earned revenues and expenditures that the county may be able to reach an agreement that they will not let the account fund drop below \$10 million. The RTC thinks that the county can participate at the \$10 million level without putting up actual money. Three counties are talking about buying the note and they are Dallas County, Denton County and possibly Collin County.

Commissioner Webb next discussed the regional managed High Occupancy Vehicle (HOV) policy which relates to the several HOV lanes that are currently free if traveling with three people. LBJ Freeway is going to a more than three policy, so the question is what does the RTC want to do when LBJ intersects with US 75 with respect to the HOV policy. Commissioner Webb gave comments that depending on the revenue stream, he wants the revenues to stay on Collin County's roads.

The Regional Taxi Cab Permit is moving forward and all of the larger cities are participating. Permits will be managed regionally rather than each of the cities having their own rules.

The federal government is trying to get back unused federal money. Fortunately Collin County does not have any projects on the list. The RTC will reallocate approximately \$4 million to make sure that funding does not get pulled back.

The RTC will try to streamline their Transportation Improvement Program (TIP) amendment process. Currently there are many steps over numerous months. The rules will be restructured to make it easier to maneuver.

Commissioner Jaynes asked if there is a timetable on when the HOV lanes will become toll. Commissioner Webb replied that there is not a timetable that he can recall and thinks it will be interesting to see what the RTC will do. There was a brief discussion by the Court. (Time: 3:08 p.m.)

NO ACTION TAKEN

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

Mr. Bilyeu came forward with an update. Another workshop was held on Friday with good attendance. Some of the feedback received included the state's expectation that 75% of the Delivery System Reform Incentive Payment (DSRIP) projects should be medically related and 25% to be mental health. Because LifePath and other providers have been so aggressive, the percentage of the DSRIP projects are now 75% mental health and 25% medically related. Right now a lot of hopes are with a project in Grayson County. They are working with two hospitals to create a clinic. One of hospitals owns a building that they are willing to lease to the county for a dollar.

Over the weekend, the contractor contacted each DSRIP participant to tell them now is the time to get down to the details; we are getting close to the deadlines. Right now we are looking at October 31, 2012 which means that each county will have to have a public hearing at the end of October. It will then come to Collin County for a final public hearing and an adoption of what will be sent to Health and Human Services Commission (HHSC).

Commissioner Williams added that it is critical that the hospitals in the RHP think seriously about putting forward some DSRIP that has budgeted funds that can be used as Intergovernmental Transfer funds (IGT). She thinks it would be more helpful if there were more medically related projects to send to the state. The Commissioner is disappointed that the hospitals have not been more aggressive in their efforts.
(Time: 3:12 p.m.)

NO ACTION TAKEN

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

Judge Self informed the court that the county is still on track for October 1, 2012 and that there is a delegation scheduled to visit the county.

NO ACTION TAKEN

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

Commissioner Williams encouraged the completion of the review of the Tax Assessor's office in this budget year and asked that the Court have discussion on doing a review of another department. (Time: 3:13 p.m.)

EXECUTIVE SESSION

The Court did not recess into Executive Session. There being no further business of the Court, Judge Self adjourned the meeting at 3:29 p.m.



ATTEST:

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

Keith Self, County Judge

Matt Shaheen, Commissioner, Pct. 1

Cheryl Williams, Commissioner, Pct. 2

Joe Jaynes, Commissioner, Pct. 3

Duncan Webb, Commissioner, Pct. 4