

STATE OF TEXAS

**COMMISSIONERS' COURT
MEETING MINUTES
OCTOBER 8, 2012**

COUNTY OF COLLIN

On Monday, October 8, 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 1:30 p.m.

President Self called to order the meeting of the Collin County Health Care Foundation at 2:33 p.m. and adjourned the meeting at 2:33 p.m.

President Self called to order the meeting of the Collin County Toll Road Authority at 2:33 p.m. and adjourned the meeting at 2:34 p.m.

DECISIONS MANDATED BY LEGAL ENTITIES OUTSIDE OF COMMISSIONERS COURT AUTHORITY:

1. AI-35851 Reclassification of two (2) vacant positions to two (2) Supervisor positions (pay grade 640), Human Resources.

FYI NOTIFICATION

1. AI-34688 Outstanding Agenda items, Commissioners Court.

2. Change Order(s):

a. AI-35862 No. 36 to Construction, Building: Collin County Courthouse Addition (IFB No. 11067-10) with Turner Construction Company to add various Pricing Change Orders to the contract (previously approved by the County Administrator per Court Order No. 2007-180-02-27), Construction & Projects.

b. AI-35863 No. 37 to Construction, Building: Collin County Courthouse Addition (IFB No. 11067-10) with Turner Construction Company to add various Pricing Change Orders to the contract (previously approved by the County Administrator per Court Order No. 2007-180-02-27), Construction & Projects.

Commissioner Shaheen noted one of the items on the change order deals with an architectural request to relocate a microphone, speaker, and touch screen to the witness location. The cost listed is \$32,473.00. Commissioner Shaheen stated the relocation comes recommended by the architect, but he would like to have a dialogue with the architect about reimbursement costs. Commissioner Webb added the pricing change order contains a \$4,000 charge for cleaning grease that accumulated on the cafeteria floor. He stated he didn't feel the County should be responsible for paying for this but instead it should be an issue for the cafeteria vendor. Bill Burke, Construction and Projects, stated the former cafeteria vendor left grease on the floor and he did not feel that it was the contractor's issue to clean the grease. Commissioner Webb made a suggestion about possibly having an attorney take this issue on a contingent basis as a means to seek reimbursement from the cafeteria vendors in the justice courts.

(Time: 1:36 p.m.)

3. AI-35850 Budget amendment in the amount \$17,646 to establish the budget for the 2013 Bulletproof Vest Program Grant, Auditor.

2. Public Comments. There were no public comments.

3. Presentation/Recognition:

a. AI-35845 Recognition of Edie Jolley as Collin County's Records Management Officer, Information Technology.

b. Service Pins, Human Resources.

Judge Scott Becker, 219th District Court, presented John Mayfield, a bailiff in Mr. Becker's court, with his 25 year service pin. (Time: 1:31 p.m.)

4. Consent agenda to approve:

Judge Self pulled item 4h3. Commissioner Webb stated there were a few items under disbursements he would like to discuss. Commissioner Shaheen pulled item FY12b. With no further comments, a motion was made to approve the remainder of the consent agenda. (Time: 1:33 p.m.)

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

a. AI-35881 Disbursements for the period ending October 2, 2012, Auditor.

Commissioner Webb stated one of the disbursements was made out to the Collin County District Clerk in the amount of \$4,906.94 and he felt that this was an unusual transaction and requested to know what the disbursement related to. Randall Rice, Auditor, replied that before Andrea Thompson, District Clerk, took office there were lawsuits with settlements that were supposed to be put into interest bearing accounts and never were. Mr. Rice stated the check is for the interest that would have accrued during the time that the Certificate of Deposits should have been opened. Commissioner Webb asked if this was to cover an oversight, to which Mr. Rice replied that it was. Commissioner Webb then asked if the costs could be recovered and if it is possible to hold personal liability for the funds never having been invested. Mr. Rice stated that he would look in to this matter.

Commissioner Webb noted another disbursement he wanted clarification on was a check relating to body work on a county vehicle due to vandalism. He requested a future discussion of policy related to auto accidents and body damage to county vehicles to be placed on a future agenda.

Jon Kleinheksel, Public Works, stated that currently there is not a mechanism in place to monitor damage to county vehicles. However, due to a recent rash of accidents he stated there was a meeting set up this week to deal with the issue. He continued by stating that currently in the Plano location there is a policy in place that every vehicle that is not behind a fence at night is supposed to be brought in to the service center. He further stated he would look in to whether or not any vehicles were left out overnight and deal with this accordingly.

With no further comments, a motion was made to approve the disbursements. (Time: 1:39 p.m.)

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

COURT ORDER NO. 2012-733-10-08

b. **AI-35858** Tax refunds totaling \$367,284.39, Tax Assessor Collector.

COURT ORDER NO. 2012-734-10-08

c. **Advertisement(s):**

1. **AI-35869** Services, Travel Agency (RFP No. 06308-12), Purchasing.

COURT ORDER NO. 2012-735-10-08

d. **Award(s):**

1. **AI-35799** Construction, IT Vault (IFB No. 07333-12) to Covenant Design and Construction, LLC, reallocate \$17,000 from completed Project Y41008 and budget amendment in the amount of \$67,000 for same, Construction & Projects.

COURT ORDER NO. 2012-736-10-08

2. **AI-35867** Cafeteria Management for Courthouse (RFP No. 06306-12) to Rose Food Service, Development Services.

COURT ORDER NO. 2012-737-10-08

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

COURT ORDER NO. 2012-738-10-08

e. **Agreement(s):**

1. **AI-35849** Agreement between Treasury Law Enforcement Agencies and Local, County and State Law Enforcement Agencies for the Reimbursement of Expenses, further authorize the County Judge to finalize and execute same, District Attorney.

COURT ORDER NO. 2012-739-10-08

f. **Amendment(s):**

1. **AI-35830** No. 1 to the Microsoft Enterprise Enrollment (Microsoft Amendment M132) to change the term of the contract to coincide with Collin County's fiscal year through and including September 30, 2013, Information Technology.

COURT ORDER NO. 2012-740-10-08

2. **AI-35834** No. 2 to the Microsoft Enterprise Enrollment (Microsoft Amendment W16) to add enrollment for Elections to support the polling locations and further authorize the Purchasing Agent to finalize and execute the agreements, Information Technology.

COURT ORDER NO. 2012-741-10-08

3. **AI-35878** No. 2 to Insurance, Third Party Claims Administration (RFP No. 04236-10) with TRISTAR Risk Management to extend the contract for one (1) year through and including September 30, 2013 at the contract price for year 3 at \$46,913 and further authorize the Purchasing Agent to finalize and execute same, Human Resources.

COURT ORDER NO. 2012-742-10-08

4. **AI-35816** No. 3 to Maintenance: Scanners (Contract No. 12113-10) with Harris, Mackessy & Brennan, Inc. (HMB) to add two (2) additional scanners to maintenance, extend the contract for one (1) year through and including September 30, 2012 and further authorize the Purchasing Agent to finalize and execute same, Information Technology.

COURT ORDER NO. 2012-743-10-08

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

1. **AI-35871** September 17, 2012.

COURT ORDER NO. 2012-744-10-08

h. Miscellaneous

1. **AI-35868** Set a public hearing date for November 5, 2012 to hear testimony regarding changes to the Collin County Subdivision Regulations, Engineering.

COURT ORDER NO. 2012-745-10-08

2. **AI-35876** Sale of four (4) pieces of County Surplus Equipment in the amount of \$30,000 to Fannin County per VTCA LGC 263.152, Public Works.

COURT ORDER NO. 2012-746-10-08

3. **AI-35838** Funding recommendations for the Collin County Parks/Open Space Project Funding Assistance Program, 2007 Bond - Third Series and budget amendment in the amount of \$2,377,575 for same, Special Projects.

Judge Self stated that the current balance shows \$122,000 but he thought there were more in this year's bond funds. Jeff Durham, Parks & Projects, said he believed there was an additional \$1 million remaining. Mr. Durham stated there is actually more money than the \$1 million because of projects that have never been completed, projects that were completed under budget, and from interest earned over the past 12 years. This has amounted to a little over \$1 million dollars. Judge Self asked Mr. Durham to give a future Court a layout for what is planned for the remaining funds. Mr. Durham stated he is not sure that the staff has anything specific set aside for the \$1 million. Judge Self asked that this item be placed on the outstanding agenda items. Commissioner Jaynes asked what the plan was for the open space area in between the Administration Building and Courthouse. Mr. Durham said the plan is 90% complete and Mr. Bilyeu will bring this plan to the Court in the next couple of months. A motion was made to approve the funding recommendations. (Time: 1:45 p.m.)

Motion by: Judge Keith Self

Second by: Commissioner Duncan Webb

Vote: 5 – 0 Passed

COURT ORDER NO. 2012-747-10-08

4. AI-35891 Personnel Appointments, Human Resources.

COURT ORDER NO. 2012-748-10-08

GENERAL DISCUSSION

5. AI-35808 2013 Benefits Presentation, Human Resources.

Cynthia Jacobson, Human Resources, approached the Court with changes that were previously discussed regarding the County's medical plan. Ms. Jacobson cited the Center for Disease Control and listed tobacco use, poor nutrition, lack of physical activity, and alcoholism as controllable health risks that affect our current insurance plan. Using information that has been gathered from the County's Health Risk Assessment test, 21% of county employees or county insured individuals are estimated to be tobacco users. This is slightly higher than the U.S. average which runs about 18%. 39% of the county's insured individuals have a BMI (Body Mass Index) of 30 or more which would identify them as being in the obese range. The most prevalent health risks here in the County have been identified as 57% of individuals are currently at a BMI of over 25 (overweight – obese range), 32% of individuals have high blood pressure, and 21% of individuals are tobacco users.

Ms. Jacobson stated that there was a discussion in a previous court regarding a smoking surcharge because of the additional costs associated with smokers. Because the surcharge is not medically related, it does not have to be a part of the wellness program. Ms. Jacobson recommended that if the Court chooses to implement a smoking surcharge, it is done separate from the wellness program that way it can be done as an after tax deduction. Ms. Jacobson recommended that all forms of tobacco be included in the surcharge. Nicotine gum, nicotine patches, and e-cigarettes are not included in the recommendation. An individual can avoid a surcharge by not smoking, or by providing documentation that they are participating in a smoking cessation program. If an individual is found to be a smoker, recommendations include retroactively charging them the surcharge, doubling the surcharge as a penalty, or taking away their Wellness Program lump sum. Ms. Jacobson stated the Commissioners' could make a decision to not hire anyone who is a smoker which could be done by pre-employment testing for nicotine. This might lead to lower health costs; however, it might prevent a potential good employee from being hired because they are a smoker.

Ms. Jacobson continued her presentation by discussing obesity. Our current Wellness Program could be adapted to include a physician review of BMI for covered employees and their spouses. This would allow the County to gather personally identifiable data which would allow for an obesity surcharge in the future if the Court decides to implement. If an individual chooses to not participate in the Wellness Program, their information will not be collected. There are currently about 300 individuals who refuse to participate in the Wellness Program.

The next discussion topic regarded emergency room costs. In 2011, the county averaged approximately 766 emergency room visits. The average employee visit was \$455. The recommendation would be to change to an emergency room payment of a \$500 co-pay for all emergency room visits unless the employee is admitted to the hospital. Another change to the current plan would be to align the dental plan with the medical plan. This would allow for two cleanings per year at 100% with no deductible. The last discussion was in respect to adjusting the current base rate for employees enrolled in the Advantage Plus Plan. The current base rate is \$50 and the adjusted rate would be \$120. The current base rate for the Advantage plan is currently \$25 and the adjusted rate is \$95. Ms. Jacobson asked for final approval from the Court for the change in rates in terms of the specific amounts.

Judge Self led the discussion on the topics by starting with the tobacco issue. Commissioner Williams stated she is a big proponent of the smoking surcharge because it sends a message that it is more costly to cover smokers than non-smokers. Commissioner Shaheen agreed because this would encourage employees to take better care of themselves. After a brief discussion a motion was made to approve implementing a tobacco surcharge. (Time: 2:14 p.m.)

Motion by: Commissioner Cheryl Williams

Second by: Commissioner Matt Shaheen

Vote: 3 – 2 Failed

Nay: Judge Keith Self

Commissioner Duncan Webb

Commissioner Joe Jaynes

COURT ORDER NO. 2012-749-10-08

A motion was made to exclude smokers from being hired in Collin County. The motion died for lack of a second. (Time: 2:25 p.m.)

A motion was made to add a physician's review of a covered employee's BMI in the Wellness Program as a means to collect data for a possible future obesity surcharge. (Time: 2:28 p.m.)

Motion by: Commissioner Cheryl Williams

Second by: Commissioner Matt Shaheen

Vote: 5 – 0 Passed

COURT ORDER NO. 2012-750-10-08

A motion was made for charging a \$500 co-pay for emergency room visits unless the employee is hospitalized. (Time: 2:29)

Motion by: Commissioner Duncan Webb
Second by: Commissioner Cheryl Williams
Vote: 4 – 1 Passed
Nay: Commissioner Joe Jaynes

COURT ORDER NO. 2012-751-10-08

A motion was made to approve the dental plan of two cleanings per year with no deductible. (Time: 2:29)

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

COURT ORDER NO. 2012-752-10-08

A motion was made to approve the rate adjustments. (Time: 2:30 p.m.)

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

COURT ORDER NO. 2012-753-10-08

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

Commissioner Williams provided the update for the Medicaid 1115 Waiver. HHSC (Health and Human Services Commission) and CMS (Centers for Medicare & Medicaid Services) changed the deadline to October 31, 2012 for DSRIP (Delivery System Reform Incentive Program) projects. Collin County has been invited to testify at a public health committee next week and while the questions being asked are not known, we will come prepared. Judge Self stated that Collin County's public hearing is scheduled for October 22, 2012. (Time: 2:32 p.m.)

NO ACTION TAKEN

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

Judge Self stated that because there are so many new legislators he wanted the Commissioners to have conversations with individual legislators about who would carry what bills. (Time: 2:33 p.m.)

NO ACTION TAKEN

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

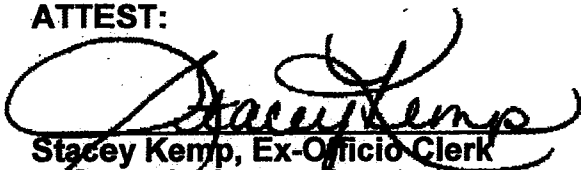
Commissioner Webb noted that he would like to discuss vehicle repair policies in the future as well as the purchase of the NTTA (North Texas Tollway Authority) loan purchased by TxDOT (Texas Department of Transportation). (Time: 2:33 p.m.)

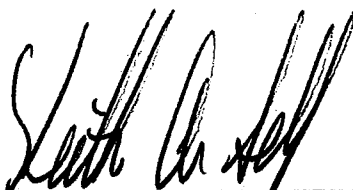
EXECUTIVE SESSION

The Court did not recess into Executive Session. There being no further business of the Court, Judge Self adjourned the meeting at 2:34 p.m.

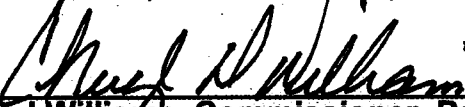


ATTEST:


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