

STATE OF TEXAS
COUNTY OF COLLIN

COMMISSIONERS' COURT
MEETING MINUTES
AUGUST 12, 2013

On Monday, August 12, 2013, 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 Chris Hill, Precinct 3
Commissioner Duncan Webb, Precinct 4

Commissioner Hill led the Invocation.
Commissioner Webb led the Pledge of Allegiance.
Judge Self led the Pledge of Allegiance to the Texas Flag.

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

President Self called to order the meeting of the Collin County Health Care Foundation at 2:25 p.m. and adjourned the meeting at 2:25 p.m.

DECISIONS MANDATED BY LEGAL ENTITIES OUTSIDE OF COMMISSIONERS COURT AUTHORITY:

1. AI-37028 Award of Services, Psychological Evaluations, Juvenile (RFP No. 2013-200) to Spartan Psychological Consulting, Juvenile Probation.

FYI NOTIFICATION

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

2. Public Comments.

David O'Connor, McKinney, came forward to speak about the Tax Ratification Election (TRE) McKinney ISD will hold on September 21, 2013. The Learning Fair Expo will be held on the same date and at the same location as the tax election. While officials have been told they cannot campaign inside, Mr. O'Connor feels there will be a large amount of campaigning inside the 100-foot perimeter.

Mr. O'Connor asked the Collin County Commissioners to adopt a position and condemn what he feels is obvious election rigging by McKinney ISD, and tell them to move either the polling place or the Learning Fair Expo to another location. (Time: 1:36 p.m.)

3. Presentation/Recognition.

4. Consent agenda to approve: Judge Self asked for comments on the consent agenda. Commissioner Hill pulled item 4i1 for a future court. Commissioner Shaheen pulled item 4d6, and Judge Self pulled item 4g2 and 4i2 for discussion. Commissioner Webb pulled item 4f8. There being no further comments, a motion was made to approve the remainder of the consent agenda. (Time: 1:37 p.m.)

Motion by: Commissioner Shaheen

Second by: Commissioner Williams

Vote: 5 – 0 Passed

a. **AI-37118** Disbursements for the period ending August 6, 2013, Auditor.

COURT ORDER NO. 2013-568-08-12

b. Advertisement(s):

1. **AI-37101** Annual Maintenance for Fujitsu Scanners (IFB No. 2013-288), Information Technology.

COURT ORDER NO. 2013-569-08-12

2. **AI-37113** Road Materials: Aggregate Material for Surface Treatment and Stone Rip Rap (IFB No. 2013-193), Public Works.

COURT ORDER NO. 2013-570-08-12

3. **AI-37098** Services, Mowing (IFB No. 2013-191), Public Works.

COURT ORDER NO. 2013-571-08-12

4. **AI-37099** Supplies, Culverts & Bands, Steel (IFB No. 2013-196), Public Works.

COURT ORDER NO. 2013-572-08-12

c. Award(s):

1. **AI-37092** Construction, Bridge: County Road 132 over Long Branch (IFB No. 2013-125) to Ashlar Contracting Company and further authorize the County Judge to finalize and execute the Construction Agreement, Special Projects.

COURT ORDER NO. 2013-573-08-12

d. Agreement(s):

1. **AI-37102** Interlocal Agreement with the City of Wylie to provide GIS services and further authorize the County Judge to finalize and execute same, Information Technology.

COURT ORDER NO. 2013-574-08-12

2. **AI-37064** Funding Agreement with the Allen Heritage Guild for funding through the FY2013 Historical Commission Grant Program for Guild signs and brochures for the Allen Heritage Village and further authorize the County Judge to finalize and execute same, Historical Commission.

COURT ORDER NO. 2013-575-08-12

3. **AI-37065** Funding Agreement with Anna Area Historic Preservation Society for funding through the FY2013 Historical Commission Grant Program for Lair Cemetery Restoration Project and further authorize the County Judge to finalize and execute same, Historical Commission.

COURT ORDER NO. 2013-576-08-12

4. **AI-37066** Funding Agreement with Bear Creek Cemetery Foundation for funding through the FY2013 Historical Commission Grant Program to restore damaged markers and further authorize the County Judge to finalize and execute same, Historical Commission.

COURT ORDER NO. 2013-577-08-12

5. **AI-37067** Funding Agreement with the Cemetery Association of Murphy for funding through the FY2013 Historical Commission Grant Program to clean gravestones and provide needed crosses and further authorize the County Judge to finalize and execute same, Historical Commission.

COURT ORDER NO. 2013-578-08-12

6. **AI-37069** Funding Agreement with the Collin County Genealogical Society for funding through the FY2013 Historical Commission Grant Program for digitizing Collin County's Historical Newspapers and further authorize the County Judge to finalize and execute same, Historical Commission.

Commissioner Shaheen asked if the digitized items could be accessed through the county's website. Eric Nishimoto, Public Information Officer, came forward and stated there would be a link to the site on the county's website. There being no further discussion, a motion was made to approve the item. (Time: 1:39 p.m.)

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

COURT ORDER NO. 2013-579-08-12

7. **AI-37070** Funding Agreement with the Heritage Association of Frisco for funding through the FY2013 Historical Commission Grant Program to repair deteriorating Log Cabin at the Frisco Heritage Center and further authorize the County Judge to finalize and execute same, Historical Commission.

COURT ORDER NO. 2013-580-08-12

8. **AI-37071** Funding Agreement with the Heritage Association of Frisco for funding through the FY2013 Historical Commission Grant Program to educate the public about the Pioneer History and the Days of the Shawnee Cattle Drive and further authorize the County Judge to finalize and execute same, Historical Commission.

COURT ORDER NO. 2013-581-08-12

9. **AI-37072** Funding Agreement with the Heritage Farmstead Association for funding through the FY2013 Historical Commission Grant Program to replace a damaged wagon and further authorize the County Judge to finalize and execute same, Historical Commission.

COURT ORDER NO. 2013-582-08-12

10. **AI-37073** Funding Agreement with the Murphy Historical Society for funding through the FY2013 Historical Commission Grant Program for the restoration of the Herring-Hogge Cemetery and further authorize the County Judge to finalize and execute same, Historical Commission.

COURT ORDER NO. 2013-583-08-12

11. **AI-37074** Funding Agreement with the Plano Conservancy for Historic Preservation, Inc. for funding through the FY2013 Historical Commission Grant Program for complete renovation work in Bethany Cemetery and further authorize the County Judge to finalize and execute same, Historical Commission.

COURT ORDER NO. 2013-584-08-12

12. **AI-37076** Funding Agreement with the Snow Hill Cemetery Association for funding through the FY2013 Historical Commission Grant Program to level markers and further authorize the County Judge to finalize and execute same, Historical Commission.

COURT ORDER NO. 2013-585-08-12

e. Amendment(s):

1. **AI-37105** No. 1 to Professional Services, Engineering: County Road 618 over Cedar Creek (AGR No. 10009-09) with Dannenbaum Engineering Corp. to update plans and specifications for the re-construction of two (2) box culverts on County Road 618 over Cedar Creek and further authorize the Purchasing Agent to finalize and execute same, Special Projects.

COURT ORDER NO. 2013-586-08-12

f. Change Order(s):

1. **AI-37008** No. 1 to Road Striping (IFB No. 08366-12) with Flat Line Inc. to extend the contract for one (1) year through and including September 30, 2014 and further authorize the Purchasing Agent to finalize and execute same, Public Works.

COURT ORDER NO. 2013-587-08-12

2. **AI-37095** No. 2 to Fuels (IFB No. 01113-12) with Martin Eagle Oil., Inc. to extend the contract for one (1) year through and including September 30, 2014 and further authorize the Purchasing Agent to finalize and execute same, Public Works.

COURT ORDER NO. 2013-588-08-12

3. **AI-37096** No. 2 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, 2014 and further authorize the Purchasing Agent to finalize and execute same, Public Works.

COURT ORDER NO. 2013-589-08-12

4. **AI-37104** No. 2 to Services: Morgue Transport (IFB No. 06221-11) with Weatherall Family Funeral Services LLC to extend the contract for one (1) year through and including September 30, 2014 and further authorize the Purchasing Agent to finalize and execute same, Medical Examiner.

COURT ORDER NO. 2013-590-08-12

5. **AI-37107** No. 2 to Testing: Postmortem Toxicology (IFB No. 07246-11) with NMS Labs to extend the contract for one (1) year through and including September 30, 2014 with an average of 3% increase to various items and further authorize the Purchasing Agent to finalize and execute same, Medical Examiner.

COURT ORDER NO. 2013-591-08-12

6. **AI-37057** No. 3 to Vehicle Lease/Rental for Collin County Special Operations Unit (IFB No. 06271-10) with EAN Holding LLC. dba Enterprise-Rent-A-Car to delete all references to price "without insurance", extend the contract for one (1) year through and including September 30, 2014 and further authorize the Purchasing Agent to finalize and execute same, Sheriff.

COURT ORDER NO. 2013-592-08-12

7. **AI-37081** No. 4 to Maintenance: Elevators/Escalators (IFB No. 02360-09) with Texas Independent Elevator Company to extend the contract for one (1) year through and including September 30, 2014 and further authorize the Purchasing Agent to finalize and execute same, Facilities.

COURT ORDER NO. 2013-593-08-12

8. **AI-37082** No. 5 to Maintenance: Elevators/Escalators (IFB No. 02360-09) with Schindler Elevator Corp to extend the contract for one (1) year through and including September 30, 2014 and further authorize the Purchasing Agent to finalize and execute same, Facilities.

A motion was made to approve the contract extension with Schindler Elevator Corporation. Commissioner Webb did not participate in the vote. (Time: 1:39 p.m.)

Motion by: Commissioner Williams
Second by: Commissioner Hill
Vote: 4 – 0 Passed
Abstained: Commissioner Webb

COURT ORDER NO. 2013-594-08-12

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

1. **AI-37097** \$1,200 to transfer funds from Skip Tracing to Education and Conference, Constable, Precinct 3.

COURT ORDER NO. 2013-595-08-12

2. **AI-37123** \$42,000 for the reallocation of funds to relocate the livestock area at the Animal Shelter, Construction & Projects.

Judge Self mentioned there was no map included and asked if anything had changed since the last budget discussion. Bill Bilyeu, County Administrator, came forward to explain the current stray area was being moved to immediately behind the building. The fence posts and fence will be put in that new area. After a brief discussion, a motion was made to approve the item. (Time: 1:40 p.m.)

Motion by: Judge Self
Second by: Commissioner Williams
Vote: 5 – 0 Passed

COURT ORDER NO. 2013-596-08-12

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

1. **AI-37116** July 22, 2013.

COURT ORDER NO. 2013-597-08-12

i. Miscellaneous

1. **AI-37119** Designation of FM 546 to Private Road 5475 (with associated updates), GIS/Rural Addressing.

HELD

2. **AI-37114** Retention of a surplus 2007 Stihl Pole Saw (Unit No. 48263) to be used by Road and Bridge for the CSCD Program, Public Works.

Judge Self asked for the complete do-not-replace list and to have it posted on the website. Jon Kleinheksel, Public Works, came forward and stated the list would be available by the end of the day. There being no further discussion, a motion was made to approve the item. (Time: 1:42 p.m.)

Motion by: Judge Self
Second by: Commissioner Williams
Vote: 5 – 0 Passed

COURT ORDER NO. 2013-598-08-12

3. **AI-37088** Acceptance of the Dining Alliance rebate check in the amount of \$554.85 to be deposited in the Going the Extra Mile Employee Incentive Program line item and budget amendment for same, Purchasing.

COURT ORDER NO. 2013-599-08-12

4. **AI-37039** Trade-in a Universal Forensic Extraction Device (County Asset No. 52963) and purchase a new upgraded device for phone forensics, Sheriff.

COURT ORDER NO. 2013-600-08-12

5. **AI-37106** 2014 Holiday Schedule, Human Resources.

COURT ORDER NO. 2013-601-08-12

GENERAL DISCUSSION

5. **AI-37120** 2013 TCDRS Benefits Presentation, Human Resources.

Cynthia Jacobson, Human Resources, came forward to explain TCDRS (Texas County & District Retirement System). The program has a 7% deposit rate, a 200% match, a vesting period of eight years and a guaranteed interest rate of 7%. On the county and city comparisons, the CPI varies by entity.

Due to other expenses incurred with TCDRS, the plan must earn 8% in order to return the guaranteed 7% to the employees. Actuarial gains and losses are smoothed over ten years. When smoothing the gains, there is no set plan design that determines whether the gain is moved to the reserve account or is smoothed to the plan. Reserves can be used to buffer the losses.

Since 2009 the county has been making payments toward the unfunded liability which has brought the rate down from 11.2% to 8.06%. If these payments had not been made, the rate would be going up dramatically in order to pay for the smoothed losses.

The unfunded liability as of 12/31/12 is \$2,794,000 with a 99% funded rate. TCDRS had positive returns in 2012 and TCDRS passed through those gains. The 2012 gains will be recognized over time. The funded percentage has increased significantly since making the lump sum payments.

There are three options with COLA's (Cost of Living Adjustment): flat rate COLA's, CPI based COLA's and doing nothing. The county did flat rates for years which gave every employee the same percent. Last year a 60% CPI increase was approved for plan year 2013. The 60% was applied to a CPI of 1.74%. COLA's are funded over a 15-year period. Currently there are 526 individuals collecting TCDRS benefits, 312 current employees are eligible to retire now and 268 additional employees will be eligible to retire in the next five years.

GASB (General Accounting Standards Boards) looks at how financials are done for public sector entities. GASB Statements 67 and 68 are new this year. GASB Statement 67 impacts TCDRS only while GASB Statement 68 impacts the county. For the first time, beginning in 2015, Collin County will have to report the TCDRS unsmoothed outstanding pension liability on the financials. COLA's will have to be counted for the entire cost of the plan year. Commissioner Williams pointed out that this will discourage COLA's. Because of GASB 68, this will be the first year Human Resources will not recommend a COLA. During budget, the Court will have to determine whether or not to make a payment of the unfunded liability.

Commissioner Williams asked Jeff May, Auditor, whether the unsmoothed unfunded liability would have an impact on bond rating and issuance of bonds. Mr. May does not anticipate it will have a big impact on bond rating because the county is so well funded. It will, however, reduce our net assets when bond buyers are looking at it. (Time: 2:07 p.m.)

NO ACTION TAKEN

6. AI-37075 Filling the position of Collections Clerk for the Justice Courts and budget amendment in the amount of \$20,769 for same, County Clerk.

Stacey Kemp, County Clerk, came forward to update the Court on the position of Collections Clerk for the Justice Court which is being held in contingency. SB 1863, passed in 2005, required Collin County to create and implement a program to improve in-house collections of court costs, fines and fees. Since implementing the program, payment terms have been reduced significantly and the program achieved a 91% collection rate; an increase of 30% over the prior year.

The Court Collections Program was transferred to the Office of the County Clerk effective October 2010. This program benefits defendants because of its convenience to the County Courts and County Court at Law Clerks and because payment plans are created based on income. By offering these payment plans, previously outstanding costs, fines and fees are being recovered. During the FY2013 budget cycle, two (2) regular full-time positions, one to be filled immediately and the other held in contingency pending the outcome of the program, were approved for the collection of outstanding court costs in the Justice Courts.

This was the first time in Collin County a collection program has been implemented for the Justice Courts. Before this program began, outstanding costs, fines and fees were turned over to a third party collection agency after 60 days at a cost of 30% of the balance collected.

The first court to participate was Justice Court 1 effective October 2, 2012. On November 26, 2012 the newly created position was filled and dedicated to collections for JP-1. The initial caseload consisted of more than 6,700 cases totaling \$1.8 million. In the seven months since this position was filled, \$311,000 in cash has been collected versus \$183,267 collected by the third party agency for the same time period. When deducting costs associated with the collections, the third party agency returned \$128,287 to the general fund while the Collections Clerk returned \$285,334 to the general fund.

With the addition of Justice Court 3-1 by the end of 2013, an additional 2,100 cases representing \$869,000 will be added to the current workload. Due to the increased workload and the success of this program, at this time Ms. Kemp is requesting approval by the Commissioners' Court to fill the position currently being held in contingency to aide in collections for the Justice Courts.

Commissioner Shaheen requested open dialogue during budget to hear from the Justice Courts that are not interested in participating in the program. After a discussion, a motion was made to approve the amendment based on one month in the amount of \$17,095. (Time: 2:19 p.m.)

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

COURT ORDER NO. 2013-602-08-12

7. Board/Committee Appointments, Commissioners Court:

a. AI-37138 Prosper TIRZ No. 2, Commissioner, Precinct 3.

A motion was made to appoint Commissioner Shaheen to the Prosper TIRZ Board.
(Time: 2:20 p.m.)

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

COURT ORDER NO. 2013-603-08-12

b. AI-37139 Richardson TIRZ No. 2, Commissioner, Precinct 3.

A motion was made to appoint Commissioner Williams to the Richardson TIRZ Board. Judge Self asked for the minutes to be corrected to reflect both of the above items were put on the agenda by the Commissioner for Precinct 2. (Time: 2:20 p.m.)

Motion by: Commissioner Shaheen
Second by: Commissioner Hill
Vote: 5 – 0 Passed

COURT ORDER NO. 2013-604-08-12

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

Commissioner Webb reported the most interesting item is the East West Funding Split. The RTC (Regional Transportation Council) is proposing a 1% decrease in what the east gets which equates to approximately \$2 million per year. Another item of interest was HB 1 was approved as well as SJR 1 which is the constitutional amendment related to funding of transportation.

The last item of interest was the plan to increase some speed limits throughout the MPO (Metropolitan Planning Organization). Only one affects Collin County, and that would be north of Melissa on US 75. The speed limit would be increased from 60 to 70 mph. The reason the speed limits were repressed in these counties was due to the fear of the effect of emissions. There was a presentation showing there is no increase in emissions at the higher speeds with newer cars. All the emissions generated by cars are from idling up to 15 to 20 miles per hour. (Time: 2:24 p.m.)

NO ACTION TAKEN

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

NO ACTION TAKEN

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

NO ACTION TAKEN

11. 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 of the Commissioners' Court at 2:25 p.m.



Keith Self

Keith Self, County Judge

Matt Shaheen

Matt Shaheen, Commissioner, Pct. 1

Cheryl Williams

Cheryl Williams, Commissioner, Pct. 2

Chris Hill

Chris Hill, Commissioner, Pct. 3

Duncan Webb

Duncan Webb, Commissioner, Pct. 4

ATTEST:

Stacey Kemp

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