

STATE OF TEXAS
COUNTY OF COLLIN

COMMISSIONERS' COURT
MEETING MINUTES
OCTOBER 21, 2013

On Monday, October 21, 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 Chris Hill, Precinct 3
Commissioner Duncan Webb, Precinct 4

Absent:
Commissioner Cheryl Williams, Precinct 2

Commissioner Webb led the Invocation.
Judge Self led the Pledge of Allegiance.
Commissioner Shaheen 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. Judge Self left the meeting at 2:58 p.m. Commissioner Webb presided over the remaining discussion and adjourned the meeting at 4:38 p.m.

Trustee Webb called to order the meeting of the **Collin County Health Care Foundation** at 4:38 p.m. and adjourned the meeting at 4:38 p.m.

DECISIONS MANDATED BY LEGAL ENTITIES OUTSIDE OF COMMISSIONERS COURT AUTHORITY:

1. **AI-37478** Budget amendment in the amount of \$45,000 to reallocate funds from Juvenile Detention (Fund 001-6420) to Juvenile Probation (Fund 001-6401) to provide funding for the final FY2013 Hearing Master Services, Auditor.

FYI NOTIFICATION

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

2. **Notification of budget adjustment(s)/amendment(s), Auditor:**

a. **AI-37497** \$21,840 to establish the budget for the FY2014 Mobile Tablet Devices for Warrants Grant.

b. AI-37463 \$126,633 to establish the budget for the FY2014 Cities Readiness Initiative (CRI) Program Grant.

c. AI-37461 \$538,709 to establish the budget for the FY2014 Public Health Emergency Preparedness (PHEP) Hazards Program Grant.

2. Public Comments.

Richard Dodson, McKinney, came to talk about redistricting and referenced the legislature saying the JP (Justice of the Peace) Court is the true peoples' court. Accessibility is very important, and it would be wrong to have the people of Farmersville and Blue Ridge go to McKinney to seek justice. There are different cultures and different values. These people need a true peoples' court in their own community. The County has added six new county courts and five new district courts, but the County has not added a single JP court. (Time: 3:12 p.m.)

Karen Marks, Plano, came forward to say she has watched the rural areas grow over the last 30 years. With the growth of cities such as Plano has come increased vagrancy, road rage, truancy and traffic citations. Ms. Marks feels the County should be considering a sixth JP instead of possibly cutting back to four. (Time: 3:16 p.m.)

3. Presentation/Recognition:

a. Service Pins, Human Resources.

4. Consent agenda to approve: Judge Self pulled item 4g2 without discussion. Commissioner Webb pulled item 4a regarding a check to Turner Construction. Commissioner Shaheen had a question on item 4f1. A motion was made to approve the remainder of the consent agenda. (Time: 4:28 p.m.)

Motion by: Commissioner Chris Hill

Second by: Commissioner Matt Shaheen

Vote: 3 – 0 Passed

a. AI-37506 Disbursements for the period ending October 15, 2013, Auditor.

Commissioner Webb pulled this item regarding the check for Turner Construction in the amount of almost \$150,000 which has been on Outstanding Agenda Items for a year. Since the project was completed a year ago, the Commissioner would like to know why the issue with Turner had not been resolved.

Bill Burke, Construction & Planning, explained the check was for work done in March for punch list items. There are still some work items to be done. There is also a report regarding the terrazzo situation which found that the subcontractor for Turner did not put enough sand below the terrazzo layer. This has caused cracking in the terrazzo. When asked the amount of the retainage, Mr. Burke said it was \$650,000 with another \$7,000 just added. Commissioner Webb would like to get a report since legal counsel may be needed to determine where we are. Since this payment was not for retainage, Commissioner Webb moved for approval. (Time: 4:31 p.m.)

Motion by: Commissioner Duncan Webb
Second by: Commissioner Chris Hill
Vote: 3 – 0 Passed

COURT ORDER NO. 2013-846-10-21

b. **AI-37485** Tax refunds totaling \$372,225.44, Tax Assessor Collector.

COURT ORDER NO. 2013-847-10-21

c. Advertisement(s):

1. **AI-37486** Construction, County Road 419 over Brinlee Creek Bridge Replacement (IFB No. 2013-271), Special Projects.

COURT ORDER NO. 2013-848-10-21

d. Award(s):

1. **AI-37482** Road Materials, Cement Treated Base (IFB No. 2013-194) to TXI Operations, L.P., Public Works.

COURT ORDER NO. 2013-849-10-21

2. **AI-37483** Services, Mowing (IFB No. 2013-191) to various vendors, Public Works.

COURT ORDER NO. 2013-850-10-21

e. Amendment(s):

1. **AI-37479** No. 3 to Software Maintenance, AMCAD AILIS County Clerk (Contract No. 10007-11) with American Cadastre 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, County Clerk.

COURT ORDER NO. 2013-851-10-21

f. Ratification of the County Judge's prior approval:

1. **AI-37511** Grant exemption to the bid process per VTCA LGC 262.024 (a)(2) "an item necessary to preserve or protect the public health or safety of residents of the county" for Window Repair and Resulting Damage at the 900 East Park Boulevard Building to increase the amount from \$75,000 to \$150,000 and budget amendment for same, Construction & Projects.

Commissioner Shaheen asked Mr. Burke why this was exempted. Mr. Burke explained the bid was between three companies for \$15,000 to \$20,000 which was the original scope from the consultant. Once they got in there the number of rooms expanded as well as the work within the rooms. The demolition portion of the work has been completed. Currently the second problem, which is the foundation, is being assessed. As soon as the foundation bid comes back, the full scope can be bid out.

Commissioner Shaheen asked Michalyn Rains, Purchasing, in the future to include a brief explanation of the reason for the exemption to the bid process. Mr. Burke explained the only danger now is the fact that the area is a construction zone. The water-damaged material that was taken out was the health hazard. Commissioner Webb thought the reason for the exemption was the tenant that was moved out of the building with whom the County has a contractual agreement. The Commissioner wants to make sure the underlying cause of the problem has been identified and fixed. Mr. Burke said the \$150,000 exemption is only a portion of the total funds that will be expended to fix the situation.

Commissioner Webb asked to put this on Future Items to get a report. The Commissioner would like to know exactly what caused the problem. A motion was made to approve the item. (Time: 4:37 p.m.)

Motion by: Commissioner Matt Shaheen
Second by: Commissioner Chris Hill
Vote: 3 – 0 Passed

COURT ORDER NO. 2013-852-10-21

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

1. **AI-37498** \$59 to transfer funds from Office Supplies to Education and Conference, Justice of the Peace, Precinct 3-2.

COURT ORDER NO. 2013-853-10-21

2. **AI-37504** \$150,000 to transfer funds from the General Fund to the Health Care Grants Fund due to the Federal Government partial shutdown, Auditor.

PULLED

3. **AI-37484** \$50,945,055 for FY2013 Bond Issues, Auditor.
COURT ORDER NO. 2013-854-10-21

h. Receive and File, Auditor:

1. Monthly Financial Report(s):

a. **AI-37513** October 2012.
COURT ORDER NO. 2013-855-10-21

b. **AI-37509** August 2013.
COURT ORDER NO. 2013-856-10-21

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

1. **AI-37472** September 9, 2013.
COURT ORDER NO. 2013-857-10-21

2. **AI-37499** September 16, 2013.
COURT ORDER NO. 2013-858-10-21

3. **AI-37495** September 23, 2013.
COURT ORDER NO. 2013-859-10-21

j. Miscellaneous

1. **AI-37466** Grant Application and Resolution/Internet Form for the FY2014 Indigent Defense Formula Grant through the Texas Indigent Defense Commission and further authorize the County Judge to finalize and execute same, Auditor.
COURT ORDER NO. 2013-860-10-21

2. **AI-37529** Sale of Struck Off Property located at 1107 Healy Street, McKinney, Texas (Tract 48, Abstract A0811, Mary Standifer Survey, Volume 284, Page 495) as recorded in the Collin County Deed Records to North Collin Habitat for Humanity in the amount of \$8,000 and further authorize the County Judge to finalize and execute the associated documents, County Judge.
COURT ORDER NO. 2013-861-10-21

3. **AI-37508** 2013 Tax Roll, Tax Assessor Collector.
COURT ORDER NO. 2013-862-10-21

4. **AI-37233** Exemption from the requirements of the Health Insurance Portability and Accountability Act of 1996 (HIPAA) and further authorize the Human Resource Director to submit proper notice to authorities, Human Resources.
COURT ORDER NO. 2013-863-10-21

5. **AI-37518** Remove the annual and lifetime dollar limit on durable medical equipment and add coverage for approved clinical trials to the health plan as required under the Health Care Reform Act, Human Resources.

COURT ORDER NO. 2013-864-10-21

6. **AI-37532** Personnel Appointments, Human Resources.

COURT ORDER NO. 2013-865-10-21

7. **AI-37533** Personnel Changes, Human Resources.

COURT ORDER NO. 2013-866-10-21

GENERAL DISCUSSION

5. **AI-37503** Update of Tax Office Operations and NTTA Collections, Tax Assessor Collector. Kenneth Maun, Tax Collector,

Kenneth Maun, Tax Assessor Collector, came forward with a Power Point presentation showing the major accomplishments, goals and the customers of the Tax Office. Revenues for FY2013 less budgeted expenses were \$5,639,165. Staffing consists of 55.5 employees with 45.5 of those being counter personnel. Vehicle registrations for 2013 totaled 827,408 and titles totaled 179,317. Mr. Maun calculated productivity versus staff resulting in a shortfall on personnel of four. Aside from the four employees hired for the Frisco office, there have been no positions added to the office in motor vehicles in over 15 years.

Mr. Maun said if he were to take on another job he would be doing a disservice to the taxpayers. His staff is burned out and stressed. Mr. Maun wants enough personnel to do the job and still be positive and courteous by the end of the day. He explained his first priority is customers who come through the door, second is phone customers, third is internet customers and finally the mail. Commissioner Hill commended Mr. Maun on his priorities and his shifting of priorities to meet the demands of the office.

Mr. Maun wants to continue to improve the quality of customer service by reducing wait time and increased training. He also wants to continue to build a winning team but is concerned about Collin County employees' benefits being reduced. When the job market picks up, he is concerned that some of his staff will leave if their pension is reduced.

There was a lengthy discussion regarding NTTA and Scofflaw participation. Scofflaw will require the county to maintain a data base of all scofflaw individuals. Commissioner Shaheen feels the issues regarding IT and staffing can be worked through, but since Mr. Maun has made the decision that he does not want to go down that path it is a moot point. Mr. Maun stated he has said that he would do it if he were given the means. He is barely staffed to handle the workload he has today. He wants his people to work at a level that is productive, efficient and where they are willing to stay.

Commissioner Hill asked Mr. Maun if he were willing to put together a plan to overcome the obstacles for handling Scofflaw and NTTA and bring it to the Court for consideration. Mr. Maun stated if he has the staff, equipment and necessary support, he will pursue the program. For Scofflaw only Mr. Maun stated he would need an additional 7.5 personnel. Commissioner Webb confirmed the Tax Collector is asking for four more people for current staffing in the DMV and another 7.5 for Scofflaw plus the IT support and database. (Time: 4:25 p.m.)

NO ACTION TAKEN

6. AI-37569 Justice of the Peace and Constable Redistricting, Commissioners Court.

Judge Self began Court with this item since all five Justices of the Peace were in Court. Judge Terry Douglas announced he would not be running for re-election. He went on to say there is a work imbalance across the JP precincts. This is a rare opportunity when a JP retires to correct imbalances like this because we have one JP that runs off cycle from the others. JP's are different from County wide courts for several reasons. Cases are not created equal. JP's determine which cases they will hear and the cases are tied to precincts. He would like a broad and open discussion about the work imbalances that the numbers seem to suggest. How do we equalize the work load across the JP courts and how to measure the work load. He asked each Court member to make an opening statement. Judge Self does not feel that closing any of the offices would be the way to go.

Commissioner Shaheen said whenever there is an opportunity to look at the volume of work for any department within the County it is incumbent upon the Court to see if there are any adjustments that need to be made.

Commissioner Hill said he had the opportunity to discuss the agenda item with each of the elected Justices of the Peace and they share the Commissioner's concern which is to make certain that each of the Justice Courts provide a level of service and convenience to our taxpayers. What he found interesting was everyone agreed there was an imbalance in the workload currently but disagreed as to whether or not that was satisfactory. The Commissioner is not interested in seeing the Justice Courts in Farmersville and Wylie done away with and will look for a solution that does not put them at risk.

Commissioner Webb said he was looking forward to hearing a lot more and does feel there is an imbalance. He is interested in looking at all aspects including closing offices if that is what needs to happen.

Sharon Rowe, Elections, came forward to explain the election implications. Ms. Rowe stated the Elections Department would need to know what the Court decides because they have the ability now to simultaneously work on redistricting and the election that started today. There is no time crunch, but it depends on how sizeable the changes are. It would be helpful if an entire precinct changes to a district. The timing for the mailing of the certificates is December 5th and there is no penalty if they are late. The filing time period for the candidates for the primaries is November 9th to December 9th. They would not be able to provide a voter list that showed any changes in the voter file, but they could provide precincts with all the districts assigned to them. As for the workload, the Elections Department has the ability to move forward. There was a brief discussion regarding the filing deadline of December 5th. When asked what would be the latest date to receive notice so the certificates could be mailed by December 5th, Ms. Rowe said by November 1st. This is the beginning of an election cycle. In order to be able to make the changes and get the certificates out, Elections would need time to process.

Commissioner Webb asked what the legal parameters are for redrawing precinct lines for a JP district. Ms. Rowe has sent a question to the state asking if there is a limitation as to when this can be done because there is a redistricting plan. Commissioner Webb asked if we had sought legal counsel to find out what we need to go through even though there is no preclearance. Ms. Rowe said the steps her office is taking is continuing to prepare the preclearance documents and they are bundling and ready to mail in the event that we are required to send them forward.

Paul Raleeh, Justice of the Peace, Precinct 1, came forward as Administrative Judge for the Justice Courts with a Power Point presentation. He stated all five JP's oppose any move to change the precincts.

Judge Raleeh's presentation compared numbers from years 2012 and 2013. The total number of civil cases filed in all five JP courts dropped from 13,600 in 2012 to 12,018 in 2013. The total number of criminal cases increased from 40,308 in 2012 to 40,428 in 2013. Next were jail functions which are handled by Judge Raleeh and Judge John Payton. They handle 87% of the case load for magistrations. Judge Self asked what the average time is for a magistration. Judge Raleigh explained they handle between 22 and 30 inmates a day with the average time being five minutes per inmate. Total revenue for the five Justice Courts for 2013 was approximately \$5.5 million on a budget of \$2.2 million. The Judge wanted to point out it does not cost the taxpayers of Collin County to run these courts.

Judge Raleeh continued his presentation showing the statistics for the five precincts for criminal cases (citations, toll violations, truancy, hot checks) and civil cases (evictions, justice claims, small claims and others). Commissioner Shaheen asked about the number of cases that are settled and paid at the window as opposed to in the courtroom. The Judge explained on the criminal side, the citations are not bench time and are mostly handled by his staff. Most all of the other cases require a hearing. He added even if he is not on the bench hearing a case, he is still handling management issues in the background. He manages his employees, manages his caseload and answers questions.

John Payton, Justice of the Peace, Precinct 3-2, came forward to explain even if someone pays a fine at the window, he still has to issue a judgment in open court and manage that case file to the end. He has to review the case file, make sure everything has been properly input into the county fund versus the state funds and sign the judgment. The clerks are handling the front end, but the JP's are handling the back end. These files are also audited by the Auditor's Office.

Mike Yarbrough, Justice of the Peace, Precinct 4, explained all eviction cases are called. Even if the defendants don't show up, he still has to elicit information from the landlords relative to their claim and determine the measure of damages. He also does pre-trials on traffic and NTTA (North Texas Tollway Authority) tickets. He does an NTTA docket one to two times a month.

Judge Raleeh then presented the Hearings Breakdown. There were 7,133 for JP1, 3,004 for JP2, 4,471 for JP3-1, 13,423 for JP3-2 and 4,869 for JP4. These numbers are not exact because some of the cases were settled and may not have been updated in the computer system showing there was no hearing. Judge Payton mentioned he had met with Commissioner Webb a few months ago and was asked what the civil docket really means. On average, Judge Payton touches each civil case, not including evictions, a minimum of three times.

Regarding staff, there is one Functional Analyst for all five Courts. JP1 has six staff members; JP2 has five; JP3-1 has five; JP3-2 has five and JP4 has six staff members. All the JP's agree they are down one staff member. Judge Raleeh then presented the top 10 counties in Texas and showed that none of these counties have fewer than five JP's. According to the State of the County Address, with 40 families moving into Collin County each day, the county will need another judge to help with western expansion. Judge Raleeh went on to say cutting a JP court today is not cost effective and does not handle the problem of numbers. The Judge recommends the county stay where it's at and start planning for future growth and how to separate the precincts to get a fair number of cases.

Judge Payton came forward to discuss the Hearings Breakdown. While he agreed there is an imbalance of cases, he feels it is not so great as to eliminate a JP from that precinct. He cannot absorb an additional 3,000 hearings or even 1,000 hearings. Judge Self asked Judge Payton if he considered the workloads unbalanced. Judge Payton agreed they are not balanced but when taking the demographics and representation into consideration he would say no. Collin County is not all urban and it will not be all urban. The rural district in Collin County is the eastern district and that district has the right to local control and local representation. Combining the eastern district into Precinct 1 and Precinct 3 will take away their control.

Judge Self mentioned the possibility of moving the main JP and Constable to Wylie and making Farmersville the adjunct courthouse to make the southeast corner more robust. The Judge said this is a policy decision and the Court needs to decide if it wants to continue the study. Judge Self is trying to keep it on facts and figures and is not talking about reducing staff members. The Court recognizes the staff handles a vast number of cases at the window. Judge Payton replied, while there needs to be a redistribution of the workload, there still needs to be five JPs. Commissioner Shaheen stated there are two dynamics: the growth in the west and the great imbalance of workload. The Commissioner's preference would be to continue to look at the information.

Chuck Ruckel, Justice of the Peace, Precinct 3-1, then came forward stating he is busy every day and cases are scheduled 45 days in advance. If there are fewer than five judges, that amount of time will be increased, and the people served will be the ones who suffer. They will not be able to have their cases heard in a reasonable amount of time. The Judge feels that time period is already too long, and it takes one to three years to get a civil case out the door. He can see that going to five years as the population increases.

Commissioner Hill asked why there is such an imbalance between JP3-1 and JP3-2 which have the same precinct. It was determined the magistration numbers were included in the hearing breakdown which accounted for almost 4,500 cases. Judge Payton explained JP3-1 handles the bulk of the small claims, justice court claims and evictions. JP3-2 handles the majority of the truancy cases. The two JP's are utilized differently by the population. Judge Ruckel said there is enough work currently for five JPs and will be in the future as the population continues to grow. He also feels the JPs should decide how to redistribute the workload with guidance from Commissioners' Court.

Terry Douglas, Justice of the Peace, Precinct 2, came forward to speak as a citizen of Precinct 2. The Judge said when he announced his retirement, he didn't realize Commissioners' Court would use it as a tool to reduce the number of JPs. Judge Douglas said the Court would be disenfranchising the smaller cities in eastern and southern Collin County. His district has 44% of the land mass in Collin County. Judge Douglas explained while Princeton citizens can elect someone among themselves, they cannot compete with Plano or McKinney. Judge Self asked if the five JPs would agree to divide the county into fifths by population. Commissioner Webb asked to have the magistration cases removed since there is extra pay involved with those cases. The Commissioner would also like to know what are the core functions and non-core functions. Judge Self would like to know how everyone across the county handles truancy and figure out what an equitable solution on truancy would be.

Judge Self expressed his appreciation to the elected officials for giving their input. The Judge had to leave and turned the Court over to Commissioner Webb. (Time: 2:58 p.m.)

Joe Barton, Constable Precinct 2, came forward to correct the four constables' term dates in the email from Bill Bilyeu, County Administrator. The correct term date is December 31, 2016. The Constable also expressed his desire to keep the five JPs.

Commissioner Webb confirmed with Ms. Rowe that if a fifth precinct were created there would also need to be a fifth constable. The Commissioner also asked if the county maintained the four precincts with the two JPs in Precinct 3, could the lines be redrawn determining who would handle which cases within the precinct. Ms. Rowe was not sure how the workload is established between the two courts, but the precinct is one geographical area.

Commissioner Shaheen feels there is clearly an imbalance and would like to move forward and work with the JPs to come up with a solution of either five or four JPs depending on data. Commissioner Hill does not agree with Judge Douglas' comment about the disenfranchisement of voters on the east side of the county. The concern is whether they have the ability to elect their own JP among themselves or will they be overshadowed by the populations in the west. Commissioner Hill would like the opportunity to examine that issue. Commissioner Webb agreed with both commissioners and is not leaning toward reducing the number of JPs. He is also not interested in having five precincts. There needs to be adjustments to handle the growth for the next few years on the west side and look at moving the JP over to the east so he's more accessible.

There was a brief discussion regarding the impact on the election cycle if some boundaries were moved. Ms. Rowe said it would not affect the election cycle, however, redistricting cannot be done without a court order between the primary and the November election. (Time: 3:26 p.m.)

NO ACTION TAKEN

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

NO ACTION TAKEN

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

Commissioner Webb requested further review of the issues regarding the facility at 900 East Park, Plano.

EXECUTIVE SESSION

The Court did not recess into Executive Session. There being no further business of the Court, Commissioner Webb adjourned the meeting at 4:38 p.m.



Keith Self, County Judge

Matt Shaheen, Commissioner, Pct. 1

Cheryl Williams, Commissioner, Pct. 2

Chris Hill, Commissioner, Pct. 3

Duncan Webb, Commissioner, Pct. 4

ATTEST:

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