

STATE OF TEXAS

COMMISSIONERS' COURT
MEETING MINUTES
MAY 5, 2014

COUNTY OF COLLIN

On Monday, May 5, 2014, 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 Mark Reid, Precinct 1
Commissioner Cheryl Williams, Precinct 2
Commissioner Chris Hill, Precinct 3
Commissioner Duncan Webb, Precinct 4

Commissioner Webb led the Invocation.
Judge Self led the Pledge of Allegiance.
Commissioner Reid 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 2:28 p.m. and adjourned the meeting at 2:28 p.m.

President Self called to order the meeting of the Collin County Toll Road Authority at 2:29 p.m. and adjourned the meeting at 2:31 p.m.

DECISIONS MANDATED BY LEGAL ENTITIES OUTSIDE OF COMMISSIONERS COURT AUTHORITY:

1. AI-38190 Personnel Appointments, Human Resources.

FYI NOTIFICATION

1. AI-34688 Outstanding Agenda Items, Commissioners Court.
2. AI-38070 Advertise for Services: Commissary (RFP No. 2014-123) in accordance with Vernon's Texas Codes Annotated Subchapter C, Section 351.0415, Sheriff.

3. **AI-38182** Notification receipt of the 2014 Tobacco Settlement Proceeds, Administrative Services.

4. **AI-38183** Voluntary Terminations, Human Resources.

2. **Public Comments.**

3. **Presentation/Recognition:**

a. Service Pins, Human Resources.

4 Consent agenda to approve: Judge Self deleted item 4f2 at the Auditor's request and pulled items 4d1, 4e1 and 4g3 for discussion. Commissioner Webb pulled items 4f2, 4g2 and 4g4. Hearing no further comments, a motion was made to approve the remainder of the consent agenda. (Time: 1:46 p.m.)

Motion by: Commissioner Cheryl Williams

Second by: Commissioner Mark Reid

Vote: 5 - 0 Passed

a. **AI-38176** Disbursements for the period ending April 29, 2014, Auditor.

COURT ORDER NO. 2014-235-05-05

b. **AI-38165** Tax refunds totaling \$505,104.11, Tax Assessor Collector.

COURT ORDER NO. 2014-236-05-05

c. **Award(s):**

1. **AI-38093** Equipment, Lease: Road Construction and Right of Way Maintenance Equipment (IFB No. 2014-121) to various vendors, Public Works.

COURT ORDER NO. 2014-237-05-05

d. Agreement(s):

1. **AI-38161** 2014 Lake Patrol Contract with the Department of the Army Corps of Engineers to provide additional patrol for Lake Lavon from May 16, 2014 through and including September 2, 2014 and further authorize the County Judge to finalize and execute same, Sheriff.

Judge Self asked Sheriff Terry Box if this included the use of a boat. The Sheriff explained this does not include a boat and, with the low water levels, he is not sure if a boat would be of any use. This year will primarily be concerned with unlocking closed parks. Commissioner Webb wanted to know how this compared to last year. Sheriff Box said it was fewer hours and less money than last year. The Commissioner also asked about the deadline since there were two different dates in April noted. Jeff May, Auditor, said the deadline was for the proposal not the contract. (Time: 1:49 p.m.)

Motion by: Judge Keith Self

Second by: Commissioner Cheryl Williams

Vote: 5 - 0 Passed

COURT ORDER NO. 2014-238-05-05

e. Amendment(s):

1. **AI-38141** No. 7 to the Storm Water Management Program (AGR No. 12179-08) with Jacobs Engineering Group, Inc. to add services related to the County's TCEQ (Texas Commission on Environmental Quality) permit renewal in the amount of \$21,422 and further authorize the Purchasing Agent to finalize and execute same, Engineering.

Judge Self asked Tracy Homfeld, Engineering, if this was a permanent plan. Ms. Homfeld said it is a permanent plan and it is mandated by the EPA (Environmental Protection Agency) down to TCEQ (Texas Commission on Environmental Quality.) When an entity has an urbanized area, there must be a Storm Water Management Plan and this is the renewal of our Storm Water Management permit. The Judge asked how much the contract for engineering changes per year. Ms. Homfeld said everything is done in house with the exception of the report and permit which is done by Jacobs Engineering. Jacobs will talk to staff to find out what is or is not working.

The TCEQ permit changed dramatically which is why it took so long to get approved and the County is taking on more responsibility. The Judge asked who is representing the counties in front of TCEQ. Jacobs, a consultant for NTTA (North Texas Tollway Authority), is there and reports back to Ms. Homfeld. COG (Council of Governments) is also there and reports back but it is not county specific. Counties are unique because they cannot charge Storm Water Management fees.

There was a brief discussion about striking the 10% markup fees in the contract and whether or not to notify Jacobs beforehand. The final report is due in June and the contract must be signed before Jacobs will get started. Commissioner Reid asked if there was any monitoring of the program. Ms. Homfeld explained that monitoring was done by staff not the engineering firm. A motion was made to approve this item by striking out the 10% markup. (Time: 1:56 p.m.)

Motion by: Judge Keith Self
Second by: Commissioner Duncan Webb
Vote: 5 - 0 Passed

COURT ORDER NO. 2014-239-05-05

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

1. **AI-38173** \$131,186 to move expenditures and establish the budget in funds 005 and 056, District Clerk.

COURT ORDER NO. 2014-240-05-05

2. **AI-38171** \$15,171,408 for the encumbrance rollover from FY2013 to FY2014, Auditor.

HELD

g. Miscellaneous

1. **AI-38172** Withdrawal of the grant application and resolution for the FY2015 Specialty Court Programs Grant through the Criminal Justice Division of the Governor's Office, 296th District Court.

COURT ORDER NO. 2014-241-05-05

2. **AI-38189** Acknowledgment of the issuance of bonds by Hackberry Cultural Education Facilities Finance Corporation (Coram Deo Academy) Series 2014 for constructing, renovating and equipping educational facilities at the Academy's Flower Mound Campus and the Academy's Plano Campus and further authorize the County Judge to finalize and execute associated documents, Administrative Services.

Commissioner Webb pulled this item because he made a small modification to the language in the Court Order. The Court reviewed the change and a motion was made to approve the item with the change made. (Time: 1:56 p.m.)

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

COURT ORDER NO. 2014-242-05-05

3. AI-38179 Replacement of a \$60 cash shortage in the Commissary Fund, Auditor.

Sheriff Terry Box explained his department's cash handling policy and then stated that an internal investigation was conducted after the discovery of \$60 in counterfeit bills. It was determined the bills were run through the counterfeit/counting machines and marker tested during the first shift. During the next shift on the second run through the machine, the bills were determined to be counterfeit.

Judge Self asked if there was a request for the \$60 to be covered under the bond and was the \$60 put into a county account. Jeff May, Auditor, said that was not requested to be covered under the bond and it was to go into the Sheriff's account. The Judge would have preferred to leave the issue in the Sheriff's jurisdiction but policy requires a discussion in Court if there is negligence or misconduct.

Cynthia Jacobson, Human Resources, said there were two other losses in the past which were handled by the elected officials. Ms. Jacobson also said the bond account would not pay for this; it would be given to the elected official to handle. She went on to say the county does not carry insurance to cover theft or employee error.

Under state law the Judge said the elected official is responsible for any money that comes into their office. Commissioner Webb asked if it was a fact that both employees ran the money through the machine. If that is the case, then it is a machine issue and the Sheriff should get the machine replaced quickly. The Sheriff said he hopes the Court will take into consideration the amount of cash his office takes in and the procedures that are in place. The Sheriff will get the machine tested but is unsure if a test can be run to indicate whether or not the bills were actually run through the machine twice. Judge Self is unwilling to assume it's a machine problem until the machine is tested. The Judge also cautioned the Court about setting precedence. Judge Self read from the county's cash-handling policy and recommended leaving the issue with the Sheriff's department until the machine is tested.

Commissioner Webb asked Mr. May if there are any other policies or procedures that the Sheriff could have put in place to have eliminated this risk. Mr. May said there were none in this case. There was a lengthy discussion regarding cash-handling requirements and possible changes to the policy.

Andrea Stroh Thompson, District Clerk, and Stacey Kemp, County Clerk, came forward to address the Court. Ms. Thompson asked the Court to consider that elected officials can have all policies in place but still have to rely on front counter staff. Mistakes happen and neither the District Clerk nor the County Clerk has a counterfeit machine. There are not enough controls to put in place to say there will never be an error. This is a large burden to put on elected officials especially if they don't have all the necessary tools. Judge Self asked if they need to seek legislative relief. Ms. Thompson stated that Jon Kleinheksel, Public Works, does not have to pay when a county vehicle is damaged.

Ms. Kemp said, while her departments mark every bill, supposedly the markers are no longer reliable and she has nothing else to detect counterfeit bills. She asked the Court to give some direction on how to protect the county's assets and to show that the elected officials have done their due diligence. Ms. Kemp also suggested looking at practices used by banks and other entities to come up with a policy for the county as a whole. Ms. Thompson said the Court should consider the cost involved in putting machines at every station where cash is accepted versus indemnifying small loses. There was a brief discussion about having a window specifically for cash transactions or limiting the amount of the cash transactions. Ms. Thompson referenced the language in the county's cash-handling policy regarding neglect or misconduct and said the Court has the ability to determine what that is.

Commissioner Webb has an issue with the concept of "negligence or misconduct" and the elected official being held responsible when compared to a negligent law enforcement officer who wrecks a car and there is no reimbursement necessary. The Court needs to be consistent. The Commissioner is prepared to reimburse the \$60 if it is determined there was nothing else the Sheriff's office could have done to minimize or eliminate the loss. He would like to know if the machine did actually malfunction. And, if it didn't malfunction, then who takes the risk. The Commissioner does not want to lose the ability of getting quality people to run departments because the financial risk is too substantial. With no further discussion, the item is held until the machine is tested. (Time: 2:27 p.m.)

HELD

4. AI-38178 Sale of Struck Off Property located at 816 Greenville, 818 Greenville and 204 Murray Street, McKinney, Texas (Lots 1A, 1B, 2A, 2B and 3, G.M. Wilson Addition, Volume 4556, Page 981) as recorded in the Collin County Deed Records to New Beginnings New Life Outreach Ministries in the amount of \$20,000 and further authorize the County Judge to finalize and execute the associated documents, County Judge.

Commissioner Webb pulled this item because he made a small modification to the language in the Court Order. The Court reviewed the change and a motion was made to approve the item with the change made. (Time: 2:27 p.m.)

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

COURT ORDER NO. 2014-243-05-05

5. AI-38164 Water Line Easement to the City of McKinney for a 23'x40' water line easement located on the east side of Community Avenue, approximately 300' south of Bloomdale Road and further authorize the County Judge to finalize and execute the associated documents, Engineering.

COURT ORDER NO. 2014-244-05-05

6. **AI-38166** Re-designation of Private Road DeShan Trail to Wayside Trail (with associated address updates), GIS/Rural Addressing.

COURT ORDER NO. 2014-245-05-05

7. **AI-38174** Acceptance of the Grainger rebate check in the amount of \$364.80 for participation in the National Intergovernmental Purchasing Alliance Co. and budget amendment for same, Purchasing.

COURT ORDER NO. 2014-246-05-05

8. **AI-38170** Deposit the net proceeds totaling \$36,816.79 from the Collin County On-Line Auction held on March 13, 2014 per Local Government Code 263.156, Purchasing.

COURT ORDER NO. 2014-247-05-05

9. **AI-38191** Personnel Appointments, Human Resources.

COURT ORDER NO. 2014-248-05-05

10. **AI-38192** Personnel Changes, Human Resources.

COURT ORDER NO. 2014-249-05-05

GENERAL DISCUSSION

5. **AI-38140** Update regarding iPad Usage by the Collin County Judges presented by Judge Scott Becker, 219th District Court.

Judge Scott Becker, 219th District Court, presented an overview of efficiencies realized by the District and County Court at Law Judges as a result of the iPads. The Judge explained that while the primary purpose of the iPads was for signing warrants electronically, there are several other ways in which the iPads are being utilized. Some of those are receiving CLE (Continuing Legal Education) materials electronically, making bench notes, legal research with access to the Constitution, legal codes, rules of evidence as well as a subscription to Westlaw, docketing/calendaring and E-signing court documents in Odyssey. This reduces paper, thereby reducing the amount of storage space necessary for paperwork and binders. Annotating, highlighting, bookmarking, word search and hyperlinks are some of the features that reduce time and effort and make the iPad a very useful device.

Judge Becker showed an example of a warrant that was received and signed electronically. The process took only nine minutes to complete. Before the iPads, this process could take two hours or more depending on road time. Twelve of the twenty-two targeted law enforcement agencies are currently using this service. Judge Becker said there are plans to have another meeting with heads of agencies to get the remaining ten agencies on board. (Time: 1:45 p.m.)

NO ACTION TAKEN

6. AI-38083 Medicaid 1115 Update, Administrative Services.

NO ACTION TAKEN

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

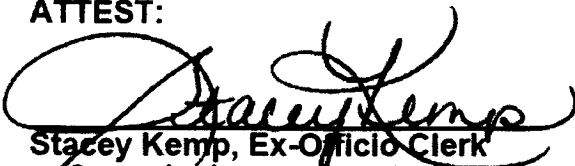
Commissioner Webb would like to add Procedures and Policies for the Liability Fund as a future agenda item. Judge Self would like to add a Line of Duty Investigation which is an adjunct to Commissioner Webb's topic. Commissioner Reid would like to add an EPA Issue – Redefining the Waters of the United States. (Time: 02:28 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 2:28 p.m.



ATTEST:



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

Not Present

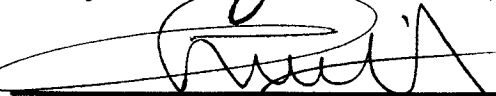
Keith Self, County Judge




Mark Reid, Commissioner, Pct. 1



Cheryl Williams, Commissioner, Pct. 2



Chris Hill, Commissioner, Pct. 3



Duncan Webb, Commissioner, Pct. 4