

STATE OF TEXAS

COMMISSIONERS' COURT
MEETING MINUTES
MAY 12, 2014

COUNTY OF COLLIN

On Monday, May 12, 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

Judge Self led the Invocation.
Commissioner Reid 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. and recessed the meeting at 2:16 p.m. The meeting reconvened and recessed into Executive Session at 2:16 p.m. The meeting was reconvened and adjourned at 3:36 p.m.

President Self called to order the meeting of the Collin County Health Care Foundation at 2:16 p.m. and adjourned the meeting at 2:16 p.m.

1. AI-38217 Personnel Appointments, Human Resources.

FYI NOTIFICATION

1. AI-38212 Outstanding Agenda Items, Commissioners Court.

2. AI-38199 Addendum No. 1 to Roof Replacement for Wells Building Farm Museum (IFB No. 2014-172) to make various changes to the Invitation for Bid, Purchasing.

3. AI-38197 Change Order No. 2 to Construction, Interior and Exterior Alterations, 900 E. Park (IFB No. 2014-110) with GT Construction Inc. to remove additional brick from each side at the northeast corner of the building (previously approved by the County Administrator per Court Order No. 2007-180-02-27), Construction & Projects.

4. AI-38200 Modifications to the makeup of the NCTCOG (North Central Texas Council of Governments) Executive Board, County Judge.

2. Public Comments.

3. Presentation/Recognition:

a. Service Pins, Human Resources.

4. Consent agenda to approve: Judge Self deleted item 4d2 and asked for comments on the remainder of the consent agenda. Hearing none, a motion was made to approve the consent agenda. (Time: 1:48 p.m.)

Motion by: Commissioner Cheryl Williams

Second by: Commissioner Chris Hill

Vote: 5 - 0 Passed

a. **AI-38204** Disbursements for the period ending May 6, 2014, Auditor.

COURT ORDER NO. 2014-250-05-12

b. Advertisement(s):

1. **AI-38195** Audio Visual for Commissioners Courtroom (RFP No. 2014-217), Information Technology.

COURT ORDER NO. 2014-251-05-12

2. **AI-38198** Vehicle, Fuel Tanker Truck (IFB No. 2014-197), Public Works.

COURT ORDER NO. 2014-252-05-12

c. Award(s):

1. **AI-38194** Audio Visual for County and District Courts (RFP No. 2014-113), Information Technology.

COURT ORDER NO. 2014-253-05-12

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

1. **AI-38187** \$2,009 to reallocate funds to correct the foundation drainage at the History Museum, Construction & Projects.

COURT ORDER NO. 2014-254-05-12

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

HELD

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

1. **AI-38203** April 7, 2014.

COURT ORDER NO. 2014-255-05-12

2. **AI-38181** April 14, 2014.

COURT ORDER NO. 2014-256-05-12

3. **AI-38208** April 21, 2014.

COURT ORDER NO. 2014-257-05-12

f. Miscellaneous

1. **AI-38216** 2013 Grand Jury members to be appointed and serve on the 2014 Salary Grievance Committee, Commissioners Court.

COURT ORDER NO. 2014-258-05-12

2. **AI-38188** Declare the attached list of Collin County property as surplus and authorize the Purchasing Agent to sell via on-line auction per V.T.C.A Local Government Code 263 and authorize advertising for same, Purchasing.

COURT ORDER NO. 2014-259-05-12

3. **AI-38218** Personnel Appointments, Human Resources.

COURT ORDER NO. 2014-260-05-12

4. **AI-38219** Personnel Changes, Human Resources.

COURT ORDER NO. 2014-261-05-12

GENERAL DISCUSSION

5. **AI-38210** Collections update, District Clerk.

Andrea Thompson, District Clerk, came forward to give a brief update on the collections activity since taking over the program from the Community Supervision and Correction Department on February 1, 2014. In evaluating other ways to collect felony fines and fees in Collin County it was decided to look into Affidavits of Inability. This was done by working with the courts and objecting to some of the Affidavits of Inability in cases where people were not actually indigent. If individuals are found to be indigent, the case moves forward and they do not owe the filing fees. If individuals are not indigent, they must pay the fees or their case will be dismissed. Over the last two months 304 objections have been filed and \$8,482 has been collected.

The main focus since February 1, 2014, has been the collection of felony court costs and fees. Collin County had \$16 million in outstanding felony fees. Collection and recovery of funds will be at a lower rate than misdemeanor cases due to the nature of felony cases making felony collection much more difficult. The first 60 days have been quite successful in that 4,200 cases have been worked, 3,816 phone calls made, 2,978 first notices and 2,690 final notices have been sent, and 258 payment plans have been renegotiated and brought current. The collection rate for Collin County in FY 12 was 3%-4%. The state recognizes and accepts the reality in the difficulty of collecting felony fees. The 4% collection rate of the County was only looking at the first 90 days. If the entire age of the case is looked at Collin County has a higher rate of collection. Our goal is to bring the percentage up. Even if the percent is doubled this would be significant in terms of revenue for the County. The 4% collected in FY 12 produced \$655,141 in revenue; in the last two months \$335,842 has been collected. If collection stays on this track, we are looking at a potential collection rate beyond 4%.

Portions of the outstanding \$16 million are from old cases that will not be able to be recovered as well as uncollectable attorney fees. The minimum compliance requirements to call or send letters ends at 90 days. The District Clerk's Office has instituted a policy to continue to collect past 90 days thereby chipping away at the \$16 million. The plan was to identify anyone who owes money and contact the people that were easy to find with a phone call or letter. Contact information for individuals with outdated contact data needs to be located in order to call and send letters to those individuals.

Commissioner Reid commented on the higher collection rates of El Paso, Hidalgo and Denton counties. Ms. Thompson said the collection staff has been working with Hidalgo County to determine what needs to be done for Collin County to achieve a higher collection rate.

Another area that has been successful is the inmate trust accounts. The state has a program that the County was not previously utilizing which allows a county to take a percentage of an inmate's trust account and apply it toward outstanding fees. In June 2013 Collin County began utilizing this program. Since then \$81,692 has been collected from 698 TDCJ (Texas Department of Criminal Justice) Collin County inmates. This averages to \$117.04 per inmate over the last eight months and \$175.50 per inmate if extrapolated to 12 months.

Factors that have made this collection process successful are: 1) receiving payments in full totaling \$120,460 from 211 felony accounts and 71 inmate trust accounts; 2) adding the option to pay fees from cash bonds which has generated \$9,000 in the last two months; 3) renewed collection efforts on aged cases; 4) education of terms leading to payments, meaning TDCJ time served does not equal fee payment; and 5) the future implementation of online credit card payments which is the most requested service.

The District Clerk's Office has met the projected goals and will continue to look into other areas that have previously been uncollected to see if there are programs that can be instituted. There was a brief discussion regarding the state-accepted collection rate of 3% to 4%. (Time: 1:49 p.m.)

NO ACTION TAKEN

6. AI-38227 Discuss EPA proposed change to definition of 'the waters of the United States', Commissioner, Precinct 1.

Commissioner Reid brought this item to the attention of the Court to share his concern of the redefinition of the term "the waters of the United States". The redefinition will broaden the term "tributary" to include manmade conveyances. The proposed rule states that manmade conveyances, including ditches, are considered jurisdictional tributaries if they have a bed, bank and ordinary high water mark and flow directly or indirectly into a "water of the U.S.", regardless of perennial, intermittent or ephemeral flow. The Commissioner was concerned with the maintaining of bar ditches throughout the county and the responsibility put on private citizens who have ditches on their properties that drain into a bar ditch. The Commissioner proposed Public Works and Engineering look into this and give a report on the potential impact to the County so objecting comments can be made to the EPA (Environmental Protection Agency). Comments are to be submitted by July 21, 2014.

Commissioner Williams agreed that it is already onerous for private property owners trying to sell property, land developers trying to develop property and farmers and ranchers with runoff. There are a lot of implications not just to the County but to the private property owners. This is a substantial expansion of authority.

Tracy Homfeld, Engineering, came forward to address the Court. Ms. Homfeld stated the Denton County Engineer will be updating Commissioners' Court next week about this item. NACO (National Association of Counties) is recommending the County ask the EPA for a 180-day extension of the public comment period. The extension will allow NACO to come up with a set of responses to the proposed rule. The responses would be reviewed and an agenda item or resolution will be presented to the Court for approval or amendment. The first step would be to write a letter to the EPA requesting the extension and then work with NACO. NCTCOG (North Central Texas Council of Governments) has several committees looking into this to prepare draft comments as well.

Commissioner Hill agreed with the recommendation but suggested the Court prepare a statement, parallel to the extension request, which could be submitted if a response is not received from NACO in order to meet the July 21, 2014 deadline. The consensus of the Court was to prepare a statement as well as stay close to NCTCOG, who will represent the local opinion, in case no comments are available to review from NACO. Judge Self recommended a NCTCOG coordinated position be brought back to the Court on the June 23, 2014, agenda. Ms. Homfeld will also bring to the Court for approval a letter of request for the 180-day extension to EPA. (Time: 1:58 p.m.)

NO ACTION TAKEN

7. AI-38206 Bond Status Presentation, approval to authorize the sale of \$27.5 Million in Road Bonds and \$2.2 Million in Parks & Open Space bonds for a Total Bond Sale of \$29.7 Million and further authorize the refunding on eligible portions of 2004, 2005 and 2006 Limited Tax Issues, Budget.

Monika Arris, Budget, came forward with a bond status presentation and requests for approval. Ms. Arris began with a brief history of the bond program. Older issues prior to the 2003 voter authorized bonds include \$1.34 million that remain allocated between the Outdoor Camp projects and road projects and \$26,705 that remain in the contingency fund. All of these bond funds are sold. Various tax notes have been sold over the years with none being sold since 2007. Some items funded with short-term tax notes include court imaging, voice over internet protocol phone system, PeopleSoft and Odyssey Court Management System. All of these project monies were sold and paid off. Currently there is \$9.1 million remaining that is budgeted and allocated to Enterprise Resource Planning/Human Resources projects, Common Integrated Justice System projects and in contingency. There is no debt left in tax notes.

In 2003 voters approved bond funds for roads, parks and open space and facilities totaling \$229 million. All of these bond funds were sold between 2004 and 2008 and have been exhausted. There are still \$8.2 million outstanding in projects from the 2003 bonds. These bond funds are budgeted and allocated to projects that include \$7.7 million on road projects, \$88,205 on facilities projects and \$12,688 on open space projects. \$172,325 remains in contingency for roads and \$411,061 remains in open space contingency. Savings from the projects will return to contingency funds.

Collin County went back to the voters in 2007 to authorize bonds totaling \$328.9 million for roads, facilities and parks and open space. Road bonds were split among the cities for road projects. Road bonds were also used for county road projects that totaled \$20 million. This included \$5 million for drainage projects with the remaining in discretionary funds. The total authorized bond funds for Facilities' projects was \$76.3 million. Not all of those projects have been completed. Bonds totaling \$17 million were authorized for parks and open space. There has been quite an impact over the years to the various cities that have applied for these bond fund programs and applications for this year's parks and open space projects have already been put out.

In 2008 the County began selling the 2007 bond funds. Currently the only year bonds were not sold was 2010. Bond sale projections have been planned through FY 2016, however, Facilities has not been completely planned out at this time. Those projects are the Juvenile Detention expansion and the Minimum Security expansion. Outstanding 2007 projects that have been sold but not completely spent include \$61.6 million for road, open space and facilities projects. Funds remaining in completed projects will be returned to contingency unless approval from the Court is requested for another project. There is \$14.2 million that remains in contingency for road projects and \$1.4 million in contingency for parks and open space projects.

The 2014 request for approval for sale of bond funds totals \$29.7 million for transportation and parks and open space funding. \$27.5 million will be split among the cities of Allen, Anna, Fairview, Frisco, McKinney, Plano and Wylie as well as Collin County and the discretionary fund. All the cities are prepared and ready with Interlocal Agreements. \$2.2 million is requested for parks and open space projects. The certified estimate of the net taxable value of property came out on April 30, 2014 from Collin Central Appraisal District. The estimated certified value is 6.9% higher than last year's certified value.

Ms. Arris introduced David Medanich, First Southwest, for a presentation on advanced refunding on eligible portions of the 2004, 2005, and 2006 limited tax issues. Mr. Medanich stated 2004, 2005 and 2006 tax issues total approximately \$23.2 million. The interest rate for two of the bonds is 4% and 5% on the third. If the County authorizes the advanced refunding, the interest today would be about 2.5% or better. This authorization would not extend or change the structure bonds. It is only a refunding for savings to get rid of the higher interest rate, saving approximately \$95,000 net over the year after all costs and fees. The total savings to refund all three issues is approximately \$1.2 million. Mr. Medanich recommended that if the Court approves the refunding, to do so with the sale of the 2014 bond request in order to have only one issue versus two issues. This would save county money on rating fees and cost of issuance. The Judge believed it is positive that the sale of bonds will be cut back to 2016 from 2018 as cities are becoming stronger.

There was a brief discussion of the difference between two eye charts. One eye chart shows the extra \$29 million in road bonds that are not currently allocated divided over three years. That chart shows the impact if those bonds were sold as well. In looking at the two eye charts the total increases from \$30 million to \$37 million. The extra \$7 million has not been allocated; however, cities have submitted applications for discretionary dollars which was part of the prioritizing process. Therefore, the \$7 million can be approved for use. The Court would like to look at eye charts dividing the \$29 million over 2015 and 2016.

Judge Self asked for discussion on the current \$29 million in bonds up for approval. Commissioner Williams is in favor of the sale of the requested \$29 million in bond funds as well as the refunding of the tax issues. A motion was made to authorize the start of the process to sell \$29 million in bonds and to approve the refunding on eligible portions of the 2004, 2005 and 2006 limited tax issues. (Time: 2:11 p.m.)

Motion by: Commissioner Cheryl Williams
Second by: Commissioner Mark Reid
Vote: 5 - 0 Passed

COURT ORDER NO. 2014-262-05-12

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

Commissioner Webb stated an interesting item was the Incident Management Survey Results and Call for Projects. The Eastern Subregion has \$1.6 million in funding available for equipment and technology used to mitigate traffic incidents along the eastern region of NCTCOG. Call for Projects will close in August. In order to get more people to move toward this concept of incident management, a 20% local match has been offered. TDCs (Transportation Development Credit) will be used as the 20% match which could result in there being no local monies in the situation.

Another interesting item was the exchange of property for the park-and-ride lot with the Texas Rangers near the ballpark. This is a 10-year minimum deal. RTC (Regional Transportation Council) will be putting in approximately \$200,000 for signage and lighting but will have no operating costs.

The RTC approved the request for support of additional funding for transportation only. This is in regards to the United States Secretary of Transportation's efforts to get a fully funded transportation bill completed this fiscal year. Approval was also given on the MOU (Memorandum of Understanding) between TxDOT (Texas Department of Transportation), TML (Texas Municipal League) and TEMPO (Association of Texas Metropolitan Planning Organizations) to take several state roads off system. This was approved unanimously. This is by city and all voluntary. Commissioner Williams stated that she will bring comments to the Court from the hearing this week on the Blacklands Corridor Study. (Time: 2:15 p.m.)

NO ACTION TAKEN

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

Judge Self would like to examine all policies and update those that have aged. Commissioner Hill requested the County Fire Marshal present a briefing on preparations for the upcoming firework season. (Time: 2:16 p.m.)

EXECUTIVE SESSION

Judge Self recessed the meeting into Executive Session in accordance with Chapter 555.071, Legal, of the Government Code, to discuss the Sungard Contract, the Adventure Camp Management Contract and Indemnifying elected and public officials. (Time: 2:16 p.m.)

AI-38228 Sungard Contract, Information Technology.

NO ACTION TAKEN

AI-38214 Adventure Camp Management Contract, Administrative Services.

NO ACTION TAKEN

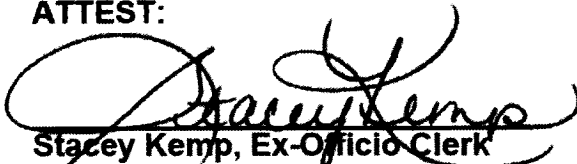
AI-38233 Indemnifying elected and public officials, Administrative Services.

NO ACTION TAKEN

Judge Self reconvened the meeting at 3:36 p.m. There being no further business of the Court, Judge Self adjourned the meeting at 3:36 p.m.



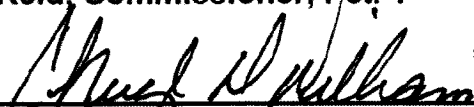
ATTEST:


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