

STATE OF TEXAS

COMMISSIONERS' COURT
MEETING MINUTES
AUGUST 11, 2014

COUNTY OF COLLIN

On Monday, August 11, 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.

Judge Self called to order the meeting of the Collin County Commissioners' Court at 1:30 p.m. and recessed the meeting at 2:27 p.m. The meeting was reconvened at 2:29 p.m. and recessed into Executive Session at 2:29 p.m. The meeting was reconvened at 3:35 p.m. and adjourned at 3:35 p.m.

President Self called to order the meeting of the Collin County Health Care Foundation at 2:27 p.m. and adjourned the meeting at 2:29 p.m.

DECISIONS MANDATED BY LEGAL ENTITIES OUTSIDE OF COMMISSIONERS COURT AUTHORITY:

1. AI-38511 Advertise for Services, CSCD: Evaluations and Counseling for Drug Offenders (RFP No. 2014-282), Adult Probation.

FYI NOTIFICATION

1. AI-34688 Outstanding Agenda Items, Commissioners Court.
 2. AI-38600 Award Services: Commissary (RFP No. 2014-123) to Aramark Holding Corporation, Sheriff.
 3. AI-38616 Proposed CSCD Budget for FY2015, CSCD.
2. Public Comments.

3. Presentation/Recognition:

a. Service Pins, Human Resources.

Constable Sammy Knapp, Precinct 3, presented Casey Roper with a service pin and plaque in honor of 15 years of service with the County. (Time: 1:34 p.m.)

4. Consent agenda to approve: Judge Self deleted item 1 from Decisions Mandated by Legal Entities Outside of Commissioners' Court Authority and 4f1. The Judge pulled item 4d4 and then asked for comments on the consent agenda. Commissioner Hill also pulled 4d4 and 4c1. Commissioner Webb pulled 4h1 and Commissioner Williams pulled 4h2. With no further comments, a motion was made to approve the remainder of the consent agenda. (Time: 1:35 p.m.)

Motion by: Commissioner Chris Hill
Second by: Commissioner Mark Reid
Vote: 5 - 0 Passed

a. AI-38608 Disbursements for the period ending August 5, 2014, Auditor.

COURT ORDER NO. 2014-504-08-11

b. AI-38601 Tax refunds totaling \$689,731.08, Tax Assessor Collector.

COURT ORDER NO. 2014-505-08-11

c. Award(s):

1. AI-38597 County Depository (RFP No. 2014-206), Auditor.

Commissioner Hill pulled this item to abstain from voting because he has a family member who works for one of the organizations that bid on this contract. While the Commissioner has had no contact with that family member, he wished to abstain. (Time: 1:36 p.m.)

Motion by: Commissioner Cheryl Williams
Second by: Commissioner Duncan Webb
Vote: 4 - 0 Passed
Abstained: Commissioner Chris Hill

COURT ORDER NO. 2014-506-08-11

d. Agreement(s):

1. **AI-38603** Interlocal Cooperation Contract with the Collin County Sheriff's Office (CCSO) and the Community Supervision and Corrections Department (CSCD) for SCORE (Sheriff's Convicted Offender Re-Entry Effort) and further authorize the County Judge to finalize and execute same, Adult Probation.

COURT ORDER NO. 2014-507-08-11

2. **AI-38589** Interlocal Agreement with Collin County Community College District for access to the Fiber Optic Network and further authorize the County Judge to finalize and execute same, Information Technology.

COURT ORDER NO. 2014-508-08-11

3. **AI-38594** Consent to Assignment and Assumption of Collin County Contracts for Road Materials, Cement Treated Subgrade (IFB No. 08367-12); Road Materials, Flexbase (IFB No. 08355-10); Road Materials, Aggregate Materials (IFB No. 2014-057) and Road Materials, Cement Treated Base (IFB No. 2013-194) to change the name from TXI Operations, LP to Martin Marietta Materials, Inc. and further authorize the Purchasing Agent to finalize and execute same, Purchasing.

COURT ORDER NO. 2014-509-08-11

4. **AI-38602** Interlocal Cooperation Contract with Texas Facilities Commission pursuant to Texas Government Code 791 for the sale/disposal of forfeited property, specifically gambling equipment received from Collin County District Court under section 263.152(a)(5) of the Local Government Code and Texas Government Code 2175.904(b) and further authorize the County Judge to finalize and execute same, Purchasing.

Judge Self asked Michalyn Rains, Purchasing, why and where the equipment is being sold. Ms. Rains said the County is legally required to sell the equipment. It will be sold through TFC (Texas Facilities Commission) as a restricted auction and purchasers must have a license with the state of Texas to be in possession of this type of equipment. Harris County gets rid of their gambling equipment this way and they have seen no evidence of that equipment returning to their county.

Commissioner Hill asked if the equipment could be destroyed. Ms. Rains said if the equipment is damaged and the Sheriff's Office could confirm to the Court that it is of no use, then the equipment could be destroyed. If the equipment is operational, it must be sold in this manner. Ms. Rains did consult with counsel and was advised to sell the equipment this way. Judge Self commented that these machines were legal but the activity surrounding the machines was illegal.

Commissioner Webb was concerned and asked for clarification as to who bears the risk of loss associated with the equipment if TFC is in possession of it. The Commissioner also questioned whether the last sentence in Paragraph 6.09 should read: "The County agrees to refund to TFC any overpayments disclosed." And lastly, the Commissioner feels the wording is ineffective on the notice provision on termination and should be "in 30 days" and not "within 30 days."

Ms. Rains said she would prefer to hold the item and work with TFC to make sure they can agree to these changes to the agreement. Commissioner Hill asked if Ms. Rains would ask about the lifespan or life process of these machines in case the Sheriff's Office is chasing them down again after they are sold. (Time: 1:40 p.m.)

HELD

5. **AI-38586** Renewal of Maintenance Contracts in the amount of \$435,480.24 for Motorola communications equipment & software (Contract No. 03511-09) through and including September 30, 2015 and further authorize the Purchasing Agent to finalize and execute same, Sheriff.

COURT ORDER NO. 2014-510-08-11

6. **Funding Agreement(s) for funding through the FY2014 Historical Commission Grant Program and further authorize the County Judge to finalize and execute same, Historical Commission:**

a. **AI-38618** Allen Heritage Guild in the amount of \$2,000 for traveling trunks containing the history of Allen.

COURT ORDER NO. 2014-511-08-11

b. **AI-38619** Anna Area Historical Preservation Society in the amount of \$3,700 for the Lair Cemetery Restoration.

COURT ORDER NO. 2014-512-08-11

c. **AI-38621** Bear Creek Cemetery Foundation in the amount of \$3,800 to restore damaged markers.

COURT ORDER NO. 2014-513-08-11

d. **AI-38623** Cemetery Association of Murphy in the amount of \$2,500 for marker repair, cleaning and identification plaques.

COURT ORDER NO. 2014-514-08-11

e. **AI-38624** Heritage Farmstead Association in the amount of \$2,700 to restore the Blacksmith Shop.

COURT ORDER NO. 2014-515-08-11

f. **AI-38625** Murphy Historical Society in the amount of \$4,000 to restore the Murphy Family Cemetery.

COURT ORDER NO. 2014-516-08-11

g. **AI-38627** Plano Conservancy for Historic Preservation in the amount of \$1,500 for a Cemetery Restoration Workshop and Tour.

COURT ORDER NO. 2014-517-08-11

h. **AI-38628** Stoney Point Cemetery Association in the amount of \$2,700 to restore monuments.

COURT ORDER NO. 2014-518-08-11

i. **AI-38629** Wylie Historical Society in the amount of \$1,100 for a brochure for a self-guided walking tour.

COURT ORDER NO. 2014-519-08-11

e. Amendment(s):

1. **AI-38461** No. 5 to Voter Registration & Early Voting Software (RFP No. 02376-09) with Votec Corporation to extend the contract for one (1) year through and including September 30, 2015 and further authorize the Purchasing Agent to finalize and execute same, Information Technology.

COURT ORDER NO. 2014-520-08-11

f. Change Order(s):

1. **AI-38446** No. 1 to Specialized Printing for Elections (IFB No. 2013-118) with Color Document Solutions LLC to add various items to the contract and extend the contract for one (1) year through and including June 10, 2015; further authorize the Purchasing Agent to finalize and execute same, Elections.

HELD

2. **AI-38576** No. 2 to Supplies: Janitorial (IFB No. 05263-12) with American Health and Safety to extend the contract for one (1) year through and including September 30, 2015 and further authorize the Purchasing Agent to finalize and execute same, Facilities.

COURT ORDER NO. 2014-521-08-11

3. **AI-38575** No. 2 to Supplies: Janitorial (IFB No. 05263-12) with Calico Industries, Inc. to extend the contract for one (1) year through and including September 30, 2015 and further authorize the Purchasing Agent to finalize and execute same, Facilities.

COURT ORDER NO. 2014-522-08-11

4. **AI-38572** No. 2 to Supplies: Janitorial (IFB No. 05263-12) with Eagle Brush Chemical, Inc. to extend the contract for one (1) year through and including September 30, 2015 and further authorize the Purchasing Agent to finalize and execute same, Facilities.

COURT ORDER NO. 2014-523-08-11

5. **AI-38577** No. 2 to Janitorial: Supplies (IFB No. 05263-12) with Glazier Foods to extend the contract for one (1) year through and including September 30, 2015 and further authorize the Purchasing Agent to finalize and execute same, Facilities.

COURT ORDER NO. 2014-524-08-11

6. **AI-38574** No. 2 to Supplies: Janitorial (IFB No. 20563-12) with Glove Planet to extend the contract for one (1) year through and including September 30, 2015 and further authorize the Purchasing Agent to finalize and execute same, Facilities.

COURT ORDER NO. 2014-525-08-11

7. **AI-38573** No. 2 to Supplies: Janitorial (IFB No. 05263-12) with Olmsted-Kirk Equipment Supply to extend the contract for one (1) year through and including September 30, 2015 and further authorize the Purchasing Agent to finalize and execute same, Facilities.

COURT ORDER NO. 2014-526-08-11

g. Receive and File, Auditor:

1. **AI-38622** Monthly Financial Report for June 2014.

COURT ORDER NO. 2014-527-08-11

2. Final Audit Result(s):

a. **AI-38613** District Attorney (3rd & 4th Quarter FY2013).

COURT ORDER NO. 2014-528-08-11

b. **AI-38614** Myers Park (3rd & 4th Quarter FY2013).

COURT ORDER NO. 2014-529-08-11

c. **AI-38609** Justice of the Peace, Precinct 2 (4th Quarter FY2013).

COURT ORDER NO. 2014-530-08-11

d. **AI-38610** Justice of the Peace, Precinct 3-1 (4th Quarter FY2013).

COURT ORDER NO. 2014-531-08-11

e. **AI-38612** Justice of the Peace, Precinct 3-2 (4th Quarter FY2013).

COURT ORDER NO. 2014-532-08-11

f. **AI-38611** Justice of the Peace, Precinct 4 (4th Quarter FY2013).

COURT ORDER NO. 2014-533-08-11

h. Miscellaneous

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

Commissioner Webb pulled this item because the Court is anticipating adopting an Indemnification Policy. If adopted, the Commissioner would like the shortage to go through the policy. (Time: 1:41 p.m.)

The Court returned to this item and decided to hold it in order to review the new County Official Indemnification Policy. (Time: 1:49 p.m.)

HELD

2. **AI-38516** County Official Indemnification Policy, Administrative Services.

Commissioner Williams questioned paragraph 3.05 of the County Official Indemnification Policy. The Commissioner thought the bond would only be in question if indemnification was denied. Commissioner Hill agreed if the Court goes through the process of indemnifying, it doesn't want to leave the elected/appointed official subject to the collection efforts of the bond. Judge Self asked Cynthia Jacobson, Human Resources, if the County has a choice to pursue the bond or to indemnify. Ms. Jacobson confirmed the Court can make that choice. If the bond is pursued, the elected official will be pursued and expected to reimburse the loss.

Commissioner Webb suggested putting the following modifier at the beginning of paragraph 3.05: "At the direction of the Commissioners' Court." This would give the Court the ability to stop the pursuit of the bond but still be able to pursue in a non-personal liability situation. The Commissioner would want to be able to go after an insurance policy to recover the money even if the Court indemnified. With no further discussion, a motion was made to accept the policy with the above change made to paragraph 3.05. (Time: 1:47 p.m.)

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

COURT ORDER NO. 2014-534-08-11

3. **AI-38639** Personnel Appointments, Human Resources.

COURT ORDER NO. 2014-535-08-11

4. **AI-38640** Personnel Changes, Human Resources.

COURT ORDER NO. 2014-536-08-11

GENERAL DISCUSSION

5. AI-38530 2014 Ancillary Benefits presentation, Human Resources.

Cynthia Jacobson, Human Resources, gave a Power Point presentation on the County's two types of Ancillary Benefits. The first type is voluntary benefits paid by the employee which include flex accounts, pre-paid legal, supplemental life insurance policies, 457 accounts, dreaded disease insurance and long term care. In the future under the Affordable Care Act, some of the rules may be changing regarding the flexible spending accounts.

The second type is county-provided benefits which include PTO (Paid Time Off), overtime, paid holidays, longevity pay and several others that are part of the employees' compensation package. The biggest county benefit is PTO which includes both vacation time and sick time and varies by years of service. When compared to neighboring counties (Denton, Tarrant and Dallas) and cities (Allen, McKinney, Frisco and Plano), Collin County is on the lower end of the scale in terms of total time off provided. Collin County is more similar to the private sector in this area.

When Collin County eliminated CTO (Catastrophic Time Off) in August of 2011, funeral leave was also eliminated. Approximately 58% of employees still carry a CTO balance. CCO (Catastrophic Carryover) is unused sick time that was converted when leave plans were revised in 2006. Approximately 24% of employees have a CCO balance.

Government entities have the ability to use compensatory time which the private sector currently does not. Collin County uses a combination of overtime and compensatory time. There are two types of compensatory time - straight and premium. Straight compensatory time is used most often when there is an office closure and is awarded at a rate of one hour for each hour in excess of 40 hours. Premium compensatory time is awarded at a rate of 1.5 hours for each hour worked in excess of 40 hours. Compensatory time in general went down last year. Collin County allows for exempt employees to have straight compensatory time with a maximum accrual of 80 hours. Any unused compensatory time is not paid to exempt employees upon termination.

Premium compensatory time for non-exempt employees is earned in lieu of paying overtime with a maximum accrual of 200 hours. Legally the County can go up to 240 hours of premium time for civilian employees and 480 hours for law enforcement. There are 13 employees who currently exceed the County's maximum accrual of 200 hours. Of the 1,170 non-exempt employees with a premium compensatory time balance, 71% of these balances are less than 40 hours. The concept behind compensatory time is the ebb and flow of workloads. The time is built up when there are heavy workloads and then utilized when there are light workloads. Unused premium compensatory time is paid to non-exempt employees upon termination.

In the past there have been some large compensatory time balances. Reduction measures implemented on January 1, 2013 have been effective in reducing those balances. Employees with a combined compensatory time balance over 100 hours as of January 1st of each year must either reduce the balance to 100 hours or use 20% of their balance before PTO can be used. This resulted in a 19% decrease in compensatory time balances. There are eight employees who currently cannot use their PTO. Premium compensatory time, CTO and CCO liability went down in 2014. PTO liability went up by 6% and straight compensatory time liability went up by 15% but that increase was due to office closures.

A limited number of departments pay overtime and this is reviewed every pay period by Ms. Jacobson. Much of the overtime related to elections is reimbursed by other entities. On-call departments such as Animal Services and the Medical Examiner also have a significant amount of overtime. The Sheriff's Office has the most overtime and one reason for this is working overtime on a pod instead of adding more positions. This proved to be more cost effective. The other reason is there are 14 open positions in the Sheriff's Office. Ms. Jacobson will check the numbers for Denton County's Sheriff's Office because they have significantly fewer overtime hours than Collin County.

Regular full-time employees are eligible for 10 paid holidays a year. Collin County ranks in the middle with other counties in terms of paid holidays. There are still 58% of County employees eligible for longevity pay which decreased last year by 3%. Shift differential is a premium paid to employees who work the second and third shifts for the Sheriff's Office, Juvenile Detention and Facilities as part of their regular schedule. This cost decreased in 2013 by 2.5%. Collin County has a generous shift differential from a county perspective.

Most individuals with the auto allowance are the District Attorney's investigators. There was a 6% decrease from the previous year for auto allowances. Another benefit is call-in pay which provides a minimum of two hours pay for non-exempt employees who are called back to work after leaving their work location or are called in to work on a scheduled day off. Last year the County paid \$3,492 in call-in pay to 35 employees.

Court reporters in a District or County Court at Law receive 240 court reporters' compensatory time hours per calendar year in accordance with Texas Government Code statute 52.042. This benefit cost the County \$75,371 last year.

There are four employees in Juvenile Probation who receive a stipend as ordered by the Collin County Juvenile Board. This benefit, which is outside of Commissioners' Court control, totaled \$8,500 last year and this money comes from Juvenile Probation's out-of-county sex offender revenues. Collin County pays employees for their time off when they are summoned to serve on a jury. The County paid \$18,762 in jury duty pay to 107 eligible employees last year.

The County pays the entire cost of short term and long term disability benefits. Collin County does it differently than the other counties and cities since they have unlimited sick time. The salary replacement is 67% with a 15-day waiting period and 26 weeks duration. It's more cost effective to pay for the short term disability than to build up balances. The long term disability is more of a standard type benefit with a 180-day waiting period, salary replacement of 67% with a maximum monthly benefit amount of \$10,000.

The County provides a \$50,000 life insurance policy which is standard among counties and another policy through TCDRS (Texas County and District Retirement System) that is one times the annual salary.

We are the only county that provides long term care. The coverage is rather inexpensive and provides coverage that most people would not select. To qualify for this benefit the employee must be a regular full-time employee and have at least eight years of eligible service. There are only 710 employees with County-paid long term care benefits. This coverage cost the County \$140,171 which was a 5% decrease.

The County's tuition assistance program was modified a few years ago. The employee must be with the County for a defined number of years or the repayment liability for early termination is 100%. The County paid \$190,440 in tuition assistance to 39 employees which is a 7% decrease.

The County's workers' compensation insurance provides for medical, surgical and hospital treatment as well as compensation for lost wages in the event an employee is injured on the job. Collin County pays employees 100% of their salary for up to 12 weeks for on-the-job injuries. The Sheriff's Office does have some particular components to the workers' compensation plan. Both indemnity and miscellaneous charges decreased by 40% and medical bills increased by 51%.

Education pay, certification pay and merit pay are some additional ancillary benefits provided by other cities and counties that Collin County does not provide.

Ms. Jacobson has two recommendations for ancillary benefits. The first is to change the compensatory time policy by increasing the annual compensatory time reduction requirement from 20% to 30% to continue the reduction of hours. The second recommendation is from a payroll standpoint and would move all the "old" time into one bucket by putting CCO and CTO balances together.

Commissioner Williams asked how to better manage the compensatory time for the Animal Shelter because new employees were added and yet the compensatory time is still high. Bill Bilyeu, County Administrator, explained when there is a vacancy, the employees have to work to make sure the slot is filled and it can take two months to fill a position. Mr. Bilyeu spoke with Monika Arris, Budget, about a recommendation for Misty Brown, Animal Services, to build a temp pool to fill those slots. Ms. Brown found that several of her employees work in temp pools for other cities. Also when they have call out pay, it takes a couple of weeks to move from compensatory time to pay out so some of these hours go down after a two-week period. Mr. Bilyeu does feel, with the addition of a temp pool, Animal Services is adequately staffed. David Toler, Nuisance Abatement Officer for Animal Services, who is near the top of the list of employees with large compensatory time balances, is no longer accruing PTO time. Mr. Toler was recently changed to a 32-hour work week so he is using 8 hours of compensatory time per week. These recommendations will come to the Court at the Budget Workshop. (Time: 2:27 p.m.)

NO ACTION TAKEN

6. Board/Committee Appointments, Commissioners Court:

a. AI-38644 Civil Service Commission.

Judge Self said there were two replacements needed for the Civil Service Commission. The District Attorney replaced his appointee with Todd Renshaw. The Commissioners' Court appointee has resigned and, with a Civil Service Commission meeting planned for September, the Court would need to move toward a Commissioners' Court appointee in the near future. Commissioner Williams recommended Frank McElligott stating he has an ideal background, is known for his integrity and well thought of among law enforcement. Commissioner Williams thinks he would be an exceptional representative. With no further discussion, a motion was made to appoint Frank McElligott as the Commissioners' Court appointee to the Civil Service Commission. (Time: 2:28 p.m.)

Motion by: Commissioner Cheryl Williams
Second by: Judge Keith Self
Vote: 5 - 0 Passed

COURT ORDER NO. 2014-537-08-11

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

NO ACTION TAKEN

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

EXECUTIVE SESSION

Judge Self recessed the meeting into Executive Session in accordance with Paragraph 551.076 of the Local Government Code, Security, to receive an overview of the IT Security Assessment from IT and under Paragraph 551.087, Economic Development Negotiations, to get an update on the Allen Economic Development Corporation from Administrative Services. (Time: 2:29 p.m.)

Security (551.076)

AI-38570 Overview of the IT Security Assessment, Information Technology.

NO ACTION TAKEN

Economic Development Negotiations (551.087)

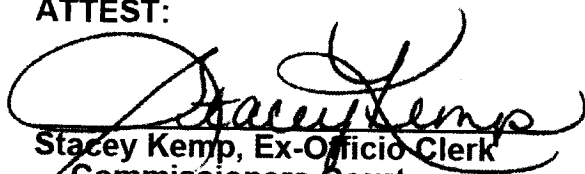
AI-38535 Allen Economic Development Corporation, Administrative Services.

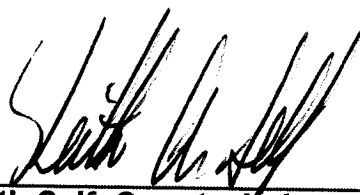
NO ACTION TAKEN

The meeting was reconvened at 3:35 p.m. There being no further business of the Court, Judge Self adjourned the meeting at 3:35 p.m.



ATTEST:

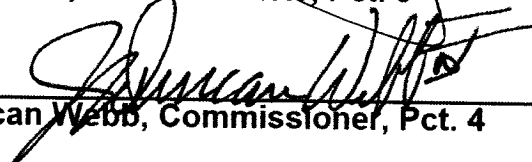

Stacey Kemp, Ex-Officio Clerk
Commissioners Court
Collin County, T E X A S


Keith Self, County Judge


Mark Reid, Commissioner, Pct. 1


Cheryl Williams, Commissioner, Pct. 2


Chris Hill, Commissioner, Pct. 3


Duncan Webb, Commissioner, Pct. 4