

# **Collin County Commissioners Court Proposed Legislative Issues 84th Legislature**

## **Legislative Policy Statements:**

1. Electronic circulation of Court records including electronic signatures and acknowledgements. (policy, District Clerk and County Clerk)
2. Require that any newly created or expanded special districts include requirements to provide emergency services to residents and support the improvement of collector roads adjacent to their territory. (policy)
3. Put a mechanism in place to commit a higher percentage of the State Budget on transportation spending. (policy)
4. With the exception of constitutionally required diversions, appropriate 100% of gas taxes to transportation infrastructure improvements and maintenance. (policy)
5. Support mental health services and funding for Collin County residents. Support Sunset Staff Commission recommendations to provide integrated health and mental health services. (policy, attachment)
6. Amend Chapter 313 of the Transportation Code to give Commissioners Court authority to adopt a fee to offset the impact of utility construction that crosses county roads. (attachment)
7. A constitutional amendment prohibiting the legislature from adopting any new unfunded mandates on local government. (attachment)
8. Require TxDOT to adopt rules creating funding formulas for highway projects utilizing input from planning organizations, transportation officials and local government officials. The formula must include factors such as population, performance measures, safety, vehicle miles travelled, etc. (policy)
9. Require jail standards be consistent between the State and County facilities. (policy)
10. Encourage the development and adoption of an updated statewide water management plan. (policy)
11. Alternative uses for Local Initiative Project (LIP) and Low Income Vehicle Repair Assistance, Retrofit, and Accelerated Vehicle Retirement Program

(LIRAP) funds such as engineering or construction of turn lanes, heavy equipment fuel conversions, or other projects that will result in better air quality. (policy)

12. Fully fund or reduce vehicle fees for AirCheck Texas Drive a Clean Machine Program. (attachment)
13. End the reliance and utilization of dedicated revenues to balance the State budget. If the revenues generated for a specific purpose are not fully budgeted and expended for that purpose, the fee should be reduced or abolished. (policy)
14. Provide Collin County with the ability to adopt and enforce a noise abatement policy in the same manner as cities. (attachment)
15. The State should adequately fund salary supplements and the cost for visiting judges in the state district courts. (attachment)
16. Reduce the waits at DPS drivers license offices and encourage the creation of a megacenter in Collin County. (policy)
17. Require TCDRS to provide a two or multi-tiered retirement system. (attachment)
18. Medicaid 1115 waiver effect on counties. (policy)
19. Oppose the creation or adoption of any new Comprehensive Development Agreements (CDA's). (attachment)
20. Modify section 212.003 of the Local Government Code to specifically include the ability for a municipality to issue building permits for the construction of buildings in the ETJ. Currently, the County has no authority to require or issue building permits in the unincorporated areas. Per a court ruling, municipalities now do have that permit authority. Conflicts between the statute and the court ruling need to be clarified. The statute needs to be amended to allow counties and municipalities to enter into permitting agreements in the same manner as currently allowed by plat agreements. (attachment)
21. Set campaign sign standards for publicly owned polling places. (policy)
22. Support the use of electronic court reporting for all newly created courts. (policy)
23. Support the Sheriff's ability to enforce DOT regulations for commercial vehicles. (attachment, Sheriff)

24. Amend the Transportation Code to allow a repeat DWI offender to get an occupational license for work and treatment. Currently high risk DWI offenders trying to complete the drug court program can't drive to get to work and treatment. A deep lung device would be required as well as a SCRAM device if necessary. (policy, County Court at Law 1)
25. Allow for the "write off" of bad debt in the court collections area. Currently, court costs and fees are maintained as a debt on the books even after the defendant is sentenced to life in prison or has passed away. (policy, District Clerk)
26. Provide for the redaction or confidentiality of juvenile information in public court records received from other government (law enforcement) agencies. (policy, District Clerk)

Public Comment  
Presented to the  
Texas Sunset Advisory  
Commission  
November 13, 2014

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Collin County supports the recommendations in the Staff Report on the Health and Human Services Commission. A resolution passed by the Collin County Commissioners Court is attached, in support of the recommendations in Issue 9 *NorthSTAR's Outdated Approach Stifles More Innovative Delivery of Behavioral Health Services in the Dallas Region*.

1. First I believe it is important to consider the findings and recommendations in Issue 9 in context of those in Issues 3 and 4 as well as in Issues 6 and 7. Taken all together these materials contain compelling context for understanding why an imbalanced, isolated, and outmoded program must be dissolved, and its seven counties empowered to make local decisions about their healthcare systems.
2. Collin County is the second largest of those seven counties. We have about 880,000 residents today, and a projected population growth over the next 20 years to 1.4 million.<sup>1</sup> Collin County residents make up about 22% of the seven-county NorthSTAR area. Collin County clients in NorthSTAR represent about 8% of all NorthSTAR clients. But for the past 15 years, Value Options and the NorthSTAR program have severely and persistently limited the growth of behavioral health services available in Collin County. There are four elements of this system that form our primary concerns.
  - First, as noted by the staff report, the NorthSTAR system has relied on outmoded cost reduction methods, focusing on serving more clients with fewer services, with potentially preventable adverse results. The proprietary contracting method and lack of transparency have thwarted our ability to make local decisions about care and treatment. It is time for a contemporary health care model that restores decision making to the local authorities, and contain costs while expand the depth and breadth of evidence-based services.
  - Second, while services have expanded in Dallas County in NorthSTAR, provider networks have not kept pace with growing behavioral health needs in Collin County. Almost one-third of the Collin County NorthSTAR clients have had to navigate the confusing web of access points in Dallas County for services that have been unavailable locally.<sup>2</sup> Approximately 15% of the annual expenditures for Collin County NorthSTAR clients has been paid to behavioral health providers outside of Collin County. Our new DSRIP programs in Collin County are demonstrating that not only do we have the need for expanded behavioral health services closer to home, but also that we can successfully expand access locally and improve health outcomes.

- Third, we have experienced denials of claims that have resulted in utilization of more restrictive, more expensive, and less effective levels of care. Value Options often denies Collin County courts' physicians' recommendations for mental health care at a higher cost in both economic and human terms. It is time for Collin County to join the rest of the State in the more responsive emerging managed care model.
- Our fourth primary concern is that in this imbalanced system of care a small number of clients tend to use a larger proportion of more intensive services. Under NorthSTAR, approximately 10% of all Collin County residents served utilize about 22% of the services. To modulate this trend we need to develop a greater depth and breadth of services, with a focus on preventing exacerbation of high risk conditions, and early intervention.

3. This report on HHSC reemphasizes several of the findings of the Sunset Commission study of the Department of State Health Services earlier this year. Both studies underscore three points of great importance to Collin County.
  - One, we need to eliminate inefficiencies and fragmentation in our crisis services systems.
  - Two, we must take steps to integrate our physical health and behavioral health systems.
  - And three, we must define and report population and individual health outcomes rather than focusing only on numerical goals and reports.
4. We have identified four actions we believe are imperative to swiftly move forward in a new and greatly improved model of behavioral health care in Collin County.
  - One, restore decision making to the local health and behavioral health authority rather than allowing a for-profit corporation to make decisions for local residents;
  - Two, reverse an increasing reliance on antiquated crisis response models by providing greater depth and breadth of preventive and follow-up services aimed at reducing unnecessary incarceration and hospitalization, and providing more humane options for crisis intervention;
  - Three, make more efficient use of local funds for innovative models of coordinated care for Medicaid and indigent clients with co-occurring mental health and physical health conditions, to the ultimate benefit of the healthcare consumer;
  - Four, as noted in the Sunset Review Committee report for DSHS, we need to shift our attention from a numbers-only driven reporting system, and align our health information systems with comparable local and statewide data systems. This will ensure that our healthcare systems will have access to critical information at the point of care and we can more readily track performance and outcomes data.

The findings and recommendations of the Sunset Commission for both DSHS and HHSC have underscored the points made in the study of the Collin County behavioral health system under NorthSTAR that was published in 2011.<sup>2</sup> These Sunset Commission's staff reports have made it clear that informed discussions of incidence or prevalence, services utilization, cost effectiveness or health outcomes in NorthSTAR counties have been practically impossible because of the lack of transparency in its data, its management systems and its decision-making practices. It is time for change so

that we can meaningfully participate in statewide initiatives, focus on squarely on health outcomes, make the best use of performance and incentive based methods, and provide a range and mix of services specifically responsive to our local needs.

Collin County serves as the Anchor for the Regional Healthcare Partnership 18. In cooperation with Rockwall and Grayson counties, our DSRIP programs form a solid platform on which to address the growing and unique needs of our citizens. RHP18 is outside of, but works in cooperation with the Dallas healthcare system. We stand prepared to fully cooperate with the Health and Human Services Commission to accomplish a smooth transition from NorthSTAR to a model more in keeping with the direction of the State as a whole.

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<sup>1</sup> Source: Texas State Data Center 2012 Population Projections

<sup>2</sup> Source: A study of the Collin County Texas behavioral health services system, a NorthSTAR County, Phases one, two and three reports, published May and November, 2010, and July 2011.

#6

Amend Chapter 313 of the Transportation Code to give Commissioners Court authority to adopt a fee to offset the impact of utility construction that crosses county roads.

Issue: Utility companies cut through or bore under county roads causing damage that must be repaired by the County. In most instances, the damage is not noticeable until the first big rain or until traffic has moved across their patch. The County must employ inspectors to review their work resulting in costs to all taxpayers. Municipalities currently have the authority under Chapter 313 to require a permit and impact fee from utility companies each time they install a new, remove or repair utilities crossing over or under their roads. The County wants that same authority in order to offset County costs.

#7

A constitutional amendment prohibiting the legislature from adopting any new unfunded mandates on local government.

Issue: The financial burdens placed upon counties by the Legislature in recent decades have become onerous for local property taxpayers – either causing local property tax hikes or reductions in services.

Examples include the 2001 Fair Defense Act, which has doubled the costs for appointed attorneys, with state reimbursement accounting for only about 10 percent of that cost – meaning the local property taxpayers must make up the difference. Another recent unfunded mandate is SB 6 from 2005 that mandated counties must provide attorneys for indigent parents in CPS cases. Other unfunded mandates include indigent health care and requirements for some counties to have mandatory civil service systems.

The State of Texas fights for its rights against encroaching federal mandates. Counties and Texas taxpayers should be protected from additional costly mandates from the state.

#### A JOINT RESOLUTION

proposing a constitutional amendment to restrict the power of the legislature to mandate requirements on local governments.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Article III, Texas Constitution, is amended by adding Section 68 to read as follows:

Sec. 68. (a) In this section, "local government" means a municipality, county, hospital district, or junior college district or a special district created by the action of a municipality or county. The term does not include a school district.

(b) A law enacted by the legislature on or after January 1, 2012, that requires a local government to establish, expand, or modify a duty or activity that

requires the expenditure of revenue by the local government is not effective unless the legislature appropriates or otherwise provides, from a source other than the revenue of the local government, for the payment or reimbursement of the costs incurred for the biennium by the local government in complying with the requirement.

SECTION 2. This proposed constitutional amendment shall be submitted to the voters at an election to be held November \_\_, 2013. The ballot shall be printed to permit voting for or against the proposition: "The constitutional amendment to restrict the power of the legislature from mandating unfunded requirements on local governments."

#12

Fully fund or reduce vehicle fees for AirCheck Texas Drive a Clean Machine Program.

Issue: AirCheck Texas Drive a Clean Machine Program was formerly called Aircheck Texas Repair and Replacement Assistance Program and called the Low-Income Repair and Replacement Assistance Program (LIRAP) before that. In the last 3 state fiscal years, Collin County residents have paid \$9,524,083 into the program and only \$1,038,070 was budgeted by the State for use.

#13

Provide Collin County with the ability to adopt and enforce a noise abatement policy in the same manner as cities.

Issue: The County receives numerous calls from residents regarding loud and ongoing noises from rodeos, outdoor gatherings, racetracks, etc. Municipalities have authority to regulate noise levels and the County is requesting that same authority. This can be accomplished by a local bill or could apply statewide.

A BILL TO BE ENTITLED  
AN ACT

Relating to regulation of noise nuisances in the unincorporated areas of a County.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 250.007 of Chapter 250 of the Texas Local Government Code is added to read as follows:

Sec. 250.007. REGULATION OF NOISE NUISANCES IN  
UNINCORPORATED AREAS OF A COUNTY.

(a) The commissioners court of a county by order may prohibit, abate, and remove a noise nuisance occurring in the unincorporated areas of the County and may punish by fine the person responsible for the noise nuisance.

(b) a noise nuisance for purposes of this subchapter is defined as the use or operation of an amplification device, speakers, musical instruments, or other loud speaking or noise making device at a business location or private residence which produces a sound in excess of 85 decibels (dB) as measured at the boundary line of the business location or private residence. This section shall not apply to a person or business using a device for the amplification of sound at a stadium which is owned or operated by a municipality or other local political subdivision, or at a church where such device is used for the amplification of bells or similar sound.

(c) The commissioners of a county by order may:

- (1) establish a permit system which allows for noise levels above 85 decibels (dB) to accommodate shows, promotions, or other special events located in unincorporated areas of the county; and
- (2) establish fees for the issuance of the permits.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

#15



**COLLIN COUNTY**

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May 16, 2012

The Honorable Rick Perry  
Governor of Texas  
State Capitol  
P.O. Box 12428  
Austin, Texas 78711-2428

Dear Governor Perry,

I am writing to provide you with a specific example of an unfunded mandate passed on to Collin County. The 380<sup>th</sup> and 199<sup>th</sup> State District Court benches in Collin County are vacant and their duties are being performed by visiting judges appointed by the Presiding Judge of the First Administrative District.

However, the General Appropriations Act for the 2012-13 Biennium did not provide adequate funding for the visiting judge account, resulting in the requirement that Collin County step in and make up the funding shortfall for these State salaries. In effect, Collin County will be required to pay in excess of \$100,000 in visiting judge salaries for State District Courts in order to keep these State felony courts functioning.

If I can provide more details, I welcome the opportunity. Please contact me directly at [keith.self@collincountytx.gov](mailto:keith.self@collincountytx.gov) if I can answer any questions.

Sincerely,

Keith Self  
County Judge

#16

Require TCDRS to provide a two or multi tiered retirement system.

Issue: The Texas County and District Retirement System only allows for a member entity to operate one retirement system/structure. The County wants to operate two structures, one for existing employees and the second for new employees.

#18

The Commissioners Court adopted Court Order No. 2014-838-10-27 by unanimous vote opposing the creation of any new Comprehensive Development Agreements.

Issue: The Commissioners Court opposes the expansion of CDA's that would result in an expansion of private or public-private toll roads in the State of Texas.

Codify 212.003 of the Local Government Code to confirm city permit authority resulting from the City of Lucas v. North Texas Municipal Water District, 720 S.W. 2d 811 (Texa.App.-Dallas, 1986, writ red'd n.r.e.)

Issue: Section 212.003 authorizes counties to enter into agreements with cities to allow for city to review and final approval on plats located in the ETJ. A state court has interpreted that the plat authority authorized in 212.003 extends to city control (permits, inspections, CO's, etc.) over all construction in the ETJ.

The Cities of Frisco, Celina, and McKinney have notified the County of their intent to permit and inspect the construction of all buildings in their respective ETJ. Currently, Texas Counties are not authorized to inspect residential construction at all, resulting in a conflict between state law and the state court findings. This conflict results in an inequity and non-uniformity in construction standards within the unincorporated areas- City A ETJ, City B ETJ and non-ETJ unincorporated all have different requirements. In addition, a City may permit and inspect a commercial building in their ETJ, which unknowingly results in annual Certificate of Occupancy, health inspection, nuisance abatements, etc. requirements on the County.

The County requests that the legislature authorize and require counties and cities to enter into enforceable ETJ permit agreements in the same manner as previously authorized by House Bill 1445 from the 77<sup>th</sup> Legislative Session.

## Local Business

San Antonio Express-News

### LOCAL BUSINESS

# Helotes sued over enforcing construction fees in ETJ

By Taylor Tompkins, San Antonio Express-News |

May 21, 2014 | Updated: May 21, 2014 8:14pm

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For the second time in six months, the city of Helotes is facing litigation over enforcement of its building codes, permits and inspection fees in an area that's outside city limits yet under Helotes' jurisdiction.

### LOCAL BUSINESS

**Power Finance manager on trial in payday lender case**

**Utility accepts \$20.5M in settlement with LCRA**

**Workshops for small business**



**Cybertheft not the only concern for online shoppers**

The Texas Association of Builders and the Greater San Antonio Builders Association filed a lawsuit against the city in state District Court in Bexar County on May 15 because of construction rules in Helotes' extraterritorial jurisdiction.

The associations claim that the municipality is not authorized to enforce building codes, require permits and inspections, or charge fees in the area under state law. In court documents, the groups argue that fees for the permits and inspections are an unconstitutional tax on the homebuilders they represent.

In July 2013, some of their members who own land in the southern area outside the city received letters stating that their property was subject to Helotes' building codes. This letter came after a May 2013 transfer of about 8 square miles of outside property from San Antonio to Helotes. The land lies between the two cities.



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**Black Friday ads to look for in the San Antonio Express-News**

### University Children's Health Stars



Come be a part of a revolutionary endeavor to establish San Antonio as a landmark for excellence in pediatric care.

A partnership for advanced pediatric care



Some homebuilders paid the development fees under protest after the city threatened legal action, court documents show.

TAB representatives approached city officials and attempted to discuss the issue at a Helotes City Council meeting late last year but were not allowed to speak because they were not residents, said Ned Muñoz, vice president for regulatory affairs and general counsel for the association.

The plaintiffs are seeking an injunction to block Helotes from enforcing zoning and development rules in the unincorporated area. They're also suing for between \$200,000 and \$1 million, including attorney fees, court documents show.

Builders who've paid permit and inspection fees for properties in the area outside the city are pursuing refunds. The total amount of their permit and inspection fees was not available, Muñoz said. "The fees are very high," Muñoz said. "Just speaking with our members, \$3,000 has come up as an average fee. It's a lot."

Residents who live in the area don't receive services such as water and electricity from the municipality and don't get to vote for council members, so the municipality has no authority to impose its ordinances on them, Muñoz said.

Mayor Tom Schoolcraft, City Administrator Rick Schroder and Ernest Cruz, head of the city's development services, were all named defendants in the lawsuit.

Schoolcraft said he has not been served in the case.

"We're just proceeding as we feel we can, and they (homebuilders) feel we can't," Schoolcraft said.

This is the second time the city has been taken to court over the building requirements in the area. In November, Continental Homes of Texas, a subsidiary of D.R. Horton, filed a lawsuit claiming that the Wildhorse at Tausch Farms subdivision, located partially in the area, was wrongfully forced to pay building fees by the city.

The city ordinance is invalid because the municipality is attempting to expand its power over property more than 1 mile outside the incorporated city limits, said John McClish, Continental Homes' attorney.

Continental Homes of Texas filed a motion for summary judgment in the case this week. A hearing on the matter is set for mid-June.

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**HEARST** *newspapers*

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#23

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By: Nelson

S.B. No. 58

A BILL TO BE ENTITLED

AN ACT

relating to the enforcement of commercial vehicle safety standards

by certain counties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 644.101(c), Transportation Code, is amended to read as follows:

(c) A sheriff or a deputy sheriff of a county bordering the United Mexican States or of a county with a population of 700,000 ~~[one million]~~ or more is eligible to apply for certification under this section.

SECTION 2. This Act takes effect September 1, 2015.