

STATE OF TEXAS

COUNTY OF COLLIN

COMMISSIONERS' COURT
MEETING MINUTES
NOVEMBER 2, 2015

On Monday, November 2, 2015, 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 Susan Fletcher, Precinct 1
Commissioner Chris Hill, Precinct 3
Commissioner Duncan Webb, Precinct 4

Absent: Commissioner Cheryl Williams, Precinct 2

Commissioner Hill led the Invocation.
Commissioner Webb led the Pledge of Allegiance.
Judge Self 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. The meeting was recessed at 1:30 p.m. and reconvened at 1:56 p.m. The meeting was recessed into Executive Session at 2:50 p.m. and reconvened at 3:20 p.m. The meeting was adjourned at 3:20 p.m.

President Self called to order the meeting of the Collin County Health Care Foundation at 1:30 p.m. and adjourned the meeting at 1:56 p.m.

DECISIONS MANDATED BY LEGAL ENTITIES OUTSIDE OF COMMISSIONERS COURT AUTHORITY:

1. AI-40719 Personnel Changes, Human Resources.

FYI NOTIFICATION

1. AI-34688 Outstanding Agenda Items, Commissioners Court.

2. AI-40702 Addenda No. 5, 6 & 7 to Insurance, Medical, Dental, Vision, Cobra Administration, FSA Administration and Retiree Health (RFP No. 2015-299) to make various changes to the Request For Proposal, Purchasing.

3. AI-40638 P-Card Disbursements, Auditor.

4. **AI-40708** Texas Conference of Urban Counties Proposed FY 2016 Budget, County Judge.

5. **AI-40694** Voluntary Terminations, Human Resources.

2. Public Comments.

3. Presentation/Recognition.

4. Consent agenda to approve: Judge Self asked for comments on the consent agenda. Commissioner Hill pulled items 4b1. Commissioner Webb pulled items 4d1, 4d3 and 4i2. The Judge pulled items 4a and 4i3. With no further comments, a motion was made to approve the remainder of the consent agenda. (Time: 1:57 p.m.)

Motion by: Commissioner Duncan Webb
Second by: Commissioner Susan Fletcher
Vote: 4 - 0 Passed

a. **AI-40680** Disbursements for the period ending October 27, 2015, Auditor.

Judge Self asked Jeff May, County Auditor, to explain the check to Rose Contracting. Mr. May said the check did not go through the normal process. Normally Purchasing receives the invoice then it is sent to the Auditor where the legality of payment is verified. Once verified the disbursement must be approved by Commissioners' Court. In this case, Purchasing was not comfortable with the quantity listed. Mr. May spoke with Greg Hudson, Legal Counsel, who advised using Section 113.064 of the Local Government Code to verify the correctness of the payment with an affidavit. Mr. May had the Road and Bridge Department verify the correctness and then the \$155,152.50 payment was processed. Mr. May stated the process to verify correctness of quantity is being improved to avoid future issues. With no further discussion, a motion was made to approve the disbursements. (Time: 2:00 p.m.)

Motion by: Judge Keith Self
Second by: Commissioner Chris Hill
Vote: 4 – 0 Passed

COURT ORDER NO. 2015-800-11-02

b. Advertisement(s):

1. **AI-40668** P25 Trunked Radio System Replacement (RFP No. 2016-020), Sheriff.

Terry Box, Sheriff, stated for the last two years the Sheriff's Office has worked on replacing the radio system and the consultant firm of Black and Veatch has been hired to aid in the process. Commissioner Hill said the radio system is important for the safety of Collin County citizens. The goal of the Court is to send this out for bid and to work in conjunction with the Sheriff's Office as they implement the tool. The Commissioner highlighted a few items of importance in the RFP (Request for Proposal).

The first was Section 2.1.1 of the RFP which refers to Collin County planning to allow all of the outside agencies that currently use the County's analog simulcast radio system to use the new Project 25 Phase 2 system. The new system's infrastructure will be designed to support the coverage and capacity requirements of all radio users. Ultimately, this is the decision of the Sheriff but the Commissioner wants to be sure a system is purchased which has the capacity and capability to support all users in the community. The second was item 10 of Section 2.1.3 which states, the system shall be modularly expandable without requiring a significant equipment replacement. As the County is growing quickly the Commissioner wants to be sure a system is expandable to grow with the population. The third item was Table 3.4a showing the mandatory buildings that need to be covered by the system. The fourth item was Section 6 – Dispatch Consoles. The Commissioner asked if a system is being designed so that the consoles themselves are modularly expandable to grow with the population. Bobby Jones, Black & Veatch, stated the dispatch consoles and infrastructure are very modular and expandable to accommodate however many users the County wants and placed wherever the County wants to use it.

Commissioner Webb requested the addition of a provision in the RFP relating to attorney fees stating that the prevailer pays. Michalyn Rains, Purchasing, stated language has been found and it will be added to the RFP.

Because the order of magnitude with the contract is \$14 million Judge Self stated there will need to be a second opinion about what is actually needed and more discussion had on who will be system users. The Judge questioned if the system will really be enough to accommodate the growth. Mr. Jones said the infrastructure is being designed with specifications written to be the final size needed for the County's build out and foreseeable future. Once the contract is awarded the project will take 18-24 months before the system will be used.

Judge Self asked if the three new towers listed in the RFP are due to expanded distance, type of radio or the end building coverage. Mr. Jones said the needs analysis showed that the number one complaint for the existing system was insufficient radio coverage. There are four tower sites for the current system which is nowhere near what is needed to cover the mandatory buildings listed in the RFP. It is projected the vendors will come back with approximately 11 sites to replace the current four sites. The combination of water towers, existing towers and new towers will be used to accomplish the number of sites needed. The pricing section of the RFP has been structured to be able to tailor capacity and number of sites to what the County will need.

Commissioner Fletcher asked what will be the maximum capacity the new system can hold. Mr. Jones said the system will be built for the worst case emergency. Call activity was taken from past experiences, like the tornados that blew through, to design the system with growth figures added on.

Sherriff Box added all cities involved with the project will be on the system. The only question for the future is where the system can expanded to when it needs to be expanded. There has not been any discussion on kicking anyone off the system unless there comes a time where the Court cannot build a facility or move a facility to another area inside a building. Also, all cities are on a timeline to upgrade to a P25 radio which is in line with and required for the new system. With no further discussion, a motion was made to approve the item with the provision added by Commissioner Webb. (Time: 2:14 p.m.)

Motion by: Commissioner Chris Hill
Second by: Commissioner Susan Fletcher
Vote: 4 – 0 Passed

COURT ORDER NO. 2015-801-11-02

c. Award(s):

1. **AI-40683** Supplies, Culverts, Bands, Drop Structures (IFB No. 2015-228) to Contech Engineered Solutions, Public Works.

COURT ORDER NO. 2015-802-11-02

d. Agreement(s):

1. **AI-40691** Interlocal Agreement with the City of Celina and the North Texas Tollway Authority (NTTA) for the phase 4A extension of the Dallas North Tollway (DNT) from US 380 to FM 428, Engineering.

Commissioner Webb said this agreement is similar to the agreement with Prosper. The County is taking on a lot of funding obligations with this agreement which includes a surveyor, appraisers and the right-of-way. The Commissioner understands there is \$3 million of bond funds allocated to handle a good deal of the obligation but said he has two things he wanted reassurance on.

1) NTTA (North Texas Tollway Authority) can terminate the agreement if at some point they decide the project is not feasible. For this reason the Commissioner wanted to be sure the right-of-way will not be turned over until NTTA decides the project is feasible. Clarence Daugherty, Engineering, stated the contract says the right-of-way will be turned over to NTTA at the time NTTA determines the project is feasible. The right-of-way is in Collin County's name and will remain in the County's name until that time.

2) The language in Section 1.4 – Project Schematic Design, says the County is in agreement with the schematic design provided by NTTA. The concern is the schematic for the DNT (Dallas North Tollway) and US 380 interchange does not visualize US 380 becoming a limited access roadway.

Commissioner Webb is willing to approve the interlocal agreement, but would like written communication made to NTTA that the Court agrees to the schematic design concept, but would like NTTA to include in the schematic design work the possibility of US 380 becoming a limited access roadway. With no further discussion, a motion was made to approve the item. (Time: 2:21 p.m.)

Motion by: Commissioner Duncan Webb
Second by: Commissioner Susan Fletcher
Vote: 4 – 0 Passed

COURT ORDER NO. 2015-803-11-02

2. AI-40700 Consent to Assignment and Assumption of Collin County Contracts for Inmate Health Care Services (RFP No. 2015-122) to change the name from Southwest Correctional Medical Group, Inc. (SWCMG, Inc.) to Southwest Correctional Medical Group, PLLC. (SWCMG, PLLC.) and further authorize the Purchasing Agent to finalize and execute same, Purchasing.

COURT ORDER NO. 2015-804-11-02

3. AI-40685 Interlocal Purchasing Agreement with the Town of St. Paul, Texas (Agreement No. 2015-263) to participate in a cooperative purchasing program and further authorize the Purchasing Agent to finalize and execute same, Purchasing.

Commissioner Webb requested a paragraph be added to the agreement stating St. Paul will indemnify the County if litigation arises involving a vendor. With no further discussion, a motion was made to approve the item with the addendum. (Time: 2:23 p.m.)

Motion by: Commissioner Duncan Webb
Second by: Commissioner Chris Hill
Vote: 4 – 0 Passed

COURT ORDER NO. 2015-805-11-02

4. AI-40677 Interlocal Agreement with the Melissa Independent School District for Child Abuse, Investigation Services and Law Enforcement Services for an annual amount of \$1,000 commencing on October 1, 2015 through and including September 30, 2019, Sheriff.

COURT ORDER NO. 2015-806-11-02

e. Amendment(s):

1. AI-40674 No. 1 to Agreement: Professional Services for General Veterinary Services (Contract No. 2014-275) with Dr. Cassie Meier to extend the contract for one (1) year through and including September 30, 2016 and further authorize the Purchasing Agent to finalize and execute same, Development Services.

COURT ORDER NO. 2015-807-11-02

2. **AI-40678** No. 1 to Agreement: Professional Services for Spay and Neutering Services (Contract No. 2014-241) with Dr. Cassie Meier to extend the contract for one (1) year through and including September 30, 2016 and further authorize the Purchasing Agent to finalize and execute same, Development Services.

COURT ORDER NO. 2015-808-11-02

3. **AI-40613** No. 9 to the Storm Water Management Program (AGR No. 12179-08) with Jacobs Engineering Group, Inc. for the 2016 Annual Report for Phase II, Year Two (2) and further authorize the Purchasing Agent to finalize and execute same, Engineering.

COURT ORDER NO. 2015-809-11-02

f. Change Order(s):

1. **AI-40679** No. 1 to Supplies: Jail and Personal Inmate (IFB No. 2014-122) with Victory Supply, Inc. to extend the contract for one (1) year through and including September 30, 2016 and further authorize the Purchasing Agent to finalize and execute same, Sheriff.

COURT ORDER NO. 2015-810-11-02

2. **AI-40671** No. 2 to Supplies: Veterinary and Animal Care Supplies (IFB No. 2013-337) with C. Specialties, Inc. to include a price redetermination for Cage Supplies (Bid Item# 2013-337-09-02), extend the contract for one (1) year through and including September 30, 2016 and further authorize the Purchasing Agent to finalize and execute same, Development Services.

COURT ORDER NO. 2015-811-11-02

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

1. **AI-40672** \$150 to reallocate funds for the Spay/Neuter Program, Development Services.

COURT ORDER NO. 2015-812-11-02

2. **AI-40692** \$3,000 to replace the driveway gates and add a man gate on the east side of the driveway at the Public Works Service Center in McKinney, Construction & Projects.

COURT ORDER NO. 2015-813-11-02

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

1. **AI-40688** October 12, 2015.

COURT ORDER NO. 2015-814-11-02

i. Miscellaneous

1. AI-40704 Acceptance of the FY2015 Homeland Security Grant Program (HSGP) in the amount of \$30,000 for the Fusion LinX (Law Enforcement Information Exchange) Data Sharing Project for the grant period beginning September 1, 2015 through and including November 30, 2016, Homeland Security.

Commissioner Webb said he supports the acceptance of the grant but does not support the potential grant adjustment stated under the Budget Department Action in the cover sheet for the item. The second paragraph states, potential plans to submit grant budget adjustment to reduce salaries for three staff from 24 months to 11-13 months in order to purchase other items. The Commissioner spoke with the Auditor, the Purchasing Agent and the Budget Director and all were concerned with making a budget adjustment to reduce staff. It was suggested to keep the term at 24 months and use the next grant to purchase equipment. The fear is if the adjustment is made it will subject the County to a funding cut in the next grant year.

Jason Lane, Homeland Security, said there is no intention on eliminating staff members. The grant was initially submitted for a 24-month period. Due to other factors the County received 14 months' worth of salary. The additional budget item is for training which will reduce it down to 11 months. The current grant funding for the analyst expires at the end of January and the Urban Area Security Initiative Grant renews in October leaving a buffer to cover salaries. It is not anticipated for the funding to run out for the analysts.

Commissioner Webb suggested sitting down with the department heads mentioned above and Homeland Security to discuss amendments to these types of grants since this would be precedence setting. Rulemaking is being discussed about modifying these types of grants which is why the department heads do not support the reduction of 24 months to 11-13 months. Judge Self said the Court needs a better explanation from Mr. Lane and the Director of Homeland Security before moving forward on how the grant should be structured. With no further discussion, a motion was made to approve the acceptance of the FY2015 Homeland Security Grant Program. (Time: 2:28 p.m.)

Motion by: Commissioner Duncan Webb

Second by: Commissioner Chris Hill

Vote: 4 – 0 Passed

COURT ORDER NO. 2015-815-11-02

2. AI-40703 Acceptance of the FY2015 Homeland Security Grant Program (HSGP) Urban Area Security Initiative (UASI) Grant in the amount of \$221,391.50 for the Regional Fusion Analyst Project for the grant period beginning September 1, 2015 through and including August 31, 2017, Homeland Security.

COURT ORDER NO. 2015-816-11-02

3. AI-40673 Adoption of the updated Computer and Internet Use Policy, Information Technology.

Judge Self questioned the need for the wording, “constitutes a waiver to all privacy” and asked if the policy should say “when using the County system you are liable to the Open Records Act.” Caren Skipworth, CIO, said there is a lot of awareness going on in regards to internal or external communication using County systems whether it be an email address, a computer or a phone device. IT has been made more aware of making the employees more aware that this could be waived. It has been recommended the employees receive it as an acceptance on all logins on a daily basis.

Peter Vogel, Attorney, stated in 2010 the Supreme Court ruled 9-0 in the City of Ontario vs. Quon case that any employee using a device issued by the employer is not entitled to any privacy under the Constitution. By putting it in writing it lets the employees know it is the law. Ms. Skipworth said every employee signs the usage policy. With no further discussion, a motion was made to approve the item. (Time: 2:31 p.m.)

Motion by: Judge Keith Self
Second by: Commissioner Duncan Webb
Vote: 4 – 0 Passed

COURT ORDER NO. 2015-817-11-02

4. AI-40682 Declaration of the attached list of original equipment manufacturers and authorized service facilities (located in the Dallas/Fort Worth metroplex) as sole source suppliers for captive replacement repair parts/refurbishing, pursuant to Local Government Code 262.024(a)(7)(D), Public Works.

COURT ORDER NO. 2015-818-11-02

5. AI-40717 Personnel Appointments, Human Resources.

COURT ORDER NO. 2015-819-11-02

6. AI-40718 Personnel Changes, Human Resources.

COURT ORDER NO. 2015-820-11-02

GENERAL DISCUSSION

5. AI-40731 Resolution supporting the authority of Commissioners Courts in Texas, County Judge.

Judge Self stated this resolution is important for Collin County to support. The CUC (Texas Conference of Urban Counties) and 40 counties involved have signed the resolution. This is inherent tension in county government. Collin County is not the only county to have this inherent tension. It occurs all over the state. The Judge believes the resolution will be successful and said the Court should support it in terms of precedence. With no further discussion, a motion was made to approve the resolution as offered in the Court packet. (Time: 2:32 p.m.)

Motion by: Judge Keith Self
Second by: Commissioner Chris Hill
Vote: 4 – 0 Passed

COURT ORDER NO. 2015-821-11-02

6. Board/Committee Appointments, Commissioners Court:

a. AI-40724 Prosper TIRZ No. 1.

A motion was made to appoint Commissioner Susan Fletcher to serve as a member of the Board for the Prosper TIRZ No. 1. (Time: 2:33 p.m.)

Motion by: Commissioner Chris Hill
Second by: Commissioner Duncan Webb
Vote: 4 – 0 Passed

COURT ORDER NO. 2015-822-11-02

7. AI-36908 TAPS update, Commissioner, Precinct 3.

Commissioner Hill stated TAPS (Texoma Area Paratransit System) has taken the necessary steps for reducing expenditures and outlays in the future. They are trying to get reimbursements in. The critical issue continues to be cash flow. There are five or six liabilities which have the ability to cease TAPS operations. TAPS needs to pay back those liabilities now. In an effort to do so, the TAPS Board reached out to TxDOT (Texas Department of Transportation) appealing for emergency financial assistance with the idea of repayment to TxDOT over time. TxDOT replied, understanding the situation and said they will continue to provide program funding but do not have any emergency funding available at this time. TAPS partially made payroll on October 30, 2015. They paid what they could with the intention of making up the missed payroll payments this week as funding comes in.

The goal of the Board is to get as much communication out as possible to the partnering entities across the seven counties. Commissioner Hill's concern is growing regarding the fate of TAPS. If emergency funding does not come through in addition to normal program funding he does not believe TAPS will continue long term. Commissioner Hill will be hosting a town hall meeting at 7:00 p.m. on Thursday, November 5, 2015, in the Central Jury Room of the Collin County Courthouse.

When the Board became aware of unpaid liabilities, it learned there was approximately \$4 million unpaid. COG (Council of Governments) has provided TAPS with accounting support to help find receipts, invoices and records of cleared payments in order to request reimbursement of program grant funds. There is approximately \$3.4 million which has yet to be pursued. Commissioner Fletcher asked with potential reimbursements coming in and continued program funding what is the gap that would keep TAPS afloat. Commissioner Hill stated the request that was made to TxDOT which was declined was for \$2.5 million. A regional partnership could be made between the seven partner counties, COG and TxDOT to assist with the gap. If the amount is less than \$2.5 million a plan would be made to make the amount work. The \$2.5 million would pay the vendors and give two months of operating cash flow. The specific vendors include: the IRS (Internal Revenue Service) due to staff collecting payroll taxes from employees but not remitting the taxes to the IRS; landlords in Sherman and McKinney which have both threatened lockout for nonpayment; the liability insurance provider is about to cancel policies for nonpayment of premiums which includes all vehicles; and the management consultant which is about to pull its drivers if they are not paid. Satisfying one liability and not the others will still leave TAPS in limbo of being shut down. All liabilities need to be paid or satisfied with a payment plan. The Commissioner believes TAPS would be able to pay back a loan of \$2.5 million over a period of two years based on the newly adopted budget which would get them back to a whole position. This will take time but the vendors will not give any more time.

Commissioner Fletcher asked how much of the liabilities are real liabilities versus the liabilities that are fines, those that TAPS was able to work with the creditor to lessen or pay off at a later date. Commissioner Hill stated the insurance, lease payments and management consultant are all true costs. The entire IRS obligation is \$1 million which does include some penalties. Discussion followed on what the impact would be if Collin County were to assist with \$500,000. That amount would sustain operation for a time but would not ultimately pay all the obligations to get TAPS to a whole position. One issue TAPS faces is that the Federal Transit Administration will not release federal funds to an agency that is in bad standing with the IRS. The IRS claim must be satisfied before TAPS can get to the federal funding; however, the federal funding is needed to satisfy the claim. The accounting firm representing TAPS is making that appeal to the IRS agent. If there was a cash infusion to pay some to the liabilities, it would unlock some of the holds on the TAPS restoring operations.

Commissioner Fletcher asked if any of the actions taken by previous staff are criminal. At this point Commissioner Hill has not seen any definitive evidence of criminal behavior by the former staff. The Board has seen gross mismanagement, failure to communicate and deceptive communication but no one enriching themselves. (Time: 2:50 p.m.)

NO ACTION TAKEN

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

Judge Self would like the issue of flood control dam maintenance on the agenda. (Time: 2:50 p.m.)

EXECUTIVE SESSION

Judge Self recessed Commissioners' Court into Executive Session at 2:50 p.m. in accordance with Chapter 551.071 of the Government Code, Legal to discuss the SunGard litigation settlement.

Personnel (551.074)

Legal (551.071)

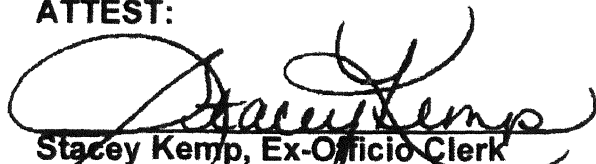
AI-40734 SunGard Litigation Settlement, Administrative Services.

HELD

Judge Self reconvened the meeting at 3:20 p.m. With no further business of the Court, the meeting was adjourned at 3:20 p.m.



ATTEST:

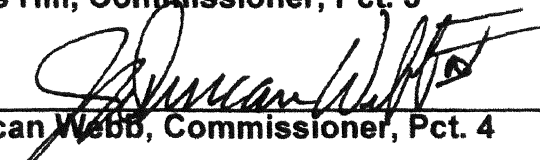

Stacey Kemp, Ex-Officio Clerk
Commissioners Court
Collin County, T E X A S


Keith Self, County Judge

Not Present
Susan Fletcher, Commissioner, Pct. 1


Cheryl Williams, Commissioner, Pct. 2

Not Present
Chris Hill, Commissioner, Pct. 3


Duncan Webb, Commissioner, Pct. 4