

STATE OF TEXAS
COUNTY OF COLLIN

COMMISSIONERS' COURT
MEETING MINUTES
JANUARY 11, 2016

On Monday, January 11, 2016, 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 Cheryl Williams, Precinct 2
Commissioner Chris Hill, Precinct 3
Commissioner Duncan Webb, Precinct 4

Commissioner Fletcher led the Invocation.
Commissioner Williams led the Pledge of Allegiance.
Commissioner Hill 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 into Executive Session at 1:45 p.m. The meeting was reconvened at 2:50 p.m. and recessed at 2:53 p.m. The meeting was reconvened at 3:00 p.m. and recessed at 3:49 p.m. The meeting was reconvened at 3:50 p.m. and immediately recessed into Executive Session. The meeting was reconvened and adjourned at 5:07 p.m.

President Self called to order the meeting of the Collin County Health Care Foundation at 3:49 p.m. and adjourned the meeting at 3:49 p.m.

President Self called to order the meeting of the Collin County Toll Road Authority at 3:50 p.m. and adjourned the meeting at 3:50 p.m.

DECISIONS MANDATED BY LEGAL ENTITIES OUTSIDE OF COMMISSIONERS COURT AUTHORITY:

1. AI-41057 Personnel Appointments, Human Resources.
2. AI-41049 Personnel Changes, Human Resources.

FYI NOTIFICATION

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

2. AI-41034 Change Order No. 1 to Detention Center Camera and Monitor Upgrades (IFB No. 2015-251) with Argyle Security to make various changes to the contract, Construction & Projects.

3. AI-41020 Mileage rate adjustment from \$0.575 to \$0.54 per mile effective January 1, 2016 per IRS, Auditor.

2. Public Comments.

Cynthia Zinn, DaVita Dialysis in McKinney, returned to Court to ask who is going to take responsibility for public transportation in Collin County. Ms. Zinn has worked in three states and has never been faced with a situation where her patients have been without public transportation. Some of her patients have presented to the emergency room due to missing treatments. Ms. Zinn asked who she should contact to bring her patients to treatment. Judge Self asked where the patients live. Ms. Zinn stated there are ten patients in McKinney and some in Anna, Farmersville and other surrounding towns. Ms. Zinn contacted McKinney's City Manager and received no positive feedback. Judge Self said McKinney has a different process than the County, and the County has not yet found a provider who wants to take this on. Ms. Zinn asked if DART (Dallas Area Rapid Transit) could assist. Commissioner Williams said the County is split into UZAs (Urbanized Area) which have very specific lines. The County is responsible for the rural UZA. There are two patients which meet the criteria to be in the County UZA. DART has not shown any interest in taking on the rural transit aspect. Commissioner Williams and Ms. Zinn will be in communication to discuss this issue further. (Time: 1:35 p.m.)

Jack Lagos, Plano, came forward to lodge a complaint against the District Attorney of Collin County. A public corruption criminal complaint regarding the abuse of official capacity, tampering with a government document as well as fraud has been pending with the DA since April 2015. The DA's office suggested the complainant go to the local investigation agency which the complainant did do. The Deputy Police Chief of Allen wrote a letter to the DA. The DA did nothing with the letter. The complainant has advised the DA that they can go to two other investigation agencies, the Texas Rangers and the Texas Attorney General's Investigation Division. Mr. Lagos feels tax dollars are being spent to pay a DA who is not doing his job, and it is the DA's job to have the item investigated and prosecuted. (Time: 1:38 p.m.)

Jeff Blackard, McKinney, apologized for suing the County but said he had to get attention regarding the bills being paid for the Ken Paxton case. He wanted the taxpayers of Collin County to understand what is going on with this case. Judge Scott Becker, 219th District Court, allocated \$2 million for the Paxton case which is outrageous. Judge Becker then went to Houston to hire three democratic prosecutors with no experience in securities law. He should have gone to the State or the adjacent county for prosecutors.

The bill the County just received was for \$254,000 when it was estimated to cost \$30,000. The County only budgeted \$100,000 for this case. Mr Blackard said he is receiving numerous calls daily regarding the corruption of two judges in Collin County. Mr. Blackard urged the Court to not go along with this billing as the \$254,000 will end up being millions. (Time: 1:40 p.m.)

Donna Blackard, McKinney, said as a taxpayer it is outrageous to think about using \$2 million on a witch-hunt of a case. The Attorney General is a godly man of high integrity. Ms. Blackard urged the Court to make a statement to put a stop to what they can stop and to influence what they can so that “innocent until proven guilty” is a reality. (Time: 1:44 p.m.)

3. Presentation/Recognition.

4. Consent agenda to approve: Judge Self asked for comments on the consent agenda. Commissioner Webb pulled items 4f1 and 4f2. Hearing no further comments, a motion was made to approve the remainder of the consent agenda. (Time: 3:00 p.m.)

Motion by: Commissioner Duncan Webb
Second by: Commissioner Chris Hill
Vote: 5 – 0 Passed

a. AI-41008 Disbursements for the period ending January 5, 2016, Auditor.
COURT ORDER NO. 2016-037-01-11

Judge Self recessed into Executive Session at 1:45 p.m. to discuss pages 48 and 49 of the disbursements. Following Executive Session, a motion was made to approve the payment of the invoices certified by the County Auditor to the Special Prosecutors for the Ken Paxton case. (Time: 2:50 p.m.)

Motion by: Judge Keith Self
Second by: Commissioner Cheryl Williams
Vote: 3 – 2 Passed
Nay: Commissioner Chris Hill and Commissioner Susan Fletcher

COURT ORDER NO. 2016-038-01-11

Following the vote Judge Self stated the Court asked the District Judges to explain how the invoices lined up with their rules. They were unable to do so and the Court was left to sort it out. The Court realizes the County Auditor has done his job in certifying the bills and it would put any future bills in jeopardy should the Court push back. Judge Self asked the Special Prosecutors to voluntarily resign their positions and provide all findings and information to the Court so the Board of District Judges can appoint one of the regional district attorneys as the legal authority in this case. Once an appointment is made the Board of District Judges can go to the State Securities Board, if needed, to ask for the assignment of an experienced investigator. This will dramatically lower the cost of the case without jeopardizing justice. (Time: 2:53 p.m.)

b. **AI-41035** Tax refunds totaling \$123,114.10, Tax Assessor Collector.

COURT ORDER NO. 2016-039-01-11

c. **Advertisement(s):**

1. **AI-41016** Audio Upgrade for County Courtrooms (RFP 2016-099), Information Technology.

COURT ORDER NO. 2016-040-01-11

d. **Agreement(s):**

1. **AI-41001** Renewal of Service Agreement with Appriss for the Texas Statewide Automated Victim Notification Service (SAVNS) for the period beginning September 1, 2015 through and including August 31, 2016, Auditor.

COURT ORDER NO. 2016-041-01-11

2. **AI-41033** Professional Services Agreement with Dr. Kristi Compton to provide services for court ordered evaluations and tests, grant exemption from the competitive bid process per V.T.C.A. Local Government Code 262.024(a)(4) and further authorize the Purchasing Agent to finalize and execute same, Purchasing.

COURT ORDER NO. 2016-042-01-11

e. **Ratification of the County Judge's prior approval:**

1. **AI-41007** Memorandum of Understanding (MOU) with Immigration and Customs Enforcement (ICE) and HSI SAC Dallas for the purpose of reimbursement of costs incurred by Collin County, in providing resources to joint operations/task forces, Homeland Security.

COURT ORDER NO. 2016-043-01-11

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

1. **AI-41031** December 14, 2015.

Commissioner Webb pulled this item to refer to item 4d1 in the December 14, 2015, minutes. The Commissioner would still like to receive the information he requested on the TechShare Indirect Assessment of \$535,000 for the TechShare Juvenile and Juvenile Case Management System. Commissioner Webb also wanted to make sure item 4f1a in the December 14, 2015 minutes remains on the Outstanding Items list as requested by Commissioner Williams. With no further discussion, a motion was made to approve items 4f1 and 4f2. (Time: 3:02 p.m.)

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

COURT ORDER NO. 2016-044-01-11

2. **AI-41038** December 21, 2015.

COURT ORDER NO. 2016-045-01-11

g. Miscellaneous

1. **AI-41018** Designate the 199th District Court as the Family Preservation Drug Court and budget amendment in the amount of \$34,916, 219th District Court.

COURT ORDER NO. 2016-046-01-11

2. **AI-41060** Sale of property located at 402 N. McDonald Street, McKinney, Texas (Lots 782C and 783C, McKinney Outlots Addition, Volume 423, Page 14) as recorded in the Collin County Deed Records to Gene Grimes upon the payment of \$18,822, County Judge.

COURT ORDER NO. 2016-047-01-11

3. **AI-41017** Acceptance of a rebate check in the amount of \$9,661.66 for participation in the State of Texas Procurement Card Program and budget amendment for same, Purchasing.

COURT ORDER NO. 2016-048-01-11

4. **AI-41050** Personnel Appointments, Human Resources.

COURT ORDER NO. 2016-049-01-11

5. **AI-41051** Personnel Changes, Human Resources.

COURT ORDER NO. 2016-050-01-11

GENERAL DISCUSSION

5. **AI-40920** Reclassification of the Financial Manager position, Tax Assessor.

Cynthia Jacobson, Human Resources, stated the request for the reclassification of the Financial Manager position has been reviewed and found to be appropriately classified. This position was compared to similar supervisory positions over the financial section of the tax departments in Dallas, Tarrant and Williamson Counties. Collin County's position is within range.

Kenneth Maun, Tax Assessor-Collector, said the position supported by Human Resources is minimally qualified and would constitute a recent graduate from a good university. This is questionable for this position. The Tax office has \$2.5 billion coming in from numerous sources. This office collects taxes for 44 entities which include the County, the cities, the schools and one water district. The person who was in this position was with the County for 19 years. He came on board when collections were \$100 million and has stayed until collections were \$2.5 billion. He grew and expanded his knowledge and range as the County grew and collections increased. Mr. Maun does not need a recent graduate in this position. He needs someone with experience to get things done.

Mr. Maun said the Tax Office costs the County nothing. It earns more money from collecting \$0.75 from the entities and more from the State for services provided than what it costs to cover the Tax Office's budget. Mr. Maun said Travis County has four employees with bachelor's degrees in their accounting department, Tarrant County has six and Collin County has one degreed position authorized with no experience required. No experience means the first two years will be spent explaining processes.

Mr. Maun disagreed completely with Human Resources and he feels they want to fill the job cheaply and not do what is right. Mr. Maun said he sold the entities on the Tax office being able to do the job of collecting taxes, saving them money and admitting and correcting any mistakes if made. He was confident in that but if the Financial Manager position is not filled with experience he will not be confident in his Tax Assessor-Collector position. Commissioner Webb said there are two different ways to achieve the same outcome: 1) move the range or 2) leave the range as is and increase the pay for the position. The Commissioner asked why Mr. Maun did not request the salary to be increased within the current range. Mr. Maun stated in his 31 years with the County a request for an increase in salary has never been approved other than for the lowest ranking employee in his department.

Discussion continued regarding the qualifications and experience of the current applicants for the position. Because the applicants applied for the position with the posted salary it would suggest those applicants would accept that salary. Mr. Maun would like to hire a person who has dealt with large companies and who has a bigger view of what the job is. He said this is not a small town or a startup company. It is a 44 entity collection cycle and the current applicants have not worked in this type of company.

Commissioner Hill said he wants talented employees with the right skills in the Tax office. He was concerned that Mr. Maun already has someone in mind for this position but needs to move the salary in order to bring that person in. This does not fit with the narrative of raising the salary to get more qualified applicants. Commissioner Williams asked Ms. Jacobson if it is possible to move the salary within the range if there is a degreed candidate with substantial experience. Ms. Jacobson said if there is a need then it is possible. However, that usually occurs when a position is hard to staff. In this case she does not see the position as a hard to staff position because there are several applicants. None of the applicants have been interviewed at this point.

Commissioner Webb said this is a very important position and he wants to get a qualified person. The Commissioner is supportive of paying what is needed within the range to get an experienced and competent person. However, he is not willing to do this if Mr. Maun is not willing to interview and look at the candidates to determine the best person for the job. Judge Self and Commissioner Fletcher agreed. Mr. Maun stated he will consult with Jeff May, County Auditor, on any hiring decisions concerning this position as Mr. May has hired many accountants. (Time: 3:32 p.m.)

NO ACTION TAKEN

6. AI-41048 Board/Committee Appointments, Commissioners Court:

- a. Child Protective Services Board.
- b. Historical Commission.
- c. Park Foundation Advisory Board.

The following board appointments/re-appointments were made by the Court:

Judge Self appointed Derek Baker to the Child Protective Services Board, re-appointed Susan Etheridge to the Child Protective Services Board and re-appointed Larry Collins, Janet Thatcher and Linda Hess to the Historical Commission. Commissioner Fletcher re-appointed Brian Dale to the Parks Foundation Board. A motion was made to approve the board and committee appointments. (Time: 3:33 p.m.)

Motion by: Judge Keith Self
Second by: Commissioner Chris Hill
Vote: 5 – 0 Passed

COURT ORDER NO. 2016-051-01-11

7. AI-41059 Rural Transit Services, Commissioners Court.

Tracy Homfeld, Engineering, said she spoke with Jessie Huddleston, NCTCOG (North Central Texas Council of Governments), regarding the process the County might need to take in order to fulfill the rural transit needs. The only option for the immediate emergency need of 0-30 days is taxi cab vouchers funded by NCTCOG which could start in the next four to seven days. As for the interim need of 30-120 days, the Court would need to find out what types of services are necessary and vet a service provider. The NCTCOG would assist by providing a list of three to five transit providers already in service. Once a provider is vetted, Commissioners' Court would do an RFI (Request for Information) to get the permanent transit provider in place. TxDOT (Texas Department of Transportation) would subsidize the services.

Ms. Homfeld said there were concerns with the taxi cab vouchers regarding the dialysis patients who may need specialized ridership as well as liability concerns for the County and NCTCOG. The NCTCOG already has a contract with Yellow Cab which does have paratransit specialized drivers, but there is no assurance those drivers would be making the pickup. The NCTCOG funding would be a loan to Collin County, capped at \$10,000, and a resolution would be needed stating the County would be willing to repay the loan.

The NCTCOG would administer the taxi cab voucher program and the organization selected would administer the interim and permanent service. The County would not be doing any of the administration. The NCTCOG has received a list of dialysis patients from TAPS (Texoma Area Paratransit System) but would like the Court to help identify the number of individuals who need service. Commissioner Williams would like the Court to have a copy of the list provided by TAPS.

Commissioner Hill asked what happens if the thirty days comes and goes and there is not a provider interested or one the Court deems competent to provide service. Ms. Homfeld said the taxi cab voucher program could go longer. The question would be funding for it. If no provider is selected for the long term, the County would need to seek advice from NCTCOG.

Commissioner Fletcher said are we not legally responsible to select someone to provide the service. Ms. Homfeld confirmed this and said TxDOT is legally obligated to provide funding for the service provider the County selects. Judge Self said the County is currently not eligible for TxDOT funds. Commissioner Hill is concerned that there is the same pool of providers there were in 2013 when the County, McKinney and NCTCOG chose TAPS as a provider. Commissioner Webb said McKinney is in the process of identifying a provider for the City. As soon as McKinney selects a provider it will hopefully give enough mass for that provider to take on the rural area of the County.

Commissioner Webb would like to know what the County's legal requirements are on appointing a rural provider and is there any liability to provide the services as a County without using this mechanism of a rural provider. Commissioner Williams would like clarification from TxDOT on whether or not there is the option to designate more than one service provider due to the location of patients in the County for both the interim and long term. Commissioner Williams again stated she would like the list of patients, their locations and where they are traveling. Commissioner Hill asked if the cost per trip is known at this time for the taxi cab service. Ms. Homfeld said she does not have the specifics on trip charges. (Time: 3:49 p.m.)

NO ACTION TAKEN

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

EXECUTIVE SESSION

Judge Self recessed the Court into Executive Session at 1:45 p.m. in accordance with Chapter 551.071 of the Government Code, Legal to discuss pages 48 and 49 of the consent agenda item 4a, disbursements for the Ken Paxton Case, as well as Executive Session item AI-41055, the Blackard v. Gallagher Case. The Court was reconvened at 2:50 p.m.

Judge Self recessed the Court into Executive Session at 3:50 p.m. in accordance with Chapter 551.071 of the Government Code, Legal to discuss the plat notification process, soil conservation and dam responsibilities, license to carry restrictions in county buildings, and the Texas Attorney General Opinion KP-0052: salaries of vacant position, new employees and the 416th District court administrator. The Court was reconvened at 5:07 p.m.

Legal (551.071)

AI-41052 Plat notification process, Administrative Services.

NO ACTION TAKEN

AI-40912 Soil Conservation and Dam Responsibilities, Administrative Services.

NO ACTION TAKEN

AI-41053 License to carry restrictions in county buildings, Administrative Services.

NO ACTION TAKEN

AI-41054 Texas Attorney General Opinion KP-0052, salaries of vacant positions, new employees and the 416th District court administrator, Administrative Services.

NO ACTION TAKEN

AI-41055 Blackard v. Gallagher Case No. 380-05246-2015, Administrative Services.

A motion was made to retain Greg Hudson, Attorney, for the Blackard lawsuit. (Time: 2:50 p.m.)

Motion by: Commissioner Duncan Webb
Second by: Commissioner Susan Fletcher
Vote: 5 – 0 Passed

COURT ORDER NO. 2016-052-01-11

With no further business of the Court, Judge Self adjourned the meeting of the Commissioners' Court at 5:07 p.m.



ATTEST:

Stacey Kemp, Ex-Officio Clerk
Commissioners Court
Collin County, TEXAS

Keith Self, County Judge

Susan Fletcher, Commissioner, Pct. 1

Cheryl Williams, Commissioner, Pct. 2

Chris Hill, Commissioner, Pct. 3

Duncan Webb, Commissioner, Pct. 4