

STATE OF TEXAS

COMMISSIONERS' COURT
MEETING MINUTES
APRIL 11, 2016

COUNTY OF COLLIN

On Monday, April 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 Cheryl Williams, Precinct 2
Commissioner Chris Hill, Precinct 3
Commissioner Duncan Webb, Precinct 4

Absent: Commissioner Susan Fletcher, Precinct 1

Judge Self led the Invocation.
Commissioner Fletcher led the Pledge of Allegiance.
Commissioner Williams led the Pledge of Allegiance to the Texas Flag.

1. Judge Self called to order the meeting of the Collin County Commissioners' Court at 1:30 p.m.

President Self called to order the meeting of the Collin County Health Care Foundation at 2:41 p.m. and adjourned the meeting at 2:41 p.m.

President Self called to order the meeting of the Collin County Toll Road Authority at 2:41 p.m. and adjourned the meeting at 2:41 p.m.

DECISIONS MANDATED BY LEGAL ENTITIES OUTSIDE OF COMMISSIONERS COURT AUTHORITY:

1. AI-41429 Personnel Changes, Human Resources.

FYI NOTIFICATION

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

Commissioner Webb asked for the status of the final audit results for the Tax Assessor/Collector's second, third and fourth quarters. Jeff May, County Auditor, said the results of the items changed on the audit will be coming to the Court soon and will also include the next audit. (Time: 2:04 p.m.)

2. Public Comments.

3. Presentation/Recognition:

a. **AI-41406** Proclamation recognizing April 10 – 16, 2016 as National Crime Victims' Rights Week, District Attorney.

Judge Self presented Judge Greg Willis, District Attorney, with a proclamation recognizing April 10 through April 16, 2016, as National Crime Victims' Rights Week in Collin County. Judge Willis read a portion of the proclamation to those in attendance. (Time: 1:36 p.m.)

b. **AI-41425** Proclamation designating April 2016 as Child Abuse Prevention Month in Collin County, Commissioner, Precinct 2.

Judge Self presented Lynne McLean, CEO of Children's Advocacy Center of Collin County, with a proclamation from Commissioners' Court designating April 2016 as Child Abuse Prevention Month in Collin County. The Judge expressed the Court's appreciation for the CAC (Children's Advocacy Center) and what they do to make it easier for the children to get through the process. Ms. McLean said the theme for the month is "I Stand Up for Children". She thanked the Court for standing up with the CAC as they work to keep children safe. (Time: 1:33 p.m.)

4. **Consent agenda to approve:** Judge Self asked for comments on the consent agenda. Commissioner Webb pulled FYI 1 and item 4e5. With no further comments, a motion was made to approve the remainder of the consent agenda. (Time: 2:03 p.m.)

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

a. **AI-41385** Disbursements for the period ending April 5, 2016, Auditor.

COURT ORDER NO. 2016-228-04-11

b. **Budget adjustment(s)/amendment(s):**

1. **AI-41331** \$1,201 to supplement the salary for a Clerk 1 position utilizing the County Clerk Records Management and Preservation fund, County Clerk.

COURT ORDER NO. 2016-229-04-11

2. **AI-41397** \$25,000 to replace the restroom stall doors, framing and hardware in all of the pods at the Minimum Security facility, Construction & Projects.

COURT ORDER NO. 2016-230-04-11

c. Receive and File, Auditor:

1. Final Audit Result(s):

a. **AI-41396** Justice of the Peace, Precinct 2 (2nd Quarter FY2014).
COURT ORDER NO. 2016-231-04-11

b. **AI-41395** Engineering (4th Quarter FY2014).
COURT ORDER NO. 2016-232-04-11

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

1. **AI-41383** March 21, 2016.
COURT ORDER NO. 2016-233-04-11

e. Miscellaneous

1. **AI-41381** Early Voting Calendar of locations, dates and times for the May 24, 2016, Primary Runoff Elections, Elections.

COURT ORDER NO. 2016-234-04-11

2. **AI-41357** Amendment to the contract with the Texas Department of State Health Services for Contract No. 2016-001265, Amendment 01: CPS – Cities Readiness Initiative Grant to “add language to the Statement of Work and Special Provisions” with an effective date retroactive to March 1, 2016, Homeland Security.

COURT ORDER NO. 2016-235-04-11

3. **AI-41382** Grant application and resolution for the FY2016 UASI DFWA LETPA Grant through the Office of the Governor, Homeland Security Grants Division/Urban Area Security Initiative Program to fund a Fusion Center Analyst for 22.5 months and two (2) Fusion Center Research Specialists for 12 months, Homeland Security.

COURT ORDER NO. 2016-236-04-11

4. **AI-41388** Grant application for the FY2017 Cities Readiness Initiative (CRI) Grant with the Texas Department of State Health Services (TDSHS), Homeland Security.

COURT ORDER NO. 2016-237-04-11

5. **AI-41387** Grant application for the FY2017 Public Health Emergency Preparedness (PHEP) Grant with the Texas Department of State Health Services (TDSHS), Homeland Security.

Commissioner Webb pulled this item due to his concern of setting precedence by purchasing ten tablets for volunteer use which will cost approximately \$30,000 of state/federal tax dollars. The County has never acquired equipment for use by volunteers. He understands the tablets will not be on the County's network and will only be replaced with grant funds. Unless there is an emergency the tablets will only be used twice a year for preparedness training. The ultimate goal will be to purchase 31 tablets.

James McCrone, Emergency Management, said it is true the tablets, purchased by a grant, will not be used a lot unless there is an emergency. Currently the MRC (Medical Reserve Corp) volunteers use pencil and paper to keep track of personnel, training and resources. The tablets will upgrade those processes and be more efficient in recording and tracking HIPAA (Health Insurance Portability and Accountability Act) information, adverse reactions to medications, et cetera. These tablets will have internet connection but have low capabilities with low storage space and will not be connected to the County's network. The life expectancy of this equipment is five to six years so there is no real legacy cost associated with purchasing them for the County. The plan is to purchase charging carts to store the tablets. In the event of training or an emergency the tablets would be hand-receipted out for use.

There was a brief discussion on the PODs (Point of Distribution) within the County and what is used to set up a POD location. The Court was supportive of the tablets but shared concern on the cost of the tablets and accessories because they seemed to be high-end products. Mr. McCrone said he is working with IT to streamline the list to what is truly necessary. With no further discussion, a motion was made to approve the item. (Time: 2:16 p.m.)

Motion by: Commissioner Duncan Webb
Second by: Commissioner Cheryl Williams
Vote: 4 – 0 Passed

COURT ORDER NO. 2016-238-04-11

6. **AI-41401** Road Projects List for 2016, Public Works.

COURT ORDER NO. 2016-239-04-11

7. **AI-41393** Acceptance of the Provista/Grainger rebate check in the amount of \$1,984.92 to be deposited in the Going the Extra Mile Employee Incentive Program and budget amendment for same, Purchasing.

COURT ORDER NO. 2016-240-04-11

8. **AI-41404** Reject all proposals received for Cellular Antenna System for Myers Park Show Barn (RFP No. 2016-051), Special Projects.

COURT ORDER NO. 2016-241-04-11

9. **AI-41414** Personnel Appointments, Human Resources.

COURT ORDER NO. 2016-242-04-11

10. **AI-41416** Personnel Changes, Human Resources.

COURT ORDER NO. 2016-243-04-11

GENERAL DISCUSSION

5. **AI-41350** **Public Hearing** – Placement of regulatory signs on various County Roads, Public Works.

Jon Kleinheksel, Public Works, came forward to request a public hearing for the placement of regulatory signs on various county roads. Judge Self opened the public hearing at 2:17 p.m. and asked for comments. Hearing none, the Judge closed the public hearing at 2:17 p.m. A motion was made to approve the item. (Time: 2:17 p.m.)

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

COURT ORDER NO. 2016-244-04-11

6. **AI-41361** **Public Hearing** - Consideration and any action for the issuance of a "Mass Gathering" permit for the Color Fun Fest 5K on May 28, 2016 from 4:30 P.M. to 10:30 P.M. at Myers Park & Event Center in accordance to Health and Safety Code Chapter 751, Special Projects.

Judy Florence, Myers Park, came forward to request a public hearing for the consideration and issuance of a "Mass Gathering" permit for the Color Fun Fest 5K on May 28, 2016 from 4:30 p.m. to 10:30 p.m. Ms. Florence said the average attendance of this event is 5,000-7,000. There will be five to six staff members at the park throughout the day plus the Sheriff's office. Two of the staffers will be on comp time. Commissioner Hill asked if the applicant will be reimbursing the personnel costs. Ms. Florence said that is not a part of the fee schedule. Commissioner Webb asked what the fee is for the use of the facility. Ms. Florence said the fee for this event is \$4,000.

Commissioner Hill asked how Ms. Florence manages the stress put on the Parks Department staff for these types of events. Ms. Florence said the majority of events are held on the weekend so the grounds crew has altered schedules of 10-hour days. The full-time staff rotates in order to have people available during peak hours. There are also part-time staffers who work Saturday and Sunday. Commissioner Hill thanked Ms. Florence for managing her staff well. Myers Park is a great location for these events but he is not interested in providing more staff to provide more events for for-profit ventures.

The Commissioner is supportive of the events if the Park can be managed with the current staff. Commissioner Williams agreed and said going forward she would like to see more connection with the fees charged and the actual costs incurred. Judge Self put the Myers Park fee schedule development on future agenda items. With no further discussion, a motion was made to approve the item. (Time: 2:24 p.m.)

Motion by: Commissioner Cheryl Williams
Second by: Commissioner Chris Hill
Vote: 4 – 0 Passed

COURT ORDER NO. 2016-245-04-11

7. AI-41360 Public Hearing - Consideration and any action for the issuance of a "Mass Gathering" permit for the Vintage Market Days event on May 6-7, 2016 at Myers Park & Event Center in accordance to the Health and Safety Code 751, Special Projects.

Judy Florence, Parks Manager, requested a public hearing for the consideration and issuance of a "Mass Gathering" permit for the Vintage Market Days event on May 6-7, 2016. Ms. Florence explained the fee charged for this event is higher than the Color Fun Fest 5k because more of the Park facilities will be used. This vendor also rents out The Landing in order to use the parking lot for her staff. There will be five to six Myers Park staff present during the event. With no further discussion, a motion was made to approve the item. (Time: 2:25 p.m.)

Motion by: Commissioner Duncan Webb
Second by: Commissioner Cheryl Williams
Vote: 4 – 0 Passed

COURT ORDER NO. 2016-246-04-11

8. AI-41415 District Attorney's Office quarterly statistics, District Attorney.

Judge Greg Willis, District Attorney, presented quarterly statistics for the DA's (District Attorney) office. There are a total of 126 positions in the DA's office with 51% being prosecutors, 20% investigators and 29% support staff. There were 13,270 new felony and misdemeanor cases submitted to the DA's office in FY2015 with 30% coming from Plano. Plano's percentage is expected to decrease as the County's population increases. New cases filed by the DA's office in FY2015 totaled 10,976 with 33% felony cases and 67% misdemeanor cases. Judge Willis said the jury trial workload rivals that of Tarrant County which is twice the size of Collin County.

Over the last six years the 17% increase in Collin County's population has caused the number of cases submitted by law enforcement agencies to increase by 7%. The cases received per capita have been decreasing while the absolute caseload increases. Judge Willis shared a few of the recent assault cases which have resulted in prison sentences.

Challenges the DA's office is facing include technology advances, increasing population and public perception. In regard to technology, the use, storage and cost of digital media affects almost all cases. Because of the advancement there are more surveillance and cell phone videos, dash and body camera recordings and witness interviews than there used to be which takes more time to review. There have also been scientific advances with DNA. Labs across the country are recalculating the statistical probabilities related to DNA mixture cases. Some cases in Collin County may need to be retried based on the newly discovered evidence. A judge will determine if the new evidence will warrant a new trial. The DA's office is keeping track of the cases, but if these cases are reopened they will not be counted as a new case.

As Collin County's population increases challenges arise with law enforcement agencies on submitting cases. Cases are received from almost 40 different law enforcement agencies throughout the County. Some agencies have been around a long time and have the process of submitting worked out while others are smaller and have less training on the process. It is a challenge of the DA's office to be supportive of each of the different law enforcement agencies while requiring them to submit information in a certain format.

As far as public perception there have been a lot of high-profile controversies such as police use of force and exonerations. One high-profile exoneration resulted in new legislation requiring more time spent on each felony and misdemeanor case. To help with these challenges the DA's office has established a law enforcement working group for emergent issues which meets every couple of months.

Judge Self asked what the timeline is for the new criminal e-filing system. Caren Skipworth, CIO, said it is at least six to nine months out depending on testing. The portal piece of the application will have to be uploaded to the Odyssey system which is currently under testing. The DA is also testing electronic evidence and e-charging. Ms. Skipworth said they have been working with the Supreme Court of Texas to mandate standards for the viewers and readers to look at case evidence.

In regards to technology and the extra time given for each case, Commissioner Hill asked if there is an internal metrics in place to determine caseloads of the prosecutors in the sense of billing hours as if in the private sector. Judge Willis said other than Child Protective Services work no one is keeping track of time like a civil lawyer would need to do. Any prosecutor working with a criminal case is taking longer due to the new requirements. Judge Willis will gather this information going forward to present to the Court. (Time: 2:03 p.m.)

NO ACTION TAKEN

9. AI-41439 Conference of Urban Counties update, Commissioner, Precinct 3.

Commissioner Hill updated the Court on the CUC (Conference of Urban Counties) Policy Committee meeting held last week in Austin. Discussion was had on amending standing policy statements of the CUC. One of interest was amending the agriculture exemption statement. There was a move to repeal the five-year look-back penalty on property taxes when converting agricultural land to some other usage. The CUC put together a statement in opposition of the move to eliminate the penalty which did pass with two votes against. Commissioner Hill was one of the nay votes because he was in favor of removing the penalty.

Eminent domain was another topic of interest. Currently as counties acquire land for projects via eminent domain they have to show actual progress on those projects within a ten year window. The bill which required that action has not hit ten years so there is time to meet the requirements. Counties must meet two of seven requirements. If a county does not meet the requirements, the original landowner has the right to buy the land back. There was a move on taking two of the requirements off the list and requiring counties to meet three of five requirements in the ten-year period. The Policy Committee passed a resolution against the suggested change with Commissioner Hill voting in opposition of the resolution. The Commissioner said there were competing concerns on amending the requirements because the Committee did not want to hamper local governments' ability to make real progress on projects.

The Policy Committee also discussed the move to make counties take on the burden of controlling criminal justice information once released by open records requests and/or retrieving previously released information. There are companies in Texas that submit open records requests for all criminal justice records in a county and in turn sell the information online. The concern is there are individuals who have gone through the legal process, been acquitted or had records expunged yet the data is still online. The Policy Committee recognizes they have no control in getting the data back but is concerned with the burden which could be placed on counties. No action was taken on this item.

There is a move to amend HB1295 which increased disclosures for vendors who do business with counties. The current requirements are very broad so the amendment would exclude some entities from those requirements.

An item of most consequence to Collin County was the discussion regarding the status of the lawsuit in Galveston County, The Honorable Lonnie Cox vs. The Honorable Mark Henry. The presiding judge found in favor of the District Judge and not in favor of the Commissioners' Court. The District Judge in this case was exerting his authority to instruct the Commissioners' Court on how they should expend funds. The case is being appealed to the Supreme Court. Because this would change the balance of power between the Commissioners' Court, which is responsible for the fiduciary matters of a county, and one of the other branches of local government it has significant consequences for every county and Commissioners' Court in the state.

Many of the Commissioners' Courts across the state have sent letters of support for the Galveston County Commissioners' Court. The Collin County Commissioners' Court had previously passed a resolution in support. Now that the case is going to the appellate court Galveston County has asked Texas counties to file a friend-of-the-court brief on their behalf. Commissioner Hill asked the Court if they would be in support of looking at a friend-of-the-court brief. The consensus of the Court was to have Greg Hudson, Legal Counsel, prepare the brief for the Courts' review for possible adoption. Because a friend-of-the-court brief is complex, the fee for Mr. Hudson to prepare it would be approximately \$5,000 to \$7,500.

Following the Policy Committee's general session there was a roundtable with the new Executive Director of TxDOT (Texas Department of Transportation), James Bass. Commissioner Webb asked Mr. Bass if TxDOT would support formula allocation of the remaining Proposition 7 monies as well as other monies that are not formula allocating. Mr. Bass said TxDOT would be supportive but was noncommittal on which funding formula that might be. In the roundtable Commissioner Webb spoke on the impact of strategic planning for suburban counties that surround core urban counties which control MPOs (Metropolitan Planning Organization). The suburban counties need the support of TxDOT for strategic planning because those counties are being put in the position of being unable to get planning done and are unable to handle growth. Commissioner Webb will be sending a presentation on this matter along with issues of concern to Donald Lee, Executive Director of the CUC, and Mr. Bass. (Time: 2:39 p.m.)

NO ACTION TAKEN

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

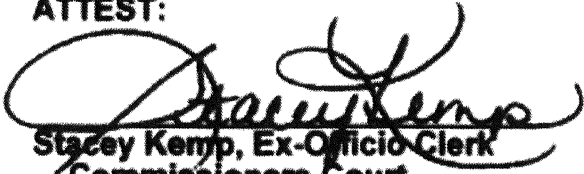
Along with the Myers Park fee schedule development Judge Self asked Engineering to get an extension for submitting input on the nonattainment area and see if there is any reason the County should submit input. (Time: 2:40 p.m.)

EXECUTIVE SESSION

The Court did not recess into Executive Session. There being no further business of the Court, Judge Self adjourned the meeting at 2:40 p.m.



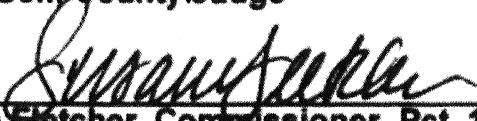
ATTEST:



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



Keith Self, County Judge



Susan Fletcher, Commissioner, Pct. 1



Cheryl Williams, Commissioner, Pct. 2



Chris Hill, Commissioner, Pct. 3



Duncan Webb, Commissioner, Pct. 4