

STATE OF TEXAS

COMMISSIONERS' COURT
MEETING MINUTES
JANUARY 30, 2017

COUNTY OF COLLIN

On Monday, January 30, 2017, 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

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. and recessed into Executive Session at 2:00 p.m. Court was reconvened at 2:54 p.m. and adjourned at 3:45 p.m.

President Self called to order the meeting of the Collin County Health Care Foundation at 3:45 p.m. and adjourned the meeting at 3:45 p.m.

DECISIONS MANDATED BY LEGAL ENTITIES OUTSIDE OF COMMISSIONERS COURT AUTHORITY:

1. AI-42646 Engagement Letter with Pattillo, Brown & Hill, L.L.P. to perform the Community Supervision & Corrections Department annual audit for FY2016, Auditor.
2. AI-42645 Engagement Letter with Pattillo, Brown & Hill, L.L.P. to perform the Juvenile Probation annual audit for FY 2016, Auditor.
3. AI-42681 Personnel Appointments, Human Resources.

FYI NOTIFICATION

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

2. Addenda:

a. **AI-42664** No. 1 to Construction, Health Care Services Pavement Replacement (IFB No. 2016-306) to make various changes to the Invitation For Bid, Purchasing.

b. **AI-42612** No. 1 to Supplies: Plumbing (IFB No. 2016-113) to extend the close date, Purchasing.

3. **AI-42663** Change Order No. 3 to Construction, Restoration of Remediation Areas, 900 E. Park (IFB No. 2015-349) with SDB Contracting Services, Inc. for the installation of 91 owner provided blinds and Blackout solar control window film to two (2) windows, Construction & Projects.

4. **AI-42669** Budget amendment in the amount of \$16,216 for the purchase of body armor plates and gun safes utilizing the District Attorney Federal Treasury Forfeiture Fund, District Attorney.

2. Public Comments.

The following comments pertain to item 4a1 which was deleted from the agenda pursuant to an order from the Court of Appeals for the Fifth District of Texas at Dallas.

Jeffory Blackard, McKinney, came forward to say the case against Attorney General Ken Paxton is a political witch hunt, and he feels the Court should be opposing these legal bills. Currently, legal fees total approximately \$600,000, and the case is slated for almost \$2 million. Mr. Blackard is frustrated as a taxpayer, and the decision by the Fifth Court of Appeals is a temporary victory in Mr. Blackard's efforts to lower the fees paid to prosecutors.

Donna Blackard, McKinney, said this seems like a political agenda and is costing Collin County taxpayers a lot of money. Ms. Blackard appreciates the Courts' consideration of the facts and allowing them to bring this to the attention of Collin County citizens.

Sharron Albertson, Plano, said the Court was elected to be the citizens' representatives in keeping taxes low, and she is confident the Court will make the right decisions in this case.

Doug Reeves, Plano, asked if measures have been put in place to prevent this from happening again. Judge Self said this would be discussed in Executive Session.

J. D. Lee, McKinney, asked the Court to do what Jesus would do.

Stephen Kallas, McKinney, said the Court was elected to do the right thing for the citizens of Collin County even if that means going to jail.

Brian Newman, McKinney, said these legal bills would bankrupt a smaller county and asked the Court to not pay them.

Patricia Jones, McKinney, said State law declares that a court-appointed prosecutor shall receive compensation in the same amount and manner under a County fee schedule as a county-appointed lawyer defending an indigent person. Commissioner Fletcher wrote a fact-filled article in response to this issue, and Ms. Jones thanked the Commissioner for defending her tax dollar.

Carroll Maxwell, McKinney, applauded the Court's recent 5 – 0 vote in favor of a motion contesting legal fees in a similar situation.

Mike Giles, McKinney, objects to these extremely high fees and urges the Court to reject these fees for that reason alone.

Keresa Richardson, McKinney, said Collin County is the most conservative county in the state of Texas, and Texas is the most conservative state in the nation. Therefore, according to Ms. Richardson how the county goes, so goes the state and the nation. As residents, they do not want these bills paid. Ms. Richardson said the Court needs to do the right thing even if that means going to jail for its citizens.

Sheila Johnson, McKinney, thanked the Court for its service and all that it does for its citizens. Ms. Johnson said Ken Paxton is a fine man, and she has seen the burden this case has been on his family. Ms. Johnson is very concerned about these exorbitant legal fees, and the burden this will put on the taxpayers.

Ann Sampson, McKinney, agrees with the people who spoke before her and asked that next time such a case comes before the Court, they should consider it differently. If and when this issue comes back to Commissioners' Court, Ms. Sampson asked the Court to vote against it again.

Other Collin County citizens who came to Court and were against paying these fees included: Laura Lutek, Alice McCaulley, Darrel Rivard, Kathi-Ann Rivard, Linda Mikyska, Neal Polan, Candy Noble, Ben Brown, Georgina Fousek, Oldrich Rousek, Jr., Marilyn Sevin, Joyce Crouser, Tase Bailey, JohnAnn Floyd and Ted Puchacz. (Time: 2:00 p.m.)

3. Presentation/Recognition.

4. Consent agenda to approve: Judge Self deleted item 4a1 and pulled items 4d2 and 4f2. With no further comments, a motion was made to approve the remainder of the consent agenda. (Time: 2:57 p.m.)

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

a. AI-42635 Disbursements for the period ending January 24, 2017, Auditor.

COURT ORDER NO. 2017-066-01-30

1. AI-42709 The State of Texas v. Warren Kenneth Paxton, Jr. (Cause No. 416-81913-2015, Cause No. 416-82148-2015, Cause No. 416-82149-2015).

Judge Self read the following from an order from the Court of Appeals for the Fifth District of Texas at Dallas dated January 30, 2017: "We order the Collin County Commissioners' Court to stay any consideration or approval of the payment or payments subject to the District Court's Second Order on payment of attorneys' fees to attorneys pro tem in the Paxton cases pending resolution of this original proceeding. This stay shall remain in effect until further order of the Court."

Public comments were then heard on this issue. (Time: 1:35 p.m.)

NO ACTION TAKEN

b. Advertisement(s):

1. AI-42668 Supplies: Grounds Maintenance, Roadside and Erosion Control (IFB No. 2016-298), Public Works.

COURT ORDER NO. 2017-067-01-30

2. AI-42661 Mowing, Various County Locations (IFB No. 2017-082), Special Projects.

COURT ORDER NO. 2017-068-01-30

c. Award(s):

1. AI-42672 Grounds Maintenance Equipment (IFB No. 2016-336) to various vendors, Public Works.

COURT ORDER NO. 2017-069-01-30

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

1. AI-42644 \$7,930 to reallocate funds for the Spay/Neuter Program, Development Services.

COURT ORDER NO. 2017-070-01-30

2. **AI-42638** \$7,254,374 to reallocate funds to cover negative budget categories for FY 2016, Auditor.

Jeff May, Auditor, asked to remove a \$441,206 budget amendment for a court-appointed prosecutor. Mr. May then asked the Court to approve the remainder. This could put a negative budget in the CAFR (Comprehensive Annual Financial Report) that Mr. May will explain with a note. With no further discussion, a motion was made to approve this item. (Time: 2:58 p.m.)

Motion by: Commissioner Cheryl Williams

Second by: Commissioner Chris Hill

Vote: 5 – 0 Passed

COURT ORDER NO. 2017-071-01-30

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

1. **AI-42666** January 9, 2017.

COURT ORDER NO. 2017-072-01-30

f. **Miscellaneous**

1. **AI-42665** Declare FARO Technologies, Inc. as the sole source provider and grant an exemption from the competitive bid process per Local Government Code 262.024(a)(7)(A) for the purchase of a laser scanner for Sheriff's Office investigations, Purchasing.

COURT ORDER NO. 2017-073-01-30

2. **AI-42682** Personnel Appointments, Human Resources.

Sheriff Jim Skinner came forward to address the Court on two matters. The first was to recommend the hiring of Malcolm McLaughlin as a Research Specialist with the North Texas Fusion Center. The Sheriff is asking that Mr. McLaughlin be paid \$45,216 which is the top of the pay scale for that job. Mr. McLaughlin is currently a Senior Intelligence Officer for the U.S. National Geospatial Intelligence Agency and has a top secret security clearance. The salary for the Research Specialist position is paid by UASI (Urban Area Security Initiative) funds, and the Sheriff is confident that we will receive the monies applied for in the UASI Grant. Commissioner Webb has concerns about paying anyone at the max pay range. This candidate is very overqualified, and the Commissioner is concerned about setting precedence.

Sheriff Skinner explained they are planning to reclassify that position from a Research Specialist to an Intelligence Analyst and to make the Fusion Center a 24/7 operations center. The plan includes Collin County not having to pay for any of the salaries for the center. UASI funding and contributions from the 210 participating law enforcement agencies will fund the center on an annual basis.

Cynthia Jacobson, Human Resources, said the only time they bring in someone at the top of the pay range is if that position is very difficult to fill. There was a lengthy discussion regarding the qualities of the candidate and the fact that this is an entry level position. Jeff May said that a grant amendment would need to be done in order to change the position from a Research Specialist to a Research Analyst.

Sheriff Skinner then asked the Court to hire Nathan Yount as a lieutenant and pay him at the mid-point of the range which is approximately \$77,000. The Sheriff reviewed Mr. Yount's extensive list of credentials and experience for the Court. The Sheriff is trying to attract the best talent. There was a brief conversation about the 54 open positions at the Sheriff's Office. The Sheriff said he will be responsible and think carefully before he asks the Court to hire someone at the midpoint. Commissioner Williams said these two candidates proposed by the Sheriff are the exceptions, not the rule. The Commissioner would like to give the Sheriff the tools he needs especially in his upper level staff and is comfortable that these candidates bring specialized skills to the positions. Commissioner Fletcher agreed saying Sheriff Skinner is setting up a new office and leadership and public safety are critical.

A motion was made to vote on the first three Human Resources appointments on the list. (Time: 3:33 p.m.)

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

COURT ORDER NO. 2017-074-01-30

A motion was made to approve Nathan Yount. (Time: 3:33 p.m.)

Motion by: Commissioner Susan Fletcher
Second by: Commissioner Cheryl Williams
Vote: 2 – 3 Failed
Nay: Judge Self and Commissioners Duncan Webb and Chris Hill

A motion was made to appoint Nathan Yount as a Lieutenant with a starting salary of \$72,500 which is five percent over his current salary. (Time: 3:34 p.m.)

Motion by: Commissioner Chris Hill
Second by: Commissioner Susan Fletcher
Vote: 5 – 0 Passed

COURT ORDER NO. 2017-075-01-30

3. **AI-42683** Personnel Changes, Human Resources.

COURT ORDER NO. 2017-076-01-30

GENERAL DISCUSSION

5. **AI-42700** Board/Committee Appointments, Commissioners Court:

a. Myers Park Advisory Board.

A motion was made to reappoint Rutledge Haggard to the Myers Park Advisory Board. (Time: 3:34 p.m.)

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

COURT ORDER NO. 2017-077-01-30

6. **AI-38983** North Central Texas Council of Governments (NCTCOG) Executive Board monthly update, County Judge.

Judge Self said it was a routine meeting and had no update. (Time: 3:34 p.m.)

NO ACTION TAKEN

7. **AI-42580** 85th Legislative Agenda for 2017, Commissioners Court.

Judge Self asked that the Court discuss in the next two weeks the following bills: HB1271, HB624, HB1071, HB737, HB738, HB819, HB1282, HB1310 and HB1311. All but one of these bills was authored by our own representatives. Commissioner Williams added SB198 to the list. Lynne Finley, District Clerk, added HB1058 regarding the selling of court records. (Time: 3:37 p.m.)

NO ACTION TAKEN

a. **AI-42675** Legislation creating the Celina Municipal Management District No. 2.

Mayor Sean Terry, City of Celina, came forward to address the Court. Mayor Terry said they are creating an MMD No. 2 (Municipal Management District) and asked if the Court had any questions. Commissioner Webb would like it in writing that this will become part of the city. Van Nichols, property owner, said nothing will be developed until it has been annexed to the city. A brief discussion followed. (Time: 3:44 p.m.)

NO ACTION TAKEN

b. **AI-42713** Bill to set uniform election dates.

Judge Self said this bill, HB1271, will be discussed in the next Court. (Time: 3:34 p.m.)

NO ACTION TAKEN

8. Possible future agenda items by Commissioners Court without discussion

EXECUTIVE SESSION

Judge Self recessed Commissioners' Court into Executive Session at 2:00 p.m. in accordance with Chapter 551.071, Legal, to discuss the following two subjects:

AI-42708 Jeffery Blackard v. Kent A. Schaffer, et al., Cause No. 380-00320-2017, Commissioners Court.

NO ACTION TAKEN

AI-42712 Collin County Felony Indigent Defense Plan and Texas Local Government Code Sec. 74.093, Commissioners Court.

Judge Self reconvened Commissioners' Court at 2:54 p.m. A motion was made to engage Siebman, Burg, Phillips & Smith, L.L.P. to file an application for a writ of mandamus with the Texas Court of Criminal Appeals asking the Collin County Board of District Judges and the Local Administrative Judge to modify the Collin County Local Rules to comply with Section 26.05 of the Texas Code of Criminal Procedure. (Time: 2:56 p.m.)

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

COURT ORDER NO. 2017-078-01-30

With no further business of the Court, Judge Self adjourned the meeting at 3:45 p.m.



Keith Self

Keith Self, County Judge

Susan Fletcher

Susan Fletcher, Commissioner, Pct. 1

Cheryl Williams

Cheryl Williams, Commissioner, Pct. 2

Chris Hill

Chris Hill, Commissioner, Pct. 3

Not Present

Duncan Webb, Commissioner, Pct. 4

ATTEST:

Stacey Kemp

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