

STATE OF TEXAS

COMMISSIONERS' COURT

MEETING MINUTES

COUNTY OF COLLIN

APRIL 24, 2017

On Monday, April 24, 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 the meeting at 2:25 p.m. The meeting was reconvened and immediately recessed into Executive Session at 2:49 p.m. The meeting was reconvened and adjourned at 3:32 p.m.

President Self called to order the meeting of the Collin County Health Care Foundation at 2:25 p.m. and adjourned the meeting at 2:25 p.m.

President Self called to order the meeting of the Collin County Toll Road Authority at 2:25 p.m. and adjourned the meeting at 2:25 p.m.

President Self called to order the meeting of the Collin County Housing Finance Corporation at 2:26 p.m. and adjourned the meeting at 2:49 p.m.

DECISIONS MANDATED BY LEGAL ENTITIES OUTSIDE OF COMMISSIONERS COURT AUTHORITY:

1. AI-43009 Donation of a 2006 Ford Crown Victoria to Haskell County CSCD, Adult Probation.

2. AI-43015 Budget amendment in the amount of \$245 to purchase two (2) plaques in recognition of law enforcement achievement utilizing the DA Federal Treasury Forfeiture Fund, District Attorney.

3. AI-43044 Personnel Changes, Human Resources.

FYI NOTIFICATION

1. **AI-34688** Outstanding Agenda Items, Commissioners Court.
2. **AI-43008** Budget amendment in the amount of \$13,488 to establish the budget for the 2017 U.S. Marshals Service Grant, Auditor.
3. **AI-43061** Reappointment of James McCarley as the Sheriff's Office designee to the Civil Service Commission, Administrative Services.

2. Public Comments.

3. Presentation/Recognition:

- a. **AI-42965** Proclamation designating May 2017 as Motorcycle Safety and Awareness Month in Collin County, Commissioner, Precinct 1.

Commissioner Fletcher presented a proclamation designating May 2017 as Motorcycle Safety and Awareness Month to members of two motorcycle clubs – Dirty Bastards and Sons of Revolution. (Time: 1:32 p.m.)

4. Consent agenda to approve: Judge Self deleted item 4f2 and asked for comments on the remainder of the consent agenda. Commissioner Webb pulled 4e1. Hearing no further comments, a motion was made to approve the remainder of the consent agenda. (Time: 1:34 p.m.)

Motion by: Commissioner Susan Fletcher
Second by: Commissioner Cheryl Williams
Vote: 5 – 0 Passed

- a. **AI-43016** Disbursements for the period ending April 18, 2017, Auditor.
COURT ORDER NO. 2017-279-04-24

- b. **AI-43017** Indigent Defense Disbursements, Auditor.
COURT ORDER NO. 2017-280-04-24

- c. **AI-42971** Tax refunds totaling \$1,109,671.48, Tax Assessor/Collector.
COURT ORDER NO. 2017-281-04-24

d. Advertisement(s):

1. **AI-43001** Inmate Telephone System (RFP No. 2017-121), Sheriff.
COURT ORDER NO. 2017-282-04-24

e. Agreement(s):

1. AI-43034 Professional Services Agreement with Christopher L. Barnes to provide Legal Services for the Sheriff as ordered, grant an exemption to 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, Sheriff.

Commissioner Webb pulled this item because there were concerns with the professional services agreement in the court packet. A revised agreement was emailed to Court members earlier in the day. In speaking with Jim Skinner, Sheriff, the Commissioner proposed removing the last phrase of the last sentence in Subsection 4.1 – *to independent contractors such as Attorney*. He also clarified there is not a Section 9 nor is there an Exhibit A or B in the proposed agreement.

Sheriff Skinner came forward and referred to Subsection 1.1. There is no advantage to the County to use the term *independent contractor* in the agreement because the duties of the attorney are all non-delegable duties; therefore, he would like the term removed from the agreement. Commissioner Webb said if the attorney is not an independent contractor, wouldn't he have to be an employee. The Sheriff said his original intent was to have this person be a full-time employee. Judge Self asked what the practical change is by taking out the term. Sheriff Skinner said the attorney does not work as an independent contractor under the definition of the law. He works more as a consultant. Commissioner Webb suggested changing the term "independent contractor" to "consultant". All agreed.

Judge Self suggested striking the first sentence under Subsection 8.5 which refers to the attorney using his own computer and phone. This is due to issues of having access to the County's network. In order to have access the attorney will need to use County equipment.

Judge Self said the Court will be having a discussion regarding this position at budget time and referred to Subsection 1.5 – Attorney-Client Privilege and Work Product. He said the County is the client and all products will belong to the County; therefore, he assumes the Court will have access. Sheriff Skinner assured the Court they would have access to everything the attorney does for the County.

Because Commissioner Hill was unable to review the revised agreement before the meeting he will abstain from voting on the item.

With no further discussion a motion was made to approve the revised agreement with the changes discussed above.

Following the motion and second Judge Self said precedent is a powerful thing. The Court has committed to providing short-term legal assistance to the Sheriff, but in order to preserve his discretion during budget he will be voting against approving this item. Once we go down the road of giving personal assistance with open-ended job descriptions we are in dangerous territory. (Time: 1:44 p.m.)

Motion by: Commissioner Duncan Webb
Second by: Commissioner Susan Fletcher
Vote: 3 – 1 Passed
Nay: Judge Keith Self
Abstained: Commissioner Chris Hill

COURT ORDER NO. 2017-283-04-24

Sheriff Skinner made one last comment with respect to Judge Self's concern. Local Government Code 151.001 provides for a legal means by which a person, such as the Sheriff, can approach the Court to make such request. (Time: 1:44 p.m.)

2. AI-43033 License Agreement with the U.S. Army Corps of Engineers for use of the Corps of Engineers property adjacent to Sister Grove Park for a hike/bike trail for a term of five (5) years beginning September 26, 2017 through and including September 25, 2022, Special Projects.

COURT ORDER NO. 2017-284-04-24

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

1. AI-43036 \$56,717 to move salaries/benefits and purchase four (4) cubicles associated with the reassignment of Public Health Emergency Preparedness (PHEP) personnel from the Office of Emergency Management to the Health Department, Emergency Management.

COURT ORDER NO. 2017-285-04-24

2. AI-42983 \$2,400,000 for Frontier Parkway, Engineering.

PULLED

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

1. AI-43032 April 3, 2017.

COURT ORDER NO. 2017-286-04-24

h. Miscellaneous

1. AI-43024 Acknowledgment of the issuance of the Arlington Higher Education Finance Corporation Education Revenue and Refunding Bonds (Harmony Public Schools), Series 2017, Administrative Services.

COURT ORDER NO. 2017-287-04-24

2. **AI-43038** Re-plat of Waterstone Estates (Block F of Section I) lots 1 and 2 into one (1) lot 1R, Engineering.

COURT ORDER NO. 2017-288-04-24

3. **AI-43020** Grant application and resolution for the FY 2017 UASI DFWA LETPA Grant through the Office of the Governor, Homeland Security Grants Division to fund the salary and benefits for two (2) Fusion Center Analysts and one (1) Fusion Center Research Specialist for 12 months, Sheriff.

COURT ORDER NO. 2017-289-04-24

4. **AI-43045** Personnel Appointments, Human Resources.

COURT ORDER NO. 2017-290-04-24

5. **AI-43046** Personnel Changes, Human Resources.

COURT ORDER NO. 2017-291-04-24

GENERAL DISCUSSION

5. **AI-43070** Texas Comptroller's Transparency Stars program, County Judge.

Tim Wyatt, PIO, came forward to brief the Court on the expansion of the Texas Comptroller's Transparency Stars program. The program has been expanded by four additional areas as well as by asking for downloadable data. There is a standardized format across the state for any taxing entity. We have been working on updating the main county government page and will be working with the departments to do the same for their pages. Procurement actually completed these tasks last September and filed with the program. However, we have yet to get a response or an award of recognition from the Comptroller for what they already completed. We will get the departments online so that when they are ready they can apply. Judge Self said there is no doubt the program has matured. In order for the County to keep up with transparency we are going to have to up our game. He asked how many departments will have to participate. Mr. Wyatt said a lot of these things are already in the CAFR (Comprehensive Annual Financial Report) and in the budget and will have to be pulled out by experts not by PIOs, but mainly this will be Human Resources, Budget, Auditor and Purchasing. This is an ongoing thing every calendar year. The County has received stars for the last six to seven years. Judge Self encouraged the departments to help the PIO in the process. (Time: 1:48 p.m.)

NO ACTION TAKEN

6. **AI-42916** Acceptance of the Comprehensive Annual Financial Report for the fiscal year ended September 30, 2016, Auditor.

Jeff May, County Auditor, introduced Chris Pruitt, CPA, with the auditing firm of Pattillo, Brown & Hill to present the CAFR (Comprehensive Annual Financial Report). The CAFR has three sections: the introductory section, the financial section and the statistical section.

Collin County has received the Government Finance Officers Association's Certificate of Achievement for Excellence in Financial Reporting for 37 consecutive years. Mr. Pruitt said this year's CAFR meets the criteria and he is confident the County will receive its 38th consecutive award later in the year.

Mr. Pruitt said his firm has issued an unmodified opinion, also known as a clean opinion, which means the financial statements have been audited and are free of any material misstatements. He went on to point out areas of interest in the CAFR and recommended the Court read the Management's Discussion and Analysis which is a great summarization of the financials. The County revenues for the year came in at \$8.4 million more than anticipated and expenditures came in at \$34.6 million less than anticipated for an overall balance of \$43 million in the black for the General Fund. Mr. Pruitt said the County will be receiving, if it hasn't already, a SAS (Statement of Auditing Standards) No. 114 letter from his firm. Judge Self and Commissioner Webb requested a hard copy of the report. Mr. May said the hard copies are in his office and staff will be distributing those shortly. (Time: 1:57 p.m.)

NO ACTION TAKEN

7. AI-33858 RTC monthly update, Commissioner, Precinct 4.

Commissioner Webb updated the Court on the last RTC (Regional Transportation Council) meeting. The first item of interest was the approval to use \$50,000 of Department of Education funds to backstop the Electric Vehicle Carsharing Project. This is a backstop and not a match. The next item of interest was the Hemphill/Lamar Connector project and partnership with Tarrant County. The parties agreed to put additional money into the project. What caught the Commissioner's eye was that Kaufman County traded \$7.1 million in RTR (Regional Toll Revenues) dollars for \$10 million in federal funds because non-federal funds were needed for the Tarrant County project. This is something for Collin County to think about as there will continue to be opportunities for us to swap funds to make funds.

The Commissioner said US78 has been deemed a critical freight corridor. This is a 20-mile portion that connects to the intermodal. This should give the opportunity to get federal funds for US78. Another item of interest was the approval of \$100 million TDC (Transportation Development Credits) for policy bundling. Automated Vehicle Program funding was approved which is all federal money. Arlington will receive \$350,000 for the proving ground with its partnership with General Motors, \$250,000 will go elsewhere in the region, and then money will go for I30 to be the actual proving ground. The section of I30 that will be used has one lane on both sides of traffic that is walled off which will allow for the testing of automated vehicles on closed lanes.

An allocation of \$500,000 was approved for a people mover prototype. The Commissioner is pushing for the Legacy West and Legacy Town to be looked at as a model for a people mover system. Galleria-Dallas and Arlington were also put on the list.

Commissioner Webb said the 2017 ozone season has begun. The region has the cleanest air quality on record. The region is at the lowest it has been since air quality has been recorded here. He believes this is due to new technology and cars being cleaner. Discussion was had on whether or not lower standards would be implemented.

He said there was a lengthy discussion regarding the TAPS (Texas Area Paratransit System) wrap up. A complete audit and study of TAPS was performed, but in-depth details were not provided.

The last item was CMAQ (Congestion Mitigation and Air Quality) Improvement Program & STBG (Surface Transportation Block Grant) Program call for projects. This will be between \$350-400 million allocated. This would be another good place for Collin County to get more funding for corridors.

Judge Self asked Commissioner Webb to get the figures on the 10-year plan for I35 North to Denton and Cooke Counties. (Time: 2:09 p.m.)

NO ACTION TAKEN

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

a. **AI-42824** SB 292 Creation of a grant program to reduce recidivism, arrest, and incarceration of individuals with mental illness.

Commissioner Williams said the Court is ready to issue support for this item. She invited Randy Routon, Ph.D., LifePath Systems, to provide information on the bill. Dr. Routon said SB 292 gives the opportunity for the 20 largest regions in Texas to reduce recidivism in jails by people who have mental illness or to find ways to keep those people out of jails initially. The biggest problem we have in Collin County is with the people who need to go to the Terrell State Hospital. State hospitals are full of people with civil commitments and forensic commitments. The civil commitments are decreasing because more people are being served in the community, but the forensic commitments are increasing. These are the people who are not guilty by reason of insanity or those not competent to stand trial. If SB 292 passes it would create a collaborative between the county, the behavioral health authority and the hospital district if there is one. Others can be added to this such as local law enforcement. The funding match is 1:1 and is based on the poverty level of the county.

Commissioner Williams would like to send the standard resolution of support for SB 292 to the County's delegation and sponsors. Judge Self asked how this would be funded with no new money. Dr. Routon believes it is like an Article 11 item. When they get into conference committee they decide if they are going to fund it and where funding will come from. Judge Self said the bill also says there is no significant fiscal implication to units of local government required but there is a 1:1 match required. Commissioner Williams believes this is because it is voluntary. A local entity is not required to take this on. It does give options that could save the County money in the long run.

Dr. Routon said if passed Collin County would get a pro rata share of the funding. With no further discussion a motion was made to send the standard resolution of support for SB 292. (Time: 2:15 p.m.)

Motion by: Commissioner Cheryl Williams
Second by: Commissioner Susan Fletcher
Vote: 5 – 0 Passed

COURT ORDER NO. 2017-292-04-24

b. AI-43059 SB 1383 Overweight Milk Trucks on County Roads.

Judge Self said SB 1383 was in the Senate on April 20th and is now in the House. SB 1383 takes the weight limit of milk trucks from 80,000 pounds to 90,000 pounds. It is expected for the new permit fee to be \$1,200 with an estimate of 20 permits issued per year. Each permit would tell how many counties would be under the permit. Fifteen percent of the \$1,200 permit fee will be split between the counties in the permit. This is basically no money back from the state. Commissioner Fletcher is concerned with this bill being a stepping stone for 90,000 pound broad based trucks traveling on county roads. Jon Kleinheksel, Public Works, said there are currently 11,242 super heavy permits in Collin County. These are trucks carrying 80,000 – 88,000 pounds. County roads are built to 54,000 pounds. Discussion continued regarding provisions to only use county roads and bridges if there is no alternative. Currently the Court only has the authority if a bridge is under the threshold. Super heavy permits supersede the Court authority. In regards to milk trucks the Court can weight restrict the county roads, unless it is the only way to get to a dairy farm, which may keep them off county roads.

Commissioner Webb stated he is also concerned with overweight trucks and the damage they are causing on county roads. Commissioner Fletcher volunteered to draft language for a resolution opposing the bill. Commissioner Hill said the CUC (Conference of Urban Counties) will be opposing the effort with a resolution supporting the current weight restrictions for vehicles on county roads except for localized proposals supported by the local Commissioners' Court. Commissioner Fletcher and Judge Self would like the Court's resolution to have stronger language opposing the legislation. A resolution will be drafted to be voted on at the next Commissioners' Court meeting. (Time: 2:22 p.m.)

HELD

Commissioner Fletcher asked the Court to look at and do its due diligence on SB 2053. TAC (Texas Association of Counties) is asking the Court to support the bill based on reimbursement funding for indigent defense. The Commissioner also said she will be joining a committee along with other elected officials of Collin County to discuss HB 2702 known as the Sandra Bland Act. The bill is designed to address pretrial release of nonviolent criminals. The committee will meet this week and the Commissioner will update the Court at its next meeting. (Time: 2:24 p.m.)

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

EXECUTIVE SESSION

Judge Self recessed Commissioners' Court into Executive Session at 2:49 p.m. in accordance with Paragraph 551.071, Legal to discuss: Case No. 219-01855-2015 Arch Resorts, LLC v. The City of McKinney, Texas and Case No. 401-03649-2015 The City of McKinney, Texas, vs. Custer Storage Center, LLC.

Judge Self reconvened Commissioners' Court at 3:32 p.m.

Legal (551.071)

AI-42473 Case No. 219-01855-2015 Arch Resorts, LLC v. The City of McKinney, Texas, Commissioners Court.

NO ACTION TAKEN

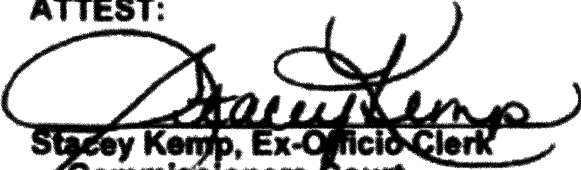
AI-42504 Case No. 401-03649-2015 The City of McKinney, Texas, vs. Custer Storage Center, LLC, Commissioners Court.

NO ACTION TAKEN

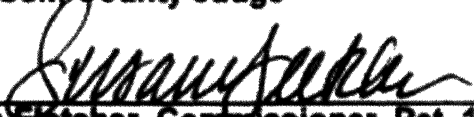
There being no further business of the Court, Judge Self adjourned the meeting at 3:32 p.m.



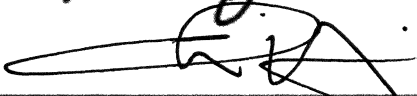
ATTEST:


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