

STATE OF TEXAS  
COUNTY OF COLLIN

COMMISSIONERS' COURT  
MEETING MINUTES  
AUGUST 13, 2018

On Monday, August 13, 2018, 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 John Thomas, Precinct 3  
Commissioner Duncan Webb, Precinct 4

Absent: Commissioner Susan Fletcher, Precinct 1

Commissioner Webb led the Invocation.  
Judge Self led the Pledge of Allegiance.  
Commissioner Thomas led the Pledge of Allegiance to the Texas Flag.

Judge Self called to order the meeting of the Collin County Commissioners' Court at 1:30 p.m. and the meeting was recessed at 2:14 p.m. Judge Self reconvened the meeting at 2:34 p.m. and recessed into Commissioners' Court Budget Workshop – Special Session at 2:36 p.m. Budget Workshop was recessed at 3:13 p.m., Commissioners' Court was reconvened and immediately recessed into Executive Session. Judge Self reconvened the meeting at 3:22 p.m. and adjourned the meeting at 3:23 p.m.

President Self called to order the meeting of the Collin County Health Care Foundation at 2:14 p.m. and adjourned the meeting at 2:15 p.m.

President Self called to order the meeting of the Collin County Toll Road Authority at 2:15 p.m. and adjourned the meeting at 2:15 p.m.

**DECISIONS MANDATED BY LEGAL ENTITIES OUTSIDE OF COMMISSIONERS COURT AUTHORITY:**

1. AI-45283 Personnel Appointments, Human Resources.
2. AI-45284 Personnel Changes, Human Resources.

## **FYI NOTIFICATION**

1. **AI-34688** Outstanding Agenda Items, Commissioners Court.
  2. **AI-45271** Addendum No. 1 and No. 2 to Vending Services (IFB No. 2018-172) to make various changes to the Invitation for Bid, Purchasing.
  3. **AI-45268** Change Order No. 1 to Construction, Bridge, County Road 613 at Groves Creek (IFB No. 2017-357) with Ashlar Contracting Company to make various changes to the contract, Engineering.
  4. **AI-45129** P-Card Disbursements, Auditor.
2. Public Comments.
  3. Presentation/Recognition.
  4. **Consent agenda to approve:** Judge Self asked for comments on the consent agenda. Hearing no comments, a motion was made to approve the consent agenda. (Time: 1:31 p.m.)

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

- a. **AI-45226** Disbursements for the period ending August 7, 2018, Auditor.  
**COURT ORDER NO. 2018-630-08-13**
- b. **AI-45227** Indigent Defense Disbursements, Auditor.  
**COURT ORDER NO. 2018-631-08-13**
- c. **Advertisement(s):**
  1. **AI-45166** Culverts, Bands, Drop Structure (IFB No. 2018-261), Public Works.  
**COURT ORDER NO. 2018-632-08-13**
  2. **AI-45188** Fencing, Labor & Materials, All Inclusive (IFB No. 2018-262), Public Works.  
**COURT ORDER NO. 2018-633-08-13**
  3. **AI-45257** Road Materials, Emulsified Asphalt (IFB No. 2018-288), Public Works.  
**COURT ORDER NO. 2018-634-08-13**
  4. **AI-45170** Road Striping (IFB No. 2018-171), Public Works.  
**COURT ORDER NO. 2018-635-08-13**

**d. Award(s):**

1. **AI-45229** Vending Services (IFB No. 2018-172) to SPG Vending Solutions, Inc., Facilities.

**COURT ORDER NO. 2018-636-08-13**

2. **AI-45245** Software Maintenance, Cisco Unified Communications Licensing (CUWL) Phone (Contract No. 2018-314) to Netsync Network Solutions, Inc., approval of an agreement with Key Government Finance, Inc. and further authorize the Purchasing Agent to finalize and execute the Payment Plan Agreement and the County Judge to finalize and execute the Purchaser's Certificate, Information Technology.

**COURT ORDER NO. 2018-637-08-13**

**e. Agreement(s):**

1. **AI-45165** Interlocal Agreement with the Double R Municipal Utility District No. 1 of Hunt County to provide for the maintenance, repair and improvement of portions of County Road No. 679, Public Works.

**COURT ORDER NO. 2018-638-08-13**

2. **AI-45171** Interlocal Cooperation Agreement with the City of Frisco for Road and Bridge Improvements effective through and including September 30, 2022, Public Works.

**COURT ORDER NO. 2018-639-08-13**

3. **AI-45265** Interlocal Agreement with the City of Josephine to FDR/TCP/Stripe Hubbard Road, Public Works.

**COURT ORDER NO. 2018-640-08-13**

**f. Contract Renewal(s):**

1. **AI-45169** Fuel (IFB No. 2017-128) with Petroleum Traders Corporation to extend the contract for one (1) year through and including September 30, 2019, Public Works.

**COURT ORDER NO. 2018-641-08-13**

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

1. **AI-45266** \$150,000 to cover legal expenses for right-of-way acquisition along the Outer Loop, Special Projects.

**COURT ORDER NO. 2018-642-08-13**

**h. Receive and File, Auditor:**

1. **AI-45246** Investment Report (2nd Quarter FY2018).

**COURT ORDER NO. 2018-643-08-13**

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

1. AI-45250 July 23, 2018.

**COURT ORDER NO. 2018-644-08-13**

**j. Miscellaneous**

1. AI-45243 Re-designation of Private Road 5650 to RoseMary Barn Ln (with associated address updates), GIS/Rural Addressing.

**COURT ORDER NO. 2018-645-08-13**

2. AI-45261 Renewal for software maintenance with Dominion Voting Systems, Inc. for the period October 1, 2018 through and including September 30, 2019, Information Technology.

**COURT ORDER NO. 2018-646-08-13**

3. AI-45192 Sale of the abandoned portion of County Road 953 (.246 acre tract of surplus Collin County right-of-way located along County Road 953 south of County Road 951 in Snaveley Acres) to Mr. and Mrs. Copp upon payment of \$12,300 and further approval of the associated documents, Public Works.

**COURT ORDER NO. 2018-647-08-13**

4. AI-45190 Trim and remove brush and tree limbs on private property on CR 475 and install a drop inlet structure, Public Works.

**COURT ORDER NO. 2018-648-08-13**

5. AI-45285 Personnel Appointments, Human Resources.

**COURT ORDER NO. 2018-649-08-13**

6. AI-45286 Personnel Changes, Human Resources.

**COURT ORDER NO. 2018-650-08-13**

**GENERAL DISCUSSION**

5. AI-45216 Ancillary Benefit Presentation, Human Resources.

Cynthia Jacobson, Human Resources, came forward with a PowerPoint entitled Ancillary Benefits - 2018 Presentation for FY 2019 Budget.

Ms. Jacobson started with employee paid voluntary benefits which include flexible spending accounts, supplemental employee and spouse life insurance and 457(b) deferred compensation retirement plans. Employees pay 100% for those benefits. County-paid ancillary benefits include PTO (Paid Time Off), holidays, overtime and disability plans.

PTO replaces separate vacation time and sick time. Using PTO allows employees to better plan for time off. A chart was shown showing employees' years of service and annual accruals. Collin County is on the low end of paid time off when compared to other public sector entities, but a little on the high end when compared with the private sector.

CTO (Catastrophic Time Off) ended in August of 2011. Approximately 29% of employees still carry a CTO balance, down 28% from last year.

As a public sector entity, rather than pay overtime, the county provides compensatory (comp) time off. If there is a busy period and an employee works overtime, they earn comp time which can be used during a not so busy period. There are two types of comp time off: straight and premium. An example of straight comp time would be an ice day. Premium comp time is earned at 1.5 hours of time for each hour worked in excess of 40 in a one-week period. Collin County is not required to provide comp time to exempt employees. However, during busy times of the year, such as during Budget Workshop, if an exempt employee works more than 40 hours in a week, they can earn straight comp time on an hour-for-hour basis.

Ms. Jacobson showed a chart comparing Collin County's comp time off for non-exempt employees to neighboring entities. Collin County allows a maximum premium comp time accrual of 200 hours; other counties follow the statutory requirement of 240 hours for civilian employees and 480 hours for law enforcement.

Judge Self asked about Tarrant County which does not offer employees comp time. Ms. Jacobson replied Tarrant County has high staffing numbers. While they don't offer comp time, they do pay overtime.

Continuing, Ms. Jacobson said in the past employees would build up comp time and then wait for the county to make payments for it. Because of that a plan was put into place where employees with a combined comp time balance over 100 hours as of January 1<sup>st</sup> of each year must reduce the comp time to 100 hours, or use 30% of their total comp time balance (whichever reduction is less) before PTO may be used for the year. This has reduced comp time significantly.

In the past year there has been a significant amount of comp time earned by employees in the Sheriff's office. HR looked to see if there was a one-time big project that would cause an employee to accrue comp time, but what they found was it was a result of employees not taking a lunch or taking a shorter lunch or coming in earlier in the morning. Time would build up in small increments.

Commissioner Williams asked if this caused by a staffing issue. Ms. Jacobson said she was not suggesting that. Judge Self addressed the difference between staffing and manning. The Court has given this department many positions that they don't fill; so it's not staffing, it's manning.

Ms. Jacobson moved on to paid leave liability and presented a comparison. The 2016 dollar amount liability for paid leave was \$7,165,006; in 2017 it was \$7,378,389, an increase of 3%. An increase in compensation results in an increase in the cost of PTO.

Ms. Jacobson showed overtime costs for certain departments, amounts for total payroll dollars and overtime as a percent of total payroll. In Collin County, the average paid per employee in 2017 was \$1,773. Comparing overtime pay with neighboring entities, average paid per employee, some were higher than Collin County and some were lower. As mentioned earlier, Tarrant County had no comp time paid in 2017 because they paid overtime pay.

Paid holidays for the neighboring entities ranged from eight days per year (Frisco) to 12 (Denton and Dallas Counties). Collin County gives employees ten paid holidays per year.

Collin County still has employees who receive longevity pay. Of 1,705 employees, 745, or 43%, are still eligible for longevity pay and 979, or 57%, are not. The entities used for comparison all provided longevity pay with the exception of Dallas and Tarrant Counties.

Shift differential is a premium paid to employees who work the second and third shifts for the Sheriff's Office, Juvenile Detention and Facilities as part of their regular schedule. Second shift employees are paid an additional \$0.50 per hour; third shift employees are paid an additional \$1.00 per hour. Collin County is one of the few entities that pays a shift differential.

For auto allowance, we are a little different for the eligible positions that receive an auto allowance. Our District Attorney Investigators receive the most auto allowances. The auto allowance is a non-accountable plan. Employees receive a dollar amount which is taxable.

Call-in pay is for employees who are called back to work after leaving their work location or called in to work on a scheduled day off. It provides a guaranteed minimum of two hours pay for non-exempt employees.

The County is statutorily required to pay court reporter comp time. 240 hours are awarded on January 1<sup>st</sup> of each year. In 2017 \$116,522 was paid in court reporter comp time, a 13% increase from the previous year.

In 2012 the Collin County Juvenile Board ordered a stipend be paid to employees in Juvenile Probation. Four employees currently receive a stipend: one intensive supervision probation officer receives \$1,500; two drug court officers receive \$1,500; and one training officer receives \$4,000. CSCD (Community Supervision and Corrections Department) provides two different categories of stipend pay: Specialized Caseload and Language.

Collin County pays employees for their time off when they are summoned to serve on a jury. Last year \$14,272 was paid in jury duty and grand jury pay, an increase of 12% from the previous year.

Collin County pays for short-term and long-term disability benefits. The difference between Collin County and a lot of the cities is the cities will allow employees to accumulate an unlimited amount of sick time. Ms. Jacobson showed comparisons for short-term and long-term disability for neighboring entities.

Life insurance is paid for employees by the County. Collin County is currently in an RFP (Request for Price) for life insurance. Three different 457(b) deferred compensation plans are offered. Currently 190 employees are enrolled. Long term care provides nursing and custodial care benefits for assistance with daily life activities. Basic long term care insurance is provided at no cost to regular full-time employees with at least eight years of eligible service. We offer tuition assistance. In 2017 we paid \$29,311 to seven employees, a decrease of 38% from the prior year. Employees are also offered Workers' Compensation.

Elected officials are allowed to offer motivation and safety pay. Motivation pay increases around the holidays and safety pay occurs typically on ice days.

There are additional ancillary benefits provided by other cities and counties that Collin County does not offer such as education pay (pay awarded to an employee for having a higher education degree) or language pay (pay awarded to an employee for fluency in a secondary language; however, CSCD does offer language pay).

In conclusion, Ms. Jacobson showed comparisons between Collin County's ancillary benefits and those provided by the private sector. (Time: 1:47 p.m.)

**NO ACTION TAKEN**

**6. AI-45259** CUC TechShare JCMS agreement and the CUC moving TechShare to a corporation "TechShare LGC" under the local government corporation permitted by Subchapter D, Chapter 431, Texas Transportation Code and Chapter 394, Texas Local Government Code, and shall be a governmental unit within the meaning of Section 101.001 Texas Civil Practices and Remedies Code, Information Technology.

Caren Skipworth, IT, came forward and stated she met with John Dahill, Executive Director and General Counsel for CUC (Conference of Urban Counties) regarding a change in the CUC TechShare program becoming a non-profit corporation. Ms. Skipworth is not familiar with the process. The CUC TechShare Program has four products. JCMS (Juvenile Case Management System) is the one Collin County uses. The other three products are Adult Case Manager, Jail Management (which is being developed) and Prosecution.

Part of Mr. Dahill's request is that a Stakeholders' Board be formed by the initial investors and that a Commissioners' Court member be appointed to the Stakeholders' Board. Collin County is an initial investor.

Additionally Ms. Skipworth advised the Court, when dealing with software contracts, to have an attorney be part of the project who is familiar with contracts dealing with selling and maintenance of software.

Judge Self asked about the difference in governance. Ms. Skipworth replied right now our Stakeholder is led by a chairman who has more of an input and direction on the TechShare Program versus a Stakeholder Board where governance would be equal among stakeholders. The current chairman is Judge Whitley from Tarrant County.

Commissioner Thomas stated he would like to see the option of selling the software to a software company evaluated.

Ms. Skipworth said TechShare is on a fast pace to become incorporated. They want a stakeholder appointed by August 17, documents presented to court to be evaluated and changes submitted to Mr. Dahill, and the actual incorporation of the non-profit corporation to be completed by the end of August – beginning of September.

Judge Self asked for an explanation of the change it makes if we do not.

Ms. Skipworth replied Collin County has had the JCMS product for more than five years. We paid into the investment and have rights to the source code. If it changes to a corporation, we will not have rights to the source code. The source code will be the property of the corporation. At this point in time we could have access to the source code and support it in-house, but that is not Ms. Skipworth's recommendation. To Commissioner Thomas' point concerning the ownership of the software, currently there are five or six counties in the State of Texas running the Juvenile system. Keeping it with the program, counties can share juvenile information across neighboring counties. That is a large benefit. If we move to the non-profit organization and we pull out, Ms. Skipworth is not sure we would have access to that information any more.

Judge Self stated we would have access to the code but would not have access to any future development. He asked if Collin, Dallas, Denton, Tarrant and Johnson Counties are the only counties that are in the project. Ms. Skipworth said they are.

Lynn Hadnot, Director, Juvenile Probation Department, came forward and said the TechShare case management system is the more robust juvenile case management system that Juvenile Probation and Collin County bought into a number of years ago. Right now the stakeholders in that project are Collin, Dallas, Denton, Tarrant and Johnson Counties. Travis County is potentially coming on as a stakeholder as well.

Ms. Skipworth added CUC went in with other counties to develop the JCMS product because there is not a market for juvenile case management systems. However, Collin County uses Odyssey Case Manager for the Juvenile Family Court; not JCMS. They are two different things.



Commissioner Thomas asked about the impact if the entity moved into other states. Mr. Hadnot said as stakeholders come into the project, whether it's Texas stakeholders or outside stakeholders, operational costs would be reduced. However, all the changes that come into the system currently are statute driven. It allows the system to be a uniform program that can benefit all the stakeholders involved. That's what makes the TechShare program unique. If this project were to go to other states, Mr. Hadnot envisions that the CUC would have to craft a different project entirely so the program would mirror the legislative requirements of that legislative body.

Commissioner Webb is concerned about who will control the non-profit. The contract between Collin County and the non-profit will be critical to that. He is not willing to go into a non-profit where we have no voice and they control all the software. The Commissioner asked if the other three products are the ones that are causing all the financial problems. Ms. Skipworth said they have had trouble selling those products in the State of Texas.

Another concern of Commissioner Webb's is profit. If the CUC couldn't make a profit from the other three products, why do we think a non-profit will be able to? A deadline of August 17<sup>th</sup> is impossible to basically satisfy and look at all those contractual provisions.

Discussion followed among court members. Judge Self stated what caught his attention is Tarrant County's percentage of pay. It's pretty high. Judge Whitley is the chairman. Judge Self sees this as an attempt to rescue a failing model. He would also like language in the contract in the event of a wind down. How do we wind this corporation down at the end of the day if we have to?

Commissioner Webb thought maybe there should be two different entities. One for the JCMS and one for the other three. Ms. Skipworth said the five counties that bought the complete system will be on the Stakeholder's Board; not the other counties who just bought the case manager system. Discussion continued.

Ms. Skipworth recommends an executive stakeholder be appointed and we get an attorney and see what our best option is. Judge Self said that would not happen today.

Commissioner Williams agreed that it would not be possible to have an attorney look at the contract and come up with questions in two days, so we will have to communicate that to the CUC. It will be difficult for us to take the source code and operate alone. She would prefer that we work out an agreement that would have some fairness to it.

Mr. Hadnot said one of the biggest concerns he has as a practitioner in the field is with the information sharing capabilities that would potentially be lost. We are just now reaping the benefits of this case management system.

Ms. Skipworth said it would take an enormous effort for her staff to learn the product in house.

Commissioner Williams said they are asking for representatives from each county. Judge Self made a motion asking Commissioner Webb to become the representative for Collin County. (Time: 2:08 p.m.)

Motion by: Judge Keith Self  
Second by: Commissioner Cheryl Webb  
Vote: 3 – 1 Passed  
Voted No: Commissioner Duncan Webb

**COURT ORDER NO. 2018-651-08-13**

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

Commissioner Webb said the RTC (Regional Transportation Council) agreed to fund up to \$2 million for some comprehensive transit studies for Collin, Dallas and Denton Counties. The big cities in Collin County had asked, when looking at transit, how we can move 3 to 3.5 million people effectively.

Next, the ten year plan was approved. There was an increase in allocations. In 2019 \$572.4 million of letting allocations were approved for projects within the metroplex. That's a lot of money, but Commissioner Webb does not think it is enough. The total allocation for our region with the ten year plan was \$7.31 billion. Commissioner Webb thanked the voters but again does not think it is enough money.

The possibility was discussed of taking the left shoulder of State Highway 161 during peak times and special events and turning it into a lane versus a shoulder. The RTC showed a study that said as a result of that, traffic capacity would be increased by almost 40,000 cars per day. It was determined that the concept works. TxDOT (Texas Department of Transportation) has decided to build a third lane starting in December. Michael Morris said he was heading to Washington related to US75 but provided no other information.

Public Participation Plan update: more and more of the input that COG (Council of Governments) receives related to its activities is coming electronically. They are reassessing and working on putting more of our involvement with the public through electronic means. (Time: 2:14 p.m.)

**NO ACTION TAKEN**

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

Judge Self recessed the meeting at 2:14 p.m. and called to order the meeting of the Collin County Health Care Foundation and the Collin County Toll Road Authority. Judge Self reconvened the meeting at 2:15 p.m.

## **EXECUTIVE SESSION**

Judge Self recessed Commissioners' Court into Executive Session at 2:15 p.m. in accordance with paragraph 551.071, Legal, of the Local Government Code, to discuss contemplation of litigation and any action related to the property at 2468 County Road 337, and to discuss the TCEQ (Texas Commission on Environmental Quality) proceedings for Collin County MUD (Municipal Utility District) No. 2.

Judge Self reconvened the meeting at 2:34 p.m.

### **Board/Committee Appointments (551.0745)**

#### **AI-45198 Civil Service Commission.**

Without taking this matter into Executive Session, Judge Self asked for a motion. Commissioner Williams made a motion to re-appoint Ken Bangs to the Civil Service Commission. (Time: 2:08)

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

**COURT ORDER NO. 2018-652-08-13**

### **Legal (551.071)**

**AI-45251 Contemplation of litigation and any action related to the property at 2468 County Road 337, Administrative Services.**

Following Executive Session, Commissioner Webb made a motion to authorize attorney Robert Davis to initiate any proper legal action for the property at 2468 County Road 337, Collin County, Texas. (Time: 2:36 p.m.)

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

**COURT ORDER NO. 2018-653-08-13**

Judge Self recessed the meeting at 2:36 p.m. and called to order the meeting of the Commissioners' Court Budget Workshop – Special Session. Budget Workshop was recessed at 3:13 p.m. and Commissioners' Court was reconvened. The court immediately recessed into Executive Session under paragraph 551.071, Legal, to discuss TCEQ proceeding for Collin County MUD No. 2, Administrative Services.

Judge Self reconvened Commissioners' Court at 3:21 p.m.

**AI-45276** TCEQ proceeding for Collin County MUD No. 2, Administrative Services.

Bill Bilyeu, County Administrator, came forward. During the last court there was a request for an update on the contracts, which the developer provided. It includes the requirement that they always have a contract with law enforcement and emergency services in place. The developer sent signed copies of that contract to Mr. Bilyeu. The request is to withdraw the Court's objection to Collin County MUD #2. If the Court so directs, their attorney Greg Hudson has a letter prepared which he will submit to TCEQ withdrawing that objection.

Judge Self asked if the changes meet all of the Court's requirements. Mr. Bilyeu said it did. Commissioner Williams made a motion to withdraw all objections. Judge Self said the state has some unintended consequences that they don't understand yet because of the annexation law change related to MUDs but we have to get to those unintended consequences that those annexation laws are going to cause to the counties. (Time: 3:23 p.m.)

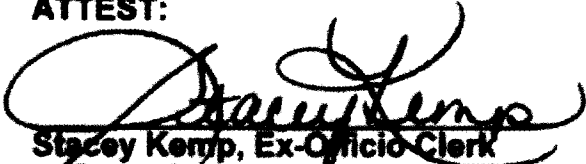
Motion by: Commissioner Cheryl Williams  
Second by: Commissioner John Thomas  
Vote: 4 – 0 Passed


**COURT ORDER NO. 2018-654-08-13**

There being no further business of the Court, Judge Self adjourned the meeting at 3:23 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

  
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John B. Thomas, Commissioner, Pct. 3

  
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Duncan Webb, Commissioner, Pct. 4