

COURT ORDER NO. 2019-374-05-13

STATE OF TEXAS

COMMISSIONERS COURT

MEETING MINUTES

COUNTY OF COLLIN

APRIL 22, 2019

On Monday, April 22, 2019, 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 Chris Hill

Commissioner Susan Fletcher, Precinct 1

Commissioner Cheryl Williams, Precinct 2

Commissioner Darrell Hale, Precinct 3

Commissioner Duncan Webb, Precinct 4

Commissioner Fletcher led the Invocation.

Commissioner Hale led the Pledge of Allegiance.

Commissioner Webb led the Pledge of Allegiance to the Texas Flag.

1. Judge Hill called to order the meeting of the **Collin County Commissioners Court** at 1:30 p.m. and adjourned the meeting at 3:42 p.m.

President Hill called to order the meeting of the **Collin County Health Care Foundation** at 3:42 p.m. and adjourned the meeting at 3:42 p.m.

President Hill called to order the meeting of the **Collin County Toll Road Authority** at 3:42 p.m. and adjourned the meeting at 3:42 p.m.

DECISIONS MANDATED BY LEGAL ENTITIES OUTSIDE OF COMMISSIONERS COURT AUTHORITY:

1. **AI-46429** Personnel Appointments, Human Resources.

FYI NOTIFICATION

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

2. **AI-46374** District Clerk returning one cash drawer containing \$550 to the Treasury Department due to the elimination of the Passport Office, Auditor.

3. **AI-46380** P-Card Disbursements, Auditor.

4. **AI-46381** Advertisement for Commissary Services (RFP No. 2019-126), Sheriff.

2. Public Comments.

3. Presentation/Recognition.

4. Consent agenda to approve: Judge Hill asked for comments on the consent agenda. Hearing none, a motion was made to approve the consent agenda. (Time: 1:32 p.m.)

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

a. AI-46407 Disbursements for the period ending April 16, 2019, Auditor.

COURT ORDER NO. 2019-301-04-22

b. AI-46408 Indigent Defense Disbursements, Auditor.

COURT ORDER NO. 2019-302-04-22

c. AI-46326 Tax refunds totaling \$1,286,148.10, Tax Assessor/Collector.

COURT ORDER NO. 2019-303-04-22

d. Award(s):

1. AI-46331 Adobe Enterprise Software (Contract No. 2018-119) to CDW Government LLC, Information Technology.

COURT ORDER NO. 2019-304-04-22

e. Contract Renewal(s):

1. AI-46403 Polygraph Testing (IFB No. 2017-168) with Ruiz Protective Services, Inc. to extend the contract for one (1) year through and including September 30, 2020, Sheriff.

COURT ORDER NO. 2019-305-04-22

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

1. AI-46400 \$6,605 to reallocate funds for the Spay/Neuter Program, Development Services.

COURT ORDER NO. 2019-306-04-22

2. AI-46383 \$615,785 for the Elections Department Enhancements (Phase 5), Elections.

COURT ORDER NO. 2019-307-04-22

3. AI-46362 \$879,038 To establish the budget for insurance funds for Myers Park Show Barn, Horse Barn and Office roofs, Human Resources.

COURT ORDER NO. 2019-308-04-22

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

1. AI-46388 April 1, 2019.

COURT ORDER NO. 2019-309-04-22

h. Miscellaneous

1. AI-46387 Revised Broker/Dealer List for 2019, Auditor.

COURT ORDER NO. 2019-310-04-22

2. AI-46426 Personnel Appointments, Human Resources.

COURT ORDER NO. 2019-311-04-22

3. AI-46427 Personnel Changes, Human Resources.

COURT ORDER NO. 2019-312-04-22

GENERAL DISCUSSION

5. AI-46410 Acceptance of the Comprehensive Annual Financial Report for the fiscal year ended September 30, 2018, Auditor.

Linda Riggs, Auditor, introduced Chris Pruitt, CPA, with the auditing firm of Pattillo, Brown & Hill to present the CAFR (Comprehensive Annual Financial Report) for the Court's acceptance. The CAFR has three sections: the introductory section, the financial section and the statistical section. Mr. Pruitt said this CAFR meets the criteria for the Government Finance Officers Association's Certificate of Achievement for Excellence in Financial Reporting. His firm has issued an unmodified opinion, also known as a clean opinion. This means the financial statements have been audited and are free of any material misstatements and can be relied upon by a third party.

Mr. Pruitt said the Management's Discussion and Analysis in the CAFR is a great summarization of the financials. The County's general unassigned fund balance is very healthy at \$154 million. The budget for the General Fund had positive variances in both the revenues and expenditures. These are very sound financials.

The final section of the CAFR is the statistical section comprised of ten-year trend data for financial trends, revenue capacity, debt capacity, demographic information, and operating information.

Commissioner Webb pointed out two corrections that need to be made to the CAFR. The first is the organizational chart needs to be replaced with a current one, and the second is changing the word "increase" to "decrease" on page 15. The Commissioner said, if the public wants to know how the County is doing, they should look at the CAFR. There are interesting statistics, and looking at the departments shows what's growing and what the

growth rates are. The public can determine if the people they elected are doing their job as they represented.

Linda Riggs, Auditor, said this is the 40th consecutive year the County will receive the Certificate of Achievement for Excellence in Financial Reporting. The County is overfunded by \$28 million for TCDRS (Texas County and District Retirement System). Lastly, with just the unassigned fund balance there are 235 days of operation and, if the committed balance is added, there are 356 days of operation. With no further comments, a motion was made to accept the Comprehensive Annual Financial Report with Commissioner Webb's two changes made. (Time: 1:41 p.m.)

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

COURT ORDER NO. 2019-313-04-22

6. AI-46411 Acceptance of the Community Supervision and Corrections Department Financial Statement and Supplementary Information for the year ended August 31, 2018, Auditor.

Chris Pruitt, CPA, with the auditing firm of Pattillo, Brown & Hill, said the fiscal year for CSCD (Community Supervision and Corrections Department) ended on August 31, 2018. This report was filed on time with the State and also has an unmodified or clean opinion. A GAS (Government Auditing Standards) letter is included in the report which deals with internal control of financial reporting as it relates to the CSCD Program and references compliance with the various laws, grants and regulations that deal with CSCD. With no further comments, a motion was made to approve the item. (Time: 1:43 p.m.)

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

COURT ORDER NO. 2019-314-04-22

7. AI-46412 Acceptance of the Juvenile Probation Department Financial and compliance Audit Reports for the year ended August 31, 2018, Auditor.

Chris Pruitt, CPA, with the auditing firm of Pattillo, Brown & Hill, said this report is similar to the CSCD report, includes a GAS letter, and was filed with the State on time. This report also received an unmodified or clean opinion. With no further comments, a motion was made to approve the item. (Time: 1:44 p.m.)

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

COURT ORDER NO. 2019-315-04-22

8. AI-46413 Acceptance of the Single Audit Report for the year ended September 30, 2018, Auditor.

Chris Pruitt, CPA, with the auditing firm of Pattillo, Brown & Hill said, because the County received more than \$750,000 in federal and state awards, the County was required to have a Single Audit. This is a process of identifying the high risk or large grant programs and performing additional test work on those grants. There are two reports that have to be issued with this and they are the GAS letter and a report on the grants chosen to have additional test work on. The federal grant program chosen was the WIC (Women, Infants and Children) grant and the state grant was the Indigent Defense formula grant. Nothing came up that would cause the County to not be in compliance with those grants, and the County received a clean opinion.

Judge Hill thanked Mr. Pruitt, Ms. Riggs, the Auditor's Office and all employees whose work goes into these reports. With no further comments, a motion was made to approve this item. (Time: 1:47 p.m.)

Motion by: Commissioner Cheryl Williams

Second by: Commissioner Duncan Webb

Vote: 5 – 0 Passed

COURT ORDER NO. 2019-316-04-22

9. AI-46377 CSCD Update, Adult Probation.

Yoon Kim, CSCD (Community Supervision and Corrections Department), came forward with a PowerPoint presentation to update the Court on the Collin County Community Supervision and Corrections Department. CSCD does not receive funding from the County. However, under Texas Government Code Chapter 76.008, the County provides facilities, equipment, and utilities, and Mr. Kim expressed his appreciation for this.

FY2019 State funding for CSCD consists of \$1,867,451 for basic supervision; \$1,021,058 for community corrections, and grants. Community corrections money is based on a formula using the County's population. As the population goes up and the number of felons goes up, that amount of money will also go up. Of the approximately \$1 million of community correction money, \$300,010 goes to the Collin County Sheriff's Office for the S.C.O.R.E. (Sheriff's Convicted Offender Re-Entry Effort) program and the rest goes to other S.C.O.R.E. contracts and specialized caseloads. Collin County has three specialized caseloads: sexual offender, substance abuse and mental health. CSCD also receives grants of \$96,064 for sex offender caseloads, \$44,526 for substance abuse, and \$36,552 for mental health. TAIP (Treatment Alternative to Incarceration Program) receives grant money from the state totaling \$36,113 for indigent services. LifePath Systems, Collin County's Mental Health Authority, assists with this as well.

FY2019 Annual revenues consist of \$3.1 million from State funding, \$3.3 million from defendants' probation fees, and \$2.25 million from fund balance. Mr. Kim tries to always keep the fund balance between \$2 million and \$2.2 million for salaries, benefits and contracts with vendors. FY2019 budgeted expenditures includes \$5,025,929 for salaries and fringe benefits for basic supervision. If probation fees decrease and the fund balance is exhausted, then they cannot make payroll. Mr. Kim explained the funding formula from the State for basic supervision which totaled \$1,867,451. The formula is \$1.01 per day for every felon on probation that is supervised directly. Direct supervision means the person lives, works and reports for probation in Collin County. This amounts to much less than it would cost to incarcerate them. For misdemeanors, CSCD receives \$0.70 per day for the first 182 days. As the population in Collin County increases, so does the number of felons in CSCD's direct population. However, the misdemeanor direct population has been going down. This is attributed to diversion programs, and many are taking time served.

At the end of August in FY2018, there were 2,559 felony direct supervision offenders and 1,990 misdemeanor direct offenders. Of the two groups combined, 2,521 were DWI (Driving While Intoxicated) or drug offenses; 719 were burglary, theft and other property offenses, 139 were sex offenses, 9 were homicides and 803 were robberies, assaults or other offenses against the person.

Indirect placements totaled 6,294. These are people who do not live or work in Collin County but committed the offense in Collin County. The case is filed in Collin County and goes through one of our courts. The offender transfers to another county or state, but we still supervise from afar. Collin County is the sixth most populous county in Texas and has the eighth largest CSCD direct and indirect population. The FY2018 felony revocation rate in Collin County was 8.86% while the State average was 11.20%. The FY2018 misdemeanor revocation rate was 10.54% while the State average was 15.6%. The State cares about revocation rates and it is important. However, revoking the right people and at the right time is also important.

Next Mr. Kim compared Collin County's CSCD program success rates to the statewide benchmarks for FY2018. The County is doing better than the state average for S.C.O.R.E., drug court and the sex offender program. Substance abuse and mental health success rates for the County are lower than the state average. The County is looking at ways to be more effective and efficient in those areas. Judge Hill asked what the definition of success is in these cases. Mr. Kim said success is being discharged from the program. An offender can be on probation for five years and graduate from one of the programs in six months and that is considered a success. If there is a relapse and the person is put back into the program, they are considered a new participant in the program. Coming back into a program is not considered unsuccessful. If someone is kicked out of the program or a motion is filed to revoke, that is considered unsuccessful.

Commissioner Webb asked if CSCD works with LifePath Systems for the mental health caseloads. Mr. Kim said they do work with LifePath, but the mental health caseload is the most challenging because many also have substance abuse issues. The goal is to get them off probation and on their medication. There was a lengthy conversation regarding the County's success rates and how it is determined. (Time: 2:28 p.m.)

NO ACTION TAKEN

10. AI-46245 County Road Acceptance Policy, Engineering.

Clarence Daugherty, Engineering, came forward to get the Court's direction on the future of the road acceptance policy. Commissioner Fletcher asked what the current requirements are for county roads. Mr. Daugherty said the County requires the subgrade under a roadway to be stabilized and then six inches of TxDOT (Texas Department of Transportation) specified flex base and finally a two-course surface treatment. The County also requires a 100% maintenance bond with a two-year warranty period in which the developer maintains the roads. At the end of the two years, if the County is satisfied with the condition of the road, then those roads are accepted. The rough treatment of the roadway comes from concrete trucks during construction of the houses. Commissioner Fletcher wants to make sure first responders and citizens are not put at risk with bad roads, but she is also concerned about the costs for maintaining these roads.

Commissioner Webb asked if things have changed since cities can no longer forcibly annex, and as a result are we ending up with a situation where more and more of these subdivisions are going to be in unincorporated areas. Also, the Commissioner said the average costs to the County from FY2014 through FY2016 were just under \$800,000 per year for maintaining roads. It is now up to almost \$1.4 million. In addition, we just went out for bid to redo the roads in Lavon Beach Estates which could cost several million dollars. This could mean an increase in the County's expenditures for these subdivision roads of over 80% in one year. Commissioner Webb said there are some private roads in his precinct, but the HOAs (Home Owners Association) maintain them. There are no county roads in his precinct. When people move out into the unincorporated areas, they are making a conscious decision to not have city services and the regulations that go with it. Mr. Daugherty said not enough time has passed to get stats on the annexation question. However, when building in the unincorporated areas of a city, the developer must build according to the city's standards so there is no incentive to not annex.

Commissioner Williams said, for the most part, subdivisions of any significant size are going to be done with a utility district. Therefore, she does not think the risk is going to be as high as Commissioner Webb indicated. Commissioner Williams also said they are still sometimes referred to as Road Commissioners because that is a core function of county government, and she does not want to force these roads onto small developers.

Commissioner Hale said this issue will impact his area heavily. There are some roads that are so substandard with no mechanism in place to take care of them. Judge Hill said the MUDs (Municipal Utility District) are increasing and there has been some success in asking the MUDs to take on the responsibility of the roads. If the MUDs seek the Court's

support, then the Court has some leverage in that regard. The Judge also said citizens who live in the unincorporated areas know that they will not have many of the services that citizens living in the incorporated areas have, but they don't expect to have roads they cannot drive on. Judge Hill asked Commissioner Webb if he would reconsider accepting future roads if the maintenance period were increased from two years. Commissioner Webb said he would be willing to consider it depending on the stats on annexation.

Commissioner Williams said the County has a strong view on private property rights, and she is concerned about hindering a landowner's ability to do what they want with their property such as selling off a portion of it to a small developer. We do have standards in place, but the Commissioner does not want to make it too difficult for small landowners to sell to small developers.

Judge Hill feels the County should continue to accept roads. Commissioner Webb asked Mr. Daugherty about the counties that have higher road standards than Collin County, and would it be possible to raise our road standards. Mr. Daugherty said that is something that would be discussed with subdivision regulations revisions. Commissioner Williams said she would object to any efforts to demand developers build anything with higher standards than the standards the County follows to build its own roads. Commissioner Webb agreed saying he would not adopt something and not require the County to be accountable also. There was a brief conversation regarding improving the County's standards which could reduce maintenance costs.

Bill Bilyeu, County Administrator, said, according to CAD (Collin Central Appraisal District) there were only 150 properties annexed last year which means it has slowed down. An exception is Celina which signed a lot of predevelopment agreements before the annexation law came into effect. As those properties are developed they will go inside the city. Also the Dynavest MMD (Municipal Management District) properties will go inside the city, and that will be hundreds, if not thousands, of homes. Mr. Daugherty predicts what will slow down is the annexation of county roads – not subdivision roads, and any new subdivision roads will probably be concrete. With no further discussion, a motion was made to reaffirm the current policy. (Time: 3:17 p.m.)

Motion by: Commissioner Cheryl Williams

Second by: Judge Chris Hill'

Vote: 4 – 1 Passed

Nay: Commissioner Duncan Webb

COURT ORDER NO. 2019-317-04-22

11. AI-46384 Information Technology Building Standards, Information Technology.

Caren Skipworth, CIO, came forward to request the Court provide direction and set a standard for implementation of building access control and security cameras as part of any new construction or building renovation within the county.

For the building in Lavon, Ms. Skipworth recommended perimeter security cameras internally and externally as well as cameras within the countertops required for PCI (Payment Card Industry) compliance. Ms. Skipworth also recommended a camera within the courtroom for security purposes with a panic button. There are 12 doors for this building and most are internal going into employee areas, courtrooms, and jury rooms. There would be keycard access on both internal and external doors which is consistent with all current facilities. Commissioner Webb would like an interior camera looking out the entrance door for facial recognition of anyone coming into the building. This would add a ninth camera to the Lavon building.

With no further discussion, a motion was made for approval of security and camera standards for all new construction and major renovation projects to include perimeter security cameras internally and externally, cameras within the countertops for PCI compliancy, cameras within courtrooms initiated by a panic button, building access entry for all internal and external doors, and cameras to capture all public entries into buildings. (Time: 3:21 p.m.)

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

COURT ORDER NO. 2019-318-04-22

12. AI-46402 Designation and ballot drawing of nine public members (in lieu of nine elected officials) and thirty-one alternate members from the 2018 Grand Jury members to be appointed and serve on the 2019 Salary Grievance Committee and any action, Commissioners Court.

The Court drew nine names from the ballot box to serve as public members of the 2019 Salary Grievance Committee. The nine individuals drawn to serve as public members are Robert McLain, Valerie Johnson, Rosalind Cacurak, Terry Bryant, Jose R. Flores, William Michael Wueller, Yvonne Leffel, James Hamilton and Bryan Weber.

The Court then drew 31 names from the ballot box to serve as alternate members of the 2019 Salary Grievance Committee. The 31 individuals drawn to serve as alternate members are Henry Nguyen, Cathy Hill, Amy Dryden, Eric Herfield, Charmel D. Christensen, Phillip Fowler, Sean Wassung, Lloyd Shaw, LaToya Taylor-Randle, David Willenborg, Kyle Kepner, Paul Johnson, Francisca Ponce, Cynthia McNeill, Teresa McHale, Lee Harper, Mara Ibex, Russell Cruz, Peggy Larson, Tracie Baer, Valerie Hanon, Louise Chen, Robert Thompson, Shadi Ebrahimi, Meredith Jenson, Terry Walker, Vicki Vaughn-Fruege, Christie Smith Goheen, Tara Lopez, Paul A. Andrae, and Julie Ewing. With no further discussion, a motion was made to approve the item. (Time: 3:41 p.m.)

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

COURT ORDER NO. 2019-319-04-22

13. AI-44358 Conference of Urban Counties Update, Commissioner, Precinct 1.

Commissioner Fletcher updated the Court on the Policy Committee meeting of the Conference of Urban Counties. There were two planks added to their policy platform. The first was to oppose any further erosion in the ability of local governments to hold violators of environmental laws and regulations accountable. The second was to oppose any measure that interferes with the authority of a county to select its legal counsel and establish the terms of representation. There was a lot of discussion on both of these. It was not just related to environmental issues, but also to the opioid crisis, water code, the AG's (Attorney General) ability to review authority, and where the line is between local government and the State.

There was a lot of discussion regarding HB2 and SB2. CUC (Conference of Urban Counties) has decided they will continue their course. They are seeking a floor of five percent, and they would not vigorously oppose anything more than five percent. There was no official vote on this, but they did mention every time they were to make changes they saw a response from either the House or Senate. If CUC complained about one side, then they would see more regulation from the State. They decided to stay the course, and no one put forward a motion. However, there was a suggestion made by Bill Magers, Grayson County Judge, to come up with a number. This was met with much disapproval from the Board, so he did not carry that motion forward.

The next item of interest was Senator Bettencourt's bill, SB2337. Previously, TIF (Tax Increment Financing) payments were not counted towards the 3.5%, and now they are. That could directly impact Collin County. The Commissioner suggested asking the Auditor/Budget to look at those numbers and see what the impact would be on the County for future budgeting.

HB861 was passed by the House while the CUC meeting was going on. This bill is about protesting property tax bills. The bill states if someone is coming back and protesting their property tax value, they would not have to pay any penalties or fees until 60 days after the determination was made final. The Commissioner is not concerned about individual homeowners. However, if a large commercial entity gets tied up in litigation for years, this could be a problem. She hoped the bill would include something stating that the owner would have to at least pay what they paid last year until it is settled, but that language was not in the bill. This is of concern and the Commissioner suggested following up on this to see how it could affect the County.

There was a lot of discussion about vote centers which Collin County already has. There was concern about now not having a straight party voting system and how many machines would be needed. They talked about a uniform election date and how to prepare for that. The Commissioner wants to make sure we are prepared for this for the next election, and she thanked Bruce Sherbet, Elections, and our Election Department for being prepared.

Judge Hill brought up SB2 and HB2 and said, whatever the amount is, it shouldn't be a fixed rate. It should be a formula driven rate such as population plus inflation. The Judge asked if there was any number that colleagues in other counties would accept. Commissioner Fletcher said the Policy Committee did not want to adopt 5% but also would not vigorously oppose it.

Commissioner Webb said the Court recently approved payments to Frisco and Plano's TIF totaling \$3 million, and there are tax notes on top of that. Commissioner Fletcher suggested having staff look at the implications and advise the Court. Commissioners Court has set an incredible example of fiscal stewardship in Collin County, but these are things that could significantly impact the County moving forward.

Commissioner Hale asked if there was any discussion regarding the extra sales tax. Commissioner Fletcher said there was a comment made that, if the federal government said it was going to adjust the severance tax, there would be pandemonium at the state level. Commissioner Fletcher thinks the most concerning item was the TIF payments, and how that will affect the County in the future. (Time: 3:41 p.m.)

NO ACTION TAKEN

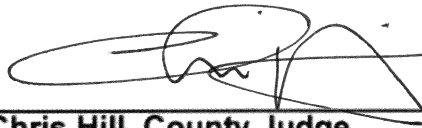
14. AI-45660 86th Legislative Agenda for 2019, Commissioners Court:

- a. Proposed Magistrate Bill
- b. Additional District Courts
- c. Creation of the Van Alstyne Municipal Utility District No. 2
- d. Creation of the North Celina Municipal Management District No. 3
- e. Lakehaven Municipal Utility District of Collin County
- f. Collin County Municipal Utility District No. 2
- g. Walker Farms Municipal Utility District
- h. SB2/HB2
- i. HB 1245
- j. HB 705
- k. Texas CUC – Principles of the Urban Counties Policy Platform
- l. Texas CUC – Bills Filed
- m. Any other legislative items

15. Future agenda items without discussion.

EXECUTIVE SESSION

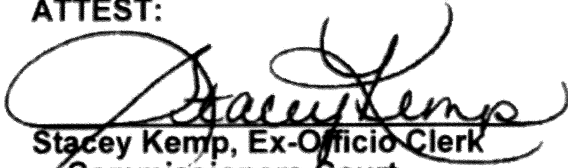
The Court did not recess into Executive Session. There being no further business of the Court, Judge Hill adjourned the meeting at 3:42 p.m.



Chris Hill, County Judge



ATTEST:



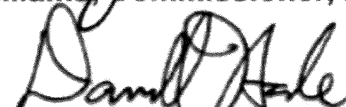
Stacey Kemp, Ex-Officio Clerk
Commissioners Court
Collin County, T E X A S

Not Present

Susan Fletcher, Commissioner, Pct. 1



Cheryl Williams, Commissioner, Pct. 2



Darrell Hale, Commissioner, Pct. 3



Duncan Webb, Commissioner, Pct. 4