

State of Texas	§	Court Order
Collin County	§	2020-917-09-21
Commissioners Court	§	

**An order of the Commissioners Court approving the filing of the August 17, 2020 minutes.**

On Monday, August 17, 2020 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

Absent: Commissioner Duncan Webb, Precinct 4

Judge Hill led the invocation

Commissioner Hale led the Pledge of Allegiance

Commissioner Williams 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 recessed at 3:37 p.m. The Judge reconvened the meeting at 3:44 p.m. Judge Hill recessed the meeting 5:14 p.m. and reconvened at 5:14 and immediately recessed into Executive Session. Judge Hill reconvened the meeting at 5:58 p.m. and adjourned at 5:59 p.m.

President Hill called to order the meeting of the Collin County Health Care Foundation at 5:14 p.m. and adjourned the meeting at 5:14 p.m.

President Hill called to order the meeting of the Collin County Toll Road Authority at 5:14 p.m. and adjourned the meeting at 5:14 p.m.

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

1. AI-48913 Personnel Appointments, Human Resources.
2. AI-48914 Personnel Changes, Human Resources.

#### **FYI NOTIFICATION**

1. AI-48858 P-Card disbursements, Auditor.
2. AI-48868 Intra-County transfers transmitted on July 17, 2020, Auditor.
3. AI-48866 Intra-County transfers transmitted on July 23, 2020, Auditor.
4. AI-48883 Intra-County transfers transmitted on July 31, 2020, Auditor.
5. AI-48894 Addendum No. 1 to Road Materials, Cement Treated Base & Cement Stabilized Backfill (IFB No. 2020-241) to make various changes to the Invitation for Bid, Purchasing.
6. AI-48895 Addendum No. 1 to Onsite Grinding, Mulching & Removal of Debris (IFB No. 2020-243) to make various changes to the Invitation for Bid, Purchasing.
7. AI-48912 Affidavit for supplemental salaries utilizing the Sheriff's Office Federal Forfeiture Fund and budget amendment in the amount of \$3,598 for same, Sheriff.

**2. Public Comments.**

**3. Presentation/Recognition.**

- 4. Consent agenda to approve:** Judge Hill pulled item 4k5 and asked for comments on the consent agenda. Hearing none, a motion was made to approve the remainder of the consent agenda. (Time 1:33 p.m.)

Motion by: Commissioner Susan Fletcher

Second by: Commissioner Cheryl Williams

Vote: 4 – 0 Passed

- a. AI-48870 Disbursements for the period ending August 11, 2020, Auditor.

COURT ORDER NO. 2020-735-08-17

- b. AI-48871 Indigent Defense Disbursements, Auditor.

COURT ORDER NO. 2020-736-08-17

**c. Tax Refund(s):**

1. AI-48844 Tax refunds totaling \$92,179.40, Tax Assessor-Collector.

COURT ORDER NO. 2020-737-08-17

2. AI-48881 Tax refunds totaling \$577.14, Tax Assessor-Collector.

COURT ORDER NO. 2020-738-08-17

**d. Advertisement(s):**

1. AI-48906 Veterinary and Animal Care Supplies (IFB No. 2020-244), Development Services.

COURT ORDER NO. 2020-739-08-17

**e. Award(s):**

1. AI-48903 Engineering Services, Geotech and Materials Testing for Roads and Buildings (RFQ No. 2020-200), and further authorize the Purchasing Agent to finalize and execute the Professional Services Agreement for same, Engineering.

COURT ORDER NO. 2020-740-08-17

2. AI-48769 ArcGIS Software Maintenance (Coop Quote No. 2020-369) to Environmental Systems Research Institute, Inc., utilizing DIR Coop Contract No. DIR-TSO-3446, Information Technology.

COURT ORDER NO. 2020-741-08-17

3. AI-48867 Road Materials: Cement Treated Base & Cement Stabilized Backfill (IFB No. 2020-241) to Martin Marietta Materials, Inc., Public Works.

COURT ORDER NO. 2020-742-08-17

**f. Agreement(s):**

1. AI-48897 Interlocal Jail Services Agreement (Agreement No. 2020-371) with the Town of St. Paul effective October 1, 2020 through and including September 30, 2021, Sheriff.

COURT ORDER NO. 2020-743-08-17

**g. Amendment(s):**

1. AI-48862 No. 2 to Interlocal Agreement for Jail Services (Agreement No. 2019-085) with Wise County to extend the contract for one (1) year through and including September 30, 2021, add force majeure to the terms and conditions, and further authorize the Purchasing Agent to finalize and execute same, Sheriff.

COURT ORDER NO. 2020-744-08-17

2. AI-48879 No. 2 to Preparation of final plans, specifications and estimates (PS & E) for the Collin County Outer Loop, Segment 3B East of Preston Rd (SH 289) to Custer Rd (FM 2478) (Contract No. 2019-269) with Jacobs Engineering Group, Inc. to add the preparation of easement documents and right-of-way staking for fence relocations, and further authorize the Purchasing Agent to finalize and execute same, Special Projects.

COURT ORDER NO. 2020-745-08-17

3. AI-48901 No. 3 to Election Voting System & Services (Contract No. 2018-241) with Election Systems & Software, LLC to make various changes to the contract and further authorize the Purchasing Agent to finalize and execute same, Elections.

COURT ORDER NO. 2020-746-08-17

4. AI-48771 No. 3 to Software Maintenance, Records Management System (Contract No. 2013-019) with MCCi, LLC, utilizing BuyBoard Contract No. 544-17, to extend the contract for one (1) year through and including September 30, 2021, and further authorize the Purchasing Agent to finalize and execute same, Information Technology.

COURT ORDER NO. 2020-747-08-17

5. AI-48774 No. 10 to Voter Registration & Early Voting Software (Contract No. 02376-09) with VOTEC Corporation to extend the contract for one (1) year through and including September 30, 2021, make various changes to the contract, and further authorize the Purchasing Agent to finalize and execute same, Information Technology.

COURT ORDER NO. 2020-748-08-17

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

1. AI-48878 \$17,845 to reallocate funds for the Spay/Neuter Program, Development Services.

COURT ORDER NO. 2020-749-08-17

2. AI-48907 \$2,456 to reallocate funds for the Spay/Neuter Program, Development Services.

COURT ORDER NO. 2020-750-08-17

3. AI-48904 \$70,267 for the purchase of emergency riot gear, Sheriff.

COURT ORDER NO. 2020-751-08-17

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

1. **AI-48863** Monthly financial reports for June 2020.

COURT ORDER NO. 2020-752-08-17

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

1. **AI-48888** July 27, 2020.

COURT ORDER NO. 2020-753-08-17

**k. Miscellaneous**

1. **AI-48905** Temporary Construction Easement for the Justice of the Peace and Constable, Precinct 2 building in Lavon, Construction & Projects.

COURT ORDER NO. 2020-754-08-17

2. **AI-48896** Acceptance of the 2020 Help America Vote Act (HAVA) Election Security Sub-Grant from Texas Secretary of State in the amount of \$120,00 with a required county match of \$16,000, Elections.

COURT ORDER NO. 2020-755-08-17

3. **AI-48898** Increase election worker pay and pay a one-time payment to election judges, alternate judges, and election clerks for attending election worker training courses for the November 5, 2020 General and Special Elections, Elections.

COURT ORDER NO. 2020-756-08-17

4. **AI-48899** Upgrade of 10 new iPhones, and purchase of 120 new iPhones and monthly phone service costs, Elections.

COURT ORDER NO. 2020-757-08-17

5. **AI-48900** Appointment of Election Judges and Alternate Election Judges effective August 17, 2020 through and including July 31, 2022 pursuant to Section 32.002 of the Texas Election Code, Elections.

Judge Hill said this item is for the appointment of Election Judges and Alternate Election Judges. The Judge provided the Court with an amended proposed court order. The election code provides that Commissioners Court must appoint the presiding Election Judges and the Alternate Election Judges from a list provided by both political parties. Colin County is different because there are voting centers. Therefore, the language to the order was changed to say the Court is approving lists of Election Judges instead of appointing them. Following today's meeting, before

the election, people from the lists will be assigned as Alternate Judges and others as Presiding Judges. The Judge moved for approval of this item with the amendment. (Time: 1:34 p.m.)

Motion by: Judge Chris Hill

Second by: Commissioner Darrell Hale

Vote: 4 – 0 Passed

**COURT ORDER NO. 2020-758-08-17**

6. **AI-48908** Redesignation of Private Roads in Desert Creek RV Estates with associated address updates, GIS/Rural Addressing.

**COURT ORDER NO. 2020-759-08-17**

7. **AI-48902** Grant application for the FY 2021 Mentoring Program for Youth grant through the U.S. Department of Justice, Office of Juvenile Justice & Delinquency Division Prevention, Juvenile Probation.

**COURT ORDER NO. 2020-760-08-17**

8. **AI-48884** 2021 Holiday Schedule, Human Resources.

**COURT ORDER NO. 2020-761-08-17**

9. **AI-48915** Personnel Appointments, Human Resources.

**COURT ORDER NO. 2020-762-08-17**

## **GENERAL DISCUSSION**

5. **AI-48836** Reassignment of three (3) Deputy Sheriff positions (pay grade 556) from Sheriff's Office 50001 to Jail Sergeants (pay grade 556) Jail Operations 50030, Sheriff.

Jim Skinner, Sheriff, said this is a request to move three training and compliance officers under the direct supervision of the jail administrator. Their jobs will not change, and the officers will move training to the jail where all their observations take place. In order to be efficient, it is requested that these positions are moved to the Jail Operations budget. Judge Hill asked if these are deputies that would normally be on patrol. Sheriff Skinner said they are not. (Time: 1:37 p.m.)

Motion by: Judge Chris Hill

Second by: Commissioner Cheryl Williams

Vote: 4 – 0 Passed

**COURT ORDER NO. 2020-763-08-17**

6. **AI-33858** Regional Transportation Council monthly update, Commissioner, Precinct 4.

Judge Hill said Commissioner Webb was scheduled to give an update on this item but could not be present for the meeting. The Judge said the information from the meeting is in the packet. (Time: 1:38 p.m.)

**NO ACTION**

7. **AI-48410** COVID-19 Update, Administrative Services.

Bill Bilyeu, County Administrator, said the State has been working through logistical issues with their software package to get case counts correct. Because of the issues, lower case counts were to be expected. The County epidemiologist looked at Collin County's active cases and determined there are 639 unique case investigators working on files out of Collin County. This would be fourteen cases per investigator. In June, Collin County had 259 unique investigators and is now up to 639. Judge Hill said the fourteen cases per 639 unique investigators does not reconcile to any of the numbers reported. Mr. Bilyeu said this is based on the case count as of August 17, 2020. The Judge said the reported case numbers would still not amount to the fourteen cases per 639 unique investigators. Mr. Bilyeu said the State doesn't close out cases like the County does once fourteen days have elapsed. Judge Hill said this is the reason why he didn't want the State to take over. Mr. Bilyeu said the State has reported they have had technology issues in moving lab reports into their system for distribution to counties. Due to the issues, there were months or weeks when there were no cases or a very minimal number reported. Whether Texas Trace or Collin County handled those cases, they were not coming into the system for reporting. The Judge asked if there were cases that were never communicated to the County even before the State took over the reporting. Mr. Bilyeu said that was correct. Commissioner Hale said the County does review cases coming out of NEDSS (National Electronic Disease Surveillance System), and there are cases the Collin County Health Department contacts. Mr. Bilyeu said those are the 223 facilities the County deals with like daycares or nursing homes. The Judge said there are 4,500 active cases today, but this information is 100% inaccurate because the State isn't taking recoveries off the case count. Commissioner Williams said neither the County nor the State have trustworthy data, and it is frustrating because people are trying to make policy based on this data. The County shouldn't try to convince anyone the numbers are accurate and should make it clear that they are inaccurate. The Court had a discussion regarding reporting and data.

The Judge asked, if it has been established that the County dashboard is 100% inaccurate, what is the expected date for there to be a degree of certainty greater than 0%. Mr. Bilyeu said they should be at that level of confidence within a day or two. Before, if one member of a household was sick and another member showed the symptoms they would not have the other member tested. The County was aware of the untested possible positive case, but it was not counted as a positive because they were not tested. In this case, we knew the dashboard never represented a true case number count. The system will show which people have tested positive. Mr. Bilyeu said everyone is doing the best they can and, based on the reported positive cases, the County would have not been able to staff those numbers.

Judge Hill said he has zero confidence in the numbers presented in the County dashboard. The Judge made a motion consistent with today's discussion that the Court removes the County dashboard because we have lost confidence in the numbers reported by the State of Texas. Commissioner Williams seconded the motion.

Commissioner Fletcher said, before a vote is taken, the Court must consider the amount of panic this may cause Collin County citizens. The Court should consider a type of disclaimer that informs citizens Collin County will report the State's data but there is no confidence in the data. Judge Hill said data is taken from the State's dashboard and then Collin County populates the dashboard but makes changes to it. Mr. Bilyeu said the County only changes the number of recovered cases. The Judge asked if the State would then use the number Collin County populates to update their dashboard. Mr. Bilyeu said the State does count recovered cases and will eventually align with Collin County's recovered cases number. Commissioner Hale said he understood the State would take the numbers from the Collin County dashboard. Mr. Bilyeu said that is incorrect, and deaths were the only number the State was taking from the County's dashboard. Commissioner Williams said she is concerned probable cases are being counted as active, and there has been no consistency in the State's reporting of COVID-19 data. Judge Hill said, when he met with the Governor's Chief of Staff, he was assured the probable cases would be not be counted and would be up to the County to report. There was a brief discussion regarding data reporting.

Judge Hill said, since the State took over the reporting, it is unknown if they count probable cases. It is expected that they are counting probable cases because that is the directive the State put out in May. This drives the narrative and the dollars. There is no connection to the numbers pre or post June 1, 2020. There have been stories about people going to get tested, leaving prior to getting tested, and then receiving a letter stating they were positive. We are doing a disservice to our community by putting these inaccurate numbers on the dashboard. Prior to June 1, 2020, the County only reported hospitalizations of Collin County residents. However, now the number reported is how many people are in Collin County hospitals regardless of what county the patient may be from.

Mr. Bilyeu said there are cities that use the County's data to update their own dashboard downloads. Commissioner Williams asked if there is anything that would prevent the cities from getting the downloads from the State instead. Mr. Bilyeu said the cities don't have access into the Texas Trace System to get the information. Judge Hill said the County could continue to get the data from the State and give it to the cities. The alternative is to keep the County dashboard but inform the public that the Court does not trust that the data is accurate. Commissioner Fletcher said she would prefer that option. Providing the data, even if it's not trusted, gives the public a comfort level she is not willing to take from them. The main concern is the public and the amount of panic taking the dashboard down would cause. Judge Hill said it is important to be mindful of the public because there is a portion of the population that is racked with fear and anxiety. There are others who have no problem, concerns, or fears with it. The County doesn't have another option. Even if case and contact tracing is taken back, the numbers are exponentially higher, and the County would not have the capacity to do so. Mr. Bilyeu clarified all lab data comes from the State and, whether the County or State reports it, it is the same data. Commissioner Williams said she has no problem with leaving the dashboard live, but there must be a disclaimer stating the data is inaccurate.

Commissioner Fletcher said the disclaimer could state, "Collin County is listing these numbers as a convenience to our residents. They are derived from the State's numbers. Based on certain evidence, we do not have confidence in the numbers." Commissioner Williams said the other issue is the time spent on the dashboard. Judge Hill said he is inclined to leave the motion to remove the County dashboard. Commissioner Fletcher said an average citizen

will then have to use the State's website and figure out how they can get the data. The citizens go to the County's website to get the State's data and, by removing the dashboard, we will no longer provide that convenience. The citizens deserve to know the information the County knows with the proper disclaimers. Judge Hill said the dashboard has a tab with downloads and disclaimers that the cities could use to get their data. The dashboard could then be replaced with a disclaimer stating the Court elected to discontinue the daily dashboard due to problems with the accuracy of the data but will continue to pass along State data for anyone who would like to review it. Commissioner Fletcher said the website should be kept the way it is with the dashboard and a disclaimer. Commissioner Williams suggested leaving the dashboard up with an advisory to see what type of feedback the Court receives. Commissioner Hale said the secondary aspect is how much work the Health Department is doing to try to clean up the data. The website could be mirrored to what the State provides and relieve the Health Department from having to clean up the State's data. Judge Hill asked Commissioner Fletcher if she would like to propose a motion to add a disclaimer to the County dashboard. Judge Hill withdrew his previous motion to allow Commissioner Fletcher to proceed.

Commissioner Fletcher proposed having a warning or disclaimer on the dashboard stating, "Collin County is providing COVID-19 numbers and data as a convenience to our residents. However, because we have been made aware of the inaccuracies in State reporting, we must advise that Collin County has no confidence in the accuracy of the data currently being provided by the State." The Judge suggested including the DSHS (Department of State Health Services) is providing the data and adding the disclaimer in a red banner. Commissioner Fletcher agreed to the Judge's suggestions. Mr. Bilyeu said leaving the dashboard up is probably a good option since the site has had 1.4 million hits. (Time: 2:45 p.m.)

Motion by: Commissioner Susan Fletcher

Second by: Commissioner Cheryl Williams

Vote: 4 – 0 Passed

#### COURT ORDER NO. 2020-764-08-17

Mr. Bilyeu said the only other update under this item is that the court system will not be open in full until October 1, 2020. (Time: 2:46 p.m.)

#### 8. AI-48414 Utilization of CARES funding, Commissioners Court.

Bill Bilyeu, County Administrator, said the housing, utilities, and food cards still have the same number of applications coming in. All food pantries and cities have been contacted and encouraged to get their applications submitted. The food pantry program is at \$5 million, and it will likely increase by approximately \$1-\$3 million. ISDs (Independent School Districts) and Charter Schools have been corresponding with the Court members asking about access to CARES (Coronavirus Aid, Relief, and Economic Security) Act funding. TDEM (Texas Division of Emergency Management) verified that it has not given the ISDs and charter schools direction to seek funds from

the County. Tarrant County was also contacted and said school operations are a state function and the state has money available for that. The City of Plano did use part of their CARES Act funding to help Plano ISD, but it was not a direction from the State. It is easier to reach out to a city or county for CARES Funding as opposed to going through the grant process. The State's grant process is open and will remain open for school districts to apply.

Mr. Bilyeu said Kerry Shulman, Business Process Engineer, has had discussions with the National Council for Community Development and put together a questionnaire for the Court. All the cities were contacted to determine where they are in their own grant process. The Court was provided with information regarding the amounts each city offered for business grants. The three bigger cities were oversubscribed, which means they received more requests than they had funding. There were smaller cities that didn't have enough money to run the business program with CARES Act funding. Mr. Bilyeu said they will need the Court to decide how much funding will be spent for the small business program and go through the questionnaire. Based on direction from the Court, a criteria will need to be composed and the goal is to have a contract prepared in order to build the grant process by next week. Then the program will need to be marketed for a couple of weeks, and deadlines for the applications will need to be set. Once the contract is complete, a portal will be built and applicants will be scored. The payments could be made once the recipients are approved by the Court.

Mr. Bilyeu said the Court will need to determine the amount that will be allocated to this program. Commissioner Williams said the funding level depends on the geographic area, and unincorporated areas should be included along with cities that did not have direct expense allocations. The Court could also consider cities that may have been oversubscribed. Commissioner Hale said cities with a population of less than 25,000 could join the unincorporated areas of Collin County for this program. Another amount could be allocated back to the larger cities who were oversubscribed. Commissioner Fletcher said it would be more efficient to allow the cities to continue to do what they have been doing.

Maureen Milligan, NDC (National Development Council), said the City of Frisco had allocated \$3.1 million to the program, and there was much more need than availability of funds. All unfunded applications that were submitted on time are sitting with Zoom Grants which could quickly be reviewed in order to disburse the funds. The cities recognized they might change the length of time a business needed to be in operation and open the application to home-based businesses for the second round of funding. Commissioner Williams said, if Collin County is creating its own program with its own criteria, why could those application not come directly through it instead of through the city. Ms. Milligan said, if the County program doesn't align with the criteria used by the cities, they would not have the benefit of being able to quickly fund applications that are already in Zoom Grants.

Commissioner Fletcher said the funds should only be for businesses in Collin County and asked if they would be able ensure this. Ms. Milligan said the businesses are mapped out in order to determine if they are Collin County businesses. Judge Hill asked if an applicant's profile who has already used the program through their cities could be transferred onto the new Collin County program. Ms. Milligan said she would need to verify this with Zoom

Grants. The profile built in Zoom Grants could be used to apply for different applications. The Court had a discussion regarding the criteria.

Baine Brooks, City of Allen Council Member, said he is a small business owner and was able to see the disbursement side of the program. This program has been very impactful in Allen. There was \$3 million disbursed to businesses at \$25,000 each. The program was based on a scoring mechanism, and the businesses with better scores received the grant more quickly. The City of Allen was short by approximately 40 grants that did score well enough to receive one. There are some home-based businesses that have reached out because they were not allowed to be a part of the program. Mr. Brooks said he would like to see funds go to the 40 grants that were unfunded if there were to be a second round of CARES Act funding. There was feedback from applicants stating the application process was difficult. Mr. Brooks thanked the Court for recognizing the need and getting the funds out quickly. Commissioner Hale asked Mr. Brooks if it would be better to provide funding into the existing programs or to have a County-wide program and move the data from existing applications. Mr. Brooks said the program is already set up with the cities, and the equity level would stay the same. In his opinion, the first 40 qualified but unfunded applicants would get funding first and then it would open up for additional applicants.

Commissioner Hale read an email from Mayor George Fuller, City of McKinney, expressing his appreciation for the Court regarding how the difficult conditions surrounding the pandemic have been handled. The Commissioner said the quickness in getting the funds out has been the important part. Mayor Nate Pike, City of Anna, has also said moving through their own existing program would be quicker than trying to navigate an additional program. The City Manager of Farmersville and Mayor John-Mark Caldwell, City of Princeton, are considering their own programs and would appreciate the Court moving expediently to provide the funds. A discussion followed regarding the many businesses that may have been excluded from the cities' grant programs. Judge Hill thanked Mr. Brooks for addressing the Court and for his leadership in Allen.

Judge Hill recessed Commissioners Court at 3:37 p.m. for a short break and reconvened the meeting at 3:44 p.m. Judge Hill said the task for the Court is to build the framework for what a potential small business grant program could look like across the County. Judge Hill suggested a maximum grant amount of \$25,000 and creating Collin County program to be administered by the County. The Court members agreed. Mr. Bilyeu recommended not using the scoring system. If money is available, a business either qualifies or doesn't. There was a brief discussion regarding business that have already received grants from non Collin County funds but have incurred new expenses. Judge Hill asked Ms. Milligan if Zoom Grants has the ability to determine if an applicant has received funding from either CDC (Center for Disease Control) funds or Collin County CARES Act funds. Ms. Milligan said all the applicant information is retained and Zoom Grants tracks what the funding source was. Zoom Grants could easily determine if they had applied for \$25,000 but had additional expenses. Commissioner Hale said, as long as the need is not for duplicate expenses, the grant should be authorized.

Judge Hill said the Court would go through the provided questionnaire. It was suggested to have a short pre-application screening period of low intensity to determine eligibility. Ms. Milligan said the pre-application period

would be for everyone to get ready for the full application, and it allows applicants to calculate the funding amount they may be eligible for which in turn would help the Court estimate the amount of funding needed for the program. Survey Monkey is a platform used as a pre-application eligibility questionnaire with approximately 25 eligibility questions. If any of the questions are answered incorrectly, the user will be directed to a page informing them they are ineligible for the program. The questionnaire also has geographic questions which provides data about the needs in the community. This survey will be open for a week or two, and then the businesses will be screened and invited to apply based on their eligibility certifications. Judge Hill asked if the pre-application is required, or could an applicant elect to go straight to the application. Ms. Milligan said it could be done with or without the pre-application screening, but she recommended requiring the pre-screening survey because applicants do have a degree of desperation and will apply for programs they are not eligible for. A downside to Zoom Grants is each application has to be reviewed manually, and it does not automatically determine eligibility. Once eligibility is determined, a private link to the grant application will be sent to the eligible applicant. There was a brief discussion regarding the application period.

Judge Hill asked for any thoughts on what the eligible geographic area would be for the grant. Commissioner Williams said the area would need to be County wide aside from the City of Dallas. Mr. Bilyeu asked whether a business would qualify if their corporate office is in Collin County but their operating location is Dallas. Commissioner Hale said the expenses must be incurred in Collin County to be eligible. Ms. Milligan said a business could provide a certification ensuring the expenses are related to operations within Collin County. Commissioner Hale said a business could provide a BPP (Business Personal Property) or a sales and use tax permit to verify operating location because those documents are based on location. Judge Hill said it may be get complicated for businesses who provide services outside of Collin County. Commissioner Fletcher suggested having a requirement that more than fifty percent of the business is based in Collin County. Ms. Milligan said the cities didn't distinguish operation location from a headquarter location. Regardless of operating and headquarters location, the business will still have an economic impact in the County. Judge Hill said the criteria would be a business within Collin County except for the City of Dallas.

Judge Hill asked which businesses would be eligible, and Commissioner Williams thought eligibility would be based on a maximum number of employees. Commissioner Hale said the maximum could be 100 employees. The Court agreed to that number. Judge Hill asked about a gross revenues cap, and Mr. Bilyeu said a \$5 million cap would keep the program for small businesses. Ms. Milligan recommended requiring a DBA (Doing Businesses As) to be filed and to also provide a business tax return. For the city program, a DBA was not an eligibility requirement but it was needed before disbursement was issued. Judge Hill asked what the continuous operation period should be for qualification, and the Court agreed to six months prior to March 1, 2020.

The next question was whether there should be a maximum number of business locations per owner. Commissioner Hale suggested having a limit of three business locations per owner, and the Court agreed. The Court decided not to set criteria for business organization styles or whether the business must be a physical, publicly

accessible location. The Court also did not elect a gross revenue loss amount. After a brief discussion the Court determined the program would have a \$5,000 tier and a \$25,000 max.

Judge Hill asked for guidance on how the expenses could be estimated. Ms. Milligan said expenses would be actual expenses and not estimated expenses. For the tri-city program, the applicants had to document that they had suffered a negative economic impact, and the size of the grant was based on average expenses for a three-month period. Ms. Milligan recommended the use for grant funds be as broad as possible. Judge Hill said he would recommend staying silent on the use of grant funds. Mr. Bilyeu said that would work for the \$5,000 tier. However, if a business applies but has canceled their lease, is no longer operating, let all of their employees go, and has no utilities, a payment would not be justifiable. The purpose of the program is to keep a business open, not to reimburse for a business that is not ongoing. Ms. Milligan said the Court should be cautious because there have already been prosecutions with PPP (Paycheck Protection Program) for applicants not using funds for business related expenses.

The next question was the time period expenses were incurred. Ms. Milligan said this is when the profit and loss statement is used. Judge Hill said expenses would be eligible if they were incurred from March 1, 2020 until the application date. Ms. Milligan said it would be difficult if a business owner is given the option of how much documentation to submit because it would be unclear if their application is complete. Some of these business owners will be rushed to complete their application. Commissioner Hale said he would like for the period to be as long as possible in order to help businesses who may have deferred expenses for ninety days. Ms. Milligan said the applicant would need to provide the agreement with the lender stating the expense is incurred but deferred and the expense is within the eligible period. Commissioner Fletcher said she would prefer to only provide for actual incurred expenses at the time of the application as opposed to future ones. The Commissioner said she wouldn't want to pay for future expected expenses and still have a business fail. Judge Hill suggested using the application date.

The Court agreed to exclude PPP loans and Economic Injury Disaster Loans from ineligibility. Judge Hill said the same thing was decided with item number three on general ineligibility. Numbers four, five, and six were elected, and number seven was not elected. Number eight is businesses not in full compliance with County or local ordinances. Judge Hill asked what this meant. Mr. Bilyeu said a business could be in violation of a sign ordinance, and the city has been litigating and fining them in order to get it in compliance. These businesses could be difficult to identify but, if there are specific known businesses, they could be shared with the NDC. Mr. Bilyeu suggested leaving this criteria open ended. Commissioner Williams said, if this is a County program, she is not sure the program will need to police city ordinances. Commissioner Hale asked if the NDC has a list of non-compliant businesses used for the tri-city program. If this criteria were open ended, the city will have the ability to approve or deny the applicant based on compliance. Mr. Bilyeu said this piece would be in the pre-screening survey. The Court agreed to elect item number eight.

Mr. Bilyeu said item number nine is regarding money due to a government entity or corporation. The item was not elected. The Court elected item ten which was for businesses in default or arrearage on past or current federal or

state financing or funding programs. Judge Hill asked if the NDC has that data in their system. Ms. Milligan said they perform three different federal checks: CAIVRS (Credit Alert Verification Reporting System), OFAC (Office of Foreign Assets Control), and the System for Award Management. Items number eleven, twelve and thirteen were elected. Item number fourteen would exclude persons or businesses with conflict of interest, including elected officials, board-appointed officials and Collin County employees from the program. Commissioner Williams said this should only apply to County elected officials. Judge Hill said he thinks it should only be the five Court members. A County employee could be eligible as long as it's established that the Court members are not determining their eligibility. Mr. Bilyeu said the Court members will need to approve each disbursement. Judge Hill asked if this would then disqualify all County employees. Commissioner Fletcher asked if the list of approval disbursements will specify it is for a County employee. Commissioner Williams said County elected officials and all County full-time employees would be a conflict of interest. The Court members all agreed with this stipulation.

The Court reviewed a list of business types that are considered ineligible based on other program criteria. Non-profits, lobbying, and political organizations, government/taxing agencies, and franchises were all determined as ineligible businesses. Home-based businesses were elected as eligible. E-commerce, banks, lending and financial institutions, payday loan, and title loan businesses were elected as ineligible. Mr. Bilyeu said businesses involved or affiliated with personal or corporate indictment, or the arraignment or conviction of criminal offenses is also difficult to determine but could be included in the pre-screening survey. The Court agreed. Multi-level marketing businesses and rental/income producing properties were elected to be ineligible. Grocers and unprepared food or produce vendors were elected to be eligible. Gas, convenience stores and pawn shops were elected ineligible. Medical providers have been covered in other ways. Sports teams were marked as eligible. Any businesses that operate as an age-restricted business would be ineligible except for firearm dealers.

The business must be willing to provide a certification of business continuity to Collin County within 90 days of disbursement of grant funds. The business must also disclose any funds applied for or received from the SBA (Small Business Administration), FEMA (Federal Emergency Management Agency), or other federal assistance programs.

Judge Hill said the Court was not prepared to enter into any contract or take a vote. Mr. Bilyeu said a vote will not be needed, and the consensus will allow for a document to be prepared for next week's meeting. There may need to be a special meeting to approve the program because of the Labor Day holiday. Commissioner Hale said a dollar amount was not allocated for the funding of the program. Judge Hill suggested \$15 to \$20 million to start. Mr. Bilyeu asked if the \$25,000 max would be a total or would it be a combination of other grant amounts the businesses may have received through the city programs. Commissioner Hale said the \$25,000 would be a total for the County program as long as they are different expenses. Mr. Bilyeu asked if businesses who may have gotten \$50,000 from the city program could go for another \$25,000 through the County program. Commissioner Williams said those businesses could be considered at the end of the program. If a business has already received some funds from a city, the County should give other businesses a chance to apply first. Judge Hill agreed, and he would not make the stipulation that a business could come back for more funds. CARES Act funds received from other cities are going to count against the \$25,000 County grant. Commissioner Fletcher said, if funds are available at the end of the

program period, the Court could discuss additional funding for the businesses who need it. The Court's guidance given to staff is the grant is for up to \$25,000, and any other dollars a business may have received from CARES Act funding will reduce their amount in eligibility. The Court allocated \$15 million for the program.

Judge Hill said the discussion on housing non-profits will be brought up next week. (Time: 5:13 p.m.)

**NO ACTION**

Judge Hill recessed Commissioners Court at 5:14 p.m. and called to order the Health Care Foundation and Collin County Toll Road Authority. The meeting was reconvened at 5:14 p.m.

### **EXECUTIVE SESSION**

Judge Hill recessed Commissioners Court into Executive Session under Chapter 551.074, Personnel, to consider salary increases for the County Administrator, Elections Administrator, and County Extension Agents. (Time: 5:14 p.m.)

Judge Hill reconvened Commissioners Court at 5:58 p.m.

**AI-48967** FY 2021 salary increases for the County Administrator, Elections Administrator, and County Extension Agents, Human Resources.

A motion was made to approve a 2% performance increase for the County Administrator, County Elections Administrator, and County Extension Agents. (Time: 5:58 p.m.)

Motion by: Commissioner Cheryl Williams

Second by: Commissioner Susan Fletcher

Vote: 4 – 0 Passed

**COURT ORDER NO. 2020-765-08-17**

A motion was made to use FY2020 funds to provide a \$10,000 one-time payment to the County Elections Administrator and a \$15,000 one-time payment to the County Administrator. (Time: 5:59 p.m.)

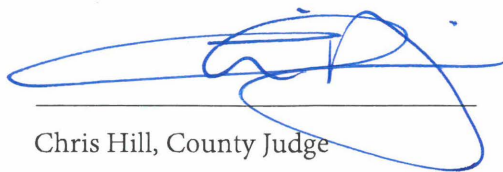
Motion by: Commissioner Cheryl Williams

Second by: Commissioner Susan Fletcher

Vote: 4 – 0 Passed

**COURT ORDER NO. 2020-766-08-17**

There being no further business of the Court, Judge Hill adjourned the meeting at 5:59 p.m.

  
Chris Hill, County Judge

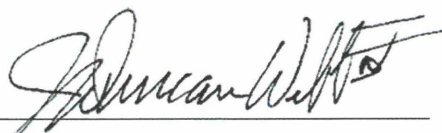
Not Present

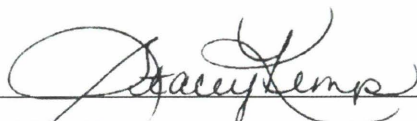
Susan Fletcher, Commissioner, Pct 1

  
Cheryl Williams, Commissioner, Pct 2



  
Darrell Hale, Commissioner, Pct 3

  
Duncan Webb, Commissioner, Pct 4

  
ATTEST: Stacey Kemp, County Clerk