

## **Policy Issues**

The following items are presented for consideration March 9, 2010 as part of the proposed FY 2010-11 budget. The items result from hearings January 13-15, 2010 and February 23, 2010 and are in accord with court direction for public hearing and budget adoption on March 9, 2010.

### **1. Financial Policies**

- a. A brief concerning the financial outlook for FY 2010-11 is presented on the next page.
- b. Despite a projected decline in resources, the county will attempt to maintain its policy for expenditures to be budgeted and controlled so that at the end of the fiscal year the minimum undesignated balance for operating funds will be as close as possible to 15% of fiscal year expenditures.
- c. Full disclosure and open lines of communication will be provided for rating agencies. A continuing goal is sustaining the county's AAA (Standard & Poor's) and AA+ (Moody's & Fitch) debt ratings with a stable outlook. Decisions on financial matters should consider this goal.
- d. Tax anticipation notes for annual cash flow purposes will be issued for the general operating fund. A recommended order will be presented to the court as an agenda item.
- e. Ad valorem tax requirements for operations and debt service are to be analyzed in conjunction with projections of taxable values by the Appraisal District. A recommended tax rate schedule will be presented to the court in September. Funding plans will be considered for Harris County, Harris County Flood Control District, Port of Houston Authority, and the Harris County Hospital District.
- f. The court will consider capital improvement plans and financing requirements at a review session to be held at 9 a.m. Tuesday, June 22, 2010.
- g. Mid-Year Review will be held at 9 a.m. Tuesday, September 28, 2010.
- h. Updated reports on population and the economy have been transmitted. The outlook for this fiscal year and the next shows a continuing degree of uncertainty that would keep resources flat or with continued decline. It will be important to proceed through budget reviews and capital planning with caution.

The general fund budget reflects the court's consideration that any discretionary increases in spending should be deferred until at least Mid-Year Review in September. Departmental budgets are within target figures.

## 2. **FY 2010-11 Budget**

Target figures given to departments in November 2009 for preparation of FY 2010-11 budgets were based on a total for the general fund of \$1,353,243,665 as a minimum target, and \$1,422,900,712 as a maximum target. The Auditor's preliminary revenue estimate of February 11, 2010 was \$1,386,346,075. On February 17, 2010, the Appraisal District called a meeting of governmental units to review a report it prepared regarding 2010 market trends and valuation. The report, a copy of which was transmitted to court members, forecasts a 5.4% drop in valuation, from \$286.4 billion in 2009 to \$270.9 billion for 2010. Previous projections used had a smaller decline compared to the previous year. The Auditor had used a projected value of \$285.3 billion in the February 11, 2010 preliminary estimate of FY 2010-11 revenue.

As a result of the Appraisal District's latest estimate for the 2010 valuation, the Auditor on February 18, 2010 changed the preliminary value estimate for the county from \$285.3 billion to \$269.9 billion, and reduced the preliminary revenue estimate for the general fund by \$29 million, from \$1.386 billion to \$1.357 billion. The decline for the Flood Control maintenance fund would be \$381,056. The Hospital District planned to adjust its budget for the March 9 meeting.

On March 2, the Auditor issued the final revenue estimate for the county with \$1.368 billion for the general fund. Adjustments have been made to balance against that projection. A copy of the Auditor's estimate is behind the revenue tab. Changes were made to the Flood Control budget and other county funds. The Hospital District also submitted a revised budget for the fiscal year.

The certified roll from the Appraisal District for 2010 will be available in August 2010 and will be used for preparation of recommended tax rates for Harris County, the Flood Control District, Port of Houston Authority, and the Hospital District.

Evaluations will continue in an effort to lift the amount of resources that could be available later in the fiscal year and for FY 2011-12. For FY 2010-11 Management Services will work with each department regarding adjustments and suggested changes that were presented in their budget submissions. Budgets are to cover departmental expenditures.

## 3. **Operations**

### a. **Positions and Salaries**

It is recommended that the court adopt an order to disallow any new positions, the filling of vacancies, or changes in actual salaries and salary maximums or reclassifications for the period of March 9, 2010-July 2, 2010, and that the freeze policy be reconsidered at the court's meeting on June 22, 2010. Overtime pay should be limited to emergency needs. Management Services will provide reports to the court on salary and position expenses during this period, including the cost of overtime.

Exceptions for review of possible changes during the March 2010-June 2010 freeze period could be for the Sheriff's Detention Bureau to maintain standards and reduce overtime costs; the District Attorney's Office in her effort to improve the flow of portions of the criminal justice system; and the Criminal Justice Coordinating Council with its goals of lowering the jail population. Public safety concerns could be another exception area if required during this period. Reports with recommendations will be given to the court as necessary.

At the June 22, 2010 meeting the court could decide to extend or lift the freeze, or some portion of it, or consider other measures that may be necessary to slow and reduce expenditures, especially in the county's general fund.

During the fiscal year, Management Services and the Auditor's Office will seek to improve the monitoring of payroll costs and develop systems to automate time and expense reporting. Temporary payrolls in budgets should be moved to the labor category from fees and services. Procedures should be installed to limit labor expenditures to budgeted amounts.

b. **Allowances and Vehicles**

The court requested that a study be prepared regarding whether car allowances should be abolished or limited to certain positions with a need for such an allowance. Mileage reimbursements would be available to persons using their personal vehicles on county business.

At this time, mileage reimbursement is 50¢ per mile, subject to a maximum of \$675 per month. The maximum monthly car allowance for law enforcement officers is \$575 per month. For elected officials and appointed department heads the maximum amount is \$550 per month, and for other non-law enforcement personnel it is \$420 per month. These amounts will be reviewed in the study mentioned above.

Another part of the study will concern county vehicles that are taken home. All such vehicles could be eliminated, or employees with those vehicles should reimburse the county for all commuting and personal miles at the same rate per mile as the county's mileage reimbursement rate.

c. **Fleet Services**

The court agreed that the county's Office of Fleet Services should be transferred from Management Services to the Purchasing Department, subject to approval of the Purchasing Board. The Purchasing Agent and Management Services will prepare an order for the court that will provide an effective date for the transfer and outline procedures and processes the Purchasing Agent will require for all departments.

d. **Travel**

A revised travel policy has been prepared for the March 9 agenda. All previous policy statements on the subject will be part of the updated document. The policy related to limiting out of state travel will continue and require all travel to be directly related to department responsibilities. Local or web-based continuing education should be considered by departments rather than travel. If travel is required the request must go to Commissioners Court with complete explanations in the request submission. All such travel, without exception, must go through Commissioners Court.

e. **Group Health and Related Benefits**

A report by the director of Human Resources & Risk Management is attached for review and reference. As the report states, for the plan year effective March 1, 2010 there will be no increase in medical, dental, vision, life, and long-term disability premium rates. The county's general fund expenditures are projected to increase by \$4.7 million in the new fiscal year due to increases in enrollment of employees, retirees, and dependents. The increase in county cost last year was approximately \$5.4 million.

The county's policy continues to provide payment of 100% of base plan cost for all employee-only coverage and 50% of the incremental cost for dependent coverage.

Since FY 1999-00 the total average cost of group health and related benefits for employees, retirees, and dependents has more than doubled. The county's contribution for the period of FY 1999-00 through 2009-10 has remained at approximately 79% of total plan cost.

f. **Grants**

Management Services will work with the Auditor's Office and departments to have grant positions and expenditures adjusted when grants are discontinued or changed significantly. A semi-annual status of grants report will be developed.

g. **Fees for Services**

During the first part of the fiscal year, a team composed of staffs of the Auditor and Management Services will review all service charges and fees for cost recovery with recommendations to be provided to the court at Mid-Year Review in September.

4. **Departments**

The following are summaries of policy concerns the court considered. There may be recommendations for certain items to be placed on the regular court agenda or for Mid-Year Review, depending on availability of funding and economic conditions.

a. **Public Infrastructure**

1. **Buildings**

- a. The court agreed to a policy that departments seeking renovations and repairs to county facilities maintained by Facilities & Property Management must obtain approval from the Public Infrastructure Space Planning Committee before work can be scheduled.
- b. The court approved a policy authorizing Public Infrastructure to prepare a long-term building needs assessment for the court to consider, and an action plan for the assessment including costs, time schedules, and estimated market values of properties.

2. **Energy Management**

A report by FPM on utilities has been transmitted. The court agreed to a recommendation that county utilities be consolidated in order for FPM to implement a cost-saving energy management program. Three additional positions are requested to provide an Energy Management Section. The director said cost savings from the program would more than cover the cost for added staff. Management Services will evaluate the request for a recommendation.

3. **Inspection Section**

The FPM director said that the department's current work force is adequate to maintain county facilities. However, there is a need to form an Inspection Section to provide oversight of service contracts and monitor and inspect foreclosed properties assigned to FPM. The director said he would need to reclassify four vacant positions and 10 filled positions. Management Services will evaluate the request for the court to consider.

b. **Precincts**

The court authorized a review of the formulas used for distribution of available funds for the budgets of the four precincts for roads and parks.

Regarding Mobility Fund 1070, the court approved that eligibility for expenditures of annual revenue transfers to the fund include both construction and maintenance projects for county roads providing links and connections to the toll road system. Funds in 1070 are budgeted annually for the precinct budgets for use in accordance with the Texas Transportation Code.

The funds were in the general fund in FY 2008-09, and were placed in the new Mobility Fund in FY 2009-10. The Mobility Fund remains a part of the total general fund group and makes up part of the annual budgets of the four precincts.

c. **Management Services**

At Mid-Year Review on September 29, 2009, the court was informed that a reorganization of this department would be prepared. The director will complete the plan and review it with each court member before it is placed on a regular court agenda for consideration.

Management Services at this time includes 10 offices: Coordination & Budget, Budget Management, Criminal Justice Coordination, Financial Planning, Financial Services, Fleet Services, Human Resources & Risk Management, E-Business Results Team, Health Care Alliance, and Pretrial Services. Responsibilities include coordination with all departments.

d. **Technology**

The ITC chief information officer said he is in the process of restructuring the Information Technology Center to align staff to support business functions and an updated ITC master plan. Replacement of outdated equipment and the addition of equipment for high performance will be presented in June as part of the capital improvement session. A concern is the need to enhance safety and the ability to continue county business for critical countywide systems after a major weather event or other disaster.

In the process of restructuring ITC, the CIO said he would begin a shift of the organization to meet strategic needs for the future of information technology. Staff positions would be reduced by at least 10% and certain positions would be reclassified.

The CIO said he would establish committees for technology solutions. Subjects would include applications integration, infrastructure needs, desktop standardization, disaster recovery, geographic information systems, human resources and staffing needs for the future, web developments and maintenance, security operations, and financial and purchasing program needs. Justice systems and related law enforcement needs will be coordinated with the Justice Information Management System Executive Committee and the Criminal Justice Coordinating Council. The various committees would consist of ITC staff and technology staff from other departments, and, when appropriate, experts from outside of county government. The 2010 technology committee will be abolished.

Regarding the regional radio system, with 45,000 radios, the CIO will seek funds in the CIP to upgrade and replace radios to comply with a digital project platform and to replace leased radio towers with county-owned towers. He plans to reduce the use of outside agencies in certain repairs.

The court authorized the CIO to work with the County Attorney and Management Services in a review of the radio system and the possibility of an increase in fees paid by regional radio subscribers. Rates have not been changed since 1990, despite increasing costs. The entire radio service system could eventually be moved to an enterprise fund with sustainable sources of revenue.

The court also agreed that ITC, Management Services, and the Purchasing Agent should review the possibility of new procedures to centralize in ITC the purchase, licensing and related expenditures for software and management systems. ITC should also be asked to manage technology-related training including coordination of courses and tracking of expenditures for all departments.

e. **Public Health**

In considering the evolution of public health services in Harris County, a question arises about pollution control. The history is that in 1942 a County Health Unit began, and in 1953 the county started a stream and air pollution control section within the Health Department. In 1971, Commissioners Court removed the stream and air pollution section from the Health Department and created a separate Pollution Control Department. In 1998, pollution control was folded back into a reorganized Harris County Public Health & Environmental Services Department (PHES).

The department is divided into nine units: Disease Control and Clinical Prevention Division; Mosquito Control Division; Environmental Public Health Division; Veterinary Public Health Division; Office of Public Health Preparedness; Office of Policy and Planning; Office of Public Information; Operations and Finance Division; and the Health Education and Promotion Division. Control for clean air and water is in the Environmental Public Health Division (EPH).

What will be the best arrangement for the county's pollution control effort during the beginning decades of the 21st Century?

The County Attorney's Office and District Attorney's Office in a brief report recommend removal of environmental enforcement functions from HCPHES and re-creation of an independent Harris County Pollution Control Department to enforce clean air and water and solid waste laws. All other public health and safety functions would remain with HCPHES.

They provide in the brief certain reasons for a change: PHES places its emphasis on voluntary compliance, and in so doing the number of criminal cases referred to the District Attorney for prosecution in 2009 was zero; PHES is involved with education and service, but not pollution law enforcement; PHES has reduced the emphasis on taking complaints on pollution matters; and PHES investigators are not cross-trained in air, water, and solid waste matters, and, as a result, serious violations in pollution laws could be neglected.

The PHES director said the EPH Division comprises a critical component of the department's health care mission, which is promotion of a healthy and safe community by preventing illness and injury and protecting the public. PHES, she said, has developed a comprehensive integrated focus on preventing and mitigating adverse health outcomes linked to a range of serious environmental threats and hazards. The director said this focus would be lost if pollution control were pulled out of PHES and made a separate department. She said added resources would be required, both short-term and long-term, to develop a new and separate department that could provide adequate operational and financial infrastructure for the pollution control function.

The director claims her department has maintained collaboration with the County and District Attorneys and provides violation notices to corporations and individuals for solid waste, clean air, and water code violations and storm water regulations, and is involved in emergency responses.

The director said she is moving the air program to a more "pro-active" approach instead of being reactive to complaints. Her plan is to target inspections of industries with emissions. She said EPA may make pollutant standards more difficult to reach in issuance of permits, and there is a need to ensure that operations of varied businesses and facilities remain within the parameters of rules and/or permits.

HCPHES continues to develop a comprehensive evaluation framework with an evidence-based approach, she said, with department-wide efforts on collecting and interpreting "outcome data." Key health and environmental information can be indications of community health, such as in the goal of reduction in morbidity and mortality related to air toxins and air pollutants. An outcome measure as an example, she said, would be reduction in the number of "exceedances" of hourly benzene concentrations in the Lynchburg Ferry area.

HCPHES, the director said, "must use all of the tools at its disposal," including interventions that support voluntary compliance and appropriate use of available legal enforcement to compel compliance.

An environmental enforcement study by two professors, one of the UH Law Center and the other of the University of North Texas, prepared for the Notre Dame Law Review, sought answers as to whether environmental laws are being correctly and adequately enforced. "Are we valuing and protecting the environment in the most cost effective and efficient way possible," they asked. And, "Do cooperative mechanisms work better than direct enforcement?"

The study stated that the more a state spends per capita on its environmental budget, the shorter time a permitted source is in violation of pollution laws. Hence, it said, funding of environmental programs plays "a very important role" in the success of an agency in catching and/or ending violations or in avoiding violations. The more that is spent, the higher the fines levied against polluters.



The authors concluded that a system that is primarily based on deterrence can be improved by integrating features of a cooperative model, such as including an emphasis on agency advice and consultation and incentives for voluntary self-policing. The study suggests, however, that deterrence-based enforcement is more important in actually creating effective compliance. Yet, they said, cooperative-based enforcement does have a relationship with compliance. The finding is that a combination of cooperative and deterrent-based enforcement "is the optimal formula." It should be noted, however, said the authors, "you can't get compliance on the cheap."

It should also be noted that, over time, the task of providing effective pollution control involves a partnership of federal, state, and local governments for the laws, rules, permits, and financial resources that are necessary.

### Recommendation

The court agreed to direct that a study be performed to consider and recommend changes that should be made to strengthen the county's pollution control effort during the first decades of the 21st Century. The study would be returned to Commissioners Court with recommendations. The study team will be comprised of representatives of the five court members, the County and District Attorneys, Public Infrastructure Department, and Public Health & Environmental Services. Management Services and Legislative Relations will be assigned to provide assistance.

## f. Community Services

### 1. Cemetery

A report from the director concerning the county cemetery at 5439 Oates Road has been transmitted for reference. Projections show the 18.7-acre cemetery will be full during 2011, at which time a new 25-acre cemetery site would need to be acquired and developed at an approximate cost of \$7 million. In addition the county could anticipate an approximate increase in operating costs.

The director said to avoid these costs, the county should adopt a policy of cremation that would save about \$60,000 per year in operations and reduce the use of traditional burial plots. He said 50 cremated remains could be buried in the space that would provide for one traditional burial.

The court agreed to a new policy to require that all decedents brought to the county for burial would be cremated except when the identity of the deceased is unknown or when the next of kin asks for a traditional burial. Adult interments are currently totaling up to 500 per year. Available gravesite space at this time for traditional burials would provide for 600 adult plots and 1,000 infant/juvenile plots.

It should be noted that other major Texas counties that have adopted a cremation policy include Dallas, Denton, Collin, and El Paso counties.

The Wall Street Journal reported on February 4, 2010 that before 1980 only 4% of families chose cremation over burial. Now, the report said, 39% select cremation, and by 2025, 60% are expected to choose cremation. The choice is being made because of cheaper cost and the fact that fewer extended families remain in a specific place that is close enough to visit the remains of loved ones.

2. **Housing Authority**

The Community Services Director reported that staff of the Harris County Housing Authority were separated from the county's payroll system effective March 1, 2010.

g. **Library**

As directed by court, a study will be prepared concerning the future of the Harris County Library system. There are currently 26 branches. The larger branches require annual operating budgets of between \$1 million and \$2.5 million, while small to medium branches range in cost from \$300,000 to \$970,000. A new facility for Kingwood in Precinct 4 has been built by the City of Houston. The county is to operate the branch. The Library director is asking \$1.7 million for operations.

The Library director at the June 23, 2009 CIP session listed a major renovation for a branch in Precinct 1; two branch replacements, a new branch, and three branch renovations in Precinct 2; a replacement branch and a new branch in Precinct 4; and funds for the central office. The total cost for all of the above was listed at \$39.4 million.

The court should decide what is essential at this time and what could be delayed, or not done at all. The study should consider alternative futures for the County Library system for the 21st Century.

The future of the county's law library has been added to the study.

h. **Juvenile Probation**

A study will be done, if the Juvenile Board approves, of functions that could be consolidated with other departments, such as the Sheriff's for food services and medical services. With a reduction in detention population, there is an opportunity to study the possibility of collaborative arrangements for certain functions.

i. **Protective Services for Children & Adults**

An analysis is to be completed with a recommendation for ways that certain guardianship wards can receive care and support. These wards are without personal or governmental benefits, primarily from the Social Security Administration, and who are not expected to be eligible for benefits. They are currently in the PSCA guardianship program under court order.

There are approximately 1,475 incapacitated persons in the guardianship program who cannot care for themselves. Court orders place them into the PSCA program where case managers serve as guardians. The cost of care can be covered from benefits that are paid on behalf of wards and include social security, retirement, or personal assets. Currently, of 1,475 wards, there are usually an average of 10 wards who have no benefits. The cost of care for such wards ranges from \$650 per month for a ward in a personal care home to over \$4,000 per month for nursing home care. Costs to the county for these wards was approximately \$98,000 in FY 2008-09 and \$179,000 in FY 2009-10.

j. **Jail**

1. **Medical Services**

The court on February 23 approved the transfer of four medical doctors and two nurse practitioners from the UT medical contract which expired at the end of February 2010. The positions went to the Sheriff's Medical Division effective March 1, 2010 and work under the Medical Services Division director, Dr. Michael Seale. There will be no increase in overall cost of medical services because of the ending of the UT medical contract.

Looking to the future, the court has instructed Management Services to consult with the Sheriff's Medical Services director, the Sheriff, and the County Attorney and District Attorney regarding the status of and alternatives for operation of the medical program for incarcerated adults. The study will consider future needs for meeting and maintaining federal and state correctional standards. A report with recommendations will be given to the court and the Sheriff.

2. **Central Processing Center**

The court on November 24, 2009 asked for Public Infrastructure, the Sheriff's Department, and Management Services to review the Sheriff's request for a new Central Processing Center and other changes that may be needed for administration of justice agencies in the Detention Zone and nearby properties. A report will be brought to the court for consideration at the June CIP meeting.

3. **Jail Reintegration Process**

The Criminal Justice Coordinating Council is seeking alternative community-based services for placement of inmates with mental illness who are released from jail. The report will be given to the court with recommendations. The subject is discussed in the Council's report that was transmitted to the court.

#### 4. **Contract Jails**

A report will be provided to the court concerning the cost of jail space and operations including contracted facilities in Louisiana and other counties in Texas.

#### k. **Fire Marshal**

A study will be prepared regarding the future of fire protection, investigations, certain emergency services, and inspections for public safety in the unincorporated area, a part of the county that continues to grow in population with neighborhoods, schools, and businesses. What does the county need to provide for fire protection and prevention services in the 21st Century and how can professional staff with required certifications and equipment be sustained over time?

#### l. **Medical Examiner**

The Medical Examiner now operates an integrated department with approximately half of his annual budget expense devoted to forensic pathology and the other half to the crime lab. DNA analyses are 46% of the expenses of the crime lab, and toxicology at 27% is another major component. In pathology there are seven contracts with other counties for services. In the lab, there is no backlog for examination of rape kits.

Equipment needs for the crime lab and pathology are under review for funding. Additional analytical positions are needed for the lab and investigations. These are also under review. A continuing goal is to maintain top certifications for the crime lab and pathology and for the department as a whole.

Commissioners Court at Mid-Year Review on September 29, 2009 authorized the Medical Examiner and Management Services, after review with the District Attorney, to meet with representatives of the City of Houston for review and discussion of an assessment report prepared for the county concerning timelines and process for expansion of the county's DNA lab whereby it could, in phases, absorb the city's DNA work. The discussions were to include cost sharing arrangements.

Initial discussions began with the City of Houston, but were put on hold during city elections, the holidays, and the early days of 2010 at the beginning of a new Mayor's term. Discussions through the Mayor's staff have resumed and the Medical Examiner has met with the new Mayor on the subject. The County Attorney has assigned counsel to assist so that a draft agreement with the city could be prepared for consideration at an appropriate time.

As directed by the court at Mid-Year Review in September 2009, decisions regarding a new forensic center with financing from bond funds authorized by voters in November 2007 will be reviewed at the CIP session in June 2010.

Meanwhile, the Medical Examiner requested approval to change the name of the department to the Harris County Institute of Forensic Sciences. The County Attorney, in a memorandum, said there is no legal impediment to a name change and the modification would promote a better understanding of the services and functions of the office. He said the change would more accurately reflect the department's pathology services and ties to the large and expanding crime lab services and disciplines for controlled substances, forensic toxicology, trace evidence, biology, and DNA analyses. The two areas of pathology and crime lab work in a joint manner that "strengthens each." The court agreed to support the change. An item is on the March 9, 2010 agenda for a court order of approval.

The Medical Examiner said the name change would cost the department approximately \$4,200. The current forensic building on Old Spanish Trail would retain the Jachimczyk name.

m. **Courts**

1. **Felony Mental Health Court**

A Felony Mental Health Court (FMHC) has been proposed by the 22 District Judges of the Criminal Trial Division and approved by the Criminal Justice Coordinating Council. The judges designated Judge Jan Krockner, 184<sup>th</sup> District Court, to administer the FMHC. Plans for the specialized court describe it as a problem-solving court where criminal defendants with mental illness could participate in a judicially supervised treatment plan developed by mental health professionals. The ultimate goal would be to facilitate rehabilitation of a defendant so that the person would not return to the criminal justice system. Progress would be measured and monitored for a reduction in arrests of participants, with less days in jail, lower frequency of psychiatric hospitalization, reduced incidence of homelessness, and less use of alcohol and drugs.

The FMHC would use an available courtroom on the 14<sup>th</sup> floor of the Criminal Justice Center adjacent to the STAR Drug Court and the proposed Veterans Court. The 184<sup>th</sup> District Court on the 17<sup>th</sup> floor of the CJC would also be used for FMHC conference dockets. A budget request in the total amount of approximately \$564,054 has been submitted including direct costs for operation of the FMHC and added costs that would be required by other county departments.

The court has instructed Management Services to prepare a proposal for possible creation of the Felony Mental Health Court with a timetable and budget that the court could consider.

2. **Veterans Court**

This special court will be administered through the 228<sup>th</sup> District Court to serve veterans and persons on active duty or reservists suffering from brain injury and mental illness or disorder, including post-traumatic stress disorder. The STAR Drug Court staff and resources will be used. Mental health and substance abuse treatment services will be provided through the Veterans Administration. No added funding is requested from the county at this time.

The District Judges trying criminal cases and the Criminal Justice Coordinating Council approved creation of the special court in October 2009.

3. **County Courts**

The 15 County Criminal Courts established a mental health pilot project in three courts effective January 1, 2010. Mental health specialist attorneys are appointed to represent defendants having diagnoses of schizophrenia or bipolar disorder, and/or major depression, and having been placed on psychotropic medications. During January, counsel was appointed in 62 cases, and 27, or 44%, of those cases were disposed with an average stay in jail of 11.56 days. The average length of confinement for mentally ill misdemeanants in a previous study was determined to be 17.88 days.

The Criminal Justice Coordinating Council is studying development of community based alternatives for supervision, support services, and continuity of care for persons leaving the criminal justice system.

The county courts said they will coordinate with the Felony Mental Health Court program in cases where an offender has both misdemeanor and felony charges pending.

4. **Public Defender Office**

A report and timetable will be recommended to the court concerning steps for establishment of a Public Defender Office. The Criminal Justice Coordinating Council transmitted a report that addresses the status of its review for the program.

5. **Court Appointed Attorneys**

Management Services will confer with administrative judges and court administrators concerning policies and expenditures for court appointed attorneys in FY 2010-11. A report will be given to Commissioners Court.

## 6. **Justices of the Peace**

- a. A status report has been transmitted by the presiding judge of the 16 JPs. Management Services will consult with the judge and the county courts manager concerning issues identified in the report.
- b. A study group composed of the County Courts Manager, aides to the five members of Commissioners Court, the presiding judge of the Justice Courts, and two representatives from offices of the District Attorney and County Attorney will review the workload distribution of the 16 Justices of the Peace and prepare a report for Commissioners Court on recommended ways the workload could be redistributed. Management Services will provide any assistance that may be necessary.

## 7. **Family Law**

Voters approved bond funding for a new Family Law Center in November 2007 in the amount of \$70 million. This subject will be before the court at the capital improvements session in June. In connection with that item, the following steps have been authorized.

- a. The court said in 2007 the new facility should be built on the county-owned block across Franklin from the old Family Law Center and across San Jacinto from the Criminal Justice Center.

Commissioners Court on October 13, 2009, following the recommendation of PGAL Architects, voted to demolish the old jail building at 1301 Franklin and use the site for another, unnamed function.

The court at Mid-Year Review on September 29, 2009 approved moving three of the then nine family courts from the old Family Law Center to available courtrooms on the 15<sup>th</sup> floor of the Civil Courthouse. Another move to the 15<sup>th</sup> floor was the 280<sup>th</sup> District Court from the 14<sup>th</sup> floor. The 280<sup>th</sup> was a district civil court and was changed to a Family Violence Court effective in October 2009.

The court on February 23, 2010 reconsidered the location of Family Law and agreed to move the planned site two blocks east to 1301 Franklin. There the Family Law facility, with six judges and six associate judges, would be on the east side of the Criminal Justice Center across Caroline, and across Franklin from the Civil Courthouse where three other family judges and their associates, and the judge of the new Family Violence Court, are located.

- b. Public Infrastructure will prepare a proposal on the Family Law structure for the court's consideration at the capital improvements session in June. Its review will also consider what other court-related functions could be placed in a new courts facility at 1301 Franklin.

PID will provide the court with recommendations for relocation of the Sheriff's communications offices and the District Clerk's records conversion project from the old jail building.

- c. Commissioners Court will ask the civil district courts and the family courts to have a study prepared for coordination and consolidation of functions where possible. The goal would be to provide effective use of court facilities and judicial resources. The study should identify how the two trial divisions could work together while avoiding any need for additional courts to be created in their divisions by the Texas Legislature.

It is possible that the study could also involve the three juvenile district courts in the Juvenile Justice Center across Congress from the Civil Courthouse. With the other family courts relocated to 1301 Franklin, all three facilities, family, civil, and juvenile would be tunnel-connected to each other and to the new jury assembly facility that will be between Franklin and Congress, and across Caroline from the Civil Courthouse.

n. **Patrol**

The court at Mid-Year Review September 29, 2009 approved establishment of a Patrol Working Group to consider the question of the number of field operations staff that should be provided for services to the population in the unincorporated area. The 2010 census figures will be a factor in preparation of projections. The working group will continue its review and will present a report at Mid-Year Review in September 2010. It is at that time contract patrol rates will be presented for the calendar year effective January 1, 2011.

The Patrol Working Group is composed of representatives of the Sheriff and Constables, each member of Commissioners Court, and Management Services.

A concern for the committee that will be reviewed further is the lack of uniformity between and within agencies as to how data is collected and coded in the Computer-Aided Dispatch System. The county has nine police agencies and collaboration and/or reorganization of certain services can be essential for effective response to public safety issues in a growing metropolitan area.



o. **Tax Office**

The Tax Assessor-Collector, with assistance from Management Services, wants to review future needs for sustained and efficient response to the growing number of transactions that are required by his department. Among items to review are the varied levels of service provided at 15 branch offices. Projections of population growth and related business locations must be considered as to where branches will be needed. Evaluations of the values of current branches must be considered given projections of future demands.

The court agreed that a study should be prepared for consideration.

p. **Criminal Justice Coordinating Council**

Commissioners Court created the Criminal Justice Coordinating Council and its Office of Criminal Justice Coordination in July 2009. A listing of the work of committees and their initiatives and a report regarding specialty court dockets are outlined below and on page 18.

Committees and their work groups and subject areas are as follows:

1. **Jail Population**: Reduce the time a parolee is housed in jail; 3 for 1 credit for inmates working or attending classes to begin by April with 400 inmates who may qualify; classification changes to safely increase the number of minimum and medium security inmates, allowing more of them to qualify for work programs and those who would be eligible for housing in contracted facilities; installation of wireless technology in the jail for management of inmate movement and improvement in medical/pharmacy delivery; reduction in the number of felony detainees on the State Hospital wait list for restoration of competency; exploration of a community-based work program and the potential to reduce jail bed days through certain alternatives; use of GPS technology in the criminal justice process; processes to reduce the average daily number of detainees in jail who are in pretrial status; evaluation of procedures to reduce the number of probationers in jail; seek to reduce the number of persons housed in jail on a bench warrant or fugitive warrant; conduct a district court resource needs analysis for opportunities to achieve efficiencies.
2. **Criminal Justice Systems Operations**: Reduction of filings of trace drug cases; reviews by assistant district attorneys to expedite the oldest jail cases and the move of certain 3rd degree felony cases to an Impact docket; diversion of juvenile first offenders with no petitions filed; and diversion of first time DWI offenders into a strict supervision program of 18-24 months, which, if successfully completed, would result in case dismissal.

3. **Public Defender Office:** Design and implement a pilot Public Defender Office; adoption of qualifications for the Chief Public Defender; acceptance of a grant award for assistance in design of a program for performance evaluation; determination of costs for implementation of a PDO in four phases: •employ a Chief Public Defender; •establish a misdemeanor mental health segment; •establish an appellate segment; •and establish a trial segment for criminal district and juvenile courts. A grant application for assistance in implementing the PDO will be submitted to the Texas Task Force for Indigent Defense.
4. **Special Needs Offenders:** Provide possible alternatives to jail and reduce recidivism for certain offenders while ensuring public safety; identify those in the jail population who are age 25 and younger to develop strategies for prevention, intervention, and reintegration; accept grant funds for indigent defense in the Veterans Court and seek additional grant funds for treatment services; seek a budget allocation for the Felony Mental Health Court; plan for diversion and continuity of care upon release of inmates with a mental illness and reduce recidivism of mentally ill offenders; implement or expand programs for special needs offenders for continuity of care planning for HIV cases, and GED graduation ceremonies and job fairs; and in three county criminal courts follow the outcomes of a pilot project for use of mental health specialist attorneys who are appointed to represent defendants with certain mental health disorders, and seek continuity of care and reduce recidivism.
5. **Information Systems:** Focus on development of a new case management system through the Justice Executive Board.
6. **Planning and Resource Allocation:** Compile a list of grant writers familiar with criminal justice issues; and establish a working collaboration of county officials and staff to review current grants that may be available.

q. **Specialty Courts**

A report by the Office of Criminal Justice Coordination concerning specialty courts has been transmitted. The seven courts reviewed were the STAR Drug Court, the STAR Family Intervention Court, the Veterans Court, the Harris County Infants and Toddlers Court Project, the DWI Court Program, the Felony Mental Health Court, and CTI Mental Health Court Dockets.

The Criminal Justice Coordination staff recommends that a uniform management system be considered for the budgets and policies of the various specialty courts to increase efficiencies and eliminate duplication of resources.

Other concerns are the need for funds to contract for grant writers, and for consideration of employing a magistrate for the STAR Drug Court to help expand the Drug Court dockets and provide stability within the program as there has been, and apparently will continue to be, a turnover among four Drug Court judges.

5. **Reliant Park**

The Harris County Sports & Convention Corporation has requested \$13.9 million for various improvements throughout the complex. The court at the CIP session in June 2009 referred the request to Management Services to work through the priorities on the list, subject to available funds. A copy of the corporation's FY 2010-11 budget and quarterly appropriations schedule has been transmitted. Management Services will review the material for recommendations.

A report by the HCSCC director concerning electrical rates and projections for the Park has also been submitted.

6. **Population and the Economy**

Updated reports on the county's population and economic environment are attached for review and reference.

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