



# HARRIS COUNTY, TEXAS

## COMMISSIONERS COURT

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Ed Emmett  
*County Judge*

El Franco Lee  
*Commissioner, Precinct 1*

Sylvia R. Garcia  
*Commissioner, Precinct 2*

Steve Radack  
*Commissioner, Precinct 3*

Jerry Eversole  
*Commissioner, Precinct 4*

September 25, 2009

To: County Judge Emmett and  
Commissioners Lee, Garcia,  
Radack, and Eversole

Fm: Dick Raycraft

Re: Mid-Year Review

The reports and schedules in this book are provided for your consideration for the Mid-Year Review at 9 a.m. Tuesday, September 29, 2009. The information includes the four entities for which the court sets annual tax rates: Harris County, the Flood Control District, Port Authority, and the Hospital District.

The sections in the book are in the following sequence:

1. Hospital District
2. County and Flood Control Budgets
  - a. County General Fund
  - b. Flood Control
  - c. Fund Balance
  - d. Budget Outlook
  - e. Budget Process
3. Tax Rates
4. Departments
  - a. Travel
  - b. Positions
  - c. Salaries
  - d. Group & Health Benefits
  - e. Vehicles
  - f. Management Services
  - g. Public Infrastructure
  - h. Information Technology
  - i. Sheriff
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  - k. Medical Examiner
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  - n. Libraries
5. Economic Environment & Population Studies
6. 2010 Meetings and Holidays

## 1. **Hospital District**

A status letter from the President/CEO of the Harris County Hospital District is behind the Hospital District tab. The letter addresses the board's decision to terminate the letter of intent and all negotiations with Memorial Hermann Healthcare System regarding the potential acquisition of Memorial Hermann Southwest Hospital. All due diligence efforts and associated expenditures have ended.

As a result, the district will begin the process of providing a clinic building at its Holly Hall property to provide outpatient service for radiation therapy, diagnostic imaging, and specialty clinics. The schedule is for two combined phases to be done in a period of 36 months at an estimated cost of \$133 million. The project is part of the district's 2015 Strategic Plan.

An operating statement of revenues and expenses is at the end of the HCHD letter.

## 2. **County and Flood Control Budgets**

### a. **County General Fund**

Expenditures for the first six months for the general fund were \$703.5 million, an increase of \$8.4 million, or 1.2% over the original projection of \$695.1. Transfers out of the general fund were \$6.4 million. The original outlook was \$5.1 million. The total of expenditures and transfers over the first half of the fiscal year was \$709.9 million compared to the original estimate of \$700.2 million, a difference of \$9.7 million, or 1.4%.

Expenditures for the second six months, September 2009-February 2010, are projected to be \$722.1 million. The expenditures for the fiscal year would be approximately \$1.421 billion plus transfers out of \$10.6 million, for a total of \$1.431 billion, an increase of 3.5% compared to FY 2008-09.

As shown in the attached report from the Office of Budget Management, the increased expenditures over projections in the first six months were mainly in the Administration of Justice group, particularly for adult detention. Over the complete 12 months of the fiscal year, increases in expenditures are expected to be in adult detention, salaries and benefits, utilities, fleet services, court costs, elections, and claims and tort settlements.

### b. **Flood Control**

The Flood Control budget is on track as planned. Expenses for operations and maintenance are projected to be \$68.2 million, with \$31.2 million expended during the first half of the fiscal year and approximately \$37 million estimated for the period of September 2009 through February 2010.

Funding for the district's capital program will be increased for an added \$170 million to continue improvements as shown in capital projects listing that was provided to the court at the June 2009 capital improvements meeting. Management Services will coordinate with the FCD director on the timing of planned capital projects.

Harris County's tax levy and the remaining portion of the FCD debt rate provide funding for the district's capital needs. The capital program that has been underway since 2001, which includes federal funds, has been one of the largest in the 72-year history of the Flood Control District.

c. **Fund Balance**

The court policy for fund balance is for expenditures to be budgeted and controlled so that at the end of the fiscal year the minimum undesignated fund balance for operating funds would be no less than 15% of fiscal year expenditures. The attached charts show the ending balances for the county and Flood Control for the five years from FY 2004-05 through the last year, FY 2008-09. As can be noted, the county had difficulty in reaching the 15% level for the general fund at the end of the last fiscal year, and will have more difficulty in doing so for the current fiscal period which ends February 28, 2010.

The court began using a minimum fund balance target of 15% in FY 1998-99. For FY 1997-98, it was 10%, and from FY 1994-95 through FY 1996-97, it was 8.3%.

d. **Budget Outlook**

Schedules attached in this book show that 1¢ in ad valorem taxes will generate less available funds than last year, and, at this time, less funding in future periods can be anticipated than had previously been projected. The court will need to plan carefully for operations and capital requirements during the balance of the fiscal year and in preparation for the next fiscal period, FY 2010-11. Tax funds are approximately 75% of the county's annual revenue for operations and the balance of available funds from various sources, such as fees, intergovernmental revenue, and interest earnings, will also be effected by the current uncertainty and declines in the economy.

e. **Budget Process**

The county cannot count on continued growth in revenues and expenditures. Rather, in a time of constraints, the county must be prepared to budget for decline. The annual dilemma for the county is similar: how to provide a limited source of funds for an unlimited, wide range of programs and needs. However, recognition must be given to the flatness of the revenue line and the possibility that resources could drop, and that when they do begin to rebound the financial growth could be in small increments stretched over numerous fiscal periods.

The county's management and budget processes should be prepared to overcome the difficulty of adjusting budgets and operations during times of financial decline. Objectives and desired outcomes should be clearly identified. Alternative means of decisions for retaining offices and functions should be evaluated, from elimination in some cases to varied levels of funding that could range from reduction to no growth levels to slight increases. Programs with legal mandates should be identified, and reallocations of funding should be considered where and if necessary.

Management Services this fall will seek to develop the budget process and information in a way that would enable the court to consider and evaluate meaningful alternatives for projects and priorities.

### 3. Tax Rates

Tax rate calculations and reference materials are located behind the tax rate tab. The following table shows rates that were adopted for tax years 2006, 2007, and 2008, and the tax rates that are proposed for 2009.

	<u>2006</u>	<u>2007</u>	<u>2008</u>	<b>Change 2008-2009</b>	<b>Proposed 2009</b>
County General	.34221	.33221	.33221	.00000	.33221
Pub. Imp. Cont.	.00000	.00697	.00594	(.00414)	.00180
Debt Service	<u>.06018</u>	<u>.05321</u>	<u>.05108</u>	<u>.00715</u>	<u>.05823</u>
<b>County</b>	<u>.40239</u>	<u>.39239</u>	<u>.38923</u>	<u>.00301</u>	<u>.39224</u>
FCD O&M	.02733	.02754	.02754	.00000	.02754
FCD Debt	<u>.00508</u>	<u>.00352</u>	<u>.00332</u>	(.00164)	<u>.00168</u>
<b>FCD</b>	<u>.03241</u>	<u>.03106</u>	<u>.03086</u>	(.00164)	<u>.02922</u>
<b>Port</b>	<u>.01302</u>	<u>.01437</u>	<u>.01773</u>	(.00137)	<u>.01636</u>
<b>HCHD</b>	<u>.19216</u>	<u>.19216</u>	<u>.19216</u>	<u>.00000</u>	<u>.19216</u>
<b>Total</b>	<u>.63998</u>	<u>.62998</u>	<u>.62998</u>	<u>.00000</u>	<u>.62998</u>
Operations	<u>.56170</u>	<u>.55888</u>	<u>.55785</u>	(.00414)	<u>.55371</u>
Debt	<u>.07828</u>	<u>.07110</u>	<u>.07213</u>	.00414	<u>.07627</u>
<b>Total</b>	<u>.63998</u>	<u>.62998</u>	<u>.62998</u>	<u>.00000</u>	<u>.62998</u>

Schedules behind the tax rate tab show the dollar values that tie to the listed taxes for last year and as proposed for 2009.

The court will note that no public hearings are required for any of the four taxing entities as none of them exceed the lower of their calculated effective or rollback rates. The calculated rate per entity that if exceeded would require a hearing are as follows: Harris County, .40667; Flood Control, .03230; Port, .01636; and Hospital District, .20108.

The taxable value for rate setting for 2009 is down by \$1.66 billion or .6% compared to the number for 2008, and by \$7.1 billion or 2.5% at the mid-range taxable value used in analysis of tax values.

### 4. Departments

- a. **Travel** It is recommended that effective during the period of October 2009 through March 2010 no request for out of Texas travel expense will be placed on the court's agenda if the cost is to be paid from the county's general fund. For Texas travel and training expense during the same period, any travel out of Harris County to be paid from the general fund must be explained in full in the request submitted to the court. It would be expected that such travel expense will be avoided if the training or information could be obtained in the Houston area. If available, conference calls and the Internet should be used in place of travel out of the Houston area and out of Texas.

- b. **Positions** It is recommended that no new positions in the general fund be authorized by the court between October 2009 and the end of March 2010, and that requests for the filling of vacant positions be transmitted to the Office of Budget Management for review of available funds, and then be transmitted to the court for consideration as an agenda item.

Management Services will transmit to the court a monthly list of authorized positions that are filled and those that are vacant in each department.

- c. **Salaries** It is recommended that the court delay consideration of a cost of living adjustment for positions until an evaluation can be made of available resources for the FY 2010-11 budget. A 3% COLA at this time would cost approximately \$27.2 million for one year. Adjustments of 3% were approved by the court at each of the previous Mid-Year Reviews during FY 2006-07, FY 2007-08, and FY 2008-09. The U.S. Bureau of Labor reports that for the first half of 2009 the Consumer Price Index for the Houston area was up by 0.1%.

Requests for salary adjustments within authorized maximums will continue to require reviews by OBM for available funds. Requests for adjustments that would be above maximum salaries for any position must be sent to OBM for budget review, and then be placed on the court's agenda for consideration.

- d. **Group Health & Benefits** A report from the director of the Office of Human Resources & Risk Management is behind the benefits tab. The second year of a seven-year agreement with Aetna, Inc., for the medical plan will begin March 1, 2010 with no plan changes and no increase in premium rate for the county, employees, retirees, or dependents. County funding for its portion of costs will increase by approximately \$5 million due to additional employees, retirees, and dependents. The total estimated cost for the medical plan will be \$182.6 million, with the county paying \$147 million or 81%.

An attached table in the OHRRM report shows a cost and coverage comparison of Harris County's retiree benefits with nine other counties and the City of Houston. The survey shows Harris County provides the highest overall retiree premium subsidy.

The Texas County & District Retirement System annual plan for Harris County effective January 1, 2010 will require a county contribution rate of 11.31% or \$102.1 million to maintain benefits, an increase of \$14.4 million from the current 9.74% rate or \$87.7 million.

It is recommended that the court approve continuation of the present plan with no changes (Option A) effective January 1, 2010 with the increase in costs as shown in the report based on estimated FY 2010-11 payroll. The approved order should include continuation of the optional group term life program for calendar year 2010.

The balance of the OHRRM report addresses the status of worker's compensation; cost recovery effects and impact of Hurricane Ike; continuity of operations planning; personnel regulation amendments and policy review; employee background and drug screening; and ethics policy and training.

Regarding the ethics policy and training, it is recommended that each court member designate a representative for the Ethics Committee in accordance with the court order of June 23, 2009. The committee would then meet to review plans for training and communications, including a process for addressing questions related to implementation and compliance with the court's approved policy.

- e. **Vehicles** A report will be prepared by Management Services for the court to consider at FY 2010-11 budget hearings regarding the alternative ways the county provides for employees to have access for transportation when needed to conduct county business: assignment of county-owned vehicles, payment of car allowances, or mileage reimbursements. There are management issues associated with each method and they should be analyzed with the department heads. The report will also provide recommendations for cost control in management of the county's fleet of vehicles.
- f. **Management Services** This department 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 county departments. A reorganization plan will be prepared for consideration of court members.
- g. **Public Infrastructure** A report is behind the PID tab.

**Architecture & Engineering** This division is seeking additional funds to complete conversion of the Lyons Camp location at U.S. 290 and Gessner into a household hazardous waste facility. The division is also asking for \$1 million to provide for contract negotiations as may be needed and for emergency purchase orders when necessary.

A&E is working with departments to develop master plans regarding their space needs and locations.

**Executive Division** An updated list of capital projects from the court's 2009 capital improvement meeting is attached. There is a list of 85 projects in the total amount of \$864.3 million. PID has placed 11 of the projects on a priority listing in the approximate amount of \$3.7 million. They include Phase I construction of the North Bayou Central Plant; public safety work on the exterior of the Administration Building; a sewage plant for the Katy juvenile facility; environmental clean up at the Lyons Camp; clean up of underground storage tanks at 601 Lockwood and 6104 Dixie Drive; environmental studies of county sewage plants for code compliance; and environmental testing at Fleet Services, 2505 Texas. The priority list also includes the Port security project; a PID contingency fund for emergency response; funding to open the household hazardous waste facility at U.S. 290 and Gessner; and an NPDES permit watershed protection project.

**Facilities & Property Management** FPM is requesting an annual capital repair and replacement fund of \$3.5 million for health and safety related projects as may be necessary for county facilities. The request is for the annual amount to be adjusted by a minimum of 8% each year. FPM has submitted a project list that is attached behind the PID tab.

The FPM director said this fiscal year the cost for electricity will result in a budget shortfall in the approximate amount of \$1.3 million.

**Construction Programs** This division is requesting salary adjustments for certain positions.

**Right of Way** PID said the ROW Division will need additional funds for its budget this fiscal year.

**Toll Road Authority** Planning continues for funding to maintain and update the toll road system and to finance future projects.

**Flood Control** As discussed in the tax rate section of this report, funds will be provided by the county for continuation of projects as outlined by the director in the capital improvements program in June 2009. The CIP material is updated and listed behind the PID tab.

The Harris County Flood Control District contract tax commercial paper program had an unencumbered balance of \$102.9 million on August 31, 2009. Fund 3320, contract tax series 2004A, had an unencumbered balance of \$14.6 million, and series 2007 in Fund 3330 had a balance of \$42.5 million. The total of unencumbered funds at the end of August was approximately \$160 million. The district has projects planned or underway with the use of these funds. Another \$170 million in funding will be allocated for continuation of projects and new projects as planned.

The county's tax rate as proposed provides sufficient debt service funding for the balance of this fiscal year and FY 2010-11.

The Flood Control director is also requesting approval of changes in titles and maximum salaries for certain positions.

- h. **Information Technology** A report from the Acting Director is behind the IT tab. The court appointed Bruce High to the position to replace the director, Steve Jennings, upon his retirement at the end of August 2009.

The Acting Director's report outlines plans to work with county departments to specify technology goals and strategies to meet their needs. A Citizen Centric Web will be created with customer relationship support.

The Acting Director plans to implement certain organizational changes over the next five months while remaining within the department's fiscal year budget.

The JIMS Executive Board will be asked to approve a modified plan in which the justice information system would remain in the IT Department as a division, but it would have a separate budget that would require approval of the JIMS Board.

Plans will be developed for improvements to strengthen disaster recovery for continuity of county business, and improvements for records management and procedures.

The Acting Director has identified office expansion needs for the various sections of the department, including replacement of the regional radio center at 2500 Texas. Metro will be constructing a light rail line which will require the radio center to be moved along with Fleet Services which is across the street from the radio shop. PID is seeking alternative facilities that could be considered as replacements.

At this time there are 168 interlocal agreements with the Harris County Regional Radio System. The system is projected to have 240 agreements by the end of 2012. Negotiations continue for expansion of the system into areas outside of the Houston-Galveston area. The Acting Director's report said that effective communications are critical for coordination of evacuation routes. Areas for connections include Parker County, which is adjacent to Tarrant County in north central Texas; Texas Department of Transportation; South Texas Nuclear Power Plant in Somervell County; the East Texas Medical Center in Longview; the Deep East Texas and East Texas Councils of Government; Brazos Valley Wide Area Communications System; the Port of Houston and the Ship Channel Security District; the cities of Longview, Waco, and San Antonio; and the Coastal Project for creation of seamless interoperable radio connectivity across the Texas Gulf Coast.

IT is working with the City of Houston and the Greater Harris County 911 System to provide an integrated solution for a microwave system as a backbone for the radio system. The Acting Director notes that during Hurricane Ike, microwave remained on the air for Harris County during and after the storm.

Harris County, according to the acting director's report, will need funds to replace or upgrade radios for the system. An 800 MHz rebanding process will replace older analog radios. The county's regional system now has 45,000 radio units and is expected to have 80,000 radio units by the end of 2012.

The report said that strategic locations for radio equipment services throughout the region will be needed. The county has an agreement in place with the Houston Airport System for radio service facilities at both Intercontinental and Hobby Airports. The county is in discussions with the City of Pasadena for another service facility.

An ultimate goal is to provide an expansion of days and hours for operation of the Radio Network Operations Center, from nine-hour days five days per week to 24 hours per day seven days per week.

It is recommended that a study be prepared for the court regarding the current and projected costs for the Regional Radio System and sustainable sources of revenue that would be available.

i. **Sheriff**

1. The Sheriff's Department is requesting that the court approve another 60 detention officer positions and 20 medical staff positions for jail operations. Also requested is a night watch commander position for Detention. The court in April 2009 approved positions for 22 detention sergeants, 40 detention officers, and 11 registered nurses. Major goals were to reduce overtime costs in the jail system and comply with medical recommendations from the U.S. Department of Justice. Copies of reports on these items and others below are behind the Sheriff's tab.
2. The Sheriff has reviewed options for a new Central Processing Center for Harris County with space for processing City of Houston defendants and the housing of special needs inmates. A recommendation will be given to the Harris County Criminal Justice Coordinating Council for review and submission to Commissioners Court. PID should review the proposal during this same time period.
3. The Sheriff's Department will seek to manage the Aramark contract for jail maintenance in the next fiscal year rather than FPM.
4. The Sheriff's Department is asking that various floors of the old 1301 jail building be used for transition programs for former inmates who are homeless, or have mental health needs, or veterans in need of care. Program support would be provided by outside agencies. PID is having a review prepared on the feasibility and costs of converting space in the facility for these purpose.
5. The Sheriff's Department has begun creation of a jail staffing model and a jail personnel scheduling system. The system is expected to identify the correct staff schedule for each shift each day and help meet requirements of the Texas Commission on Jail Standards and control overtime costs.
6. A jail management system is to be reviewed for an RFP through the Criminal Justice Coordinating Council.
7. An upgrade of the security system is underway for the 701 San Jacinto jail at an approximate cost of \$4.5 million.
8. The department will seek an upgrade in the pharmacy system at an approximate cost of \$2.7 million over a three-year period. An additional \$1 million would be needed for a wireless internet environment in the jail system for tracking of carts used to distribute medicines.
9. The department is also seeking to implement an electronic medical records system for inmates and has been evaluating a system used by the Hospital District.
10. The department is considering a request to review all processes and procedures that are in use in the Sheriff's Department in order to increase productivity.

11. A salary study has been requested of Management Services/OHRRM for sworn and civilian positions.
12. The Sheriff's Department said there is agreement to shift the Firearms Lab Operation to the Medical Examiner's Office. There is a backlog of approximately 900 cases and added funds will be required for continuation of certification and software.
13. As requested by the court, a study will seek to determine funding, direct and indirect, used by Harris County and proposed to be spent for support of the Immigration, Customs, and Enforcement service, including personnel and services required by I.C.E., and whether the costs will be reimbursed by the U.S. government.
14. The department's Internal Affairs Division has requested approval to relocate from its offices at 2223 West Loop South to space at 7850 N. Sam Houston Parkway West. The division does not pay rent at its current location which is a county facility where Public Health is housed. At the proposed location, build out would cost \$210,000 and rent for the first year would be \$321,320. Rent would increase at 3% per year. This expense was not part of the department's budget for the fiscal year.

j. **Patrol**

A report by the Office of Budget Management on patrol is behind the patrol tab. The report provides for incremental changes in contract patrol rates for full recovery of county cost. The court on October 21, 2008 approved an order for the County Attorney to notify contracting entities of an increase in rates toward eventual cost recovery. The County Attorney's opinion dated September 22, 2009, a copy of which is attached, points to the necessity of full cost recovery as stated in Sec. 351.062 of the Texas Local Government Code. Cost figures were reviewed by the Auditor's Office, and a copy of that report is behind the patrol tab.

An analysis to determine the goal of the number of additional field operation staff that should be provided for the population of the unincorporated area will be completed later this year and will be available for budget sessions for FY 2010-11.

An important concern for the court should be the lack of uniformity between and within the agencies as to how data is captured and coded in the Computer-Aided Dispatch System. Law enforcement operations can be complex and, the report notes, the complexity becomes greater because the county has nine police agencies that are involved. Standards for equipping patrol vehicles also need attention.

It is recommended that the following two actions be considered by the court.

1. Consider approval of the item on the court's September 29, 2009 agenda for contract rates for the year effective January 1, 2010.
2. Establish a Patrol Working Group to review the patrol report and its concerns and suggestions for recommendations that can be given to the court for consideration in the 2010-11 budget sessions. The committee should be composed of representatives of the Sheriff and Constables, each member of Commissioners Court, and Management Services.

k. **Medical Examiner**

The Forensic Biology (DNA) Expansion Plan Assessment is behind the Medical Examiner's tab.

The chief of the Houston Police Department and the Harris County District Attorney asked that the Harris County Medical Examiner assume the DNA caseload of HPD. A DNA Expansion Plan Assessment Team prepared the attached analyses and recommendations. The team was led by two consultants, Dr. Robert Shaler, Director of the Forensic Science Program at Pennsylvania State University, and Ken Mohr of Crime Lab Design. The Medical Examiner, Dr. Luis Sanchez, and eight staff members, including the Crime Lab Director, Dr. Ashraf Mozayani, the Forensic Biology Director, Dr. Roger Kahn, four DNA managers, and the operations director and coordinator, along with two of Management Services staff, Amir Rashid and Kevin Seat, participated with the two consultants in the report.

The assessment determined that the Medical Examiner's DNA caseload has more than doubled since 2006 and can be expected to increase for crimes of homicide, rape, and aggravated assault, plus property crimes. In 2005, Dr. Shaler, as a consultant, issued recommendations to the Medical Examiner for increases in professional staff, equipment, and procedures for DNA lab work. Harris County followed those recommendations, and at this time there is no backlog of homicide or sexual assault DNA tests. Rather, those cases are assigned and testing begins within 30 days of receipt. The assessment shows backlogs and turnaround times are "unacceptably lengthy" for other crimes, including burglaries. Nonetheless, the Medical Examiner's lab has linked "hundreds" of previously convicted persons to DNA recovered from burglaries. Dr. Shaler said the assessment study found Harris County's DNA links have been "more than any other lab in Texas." Burglaries, he said, have been found to be the primary source of "hits" to local, state, and national DNA databases.

A two-year study funded by the National Institute of Justice in Denver sought to explore whether DNA was a cost-effective tool for investigating and prosecuting high-volume property crimes, such as home and commercial burglaries and car thefts and car break-ins. The study determined that the use of DNA testing in these types of cases “saved money, lowered crime rates, and removed a substantial number of habitual criminals from the community.” The study also found that, as a result of DNA testing, a working collaboration developed between the crime lab, police, and district attorney and that synergy, listed as a “best practice”, helped enable the Denver burglary project to be successful, reducing the rate of such crimes by 41%. A copy of a report on this subject from the National District Attorneys Association is behind the Medical Examiner’s tab.

The assessment team in Harris County found the City of Houston to have a crime rate that is two to three times more than the county’s. Adding the HPD DNA caseload to the county’s, the team said, must be done in phases. There is a backlog of nearly 4,000 sexual assault cases at the city which have not been submitted to the HPD lab plus more than 500 incomplete new cases. The county’s goal should be to eliminate the backlogs. Also, the consultants said, testing should include all crimes of homicide, rapes, aggravated assault and robberies plus a good portion of burglaries.

In order to handle the expected growth in county cases and absorb the volumes expected from the City of Houston, and maintain the county's standards and certifications, Harris County will need to increase analytical staff, automation and equipment, testing supplies, and workspace.

The county DNA lab would add a Molecular Genetic Testing Unit to assist the Medical Examiner in determining cause of death. The lab would provide training for medical students, residents, and physicians. A DNA Specialized Crime Scene Team would be formed to assist law enforcement in collection and preservation of DNA samples at certain crime scenes.

Additional space near the Medical Examiner’s Forensic Center has been identified at the John P. McGovern Campus in the Texas Medical Center. The assessment report includes preliminary designs and cost estimates. These space items should be given to PID for review and analysis.

The report outlines incremental steps in four phases that should occur to obtain the goals of having a high quality Harris County expanded DNA lab. Cost sharing assumptions and estimates for an agreement with the City of Houston for DNA cases are included. Further research will be done for possible grant funds and other resources that could help finance the expansion needed.

The following recommendations are presented for consideration.

1. Decisions as to a new Forensic Center with financing from bond funds authorized by voters in November 2007 should be reviewed at the capital improvements session in June 2010.

2. The court should ask the Medical Examiner and Management Services to meet with the District Attorney and representatives of the City of Houston for review and discussions of the assessment report and timelines and process for development of the DNA lab in accordance with the phases identified by the assessment study. The consultants would be asked to attend work sessions on an as needed basis.
3. At an appropriate time, the County Attorney should be asked to assign an attorney to work with the Medical Examiner and Management Services for development of an agreement with the City of Houston for the DNA work, including cost sharing and identified phases.
4. It is recommended that the court order the official name of the Harris County Medical Examiner's Office to be changed to the Harris County Institute of Forensic Sciences, subject to an advisory review by the County Attorney. A letter from the Medical Examiner on this subject is attached.

1. **Courts**

1. **Study** Family District Judge Frank Rynd, administrative judge for the nine Family District Courts, has requested the county to seek an agreement with an independent third party to study metropolitan court systems nationwide and provide recommendations for the appropriate number of judicial officers and staff needed for effective operations for the District Courts Family Division in Harris County. The study, Judge Rynd said, "would seem to be a wise prerequisite for future staffing, special programs or other judicial initiatives."
2. **Domestic Violence Court** Civil District Judge Tracy Christopher, administrative judge for the 25 Civil District Courts, has transmitted notice of the designation of Judge Tony Lindsay, 280th District Court, to hear family violence cases. The designation is the result of state legislation. Judge Lindsay's court will belong to the Family Division instead of the Civil Division. The change is to occur during October 2009. The 280th court assumes its new role effective November 1, 2009.
3. **Locations** Judge Christopher said the 280th would remain in the Civil Courthouse. The court is currently on the 14th floor. As a temporary measure, it has been proposed that Judge Lindsay move to the ancillary courtroom on the 8th floor until her term expires at the end of 2010 when she plans to retire. The new 280th judge in 2011 could decide on moving to the Family Law Center or have the court remain in the Civil Courthouse.

Judge Christopher said the civil judges, however, would prefer a plan of the family courts for a resolution of the question of location for the 280th.

Judge Rynd, on behalf of the Board of Family Court Judges, in a separate letter that is attached behind the courts tab, is asking that Commissioners Court authorize a minimum of three Family District Courts to move from the Family Law Center to courtrooms on the 15th floor of the Civil Courthouse.

Judge Christopher, in her letter, said if Commissioners Court approves the move of three family courts to the 15th floor, the civil judges would support the move of the 280th court from the 14th floor to the 15th, thereby having all four family courts on the same 15th floor. They would also propose that Commissioners Court allow the Multi-District Litigation (MDL) judge to move from the 15th floor to the 8th floor and the 334th District Civil Court to move from the 15th floor to the 14th. The final result would be consolidation of the civil courts in floors 8-14, leaving the four family courts, including the 280th court, occupying courtrooms on the 15th floor.

In a separate letter, District Judge Halbach, administrative district judge, is requesting on behalf of the Board of District Judges that the Sheriff's Department permanently assign a second bailiff for the 280th Family Violence Court effective October 24, 2009. Judge Halbach said the judges believe increased security will be necessary because of the "potential for confrontations" resulting from the cases to be heard in the 280th court and an increase in public traffic, including jail inmates that may need to be participants in the court hearings.

4. **STAR Courts** The District Courts Administrator is requesting funding in the amount of \$340,000 for treatment, drug testing costs, and program evaluation services for the period through February 2010 for the STAR Adult Drug Court. The Administrator is also requesting \$68,000 for the STAR Family Intervention Court for continuity of services for the remainder of the fiscal year.
5. **Court Reporters** District Courts Administrative Judge Halbach is requesting that Harris County court reporters each receive a 9% salary increase, from \$70,658 to \$76,958.

m. **Public Defender Office**

A letter from the District Courts Administrator and the County Courts Manager recommending creation of a Public Defender Office is attached behind the PDO tab.

Various committees have been studying the subject in consultation with members of the judiciary and specialists in indigent defense. The recommendations are that a new Public Defender Office should include a director and the following divisions: Appellate, Felony Trial, Juvenile, and Mental Health.

**Appellate** Eleven district judges in the Criminal Division were interested in participating at the felony appellate level. A public defender would represent over 95% of indigents in non-capital appeals. Exceptions would be where conflicts occur, such as in cases with co-defendants.

**Felony Courts** Five district judges expressed interest in participating at the felony trial level. In those courts a public defender would represent indigent defendants in state jail felony cases and motion to revoke probation matters. All remaining cases would have attorneys assigned by judges under provisions of the Fair Defense Act plan. Attorneys assigned by the Public Defender would be expected to meet qualifications for attorneys certified to represent indigent defendants in the district courts.

**Juvenile** Two of the three Juvenile Division Court judges expressed interest in a hybrid system in which six out of 10 indigent respondents would be randomly assigned public defender representation. The other four out of 10 would be randomly assigned private counsel by the participating courts. Public defender attorneys would represent 100% of indigent juvenile respondents in juvenile detention court.

A recommendation in Juvenile is that the District Attorney's Office employ a direct electronic filing system for juvenile delinquency cases comparable to adult criminal cases, with 24-hour access to prosecutorial review and filing.

**Mental Health** The 15 judges of the county criminal courts have agreed to amend their Fair Defense Alternative plan to have a hybrid system of representatives for the mentally ill and disabled. The Mental Health Division of the Public Defender's Office would be assigned cases, and attorneys qualified to represent the mentally ill would be assigned cases. A ratio would be determined by the county criminal court judges and the PDO director.

The report recommends that all PDO personnel should receive the same salary and benefits as their counterparts receive in the District Attorney's Office.

It is recommended that the attached report and court orders on the subject from 2008 and 2009 be referred to the Harris County Criminal Justice Coordinating Council. The Council's review and recommendations should be given to Commissioners Court for consideration as part of the FY 2010-11 budget process.

n. **Libraries**

**Projects** The Library Department is seeking funds in the amount of \$5.4 million for the Evelyn Meador Branch; \$1.93 million for the Kingwood Branch; \$6.2 million for the McNair Branch; and \$5 million for the Stratford Branch. Plans for the Baldwin Boettcher Branch would replace that branch library with a joint library on the Lone Star College-North Harris College campus.

**Position** The director is asking for approval to reclassify a manager position to Assistant Director for Collection Services.

**Deputy Director** The director is asking for authorization to obtain the services of a consultant to recruit candidates for the deputy director position.

5. **Economic Environment & Population Studies**

Attached behind the Economic/Population tab are updated copies of these two studies prepared by the E-Business Results Team.

## 6. 2010 Meetings and Holidays

The following calendar is suggested for the court's schedule of meetings and county holidays for 2010. The schedule provides 24 court meetings which is the same number as in other years since 2005.

### 24 Meetings

#### Calendar 2010

January							February							March							April							May							June											
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S					
					1	2			1	2	3	4	5	6			1	2	3	4	5	6						1	2	3							1	2							1	2
3	4	5	6	7	8	9	7	8	9	10	11	12	13	7	8	9	10	11	12	13	4	5	6	7	8	9	10	2	3	4	5	6	7	8	6	7	8	9	10	11	12					
10	11	12	13	14	15	16	14	15	16	17	18	19	20	14	15	16	17	18	19	20	11	12	13	14	15	16	17	9	10	11	12	13	14	15	13	14	15	16	17	18	19					
17	18	19	20	21	22	23	21	22	23	24	25	26	27	21	22	23	24	25	26	27	18	19	20	21	22	23	24	16	17	18	19	20	21	22	20	21	22	23	24	25	26					
24	25	26	27	28	29	30	28							28	29	30	31				25	26	27	28	29	30	23	24	25	26	27	28	29	27	28	29	30									
31																												30	31																	

  

July							August							September							October							November							December						
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S
4	5	6	7	8	9	10	8	9	10	11	12	13	14	5	6	7	8	9	10	11	3	4	5	6	7	8	9	7	8	9	10	11	12	13	5	6	7	8	9	10	11
11	12	13	14	15	16	17	15	16	17	18	19	20	21	12	13	14	15	16	17	18	10	11	12	13	14	15	16	14	15	16	17	18	19	20	12	13	14	15	16	17	18
18	19	20	21	22	23	24	22	23	24	25	26	27	28	19	20	21	22	23	24	25	17	18	19	20	21	22	23	21	22	23	24	25	26	27	19	20	21	22	23	24	25
25	26	27	28	29	30	31	29	30	31					26	27	28	29	30			24	25	26	27	28	29	30	28	29	30					26	27	28	29	30	31	

#### Holidays:

<i>New Years Day</i>	<i>Friday</i>	<i>January 1</i>
<i>MLK Day</i>	<i>Monday</i>	<i>January 18</i>
<i>Good Friday</i>	<i>Friday</i>	<i>April 2</i>
<i>Memorial Day</i>	<i>Monday</i>	<i>May 31</i>
<i>Independence Day</i>	<i>Monday</i>	<i>July 5</i>
<i>Labor Day</i>	<i>Monday</i>	<i>September 6</i>
<i>Thanksgiving</i>	<i>Thurs. &amp; Fri.</i>	<i>November 25 &amp; 26</i>
<i>Christmas</i>	<i>Thurs. &amp; Fri.</i>	<i>Dec. 23 &amp; 24</i>
<i>New Years Day</i>	<i>Friday</i>	<i>December 31</i>
<i>Floating Holiday</i>	<i>Employee's Choice</i>	