



HARRIS COUNTY, TEXAS

COMMISSIONERS COURT

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Ed Emmett
County Judge

El Franco Lee
Commissioner, Precinct 1

Jack Morman
Commissioner, Precinct 2

Steve Radack
Commissioner, Precinct 3

Jerry Eversole
Commissioner, Precinct 4

September 28, 2011

To: County Judge Emmett and
Commissioners Lee, Morman,
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, October 4, 2011. The information includes the four entities for which the court sets the annual tax rates: Harris County, the Flood Control District, Port Authority, and the Hospital District.

The sections in this book are in the following sequence:

1. Harris County Hospital District
2. County Budgets
3. Public Infrastructure
4. Management Services
5. Public Health Services
6. Information Technology
7. Juvenile Probation
8. Children's Assessment Center
9. Law Enforcement
10. Institute of Forensic Sciences
11. Courts
12. Pretrial Services
13. Criminal Justice Coordination
14. Law Library
15. Tax Rates
16. 2012 Meetings & Holidays
17. Population & Economic Studies
18. Auditor & Port

1. **Harris County Hospital District**

A status report from the President/CEO of the Harris County Hospital District is attached.

In the initial months of FY 2011-12, outpatient volume is higher compared to the same period last year. Visits to community health centers are 2.4% above last year, contributing to a 2.8% decrease in outpatient visits in the emergency room. Total revenue and net patient service revenue are up, reflecting continued improvements in collections and processing. Capital improvements continue as were reviewed at the court's CIP meeting in June for the Holly Hall and LBJ specialty and ancillary care centers.

The district is evaluating state legislative changes that would impact Medicaid payments and expand managed care programs. The director said he would continue to update the court on implementation of new legislation during the balance of this fiscal year and in preparation for the new budget year, FY 2012-13. He said there is uncertainty regarding certain changes, but, after initial reviews, there is belief that the district will be able to provide for and possibly expand certain services while staying within the approved budget for the fiscal year.

2. **County Budgets**

- a. **General Fund** - Operating expenditures in the general fund are currently projected to end at \$1,218,511,018, which would be a reduction of \$126.6 million, or 9.4% from last year's total of \$1,345,088,348. Full-time equivalent positions that are filled have been reduced from 13,283 in FY 2010-11 to 11,850 this year, a drop of 1,433, or 10.8%. Total authorized positions are down from 14,854 last year to 13,754 this year, a reduction of 1,100, or 7.4%.

All major categories of expenditures have decreased except for court-appointed attorneys which is expected to increase by 3% over last year; electricity and other utilities due to hot weather conditions, and the opening of new facilities; increased fleet service charges resulting from higher fuel costs; and increases in transfers out from the general fund because of additional grant cash match requirements this fiscal year.

Other concerns for increased expenditures next year are adjustments in the costs of benefits; funding of an additional payroll period, an event that occurs every 11 years; and continued control of positions and operating costs. Meetings with departments on budget planning for FY 2012-13 will begin later in October.

A review of the flatness of revenue sources in this report and attached materials shows it is necessary to continue current cost control measures for the balance of this fiscal year and in preparation for the next year. Departments will need to prepare for continued reductions of functions that have been determined to be no longer necessary or that can be decreased in size.

Summaries of the general fund and tables showing the status of all funds and all department expenditures are behind the County Budgets tab.

- b. **Precincts** - Regarding budget preparation and planning for the four commissioner precincts, approval of the plan for redistricting of boundary lines is still pending review at the U.S. Justice Department. There is also a pending case in U.S. District Court on the matter. Once these issues are resolved, budgets can be developed with the changes and budget adjustments that will be necessary for operations and capital projects. Changes would need to begin in January 2012 if the new lines are authorized then, and for the new fiscal year that begins in March 2012. A PID review of the county assets for roads, bridges, parks, and facilities and the impact on the precincts of the pending redistricting plan is attached behind the County Budgets tab for reference. Also to be reviewed with the precincts by Management Services will be the formulas used for division of operating and capital funds among the four precincts. Figures from the 2007 bond election are attached for reference.
- c. **Benefits** - A status report by the director of Human Resources & Risk Management regarding group health and related benefits is attached behind the County Budgets tab. The report and recommendations will be placed on the court's regular agenda for October 11, 2011.

The report covers the status and cost projections for medical benefits, retiree health care, the retirement plan, and the optional group term life program. Also included are status reports on the deferred compensation program, workers compensation, unemployment compensation, disaster recovery funds, the Election Technology Center fire, and continuation of budget policies for departments on position control, incentives, and allocation of benefit costs.

- d. **Appraisal District and Taxable Values** - The county's operations are supported by revenues from ad valorem taxes and fees. Over 70% of the general fund revenues are provided by property taxes. Harris County does not have sales tax revenue.

The taxable value certification from the Appraisal District for 2011 is down by approximately \$1 billion, from \$272 billion to \$271 billion, compared to last year. A report from the district on the value, and calculations by the county of funds available, are shown behind the Tax Rates tab. The tax rates presented for the court's consideration, as shown in Item 15 on page 15 of this report, provide for no change in the overall rate for the four entities for which the court sets rates, Harris County, Harris County Flood Control District, Port of Houston Authority, and the Harris County Hospital District. Calculations in the tax rates material show the estimate to be collected for the county for each 1¢ will be approximately \$25 million compared to \$25.5 million last year.

- e. **The Future** - Court members should note reviews and comments on constraints and difficulties faced by certain departments as reflected on pages 4-14 of this report and the reviews and listing of budget resources that are behind the County Budgets tab.

The *Flood Control District*, for example, continues to see a decrease in federal support for major projects for control and prevention of flood damages. The director said "important decisions" will have to be made for additional local resources to offset the decline in federal assistance. Without that help, the district's progress in flood damage reductions will be "slowed considerably."

The county has improved the flow of funding for flood control since 2001 with the use of a county tax rate to provide for issuance of commercial paper funds that are allocated by contract to the Flood Control District.

The amount provided by the county since 2001 has enabled the district to move forward on a rolling five-year capital program that also includes a portion of federal support and reimbursements for flood protection through the U.S. Corps of Engineers, the Federal Emergency Management Agency, and the U.S. Geological Survey. The director said funds from these agencies are being "significantly" reduced.

The county will need to adjust to this situation if the progress on flood control that has been made over the past decade is to be continued.

The *Hospital District* and the *Port* are also concerned about changes and reductions in federal funding sources for their work and projects.

Other county capital projects will need a continued infusion of funding support for *parks and roadway* development and related drainage systems to provide for a surging population and commercial growth in unincorporated areas.

Public facilities will need to be constructed, upgraded, or replaced if the county is to provide safe, convenient, and secure buildings for courts, law enforcement, and public services. *PID*, in the material provided at the CIP meeting in June and in attachments in this book, has listed projects that need attention. That department is also developing a master plan for facilities in the downtown complex and other areas within Loop 610.

Certain operating departments will need funding in the future to cope with issues. *Juvenile Probation*, for example, has seen a decline in public mental health facilities including a reduction in state hospital beds. These closures occur at a time when over 50% of juveniles detained are emotionally disturbed and one in four of them have a serious emotional disturbance. Concerns mount over a decrease in state correctional facilities and a trend toward community-based programs with no added funding set aside or identified to accommodate the changes.

Law enforcement agencies with new technologies are in continual need for stable, dependable resources for trained officers, equipment, and for jail processing and detention. Departments in the *criminal justice system* must be able to recruit and maintain well trained and competent staff, from attorneys to scientists.

The court has responsibility to support a *sustainable financial outlook* year by year and in rolling five-year planning cycles. Financial strength must include reserves sufficient for response to the unforeseen and emergencies and to maintain a high credit rating.

All of the above will be concerns in FY 2012-13 and into the future as the county prepares and plans for fiscal periods in the first half of the *21st Century*.

3. **Public Infrastructure**

The PID Mid-Year report is behind the department's tab in this book. The report shows that all of its divisions are operating within the budget target levels and are projected to finish the fiscal year within appropriated amounts.

- a. **Facilities** - The report expresses concerns with increasing electricity costs due to the warm weather and aging equipment in need of repair or replacement, and the opening of new facilities that require added staff for building services. Management Services will continue to work with PID on these items and various building issues that were identified as necessary at the capital improvements meeting in June.
- b. **Design Studies** - The PID director is requesting that the court repeat its direction that all architectural and/or engineering design studies and reviews be coordinated and authorized by PID. He said Purchasing should discontinue issuance of purchase orders for such requests and departments should be notified to ask the court for PID assistance with any such needs. The director said the goal should be for compliance with state laws for selection of professional service providers and for engineering work to be done for Harris County under supervision or review of the County Engineer.
- c. **Flood Control** - The district's operations and maintenance expenditures and projections for the balance of the fiscal year are within the authorized budget level.
 1. *Capital Projects.* As the FCD director told the court in June at the CIP session, funding assistance through the U.S. Corps of Engineers, Federal Emergency Management Agency, and the U.S. Geological Survey is being "significantly" reduced. The impact, he said, is that local resources need to be increased for Harris County's level of flood damage reduction efforts to be continued.

Funding for the Corps' civil work budget, for example, continues to decrease and studies and projects are impacted. The director said the Corps currently has a backlog of over \$62 billion in construction work while receiving approximately \$2 billion per year in construction funding and there is no indication that the funding situation will improve.

The Flood Control District is now facing a probability that none of the studies in which the Corps would share in costs will receive federal support, and annual reimbursements for the federal share of large construction projects will only receive "a fraction" of what is needed. The reliability of FEMA support for projects that would help reduce damages from possible future floods is also in doubt.

The director said as a result "important decisions need to be made regarding funding for delivering the flood protection the residents of Harris County need and expect." Otherwise, he said, without an increase in local funds to offset the decline in federal assistance, the district's progress in flood damage reductions will be "slowed considerably."

In June at the CIP session, the district had \$419.4 million in available funds for listed projects and is currently requesting another \$70 million for four added projects. Management Services will continue to work with the district as part of its ongoing five-year planning process and will report to the court at the FY 2012-13 budget session.

2. *Drought Conditions.* Another complication for the district is the impact of the current drought. Grasses that provide a protective layer against erosion, the FCD report says, have been "severely impacted" and will expose channels to future damage. To reestablish the grasses and trees that have been lost will take "time and money."

d. **County Capital Projects** - The PID report includes a section on the status of capital projects, including those that were reviewed at the CIP meeting in June. Management Services is working with PID staff on timing and funding needs. PID will present items to court as appropriate.

Certain projects are in a planning phase and are shown in the PID report. They include the following.

- *Sheriff's Communications Facility* - The operation including the 9-1-1 call center will be moved from the 1301 Franklin building which is scheduled to be razed. The plan is to coordinate with all county law enforcement agencies for a central location for communications.
- PID is working with the Commissioners' precincts to convert *traffic signals* to light-emitting diode (LED) for lighting. Reports, PID says, indicate a cost savings could be realized over time with these longer lasting semi-conductor light sources.
- PID is working with *Information Technology* to relocate that department's radio shop from rented space at 2500 Texas Avenue because of plans by Metro to expand its light rail line along that avenue, a project that would limit access to the radio shop.
- A PID task force authorized by court in June will develop plans for adequate funding requirements for *road and drainage systems* that need maintenance and/or reconstruction as county subdivision streets and related systems reach the end of their design life.
- In 2003 the court approved an allocation from the Mobility Fund for *PID* to use as necessary to bridge budget shortfalls for certain road construction and related projects. Management Services will work with PID to replenish this funding source for the next fiscal year.
- PID, as authorized by the court in June 2011, is developing its *master plan* for facilities in the county's downtown complex and other areas within Loop 610. A review will be presented at the county's Capital Projects meeting which will be scheduled in June 2012.

4. **Management Services**

- a. **Reorganization** - The court was advised at MYR in FY 2009-10 and in the policy issues for FY 2010-11 that a reorganization would be developed and provided for the Management Services Department. Certain changes have occurred during that period and additional plans have been prepared for certain staff to assume changes in assignments and/or responsibilities. A large division, Fleet Services, with court approval, was transferred in July 2010 from Management Services to the Purchasing Department. In September 2010 a plan to merge two offices, Financial Services and Financial Planning, went into effect and the head of Financial Planning became director of the combined group.

A reorganization proposal for the Management Services Department to be effective during this fiscal year will be presented and discussed with each court member before placement on the court's regular agenda.

- b. **Investments**

The director of Financial Services and Planning will place recommendations on the court's agenda for annual renewal of the Investment Policy with certain changes along with a recommendation to restructure the Investment Advisory Committee and restate its mission and requirements. Other reports and recommendations will be presented to the court as necessary to provide a continual flow of status information. The director and an assistant county attorney are preparing a summary for court members of the status of Financial Services since last year and further changes that will be proposed in policies and procedures.

5. **Public Health Services**

- a. **Reductions** - A summary status report by the director of Public Health Services, requested by Management Services, is attached for reference. The report addresses the impact of simultaneous losses that have occurred for the department in local, state, and federal resources.
- b. **Permit Fees** - A report with recommendations by Management Services regarding regulation and inspection of food establishments in unincorporated areas and certain contracted municipalities is attached for review. If there is no objection, this item will be placed on the court's regular agenda in October for discussion and consideration.

6. **Information Technology**

- a. **ITC Report** - Attached is the Mid-Year Review Report of the Information Technology Center that covers its accomplishments in working with departments and committees to improve technological services and security of systems. The report is in the form of a plan for continued development of system applications, radio transmissions, and related projects. Management Services will work with the department regarding financial requirements and reviews of personnel needs.

- b. **Archives** - ITC and the County Clerk are requesting approval to transfer the county's archives and two related positions from ITC to the County Clerk's Department. The archival records would be integrated with the Clerk's records at the new warehouse at 11525 Todd Road. The Clerk's Records Management Fund would be used to help finance preservation of the archive records and information.

This item has been placed on the court's regular agenda of October 4 for the court's consideration.

7. **Juvenile Probation**

A Mid-Year Review summary by the director is attached in this book.

- a. **Psychiatric Unit** - The department is requesting funds to continue a service unit at the Harris County Psychiatric Center for juveniles in custody who have significant mental health impairments. The program was created in 2001. The severity of the mental illness suffered by youth assigned to the unit is such that placement of them in the detention center, according to the director, would be non-therapeutic and potentially dangerous. The 16-bed contract will require a second payment this fiscal year of \$1,050,000. The annual total cost for next year will be \$2,100,000.

Complications for the department are the decline in public mental health facilities, including a reduction in state hospital beds, along with a fall in community mental health resources. The director said over 50% of juveniles in detention are emotionally disturbed and one in four have a serious emotional disturbance.

Management Services is working with the department on funding to continue the program at HCPC.

- b. **State Agencies** - The director's report includes a brief on legislative action effective September 1, 2011 on merger of the Texas Youth Commission and the Texas Juvenile Probation Commission into a new agency, the Texas Juvenile Justice Department. TYC and TJPC will be abolished December 1, 2011.

The director's report said there is an ongoing effort to keep juveniles at the local level. He said he believes local probation departments will be asked to assume greater responsibility for youth who will be paroled from the state. There would be a decrease in state correctional facilities and a continued trend toward community-based programs. He said no added funding has been set aside or identified for the changes.

The department will continue to monitor and evaluate the changes in operations and processes and the possibility of available funding resources.

- c. **Education Services** - The director's report provides an update of the department's Education Services Division. The division administers the Juvenile Justice Alternative Education Program for students expelled from school districts, and the Excel Academy Charter School for students in the department's facilities.

The director has requested funding assistance from Management Services regarding certain operating costs of the Education Services Division. Management Services will also work with the director in an evaluation of future requirements for the educational programs.

8. **Children's Assessment Center**

The CAC Foundation advised the county through meetings with court members and a brief in the budget policy issues in March 2011 of a capital campaign for expansion of the center's building capacity to provide added space for services and training in the continued effort to prevent and treat child sexual abuse cases. The Foundation has raised approximately 40% of the funds it will use to provide for the added facility.

The Foundation owns property, approximately 29,534 square feet, adjacent to the county's existing property where the current building of CAC is located, at Dunstan Avenue and Bolsover Avenue in the Rice Village. The Foundation is asking that the county acquire the adjacent land so that it would own both properties and the second facility, as was the case with the first one, would be built by the CAC Foundation for the expanded operations. A report by the designated representative of the Foundation and the CAC director is attached for reference along with a proposed Memorandum of Understanding between the CAC Foundation and Harris County.

It is recommended that the request and materials be referred to the County Attorney and Public Infrastructure for review and preparation of necessary documents for the court's consideration.

9. **Law Enforcement**

- a. **Constables** - An evaluation of the Mental Health Warrant Division of Precinct 1 shows a need for additional staff because of increased workload. Also needed are radio, computer, emergency, and related equipment. A review of assigned vehicles is also necessary. Management Services will complete its review and will provide the court with recommendations. Another note on the work and needs of this division of Constable, Precinct 1 is in a report by the MHMRA director that is included in Item 13.b. of this briefing book.

Reviews will be made of the needs in all Constable precincts and a report will be given to the court.

Another item behind the Law Enforcement tab is notice that the eight constables have been authorized a grant award from Houston-Galveston Area Council of \$406,378 to implement an electronic citations issuance program.

- b. **Contract Patrol** - The contract patrol program has 297 contracts in place with 193 or 65% in the Constable precincts, and 104 or 35% with the Sheriff's Department. There are a total of 859 officers assigned to the contracts: 615 or 72% from the Constable departments, and 244 or 28% from the Sheriff's Department. Proposed contracts with the various entities and associations with recommended rates will be placed on the court's agenda for the annual period that begins in January 2012.
- c. **Sheriff** - A MYR report by the Sheriff is attached. Priorities of the department are to employ added staff for detention, courts, inmate processing, medical services, patrol, and investigations.
1. **Budget and Cost Savings** - Current projections show the department's total expenditures for this fiscal year could be approximately \$404 million, or \$11 million more than its \$393 million budget. Cost savings initiatives have been implemented and more are planned. A report on this subject is attached.

Savings underway include lower contract jail rates in Texas and Louisiana jails; reduced jail pharmaceutical costs; reduced jail visitation days and hours; a revised detention staffing plan; lowered total hours worked by staff; and added detention officers that, once training had been completed, helped reduce certain overtime expenses. Recent pay periods have shown detention salary costs to be lower per period than it was before the initiatives.

Other planned or in-progress initiatives include expansion of inmates in the 3 for 1 program where they can gain jail time credit for work assignments; release of inmates by the courts from the jail on electronic monitoring; and an increase in the number of inmates in county jail as opposed to transfers to contract jails within Texas and in Louisiana.

After further reviews of reports by the Sheriff's Department and analyses by Management Services, the following recommendations are provided for Detention which should contribute to more savings this fiscal year.

- Employ 60 new temporary detention officers effective October 22, 2011.
- Convert 60 temporary detention officers to full-time status effective October 22, 2011.
- Promote 13 detention officers to detention Sergeants effective October 22, 2011.
- Convert 60 temporary detention officers to full-time status effective January 28, 2012.
- Promote one Lieutenant in Detention to Captain effective November 5, 2011.

The net savings from overtime cost adjustments and related changes should be approximately \$443,000 for the remainder of the fiscal year, and in the approximate amount of \$396,000 next year. If the court has no objection, this proposal will be placed on the next regular court agenda on October 11.

Proposals by the Sheriff's Department for added staff for Medical Services, a new classification of Detention Deputy, promotions for certain staff, and changes in the commissary fund operation are still under review and will be returned to court with recommendations. Also under review are the Sheriff's requests for added staff in other divisions, including patrol and investigations.

2. **Jail Management System** - A letter from the Justice Information Management System Executive Board is attached. The Board voted to recommend development of the first phase of a Jail Management System to automate operations and processes. The estimated cost for hardware, software, and contract services would be approximately \$5.4 million. The Board said the cost would be justified by a "substantial" savings from manpower reductions.
3. **Electronic Monitoring** - The Sheriff's MYR budget report includes a section regarding use of electronic monitoring for transfer of inmates to home confinement. The court at its meeting of September 13, 2011 referred a request of the Sheriff to extend a pilot program for use of the technology on a limited basis until the end of the fiscal year. It is recommended that the court authorize the extension requested, and that a study be conducted regarding an expansion of the program. The study should involve the District and County Criminal Courts, Sheriff's Office, Pretrial Services, Community Supervision & Corrections, the District and County Attorneys, and Management Services. A report could be presented to the court for consideration at the FY 2012-13 budget session.

For reference, a brief from the director of the Office of Criminal Justice Coordination is attached providing a summary of sentencing alternatives in lieu of county jail time, and regarding the need to have a unified approach in testing for controlled substances.

10. **Institute of Forensic Sciences**

- a. **Firearms and Latent Prints** - The Chief Medical Examiner, in an attached letter, is requesting the court's approval to work with the Sheriff's Department to develop a transfer of firearms identification and latent print functions to the planned Regional County Forensics Center. In the regional planning, a goal to consider has been to place functions that require scientific analyses with the Forensic Center. If the court agrees, Management Services will assist in development of a transition plan and process.
- b. **Property Crimes** - Another request is for court authorization to allow for development of a pilot program with the City of Houston to test DNA evidence that could be recovered from property crimes committed within the city. Dr. Sanchez said, based on specific experience with county cases, about 70% of evidence could provide results for entry into the U.S. DNA database system, and about 50% of those could result in a match or "hit" of persons who committed the offense and, in some cases, other acts for which they may be wanted by law enforcement agencies.

If the court agrees, Management Services will assist in development of the pilot project with the city and cost figures necessary for an agreement that could be considered by Commissioners Court and the Mayor and City Council.

- c. **Science Council** - Dr. Sanchez is working with the Texas Medical Center and the Harris County Medical Society to form a Scientific Advisory Council that could review strategic issues and planning for the Institute of Forensic Sciences as it moves into a regional operation. The team would meet periodically with the Medical Examiner and staff, including those of the Crime Lab, to review policies, procedures, and outcomes. The goal would be to reach for and maintain best practices in each of the Institute's scientific disciplines.

11. **Courts**

- a. **District Courts** - The District Courts Administrator has submitted a Mid-Year report from the judges that outlines certain areas for coordination and further development.

- **Jail Population Initiatives** - Five of the criminal courts are participating in a State Jail Sentencing Alternative pilot program to consider whether low-level first offenders could be steered from county jail sentences into deferred adjudication with probation conditions.

Another workgroup of judges, the Pretrial Services director, and persons from other criminal justice disciplines are reviewing ways to help reduce the pretrial jail population.

- **Family and Civil Courts Study** - The courts are in the process of selecting a specialist for an assessment of civil and family district courts to recommend improvements and coordination of practices where needed. Commissioners Court asked for the collaborative effort in light of a planned Family Law Center that would be across Franklin Street from and tunnel-connected to the Civil Courthouse.
- **Criminal Courts Caseflow Study** - The District Courts Criminal Division will begin a caseflow management review and improvement initiative with analysis of current practices and opportunities for innovation. Goals will be to reduce inmate movements, the time involved for dispositions of cases, and the costs for indigent defense caused by processing delays. Technical assistance will be provided by American University through the U.S. Department of Justice with no cost to the county.
- **Bailiffs and Courthouse Security** - The judges are requesting the court to consider providing added assistance for bailiff coverage and courthouse security needs.

- **Therapeutic Justice Initiatives** - The district and county court judges are seeking a grant to assist in establishing an Adult Treatment Court Collaborative Workgroup. A network of behavioral health service providers would seek to address the needs of persons involved in the justice system who have mental and/or substance abuse disorders. Goals would be to move separate efforts into an integrated system that would link all treatment courts to standard protocols and procedures for effective screening, appropriate case management and treatment services, and reduced costs for criminal justice and related systems.
 - **Courthouse Facilities** - The judges are requesting that services be increased for building maintenance due to broken and unstable seating for jurors.
 - **Foreign Language Interpreters** - The judges are requesting assistance from Management Services to facilitate enhancement of services by competent foreign language interpreters as necessary for hearings, trials, and motions in court proceedings. The goal would be to avoid discrimination of persons involved in the court system who have limited English proficiency.
- b. **County Courts** - The Office of Court Management submitted a MYR report that is attached on the status of cases in the County Civil and Criminal Courts, the JP Courts, and the 24-Hour Hearing Court. The Hearing Court handles probable cause matters involving new arrests, issuance of emergency protection orders, and arrest, search, and mental health warrants. It should be noted that the report on JP courts includes a review of adopted local rules for redistribution of workloads in these courts for case filings by the Fire Marshal, commercial motor vehicle violations, driver license suspension hearings, and tow hearings regarding rights of owners and operators of stored vehicles.

12. **Pretrial Services**

The County Attorney's Office said in an opinion, a copy of which is attached, that the Pretrial Services Agency may not be managed by a standing committee of the district and county courts. Instead, state law places Pretrial Services in Harris County under the jurisdiction and authority of Commissioners Court.

In March 2011, as part of FY 2011-12 budget policy issues, Commissioners Court authorized preparation of a memorandum of understanding with the judges that could allow Pretrial Services to answer to the judicial standing committee. The judges, as shown in an attached communication, point to the need for more uniform practices for supervision management between Pretrial Services and Community Supervision & Corrections with both departments reporting to the district and county criminal courts.

A staff memo from the judges said current law places Community Supervision & Corrections under the district and county courts and the law creating a county pretrial services office provides that either the judges, with the consent of Commissioners Court, or the Commissioners Court itself, may establish the office, and that "whichever entity establishes the office also has the authority to employ the director."

The County Attorney's Office said that Article 17.42 of the Texas Code of Criminal Procedure reads: "Any county, or any judicial district with jurisdiction in more than one county, may establish a personal bond office to gather and review information about an accused that may have a bearing on whether he will comply with the conditions of a personal bond and report its findings to the court before which the case is pending."

In an attached memo, the County Attorney's Office said that all the district and county courts in Harris County have jurisdiction in only one county, Harris, and, therefore, since they do not have jurisdiction in more than one county, they cannot establish a personal bond office in Harris County. Rather, Commissioners Court in Harris County employs the director and staff of the personal bond office and that office is statutorily under the jurisdiction and authority of Commissioners Court.

"The only relationship that the Texas Legislature intended to exist between pre-trial services and the criminal court judges," according to the County Attorney, "was for pre-trial services to gather and review, and report to the courts, information that may have a bearing on whether the accused will comply with the conditions of a personal bond." The result, according to the opinion, is for Pretrial Services to remain independent of the courts, prosecutors, and defense attorneys and avoid "any conflicts of interest."

Also, according to the County Attorney, it would be "impermissible" for Commissioners Court to delegate governmental authority by placing Pretrial Services under a standing committee of the courts. Commissioners Court must retain the powers delegated to it. The court, the opinion said, "cannot abdicate or transfer the governmental function which it derived by statute."

Recommendation

It is recommended that the court follow the opinion of the County Attorney and continue to retain responsibility for the Pretrial Services program. Meanwhile, the court should instruct the director of Pretrial to continue to meet with the judges on a regular basis to review operations and results of the personal bond program and attend meetings and participate in studies of the Harris County Criminal Justice Coordinating Council.

Management Services will continue to consult with the PTS director regarding budget needs of the agency, performance standards, and evaluation of outcomes as part of the criminal justice system.

13. **Criminal Justice Coordination**

- a. **Criminal Justice Coordination Council** - The Council has various analyses underway including use of GPS technology for house arrest and tracking; evaluation of bail and pretrial schedules; evaluation of State Jail felons in criminal justice; evaluation of community service in place of jail time and other community work programs; identity of probationers in jail and reasons for their incarceration; evaluation of caseloads in criminal courts; use of technology; evaluation of court costs and fines; and tracking of the flow of persons in the criminal justice system from the front end to the exit. Continued reviews and implementation will be through the Council of the various findings and recommendations for the criminal justice system that were provided by The Justice Management Institute in late 2009.

It should be noted that Commissioner Lee, as chair of the CJC Council, appointed County Court Judge Sherman Ross as chair of a workgroup to study the flow and process of criminal cases, including alternative methods of processing mental health and/or drug abuse cases.

- b. **MHMRA and Healthcare for the Homeless** - Reports from the directors of the Harris County Mental Health and Mental Retardation Authority and Healthcare for the Homeless are attached in connection with projects for detainees of the criminal justice system who suffer from mental illness. It is recommended that the reports be transmitted to the Criminal Justice Coordinating Council for consideration.
- c. **Public Defender Office** - A progress report by the Public Defender on development of his office is attached. The staff moved to permanent quarters on the 13th floor of the Criminal Justice Center in September 2011.
- d. **Court-Appointed Attorneys** - A continuing concern is the increase in expenditures for court appointed attorneys. A summary of data is attached for reference.
- e. **Attorneys for County Offices** - Management Services will provide a review and recommendations for consideration concerning allocation of positions and compensation for legal staff assigned to the District Attorney, County Attorney, and Public Defender, and payments for court-appointed attorneys for the courts.

14. **Law Library**

The County Attorney, who has responsibility for Law Library operations, recommends that the facility be closed on Saturdays effective January 7, 2012.

An evaluation found that the visitor count for Saturdays has dropped significantly over time and closing on that day would allow more efficient use of staff and result in cost savings.

The County Attorney is working with the Houston Bar Association and the Houston Volunteer Lawyers Program on recommendations to improve library services. Consideration will also be given to relocating the Law Library to the first floor of 1019 Congress Plaza from the 17th floor so it would be more accessible for attorneys and the public.

15. **Tax Rates**

The tax rate schedules and related material are behind the Tax Rates tab. The following table provides for the total of \$.62998 for the County, Flood Control, Port, and Hospital District. This is the same total since 2007.

	<u>2006</u>	<u>2007</u>	<u>2008</u>	<u>2009</u>	<u>2010</u>	Proposed <u>2011</u>
County Gen.	.34221	.33221	.33221	.33221	.33221	.33221
Pub. Imp. Cont.	<u>.00000</u>	<u>.00697</u>	<u>.00594</u>	<u>.00180</u>	<u>.00180</u>	<u>.00223</u>
Subtotal	<u>.34221</u>	<u>.33918</u>	<u>.33815</u>	<u>.33401</u>	<u>.33401</u>	<u>.33444</u>
Debt Service	<u>.06018</u>	<u>.05321</u>	<u>.05108</u>	<u>.05823</u>	<u>.05404</u>	<u>.05673</u>
<u>County</u>	<u>.40239</u>	<u>.39239</u>	<u>.38923</u>	<u>.39224</u>	<u>.38805</u>	<u>.39117</u>
FCD O&M	.02733	.02754	.02754	.02754	.02727	.02727
FCD Debt	<u>.00508</u>	<u>.00352</u>	<u>.00332</u>	<u>.00168</u>	<u>.00196</u>	<u>.00082</u>
<u>FCD</u>	<u>.03241</u>	<u>.03106</u>	<u>.03086</u>	<u>.02922</u>	<u>.02923</u>	<u>.02809</u>
<u>Port</u>	<u>.01302</u>	<u>.01437</u>	<u>.01773</u>	<u>.01636</u>	<u>.02054</u>	<u>.01856</u>
<u>HCHD</u>	<u>.19216</u>	<u>.19216</u>	<u>.19216</u>	<u>.19216</u>	<u>.19216</u>	<u>.19216</u>
<u>Total</u>	<u>.63998</u>	<u>.62998</u>	<u>.62998</u>	<u>.62998</u>	<u>.62998</u>	<u>.62998</u>
Operations	<u>.56170</u>	<u>.55888</u>	<u>.55785</u>	<u>.55371</u>	<u>.55344</u>	<u>.55387</u>
Debt	<u>.07828</u>	<u>.07110</u>	<u>.07213</u>	<u>.07627</u>	<u>.07654</u>	<u>.07611</u>
Total	<u>.63998</u>	<u>.62998</u>	<u>.62998</u>	<u>.62998</u>	<u>.62998</u>	<u>.62998</u>

The table was prepared for 2011 with the assumption the court would want to keep the total for the four entities at the same level of \$.62998. If that is the court's wish, and the above table is authorized for presentation, no special hearings on any of the rates will be necessary. The rates as shown in the 2011 column can be placed on the agenda for approval at the court's scheduled October 11 meeting.

16. **2012 Meetings and Holidays**

The following is a suggested schedule for consideration for 2012 court meetings and holidays.

Calendar 2012 24 Meetings																																																														
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	3	4	5	6	7					1	2	3	4					1	2	3	4	5	6	7	1	2	3	4	5	6	7					1	2	3	4	5					1	2	3	4	5					1	2	3	4	5			
8	9	10	11	12	13	14	5	6	7	8	9	10	11	4	5	6	7	8	9	10	8	9	10	11	12	13	14	6	7	8	9	10	11	12	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30
15	16	17	18	19	20	21	12	13	14	15	16	17	18	11	12	13	14	15	16	17	15	16	17	18	19	20	21	13	14	15	16	17	18	19	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30							
22	23	24	25	26	27	28	19	20	21	22	23	24	25	18	19	20	21	22	23	24	22	23	24	25	26	27	28	20	21	22	23	24	25	26	17	18	19	20	21	22	23	24	25	26	27	28	29	30														
29	30	31	26	27	28	29	25	26	27	28	29	30	31	29	30	27	28	29	30	31	27	28	29	30	31	24	25	26	27	28	29	30																														
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																					
1	2	3	4	5	6	7					1	2	3	4	2	3	4	5	6	7	8	1	2	3	4	5	6					1	2	3					1	2	3					1	2	3														
8	9	10	11	12	13	14	5	6	7	8	9	10	11	2	3	4	5	6	7	8	7	8	9	10	11	12	13	4	5	6	7	8	9	10	2	3	4	5	6	7	8																					
15	16	17	18	19	20	21	12	13	14	15	16	17	18	9	10	11	12	13	14	15	14	15	16	17	18	19	20	11	12	13	14	15	16	17	9	10	11	12	13	14	15																					
22	23	24	25	26	27	28	19	20	21	22	23	24	25	16	17	18	19	20	21	22	21	22	23	24	25	26	27	18	19	20	21	22	23	24	16	17	18	19	20	21	22																					
29	30	31	26	27	28	29	30	31	23	24	25	26	27	28	29	28	29	30	31	25	26	27	28	29	30	23	24	25	26	27	28	29																														
														30														30	31																																	

- Commissioners Court meeting dates
- Holidays

Holidays:

<i>New Years Day</i>	<i>Monday</i>	<i>January 2</i>
<i>MLK Day</i>	<i>Monday</i>	<i>January 16</i>
<i>Good Friday</i>	<i>Friday</i>	<i>April 6</i>
<i>Memorial Day</i>	<i>Monday</i>	<i>May 28</i>
<i>Independence Day</i>	<i>Wednesday</i>	<i>July 4</i>
<i>Labor Day</i>	<i>Monday</i>	<i>September 3</i>
<i>Thanksgiving</i>	<i>Thurs. & Fri.</i>	<i>November 22 & 23</i>
<i>Christmas</i>	<i>Mon. & Tues.</i>	<i>Dec. 24 & 25</i>
<i>Floating Holiday</i>		

17. **Population and Economic Studies**

These studies, prepared by staff of the E-Business Results Team, are enclosed in this briefing book for reference. Subsequent updates will be provided at the FY 2012-13 budget presentation in March 2012, at the Capital Improvements meeting in June 2012, and at the Mid-Year Review in September 2012.

18. **Auditor and Port**

The Auditor has proposed an amendment within her department's budget of \$82,301 for expenses for additional audit staff and related adjustments for work at the Port of Houston. Her letter on the subject is attached. The Board of Judges will consider the amendment at a scheduled meeting and hearing on October 11.

The Auditor said her budget is sufficient to cover the incremental expenses for the remainder of this fiscal year, but the changes will require a budget increase for the next fiscal year. She said the Port will be billed for the services.

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