

**THE STATE OF TEXAS
COUNTY OF FANNIN**

**IN COMMISSIONERS COURT
FANNIN COUNTY, TEXAS**

On this 29th day of October, 2012 the Fannin County Commissioners Court met in a Regular Meeting after public notice was posted on the 25th day of October 2012 at 4:51 p.m. with the following members being present:

Creta L. Carter II	County Judge
Gary Whitlock	Commissioner, Precinct 1
Stan Barker	Commissioner, Precinct 2
Dewayne Strickland	Commissioner, Precinct 3
Joe Strong	Commissioner, Precinct 4

The following business was transacted to-wit:

CALL TO ORDER

Judge Carter called the meeting to order at 9:00 a.m.

INVOCATION

Commission Barker

ITEM 2. ESTABLISH A QUORUM

Judge Carter declared a quorum has been established.

ITEM 3. PUBLIC FORUM

Judge Carter stated early voting is going on and recommended everyone vote.

ITEM 4. APPROVE MINUTES OF PREVIOUS MEETING(S)

None

ITEM 5. CONSIDERATION AND ACTION TO APPROVE 3% PAY INCREASE, NOT RECEIVED ON OCTOBER 1, 2012 FOR SHERIFF'S DEPARTMENT DISPATCH SUPERVISOR AND SERGEANT AND TO APPROVE PAYMENT OF 3% PAY INCREASE RETROACTIVE FROM OCTOBER 1, 2012 - SHERIFF

Donnie Foster, Sheriff stated there were two employees promoted prior to the end of the fiscal year who did not receive the 3% increase that was an across the board increase for all employees; it is requested the increase be given to the employees retroactively; if this is not permissible, then it is requested the increase be given from this date forward.

Judge Carter asked if the employees were exiting and not new-hires. Sheriff Foster confirmed.

Scott Dyer, Auditor stated there is a code which prohibits retroactive payments, Article 3 Section 53 of the Texas Constitution.

Sheriff Foster stated the deputy was promoted to sergeant, the dispatcher was promoted to dispatch supervisor; both employees received an increase commensurate with the position but did not receive the 3% annual increase at the start of the new fiscal year.

Commissioner Barker moved to approve.

Motion By: Commissioner Stan Barker
Second By: Commissioner Gary Whitlock
Vote: 5-0 Passed

ITEM 6. CONSIDERATION AND ACTION TO LENGTHEN TIME FRAME TO USE HOLIDAY TIME ACCRUED-SHERIFF

Donnie Foster, Sheriff stated deputies are not usually off on holidays; the department is currently short handed by 5 deputies; deputies are losing holiday pay because they cannot take any more time off; it is requested sheriff deputies be permitted to increase the time permitted to use holiday pay from 6 months to 12 months.

Scott Dyer, Auditor stated employees receive 90 days to take holiday pay and deputies are permitted 6 months.

Sheriff Foster stated the difficulty in filling positions is due to the low entry level wages. Judge Carter stated it is his intention to address the entry level wages at the next budget hearings; if the issue can be addressed then perhaps the Court can reduce the number of days to use the Holiday pay at that time.

Commissioner Barker moved to approve the extension of 6 months [to 12 months] for this [fiscal] year only at which time it will revert back to 6 months.

Motion By: Commissioner Stan Barker
Second By: Commissioner Gary Whitlock
Vote: 5-0 Passed

ITEM 7. CONSIDERATION AND ACTION TO APPROVE PURCHASE OF TWO (2) CHEVROLET TAHOE PPV (POLICE PURSUIT VEHICLE) FOR FANNIN COUNTY SHERIFF'S OFFICE IN THE AMOUNT OF \$71,526 ON THE BUYBOARD CONTRACT 358-10 TO BE PAID OUT OF LINE ITEM #10-560-575-SHERIFF/AUDITOR

Donnie Foster, Sheriff stated the vehicles are Tahoes, like the department currently owns; these will have light bars on top; the price includes all equipment necessary.

Scott Dyer, Auditor stated the entire purchase will be for \$72,426.00.

Motion By: Commissioner Dewayne Strickland
Second By: Commissioner Gary Whitlock
Vote: 5-0 Passed

ITEM 8. CONSIDERATION AND ACTION TO APPROVE THE REMOVAL OF MR. GENE DANNER FROM THE BOARD OF DIRECTORS OF THE FANNIN COUNTY HOSPITAL AUTHORITY BOARD AND TO APPROVE THE REPLACEMENT ON SAID BOARD TO BE MS. CHRIS WILSON-COUNTY JUDGE

Judge Carter stated he received a letter from Mr. Gene Danner which states he will be unable to serve; Ms. Wilson's name was given on the original list of those recommended. David Conejo, CEO Red River Hospital stated Ms. Wilson works at the Honey Grove Nursing Home and is very familiar with the medical field.

Motion By: Commissioner Dewayne Strickland
Second By: Commissioner Stan Barker
Vote: 5-0 Passed

ITEM 9. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION TO APPROVE ORDINANCE TO CREATE A HOPSITAL AUTHORITY WITHOUT TAXING POWER UNDER THE COUNTY HOSPITAL AUTHORITY ACT AND TO AUTHROIZE COUNTY JUDGE TO SIGN ON BEHALF OF FANNIN COUNTY-COUNTY JUDGE/RED RIVER REGIAONL HOSPITAL CEO

Judge Carter stated he has an Ordinance submitted by David Conejo, CEO Red River Hospital the question is whether or not an Ordinance is applicable. Commissioner Barker stated he looked at the Texas Constitution, the word "Order" may be substituted for the word "Ordinance" to comply with the law.

Mr. Conejo agreed to substitute the language as recommended.

Commissioner Strickland moved to approve the document with the word "Order" used in substitution of the word "Ordinance".

Motion By: Commissioner Dewayne Strickland
Second By: Commissioner Stan Barker
Vote: 5-0 Passed

ITEM 10. CONSIDERATION AND ACTION TO APPROVE A FANNIN COUNTY BURN BAN-COUNTY JUDGE.

Passed

ITEM 11. DISCUSSION REGARDING A PROCLAMATION FOR SAM RAYBURN'S GIRLS SOFTBALL TEAM AND DODD CITY'S BOYS BASEBALL TEAM – COUNTY JUDGE

Judge Carter stated he spoke with the superintendants regarding both clubs attending the State competition last year; school had let out for the summer and the seniors had graduated so a plaque will be presented over the Christmas break when the players will more than likely be back in town.

ITEM 12. DISCUSSION REGARDING A FIRE EVACUATION PLAN FOR THE FANNIN COUNTY COURTHOUSE-COUNTY JUDGE

Judge Carter stated some discussion has taken place regarding fire safety; a plan or drill may be in order not only for the courthouse but for all County buildings.

Commissioner Barker stated a fire evacuation plan is posted on every floor.

Judge Carter stated effort needs to be made to be certain all employees understand proper procedures to ensure the best possible outcome.

Nancy Young, District Clerk stated her concern whether or not the stairwells would become a fire tunnel; are there any existing fire alarms?

Commissioner Strickland stated he did not think there are any fire alarms.

Judge Carter stated these questions need to be answered. Commissioner Strickland recommended the Fire Marshall be consulted.

Darrell Brewer, Emergency Management Coordinator stated Fire Safety Code requires an annual drill and fire safety plan; there are Interim Life Safety Measures that can be a stop gap for insufficiencies which includes drilling at regular intervals; this type of plan saved lives at the World Trade Towers during the 9-11 attacks.

Judge Carter requested Mr. Brewer head up such a plan.

Richard Glaser, Criminal District Attorney stated he has consulted with the Fire Marshall who recommended the fire safety doors be kept closed at all times; fire "pulls"/alarms on each floor; smoke alarms on each floor; the stairwells have combustible walls next to the wells such as in the IT office which would block the stairwell; windows as an escape route require a 7 square foot dimension; the parking around the courthouse prohibits the ladder trucks from getting in close to the building without a fire evacuation lane; additionally there is paper stored on the 3rd floor.

ITEM 13. DISCUSSION, CONSIDERATION AND ACTION REGARDING THE LEASE AGREEMENT WITH WORKFORCE SOLUTIONS OF TEXOMA AND THE MEMORANDUM OF UNDERSTANDING WITH STATE OF TEXAS HEALTH & HUMAN SERVICES COMMISSION-COUNTY JUDGE

Judge Carter stated this is in regard to two separate leases that were in conflict; TWFC stated they will maintain their section of the building but that requires a lease with that language; two new leases will be drawn up, one for each agency.

Judge Carter called for a 5 minute recess.

Judge Carter called the Court back into session at 9:40 a.m.

ITEM 14. CONSIDERATION AND ACTION TO AMEND POLICY REGARDING PAY INCREASE ELIGIBILITY, SECTION 4.03 OF THE FANNIN COUNTY POLICY MANUAL - AUDITOR

Passed

ITEM 15. CONSIDERATION AND ACTION TO APPROVE PAYMENT OF BILLS - AUDIOTR

Motion By: Commissioner Dewayne Strickland
Second By: Commissioner Gary Whitlock
Vote: 5-0 Passed

Judge Carter stated Items 17 and 19 will be passed. Commissioner Strickland moved to convene into Executive Session.

Motion By: Commissioner Dewayne Strickland
Second By: Commissioner Stan Barker
Vote: 5-0 Passed

Judge declared the time to be 9:42 a.m.

ITEM 16. EXECUTIVE SESSION PURSUANT TO SEC. 551.072 OF GOVERNMENT CODE TO DISCUSS REAL ESTATE MATTER(S)

ITEM 17. EXECUTIVE SESSION PURSUANT TO SEC. 551.071 OF GOVERNMENT CODE TO DISCUSS LITIGATION MATTER(S)

Passed

Commissioner Barker moved to reconvene into Regular Session.

Motion By: Commissioner Stan Barker
Second By: Commissioner Dewayne Strickland
Vote: 5-0 Passed

Judge Carter declared the time to be 10:04 a.m.

ITEM 18. ACTION WITH REGARD TO REAL ESTATE MATTER(S) DISCUSSED DURING EXECUTIVE SESSION

No action taken

**ITEM 19. ACTION WITH REGARD TO LITIGATION MATTER(S) DISCUSSED
DURING EXECUTIVE SESSION**

Passed


ITEM 20. ADJOURN

Motion By: Commissioner Dewayne Strickland
Second By: Commissioner Joe Strong
Vote: 5-0 Passed

Adjourned at 10:05 a.m.

**The above and foregoing represents true and correct minutes of the Fannin County
Commissioner's Court meeting in Regular Session the 29th October, 2012.**

(LGC 81.003)
ATTEST:



Tammy Biggar
Fannin County Clerk

