

**THE STATE OF TEXAS
COUNTY OF FANNIN**

**IN COMMISSIONERS COURT
FANNIN COUNTY, TEXAS**

On this 28th day of May, 2013 the Fannin County Commissioners Court met in a Regular Meeting after public notice was posted on the 23rd day of May 2013 at 1:23 p.m. with the following members being present:

Creta L. Carter II	County Judge
Gary Whitlock	Commissioner, Precinct 1
Stan Barker	Commissioner, Precinct 2
Jerry Magness	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 9:03 a.m.

INVOCATION

Mike Towery, Treasurer

ITEM 2. ESTABLISH A QUORUM

Judge Carter declared a quorum has been established.

ITEM 3. PUBLIC FORUM

Judge Carter stated Ms. Elliot of Grayson County is looking for a Fannin County representative for the Texas Silver-Haired Legislature, the group encompasses Cook, Grayson and Fannin County; the group will be taking a trip to Austin in July.

ITEM 4. APPROVE MINUTES OF PREVIOUS MEETING(S)

Judge Carter stated in the previous meeting there was an error stated regarding the AgriLife Extension line item, it was stated there is \$84,386 left in the line item, it is actually \$2,000 more, there is \$86,386 left in that line item.

Minutes were presented for May 20, 2013.

Motion By: Commissioner Jerry Magness
Second By: Commissioner Gary Whitlock
Vote: 4-0 Passed

ITEM 5. CONSIDERATION AND ACTION TO APPROVE INSTALLATION OF WOODEN PRIVACY FENCE IN ALLEY WAY, BETWEEN ADULT PROBATION BUILDING (N.E. CORNER) AND BONHAM FIRE DEPARTMENT STATION 2 (S.E. CORNER), AT NO COST TO COUNTY – CHIEF NICHOLS

Chief Nichols stated the fencing the Fire Department would like to install is a privacy fence which would be at no cost to the County for security and to hide the dumpsters; the fence will be up to code.

Motion By: Commissioner Stan Barker
Second By: Commissioner Joe Strong
Vote: 4-0 Passed

ITEM 6. DISCUSSION REGARDING EMS MONTHLY PROFIT/LOSS REPORT THAT WAS APPROVED AT THE MAY 13, 2013 COMMISSIONERS COURT MEETING – CHIEF NICHOLS

Chief Nichols stated he was not in attendance when the report was submitted and is available for any questions.

ITEM 7. CONSIDERATION AND ACTION TO APPROVE PROCLAMATION HONORING REVEREND WILLIAM T. DALTON – LONG

Mr. Tom Long, member of Holy Trinity Episcopal Church stated Reverend William T. Dalton has been a member of the Ministerial Alliance, priest for Holy Trinity and member of the Food Pantry and has served the community for many years; on Sunday, Fr. Dalton will be honored by the church and a proclamation is requested.

Motion By: Commissioner Jerry Magness
Second By: Commissioner Gary Whitlock
Vote: 4-0 Passed

ITEM 8. CONSIDERATION AND ACTION TO ALLOW SHERIFF'S OFFICE TO APPLY FOR MATCH FUNDS GRANT (OJD VEST PARTNERSHIP PROGRAM) TO PURCHASE BULLET PROOF VESTS FOR SHERIFF'S OFFICE PERSONNEL, REMAINDER OF FUNDS WILL BE COVERED BY SHERIFF'S OFFICE SEIZURE FUND – SHERIFF

Sheriff Donnie Foster stated vests have a life of 5 years, the current vests are over 5 years old; the amount needed is \$14,000, the grant would reimburse 50% those costs and is through the Bureau of Justice.

Motion By: Commissioner Stan Barker
Second By: Commissioner Jerry Magness
Vote: 4-0 Passed

ITEM 9. CONSIDERATION AND ACTION TO APPROVE FANNIN COUNTY'S INVESTMENT POLICY FOR 2013 – TREASURER

Mike Towery, Treasurer stated the policy has been in place since 1996.

Commissioner Barker asked about the Investment Advisory Committee whether or not the membership is appointed by the each Commissioner or by the Committee.

Mr. Towery recommended the wording refers to each commissioner being appointed by the Court.

Commissioner Barker recommended that particular section be amended for clarification.

Commissioner Barker moved to approve the Policy with an amendment to add the word "of", so that the language states "an appointed member *of* the commissioners court".

Motion By: Commissioner Stan Barker
Second By: Commissioner Jerry Magness
Vote: 4-0 Passed

ITEM 10. CONSIDERATION AND ACTION TO APPROVE SURPLUS OF EQUIPMENT FROM PRECINCT ONE, PRECINCT TWO, PRECINCT THREE AND PRECINCT FOUR TO BE SOLD ONLINE THROUGH LONE STAR AUCTIONEERS – PURCHASING AGENT AND COMMISSIONERS

Jill Holmes, Purchasing Agent stated commissioners had approached her regarding the sale of surplus equipment and requests the items be approved for sale online.

Motion By: Commissioner Stan Barker
Second By: Commissioner Gary Whitlock
Vote: 4-0 Passed

ITEM 11. CONSIDERATION AND ACTION TO APPROVE SALVAGE OF A 1989 FIATALLIS MOTOR GRADER S/N FG85A78501080, OWNED BY PRECINCT ONE THAT WAS DESTROYED BY FIRE AND SELL FOR SCRAP IRON – COMMISSIONER, PCT. 1

Commissioner Whitlock stated his recommendation the motor grader be sold for scrap iron.

Motion By: Commissioner Jerry Magness
Second By: Commissioner Gary Whitlock
Vote: 4-0 Passed

ITEM 12. CONSIDERATION AND ACTION TO APPROVE AN ADDENDUM TO FACILITY OPERATION AND MANAGEMENT AGREEMENT (432 BED) & AN ADDENDUM TO FACILITY OPERATION MANAGEMENT AGREEMENT (96 BED), BETWEEN FANNIN COUNTY AND COMMUNITY EDUCATION CENTERS, INC. AND

AUTHORIZE COUNTY JUDGE TO SIGN ON BEHALF OF FANNIN COUNTY-COUNTY JUDGE

Judge Carter stated the Community Education Center, Inc. (CEC) has one year left on the contract and has two 1-year option, CEC has requested the option be exercised early; it is recommended both facilities should be renewed at the same time; CEC will be giving raises and retention bonuses.

Motion By: Commissioner Stan Barker
Second By: Commissioner Gary Whitlock
Vote: 4-0 Passed

ITEM 13. CONSIDERATION AND ACTION REGARDING A TAXING UNIT LOCAL OPTION RESPONSES DOCUMENT SUBMITTED BY FANNIN COUNTY APPRAISAL DISTRICT AND AUTHORIZE COUNTY JUDGE TO SIGN ON BEHALF OF FANNIN COUNTY- COUNTY JUDGE

Judge Carter stated the annual local option response is due, there are 4 options.

Scott Dyer, Auditor stated in the past the Court has not exercised the option for an exemption.

Commissioner Barker stated the exemption would be good but would have a negative effect on the County funds and there moves that the Court did not offer the exemption in 2012 and does not opt to adopt the exemption in 2013.

Motion By: Commissioner Stan Barker
Second By: Commissioner Joe Strong
Vote: 4-0 Passed

ITEM 14. DISCUSSION REGARDING A PLAN FOR FANNIN COUNTY COURTHOUSE AND ANNEXES FOR EMERGENCY SAFE ROOM/EVACUATION – COUNTY JUDGE

Judge Carter stated the current weather has prompted concerns by employees; the Action Plan was approved in 2007 and department heads should become familiar with the Plan so that it can be discussed in next week's meeting.

Commissioner Barker stated the Emergency Coordinator should review the Plan for current application.

ITEM 15. DISCUSSION, CONSIDERATION AND ACTION TO APPROVE BUDGET AMENDMENT FROM NON-DEPARTMENTAL OUTSIDE AUDIT EXPENSE (10-409-401) TO DISTRICT & COUNTY ATTORNEY INTERNET/ONLINE LEGAL RESEARCH (10-475-421) – AUDITOR

Scott Dyer, Auditor stated in March of 2012 the Court approved a new contract for LexisNexis rather than Westlaw which had been paid out of the Law Library fund, the decision was made to pay it out of the General Fund; it was thought at the time the approval was made that it was for

payment from the General Fund for LexisNexis for the use of the District Attorney's office; historically the investigator's usage had been paid for out of the Forfeiture Fund and was therefore not budgeted.

Mr. Dyer stated the vote was for LexisNexis to be paid for out of the General Fund, however the discussion was in regard to both usages, therefore there will be a shortfall; this issue should be discussed during budget talks to specify the intent of the Court; there is currently \$70,000 in the Law Library Fund with nothing being paid out of it; it is recommended the Outside Audit expense be used to pay for the shortfall in the amount of \$2,680.87.

Motion By: Commissioner Stan Barker
Second By: Commissioner Joe Strong
Vote: 4-0 Passed

ITEM 16. DISCUSSION CONCERNING SECO ENERGY GRANT APPLICATION PROCESS FOR FUTURE GRANTS AND IMPORTANCE OF FOLLOW-UP AND COMMUNICATION – AUDITOR

Scott Dyer, Auditor stated the SECO grant has been continuing since January 2010 which paid for the cooler and lighting; the grant has been difficult to recover reimbursements from and the County was denied payment for the cooler tower since the tower was not up to the requirement of being USA made; the parts were 71% made in the USA but it was assembled in Mexico, the vendor had signed off believing it was in compliance as well as the purchasing agent, assistant auditor and auditor; Federal grants are difficult to deal with and this lead to a denial of \$12,756 last week which will be appealed.

Mr. Dyer stated the County currently has 10 grants in place for \$685,000; assistance is needed from all parties involved in the grants in areas such as turning in reports on time to aid in compliance to prevent risk to County funds.

ITEM 17. CONSIDERATION AND ACTION TO APPROVE PAYMENT OF BILLS – AUDITOR

Motion By: Commissioner Stan Barker
Second By: Commissioner Jerry Magness
Vote: 4-0 Passed

Judge Carter stated Items 18 – 19 will be taken together.

Commissioner Barker moved to convene into Executive Session.

Motion By: Commissioner Stan Barker
Second By: Commissioner Gary Whitlock
Vote: 4-0 Passed

Judge Carter declared the time to be 9:40 a.m.

ITEM 18. EXECUTIVE SESSION PURSUANT TO SEC. 551.071 OF GOVERNMENT CODE TO DISCUSS LITIGATION MATTER(S)

ITEM 19. EXECUTIVE SESSION PURSUANT TO SEC. 551.074 OF GOVERNMENT CODE TO DISCUSS PERSONNEL MATTER(S)

Commissioner Barker moved to reconvene into Regular Session.

Motion By: Commissioner Stan Barker
Second By: Commissioner Jerry Magness
Vote: 4-0 Passed

Judge Carter declared the time to be 9:58 a.m.

ITEM 20. ACTION WITH REGARD TO LITIGATION MATTER(S) DISCUSSED DURING EXECUTIVE SESSION

ITEM 21. ACTION WITH REGARD TO PERSONNEL MATTER(S) DISCUSSED DURING EXECUTIVE SESSION

Judge Carter stated no action will be taken.

ITEM 22. ADJOURN

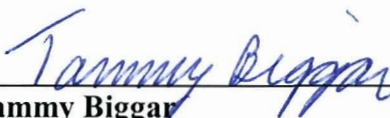
Motion By: Commissioner Jerry Magness
Second By: Commissioner Joe Strong
Vote: 4-0 Passed

Adjourned at 9:59 a.m.

The above and foregoing represents true and correct minutes of the Fannin County Commissioner's Court meeting in Regular Session the 28th day of May, 2013.

(LGC 81.003)

ATTEST:



Tammy Biggar
Fannin County Clerk

