

**THE STATE OF TEXAS
COUNTY OF FANNIN**

**IN COMMISSIONERS COURT
FANNIN COUNTY, TEXAS**

On this 19th day of December 2011 the Fannin County Commissioners Court met in a Regular Meeting after public notice was posted on the 15th day of December 2011 at 1:21 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 Creta Carter II called the meeting to order at 10:00 a.m.

INVOCATION

Mike Towery, Treasurer

ITEM 2. ESTABLISH A QUORUM

Judge Creta Carter II stated a quorum has been established.

ITEM 3. PUBLIC FORUM

None.

ITEM 4. APPROVE MINUTES OF PREVIOUS MEETING(S)

None.

ITEM 5. Discussion, consideration and action regarding EMS monthly profit/loss report – Bonham Fire Department.

Chief Nichols stated the Profit and Loss Reports will be submitted on the 2nd Commissioners Court meeting of the month; the issue of which ambulance service is closest to Savoy is an ongoing issue that is currently being addressed.

Judge Carter stated the 2nd week in January would be a good time to commence discussion of the contract between the Bonham EMS and Fannin County.

No action was taken.

ITEM 6. CONSIDERATION AND ACTION TO APPROVE MEMORANDUM OF UNDERSTANDING BETWEEN THE BOY SCOUTS OF AMERICA TROOP 50 AND

FANNIN COUNTY – ORR

Mr. Orr stated one of the Eagle Scouts had placed the flag collection box in the Courthouse and the Memorandum serves to remind the scouts of their obligation to dispose of the flags.

Commissioner Barker stated the Court appreciates the Boy Scouts caring for the flags.

Commissioner Barker moved to approve.

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

ITEM 7. CONSIDERATION AND ACTION TO APPROVE DONATION, BY JEFF COTNER FANNIN COUNTY RESIDENT AND FORMER JUROR, OF A VHF WIRELESS LAPEL MICROPHONE FOR USE IN COURT – 336 TH DISTRICT COURT

Judge Blake stated Mr. Cotner had been a juror and saw a need for a wireless microphone; Judge Blake introduced Mr. Cotner and requested the microphone be approved and submitted for inventory to the County to be used in the 336th District courtroom.

Commissioner Strickland moved to approve.

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

ITEM 8. CONSIDERATION AND ACTION TO APPROVE REQUEST OF WAIVER FOR ONE TIME SEVERANCE OF PROPERTY OWNED BY JOHN WINKEL BAUR IN ABSTRACT NO. 341, TRENTON, TX - SANDERSON

Judge Carter passed the Item upon the request of Mr. Sanderson.

ITEM 9. CONSIDERATION AND ACTION TO APPROVE AMENDMENT TO INCREASE BUDGET FOR PRECINCT THREE BY \$38,000 FOR FUNDS RECEIVED FROM UNEXPECTED SALE OF EQUIPMENT AND APPROVE THE TRANSFER OF FUNDS FOR THE PURCHASE OF EQUIPMENT– COMMISSIONER PCT. 3

Commissioner Strickland stated he sold some equipment for \$38,000 and requests amending his budget to include \$38,000 and to add the amount to the Purchasing Equipment Line Item.

Commissioner Barker moved to approve.

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

ITEM 10. CONSIDERATION AND ACTION TO APPROVE THE PURCHASE OF 1999 INTERNATIONAL EAGLE 9400 6X4 TRUCK FROM PSS TRANSPORTATION FOR PRECINCT THREE– COMMISSIONER PCT. 3

Commissioner Strickland stated he located a truck to be used as a “haul truck” and moved to approve.

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

ITEM 11. CONSIDERATION AND ACTION TO APPROVE PAYMENT OF AT&T’S CLAIM FOR DAMAGES TO PHONE CABLE AND THE NECESSARY BUDGET AMENDMENT TO PAY OUT OF ROAD & BRIDGE PRECINCT THREE FUND – AUDITOR

Scott Dyer, Auditor stated Commissioner Strickland requested moving \$500 from Repair and Maintenance from 23-623-450 to be placed in Miscellaneous 23-623-490 allowing the payment of \$1,354.77 to AT&T for damage to cable.

Commissioner Strickland stated the County had liability in this particular case, the road crew having been informed of the location of the cable.

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

ITEM 12. DISCUSSION, CONSIDERATION AND ACTION TO APPROVE OPENING CR 2906 – COMMISSIONER PCT. 4

Rolando Garza stated his desire the gate on CR 2906 remain closed to traffic due to suspected illegal activity by free flowing traffic; he has lost a bull, possibly from this activity.

Commissioner Whitlock asked how long the road had been closed. Mr. Garza stated he had lived there 19 years. Commissioner Strong stated he had heard the bridge burned down in the 60’s. Commissioner Strong stated he had been approached by Mr. Cockrell to open the road; the west portion of the road has not been maintained.

Ms. Elizabeth Campbell stated she owns the property to the north of the road, the land to the south is owned by Mr. Garza; there is a well-worn path showing activity on the property owned by her and Mr. Garza. Ms. Campbell stated she is a licensed foster parent and her home is a licensed children’s home; the activity is not that of a vehicle, so she erected a gate to discourage trespassers and informed the neighbors that hunting will not be permitted; the gate is unlocked to permit access to livestock. Ms. Campbell further stated the signers of the petition to approve opening the road are hunters who hunt on her land.

Commissioner Strong stated he called Allison, Bass to inquire about the boundaries of the road and was advised the road is an abandoned road not maintained by the County therefore the County does not have authority over the road.

Commissioner Strong moved to not approve the opening of the road.

Mr. Joe Cockrell rebutted Ms. Campbell’s accounting of the ownership of the land to the north of the road stating his brother James W. Cockrell owns 3 acres of land that the gate is attached to.

Mr. Cockrell stated his family has owned land there for since 1902, the bridge burned down in the 70's, the commissioner at the time said the road would be re-built, after a while the family noticed commissioners coming out and removing steel from the structure; no notice was ever seen in the paper to close the road. Mr. Cockrell stated there has been a lot of traffic down the road some of which is surveyors working on the lake; further recommending if the road was going to be closed then it should be surveyed and taxed. Commissioner Strickland stated the land owners do pay taxes to the center of the road.

Commissioner Strickland stated the findings of the jury-of-view were adopted in 2006; the only jurisdiction the County has is over whether or not this property is a county road; after 20 years of being abandoned the road becomes the property of the land owners.

Judge Carter asked how Mr. Cockrell accesses his property. Commissioner Strong stated there is a driveway just before the gate.

Judge Carter asked if the No. Texas Municipal Water District has leased the land for lake use. Ms. Campbell stated 34 acres had been leased back to her. Commissioner Strong stated if the road were to be opened, it would eventually be under water.

Commissioner Strong re-iterated his motion not to open the road.

Motion by: Commissioner Joe Strong
Second by: Commissioner Stan Barker
Vote: 5-0 Passed

ITEM 13. CONSIDERATION AND ACTION TO APPROVE FY2012 DUES FOR NORTHEAST TEXAS RC & D AREA, INC – COUNTY JUDGE

Judge Carter stated he received an invoice for annual dues of \$250 and asked if the Court would like to continue.

Commissioner Strickland moved to approve payment.

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

ITEM 14. CONSIDERATION AND POSSIBLE ACTION REGARDING THE STORAGE OF VA RECORDS IN THE FANNIN COUNTY VETERAN OFFICER'S OFFICE – COUNTY JUDGE

Mr. Ford stated an old directive was given years ago stating the records for the County and the Veterans Administration (VA) would be maintained at the VA in the Service Officer's Office; retention is supposed to be 2 years for any inactive documents; permanent records were to be kept in the VA Depository in the Regional Office in Waco; there is a split in Bonham delineating records kept to the north of Bonham go to Muskogee.

Judge Carter stated he received a letter from Mr. Jones complaining his records were not available to him at the Bonham location.

Mr. Jones stated Texas Statute requires records to be maintained a minimum of 3 years in the County. Mr. Jones stated the records are not VA records, but records created by Fannin County that are on veterans who reside in Fannin County; there were records from 1940 at the County until he retired in 2005; there are about 4-5 cabinets full of records that are missing.

Mr. Ford stated the removal of the records to Waco derived from an agreement between the VA Service Officer/County with VA property; the VA is currently going to a paperless system. Mr. Ford further described what documents were maintained and the large volume of people that flow through the offices.

Commissioner Barker stated if the State requires a 3 year retention it should be honored, but 60 years was excessive. Commissioner Barker asked Mr. Ford if there is a contract. Mr. Ford stated there was no contract.

Mr. Ford stated he keeps a copy of all records and the original goes to the VA. Commissioner Barker stated the copy needs to be kept for that 3rd year. Mr. Ford stated he would comply with the statute.

Judge Carter stated the Item should be passed until further review. Commissioner Barker moved to table the item to get it back on the Agenda.

Motion by: Commissioner Stan Barker
Second by: Commissioner Dewayne Strickland
Vote: 5-0 Passed (Item tabled)

ITEM 15. CONSIDERATION AND ACTION TO APPROVE BUDGET AMENDMENTS FROM AUDITOR'S OFFICE FOR 2011/2012- AUDITOR

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

ITEM 16. CONSIDERATION AND ACTION TO APPROVE PAYMENT OF BILLS - AUDITOR

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

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

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

10:45 a.m.

Motion to reconvene Regular Session by Commissioner Dewayne Strickland.

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

Judge Carter stated the time was 11:11 a.m.

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

Commissioner Barker moved to consult with Beth Robertson with regard to litigation.

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

ITEM 19. ADJOURN

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

Adjourned at 11:12 a.m.

The above and foregoing represents true and correct minutes of the Fannin County Commissioner's Court meeting in Regular Session the 19th day of December 2011.

(LGC 81.003)

ATTEST:



Tammy Biggar, Fannin County Clerk