

On this 14th day of March 2011 the Fannin County Commissioners Court met in a Regular Meeting after public notice was posted on the 11th day of March 2011 at 9:00 a.m. with the following members being present:

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

The following business was transacted to-wit:

1 **CALL TO ORDER**

**ITEM 1. INVOCATION**

Denny Gorena, Pastor – 1st Baptist Church of Leonard

**Judge Carter declared the time to be 9:02a.m.**

**ITEM 2. ESTABLISH A QUORUM**

Judge Carter declared a quorum.

**ITEM 3. PUBLIC FORUM**

None.

**ITEM 4. APPROVE MINUTES OF PREVIOUS MEETING**

Joe Strong made a motion to approve the minutes from the 2/28/2011 Regular Commissioners Court meeting with corrections.

Motion by: Commissioner Joe Strong  
Second by: Commissioner Dewayne Strickland  
Vote: 4-0 Passed

**ITEM 5. DISCUSSION, CONSIDERATION AND ACTION REGARDING OPENING COURTHOUSE ON JUNE 4, 2011 FROM 8:30AM TO 3:00PM FOR PUBLIC USE OF RESTROOMS – RED RIVER VALLEY CAR CLUB**

Bret Stone requested permission to use the restrooms. Stan Barker stated the need for security. Dewayne Strickland recommended tables be put in front of the stair wells. Mr. Stone further stated the need for judges of the car entries. Richard Glaser stated he would be available for the day.

Motion by: Commissioner Dewayne Strickland  
Second by: Commissioner Stan Barker  
Vote: 4-0 Passed

**ITEM 6. DISCUSSION REGARDING FANNIN COUNTY JAIL'S INMATE CENSUS AND BILLING FOR FEBRUARY 2011 - WARDEN**

Warden Alan Ballard stated the February average head count for Federal inmates were 314 and County inmates were 87. Warden Ballard stated 36 Federal inmates were sent to Bowie County awaiting bed space at the Federal prison. Dewayne Strickland asked if there were any plans to expand. Mr. Ballard stated the old county jail was a facility of interest. Judge Carter stated the roof was in need of repair. Jill Edwards, Purchasing Agent stated the building was being maintained with regard to the plumbing.

No action was taken.

**ITEM 7. DISCUSSION, CONSIDERATION AND ACTION REGARDING S.B. 332  
RESOLUTION - RED RIVER CONSERVATION DISTRICT**

Harold Lathom stated he had been appointed to the Red River Ground Water Conservation District (RRGWCD) by the Commissioners Court. Mr. Lathom stated his purpose was to seek a Resolution to the Senate Bill regarding who owns the ground water. Mr. Lathom stated it is the belief of the Water Conservation District that the District has Legislative authority to regulate the ground water within the District in accordance with Regulation 36 and the Rule of Capture. Mr. Lathom stated the legislation proposed creates a "tug of war" on who can best manage the water between the land owners and the Conservation District. Mr. Lathom stated the District was preparing temporary rules, in particular Sec. 4 Rule F to challenge the Rule of Capture which currently states a land owner can drill a well so long as there is no intent to harm his neighbor. Mr. Lathom stated the Rule of Capture allows a municipal water district to set up a well and drain adjacent property with no recourse for the land owner. The rule enables the Water Conservation District to protect the land owner from such an occurrence.

Mr. Lathom stated the RRGWCD is proposing a Resolution to amend S.B. 332. Mr. Lathom stated the language of the Resolution he had recently received appeared to be insufficient and unclear and advised against accepting the Resolution without further research. Dewayne Strickland made a motion to table the matter until more research could be conducted.

Stan Barker stated the municipalities were firmly against the Resolution due to some municipalities having numerous wells which would result in fees having to be paid to the adjacent land owners which in turn would largely increase costs to the customers of those cities.

Motion by: Commissioner Dewayne Strickland  
Second by: Commissioner Stan Barker  
Vote: 4-0 Passed

**ITEM 8. CONSIDERATION AND ACTION REGARDING PROCLAMATION  
PROCLAIMING MARCH 20-26<sup>TH</sup>, 2011 AS TEXAS BUSINESS WOMEN WEEK –  
TEXAS BUSINESS WOMEN OF BONHAM**

Judge Carter read the Proclamation.

Motion by: Commissioner Stan Barker  
Second by: Commissioner Dewayne Strickland  
Vote: 4-0 Passed

**ITEM 9. CONSIDERATION AND ACTION REGARDING PROCLAMATION  
PROCLAIMING MARCH 20-26<sup>TH</sup>, 2011 AS "POISON PREVENTION WEEK" – NORTH  
TEXAS POISON CENTER**

Judge Carter read the Proclamation.

Motion by: Commissioner Dewayne Strickland  
Second by: Commissioner Stan Barker  
Vote: 4-0 Passed

**ITEM 10. CONSIDERATION AND ACTION TO APPROVE SOLICITATION OF BIDS  
FOR ROCK AND GRAVEL NEEDS FOR COUNTY PRECINCT BARNs – PURCHASING**

Jill Edwards, Purchasing Agent stated the Notification of Bid opens on 4/6 2011.

Motion by: Commissioner Stan Barker  
Second by: Commissioner Dewayne Strickland  
Vote: 4-0 Passed

**ITEM 11. CONSIDERATION AND ACTION TO APPROVE RENEWAL OF A TWENTY  
FOUR (24) MONTH CONTRACT WITH GLO RELIANT ENERGY STATE POWER  
PROGRAM THROUGH THE TEXAS GENERAL LAND OFFICE STATE POWER  
PROGRAM – PURCHASING**

Jill Edwards stated the County is currently paying a rate of .08593 per KWH and an extension of two years would lock in a lower price of .06631 to take affect 11/1/2011. Ms. Edwards stated the Texas General Land Office State Power Program put out the RFP and the County could "piggyback" off their pricing. Ms. Edwards stated the offer was valid through today's date.

Motion by: Commissioner Dewayne Strickland  
Second by: Commissioner Stan Barker  
Vote: 4-0 Passed

**ITEM 12. CONSIDERATION AND ACTION TO APPROVE PURCHASE OF A 5-DRAWER LEGAL FILING CABINET FOR CRIMINAL DISTRICT ATTORNEY OUT OF COUNTY RMP FUND IN THE AMOUNT OF \$379.99 – CRIMINAL DISTRICT ATTORNEY**

Richard Glaser requested funding for a file cabinet to hold appeals and active cases at the Courthouse rather than storing them at Windom.

Motion by: Commissioner Joe Strong  
Second by: Commissioner Dewayne Strickland  
Vote: 4-0 Passed

**ITEM 13. CONSIDERATION AND ACTION TO APPROVE PURCHASE OF COMPUTER SYSTEM FOR 336<sup>TH</sup> DISTRICT COURT COORDINATOR OUT OF COUNTY RMP FUND IN THE AMOUNT OF \$1,016.09 – 336<sup>TH</sup> DISTRICT JUDGE**

Dustin Morrow, Information Technology Specialist stated the new computer would replace one that is nearing the end of its life-cycle. Mr. Morrow stated the average life cycle is 3-5 years of age. Scott Dyer stated the coordinator's computer was used before she received it. Mr. Morrow stated the older computers will be passed on to departments that do not have a budget for computers. Jill Edwards stated the computers that can no longer be used intact are parted out.

Stan Barker stated his concern the RMP fund was being depleted.

Motion by: Commissioner Dewayne Strickland  
Second by: Commissioner Stan Barker  
Vote: 4-0 Passed

**ITEM 14. CONSIDERATION AND ACTION TO APPROVE THE ACCEPTANCE OF DONATION TO THE FANNIN COUNTY PRECINCTS OF USED STEEL MATERIALS FROM NORTH TEXAS BRIDGE AND TO AUTHORIZE COUNTY JUDGE TO SIGN STATEMENT OF DONATION VALUE ON BEHALF OF FANNIN COUNTY – PCT. #2**

Stan Barker stated the donation is intended for all four precincts, not just Precinct 2. Mr. Barker stated North Texas Bridge and Steele is asking for a tax credit in exchange for the donation. Stan Barker moved to approve the action with the correction that all precincts be included.

Motion by: Commissioner Stan Barker  
Second by: Commissioner Dewayne Strickland  
Vote: 4-0 Passed

**ITEM 15. CONSIDERATION AND ACTION TO APPROVE PURCHASE FOR USE IN FANNIN AND NEIGHBORING COUNTIES A SOKKIA SET 530R STATION BT FOR FORENSIC MAPPING TO BE USED BY DPS AND FANNIN COUNTY SHERIFF'S OFFICE AT A COST OF \$9,060.68 – CRIMINAL DISTRICT ATTORNEY**

Richard Glaser stated he was approached by Sgt. Kain from the Dept. of Public Safety expressing a need for forensic reconstruction equipment to be used in auto accidents. Mr. Glaser offered to contribute \$1,000 from his Asset Seizure Fund with the permission of Commissioners Court.

Sheriff Donnie Foster stated the County often has to wait hours or days to conclude an investigation while awaiting the usage of the forensic Station from Texarkana.

Judge Carter asked if Lamar or Delta County would help pay for the equipment. Sgt. Kain stated those counties expressed concern regarding ownership of the equipment upon contribution and were advised the equipment would belong to the DPS. Sgt. Kain stated the equipment would save

much time as well as reducing human error resulting in better prosecution. Sgt. Kain stated the DPS was facing a possible 10% reduction in budget and a \$56 million dollar deficit.

Judge Carter stated his concern over the cost to the County.

Stan Barker stated he was willing to contribute \$2,000. Dewayne Strickland stated fines collected by the DPS contributed to Road and Bridge. Mr. Strickland stated he was willing to contribute \$2,000. Richard Glaser offered an additional \$1,000. Sheriff Foster offered \$1,000.

Jill Edwards asked about the maintenance agreement. Sgt. Kain stated the DPS would pay \$150 for an annual contract.

Stan Barker made a motion to approve the purchase upon the conditions Precincts 2 and 3 pay for \$2,000 each; \$2,000 coming from the District Attorney's Forfeiture Funds; \$1,000 from the Sheriff's Office and the balance of \$2,060.68 to be paid for by the County Contingency Fund.

Motion by: Commissioner Stan Barker  
Second by: Commissioner Dewayne Strickland  
Vote: 4-0 Passed

**ITEM 16. DISCUSSION, CONSIDERATION AND ACTION TO APPROVE COUNTY TREASURER'S FINANCIAL REPORT FOR FEBRUARY 2011 - TREASURER**

Dewayne Strickland made a motion to approve the report and stated Mike Towery does an outstanding job for the County and his punctuality is appreciated.

Motion by: Commissioner Dewayne Strickland  
Second by: Commissioner Stan Barker  
Vote: 4-0 Passed

**ITEM 17. CONSIDERATION AND ACTION TO APPROVE AUDITOR'S MONTHLY REPORTS FOR FEBRUARY 2011 - AUDITOR**

Scott Dyer stated the summary report for 5 months operation reflects the County income is up by \$165,000 from the same time last year. Mr. Dyer stated the numbers are due to property taxes being collected sooner this year which results in this year collecting 74% of budgeted income instead of 70% for last year from February 2010. Mr. Dyer stated sales tax collections are down and grants are down. Road and Bridge incomes are down because Precinct 1 had sold equipment the previous year; Precinct 2 had collected more in taxes from Trenton High Meadows. Mr. Dyer stated Precinct 3 collected more payment in lieu of taxes than last year, and Precinct 4 was flat. Mr. Dyer stated General Expense spending is down; we have spent 36% of our budget which is the same as the previous year; our budget expense is less than the previous year by a reduction of \$129,000 mainly due to payroll being at 38% of the yearly total versus last year's 42%, this being a result of how payroll periods have fallen this year; all Commissioners have reduced expenses, Precinct 1 bought equipment. Mr. Dyer stated overall our expenses are reduced by \$168,000.

Stan Barker stated Susan Combs, Texas Comptroller of Public Accounts has advised sales tax collections are going up statewide. Scott Dyer stated the collection is up \$7,000 from February of last year.

Motion by: Commissioner Dewayne Strickland  
Second by: Commissioner Joe Strong  
Vote: 4-0 Passed

**ITEM 18. CONSIDERATION AND ACTION TO APPROVE PAYMENT OF BILLS - AUDITOR**

Motion by: Commissioner Stan Barker  
Second by: Commissioner Dewayne Strickland  
Vote: 4-0 Passed

*Dewayne Strickland made a motion to go into Executive Session.*

Motion by: Commissioner Dewayne Strickland  
Second by: Commissioner Stan Barker  
Vote: 4-0 Passed

*Dewayne Strickland made a motion to go return to Regular Session.*

Motion by: Commissioner Dewayne Strickland  
Second by: Commissioner Stan Barker  
Vote: 4-0 Passed

**ITEM 19. EXECUTIVE SESSION PURSUANT TO SEC. 551.074 OF GOVERNMENT CODE TO DISCUSS PERSONNEL MATTER(S) – COUNTY JUDGE AND CRIMINAL DISTRICT ATTORNEY**

Stan Barker made a motion to permit Richard Glaser to restructure his salary line item to allow a one-month appeal time for a departing attorney.

Motion by: Commissioner Stan Barker  
Second by: Commissioner Dewayne Strickland  
Vote: 4-0 Passed

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

Dewayne Strickland moved to permit the County Judge to commence hearing Mental Commitment, Probate and Guardianship cases as of 3/15/2011.

Motion by: Commissioner Dewayne Strickland  
Second by: Commissioner Joe Strong  
Vote: 4-0 Passed

**ITEM 21. EXECUTIVE SESSION PURSUANT TO SEC. 551.072 OF GOVERNMENT CODE TO DISCUSS REAL ESTATE MATTER(S) – FANNIN COUNTY RENTAL PROPERTY**

and

**ITEM 22. ACTION WITH REGARD TO REAL ESTATE MATTER(S) DISCUSSED DURING EXECUTIVE SESSION**

Stan Barker moved to sell three properties seized for bail bond forfeiture for \$5,000 minimum bid each, in as-is condition.

Motion by: Commissioner Stan Barker  
Second by: Commissioner Dewayne Strickland  
Vote: 4-0 Passed


**ITEM 35. ADJOURN**

Motion by: Commissioner Dewayne Strickland  
Second by: Commissioner Stan Barker  
Vote: 4-0 Passed

The above and foregoing represents true and correct minutes of the Fannin County Commissioner's Court meeting in Regular Session the 14th day of March 2011.

(LGC 81.003)

ATTEST:

  
Tammy Biggar, Fannin County Clerk