

On this 25th day of April 2011 the Fannin County Commissioners Court met in a Regular Meeting after public notice was posted on the 21st day of April 2011 at 9:00 a.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 declared the time to be 9:00a.m.

ITEM 1. INVOCATION

Pastor Stuart P. Courtney, Bethlehem Baptist Church of Bonham

ITEM 2. ESTABLISH A QUORUM

Judge Carter declared a quorum.

ITEM 3. PUBLIC FORUM

Alan Ballard, Warden-Fannin County Jail stated the first week in May is Correction Officers and Employee Appreciation Week; May 5th there will be a lunch for the combined staff of the County Jail, Buster-Cole and Choice-Moore Units; May 6th is the ceremony with Honor Guard.

ITEM 4. APPROVE MINUTES OF PREVIOUS MEETING

Stan Barker made a motion to approve the minutes from the 4/11/2011 Regular Commissioners Court meeting with corrections made.

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

ITEM 5. DISCUSSION REGARDING THE CEC MARCH 2011 POPULATION COUNT – WARDEN BALLARD

Warden Ballard stated there was a total headcount for the month of March of 415 with an average of 89 County inmates; 69 males and 20 females. Warden Ballard stated the Marshalls had 326; 305 male and 21 female.

6. DISCUSSION, CONSIDERATION AND ACTION REGARDING THE CLOSING OF THE NORTH END OF CR 1135 ON DECEMBER 27, 2007 AND THE PROPER PROCEDURES FOR CLOSING COUNTY ROADS IN FANNIN COUNTY – WALKER

Jason Walker stated he is speaking on behalf of his cousin who is the property owner concerned. Mr. Walker stated the road closure caused a land lock on his cousin's property and the cousin does not own any land that touches Road 274. Mr. Walker stated his concern about procedures used to close a road with regard to notification of the property owners and it causing the property to be land locked.

Phil Jones stated that at the time of the closure the property was not owned by the cousin referred to and the father of the children the property was deeded to should have made a provision to allow access to roads at the time of the division. Mr. Jones stated he petitioned to close the road due to

people driving onto the road to drink and litter, stating further that the adjacent property owners had not been there in 12-15 years.

Judge Carter stated the issue in front of the Court is whether or not the Court followed the proper procedures in closing the road and not to intervene in a conflict between neighbors. Gary Whitlock stated the proper procedures were followed at the time under Commissioner Ronnie Rhudy. Stan Barker stated he remembers the road closure, notice was put in the paper, signs were posted and a hearing was held in which there were no public attendees.

Mr. Walker stated that he did not believe due diligence had been done to notify the property owners.

Judge Carter stated there is no evidence that proper procedures were not followed. Stan Barker and Judge Carter both stated that there is no law that specifically states that a piece of land cannot be landlocked.

No action was taken.

7. DISCUSSION, CONSIDERATION AND ACTION TO APPROVE THE USE OF OLD COUNTY JAIL BUILDING ON CR4200 BY FANNIN COUNTY AMATEUR RADIO CLUB FOR ANNUAL "FIELD DAY EVENT" – EMERGENCY MANAGEMENT COORDINATOR

Darrell Brewer, Emergency Management Coordinator, stated the Amateur Radio Club conducts annual field exercises and the Club would like access to the facilities at the old jail on CR 4200 to use the front parking lot, lobby and restrooms. Mr. Brewer stated Sheriff Foster had given his approval.

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

8. DISCUSSION, CONSIDERATION AND ACTION REGARDING BURN BAN SIGNS AND PROCEDURES - EMERGENCY MANAGEMENT COORDINATOR

Darrell Brewer stated an Eagle Scout built very nice signs for burn bans that are fold-down signs to go on the major highways. Mr. Brewer's question is who will be responsible for installing the signs and suggested the commissioners put them up. Mr. Brewer stated that the City of Ravenna has their own signs and burn bans which should not be confused with County signs.

Stan Barker made a motion that the commissioners be responsible for flipping the signs up/down as required.

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

9. CONSIDERATION AND ACTION FOR COMMISSIONERS COURT TO APPROVE LOCAL PROSECUTING AGREEMENT CONTRACT WITH TEXAS HEALTH AND HUMAN SERVICES COMMISSION AND APPROVE COUNTY JUDGE TO SIGN ON BEHALF ON FANNIN COUNTY – CRIMINAL DISTRICT ATTORNEY

Richard Glaser stated last fall a contract from the Attorney General's office was presented with regard to food stamp and public assistance fraud investigation. The contract was withdrawn in January for modification most likely due to funding. Mr. Glaser stated the money received goes to the County and approval is needed by the Court to authorize the County Judge to sign it.

Dewayne Strickland made a motion to approve the contract and authorize Judge Carter to sign the contract on behalf of the County.

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

10. CONSIDERATION AND ACTION TO APPROVE THE PURCHASE OF TWO FELLOWES SB-99CI PAPER SHREDDERS AT \$247.29 EACH - TOTAL \$494.98, TO BE PAID OUT OF COUNTY CLERK RECORDS MANAGEMENT FUND #18-402-490 - COUNTY CLERK

Tammy Biggar, County Clerk stated heavy duty shredders were needed due to the volume of documents that are sensitive in nature needing to be shredded.

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

11. CONSIDERATION AND ACTION TO APPROVE THE SURPLUS OF A 1991 INTERNATIONAL 9400 EAGLE DUMP TRUCK FROM PRECINCT ONE AND TO APPROVE SELL ONLINE THROUGH LONE STAR AUCTIONEERS - COMMISSIONER PRECINCT ONE

Gary Whitlock stated the engine and clutch have gone out which require approximately \$6,000 to \$7,000 for repair, the value of the truck being only \$5,000.

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

12. CONSIDERATION AND ACTION TO APPROVE THE SURPLUS OF A 24 FOOT CUSTOM TANDEM DUAL GOOSENECK TRAILER FROM PRECINCT THREE AND TO APPROVE SELL ONLINE THROUGH LONE STAR AUCTIONEERS - COMMISSIONER PRECINCT THREE

Dewayne Strickland stated the gooseneck trailer is no longer used and cannot carry sufficient weight to justify keeping it.

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

13. DISCUSSION, CONSIDERATION AND ACTION TO APPROVE THE AWARD OF THE ROCK AND GRAVEL BID FOR ALL COUNTY PRECINCT BARNs - PURCHASING AGENT

Jill Edwards, Purchasing Agent stated the bid was opened April 6th and 14 vendors responded. Ms. Edwards stated Martin Marietta submitted a bid that was not signed and was disqualified and Blessing Gravel came in April 20th postage due. Ms. Edwards recommended the other 12 vendors be considered.

Stan Barker moved to approve the twelve qualified bids for consideration as recommended.

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

14. CONSIDERATION AND ACTION TO APPROVE THE SOLICITATION OF BIDS FOR ROAD OIL NEEDS FOR COUNTY PRECINCT BARNs - PURCHASING AGENT

Jill Edwards stated she provided a copy of the bids and vendor list to the commissioners and the bids will open May 18th at 3:00pm. Ms. Edwards asked if there were any changes that needed to be made before the bids were sent out. None were recommended.

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

15. DISCUSSION AND OPENING OF BANK DEPOSITORY BIDS FOR FANNIN COUNTY FUNDS – COUNTY JUDGE, COUNTY AUDITOR AND PURCHASING AGENT

Judge Carter opened the bid package sent in by Legend Bank. No other bids were received. No action was taken.

16. DISCUSSION, CONSIDERATION AND ACTION TO APPROVE THE CONTRACT MODIFICATION WITH HARMON PROPERTY SERVICES, LLC AND APPROVE COUNTY JUDGE TO SIGN SAID DOCUMENT ON BEHALF OF FANNIN COUNTY – PURCHASING AGENT

Jill Edwards stated the contractor has been providing the exterior cleaning and window glazing. Ms. Edwards stated portions of the job were done very well, in particular the mildew application but that the resealing of the windows and joints was not done to County standards. Ms. Edwards stated a 10% reduction in the price of the original contract had been negotiated. Ms. Edwards drafted and has provided an amended contract for the Court's review and Judge's signature reflecting 10% reduction and leaving \$8,833.68 plus additional plus 100% of the two change orders resulting in a total payment due the contractor of \$12,561.68.

Judge Carter asked for clarification on bid acceptance and whether or not the low bidder always wins the bid. Ms. Edwards stated that if the low bidder is not accepted, he/she is allowed to present their position, and references are checked.

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

17. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION TO APPROVE APPLICATION FOR TCOG GRANT – FY2012/2013 REGIONAL SOLID WASTE GRANT PROGRAM – COUNTY JUDGE

David Trout, Municipal Solid Waste Coordinator for TCOG asked if there were any questions on the grant program. Stan Barker asked how much the grant is for. Mr. Trout stated there is \$90,000-\$100,000 available; it could be divided up between the applications received. Stan Barker stated it has been the BEES Committee that has applied on behalf of Fannin County in the past. Joe Strong stated that all four precincts are in need of wood chippers. Mr. Trout stated wood chippers had been approved for municipalities in the last several years. Mr. Trout stated the wood chippers had 60 -70 hp and feed from the back; and in the price range of around \$25,000. Scott Dyer asked if an in-kind match was required. Mr. Trout said that no match was required, but it does help.

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

18. DISCUSSION REGARDING THE DONATION OF \$50,000 FROM THE LATE LINDA KIRKPATRICK TO THE ANIMAL CONTROL FACILITY FUND AND THE AMOUNT OF OVERALL TOTAL FUNDING THAT IS AVAILABLE – COUNTY JUDGE

Judge Carter stated that the \$50,000 donation actually went to the City of Bonham and stated they needed to confirm whether or not there is \$210,000 to put toward the animal shelter prior to town hall meetings.

No action was taken.

19. DISCUSSION, CONSIDERATION AND ACTION REGARDING LETTER RECEIVED FROM RONALD HUFF, ATTORNEY AT LAW – COUNTY JUDGE

Judge Carter stated a letter had been received stating the County owed Mr. Huff's client money. Stan Barker stated the agreement was that Mr. Huff was to be paid for actual services rendered, not to be on stand-by. Scott Dyer stated Mr. Huff had been compensated for his services. Stan Barker stated Judge Carter might consider calling a TAC (Texas Association of Counties) attorney for

legal advice. Judge Carter agreed. Stan Barker made a motion that Judge Carter be authorized to call the TAC attorney.

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

20. CONSIDERATION AND ACTION TO APPROVE TREASURERS REPORT FOR MARCH 2011 – COUNTY TREASURER

Stan Barker made a motion to approve the report.

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

21. DISCUSSION, CONSIDERATION AND ACTION REGARDING FANNIN COUNTY PAPER OF RECORD – COUNTY AUDITOR

Scott Dyer stated his concern regarding the paper of record for the County and whether or not the County is in compliance with the Truth and Taxation Code. Mr. Dyer recommended the Court determine that the paper being used is in compliance with the code. Judge Carter asked Mr. Tom Turner from the Fannin County Leader to address this question. Mr. Turner stated that the Fannin County Special was purchased 4/8/2011 for the purpose of printing the Legal Notices for the County. Mr. Turner stated he is using the Special's name in the title of his paper because the Leader falls 4-5 months short of being a paper in circulation for a minimum of one year. Scott Dyer recommended that the Court vote on whether or not to accept the Leader as the paper of record. Stan Barker stated that it should be voted on and an annual contract should be signed. Judge Carter asked what other papers qualify to serve in this capacity and whether or not the name of the old paper in smaller print would be sufficient to meet the legal requirements of time in circulation. Stan Barker stated that no other papers meet the qualification. After further discussion, Mr. Barker moved to approve the Fannin County Leader as the paper of record; that a bill be generated from the Fannin County Special; and that a contract be considered prior to the new fiscal year.

Motion by: Commissioner Stan Barker
Second by: Commissioner Dewayne Strickland
Vote: 4-1 Passed (Judge Carter voting against)

22. CONSIDERATION AND ACTION TO APPROVE CHANGES IN THE EXISTING NATIONWIDE RETIREMENT PLAN 457B GOVERNMENT PLAN DOCUMENTS AND APPROVE COUNTY JUDGE TO SIGN ON BEHALF OF FANNIN COUNTY – COUNTY AUDITOR

Scott Dyer stated four employees participate in this program and the Legislature had made some minor changes that have financial impact on the County other than the time needed to process. Mr. Dyer stated the approval of the changes will allow these employees to continue participation in the program.

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

23. CONSIDERATION AND ACTION TO APPROVE PAYMENT OF BILLS – COUNTY AUDITOR

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

24. EXECUTIVE SESSION PURSUANT TO SEC. 551.072 OF GOVERNMENT CODE TO DISCUSS REAL ESTATE MATTER(S) - FANNIN COUNTY RENTAL PROPERTY

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

Judge Carter stated the time as 10:17 a.m.

Judge Carter stated the time as 10:38 a.m.

Stan Barker moved to come out of Executive Session.

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

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

Judge Carter stated that bids had been solicited on three properties the County owns:

608 E. 11th, Bonham, Texas
610 E. 11th, Bonham, Texas
414 Gates, Bonham, Texas

Judge Carter stated one bid had been received by Mr. Nelms for:

\$6,107.03 for 608 E. 11th, Bonham, Texas
\$10,103.78 for 610 E. 11th, Bonham, Texas
\$2,103.07 for 414 Gates, Bonham, Texas

for a total of \$18,313.88. Stan Barker moved to approve the sale of all three properties to Mr. Billy Joe Nelms for \$18,313.88.

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

23. ADJOURN

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

The above and foregoing represents true and correct minutes of the Fannin County Commissioner's Court meeting in Regular Session the 25th day of April 2011.

(LGC 81.003)
ATTEST:



Tammy Biggar, Fannin County Clerk

