

**THE STATE OF TEXAS  
COUNTY OF FANNIN**

**IN COMMISSIONERS COURT  
FANNIN COUNTY, TEXAS**

On this 8th day of August 2011 the Fannin County Commissioners Court met in a Regular Meeting after public notice was posted on the 5th day of August 2011 at 9:49 p.m. with the following members being present:

<b>Creta L. Carter II</b>	<b>County Judge</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:

**CALL TO ORDER**

Judge Creta Carter II called the meeting to order at 9:04 a.m.

**INVOCATION**

Mike Towery, Treasurer

**ITEM 2. ESTABLISH A QUORUM**

Judge Creta Carter II stated a quorum is established.

**ITEM 3. PUBLIC FORUM**

Judge Carter stated a "Thank You" card was received by the Heritage Day Corporation for Fannin County Commissioners Court support.

**ITEM 4. APPROVE MINUTES OF PREVIOUS MEETING(S)**

Minutes for 5/20/2011 were presented.

Motion by: Commissioner Dewayne Strickland

Second by: Commissioner Stan Barker

Vote: 5-0 Passed

**ITEM 5. DISCUSSION, CONSIDERATION AND ACTION REGARDING DELINQUENT NOTICES FROM FANNIN COUNTY APPRAISAL DISTRICT AND THE LAW FIRM OF LINEBARGER, GOGGAN, BLAIR AND SAMPSON LLP – SUSONG**

Ms. Kimberly Susong stated she has received delinquent notices from the appraisal district; stating the company sending notices has a deficient system; the County hires the agency sending the notices and the system used is inadequate.

Mr. John Bolster is a Capital partner and the attorneys responsible answer to him. Mr. Bolster

apologized to Ms. Susong, her payment was timely, but the documentation must be collected prior to the 31<sup>st</sup> day, in this particular case a notice should not have been sent because Ms. Susong pays quarterly.

Mike Shannon, Chief Tax Appraiser stated Ms. Susong had paid her taxes mid-day on July 18<sup>th</sup>, the delinquency information was sent to the attorneys the morning of the 18<sup>th</sup>.

Ms. Jacqueline Mayfield stated the error was based upon a clerk not excluding quarter payments with the specific code requirement for Ms. Susong in True Automation, additionally the vendor had made some corrections at the beginning of July and may have left out the quarter pay coding.

Judge Carter stated the errors need to be corrected based upon a three-year occurrence of the incident; if seniors are receiving erroneous notices it can be a grave concern for them. Judge Carter stated he would like to be notified of any problems in the system that may occur.

Mr. Bolster stated he will have a sampling of 10-20 accounts pulled for review for each future mailing; if there are any quarter payers receiving these notices, it should show up.

No action was taken.

**ITEM 6. CONSIDERATION AND ACTION TO APPROVE COMMISSIONERS COURT TO REQUEST VERIZON WIRELESS PROVIDE PHONE SERVICE FOR NORTH FANNIN COUNTY – SEBASTIAN**

Mr. Bill Sebastian stated he would like to have County support to seek cell phone coverage for Fannin County which is regulated through Washington, D.C. Mr. Sebastian stated the benefits for packaged services vs. individual services.

Judge Carter stated he would be meeting with Congressman Ralph Hall tomorrow and will discuss this matter with him.

Judge Carter stated this item should be tabled at this time. Commissioner Barker moved to table.

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

**ITEM 7. CONSIDERATION AND ACTION TO APPROVE REIMBURSEMENT TO COUNTY EXTENSION AGENT FOR TIRE ADJUSTMENT OF \$92.93 AND FOR REIMBURSEMENT TO BE PAID OUT OF THE IN/OUT OF COUNTY FUND #10-665-427 -EXTENSION AGENT**

Roger Skipper, Extension Agent stated his vehicle received damage to a tire during a site visit in Telephone.

Commissioner Barker stated the mileage covers damages. Commissioner Strickland asked how much money was in the fund. Mr. Skipper stated there is about \$750.00.

Commissioner Whitlock stated the .45¢ per mile is insufficient. Judge Carter stated his concern over setting a precedence that would be hard to follow. Commissioner Strong stated the budget

can absorb the cost but agreed it sets a bad precedence.

Commissioner Whitlock moved to approve the reimbursement.

Motion by: Commissioner Gary Whitlock  
Second by: Commissioner Joe Strong  
Vote: 3-2 Passed (Commissioner Barker and Judger Carter voting nay)

**ITEM 8. CONSIDERATION AND ACTION TO APPROVE REIMBURSEMENT TO TWO (2) DEPUTIES FOR BREAKFAST AND DINNER IN THE AMOUNT OF \$42.00 TOTAL, WHILE ON 800 MILE TRANSPORT AND FOR AMOUNT TO BE PAID OUT OF OUT OF COUNTY TRAVEL FUND - SHERIFFS OFFICE**

Sheriff Donnie Foster stated two deputies were out for 15-16 hours and reimbursed only for lunch; due to the length of travel and not adding the expense of an overnight stay, they should be reimbursed for two other meals.

Commissioner Barker stated the policy was written for a 400 mile trip, the transport deputies did more than twice that and should be compensated for meals. Scott Dyer, Auditor stated the policy permits a one time exception to the policy.

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

**ITEM 9. DISCUSSION, CONSIDERATION AND ACTION REGARDING EMERGENCY MEDICAL SERVICE FOR FANNIN COUNTY - COUNTY JUDGE**

Steve Hasten, President of the Rural Chief Association stated it would be a mistake for the County to look outside for another EMS service, the current system having taken 10 years to produce.

Commissioner Whitlock asked Mr. Hasten if a new Medical Director would have to be found. Mr. Hasten stated he did not know who would be bidding on the proposal; protocols would have to be re-written and approved by the Department of Health, the paperwork would take 50-100 hours per department to write up, currently it has been at no cost to the individual volunteer fire departments because Bonham provides that service; this will cause no services to be available in the interim.

Mr. Brenton Horton, Dodd City Fire Chief seconded Mr. Hasten's assessment; further stating the first responders typically are the first on the scene and would be unable to assist without a Medical Director which will take 2-3 months; stating Dodd City works well with Bonham, and some of the remote areas will suffer.

Mr. Christopher Flippin, a Dodd City citizen stated his concern over where an ambulance would come from if the contract goes out for bid; Bonham currently provides 4 ambulances 24/7 as well as supplies to re-stock the first responders saving a lot of money to the first responder, the County contract requires 3 ambulances, a potential low bidder for the contract may only staff 2 or 3 ambulances.

Mr. Jason Dudley, Fire Fighter for Bonham stated the County should consider the local workforce first in addition to working toward lowering taxes, sending a \$500,000 contract outside the County

will have a negative impact on the local economy, the Bonham EMS has proven their ability to provide services for the County.

Mr. Chris Sanderson, Texas Vital Care stated his company, which is affiliated with Bells-Savoy, CES, is available to submit a bid if needed; they have been providing services since the 70's in the Bells/Savoy area which they currently serve as well as West Grayson County and had covered the West side of Fannin County until Bonham came in; they currently have ALS first responders who are directed by a Medical Director, the director was Medical Director of the Year for the State of Texas, she is Director for Paris College, Grayson College and Collin; the FRO (First Responders Organizations) are made up of ECAs, EMTs, Intermediates and Paramedics, most First Responders are not FRO certified but can provide basic First Aid such as CPR and stop bleeding.

Mr. David Conejo, CEO Red River Regional Hospital stated there should be three things the County considers, Fixed Overhead, Personnel and Variable Costs; whether a public entity or private company is used or not, subsidization will have to be considered. Mr. Conejo stated he recommends using the existing service and consider these three items, rather than starting over from the bid level with the goal of staying out of a deficit situation; the only flexibility for covering increased costs are personnel/labor costs or asking for subsidization.

Judge Carter stated a letter was received from Tammy Brown addressed to Commissioner Barker and copied to the judge; Ms. Brown stated she did not want a change to service and wants to continue with Bonham EMS and recommended the County reduce its budget in other areas.

Judge Carter stated he wants the best for the citizens of the County, the cost not being the primary issue so much as how the business is conducted; the primary job of the Judge is to use wisdom in the spending the tax dollars.

Judge Carter stated the Bonham EMS budget is \$2,565,099, Fannin County puts in \$522,000 and is expected to add an additional \$84,070 in the next year with no other contributions; Chief Nichols has stated \$168,000 total is needed to break even next year and he considers having Bonham pay additional monies would be "double-dipping" in his opinion.

Judge Carter stated at some point the ambulance service should be self-sufficient; questioning whether or not the County needed to be in the "ambulance business".

Judge Carter stated he spoke with Judge Superville in Lamar County who advised that they contribute \$326,000 to the ambulance service, their county has a population of 50,000; the City of Paris pays for the rest.

Corby Alexander, City Manger of Bonham stated Bonham EMS has tried to reduce costs as much as possible, but if the County wishes to continue services out into the County the deficit must be subsidized.

Judge Carter asked Mr. Alexander how much money the City would provide. Mr. Alexander stated the City will contribute what it has to if an Agreement can be reached.

Judge Carter asked Chief Nichols at what point they would become self-sufficient. Chief Nichols stated he could not make such a prediction with the cost of gas prices increasing, National Healthcare cuts, decreases in Medicare and increases of denials.

Mr. Alexander stated his desire to be able to contract with the County and will respect whatever decision the Court makes.

Chief Nichols stated they would continue to provide first responders to the City of Bonham and mutual aid to departments in their area but will not cover the other areas if the County does not hire a service.

Judge Carter stated if the County enters into the current agreement there is no plan for solvency along with an expectation of having to provide more money in the future based upon current history.

Commissioner Barker stated in regard to the letter from Ms. Brown's reference to the need for quality medical care for rural citizens; the County is not mandated to provide medical care; there are limits to what the budget will cover, the County cannot cut judicial funds or Sheriff's funding which are both mandated; additionally there is a cap on ad valorem taxes.

Scott Dyer, Auditor stated he does not think true costs have been reflected and compromise would be needed by the leadership of both parties.

Chief Nichols asked why other cities were not being asked to subsidize as well.

Commissioner Strickland stated a meeting was needed between all mayors, councils and commissioners to see if others will provide subsidies.

Commissioner Barker asked Mr. Alexander if there was room for negotiation. Mr. Alexander stated he could not promise they would make any reductions but welcomed any assistance in reviewing the budget.

Commissioner Strickland moved to table the item.

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

Judge Carter declared the time to be 10:54 a.m. stating the Court would take a break until 11:05 a.m.

Judge Carter declared the time to be 11:08 a.m. and the Court is on the record.

**ITEM 10. CONSIDERATION AND ACTION TO APPROVE THE PARTICIPATION BY FANNIN COUNTY IN THE TEXAS PAYMENT CARD CONSORTIUM AND THE COOPERATIVE PURCHASING AGREEMENT WITH THE CITY OF FORT WORTH TO CONTINUE WITH JPMORGAN CHASE AS FANNIN COUNTY'S COMMERCIAL CARD SOLUTIONS PROVIDER AND AUTHORIZE COUNTY JUDGE TO SIGN ALL AGREEMENTS ON BEHALF OF FANNIN COUNTY - PURCHASING AGENT**

Jill Edwards, Purchasing Agent stated the County uses JP Morgan Chase for its Master Card provider; Citi Bank has contracted with the State; Ms. Edwards recommends the County remain with JP Morgan Chase under the Fort Worth Cooperative Purchasing Agreement.

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

**ITEM 11. DISCUSSION, CONSIDERATION AND ACTION TO APPROVE A PUBLIC HEARING TO BE SET ON AUGUST 22, 2011 AT 8:30AM FOR TRAFFIC CONTROL, (ITEM TABLED FROM COMMISSIONERS COURT ON JULY 25, 2011) - COMMISSIONER, PET. 2**

Commissioner Barker stated this agenda item is presented to set locations for stop signs by Court Order, which requires a public hearing.

Commissioner Barker moved to set the Public Hearing for 8/22/2011 at 8:30 a.m.

Commissioner Strong asked if this applies to all precincts. Commissioner Barker stated it could.

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

**ITEM 12. DISCUSSION, CONSIDERATION AND ACTION TO APPOINT A PERSON TO FILL THE VACANCY FOR THE ADMINISTRATIVE POSITION TO SUBDIVISION BOARD (ITEM TABLED FROM COMMISSIONERS COURT ON JULY 25, 2011) - COUNTY JUDGE**

Commissioner Strong stated he had brought up Jessica Hall's name at the previous meeting; Ms. Hall attended the last Subdivision Board meeting and voiced her willingness to fill the vacancy.

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

**ITEM 13. DISCUSSION, CONSIDERATION AND ACTION REGARDING RURAL RAIL ROAD BOARD DOCUMENTS STORED AT COUNTY JUDGE'S OFFICE - COUNTY JUDGE**

Judge Carter stated he spoke with Mr. Glenn Taylor regarding moving stored documents from the Judge's office; Mr. Taylor stated the Bylaws would need to be amended to make provision for the move.

Commissioner Barker moved to approve the moving of the documents pending action of the RRRB and further moving to authorize the Board maintain control of the documents.

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

**ITEM 14. DISCUSSION, CONSIDERATION AND ACTION TO APPROVE THE NUMBER OF COMMISSIONERS COURT MEETINGS PER MONTH, FOR FY 20112012 - COUNTY JUDGE**

Judge Carter stated the options to either continue Commissioner Court meetings on the 2<sup>nd</sup> and 4th Mondays to every Monday at 10:00 a.m.; the change would commence in October.

Commissioner Barker stated weekly meetings would reduce the need for Specially called meetings, and the billing should stay the same.

Commissioner Barker moved to conduct the Commissioner Court meetings weekly;  
Commissioner Whitlock added the meetings be held at 10:00 a.m.

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

**ITEM 15. DISCUSSION, CONSIDERATION AND ACTION REGARDING TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS HOME GRANT - COUNTY JUDGE**

Mr. Hunter stated we have reached the one-year mark in the two year program; we have not met our benchmarks, one deal fell through, the buyer was disqualified; the Court can start the process, keeping in mind the County has a match requirement of \$10,000 and Mr. Hunter had attempted to use a Habitat for Humanity house which fell through, the other option is to use the Federal Home Loan Bank but they are currently out of money with more expected in the 2<sup>nd</sup> week of January; the County can also request to terminate the program. Mr. Hunter stated he has talked to area realtors and lenders to determine the viability of the market; the general consensus is the program is worthwhile based upon the amount of homes that have closed in the current market; two of the local banks are unable to participate; one local bank can participate, there are several banks in contiguous counties that are qualified.

Judge Carter asked Mr. Hunter what action was required from the Court. Mr. Hunter stated marketing was vital with the public as well as with lenders.

Commissioner Barker asked for the next bench mark. Mr. Hunter stated December would need to be at 75%.

Commissioner Strickland asked what a qualifying credit score might be, with the understanding the buyer must be a first time home buyer. Mr. Hunter stated a score between 620-640 points; however banks can lend to a client with good history with the bank and not depend on the credit score.

Commissioner Barker moved to give the program until the end of September to see if anyone applies, and whether there is some activity.

Commissioner Whitlock asked how many applicants there have been. Mr. Hunter said there was one that disqualified.

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

**ITEM 16. CONSIDER AND ACTION TO RATIFY AND CONFIRM ANNUAL APPOINTMENT OF BOARD OF DIRECTORS FOR FANNIN COUNTY PUBLIC FACILITY CORPORATION - COUNTY JUDGE**

Mr. Bristow stated the board was created in May of 2008 or so, the Bylaws require the Board members be appointed every three years, including the County Judge, Sheriff, two commissioners and the Auditor.

Commissioner Barker stated he is on the board along with Dewayne Strickland and Scott Dyer. Commissioner Strickland he would not be available for a three-year term.

Commissioner Barker moved to approve Gary Whitlock to replace Dewayne Strickland, further appointing Donnie Foster, Sheriff, Judge Carter and re-appointing Mr. Barker and Scott Dyer, Auditor effective 9/1/2011.

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

**\*Taken out of order**

**ITEM 19. DISCUSSION, CONSIDERATION AND ACTION TO APPROVE PROPOSED BUDGET FOR FY 2011/2012 –AUDITOR**

Scott Dyer, Auditor stated without knowing the outcome of the Ambulance Service budget, it would be premature to finalize the budget, recommending the item be tabled until 8/22/2011.

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

**\*Taken out of order**

**ITEM 18. DISCUSSION, CONSIDERATION AND ACTION TO APPROVE CHANGES TO THE FUNERAL POLICY LEAVE AS IN THE FANNIN COUNTY PERSONNEL POLICY MANUAL- AUDITOR**

Scott Dyer, Auditor stated the Commissioners Court requested an expansion of the Funeral Leave Policy utilizing the degrees of sanguinity from the Nepotism chart; on the Other Leave chart using the kinship chart allowing up to 8 hours of time; the time requested must be accompanied by either a Funeral Card, Bulletin or Memorial Card with the timesheet signed by the elected official or department head.

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

**ITEM 17. DISCUSSION, CONSIDERATION AND ACTION TO APPROVE PROPOSED TAX RATE FOR FY 2011/2012 -AUDITOR**

Scott Dyer, Auditor recommended tabling this item until the Budget has been adopted.

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

**\*Taken out of order**

**ITEM 20. CONSIDERATION AND ACTION TO APPROVE AUDITOR'S MONTHLY REPORTS FOR JULY 2011 AUDITOR**

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

**ITEM 21. CONSIDERATION AND ACTION TO APPROVE PAYMENT OF BILLS – AUDITOR**

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

**\*Taken out of order**

**ITEM 23. EXECUTIVE SESSION PURSUANT TO SEC. 551.074 OF GOVERNMENT CODE TO DISCUSS PERSONNEL MATTER(S)**

**ITEM 24. EXECUTIVE SESSION: CONSULTATION WITH ATTORNEY, A CLOSED MEETING WILL BE HELD PURSUANT TO SECTION 551.071 OF THE GOVERNMENT CODE REGARDING REAL PROPERTY AND ACQUISITION/ DISPOSITION/LEASE OF COUNTY JAIL LOCATED AT CR 4200**

**ITEM 25. EXECUTIVE SESSION: A CLOSED MEETING WILL BE HELD PURSUANT, TO SECTION 551.071 OF THE GOVERNMENT CODE REGARDING CONSULTATION WITH ATTORNEY TO SEEK ADVICE ON PENDING AND CONTEMPLATED LITIGATION, SETTLEMENTS, AND OTHER MATTERS, WHICH ARE CONFIDENTIAL UNDER THE DISCIPLINARY RULES OF THE STATE BAR, ON WHICH THE DUTY OF THE ATTORNEY OF THE COUNTY UNDER THE TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT CLEARLY CONFLICTS WITH THE OPEN MEETINGS ACT, REGARDING NEGOTIATION OF LEGAL RESPONSIBILITIES AND TERMS OF INSTRUMENTS RELATING TO THE OPERATION AND MANAGEMENT OF THE FANNIN COUNTY JAIL AND APPOINTMENT OF DIRECTORS TO THE FANNIN COUNTY PUBLIC FACILITY CORPORATION**

Judge Carter read into record Items 23, 24 and 25.

Commissioner Barker moved to convene into Executive Session.

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

Judge Carter stated the time at 12:04 p.m.

Commissioner Barker moved to reconvene into Regular Session.

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

Judge Carter stated the time at 1:10 p.m.

**ITEM 26. ACTION WITH REGARD TO PERSONNEL MATTER(S) DISCUSSED DURING EXECUTIVE SESSION**

No action taken.

**ITEM 27. ACTION WITH REGARD TO REAL ESTATE MATTER(S) DISCUSSED DURING EXECUTIVE SESSION**

No action taken.

**ITEM 28. ACTION WITH REGARD TO LITIGATION MATTER(S) DISCUSSED DURING EXECUTIVE SESSION**

No action taken.

**\*Taken out of order.**

**ITEM 22. CONSIDERATION AND ACTION TO APPROVE OPERATION AND MANAGEMENT AGREEMENT FOR 96 BED FANNIN COUNTY JAIL WITH CEC - COUNTY JUDGE**

Judge Carter stated an agreement had been made with the CEC; the agreement having been submitted with the Agenda packets.

Commissioner Baker moved to approve the contract with the terms as discussed, authorizing Judge Carter to sign on the behalf of the County.

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

**ITEM 29. ADJOURN**

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

**Adjourned at 1:15 a.m.**

The above and foregoing represents true and correct minutes of the Fannin County Commissioner's Court meeting in Regular Session the 8th day of August 2011.

(LGC 81.003)

ATTEST:



*Tammy Biggar*  
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Tammy Biggar, Fannin County Clerk