

On this 9th day of January, 2012 the Fannin County Commissioners Court met in a Regular Meeting after public notice was posted on the 5th day of January 2012 at 4:00 p.m. with the following members being present:

[Absent]	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

Commissioner Dewayne Strickland called the meeting to order at 10:03 a.m. Commissioner Strickland sitting in for Judge Creta L. Carter II. Judge Carter was in Austin.

INVOCATION

Mike Towery, Treasurer

ITEM 2. ESTABLISH A QUORUM

Commissioner Dewayne Strickland declared a quorum has been established.

ITEM 3. PUBLIC FORUM

Commissioner Strickland informed the Court Mike Shannon, Chief Appraiser with the Fannin County Appraisal District passed away yesterday (Sunday). Visitation will be at Wise Funeral Home on Tuesday evening from 6 to 8 P.M. Funeral will be held at 3:00 P.M. Wednesday at Boyd.

There was no one to speak in the public forum.

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 on the Profit and Loss Report, there are a couple of things he wanted to point out. The assignments, adjustments and bad debts write offs is \$700,000 worth. These date back to 2005. Every attempt was made to collect the debts. Mr. Nichols stated last August the Court

requested to start negotiations on next year's contract the end of January.

Commissioner Strickland stated the Judge has already mentioned he wanted to start the negotiations on the new contract and the Judge will probably be in contact with Mr. Nichols when he gets back.

No action was taken.

ITEM 6. CONSIDERATION AND ACTION TO APPROVE SHERIFF'S OFFICE ASSET FORFEITURE REPORT-SHERIFF'S OFFICE

Fannin County Sheriff Donnie Foster addressed the Court with regard to the Asset Forfeiture Report. Corrected copies to the original report have been passed out; the report has Forfeited Funds and Seized Funds. Sheriff Foster stated the property under Seized Funds are items seized by the Sheriff's office and the Forfeited Funds is that portion awarded to the Sheriff's Office; the Report covers October 1, 2010 through September 30, 2011; the page between 5 and 6 shows how the money was spent; the Forensic Camera is the portion given from DPS forensic mapping and accidents; the three items listed for Awards Banquet were expended before Sheriff Foster came.

Commissioner Barker moved to approve the report.

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

ITEM 7. DISCUSSION, CONSIDERATION AND ACTION TO APPROVE THE AMENDED PRIMARY JOINT RESOLUTION FOR THE REPUBLICAN AND DEMOCRAT PRIMARY AND PRIMARY RUNOFF IN 2012-COUNTY CLERK

Commissioner Strickland stated the Resolution is for the Joint Elections.

Commissioner Barker stated it would be for the Joint Primary Election on April 3, 2012 and the Joint Primary Runoff Election on June 5, 2012.

Commissioner Barker moved to approve.

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

ITEM 8. CONSIDERATION AND ACTION TO APPROVE EXTENSION OF STATZER LAND LEASE FOR 2012 PER TERMS AND CONDITIONS OF 2011 LEASE AND APPROVE COUNTY JUDGE TO SIGN ON BEHALF OF FANNIN COUNTY-PURCHASING AGENT

Jill Edwards, Purchasing Agent stated this is the annual lease; last year, when going out for bids it was an option to extend it for one (1) additional year; there is a little increase in the lease on this particular land, which is crop land; the Court has a copy of the signed agreement. Ms. Edwards recommended approval to continue with Richard Sells, clarifying the increase from the year before when the County was given the one (1) year with four (4) one (1) year additional options; stating it is the same as the one the County has now.

Commissioner Whitlock moved to approve.

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

ITEM 9. CONSIDERATION AND ACTION TO APPROVE AMENDMENT FOR PRECINCT #4 BUDGET BY INCREASING LINE ITEM #24-364-163 SALE OF EQUIPMENT , BY \$19,975 AND INCREASE LINE ITEM#24-624-571 PURCHASE OF EQUIPMENT, BY \$19,975 DUE TO THE RECEIPT OF UNEXPECTED REVENUE RECEIVED FROM SALE OF EQUIPMENT-COMMISSIONER, PCT.4

Commissioner Strong stated this is a rewording from last week on the sale of a motor grader; the sale of equipment was sold for a better price than was anticipated.

Commissioner Whitlock asked Scott Dyer, County Auditor if all was in order. Mr. Dyer stated this is the difference of what is in the budget already; stating he certifies this is the additional amount.

Commissioner Strong moved to approve.

Motion by: Commissioner Joe Strong
Second by: Commissioner Gary Whitlock
Vote: 4-0 Passed

ITEM 10. CONSIDERATION AND ACTION REGARDING PETITION TO CLOSE CERTAIN SECTIONS OF CR3730 AND CR3732- COMMISSIONER, PCT.2

Commissioner Barker stated the Petition was dully signed, submitted, and required signatures have been verified to make sure they were Fannin County property owners; the Petition has been posted at the courthouse and out on the road for in excess of thirty (30) days; the requirement being twenty (20) days.

Marshall Ashby was recognized by the Court to speak. Mr. Ashby stated he resided at 88 Robinson Street, Bonham, Texas, and owned property adjacent to the road. Mr. Ashby read his Top 10 Reasons to Keep Road Open to the Court.

Adriane McDonald was recognized to speak to the Court. Ms. McDonald stated she and her husband live on 3730 which is the dead end; having been there since 1995; the property has been in the McDonald family since the 50's; when Ms. McDonald's husband's grandfather lived there, the bridge was there, and was actually not a culvert, it was a very large bridge; it has been washed out for over 30 years and has not been repaired; TxDot has been out several times and they will not replace it, it is part of the North Sulphur River Water Shed and right now, there is no water going through; it is anticipated the water will be back and the culvert Mr. Ashby is hoping to put in will not be sufficient causing burden on the taxpayers of Fannin County.

Ms. McDonald stated the property owners including her husband, Rick McDonald (no relation) and Paul Evans do not want the road reopened, Mr. Evans having been told by Commissioner Barker the road would not be opened before purchasing the property. Ms. McDonald further

stated the opening and maintenance of the road supported by tax payers would be for the benefit of one person, additionally causing nuisance to the surrounding property owners who would then have to police it for trespassers.

Commissioner Barker stated this road had already been set for re-opening by the Jury Review prior to Mr. Evans buying his property; the road discussed with Mr. Evans was the one that went straight north.

Commissioner Barker stated during the Jury Review both he and Mr. Ashby presented, the Jury Review chose in favor of Mr. Ashby, the panel ruling 3730, 3732 would remain county roads.

Commissioner Strickland asked the status of the culvert. Commissioner Barker stated the Jury Review ruled the bridge or culvert did not have to be replaced on CR 3732; after several years Mr. Ashby stated he was ready to pursue the opening; several weeks worth of work has been completed, Mr. Ashby has purchased the culvert and with a little more work the road will be opened.

Commissioner Barker stated upon completion of the Jury Review he reported the findings to Mr. and Mrs. McDonald.

Motion made by Commissioner Barker to not close.

Motion by: Commissioner Stan Barker
Second by: Commissioner Gary Whitlock
Vote: 3-1 Passed, with Commissioner Joe Strong voting against

ITEM 11. CONSIDERATION AND ACTION TO APPROVE AUDITOR'S REPORTS FOR DECEMBER 2011-AUDITOR

Scott Dyer, Auditor presented the monthly reports for budget Revenues and Expenditure, Income Statement and Balance Sheets.

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

ITEM 12. CONSIDERATION AND ACTION TO APPROVE PAYMENT OF BILLS-AUDITOR

Auditor, Scott Dyer presented bills to be paid.

Motion made by Commissioner Barker

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

ITEM 13. ADJOURN

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

Adjourned at 10:34 a.m.

The above and foregoing represents true and correct minutes of the Fannin County Commissioner's Court meeting in Regular Session the 9th day of January, 2012.

(LGC 81.003)

ATTEST:



Tammy Biggar, Fannin County Clerk

