

**THE STATE OF TEXAS
COUNTY OF FANNIN**

**IN COMMISSIONERS COURT
FANNIN COUNTY, TEXAS**

On this 9th day of December, 2013 the Fannin County Commissioners Court met in a Regular Meeting after public notice was posted on the 5th day of December 2013 at 4:20 p.m. with the following members being present:

Creta L. Carter II	County Judge
Gary Whitlock	Commissioner, Precinct 1
Stan Barker	Commissioner, Precinct 2
Jerry Magness	Commissioner, Precinct 3
Dean Lackey	Commissioner, Precinct 4

The following business was transacted to-wit:

CALL TO ORDER

Judge Carter called the meeting to order at 9:00 a.m.

INVOCATION

Commissioner Stan Barker

ITEM 2. ESTABLISH A QUORUM

Judge Carter stated a quorum is established all commissioners are present.

ITEM 3. PUBLIC FORUM

Darrell Brewer, Emergency Services Coordinator stated an EOC (Emergency Operations Center) Level 3 was activated at the Sheriff's Office over the weekend which is an increased level of awareness in the event of a disaster; the City of Ladonia was without power which affected the water wells and sewage lift station; Honey Grove was without power as well as other parts of the County; the Red Cross repositioned supplies to the City of Ladonia in case a warming center or shelter was needed; liaison was maintained with TxDot and the Red Cross.

Tammy Biggar, County Clerk/PIO stated thank you to the City of Bonham for permitting the County to host a WMD-PIO class in the council chambers last week; there were 21 attendees and two instructors who came up from Texas A & M. Ms. Biggar stated thank you to the City of Bonham Street Department for sanding Silo Road during the ice storm, to TxDot for their work on Hwy 82, to the Commissioners for their work through the weekend, to Commissioner Lackey for care taking the courthouse parking lot and finally to the Red Cross for being responsive and available and staying in communications with the County.

Judge Carter stated thank you to Mr. Brewer for updates throughout the event as well as thanks to the City of Bonham for their willingness to assist the County.

Mr. Brewer stated the County can put in a request for recovery from damage to the roads and overtime costs through a disaster declaration, if the commissioners will provide an assessment of damage of those figures by next Friday, it can be rolled in with Lamar, Grayson and Cooke counties into one declaration and submitted to the State. Commissioner Barker asked if brush removal is included; Mr. Brewer answered in the affirmative.

Commissioner Barker stated the CodeRed system was implemented on Thursday and it worked well.

Nancy Young, District Clerk and board member of the Fannin County Child Welfare Board stated the Kiwanis Club provided a Christmas donation which will permit many gifts for the children this year.

ITEM 4. APPROVE MINUTES OF PREVIOUS MEETING(S)

Minutes were presented from December 2, 2013. Commissioner Barker moved to approve the Minutes with corrections made.

Motion By: Commissioner Stan Barker
Second By: Commissioner Dean Lackey
Vote: 4-0 Approved

[Attachment]

ITEM 5. DISCUSSION, CONSIDERATION AND ACTION TO APPROVE POSSIBLE CREATION OF A CERTZ (COUNTY ENERGY TRANSPORTATION REINVESTMENT ZONE) GRANT PROGRAM – COMMISSIONER, PCT. 3

Commissioner Jerry Magness stated he, Judge Carter and Commissioner Lackey attended a meeting last week in which Jim Allison of Allison, Bass & Associates explained the grant eligibility which is provided for in Texas Transportation Code 222; eligibility is based upon proper notification to the Court and public hearings and based upon damage sustained by oil and gas exploration and well digging.

Commissioner Magness stated an ad valorem tax account must be established if applicable; Fannin County is currently entitled to \$174,000 and possibly more if not all counties apply for the funding.

Commissioner Barker stated Precinct 3 is the only qualifying precinct due to the pipeline going through that area, the funds could be divided up and shared with the other precincts according to Mr. Allison.

Commissioner Magness stated a funds match of 90/10 would be required, each precinct could share the cost of over \$4,000 each; the funds must be applied for soon; Mr. Allison is available to assist in completing the required forms.

Commissioner Lackey stated the funding would alleviate some of the burden on the tax payers.

Commissioner Magness moved to approve the creation/application of the CERTZ grant.

Motion By: Commissioner Jerry Magness
Second By: Commissioner Gary Whitlock
Vote: 4-0 Approved

Commissioner Magness moved to approve December 30, 2013 at 8:30 a.m. for a Public Hearing.

Motion By: Commissioner Jerry Magness
Second By: Commissioner Stan Barker
Vote: 4-0 Approved

ITEM 6. DISCUSSION, CONSIDERATION AND ACTION TO APPROVE THE RETENTION OF ALLISON AND BASS ATTORNEYS AT LAW, TO FACILITATE THE CERTZ (COUNTY ENERGY TRANSPORTATION REINVESTMENT ZONE) GRANT PROGRAM – COMMISSIONER, PCT. 3

Commissioner Magness stated Allison, Bass & Associates has offered to represent the County for a fee of \$5,000 upon approval of the grant; if the application is not approved the County will not be billed for services; the fee if earned is paid for from the grant money.

Judge Carter recommended the application be submitted.

Commissioner Barker moved to approve Allison, Bass & Associates facilitating the grant.

Motion By: Commissioner Stan Barker
Second By: Commissioner Jerry Magness
Vote: 4-0 Approved

ITEM 7. DISCUSSION, CONSIDERATION AND ACTION TO APPROVE RENOVATION AT SOUTH ANNEX FOR JUSTICE OF THE PEACE, PRECINCT ONE AND APPROVE BUDGET OUT OF SOUTH ANNEX REPAIR AND MAINTENANCE BUILDING #10-513-450 – PURCHASING AGENT

Jill Holmes, Purchasing Agent stated a maximum budget needs to be set by the Court; there is an estimated budget of \$2,100 including materials, network drops, cleaning carpet, re-keying locks as well as any unknown costs; a cushion in excess of the \$2,100 is recommended.

Scott Dyer, Auditor stated at least 4 phone extensions will be needed resulting in \$500 - \$1,000 in costs.

Commissioner Barker recommended the funds be taken from Repair & Maintenance with any overages to be addressed in the future as needed from the Contingency Fund.

Commissioner Barker moved to approve the modification plan to be paid for from the South Annex Repair & Maintenance Fund.

Motion By: Commissioner Stan Barker
Second By: Commissioner Jerry Magness
Vote: 4-0 Approved

ITEM 8. DISCUSSION REGARDING NO FORMAL WRITTEN CONTRACT FOR REVENUE AND WATER ALLOCATIONS BETWEEN FANNIN COUNTY AND THE LOWER BOIS D'ARC RESERVOIR – CITIZENS

Mr. William Purcell stated two speakers are unable to attend this mornings meeting due to weather conditions; a request is made to reschedule this agenda item.

Judge Carter stated there are others who may wish to address the item at this time. Commissioner Barker requested the North Texas Municipal Water District speak at this time.

Mike Rickman, Deputy Director of the North Texas Municipal Water District (NTMWD) stated the Water District was created by the State Legislature in 1951 and is a State agency and is a not for profit agency; Fannin County officials approached the Water in 2003 or 2004 to see if there was an interest in building the Bois D'Arc Reservoir since there was no local sponsor who fund the project.

Judge Carter stated the county judge at the time had met with the District; Mr. Rickman stated the county judge and others did attend and over a period of time there were as many as 15 people attending the meetings to develop a partnership; there were resolutions passed in support of the reservoir by the City of Bonham, Bois D'Arc MUD, Dodd City, Honey Grove, Leonard, Ravenna-Nunley Water Supply Corporation, City of Savoy and White Shed Water Supply Corporation.

Judge Carter asked if there is one [resolution] from the Fannin County Commissioners Court; Mr. Rickman answered in the affirmative.

Mr. Rickman stated the result was the development of the Fannin County Water Supply Agency by the County; an MOU (memorandum of understanding) was executed between the Fannin County Water Supply agency and the NTMWD; the purpose stated in the MOU was to supply "an adequate and dependable future water supply" for members in the county; the District agreed to supply water from the reservoir to any member of the Agency who requested and is contracted with the Agency to have water supplied by the NTMWD; additionally the price would be consistent with the NTMWD's "legally adopted customer rate"; there are two rates, one for member cities and one for customers.

Judge Carter asked for clarification on which rate would apply to the County; Mr. Rickman stated Fannin County would receive the customer rate.

Mr. Rickman stated the NTMWD has agreed to plan, design, construct, finance, operate and maintain the water treatment plant for the City of Bonham which has been done at a cost of \$16 million dollars for the plant.

Mr. Rickman stated Fannin County has a representative on the Region C Water Planning Group by the name of Mr. Harold Latham, there are 16 regions in the State; at this time Fannin County does not have any approved strategies in the regional plan, NTMWD has all the approved strategies for agencies and cities within Fannin County so if there are additional water needs it would come through NTMWD; ground water in the County continues to decrease and surface water is going to be needed.

Mr. Rickman stated it was agreed that the water treatment plants would be built within the County, land has been purchased near Leonard for a second plant; to date 18,500 acres has been purchased of the 22,000 needed to build the reservoir.

Mr. Rickman stated all taxing entities would be kept whole during construction and until development took place on the land that would take care of making the entities whole; in the interim the taxes have been kept up by the NTMWD to the appraisal district.

Mr. Rickman stated a contract would be premature without knowing whether or not the two permits required would be issued, a State Water Rights Permit and a Federal 404 permit issued by the Army Corp of Engineers; it is anticipated the draft of the Water Rights permit is going to be issued within the next 30 days and the draft of the 404 permit within a few months.

Mr. Rickman stated the surface water is owned by the State, a permit allows usage based upon purpose and need; the return comes in the form of water and this includes "new" water if the County has depleted the supply, no cash or revenue is paid out to the City or County; there are no reservoir projects in which cash is received for the water.

Commissioner Barker stated the project was brought to the County on two occasions and approved at both times; the second vote coming after one commissioner had changed his mind; the Court has always been in support of the Lake; TCEQ is resistant to the building of wells and steering the public to the usage of surface water.

Judge Carter asked Mr. Rickman if he would be available to any citizens for discussion; Mr. Rickman answered in the affirmative; the purchase of land has been by people that have come to the District, willing to sell their land and the pricing has been more than fair.

Mr. Robert McCarthy, Permit Manager for NTMWD stated over \$100 million has been spent so far and the District will not be receiving revenue until 2020.

ITEM 9. CONSIDERATION AND ACTION TO APPROVE FANNIN COUNTY AUDITOR'S MONTHLY REPORTS FOR NOVEMBER 2013 - AUDITOR

Motion By: Commissioner Dean Lackey
Second By: Commissioner Gary Whitlock
Vote: 4-0 Approved

ITEM 10. CONSIDERATION AND ACTION TO APPROVE PAYMENT OF BILLS – AUDITOR

Motion By: Commissioner Jerry Magness
Second By: Commissioner Stan Barker
Vote: 4-0 Approved

ITEM 11. ADJOURN


Motion By: Commissioner Gary Whitlock
Second By: Commissioner Dean Lackey
Vote: 4-0 Approved

Adjourned at 10:15 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 December, 2013.

(LGC 81.003)

ATTEST:



Tammy Biggar
Fannin County Clerk

