

**THE STATE OF TEXAS
COUNTY OF FANNIN**

**IN COMMISSIONERS COURT
FANNIN COUNTY, TEXAS**

On this 4th day of November, 2013 the Fannin County Commissioners Court met in a Regular Meeting after public notice was posted on the 31st day of October 2013 at 4:59 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

Mike Towery, Treasurer

ITEM 2. ESTABLISH A QUORUM

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

ITEM 3. PUBLIC FORUM

Dewayne Strickland, former Commissioner Precinct 3 stated opposition to the removal of the justice of the peace position in Justice of the Peace, Precinct 3 (Honey Grove); Mr. Strickland stated he has spoken with a number of citizens who held the same opinion; the move would not save money when the money would have to allocated to the other justice's picking up the work load; the county continues to grow; additionally the move would cause the loss of the constable; the current constable works hard and should not be retired.

ITEM 4. APPROVE MINUTES OF PREVIOUS MEETING(S)

Minutes were presented from October 28, 2013.

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

[Attachment]

ITEM 5. CONSIDERATION AND ACTION TO APPROVE PLACING U.S. FLAGS ON COURTHOUSE GROUNDS ON VETERANS DAY, NOVEMBER 11, 2013– BONHAM CHAMBER OF COMMERCE

Dale McQueen, Executive Director of the Chamber of Commerce requested permission to put up American flags around the courthouse on Monday, Veteran’s Day.

Commissioner Barker stated it always good to see the flags around the square.

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

ITEM 6. CONSIDERATION AND ACTION REGARDING STRUCTURE OF BOND SUPERVISION DEPARTMENT, SUPERVISION OF BOND SUPERVISION OFFICER POSITION AND LOCATION OF BOND SUPERVISION OFFICE – 336TH DISTRICT JUDGE

Richard Glaser, Criminal District Attorney requested action be taken today to move forward with hiring a bond supervisor; the use of the current juror room for an office would be appropriate due to the level of security needed.

Judge Lauri Blake, 336th District Court provided a recommendation on the position announcement, structure and chain of command as well as forethought with regard to creating a board over the individual; checks and balances are needed in particular with regard to the handling of funds. Judge Blake stated housing is a consideration, the State funded Adult Probation is not a good fit however the South Annex might be a good location due to security; a policy manual would be in order.

Commissioner Barker stated his recommendation a supervisory board be appointed and consist of the county judge, district judge and county court at law judge; the position is a county position and the county judge should be responsible for hiring and firing; Adult Probation has agreed to train the bond supervisor but not to house that office; the juror room may be used in the future to expand the courtroom; it is recommended the bond supervisor office at the South Annex.

Judge Charles Butler, County Court at Law recommended the board include a magistrate; the bond supervisor could be responsible for facilitating the Indigent Defense Plan by going to the jail, making sure applications are filled out correctly and get to the appropriate court to expedite that process which reflects favorably on the County at the State level.

Commissioner Barker stated consideration should be given to not expanding the board beyond 3 or 5 persons, preferably 3.

Judge Blake stated either a board should have authority over the individual or one person such as county judge, either is acceptable but to have judges on the board with no authority is not workable.

Judge Carter stated his recommendation the county judge oversee the position and be responsible for hiring and firing; housing would be best suited at the South Annex.

Commissioner Barker stated a solution might be to have a supervisory board consisting of one JP, the county court at law judge and the district judge who report to the county judge with the JP serving a one or two year term.

Judge Butler stated there is a magistrate board that can select one person.

Commissioner Barker moved to locate the Bond Supervisor office at the South Annex in the old AgriLife office, either the front or back office.

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

Commissioner Barker moved to make the County Judge the immediate supervisor of the Bond Supervision Officer.

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

Commissioner Barker moved to create a supervisory board consisting of the District Judge, County Court at Law Judge and one member of the magistrate's board as determined by that board; input to be directed to the County Judge.

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

ITEM 7. DISCUSSION REGARDING THE AVAILABLE OFFICE SPACE LOCATED AT THE FANNIN COUNTY SOUTH ANNEX, WERE THE AGRILIFE EXTENSION OFFICE WAS PREVIOUSLY LOCATED – COUNTY JUDGE

Judge Carter stated there are six rooms to be considered at the South Annex; Adult Probation will have one office and the Bond Supervision Officer will have one office.

Commissioner Barker recommends the purchasing agent retain the storage room.

Brian Caffee, Chief Juvenile Probation Officer requested Health Department and the Environmental Services be permitted to expand by moving to the South Annex which would allow Juvenile Probation expansion as well.

Gail Young, Tax Assessor/Collector requested one room be available for an employee fitness room.

Jean Siebenthal of the Health Department stated space is needed to house current office furniture and file cabinets, any office at the South Annex would be suitable for both the Health Department and Environmental Services..

Mary Bloodsworth, Environmental Services stated expansion is needed for the Flood Plain services; currently not all cabinets are functional due to the cramped space and there is lack of security for documents on file.

Scott Dyer, Auditor recommended costs be considered with all potential moves which have not been budgeted.

Nancy Young, District Clerk recommended Justice of the Peace, Precinct 1 be relocated to the South Annex to allow expansion of the six District Clerk deputies currently in one small room and opening up an office to be used to house attorney/client conferences and to seclude children who are potential victims of a crime.

Kim Richards, Assistant to Joe Dale, Justice of the Peace, Precinct 1 stated the judge is not opposed to moving to the South Annex.

ITEM 8. CONSIDERATION AND POSSIBLE ACTION REGARDING THE MANDATED SECTION 52.05 (B) OF THE TEXAS FAMILY CODE WHICH STATES THE JUVENILE COURT AND JUVENILE BOARD SHALL REPORT ANNUALLY TO COMMISSIONERS COURT – DIRECTOR, FANNIN COUNTY JUVENILE SERVICES

Brian Caffee, Chief Juvenile Probation Officer stated the annual report is used to update the Court on current conditions; the office is used to house himself as office manager and two other officers; an expansion of bathrooms is needed due to crowding from public access; new carpet has been installed, a window with secured glass has been installed, a more secure door is needed; court facilities although adequate have only one holding area in each court, on a busy court day the juveniles are secluded if an (adult) chain gain arrives, the Sheriff’s Office works hard to assist and accommodate the needs of the juveniles.

ITEM 9. DISCUSSION, CONSIDERATION AND ACTION TO APPROVE ACS SALES ORDER AGREEMENT AND APPROVE \$7,500 TO BE PAID OUT OF COUNTY CLERK RECORDS ARCHIVE FUND #53-403-437 TO PRESERVE OPR (OFFICE PUBLIC RECORDS) AS PREVIOUSLY APPROVED AND AUTHORIZE COUNTY JUDGE TO SIGN AGREEMENT ON BEHALF OF FANNIN COUNTY–COUNTY CLERK

Tammy Biggar, County Clerk stated the project is a continuation of work started; the continuation of the project was approved during budget; authorization is requested for the signing of the contract.

Scott Dyer, Auditor stated the fund used is Fund 53.

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

ITEM 10. DISCUSSION, CONSIDERATION AND ACTION REGARDING THE PROCESS OF REMOVING THE JUSTICE OF PEACE, PCT. 3 POSITION AND APPROVE THE HIRING OF ALLISON AND BASS LAW FIRM TO HANDLE THE PROCESS OF REMOVAL - COUNTY JUDGE

Judge Carter stated over the last 12 months consideration has been given regarding the retirement of Judge Emory Banker and whether or not the Justice of the Peace, Precinct 3 should be absolved; the process would take about 60 days, counties with a population under 50,000 have the option of 2 JP's instead of 3, minority representation must be considered, no voting boxes would be lost however the lines would have to be re-drawn [for the two remaining districts]; the subject is not an endorsement, but an opportunity to discuss options.

Richard Glaser, Criminal District Attorney stated as a member of the Honey Grove Chamber of Commerce he is not aware of anyone in favor of the option to eliminate that JP position and stated it is a bad idea; the State Constitution allows for not less than 4 JP's in counties over 50,000 in population which is in our near future; there are attorneys within the County employment than can be used if needed rather than paying an outside law firm.

Lauri Blake, 336th District Judge stated consideration should be given to whether or not removing the JP 3 position would disenfranchise those citizens and whether or not their voices being diluted; growth comes in from the south, essentially the larger population to the south would outvote those to the east; it also creates centralized government rather than decentralized; if the position does not support itself consideration has to be given on whether or not the position is supported by the County; long range planning should be considered.

Judge Carter stated the position of the Court is to consider options and public opinion to determine if any action needs to be taken.

Mr. Leroy Circkles stated unattended deaths require a justice of the peace to come to the house leaving family members to wait with the deceased if a JP is not available.

Commissioner Magness stated he has talked to constituents who are opposed.

Commissioner Barker moved to approve the maintaining of 3 Justices of the Peace.

Motion By: Commissioner Stan Barker
Second By: Commissioner Jerry Magness
Vote: 5-0 Passed

ITEM 11. CONSIDERATION AND ACTION REGARDING BURN BAN FOR FANNIN COUNTY – COUNTY JUDGE

Commissioner Barker recommended the ban no longer be considered for the time being.

ITEM 12. CONSIDERATION AND ACTION TO APPROVE TAC APPLICATION FOR LAW ENFORCEMENT AND PUBLIC OFFICIALS INSURANCE FOR 2013/2014 – AUDITOR

Scott Dyer, Auditor stated the renewal application is recommended for approval.

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

ITEM 13. CONSIDERATION AND ACTION TO APPROVE PAYMENT OF BILLS – AUDITOR

Motion By: Commissioner Jerry Magness
Second By: Commissioner Dean Lackey
Vote: 4-0 Passed

ITEM 14. ADJOURN

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

Adjourned at 10:14 a.m.

The above and foregoing represents true and correct minutes of the Fannin County Commissioner’s Court meeting in Regular Session the 4th day of November, 2013.

(LGC 81.003)

ATTEST:

**Tammy Biggar
Fannin County Clerk**