

**THE STATE OF TEXAS  
COUNTY OF FANNIN**

**IN COMMISSIONERS COURT  
FANNIN COUNTY, TEXAS**

On this 10th day of December, 2012 the Fannin County Commissioners Court met in a Regular Meeting after public notice was posted on the 7th day of December 2012 at 8:33 a.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>(Absent)</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 Carter called the meeting to order at 9:00 a.m.

**INVOCATION**

Mike Towery, Treasurer

**ITEM 2. ESTABLISH A QUORUM**

Judge Carter declared a quorum has been established; Commissioner Strickland is absent.

**ITEM 3. PUBLIC FORUM**

Judge Carter stated when an agenda item is brought up and voted on it is not brought up again unless one of the prevailing parties wishes to do so; last week a vote was taken on a vehicle for the Environmental Development Department, the item budgeted ended up costing more than had been budgeted with a shortfall of about \$900; what had not been taken into consideration was the trade-in value of the old pick up truck.

Judge Carter stated he was neither encouraging nor discouraging further discussion on the matter but advising if there were to be further discussion it would need to be put on the Agenda by one of the prevailing commissioners.

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

Judge Carter stated Minutes have been submitted for December 3, 2012.

Commissioner Barker moved to approve with corrections made.

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

**ITEM 5. CONSIDERATION AND ACTION TO APPROVE RECOMMENDATION OF FANNIN RURAL RAIL DISTRICT BOARD TO APPOINT AND/OR REAPPOINT MEMBER(S) OF EXPIRING TERM(S) – TAYLOR**

Mr. Glenn Taylor, President of the Fannin County Rural Rail District stated the Board recommends Roy Riales, Tom Long and Jerry Magness; Mr. Magness to replace Judge Carter; the term being for two years.

Commissioner Barker moved to approve the recommendations as presented.

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

**ITEM 6. DISCUSSION, CONSIDERATION AND ACTION TO APPROVE STATEMENT OF AGREEMENT, REGARDING DISASTER SERVICES PROGRAM, BETWEEN AMERICAN RED CROSS NORTH TEXAS REGION AND FANNIN COUNTY, TEXAS-EMERGENCY MGMT. COORDINATOR**

Darrell Brewer Emergency Management Coordinator stated the Red Cross is streamlining their organization nationwide and is formalizing Memorandums of Understanding; the agreement presented to Fannin County reflects procedures currently in place with no additional expense to the County.

Commissioner Strong moved to approve as presented.

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

**ITEM 7. CONSIDERATION AND ACTION REGARDING BURN BAN FOR FANNIN COUNTY – COUNTY JUDGE**

Commissioner Barker recommended the item be passed.

**ITEM 8. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING DECLARATION OF LOCAL DISASTER INCLUDING ADDITIONAL AUTHORITY**

**REGARDING REGULATION OF FIREWORKS IN UNINCORPORATED AREAS OF FANNIN COUNTY – COUNTY JUDGE**

Commissioner Barker stated the winter usage of fireworks is not as critical as that in the summer.

Judge Carter stated the item would be passed.

**ITEM 9. CONSIDERATION AND ACTION TO APPROVE BUDGET AMENDMENTS FROM FANNIN COUNTY AUDITOR'S OFFICE, FOR FISCAL YEAR 2012-2013 – AUDITOR**

Scott Dyer, Auditor stated the amendments presented include grants.

Commissioner Barker moved to approve the amendments as presented.

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

**ITEM 10. CONSIDERATION AND ACTION TO APPROVE FANNIN COUNTY AUDITOR'S MONTHLY REPORTS FOR NOVEMBER 2012 – AUDITOR**

Scott Dyer, Auditor stated submission does not include September; bills for September are still being processed.

Commissioner Barker moved to approve the report as presented.

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

**ITEM 11. CONSIDERATION AND ACTION TO APPROVE PAYMENT OF BILLS – AUDITOR**

Scott Dyer, Auditor stated the bills presented include the payment for the AgriLife building for \$225,200.00.

Commissioner Whitlock moved to approve the bills as presented.

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

**ITEM 12. EXECUTIVE SESSION PURSUANT TO SEC. 551.072 OF GOVERNMENT CODE TO DISCUSS REAL ESTATE MATTER(S)**

Judge Carter stated Items 12 and 13 would be taken together.

**ITEM 13. EXECUTIVE SESSION PURSUANT TO SEC. 551.071 OF GOVERNMENT CODE TO DISCUSS LITIGATION MATTER(S)**

Commissioner Joe Strong moved to convene into Executive Session.

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

Judge Carter declared the time to be 9:19a.m.

Commissioner Stan Barker moved to reconvene into Regular Session.

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

Judge Carter declared the time to be 9:32 a.m.

**ITEM 14. ACTION WITH REGARD TO REAL ESTATE MATTER(S) DISCUSSED DURING EXECUTIVE SESSION**

Judge Carter stated no action will be taken.

**ITEM 15. ACTION WITH REGARD TO LITIGATION MATTER(S) DISCUSSED DURING EXECUTIVE SESSION**

Commissioner Stan Barker moved to approve Judge Carter approaching attorney James Tidwell concerning the litigation matter; if Mr. Tidwell practices the type of law needed, to then enter into contract with Mr. Tidwell.

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

**ITEM 16. ADJOURN**

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

**Adjourned at 9:33 a.m.**

The above and foregoing represents true and correct minutes of the Fannin County Commissioner's Court meeting in Regular Session the 10th December, 2012.

(LGC 81.003)

ATTEST:

*Tammy Biggar*  
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Tammy Biggar  
Fannin County Clerk

