

**THE STATE OF TEXAS  
COUNTY OF FANNIN**

**IN COMMISSIONERS COURT  
FANNIN COUNTY, TEXAS**

On this 3<sup>rd</sup> day of December, 2012 the Fannin County Commissioners Court met in a Regular Meeting after public notice was posted on the 29th day of November 2012 at 2:23 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 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.

**ITEM 3. PUBLIC FORUM**

Judge Carter stated a letter of appreciation has been received from the Fannin County Family Crises Center for the receipt of the \$5,000 donation made by Fannin County. Judge Carter read the letter for the record.

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

Judge Carter stated Minutes have been submitted for October 1, 2012 and for November 26, 2012.

Commissioner Barker moved to approve with corrections made.

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

**ITEM 5. CONSIDERATION AND ACTION TO APPROVE FY 2012 CHAPTER 59 ASSET FORFEITURE REPORT BY LAW ENFORCEMENT AGENCY AND TO AUTHORIZE COUNTY JUDGE TO SIGN REPORT ON BEHALF OF FANNIN COUNTY - SHERIFF**

Item passed\*

**ITEM 6. CONSIDERATION AND ACTION TO APPROVE ENGAGEMENT AGREEMENT LETTER OF CA FORENSICS, LLC AS CONSULTANT AND EXPERT TO PROVIDE FRAUD EXAMINATION AT THE DIRECTION OF THE CRIMINAL DISTRICT ATTORNEY AND AUTHORIZE COUNTY JUDGE TO SIGN AGREEMENT ON BEHALF OF FANNIN COUNTY – CRIMINAL DISTRICT ATTORNEY**

Mr. Dale McQueen requested to speak on the agenda item. Mr. McQueen stated the case at hand differs from a criminal case in that a typical criminal case would have law enforcement testifying, in this case if an outside firm is not hired to testify, the only auditors offering testimony would be that of the firm in which the criminal act occurred with no third party testimony; if cost of hiring an outside auditor were the issue then why were the unencumbered funds increased by \$215,000 this last year?

Richard Glaser, Criminal District Attorney stated defensive issues could potentially be raised on internal controls; an outside audit would prevent such an event; the Commissioners Court has a duty and an obligation to support the State in this extraordinary situation.

Judge Carter stated the defense will hire an expert witness; cross examination by the prosecution should be all that is required of the expert hired by the defense without the extra cost of the County hiring another expert witness.

Commissioner Strickland stated in last week's meeting it was proposed the County pay a portion with the District Attorney paying any additional funds in excess of \$20,000.

Mr. Glaser stated his preference not to come to Commissioners Court and have comments made in regard to any case prior to the conclusion of a case; the Forfeiture Funds referenced could be considered; the auditor for hire would work at Mr. Glaser's discretion and with direction from the Court the auditor can be instructed to not exceed \$25,000 in fees at which time Mr. Glaser would come back to the Commissioners Court to address any further spending of any funds.

Judge Carter stated the auditor would not be a fact witness; he can only give his opinion if the judge permits it; the citizens would be asked to pay someone \$45,000 to give his opinion.

Commissioner Strickland moved to approve the Agreement Letter with fees to the County not to exceed \$20,000 and any additional fees incurred to be paid for the Criminal District Attorney.

Motion By: Commissioner Dewayne Strickland

Second By: Commissioner Joe Strong

Vote: 2-3 Motion failed (Commissioners Barker, Whitlock and Judge Carter opposed)

**ITEM 7. DISCUSSION, CONSIDERATION AND ACTION REGARDING TRANSFER OF FUNDS OUT OF ELECTION SUPPLIES LINE ITEM AND INTO ELECTION SALARY LINE ITEM(S), FOR THE COMPENSATION OF ELECTION WORKERS- COUNTY CLERK**

Tammy Biggar, County Clerk stated the expense of paying elections workers went over budget and recommends transferring funds between Election line items.

Scott Dyer, Auditor stated the amount to be transferred would be \$718.00.

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

**ITEM 8. DISCUSSION, CONSIDERATION AND ACTION TO APPROVE UP TO \$500 TO PURCHASE SHELVING FROM CITY OF MOUNT PLEASANT AND TO APPROVE FUNDING TO BE PAID OUT OF CLERK'S RECORD MANAGEMENT FUND – COUNTY CLERK**

Tammy Biggar, County Clerk stated shelving is needed in the Criminal Clerk's office as there is no further space available for files; shelving is needed in the Clerk's office.

Commissioner Strickland stated he has agreed to pick up the shelving if they can be procured.

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

**\*ITEM 5. CONSIDERATION AND ACTION TO APPROVE FY 2012 CHAPTER 59 ASSET FORFEITURE REPORT BY LAW ENFORCEMENT AGENCY AND TO AUTHORIZE COUNTY JUDGE TO SIGN REPORT ON BEHALF OF FANNIN COUNTY – SHERIFF**

Donnie Foster, Sheriff stated the report has been reviewed by Sgt. David Thompson and Auditor Scott Dyer and is hereby submitted for approval.

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

**ITEM 9. CONSIDERATION AND ACTION TO APPROVE PURCHASE OF A 2013 ½ TON TRUCK THROUGH HGAC OR BUYBOARD CONTRACT FOR THE**

## **ENVIRONMENTAL DEVELOPMENT/SEPTIC PERMIT OFFICER – PURCHASING AGENT**

Jill Holmes, Purchasing Agent stated it has been an ongoing effort to attempt to stay within budget and still meet the requests for the extended cab truck; Sam Pack Ford has the closest pricing with a 2013 Ford F150 extended cab truck, minus delivery charge for \$18,273.92.

Ms. Holmes stated there were errors on the contract that ended September 30<sup>th</sup> with the price of the truck too low; the best price for a regular cab truck is also through Sam Pack Ford for \$15,832.92 without delivery charge; for this price a new tool box can be purchased and still be within budget as well.

Mary Bloodsworth, Environmental Development Representative stated the extended cab is sorely needed to provide storage for raincoats, sensitive equipment among other items stored; the laser level which is housed in a padded case was destroyed by being housed in the tool box.

Scott Dyer, Auditor stated \$900 would be the shortfall. Ms. Bloodsworth stated she has a Repair and Maintenance line item that could be used.

Commissioner Barker stated the fiscal budget is 2 months old and the Contingency Fund has already been tapped into.

Commissioner Strickland stated the value of the extended cab versus the costs far exceeds comparison with the amount of years the truck will be used.

Commissioner Strickland moved to approve the purchase of the extended cab pick-up truck; directing \$500 from the department's Repair and Maintenance Fund and \$400 to come out of the Contingency Fund.

Motion died for lack of a second.

Commissioner Barker moved to approve the truck that is within budget from Sam Pack Ford.

Motion By: Commissioner Stan Barker

Second By: Commissioner Gary Whitlock

Vote: 3-2 Passed (Commissioner Strickland and Judge Carter opposed)

## **ITEM 10. CONSIDERATION AND ACTION TO APPROVE PURCHASE OF A 2013 FORD F-250 TRUCK THROUGH HGAC CONTRACT FOR PRECINCT FOUR – PURCHASING AGENT**

Jill Holmes, Purchasing stated the delivery charge of \$171.50 will be deducted bringing the purchase price of the truck to \$21,339.38 as Precinct Four will pick truck up at the Carrolton dealership.

Commissioner Strong stated the current truck starts on occasion and has been sent for repair several times; the issue cannot be resolved and the truck will eventually be sold at auction.

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

**ITEM 11. CONSIDERATION AND ACTION TO APPROVE THE EXTENSION OF PEST CONTROL CONTRACT WITH ECO FRIENDLY EXTERMINATING & PEST CONTROL FOR ANOTHER TWELVE (12) MONTHS AS PER TERMS AND CONDITIONS OF BID/CONTRACT FOR 2011-2012 - PURCHASING AGENT**

Jill Holmes, Purchasing Agent stated the service received has been satisfactory and recommends extension of the contract.

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

**ITEM 12. DISCUSSION, CONSIDERATION AND ACTION TO APPROVE ADVANCED FUNDING AGREEMENT FOR HWY 56 MARKER AND TO AUTHORIZE COUNTY JUDGE TO SIGN AGREEMENT ON BEHALF OF FANNIN COUNTY - COMMISSIONER, PCT. 4**

Commissioner Strong stated the Resolution was passed one month ago to rename a portion of the highway, the State has required the agreement for the purchase of signs and installation; Fire Chief Brad Nichols has agreed to pay for the costs associated with the project in the amount of \$1,106.18 and no costs to the County; any further costs could potentially come from vandalism or other damage at which time the marker could be either replaced, repaired or discontinued; should such an event occur, costs will be sought from the Bonham Fire Department.

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

**ITEM 13. DISCUSSION, CONSIDERATION AND ACTION TO APPROVE OPENING A NEW ROAD OFF OF RECREATION ROAD 3 – COMMISSIONER, PCT. 4**

Commissioner Strong stated he had been approached by Mr. Clark Sanderson, Sanderson Surveying and Ms. Deanna Staton of Cole Title in regard to six houses that currently use a driveway to access the homes.

Ms. Beth Robertson, Cole Title stated the pathway is actually an easement and therein lies the potential for conflict.

Ms. Staton stated the road had been maintained by a previous commissioner but was no longer maintained. Commissioner Strong stated the road has never been numbered.

Commissioner Barker stated a road must be maintained to specifications for a period of one year before it can be accepted as a County Road; additionally the property owners would need to be in agreement with giving up the property being used.

Ms. Staton stated surveys in the past had used a reference to "county road" with no further identifiers that were used in legal descriptions which has caused the confusion.

Commissioner Strickland asked if all the property owners have signed the petition to open the road. Commissioner Strong stated no, not all the current owners have signed.

Judge Carter stated the item will be passed at this time.

**ITEM 14. 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**

Judge Carter stated he is concerned about restricting businesses; Commissioner Barker stated only bottle rockets and canned missiles would be restricted, in the past both those items have been restricted when weather conditions warranted it.

Commissioner Barker moved to table the item until next Monday.

Motion By: Commissioner Stan Barker  
Second By: Commissioner Dewayne Strickland  
Vote: 5-0 Passed (item tabled)

Judge Carter stated the Burn Ban is still in effect.

**ITEM 15. CONSIDERATION AND ACTION TO APPROVE PAYMENT OF BILLS - AUDITOR**

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

**ITEM 16. EXECUTIVE SESSION PURSUANT TO SEC. 551.071 OF GOVERNMENT CODE TO DISCUSS LITIGATION MATTER(S)**

Item passed.

**ITEM 17. ACTION WITH REGARD TO LITIGATION MATTER(S) DISCUSSED  
DURING EXECUTIVE SESSION**

Item passed.

**ITEM 18. ADJOURN**

Motion By: Commissioner Dewayne Strickland

Second By: Commissioner Gary Whitlock

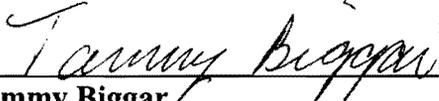
Vote: 5-0 Passed

**Adjourned at 9:53 a.m.**

**The above and foregoing represents true and correct minutes of the Fannin County  
Commissioner's Court meeting in Regular Session the 3rd December, 2012.**

(LGC 81.003)

ATTEST:



**Tammy Biggar  
Fannin County Clerk**

