

On this 27th day of January, 2014 the Fannin County Commissioners Court met in a Regular Meeting after public notice was posted on the 23rd day of January 2014 at 4:32 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

None

ITEM 4. APPROVE MINUTES OF PREVIOUS MEETING(S)

None

ITEM 5. DISCUSSION, CONSIDERATION AND ACTION TO APPROVE VOLUNTEER FIRE DEPARTMENT(S) MINIMUM STANDARDS RATIFICATION – FANNIN COUNTY FIRE CHIEF’S ASSOCIATION

Chief Nichols stated the Fannin County Fire Chief’s Association (FCFCA) has updated minimum standards which are in compliance with state and federal guidelines; it is requested the Court ratify the proposed minimum standards.

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

ITEM 6. DISCUSSION, CONSIDERATION AND ACTION REGARDING THE CLARIFICATION OF THE STATUS OF FANNIN COUNTY AS A "OPEN" OR "CLOSED" RANGE STATUS – CITIZEN

Mr. Jason Walker stated boundaries are unclear with regard to what sections of the County are open and which are closed range; a map is requested to clarify the boundaries.

Commissioner Barker stated some of the previous elections conducted pertain to hogs, sheep, goats and later on jacks, jennys and cattle, but none of the elections were all inclusive; the issue is damage that can be caused.

Richard Glaser, County Attorney stated a surveyor would be necessary to determine what the precinct lines were at the time elections were held; the last election was probably in 1905; the Court cannot order an election, land owners would be responsible for filing a petition to hold an election.

Sherriff Donnie Foster stated public safety is at issue and whether or not an animal may be impounded or an animal owner cited; there is more traffic on the roads now than there used to be.

Commissioner Barker stated the issue should be resolved on behalf of the Sheriff's Department.

Mr. Walker stated the laws are already on the books, it is requested maps be produced to clarify the boundaries for citizens and also for law enforcement.

Ben Kaminar, Assistant District Attorney stated in an open range area, it is the duty of a land owner to fence property to keep animals out; in closed range, the animal owner has responsibility to fence in animals; there is an Election Minutes book in the County Clerk's office that clarifies what the some of the boundaries were.

Judge Carter stated the people can vote on the issue; the records the County has are available for viewing and copying.

Commissioner Lackey asked if it might not be easier to have a county-wide election. Mr. Glaser stated 50 signers would be needed on a petition. Commissioner Barker stated two petitions would be needed, one for 50 signers and one petition for 35 signers. Judge Carter stated the item should be brought up again when that step is reached.

ITEM 7. DISCUSSION, CONSIDERATION AND ACTION TO APPROVE FIVE (5) MEMBERS FOR THE FANNIN COUNTY CETRZ (COUNTY ENERGY TRANSPORTATION REINVESTMENT ZONE) ADVISORY BOARD – COUNTY JUDGE

Judge Carter stated 5 names have been recommended: Ron McKinney of Telephone, Bob Paine of Telephone, Butch Henderson of Leonard, Lloyd Flanagan of Leonard and Herald Roberts of Honey Grove.

Commissioner Whitlock moved to approve.

Motion By: Commissioner Jerry Magness

Second By: Commissioner Stan Barker

Vote: 4-0 Approved

ITEM 8. DISCUSSION, CONSIDERATION AND ACTION TO APPROVE AMENDED FANNIN COUNTY ROAD REPORT - ALL COMMISSIONERS

Commissioner Barker stated the amendments cover all four precincts; the CERTZ grant requires a report reflecting damage to roads and the amended road report includes the damages.

Commissioner Barker moved to approve the amended road report.

Motion By: Commissioner Stan Barker

Second By: Commissioner Jerry Magness

Vote: 4-0 Approved

ITEM 9. DISCUSSION, CONSIDERATION AND ACTION TO REAFFIRM THAT THE PRESENT FANNIN COUNTY POLICY ON HOLIDAYS APPLIES TO ALL EMPLOYEES OF FANNIN COUNTY – AUDITOR/TREASURER

Scott Dyer, Auditor stated the policy states Holiday Pay is for 8 hours, the Sheriff's Department has been receiving 12 hours of Holiday pay; it is unknown whether or not the Court intended the policy to be the same for all personnel, some departments work employees on a 10 hour day; if these hours are approved then the policy should be amended for clarification; authorization to compensate those hours would be required.

Commissioner Barker stated the policy should be followed as written.

Commissioner Lackey stated the employee is then penalized for working a 12 hour day on a holiday.

Donnie Foster, Sheriff stated the department's deputies work a 12 hour shift when others are off work, to maintain the current policy would mean the deputies would have to work 4 more hours or take vacation to get paid for that day.

Nancy Young, District Clerk stated her department has clerks that work 4 – 10 hour days; if a holiday falls on one of their days, the employee would then have to take 2 hours of comp time or vacation to make it up when they should be paid for what their normal work schedule is if it is 8, 10 or 12 hours for the day; the Court does not set the hours for each department, the commissioners do not work from 8:00 am to 5:00 pm.

Commissioner Magness moved to table the item until next week.

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

ITEM 11. ADJOURN

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

Adjourned at 9:52 a.m.

The above and foregoing represents true and correct minutes of the Fannin County Commissioner's Court meeting in Regular Session the 27th Day of January, 2014.

(LGC 81.003)

ATTEST:



Tammy Biggar
Fannin County Clerk

