

**THE STATE OF TEXAS
COUNTY OF FANNIN**

**IN COMMISSIONERS COURT
FANNIN COUNTY, TEXAS**

On Monday, December 01, 2014 the Fannin County Commissioners Court met in a Regular Meeting after public notice was posted on November 26, 2014 at 10:41 a.m. with the following members being present:

**Creta L. Carter II
Gary Whitlock
Stan Barker
Jerry Magness
Dean Lackey**

**County Judge
Commissioner, Precinct 1
Commissioner, Precinct 2
Commissioner, Precinct 3
Commissioner, Precinct 4**

The following business was transacted to-wit:

AGENDA

ITEM 1. INVOCATION

Mike Tower, Treasurer

ITEM 2. ESTABLISH QUORUM

Judge Carter stated all commissioners are present.

ITEM 3. PUBLIC FORUM

Ms. Debbie May stated the County should 'un-incorporate'.

ITEM 4. APPROVE MINUTES OF PREVIOUS MEETING(S) - COUNTY CLERK

Minutes were presented for November 17, 2014.

[Attachment]

Commissioner Barker moved to approve the Minutes.

VOTING

Motion by: Commissioner, Pct. 2 Stan Barker
Second by: Commissioner, Pct. 4 Dean Lackey

Court	YES	NO	ABSTAIN	RECUSE
Carter II, Creta L.			x	
Barker, Stan	x			
Lackey, Dean	x			
Magness, Jerry	x			
Whitlock, Gary	x			

ITEM 5. DISCUSSION, CONSIDERATION AND ACTION REGARDING PROPOSAL TO PURCHASE PROPERTY (6 ACRES) UNDER TOWER ON CR 2100 - CITIZEN

Ms. Pat Ward stated there are six acres she would like to sell. Judge Carter stated the land has an easement on it for County use.

Darrell Brewer, EMS Coordinator stated General Services Administration (GSA) gave the property to the County to be used for communications purposes with a perpetual easement; one option was to use it for a radio tower; in the event the County no longer wants the land it would go back to the GSA.

Commissioner Barker asked if the land was paid for originally. Ms. Ward answered in the affirmative stating it was sold by the previous owner.

Ms. Ward asked what purpose the land could be used for. Mr. Brewer stated the usage must pertain to supporting the communications systems according to FEMA.

Judge Carter stated it is the opinion of the Court that the County has access to the land and purchasing any land would not be prudent.

Ms. Ward stated she would prefer to sell 17 acres.

No action was taken.

ITEM 6. CONSIDERATION AND ACTION TO INITIAL AND SIGN FEE SCHEDULE AND EXPERT SERVICES AGREEMENT AND AUTHORIZE COUNTY JUDGE TO SIGN AGREEMENT ON BEHALF OF FANNIN COUNTY - CRIMINAL DISTRICT ATTORNEY

James Moss, Assistant District Attorney stated there is a drunk driving case set in January for an individual who is being tried for usage of alcohol and prescription medication, a forensic toxicologist is needed to explain to jurors the affect of a specific quantity of drugs in the bloodstream has on the body, the case cannot be proved without it.

Judge Carter asked about using a DPS expert when alcohol is involved. Mr. Moss stated there is a statutory definition for alcohol however, there is no such specific statue for prescription drugs; an expert will explain the difference between a therapeutic quantity versus that which results in intoxication.

Mr. Moss stated Mr. Glaser is withdrawing the request [Agenda Item No. 7] for the \$55 rate for an appellate attorney.

Judge Carter asked if up to \$2,500 is requested. Mr. Moss answered in the affirmative.

Commissioner Barker moved to approve up to \$2,500.

VOTING

Motion by: Commissioner, Pct. 2 Stan Barker

Second by: Commissioner, Pct. 3 Jerry Magness

Court	YES	NO	ABSTAIN	RECUSE
Carter II, Creta L.			x	
Barker, Stan	x			
Lackey, Dean	x			
Magness, Jerry	x			
Whitlock, Gary	x			

ITEM 7. CONSIDERATION AND ACTION TO APPROVE HOURLY RATE OF \$55.00 PER HOUR

EFFECTIVE JANUARY 1, 2015 FROM APPEALS ATTORNEY - CRIMINAL DISTRICT ATTORNEY

Item passed.

ITEM 8. CONSIDERATION AND ACTION TO APPROVE SOLICITATION OF BIDS FOR JANITORIAL SUPPLIES FOR FANNIN COUNTY - PURCHASING AGENT

Jill Holmes, Purchasing Agent stated the bid will open in January 6th at 3:00 p.m. in the Purchasing office.

Commissioner Barker moved to approve the bid process for janitorial supplies.

VOTING

Motion by: Commissioner, Pct. 2 Stan Barker
Second by: Commissioner, Pct. 1 Gary Whitlock

Court	YES	NO	ABSTAIN	RECUSE
Carter II, Creta L.			x	
Barker, Stan	x			
Lackey, Dean	x			
Magness, Jerry	x			
Whitlock, Gary	x			

ITEM 9. DISCUSSION, CONSIDERATION AND ACTION TO ACCEPT AND POSSIBLE AWARD USED MOTOR GRADER BID FOR PRECINCT THREE - PURCHASING AGENT AND COMMISSIONER, PCT. 3

Jill Holmes, Purchasing Agent stated this item was on the agenda several weeks ago; a rejection of the bids is expected.

Commissioner Magness stated his rejection of the bids.

Commissioner Magness moved to reject the bids of the motor grader.

VOTING

Motion by: Commissioner, Pct. 3 Jerry Magness
Second by: Commissioner, Pct. 2 Stan Barker

Court	YES	NO	ABSTAIN	RECUSE
Carter II, Creta L.			x	
Barker, Stan	x			
Lackey, Dean	x			
Magness, Jerry	x			
Whitlock, Gary	x			

ITEM 10. CONSIDERATION AND ACTION TO APPROVE LEASE/PURCHASE OF 2015 VOLVO G903C MOTOR GRADER FROM ROMCO EQUIPMENT COMPANY FOR A TWO (2) YEAR TERM FOR PRECINCT THREE AND AUTHORIZE COUNTY JUDGE TO SIGN ON BEHALF OF FANNIN COUNTY - PURCHASING AGENT AND COMMISSIONER, PCT. 3

Jill Holmes, Purchasing Agent stated Commissioner Magness rejected the bids [in Item 9] in favor of a two-year lease/purchase under the State contract for \$185,810 with a 1.9% interest rate and half of the payment made up front.

Commissioner Magness stated a used motor grader is cheaper up front but has no warranty whereas new equipment comes with a warranty and saves on repair and maintenance costs.

Scott Dyer, Auditor stated the total payments with interest will be \$187,646.33.

Commissioner Magness moved to approve the lease/purchase of the Romco motor grader.

VOTING

Motion by: Commissioner, Pct. 3 Jerry Magness

Second by: Commissioner, Pct. 4 Dean Lackey

Court	YES	NO	ABSTAIN	RECUSE
Carter II, Creta L.			x	
Barker, Stan	x			
Lackey, Dean	x			
Magness, Jerry	x			
Whitlock, Gary	x			

ITEM 11. DISCUSSION, CONSIDERATION AND ACTION TO APPROVE RELOCATION OF FLAG POLE AT THE WINDOM BUILDING TO THE SOUTH ANNEX, COUNTY OFFICE BUILDING OR DERRELL HALL EDUCATION CENTER - COUNTY JUDGE AND COMMISSIONERS

Judge Carter stated a letter was received by a person interested in obtaining the flagpole; one commissioner recommended it be used at the South Annex, Daryl Hall Education Center or another county office building.

Commissioner Magness stated he would like to use it at the Precinct 3 barn however using it at the County Court at Law is recommended.

Commissioner Barker stated the small costs for materials can be donated by the 4 commissioners.

Commissioner Magness moved to approve relocating the flag pole from Windom to the South Annex Building.

VOTING

Motion by: Commissioner, Pct. 3 Jerry Magness

Second by: Commissioner, Pct. 1 Gary Whitlock

Court	YES	NO	ABSTAIN	RECUSE
Carter II, Creta L.			x	
Barker, Stan	x			
Lackey, Dean	x			
Magness, Jerry	x			
Whitlock, Gary	x			

ITEM 12. DISCUSSION, CONSIDERATION AND ACTION TO APPROVE TO PARTICIPATE IN

**TEXAS ASSOCIATION OF COUNTIES RISK MANAGEMENT POOL GENERAL LIABILITY
 COVERAGE, FOR COVERAGE PERIOD DECEMBER 11, 2014 THROUGH DECEMBER
 11, 2015 AND AUTHORIZE COUNTY JUDGE TO SIGN ON BEHALF OF FANNIN
 COUNTY - COUNTY JUDGE**

Judge Carter asked the Court if this is something the Court would like to participate in.

Scott Dyer, Auditor stated there is currently no general liability.

Commissioner Barker stated the liability coverage would be prudent; the 0 deductible is recommended.

Mr. Dyer recommended the funding come out of the Contingency Fund; it will also cover Road and Bridge equipment, not autos.

Commissioner Barker moved to approve the coverage to be paid for from the Contingency Fund with a zero deductible.

VOTING

Motion by: Commissioner, Pct. 2 Stan Barker
 Second by: Commissioner, Pct. 1 Gary Whitlock

Court	YES	NO	ABSTAIN	RECUSE
Carter II, Creta L.			x	
Barker, Stan	x			
Lackey, Dean	x			
Magness, Jerry	x			
Whitlock, Gary	x			

ITEM 13. ADJOURN

Commissioner Whitlock moved to adjourn.

VOTING

Motion by: Commissioner, Pct. 1 Gary Whitlock
 Second by: Commissioner, Pct. 3 Jerry Magness

Court	YES	NO	ABSTAIN	RECUSE
Carter II, Creta L.			x	
Barker, Stan	x			
Lackey, Dean	x			
Magness, Jerry	x			
Whitlock, Gary	x			

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 1st day of December, 2014.

(LGC 81.003)
ATTEST:

Tammy Biggar

Tammy Biggar
Fannin County Clerk

