

**THE STATE OF TEXAS
COUNTY OF FANNIN**

**IN COMMISSIONERS COURT
FANNIN COUNTY, TEXAS**

On this 13th day of October, 2014 the Fannin County Commissioners Court met in a Regular Meeting after public notice was posted on the 10th day of October 2014 at 8:22 a.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 9:03 a.m.

INVOCATION

Commissioner Dean Lackey

ITEM 2. ESTABLISH A QUORUM

Judge Carter stated all commissioners are present.

ITEM 3. PUBLIC FORUM

Richard Glaser, Criminal District Attorney / Board Member of the Multipurpose Complex gave a rebuttal to comments made last week with regard to the Complex operations and explained how the by-laws are structured; when they were drafted and by whom.

Roy Cirkles stated speed limit signs and enforcement are requested at the fairgrounds as evidenced by several incidents that occurred over fair week.

Judge Carter stated citizens are permitted to comment on agenda items, some comments may be offensive to others and the Court may agree or disagree with comments made [but cannot respond during public forum].

David Stapp, Chair Elect for the Chamber of Commerce, stated for two years the Chamber has managed the Complex; no funds have been mismanaged.

ITEM 4. APPROVE MINUTES OF PREVIOUS MEETING(S)

None

ITEM 5. DISCUSSION, CONSIDERATION AND ACTION TO APPROVE RESOLUTION SUPPORTING FANNIN COUNTY MULTIPURPOSE COMPLEX'S SUPPORT FOR USDA GRANT FUNDS - CHAMBER OF COMMERCE

Dale McQueen, Executed Director of the Bonham Chamber of Commerce presented the request for three items to be funded 55% by the USDA and 45% by the Complex; a resolution is requested.

Richard Glaser, Criminal District Attorney / Board Member of the Multipurpose Complex stated he is in favor of the resolution.

John Burnett, President of the Multipurpose Complex Board of Directors submitted an informational sheet to the Court reflecting a timeline of expenditures and grants. Mr. Burnett stated the President-Elect is Ray Clark, the Secretary is Joe Moss; other members of the Board include Joe Ward, Gary Edwards, Russell Green, Gary Whitlock, Judy Keene, Chad Burnett and Stephen Murden.

Mr. Burnett discussed Board by-laws structure, transparency, monthly reporting, annual reporting, meeting postings, notifications via email and asked the Court for specific instances of suspected impropriety.

Commissioner Barker stated he had been to two meetings where business was conducted without a quorum. Mr. Burnett disagreed.

Mr. Burnett stated no funding is asked for by any taxing unit, the County does not contribute funding but has provided services; materials are billed to the Complex and paid for; the Complex operates off the interest of an endowment fund from a grant that was provided, additionally BEDCO provided a specific-use grant of \$250,000 and that money was used for the specified purposes.

Judge Carter stated the Court needs to review the documentation regarding the relationship the County has with the Complex to decide what involvement if any, the Court should have.

Commissioner Barker stated the old by-laws required an annual accounting; an accounting should be brought to the Court. Mr. Burnett stated the by-laws were changed years ago, the information is readily available.

Joe Moss stated as secretary of the Board it has been his duty to send out copies of the Minutes to the Board after each meeting, the purpose of having a commissioner on the Board is to keep the Court informed; once the Chamber contracted to manage the Complex the Chamber held the meetings and report back to the Board; if the Court needs something more the Board will comply.

Mary Payne stated when she was the secretary for the Board she was required to post the agenda and meeting notice at the courthouse.

Tommy Eskue stated support and appreciation for Board and Dale McQueen in particular.

Tom Turner, Owner-Fannin County Leader stated he had presented to the Court two years ago a report with financial information and long range planning; over \$1,000,000 was given as a gift, \$300,000 was set aside, the interest is used for operation shortfalls. Mr. Turner stated the USDA requires County approval before they will release the grant; Randy Bowen manages the fund.

Joe Ward stated unity is called for; the Board supports the Court and hopes the Court will support the Board.

Richard Davies of Honey Grove stated appreciation for the County conducting open meetings and being open to discussions.

Commissioner Barker moved to approve the Resolution.

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

[Attachment]

ITEM 6. DISCUSSION, CONSIDERATION AND ACTION TO APPROVE PLACING A PROPERTY ON THE FANNIN COUNTY TAX SALE – CITIZEN

Mark Johnson, of Whitewright asked how to get an adjacent property auctioned for unpaid taxes.

Commissioner Barker stated Mr. Johnson could speak with an individual at Linebarger, Goggin, Blair and Sampson for more information; the County does not initiate the sales.

ITEM 7. DISCUSSION, CONSIDERATION AND ACTION REGARDING NOMINATIONS FROM TAXING UNITS PARTICIPATING IN THE APPRAISAL DISTRICT, TO BE APPOINTED TO THE APPRAISAL REVIEW BOARD FOR THE UPCOMING TERM 2015 / 2016 - COUNTY JUDGE

Judge Carter stated there is one applicant, Valerie Pollock, a consulting engineer from Leonard.

Commissioner Barker moved to accept the nominee.

Motion By: Commissioner Stan Barker
Second By: Commissioner Gary Whitlock
Vote: 4 – 0 Approved

ITEM 8. CONSIDERATION AND ACTION TO APPROVE PROCLAMATION HONORING CONGRESSMAN RALPH HALL AND AUTHORIZE COUNTY JUDGE TO SIGN PROCLAMATION ON BEHALF OF FANNIN COUNTY- COUNTY JUDGE

Judge Carter presented the proclamation; a reception will be held for both Congressman Hall and Senator Deuell on October the 19th.

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

[Attachment]

ITEM 9. CONSIDERATION AND ACTION TO APPROVE PROCLAMATION HONORING SENATOR BOB DEUELL AND AUTHORIZE COUNTY JUDGE TO SIGN PROCLAMATION ON BEHALF OF FANNIN COUNTY- COUNTY JUDGE

Judge Carter presented the proclamation for Senator Deuell.

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

Joe Ward invited the public to come to the celebration of Congressman Hall and Senator Deuell at Legacy Ridge Country Club from 2pm - 4pm.

*** ITEM 11. CONSIDERATION AND ACTION TO APPROVE PURCHASE OF HEAVY DUTY GOOSENECK FLATBED TRAILER FOR PRECINCT 3, TO BE PAID OUT OF LINE ITEM #23-623-571 - PURCHASING AGENT**

Jill Holmes, Purchasing Agent stated Commissioner Magness is requesting the trailer for \$4,770.00.

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

* Item was taken out of order.

ITEM 10. CONSIDERATION AND ACTION TO APPROVE SUBMISSION OF BID FOR A USED MOTOR GRADER FOR PRECINCT 3 - PURCHASING AGENT

Jill Holmes, Purchasing Agent stated the motor grader requested by Commissioner Magness is over the threshold of \$50,000; if approved, the bid will open Tuesday, November the 4th; advertising will be October 21st and October 28th.

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

ITEM 12. DISCUSSION, CONSIDERATION AND ACTION TO APPROVE THE DATE FOR EMPLOYEE AWARDS LUNCHEON TO BE ON MONDAY, DECEMBER 22, 2014 FROM 12 NOON TO 2PM AND APPROVE SOLICITATION OF BIDS FOR CATERING OF EVENT WITH LOCATION TO BE DETERMINED - PURCHASING AGENT

Jill Holmes, Purchasing Agent requested on behalf of Mike Towery, Treasurer, the Awards Luncheon be held Monday, December 22nd; catering bids will be presented to the Court; the location could be at the vendor's location.

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

ITEM 13. DISCUSSION, CONSIDERATION AND ACTION TO APPROVE SOFTWARE AS A SERVICE AND PROFESSIONAL SERVICES AGREEMENT WITH TYLER TECHNOLOGIES (ODYSSEY) FOR ANNUAL MAINTENANCE AND AUTHORIZE COUNTY JUDGE TO SIGN AGREEMENT ON BEHALF OF FANNIN COUNTY - NETWORK ADMINISTRATOR & PURCHASING AGENT

Dustin Morrow, Network Administrator stated the current hardware has reached its end of life, a new hardware system can be purchased or the Court can choose an alternative; Tyler Technologies has the capability to warehouse the data and provide security better than the current arrangements.

John Galbraith, Tyler Technologies stated the data is maintained and administrated from Dallas.

Scott Dyer, Auditor stated the cost is \$58,000 for the remainder of the year; there is a one-time service cost.

Ms. Holmes stated the security offsite is more secure and the system is highly recommended.

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

[Attachment]

ITEM 14. CONSIDERATION AND ACTION TO APPROVE TAC APPLICATION FOR LAW ENFORCEMENT AND PUBLIC OFFICIALS INSURANCE FOR 2014 / 2015 - AUDITOR

Scott Dyer, Auditor presented the plan; it carries the same coverage as in the past.

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

[Attachment]

Judge Carter called for a recess until 10:40 a.m. at which time the Court will go into Executive Session, then take up Items 15 and 16.

Judge Carter reconvened into Regular Session at 10:47 a.m.

*** ITEM 17. EXECUTIVE SESSION - CONSULTATION WITH ATTORNEY, A CLOSED MEETING WILL BE HELD PURSUANT TO SECTION 551.0725 FOR DELIBERATION REGARDING CONTRACT NEGOTIATIONS WHERE DELIBERATION IN AN OPEN MEETING WOULD HAVE A DETRIMENTAL EFFECT ON THE COUNTY'S INTERESTS WITH A THIRD PARTY; SECTION 551.072 OF THE GOVERNMENT CODE REGARDING REAL PROPERTY; AND SECTION 551.071 OF THE GOVERNMENT CODE REGARDING CONSULTATION WITH ATTORNEY TO SEEK ADVICE ON PENDING AND CONTEMPLATED LITIGATION, SETTLEMENTS, AND OTHER MATTERS, WHICH ARE CONFIDENTIAL UNDER THE DISCIPLINARY RULES OF THE STATE BAR, ON WHICH THE DUTY OF THE ATTORNEY OF THE COUNTY UNDER THE TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT CLEARLY CONFLICTS WITH THE OPEN MEETINGS ACT, REGARDING NEGOTIATION OF LEGAL RESPONSIBILITIES AND TERMS OF INSTRUMENTS RELATING TO THE OPERATION OF THE FANNIN COUNTY DETENTION CENTER AND JAIL**

Commissioner Barker moved to convene into Executive Session.

Motion By: Commissioner Stan Barker
Second By: Commissioner Gary Whitlock
Vote: 4 – 0 Approved

Judge Carter stated the time is 10:49 a.m.

Commissioner Barker moved to reconvene into Regular Session.

Motion By: Commissioner Stan Barker
Second By: Commissioner Gary Whitlock
Vote: 4 – 0 Approved

Judge Carter stated the time is 11:19 a.m.

ITEM 18. ACTION WITH REGARD TO CONTRACT NEGOTIATION MATTER(S), REAL ESTATE MATTER(S) AND LITIGATION MATTER(S) DISCUSSED DURING EXECUTIVE SESSION

Commissioner Barker moved to approve the form of the contract and authorize the county judge and sheriff to sign on behalf of the County.

Motion By: Commissioner Stan Barker
Second By: Commissioner Dean Lackey
Vote: 4 – 0 Approved

[Attachment]

*** ITEM 15. DISCUSSION, CONSIDERATION AND ACTION ON THE FOLLOWING MATTERS CONCERNING THE 432 BED FANNIN COUNTY DETENTION FACILITY AND 96 BED COUNTY JAIL FACILITY:**

(a) DISCUSSION, CONSIDERATION AND ACTION TO APPROVE EXECUTION OF FACILITY OPERATION AND MANAGEMENT AGREEMENTS FOR THE OPERATION AND MANAGEMENT OF THE FANNIN COUNTY DETENTION FACILITY (432 BEDS) AND FANNIN COUNTY JAIL (96 BEDS) – COUNTY JUDGE

Herb Bristow, Haley & Olson, P.C. presented the contract stating the draft presented is in the final form for the facilities; there are two separate agreements; one is for the 96 bed facility [the other for the 432 bed facility]; the contracts are for a 5 year term; the per diem rate is fixed for county inmates at \$36.25 and U.S. Marshall inmates at \$38.25; the vendor will reimburse all installation costs for the Odyssey contract, which is attached and incorporated; the vendor will provide a staff member at the courthouse for transportation and security on site during regular business hours.

Mr. Bristow stated there is a \$10,000 annual reimbursement for law enforcement training and an additional \$10,000 annual scholarship to be disbursed at the discretion of the Court; transportation costs will be set at the Federal rate and \$15.00 per hour for the transportation personnel.

Mr. Bristow stated his recommendation the Court authorize the county judge and sheriff to sign the contracts for the 96 and 432 bed facilities.

Commissioner Barker moved to approve.

Motion By: Commissioner Stan Barker
Second By: Commissioner Gary Whitlock
Vote: 4 – 0 Approved

[Attachments]

*** ITEM 16. CONSIDERATION AND ACTION TO APPROVE PAYMENT OF BILLS – AUDITOR**

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

[Attachment]

ITEM 19. ADJOURN

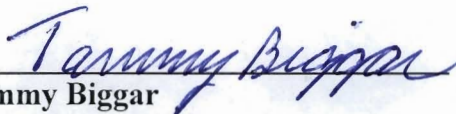
Motion By: Commissioner Jerry Magness
Second By: Commissioner Gary Whitlock
Vote: 4 - 0 Approved

Adjourned at 11:25 a.m.

The above and foregoing represents true and correct minutes of the Fannin County Commissioner's Court meeting in Regular Session the 13th day of October, 2014.

(LGC 81.003)

ATTEST:



Tammy Biggar
Fannin County Clerk



*Item taken out of order.