

**THE STATE OF TEXAS  
COUNTY OF FANNIN**

**IN COMMISSIONERS COURT  
FANNIN COUNTY, TEXAS**

On this 18th day of August, 2014 the Fannin County Commissioners Court met in a Regular Meeting after public notice was posted on the 15th day of August 2014 at 8:36 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>Jerry Magness</b>	<b>Commissioner, Precinct 3</b>
<b>Dean Lackey</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 stated all commissioners are present.

**ITEM 3. PUBLIC FORUM**

Commissioner Whitlock stated appreciation for cards, flowers and attendance at the passing of his mother.

Judge Carter stated he presented the Proclamation to the 1st Baptist Church in Trenton for 137 years of operation; a marker was placed in commemoration; the church expressed appreciation to the Court and specifically Commissioner Barker.

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

None

**ITEM 5. DISCUSSION, CONSIDERATION AND ACTION REGARDING EMS MONTHLY PROFIT/ LOSS REPORT – BONHAM FIRE DEPARTMENT CHIEF**

Chief Nichols presented the report.

[Attachment]

**ITEM 6. CONSIDERATION AND ACTION TO APPROVE FANNIN COUNTY AMATEUR RADIO CLUB USING COURTHOUSE GROUNDS TO HOLD RADIO ON THE SQUARE DAY ON SEPTEMBER 27, 2014 - CHAIRMAN OF SPECIAL EVENTS COMMITTEE**

Glen Estes, President of the Fannin County Amateur Radio Club requests the use of the courthouse square; restroom access is also requested; the Court is invited [as well as the public].

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

**ITEM 7. CONSIDERATION AND ACTION TO APPROVE FANNIN COUNTY TREASURER'S FINANCIAL REPORT FOR JULY 2014 – TREASURER**

Mike Towery, Treasurer presented the report.

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

[Attachment]

**ITEM 8. CONSIDERATION AND ACTION TO APPROVE UPDATE OF COURTHOUSE INTERNET TO INCLUDE BUT NOT LIMITED TO UPGRADE OF EQUIPMENT INFRASTRUCTURE, PLUS CONTRACT WITH AN INTERNET SERVICE PROVIDER FOR IMPROVED INTERNET ACCESS AND AUTHORIZE COUNTY JUDGE TO SIGN CONTRACT ON BEHALF OF FANNIN COUNTY - PURCHASING AGENT & IT ADMINISTRATOR**

Jill Holmes, Purchasing Agent stated the terms and conditions are the same as the contract for the AgriLife building; some infrastructure is needed in the amount of \$1,676.00.

Dustin Morrow, Network Administrator stated Cableone also has a \$50 installation fee; projects slated for next year will need the increased internet speeds.

Scott Dyer, Auditor stated the funding to come from the Courthouse Computer Equipment fund 510; the cable will be tested and then is expected to be less than the current rate through Verizon.

Commissioner Barker moved to approve and authorize the county judge to sign.

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

[Attachment]

**ITEM 9. DISCUSSION, CONSIDERATION AND ACTION TO APPROVE BUDGET AMENDMENT TO CRIMINAL DISTRICT ATTORNEY BUDGET LINE ITEM #10-475-439, WITNESS EXPENSE, TO COVER EXPENSE OF EXPERT WITNESS – AUDITOR & CRIMINAL DISTRICT ATTORNEY**

Scott Dyer, Auditor stated the amendment is presented for consideration.

Richard Glaser, Criminal District Attorney/County Attorney presented the request.

Commissioner Barker stated according to the Minutes the challenging expert was expected to cost between \$2,000-\$4,000; the next estimate given was for \$10,000 to \$15,000 and the bill presented is for \$25,000.

Mr. Glaser stated an insanity defense was a possibility in the Tauntan murder trial but evidence pointed to that not being the case; preparation had to be made in the event that defense was brought up; due to the shortness of time there were no local psychiatrists available and an expert was found in California; the psychiatrist interviewed the defendant for 17 hours, plus the costs for travel.

Mr. Dyer stated \$30,000 is what is needed from items pending and witness fees, recommended from the Contingency Fund.

Commissioner Barker moved to approve the payment from Contingency.

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

**ITEM 10. DISCUSSION CONSIDERATION AND ACTION TO APPROVE BUDGET AMENDMENT TO CRIMINAL DISTRICT ATTORNEY LINE ITEM #10-475-438, COURT REPORTER/ TRANSCRIPTS, TO COVER COURT REPORTER EXPENSES REQUESTED BY CRIMINAL DISTRICT ATTORNEY- AUDITOR & CRIMINAL DISTRICT ATTORNEY**

Scott Dyer, Auditor stated the funds needed are for currently pending costs and to cover the rest of the year, \$3,000 from Contingency which leaves \$9,070 in the Criminal Defense line item.

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

**ITEM 11. DISCUSSION, CONSIDERATION AND ACTION TO APPROVE BUDGET AMENDMENT TO JAIL OPERATIONS LINE ITEM #10-565-380, PRISONER HOUSING, TO COVER EXPENSES FOR HOUSING OF INMATES FOR FISCAL YEAR 2014/2015 – AUDITOR**

Scott Dyer, Auditor stated jail housing is up to an average of 105.5 inmates per day with 109 expected in August; Contingency funding of \$109,000 is recommended leaving the Fund with

\$21,409.

Richard Glaser, Criminal District Attorney/County Attorney submitted a Jail Housing Census Analysis; the average has been about 106 inmates.

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

[Attachment]

\*Item 15 was taken out of order.

Commissioner Barker moved to convene into Executive Session.

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

Judge Carter declared the time to be 9:37 a.m.

Commissioner Barker moved to reconvene into Regular Session.

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

Judge Carter declared the time to be 10:04

**ITEM 15. 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**

**ITEM 16. ACTION WITH REGARD TO 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, DISCUSSED DURING EXECUTIVE SESSION**

Judge Carter stated no action will be taken.

**ITEM 12. DISCUSSION, CONSIDERATION AND TAKE ACTION TO AUTHORIZE ADVERTISING AND ISSUANCE OF PUBLIC NOTICE TO VENDORS FOR REQUEST FOR PROPOSALS FOR OPERATION AND MANAGEMENT OF THE FANNIN COUNTY DETENTION FACILITY (432 BEDS) AND FANNIN COUNTY JAIL (96 BEDS) AND ESTABLISH THE SCHEDULE FOR THE PROPOSAL PROCESS - COUNTY JUDGE**

Judge Carter presented the request.

Herb Bristow, Esquire of Haley & Olson, P.C. stated the refunding closed for the Fannin County Public Facility Corporation, the contract date is September 30th for both facilities; the submissions to be due Friday, September 26th at 10:00 a.m. with the intent of drafting a preferred list of vendors for the following Monday with presentations to follow by vendors on that Monday afternoon or Tuesday.

Mr. Bristow stated some specifications will include the joint operation of facilities, a marketing plan and the usage of Odyssey, the continuity of the contract with the U.S. Marshalls and the Department of Labor HR compliance be adhered to; a 5 year contract with (2) 5 year renewal options; insuring agreements, indemnification and hold harmless agreements; vendor provides transportation to and from the courts, medical and other facilities; noticing is requested for 4 consecutive weeks as per statute.

Commissioner Barker moved to approve the advertisement and issuance of public notices to run for 4 weeks.

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

[Attachment]

**ITEM 13. DISCUSSION, CONSIDERATION AND ACTION TO APPROVE PROPOSAL SPECIFICATIONS FOR FACILITY OPERATION AND MANAGEMENT OF THE FANNIN COUNTY DETENTION FACILITY (432 BEDS) AND FANNIN COUNTY JAIL (96 BEDS) – COUNTY JUDGE**

Herb Bristow, Esquire of Haley & Olson, P.C. presented the proposal.

Commissioner Barker moved to approve the proposal specifications.

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

[Attachment]

**ITEM 14. 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 17. ADJOURN**


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

**Adjourned at 10:16 a.m.**

**The above and foregoing represents true and correct minutes of the Fannin County Commissioner's Court meeting in Regular Session the 18th day of August, 2014.**

(LGC 81.003)

ATTEST:

  
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Tammy Biggar  
Fannin County Clerk

