

On this 15th day of October, 2012 the Fannin County Commissioners Court met in a Regular Meeting after public notice was posted on the 11th day of October 2012 at 3:06 p.m. with the following members being present:

Creta L. Carter II	County Judge
Gary Whitlock	Commissioner, Precinct 1
Stan Barker	Commissioner, Precinct 2
Dewayne Strickland	Commissioner, Precinct 3
Joe Strong	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

Mike Towery, Treasurer

ITEM 2. ESTABLISH A QUORUM

Judge Carter declared a quorum has been established.

ITEM 3. PUBLIC FORUM

Judge Carter welcomed a number of fire fighters, and paramedics present; noted were the presence of candidates Jerry Magness and Walter Maroney and wished them good luck.

ITEM 4. APPROVE MINUTES OF PREVIOUS MEETING(S)

No Minutes presented.

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

Chief Nichols presented and reviewed the EMS Profit/Loss Report for the Month of September 2012 and asked if there were any questions. No questions.

Commissioner Strickland thanked the Chief for his professional staff and their care of him in an emergency situation.

ITEM 6. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION TO APPROVE BONHAM FIRE DEPARTMENT TO USE OLD JAIL PRIOR TO NOVEMBER 1, 2012 - COMMISSIONER, PCT 4

Commissioner Strong advised that 2nd Lt. Chris Flippin had visited with him and inquired as to whether or not the Fire Department could use the old jail building for training and practice of fire fighting procedures.

Commissioner Barker pointed out that the hand rails had been cut off and the metal doors had been removed from the building.

Commissioner Strong moved to approve the request for use of the building prior to old jail being demolished.

Judge Carter noted the County would assume no liability.

Motion By: Commissioner Joe Strong
Second By: Commissioner Gary Whitlock
Vote: 5-0 Passed

ITEM 7. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION TO NAME STRETCH OF HWY 56 BETWEEN BONHAM AND DODD CITY FOR BONHAM FIRE DEPARTMENT MEDIC THAT WAS KILLED IN THE LINE OF DUTY - COMMISSIONER, PCT 4

Commissioner Strong noted that paramedic James E. Taylor was killed about ten years ago in the line of duty; it was advised the paramedics have prepared a memorial plot along Hwy 56 between Bonham and Dodd City and request that consideration be given to naming that stretch of Hwy 56 in memory of Mr. Taylor. Commissioner Strong advised the state had been contact and the next step would be a resolution. Commissioner Strong presented a drawing of the proposed sign for "James E. Taylor Memorial Highway."

Commissioner Strickland moved to approve a resolution.

Commissioner Barker expressed his opposition to any highway being named as a memorial for a person.

Motion By: Commissioner Dewayne Strickland
Second By: Commissioner Joe Strong
Vote: 4-1 Passed

ITEM 8. CONSIDERATION AND ACTION TO GRANT FINAL APPROVAL OF CONTRACT WITH REGIONAL PUBLIC DEFENDER FOR CAPITAL CASES OFFICE AND TO AUTHORIZE COUNTY JUDGE TO SIGN ON BEHALF OF FANNIN COUNTY - 336TH DISTRICT JUDGE

Judge Lauri Blake, 336th Judicial District Court reported additional delay has occurred in obtaining final draft of a contract. No action will be taken at this time.

ITEM 9. CONSIDERATION AND POSSIBLE ACTION REGARDING COOPERATIVE EFFORT AND OFFER OF ASSISTANCE TO PLAN NATIVE SPECIES IN LANDSCAPE OF COURTHOUSE AND MAINTAIN SAME – DISTRICT JUDGE

Judge Lauri Blake, 336th Judicial District introduced Ms. Joan Schneider to present the Bois D’Arc Master Naturalist Chapter’s proposal for landscaping the County Courthouse grounds.

Ms. Schneider reviewed the proposed plan that would be implemented in stages. Phase I includes the preparation of beds around the flag pole, beds at corner of the walkways, planting of rose bushes, mulch around trees, restoration of benches; Phase II could include the addition of concrete planters.

Commissioner Barker advised that the planters which had been around the courthouse in the past were removed for security reasons. Ms. Schneider advised that the planters are not part of Phase I and are not included in the decision requested today.

Commissioner Strickland asked about what grasses would be used in the lawn. Ms. Schneider advised that the grasses for the lawn would be the responsibility of the County.

Judge Carter asked for review of what plants would be around the flagpole. Ms. Schneider advised that there would be wild flowers, the plants currently around the grounds would be moved to the bed around the flagpole, and something would be constantly blooming; it was further advised the Master Naturalists were offering the original installation and could maintain it. Ms. Schneider advised they had consulted with the Melvin Stewart, Custodian and he advised it appeared to him that the plan could be easily maintained.

Judge Blake stated planters could be used as a barrier to anyone driving on the grounds with wrong intentions; plants could be used in planters, and stated this would be for consideration in a later phase.

Ms. Schneider advised the plants in Phase I could be maintained at the appropriate height for security and mulch could be provided free.

Dewayne Strickland moved to table until the next week.

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

ITEM 10. DISCUSSION, REGARDING POSSIBILITY OF EXCEEDING ELECTION WORKER SALARY LINE ITEM FOR GENERAL ELECTION, 2012 – COUNTY CLERK

Tammy Biggar, County Clerk, advised there is a possibility the travel expenses for delivery and return of election equipment could exceed the budgeted amount.

ITEM 11. CONSIDERATION AND ACTION TO APPROVE INTERLOCAL AGREEMENT REGARDING OPERATING FUND BALANCE AND INTERLOCAL AGREEMENT REGARDING COLLECTIONS FUND BALANCE BETWEEN FANNIN COUNTY AND FANNIN COUNTY APPRAISAL DISTRICT AND TO AUTHORIZE COUNTY JUDGE TO SIGN ON BEHALF OF FANNIN COUNT – COUNTY JUDGE.

Judge Carter advised the Appraisal District has reported monies have been found which accumulated for about ten years in a total amount nearly \$600,000; the Appraisal District agreement states the County's portion would be paid in two checks: one check out of the Collections Fund Balance for \$41,241.24; a second check out of the Operating Fund Balance for \$175,797.77.

Commissioner Strickland moved that the money be accepted.

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

Judge Carter noted that the agreements will become effective December 1, 2012.

ITEM 12. CONSIDERATION AND ACTION TO APPROVE RESOLUTION AUTHORIZING SUBMISSION OF 2013/2014 TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION TO TEXAS DEPARTMENT OF AGRICULTURE ON BEHALF OF RANDOLPH COMMUNITY – MUNICIPAL CONSULTING AGENCY

Judge Carter noted that Ms. Thompson was not present. Judge Carter recognized two citizens who wanted to speak. Mr. Trustin Hibdon stated the citizens of Randolph appreciate the Court's consideration of their need. Mr. Ted Dooley expressed thanks on behalf of the water board for help in their small community.

Commissioner Barker moved to approve the resolution authorizing the submittal of the grant.

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

ITEM 13. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION TO APPROVE PRECINCT 4 EMPLOYEE TO USE FAMILY LEAVE ACT – COMMISSIONER, PCT 4

Commissioner Strong stated that he has an employee who has been off work to care for a sick family member but since requesting this matter be placed on the agenda the employee's family member has passed away. Scott Dyer noted it is not clear if this is a Family Leave matter. Mike Towery, Treasurer/Human Resources Director stated the Employee Policies provide for time off and for funeral leave.

No action required.

ITEM 14. CONSIDERATION AND ACTION TO APPROVE COUNTY TREASURER'S FINANCIAL REPORT FOR SEPTEMBER 2012 – TREASURER

Treasurer Towery presented the Financial Report for September 2012 for review and approval.

Commissioner Strickland moved that the report be approved.

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

ITEM 15. DISCUSSION, CONSIDERATION AND ACTION REGARDING PROPOSED HOSPITAL AUTHORITY REQUEST – RED RIVER HOSPITAL CEO

Judge Carter welcomed Mr. David Canejo, CEO of Red River Regional Hospital. Mr. Canejo advised he was available for any questions or discussions.

Judge Carter advised that he had read the documents; the County wanted to help the citizens anyway they can and that he wanted to make sure that the citizens would not be hurt in anyway by forming a Hospital Authority. Judge Carter emphasized that he has several concerns; first, with regard to County liability, he does not see how the County would be held liable or hurt in any way, except if the Hospital Authority went out for bonds or tried to gather some revenue by borrowing money, even though the County would not be responsible for the Hospital Authority obligations, should they default it could tarnish the reputation of the County in the eyes of creditors by association.

Judge Carter opened the discussion to anyone who had concerns. Commissioner Strong expressed his concern with regard to Indigent Care issues. Judge Carter advised that this would have to be negotiated and that his second concern is Indigent Health Care. Judge Carter stated that if the County entered into the agreement, he believes that the County should no longer be responsible for Indigent Health Care. Judge Carter noted that when the hospital was sold a trust was set up. Scott Dyer, Auditor advised the trust was set up as a perpetual trust, the principal could not be touched, but the interest money was to go to help the citizens of Fannin County with certain restrictions. Judge Carter suggested the interest money could go into the Hospital Authority, if they were responsible for Indigent Healthcare and this matter should be included in the negotiations, subject to the approval of the Board for the perpetual trust. Mr. Dyer noted Judge Carter is a member of this Board.

Judge Carter stated his third concern is with regard to the appointment of the Hospital Authority Board members; the hospital provided a list of seven potential Board members, but there should also be a list including potential members from of the community. Judge Carter stated the Board should retain some type of independence. Mr. Canejo advised the list of potential Board members was provided with the caveat that the County could change the composition of the list to reflect other parts of the community. Judge Carter stated the current list included: Tom Holmes, Trenton; Gene Daniels, Boyd; Wendy Keeton, Telephone; Mike Weber, Bonham; Butch Henderson, Leonard; Clark Sanderson, Bonham; and Chris Wilson, Honey Grove.

Judge Carter stated Rick Shetty was interested in serving on the Board. Mr. Shetty stated confirmation he would be willing to serve.

Judge Carter stated the agreement would need to be put together this week, if it is decided to proceed. Judge Carter asked Mr. Canejo if he had presented information to the attorney. Mr. Canejo advised that this has been done.

Mr. Canejo briefly reviewed some of the history of the hospital and that about seven years ago the hospital would have been closed, however, he personally signed for a \$600,000 note and has put CDs up as a line of credit; the current opportunity comes from the state Upper Payment Limits and there is a time limit to benefit from the opportunity; these monies cannot pass to any individual; the investors will have some gain from the lease, but the Hospital Authority is for the benefit of the citizens.

Commissioner Strickland expressed desire that the citizens of the County receive the healthcare they need; however, there is concern that in the future should the County need to obtain money for a Justice Center they could not get it in the event of unforeseen difficulty with the Hospital Authority.

Commissioner Whitlock advised that a citizen had expressed a concern regarding whether or not the County would be liable or responsible for a Board members actions if the County appoints the Board members. Judge Carter stated he was not aware of any such liability.

Commissioner Barker wondered whether the medical community should be represented on the Board. Mr. Canejo stated medical personnel could be non-voting members and be invited to the Board meetings. Judge Carter stated he liked that the size of the Board was seven members.

Judge Lauri Blake inquired as to whether or not an agreement was in writing. Judge Carter advised the contract was in draft form. Mr. Canejo noted if the City formed the authority the hospital would be exempt from property taxes of about \$57,000 a year which could impact schools and others; if the County formed the authority the hospital would not be exempt; there is a time limit under which everyone is now working; the attorney in Austin for the County and the Hospital's attorney have been working on this for some time.

Judge Carter advised it is time to decide whether or not the County wanted to go down this road or not and reiterated he does not want to do anything that would hurt Fannin County in anyway, but does not want to lose the opportunity for the hospital.

Commissioner Joe Strong asked whether the attorney had replied regarding the agreement. Judge Carter advised he has not responded as yet, further review of draft documents will be conducted by legal counsel for the hospital, Mr. Reed and Judge Carter will confer with Mr. Bass and Mr. Allison as legal counsel for the County if it is decided to proceed.

Mr. Canejo noted what is at stake in healthcare is between \$8,000,000 to \$25,000,000; if the County decides not to proceed, these monies will revert to a state pool and be redistributed to all of the counties in the pool.

Richard Glaser, County Attorney/Criminal District Attorney asked if the vote is to be on an agreement in substance and working on form; if substance is solid it can be approved. Judge Carter stated they cannot approve an agreement that is not finalized yet.

Mr. Canejo stated they do not want to spend monies for attorneys to draw up final documents if the County is not going to be moving forward, however; if all parties are in agreement to move forward then the attorneys may be authorized to move ahead with drawing up the documents.

Commissioner Barker moved to go forward in support of the project.

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

ITEM 16. PAYMENT OF BILLS

Commissioner Strickland moved that payment of bills be approved.

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

ITEM 17. ADJOURN


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

Adjourned at 10:15 a.m.

The above and foregoing represents true and correct minutes of the Fannin County Commissioner's Court meeting in Regular Session the 15th October, 2012.

(LGC 81.003)

ATTEST:



Tammy Biggar
Fannin County Clerk

