

On this 8th of October, 2012 the Fannin County Commissioners Court met in a Regular Meeting after public notice was posted on the 5th day of October 2012 at 8:27 a.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 9:00 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 stated a wreck had occurred on Hwy 82 in Ector this morning with two fatalities reported.

ITEM 4. APPROVE MINUTES OF PREVIOUS MEETING(S)

No Minutes were presented.

**ITEM 5. CONSIDERATION AND ACTION TO GRANT FINAL APPROVAL OF
CONTRACT WITH REGIONAL PUBLIC DEFENDER FOR CAPITAL CASES OFFICE
AND AUTHORIZE COUNTY JUDGE TO SIGN ON BEHALF OF FANNIN COUNTY –
336TH DISTRICT JUDGE**

Item passed until October 15, 2012.

**ITEM 6. DISCUSSION REGARDING FESTIVAL OF FLIGHT ON NOVEMBER 3, 2012 –
COUNTY JUDGE**

Mr. Bill Purcell of the Festival of Flight Committee stated a meeting will be held on Friday; support is requested from the Court and from the County for this event.

ITEM 7. CONSIDERATION AND ACTION TO APPROVE NEW KONE SERVICE AGREEMENT FOR COURTHOUSE ELEVATOR MAINTENANCE THROUGH U.S. COMMUNITIES PROGRAM, OF WHICH FANNIN COUNTY IS A MEMBER AND AUTHORIZE COUNTY JUDGE TO SIGN ON BEHALF OF FANNIN COUNTY – PURCHASING AGENT

Jill Holmes, Purchasing stated the 5th year of the contract was coming to a conclusion; the contract has been renegotiated from a monthly service fee of \$323.39 down to \$225.00 through the U.S. Communities Program and includes the 24 hour phone monitoring inside the elevator; approval and signature are requested.

Commissioner Strong moved to approve.

Motion By: Commissioner Joe Strong
Second By: Commissioner Stan Barker
Vote: 5-0 Passed

ITEM 8. CONSIDERATION AND ACTION REGARDING DISPOSAL OF BUILDING DEDICATION PLAQUE FROM JAIL LOCATED AT 221 E SAM RAYBURN DR, BONHAM AND APPROVE DISPOSITION OF PLAQUE – COMMISSIONER, PCT. 2

Commissioner Barker stated the dedication plaque from the old county jail is etched with the names of the architect, county judge, sheriff etcetera; Sheriff Foster was approached as to whether or not he would like it displayed at the Sheriff's Department or give to the museum; Sheriff Foster elected to have it sent to the museum.

Commissioner Barker stated the museum would like to accept the plaque; motion is made to donate the plaque to the Fannin County Museum.

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

ITEM 9. DISCUSSION, CONSIDERATION AND ACTION REGARDING COUNTY BUILDING LOCATED AT 1205 E SAM RAYBURN DR, BONHAM, LEASE AGREEMENT WITH WORKFORCE TEXOMA AND MEMORANDUM OF UNDERSTANDING WITH HEALTH & HUMAN SERVICES COMMISSION – COUNTY JUDGE

Judge Carter stated the roof may be in need of repair; the Memorandum of Understanding with the Department of Health and Human Services states the Department would maintain the property; the Texas Workforce Commissioner has advised the County entered into an agreement in September of 2000 which requires the County to maintain the building resulting in there being two conflicting agreements with those renters; the TW FCC's agreement is a five-year agreement and renewable

annually thereafter until canceled; the agreement has not been amended; it is recommended all County contracts be reviewed. Jill Holmes, Purchasing Agent stated some counties have contract administrators.

Judge Carter stated some contracts are required to be kept in the Treasurer's office and some in the Auditor's office.

Commissioner Barker moved to have the county judge handle lease contracts with all county buildings.

Motion died for lack of a 2nd.

Judge Carter stated he is qualified to draw up lease agreements and contracts however a county judge coming after him may not have that expertise. Judge Carter stated he would contact Health and Human Services (HHS) to review the Memorandum of Understanding, HHS should fix the roof; the TWFCF will be advised; a letter of termination will be drafted to end the contract from 2000 with the property falling under the responsibility of the HHS.

Judge Carter stated consideration should be given to the handling of future contracts.

Commissioner Strong moved to have Judge Carter contact HHS and TWFCF to resolve the situation as stated.

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

ITEM 10. CONSIDERATION AND ACTION TO APPROVE PAYMENT OF EXTRAORDINARY TRAVEL EXPENSES FOR COUNTY EXTENSION AGENT AND APPROVAL OF BUDGET AMENDMENT FROM COUNTY EXTENSION AGENT-FAMILY AND CONSUMER SCIENCES #10-665-428 TO COUNTY AGENT-AGRICULTURE/NATURAL RESOURCES #10-665-427, FOR FY2011-2012 – COUNTY EXTENSION AGENT / AUDITOR

Roger Skipper, County Extension Agent, reported on his extensive travel during fiscal year 2011-2012. He requested that the additional travel expenses be covered by budget amendment.

Commissioner Strickland moved that the amendment be approved.

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

ITEM 11. CONSIDERATION AND ACTION TO APPROVE A FANNIN COUNTY BURN BAN – COUNTY JUDGE

Item passed until next meeting.

ITEM 12. CONSIDERATION AND ACTION TO APPROVE DECEMBER 21, 2012, FROM 12PM TO 2PM, AS THE DATE AND TIME FOR EMPLOYEE AWARDS LUNCHEON AT FAMILY LIFE CENTER – TREASURER

Mike Towery, County Treasurer, requested that the date for the County Employee Awards Luncheon be approved for December 21, 2012 at the Family Life Center. He advised that he will request approval to go out for catering bid at a later date.

Commissioner Strickland moved that December 21, 2012 from 12:00 PM to 2:00 PM be approved for the Employee Awards Luncheon and that the employees be allowed to go home for the holidays after the lunch.

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

ITEM 13. CONSIDERATION AND ACTION TO APPROVE CONTINUATION OF TEXAS ASSOCIATION OF COUNTIES RETIREE MEDICAL BENEFITS PROGRAM, COUNTYCHOICE SILVER AND AUTHORIZE COUNTY JUDGE TO SIGN REQUIRED FORMS ON BEHALF OF FANNIN COUNTY – AUDITOR

Sherry Zindars, Auditor's Office, advised that it was time to consider the continuation of the Retiree Medical Benefit Program at no cost to the County.

Commissioner Barker moved that the retiree program be approved.

Motion By: Commissioner Stan Barker
Second By: Commissioner Gary Whitlock
Vote: 5-0 Passed

ITEM 14. CONSIDERATION AND ACTION TO APPROVE RUTLEDGE CRAIN & COMPANY, PC, AS OUTSIDE AUDITORS FOR THE AUDIT FOR FISCAL YEAR 2011-2012 – AUDITOR

Sherry Zindars, Auditors Office, requested approval to engage the services of Rutledge Crain & Company to conduct the outside audit for 2011-2012.

Commissioner Strickland moved request be approved.

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

ITEM 15. CONSIDERATION AND ACTION TO APPROVE PROCLAMATION HONORING VIRGINIA POINT UNITED METHODIST CHURCH FOR 175 YEARS OF CONTINUOUS SERVICE – COUNTY JUDGE

Judge Carter reviewed the request for approval of Proclamation Honoring Virginia Point United Methodist Church for 175 Years of Continuous Service.

Commissioner Barker moved that the Proclamation be approved.

Motion By: Commissioner Stan Barker
Second By: Commissioner Joe Strong
Vote: 5-0 Passed

Court recessed at 9:37 AM.

Back on record at 9:45 AM.

**ITEM 16. DISCUSSION REGARDING PROPOSED HOSPITAL AUTHORITY
REQUEST- RED RIVER HOSPITAL CEO**

Judge Carter stated the Court wanted to help the citizens of Fannin County; to make sure the Court makes the best decision for the citizens; and that the County not be put in harms way with regard to any kind of liability.

Brandon Durbin, CPA, Discovery Health Care, noted that the Hospital Authority is a distinct Political Subdivision of the state with their own liability and own protections; a county or city may create an Authority; as distinct Political Subdivision the Authority has its own liabilities and its own protections and has no power of taxation. Mr. Durbin advised the county has no liability, either malpractice, or loan liability.

Commissioner Barker asked if the County would have any liability if the Authority goes away. Mr. Durbin advised there is no liability to the County.

Commissioner Whitlock asked if there were two boards. Mr. Durbin advised that there would be an operating board of the Authority and the hospital property board would make a lease arrangement to lease the property to the Authority.

Commissioner Whitlock asked whether both the City and County had been approached with this potential project. Mr. William Keifer advised that both the City and County had been approached and a number of meetings had been held with the Mayor, Judge Carter and others and pointed out that if the Authority is formed through the county it could potentially extend healthcare clinics into the county.

Commissioner Strickland asked whether the for-profit Board would go away once the Hospital Authority Board is formed. Mr. Durbin advised that the current operating Board would go away and a new Hospital Authority operating Board would be formed; the for-profit real estate investor Board would continue and would negotiate leasing the property to the Hospital Authority. Commissioner Strickland asked what would happen if the Authority goes away in five years. Mr. Durbin stated that he does not believe the hospital will survive economically without the Authority.

Mr. Todd Biederman, New Life Health Care, added that for a critical access hospital to survive without these funds is not sustainable; the operating margin for a critical access hospital in Texas is negative; if the waiver should go away in four years Mr. Biederman believes the hospital would be in a stronger spot for some type of transition.

Commissioner Strong asked whether the City Council was involved in the discussions, and would there be bond and borrowing benefits if the City formed the Authority. Mr. Durbin stated the City Council allowed a five minute presentation to discuss the waiver and there would be no credit enhancement for the City or County;

Mr. Durbin asked if anyone for the County had contacted TAC. Judge Carter advised he plans to meet with Mr. Jim Allison and has particular concern regarding Indigent Healthcare and how forming the Authority could affect Indigent Care and the responsibility of the County. Mr. Durbin stated there would be no change in the 8% responsibility that the County currently has for Indigent Healthcare.

Judge Carter asked how the property tax would apply if the Authority is formed. Mr. Durbin stated that as long as the property is owned by the investor group and leased to the Authority it continues to be taxed, but if the Authority at some time in the future purchased the property from the investor group the property would become tax free.

Judge Carter asked if the County forms the Hospital Authority who would have the right to dissolve it. Mr. Durbin believes that the County would have the authority to dissolve the Hospital Authority.

Richard Glaser, County Attorney/Criminal District Attorney asked what number of members would make up the Board. Mr. Durbin advised seven to eleven members of local leadership on several levels and that Mr. David Canejo, CEO, Red River Regional Hospital, would provide a list of suggested appointees.

Judge Carter asked for clarification regarding the amount of money that the Authority would be entitled to, but the County would lose if the waiver is not submitted. Mr. Durbin advised that it could be from \$8,000,000 to \$15,000,000 over a period of four years, but that the money comes by submitting the project information. Mr. Durbin stated he will supply more details next week.

Mr. Rick Shedly asked how the value of the hospital would be determined for the property lease and how the value of equipment would be determined for the sell of the equipment to the Authority so that the investors may recoup that money. Mr. Durbin advised an analysis of the Fair Market Value could determine the values and these are decisions that the Authority Board will have to make.

Mr. Bill Purcell asked if there is some way the County and Authority could cost share on the Indigent Healthcare. Judge Carter stated that he will be doing further investigation into the options available to the County. Mr. Durbin advised there may be options in the future regarding Indigent Healthcare. Mr. Keifer concurred that there may be options available a year or so ahead.

Dale McQueen, journalist for the Fannin County Leader stated that by law an officer or employee of the County is not eligible to be appointed as director of the Authority.

Mr. Keifer expressed appreciation for the time. He stated that if Fannin County does not apply for the waiver the money will go elsewhere, but if it moves forward it is a great opportunity for healthcare in the County.

Judge Carter thanked everyone for their participation in the discussion.

ITEM 17. CONSIDERATION AND ACTION TO APPROVE PAYMENT OF BILLS - AUDITOR

Commission Strickland moved to pay the bills.

Motion By: Commissioner DeWayne Strickland

Second By: Commissioner Gary Whitlock

Vote: 5-0 Passed

ITEM 18. EXECUTIVE SESSION PURSUANT TO SEC. 551.072 OF GOVERNMENT CODE TO DISCUSS REAL ESTATE MATTER(S)

Commissioner Barker moved to go into Executive Session

Motion By: Commissioner Stan Barker

Second By: Commissioner Gary Whitlock

Vote: 5-0 Passed

Executive Session was convened at 10:44 AM.

Commissioner Barker moved to come out of Executive Session.

Motion By: Commissioner Stan Barker

Second By: Commissioner DeWayne Strickland

Vote: 5-0 Passed

Back in Regular Session at 11:18 AM.

ITEM 19. ACTION WITH REGARD TO REAL ESTATE MATTER(S) DISCUSSED DURING EXECUTIVE SESSION

Judge Carter reported that no action was taken.

ITEM 20. ADJOURN

Motion By: Commissioner DeWayne Strickland

Second By: Commissioner Gary Whitlock


Vote: 5-0 Passed

Adjourned at 11:19 AM.

The above and foregoing represents true and correct minutes of the Fannin County Commissioner's Court meeting in Regular Session the 8th of October, 2012.

(LGC 81.003)

ATTEST:



Tammy Biggar
Fannin County Clerk

