COUNTY OF FREESTONE

Commissioners Court
Linda K. Grant, County Judge
Andy Bonner, Precinct No. 1
Will McSwane, Precinct No. 2
Lloyd Lane, Precinct No. 3
Clyde Ridge Jr., Precinct No. 4

County Courthouse
Commissioners Courtroom
118 E. Commerce, Rm. 203
Fairfield, Texas 75840
903/389-3335 Phone
903/389-3839 Fax

FREESTONE COUNTY COMMISSIONERS COURT

Notice of Open Meeting

DATE OF MEETING: December 20, 2023
LOCATION: 118 E. COMMERCE, COMMISSIONERS COURTROOM, FAIRFIELD, TEXAS
Pledge of Allegiance, Pledge to the Texas Flag
Call to Order – 9:00 a.m.
Posting in accordance with Chapter 551, Texas Government Code, as amended, known as the Texas Open Meetings Act.

Members of the Public who wish to speak shall each have 3 minutes to address the Court regarding matters not appearing on the agenda or on an item on the agenda.
The Commissioners Court may not deliberate or take action on any item that is not posted. Any discussion of the subject must be limited to providing specific factual information.

DISCUSS AND CONSIDER ACTION ON THE FOLLOWING ITEMS:

1. Approve minutes of December 6, 2023 regular meeting and December 18, 2023 special meeting.
2. Budget transfers and amendments.
3. Approve and pay bills.
4. Approve payroll.
5. Reports: Senior Services, Justices of the Peace, County Clerk, District Clerk, Auditor, Treasurer, Sheriff, Road Reports, Tax Assessor/Collector, Constables, Veterans Service Officer, Extension Agents, Health, Environmental, and OSSF, Miscellaneous Reports.
6. Burn Ban.
7. Special Road Use Agreements, Contracts, Permits and Bonds and consider Notifications of Telephone Construction.
8. Approve bonds and education certificates of County Officials and Employees.
9. Public Hearing on possible Tax Abatement Agreement between Freestone County and Fairway Storage, LLC.
10. Discussion and action on Tax Abatement Agreement between Freestone County and Fairway Storage, LLC.
11. Resolution for Courthouse- Sterling Thompson.
12. Agreement between HOTCOG and Freestone County for Reimbursement for Mental Health Counseling Services.
13. Approve submission for SB22 Applications for the Sheriff's Office and DA.
14. City of Kirvin as a Municipality.
15. Laptops & mounts for Sheriff's vehicles.
16. Consider a Final Plat for Shadow Pine Division Lots 1-10, Block "A".

Comments from Commissioners Court members.
Adjournment.
Posted on bulletin board second floor at the Courthouse and on Freestone County website on December 15, 2023.

FILED FOR RECORD
At 3:30, o'clock P M

DEC 15 2023

RENEE REYNOLDS
Clerk County Court, Freestone County, Texas
By Crystle Bennett

FREESTONE COUNTY COMMISSIONERS COURT
NOTICE OF OPEN MEETING

VIDEO OF THIS MEETING MAY BE VIEWED AT:
http://www.co.freestone.tx.us/default.aspx?Freestone_County/Commissioners.Court.Recordings

A regular meeting of the Freestone County Commissioners Court was held on December 20, 2023, at 9:00 a.m., in the Courtroom of the Freestone County Courthouse, 118 E. Commerce Street in Fairfield, Texas.

Linda Grant	**County Judge**	**Present**
Andy Bonner	**Commissioner, Precinct 1**	**Present**
Will McSwane	**Commissioner, Precinct 2**	**Present**
Lloyd Lane	**Commissioner, Precinct 3**	**Present**
Clyde Ridge	**Commissioner, Precinct 4**	**Present**

1. Approve minutes of December 6, 2023 regular meeting and December 18, 2023 special meeting.
Comm. Ridge MOVED to approve minutes of December 18, 2023 special meeting. Comm. McSwane SECONDED the motion.
ALL AYE ***MOTION CARRIED***

2. Budget transfers and amendments.
Comm. McSwane MOVED to approve budget transfers and amendments and Certification of Additional Revenue from Virginia Richards in the amount of $1,000.00 and a donation for $100.00 from Butch and Jackie Hansel in memory of Gladys Underwood. Comm. Ridge SECONDED the motion.
ALL AYE ***MOTION CARRIED***

3. Approve and pay bills.
Comm. Bonner MOVED to approve and pay bills. Comm. Lane SECONDED the motion.
ALL AYE ***MOTION CARRIED***

4. Approve payroll.
Comm. McSwane MOVED to approve payroll. Comm. Bonner SECONDED the motion.
ALL AYE ***MOTION CARRIED***

5. Reports: Senior Services, Justices of the Peace, County Clerk, District Clerk, Auditor, Treasurer, Sheriff, Road Reports, Tax Assessor/Collector, Constables, Veterans Service Officer, Extension Agents, Health, Environmental and OSSF, Miscellaneous Reports.
Comm. Ridge MOVED to accept reports for November from the Auditor and Treasurer based on the Auditor's Report, JP #3, District Clerk and County Clerk. Comm. McSwane SECONDED the motion.
ALL AYE ***MOTION CARRIED***

6. Burn Ban.
NO ACTION

7. Special Road Use Agreements, Contracts, Permits and Bonds and consider Notifications of Telephone Construction.
NO ACTION

8. Approve bonds and education certificates of County Officials and Employees.
Comm. McSwane MOVED to approve the Official Bond and Oath for Jeremy D. Shipley in the amount of $8,000.00 and the educational training for Andy Bonner for completing 7.25 hours each during the District-8 County Judges and Commissioners Conference and Cinnamon Archibald has completed testing requirements for Designation as 20 Hour Justice of the Peace Seminar. Comm. Ridge SECONDED the motion.
ALL AYE ***MOTION CARRIED***

9. Public Hearing on possible Tax Abatement Agreement between Freestone County and Fairway Storage, LLC.
Court entered into Public Hearing at 9:31 a.m.
In what vicinity of the public schools would the Fairway Storage be located, was asked by the public? Comm. Bonner replied that it would be located behind Cooper Peach Orchards, which would be approximately two miles from the schools.
Court came out of Public Hearing at 9:35 a.m.

10. Discussion and action on Tax Abatement Agreement between Freestone County and Fairway Storage, LLC.

Comm. Bonner MOVED to approve the Tax Abatement Agreement between Freestone County, Texas and Fairway Storage, LLC. Comm. Lane SECONDED the motion.

ALL AYE ***MOTION CARRIED***

11. Resolution for Courthouse-Sterling Thompson.

Comm. Bonner MOVED to approve the Resolution for the Courthouse restoration. Comm. Ridge SECONDED the motion.

ALL AYE ***MOTION CARRIED***

12. Agreement between HOTCOG and Freestone County for Reimbursement for Mental Health Counseling Services.

Comm. McSwane MOVED to enter into an Agreement between HOTCOG and Freestone County for Reimbursement for Mental Health Counseling Services. Comm. Lane SECONDED the motion.

ALL AYE ***MOTION CARRIED***

13. Approve submission for SB22 Applications for the Sheriff's Office and DA.

Comm. Ridge MOVED to approve submission for SB22 Applications for the Sheriff's Office and DA. Comm. Bonner SECONDED the motion.

ALL AYE ***MOTION CARRIED***

14. City of Kirvin as a Municipality.

A citizen of Kirvin is trying to determine if the City of Kirvin is a municipality. She states that there is no City Council, no Mayor, no City Hall, no First Responders and that the residents depend on the County for medical assistance. Some of the roads are repaired by the County. She would like to inquire as to when the city lost its Charter or did it lose its Charter. Judge Grant responded that she could not find any documentation stating that it forfeited its incorporation or anything that was officially done other than an opinion letter from Bob Gage, County Attorney dated December 1998.

The letter states,

"You have requested an opinion as to whether or not you can maintain streets and alleys in the City of Kirvin and under what circumstances. There are no streets of continuation or integral of Freestone County roads. Kirvin has no de facto active municipal government. Kirvin has no taxes,

no police force, no Fire Department other than a Volunteer Fire Department not funded by the city and performs no street maintenance. They do however, have a water system that was funded by the issuance of municipal bonds approximately 30 years ago. This system is currently operated by Ken Sessions without supervision from the city. It is further my understanding there is no public official whose term has not expired and no election held in the last 5 years. I am also told there has not been a city council meeting since November 1994. Based on the information, assuming it is substantially accurate, we believe the City of Kirvin has no active de facto municipal government. Under article 251.051 of the Texas Transportation Code, prevising pertinent part that the Commissioners Court of a County shall assume control of the streets and alleys in a municipality that does not have an active de facto municipal government and based on the above statute and our determination that the City of Kirvin has no active de facto municipal government, it is our opinion that not only are you allowed to maintain the streets and alleys of the City of Kirvin but you are required to do so. This work would be no cost to the City of Kirvin, however, since the statute states that the Commissioners Court of the County shall undertake this maintenance, it is my belief that it would be proper to request the Commissioners Court to adopt a resolution authorizing this maintenance prior to the work being performed."

Judge Grant replies, after this was written we did have it on the Agenda of Commissioner's Court and it was approved. That is how we maintain the streets of the City of Kirvin. That is the only written information that I have and a lot is based on what was told to him. To our knowledge, nothing else has been done.

15. Laptops & mounts for Sheriff's vehicles.

Comm. Lane MOVED to purchase refurbished computers with a two-year warranty for the Deputies vehicles. Comm. Bonner SECONDED the motion.

ALL AYE ***MOTION CARRIED***

16. Consider a Final Plat for Shadow Pine Division Lots 1-10, Block "A".

Comm. Bonner MOVED to approve Final Plat for Shadow Pine Division Lots 1-10, Block "A". Comm. McSwane SECONDED the motion.

ALL AYE ***MOTION CARRIED***

Comm. Lane MOVED to adjourn. Comm. Ridge SECONDED the motion.
ALL AYE ***MOTION CARRIED***

I, Renee Reynolds, County Clerk of Freestone County, Texas, do hereby certify that the above Commissioner Court Minutes are true and correct record of the proceedings from the Commissioners Court Meeting.

ATTEST:

Renee Reynolds, County Clerk