

**STATE OF TEXAS:**

**COUNTY OF FISHER:**

**FISHER COUNTY COMMISSIONER COURT MINUTES**

**Be it remembered that on Wednesday the 18<sup>th</sup> day of January 2023 the Commissioners' Court of Fisher County, Texas, convened in Special Session in the Commissioners' Courtroom, Fisher County Courthouse, Roby Texas**

**Ken Holt, County Judge**

**Pat Thomson, County Clerk**

**Gordon Pippin, Commissioner #1-**

**Dexter Elrod, Commissioner #2-Absent**

**Preston Martin, Commissioner #3**

**Micah Evans, Commissioner #4**

**And the proclamation having been made the Court was in session, the following business came on to be considered:**

**CALL MEETING TO ORDER & ESTABLISH QUORUM – All Present**

**Order 1-Motion Commissioner Pippin, second by Commissioner Evans approve order prohibiting outdoor burning (see attached). This motion having been put to a vote prevailed, the vote being unanimous.**

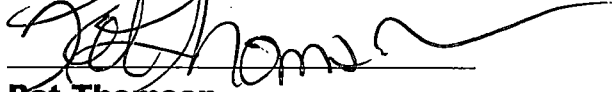
**Order 2-Motion by Commissioner Evans, second by Commissioner Martin to table all actions on policies or applications for temporary water line permits on County Roads until further review, research, and discussion. This motion having been put to a vote prevailed, the vote being unanimous.**

**Order 3-Motion by Commissioner Evans, second by Commissioner Pippin to table all actions on amendments to policies or applications for pipeline public road crossings until further review, research, and discussion. This motion having been put to a vote prevailed, the vote being unanimous.**

**Order 4-Motion by Commissioner Martin, second by Commissioner Evans to adjourn. This motion having been put to vote prevailed, the vote being unanimous.**

**County of Fisher:**

**I, Pat Thomson, Fisher County Clerk, attest that the foregoing is a true and accurate accounting of the Commissioner Court's authorized proceedings for January 18<sup>th</sup>, 2023**



**Pat Thomson  
County Clerk and Ex-Officio Member  
Of Commissioners' Court, Fisher County, Texas**



**NOTICE OF SPECIAL OPEN MEETING AND  
AGENDA COMMISSIONER'S COURT OF FISHER  
COUNTY, TEXAS**

Notice is hereby given that a meeting of the Commissioners Court of Fisher County, Texas will be held on Wednesday, January 18, 2023, at 9:00 a.m. in the Commissioners Courtroom located in the County Judge's office, Fisher County Courthouse, 112 N. Concho, Roby, Texas, to consider, discuss, pass or adopt such items of business as identified below:

**A. CALL TO ORDER**

Determination of Quorum

**B. PUBLIC COMMENTS—PRESENTATIONS OR MISCELLANEOUS REPORTS  
DISCUSSION ITEMS (No vote will be taken on any of these items)**

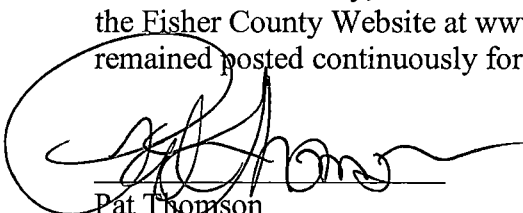
**PUBLIC COMMENT NOTE:** Anyone wishing to address the Court during Public Comments is required to register your name on the Clerk's registry prior to the meeting and indicate which item or subject you wish to address. Speakers are limited to THREE (3) minutes maximum, and if there are more than three speakers who wish to address the same item, the Court reserves the right to limit speakers. THE COURT CANNOT DELIBERATE OR ACT ON MATTERS NOT LISTED ON THE AGENDA.

**NON-VOTING ITEMS:**

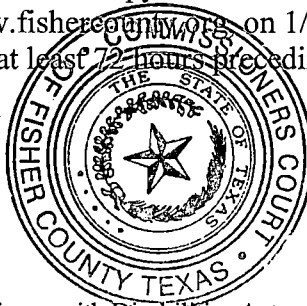
**C. DELIBERATE/CONSIDER ACTION ON NEW BUSINESS ITEMS:**

1. Discuss/Take Action on Burn Ban/Gordon Pippin
2. Discuss/Take Action on Policy and Application for Temporary Water Lines
3. Discuss/Take Action on Policy and Applications for Pipeline Public Road Crossing

I, Pat Thomson, Fisher County Clerk, do hereby certify that the above Notice of Open Meeting and Agenda of the Commissioners Court is a true and correct copy of said Notice and Agenda, and said Notice and Agenda was posted on the bulletin board of the Fisher County Courthouse, 112 N. Concho Roby, Texas 79543 and a copy was emailed to website administrator for posting to the Fisher County Website at [www.fishercountytx.com](http://www.fishercountytx.com) on 1/11/2023 and said Notice will remain posted continuously for at least 72 hours preceding the scheduled time of said Meeting.



Pat Thomson  
Fisher County Clerk



(In accordance with Title III of the Americans with Disabilities Act, we invite all attendees to advise us of any special accommodations due to disability. Please submit your request as far as possible in advance of the meeting you wish to attend.)

*As authorized by the Texas Government Code, the Commissioners' Court of Fisher County, Texas reserves the right to adjourn into Executive Session at any time during the course of this meeting to discuss any of the matters listed above as they may relate to Texas Government Code Section 551.071(1) (Consultation with Attorney about pending or contemplated litigation or settlement offers);*

*Texas Government Code Section 551.071(2) (Consultation with Attorney when the Attorney's obligations under the Texas Disciplinary Rules of Professional conduct of the State Bar of Texas conflicts with Chapter 551 of the Texas Government Code);*

*Texas Government code Section 551.072 (Deliberations About Real Property); Texas Government Code Section 551.073 (Deliberations about Gifts and Donations); Texas Government Code 551.074 (Personnel Matters); Texas Government Code Section 551.0745 (Deliberations about a County Advisory Body); Texas Government code Section 551.076 (Deliberations about Security Devices); and Texas Government Code Section 551.087 (Economic Development Negotiations).*

*In the event that the court adjourns into Executive Session, unless otherwise specified on the agenda, the Court will announce any other parties who are authorized to be present during the deliberations in Executive Session and will announce under what section of the Texas Government code the Commissioners Court is using as its authority to enter into Executive Session.*

STATE OF TEXAS

COUNTY OF FISHER

ORDER PROHIBITING OUTDOOR BURNING

Whereas, the Commissioners Court finds that circumstances present in Fisher County create a public safety hazard that would be exacerbated by outdoor burning.

It is hereby ordered by the Commissioners Court of Fisher County that all outdoor burning is prohibited in the county for 90 days from the date of adoption of this Order, unless the restrictions are terminated earlier based on a determination made by: (1) the Texas Forest Service that drought conditions no longer exist; or (2) the Commissioners Court or the County Judge based on a determination that the circumstances that required the Order no longer exist.

This Order is adopted pursuant to Local Government Code 352.081, and other applicable statutes. This order does not prohibit outdoor burning activities related to public health and safety that are authorized by the Texas Commission on Environmental Quality for (1) firefighter training; (2) public utility, natural gas pipeline or mining operations; (3) planting or harvesting of agricultural crops; or (4) burns that are conducted by a prescribed burn manager certified under Natural Resource Code 153.048 and meet the standards of Natural Resources Code 153.047.

In accordance with Local Government Code 352.081(h), a violation of this order is a class C misdemeanor, punishable by a fine not to exceed \$500.00.

Adopted Monday, January 18, 2023, by a vote of 4 ayes and 0 nays.



Attest:



Pat Thomson  
Fisher County Clerk



Ken Holt  
Fisher County Judge

Fisher County Courthouse  
112 North Concho, Suite 117  
P. O. Box 176  
Roby, Texas 79543



Tel: (325) 776-3251  
Fax: (325) 776-2815

## MICHAEL HALL

County Attorney  
Fisher County, Texas

January 17, 2023

Dear Members of the Commissioners Court:

I wanted to give you my opinion regarding the matters being considered tomorrow at the Special Session. I apologize that I will not be there, but I had previously scheduled depositions I must attend.

I have been in contact with attorneys for interested businesses relating to both amendments to the pipeline permit and matters relating to the transport of fresh water along county roads. I am optimistic that progress has been made on reaching agreements on these matters that will benefit Fisher County and the businesses that are doing this sort of business in the county. However, I do not think we are ready to finalize any such amendments or policies, in my opinion. Thus, it is my request and recommendation that any new agreements or modification to existing agreements be tabled so that discussions may continue with these interested businesses.

As you are also aware, Patriot Leasing, LLC has expressed concerns about potential conflict as set out in the correspondence from Kelly Gill which has previously been forwarded to you. The concerns expressed by Mr. Gill make it all the more reasonable that we table consideration of these matters at this time, in my opinion.

Please e-mail me or call me if you have any questions or concerns.

Yours truly,

Michael Hall  
Fisher County Attorney

**Joy Dennis**

---

**From:** Michael Hall <michaelisaachall@yahoo.com>  
**Sent:** Sunday, January 15, 2023 12:28 PM  
**To:** Ken Holt; Joy Dennis; BJ Vaught; Kelly Gill  
**Subject:** Re: Fisher County seeking water delivery regulation

Kelly,

I have forwarded this to be considered during commissioner's court on Wednesday. I'm sorry I missed your call. Call my cell tomorrow if you'd like to discuss further. (325)236-1390. Thanks, Michael Hall

Sent from my iPhone

On Jan 13, 2023, at 2:24 PM, Michael Hall <michaelisaachall@yahoo.com> wrote:

I received the following email. Please put w/ agenda packet for Wednesday.

Sent from my iPhone

Begin forwarded message:

**From:** Kelly Gill <kgill@mss.law>  
**Date:** January 13, 2023 at 2:18:53 PM MST  
**To:** michaelisaachall@yahoo.com  
**Cc:** paul@pmelton.com, Taylor Young <tyoung@mss.law>  
**Subject:** **FW: Fisher County seeking water delivery regulation**

Michael,

I want to inform you that my firm represents Patriot Leasing, LLC and manager, Paul Melton, with respect to its sales of water and the threat of further regulation of the delivery of that water due to action or the threat of action from the Fisher County Commissioner's Court. Patriot Leasing, LLC would potentially be severely impacted by what has been threatened by at least one County Commissioner and it has a vested interest in seeing that only appropriate and lawful practices are following by the Court.

In that regard, Patriot Leasing, LLC wants to be assured that none of the Commissioners have any conflict of interest affecting the legitimacy of their involvement in or vote on any proposed regulation or ordinance affected water delivery in Fisher County.

**Kelly Gill**  
McMahon Surovik Suttle, PC

P.O. Box 3679  
Abilene, Texas 79604

(325) 676-9183 ext. 218  
(325) 676-8836 Fax  
Physical Address: 400 Pine St., Ste. 800 - 79601  
kgill@mss.law

**McMahon**  
**Surovik**  
**Suttle** ATTORNEYS  
A Professional Corporation

[www.mss.law](http://www.mss.law) | [bio](#) | [vCard](#) | [map](#)

IMPORTANT/CONFIDENTIAL: This email message and any attachments hereto are intended only for use by the addressee(s) named herein and may contain information which is legally privileged, confidential and/or exempt from disclosure under applicable law. If you are not the intended recipient of this email you are hereby notified that any dissemination, distribution or copying of this email message, and/or any attachments hereto, is strictly prohibited. If you received this email message in error, please immediately notify me by telephone and permanently delete the original and any copies of this email and any attachments hereto and any printout hereof. Unauthorized interception of this email is a violation of federal criminal law.