

TYLER COUNTY COMMISSIONER'S COURT
 REGULAR MEETING
 August 8, 1988 --- 10:00 A.M.

DEC 02 1988

VOL. 016 PAGE 474

DONECE GREGORY, COUNTY CLERK
TYLER COUNTY

THE STATE OF TEXAS §

COUNTY OF TYLER §

ON THIS THE 8th day of August, A.D. 1988

the Commissioner's Court in and for Tyler County, Texas convened in a Regular Meeting at the Commissioner's Courtroom in Woodville, Texas, the following members of the Court present, to wit:

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| J. CARROL CONNER | COMMISSIONER, PCT. #1 |
| A.M. BARNES | COMMISSIONER, PCT. #2 |
| WILLIS GRAHAM | COMMISSIONER, PCT. #3 |
| JAMES R. JORDAN | COMMISSIONER, PCT. #4, Presiding |
| DONECE GREGORY | COUNTY CLERK, Ex-Officio |

the following were absent: Judge Wheat thereby constituting a quorum. In addition to the above were:

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|-----------------|-------------------------------|
| JANIE DUBOSE | COUNTY AUDITOR |
| JEAN PHILLIPS | COUNTY TREASURER |
| BARBARA TOLBERT | COUNTY TAX ASSESSOR/COLLECTOR |
| PAT HARDY | CRIMINAL DISTRICT ATTORNEY |

The meeting was opened with prayer by Commissioner Jordan, also presiding as Judge Pro Tem.

Mr. E.W. Fuesling presented petitions to the Court requesting that the roads and streets in the **Town Bluff Lake Estates** be accepted as **public county roads** so that they may be maintained by the County. Commissioner Jordan explained that the County had specifications that the roads had to meet before they could accept them. He stated that he would have a look at them, however the County would not be able to accept all of them. He expressed concern that the developers had let the roads disimprove as they had. Commissioner Jordan also stated that the petition would be made a part of the record as motioned by **Commissioner Graham** and seconded by **Commissioner Barnes**. All voted yes and none no. SEE ATTACHED PETITION.

Danny Ross made the Court aware that the **Tyler County Airport** needed supplies such as light bulbs, etc. Also, that there was not a **septic** tank there for his trailer. Commissioner Conner stated that he would bring the supplies and that if Mr. Ross supplied the tank, he would supply the equipment to put it in.

A motion was made by **Commissioner Conner** and seconded by **Commissioner Barnes** to approve the **monthly report of the County Extension department**. All voted yes and none no. SEE ATTACHED REPORT.

A motion was made by **Commissioner Graham** and seconded by **Commissioner Conner** to approve the **County Treasurer's monthly report**. All voted yes and none no. SEE ATTACHED REPORT.

Commissioner Graham made a motion to approve the **monthly report** as submitted by the **County Auditor**. The motion was seconded by **Commissioner Barnes**. All voted yes and none no. SEE ATTACHED STATEMENT OF CONDITION AND BUDGET COMPARISON.

Commissioner Graham made a motion to approve the **monthly report of J.P. #1, Wanda Brasher**. The motion was seconded by **Commissioner Barnes**. All voted yes and none no. SEE ATTACHED REPORT.

A motion was made by **Commissioner Graham** and seconded by **Commissioner Barnes** to table approving the **monthly report from the Probation Department**. All voted yes and none no.

A motion was made by **Commissioner Graham** and seconded by **Commissioner Conner** to approve the **monthly allowances and accounts payable** as submitted by the **County Auditor**. All voted yes and none no. SEE ATTACHED GENERAL LEDGER.

A motion was made by **Commissioner Conner** and seconded by **Commissioner Barnes** to table considering the application for construction of a hanger at the **Tyler County Airport** until September. All voted yes and none no.

A motion was made by **Commissioner Graham** to table consideration of request for payment to **H.B. Nield** for retainer fee for the **Justice Center** due to letters from subcontractors that they have not been paid and also it is the understanding of the Court that the retainer fee is not to be paid until a year has expired from the date of completion of the **Justice Center**. This matter is tabled until the regular meeting in September. The motion was seconded by **Commissioner Barnes**. All voted yes and none no.

Commissioner Graham made a motion to table consideration of handling **outside prisoners** by the **Sheriff's Department** until the next meeting. The motion was seconded by **Commissioner Barnes**. All voted yes and none no.

Pat Hardy requested that the Court pay him **compensation** as per Section 332b4 §3 of the Professional Prosecutors Act. He explained that this was an oversight because it was broken into two parts and that the Government Code explains more clearly that he should receive the same compensation as the highest paid district judge, which amounts to \$300.00 per month. He also requested that he receive retroactive pay of \$1260.00 being from January 1985. **Commissioner Conner** expressed concern that this was not budgeted and did not know from where the money would come. **Commissioner Jordan** stated that he would recommend to start paying Mr. Hardy the extra \$30.00 per month beginning with last month, being the time that he made the Court aware of this. A motion was made by **Commissioner Barnes** to accept **Commissioner Jordan's** recommendation of paying \$300.00 a month to **Pat Hardy** retroactive to month of July. The motion was seconded by **Commissioner Graham**. All voted yes with the exception of **Commissioner Conner** voting no. (two for, one opposed) SEE ATTACHED AG OPINION.

A motion was made by **Commissioner Graham** and seconded by **Commissioner Barnes** to table considering repairs needed for the building used by the **Doucette Voting Box**, until the next meeting so that a study could be done to see if it was legal for the County to assume this expense. All voted yes and none no.

A motion was made by **Commissioner Graham** and seconded by **Commissioner Barnes** to appoint **Toby Spurlock, Bill Brown** and **Ona Lee Seamons** for two year term; **Thomas Perry, James Grimes** and **Maxie Riley** for one year term to the **Tyler County Hospital Board**, with the stipulation that **Maxie Riley** would resign if he becomes Commissioner, if elected on November 8. All voted yes and none no.

Commissioner Graham made a motion to table approving the attorney fees in the case of **Criminal District Attorney vs. Commissioners Court of Tyler County** until they received a complete statement from both **Jerome Owens** and **John Kinney**. The motion was seconded by **Commissioner Barnes**. All voted yes and none no. SEE ATTACHED.

A motion was made by **Commissioner Barnes** to table authorizing advertisement for bids on a **radio system** for the **Tyler County Justice Center** until specifications had been received. The motion was seconded by **Commissioner Graham**. All voted yes and none no.

A motion was made by **Commissioner Barnes** and seconded by **Commissioner Conner** to adopt resolutions concerning the **red-cockaded woodpecker lawsuit** involving the **U.S. Forest Service**. All voted yes and none no. SEE ATTACHED RESOLUTIONS.

Consideration of option of imposing or removing the \$5.00 optional **County Road and Bridge Fee** on an annual basis died for the lack of a motion. **Barbara Tolbert** informed the Court that this had been taken care of. SEE ATTACHED LETTER.

The Court set the next special meeting for August 17, 1988.

A motion was made by Commissioner Graham and seconded by Commissioner Barnes for the meeting to adjourn. All voted yes.

THERE BEING NO FURTHER BUSINESS, THE MEETING ADJOURNED ...11:30 A.M.

SIGNED: J.W. Josiah Wheat, County Judge

J. Carrol Conner J. Carrol Conner, Comm. Pct. #1

A.M. Barnes A.M. Barnes, Comm. Pct. #2

Willis Graham Willis Graham, Comm. Pct. #3

James R. Jordan James R. Jordan, Comm. Pct. #3

ATTEST: Donece Gregory Donece Gregory, County Clerk

