

TYLER COUNTY COMMISSIONER'S COURT  
REGULAR MEETING  
NOVEMBER 14, 1988 --- 10:00 A.M.

VOL. C16 PAGE 913

THE STATE OF TEXAS §

COUNTY OF TYLER §

ON THIS THE 14th day of November, 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:

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

the following were absent: none thereby constituting a quorum. In addition to the above were:

JANIE DUBOSE	COUNTY AUDITOR
GARY HENNIGAN	COUNTY SHERIFF-ELECT

The meeting was opened with prayer by Rev. William Sager, pastor of the Faith Lutheran Church.

Ed Phillips gave a report to the Court with his recommendation that the Court purchase radio equipment from Motorola for the Tyler County Justice Center for amount of \$15,150.00. Mr. Hennigan stressed that a good system was needed because communication was a major factor in law enforcement. The 1988 budget did not have enough funds for this purchase. Commissioner Jordan inquired as to the date of delivery and received the answer of 60-90 days. After much discussion, a motion was made by Commissioner Jordan and seconded by Commissioner Conner to accept the bid from Motorola for complete installation of a radio system. All voted yes and none no. SEE ATTACHED BID.

There was not a representative to speak on the application for approval of cable t.v. service for the Warren Community from River Communications, Inc, therefore this matter was deferred until Friday, November 18, 1988.

A motion was made by Commissioner Jordan to approve the proposed crossing permit from Ballard Exploration Company on a county road in precinct #4 subject to the revision of the indemnification clause to the satisfaction of the Commissioner's Court. The motion was seconded by Commissioner Barnes. All voted yes and none no.

James Sawyer, George Huling and Herman Lyle reported to the Court that they had talked with representatives from TDC and had been advised to file a petition with the Court for relief from dust problems caused from traffic to and from the construction site for the prison unit. Judge Wheat responded that they could safely advise TDC that the County did not have the funds to surface the road. Commissioner Barnes recommended that all the Commissioners review the road and report back to the Court. This matter was deferred until Friday, November 18, 1988. Commissioner Graham stated that something needed to be done and he felt this was a County problem and not just a Precinct #3 problem.

Bill Brown, chairman, John Tucker, acting administrator, and Jim Gainey, acting assistant administrator of the Tyler County Hospital were present to speak to the Court concerning the tax rate needed for the hospital district. Mr. Tucker reported that they had only used the effective rate in the last 4 or 5 years, not raising the rate. However, this year the rate would need to be increased 2.8¢ to cover expenses of indigent health care which the hospital has contracted to the University of Texas Hospital in Galveston. The 2.8¢ increase from the effective tax rate of 3.7¢ would result in a .065278 tax rate. Judge Wheat stated that the Court would take their request into consideration when they set the tax rate.

Bids were opened and read aloud concerning the proposed improvements to the Tyler County Airport. Those received were from Matthews Construction Co., Jasper, Texas; A.W. Busby Construction, Inc., Beaumont, Texas; and APAC-Texas, Inc. from Beaumont, Texas. Judge Wheat instructed Mr. Perrell to review the bids and report back to the Court at the next meeting.

Gordon Anderson spoke to the Court concerning the fees charged for using the County dumps. He felt that the citizens of Woodville were not being treated fairly because they were already paying a fee to have their garbage picked up. Judge Wheat responded that the sanitary landfill budget was operating in the red. The Court invited Mr. Anderson to attend the meeting with the Texas Health Department at 1:00 P.M.

**Wanda Brasher** reported to the Court that JTPA had allowed her to have a worker 6 months ago with the stipulation that she would request the Court to pick her up as an employee of the County. She asked if the County could find funds she would like to have the JTPA worker as an employee. Mrs. Brasher also requested that Margaret Pope, secretary to the J.P.#1, be reclassified as a chief-clerk and receive increase in pay as same as a chief-deputy. Mrs. Brasher stated that if the JTPA worker was not allowed to stay, Mrs. Pope's work-load would be increasing. Mrs. Brasher stated that she felt the offices that had only one worker should receive this pay rate. The Auditor stated that a budget amendment would be required. It was the consensus of the Court that a raise should not be given to one employee when others would not receive increases and that money was not available in the budget to amend the salary item. No action was taken.

Elaine Clow requested the Court to buy Christmas gift for a foster child as in the past. A motion was made by **Commissioner Graham** and seconded by **Commissioner Barnes** to approve \$100.00 for Christmas gift for the foster child. All voted yes and none no.

Randy Blanks presented the Court a resolution concerning the construction of a boat ramp facility on the Neches River at the crossing of U.S. Highway 69. The County would be entering into an agreement with the Texas Parks and Wildlife Department whereby the State would fund \$73,500 of the project and the County would provide \$24,500 of in-kind services. A motion was made by **Commissioner Graham** and seconded by **Commissioner Barnes** to adopt the resolution as presented. All voted yes and none no. SEE ATTACHED RESOLUTION.

Judge Wheat presented a request from MHMR for a contribution of \$7,609.00 to help sponsor MHMR services for local citizens. The County Auditor responded that this amount had been adopted in the upcoming budget. No action was taken. SEE ATTACHED LETTER.

**Commissioner Jordan** made a motion to set a speed limit of 25mph within the residential area on the South end of **Charity Branch Road**. The motion was seconded by **Commissioner Graham**. All voted yes and none no.

A motion was made by **Commissioner Graham** and seconded by **Commissioner Barnes** to approve the request of Judge Earl Stover setting the salary of the Court Reporter at \$750.00 per month, if his budget can be amended to take care of it. All voted yes and none no. **Commissioner Jordan** added that it was unfair to give a raise to employees out of the County when the Court was unable to give a raise to the County employees. He stated that work was in progress to get the legislature to change this situation. SEE ATTACHED LETTER.

A motion was made by **Commissioner Jordan** and seconded by **Commissioner Graham** to accept the appointment of **Jacqueline Skinner** as Assistant County Auditor as presented by County Auditor, **Janie Dubose**. All voted yes and none no. **Commissioner Jordan** inquired of the salary for this position. Ms. DuBose responded that the FY89 budget did provide for an increase in salary. **Commissioner Jordan** stated that he was against this increase in the budget and apologized that he had voted to adopt same and would rescind his motion to adopt it if possible.

SEE ATTACHED APPOINTMENT.

The Court considered the budget submitted by the Tyler County Tax Appraisal District. Judge Wheat stated that they had reduced their budget by \$36,000.00. Donece Gregory reported that the majority of the salary increases requested had been cut. The County Auditor stated that the County's prorated share would be \$83,336.00 compared to \$77,000.00 from last year. Ms. Gregory explained that this was derived according to taxes collected by the entities. Commissioner Jordan was concerned about the salary increases. Ms. Gregory responded that she had proposed that the salaries stay the same as had been approved by the previous Board last year. A motion was made by Commissioner Conner and seconded by Commissioner Jordan to defer action until 1:00 P.M. All voted yes and none no. SEE ATTACHED PROPOSED BUDGET

COURT RECESSED at 12:00 P.M. until 1:00 P.M.

COURT BACK IN SESSION:

Victor Cain with the Texas Department of Health made the Court aware of new regulations for the sanitary landfills. All burning would have to be stopped September 1, 1989. Every site will have to have a daily cover. Soil test will have to be made when a location is dug, with possible pvc lining for the location. The sites must also have controlled access.

A motion was made by Commissioner Jordan to disapprove the budget of the Tyler County Tax Appraisal District. Commissioner Graham seconded this motion. All voted yes and none no. SEE ATTACHED BUDGET.

A motion was made by Commissioner Barnes and seconded by Commissioner Conner to approve the canvass of the November General Election results with two corrections: Rob Lewis receiving 1 vote and Proposition #1 - Against 8 votes. All voted yes and none no.

Item #9- Approve budget amendment to FY88 budget was deleted due to report from the County Auditor that this had been taken care of in a previous meeting.

A motion was made by Commissioner Barnes and seconded by Commissioner Jordan to accept the monthly report of the County Extension Department. All voted yes and none no. SEE ATTACHED REPORT.

The monthly report of the Probation Department was accepted by motion of Commissioner Jordan and seconded by Commissioner Barnes. All voted yes and none no. SEE ATTACHED REPORT.

The monthly report of the Justice of Peace, #1 was accepted by motion from Commissioner Conner. The motion was seconded by Commissioner Graham. All voted yes and none no. SEE ATTACHED REPORT.

A motion was made by Commissioner Barnes to approve the monthly report of the County Auditor. The motion was seconded by Commissioner Conner. All voted yes and none no. SEE ATTACHED STATEMENT OF CONDITION.

Commissioner Conner made a motion to approve the County Treasurer's Monthly Report. The motion was seconded by Commissioner Barnes. All voted yes and none no. SEE ATTACHED REPORT.

Commissioner Jordan made a motion to approve the allowances and accounts payable as submitted by the County Auditor. Commissioner Graham seconded this motion. All voted yes and none no. SEE ATTACHED LEDGER DISTRIBUTION REGISTER.

Judge Wheat reported that County Judge-Elect, Jerome Owens had attended a County Judges seminar and asked that Mr. Owens be re-imbursed for his expenses. Commissioner Barnes wanted to make sure it was legal for the County to pay this expense. The County Auditor stated that the County Judge had used his travel funds to transfer to his secretary's salary. No action was taken.

Judge Wheat advised the Court that he would be in Austin, Texas on Friday, November 18, 1988.

A motion was made by Commissioner Jordan and seconded by Commissioner Barnes to hold a public hearing on November 28, 1988 at 10:00 A.M., on a proposal to increase total tax revenues from properties on the tax roll in 1987 by 36.11%. Commissioner Jordan and Commissioner Barnes voted yes. Commissioner Graham and Commissioner Conner voted no. Judge Wheat broke the tie by voting yes. Judge Wheat inquired if the Commissioners wanted to continue to have budget workshops and revise the adopted budget. Commissioner Conner stated that due to the fact that two Commissioners had already cut their budgets and the Court had cut in other places, he would reconsider and vote in favor. Commissioner Graham stated that under conditions that nothing else is added to the 1989 budget, he would reconsider and vote yes. SEE ATTACHED NOTICE.

A motion was made by Commissioner Graham and seconded by Commissioner Conner to hold a public hearing on November 28, 1988 at 10:00 A.M., on a proposal to increase total tax revenues from properties on the tax roll in 1987 by 46% for the Tyler County Hospital District. All voted yes and none no. Judge Wheat also voted yes. SEE ATTACHED NOTICE.

A motion was made by Commissioner Barnes and seconded by Commissioner Graham to adjourn the meeting. All voted yes and none no.

THERE BEING NO FURTHER BUSINESS, THE MEETING ADJOURNED.

SIGNED: *Josiah Wheat* 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. #4  
 ATTEST: *Donece Gregory* Donece Gregory, County Clerk

