

NO. _____ TIME 4:00 P

FEB 17 1989

TYLER COUNTY COMMISSIONER'S COURT
 REGULAR MEETING
 FEBRUARY 13, 1989 --- 9:00 A.M.

DONECE GREGORY, COUNTY CLERK
 TYLER COUNTY, TEXAS
DA

THE STATE OF TEXAS §

COUNTY OF TYLER §

ON THIS THE 13th day of February, A.D. 1989

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:

JEROME OWENS	COUNTY JUDGE, Presiding
MAXIE L. RILEY	COMMISSIONER, PCT. #1
A.M. BARNES	COMMISSIONER, PCT. #2
JERRY MAHAN	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 LISS	COUNTY AUDITOR
JEAN PHILLIPS	COUNTY TREASURER
BETTY MCBRYDE	JUVENILE PROBATION OFFICER

Judge Owens opened the meeting for the purpose of holding a public hearing to consider the petition to create a Tyler County Rural Fire Prevention District #2. Charlie Rogers summarized the points for creating the Fire District. Mr. Rogers stated that their main purpose was to provide their fire department with a financial background in order to form a budget. Judge Owens asked Mr. Rogers to file an amended petition in order to make the legal description of the proposed boundaries more clear. Mr. Carl Muller identified the expenses of the fire department. Mr. Earl Smith was present to speak about the equipment the department owned and the equipment further needed. Mrs. Daisy Crowell was concerned that she lived so far in the woods on Seneca Road that they would not benefit from the fire department. Mr. E.O. Hill representing Seneca Water Supply, inquired if their trucks had a line to keep from collapsing the water lines. Lewis Rigsby and Jane Youngblood were present to speak in favor of creating the district. Commissioner Riley stating that he had all respect for volunteer fire departments, made the motion to call an election to ascertain whether the majority wanted to create this district and the levy of a tax not to exceed three cents (3¢) per one hundred dollar valuation and further that the election be held April 8, 1989 at the Hillister Baptist Church with Sam Read serving as the election judge. Commissioner Barnes seconded this motion. All voted yes and none no. SEE ATTACHED LIST OF PERSONS PRESENT. SEE ATTACHED ORDER FOR ELECTION.

A motion was made by Commissioner Jordan and seconded by Commissioner Barnes to adjourn the public hearing. All voted yes and none no.

The regular session of the Commissioner's Court opened with prayer by Rev. David Nugent of the First Baptist Church in Spurger, Texas.

A motion was made by Commissioner Riley and seconded by Commissioner Mahan to approve the monthly report of the County Treasurer. All voted yes and none no. SEE ATTACHED REPORT.

Commissioner Barnes made a motion to accept the monthly report of the Probation Department. Commissioner Jordan seconded this motion. All voted yes and none no. SEE ATTACHED REPORT.

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

A motion was made by Commissioner Riley and seconded by Commissioner Jordan to accept the monthly report from the J.P.#1. All voted yes and none no. SEE ATTACHED REPORT.

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

Commissioner Barnes made a motion to approve the allowances and accounts payable as submitted by the County Auditor. The motion was seconded by Commissioner Riley. All voted yes and none no. SEE ATTACHED GENERAL LEDGER DISTRIBUTION REGISTER.

James Allison, attorney at law, explained the provisions of a lease agreement between the Tyler County Veterans of Foreign Wars and the Commissioner's Court. He further stated that the lease had previously been approved by the Veterans of Foreign Affairs and David Waxman, grant administrator. Some of the main provisions that the VFW specified was that the building be used for the sole purposes of human resource uses and not County offices; that the VFW be allowed to hold their meetings without charge; and that they be considered in the naming of the building. Judge Owens advised that he wanted a provision in the lease that the VFW would give notice to future Commissioner's Courts that the lease will be terminated in case the building is not used for 6 months. A motion was made by Commissioner Riley and seconded by Commissioner Mahan to authorize the approval of the lease subject to such revisions as necessary to cover the point previously mentioned; that Mr. Allison feels it is covered and the County is protected; and that the County Judge be authorized to execute the lease without any modifications. Commissioner Mahan questioned the County maintaining an insurance policy. Mr. Allison responded that the sub-leasees will be responsible for insurance. All voted yes and none no. SEE ATTACHED LEASE.

The Court discussed a letter they had received from Iris Whigham concerning the Tyler County Human Services Building with Larry Lasiter, engineer for the project. Mr. Lasiter responded to the Court concerning her request. David Waxman, grant administrator, explained a calendar for the project completion and that the approval of the plans presented today was of utmost importance in order to meet the calendar deadline of completion being December 1989. Judge Josiah Wheat further explained the need for this facility. He expressed his appreciation for the gift from Temple Foundation to Tyler County to make this project possible. Judge Owens asked Mr. Lasiter for assurance that he had met with all the agencies involved that would be assigned to this building to discuss their individual needs and had formulated all those needs as best as he could. Mr. Lasiter responded that compromises had to be made to try to meet needs of all the agencies. A motion was made by Commissioner Mahan and seconded by Commissioner Jordan to approve the plans submitted by Larry Lasiter for the construction of the Tyler County Human Services Center. All voted yes and none no. SEE ATTACHED PLANS.

Commissioner Mahan made a motion to approve the deputation of Sharon Fuller as part-time employee for the District Clerk's office. The motion was seconded by Commissioner Barnes. All voted yes and none no. SEE ATTACHED DEPUTATION.

George Kimball, chairman of the road committee for Ivanhoe Property Owners Association, requested the Court to approve the Commissioner of Pct.#1 to assist in the maintenance of the roads that are traveled by the school busses and mail routes. He reported that the residents of Ivanhoe paid 26% of the budget of Precinct #1 and felt that they were not receiving equal representation. He also requested the Court to instruct Mr. Hardy to seek an Attorney General Opinion on behalf of the Ivanhoe Property Owners as to the specific situation. Judge Owens replied that further study would need to be made to determine the legality if the Court is allowed to maintain the roads in this subdivision. Tony Riscoe expressed that Ivanhoe should be entitled to funds from the County Budget since the residents paid County taxes. Pat Hardy responded to Mr. Kimball's request with AG Opinion JM-200 and JM-334. Commissioner Riley stated that

if it was determined that the County could maintain the roads, that there were specifications the roads would have to meet before the County could accept them. Much discussion was had, however no motions were made. SEE ATTACHED AG OPINIONS.

A motion was made by Commissioner Riley and seconded by Commissioner Barnes to approve the members to the Tyler County Children's Services Board as submitted by Elaine Clow being: Elaine Clow, president; Derinda Brown, treasurer; Jane Silvey, secretary; Jim McWilliams, vice-president; Beverly Brown; Joe Shepherd; Tina McCulley. All voted yes and none no. SEE ATTACHED.

Approval of a contract with the City of Colmesneil was tabled until Friday, February 17, 1989.

Pat Hardy, Criminal District Attorney, requested back pay that he should have received according to the provision in 46.002 of the Government Code. He stated that this was an oversight and that he should be getting the full amount that the district judge receives. Judge Owens assessed that the statute was clear and felt that the Court could not justify a dispute or law suit over \$1260.00. The County Auditor made the Court aware that a budget amendment would need to be made and approved. After discussion, a motion was made by Commissioner Mahan to approve to pay the lump-sum salary supplement to Pat Hardy of \$1260.00 with necessary salary fringe benefits with the stipulation that a budget amendment be submitted and approved by the Court on Friday. Commissioner Riley seconded this motion. All voted yes and none no.

Judge Owens reported that the elevator contract would be increasing by 33% and that he had corresponded with the holder questioning this increase. Commissioner Mahan added that he had contacted other Counties as to the fees they paid for this service. A motion was made by Commissioner Riley to table the elevator contract issue until Friday, in order to solicit bids for elevator services. Commissioner Barnes seconded this motion. All voted yes and none no.

Dr. Steve Hays gave a report to the Court on the improvements and number of visitors to the Kirby Museum. He made a request that they be allowed to install central heat and air in the museum. He further added that according to the original agreement with the Court that Camp Taku-la would assume the financial burdens above the monthly allotment. A motion was made by Commissioner Barnes and seconded by Commissioner Riley to approve the request to install air-conditioning in the Kirby Museum at Camp Taku-la's expense. All voted yes and none no. Dr. Hays also spoke with the Court on moving the John Henry Kirby artifacts to the John Henry Kirby Homestead. The Commissioners instructed him to make a request to the Court for permission before removal of the records.

Betty McBryde, Juvenile Probation Officer, reported to the Court that the County Auditor had allowed some of her office space to be used for the juvenile office until such time as other space is available. Mrs. McBryde stated that a telephone line was needed to be able to use that space and also a heater would be needed. A motion was made by Commissioner Riley and seconded by Commissioner Mahan to approve an expenditure not to exceed \$150.00 for the extension telephone line service for the juvenile office. All voted yes and none no.

The Sheriff's department made a request for rotary filing cabinet units. The County Auditor stated that other departments may need cabinets, and it would be more feasible to order in quantity. A motion was made by Commissioner Riley and seconded by Commissioner Barnes to have the Auditor make a survey of other offices to see if they will need cabinets and this matter will be considered on Friday. All voted yes and none no.

A motion was made by Commissioner Mahan and seconded by Commissioner Jordan to accept the contract with the City of Colmesneil, subject to their approval, of agreement that Commissioner of Precinct#3 will assist working the streets of the City of Colmesneil. Pat Hardy authored the agreement form. All voted yes and none no. SEE ATTACHED AGREEMENT.

Commissioner Mahan made a motion to approve the payment for carpet installed in the Commissioner's office in the amount approximately of \$590.00 and \$70.00 for contract labor to remove heating units from that office; and that the County Judge make a survey of cost for carpet for his office. Commissioner Riley seconded this motion. All voted yes and none no.

A motion was made by Commissioner Mahan and seconded by Commissioner Jordan to solicit bids for an air conditioning and heating system for the County Judge's office. All voted yes and none no.

A motion was made by Commissioner Barnes and seconded by Commissioner Jordan that the meeting adjourn. All voted yes.

THERE BEING NO FURTHER BUSINESS, THE MEETING ADJOURNED ...12:30 P.M.

SIGNED: *Jerome Owens* Jerome Owens, County Judge
Maxie L. Riley Maxie L. Riley, Comm. Pct. #1
A.M. Barnes A.M. Barnes, Comm. Pct. #2
Jerry Mahan Jerry Mahan, Comm. Pct. #3
James R. Jordan James R. Jordan, Comm. Pct. #4
 ATTEST: *Donece Gregory* Donece Gregory, County Clerk

