

TYLER COUNTY COMMISSIONERS' COURT
REGULAR MEETING
APRIL 13, 1992 --- 10:00 A.M.

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THE STATE OF TEXAS

COUNTY OF TYLER ON THIS THE 13th DAY OF APRIL, 1992
the Commissioners' Court in and for Tyler County, Texas convened in
a Regular Meeting at the Commissioners' 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
HENRY EARL SAWYER	COMMISSIONER, PCT.#4
DONECE GREGORY	COUNTY CLERK, Ex-Officio

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

JOYCE MOORE	COUNTY AUDITOR
JAMES CLARK	CRIMINAL DISTRICT ATTORNEY

The benediction was delivered by Frank Walker.

A motion was made by Commissioner Riley to approve the minutes
of January 13 and 17, 1992 and February 10, 1992. The motion was
seconded by Commissioner Mahan. All voted yes and none no.

Commissioner Riley made a motion to approve the
County Treasurer's monthly report as submitted by Jean Phillips.
The motion was seconded by Commissioner Barnes. All voted yes and
none no. SEE ATTACHED REPORT.

A motion was made by Commissioner Riley to accept the monthly
report of the Adult Probation Department as filed, the Juvenile
report was not available. The motion was seconded by Commissioner
Sawyer. All voted yes and none no. SEE ATTACHED REPORT.

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

A motion was made by Commissioner Mahan to approve the monthly
reports of the County Extension Department as filed by
Sherry Jeans and Matt Bochet. The motion was seconded by
Commissioner Riley. All voted yes and none no. SEE ATTACHED
REPORT.

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

Commissioner Mahan made the motion to approve the allowances and
accounts payable from the County Auditor's Office as submitted.
Commissioner Sawyer seconded the motion. All voted yes and none
no. SEE ATTACHED GENERAL LEDGER DISTRIBUTION REGISTER AND ACCOUNTS
PAYABLE PAID.

After bids were opened and read aloud by the County Clerk to sell
the 1978 GMC truck from Pct. #4, a motion was made by
Commissioner Sawyer and seconded by Commissioner Riley to accept
the bid from Michael Adams in the amount of \$510. All voted yes
and none no. SEE ATTACHED BIDS

Ron Foster with the Southeast Texas Task Force reported the
highlights and success of the Task Force in Tyler County.
Commissioner Mahan asked about seized property and if any had been

turned over to the County. He also stated that Sheriff Holzafel proposed that the County would not have to contribute funds, or very little, in future years. In answer, Mr. Foster stated there were not a lot of seizures but everything seized goes back into the program and he had a check for Sheriff Hennigan in the amount of \$325 for a pick up truck. Some matching funds will be returned because they were not used. Judge Owens stated that they would like to see all the seized money from the five county area go to pay off obligations to the State. This item was deferred to later in the meeting to give Sheriff Hennigan time to present a formal resolution for adoption.

Sandra Harrison, County Tax Assessor, made recommendations to the Court for the 1992 tax exemptions: to keep the same exemptions as in the past which is 20% optional homestead, \$3,000 State mandate, \$11,400 for over 65 and a \$5,000 exemption for the disabled. A motion was then made by Commissioner Riley to keep the same exemptions with the additional addition of a \$5,000 exemption for the disabled. The motion was seconded by Commissioner Mahan. All voted yes and none no.

Commissioner Riley made a motion to accept the road in Pct. #1, also known as Kirkpatrick road, as a county road which is located off of Highway 69 West and off of McClure Road. Commissioner Mahan seconded the motion. All voted yes and none no.

SEE ATTACHED EASEMENT.

COURT RECESSED FOR 10 MINUTES.

COURT IN SESSION:

After conferring with Sheriff Hennigan and upon hearing a complaint from Mr. Tucker, a motion was made by Commissioner Riley to table the item for the consideration of an arrangement for compensation to a stockman, animal control and trash violations officer until Thursday, April 16 for further study. The motion was seconded by Commissioner Mahan. All voted yes and none no.

Commissioner Mahan made a motion to extend for an additional seven day period an emergency order designating Tyler County a disaster area. Commissioner Sawyer seconded the motion. All voted yes and none no.

After Judge Owens read a Resolution for membership in the Southeast Texas Task Force, a motion was made by Commissioner Mahan and seconded by Commissioner Barnes to adopt the resolution. All voted yes and none no. A motion was then made by Commissioner Mahan to authorize and approve the County Judge to sign the Agreement. Commissioner Riley seconded the motion. All voted yes and none no. SEE ATTACHED RESOLUTION.

Commissioner Mahan made a motion to advertise for bids to buy two patrol cars for the Sheriff's department. Commissioner Sawyer seconded the motion. All voted yes and none no. SEE ATTACHED NOTICE TO BIDDERS.

A motion was made by Commissioner Riley to advertise for bids to sell one used patrol car from the Sheriff's department. The motion was seconded by Commissioner Mahan. All voted yes and none no. SEE ATTACHED NOTICE TO BIDDERS.

Commissioner Barnes made a motion to approve the renewal of liability insurance for the Tyler County Airport. Commissioner Mahan seconded the motion. All voted yes and none no. SEE ATTACHED STATEMENT.

W.W. Devine addressed the Court concerning the National Association of Counties deferred compensation plan. This is a benefit for elected officials and county employees, which is a tax shelter similar to an IRA and 193 counties in the State participate in the plan. There is no charge to the County but there is a \$12

per year charge to participants. This is a fixed account investment and it guarantees the principle and interest on an annual basis currently paying 7.8% interest. There are no taxes paid until it is withdrawn. This plan is a forced savings account because withdrawals are restricted. A maximum input into the plan is 25% of a salary up to the amount of \$7,500 per year. After discussion a motion was made by Commissioner Mahan and seconded by Commissioner Barnes to table this item until they had conferred with the County Treasurer as to the space on the computer. All voted yes and none no. This item will be placed on the agenda for April 16.

Judge Owens made a motion to appoint the County Auditor, Joyce Moore as the American Disability Act (ADA) Program Director which is necessary to handle disability actions and to make reports for making County in compliance with handicap acts. Commissioner Riley seconded the motion. All voted yes and no.

A motion was made by Commissioner Sawyer to approve the bond for Dennis Smith, Fire District #1. The motion was seconded by Commissioner Mahan. All voted yes and none no. SEE ATTACHED BOND.

John Yearwood, Emergency Management Coordinator, updated the Court concerning the 911 mapping. Mr. Yearwood presented a preliminary map which will be grid coordinated with the Texas Forest Service.

Mrs. Velma Arable spoke to the Court concerning a culvert across a county road in Prect. #3, head acres, town bluff. She explained that on February 11, 1992, a culvert was installed across a county road so that water could drain away from a neighbor. As a result, three neighbors have been flooded because of the culvert and she is requesting the removal of the culvert. Commissioner Mahan said that he would cut the road back to the original grade and remove the culvert and allow the water to flow naturally across the road.

Milton Odom made a plea to the Court to solve a maintenance problem on a county road in Prect. #4 in Odomville being halted by an uncle. He presented pictures for evidence.

Commissioner Mahan had to leave the meeting.

Mr. Odom continued that the road was repeatedly obstructed with private equipment, portable fencing, etc. making hazardous travel. He also reported that a ditch the County had cut had been filled up and at least 10 loads of iron ore were brought in by the County had been transferred to private property. Mr. Odom vented that it was wrong in "scales of justice" to maintain one side of the road and not the other. He admitted that this problem did involve a family feud; however, he felt the County had the right to travel and maintain the road. Mr. Odom recommended that the fence and trees be put back on his uncle's property and not on the public roads.

Mr. Clark spoke defining the difference in a public road and a county road.

Mr. Kenneth Odom stated that the poles Commissioner Sawyer had requested be removed, were not. He reiterated that private equipment on the road had nearly caused accidents. He presented pictures of mud holes and dirt he replaced which the County had dispensed. He reported that many threats had been made. "Public roads should be controlled by the County or by the public and not by only one person."

Judge Owens expressed the Odom family was highly respected in the County and that every family had its disagreements. The County had made several attempts to solve this matter, however it evidently was not the relief sought by Kenneth and Milton Odom. The County has the authority to maintain its roads. Judge Owens concluded a resolution for Commissioner Sawyer and Sheriff Hennigan to inspect

the situation and determine what can be resolved and report back to the Court. Possible eminent domain proceedings was discussed.

Commissioner Riley had to leave the meeting.

Commissioner Barnes made the motion to adjourn. The motion was seconded by Commissioner Sawyer. All voted yes.

THERE BEING NO FURTHER BUSINESS, THE MEETING ADJOURNED...1:30 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

Henry Earl Sawyer Henry Earl Sawyer, Comm. Pct. #4

ATTEST: *Donece Gregory* Donece Gregory, County Clerk

