

TYLER COUNTY COMMISSIONERS COURT  
EMERGENCY MEETING  
September 29, 2005 ---- 10:00 a.m.

THE STATE OF TEXAS                      ON THIS THE 29th day of September, 2005 the  
Commissioners' Court in and for Tyler County, Texas convened in an Emergency  
Meeting at the Commissioners' Courtroom in Woodville, Texas, the following members  
of the Court present, to wit:

JEROME OWENS	COUNTY JUDGE, Presiding
MARTIN NASH	COMMISSIONER, PCT. #1
RUSTY HUGHES	COMMISSIONER, PCT. #2
JOE MARSHALL	COMMISSIONER, PCT. #3
JACK WALSTON	COMMISSIONER, PCT. #4

The following were absent: NONE thereby constituting a quorum.

The meeting was called for the general welfare and health of the county in relation to Hurricane Rita to get reports.

Forrest Archer is working on fuel problems. The biggest problem is storage capacity and mobile units to get fuel to areas. Getting generators is also a problem. Commissioner Hughes put two empty 500 gallon tanks at the Justice Center. They can be used for diesel if the Justice Center can get a generator. Mr. Archer needs to get a tank on a trailer to get fuel for generators as they come in to the water wells. Lonnie Grissom suggested employing a couple loggers to fuel the generators, because they keep smaller tanks on their work trucks. If Lonnie could get the funding from the county he felt he could get the tanks here. If the county gave the authority and let him know he could get reimbursed, Mr. Grissom can get the tanks. Judge Owens asked Mr. Archer to get with Mr. Grissom to work this out. Judge Owens told Mr. Grissom he would have to find a way of tracking and recording for FEMA reimbursement.

Commissioner Nash questioned when the food, water & ice will be scheduled for delivery. Mr. Archer said that points of distribution (PODS) were set up at Colmesneil, Woodville, Spurger and Warren at the schools. Commissioner Nash reported they were not set up at Warren. Judge Owens said that shipments had been diverted to other locations without coming through the office. Forrest said some shipments come by way of truck and some by helicopter. Commissioner Nash said there needed to be a time schedule so that people will know when it will be available. Judge Owens felt it would get better; the National Guard is now handling this distribution. Forrest suggested getting a small generator for the radio station so that the public can get information about distributions.

A Baptist group from California will be serving meals at First Baptist Church in Woodville at 5:00pm and prepared to feed 2000 at a time. Judge Owens ask if they had the capability to deliver the meals since citizens could not get gasoline to get to the church. Commissioner Marshall reported that the Game Wardens had been doing a fantastic job going house to house getting water to citizens. A lot of good people had been volunteering or "the county would not be half of where we are right now."

Judge Owens informed Mr. Horn that he had been advised from the "Beaumont command office" to not go forward with the contract in the form that it was. Also, the local loggers wanted to be involved in the clean up since they had been out of work. Judge Owens stated he would like for the local people to have an opportunity to be involved in the clean up. Mr. Horn responded that he would use as many local people as possible and he was very familiar with the guidelines required by FEMA.

Judge Owens made it clear that the contractors would receive what FEMA pays only. The county does not have revenues to pay contractors for the cleanup and not get reimbursed by FEMA. The Texas Forest Service has volunteers that are helping to cut openings. The Road & Bridge crews are working diligently to get the roads open and passable.

Someone inquired about expected date to get electricity and water back at the county airport (for the business there). Commissioner Hughes stated he would try to get the busted water line repaired tomorrow. Commissioner Marshall warned he could get flat tires due to the hanger setting in the road.

Hopefully the hospital will get electricity tomorrow and to the courthouse in a few days. No garbage disposal at the collection center until it receives electricity. Steven Shepherd, landman, was inquiring about when the county clerk's office would be reopened. Amarado and Anadarko oil companies are supposed to be getting a generator so that the county clerk's office can be open. Commissioner Marshall said they needed to be sure that it was the right size for the liability and fire protection of the courthouse. Judge Owens said they were looking to get a 130KW generator for the courthouse; also, one for the county jail.

Commissioner Marshall suggested another meeting be held tomorrow, Monday or Tuesday in order that the Criminal District Attorney can look over proposed documents for debris cleanup.

The County Treasurer's office is working with Netdata to get payroll checks processed. Netdata will process a regular 40 hour workweek and Mrs. Fuller will be going to Rusk, Tx. to pick them up. The overtime will have to be added to the next payroll, when the computers are back up in the courthouse.

Commissioner Marshall motioned to recess the meeting until Monday, October 3<sup>rd</sup> at 10:00a.m. in order to get the District Attorney to look over documents for debris clean-up. Commissioner Hughes seconded the motion. All voted yes and none no.

Court recessed at 10:30 a.m. and will reconvene on October 3<sup>rd</sup> for the District Attorney to attend the meeting.

COURT BACK IN SESSION, October 3<sup>rd</sup>, 2005 at 10:00 a.m.:  
The following members of the Court present, to wit:

JEROME OWENS	COUNTY JUDGE, Presiding
MARTIN NASH	COMMISSIONER, PCT. #1
RUSTY HUGHES	COMMISSIONER, PCT. #2
JOE MARSHALL	COMMISSIONER, PCT. #3
JACK WALSTON	COMMISSIONER, PCT. #4
DONECE GREGORY	COUNTY CLERK, Ex-Officio

Mayor Cooley requested that who ever the cleanup crew for the County is going to be that the City of Woodville be included. She stated the City will pay their prorated share. Mayor Cooley expressed, "The crew should not have to stop at the City of Woodville city limits sign". Judge Owens ask Commissioner Marshall and Commissioner Hughes to check with the City of Colmesneil and City of Chester to see if they want to do the "same deal". Judge Owens felt "inter-local agreements" were already in place and would probably be sufficient for this emergency also.

The following were in attendance for purpose of debris removal:

Lonnie Grissom – North American Procurement Co.

Mr. Kellenger, representing himself

Larry Horn - Bronco

Don Bahouth - DRC Emergency Services, Mobile, Alabama

Garret Shores - Three Brush Construction, Waco, Tx

Later in the meeting, the following arrived:

SRB Enterprises

Stewart Frizzell

Commissioner Nash wanted to discuss what the court needed to do about the citizens needing to get rid of their debris. Commissioner Marshall opened up a place for people in his area to dump their limbs; however, because they were dumping household garbage he had to shut it down. Also dumping was at the gates at the collection center. Commissioner Walston was expecting a generator today for the collection center. Need to get security at the landfills.

The court discussed the following:

- Whoever gets the debris removal contract, the contractor needs to establish a liaison office where members of the community can go and get their yards clean up at a fair price. This will be separate and apart from the FEMA contract. Don't want to hear more about price "gouging". Judge Owens wants a rate published for landowners cleanup of trees.
- All charges be under FEMA authorization
- County will not be liable
- County can not do cleanup for private homes

A motion was made by **Commissioner Nash** and seconded by **Commissioner Marshall** to include the City of Woodville in the "clean up" contract. All voted yes and none no.

Eddie Chalmers, Chief Appraiser, reported the Appraisal District would be mailing out a "Report of Decreased Value" concerning property damaged by the hurricane, such as homes and commercial property. He would be meeting with the State Comptroller's office on Wednesday.

Mayor Cooley stated that a representative from Entergy had surveyed the area from a helicopter and projected the city to have electricity by the end of the week.

COURT RECESSED UNTIL 11:00 a.m.  
COURT BACK IN SESSION:

Criminal District Attorney, Joe Smith, present at the meeting.

Judge Owens gave the groups represented an opportunity to state the services they provide.

David Kelley would like to help get the roads open.

DRC Emergency Services, LLC stated they were very familiar with "reimbursement dollars". They would take care of ticketing cost separate for the City and the County.

Commissioner Nash ask about time periods to get "up and running". The answer he got was a 24 hour push, 36 hours to get the trucks in service.

Lonnie Grissom with NAPCO stated he can have trucks going in 36 hours which is a priority for the local people and local businesses.

Joe Smith advised the county could cancel a contract in 24 hours. Who ever gets the contract should allow local loggers first priority.

An estimate was given of moving 30,000 cubic yards a day.

Judge Owens having declared a state of emergency and the Governor having declared a state of emergency, **Commissioner Marshall** motioned that in the interest of public safety to suspend all RFP procedures; and, to enter into contract with NAPCO to cover all debris removal; and that they begin work immediately. The motion was seconded by **Commissioner Nash**. All voted yes and none no.

The District Attorney stated he wants a contract presented as quickly as possible and "FEMA will need to bless it."

COURT RECESSED UNTIL 12:00 pm.

COURT BACK IN SESSION:

**Commissioner Nash** motioned that upon the advise of the County's attorney, to use NAPCO if they can meet the requirements; and, to authorize the County Judge to execute the contracts; and, that local people be given priority; and keep the county free and clear of liability. There is a possibility that three cities in the county will need clean-up crews. **Commissioner Marshall** seconded the motion. All voted yes and none no.

Joe Smith told Mr. Grissom that he would need a contract "in the morning".

John Paul Feeley stated he had been trying to get generators to the water supply corporations. He needs a phone line. Judge Owens approved him to get the phone line.

Lady from Whitetail Ridge reported citizens there needed to be able to get ice and water. It is 30 miles to drive into get ice and by the time they get back home it is half way melted. Judge Owens referred her to the Emergency Management Office.

The hospital is open and is certainly a vital need to the county.

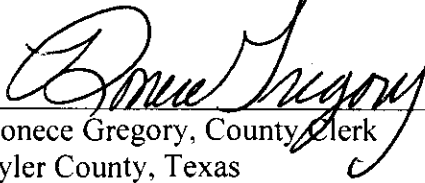
A motion was made by Commissioner Marshall that the meeting adjourn.

THERE BEING NO FURTHER BUSINESS, THE MEETING ADJOURNED....12:15 a.m.

I, Donece Gregory, County Clerk and ex officio member of the Tyler County Commissioners Court, do hereby certify to the fact that the above is a true and correct record of the Tyler County Commissioners Court session held on October 3, 2005.

Witness my hand and seal of office on this the 6th day of October, 2005.

Attest:

  
Donece Gregory, County Clerk  
Tyler County, Texas

Met 5 24 2005

Oct 3, 2005

Met from

All present

+ Myra Coles

331 on file

10:13 - DA not avail.

— May say when repairs are to be done  
incl City: City will pay their prorated share  
- can not have it stop at City of W city  
limited steps.



1. <sup>remove</sup> debris for citizens  
can be done but not done because of hold out.

2. account

May say with regard to

contract

... contract ...

wants to see a published rate for contractors

- wants to see a published rate for contractors  
- cleanup of trees

- all changes under FEMA authority

- ~~money~~ Co will not be liable

NASH  
- Mills wants know wh to put brush  
Contractor 100% of cost  
100 of labor

10:30 Revers to wait for DA

N/m to invol City of Woodville  
in cleanup contract  
Eddie Chalmy → audit - "Report of decrease value"  
will publish meet of State Compt on Wednesday

DA in Room →

David Keller, - will help to get roads  
open

Stewart Frizzell ~~with~~ "from cradle to grave" DRC Emmett Services, LLC  
Don Bahouth - very familiar w/ Reimbursement dollars  
(can do private homes cleanup) "Deposit Contract" when have cost  
work at next day  
same price as given  
\* they like out of tickets  
separate from (City)

time periods for up: 0

Wash - ? time periods for up: running

Ansu -> 24 hours push to

cut back to ROW line

36 hours to get trucks

Lonnie Juice - NABCO CAN get

CAN have trucks going in ~ 36 hours

priority for local peop : Local Business Supplies

DA Co CAN cancel contract in 24 hours

CAN use about 25%

local logger will get first priority

personnel

CAN handle paper work -

Lonnie can not fly those people in

Contact David McClintock

2 million

Don est mini \$30,000 c yards a day

Larry Horn of Bronco Disaster Relief

Just deal Em  
Gov Acc Em

m/ - public safety  
N suspend ~~All~~ RFP procedures

enter into contract w/ NARCO  
to cover all debris remove  
begin work immediately

DA wants a contract presented as quickly as possible  
& FEMA will need to bless it

Recess till 12:00 PM

Nash → app or advice of City use NARCO if  
m they can meet requirements

and Co to exe contracts - that local

keep Co free & clear of liability,

- possb ~~cancel~~ if  
3 cities to have crews

DA needs contract  
All YES

Marshall adjourn 12:15 PM