

TYLER COUNTY COMMISSIONERS COURT
SPECIAL MEETING
February 16, 2010 ---- 8:30 a.m.

SCANNED

Date: 3/8/10

THE STATE OF TEXAS ON THIS THE 16th day of February, 2010 the
Commissioners' Court in and for Tyler County, Texas convened in a Special Meeting at
the Commissioners' Courtroom in Woodville, Texas, the following members of the Court
present, to wit:

JACQUES L. BLANCHETTE
RUSTY HUGHES
MIKE MARSHALL
DONECE GREGORY

COUNTY JUDGE, presiding
COMMISSIONER, PCT. #2
COMMISSIONER, PCT. #3
COUNTY CLERK, Ex-Officio

The following were absent: Commissioner Nash and Commissioner Walston thereby
constituting a quorum. In addition to the above were: None

A motion was made by **Commissioner Marshall** and seconded by **Commissioner
Hughes** to adopt the resolution supporting DETCOG's requesting an amendment and/or
revision of the inequity in the rules defining low and moderate income for DETCOG
counties. All voted yes and none no. SEE ATTACHED RESOLUTION.

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

THERE BEING NO FURTHER BUSINESS, THE MEETING ADJOURNED: 8:35 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 February 16, 2010.

Witness my hand and seal of office on this the 5th day of March, 2010.

Attest:





TYLER COUNTY COMMISSIONERS COURT

County Courthouse, Room 101 / Woodville, Texas

Tuesday
February 16, 2010
8:30 AM

Martin Nash
Commissioner, Pct. 1

Rusty Hughes
Commissioner, Pct. 2

Jacques L. Blanchette
County Judge

Mike Marshall
Commissioner, Pct. 3

Jack Walston
Commissioner, Pct. 4

STATE OF TEXAS

§

RESOLUTION

COUNTY OF TYLER

§

Resolution Requesting Adjustments or Revisions of Rules Defining Low- and Moderate-Income & Mitigation Project Waivers In Tyler County and Other Hurricane Ike Disaster Counties in the DETCOG Region

WHEREAS, the Federal Government to date has allocated more than 3 billion dollars to aid in disaster recovery efforts in Texas related to Hurricanes Ike and Dolly under Public Law 110-329, the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act; and

WHEREAS, the State of Texas, with input from Tyler County and other local governments, has developed a Plan For Disaster Recovery, which allocates these funds in a fair and equitable manner to benefit victims throughout the affected area; and

WHEREAS, the Deep East Texas Council of Governments (DETCOG) and its member Counties, Cities, Indian Tribe, and other units of local government have played an active part in this process to ensure that the disaster recovery funding is utilized in a fair and efficient manner; and

WHEREAS, under a waiver granted by the U.S. Department of Housing and Urban Development (HUD), 50 percent of the aggregate of funds under this program must be used for support of activities producing benefit to low- and moderate-income (LMI) persons; and

WHEREAS, Tyler County supports the utilization of these funds in accordance with the LMI national objective; however, there is an inequity in the rules defining LMI which has the unintended effect of penalizing the citizens of Tyler County and other Counties with low median household incomes; and

WHEREAS, under the current rules, projects in Tyler County which would benefit persons living in households with an average annual household income of \$29,808 would not qualify under the LMI rules because they would be compared to the average household income in the County. At the same time, persons living in other Counties which are located within the Houston Metropolitan Statistical Area (MSA) would qualify under the same rules even if they had an average household income of more than \$44,000 per year, because their income would be compared to the average income of the MSA (\$44,761); and

WHEREAS, the statistics presented in Attachment A (2000 Census Bureau Data) and Attachment B (2007 Census Bureau Estimates) to this Resolution underscore the fact that all 12 of the Deep East Texas Counties are in fact low-income Counties and should be recognized as such by HUD for the purposes of this program;

WHEREAS, Tyler County is a county that has been affected by two major hurricanes, Hurricane Rita in 2005 and Hurricane Ike in 2008, both of which were devastating to the citizens and communities in this jurisdiction and the region as a whole.

WHEREAS, Tyler County is faced with a two-fold obligation. First, as an evacuation route that has been designated by the State of Texas for coastal counties in this region, this jurisdiction is tasked during the imminent threat of a hurricane to facilitate the safe and efficient evacuation of literally hundreds of thousands of Texas citizens from Jefferson, Orange, Hardin, Newton, Chambers and Harris Counties, along with many citizens of western Louisiana as they travel through Tyler County seeking shelter.

WHEREAS, Tyler County's second obligation is that upon completion of the safe evacuation of the coastal counties in the Southeast Texas region, Tyler County must also evacuate its own population in an effort to quickly get our people to safety with a much shorter response timeframe before a hurricane makes landfall.

WHEREAS, Tyler County, like its neighboring counties, must activate emergency response plans in an effort to conduct these evacuations, maintain communication and public order during the landfall of a hurricane, and initiate the sometimes nearly overwhelming tasks of search and rescue operations, damage assessments, medical support, providing for and coordinating point of distribution sites to make essential life sustaining food, supplies and services available to the population, reestablishing infrastructure, and facilitating the restoration of utility services to the general public within our jurisdiction.

WHEREAS, Tyler County must also facilitate the repatriation of not only its own population, but also the hundreds of thousands of citizens who evacuated days or weeks earlier as they proceed to their home jurisdictions.

WHEREAS, in order to conduct these essential tasks in a safe, efficient and timely manner, Tyler County has identified several mitigation projects that would enable our jurisdiction to properly serve not only the population within Tyler County, but both the entire Southeast Texas and Deep East Texas regions as a whole. These projects would enable Tyler County to provide services that are a direct benefit to every citizen in these two regions, especially those in the low to middle income categories who are often identified as being in the most need of assistance during times of disaster.

WHEREAS, after the landfall of Hurricane Katrina in New Orleans, Louisiana, in 2005, many mitigation projects were identified as being eligible and funded during the subsequent rounds of disaster relief funding to the many affected jurisdictions in that region, which provided a direct benefit to the safety and well-being of those devastated by Hurricane Katrina, and provided a means of protecting them from disaster events in the future.

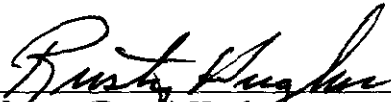
WHEREAS, the completion, and subsequent maintenance and operation, of eligible mitigation projects will also provide much needed jobs, and stimulate the economy in a region that has been hard hit by the effects of the recession, and compounded by the economic devastation created by the landfall of two major hurricanes within a three-year period in the Southeast Texas and Deep East Texas area.

NOW THEREFORE, BE IT RESOLVED, that the Commissioners Court of Tyler County, Texas, requests the U.S. Department of Housing and Urban Development and the Texas Department of Rural Affairs to recognize the fact that Tyler County and all 12 of the Deep East Texas Counties are in fact low-income Counties and have a direct need for flexibility in determining eligible projects to include mitigation projects that allow for the preservation of life and property for the citizens of Texas, and take the following actions:


- (1) grant a waiver to correct this inequity so that the citizens of Tyler County and Deep East Texas are treated fairly and equitably; and
- (2) Amend or revise the LMI rules to allow for household income to be compared to the state average, the average for all counties within the designated disaster area, or the average income of the nearest MSA within the designated disaster area.
- (3) Amend or revise the eligible project rules to allow for jurisdictions to identify mitigation and disaster preparation projects which would allow us to better serve and provide for the future preservation of life and safety for the citizens of Tyler County, the DETCOG region and the State of Texas.

Adopted by a unanimous vote of the members present of the Commissioners Court of Tyler County on the 16th day of February, 2010.

Martin Nash
Commissioner, Pct. 1




James (Rusty) Hughes
Commissioner, Pct. 2

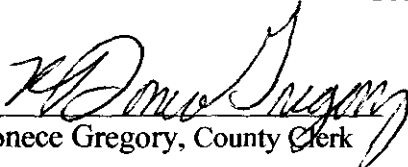


Mike Marshall
Commissioner, Pct. 3

Jack Walston
Commissioner, Pct. 4



Jacques L. Blanchette
County Judge

ATTEST: 

Donece Gregory, County Clerk

ATTACHMENT "A"

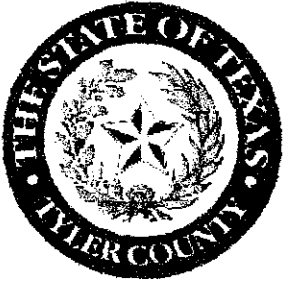
2000 Census Bureau Data – Counties in DETCOG

Jurisdiction	Median Household Income	Persons Below Poverty
United States	\$41,994	12.4 %
State of Texas	\$39,927	15.4 %
Angelina County	\$33,806	15.8 %
Houston County	\$28,119	21.0 %
Jasper County	\$30,902	15.8 %
Nacogdoches County	\$28,301	23.3 %
Newton County	\$28,500	19.1 %
Polk County	\$30,495	17.4 %
Sabine County	\$27,198	15.9 %
San Augustine County	\$27,025	21.2 %
San Jacinto County	\$32,220	18.8 %
Shelby County	\$29,112	19.4 %
Trinity County	\$27,070	17.6 %
Tyler County	\$29,808	15.8 %

ATTACHMENT "B"

2007 Census Bureau Estimates – Counties in DETCOG

Jurisdiction	Median Household Income	Persons Below Poverty
United States	\$50,233	12.5 %
State of Texas	\$47,563	16.3 %
Angelina County	\$37,953	19.3 %
Houston County	\$33,497	24.0 %
Jasper County	\$36,608	20.8 %
Nacogdoches County	\$32,774	21.1 %
Newton County	\$34,162	20.4 %
Polk County	\$37,152	17.5 %
Sabine County	\$34,555	16.1 %
San Augustine County	\$30,458	21.8 %
Shelby County	\$33,420	18.8 %
San Jacinto County	\$39,463	17.2 %
Trinity County	\$33,064	18.0 %
Tyler County	\$36,275	18.8 %



TYLER COUNTY COMMISSIONERS COURT

County Courthouse, Room 101 / Woodville, Texas

Friday
February 16, 2010
8:30 AM

MARTIN NASH
Commissioner, Pct. 1

RUSTY HUGHES
Commissioner, Pct. 2

JACQUES L. BLANCHETTE
County Judge

MIKE MARSHALL
Commissioner, Pct. 3

JACK WALSTON
Commissioner, Pct. 4

NOTICE Is hereby given that a *Special Meeting* of the Tyler County Commissioners Court will be held on the date stated above, at which time the following subjects will be discussed;

Agenda

"the wisdom to know the right thing and the courage to do it"

Judge, Marshall, Hughes present

- > **CALL TO ORDER**
 - Establish quorum

1. CONSIDER/APPROVE:

- M/H* A. **Resolution** supporting DETCOG's requesting amendment and/or revision of the inequity in the rules defining low and moderate income for DETCOG counties – *J. Blanchette*
Judge explained all yes

- > **ADJOURN** *8:35*

M/H

Jacques L. Blanchette
Jacques L. Blanchette
County Judge

I do hereby certify that the above Notice of Meeting of the Tyler County Commissioners Court is a true and correct copy of said Notice and that I posted a true and correct copy of said Notice at the Tyler County Courthouse in a place readily accessible to the general public at all times and that said Notice remained so posted continuously for at least 72 hours preceding the scheduled time of said meeting, as is required by Section 551.002 & 551.041.

Executed on February 12 2010 Time 4:00 PM

Donece Gregory, County Clerk/Ex Officio Member of Commissioners Court

By: Wanda Johnston (Deputy)