

TYLER COUNTY COMMISSIONERS COURT
SPECIAL MEETING
April 9, 2014 ---- 9:00 a.m.

THE STATE OF TEXAS ON THIS THE 9th day of April, 2014 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	COUNTY JUDGE, Presiding
MARTIN NASH	COMMISSIONER, PCT. #1
RUSTY HUGHES	COMMISSIONER, PCT. #2
JACK WALSTON	COMMISSIONER, PCT. #4
DONECE GREGORY	COUNTY CLERK, Ex-Officio

The following were absent: Commissioner Marshall thereby constituting a quorum. In addition to the above were:

CAROL DOWDY	ASST. COUNTY AUDITOR
DAN HUNT	ASST. CRIMINAL DISTRICT ATTORNEY
SHARON FULLER	COUNTY TREASURER
TERRY ALLEN	CHIEF JUVENILE PROBATION OFFICER
MATT O'NEAL	CHIEF ADULT PROBATION OFFICER

A motion was made by **Commissioner Nash** and seconded by **Commissioner Walston** to approve the updated **Tyler County Abatement Policy**, as presented by Dan Hunt. He stated the policy needed to be updated every two years; there were no changes since the last policy. All voted yes and none no. SEE ATTACHED

Commissioner Nash motioned to table granting a **tax abatement** to a sawmill being constructed on the German Pellet property, due to the requirement of a public hearing. A public hearing will be on April 23rd. The motion was seconded by **Commissioner Walston**. All voted yes and none no.

Commissioner Walston motioned to approve the updates to the FFAST form. The motion was seconded by **Commissioner Hughes**. All voted yes and none no. SEE ATTACHED

Judge Blanchette motioned to approve the request from **Dollar General** Corporation to have a propane cylinder exchange program at the Woodville location on Charlton Street. The motion was seconded by **Commissioner Walston**. All voted yes and none no. SEE ATTACHED

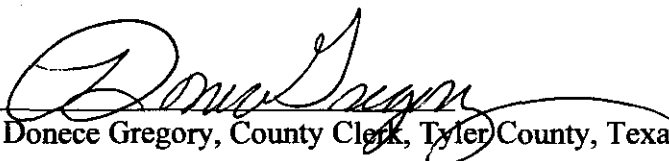
Executive Session was not held.

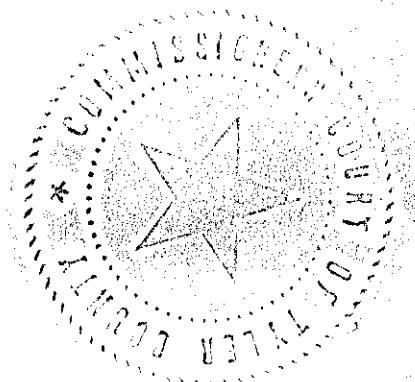
Commissioner Nash made a motion to adjourn. **Commissioner Walston** seconded the motion. All voted yes and none no.

THERE BEING NO FURTHER BUSINESS, THE MEETING ADJOURNED: 9:07 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 April 9, 2014.

Witness my hand and seal of office on this the 10th day of April, 2014.

Attest: 
Donece Gregory, County Clerk, Tyler County, Texas



TAX ABATEMENT GUIDELINES

County of Tyler

TEXAS

As Adopted by the Tyler County Commissioners Court

April __, 2014

SECTION I **STATEMENT OF PURPOSE**

The Commissioners Court of Tyler County, Texas adopts this tax abatement policy to provide incentives to the owner of real property who proposes a project to develop, redevelop or improve eligible facilities. The incentives will consist of a limited special exemption from certain taxes provided that the owner agrees to accept and abide by this policy and provided that the real property is located in a lawfully created reinvestment or enterprise zone.

SECTION II **DEFINITIONS**

- (a) **“Abatement”** means the full or partial exemption from ad valorem taxes of certain real property values in a reinvestment or enterprise zone designated by the County for economic development purposes.
- (b) **“Agreement”** means a contractual agreement between a property owner and/or lessee and the County.
- (c) **“Base Year”** means the calendar year in which the abatement contract is executed (signed).
- (d) **“Base Year Value”** means the assessed value of eligible property within the entity on January 1 preceding the execution of the abatement agreement.
- (e) **“Deferred Maintenance”** improvements necessary for continued operations which do not improve productivity or alter the process technology.
- (f) **“Distribution Center”** means buildings and structures, including fixed machinery and equipment, used or to be used primarily to receive, store, service or distribute goods or materials owned by the Facility operator where a majority of the goods or services are distributed to points beyond Tyler County.
- (g) **“Eligible Facilities”** or **“Eligible Projects”** means new, expanded or modernized buildings and structures, as defined in the Texas Property Tax Code, including fixed machinery and equipment, which is reasonably likely as a result of granting abatement to contribute to the retention or expansion of primary employment or to attract major investment in the reinvestment or enterprise zone that would be a benefit to the property and that would contribute to the economic development within the County, but does not include facilities which are intended primarily to provide goods or services to residents or existing businesses located in the County such as, but not limited to, restaurants and retail sales establishments. Eligible Facilities may include, but shall not be limited to, industrial buildings and warehouses. Eligible Facilities may also include facilities

designed to serve a regional population greater than the County for medical, scientific, recreational or other purposes.

(h) "**Eligible Property**" means the on-site buildings, structures, fixed machinery and equipment, storage tanks, process units (including all integral components necessary for operations), site improvements, and infrastructure included in the project, and the permanent office space and related fixed improvements necessary to the operation and administration of the project.

(i) "**Expansion**" means the addition of buildings, structures, machinery, tangible personal property, equipment, payroll or other taxable value for purposes of increasing production capacity.

(j) "**Modernization**" means a complete or partial demolition of facilities and the complete or partial reconstruction or installation of a facility of similar or expanded production capacity. Modernization may result from the construction, alteration, or installation of buildings, structures, machinery, equipment, pollution control devices or resource conservation equipment. Modernization shall include improvements for the purpose of increasing productivity or updating the technology of machinery and equipment, or both.

(k) "**Facility**" means property improvements completed or in the process of construction which together comprise an integral whole.

(l) "**New Facility**" means a property previously undeveloped which is placed into service by means other than in conjunction with Expansion or Modernization.

(m) "**Productive Life**" means the number of years a property improvement is expected to be in service in a facility.

SECTION III **WHEN ABATEMENT AUTHORIZED**

(a) **Eligible Facilities.** Upon application, Eligible Facilities shall be considered for tax abatement as hereinafter provided.

(b) **Creation of New Value.** Abatement may only be granted for the creation of additional value to eligible facilities made subsequent to and specified in an abatement agreement between the County and the property owner or lessee, subject to such limitations as the County may require. Under no circumstances will abatements be considered or granted once construction on a facility or project has begun.

(c) **New and Existing Facilities.** Abatement may be granted for new facilities and improvements to existing facilities for purposes of modernization or expansion.

(d) **Eligible Property.** Abatement may be extended to the increase in value of buildings, structures, fixed machinery and equipment, site improvements, and related fixed improvements necessary to the operation and administration of the facility.

(e) **Ineligible Property.** The following types of property shall be fully taxable and ineligible for tax abatement: land, supplies, inventory, vehicles, and vessels. Additionally, any property for which abatement is prohibited by state law or pursuant to these guidelines or the tax abatement agreement.

(f) **Owned/Leased Facilities.** If a leased facility is granted abatement, both the owner/lessor and the lessee shall be parties to the abatement contract with the County.

(g) **Economic Qualification.** In order for an Eligible Facility to receive a tax abatement the planned improvement:

- (1) Must create an increased appraised ad valorem tax value based upon the Tyler County Appraisal District's assessment of the eligible property.
- (2) Must prevent the loss of payroll or retain, increase or create payroll (full-time employment) on a permanent basis in the County.
- (3) Must not have the effect of displacing workers or transferring employment from one part of the County to another.
- (4) Must demonstrate by an independent economic impact analysis that the local economic benefit will be substantially in excess of the amount of anticipated foregone tax revenues resulting from the abatement.

SECTION IV **CONSIDERATION FACTORS**

(a) **Standards For Tax Abatement.** The following non-exclusive factors may be considered in determining whether to grant tax abatements for an Eligible Facility or Project, and if so, the percentage of value to be abated and the duration of the tax abatement:

- (1) Existing improvements, if any;
- (2) Type and value of proposed improvements;
- (3) Productive life of proposed improvements;
- (4) Number of existing jobs to be retained by proposed improvements;
- (5) Number and types of new jobs to be created by proposed improvements;
- (6) The extent to which new jobs to be created will be filled by persons who are economically disadvantaged, including residents of a reinvestment or enterprise zone;
- (7) The extent to which local labor, local subcontractors and local vendors and suppliers will be used in the construction phase of the project;
- (8) The amount of local taxes to be generated directly;
- (9) The amount the property tax base valuation will be increased during the term of the abatement and after abatement;
- (10) The amount of economic impact the Eligible Facility will provide to the local community;
- (11) The costs to be incurred by the County to provide facilities or services directly resulting from the new improvements;
- (12) The amount of ad valorem taxes to be paid to the County during the abatement period considering (a) the existing values; (b) the percentage of new value abated; (c) the abatement period; and (d) the value after expiration of the abatement period;
- (13) The population growth of the County projected to occur directly as a result of new improvements;
- (14) The types and values of public improvements, if any, to be made by the applicant seeking abatement;
- (15) Whether the proposed improvements compete with existing businesses to the detriment of the local economy;
- (16) The impact of the proposed project on the business opportunities of existing businesses;
- (17) The attraction of other new businesses to the area as a result of the project;

(18) The overall compatibility with the zoning ordinances and comprehensive plan for the area; and

(19) Whether the project is environmentally compatible with no negative impact on quality of life perceptions.

Each application for tax abatement shall be reviewed on its merits utilizing the factors provided above. After such review, abatement may be denied entirely or may be granted to the extent deemed appropriate after full evaluation.

(b) **Local Employment.** For purposes of evaluating Section IV(a)(7): Local labor is defined as those laborers or skilled craftsmen who are residents and domiciliaries of the nine county region comprised of Tyler, Orange, Hardin, Jasper, Newton, Liberty, Jefferson, Polk, and Angelina counties. Local vendors and suppliers shall include only those located or having a principal office in Tyler County. Local Subcontractors shall include only those located or having a principal office in Tyler County.

Each recipient of property tax abatement shall additionally agree to give preference and priority to local manufacturers, suppliers, vendors, contractors and labor, except where not reasonably possible to do so without significant added expense, substantial inconvenience, or sacrifice in operating efficiency.

(c) Each recipient of a property tax abatement must also provide bidding information to local contractors, manufacturers and labor to allow them to have sufficient information and time to submit their bids and pre-bid meetings must be held between the owner and potential local bidders and suppliers of services and materials.

(d) **Denial of Abatement.** Neither a reinvestment or enterprise zone nor abatement agreement shall be authorized if it is determined that:

- (1) There would be a substantial adverse affect on the provision of government service or tax base;
- (2) The applicant has insufficient financial capacity;
- (3) Planned or potential use of the property would constitute a substantial hazard to public safety, health or morals;
- (4) The project would cause a violation of state or federal laws; or
- (5) For any other reason deemed appropriate by the County including the pendency of litigation between the individual or entity requesting the creation of the reinvestment or enterprise zone and the County.

(e) **Taxability.** From the execution of the abatement agreement to the end of the agreement period, taxes shall be payable as follows:

- (1) The value of ineligible property as provided in this policy shall be fully taxable; and
- (2) The base year value of existing eligible property as determined each year shall be fully taxable.

SECTION V

APPLICATION PROCESS

(a) Any present owner, potential owner or lessee of taxable property in the County may request the creation of a reinvestment or enterprise zone and tax abatement by filing a written request with the County Judge.

(b) The application shall consist of a completed application form; a map and property description with specific metes and bounds; a time schedule for undertaking and completing the planned improvements. In the case of modernization, a statement of the assessed value of the facility, separately stated for real and personal property, shall be given for the tax year immediately preceding the application. The application form may require such financial and other information as may be deemed appropriate for evaluating the financial capacity and other factors of the applicant. The County shall also require a non-refundable application fee in the amount of \$500.00 to be submitted with the application.

(c) Prior to the adoption of an ordinance order designating a reinvestment zone or application by the County for designation of an enterprise zone, the County shall: (1) give written notice to the presiding officer of the governing body of each taxing unit in which the property to be subject to the agreement is located not later than seventh (7th) day before the public hearing; and (2) publish notice of a public hearing in a newspaper of general circulation within such taxing jurisdiction not later than the seventh (7th) day before the public hearing. Before acting upon the application, the County shall, through public hearing, determine that the improvements sought are feasible and practical and would be a benefit to the land to be included in the zone.

(d) The County shall not establish a reinvestment or enterprise zone or enter into an abatement agreement if it finds that the request for the abatement was filed after the commencement of construction, alteration, or installation or improvements related to a proposed modernization, expansion or new facility.

(e) Information that is provided to the County in connection with an application or request for tax abatement and that describes the specific processes or business activities to be conducted or the equipment or other property to be located on the property for which a tax abatement agreement is requested is confidential and not subject to public disclosure pursuant to the Texas Public Information Act until the tax abatement agreement is executed. That information in the possession of a taxing unit after the agreement is executed is not confidential and is subject to disclosure.

SECTION VI **AGREEMENT**

(a) Not later than the seventh (7th) day before the date on which the County enters into the abatement agreement, the County shall deliver to the presiding officer of the governing body of each other taxing unit in which the property is located a written notice that the County intends to enter into the agreement. The notice shall include a copy of the prepared agreement.

(b) The County shall formally pass a resolution and execute an agreement with the owner of the facility and lessee, as the case may be, which shall include at least the following terms:

- (1) Estimated value to be abated and the base year value;
- (2) Percent of value to be abated each year;
- (3) The commencement date and the termination date of abatement;
- (4) The proposed use of the facility, nature of construction, time schedule, map, property description and improvement list as provided in application;
- (5) Contractual obligations in the event of default, violation of terms or conditions, delinquent taxes, or assignment;
- (6) Provision for access to and authorization for inspection of the property by County employees to ensure that the improvements or repairs are made according to the specifications and conditions of the agreement;

- (7) Limitations on the uses of the property consistent with the general purpose of encouraging development or redevelopment of the zone during the period that property tax exemptions are in effect;
- (8) Provision for recapturing property tax revenue lost as a result of the agreement if the owner of the property fails to make the improvements or repairs as provided by the agreement;
- (9) Contain each and every term agreed to by the owner of the property;
- (10) Requirement that the owner or lessee of the property certify annually to the governing body of each taxing unit that the owner or lessee is in compliance with each applicable term of the agreement; and
- (11) All terms required by Texas Tax Code §312.205, as amended;

Such agreement shall normally be executed within sixty (60) days after the applicant has forwarded all necessary information and documentation to the County.

SECTION VII **RECAPTURE**

(a) In the event that the company or individual (1) allows its ad valorem taxes owed the County to become delinquent and fails to timely and properly follow the legal procedures for their protest and/or contest; or (2) violates any of the terms and conditions of the abatement agreement; and fails to cure during the cure period, the agreement then may be terminated and all taxes previously abated by virtue of the agreement may be recaptured and paid within thirty (30) days of the termination.

(b) Should the County determine that the company or individual is in default according to the terms and conditions of its agreement, the County shall notify the company or individual of such default in writing at the address stated in the agreement; and if such is not cured within sixty (60) days from the date of such notice ("Cure Period"), then the agreement may be terminated. Alternatively, the County may, as a penalty for default or non-compliance with the provisions of the agreement, reduce the term of the abatement period and/or the annual percentage abatements available thereunder.

(c) Payment in Lieu of Taxes: If, during the period of this abatement, any Federal or State law provides an additional tax exemption for the property that is already the subject of this agreement, applicant agrees to decline that tax exemption during the period of this abatement. If applicant is unable to decline that tax exemption, applicant agrees to pay the taxes, or payment in lieu of taxes, on the reduction of property tax revenue to the County that is the result of said exemption. Any payment in lieu of taxes shall be due on or before November 15 of the year in which payment is due.

SECTION VIII **ADMINISTRATION**

(a) The Chief Appraiser of the Tyler County Appraisal District will annually determine an assessment of the real and personal property subject to each abatement agreement. Each year, the company or individual receiving abatement shall furnish the appraiser with such information as may be necessary to determine compliance with the abatement agreement. Once value has been established, the Chief Appraiser will notify the County of the amount of the assessment.

(b) The abatement agreement shall stipulate that employees and/or designated representatives of the County will have access to the facility during the term of the abatement to inspect the facility

to determine if the terms and conditions of the agreement are being met. Inspections will only be conducted in such manner as to not unreasonably interfere with the construction and/or operation of the facility. All inspections will be made with one or more representative of the company or individual and in accordance with its safety standards.

(c) Upon completion of construction, the designated representative of the owner shall annually evaluate each facility receiving abatement to insure compliance with the agreement, and a formal report shall be made to the County.

(d) During the course of construction of the project, owner and its general contractor and/or subcontractors shall, on at least an annual basis, meet with designated County representatives for an onsite inspection to assure compliance with the terms of the abatement agreement. Owner shall be responsible to County for the payment of costs associated with such monitoring. In the event it is determined that Owner or its contractors have failed to comply with the terms of the abatement agreement, then County may terminate the abatement agreement or, in County's discretion, reduce the duration or annual percentages of such abatement.

(e) During construction, the applicant shall maintain appropriate records of the employees affected by this abatement, including but not limited to, proof of employees' legal residence, proof of immigration-resident status, and, if applicable, such other documentation that may be required to document compliance with the agreement

(f) The Chief Appraiser of the Tyler County Appraisal District shall timely file with the Texas Department of Economic Development and the State Property Tax Board all information required by the Tax Code.

SECTION IX **AGREEMENT**

Abatement may be transferred, assumed and assigned in whole or in part by the holder to a new owner or lessee of the same facility upon the approval by resolution of the Commissioners' Court; subject to the financial capacity of the assignee and provided that all conditions and obligations in the abatement agreement are guaranteed. No assignment or transfer shall be approved if the parties to the existing agreement, the new owner or new lessee are liable to any jurisdiction for outstanding taxes or other obligations. Approval shall not be unreasonably withheld. As a condition of transfer, an assignment fee of \$500.00 may be required, with the maximum fee being \$500.00.

SECTION X **SUNSET PROVISION**

These guidelines and criteria are effective upon the date of their adoption and will remain in force for two years, unless amended by three-quarters of the Commissioners' Court at which time all reinvestment and enterprise zones and tax abatement agreements created pursuant to these provisions will be reviewed to determine whether the goals have been achieved. Based on that review, the guidelines and criteria may be modified, renewed or eliminated.

SECTION XI **DISCRETION OF THE COUNTY**

The adoption of these guidelines and criteria by the County does not:

- (1) Limit the discretion of the County to decide whether to enter into a specific tax abatement agreement;
- (2) Limit the discretion of the County to delegate to its employees the authority to determine whether or not the County should consider a particular application or request for tax abatement; or
- (3) Create any property, contract, or other legal rights in any person to have the County consider or grant a specific application or request for tax abatement.

TAX ABATEMENT GUIDELINES

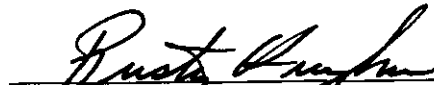
County of Tyler

TEXAS

PASSED BY A MAJORITY VOTE OF THE COMMISSIONERS COURT
of Tyler County, Texas the ____ of April, 2014.



Martin Nash, Commissioner Pct. 1

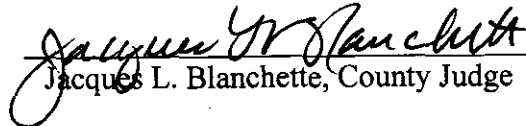


Rusty Hughes, Commissioner Pct. 2

Mike Marshall, Commissioner Pct. 3



Jack Walston, Commissioner Pct. 4



Jacques L. Blanchette, County Judge

Attested by: 

Donece Gregory, County Clerk

**QUESTIONS TO BE ANSWERED IN ORDER TO DEVELOP
AN APPLICATION AND ECONOMIC IMPACT STATEMENT
FOR VALUE ADDED TAX ABATEMENTS IN TYLER COUNTY**

General:

Tyler County will provide a representative to assist in preparation and presentation of all documents and to guide them through the abatement process.

Opening Paragraph:

The application should include a summary statement about the company and its operations. This information can come from an annual report, corporate 10K or other document provided by the company. (Please include these documents with this questionnaire.)

Economic Impact Analysis:

The application must include the attachment of an independently prepared economic impact analysis of the proposed facility as it impacts the local economy.

Maps and Plats:

Provide maps, plats, and drawings necessary to establish the location of the improvements and their relationships to the boundaries of cities, ETJ's, and reinvestment or enterprise zone boundaries.

Questions to be Answered:

- (1) Is your project within a city limit? Name of City?
- (2) Is your project within an ETJ? Name of City ETJ?
- (3) Is your project within an Enterprise or Reinvestment Zone? Which?
- (4) Will you own the realty or lease the realty?
- (5) Present Appraisal District value of land and any EXISTING improvements owned by the OWNER:
(Answer this question based on Appraisal District records for the specific site you select.)
Cost of Land (If you are purchasing): \$ _____
Number of Acres: _____ or Square Feet: _____
- (6) Type and value of proposed improvements: _____
Type of construction:
(Tiltwall, Build-Out of Existing Facility, Etc.)
Value of Construction:
Value of Equipment:

Value of Pollution Control Devices: It is understood and agreed that applicant will not seek a tax exemption for any equipment or portion of the facility which merely reduces the pollution characteristics of the finished product produced by the facility and that an exemption will only be sought for equipment and technology utilized to reduce pollution at or around the facility.

(7) Productive life of proposed improvements: _____ years, or term of initial lease: _____

(8) Number of existing jobs to be retained by proposed improvements: _____
(Answer only if the location is already in or near Tyler County and now employs Tyler residents.)

(9) Number and types of new jobs to be created by proposed improvements: _____
(Include in this answer the number of Tyler County residents that will be employed.)

(10) Amount of annual local payroll to be created: _____.

(11) What percentage and type of jobs to be created will Tyler residents have the opportunity to fill? _____

(12) Amount property tax base valuation will be increased:
During term of abatement: _____
After term of abatement: _____

(13) The costs to be incurred by local government to provide facilities or services directly resulting from the new improvements: _____
(Explain any costs for development or depletion of infrastructure the County is being asked to absorb, if any.)

(14) The amount of ad valorem taxes to be paid to the county during the abatement period considering: (a) the existing values; (b) the percentage of new value abated; (c) the abatement period; and (d) the value after expiration of the abatement period.

(15) The population growth of the County that will occur directly as a result of new improvements: _____
(If you relocate to Tyler County, how many of your employees do you anticipate to relocate?)

(16) The types and values of public improvements, if any, to be made by applicant seeking abatement:

(List any facilities from which the public might benefit.)

(17) Do the proposed improvements compete with existing businesses to the detriment of the local economy: _____

(18) The impact on the business opportunities of existing businesses:

(Are there possibilities for local businesses to become suppliers? Any new retail opportunities?)

(19) The attraction of other new businesses to the area:

(Will any of your suppliers, customers, parent, or sister companies relocate because of your relocation?)

(20) The overall compatibility with the zoning ordinances and comprehensive plan for the area:

(21) Describe, including the estimated value, all pollution control devices and other improvements for which you intend to seek TNRCC exemption from taxation:

NOTE: Failure to accurately disclose exempted property may result in a total default under the Abatement Contract, resulting in recapture of previously abated taxes and forfeiture of future abatement.



TYLER COUNTY COMMISSIONERS COURT

County Courthouse, Room 101 / Woodville, Texas

April 9, 2014 9:00 A.M.

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

§

**A RESOLUTION APPROVING
A FAIR HOUSING ACTIVITY STATEMENT-TEXAS
AS A PART OF THE COUNTY OF TYLER'S
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM**

WHEREAS, the County of Tyler, Texas has the responsibility to affirmatively further Fair Housing and supports Fair Housing within its County limits; and

WHEREAS, the County of Tyler appointed citizens to a Fair Housing Work Committee to discuss Fair Housing issues and impediments within the County and develop a Fair Housing Activity Statement – Texas; and

WHEREAS, the County of Tyler's Fair Housing Activity Statement – Texas was submitted to the Texas General Land Office for review, comments and approval; and

WHEREAS, the County of Tyler Fair Housing Work Group Committee amended the Fair Housing Activity Statement-Texas Action Plan as deemed necessary to carry out the obligations and purposes of Affirmative furthering fair housing; and

WHEREAS, a public notice was published in The Tyler County Booster on February 27, 2014, and a public hearing was held on March 11, 2014, for public comment;

NOW THEREFORE, BE IT RESOLVED, BY THE COMMISSIONERS COURT OF THE COUNTY OF TYLER:

SECTION 1: - That the attached Fair Housing Activity Statement – Texas be approved as recommended by the Fair Housing Work Committee.

PASSED, APPROVED and ADOPTED at a regular meeting of the Commissioners Court of the County of Tyler held on the 17th day of May, 2013.

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

At the Semi-Annual meeting of the FFAST Form Work Group the following areas of concern were addressed:

- ***Impediment #3: The public is not sufficiently aware of their Fair Housing rights and how to obtain the assistance necessary to protect those rights.***

- 1) In order to assure compliance with this impediment, it was decided that the committee would place Fair Housing flyers at the customer service booths of the Brookshire Brothers and Wal-Mart stores.
- 2) Distribute Fair Housing flyers through the schools in Tyler County, targeting a particular age group the first year, then increasing the target group each year until all grades, K-6 receives this information yearly.
- 3) Place Fair Housing flyers in the Chamber of Commerce and Real Estate offices throughout Tyler County.

We will begin this process with items #1 and #3 in July, 2014. When the new school year begins in August, 2014, we will begin complying with item #2.

- ***Impediment #5: Certain governmental policies and practices may not meet current HUD policy concerning affirmative furthering fair housing. Jurisdictions should act to ensure that their policies and procedures affirmative further fair housing, address mal-distribution of resources, and that they do not unnecessarily impact housing choice.***

- 3) *It would be beneficial for local elected officials to require senior staff of any sub recipient such as a city or county -- including managers and attorneys—to receive available Fair Housing training within the first 12 months of their employment or engagement.*

At this time Tyler County does not have a policy addressing the training of staff members that would be involved with FFAST Form activities, but would gladly develop one with assistance from the State of Texas and/or HUD. We are therefore asking for a sample policy that we could adapt to fit Tyler County's needs and an extension of this timeline. We would also ask for a training schedule so plans could be made to have the identified employees in attendance.

- ***Impediment #6: Government entities at all levels do not appear to have been Proactive in the enforcement of both the Fair Housing Act and the obligation to Affirmatively further fair housing. The State and sub recipients should implement A robust and effective structure for identifying and pursuing suspected violations.***

- 1) *Given the potential for increase in Fair Housing enforcement action by federal and state agencies and private organizations, an ongoing fair housing testing program for areas that receive federal housing and community development*

funds could be beneficial to protect state agencies and sub-recipients from potential repayment. Fair housing enforcement is a valid use of CDBG funding and can be used to establish testing programs by agencies trained in HUD testing procedures. The state, or local jurisdictions combining together, should consider conducting tests in areas that include the following: steering in sales and rental; the denial of and different terms and conditions based on race, national origin, familial status, and disability in sales and rental; predatory and disparate terms and conditions in lending and insurance; foreclosure modification schemes targeting minority neighborhoods. The state should also consider education to applicable entities on self-testing and self-correction.

We do not currently have a testing program for Fair Housing violations but plan to establish one with assistance from the State of Texas and/or HUD. We would ask for an extension to the implementation of this impediment which is scheduled to begin in 2013.

- **Impediment #9: *There are impediments in public and private actions and private attitudes to housing choice for persons with disabilities.***

3) Local jurisdictions should consider coordinating with the legislatively created Housing and Health Service Coordination Council for best practices on working with supportive services.

We agree to coordinate with the legislative created Housing and Health Services Coordination Council staffed by TDHCA for best practices on working with supportive Services, working through our DETCOG association to insure compliance with this impediment, and therefore ask for an extension until 2015.

- **Impediment #13: *Location and lack of housing accessibility and visitability standards within political jurisdictions limits fair housing choice for persons with disabilities.***

3) TDHCA should require that all federally funded housing construction be built to accessibility standards found in Texas Government Code S2306.514. We have formally considered: 1) establishing incentives for affordable housing developers to create an increased set-aside of housing units for persons with disabilities or persons who are elderly without violating the existing TDHCA Integrated Housing Rule; 2) providing point incentives for unit in proximity to medical facilities for competitive programs using federal funds, and 3) requiring new housing build with federal funds to be built with structures that allow for features, as called for by state law.

We have not undertaken this review, but plan to do so with guidelines provided

provided by the State of Texas and/or HUD. We therefore ask for an extension for the compliance of this impediment until 2015 and request guidelines that would help us perform the review.

Impediment #16: *Many jurisdictions do not have adequate Analysis of impediments to Fair Housing or Fair Housing Plans, and do not keep sufficient records of their activities.*

1) *Recipients of CDBG fund from HUD for housing should maintain records as required by the Fair Housing Act. HUD regulations and the Conciliation Agreement in order to document that they are carrying out their commitments and affirmatively furthering fair housing.*

We have not done so but do so in compliance with GLO guidance and therefore ask for guidelines from the State of Texas and/or HUD to insure compliance with this impediment. We also ask for an extension until 2015 to make sure that we have the required records to document our AFFH actions and compliance with Fair Housing Laws.

- ***Alternative or additional Local Action Steps developed by this jurisdiction: To address unique impediments to fair housing within each community, local jurisdictions are Encouraged to develop alternative action steps to be adopted in lieu of or in addition to those set out in the State of Texas Interim Analysis of impediments to fair housing. If Your jurisdiction elects to propose alternative or additional action steps, please describe them below.***

We will not take additional FH Action Steps at this time. With guidelines from the State of Texas and/or HUD we will try to accomplish this by 2015.

Judge

From: Lauren McCumber <lmccumbe@cw.dg.com>
Sent: Thursday, April 03, 2014 8:33 AM
To: judge@co.tyler.tx.us
Subject: 2014 Propane Project—Dollar General

April 2, 2014

Tyler County
c/o Jacques L. Blanchette
100 W. Bluff Room 102
Woodville, TX 75979

Re: Dollar General Store #509
201 N CHARLTON ST
WOODVILLE, TX

Dear Landlord:

Dollar General Corporation has built a relationship with AmeriGas Propane, installing over **5500 Cylinder Exchange programs** at Dollar General Locations throughout the country. AmeriGas Propane is the largest distributor of propane products in the United States. The exchange program has operated safely and efficiently throughout the country for the past 16 years and is a quick and simple process.

The program features a retail quality, tamper-proof, locked cabinet placed outside of the retail location. The customer will be able to drop off the empty tank next to the cabinet, go inside the store and pay for the exchange, then walk with a store associate to the cabinet to make the exchange. An AmeriGas delivery representative will visit the store as needed to pick up the empties and restock the cabinet.

AmeriGas, the cylinder manufacturers, and the National Propane Gas Association have done extensive testing to assure that all the elements of the exchange program exceed all current or anticipated standards for safety. This program has been approved by the Uniform Fire Code and the National Fire Protection Association. The program is safe and AmeriGas is covered by over \$5 million in product liability protection per location. In the event of an emergency, AmeriGas is available 24 hours a day, 7 days a week through our toll free number.

AmeriGas will survey to recommend a location for the propane cage as per required codes of the Authority Holding Jurisdiction. AmeriGas will also obtain the required permits. In addition some jurisdictions may require the property owners or management company signature on the permit applications.

- The suggested location of cage placement will be at least 20' from the door if possible and balanced with other outdoor fixtures.
- The standard install will be 1 to 2-18 capacity cage(s) unless determined otherwise by the surveyor due to jurisdiction requirements.
- It will be determined during the survey process if impact protection will be required to meet code. All installations will not require impact protection.



DG Entity would like to obtain your agreement to allow us to install and to operate AmeriGas at the above referenced location. If for any reason the equipment needs to be removed, please be assured that AmeriGas will absorb the cost of removal and they will return the area to its original condition.

Please indicate your consent and waiver by signing and dating this letter where indicated below, and sending it to Anne Marie Heisse via email at ahuisse@dg.com, via fax to (615) 855-8111 or by sending the original of this letter to me at:

Dollar General Corporation
ATTN: Anne Marie Heisse
100 Mission Ridge
Goodlettsville, TN 37072

We look forward to a mutually beneficial arrangement with increased customer traffic in your center.

If you have any questions regarding the technical aspects of the AmeriGas installation process, please contact the New Install Team at 1.800.434.2323 Opt 2 or ACENewInstallsTeam@amerigas.com.

DOLGENCORP OF TEXAS, INC.

Anne Marie Heisse
Anne Marie Heisse
Manager, Lease Administration

**LL Acknowledgement/Consent:
Tyler County**

Signature: _____

Print Name: _____

Title: _____

Date: _____



TYLER COUNTY COMMISSIONERS COURT

County Courthouse, Room 101 / Woodville, Texas

Wednesday,
April 9, 2014
9:00 a.m.

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

*Sharon, Carol Ann, Terry A
M H O'Neal, DAN HUNT*

> CALL TO ORDER

- Establish quorum

I. CONSIDER/APPROVE

*N/W
M/N
W/W
W/H
J/W*

- A. **Updating** Tyler County Abatement Policy - *M. Nash*
- B. **Granting Abatement** to Sawmill being constructed on German Pellet property - *M. Nash*
- C. **FHAST form** updates - *M. Marshall*
- D. **Request from Dollar General** Corporation to have a propane cylinder exchange program at their Woodville location - *J. Blanchette*

DAN HUNT

*Public Hearing 14
on 2 2nd*

II. EXECUTIVE SESSION

NONE

Consult with District Attorney and/or his legal staff in executive session held in accordance with Texas Government Codes 555.071(1)(A), (2) regarding pending and/or contemplated litigation, and/or 551.074, regarding personnel matters, and/or property acquisition.

> ADJOURN

N/W 9:07

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 _____ 2014 Time _____

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

By: _____ (Deputy)



TYLER COUNTY COMMISSIONERS COURT

County Courthouse, Room 101 / Woodville, Texas

Wednesday,
April 9, 2014
9:00 a.m.

MARTIN NASH
Commissioner, Pct. 1

RUSTY HUGHES
Commissioner, Pct. 2

JACQUES L. BLANCHETTE
County Judge

MIKE MARSHALL
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Executed on April 4 2014 Time 3:30pm

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

By: *James Brown* (Deputy)