

TYLER COUNTY COMMISSIONERS COURT
REGULAR MEETING
May 9, 2022 ---- 10:00 a.m.

THE STATE OF TEXAS ON THIS THE 9th day of May, 2022 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:

JACQUES L. BLANCHETTE	COUNTY JUDGE, presiding
JOE BLACKSHER	COMMISSIONER, PCT. #1
MIKE MARSHALL	COMMISSIONER, PCT. #3
BUCK HUDSON	COMMISSIONER, PCT. #4
DONECE GREGORY	COUNTY CLERK, Ex-Officio

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

JACKIE SKINNER	COUNTY AUDITOR
LEANN MONK	COUNTY TREASURER
LYNNETTE CRUSE	TAX ASSESSOR/COLLECTOR
BRYAN WEATHERFORD	SHERIFF
MILTON POWERS	JUSTICE OF PEACE #3
JIM MOORE	JUSTICE OF PEACE #4

After calling the meeting to order, Judge Blanchette stated "it is the practice of the court to exercise an invocation followed by the Pledge of Allegiance to the flag. Anyone who may not be comfortable with the practice may wish to step out into the hall and rejoin once the portion of the agenda begins with public comments." Commissioner Blacksher delivered the invocation and then led the Pledge of Allegiance to the American Flag.

Due to an overflow of public attendance, a motion was made by Commissioner Marshall and seconded by Commissioner Blacksher to recess to move the meeting to the district courtroom. Commissioners Blacksher, Marshall and Hudson voted yes and none no.

COURT RECESSED TO MOVE TO DISTRICT COURTROOM. COURT BACK IN SESSION:
10:10 am

A motion was made by Commissioner Blacksher and seconded by Commissioner Marshall to go back into session. Commissioners Blacksher, Marshall and Hudson voted yes and none no.

PUBLIC COMMENTS: James White- "proud to represent you in the Texas House of Representatives"; a constituent made inquiries of him as to "what is going on in Tyler County"? One of his replies- "when it looks disfunction it's probably working as it should"; people want to know what could be done and what should have been done" with regards to **ARPA funds**; it has already started with a request for an attorney general opinion; "could involve the county judge and another elected official asking the attorney general, not in a criminal format but a fact- finding format for look at what could have been done under the federal rules and statutes at that time. He addressed the Judge as a recommendation to "put the two items on the agenda aside for right now and allow another route for an independent look without the two agenda items". Let the elected officials to do their jobs: the District Attorney and District Judges to make decisions based on the constitution and based on the law- let them do their jobs. He counseled to "let them do their jobs and let the issues come to them as it should in their capacities and get an independent answer without complicating the district judges and their decisions".

TABLED ITEMS FROM PREVIOUS MEETING(S): It was a consensus of the commissioners to leave the item tabled: Appoint Elected Official to Serve in the Open Position on the Tri-County Community Action Board Per Request from Yolanda Neal

CONSENT AGENDA:

Commissioner Marshall motioned to receive the minutes of April 11th, April 25th and April 29th. Commissioner Hudson seconded the motion. Commissioners Blacksher, Marshall and Hudson voted yes and none no.

Commissioner Hudson made a motion to approve the **monthly reports** from the Juvenile Probation Department, Adult Probation Department, District Clerk, County Auditor, County Treasurer, County Extension and Justice of the Peace, Pct. 1. **Commissioner Blacksher** seconded the motion. Commissioners Blacksher, Marshall and Hudson voted yes and none no. SEE ATTACHED REPORTS

RESOLUTIONS/PROCLAMATIONS/ORDERS:

A motion was made by **Commissioner Marshall** and seconded by **Commissioner Hudson** to proclaim June as **Elder Abuse Prevention Month**. Commissioners Blacksher, Marshall and Hudson voted yes and none no. SEE ATTACHED

Commissioner Marshall motioned to adopt the Resolution approving a Memorandum of Understanding (MOU) between Tyler County (County) and **Colmesneil Independent School District (CISD)** formulating the responsibilities of the County and CISD for grant application and management of **HMGP Project(s)**. **Commissioner Hudson** seconded the motion. Commissioners Blacksher, Marshall and Hudson voted yes and none no. SEE ATTACHED RESOLUTION

Commissioner Marshall motioned to adopt the Resolution to submit the completed Application to Texas Department of Emergency Management (TDEM) for the **FEMA HMGP DR 4485 Grant Funds** on behalf of **Colmesneil Independent School District**. **Commissioner Blacksher** seconded the motion. Commissioners Blacksher, Marshall and Hudson voted yes and none no. SEE ATTACHED RESOLUTION

CONSIDER/APPROVE/INFORMATIONAL:

Budget Amendment/Line-Item Transfers- none submitted

A motion was made by **Commissioner Marshall** and seconded by **Commissioner Hudson** to approve **accounts payable/county bills**. Commissioners Blacksher, Marshall and Hudson voted yes and none no. SEE ATTACHED

Commissioner Marshall motioned to table going out for bids for a **used track hoe** no older than 2020 for all four precincts. **Commissioner Blacksher** seconded the motion. Commissioners Blacksher, Marshall and Hudson voted yes and none no.

Commissioner Marshall motioned to approve Maintenance Agreement with Otis Elevator through the BuyBoard to service the courthouse elevator & the lift at the county clerk's office. **Commissioner Blacksher** seconded the motion. Commissioners Blacksher, Marshall and Hudson voted yes and none no. SEE ATTACHED

A motion was made by **Commissioner Blacksher** to approve the purchase of a 2022 Chevy Silverado pick-up from Caldwell Chevrolet for **Precinct 1**. **Commissioner Marshall** seconded the motion. Commissioners Blacksher, Marshall and Hudson voted yes and none no. SEE ATTACHED

No action was taken to appoint Sonia Hancock to ESD# 1 Board of Managers. SEE ATTACHED

Commissioner Marshall stated the request by the District Clerk to consider an update in salaries would be looked at during budget workshops. No action was taken.

Commissioner Marshall motioned to amend the wording to open bids instead of award bid for an used **Wheel Loader**. The motion was seconded by **Commissioner Hudson**. Commissioners Blacksher, Marshall and Hudson voted yes and none no. Two bids were received:
Associated Supply, Beaumont- bid \$199,500.00 (CASE)
Doggett Machinery- bid \$203,000.00 (John Deere)
This will be put on a future agenda to award a bid.

A motion was made by **Commissioner Blacksher** to hire James Evans from Iglesias Law Firm, PLLC for **County Road 1700 Kimble Creek, County Road 2810 Billiams Creek Bridge projects right of way land acquisition** to be paid out of the **Right-of-Way Fund**. **Commissioner Marshall** seconded the motion. Commissioner Blacksher added this was for two bridge projects one for Precinct 1 and one for Precinct 2. Commissioners Blacksher, Marshall and Hudson voted yes and none no.

A motion was made by **Commissioner Marshall** to renew the **Maintenance Agreement** for secure signatures with **Tyler Technologies**. **Commissioner Blacksher** seconded the motion. Commissioners Blacksher, Marshall and Hudson voted yes and none no. SEE ATTACHED

Commissioner Marshall motioned to approve paying **Washburn & Company Land Surveyors** for the **buy-out grant**. Payment will be reimbursed by the grant. **Commissioner Hudson** seconded the motion. The county auditor added the company requested half down before beginning the work. Commissioners Blacksher, Marshall and Hudson voted yes and none no.

Commissioner Marshall motioned to renew the **County Insurances: Auto Liability, Auto Physical Damage, General Liability, Law Enforcement Liability & Public Officials Liability 07/01/2022 to 07/01/2023**. **Commissioner Hudson** seconded the motion. Commissioners Blacksher, Marshall and Hudson voted yes and none no. SEE ATTACHED

A motion was made by **Commissioner Marshall** and seconded by **Commissioner Hudson** to replace the **fencing** for the break area at the back of the **Tax Office**. Commissioners Blacksher, Marshall and Hudson voted yes and none no.

A motion was made by **Commissioner Marshall** and seconded by **Commissioner Blacksher** to table **Auditor's Annual Report**, as requested by Mrs. Skinner. Commissioners Blacksher, Marshall and Hudson voted yes and none no.

Commissioner Hudson motioned to approve the preliminary **Plat for a Tier 2 plat** located in Precinct 4, off FM 1943 E at **CR 4520**. **Commissioner Blacksher** seconded the motion. Commissioner Hudson was under the impression that the process of an application had been filed in the county clerk's office. Commissioner Blacksher added some changes may need to be made concerning access to the lots, per the engineer. Commissioners Blacksher, Marshall and Hudson voted yes and none no. SEE ATTACHED

Commissioner Hudson motioned resign as the **DETCOG representative** and appoint Commissioner Joe Blacksher as his replacement. **Commissioner Marshall** seconded the motion. Commissioners Blacksher, Marshall and Hudson voted yes and none no.

Judge Blanchette stated he put the next two items on the agenda to try to resolve an ongoing issue; "looked at what is creating such a challenge within our community that we can't seem to get past". "There have been a couple avenues that have sought resolution"; "an invitation has been extended on behalf of doing something to try to bring some resolution"; he has spoken to number of attorneys to try to understand what the court should do or could do to bring peace if anything; "most disturbing events I have personally experienced in my now 16 years of county government- very, very disappointing". He stated in trying to find out how to resolve this, support of what was extended to us and then begs question of what would be the next step, expressed in Item R.

Judge Blanchette motioned to put Item Q in the form of a motion: supporting the invitation/request the County Auditor extended/welcome during the March 15, 2022 commissioners court meeting to open an investigation of her actions in order to clear any concerns that she acted, approved, condoned, or any other word of influence which could be used in causing illegal action by the **disbursement of ARPA Funds** to clear her, the commissioners and/or any other party, elected official from wrongdoing. The motion failed for the lack of a second.

Judge Blanchette motioned to put Item R in the form of a motion: supporting the Tyler County Criminal District Attorney, Lucas Babin, to request the Attorney General, Ken Paxton, to open an independent investigation into the activities by the Tyler County Auditor to determine any actions(s) taken by her and/or any other party or elected official associated with the **distribution of ARPA Funds** to full, part-time and elected official(s), to confirm her and/or any party, of innocence from any wrongdoing. The motion failed for the lack of a second.

COMMENTS BY COURT MEMBERS PERTAINING to MATTERS of COUNTY

GOVERNMENT: Commissioner Blacksher stated "everybody wants peace"; "got an AG opinion coming"; "if the AG opinion says you guys need to give the money back, I am fine with that"; "need to come to a resolution then and work to make it right"; "we went by the information at the time, if we made a mistake, we made a mistake"; "when we get the AG opinion we will have guidance on how to proceed". Commissioner Blacksher asked if that was agreeable, directing the question to Neil Alderman. Judge Blanchette called for objections on comments from the public. Commissioner Blacksher concluded that he "wants it to be right and wants unity". **Commissioner Marshall** read a statement: Regarding items Q and R on the agenda, first demonstrates the relationship between the county judge and the state prosecutor. A county judge and commissioners court have nothing to do with a DA or law enforcement agency's decision to investigate or not investigate a crime. A county judge and commissioners court have absolutely no power over this decision at all and attempting to influence that decision is completely improper. It is very concerning that a county judge would place such an item on the agenda and purport to subordinate a state prosecutor's official discretion in criminal matters to the will of a governing body that is completely irrelevant and powerless over such things. Second, it is interesting that the people that have been complaining a crime has been committed have never once called the police, such as the Texas Rangers or any other law enforcement agencies. Here is a basic civics lesson- if you think a crime was committed you call the police, you don't go to a

Facebook page or set it as an agenda item at a commissioners court in some attempt to publicly manipulate people for political purposes, unless your goal is to simply tarnish the reputation of people you don't like. Law enforcement agencies, such as the Rangers, or the AG investigators do not need the DA's permission, or even his invitation to investigate crimes in Tyler County. If the county judge thinks a crime was committed, nothing is stopping him from calling one of these law enforcement agencies. He apparently has not done that or if he has, they have declined to do anything because everyone knows it is ridiculous to ask a police agency to prove someone's innocence. People are innocent until proven guilty. The State has the burden to prove guilt among a reasonable doubt. You don't call the cops and ask them to prove someone's innocence, which is what the county judge wants us to do. The cops certainly don't take orders from the county judge or commissioners court. Third, we have already contacted the Attorney General and asked for an opinion about the ARPA payments. We are waiting for their response. If a statute was violated, it would be a statute that contains no civil or criminal penalty. These so called "Concerned Citizens" have a right to vote every four years. They do not have the right to demand that the justice system bend to their will. These people have no background in law or law enforcement, and it is too bad that our county judge has placed this item on the agenda apparently in cahoots with these people using his office to improperly influence a matter outside his authority.

The Judge recalled Commissioner Blacksher's request for feedback. Due to confrontation between Neil Alderman and Commissioner Marshall, Commissioner Blacksher and the Judge called for peace to continue. Judge Blanchette added the public is represented by members of the court either county wide or precinct wide; and all have the opportunity to comment directly to them and express interest or concerns. "Let's seek a path of peace that was posed for us in the previous month's meeting." Commissioner Hudson informed that the Attorney General has six months to respond to a request and it has been only two months since it was sent in (February). "We are waiting on the opinion".

Commissioner Marshall voiced this has not been the first attack on the county auditor. It has happened several times and keeps continuing.

Commissioner Marshall motioned to go into Executive Session. Commissioner Hudson seconded the motion. Commissioners Blacksher, Marshall and Hudson voted yes and none no. The court entered into executive session with Sheriff Weatherford.

COURT BACK IN SESSION: 10:56 am

A motion was made by Commissioner Blacksher and seconded by Commissioner Hudson to come back into session. No action was taken in Executive Session.


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

THERE BEING NO FURTHER BUSINESS, THE MEETING ADJOURNED: 10:59 am

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 May 9th, 2022.

Witness my hand and seal of office on this the 6th day of June, 2022.

Attest:


Donece Gregory, County Clerk