

COMMISSIONERS' COURT
REGULAR MEETING
MAY 9, 1983

BE IT REMEMBERED THAT THE TITUS COUNTY COMMISSIONERS met in Regular Session on Monday, May 9, 1983, in the Titus County Courtroom with a quorum present of the following members:

BILL R. HARPER
DEMPSEY JOHNSON
JAMES C. THOMAS
RONNIE LOGAN
LOYD CLARK

COUNTY JUDGE
COMMISSIONER PRECINCT 1
COMMISSIONER PRECINCT 2
COMMISSIONER PRECINCT 3
COMMISSIONER PRECINCT 4

and the following proceedings were had to wit;

IN THE MATTER OF
1982 AUDIT REPORT
BY OAKERSON, ARNOLD AND COMPANY

Motion was made by Commissioner Thomas and seconded by Commissioner Clark accepting the 1982 auditing report of Oakerson, Arnold and Company. Motion carried unanimously.

IN THE MATTER OF
COUNTY JAIL STANDARDS

Motion was made by Commissioner Logan and seconded by Commissioner Johnson to send \$500.00 to the Texas Association of Counties for protecting counties jail standards. The court does not accept the paragraph concerning the pro rata charges to the county. Motion carried unanimously.

NO. _____ THE STATE OF TEXAS, COUNTY OF TITUS ORDER

WHEREAS a case styled Bush v. Viterna (Civil Action No. A-80-CA-411) is pending in the United States District Court for the Western District of Texas;

WHEREAS the suit is one against the Jail Standards Commission of Texas;

WHEREAS the federal court in Bush v. Viterna has certified the class of plaintiffs to include "all persons now incarcerated or to be incarcerated in county jails in Texas";

WHEREAS the plaintiffs in the suit challenge the constitutionality of existing state laws and regulations applicable to county jails in Texas, and seek to impose new and more stringent standards;

WHEREAS the plaintiffs in the suit challenge the authority of the Jail Standards Commission to grant variances from existent requirements and challenge the lawfulness of variances granted by the Commission in the past;

WHEREAS the plaintiffs in the suit seek to diminish the lawful discretion now present in the Jail Standards Commission and the County Commissioners Courts of this State's jails;

WHEREAS Texas counties in general and this County in particular and the taxpayers of such counties will be affected by any order imposing new or more stringent standards on the construction or operation of county jails;

WHEREAS the interests of Texas counties and of this County can be significantly affected by the outcome of Bush v. Viterna;

WHEREAS Texas counties are not now represented in this litigation;

WHEREAS it is important in the view of this Commissioners Court that Texas counties in general and this County in particular have a voice in determining the nature of restrictions applicable to the construction and operation of county jails, and the outcome in Bush v. Viterna; and

WHEREAS it is impractical for each individual Texas county to seek intervention and participation in Bush v. Viterna;

THEREFORE IT IS ORDERED: That this Commissioners Court on behalf of this County hereby acts pursuant to Article 4413(32c), the Interlocal Cooperation Act, Texas Civil Statutes, and its authority elsewhere under state law to join with other counties in Texas to create a fund to support the legal representation of county interests in Bush v. Viterna;

That this Court agrees that the Texas Association of Counties shall serve as administrator for this aforementioned fund and shall (1) approve any and all expenditures from the fund, which shall be used only for legal fees, expert witness fees (if any), and actual expenses incurred in regard to Bush v. Viterna and (2) shall periodically notify this County of the nature of all expenditures;

That this Court agrees that upon completion of Bush v. Viterna or a determination by the Texas Association of Counties to terminate the legal representation of the interests of Texas counties in such litigation, all amounts remaining in the aforementioned fund shall be returned to participating counties on a pro rata basis;

That this Court agrees that if a final award of attorneys fees is made by the court to attorneys for plaintiffs against the Texas Association of Counties or any other party which has intervened at the request of the Texas Association of Counties to protect the interests of Texas counties, the aforementioned fund shall be utilized to pay such award and this County agrees to bear on a pro rata basis its share of any portion of such an award remaining unpaid after exhaustion of the fund;

That this Court hereby appropriates the sum of \$500.00 to be sent to the Texas Association of Counties for deposit to the fund with the understanding that additional such appropriations may become necessary but that this County reserves the right to review and to approve or disapprove any such additional appropriations.

BE IT SO ORDERED
Adopted on this 9 day of May, 1983.

Approved
Texas Association of Counties

/s/ Bill R. Harper
County Judge
/s/ Dempsey Johnson
COMMISSIONER, PRECINCT 1
/s/ James Thomas
COMMISSIONER, PRECINCT 2
/s/ Ronnie Logan
COMMISSIONER, PRECINCT 3
/s/ L. R. Clark
COMMISSIONER, PRECINCT 4

IN THE MATTER OF
REHABILITATION HOUSING
AGREEMENT WITH CITY

Motion was made by Commissioner Logan and seconded by Commissioner Thomas to table this matter until a later date. Motion carried unanimously.

IN THE MATTER OF
SALARY FOR PARK MANAGER

Motion was made by Commissioner Johnson and seconded by Commissioner Thomas approving the contract for the County Park Manager, Mr. Thomas Hill, with a salary of \$15,000.00 yearly. Motion carried unanimously.

IN THE MATTER OF
OUTREACH CLINIC AGREEMENT

Motion was made by Commissioner Johnson and seconded by Commissioner Logan for the County Judge to sign an agreement with The Outreach Clinic. Motion carried unanimously.
STATE OF TEXAS
COUNTY OF TITUS

AGREEMENT

Pursuant to authority contained in Sections 2.13 and 2.17, Article 5547-202, Vernon's Texas Civil Statutes, as amended, the Terrell State Hospital of the Texas Department of Mental Health and Mental Retardation, hereinafter called "Hospital" acting by and through its Superintendent and Titus County, hereinafter called "Titus County" acting by and through its County Commissioners Court and County Judge, jointly make this agreement for the purpose of providing mental health services to residents of "Titus County", Texas, in conformity with the following terms and conditions, to wit:

I. "Titus County" hereby agrees to contribute partial payment towards the rent of seven inter-connecting offices of approximately 1625 square feet at 509 N. Madison St., in the City of Mt. Pleasant, County of Titus, State of Texas, with right of ingress and egress thereto for a period of time beginning January 1, 1982 and ending August 31, 1983. Said property will be used as a mental health services outreach center by "Hospital" during that period of time.

II. "Hospital" agrees to furnish at its own expense, the psychiatrist, psychologists, social workers, nurses, clerical and such other personnel as may be necessary for the operation of said Outreach Center. Furthermore, "Hospital" agrees to provide all travel monies, telephone, postage, supplies and equipment necessary for operation of said facility.

Services provided by the "Hospital" Outreach Program shall include, but not be limited necessarily to the following: psychiatric evaluation; chemotherapy; crisis intervention; admission screening of clients seeking voluntary commitment to "Hospital"; mental health and alcoholism aftercare and follow-along services; therapies which may be individual, marital, family, or group oriented; psychological testing; biofeedback; consultation and/or education in community agencies or groups; information and referral services; and other such services as may be deemed appropriate to the purpose of said agreement.

"Hospital" agrees that a minimum of three-hundred and fifty (350) individuals shall be served. "Hospital" agrees to provide appropriate financial support to insure that services will continue at no less than the present level. A maximum of \$160,000, but not less than \$150,000 is agreed to by "Hospital" for the support of services.

III. In accordance with Rule 302.03.09.009, Departmental Procedures for Outreach Programs of the Texas Department of Mental Health and Mental Retardation, the "Titus County" agrees to provide support in the amount of \$6,840 local support and \$6,000 in client fees, a match of 8.5 percent of the minimum financial support agreed to by "Hospital".

IV. Other provisions agreed to by "Hospital" and "Titus County" include the following to wit:
"Hospital" and "Titus County" agree a unilateral discontinuation of this agreement can take place after a thirty (30) day notice has been given to either "Hospital" or "Titus County".
"Hospital" covenants and agrees to make no alterations, improvements or additions to said premises nor to sublet or assign the whole or part thereof, without first obtaining "Titus County's" written consent.

Witness our hands this 9 day of May, 1981.

TITUS COUNTY
BY /s/ Bill R. Harper
County Judge

TERRELL STATE HOSPITAL
BY
J. R. Clemons, M. D.
Superintendent

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The Terrell State Hospital is operated in compliance with Title VI, Civil Rights Act of 1964.

Approved:

H. K. Dudley, Jr.
Acting Deputy Commissioner for
Mental Health Services

IN THE MATTER OF
SALARY ADJUSTMENT FOR
JUSTICE OF PEACE, EUGENE GILPIN

Motion was made by Commissioner Thomas and seconded by Commissioner Logan approving Justice of The Peace, Eugene Gilpin, receiving the same salary for January, February and part of March as was paid to him in December, 1982 of \$833.33 per month. This is to correct an error in salary paid to him in January, February, and part of March of \$600.00 per month. He will be reimbursed for the difference as follows: January \$233.34; February \$233.34; March \$116.67. Total \$583.35. Motion carried unanimously.

IN THE MATTER OF
RESIGNATION OF CONSTABLE
PRESTON WRAY

Motion was made by Commissioner Clark and seconded by Commissioner Johnson accepting the resignation of Constable Preston Wray effective April 30, 1983. Motion carried unanimously.

PRESTON WRAY
CONSTABLE, PRECINCT 2
OFFICE (214) 572-5311
MOUNT PLEASANT, TEXAS 75455
April 28, 1983

Hon. Bill Harper
County Judge
Titus County
Mt. Pleasant, Texas 75455

Dear Judge Harper: I am hereby giving notice of my resignation as Constable of Precinct 2, Titus County, effective April 30, 1983. Thank you.

Respectfully Submitted,
/s/ Preston Wray - Constable, Precinct 2, Titus County

IN THE MATTER OF
WEIGHERS BONDS

Motion was made by Commissioner Thomas and seconded by Commissioner Johnson approving weighers bonds for Ralph Crabtree, Jr., Donald Jerry Parr, Bobbie Gail DeMoss, Waldon Bates, J. B. Clawson and Melvin Fulce. Motion carried unanimously.

IN THE MATTER OF
DEPUTY SHERIFFS' BOND

Motion was made by Commissioner Clark and seconded by Commissioner Logan approving deputy sheriffs' bonds for Bobby Biggerstaff, LeJester Savage and Charles Preston Wray. Motion carried unanimously.

IN THE MATTER OF
BUYING SHERIFF'S CAR

Motion was made by Commissioner Johnson and seconded by Commissioner Logan to not buy back a sheriff's car that was traded in on a new car. Motion carried unanimously.

IN THE MATTER OF
BUDGET ITEMS, COUNTY WAREHOUSE
AND CENTRAL PURCHASING

No action taken

IN THE MATTER OF
PLAT OF HILL SIDE ESTATES

Motion was made by Commissioner Johnson and seconded by Commissioner Thomas approving a plat of Hill Side Estates in Precinct 1. Motion carried unanimously.

IN THE MATTER OF
SECRETARY FOR JUSTICE OF
THE PEACE OFFICE

Motion was made by Commissioner Clark and seconded by Commissioner Logan allowing the Justices of the Peace for Precinct 2 and 3 to hire a secretary for a 2 week training period, June 1st through June 15, with minimum wage paid for the 2 weeks. After the 2 weeks the Justices of the Peace can raise the salary of their secretary to the regular pay allowed at their discretion. The secretary hired will replace Marty Jensen. Motion carried unanimously.

IN THE MATTER OF
COUNTY PARK IMPROVEMENTS

Motion was made by Commissioner Logan and seconded by Commissioner Thomas to table this matter. Motion carried unanimously.

IN THE MATTER OF
PAYING APRIL ACCOUNTS

Motion was made by Commissioner Logan and seconded by Commissioner Thomas approving payment of April accounts. Motion carried unanimously.

IN THE MATTER OF
OFFICIALS' APRIL REPORT

Motion was made by Commissioner Thomas and seconded by Commissioner Johnson approving officials' April reports. Motion carried unanimously.

IN THE MATTER OF
APPROVING APRIL COURT MINUTES

Motion was made by Commissioner Clark and seconded by Commissioner Logan approving the court minutes for April. Motion carried unanimously.

IN THE MATTER OF
AUDITOR'S REPORT

Motion was made by Commissioner Logan and seconded by Commissioner Thomas approving the Auditor's Report for April. Motion carried unanimously.

IN THE MATTER OF
ADJOURNMENT

Motion was made by Commissioner Logan and seconded by Commissioner Thomas to adjourn court until the next meeting. Motion carried unanimously.

SPECIAL COMMISSIONERS'
COURT MEETING
MAY 11, 1983

BE IT REMEMBERED THAT THE TITUS COUNTY COMMISSIONERS met in Special Session on Wednesday, May 11, 1983, with a quorum present of the following members;

ABSENT: BILL R. HARPER
JAMES C. THOMAS
LOYD CLARK
DEMPSEY JOHNSON
RONNIE LOGAN

COUNTY JUDGE
COMMISSIONER PRECINCT 2
COMMISSIONER PRECINCT 4
COMMISSIONER PRECINCT 1
COMMISSIONER PRECINCT 3

and the following proceedings were had to wit;

The Commissioners' Court met with The City Council for a Workshop Meeting at The Alps Restaurant. No action was taken.

The above and foregoing minutes for the Month of May, 1983, were read and approved this 13th day of June, 1983.

Bill R. Harper
BILL R. HARPER, COUNTY JUDGE

Dempsey Johnson
DEMPSEY JOHNSON, COMMISSIONER, PRECINCT 1

James C. Thomas
JAMES C. THOMAS, COMMISSIONER PRECINCT 2

Ronnie Logan
RONNIE LOGAN, COMMISSIONER PRECINCT 3

Lloyd Clark
LOYD CLARK, COMMISSIONER PRECINCT 4

Eugenia Roach
EUGENIA ROACH, COUNTY CLERK