

COMMISSIONERS' COURT
REGULAR MEETING
OCTOBER 14, 1985

BE IT REMEMBERED THAT THE TITUS COUNTY COMMISSIONERS met in Regular Session on Monday, October 14, 1985 in the Titus County Courtroom with the following members present:

BILL R. HARPER
DEMPSEY JOHNSON
JAMES THOMAS
J.W. TERRELL, JR.
LOYD CLARK
EUGENIA ROACH

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

ABSENT: NONE

and the following proceedings were had to wit:

IN THE MATTER OF
TUMCO CLOSING TWO SEGMENTS
OF COUNTY ROADS AND RELOCATION
OF PART OF HIGHWAY 67

Motion was made by Commissioner James Thomas and seconded by Commissioner Dempsey Johnson to allow TUMCO to close two segments of county road and relocate part of Hwy. 67 in accordance with the request of the Highway Dept., with the provisions that Ronnie Moore's property will not be cut off in closing of segment of road. The County reserves the right to materials on the County roads. Motion carried unanimously.

THE STATE OF TEXAS
COUNTY OF TITUS I

BE IT REMEMBERED that the Commissioners Court of Titus County met in Regular Session on October 14, 1985, after notice of the meeting had been posted in the form, manner and place required by law, with a quorum of its members present and participating in the meeting. When among other matters the following came on to be considered, and action taken thereon, to-wit:

Came on to be considered the application of TEXAS UTILITIES MINING COMPANY to close two (2) segments of certain county roads located between U.S. Highway 67 and the north frontage road of Interstate Highway 30, and between FM Highway 127 and the north property line of a tract formerly owned by Chester Kridler, and the relocation of a portion of U.S. Highway 67 in Titus County, Texas, more fully described as:

(1) On the first closing, it is proposed to close a segment of a county road situated between U.S. 67 and the north frontage road of Interstate Highway 30, which runs in a southerly direction from approximately Station No. 181+00 on U.S. Highway 67 to approximately Station No. 55+00 on the north frontage road of Interstate Highway 30, said closure being marked as Road #1 on the attached map;

(2) On the second closing, it is proposed to close a segment of a county road which intersects FM Highway 127 at the southwest corner of a tract of land formerly owned by Keith Kridler and continuing in a northerly, westerly, and again northerly direction to a point in the north property line of a tract of land formerly owned by Chester Kridler, said closure being marked as Road #2 on the attached map; and

(3) On the third closing, it is proposed to close a segment of U.S. Highway 67 between Station No. 73+79.05 and Station No. 236+69.09, said closure being marked as Road #3 on the attached map.

However, before closing the segment of U.S. Highway 67 described above in paragraph (3), TUMCO will complete the relocation of said U.S. Highway 67, described as follows:

(a) The proposed relocation of U.S. Highway 67 will detour approximately 2800 feet to the north existing U.S. Highway 67 between Station Nos. 73+79.05 and 236+69.09, such road being marked as Road #4 on the attached map.

After consideration of said application, the following Resolution was adopted by the Commissioners Court of Titus County, Texas on motion made by Commissioner James Thomas and seconded by Commissioner Dempsey Johnson, to-wit:

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSIONERS COURT OF TITUS COUNTY, TEXAS

That the described road in item (1) above is discontinued and abandoned from its intersection with U.S. Highway 67 to a point approximately 70.00 feet north of the centerline of the north frontage road of Interstate Highway 30 (shown on the attached map as Road #1). The remaining 70.00 feet of said county road between the centerline of the north frontage road of Interstate Highway 30 and the closed portion of said road is not discontinued nor abandoned in order to provide access to a tract of land owned by Ronnie Moore, Route 7, Box 247A, Mt. Pleasant, Texas, and Vonna Jean Kidwell, P.O. Box 444, Lindale, Texas;

That the described road in item (2) above is discontinued and abandoned from its intersection with FM Highway 127 at the southwest corner of a tract of land formerly owned by Keith Kridler and continuing in a northerly, westerly, and again northerly direction to a point in the north property line of a tract of land formerly owned by Chester Kridler (shown on the attached map as Road #2);

That the described road in item (3) above is discontinued and abandoned between Station No. 73+79.05 and Station No. 236+69.09 (shown on the attached map as Road #3). However, before closing the segment of U.S. Highway 67 described in this paragraph, TUMCO will complete the relocation of said U.S. Highway 67, described as follows:

(a) The proposed relocation of U.S. Highway 67 will detour approximately 2800 feet to the north of existing U.S. Highway 67 between Station Nos. 73+79.05 and 263+69.09 (shown on the attached map as Road #4).

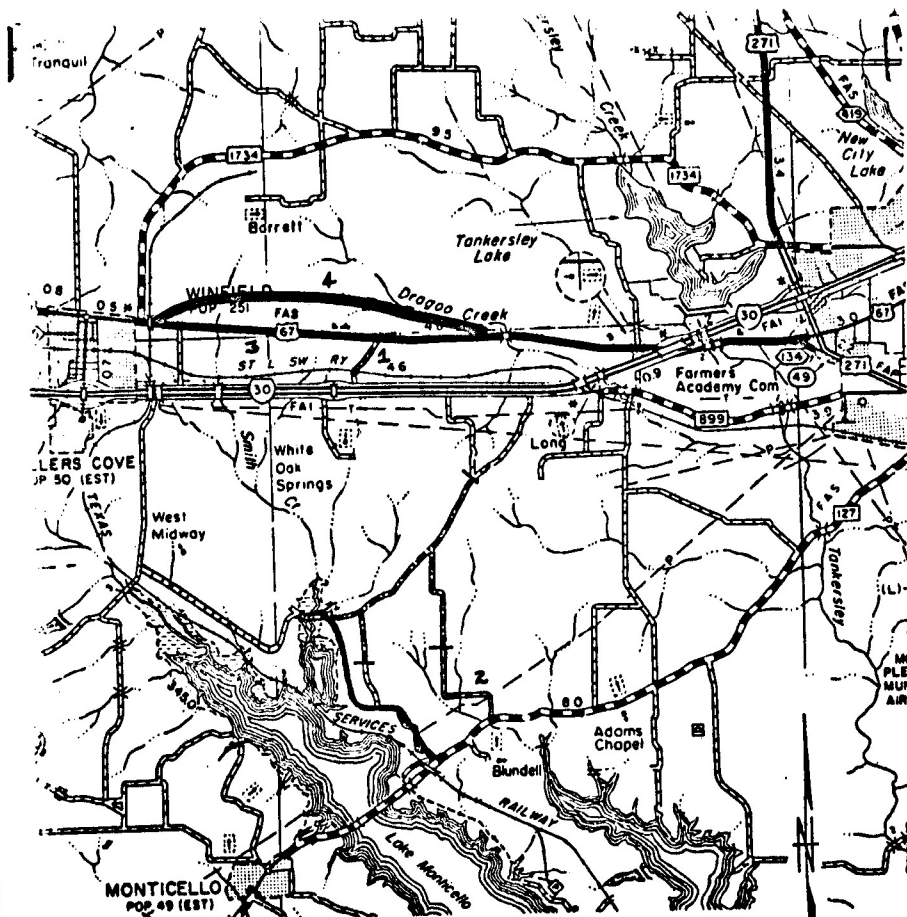
Upon a vote, all voted "aye", and none voted "no" and the County Judge declared the Resolution adopted.

This the 14th day of October, 1985.

/s/ Bill R. Harper
County Judge

ATTEST:

/s/ Eugenia Roach
Eugenia Roach, County Clerk



PROPOSED COUNTY ROAD RELOCATION

--- Roads to be closed

--- Relocation of U.S. Highway 67



IN THE MATTER OF
CURBS AND GUTTERS AT
NEW COUNTY JAIL

Motion was made by Commissioner J.W. Terrell, Jr. and seconded by Commissioner Loyd Clark to table this item until the city completes their work on the streets around the jail. Motion carried unanimously.

IN THE MATTER OF
NOMINATING JAMES ADAMS TO
THE APPRAISAL DISTRICT BOARD

Motion was made by Commissioner James Thomas and seconded by Commissioner J.W. Terrell, Jr. to appoint James Adams as Titus County's nominee for the Appraisal District Board. Motion carried unanimously.

BILL R. HARPER
COUNTY JUDGE
TITUS COUNTY COURTHOUSE
MT. PLEASANT, TEXAS 75455
214-572-3791

October 14, 1985

Eugenia Roach
County Clerk
Titus County, Texas
Mt. Pleasant, Texas 75455

Dear Ms. Roach:

During the Regular Session of Commissioners Court of October 14, 1985, motion by Commissioner James Thomas and seconded by Commissioner J.W. Terrell, Jr., was made to adopt the following resolution:

Resolved that James V. Adams, 805 E. First Street, Mt. Pleasant, Texas 75455, be nominated to represent Titus County as a candidate for position on the Appraisal District Board of Directors.

Sincerely,

/s/ Bill R. Harper
Judge Bill R. Harper

/s/ Dempsey Johnson
Commissioner Precinct #1

/s/ James Thomas
Commissioner Precinct #2

BRH:jt

/s/ J.W. Terrell, Jr.
Commissioner Precinct #3

/s/ LR Clark
Commissioner Precinct #4

IN THE MATTER OF
CALCULATOR AND TYPEWRITER
FOR TAX OFFICE

Motion was made by Commissioner Loyd Clark and seconded by Commissioner James Thomas for the tax office to purchase a calculator and typewriter. Motion carried unanimously.

IN THE MATTER OF
CHRISTMAS LIGHTS ON
NEW AND OLD JAIL

Motion was made by Commissioner Dempsey Johnson and seconded by Commissioner James Thomas to allow the city to outline the new and old jails with Christmas lights at no cost to the county. Motion carried unanimously.

IN THE MATTER OF
ORDER SUPPORTING TAC
DURING BUSH Vs. VITERNA APPEAL

Motion was made by Commissioner James Thomas and seconded by Commissioner Dempsey Johnson to approve the resolution supporting TAC in the appeal Bush vs. Viterna and sending \$350.00 to support this appeal. Motion carried unanimously.

NO. _____

THE STATE OF TEXAS }
COUNTY OF Titus }

ORDER

WHEREAS the dismissal of Bush v. Viterna (Civil Action No. A-80-CA-411) by the United State District Court for the Western District of Texas is being appealed; by the American Civil Liberties Union.

WHEREAS the suit

- (1) is against the Jail Standards Commission of Texas and involves a class consisting of "all persons now incarcerated or to be incarcerated in county jails in Texas";
- (2) challenges the constitutionality of existing state laws and

regulations applicable to county jails in Texas, and seeks to impose new and more stringent standards;

- (3) disputes both the authority of the Jail Standards Commission to grant variances from existent requirements and the lawfulness of variances granted in the past; and
- (4) seeks to diminish the lawful discretion now present in the Jail Standards Commission and the County Commissioners Courts of this State to manage county jails;

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

WHEREAS the interests of Texas counties and of this County would be significantly affected by an adverse decision on appeal of Bush v. Viterna and counties' interests have been represented in this litigation heretofore;

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, which are involved in Bush v. Viterna and which may be affected by the final outcome of the appeal; and

WHEREAS it is impractical for each individual Texas county to participate 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 protect county interests in the appeal of 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 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 hereby appropriates the sum of \$350.00 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 appropriation.

BE IT SO ORDERED.

Adopted on this 14 day of October, 1985.

/s/ BILL R. HARPER
County Judge

/s/ Dempsey Johnson
Commissioner, Precinct 1

/s/ James Thomas
Commissioner, Precinct 2

/s/ J.W. Terrell, Jr.
Commissioner, Precinct 3

/s/ LR Clark
Commissioner, Precinct 4

Approved
Texas Association of Counties

IN THE MATTER OF
SUPPORTING CONSTITUTIONAL
AMENDMENTS #1 AND #2 ON
THE GENERAL ELECTION BALLOT
FOR NOVEMBER 5, 1985

Motion was made by Commissioner James Thomas and seconded by Commissioner Loyd Clark to adopt the resolution supporting the Constitutional amendments #1 and #2 on the General Election ballot November 5, 1985. Motion carried unanimously.

THE STATE OF TEXAS
COUNTY OF TITUS

WHEREAS, over the past two decades increases in population and use of water in the State of Texas, and the lack of expansion of, and in some areas decreases in water supplies are presenting a growing problem in all regions of the state; and,
WHEREAS, an adequate and clean water supply has been a key ingredient in making Texas a good place to live and work and in providing a strong, growing and varied economy; and
WHEREAS, the diminishing participation of the federal government in funding water programs, coupled with the state's declining revenue has created a severe strain on the ability of the state, through its current water funding program, to address this complex problem with our water resources; and,
WHEREAS, a plentiful supply of water distributed economically to all areas of the state will be an ever-increasing priority for all levels of government in the future; therefore,
BE IT RESOLVED, that the Commissioners Court of Titus County endorses the proposed State Water Plan adopted by the 69th Texas Legislature as a urgent and necessary step toward a permanent solution to this threatening crisis; and,
BE IT FURTHER RESOLVED, that the Court urges the Citizens of Texas to lend their support to this effort by going to the polls on November 5, 1985 and voting in favor of Proposed Constitutional Amendments #1 and #2.
BE IT SO ORDERED.
Adopted on this 14 day of October, 1985.

/s/ Bill R. Harper
County Judge

/s/ Dempsey Johnson
Commissioner, Precinct 1

/s/ James Thomas
Commissioner, Precinct 2

/s/ J.W. Terrell, Jr.
Commissioner, Precinct 3

/s/ LR Clark
Commissioner, Precinct 4

IN THE MATTER OF
APPROVAL OF SEPTEMBER MINUTES

Motion was made by Commissioner James Thomas and seconded by Commissioner Loyd Clark to approve minutes for September with correction of \$3750.00 on payment to the city in the matter of landfill proposal from City. Motion carried unanimously.

IN THE MATTER OF
APPROVING OFFICIAL'S REPORTS

Motion was made by Commissioner Loyd Clark and seconded by Commissioner J.W. Terrell, Jr. to approve the official's reports. Motion carried unanimously.

IN THE MATTER OF
APPROVING AUDITOR'S REPORT

Motion was made by Commissioner Loyd Clark and seconded by Commissioner J.W. Terrell, Jr. to approve the auditor's report. Motion carried unanimously.

IN THE MATTER OF
PAYING SEPTEMBER ACCOUNTS

Motion was made by Commissioner Loyd Clark and seconded by Commissioner James Thomas to pay September accounts. Motion carried unanimously.

IN THE MATTER OF
ADJOURNMENT

Motion was made by Commissioner Loyd Clark and seconded by Commissioner J.W. Terrell, Jr. to adjourn. Motion carried unanimously.