

**COMMISSIONERS' COURT
REGULAR MEETING
NOVEMBER 8TH, 1993**

BE IT REMEMBERED THAT THE TITUS COUNTY COMMISSIONERS' COURT met in *REGULAR SESSION* on Monday, November 8, 1993 in the Titus County Courtroom with the following members present:

ALFORD L. FLANAGAN	COUNTY JUDGE
MIKE PRICE	COMMISSIONER PRECINCT 1
MIKE FIELDS	COMMISSIONER PRECINCT 2
J. W. TERRELL, JR.	COMMISSIONER PRECINCT 3
THOMAS E. HOCKADAY	COMMISSIONER PRECINCT 4
SHELIA D. PRICE	COUNTY CLERK

ABSENT: NONE

PUBLIC AND COUNTY OFFICIALS ATTENDING THE MEETING:

BILL GOHMERT	CHRIS GOHMERT
JIM WIGINTON	TOM HOOKER
PAT DISMUKES	RICHARD TOWNSEND
DWAYNE SHIELDS	WARREN BARRY
D' ANN McNEIL	BRUCE KING
PATTY HATCH	SCOTT LUDCE
TIM KIRKSCEY	KENNETH SPARKS
GLENN SISK	RICHARD BREWSTER
HAMILTON TAYLOR	BOB JONES
BETTY KIDWELL	EDDIE PERRITT
MIKE HALL	RICK CHAFFIN
CHERRIE BELL	

**JUNE ROACH, TAX ASSESSOR COLLECTOR
CARL JOHNSON, AUDITOR**

**IN THE MATTER OF
APPROVING MINUTES FOR
OCTOBER, 1993**

Motion was made by Commissioner Mike Price and seconded by Commissioner Thomas E. Hockaday to approve the minutes for October, 1993. Motion carried unanimously.

**IN THE MATTER OF
APPROVING J. F. FOUNTAINE & ASSOCIATES, INC.
AND BI-COUNTY WATER SUPPLY CORP. INSTALLING
NEW WATER LINE ON SE-25 IN PRECINCT 4**

J. F. Fountaine & Associates and Bi-Water Supply Corp. representative, Mr. Richard Brewster, presented a proposal to the Court to place a 3 inch water line along county road SE 25 in Precinct 4.

Precinct 4 Commissioner, Thomas E. Hockaday requested that the right of way be fixed by J. F. Fountaine & Associates/Bi-Water Supply Corp. upon completion of this project.

Motion was made by Commissioner Thomas E. Hockaday and seconded by Commissioner J. W. Terrell, Jr. to approve J. F. Fountaine & Associates/Bi-Water Supply Corp. allowing the placement of a 3 inch water line along county road SE 25 in Precinct 4, with the understanding that they would fix the right of way upon completion of their project. Motion carried unanimously.

**IN THE MATTER OF A
RESOLUTION REQUEST FROM BI-COUNTY WATER SUPPLY CORP**

Mr. Richard Brewster presented to the Court Bi-Water Supply Corporation's request to develop a viable urban community. His request was for \$300,000.00 for grant funds to carry out water distribution improvements within the county area.

He required a resolution from Titus County commissioners as part of a triad-resolution package.

Motion was made by Commissioner Thomas E. Hockaday and seconded by Commissioner J. W. Terrell, Jr. to approve the Resolution from Bi-County Water Supply Corporation. Motion carried unanimously.

SEE ATTACHMENT "A"

IN THE MATTER OF
CLARIFYING HOLIDAY PAY/TIME OFF

There seems to be confusion as to holiday time off/pay for county employees. In an attempt to clarify matters, the commissioners conducted an open discussion on this issue. The following comments were highlighted:

If a holiday falls on a "regular" day off, the person will get an extra 8 hours pay for the holiday. If the person works on the holiday, the person gets double time and a half. (Example: Regular time would be \$6.00 Holiday pay \$15.00). There will be no additional day off granted.

Graveyard shift (first shift of the day) is to be considered the first shift starting holiday time.

Motion was made by Commissioner Mike Price and seconded by Commissioner Thomas E. Hockaday approving the classifications as set out by Commissioners' Court allowing Extra 8 hours pay for holidays falling on a "regular" day off and double time and a half for person working on a holiday. Motion carried unanimously.

IN THE MATTER OF
APPROVING SOUTHWESTERN BELL TELEPHONE
BURYING CABLE ALONG AND UNDER SE-19
IN PRECINCT 4

Motion was made by Commissioner Thomas E. Hockaday and seconded by Commissioner J. W. Terrell, Jr. approving Southwestern Bell Telephone's request to bury cable along and under SE-19 in Precinct 4. Motion carried unanimously.
SEE ATTACHMENT "B"

IN THE MATTER OF
CONSIDERING EXXON's REQUEST TO BURY
PIPELINE UNDER
ABANDONED NW-4 IN PRECINCT 1

Exxon has requested approval to run pipelines under the proposed road replacement of NW4. Although NW4 is currently closed down for lignite mining operations, the aforementioned companies propose burying their pipelines prior to the rebuilding of county road NW4.

Motion was made by Commissioner Mike Price and seconded by Commissioner J. W. Terrell, Jr. approving Exxon's request to place a pipeline under abandoned NW-4 in Precinct 1. Motion carried unanimously
SEE ATTACHMENT "C"

IN THE MATTER OF
CONSIDERING CETEX's REQUEST TO BURY
PIPELINE UNDER
ABANDONED NW-4 IN PRECINCT 1

Cetex has requested approval to run pipelines under the proposed road replacement of NW4. Although NW4 is currently closed down for lignite mining operations, the aforementioned companies propose burying their pipelines prior to the rebuilding of county road NW4.

Motion was made by Commissioner Mike Price and seconded by Commissioner J. W. Terrell, Jr. approving Cetex's request to place a pipeline under abandoned NW-4 in Precinct 1. Motion carried unanimously
SEE ATTACHMENT "C"

IN THE MATTER OF
APPROVAL OF BUDGET AMENDMENT

Auditor, Carl Johnson present the following items for consideration:

1. \$7,388.00 increase in District Tax Office budget based on taxable valuation.
2. County Agent salary adjustment of \$180.00 to adjust miscalculation in budget process.
3. An amendment to cover the cost of a new phone line in the auditor's office. This will be a line item amendment for the Auditor's Office.

4. Thomas E. Hockaday, Commissioner, Precinct 4, required an amendment to the budget to clean up a county reimbursement of \$15,000.00 for 1993-1994 budget change over.

Motion was made by Commissioner J. W. Terrell, Jr. and seconded by Commissioner Thomas E. Hockaday to approve the proposals as presented by Auditor, Carl Johnson. Motion carried unanimously.

IN THE MATTER OF
SIGNING PAY ORDERS
AND PAYING BILLS

Motion was made by Commissioner Mike Price and seconded by Commissioner Thomas E. Hockaday to approve the signing of pay orders and paying bills. Motion carried unanimously.

IN THE MATTER OF
APPROVING COUNTY OFFICIAL'S
REPORTS

Motion was made by Commissioner Mike Price and seconded by Commissioner J. W. Terrell, Jr. to approve the submitted county official's reports. Motion carried unanimously.

IN THE MATTER OF
CONSIDERING PAY SCALE FOR
ELECTION WORKERS.

Motion was made by Commissioner J. W. Terrell, Jr. and seconded by Commissioner Mike Fields to increase election workers salaries to \$6.00 per hour and allow a \$25.00 payment for pick up and delivery of supplies in accordance with Texas legal parameters. Motion carried unanimously.

IN THE MATTER OF
DISCUSSION ON-SITE SEWAGE DISPOSAL

City Manager, Rick Chaffin, Assistant City Manager, Mike Hall and Eddie Perritt brought before the court the need for reconsidering an agreement made in October, 1990 where there was an agreement reached in which the City of Mt. Pleasant assumed responsibility for septic and sewage permits in exchange for the Titus County Clerk's Office assuming responsibility for the Local Vital Statistics Registrar. The City was unaware on the additional work this agreement would generate for the City. In 1993 there were 100 inspections, with 30-40 new system permit requests so far this year. The City requests the County rescind the agreement and the County accept all septic system responsibilities, or turn the responsibilities over the State of Texas. The commissioners were concerned that by turning the responsibilities over to the state there would be two major problems for the citizens of Titus County (1) the time lag involved in getting an inspector from Tyler to permit home builders new systems or to investigate complaints would be lengthy. (2) the state cost for a permit inspection/approval is approximately \$400.00.

County Judge, Alford L. Flanagan inquired recommended that the county scout around to see if there is a qualified citizen wishing to contract with the city/county for the duties. Eddie Perritt pointed out that the person must be certified to perform the duties. He did not know of anyone outside his office with the required qualifications.

Eddie Perritt recommended the county consider raising New Permit fees (possibly to \$85.00) to help offset expenses and pay for the contract. This cost would still be substantially below state costs.

Commissioner, Mike Price asked, "What does the State do with complaints?....How /who do they charge?" Eddie Perritt responded that the State does not charge the county/city to investigate complaints at the present time.

Commissioner Mike Price suggests that an increase in fee to entice a qualified person to serve.

City Manager, Rick Chaffin felt a stricter enforcement of the law was necessary.

Motion was made by Commissioner Thomas E. Hockaday and seconded by Commissioner J. W. Terrell, Jr. to table this matter at this time in order to gather more information on the issue. Motion carried unanimously.

IN THE MATTER OF
CANVASSING 1993 CONSTITUTIONAL
AMENDMENT ELECTION

Judge Flanagan recommended, based on a discrepancy found and noted by the County Clerk that the canvassing of the votes from the constitutional amendment election should be tabled until the Election Judge from Precinct 2 could be contacted and a minor discrepancy in his count corrected..

IN THE MATTER OF
REVIEWING ALL MAINTENANCE CHARGES FOR
ROAD & BRIDGE, AND HAULING COST FOR
IH TRUCKS

Motion was made by Commissioner J. W. Terrell, Jr. and seconded by Commissioner Thomas E. Hockaday to table this matter. Motion carried unanimously.

IN THE MATTER OF
RECESS

Motion was made by Commissioner J. W. Terrell, Jr. and seconded by Commissioner Thomas E. Hockaday to recess until 2:00 P.M. Motion carried unanimously.

IN THE MATTER OF
CONSIDERATION OF BIDS FOR TITUS
COUNTY JAIL EXPANSION

Harrison, Walker, & Harper, Inc. were the low bidders; however the Commissioners felt that the costs were still high. After discussion on the matter, the commissioners decided to allow Gomer & Associates to pursue a discussion with the low bidder concerning a further reduction in costs.

SEE ATTACHMENT "D"

Motion was made by Commissioner J. W. Terrell, Jr. and seconded by Commissioner Thomas E. Hockaday to table the award of the contract until further negotiations could be conducted. Motion carried unanimously.

IN THE MATTER OF
CANVASSING 1993 CONSTITUTIONAL
AMENDMENT ELECTION RETURNS

The feedback from the election judge in Precinct 2 clearly identified a minor administrative error in the recording of the numbers. A motion was made by Commissioner J. W. Terrell, Jr. and seconded by Commissioner Thomas E. Hockaday to approve the canvassing of the 1993 Constitutional Amendment Election returns. Motion carried unanimously.

IN THE MATTER OF
ADJOURNMENT

Motion was made by Commissioner Mike Price and seconded by Commissioner Mike Fields to adjourn. Motion carried unanimously.

ATTACHMENT "A"



Titus County Commissioners' Court
Mt. Pleasant, Texas

RESOLUTION

A RESOLUTION OF THE COUNTY OF TITUS, TEXAS AUTHORIZING THE SUBMISSION OF A TEXAS COMMUNITY DEVELOPMENT PROGRAM APPLICATION TO THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS FOR THE COMMUNITY DEVELOPMENT FUND AS THE SPONSOR FOR THE BI-COUNTY WATER SUPPLY CORPORATION AND AUTHORIZING THE COUNTY JUDGE TO ACT AS THE COUNTY'S EXECUTIVE OFFICER AND AUTHORIZED REPRESENTATIVE IN ALL MATTERS PERTAINING TO THE COUNTY'S PARTICIPATION IN THE COMMUNITY DEVELOPMENT PROGRAM.

WHEREAS, Titus County, by sponsoring Bi-County Water Supply Corporation desires to develop a viable urban community, including decent housing and a suitable environment and expanding economic opportunities, principally for persons of low/moderate income; and

WHEREAS, certain conditions exist which represent a threat to the public health and safety; and

WHEREAS, it is necessary and in the best interests of Titus County and Bi-County Water Supply Corporation to apply for funding under the 1994 Texas Community Development Program;

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

1. That a Texas Community Development Program application for the Community Development Fund is hereby authorized to be filed on behalf of the Bi-County Water Supply Corporation with the Texas Department of Housing and Community Affairs.
2. That the County application be placed in competition for funding under the Community Development Fund.
3. That the application be for \$ 300,000.00 of grant funds to carry out water distribution improvements.
4. That the Commissioners Court directs and designated the County Judge as the County's Chief Executive Officer and Authorized Representative to act in all matters in connection with this application and the County's participation in the Texas Community Development Program.
5. That it further be stated the Bi-County Water Supply Corporation is committing \$ 60,000.00 from its General Fund as a cash contribution toward the construction activities of this water distribution system project.
6. It is further stated that Titus County will commit none of its funds to complete this project and that all cash contributions will be made by the Bi-County Water Supply Corporation.

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RESOLUTION
TITUS COUNTY
page 2

PASSED AND APPROVED THIS 8th DAY OF NOVEMBER, 1993.

Alford L. Flanagan
COUNTY JUDGE

Mike Ruie
COMMISSIONER

Mike Fields
COMMISSIONER

J.W. Lowery
COMMISSIONER

Thomas E. Hockaday
COMMISSIONER

BI-COUNTY

WATER SUPPLY CORPORATION

DISTRIBUTION LINE TO
WELSH POWER PLANT
MORRIS & TITUS COUNTIES

DOBBY PINEZ - MANAGER

LEGEND
1. DISTRIBUTION LINE
2. WELSH POWER PLANT
3. MORRIS & TITUS COUNTIES

BOARD OF DIRECTORS
PRESIDENT: PAUL POOL
VICE PRESIDENT: JOHN PARKER
SECRETARY: ROYCE STRUBB
TREASURER: LORREN L. WISNITZKE
MEMBER: MATTHEW L. ALDRIDGE
MEMBER: JAMES L. WILKINS
MEMBER: CALVIN ELLISON

ARTICLE I
SECTION 1. The purpose of this corporation shall be to provide for the distribution of water to the Welsh Power Plant in Morris and Titus Counties, North Carolina, and to operate and maintain the distribution system for the same.

SECTION 2. The capital stock of this corporation shall be divided into shares of the par value of \$100.00 each, and shall be payable in cash.

SECTION 3. The corporation shall have the power to borrow money, to issue bonds, and to incur such other liabilities as may be necessary for the purpose of carrying out its objects.

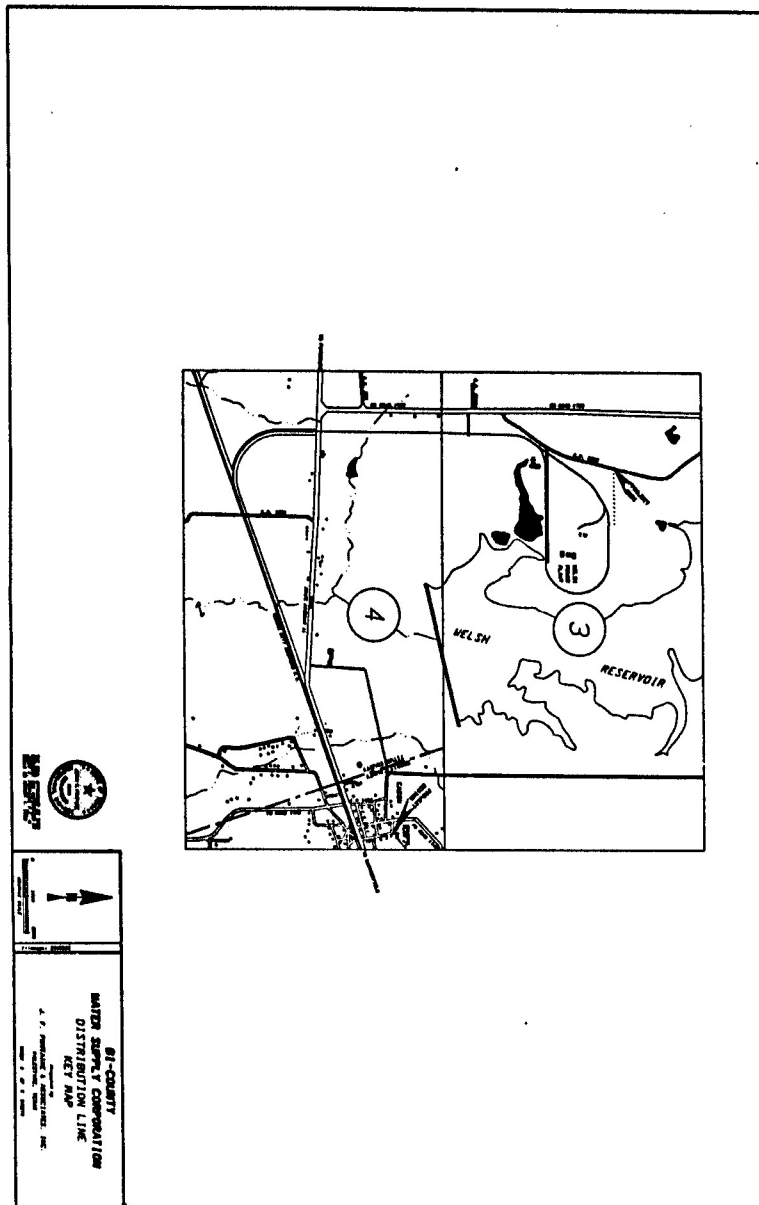
SECTION 4. The corporation shall have the power to acquire, hold, lease, and dispose of real and personal property, and to do all such other acts and things as may be necessary for the purpose of carrying out its objects.

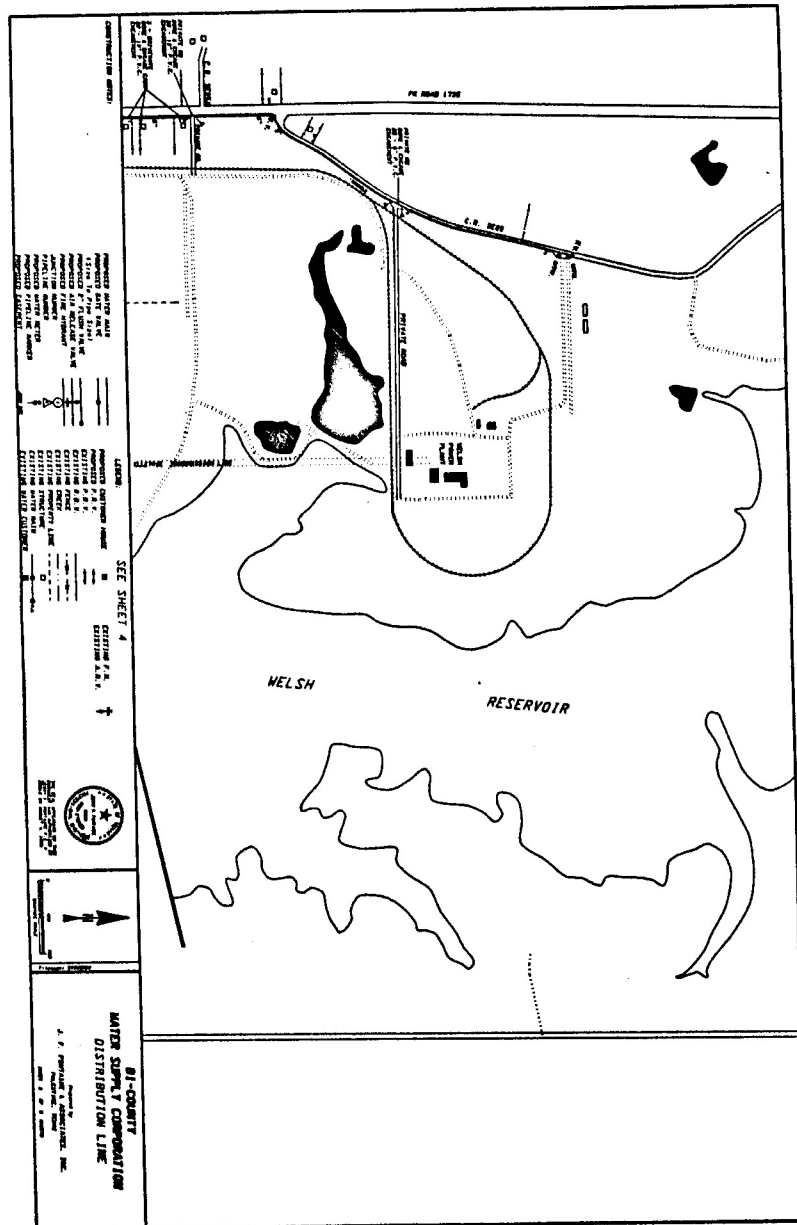
SECTION 5. The corporation shall have the power to make and alter its bylaws, and to amend, repeal, or rescind the same.

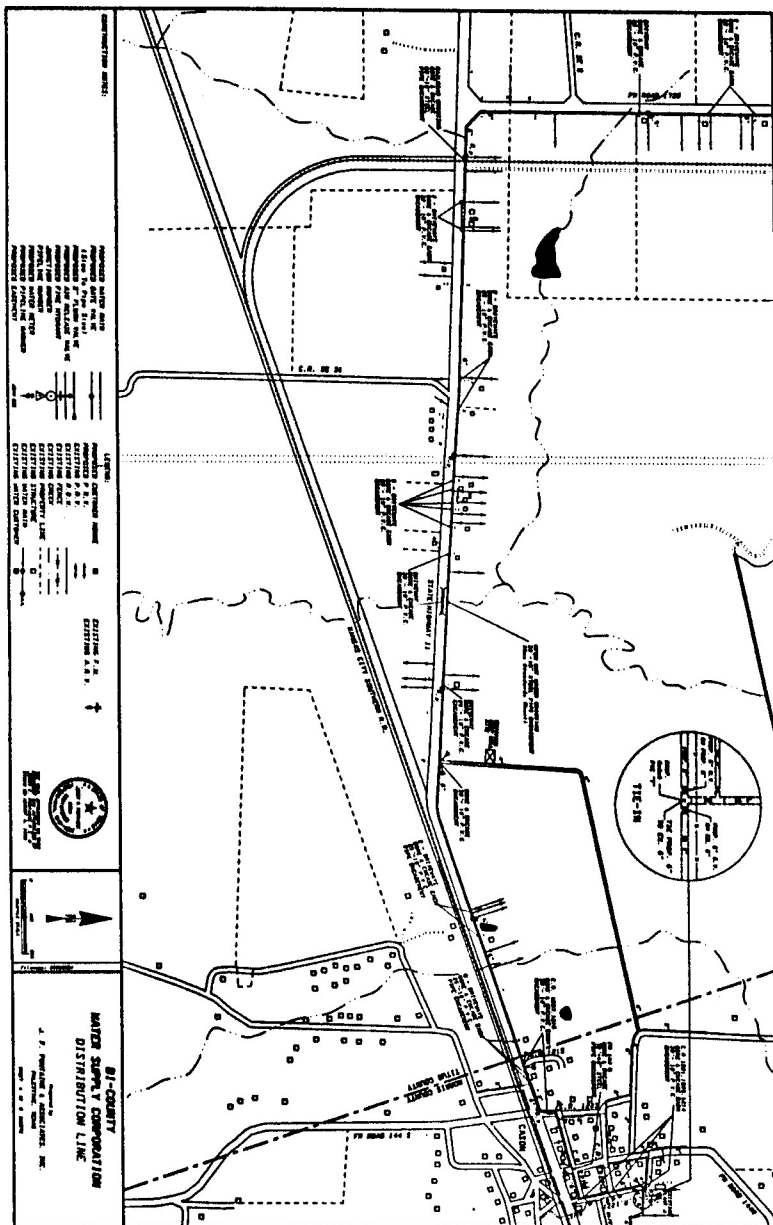
SECTION 6. The corporation shall have the power to sue and be sued, to defend itself in any court of law or equity, and to do all such other acts and things as may be necessary for the purpose of carrying out its objects.



BI-COUNTY
WATER SUPPLY CORPORATION
DISTRIBUTION LINE
MORRIS & TITUS COUNTIES
TITLE SHEET
J. S. FORTSON & ASSOCIATES, INC.
JAN 19 1968







ATTACHMENT "B"

OCT 22 1993

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APPLICATION FOR PERMIT

TO: COMMISSIONERS COURT
MT. PLEASANT, TEXAS 75455

Application is hereby made by SOUTHWESTERN BELL TELEPHONE COMPANY
for permission to lay a buried line along and under that certain
segment of the county road in Precinct # 4 at the following
location(s):

PLACE BURIED CABLE ALONG AND UNDER SE C R 19 AS SHOWN ON THE
ATTACHED DRAWINGS.

Respectfully submitted,

C. D. Prince
Manager-Engineering Design
611 W. Elm
Tyler, Texas 75702

APPROVED - DENIED

Alfred L. Hanger
COUNTY JUDGE

SPECIAL CIRCUITS EQUIP FORWARDED PERMIT REQUIRED	N N Y	NORTH ARROW	OPERATING RANGE OF JOB STEPS			
			LINE	1 TO 1	51 TO 51	51C
			TRANSMISSION ZONE			
			RZ 28 C2 TAPER CODE 215102			
			CAUTION HIGH VOLTAGE			
			RY 7.2 AERIAL Y BURIED N			
			PULL CONDUCTS (+) (-)			
			PWR CO			
			NOTES			
			ORDER NO. D523847			
			TOT/POINTS 3 PRINT NO. 2			
			C.O. 903-572			
			ECHO 572			
			TAN DEST. RT020			
			GEO LOC. TV572			
			DRAWN MH			
			TELEPHONE NO. (903) 577-5485			
			REC. SET. 28L & 28H			
			WAP REC.			
			SCALE NONE			
			DATE WRT. 09/28/93			
			DATE REV.			
			JOB TITLE BU CA SE C R 19			

CETEX
PIPELINE, INC.

1727 WEST FIRST STREET
MT. PLEASANT, TX 78456
803 572-3416
FAX 803 572-4807
HOME 803 378-9186

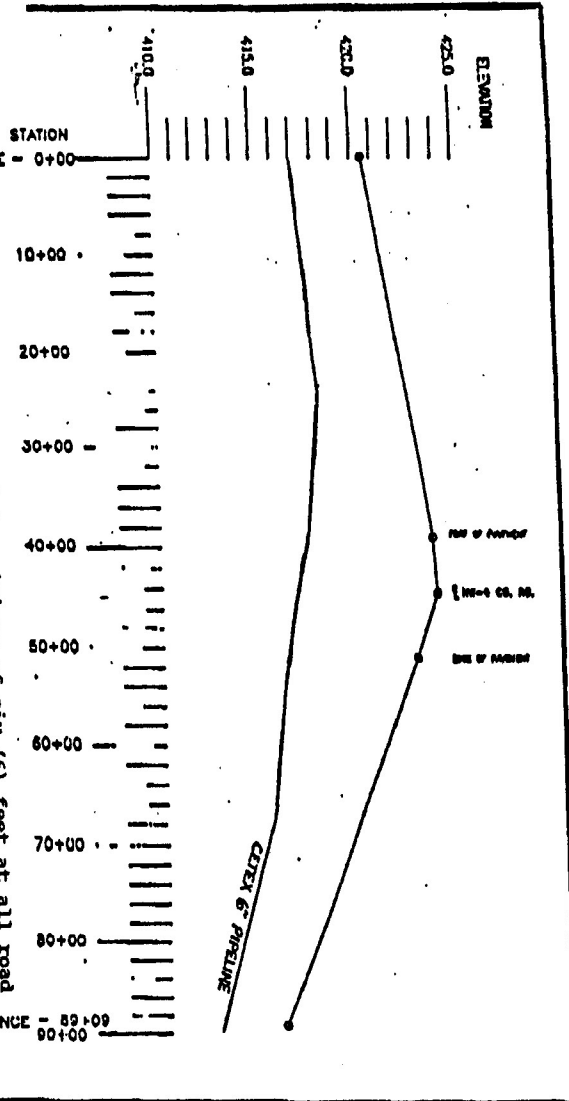


PROFILE OF CENTERLINE OF R.O.W. AT NW-4 COUNTY ROAD
AND CETEX 6" PIPELINE

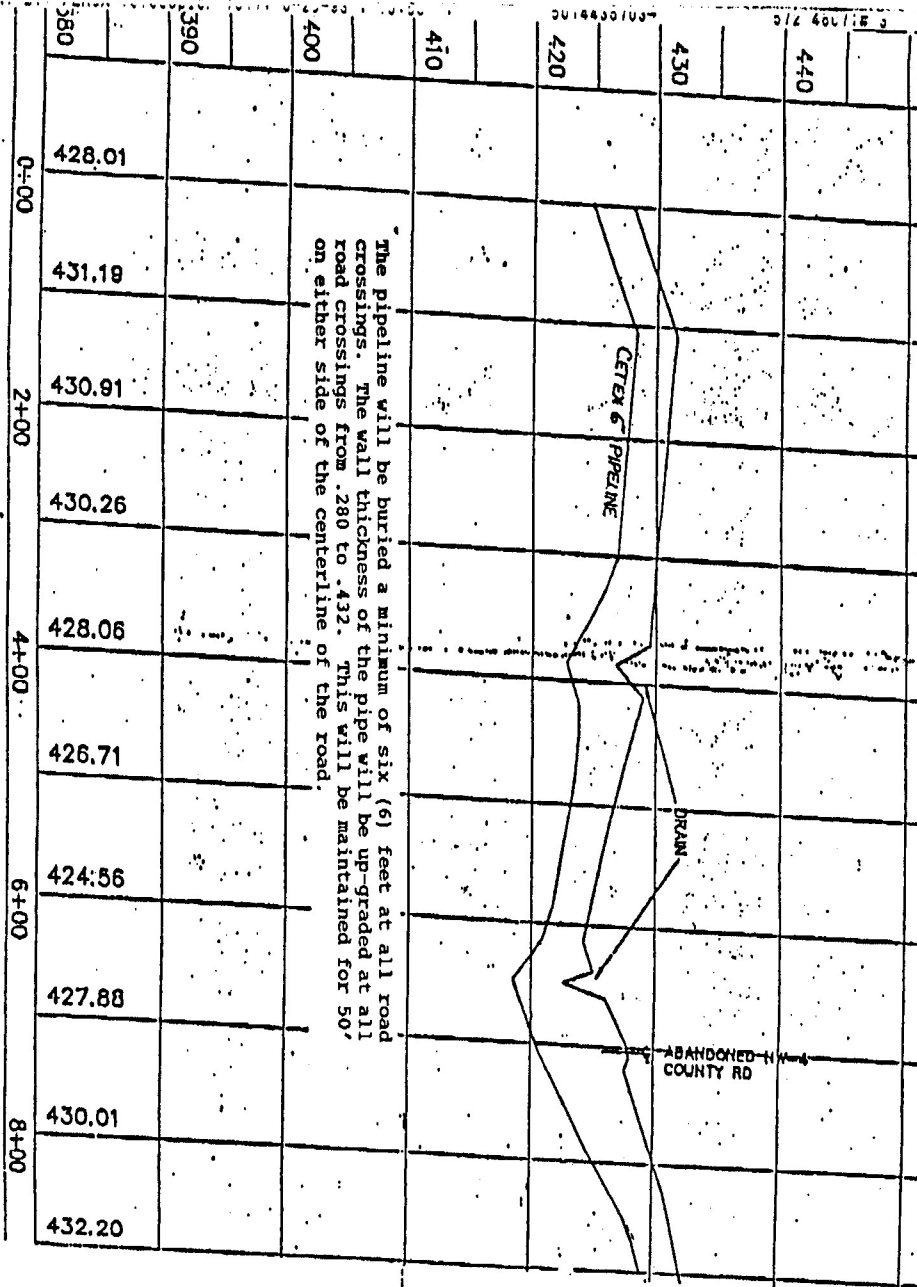
SOUTH R.O.W. FENCE - 0+00

The pipeline will be buried a minimum of six (6) feet at all road crossings. The wall thickness of the pipe will be up-graded at all road crossings from .280 to .432. This will be maintained for 50' on either side of the centerline of the road.

NORTH R.O.W. FENCE - 89+00
90+00



PROFILE OF CENTERLINE OF R.O.W. AT ABANDONED NW-4 COUNTY ROAD
AND CETER 6" PIPELINE



TITUS COUNTY JAIL EXPANSION AND MUNICIPAL POLICE FACILITY

LOCATION: TITUS COUNTY COURTHOUSE..... COMMISSIONERS' COURTROOM.....
BID DATE: NOVEMBER 8, 1993..... TIME: 2:00 P.M.....

CONTRACTORS	BASE BID	DEDUCTIVE ALTERNATES			TIME OF COMPLETION
		NO. 1	NO. 2	NO. 3	
MITCHELL ENTERPRISES, INC. P.O. Box 3109 Sherman, TX 75091-3109 903/893-6593 FAX: 903/868-0679	5,982,000 <i>(actual sub) 5,982,000</i>	+615,000	-10,000	+14,000	60 weeks
DIAMOND K CORPORATION P.O. Box 1896 Mt. Pleasant, TX 75456 903/572-9804 FAX: 903/572-1787	5,885,000 <i>5,885,000</i>	+330,000	-23,000	+15,500	? No bid
DIVERSIFIED CONSTRUCTION SERVICES, INC. 1710 Dallas Parkway, Suite 240 Dallas, TX 75248 214/248-1932 FAX: 214/248-1948	5,805,000 <i>No sub figure</i>	+480,000	-10,000	+13,000	in ETC ?
BFW CONSTRUCTION CO., INC. P.O. Box 628 Temple, TX 76703 817/778-8941 FAX: 817/778-4450	5,769,000 <i>5,769,000</i>	-440,000	-13,000	+4,000	500 weeks
PAUL POGUE, INC. P.O. Box 3359 Sherman, TX 75090 903/892-4696 FAX: 903/893-4781	5,849,000 <i>5,849,000</i>	+430,000	-12,000	No change	Net TC
JULIAN P. BARRY GENERAL CONTRACTOR, INC. 6212 Lemmon Avenue Dallas, TX 75205 214/357-9404 FAX: 214/357-9441	5,897,700 <i>5,897,700</i>	-55,000	-5,000	+14,500	450 weeks
HARRISON, WALKER & HARPER, INC. 222 E. Webster Peris, TX 75460-2898 903/785-1633 FAX: 903/785-1792	480,000 <i>480,000</i>	+160,000	-14,000	+8,000	45 weeks