COMMISSIONERS' COURT PUBLIC HEARING SEPTEMBER 22, 1997

BE IT REMEMBERED THAT THE TITUS COUNTY COMMISSIONERS' COURT held a Public Hearing on Monday, September 22, 1997, in the Titus County Courtroom with the following members present:

DANNY P. CROOKS	.COUNTY JUDGE
MIKE PRICE	.COMMISSIONER PRECINCT 1
MIKE FIELDS	.COMMISSIONER PRECINCT 2
	COMMISSIONER PRECINCT 3
THOMAS E. HOCKADAY	COMMISSIONER PRECINCT 4
IEAN CROVER	

ABSENT: NONE

PUBLIC AND COUNTY OFFICIALS ATTENDING MEETING:

JUNE ROACH, TAX ASSESSOR - COLLECTOR ANN RUNDLE

IN THE MATTER OF PUBLIC HEARING ON PROPOSED BUDGET FOR 1997 - 1998

County Judge, Danny P. Crooks asked, "Does anyone wish to say anything on the Proposed Budget 1997 - 1998?"

No answer came forth.

IN THE MATTER OF ADJOURNMENT

Motion was made by Commissioner Mike Price and seconded by Commissioner Billy Jack Thompson to adjourn.

COMMISSIONERS' COURT SPECIAL MEETING SEPTEMBER 22, 1997

BE IT REMEMBERED THAT THE TITUS COUNTY COMMISSIONERS' COURT met in *Special Session* on Monday, September 22, 1997, in the Titus County Courtroom with the following members present:

DANNY P. CROOKS	COUNTY JUDGE
MIKE PRICE	COMMISSIONER PRECINCT 1
MIKE FIELDS	COMMISSIONER PRECINCT 2
BILLY I THOMPSON	COMMISSIONER PRECINCT 3
THOMAS F HOCKADAY	COMMISSIONER PRECINCT 4
JEAN CROVER	DEPUTY COUNTY CLERK

ABSENT: NONE

PUBLIC AND COUNTY OFFICIALS ATTENDING MEETING:

CARL JOHNSON, AUDITOR
JUNE ROACH, TAX ASSESSOR - COLLECTOR
CYNTHIA AGAN, TREASURER
RICKY POOLE, SHERIFF
KEN SCHINDLEY, CHIEF DEPUTY SHERIFF
REX MARS, DEPUTY SHERIFF

ANN RUNDLE
KERRY WOOTTEN
BRUCE LOUSBERG
KEVIN KENT
LEONARD ROCKWELL
PAT DISMUKE

J. M. HILL LONNIE SMITH WESLEY BOGUE JOHNNIE BARRETT BURNIS COVINGTON LOUIS B. GOHMERT

IN THE MATTER OF ADOPTING BUDGET FOR 1997-1998

County Judge, Crooks said, "The 1997-1998 Budget has been on file with the County Clerk's office for the past fourteen days for viewing and will remain in the county clerk's office. Do I hear a motion to approve this budget?"

Motion was made by Commissioner Mike Price and seconded by Commissioner Mike Fields to adopted the 1997-1998 Budget as filed.

VOTING YES
MIKE PRICE, COMMISSIONER PRECINCT 1
MIKE FIELDS, COMMISSIONER PRECINCT 2

MIKE FIELDS, COMMISSIONER PRECINCT 2
BILLY J. THOMPSON, COMMISSIONER PRECINCT 3

VOTING NO
THOMAS E. HOCKADAY, COMMISSIONER PRECINCT 4

Motion carried.

IN THE MATTER OF SETTING TAX RATE FOR 1997

Tax Assessor - Collector, June Roach said, "I propose a tax rate of \$.21263 per \$100 on taxable property, plus a tax rate of \$.0462 per \$100 taxable property for Interest and Sinking Fund which will give a total tax rate of \$.25883 per \$100 in property value."

Motion was made by Commissioner Billy J. Thompson and seconded by Commissioner Mike Price to adopt the tax rate of \$.25883 per \$100 in property value.

VOTING YES

Mike Price, Commissioner Precinct 1
Mike Fields, Commissioner Precinct 2
Billy J. Thompson, Commissioner Precinct 3

VOTING NO
Thomas E. Hockaday, Commissioner Precinct 4

VOL_23___PAGE ____264__

Motion carried. SEE ATTACHMENT "A"

IN THE MATTER OF APPROVING TEXAS UTILITIES MINING COMPANY REQUEST FOR CLOSURE, ADBANDONMENT AND VACATION OF SEGMENT OF NW-28 IN PRECINCT 1

Mr. Kerry Wootten representative for Texas Utilities Mining Company presented to the Court for consideration the closing of NW 28 for the purpose of mining said area. Mr. Wootten explained, "Texas Utilities Mining Company will be replacing the old road with a new road once the mining is complete. The company will build a temporary road to connect NW 28 to NW 20. This will close the road for about 1 1/2 miles. If you have any other questions, I'm sure any of these gentlemen from Texas Utilities Mining Company will be glad to answer them."

Commissioner Billy J. Thompson said, "Could you please give us some indication as to how soon you plan to close the road."

Mr. Lonnie Smith replied, "The NW 28 Road will not be closed until the temporary road connecting NW 28 to NW 20 has been built. We are projecting sometime next spring as a possible date."

Mr. J. M. Hill said, "I object too this road being closed. This company has already closed down to many roads. My children have already moved this area, leaving me out there. If they want to mine this area let them build a bridge over to it."

Commissioner Mike Price said, "I have no objections with Texas Utilities Mining Company closing this road or any other road in my precinct. They have always worked with the County replacing old road with new roads saving the County lots of tax payers money. Yes, I agree there will be some folks inconvenienced, but this happens everyday out in the world."

Motion was made by Commissioner Mike Price and seconded by Commissioner Billy J. Thompson to approve Texas Utilities Mining Company request to close, abandon, and vacate a segment of NW 28 in Precinct 1. Motion carried unanimously. SEE ATTACHMENT "B"

IN THE MATTER OF DISCUSS APPOINTMENT OF ELECTION JUDGES AND ALTERNATE JUDGES FOR A ONE YEAR TERM

Motion was made by Commissioner Thomas E. Hockaday and seconded by Commissioner Mike Price to approve the appointment of the current election judges and alternates judges for a period of one year. Motion carried unanimously.

IN THE MATTER OF APPROVING HIRING AN ARCHITECT FOR FEASIBILITY STUDY ON JAIL EXPANSION

Mr. Gohmert said, "The primary study for this project would cost \$6,500 of which \$5,000 would go to Pat Dismuke and \$1,500 to myself. We plan to give the Court three different plans. The first plan would be by the book. The second plan would be by the bed. The third plan would be by the dormitory. We are looking at adding 65 to 90 beds of additional space, depending on how much isolation space you will need. The existing building would need a stair well and an elevator added to it."

Motion was made by Commissioner Thomas E. Hockaday and seconded by Commissioner Mike Price to approve hiring Gohmert Associates for a feasibility study on the jail expansion. Motion carried unanimously.

IN THE MATTER OF APPROVING CONSTABLE AND SHERIFF'S FEES

Motion was made by Commissioner Mike Price and seconded by Commissioner Thomas E. Hockaday to table this matter until next meeting. Motion carried unanimously.

IN THE MATTER OF APPROVE DEPUTATION OF TIFFANY MARIN AS A RESERVE DEPUTY SHERIFF

Motion was made by Commissioner Mike Price and seconded by Commissioner Billy J. Thompson to approve the deputation of Tiffany Marin as a reserve deputy sheriff. Motion carried unanimously.

IN THE MATTER OF APPROVING BUDGET AMENDMENTS

Motion was made by Commissioner Thomas E. Hockaday and seconded by Commissioner Mike Price to approve budget amendments number 71 to 77. These amendments may be seen in the County Auditor's Office. Motion carried unanimously.

IN THE MATTER OF APPROVING COUNTY OFFICIALS REPORTS

Motion was made by Commissioner Mike Price and seconded by Commissioner Billy J. Thompson to approve reports from County Auditor, District Clerk, Fire Star Volunteer Fire Department, Cookville Volunteer Fire Department, and Nortex Volunteer Fire Department. Motion carried unanimously.

IN THE MATTER OF SIGNING PAY ORDER AND PAYING BILLS

Motion was made by Commissioner Thomas E. Hockaday and seconded by Commissioner Billy J. Thompson to sign pay order and pay bills. Motion carried unanimously.

IN THE MATTER OF
APPROVING SOUTHWESTERN BELL TELEPHONE COMPANY
BURYING CABLE ALONG AND UNDER NW-24, NW-30B AND NW-39
IN PRECINCT 1

Motion was made by Commissioner Mike Price and seconded by Commissioner Mike Fields to approve Southwestern Bell Telephone Company burying cable along and under NW-24, NW-30B and NW-39 in Precinct 1 with the exception to bore drives and under roads. Motion carried unanimously. SEE ATTACHMENT "C"

IN THE MATTER OF DISCUSS ORDER OF DISTRICT JUDGE FOR SALARY INCREASES

Motion was made by Commissioner Mike Price and seconded by Commissioner Billy J. Thompson to increase the salary of Carl Johnson to the sum of \$2,000.00, Sharon Reynolds to \$1,200.00, Amber Newman to \$1,200.00 B. R. Tucker to \$2,949.20 and Lloyd Billups to \$2,949.20. Motion carried unanimously. SEE ATTACHMENT "D"

The Court went into Executive Session at 9:50 a.m. to discuss legal matters. The Court reconvened at 10:10 a.m. No action was taken.

IN THE MATTER OF ADJOURNMENT

Motion was made by Commissioner Thomas E. Hockaday and seconded by Commissioner Mike Price to adjourn. Motion carried unanimously.

PAGE 268 VOL.

ATTACEMENT "A"

Titus County Commissioners' Court At. Bleasant, Texas

ORDER TO ADOPT TAX RATE

Article 26.05 of the Tax Code places the responsibility of adopting a tax rate each year for Titus County on the Commissioners' Court. The taxes generated by imposing this trx rate on the owners of taxable property in Titus County is necessary for the operation of the Titus County County County

It is hereby ordered that the Commissioners' Court of Titus County adopt the tax rate on taxable property of Titus County for maintenance and operation purposes at \$.21263 per \$100. of taxable value.

It is hereby ordered that the Commissioners' Court of Titus County adopt the rate on taxable property of Titus County for Interest and Sinking Fund purposes at \$.0462 per \$100. of taxable value for a total tax rate of \$.25883 per \$100.of taxable value.

It is hereby ordered the 22nd day of September 1997 by the Commissioners' Court, Titus County, Texas.

N CROOKS, COUNTY JUDGE

COMMISSIONER.

100 M. First Street, Butte 200

Mt. Pleasant, Cexas 75455

Telephone 903-577-6791

Wax 903-577-6793

ATTACHMENT "B"
RUSSELL & WOOTTEN, P.C. VOL 23 PAGE 269

ATTORNEYS AT LAW
P.O. BOX 1135
204 W. SEVENTH STREET
MT. PLEABANT, TEXAS 75465-1135

TRAYLOR RUSSELL (1806-1903) SAM W. RUSSELL KERRY WOOTTEN

August 27, 1997

TIBLEPHONE (800) 572-3651 FAX (800) 573-7446

The Hon. Danny Pat Crooks County Judge of Titus County 100 W. First Street Mt. Pleasant, Texas 75455

RE: Request by TUMCO to close, abandon and vacate a certain segment of a County Road in Titus County, Texas

Dear Judge Crooks:

On behalf of my client, TUMCO, I am requesting that the attached matter pertaining to the request by TUMCO to close, abandon and vacate a certain segment of county road be placed on the agenda for the meeting of the Commissioners' Court to be held on September 22, 1997. I believe the information contained in the request is self-explanatory, but, in the event you should have any questions, please feel free to contact me.

I appreciate your assistance in this matter.

Very truly yours,

Kerry Wootten

KW/jmc

cc Bruce Lousberg, TUMCO

.

NOTICE OF REQUEST TO CLOSE, ABANDON AND VACATE CERTAIN SEGMENT OF COUNTY ROAD IN TITUS COUNTY. TEXAS

Notice is hereby given that Texas Utilities Mining Company (TUMCO) has requested the Commissioners' Court of Titus County, Texas, to close, abandon and vacate a certain segment of County Road NW-28. This request will be heard by the Commissioners' Court of Titus County, Texas, in a regular session on the 22nd day of September, 1997, at 9:00 o'clock a.m., in the Commissioners' Courtroom located in the Titus County Courthouse. A copy of such request is on file in the Office of the County Clerk of Titus County, Texas, and may be inspected by any interested person. As a result of closing, abandoning and vacating said segment of said county road, no person will be left without access to their residence or lands.

Notice given this 29 day of August, 1997.

TEXAS UTILITIES MINING COMPANY

Kerry Wootten, Attorney

RUSSELL & WOOTTEN, P.C.

P. O. Box 1135

Mt. Pleasant, Texas 75456-1135

Phone: (903) 572-3653 FAX: (903) 572-7442

CERTIFICATE

I hereby certify that a true and correct copy of the above and foregoing Notice was posted at the Titus County Courthouse, Mt. Pleasant, Texas, on this 29 day of August, 1997.

Kerry Wootten, Attorney

VCL 23 FAGE 27/

RUSSELL & WOOTTEN, P.C.

ATTORNEYS AT LAW
P.O. BOX 1136
204 W. SEVENTH STREET
MT. PLEASANT, TEXAS 75466-1136

TRAYLOR RUSSELL (1909-1989 SAM W. RUSSELL KERRY WOOTTEN TELEPHONE (903) 573-3663 FAX (903) 578-7446

August 20, 1997

TO:

County Judge and Commissioners' Court of Titus County, Texas

RE.

Request to close, abandon and vacate a certain segment of a county road located

in Titus County, Texas

Gentlemen:

Texas Utilities Mining Company (TUMCO) would show that it has coal and lignite leases on several thousand acres of land lying in the northern portion of Titus County, Texas. In order to effectively carry out its mining program, it will be necessary that a certain segment of a road located within TUMCO's proposed mining area be closed, abandoned and vacated. Pursuant to authority vested in the Commissioners' Court under Texas Local Government Code, Sec. 81.028(2) and Texas Transportation Code, Sec. 251.051, TUMCO respectfully requests the Commissioners' Court of Titus County, Texas, to close, abandon and vacate the following described segment of county road located in Titus County, Texas:

(1) TUMCO requests the closure, abandonment and vacation of a segment of a county road, identified as County Road NW-28, beginning at the Southeast corner of a tract of land conveyed to the Greenhill Cemetery Association by The Greenhill Presbyterian Church, U.S., as recorded in Vol. 463, Page 51, of the Deed Records of Titus County, Texas, same being the northernmost northeast corner of a tract of land conveyed to Texas Utilities Mining Company by Donald R. Blackstone, et ux, as recorded in Vol. 829, Page 310, of the Deed Records of Titus County, Texas, extending southeast approximately 1.5 miles to the southeast corner of a tract of land conveyed to First Security Bank, trustee for Texas Utilities Mining Company, by Gerald Stagg, et al, recorded in Vol. 989, Page 62, of the Deed Records of Titus County, Texas, said segment being marked as Road #1 on the map attached hereto as Attachment 1.

TUMCO requests that the Commissioners' Court of Titus County, Texas, adopt and enter an order which closes, abandons and vacates the segment of County Road identified in Item (1) above.

Contingent upon the approval of the aforementioned road closure, TUMCO proposes that prior to the actual closing of the road, they will construct a new road, a general description of such

new road being as follows:

BEGINNING in the Southern Boundary line of County Road NW-28, at a point east of the portion which is the subject of this request to close; thence in a southerly direction to a point in the northern boundary line of County Road NW-20 across land presently owned or in the possession of TUMCO.

Also, a new road will be constructed in the general location of the closed County Road NW-28 at a time when this location is no longer needed for mining purposes.

In the event that there are individuals living on lands in the vicinity of the road for which closure, abandonment and vacation is being requested, no such resident or landowner will be denied access to their property. TUMCO would further show that they own or have possession of the lands located on both sides of the segment of county road sought to be closed, abandoned and vacated.

The road sought to be closed, abandoned and vacated have not been classified by the Commissioners' Court, and TUMCO would represent that the public interest will be better served by closing, abandoning and vacating the segment of the road in question in order that the area may be mined and that the coal and lignite lying in, on and under such segment of county road and the surrounding area may be removed.

Thank you very much for your consideration in this matter.

Respectfully submitted,

TEXAS UTILITIES MINING COMPANY

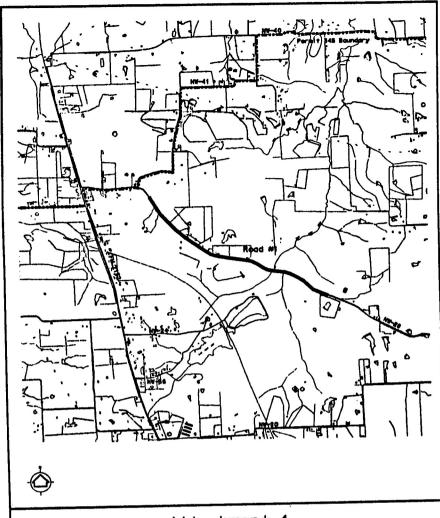
Kerry Wootten, Attorney

RUSSELL & WOOTTEN, P.C.

P. O. Box 1135

Mt. Pleasant, Texas 75456-1135 Telephone: (903) 572-3653

FAX: (903) 572-7442



Attachment 1

Proposed Road Closure

Texas Utilities Mining Company Mt. Pleasant, Texas

VOL 23 PAGE 274 ATTACHMENT "C" ALGO 1079

Plats 7, 10 & 14

APPLICATION FOR PERMIT

TO: COMMISSIONERS COURT MT. PLEASANT, TEXAS 75455

Application is hereby made by SOUTHWESTERN RELL TELEPHONE COMPANY for permission to lay <u>Musical</u> line along/under that certain segment of the county road in Precinct is ______ at the following location(s):

Place and bare 4" pipes across

TWOCK 34, NWCK 30B and NWCK 39

As shown on the following dischings

Respectfully submitted,

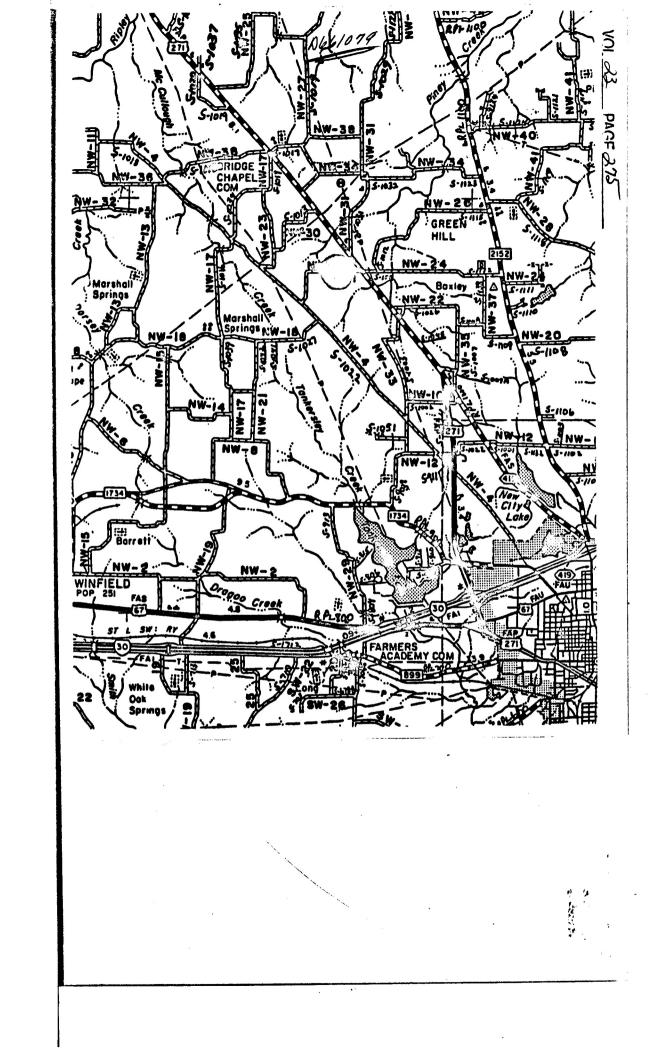
C. D. Grunce

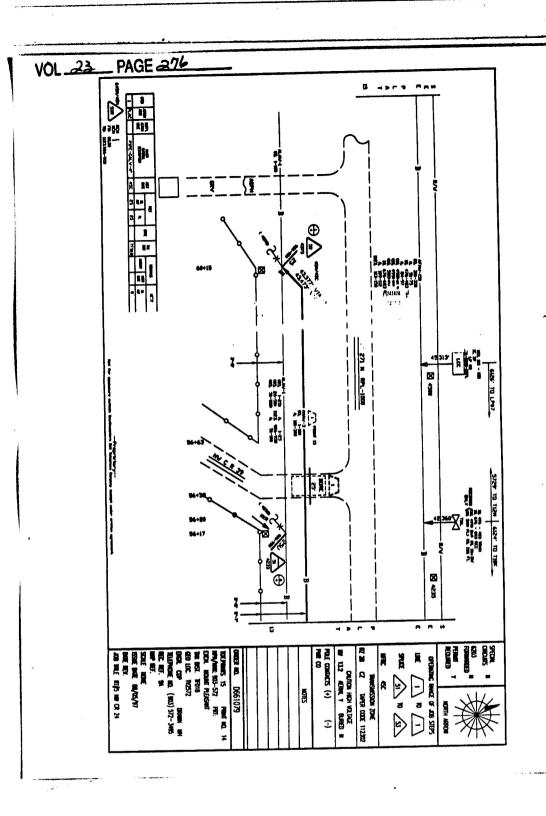
Manager-Engineering Design
611 W. Elw
Tyler, Texas 75702

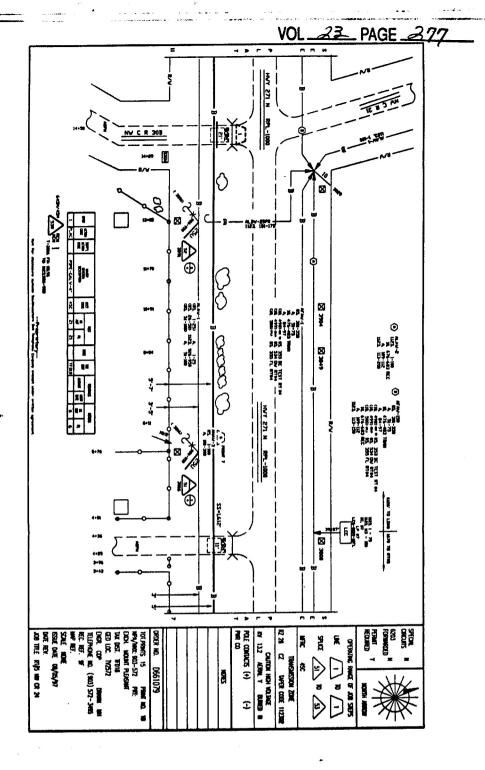
APPROVED - DENIED

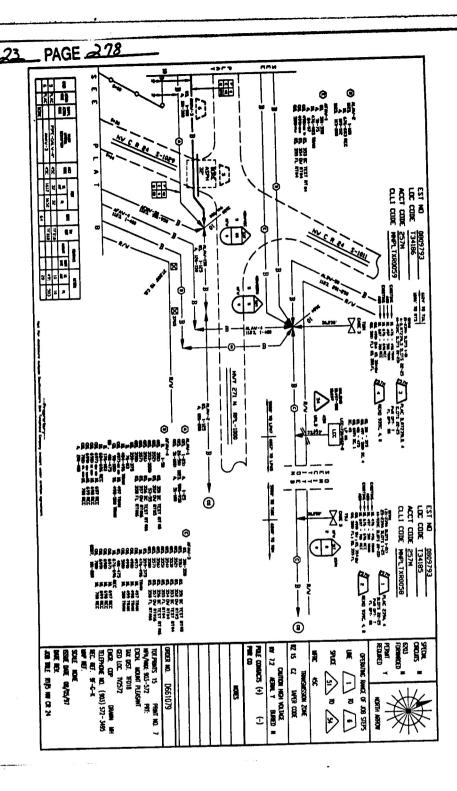
COUNTY (dings

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IN THE MATTER OF RAISING THE SALARY OF THE TITUS COUNTY AUDITOR

Whereas, the Auditor, Carl Johnson, Jr., is presently drawing a salary of \$31,415.00 annually, it is therefore the order of the District Judges of the 76th Judicial District and the 276th Judicial District, the only Judges having jurisdiction in Titus County, that the annual salary of the Auditor, Carl Johnson, Jr., be increased \$2,000.00 per year, making a salary of \$33,415.00 annually, same to be effective October 1, 1997.

Copies of this order shall be recorded in the Commissioners' Court Minutes of Titus County and the District Court Minutes of Titus County.

Done, made and entered this _____ day of Beptistus 1992.

Jimmy L. White, Judge John Judicial District Court of Titus County

William R. Porter, Judge 276th Judicial District Court of litus County

IN THE MATTER OF RAISING THE SALARY OF THE TITUS COUNTY ASSISTANT AUDITOR

Whereas, the Assistant Auditor Sharon Reynolds, s presently drawing a salary of \$20,105.09 annually, it is therefore the order of the District Judges of the 76th Judicial District and the 276th Judicial District, the only Judges having jurisdiction in Titus County, that the annual salary of the Assistant Auditor, Sharon Reynolds, be increased \$1,200.00 per year, making a salary of \$21,305.09 annually, same to be effective October 1. 1997.

Copies of this order shall be recorded in the Commissioners' Court Minutes of Titus County and the District Court Minutes of Titus County.

Done, made and entered this _____ day of September. 199 Z.

Jimmy L. White, Judge Roth Judicial District Court of Titus County

William R. Porter, Judge 276th Judicial District Court of litus County

IN THE MATTER OF RAISING THE SALARY OF THE TITUS COUNTY ASSISTANT AUDITOR

Whereas, the Assistant Auditor, Amber Newman) is presently drawing a salary of \$16,975.00 annually, it is therefore the order of the District Judges of the 76th Judicial District and the 276th Judicial District, the only Judges having jurisdiction in Titus County, that the annual salary of the Assistant Auditor, Amber Newman, be increased \$1,200.00 per year, making a salary of \$18,175.00 annually, same to be effective October 1, 1997.

> Jimmy L. White, Judge Coth Judical District Court of litus County

William R. Porter, Judge 276th Judicial District Court of Titus County

JANIE MCCAY JANIE MCCAY
DISTRICT CLERK, MARION COUNTY
P. O. BOX 628
JEFFERSON, TEXAS 75657

115th Judicial District Court & 276th Judicial District Court

903/665-2441 903/665-2013

FILED M

AUG 6 1997

BOBBY LA PRADE - CLERK, DISTRICT COURT TITUS COUNTY, TX

⊤.<u>8€₩₩</u>

August 5, 1997

Mr. Bobby LaPrade Titus County District Clerk Courthouse Annex 105 W. 1st Street Mount Pleasant. Texas 75455

Re: Court Reporter Salary

Dear Mr. LaPrade:

Judge Porter asked that the enclosed be mailed to you and that you file mark and give a certified copy to Commissioner's Court.

Janie Me Cary Janie McCay

JM:rp

Ö

JUL 1 4 1997

WILLIAM R. PORTER Judge, 276th Judicial District 500 Broadnox P.O. Box 480 Daingerfield, Texas 75638 903-645-2506



July 10, 1997

TO THE HONORABLE COUNTY JUDGES AND COMMISSIONERS OF TITUS, CAMP, MORRIS AND MARION COUNTIES

Dear Judges and Commissioners:

Judge White and I met on July 9, 1997, to discuss salaries of the official court reporters for the forthcoming fiscal year. As you are aware, no costs of living increases have been ordered since 1994.

At the conclusion of our discussion, we decided to order a salary increase of seven (7%) percent for the fiscal year beginning September 1, 1997. We will conduct the required public hearing on August 4, 1997, at 9:00 a.m. in the District Courtroom of Morris County, which is the most centrally located courtroom in the districts. Public notice of this hearing will be published shortly in a newspaper in each of the four counties.

This increase will bring the gross salary of each official court reporter to \$45,082. This salary will be ordered apportioned as follows:

276th District

Camp.....\$9,016.40 Morris....\$13,524.60 Titus....\$18,032.80 Marion....\$4,508.20

76th District

Camp......\$10,008.20 Morris.....\$15,012.31 Titus.....\$20,061.49

Yours very truly

Judge, 276th District Court

White immy L.

Judge, 76th District Court

Carlot Town

AT ____FILED M

STATE OF TEXAS

COUNTY OF MORRIS

AUG 6 1997

BOSSY LA PRADE - CLERK, DISTRICT COURT TITUS COUNTY, TX

WHEREAS, the Official Court Reporter of the 276th Judicial District of Texas, B. R. Tucker, is presently drawing a salary of \$42,132.80 per year (\$35il.06 per month) apportioned among the four counties of the District, and,

WHEREAS, due to inflation in the costs of living, and in order to conform his salary to that of Official Court Reporters serving a similar population and with a like work load, the Court deems it necessary and appropriate that the salary should be increased \$245.77 a month or an increase of \$2,949.20 per year, making a salary of \$45,082.00 per year, or \$3,756.83 per month, commencing on September 1, 1997, and to be apportioned among the four countles on a per monthly basis as follows:

CAMP COUNTY 751.37

MORRIS COUNTY...... 1,127.05

TITUS COUNTY...... 1,502.73

MARION COUNTY...... 375.68

This order is entered pursuant to and in conformity with the provisions of Section 52.051, Government Code of the State of Texas, this 5th day of August, 1997.

Copies of this order shall be entered in the Minutes of the District Court in each county of the District and a copy hereof shall be filed with each Commissioners' Court of the District.

Signed and entered this 5th day of August, 1997.

A TRUE COPY
of the original hereof, I cartify
BOBBY LaPRADE
District Court Clerk
Titus County, Texas

Titus County, Texas

WILLIAM R. PORTER

Judge, 276th Judicial District Court

Doly Bule

STATE OF TEXAS COUNTY OF TITUS Not 134 Page 1 FILED FOR RECORD

97 AUG 11 AH 10: 18

WHEREAS, the Official Court Reporter of the 76th Judicial District of Texas, Lloyd Billups, is presently drawing a salary of \$42,132.80 per year (\$3511.06 per month) apportioned among the three counties of the District, and

WHEREAS, due to inflation in the costs of living, and in order to conform his salary to that of Offficial Court Reporters serving a similar population and with a like work load, the Court deems it necessary and appropriate that the salary should be increased \$245.77 a month or an increase of \$2,949.20 per year, making a salary of \$45,082.00 per year, or \$3,756.83 per month, commencing on October 1, 1997, and to be apportioned among the three counties on a per montly basis as follows:

> CAMP COUNTY...... \$ 834.97 MORRIS COUNTY.....\$1,251.01 TITUS COUNTY.....\$1,670.85

VOL_23 PAGE 286

This order is entered pursuant to and in conformity with the provisions of Section 52.051, Government Code of the State of Texas, this 6th day of August, 1997.

Copies of this order shall be entered in the Minutes of the District Court in each county of the District and a copy hereof shall be filed with each Commissioners' Court of the District.

Signed and entered this 6th day of August, 1997.

JIMMY L. WHITE Judge, 76th Judicial District Court