

COMMISSIONERS' COURT
REGULAR MEETING
FEBRUARY 11, 2002

BE IT REMEMBERED THAT THE TITUS COUNTY COMMISSIONERS' COURT
met in *Regular session* on Monday, February 11, 2002, in the Titus County Courtroom
with the following members present:

DANNY P. CROOKS.....COUNTY JUDGE
BOB FITCH.....COMMISSIONER PRECINCT 1
MIKE FIELDS.....COMMISSIONER PRECINCT 2
BILLY J. THOMPSON.....COMMISSIONER PRECINCT 3
THOMAS HOCKADAY.....COMMISSIONER PRECINCT 4
JEAN CROVER.....DEPUTY COUNTY CLERK

PUBLIC AND COUNTY OFFICIALS ATTENDING MEETING;

CARL JOHNSON, COUNTY AUDITOR
JUDY COOK, COUNTY TAX ASSESSOR
DEBRA BOWEN, DISTRICT CLERK
SHERRY MARS, TITUS COUNTY CLERK

CLARISSA CUTRELL
NORMA NARRAMORE
JAKE NARRAMORE
LANNY WALKER
CLAUDE ALEXANDER

Invocation was given by Thomas Hockaday

IN THE MATTER OF
CONSIDER APPROVING PLAT FOR THE
LINKS ADDITION IN PRECINCT 1

Motion was made by Commissioner Bob Fitch and seconded by Commissioner Mike
Fields to approve the Plat for the Links Addition. Motion carried unanimously

IN THE MATTER OF
HEARING LANNY WALKER REGARDING
2001 AUDIT

Motion was made by Commissioner Thomas Hockaday and seconded by Commissioner Bob Fitch to approve Audit Report given by Lanny Walker. Motion carried unanimously.

IN THE MATTER OF
APPROVE THE REVIEW AND FILE THE PRECLEARANCE
LETTER FROM THE DEPARTMENT OF JUSTICE
ON REDISTRICTING

Motion was made by Commissioner Thomas Hockaday and seconded by Commissioner Billy Jack Thompson to approve the Review and file the preclearance letter from the Department of Justice on Redistricting. Motion carried unanimously.
EXHIBIT A

IN THE MATTER OF
CONSIDER AND POSSIBLY APPROVE COUNTY MUTUAL
AID COORDINATOR

The Fire Department recommended County Mutual Aid Coordinator and alternatives. Motion was made by Commissioner Thomas Hockaday and seconded by Commissioner Billy Jack Thompson to approve the recommendations. Motion carried unanimously.
EXHIBIT B

IN THE MATTER OF
APPROVING MINUTES FOR JANUARY, 2002 MEETING

Motion was made by Commissioner Billy Jack Thompson and seconded by Commissioner Bob Fitch to approve the minutes for the January, 2002 Commissioners' Court Meeting. Motion carried unanimously.

IN THE MATTER OF
ORAL AND WRITTEN REPORTS OF COUNTY OFFICIALS

Motion was made by Commissioner Billy Jack Thompson and seconded by Commissioner Bob Fitch to approve the reports of Five Star Volunteer Fire Department, Nortex Volunteer Fire Department, City of Talco Fire Department, Sugar Hill Volunteer Fire Department, District Clerk, Justice of the Peace Precinct #2, Justice of the Peace Precinct #1, County Treasurer. Motion carried unanimously.

IN MATTER OF
APPROVE BUDGET AMENDMENTS

Motion was made by Commissioner Billy Jack Thompson and seconded by Commissioner Thomas Hockaday to approve budgets amendments # 9 and # 10. Motion carried unanimously. Amendments can be seen in County Auditor's Office.

IN THE MATTER OF
DISCUSS AND POSSIBLY APPROVE SPACE FOR THE
HISTORICAL COMMISSION

Claude Alexander asked the Court if a room in the Ratliff Building might be available for the Historical Commission to use for a short term to start a museum. Motion was made by Commissioner Mike Fields and seconded by Commissioner Bob Fitch to approve the use of a room in the Ratliff Building for this purpose. Motion carried unanimously.

IN THE MATTER OF
DISCUSS AND POSSIBLY APPROVE APPOINTMENT OF
O.M. REICHERT, D.O. AS COUNTY HEALTH AUTHORITY

Motion was made by Commission Mike Fields and seconded by Commissioner Billy Jack Thompson to approve O.M. Reichert, D.O. as County Health Authority. Motion carried unanimously.

IN THE MATTER OF
ADJOURNMENT

Motion was made by Commissioner Billy Jack Thompson and seconded by Commissioner Thomas Hockaday to adjourn. Motion carried unanimously



EXHIBIT A

JDR:JBG:SLL:nj
DJ 166-012-3
2001-3676

Voting Section - GSt.
950 Pennsylvania Avenue, N.W.
Washington, DC 20530

January 7, 2002

Robert T. Bass, Esq.
Allison, Bass & Associates
208 West 14th Street
Austin, Texas 78701-1645

Dear Mr. Bass:

This refers to the 2001 redistricting plans for the commissioners court, justice of the peace, and constable districts, and the realignment of voting precincts for Titus County, Texas, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act, 42 U.S.C. 1973c. We received your submission on November 8, 2001; supplemental information was received through December 3, 2001.

The Attorney General does not interpose any objection to the specified changes. However, we note that Section 5 expressly provides that the failure of the Attorney General to object does not bar subsequent litigation to enjoin the enforcement of the changes. See the Procedures for the Administration of Section 5 (28 C.F.R. 51.41).

Review of this submission indicates that Titus County may have failed to provide notice or informative materials in Spanish concerning its 2001 redistricting process and meetings as required by Section 4(f)(4) of the Act. This section applies with regard to the provision of "any registration or voting notices, forms, instructions, assistance, or other materials or information relating to the electoral process."

Notices and information regarding the redistricting process and meetings fall within this requirement as well as the definition of "Spanish language election procedures," which refers to such matters as the procedures for translating

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election-related information and materials (e.g., notices, advertisements, informational pamphlets, ballots) into Spanish, procedures for confirming the accuracy of the translations, and the procedures used to provide oral assistance or information in Spanish at polling places, voter registration offices, or early voting locations, as well as publicity in Spanish regarding the availability of Spanish language assistance. See Interpretive Guidelines: Implementation of the Provisions of the Voting Rights Act Regarding Language Minority Groups, 28 C.F.R. Part 55.

Failure to comply with these requirements effectively denies language minority groups their rights to be informed of, and participate in, voting connected activities. In addition, Sections 4(f)(4) authorizes the Attorney General to bring civil actions to obtain the appropriate relief for violations of the Act. If you have any questions about the requirements of Section 4(f)(4) and Titus County's compliance with it, you may contact Luz Lopez-Ortiz (202-514-5686) or Karen Ditzler (202-616-4349), the attorneys on our staff to whom this matter has been referred.

We also note that your submission includes a cover memorandum containing a paragraph purporting to describe the voting changes submitted on behalf of Titus County, which states "Submission for pre-clearance following redistricting of (1) County Commissioners Court Precincts, conformation of underlying (2) Election Precincts, and any consequential change in (3) Justice of the Peace Precinct boundaries. Revised (4) Polling Places are also submitted for Preclearance." However, our examination of your submission fails to show any specific indication that changes have been made in any of the county's polling places.

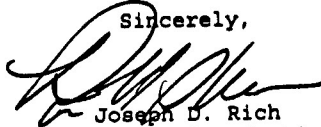
When submitting changes for Section 5 review covered jurisdictions must describe with particularity the existing and proposed voting procedures. See the Procedures for the Administration of Section 5 (28 C.F.R. 51.28) which requires that submissions should contain a clear statement of the change explaining the difference between the submitted change and the prior law or practice, or explanatory materials adequate to disclose to the Attorney General the difference between the prior and the proposed situation with respect to voting. Jurisdictions covered under Section 5, have the responsibility of clearly identifying the voting change for which preclearance is being requested, Clark v. Roemer, 500 U.S. 646 (1991); McCain v. Lybrand, 465 U.S. 236 (1984); Allen v. State Board of Elections, 393 U.S. 544 (1969), and describing with particularity the existing and proposed voting procedures as well as the

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differences between them. See 28 C.F.R. 51.28. To the extent your submission includes voting changes not adequately identified under this standard, they are not legally enforceable and require preclearance under Section 5. See 28 C.F.R. 51.26(d) and 51.35.

If you have any questions regarding the appropriate method for specifying changes pursuant to 28 C.F.R. 51.28, you should call Ms. Sonya Lebsack (202-307-2240) of our staff. Refer to File No. 2001-3676 in any response to this letter so that your correspondence will be channeled properly.

Sincerely,



Joseph D. Rich
Chief, Voting Section

EXHIBIT B

COUNTY MUTUAL AID COORDINATOR

The Texas Fire and Rescue Mutual Aid Plan requires the Fire Chiefs within each county to recommend a County Mutual Aid Coordinator and alternates to the County Judge. The Titus County Fire Chiefs submit the following:

COUNTY MUTUAL AID COORDINATOR: Larry McRae, Mt. Pleasant Fire Chief

ALTERNATES: Senior on-duty Mt. Pleasant Fire Department Officer

County Volunteer Fire Department Fire Chiefs

Attested to:

Randy Carroll
Randy Carroll, Talco Fire Chief

Mike Henson
Mike Henson, Winfield Fire Chief

J. B. Simpson
J. B. Simpson, 5-Star Fire Chief

Larry Reynolds
Larry Reynolds, Tri-Lakes Fire Chief

Roy Tillman
Roy Tillman, Nortex Fire Chief

Steve Buchanan
Steve Buchanan, Sugarhill Fire Chief

Gib Johnson
Gib Johnson, Cookville Fire Chief

Larry McRae
Larry McRae, Mt. Pleasant Fire Chief

SELECTION PROCESS
County Mutual Aid Coordinator

County Fire-Rescue Coordinators are a critical link to the *Texas Fire and Rescue Mutual Aid Plan*. Selection of the best individual is of the utmost importance.

1. The local Fire Chiefs within each county will recommend County Fire-Rescue Coordinators. An alternate or alternates will be selected either by the Fire Chiefs or appointed by the selected County Coordinator.
2. The County Fire-Rescue Coordinator and alternate(s) do not need to be Fire Chiefs, however they should be individuals knowledgeable about the resources available within a county and be able to represent the fire departments within their respective counties.
3. Upon selection of the Coordinator and alternate(s) by the local fire departments, the County Judge will consider the recommendation of the fire departments and write a letter of certification approving them as County Fire-Rescue Coordinators.
4. These certification letters, along with contact names, addresses and phone numbers, will be forwarded to the respective TFS Regional Fire Coordinator who will forward this information to the Texas Interagency Coordination Center (TICC) database. (See Contact List for TFS Regional Fire Coordinator in your area).
5. The selection process should be conducted at least every three years.

The *Texas Fire and Rescue Mutual Aid Plan* does not supersede existing local and state mutual aid agreements, including interstate COMPACT agreements.

VI. RESPONSIBILITIES

A. Organization

County Mutual Aid Coordinator. This position will serve as the local point of contact for mutual aid requests that are outside the boundaries of local mutual aid agreements.

DEM State Coordinator. This position is the point of contact for requesting state resources outside the effected Disaster District boundary during statewide mutual aid mobilizations.

DPS Disaster District Chairperson. This position is the point of contact for requesting state resources within the boundaries of the Disaster District to local jurisdictions. The Chairperson is the point of contact with the Division of Emergency Management State Coordinator if state resources from outside the Disaster District are required.

DPS Regional Liaison Officer (RLO). Advisor and liaison to DPS Disaster District Chairperson.

TEEX Regional Staff. This position will represent rescue resources on the DPS Disaster District Committees. The role of the coordinator is to serve as the point of contact for regional and statewide requests for local rescue resources and maintain regional rescue resource lists.

TEEX Rescue Chief. This position is the point of contact for rescue resources during statewide mutual aid mobilization.

TICC Coordinator. This position serves as the point of contact for mobilization fire fighting resources during statewide mutual aid responses. The role of the coordinator is to serve as the point of contact for ordering statewide and national fire fighting resources. They maintain a list of resources available statewide for mutual aid response and track the movement of resources by incident.

TFS Regional Fire Coordinator. This position will represent fire and rescue services and county Mutual Aid Coordinators on DPS Disaster District Committees. The role of the coordinator is to serve as point of contact for regional and statewide mutual aid requests for local fire and rescue service resources and to maintain regional fire and rescue resource lists.

VII. DIRECTION AND CONTROL

The state is divided into Disaster Districts which coincide with the existing boundaries of the DPS Highway Patrol Districts. Each county will have a Mutual Aid Coordinator who is appointed by the County Judge from a list of candidates provided by the fire/rescue organizations within the county.

Requests for mutual aid assistance and related response on the local level will occur under existing mutual aid agreements. This will not require the involvement of district or state organizations.

When local resources are insufficient to meet the requirements of an incident, a request for

assistance will be submitted to the Disaster District Chairperson. Resources available within the District will be obtained through the Disaster District Committee. State resources from within the District will be provided by the state agencies that make up the Committee. Rescue resources from within the Disaster District will be obtained by the TEEEX regional staff working with the County Mutual Aid Coordinators.

When Disaster District resources are insufficient to meet the requirements of an incident, a request for additional resources will be placed by the Disaster District Chairperson to the DEM State Coordinator. The Emergency Management Council will provide state resources. Primary agencies will obtain resources through the County Mutual Aid Coordinators. Federal fire resources will be mobilized by a request from the TFS Fire Chief to the Texas Interagency Coordination Center (TICC). Federal rescue resources will be mobilized by request from the DEM State Coordinator to the Federal Emergency Management Agency (FEMA) Region VI, in consultation with the TEEEX Rescue Chief.

Command

Command and control of mobilization, incident response and demobilization will occur under the Incident Command System. The Incident Commander of the requesting entities will retain command authority. The requesting entity may delegate command authority to another entity. Unified Command will be established when appropriate.

Safety

Incident Safety Officers will be utilized during Regional and Statewide responses. Their personnel will follow safety policies of the responding entities if the policies are more stringent than the procedures in place on the incident.

Liability

Liability insurance for each person or piece of equipment provided through statewide mutual aid will be provided by the responding agency or organization.

Financial

Costs related to the provision of personnel and resources will initially be borne by the provider who will keep detailed records and may bill the requestor as appropriate.

Standards

The responding organization will be required to meet safety standards appropriate to the incident.

VIII. EMERGENCY RESPONSE LEVELS/ACTION GUIDE

See State of Texas Emergency Management Plan, Section VII.

IX. CONTINUITY OF GOVERNMENT

Lines of succession for personnel with emergency management responsibilities will be in accordance with existing policies and required emergency management standard operating procedures of