

COMMISSIONERS' COURT
SPECIAL MEETING
FEBRUARY 23, 2004

BE IT REMEMBERED THAT THE TITUS COUNTY COMMISSIONERS' COURT
met in *Special Session* on Monday, February 23, 2004, 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 E. HOCKADAY.....	COMMISSIONER PRECINCT 4
THELMA SCULLIN.....	DEPUTY COUNTY CLERK

ABSENT: NONE

PUBLIC AND COUNTY OFFICIALS ATTENDING MEETING

DEBBIE RHEA
JUDY COOK
TIM TAYLOR

CARL JOHNSON
ARVIL SHEPARD

NORMA NARRAMORE
MELISSA HILL

JAKE NARRAMORE
RAY MCCANN

IN THE MATTER OF
PUBLIC COMMENTS AND/OR REQUEST FOR INFORMATION
ON NON-AGENDA ITEMS IN ACCORDANCE WITH
SECTION 551-042, TEXAS OPEN MEETING ACT

No request

IN THE MATTER OF
HEAR PRESENTATION BY GAIL NORRIS, HEALTHFIRST
TPA, REGARDING RENEWAL AND APPROVAL OF LIFE
INSURANCE FOR COUNTY EMPLOYEES

Gail Norris advised the Court it would be best to stay with the same life insurance plan with the rates the same. Motion was made by Commissioner Mike Fields and seconded by Commissioner Bob Fitch to leave the insurance the same.
Motion carried unanimously. SEE EXHIBIT A

IN THE MATTER OF
CANVASS VOTES FOR THE FEBRUARY 17, 2004
SENATE RUN-OFF ELECTION

Motion was made by Commissioner Thomas Hockaday and seconded by Commissioner Billy Jack Thompson to approve the canvassing of votes for the February 17, 2004 Senate Run-Off Election.
Motion carried unanimously.

IN THE MATTER OF
CONSIDER AND POSSIBLY APPROVE ADDING PROPOSED
AMENDMENTS TO "ORDER ADOPTING REGULATIONS OF
TITUS COUNTY, TEXAS FOR CERTAIN SEXUALLY
ORIENTED COMMERCIAL ENTERPRISES", AS ADOPTED
BY COMMISSIONERS' COURT JULY 25, 1994

Motion was made by Commissioner Mike Fields and seconded by Commissioner Billy Jack Thompson to approve adding Proposed Amendments to "Order Adopting Regulations of Titus County, Texas for Certain Sexually Oriented Commercial Enterprises", as adopted by Commissioners' Court July 25, 1994.
Motion carried unanimously. SEE EXHIBIT B

IN THE MATTER OF
APPROVE ORAL AND WRITTEN REPORTS OF
COUNTY OFFICIALS

Motion was made by Commissioner Bob Fitch and seconded by Commissioner Billy Jack Thompson to approve oral and written reports of Auditor, County Extension Agent, Winfield Volunteer Fire Department, City of Talco Fire Department, Justice of the Peace, #2, Tax Assessor/Collector.

IN THE MATTER OF
APPROVE BUDGET AMENDMENTS

There were no amendments.

IN THE MATTER OF
SIGN PAY ORDERS AND APPROVE PAYMENT

Motion was made by Commissioner Billy Jack Thompson and seconded by Commissioner Bob Fitch to sign pay orders and approve payments.
Motion carried unanimously.

IN THE MATTER OF
CONSIDER AND POSSIBLY APPROVE AN ORDER TO CREATE
A POSITION OF COUNTY ELECTIONS ADMINISTRATOR

Motion was made by Commissioner Billy Jack Thompson and seconded by Commissioner Thomas Hockaday to create a position for a County Elections administrator effective October 1, 2004.
Motion carried unanimously.

IN THE MATTER OF
DISCUSS AND POSSIBLY APPROVE APPLICATION MADE BY
SOUTHWESTERN BELL TELEPHONE COMPANY TO LAY
BURIED LINE AND BORE ALONG CERTAIN SEGMENTS OF
COUNTY ROADS IN PRECINCT 1: BORE AND PLACE CABLE
UNDER CR 1330; PLACE CABLE ON PRIVATE EASEMENT
TO HAYES ESTATES; BORE AND PLACE CABLE UNDER
CR 1335

Motion was made by Commissioner Bob Fitch and seconded by Commissioner Billy Jack Thompson to approve Southwestern Bell Telephone request to lay buried line and bore along segments of county roads in Precinct 1 as long as they bore under all driveways and county roads.
Motion carried unanimously.

IN THE MATTER OF
ADJOURNMENT

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

STATE OF TEXAS, COUNTY OF TITUS

ORDER OF COMMISSIONERS' COURT
CREATION OF COUNTY ELECTIONS ADMINISTRATOR

On this the 23rd day of February, 2004, the Commissioners' Court of Titus County, Texas, being convened in a special session at a regular meeting place thereof at the Titus County Courthouse in Mt. Pleasant, Texas, with the following members of the Court present to-wit:

Danny P. Crooks - County Judge
Bob Fitch - Commissioner Precinct 1
Mike Fields - Commissioner Precinct 2
Billy Jack Thompson - Commissioner Precinct 3
Thomas E. Hockaday - Commissioner Precinct 4

the same constituting a quorum, after due discussion, motion, and second, enters the following order:

WHEREAS, Section 31 of the Texas Election Code, provides for the creation of a County Elections Administrator to perform the function of voter registrar, the duties and functions placed upon the County Clerk by the Texas Election Code, the duties and functions relating to elections that are placed on the County Clerk by statutes outside of the Texas Election Code, subject to Section 31.044 of the Texas Election Code and the duties and functions placed upon any administrator under Sections 31.044 and 31.045 of the Texas Election Code, and,

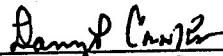
WHEREAS, the Election Code requires that an Order be entered by the Court for the creation of said position, the Commissioners' Court for the County of Titus be and is hereby created.

IT IS FURTHER ORDERED that the County Clerk of Titus County shall deliver a certified copy of this Order to the Secretary of State, the Comptroller of Public Accounts, and each member of the County Election Commission not later than the third day after the signing of this Order.

IT IS FURTHER ORDERED that in accordance with Section 31.042 of the Texas Election Code, as soon as practicable after the effective date of the creation of the position of County Elections Administrator, the officer formerly serving as the voter registrar shall transfer to the Administrator all records pertaining to voter registration, and the county officer formerly required to conduct elections shall transfer to the Administrator all voting equipment and supplies of which the officer has custody.

It was moved and seconded that the same do pass.

PASSED AND APPROVED this 23rd day of February, 2004.



Danny P. Crooks, County Judge


Bob Fitch, Commissioner Precinct 1


Billy Jack Thompson, Commissioner Precinct 3


Mike Fields, Commissioner Precinct 2

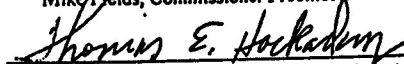

Thomas E. Hockaday, Commissioner Precinct 4

EXHIBIT A
TITUS COUNTY
 -Life Proposal-
 2004

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02/11/2004
 CARRIER:

CURRENT
SUN LIFE

1.5 X Annual Salary
 Retirees - \$10,000

RENEWAL
SUN LIFE

1.5 X Annual Salary
 Retirees - \$10,000

LIFE PLAN
 VOLUME: 4,623,000
 LIFE/\$1,000
 AD&D/\$1,000
 DEPENDENT LIFE 36
 DEPENDENT LIFE - CHILD
 TOTAL MONTHLY
 TOTAL ANNUAL

\$0.251
 \$0.045
 \$1.684
 \$0.00
 \$1,429.03
 \$17,148.38

\$0.251
 \$0.045
 \$1.684
 \$0.00
 \$1,429.03
 \$17,148.38

RATE GUARANTEE:

2 YEARS

REDUCTION SCHEDULE:

85% @ age 65
 80% @ age 70
 35% @ age 75
 Spouse's Life - \$5,000
 Dependent's Life -
 14 days to under 6 months
 \$500
 6 months to under 21 age
 \$2,000
 (to age 25 years if full
 time student)
 NON-CONTRIBUTORY

2 YEARS

REDUCTION SCHEDULE:

85% @ age 65
 80% @ age 70
 35% @ age 75
 Spouse's Life - \$5,000
 Dependent's Life -
 14 days to under 6 months
 \$500
 6 months to under 21 age
 \$2,000
 (to age 25 years if full
 time student)
 NON-CONTRIBUTORY

ABOVE IS FOR ILLUSTRATION PURPOSES ONLY AND DOES NOT FORM A PART OF ANY CONTRACT. THE PLAN DOCUMENT ALONE DETERMINES BENEFITS PAYABLE. ALL PROPOSALS ARE SUBJECT TO HOME OFFICE REVIEW.

PROPOSED AMENDMENTS TO REGULATIONS FOR CERTAIN SEXUALLY ORIENTED COMMERCIAL ENTERPRISES

WHEREAS, THE Commissioner's Court has previously enacted Regulations pertaining to sexually oriented businesses by action of the Court on July 25, 1994, and

WHEREAS, the concern over sexually transmitted diseases is a legitimate health concern of the County which demands reasonable regulation of sexually oriented business in order to protect the health and well-being of the citizens; and

WHEREAS, licensing is a legitimate and reasonable means of accountability to ensure that operators of sexually oriented businesses comply with reasonable regulations and to ensure that operators do not knowingly allow their establishments to be used as places of illegal sexual activity or solicitation; and

WHEREAS, there is convincing documented evidence that sexually oriented businesses have a deleterious effect on both the existing businesses around them and the surrounding residential areas adjacent to them, and are associated with crime and the downgrading of property values; and

WHEREAS, the Commissioners' Court desires to minimize and control these adverse effects and thereby protect the health, safety, and welfare of the citizenry; protect the citizens from crime; preserve the equality of life; and preserve property values and character of surrounding neighborhoods; and

WHEREAS it is not the intent of these Regulation to suppress any speech activities protected by the First Amendment of the U. S. Constitution or Article 1, Sec. 8 of the Texas Constitution, but to enact a content neutral regulation which addresses the secondary effects of sexually oriented business; and

WHEREAS, the provisions of these Regulations have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials;

THEREFORE pursuant to the authority granted by the Constitution and the legislature of the State of Texas, the existing Regulations are amended as follows:

- 1) SECTION 1A is added to read as follows

SECTION 1A. PURPOSE AND FINDINGS

(a) Purpose: It is the purpose of these Regulations to regulate sexually oriented business in order to promote the health, safety, and general welfare of the citizens of the County, and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of sexually oriented businesses within the County. The provisions of these Regulations have neither the purpose

EXHIBIT B

nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent nor effect of these Regulations to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of these Regulations to condone or legitimize the distribution of obscene material.

(b) Findings: These Regulations are based on evidence of the adverse secondary effects of adult uses that is within the common knowledge of municipalities and is widely reported in judicial opinions, media reports, land use studies and crime impact reports available to the Commissioner's Court and the public."

2) SECTION 4(p) is added to read as follows

" (p) "Specified Criminal Activity" means

(1) any of the following offenses as described in Chapter 43 of the Texas Penal Code:

- (a) Prostitution;
- (b) promotion of prostitution;
- (c) aggravated promotion of prostitution;
- (d) compelling prostitution;
- (e) obscenity;
- (f) sale, distribution, or display of harmful material to minor;
- (g) sexual performance by a child;
- (h) possession or promotion of child pornography.

(2) any of the following offenses as described in Chapter 21 of the Texas Penal Code:

- (a) public lewdness;
- (b) indecent exposure; or
- (c) indecency with a child.

(3) sexual assault or aggravated sexual assault as described in Chapter 22 of the Texas Penal Code; or

(4) an offense committed in another jurisdiction if the predicate acts of the offense would constitute one of the foregoing Texas offenses, had the predicate acts been committed in Texas."

3) SECTION 8(a) is amended to read as follows:

" (a) The application shall set forth the following:

- (1) The full true name and any other names used in the preceding five (5) years.
- (2) The current business address.
- (3) Either a set of fingerprints suitable for conducting necessary background checks

pursuant to these Regulations, or the applicant's Social Security Number, to be used for the same purpose.

(4) The name, business location, legal description, business mailing address and phone number of the proposed sexually oriented business.

(5) Written proof of age.

(6) The issuing jurisdiction and the effective dates of any license or permit held by the applicant relating to a sexually oriented business, and whether any such license or permit has been denied, revoked, or suspended, and if so the reason or reasons therefor.

(7) The name and address of the 56 statutory agent or other agent authorized to receive service of process.

The information provided pursuant to the above shall be supplemented in writing to the Sheriff within ten (10) working days of a change of circumstances which would render the information originally submitted false or incomplete."

4) SECTION 8(b) is amended to include subparagraphs (7), (8), and (9) as follows:

" (7) The application for a sexually oriented business permit shall be accompanied by a sketch or diagram showing the configuration of the premises, including a statement of total floor space occupied by the business. The sketch be shall drawn with marked dimensions of the interior of the premises.

(8) If the person who wishes to operate a sexually oriented business is an individual, he or she shall sign the application as applicant. If the application is for an entity other than an individual, each officer, director, general partner, or other person who will participate directly in decisions relating to management of the business shall sign the application as applicant. Each person signing as an applicant must be qualified under Section 10, and each applicant shall be considered as a permit holder if a permit is granted.

(9) The information provided by an applicant in connection with the application for a permit under these Regulations shall be maintained by the Sheriff on a confidential basis, and may be disclosed only: (1) to other governmental agencies in connection with a law enforcement or public safety function, or (2) as may otherwise be required by law or a court order. "

5) SECTION 10(b) is amended to include subparagraphs (5), (6), (7), (8), and (9) as follows:

" (5) An applicant is less than eighteen (18) years of age.

(6) An applicant is delinquent in the payment to the County of taxes, fees, fines, or penalties assessed against or imposed upon the applicant in relation to a sexually oriented business.

(7) An applicant has failed to provide information as required by Section 8 for issuance of the permit.

EXHIBIT B

(8) An applicant has been convicted of a specified criminal activity as that term is defined in these regulations. The fact that a conviction is being appealed shall have no effect under this Subsection until the appeal is finalized.

(9) The proposed sexually oriented business is in a location where such business is prohibited pursuant to these Regulations or any other State or local regulation."

6) SECTION 10(c) is added to read as follows:

"(c) The permit, if granted, shall state on its face the name of the person or persons to whom it is granted, the number of the permit issued to that applicant, the expiration date, and the address of the sexually oriented business."

7) SECTION 11 is amended to read as follows:

" To defray the actual cost of processing the Sexually Oriented Commercial enterprise permit application, the non-refundable initial permit fee shall be Two Hundred Fifty Dollars (\$250.00). Each renewal fee shall be One Hundred Twenty-five Dollars (\$125.00). No portion of any fee collected under these Regulations shall be returned after a permit has been issued or refused."

8) SECTION 12 is amended to read as follows:

SECTION 12. EXPIRATION OF PERMIT

Each permit shall expire one (1) year from the date of issuance and may be renewed only by making application as provided in Section 8. An application for renewal shall be made at least thirty (30) days before the expiration date, and when made less than thirty days before the expiration date, the expiration of the license will not be affected."

These amendments, if adopted, shall be effective the 23 day of February, 2004.