



**UPSHUR COUNTY COMMISSIONERS COURT**  
**GILMER, TEXAS**

March 7, 1977

Commissioner's Court met in Special Session with J.W. Meadows, Charles Still, Floyd Drennan and Judge Everett Dean present.

Judge Dean read the minutes of the February 28, 1977 meeting. A motion was made by Charles Still that the minutes be approved when amended to read that District Attorney get the cost of repair of breathalyzer instead of seeking prices on a new one. Floyd Drennan seconded the motion. Motion carried.

Mrs. Gladys Robinson, Mrs. Faye Leonard, Mrs. Johnny Pool, Mrs. Mildred Maberry and Mrs. Frankie Lindley, members of the Beautification Committee, met with the court. They asked the court if they would have the stumps removed from the courthouse lawn and also talked of planting of the flower beds and putting out pecan trees. Floyd Drennan made a motion, seconded by J.W. Meadows, that the stumps be removed. Motion carried.

Frank Calvert, Gilmer citizen, met with the court and asked the court if a Special Investigator had been hired for the District Attorney, and if so, why he was hired as they already have a man for this job. After commenting for some time - he thanked the court for their time.

A motion was made by Charles Still, seconded by J.W. Meadows, to approve a permit application from Nelson St. Andry to place a culvert on ROW of County Road, Crepe Myrtle. Motion carried. (Permit attached)

A motion was made by J.W. Meadows, seconded by Floyd Drennan, to approve a permit application from B.W. Haynes to place a driveway culvert on ROW of Pleasant Trail in Upshur County. Motion carried. (Permit attached)

A motion was made by J.W. Meadows, seconded by Charles Still, to approve a Special Road Use Permit for Bill Tucker to use Poinsetta Road in Precinct #2 while removing timber. Motion carried. (Permit attached)

A motion was made by Charles Still, seconded by J.W. Meadows, to approve a Resolution Approving the Operation of a Training and Educational Program in Upshur County by East Texas Council on Alcoholism and Drug Abuse. Motion carried.

Commissioner, Charles Still, read a letter to the court for their approval to be sent to Mr. G.R. Lilly, Division Engineer, St. Louis-Southwestern Railroad, Pine Bluff, Arkansas. This letter called the railroad's attention to the condition of several railroad grade crossings in the south part of Upshur County, the most critical crossing being at the Suffock Community south of Gilmer. Charles Still made a motion, seconded by J.W. Meadows, to place a copy of this letter in the court minutes. Motion carried. (copy attached)

Charles Still introduced a Resolution to the court for their adoption. This resolution would urge the legislature to hasten and enact House Bill No. 1036, introduced by Buck Florence, to grant some degree of financial relief to the counties. Mr. Still made a motion, seconded by Floyd Drennan, to adopt this Resolution and place a copy of it, along with copy of H.B. No. 1036, in the Court Minutes. Motion carried. (copies attached)

Keith Barber, County Auditor, made a report to the court on two insurance policies whose premiums needed to be paid. He had deducted collision on them. One policy was for precinct #3 and the other for Precinct #4. Floyd Drennan made a motion, seconded by Charles Still, to pay the premiums on these policies. Motion carried.

Sherry Kubicki, with Computer Election Systems of Dallas, met with the court to show and explain how the Vote-A-Matic punch card machine worked. After demonstrating the machine, she estimated the cost to the county for this machine would be approximately \$25,000.00. Judge Dean said he knew our voting system needed updating but he also knew of our finances too. Mrs. Kubicki will send a firm proposal on the voting machine to the Court. No action was taken.

Judge Dean asked that Court be recessed for a closed session.

*Ernest Dean*

*Charles L. Still*

*J. W. Meadows*

*Floyd Drennan*

PERMIT APPLICATION FOR  
USE OF UPSHUR COUNTY RIGHT OF WAY

Date Feb. 28, 1977

TO: THE UPSHUR COUNTY COMMISSIONERS COURT  
COUNTY OF UPSHUR  
GILMER, TEXAS

Formal notice is hereby given that Nelson St. Andry  
whose principal address is 406 Rolston St., Irving, Texas 75060  
does propose to place a Culvert  
within the ROW of County Road ~~Le...st Road~~  
as follows:

FILED  
J.B. HILL, JR.  
CLERK UPSHUR COUNTY  
1977 MAR - 7 11 1:05

The location and description of the proposed lines or  
improvements is more fully shown by three (3) copies of  
drawings attached to this application.

All work will be as directed by the County Commissioner or  
his designate in full accordance with Upshur County Road &  
Bridge Department policies and specifications.

Proposed construction will begin, if approved, on or after  
\_\_\_\_\_ day of \_\_\_\_\_, 19\_\_.

FIRM: Nelson St. Andry

TITLE: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

*Approved*  
*3-7-77*

PERMIT APPLICATION FOR  
USE OF UPSHUR COUNTY RIGHT OF WAY

Date 3-4-77

TO: THE UPSHUR COUNTY COMMISSIONERS COURT  
COUNTY OF UPSHUR  
GILMER, TEXAS

Formal notice is hereby given that B. W. Haynes  
whose principal address is 1231 Queens Court  
does propose to place a Driveway  
within the ROW of County Road Pleasant Trail  
as follows:

FILED  
J.B. HILL, JR.  
CLERK UPSHUR COUNTY  
1977 MAR 5 PM

The location and description of the proposed lines or  
appertenances is more fully shown by three (3) copies of  
drawings attached to this application.

All work will be as directed by the County Commissioner or  
his designate in full accordance with Upshur County Road &  
Bridge Department policies and specifications.

Proposed construction will begin, if approved, on or after  
\_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

FIRM: B. W. Haynes

TITLE: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

*Approved*  
*3-7-77*

VOL. 17 PG. 708

131 Queens Ct  
Longview, Tex 75604  
March 2, 1977

County Judge  
Lalmer, Texas 75644

Ref: Request Permit for Drive-way Culvert

A culvert was installed and inspected on this date by Mr. John D. Williford. The property is located on a 10-acre tract in Upshur County, near West Mountain. If further information is needed in order to issue the permit, please let us know.

Sincerely,

Mrs. B. W. Haynes

Mr. & Mrs. B. W. Haynes  
131 Queens Court  
Longview, TX 75604

SPECIAL ROAD USE AGREEMENT CONTRACT

THE STATE OF TEXAS     |  
COUNTY OF UPSHUR     |     KNOW ALL MEN BY THESE PRESENTS

FILED  
J.B. HILL, JR.  
CLERK UPSHUR COUNTY  
1977 MAR -7 PM 1:03

The undersigned, Bill Tucker  
hereinafter referred to as First Party, enters into and makes  
an agreement with Upshur County Commissioner of Precinct No. 2,  
Upshur County, Texas, and in order to get material to market  
it is necessary to use a portion of Upshur County roads located  
in Precinct No. 2, over which Commissioner has jurisdiction  
and obligation to maintain in good repair and both parties  
being aware of possible damage to said roads as a result of  
hauling on and over same enter into the following agreement.

1.

First Party agrees to use only that section of  
(describe road) Poinsetta Road

2.

First Party agrees to use its vehicles in such a  
manner as not to block or interfere with other traffic on said  
road so that said road will be open to travel by the public  
at all times.

3.

First Party agrees to grade, maintain and otherwise  
repair said road using its own equipment, labor and materials,  
if any needed, during the duration of time that First Party  
is removing timber from its lands located  
in Precinct No. 2, Upshur County.

4.

First Party agrees to put said road back into the  
same condition as it was prior to the commencement of hauling  
operations on the part of First Party.

5.

First Party agrees to post surety bond in the amount of 500<sup>00</sup> to Upshur County Commissioners Court to insure performance of agreement.

6.

Nothing herein shall be construed as a waiver by the Commissioner of the authority granted him by Article 6716, V.A.C.S., but the rights and authority granted the Commissioner by the terms of Article 6716, V.A.C.S. are expressly reserved by the Commissioner in the event First Party fails to abide by the conditions above set forth.

WITNESS our hands this the 7 day of March,  
A.D. 19 77.

Bruce Justice  
FIRST PARTY

Ernest Dean  
COUNTY JUDGE

COMMISSIONER #1

Wm. Meadmore  
COMMISSIONER #2

Chas. L. Pitt  
COMMISSIONER #3

Edward Danner  
COMMISSIONER #4

P.O. 87  
Meyler Inf.

A RESOLUTION APPROVING THE OPERATION  
OF A TRAINING AND EDUCATIONAL PROGRAM IN Upshur COUNTY  
BY EAST TEXAS COUNCIL ON ALCOHOLISM AND DRUG ABUSE

WHEREAS, East Texas Council on Alcoholism and Drug Abuse  
proposes to operate a training and educational project in  
Upshur County during the July 1, 1977 to June 30, 1978  
time period, and

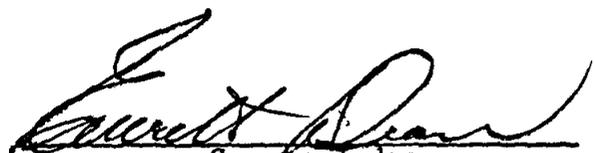
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J.B. HILL, JR.  
CLERK UPSHUR COUNTY  
1977 MAR - 7 PM 3:02

WHEREAS, the Commissioners Court of Upshur county  
supports this proposal and desires these services for its  
citizens; now therefore:

BE IT RESOLVED BY THE COMMISSIONERS COURT OF Upshur  
COUNTY, STATE OF TEXAS:

THAT aforementioned activities of East Texas Council on  
Alcoholism and Drug Abuse are hereby approved in Upshur  
County and that the Texas Department of Community Affairs  
should be so informed.

READ AND APPROVED This 7 Day of March, 1977.

  
County Judge

VOL. 17 PG. 712



EAST TEXAS COUNCIL ON ALCOHOLISM AND DRUG ABUSE

621 North Fourth, Suite 23 • Longview, Texas 75601 • 214/753-7633

February 28, 1977

Judge Everett Dean  
P. O. Box 790  
Gilmer, Texas 75644

Dear Judge Dean:

This agency is in the process of making a grant proposal to the Texas Department of Community Affairs/Drug Abuse Prevention Division for funds to insure a continuing drug abuse educational and training effort in our overall programming in East Texas.

The matching funds for this project have already been provided your local United Way or local funds campaign. We can serve your communities without any additional cost if we can obtain the TDCA funds.

Since the bids for these limited funds are highly competitive, you can be of great support in our effort if your commissioner's court would agree to adoption of the simple enclosed resolution.

Local support, especially from elected officials, is most important. We hope you will want to bring this before the court at its next meeting and we look forward to a favorable reply.

Should you have any questions, please call me (toll free) by dialing "0" and asking for Enterprise 65083. In my absence our planner, Renee' Smith, can also be of help.

Thank you for all your courtesies to this agency.

Sincerely,

*Fain Williams*

Fain Williams  
Executive Director

FW/jp

Enclosures

FILED  
J.B. HILL, JR.  
CLERK OF DISTRICT COURT  
1977 MAR 7 1:30 PM



Regional Alcoholism Authority — State Planning Region 6 — Regional Drug Abuse Council  
Anderson - Camp - Cherokee - Gregg - Harrison - Henderson - Marion - Panola - Rains - Rusk - Smith - Upshur - Van Zandt - Wood



**UPSHUR COUNTY COMMISSIONERS COURT**  
**GILMER, TEXAS**

FILED  
J.B. HILL, JR.  
CLERK UPSHUR COUNTY  
1977 MAR - 7 PM 1:03

March 7, 1977

Mr. G.R. Lilly  
Division Engineer  
St. Louis-Southwestern Railroad  
Pine Bluff, Arkansas

Dear Mr. Lilly:

The Commissioners Court of Upshur County wishes to call to your attention the condition of several railroad grade crossings in the south part of Upshur County. The crossings are at times allowed to deteriorate to the condition that crossing with our modern day automobiles and trucks is almost an impossibility.

The most critical of these being at the Suffock Community south of Gilmer. One, the North crossing, has a curve in the rail line going north with very limited visibility to the north. When this crossing is allowed to deteriorate to the point of having difficulty crossing the track with a vehicle, it poses a very serious safety problem.

However the most serious problem is in the South crossing at Suffock. There has been recently a very serious train-truck collision at this crossing. The visibility to the south on the railroad R.O.W. is such that this crossing cannot be made with any degree of safety by a truck, truck and trailer, or a school bus. This crossing is on a regularly scheduled bus route. This particular crossing is so narrow that a truck and trailer combination cannot cross from either direction without the rear wheels of the trailer being completely off the material between the tracks and in all actuality must jump both tracks with the trailer wheels.

We have another problem with this crossing. Approximately 150 feet south of this crossing a culvert that drains water from the St. Louis-Southwestern R.O.W. goes under the County road. A defect in this culvert keeps a large cavity in ditch line of County Road. This hole is within six inches of said road and is definitely a safety hazard to all traffic.

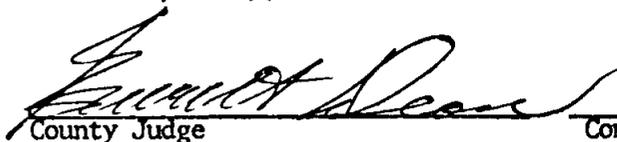
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Page 2

Please direct your immediate attention to these problem crossings to prevent any further loss of property and perhaps prevent loss of lives at these Grade Crossings.

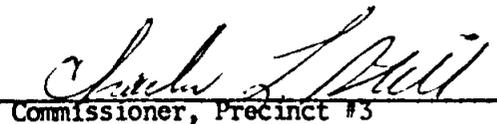
Mr. R.L. Hillis, the present Roadmaster, has been very cooperative in every respect and we feel he has made very effort possible to better these situations. We feel however we need some additional help in these matters.

Yours very truly,

  
County Judge

Commissioner, Precinct #1

  
Commissioner, Precinct #2

  
Commissioner, Precinct #3

  
Commissioner, Precinct #4

cc: Robert W. Tucker, Tax Agent  
St. Louis-Southwestern Railway  
1517 W. Front St.  
Tyler, Texas

cc: R.L. Hillis, Roadmaster  
St. Louis-Southwestern Railway  
1517 W. Front St.  
Tyler, Texas

cc: Harry R. Heard, District Attorney  
Upshur County  
P.O. Box 845  
Gilmer, Texas 75644

FILED  
J.B. FREL, JR.  
CLERK UPST. CO. CLINTY  
1977 MAR -7 PM 1:03



UPSHUR COUNTY COMMISSIONERS COURT  
GILMER, TEXAS

March 7, 1977

FILED  
J.B. HILL, JR.  
CLERK UPSHUR COUNTY  
1977 MAR - 7 PM 1:03

The Commissioners Court of Upshur County met in special session at 9:00 A. M. on March 7, 1977.

The following resolution was introduced for adoption:

RESOLUTION

WHEREAS the operation of the lateral road system in Upshur County is one of the most expensive functions of county government, and

WHEREAS the county, by state law cannot share equitably with the state in the growth of road use taxes, and must now depend on property tax growth for any further road revenues, and

WHEREAS normal maintenance cost has risen in the past five years in the following manner:

- Labor----- 78%
- Road Oil-- 256%
- Steel Culverts---200%
- Fuel-----150%
- R. O. W. Costs (County Requirements)---200% and,

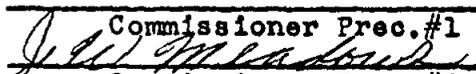
WHEREAS we feel the county's share of the automobile registration fees has become completely irrelevant to Upshur County needs, and,

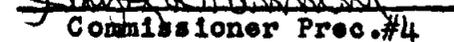
WHEREAS the State of Texas' share of automobile registration fees has risen 669% in twenty years while the county's share has risen only 105%. It is now at the maximum by state law, and cannot under present law be changed.

NOW THEREFORE be it resolved by the Commissioners Court of Upshur County, Texas, that we urge the legislature to hasten and enact House Bill No. 1036, introduced by Buck Florence, to grant some degree of financial relief to the counties. (Copy of bill attached.)

  
Judge

  
Commissioner Prec.#3

  
Commissioner Prec.#1  
  
Commissioner Prec.#2

  
Commissioner Prec.#4

- cc/Dolph Briscoe
- cc/Buck Florence
- cc/Bill Clayton
- cc/Peyton McKnight
- cc/Chairman and all members of House Intergovernmental Committee

1977 MAR -7 PM 1:02

By F. Lorenz

H.B. No. 1036

A BILL TO BE ENTITLED

AN ACT

1 related to the disposition of funds from the collection of vehicle  
2 license fees by counties in the State of Texas; amending Section  
3 10, Acts 1929, 41st Legislature, 2nd C.S., p. 172, Ch. 88 as  
4 amended (Article 6675a-10 Vernon's Texas Civil Statutes) and  
5 Section 11, Acts 1929, 41st Legislature, 2nd C.S., p. 172, Ch. 88.  
6 (Article 6675a-11 Vernon's Texas Civil Statutes); and declaring  
7 an emergency.  
8

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

10 Section 1. Section 10, Acts 1929, 41st Legislature, 2nd C.S.,  
11 p. 172, Ch. 88, (Article 6675a-10 Vernon's Texas Civil Statutes),  
12 as amended, is amended to read as follows:

13 "On Monday of each week each County Tax Collector shall  
14 deposit in the County Depository of his County to the credit of  
15 the County Road and Bridge Fund an amount equal to one hundred  
16 per cent (100%) of net collections made hereunder during the  
17 preceding week until the amount so deposited for the current  
18 calendar year shall have reached a total sum of [~~Fifty-Thousand~~  
19 ~~Dollars-(\$50,000).~~] Two Hundred and Fifty Thousand Dollars  
20 (\$250,000).

21 "Thereafter, and until the amount so deposited for the year  
22 shall have reached a total of [~~One-Hundred-and-Seventy-Five~~  
23 ~~Thousand-Dollars-(\$175,000)] Five Hundred Thousand Dollars  
24 (\$500,000) he shall deposit to the credit of said Fund on Monday  
25 of each week an amount equal to fifty per cent (50%) of  
26 collections made hereunder during the preceding week.~~

27 "Thereafter he shall make no further deposits to the credit

RECEIVED  
H. B. HILL, JR.  
CLERK WASHINGTON COUNTY

1977 MAR -7 AM 11:02

1 of said Fund during that calendar year. All collections made  
2 during any week under the provisions of this Act in excess of the  
3 amounts required to be deposited to the credit of the Road and  
4 Bridge Fund of his County shall be remitted by each County Tax  
5 Collector on each Monday of the succeeding week to the State  
6 Highway Department together with carbon copies of each license  
7 receipt issued hereunder during the preceding week. He shall also  
8 on Monday of each week remit to the Department, as now provided  
9 by law, all transfer fees and chauffeurs' license fees collected  
10 by him during the preceding week, together with carbon copies of  
11 all receipts issued for said fees during the week.

12 "He shall also accompany all remittances to the Highway  
13 Department with a complete report of such collections made and  
14 disposition made thereof, the form and contents of said report to  
15 be prescribed by the State Highway Department. None of the moneys  
16 so placed to the credit of the Road and Bridge Fund of a county  
17 shall be used to pay the salary or compensation of any County  
18 Judge or County Commissioner, but all said moneys shall be used  
19 for the construction and maintenance of lateral roads in such  
20 county under the supervision of the County Engineer, if there be  
21 one, and if there is no such engineer, then the County  
22 Commissioners Court shall have authority to command the services  
23 of the District Engineer or Resident Engineer of the State  
24 Highway Department for the purposes of supervising the  
25 construction and surveying of lateral roads in their respective  
26 counties. All funds allocated to the counties by the provisions  
27 of this Act may be used by the counties in the payment of

1 obligations, if any, issued and incurred in the construction of  
2 the improvement of all roads, including State Highways of such  
3 counties and districts therein; or the improvement of the roads  
4 comprising the county road system; or for the purpose of  
5 constructing new roads, or in aid thereof."

6 Section 2. Section 11, Acts 1929, 41st Legislature, 2nd  
7 C.S., p. 172, Ch. 88, (Article 6675a-11 Vernon's Texas Civil  
8 Statutes), as amended, is amended to read as follows:

9 "As compensation for his services under the provisions of  
10 this and other laws relating to the registration of vehicles, each  
11 County Tax Assessor-Collector shall receive a uniform fee of  
12 [~~Sixty-five-Cents-(65¢)~~] One Dollar (\$1.00) for each of the [~~First~~  
13 ~~five-thousand-(5,000)~~] receipts issued by him each year pursuant  
14 to said laws; ~~he shall receive a uniform fee of Fifty-five-Cents-~~  
15 ~~(55¢)-for-each-of-the-next-ten-thousand-(10,000)-receipts-so~~  
16 ~~issued, and a uniform fee of Fifty-Cents-(50¢)-for-each-of-the~~  
17 ~~balance-of-said-receipts-so-issued-during-the-year.]~~ Said  
18 compensation shall be deducted weekly by each County Tax Assessor-  
19 Collector from the gross collection made pursuant to this Act and  
20 other laws relating to registration of vehicles. Out of the  
21 compensation so allowed the County Tax Assessor-Collectors, it is  
22 hereby expressly provided and required that they shall pay the  
23 entire expense of issuing all license receipts and license plates  
24 issued pursuant hereto. It is further provided that the County  
25 Tax Assessors-Collectors may collect an additional service charge  
26 of One Dollar (\$1.00) from each applicant desiring to register or  
27 reregister by mail. This service charge shall be used to cover

FILED  
J.B. HILL, JR.  
CLERK UPSHUR COUNTY  
1977 MAR -7 PM 1:03

1 the cost of handling and postage to mail the registration  
2 receipt and insignia to the applicant. The Highway Department  
3 may issue and promulgate procedures to cover the timely  
4 application for and issuance of registration receipts and  
5 insignia by mail."

6 Section 3. The importance of this legislation and the  
7 crowded condition of the calendars in both houses create an  
8 emergency and an imperative public necessity that the  
9 constitutional rule requiring bills to be read on three several  
10 days in each house be suspended, and this rule is hereby suspended,  
11 and that this Act take effect and be in force from and after its  
12 passage, and it is so enacted.

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