



**UPSHUR COUNTY COMMISSIONERS COURT**  
GILMER, TEXAS

COMMISSIONERS COURT MEETING  
SPECIAL SESSION  
AUG. 15, 1983  
9:00 A.M.

- Read and approve minutes of previous meeting.
- Approve permit applications for use of Upshur County right of way.
- Discuss game and fish law proposal for 1983-84.
- Open bids on computer.
- Approve filling abandon will in precinct 2.
- Discuss Tax Assessor-Collectors office installing "off-site" computer terminal from Upshur County Appraisal District.
- Approve payroll changes.
- Approve budget for juvenile probation department.
- Approve interlocal agreement between West Mountain and Upshur County.
- Executive session on personnel and contracts.
- Hear Dale Jewkes, Sheriff and W. V. Ray, Justice of the Peace, concerning personnel.

83 AUG 11 PM 3:24  
FILED  
J.B. HILL, JR.  
CLERK UPSHUR COUNTY



UPSHUR COUNTY COMMISSIONERS COURT

WILMINGTON, TEXAS

August 8, 1983

Commissioners Court met in Regular Session with all members of the court present.

Judge Dean read the minutes of the August 1st meeting. Motion by Delmo Lawson seconded by J.W. Meadows for the minutes to stand as read.

Judge Dean read the minutes of the August 2nd meeting. Motion by Paul Davis seconded by J.W. Meadows for the minutes to stand as read.

Motion by J.W. Meadows seconded by Delmo Lawson to approve a Permit Application by Etex Telephone Coop. to place a buried cable within the ROW of Turtle Road. Motion carried. Copy attached.

Motion by Charles Still seconded by Paul Davis to approve a Permit Application by Pritchett Water Supply to place a water line within the ROW of Black Walnut Road. Motion carried. Copy attached.

Motion by Delmo Lawson seconded by Paul Davis to approve a Permit Application by Southwestern Bell Telephone Co. to place a buried cable within the ROW of Waxing Lane. Motion carried. Copy attached.

Motion by Charles Still seconded by J.W. Meadows to approve a Permit Application by Odell Gage to place a culvert installation within the ROW of Lemon Road. Motion carried. Copy attached.

Judge Dean read a letter from the Sabine Valley Regional MHR Board of trustees concerning the expiration of Trustee member Mr. Willie D. Finch as of August 31, 1983. Motion by Charles Still seconded by Delmo Lawson to re-appoint Mr. Finch for another term. Motion carried. Copy attached.

Motion by Charles Still seconded by J.W. Meadows to appoint Linzy Bowie as director of Jobs, Training and Services, Inc. Motion Carried.

Judge Dean read a letter to the court from the Upshur County Health Department requesting that a proper authority in the County Government who is not directly connected with the Health Dept. to be named to hear State employee grievances. Motion by J.W. meadows seconded by Charles Still to appoint Commissioner Paul Davis as the hearing examiner. Motion carried. Letter attached

Motion by Delmo Lawson seconded by Paul Davis to notify the state on priority of Farm to market roads First priority is West Mt. to East Mt., second Almond Road between 1404 and Hwy 80, third Hwy 155 to Upshur Co. Landing Road. Motion carried.

Motion by Delmo Lawson seconded by J.W. Meadows to approve the payroll changes of:

J.C. Henderson-----Pct.1-----Demotion  
Merkel Fatheree-----Pct.1-----Promotion

Motion carried. Copy attached.

Motion by Delmo Lawson seconded by J.W. Meadows to approve a Permit Application by Robert Johnston to place a culvert installation within the ROW of Old 271. Motion carried. Copy attached.

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Judge Dean read a letter to the court from Horace Ray, District Clerk, requesting that a deputy from his office be allowed to attend the Area V County and District clerk meeting August 23-24. Court took no action.

Motion by Charles Still seconded by Paul Davis that Upshur County Commissioners Court write a letter to the Upshur County Appraisal District stating that it objects to that portion of the Upshur County Appraisal Budget for the collection purpose. Motion carried.

Motion by J.W. Meadows seconded by Delmo Lawosn to approve the payment of the unpaid bills. Motion carried. Copy attached.

Motion by Charles Still seconded by J.W. Meadows to recess until Thursday August 11th at 1:00 P.M.. Motion carried.

Court reconvened Tuesday August 9th at 9:30 A.M. instead of Thursday with all members of the court present.

Judge Dean read a letter addressed to Ricky Shipp of the Upshur County Appraisal District concerning the concept of a single budget. The Court is requesting that two separate budgets, one for Appraisal and the other for Collection Function be prepared.

Judge Dean read a resolution disapproving the 83-84 budget of the Upshur County Appraisal District. Motion by J.W. Meadows seconded by Delmo Lawson to approve the letter and resolution and to place into the minutes. Motion carried. Copy attached.

The court requested that the letters from Michael L. Smith Tax Assessor Collector and Mike Estes of the General Counsel State Property Tax Board, be placed in the court minutes.

Motion by J.W. Meadows seconded by Paul Davis to approve the payment of the unpaid bills. Motion carried. Copy attached.

Judge Dean read a Petition Challenge to the court concerning the Appraisal Review Board granting an exemption from payment of Ad Valorem Tax to Hillcrest Manor for the year 83 to Upshur County. Motion by Paul Davis seconded by Delmo Lawson to sign the letter of petition and send the letter to the proper authorities. Motion carried. Copy attached.

Motion by Charles Still seconded by Delmo Lawson to adjourn. Motion carried.

  
County Judge

  
Commissioners Pct. #1

  
Commissioner Pct. #2

  
Commissioner Pct. #3

  
Commissioner Pct. #4

PERMIT APPLICATION FOR  
USE OF UPSHUR COUNTY RIGHT OF WAY

#2

Date 8/1/83

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

Formal notice is hereby given that Etex Telephone Cooperative, Inc.  
whose principal address is P. O. Box 130, Gilmer, Texas 75544  
does propose to place a buried telephone cable  
within the RCW of County Road (s) \_\_\_\_\_

To make road Crossing on Turtle Road Prec., # 2 ( Oil top road going  
east from Brunley Church Aprox 1/2 mile south of Clarence Williams place.  
in Precinct # 2 the as follows:

TO MAKE ROAD CROSSING

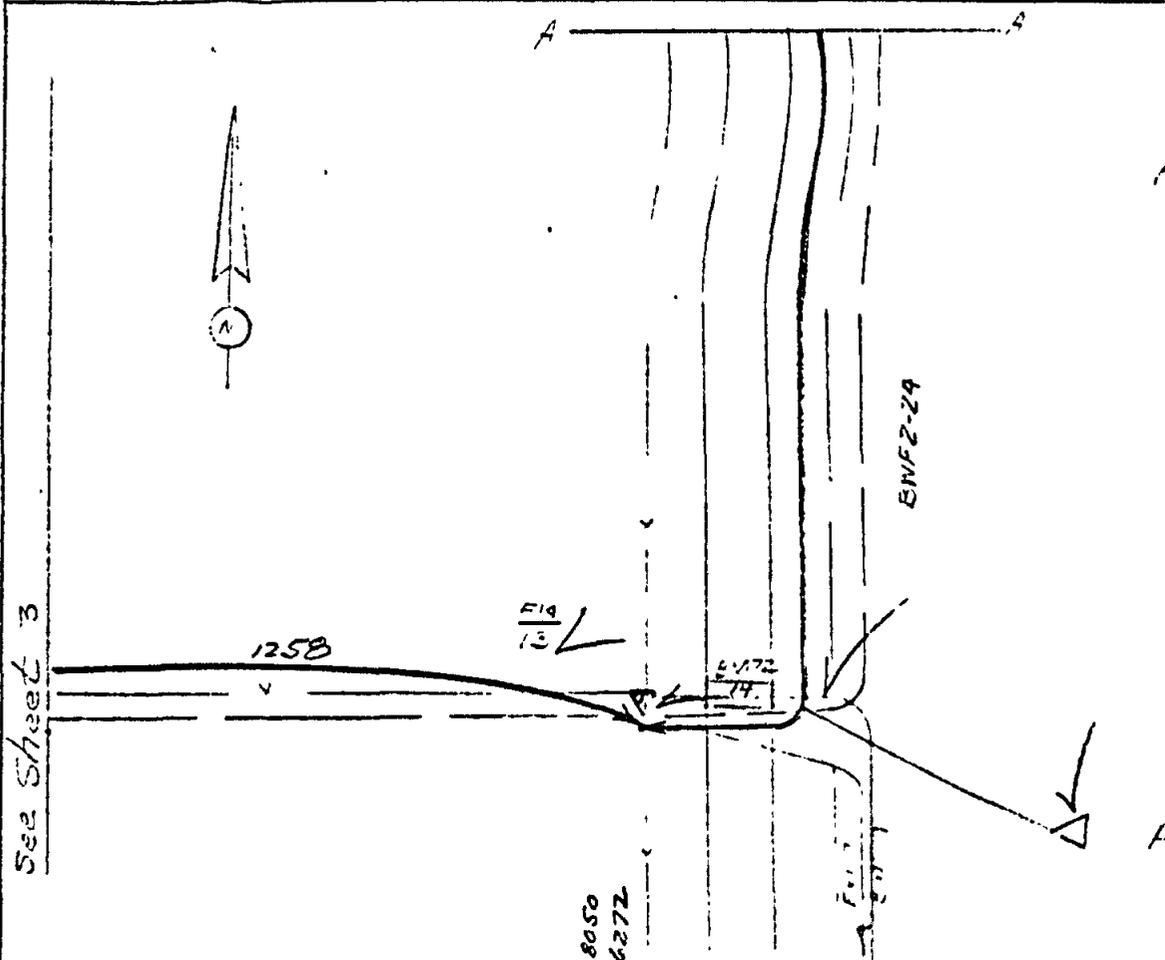
The location and description of the proposed lines or appertenances is  
more fully shown by two (2) copies of drawings attached to this application.  
All work will be as directed by the County Commissioner or his designate in  
full accordance with Upshur County Road & Bridge Department policies and  
specifications.

Proposed construction will begin, if approved, on or after \_\_\_\_\_ day  
of August 19 83 .

*Approved  
8-8-83*

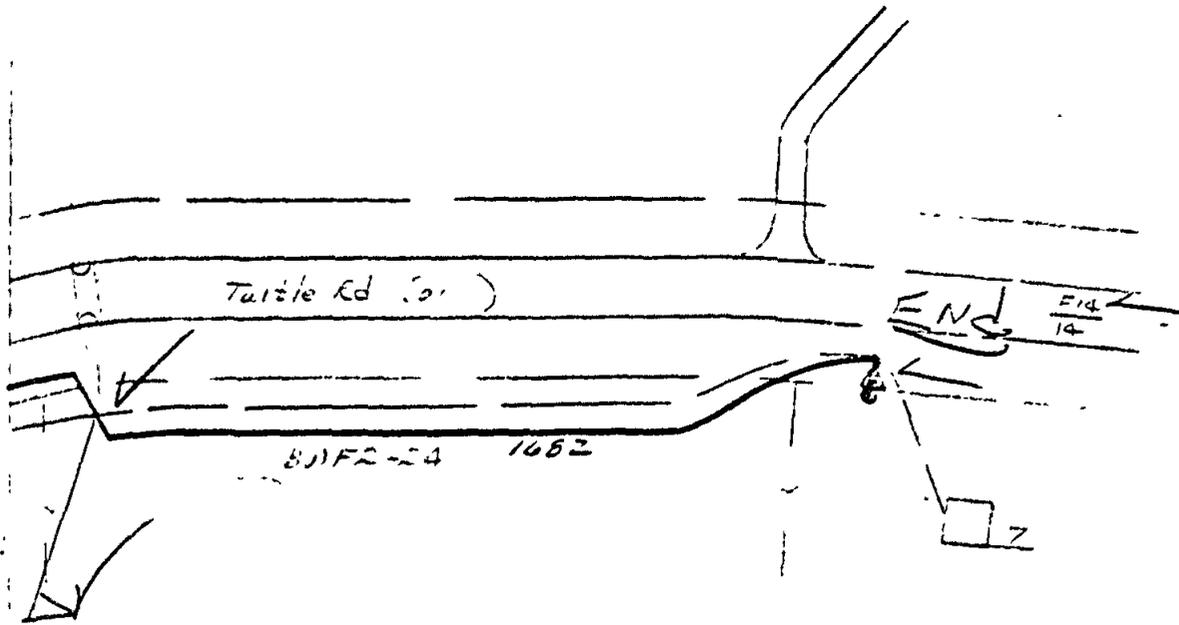
Firm Etex Telephone Corp.  
By Jamies Mitchell  
Title Right of Way ext.  
Address Box 130  
Gilmer, Texas 75644

DATE REVISED	STAKED BY - E.S.	ENGINEER
	DATE 4-74	
	COUNTY <i>Lester</i>	
EASEMENT APPROVED BY:	PLACED IN SERVICE	PROJECT T-572



PED NO	EXC. NO	BD 3'	x2 BD 2'	EDF 2A	BG	BG	TRENCH BM-70	BM-52	2' BM-	FO 53	10 1-14	BJ
15	43		1	1			8				3.223	
16	43A	1					16	1	14	1	3.222	
TOTAL		1	1	1			24	1	14	1		

STAKING SHEET AND PLANT RECORD		ROUTE F14V (S)	PAGE NO
BURIED PLANT		SHEET 4	243
COMPANY ETex Telephone Co., Inc.		MAP REF. Rural	
EXCHANGE Bettie		WORK ORDER	



4590

BJF	BWF	K.F.	POLES	PE	PF	SUB NO	BK	K-	PI-	SW-3	S-1 S-3
6-24	2-24										
1258		.04	BA-4								
	1682	.01	EX			7					
						3					
1258, 1682		.05	BA 2			2					

PERMIT APPLICATION FOR  
USE OF UPSHUR COUNTY RIGHT OF WAY

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

PRECINCT 3  
DATE 8-2-82

Formal notice is hereby given that Pritchett Water Supply  
whose principal address is PO Box 567, Gilmer, Texas 75644  
does propose to place a Water Line  
within the ROW of County Road Black Walnut  
as follows:

To cross road from West to East with 1 in. PVC incased in  
1½ in. PVC to serve one meter, Noel Venn.

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.

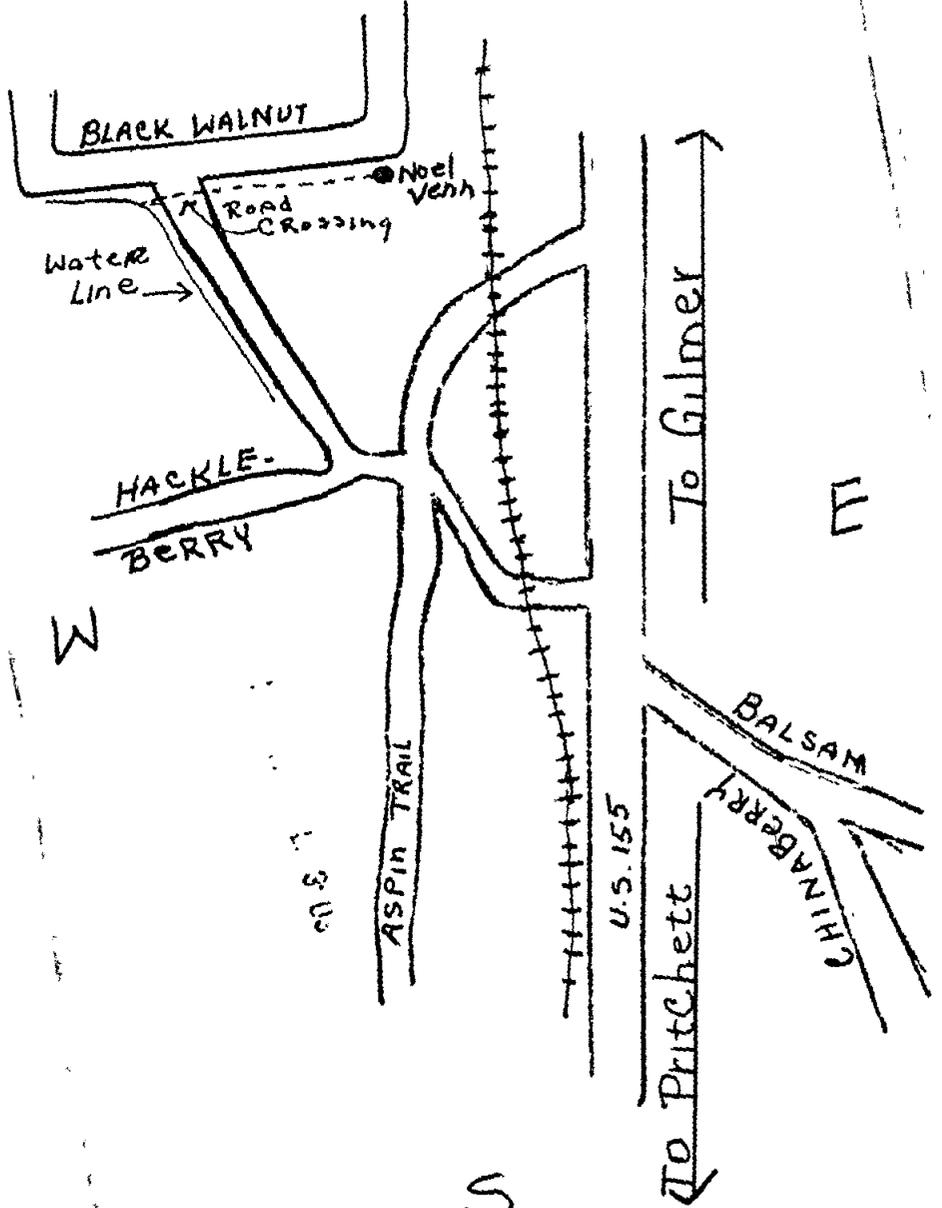
Proposed construction will begin, if approved, on or after  
2 day of August, 1983.

NAME J.K. Gage *J.K. Gage*

TITLE Operator

ADDRESS Rt. 2, Box 813  
Big Sandy, Texas 75755

*Approved*  
8-8-83



VOL. 23 PG. 230

RO- 4861362  
J.A.Pete

THE UPSHUR COUNTY COMMISSIONERS COURT  
BOX 39  
GILMER, TEXAS 75644

#1

FORMAL NOTICE IS HEREBY GIVEN AND REQUEST MADE THAT Southwestern Bell Telephone--  
COMPANY PROPOSES TO PLACE buried cable WITHIN THE RIGHT-  
OF-WAY OF COUNTY ROAD Waxwing Lane AS FOLLOWS:

(DESCRIBE AND ATTACH PLAT)

THE LOCATION AND DESCRIPTION OF THE PROPOSED CONSTRUCTION AND APPURTENANCES IS MORE FULLY SHOWN BY THE ATTACHED DRAWING AND PLAT. THE LINE WILL BE CONSTRUCTED AND MAINTAINED ON THE COUNTY RIGHT-OF-WAY AS DIRECTED BY THE COUNTY COMMISSIONERS COURT IN ACCORDANCE WITH CURRENT UPSHUR COUNTY SPECIFICATIONS.

IT IS EXPRESSLY UNDERSTOOD THAT THE UPSHUR COUNTY COMMISSIONERS COURT DOES NOT PURPORT HEREBY, TO GRANT ANY RIGHT, CLAIM, TITLE, OR EASEMENT IN OR UPON THIS COUNTY ROAD. IT IS FURTHER UNDERSTOOD THAT IN THE FUTURE, SHOULD FOR ANY REASON UPSHUR COUNTY NEED TO WORK, IMPROVE, RELOCATE, WIDEN, INCREASE, ADD TO, OR IN MANNER CHANGE THE STRUCTURE OF THIS RIGHT-OF-WAY, THIS LINE, IF AFFECTED, WILL BE MOVED UNDER THE DIRECTION OF THE UPSHUR COUNTY COMMISSIONERS AND SHALL BE RELOCATED AT THE COMPLETE EXPENSE OF THE OWNER.

IT IS FURTHER UNDERSTOOD AND AGREED THAT UPSHUR COUNTY ASSUMES NO LIABILITY FOR DAMAGES TO ANY LINE, POLE, CONSTRUCTION, OR APPURTENANCES IN THE NORMAL MAINTENANCE OF THE COUNTY ROAD.

ALL WORK ON THE COUNTY RIGHT-OF-WAY SHALL BE PERFORMED IN ACCORDANCE WITH THE COUNTY COMMISSIONER'S INSTRUCTIONS. THE INSTALLATION SHALL NOT DAMAGE ANY PART OF THE HIGHWAY AND ADEQUATE PROVISIONS MUST BE MADE TO CAUSE MINIMUM INCONVENIENCE TO TRAFFICE AND ADJACENT OWNERS.

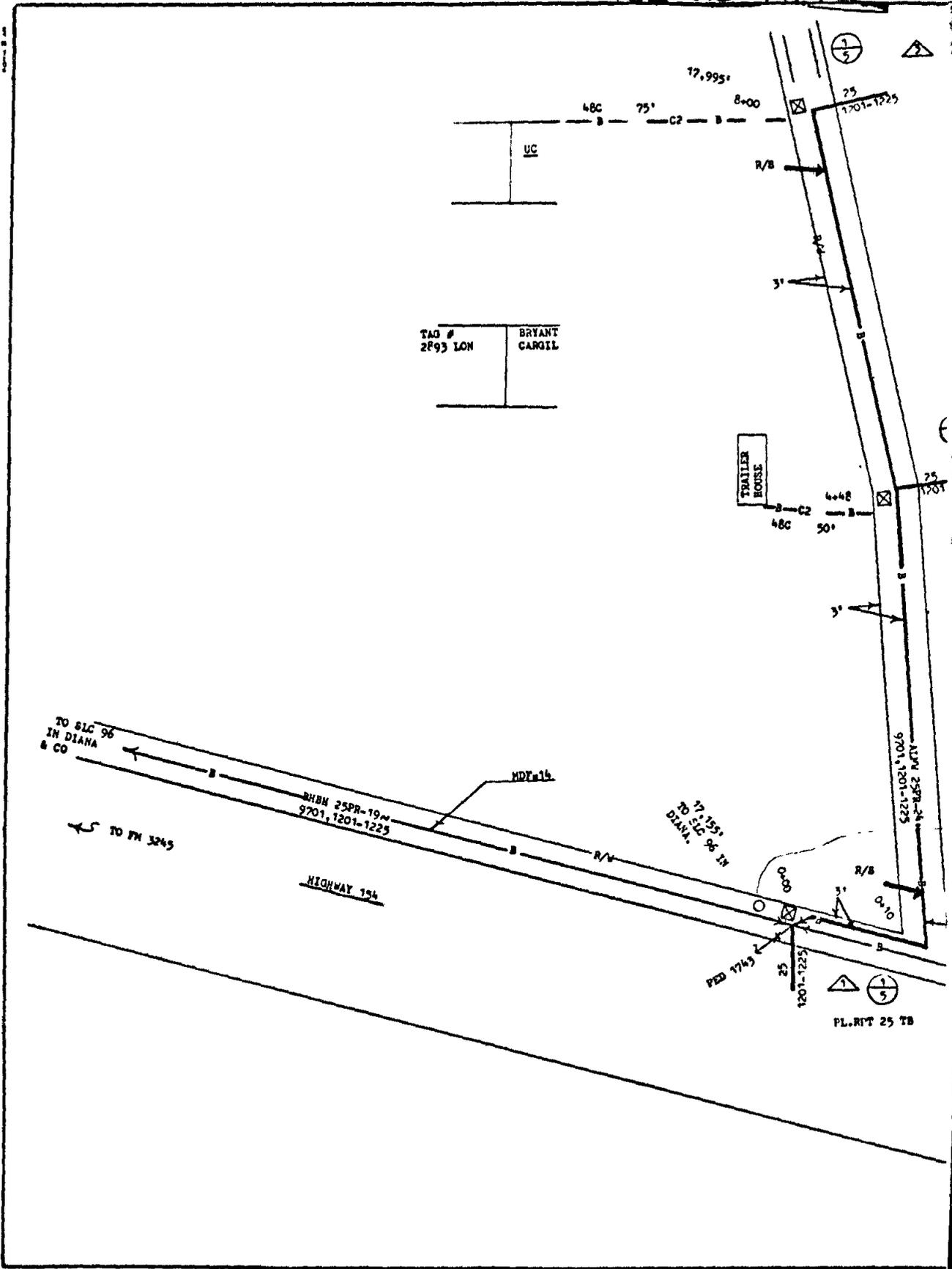
WITH APPROVAL OF THE COMMISSIONERS COURT CONSTRUCTION WILL BEGIN ON OR AFTER  
11th DAY OF August 1983

*Approved*  
*8-8-83*

FIRM Southwestern Bell Telephone Co.  
BY J. A. Pete  
301 Mamon  
Longview, Texas 75604

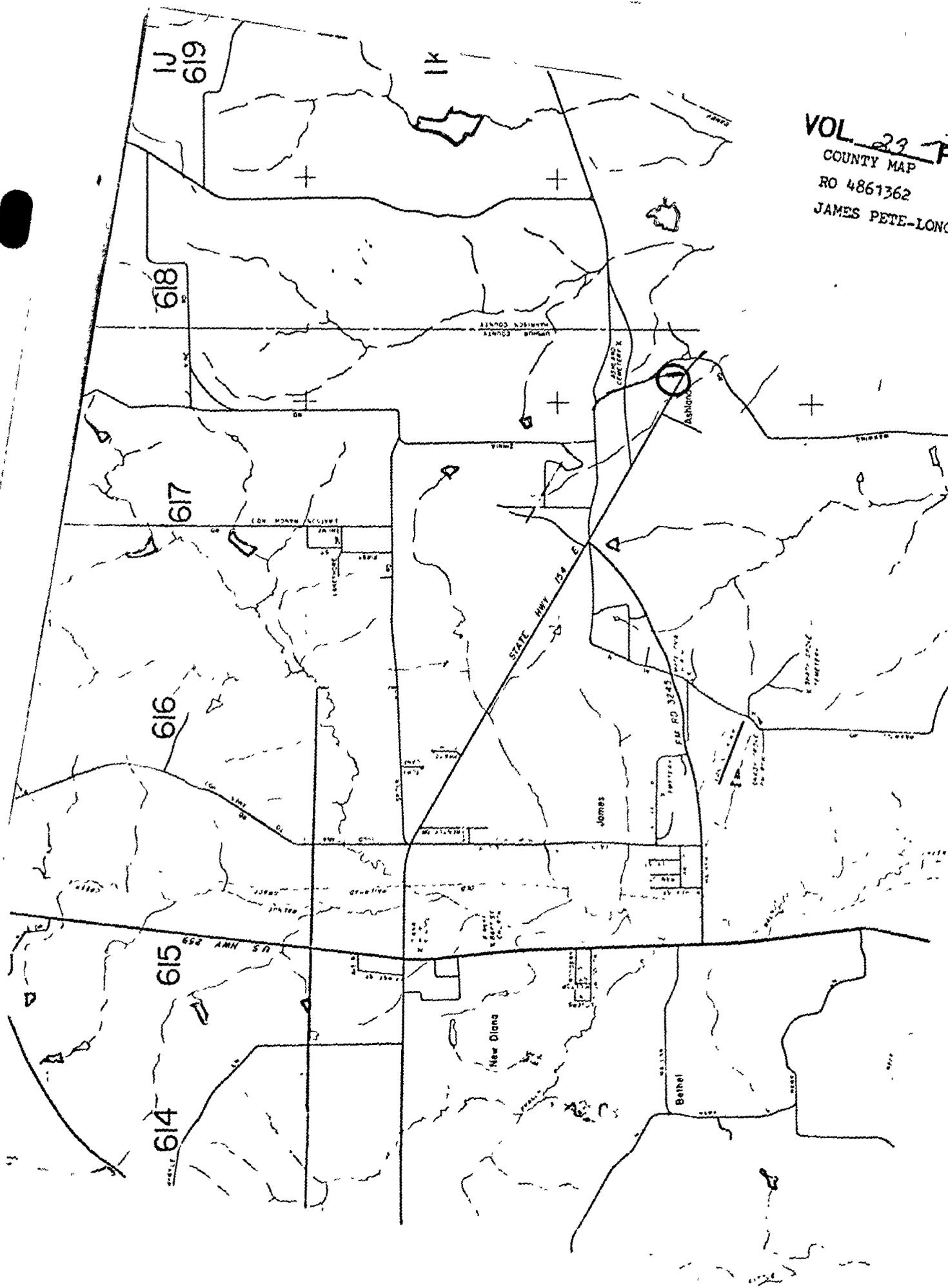
APPROVED: \_\_\_\_\_  
\_\_\_\_\_

(THIS FORM TO BE SUBMITTED IN DUPLICATE FOR EACH PROPOSED INSTALLATION.)





VOL. 23  
COUNTY MAP  
RO 4861362  
JAMES PETE-LONG



PERMIT APPLICATION FOR  
USE OF UPSHUR COUNTY RIGHT OF WAY

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

PRECINCT 3  
DATE August 5, 1983

Formal notice is hereby given that Odell Gage  
whose principal address is Rt. 8 Box 258, Gilmer, Texas 75644  
does propose to place a culvert installation  
within the ROW of County Road Lemon Road  
as follows:

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\_\_\_\_.

NAME Odell Gage

TITLE \_\_\_\_\_

ADDRESS \_\_\_\_\_

*Approved*  
8-8-83



CENTRAL ADMINISTRATION  
P O BOX 6800 LONGVIEW, TEXAS 75602  
(214) 297 2191

VOL. 23 PG. 235

DATE: AUGUST 1, 1983

TO: JUDGE DEAN, UPSHUR COUNTY

FROM: **Frances H. Willis**  
EXECUTIVE DIRECTOR

SUBJECT:

Mr. Willie D. Finch, Jr. of our Board  
of Trustees - Reappointment

REMARKS:

Mr. Finch is willing to serve another  
two-year term, if appointed by the  
Commissioners' Court.

Please advise when appointment is made.

*FHW*

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SABINE VALLEY REGIONAL MENTAL HEALTH MENTAL RETARDATION CENTER

CENTRAL ADMINISTRATION

P. O. BOX 6800 LONGVIEW, TEXAS 75608  
(214) 297-2181



SERVING SIX COUNTIES

GREGG  
HARRISON  
RUSK  
UPSHUR  
PANOLA  
MARION

August 1, 1983

The Honorable Everett Dean  
County Judge of Upshur County  
P. O. Box 790  
Gilmer, Texas, 75644

Dear Judge Dean:

The term of office for the following Upshur County member of the Center's Board of Trustees will expire August 31, 1983:

Mr. Willie D. Finch, Jr.  
824 Butler  
Gilmer, Texas, 75644

It is requested that appointment or reappointment for a two-year term be made by the Commissioners' Court before the above expiration date. We would appreciate being advised when this appointment is made.

Thank you for your assistance.

Sincerely,

*Frances H. Willis*  
Frances H. Willis,  
Executive Director

jc

Attachment: Twelve month Attendance Report for Board of Trustees

EQUAL EMPLOYMENT OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER



BOARD OF TRUSTEES - ATTENDANCE REPORT  
THROUGH JUNE, 1983 for JULY BOARD MEETING

NAMES OF BOARD MEMBERS	1983 JUNE	1982 JULY	1982 AUG.	1982 SEPT.	1982 OCT.	1982 NOV.	1982 DEC.	1983 JAN.	1983 FEB.	1983 MAR.	1983 APR.	1983 MAY	TOTALS ATTENDA
BEN F. BANE	P	P	P	P	P	P	P	P	P	P	P	P	12P 0A
FRANK R. JACKSON, M.D.	P	P	A	P	A	P	P	P	P	P	A	A	8P 4A
NADINE HAMMONS	P	P	P	P	P	P	P	P	A	P	P	P	11P 1A
PEGGY COGLAN, ED. D.	P	P	P	A	P	P	P	P	P	P	A	P	10P 2A
J. RAY KIRKPATRICK	P	A	P	A	P	A	P	P	P	P	A	P	8P 4A
O. D. OLIVER	A	P	A	P	P	P	P	P	P	A	P	P	9P 3A
SIDNEY BURNS	A	A	P	P	P	P	P	P	P	A	P	P	9P 3A
W. E. BURNS	P	P	P	P	P	P	A	P	P	P	A	P	10P 2A
WILLIE D. FINCH, JR.	P	A	A	P	P	P	P	P	A	P	P	P	9P 3A

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Upshur County Health Dept.

BOX 639

GILMER, TEXAS 75644

Dr. Fenlaw asked me to contact Mr. Richards about this letter. He said that all the State wanted was to know that if such a case like this came up that there would be a proper authority to hear it in the County Government that was not directly connected with the Health Department. He also said that if such an occasion should arise that the State Health Department would be glad to help out in any way possible.

Mr. Richards said that the County Judge, a Commissioner or anyone else that the county Governing Board agreed on would be suitable to hold the hearing.

*Lee J. ...  
Clark II*



VOL. 23 PG. 739

## Texas Department of Health

Robert Bernstein, M.D., F.A.C.P.  
Commissioner

Robert A. MacLean, M.D.  
Deputy Commissioner  
Professional Services

Hermas L. Miller  
Deputy Commissioner  
Management and Administration

1100 West 49th Street  
Austin, Texas 78756  
(512) 458-7111

July 7, 1983

### Members of the Board

William J. Foran, Chairman  
Laurance N. Nicky, M.D., F.A.A.P., Vice-Chairman  
Rodanic M. Bell, F.A.C.H.A., Secretary  
Johnnie M. Benson, F.A.C.N.H.A.  
Sister Bernard Marie Borgmeyer, R.N., F.A.C.H.A.  
H. Eugene Brown, D.O., F.A.C.G.P.  
Frank Bryant, Jr., M.D., F.A.A.F.P.  
Joaquin G. Cigarroa, Jr., M.D.  
Charles Max Cole, M.D., F.A.C.S.  
Francis A. Conley, D.D.S.  
Ben M. Dunn, A.C.H.A.  
Raymond C. Garrett, D.V.M.  
Bob D. Glaze, D.C.  
Robert D. Moreton, M.D., F.A.C.R.  
Joe N. Pyie, P.E.  
Richard W. Ragsdale, D.D.  
Isadore Roosth  
Barbara T. Slover, R.Ph.

J. L. Fenlaw, M.D., Acting Director  
UPSHUR COUNTY HEALTH DEPARTMENT  
Box 639  
Gilmer, Texas 75644

Dear Doctor Fenlaw:

There may have been some confusion regarding my letter of May 6, 1983, which stated that approved grievance and hearing procedures would be required for each health unit which employed State paid employees, prior to the next contracting period.

Specifically, what the contract will require is that due process hearing procedures be in place for all employees. These procedures are to be made available to any employee whenever a property right has been affected. Termination, demotion and suspension without pay, for cause, are actions which affect the property rights of a permanent employee.

For your information, I am enclosing a list of the factors which give rise to a due process hearing as well as hearing procedures acceptable to the Texas Department of Health. If your Department has similar procedures already in place, these procedures may be discarded. However, if none exist, these may be used by your Department to satisfy the requirement in the contract.

The grievance procedure will not be a requirement under the contract, but I would strongly suggest that a method of handling employee complaints which do not involve property rights also be created.

Should you have any questions, please contact John Richards, at (512) 458-7236 or Tex An 824-9236.

Sincerely,

Robert A. MacLean, M.D.  
Deputy Commissioner  
Professional Services

Enclosure



# Texas Department of Health

Robert Bernstein, M.D., F.A.C.P.  
Commissioner

Robert A. MacLean, M.D.  
Deputy Commissioner  
Professional Services

Hermas L. Miller  
Deputy Commissioner  
Management and Administration

1100 West 49th Street  
Austin, Texas 78756  
(512) 458 7111

Members of the Board

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Johnnie M. Benson, F.A.C.N.H.A.  
Sister Bernard Marie Borgmeyer, R.N., F.A.C.H.A.  
H. Eugene Brown, D.O., F.A.C.C.P.  
Frank Bryant, Jr., M.D., F.A.A.F.P.  
Joaquin G. Cigarua, Jr., M.D.  
Charles Max Cole, M.D., F.A.C.S.  
Francis A. Conley, D.D.S.  
Ben M. Durr, A.C.H.A.  
Raymond G. Garrett, D.V.M.  
Bob D. Glaze, D.C.  
Robert D. Moreton, M.D., F.A.C.R.  
Joe N. Pyle, P.E.  
Richard W. Ragsdale, O.D.  
Isadore Koosth  
Barbara T. Slover, R.Ph.

May 6, 1983

J. L. Fenlaw, M.D., Acting Director  
Upshur County Health Department  
Box 639  
Gilmer, Texas 75644

Dear Doctor Fenlaw:

The Texas Department of Health is expecting to withdraw from coverage under the Texas Merit System Council effective August 31, 1983, and establish its own system for filling vacant State positions. This change will require local health departments with budgeted State positions to utilize the Texas Department of Health's policies and procedures for hiring and promoting individuals into these positions. Qualifications of any individual filling a budgeted State position will be subject to approval of the Texas Department of Health's Bureau of Personnel Management. Locally paid positions will be filled in accordance with the local department's personnel policies and classification procedures.

An additional change beginning September 1, 1983, which will be incorporated into any contract where budgeted State positions are utilized, is the requirement that the local governing body must have in place grievance and hearing procedures for employees which must be approved by the Texas Department of Health. Because of this requirement, we ask that you send us a copy of your grievance and hearing procedures by June 30, 1983. These procedures should be sent to the Bureau of Personnel Management, 1100 West 49th Street, Austin, Texas 78756. If you should need assistance or have questions regarding the grievance and hearing procedures, please contact Mr. John Richards in our Office of General Counsel.

We anticipate that our withdrawal from the Texas Merit System Council will be mutually beneficial. We have already approved discontinuance of Merit System coverage for several local departments that have established personnel policies.

Should you have any questions, please let us know.

Sincerely,

Robert A. MacLean, M.D.  
Deputy Commissioner  
Professional Services

When it becomes necessary to terminate, demote for cause, suspend without pay or reduce the salary of an employee, the following steps are to be followed:

1. A letter will be written to the employee stating the intended action to be taken, reasons for the action and the date of the contemplated action.
2. The "intent letter" must also give the employee an opportunity to rebut in writing and to meet with the appointing authority within a reasonable time after receipt of the letter, prior to the date of the intended action.
3. If the appointing authority, after meeting with the employee and considering his rebuttal, decides to proceed with the contemplated action, then a detailed letter so stating must be given to the employee. This letter must advise the employee of his right to request a due process hearing. [Procedures to be followed in providing hearings are set out below.]

#### DUE PROCESS HEARINGS

A due process hearing will be afforded any permanent employee who is:

1. Terminated;
2. Demoted for cause;
3. Suspended without pay;
4. Subjected to a reduction in salary;
5. Claims to have been discriminated against because of handicap as required by § 504 of the Rehabilitation Act.

1. An employee must request in writing that the appointing authority provide a due process hearing. The request must be made within ten (10) days of notice of any of the above named actions.

2. The appointing authority will then provide the designated hearing examiner with the request for hearing. [The Commissioner's Court or the City Manager, as the case may be, should appoint a disinterested person as a hearing examiner to conduct the required due process hearing.]

11 11 11 11

3. The hearing examiner will coordinate the time and place for the hearing and send out notices so advising the parties. The hearing must be scheduled no later than 30 calendar days following the date of the request unless both parties waive the time limits.

4. It shall be the duty of the hearing examiner to notify the employee that he/she will have the right to:

Be represented by an attorney;

Call and cross-examine witnesses;

Be confronted by and cross-examine his or her accusers;

Be provided with a list of witnesses which the appointing authority intends to use at the hearing, and a summary of their proposed testimony.

5. All testimony shall be given under oath.

6. The burden shall be upon the appointing authority to prove by a preponderance of evidence the truth of the allegations which have been set out in the letter precipitating the action.

7. If the employee is represented by an attorney, an attorney may be appointed to represent the appointing authority. If the employee is not represented by an attorney, no attorney shall represent the appointing authority at the hearing.

8. The employee shall be responsible for the payment of his or her own attorney's fees.

9. A record shall be made of the proceedings, either by tape recording, stenographic method, or both. Either party may employ a stenographer or otherwise obtain a written transcript at the expense of such party.

10. After the close of the hearing, the hearing examiner shall write a report setting out the results of the hearing, along with recommendations, if any.

11. The report shall be sent to all parties, or their attorneys, and a reasonable time allowed for a response; said time shall be determined by the hearing examiner.

12. The report and the responses, if any, and the exhibits received at the hearing shall be delivered to the County Judge, or whomsoever is the Chief Commissioner of the Commissioner's Court, for review [In cities, the City Manager shall be the appropriate person.].

The Chief Commissioner shall have the authority to:

Uphold the action taken;

Reverse the action taken; 5' 3 .0

Revise the action taken.

13. The decision by the Chief Commissioner shall be as soon as possible but not to exceed thirty (30) days from the date of receipt of the hearing examiner's report and any responses made thereto. The decision of the Commissioner shall be sent to all parties and shall be final.

[This is intended to be an outline of an acceptable due process hearing procedure. You may need to modify it to fit your particular situation.]

VOL. 23 PG. 744

PLEASE REMEMBER THAT THE DUE PROCESS PROCEDURES YOU CHOOSE TO ADOPT OR ARE NOW FOLLOWING MUST BE SENT TO THIS OFFICE AND APPROVED. YOUR PROCEDURE SHOULD BE MAILED TO THIS OFFICE PRIOR TO AUGUST 1, 1983.

PLEASE ENTER THE FOLLOWING CHANGE(S) IN YOUR RECORDS TO TAKE

EFFECT Aug. 1, 1983  
(DATE & TIME)

EMPLOYEE J.C. Henderson

SOCIAL SECURITY NO \_\_\_\_\_ CLOCK NO \_\_\_\_\_

**THE CHANGE(S)**

<input checked="" type="checkbox"/> CHECK ALL APPLICABLE BOXES	FROM	TO
<input type="checkbox"/> DEPARTMENT	139-0	138-0
<input type="checkbox"/> JOB	1,195.43	1,117.80
<input type="checkbox"/> SHIFT		
<input type="checkbox"/> RATE		
<input type="checkbox"/>		

**REASON FOR THE CHANGE(S)**

- HIRED
- RE HIRED
- PROMOTION
- DEMOTION
- TRANSFER
- MERIT INCREASE
- UNION SCALE
- PROBATIONARY PERIOD COMPLETED
- LENGTH OF SERVICE INCREASE
- RE EVALUATION OF EXISTING JOB
- RESIGNATION
- RETIREMENT
- LAYOFF
- DISCHARGE

LEAVE OF ABSENCE FROM \_\_\_\_\_ (DATE) UNTIL \_\_\_\_\_ (DATE)

OTHER (EXPLAIN) \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

CHANGE AUTHORIZED BY \_\_\_\_\_ DATE Aug 1 1983

CHANGE APPROVED BY Deloris Larson

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TO: PAYROLL DEPARTMENT

PLEASE ENTER THE FOLLOWING CHANGE(S) IN YOUR RECORDS TO TAKE

EFFECT Aug 1 1973  
(DATE & TIME)

EMPLOYEE Merkel Fathauer

SOCIAL SECURITY NO \_\_\_\_\_ CLOCK NO \_\_\_\_\_

THE CHANGE(S)

<input checked="" type="checkbox"/> CHECK ALL APPLICABLE BOXES	FROM	TO
<input type="checkbox"/> DEPARTMENT		
<input type="checkbox"/> JOB	1090.80	1,166.55
<input type="checkbox"/> SHIFT		
<input type="checkbox"/> RATE		
<input type="checkbox"/>		

REASON FOR THE CHANGE(S)

- HIRED
- RE HIRED
- PROMOTION
- DEMOTION
- TRANSFER
- MERIT INCREASE
- UNION SCALE
- PROBATIONARY PERIOD COMPLETED
- LENGTH OF SERVICE INCREASE
- RE EVALUATION OF EXISTING JOB
- RESIGNATION
- RETIREMENT
- LAYOFF
- DISCHARGE

LEAVE OF ABSENCE FROM \_\_\_\_\_ UNTIL \_\_\_\_\_  
(DATE) (DATE)

OTHER (EXPLAIN) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

CHANGE AUTHORIZED BY \_\_\_\_\_ DATE \_\_\_\_\_  
*12 10 33*

CHANGE APPROVED BY *Delno Lawson* DATE \_\_\_\_\_

PERMIT APPLICATION FOR  
USE OF UPSHUR COUNTY RIGHT OF WAY

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

PRECINCT 1  
DATE August 3, 1983

Formal notice is hereby given that Robert Johnston  
whose principal address is P.O. Box 1447, Gladewater, Texas  
does propose to place a culvert installation  
within the ROW of County Road Old 271  
as follows:

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\_\_\_\_.

NAME Robert G. Johnston

TITLE \_\_\_\_\_

ADDRESS \_\_\_\_\_

*Approved*  
*8-8-83*

Bills Approved 8-8-83

OPERATING ACCOUNT

CLAIM NO:	PAY TO:	CLASSIFICATION:	AMOUNT:
191	The Gilmer Mirror	10- V - V	518.35
192	Upshur Rural Electric Coop.	10-510-443/18.14	107.29
		15-611-443/18.62	
		16-612-443/26.65	
		17-613-443/21.70	
		18-614-443/22.18	
193	Goodyear Auto Service Center	10-560-341/56.41	1,680.86
		15-611-350/6.00	
		15-611-342/954.81	
		15-611-450/118.34	
		16-612-342/3.56	
		17-613-342/503.74	
		17-613-350/2.50	
		17-613-450/10.00	
		18-614-450/25.50	
194	Standard Office Equipment	10-403-310	12.35
195	Business Records	10-403-417/1,196.50	
		10-403-418/1,436.48	
196	Jail Planners	10-409-479	277.20
197	Gilmer Lumber Co.	10-409-550	502.00
198	Dwight Brannon	10-426-407	120.00
199	Wayne Toliver	10-426-408	25.00
200	Tarvis County Sheriff	10-435-410	40.00
201	Walraven Bros., Inc.	10-450-312	98.58
202	Medical & Patology Lab Services of East Texas, Inc.	10-455-416	420.00
203	Longview Mobilfone & Paging Service	10-455-422	23.50
204	Perry Brothers, Inc. #15	10-630-310/4.46	4.95
		10-497-310/.49	
205	Wilson Distrubing Co.	10-510-332	450.25
206	White's Home & Auto Store	10-510-350	17.99
207	Construction Supply Co, Inc.	10-510-360	57.00
208	Apache Rent All	10-510-370	5.00
209	Gilmer Seed & Feed Co.	10-510-370	58.67
210	Western Auto Asso. Store	10-510-370	15.00
211	W. W. Grainger, Inc.	10-510-380	50.87
212	Aratex/Ind. Uniform & Towel	10-510-380	28.86
213	A & A Sales & Service	10-510-450	85.00
214	Esco Elevators, Inc.	10-510-480	144.31
215	York Division	10-510-350/153.65	162.25
		10-510-450/9.00	
216	Arkla Gas Co.	10-513-442	4.75
217	V. W. Eimicke Asso., Inc.	10-560-310/20.37	40.73
		10-700-310/20.36	
218	Second Chance	10-560-334	920.00
219	Keith Hamberlin	10-565-481	148.00
220	Thames Book Co.	10-650-330	42.19
221	Herbert L. Young	15-611-340/1,384.73	6,430.30
		16-612-340/1,329.21	
		17-613-340/2,314.14	
		18-614-340/1,401.92	

222	Economy Auto Supply Co.	15-611-350/81.49 16-612-350/55.14 17-613-350/79.98 18-614-350/1,502.84 18-614-450/264.85	1,984.30
223	Gilmer Tire & Auto	15-611-342	45.00
224	Automotive Service Parts	15-611-350	13.70
225	Sherck Equipment Co. Inc.	15-611-350	108.61
226	Diana Texaco	15-611-342/24.50 15-611-450/60.00	84.50
227	Charles Evans	15-611-480	105.00
228	Wilson-Riley Inc.	15-611-348/7,641.40 16-612-348/3,820.70	11,462.10
229	Smith Oil Co.	15-611-340/11.00 15-611-349/20.00 16-612-340/90.00	121.00
230	Henry T. Lynn	16-612-346	32.00
231	Joseph Nelson	16-612-346	21.00
232	Gilmer Auto Supply	16-612-350/38.13 17-613-350/29.42	67.55
233	Etex Telephone Coop.	16-612-443/26.94 18-614-443/21.32	48.26
234	Crow's Texaco	17-613-342/20.00 17-613-450/83.50	103.50
235	Luther Holman	17-613-346	356.00
236	Thrust Hydraulics	17-613-350/207.90 17-613-450/97.50	310.40
237	Skinner's Radiator	18-614-450	40.00
238	Holman Bennett Phillips	18-614-350	841.15



**UPSHUR COUNTY COMMISSIONERS COURT**

**GILMER, TEXAS**

August 9, 1983

Mr. Ricky Shipp, Chairman  
Board Members,  
Upshur County Appraisal District  
Gilmer, Texas 75644

Dear Sirs,

In a letter dated July 11, 1983 to you from the Upshur County Commissioners Court and the appearance of Commissioners Charles Still and Paul Davis at your budget hearing, concern was expressed about the single budget concept that includes costs for both appraisal and collection functions. The Board later voted to accept the budget, as prepared, without breaking out the collection as a separate budget to be paid for by only those entities using the collections services.

On July 14, 1983 the Commissioners Court ask Upshur County Tax Assessor-Collector, Micheal L. Smith, to direct a letter to the General Counsel of the State Property Tax Board outlining the Upshur County Appraisal District 1983-84 Budget and the position of the Upshur County Commissioners Court concerning the cost allocation of the collection function.

A copy of Mr. Smith's letter and the reply letter from Mr. Mike Estes of the State Property Tax Board are enclosed.

In view of the questions raised by Upshur County and the answers given by the State Property Tax Board, the Commissioners Court, in the accompanying resolution, disapproves the 1983-84 Upshur County Appraisal District Budget as adopted by its Board members.

The Commissioners Court requests that the Board direct the Chief Appraiser to prepare two separate budgets, one for appraisal and one for collection functions, and re-submit these to the entities with the appropriate pro-rata cost to each entity for the services for which they have contracted.

Sincerely yours,

*Everett Dean*  
Everett Dean, County Judge

*Delmo Lawson*  
Delmo Lawson, Commissioner

*J.W. Meadows*  
J.W. Meadows, Commissioner

*Charles F. Still*  
Charles Still, Commissioner

*Paul Davis*  
Paul Davis, Commissioner



**UPSHUR COUNTY COMMISSIONERS COURT**

**GILMER, TEXAS**

**RESOLUTION**

According to the provisions of Section 6.06(b) of the Texas Property Tax Laws Annotated, 1982, The Upshur County Commissioners Court being the duly elected governing body of Upshur County hereby submits this resolution as official notice of disapproval of the 1983-84 budget of the Upshur County Appraisal District.

Signed this the 9th day of August, 1983.

Attested:

*J.P. Hill, Jr.*  
J.P. Hill, Jr.  
County Clerk



*Everett Dean*  
Everett Dean, County Judge

*Delmo Lawson*  
Delmo Lawson, Commissioner

*J.W. Meadows*  
J.W. Meadows, Commissioner

*Charles Still*  
Charles Still, Commissioner

*Paul Davis*  
Paul Davis, Commissioner

MICHAEL L. SMITH  
TAX ASSESSOR-COLLECTOR  
UPSHUR COUNTY  
GILMER, TEXAS 75644

July 14, 1983

General Counsel  
State Property Tax Board  
P. O. Box 15900  
Austin, TX 78761

ATTN: Mike Estes

Dear Mr. Estes:

In reference to our telephone conversation of July 12, 1983 and Charles Still's conversation with you July 13, 1983 we present the following:

The Commissioner's Court of Upshur County raised several questions of the Upshur County Appraisal District, see enclosed.

One of the questions was why Upshur County should pay 28.77% of the total budget, including collections, when no collections agreement exist by popular vote or Commissioner's Court with the District.

They also ask to see a breakdown of the budget showing how much is operations and how much is collections.

The budget breakdown as presented, shows salaries of different personnel and other items without regard to portion for collection (see enclosed). For example, envelopes, postage, as well as salaries, involved in the preparing and mailing of tax statements and receipts and the labor (salaries) for the personnel collecting "across the counter".

For the 1982 tax year they (the Appraisal District) collected for eight of the twelve taxing units (66 2/3%) in the District. This year they will collect for nine of the twelve (75%)

They contend that if they collect for 75% of the units they are required by law to charge all for their share of all the services (including collections) referring to 6.061 of the Property Tax Code. As I read 6.061(d) says: "... three fourths of the units on the appointed board herein adopt resolutions providing for the other method. However a charge under this subsection is not valid if it requires any taxing unit to pay a greater proportion of the appraisal district's costs than it would pay under Section 6.06 of this code without the consent of the governing body of that unit." I can tell no such resolutions have been voted by the units. I further have checked the records of the County Clerk and find no filings for 1982 or 1983 as required by 6.061(c) nor does the Clerk recall having a charge under subsection (d).

MICHEAL L. SMITH  
TAX ASSESSOR-COLLECTOR  
UPSHUR COUNTY  
GILMER, TEXAS 75644

We (Upshur County) contend with our 28.777 vote that we are being unfairly charged for collections we are making ourselves. Do you agree?

Your help has been and is greatly appreciated.

*Michael L. Smith*

MICHEAL L. SMITH  
TAX ASSESSOR COLLECTOR

4 Enclosures

## State Property Tax Board

### EXECUTIVE DIRECTOR

Kenneth E Graeber  
DEPUTY DIRECTOR  
Bill Carnes, Ed D  
GENERAL COUNSEL  
H Jack Woods

### ASSOCIATE DIRECTORS

Larry Luedtke, Valuation  
Jim Robinson, Education  
and Standards



9501 North IH 35  
P.O. Box 15900, Austin, Texas 78761  
Telephone 512-837-8622 or 800-252 9121

### MEMBERS OF THE BOARD

Ben Munson, Chairman  
William J (Bill) Burnette  
Dr John E. Codwell, Sr.  
Murvin L. Jones  
Stephen T. Jordan  
Joseph A. VanDeWalle, Sr.

July 27, 1983

Micheal Smith  
Tax Assessor/Collector  
Upshur County  
Gilmer, Texas 75644

Dear Mr. Smith:

This is in response to your letter of July 14, 1983 and to your consultation with Clay Blakeway on July 22, 1983 concerning the Upshur County Appraisal District budget and their functions. In order to address your questions, let me first outline the responsibilities associated with appraising, assessing and collecting as stated in the Texas Property Tax Code.

The functions of appraisal include the responsibilities of the chief appraiser and the county appraisal district. The appraisal district is charged with appraising all property within the appraisal district for ad valorem tax purposes, as provided by TEX. PROPERTY TAX CODE Section 6.01. This includes the listing and determination of market value of all property in the appraisal district; receiving and handling renditions, agricultural and special valuation, and exemptions; sending of notices of appraised value as applicable; the submission of the appraisal roll to the appraisal review board; and, submission of a certified roll to each taxing unit.

The assessing and collecting functions of the property tax system are to be performed by each taxing unit unless the unit contracts with the appraisal district or another taxing unit or an election to consolidate this function was passed. Assessment involves the administrative duties that must be performed after certification of values and before the issuance of tax bills. Assessment involves the "Truth-in-Taxation" calculations, where the assessor or designated person estimates and publishes the effective tax rate for the taxing unit. The taxing unit must publish notices and hold a public hearing when exceeding that rate by more than three percent. Assessment includes applying the taxing unit's tax rate to the assessed value of individual properties to arrive at the taxes imposed on each property owner of the taxing unit and the supervision of rollback election provisions of the tax rate. Assessment functions are outlined in Chapter 26 of the Property Tax Code.

Page 2  
Mr. Smith  
July 27, 1983

Collection functions include the preparation and mailing of tax bills and the issuance of tax certificates showing individual taxpayer's liabilities. Collection also includes the management of delinquent tax collections. Delinquent collections may require seizure and sale of personal or real property in order to satisfy tax liabilities. Collection functions are outlined in Chapters 31 through 34 of the Property Tax Code.

Again, the assessment and collection functions will be performed by each taxing unit unless the unit has contracted with the appraisal district or with another taxing unit to perform these functions or if an election was passed to consolidate this function. Provisions concerning contracts for these functions are found in Sections 6.24 and 6.27 of the Code.

Unless three-fourths of the taxing units that are entitled to vote on the appointment of board members adopt resolutions providing for a different method of allocating the costs of operating the appraisal district, each taxing unit would pay a proportionate share of the appraisal district budget as provided by Section 6.06 of the Code.

The budget will usually cover only the appraisal functions. If an appraisal district also performs collection functions as per Chapter 31 of the Code, then generally a budget will be drawn to accommodate those duties and will be applicable to those taxing units for whom the appraisal district collects.

Accordingly, budget allocation payments as per Section 6.06(d) will be based on the budget for appraisal services. The cost of collection services; on the other hand, will be specified in the contract or agreement between the appraisal district and each taxing unit for which the district collects.

Therefore, if the appraisal district collects any taxes, then the collection budget should be prorated between only the units for whom the appraisal district collects. Any taxing unit whose taxes are not collected by the appraisal district would not have to pay a prorated share of the collection budget.

I hope I have answered your questions. If our agency can further assist you, please feel free to contact us.

Sincerely,

*Mike Estes*

Mike Estes  
Technical Assistance Section  
Education & Standards/Publications Division

ME/kp

cc: Clay Blakeway, Jr.



**UPSHUR COUNTY COMMISSIONERS COURT**  
GILMER, TEXAS

August 8, 1983

Upshur County Appraisal District  
P. O. Box 31  
Gilmer, Texas 75644

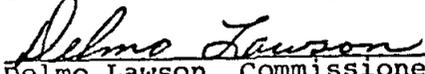
PETITION CHALLENGE

Pursuant to section 41.03 and 41.04 of the Texas Property Tax Laws annotated we, the Commissioners Court of Upshur County, joined by the Tax Assessor-Collector of said county, do hereby challenge the granting of exemption from payment of Ad Valorem taxes to Hillcrest Manor for the year 1983 AD to Upshur county.

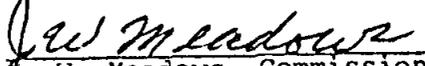
Upshur county believes the claim by Hillcrest for exemption is not valid for Ad Valorem tax purposes.

  
\_\_\_\_\_  
Everett Dean, County Judge

  
\_\_\_\_\_  
Charles Still, Commissioner 3

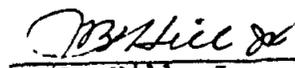
  
\_\_\_\_\_  
Delmo Lawson, Commissioner 1

  
\_\_\_\_\_  
Paul Davis, Commissioner 4

  
\_\_\_\_\_  
J. W. Meadows, Commissioner 2

  
\_\_\_\_\_  
Michael L. Smith, Tax Assessor-Collector

ATTEST:

  
\_\_\_\_\_  
J. B. Hill, Jr., County Clerk