

UPSHUR COUNTY COMMISSIONER'S COURT
5-28-1996

COMMISSIONER'S COURT MET IN SPECIAL SESSION. ALL MEMBERS PRESENT.

1. MOTION BY TOMMY STANLEY SECONDED BY GADDIS LINDSEY TO APPROVE MINUTES OF PREVIOUS MEETINGS DATED 5-13-1996 AND 5-16-1996. MOTION CARRIED.

2. MOTION BY KENNEY THOMPSON TO APPROVE BUDGET AMENDMENTS AS PRESENTED BY COUNTY AUDITOR. AFTER BRIEF DISCUSSION WITH COUNTY AUDITOR, COMMISSIONER WITHDREW HIS MOTION. MOTION BY KENNEY THOMPSON SECONDED BY DAVID LOYD TO APPROVE ALL BUDGET AMENDMENTS CONCERNING LINE ITEM TRANSFERS AND RESERVE FUNDS. MOTION CARRIED. COPY OF BUDGET AMENDMENTS ATTACHED.

3. MOTION BY DAVID LOYD SECONDED BY KENNEY THOMPSON TO APPROVE PAYMENT OF BILLS AS PRESENTED BY COUNTY TREASURER, EXCLUDING BILL SUBMITTED BY CONSTABLE OF PRECINCT 4 AND INCLUDING BILL SUBMITTED BY FLOWERS THRIFT STORE. MOTION CARRIED. COPY OF BILLS ATTACHED.

4. MOTION BY GADDIS LINDSEY SECONDED BY TOMMY STANLEY TO APPROVE PAYROLL CHANGES FOR THE FOLLOWING PEOPLE:

- LARRY SEWELL-DUE TO EMPLOYEE RESIGNING
- DENNIS BELL, JR.-RE-HIRED FOR SUMMER HELP
- TONY GORDON-HIRED FOR PART-TIME SUMMER HELP
- CALVIN GREEN-HIRED FOR PART-TIME SUMMER HELP
- LONZIE GORDON-HIRED FOR PART-TIME SUMMER HELP
- MIKE DAVIS-PROMOTION, TRANSFER FROM JAIL TO SHERIFF OFFICE
- LORI LEE JESTER-HIRED
- KARMEN STEELMAN-RE-EVALUATION OF JOB (COMPUTER TECHNICIAN)
- JO ANN LOFTIS-LONGEVITY INCREASE
- WANDA HUTCHINS-LONGEVITY INCREASE
- HARRY CROCKETT-LONGEVITY INCREASE
- PATSY FAILS-LONGEVITY INCREASE
- SANDRA EDWARDS-LONGEVITY INCREASE
- GERALD WAYNE BALLARD-LONGEVITY INCREASE
- OSCAR ROBERTSON-LONGEVITY INCREASE
- JAMES WILSON-LONGEVITY INCREASE
- BERNADINE EVANS-LONGEVITY INCREASE
- BRANDY MONTS-LONGEVITY INCREASE

MOTION CARRIED ON ALL THE ABOVE. COPIES OF ALL PAYROLL CHANGE REPORTS ATTACHED.

5. MOTION BY TOMMY STANLEY SECONDED BY GADDIS LINDSEY TO APPROVE FINANCIAL STATEMENTS AS SUBMITTED BY COUNTY AUDITOR. MOTION CARRIED. COPY ON FILE IN COUNTY CLERK'S OFFICE.

6. THE FOLLOWING BIDS WERE SUBMITTED FOR A BACKHOE FOR

PRECINCTS 2 AND 3:

PERSON/COMPANY SUBMITTING BID	AMOUNT OF BID
T & S TRACTOR, INC.	32,774.87
T & S TRACTOR, INC.(TRADE-IN ALLOWANCE)	26,274.87
EAST TEXAS MACHINERY, INC.	34,995.00
EAST TEXAS MACHINERY, INC.(TRADE-IN ALLOWANCE)	27,995.00
HOLEMAN BENNETT PHILLIPS	39,980.00
HOLEMAN BENNETT PHILLIPS(TRADE-IN ALLOWANCE)	34,130.00

MOTION BY TOMMY STANLEY SECONDED BY DAVID LOYD TO TABLE THESE BIDS UNTIL 5-31-1996. MOTION CARRIED. COPIES OF BIDS ATTACHED.

7. MOTION BY GADDIS LINDSEY SECONDED BY DAVID LOYD TO APPROVE REQUEST OF LYLE POTTER, JUSTICE OF THE PEACE, TO ATTEND A J.P. SEMINAR. MOTION CARRIED.

8. MOTION BY GADDIS LINDSEY SECONDED BY DAVID LOYD TO APPROVE AUDIT AGREEMENT FOR THE YEAR ENDING SEPTEMBER 30, 1996 BETWEEN UPSHUR COUNTY AND OAKERSON, ARNOLD, WALKER AND COMPANY. MOTION CARRIED. COPY OF AGREEMENT ATTACHED.

9. MARY ANN PATTERSON, FROM THE SESQUICENTENNIAL COMMITTEE, MET WITH COURT TO REQUEST FINANCIAL ASSISTANT IN AMOUNT OF \$4,000.00 TO HELP WITH THE 150TH SESQUICENTENNIAL OF UPSHUR COUNTY. NO ACTION TAKEN.

10. MOTION BY GADDIS LINDSEY SECONDED BY TOMMY STANLEY TO APPROVE FILING THE PLAT OF LACEY ROAD INTO THE PLAT RECORDS OF UPSHUR COUNTY. MOTION CARRIED. (PLAT IS FILE IN COUNTY CLERK'S OFFICE VOLUME 5 PAGE 117 OF PLAT RECORDS--FIELDS NOTES ARE FILED IN OFFICIAL RECORDS, FILE NUMBER 4160, FILED 5-28-1996.)

11. MOTION BY DAVID LOYD SECONDED BY KENNEY THOMPSON TO APPROVE TAKING ACTION ON A RESPONSE FORM TO DEVELOP A MEMORANDUM OF AGREEMENT TO ESTABLISH A FLEXIBLE ATTAINMENT REGION (F.A.R.) MOTION CARRIED. COPY OF RESPONSE FORM ATTACHED.

12. MOTION BY GADDIS LINDSEY SECONDED BY DAVID LOYD TO APPROVE ALLOWING SHERIFF'S OFFICE TO HAVE CREDIT CARDS FOR COUNTY USE. MOTION CARRIED. SHERIFF CROSS WILL BE RESPONSIBLE FOR OBTAINING THE CARDS.

13. MOTION BY DAVID LOYD SECONDED BY KENNEY THOMPSON TO APPROVE ALLOWING A PERSON FROM EACH PRECINCT TO BECOME CERTIFIED AS A JAILER. THIS WILL ALLOW EACH PRECINCT TO BE ABLE TO USE LOW RISK PRISONER FROM THE COUNTY JAIL ON THE ROAD CREWS OR WHATEVER WORK MIGHT BE NEEDED IN THAT PARTICULAR PRECINCT.

14. MOTION BY GADDIS LINDSEY SECONDED BY TOMMY STANLEY TO APPROVE PLACING INTO MINUTES FOR RECORDING PURPOSES ONLY, A LETTER FROM DISTRICT ATTORNEY TIM CONE TO SANDRA PIPER CONCERNING MAIL SERVICE TO UPSHUR COUNTY. MOTION CARRIED. COPY OF LETTER ATTACHED.

15. MOTION BY KENNEY THOMPSON SECONDED BY DAVID LOYD TO APPROVE PLACING INTO MINUTES FOR MATTER OF RECORD ONLY A LETTER FROM G. D. LONDON CONCERNING LEASE EXTENSION ON SCHOOL LAND BELONGING TO UPSHUR COUNTY. MOTION CARRIED. COPY OF LETTER ATTACHED.

16. AGREEMENT BY AND BETWEEN JOBS, TRAINING & SERVICES INC. AND COUNTY OF UPSHUR PLACED INTO MINUTES FOR RECORDING PURPOSES ONLY.

17. MOTION BY GADDIS LINDSEY SECONDED BY KENNEY THOMPSON TO APPROVE ADOPTING RESOLUTION CONCERNING STATE HIGHWAY FUNDING SHORTFALL. MOTION CARRIED. COPY OF RESOLUTION ATTACHED.

18. MOTION BY GADDIS LINDSEY SECONDED BY KENNEY THOMPSON TO APPROVE PLACING INTO MINUTES FOR RECORDING PURPOSES ONLY A LETTER FROM ATTORNEY GENERAL TO TIM CONE CONCERNING SALE OR LEASE OF THE BANK BUILDING PREVIOUSLY ACQUIRED BY UPSHUR COUNTY. MOTION CARRIED. COPY OF MEMO ATTACHED.

19. AFTER DISCUSSION CONCERNING MEMO FROM TIM CONE DISTRICT ATTORNEY MOTION BY KENNEY THOMPSON SECONDED BY DAVID LOYD TO APPROVE DISCONTINUING MAINTENANCE ON TIGER ROAD. MOTION CARRIED WITH COMMISSIONER TOMMY STANLEY VOTING NO.

MEMO FROM TIM CONE CONCERNING REQUEST FROM GOOD SHEPHERD MEDICAL CENTER AMBULANCE SERVICE PLACED INTO MINUTES FOR RECORDING PURPOSES ONLY.

20. MOTION BY TOMMY STANLEY SECONDED BY DAVID LOYD TO APPROVE THE FOLLOWING PERMIT APPLICATIONS, SPECIAL ROAD USE AGREEMENTS, AND/OR APPLICATIONS FOR FILLING ABANDONED WELLS:

SPECIAL ROAD USE AGREEMENT CONTRACT SUBMITTED BY J.D. MCCLUNG TO HAUL LOGS ON PERMISSION AND WEEPING WILLOW.

PERMIT APPLICATION SUBMITTED BY KENT BILNOSKI TO INSTALL A CULVERT IN ROW OF COUGAR ROAD.

PERMIT APPLICATION SUBMITTED BY RANDALL THOMPSON TO INSTALL A CULVERT IN ROW OF TODD ROAD.

SPECIAL ROAD USE AGREEMENT CONTRACT SUBMITTED BY C. W. RESOURCES TO HAUL LOGS ON WHITE OAK AND EAST MOUNTAIN ROAD.

SPECIAL ROAD USE AGREEMENT CONTRACT SUBMITTED BY ROY HAMON CONSTRUCTION COMPANY TO HAUL HEAVY EQUIPMENT ON ARMADILLO ROAD.

SPECIAL ROAD USE AGREEMENT CONTRACT SUBMITTED BY WILLIAMSON LOGGING TO HAUL LOGS ON DAHLIA, BLUEBONNET AND NO NAME ROAD.

PERMIT APPLICATION SUBMITTED BY DOUG NOBLES TO INSTALL A CULVERT IN ROW OF MALLARD ROAD.

SPECIAL ROAD USE AGREEMENT SUBMITTED BY LASCO TO HAUL LOGS ON SHEEP ROAD.

MOTION CARRIED ON ALL THE ABOVE. COPIES OF ALL ATTACHED.

21. NO ACTION TAKEN ON AGENDA ITEM CONCERNING EMPLOYEE HEALTH INSURANCE. COMMISSIONER'S STATED THAT THEY WILL STUDY THIS AND TAKE ACTION ON 5-31-1996.

MOTION BY FENNEY THOMPSON SECONDED BY DAVID LOYD TO ADJOURN. MOTION CARRIED.

ATTENDANCE SHEET AND JURY SELECTION LIST PLACED INTO MINUTES FOR RECORDING PURPOSES ONLY.



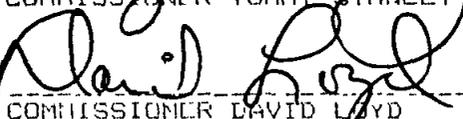
JUDGE CHARLES STILL



COMMISSIONER GADDIS LINDSEY



COMMISSIONER TOMMY STANLEY



COMMISSIONER DAVID LOYD



COMMISSIONER CHARLES (FENNEY) THOMPSON

Approved Disbursements
ALL Checking Accounts

THE SOFTWARE GROUP, INC.

Disbursements Made from 05/28/96 thru 05/30/96

PAGE 1

Check #	HC Date	Vendor	Check Amount	Invoice Amt	Invoice Description
55625-AP	05/28/96	ACCU CHEM LABORATORIES	\$336 00	\$78 50	CCP-PROFILES, 5/01&02/96
				\$257 50	CCP-PROFILES; 5/03; 06; 07; 08; 09/96
55626-AP	05/28/96	ALAN MEYERS & ASSOCIATES	\$152 00	\$152 00	CD LIB-3 VIDEOS
55627-AP	05/28/96	AMERICAN MORTUARY SERVICES	\$330 00	\$330 00	JP#2-CHARLES KENNEDY/LONGVIEW TO DALLAS&BACK; AUTOPSY
55628-AP	05/28/96	ARAMARK UNIFORM SERVICES, IN	\$173 71	\$47 45	PCT#3-CUST#5963001/UNIFORM SERVICE
				\$30 20	PCT#3-CUST#5963001/UNIFORM SERVICE
				\$30 20	PCT#3-CUST#5963001/UNIFORM SERVICE
				\$65 86	PCT#3-CUST#5963001/UNIFORM SERVICE
55629-AP	05/28/96	ARKLA GAS	\$43 39	\$31 94	PORTER BLDG-ACCT#09-213-36-0070-0-7/GAS USED 04/03/96-05/03/96
				\$11 45	PCT#3-ACCT#0921334261002/MAY 14'96 BILLING
55630-AP	05/28/96	AUSTIN TRANSLATIONS	\$25 00	\$25 00	CD S-(1)hr. TRANSLATIONS
55631-AP	05/28/96	BARBARA HOLLOWAY	\$15 37	\$15 37	CD TAX-REIMBURSE/53mi@. 29@a; (U. S. POSTAL SEMINAR@LONGVIEW)
55632-AP	05/28/96	BARRY WALLACE, ATTY	\$250 00	\$250 00	D CT-CAUSE#9974&75/DONNY GLEN MCCLURE
55633-AP	05/28/96	BENNETT EQUIPMENT COMPANY	\$283 58	\$163 98	PCT#1-CUST#UC0001/BLACK SEAT(2 CASES)
				\$119 60	PCT#1-CUST#UC0001/RET GRD WLDM
55634-AP	05/28/96	BILL WM. W GROCAN, D. D. S.	\$215 00	\$45 00	CD JAIL-ROBERT ORR/EMERG EXAM & X-RAY
				\$100 00	CD JAIL-BARRY RICHARDSON/EMERG EXAM; X-RAY & EXTRACTION
				\$35 00	CD JAIL-SANDY CUMMINS/EMERG EXAM
				\$35 00	CD JAIL-TEDDY ADKINS/EMERG EXAM
55635-AP	05/28/96	BDB BARKER CO., INC.	\$26 97	\$26 97	CD S-(1000)Lo. POLY GLOVES
55636-AP	05/28/96	BOGEL SALES INC.	\$319 83	\$324 75	CD BLDGS-ACCT#870210/TRASH BAGS; TOWELS; TISSUE
				\$10 98	CD BLDGS-ACCT#410170/TRASH LINERS
				\$15 90CR	CD BLDGS-ACCT#410170/RETURNED TRASH LINERS
55637-AP	05/28/96	BROOKSHIRES	\$95 95	\$34 44	D A-LINDA O'BRIANT/HOT CK RESTITUTION
				\$38 41	D A-JOYCE CURTIS/HOT CK RESTITUTION
				\$23 10	D A-JOYCE CURTIS/HOT CK RESTITUTION
55638-AP	05/28/96	BROWN'S DISCOUNT WINDOW	\$34 82	\$34 82	PCT#1-CEMENT; CUPLINS; HACKSAW BLADES; PART
55639-AP	05/28/96	BUENA VISTA HOME FOR BOYS	\$360 00	\$360 00	ISP-DETENTION/B. R. (8days@\$45.00per day)
55640-AP	05/28/96	CALAME, LINEBARGER&GRAHAM	\$3,857 30	\$3,857 30	CD TAX-APRIL '96 DELINQUENT TAX COLLECTED
55641-AP	05/28/96	CATFISH VILLAGE	\$53 70	\$53 70	D. A-CRAIG TAYLOR/HOT CK RESTITUTION

VOL No PG 11

Page 1 of 1

Page 1 of 1

Approved Disbursements
ALL Checking Accounts

THE SOFTWARE GROUP, INC.

Disbursements Made from 05/28/96 thru 05/30/96

PAGE 2

Check #....	HC Date	Vendor..	Check Amount	Invoice Amt	Invoice Descriptions.
55642-AP	05/28/96	CHARLES L. STILL	\$711.60	\$711.60	ED. JUDGE-REIMBURSE/PROBATE JUDGE CONFES. PADRE
55643-AP	05/28/96	CHEROKEE COUNTY	\$268.00	\$268.00	CO CT-CAUSE#MI#18, 382/JAMES GOODGAME(COMMITMENT-RUSK STATE HOSPITAL
55644-AP	05/28/96	CHEVRON U.S A INC	\$14.57	\$14.57	CO S-ACCT#789-878-984-2/GASOLINE
55645-AP	05/28/96	COMMUNITY REHABILITATION	\$275.00	\$275.00	CCP-APRIL '96/B. MILLER&T. EVANS
55646-AP	05/28/96	COMPLETE BUSINESS	\$495.11	\$100.62 \$27.00 \$49.42	SUP-CUST#LN0461/MAINT; 2/01-4/01/96 D A-CUST#LN0461/RICOH F4418(2000 COPIES) CO. TAX-CUST#LN0461/RICOH F5540 COPIES MADE 04/01/96-05/01/96 (4086) CO. CLK-CUST#LN0461/RICOH F5540 COPIES MADE 04/01/96-05/01/96 (6779)
				\$21.68	JP-CUST#LN0461/RICOH F4415; COPIES MADE 04/01/96-05/01/96(1606)
				\$42.71	SUP-CUST#LN0461/MAINT; 4/01-5/01/96
				\$106.14	DA-CUST#LN0461/COPY COUNT CONT. (7862 COPIES 04/01/96-05/01/96)
				\$47.11	CO. LIB-CUST#LN0461/COPY COUNT CONT (3530 COPIES-05/01/96-06/01/96)
55647-AP	05/28/96	CROLEY FUNERAL HOME	\$325.00	\$325.00	JP#1-GLENDA HOUSE/TRANSPORTED TO DALLAS&BACK TO GILMER
55648-AP	05/28/96	DARTEK COMPUTER SUPPLY	\$115.53	\$115.53	COMPUTER-(20)MAXELL 8mm. CARTRIDGE TAPES
55649-AP	05/28/96	DAVIS ELECTRIC COMPANY	\$94.97	\$94.97	CO. BLDGS-PARTS & LABOR
55650-AP	05/28/96	DEAN'S LAWMOWER &	\$29.40	\$29.40	CCP-REPAIR TO SEARS MOWER
55651-AP	05/28/96	DEANNA DRENNAN	\$2,370.00	\$2,370.00	D. CT-CAUSE#11,566/STATEMENT OF FACTS, JURY&TRIAL
55652-AP	05/28/96	DONA FLIPPO	\$277.47	\$259.78 \$17.69	C AUD-REIMBURSE/90mi @ 29ea; MEALS LODGING(TACA @AUSTIN) NON. DEPT-REIMBURSE/61mi @ 29ea; (POSTAL MEETING@LONGVIEW 5/23/96)
55653-AP	05/28/96	DWIGHT A. BRANNON	\$250.00	\$250.00	D. CT-CAUSE#2032-F-2-95/TYRONE LONDON
55654-AP	05/28/96	EAST TEXAS MACHINERY	\$30.20	\$30.20	PCT#2-ACCT#10000655/BALL JOINT; SPRING PIN; FREIGHT
55655-AP	05/28/96	ECONOMY AUTO SUPPLY, INC.	\$24.00	\$24.00	PCT#1-LABOR (TURN BRAKE DRUMS)
55656-AP	05/28/96	ELWELL'S OIL & LUBE	\$34.00	\$17.00 \$17.00	CO. S-UNIT#9/OIL CHANGE CO. S-UNIT#11/OIL CHANGE

VOL 46 PG 12

COPIES

COPIES

Approved Disbursements
ALL Checking Accounts

THE SOFTWARE GROUP, INC.

Disbursements Made from 05/28/96 thru 05/30/96

PAGE 3

Check #	HC Date	Vendor	Check Amount	Invoice Amt	Invoice Descriptions
55657-AP	05/28/96	EMMA SMITH	\$46 00	\$46 00	CO LIB-REIMBURSE/140mi@.29ea; MEAL (NETLS WORKSHOP@JACKSONVILLE)
55658-AP	05/28/96	EQUIPMENT & PARTS	\$912 31	\$912.31	PCT#3-BACKHOE BUCKET
55659-AP	05/28/96	ERVIN'S GARAGE	\$15 00	\$15 00	PCT#1-FIX FLAT ON TRAILER
55660-AP	05/28/96	EXPRESS LUBE DBA	\$144 90	\$18 95	CO. S-UNIT#6/OIL; FILTER; LABOR
				\$18.95	CO. S-UNIT#12/OIL; FILTER; LABOR
				\$10 50	CO S-UNIT#4/INSPECTION STICKER
				\$18 95	CO S-UNIT#23/OIL; FILTER; LABOR
				\$18 95	CO S-UNIT#8/OIL; FILTER; LABOR
				\$18.95	CO. S-UNIT#2/OIL; FILTER; LABOR
				\$18 95	CO. S-UNIT#21/OIL; FILTER; LABOR
				\$20.70	CO S-UNIT#25/OIL; FILTER; LABOR
55661-AP	05/28/96	FEDEX	\$29 50	\$29.50	CO S-ACCT#1716-1325-6/SHIPMENTS TOHUNTSVILLE(3)
55662-AP	05/28/96	FLOWERS THRIFT STORE	\$70.20	\$70.20	CD JAIL-(200)LOAVES BREAD W/DISCT.
55663-AP	05/28/96	GADDIS LINDSEY	\$19 14	\$19 14	COMM. CT-REIMBURSE/66mi@.29ea(TAC MEETING)
55664-AP	05/28/96	GENERAL TELEPHONE COMPANY	\$508 10	\$508 10	TELE COMM-(10)TEL STARPLUS II PHONES
55665-AP	05/28/96	GEORGE P. BANE, INC.	\$59.79	\$59.79	PCT#3-BEARING, RACE & COUPLER FOR BOOMAX TRACTOR
55666-AP	05/28/96	GILMER CABLE TV CO, INC.	\$63 00	\$63 00	CD JAIL-ACCT#13891/CABLE FOR MAY
55667-AP	05/28/96	GILMER DRUG COMPANY	\$245.57	\$59.16	CO. JAIL-GREVIE BROWN/PRESCRIPTION; DIABETIC STRIPS
				\$13.46	CO. JAIL-ROBERT ORR; JOHN BUCHANAN/PRESCRIPTIONS
				\$46 64	CO JAIL-TED ADKINS; BARRY RICHARDSON; JOHN BUCHANAN/PRESCRIPTIONS
				\$13 88	CO JAIL-GREVIE BROWN/PRESCRIPTION
				\$13 39	CO. JAIL-WILLIAM GRIFFIN/PRESCRIPTION
				\$78.59	CO. JAIL-JESSIE JACKSON/PRESCRIPTION
				\$8 59	CO. JAIL-ENSURE/WILLIAM GRIFFITH
				\$4.22	CO JAIL-WILLIE MILLER/PRESCRIPTION
				\$7.64	CO. JAIL-CALAMINE LOTION
55668-AP	05/28/96	GILMER OFFICE CENTER	\$7 60	\$7.60	CO. BLDO-SHOULDER REST FOR PHONE
55669-AP	05/28/96	GREAT WESTERN SUPPLY CO	\$61 28	\$61 28	CO AUD-ORDER#96020205/R-MANNESMANN TALLY MT 86
55670-AP	05/28/96	GROLIER EDUCATIONAL CORP.	\$1,294.65	\$1,294.65	CO LIB-ENCYCLOPEDIA AMERICANA; STUDENT ENCY

VOL. 3 PG 3

PAGE 3 OF 3

Approved Disbursements
ALL Checking Accounts

THE SOFTWARE GROUP, INC.

Disbursements Made from 05/28/96 thru 05/30/96

PAGE 4

Check #	HC Date	Vendor	Check Amount	Invoice Amt	Invoice Descriptions
					OF ENDANGERED SPECIES; SHIPPING
55671-AP	05/28/96	GWEN LODEN, ATTY AT LAW	\$867.50	\$867.50	D. CT-CAUSE#J-24-95&J-4-96/R. J. D.
55672-AP	05/28/96	H&D TIRE & AUTOMOTIVE	\$2,072.42	\$41.03	PCT#3-HYD OIL, PARTS
				\$1.58	CO. BLDGS-2 KEYS
				\$4.55	PCT#4-O-RINGS
				\$3.28	CO. BLDGS-PIPE; TEES; ELLS
				\$3.94	CO. BLDGS-CLEANER; GLUE
				\$102.32	PCT#1-TIRE; BELTS
				\$1.80	PCT#3-COUPLS, PIPE
				\$127.02	PCT#4-OIL; PARTS
				\$141.18	PCT#3-AIR HOSE, COUPLER; PLUG, BULBS; IRON
				\$18.88	PCT#1-ANGLE IRON
				\$225.06	PCT#2-TIRES; LABOR
				\$126.13	PCT#3-CALIPER; CALIPER CORE; BRUSH; BRK HARDWARE
				\$6.18	CO. BLDGS-CAP
				\$40.43	PCT#2-TIRE PATCHES; BELT; LABOR
				\$21.45	PCT#3-TUBE; BRAKE FLUID
				\$99.41	PCT#1-SHOCKS; GEAR PUMP
				\$18.00	PCT#1-TUBESD
				\$90.00	PCT#2-TUBES(4); LABOR
				\$18.30	PCT#3-FILTERS; BRASS FITTING
				\$5.00	PCT#4-O'RINGS
				\$11.87	PCT#1-SEAL
				\$40.28	PCT#1-TRUCK #113-FIBERGLASS RESIN; FIBERGLASS MAT & SPREADER
				\$119.74	PCT#3-BEARINGS (2); SEALS (4); SWITCH
				\$3.14	PCT#1-GAS CAN
				\$3.23	CO. S-PHONE JACK; SCREWS
				\$34.88	PCT#3-BOLTS, STP; DRILL BITS (2); NUT SETTER; ANGLE IRON
				\$73.44	PCT#3-WEATHER STRIPPING; SCREWS; DRILL; ANGLE IRON
				\$23.35	PCT#1-9-PIECE BIT SET
				\$5.84	CT. HSE-PUSH BROOM F& HANDLE
				\$21.99	PCT#1-METAL PRIMER FOR UNIT#113
				\$3.95	CT. HSE-HOSE ADAPTER
				\$0.36	PCT#1-SCREWS
				\$4.88	PCT#3-CLEANER
				\$91.04	PCT#1-DRILL; BRAKE SHOES; CORE CHARGE
				\$37.85	PCT#3-BRAKE PADS; STEEL TAPE
				\$14.56	PCT#3-TUBE; SCREW DRIVERS
				\$25.14	PCT#1-MUD FLAP
				\$71.63	PCT#1-QUIK-LINKS FOR CHAIN; ANGLE IRON; CHAIN; BOLTS
				\$19.70	PCT#1-RADIATOR HOSE (2); CLEANER
				\$110.27	CT. HSE-SCREWS; ANCHORS; EXIT LIGHT BLUBS
				\$33.81	PCT#2-STARTER
				\$8.80	PCT#1-IRON

Vol 46 pg 14

05/31/96

Approved Disbursements

ALL Checking Accounts

THE SOFTWARE GROUP, INC.

Disbursements Made from 05/28/96 thru 05/30/96

PAGE 5

VOL 46 PG 15

Check #	HC Date	Vendor	Check Amount	Invoice Amt	Invoice Description
				\$10 24	PCT#1-SEALS
				\$62.42	PCT#1-WHEEL CYLINDER
				\$12 45	PCT#1-BOLTS
				\$32.79	PCT#1-WHEEL CYLINDER
			\$151 87		PCT#1-TRACTOR TIRE, RECYCLE FEE, TUBE, BOLTS & NUTS
				\$48 57	PCT#3-PARTS & LABOR
				\$70.00CR	PCT#3-RETURNED CALIPER CORE, BRAKE SHOES-CORE
				\$31 21CR	PCT#1-RETURNED WHEEL CYLINDER
55673-AP	05/28/96	HENRY WHITLEY	\$350 00	\$100 00	D CT-CAUSE#11.618/JESSIE JAMES BONNETTE
				\$250 00	D CT-CAUSE#11.314&11.315/TERRY L. GRAHAM
55674-AP	05/28/96	HERBERT L. YOUNG	\$1,739 57	\$110.87	PCT#2 CONST-GASOLINE/92 GALS
				\$1,628 70	PCT#3-GASOLINE/1525 GALS @ \$1.06.8
55675-AP	05/28/96	HOLMES CONCRETE PIPE	\$598 50	\$239 40	PCT#2-TILE 15" X 36"
				\$239 40	PCT#2-TILE 15" X 36"
				\$119 70	PCT#2-TILE 15" X 36"
55676-AP	05/28/96	INMAC	\$88 49	\$88.49	COMPUTER-(5)SONY CONNOR TAPE 420
55677-AP	05/28/96	IRVIN TIRE COMPANY	\$60 00	\$60 00	CO BLDGS-5 CANS FREON
55678-AP	05/28/96	JACK O' DIAMONDS	\$76 70	\$659 60	PCT#1-ACCT#1207/PARTS
				\$582.90CR	PCT#1-ACCT#1207/RETURNED PARTS
55679-AP	05/28/96	JAMES A. CROW, JP#5	\$35.00	\$35.00	JP#3/ASSOCIATION MEMBERSHIP DUES
55680-AP	05/28/96	JEAN STEELMAN/HIDDEN BEND	\$100 00	\$100 00	D. A-WENDY HELPENSTILL/HOT CK. RESTITUTION
55681-AP	05/28/96	JIM BOWLES, DALLAS COUNTY	\$12.00	\$12 00	JP#1-SHIPPING CHG./ANGELA ALLREAD'S CLOTHING
55682-AP	05/28/96	JOE'S RESTAURANT EQUIPMENT	\$220.00	\$220 00	PCTS#1&4-APRIL & MAY RENT ON ICE MACHINES
55683-AP	05/28/96	JR'S	\$15 00	\$15 00	PCT#1-GASOLINE
55684-AP	05/28/96	K&S KWIK STOP	\$7.74	\$5 60	CO. BLDGS-GASOLINE
				\$2.14	CO. BLDGS-GASOLINE
55685-AP	05/28/96	KARMEN STEELMAN	\$25 14	\$25 14	COMPUTER&NON DEPT-REIMBURSE/43 6mi @ 29&43.1mi @.29
55686-AP	05/28/96	KIRBY RESTAURANT SUPPLY	\$110.00	\$110.00	CO. JAIL-ACCT#7009/DISHWASHER SERVICE 04/07/96-05/04/96
55687-AP	05/28/96	LAKESHORE LEARNING MATERIALS	\$618 53	\$618 53	LITERACY-STUDENT BOOKS
55688-AP	05/28/96	LAUREN PARISH	\$311 18	\$311 18	MAY '96 JUVENILE PROBATION BOARD

APPROVED BY _____

APPROVED BY _____

APPROVED BY _____

Approved Disbursements
ALL Checking Accounts

THE SOFTWARE GROUP, INC

Disbursements Made from 05/28/96 thru 05/30/96

PAGE 6

Check #.	HC Date	Vendor	Check Amount	Invoice Amt	Invoice Descriptions
55689-AP	05/28/96	LAUREN PARISH	\$311.00	\$311.00	D CT-REIMBURSE/STATE BAR DUES 96-97
55690-AP	05/28/96	LONGVIEW CANVAS PRODUCTS	\$52.50	\$52.50	CO BLDGS-REPAIR U. S FLAG
55691-AP	05/28/96	M. R. PATTON	\$750.00	\$250.00 \$250.00 \$250.00	D CT-CAUSE#11.624/JAMES DALE HONEYCUTT D CT-CAUSE#11.237/WILLIAM AVERY GRIFFIN D CT-CAUSE#10.787 TODD LEE LAGRONE
55692-AP	05/28/96	MEMORIAL FUNERAL HOME	\$105.00	\$105.00	JP-PAMELA WHITE/TRANSPORTED TO DALLAS MEDICAL EXAMINERS 3/23/95
55693-AP	05/28/96	METROPLEX CONTROL SYS INC	\$602.00	\$602.00	J CTR-CUST#UPSHURC/ELECTRONIC RELAYS FOR JAIL DOORS
55694-AP	05/28/96	MICHAEL MARTIN, ATTY	\$250.00	\$250.00	D. CT-CAUSE#11.633/JIMMY WHEATLEY
55695-AP	05/28/96	MOORE MEDICAL CORP.	\$76.49	\$76.49	CO JAIL-CUST#0421888/ACETAMINOPHEN, ANALGESIC TABS; GLOVES, DIPHENHYDRAMINE, IBUPROFEN
55696-AP	05/28/96	NANCY THOMPSON	\$6.47	\$6.47	CO LIB-REIMBURSE/MEAL@NELTS WORKSHOP"INTERNET"
55697-AP	05/28/96	NICHOLS MACHINERY COMPANY	\$1,575.00	\$1,575.00	PCT#4-TINES FOR REX MIXER
55698-AP	05/28/96	OTIS ELEVATOR COMPANY	\$170.51	\$170.51	TY78748E696/ELEVATOR MAINT. 6/01-30/96
55699-AP	05/28/96	P & P AND ASSOCIATES	\$2,532.50	\$1,802.50 \$730.00	NON. DEPT-MAINT. AGREEMENT 4/1/96-3/31/97(1/2) D. CLK-(1)IBM WHEELWRITER 1500 TYPEWRITER
55700-AP	05/28/96	PATRICIA HARRISON	\$90.00	\$90.00	CO CT-COURT REPORTING/05/16/96
55701-AP	05/28/96	PAULA RUSSELL	\$1,759.00	\$1,759.00	LITERACY-REIMBURSE/COMPUTER PRINTER, DISK, 114ml@.29ea
55702-AP	05/28/96	PHILLIPS PETROLEUM COMPANY	\$17.97	\$17.97	CO S-ACCT#699 268 475 0/GASOLINE
55703-AP	05/28/96	POSTAGE BY PHONE SYSTEM	\$2,500.00	\$2,500.00	NON DEPT-POSTAGE FOR METERS
55704-AP	05/28/96	PROFESSIONAL TECHNICAL ASSIS	\$139.00	\$139.00	PCT#1-RADIO BATTERY & COVER; LABOR
55705-AP	05/28/96	RICK'S TIRE SERVICE	\$60.00	\$30.00 \$30.00	PCT#4-SERVICE CALL; FLAT REPAIR PCT#4-SERVICE CALL; FLAT REPAIR
55706-AP	05/28/96	RICKY TAFF	\$575.00	\$575.00	D. A-DANIEL BRISTER/HOT CK. RESTITUTION
55707-AP	05/28/96	RON BERGE	\$14.78	\$14.78	CO. S-REIMBURSE/MEALS(TRANSPORTED JENNIFER D. NEWMAN TO BURNET)
55708-AP	05/28/96	SALEM PRESS, INC.	\$231.00	\$231.00	CO LIB-READY REF. ON AMERICAN JUSTICE

VOL 46 PG 12

181
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Approved Disbursements
ALL Checking Accounts

THE SOFTWARE GROUP, INC.

Disbursements Made from 05/28/96 thru 05/30/96

PAGE 7

VOL 46 PG 17

Check #	HC Date	Vendor	Check Amount	Invoice Amt	Invoice Descriptions
55709-AP	05/28/96	SECRETARY OF STATE	\$210 00	\$70 00	CO TAX-REGISTRATION/MICHEAL L SMITH(14th. ANNUAL CONF)
				\$70 00	CO TAX-REGISTRATION/HOLLOWAY(14th ANNUAL CONF)
				\$70 00	CO TAX-REGISTRATION/CHRISTIE HALLMAN(14th. ANNUAL CONF)
55710-AP	05/28/96	SHAUNNA S. MITCHELL, D. O.	\$85 00	\$85 00	CO. JAIL-REBECCA CUEVAS/EXAM
55711-AP	05/28/96	SHEPARD'S/McCRAW-HILL	\$278.60	\$278.60	LAW LIB-ACCT#96 165 0000/FED.CITATIONS REPCRTER BOUND SUPP 1995-1996 VOLS 1 & 2, SHIPPING
55712-AP	05/28/96	SMITH OIL COMPANY	\$76 00	\$76 00	PCT#2 CONST-BATTERY INSTALLED,HOSE & CABLES CLEANED, ENGINE ARMOUR(TRANSMISSION
55713-AP	05/28/96	SOUTHWESTERN BELL TELEPHONE	\$3 30	\$3 30	D CT-#106-2236/MAY 1'96 BILLING
55714-AP	05/28/96	STANDARD SUPPLY & DIST CO	\$195 48	\$110 52	CO BLDGS-CUST#241070/FILTERS
				\$84 96	CO. BLDGS-FILTERS(72)
55715-AP	05/28/96	STATE BAR OF TEXAS	\$283.00	\$283.00	DA-ANNUAL STATE BAR DUES
55716-AP	05/28/96	SUPER SAVER RENT-A-CAR	\$830 00	\$830 00	CCP-JUNE '96 LEASE/'94 FORD TAURUS&PICKUP TRUCK
55717-AP	05/28/96	SWIFT INDEPENDENT PACKING	\$1,897.00	\$459.39	CO JAIL-CUST#17130/ASSORTED FOODS
				\$148.74	CO. JAIL-CUST#17130/ASSORTED FOODS
				\$474.99	CO. JAIL-CUST#17130/ASSORTED FOODS
				\$251.69	CO JAIL-CUST#17130/ASSORTED FOODS
				\$168.45	CO JAIL-CUST#17130/ASSORTED FOODS
				\$393.74	CO. JAIL-CUST#17130/ASSORTED FOODS
55718-AP	05/28/96	SYSCO FOOD SYSTEMS, INC.	\$820.85	\$182.33	CO. JAIL-CUST#288639/ASSORTED FOODS
				\$253.11	CO JAIL-CUST#288639/ASSORTED FOODS
				\$254.30	CO JAIL-CUST#288639/ASSORTED FOODS
				\$194.67	CO JAIL-CUST#288639/ASSORTED FOODS
				\$11.72CR	CO. JAIL-CUST#288639/FRUIT COCKTAIL, CORN
				\$0.03CR	CO JAIL-CUST#288639/PRICE DIFF, GREEN BEANS, CARROTS
				\$18.47CR	CO JAIL-CUST#288639/CORN, FRUIT COCKTAIL
				\$11.15CR	CO JAIL-CUST#288639/CORN, FRUIT COCKTAIL
				\$22.19CR	CO JAIL-CUST#288639/SPICE SAGE, BLACKEYE PEA
55719-AP	05/28/96	TEFTELLER & PELAI A	\$500 00	\$500.00	D CT-CAUSE#11,511 ERIC DEWAYNE ANDREWS
55720-AP	05/28/96	TEXACO REFINING &	\$293 94	\$293 94	CO. S-ACCT#61-030-2845-9/GASOLINE
55721-AP	05/28/96	TEXAS ASSOC OF COUNTIES	\$487 00	\$487 00	#2300 ADDITIONAL FUNDING FOR 1995

UPSHUR COUNTY

ACCOUNTS PAYABLE SYSTEM

31 MAY 1996

Approved Disbursements
ALL Checking Accounts

THE SOFTWARE GROUP, INC.

Disbursements Made from 05/28/96 thru 05/30/96

PAGE 8

Check #....	HC Date ...	Vendor	Check Amount	Invoice Amt	Invoice Descriptions
55722-AP	05/28/96	TEXAS COUNTY PRINTING	\$397.60	\$397.60	D CLK-ACCT#3818/CRIMINAL FEE BOOK-VOL. 4; SHIPPING
55723-AP	05/28/96	THE GILMER MIRROR	\$27.00	\$27.00	CO EXT-SUBSCRIPTION/1 YR
55724-AP	05/28/96	THE LOGD	\$25.90	\$25.90	CO. JAIL-WINDBREAKER; SEW ON 2 PATCHES
55725-AP	05/28/96	THIS WAY SIGN	\$679.20	\$209.50 \$249.70	PCT#2-SIGNS/CHILDREN @ PLAY(6); DEAD END PCT#1-SIGNS/HUMMINGBIRD(3); DEAD END(2); TENNISON, SHORT(2); FRESH DIL(2) PCT#3-SIGNS/4 ROAD WORK AHEAD
55726-AP	05/28/96	TNT AUTO PARTS	\$125.00	\$125.00	PCT#1-STEERING GEAR
55727-AP	05/28/96	TRUCK PARTS WORLD	\$58.35	\$58.35	PCT#1,2,3&4-CLAMPS, PIPE & ELECTRIC CORD FOR HAUL TRUCK; PCT#1,2,3&4-CLAMPS, PIPE & ELECTRIC CORD FOR HAUL TRUCK, PCT#1,2,3&4-CLAMPS, PIPE & ELECTRIC CORD FOR HAUL TRUCK; PCT#1,2,3&4-CLAMPS, PIPE & ELECTRIC CORD FOR HAUL TRUCK
55728-AP	05/28/96	TYLER UNIFORM CO , INC.	\$87.89	\$87.89	CO S-3 SHIRTS; SHIPPING/M. DAVIS
55729-AP	05/28/96	UNDERWOOD INSURANCE AGENCY,	\$100.00	\$100.00	SUP-#01675674/SURETY BOND RENEWAL 5/17/96-5/17/97
55730-AP	05/28/96	UPSHUR COUNTY	\$2,696.14	\$281.14 \$2,240.00	SUP-REIMBURSE/VALU-LINE, GTE&MAIL PROS. 4/96 SUP&CCP-FISCAL SERVICE FEE/'96
				\$35.00 \$140.00	JUV. PROB-TYPEWRITER MAINT/6mo. 3/18/96 SUP-TYPEWRITER MAINT/6mo 3/18/96
55731-AP	05/28/96	UPSHUR COUNTY AMBULANCE SERV	\$500.00	\$500.00	CO. JAIL-ACCT#PAT-010229/TRANSPORT SANDRA MATHIS TO ET MEDICAL CENTER IN PITTSBURG, TEXAS
55732-AP	05/28/96	UPSHUR COUNTY LITERACY PROGR	\$20.00	\$20.00	SUP-TESTING/M CAFFEY&T. DRYER
55733-AP	05/28/96	UPSHUR-RURAL ELECTRIC COOP. ,	\$37.22	\$37.22	PCT#4-ACCT#121782522/MAY 15'96 BILLING
55734-AP	05/28/96	VARNADO FEED SERVICE	\$99.95	\$57.95 \$21.00 \$21.00	CO. BLDGS-SPREADER CO. BLDGS-FERTILIZER(3 BAGS) CO. BLDGS-FERTILIZER
55735-AP	05/28/96	VINGO FOODS	\$21.67	\$21.67	D. A-LURLENE JEFFERY/HOT CK. RESTITUTION
55736-AP	05/28/96	VINGO FOODS	\$42.39	\$39.00 \$3.39	CO. JAIL-BREAD CO. JAIL-CHILI POWDER
55737-AP	05/28/96	WAL-MART #146	\$106.56	\$106.56	D. A-SHELBY CRAWLEY/HOT CK RESTITUTION

VOL 46 PG 18

UPSHUR COUNTY

Approved Disbursements
ALL Checking Accounts

THE SOFTWARE GROUP, INC

Disbursements Made from 05/28/96 thru 05/30/96

PAGE 9

VOL 40 PG 19

Check #	HC Date	Vendor	Check Amount	Invoice Amt	Invoice Descriptions
55738-AP	05/28/96	WALMART STORE #146	\$162 77	\$19.85	LITERACY-STUDENT & OFFICE SUPPLIES
				\$8.91	CO S-ACCT#188/STAPLES
				\$6.41	CO S-FILM
				\$37.20	DA-ACCT#188/CONT. PAPER, SURGE PROTC, NOTE
					PAD, POLY WRAP
				\$26.85	CO S-ACCT#141/TAPES, FAN
				\$23.62	CO JAIL-SUPPLIES
				\$21.02	CO S-ACCT#188/PHOTO PROCESSING
				\$5.37	DA-VIDEO TAPE
				\$13.54	CO. BLDGS-ND CLOQ II; CHEMICALS
55739-AP	05/28/96	WEST PUBLISHING	\$157 50	\$63 25	DA-ACCT#417-636-300/TX ST-FAM CD V2&3
				\$66 75	DA-ACCT#417-636-300/TX RLS AN 96PP
				\$27.50	DA-ACCT#417-636-300/TX UCC V1&2 96PP
55740-AP	05/28/96	WEST SIDE FURNITURE	\$350 48	\$350.48	PCT#4-HUSKY SAW, OIL, FILES
55741-AP	05/28/96	WHITE SWAN, NORTH	\$363 68	\$95 25	CO JAIL-CUST#420711/ASSORTED FOODS
				\$306 01	CO JAIL-CUST#420711/ASSORTED FOODS
				\$8 32CR	CO JAIL-CUST#420711/CREDIT 1/31/96
				\$10.60CR	CO. JAIL-CUST#420711/CREDIT 1/31/96
				\$0.57CR	CO. JAIL-CUST#420711/CREDIT 1/31/96
				\$7 23CR	CO JAIL-CUST#420711/CREDIT 33783 1/31/96
				\$10 86CR	CO JAIL-CUST#420711/CREDIT 73395 3/14/96
55742-AP	05/28/96	WHOLESALE SUPPLY COMPANY	\$230 21	\$230.98	I C -LETTER TRAYS, LEGAL SIZE; WRITE BROS. STICK PEN; PILOT BETTER BALLPOINT PENS(RED); STICKY NOTES(3 SIZES-22 D7); LIQUID PAPER; PILOT PRECISE V5 PENS; SHIPPING
				\$0.77CR	IC-CUST#2-283342/OVER CHARGE
55928-AP	HC 05/29/96	TEXAS DEPARTMENT OF PUBLIC S	\$10 00	\$10 00	PCT#1-INSPECTOR LIDENSE RENEWAL/EDDIE J. SMITH
Total for AP - ACCOUNTS PAYABLE			\$46,740.18		

CO & UNIT INFO
VENDOR EQUIP

Approved Disbursements
ALL Checking Accounts

THE SOFTWARE GROUP, INC.

Disbursements Made from 05/28/96 thru 05/30/96

PAGE 10

Check #	HC Date	Vender	Check Amount	Invoice Amt	Invoice Descriptions
320-INS	HC 05/28/96	BEHRENS INCORPORATED	\$829 46	\$829 46	GROUP #160. PAYMENT REGISTER DATED 05/17/96
321-INS	HC 05/28/96	ACORDIA BENEFITS OF TEXAS, I	\$6,092 91	\$6,092.91	UPS01/CLAIMS CUT OFF 05/17/96
Total for INS - INSURANCE			\$6,922.37		
Grand Total			\$53,662.55		

FILED
 REX A. SHAW
 COUNTY CLERK
 96 MAY 31 AM 11:31
 UPSHUR COUNTY, TX.
 BY

VOL 112 PG 210

Charles L. Still
 COUNTY JUDGE, CHARLES L. STILL

Gaddis Lindsey
 COMMISSIONER PCT#1, GADDIS LINDSEY

Tommy Stanley
 COMMISSIONER PCT#2, TOMMY STANLEY

David Lord
 COMMISSIONER PCT#3, DAVID LORD

Charles K. Thompson
 COMMISSIONER PCT#4, CHARLES K. THOMPSON

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VOL 46 PG 21

3800 STONE ROAD
KILGORE, TEXAS 75662 • 903/984-8641 • FAX 903/983-1440

SERVING A FOURTEEN-COUNTY REGION

April 22, 1996

Charles Still
County Judge
Upshur County
P O Box 730
Gilmer, TX 75644

FILED
REX A SHAW
COPPT
05 MAY 28 PM 4:47
ESCALANTE
BY _____

Dear Charles Still

As you may know, the five county region of Gregg, Harrison, Rusk, Smith and Upshur is subject to corrective measures from the U S. Environmental Protection Agency (EPA) regarding ground level ozone concentrations

You may be asking, what exactly is ozone and how does it differ from the ozone in the atmosphere? Upper level and lower level ozone are the same thing, they are both colorless gases that consist of three atoms of oxygen that are bound together. Upper level ozone is a gas which occurs in the upper portion of the earth's atmosphere which is known as the stratosphere. Ozone in the stratosphere is beneficial and protects us from ultraviolet rays emitted by the sun. However, ozone can be and is generated at the ground level. This process occurs when sunlight starts a series of photochemical reactions which are fueled primarily by two kinds of chemicals: volatile organic compounds (VOCs) and oxides of nitrogen (NOx). Examples of VOCs are emissions from trees, gasoline vapors and paint solvents. NOx is the result of burning fuels such as wood, natural gas, coal and gasoline.

Health studies have verified that levels of lower level ozone above 0.12 ppm (Parts Per Million) can cause such adverse health effects as shortness of breath, coughing, headaches, nausea, eye and throat irritation, and even permanent lung damage. Ozone is particularly dangerous to those with chronic lung disease such as asthma and emphysema. Please review the enclosed copy of the Tyler-Longview-Marshall Area Air Care Summary Report for more information concerning the creation and effects of low level ozone.

ATTAINMENT VS. NON-ATTAINMENT, AND THE MOA:

The EPA, in conjunction with the Governor's office and the Texas Natural Resource Conservation Commission (TNRCC), has the authority to label an area as either attainment or non-attainment. They determine this status by applying the data that is collected in the region to the Federal Clean Air Act. In 1979, the EPA set the air quality standard for ozone at 0.12 ppm. Any time the average ozone concentration during at least one hour per day is higher than this

standard, an "exceedance" occurs. If four or more exceedances are measured in any three consecutive years, EPA may designate the region as non-attainment. EPA and TNRCC have developed a State Implementation Plan or SIP for areas that are labeled as non-attainment. The SIP can include the following activities:

- Mandatory vehicle emissions testing.
- Trip reduction plans or carpooling requirements for employers of 100 or more employees.
- The use of reformulated gasoline.
- The installation of what is known as stage II vapor recovery units at fueling stations.
- The agencies can also withhold money for transportation projects and road construction if the plans do not meet an established emissions budget.

According to the data, EPA has the authority and obligation to assign a non-attainment status to this five county region or to portions of the area. However, there is another less restrictive and less imposing option available to the us.

Through the efforts of the Northeast Texas Air Care Policy Committee (NETAC PC), and the East Texas Council of Governments (ETCOG), EPA has allowed the region to pursue a Memorandum of Agreement (MOA) to establish a Flexible Attainment Region (FAR), which would keep the region from being labeled as non-attainment. However, in order for the MOA to be considered viable by EPA, it must contain an acceptable amount of voluntary and regulatory measures, conducted by local governments, school districts, state offices, industries and businesses. These measures theoretically would reduce the creation of VOCs and NOx which in turn could reduce the amount of low level ozone in the area.

Voluntary emission reduction measures, are those that your organization may already be participating in, or that you are planning to participate in. Regulatory emission reduction measures, are those that your organization will accept as measures that would be enforceable by the state

ETCOG is in the process of compiling the voluntary and regulatory measures that local governments, independent school districts and state agencies are willing to participate in. This information will be used in the draft MOA which will be presented to the EPA and the TNRCC.

ETCOG has put together some suggestions for voluntary action, and they are as follows:

- Refuel fleet vehicles and busses carefully and in the evening when it is cooler. Avoid spilling gasoline, do not top off the tank and check your gas cap to be sure your gas cap seals properly.
- Do not mow the lawn or use gas powered lawn equipment during the morning of ozone alert days. And keep your equipment in top running condition. Lawn-care machines produce more pollution than you might think - one hour of operation equals about 50 miles of car driving.
- Give incentives to those employees who are participating in a carpool
- Maintain fleet vehicles and busses according to manufacturer's tune-up and emissions control standard. Try to get a summer tune-up
- Avoid excessive idling. Drive during off peak hours to avoid congested traffic

- Minimize cold starts by combining trips. Most vehicle emissions occur when the engine and catalytic converter are cold.
- Avoid jack rabbit acceleration. It uses more fuel than your car or bus engine can effectively burn
- Consider alternative fuels for small vehicle fleets (10 or more vehicles per fleet);
- Use reformulated gasoline;
- Participate in voluntary vehicle emissions testing;
- Wait until days when there is not an ozone advisory to refuel;
- Delay construction or farming operations to non-ozone advisory days;
- Use general energy conservation.

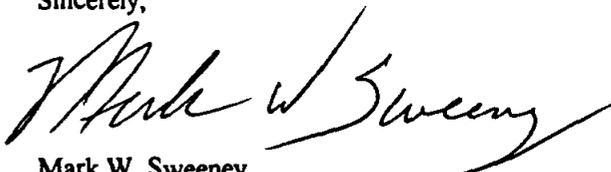
(Source Texas Natural Resource Conservation Commission and North Central Texas Council of Governments)

Also, see the enclosures. "City of Longview Ozone Action Program," "Texas Eastman Ozone Action Program," and "Texas Department of Transportation Statement of Policy on Ground Level Ozone"

Depending on the response from this survey, the East Texas Council of Governments is considering whether to organize a meeting that would give officials from local governments and school districts the opportunity to discuss such voluntary and regulatory measures with officials from other areas in Texas that are already involved in similar measures. If you are interested please respond accordingly on the attached form.

Thank you for considering these important measures that will greatly impact the effectiveness of the MOA that we will submit to the EPA. If we can answer any questions that you may have concerning this project please do not hesitate to call me or Hunter Hilburn at (903) 984-8641.

Sincerely,



Mark W. Sweeney
Director of Regional Development and Services

Enclosures

MWS/HH/mws

RESPONSE FORM

Charles Still
County Judge
Upshur County
P.O. Box 730
Gilmer, TX. 75644

Please remember that if your organization is willing to participate in any of these measures to reduce the creation of ozone, **ETCOG needs to know about it**. ETCOG and NETAC PC will be using each and every suggestion of voluntary and regulatory action in the draft MOA to the EPA. So please take the time to fill out and return this response form (regardless of your participation) as promptly as time allows you to

Please circle the letter of the choice or choices that your organization is willing to participate in.

- A. Refuel fleet vehicles and busses carefully and in the evening when it is cooler.
- B. Do not mow the lawn or use gas powered lawn equipment during the morning of ozone alert days
- C. Give incentives to those employees who are participating in a carpool.
- D. Maintain fleet vehicles and busses according to manufacturer's tune-up and emissions control standard.
- E. Avoid excessive idling.
- F. Minimize cold starts by combining trips.
- G. Avoid jack rabbit acceleration.
- H. Consider alternative fuels for small vehicle fleets (10 or more vehicles per fleet);
- I Use reformulated gasoline,
- J. Participate in voluntary vehicle emissions testing,
- K. Wait until days when there is not an ozone advisory to refuel;
- L. Delay construction or farming operations to non-ozone advisory days, and Use general energy conservation.

Please indicate the approximate level of participation that your organization is willing to commit to. For example, the number of school busses that will be participating in the actions that you agree to, or the number of people involved in a carpool.

VOL. 46 PG. 26

**Tyler-Longview-Marshall Area Air Care
Summary Report**

**Presented by
John Hall, Chairman
Texas Natural Resource Conservation Commission**

Cause for Concern

Gregg County formerly held ozone nonattainment status. It was designated as attainment in 1990. According to Texas Natural Resource Conservation Commission (TNRCC) air quality monitoring data, the county is just one exceedance away from nonattainment status again. Although Gregg County has been singled out, surrounding counties are also involved in the nonattainment issue. The Tyler-Longview-Marshall area (Gregg, Smith, Rusk, Upshur, and Harrison counties) has one airshed and one economy; their combined economic and environmental health depends on each other. A comprehensive community strategy is needed to control ozone levels so the area can continue to meet the U.S. Environmental Protection Agency (EPA) standard.

Nonattainment simply stated means that an area has not met the National Ambient Air Quality Standard for ground-level ozone, 0.120 parts per million (ppm), as established by the EPA. The standard marks the level above which ozone concentrations become a threat to human health. The higher than normal concentrations of ozone in the lower atmosphere can be very harmful to people, crops, and other materials. Health studies have verified that levels above the 0.120 ppm ozone standard cause such adverse health effects as shortness of breath, coughing, headaches, nausea, eye and throat irritation, and even permanent lung damage. Ozone is particularly hazardous to those with chronic lung disease such as asthma and emphysema.

Learning from Houston-Galveston

The eight-county Houston-Galveston area, which has been designated as a nonattainment area, has some of the most severe ozone pollution in the country. Impacts of this nonattainment classification are being felt in every segment of the community. While the Tyler-Longview-Marshall area does not have such a severe problem, it is useful to examine the impact the nonattainment designation has had on the Houston area.

- For industrial facilities, it translates into limited expansion.
- For the economic development community, it is a serious limitation on the kinds of companies that can locate in the Houston area.
- For the oil and gas marketers, it means vapor recovery systems on gas pumps.
- For automobile owners, it means rigorous emissions inspections.
- For employers with 100+ employees at a single site, it means an Employer Trip Reduction program to reduce the number of single occupancy vehicles traveling to and from their facility.
- For the average consumer, the changes are being felt in every aspect of daily life from when to mow the lawn to when to fill up the car.

Estimates of economic costs of nonattainment designation in Houston range from 100s of millions to billions of dollars. These costs include not only the capital costs for pollution controls, but also the economic losses from businesses not wanting to locate into the area because of stringent environmental controls.

Health costs are a major economic effect of air pollution. A 1990 review by the American Lung Association of 12 comprehensive health cost studies determined that the most reasonable estimate of the total health costs from exposure to air pollution by the U.S. population is in the range of billions of dollars per year. Quantifying health costs for Harris County is beyond the scope of this summary.

However, air quality monitoring data supports the fact that in 1993, the nearly 3 million people residing in Harris County were exposed to unhealthy levels of ozone on 31 days.



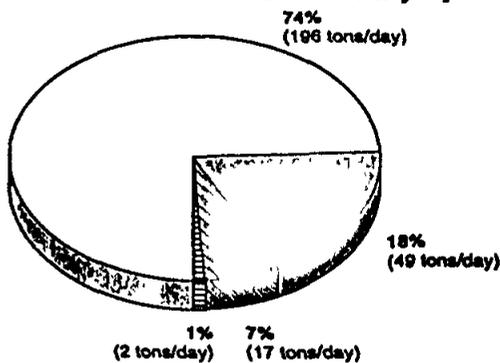
Ozone Formation

Ozone is caused by a photochemical reaction in the atmosphere. Nitrogen oxides (NO_x) react with volatile organic compounds (VOCs) in the presence of sunlight and form ozone. Because heat and sunlight are important factors, the ozone season runs from March through October, according to the EPA. The area has the highest probability of an ozone exceedance on days when winds are less than 10 miles per hour, the temperature is 90 degrees or above, and there is little or no cloud cover. Current scientific understanding of ozone formation suggests that ozone is dependent on complex time and space relationships of emissions and atmospheric conditions. Extensive air quality and meteorological measurements are necessary to define actual ozone formation mechanisms in particular geographical areas. Because the Tyler-Longview-Marshall area only has one ozone monitoring station, located in Gregg County, it is not possible to define ozone formation mechanisms for the area.

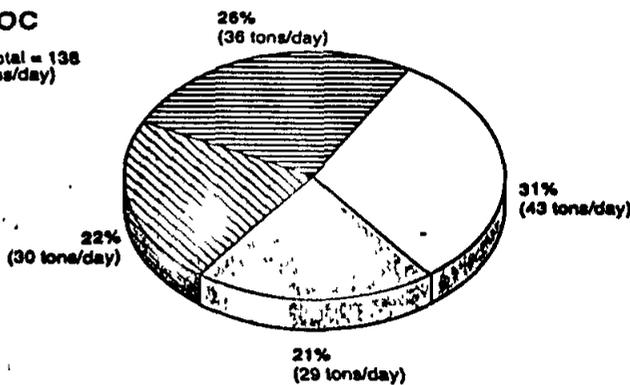
Air Pollution Sources in the Tyler-Longview-Marshall Area

Air Emissions Summary by Source 1992

NO_x
(Total = 264 tons/day)

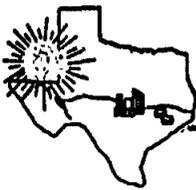


VOC
(Total = 138 tons/day)



- **Major Industrial Sources**
Petroleum storage and petrochemical facilities, gasoline pipelines, power plants.
 - ▨ **Minor Industrial Sources**
Gasoline stations, dry cleaners, oil and gas production, small coating and painting operations, small print shops, landfills, wastewater treatment facilities, consumer commercial solvent use.
 - **On-Road Motor Vehicles**
Highway vehicles, both gasoline and diesel.
 - ▨ **Off-Road Motor Vehicles**
Recreational boats, agricultural, construction, industrial equipment, lawn and garden equipment.
- Sources of pollution not including biogenic emissions, which are produced by trees and certain plants.*

DATA: TNRCC, AIR QUALITY PLANNING



According to TNRCC's analysis of available data, major industrial sources emit 74 percent of NO_x and 31 percent of VOC levels in the area. Based on analysis of emissions data, TNRCC has identified the following industries in the area for initial focus.

- | | |
|---|---|
| 1. American National Can (Gregg) | 15. Mobil Oil Corp. (Harrison) |
| 2. Anderson Hickey Co. (Rusk) | 16. Natural Gas Pipeline Co. of America (Harrison) |
| 3. Arco Oil & Gas Co. (Gregg) | 17. Norit Americas, Inc. (Harrison) |
| 4. Arkla Energy Resources (Harrison) | 18. Petrolite Corp. (Gregg) |
| 5. Berwind Railway Service Co. (Harrison) | 19. Southwestern Electric Power Co. (Harrison) |
| 6. Bonar Packaging (Smith) | 20. Sun Pipeline Co. (Rusk) |
| 7. Chevron USA (Upshur) | 21. Star Enterprise (Harrison) |
| 8. Devco Hydrocarbon Pipeline Co. (Rusk) | 22. Stroh Brewery Co. (Gregg) |
| 9. EP Operating Co. (Gregg) | 23. Texas Eastman Division, Eastman Chemical (Harrison) |
| 10. Exxon Corp. (Rusk) | 24. Trident NGL, Inc. (Gregg) |
| 11. La Gloria Oil & Gas (Smith) | 25. Texas Utilities Electric Co. (Rusk) |
| 12. *Longview Refining (Gregg) | 26. Tyler Pipe Co. (Smith) |
| 13. Marathon Le Tourneau Co. (Gregg) | 27. United Gas Pipeline (Gregg) |
| 14. Mid Valley Pipeline (Gregg) | |

* Longview Refining, currently not in operation, is included here because its previous emissions are included in TNRCC data and the facility has a current operating permit.

Target Emission Reductions

The relative air concentrations of VOCs and NO_x are important in determining controls that will be most effective in controlling ozone. Because of the continued scientific uncertainties and the goal of controlling toxic emissions, TNRCC has established the following goals for reducing both VOC and NO_x emissions in the area during days in which atmospheric conditions are conducive to ozone formation. It should be noted that if the area reverts to nonattainment, industrial sources in the area could expect expensive regulatory reductions of 90 percent or more.

The TNRCC derived these targets after examining historical data and assuming that a 30 percent reduction in emissions would approximate

a 30 percent reduction in ozone concentrations in the area. The staff believes that these reductions will keep ozone concentrations below the 0.12 ppm standard.

NO _x 30% of 264 tons/day (80 tons/day)		
Reductions by Source	Tons/day	Percent of Total
Major Sources	59	75
Minor Sources	1	1
On-Road Vehicles	15	18
Off-Road Vehicles	5	6

VOCs (Not Including Biogenic Emissions) 30% of 138 tons/day (41 tons/day)		
Reductions by Source	Tons/day	Percent of Total
Major Sources	13	31
Minor Sources	11	26
On-Road Vehicles	8	21
Off-Road Vehicles	9	22

TNRCC's Ozone Advisory Program

Since ozone formation is influenced by meteorology, the most effective ozone prevention strategy must involve meteorological predictions. The Ozone Advisory Program will predict the days when atmospheric conditions are likely to cause an exceedance of a 0.12 ppm threshold set by the TNRCC.



TNRCC meteorologists will study weather conditions in the area and when they predict high ozone levels are likely to occur, they will issue an ozone advisory by 2 p.m. the day before their predicted high level days. By issuing the ozone advisory a day in advance, the public and business community will have more time to prepare for the episode. TNRCC estimates that there will be approximately 10 to 20 ozone advisory days this year for this area.

On the day before the ozone advisory day, a TNRCC meteorologist will contact the National Weather Forecast Office and request that they release the ozone information into their communication lines. The advisory will also be sent out via news releases by TNRCC's Media Unit and phone calls to key people by the TNRCC Region 5 office in Tyler. These people will in turn contact others, operating as a quick and effective word-of-mouth network.

TNRCC will also provide each local TV/radio weather forecaster with a packet of material containing such information as ozone brochures, energy saving tips, and more.

TNRCC Information Lines

Clean Texas 2000 Environmental Information Center

1-800-64-TEXAS

TNRCC Small Business Advocate

1-800-824-7247

TNRCC Small Business Technical Assistance

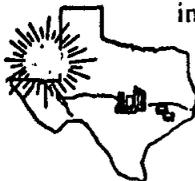
1-800-447-2827

Voluntary Actions for Ozone Advisory Days

Major and Minor Industrial Sources

Costs of voluntary measures are difficult to determine by TNRCC because much of the process data is proprietary information: specifics of production methods and materials are often trade secrets. Engineers at individual facilities are often the best judges of how to lower pollution levels of specific emissions streams because they are familiar with individual processes and materials included in them.

- Since area power plants produce 57 percent of local NO_x emissions, voluntary actions on their part could make a big difference. Reducing emissions during predicted high-ozone days for power plants will be particularly challenging because these days will likely be days of peak power demand. One voluntary action would be the formation of a partnership to facilitate reduction of NO_x emissions by shifting load demands to plants in other areas.
- Another suggested voluntary action for these power plants involves a rebate and/or customer awareness/citizen involvement program, similar to the Lower Colorado River Authority's.
- Industries could also voluntarily commit to reductions of emissions on ozone advisory days through: using low VOC content solvents in paint and preparation booths, delaying degreasing operations, changing input materials, adding pollution control equipment, making scheduling changes, and offering car/van pooling incentives.



Tyler, Longview, Marshall Area Summary

On-Road Motor Vehicles

According to TNRCC emissions inventory 1992 data, on-road motor vehicles are responsible for 18 percent of the NO_x and 21 percent of the VOC emissions. The following suggestions are possible ways to reduce VOC emissions from on-road mobile sources:

- car and van pooling;
- alternative fuels for small vehicle fleets (10 or more vehicles per fleet);
- reformulated gasoline (For example, Tulsa oil marketers have voluntarily lowered Reid Vapor Pressure of gasoline sold during the ozone season, thereby reducing their emissions of VOCs.);
- voluntary vehicle emissions testing;
- waiting until days when there is not an ozone advisory to refuel, or refueling during evening hours; and
- local gas stations could help by putting out pump topper signs on gas pumps asking people to wait until evening to fill up.

Off-Road Motor Vehicles

Off-road motor vehicles include recreational, agricultural, construction, industrial, and lawn and garden equipment. These types of vehicles account for 7 percent of the NO_x and 22 percent of the VOCs for the Tyler-Longview-Marshall area. Some actions to reduce off-road motor vehicle and outdoor equipment emissions on ozone advisory days are:

- waiting until the evening to mow lawns if using gasoline powered mowers;
- using reformulated gasoline in off-road vehicles and outdoor equipment; and
- delaying construction or farming operations to non-ozone advisory days.

General Public

Since energy conservation measures reduce demand for electric energy, such measures are important in reducing NO_x emissions from area power plants. On advisory days voluntary actions for energy conservation include:

- running dishwashers and washing machines only when there is a full load;
- washing clothes in cold water and hanging them outside to dry taking advantage of free solar power;
- turning off lights that are not in use (contrary to popular belief, more energy is wasted by leaving a light on than by turning it on and off);
- taking quick showers; and
- closing doors to rooms not in use to avoid cooling unused space.

If you see a smoking vehicle in Texas, call 1-800-453-SMOG. When you call, the operator will ask you for the license plate number, car model, and date, time and location where you saw the smoking vehicle. The call is free and confidential. In turn, the TNRCC will provide the owner of the vehicle with information about how smoke from a poorly running engine causes health problems, and ways they can voluntarily improve their vehicle's performance.



Voluntary Long-Term Pollution Prevention Strategies

Clean Texas 2000

The TNRCC established Clean Texas 2000 in April 1992 as a statewide partnership program aimed at bringing together Texas communities, government, business, industry, and individual citizens to reduce pollution of our land, air, and water; to institute programs that reclaim resources now being sent to landfills; and to develop an ethic among all Texans that will ensure a cleaner and healthier quality of life.

The goals of Clean Texas 2000 are to:

- reduce hazardous waste and toxic emissions in Texas by 50 percent by the year 2000;
- reduce by 50 percent the solid waste going into Texas landfills by the year 2000;
- significantly reduce pollution going into Texas waterways;
- meet or exceed federal clean air standards of the revised Federal Clean Air Act; and
- educate all Texans about what they can do to improve and preserve our environment.

The Office of Pollution Prevention and Recycling (OPPR) is charged with coordinating the Commission's strategy for achieving the program's goals.

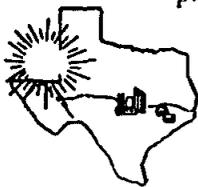
Major and Minor Industrial Sources

Consider joining Clean Industries 2000, a voluntary program for industries that agree to reduce their pollution beyond what state and federal law requires. The largest generators of hazardous waste and toxic releases are being recruited for membership. One hundred fourteen of Texas' largest facilities signed on during the first two years of the program.

Membership requires at least a 50 percent reduction in hazardous waste and/or toxic releases by the year 2000 from 1987 levels, an internal review system to ensure compliance with environmental regulations, formation of a citizens communication program, and sponsorship of a community environmental project. OPPR staff are also developing additional industry recognition programs, including ones for non-hazardous solid waste reductions and reductions of criteria pollutants like NO_x and VOCs.

Facilities should consider developing permanent pollution prevention programs that provide flexibility in implementing process or input changes, a voluntary approach without government regulation, and potential costs savings. For example, Texas Eastman, as part of its pollution prevention program, implemented a fugitive emission reduction program that will reduce emissions of benzene and other VOCs from about 3,000 control valves by approximately 150,000 pounds a year and will save \$25,000 a year in captured chemicals. The OPPR has developed various programs to assist companies in implementing similar programs and projects. These include:

- **P4 (Permanent Pollution Prevention Programs)** is designed to approach pollution prevention with industry on a regional basis. P4 brings together several area facilities, providing them with a framework and technical assistance to implement permanent pollution prevention programs. This approach allows for the pooling of knowledge and sharing on common issues and solutions. As a result, P4 builds industry and governmental cooperation, assists facilities develop environmental partnerships, and fosters environmental leadership.



- **OPPR offers the free, non-regulatory, non-enforcement Site Assistance Visit (SAV) Program.** An OPPR staff team of professional engineers and scientists will visit your facility to assist with your pollution prevention efforts. SAV program goals are to reduce pollution and costs, generate ideas, and establish a P4 at the facility. To date, over 40 facilities have been visited with resulting projects saving millions of dollars and reducing millions of pounds of hazardous and toxic waste.
- **Pollution Prevention Workshops** offer industry representatives an introduction on incorporating pollution prevention to a specific facility. The workshops provide participants an introduction to planning, an overview of the Waste Reduction Policy Act and requirements associated with that Act, and an introduction to a variety of programs at the state and federal level to assist them in their source reduction and waste minimization efforts. The workshops feature guest speakers from industry, who present case studies and Clean Industries 2000 success stories. Participants leave the workshop with the materials and concepts needed to begin pollution prevention planning.

Large Energy Users

Large energy users in the area might consider switching to energy-efficient lighting as outlined in the EPA's Green Lights program. Green Lights member Browning Ferris Industries began its lighting upgrades in the company's 545,000-square-foot executive offices located in Houston. Total cost of the upgrade came to \$210,000, but total annual savings are \$107,000. The company has reduced its lighting electricity use by 50 percent with a resulting 221 kW of power not being generated. This program estimated reductions of NO_x at 718 tons/year.

Area Power Plants

Many power plants around the country are adopting new pollution prevention programs to reduce emissions. TNRCC will prepare **information exchange briefings** for area power plants and other interested facilities on state-of-the-art energy reduction programs being implemented in other areas.

Power plants benefit from **customer incentive programs** such as low-interest financing for energy improvements to residences, appliance efficiency rebates, and free weatherization for senior citizens and/or those on fixed incomes, the disabled, etc. The programs result in: energy conservation, leading to fewer, new power plants that are costly to build; increased customer satisfaction and support from regulators; and avoidance of regulatory sanction.

Small Businesses

Many small businesses are unaware of new air quality regulations affecting them. The **Small Business Technical Assistance Program** was established to begin notifying thousands of small businesses with 100 or fewer employees of the impacts of the 1990 Federal Clean Air Act Amendments. The program helps small businesses understand rules that apply to them, offers technical assistance, and works with them through the permit process when necessary.



General Public

In the last two years, Clean Texas 2000 has reached an estimated 80 percent of all Texans with its public education campaign. Through the use of billboards, radio spots, and free publications, the campaign educates the public about solid waste source reduction, recycling, and water quality.

A new general air pollution awareness campaign is being developed, emphasizing consumer tips to reduce air pollution (e.g., Drive Less, Conserve Energy). The campaign will be used to complement any organized local emissions reduction efforts in near nonattainment areas. The TNRCC also provides free literature to individuals, organizations, and businesses through the Clean Texas 2000 Environmental Information Hotline at 1-800-64-TEXAS.

Consumers could also take energy saving actions by insulating and weatherstripping homes, adding window shading such as solar screens (which can reduce heat gain from the sun by 80 percent), and installing fluorescent lights instead of incandescent bulbs.

Future Control Measures

Conformity

EPA's conformity regulation ensures that area transportation systems, transportation projects, and federal projects do not cause new air quality violations, exacerbate existing ones, or delay attainment of the standards. In nonattainment areas, these regulations force a determination and offsetting of emissions impacts before implementation of transportation plans, transportation improvement programs, and federal projects. Future EPA rule making will propose application of the conformity rules to near nonattainment areas including Tyler-Longview-Marshall. Conformity must be demonstrated by the local government organizations (metropolitan planning organizations and councils of government) and the Federal Highway Administration.

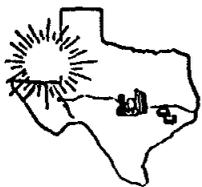
Small Engines, Consumer Products, Architectural Coatings

As part of the State Implementation Plans for the four major ozone nonattainment areas in Texas, the TNRCC adopted statewide rules for small gasoline engines and plans to adopt similar rules for consumer/commercial products by early summer 1994. Each of these rules will result in reduced VOC emissions in the Tyler-Longview-Marshall area beginning in 1996.

The small gasoline engine rule requires lower emission rates from lawn mower, weedeater, lawn tractor, chainsaw, and other engines smaller than 25 horsepower that are manufactured after January 1995.

The consumer/commercial products rule will require lower VOC content in various products we use in or around the home such as deodorants, cosmetics, cleaners, charcoal lighter fluid, windshield washer fluid, and insecticides.

A third rule, which will be an EPA national rule, and will also reduce emissions in the Tyler-Longview-Marshall area, is the architectural coatings rule. This rule requires the use of coatings, such as house paint and highway striping, which have a reduced VOC content.



TNRCC Assistance

The TNRCC will support implementation of these pollution prevention strategies through a number of programs and workshops.

Short-term Strategies: Ozone Advisory Program

Air Monitoring

Doyle Pendleton (512) 239-1600

Air Pollution Meteorology

Bryan Lambeth (512) 239-1656

Emissions Inventories

Bill Gill (512) 239-1477

Charlie Rubick (512) 239-1478

Tyler Regional Office

Leroy Biggers, Charles Murray
(903) 566-0476

Long-term Strategies: Pollution Prevention

Clean Texas 2000

Kevin Tuerff (512) 463-2397

Clean Industries 2000

Rob Borowski (512) 463-8020

Site Assistance Visit (SAV) Program

P4 (Permanent Pollution Prevention Program)

Jeff Voorhis, P.E. (512) 475-2187

Pollution Prevention Workshop

May 23, Tyler

A special module on the Federal Clean Air Act will be included.

For more information call Michelle Bratager (512) 463-7967.

Small Business Technical Workshops

Dry Cleaners Workshop

Auto Body Shops Workshop

For more information call 1-800-447-2827.

Clean Texas 2000 Environmental Trade Fair

April 14-16, 1994 – Austin Convention Center

For more information call 1-800-64-TEXAS.



Other TNRCC Resources

- Help develop and maintain a close working relationship with the local media, professional groups, and health organizations.
- Assist in identifying existing and proposed programs, events, etc., that are related to the goals and objectives and are in need of sponsorship.
- Provide targeted suggestions for and samples of voluntary actions for the general public.
- Provide samples of air quality campaigns directed to the public.
- Arrange for speakers at special meetings and/or presentations.
- Provide factual information in the form of existing publications.
- Research and compile the facts, and format and produce camera ready copy for additional printed materials and scripts for presentations and public service announcements.
- Assist in the development of research, such as surveys, to identify benchmarks for awareness and involvement, and in the evaluation of data collected.

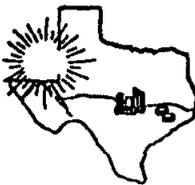
TNRCC Media Unit
Steve Davis (512) 463-8309

Public Information and Education
Caroline Keller (512) 239-0052

Community Education
Betty Rogers (512) 239-0048

Conclusion

There is no hard and fast data that can be quantified for voluntary citizen and industry measures: they usually involve changes in how people live their lives and there are no overnight changes in lifestyle choices. Therefore, we do not expect to see quick, huge results but it is important to understand that every step we can take to encourage people to consider the environmental impact of everyday activities is important. Attainment of the ozone standard is not the end of an area's air quality problem, it is the beginning of a long-term process that will have to be designed to keep the area in attainment, and still allow it to continue to manage the development of its resources and economy.



CITY OF LONGVIEW OZONE ACTION PROGRAM**Voluntary Program Guidelines**

- Coordinated by employee advisory committee
- Encourages full cooperation from employees
- Comprehensive, but does not apply to public safety functions
- Designed not to reduce service levels to citizens
- Includes public information programs

Typical Activities

- Call-in show on Government Access Channel
- Modify refueling schedule for City vehicles
- Modify gasoline fuel nozzles to reduce vapor losses
- Publicizing Ozone Action Days on Channel 5, along with tips for the public
- Limiting vehicle trips - using faxes and conference calls whenever feasible
- Emphasizing need to keep vehicles properly maintained to reduce pollutants
- Conversion of selected vehicles to natural gas fuel
- Not issuing permits to burn brush on Ozone Action Days

Note: May be expanded with more detail

TEXAS EASTMAN OZONE ACTION PROGRAM
Voluntary Actions

Voluntary Programs (Since 1987)

- Reduced VOC emissions by more than 50% through improvement projects
 - Capital cost of \$12 Million
 - Maintenance and Operating improvements
- Reduced NOx emissions while increasing production

Current Facility Management Programs on Ozone Action Days

- Reschedule maintenance activities where feasible away from high ozone periods
- Test and tune boilers and engines
- Modify painting and lawn care schedules
- Departmental action day plans
- Contractor Participation

Employee Programs (Education/Communication/Action)

- Publicity, contests, awareness programs
- Electronic notices and signs re action days
- Car pooling incentives
- Electronic feedback system (ozone data)
- Ozone information sheets for every employee
- Free cafeteria drink to encourage lunch trip reduction
- Promote emission reduction behaviors at home
(Trip reduction, energy conservation, delay mowing)

Additional Future Commitment

- Modify existing flare and vent collection system to capture certain VOC emissions which can occur during maintenance, or on intermittent basis, resulting in lower net VOC emissions. (Estimated emission reduction: about 200 tons/year; Estimated capital cost: \$2 Million)

Future Contingent Measure

- Commit to a policy of scheduling, where practical, all major shutdowns (which require significant flare or venting) in the time period before June 1 or after October 1.

Note: May be expanded with more detail

VOL 46 PG 39
DISTRICT FILE
Robert
Hall



MEMORANDUM

To: Operations Team Date: April 5, 1996
From: Mary M. May *Mary M. May*
Subject: Statement of Policy on Ground Level Ozone Originating Office: TP&D

Three Counties (Gregg, Rusk and Smith) within the Tyler district are included in the North East Texas Air Cell. In addition to these three Counties, this air cell includes Harrison and Upshur Counties. At present the United States Environmental Protection Agency (EPA) is prepared to declare the North East Texas Air Cell as non-attainment this summer. In order to avoid non-attainment designation, the North East Texas Air Care (NETAC) Policy Committee in conjunction with the East Texas Council of Governments (ETCOG) is striving to obtain a Flexible Attainment Region (FAR) designation from the EPA. FAR designation will allow for the implementation of voluntary community measures perceived to reduce ground level ozone concentrations with a minimum (one item required) of EPA enforcement measures.

In support of NETAC and ETCOG, the Tyler district has established the following points of policy:

- The Public Information Officer will receive ozone advisory information from NETAC and disseminate this information to appropriate contacts throughout the district for TxDOT employee and contractor notification.
- Overall, avoiding or limiting the use of gasoline or diesel powered engines on ozone action days by TxDOT employees and contractors is encouraged as well as delaying the use till after 10:00 a.m.
- The district offers both a compressed work week and a flexible work hour schedule to its approximately 410 employees.
- Car pooling to work is encouraged especially on ozone action days.
- Brown bag lunches are encouraged especially on ozone action days.
- Car pooling during work is encouraged for employees within the same sections as well as for employees with a common destination.

- Combination gasoline/alternate fuel (propane or compressed natural gas) powered vehicles are used by TxDOT. For future passenger fleet vehicle replacement in Gregg, Rusk and Smith Counties, priority will be given to convert to alternate fuel vehicles.
- Any painting operations utilizing volatile solvents at TxDOT building facilities will be discouraged on ozone action days.
- Limit the function of the TxDOT heavy machinery and vehicle repair shop to activities that do not require idling of engines or delay these activities till after 10:00 a.m. on ozone action days if possible.
- Refueling gasoline or diesel powered vehicles in the late evening or at night is encouraged.
- The use of gasoline or diesel powered engines for grounds work on TxDOT facilities is discouraged on ozone action days.
- Restricting the use of asphalt surface treatment equipment may not always be practical and should be decided on a case by case basis.

RHH

Agenda - 3-28-96

Review letter from
Att. Gen. on Sale
or lease of Property
(Bank Bldg).

Vol 46 pg 44

VOL- 46 PG 42

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ATTORNEY GEN/OPINIONS 5124632110

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OFFICE OF THE ATTORNEY GENERAL



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UPSHUR COUNTY, TX.
BY _____
SECURITY

OPINION COMMITTEE

P.O. Box 12548

Austin, Texas 78711-2548

Telephone: (512) 463-2110

Facsimile: (512) 472-6538

FAX TRANSMITTAL SHEET

DATE:

May 23, 1996

TO:

The Honorable Tim Cone
Criminal District Attorney
Upshur County

TELECOPIER NUMBER:

(903) 843-3661

FROM:

Beverly McGaffey

Total Number of Pages, INCLUDING this cover page 4

COMMENTS: Attached, please find LO96-053 which has been issued today, May 23, 1996. Thank you.

VOL. 46 PG. 43

Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

May 23, 1996

The Honorable Tim Cone
Criminal District Attorney
Upshur County Justice Center
405 North Titus Street
Gilmer, Texas 75644

Letter Opinion No. 96-053

Re: Whether a lease-purchase agreement between a county and an appraisal district is governed by section 292.001 or chapter 263 and section 272.001 of the Local Government Code (ID# 38711)

Dear Mr. Cone:

You ask about a proposed transfer of real property from Upshur County (the "county") to the Upshur County Appraisal District (the "appraisal district"). You state that the county currently owns an unoccupied bank building that it received by donation.¹ The appraisal district has proposed to lease the building with an option to purchase. You indicate that it is not clear whether the lease-purchase agreement would constitute a lease or a sale. You ask whether the lease-purchase agreement is governed by section 292.001 or chapter 263 and section 272.001 of the Local Government Code.

We begin by observing that although the county and the appraisal district may be geographically coextensive, they are distinct political subdivisions. Appraisal district officials are not county officials; they are not entitled to office space provided by the county. See Attorney General Opinion JM-191 (1984) at 2.² A commissioners court has only those powers specifically conferred by statute, and therefore the county may enter the proposed lease-purchase agreement only pursuant expressly applicable statutes. *Id.*

Chapter 292 authorizes a county to obtain office space in addition to the office space available in the county courthouse. Section 292.001, subsection (a) authorizes a commissioners court to obtain office space for various county purposes. Subsection (c) authorizes a commissioners court to lease or rent to any person any part of a building that is not necessary for the purposes described by subsection (a). Chapter 292 does not set forth any requirements or procedures for leasing office space obtained pursuant to that chapter. By contrast, chapter 263 generally requires a county to sell or lease real property at public auction. Local Gov't Code § 263.001. In addition, chapter 263 permits a

¹You do not ask and we do not address whether the county was authorized to accept this donation. See, e.g., Attorney General Opinion JM-1019 (1989) at 4, Letter Opinion No. 88-106 (1988) at 1 (opining that county must have specific statutory authorization to accept donation for a particular purpose).

²As you note in your letter, the reasoning of Attorney General Opinion JM-191 requires that "the County and the Appraisal District should maintain a healthy degree of independence."

The Honorable Tim Cone - Page 2 (LO96-053) . . .

county commissioners court to adopt a procedure to sell or lease property, including office space, through a sealed-bid or sealed-proposal procedure. *Id.* § 263.007. Section 272.001 sets forth certain notice and bidding requirements that a county must satisfy in order to sell real property or exchange it for other land. *See id.* § 272.001(a).³

In Attorney General Opinion JM-1197, this office considered whether a county was authorized to lease office space to an appraisal district without complying with section 263.001 of the Local Government Code. After noting that counties may sell or lease real estate pursuant to section 263.001 or "by other means authorized by the constitution or statutes,"⁴ this office stated, "We construe section 292.001 to constitute the 'other means' by which a county is authorized to enter into a lease agreement with an appraisal district, thereby rendering compliance with section 263.001 of the Local Government Code unnecessary." Attorney General Opinion JM-1197 (1990) at 7. Thus, if the proposed lease-purchase agreement is authorized by section 292.001, it is not subject to the dictates of chapter 263. Conversely, if the proposed lease-purchase agreement is not authorized by section 292.001, chapter 263 will apply. In addition, section 272.001 will apply if the proposed lease-purchase agreement constitutes a sale of land.

First, we address whether chapter 263 or section 292.001 will apply. Section 292.001 does not appear to authorize the proposed transaction even if it is merely a lease as opposed to a sale. Subsection (c) of section 292.001 authorizes a county to lease excess office space in a building or suite of offices used by the county for county business under subsection (a). A county's authority to lease office space in subsection (c) is ancillary to the exercise of a county's authority under subsection (a). Subsection (c) does not permit the county to lease an entire building that the county received by donation, no part of which houses county offices or is otherwise used by the county for county business pursuant to subsection (a). Because section 292.001(c) is inapplicable, the requirements of chapter 263 apply. These requirements preclude the county from merely accepting the appraisal district's offer.

Second, we also address whether section 272.001 will apply. We cannot definitively determine whether the proposed lease-purchase agreement constitutes the sale of real property for purposes of section 272.001, however, for the following reasons. We are not aware of any authority distinguishing between leases and sales for purposes of

³The requirements of Local Government Code, section 272.001(a) do not apply to a real property interest conveyed to a governmental entity that has the power of eminent domain. Local Gov't Code § 272.001(b)(5); *see also El Paso County v. City of El Paso*, 357 S.W.2d 783 (Tex. Civ. App.—El Paso 1962, no writ) (analogous statute governing sale of real property by municipalities inapplicable when proposed grantee is another governmental agency having powers of eminent domain); Attorney General Opinion DM-232 (1993). An appraisal district does not have the power of eminent domain. *See generally* Tax Code ch. 6 subch. A (establishing appraisal districts).

⁴Attorney General Opinion JM-1197 (1990) at 7 (quoting Attorney General Opinion JM-335 (1985) at 1-2).

VOL 46 PG 444

The Honorable Tim Cone - Page 3 (LO96-053)

VOL 446 PG 45

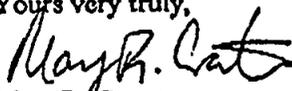
section 272.001. Courts considering whether transactions between private parties constitute a lease or a sale for purposes of other statutes have emphasized the importance of the lessee's option to purchase the leased property at the end of the contract term. See generally *Transamerican Leasing Co. v. Three Bears, Inc.*, 586 S.W.2d 472, 478 (Tex. 1979); *Brokers Leasing Corp. v. Standard Pipeline Coating Co.*, 602 S.W.2d 278, 280-81 (Tex. Civ. App.--Dallas 1980, writ ref'd n.r.e.). This office has addressed whether a county has title to property under a lease-purchase agreement for purposes of exemption from ad valorem taxation. See Attorney General Opinion DM-383 (1996). That opinion suggests that a county holds equitable, taxable title to real property if it may take legal title to property after it has performed certain actions, compelling the legal title holder to relinquish title. *Id.* at 6-7. It concluded, however, that the determination whether a county holds equitable title under a lease-purchase agreement "is a question involving the resolution of fact questions and the construction of a contract, both of which are not amenable to the opinion process." *Id.* at 7. Therefore, even if the legal standard for distinguishing between leases and sales for purposes of section 272.001 was clear, we would not be able to definitively determine whether the proposed lease-purchase agreement constitutes sale of real property for purposes of section 272.001.

We believe that a court would likely conclude that a transaction in which a county transfers equitable title to county real property to another entity with an irrevocable option to purchase constitutes a sale of land for purposes of section 272.001. Ultimately, however, the determination whether a particular lease-purchase agreement constitutes a sale would involve questions of fact and contract interpretation and is therefore beyond the scope of an attorney general opinion.⁵

S U M M A R Y

A lease of a building that a county received by donation and does not use for county purposes is not a lease of excess county office space under Local Government Code section 292.001(c); the requirements of Local Government Code chapter 263 would apply, precluding the county from merely accepting an offer to lease or purchase the building. In addition, if the transaction constitutes a sale, the requirements of Local Government Code section 272.001 would apply.

Yours very truly,


Mary R. Crouter
Assistant Attorney General
Opinion Committee

⁵Because the requirements of chapter 263 and section 272.001 clearly preclude the county from merely accepting the appraisal district's offer, thus resolving your query, we need not address the relationship between those requirements.

✓ 5/23/96

VOL 46 PG 46

Date: 5-28-96

COMMISSIONER COURT
ATTENDANCE SHEET

Name	City of Residence
Joyce Morrison	Gilmer
Leon Small	Capt Gilmer
Don Peterson	Longview
Max Nator	Sargis
Henry Wifeman	Longview
Richard Hollis	Gilmer
Joyce Peterson	Gilmer
Ray Koeder	One City
Orvyn Harris	Gilmer
Ray Koeder	One City
Buck Jones	GILMER
Ray Koeder	Longview
Wm. Linton	Longview
Margaret Patterson	

FILED
 RECORDED
 COMM. CLERK
 MAY 28 1996
 11:11 AM

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Check Number	Title Name	Check Name	Juror ID	Check Date	Amount	Ck Status	Court
55547-AP-VOID	Ms.			05/23/1996	\$0.00	Voided	115
55548-AP-VOID	Ms.			05/23/1996	\$0.00	Voided	115
55549-AP-VOID	Ms.			05/23/1996	\$0.00	Voided	115
55550-AP	Mr. LARKIN CLEMONS	LARKIN CLEMONS	160362	05/23/1996	\$30.00		115
55551-AP	Mr. DANNY MASON REARDON	DANNY MASON REARDON	152567	05/23/1996	\$30.00		115
55552-AP	Ms. REBECCA JO WATSON	REBECCA JO WATSON	174503	05/23/1996	\$40.00		115
55553-AP	Mr. MICHAEL ARNOLD BOLT	MICHAEL ARNOLD BOLT	161464	05/23/1996	\$10.00		115
55554-AP	Mr. KENNETH EDWARD LEWIS	KENNETH EDWARD LEWIS	149578	05/23/1996	\$10.00		115
55555-AP	Mr. EDDIE DON LABOR	EDDIE DON LABOR	161529	05/23/1996	\$40.00		115
55556-AP	Ms. KAREN RENEE ANDERSON	KAREN RENEE ANDERSON	160372	05/23/1996	\$15.00		115
55557-AP	Ms. MRS CARLA JUNE JORDAN	MRS CARLA JUNE JORDAN	5178	05/23/1996	\$30.00		115
55558-AP	Ms. MARY C HELMS	MARY C HELMS	9666	05/23/1996	\$10.00		115
55559-AP	Ms. LAURA M ANDERLE	LAURA M ANDERLE	159862	05/23/1996	\$20.00		115
55560-AP	Ms. PAULA RINEHART	PAULA RINEHART	146210	05/23/1996	\$20.00		115
55561-AP	Mr. MARTIN LEON BOW	MARTIN LEON BOW	172232	05/23/1996	\$10.00		115
55562-AP	Mr. JEFF GEE	JEFF GEE	145634	05/23/1996	\$10.00		115
55563-AP	Ms. SHERRI LYNN KOLLMAN	SHERRI LYNN KOLLMAN	172531	05/23/1996	\$40.00		115
55564-AP	Ms. MARILYN HAWLEY	MARILYN HAWLEY	148354	05/23/1996	\$10.00		115
55565-AP	Ms. BRENDA SUE GRISWOLD	BRENDA SUE GRISWOLD	159875	05/23/1996	\$10.00		115
55566-AP	Ms. DEBRA KAY MCBRIDE	DEBRA KAY MCBRIDE	157734	05/23/1996	\$30.00		115
55567-AP	Ms. SHARON KAY WARD	SHARON KAY WARD	153648	05/23/1996	\$10.00		115
55568-AP	Mr. MORELAND PAYNE	MORELAND PAYNE	147675	05/23/1996	\$20.00		115
55569-AP	Ms. LEONA FAY CAFFEY	LEONA FAY CAFFEY	148083	05/23/1996	\$38.00		115
55570-AP	Mr. RAGNOLD OCHOA WARD	RAGNOLD OCHOA WARD	13708	05/23/1996	\$10.00		115
55571-AP	Mr. DONALD BRENT LACY	DONALD BRENT LACY	162349	05/23/1996	\$20.00		115
55572-AP	Mr. BOBBY CARROL JOHNSON	BOBBY CARROL JOHNSON	154876	05/23/1996	\$20.00		115

PRINTED IN U.S.A.

UPSHUR COUNTY

JURY SELECTION SYSTEM

23 MAY 1996

THE SOFTWARE GROUP, INC

5-6-96A-DC
Check Register for 05/23/96

PAGE 2

Check Number	Title Name	Check Name	Juror ID	Check Date	Amount	Ck Status	Court
55573-AP	Ms. SHERIAN RAYE SIMPSON	SHERIAN RAYE SIMPSON	4442	05/23/1996	\$10 00		115
55574-AP	Ms. ETHEL PAGE	ETHEL PAGE	143784	05/23/1996	\$30 00		115
55575-AP	Mr. ROBERT DALE PICKARD	ROBERT DALE PICKARD	160292	05/23/1996	\$20 00		115
55576-AP	Ms. PATRICIA FRANCES FISK	PATRICIA FRANCES FISK	164314	05/23/1996	\$20 00		115
55577-AP	Mr. MERLE EDWARD CROSSE	MERLE EDWARD CROSSE	162216	05/23/1996	\$10. 00		115
55578-AP	Ms. JUANITA WHITLOCK	JUANITA WHITLOCK	142214	05/23/1996	\$10 00		115
55579-AP	Mr. LOWELL THOMAS REDDEN	LOWELL THOMAS REDDEN	163837	05/23/1996	\$10. 00		115
55580-AP	Ms. JEAN FULLER UPCHURCH	JEAN FULLER UPCHURCH	167574	05/23/1996	\$10 00		115
55581-AP	Mr. MORRIS HAYNES	MORRIS HAYNES	159699	05/23/1996	\$30 00		115
55582-AP	Ms. RHONDA MICHELLE VICK	RHONDA MICHELLE VICK	165704	05/23/1996	\$20. 00		115
55583-AP	Ms. TINA MEADVILLE STILL	TINA MEADVILLE STILL	154450	05/23/1996	\$10. 00		115
55584-AP	Ms. MARJORIE A CALDWELL	MARJORIE A CALDWELL	153477	05/23/1996	\$10 00		115
55585-AP	Ms. PEARL MARIE MCNERLIN	PEARL MARIE MCNERLIN	156520	05/23/1996	\$20 00		115
55586-AP	Ms. KAREN S TRAVILLO	KAREN S TRAVILLO	157339	05/23/1996	\$10. 00		115
55587-AP	Mr. ROY CHRIS GRIFFIN	ROY CHRIS GRIFFIN	162405	05/23/1996	\$10. 00		115
55588-AP	Mr. BILL LOGGINS	BILL LOGGINS	9854	05/23/1996	\$20 00		115
55589-AP	Mr. JOHN WILLIAM NUNN	JOHN WILLIAM NUNN	175505	05/23/1996	\$10. 00		115
55590-AP	Mr. ROBERT LEE LEACH	ROBERT LEE LEACH	163551	05/23/1996	\$10 00		115
55591-AP	Mr. JOHN J WELSH	JOHN J WELSH	1949	05/23/1996	\$10. 00		115
55592-AP	Ms. DONNA FOLMAR WILLS	DONNA FOLMAR WILLS	168751	05/23/1996	\$30 00		115
55593-AP	Ms. SUE JERDEN EDDINGTON	SUE JERDEN EDDINGTON	167347	05/23/1996	\$40. 00		115
55594-AP	Mr. MELVIN TROY WILKINSON	MELVIN TROY WILKINSON	175808	05/23/1996	\$10. 00		115
55595-AP	Mr. MICHAEL BERNARD FORD	MICHAEL BERNARD FORD	148247	05/23/1996	\$10. 00		115
55596-AP	Mr. JOHN POTTER	JOHN POTTER	10152	05/23/1996	\$10 00		115
55597-AP	Mr. JOE ALLEN BOWER	JOE ALLEN BOWER	161774	05/23/1996	\$10 00		115

VOL 46 PG 48

VOL 46 PG 48

Check Number	Title Name	Check Name	Juror ID	Check Date	Amount	Ck Status	Court
55598-AP	Mr. EDDIE DWAYNE BYERS	EDDIE DWAYNE BYERS	161012	05/23/1996	\$10.00		115
55599-AP	Mr. WESLEY LEON RONNING	WESLEY LEON RONNING	156084	05/23/1996	\$30.00		115
55600-AP	Mr. JERRY WAYNE KELLER	JERRY WAYNE KELLER	166340	05/23/1996	\$10.00		115
55601-AP	Mr. WILLIAM L. DIXON	WILLIAM L DIXON	157982	05/23/1996	\$10.00		115
55602-AP	Mr. WILLIAM JULIUS BRASHER	WILLIAM JULIUS BRASHER	151131	05/23/1996	\$20.00		115
55603-AP	Ms. DORIS MITCHELL	DORIS MITCHELL	144790	05/23/1996	\$10.00		115
55604-AP	Mr. KENNETH DALE UPCHURCH	KENNETH DALE UPCHURCH	158893	05/23/1996	\$30.00		115
55605-AP	Mr. ELIN CRAIG FOWLER	ELIN CRAIG FOWLER	167958	05/23/1996	\$10.00		115
55606-AP	Mr. LARRY GENE STEGALL	LARRY GENE STEGALL	168218	05/23/1996	\$20.00		115
55607-AP	Mr. JAMES ROYDE DUPREE	JAMES ROYDE DUPREE	167491	05/23/1996	\$20.00		115
55608-AP	Ms. UVALDA HUEY HOLMAN	UVALDA HUEY HOLMAN	168587	05/23/1996	\$10.00		115
55609-AP	Ms. CYNTHIA JANE WATERS	CYNTHIA JANE WATERS	170471	05/23/1996	\$10.00		115
55610-AP	Mr. JOSEPH TODD THORNTON	JOSEPH TODD THORNTON	175251	05/23/1996	\$30.00		115
55611-AP	Ms. WANDA SNOW	WANDA SNOW	7525	05/23/1996	\$20.00		115
55612-AP	Mr. LARRY ROBERT BOSHEAR	LARRY ROBERT BOSHEAR	154879	05/23/1996	\$30.00		115
55613-AP	Ms. JOY WHEELER	JOY WHEELER	6655	05/23/1996	\$10.00		115
55614-AP	Ms. PATRICIA JOANNA FITZGERALD	PATRICIA JOANNA FITZGERALD	154894	05/23/1996	\$10.00		115
55615-AP	Mr. ROBERT DWAYNE BENNETT	ROBERT DWAYNE BENNETT	173279	05/23/1996	\$20.00		115
55616-AP	Mr. DENNIS WAYNE DENKELER	DENNIS WAYNE DENKELER	162517	05/23/1996	\$10.00		115
55617-AP	Ms. MRS MONNIE B BROOKS	MRS MONNIE B BROOKS	3076	05/23/1996	\$30.00		115
55618-AP	Ms. UPSHUR COUNTY	UPSHUR COUNTY	176110	05/23/1996	\$135.00		115
55619-AP	Ms. UPSHUR CO. JUVENILE PROBATION	UPSHUR CO. JUVENILE PROBATION	176112	05/23/1996	\$2.00		115
Check Amounts					\$1,360.00		

VOL 46 PG 49

FILED
REX A SHAW
COUNTY CLERK
MAY 28 PM 4:46

APPROVAL OF PERMIT APPLICATION
FOR USE OF UPSHUR COUNTY RIGHT
OF WAY

Date _____

FILED
REX, SHAW
COUNTY, TEXAS

56 MAY 20 PM 4:48

UPSHUR COUNTY, TX.

17717171

The Upshur County Commissioners Court offers no objections to the location on the right-of-way of your proposed _____ line as shown by accompanying drawings and notice dated _____ except as noted below:

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 any manner change the structure of this right-of-way, this appurtenance, if affected, will be moved under the direction of the Upshur County Commissioners Court representative and shall be relocated at the complete expense of the owner within thirty (30) days upon receipt of notice from the Commissioners Court.

All work on the county right-of-way shall be performed in accordance with the Commissioners Courts instructions. The installation shall not damage any part of the highway and adequate provisions must be made to cause minimum inconvenience to traffic and adjacent owners. Special specifications for placing this line are as follows:

1. Barricades, warning signs and lights and flagmen when necessary shall be provided by the contractor or owner. One half of the traveled portion of the road must be open at all times.
2. All lines, where practicable, shall be located to cross roadbed at approximately right angles thereto. No lines are to be installed under or within 50 feet of either end of any bridge. No lines shall be placed in any culvert or within 10 feet of the closest point of same.
3. Parallel lines will be installed as near the right-of-way lines as is possible and no parallel line will be installed in the roadbed or between the drainage ditch and the roadbed without special permission of the County Commissioners Court.
4. Overhead lines will have a minimum clearance of 18 feet above the road surface at the point of crossing.
5. Operations along roadways shall be performed in such a manner that all excavated material be kept off the surface at all times, as well as all operating equipment and materials. No equipment, or installation procedures will be used which will damage any road surface, roadbed, structures or other right-of-way features as a direct result of this installation will be borne by the owner of this line.
6. All lines under roads carrying pressure in excess of 50psi shall be enclosed in satisfactory casing extending from the right-of-way line to right-of-way line. Pipe used for casing may be of any type approved by the County Engineer or Commissioners Court and shall be capable of supporting load of roadbed and traffic and shall be so constructed that there will be no leakage of any matter through casing for its entire length. Inside diameter of casing shall be at least 2 inches greater than the largest diameter of carrier pipe, joints or couplings.

7. All excavations within the right-of-way and not under surfacing shall be backfilled by tamping in 6 inch horizontal layers. All surplus material shall be removed from the right-of-way and the excavation finished flush with surrounding natural ground.

8. All ground lines are to be installed a minimum of 36 inches below the flow line of the adjacent drainage or borrow ditch.

(a) Any material placed in county right-of-way by permit will be of a nature or composition that said line can be located with the use of a standard locator devices used in locating buried cables and pipe.

9. Lines crossing under roads and under cross roads within the right-of-way shall be placed by boring. Boring shall extend from crown line to crown line. Gravity flow sewer lines under roadways shall be cast iron or equivalent pipe.

10. Where evidence is presented indicating the impracticability of boring or tunnelling, the Commissioners Court may grant permission to cut the surfacing no wider than 4 inches. In the event a cut is permitted the following conditions will govern:

(a) Excavation areas are to be filled and packed with compatible material.

(b) The surfacing will be replaced with equivalent quality surfacing.

11. Notice will be given to the precinct Commissioner 48 hours prior to starting construction of the line in that Commissioners' precinct.

12. Where in the opinion of the Upshur County Commissioners Court it may be considered necessary to protect losses incurred by damages to the roads, bridges, on right-of-way structures, they may by action of the Court require a surety bond in the amount sufficient to cover any damages.

13. Where, in the opinion of the Commissioners Court, an inspector is necessary, they party receiving permit will bear the cost of an inspector.

Approved:

Chad L. Smith
County Judge

Yaddes L. Smith
Commissioner Precinct 1

David L. Smith
Commissioner Precinct 2
Commissioner Precinct 3

Chad L. Smith
Commissioner Precinct 4

VO 46 PG 53

Agenda

Accept road for
According purposes
only -

2 yr waiting
period for Co. to
Accept road.

Wilson *46* *PG 53*
Culverts, Inc.

CULVERTS - BOLTS - GRADER BLADES
CREOSOTE - LUMBER - POSTS - PILING
ROUTE 2, BOX 2635 ELKHART, TEXAS 75839 PHONE (214) 764-5605

Anna & Hector

Mail BOX

3041

FILED
REX A. SHAW
COUNTY CLERK
96 MAY 29 11 4: 55
UPSHUR COUNTY IX:
BY DOT
DEPUTY

UPSHUR COUNTY
BUDGET AMENDMENTS

The following budget amendments were approved this the 28th
day of May, 1996.

Charles Still
Charles Still, County Judge

Gaddis Lindsey
Gaddis Lindsey, Comm. Pct. 1

Tommy Stanley
Tommy Stanley, Comm. Pct. 2

David Loyd
David Loyd, Comm. Pct. 3

Kenny Thompson
Kenny Thompson, Comm. Pct. 4

FILED
REX
MAY 28 PM 4:49
UPSHUR COUNTY
BY _____

BUDGET AMENDMENT

LINE ITEM TRANSFER:

DATE: 5-28-96

Honorable commissioners count of Upshur County:

I submit to you for your consideration the following line-item transfers:

From:	FUND	DEPT.	ACCOUNT	AMOUNT
	10	476	4600	20
			3030	150
To:	10	476	3095	150
			4502	20

REASON:

Department Head

Approved Commissioners Court

Attest County Clerk

BUDGET AMENDMENT

VOL 46 PG 57

LINE ITEM TRANSFER:

DATE: 5-28-96

Honorable commissioners count of Upshur County:

I submit to you for your consideration the following line-item transfers:

From:	FUND	DEPT.	ACCOUNT	AMOUNT
	10	514	3460	500
To:	10	514	3380	500

REASON:

Department Head

Approved Commissioners Court

Attest County Clerk

BUDGET AMENDMENT

LINE ITEM TRANSFER:

DATE: 5-28-96

Honorable commissioners count of Upshur County:

I submit to you for your consideration the following line-item transfers:

From:	FUND	DEPT.	ACCOUNT	AMOUNT
	10	552	3200	1000
To:	10	552	3420	1000

REASON:

Department Head

Approved Commissioners Court

Attest County Clerk

BUDGET AMENDMENT

VOL. 46 PG. 59

LINE ITEM TRANSFER:

DATE: 5-28-90

Honorable commissioners count of Upshur County:

I submit to you for your consideration the following line-item transfers:

From:	FUND	DEPT.	ACCOUNT	AMOUNT
	10	540	5400	800
			5500	700
			3380	500
To:	10	560	4480	1000

REASON:

Department Head

Approved Commissioners Court

Attest County Clerk

BUDGET AMENDMENT

LINE ITEM TRANSFER:

DATE: _____

Honorable commissioners count of Upshur County:

I submit to you for your consideration the following line-item transfers:

From:	FUND	DEPT.	ACCOUNT	AMOUNT
	10	565	3120	10
To:	10	565	3115	10

REASON:

Department Head

Approved Commissioners Court

Attest County Clerk

BUDGET AMENDMENT

VOL. 46 PG. 61

LINE ITEM TRANSFER:

DATE: 5-28-96

Honorable commissioners count of Upshur County:

I submit to you for your consideration the following line-item transfers:

From:	FUND	DEPT.	ACCOUNT	AMOUNT
	10	650	5100	650
To:	10	650	4320	650

REASON:

Department Head

Approved Commissioners Court

Attest County Clerk

BUDGET AMEDEMMENT

LINE ITEM TRANSFER:

DATE: 5-28-96

Honorable commissioners count of Upshur County:

I submit to you for your consideration the following line-item transfers:

From:	FUND	DEPT.	ACCOUNT	AMOUNT
	10	435	4125	15,000
To:	10	435	4015	5000
			4145	10,000

REASON:

Department Head

Approved Commissioners Court

Attest County Clerk

BUDGET AMENDMENT

LINE ITEM TRANSFER:

DATE: 5-28-96

Honorable commissioners count of Upshur County:

I submit to you for your consideration the following line-item transfers:

From:	FUND	DEPT.	ACCOUNT	AMOUNT
	16	612	4470	37
			3340	3750
				<u>3787</u>
To:	16	612	2450	27
			4495	10
			5100	3750

REASON:

Department Head

Approved Commissioners Court

Attest County Clerk

VOL. 46 PG 64

BUDGET AMENDMENT

LINE ITEM TRANSFER:

DATE: 5-28-96

Honorable commissioners count of Upshur County:

I submit to you for your consideration the following line-item transfers:

From:	FUND	DEPT.	ACCOUNT	AMOUNT
	17	613	3330	500
To:	17	613	3350	500

REASON:

Department Head

Approved Commissioners Court

Attest County Clerk

BUDGET AMENDMENT

LINE ITEM TRANSFER:

DATE: 5-28-96

Honorable commissioners count of Upshur County:

I submit to you for your consideration the following line-item transfers:

From:	FUND	DEPT.	ACCOUNT	AMOUNT
	18	614	4495	500
		reserves		4500
To:	18	614	3430	4500
			4480	500

REASON:

Department Head

Approved Commissioners Court

Attest County Clerk

VOL 46 PG 66

BUDGET AMENDMENT

LINE ITEM TRANSFER:

DATE: 5-28-97

Honorable commissioners count of Upshur County:

I submit to you for your consideration the following line-item transfers:

From:	FUND	DEPT.	ACCOUNT	AMOUNT
	10	411	3070	750.00
To:	10	411	1200	750.00

REASON:

Gregory Harris
Department Head

Approved Commissioners Court

Attest County Clerk

BUDGET AMENDMENT

LINE ITEM TRANSFER:

DATE: 5-28-97

Honorable commissioners count of Upshur County:

I submit to you for your consideration the following line-item transfers:

From:	FUND	DEPT.	ACCOUNT	AMOUNT
To:	10	554	4502	316.18

REASON:

Rejected

Department Head

Approved Commissioners Court

Attest County Clerk

Vol. 46 PG 168
UPSHUR COUNTY STATUS/PAYROLL CHANGE REPORT

PLEASE NOTE THE FOLLOWING CHANGE(S):

Effective Date 4-16-96 Dept. 560/Co. Sheriff
 Employee Harry Sewell
 Social Security No. _____ Emp. ID# 441

X	CHANGES(S)	FROM	TO
	Grade Step		
	Rate		
	Department		
	Position		

REASON(S) FOR THE CHANGE(S)

<input type="checkbox"/>	Hired	<input type="checkbox"/>	Re-Hired
<input type="checkbox"/>	Introductory Period Ended	<input type="checkbox"/>	Merit Increase
<input type="checkbox"/>	Promotion	<input type="checkbox"/>	Transfer
<input type="checkbox"/>	Longevity Increase	<input type="checkbox"/>	Demotion
<input type="checkbox"/>	Re-evaluation of Job	<input type="checkbox"/>	Retirement
<input type="checkbox"/>	Layoff	<input type="checkbox"/>	Discharged
<input type="checkbox"/>	Leave-of-Absence	<input checked="" type="checkbox"/>	Other

Comments: Employee resigned 4-16-96

Authorized by [Signature]
 Approved by _____ Date 5-24-96

UPSHUR COUNTY STATUS/PAYROLL CHANGE REPORT

PLEASE NOTE THE FOLLOWING CHANGE(S):

Effective Date 6-3-96 Dept 611/Pct#1
 Employee Dennis Bell Jr.
 Social Security No _____ Emp. ID# 737

X	CHANGES(S)	FROM	TO
	Grade Step		4, 3
	Rate		\$4.25/Hr
	Department		
	Position		

REASON(S) FOR THE CHANGE(S)

Hired	Re-Hired
<input type="checkbox"/> Introductory Period Ended	<input checked="" type="checkbox"/> Merit Increase
<input type="checkbox"/> Promotion	<input type="checkbox"/> Transfer
<input type="checkbox"/> Longevity Increase	<input type="checkbox"/> Demotion
<input type="checkbox"/> Re-evaluation of Job	<input type="checkbox"/> Retirement
<input type="checkbox"/> Layoff	<input type="checkbox"/> Discharged
<input type="checkbox"/> Leave-of-Absence	<input type="checkbox"/> Other

Comments: Summer help.

Authorized by: Madison Lindsey Date: 5-22-96
 Approved by: _____

UPSHUR COUNTY STATUS/PAYROLL CHANGE REPORT

PLEASE NOTE THE FOLLOWING CHANGE(S):

Effective Date 5-24-96 Dept. 613/Pct# 3

Employee TONY GORDON

Social Security No. _____ Emp. ID# 745

X	CHANGES(S)	FROM	TO
	Grade Step		<u>7.7</u>
	Rate		<u>\$ 5.48/HR</u>
	Department		
	Position		

REASON(S) FOR THE CHANGE(S)

<input checked="" type="checkbox"/>	Hired		Re-Hired
	Introductory Period Ended		Merit Increase
	Promotion		Transfer
	Longevity Increase		Demotion
	Re-evaluation of Job		Retirement
	Layoff		Discharged
	Leave-of-Absence		Other

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REX
MAY 28 1996

Comments. Part-Time Employee
Summer Help

Authorized by: _____
Approved by: David Royal Date: 5-28-96

UPSHUR COUNTY STATUS/PAYROLL CHANGE REPORT

PLEASE NOTE THE FOLLOWING CHANGE(S):

Effective Date 5-24-96 Dept. 613/Pct # 3
 Employee CALVIN GREEN
 Social Security No. _____ Emp. ID# 510

X	CHANGES(S)	FROM	TO
	Grade Step		<u>7,7</u>
	Rate		<u>\$5.48/HR</u>
	Department		
	Position		

REASON(S) FOR THE CHANGE(S)

<input checked="" type="checkbox"/>	Hired		Re-Hired
	Introductory Period Ended		Ment Increase
	Promotion		Transfer
	Longevity Increase		Demotion
	Re-evaluation of Job		Retirement
	Layoff		Discharged
	Leave-of-Absence		Other

Comments: SUMMER HELP PART-TIME
Employee

Authorized by _____
 Approved by David Boyd Date: 5-28-96

VOL 46 PG 72

UPSHUR COUNTY STATUS/PAYROLL CHANGE REPORT

PLEASE NOTE THE FOLLOWING CHANGE(S):

Effective Date 5-24-96 Dept. 613/Pct# 3

Employee LONZIE GORDON

Social Security No. _____ Emp. ID# 778

X	CHANGES(S)	FROM	TO
	Grade Step		<u>7.7</u>
	Rate		<u>\$5.48/Hr</u>
	Department		
	Position		

REASON(S) FOR THE CHANGE(S)

<input checked="" type="checkbox"/>	Hired		Re-Hired
	Introductory Period Ended		Ment Increase
	Promotion		Transfer
	Longevity Increase		Demotion
	Re-evaluation of Job		Retirement
	Layoff		Discharged
	Leave-of-Absence		Other

Comments PART-TIME Employee -
Summer Help.

Authorized by _____ Date: 5-28-96
Approved by [Signature]

UPSHUR COUNTY STATUS/PAYROLL CHANGE REPORT

PLEASE NOTE THE FOLLOWING CHANGE(S):

Effective Date 6-1-96 Dept Sheriff
 Employee Mike Davis
 Social Security No 465-55-2104 Emp. ID# 700

X	CHANGE(S)	FROM	TO
	Grade Step	14.8 1544.76	17.8 1760.68
	Rate		
	Department		
	Position		

REASON(S) FOR THE CHANGE(S)

	Hired		Re-hired
	Introductory Probationary Period Ended		Merit Increase
X	Promotion		Transfer
	Longevity Increase		Demotion
	Re-evaluation of Job		Retirement
	Layoff		Discharged
	Leave-of-Absence		Other

Comments

Transfer Said to S.O.

Open Position

Authorized by:

Approved by: R.D. Cron

Date: 5-22-96

VOL 46 PG 74
UPSHUR COUNTY STATUS/PAYROLL CHANGE REPORT

PLEASE NOTE THE FOLLOWING CHANGE(S):

Effective Date 6-1-96 Dept. Dispatch/Sail
 Employee Jester, Loci Lee
 Social Security No. 484-66-2240 Emp. ID# _____

X	CHANGE(S)	FROM	TO
	Grade Step	<u>14.7</u>	<u>1511.33</u>
	Rate		
	Department		
	Position		

REASON(S) FOR THE CHANGE(S)

<input checked="" type="checkbox"/>	Hired		Re-Hired
<input checked="" type="checkbox"/>	Introductory Probationary Period Ended		Merrit Increase
	Promotion		Transfer
	Longevity Increase		Demotion
	Re-evaluation of Job		Retirement
	Layoff		Discharged
	Leave-of-Absence		Other

Comments: Open position left by M. Davis
Transfer to S.O.

Authorized by _____

Approved by R.D. Crow

Date: 5-22-96

VOL 46 PG 75 -

UPSHUR COUNTY STATUS/PAYROLL CHANGE REPORT

PLEASE NOTE THE FOLLOWING CHANGE(S):

Effective Date 05-01-96 Dept. 411-Computer

Employee Karmen Steelman

Social Security No _____ Emp. ID# 249

X	CHANGES(S)	FROM	TO
	Grade Step		
	Rate		<u>200.00</u>
	Department		
	Position		

REASON(S) FOR THE CHANGE(S)	
<input type="checkbox"/>	Hired
<input type="checkbox"/>	Re-Hired
<input type="checkbox"/>	Introductory Period Ended
<input type="checkbox"/>	Merit Increase
<input type="checkbox"/>	Promotion
<input type="checkbox"/>	Transfer
<input type="checkbox"/>	Longevity Increase
<input type="checkbox"/>	Demotion
<input checked="" type="checkbox"/>	Re-evaluation of Job
<input type="checkbox"/>	Retirement
<input type="checkbox"/>	Layoff
<input type="checkbox"/>	Discharged
<input type="checkbox"/>	Leave-of-Absence
<input checked="" type="checkbox"/>	Other

Comments Computer Tech Work for County Offices.

Authorized by: [Signature]
 Approved by: _____ Date: 5-28-96

UPSHUR COUNTY STATUS/PAYROLL CHANGE REPORT

PLEASE NOTE THE FOLLOWING CHANGE(S):

Effective Date 5-1-96 Dept. 401/Comm. Court

Employee Op Ann Loftis

Social Security No _____ Emp. ID# 177

X	CHANGES(S)	FROM	TO
	Grade Step		
	Rate		
	Department		
	Position		

REASON(S) FOR THE CHANGE(S)

<input type="checkbox"/>	Hired	<input type="checkbox"/>	Re-hired
<input type="checkbox"/>	Introductory Period Ended	<input type="checkbox"/>	Merit Increase
<input type="checkbox"/>	Promotion	<input type="checkbox"/>	Transfer
<input checked="" type="checkbox"/>	Longevity Increase	<input type="checkbox"/>	Demotion
<input type="checkbox"/>	Re-evaluation of Job	<input type="checkbox"/>	Retirement
<input type="checkbox"/>	Layoff	<input type="checkbox"/>	Discharged
<input type="checkbox"/>	Leave-of-Absence	<input type="checkbox"/>	Other

STACY S. P. 11-17

Comments 15 years Longevity \$60/month

Authorized by: *Margaret Harris*

Approved by: _____ Date: 5-20-96

UPSHUR COUNTY STATUS/PAYROLL CHANGE REPORT

PLEASE NOTE THE FOLLOWING CHANGE(S):

Effective Date 5-1-96 Dept. 499/TAX

Employee Wanda Hutchins

Social Security No _____ Emp. ID# 360

X	CHANGES(S)	FROM	TO
	Grade Step		
	Rate		
	Department		
	Position		

REASON(S) FOR THE CHANGE(S)

<input type="checkbox"/>	Hired	<input type="checkbox"/>	Re-Hired
<input type="checkbox"/>	Introductory Period Ended	<input type="checkbox"/>	Merit Increase
<input type="checkbox"/>	Promotion	<input type="checkbox"/>	Transfer
<input checked="" type="checkbox"/>	Longevity Increase	<input type="checkbox"/>	Demotion
<input type="checkbox"/>	Re-evaluation of Job	<input type="checkbox"/>	Retirement
<input type="checkbox"/>	Layoff	<input type="checkbox"/>	Discharged
<input type="checkbox"/>	Leave-of-Absence	<input type="checkbox"/>	Other

Comments 8 years Longevity \$32/month

Authorized by: [Signature]
Approved by: _____ Date: 5-20-96

UPSHUR COUNTY STATUS/PAYROLL CHANGE REPORT

PLEASE NOTE THE FOLLOWING CHANGE(S):

Effective Date 5-1-96 Dept. 412/Pct#2
Employee Harry Crockett
Social Security No. _____ Emp ID# 391

X	CHANGES(S)	FROM	TO
	Grade Step		
	Rate		
	Department		
	Position		

REASON(S) FOR THE CHANGE(S)

<input type="checkbox"/>	Hired	<input type="checkbox"/>	Re-Hired
<input type="checkbox"/>	Introductory Period Ended	<input type="checkbox"/>	Merit Increase
<input checked="" type="checkbox"/>	Promotion	<input type="checkbox"/>	Transfer
<input checked="" type="checkbox"/>	Longevity Increase	<input type="checkbox"/>	Demotion
<input type="checkbox"/>	Re-evaluation of Job	<input type="checkbox"/>	Retirement
<input type="checkbox"/>	Layoff	<input type="checkbox"/>	Discharged
<input type="checkbox"/>	Leave-of-Absence	<input type="checkbox"/>	Other

CHANGES
REASON(S)
DATE
TIME

Comments 7 years Longevity \$28/month

Authorized by [Signature]
Approved by _____ Date 5-20-96

UPSHUR COUNTY STATUS/PAYROLL CHANGE REPORT

PLEASE NOTE THE FOLLOWING CHANGE(S):

Effective Date 5-1-96 Dept. 499/Jail
 Employee Patsy Fails
 Social Security No _____ Emp. ID# 461

X	CHANGES(S)	FROM	TO
	Grade Step		
	Rate		
	Department		
	Position		

REASON(S) FOR THE CHANGE(S)

<input type="checkbox"/>	Hired	<input type="checkbox"/>	Re-Hired
<input type="checkbox"/>	Introductory Period Ended	<input type="checkbox"/>	Merit Increase
<input type="checkbox"/>	Promotion	<input type="checkbox"/>	Transfer
<input checked="" type="checkbox"/>	Longevity Increase	<input type="checkbox"/>	Demotion
<input type="checkbox"/>	Re-evaluation of Job	<input type="checkbox"/>	Retirement
<input type="checkbox"/>	Layoff	<input type="checkbox"/>	Discharged
<input type="checkbox"/>	Leave-of-Absence	<input type="checkbox"/>	Other

Comments. 5 years Longevity \$20/month

Authorized by: Theresa Harris
 Approved by: _____ Date: 5-20-96

VOL 46 PG 80

UPSHUR COUNTY STATUS/PAYROLL CHANGE REPORT

PLEASE NOTE THE FOLLOWING CHANGE(S):

Effective Date 5-1-96 Dept. 565/C. Jail
Employee Sandra Edwards
Social Security No. _____ Emp. ID# 463

X	CHANGES(S)	FROM	TO
	Grade Step		
	Rate		
	Department		
	Position		

REASON(S) FOR THE CHANGE(S)

<input type="checkbox"/>	Hired	<input type="checkbox"/>	Re-Hired
<input type="checkbox"/>	Introductory Period Ended	<input type="checkbox"/>	Merit Increase
<input type="checkbox"/>	Promotion	<input type="checkbox"/>	Transfer
<input checked="" type="checkbox"/>	Longevity Increase	<input type="checkbox"/>	Demotion
<input type="checkbox"/>	Re-evaluation of Job	<input type="checkbox"/>	Retirement
<input type="checkbox"/>	Layoff	<input type="checkbox"/>	Discharged
<input type="checkbox"/>	Leave-of-Absence	<input type="checkbox"/>	Other

05 MAY 28 PM 11:50
FILED

Comments 5 years Longevity \$70/month

Authorized by: Mary Harris
Approved by: _____ Date 5-20-96

VOL 46 PG 81

UPSHUR COUNTY STATUS/PAYROLL CHANGE REPORT

PLEASE NOTE THE FOLLOWING CHANGE(S):

Effective Date 5-1-96 Dept. 614/Pct #4
 Employee Derald Wayne Ballard
 Social Security No. _____ Emp. ID# 477

X	CHANGES(S)	FROM	TO
	Grade Step		
	Rate		
	Department		
	Position		

REASON(S) FOR THE CHANGE(S)

<input type="checkbox"/>	Hired	<input type="checkbox"/>	Re-Hired
<input type="checkbox"/>	Introductory Period Ended	<input type="checkbox"/>	Ment Increase
<input type="checkbox"/>	Promotion	<input type="checkbox"/>	Transfer
<input checked="" type="checkbox"/>	Longevity Increase	<input type="checkbox"/>	Demotion
<input type="checkbox"/>	Re-evaluation of Job	<input type="checkbox"/>	Retirement
<input type="checkbox"/>	Layoff	<input type="checkbox"/>	Discharged
<input type="checkbox"/>	Leave-of-Absence	<input type="checkbox"/>	Other

Comments. 4 years Longevity \$16/month

Authorized by: Mary Harris
 Approved by: _____ Date: 5-20-96

VOL 46 PG 82

UPSHUR COUNTY STATUS/PAYROLL CHANGE REPORT

PLEASE NOTE THE FOLLOWING CHANGE(S):

Effective Date 5-1-96 Dept. 611/Pct #1

Employee Oscar Robertson

Social Security No. _____ Emp. ID# 445

X	CHANGES(S)	FROM	TO
	Grade Step		
	Rate		
	Department		
	Position		

REASON(S) FOR THE CHANGE(S)

<input type="checkbox"/>	Hired	<input type="checkbox"/>	Re-Hired
<input type="checkbox"/>	Introductory Period Ended	<input type="checkbox"/>	Mert Increase
<input type="checkbox"/>	Promotion	<input type="checkbox"/>	Transfer
<input checked="" type="checkbox"/>	Longevity Increase	<input type="checkbox"/>	Demotion
<input type="checkbox"/>	Re-evaluation of Job	<input type="checkbox"/>	Retirement
<input type="checkbox"/>	Layoff	<input type="checkbox"/>	Discharged
<input type="checkbox"/>	Leave-of-Absence	<input type="checkbox"/>	Other

Comments: 4 Years Longevity \$16/month

Authorized by [Signature]
Approved by: _____ Date: 5-20-96

UPSHUR COUNTY STATUS/PAYROLL CHANGE REPORT

PLEASE NOTE THE FOLLOWING CHANGE(S):

Effective Date 5-1-96 Dept. 611 / Pct # 1
 Employee James Wilson
 Social Security No. _____ Emp. ID# 6661

X	CHANGES(S)	FROM	TO
	Grade Step		
	Rate		
	Department		
	Position		

REASON(S) FOR THE CHANGE(S)

<input type="checkbox"/>	Hired	<input type="checkbox"/>	Re-Hired
<input type="checkbox"/>	Introductory Period Ended	<input type="checkbox"/>	Merit Increase
<input type="checkbox"/>	Promotion	<input type="checkbox"/>	Transfer
<input checked="" type="checkbox"/>	Longevity Increase	<input type="checkbox"/>	Demotion
<input type="checkbox"/>	Re-evaluation of Job	<input type="checkbox"/>	Retirement
<input type="checkbox"/>	Layoff	<input type="checkbox"/>	Discharged
<input type="checkbox"/>	Leave-of-Absence	<input type="checkbox"/>	Other

Comments: 2 years Longevity \$8/month

Authorized by: Mary Morris

Approved by:

Date: 5-20-96

UPSHUR COUNTY STATUS/PAYROLL CHANGE REPORT

PLEASE NOTE THE FOLLOWING CHANGE(S):

Effective Date 5-1-96 Dept. 499/Jud
 Employee Bernadine Evans
 Social Security No _____ Emp. ID# 736

X	CHANGES(S)	FROM	TO
	Grade Step		
	Rate		
	Department		
	Position		

REASON(S) FOR THE CHANGE(S)

<input type="checkbox"/>	Hired	<input type="checkbox"/>	Re-Hired
<input type="checkbox"/>	Introductory Period Ended	<input type="checkbox"/>	Ment Increase
<input type="checkbox"/>	Promotion	<input type="checkbox"/>	Transfer
<input checked="" type="checkbox"/>	Longevity Increase	<input type="checkbox"/>	Demotion
<input type="checkbox"/>	Re-evaluation of Job	<input type="checkbox"/>	Retirement
<input type="checkbox"/>	Layoff	<input type="checkbox"/>	Discharged
<input type="checkbox"/>	Leave-of-Absence	<input type="checkbox"/>	Other

Comments. 1 year Longevity, \$4/month

Authorized by: Maryl Harris
 Approved by: _____ Date. 5-20-96

VOL 46 PG 85

UPSHUR COUNTY STATUS/PAYROLL CHANGE REPORT

PLEASE NOTE THE FOLLOWING CHANGE(S):

Effective Date 5-1-96 Dept. 565/Co. Jail
 Employee Brandy Monts
 Social Security No _____ Emp. ID# 735

X	CHANGES(S)	FROM	TO
	Grade Step		
	Rate		
	Department		
	Position		

REASON(S) FOR THE CHANGE(S)

<input type="checkbox"/>	Hired	<input type="checkbox"/>	Re-Hired
<input type="checkbox"/>	Introductory Period Ended	<input type="checkbox"/>	Merit Increase
<input type="checkbox"/>	Promotion	<input type="checkbox"/>	Transfer
<input checked="" type="checkbox"/>	Longevity Increase	<input type="checkbox"/>	Demotion
<input type="checkbox"/>	Re-evaluation of Job	<input type="checkbox"/>	Retirement
<input type="checkbox"/>	Layoff	<input type="checkbox"/>	Discharged
<input type="checkbox"/>	Leave-of-Absence	<input type="checkbox"/>	Other

Comments: 1 year Longevity \$4/month

Authorized by [Signature]
 Approved by: _____ Date: 5-20-96

T & S TRACTOR, INC.
P.O. BOX 1023
GILMER, TEXAS 75644

May 10, 1996

Upshur County Prec. #3
PO Box 730
Gilmer, TX 75644

Dear Sirs;

We respectfully submit a bid for 1 Ford 555D TLB with the following specifications:

ENGINE: 72 hp engine, naturally aspirated diesel.

TRANSMISSION: four forward, four reverse, fully sychronized.

ELECTRICAL: 12 volt electrical system, 55 amp alternator.

TIRE SIZE: 16.9 X 28 rear; 11L X 16 front.

BACKHOE: 24" heavy duty bucket with lifting eye; digging depth 14'9"; reversible stabilizer feet.

LOADER: 1.12 cubic yard, general purpose bucket with bolt-on auxiliary cutting edges, ROPS canopy.

PUMP CAPACITY: 31 GMP @ 2200 rpm @ 2450 psi, with 10 micron filter.

STANDARD WEIGHT: 13,157 lbs.

SALE PRICE

\$32,774.87

with financing @ 6% APR

36 payments @ \$997.25

48 payments @ \$769.84

Delivery - 45 days after bid acceptance

If you have any questions call 797-2736.

Sincerely,



Toney G. Putman
President

T & S TRACTOR, INC.
P.O. BOX 1023
GILMER, TEXAS 75644

FILED VOL 46 PG 87
REX A. SHAW
COUNTY CLERK

96 MAY 28 PM 4:46

GILMER, TX

BY _____

May 10, 1996

Upshur County Prec. 2
PO Box 730
Gilmer, TX 75644

Dear Sirs;

We respectfully submit a bid for 1 Ford 555D TLB with the following specifications;

ENGINE: 72 hp engine, naturally aspirated diesel.
TRANSMISSION: four forward, four reverse, fully synchronized.
ELECTRICAL: 12 volt electrical system, 55 amp alternator.
TIRE SIZE: 16.9 X 28 Rear; 11L X 16 Front.
BACKHOE: 24" heavy duty bucket with lifting eye; digging depth 14'9"; reversible stabilizer feet.
LOADER: 1.12 cubic yard, general purpose bucket with bolt-on auxiliary cutting edges, ROPS canopy.
PUMP CAPACITY: 31 gpm @ 2200 rpm @ 2450 psi, with 10 micron filter.
STANDARD WEIGHT: 13,157 lbs.

SALE PRICE	\$32,774.87
with financing @ 6% APR	
36 payments @	\$997.25
48 payments @	\$769.84

Trade-in allowance on 1 Ford 555A TLB S/N C727084	(6,500.00)
---	------------

Sale price with trade-in	\$26,274.87
with financing @ 6% APR	
36 payments @	\$799.50
48 payments @	\$617.16

Delivery - 45 days after bid acceptance

If you have any questions call 797-2736.

Sincerely,



Toney G. Putman
President

BY _____
UPSHUR COUNTY, TX
MAY 28 PM 4:46

VOL 46 PG 88

AFFIDAVIT TO UPSHUR COUNTY

The undersigned, hereby certifies that this company, corporation, firm, Partnership, or Individual has not prepared this Bid in collusion with any other seller, and that the contents of this Bid as to prices, terms or conditions of said Bid have not been communicated by the undersigned nor by any employee or agent of any other seller or to any other person or persons engaged in this type of business prior to the official opening of this Bid, and further, That the Manager, Secretary of other agent or Officer signing this bid is not and has not been for the past six (6) months directly or indirectly concerned in any pool or agreement or combination to control the price of supplies, services or equipment bid on, or to influence any person to bid or not to bid thereon. This Affidavit is signed in compliance with Article 2367 Civil Statutes of the State of Texas.

NAME OF BIDDER: T & S Tractor, Inc.

SIGNED BY: *Mary S. Putman* President
(sign name by writing) Title

ADDRESS: PO Box 1023 Gilmer, TX 75644

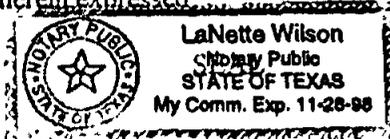
TELEPHONE NUMBER: 903-797-2736 DATE: 5-10-96

AFFIDAVIT

STATE OF TEXAS
COUNTY OF

Before me the undersigned authority of this the 11th day of May, 1996 personally appeared Mary Putman who being duly sworn deposes and says that he signed the above instrument for the purposes and considerations herein expressed.

LaNette Wilson



NOTE: BIDS NOT NOTARIZED WILL NOT BE CONSIDERED.

Notary Public commission expires



EAST TEXAS MACHINERY, INC.

P. O. BOX 7389 • LONGVIEW, TEXAS 75607
(903) 758-3326 • FAX (903) 757-2924

VOL 46 PG 89



Upshur County
Gilmer, TX



Max Nation
Sales Representative



Home (903) 295-1715
Mobil 738-6223

Attn: David Loyd and Tommy Stanley

1419 Farm Road 1845
P.O. Box 7389
Longview, Texas 75607
(903) 758-3326

1014 N. John Reddit Dr.
P.O. Box 3327
Lufkin, Texas 75903
(409) 634-8801

We are pleased to quote on the following:

Two new John Deere Model 310-D Loader-backhoe with:

- John Deere 4 cylinder wet sleeve engine (70 net A.P.)
- four speed forward-four speed reverse syncromesh transmission
- inboard mounted self-adjusting wet disc brakes
- inboard mounted planetaries
- hydrostatic power steering
- rops canopy
- 12 volt electrical system
- 95 amp alternator
- work lights
- full electronic instrumentation
- 19.5 x 24 rear tires
- 116 x 16 front tires
- 24" H.D. Backhoe bucket, with lifting eye
- reversible stabilizer pads
- one cubic yard loader bucket with bolt on cutting edge

Warranty: 1 year, first 6 months entire machine, including service calls, remaining 6 months, power train only.

Sale Price: \$ 34,995.00 each

John Deere lease program (full pay out) based on 6.5% APR.

<u>Term</u>	<u>36 months</u>	<u>48 months</u>
<u>Payment</u>	<u>\$ 1072.56</u>	<u>\$ 829.90</u>

Guaranteed buy back at end of 3 years: \$20,000.00 each.

96 MAY 28 PM 4:14
 RECEIVED
 BY _____
 COPY TO FILE

VOL 46 PG 90

Sale Price \$ 34,995.00 each
Less: trade-in 555A Ford 7,000.00
Difference \$ 27,995.00

John Deere lease program (full pay out)
based on 6.5% APR.

<u>Term</u>	<u>36 months</u>	<u>48 months</u>
Payment	\$ 858.02	\$ 663.90

Guaranteed buy back at end of 3 years: \$ 20,000.00 each.

Thank you,

Max Nation

East Texas Machinery
Max Nation,
Sales Representative

MN/as



**EAST TEXAS
MACHINERY, INC.**

P. O. BOX 7389 • LONGVIEW, TEXAS 75607
(903) 758-3326 • FAX (903) 757-2924



BUY BACK AGREEMENT: JOHN DEERE 310D Backhoe Loader

The backhoe will be operated by Upshur County personnel for road repair, maintenance and other purposes for which backhoe is designed.

Upshur County will maintain the backhoe in accordance with the manufacturer's recommendations.

Upshur County has the right to sell, lease, trade or otherwise dispose of the backhoe at it's discretion. Such action shall make this contract null and void.

If Upshur County elects to exercise the repurchase option, the backhoe will be in reasonable operating condition, with all repairs necessary due to accident, misuse, or neglect, shall be performed before backhoe is returned. Backhoe shall be returned with new tires.

AFFIDAVIT TO UPSHUR COUNTY

The undersigned, hereby certifies that this company, corporation, firm, Partnership, or Individual has not prepared this Bid in collusion with any other seller, and that the contents of this Bid as to prices, terms or conditions of said Bid have not been communicated by the undersigned nor by any employee or agent of any other seller or to any other person or persons engaged in this type of business prior to the official opening of this Bid, and further, That the Manager, Secretary of other agent or Officer signing this bid is not and has not been for the past six (6) months directly or indirectly concerned in any pool or agreement or combination to control the price of supplies, services or equipment bid on, or to influence any person to bid or not to bid thereon. This affidavit is signed in compliance with Article 2367 Civil Statutes of the State of Texas.

NAME OF BIDDER: East Texas Machinery, Inc.

SIGNED BY: Don Peterson Sales Manager
(sign name in writing) Title

ADDRESS: P. O. Box 7389 Longview, TX 75607

TELEPHONE NUMBER: (903) 758-3326 DATE: 05/23/96

AFFIDAVIT

STATE OF TEXAS
COUNTY OF Duval

Before me the undersigned authority of this the 23rd day of May, 1996, personally appeared Don Peterson who being duly sworn deposes and says that he signed the above instrument for the purposes and considerations herein expressed

Karen L. Lingle



NOTE: BIDS NOT NOTARIZED WILL NOT BE CONSIDERED.
Notary Public commission expires

AFFIDAVIT TO UPSHUR COUNTY

The undersigned, hereby certifies that this company, corporation, firm, Partnership, or Individual has not prepared this Bid in collusion with any other seller, and that the contents of this Bid as to prices, terms or conditions of said Bid have not been communicated by the undersigned nor by any employee or agent of any other seller or to any other person or persons engaged in this type of business prior to the official opening of this Bid, and further, That the Manager, Secretary of other agent or Officer signing this bid is not and has not been for the past six (6) months directly or indirectly concerned in any pool or agreement or combination to control the price of supplies, services or equipment bid on, or to influence any person to bid or not to bid thereon. This affidavit is signed in compliance with Article 2367 Civil Statutes of the State of Texas.

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AFFIDAVIT

STATE OF TEXAS
COUNTY OF Brewer

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Karen L. Lingle



NOTE: BIDS NOT NOTARIZED WILL NOT BE CONSIDERED!
Notary Public commission expires

VOL. 46 PG. 94

The Upshur County Commissioner's Court will open and accept bids on Monday, May 28, 1996, at 9:00 a.m., for two (2) backhoes.

ATTACHED IS A COPY OF BID SPECIFICATIONS

If you desire to place a bid, do so FOB, County Judge's office, before 9:00 a.m., Monday, May 28, 1996.

Should the successful bidder fail to comply with the specifications after notice of non-compliance from the County, the County reserves the right to cancel the contract.

The quantities listed are estimated, and it is not expressed or implied that these quantities be purchased.

Please address your bid to:

Honorable Charles Still
Upshur County Judge
P. O. Box 730
Gilmer, Texas 75644

ENVELOPES SHOULD BE CLEARLY MARKED "BID".

The Court reserves the right to reject any or all bids.

Upshur County, Texas

Backhoe Specs

ENGINE: 70 hp engine, naturally aspirated diesel.

TRANSMISSION: Four forward, four reverse, fully synchronized.

ELECTRICAL: 12 volt electrical system, min. 65 amp alternator.

TIRE SIZE: 19.5L X 24 Rear; 11L X 16 Front.

BACKHOE: 24" heavy duty bucket with lifting eye; digging depth min. 14'2"; reversible stabilizer feet.

LOADER: 1 cubic yard, general purpose bucket with bolt-on auxiliary cutting edges, ROP canopy.

PUMP CAPACITY: Min. 28.5 g.p.m. @2200 @3000 psi, with min. 7-micron cartridge filtration.

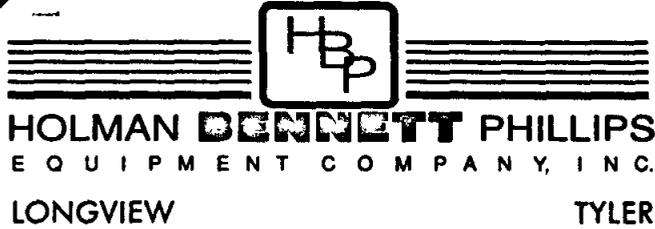
STANDARD WEIGHT: 13,200 lbs. min.

These specs are descriptive, not restrictive.

Bid with and without trade-in of 555 Ford for Pct#2

Please give options on purchase/financing; also give options on lease/purchase with buy-back.

VOL 46 PG 96



May 28, 1996

Honorable Charles Still
Upshur County Judge
P. O. Box 730
Gilmer, Texas 75644

We are pleased to bid on the following equipment:

1 - Or More - NEW 1996 CASE 580L LOADER BACKHOE.
Meeting or exceeding all required specifications.
WARRANTY: 12 months full, 24 months or 2,000 hours powertrain.

BID PRICE.....\$39,980.00 each.
Less Precinct 2 trade in.....-\$5,850.00

DISCOUNT if 2 or more units are purchased.....\$1,075.00 each.

Municipal lease purchase finance at 5.75% APR with first payment in advance with up to 60 month terms and your choice of monthly or annual payments.

12 month or 1,200 hour repurchase, whichever comes first...\$33,560.00
36 month or 3,600 hour repurchase, whichever comes first...\$24,780.00

Yours truly,
W T Tucker
W. T. Tucker
Sales Manager

FILED
PEX
600
SC MAY 23 1996
TYLER
TX

P.O. BOX 6295 TYLER, TEXAS 75711 (903) 593-0201 FAX * (903) 593-3007



OAKERSON, ARNOLD, WALKER & CO.

EARL M. OAKERSON
CERTIFIED PUBLIC ACCOUNTANT
BOB J. ARNOLD
CERTIFIED PUBLIC ACCOUNTANT
LANNY G. WALKER
CERTIFIED PUBLIC ACCOUNTANT
KRIS ARNOLD
CERTIFIED PUBLIC ACCOUNTANT

Certified Public Accountants - A Professional Corporation
(903) 572-6606 • Fax (903) 572-3751

MEMBER
AMERICAN INSTITUTE
OF CERTIFIED PUBLIC ACCOUNTANTS
TEXAS STATE SOCIETY
OF CERTIFIED PUBLIC ACCOUNTANTS

April 30, 1996

County of Upshur
C/O Charles Still, County Judge
P.O. Box 730
Gilmer, Texas 75644

Enclosed is our audit agreement for the year ending September 30, 1996. If this is acceptable, please execute both copies. Return one to us and retain the other for your files. Thanks for allowing us to be of service. If you have any questions or if you need us to be present at your meeting, please let us know.

Respectfully,

Oakerson, Arnold, Walker & Co.
OAKERSON, ARNOLD, WALKER & CO.

Enclosures

REX
MAY 28 PM 4:47
CO. 111
1996

AGREEMENT FOR AUDIT OF FINANCIAL STATEMENTS

Agreement made as of April 30, 1996, between the County of Upshur (hereinafter called the "County") and Oakerson, Arnold, Walker & Co, Certified Public Accountants (hereinafter called the "Accountant").

In consideration of the mutual undertakings contained, the parties hereto agree as follows:

1. We will audit the financial statements of the County as of and for the period ended September 30, 1996, and the Juvenile Probation Department for the period ending August 31, 1996, for the purpose of expressing an opinion on them. The financial statements are the responsibility of the County's management. Our responsibility is to express an opinion on the financial statements based on our audit.
2. Our audit will be made in accordance with generally accepted auditing standards. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audit will provide a reasonable basis for our opinion.

This agreement shall not include audit procedures for the collection function for entities other than the County of Upshur.

3. The Accountant shall perform the audit in the offices of the County.
4. The County shall make available to the Accountant all books, records, minutes, files and other documents necessary for the satisfactory completion of the audit.
5. The Accountant shall promptly bring to the attention of the Commissioner's Court any unusual conditions which may, in the opinion of the Accountant, require auditing or accounting services to exceed those contemplated by this Agreement. The Accountant shall not proceed with performance of the additional services required by such unusual conditions unless specifically authorized to do so by the Commissioner's Court.
6. Our audit is subject to the inherent risk that material errors, irregularities, or illegal acts, including fraud or defalcations, if they exist, will not be detected. However, we will inform the Commissioner's Court of any such matters that come to our attention.

AGREEMENT FOR AUDIT OF
FINANCIAL STATEMENT

April 30, 1996

7. At the conclusion of our audits, we will request certain written representations from you about the financial statements and matters related thereto.
8. The Accountant shall deliver fifteen copies of the audit report and management letter to the County.
9. The County shall pay the Accountant for services rendered a fee as follows:

Juvenile Probation Department	\$650.00
County Audit (excluding "outside entity tax collections")	\$8,500.00

Fees will be billed as work progresses each month and due upon your receipt of our invoice.

10. Upon completion of the audit, at a time agreed upon by the Accountant and the County, the Accountant shall report orally the findings of the audit of the financial statements to the Commissioner's Court, if requested.

We are pleased to have this opportunity to serve you.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement all as of the day and year first above written.

OAKERSON, ARNOLD, WALKER & CO.
Certified Public Accountants

UPSHUR COUNTY

By Kev Arnold

By Charles J. Hill

Date 4/30/96

Attest _____

Date 5-28-96

AGREEMENT FOR AUDIT OF FINANCIAL STATEMENTS

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IN WITNESS WHEREOF, the parties hereto have executed this Agreement all as of the day and year first above written.

OAKERSON, ARNOLD, WALKER & CO.
Certified Public Accountants

UPSHUR COUNTY

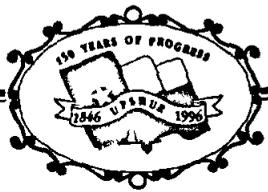
By Kris Arnell

By Chas. J. Poirer

Date 4/30/96

Attest _____

Date 5-28-96



Upshur County Chamber of Commerce

*Agenda for
the 28 May 96*

May 10, 1996

Judge Charles Still
% Commissioners Court
% PO Box 790
Gilmer Tx 75644

Dear Judge Still,

The Sesquicentennial Committee would like to be put on the next Commissioners Court Agenda.

The people representing the committee will be Mrs. Mary Ann Patterson, Committee Chairman and Mr. Richard Stolle. They will be asking the city for some monies in the amount of \$4,000 to help with the 150 Sesquicentennial of Upshur County.

Please let me know if they will be on the agenda and what day.

Thanking you in advance,

Joan Small

Joan Small, Executive Director
Upshur County Chamber of Commerce

FILED
REX V. SHAW
COUNTY CLERK
96 MAY 28 PM 4:48
UPSHUR COUNTY, TX
BY _____
DEPUTY

VOL 46 PG 104

Agenda for 5-28-96

discuss & take action
on a response form
to develop a Memorandum
of Agreement for a

(F.A.R.) Flexible Attainment
Region. (N.E. Tex Air
Cons Policy Comm.) &
E.P.A.

TIM CONE
CRIMINAL DISTRICT ATTORNEY



VOL. 46 PG. 105
DALE A. BURROWS
ASSISTANT CRIMINAL DISTRICT ATTORNEY

Criminal District Attorney
UPSHUR COUNTY JUSTICE CENTER
903-843-5513 FAX 903-843-3661
405 NORTH TITUS STREET
GILMER, TEXAS 75644

May 17, 1996

Ms. Sandra Piper
Mail Pros, Inc.
314 E. Cotton Street
Longview, Texas 75601-7552

Re: Refund of Payment

Dear Ms. Piper:

Please be advised that on this date, May 16, 1996, I was informed that you no longer intend to honor your contractual agreement to provide mail service to Upshur County. I was also informed that there is postage remaining in a credit account or a credit for postage remaining in at least the amount of \$2,352.15. Consider this a formal demand for immediate reimbursement to Upshur County for the amount of \$2,352.15 plus any other credits that are due and owing as a result of your contract breach. Should you fail to properly respond and remit this amount within ten days of the receipt to this letter I will recommend that the Commissioner's Court authorize me to file an appropriate legal action to obtain these funds as well as to pursue other legal remedies that may be available to Upshur County as a result of your breach.

Thank you for your cooperation and attention.

FILED
REX A. STINE
CLERK
96 MAY 28 PM 4:47
UPSHUR COUNTY
GILMER, TEXAS
BY _____

Sincerely,

Tim Cone

TC/mb

cc: Commissioner's Court

Agenda for 5-28-96

*Letter from Tim Cone
to Mail Pros Inc.*

Sandra Piper -

*for recording: if
necessary action*

VOL 46 PG 106

FILED
REX A. SHAW
COUNTY CLERK

G. D. LONDON

MAY 28 PM 4:48

UPSHUR COUNTY, TX.

Throckmorton, TX 76483

BY _____
OF PHITY

May 22, 1996

Commissioners Court
Upsbur County
Gilmer, TX

Gentlemen:

Please accept my apology for not being able to present my check to you in person. I had hoped to thank each of you personally for the lease extension.

I shall look forward to seeing you next year.

Yours truly,

G.D. London

G. D. London

Enclosure

*Agenda for
5-28-96*

- Regular Work Experience
- Enriched Work Experience
- Private Sector Internship

County Upshur

East Texas Service Delivery Area
JTPA Title II-B Summer Youth
Employment and Training Programs

Title II-B User Agency Agreement

FILED
 REC. CLERK
 COUNTY OF UPCHUR
 TEXAS
 96 MAY 28 PM 4:43
 BY _____
 COUNTY CLERK

This Agreement, by and between Jobs, Training & Services Inc., hereinafter referred to as the Program Operator, and County of Upshur, hereinafter referred to as the User Agency, witnesseth:

WHEREAS, the Job Training Partnership Act (JTPA) of 1982 authorized employment or job training activities designed to give employment to eligible individuals or prepare them for, and place them in, employment; and

WHEREAS, the Program Operator is authorized to enter such Agreement under the terms of a Subcontract with the East Texas Council of Governments (ETCOG), the Administrative Unit for JTPA program purposes; and

WHEREAS, the User Agency has indicated that it can provide employment and training in the forms of certain jobs described in Attachment A to this Agreement.

NOW, THEREFORE IN CONSIDERATION of the above premises, the parties hereto agree as follows:

I. The Program Operator agrees:

- A. To give pre-employment orientation to all participants and supervisors including instruction in the proper motivation for work and entry into the labor market.
- B. To maintain such administrative records as may be required by the funding source regarding the employment of each participant.
- C. To require no records or reports from the User Agency unless necessary to the Program Operator for performance of the purposes herein stated.
- D. To provide and pay for worker's compensation benefits for participants and inform the User Agency of the steps to take in case of an accident. (Attachment B)
- E. To provide a coordinator to the User Agency, who will contact the participant at least once a month, who will hear any complaints by either the Training Provider or the participant, who will give counsel to both,

and who will determine any disciplinary action with respect to the participant.

- F. To comply with the provisions of Title VI of the Civil Rights Act of 1964 (PL88-252). (Attachment C)
- G. To arrange for academic enrichment and vocational classes for participants as required.

II. The User Agency agrees:

- A. To provide work experience training in general work habits and specific job duties associated with a position to be established with the User Agency.
- B. To make available necessary tools, equipment, and supplies for participant use.
- C. To instruct the participant in the performance of his job and provide an outline of the participant's job duties with specific safety rules and responsibilities.
- D. To provide reasonable supervision by checking the participant's progress at various times of the day.
- E. To assure that the participant does not exceed 40 working hours per week.
- F. To assure that sufficient work is available to occupy youth during work hours.
- G. To provide counseling, advice, and other information that will assist each participant in adjusting to present and future employment conditions.
- H. To maintain daily time sheets for each participant and to report the time worked accurately and promptly on a bi-weekly basis using the Participant Time Report attached (Attachment D) and to provide other necessary reports as required by the Program Operator including, but not limited to, an objective evaluation of each participant assigned to the work station using the Participant Time Report (Attachment D).
- I. To consult the Program Operator as necessary in situations involving participant's delinquency, misconduct, or neglect of work. It is understood that the User Agency will not be required to retain unacceptable participants and may suspend participants pending resolution of a problem. It is also understood that the User Agency may not unilaterally terminate a participant. In the event that the User Agency suspends a participant from his position, the Program Operator will be immediately contacted.

- J. To comply with the provisions of Title VI of the Civil Rights Act of 1964 and all other such regulations required by the Program Operator. (Attachment C)
- K. That the assignment of a participant under this agreement will not displace an employed worker or decrease existing contracts or services (including partial displacement such as reduction in the hours of non-overtime work, wages or employment benefits).
- L. That no jobs shall be created in a promotional line that will infringe in any way upon the promotional opportunities of currently employed individuals.
- M. That no participant shall be employed or job opening filled, (a) when any other person is on layoff from the same or substantially equivalent job, or (b) when the User Agency has terminated the employment of any regular employee or otherwise reduced its workforce with the intention of filling the vacancy so created by hiring a participant whose wages are subsidized under the Job Training Partnership Act.
- N. That the break policy for participants will be consistent with the policy for employees of the organization.
- O. That the User Agency will comply with all Child Labor Requirements in Nonagricultural Occupations as specified within the United States Department of Labor Child Labor Bulletin No. 101 and to accept liability for any and all claims, fines, etc, which arise through any violation of those Child Labor Requirements specified. (See Attachment B for some further details.)
- P. To release participants to the Program Operators, as required, for purposes of counseling, special training, etc.
- Q. Not to supplement any participant's wage in any form without the prior written authorization of the Program Operator.
- R. That participants will not be employed in any religious or anti-religious activity or in the construction, operation or maintenance of any facility used for sectarian instruction or as a place for religious worship.
- S. To comply with the Job Training Partnership Act and with the Rules and Regulations promulgated thereunder. Copies of the Act and Regulations will be furnished to the User Agency upon request.
- T. To maintain for a period of four (4) years after the termination of this agreement, the time and attendance reports of the trainees and such financial records necessary to justify the receipt of JTPA funds. The User Agency shall make these records available for inspection by the Subcontractor, the East Texas Council of

Governments, Texas Department of Commerce, or the United States Department of Labor.

- U. The User Agency agrees to assume any liability resulting from its failure to report an accident to the Subcontractor as specified in Attachment B.

III. The Program Operator and the User Agency mutually agree to the following conditions:

- A. Participants will be employed only within job titles and descriptions listed in Attachment A to this Agreement. This Agreement does not, however, constitute a commitment by the Program Operator to assign a specific number of participants to the User Agency. The exact number of participants to be assigned will be dependent upon the number of eligible participants available and the quality of supervision provided by the User Agency to provide meaningful work for participants.
- B. The Program Operator and the User Agency will have joint responsibility in recruiting the applicants who shall participate in the program.
- C. The Program Operator will retain the right and responsibility to assign each participant to a User Agency.
- D. The nature of this Agreement is non-financial, and it may be terminated at any time by either party upon proper notice to the other. Proper notice will be considered to be in writing and will be given five calendar days prior to the date of termination. Termination by the Program Operator will follow only upon violation of the terms of this Agreement by the User Agency or for causes otherwise specified herein; and the User Agency will be entitled to appeal any such termination to the Administrative Unit. During the period of any such appeal, all work under the Agreement shall be suspended.
- E. Under no circumstances will participants be paid for unexcused absences or unworked hours. This policy will apply to any type of leave or holidays.
- F. Participants in the program are not federal employees for the purpose of laws administered by the U. S. Civil Service Commission and are not entitled to any federal benefits such as insurance, retirement, leave, etc. However, participants assigned to federal agencies are covered by the Federal Employees Compensation Act. No additional worker's compensation benefits are necessary or allowed.
- G. Transportation to and from work shall be the responsibility of the individual participant. However, the Program Operator or User Agency, when necessary, may provide transportation to remote work stations. Each instance will be decided on an individual basis and

the decision will be agreeable to both parties. In no case should transportation time exceed one hour each way.

II. The performance of the Program Operator under the terms of this Agreement is contingent upon the flow of funds as defined in the Subcontract with the Administrative Unit for the East Texas Service Delivery Area. Any revocation or alteration of that Subcontract may result in the revocation or alteration of this Agreement.

I. The terms of this Agreement shall become effective as of the date of execution of this by both parties and shall remain in effect until AUGUST 15, 1996.

IV. The Program Operator and the User Agency mutually agree that the following attachments are a part of this Agreement.

1. Attachment A - Job Titles and Descriptions
2. Attachment B - Worker's Compensation and Participant Safety Instructions
3. Attachment C - Title VI of the Civil Rights Act of 1964 Equal Opportunity Assurances
4. Attachment D - Participant Time Report

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of May 15, 1996.

Jobs, Training & Services
(Program Operator)

County Of Upshur
(User Agency)

By: _____
(Authorized Official)

By: Charles E. Miller
(Authorized Official)

Executive Director
(Title)

County Judge
(Title)

P.O. Box 26 Gilmer
(Address)

843-3083
(Telephone Number)

VOL 46 PG 112

**JOBS, TRAINING AND SERVICES, INC.
SUMMER YOUTH EMPLOYMENT PROGRAM
WORK STATION REQUEST**

WORK STATION: _____ TELEPHONE NO.: _____
ADDRESS: _____ JOB TITLE: _____
HOW MANY PARTICIPANTS DO YOU NEED FOR THIS JOB TITLE?
AGE REQUIREMENT, IF ANY? _____
DESCRIPTION OF DUTIES TO BE PERFORMED: _____

Yes No Would you be willing to consider providing and documenting work based learning for any of the participants assigned to your agency? (This is a requirement for all private sector participants)

PARTICIPANT WORK SCHEDULE

	SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
AM							
PM							

PLEASE NOTE: There should be only one (1) Supervisor per Work Station with a maximum of six (6) participants. If more than six (6) participants are needed for the same job title, complete additional request forms indicating additional supervisor(s).

Name of Supervisor at this Work Station: _____

Hourly Rate of Pay: _____ Fringe Rate _____

If supervisor is paid at a rate other than hourly, please convert to an hourly rate of pay. The Fringe rate should be shown as a percent of the hourly rate (This percent is the same regardless of how the supervisor is paid).

PLEASE NOTE: This information is necessary in order to show the amount of local support for the JTPA Program and not to gain knowledge about the wages of the supervisor. This information will be kept confidential in accordance with all applicable laws and will be reported only as an aggregate for all supervisors. (You may use the minimum wage provided the supervisor earns at least that amount)

I hereby certify that the above information is true and correct to the best of my knowledge.

Requesting Agency Staff Signature: _____

Title: _____

Date: _____

PLEASE RETURN TO:
JOBS, TRAINING & SERVICES, INC.

Work Station/Company Number _____

ATTACHMENT B

**INSTRUCTIONS REGARDING WORKER'S COMPENSATION
AND SAFETY OF PARTICIPANTS**

I. Worker's Compensation

Worker's Compensation Insurance is provided by the Program Operator (Subcontractor) for all participants. In the event of any accident resulting in injury to a participant, the following procedures must be followed:

- A. The injured participant shall be taken immediately to a doctor, hospital emergency room, or other appropriate medical facility for examination and/or treatment by qualified medical personnel.
- B. The User Agency shall immediately notify the Subcontractor of the incident. Notification shall be made to: Lily Jinks/ Deborah Smith.
- C. The User Agency must provide the Program Operator (Subcontractor) with a written report within 24 hours. The written report shall include:
 - 1. A description of the nature of the accident.
 - 2. The time and place of occurrence.
 - 3. The names of any witnesses to the accident.
 - 4. The steps taken to minimize the possibility of reoccurrence.

Failure to report an accident in a timely manner may result in liability for a fine imposed by the Industrial Accident Board. The User Agency agrees to assume any such liability resulting from its failure to report an accident to the Program Operator (Subcontractor).

Failure to provide safe working conditions for participants is a violation of the Agreement which may result in removal of participants from the User Agency and termination of the Agreement.

II. Safety of Participants and Child Labor Requirement Highlights

No participant under 18 years of age will be placed in any occupation defined as hazardous. Those participants of age 18 or more may be placed in such occupations, but only under the direct supervision of the User Agency. The immediate supervisor

must take the initiative to prevent accidents which might otherwise occur because of laxity, carelessness, or negligence on the part of the participant. The occupations defined as hazardous are specified in the United States Department of Labor Wage and Hour Division Child Labor Bulletin No. 101. Each participant supervisor must receive a copy of this bulletin from the Program Operator (Subcontractor). Some highlights of the bulletin are as follows:

14 and 15 year old participants cannot be employed more than eight hours a day or after 9 PM at night or before 7 AM in the morning and they may not:

- a) Operate a lawn mower or weed eater.
- b) Be transported outside the cab of an automotive vehicle including a pick-up truck.
- c) Perform any work duties on a ladder or scaffold.
- d) Be employed at a warehouse or storage worksite.
- e) Operate kitchen/bakery machines such as a power driven food slicer, grinder, or bakery mixer.
- f) Be involved in roofing operations.
- g) Operate any power driven woodworking machine.
- h) Work in connection with cars or trucks involving the use of pits, racks, or lifting apparatus or be involved in the inflation of any tire mounted on a rim equipped with a removable retaining ring.

Participants which are 16 or 17 years old may not operate an automotive vehicle but they may operate a riding lawn mower which has a motor of less than 20 horsepower.

(Revised 5/15/95)

ATTACHMENT C

EQUAL OPPORTUNITY ASSURANCES

As a condition to the award of Federal Financial Assistance, the Applicant assures, with respect to the operation of the program and all agreement or arrangements to carry out the program for which assistance is awarded, that it will comply fully with Title VI and VII of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, as amended, Section 167 of the Job Training Partnership Act of 1982, Title IX of the Education Amendments of 1972, as amended, and with all ADA requirements imposed by or pursuant to the implementing regulation in 29 CFR Part 31 and 32.

All recipients of federal funds must be equal opportunity employers and render services under JTPA without regard to race, color, religion, sex, national origin, age, handicap, political affiliation or belief, and citizenship (for beneficiaries only) for participation in JTPA. Contractors should take affirmative steps to ensure information on equal opportunity and nondiscrimination is made available to participants, employees, subcontractors and interested parties.

Accessible X
 Not Accessible _____

EAST TEXAS COUNCIL OF GOVERNMENTS
JIPP Building Accessibility Survey

I. Subcontractor: County Of Upshur

II. County: Upshur

III. Site: P.O. Box 230
 (Worksite, Training Facility, User Agency, Subcontractor Office)

IV. Activity(s) offered at the Site:

- | | |
|------------------------------|----------------------------|
| a. Intake & Assessment _____ | h. JSA _____ |
| b. SYETP <u>X</u> | i. PEST _____ |
| c. WE-In-School _____ | j. Remedial _____ |
| d. WE-Out-of-School _____ | k. Drop-Out Recovery _____ |
| e. WE-Adult _____ | l. Survival Skills _____ |
| f. OST _____ | m. Youth Private _____ |
| g. CRT-Other _____ | n. 8% Activities _____ |

(If more than one activity is offered at the same site, then the Subcontractor should check both spaces and only complete one building survey.)

V. Survey

	<u>YES</u>	<u>NO</u>	<u>NA*</u>
a. Are parking spaces reserved for the disabled?	<u>X</u>	_____	_____
b. Is the ground graded so that it is level with the normal entrance?	<u>X</u>	_____	_____
c. Are walkways which follow the path of travel at least 48 inches wide & with a gradient of no more than 5%.	<u>X</u>	_____	_____
d. Where necessary, are there ramps for wheelchairs with a gradient of no more than 5%?	<u>X</u>	_____	_____

- | | | | |
|--|----------|-----|----------|
| e. Are ramps sloped no greater than 1 inch rise in 12 inches? | <u>X</u> | ___ | ___ |
| f. Do stairs have risers that do not exceed 7 inches? | <u>X</u> | ___ | ___ |
| g. Is at least one entrance to the building accessible to people in wheelchairs? | <u>X</u> | ___ | ___ |
| h. Do doors have a clear opening of at least 32 inches and are they operable by a single effort? | <u>X</u> | ___ | ___ |
| i. Do floors have a non-slip surface? | <u>X</u> | ___ | ___ |
| j. Do stairs have handrails at least 32 inches above step level? | <u>X</u> | ___ | ___ |
| k. Can physically challenged persons, particularly those in wheelchairs enter and use the elevators? | <u>X</u> | ___ | ___ |
| l. Is at least one toilet stall properly designed for use by an individual in a wheelchair? | <u>X</u> | ___ | ___ |
| m. In rest rooms, is at least one mirror, basin and towel dispenser 40 inches from the floor? | <u>X</u> | ___ | ___ |
| n. If a water fountain is provided, can it be used by an individual in a wheelchair? | ___ | ___ | <u>X</u> |
| o. Are switches & controls placed within the reach of individuals in wheelchairs? | <u>X</u> | ___ | ___ |

NOTE: If the answer to any items "a-o" is no, then the location is not accessible.

VI Person Completing this review.

Case Manager	5/15/96
(Signature & Title)	(Date)

Vol 46 PG 118

County Upshur

EAST TEXAS COUNCIL OF GOVERNMENTS
SYETP USER AGENCY REVIEW FORM

User Agency County Of Upshur

Address of User Agency P.O. Box 730

Program(s) Operated During Previous Twelve Months: Title II-A/C [], Title II-B []

Number of Participants From all Programs Presently Assigned to User Agency:

-0-

Number of Participants Expected to be Assigned to User Agency During SYETP:

10

Yes	No	N/A	
<u> </u>	<u>X</u>	<u> </u>	1. Is there a current, properly executed, User Agency agreement now in force with this agency?
<u>X</u>	<u> </u>	<u> </u>	2. Has the User Agency the necessary documentation to determine their status as a public legally incorporated non-profit entity?
<u>X</u>	<u> </u>	<u> </u>	3. Has the User Agency complied with the regulations of the Equal Employment Opportunity Commission in its dealings with JTPA participants?
<u>X</u>	<u> </u>	<u> </u>	4. Has the User Agency kept proper time records on participants?
<u>X</u>	<u> </u>	<u> </u>	5. Have time records from all individual worksites of the User Agency been submitted to the contractor in a timely manner?
<u>X</u>	<u> </u>	<u> </u>	6. Has the User Agency provided adequate supervision and meaningful work experience for participants?
<u>X</u>	<u> </u>	<u> </u>	7. Has the training provided to JTPA participants by the User Agency been of a non-hazardous nature?
<u>X</u>	<u> </u>	<u> </u>	8. Has the User Agency complied with workers' compensation insurance regulations?
<u>X</u>	<u> </u>	<u> </u>	9. Have the JTPA participants supplemented the activities of the User Agency without displacing any full-time employees?

Yes No N/A

X 10. Does the User Agency prohibit any members of its staff or policy body from receiving a personal profit or benefit as a result of the work performed by JTPA participants?

X 11. Have the participants assigned to this User Agency been easily accessible to monitors?

X 12. Has the User Agency complied with child labor laws?

X 13. Is this User Agency acceptable as a User Agency for the SYETP?

 14. List the workstation/training sites of the User Agency that are accessible to the handicapped.

- a. Juevenile Probation
- b. Tax Office
- c. Precent #1
- d. Pct #2
- e. Pct #3
- f. Jp Pct #3
- g. Pct #4
- h.
- i.
- j.

If the User Agency is unacceptable, list any problems which must be addressed prior to the beginning of the program.

Date of Review: 5/15/96

Person Completing this Review: *Ally Jones* Case Mgr.
(Signature) (title)

Approved *Ally Jones* Case Mgr. *Case mgr.*
(Signature of Authorized Subcontracts staff person) (title)

MEMO

DATE: MARCH 17, 1996
TO: JUDGE CHARLES STILL
Upshur County, Texas
FROM: TIM CONE
Criminal District Attorney
SUBJECT: COMMISSIONER'S COURT AGENDA 4-22-96

This is in response to the memo I received from you on April 22, 1996. Item #9 as it relates to the closing of Tiger Road that the only method in which a road may be closed by a County is pursuant to chapter 251 of the Texas Transportation Code. I have enclosed a copy of pertinent provisions of that. I include 251.051, 251.052 and 251.058. The provisions are relatively self explanatory.

As to Item #12, you requested my advice regarding the Good Shepherd Medical Center Ambulance Service asking for exclusive right to sell ambulance service membership within the Ore City Fire District boundaries. My advice is that you cannot grant what you do not have and you do not have the authority to do that in my opinion.

If you have any questions, please let me know.

Sincerely,



Tim Cone

TC/mb

Enclosures

FILED
REX A. SHAW
COUNTY CLERK
96 MAY 28 PM 4:48
UPSHUR COUNTY, TX
BY _____
REGISTRY

COUNTY ROADS AND BRIDGES

§ 251.052

Ch. 251

(2) the use of the equipment or employees does not interfere with the county's work schedule; and

(3) the county pays only the costs that the county would pay if the county did not assist the governmental entity.

Acts 1995, 74th Leg., ch. 165, § 1, eff. Sept. 1, 1995.

Historical and Statutory Notes

Prior Laws:

Acts 1981, 67th Leg., p. 668, ch. 260, § 1.
Vernon's Ann.Civ.St. art 2352j

[Sections 251.016 to 251.050 reserved for expansion]

SUBCHAPTER B. ESTABLISHING AND CLOSING ROADS

§ 251.051. General Authority of Commissioners Court

(a) The commissioners court of a county shall:

(1) order that public roads be laid out, opened, discontinued, closed, abandoned, vacated, or altered; and

(2) assume control of streets and alleys in a municipality that does not have an active de facto municipal government.

(b) A unanimous vote of the commissioners court is required to:

(1) close, abandon, or vacate a public road; or

(2) alter a public road, except to shorten it from end to end.

(c) The commissioners court of a county may not discontinue a public road until a new road designated by the court as a replacement is ready to replace it.

(d) The commissioners court may not discontinue, close, or abandon an entire first-class or second-class road unless the road has been vacated or unused for at least three years.

Acts 1995, 74th Leg., ch. 165, § 1, eff. Sept. 1, 1995.

Historical and Statutory Notes

Prior Laws:

Acts 1884, 18th Leg., 1st C.S., p. 24.
G.L. vol 9, pp 556, 645, 1049, 1162.
Acts 1889, 21st Leg., pp. 21, 124.
Rev Civ St.(1895) art 4760
Acts 1901, 27th Leg., p. 277.
Rev Civ.St.1911, arts 6860 to 6862, 6876,
6902, 6950.

Acts 1920, 36th Leg., 3rd C.S., p. 44.
Acts 1923, 38th Leg., 2nd C.S., ch. 18, p. 46,
§§ 1, 2.
Vernon's Ann Civ.St. arts. 6703, 6729, 6741.
Acts 1983, 68th Leg., p. 1431, ch. 288, § 1.
Acts 1984, 68th Leg., 2nd C.S., ch. 8, § 1.
Acts 1989, 71st Leg., ch. 428, § 1.
Vernon's Ann Civ.St. art 6702-1, § 2 002(a).

§ 251.052. Public Application for New Road or Road Change

(a) The residents of a precinct may apply for a new road or a change in an existing road by presenting to the commissioners court a petition signed by:

VO 46 PG 23

§ 251.052

TRANSPORTATION CODE
Title 6

COUNTY ROADS AND BRIDGES
§ 251

- (1) eight property owners in the precinct, if the application is to request a new road or that a road be discontinued; or
- (2) one property owner in the precinct, if the application is for a change in a road other than discontinuing the road.

(b) A petition presented under Subsection (a)(1) must specify the beginning and termination points of the proposed new road or road to be discontinued.

(c) The commissioners court may not grant an order on an application made under this section unless the applicants give notice of their intent to apply by posting, at the courthouse door and at two other places in the vicinity of the affected route, a written notice of their intent for at least 20 days before the date the application is made.

Acts 1995, 74th Leg., ch. 165, § 1, eff. Sept. 1, 1995.

Historical and Statutory Notes

Prior Laws:	Vernon's Ann.Civ.St. art. 6705.
Acts 1884, 18th Leg., 1st C.S., p. 20.	Acts 1983, 68th Leg., p. 1431, ch. 288, § 1.
G.L. vol. 9, p. 553	Acts 1984, 68th Leg., 2nd C.S., ch. 8, § 1.
Rev.Civ.St.1911, arts. 6875, 6876, 6885.	Vernon's Ann.Civ.St. art. 6702-1, § 2.003

§ 251.053. Neighborhood Roads

(a) As provided by this section, a commissioners court may declare as a public road:

- (1) any line between the locations of any persons;
- (2) any section line; or
- (3) any practical route that is convenient to property owners while avoiding hills, mountains, or streams through any enclosures.

(b) A person who owns real property to which there is no public road or other public means of access may request that an access road be established connecting the person's real property to the county public road system by making a sworn application to the commissioners court requesting the court to establish the road. The application must:

- (1) designate the lines sought to be opened;
- (2) include the names and places of residence of the persons that would be affected by the establishment of the road; and
- (3) describe why the road is necessary.

(c) After an application is filed, the county clerk shall issue notice to the sheriff or constable commanding that officer to summon each property owner affected by the application. The sheriff or constable shall serve the summons and make a return in the manner in which process is served in a civil action in a justice court. A property owner summoned must appear at the next regular term of the commissioners court if the property owner elects to contest the application.

*Ruled. 4th Const. Judicial
Superior Court*

(d) At a regular term of court under Subsection (c), the commissioners court shall hear the application. If the court determines that the application is proper, it shall designate the location of the public road. The court may require the property owners and to remain a minimum of 30 feet on each side of the road. The court may require the property owners to erect markers used to designate the location of the road. Notice of the court's order shall be given to the property owners and a return under Subsection (c) for a return under Subsection (c) for a return under Subsection (c) shall be filed in the deed records in the county.

(e) Damages to property owners shall be assessed by a jury. The court shall have jurisdiction over the proceedings to open a road.

(f) The commissioners court may order this section using county funds for use as an access road.

(g) In the case of a public road enclosure of 1,280 acres or more, the commissioners court shall receive notice of the court's order and if the person refuses to leave open the person's side of the road, an offense under this section shall be a Class C misdemeanor. An offense under this section shall not exceed \$20 for each day after the first 12 months.

Acts 1995, 74th Leg., ch. 165, § 1.

Historical

Prior Laws:
 Acts 1876, 15th Leg., p. 69.
 Acts 1879, art. 412.
 Acts 1884, 18th Leg., 1st C.S. pp. 553-554.
 Acts 1895, art. 493.
 Acts 1895, art. 6900.
 Acts 1911, art. 833.
 Acts 1911, art. 6889.

§ 251.054. Laying Out New

A new road ordered by the commissioners court shall be laid out by a jury of view consisting of three members of the commissioners court. The jury shall be sworn to the service of the public and shall

§ 251.056

TRANSPORTATION CODE

Vernon's Ann.Civ.St. art. 6702-1, § 2.005.

§ 251.057. Abandonment of County Road

(a) A county road is abandoned when its use has become so infrequent one or more adjoining property owners have enclosed the road with a fence continuously for at least 20 years. The abandoned road may be reestablished as a public road only in the manner provided for establishing a new road.

(b) This section does not apply to:

- (1) a road to a cemetery; or
- (2) an access road that is reasonably necessary to reach adjoining property.

Acts 1995, 74th Leg., ch. 165, § 1, eff. Sept. 1, 1995.

Historical and Statutory Notes

Prior Laws: Acts 1955, 54th Leg., p. 1625, ch. 525, § 1. Vernon's Ann.Civ.St. art. 6703a.

Acts 1983, 68th Leg., p. 1431, ch. 288, § 1. Acts 1984, 68th Leg., 2nd C.S., ch. 8, § 1. Vernon's Ann Civ St. art. 6702-1, § 2.004.

§ 251.058. Closing, Abandoning, and Vacating Public Road

(a) A property owner may not enjoin the entry or enforcement of an order of the commissioners court, acting at the request of any person or on its own initiative, to close, abandon, and vacate a public road or portion of a public road unless the property owner is entitled to an injunction because:

- (1) the person owns property that abuts the portion of the road being closed, abandoned, and vacated; or
- (2) the portion of the road being closed, abandoned, and vacated provides the only ingress to or egress from the person's property.

(b) Title to a public road or portion of a public road that is closed, abandoned, and vacated to the center line of the road vests on the date the order is signed by the county judge in the owner of the property that abuts the portion of the road being closed, abandoned, and vacated. A copy of the order shall be filed in the deed records of the county and serves as the official instrument of conveyance from the county to the owner of the abutting property.

(c) This section does not deprive a person whose property abuts the road at a point other than the portion of the road being closed, abandoned, and vacated of a right to seek compensation for damages caused by:

- (1) any depreciation in the value of the property; or
- (2) any impairment to the property owner's right of ingress to or egress from the property.

Acts 1995, 74th Leg., ch. 165, § 1, eff. Sept. 1, 1995.
286

COUNTY ROADS AND BRIDGES

History
Laws
1989, 71st Leg., ch. 428, § 2. Vernon's Ann.Civ.St. art. 6702-1.

[Sections 251.056

SUBCHAPTER

251.081. General Authority

The commissioners court of the county and municipalities in the county and municipalities shall have the authority to...
Acts 1995, 74th Leg., ch. 165, § 1.

History
Laws
1876, 15th Leg., p. 51. Acts 1877, 15th Leg., p. 688. Vernon's Ann.Civ.St. 1895, art. 4792.

251.082. Erection of Bridges

On equitable terms agreed to by two or more counties jointly or by a county and a municipality, the boundary between counties or between a county and a municipality may be closed to erect a bridge.
Acts 1995, 74th Leg., ch. 165, § 1.

History
Laws
1871, 12th Leg., p. 42. Acts 1872, 12th Leg., p. 5883. Acts 1873, 12th Leg., p. 44. Vernon's Ann.Civ.St. 1895, art. 4795.

251.083. Erecting and Maintaining Bridges

The commissioners court of a county or municipality may, in the manner authorized by this section, erect and maintain a bridge over a waterway in the county or municipality.
(1) The commissioners court of a county or municipality may erect the bridge jointly with another county or municipality.
(2) The commissioners court of a county or municipality shall maintain the bridge.

COUNTY ROADS AND BRIDGES
Ch. 251

Historical and Statutory Notes

Prior Laws:

Acts 1989, 71st Leg., ch. 428, § 2.
Vernon's Ann Civ.St. art. 6702-1, § 2.002(e).

[Sections 251.059 to 251.080 reserved for expansion]

SUBCHAPTER C. COUNTY BRIDGES

§ 251.081. General Authority to Erect and Maintain Bridges

The commissioners court of a county may erect and maintain any necessary bridge in the county and make any necessary appropriation for that purpose.

Acts 1995, 74th Leg., ch. 165, § 1, eff. Sept. 1, 1995.

Historical and Statutory Notes

Prior Laws:

Acts 1876, 15th Leg., p. 51.
G.L. vol. 8, p. 688.
Rev Civ St.1895, art. 4792

Rev Civ.St.1911, art. 7014.
Vernon's Ann Civ.St. art. 6794.
Acts 1983, 68th Leg., p. 1431, ch. 288, § 1.
Acts 1984, 68th Leg., 2nd C.S., ch 8, § 1.
Vernon's Ann.Civ.St. art. 6702-1, § 2.201.

§ 251.082. Erection of Joint County Bridges

On equitable terms agreed to by the commissioners courts of the counties, two or more counties jointly may erect a bridge over a stream that forms the boundary between counties or at any other location at which the counties choose to erect a bridge.

Acts 1995, 74th Leg., ch. 165, § 1, eff. Sept. 1, 1995.

Historical and Statutory Notes

Prior Laws:

Acts 1871, 12th Leg., p. 42.
P.D. 5883.
G.L. vol 7, p 44
Rev Civ St.1895, art. 4795.

Rev.Civ St.1911, art. 7017.
Acts 1923, 38th Leg., p. 273
Vernon's Ann Civ St. art. 6796
Acts 1983, 68th Leg., p. 1431, ch. 288, § 1.
Acts 1984, 68th Leg., 2nd C.S., ch 8, § 1.
Vernon's Ann.Civ.St. art. 6702-1, § 2.203.

§ 251.083. Erecting and Maintaining Bridge in Municipality

(a) The commissioners court of a county may erect a bridge in a municipality in the manner authorized by law for the erection of a bridge outside a municipality.

(b) The commissioners court and the governing body of the municipality may agree to erect the bridge jointly. The county or the municipality may issue bonds to pay its proportionate share of any resulting debt.

(c) The commissioners court of a county that owns a bridge located in a municipality shall maintain the bridge in good condition. The duty imposed by

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Title 6

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VOL 46 PG 126



April 22, 1996

Tim Cone
Upshur County District Attorney
405 N. Titus
Gilmer, Tx. 75644

CHARLES L. STILL
COUNTY JUDGE
P O BOX 790
GILMER, TEXAS 75644

Dear Tim:

On the 4-22-96 agenda there were two items we feel we need clarification from you, our legal advisor.

Item #9-Mrs. Talma Overstreet presented a petition asking for Tiger Road to be closed. Tiger Road is 1/4 mile just out of Camp County. They own or control both sides of this short road between Squirrel and Raccoon Roads and they own the only house on this road. It appears that the Court wishes to comply with the request. Can you give to the Court the formal procedure to follow to complete this action?

Item #~~12~~⁸-Good Shepherd Medical Center representative Mark Russell asked the Court to give its formal approval to Good Shepherd Medical Center Ambulance Service to sell ambulance service membership within the Ore City Fire District boundaries. We would appreciate your advice on this.

Sincerely,

Charles L. Still

Upshur County Judge

Rec'd
4/22/96