

**UPSHUR COUNTY COMMISSIONERS COURT**

GILMER, TEXAS

2-24-92

Commissioners Court met in special session with all members present.

Motion by Gaddis Lindsey seconded by Tommy Stanley to approve the minutes of the previous meeting. Motion carried.

Thom Smyser of ETCOG met with the court to discuss the mapping for the 911 system. He stated that if this is approved the work can begin March 6, 1992 and will be completed May 10, 1993. The cost will not exceed \$12,000.00. Motion by Gaddis Lindsey seconded by Tommy Eatherton to approve this. Motion carried, copy attached.

Mr. Smyser also discussed the aerial photographs of the county for the 911 system. He said the photos will be placed on 35mm slides that can be superimposed over the mapping system. He also said the photos need to be done in December 1992 or January 1993 so the trees will not have any leaves and this will make identification of roads and residences easier. The cost will be about \$55,000.00. No action was taken at this time.

Motion by David Loyd seconded by Gaddis Lindsey to approve the resolution for the Juvenile Probation office to request a grant. Motion carried, copy attached.

The Juvenile Probation annual report was presented and discussed.

A letter was read from Carolyn Perry concerning smoking in the Justice Center. Sheriff Cross stated that he had no authority to enforce this without an ordinance being passed. He stated that if this was done, he could arrest or fine offenders if the court wanted this done. Gaddis Lindsey made a motion to discuss this with the District Attorney and the motion was seconded by Tommy Stanley. Motion carried, copy attached.

Motion by Gaddis Lindsey seconded by Tommy Eatherton to accept a road into the lateral road system. The road is called Beaver Bend Road and has been maintained for the required two year period. Gaddis Lindsey stated that he would inspect the road before the motion became final and if it is not up to standards, it will not be accepted. Motion carried, copy attached.

The Upshur County Sheriff and persons from ETCOG met to discuss the 911 system going in at the Justice Center. Commissioner Lindsey stated that he and the Sheriff had checked the system in Camp County and it is a much better system than Upshur County has going in. He stated that this did not seem right in light of the fact that Upshur is so much bigger than Camp. He was told that the extra cost is from General Telephone, where the county is buying the equipment. Commissioner Lindsey said that this would seem to be a violation in that GTE manufactures the equipment it is selling and is charging more than other companies for it. He suggested the county check with the PUC on this. The people from ETCOG were asked how much more it would take to upgrade the system and they stated that it would cost about \$59,000.00 more and it should take the county 2 or 3 years to collect this amount. Tommy Eatherton asked about the 50¢ per month charged phone customers and where the excess of this goes. He was told that there will be an ongoing monthly charge for the 911 system and some of the money will go for upgrades, administration fees and etc. No action taken at this time.

The members of the Upshur County Fire District were re-appointed. Going to a one year term were Tom Bledsoe, Tim Cone and Gaston DeBerry. Two year terms will be filled by Sherwin Yocum and Bill Darby. Motion by Gaddis Lindsey seconded by Tommy Eatherton to re-appoint these members. Motion carried.

Motion by Gaddis Lindsey seconded by Tommy Eatherton to advertise for bids for a used mixer and to sell or trade a Case Backhoe for Pct. #1. Bids to be opened March 9, 1992. Motion carried.

Motion by David Loyd seconded by Gaddis Lindsey to approve the payroll changes of Jerry Moore and Carol Kirby. Motion carried, copy attached.

Motion by David Loyd seconded by Tommy Stanley to approve the payment of the bills now due. Motion carried, copy attached.

Motion by Gaddis Lindsey seconded by Tommy Eatherton to approve the County Clerk attending a meeting in College Station on March 16-18, 1992. Motion carried, copy attached.

Motion by Tommy Stanley seconded by David Loyd to approve the special road use agreement by Doug Bennett Logging to haul logs on Owl Road. Motion carried, copy attached.

Motion by Gaddis Lindsey seconded by Tommy Eatherton to approve the permit application of Union Grove School District to install a sewer line within ROW of county roads. Motion carried, copy attached.

Motion by Tommy Stanley seconded by Gaddis Lindsey to approve the special road use agreement by Bradley Contractors to haul logs on Dahlia, Ginger and Lavender Roads. Motion carried, copy attached.

Motion by David Loyd seconded by Tommy Eatherton to approve the permit application of SWEPCO to install a power line within ROW of Dial Road. Motion carried, copy attached.

Motion by Gaddis Lindsey seconded by David Loyd to approve the permit application of GTE to install a telephone cable within ROW of Northpoint Pleasant Road. Motion carried, copy attached.

Motion by David Loyd seconded by Tommy Stanley to approve the overload permit by South-West Railroad Car Parts to haul on Upshur county roads. Motion carried, copy attached.

Motion by Tommy Eatherton seconded by David Loyd to approve the filling of an abandoned well on the property of Tina Still. Motion carried, copy attached.

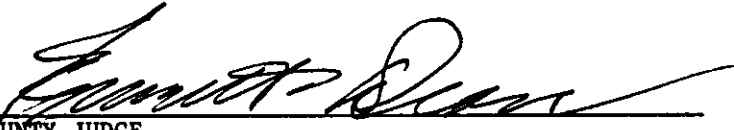
Motion by David Loyd seconded by Gaddis Lindsey to approve the permit application of Juanita Dunn and Keith Dunn to install a culvert within ROW of Sassafras Road. Motion carried, copy attached.

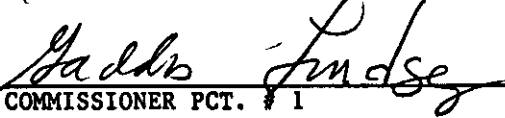
Motion by Tommy Stanley seconded by Gaddis Lindsey to approve the special road use agreement by Ken Kimbro Logging to haul logs on Owl Road. Motion carried, copy attached.

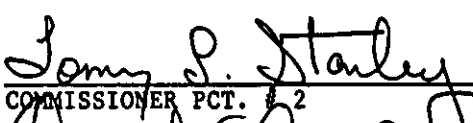
Motion by Gaddis Lindsey seconded by Tommy Stanley to approve the special road use agreement by D & D Forest Resources to haul logs on Mockingbird and Martin Roads. Motion carried, copy attached.

Motion by David Loyd seconded by Tommy Eatherton to approve the permit application of Kenneth Branch to install a culvert within ROW of Hunter Road. Motion carried, copy attached.

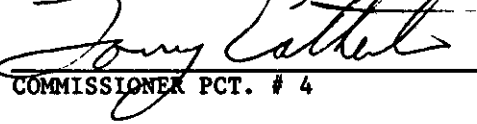
Motion by Tommy Stanley seconded by Gaddis Lindsey to adjourn. Motion carried.

  
\_\_\_\_\_  
COUNTY JUDGE

  
\_\_\_\_\_  
COMMISSIONER PCT. # 1

  
\_\_\_\_\_  
COMMISSIONER PCT. # 2

  
\_\_\_\_\_  
COMMISSIONER PCT. # 3

  
\_\_\_\_\_  
COMMISSIONER PCT. # 4

ADDED TO THESE MINUTES FROM PREVIOUS MEETINGS WERE:

Bills from 2-10-92 meeting.

Signed agreement from Animal Damage Control Assoc. concerning beaver problem.

CONTRACTUAL AGREEMENT

THE STATE OF TEXAS XX

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF UPSHUR XX

THIS AGREEMENT, entered into this the 24th day of FEBRUARY, 1992, is by and between the County of Upshur (herein called "County") and the East Texas Council of Governments (herein called "ETCOG").

WITNESSETH THAT:

WHEREAS, the County desires to engage ETCOG to render certain technical and professional services hereinafter described in this document, including "Attachment A" which is attached hereto and made a part hereof for all purposes.

NOW, THEREFORE, the parties hereto do mutually agree as follows:

1. Employment. The County hereby agrees to engage ETCOG and ETCOG hereby agrees to perform the services hereinafter set forth.
2. Area Covered. ETCOG shall perform the services required of it under the Agreement in connection with and respecting the area, herein called "planning area", and being the political boundary of the County of Upshur.
3. Scope of Services. The services to be performed by the parties to this Agreement are herewith outlined in "Attachment A", which is attached hereto and made a part of the Agreement.
4. Period of Contract. The services to be rendered hereunder are to begin as soon as possible after the execution of this Agreement by both parties, but in no case later than March 6, 1992. ETCOG shall inform the County Judge in writing of the exact starting date. All of the services hereunder are expected to be completed within a fifteen (15) month period from the date of the written notice to the County Judge or no later than May 10, 1993, which ever is less. However, should unforeseen circumstances arise which will cause delay, ETCOG shall advise the County Judge of such delay immediately and the reason(s) for such in writing. If such reason(s) for the delay are accepted by the Upshur County Commissioner's Court, there shall be no penalty assessed against ETCOG.
5. Schedule of compensation. The County agrees to compensate ETCOG for services outlined in Attachment "A" by the total payment of twelve thousand (\$12,000) dollars. The fee payment shall be made in five (5) installments as follows:

July, 1992 .....	\$2,500.00
October, 1992 .....	\$2,500.00
January, 1993 .....	\$2,500.00
April, 1993 .....	\$2,500.00
May, 1993 .....	\$2,000.00

CONTRACTUAL AGREEMENT  
COUNTY OF UPSHUR  
PAGE TWO

ETCOG shall provide to the Upshur County Commissioner's Court with each installment invoice the following:

- 1) a brief written narrative on the progress of the project with an estimated percentage completion figure;
- 2) any problems of delays encountered or expected to be encountered during the next installment period(s); and
- 3) what is expected to be completed during the next installment period

In addition to the above requirements, ETCOG shall deliver to the Upshur County Commissioner's Court all completed mapping data and information as of that installment date covered by Attachment "A".

6. Termination of Agreement. Should termination of this Agreement occur prior to full performance, the County agrees to compensate ETCOG for the various services described herein to the extent those services are completed and delivered.
7. Agreement Revisions. The County may, from time to time, require changes in the "Scope of Services" to be performed hereunder. Such changes, including any increases or decreases in the amount of time to perform the new services or compensation therewith, which are mutually agreed upon by the parties hereto shall be incorporated into a written amendment or addendum to this Agreement.
8. Conflicting Agreement Repealed. Upon the execution of this Agreement, the executed Agreement between the East Texas Council of Governments and the County of Upshur dated December 21, 1990 which is in conflict herewith shall be made null and void, and is hereby repealed by the consent of both parties thereto.

WITNESS OUR HANDS:

COUNTY OF UPSHUR

EAST TEXAS OF COUNCIL  
OF GOVERNMENTS

BY: \_\_\_\_\_

BY: \_\_\_\_\_

DATE  
SIGNED: FEBRUARY 24, 1992

DATE  
SIGNED: \_\_\_\_\_

## ATTACHMENT "A"

## SCOPE OF SERVICES

The following explains the respective obligations of the County of Upshur (County) and the East Texas Council of Governments (ETCOG)

## A. The County of Upshur agrees:

1. to provide ETCOG with the most recent base map(s) of the county,
2. to provide, if available, plats of all county roads currently not included on any existing county map(s),
3. to provide ETCOG, if possible, with the most recent aerial photographs of the county which will assist ETCOG in preparing the county's new base map and precinct maps; and
4. to provide any additional data or information, free of charge, from the Courthouse, precinct barns, or from other sources outside county control that are deemed appropriate or necessary for the completion of the County's new base map and precinct maps upon the consent of the County Judge and/or each Commissioner respectively.

## B. The East Texas Council of Governments agrees:

1. to identify and number/name all county maintained roads and private roads that during the performance of this Agreement can be determined to serve four (4) or more occupied structures or buildings. The procedures for numbering/naming all such road facilities are discussed below:

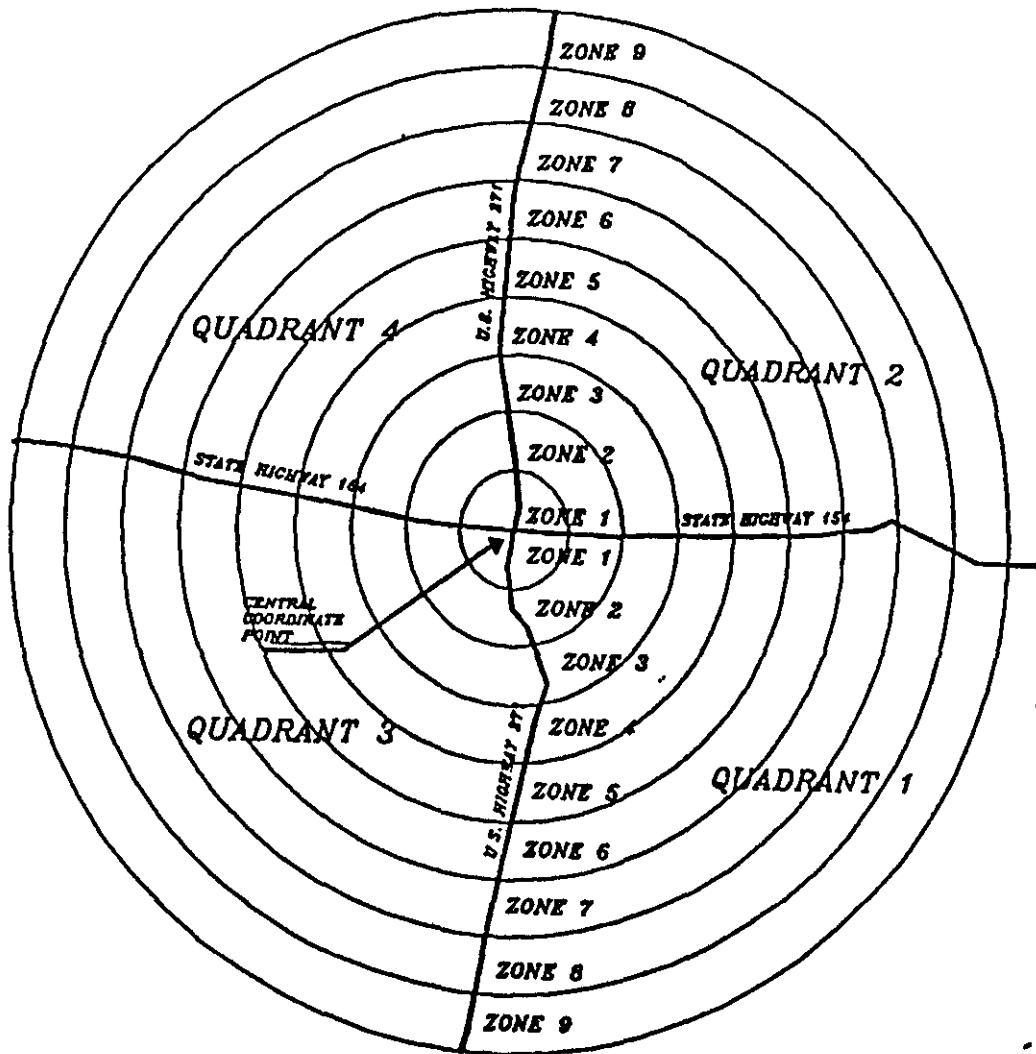
Road Numbering Criteria: Non-duplication of existing numbers, limited to four (4) and five (5) digits, preceded by the designation CR (County Road) or PR (Private Road). Ex. CR1357 or PR11057. Number system is based on a circular grid system (see attached map) with the center coordinate point being at the intersection of U.S. Highway 271 and State Highway 154 within the City of Gilmer, the approximate center of Upshur County. The axis forming the base lines are a) north/south line being U.S. Highway 271 and b) east/west line being State Highway 154. The resulting four (4) Quadrants created within the County by these dividing lines are denoted by the beginning digit in the road number. Ex. Quadrant 1 - CR1357; Quadrant 2 - CR2357; Quadrant 3 - CR3347; and Quadrant 4 - CR4357. The same would hold true for private roads except for PR rather than CR. The second digit of a four (4) digit number or the second and third digits of a five (5) digit number denotes the zone of a quadrant as well as indicating the approximate mileage from the central coordinate point. In the above example (CR1357 and PR11057), the road would be approximately

SCOPE OF SERVICES  
COUNTY OF UPSHUR  
PAGE TWO

either three (3) or ten (10) miles respectively from the central coordinate point. The last two digits of the above example (CR1357 and PR11057) denotes the road number within that particular zone. The last two digits will also remain the same from quadrant to quadrant and zone to zone as a particular road meanders through the county.

Road Naming Criteria. Non-duplication of road names will be assigned to each county maintained road as well as private roads when identified. All county maintained roads will carry the following Quadrant Locator Code after each identified road name. Quadrant 1 - SECR (Southeast County Road); Quadrant 2 - NECR (Northeast County Road); Quadrant 3 - SWCR (Southwest County Road); and Quadrant 4 - NWCR (Northwest County Road). Ex. Rosebud Road SECR or Whitebud Road NWCR. All private roads identified within a respective quadrant will maintain the same Quadrant Locator Code as the county maintained roads except that PR would replace CR within the code. Ex. Rosebud Road SEPR or Whitebud Road NWPR. Existing road names both public and private will be maintained where ever possible or at the direction of the Upshur County Commissioner's Court.

2. to assist in establishing road numbers/names, the following resources and procedures are proposed:
  - a. utilization of digitized data from the USGS 7.5 minute quadrangle maps of Upshur County;
  - b. utilization, where appropriate, Upshur County Appraisal District, Texas Highway Department and Texas Railroad Commission data of Upshur County,
  - c. utilization of Upshur County aerial photographs when or if available,
  - d. utilization of physical site location survey information conducted and/or obtained by ETCOG, County Engineer, and/or Upshur County Appraisal District; and
  - e. utilization of other sources of data and information made available or deemed appropriate and necessary.



RESOLUTION

A RESOLUTION BY THE COUNTY COMMISSIONERS OF THE COUNTY OF UPSHUR, TEXAS, AUTHORIZING THE SUBMISSION OF A GRANT REQUEST TO THE GOVERNOR'S CRIMINAL JUSTICE DIVISION FOR FUNDING TO THE COUNTY OF UPSHUR, TEXAS, FOR A PROGRAM KNOWN AS PURCHASE OF JUVENILE SERVICES.

WHEREAS, THE COUNTY COMMISSIONERS OF THE COUNTY OF UPSHUR, Texas, have the moral obligation to the citizens and taxpayers of the County of Upshur, Texas, to ensure that the criminal justice system operates in the most efficient and coordinated way possible; and

WHEREAS, the Commissioners are aware that there are limited special services available to or provided to all juveniles.

WHEREAS, THE Commissioners feel that the addition of the program known as Purchased Juvenile Services will materially enhance the administration of justice in the County of Upshur, Texas, for all juveniles.

WHEREAS, the opportunity exists to fund vital parts of this program through the Office of the Governor of the State of Texas, Criminal Justice Division;

NOW, THEREFORE BE IT RESOLVED, by the Commissioners of the County of Upshur, Texas, that the county submit a grant request to the Office of the Governor of Texas, Criminal Justice Division, to assist in the funding of the program of Purchase of Juvenile Services.

PASSED AND APPROVED, this 24th day of Feb, 1992.

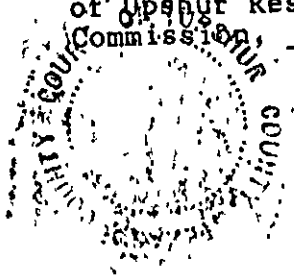
County of Upshur, Texas

ATTEST:

[Signature]  
County Judge

[Signature]  
County Clerk

I, REX A. SHAW, County Clerk for the County of Upshur, do hereby certify this to be a true and exact copy of County of Upshur Resolution No. \_\_\_\_\_, adopted by the Upshur County Commission, \_\_\_\_\_.





115th JUDICIAL DISTRICT  
JUVENILE PROBATION DEPARTMENT

JUVENILE ANNUAL REPORT  
January 1, 1991 through December 31, 1991

FIRST TIME REFERRALS.....	194
REFERRED MORE THAN ONE TIME.....	46
TOTAL CASES HANDLED THIS YEAR.....	240

TYPES OF CASES:

AGGRAVATED SEXUAL ASSAULT.....	4
ROBBERY.....	5
THEFT.....	1
BURGLARY.....	58
UJMV.....	9
FELONY DRUG REFERRALS.....	4
REFER FELONY REFERRALS.....	19
WEAPON VIOLATIONS.....	2
ASSAULT.....	10
THEFT UNDER/\$200.....	14
DRUG OFFENSES.....	2
OTHER MISDEMEANORS.....	30
TRUANCY.....	15
RUNAWAY.....	37
DISORDERLY CONDUCT.....	17
SHOPLIFTING.....	1
THEFT OVER/\$200.....	7
TOTAL DELINQUENT CASES.....	163
TOTAL CINS CASES.....	77
TOTAL REFERRALS.....	240

REFERRED BY:

POLICE AGENCY.....	209
SCHOOL.....	15
PARENTS AND OTHER.....	16

DISPOSITION OF CASES:

WARNED/COUNSELED/RELEASED.....	98
INFORMAL ADJUSTMENT.....	70
PROBATION.....	22
REFERRED TO DEPARTMENT OF HUMAN SERVICES.....	7
REFERRED TO OTHER PROBATION DEPARTMENTS.....	5
VOLUNTARY PLACEMENT.....	1
COMMITTED TO TEXAS YOUTH COMMISSION.....	2
PENDING.....	2
DIVERSION PLACEMENT.....	5
PROSECUTION REFUSED.....	4
CASES COMBINED OR CONSOLIDATED.....	22

ACTIVE PROBATION (FORMAL AND INFORMAL)

FORMAL.....26  
INFORMAL ADJUSTMENT.....75  
INTENSIVE SUPERVISION.....17

TOTAL REFERRALS BY SEX, AGE, AND RACE:

WHITE FEMALE.....41  
WHITE MALE.....144  
BLACK MALE.....38  
BLACK FEMALE.....10  
HISPANIC MALE.....6  
HISPANIC FEMALE.....1  
OTHER FEMALE.....0  
10 YEAR OLDS.....1  
11 YEAR OLDS.....6  
12 YEAR OLDS.....11  
13 YEAR OLDS.....34  
14 YEAR OLDS.....45  
15 YEAR OLDS.....59  
16 YEAR OLDS.....78  
17 YEAR OLDS.....6

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NUMBER OF JUVENILES PLACED IN DETENTION FOR TYC.....2  
NUMBER OF JUVENILES PLACED IN DETENTION.....32  
NUMBER OF DAYS SPENT IN DETENTION.....196  
(APPROXIMATELY 24 DAYS FOR TYC)  
NUMBER OF JUVENILE PLACED IN CARE SHELTERS.....9  
RESTITUTION COLLECTED (COURT ORDERED).....1304.21  
PROBATION FEES COLLECTED .....570.00  
RESTITUTION COLLECTED (INFORMAL ADJUSTMENT).....3759.96  
COURT COST COLLECTED .....180.00  
ATTORNEY FEES.....221.68  
TOTAL RESTITUTION.....5064.17

115th JUDICIAL DISTRICT  
 JUVENILE PROBATION DEPARTMENT

JUVENILE ANNUAL REPORT  
 January 1, 1990 through December 31, 1990

FIRST TIME REFERRALS.....133  
 REFERRED MORE THAN ONE TIME.....31  
 TOTAL CASES HANDLED THIS YEAR.....164

TYPES OF CASES:

AGGRAVATED SEXUAL ASSAULT.....1  
 SEXUAL ASSAULTS.....6  
 BURGLARY.....22  
 MOTOR VEHICLE THEFT.....19  
 ARSON.....2  
 OTHER FELONY OFFENSES.....2  
 WEAPON VIOLATIONS.....2  
 ASSAULT.....4  
 THEFT UNDER/\$200.....14  
 DRUG OFFENSES.....2  
 OTHER MISDEMEANORS.....33  
 TRUANCY.....6  
 RUNAWAY.....31  
 DISORDERLY CONDUCT.....15  
 VIOLATION OF LIQUOR LAWS.....1  
 SHOPLIFTING.....1  
 THEFT OVER/\$200.....3

TOTAL DELIQUENT CASES.....107  
 TOTAL CINS CASES.....57  
 TOTAL REFERRALS.....164

REFERRED BY:

POLICE AGENCY.....142  
 SCHOOL.....5  
 PARENTS AND OTHER.....17

DISPOSITION OF CASES:

WARNED/COUNSELED/RELEASED.....99  
 INFORMAL ADJUSTMENT.....31  
 PROBATION.....6  
 REFERRED TO DEPARTMENT OF HUMAN SERVICES.....2  
 REFERRED TO OTHER JUVENILE PROBATION DEPARTMENTS.....4  
 VOLUNTARY PLACEMENT.....1  
 COMMITTED TO TEXAS YOUTH COMMISSION.....5  
 PENDING.....15  
 DIVERSION PLACEMENT.....2

ACTIVE PROBATION (FORMAL AND INFORMAL)

FORMAL.....9  
INFORMAL ADJUSTMENT.....19  
INTENSIVE SUPERVISION.....6

TOTAL REFERRALS BY SEX, AGE, AND RACE:

WHITE FEMALE.....33  
WHITE MALE.....107  
BLACK MALE.....13  
BLACK FEMALE.....4  
HISPANIC MALE.....4  
HISPANIC FEMALE.....1  
OTHER FEMALE.....2  
10 YEAR OLDS.....5  
11 YEAR OLDS.....7  
12 YEAR OLDS.....12  
13 YEAR OLDS.....23  
14 YEAR OLDS.....41  
15 YEAR OLDS.....41  
16 YEAR OLDS.....35

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NUMBER OF JUVENILES PLACED IN DETENTION FOR TYC.....6  
NUMBER OF JUVENILES PLACED IN DETENTION.....20  
NUMBER OF DAYS SPENT IN DETENTION.....159  
(APPROXIMATELY 7 DAYS FOR TYC; 18 DAYS DHS)  
NUMBER OF JUVENILE PLACED IN CARE SHELTERS.....6  
TOTAL RESTITUTION COLLECTED THIS YEAR (COURT).....620.59  
TOTAL PROBATION FEES COLLECTED THIS YEAR.....510.00  
TOTAL RESTITUTION COLLECTED THIS YEAR (NO COURT).....806.29  
TOTAL COURT COST COLLECTED THIS YEAR.....60.00  
TOTAL ATTORNEY FEES.....80.00

February 13, 1992

DEAR JUDGE DEAN AND COMMISSIONERS,

This is in regards to the subject of banning smoking in the Criminal Justice Building. We would like to know if you have made any decision on that request we made January 13, 1992 at the Commissioner's Meeting.

If you feel you cannot ban the whole building, please consider the restrooms . That particular area is getting worst everyday. We put a sign up but it is being disregarded. We have certain employees that go in there mainly to just take a smoke break. As I have been told the Court House had that problem also with employees smoking in the restrooms. At least if the employees smoke in the lobby there is a bigger area for the smoke to circulate.

I feel we are all employees of the county and should be able to have the same privileges as the employees of the Court House. We need certain areas assigned for employees and anyone else who wishes to smoke in this building.

We desperately need a policy adopted for designated smoking areas.

Sincerely,

EMPLOYEES OF UPSHUR COUNTY

*Carolyn Perry*

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FARRELL & BOSWELL LAND CO.

THIRTY ONE TEN GILMER ROAD, LONGVIEW, TEXAS 75604  
(214) 297-2422

February 12, 1992

Upshur County Commissioners Court  
P. O. Box 730  
Gilmer, Texas 75644

RE: Beaver Bend Road

Gentlemen,

We respectfully submit to the County Commissioners Court for approval and maintenance, the road referenced above. This road, approximately 4800 feet long has been maintained by us for the required 2 year period and we at this time wish for the County to acknowledge it and assume maintenance hereafter.

Thank you for your consideration in this matter.

Sincerely,



Bob Farrell, GRI

*To see approved after  
inspection*