

THE STATE OF TEXAS

JANUARY 4, 1971

COUNTY OF JOHNSON

BE IT REMEMBERED AT A REGULAR MEETING OF THE COMMISSIONERS' COURT in and for Johnson County, Texas, on the above mentioned date at the Courthouse at Cleburne, Texas, with the following members present: Thomas E. Ball, County Judge, C. W. Atwood, Commissioner of Precinct No. 1, O. B. Hadley, Commissioner of Precinct No. 2, W. I. Boteler, Commissioner of Precinct No. 3, B. B. Aldridge, Commissioner of Precinct No. 4 and Joe L. Townes, County Clerk.

A motion was made by Commissioner Atwood and seconded by Commissioner Boteler that the following Resolution be approved as read.

"RESOLUTION"

BE IT RESOLVED that the Commissioners' Court of Johnson County, Texas, in Regular session, on this the 4th day of January, 1971, all members being present, do unanimously adopt the proposed Bill providing for concurrent criminal and civil jurisdiction of the 18th Judicial District Court and the County Court of Johnson County, Texas, as set forth in said attached proposed Bill;

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to our State Senator, Honorable J. P. Word, and to our State Representative, Honorable J. E. Ward, requesting that they have it placed on the agenda of the next regular session of the Legislature and caused to be passed as law, as soon as possible.

SIGNED, at Cleburne, Texas, on the date hereinabove stated.

/s/ Thomas E. Ball
Thomas E. Ball, County Judge

/s/ C. W. Atwood
C. W. Atwood, Commissioner, Precinct No. 1

/s/ O. B. Hadley,
O. B. Hadley, Commissioner, Precinct No. 2

/s/ W. I. Boteler
W. I. Boteler, Commissioner, Precinct No. 3

/s/ B. B. Aldridge
B. B. Aldridge, Commissioner, Precinct No. 4

A BILL TO BE ENTITLED

AN ACT

relating to defining the jurisdiction of the County Court of Johnson County and the jurisdiction of the District Court of Johnson County; relating to prescribing the duties of the District Clerk and the County Attorney of Johnson County; amending Chapter 102, Acts of the 51st Legislature, Regular Session, 1949 (Articles 1970-335, Vernon's Texas Civil Statutes); and declaring an emergency.

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

Section 1. Chapter 102, Acts of the 51st Legislature, Regular Session, 1949 (Article 1907-355, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 1. The County Court of Johnson County shall have and exercise the general jurisdiction of a probate court, shall probate wills, appoint guardians of minors, idiots, lunatics, persons non compos mentis, and common drunkards; grant letters testamentary and of administration; settle the accounts of executors, administrators, and guardians transact all business pertaining to the estates of deceased persons, minors, idiots, lunatics, person non compos mentis, and common drunkards, including the partition settlement, and distribution of estates of deceased persons pending in such Court; to conduct lunacy hearings; to apprentice minors as provided by law, and to issued all writs necessary for the enforcement of its own jurisdiction; to punish contempt under such provisions as now or may be provided for by General Law governing County Courts throughout the State; and in addition thereto, said County Court of Johnson County and the Judge thereof, subject to the condition hereinafter stated, shall have jurisdiction over matters of eminent domain and other original civil jurisdiction, and original criminal jurisdiction and appellate civil jurisdiction and appellate criminal jurisdiction as are normally exercised by County Courts under the Constitution and General Laws of this State; provided, however, that all future Statutes pertaining to probate matters enacted by the Legislature of the State of Texas shall be operative in Johnson County as fully as though this Statute had not been enacted.

"Section 2. The Judge of the District Court of Johnson County will be the presiding Judge, insofar as said District Court and said County Court are concerned, over original jurisdiction in matters of eminent domain, as well as original and appellate jurisdiction in all civil and criminal matters in causes over which by the laws of this State the County Court of Johnson County would have original or appellate jurisdiction; and all such causes will be filed with the District Clerk of Johnson County in said District Court. The Judge of the District Court of Johnson County may, in his discretion, assign to the County Court of Johnson County, for trial and disposition, cases, or portions thereof, of eminent domain as well as cases of original and appellate jurisdiction in civil and criminal matters and causes over which, by the General laws of this State, the County Court of Johnson County would have original or appellate jurisdiction. Such assignments shall be made by docket notation. The purpose and intent of this Statute is to vest the District Court of Johnson County and the County Court of Johnson County with concurrent jurisdiction over matters of eminent domain as well as original and appellate jurisdiction in all civil and criminal matters over which, by the General Laws of this State, the County Court of Johnson County would have original or appellate jurisdiction, subject to the control over assignments of such cases, or parts thereof, by the said District Court, as hereinabove set out.

"Section 3. The District Clerk of Johnson County shall continue to perform all the clerical functions of and for the County Court of Johnson County, insofar as all matters and causes over which the said District Court

and County Court have concurrent jurisdiction, as hereinabove set out, said Clerk shall charge fees at the rate set by law for County Court cases.

"Section 4. The duties of the County Attorney of Johnson County shall not be in any manner changed or affected by this Act; and said County Attorney shall have and perform the same duties as were had and performed prior to the passage of this Act".

"Sec. 2. The crowded condition of the docket of the District Court of Johnson County establishes and creates an imperative public necessity and emergency requiring the constitutional rule that bills be read on three several days in each house be suspended, and said rule is hereby suspended and this Act shall take effect from and after its passage, and it is so enacted."

All voted aye.

Mr. J. G. Jones, Wolf Trapper for Johnson County, Texas, was present and presented his monthly report.

A motion was made by Commissioner Atwood and seconded by Commissioner Alldridge with motion passing unanimously the Commissioners' Court of Johnson County hereby authorizes the Commissioner shown below to use County employees and equipment to construct and/or maintain a private road within his precinct as shown below, as authorized by Article 6821b, Texas Statutes, to-wit:

PERSON REQUESTING WORK	DESCRIPTION OF WORK AND LOCATION OF JOB	COMMISSIONER AUTHORIZED TO DO THE WORK
C. W. Harver	1 load gravel - Off CR 1125	Prec. No. 1
Lester Justice	Ditch work-off C.R. 1205	Prec. No. 1
Ray White	Haul 2 loads gravel for private Driveway off CR 213, 3 miles South of Venus	Prec. No. 3
Mary Eilers	Haul 1 load gravel for private Work off CR 532-2 ½ S.E. Burleson	Prec. No. 3
Cemetery Association	Maintain driveway in Grandview Cemetery for 1 year	Prec. No. 4
R. L. Tryon	Haul gravel for private road off CR 707-approximately 4 miles N.W. Alvarado	Prec. No. 3

A motion was made by Commissioner Atwood and seconded by Commissioner Hadley that the following Resolution be approved:

BE IT REMEMBERED that the Commissioners' Court received a petition to close a portion of a county road, and that said notices were posted in accordance with law and that no objections have been formally made to the Commissioners' Court to such closing;

THEREFORE, BE IT RESOLVED that the Commissioners' Court, at its regular meeting on January 4, 1971, unanimously approved this Resolution closing that certain portion of a county road described as follows:

BEGINNING at the intersection of State Highway No. 174, 1.8 miles South of Rio Vista, extending Northwest to the end of County Road No. 1207 at the North boundary of the Truman D. Fuqua farm;

said closing effective January 4, 1971. All voted aye.

Judge Ball brought up the matter of setting of holiday schedule for courthouse during 1971. The Court was of the opinion that since the elected officials have been setting the holidays for many years, that they should continue doing so, although Judge Ball expressed his opinion that this was a function of the Court. Motion was made by Commissioner Boteler and seconded by Commissioner Aldridge, that the Court delegate to the elected officials the authority to set holidays for the courthouse for 1971.

All voted aye.

A motion was made by Commissioner Boteler and seconded by Commissioner Aldridge that all bills against Johnson County be allowed, as submitted, and ordered paid, examined in open court, and properly endorsed.

All voted aye.

A motion was made by Commissioner Boteler and seconded by Commissioner Atwood that the matter of a \$30,000 Certificate of Deposit, which was due January 2, 1971, be cashed and the funds placed in the Right of Way Fund, there being less than \$12,000 now in the fund, according to the Auditor's Office.

All voted aye.

Mr. D. H. Baker appeared before the Court with a request that the Courthouse remain open for at least a half day on Saturday, stating it worked a great hardship on citizens who work Monday through Friday. Commissioner Boteler suggested that Mr. Baker might appear before the elected officials when they meet to set the holiday schedule and Judge Ball suggested that he appoint a committee of the Commissioners to check with the Downtown Merchants, Bar Association and others and get their reactions. Judge Ball said he will appoint this committee and the committee will make its report at the February first meeting of the Court.

The matter of appointment of tow members to the Rural Fire Commission (the terms of R. N. Bransom of Burleson and Johnny Chapman of Rio Vista, having expired December 31, 1970) was passed to January 11, 1971, meeting of the Court. Commissioner Boteler having suggested we get some recommendations

concerning the replacement of Mr. Bransom and Commissioner Aldridge said he talked with the Fire Department at Rio Vista and others and believed that Mr. Chapman should be reappointed.

Mr. Gordon Parks, County Auditor, was asked by Judge Ball that he prepare a report of the County's financial condition for presentation at the meeting of the Court on January 11th. Judge Ball also asked that he prepare for the Court a report showing how much was spent by the Sheriff's Department during 1970 for automobile repairs, tires, gas and oil and how much was spent by this department last year on groceries. It was agreed that Glenn Mitchell will continue to furnish monthly reports on the Sheriff's Department expenses. Mr. Parks stated that he would furnish the Court an operating report each month, which will show the status of the budget of each office and department.

Mr. Lewis Moon, Juvenile Officer, appeared before the Court regarding the budget set for his office, stating there was nothing set up for car expense. It was agreed that the Juvenile Officer will use the Civil Defense Dodge pick up for the time being and a credit card. Mr. Moon also said there was only \$300.00 in his budget for telephone expense and it was suggested that he be as conservative as possible and if he runs out of money to come back to court in this regard.

Judge Ball advised the Court that the County School Board had appointed Doyle Stalcup as School Attendance Officer and that the County Juvenile Officer will not have this job as was first planned when it was believed that the County School Superintendent's Office was to be abolished. Mr. J. W. Patterson, who was appointed County School Superintendent for one year by the Commissioners' Court, was asked to come in and he said the School Board had a contract with Mr. Stalcup that if the office of School Superintendent continued that Mr. Stalcup would continue to act as School Attendance Officer at a salary of \$200.00 a month. Judge Ball stated that the County's Budget will need amending on account of this change in School Attendance Officer.

Mr. Louis B. Lee, outgoing County Clerk, was present and requested permission to purchase an old manual typewriter which has been in his office for some twenty years. Motion was made by Commissioner Boteler and seconded by Commissioner Atwood that the County sell this typewriter to Mr. Lee for the sum of \$20.00.

All voted aye.

It was agreed by the Court that the Minutes of the previous meeting would be read and approved at each subsequent meeting of the Court.

There being no further business, Court is hereby adjourned.

COUNTY CLERK

COUNTY JUDGE

. . . 000o000 . . .