

SABINE COUNTY

COMMISSIONER'S COURT RESOLUTION

On February 14, 1983, a regular meeting of the Commissioner's Court of Sabine County, Texas was held at 10:00 o'clock A. M. Among other business, the following resolution was presented:

That Sabine County, Texas borrow the sum of \$55,000.00 from First State Bank, Hemphill, Texas, for the installation and construction of an elevator in the Sabine County Courthouse which construction and installation is mandated by the United States District Court in Cause No. B-80-318-CA, Delmar Shelley Hilliard, et al Vs. County of Sabine, et al.

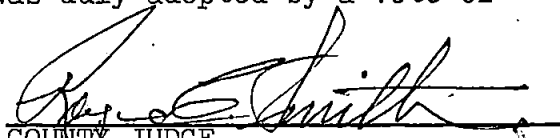
That such loan will be evidenced by the issuance of one time warrant described as follows:

1. One warrant in the amount of \$55,000.00 bearing interest at the rate of 6% per annum, payable to First State Bank, Hemphill, Texas, and to become due and payable on or before one year from the date of issuance thereof. This warrant to be issued as soon as possible.


2. This warrant for \$55,000.00 is issued to evidence the combination of the balance of one warrant for an amount of \$35,000.00 and one warrant for an amount of \$30,000.00 totaling an indebtedness of \$65,000.00. On this date, February 7, 1983, \$10,000.00 was applied to the principal balance of \$65,000.00 from Revenue Sharing Funds, thus reducing and renewing the new principal balance to \$55,000.00 due and payable on or before one year from date bearing interest at the rate of 6% per annum.

3. The accrued interest on the \$35,000.00 warrant dated November 17, 1981 to February 7, 1983 representing 447 days @6% per annum for a sum of \$2,571.77 to be paid out of the General Fund. The accrued interest on the \$30,000.00 warrant dated February 5, 1982 to February 7, 1983 representing 367 days @6% per annum for a sum of \$1,809.84 to be paid out of the General Fund.

On Motion by Com. Eldridge Ellison and seconded by R. E. Smith, the foregoing resolution was duly adopted by a vote of four (4) ayes and 0 nays.


COUNTY JUDGE

ATTEST:


COUNTY CLERK

"EXHIBIT A"

SABINE COUNTY

COMMISSIONER'S COURT AMENDMENT

On February 14, 1983, a regular meeting of the Commissioner's Court of Sabine County, Texas was held at 10:00 o'clock A. M. Among other business, the following was presented:


That on November 13, 1981, a special meeting of the Commissioner's Court of Sabine County, Texas was held at 9:30 A. M. for the purpose of approving the \$70,000.00 loan from First State Bank, Hemphill, Texas for the sole purpose of the construction and installation of an elevator in the Sabine County Courthouse which construction and installation is mandated by the United States District Court in Cause No. B-80-318-CA, Delmar Shelley Hilliard, et al Vs. County of Sabine, et al.

That such loan will be evidenced by the issuance of two time warrants described as follows:

1. One warrant in the amount of \$35,000.00 bearing interest at the rate of 6% per annum, payable to First State Bank, Hemphill, Texas and to become due and payable on or before one year from the date of issuance thereof. This warrant to be issued as soon as possible.

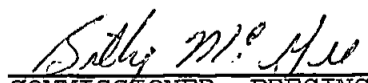
2. One warrant in the amount of \$35,000.00 bearing interest at the rate of 6% per annum, payable to First State Bank, Hemphill, Texas and to become due and payable on or before the same due date as established for the warrant described in Section 1 above. This warrant shall be issued as the funds are needed and the construction progresses.

We, the Commissioner's Court of Sabine County, Texas do hereby with the signing of this instrument amend Paragraph Five (5), Item Number Two (2), to be the sum of \$30,000.00 with such warrant being issued on February 5, 1982 with no further advance being made on the \$70,000.00 line of credit note, thus, let it be set aside and made clear that the total indebtedness to First State Bank, Hemphill, Texas for the elevator cause be reflected as \$65,000.00 evidenced by the issuing of the two time warrants described above, and the minutes of the Commissioner's Court be amended as such.


COUNTY JUDGE


COMMISSIONER, PRECINCT NO. 1


COMMISSIONER, PRECINCT NO. 3


COMMISSIONER, PRECINCT NO. 2


COMMISSIONER, PRECINCT NO. 4


CLERK OF THE COURT

REVENUE SHARING BUDGET RESOLUTION

The Commissioner's Court of Sabine County, Texas hereby resolves to follow the adopted Budget of the Revenue Sharing Funds.

We also resolve to amend the Budget should there be any over spending of same.

Resolution adopted this the 14th day of February, 1983.

Ray Smith
COUNTY JUDGE

A. G. Smith
COMMISSIONER, PRECINCT NO. 1

E. Ellison
COMMISSIONER, PRECINCT NO. 3

Billy McHale
COMMISSIONER, PRECINCT NO. 2

Chester D. Cook
COMMISSIONER, PRECINCT NO. 4

Minnie Grack
CLERK OF THE COURT



THE STATE OF TEXAS
COUNTY OF SABINE

On this the 14th day of February, 1983, the Honorable Commissioners Court met in regular session with the following members present, to-wit:

Royce C. Smith	County Judge
R. E. Smith	Commissioner, Precinct No. 1
Billy J. McGee	Commissioner, Precinct No. 2
Eldridge Ellison	Commissioner, Precinct No. 3
Chester D. Cox, Sr.	Commissioner, Precinct No. 4
Minnie Gooch	Clerk of The Court

Motion by Commissioner Billy Joe McGee, seconded by Commissioner Chester D. Cox to accept as a county road a 15 ft. right of way from Joe E. Gilley & Raymond Jones. This being known as Gilley's Point. Also motion to accept the plat of same. All voted in favor, Motion Passed.

Motion by Commissioner Eldridge Ellison, seconded by Commissioner R. E. Smith to transfer \$7,500.00 of the Beechwood Sub. money into a Super Now account, so that it will draw interest. Motion carried.

A group of citizens from Sam Rayburn Estates, Toledo Beach & Six Mile Subdivisions met with the court. They were asking the Commissioner of there precinct, Billy J. McGee that he please work on the roads. Mr. McGee explained to the group that just as soon as he can get the needed equipment he ^{will} ~~would~~ work and maintain the roads.

Motion by Commissioner R. E. Smith, seconded by Commissioner Eldridge Ellison to split the R. & B. Special Money in the amount of \$7,820.14 in the usually way. Motion Passed.

Motion by Commissioner R. E. Smith, seconded by Commissioner Billy J. McGee to approve the quarterly report. With all voting in favor, motion carried. See exhibit attached to minutes.

Motion by Commissioner R. E. Smith, seconded by Commissioner Billy J. McGee to give to the schools half of the U. S. Forest Service money received. The schools part being \$931.38. With all voting in favor, motion carried.

Motion by Commissioner Eldridge Ellison, seconded by Commissioner R. E. Smith to pass the Resolution on the time warrant for the elevator. With all voting in favor of this motion, motion carried. See Amendment and resolution attached to the Commissioners Court minutes.

Motion by Commissioner Eldridge Ellison, seconded by Commissioner Chester D. Cox to pay current bills.

Motion by Commissioner C.D. Cox, seconded by Commissioner R. E. Smith to extend the contract of the Texas Department of Human Resources for the office space in the courthouse. Motion carried.

Motion by Commissioner Eldridge Ellison, seconded by Commissioner Billy J. McGee to pay Advance Const. Comp. payment on the jail in the amount of \$92,872.00. All voted in favor; motion carried.

Mr. Rodgers, Principal of the Brookeland I. S. D. met with the court and ask that work be done on the roads, that the school bus goes over. Mr. McGee said that he would take care of this as soon as possible.

Motion by Commissioner Billy J. McGee, seconded by Chester D. Cox for Tax Collector, Marie White to check with different computer companys on systems for her office. Motion carried.

Motion by Commissioners to comply with article 7249-A, See Exhibit attached to minutes.

Motion by Commissioner Billy J. McGee, seconded by Commissioner Chester D. Cox to pay time and half over 40 hours to workers in the tax office. All voted in favor. Also to keep the two temporary workers that are now employed in the tax office.

Motion by Commissioner R. E. Smith, seconded by Commissioner Eldridge Ellison to allow each commissioner a line of credit in the amount of \$32,000.00 to purchase equipment. Motion Carried.

Motion by Commissioner Eldridge Ellison, seconded by Commissioner Billy J. McGee to pass a order that the resolution which was passed earlier by the court on closing the commissioners down if they go over \$20,000.00 in the red be applied to all offices

and funds in the county. With all voting in favor, motion carried.

Motion by Commissioner R. E. Smith, seconded by Commissioner Billy J. McGee to pay liability and collision insurance on the Mini Bus. Motion passed.

Motion by Commissioner R. E. Smith, seconded by Commissioner Billy J. McGee to appoint the committee for the Historical Society. All voted in favor.

Motion by Commissioner Chester D. Cox, seconded by Commissioner Billy J. McGee to accept the bid in the amount of \$300.00 for the old sheriffs car, which had been advertised for. All voting in favor, motion carried.

There being no further business, the court adjourned.

Roy Smith
COUNTY JUDGE

R. E. Smith
COMMISSIONER, PRECINCT NO. 1

E. Ellison
COMMISSIONER, PRECINCT NO. 3

Billy McGee
COMMISSIONER, PRECINCT NO. 2

Chester D. Cox Sr.
COMMISSIONER, PRECINCT NO. 4

Minnie Gooch
CLERK OF THE COURT

TREASURER'S QUARTERLY REPORT

FOR THE MONTHS OF

OCTOBER, NOVEMBER AND DECEMBER 1982

<u>FUND</u>	<u>BALANCE LAST QUARTER</u>	<u>RECEIPTS</u>	<u>DISBURSEMENTS</u>	<u>BALANCE</u>
OFFICERS SALARY	(8,851.35	132,175.53	88,306.24	35,017.94
GENERAL COUNTY	776.65	18,841.32	37,215.92	(17,597.95)
PERMANENT IMPROVEMENT	2,933.66	249.08	1,456.70	1,726.04
JURY	21,673.47	573.15	15,296.81	6,949.81
RIGHT OF WAY	10,762.90	1,146.44	57.32	11,852.02
LATERAL ROAD	.03	16,558.00	16,558.00	.03
ROAD & BRIDGE SPECIAL	3,996.27	225,167.36	229,163.63	.00
ROAD & BRIDGE TAX	.00	747.23	747.23	.00
R. & B. #1	20,322.28	17,008.16	12,218.73	25,111.71
R. & B. #2	21.82	20,725.21	20,694.66	52.37
R. & B. #3	16,430.58	15,773.76	13,919.64	18,284.70
R. & B. #4	6,117.98	22,366.92	18,985.91	9,498.99
REVENUE SHARING	82.86	13,276.05	13,173.86	185.05
REV. SHAR. PCT. 1	.00	3,293.47	2,689.08	604.39
REV. SHAR. PCT. 2	3,715.89	3,293.47	864.00	6,145.36
REV. SHAR. PCT. 3	255.47	3,293.46	2,311.48	1,237.45
REV. SHAR. PCT. 4	(380.43)	3,293.46	2,382.25	530.78
REV. SHAR. ADM.	.00	10,257.02	161.00	10,096.02
LIBRARY	508.57	115.00	20.25	603.32
JAIL	9,601.41	83,792.27	93,099.90	293.78

THE STATE OF TEXAS

COUNTY OF SABINE

I, Ollie Faye Sparks, County Treasurer for said County, do solemnly swear that the above quarterly report is true and correct.

Ollie Faye Sparks
 COUNTY TREASURER, SABINE COUNTY, TEXAS

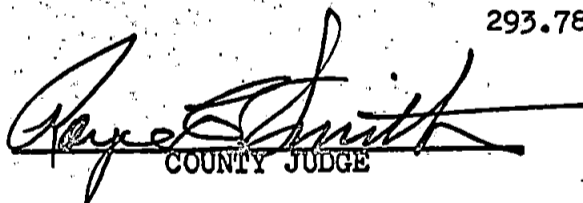
Exhibit "A"


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A F F I D A V I T

We, the County Judge and County Commissioners of Sabine County, Texas do hereby certify that Art. 1636 has been in all things complied with at the December Term 1982 of Commissioners Court, and that we have counted the money held by the County Treasurer as reported to us in said Treasurer's Quarterly Report, and that we find the following amounts in each Fund to-wit:

OFFICERS SALARY	35,017.94
GENERAL COUNTY	(17,597.95)
PERMANENT IMPROVEMENT	1,726.04
JURY	6,949.81
RIGHT OF WAY	11,852.02
LATERAL ROAD	.03
ROAD & BRIDGE TAX	.00
ROAD & BRIDGE SPECIAL	.00
R. & B. #1	25,111.71
R. & B. #2	52.37
R. & B. #3	18,284.70
R. & B. #4	9,498.99
REVENUE SHARING	185.05
REV. SHAR. PCT. 1	604.39
REV. SHAR. PCT. 2	6,145.36
REV. SHAR. PCT. 3	1,237.45
REV. SHAR. PCT. 4	530.78
REV. SHAR. ADM.	10,096.02
LIBRARY	603.32
JAIL	293.78


COUNTY JUDGE

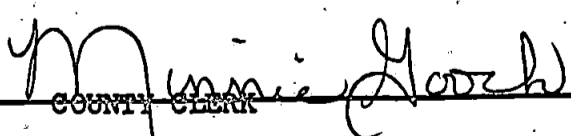

COMMISSIONER, PRECINCT NO. 1


COMMISSIONER, PRECINCT NO. 3


COMMISSIONER, PRECINCT NO. 2


COMMISSIONER, PRECINCT NO. 4

Sworn and subscribed before me this 14th day of February, A. D. 1983


COUNTY CLERK

Art. 7249

TAXATION

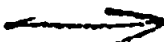
Tit. 122

Note 9

denre. American Indemnity Co. v. Hidalgo County (Civ.App.1911) 146 S.W.2d 1676, error refused.

A suit on official bond of tax collector requiring him faithfully to perform and discharge all duties required of him by law as tax collector was not barred upon or evidenced by a "contract in writing".

within the requirement of the four-year statute of limitations, art. 5527, subd. 1, but bond was merely collateral security for the performance of the tax collector's duties, and suit thereon was subject to the bar of the two-year limitation of art. 5526. Dejar County v. Maverick (Civ. App.1912) 159 S.W.2d 140, error refused.



Art. 7249a. Weekly payments by tax collector to county and state treasurers

On Monday of each week each County Tax Collector shall pay over to the County Treasurer ninety per cent (90%) of all taxes collected for the County during the preceding week, and pay over to the State Treasurer ninety per cent (90%) of all taxes collected for the State during the preceding week.

The Commissioners' Court of any County, or the Comptroller of Public Accounts, may at any time in their discretion call upon the Tax Collector for a sworn statement as to the amount of his collections made during the current month, and for a report as to the amount of taxes in the County Depository belonging to the County or State, and direct that ninety per cent (90%) of those funds be transferred to the County or State Treasury. The Commissioners' Court or the Comptroller may at any time require a sworn report from the Depository as to the amount of funds in their hands under the control of the Tax Collector. Failure or refusal of a Tax Collector to make the remittances as provided in this Act within three (3) days from the date due, or to render the statements required herein, within three (3) days after receiving notice to do so, shall constitute a misdemeanor and shall be punished by a fine not to exceed Two Hundred Dollars (\$200.00). Acts 1932, 42nd Leg. 3rd C.S., p. 30, ch. 16 § 3.

Cross References

Failure to pay over money, see Vermont's Am.P.C., art. 100.

Notes of Decisions

Construction and application 1
Failure or refusal to remit money 2
Subrogation 3

A tax assessor-collector cannot legally carry as cash items in his accounts "N.S. P. checks, I.O.U.'s, forged checks" and other shortages chargeable to his deputies, and he is personally liable to the county for all such shortages which occur in the handling of county tax funds. Op. Atty.Gen.1945, No. 6229.

Library references

Taxation C-557(1, 2).
C.J.S. Taxation II 663, 667.

2. Failure or refusal to remit money

If a tax assessor-collector fails at the end of each month, or within three days thereof, except for taxes collected in certain months, to pay over to the county treasurer the amount due him to the county, the commissioners' court shall ascertain the facts and shall not approve his reports and accounts but shall enter an order requiring him to pay to the county treasury

1. Construction and application

When tax collector deposits money collected by him in county depository, it passes from his possession and must be paid out to the treasurers entitled. Tamin County, Tex. v. New York Casualty Co. (C.C.A.1912) 131 F.2d 664.

PAGE 962 WEST'S STATUTES (GREEN)