

Monday, September 27, 1993, the Sabine County Commissioners' Court met in a regular session at 8:30 A. M., with the following members present:

John L. Hyden	County Judge
Keith Clark	Commissioner, Prct. # 1
Lynn Smith	Commissioner, Prct. # 2
Kenneth White	Commissioner, Prct. # 3
Chester Cox, Sr.	Commissioner, Prct. # 4
Nadine Gary	County Clerk

Judge Hyden called meeting to order; Brother Clarence Howell led opening prayer.

Minutes of the last meeting were approved as read.

Motion made by Commissioner Lynn Smith to approve ~~xxxxxx~~ report presented by Tax Assessor/Collector, Tammy Reeves. Motion carried.

Commissioner Smith then made motion, seconded by Commissioner Clark, to approve report presented by County Clerk, Nadine Gary. All voted for.

13- Confirmation- Keith Clark as County Representative-ADA- Motion made by Judge Larry Hyden to nominate Keith Clark, Commissioner Precinct # 1 as responsible agency employee of the State Act for Disabled Americans with all responsible and authority that apply thereto. There being no other nomination, Judge Hyden made motion Keith Clark, Commissioner, Prct. 1 be so appointed as the responsible agency employee. Commissioner Smith seconded, and motion carried.

9 - Open bids for courthouse annex: Five bids received:
Scoggins Commercial (Kirbyville) Bid - \$158,000.00
B. D. Smith Construction (Jasper) \$131,000.00
Robert A. White (Hemphill) \$111,000.00
Jeff Walker Enterprises (Newton) \$132,250.00
Kar-Lin Builders (Lufkin) \$149,700.00 "See Exhibit"
(2230 square feet in building) Motion made by Judge Hyden to reject all bids. Commissioner Clark seconded, and all voted for.

Judge Hyden stated there will be a called meeting Thursday, September 30 at 2:00 P.M. Agenda items: Line item transfers, court house and courthouse annex; also Department of Transportation-F/M 2343 Extension.

#8 & 11 - Consideration of citizens Petition: Time Warrant Issuance - Courthouse annex: Only 338 verified names were needed for petition to stop issuance of Time warrants to Finance Construction of Courthouse annex. Over 600 registered voters signed the petition, and 380 of these were verified. Judge Hyden stated after reviewing petition, he is required by Statue of State upon the receipt of a petition signed by 5% of registered voters of county to call a special election. The question will be presented to the entire county with only those who own property and pay ad valorum taxes being permitted to vote. The earliest time this election could be held is January, 1994, possibly later than that. A special election will cost the county from \$4,000.00 to \$8,000.00. He will notify this court and county of time election is called. He

asked for record vote from court that petition has been received and such action that has previously been discussed will be taken.

Richard Smith asked for permission to speak. He stated this petition does not call for a special election; it simply protests the issuance of time warrants for this item. He does not feel it is required to hold a bond election on this petition. A time warrant is a poor way to go on construction of new buildings. Also the annex itself, in his opinion, is a poor plan because we already have plans for an ampi-theater in that area. An annex will take some of the limited parking space we now have. Although he is aware the courthouse needs repairs to meet ADA requirements, Mr. Smith also states there are empty buildings around town we could use for office space. Also he stated the .04¢ for debt service cannot be legally collected because there is no debt to apply it to.

Judge Hyden informed the court and others present of requirements of ADA and Jail Standards Commission. Jail Standards Commission requires a holding cell for male and female with rest rooms attached. Restrooms on first floor are in bad condition, and to meet ADA requirements will cost more to repair than to build annex.

In this State the building of a court house and jail does not necessarily come under the same statues and requirements of the purchasing act as does many other things. Judge Hyden explained it is not enough to provide funds for the payment of the debt after it has been created; the Constitution requires this to be done at or before the time the debt is contracted. Appliance with that requirement is essential to enable the county authorities to contract a valid obligation to be paid out of current revenues of the county. Article 5, Section 18 states Commissioners court is not required to advertise for bids before adopting plans and specifications for making contract for the building of a court house. For a commissioners court to avoid the necessity of submitting question of building of court house to a vote, issue county obligations which were not bonds meaning a certificate of obligation or a time warrant; such obligations were not invalid, and not entitled to injunction.

Mr. Smith stated for the record the Newspaper announcement said the information concerning citizens' right to recourse would be available from the County Attorney, County Clerk, or from the County Judge. The County Attorneys office had no idea what he was talking about; he went to the County Clerk's office, and they were not aware they were supposed to have this information. Mrs. Jones was very helpful - she faxed him a one page sheet that said 5% of the registered voters protesting on a petition would mean the only way the county could borrow the money would be through a bond election. The petition did not ask for a bond election.

Judge Hyden made motion the tax rate be re-set to .34¢; debt service not be part of this year's budget; it does not inhibit us in anyway from doing what needs to be done. The tax rate as approved by this county of .04¢ debt service tax be recinded, and tax rate be re-set at .34¢ for the fisical year 1993-1994.

Commissioner Lynn Smith seconded and all voted for. Tax Assessor/

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Collector will be advised at 1:00 P.M. today, and she will notify those who are printing the tax statements. Tax statements will be mailed October 4. Tax rate for this year will be .34¢ M & O, with no debt service.

Sheriff Bradberry gave his report for June, July, and August.

#5 - Motion made by Commissioner Chester Cox to accept Sheriff and Constable fees as presented. Commissioner Lynn Smith seconded and all voted for. "See attached."

Court recessed 10 minutes:

12 - Judge Hyden made motion asking court to pass resolution in support of proposition 14 on the November 2, 1993 ballot, authorizing \$1 billion in bonds for state corrections facilities and mental health and retardation institutes. Commissioner Clark seconded, and motion carried.

#7 - Farm Road 2343:

Judge Hyden made motion court issue resolution in support of extending FM 2343 to the Newton County Line. Judge Hyden asked the court to accept this resolution and authorize county judge to sign agreement. Commissioner Clark seconded motion. Commissioner Lynn Smith made motion to table Judge Hydens' motion until Thursday, Sept. 30. Commissioner Cox seconded, and motion carried.

#2 - Road to Tebo-1592, and #4 Forest Service Road # 114-
No action taken. Must have jury review first.

#6 - Line item transfers were presented by County Treasurer, County Clerk, R&B1, R&B # 3 & 4, Tax Assessor/Collector, and County Judge. Motion made by Judge Hyden and seconded by Commissioner Cox, these transfers be accepted and approved. Motion carried.


#14 - Drainage - County Road between Hess & Wallace Properties- Prct. 4 Commissioner Chester Cox stated action will be taken as soon as gradall and back hoe has been repaired. Court agreed to the purchase of a piece of re-inforcing pipe for gradall bucket and have installed. Commissioner Smith will handle it. This will cost approximately \$200.00 for pipe, plus cost of labor.


#15 - Amendment to budget - Palo Gaucho Bridge_ Commissioner Kenneth White informed the Court this bridge has been condemned by the Highway Department. Motion made by Judge Hyden that existing budget for 1992-1993 be amended to repair bridge in Prct. 3. Dire Public necessity exists being public safety and is so documented with County Clerk. Commissioner Clark seconded, and motion carried.


#16 - Policy/Precedures Manuel - End of manuel -prior approval stands.

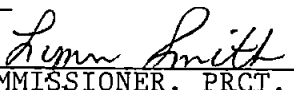
Motion made by Commissioner Cox to pay bills. Commissioner Clark seconded, and motion carried.

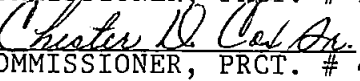
Commissioner Smith made motion meeting adjourn. Commissioner White seconded, and motion carried. Meeting adjourned.



COUNTY JUDGE


COMMISSIONER, PRCT. # 1


COMMISSIONER, PRCT. # 3


COMMISSIONER, PRCT. # 2


COMMISSIONER, PRCT. # 4


COUNTY CLERK

