

TEXAS COUNTY AND DISTRICT RETIREMENT SYSTEM
SUGGESTED FORM OF COMMISSIONERS COURT ORDER ADOPTING
THE ANNUALLY DETERMINED CONTRIBUTION RATE PLAN

THE STATE OF TEXAS §

COUNTY OF Sabine §

On this the 8th day of November, 1993, the Commissioners Court of
Sabine County, Texas was convened in regular session of said Court
with the following members present, to wit:

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

and at such session, among other proceedings had, the following order was passed:

Whereas, by virtue of an order of the Commissioners Court of Sabine County,
Texas, said County (hereinafter called "the County") became a participating subdivision in the Texas County and District
Retirement System (hereinafter called "TCDRS" or "System") effective on the first day of April, 1970;
and

Whereas, under the plan heretofore adopted, finding contributions by the employer-county are a fixed
rate of the compensation paid monthly to employee members, with no reduction in contributions permitted in event
of favorable actuarial experience, and no increase allowed for unfavorable experience; and

Whereas, the TCDRS Act (Subtitle F of Title 8, Government Code) now authorizes the governing body
of a participating subdivision to adopt the "Annually Determined Contribution Rate Plan" provided for in Subchapter
H of Chapter 844, of said Code, under which plan the employer's cost of employee benefits selected by the governing
body is to be funded over a period of twenty-five years by monthly contributions made by the employer-county at
such rate or percentage of the compensation paid to its employee-members, as is annually determined, from year
to year, by the actuary for the System, and approved by the Board of Trustees of the System; and

Whereas, the Commissioners Court has determined, and hereby determines, that it is in the public interest
that the plan provisions of the "Annually Determined Contribution Rate Plan" be adopted by the County, it is accordingly,
ORDERED BY THE COMMISSIONERS COURT OF Sabine County, Texas

I. ADOPTION OF ADCR PLAN. Pursuant to the provisions of Subtitle F, Title 8, Government Code, as
amended (hereinafter called the "TCDRS Act"), the County hereby makes the plan selections authorized by Subchapter
H of Chapter 844 of the said TCDRS Act, and, effective January 1, 1993, adopts the plan provisions of the Annually
Determined Contribution Rate Plan provided for in said Subchapter H.

II. EMPLOYEE DEPOSIT RATE. For each payroll period from and after the 1st day of January, 1993, member
deposits of each employee of the County shall be made to the Texas County and District Retirement System at the

rate of seven per centum (7.0%)¹ of compensation; and such deposits shall be withheld by the County Treasurer (Payroll Officer) and transmitted to the System for deposit to the individual account of the employee as provided in Sections 845.402 and 845.403 of the TCDRS Act.

III. CURRENT SERVICE CREDIT PERCENTAGE. For service performed for the County from and after January 1, 1993 each TCDRS member shall be allowed "multiple-matching credit" which when added to the rate employed in determining the "current service credit" allowable to the member under Section 843.403 of the TCDRS Act, will total 200 %² of the member's deposits. Current Service Credit for periods ending prior to January 1, 1993 shall be at the greater of the rate currently in effect December 31, 1992, or the rate to become effective January 1, 1993.

IV. PRIOR SERVICE CREDIT PERCENTAGE. Allocated (special) prior service credits heretofore allowed to any member by the County and in effect December 31, 1992, shall be recomputed at 150 %³ of the maximum (special) prior service credit of each member affected.

V. OPTIONAL BENEFITS ELIGIBILITY PLAN. If not already adopted, by this order the County hereby adopts the Optional Benefit Eligibility Plan described in Section 844.207 of the TCDRS Act.

VI. SELECTION AND ADOPTION OF OTHER CREDITS AND BENEFITS. Pursuant to Section 844.704 of the TCDRS Act, the County selects and adopts and allows the following additional rights, credits and benefits, effective January 1, 1993:

1. Prior Service Credit for Military Service Under Section 843.202. Prior service credit (not exceeding 36 months total) shall be, and is hereby, allowed under Section 843.202 for active service in the armed forces of the United States performed by a TCDRS member of the County under the following conditions, viz.:

- (a) Such service was performed prior to date of the County's participation in Texas County and District Retirement System.
- (b) Such service was performed during a time that the United States was involved in organized conflict with foreign forces, whether in a formal state of war or police action;
- (c) Such person was an employee of the County immediately prior to the beginning of such service in the armed forces, entered such military service without intervening employment, and returned to employment of the County within one hundred eighty (180) days following his discharge or release from active duty with the armed forces; and,
- (d) Such person has not heretofore been allowed credit for any part of such military service.

¹Four, five, six or seven percent.

²The percentage may be 100%, 125%, 150%, 175%, 200%, 225% or 250%.

³Must be a multiple of 5%; may be the same as, but cannot be a lesser percentage than the percentage heretofore adopted by the County.



2. Current Service Credit for Military Service Under Section 843.601. Any person who on or after January 1, 1993, is a TCDRS member of the County and who was a member of the military service of the United States during the period from April 6, 1917, to November 11, 1919; or from October 16, 1940, to October 31, 1974; or from August 2, 1990, to March 31, 1992, and who otherwise qualifies under the requirements of Section 843.601 of the TCDRS Act, shall be granted current service credit and multiple matching credit for each month of such military service (not exceeding the limits prescribed in said Act) for which such member makes application and makes deposits in the manner prescribed by said Act.

3. Optional Benefit for Surviving Beneficiary of Vested Member Under Section 844.209.

- (a) If a member, who has the credited service required under Section 844.209 of the TCDRS Act, shall die before becoming eligible for service retirement and leaves surviving a person whom the member has designated as beneficiary entitled to payment of the member's accumulated contributions in the event of the member's death before retirement, the designated beneficiary may by written notice filed with the System elect to leave the accumulated deposits on deposit with the System subject to the terms and conditions of said Section 844.209(b). If the accumulated deposits have not been withdrawn before such time as the member, if living, would have become entitled to service retirement, the surviving beneficiary may elect to receive, in lieu of the accumulated deposits, an annuity payable monthly thereafter during the lifetime of the designated beneficiary in such amount as would have been payable had the member lived and retired at that date under a joint and survivor annuity (Option #1) payable during the lifetime of the member and continuing thereafter during the lifetime of the surviving beneficiary.
- (b) At any time before payment of the first monthly benefit of the Option #1 annuity, a surviving beneficiary to whom this subsection applies may, upon written application filed with the System, receive payment of the accumulated contributions standing to the account of the member in lieu of any benefits otherwise payable under this section. In the event such a surviving beneficiary shall die before payment of the first monthly benefit of the Option #1 annuity allowed under this section, the accumulated contributions credited to the account of the member shall be paid to the estate of such beneficiary.

4. Increases In Existing Annuities Under Section 844.208.

- (a) On terms and conditions set out in Section 844.208 of the TCDRS Act, the County hereby elects to allow and to provide for payment of the increases below stated in monthly benefits payable by the System after January 1, 1993, to retired employees and to beneficiaries of deceased retired employees of the County under current service annuities and prior service annuities arising from service by such employees to the County. An annuity increased under this subsection

of this order replaces any annuity or increased annuity previously granted to the same person.

- (b) The amount of the annuity increase under this order is computed as: (i) the sum of the basic and supplemental annuities on the effective date of retirement of the person on whose service the annuities are based, multiplied by 80 %⁴ of the percentage change in the Consumer Price Index for All Urban Consumers, from December of the year immediately preceding the effective date of the person's retirement to the December that is 13 months before the effective date of this order; (ii) less the sum by which the amount of this annuity has previously been increased.
- (c) An increase in an annuity that was reduced because of an option selection is reducible in the same proportion and in the same manner that the original annuity was reduced.
- (d) If a computation hereunder does not result in an increase in the amount of the annuity, the amount of the annuity will not be changed hereunder.
- (e) The amount by which an increase under this subsection of this order exceeds all previously granted increases to an annuitant is an obligation of the County and of its account in the Subdivision Accumulation Fund of the System.

5. Reinstatement ("Buy-Back") of Previously Forfeited Service Credit Under Section 843.003.

Effective January 1, 1993, any employee-member of the County who has terminated a previous membership in TCDRS by withdrawal of deposits while absent from service and,

- (a) who at date of this order has reestablished membership in said System, and
- (b) who as an employee of the County has performed, or hereafter shall have performed, twenty-four consecutive months of credited service subsequent to the date of reestablishment of membership in the System,

shall be allowed to deposit with the System in a lump sum an amount equal to the deposits made by the member while an employee of the County plus interest credited thereon by the System prior to such withdrawal, plus a withdrawal charge of five percent (5%) of such amount for each year from date of such withdrawal to date of redeposit, and thereupon such member shall be allowed credit for all service which such member rendered as an employee of the County and for which the member had been entitled to credited service prior to the date of termination of the earlier membership. The County agrees to underwrite and hereby assumes the obligations arising out of the granting of all such restored credits, and agrees that all such obligations and reserves required to provide such credits shall be charged to the County's account in the Subdivision Accumulation Fund. The five percent (5%) per annum withdrawal charge paid by the member shall be deposited to the credit of the County's account in said Subdivision Accumulation Fund; and the deposits of the amount previously withdrawn by the member shall be credited to his individual account in the Employees Saving Fund of the System.

⁴The percentage may be 30, 40, 50, 60, 70, or 80%.



VII. EMPLOYER CONTRIBUTION RATE. The County hereby undertakes to make monthly normal contributions and prior service contributions to the System at the annual rates determined from year to year by the actuary of the System, and approved by the Board of Trustees as provided by Subchapter H of Chapter 844 of the TCDRS Act; such rates (excluding those for "picked-up" contributions under Section 845.403(l) of the TCDRS Act and those, if any, to the Supplemental Death Benefits Fund) not to exceed the maximum prescribed by Section 844.703(c) of said Act, and to total seven and 2/100 percent (7.02 %) for the year 1993.

VIII. OTHER PARTICIPATION PROVISIONS CONTINUED. Except as modified by this order, the orders heretofore adopted by the governing body relating to participation of the County in the System and in effect on December 31, 1992, are continued in effect.

The above order being read, it was moved and seconded that the same do pass and be adopted.

Thereupon, the question being put, the following members voted Aye: John L. Hyden

Keith C. Clark Lynn Smith

Kenneth White Chester Cox

and _____; and the following voted

No: _____

Whereupon, the order was declared adopted.

Witness our hands officially on this 8th day of November, 1993.

[Signature]
County Judge

[Signature]
Commissioner, Precinct #1

[Signature]
Commissioner, Precinct #2

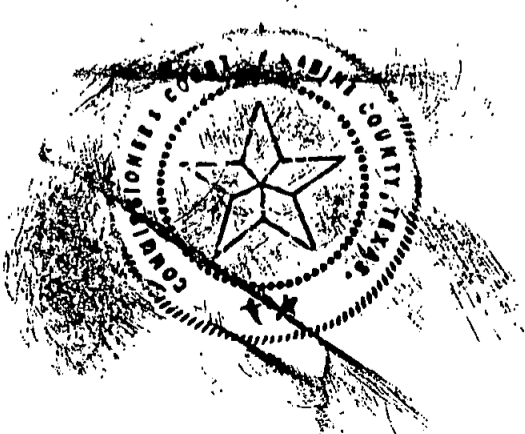
[Signature]
Commissioner, Precinct #3

[Signature]
Commissioner, Precinct #4

Attest:

[Signature] By [Signature]
County Clerk and Ex-Officio
Clerk of the Commissioners Court,

Sabine County, Texas



THE STATE OF TEXAS
COUNTY OF SABINE
I HEREBY CERTIFY THAT THESE DOCUMENTS WERE FILED AND
DULY RECORDED IN THE COMMISSIONERS COURT MINUTES OF SABINE
COUNTY, TEXAS.



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MADINE GARY, COUNTY CLERK
By [Signature]
DEPUTY

John Hall, *Chairman*
Pam Reed, *Commissioner*
Peggy Garner, *Commissioner*
Anthony Grigsby, *Executive Director*



TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

Protecting Texas by Reducing and Preventing Pollution

October 29, 1993

The Honorable John L. Hyden
Sabine County Judge
P.O. Box 716
Hemphill, Texas 75948

**Re: Municipal Solid Waste - Sabine County
Geneva Landfill - MSW Permit No. 888**

Dear Judge Hyden:

On September 14, 1993, a representative of the Texas Natural Resource Conservation Commission's (TNRCC) Region 10 office inspected the referenced municipal solid waste disposal facility. During this inspection, no significant violations of the Municipal Solid Waste Regulations (MSWR) were observed.

We appreciate your efforts in operating and maintaining this facility. If you have any questions, please contact Craig Fleming of the TNRCC Region 10 office at (409) 842-9413.

Sincerely,

A handwritten signature in cursive script that reads "Susan Kelly".

Susan Kelly
Waste Program Manager

JCF/jg

cc: MSW Division Compliance and Enforcement Section, Austin

Vol X Pg 505

REPLY TO: REGION 10 • 4820 WARD DR. • BEAUMONT, TEXAS 77705-0328 • AREA CODE 409/842-9413

P.O. Box 13087 • Austin, Texas 78711-3087 • 512/908-1000



John Hall, *Chairman*
Pam Reed, *Commissioner*
Peggy Garner, *Commissioner*
Anthony Grigsby, *Executive Director*



TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

Protecting Texas by Reducing and Preventing Pollution

October 29, 1993

The Honorable John L. Hyden
Sabine County Judge
P.O. Box 716
Hemphill, Texas 75948

**Re: Municipal Solid Waste - Sabine County
Sabine Town County Landfill - MSW Permit No. 889**

Dear Judge Hyden:

On September 14, 1993, a representative of the Texas Natural Resource Conservation Commission's (TNRCC) Region 10 office inspected the referenced municipal solid waste disposal facility. During this inspection, no significant violations of the Municipal Solid Waste Regulations (MSWR) were observed.

We appreciate your efforts in operating and maintaining this facility. If you have any questions, please contact Craig Fleming of the TNRCC Region 10 office at (409) 842-9413.

Sincerely,

Susan Kelly
Waste Program Manager

JCF/jg

cc: MSW Division Compliance and Enforcement Section, Austin

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John Hall, *Chairman*
Pam Reed, *Commissioner*
Peggy Garner, *Commissioner*
Anthony Grigsby, *Executive Director*



TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

Protecting Texas by Reducing and Preventing Pollution

October 29, 1993

The Honorable John L. Hyden
Sabine County Judge
P.O. Box 716
Hemphill, Texas 75948

Re: **Municipal Solid Waste - Sabine County**
Sabine County Landfill - MSW Permit No. 890

Dear Judge Hyden:

On September 14, 1993, a representative of the Texas Natural Resource Conservation Commission's (TNRCC) Region 10 office inspected the referenced municipal solid waste disposal facility. During this inspection, no significant violations of the Municipal Solid Waste Regulations (MSWR) were observed.

We appreciate your efforts in operating and maintaining this facility. If you have any questions, please contact Craig Fleming of the TNRCC Region 10 office at (409) 842-9413.

Sincerely,

A handwritten signature in cursive script that reads "Susan Kelly".

Susan Kelly
Waste Program Manager

JCF/jg

cc: MSW Division Compliance and Enforcement Section, Austin

Vol X Pg 507

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TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

Protecting Texas by Reducing and Preventing Pollution

October 29, 1993

The Honorable John L. Hyden
Sabine County Judge
P.O. Box 716
Hemphill, Texas 75948


**Re: Municipal Solid Waste - Sabine County
Gree Acres County Landfill - MSW Permit No. 1360**

Dear Judge Hyden:

On September 14, 1993, a representative of the Texas Natural Resource Conservation Commission's (TNRCC) Region 10 office inspected the referenced municipal solid waste disposal facility. During this inspection, no significant violations of the Municipal Solid Waste Regulations (MSWR) were observed.

We appreciate your efforts in operating and maintaining this facility. If you have any questions, please contact Craig Fleming of the TNRCC Region 10 office at (409) 842-9413.

Sincerely,


Susan Kelly
Waste Program Manager

JCF/jg

cc: Mr. Smith, Sabine County Commissioner, Precint 2, Hemphill
MSW Division Compliance and Enforcement Section, Austin

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John Hall, *Chairman*
Pam Reed, *Commissioner*
Peggy Garner, *Commissioner*
Anthony Grigsby, *Executive Director*



TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

Protecting Texas by Reducing and Preventing Pollution

October 29, 1993

The Honorable John L. Hyden
Sabine County Judge
P.O. Box 716
Hemphill, Texas 75948

**Re: Municipal Solid Waste - Sabine County
Bronson Landfill - MSW Permit No. 1666**

Dear Judge Hyden:

On September 14, 1993, a representative of the Texas Natural Resource Conservation Commission's (TNRCC) Region 10 office inspected the referenced municipal solid waste disposal facility. During this inspection, no significant violations of the Municipal Solid Waste Regulations (MSWR) were observed.

We appreciate your efforts in operating and maintaining this facility. If you have any questions, please contact Craig Fleming of the TNRCC Region 10 office at (409) 842-9413.

Sincerely,

A handwritten signature in cursive script that reads "Susan Kelly".

Susan Kelly
Waste Program Manager

JCF/jg

cc: MSW Division Compliance and Enforcement Section, Austin

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REPLY TO: REGION 10 • 4820 WARD DR. • BEAUMONT, TEXAS 77705-0328 • AREA CODE 409/842-9413

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Anthony Grigsby, *Executive Director*



TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

Protecting Texas by Reducing and Preventing Pollution

October 29, 1993

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

The Honorable John L. Hyden
Sabine County Judge
P.O. Box 716
Hemphill, Texas 75948

Re: Municipal Solid Waste - Sabine County
Gravel Hill - MSW Permit No. 1667

Dear Judge Hyden:

On September 14, 1993, a representative of the Texas Natural Resource Conservation Commission's (TNRCC) Region 10 office inspected the referenced municipal solid waste disposal facility. During this inspection, conditions were observed and documented that constitute violations of the TNRCC's Municipal Solid Waste Regulations (MSWR).

The following areas of noncompliance were observed and documented during the inspection:

1. 30 Texas Administrative Code (TAC) 330.142:

Violation: "Special provisions shall be made for the disposal of large, heavy, or bulky items which cannot be incorporated in the regular spreading, compaction, and covering operations."

Corrective Action: Remove the large metal objects from the landfill and recycle the metal. See attached letter from Judge Hyden.

2. 30 TAC 330.143:

Violation: The open burning of solid waste except for infrequent burning of waste generated by land clearing operations, agricultural waste, diseased trees, or emergency cleanup operations is prohibited at any municipal solid waste landfill.

Corrective Action: Cease all burning activities at this site.

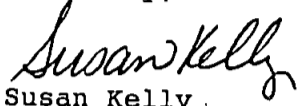
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The Honorable John L. Hyden
Sabine County Judge
Page 2
October 29, 1993

Concerning these violation(s), we request your response in writing with a schedule for corrective action by November 25, 1993. We also request that you advise us of any corrective action which you have already taken. TNRCC personnel are available to assist you with any technical assistance that you may require in order to effect compliance.

If you have any questions, please contact J. Craig Fleming of the TNRCC Region 10 office at (409) 842-9413.

Sincerely,



Susan Kelly
Program Manager, Waste

JCF/jg

cc: Ken White, Sabine County Commissioner, Precinct 3, Hemphill
MSW, Division Compliance and Enforcement Section, TWC

THE STATE OF TEXAS
COUNTY OF SABINE
I HEREBY CERTIFY THAT THESE DOCUMENTS WERE FILED AND
DULY RECORDED IN THE COMMISSIONERS COURT MINUTES OF SABINE
COUNTY, TEXAS.



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MADINE GARY, COUNTY CLERK
by Louise Clark
DEPUTY

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