

Monday, March 13, 1995, the Sabine County Commissioners' Court met in a regular session. The following members were present:

John L. Hyden	County Judge
Keith Clark	Commissioner Pct. #1
Lynn Smith	Commissioner Pct. #2
Charles Ellison	Commissioner Pct. #3
Will Smith, Sr.	Commissioner Pct. #4
Janice McDaniel	County Clerk

Judge Hyden called the meeting to order at 8:35 A.M.

Bro. Clarence Howell led the Court in prayer.

Agenda item #1-General Business

Judge Hyden moved to accept the minutes of the February 27th regular meeting.

Commissioner Clark seconded. All voted for. Motion carried.

Judge Hyden read the report of JP #2, Daniel Featherston. Judge Hyden moved to accept the report. Commissioner Clark seconded. All voted for. Motion carried.

Agenda item #3-Receive Bids-Used Surplus Equipment - Appropriate Action

One bid was received. Bid from W. Z. Weems, Jr. in the amount of \$400.00 for the 13M, FS-6 Microfilm Camera and Workstation, Duplifice Printer and a Reader.

Commissioner Will Smith moved to accept this bid. Commissioner Clark seconded. All voted for. Motion carried. See attached exhibit.

Commissioner Will Smith ask the Court if the dump truck that he has requested bids for sale on could be auctioned off since no bids have been received.

Judge Hyden moved that he be responsible for contacting the County Attorney on determining the proper procedure to auction the truck and then affecting that move.

Commissioner Clark seconded. All voted for. Motion carried.

Agenda item #4-Select DETCOG Representative

Commissioner Lynn Smith moved to appoint Judge Hyden as representative for another year. Commissioner Clark seconded. All voted for. Motion carried.

Agenda item #5-Approve Resolution Opposing Legislation RE: Workers Comp. Pool

Judge Hyden informed the Court that he strongly opposes this legislation.

Commissioner Lynn Smith moved to approve this Resolution that would oppose any and all legislation that would regulate or oversee any of the local government workmens comp. pools.

Judge Hyden seconded. All voted for. Motion carried. See attached exhibit.

Agenda item #8-Solicit Bids- Office Furniture

Commissioner Clark moved to solicit bids for office furniture. Commissioner Ellison seconded. All voted for. Motion carried. See attached exhibit.

Agenda item #9-Roy Boudreaux RE: Culvert Twin Cedars Subdivision

Commissioner Will Smith put this item on the agenda. He ask Mr. Boudreaux if he would explain to the Court what he is wanting Commissioner Will Smith to do in Twin Cedars Subdivision.

Mr. Boudreaux told the Court that Twin Cedars is in Pct. #4. The subdivision is in a

circle on each side of the road. On the inside of this circle is

... in good shape. Permits have been issued to H. G. Byley. The Court can not close Mr. Byley's operations down. The road will not be repaved. It is not a paved road. The road will be maintained by his precinct. Commissioner Will Smith stated that this will take care of the letter from Mr. Zentmeyer and it will be filed away. The Court concurred with Commissioner Will Smith

Agenda item #6-Approve Purchase of Sign/Pineland Tax Office

This item is to be placed on the March 27th Court agenda.

Agenda item #13-Line Item Transfers

Commissioner Clark moved to approve the line item transfers. Commissioner Will Smith seconded. All voted for. Motion carried. See attached exhibit.

Agenda item #16-Bids on Truck Pct.#3

One bid was received. Bid for David Cook Trucks and Equipment, Florien, La., in the amount of \$37,325.00 for a 1987 Mack Dump Truck.

Commissioner Ellison moved to accept the bid of \$37,325.00 for David Cook Trucks and Equipment for a 1987 Mack Dump truck for precinct #3. Commissioner Lynn Smith seconded.

Judge Hyden moved to amend the motion by adding the words contingent upon acquisition of proper lease financing. Commissioner Clark seconded. All voted for the amendment. All voted for the motion as amended. Motion carried.

Agenda item #12-County Gravel Operation-Any and all appropriate Action

Commissioner Lynn moved for Sabine County to accept bids for the following equipment:

1- 20" X 36" Jaw Rock Crusher with Electric Motors

1- 250 Kilowatts Generator with Diesel Engine

1- Rubber Tire Front End Loader (1985 model or newer) with a minimum of 260 HP Diesel Engine. Minimum four (4) Yard Bucket.

All bids must be sealed and submitted to the County Clerk no later than 8:30 A.M., March 30, 1995. Bids shall be opened during a special called meeting of the Commissioners' Court beginning at 8:30 A.M., March 30, 1995. Sabine County reserves the right to reject any and all bids. Commissioner Will Smith seconded. All voted for. Motion carried. See attached exhibit.

Court recessed at 10:00 A.M.

Court reconvened at 10:07 A.M.

Agenda item #11-Approve Acquisition of Used Gradall Pct. #4

Commissioner Will Smith informed the Court that he has found a 1978 used gradall for the purchase price of \$3500.00. He has had a person from Bane's to look it over and this person told him that he thought the gradall was in pretty good shape and a good buy for the County. Commissioner Will Smith said that he thinks it is a good buy.

Commissioner Will Smith moved that we purchase this used 1978 Badger model gradall. Commissioner Clark seconded. All voted for. Motion carried. This will be paid for out of R&B Pct. #4.

Agenda item #7-Hearing Putnam Road/ Appropriate Action

Judge Hyden state that proper notice was given.

Johnnie Phillips and Robert Putnam were sworn in by Judge Hyden to give testimony on

this agenda item.

Judge Hyden stated that for the record there has been a previous action taken by this Court to rescind the action taken back in October 8, 1990, where the road was accepted and later determined that proper notice was not given to all parties. At that point there was another Commissioners' Court meeting called to rescind the action taken at the previous Court meeting. Proper notice has since been given and we are here this morning to consider the same action based on petitions received from Ed Hamilton and Robert Putnam.

Attorney Michael Ratcliff, representing Johnnie and Glenn Phillips and adjoining landowners, gave opening remarks. The petitions do not meet the requirements according to the Texas art. #6702-1, known as the "County Road and Bridge Act". Section 2.001 clearly defines public roads and highways that have not been discontinued, but have been laid out and established according to law. The Commissioners' Court accepted the road known as the "Putnam Road" based upon petitions from Robert Putnam and Ed Hamilton requesting the County accept this road for County maintenance submitted in the September 10, 1990 Court meeting. Also, section 2.002 lays out the Courts authority in subsection 1-A, a public road may not be discontinued until a new road is ready to replace it. Also section 2.003A, subsection 1. Based upon these, they ask that the petitions be denied until a new public road is ready to replace it. The Phillips bought this property in 1994 and it was a county road at that time.

Judge Hyden gave his comments: The Court created that county road without due process. There was never public notice given. It was never classified as a 1, 2 or 3 road as required. There was a conveyance. There was an acceptance. In his opinion, to this day it does not exist as a legal county or public road so the petition to rescind it as a public road or county road seems to be premature or not relevant. It is not the contention of this Court to deny anyone access to their property. He suggested to the Court that our action would be to rescind the action of the prior Court in that it was not handled in the proper fashion to begin with. If it had been handled right to start with, it would take these sections to correct it. He agrees with Mr. Ratcliff that the public should be able to depend on the Commissioners' Court to uphold their ruling, but things were not done legally before but they are trying to do so now. Under Vernon Statutes art. # 67021, the 20 days public notice was not done.

Mr. Robert Putnam stated that this is undeveloped property. He built the road at a cost of about \$3,000.00 to the specifications to have a 20' ROW through there, ending at his property. The county road does not touch the Phillips property. Mr. Putnam told the Court that he had personal knowledge that a bulldozer had pushed a road into the Phillips property. The only recourse Mr. Hamilton has is to abandon this road because if the road is left there, he doesn't know when or where another road may be pushed through. Or the fence that has been put up on his property line may be pushed down causing more damage to his property or crossing his property without permission.

Court recessed at 11:30 A.M.

Court reconvened at 11:45 A.M.

Commissioner Will Smith moved that the road known as the "Putnam Road" be classified as a class "C" road knowing that it was not accepted properly in the past, but that it was used
Smith seconded.

Agenda item #2- Consider Order for Sabine County to Inspect & Authorize Installation of Septic System

This is to be placed on next Court agenda.

Agenda item #17-Pay Accounts and Salaries

Commissioner Clark moved to pay accounts and salaries. Commissioner Lynn Smith seconded. All voted for. Motion carried.

Commissioner Clark moved to adjourn. Commissioner Lynn Smith seconded. Meeting adjourned.

[Signature]
COUNTY JUDGE

[Signature]
COMMISSIONER PCT. #1

[Signature]
COMMISSIONER PCT. #2

[Signature]
COMMISSIONER PCT. #3

[Signature]
COMMISSIONER PCT. #4

[Signature]
COUNTY CLERK

Line-Item Transfer

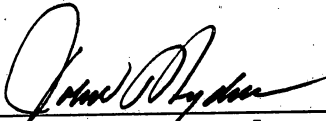
Date: March 13, 1995

Honorable Commissioners Court of Sabine County:

I submit to you for your consideration the following line-item transfers:

	<u>FUND</u>	<u>DEPT.</u>	<u>ACCT.</u>	<u>AMT.</u>
From:	General	P. R. Bond II	Rev. From Cty	\$ 5,000.00
	General	Non. Dept.	Capital Reservve	\$17,000.00
To:	General	Dist. Court	Community Serv.	\$ 5,000.00
	General	Tax Asses./Coll.	Temp. Help	\$ 9,000.00
	General	Non. Dept.	Lse./Comp.	\$ 3,000.00
	General	Non. Dept.	Capital Outlay	\$ 5,000.00

Reason:



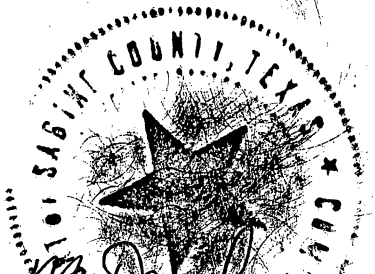
Department Head



Linn Smith

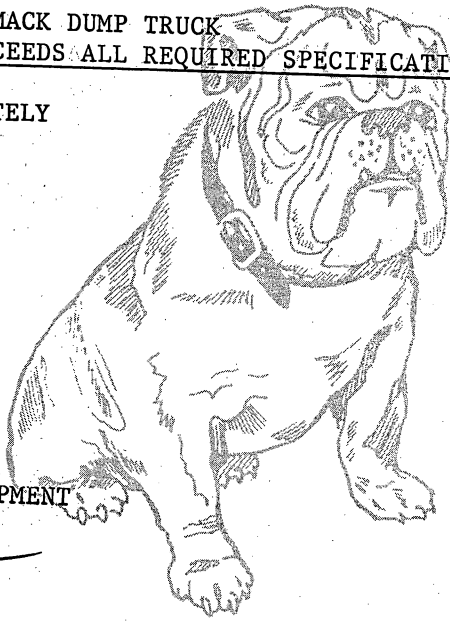


Janice McDonald



OPENING DATE: MARCH 13, 1995-NO LATER THAN 8:30 A.M.

TYPE OF VEHICLE: 1987 MACK DUMP TRUCK
SPECS: MEETS AND/OR EXCEEDS ALL REQUIRED SPECIFICATIONS
BID AMOUNT: \$37,325.00
DELIVERY DATE: IMMEDIATELY



THANK-YOU,

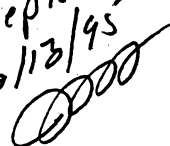
DAVID COOK TRUCKS & EQUIPMENT

David Cook

DAVID COOK,
OWNER

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W.Z. WEEMS, JR. & ASSOCIATES
ATTORNEYS AT LAW

Accepted
3/13/95


W.Z. WEEMS, JR.

STEVEN M. HOLLIS

March 8, 1995

Sabine County Commissioners Court
Sabine County Courthouse
Hemphill, Texas 75948

Re: Bid on Microfilm equipment

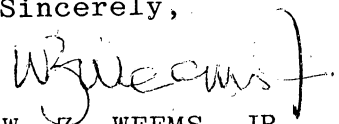
Gentlemen:

I hereby enter my bid of \$400.00 for the following equipment:

1, (one), 3M, FS-6 Microfilm Camera and Workstation and
Duplifice Printer and Reader

Please advise me of the status of my bid once all bids have
been reviewed.

Sincerely,


W. Z. WEEMS, JR.

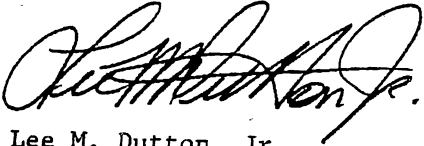
WZW/nb

Will Smith, Sr.
Rt. 1 Box 85 C
Hemphill, Texas 75948

Dear Mr. Smith,

This letter will serve as our notice that the frame building located on the land belonging to Mr. Grace is not part of the security on your loans.

Sincerely,



Lee M. Dutton, Jr.
President

LMD/js

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Deep East Texas Council of Governments and Economic Development District
274 East Lamar Street • Jasper, Texas 75951 • 409/384-5704 • FAX 409/384-5390

WALTER G. DIGGLES
Executive Director
March 1, 1995

Honorable Larry Hyden
Sabine County Judge
P. O. Box 716
Hemphill, Texas 75948

Dear Judge Hyden:

The Deep East Texas Council of Governments begins a new Board membership on July 1, 1995. We need your cooperation in selecting an elected official from Sabine County to serve on the Board of Directors. Article VII, paragraph 1 of the Bylaws states "Representatives from member counties will be selected by the county commissioners court of each respective county Effective June 1, 1994, county membership is determined as follows:

Population	Number of Members
0 - 25,000	1
25,001 - 50,000	2
50,001 - 75,000	3
75,001 - 100,000	4

Please list below the official you have duly appointed and return this information to DETCOG in the enclosed envelope as soon as possible. Sabine County's current member is yourself. The appointment from Sabine County for 1995-1996 is:

Name	Elected Position	Preferred Mailing Address
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WHEREAS elected county officials and auditors have comprised the TAC Workers' Compensation Fund board of directors to shape a successful program uniquely suited to county needs; and

WHEREAS annual savings to local taxpayers through contributions to the TAC Workers' Compensation pool now total \$12 million; and

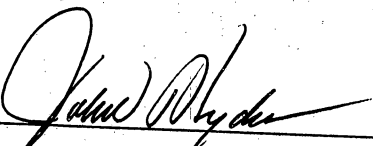
WHEREAS some members of the Texas Legislature are now interested in mandating state oversight of the county-run pool with the explanation that state regulation would prevent "surprises to local taxpayers" or unfunded workers comp claims; and

WHEREAS no evidence exists of any "taxpayer surprises" or valid unpaid claims; and


WHEREAS the Texas Association of Counties Workers' Compensation Fund has provided excellent benefits to counties through the effective oversight of local elected officials, instead of through hired state bureaucrats; and

WHEREAS, by contrast, the Texas Department of Insurance has a checkered history including failure to prevent numerous private sector bankruptcies and eight different directors in the past decade;


NOW THEREFORE BE IT RESOLVED THAT COUNTY COMMISSIONERS COURT does hereby formally oppose any state legislation that provides for state regulation *or oversight* of local government workers' compensation pools.



County Judge



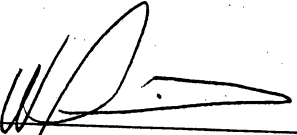
Commissioner, Precinct One



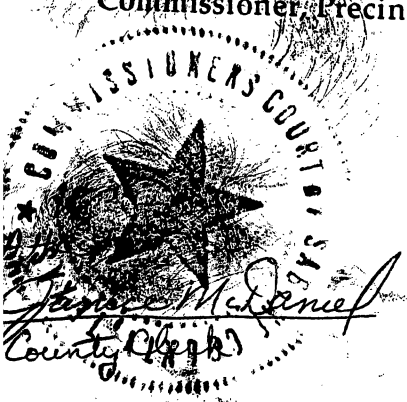
Commissioner, Precinct Two



Commissioner, Precinct Three



Commissioner, Precinct Four



Request For Bids

Sabine County is accepting bids for the following equipment:

- One 20" X 36" Jaw Rock Crusher with electric motors
- One 250 KW Generator with diesel engine
- One Rubber Tire Front End Loader (1985 model or newer) with a minimum of 260 HP diesel engine. Minimum four (4) yard bucket

All bids must be sealed and submitted to the County Clerk no later than 8:30 a.m., March 30, 1995. Bids shall be opened during a special called meeting of Commissioners Court beginning at 8:30 a.m., March 30, 1995. Sabine County reserves the right to reject any and all bids.