

Monday, August 21, 1995, the Sabine County Commissioners' Court met in a special called meeting. The following members were present:

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| 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. and stated that due notice has been posted. Judge Hyden led the Court in prayer.

In information to the Court, Judge Hyden stated that he had received bids for two desk that were not sold during the opening of bids that was advertised twice in the paper. He would like to accept these bids and any other bids for desk that was not sold. The Court was in agreement to this. See attached copy of bids.

Judge Hyden also informed the Court that himself and Tracy, along with the help of Ollie Faye and Trisha, calculated your cost for gravel. What he did is look at the yards of gravel hauled from October 1, 1994 through July 31, 1995. That total is 26,687 yards. According to Mr. Welch, there are approximately 15,000 yards in inventory, thereby total yards produced year to date is 41,687 yards. The expense to date is \$167,208.00. One dollar per yard has to be added to the cost for the inventory because the royalty is not paid until it is hauled. That brings the total to \$182,208.00 for that 10 month period for 41, 687 yards of material and that averages out to \$4.37 per yard. He stated that he doesn't know what the cost is today, what it will be tomorrow or what it was last Tuesday, but that is what the cost was for that 10 month period. See attached copy.

Agenda item #7-Approve Contract Between Hemphill ISD and Sabine County - Tax Collection

Judge Hyden moved to approve the Assessment and Collection Agreement between Hemphill ISD and Sabine County. Commissioner Lynn Smith seconded. All voted for. Motion carried.

Commissioner Clark moved to give Judge Hyden the authority to sign the agreement. Commissioner Ellison seconded. All voted for. Motion carried. See attached copy.

Court recessed at 8:50 A.M.

Court reconvened at 8:53 A.M.

Judge Hyden stated for the Court's information, there is a request by petitioner, Mildred Toner, for a continuance on the hearing that was originally scheduled for tomorrow morning. He has granted that continuance and issued a new order for a hearing at 9:00 A.M., Thursday, September 14th.

Agenda item #4-Ed Berry - Sabine County Childrens Protective Services - Discussion Regarding Boards Charter, Appointments,

Purpose, etc.

Judge Hyden stated that the Court recognizes Mr. Ed Berry.

Mr. Berry said that for the record that this does not represent the board of directors of child protective services, that this is questions he has himself. He is asking what the purpose of the board, what are they supposed to be doing. He stated that since he has been appointed to the board, he has attended every meeting and that there has not be a quorum present at any of them. Mr. Bill Ramsey, director of Child Protective Services with the Department of Human Services, gave Mr. Berry a copy of the By-Laws of Sabine Childrens Service Board. It is not dated so he does not know how old it is. There are parts of the by-laws that he does not agree with and would like for the Court to compare the by-laws of Sabine County and the by-laws of the Department of Human Services.

Court recessed at 9:12 A.M.

Court reconvened at 9:15 A.M.

Judge Hyden stated that Sabine County contributes \$1000.00 a year to the Sabine County Child Welfare. Judge Hyden conferred with Mrs. Sparks, County Treasurer, to see how the money is disbursed.

Mrs. Sparks showed the Court that the check is paid directly to Childrens Protective Services, Bill Ramsey.

The Court does not know what the money is used for, but Judge Hyden is going to call a meeting with the members of the board, Mr. Ramsey, Mrs. Burnett and the gentleman from Nacogdoches that Mr. Berry spoke with. The Court gave Judge Hyden permission to do this. He is to report back to the Court.

Agenda item #5-Consider and Take Action on New Member Appointment

A letter was submitted by Mr. Ramsey requesting that Holly Quade be appointed to the Sabine Childrens Service Board.

Judge Hyden moved that this item be tabled. Commissioner Lynn Smith seconded. All voted for. Motion carried.

Agenda item #6-Consider and Take Action on Amendment to Resolution Order to Declare Portion of 9 Mile Road a Public Road Discussion only. This item is left open.

Agenda item #3-Receive and Open Bids - Oversize Rock

Two bids were received.

Bid #1-Welch Rock - trade glauconite road base for oversize glauconite rock at a rate of 1 for 1 or even trade.

Bid #2-RR Rock Incorporated - trade glauconite road base for oversize glauconite rock at a rate of 1 for 1 or even trade.

See attached copy of bids.

Commissioner Lynn Smith moved to accept both proposals. Commissioner Will Smith seconded. All voted for. Motion carried.

Agenda item #1-Approve 1995 - 1996 Budget (Adopt)

The budget has to be approved before a tax rate can be

adopted.

Judge Hyden that the budget be adopted in two parts because there are basically three funds. He would like for the Court to consider and approve the General fund and the debt service. Those two first and then the Road and Bridge fund.

The budget calls for revenue of \$1,771,237.00. This is General fund only. The amount of ad-valorem taxes is \$972,987.00 and the balance is from internally generated revenues. Total budget is going to be in excess of around \$4,000,000.00 with advalorum taxes supporting less than 23 percent of the budget. Total expenditures is \$1,771,237.00 with \$178,800.00 going into capitol reserve. There are not any overall salary increases with these exceptions. Judge Hyden is proposing that the secretaries in the JP's offices, 1 and 2, and in the County Attorney's office be increases by \$635.00 a year each. The other increase is for the JP's, 1 and 2. These are the only increases in salary figured in the budget. There is an addition in personnel reflected in the Tax Assessor/Collector's office and in the County Clerk's office, each by one clerk.

Commissioner Clark moved to pay an amount not to exceed \$5,000.00 to East Sabine Senior Citizens. Judge Hyden seconded. All voted for. Motion carried. This is an increase of \$3,800.00.

Judge Hyden stated that there is something else that is new this year and that is a County Fire Marshall. It will be coming before the Court in the next regular meeting to adopt the rules and ordinances under which that will operate under the fire and safety code.

Judge Hyden stated that there are no net increases in personnel in the Sheriff's department.

Commissioner Will Smith ask the Court why a Black deputy was not hired to replace the black deputy that quit and went to work for the City of Hemphill. Commissioner Lynn Smith stated that he was asking the wrong ones. Commissioner Clark stated that the Court has no control over that. Judge Hyden stated that the Court can approve the amount of dollars that he has to hire with and can approve the number of positions, but the Court has no authority to tell the Sheriff who to hire. Commissioner Will Smith said that he would get with the Sheriff about this.

Judge Hyden stated that right now we have six deputies. Have had for 2 years. With the Court action concerning Terry Vaughn, that made the 7th deputy. The difference is that when Mike Mills quit, no one has been hired to replace him.

Commissioner Lynn Smith ask if anyone knew how many deputies San Augustine County or Newton County has. No one knew how many each County has.

Commissioner Will Smith stated that he has no problem with 7 deputies except that one of them is not black.

Commissioner Clark stated that he thinks we should keep just

what we have now and not add any more.

Commissioner Will Smith stated that he will vote for the 7th deputy if that deputy is black.

Court recessed at 10:47 A.M.

Court reconvened at 11:12 A.M.

Commissioner Lynn Smith stated that during the break, he made telephone calls to San Augustine and Newton. He was told that San Augustine has 3 deputies and Newton has 4 deputies.

Commissioner Will Smith stated that he also made a phone call and he will not say what he was told, but he is going with the 6 deputies.

Commissioner Lynn Smith moved to amend this proposed budget in order to let the figures reflect 6 deputies rather than 7. Commissioner Clark seconded. All voted for. Motion carried.

Commissioner Lynn Smith moved to approve the General fund budget as presented with the exception of the Sheriff's department and it is approved with the deletion of 1 deputy and associated salary and benefits for 1 deputy. Commissioner Clark seconded. All voted for. Motion carried.

Commissioner Lynn Smith moved to approve the proposed budget for the debt service fund. Commissioner Clark seconded. All voted for. Motion carried.

Judge Hyden stated that the PR Bond fund, Hotel/Motel Tax fund, Record Retention, 944 Water System Grant fund, Thomas Johnson Community Grant fund and EDAP-Texas Water Development Board Grant fund are technically funds in and of themselves and he moved that those be approved as submitted. Commissioner Lynn Smith seconded. All voted for. Motion carried.

Next to Road and Bridge Pcts. 1 through 4, Road and Bridge Special I and Road and Bridge Special III.

Commissioner Lynn Smith moved to approve Road and Bridge accounts budgets for the next year. Commissioner Will Smith seconded.

Commissioner Clark stated that he still has a problem with the Rock Pit. He doesn't feel like it is a paying proposition.

Commissioners Lynn Smith and Will Smith and Judge Hyden voted for the motion. Commissioners Clark and Ellison voted against. Motion carried.

Agenda item #2-Adopt Tax Rate 1995-1996

Judge Hyden moved that the Court adopt an M&O tax rate of .34094 and interest and sinking fund rate of .02998 for a total tax rate of .37092 cents per \$100.00 evaluation for the fiscal year of 1995-96. Commissioner Ellison seconded. All voted for. Motion carried. This is a reduction of 1.79 cents from last fiscal year.

Commissioner Lynn Smith at this time made a correction in the figures that he gave for the deputies in Newton County. He had spoken with the Judge's secretary in Newton and was told they have 4 deputies. The Sheriff from Newton called and corrected that

amount to 6 deputies and that he has asked for 3 more in his budget.

Judge Hyden left at this time and Judge Pro-tem, Commissioner Lynn Smith took over the meeting.

Agenda item #6-Consider and Take Action on Amendment to Resolution Order to Declare Portion of 9 Mile Road a Public Road

Tom Zimmerman with the U. S. Forest Service met with the Court on this item.

There was discussion only. No motions were made.

Commissioner Clark moved to table this item and place it on the next regular meeting agenda. Commissioner Will Smith seconded. All voted for. Motion carried.

Commissioner Ellison moved to adjourn. Commissioner Will Smith seconded. Meeting adjourned.

<u>James Hyden</u>	COUNTY JUDGE
<u>Keith Clark</u>	COMMISSIONER PCT. #1
<u>Lynn Smith</u>	COMMISSIONER PCT. #2
<u>Charles Ellison</u>	COMMISSIONER PCT. #3
<u>Will Smith</u>	COMMISSIONER PCT. #4
<u>Janice McDaniel</u>	COUNTY CLERK



TEXAS DEPARTMENT OF PROTECTIVE AND REGULATORY SERVICES

EXECUTIVE DIRECTOR
Janice M. Caldwell, Dr. P.H.

BOARD MEMBERS

Susan Stahl
Chair, Dallas

Penny Beaumont
Bryan

Frank Davila II
San Antonio

Maconda Brown O'Connor
Houston

Bill Sheehan
Dumas

August 8, 1995

Children's Protective Services
P.O. Box 1927
Hemphill, Tx. 75948
(409)787-3871

Commissions Court
% John Larry Hyden, County Judge
Sabine County Court House
Hemphill, Tx. 75948
(409)787-3543

Dear Judge Hyden:

On behalf of the Sabine County Children's Service Board, we are requesting the approval of Holly Quade as a new member of our board. Ms. Quade has assisted with various projects of the board as a volunteer for several years and is familiar with the services of providing for the underprivileged children in Sabine County. During our regular board meeting on August 7th, all members were in agreement that Ms. Quade would be an asset to the board and our community, therefore we seek this approval from the court..

As always, if our office can be of assistance in any way, please contact us at the above numbers. Our sincere thanks to you and the Commissioners Court.

Respectfully,

Bill Ramsey
Child Protective Specialist, III

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Accepted,
8/21/95
[Signature]

We at Double R Rock, Inc. propose to trade road base
glaucanite rock to Sabine County for oversize glaucanite rock at the rate of 1
for 1 or even trade.

[Signature]
Authorized Signature
8-11-95

Accepted
8/21/95
[Signature]

We at West Rock propose to trade road base
glaucnite rock to Sabine County for oversize glaucnite rock at the rate of 1
for 1 or even trade.

[Signature]
Authorized Signature

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August 18, 1995

Honorable John Larry Hyden:
Honorable Commissioner's Court:

I would like to purchase Brown wood Top Shop made desk marked item #4 located just inside the East entrance door of the Court house. I will pay \$20.00 if the Court O.K.'s this.

IF the Court desires it can be held out of my pay check or I will make payment to the County by personal check.

Thomas J. Hamilton
P.O. Bx. 1648
Hemphill TX 75948
Phone 787-2845

AUGUST 18, 1995

HONORABLE JOHN LARRY HYDEN:
HONORABLE COMMISSIONERS COURT:

I WOULD LIKE TO PURCHASE THE OLD WOOD TYPING DESK
LABELED ITEM #3, LOCATED ON THE SECOND FLOOR OF THE COURT
HOUSE. I WILL PAY \$10.00 IF THE COURT OK'S THIS.

IF THE COURT APPROVES THIS I WILL MAKE PAYMENT TO THE
COUNTY BY PERSONAL CHECK.



TRINA JERGE
P. O. BOX 697
HEMPHILL, TX. 75948
(409)787-2251

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IV. SERVICES TO BE PERFORMED

COUNTY agrees to perform all necessary assessment and collection functions authorized by law for DISTRICT. The functions shall include:

- a. Calculation of the effective tax rate and rollback rate each year.
- b. Calculation of current taxes and preparation of current tax roll and delinquent tax roll each year.
- c. Mailing of current and all required delinquent tax statements.
- d. Proration of tax bills as required.
- e. Correction of tax bills as required.
- f. Preparation of tax receipts.
- g. Preparation of tax certificates.
- h. Collection of current and delinquent taxes.
- I. Issuance of tax refunds as required.

V. ASSESSMENT AND COLLECTION RECORDS

At the termination of this Contract for any reason, COUNTY shall return copies of all assessment and collection records it holds concerning DISTRICT within fifteen (15) days after receipt of notice of termination of this contract as provided hereinbelow.

Any disputes which arise as to the validity of any tax records which have been transferred to COUNTY shall be decided by the governing body of DISTRICT. COUNTY shall refer any such disputes to DISTRICT which shall notify COUNTY of its decision as to the validity of any disputed record.

VI. EMPLOYMENT OF COUNSEL AND AUTHORIZATION TO INSTITUTE LEGAL ACTIONS

DISTRICT reserves for itself the authority to employ by contract legal counsel for the collection of delinquent taxes owing to DISTRICT. Payment of counsel shall be made by DISTRICT, pursuant to such contract, from the delinquent taxes, penalties, and interest collected on behalf of DISTRICT. DISTRICT expressly authorizes such counsel to institute and prosecute delinquent tax suits and any other required legal actions on behalf of DISTRICT to collect its taxes.

VII. AUDIT

Tax rolls and collections therefrom, delinquent and current, will be audited annually on the DISTRICT'S behalf at the COUNTY'S expense. Such audit shall be carried out by an independent certified public accountant who shall report to both the DISTRICT and the COUNTY.

VIII. SURETY BOND

COUNTY agrees to obtain a surety bond for the Tax Assessor-Collector acting in her capacity as Assessor-Collector for DISTRICT. Such bond shall be payable to COUNTY to reimburse DISTRICT. COUNTY and DISTRICT agree that the current existing bond now in place is sufficient to assure proper performance of the assessment and collection of DISTRICT taxes.

IX. REMITTANCE OF TAX COLLECTIONS

The taxes, penalties and interest collected for DISTRICT shall be remitted to Hemphill Independent School District c/o of Jim Nethery at P. O. Box 137, Hemphill, Texas 75948 on a weekly basis during the months of October through January and on a monthly basis during the months of February through September, accompanied by a written report on same.

X. REPORTS

COUNTY further agrees to make reports of its collections of taxes, penalties and interest to DISTRICT on a monthly basis. A cumulative annual report for the preceding twelve months shall be prepared by COUNTY and furnished to DISTRICT after the conclusion of each collection year, but before October 1 of the year. Each such report shall be tendered by COUNTY directly to Hemphill Independent School District c/o of Jim Nethery at P. O. Box 137, Hemphill, Texas 75948.

XI. REFUNDS

COUNTY shall process all applications for refunds and pay all refunds required under the provisions of the Property Tax Code. COUNTY shall pay all refunds which are found to be due and owing from current collections on hand for DISTRICT. If amounts to be refunded exceed current collections on hand, COUNTY shall retain the collections received for DISTRICT until sufficient funds are on hand to pay the refunds due. If sufficient funds are not on hand within two weeks from the original due date of the refund, COUNTY shall notify DISTRICT of the amount needed to pay refunds due and DISTRICT shall within thirty days of such notice remit such additional amount to COUNTY, which shall forthwith make the refund.

DISTRICT designates the Tax Assessor-Collector of COUNTY as its auditor for the sole purpose of approving refunds as required by §31.11 of the Property Tax Code up to the amount of \$500.00. All refund requests in excess of \$500.00 shall be sent to DISTRICT by COUNTY for approval by its governing body. COUNTY shall send such refund request within seven days of processing and DISTRICT shall have such refunds approved and the request returned to COUNTY for payment within thirty (30) days of receipt. The monthly report of collections forwarded from COUNTY to the DISTRICT shall also report all refunds paid out.

COUNTY shall pay all refunds due within sixty (60) days after due. Failure of COUNTY or DISTRICT to act within any time stated in this provision, which results in the accrual of interest due on any refunds, shall obligate the one failing to act timely to pay such accrued interest. If both parties fail to meet deadlines each shall pay ½ the accrued interest.

XII. REGISTRATION AND CERTIFICATION BY BOARD OF TAX PROFESSIONAL EXAMINERS

COUNTY expressly agrees that all personnel engaged in its assessment and collection functions who are required by law to be registered shall remain at all times registered and shall become certified as required by the terms and provisions of Article 8885, V.T.C.S. as amended.

XIII. PAYMENT FOR ASSESSMENT AND COLLECTION SERVICES

In further consideration for services rendered, DISTRICT shall pay COUNTY an annual fee equal to 1% of all taxes, penalties and interest actually collected, payable on a quarterly basis. COUNTY shall provide all collection functions, including the preparation and submission of all required reports as further enumerated herein.

Other Payment Provisions

In the event that the governing body of DISTRICT fails to adopt its tax rate, or fails to notify COUNTY of its tax rate, in time for its taxes to be included on the combined statement prepared for that year, COUNTY shall calculate the cost of preparing, mailing and processing separate tax statements for the DISTRICT. COUNTY shall forward to DISTRICT its notification of these costs for the separate statements and their processing and DISTRICT agrees to pay such costs within thirty days of receiving the notice from COUNTY.

In the event that DISTRICT shall be subject to a successful tax rate rollback election

requiring the printing and distribution of new tax statements and the processing of refunds, DISTRICT agrees to reimburse COUNTY within thirty days after notice from COUNTY of the costs of providing these additional statements and processing these refunds.

If DISTRICT shall, in any year in which this contract is in effect, elect to allow discounts on current year taxes under §31.05 of the Property Tax Code, COUNTY shall calculate the actual additional costs of assessment and collection attributable to such allowance by all taxing units allowing discounts that year. Such additional costs shall be borne proportionally by DISTRICT and such other taxing units for whom COUNTY collects and which allow discounts. Each such taxing unit's share of these additional costs is calculated according to the ratio of its prior year levy to the combined prior year levies of all such units. Such additional costs will not be allocated to all taxing units as described in the paragraph above, but shall be borne exclusively by the units allowing discounts.

All revenue received from the sale of tax certificates by COUNTY shall be retained by it as revenue to be applied against its assessment and collections expense budget for the year in which it is received.

XIV. TERMINATION

This contract may be terminated by COUNTY or by DISTRICT effective on September 30 of any year upon proper notice to the other party. In order for notice to be effective it must be received by the other party not later than the 31st day of May preceding the September 30 effective date.

The parties may in writing agree at any time to any other termination procedure which is mutually acceptable.

XV. NONLIABILITY FOR FAILURE TO COLLECT

COUNTY shall not be liable to DISTRICT for any failure to collect any tax, penalty or interest under any provision of this Contract.

IN WITNESS WHEREOF, these presents are executed by the authority of the governing bodies of the respective parties hereto on the dates shown.

HEMPHILL INDEPENDENT SCHOOL DISTRICT

SABINE COUNTY

Weldon Elliott
Weldon Elliott, Board President
Hemphill Independent School District

John L. Hyden
John L. Hyden, County Judge

Douglas R. Butler
Douglas Ray Butler, Superintendent
Hemphill Independent School District

Tammy Reeves
Tammy Reeves, Tax Assessor-Collector
Sabine County

James S. Walker
James Walker, Secretary
Hemphill Independent School District

Janice McDaniel
Janice McDaniel
County Clerk

7-20-95
Date Signed

8-21-95
Date Signed

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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Janice McDaniel, County Clerk
by Louise Clark
DEPUTY

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