

Special Session Commissioners' Court

Friday, February 15, 2002 9:00 a.m.

Members of the Court Present:

Jack Leath	County Judge
Keith Clark	Commissioner Pct. #1
Lynn Smith	Commissioner Pct. #2
Doyle Dickerson	Commissioner Pct. #3
Gene Nethery	Commissioner Pct. #4
Janice McDaniel	County Clerk

Present at the Meeting:

Temp. Board of Directors of Sabine County Fresh Water Supply District

Phil Yoakum-Chairman	Jack Clark	Don Lindsey
Wendell Grant-Alt.	George Carney	Jerry Pickard

Neal Thomas-Attorney

Judge Leath called the meeting to order.

Agenda item #1-Freshwater District

Don Lindsey told the Court that El Camino Water Supply is going to drop out of the application for the Water District. Their system is in good condition and they are operating in the black. It would not be in the best interest of the people on the system to join in the forming of the Water District.

Neal Thomas said the Commissioners' Court will have to reopen the January 31<sup>st</sup> Court session. The boundaries will have to be redrawn for the District and new appointments will have to be made. The Board of Directors has to be from the District and 2 of the people appointed are from El Camino Bay Subdivision. The election has to be called for by March 20<sup>th</sup>. We have just enough time to schedule another hearing and still have the election May 4<sup>th</sup>.

Judge Leath moved to adopt the order presented setting a rehearing date for the Petition Requesting Creation of a Fresh Water Supply District to discuss additional matters. The date set is March 7<sup>th</sup> at 7:00 p.m. in the District Courtroom. Commissioner Nethery seconded. All voted for. Motion carried.

Commissioner Nethery moved to adjourn. Commissioner Dickerson seconded. Meeting adjourned.

John Leeth COUNTY JUDGE

Keith Clark COMMISSIONER PCT. #1

Lynn Smith COMMISSIONER PCT. #2

Doyle Dickerson COMMISSIONER PCT. #3

R. Grotzky COMMISSIONER PCT. #4

ATTEST:

Janice McDaniel COUNTY CLERK

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CERTIFICATE OF SECRETARY

THE UNDERSIGNED HEREBY CERTIFIES that:

1. On Feb. 15, 2002, the Commissioners Court (the "Governing Body") of the Sabine County, Texas (the "County") convened in regular session at its regular meeting place in the Governing Body (the "Meeting"), the duly constituted members of the Governing Body being as follows:

Jack H. Leath  
Keith C. Clark  
Lynn Smith  
Doyle Dickerson  
Gene Nethery

County Judge  
Commissioner  
Commissioner  
Commissioner  
Commissioner

and all of such persons were present at the Meeting, except the following: \_\_\_\_\_

\_\_\_\_\_ ,  
thus constituting a quorum. Among other business considered at the Meeting, the attached order (the "Order") entitled:

**ORDER SETTING REHEARING DATE FOR PETITION REQUESTING CREATION OF  
FRESHWATER SUPPLY DISTRICT**

was introduced and submitted to the Governing Body for passage and adoption. After presentation and discussion of the Order, a motion was made and seconded that the Order be finally passed and adopted. The motion was carried by the following vote:

5 voted "For"      0 voted "Against"      0 abstained

all as shown in the official Minutes of the Governing Body for the Meeting.

2. The attached Order is a true and correct copy of the original on file in the official records of the County; the duly qualified and acting members of the Governing Body on the date of the Meeting are those persons shown above, and, according to the records of my office, each member of the Governing Body was given actual notice of the time, place, and purpose of the Meeting and had actual notice that the Order would be considered; and the Meeting and deliberation of the aforesaid public business, including the subject of the Order, was posted and given in advance thereof in compliance with the provisions of Texas Government Code chapter 551, as amended.

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IN WITNESS WHEREOF, I have signed my name this Feb. 15, 2002.



Janice McDaniel  
County Clerk  
Sabine County, Texas

#45143361v1<Transactional> -SABINE COUNTY 02 ORDER SETTING rehearing wpd/09806882

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VOI KK PG 457

ORDER SETTING REHEARING DATE FOR PETITION REQUESTING CREATION OF  
FRESHWATER SUPPLY DISTRICT

PREAMBLE

1. Petitioners representing at least 50 of the electors who own land in a proposed freshwater supply district (the "*District*") have previously presented to this Commissioners Court (the "*Governing Body*") of Sabine County, Texas (the "*County*") a petition (the "*Petition*") requesting creation of the District under Texas Water Code chapter 53.

2. The Governing Body had reviewed the Petition and confirmed that the signatories thereto represent at least 50 of the electors residing in the proposed District who own land in the proposed District.

3. On January 31, 2002, Governing Body held a hearing to concerning creation of the District. Pursuant to the authority granted to it pursuant to section 53.019(b), Texas Water Code, the Governing Body desires that the hearing be reopened and that certain matters concerning creation of the District be re-heard.

NOW, THEREFORE, BE IT ORDERED THAT

SECTION 1. *Time and Place of Hearing.*

The prior hearing held by the Governing Body shall be reopened and a rehearing (the "*Hearing*") on the Petition shall be held on [3-7-02], in the Commissioners Courtroom, County Courthouse, Hemphill, Texas, at [7PM].

SECTION 2. *Notice.*

The County Clerk shall issue notice (the "*Notice*") of the time and place of the Hearing in substantially the form attached hereto as Exhibit A, which notice shall include a statement that any person is entitled to appear at the Hearing, challenge the form and allegations of the Petition, and contest the proposition that the projects to be undertaken by the proposed District would benefit the land inside its boundaries. The County Clerk shall maintain a copy of the Petition on file, and prior to the hearing shall make copies of the Petition available to any person requesting the Petition.

The County Clerk may deliver the Notice to any adult who is willing to execute it as directed by section 53.018, Texas Water Code. The person receiving the Notice shall post a copy of it at the courthouse door and a copy at each of four different places inside the proposed District. The Notice shall be posted for at least the 10 days that immediately precede the day set for the hearing.

The person posting the Notice shall swear in writing, before an officer authorized by law to administer oaths, that he posted the notice according to the provisions of section 53.018(a), Texas Water Code.

### SECTION 3. *Hearing Powers.*

The Governing Body shall have jurisdiction to determine all issues pertaining to the sufficiency of the Petition and shall allow any interested person to appear before it in person or by attorney to offer testimony relative to the sufficiency of the Petition. The Governing Body may adjourn the Hearing from day to day as is necessary to complete the Hearing. The Commissioners Court may make all orders necessary to determine the matters before it.

### SECTION 4. *Recitals.*

The section headings herein are for convenience only and shall not affect the construction hereof.

The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part hereof for all purposes and are adopted as part of the judgment and findings of the Governing Body.

### SECTION 5. *Actions by County Judge and County Clerk.*

The County Judge and County Clerk of the County are hereby authorized to evidence adoption of this Order and directed to do any and all things legal and necessary in connection with the holding and consummation of the hearing and to carry out the intent hereof.

### SECTION 6. *Severability.*

If any provision, section, sentence, clause, or phrase of this Order is held by any reason to be invalid, such invalid portions shall not affect the validity of the remaining portion of this Order.

\* \* \*

EXHIBIT A

NOTICE OF HEARING DATE FOR PETITION REQUESTING CREATION OF  
FRESHWATER SUPPLY DISTRICT

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TO INTERESTED PERSONS CONCERNING  
THE PROPOSED SABINE COUNTY FRESHWATER SUPPLY

DISTRICT NO. 1

SABINE COUNTY, TEXAS

-----0-----  
:

TAKE NOTICE that in connection with a hearing previously held by the Commissioners Court of Sabine County, Texas, such hearing shall be reopened and a rehearing will be held in the Commissioners Courtroom, Sabine County Courthouse, Hemphill Texas, on [Mar. 7th, 2002, 7:00PM], in obedience to an order duly entered by the Commissioners Court of the Sabine County, Texas, on [2-15-02], on a PETITION REQUESTING CREATION OF FRESHWATER SUPPLY DISTRICT, to take evidence concerning creation of Sabine County Freshwater Supply District No. 1, within the boundaries set forth as described in the Petition. A complete copy of the Petition is on file with the County Clerk, Sabine County, Texas. Any person is entitled to appear at the Hearing, challenge the form and allegations of the Petition, and contest the proposition that the projects to be undertaken by the proposed District would benefit the land inside its boundaries.  
Hearing: March 7, 2002 District Courtroom Sabine County Courthouse

#45143361v1<Transactional> SABINE COUNTY ORDER SETTING rehearing wpd/09806882

3.

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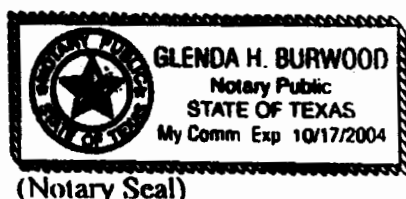
## AFFIDAVIT AND WRITTEN STATEMENT OF POSTING

BEFORE ME, the undersigned authority, on this day personally appeared Janice McDaniel, acting for the County Clerk of Sabine County, Texas, who after being by me duly sworn, says upon oath that a true and correct copy of the "NOTICE OF REHEARING DATE FOR PETITION REQUESTING CREATION OF FRESHWATER SUPPLY DISTRICT", a copy of which is attached hereto, was posted at the courthouse door at the Sabine County Courthouse, Hemphill, Texas, and at the following four locations within the freshwater supply district proposed in the subject petition

1. Main Entrance - GM Water Supply Corporation
  2. Holly Park Marina - Milam, Texas
  3. Donald Griffin's Store - Rosevine, Texas
  4. D. J. Grocery - Bronson, Texas
  5. Six Mile Volunteer Fire Department - Yellowpine, Texas
- The date of posting was not less than 10 days prior to the the date of the hearing.

By: Janice McDaniel  
Janice McDaniel  
(Print Name)

SWORN TO AND SUBSCRIBED BEFORE ME, this the 18 day of  
Feb. 2002



Blenda H. Burwood  
Notary Public, State of Texas

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AFFIDAVIT AND WRITTEN STATEMENT OF POSTING

BEFORE ME, the undersigned authority, on this day personally appeared Commissioner Keith Clark, acting for the County Clerk of Sabine County, Texas, who after being by me duly sworn, says upon oath that a true and correct copy of the "NOTICE OF REHEARING DATE FOR PETITION REQUESTING CREATION OF FRESHWATER SUPPLY DISTRICT", a copy of which is attached hereto, was posted at the courthouse door at the Sabine County Courthouse, Hemphill, Texas, and at the following four locations within the freshwater supply district proposed in the subject petition

1. Main Entrance - GM Water Supply Corporation
2. Holly Park Marina - Milan, Texas
3. Donald Griffin's Store - Rosevine, Texas
4. D. J. Grocery - Bronson, Texas
5. Six Mile Volunteer Fire Department - Yellowpine, Texas

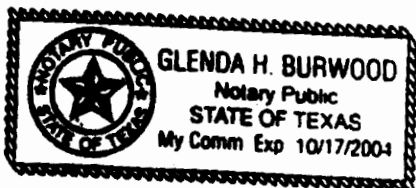
The date of posting was not less than 10 days prior to the the date of the hearing.

By: Keith Clark

Keith Clark

(Print Name)

SWORN TO AND SUBSCRIBED BEFORE ME, this the 18 day of Feb. 2002



(Notary Seal)

Glenda H Burwood  
Notary Public, State of Texas

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AFFIDAVIT AND WRITTEN STATEMENT OF POSTING

BEFORE ME, the undersigned authority, on this day personally appeared Commissioner Lynn Smith, acting for the County Clerk of Sabine County, Texas, who after being by me duly sworn, says upon oath that a true and correct copy of the "NOTICE OF REHEARING DATE FOR PETITION REQUESTING CREATION OF FRESHWATER SUPPLY DISTRICT", a copy of which is attached hereto, was posted at the courthouse door at the Sabine County Courthouse, Hemphill, Texas, and at the following four locations within the freshwater supply district proposed in the subject petition

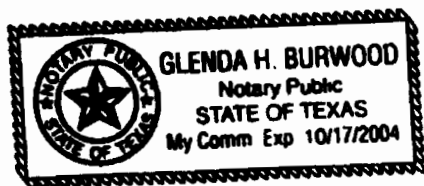
1. Main Entrance - GM Water Supply Corporation
2. Holly Park Marina - Milan, Texas
3. Donald Griffin's Store - Rosevine, Texas
4. D. J. Grocery - Bronson, Texas
5. Six Mile Volunteer Fire Department - Yellowpine, Texas

The date of posting was not less than 10 days prior to the the date of the hearing.

By: Lynn Smith

Lynn Smith  
(Print Name)

SWORN TO AND SUBSCRIBED BEFORE ME, this the 18 day of Feb. 2002.



(Notary Seal)

Glenda H Burwood  
Notary Public, State of Texas

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AFFIDAVIT AND WRITTEN STATEMENT OF POSTING

BEFORE ME, the undersigned authority, on this day personally appeared Commissioner Doyle Dickerson, acting for the County Clerk of Sabine County, Texas, who after being by me duly sworn, says upon oath that a true and correct copy of the "NOTICE OF REHEARING DATE FOR PETITION REQUESTING CREATION OF FRESHWATER SUPPLY DISTRICT", a copy of which is attached hereto, was posted at the courthouse door at the Sabine County Courthouse, Hemphill, Texas, and at the following four locations within the freshwater supply district proposed in the subject petition

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4. D. J. Grocery- Bronson, Texas
5. Six Mile Volunteer Fire Department - Yellowpine, Texas

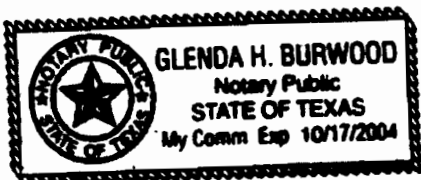
The date of posting was not less than 10 days prior to the the date of the hearing.

By: Doyle Dickerson

Doyle Dickerson

(Print Name)

SWORN TO AND SUBSCRIBED BEFORE ME, this the 18 day of Feb. 2002.



Glenda H Burwood  
Notary Public, State of Texas

(Notary Seal)

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AFFIDAVIT AND WRITTEN STATEMENT OF POSTING

BEFORE ME, the undersigned authority, on this day personally appeared Commissioner Doyle Dickerson, acting for the County Clerk of Sabine County, Texas, who after being by me duly sworn, says upon oath that a true and correct copy of the "NOTICE OF REHEARING DATE FOR PETITION REQUESTING CREATION OF FRESHWATER SUPPLY DISTRICT", a copy of which is attached hereto, was posted at the courthouse door at the Sabine County Courthouse, Hemphill, Texas, and at the following four locations within the freshwater supply district proposed in the subject petition

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4. D. J. Grocery - Bronson, Texas
5. Six Mile Volunteer Fire Department - Yellowpine, Texas

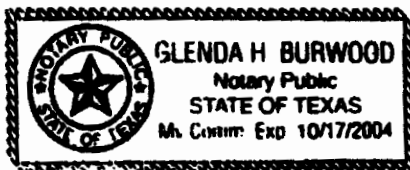
The date of posting was not less than 10 days prior to the the date of the hearing.

By: Doyle Dickerson

Doyle Dickerson

(Print Name)

SWORN TO AND SUBSCRIBED BEFORE ME, this the 18 day of  
Feb. 2002



(Notary Seal)

Glenda H. Burwood  
Notary Public, State of Texas

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AFFIDAVIT AND WRITTEN STATEMENT OF POSTING

BEFORE ME, the undersigned authority, on this day personally appeared Commissioner Gene Nethery, acting for the County Clerk of Sabine County, Texas, who after being by me duly sworn, says upon oath that a true and correct copy of the "NOTICE OF REHEARING DATE FOR PETITION REQUESTING CREATION OF FRESHWATER SUPPLY DISTRICT", a copy of which is attached hereto, was posted at the courthouse door at the Sabine County Courthouse, Hemphill, Texas, and at the following four locations within the freshwater supply district proposed in the subject petition

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2. Holly Park Marina - Milam, Texas
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4. D. J. Grocery - Bronson, Texas
5. Six Mile Volunteer Fire Department - Yellowpine, Texas

The date of posting was not less than 10 days prior to the the date of the hearing.

be State of Texas  
County of Sabine

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



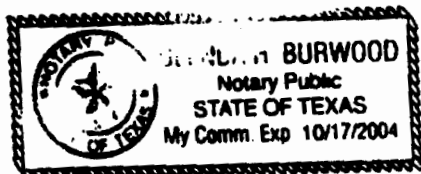
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JANICE BURWOOD, COUNTY CLERK  
BY Laurie Clark  
Deputy

By: Gene Nethery

Gene Nethery

(Print Name)

SWORN TO AND SUBSCRIBED BEFORE ME, this the 18 day of  
Feb. 2002



(Notary Seal)

Geraldine Burwood  
Notary Public, State of Texas

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