

Public Hearing Commissioners' Court

Thursday, March 7, 2002 7:00 p.m.

District Courtroom Sabine County Courthouse

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

Judge Leath called the hearing to order at 7:00 p.m.

Judge Leath told the people present that the boundaries of the proposed Water District have not been completely established on paper. El Camino Water Supply District dropped out so now new boundaries have to be drawn. If the boundaries had been completed, the Court would either accept the petition and appoint an interim Board of Directors or reject the petition and that would be the end of it. If everything proceeds and a temporary Board of Directors is appointed, that Board would then call for an election. It would then be up to the voters of the District. He said the Engineer that is over the plans for the District has another engagement and could not be here. Questions will be taken and the Court will answer them to the best of our ability.

Some of the questions asked are as follows:

- Q- Was the petition a complaint about the water quality?
- A- The petition was for the creation of a Fresh Water Supply District. If a District is formed, we will be able to get lower interest rates than what you would get on the open market because it will be a governmental subdivision.
- Q- Does money the SRA gets from selling water go into the County's general fund?
- A- The SRA has their own budget and finances. No money from the SRA goes into the County's budget. The SRA leases the water plant to the City of Hemphill and G-M buys water from the City of Hemphill.
- Q- If the District is voted down, will we just have to live with the quality of water we get from G-M?
- A- G-M would continue to operate as they are now but we don't know for how long. They are under order of the TNRCC to bring the system up to minimum standards.

Q- I understand that the cost would be from 7 to 17 dollars more than it is right now. How are senior citizens and people on fixed incomes going to afford that?

A- We don't know how people will afford the price increase but the cost is going up anyway whether it is from the Water District or G-M having to borrow money for the ordered improvements.

Q- How much does G-M pay the City of Hemphill for water?

A- Don Iles said that G-M only pays what it cost the City to produce it.

Q- Would the same employees working for G-M now be working for the District?

A- That would be up to the Board of Directors.

Judge Leath said if the boundaries get done and we meet the time line, the election will be held May 4, 2002.

Judge Leath moved that the Commissioners' Court adopt the Order Adjourning Hearing For Petition Requesting Creation of Freshwater Supply District to March 14, 2002; And Redrawing Boundaries by which this hearing shall be adjourned until March 14, 2002, and the boundaries of the proposed District shall be redrawn as set forth in the Order. Commissioner Smith seconded. All voted for. Motion carried.

Commissioner Nethery moved to adjourn. Commissioner Dickerson seconded. Meeting adjourned until March 14, 2002.

Jack Leath COUNTY JUDGE

Keith Clark COMMISSIONER PCT. #1

Lynn Smith COMMISSIONER PCT. #2

Doyle Dickerson COMMISSIONER PCT. #3

W. Nethery COMMISSIONER PCT. #4

ATTEST:

Janice McDaniel COUNTY CLERK

VG KK PG 600

CERTIFICATE OF SECRETARY

THE UNDERSIGNED HEREBY CERTIFIES that:

1. On March 7, 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	County Judge
Keith C. Clark	Commissioner
Lynn Smith	Commissioner
Doyle Dickerson	Commissioner
Gene Nethery	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 ADJOURNING HEARING FOR PETITION REQUESTING CREATION OF
FRESHWATER SUPPLY DISTRICT TO MARCH 14, 2002; AND REDRAWING
BOUNDARIES**

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:

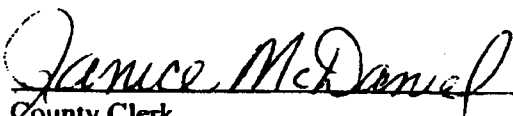
5 voted "For" 0 voted "Against" 0 abstained

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.

vo KK Pd 2001

IN WITNESS WHEREOF, I have signed my name this March 7, 2002



County Clerk
Sabine County, Texas

#45151203v1<Transactional> -SABINE COUNTY 02 ORDER CONTINUING HEARING.wpd/09806882

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VOI KK PO 602

ORDER ADJOURNING HEARING FOR PETITION REQUESTING CREATION OF
FRESHWATER SUPPLY DISTRICT TO MARCH 13, 2002; AND REDRAWING
BOUNDARIES

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.
4. On February 15, 2002, the Governing Body ordered that the prior hearing held by the Governing Body be reopened and a rehearing (the "*Hearing*") on the Petition be held on March 7, 2002, in the Commissioners Courtroom, County Courthouse, Hemphill, Texas.
5. The Governing Body now desires that the Hearing be adjourned until March 14, 2002, when the Hearing shall be reopened in the Commissioners Courtroom, County Courthouse, Hemphill, Texas.
6. Based on testimony received at the hearing and other information before the Governing Body, the Governing Body further desires that the boundaries of the proposed District be redrawn to exclude the extraterritorial jurisdiction of the Cities of Pineland and Hemphill, and the Pendleton Harbor, Frontier Park, and El Camino Bay service areas.

NOW, THEREFORE, BE IT ORDERED THAT

SECTION 1. *Time and Place of Hearing*

Pursuant to Texas Water Code section 53.018, the Hearing is adjourned until March 14, 2002, when the Hearing shall be reopened in the Commissioners Courtroom, County Courthouse,

Hemphill, Texas. In the absence of a quorum of the Governing Body on that date, the County Judge may reconvene the hearing until such date a quorum of the Governing Body may be reconvened.

SECTION 2. *Boundaries.*

Pursuant to Texas Water Code section 53.019(b), the Governing Body orders that the boundaries of the proposed District be redrawn to exclude the extraterritorial jurisdiction of the Cities of Pineland and Hemphill, and the Pendleton Harbor, Frontier Park, and El Camino Bay service areas.

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.


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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.

* * *

The State Of Texas
County Of Sabine
I HEREBY CERTIFY THAT THESE DOCUMENTS WERE FILED AND
DULY RECORDED IN THE COMMISSIONER COURT MINUTES OF SABINE
COUNTY, TEXAS.
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JANICE MEDANTEL COUNTY CLERK
BY Laura Clark
Deputy



#45151203v1<Transactional> -SABINE COUNTY 02 ORDER CONTINUING HEARING.wpd/09806882

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