

on said Certificates of Obligation as such interest comes due, and to provide and maintain a sinking fund adequate to pay the principal of such Certificates of Obligation as such principal matures (but never less than 2% of the original principal amount of said Certificates of Obligation as a sinking fund each year); and said tax shall be based on the latest approved tax rolls of said County, with full allowance being made for tax delinquencies and the cost of tax collection. Said rate and amount of ad valorem tax is hereby levied, and is hereby ordered to be levied, against all taxable property in said County for each year while any of said Certificates of Obligation or interest coupons appertaining thereto are outstanding and unpaid; and said tax shall be assessed and collected each such year and deposited to the credit of the aforesaid interest and Sinking Fund. Said ad valorem taxes sufficient to provide for the payment of the interest on the principal of said Certificates of Obligation, as such interest comes due and such principal matures, are hereby pledged irrevocably for such payment, within the limit prescribed by law.

Section 7. That the County Judge of said County is hereby authorized to have control of said Certificates and all necessary records and proceedings pertaining to said Certificates pending their delivery and their investigation, examination and approval by the Attorney General of the State of Texas, and their registration by the Comptroller of Public Accounts of the State of Texas. Upon registration of said Certificates, said Comptroller of Public Accounts (or a deputy designated in writing to act for said Comptroller) shall manually sign the Comptroller's Registration Certificate printed and endorsed on each of said Certificates, and the seal of said Comptroller shall be impressed or placed in facsimile on each of said Certificates.

8. That the County covenants to and with the purchasers of the Certificates that it will make no use of the proceeds of the Certificates at any time throughout the term of this issue of Certificates which, if such use had been reasonably expected on the date of delivery of the Certificates to and payment for the Certificates by the purchasers, would have caused the Certificates to be arbitrage bonds within the meaning of Section 103(c) of the Internal Revenue Code of 1954, as amended, or any regulations or rulings pertaining thereto; and by this covenant the County is obligated to comply with the requirements of the aforesaid Section 103(c) and all applicable and pertinent Department of the Treasury regulations relating to arbitrage bonds. The County covenants that the proceeds of the Certificates will not otherwise be used directly or indirectly so as to cause all or any part of the Certificates to be or become arbitrage bonds within the meaning of the aforesaid Section 103(c), or any regulations or rulings pertaining thereto.

9. That it is hereby officially found and determined that a case of emergency or urgent public necessity exists which requires the holding of the meeting at which this Order is passed, such emergency or urgent public necessity exists which requires the holding of the meeting at which this Order is passed, such emergency or urgent public necessity being that the proposed Certificates are required as soon as possible and without delay for necessary and urgently needed public improvements; and that said meeting was open to the public and public notice of the time, place and purpose of said meeting was given, all as required by Vernon's Ann. Civ. St., Article 6252-17.

10. That said Certificates are hereby sold for cash and shall be delivered to the The First National Bank, Mount Pleasant, Texas, for the principal amount or par value thereof and accrued interest thereon to the date of delivery.

## SPECIAL SESSION

OCTOBER 24, 1977

BE IT REMEMBERED THAT THE TITUS COUNTY COMMISSIONER'S COURT met in Special Session, Monday October 24, 1977, in the Titus County Courtroom with all members present.

William Wayne Landrum  
C.H. Reese  
Bert Parr  
Alvin Parish, Jr.  
Bill Reynolds  
Allen LaPrade

County Judge  
Commissioner Precinct #1  
Commissioner Precinct #2  
Commissioner Precinct #3  
Commissioner Precinct #4  
County Clerk

and the following proceedings were had to-wit:

IN THE MATTER OF  
PAYING ROAD HANDS

Motion by Commissioner Reynolds and seconded by Commissioner Reese to pay county road hands upon approval of County Auditor. Motion carried.

IN THE MATTER OF  
PAYING MONTHLY BILLS

Motion by Commissioner Reynolds and seconded by Commissioner Parr to pay monthly bills upon approval of County Auditor. Motion carried.

IN THE MATTER OF  
TYPEWRITER FOR VA OFFICE

Motion by Commissioner Parish and seconded by Commissioner Reese to purchase an electric typewriter for Veterans office. Motion carried.

IN THE MATTER OF  
ORDER CONCERNING ISSUANCE OF  
CERTIFICATES OF OBLIGATION

Motion by Commissioner Reynolds and seconded by Commissioner Reese to pass an order directing the publication of notice to bidders and giving notice of intention to issue certificates of obligation, in the amount of \$220,000 to purchase two large motor graders, two small motor graders and two self-propelled oil mixers. Motion carried.

ORDER DIRECTING PUBLICATION OF NOTICE TO BIDDERS  
AND GIVING NOTICE OF INTENTION TO ISSUE CERTIFI-  
CATES OF OBLIGATION

THE STATE OF TEXAS I  
COUNTY OF TITUS I

WHEREAS, the Commissioners Court of Titus County, Texas, hereby determines that it is to the best interest of the County to acquire machinery and equipment for the construction, repair, operation and maintenance of roads in Titus County and to award contracts for such purpose in accordance with law; and

WHEREAS, the County deems it advisable to seek bids for two large motor graders, two small motor graders, and two self-propelled oil mixers, and to give notice of intent to issue \$220,000 of certificates of obligation, payable from ad valorem taxes, that will be delivered to the successful bidders in payment, in whole or in part, of their contract price, and for the payment of contractual obligations for professional services (including services of attorneys, financial advisors, and engineers), in connection therewith; and

WHEREAS, it is hereby officially found and determined: that a case of emergency or urgent public necessity exists which requires the holding of the meeting at which this Order is passed, such emergency or urgent public necessity being that the advertisement of bidders and notice of intention to issue certificates of Obligation should be published as soon as possible and without delay for necessary and urgently needed public improvements; and that said meeting was open to the public and public notice of the time, place, and purpose of said meeting was given, all as required by Vernon's Ann. Civ. St., art. 6252-17, as amended.

THEREFORE, BE IT ORDERED BY THE COMMISSIONERS COURT OF TITUS COUNTY, TEXAS:

1. That attached hereto and marked "Exhibit A" is a form of the "Notice of Bidders and Notice of Intention to Issue Certificates of Obligation," the form and substance of which is hereby adopted and approved.
2. That the County Judge shall cause said Notice to Bidders and Notice of Intention to Issue Certificates of Obligation, to be published in substantially the form attached hereto, in a newspaper of general circulation in Titus County, and published in Titus County, on the same day in each of two consecutive weeks, the date of the first publication thereof to be at least fourteen (14) days prior to the time set for receiving bids and the authorization of the Certificates of Obligation as shown said Notice.
3. That this order was read once by the Commissioners Court and it was deemed by said Commissioners Court that upon passage of the Order it shall take effect immediately.

NOTICE TO BIDDERS  
NOTICE OF INTENTION TO  
ISSUE CERTIFICATES OF OBLIGATION

NOTICE is hereby given that sealed bids addressed to the Honorable William W. Landrum, County Judge, of the Titus County will be opened and read aloud at the Commissioners Court Room, County Courthouse, Mount Pleasant, Texas, until 9:00 A.M., November 14, 1977, for two large motor graders, two small motor graders and two self-propelled oil mixers, the specifications for which are attached hereto, at which time the bids will be promptly read and considered and, if an acceptable bid is received, contracts will be awarded as soon as possible thereafter.

COPIES of the specifications and other contract documents are on file at the office of the County Auditor, County Courthouse, Mount Pleasant, Texas, and may be examined without charge.

PROPOSED GUARANTEE consisting of either a cashier's check or a bid bond on the form included in the bidding documents (or similar form of surety company) made payable to Titus County Commissioners Court, and in an amount equal to at least 10% of the total amount of the proposal, must accompany each bid as a guarantee that if its proposal is accepted, the bidder will execute the contract and furnish the required bonds within the time provided in the "Information for Bidders."

THE SUCCESSFUL BIDDER will be paid his contract price, in whole or in part, in Certificates of Obligation issued by the County. The County has made provisions for the successful bidder to sell and assign such certificates of obligation, upon receipt from the County, to 1st Nat. Bank, Mt. Pleasant, Texas, and to receive in cash the par value thereof.

EACH BIDDER is required in his bid form to elect whether he will accept such Certificates of Obligation in payment of all or a part of the contract price or assign such certificates of obligation in accordance with the assignment specified herein. The County will make payments to the successful bidder upon delivery of the above described equipment of the County.

THE COUNTY reserves the right to reject any or all bids, to waive formalities or irregularities and in case of ambiguity or lack of clearness in stating proposal prices, to adopt such interpretations as may be most advantageous to the County. No bid may be withdrawn until the expiration of 45 days from the date bids are opened.

NOTICE OF INTENTION to issue Titus County Certificates of Obligation, Series 1977-A, in the maximum principal amount of not to exceed \$220,000, for the purpose of paying all or a portion of the County's contractual obligations incurred to purchase two large motor graders, two small motor graders and two self-propelled oil mixers, and to pay the County's contractual obligations for professional services (including services of attorneys, financial advisors and engineers), in connection with this project. Such Certificates of Obligation shall be payable from the levy and collection of ad valorem taxes of the County. An Ordinance will be adopted by the Commissioners Court, at a Regular Term of Court, at the Titus County Courthouse, on November 14, 1977, at 9:30 A.M.

/s/ William Wayne Landrum  
William W. Landrum  
County Judge, Titus County, Texas

SPECIFICATIONS FOR LARGE MOTOR GRADERS

Diesel powered, tandem drive motor grader, meeting or exceeding the following specifications:  
Grader to have six cylinder engine with at least 500 cubic inches displacement, developing not less than 135 net flywheel horsepower at 1,800 R.P.M.

Transmission to be constant mesh, with at least six forward and three reverse speed ranges. Clutch to be power assisted, and operating in oil.

Blade functions to be mechanical with hydraulic boost or hydraulically operated. Blade to be 12 feet long with hydraulic side-shift.

Brakes to be four wheel (power)

Grader to have the following equipment:  
14:00 X 24 (10PR) tires, front and rear; scarifier; and all steel cab, with safety glass and heater.

SPECIFICATIONS FOR SMALL MOTOR GRADERS

Diesel powered, tandem drive, motor grader, meeting or exceeding the following specifications:

Engine to have not less than 250 cubic inches displacement, and develop not less than 59 net flywheel horsepower at 1,650 R.P.M.

Transmission to be four speed constant mesh with shuttle shift.

Grader to have 10 foot hydraulic shift moldboard, power steering, power circle turn, leaning front wheels, 15 X 19.5 tires, front and rear, and all steel cab with safety glass and heater.

Total weight of machine, as equipped, to be not less than 11,700 pounds.

Specifications for New or Late Model Used Self-Propelled Oil Mixers

Diesel powered, hydrostatic drive, oil mixer, meeting or exceeding the following specifications:

Engine to have not less than 836 cubic inches displacement, and develop not less than 132 net flywheel horsepower.

Transmission to be hydrostatic drive.

Rotor to have cutting width of 78 inches, cutting depth of 10 inches and not less than 60 tines.

Weight-not less than 13,500 pounds.

MODIFICATION OF  
CONTRACTUAL AGREEMENT  
FOR  
RIGHT OF WAY PROCUREMENT  
(COUNTY FORM)

STATE OF TEXAS I  
COUNTY OF TRAVIS I

This supplemental contractual agreement by and between the State of Texas, acting by and through the State of Texas, acting by and through the State Department of Highways and Public Transportation, hereinafter called the State, and Titus County, Texas, acting by and through its duly authorized official under Commissioners' Court Order dated the 23 day of September, 1977, hereinafter called the County, shall be effective on the date of approval and execution by and on behalf of the State.

WHEREAS, the State and County entered into contractual agreements for procurement of right of way on the following projects on the dates indicated:

Highway	Project No.	Limits	Date of Agreement
State 49	8019-1-42	From Near East City Limits of Mt. Pleasant To Morris County Line (10.0Miles)	7-26-71

and,

WHEREAS, it is mutually desired by the County and the State to modify said original contracts and any supplemental contracts implementing the terms and provisions of the original contracts insofar as they pertain to State Reimbursement in accordance with Commission Minute No. 72989, dated July 1, 1977; and,

WHEREAS, it is mutually agreed and understood between the State and the County that no other changes to said original and supplemental contracts are intended in addition to those hereinafter set forth.

NOW, THEREFORE, in consideration of the foregoing premises and the mutual benefits to be derived therefrom and for the purpose of implementing Commission Minute No. 72989, dated July 1, 1977, the said original Right of Way Procurement Contracts between the State and the County as above described and all supplemental contracts are amended as follows:

Wherever it is provided that the percentage of reimbursement to the County shall be "50 percent" same shall become and be established as "90 percent." This percentage increase is applicable only to payments and transactions handled by the County after the effective date of this modification of contractual agreement.

Except as hereinabove provided, all the terms and conditions set forth in the original and supplemental contracts shall remain in full force and effect.

This supplemental contractual agreement is approved and executed on behalf of the State this 20 day of Oct. 1977.

Titus County, Texas      The State of Texas

By: /s/ William Wayne Landrum  
County Judge

ATTEST:  
/s/ Allen LaPrade  
County Clerk

Certified as being executed for the purpose and effect of activating and/or carrying out the orders, established policies, or work programs heretofore approved and authorized by the State Highway and Public Transportation Commission:

By: /s/ D. L. DeBerry  
State Engineer-Director for Highways  
and Public Transportation

Executed and approved for State Highway  
and Public Transportation Commission  
under authority of Commission Minute  
70106.

RECOMMENDED FOR APPROVAL

/s/ L.L. Jester, Jr.  
District Engineer

/s/ Richard Vander Straten  
Program Engineer

/s/ R.L. Lewis  
Chief Engineer of Highway Design

/s/ L.S. Clark  
Right of Way Engineer

/s/ C.H. Resse  
Commissioner, Precinct #1

/s/ Bert B. Parr  
Commissioner, Precinct #2

/s/ Alvin Parish, Jr.  
Commissioner, Precinct #3

/s/ Bill Reynolds  
Commissioner, Precinct #4

RESOLUTION

WHEREAS, the State of Texas, acting by and through the State Department of Highways and Public Transportation, and Titus County entered into a contractual agreement for the procurement of right of way on State Highway 49, Project No. 8019-1-42, from near the East City Limits of Mt. Pleasant to the Morris County Line (10.0 miles), dated July 26, 1971; and

WHEREAS, it is mutually desired by the County and the State to modify said original contract and any supplemental contracts implementing the terms and provisions of the original contract insofar as they pertain to State Reimbursement.

NOW, THEREFORE, BE IT RESOLVED that the County Judge of Titus County be authorized to execute for and on behalf of Titus County the modification of the Contractual Agreement in accordance with and for the purpose of carrying out the terms and provisions of the State Department of Highways and Public Transportation Commission Minute Order No. 72989, and the County clerk is hereby directed to attest this Contractual Agreement with the State and to affix the Seal of Titus County thereto.

IT IS FURTHER RESOLVED, that the County Judge is authorized to execute on behalf of Titus County any supplemental contracts involving fencing or utilities or further modifications to the above referenced contracts.

Motion made by Commissioner Parr and seconded by Commissioner Parish.

Passed and approved this 23 day of September 1977.

## TITUS COUNTY COMMISSIONERS COURT

/s/ William Wayne Landrum  
County Judge

/s/ C.H. Reese  
Commissioner Precinct 1

/s/ Bert Parr  
Commissioner Precinct 2

/s/ Alvin Parish, Jr.  
Commissioner Precinct 3

/s/ Bill Reynolds  
Commissioner Precinct 4

ATTEST:

/s/ Allen LaPrade  
County Clerk, Titus County

REGULAR SESSION  
NOVEMBER 14, 1977

BE IT REMEMBERED THAT THE TITUS COUNTY COMMISSIONER'S COURT met in Regular Session, Monday November 14, 1977, in the Titus County Courtroom with all members present.

William Wayne Landrum  
C.H. Reese  
Bert Parr  
Alvin Parish, Jr.  
Bill Reynolds  
Allen LaPrade

County Judge  
Commissioner Precinct #1  
Commissioner Precinct #2  
Commissioner Precinct #3  
Commissioner Precinct #4  
County Clerk

and the following proceedings were had to-wit:

IN THE MATTER OF PAYING  
ROAD HANDS

Motion by Commissioner Reynolds and seconded by Commissioner Reese to pay county road hands upon approval of County Auditor. Motion carried.

IN THE MATTER OF PAYING  
MONTHLY BILLS

Motion by Judge Landrum and seconded by Commissioner Reese to pay monthly bills upon approval of County Auditor. Motion carried.

IN THE MATTER OF  
APPROVING OFFICERS MONTHLY REPORTS

Motion by Commissioner Reynolds and seconded by Commissioner Parr to approve officers monthly reports. Motion carried.

IN THE MATTER OF  
IN THE MATTER OF PAYMENT FOR HWY 49 FENCING

Motion by Judge Landrum and seconded by Commissioner Reynolds to pay Fowler Fencing for remainder of contract for fencing along Hwy 49. Amount of \$11,638.25. Motion carried.

IN THE MATTER OF  
PAYING OFFICERS EXPENSES

Motion by Judge Landrum and seconded by Commissioner Parr to pay officers expense accounts upon approval of County Auditor. Motion carried.

IN THE MATTER OF  
CONTRIBUTION TO SULPHUR CYPRESS SOIL  
AND WATER CONSERVATION DISTRICT

Motion by Judge Landrum and seconded by Commissioner Reynolds to approve annual contribution of \$500.00 to Sulphur Cypress Soil & Water Conservation District, upon approval of County Auditor. Motion carried.

IN THE MATTER OF  
CANVASSING ELECTION RETURNS  
CONSTITUTIONAL AMENDMENTS-NOV. 8, 1977

Motion by Commissioner Parr and seconded by Commissioner Reynolds that the votes of the General Election Constitutional Amendments, be canvassed and that the results be recorded in record of Election returns of Titus County. Motion carried. Results as follows: