

TYLER COUNTY COMMISSIONERS COURT
SPECIAL MEETING
September 6, 2007 ---- 8:30 a.m.

THE STATE OF TEXAS ON THIS THE 6th day of September, 2007 the
Commissioners' Court in and for Tyler County, Texas convened in a Special Meeting at
the Commissioners' Courtroom in Woodville, Texas, the following members of the Court
present, to wit:

JACQUES L. BLANCHETTE	COUNTY JUDGE, Presiding
MARTIN NASH	COMMISSIONER, PCT. #1
RUSTY HUGHES	COMMISSIONER, PCT. #2
JOE MARSHALL	COMMISSIONER, PCT. #3
JACK WALSTON	COMMISSIONER, PCT. #4,
DONECE GREGORY	COUNTY CLERK, EX OFFICIO

The following were absent: none thereby constituting a quorum. In addition to the above
were:

NONE

The County Clerk presented a request to have a joint election with Warren ISD. The
Help America Vote Act requires all entities to use electronic voting equipment. The
schools had been exempted until 2008 with the exception to bond elections. The county
does not have enough equipment to use for all county precincts plus school precincts. A
joint election will allow voters to go to one polling place to vote on both elections.
A motion was made by **Commissioner Walston** to approve having a **joint election** with
Warren ISD. **Commissioner Nash** seconded the motion. All voted yes and none no.
SEE ATTACHED.

Commissioner Marshall motioned to purchase a maintainer through the Buy Board for
Precinct #3. The motion was seconded by **Commissioner Walston**. All voted yes and
none no.

Commissioner Nash explained the contracting methods of choosing a "construction
manager" vs. using the traditional contractor bid for the renovation of the **J.B. Best
Building**. The Commissioners would have more control over the quality of construction
using a construction manager. Judge Blanchette added his experience with using a
construction manager bid process. A motion was made by **Commissioner Nash** and
seconded by **Commissioner Walston** to choose the construction manager method for the
bidding process for renovation of the J.B. Best building. All voted yes and none no.

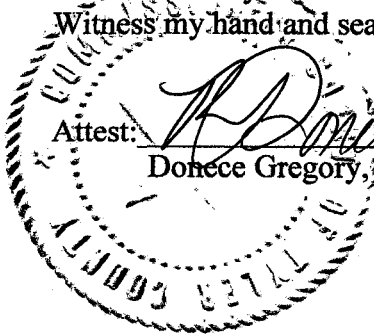
Commissioner Hughes motioned the meeting adjourned and Commissioner Walston
seconded. ...8:45 a.m.

THERE BEING NO FURTHER BUSINESS, THE MEETING ADJOURNED.

I, Donece Gregory, County Clerk and ex officio member of the Tyler County
Commissioners Court, do hereby certify to the fact that the above is a true and correct
record of the Tyler County Commissioners Court session held on September 6, 2007.
Witness my hand and seal of office on this the 6th day of September, 2007.

Attest:


Donece Gregory, County Clerk, Tyler County, Texas





TYLER COUNTY COMMISSIONERS COURT

Thursday, September 6, 2007 8:30 a.m. – 9:00 a.m.
Tyler County Courthouse, Room 101 Woodville, Texas

NOTICE Is hereby given that a *Special Meeting* of the Tyler County Commissioners Court will be held on the date stated above, at which time the following subjects will be discussed;

AGENDA

> CALL TO ORDER

- Establish quorum
- Invocation

W/
M/W
N/W

1. CONSIDER/APPROVE: **Having a joint election** with Warren ISD. – Donece Gregory, County Clerk *all my*

2. CONSIDER/APPROVE: **Going out for bids** to purchase maintainer through Buy Board with or without trade-in for Precinct 3. Commissioner Joe Marshall, Pct. 3 *all my*

3. CONSIDER/APPROVE: **Contracting method** for Best Building Project. – Commissioner Martin Nash, Pct. 1 *to choose Construction Manager all my*

> ADJOURN

W/ H/ my adv. 8:45 AM

Jacques L. Blanchette
JACQUES L. BLANCHETTE
County Judge

I do hereby certify that the above Notice of Meeting of the Tyler County Commissioners Court is a true and correct copy of said Notice and that I posted a true and correct copy of said Notice in the Tyler County Courthouse at a place readily accessible to the general public at all times and that said Notice remained so posted continuously for at least 72 hours preceding the scheduled time of said meeting, as is required by Article 6252-17, V.T.C.S.

Executed on August 31, 2007 2007

Donece Gregory
Donece Gregory, Tyler County Clerk

By: _____ (Deputy)

NO. TIME 1:40 PM

AUG 31 2007

DONECE GREGORY, COUNTY CLERK
TYLER COUNTY, TEXAS
By: *[Signature]*

ORGAIN, BELL & TUCKER, L.L.P.

ATTORNEYS AT LAW

470 ORLEANS STREET
BEAUMONT, TEXAS 77701

TELECOPIER (409) 838-6959

TELEPHONE (409) 838-6412

THE INFORMATION CONTAINED IN THIS FAX MESSAGE IS INTENDED ONLY FOR THE PERSONAL AND CONFIDENTIAL USE OF THE DESIGNATED RECIPIENT NAMED BELOW. THIS MESSAGE MAY BE AN ATTORNEY-CLIENT COMMUNICATION OR ATTORNEY-WORK PRODUCT AND AS SUCH IS PRIVILEGED AND CONFIDENTIAL. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT YOU HAVE RECEIVED THIS DOCUMENT IN ERROR, AND THAT ANY USE, REVIEW, DISSEMINATION, DISTRIBUTION, OR COPYING OF THIS MESSAGE IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY COLLECT TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US BY MAIL TO THE ABOVE ADDRESS. WE WILL REIMBURSE YOU FOR ANY REASONABLE EXPENSES YOU INCUR IN DOING SO. THANK YOU.

DATE: September 14, 2007

TO: **Donece Gregory – Fax No. 283-6305**

Mike Pate – Fax No. 547-3405

FROM: **Lance Fox**

USER ID NO.:

RE:

MESSAGE: See attached.

Thanks,

Lance Fox

CHARGE TO MATTER NO.:

TOTAL NUMBER OF PAGES INCLUDING COVER SHEET: **11**

ORGAIN, BELL & TUCKER, L.L.P.
ATTORNEYS AT LAW

LANCE FOX
PARTNER
EXTENSION 376
E-MAIL: lcf@obf.com

P. O. BOX 1751
BEAUMONT, TEXAS 77704-1751
470 ORLEANS BUILDING, FOURTH FLOOR 77701
TELEPHONE (409) 838-6412
FAX (409) 838-6969
www.obf.com

OTHER OFFICES
HOUSTON - THE WOODLANDS
AUSTIN
SILSBEE

September 14, 2007

VIA FAX NO. 283-6305

Donece Gregory
Tyler County Clerk
100 West Bluff
Woodville, TX 75979

RE: WARREN ISD SCHOOL BOND ELECTION

Dear Donece:

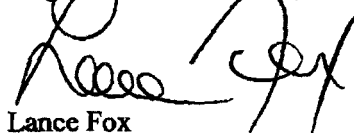
Enclosed is the revised Joint Election Agreement with the completed exhibits. I revised the Agreement based on our discussion yesterday.

Please review and then contact me to discuss any remaining questions and comments you have. If you approve of this final form, please let me know and I will mail the original to you and to the School District for execution.

I look forward to hearing from you.

Yours truly,

Orgain, Bell & Tucker, L.L.P.



Lance Fox

cc: Mike Pate

**JOINT ELECTION AGREEMENT BETWEEN THE
WARREN INDEPENDENT SCHOOL DISTRICT AND
THE COUNTY OF TYLER, TEXAS**

This joint election agreement is made as of the 28th day of August, 2007, by and between the **Warren Independent School District** (the "District") and the **County of Tyler, Texas** (the "County"). Other political subdivisions conducting elections may enter into a similar agreement with the County to participate in this joint election.

WHEREAS, the District plans to hold a school bond election on November 6, 2007 for the purpose of seeking approval of the issuance of unlimited tax school building bonds;

WHEREAS, the County plans to hold a County Election on November 6, 2007 as part of a state wide election to seek voter approval of proposed amendments to the Texas Constitution;

WHEREAS, Texas Election Code section 271.002 authorizes the governing bodies of political subdivisions to enter into an agreement to hold joint elections in election precincts that can be served by common polling places;

WHEREAS, the District and the County will hold elections on the same day; and

WHEREAS, the parties to this agreement serve voters within the same boundaries, and it would be to the benefit of the County, the District, and the citizens and voters thereof to hold the elections jointly.

NOW, THEREFORE, IT IS AGREED that a joint election will be held by the District and the County (and any other political subdivision approved by the County who enters into a similar joint election agreement with the County) under the following terms and conditions:

1. The notice of election and order of election for the District will be the responsibility of the District. This includes any bills that may be incurred as a result of posting and publishing these notices. The notice may be published either jointly or separately with the County.
2. The Tyler County Clerk agrees to coordinate, supervise and handle all aspects of administering the Joint Election in accordance with the provisions of the Texas Election Code and as outlined in this Agreement. The District and each additional participating authority

agrees to pay Tyler County for equipment, supplies, services and administrative costs as outlined in this agreement. The Tyler County Clerk will serve as administrator for the election; however, each participating authority remains responsible for the lawful conduct of their respective election.

3. The District and each other participating authority will be responsible for preparation, adoption and publication of all required election orders, resolutions, and any other pertinent documents required by their respective governing bodies. The County and each participating authority may jointly publish the required notices dictated by the Texas Election Code.
4. Each participating authority agrees that voting at the joint election will be by use of a direct record and optical scan voting system approved by the Secretary of State in accordance with the Texas Election Code. The Tyler County Clerk's Office will be responsible for the preparation of programs and the testing of the direct record system and optical scan system.
5. The County agrees to provide direct recording electronic devices (DRE) and voting booths for the joint election.
6. Voting locations will be the voting locations for the county precincts as approved by Tyler County Commissioners' Court. The voting locations are listed in **Exhibit "A"** attached hereto and incorporated herein by reference. In the event a voting location is not available, the Tyler County Clerk will arrange for use of an alternate location with the approval of each participating authority affected by the change. Tyler County will be responsible for submitting any polling location changes to the Department of Justice for pre-clearance that changes from the current list approved. The Tyler County Clerk will notify each participating authority of any changes from the locations listed in **Exhibit "A"**.
7. The Tyler County Commissioners' Court will appoint the Presiding Judge and alternate Presiding Judge for each polling location. The Presiding Judge and Alternate Presiding Judge for the temporary branch polling places during early voting are as shown and stated in **Exhibit "B"** attached hereto. The Tyler County Clerk shall arrange for the training and compensation of all Presiding Judges and clerks. If a person is unable or unwilling to serve, the Tyler County Clerk will make every effort to substitute the individual with someone of the same Party affiliation first and then whomever is available.

0. The Tyler County Clerk will arrange for all election supplies and election printing, including, but not limited to, all forms, signs and other materials used by the Election Judges at the voting locations.
9. The Tyler County Clerk will provide instructions and other information needed to enable the Election Judges to conduct a proper election.
10. A joint ballot prepared by the Tyler County Clerk will be used for conducting the joint election. Each participating authority shall furnish the Tyler County Clerk a list of candidates and/or propositions showing the order and the exact manner in which their candidate names and/or proposition(s) are to appear on the official ballot. Each participating authority will be responsible for proofreading and approving the ballot in so far as it pertains to that authority's candidates and/or propositions.
11. Donece Gregory, Tyler County Clerk, is appointed as Early Voting Clerk in compliance with Sections 271.006 of the Texas Election Code. Other deputy Early Voting judges/clerks will be appointed by the Early Voting clerk as needed to process Early Voting mail and to conduct Early Voting at the main location and branch locations.
12. Early Voting by personal appearance will be conducted at the locations and times as described in Exhibit "B" attached hereto and incorporated herein by reference. Any qualified voter for the Joint Election may vote early by personal appearance at either the main Early Voting location or at any one of the branch locations.
13. All requests for Early Voting ballots by mail that are received by participating authorities will be transported on the day of receipt to the Tyler County Clerk, Donece Gregory, 110 Courthouse, 100 W. Bluff Street, Woodville, Texas 75979 for processing. Persons voting by mail will send their voted ballots to the Tyler County Clerk, 110 Courthouse, 100 W. Bluff Street, Woodville, TX 75979.
14. All Early Voting ballots will be prepared for counting by an Early Voting Ballot Board appointed by the County in accordance with Section 87.001 of the Texas Election Code.
15. The Early Voting Clerk will make available the reports titled Early Voting Daily Vote Totals to each participating authority. The political sub-divisions will assist in picking up the voter sign-in

show that early voting day where practical and delivery to the County Clerk's office by 4:00pm.

The District will remain responsible for conducting the election in the area of the District located in Hardin County, Texas that is outside the jurisdiction of the County, and separate ballots will be utilized for residents of Hardin County, Texas who vote in the District school bond election.

17. The County Clerk will notify and bill the District for its' part of the cost for the programming and rental of the DRE Voting equipment. On Election Day, November 6, 2007, the County will secure the location and facilities where the election will be conducted.
18. The County will be responsible for preparing and running the election on November 6, 2007.
19. The District's Board of Trustees will be responsible for canvassing the election results of the school bond election.

FOR THE COUNTY CLERK

The undersigned are the duly authorized representatives of the parties; governing bodies, and their signatures represent adoption and acceptance of the terms and conditions of this agreement.

APPROVED, this 28th day of August, 2007, by the Board of Trustees of the Warren Independent School District.

DISTRICT Board President

DISTRICT Board Secretary

APPROVED, this _____ day of _____, 2007, by the County of Tyler, Texas.

Tyler County Judge

ORGAIN BELL & TUCKER 008/011

EXHIBIT "A"

Polling Places and Election Precincts

<u>Location</u>	<u>Voting Precinct</u>
Nutrition Center 201 Willow Woodville, TX	1
Masonic Lodge 390 Holly Woodville, TX	2
Hillister First Baptist Church FM 1013 Hillister, TX	3
Warren Middle School 312 CR 1515 Warren, TX	4
A1 Wrecker Service 2510 Highway 69 North Doucette, TX	5
Garage of Eldon Soileau 923 Huckleberry Village Mills, TX	6
Lions Hall 156 Goolsbee Chester, TX	7
Bethany Baptist Church 1880 CR 2570 Colmesneil, TX	8
Ebenezer Church Fellowship Hall 699 CR 3625 Colmesneil, TX	9
Community Center FM 256 West Colmesneil, TX	10

Rockland Baptist Church 125 PR 7388 Rockland, TX	11
Fairview Baptist Church Town Bluff 1241 FM 92 Woodville, TX	13
AG Building – Spurger ISD FM Highway 92 Spurger, TX	14
Fred Elementary School 140 CR 4650 & Highway 92 Fred, TX	15
East Warren High School 395 FM 3290 South Warren, TX	16
Lions Den 775 US Highway 190 East Woodville, TX	17
Fire Station 113 W. Charlton Woodville, TX	18

EXHIBIT "B"**Early Voting Location Places and Times for Early Voting****MAJN EARLY VOTING LOCATION:**

<u>Location</u>	<u>Date and Times</u>
Tyler County Annex Tax Office 1001 West Bluff Woodville, TX	October 22, 2007 thru November 2, 2007 8:30 a.m. to 4:30 p.m. each day, Monday thru Friday and on Saturday, October 22, 2007, 2:00 p.m. to 6:00 p.m.

BRANCH EARLY VOTING LOCATIONS:

<u>Location</u>	<u>Date and Times</u>
Warren ISD Administration Office 395 FM 3290 South Warren, TX	October 22, 2007 thru November 2, 2007 8:30 a.m. to 3:30 p.m. each day, Monday thru Friday Presiding Judge: Sherry Mitchell Alternate Presiding Judge: Mike Paddie
Fred Elementary School 140 CR 4650 & Highway 92 Fred, TX	October 24, 2007 10:30 a.m. to 12:30 p.m. Presiding Judge: Sherry Mitchell Alternate Presiding Judge: Mike Paddie
Warren High School 395 FM 3290 South Warren, TX	October 25, 2007 6:30 p.m. to 8:30 p.m. Presiding Judge: Sherry Mitchell Alternate Presiding Judge: Mike Paddie
Warren High School 395 FM 3290 South Warren, TX	October 26, 2007 6:30 p.m. to 8:30 p.m. Presiding Judge: Sherry Mitchell Alternate Presiding Judge: Mike Paddie

Fred Elementary School
140 CR 4650 & Highway 92
Fred, TX

October 27, 2007 3:30 p.m. to 8:00 p.m.

Presiding Judge: Sherry Mitchell
Alternate Presiding Judge: Mike Paddie

Warren Elementary School
370 FM 3290 South
Warren, TX

October 31, 2007 10:30 a.m. to 12:30 p.m.

Presiding Judge: Sherry Mitchell
Alternate Presiding Judge: Mike Paddie

Warren High School
395 FM 3290 South
Warren, TX

November 1, 2007 5:30 p.m. to 8:00 p.m.

Presiding Judge: Sherry Mitchell
Alternate Presiding Judge: Mike Paddie