

MINUTES OF THE MEETING
OF THE BOARD OF DIRECTORS OF
THE FRANKLIN COUNTY WATER DISTRICT
HELD October 17, 1966

THE STATE OF TEXAS

COUNTY OF FRANKLIN

ON THIS, the 17th day of October, 1966, the Board of Directors of the FRANKLIN COUNTY WATER DISTRICT convened in regular session at the regular meeting place thereof in the Courthouse at Mount Vernon, Texas, with the following members present:

W. C. NEWSOME	PRESIDENT
LONDON RAMSAY	VICE PRESIDENT
HORRIS MORRIS	SECRETARY
A. J. LAWS	DIRECTOR

and D. O. ALDRIDGE being absent.

The President of the Board called the meeting to order, declared a quorum present and that the meeting was duly convened and ready to transact business.

The President then announced that the board would dispense with their regular order of business and consider the business at hand, being the following petition presented by James M. Slator III, seeking to call an election to abolish the district:

PETITION FOR AN ELECTION FOR THE PURPOSE OF
DETERMINING WHETHER OR NOT FRANKLIN COUNTY
WATER DISTRICT SHALL BE ABOLISHED

TO THE BOARD OF DIRECTORS OF
FRANKLIN COUNTY WATER DISTRICT:

Franklin County Water District is herein identified as the Conservation and Reclamation District created by Acts of 1965, 59th Legislature of the State of Texas, page 1668, Chapter 719, effective June 19, 1965, set forth in Article 8280-341 of Vernon's Annotated Revised Civil Statutes of the State of Texas, the area of the District consisting of all of the County of Franklin, State of Texas, and the boundaries of said District being identical with the boundaries of said County.

Each of the undersigned is the holder of title to lands located within the boundaries of Franklin County Water District as shown by the tax rolls of said District.

This petition is filed with you, as the Board of Directors of Franklin County Water District, in accordance with the provisions of Articles 7880-147c1, 7880-147c2, 7880-147c3, 7880-147c4, 7880-147c5, and 7880-147c6 of Vernon's Annotated Revised Civil Statutes of the State of Texas, as amended.

The undersigned petitioners hereby petition and ask for an election for the purpose of determining whether or not Franklin County Water District shall be abolished, with the ballots for such election to contain the proposition "For the abolishment of District" and "Against the abolishment of District".

Accordingly, you are hereby petitioned and asked to order, hold and conduct such election in accordance with the provisions of the above identified Statutes of the State of Texas and such other Statutes as may be applicable in the premises.

The President then called on Mr. Slator for any remarks he might have.

Mr. Slator expressed his appreciation to the board for putting the petition as the first order of business. He requested that the petition presented on September 24 be formally accepted and presented an additional petition and requested that his letter of transmittal be signed by the President of the Board. Attorney Woodrow Edwards examined the letter of transmittal and advised President Newsome to sign the letter. He told those present that the board had two petitions before them requesting that they call an election to vote on whether or not to abolish the Franklin County Water Conservation and Reclamation District. He said the petition was based on Article 7880-147c1 through 147c6 of Vernon's Annotated Texas Civil Statutes and that since the district was created by the legislature under Article 8280-341 and no authority for abolishment of the district was set out in the act and that no section as set out in the petition prevailed, so attorneys for the Board advised that they should not act on the petition other than to deny it.

Volume 1 Page 110

Mr. Slator said that he recognized the importance of the business of the district and felt that the attorneys on each side had an honest difference of opinion. He said he was involved in a similar circumstance, the Newton County Water Reclamation and Conservation District, and that he could see no difference in the two cases.

He said it was his desire to try to resolve this thing one way or another and that he could see no other procedure than to seek a Mandamus from the District Court forcing the Board to call the election, does the law apply or is the law constitutional.

Mr. Edwards stated that what we are arguing about is a highly technical point of law and he would be glad to sit down and discuss it with Mr. Slator in private at any time.

President Newsome then read the following resolution:

WHEREAS, this Board has received a petition for an election to determine whether or not Franklin County Water District should be abolished pursuant to the provision of Article 7880-147c1 through 147c6 of Vernon's Annotated Texas Civil Statutes; and

WHEREAS, upon due consideration thereof and upon full deliberation and advice of counsel, this Board has determined that it is not legally empowered to grant the request therein presented; therefore,

BE IT RESOLVED BY THE BORD OF DIRECTORS OF FRANKLIN COUNTY WATER DISTRICT:

THAT the Franklin County Water District having been duly created by an Act of the Legislature of the State of Texas which provided this Board no authority for abolishment of the District, this Board cannot lawfully grant the aforementioned petition or foster any other process which has for its purpose the abolishment of such District.

THAT the aforementioned petition must accordingly be denied and IT IS SO ORDERED.

Mr. Horris Morris moved the adoption of this resolution. The motion was seconded by Mr. Landon Ramsay and, upon being put to a vote, carried by the following vote: Messrs. Newsome, Ramsay, Morris,

Volume 1, Page 111

Laws voted "AYE"; and none voted "NO". The President announced that the motion had carried and that the resolution had been duly adopted.

PASSED, ADOPTED AND APPROVED, this the 17th day of October, 1966.

W. C. Newsome
President, Board of Directors
Franklin County Water District

ATTEST:

Horris Morris

Secretary, Board of Directors
Franklin County Water District

Attorneys Woodrow Edwards and Slator talked privately.

Attorneys representing the Water Board present were:
Woodrow Edwards, Howard Edwards and Bryce Huguenin.

The following people were also present: State Representative Neal Solomon, Grayford Jones and Wally Simmons representing the Winnsboro News, Art Postel, fiscal agent for the district, Walter Hicks, District project engineer, and David Pollard, Surveyor.

Mr. Slator thanked the board and said no one was mad but he and those he represented would have to decide where to go from here. Approximately 24 people were present who were evidently represented by Mr. Slator.

The Water Board moved the remainder of their meeting to the Commissioners' Courtroom where they went into executive session.

Mr. A. J. Laws made a motion that the following accounts be paid:

WOODROW EDWARDS	
Legal services from July 1 to Oct. 17, 1966	\$750.00
W. C. NEWSOME	
Expenses for trips to Austin and Wichita Falls	113.29
HORRIS MORRIS	
Car Expense and P. O. Box Rent	49.50
	Volume 1, Page 112
LANDON RAMSAY	
Car Expense	\$ 60.00
NEAL SOLOMON	
Car Expense	60.00

Landon Ramsay seconded the motion and upon the question being called, it carried unanimously.

There being no further business, the meeting was adjourned.

MINUTES APPROVED, this the 17th day of October, 1966.

W. C. Newsome
President, Board of Directors
Franklin County Water District

Landon Ramsay
Vice President

A. J. Laws
Secretary

D. O. Aldridge
Director