



**October 19, 2004
10:00 A.M.**

Polk County Courthouse, 3rd floor
Livingston, Texas

2004-096

NOTICE is hereby given that a Special meeting of the Polk County Commissioners Court will be held on the date stated above, at which time the following subjects will be discussed;

CALL TO ORDER

OPEN MEETING: Proposed Polk County Detention Center; Discussion and action on the following matters concerning the proposed Detention Facility:

- a. Report from advisors, design builder, architect and engineers relating to proposals and site alternatives and utility services for privately operated county detention facility in Polk County;
- b. Review and discuss negotiated terms of site purchase;
- c. Approval and authorization for selection and final terms of site selection for proposed detention facility; authorization to enter into all necessary documents for site purchase and utility service for detention facility relating thereto;
- d. Review and discuss time line for funding/construction and site visit/due diligence by potential investors.

EXECUTIVE SESSION: *Consultation with Attorney*, a closed meeting will be held pursuant to Section 551.072 of the Government Code regarding real property, and acquisition of site for proposed detention facility and Section 551.071 of the Government Code regarding consultation with attorney to seek advice on pending and contemplated litigation, settlements, and other matters, which are confidential under the Disciplinary Rules of the State Bar, on which the duty of the attorney of the County under the Texas Disciplinary Rules of Professional Conduct clearly conflicts with the Open Meetings Act, regarding negotiation of legal responsibilities and terms of instruments relating to the financing operation and/or construction of a proposed Polk County privately operated Detention Center.

RECONVENE IN OPEN SESSION

ADJOURN

Posted: October 14, 2004

Commissioners Court of Polk County, Texas
By: John P. Thompson, County Judge

I, the undersigned County Clerk, do hereby certify that the above Notice of Meeting of the Polk County Commissioners Court is a true and correct copy of said Notice and that I posted a true and correct copy of said Notice at the door of the Polk County Courthouse at a place readily accessible to the general public at all times on Thursday, October 14, 2004 and that said Notice remained so posted continuously for at least 72 hours preceding the scheduled time of said Meeting.

BARBARA MIDDLETON, COUNTY CLERK

BY: Shelana Walker

, Deputy

FILED FOR RECORD

2004 OCT 14 P 2:22



October 19, 2004
10:00 a.m.

COMMISSIONERS COURT

of Polk County, Texas

County Courthouse, 3rd floor
Livingston, Texas

ADDENDUM to Posting # 2004-096

The following will serve to amend the Agenda of the Commissioners Court Special Meeting scheduled for October 19, 2004 at 10:00 A.M.

AMEND TO ADD;

- 2. CONSIDER APPROVAL OF CAPITAL EXPENDITURE FOR COUNTY INTERNET SERVICES.

Dated: Friday, October 15, 2004

Commissioners Court of Polk County, Texas

By: John P. Thompson, County Judge

I, the undersigned County Clerk, do hereby certify that the above Addendum to the Notice of Meeting of the Polk County Commissioners Court is a true and correct copy of said Addendum and that I posted a true and correct copy of said Addendum at the door of the Polk County Courthouse at a place readily accessible to the general public at all times on Friday, October 15, 2004 and that said Addendum remained so posted continuously for at least 72 hours preceding the scheduled time of said Meeting.

BARBARA MIDDLETON, COUNTY CLERK

BY Schelana Walker, Deputy

FILED FOR RECORD

2004 OCT 15 P 3:21

BARBARA MIDDLETON
POLK COUNTY CLERK

STATE OF TEXAS }
COUNTY OF POLK }

DATE: **OCTOBER 19, 2004**
SPECIAL MEETING
Commissioner Purvis -Absent

COMMISSIONERS COURT
AGENDA POSTING # 2004 - 096

BE IT REMEMBERED ON THIS THE 19th DAY OF OCTOBER, 2004
THE HONORABLE COMMISSIONERS COURT MET IN "SPECIAL" CALLED
MEETING WITH THE FOLLOWING OFFICERS AND MEMBERS PRESENT,
TO WIT;

HONORABLE JUDGE JOHN P. THOMPSON, COUNTY JUDGE, PRESIDING.
BOB WILLIS-COMMISSIONER PCT#1, BOBBY SMITH - COMMISSIONER PCT #2,
C.T." TOMMY" OVERSTREET COMMISSIONER PCT #4, BARBARA MIDDLETON
COUNTY CLERK & B.L. "BOB" DOCKENS COUNTY AUDITOR, THE FOLLOWING
AGENDA ITEMS, ORDERS & DECREES WERE DULY MADE, CONSIDERED
AND PASSED.

WELCOME & CALLED TO ORDER BY JUDGE JOHN P.THOMPSON AT 10:00 A.M.

- 2. MOTIONED BY BOBBY SMITH, SECONDED BY TOMMY OVERSTREET, TO APPROVE CAPITAL EXPENDITURE FOR COUNTY INTERNET SERVICES FOR COUNTY OFFICES, INCLUDING REIMBURSEMENT RESOLUTION OF \$7,429.00.
ALL VOTING YES. (SEE ATTACHED)
- 1. PROPOSED POLK COUNTY DETENTION CENTER, DISCUSSION AND ACTION ON THE FOLLOWING AGENDA ITEMS.
 - A. REPORT FROM ADVISORS, DESIGN BUILDER, ARCHITECT AND ENGINEERS RELATING TO PROPOSALS AND SITE ALTERNATIVES AND UTILITY SERVICES FOR PRIVATELY OPERATED COUNTY DETENTION FACILITY IN POLK COUNTY.
 - B. REVIEW AND DISCUSSION OF SITE SELECTION.

FOLLOWING DISCUSSION OF THE ABOVE ITEM, COURT RECESSED FOR 30-MINUTES AT 11:15 AM. (JAMES PARKEY ASKED FOR EXTENSION OF RECESS)


RECONVENED INTO OPEN SESSION AT 11:55 AM.

- C. (1) MOTIONED BY BOBBY SMITH, SECONDED BY JOHN THOMPSON, APPROVAL AND AUTHORIZATION FOR SELECTION OF SITE #2 "LIVINGSTON" ON FM 350 SOUTH, 101.8 ACRES FOR THE PROPOSED DETENTION FACILITY IN POLK COUNTY.

VOTES RECORDED AS FOLLOWS:

JUDGE THOMPSON.....YES
 COMMISSIONER WILLIS.....NO
 COMMISSIONER SMITH.....YES
 COMMISSIONER OVERSTREET.....YES
 MOTION CARRIED.

- C. (2) MOTIONED BY BOBBY SMITH, SECONDED BY TOMMY OVERSTREET, TO INCLUDE CONVEYANCE TO JAIL FACILITIES CORPORATION THE COUNTY'S (9) ACRE TRACT ADJACENT TO SELECTED SITE FOR SAME CONSIDERATION OF \$2,000.00 PER ACRE.
MOTION CARRIED.
- D. REVIEW AND DISCUSS TIME LINE FOR FUNDING/CONSTRUCTION AND SITE VISIT ON OCTOBER 25, 2004. WITH POTENTIAL INVESTORS.
DISCUSSION WITH MICHAEL HARLING FOR BOND FUNDING, ETC.
DISCUSSION WITH BUILDER FOR BUILDING FACILITY TO BEGIN CONSTRUCTION DECEMBER 1, 2004 AND TO BE COMPLETED IN 14 MONTHS.
3. MOTIONED BY TOMMY OVERSTREET, SECONDED BY BOBBY SMITH, TO ADJOURN COURT THIS 19th DAY OF OCTOBER, 2004 AT 12:23 PM.



JOHN P. THOMPSON, COUNTY JUDGE

ATTEST


BARBARA MIDDLETON, COUNTY CLERK

C:\Barbara M\COMMCRT. 2004\OCT19.SPECIAL.2004.wpd



RESOLUTION EXPRESSING INTENT TO REIMBURSE EXPENDITURES
TO BE INCURRED BY POLK COUNTY, TEXAS

WHEREAS, Polk County, Texas (the "Issuer") is a Texas County and a political subdivision of the State of Texas authorized to issue obligations to finance its activities pursuant to various Texas statutes, including anticipation notes pursuant to Chapter 1431, Texas Government Code, the interest on which is excludable from gross income for federal income tax purposes ("tax-exempt obligations") pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code");

WHEREAS, the Issuer will make, or has made not more than 60 days prior to the date hereof, payments with respect to the acquisition, construction, repair and equipping of the projects listed on Exhibit "A" attached hereto;

WHEREAS, the Issuer has concluded that it does not currently desire to issue tax-exempt obligations to finance the costs associated with the projects listed on Exhibit "A" attached hereto;

WHEREAS, the Issuer desires to reimburse itself for the costs associated with the projects listed on Exhibit "A" attached hereto from the proceeds of tax-exempt obligations to be issued subsequent to the date hereof; and,

WHEREAS, the Issuer reasonably expects to issue tax-exempt obligations to reimburse itself for the costs associated with the projects listed on Exhibit "A" attached hereto.

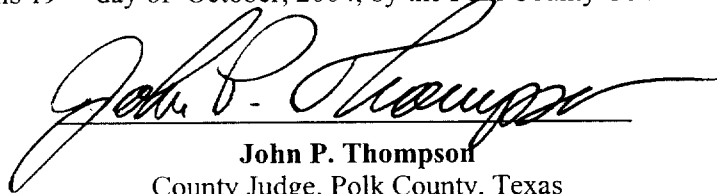
NOW, THEREFORE, BE IT RESOLVED THAT:

Section 1. The Issuer reasonably expects to reimburse itself for all costs that have been or will be paid subsequent to the date that is 60 days prior to the date hereof and that are to be paid in connection with the acquisition, construction, repair and equipping of the projects listed on Exhibit "A" attached hereto from the proceeds of tax-exempt obligations to be issued subsequent to the date hereof.

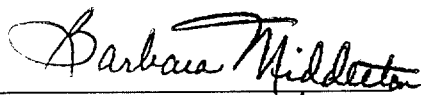
Section 2. This resolution is also made to evidence the intent of the Issuer to make such reimbursements under Treas. Reg. § 1.150-2 and Section 1201.042, Texas Government Code.

Section 3. The Issuer reasonably expects that the maximum principal amount of tax-exempt obligations issued to reimburse the Issuer for the costs associated with the projects listed on Exhibit "A" attached hereto will not exceed \$7,429.00.

ADOPTED this 19th day of October, 2004, by the Polk County Commissioners Court.


John P. Thompson
County Judge, Polk County, Texas

Attest;


Barbara Middleton, County Clerk

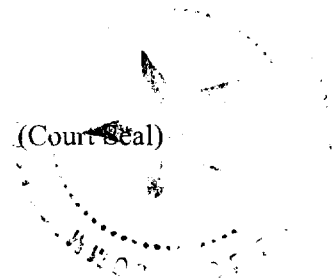


EXHIBIT "A"

DESCRIPTION OF PROJECTS

County Internet Connection

DP Solutions	Hardware/Software Configuration/ Server / Backup Power / Labor	\$	7,429.00
--------------	---	----	----------

Such financing to be in an amount not to exceed \$ 7,429.00 from the General Fund of Polk County, Texas.