



**NOTICE OF MEETING
OF THE POLK COUNTY COMMISSIONERS COURT**

Notice is hereby given that a Regular meeting of the Polk County Commissioners' Court will be held on Monday - April 10, 1995 at 10 00 a m in the County Courthouse, Livingston, Texas, at which time the following subjects will be addressed, to wit

SEE ATTACHED AGENDA

Date of Notice , April 5, 1995

Commissioners' Court of Polk County, Texas

By *John P. Thompson*
John P. Thompson, County Judge

I, the undersigned County Clerk, do hereby certify that the above Notice of Meeting of 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 in the County Courthouse of Polk County, Texas, at a place readily accessible to the general public at all times on April 5, 1995, and said notice remained so posted continuously for at least 72 hours preceding the scheduled time of said meeting

FILED FOR RECORD
95 APR -5 AM 9 49
BARBARA MIDDLETON
COUNTY CLERK
POLK COUNTY TEXAS

Date of Certification, April 5, 1995

Barbara Middleton, County Clerk
By *Barbara Middleton*

COMMISSIONERS COURT AGENDA

for: MONDAY - APRIL 10, 1995 - 10 00 a.m.

CALL TO ORDER

- 1 WELCOME - Public Comments & Discussion
- 2 INFORMATIONAL REPORTS
 - A Report on County Surplus Sale - held Saturday, April 1, 1995
- 3 CONSIDER APPROVAL OF MINUTES for meeting of, March 27, 1995

FILED FOR RECORD
95 APR - 5 AM 9 49
BAPP, N. JUDGMENT
COUNTY CLERK
POLK COUNTY TEXAS

OLD BUSINESS

- 4 RECEIVE REPORT AND RECOMMENDATION FROM COURT APPOINTED COMMITTEE (Auditor, Aging Director, Jail Administrator, Nutrition Center Site Managers) ON COUNTY FOOD PURCHASES FOR NUTRITION CENTERS AND JAIL FACILITY

NEW BUSINESS

- 5 CONSIDER APPROVAL OF SPECIAL WARRANTY DEEDS PERTAINING TO THE SALE OF COUNTY TAX FORECLOSURES PROPERTIES DESCRIBED IN CAUSE # 93-046 & # 93-084
- 6 CONSIDER EMERGENCY MANAGEMENT REQUEST TO AMEND CONTRACT FOR DTN WEATHER SERVICE
- 7 CONSIDER ANY/ALL NECESSARY ACTION PERTAINING TO BID #95-08 "PURCHASE OF ONE(1) ROAD GRADER WITH TRADE-IN OF ONE(1) SCRAPER"
- 8 CONSIDER ANY/ALL NECESSARY ACTION PERTAINING TO BID #95-09 "AN INDEPENDENT CONTRACT FOR THE INSPECTION OF PRIVATE SEWAGE FACILITIES IN UNINCORPORATED AREAS OF POLK COUNTY"

Continued

CONSENT AGENDA ITEMS

- 9 CONSIDER APPROVAL AND PAYMENT OF BILLS (by Schedule)
- 10 CONSIDER APPROVAL OF PERSONNEL ACTION FORMS

EXECUTIVE SESSION

- A DISCUSSION OF PERSONNEL MATTERS - AGING SERVICES (ASSURANCE OF WAGE AND SCHEDULE CONSISTENCY)
- B DISCUSSION WITH LEGAL COUNSEL PERTAINING TO PENDING LITIGATION

[As authorized by Government Code, Title 5, Chapter 551, Sec 551 074 (a)(1)(2), Sec 551 075 (a)(1)(2) and Sec 551 071 (1)(A)]

ADJOURN

Next regularly scheduled meeting - April 24, 1995, 10 00 a m

STATE OF TEXAS }
 COUNTY OF POLK }

APRIL 10, 1995
 REGULAR CALLED MEETING
 ALL PRESENT

BE IT REMEMBERED ON THIS THE 10th DAY OF APRIL, 1995, THE HONORABLE COMMISSIONERS COURT MET IN A REGULAR CALLED MEETING WITH THE FOLLOWING OFFICERS AND MEMBERS PRESENT, TO WIT: JOHN P. THOMPSON, COUNTY JUDGE PRESIDING. B. E. "SLIM" SPEIGHTS, COMMISSIONER PCT#1, BOBBY SMITH, COMMISSIONER PCT#2, JAMES J. "BUDDY" PURVIS, COMMISSIONER PCT#3, R.R. "DICK" HUBERT, COMMISSIONER PCT#4, AND BARBARA MIDDLETON, COUNTY CLERK, WHEN AND WHERE AMONG OTHER PROCEEDINGS HAD, CONSIDERED, AND PASSED.

1. MEETING WAS CALLED TO ORDER BY JUDGE THOMPSON, AT 10.00 AM.
 PUBLIC COMMENTS:
 A. ELGIN DAVIS REQUESTED THE COURT PASS A RESOLUTION SUPPORTING COMMITTEE TO SAVE DUNBAR'S EFFORTS TO SEEK GRANT FUNDS.
 JUDGE THOMPSON STATED THAT THIS ITEM BE PLACED ON THE NEXT COURT AGENDA, APRIL 24th, 1995.
2. INFORMATIONAL REPORTS:
 A. JUDGE THOMPSON ANNOUNCED THAT THE SURPLUS SALE, HELD ON APRIL 1st, MADE ABOUT \$19,000.00 NET REVENUE FOR THE COUNTY.
 B. JOHN McDOWELL, EMERGENCY MANAGEMENT, GAVE UPDATE ON THE EXPECTED F.E.M.A. MONEY DUE COUNTY.
 C. JUDGE THOMPSON CONGRATULATED THE POLK COUNTY PEACE OFFICERS ASSOCIATION MEMBERS, FOR WINNING FIRST PLACE IN THE WILD GAME COOK-OFF AT THE FARM & RANCH CLUB IN HOUSTON.
 THE MEMBERS PRESENT WERE RICHARD MORRIS, CHUCK STATON, QUENTIN PURVIS, KENNETH HAMMACK, TOMMY WALKER, JOHN SANDERS, AND D.P.S. TROUPER JAMES BRAZIL.
3. MINUTES OF MARCH 27th MEETING, WERE NOT COMPLETE. THE MINUTES WILL BE PRESENTED FOR APPROVAL AT THE APRIL 24th MEETING.
4. TOMMY WALKER, JAIL ADMINISTRATOR, GAVE A REPORT ON HIS RECOMMENDATION FOR COUNTY FOOD PURCHASES FOR THE JAIL AND NUTRITION CENTERS. VIRGINIA SMITH GAVE HER RECOMMENDATION, AND KAREN REMMERT, COUNTY AUDITOR, GAVE HER RECOMMENDATIONS. A MOTION WAS MADE BY R.R. "DICK" HUBERT, THAT THE PRICE LISTS FOR FOOD PURCHASES, BE UPGRADED EVERY 30-DAYS. A SECOND WAS CALLED FOR SEVERAL TIMES. COMMISSIONER HUBERT'S MOTION DIED, FOR LACK OF A SECOND.
 MOTIONED BY BOBBY SMITH, SECONDED BY JAMES J. "BUDDY" PURVIS, TO OBTAIN CURRENT PRICE LIST FROM VENDORS EVERY 60-DAYS.
 VOTING "YES"-COMMISSIONER SPEIGHTS, SMITH, AND PURVIS.
 VOTING "NO"-COMMISSIONER "DICK" HUBERT.
 JUDGE THOMPSON ASKED COUNTY AUDITOR TO REPORT BACK TO COURT REGARDING THE FOOD PURCHASING.
5. MOTIONED BY BOBBY SMITH, SECONDED BY JAMES J. "BUDDY" PURVIS, TO APPROVE THE SPECIAL WARRANTY DEED FOR THE SALE OF COUNTY TAX FORECLOSURE PROPERTY, DESCRIBED IN CAUSE #93-046
 MOTIONED BY B.E. "SLIM" SPEIGHTS, SECONDED BY BOBBY SMITH TO APPROVE THE SPECIAL WARRANTY DEED FOR SALE OF COUNTY TAX FORECLOSURE PROPERTY, DESCRIBED IN CAUSE #93-084.
 ALL VOTING YES.
6. MOTIONED BY BOBBY SMITH, SECONDED BY B.E. "SLIM" SPEIGHTS, TO AMEND THE CONTRACT FOR DTN WEATHER SERVICE, PER RECOMMENDATION OF JOHN McDOWELL.
 ALL VOTING YES.
7. BID #95-08: PURCHASE OF ONE ROAD GRADER WITH TRADE-IN OF ONE SCRAPER, FOR ENVIRONMENTAL SERVICES, LANDFILL SITE.
 ACTION WAS TABLED UNTIL NEXT COURT MEETING, APRIL 24th, 1995.

8. BID#95-09: "AN INDEPENDENT CONTRACT FOR THE INSPECTION OF PRIVATE SEWAGE FACILITIES IN UNINCORPORATED AREAS OF POLK COUNTY."

MOTIONED BY B.E. "SLIM" SPEIGHTS, SECONDED BY R.R. "DICK" HUBERT, TO AWARD BID TO CAROL PIXLEY, dba/FIVE STAR UTILITIES, FOR AMOUNT OF \$14,450 00 PER YEAR.
ALL VOTING YES. (SEE ATTACHED COPY)

COURT RECESSED FOR A 5-MINUTE BREAK.

COURT WENT INTO EXECUTIVE SESSION AT 11:12 AM.

COURT RECONVENED INTO REGULAR SESSION AT 12:10 PM.

9. MOTIONED BY BOBBY SMITH, SECONDED BY R.R. "DICK" HUBERT, TO APPROVE PAYMENT OF BILLS BY SCHEDULE & ADDENDUM.
ALL VOTING YES.

DATE:	AMOUNT:	CHECK #'S:
4-5-95	\$ 195.00	107420
4-5-95	145,161.69	107421 - 107422
4-5-95	5,878.11	107423 - 107427
4-5-95	2,175.55	107428
4-5-95	142,005.52	107429 - 107578
4-7-95	\$196,945.71	107579 - 107653
4-10-95 (ADDENDUM)	\$ 10,034.00	DSR#23834
4-10-95 (ADDENDUM)	\$ 3,135.00	DSR#23836
4-10-95 (ADDENDUM)	\$ 5,595.00	DSR#23840

10. MOTIONED BY BOBBY SMITH, SECONDED BY R.R. "DICK" HUBERT, TO APPROVE PERSONNEL ACTION FORMS.
ALL VOTING YES. (SEE ATTACHED COPY)

11. MR. DANNY GARCIA, WITH TEXAS ASSOC. OF COUNTIES, REPORTED ON WORKERS COMP. POOL FOR THIS YEAR. HE INFORMED THE COURT THAT THE COUNTY HAS SAVED \$115,000.00 THIS YEAR BECAUSE OF THE SAFETY PROGRAM IMPLEMENTED HERE.

12. MOTIONED BY R.R. "DICK" HUBERT, SECONDED BY B.E. "SLIM" SPEIGHTS TO ADJOURN COURT, THIS 10th DAY OF APRIL, AT 12:20 PM.
ALL VOTING YES.


JOHN THOMPSON, COUNTY JUDGE

ATTEST: 
BARBARA MIDDLETON, COUNTY CLERK



PROCLAMATION

WHEREAS, April has been declared SEXUAL ASSAULT AWARENESS MONTH by Governor George Bush, and

WHEREAS, The SAAFE House serving Walker and Polk Counties, in conjunction with the Texas Department of Health, Sexual Assault Prevention and Crisis Services Program, and the Texas Association Against Sexual Assault (TAASA) are co-sponsoring the Twelfth Annual Sexual Assault Awareness Month, and


WHEREAS, the theme of this year's observance is "Imagine a world without sexual assault", and

WHEREAS, during this month the SAAFE House and 55 other sexual assault programs across the state will intensify their efforts to promote public awareness of sexual assault issues, including the need for citizen involvement in reducing sexual assault (by confronting rape-supportive attitudes rather than relying entirely on the criminal justice system), and the need to increase community support for agencies providing sexual assault crisis and education services,

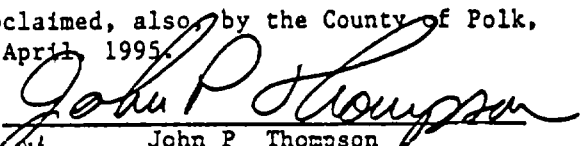
NOW, THEREFORE, I, Ben R Ogletree, Jr, Mayor of the City of Livingston, Texas, do hereby proclaim April to be SEXUAL ASSAULT AWARENESS MONTH and encourage area businesses to support Sexual Assault Awareness Month by participating in a ribbon campaign sponsored by the SAAFE House

IN WITNESS WHEREOF, I have hereunto set my hand to be affixed this the 5th day of April, 1995

SIGNED


 Ben R Ogletree, Jr, Mayor
 CITY OF LIVINGSTON, TEXAS

Affirmed and Proclaimed, also, by the County of Polk, this 5th day of April, 1995.


 John P Thompson
 Polk County Judge





POLK COUNTY, TEXAS

BID INFORMATION FORM

BID# 95-08

DESCRIPTION OF BID PURCHASE OF ONE (1) ROAD GRADER WITH TRADE-IN OF ONE (1) CATERPILLAR 613 SCRAPER

BID OPENING FRIDAY - MARCH 31, 1995 - 9 00 A M - COMMISSIONERS COURTROOM, 3RD FLOOR, POLK COUNTY COURTHOUSE - LIVINGSTON TEXAS

SUBMITTAL DEADLINE SAME AS ABOVE

DATE OF AWARD MONDAY - APRIL 10, 1995 - 10 00 A M - COMMISSIONERS COURT, REGULAR SESSION

SPECIFICATION INSTRUCTIONS PROVIDED BY ENV. SERV. ADMINISTRATOR

COMMENTS

BID RESULTS

ADDITIONAL ACTION

METHOD OF PAYMENT BUDGETED FUNDS

******* INSURANCE NOTIFICATION WILL BE MADE TO COUNTY AUDITOR BY: ENV. SERV. ADMINISTRATOR**

March 31, 1995

TO John Thomson, Judge and
Members of the Commissioner's Court

FROM Jim McAlister

SUBJECT Bids on Roadgrader/Scraper Exchange

On Friday, March 31 we opened two bids that would allow us to trade the 613 Scraper for a roadgrader

Holman Bennett Phillips Equipment Co
of Longview - Tyler

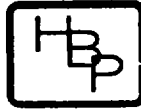
Offered us a new Champion 720A VHP Motor Grader

Price	\$ 94,380
Offered for the 613 Scraper	\$ 94,380
Difference	\$ 0

Udelsen Equipment Co of Houston bid

Cat 12 G Articulated Model with 4,101 hours	\$ 94,500
Offered for the 616 Scraper	- 65,000
Difference	\$ 29,500

It is not difficult to recommend we accept the bid of Holman Bennett Phillips for this exchange

Longview
753-4481
HOLMAN BENNETT PHILLIPS
 EQUIPMENT COMPANY INC
Tyler
593-0201

March 31, 1995

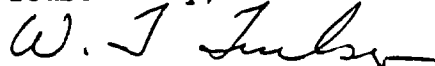
 Polk County
 Courthouse
 Livingston TX 77351

We are pleased to bid on the following equipment

- 1 - New Champion 720A VHP motor grader
 OPERATING WEIGHT 30,000 lbs without any optional weights
 or scarifier
 ENGINE 4 cycle, 6 cylinder, 500 C I D , 150 HP at 2300 RPM,
 variable horsepower from 155 to 185 depending on
 transmission speed
 TRANSMISSION Power shift, direct drive, 8 forward and 4
 reverse speeds
 FINAL DRIVE Single reduction spiral bevel gears, on the
 go lock-unlock differential
 CIRCLE 66" diameter, outside tooth location, hydraulic dual
 cylinder drive, overload relief valve
 BLADE 14' length, 116" reach outside of tires, hydraulic side
 shift, 360 degree rotation, 7/8" thick high carbon steel,
 hydraulic blade tilt control
 FRAME 20 degree articulation right or left
 FRONT AXLE Welded steel, 18 degree lean, 16 degree
 oscillation, 22" ground clearance
 STEERING Full hydraulic power, able to steer with engine
 dead, 26' turning radius
 WHEELS AND TIRES 10" rims, 14 00 X 24 12PR tires
 HYDRAULICS Open center twin flow system
 BRAKES Hydraulically activated, oil (wet) disc type service
 brakes on four tandem wheels, with dual cross-over
 circuit, reserve power assist and operating warning
 system
 CAB Fully enclosed, low profile, with ROPS, heater,
 defroster, rear view mirror, sound suppression, suspension
 seat, tinted glass, front and rear wiper, air
 conditioner
 SCARIFIER Mounted behind the front axle, 11" ground
 clearance, 48" cut
 WARRANTY 6 months full, 36 months or 5000 hour power train

BID PRICE	.	\$94,380 00
Less Trade In of 613 Scraper	.	94,380 00
DELIVERED PRICE		\$ 0 00

Yours truly,



 W. T. Tucker



850 Aldine Mail Rte Road • Houston, Texas 77037 1816 • Telephone (713) 999-0206 • Fax (713) 591 8914

Polk County Environmental Services
Attn. Commissioners Court
Livingston, Texas

March 30, 1995

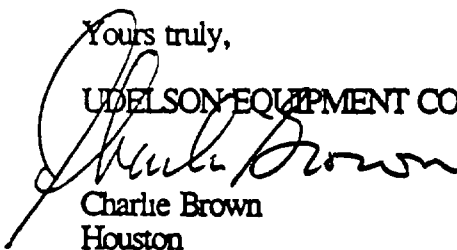
Dear Commissioner,

We are pleased to quote the following equipment for your consideration, f o b location, price & specs subject to, availability, change without notice and terms & conditions on sales invoice

We are enclosing a list of equipment. If you require any additional information, please do not hesitate to contact me

Yours truly,

UDELSON EQUIPMENT COMPANY



Charlie Brown
Houston

CB/ss

Other Locations Miami, Florida • Cleveland, Ohio

(1) Caterpillar Model 12G Motor Grader, Articulated, S/N 61M12890, Year Shipped 11/88 Sold 1/89, 17 5 R25 Tires, Cat 3306 DI Engine, 149 HP , Approx 4,101 Hours, power Shift, 14' Hydraulic Sideshift Moldboard with Tip Control, Scarifier, Engine Enclosures, Differential Unlock/Lock, Excellent Condition. Location Miami
F O B Livingston, Texas _____ \$ 94,500

(1) Caterpillar Model 12G Motor Grader, S/N 61M14408, Year Shipped & Sold 6/91, 14 00 x 24 Tires, Cat 3306 Engine, 135 HP , equipped with 12' Hydraulic Sideshift Blade Moldboard with Tip Control, Engine Enclosures, Low Profile Enclosed ROPS Cab with Heater, Differential Lock, Front Scarifier, Rear Taillights, Excellent Condition. Location Miami
F O B Livingston, Texas _____ \$ 115 000

(1) Caterpillar Model 12G Motor Grader, S/N 61M14085, Year Shipped 10/90 Sold 2/91, 14 00 x 14 Tires, Cat 3306 Engine, 135 HP , 12' Hydraulic Sideshift Blade with Tip Control, EROPS Cab with Air Conditioning, Differential Lock/Unlock, Rear Ripper, Engine Enclosures, Excellent Condition Location Houston.
F O B Livingston, Texas _____ \$ 105 500

Trade In.

(1) One Caterpillar Model 613 Scraper with 1,373 Hours - Purchased By Polk County (New) April 1990, Good Operating Condition. May Be Inspected at the Polk County Landfill, Located 3 5 Miles West of Leggett, Texas on FM942
Bid Offered _____ \$ 65,000



POLK COUNTY, TEXAS

Bid / Proposal INFORMATION FORM

Proposal# 95-09

DESCRIPTION OF PROPOSAL : "AN INDEPENDENT CONTRACT FOR THE INSPECTION OF PRIVATE SEWAGE FACILITIES"

PROPOSAL OPENING MONDAY - APRIL 3, 1995 - 9.00 A.M. - COMMISSIONERS COURTROOM - POLK COUNTY COURTHOUSE - LIVINGSTON, TEXAS

SUBMITTAL DEADLINE SAME AS ABOVE

DATE OF AWARD MONDAY - APRIL 10, 1995 - 10.00 A.M. - COMMISSIONERS COURT REGULAR SESSION

SPECIFICATION INSTRUCTIONS CONTACT COUNTY AUDITOR (409)327-6811

COMMENTS .

RESULTS

ADDITIONAL ACTION

METHOD OF PAYMENT BUDGET FUNDS

******* INSURANCE NOTIFICATION WILL BE MADE TO COUNTY AUDITOR BY**
N/A

April 3 1995

TO Jonn Thompson, Judge
FROM Jim McAlister
SUBJECT Proposals for Contract Inspection Services for On Site Sewer Facilities

Three bids were received for these services

1 Carol Pixley, dba Five Star Utility Service
of Livingston, Texas \$ 14,450

(Estimated cost of services New permit \$ 100
Add-on 40
Complaints 25 per hour

Mr Pixley does possess the required certificates to perform these services

2 Marvin Allwright of Goodrich, Texas \$ 18,000

(Estimated cost of services \$ 120)

Mr Allwright does not possess the certificates to perform these duties,
however plans to attend such training in mid-May

3 Todd Gardner dba as Spectrum Inspections
of Livingston, Texas \$ 18,000

Mr Gardner does possess the certificates to perform these duties

Analysis At present Mr Todd Gardner is performing these services for the
County as a full time employee Cost for Mr Gardner s services as an employee
are

Personnel cost including benefits	\$ 27 314 69
Less Mr Pixley s bid	<u>- 14,450 00</u>
Savings	\$ 12 864 69

Mrs. Carol

I recommend we accept the low bid proposal of ~~Mr~~ Pixley for the following reasons

1 Mr Pixley will provide his own transportation for these services, allowing us to allocate the budgeted vehicle and cost to collection station and other solid waste services activities

2 We can apply the savings realized (\$ 12, 864 69) to the cost of hiring a part-time person to assist with collection of funds and recyclables from the collection stations, serve as a back-up to the Office manager when she has worked a full compliment of regular hours (The landfill will be open 9 5 hours per day Monday through Friday, and five hours on Saturday for a total of 12 5 hours over the regular 40 hour week.), and be available for other assignments as needed Ms Creathy Gray is currently serving as back-up to Shan when she is out or occupied with other duties Under these conditions, she will be working 25 hours per week at \$ 6 25 per hour



POLK COUNTY, TEXAS

PROPOSAL REVIEW

TO BE SUBMITTED BY INDV/AGENCY AS A PROPOSAL COVER SHEET

RFP# 95-09
**Name of Submitting
Individual / Agency**
Carol Pixley, dba
Five Star Utility Services
Address
P O Box 193
Livingston Texas 77351
Phone
409-365-2941
**License / Certification
Information**
Robert W "Bobby" Pixley, Certified Inspector
Texas Engineering Ext Serv On-Site Sewerage
Facilities
TNRCC Class C Wastewater Treatment Plant Operator
Texas Dept of Health, Grade C
Groundwater Certification
Projected Annual Cost to Polk County
\$ 14,450.00
Estimated Unit cost of service

New Permit	\$	<u>100.00</u>
Remodel Permit	\$	<u>40 00</u>
Complaint Investigation	\$	<u>25 00 per hour</u>

**DOES YOUR PROPOSAL MEET WITH ALL FEDERAL, STATE AND LOCAL RULES,
REGULATIONS AND REQUIREMENTS? Yes xx No**
COMMENTS

The above projections for said services are based on area costs
for like services and the 1994 average applicable permits from Polk
County

Copies of the required certification/licensing documents are attached
Five Star Utility Services, a Minority Owned Company, is fully
bondable Your consideration of this proposal should include the proven
experience of a certified inspector/operator with knowledge of on-site
installation of sewage facilities, individual homeowner site recommendation
and assistance with the testing of new advanced on-site sewage facilities

Thank You

TO COUNTY AUDITOR
FROM SPECTRUM INSPECTIONS
OPERATOR TODD GARDNER

BID-RFP # 95-09

INSPECTION FOR SEPTIC CONSTRUCTION STANDARDS
COMPLAANCE AND REGULATION FOR COUNTY HEALTH
AND SEPTIC CODE 300

ANNUAL CONTRACT SERVICES

AMOUNT \$18 000

**Texas Engineering Extension Service
The Texas A&M University System
Water and Wastewater Training Division**

certifies that

ROBERT W. PIXLEY

has satisfactorily completed the

**16 HOUR DESIGNATED REPRESENTATIVE COURSE
FOR ON-SITE SEWERAGE FACILITIES**

MARCH 21, 1991

Date

PAUL MORRIS

Instructor



Clark A. Benson

Division Head

James P. Bradley
Director Texas Engineering Extension Service

Texas Natural Resource Conservation Commission

Certificate of Competency

Wastewater Treatment Plant Operator

We it known that

Robert W. Pixley

has demonstrated acceptable levels of education, training and experience in the operation of wastewater treatment plants, and is hereby issued this Class C Wastewater Treatment Plant Operator's Certificate.

Certificate No 459724950

Date of Issuance. December 20, 1994

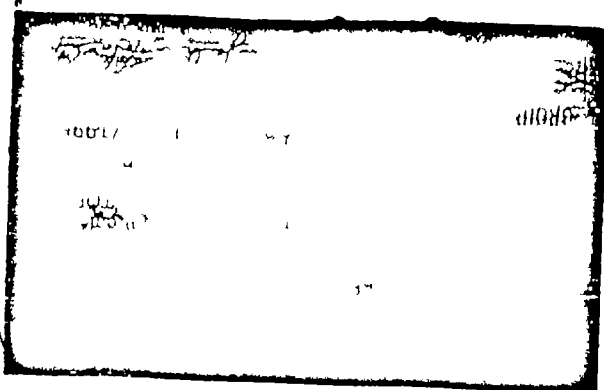


John Hall

CHAIRMAN,
TEXAS NATURAL RESOURCE CONSERVATION
COMMISSION

David...

EXECUTIVE DIRECTOR,
TEXAS NATURAL RESOURCE CONSERVATION
COMMISSION



Texas Department of Health

hereby issues a

Certificate of Competency

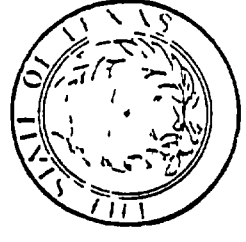
to

ROBERT W. PIXLEY

Who has given satisfactory evidence of qualifications for certification as required by Article 4477-1, Vernon's Texas Civil Statutes for a

GRADE C GROUNDWATER NUMBER 459-72-4950 ISSUE DATE 06-26-87

Robert W. Brantner, Jr.
Commissioner



David W. ...
Deputy Commissioner for Environmental and Consumer Health Protection



POLK COUNTY, TEXAS

PROPOSAL REVIEW

TO BE SUBMITTED BY INDV/AGENCY AS A PROPOSAL COVER SHEET

RFP# 95-09

Name of Submitting Individual / Agency

MARVIN ALLWRIGHT

Address

HC 01, Box 536 I

Goodrich, Texas 77335

Phone

409 365 3844

License / Certification Information

see comments below

Projected Annual Cost to Polk County

\$ 18,000

Estimated Unit cost of service

\$ 120

DOES YOUR PROPOSAL MEET WITH ALL FEDERAL, STATE AND LOCAL RULES, REGULATIONS AND REQUIREMENTS ? Yes No

COMMENTS

Marvin Allwright has installed functional septic systems for residences,
and mobile home parks. These systems were approved by Harris County,
City of Houston and city of Humble

If awarded this contract, he will attend the on-site sewerage facilities
Inspection/Designated Representative workshop in Arlington on May 16-17-18



**CONTRACT
for On-site Sewage Facility Inspection Services**

by and between
POLK COUNTY
and
CAROL PIXLEY, dba FIVE STAR UTILITY SERVICES

Whereas POLK COUNTY, hereinafter referred to as "COUNTY" and CAROL PIXLEY, dba FIVE STAR UTILITY SERVICES, hereinafter referred to as "CONTRACTOR" enter into this agreement on the 1st day of May 1995, for the provision of inspection services relating to the construction and/or modification of on-site sewage facilities in the unincorporated areas of Polk County over which the County exercises jurisdiction, and the response, inspection and reporting of complaints pertaining to existing on-site sewage facilities violations in said jurisdiction, with said services to be rendered in accordance with all applicable Federal, State and Local statutes, ordinances, rules and regulations governing on-site sewage facilities

ASSURANCES.

A The COUNTY Shall,

- 1 Receive all applications and related fees for the purpose of initiating the on-site sewer application/inspection process for new and/or modified installations, building permits and receive complaints pertaining to existing on-site sewer facilities. Provisions of this contract do not include services for Mortgage permits, which may be privately contracted through qualified individuals within the area and do not represent a function of County government, and
- 2 Provide general information to Applicant or Applicant's Representative as to the type of on-site sewage facility and or modification deemed acceptable by Federal, State and Local statutes, ordinances and/or codes for installation on subject site. Actual design of the on-site sewage system shall be the sole responsibility of the Applicant. Responsibility of both the CONTRACTOR and the COUNTY in regards to the design of said system shall be limited to a determination that said design conforms to the aforementioned statutes, ordinances and /or codes, and
- 3 Provide notice to CONTRACTOR of receipt of applications, as soon as practical, and
- 4 Provide the required forms for the Application and Permit documents described herein

B The CONTRACTOR shall,

- 1 Retrieve applications within twenty four (24) hours (excluding weekends and county observed holidays) of notice from COUNTY and consult with an official soils map developed by the U S Soil Conservation Service and of the general area of the subject application site, to determine site acceptability for an on-site sewage system, and
- 2 Make a physical inspection of the subject application site, within forty-eight (48) hours of receipt of application (excluding weekends), to determine the subject site's consistency with the soils map information and the suitability of the subject site for an on-site sewage facility and, in certain instances, perform percolation testing, if determined necessary by CONTRACTOR, and
- 3 Receive proposed system design in writing from Applicant or Applicant's Representative and review said design to determine conformity to items outlined in section B 1, 2 and 3 of this contract CONTRACTOR shall notify Applicant of said determination including - but not limited to - acceptance of system design and approval of application with authorization to proceed with construction / installation / modification and issuance of permit, rejection of proposed system design and request for design changes, denial of application/permit, and
- 4 Make on-site inspection of completed system installation - within 48 hours of notice (excluding weekends and County Holidays) from Applicant or Applicant's Representative of construction completion and prior to final cover - to determine whether work has proceeded in accordance with approved design plan, that appropriate materials are in place, and that subject work conforms to all rules and regulations governing the same, and
- 5 No less than once each week, submit to COUNTY all original documentation of completed application/inspection process, to include,
 - a Application document, to include CONTRACTOR's determination of Application approval (Permit)/denial(Written Notice to Applicant)
 - b Approved design plan, including a site plan, identifying location of subject system in Polk County and specific location in relation to public or private water wells, underground cisterns, water supply lines, streams, ponds, lakes, sharp slopes, breaks, foundations, structures and other surface improvements, property lines, easement lines, soil absorption systems and swimming pools
 - c CONTRACTOR's written statement (within Application/Permit form) to COUNTY and Applicant that subject system was/was not designed, approved, constructed and inspected in a manner consistent with all applicable Federal, State and Local rules and regulations governing the same, and

- 6 Report, in writing, to COUNTY and Applicant, should Applicant fail to meet any/all of the requirements of the aforementioned statutes, regulations, ordinances, codes or rules & regulations of this inspection process - documenting the specific nature failure or deficiency, and
- 7 Notify the COUNTY immediately, should conditions arise which may cause delay in the expeditious execution of CONTRACTOR's duties as outlined herein or if any reason exists that the application/inspection process cannot be completed in a reasonable period of time, and
- 8 Investigate complaints registered with COUNTY regarding possible violations of the rules and regulations governing on-site sewer systems in unincorporated areas within the jurisdiction of the COUNTY and shall submit a violation inspection report, in writing, within 48 hours of notification of said complaint, including a recommendation of corrective action should said inspection identify conditions which represent a violation of applicable rules and regulations CONTRACTOR shall also provide such written recommendations to owner and shall work cooperatively with COUNTY and owner in reaching satisfactory compliance, and
- 9 Submit a monthly activity report to COUNTY, and
- 10 Provide all vehicles, fuel, equipment and tools necessary to perform the services described herein, and

COMPENSATION

- C COUNTY shall compensate CONTRACTOR for the services described herein in the amount of Fourteen Thousand Four Hundred Fifty Dollars and no cents (\$14,450 00) per annum to be paid in equal installments of One Thousand Two Hundred Four Dollars and Sixteen Cents (\$1,204 16) each month upon receipt of CONTRACTOR's activity report which shall be submitted in duplicate to the County and contingent upon CONTRACTOR providing all services and documentation specified herein

INDEMNIFICATION

- D 1 It is understood that the COUNTY is contracting for specific professional services to be rendered by the CONTRACTOR, that said contract does not represent any type of employment agreement between COUNTY and CONTRACTOR, and that the amount stated in section C 1 , above, shall represent the full and total compensation for CONTRACTOR's services Furthermore, CONTRACTOR and COUNTY have executed a "Joint Agreement" attached hereto as "Exhibit A" and verifying that CONTRACTOR meets the qualifications of an Independent Contractor under Article 8308, Section 3 06 of the Texas Worker's Compensation Act
- 2 CONTRACTOR agrees to indemnify the COUNTY from any/all liability in connection with or relating to CONTRACTOR's provision of and/or failure to provide the services described herein.

TRAINING and CERTIFICATION.

E CONTRACTOR is responsible for maintaining registration and certification from the State of Texas as an Official Inspector to be eligible for executing the duties outlined herein

TERM of CONTRACT.

F The term of this contract shall be for one (1) calendar year, beginning May 1, 1995 and may be extended for a period of one Calendar year, upon the mutual agreement of both parties Notwithstanding, CONTRACTOR and COUNTY agree that the terms and conditions outlined herein represent an experimental program commencing May 1, 1995 and may be terminated by either party with thirty(30) days written notice, with said notice to be delivered to,

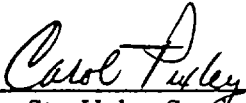
CONTRACTOR
Ms Carol Pixley
dba Five Star Utility Services
P O Box 193
Livingston, Texas 77351

COUNTY
John P Thompson, County Judge
Polk County Courthouse
Livingston, Texas 77351

It is further agreed that should termination of this contract occur under any circumstances, any/all payments made by COUNTY to CONTRACTOR as of the date of said termination shall be considered payment in full to CONTRACTOR for services rendered and no further payments shall be owed to CONTRACTOR by COUNTY

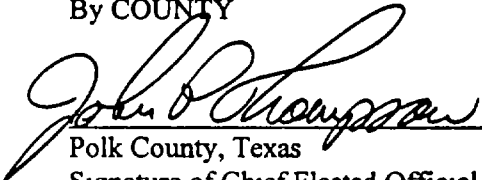
Executed this 27th day of April, 1995

By CONTRACTOR



Five Star Utility Services
Signature of Authorized Representative
Printed Name
Title

By COUNTY



Polk County, Texas
Signature of Chief Elected Official
John P Thompson
County Judge

TEXAS WORKERS' COMPENSATION COMMISSION

Southfield Building -600 South E St
Austin Texas 78704

If you are not certain whether all parties meet the requirements for entering into this agreement you may wish to consult an attorney

Section 3.06(b)(2) of the TWCC Act defines independent contractor as follows (2) Independent contractor means a person who contracts to perform work or provide a service for the benefit of another and who (A) is paid by the job not by the hour or some other time-measured basis (b) is free to hire as many helpers as he desires and to determine what each helper will be paid and (C) is free to work for other contractors or to send helpers to work for other contractors while under contract to the hiring employer

CHECK BOX OF STATEMENT THAT APPLIES

JOINT AGREEMENT TO AFFIRM INDEPENDENT RELATIONSHIP FOR CERTAIN BUILDING AND CONSTRUCTION WORKERS
Notice of Declaration

The undersigned Hiring Contractor and the undersigned Independent Contractor hereby declare that the Independent Contractor meets the qualifications of an Independent Contractor under Article 8308 Section 3.06 of the Texas Workers Compensation Act that the Independent Contractor is not an employee of the Hiring Contractor and that:

- (A) the Independent Contractor and the Independent Contractor's employees shall not be entitled to workers compensation coverage from the Hiring Contractor and
- (B) The Hiring Contractor's workers compensation insurance carrier shall not require premiums to be paid by the Hiring Contractor for coverage of the Independent Contractor or the Independent Contractor's employees helpers or subcontractors

THIS DECLARATION TAKES EFFECT UPON RECEIPT BY THE TEXAS WORKERS' COMPENSATION COMMISSION THIS DECLARATION APPLIES TO ALL HIRING AGREEMENTS EXECUTED BY THE HIRING CONTRACTOR AND THE SUBCONTRACTOR DURING THE YEAR AFTER THIS DECLARATION IS FILED UNLESS A SUBSEQUENT HIRING AGREEMENT IS MADE TO WHICH THE DECLARATION DOES NOT APPLY IN THE EVENT THAT A HIRING AGREEMENT TO WHICH THIS DECLARATION DOES NOT APPLY IS MADE THE HIRING CONTRACTOR AND SUBCONTRACTOR SHALL SO NOTIFY THE TEXAS WORKERS' COMPENSATION COMMISSION AND THE HIRING CONTRACTOR'S WORKERS' COMPENSATION INSURANCE CARRIER (IF ANY) IN WRITING WITHIN 10 DAYS AFTER THE NON APPLYING AGREEMENT IS MADE

AGREEMENT TO ESTABLISH EMPLOYER EMPLOYEE RELATIONSHIP FOR CERTAIN BUILDING AND CONSTRUCTION WORKERS
Notice of Agreement

The undersigned Hiring Contractor and the undersigned Independent Contractor hereby agree that the Hiring Contractor will withhold will not withhold the cost of workers compensation insurance coverage from the Independent Contractor's contract price and that the Hiring Contractor will purchase workers compensation insurance coverage for the Independent Contractor and the Independent Contractor's employees Once this agreement is signed for the purpose of providing workers compensation insurance coverage the Hiring Contractor will be the employer of the Independent Contractor and the Independent Contractor's employees only for the purposes of workers compensation laws of Texas and for no other purpose

TERM (DATES) OF AGREEMENT FROM _____

TO _____

LOCATION OF EACH AFFECTED JOB SITE (OR STATE WHETHER THIS IS A BLANKET AGREEMENT):

ESTIMATED NUMBER OF EMPLOYEES AFFECTED _____
THIS AGREEMENT SHALL TAKE EFFECT NO SOONER THAN THE DATE IT IS SIGNED

THIS AGREEMENT SHALL TAKE EFFECT NO SOONER THAN THE DATE IT WAS MADE

HIRING CONTRACTOR'S AFFIRMATION

Comptroller's 11 Digit Identification Number _____
John Polk
Signature of Hiring Contractor Date 4/27/95
Polk County (Co Judge)
Name of Hiring Contractor

74-6001621
Federal Tax I.D Number
Polk County Courthouse
Address (Street)
Livingston, Texas 77351
Address (City State Zip)

INDEPENDENT CONTRACTOR'S AFFIRMATION

Comptroller's 11 Digit Identification Number _____
Charles Pulley DBA
Signature of Independent Contractor Date 4/27/95
FIVE STAR UTILITY SERVICES
Name of Independent Contractor

453 76-8923
Federal Tax I.D Number
P.O. Box 193
Address (Street)
LIVINGSTON TEXAS 77351
Address (City State, Zip)

Four copies of this form must be completed. This agreement must be filed by the Hiring Contractor with both the Texas Workers Compensation Commission and the workers compensation insurance carrier (if any) of the Hiring Contractor within 10 days of the date of execution. The original must be filed with the Commission. The agreement must be filed by PERSONAL DELIVERY OR REGISTERED OR CERTIFIED MAIL. Failure to file this agreement may result in a fine of up to \$5,000. Both the Hiring Contractor and the Independent Contractor must also retain a copy of the agreement

"EXHIBIT A"

Schedule of Bills by Fund

"LIVE" MANUAL CHECKS

<u>Fund</u>	<u>Description</u>	<u>Disbursements</u>
90	Drug Forfeiture Fund	195 00
TOTAL OF ALL FUNDS		<u>195 00</u>

The preceding list of bills payable was reviewed and approved for payment

Date 4-5-95

Approved by

Karen Sue Bennett

County Auditor

John P. Thompson

Schedule of Bills by Fund

"LIVE" MANUAL CHECKS

<u>Fund</u>	<u>Description</u>	<u>Disbursements</u>
10	General Fund	142 814 03
61	Debt Service Fund	2 347 66
TOTAL OF ALL FUNDS		<u>145,161 69</u>

The preceding list of bills payable was reviewed and approved for payment

Date 4-5-95

Approved by

Karen Sue Bennett

County Auditor

John P. Thompson

Schedule of Bills by Fund

"LIVE" MANUAL CHECKS

<u>Fund</u>	<u>Description</u>	<u>Disbursements</u>
10	General Fund	5,264 74
15	Road & Bridge Administration	09-
16	Road & Bridge, Precinct #1	06-
18	Road & Bridge Precinct #2	530 34
20	Road & Bridge Precinct #3	201 09
22	Road & Bridge Precinct #4	03-
32	Environmental Services	117 78-
101	Adult Supervision	06-
108	CCP - Surveillance	03-
184	Juvenile Probation	01-
	TOTAL OF ALL FUNDS	<u>5,878 11</u>

The preceding list of bills payable was reviewed and approved for payment

Date 4-5-95 Approved by Karen Semmet
County Auditor
John P. Thompson

Schedule of Bills by Fund

"LIVE" MANUAL CHECKS

<u>Fund</u>	<u>Description</u>	<u>Disbursements</u>
10	General Fund	2,175 55
TOTAL OF ALL FUNDS		<u>2,175 55</u>

The preceding list of bills payable was reviewed and approved for payment

Date 4-5-95

Approved by

Karen Sue Remmelt
County Auditor
John P. Thompson

Schedule of Bills by Fund

<u>Fund</u>	<u>Description</u>	<u>Disbursements</u>
10	General	51,679 80
15	Road and Bridge Administration	229 80
16	Road and Bridge, Pct #1	37,404 36
18	Road and Bridge Pct #2	2,829 85
20	Road and Bridge Pct #3	4,170 68
22	Road and Bridge, Pct #4	1,691 07
26	Lateral Road	7,878 98
32	Environmental Services	2,698 09
34	Fema Disaster Funds	2,167 68
40	Law Library	33 00
51	Aging Department	5,482 39
61	Debt Service	10,265 74
70	Environmental Service - 1994 C/O Issue	15,474 08

142,005 52

TOTAL OF ALL FUNDS

The preceding list of bills payable was reviewed and approved for payment

Kerw Sue Bennett

Approved by

Date 4-5-95

Carysley Auditor

John P. Thompson

Schedule of Bills by Fund

<u>Fund</u>	<u>Description</u>	<u>Disbursements</u>
10	General	115,625 29
15	Road and Bridge Administration	6,798 35
16	Road and Bridge, Pct #1	5,885 61
18	Road and Bridge, Pct #2	4,628 59
20	Road and Bridge, Pct #3	8,409 79
22	Road and Bridge Pct #4	6,839 26
32	Environmental Services	11 277 29
48	District Attorney Special Fund	1 291 80
51	Aging Department	9 042 31
101	Adult Probation	18 843 36
104	DTP - CSR- Probation	1,005 75
106	CCP - SOTP Probation	139 77
107	CCP Corrigan Office	1,021 97
108	CCP - Surveillance	1,072 94
184	Juvenile Probation	2,353 19
185	CCAP - Juvenile Probation	2,710 44
TOTAL OF ALL FUNDS		196,945 71

The preceding list of bills payable was reviewed and approved for payment

Date 4/1/95 Approved by Karen Sue Remmets
County Auditor
Robert P. Thompson

DATE MARCH 28 THROUGH APRIL 07 1995

NO	NAME	DEPT	JOB CLASSIFICATION	TYPE EMPLOYEE	SALARY GROUP	ACTION TAKEN
(1)	HORTENSE GONZALEZ	JAIL	#1055 CORRECTION OFFICER	REGULAR FULL-TIME	11/1 \$15 734 16	SEPARATION EFFECTIVE 03-31-95
(2)	LANECE BYRON	AGING CORRIGAN	#1265 COOK	REGULAR PART-TIME	UNCLASS. \$5 25/HR	MERT INCREASE \$8.30/HR EFFECTIVE 04/03/95
(3)	SHELLEN BOROWSKI	SHERIFF DEPT	#1043 TEL. COM OPERATOR	REGULAR FULL-TIME	9/1 \$14 271 28	MERT INCREASE 9/2 \$14.804 20 EFFECTIVE 04/05/95
(4)	TOMMIE MARTEZ	AGING CORRIGAN	#1265 COOK	REGULAR PART-TIME	UNCLASS. \$5 25/HR	MERT INCREASE \$8.30/HR 04-05-95
(5)	NELSON WILLIAM SR	ENV SER	#108 HEAVY EGT OPER	REGULAR FULL-TIME	13/1 \$17 354 48	NEW-HIRE EFFECTIVE 04-10-95
(6)						
(7)						
(8)						
(9)						
(10)						
(11)						

