



POLK COUNTY COMMISSIONERS COURT

December 10, 2002

10:00 A.M.

Polk County Courthouse, 3rd floor

Livingston, Texas

2002-124

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

Agenda topics

1. CALL TO ORDER.
 2. PUBLIC COMMENTS.
 3. INFORMATIONAL REPORTS.
 4. APPROVAL OF MINUTES FOR THE MEETING OF November 25, 2002 (Regular).
- OLD BUSINESS: (tabled from last Agenda).
5. APPROVAL OF MINUTES FOR THE MEETING OF November 19, 2002 (Special).
- NEW BUSINESS:
6. CONSIDER CANCELLATION OF THE DECEMBER 24, 2002 REGULARLY SCHEDULED COMMISSIONERS COURT MEETING, GRANTING AUTHORIZATION FOR COUNTY AUDITOR, BILL LAW, TO PAY NECESSARY / ROUTINE BILLS WITH REPORT OF PAYMENTS TO BE PRESENTED AT NEXT MEETING.
 7. CONSIDER RESCHEDULING OF JANUARY 14, 2003 COMMISSIONERS COURT MEETING, DUE TO CONFLICT WITH LEGISLATIVE MEETING IN AUSTIN.
 8. CONSIDER ANY/ALL NECESSARY ACTION PERTAINING TO BID # 2003-02 PURCHASE OF SHERIFF'S DEPARTMENT VEHICLES.
 9. RECONSIDER PREVIOUS ACTION TAKEN REGARDING ACCEPTANCE OF TEAL RUN ROAD AS A COUNTY MAINTAINED ROAD.
 10. CONSIDER ACCEPTANCE OF VIVIAN ROAD FOR COUNTY MAINTENANCE - PCT. 2.
 11. CONSIDER APPROVAL TO ADVERTISE FOR THE PURCHASE OF ONE PICK-UP TRUCK FOR COUNTY EXTENSION DEPARTMENT.
 12. CONSIDER APPROVAL OF POLK COUNTY WRECKER REGULATIONS.
 13. CONSIDER APPROVAL OF 2003 COUNTY HOLIDAY SCHEDULE
 14. CONSIDER APPROVAL OF BUDGET REVISIONS.
 15. CONSIDER APPROVAL OF BUDGET AMENDMENTS, AS FOLLOWS;
 - Record General Fund revenue from Insurance claim and related increase in Sheriff's Dept. repair expense in the amount of \$315.32
 - Record Road & Bridge revenue for materials reimbursements in the amounts of \$162.00 and \$360.00 and related increase in Pct. 2 Construction Materials expense in the amount of \$522.00.
 16. CONSIDER APPROVAL OF SCHEDULE OF BILLS.
 17. CONSIDER APPROVAL OF PERSONNEL ACTION FORMS.

ADJOURN

Posted: December 4, 2002

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 in the Polk County Courthouse at a place readily accessible to the general public at all times on Wednesday, December 4, 2002 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:

Deputy

 CLERK, POLK CO.

DEC-4 AM 9:49

FOR RECORD



December 10, 2002
10:00 a.m.

COMMISSIONERS COURT
of Polk County, Texas
County Courthouse, 3rd floor
Livingston, Texas

ADDENDUM to Posting # 2002 - 124

The following will serve to amend the Agenda of the Commissioners Court Meeting scheduled for December 10, 2002 at 10:00 A.M.

AMEND TO ADD;

- 18. **CONSIDER AND TAKE ANY NECESSARY ACTION PERTAINING TO SCHOOL LAND SURFACE LEASE HOLDERS APPLICATIONS FOR FEDERAL AGRICULTURAL PROGRAMS.**
- 19. **CONSIDER APPROVAL OF DISTRICT ATTORNEY'S JUVENILE PROSECUTOR GRANT APPLICATION FOR 2003-2004.**

Commissioners Court of Polk County, Texas

Dated: Friday, December 6, 2002.

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, December 6, 2002 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 _____

Deputy

COUNTY CLERK, POLK CO.

FILED FOR RECORD
2002 DEC - 6 PM 3:48



December 10, 2002
10:00 a.m.

COMMISSIONERS COURT
of Polk County, Texas
County Courthouse, 3rd floor
Livingston, Texas
EMERGENCY ADDENDUM to Posting # 2002 - 124

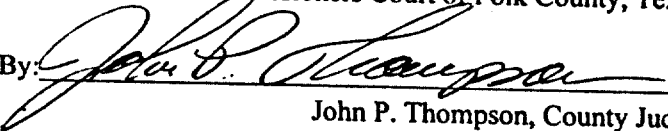
The following will serve to amend the Agenda of the Commissioners Court Meeting scheduled for December 10, 2002 at 10:00 A.M., as authorized by Texas Government Code, 551.045 and found to be a reasonably unforeseeable situation occurring subsequent to regular postings.

AMEND TO ADD;

- 20. **CONSIDER APPROVAL TO ADOPT THE DRG (DIAGNOSTIC RELATED GROUP) HOSPITAL STANDARD DOLLAR AMOUNTS AS PAYMENT RATES FOR HOSPITAL INPATIENT SERVICES UNDER THE COUNTY'S INDIGENT HEALTHCARE PROGRAM, AS REQUIRED BY THE TEXAS DEPARTMENT OF HEALTH PRIOR TO JANUARY 1, 2003.**

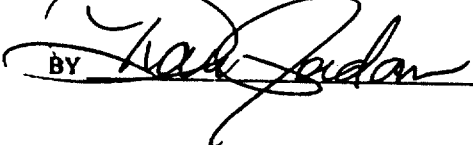
Dated: Monday, December 9, 2002.

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 Monday, December 9, 2002 and that said Addendum remained so posted continuously for at least 2 hours preceding the scheduled time of said Meeting.

BARBARA MIDDLETON, COUNTY CLERK

BY  Deputy


COUNTY CLERK, POLK CO.

2002 DEC -9 PH 4:42

FILED FOR RECORD

VOL.

48 PAGE **1518**

STATE OF TEXAS }
COUNTY OF POLK }

VOL. 48 PAGE 1519

DATE: DECEMBER 10, 2002
"REGULAR" MEETING
Barbara Middleton - Absent

"COMMISSIONERS COURT"
POSTING # 2002 - 124

BE IT REMEMBERED ON THIS THE 10th DAY OF DECEMBER, 2002
THE HONORABLE COMMISSIONERS COURT MET IN "REGULAR"
CALLED MEETING WITH THE FOLLOWING OFFICERS AND MEMBERS
PRESENT, TO WIT:

JUDGE JOHN P. THOMPSON, COUNTY JUDGE, PRESIDING:
BOB WILLIS - COMMISSIONER PCT#1, BOBBY SMITH - COUNTY COMMISSIONER
PCT #2, JAMES J. "Buddy" PURVIS - COUNTY COMMISSIONER PCT #3,
R.R. "Dick" HUBERT - COUNTY COMMISSIONER PCT #4, SHARON JORDAN
CHIEF DEPUTY, COUNTY CLERK & BILL LAW - COUNTY AUDITOR, THE
FOLLOWING AGENDA ITEMS, ORDERS, AND DECREES WERE DULY MADE,
CONSIDERED & PASSED.

1. WELCOME & CALLED TO ORDER BY JUDGE JOHN P. THOMPSON AT 10:00 A.M.
REV. JEFF DEVINE WITH FIRST BAPTIST CHURCH OF CORRIGAN GAVE THE
OPENING PRAYER.
2. PUBLIC COMMENTS:
 - A. ROZ CALDWELL ASKED ABOUT THE COURT'S RECOGNITION OF
HOLIDAY LAKE ESTATES VOLUNTEER FIRE DEPT. IN PRECINCT #1.
 - B. JOE ROEDER VOICED APPRECIATION OF COMMISSIONER DICK HUBERT
ON A JOB WELL DONE.
 - C. SYLVIA BIVENS - EXTENSION AGENT GAVE SCHEDULE OF EVENTS AND
PLANS TO RETIRE AS OF JANUARY 31, 2003.
3. INFORMATIONAL REPORTS:
 - A. JUDGE THOMPSON READ A "RESOLUTION" TO BE PRESENTED TO
COMMISSIONER "DICK" HUBERT AT A RECEPTION THIS AFTERNOON
ON HIS RETIREMENT.
COURT MOTION:
MOTIONED BY BOBBY SMITH, SECONDED BY BOB WILLIS, TO APPROVE
THE RESOLUTION HONORING COMMISSIONER HUBERT.
ALL VOTING YES. (SEE ATTACHED)
 - B. COMMISSIONER HUBERT VOICED HIS APPRECIATION TO THE OTHER
COURT MEMBERS FOR ALL THEIR ASSISTANCE.
 - C. BILL LAW THANKED ALL THE COUNTY OFFICES FOR EVERYTHING
DURING HIS TENURE AS AUDITOR THIS PAST FOUR YEARS.
4. MOTIONED BY BOBBY SMITH, SECONDED BY BOB WILLIS, TO APPROVE
THE MINUTES OF NOVEMBER 25, 2002 (REGULAR) WITH ONE CORRECTION
NOTED ON ITEM #2.
ALL VOTING YES.
5. MOTIONED BY R.R. "Dick" HUBERT, SECONDED BY BOB WILLIS, TO
APPROVE THE MINUTES OF NOVEMBER 19, 2002 (SPECIAL) MEETING.
ALL VOTING YES.

6. MOTIONED BY R.R. "Dick" HUBERT, SECONDED BY BOBBY SMITH, APPROVE THE CANCELLATION OF THE DECEMBER 24, 2002 REGULARLY SCHEDULED COMMISSIONERS COURT MEETING, GRANTING AUTHORIZATION FOR COUNTY AUDITOR BILL LAW TO PAY NECESSARY / ROUTINE BILLS WITH REPORT OF PAYMENTS TO BE PRESENTED AT NEXT MEETING.
ALL VOTING YES.
7. MOTIONED BY BOBBY SMITH, SECONDED BY JAMES J. "Buddy" PURVIS, TO RESCHEDULE THE JANUARY 14, 2003 - COMMISSIONERS COURT MEETING TO JANUARY 7, 2003 DUE TO CONFLICT WITH LEGISLATIVE MEETING IN AUSTIN.
ALL VOTING YES.
8. MOTIONED BY BOBBY SMITH, SECONDED BY BOB WILLIS, TO AWARD THE BID #2003-02 TO TEXOMA FORD OF DENISON TEXAS, FOR THE PURCHASE OF 13 (NEW) SHERIFF'S DEPARTMENT VEHICLES AND TRADE IN OF (11) USED VEHICLES, IN THE AMOUNT OF \$270,451.00.
ALL VOTING YES.
9. MOTIONED BY R.R. "Dick" HUBERT, SECONDED BY BOB WILLIS, TO RESCIND PREVIOUS ACTION OF JULY 23, 2002, AND NOT TO ACCEPT TEAL RUN RD. AS A COUNTY MAINTAINED ROAD IN PCT #4, PER RECOMMENDATION OF LEGAL COUNSEL.
ALL VOTING YES.
10. MOTIONED BY BOBBY SMITH, SECONDED BY BOB WILLIS, TO APPROVE ACCEPTANCE OF VIVIAN ROAD FOR COUNTY MAINTENANCE - PCT #2, WITH THE PROVISION THAT HOME OWNERS PAY FOR MATERIALS.
ALL VOTING YES.
11. MOTIONED BY BOBBY SMITH, SECONDED BY BOB WILLIS, APPROVAL TO ADVERTISE FOR THE PURCHASE OF ONE PICK-UP TRUCK FOR THE COUNTY EXTENSION DEPARTMENT.
ALL VOTING YES.
12. MOTIONED BY JAMES J. "Buddy" PURVIS, SECONDED BY BOB WILLIS, TO APPROVE POLK COUNTY WRECKER REGULATIONS, PENDING FURTHER LEGAL REVIEW, TO BE EFFECTIVE JANUARY 1, 2003.
ALL VOTING YES. (SEE ATTACHED)
13. MOTIONED BY BOBBY SMITH, SECONDED BY JAMES J. "Buddy" PURVIS, TO APPROVE THE 2003 COUNTY HOLIDAY SCHEDULE, NOTING THAT SEPTEMBER 11th WILL BE OBSERVED AS PATRIOT DAY WITH COUNTY OFFICES REMAINING OPEN.
ALL VOTING YES. (SEE ATTACHED)
14. MOTIONED BY BOB WILLIS, SECONDED BY BOBBY SMITH, TO "DELETE" ITEM #14 "CONSIDER APPROVAL OF BUDGET REVISIONS", AS NO REVISIONS WERE PRESENTED.
ALL VOTING YES.

15. MOTIONED BY BOB WILLIS, SECONDED BY BOBBY SMITH, TO APPROVE
BUDGET AMENDMENTS #2003-04.
ALL VOTING YES. (SEE ATTACHED)

16. MOTIONED BY BOBBY SMITH, SECONDED BY R.R. "Dick" HUBERT, APPROVAL
AND PAYMENT OF BILLS BY SCHDULE PLUS ADDENDUMS.
ALL VOTING YES. (SEE ATTACHED)

DATE	AMOUNT	CHECK NUMBER	COMMENTS
11-25-2002	5,223.00	417	Operating 11/18 - 11/22
11-25-2002	226.00	527	Operating O/S 11/01 - 11/08
11-25-2002	170.03	774 - 776	Operating Expenses
11-25-2002	21,116.53	174938 - 174955	IHC, Tax Statements Expense, R&B#1 Furnishings
11-25-2002	427.98	174956 - 174958	Uniforms, Law Enforcement Supplies, IHC.
11-26-2002	177.05	528	Operating 11/18 - 11/22
11-26-2002	(- 66.00)	Void Ck#174708	
11-26-2002	3,786.84	174959 - 174963	Time Pmt fees, JP#4 Furnishings, Election
11-26-2002	706,480.49	ACH#298	Texpool Investments
11-27-2002	3,971.70	418	Operating 11/25 - 11/27/02
11-27-2002	67.00	529	Operating 11/25 - 11/27/02
12-02-2002	2,342.75	174964	Insurance Nov. 2002
12-02-2002	73,389.72	174965	Retirement - Nov 2002
12-02-2002	117,818.10	174966	TAC/INS Trust Fund
12-03-2002	64,086.51	174967 - 175000	Copy/Postage, Drus Seize Forfeit, etc.
12-03-2002	103,201.59	175001 - 175143	Atty fees, Car repairs, Travel, etc.
12-04-2002	19,380.88	175144 - 175147	Aging Subsidy, Contract Services, Reimbursed, etc.
12-05-2002	13,458.01	220	Additional
12-05-2002	23,875.73	175148 - 175164	Additional
12-05-2002	65,381.92	ACH#299	Additional
12-05-2002	205,950.09	ACH#300	Additional
12-10-2002	1,426.50	Additional (FY02)	Jail, Sheriff dept, etc.
12-10-2002	33,761.29	Additional (FY03)	Misc. Addendum
Total	\$ 1,465,653.71		

17. MOTIONED BY BOB WILLIS, SECONDED BY JAMES J. "Buddy" PURVIS, TO APPROVE PERSONNEL ACTION FORMS.
ALL VOTING YES. (SEE ATTACHED)
18. MOTIONED BY BOB WILLIS, SECONDED BY R.R. "Dick" HUBERT, TO ASSIGN AUTHORITY TO MARK CURRIE - COUNTY EXTENSION AGENT, TO EXECUTE FSA CROP PROGRAM DOCUMENTS FOR POLK COUNTY SCHOOL LAND SURFACE LEASES ON BEHALF OF THE COUNTY, DURING HIS LEASE INSPECTION.
ALL VOTING YES.
19. MOTIONED BY BOBBY SMITH, SECONDED BY R.R. "Dick" HUBERT, APPROVAL OF DISTRICT ATTORNEY'S JUVENILE PROSECUTOR GRANT APPLICATION FOR 2003 - 2004.
ALL VOTING YES.
20. MOTIONED BY R.R. "Dick" HUBERT, SECONDED BY BOBBY SMITH, APPROVAL TO ADOPT THE DRG (DIAGNOSTIC RELATED GROUP) HOSPITAL STANDARD DOLLAR AMOUNTS AS PAYMENT RATES FOR HOSPITAL INPATIENT SERVICES UNDER THE COUNTY'S INDIGENT HEALTHCARE PROGRAM, AS REQUIRED BY THE TEXAS DEPARTMENT OF HEALTH PRIOR TO JANUARY 1, 2003.
ALL VOTING YES.
21. MOTIONED BY R.R. "Dick" HUBERT, SECONDED BY BOBBY SMITH, TO ADJOURN COURT THIS 10th DAY OF DECEMBER 2002 AT 10:50 A.M.
ALL VOTING YES.

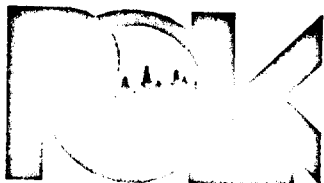

JOHN P. THOMPSON, COUNTY JUDGE

ATTEST:


SHARON JORDAN
CHIEF DEPUTY COUNTY CLERK

Prepared by: Barbara Middleton

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RESOLUTION
OF THE POLK COUNTY COMMISSIONERS COURT

Honoring the Public Service and Retirement of

R. R. "Dick" Hubert

WHEREAS, Dick Hubert began his service as Polk County Commissioner, Pct. 4 on April 23, 1990 and was re-elected to the position in which he has continued to serve until his retirement on December 31, 2002; and

WHEREAS, throughout his term, Commissioner Hubert has remained a faithful and dedicated public servant, working to improve the quality of life for the people of Precinct 4 and all Polk Countians; and

WHEREAS, in addition to the duties and responsibilities of his office, he has willingly contributed his time and his talent to the community, promoting citizen involvement and taking special interest in efforts benefiting the youth of Polk County; and

WHEREAS, upon his retirement, The Commissioners Court of Polk County wishes to recognize the exemplary service and contribution that Commissioner Dick Hubert has made during his term of office;

NOW, THEREFORE, BE IT RESOLVED,

that this Resolution be entered into the official record of the Court, recognizing the quality of public service given by Dick Hubert to the Citizens, Officials and Employees of Polk County, Texas and offering the sincere appreciation and gratitude of this Commissioners Court.

RESOLVED AND ENTERED this 10th Day of December, 2002.

John P. Thompson
County Judge

Bobby Smith
Commissioner, Pct. 2

Bob Willis
Commissioner, Pct. 1

James J. "Buddy" Purvis
Commissioner, Pct. 3

Attest;

Barbara Middleton, County Clerk

VOL.

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Item #12

ORDINANCE NO. _____

**POLK COUNTY WRECKER REGULATIONS FOR LAW ENFORCEMENT
CONSENT AND NON-CONSENT TOWING AND STORAGE SERVICES**

A. DEFINITIONS

1. "Application" The written application form, proof of insurance and all application fees.
2. "CONSENT TOW" Any tow conducted with the permission of, or at the direction of, the towed vehicle's legal or registered owner, or such owner's authorized representative. Except as set forth in the definition of "non-consent tow" below, a tow will be considered a consent tow where the owner is able to give consent.
3. "LAW ENFORCEMENT SCENE" The scene of an accident or custodial arrest. "Scene" will also be used as minimum distance from spilled substance(s) caused by or from an accident. Minimum distance shall be no less than what is defined in the most current issue of NAERGB for the most serious substance involved.
4. "MOTOR VEHICLE" A vehicle subject to registration under the Certificate of Title Act (Texas Civil Statutes, Article 6687-1) or any other device designed to be self-propelled or transported on a public highway.
5. "NON-CONSENT TOW" Any tow conducted without the permission of, or not at the direction of, the towed vehicle's legal or registered owner, or such owner's authorized representative. Regardless of this definition, certified law enforcement officials may control the scene of an accident in the manner they deem appropriate and order a non-consent tow.
6. "OPERATE" Operating a tow truck on public roadway.
7. "OPERATOR" Any person operating a tow truck, regardless of whether the person owns the truck.
8. "PERSON" An individual or any other legal entity.
9. "STORAGE COMPANY" An individual, corporation, partnership, or other association that is engaged in the business of storing or repairing motor vehicles. The term includes the owner, operator, employee, and/or agent of the storage company that is compliant with current TNRCC regulations within and maintaining no violations which adversely affects the health, well being of the public and surrounding areas.
10. "TOW TRUCK" A motor vehicle or mechanical device adapted or used

to tow, winch, or otherwise move motor vehicles. Specifically, wheeled vehicles with a mechanical, electrical or hydraulic winch, hydraulic wheel lift, or mechanical wheel lift, that are adapted or used to tow, winch or otherwise move vehicles are considered tow trucks. Rollbacks and flat bed trucks with slings, winches or wheel lifts are considered tow trucks.

11. "TOW TRUCK OWNER" .A person owning, leasing or otherwise using, either directly or indirectly, a tow truck on a public roadway.
12. "LEASE-OWNER" _Vehicle in owner's name with physical address in Polk County, phone number, and wrecker number permanently attached on truck with separate permit and all associated requirements met.
- 13: "LEASE OPERATOR" _Same as owner

B. SCOPE

No person shall operate a tow truck at the request of a law enforcement officer in the unincorporated areas of Polk County on non-consent towed vehicles unless the tow truck has been registered with the Sheriffs Department. Any vehicle not equipped with a power winch, hydraulic wheel lift, or mechanical wheel lift, will not be considered a tow truck. These regulations apply to a tow truck being operated in compensation, whether direct or indirect.

C. PERMIT

1. Each tow truck must have its own permit; the permit is not assignable or transferable
2. Each permit expires at midnight on the 31st day of January of each year.
3. A permit allows a tow truck to tow non-consent vehicles from law enforcement scenes in the unincorporated areas of Polk County.
4. The permit shall be kept on the tow truck at all times, visible from the rear.
5. There shall be a limited number of permits issued as to:
 1. Not create an atmosphere of a business monopoly.
 2. Ensure equal rights of business infrastructure upon proper business ethics and practices that will encourage a long-term resource for public safety.
 3. County Judge, Commissioners, DPS, Sheriff, and Emergency

Management Coordinator will determine number of permits.

D. APPLICATION PROCESS

1. A person desiring a permit to operate a tow truck within Polk County shall file a written application with the Sheriffs Department annually. A certificate of insurance and a copy of the registration shall accompany the written application form. The tow truck's owner must sign the application.
2. The following information is required in the initial application:
 - a. Year and make of the tow truck;
 - b. Vehicle identification number of the tow truck;
 - c. Current Texas license plate number;
 - d. Name, address and telephone number of the tow truck owner;
 - e. Gross weight;
 - f. Current Texas tows tag;
 - g. Two photographs of the tow truck, one of each side, showing the name, address and telephone number of the business operating the tow truck permanently inscribed or affixed to each side.
3. Annual renewal applications may be submitted between November 1 and December 31st of each year. A certificate of insurance and fees shall be submitted with the written renewal application.
4. The Sheriffs Department shall issue a permit to all applicants who comply with all provisions of the rules and regulations set forth by this Ordinance. A copy of all permits shall be on file with the Office of Emergency Management for resource purposes during emergency situations.

E. INSURANCE REQUIREMENTS

- a. A registrant shall procure, and keep in full force and effect at all times when the registration is in effect, all insurance required by this section. At the time of original registration, and upon renewal, the insurance carrier or its authorized agent must file a certificate of

insurance with the Sheriffs Department. The certificate must certify the type and amount of insurance coverage and provide for 30 days written notice to the Sheriffs Department of cancellation of or material change in the policy.

- b. The policies and certificates shall be issued by a casualty insurance company which is authorized to do business in the state and shall comply with all applicable State Board of Insurance regulations.
- c. The coverage provisions insuring the public from loss or damage that may arise to any person or property by reason of the operation of a tow truck shall set minimum limits for each tow truck as follows:
 1. Each tow must have liability insurance coverage. It is the intent of this subsection to provide for insurance covering damage, except that to the towed vehicle, for which the tow truck owner is liable.
 - A. Each tow truck with a gross vehicle weight of 26,000 pounds or less must carry \$300,000 combined single limit coverage.
 - B. Each tow truck with a gross vehicle weight over 26,000 pounds must carry \$500,000 combined single limit coverage.
 2. Each tow truck must have tow truck cargo, on-hook or similar type insurance. It is the intent of this subsection to require insurance covering damage to the towed vehicle while it is in the care, custody or control of the tow truck owner and for which said owner is liable. The term "damage" shall include, but is not limited to damage to the towed vehicle that is the direct or indirect result of an improper hookup or improper towing.
 - a. Each tow truck with a gross vehicle weight of 26,000 pounds or less and must carry cargo on-hook or similar type insurance in the amount not less than \$10,000. In lieu of this coverage, each truck may have garage keeper's legal liability insurance with direct primary coverage options in an amount not less than \$20,000 to cover damage to the towed vehicle. This provision does not apply to an owner whose tow truck tows only property he owns. For this exemption to apply, the owner must certify, in his application for registration, that his truck is used to tow only property he owns. In addition, any owner claiming this exemption must permanently affix on each side of the truck, in letters at least 2 inches high, the phrases "Not For Hire".
 - b. Each tow truck with a gross vehicle weight over 26,000 pounds

and a tandem axle must have tow truck cargo or on-hook insurance for the coverage of a towed vehicle in an amount not less than \$25,000.00. In lieu of this coverage, each truck may have garage keeper's legal liability insurance with direct primary coverage options in an amount not less than \$25,000.00 to cover damage to the towed vehicle. This provision does not apply to an owner whose tow truck tows only property he owns. For this exemption to apply, the owner must certify, in his application for registration, that his truck is used to tow only property he owns. In addition, any owner claiming this exemption must permanently affix on each side of the truck, in letters at least 2 inches high, the phrases "Not For Hire".

c. The certificate of insurance shall also:

1. Specify that the policy covers the vehicle subject to the certificate of registration;

2. List the Department of Licensing and Regulation tow truck registration number, unless the truck is being registered for the first time and does not yet have a registration number;

3. Identify the vehicle by make, model, and vehicle identification number; and

4. Indicate that the policy complies with the intent of and minimum coverage limits established by these rules.

d. Each tow truck must be insured so as to meet the requirements in addition to meeting the insurance requirements set forth in this chapter.

E. A tow truck permit issued under these regulations shall be suspended upon cancellation or expiration, for whatever reason, of any insurance required by this section.

F. If the applicant's tow truck is self-insured under a fleet policy, the application must state this, and the policy number must be indicated on the application form.

g. If the applicant's tow truck is self-insured under the Texas Insurance Code a copy of the self-insured certificate issued by the Insurance Board must be attached to the application.

F. TECHINICAL REQUIREMENTS All Tow Trucks

- a. Each tow truck must display a tow truck license plate issued by the Department of Motor Vehicles under Texas Civil Statutes, Article 6675a-1. The plate must be permanently attached and must face toward the rear of the vehicle. Additionally, the plate shall be placed as high up on the vehicle as possible behind the driver.
- b. Each tow truck shall have the tow truck owner's business name, address and telephone number, along with the Tex-Dot number permanently inscribed or affixed on each side of the truck in letters no less than two inches high. The lettering should be of a color sufficiently different from the color of the truck to make it clearly and readily visible. For purposes of this requirement, the address need not include the street address or post office box number but must include the city within Polk County where the business is based. If the business is based in an unincorporated area, the Polk County name must appear on the sides of the truck. If federal law prohibits identification of the name or nature of the business, substitute identification approved by the department will be allowed. In the event a self-contained non-self-propelled towing device, or some other form of auxiliary device, is used, the device need not meet this requirement; however, the vehicle to which that device is attached and which is providing the motive and/or braking forces, must meet this requirement.
- c. If the tow truck owner is claiming the cargo insurance exemption, he must permanently affix on each side of the truck, in letters at least two inches high, the phrase "Not For Hire."
- d. Each truck shall have brakes that meet reasonable braking performance requirements under all loading conditions. In the event that a self-contained non-propelled towing device, or some other form of auxiliary device, is used, that device need not meet this requirement; however, the vehicle to which that device is attached, and which is providing the braking force, must meet this requirement.
- e. No tow truck shall tow more than its actual weight unless it has a 35,000-pound winch capacity (single or dual line), a 5/8-inch cable or its equivalent, and air brakes. In the event that a self-contained non-self-propelled towing device, or some other form of auxiliary device is used, the term "actual weight" as used in this subsection shall mean the actual weight of said device plus

the actual weight of the vehicle to which that device is attached and which is providing the motive and/or braking forces. If a certified law enforcement officer at the scene of an accident determines that the scene must be cleared immediately, and a heavy-duty tow truck is not available, the officer may waive this requirement at the scene.

- f. If a tow truck is pulling two or more vehicles, the tow truck must be able to tie into and operate the service brakes on the rearmost towed vehicle. This provision does not apply if the rearmost towed vehicle has only vacuum brakes. In the event that a self-contained non-self-propelled towing device, or some other form of auxiliary device is used, that device need not meet this requirement; however, the vehicle to which that device is attached, and which is providing the motive and braking forces, must meet this requirement.
- g. Each tow truck shall be equipped with a winch and a winch line and boom with a lifting capacity of not less than 8,000 pounds, single line capacity or a hydraulic or mechanical wheel lift with a lifting capacity of not less than 2,500 pounds. In the event that a self-contained non-self-propelled towing device, or some other form of auxiliary device is used, that device must have a lifting capacity of not less than 5,000 pounds and a towing capacity of not less than 7,000 pounds.
- h. Each tow truck shall have the following standard equipment:
 1. Tow sling, mechanical lift, or hydraulic lift, which is sufficient to prevent the swinging of any equipment being transported. This subsection does not apply to vehicle carriers and rollbacks unless the wheels of a vehicle they are towing are in contact with the ground. In the event that a self-contained non-self-propelled towing device, or some other form of auxiliary device is used, the vehicle to which that device is attached and which is providing the motive and braking forces, does not need to provide this equipment;
 2. 5/16-inch link steel safety chains for tow trucks with a gross vehicle weight of 10,000 pounds or less and 3/8-inch steel safety chains or

their equivalent for tow trucks with a gross vehicle weight over 10,000 pounds. These link sizes are minimums. These chains are in addition to the normal J-hook-up chains;

3. Rope, wire or straps suitable for securing doors, hoods, trunks, etc.; and Outside rearview mirrors on both sides of the truck. In the event that a self-contained non-self-propelled towing device, or some other form of auxiliary device is used, that device need not meet this requirement, however, the vehicle to which that device is attached and to which is providing the motive and/or braking forces, must meet this requirement.
 4. If a tow truck is pulling a vehicle and the towed vehicle does not have functioning taillights or turn signals, the tow truck operator must supply the towed vehicle with functioning taillights and turn signals. The taillights and turn signals must provide safe lighting of the towed vehicle.
- j. If a tow truck uses a winch, a safety wrap must be performed.
 - k. Safety chains must be used on all tows, regardless of whether a sling style or wheel lift style apparatus is used.
 - l. All tow trucks with a slip-in bed must have the bed properly secured to the frame of the truck by a minimum of eight one-half inch diameter bolts. At least four of these bolts must be at the front of the slip-in-bed.
 - m. No tow truck shall lift or tow more than its safe lifting and stopping capacities permit.
 - n. All tow truck operators must have a valid driver's license of the proper class.
 - o. All required safety mechanisms of the tow truck, including but not limited to all headlights, tail lights, turn signals, brakes, brake lights, hazard lights, flashing warning lights, windshield wipers, wiper blades and tires, shall operate and be in good repair.
 - p. All tow trucks shall operate within the applicable recommended towed vehicle manufacturer's safety policies and procedures regarding the hook-up and towing of the towed vehicle.
 - q. All tow truck owners shall notify consumers and service recipients of the name, mailing address, and telephone number of the Polk County Judge's Office for purposes of directing complaints to the Sheriffs Department, County Commissioners, and the Office of Emergency Management. The

licensee may use a sticker or rubber stamp to convey the required information.

- r. Wrecker drivers have no authority to direct dispatch, law enforcement, EMS or other agencies via the radio, phone, or in person of whom is to be on scene or equipment needed and/or required.
- s. Tow truck drivers must have a copy of the current Wrecker Policy with insurance papers in each wrecker at all times.
 - 1. Any written tow truck slip or ticket;
 - 2. A sign prominently displayed at the place of payment; or
 - 3. Any bill for service.

G. TECHNICAL REQUIREMENTS-ACCIDENT SCENE TOW TRUCKS

- a. Any tow truck towing from the scene of an accident must be equipped with the following in the event that a self-contained non-propelled towing device or some other form of auxiliary device is used, that device need not meet this requirement; however, the vehicle to which that device is attached and which is providing the motive and/or braking forces, must meet this requirement:
 - 1. One 10 pound BC fire extinguisher or two five pound BC fire extinguishers. The fire extinguisher or extinguishers shall be properly filled, operable, and located so they are readily accessible for use. All fire extinguishers shall meet no less than the requirements of the National Fire Protection Handbook, 14th edition (1976), and shall be so labeled by a national testing laboratory;
 - 2. One crowbar or wrecking bar;
 - 3. A broom and pick up pan;
 - 4. Three portable red emergency reflectors, orange safety cones or flares and an orange reflective vest to be worn by personnel while working on or around roadways with moving vehicles for personal protection;

5. A container to carry glass and debris cleaned from streets when picking up a damaged or disabled vehicle;
 6. A spotlight or flashlight;
 7. Flashing warning lights that comply with the Uniform Act Regulating Traffic on Highways (Texas Civil Statutes, Article 6701-d). That Act allows the use of red and/or amber lenses only. However, the red lenses may be used only under the direction of a law enforcement officer or while hooking up to a disabled vehicle in the roadway.
- b. A tow truck operator shall ensure that while he is lifting a vehicle in preparation for towing, no one but he and certified law enforcement officers shall be within a safe distance of the tow truck and vehicle to be towed. A safe distance is at least twice the distance between the end of the boom and the point of hook-up on the vehicle being winched or twice the distance the car is being lifted, which ever is greater. If a hydraulic or mechanical lift is being used, a safe distance is twice the distance to which the lift arm is extended.
 - c. The operator of each tow truck called to the scene of an accident shall remove from the roadway all resulting wreckage or debris, including all broken glass, unless otherwise directed by a representative of the Office of Emergency Management, a certified Law Enforcement officer, or a representative of either the Texas Department of Highways or, in the case of hazardous materials, the Texas National Resource Conservation Commission. The removal of the debris will be at no additional charge. The "resulting" wreckage or debris does not include the towed vehicles load or cargo.
 - d. The Office of Emergency Management or a certified Law Enforcement official may do whatever is necessary to control the scene of an accident when an emergency situation exists, provided the law enforcement officer is certified for Hazmat by the State of Texas or operates under the Basic Plan adopted by the incorporated and unincorporated area and on file with the State.
 - e. Wrecker drivers have no authority to direct dispatch, law enforcement, EMS or other agencies via the radio, phone, or in person of whom is to be on scene or equipment needed and/or required.
 - f. Tow truck drivers must have a copy of the current Wrecker Policy with insurance papers in each wrecker at all times.

H. TECHNICAL REQUIREMENTS – OTHER STATUTES AND ADMINISTRATIVE RULES

Each tow truck must meet the requirements of all other applicable statutes and administrative rules promulgated thereunder in addition to meeting the requirements of these rules. Only tow trucks or wreckers with storage lots and/or offices located within Polk County perimeters will be issued permits. The following statutes are at least some of the other laws, which may impact your operation of a tow truck. You should contact the named agency for more information.

1. Opinion No. JM 1168 Re Article 6687-9b V.T.C.S. which regulates the operation of Tow Trucks (RQ-1 883)
2. Texas Litter Abatement Act, Texas Civil Statutes, Article ~77-9a. This act may limit the storage fees charged, depending upon when notice is provided to the vehicle's owner. This act also provides for the handling of abandoned cars. This act is administered by the Department of Highways and Public Transportation.
3. Texas Vehicle Storage Facility Act, Texas Civil Statutes, Article 6687-9a. This act regulates the operation of facilities in which non-consent tows are stored. This statute is administered by the Department of Licensing and Regulation.
4. Texas Uniform Act Regulating Public Highways, Texas Civil Statutes, Article 67014 this act is administered by the Department of Public Safety and relates in part to the use of emergency lights by tow trucks.
5. Texas Civil statutes, Property Code, Sections 70.003 and 70.004. These sections relate to a lien on a motor vehicle, motorboat, vessel, or outboard motor for towing services.
6. Texas Department of Transportation: Inspection or of Law Enforcement over vehicle storage facilities, 43 T.A.C. 18.88, 18.89, 18.91, 18.92.

7. Texas Government Code 411.018
8. 37 TAC 3.101 (a), (b), (d).

DENIAL: SUSPENSION: REVOCATION

1. The Sheriffs Department or the Office of Emergency Management, after notice of a hearing, may deny, suspend, or revoke a permit issued under these regulations if the Departments determines that:
 - a. The applicant or the driver knowingly supplied false or incomplete information on the application.
 - b. The applicant or driver has a felony conviction within the last five (5) years; this will include probation and deferred adjudication.
 - c. The applicant or driver has been convicted of a crime involving moral turpitude within the last ten-(10) years.
2. Permits may be suspended for the following reasons:
 - a. Violation of County Wrecker Regulations.
 - b. Violation of Federal, State and County Laws, Class B Misdemeanor or above
 - c. Suspension of driver's license.
 - d. Falsifying records.
 - e. Felony conviction(s).
 - f. Loss of insurance coverage.
 - g. Excessive charges.
 - h. Loss of State Tow Truck License.

Upon a tow truck operator being arrested for a misdemeanor, Class B or Above, the Driver's Identification card may be temporarily suspended, pending investigation.

3. Storage lots may be suspended from storing non-consent-towed vehicles for:
 - a. Loss of insurance coverage.
 - b. Excessive charges.
 - c. Loss of State Storage Lot License.
 - d. Violation of Texas Litter Abatement Act, Texas Civil Statutes 4477-9a and for infestation and mosquito control or health hazards to the public.

SCENES

1. Tow trucks cannot arrive at a scene until requested by on scene law enforcement officers through the Polk County Sheriff's office dispatch and /or DPS dispatch out of Lufkin.
2. The owner of a motor vehicle or his representative will be allowed to say who will remove the motor vehicle and the trailer connected to it, and the load thereon and therein to safety, provided there is not any solicitation whether implied or intended. Any operator soliciting an injured party at any time shall not be allowed to load and subject to disciplinary action up to and including fined and permits suspension and or revoking of permit. Solicitation includes use of mobile phones, promises of courtesy transports, or refreshments. Out of state, or out of country vehicle are automatic rotation pulls. Requests are not acceptable, except when an owner or representative calls the law enforcement agency involved. If this can be verified, then the owner's request by telephone will be honored. Any violation will at a minimum revert tow truck to last on rotation list.
3. Tow trucks must park at least 300 feet from the scene or at a minimum specified distance set forth in the North American Emergency Response guide book, whichever is greater, except in an emergency. Beacon lights will be utilized only as directed by State Law or at the request of a law enforcement officer.
4. Tow truck operators shall park on the side of the road with the damaged motor vehicle with warning lights on and remaining clear of the scene by vehicles or body until such time as directed by DPS, Law Enforcement or Emergency Management.
5. Operators who load will be responsible for removal of debris from the

accident scene after Law Enforcement has completed their investigation, except for any hazardous materials or contaminated materials under 40 CFR.

6. Operators shall not solicit drivers or passengers at a scene before during or after law enforcement arrives. Violators will at a minimum revert to last on rotation list. An injured party will be defined as a person who has visible injuries or who claim, injuries and an ambulance is dispatched to the scene to administer first aid.

7. If an operator has a complaint involving another operator, or law enforcement officer, he/she must make the complaint in writing to the Polk County Judges office. Any complaint against an officer will be referred to the appropriate agency for their disposition, including review by the County Commissioners.

8. Each operator must be able to show proof that the motor vehicle loaded at the request of the county law enforcement agency or D.P.S. will be stored in approved storage lots only.

9. Only tow trucks possessing a permit will be allowed to go to scenes of accidents, stolen vehicles, abandoned vehicles, or prisoner's vehicles without the owner's consent.

10. All tow trucks shall be subject to inspection by the Polk County Office of Emergency Management or Sheriffs Department designated deputies.

11. All State and County laws shall be obeyed. Violators will be subject to arrest, as well as suspension of the permit, and a fine not less than \$1.00 or more than \$200.00.

12. The call for a wrecker from the Sheriffs Department and/or DPS Lufkin will be directed to a tow truck from the area where the tow truck is needed. Tow trucks shall be awarded tows by the Sheriffs Department on a per call rotation basis. Reasonable notice shall be given for the tow truck operator to respond. If no response is made within 10 minutes, then the tow shall be awarded to the next on the rotation.

13. A non-consent vehicle shall not be towed from any law enforcement scene located in the unincorporated areas of Polk County by any tow truck not possessing a Polk County Wrecker permit. This does not apply to a government owned tow truck.

14. Tow trucks must park at a minimum of 300 feet from custodial arrest scenes and stand by until the law enforcement officer request a tow.
15. All wreckers shall be required to carry a current copy and be knowledgeable in understanding the N.A.E.R.G.B. (North American Emergency Response GuideBook).
16. Officers on scene have discretionary authority of additional or other resources required to safely maintain public safety and is not part of a rotation if the equipment is available by separate wrecker or other means. The DPS on-site coordinator is authorized to make emergency rules when normal operating procedures prove inadequate (37 TAC 3.101 (d)).

K. RATES, PERMITS

1. There will be only one permit issued by the Polk County Sheriffs Department per tow truck. ID cards will be issued to the tow truck operator.
2. Law enforcement or Emergency Management officers may check the permit of any operator or tow truck for violations of this regulation at any law enforcement scene.
3. Any Emergency Management or Law Enforcement officer in charge of a scene may deny any wrecker in violation of this regulation to load a vehicle.
4. If an operator's permit is lost, misplaced or stolen, it will be the responsibility of the operator to pay all replacement costs.
5. Only a supervisor of the Polk County Sheriffs Department, Emergency Management, or deputies assigned as Wrecker Inspectors, may take possession of a permit, pending investigation. The person taking possession of the permit card must have the permit, along with a Report of Circumstances, taken to the Sheriffs Department the next working day. Law enforcement officers from other agencies, upon determination of a violation of the Wrecker Regulations, shall have the authority to deny a wrecker operator to load a vehicle.
6. All permits are the property of the Polk County Sheriffs Department and will be surrendered upon request of any supervisor in the department or deputies designated as Wrecker Inspectors or Emergency Management personnel to include the County Judge and/or precinct commissioners where operating violation occurred.
7. A supervisor and/or a Wrecker Inspector shall have the authority to suspend

a permit, not to exceed seven (7) days. A disciplinary committee consisting of three officers, County Commissioner of precinct where operating violation occurred, and County Judge shall have the authority to suspend indefinitely any wrecker permit for just cause.

a. Appeal Process:

- 1) The person named on the permit may appeal a suspension of 7 days or less by delivering a written request to the Polk County Judges Office. The Judge's Office shall notify the person requesting the Appeal of the date, time and place of such hearing. The County Sheriff shall hear the appeal and render a decision within two working days from receipt of the appeal.
- 2) The decision of the County Sheriff may be appealed to the County Judge by delivering a written notice of appeal to the County Judge. The County Judge shall review the decision of the Sheriff and render a decision within three working days. His decision shall be final.

8. Any tow truck owner/operator found requesting, demanding or receiving a charge in excess of the maximum set forth by the Polk County Commissioner's Court will have his/her permit suspended for not less than seven (7) days and not more than thirty (30) days and will return all overcharges.

9. The tow truck owner and/or operator will pay all costs for Polk County permits. Tow trucks will be inspected bi-annually by the Sheriffs Department during normal business hours.

10. The maximum towing rate allowable under these regulations will be
~~\$ 125.00~~¹⁵⁰ (Except tows which require a heavy duty wrecker)

11. The fees for permits and inspections shall be as follows:

a. Permit

Tow-Truck (per truck) \$50.00

**(IF THIS TRUCK PULLS FOR OTHER BUSINESS'S WHO
 REQUEST TO BE ON ROTATION IT WILL REQUIRE A PERMIT FOR
 EACH COMPANY, AND THE COMPANY'S NAME WILL BE
 DISPLAYED ON THE TOW TRUCK)**

L STORAGE LOTS

1. Storage lots must meet all requirements of the Texas Vehicle Storage Facility Act, TEX.REV.CIV.STAT.ANN. Art. 6687-9 (Vernon Supp. 1988-89) or the most current repealed, revised, or modified statute and be licensed by the State of Texas in order to store towed vehicles. Storage lots also must be approved by the Polk Sheriff's County Office or Emergency Management, by filing a certificate with the Department stating it has met the following requirements.
 - a. The State of Texas licenses storage lot.
 - b. The storage lot agrees not to charge fees in excess of the maximum fees set out herein.
 - c. The storage lot will maintain an office in Polk County with a 24-hour emergency number and contact person.
 - d. The storage lot will notify the Sheriff's Department of towed vehicles and keep all records as required herein.
2. Any storage lot accepting a private motor vehicle must notify the Polk County Sheriff's Department within one hour and indicate the time and name of the person at the Sheriff's Department on the wrecker ticket.
3. Any vehicle picked up at a law enforcement officer's request must be stored within the boundaries of Polk County.
4. No vehicle picked up at the request of a law enforcement officer will be disposed of by the tow company and/or storage company without first notifying the Polk County Sheriff's Department in writing.
5. A tow truck shall only be allowed to store non-consent towed vehicles to the storage lot displayed on the tow truck. Exception: A wrecked vehicle may be towed to a body shop with the owner's consent.
6. No additional charge will be allowed for vehicles going directly from the scene to the tow truck storage lot. If the owner or representative desires the vehicle to be towed to some other place other than the storage lot, then the owner and tow truck operator must negotiate their own fees.
7. Any tow truck owner/operator, who tows a motor vehicle that is reported stolen, or appears to be stolen, without first contacting a law enforcement agency will be subject to disciplinary action.
8. Business cards may contain any information, but must contain the name of the business, address and 24-hour telephone number and storage lot location.

9. Records of non-consent towed vehicles shall be maintained at the towing company's office located in Polk County for a period of three years. A representative of the Polk County Sheriffs Department may inspect all records including, but not limited to, wrecker slips from deputies and charges to customers during normal working hours relating to vehicles authorized to be towed by a law enforcement agency.
10. A sign with the state storage license number, hours of operation, maximum charge allowed and who to contact about complaints must be posted in a location to be plainly visible to the public.
11. The maximum daily storage for a storage lot shall be \$15.00 per day and will be computed by using the first day the vehicle is in storage and including the day the vehicle is released. A storage lot will be allowed \$25.00 after the vehicle has been there for three (3) days, to cover the cost of sending certified letters. Storage lots must have proof that the certified letters were mailed. This includes private property tows.
12. Owners of stored vehicles may remove personal property from vehicles prior to payment of any fees to the storage lot. The storage lot must keep a signed receipt for all personal items released.
13. A secured fence around the perimeter of the lot will be constructed not to be used as a billboard or for advertising purposes, but to prohibit ingress of unauthorized persons/children.
14. Rodent and insect control will be maintained as to prohibit health hazards to surrounding persons and the community.
15. MSDS sheets for all chemicals whether used or stored, including fuels, oils, etc, along with a plot of the facility and building will be filed with the Office of Emergency Management within 90 days for emergency response purposes. This will be updated as conditions or inventories change, but no less than yearly.

M. PENALTIES

Any person who shall violate any regulation established by this Order of the Commissioners Court of Polk County shall be guilty of a Misdemeanor and be punishable by a fine of not less than one (\$1.00) dollar nor more than two hundred (\$200.00) dollars. Each day in which a violation occurs shall constitute a separate offense.

0. SEVERABILITY

1. The provisions of these Regulations are severable. If any word, phrase, clause, sentence, section, provision, or part of these Regulations should be held invalid or unconstitutional, it shall not affect the validity of the remaining provisions, and it is hereby declared to be the intent of the Commissioners Court that these Regulations would have been adopted as to the remaining portions, regardless of the invalidity of any part.
2. At anytime if law enforcement should suspect or determine that a tow truck operator who is on scene is under the influence of alcohol and/or drugs, regardless of whether or not the tow truck is on rotation or not, all applicable laws for such do apply and upon proof that said owner/operator has violated the public law, the tow truck permit will be pulled pending court outcome and a new application will have to be applied for. If convicted, the permit will not be reissued to the owner, operator, or lessor under it or other DBA or given name.
3. At no time is the owner, operator, lessee, driver, employee, or others with a wrecker vehicle and or company to disturb, open, inspect, move, or disturb the contents of any vehicle that has a potential for creating a hazardous environment of emergency response event. This includes not entering a confined space as defined by 29 CFR, or opening the doors on a placarded trailer or vehicle of any type.

EXECUTED this _____ day of _____, 200__

POLK COUNTY, TEXAS

Acting by and through the Polk County Sheriffs Office under the authority delegated by the Commissioner's County of Polk County, Texas, and by an authorized representative of the Polk County Sheriff

BY: _____

NAME: _____

TITLE: _____
Authorized Representative

THE COMPANY

BY: _____

NAME: _____

TITLE: _____
Authorized Representative

The following is a list of current charges (I understand that your office must be notified in writing prior to any changes in these charges):

- | | | | |
|----------------------------------|----------|-----------------------|----------|
| 1. Towing (up to __ miles) | \$ _____ | 10. Storage (per day) | \$ _____ |
| 2. Extended Towing (per nil) | \$ _____ | 11. Drop drive shaft | \$ _____ |
| 3. Waiting at scene (per 1/2 hr) | \$ _____ | 12. Prying (per hr) | \$ _____ |
| 4. Labor (per 1/2 hr) | \$ _____ | 13. Pick locks | \$ _____ |
| 5. Winching (per hr) | \$ _____ | 14. Jumper cables | \$ _____ |
| 6. Change tire | \$ _____ | 15. | \$ _____ |
| 7. Gasoline delivery | \$ _____ | 16. | \$ _____ |
| 8. Transport owner/driver | \$ _____ | 17. | \$ _____ |
| 9. Dollies | \$ _____ | 18. | \$ _____ |

Remarks: _____

OWNER/MANAGER SIGNATURE

(ALL INFORMATION MUST BE TYPED OR PRINTED)

POLK COUNTY SHERIFF'S DEPARTMENT
1733 N. WASHINGTON
LIVINGSTON, TEXAS 77351

DATE: _____

THE FOLLOWING IS THE INFORMATION REQUESTED BY YOUR DEPARTMENT AND I UNDERSTAND THAT WHENEVER THERE ARE ANY CHANGES I WILL NOTIFY YOU IN WRITING.

NAME OF WRECKER SERVICE

OWNER'S NAME (PRINTED) _____

MANAGER'S NAME

(PRINTED) _____

PHONE NUMBER PHONE NUMBER _____

WRECKER INFORMATION:

YEAR	MAKE	SIZE	LIC PLATE	TOW TRUCK TAG
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

WRECKER DRIVER DATA:

FULL NAME	BIRTH DATE	DL NUMBER AND DL TYPE
_____	_____	_____
_____	_____	_____
_____	_____	_____

Each contractor and/or storage lot must submit a list on Polk County form (which will be furnished) of call's made on Monday of each week. The list is of all vehicles pulled for the Sheriff's Department during the week, still on your lot at the end of the week, vehicles released and/or sold during the week. This list must be mailed each week to:

Polk County Sheriffs Department
1733 N. Washington
Livingston, Texas 77351

Please sign and return one copy to this office. Keep the other copy for your information and file.

I have read and acknowledge compliance with this document.

Name

Date

The following is a list of current maximum charges in which the wrecker services may charge on non-consent:

- | | |
|--|----------------------------|
| 1. Towing on non-consent | \$125.00
150 |
| 2. Waiting time on non-consent after the first half hour per ½ hr. | \$25.00 |
| 3. Off Road winching fee's Per hour | \$50.00 |
| 4. Change tire on request of Sheriff's Office | \$30.00 |
| 5. Dollies | \$50.00 |
| 6. Storage (per day) | \$15.00 |
| 7. Drop drive shaft | \$25.00 |
| 8. Pick locks | \$30.00 |
| 9. Jumper cables | \$30.00 |

THERE SHALL NOT BE ANY ADDITIONAL CHARGE'S FOR EXTRA MAN, SCOTCH BLOCKS, SNATCH BLOCKS, HOOK-UP FEE'S, WINCH FEE OR FUEL CHARGES, OTHER THAN CHARGES LISTED ABOVE.

IF ADDITIONAL WRECKER(S) ARE NEEDED THEY WILL REQUESTED BY LAW ENFORCEMENT ONLY.

WRECKER ORDINANCE No. _____

State of Texas

County of _____

Before me a notary public on this day personally appeared _____, known to be the person representing the said company and whose name is subscribed to the foregoing document and, being by be first duly sworn, declared that he/she understands the contract in which he/she is agreeing to under oath.

Signature

Given under my hand and seal of office this _____ day of _____ 200__

Notary Public Signature

Item #3



POLK COUNTY, TEXAS

2003 - HOLIDAY SCHEDULE - 2003

County business offices will be closed in observance of ;

(New Year's Day, approved in 2002 Schedule)

- Martin Luther King, Jr. Day Monday, January 20, 2003
- President's Day Monday, February 17, 2003
- Good Friday Friday, April 18, 2003
- Memorial Day Monday, May 26, 2003
- Independence Day Friday, July 4, 2003
- Labor Day Monday, September 1, 2003
- Columbus Day Monday, October 13, 2003
- Veterans Day Tuesday, November 11, 2003
- Thanksgiving Thursday, November 27, 2003
Friday, November 28, 2003
- Christmas (Eve) Wednesday, December 24, 2003
(Day) Thursday, December 25, 2003
Friday, December 26, 2003
- New Year's Day Thursday, January 1, 2004

(Approved by the Polk County Commissioners Court on December 10, 2002).

FOR INFORMATION RELATING TO THE COUNTY HOLIDAY SCHEDULE, CONTACT THE COUNTY JUDGE'S OFFICE (936)327-6813

#15
POLK COUNTY
By: Bill Law, County Auditor

Budget Amendment
#2003-04
FY 03

Dec 10, 2003

Fund Account	Description	Increase	Decrease	Comments	Original Budget	Amended Budget	Net Change
010-342-600	Insurance Claims Money	-316.32		Ck from Tac Insurance/Sheriff Wreck/Per Bill Law	0.00	-2899.90	-2899.90
010-560-450	Insurance Claims Repairs	316.32		Ck from Tac Insurance/Sheriff Wreck/Per Bill Law	0.00	1487.72	1487.72
015-369-200	Reimbursement for Materials	-162.00		ck from Twin Harbors POA/Per Comm. Smith	0.00	-882.00	-882.00
015-369-200	Reimbursement for Materials	-360.00		ck from Onalaska Water Supply/Per Comm Smith	0.00	-1242.00	-1242.00
015-622-339	Construction Materials	522.00		cks from Twin Harbors&Onalaska Water/Per Smith	104000.00	105242.00	1242.00
		0.00					
		0.00	0.00				

COPY

Approved By:
Date:

SCHEDULE OF BILLS BY FUND

FUND DESCRIPTION	DISBURSEMENTS
012 ELECTED OFFICIALS FEE ACCOUNTS	5,223.00
TOTAL OF ALL FUNDS	5,223.00

THE PRECEDING LIST OF BILLS PAYABLE WAS REVIEWED AND APPROVED FOR PAYMENT.

W. H. LAW

William H. Law

COUNTY AUDITOR

JOHN P. THOMPSON

John P. Thompson

COUNTY JUDGE

SCHEDULE OF BILLS BY FUND

FUND DESCRIPTION	DISBURSEMENTS
051 AGING	226.00
TOTAL OF ALL FUNDS	226.00

THE PRECEDING LIST OF BILLS PAYABLE WAS REVIEWED AND APPROVED FOR PAYMENT.

W. E. LAM

COUNTY AUDITOR

JOHN P. THOMPSON

COUNTY JUDGE

William H. Law

John P. Thompson

SCHEDULE OF BILLS BY FUND

FUND DESCRIPTION	DISBURSEMENTS
028 FOLK COUNTY HISTORICAL COMM	170.03
TOTAL OF ALL FUNDS	170.03

THE PRECEDING LIST OF BILLS PAYABLE WAS REVIEWED AND APPROVED FOR PAYMENT.

W. H. LAW

William H. Law

COUNTY AUDITOR

JOHN P. THOMPSON

John P. Thompson

COUNTY JUDGE

3000

SCHEDULE OF BILLS BY FUND

FUND DESCRIPTION	DISBURSEMENTS
010 GENERAL FUND	14,241.01
015 ROAD & BRIDGE ADM	6,018.71
032 ENVIRONMENTAL SERVICES	664.50
049 DISTRICT ATTY HOT CHECK FUND	107.27
051 AGING	85.04
TOTAL OF ALL FUNDS	21,116.53

THE PRECEDING LIST OF BILLS PAYABLE WAS REVIEWED AND APPROVED FOR PAYMENT. *William J. Law*

W. H. LAW

COUNTY AUDITOR

JOHN P. THOMPSON

COUNTY JUDGE

John P. Thompson

FM 02

SCHEDULE OF BILLS BY FUND

FUND DESCRIPTION	DISBURSEMENTS
010 GENERAL FUND	427.98
TOTAL OF ALL FUNDS	427.98

THE PRECEDING LIST OF BILLS PAYABLE WAS REVIEWED AND APPROVED FOR PAYMENT.

William H. Law

W. H. LAW

COUNTY AUDITOR

John P. Thompson

JOHN P. THOMPSON

COUNTY JUDGE

SCHEDULE OF BILLS BY FUND

FUND DESCRIPTION	DISBURSEMENTS
051 AGING	177.05
TOTAL OF ALL FUNDS	177.05

THE PRECEDING LIST OF BILLS PAYABLE HAS REVIEWED AND APPROVED FOR PAYMENT.

William F. Law

W. F. LAW

COUNTY AUDITOR

JOHN P. THOMPSON

COUNTY JUDGE

John P. Thompson

CHECK # 174708

BANK ACCT: MAIN
 11/26/2002
 566.00
 *** VOID *** VOID *** VOID *** VOID *** VOID *** VOID ***
 *** VOID *** VOID *** VOID *** VOID *** VOID *** VOID ***
 *****66 00

WHEISENHUNT/ BARBARA
 5367 US HIGHWAY 190E
 LIVINGSTON TX 77351

CHECK # 174708

010-403-484 GENERAL FUND
 11-5-0 66.00
 *** VOID *** VOID *** VOID *** VOID *** VOID *** VOID ***
 *** VOID *** VOID *** VOID *** VOID *** VOID *** VOID ***



4107

SCHEDULE OF BILLS BY FUND

FUND DESCRIPTION	DISBURSEMENTS
010 GENERAL FUND	2,349.84
088 JUDICIARY FUND	1,437.00
TOTAL OF ALL FUNDS	3,786.84

THE PRECEDING LIST OF BILLS PAYABLE WAS REVIEWED AND APPROVED FOR PAYMENT.

William H. Law

W. H. LAW

COUNTY AUDITOR

JOHN P. THOMPSON

COUNTY JUDGE

John P. Thompson

DATE 11/26/2002 TO 11/26/2002

ACH CLAIMS LIST
TOTAL ALL ITEMS

CHK107 PAGE 4

VENDOR NAME	ACCOUNT #	ACCOUNT NAME	ITEM/REASON	DATE	ACH # 298	AMOUNT
						706,480.49

706,480.49
1-40-02

TOTAL ITEMS WRITTEN
GRAND TOTAL AMOUNT

THE PRECEDING LIST OF BILLS PAYABLE WAS REVIEWED AND APPROVED FOR PAYMENT.

William H. Law

W. H. LAW

COUNTY AUDITOR

John P. Thompson

JOHN P. THOMPSON

COUNTY JUDGE

SCHEDULE OF BILLS BY FUND

FUND DESCRIPTION	DISBURSEMENTS
012 ELECTED OFFICIALS FEE ACCOUNTS	3,971.70
TOTAL OF ALL FUNDS	3,971.70

THE PRECEDING LIST OF BILLS PAYABLE WAS REVIEWED AND APPROVED FOR PAYMENT.

W. S. LAW

COUNTY AUDITOR

JOHN P. THOMPSON

COUNTY JUDGE

Adeline H. Law

John P. Thompson

SCHEDULE OF BILLS BY FUND

FUND DESCRIPTION	DISBURSEMENTS
051 AGING	67.00
TOTAL OF ALL FUNDS	67.00

THE PRECEDING LIST OF BILLS PAYABLE WAS REVIEWED AND APPROVED FOR PAYMENT.

William F. Law

W. F. LAW

COUNTY AUDITOR

John P. Thompson

JOHN P. THOMPSON

COUNTY JUDGE

1903

SCHEDULE OF BILLS BY FUND

FUND DESCRIPTION	DISBURSEMENTS
010 GENERAL FUND	1,300.95
015 ROAD & BRIDGE ADM	610.30
101 ADULT SUPERVISION	120.00
103 CCP - SURVEILLANCE	68.00
184 JUVENILE PROBATION	64.00
185 CCAP - JUVENILE PROBATION	179.50
TOTAL OF ALL FUNDS	2,342.75

THE PRECEDING LIST OF BILLS PAYABLE WAS REVIEWED AND APPROVED FOR PAYMENT.

V. H. LAV

COUNTY AUDITOR

JOHN P. THOMPSON

COUNTY JUDGE

William H. Law

John P. Thompson

FY 03

SCHEDULE OF BILLS BY FUND

FUND DESCRIPTION	DISBURSEMENTS
010 GENERAL FUND	46,950.44
015 ROAD & BRIDGE ADM	11,984.33
027 SECURITY	416.13
048 DISTRICT ATTY SPECIAL FUND	142.76
051 AGING	2,144.66
083 MUSEUM OPERATING FUND	113.56
101 ADULT SUPERVISION	6,827.50
108 CCP - SURVEILLANCE	841.68
109 SPECIALIZED CASELOAD CCP	406.64
184 JUVENILE PROBATION	973.26
185 CCAP - JUVENILE PROBATION	2,588.76
TOTAL OF ALL FUNDS	73,389.72

THE PRECEDING LIST OF BILLS PAYABLE WAS REVIEWED AND APPROVED FOR PAYMENT.

W. H. LAW

COUNTY AUDITOR

JOHN P. THOMPSON

COUNTY JUDGE

William H. Law

John P. Thompson

F 4 0 2

SCHEDULE OF BILLS BY FUND

FUND DESCRIPTION	DISBURSEMENTS
010 GENERAL FUND	82,057.20
015 ROAD & BRIDGE ADM	20,159.94
027 SECURITY	427.94
051 AGING	855.88
101 ADULT SUPERVISION	8,360.38
108 CCP - SURVEILLANCE	1,208.32
109 SPECIALIZED CASELOAD CCP	427.94
184 JUVENILE PROBATION	855.88
185 CCAP - JUVENILE PROBATION	3,454.62
TOTAL OF ALL FUNDS	117,818.10

THE PRECEDING LIST OF BILLS PAYABLE WAS REVIEWED AND APPROVED FOR PAYMENT.

William H. Law

W. H. LAW

COUNTY AUDITOR

JOHN P. THOMPSON

COUNTY JUDGE

John P. Thompson

F403

SCHEDULE OF BILLS BY FUND

FUND DESCRIPTION	DISBURSEMENTS
010 GENERAL FUND	4,813.85
015 ROAD & BRIDGE ADM	480.32
027 SECURITY	25.00
051 AGING	501.04
090 DRUG FORFEITURE FUND	58,266.30
TOTAL OF ALL FUNDS	64,086.51

THE PRECEDING LIST OF BILLS PAYABLE WAS REVIEWED AND APPROVED FOR PAYMENT.

V. H. LAW

V. H. Law

COUNTY AUDITOR

JOHN P. THOMPSON

John P. Thompson

COUNTY JUDGE

SCHEDULE OF BILLS BY FUND

FUND DESCRIPTION	DISBURSEMENTS
010 GENERAL FUND	49,269.84
015 ROAD & BRIDGE ADM	42,475.81
040 LAW LIBRARY FUND	1,686.75
049 DISTRICT ATTY HOT CHECK FUND	390.55
051 AGING	7,998.85
093 CO CLERK RECORDS MGMT FUND	1,016.83
094 COUNTY RECORDS MGMT FUND	363.16
TOTAL OF ALL FUNDS	103,201.59



THE PRECEDING LIST OF BILLS PAYABLE WAS REVIEWED AND APPROVED FOR PAYMENT.

W. H. LAW

COUNTY AUDITOR

JOHN P. THOMPSON

COUNTY JUDGE

SCHEDULE OF BILLS BY FUND

FUND DESCRIPTION	DISBURSEMENTS
010 GENERAL FUND	19,295.67
015 ROAD & BRIDGE ADH	85.21
TOTAL OF ALL FUNDS	19,380.88

THE PRECEDING LIST OF BILLS PAYABLE WAS REVIEWED AND APPROVED FOR PAYMENT.

V. H. LAW

COUNTY AUDITOR

JOHN P. THOMPSON

COUNTY JUDGE

William H. Law
John P. Thompson

SCHEDULE OF BILLS BY FUND

FUND DESCRIPTION	DISBURSEMENTS
092 AVAILABLE SCHOOL FUND ACCT	13,459.01
TOTAL OF ALL FUNDS	13,459.01

THE PRECEDING LIST OF BILLS PAYABLE WAS REVIEWED AND APPROVED FOR PAYMENT

W. H. LAW

COUNTY AUDITOR

JOHN P. THOMPSON

COUNTY JUDGE

W. H. Law
John P. Thompson

ADDITIONAL

ADDITIONAL

SCHEDULE OF BILLS BY FUND

FUND	DESCRIPTION	DISBURSEMENTS
010	GENERAL FUND	3,129.13
015	ROAD & BRIDGE ADM	659.42
027	SECURITY	30.00
061	DEBT SERVICE FUND	17,576.38
101	ADULT SUPERVISION	1,427.03
108	CCP - SURVEILLANCE	350.50
184	JUVENILE PROBATION	125.00
185	CCAP - JUVENILE PROBATION	578.27
TOTAL OF ALL FUNDS		23,875.73

THE PRECEDING LIST OF BILLS PAYABLE WAS REVIEWED AND APPROVED FOR PAYMENT.

W. H. LAW

COUNTY AUDITOR

JOHN P. THOMPSON

COUNTY JUDGE

W. H. Law

John P. Thompson

VENDOR NAME	ACCOUNT #	ACCOUNT NAME	ITEM/REASON	DATE	ACH #	AMOUNT
TOTAL ALL ITEMS ----- TOTAL ITEMS WRITTEN GRAND TOTAL AMOUNT						

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65,381.92

THE PRECEDING LIST OF BILLS PAYABLE WAS REVIEWED AND APPROVED FOR PAYMENT

W. H. LAW
COUNTY AUDITOR

JOHN P. THOMPSON
COUNTY JUDGE

W. H. Law

John P. Thompson

ADDITIONAL

DATE 12/05/2002 TO 12/05/2002

ACH CLAIMS LIST
TOTAL ALL ITEMS

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VENDOR NAME	ACCOUNT #	ACCOUNT NAME	ITEM/REASON	DATE	ACH #	AMOUNT
			TOTAL ITEMS WRITTEN			14
			GRAND TOTAL AMOUNT			205,950.09

THE PRECEDING LIST OF BILLS PAYABLE WAS REVIEWED AND APPROVED FOR PAYMENT.

W. H. LAW

COUNTY AUDITOR

JOHN P. THOMPSON

COUNTY JUDGE



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ADDITIONAL

Addendum Schedule of Bills for Court Dated 12/10/02
FY-02

Vendor	Amount	Explanation
AMERICAN 3CI	\$ 71.50	JAIL
IBM COMPANY	\$ 99.00	COMM COURT
POLK COUNTY TRACTOR	\$ 15.84	R&B#3
RANDALL MEDICAL	\$ 82.00	PERSONNEL
STORY-WRIGHT	\$ 324.16	COMM COURT
TROOPERS SUPPLY INC	\$ 834.00	SHERIFF DEPT
TOTAL	<u>\$ 1,426.50</u>	

Addendum Schedule of Bills for Court Dated 12/10/02
 FY-03

Vendor	Amount	Explanation
31ST ANNUAL CO. & DIST. CLERK'S SEMINAR	\$ 95.00	COUNTY CLERK
BERG/ CECIL E.	\$ 500.00	JUDICAL
BOB BARKER COMPANY	\$ 1,958.62	JAIL
BOLLIER PLUMBING SERVICE	\$ 15.41	R&B#2
BRITTON/ ANNETTE	\$ 151.64	EXTENSION
BURKE CENTER	\$ 175.00	HEALTH AND WELFARE
CINTAS	\$ 243.61	R&B#2
C & J FIRE AND SAFETY	\$ 176.00	CONSTABLE PCT # 2
CLEVELAND ASPHALT PRODUCTS CO., INC	\$ 1,110.00	R&B#1
CINGULAR WIRELESS	\$ 186.68	CONSTABLE PCT #4
DURHAM OUTDOOR EQUIPMENT	\$ 68.30	R&B#3
DXI INDUSTRIES, INC	\$ 101.30	SOUTHLAND PARK
EAST TEXAS COPY SYSTEMS INC	\$ 56.00	AGING-CORRIGAN
EAST TEXAS OPEN MRI & DIAGNOSTIC	\$ 691.45	INDIGENT CARE
EXCEL REPORTING & ASSOCIATES, INC	\$ 115.00	COUNTY COURT @ LAW
GLAZIER FOODS COMPANY	\$ 5,114.85	AGING
GIBSON/ DARRELL	\$ 19.74	JAIL
HOLIDAY INN EXPRESS HOTEL & SUITES	\$ 11.00	INDIGENT CARE
HOOT'S LOADER SERVICE	\$ 8,640.00	R&B#1
HUGHES PETROLEUM PRODUCTS, INC.	\$ 2,005.33	R&B#2
INTERSTATE BILLING SERVICE	\$ 89.10	R&B#2
LABCORP OF AMERICA HOLDINGS	\$ 25.42	INDIGENT CARE
LIVINGSTON EYE CENTER	\$ 119.47	INDIGENT CARE
MATT'S H & H HARDWARE, INC.	\$ 36.33	R&B#3
MEMORIAL MEDICAL CENTER LIVINGSTON	\$ 203.85	INDIGENT CARE
MIDDLETON/ BARBARA	\$ 50.00	COUNTY CLERK
MID-WEST MARKETING, INC.	\$ 639.64	EMERG. MGMT/SAFETY
MUSIC MOUNTIAN	\$ 14.75	R&B#4
MUSTANG TRACTOR & EQUIPMENT CO.	\$ 2,117.30	R&B#2
POLK COUNTY PUBLISHING LEGALS	\$ 351.40	ADVERTISING
POLK COUNTY TRACTOR	\$ 297.60	R&B#2
QUALITY SUITES-COLLEGE STATION	\$ 256.00	COUNTY CLERK
RAJ ASSOCIATES. LLP	\$ 27.28	INDIGENT CARE
RANDALL MEDICAL CLINIC	\$ 162.58	INDIGENT CARE
R.B.'S WATER DEPOT	\$ 45.00	R&B#2
REINHARDT AUTO PARTS	\$ 873.62	R&B#3
RIVERA/ REBECEA	\$ 410.89	JURY
RIVERA/ REBECCA	\$ 321.50	CAPITAL TRIAL COST
ROBBINS/ TERRY C MD	\$ 175.56	INDIGENT CARE
SAMUEL/ V. R. DR.	\$ 27.28	INDIGENT CARE
SCRIPT CARE, INC.	\$ 239.29	INDIGENT CARE
SNOWDEN DISTRIBUTING COMPANY	\$ 100.00	JAIL
TEXAS AUTO GLASS	\$ 30.00	SECURITY
TEXAS DIST & CO ATTYS ASSO	\$ 225.00	DA OFFICE
TEXAS TRUCK ACCESSORIES	\$ 438.00	R&B#1
THE ALLIANCE FOR I-69 TEXAS	\$ 3,600.00	OTHER
THOMAS SUPPLY	\$ 188.50	R&B#2

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Addendum Schedule of Bills for Court Dated 12/10/02
FY-03

WILLIAM GEORGE COMPANY

\$ 1,261.00

AGING

TOTAL

\$ 33,761.29

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NOVEMBER 25 THROUGH DECEMBER 10, 2002

DATE:

#117

NO.	EMPLOYEE	DEPT	JOB DESCRIPTION	TYPE OF EMPLOYMENT	GROUP STEP & WAGE	ACTION TAKEN
(1)	CYNTHIA ISAACKS	SHERIFF	#1043 TELECOMMUNICATION OPER.	LABOR POOL -800 HRS.	13(1) \$9.79 HR.	NEW HIRE EFFECTIVE 12/11/2002
(2)	ANICE FAYE HOLMES	SHERIFF	#1043 TELECOMMUNICATION OPER.	LABOR POOL -800 HRS.	13(1) \$9.79 HR.	RECLASSIFIED TO (#1043) TELECOM OPER. (REG. F.T.) (13/1) (\$20,353.23) EFFECTIVE 12/04/2002
(3)	EARL HARRELL	ROAD & BRIDGE PRECINCT # 1	#0114 R&B MAIN WORKER(LABORER)	REGULAR FULL-TIME	11/3 \$19,372.50	NEW HIRE EFFECTIVE 12/10/2002
(4)						
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