



POLK COUNTY COMMISSIONERS COURT

February 11, 2003
10:00 A.M.

Polk County Courthouse, 3rd floor
Livingston, Texas

2003-010

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 OF THE (REGULAR) MEETING OF JANUARY 28, 2003.
OLD BUSINESS (Tabled from last Agenda)
5. CONSIDER RENEWAL OF THE JAIL AGREEMENT FOR MEDICAL WASTE DISPOSAL WITH AMERICAN 3CL.
6. CONSIDER RENEWAL OF AGREEMENT FOR GRAVEL EXCAVATION ON POLK COUNTY SCHOOL LAND IN THROCKMORTON COUNTY (for use on roads located within or adjacent to School Lands).
NEW BUSINESS:
7. CONSIDER APPROVAL OF RESOLUTION FOR PARTICIPATION IN THE TEXAS ASSOCIATION OF COUNTIES SAFETY INCENTIVE PROGRAM.
8. CONSIDER APPROVAL OF OFFERS TO PURCHASE TAX FORECLOSED PROPERTIES: (PCT.#1) LOTS 6,7,8,9 & 10 OF UNRECORDED PLAT OF PUTNAM'S LANDING #4, CAUSE # 99-071.
9. CONSIDER APPROVAL OF RESOLUTION SUPPORTING APPLICATION OF JUVENILE ACCOUNTABILITY INCENTIVE BLOCK GRANT.
10. RATIFY LEASE AGREEMENT WITH DETCOG FOR STAR PROGRAM OFFICE SPACE.
11. CONSIDER APPROVAL OF FINAL WRECKER REGULATIONS, FOLLOWING LEGAL REVIEW. (TO REPLACE ANY PREVIOUS DRAFT REGULATIONS).
12. CONSIDER ANY/ALL NECESSARY ACTION PERTAINING TO SINGLE SOURCE BULK PURCHASE OF ROCK FOR ROAD & BRIDGE DEPARTMENTS.
13. CONSIDER APPROVAL OF RESOLUTION SUPPORTING LEGISLATION FOR APPOINTMENT OF BAILIFF FOR 411TH JUDICIAL DISTRICT.
14. CONSIDER APPROVAL OF BUDGET REVISIONS.
15. CONSIDER APPROVAL OF BUDGET AMENDMENTS, as follows;
 - Record revenue from TRA patrol reimbursement and increase corresponding salary/benefit accounts line items in Sheriff's Department.
 - Record Pct. 4 revenue from materials reimbursement and increase related materials expense.
 - Record Pct. 1 revenue from materials reimbursement and increase related materials expense.
16. CONSIDER APPROVAL OF SCHEDULE OF BILLS.
17. CONSIDER APPROVAL OF PERSONNEL ACTION FORMS.

ADJOURN

By: John P. Thompson, County Judge

Posted: February 5, 2003

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, February 5, 2003 and that said Notice remained posted continuously for at least 72 hours preceding the scheduled time of said Meeting.

BARBARA MIDDLETON, COUNTY CLERK

BY: *Barbara Middleton*

Deputy

FILED
FEB 5 2003
AM 9:54
RECORD
POLK CO.



February 11, 2003
10:00 a.m.

COMMISSIONERS COURT

of Polk County, Texas

County Courthouse, 3rd floor
Livingston, Texas

ADDENDUM to Posting # 2003 - 010

COPY

The following will serve to amend the Agenda of the Commissioners Court Meeting scheduled for February 11, 2003 at 10:00 A.M.

AMEND TO ADD;

- 18. CONSIDER AMENDING PREVIOUS ACTION APPROVING THE ISSUANCE OF TIME WARRANT FOR THE CONSTRUCTION OF PCT. #3 SHOP BUILDING, TO INCREASE AMOUNT BY \$4,000.00, FOR A TOTAL OF \$12,270.00, UNDER THE SAME TERMS AND CONDITIONS, APPROVED BY COMMISSIONERS COURT ON JANUARY 28, 2003.
- 19. DISCUSS AND TAKE NECESSARY ACTION RELATING TO PRECINCT 3 BRIDGE REPAIR PROJECTS.
- 20. CORRECT MINUTES OF NOVEMBER 19, 2002 - AGENDA ITEM #4 - TO DELETE REFERENCE OF "SEE ATTACHED", AS NO RELATIVE ATTACHMENT EXISTED RELATING TO PCT. 2 BID AWARD FOR PURCHASE OF DUMP TRUCK.
- 21. CONSIDER APPROVAL OF ADDITIONAL FUNDING REQUIRED FOR PARTICIPATION IN THE TIMBER COUNTIES COALITION (original amount estimated at \$7,500.00, based upon number of counties participating - revised amount not to exceed \$12,000.00).
- 22. CONSIDER ACCEPTANCE OF BAYWAY LN. AND WILLIE COOK ST. AS COUNTY MAINTAINED ROADS, PCT. 1.

Commissioners Court of Polk County, Texas

Dated: Friday, February 7, 2003.

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, February 7, 2003 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 Sineana Walker, Deputy

FILED FOR RECORD
FEB 7 2003
11:31 AM
CLERK, POLK CO.

STATE OF TEXAS }
COUNTY OF POLK }

VOL. 49 PAGE 105
DATE: FEBRUARY 11, 2003
"REGULAR" MEETING
Judge Thompson - Absent

**"COMMISSIONERS COURT"
POSTING # 2003 - 010**

BE IT REMEMBERED ON THIS THE 11th DAY OF FEBRUARY, 2003
THE HONORABLE COMMISSIONERS COURT MET IN "REGULAR" CALLED
MEETING WITH THE FOLLOWING OFFICERS AND MEMBERS PRESENT,
TO WIT;

HONORABLE JAMES J. "BUDDY" PURVIS, COMMISSIONER PCT#3, PRESIDING;
BOB WILLIS-COMMISSIONER PCT#1, BOBBY SMITH-COUNTY COMMISSIONER
PCT #2, C. T. "Tommy" OVERSTREET - COUNTY COMMISSIONER PCT #4,
BARBARA MIDDLETON-COUNTY CLERK & B. L. DOCKENS-COUNTY AUDITOR,
THE FOLLOWING AGENDA ITEMS, ORDERS, AND DECREES WERE DULY
MADE, CONSIDERED & PASSED.

1. WELCOME & CALLED TO ORDER BY COMMISSIONER PURVIS AT 10:00 AM.
OPENING PRAYER: REV. LYNN DYKES OF CHESSWOOD BAPTIST CHURCH.
2. PUBLIC COMMENTS:
 - A. MRS. HALFORD FROM SHILO RIDGE SUBDIVISION, PRECINCT #1 CAME
TO COURT REQUESTING HELP ON FIXING VICKSBURG DRIVE. THE
ROADS ARE SO BAD WITH HOLES THAT THEIR VEHICLES ARE BEING
TORN UP.
 - B. A LADY (NO NAME) DIRECTED COMMENTS TO COMMISSIONER WILLIS
CONCERNING HER ROAD IN SHILO RIDGE. THE ROADS ARE IN TERRIBLE
CONDITION AND NEEDS REPAIR SOON.
SHE ALSO DIRECTED COMMENTS TO SHERIFF NELSON THAT SOME
RESIDENTS IN THE SUBDIVISION ARE SELLING DRUGS. IT SHOULD BE
INVESTIGATED AND STOPPED.
3. INFORMATIONAL REPORTS:
 - A. SHERIFF NELSON REPORTED THAT THE PHONE SYSTEM AT THE S/O
AND JAIL WAS DOWN LAST NIGHT ABOUT (4) HOURS. ALL CALLS HAD
TO BE RE-ROUTED TO LUFKIN THEN TO THE S/O. THE PHONE SYSTEM
IS OVERLOADED AND NEEDS REPLACEMENT.
 - B. COMMISSIONER SMITH THANKED THE 40 + PLUS PEOPLE FROM POLK
COUNTY AREA & FIRE DEPARTMENTS THAT WENT TO NACOGDOCHES
AND OTHER COUNTIES TO SEARCH AND RECOVER PARTS FROM THE
SPACE SHUTTLE COLUMBIA THAT EXPLODED ON FEBRUARY 1, 2003.
 - C. COMMISSIONER PURVIS GAVE COMMENTS REGARDING THE ROAD
CONDITIONS WITHIN THE COUNTY. HE SAID THEY ARE DOING EVERY-
THING POSSIBLE TO FIX ROADS, BUT THE RAINY WEATHER IS NOT
COOPERATING MUCH.
 - D. COMMISSIONER OVERSTREET - PCT #4 RECENTLY ATTENDED THE
TRAINING SEMINAR FOR NEWLY ELECTED JUDGES & COMMISSIONERS
SPONSORED BY TEXAS ASSOCIATION OF COUNTIES (TAC) IN AUSTIN.
THE SEMINAR WAS VERY INFORMATIVE AND COMMISSIONER WILL
BE ACCREDITED WITH (24)HOURS OF CONTINUING EDUCATION CREDIT.

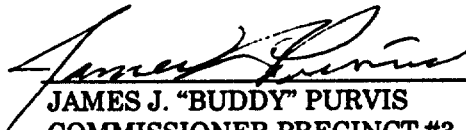
4. MOTIONED BY BOBBY SMITH, SECONDED BY TOMMY OVERSTREET, TO APPROVE THE MINUTES OF THE (REGULAR) MEETING OF JANUARY 28, 2003.
ALL VOTING YES.
5. MOTIONED BY TOMMY OVERSTREET, SECONDED BY BOBBY SMITH, TO DECLINE THE RENEWAL OF JAIL AGREEMENT FOR MEDICAL WASTE DISPOSAL WITH AMERICAN SCI.
ALL VOTING YES.
6. MOTIONED BY BOBBY SMITH, SECONDED BY BOB WILLIS, TO APPROVE RENEWAL OF AGREEMENT FOR GRAVEL EXCAVATION ON POLK COUNTY SCHOOL LAND IN THROCKMORTON COUNTY (FOR USE ON ROADS LOCATED WITHIN OR ADJACENT TO SCHOOL LANDS.)
ALL VOTING YES.
7. MOTIONED BY BOBBY SMITH, SECONDED BY BOB WILLIS, TO APPROVE "RESOLUTION" FOR PARTICIPATION IN THE TEXAS ASSOCIATION OF COUNTIES SAFETY INCENTIVE PROGRAM.
ALL VOTING YES. (SEE ATTACHED)
8. MOTIONED BY BOB WILLIS, SECONDED BY BOBBY SMITH, TO TABLE OFFER TO PURCHASE TAX FORECLOSED PROPERTIES, PCT #1, LOTS 6, 7, 8, 9 & 10, OF UNRECORDED PLAT OF PUTNAM'S LANDING #4, IN CAUSE #99-071.
ALL VOTING YES.
9. MOTIONED BY TOMMY OVERSTREET, SECONDED BY BOBBY SMITH, TO APPROVE "RESOLUTION" SUPPORTING APPLICATION OF JUVENILE ACCOUNTABILITY INCENTIVE BLOCK GRANT (FY 2004), IN THE AMOUNT OF \$8,566.00 WITH THE COUNTY'S MATCH OF \$952.00.
ALL VOTING YES. (SEE ATTACHED)
10. MOTIONED BY BOBBY SMITH, SECONDED BY BOB WILLIS, TO RATIFY LEASE AGREEMENT WITH DETCOG FOR STAR PROGRAM OFFICE SPACE. (POLK COUNTY TEMPORARY OFFICE'S AT 602 E. CHURCH ST)
ALL VOTING YES. (SEE ATTACHED)
11. MOTIONED BY BOBBY SMITH, SECONDED BY TOMMY OVERSTREET, TO APPROVE OF FINAL WRECKER REGULATIONS WHICH HAVE RECEIVED LEGAL REVIEW AND NECESSARY REVISIONS BY JIM ALLISON, ATTORNEY.
(TO REPLACE ANY PREVIOUS DRAFT REGULATIONS)
ALL VOTING YES. (SEE ATTACHED)
12. MOTIONED BY TOMMY OVERSTREET, SECONDED BY BOB WILLIS, TO ADVERTISE FOR BIDS FOR A SINGLE SOURCE BULK PURCHASE OF ROCK FOR ALL 4 - PRECINCTS ROAD & BRIDGE DEPARTMENTS, FOR AN APPROXIMATE TOTAL OF (40) RAIL CARS, WITH COMMISSIONER OVERSTREET HANDLING THE SPECIFICATIONS FOR SAME.
ALL VOTING YES.

13. MOTIONED BY BOBBY SMITH, SECONDED BY TOMMY OVERSTREET, TO APPROVE "RESOLUTION" SUPPORTING LEGISLATION FOR APPOINTMENT OF BAILIFF FOR THE 411th JUDICIAL DISTRICT.
ALL VOTING YES. (SEE ATTACHED)
14. MOTIONED BY BOB WILLIS, SECONDED BY BOBBY SMITH, TO APPROVE BUDGET REVISIONS #2003-07(a) AS SUBMITTED BY THE AUDITOR.
ALL VOTING YES. (SEE ATTACHED)
15. MOTIONED BY BOBBY SMITH, SECONDED BY BOB WILLIS, TO APPROVE BUDGET AMENDMENTS #2003-07 AS SUBMITTED BY THE AUDITOR.
ALL VOTING YES. (SEE ATTACHED)
16. MOTIONED BY BOB WILLIS, SECONDED BY BOBBY SMITH, APPROVAL & PAYMENT OF BILLS BY SCHEDULE PLUS ADDENDUMS.
ALL VOTING YES. (SEE ATTACHED)

DATE	AMOUNT	CHECK NUMBERS
1-27-2003	\$ 51,458.64	ACH #313
1-27-2003	27,261.99	175906 - 175909
1-28-2003	1,270.12	175910 - 175914
1-28-2003	8,555.31	175915 - 175942
1-30-2003	120,871.34	175943 - 175959
1-30-2003	70,469.83	ACH #314
1-30-2003	218,271.39	ACH #315
1-31-2003	2,060,000.00	ACH #316
2-03-2003	22,395.67	175960 - 175964
2-04-2003	49,423.75	175965
2-04-2003	132,533.67	175966 - 176123
2-07-2003	574.00	176124
2-07-2003	536.00	176125
2-07-2003	950,000.00	ACH #317
TOTAL	\$ 3,713,621.71	

17. MOTIONED BY BOB WILLIS, SECONDED BY BOBBY SMITH, TO APPROVE THE PERSONNEL ACTION FORMS, REVISED LIST.
ALL VOTING YES. (SEE ATTACHED)
18. MOTIONED BY BOBBY SMITH, SECONDED BY BOB WILLIS, TO APPROVE AMENDING THE ISSUANCE OF TIME WARRANT FOR THE CONSTRUCTION OF PRECINCT #3 SHOP BUILDING (TO INCREASE AMOUNT BY \$4,000.00) FOR A TOTAL OF \$12,270.00 UNDER THE SAME TERMS & CONDITIONS AS APPROVED BY COMMISSIONERS COURT ON JANUARY 28, 2003.
ALL VOTING YES.

19. MOTIONED BY BOBBY SMITH, SECONDED BY TOMMY OVERSTREET, TO APPROVE THE "EMERGENCY REPAIR & REPLACEMENT PROJECTS" OF TWO BRIDGES, DABBS CREEK AND PULLEN ROAD (off HWY.287 W) IN PRECINCT #3, IN THE AMOUNT OF \$6,175.00.
ALL VOTING YES.
20. MOTIONED BY BOBBY SMITH, SECONDED BY BOB WILLIS, TO CORRECT THE MINUTES OF NOVEMBER 19, 2002 - AGENDA ITEM #4 - TO DELETE REFERENCE OF "SEE ATTACHED" AS NO RELATIVE ATTACHMENT EXISTED RELATING TO PCT #2 AWARD FOR PURCHASE OF DUMP TRUCK.
ALL VOTING YES.
21. MOTIONED BY TOMMY OVERSTREET, SECONDED BY BOBBY SMITH, TO APPROVE ADDITIONAL FUNDING FOR PARTICIPATION IN THE TIMBER COUNTIES COALITION (original amount estimated at \$7,500.00, based upon number of counties participating) REVISED AMOUNT NOT TO EXCEED \$12,000.00.
ALL VOTING YES.
22. MOTIONED BY BOB WILLIS, SECONDED BY BOBBY SMITH, TO ACCEPT BAYWAY LANE AND WILLIE COOK STREET, PRECINCT #1, AS COUNTY MAINTAINED ROADS.
ALL VOTING YES.
23. MOTIONED BY TOMMY OVERSTREET, SECONDED BY BOBBY SMITH, TO ADJOURN COURT THIS 11th DAY OF FEBRUARY 2003 AT 10:36 A.M.
ALL VOTING YES.



JAMES J. "BUDDY" PURVIS
COMMISSIONER PRECINCT #3
PRESIDING

ATTEST



BARBARA MIDDLETON, COUNTY CLERK

C:\barbaram\COMMCR.T.ALL\COMM. COURT\COMMCR.T.2003\FEB11.wpd



RESOLUTION

Item #7

RESOLUTION
IN RE: SAFETY

PROCEEDINGS BEFORE THE
COMMISSIONER'S COURT

DATE: 02/11/03

The Commissioners' Court of Polk County, Texas, meeting in regular session on the 11th day of February, 2003, among other proceedings considered the following resolution:

WHEREAS, the County Judge, County Commissioners, County Sheriff and other County officials are concerned with the safety of employees and the public; and

WHEREAS, these safety efforts have a direct and positive impact on the cost of operations and employee morale for Polk County and

WHEREAS, the County can earn a cash incentive of up to \$17,259 from the Texas Association of Counties Workers' Compensation fund in 2003 by implementing a comprehensive accident prevention plan; and

WHEREAS, implementation of this plan should minimize unnecessary accidents and control Workers' Compensation costs for the future; and

WHEREAS, the County can utilize the free services of the safety staff of the Texas Association of Counties to assist in the implementation of such a plan,

NOW, THEREFORE, BE IT RESOLVED, that the Polk County Commissioners' Court, Polk County, Texas, in joint resolution with the Sheriff and any other undersigned County officials, hereby proclaim their support on behalf of the County to implement an effective accident prevention plan in agreement with the Texas Association of Counties, and the Commissioners' Court hereby prevails upon and challenges other elected and appointed County officials to support this safety initiative, and work in a cooperative effort to develop and implement these accident prevention plans.

DONE IN OPEN COURT, this 11th day of February, 2003 upon motion by Bobby Smith, seconded by Bob Willis, and all members of the Court being present and voting "aye", with the exception of County Judge John Thompson, who was absent from the meeting.

absent

Hon. John Thompson
Polk County Judge

Hon. Robert C. "Bob" Willis
Commissioner, Precinct 1

Hon. Bobby Smith
Commissioner, Precinct 2

Hon. James J. "Buddy" Purvis
Commissioner, Precinct 3
(chairing the meeting)

Hon. Charles "Tommy" Overstreet
Commissioner, Precinct 4

Hon. Billy Ray Nelson
Sheriff

Office

Office

Office

Office

Office

Office _____

Office _____

Office _____

Office _____

Office _____

Office _____

ATTEST:



Barbara Middleton, County Clerk

Item #9



BE IT RESOLVED, that the Commissioners Court of Polk County convened in a regularly called session on the 11th day of February, 2003 in the Commissioners Courtroom of the Polk County Courthouse in Livingston, Texas with the following Members present and representing a quorum; Robert C. "Bob" Willis, Commissioner, Pct.1; Bobby Smith, Commissioner, Pct.2; James J. "Buddy" Purvis, Commissioner, Pct.3; Charles T. "Tommy" Overstreet, Commissioner, Pct.4; Absent: John P. Thompson, County Judge

WHEREAS, the Polk County Commissioners Court finds it in the best interest of the citizens of Polk County that the Juvenile Detention Program be operated for fiscal year 2004; and

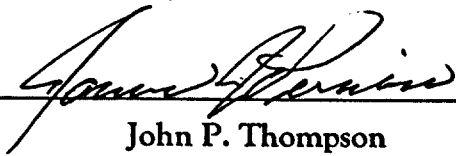
WHEREAS, the Polk County Commissioners Court has authorized the Director of Polk County Juvenile Probation Department to apply for, accept, reject, alter, or terminate the grant; and

WHEREAS, Polk County has agreed to provide the minimum matching percentage for the said project as required by the Criminal Justice Division, Office of the Governor, State of Texas grant application; and

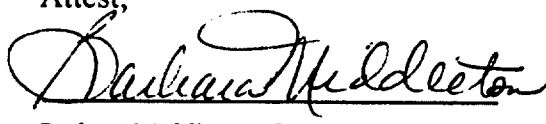
WHEREAS, Polk County has agreed that in the event of loss or misuse of the Criminal Justice Division funds, the County assures that the funds will be returned to the Criminal Justice Division in full.

NOW, THEREFORE, BE IT RESOLVED, that the Polk County Commissioners Court approves submission of the grant application for the Juvenile Accountability Incentive Block Grant to the Office of the Governor, Criminal Justice Division.

Passed and Approved this 11th day of February, 2003.



John P. Thompson
County Judge, Polk County, Texas
By James J. "Buddy" Purvis

Attest;


Barbara Middleton, County Clerk

2/11/03

Date

Item #10

LEASE AGREEMENT

This lease is made and executed by and between Polk County, 602 East Church Street, Livingston, Polk County, Texas herein called Lessor, and Deep East Texas Council of Governments, 274 East Lamar Street, Jasper, Jasper County, Texas herein called Lessee.

DESCRIPTION OF PREMISES

Lessor leases to Lessee, as herein provided, the premises located in Livingston, Polk County Texas and more particularly described as follows:

Office space approximately 12x20 or 240 square feet in the Polk County Courthouse located on 602 East Church Street in Livingston, Polk County.

TERM

The term of this Lease is from January 1, 2003 to August 31, 2003.

RENT

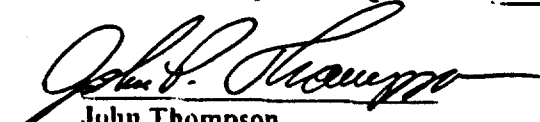
This occupied space is donated to Deep East Texas Council of Governments at no cost. DETCOG is responsible for telephone usage only.

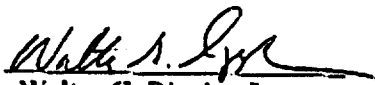
USES OF PREMISES

The premises are leased for use as an *Office Building*. Lessee agrees to restrict their use to such purposes, and not to use, or permit the use of the premises for any other purpose without first obtaining the consent of the Lessor.

Lessee shall hold Lessor free and harmless from any and all liability claims from the use of these facilities.

Executed in duplicate originals this _____ day of December, 2002.


John Thompson
County Judge


Walter G. Diggles, Lessee
Executive Director

Item #11

COUNTY OF POLK

STATE OF TEXAS

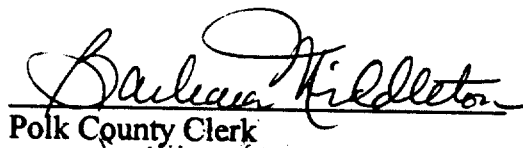
ORDER

Pursuant to Section 643.201, Texas Transportation Code, the attached Polk County Wrecker Regulations for Law Enforcement Consent and Non-Consent Towing and Storage Services are hereby adopted effective January 31, 2003.

Read and Adopted this 11th day of FEBRUARY, 2003.


Polk County Judge
John P. Thompson

Attest:


Polk County Clerk



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

COPY

A. DEFINITIONS

1. "Application" - The written application form, proof of insurance and any 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 North American Emergency Response Guide Book for the most serious substance involved.
4. "MOTOR VEHICLE" - A vehicle subject to registration under the Certificate of Title Act (Chapter 501, Transportation Code) 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 owners 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" - Driving 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 TCEQ 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 Sheriff's 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:
 - a. Not create an atmosphere of a business monopoly.
 - b. Ensure equal rights of business infrastructure upon proper business ethics and practices that will encourage a long-term resource for public safety.
6. The Commissioners Court, after considering the recommendation of the 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 tow 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 these Regulations. A copy of all permits shall be on file with the Office of Emergency Management for resource purposes during emergency situations.

E. INSURANCE REQUIREMENTS

1. 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.
2. 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.

3. 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:
 - a. 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.
 1. Each tow truck with a gross vehicle weight of 26,000 pounds or less must carry \$300,000 combined single limit coverage.
 2. Each tow truck with a gross vehicle weight over 26,000 pounds must carry \$500,000 combined single limit coverage.
4. 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. TECHINCAL REQUIREMENTS - All Tow Trucks

- 1. Each tow truck must display a tow truck license plate issued by the Department of Motor Vehicles under Chapter 502, Transportation Code. 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.
- 2. Each tow truck shall have the tow truck owner's business name, address and telephone number, along with the Texas Department of Transportation 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.
3. 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."
 4. 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.
 5. 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.
 6. 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.
 7. 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.
 8. Each tow truck shall have the following standard equipment:
 - a. 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;

- b. 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;
 - c. 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.
 - d. 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.
9. If a tow truck uses a winch, a safety wrap must be performed.
 10. Safety chains must be used on all tows, regardless of whether a sling style or wheel lift style apparatus is used.
 11. 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.
 12. No tow truck shall lift or tow more than its safe lifting and stopping capacities permit.
 13. All tow truck operators must have a valid driver's license of the proper class.
 14. 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.
 15. 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.

16. 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. The required information shall be contained upon at least one of the following:
 - a. Any written tow truck slip or ticket;
 - b. A sign prominently displayed at the place of payment; or
 - c. Any bill for service.
17. 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.
18. Tow truck drivers must have a copy of the current Wrecker Regulations with insurance papers in each wrecker at all times.

G. TECHNICAL REQUIREMENTS-ACCIDENT SCENE TOW TRUCKS

1. 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:
 - a. 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;
 - b. One crowbar or wrecking bar;
 - c. A broom and pick up pan;
 - d. 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;
 - e. A container to carry glass and debris cleaned from streets when picking up a damaged or disabled vehicle;
 - f. A spotlight or flashlight;

- g. Flashing warning lights that comply with the Uniform Act Regulating Traffic on Highways (Texas Transportation Code). 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.
- 2. 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, whichever 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.
- 3. 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 Transportation or, in the case of hazardous materials, the Texas Commission on Environmental Quality. 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.
- 4. 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.
- 5. 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.
- 6. Tow truck drivers must have a copy of the current Wrecker Regulations with insurance papers in each wrecker at all times.

H. TECHNICAL REQUIREMENTS – OTHER STATUTES AND ADMINISTRATIVE RULES

- 1. 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.
- 2. Only tow trucks or wreckers with storage lots and/or offices located within Polk County perimeters will be issued permits.

I. 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 Department 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. 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.
 - c. Violation of Federal, State and County Laws, Class B Misdemeanor or above.
 - d. Suspension of driver's license.
 - e. Falsifying records.
 - f. Felony conviction(s).
 - g. Loss of insurance coverage.
 - h. Excessive charges.
 - i. Loss of State Tow Truck License.
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.

J. 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 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 suspension of the permit.
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 \$ 150.00 (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) \$15.00

(IF THIS TRUCK PULLS FOR OTHER BUSINESSES 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 storage lot license.
 - 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 Sheriffs 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 Sheriffs Department within one hour and indicate the time and name of the person at the Sheriffs 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 Sheriffs Department in writing.

5. A tow truck shall only be allowed to tow 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 punishable by a civil penalty of not less than one (\$1.00) dollar nor more than two hundred (\$200.00) dollars as determined by the Commissioners Court. Each day in which a violation occurs shall constitute a separate penalty. All penalties shall be paid prior to re-instatement of a permit

O. 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 suspended 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.

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

1. Towing on non-consent	\$150.00
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.

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: _____

TOWING COMPANY: _____
 BY: _____
 OWNER/MANAGER SIGNATURE

COPY

(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.

TOWING COMPANY:

BY:

Name

Date

COPY

#13



Appointment of a Bailiff for the 411th District Court.

WHEREAS, Chapter 53, Subchapter A of the Texas Government Code allows for the appointment of Bailiffs for certain District Courts; and,

WHEREAS, Chapter 53, Subchapter A, Section .002 of the Texas Government Code allows for the appointment of a Bailiff for the 258th District Court to serve in Polk, San Jacinto and Trinity Counties; and,

WHEREAS, Polk, San Jacinto and Trinity Counties are also served by the 411th District Court; and,

WHEREAS, the 411th District Court does not currently have the authority to appoint a Bailiff; and,


WHEREAS, the Judge over the 258th District Court currently sets the salary for a Bailiff to be approved by the Commissioners' Courts of Polk, San Jacinto and Trinity Counties and to be paid proportionately by each; and,


WHEREAS, the same procedure of approval would exist for the 411th District Court if given the opportunity to appoint a Bailiff.

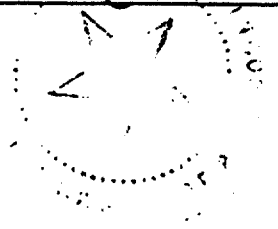
NOW, THEREFORE BE IT RESOLVED THAT:

The Commissioners' Court of Polk County wholeheartedly supports legislation to give the 411th District Court the same Bailiff appointment powers of the 258th District Court.

APPROVED and ADOPTED on the 11th day of FEBRUARY, 2003.


John Thompson
County Judge

ATTEST

County Clerk



POLK COUNTY #14
 By: B.L. Dockens, County Auditor

Budget Revision
 #2003-7a
 FY03

February 11, 2003

Fund Account	Description	Increase	Decrease	Comments	Budget	Amended Budget	Net Change
010-475-105	D.A. -Salaries	341.02			447809.44	448150.46	341.02
010-498-105	Tax Assessor Collector-Salaries	316.67			344287.06	344603.73	316.67
010-503-105	Data Processing-Salaries	240.04			69393.71	69633.75	240.04
010-401-486	Bi-Lingual Incentive Program		897.73	Bi-Lingual Incentive Program	12000.00	11102.27	-897.73
015-622-337	Material/Supplies		369.99	Request by Comm Bobby Smith	17500.00	17130.01	-369.99
015-622-573	Capital Outlay Purchases	369.99		Request by Comm Bobby Smith	0.00	63725.99	63725.99

1,267.72 1,267.72

Approved By:
 Date: 2/11/03

February 11, 2003

15

POLK COUNTY
By: B. L. Dockens, County Auditor

Budget Amendment
#2003-07
FY 03

Fund Account	Description	Increase	Decrease	Comments	Original Budget	Amended Budget	Net Change
010-342-551	TRA Patrol Reimbursement	-12533.57		cts from TRAP-Patrol Dam - Per B. L. Dockens	20000.00	32533.57	12533.57
010-342-552	TRA Administration Fee	-1933.70		cts from TRAP-Patrol Dam - Per B. L. Dockens	0.00	1933.70	1933.70
010-560-105	Salaries-Sheriff's Dept.	11092.99		cts from TRAP-Patrol Dam - Per B. L. Dockens	1189752.06	1200845.05	11902.99
010-560-201	FICA-Sheriff's Dept.	848.61		cts from TRAP-Patrol Dam - Per B. L. Dockens	98398.11	99236.72	848.61
010-560-203	Retirement-Sheriff's Dept.	704.40		cts from TRAP-Patrol Dam - Per B. L. Dockens	82672.92	83377.32	704.40
010-560-204	Worker's Comp-Sheriff's Dept.	207.68		cts from TRAP-Patrol Dam - Per B. L. Dockens	25515.54	25723.22	207.68
010-560-206	Unemployment-Sheriff's Dept.	37.71		cts from TRAP-Patrol Dam - Per B. L. Dockens	4054.46	4092.19	37.71
015-369-100	Culvert/Material Reimbursement-Pct 1	2400.00		cts from various residents - per Comm Willis	0.00	6878.43	6878.43
015-620-621	Precinct #1 Permanent Road	2400.00		cts from various residents - per Comm Willis	50000.00	52400.00	2400.00

3,224.12 0.00

Approved By:
Date: 2/11/03

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POLK CO. AUDITOR

02/14/03 09:27

02/14/03 09:27

ACH 313

SCHEDULE OF BILLS BY FUND

FUND DESCRIPTION	DISBURSEMENTS
088 JCD-JUV CRIME/DELO COURT FEES	51,458.64
TOTAL OF ALL FUNDS	51,458.64

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

B. L. DOCKENS



COUNTY AUDITOR

JOHN P. THOMPSON



COUNTY JUDGE

SCHEDULE OF BILLS BY FUND

FUND DESCRIPTION	DISBURSEMENTS
010 GENERAL FUND	10,105.00
068 JUDICIARY FUND	17,156.99
TOTAL OF ALL FUNDS	27,261.99

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

B. L. Dockens

B. L. DOCKENS

COUNTY AUDITOR

JOHN P. THOMPSON

COUNTY JUDGE

John P. Thompson

SCHEDULE OF BILLS BY FUND

FUND DESCRIPTION	DISBURSEMENTS
010 GENERAL FUND	1,270.12
TOTAL OF ALL FUNDS	1,270.12

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

B. L. DOCKENS 

COUNTY AUDITOR

JOHN P. THOMPSON 

COUNTY JUDGE

SCHEDULE OF BILLS BY FUND


FUND DESCRIPTION	DISBURSEMENTS
010 GENERAL FUND	7,388.02
015 ROAD & BRIDGE ADM	1,038.05
088 JUDICIARY FUND	129.20
TOTAL OF ALL FUNDS	8,555.31

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

B. L. DOCKENS 

COUNTY AUDITOR

JOHN P. THOMPSON

COUNTY JUDGE 

SCHEDULE OF BILLS BY FUND

FUND DESCRIPTION	DISBURSEMENTS
010 GENERAL FUND	76,592.76
015 ROAD & BRIDGE ADM	19,778.42
027 SECURITY	564.53
048 DISTRICT ATTY SPECIAL FUND	590.09
051 AGING	2,857.75
083 MUSEUM OPERATING FUND	174.54
101 ADULT SUPERVISION	12,120.48
106 CCP - SURVEILLANCE	1,293.72
107 SPECIALIZED CASELOAD CCP	625.05
184 JUVENILE PROBATION	1,701.08
185 CCAP - JUVENILE PROBATION	4,572.82
TOTAL OF ALL FUNDS	120,871.34

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

B. L. DOCKENS
 COUNTY AUDITOR
 JOHN P. THOMPSON
 COUNTY JUDGE

[Handwritten Signature]
[Handwritten Signature]

ACH 3/4

SCHEDULE OF BILLS BY FUND

FUND DESCRIPTION	DISBURSEMENTS
010 SOCIAL SECURITY	43,667.23
015 SOCIAL SECURITY	10,512.96
027 SOCIAL SECURITY	303.37
048 SOCIAL SECURITY	87.38
051 SOCIAL SECURITY	1,629.62
083 SOCIAL SECURITY	82.71
101 SOCIAL SECURITY	9,246.27
104 SOCIAL SECURITY	13.78
108 SOCIAL SECURITY	783.85
109 SOCIAL SECURITY	385.20
184 SOCIAL SECURITY	1,270.56
185 SOCIAL SECURITY	2,492.90
TOTAL OF ALL FUNDS	70,469.83

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

B. L. DOCKENS

COUNTY AUDITOR

JOHN P. THOMPSON

COUNTY JUDGE

B. L. Dockens

John P. Thompson

ACH 315

SCHEDULE OF BILLS BY FUND

FUND DESCRIPTION	DISBURSEMENTS
015 ROAD & BRIDGE ADM	169,958.76
027 SECURITY	1,141.43
048 DISTRICT ATTY SPECIAL FUND	450.82
051 AGING	6,582.63
083 MUSEUM OPERATING FUND	345.34
101 ADULT SUPERVISION	23,823.24
104 OTP - CSR	83.11
108 CCP - SURVEILLANCE	2,388.93
109 SPECIALIZED CASELOAD CCP	1,147.77
184 JUVENILE PROBATION	3,796.96
185 CCAP - JUVENILE PROBATION	8,552.40
TOTAL OF ALL FUNDS	218,271.39

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

B. L. Dockens
 B. L. DOCKENS
 COUNTY AUDITOR

John P. Thompson
 JOHN P. THOMPSON
 COUNTY JUDGE

ACH 3/6

SCHEDULE OF BILLS BY FUND

FUND DESCRIPTION	DISBURSEMENTS
010 INVESTMENTS	1,415,000.00
015 INVESTMENTS	245,000.00
061 DEBT SERVICE FUND	400,000.00
TOTAL OF ALL FUNDS	2,060,000.00

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

B. L. Dockens

B. L. DOCKENS

COUNTY AUDITOR

John P. Thompson

JOHN P. THOMPSON

COUNTY JUDGE

SCHEDULE OF BILLS BY FUND

FUND DESCRIPTION	DISBURSEMENTS
010 GENERAL FUND	22,395.67
TOTAL OF ALL FUNDS	22,395.67

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

B. L. DOCKENS



COUNTY AUDITOR

JOHN P. THOMPSON



COUNTY JUDGE

SCHEDULE OF BILLS BY FUND

FUND DESCRIPTION	DISBURSEMENTS
010 GENERAL FUND	25,249.15
015 ROAD & BRIDGE ADM	22,255.96
027 SECURITY	46.61
048 DISTRICT ATTY SPECIAL FUND	95.58
051 AGING	948.36
063 MUSEUM OPERATING FUND	186.83
184 JUVENILE PROBATION	152.16
185 CCAP - JUVENILE PROBATION	489.10
TOTAL OF ALL FUNDS	49,423.75

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

B. L. DOCKENS
 COUNTY AUDITOR
 JOHN P. THOMPSON
 COUNTY JUDGE

B. L. Dockens
John P. Thompson

SCHEDULE OF BILLS BY FUND

FUND DESCRIPTION	DISBURSEMENTS
010 GENERAL FUND	81,324.05
015 ROAD & BRIDGE ADM	33,581.51
040 LAW LIBRARY FUND	1,686.75
049 DISTRICT ATTY HOT CHECK FUND	74.18
051 AGING	7,318.47
061 DEBT SERVICE FUND	6,355.35
093 CO CLERK RECORDS NGMT FUND	800.00
094 COUNTY RECORDS NGMT FUND	1,393.36
TOTAL OF ALL FUNDS	132,533.67

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

B. L. DOCKENS



COUNTY AUDITOR

JOHN P. THOMPSON



COUNTY JUDGE

SCHEDULE OF BILLS BY FUND

FUND DESCRIPTION	DISBURSEMENTS
010 GENERAL FUND	410.00
015 ROAD & BRIDGE ADM	80.00
101 ADULT SUPERVISION	55.00
184 JUVENILE PROBATION	14.00
185 CCAP - JUVENILE PROBATION	14.00
TOTAL OF ALL FUNDS	574.00

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

B. L. DOCKENS
 COUNTY AUDITOR

 JOHN P. THOMPSON
 COUNTY JUDGE

ADDITIONAL

ADDITIONAL

SCHEDULE OF BILLS BY FUND

FUND DESCRIPTION	DISBURSEMENTS
010 GENERAL FUND	376.00
015 ROAD & BRIDGE ADM	70.00
101 ADULT SUPERVISION	56.00
185 CCAP - JUVENILE PROBATION	14.00
TOTAL OF ALL FUNDS	536.00

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

B. L. Dockens
 B. L. DOCKENS
 COUNTY AUDITOR

John P. Thompson
 JOHN P. THOMPSON
 COUNTY JUDGE

SCHEDULE OF BILLS BY FUND

FUND DESCRIPTION	DISBURSEMENTS
015 ROAD & BRIDGE ADH	750,000.00
061 DEBT SERVICE FUND	200,000.00
TOTAL OF ALL FUNDS	950,000.00

ACH 317

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

B. L. DOCKENS

COUNTY AUDITOR

JOHN P. THOMPSON

COUNTY JUDGE

ADDITIONAL

DATE: January 29 through February 11, 2003

EMPLOYEE NO.	DEPT	JOB DESCRIPTION	TYPE OF EMPLOYMENT	GROUP STEP & WAGE	ACTION TAKEN
(1) MARILYN S. ADAMS	COUNTY CLERK	105 DEPUTY CLERK	REGULAR FULL-TIME	11/02 \$16,900.00	RESIGNATION EFFECTIVE 01/28/2003
(2) KRISTY D. McCLAIN	PERSONNEL	102 SECRETARY	LABOR POOL -800 HRS.	10/(01) \$8.44 HR.	RESIGNATION EFFECTIVE 02/03/2003
(3) DEBORAH CORLEY	PERSONNEL	102 SECRETARY 1	LABOR POOL -800 HRS.	10/(01) \$8.44 HR.	TRANS. TO COUNTY CLERK (105) (DEP. CLERK) (FT) (11/(-01)) (\$17,550.53) EFFECTIVE 02/12/2003

ADDITIONAL

- (4)
- (5)
- (6)
- (7)
- (8)
- (9)
- (10)
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- (14)
- (15)

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Item #20

STATE OF TEXAS }
COUNTY OF POLK }

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DATE: NOVEMBER 19, 2002
"SPECIAL" MEETING
Barbara Middleton- Absent
Commissioner Purvis-Absent

**** CORRECTED ****
COMMISSIONERS COURT
POSTING # 2002-120

BE IT REMEMBERED ON THIS THE 19th DAY OF NOVEMBER, 2002
THE HONORABLE COMMISSIONERS COURT MET IN "SPECIAL"
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, 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 THOMPSON AT 10:00 A.M.

2. PUBLIC COMMENTS:

- A. DAVID WAXMAN - GRANT CONSULTANT, GAVE OPENING REMARKS
RELATING TO THE MEMORIAL POINT PROJECT APPLICATION.
- B. PUBLIC COMMENTS FROM RESIDENTS OF MEMORIAL POINT, AS FOLLOWS:
ROGER ALIPERTI, BILL WILSON, JIM HAYWOOD, DAVID KRAUSKOPF,
BARBARA McQUEEN, DALE JENNINGS, JOANN ALIPERTI, RICHARD LITTON,
HOYIT BAILEY, CHARLES KEATON, AND DICK HECKERT.
- C. MOTIONED BY BOB WILLIS, SECONDED BY BOBBY SMITH, TO APPROVE
TEXAS CAPTIAL FUND APPLICATION RELATING TO THE MEMORIAL
POINT PROJECT OF \$630,000.00, CONTINGENT UPON ACCESS CHANGE
FOR PROJECT RIGHT OF WAY.
ALL VOTING YES.

3. MOTIONED BY BOB WILLIS, SECONDED BY BOBBY SMITH, TO AWARD
RE-BID OF #2002 -12.05; PRECINCT #2 - OTHER BASE MATERIALS:
HOOT'S LOADER SERVICE.....Caliche & Big Rock
BUCKS UNLIMITED INC.....Gravel, Sand, & Fill Dirt
EAST TEXAS ASPHALT CO.....Oil Base & Concrete Rock
ALL VOTING YES.

4. MOTIONED BY BOBBY SMITH, SECONDED BY R.R. "Dick" HUBERT, TO
AWARD RE-BID#2003.01, TO PERFORMANCE TRUCK FOR PRECINCT #2
PURCHASE OF NEW 14-YARD DUMP TRUCK, REJECTING THE TRADE-IN
OF USED 1985 FORD 9000.
ALL VOTING YES.

5. MOTIONED BY R.R. "Dick" HUBERT, SECONDED BY BOBBY SMITH, APPROVAL TO ADJOURN COURT THIS 19th OF NOVEMBER 2002 AT 11:26 A.M. ALL VOTING YES.

** Corrected during Commissioner Court Meeting - February 11, 2003.


JOHN P. THOMPSON, COUNTY JUDGE

ATTEST:


SHARON JORDAN
CHIEF DEPUTY COUNTY CLERK

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