

**ORDER OF THE COMMISSIONERS COURT  
OF  
POLK COUNTY, TEXAS**

**WHEREAS**, in a regularly called meeting of the Polk County Commissioners Court held on May 21, 1999 where and among other business was had, the Court approved this Order, as follows;

**FOR THE PURPOSE OF INCREASING THE COUNTY HOTEL OCCUPANCY TAX TO SEVEN PERCENT (7.00%) AND SETTING RULES, REGULATIONS AND PROCEDURES FOR THE COLLECTION AND REPORTING OF SAID TAX IN POLK COUNTY, TEXAS (As authorized by V.T.S.C.A. - Tax Code, Title 3, Subtitle D, Chapter 352, Subchapter A, B).**

- I. DEFINITION OF TERMS.** The following words, terms and phrases are, for the purpose of this article, except where the context clearly indicates a different meaning, defined as follows;
- (A) "Hotel" shall mean a building in which members of the public obtain sleeping accommodations for consideration. The term includes a hotel, motel, tourist home, tourist house, tourist court, lodging house, inn, or rooming house or "Bed and Breakfast", but does not include a hospital, sanitarium, nursing home or school dormitory or other housing facility owned or leased by an institution of higher education.
  - (B) "Consideration" shall mean the cost paid under a lease, concession, permit, right of access, license, contract or agreement for the use or possession or for the right to use or possess a room that is in a hotel, costs two dollars (\$2.00) or more each day and is ordinarily used for sleeping and shall not include the cost of any food served or personal services rendered to the occupant not related to cleaning and readying such room or space for occupancy and shall not include any tax assessed for occupancy thereof by any other governmental agency.
  - (C) "Occupancy" shall mean the use or possession, or the right to use or possess any room in a hotel that costs two dollars (\$2.00) or more per day and is ordinarily used for sleeping. "Occupant" shall be anyone who, for a consideration, uses, possesses or has a right to use or possess a room in a hotel under any lease, concession, permit, right of access, license, contract or agreement other than a permanent resident.
  - (D) "Person" shall mean any individual, company, corporation or association owning, operating, managing or controlling any hotel.
  - (E) "Treasurer" shall mean the County Treasurer of Polk County, Texas.
  - (F) "Quarterly Period" shall mean the regular calendar quarters of the year, the first quarter being composed of the months of January, February and March, the second quarter being the months of April, May and June, the third quarter being the months of July, August and September, and the fourth quarter being the months of October, November and December.
  - (G) "Tourist" shall mean an individual who travels from the individual's residence to a different municipality, county, state or country for pleasure, recreation, education or culture.
  - (H) "Tourism" shall mean the guidance or management of tourists.

**ORDER - County Hotel Occupancy Tax**

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- (I) "Convention Center Facilities" or "Convention Center Complex" means civic centers, civic center buildings, auditoriums, exhibition halls and coliseums that are owned by the County or that are managed in whole or part by the County. The term includes parking areas or facilities that are for the parking or storage of conveyances and that are located at or in the immediate vicinity of other convention center facilities.
- (J) "Visitor Information Center" or "Tourism Information Center" means a building or portion of a building used to distribute or disseminate information to tourists.

**II. LEVY OF TAX; RATE; EFFECTIVE DATE:**

- (A) There is hereby levied a tax upon an occupant who, under a lease, concession, permit, right of access, license, contract or agreement, pays for the use or possession or the right to the use or possession of a room that is in a hotel, costs \$2 or more each day, and is ordinarily used for sleeping. Such tax shall be equal to seven percent (7.00%) of the consideration paid by the occupant of such room, space or facility, to such hotel, exclusive of other occupancy taxes imposed by other governmental agencies. This tax rate shall be effective July 1, 1999. This tax rate does not apply to the tax imposed on the use or possession of a room under a contract executed by and between an occupant and a hotel before the effective date of this Order if the contract provides for the payment of occupancy tax at the rate in effect when the contract was executed, unless the contract is subject to change or modification by reason of a tax rate increase.

**III. USE OF REVENUE.**

- (A) Revenue derived from the tax authorized by this order is to be expended in a manner directly enhancing and promoting tourism and the convention and hotel industry as permitted by applicable law, including, but not necessarily limited to;
  - 1) the acquisition of sites for and the construction, improvement, enlarging, equipping, repairing, operation and maintenance of Convention Center facilities and/or Visitor Information Centers;
  - 2) Advertising and conducting solicitations and promotional programs to attract tourists to the County;
  - 3) the encouragement, promotion, improvement and application of the arts which are related to the presentation, performance, execution and exhibition of major art forms;
  - 4) historic restoration and preservation projects or activities or advertising, soliciting or promoting programs to encourage tourists to visit preserved historic sites or museums within the County that would be frequented by tourists.
  - 5) the Commissioners Court, by contract, may delegate to a person, including another governmental entity or private organization, the management or supervision of programs and activities funded with revenue from the tax authorized by this Order and in accordance with state law regarding the same.

**ORDER - County Hotel Occupancy Tax**

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- (B) Revenue derived from the tax authorized by this order may not be used for the general revenue purposes or general governmental operations of Polk County.

**IV. EXEMPTIONS.**

- (A) The County Hotel Occupancy Tax shall not apply to a person who is a permanent resident of a hotel which, for the purposes herein, means a person who has the right to use or possess a room in a hotel for a period of at least thirty (30) consecutive days, so long as there is no interruption of payment for the period.
- (B) The County Hotel Occupancy Tax shall not apply to any person or entity exempt under the provisions of Chapter 352 of the Tax Code of the State of Texas.
- (C) The County Hotel Occupancy Tax shall not apply to a Hotel or other applicable facilities located within the limits of a municipality or incorporated city in Polk County which has authorized and collects an occupancy tax for that municipality or incorporated city.

**V. TAX COLLECTION; REPORTING; PENALTIES.**

- (A) Every person owning, operating, managing or controlling any hotel other than those included in the aforementioned exemptions, shall collect the tax imposed in this order, for Polk County, Texas.
- (B) On the last day of the month following each quarterly period, every person required in this Section to collect the tax imposed herein shall file a report with the County Treasurer in the form prescribed by the County. The Report shall show the consideration paid for all room occupancies in the preceding quarter, the total tax collected on such occupancies and any other information as the County may reasonably require. Such person shall pay the amount of tax collected during the period of the report at the time of filing the report with the County Treasurer.
  - 1) The County Treasurer shall have the power to impose such rules and regulations as are necessary to effectively collect the tax levied herein, and shall, upon reasonable notice, have access to books and records necessary to enable the County to determine the accurateness of any report filed under this order and the amount of taxes due under the provisions of this order. Further, the County Treasurer may request, and shall receive within a reasonable time, documentation of information contained within the report to the County by the Hotel.
- (C) The owner or operator of a hotel or other applicable facility shall report and send the taxes collected under this Order to the County in a timely manner and as provided within this Order.
  - 1) If the person required to collect the tax should fail to report when required or pay the tax when due, the person shall pay a penalty of five (5) percent of the amount of the tax due. If the person fails to file a report or pay the tax before the 31st day after the date that the report or the tax payment was due, the person shall pay an additional penalty of five percent (5.00%) of the amount of the tax due to the County or a total penalty of ten percent (10.00%).

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- 2) Delinquent taxes and accrued penalties shall draw interest at the rate of ten percent (10%) per annum, beginning sixty (60) days after the date on which the tax was due. Any person or entity who purchases a hotel shall retain out of the purchase price an amount sufficient to cover any delinquent hotel occupancy taxes that are due to the County. Should the purchaser of the hotel fail to remit to the County such amount of the delinquent tax without providing sufficient proof to the County that the hotel is current in remitting hotel occupancy taxes, the purchaser shall be liable for any delinquent County Hotel Occupancy Taxes due on the purchased hotel.
- 3) The District Attorney of Polk County may bring suit against a person who is required to collect the tax imposed by this order and pay the collections over to the County and who has failed to file a tax report when required or pay the tax when due, to collect the tax not paid or to enjoin the person from operating a hotel in the County until the tax is paid or the report filed, as applicable, as provided by this order. The remedy provided by this subsection is in addition to other available remedies.

**VI. SEVERABILITY.**

In the event that any one or more of the provisions, clauses, sections or words in this Order or the application hereof to any situation or circumstance shall for any reason be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not effect any other provisions, clauses, sections or words of this Order or the application thereof to any other situation or circumstance and it is intended that this Order shall be severable and that it shall be construed and applied as if such invalid or unconstitutional provision, clause, section or word had not been included herein.

**APPROVED AND ADOPTED THIS 21st DAY OF MAY, 1999.**

  
**John P. Thompson**  
County Judge, Polk County, Texas

Attest:

  
**Barbara Middleton, County Clerk**

STATE OF TEXAS )

DATE: MAY 21, 1999

COUNTY OF POLK )

"REGULAR" CALLED MEETING  
ALL PRESENT

**"COMMISSIONERS COURT"**

BE IT REMEMBERED ON THIS THE 11th DAY OF MAY, 1999.  
THE HONORABLE COMMISSIONERS COURT MET IN "REGULAR"  
CALLED MEETING WITH THE FOLLOWING OFFICERS AND MEMBERS  
PRESENT, TO WIT:

JOHN P. THOMPSON, COUNTY JUDGE, PRESIDING:  
B.E."Slim" SPEIGHTS-COUNTY 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, BARBARA MIDDLETON-COUNTY CLERK & SHIRLEEN COWAN,  
ASSISTANT COUNTY AUDITOR, THE FOLLOWING AGENDA ITEMS,  
ORDERS, AND DECREES WERE DULY HAD, CONSIDERED & PASSED.

1. WELCOME & CALLED TO ORDER BY JUDGE JOHN P. THOMPSON  
AT 10:00 A.M.  
Rev. Keefe Cropper, Pastor of First United Methodist Church of Onalaska  
delivered the opening prayer.

**PUBLIC COMMENTS: NONE**

**2. INFORMATIONAL REPORTS:**

- A. Judge Thompson recognized graduating seniors receiving  
Scholarships sponsored by the county's Delinquent Tax Collection  
Law firm; Linebarger, Heard, Goggan, Blair, Graham, Pena & Sampson, LLP.  
Livingston ISD - Sandra Long  
Big Sandy ISD - Nikki McAvoy  
Corrigan/Camden ISD - Jarod "Caylon" Sullivan  
Goodrich ISD - Jeremy Bennett  
Leggett ISD - Abeil Martinez
- B. Motioned by James J. "Buddy" Purvis, seconded by B.E. "Slim"  
Speights, to approve Commissioners Court "Proclamation" honoring  
Goodrich High School on being selected as "Whataburger Texas  
High School of the week."  
All voting yes. (See attached)
- C. Barbara Middleton - County Clerk reported on "DECA" Banquet at  
Livingston High School on Thursday evening May 20th. Cala Swilley  
has been employed as part-time employee during this school year.  
The County Clerks' office was recognized and given a Plaque for  
participating in the Program.
- D. Commissioner Speights reported on the road & bridge project at  
Big Thicket Lake Estates is still progressing well.

5/21/99

3. MOTIONED BY BOBBY SMITH, SECONDED BY R.R. "Dick" HUBERT,  
APPROVAL OF MINUTES FOR MEETING OF MAY 11, 1999.  
ALL VOTING YES.
4. MOTIONED BY BOBBY SMITH, SECONDED BY JAMES J. "Buddy" PURVIS,  
RENEWAL/EXTENSION OF HOSPITAL LEASE TO DECEMBER 31, 2000.  
OR WHENEVER THEY VACATE THE PREMISES.  
ALL VOTING YES. (SEE ATTACHED)
5. MOTIONED BY JAMES J. "Buddy" PURVIS, SECONDED BY B.E. "Slim"  
SPEIGHTS, APPROVE "ORDER" INCREASING COUNTY HOTEL OCCUPANCY  
TAX FROM 4% TO 7%, EFFECTIVE JULY 1, 1999.  
ALL VOTING YES. (SEE ATTACHED)
6. MOTIONED BY JAMES J. "Buddy" PURVIS, SECONDED BY BOBBY SMITH,  
APPROVAL TO PURCHASE PROPERTY ADJOINING PRECINCT #3 (Road &  
Bridge Yard) INCLUDING ISSUANCE OF TIME WARRANT IN AN AMOUNT  
NOT TO EXCEED \$ 105,000.00, (Purchase price plus appraisal and closing cost)  
FOR A PERIOD NOT TO EXCEED 5-YEARS and INTEREST RATE NOT TO  
EXCEED 5.2%.  
ALL VOTING YES.
7. MOTIONED BY BOBBY SMITH, SECONDED BY JAMES J. "Buddy" PURVIS,  
APPROVAL OF BUDGET AMENDMENTS # 99-16, plus addendums.  
ALL VOTING YES. (SEE ATTACHED)
8. MOTIONED BY BOBBY SMITH, SECONDED BY JAMES J. "Buddy" PURVIS,  
APPROVAL AND PAYMENT OF BILLS (by schedule), PLUS ADDENDUMS.  
ALL VOTING YES, (SEE ATTACHED)

DATE	AMOUNT	CHECK NUMBERS
5-11-99	50,785.94	140662 - 140741
5-12-99	148,059.00	140742 - 140761
5-12-99	50,000.00	140762
5-12-99	- 311.40	14044- Voided Check
5-13-99	14,209.94	23-28 BTLE Project 125 Perm. School 229 & 230 Elec.Off. Fee Accts.
5-13-99	- 152.75	140276- Voided Check
5-14-99	55,215.04	Electronic Pymts-Employee Tax
5-14-99	168,984.31	140763 - 140772 (Payroll)
5-14-99	1,448.79	140773 - 140775

DATE	AMOUNT	CHECK NUMBERS
5-14-99	8.02	Electronic Transfer-Employ.Tax
5-17-99	284.25	140776 - 140777
5-18-99	155,634.38	140778 - 140939
5-21-99	94,267.16	Addendum (To appear on future schedule)

9. MOTIONED BY BOBBY SMITH, SECONDED BY JAMES J. "Buddy" PURVIS,  
APPROVAL OF PERSONNEL ACTION FORMS.  
ALL VOTING YES. (SEE ATTACHED)

10. MOTIONED BY BOBBY SMITH, SECONDED BY B.E. "Slim" SPEIGHTS,  
APPROVAL OF PERMANENT ROAD FUND EXPENDITURE FOR PCT #3,  
CLAMON CEMETERY ROAD, IN THE AMOUNT OF \$ 1,765.50.  
ALL VOTING YES.

RECESS - REGULAR COURT SESSION - 10:15 A.M.

EXECUTIVE SESSION \* (Beginning 10:15 A.M.)

As authorized by the Texas Open Meetings Act, as amended; Government Code,  
Chapter 551, Subchapter D, Section 551.071(1).

\* Consultation with Attorney.

(Ending time of executive session - 10:28 A.M.)

RECONVENED INTO REGULAR SESSION - 10:28 A.M.

11. MOTIONED BY R.R. "Dick" HUBERT, SECONDED BY B.E. "Slim" SPEIGHTS  
TO ADJOURN COURT THIS 21st DAY OF MAY, 1999 AT 10:28 A.M.  
ALL VOTING YES.

\_\_\_\_\_  
JOHN P. THOMPSON, COUNTY JUDGE

ATTEST:

\_\_\_\_\_  
BARBARA MIDDLETON, COUNTY CLERK

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**ORDER OF THE COMMISSIONERS COURT**

**OF  
POLK COUNTY, TEXAS**

FOR THE PURPOSE OF SETTING  
RULES, REGULATIONS AND  
PROCEDURES FOR THE COLLECTION  
AND REPORTING OF HOTEL/MOTEL  
OCCUPANCY TAX IN POLK COUNTY,  
TEXAS, THIS COMMISSIONERS COURT  
ORDER SHALL READ AS FOLLOWS;

**HOTEL/MOTEL OCCUPANCY TAX**

**A. Definition of Terms.** The following words, terms and phrases are, for the purpose of this article, except where the context clearly indicates a different meaning, defined as follows;

(a) "Hotel" shall mean a building in which members of the public obtain sleeping accommodations for consideration. The term includes a hotel, motel, tourist home, tourist house, tourist court, lodging house, inn, or rooming house, but does not include a hospital, sanitarium, or nursing home.

(b) "Consideration" shall mean the cost of the room, sleeping space, bed or dormitory space in such hotel, and shall not include the cost of any food served or personal services rendered to the occupant not related to cleaning and readying such room or space for occupancy and shall not include any tax assessed for occupancy thereof by any other governmental agency.

(c) "Occupancy" shall mean the use or possession, or the right to use or possession of any room, space or sleeping facility in a hotel, for any purpose.

(d) "Person" shall mean any individual, company, corporation or association owning, operating, managing or controlling any hotel.

(e) "Treasurer" shall mean the County Treasurer of Polk County, Texas.

(f) "Quarterly Period" shall mean the regular calendar quarters of the year, the first quarter being composed of the months of January, February and March, the second quarter being the months of April, May and June, the third quarter being the months of July, August and September, and the fourth quarter being the months of October, November and December.

**B. Levy of Tax; Rate.**

(a) There is hereby levied a tax upon an occupant who, under a lease, concession, permit, right of access, license, contract or agreement, pays for the use or possession or the right to the use or possession of a room that is in a hotel, costs \$2 or more each day, and is ordinarily used for sleeping. Such

tax shall be equal to four (4) percent of the consideration paid by the occupant of such room, space or facility, to such hotel, exclusive of other occupancy taxes imposed by other governmental agencies. This tax levy shall be effective October 1, 1989.

(b) The price of the room does not include the cost of food served by the hotel and the cost of personal services performed by the hotel for the occupant except for those services related to cleaning and readying the room for use or possession.

(c) The tax does not apply to a person who has the right to use or possess a room in a hotel for thirty (30) days or more.

(d) If the County increases the rate of tax authorized in this order, the increased tax rate does not apply to the tax imposed on the use or possession of a room under a contract executed before the tax rate increase takes effect that provides for the payment of the tax at the rate in effect when the contract was executed, unless the contract is subject to change or modification by reason of the tax rate increase.

### **C. Exemptions.**

(a) An occupant or a person exempt or excepted from the tax imposed by Chapter 156 of the Tax Code of the State of Texas is exempt from the tax authorized by this order.

(b) Hotels or other such facilities located within the limits of a municipality or incorporated city in Polk County which has authorized and collects an occupancy tax for that municipality or incorporated city shall be exempt from the collection of this tax.

### **D. Tax Collection; Penalty.**

(a) Every person owning, operating, managing or controlling any hotel other than those included in the aforementioned exemptions, shall collect the tax imposed in this order, for Polk County, Texas.

(b) On the last day of the month following each quarterly period, every person required in this Section to collect the tax imposed herein shall file a report with the County Treasurer, showing the consideration paid for all room occupancies in the preceding quarter, the total tax collected on such occupancies and any other information as the County of Polk may reasonably require. Such person shall pay the amount of tax collected from occupants during the period of the report at the time of filing the report with the County Treasurer.

(c) The County of Polk shall have the power to impose such rules and regulations as are necessary to effectively collect the tax levied herein, and shall, upon reasonable notice, have access to books and records necessary to enable the County to determine the accurateness of any report filed under this order and the amount of taxes due under the provisions of this order.

(d) If any person should fail to report when required or pay the tax imposed when due, the person shall pay a penalty of five (5) percent of the amount of the tax due. If the person fails to file a report or pay the tax before the 31st day after the date that the report or the tax payment was due, he shall pay an additional five (5) percent of the amount of the tax due to the County.

(e) Delinquent taxes and accrued penalties shall draw interest at the rate of ten (10) percent per annum, beginning sixty (60) days after the date on which the tax was due.

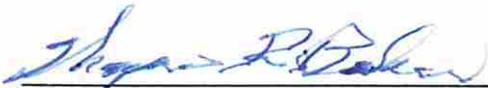
(f) The District Attorney of Polk County may bring suit against a person who is required to collect the tax imposed by this order and pay the collections over to the County and who has failed to file a tax report when required or pay the tax when due, to collect the tax not paid or to enjoin the person from operating a hotel in the County until the tax is paid or the report filed, as applicable, as provided by this order. The remedy provided by this subsection is in addition to other available remedies.

**E. General Limitations on Use of Tax Revenue.**

(a) Revenue derived from the tax authorized by this order may be used only in a manner directly enhancing and promoting tourism and the convention and hotel industry.

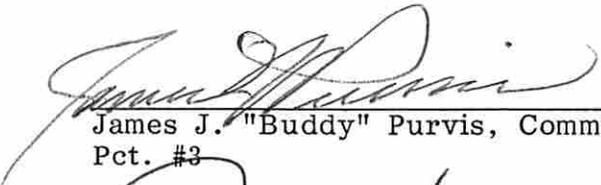
(b) Revenue derived from the tax authorized by this order may not be used for the general revenue purposes or general governmental operations of Polk County. The tax revenue may not be used to promote economic development unless that use is authorized by subsection (a).

**APPROVED AND ADOPTED THIS 11TH DAY OF SEPTEMBER, 1989.**

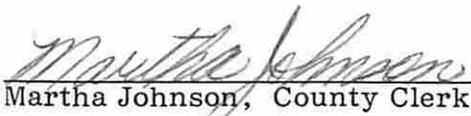
  
\_\_\_\_\_  
Wayne R. Baker, County Judge

  
\_\_\_\_\_  
Clarence Ellis, Commissioner  
Pct. #1

  
\_\_\_\_\_  
Bobby Smith, Commissioner  
Pct. #2

  
\_\_\_\_\_  
James J. "Buddy" Purvis, Commissioner  
Pct. #3

ATTEST;

  
\_\_\_\_\_  
Martha Johnson, County Clerk

  
\_\_\_\_\_  
Paul Harrell, Commissioner  
Pct. #4

R E S O L U T I O N

SUPPORTING THE PASSAGE OF LEGISLATION TO ALLOW  
COLLECTION OF HOTEL/MOTEL OCCUPANCY TAX IN POLK COUNTY, TEXAS

**WHEREAS,** present statutes prohibit the collection of Hotel/Motel Occupancy Taxes in Polk County, because of population, location and the presence of incorporated cities within the County, and

**WHEREAS,** Polk County, Texas depends greatly upon, and is strongly pursuing the economic advantages of an active tourism business, and

**WHEREAS,** the majority of area Hotels/Motels are located outside of the incorporated cities of the County, along with the vast recreational facilities of Lake Livingston, and

**WHEREAS,** the existing statutes, preventing Polk County from collecting such tax, create a clear economic hardship in an area seeking every avenue possible for economic development;

**NOW, THEREFORE, BE IT RESOLVED,** that the Commissioners Court of Polk County requests the Legislature of the State of Texas to relieve the present financial restrictions imposed, and allow the collection of Hotel/Motel Occupancy Tax, within Polk County, Texas.

**SIGNED AND RESOLVED, THIS            DAY    OF    FEBRUARY,    1989.**

  
\_\_\_\_\_  
WAYNE R, BAKER, COUNTY JUDGE  
POLK COUNTY, TEXAS

**ATTEST:**

  
\_\_\_\_\_  
MARTHA JOHNSON, COUNTY CLERK

BE IT REMEMBERED THAT ON THIS THE 11TH DAY OF SEPTEMBER, 1989 THE HONORABLE COMMISSIONERS COURT MET IN A REGULAR MEETING WITH THE FOLLOWING OFFICERS AND MEMBERS PRESENT TO-WIT:  
WAYNE R. BAKER COUNTY JUDGE PRESIDING; CLARENCE ELLIS, COMMISSIONER PRECINCT #1, BOBBY SMITH, COMMISSIONER PRECINCT #2, JAMES J. (BUDDY) PURVIS, COMMISSIONER PRECINCT #3, PAUL HARRELL, COMMISSIONER PRECINCT #4 AND MARTHA JOHNSON, COUNTY CLERK, WHEN AND WHERE AMONG OTHER PROCEEDINGS HAD, THE FOLLOWING ORDERS AND DECREES WERE DULY HAD, CONSIDERED AND PASSED.

1. MINUTES OF AUGUST 28, 1989 WERE APPROVED.
2. MOTIONED BY BOBBY SMITH, SECONDED BY PAUL HARRELL TO APPROVE THE REQUEST OF JAMES MOLSBEE POLK COUNTY MEMORIAL HOSPITAL ADMINISTRATOR TO ENTER INTO A AGREEMENT WITH PROAMERICA NETWORK INC. INSURANCE CO. FOR MEDICAL CARE FOR LOCAL BENEFICIARIES. ALL VOTING YES, BE AND THE SAME IS HEREBY APPROVED.
3. MOTIONED BY PAUL HARRELL, SECONDED BY BOBBY SMITH TO APPROVE THE REQUEST OF JAMES MOSBLEE TO APPOINT THE POLK COUNTY MEMORIAL HOSPITAL STAFF; SEE LIST ALL VOTING YES, BE AND THE SAME IS HEREBY APPROVED.
4. MOTIONED BY BOBBY SMITH, SECONDED BY PAUL HARRELL FOR MR. JAMES MOSBLEE TO GET WITH THE E. R. DR'S AND TO INFORM THEM THAT ALL INDIGENT HEALTH CARE WILL BE RUN THROUGH THE HOSPITAL THAT CAN, ALSO A LETTER TO EDDIE DELL JOHNSON TO USE THE HOSPITAL. ALL VOTING YES, BE AND THE SAME IS HEREBY APPROVED.
5. MOTIONED BY BOBBY SMITH, SECONDED BY PAUL HARRELL TO AMEND THE RESOLUTION FOR THE TEXAS COMMUNITY DEVELOPMENT PROGRAM TO CHANGE TO INCLUDE IMPROVEMENTS IN WATER PLANT IN THE CITY OF GOODRICH; ALL VOTING YES, BE AND THE SAME IS HEREBY APPROVED.
6. MOTIONED BY JAMES J. (BUDDY) PURVIS, SECONDED BY BOBBY SMITH TO APPROVE THE RESOLUTION AUTHORIZING THE SUBMISSION OF A TEXAS COMMUNITY DEVELOPMENT PROGRAM ALLOCATION FOR \$250,000.00 FOR STREET PAVING IMPROVEMENTS FOR PRCT. #3. ALL VOTING YES, BE AND THE SAME IS HEREBY APPROVED.
7. MOTIONED BY PAUL HARRELL, SECONDED BY CLARENCE ELLIS TO PAY THE BILLS AND MAKE THE NECESSARY PAYROLL ADJUSTMENTS. ALL VOTING YES, BE AND THE SAME IS HEREBY APPROVED.
8. MOTIONED BY BOBBY SMITH, SECONDED BY JAMES J. (BUDDY) PURVIS TO TABLE NO 5 ON THE AGENDA: (DISCUSSION AND VOTE ON INTENT TO INCREASE 1989 TAXES-SCHEDULE PUBLIC HEARING) UNTILL TUESDAY SEPTEMBER 12, 1989 AT 9 A.M. ALL VOTING YES, BE AND THE SAME IS HEREBY APPROVED.
9. MOTIONED BY BOBBY SMITH, SECONDED BY CLARENCE ELLIS TO SET THE EFFECTIVE DATE TO START COLLECTING HOTEL/MOTEL TAX FOR OCTOBER 1, 1989 THE RATE TO BE 4% FOR THE COUNTY OF POLK. ALL VOTING YES, BE AND THE SAME IS HEREBY APPROVED.
10. MOTIONED BY BOBBY SMITH, SECONDED BY PAUL HARRELL FOR A BOARD TO BE SET UP FROM THE COMMISSIONERS COURT AND FOUR ORGANIZATIONS ON TOURIST ON HOW TO SPENT THE HOTEL/MOTEL TAX AND FOR BOBBY SMITH AND PAUL HARRELL TO SERVE ON THAT BOARD. ALL VOTING YES, BE AND THE SAME IS HEREBY APPROVED.

FIVE MINUTE BREAK

11. MOTIONED BY BOBBY SMITH, SECONDED BY CLARENCE ELLIS TO ENTER INTO THE AGREEMENT WITH THE FIRST NATIONAL BANK OF LIVINGSTON: ORDER AUTHORIZING ISSUANCE OF TIME WARRANTS, AUTHORIZING EXECUTION OF TIME WARRANT PURCHASE AGREEMENT, AND LEVYING TAX.  
PAUL HARRELL -YES  
CLARENCE ELLIS -YES  
BOBBY SMITH -YES  
JAMES J. (BUDDY) PURVIS -NO  
JUDGE WAYNE BAKER FOR RECORD -YES
12. MOTIONED BY BOBBY SMITH, SECONDED BY CLARENCE ELLIS, TO HIRE A COMPTROLLER FOR THE POLK COUNTY MEMORIAL HOSPITAL.  
ALL VOTING YES, BE AND THE SAME IS HEREBY APPROVED.  
FOR THE RECORD JUDGE WAYNE BAKER VOTED YES.

RECESSED UNTILL 2 P.M.

REGULAR COURT

13. MOTIONED BY BOBBY SMITH, SECONDED BY CLARENCE ELLIS TO ENTER INTO CONTRACT WITH TEXAS A & M FOR STUDY OF POLK COUNTY MEMORIAL HOSPITAL CONTRACT FEE OF \$4,400. AND FOR DEBBIE ELDRIDGE TO DO THE RESEARCH.  
ALL VOTING YES, BE AND THE SAME IS HEREBY APPROVED.
14. MOTIONED BY BOBBY SMITH, SECONDED BY CLARENCE ELLIS FOR JERRY CHAIN TO CONTACT THE ANGELINA NECHES RIVER AUTHORITY TO ENTER INTO A CONTRACT WITH THEM TO DO THE SEWAGE PERMITS FOR POLK CO. FOR ONE YEAR, THE FEE TO BE \$360.00  
ALL VOTING YES, BE AND THE SAME IS HEREBY APPROVED.
15. MOTIONED BY BOBBY SMITH, SECONDED BY PAUL HARRELL TO RECESS UNTILL MONDAY SEPTEMBER 18, 1989 AT 9 O'CLOCK TO HAVE NO 5 ON AGENDA.  
(DISCUSSION AND VOTE ON INTENT TO INCREASE 1989 TAXES -SCHEDULE PUBLIC HEARING AND WORK SHOP.  
ALL VOTING YES, BE AND THE SAME IS HEREBY APPROVED.

THERE BEING NO FURTHER BUSINESS COURT RECESSED THIS THE 11TH DAY OF SEPTEMBER, 1989.

WAYNE R. BAKER -COUNTY JUDGE

ATTEST.

MARTHA JOHNSON - COUNTY CLERK

THE STATE OF TEXAS ◊

JUNE 26, 1989

COUNTY OF POLK ◊

REGULAR MEETING

ALL PRESENT

BE IT REMEMBERED THAT ON THIS THE 26th DAY OF JUNE, 1989, THE HONORABLE COMMISSIONERS COURT MET IN A REGULAR CALLED MEETING WITH THE FOLLOWING OFFICERS AND MEMBER TO-WIT:

WAYNE BAKER, COUNTY JUDGE PRESIDING; CLARENCE ELLIS, COMMISSIONER PRECINCT #1, BOBBY SMITH, COMMISSIONER PRECINCT #2, JAMES J. (BUDDY) PURVIS, COMMISSIONER PRECINCT #3, PAUL HARRELL, COMMISSIONER PRECINCT #4, AND MARTHA JOHNSON, COUNTY CLERK, WHEN AND WHERE AMONG OTHER PROCEEDINGS, HAD THE FOLLOWING ORDERS AND DECREES WERE DULY HAD, CONSIDERED AND PASSED.

1. MINUTES OF JUNE 12th, 1989 WERE APPROVED.
2. MOTIONED BY PAUL HARRELL, SECONDED BY CLARENCE ELLIS TO APPROVE THE PROCLAMATION PROCLAIMING THE WEEK OF JULY 3, 1989 THROUGH JULY 8th, 1989 AS WESTERN WEEK IN POLK CO., FOR THE POLK COUNTY YOUTH RODEO.  
ALL VOTING YES, BE AND THE SAME IS HEREBY APPROVED.
3. MOTIONED BY CLARENCE ELLIS, SECONDED BY JAMES J. (BUDDY) PURVIS, FOR SHERIFF LEAMON CAIN TO HIRE TWO NEW JAILERS AND ONE INVESTIGATOR FOR THE SHERIFF DEPARTMENT.  
ALL VOTING YES, BE AND THE SAME IS HEREBY APPROVED.
4. MOTIONED BY BOBBY SMITH, SECONDED BY JAMES J. (BUDDY) PURVIS TO APPROVE THE BEAVER CONTROL PROJECT AGREEMENT WITH THE TEXAS AGRICULTURAL EXTENSION SERVICE . SUBJECT TO FUNDING BEING AVAILABLE.  
ALL VOTING YES, BE AND THE SAME IS HEREBY APPROVED.
5. MOTIONED BY PAUL HARRELL, SECONDED BY BOBBY SMITH TO APPROVE SENATE BILL 1363: HOTEL/MOTEL TAX, OPTION FOR UNINCORPORATED AREAS IN POLK CO. TEXAS.  
ALL VOTING YES, BE AND THE SAME IS HEREBY APPROVED.
6. MOTIONED BY BOBBY SMITH, SECONDED BY PAUL HARRELL AND CLARENCE ELLIS TO PAY THE BILLS AND MAKE THE NECESSARY PAYROLL ADJUSTMENTS.  
ALL VOTING YES, BE AND THE SAME IS HEREBY APPROVED.

FIVE MINUTE BREAK  
EXECUTIVE SESSION  
REGULAR SESSION

7. MOTIONED BY BOBBY SMITH, SECONDED BY PAUL HARRELL, TO APPROVE THE REQUEST OF THE LIVINGSTON MEMORIAL HOSPITAL MEDICAL STAFF TO DENY ACTIVE HOSPITAL PRIVILEGES TO DR. KENNETH PETERS FOR LIVINGSTON MEMORIAL HOSPITAL: NOTE DR. PETERS WAS NOTIFIED OF MEETING.  
ALL VOTING YES, BE AND THE SAME IS HEREBY APPROVED.

THERE BEING NO FURTHER BUSINESS COURT RECESSED THIS THE 26th DAY OF JUNE, 1989

WAYNE BAKER-COUNTY JUDGE

ATTEST:

MARTHA JOHNSON-COUNTY CLERK