

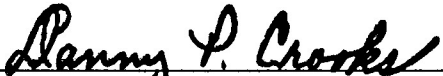
**NOTICE OF SPECIAL MEETING OF
THE COMMISSIONERS' COURT OF TITUS COUNTY, TEXAS**

Notice is hereby given that a Special Meeting of the above named Commissioners' Court will be held the 3rd day of January, 2006 at 9:00 a.m. in the Titus County Courthouse, County Courtroom, 100 West First Street, Suite 205, Mt. Pleasant, Texas, at which time the following will be discussed:

1. Discuss and possibly approve extending burn ban due to lack of moisture and high winds.

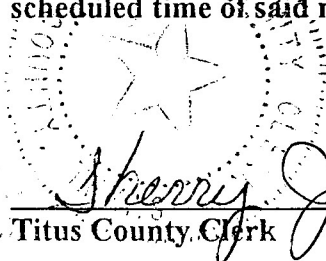
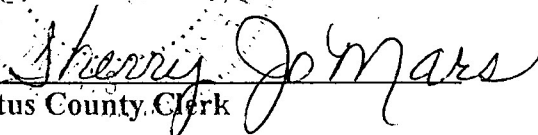
Adjourn

Commissioners' Court of Titus County, Texas



Titus County Judge

I certify that the above Notice of Meeting is a true and correct copy of said meeting and that same was posted on the bulletin board and doors of the Titus County Courthouse, a place readily accessible to the general public at all times on the 29th day of December, 2005, and remained so posted for at least 72 hours preceding the scheduled time of said meeting.

Titus County Clerk



By: Deputy County Clerk

DISASTER DECLARATION FOR THREAT OF WILDFIRES

PROCLAMATION

WHEREAS, Titus County has not had rainfall for an extended period and Weather forecasters offer little promise of a change in the dry conditions in the near future; and

WHEREAS, these hot, dry conditions pose the threat of large, dangerous and fast-moving wildfires; and,

WHEREAS, such fires have the potential of endangering lives and damaging property on a large scale; and

WHEREAS, the Texas Disaster Act of 1975 authorized declaration of a state of disaster "if the threat of disaster is imminent" and

WHEREAS, the magnitude of the potential damage and the rapidity at which such a fire could escalate to major proportions constitute an imminent threat of disaster; and

WHEREAS, declaration of such disaster authorized the imposition of controls on activities which tend to increase the likelihood of fires; and

WHEREAS, such controls, once implemented, have the potential of protecting lives and property by mitigating the threat of dangerous fires;

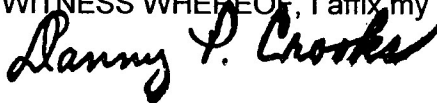
BE IT THEREFORE PROCLAIMED, that I Danny Crooks, County Judge of Titus County, do hereby declare a state of disaster based on the threat of large wildfires in Titus County, Texas; and

BE IT ALSO PROCLAIMED that this state of disaster will continue until rescinded in accordance with the above statute and order, but in no instance will this declaration continue for more than seven days without authorization by the Titus County Commissioners Court;

BE IT ALSO PROCLAIMED that this state of disaster is being declared solely for the purpose of implementing controls aimed at mitigating the hazard posed by wildfires during the current dry weather.

BE IT ALSO ORDERED THAT the purpose of this order is the mitigation of the hazard posed by wildfires by curtailing the practice of outdoor burning, which purpose is to be taken into account in any enforcement action based upon this order

IN WITNESS WHEREOF, I affix my signature this 28th day of December 28, 2005.



Titus County Judge

appropriate for security-related incidents where local law enforcement resources are inadequate to handle the situation.

- c. If the actions taken by the Governor after an initial emergency declaration do not resolve the emergency situation, the chief elected official or governing body may request that the emergency declaration be continued. And if the local emergency situation that was the basis for an emergency declaration is resolved before the Governor's directives expire, it is desirable to advise the Governor that the emergency declaration is no longer required.

2. Disaster Declaration

- a. The Texas Disaster Act, Chapter 418, TGC, provides that the presiding officer of the governing body of a political subdivision (the county judge of a county or the mayor of a municipality) may declare a local state of disaster. A disaster declaration may be issued when a disaster has occurred or appears imminent. The disaster declaration process typically used by the chief elected officials to respond to or recover from a significant natural or man-made disaster. **A sample disaster declaration is provided in Appendix 2. Copies of a disaster declaration should be filed with the Division of Emergency Management and the City Secretary and/or County Clerk.**
- b. The Executive Order of the Governor Relating to Emergency Management provides that county judges and mayors may, when a state of disaster has been declared, exercise similar powers on an appropriate local scale as have been granted to the Governor in the Disaster Act. Among those powers is the authority suspend procedural laws and rules, use public and private resources to respond to the disaster, control the movement of people, restrict the sale and transportation of certain items, and take a number of other actions. Once a state of disaster is declared, a city or county may enact an emergency ordinance or order describing the specific emergency regulations that are to be put into effect during the disaster. A sample emergency powers ordinance is provided in Appendix 5.
- c. **A disaster declaration may not be continued in force for more than seven days unless renewed by the City Council/County Commissioners Court. A sample ordinance/court order extending a disaster declaration is provided in Appendix 3.** The City Council/Commissioners Court may terminate a state of disaster at any time; this approach is typically used when the threat that gave rise to the disaster declaration has subsided. Alternatively, the City Council/Commissioners Court may chose to simply let the declaration expire by taking no action to extend it. **A sample ordinance/court order terminating a disaster declaration is provided in Appendix 4.**

3. County Regulation of Outdoor Burning & Use of Fireworks

One of the effects of drought conditions is an increased threat of wildfires. Many municipalities have enacted ordinances that prohibit or restrict open fires within their corporate limits at all times. The Local Government Code gives counties authority to mitigate the risk of wildfire by restricting outdoor burning and the use of fireworks in unincorporated areas under certain circumstances.

- a. Pursuant to §240.906 of the Local Government Code, counties may restrict outdoor burning if drought conditions have been determined by the Texas Forest Service to exist and county officials find that circumstances exist in all or parts of the unincorporated areas of the county such that outdoor burning would create a public safety hazard. The normal procedure for implementing restrictions on outdoor burning is for the county judge to issue a disaster declaration pursuant to the Texas Disaster Act based on the imminent threat of wildfire. Then the commissioners court issues an emergency order restricting outdoor burning in all unincorporated areas of the county or portions of those areas. A sample disaster declaration based on a threat of wildfire is provided in Appendix 6. A sample commissioners court order banning outdoor burning is provided in Appendix 7.
- b. Pursuant to §240.904 of the Local Government Code, counties may restrict the use of fireworks in unincorporated areas of the county if drought conditions have been determined to exist by the Texas Forest Service. The normal process for implementing a fireworks ban is issuance of a commissioner's court order. Such orders must be issued by June 15th for the Fourth of July fireworks season and by December 15 for the December fireworks season.

B. Activities by Phases of Emergency Management

1. Mitigation

- a. Brief the elected officials and department heads on possible liabilities arising from disaster operations, procedures for invoking the emergency powers of government, and legal documents relating to emergency powers.
- b. Maintain current copies of existing disaster-related laws, regulations, and orders.
- c. Develop local procedures for invoking emergency powers.
- d. Prepare sample legal documents (included in this annex) for approval by elected officials.

2. Preparedness