



POLK COUNTY COMMISSIONERS COURT

October 1, 2005
2:30 P.M.

Polk County Courthouse, 3rd floor

Livingston, Texas

NOTICE is hereby given that an emergency 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. **CONSIDER ANY/ALL NECESSARY ACTION PERTAINING TO A COUNTY-WIDE BURN BAN.**

ADJOURN

By: John P. Thompson, County Judge

I, the undersigned County Clerk, do hereby certify that the above Notice of Meeting of the Polk County Commissioners Court is a true and correct copy of said Notice and that I posted a true and correct copy of said Notice at the door of the Polk County Courthouse at a place readily accessible to the general public at all times on Saturday, October 1, 2005 and that said Notice remained so posted continuously for at least two (2) hours preceding the scheduled time of said Meeting.

BARBARA MIDDLETON, COUNTY CLERK

BY: Deputy

STATE OF TEXAS §

COUNTY OF POLK §

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DATE: OCTOBER 1, 2005
EMERGENCY MEETING
Commissioner Purvis- Absent
Commissioner Overstreet-Absent

COMMISSIONERS COURT

BE IT REMEMBERED ON THIS THE 1st DAY OF OCTOBER, 2005
THE HONORABLE COMMISSIONERS COURT MET IN "EMERGENCY" CALLED
MEETING WITH THE FOLLOWING OFFICERS AND MEMBERS PRESENT VIA
TELEPHONE CONFERENCE CALL, TO WIT;

THE HONORABLE JUDGE JOHN P. THOMPSON, COUNTY JUDGE, PRESIDING.
BOB WILLIS - COMMISSIONER PCT#1, BOBBY SMITH - COMMISSIONER PCT #2,
AND BARBARA MIDDLETON, COUNTY CLERK, THE FOLLOWING AGENDA ITEMS,
ORDERS AND DECREES WERE DULY MADE, CONSIDERED & PASSED.

1. MEETING WAS CALLED TO ORDER BY JUDGE JOHN P. THOMPSON AT 2:30 PM.

AGENDA ITEM:

**"CONSIDER ANY AND ALL NECESSARY ACTION PERTAINING TO A
COUNTY WIDE BURN BAN AND REVIEW AT THE NEXT REGULAR
COURT MEETING"**

2. MOTIONED BY BOBBY SMITH, SECONDED BY BOB WILLIS, APPROVAL TO
INSTITUTE A COUNTY WIDE BURN BAN EFFECTIVE IMMEDIATELY.
ALL VOTING YES. (SEE ATTACHED)

3. MOTIONED BY BOB WILLIS, SECONDED BY BOBBY SMITH, TO ADJOURN
COURT THIS 1st DAY OF OCTOBER, 2005 AT 2:35 PM.
ALL VOTING YES.


JOHN P. THOMPSON, COUNTY JUDGE

ATTEST:


BARBARA MIDDLETON, COUNTY CLERK

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COMMISSIONERS COURT ORDER
PROHIBITION OF OUTDOOR BURNING

WHEREAS, in accordance with provisions of the Texas Disaster Act of 1975, a state disaster has been based on the imminent threat of disaster from wildfire; and

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

BE IT THEREFORE ORDERED that the following emergency regulations are hereby established for all unincorporated areas of Polk County, Texas for the duration of the above mentioned declaration;

1. Actions Prohibited:

A person violates this order if he or she burns any combustible material outside of an enclosure which serves to contain all flames and/or sparks, or orders such burning by others.

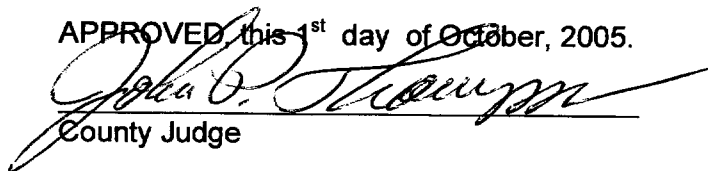
2. Enforcement:

- A. Upon notification of suspected outdoor burning, the fire department assigned to the location of the fire shall respond to the scene and take immediate measures to contain and/or extinguish the fire.
- B. As soon as possible, a duly commissioned peace officer shall be sent to the scene to investigate the nature of the fire.
- C. If in the opinion of the officer at the scene and/or the fire chief, the goal of the order can be attained by informing the responsible party about the prohibitions established by this order, the officer may, at his discretion, notify the party about the provisions of this order and request compliance with it. In such instances, an entry of the notification shall be made into the dispatchers log containing the time, date, and place of the warning, and the name of the person receiving the warning.

3. At the discretion of the peace officer or the fire chief, second or flagrant violations of this order may be prosecuted in accordance with the statutes and procedures governing misdemeanors.

BE IT ALSO ORDERED that this order may be enforced by any duly-commissioned peace officer and that the venue for prosecution of this order will be the Justice of the Peace.

APPROVED, this 1st day of October, 2005.


County Judge