

BURNET COUNTY COMMISSIONERS COURT ORDER  
ESTABLISHING A COUNTY EMERGENCY MANAGEMENT PROGRAM  
ORDER NO. 2005-1

BY THE COMMISSIONERS COURT OF BURNET COUNTY, TEXAS,  
ESTABLISHING A PROGRAM OF COMPREHENSIVE EMERGENCY  
MANAGEMENT; ACKNOWLEDGING THE OFFICE OF EMERGENCY MANAGEMENT  
DIRECTOR; AUTHORIZING THE APPOINTMENT OF AN EMERGENCY  
MANAGEMENT COORDINATOR; AND PROVIDING FOR THE DUTIES AND  
RESPONSIBILITIES OF THOSE OFFICES; IDENTIFYING AN OPERATIONAL  
ORGANIZATION; GRANTING NECESSARY POWERS TO COPE WITH ALL  
PHASES OF EMERGENCY MANAGEMENT WHICH THREATEN LIFE AND  
PROPERTY IN THE COUNTY OF BURNET; AUTHORIZING COOPERATIVE  
AND MUTUAL AID AGREEMENTS FOR RELIEF WORK BETWEEN THIS AND OTHER  
CITIES OR COUNTIES AND FOR RELATED PURPOSES; AND MAKING VIOLATIONS  
A MISDEMEANOR PUNISHABLE BY FINE NOT TO EXCEED \$500.

WHEREAS, the Commissioners Court of the County of Burnet finds that the  
identification of potential hazards and the prevention or mitigation of their  
effects must be an on-going concern of the County if the lives and property of  
the populace are to be protected;  
and

WHEREAS, the Commissioners Court declares that the preparation of a  
Comprehensive Emergency Management plan, and the means for its implementation,  
for the protection of lives and property in the County of Burnet from natural or  
man-caused disasters or threat thereof is immediately essential;  
and

WHEREAS, the Commissioners Court further finds that in times of disasters  
which may imperil the safety of the inhabitants of the County, or their  
property, it becomes necessary to effectuate and place into operation the  
preconceived plans and preparations with a minimum of delay;  
and

WHEREAS, the Commissioners Court finds, therefore that the preparation,  
and implementation of such plans are now imperative; BE IT ORDERED, ADJUDGED AND  
DECREED BY THE COMMISSIONERS COURT OF BURNET COUNTY, TEXAS:

Section 1. ORGANIZATION

There exists the office of Emergency Management Director of the County of  
Burnet, which shall be held by the County Judge in accordance with state  
law.

(a) An Emergency Management Coordinator may be appointed by and serve at  
the pleasure of the Director;

(b) The Director shall be responsible for a program of comprehensive emergency  
management within the county and for carrying out the duties and  
responsibilities set forth in this court order. He/she may delegate authority  
for execution of these duties to the Coordinator, but ultimate responsibility  
for such execution shall remain with the Director.

(c) The operational Emergency Management organization of the County of  
Burnet shall consist of the officers and employees of the County so  
designated by the Director in the emergency management plan, as well as  
organized volunteer groups. The functions and duties of this organization shall  
be distributed among such officers and employees in accordance with the terms of  
the emergency management plan.

## Section 2. EMERGENCY MANAGEMENT DIRECTOR - POWERS AND DUTIES

The duties and responsibilities of the Emergency Management Director shall include the following:

- (a) Surveying actual or potential hazards which threaten life and property within the county and identifying and requiring or recommending the implementation of measures which would tend to prevent the occurrence or reduce the impact of such hazards if a disaster did occur.
- (b) Supervision of the development and approval of an emergency management plan for the County of Burnet, and shall recommend for adoption by the Commissioners Court all mutual aid arrangements deemed necessary for the implementation of such plan.
- (c) Authority to declare a local state of disaster. The declaration may not be continued or renewed for a period in excess of 7 days except by or with the consent of the Commissioners Court. Any order or proclamation declaring, continuing, or terminating a local state of disaster shall be given prompt and general publicity and shall be filed promptly with the County Clerk.
- (d) Issuance of necessary proclamations, regulations or directives which are necessary for carrying out the purposes of this Court Order. Such proclamations, regulations, or directives shall be disseminated promptly by means calculated to bring its contents to the attention of the general public and, unless circumstances attendant on the disaster prevent or impede, promptly filed with the County Clerk.
- (e) Direction and control of the operations of the Burnet County Emergency Management organization as well as the training of Emergency Management personnel.
- (f) Determination of all questions of authority and responsibility that may arise within the Emergency Management organization of the County.
- (g) Maintenance of the liaison with other municipal, county, district, state, regional or federal, Emergency Management organizations.
- (h) Marshaling of all necessary personnel, equipment or supplies from any department of the County to aid in the carrying out of the provisions of the emergency management plan.
- (i) Supervision of the drafting and execution of mutual aid agreements, in cooperation with the representatives of the state and of other local political subdivisions of the state, and the drafting and execution, if deemed desirable, of an agreement with the cities located in Burnet County for the county-wide coordination of Emergency Management efforts.
- (j) Supervision of, and final authorization for the procurement of all necessary supplies and equipment, including acceptance of private contributions which may be offered for the purpose of improving Emergency Management within the County.
- (k) Authorizing of agreements, after approval by the County Attorney, for use of private property for public shelter and other purposes.
- (l) Surveying the availability of existing personnel, equipment, supplies and services which could be used during a disaster, as provided for herein.
- (m) Other requirements as specified in the Texas Disaster Act, (Chapter 418, Government Code).

## Section 3. EMERGENCY MANAGEMENT PLAN

A comprehensive Emergency Management Plan shall be developed and maintained in a current state. The plan shall set forth the form of the organization, establish and designate divisions and functions, assign responsibilities, tasks, duties, and powers, and designate officers and employees to carry out the provisions of this order. As provided by state law, the plan shall follow the standards and criteria established by the State Division of Emergency Management of the State of Texas. Insofar as possible, the form of organization, titles and terminology shall conform to the recommendations of the State Division of Emergency Management. When approved, it shall be the duty of all departments and

agencies to perform the functions assigned by the plan and to maintain their portion of the plan in a current state of readiness at all times. The emergency management plan shall be considered supplementary to this order and have the effect of law during the time of a disaster.

#### Section 4. INTERJURISDICTIONAL PROGRAM

The County Judge is hereby authorized to join with the mayors of the cities in Burnet County in the formation of an interjurisdictional emergency management program for Burnet County and shall have the authority to cooperate in the preparation of an interjurisdictional emergency management plan and in the appointment of a joint Emergency Management Coordinator, as well as all powers necessary to participate in a county-wide program of emergency management insofar as said program may affect the County of Burnet.

#### Section 5. OVERRIDE

At all times when the orders, rules and regulations made and promulgated pursuant to this order shall be in effect, they shall supersede and override all existing ordinances, orders, rules and regulations insofar as the latter may be inconsistent therewith.

#### Section 6. LIABILITY

This order is an exercise by the County of its governmental functions for the protection of the public peace, health, and safety and neither the County of Burnet, the agents and representatives of said County, nor any individual, receiver, firm, partnership, corporation, association, or trustee, nor any of the agents thereof, in good faith carrying out, complying with or attempting to comply with, any order, rule, or regulation promulgated pursuant to the provisions of this order shall be liable for any damage sustained to persons as the result of said activity. Any person owning or controlling real estate or other premises who voluntarily and without compensation grants to the County of Burnet a license of privilege, or otherwise permits the County to inspect, designate and use the whole or any part or parts of such real estate or premises for the purpose of sheltering persons during an actual, impending or practice enemy attack or natural or man-made disaster shall, together with his successors in interest, if any, not be civilly liable for the death of, or injury to, any person on or about such real estate or premises under such license, privilege or other permission or for loss of, or damage to, the property of such person.

#### Section 7. COMMITMENT OF FUNDS

No person shall have the right to expend any public funds of the County in carrying out any Emergency Management activity authorized by this order without prior approval by the Commissioners Court, nor shall any person have any right to bind the County by contract, agreement, or otherwise without prior and specific approval of the Commissioners Court unless during a declared disaster. During a declared disaster, the County Judge may expend and/or commit public funds of the County when deemed prudent and necessary for the protection of health, life, or property.

#### Section 8. OFFENSES; PENALTIES

(a) It shall be unlawful for any person willfully to obstruct, hinder, or delay any member of the Emergency Management organization in the enforcement of any rule or regulation issued pursuant to this order.

(b) It shall likewise be unlawful for any person to wear, carry or display any emblem, insignia, or any other means of identification as a member of the Emergency Management organization of the County of Burnet, unless authority to do so has been granted to such person by the proper officials.

(c) Convictions for violations of the provisions of this order shall be punishable by fine not to exceed five hundred dollars (\$500).

Section 9. SEVERABILITY

If any portion of this order shall, for any reason, be declared invalid such, invalidity shall not affect the remaining provisions thereof.

Section 10. LIMITATIONS

This order shall not be construed so as to conflict with any State or Federal statute or with any military or naval order, rule, or regulation.

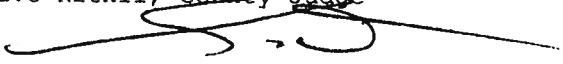
Section 11. Repealer

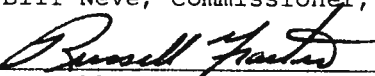
All orders, parts of orders, or resolutions in conflict herewith are expressly repealed.

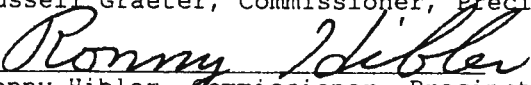
READ AND APPROVED on first reading this the 24th day of January, 2005.

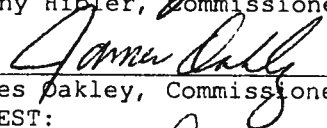
READ AND APPROVED AND ADOPTED on second reading this the 24th day of January, 2005.

  
Dave Kithil, County Judge

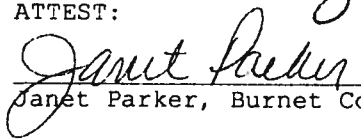
  
Bill Neve, Commissioner, Precinct One

  
Russell Graeter, Commissioner, Precinct Two

  
Ronny Hibler, Commissioner, Precinct Three

  
James Oakley, Commissioner, Precinct Four

ATTEST:

  
Janet Parker, Burnet County Clerk