

TYLER COUNTY COMMISSIONERS COURT  
REGULAR MEETING  
May 16, 2014 ---- 8:30 a.m.

THE STATE OF TEXAS                      ON THIS THE 16<sup>th</sup> day of May, 2014 the  
Commissioners' Court in and for Tyler County, Texas convened in a Regular Meeting at  
the Commissioners' Courtroom in Woodville, Texas, the following members of the Court  
present, to wit:

JACQUES L. BLANCHETTE	COUNTY JUDGE, Presiding
MARTIN NASH	COMMISSIONER, PCT. #1
RUSTY HUGHES	COMMISSIONER, PCT. #2
MIKE MARSHALL	COMMISSIONER, PCT. #3
DANA LEJUNE	DEPUTY COUNTY CLERK, EX OFFICIO

The following were absent: Commissioner Walston thereby constituting a quorum. In  
addition to the above were:

CAROL ANN DOWDY	ASST. COUNTY AUDITOR
SHARON FULLER	COUNTY TREASURER
JOE SMITH	CRIMINAL DIST. ATTORNEY
DALE FREEMAN	CONSTABLE PCT. #1/EMERGENCY MANGT
PHIL RYAN	CHIEF DEPUTY SHERIFF

Judge Blanchette delivered the invocation and led the Pledge of Allegiance to the Texas  
Flag.

A motion was made by Commissioner Hughes and seconded by Commissioner Nash to  
accept the minutes of May 12<sup>th</sup>. All voted yes and none no.

**Commissioner Marshall** motioned to approve the **line-item transfer for Road &  
Bridge, Pct. #3**. The motion was seconded by **Commissioner Nash**. All voted yes and  
none no. SEE ATTACHED

**Judge Blanchette** motioned to offer **county property** for sale located between  
Woodville Health and Rehab and West Bluff Street. The motion was seconded by  
**Commissioner Marshall**. All voted yes and none no. Commissioner Nash indicated the  
court may want to look at the option of having a public auction instead of advertising for  
sealed bids.

A motion was made by **Judge Blanchette** to approve Annex A of the **Basic Emergency  
Management Plan**. The motion was seconded by **Commissioner Nash**. All voted yes  
and none no. SEE ATTACHED

A motion was made by **Judge Blanchette** to approve Annex E of the **Basic Emergency  
Management Plan**. The motion was seconded by **Commissioner Nash**. All voted yes  
and none no. SEE ATTACHED

**Commissioner Marshall** motioned to advertise for bids to sell a 2007 CAT 120H motor  
grader for **Road & Bridge, Pct. #3**. The motion was seconded by **Commissioner Nash**.  
All voted yes and none no. SEE ATTACHED

A motion was made by **Commissioner Marshall** and seconded by **Commissioner Nash**  
to participate in the **Texas 1033 Surplus Property Program**. All voted yes and none no.  
SEE ATTACHED

**Commissioner Nash** motioned to approve a new **copier lease for the District  
Attorney's office**, as requested by Joe Smith. **Commissioner Marshall** seconded the  
motion. All voted yes and none no. SEE ATTACHED

Judge Blanchette reported that Judge Owens has requested that no action be taken  
concerning a life insurance benefit for him as a county retiree. No action was taken.

Executive session was not held.

A motion was made by Commissioner Nash and seconded by Commissioner Hughes for the meeting to adjourn. All voted yes and none no.

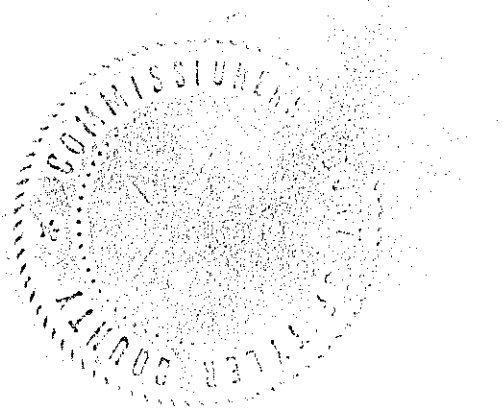
THERE BEING NO FURTHER BUSINESS, THE MEETING ADJOURNED: 8:43 a.m.

I, Donece Gregory, County Clerk and ex officio member of the Tyler County Commissioners Court, do hereby certify to the fact that the above is a true and correct record of the Tyler County Commissioners Court session held on May 16, 2014.

Witness my hand and seal of office on this the 19th day of May, 2014.

Attest:

  
Donece Gregory, County Clerk, Tyler County, Texas



LINE ITEM TRANSFER-BUDGET AMENDMENT

Department & Fund: Commissioner PCT. 3

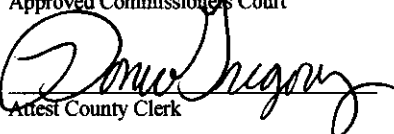
Date: 05/12/14

Honorable Commissioners' Court of Tyler County

I submit to you for consideration the following:

<u>LINE ITEM</u>	<u>LINE ITEM NUMBER</u>	<u>BUDGET</u>	<u>AMENDED</u>	<u>INCREASE (DECREASE)</u>	<u>REVENUE</u>
Trnsf. To Crthse. Security	023-000-49131	1,200.00	0.00	(1,200.00)	
Miscellaneous Supplies	023-000-42998	4,500.00	5,700.00	1,200.00	
					0.00

Reason: Invalid assumptions underlying budget estimates of receipts and disbursements.

Approved Commissioners Court  
  
Attest County Clerk

  
Michael Marshall, Commissioner PCT. 3



# Budget Report Account Summary

For Fiscal: 2014 Period Ending: 04/30/2014

		Original Total Budget	Current Total Budget	Period Activity	Fiscal Activity	Variance Favorable (Unfavorable)	Percent Remaining
<b>Fund: 023 - ROAD &amp; BRIDGE III</b>							
023-30000	BEGINNING BALANCE	62,539.14	74,239.14	0.00	0.00	-74,239.14	-100.00%
023-32100	ADMINISTRATIVE FEES	0.00	0.00	0.00	100.00	100.00	0.00%
023-35100	INTEREST ON INVESTMENTS	1,200.00	1,200.00	0.00	662.81	-537.19	-44.77%
023-37000	REFUNDS	0.00	0.00	0.00	0.00	0.00	0.00%
023-39000	TRANSFERS FROM GENERAL FUND	50,000.00	50,000.00	0.00	50,000.00	0.00	0.00%
023-39003	TRANSFERS FROM GEN R&B	781,789.86	781,789.86	0.00	638,333.65	-143,456.21	-18.35%
023-39005	TRANSFER FROM R&B, PCT 4	850.00	850.00	0.00	4,828.62	3,978.62	568.07%
023-39200	SALE OF EQUIPMENT	0.00	0.00	0.00	0.00	0.00	0.00%
023-39999	ACTUAL REVENUES	0.00	0.00	0.00	0.00	0.00	0.00%
<b>Department: 000 - BASIC OPERATIONS</b>							
023-000-40000	SALARIES	327,065.00	327,065.00	25,803.54	105,420.74	221,644.26	67.77%
023-000-40100	SOCIAL SECURITY	25,021.00	25,021.00	1,966.46	8,033.70	16,987.30	67.89%
023-000-40110	RETIREMENT	37,940.00	37,940.00	2,818.51	11,378.69	26,561.31	70.01%
023-000-40120	HOSPITALIZATION	74,625.00	74,625.00	6,242.43	24,384.45	50,240.55	67.32%
023-000-40130	WORKERS' COMPENSATION	461.00	12,161.00	0.00	1,974.50	10,186.50	83.76%
023-000-40140	UNEMPLOYMENT INSURANCE	867.00	867.00	57.41	228.88	638.12	73.60%
023-000-42000	SALARIES	0.00	0.00	0.00	0.00	0.00	0.00%
023-000-42002	SOCIAL SECURITY	0.00	0.00	0.00	0.00	0.00	0.00%
023-000-42150	UNIFORMS	3,000.00	3,000.00	0.00	966.76	2,033.24	67.77%
023-000-42160	ROAD MATERIAL	150,000.00	150,000.00	11,826.44	46,629.23	103,370.77	68.91%
023-000-42161	CULVERTS	9,500.00	9,500.00	97.53	3,933.63	5,566.37	58.59%
023-000-42392	LIABILITY INSURANCE	6,000.00	6,000.00	0.00	0.00	6,000.00	100.00%
023-000-42400	GAS, OIL, GREASE	80,000.00	80,000.00	4,402.72	13,813.51	66,186.49	82.73%
023-000-42401	TIRES, TUBES	15,000.00	15,000.00	615.33	8,768.08	6,231.92	41.55%
023-000-42420	BRIDGE REPAIR	30,000.00	30,000.00	0.00	0.00	30,000.00	100.00%
023-000-42425	MACHINERY MAINTENANCE	40,000.00	40,000.00	3,490.69	7,232.26	32,767.74	81.92%
023-000-42500	TELEPHONE	6,000.00	6,000.00	494.53	1,801.98	4,198.02	69.97%
023-000-42510	UTILITIES	3,000.00	3,000.00	274.17	1,042.26	1,957.74	65.26%
023-000-42659	TRAVEL & EDUCATION	2,000.00	2,000.00	0.00	490.00	1,510.00	75.50%
023-000-42900	BONDS	200.00	200.00	0.00	0.00	200.00	100.00%
023-000-42998	MISCELLANEOUS SUPPLIES	4,500.00	4,500.00	70.00	4,815.14	-315.14	-7.00%
023-000-43200	PURCHASE OF EQUIPMENT	80,000.00	80,000.00	0.00	4,229.95	75,770.05	94.71%
023-000-44100	PRINCIPLE ON WARRANTS	0.00	0.00	0.00	0.00	0.00	0.00%
023-000-44200	INTEREST ON WARRANTS	0.00	0.00	0.00	0.00	0.00	0.00%
023-000-49131	TRANSFER TO COURTHOUSE SECUR	1,200.00	1,200.00	0.00	0.00	1,200.00	100.00%
<b>Department: 000 - BASIC OPERATIONS Total:</b>		<b>896,379.00</b>	<b>908,079.00</b>	<b>58,159.76</b>	<b>245,143.76</b>	<b>662,935.24</b>	<b>73.00 %</b>
<b>Fund: 023 - ROAD &amp; BRIDGE III Surplus (Deficit):</b>		<b>0.00</b>	<b>0.00</b>	<b>-58,159.76</b>	<b>448,781.32</b>	<b>448,781.32</b>	
<b>Fund: 025 - TYLER CO AIRPORT</b>							
025-30000	BEGINNING BALANCE	0.00	0.00	0.00	0.00	0.00	0.00%
025-30401	PARTIAL CASH CARRY OVER	9,000.00	9,000.00	0.00	0.00	-9,000.00	-100.00%
025-32101	AIRPORT FEES/RENTAL	1,500.00	1,500.00	300.00	1,500.00	0.00	0.00%
025-35100	INTEREST ON INVESTMENTS	357.00	357.00	0.00	3.88	-353.12	-98.91%
025-37000	REFUNDS	0.00	0.00	0.00	0.00	0.00	0.00%
025-39000	TRANSFERS FROM GENERAL FUND	6,500.00	12,000.00	0.00	0.00	-12,000.00	-100.00%
<b>Department: 000 - BASIC OPERATIONS</b>							
025-000-42390	INSURANCE	3,200.00	3,200.00	0.00	2,100.00	1,100.00	34.38%
025-000-42410	REPAIRS & MAINTENANCE	4,657.00	4,657.00	0.00	0.00	4,657.00	100.00%
025-000-42510	UTILITIES	3,500.00	3,500.00	150.18	876.14	2,623.86	74.97%
025-000-43200	PURCHASE OF EQUIPMENT	6,000.00	6,000.00	0.00	0.00	6,000.00	100.00%

# ANNEX A

# COPY

## Warning

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Tyler County





# APPROVAL & IMPLEMENTATION

## Annex A

### WARNING

James W. Marchetti  
Signature

5/16/14  
Date

Dale Freeman  
Signature

5-16-2014  
Date

**NOTE:** The signature(s) will be based upon local administrative practices. Typically, the first signature block is used by the individual having primary responsibility for this emergency function and the second signature block is used by the Emergency Management Director or the Emergency Management Coordinator. Alternatively, each department head assigned tasks within the annex may sign the annex.

## ANNEX A

### WARNING

#### I. AUTHORITY

- A. Refer to Section I of the Basic Plan for general authorities.
- B. Texas State Emergency Communications Committee, *Texas Emergency Alert System Plan*.
- C. \_\_\_\_\_ District Emergency Communications Committee, *Local Emergency Alert System Plan*. (See Planning Notes)

#### II. PURPOSE

The purpose of this annex is to outline the organization, operational concepts, responsibilities, and procedures to disseminate timely and accurate warnings to the public and government officials in the event of an impending emergency situation.

#### III. EXPLANATION OF TERMS

##### A. Acronyms

BSOC	Border Security Operations Center
CIS	Criminal Intelligence Service
EAS	Emergency Alert System
EMC	Emergency Management Coordinator
FAOC	FEMA Alternate Operations Center
FEMA	Federal Emergency Management Agency
FNARS	FEMA National Radio System
FOC	FEMA Operations Center
HSIN-CI	Homeland Security Information Network-Critical Infrastructure
HSOC	Homeland Security Operations Center
IC	Incident Commander
ICS	Incident Command System
JIC	Joint Information Center
JIS	Joint Information System
LWP	Local Warning Point
NAWAS	National Warning System
NIMS	National Incident Management System
NOAA	National Oceanic & Atmospheric Administration
NRF	National Response Framework
NWS	National Weather Service
PIO	Public Information Office or Officer
SOC	State Operations Center
SOP	Standard Operating Procedures



TDEM	Texas Division of Emergency Management
TLETS	Texas Law Enforcement Telecommunications System
TEWAS	Texas Warning System

## B. Definitions

1. Area Warning Center. Area Warning Centers disseminate national and state warning messages to a multi-county area of responsibility. The State's 36 Area Warning Centers are operated on a round-the-clock basis by the Department of Public Safety. Each center is equipped with a variety of primary and alternate telecommunications systems.
2. Texas Fusion Center (TFC). The TFC is composed of three entities co-located in the DPS Headquarters building. These entities include the State Operations Center (SOC), the Border Security Operations Center (BSOC), and the Intelligence Center. The SOC and BSOC monitor and coordinate, as necessary, state emergency and border activities. The Intelligence Center, under the Criminal Intelligence Service (CIS) of the Department of Public Safety (DPS), functions on a 24-hour basis to receive and respond to reports from the public and local, state, and federal law enforcement agencies. CIS commissioned officers and analysts from the CIS and federal agencies staff the Intelligence Center. When warranted, the Intelligence Center disseminates actionable intelligence and investigative leads to CIS District Command staff and/or Regional Joint Terrorism Task Forces and/or local law enforcement. The Intelligence Center also remains in communication with the DHS through several communications networks. The Director, Texas Office of Homeland Security, is apprised of any activity or threats potentially impacting the State of Texas.
3. TLETS. TLETS is a statewide telecommunications network connecting state and local law enforcement agencies and warning facilities. TLETS is the state warning network's primary "hard copy" communications system.

## IV. SITUATION & ASSUMPTIONS

### A. Situation

1. See the general situation statement and hazard summary in Section IV.A of the Basic Plan.
2. This jurisdiction can expect to experience emergency situations that could threaten public health and safety and both private and public property and necessitate the implementation of protective actions for the public at risk.
3. Emergency situations can occur at any time; therefore, equipment and procedures to warn the public of impending emergency situations must be in place and ready to use at any time.
4. Power outages may disrupt radio and television systems that carry warning messages and provide public instructions.

### B. Assumptions

1. Timely warnings to the public of impending emergencies or those which have occurred may save lives, decrease injuries, and reduce some types of property damage.

2. Electronic news media are the primary sources of emergency information for the general public.
3. Some people directly threatened by a hazard may ignore, not hear, or not understand warnings issued by the government.
4. Provision must be made to provide warnings to functional and access needs groups such as the hearing and sight-impaired, and institutions (i.e. nursing homes and correctional facilities).
5. Local radio and television stations will broadcast Emergency Alert System (EAS) messages when requested by local government officials. To effectively utilize EAS, local governments and broadcasters must coordinate the procedures used to transmit warning messages and instructions from local government to broadcasters.
6. The local National Oceanic and Atmospheric Administration (NOAA) Weather Radio station will broadcast weather watches and warnings issued by the National Weather Service (NWS). Weather radios are activated when such messages are broadcast.

## **V. CONCEPT OF OPERATIONS**

### **A. General**

1. The primary objective of our warning system is to notify key officials of emergency situations and disseminate timely and accurate warnings and instructions to the population at risk from the threat or occurrence of an emergency situation. Rapid dissemination and delivery of warning information and instructions may provide time for citizens to take action to protect themselves and their property.
2. The focal point of the warning function is the Local Warning Point (LWP), which operates around the clock. The Tyler County LWP is located in the Sheriff's Office. The Sheriff's Office operates the LWP.
  - a. The LWP receives warning of actual or potential emergency situations from a variety of sources, including federal and state agencies, local officials, businesses, industry, the news media, and the general public. The systems by which warnings may be received by the LWP are described below.
  - b. The LWP will verify warning information, where necessary, and disseminate pertinent information to specific local officials and departments.
    - 1) For certain types of time-sensitive warnings, the LWP may be authorized to activate the local warning system and warn the public immediately. In other situations, local officials must approve activation of the warning system and determine appropriate instructions to accompany the warning before a warning is disseminated to the public.
    - 2) For other types of emergency situations, the EOC may be activated and assume responsibility for formulating warning messages and public instructions, which may be disseminated through LWP or provided to the media for dissemination.

- c. Once warnings are received and, where necessary, verified, warnings that affect the local area and appropriate public instructions are disseminated by the LWP. The specific systems used to disseminate warnings and provide information to the public within the local area are described below.

## B. Receiving Warnings

The County of Tyler may receive warning of actual emergency situations or the threat of such situations from the following:

### 1. National and State Warning Systems

- a. The National Warning System (NAWAS) is a 24-hour nationwide, dedicated, multiple line telephone warning system linking federal agencies and the states that is used to disseminate civil emergency warnings. NAWAS is a voice communications system operated by the Federal Emergency Management Agency (FEMA) under the Department of Homeland Security (DHS), and controlled from the FEMA Operations Center (FOC) in Washington, D.C., and the FEMA Alternate Operations Center (FAOC) in Olney, Maryland. NAWAS is used to disseminate three types of civil emergency warnings to state and local governments:

- 1) Attack Warnings
- 2) Fallout Warnings
- 3) Natural and Technological Emergency Warnings

Warnings from the FOC or FAOC are coordinated with the Homeland Security Operations Center (HSOC) and relayed through the FEMA Regional Communications Center in Denton to the State Warning Point at the State Operations Center (SOC) in Austin. The State Warning Point further disseminates the civil emergency warnings through the Texas Warning System (TEWAS). The FEMA National Radio System (FNARS), a network of HF radios, serves as a backup for NAWAS.

- b. The Texas Warning System (TEWAS) is state level extension of NAWAS. It consists of a dedicated telephone warning system linking the State Warning Point at the SOC with Area Warning Centers located in Department of Public Safety offices around the state and with seven National Weather Service (NWS) offices in Texas.
  - 1) The State Warning Point relays national emergency warnings received on NAWAS to Area Warning Center using TEWAS. Area Warning Centers will normally disseminate warnings they receive to LWPs via teletype messages on the Texas Law Enforcement Telecommunications System (TLETS). Warnings may be disseminated by telephone or radio to those LWPs that cannot be reached by TLETS.
  - 2) TEWAS may also be used by the SOC to disseminate warning messages from the Governor or other key state officials to specific regions of the state.
- c. HSIN-CI. Homeland Security Information Network – Critical Infrastructure is an unclassified network which immediately provides the Homeland Security Operations Center (HSOC) with one-stop 24/7 access to a broad spectrum of industries, agencies and critical infrastructure across both the public and private sectors. HSIN-CI delivers information sharing, alert notification services to the right people – those that need to know and those that need to act.

- d. Texas Amber Alert Network. A coordinated emergency alert program that disseminates information about abducted children. It serves as an early special purpose warning system available for use by law enforcement to alert the public when a child has been kidnapped and the police believe the child is in danger. See the Statewide Texas Amber Alert Network Plan for more information.
- e. Specific formats and handling instructions have been established for certain national civil emergency messages that would be disseminated by NAWAS and TEWAS. Appendix 3 provides guidance on handling national warning messages.
- f. As NAWAS and TEWAS are "voice only" systems that are not particularly suited for disseminating lengthy messages; hence, these systems are generally not used for warning on a daily basis.

## 2. National Weather Service (NWS) Weather Products

Weather warning messages are issued by NWS Weather Forecast Offices and various NWS specialized weather centers, such as NWS river forecast centers, the National Severe Storms Forecast Center, and the National Hurricane Center.

- a. NWS disseminates weather forecasts, watches, and warnings via the NOAA Weather Wire Service, which is a satellite communications system that broadcasts to specialized receiver terminals. In Texas, NWS weather products, such as watches and warnings, are transmitted by Weather Wire to the SOC. The SOC, as the State Warning Point, retransmits these weather messages to appropriate Area Warning Centers and Local Warning Points by TLETS. Among the weather messages that are provided are:
  - 1) Flood and flash flood watches and warnings
  - 2) Severe weather watches and warnings
  - 3) Tornado watches and warnings
  - 4) Tropical weather watches and warnings

Many local radio and television stations subscribe to the NOAA Weather Wire Service and have installed terminals to receive weather products directly from the NWS.

- b. NOAA Weather Radio. Tyler County also receives NWS weather warning disseminated by NOAA Weather Radio on tone-alert radios located in 201 Veterans Way Room 19 Woodville, Texas 75979
- c. IMWIN. We also receive weather information broadcast via satellite through the Emergency Managers Wireless Information Network (EMWIN). Our IMWIN terminal is located on the internet.
- d. Other Weather Providers. The County of Tyler] has contracted to obtain electronic weather information from Lake Charles National Weather Service. The weather terminal is located in the Emergency Management Office located at 201 Veterans Way Room 19 Woodville, Texas 75979.

### 3. Emergency Alert System (EAS)

EAS is intended to provide a means for government to provide emergency warning and instructions to the public. See Section V.D.2.b below and Appendix 4 for further information on EAS. This jurisdiction may receive EAS messages that contain warning information broadcast by:

- a. Federal authorities or agencies
- b. State government
- c. Other local governments

Civil emergency warnings issued through NAWAS may also be disseminated through EAS. Incoming EAS messages may be received on commercial radio or television stations monitored by local officials or on the EAS encoder/decoder located in N/A.

4. **State Government.** From time to time, the SOC issues warning messages to local governments in specific regions of the State. For example, an advisory may be issued to inland jurisdictions along major evacuation routes when large-scale evacuations begin in coastal areas due to a hurricane. Warnings issued by the SOC are typically transmitted by TLETS to Area Warning Centers and LWPs.
5. **Local Officials.** Government employees may provide warning of emergency situations they have discovered or that have been reported to their departments and been confirmed. Such situations should be reported to the LWP through any available means of communications.
6. **Business and Industry.** Companies that suffer a major fire, explosion, hazardous materials spill, or other emergency situation that may pose a threat to public health and safety and public or private property have a general duty to notify local officials of such occurrences. Such notifications are generally made through the 9-1-1 system. Companies reporting emergency situations that may pose a risk to the public are expected to recommend to local government appropriate actions to protect people and property.
7. **Federal, State, or Local Agencies.** Warning of specific types of emergency situations may be received directly from specialized government agencies, including river authorities, dam operators, the US Coast Guard, military installations, airport authorities, and other agencies which operate specialized facilities.
8. **Citizen Warning.** Citizens may also provide warning of emergency situations, generally by calling 9-1-1. It is always advisable to confirm information on emergency situations reported by citizens before issuing public warnings.

### C. Notification of Local Officials

When the Sheriff's Office, as the LWP, receives warning of an emergency situation, it shall make notification to key local officials so they can determine appropriate actions to deal with the situation. The Emergency Notification Matrix provided in Appendix 1 indicates the departments and officials that should be notified of various types of emergency situations. Notification will be made by telephone, radio, pager, or any other means available.

### D. Dissemination of Warnings to the Public

1. In the initial stages of an emergency situation, the LWP will, within the limits of the authority delegated to it, determine if a warning needs to be issued and formulate a warning (using pre-scripted messages where possible), and disseminate it. Appendix 2 provides general guidelines for activation of the local warning system. When the EOC has been activated, it will normally determine who needs to be warned and how. The EOC will normally formulate the warning messages and public instructions. The LWP will execute the warnings by activating the warning system. The PIO or the EOC may disseminate emergency public information directly to the media.
2. The systems described below will be used to issue warnings and instructions to the public. To facilitate dissemination of warning and public instructions, a set of pre-scripted warning messages and public information messages suitable for use in likely emergency situations has been developed. They are included in Appendix 5 to this annex. These pre-scripted messages may be used as written or tailored as needed for specific circumstances.
  - a. Outdoor Warning System.
    - 1) The outdoor warning system consists of   1   siren [equipped with strobe lights], whose locations and estimated coverage are depicted in Appendix 6. The outdoor warning system covers approximately  30  percent of our geographic area and approximately  30  percent of our population. Procedures for testing the outdoor warning system are included in Appendix 2.
    - 2) Sirens are an alerting device — they alert the public, but cannot provide instructions. When the sirens are activated, people are expected to turn on their radio or television to obtain further information.
  - b. EAS
    - 1) As a condition of licensing, all commercial radio and television stations and cable television companies must participate in EAS and use their facilities to relay warning and instructions from government to the public. Broadcasters and cable companies must carry national security warnings and messages initiated by the President; they may broadcast alerts and messages initiated by state and local governments. The Federal Communications Commission encourages licensees to broadcast state and local warning and instruction messages, but the final decision on broadcasting such messages rests with the broadcaster.
    - 2) For obvious reasons, EAS should be used prudently. Activation of EAS by local governments is governed by the *Texas EAS Plan* and local EAS plans developed in each of the state's 25 EAS districts. The general guidelines for local activation of EAS include:
      - a) Severity of situation. EAS warning will aid in reducing loss of life or substantial loss of property.
      - b) Timeliness. Immediate public knowledge is required to avoid adverse impact.
      - c) Alternatives. Other means of disseminating information are inadequate to ensure rapid delivery.
    - 3) The local EAS stations are listed in Appendix 4. The County has coordinated with these stations to establish procedures for accessing the EAS, which are

included in that appendix. Authority to release EAS messages for broadcast is restricted to those local officials named in Appendix 2. The following methods will be used to transmit emergency messages to EAS stations for broadcast:

- a) By telephone, with the station generally recording our verbal message and then broadcasting it.
- b) By fax, with the station receiving our written message and reading it on the air.
- c) By using the EAS encoder/decoder to prepare a message, affix EAS originator, subject, and location codes, and send it to the local EAS station.

4) Pre-scripted emergency messages have been prepared for use with those warning systems that are capable of delivering a verbal or written message; these are included in Appendix 5. As EAS messages are limited to two minutes, the pre-scripted messages include short warning and instructional messages that may be transmitted by EAS and amplifying messages that will be distributed to the media as Special News Advisories.

c. Route Alerting & Door- to-Door Warning

The public may be warned by route alerting using vehicles equipped with sirens and public address systems. Route alerting may not work well in some areas, including rural areas where residences are some distance from the road or for large buildings with few external windows. Response personnel going door-to-door may also deliver warnings. Both of these methods are effective in delivering warnings, but they are labor-intensive and time-consuming and may be infeasible for large areas. The following departments maintain vehicles equipped for route alerting:

d. NOAA Weather Radio. Pursuant to an agreement with the NWS Forecast Office in     N/A    , those local officials authorized to release EAS messages (See Appendix 2) may request that the NWS activate the NOAA Weather Radio system to broadcast civil emergency messages. This system can broadcast voice messages to individuals who have a NOAA Weather Radio [or receive Weather Radio broadcasts on cable television].

e. Cable Television Interrupt. The LWP/EOC has the capability to interrupt [all channels/the local government access channel] of the local cable television system with an emergency voice message. This means of warning only reaches those who have cable television and have their television set turned on.

f. Telephone Warning/Information Systems.

See the Planning Notes for this annex.

g. Industry Warning Systems.

See the Planning Notes for this annex.

## E. Warning Special Facilities and Populations

Special populations and facilities will be warned of emergency situations by available

methods to include:

1. Visually-impaired: EAS messages on radio, sirens, NOAA Weather Radio, route alerting, door-to-door notification,
2. Hearing-impaired: [Captioned EAS messages on television, route alerting, door-to-door notification,
3. Non-English speaking: Language messages on radio and/or TV, NOAA Weather Radio, route alerting, door-to-door, other
4. Special facilities: [EAS messages on radio/television, sirens, NOAA Weather Radio, route alerting, door-to-door notification.

#### **F. Warnings to Other Governments and Agencies**

1. The Local Warning Point is responsible for warning adjacent or nearby jurisdictions that may be affected by emergency situations originating within this jurisdiction.
2. Local government is also responsible for informing the Disaster District in Tyler County of major emergencies after time-sensitive warnings have been issued. The form for the Initial Emergency Report is provided in Appendix 2 to Annex N, Direction & Control.

#### **G. Actions by Phases of Emergency Management**

##### 1. Prevention

- a. Establish an effective public warning system and appropriate operating procedures. Extend the system to keep up with growth. Adopt new methods of warning that increase the ability to reach citizens not well served by current systems.
- b. Conduct public education designed to prevent citizens from taking unnecessary risks during emergency situations. An example would be a public information effort discouraging people from driving on flooded roads.

##### 2. Preparedness

- a. Test the local warning system on a regular basis.
- b. Prepare pre-scripted warning and public instruction messages for known hazards. See Appendix 5.
- c. Brief local media on local warning systems and coordinate procedures for transmitting EAS messages to radio and television stations and cable television providers.
- d. Conduct public education on warning systems and the actions that should be taken for various types of warnings.
- e. Establish a Joint Information System (JIS) and identify suitable facilities for a Joint Information Center (JIC) if required.

##### 3. Response:

- a. Activate local warning systems to alert the public of the emergency situation and provide appropriate instructions.



- b. Conduct media monitoring to determine the need to clarify issues and distribute updated public instructions
  - c. Discontinue warnings when no longer required.
4. Recovery
- a. Advise the public when the emergency situation has been terminated.
  - b. If necessary, provide instructions for return of evacuees and safety information relating to reoccupation of damaged homes and businesses.

## **VI. ORGANIZATION & ASSIGNMENT OF RESPONSIBILITIES**

### **A. General**

1. The County Judge and Commissioner's Court establish general policies for emergency warning and fund personnel and equipment to operate the warning system.
2. The Sheriff/ Police Chief/ Fire Chief/EMC are responsible for operating the LWP and coordinating operation of the local warning system.

### **B. Task Assignments**

1. The [County Judge/Mayor/City Manager] will:
  - a. Outline general policies on warning and emergency public information.
  - b. Approve emergency public information to be released to the public through the news media or other means.
2. The Sheriff will:
  - a. Develop an adequate warning system.
  - b. Staff and operate the local warning point.
  - c. In coordination with the EMC, develop and maintain procedures for operation of the warning system, coordinating as necessary with other departments and agencies, the NWS, local radio and television stations, cable television companies, and other organizations. See Appendices 2, 3, and 4.
  - d. Provide for maintenance and periodic testing warning system equipment. See Appendix 2.
3. The County Sheriff's Office/Police Department and EOC will serve as the LWP and will:
  - a. Receive and, if necessary, verify and acknowledge warnings of emergency situations.

- b. Make notification to local officials of emergency situations or conditions that could cause such situations as required. See Appendix 1.
  - c. In accordance with SOP or when directed, activate the warning system to alert and provide instructions to the all sirens under their jurisdiction.
  - d. Identify requirements for route alerting and door-to-door warning for areas where other warning systems do not adequately reach the public.
  - e. Develop and maintain hazard specific warning procedures covering warning receipt, verification, and dissemination.
4. The EMC will:
- a. In coordination with the Sheriff/Police Chief/Fire Chief, develop operating procedures for the warning system, coordinating as necessary with other departments and agencies, the NWS, local radio and television stations, cable television companies, and other organizations.
  - b. Assist in the development of pre-scripted warning messages and Special News Advisories. See Appendix 5.
  - c. When the EOC is activated, assist in the development of warning messages and Special News Advisories.
  - d. In coordination with the PIO, educate the public regarding the use of the warning system.
5. The PIO will:
- a. In coordination with the EMC and the Sheriff/Police Chief/Fire Chief, develop pre-scripted warning messages and public instructions for known hazards.
  - b. When an emergency has occurred, develop warning messages and public instructions for the specific situation at hand.
  - c. Develop procedures to facilitate the release of coordinated emergency public information to amplify basic information provided in warning messages.
  - d. Maintain a media briefing area in the vicinity of the EOC.
  - e. Periodically brief the media on local warning systems and warning procedures.
  - f. Develop and disseminate educational materials relating to emergency warning to the public.
6. Law Enforcement will:
- Provide units and personnel for route alerting and door-to-door warning when requested.

7. The Fire Service will:

Provide units and personnel for route alerting and door-to-door warning when requested.

8. All local government departments and agencies will:

- a. Report emergency situations to the local warning point that merit warning local officials or the public.
- b. When requested, provide personnel and equipment to assist in route alerting or door-to-door warning

9. Media companies are expected to:

- a. Disseminate warning messages and Special News Advisories provided by local government to the public as rapidly as possible.
- b. Participate in periodic tests of the EAS and other warning systems.

10. Institutions, businesses, and places of public assembly are expected to:

Monitor radio and television and/or NOAA Weather Radio receivers for warnings and take appropriate actions to protect their patients, students, customers, and employees.

<b>VII. DIRECTION &amp; CONTROL</b>
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**A. General**

1. The County Judge shall provide general guidance for warning activities.
2. The Sheriff/Police/Chief/FireChief/EMC shall provide specific guidance for the operation of the LWP and warning systems.
3. For specific time-sensitive emergency situations, the LWP has been delegated authority to determine if a warning needs to be issued, formulate a warning if necessary (using pre-scripted messages where possible), and disseminate it. For other situations, the LWP must coordinate with one of a designated set of key officials who will determine if a warning should be issued and approve the general content of any warning message that will be disseminated. Guidelines for this process are outlined in Appendix 2.
4. When the EOC has been activated, the EOC staff will normally determine who needs to be warned and how and the EMC, PIO, and other members of the staff will formulate warning messages and public instructions. The LWP will normally execute such warnings by activating the warning system, except that the PIO may disseminate emergency public information to the media directly.

**B. Line of Succession**

The line of succession for the Sheriff/Police Chief/Fire Chief, who has primary responsibility for the warning function, is:

1. Sergeant
2. Captain
3. Chief Deputy

## **VIII. READINESS LEVELS**

### **A. Readiness Level IV - Normal Conditions**

See the prevention and preparedness activities in Section V.G, Actions by Phases of Emergency Management.

### **B. Readiness Level III - Increased Readiness**

1. Monitor the situation.
2. Inspect warning systems to insure they are fully operational.
3. Alert EAS stations of the increased threat so they are aware of the situation and can disseminate warnings if necessary.

### **C. Readiness Level II - High Readiness**

1. Monitor the situation.
2. Develop draft warning messages and public messages for the impending threat.
3. Alert personnel for possible emergency operations; identify personnel for increased staffing during primary vulnerability period.
4. Identify requirements for route alerting and door-to-door warning.
5. Consider activation of the EOC to provide for increased situation monitoring and to conduct pre-planning.

### **D. Readiness Level I - Maximum Readiness**

1. Monitor the situation.
2. Place selected off-duty personnel on standby to increase staffing if necessary
3. Coordinate with EAS stations to determine their readiness.
4. Designate units for route alerting and door-to-door warning.
5. Activate the EOC for increased situation monitoring, planning, and resource management.

## **IX. ADMINISTRATION & SUPPORT**

### **A. Agreements & Contracts**

Should local resources prove to be inadequate during an emergency; requests will be made for assistance from other local jurisdictions, other agencies, and industry in accordance with existing mutual-aid agreements and contracts.

## **B. Reports & Records**

1. The LWP shall maintain activity logs recording:
  - a. Warnings received.
  - b. Key personnel notified and the actions they directed to be taken.
  - c. Warnings disseminated to the public and the means of that dissemination.
2. The Incident Command Post (ICP) and the EOC shall maintain logs of their activities as outlined in Section IX of the Basic Plan.

## **C. Maintenance of Equipment**

All warning systems owned by County or City will be maintained in accordance with the manufacturer's instructions for those systems.

# **X. ANNEX DEVELOPMENT & MAINTENANCE**

## **A. Development**

The County Sheriff/ Police Chief/Fire Chief are responsible for working with other agencies in the development, maintenance, and improvement of this annex. Each agency tasked will develop standard operating procedures that address assigned tasks.

## **B. Maintenance**

This annex will be reviewed annually and updated in accordance with the schedule outlined in Section X of the Basic Plan.

# **XI. REFERENCES**

FEMA, *National Warning System Operations Manual*.

FEMA, *Comprehensive Preparedness Guide (CPG-101)*

**APPENDICES**

Appendix 1..... Emergency Notification Matrix  
Appendix 2..... General Warning Point Procedures  
Appendix 3..... National Warning Messages  
Appendix 4..... Emergency Alert System Procedures  
Appendix 5..... Warning and Emergency Public Information Messages  
    Tab A..... Warning Message-General Incident  
    Tab B..... Warning Message-Road and Facility Closure  
    Tab C..... Warning Message- Shelter-in-Place  
    Tab D..... Special News Advisory-Pre-Evacuation Information  
    Tab E..... Warning Message-Urgent Evacuation  
    Tab F..... Warning Message-Mandatory Evacuation  
    Tab G..... Special News Advisory-Supplemental Evacuation Information  
    Tab H..... Special News Advisory-Schools and Public Facilities  
Appendix 6..... Outdoor Warning System Diagram

## EMERGENCY NOTIFICATION MATRIX

<b>Emergency Situation</b>	<b>Departments to be Notified</b>	<b>Individuals to be Notified</b>
<i>Weather</i>		
Flash Flood Watch - local area	Tyler County Sheriff, Police Department, EMC	Sheriff, Police Chief, County Judge, EMC, City Mayor
Flash Flood Warning – local area	Tyler County Sheriff, Police Department, , EMC	Sheriff, Police Chief, County Judge, EMC, City Mayor
Flood Watch – local area	Tyler County Sheriff, Police Department, EMC	Sheriff, Police Chief, County Judge, EMC, City Mayor
Flood Warning – local area	Tyler County Sheriff, Police Department, EMC	Sheriff, Police Chief, County Judge, EMC, City Mayor
Severe TS Watch – local area	Tyler County Sheriff, Police Department, EMC	Sheriff, Police Chief, County Judge, EMC, City Mayor
Severe TS Warning – local area	Tyler County Sheriff, Police Department, EMC	Sheriff, Police Chief, County Judge, EMC, City Mayor
Tropical weather system in Gulf	Tyler County Sheriff, Police Department, EMC	Sheriff, Police Chief, County Judge, EMC, City Mayor
Tropical Weather Watch or Warning includes local area	Tyler County Sheriff, Police Department, EMC	Sheriff, Police Chief, County Judge, EMC, City Mayor
Tornado Watch – local area	Tyler County Sheriff, Police Department, ,EMC	Sheriff, Police Chief, County Judge, EMC, City Mayor
Tornado Warning – local area	Tyler County Sheriff, Police Department, EMC	Sheriff, Police Chief, County Judge, EMC, City Mayor
Winter Storm Watch – local area	Tyler County Sheriff, Police Department, EMC	Sheriff, Police Chief, County Judge, EMC, City Mayor
Winter Storm Warning – local area	Tyler County Sheriff, Police Department, EMC	Sheriff, Police Chief, County Judge, EMC, City Mayor
<i>Technological Hazards</i>		
Aircraft crash within county/city	SO,PD, DPS,FAA, EPA, Local VFD, Dogwood EMS, Air Evac, EMS	Sheriff, Police Chief, County Judge, EMC, City Mayor

Fire – 2 alarm or less	VFD, SO/PD, EMC, EMS, Hospital	Fire Chief, Sheriff, Police Chief, County Judge, EMC, City Mayor
Fire – 3 alarm+ or county/city facility	VFD, SO/PD, EMC, EMS, Hospital	Fire Chief, Sheriff, Police Chief, County Judge, EMC, City Mayor
Mass casualty incident	Local and Regional VFD, SO/PD, EMS, ER, Hospital, and Air Evac, Haz-Mat Team Local Media	Sheriff, Police Chief, County Judge, EMC, City Mayor
Hazmat spill with casualties/evacuation	Local VFD, SO/PD, EMS, ER, Hospital, and Air Evac, Haz-Mat Team Local Media	Sheriff/Police Chief, County Judge, EMC, Regional RLO, Regional Health Officer, DPS Sargent
Hazmat spill with potential major environmental impact	Haz-Mat Team, VFD, SO/PD, EMS, County Hospital, TCEQ, EPA	Sheriff/Police Chief, County Judge, EMC, Regional RLO, Regional Health Officer, DPS Sargent
Incident involving potentially contaminated drinking water	Local Water Utilities, Sheriff Office/Police Department, Regional Health Department, County Hospital, local Media, TCEQ, EPA	Sheriff/Police Chief, County Judge, EMC City Mayor, GM of Water Utilities
Major explosion	Local and Regional VFD, SO/PD, EMS, ER, Hospital, and Air Evac, Search and Rescue Team, Haz-Mat Team Local Media	Sheriff/Police Chief, County Judge, EMC, City Mayor, Regional RLO, Regional Health Officer, DPS Sargent
<i>Utilities</i>		
Electrical outage – 500+ users/2 hrs+	Electric Company, SO/PD, Water Utilities Company, local Media	Sheriff/Police Chief, EMC, County Judge, City Mayor
Electrical outage – critical facility	Electric Company, SO/PD, Water Utilities Company, local Media	Sheriff/Police Chief, EMC, County Judge, City Mayor
Sewer outage – critical facility	Utility District, SO/PD, TCEQ, EPA, local Media	Sheriff/Police Chief, EMC, County Judge, City Mayor
Sewage spill affecting waterways	Utility District, SO/PD, U.S. Coast Guard, TCEQ, EPA, local	Sheriff/Police Chief, EMC, County Judge, City Mayor



	<b>Media</b>	
Water outage – 500+ users/2 hrs+	Utility District, SO/PD	Sheriff/Police Chief, EMC, County Judge, City Mayor
Water outage – critical facility	Utility District, SO/PD, TCEQ	Sheriff/Police Chief, EMC, County Judge, City Mayor
<i>Security Issues</i>		
Major civil disturbance	Tyler County Sheriff/Police Department, EMC	Sheriff/Police Chief, EMC, County Judge, City Mayor
Terrorist incident	Tyler County Sheriff/ Police Department, EMC	Sheriff/Police Chief, EMC, County Judge, City Mayor

<b>GENERAL WARNING POINT PROCEDURES</b>
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**1. Receiving Warning Information**

- A. The Local Warning Point (LWP) may receive emergency warnings by:
  - 1) TLETS message from the State Warning Point or Area Warning Center
  - 2) Telephone or fax from the SOC
  - 3) Radio, telephone, or fax from the Area Warning Center
  - 4) Radio, telephone, or fax from state or federal agencies or other local governments.
  - 5) Radio, telephone or fax from industry, government employees, or citizens
  - 6) NOAA weather radio
  - 7) NOAA Weather Wire or EMWIN
  - 8) EAS message decoded by our EAS terminal
  - 9) IRIS Immediate Response Information System
- B. Incoming messages should be acknowledged if required (for example: national warning messages).
- C. The date and time on written messages and the date and time of receipt of all messages shall be entered in the Communication Log.
- D. For emergency situations reported by citizens and others unknown to the LWP operator, the operator should seek to confirm the source and information provided by any available means before taking action on the report, unless there are confirming reports from other sources.

**2. Emergency Notifications**

- A. The LWP shall make notifications of routine emergency situations to the department or agency that normally responds to such situations.
- B. For those emergency situations or potential emergency situations described in the Emergency Notification Matrix in Appendix 2, the LWP shall make notifications to the departments, agencies, and those local officials indicated in the matrix. Local officials may request that the LWP take specific actions or advise the LWP that they will take certain actions in response to the warning.
- C. Notifications of emergency situations and other actions taken in response to such notifications shall be recorded in the Communications Log.

**3. Dissemination of Warnings**

- A. The LWP may disseminate emergency warnings and public instructions by:
  - 1) Activating the Outdoor Warning System with appropriate signals.
  - 2) Forwarding a voice or hard copy message to the local EAS station for broadcast
  - 3) Route alerting and door-to-door warning.

- 4) Encoding a voice message using the EAS encoder and forwarding it electronically to EAS stations.
  - 5) Providing a voice or text message to the National Weather Service for broadcast on NOAA Weather Radio.
  - 6) Using the cable television interrupt to broadcast a voice message on all cable channels or the local government access channel.
  - 7) Activating the local telephone warning system, which provides a voice message to selected telephone subscribers?
  - 8) Activating the following industry warning systems:
- B. The LWP may activate the local warning system for certain time-sensitive emergency situations. For other emergency situations, the LWP must seek approval from a key official to activate the local warning system.
- C. The LWP is authorized to activate the local warning system without prior approval for the following emergency situations:
- 1) An NWS tornado warning for the local area or the confirmed sighting of a tornado on the ground in the local area.
  - 2) A national civil emergency warning received from the Area Warning Center. See Appendix 4.
  - 3) A catastrophic emergency situation that poses an immediate threat to life, such as a dam failure.
- D. For other emergency situations, the LWP shall relay the warning received to one of the following key officials and obtain guidance on activating the local warning system and the suggested content of any local warning messages:
- 1) The County Judge
  - 2) The City Mayor
  - 3) The Emergency Management Coordinator
  - 4) The Sheriff/Police Chief
- E. When a decision is made to activate the warning system, the outdoor warning system should be activated and an EAS message dispatched to local broadcasters first. Other warning systems should be activated as soon as possible thereafter.
- 1) To save time and ensure completeness, the pre-scripted warning messages contained in Appendix 6 should be used as basis for warning messages where possible. However, it may be necessary for the LWP to prepare an original message. [Copies of the pre-scripted messages are maintained on computers in the LWP and the EOC so they can be easily modified.]
  - 2) National civil emergency warning messages received locally should not be forwarded to local EAS stations for broadcast, as plans call for federal authorities to enter such messages into EAS at the national level.
  - 3) If it is determined that route alerting and/or door-to-door warning are required, the LWP must alert [fire and police dispatchers/the Communications Center] to assign units to those tasks. The LWP should provide [dispatchers/the Communications

Center] with the warning message and any instructions that are to be disseminated so that these can be passed on to the units involved.

- 4) Warning messages and public instructions should be updated as the situation changes and canceled when no longer needed.

F. The LWP should record the activation of the various local warning systems and dispatch of warning and public instruction messages in its Communication Log.

#### **4. Testing and Exercising the Warning System**

##### **A. System Testing**

All components of the warning system will be tested on a regular basis.

##### **B. Test Procedures**

- 1) The Outdoor Warning System will be tested monthly on the Second Tuesday of the month at 7 p.m.. In the monthly test, the steady ATTENTION or ALERT tone will be sounded for one minute. The wavering ATTACK WARNING tone will not be used for tests.
- 2) The preparation and transmission of a simulated warning message to the local primary EAS station shall be tested quarterly at a date and time agreed upon with the station. Such message shall not be broadcast. EAS stations are required by the FCC to conduct required weekly and monthly tests of their EAS equipment.
- 3) The preparation and transmission of a simulated warning message to the National Weather Service for broadcast on NOAA Weather Radio shall be tested quarterly at a date and time agreed upon with the NWS. Such messages shall not be broadcast.
- 4) The preparation and transmission of a simulated warning message using the Cable Interrupt System shall be tested quarterly at a date and time and in a manner agreed upon with the cable company.
- 5) The Telephone Warning System shall be tested monthly using its built-in test module.
- 6) Industry warning systems shall be tested monthly on the same date and at the same time as the monthly Outdoor Warning System test.

##### **C. Exercises**

- 1) It is desirable that preparation of warning messages and public instructions and the activation of warning systems be included in emergency exercise activities where such tasks are appropriate for the scenario being exercised in order to ensure that components of the system are adequate and the operational procedures are adequate.

- 2) If warning systems are activated at other than normal times for exercises, it is essential to give due notice to the public that such activations will occur.

<b>NATIONAL WARNING MESSAGES</b>
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**1. Types of National Warning Messages**

National warning messages include:

- A. Attack Warning
- B. Fallout Warning
- C. Natural & Technological Emergency Warning

**2. National Warning Message Dissemination**

National warning messages are disseminated by federal authorities from the FEMA Operations Center through the National Warning System (NAWAS) to the states; NAWAS is a dedicated telephone system that disseminates voice-warning messages. In Texas, such warning messages are received at the State Warning Point in Austin and relayed to Area Warning Centers around the state by the Texas Warning System (TEWAS), which is also a dedicated telephone system that disseminates voice-warning messages. Area Warning Centers normally disseminate national warning messages they receive by Texas Law Enforcement Telecommunications System (TLETS) teletype to Local Warning Points. Local Warning Points whose TLETS service is inoperative may receive warning messages by telephone or radio.

**3. Local Action Upon Receipt of A National Warning Message**

- A. When national warning messages are received at the Local Warning Point, such warnings should be disseminated as soon as possible through the local warning system, except that national warning messages received locally should not be forwarded for local broadcast as EAS messages, as federal authorities will broadcast such warnings as national EAS messages.
- B. For an Attack or Fallout Warning, outdoor warning systems should use the ATTACK signal – a 3 to 5 minute wavering tone. For other national warnings, the ALERT/ATTENTION signal (a 3 to 5 minute steady tone) should be used.
- C. All national warning messages received verbally (by telephone or radio) should be acknowledged.

**4. National Warning Messages**

- A. Attack Warning
  - 1) Attack Warnings are issued when there is a threat of attack on the United States or portions of it.
  - 2) Incoming message format:

"This is the FEMA (Alternate) Operations Center. This is an Attack Warning. Declaration time (date & time) Zulu."

Note:

Zulu - 5 hours = Central Daylight Time; Zulu - 6 hours = Central Standard Time.

Zulu - 6 hours = Mountain Daylight Time; Zulu - 7 hours = Mountain Standard Time.

If the threat is limited to a specific area, the message will be tailored to describe the area at risk.

3) Termination message format:

"This is the FEMA (Alternate) Operations Center. The Attack Warning is terminated. Termination time (time) Zulu."

B. Fallout Warning

- 1) Fallout warnings are intended to warn of radiation hazards resulting from nuclear detonations, accidental mishaps, and/or terrorist incidents.
- 2) There is no specific format for this type of message, but it appears that it will likely follow the general format of the message in paragraph 4.D.2). b) below.

C. Natural & Technological Emergency Warning

- 1) This type of warning may be issued to cover the following events: major natural disasters, errant domestic missile launch, reentering space debris, volcanic eruption, major dam failure, and other hazards to public health, safety, and property that may threaten a wide area.
- 2) Incoming message format:  
  
"This is the FEMA (Alternate) Operations Center with a special announcement for all states or the following state(s) \_\_\_\_\_ or the following region(s) \_\_\_\_\_  
Text: (free text message describing the problem and appropriate protective actions)"
- 3) There is no specific format for this type of message.

D. Accidental Missile Launch.

- 1) An accidental missile launch by the United States or other countries may generate a Natural & Technological Emergency Warning or a Fallout Warning or both, depending on the type of missile involved.
- 2) Incoming message format:
  - a) "This is the FEMA (Alternate) Operations Center with a Emergency Warning for the following (states, counties, cities). An accidental missile launch threatens the following areas: (states, counties, cities). Advise population by all means to take cover."

- b) For accidental launches which result in a nuclear weapons detonation, the following message will be used: "This is the FEMA (Alternate) Operations Center. An accidentally launched nuclear weapon detonated in (city, county, state) at \_\_\_\_\_ local time. Radioactive fallout is possible. Persons in (cities, counties, states) should be advised to remain under cover and await further instructions from state or local authorities. Residents are advised to take protective actions in accordance with local community shelter plans and to be alert for further instructions from state and local authorities. Residents in all other areas are advised that protective actions are not required at this time."
  
- c) For accidental launches that do not result in a nuclear weapons detonation, the following message will be used: "This is the FEMA (Alternate) Operations Center. An accidentally launched nuclear weapon impacted in (city, county, state) at \_\_\_\_\_ local time. A nuclear detonation did not – repeat – did not occur. Persons in (cities, counties, states) should be alert for further instructions from state or local authorities. Residents in all other areas are advised that protective actions are not required at this time."



<b>EMERGENCY ALERT SYSTEM (EAS) PROCEDURES</b>
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**1. Purpose**

The purpose of EAS is to provide real time communication, information, direction and instruction in the event of an emergency requiring public action.

**2. EAS Plans**

For purposes of coordinating the use of EAS, the State Emergency Communications Committee has developed a statewide EAS Plan. Local Area Emergency Communications Committees for each of the State's EAS Districts develop local EAS plans. These plans address the concept of operations for EAS, message priorities, procedures for activation of EAS, and message formats. Local plans typically designate individuals authorized to activate EAS and authentication requirements.

**3. EAS Activation****A. Authority**

The following individuals may request activation of EAS:

- 1) The County Judge
- 2) The Emergency Management Coordinator
- 3) The Sheriff

Each individual is provided a set of code words to authenticate requests for EAS activation.

**B. Methods for Transmitting Messages**

EAS messages will be transmitted from the Local Warning Point to EAS stations by telephone, fax, [or encoded voice message].

- 1) **Voice & Fax Messages.** The authentication code should be provided for voice messages and included on fax messages. The LWP should coordinate with the EAS station to determine the methods of delivery. Faxed messages will normally be read by the station staff. Voice messages may be transmitted live or recorded and then transmitted; the latter is preferred if the message must be repeated. For voice messages, it is desirable that the individual generating the message work from a written script or notes to ensure that all essential information is covered.
- 2) **Forwarding Messages for Transmission.** EAS messages will be forwarded to the EAS Local Primary Station if the emergency situation affects areas beyond the local area or if stations that broadcast EAS messages in the local area are unattended during the period when EAS activation is required. Stations that are in unattended operation at certain hours of the day must set their EAS Decoder to Automatic Mode so programming is interrupted and EAS messages broadcast automatically. If the emergency situations affect only an area served by one or two stations or cable companies, local officials may request EAS activation from those stations directly if they are staffed.

- 3) [Encoding EAS Messages.]

C. Operating Guidance

- 1) EAS messages are limited by hardware design to two minutes.
- 2) If a message provided for broadcast by EAS stations is no longer current, it should be cancelled or replaced by an updated message.
- 3) If an EAS station is required by license restrictions to operate at reduced power or cease transmitting during certain specified time periods, and activation of EAS is requested during that time period, the station may operate its transmitter as needed using full power.

D. Broadcast of EAS Messages

When a request for EAS activation is received and authenticated, the EAS station will typically:

- 1) Interrupt normal programming.
- 2) Send the EAS Header Code.
- 3) Send the EAS Attention Signal (8 to 25 seconds).
- 4) Make an activation announcement: "This is the (local area) Texas Emergency Alert System. Important information will follow."
- 5) Broadcast the emergency message.
- 6) Make a termination announcement: "This is the (local area) Texas Emergency Alert System. We now resume normal programming."
- 7) Send the EAS End-of-Message Code.
- 8) Resume normal programming.

- E. Tests. Testing of the EAS system will be as described in the \_\_\_\_\_ District EAS Plan.

4. **EAS Stations.** EAS stations (radio, TV, cable) serving the local area include:

A. Local Primary Radio Station 1

Call sign: KLVI                      Frequency: 560KH-AM  
Contact Name: KLVI  
Address: P.O. Box 5488 Beaumont, Tx. 77726  
Telephone: 409-896-5555                      Fax:  
E-mail Address:

B. Local Primary Radio Station 2

Call sign: KFDM                      Frequency: 87.7-FM; CH.6-TV  
Contact Name: KFDM  
Address: 2955 I-10 East Beaumont, Tx. 77702  
Telephone: 409-892-6622                      Fax: 409-892-6665  
E-mail Address:

C. Supplementary Radio Stations

Call sign: KTXJ/KWYX Frequency: 102.7 RM: 1350 am  
Contact Name: KTXJ/KWYX  
Address: Jasper, TX  
Telephone: 409-384-6801 Fax:  
E-mail Address:

Call sign: Frequency:  
Contact Name:  
Address:  
Telephone: Fax:  
E-mail Address:

D. Television and Cable Stations

Call sign: Direct TV Channel:  
Contact Name:  
Address:  
Telephone: Fax:  
E-mail Address:

Call sign: Channel:  
Contact Name:  
Address:  
Telephone: Fax:  
E-mail Address:

Call sign: Channel:  
Contact Name:  
Address:  
Telephone: Fax:  
E-mail Address:

Call sign: Channel:  
Contact Name:  
Address:  
Telephone: Fax:  
E-mail Address:

<b>LOCAL WARNING &amp; EMERGENCY INFORMATION MESSAGES</b>
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1. This appendix provides two types of warning messages for a number of emergency situations.
  - A. **Warning Messages.** These messages alert the public to emergency situations and provide directions on what they should do and not do to protect themselves. As the time limit for warning messages transmitted via the Emergency Alert System (EAS) is approximately two minutes, and the capability of television warning displays is limited, warning messages are generally short and concise. Warning messages are generally disseminated through warning systems and broadcast every 15 minutes until they are canceled or replaced by an updated message.
  - B. **Special News Advisories.** Special News Advisories amplify information contained in the warning messages, provide further information regarding an emergency situation, and may be used to provide information on impending threats that do not yet warrant public warning. Special News Advisories are generally sent to the media through normal communications channels for further dissemination to the public.
  - C. Warning messages and Special News Advisories have been pre-scripted to expedite timely dissemination; however, it may be necessary to modify the pre-scripted text and the additional information.
  - D. [Copies of the messages in this appendix are maintained on computers in the Local Warning Point and the EOC.]
  
2. The following warning messages and Special News Advisories are provided in this appendix:
  - A. Tab A: Warning Message – General Incident
  - B. Tab B: Warning Message – Road/Facility Closure
  - C. Tab C: Warning Message – Shelter-in-Place
  - D. Tab D: Special News Advisory – Pre-Evacuation Information
  - E. Tab E: Warning Message – Urgent Evacuation
  - F. Tab F: Warning Message – Mandatory Evacuation
  - G. Tab G: Special News Advisory – Supplemental Evacuation Information
  - H. Tab H: Special News Advisory – Schools & Public Facilities
  
3. **General Guidance for Warning & Public Information Messages**
  - A. **Protective Action Areas.** Areas in which protective actions, such as evacuation or shelter-in-place, are being implemented should be described with reference to obvious geographic features, such as roads and rivers, rather than with abstract descriptions such as a one mile radius of some intersection. The preferred method of describing the area should use compass directions and neighborhood and landmark names where appropriate.

Example:

*The area to be evacuated is north of Green Street, east of Olive St, south of James Road, and west of Rainy Road. This area includes the Green Tree and Hidden Hollow subdivisions and the Big Bargains Shopping Center.*

- B. Evacuation Routes. The description of evacuation routes should make it clear which direction(s) evacuees should go and which travel directions they should avoid.

Example:

*People who are west of Meridian Avenue should go west on Kingman Road or Exeter Drive. People who are east of Meridian Avenue should go east on 10<sup>th</sup>, 11<sup>th</sup>, or 12<sup>th</sup> Streets or Easy Street. Do not leave the evacuation area by going north.*

**Warning – General Incident**

1. The County of Tyler Emergency Management Office has issued the following warning for those who live, work, or visiting in Tyler County or affected City.
2. An emergency situation involving Tyler County is currently in progress at: *[Describe location by reference to facility name (if known), street and cross street, other geographic features (rivers, rail lines, etc.), and neighborhood name where appropriate]*
3. Emergency personnel are currently responding to this incident and local officials are monitoring the situation. To keep yourself safe and avoid impeding the emergency response, please avoid this area until further notice.
4. To repeat, an emergency situation involving Tyler County is currently in progress at: *(Repeat location in 2 above)*. Please avoid this area.
5. Do not call [911] for information about the emergency situation. Instead, stay tuned to this station for additional official information.

**Warning – Road/Facility Closure**

1. The County Emergency Management Office has issued the following warning for those who live, work, or are visiting in Tyler County:
2. It has been necessary to close certain local streets and highways due to:
  - flooding
  - heavy accumulations of snow and ice
  - fire / explosion
  - incident involving hazardous materials
  - Other:
3. As of \_\_\_\_\_ today, the following roads have been closed by law enforcement officials:

<u>Street or Route</u>	<u>At or Between</u>
------------------------	----------------------

Please avoid these routes.

4.  If you must travel, use alternate routes, such as:
5.  We recommend that you refrain from driving and remain at home due to the extremely bad travel conditions.
6.  In addition, the following facilities have been closed due to the emergency situation:
7. Again, the roads and streets that have been closed are: *(Repeat list in 3 above)*
8. Please stay tuned to this station for additional information on the current emergency situation.

**Warning - Shelter-in-Place**

1. The County Emergency Management Office has issued the following warning for those who live, work, or visiting in Tyler County.
2. There has been an accidental release of hazardous material that is affecting a portion of the local area. People in the following area must take protective measures:

*[Describe area boundaries]*

3. If you are located in this area, do the following immediately in order to protect yourself:
  - A. Go inside your home, workplace, or the nearest building that appears to be reasonably airtight and stay there. Take your pets with you.
  - B. Close all doors, windows, and any fireplace dampers.
  - C. Turn off any heating or cooling system that draws in air from the outside.
  - D. Keep your radio on and tuned to receive emergency announcements and instructions
  - E. Gather items that you may need to take with you if you are advised to evacuate.
4. People traveling in vehicles should seek shelter in the nearest airtight structure. If a suitable structure is not immediately available, travelers should roll up car windows, close air vents, and turn off the heater or air conditioner until they reach a suitable building.
5. If shelter is not immediately available, keep a handkerchief, towel, or damp cloth snugly over your nose and mouth until you get indoors.
6. (If school is in session.)  
 Students at the following school(s) are taking shelter at their schools:  
  
Parents should not attempt to pick up students at school until the hazardous situation is resolved and they are advised it is safe to do so.  
  
 Students at the following school(s) [have been/are being] evacuated to other facilities:  
  
Parents should not attempt to pick up students from schools that have been evacuated. Local officials will provide information on where to pick up school children as soon as it is available.
7. If you know of any neighbors or co-workers with hearing or language problems or functional and access needs, please advise them of this message.
8. Please do not call [911] or local emergency officials for information. Stay tuned to this station for additional information.

A-5-C-1



**Special News Advisory – Pre-Evacuation**

1. The County of Tyler Emergency Management Office has issued the following advisory for those who live, work, or visiting in Tyler County.
2. Due to the threat of [\_\_\_\_\_], it may be necessary for people who live, work or are visiting in the certain local areas to evacuate in the near future. This area(s) that may be at risk include:

*[Describe area boundaries]*

3. Evacuation is NOT being recommended at this time. Local officials will advise you if evacuation is necessary. However, you should be prepared to evacuate if needed. To prepare, you should:
  - A. Assemble the following emergency supplies:
    - Clothing for your family for several days
    - Bedding, pillows, and towels
    - Prescription medicines & spare eyeglasses
    - Soap and toiletries
    - Baby food and diapers
    - Your address book or list of important telephone numbers
    - Your checkbook, credit cards, and cash
    - Your driver's license and identification cards
    - A portable radio and flashlight.
  - B. You should also:
    - Gather suitcases, boxes, or bags to hold your emergency supplies.
    - Be prepared to secure your home or office and your property before you depart.
    - Ensure your car is in good shape and you have adequate fuel.
    - Decide where you will go if you have to evacuate. Make arrangements with relatives or friends or consider making hotel or motel reservations.
4.  Potential evacuation routes from the area(s) at risk include:
5.  Potential evacuation routes from the area(s) at risk are described in:
6. If you know of any neighbors or co-workers with hearing or language problems or functional and access needs, please advise them of this message. And if you have neighbors or co-workers who do not have transportation, offer to assist them if you can.
7. We want to emphasize that this is a PRECAUTIONARY message about possible evacuation. Evacuation is NOT being recommended at this time.
8. Keep your radio or TV on and listen for further information about this situation. Please do not call [911] or local emergency officials for information as this tie up telephone lines needed for emergency operations.

A-5-D-1

**Warning Message – Urgent Evacuation**

1. The County Emergency Management Office has issued the following warning for those who live, work, or are visiting in Tyler County.
2. Due to [ \_\_\_\_\_ ] that [threatens/is affecting a portion of the local area, the County Judge/City Mayor recommend that people in the following area evacuate immediately to protect their health and safety:
  
3. Recommended evacuation routes from the area(s) at risk include:
  
4. Be sure to take essential items such as:
  - prescription medicines
  - eyeglasses
  - identification cards
  - checkbook
  - credit cards
  - valuable papers

Do not delay your departure to collect other belongings.

5. Take your pets with you, but make sure you bring a leash, crate, or cage for them. Some shelters will not accept pets.
6. If you have no means of transportation or if you are physically unable to evacuate on your own, ask a neighbor to assist you.
7. If you know of any neighbors or co-workers with hearing or language problems or functional and access needs, please advise them of this message. And if you have neighbors or co-workers who need help or do not have transportation, offer to assist them if you can.
8. Repeating, local officials recommend the people in the following area(s) evacuate now:  
*(Repeat the area description in paragraph 2 above.)*
9. Please do not use your telephone except to report a true emergency. Stay tuned to this station for more information and instructions from local officials.

**Warning Message – Mandatory Evacuation**

1. The County Emergency Management Office has issued the following warning for those who live, work, or are visiting in Tyler County:
2. Due to \_\_\_\_, the County Judge/City Mayor, under Texas law, has ordered that people evacuate immediately the following area to protect their health and safety and the health and safety of possible rescuers:
3. Recommended evacuation routes from the area(s) at risk include:
4. Be sure to take essential items such as:
  - prescription medicines
  - eyeglasses
  - baby supplies
  - personal care items
  - identification cards
  - checkbook and credit cards
  - valuable papers

Listen to this station for more information on what you need to take with you. Secure your home before you depart.

5. Take your pets with you, but make sure you bring a leash, crate, or cage for them. Remember some shelters will not accept pets
6. Decide where you will stay until the emergency situation is resolved. Staying with relatives or friends or in a hotel or motel is a good choice.
7. If you can't stay with friends or relatives or find a motel room, listen to this station for more information on the locations of public shelters.
8. If you have no means of transportation or if you are physically unable to evacuate on your own, ask a neighbor to assist you.
9. If you know of any neighbors or co-workers with hearing or language problems or functional and access needs, please advise them of this message. And if you have neighbors or co-workers who need help or do not have transportation, offer to assist them if you can.

10. Repeating, local officials, under Texas law, are ordering the people in the following area(s) to evacuate immediately: *(Repeat the area description in paragraph 2 above.)*
11. Please do not use your telephone except to report a true emergency. Stay tuned to this station for more information and instructions from local officials.

**Special News Advisory – Supplemental Evacuation Information**

1. The County Emergency Management Office has issued the following advisory for those who live, work, or are visiting in Tyler County:
2. Due to the threat of [\_\_\_\_], local officials have recommended that people who live, work or are visiting in the following areas evacuate to protect their health and safety:

*[Describe area boundaries.]*

3. Use the following evacuation routes: [list evacuation routes]
  
4. You should take the following emergency supplies with you:
  - clothing for your family for several days
  - bedding, pillows, and towels for each family member
  - prescription medicines & spare eyeglasses
  - soap and toiletries
  - baby food and diapers
  - address book or list of important telephone numbers
  - checkbook, credit cards, and cash
  - driver's license and identification cards
  - portable radio and flashlight, with extra batteries
5. Plan where you will stay until the emergency situation is resolved. Staying with relatives or friends or in a hotel or motel is a good choice.
6. If you cannot find another place to stay, temporary public shelters will be/have been opened at:
  
7. Take your pets with you, but make sure you bring a leash, crate, or cage for them as well as pet food.
  
8. Secure your property before you depart. Shut off all appliances, except refrigerators and freezers. Lock all doors and windows.
9. Expect travel delays on evacuation routes. If you have a substantial distance to drive, you may want to take drinks and ready-to-eat food in your car in case you are delayed.
10. If you have no means of transportation or if you are physically unable to evacuate on your own, ask a neighbor to help you.
11. If you have neighbors or co-workers, who need help or do not have transportation, offer to assist them if you can.

12. If you know of any neighbors or co-workers with hearing or language problems or functional and access needs, please advise them of this message.
13. Please do not use your telephone except to report a true emergency. Stay tuned to this station for more information and instructions from local officials. If you missed some of the information in this advisory, it will be broadcast again soon.

**Special News Advisory – School & Public Facilities**

- 1. The County Emergency Management Office has issued the following advisory for those who live, work, or visiting in Tyler County.
- 2. The current emergency situation involving [\_\_\_\_\_] has affected the operation of the number of local facilities. This advisory is intended to provide you an update on the status of schools, hospitals, nursing homes, and other key facilities.
- 3.  All local public schools have been closed.
- 4.  The following schools have been closed and students [are being/have been] returned to their homes:

- 5.  The following schools have been evacuated and their students relocated to other facilities:

School \_\_\_\_\_ Students relocated to:

- Parents should pick up their children at these host facilities.
- 6.  The following hospitals and nursing homes have been evacuated and their patients relocated to other facilities:

Facility \_\_\_\_\_ Patients relocated to:

- 7.  The following government offices, parks, recreation areas, and other public facilities have been closed:
- 8. Please stay tuned to this station for more information and instructions from local officials.
- 9.  And please refrain from using the telephone unless you have a true emergency.

**OUTDOOR WARNING SYSTEM DIAGRAM**

See the Planning Notes for this Annex regarding this appendix.



# ANNEX E

# COPY

## Evacuation

Tyler County  
Jurisdiction



**RECORD OF CHANGES**

<b>CHANGE #</b>	<b>DATE OF CHANGE</b>	<b>DESCRIPTION</b>	<b>CHANGED BY</b>
01	3/13/13	New cover	Jo Manning
02	3/13/13	New "Record of Changes"	Jo Manning
03	3/13/13	Deleted RUC	Jo Manning
04	3/13/13	"Special needs" to "access and functional needs"	Jo Manning
05	3/13/13	"Prevention" to "Mitigation"	Jo Manning
06	3/13/13	SLG-101 to CPG-101	Jo Manning
07	3/14/13	"Special Needs Facilities" to "Institutional Facilities"	Jo Manning



# APPROVAL & IMPLEMENTATION

## Annex E

### Evacuation

*James P. Marchetti*  
Signature

5/16/14  
Date

*Dale Freeman*  
Signature

5-16-2014  
Date

**NOTE:** The signature(s) will be based upon local administrative practices. Typically, the annex is signed by the individual having primary responsibility for this emergency function in the first signature block and the second signature block is used by the Emergency Management Director or the Emergency Management Coordinator. Alternatively, each department head assigned tasks within the annex may sign the annex.

## ANNEX E

### EVACUATION

#### I. AUTHORITY

See Basic Plan, section I.

#### II. PURPOSE

The purpose of this annex is to provide for the orderly and coordinated evacuation of all or any part of the population of [City/County] if it is determined that such action is the most effective means available for protecting the population from the effects of an emergency situation.

#### III. EXPLANATION OF TERMS

##### A. Acronyms

EMC	Emergency Management Coordinator
EOC	Emergency Operating or Operations Center
ICP	Incident Command Post
ICS	Incident Command System
NRF	National Response Framework
NIMS	National Incident Management System
PIO	Public Information Office or Officer
SOP	Standard Operating Procedure

##### B. Definitions

1. Institutional Facilities. Certain facilities which house or serve populations that cannot care for themselves during emergency situations and/or require unique support services. Such facilities include:
  - Schools and day care centers, where students require supervision to ensure their safety.
  - Hospitals and nursing homes, where patients need specialized health care personnel and equipment to maintain their health.
  - Correctional facilities, where offenders require security to keep them in custody.
2. Evacuation. The National Incident Management System (NIMS) defines evacuation as an organized, phased, and supervised withdrawal, dispersal, or removal of civilians from dangerous or potentially dangerous areas, and their reception and care in safe areas.
3. Individuals with Access and Functional Needs. Persons who may have additional needs before, during and after an incident in functional areas, including but not limited to: maintaining independence, communication, transportation, supervision, and medical

care. Individuals in need of additional response assistance may include those who have disabilities; live in institutional settings; are older; are children; are from diverse cultures; have limited English proficiency or are non-English speaking; or are transportation disadvantaged.

#### **IV. SITUATION & ASSUMPTIONS**

##### **A. Situation**

1. There are a wide variety of emergency situations that might require an evacuation of portions of the local area.
  - a. Limited evacuation of specific geographic areas might be needed as a result of a hazardous materials transportation accident, major fire, natural gas leak, or localized flash flooding.
  - b. Large-scale evacuation could be required in the event of a major hazardous materials spill, terrorist attack with chemical agent, [extensive flooding, or a hurricane].
2. Authority for Evacuations. State law provides a county judge or mayor with the authority to order the evacuation of all or part of the population from a stricken or threatened area within their respective jurisdictions. Hence, the [County Judge/Mayor] may order a mandatory evacuation of our [County/City] upon issuing a local disaster declaration. The [County Judge/Mayor] may also take subsequent action to control re-entry, curtail movement, and deny building occupancy within a disaster area.

##### **B. Assumptions**

1. Most people at risk will evacuate when local officials recommend that they do so. A general estimate is 80 percent of those at risk will comply when local officials direct an evacuation. The proportion of the population that will evacuate typically increases as a threat becomes more obvious to the public or increases in severity.
2. Some individuals will refuse to evacuate, regardless of the threat.
3. When there is sufficient warning of a significant threat, many individuals who are not at risk will evacuate.
4. Evacuation planning for known hazard areas can and should be done in advance.
5. While some emergency situations are slow to develop, others occur without warning. Hence, there may be time for deliberate evacuation planning or an evacuation may have to be conducted with minimal preparation time. In the case of short notice evacuations, there may be little time to obtain personnel and equipment from external sources to support evacuation operations.
6. The need to evacuate may become evident during the day or at night and there could be little control over the evacuation start time.

7. In most emergency situations, the majority of evacuees will seek shelter with relatives or friends or in commercial accommodations rather than in public shelter facilities.
8. Most evacuees will use their personal vehicles to evacuate; however, transportation may need to be provided for evacuees without personal vehicles.
9. When confronting a major disaster or catastrophic incident, it may be necessary to employ all modes of transportation to include state and/or federal assistance to effectively evacuate our population.

## **V. CONCEPT OF OPERATIONS**

### **A. General**

1. Evacuation is one means of protecting the public from the effects of a hazard; protection is achieved by moving people away from the hazard. In planning for evacuation, the characteristics of the hazard and its magnitude, intensity, speed of onset, and anticipated duration are all significant factors. These will determine the number of people to be evacuated, the distance people must be moved to ensure their safety, the need for reception facilities, and the extent of traffic control and security required.
2. We must be prepared to conduct both small-scale and large-scale evacuations at all times of the day both from known hazard areas and from unexpected incident locations. A General Evacuation Checklist, provided in Appendix 1, has been developed to guide the execution of evacuation operations.

### **B. Evacuation Decisions**

1. The Incident Commander or, for large-scale evacuations, the Emergency Operations Center (EOC) shall assess the need for evacuation, plan evacuations, and coordinate support for the evacuation effort. Evacuation planning should resolve the following questions:
  - a. What areas or facilities are at risk and should be evacuated?
  - b. How will the public be advised of what to do?
  - c. What do evacuees need to take with them?
  - d. What travel routes should be used by evacuees?
  - e. What transportation support is needed?
  - f. What assistance will populations with access and functional needs require?
  - g. What traffic control is needed?
  - h. Does the anticipated duration of the evacuation make it necessary to activate shelter and mass care facilities?
  - i. How will evacuated areas be secured?
2. Evacuations that must be conducted because of incidents that occur without warning may have to be planned quickly and carried out with only those resources that can be mobilized rapidly.
3. The decision to recommend an evacuation of the populace in and around the area of an incident site rests with the Incident Commander managing the incident. In general, the County Judge/Mayor shall issue the order for large-scale evacuations.

### **C. Hazard Specific Evacuation Planning**

1. Hazard-specific evacuation planning information will be developed for certain known hazards and included as appendices to this or other annexes. These appendices will describe the potential impact areas for known hazards, the number of people in the threatened area, and any populations with access and functional needs affected. Such appendices should also identify potential evacuation routes and, where appropriate, transportation pickup points or assembly areas.
2. Likely major evacuation areas, other than hazardous materials or hurricane risk areas, and the potential evacuation routes for those areas are described and depicted in Appendix 2 to this annex.
3. Hazardous materials risk areas and potential evacuation routes from those areas are described and depicted in the appendices to Annex Q, Hazardous Materials and Oil Spill Response.
4. Guidance for hurricane evacuation is provided in Appendix 3 to this annex, which also describes hurricane risk areas and evacuation routes.

### **D. Transportation**

1. Individuals. It is anticipated that the primary means of evacuation for most individuals will be personal automobiles. Many people do not own vehicles and others will need assistance in evacuating. Provisions must be made to furnish public transportation during an emergency evacuation.
2. Institutional Facilities and Populations with Access and Functional Needs. Public schools normally maintain transportation resources; private schools and day care centers may also have limited transportation assets. Most other Institutional facilities rely on commercial or contract transportation companies for their accessible transportation needs. Unfortunately, many of these providers cannot provide sufficient equipment to evacuate a sizeable facility on short notice. Hence, local government may be requested to assist in providing transport.
3. Emergency transportation may be provided by school buses, city buses, rural transportation system buses, ambulances, and other vehicles. See Annex S, Transportation, for transportation guidance; see Annex M, Resource Management, for transportation resources. In the case of large-scale evacuations with advance warning, pickup points may be designated or a telephone bank established to receive and process requests for transportation.
4. Public information messages emphasizing the need for citizens to help their neighbors who lack transportation or need assistance can significantly reduce requirements for public transportation during an evacuation.

### **E. Traffic Control**

1. Actual evacuation movement will be controlled by local law enforcement agencies.



2. When possible, two-way traffic will be maintained on all evacuation routes to allow continued access for emergency vehicles.
3. For large-scale evacuations when time permits, traffic control devices, such as signs and barricades, will be provided by the Public Works/Road & Bridge Department upon request.
4. Law enforcement will request wrecker services when needed to clear disabled vehicles from evacuation routes.

#### **F. Warning & Public Information**

1. The Incident Commander will normally decide if an evacuation warning should be issued in and around an incident site. Respective EOCs or Local Warning Point (see Annex A Warning) will normally disseminate warnings for large-scale evacuations beyond the incident site or where evacuation is conducted because of an imminent threat.
2. Advance Notice of Possible Evacuation
  - a. For slow developing emergency situations, advance warning should be given to affected residents as soon as it is clear evacuation may be required. Such advance notice is normally disseminated through the media. Advance warning should address suitable preparedness actions, such as securing property, assembling disaster supplies, fueling vehicles, and identifying evacuation routes.
  - b. Advance warning should be made to Institutional facilities in a threatened evacuation area as early as possible. During notification, request facility staff review and prepare to implement their evacuation plans. Facility staff should also report their periodic status and any requirements for assistance to the EOC.
  - c. Populations with access and functional needs should also be given advance notice. Notifying and preparing this segment of the population for evacuation will likely require additional time and resources. Any unique circumstances or requests for assistance should be reported to on-scene authorities or EOC.
3. Evacuation Warning
  - a. Evacuation warning should be disseminated through all available warning systems. See Annex A, Warning, for further information.
  - b. In the case of immediate evacuation in and around an incident site, route alerting using siren and speaker-equipped vehicles moving through the affected area is usually effective. When possible, two vehicles should be employed—the first to get the attention of the people and a second will deliver the evacuation message. Door-to-door notification should be considered for large buildings and in rural areas where residences may be some distance from the road.
  - c. Institutional facilities may be notified directly by on-scene authorities or by the EOC staff. However, if both the incident command staff and the EOC will be making notifications, a specific division of responsibilities for notification should be made so that no facilities are inadvertently overlooked.

- d. Law enforcement personnel should sweep the evacuation area to insure all those at risk have been advised of the need to evacuate and have responded. Persons who refuse to evacuate will be left until all others have been warned and then, time permitting, further efforts may be made to persuade these individuals to leave.

#### 4. Emergency Public Information

- a. Warning messages disseminated through warning systems alert the public to a threat and provide basic instructions. They are necessarily short and to the point. The public will often require amplifying information on what to do during an evacuation. The Public Information Officer (PIO) will insure that such information is provided to the media on a timely basis for further dissemination to the public. Provisions must be made to disseminate information to individuals with functional and access needs, including individuals with visual or hearing impairments and those with limited English proficiency and non-English speakers. Specific public information procedures are contained in Annex I (Emergency Public Information).
- b. Amplifying instructions for an evacuation may include information on the location of shelter and mass care facilities, specific evacuation routes, guidance on securing their homes, and the need for evacuees to take certain items with them during an evacuation. When school children are evacuated, parents need timely information on where to pick them up.
- c. When the incident that generated the need for evacuation is resolved, evacuees must be advised when it is safe to return to their homes and businesses.

### G. Institutional Facilities and Populations with Access and Functional Needs

- 1. Institutional facilities are responsible for the welfare and safety of their students, clients, patients, and inmates. Virtually all of these facilities are required to maintain an emergency plan that includes provisions for an emergency evacuation; however, in order to effectively implement those plans, they must be warned of emergency situations.
  - a. Schools & Day Care Centers
    - 1) If evacuation of public schools is required, students will normally be transported on school buses to other schools outside of the risk area, where they can be picked up by their parents. It is essential that the public be provided timely information on these arrangements. In the case of a large-scale emergency situation with advance warning, schools will generally be closed and students returned to their homes so they can evacuate with their families.
    - 2) Private schools and day care centers, including adult day care facilities, typically maintain limited transportation resources and may require government assistance in evacuating.
  - b. Hospitals, Nursing Homes, & Correctional Facilities.
    - 1) If evacuation of these facilities is required, patients and inmates should be transported, with appropriate medical or security support, to a comparable

facility. The facility operator is responsible for making arrangements for suitable transportation and coordinating use of appropriate host facilities. In the case of short-notice or no-notice emergency situations, facilities may be unable to make the required arrangements for transportation and may need assistance from local government with transportation and in identifying suitable reception facilities.

- 2) Medical patients, homeless, registered sex offenders, and prisoners should not be housed in shelter and mass care facilities with the general public.
2. Citizens with Access and Functional Needs may require additional evacuation assistance, transportation, shelter facilities, and medical care during major evacuations (See Annex H – Health and Medical). Our [County/City] emergency management plans [will/ currently] identify by type and estimated number of citizens with Access and Functional Needs and address their needs before, during, and immediately after a major disaster or catastrophic incident.

#### **H. Handling Pets during Evacuations**

1. Evacuees who go to the homes of relatives, friends or commercial accommodations with their pets normally do not pose difficulties during evacuation. A number of studies indicate that some people, particularly people who are elderly, will not leave their homes if they cannot take their pets with them. Hence, it is desirable to make reasonable arrangements for evacuees who come to public shelters with pets. The Animal Control Officer should coordinate these arrangements.
2. Depending on the situation and availability of facilities, one or more of the following approaches will be used to handle evacuees arriving with pets:
  - a. Provide pet owners information on shelter rules for evacuees with pets; provide information on nearby kennels, animal shelters, and veterinary clinics that have agreed to temporarily shelter pets.
  - b. Direct pet owners to a public shelter with covered exterior corridors or adjacent support buildings where pets on leashes and in carriers may be temporarily housed.
  - c. Set up temporary pet shelters at fairgrounds, rodeo or stock show barns, livestock auctions, and other similar facilities.

#### **I. Access Control & Security**

1. Security in evacuated areas is extremely important. Those who have evacuated may not do so in the future if their property has been damaged or stolen during their absence. Law enforcement should establish access control points to limit entry into evacuated areas and, where possible, conduct periodic patrols within such areas to deter theft by those on foot. To the extent possible, fire departments will take measures to insure continued fire protection.
2. If an evacuated area has sustained damage and cannot be reoccupied for an extended period of time, it may be desirable to implement a permit system to limit access to

emergency workers, homeowners, business owners, utility workers, and contractors restoring damaged structures and removing debris. Refer to Annex G, Law Enforcement, for further information.

#### **J. Return of Evacuees**

1. Evacuees returning to their homes or businesses in evacuated areas require the same consideration, coordination, and control as the original evacuation. For limited incidents, the Incident Commander will normally make the decision to return evacuees and disseminate it as appropriate. For large-scale evacuations, the decision will normally be made by the County Judge/Mayor and disseminated through the media.
2. The following conditions should prevail in the evacuated area before evacuees are authorized to return:
  - a. The threat prompting the evacuation has been resolved or subsided.
  - b. Sufficient debris has been removed to permit travel and roads and bridges are safe to use.
  - c. Downed power lines have been removed; ruptured gas, water, and sewer lines have been repaired; and other significant safety hazards have been eliminated. However, utility services may not be fully restored.
  - d. Structures have been inspected and deemed safe for occupancy.
  - e. Adequate water is available for firefighting.
3. For return and re-entry, it may be necessary to provide transportation for those who lack vehicles. Traffic control along return routes may also be required.
4. Public information intended for returnees should address such issues as:
  - a) Documenting damage for insurance purposes.
  - b) Caution in reactivating utilities and damaged appliances.
  - c) Cleanup instructions.
  - d) Removal and disposal of debris.

#### **K. Actions by Phases of Emergency Management**

1. Mitigation
  - a. Where possible, undertake mitigation for known hazards that have in the past led to evacuation.
  - b. Discourage development, particularly residential construction, in potential risk areas, including floodplains, areas downstream from suspect dams and dikes, and areas adjacent to facilities that make, use, or store hazardous materials.
  - c. Seek improvement to preplanned evacuation routes if needed.

- d. Enhance warning systems to increase warning times and reduce the need for hasty evacuations.

## 2. Preparedness

- a. Identify areas where previous major evacuations have occurred and additional areas that may require large-scale evacuation in the future due to known hazards. See Appendix 2 for potential major evacuation areas other than hazardous materials risk areas; hazardous materials risk areas are described in Annex Q, Hazardous Materials & Oil Spill Response. Determine the population of risk areas and identify facilities that may require additional assistance during evacuation (hospitals, nursing homes, schools, etc.) to determine potential transportation requirements.
- b. To the extent possible, identify individuals with access and functional needs that would require assistance in evacuating and maintain contact information for those individuals.
- c. Identify primary and alternate evacuation routes, taking into account road capacities.
- d. Review the disaster preparedness plans of institutional facilities and advise facility operators of any changes that may be needed to make them more workable.
- e. Include evacuations in the scenario of periodic emergency drills and exercises.
- f. Conduct public information programs to increase citizen awareness of possible reasons for evacuation, preplanned evacuation routes, availability of transportation, the need to take appropriate food, clothing, and other disaster supplies during an evacuation, and the desirability of helping neighbors who may need assistance during an evacuation.
- g. Promulgate procedures for protecting government resources from known hazards by relocating them.

## 3. Response

See the General Evacuation Checklist in Appendix 1

## 4. Recovery

- a. Initiate return of evacuees, when it is safe to do so.
- b. Coordinate temporary housing for those who cannot return to their homes
- c. Provide traffic control for return.
- d. Initiative recovery activities for evacuees who have suffered loss of or damage to their homes or businesses.
- e. Carry out appropriate public information activities.

## **VI. ORGANIZATION & ASSIGNMENT OF RESPONSIBILITIES**

### **A. Organization**

1. Our normal emergency organization, described in Section VI.A of the Basic Plan and depicted in Attachment 3 to the Basic Plan, will plan and carry out evacuations and the return of people to their homes or businesses. Incident Command System (ICS) – EOC Interface
  - a. As noted previously, the Incident Commander will normally determine the need for, organize, and conduct limited evacuations in the immediate vicinity of the incident site. If large-scale evacuation is required, our chief elected official should make the recommendation for such evacuation to the public.
  - b. A division of responsibility for evacuation tasks should be agreed upon between the Incident Commander and the EOC. The Incident Commander will normally manage evacuation operations at the scene, while the EOC coordinates operations beyond the incident site, such as coordinating traffic control along evacuation routes, arranging for the activation of shelter and mass care facilities, and advising other jurisdictions of the evacuation.

### **B. Assignment of Responsibilities**

1. The County Judge/Mayor will:
  - a. For emergencies and disasters, issue the order directing citizens to evacuate, when appropriate.
  - b. Approve release of warnings, instructions, and other emergency public information relating to evacuation ensuring the needs of the whole community are addressed.
  - c. Coordinate evacuation efforts with other local governments that may be affected by the evacuation, where appropriate.
  - d. Direct the relocation of at risk essential resources (personnel, equipment, and supplies) to safe areas.
  - e. Direct the opening of local shelter and mass care facilities, if needed.
2. The Incident Commander will:
  - a. Identify risk areas in the vicinity to the incident site and determine protective actions for people in those risk areas.
  - b. If evacuation of risk areas and institutional facilities is required, plan, organize, and conduct the evacuation with the resources assigned.

- c. Request support from the EOC to assist in coordinating evacuation activities beyond the incident site, such as activation of shelter and mass care facilities, if required.
3. The EMC will:
- a. Develop and maintain evacuation planning information for known risk areas, including population of the area, and primary evacuation routes.
  - b. Review evacuation plans of Functional and Access Needs institutions within known risk areas and determine possible need for evacuation support.
  - c. Coordinate evacuation planning to include:
    - 1) Selection of suitable evacuation routes, based on recommendations from law enforcement.
    - 2) Movement control, based on recommendations from law enforcement.
    - 3) Transportation arrangements.
    - 4) Shelter and mass care arrangements.
    - 5) Demographics of populations with access and functional needs and evacuation support requirements.
4. Common Tasks of All Organizations
- a. If time permits, secure and protect facilities in evacuation areas.
  - b. If time permits, relocate essential equipment, supplies, and records to non-risk areas.
5. Law Enforcement will:
- a. Recommend evacuation routes to the Incident Commander or EOC staff.
  - b. Assist in evacuation by providing traffic control.
  - c. Protect property in evacuated areas and limit access to those areas.
  - d. Secure and protect or relocate prisoners.
  - e. Coordinate law enforcement activities with other emergency services.
  - f. Assist in warning the public.
  - g. Provide information to the PIO for public news releases on the evacuation routes.
6. The Fire Service will:
- a. Be responsible for fire protection in the vacated area.

- b. Assist in warning the public.
  - c. Assist in evacuating individuals with Access and Functional Needs as requested.
7. The Public Information Officer (PIO) will:
- a. Disseminate emergency information from the County Judge/Mayor advising the public of evacuation actions to be taken.
  - b. Coordinate with area news media for news releases.
8. The Public Works/Road & Bridge Department will:
- a. Provide traffic control devices upon request.
  - b. Assist in keeping evacuation routes open.
  - c. Provide barricades and barriers to restrict entry to evacuated areas and other areas where entry must be controlled.
9. The Transportation Officer will:
- a. Coordinate transportation for evacuees without vehicles or who may need assistance in evacuating, determining and establishing pickup points if necessary.
  - b. Coordinate transportation assistance for the evacuation of institutional facilities and individuals with access and functional needs.
  - c. Coordinate all transportation relating to relocation of essential resources.
  - d. Provide information to the PIO on pickup points or special pickup routes for those who require transportation, so that this information may be provided to the public.
10. The Shelter Officer will:
- a. For short-term evacuations, coordinate with operators of government-owned buildings schools, churches, and other facilities for use of their facilities as temporary evacuee holding areas.
  - b. For other than short-term evacuations, coordinate with the American Red Cross, Salvation Army, and other service organizations to open shelters and activate mass care operations. See Annex C, Shelter & Mass Care, for further information
11. Health and Medical will:
- Monitor evacuation institutional facilities such as nursing homes and hospitals and coordinate evacuation assistance, if requested.
12. Animal Control will:



- a. Coordinate arrangements to provide temporary facilities for pets arriving with evacuees.
- b. Be prepared to provide shelter managers with information on procedures for handling evacuees with pets.

13. Institutional Facilities (schools, hospitals, nursing homes, correctional facilities) will:

- a. Close and supervise evacuation of their facilities.
- b. Coordinate appropriate transportation for evacuees and en route medical or security support.
- c. Arrange for use of suitable host facilities.
- d. Request emergency assistance from local government if assistance cannot be obtained from other sources.
- e. Ensure assigned personnel are trained and knowledgeable of evacuation procedures.
- f. Disseminate public information to advise relatives and the general public of the status of their facilities and the patients, students, or inmates served by those facilities.

## **VII. DIRECTION AND CONTROL**

### **A. General**

1. The County Judge/Mayor has the general responsibility for ordering an evacuation, when deemed the most suitable means of protecting the public from a hazard.
2. In situations where rapid evacuation is critical to the continued health and safety of the population, the on-scene Incident Commander may recommend evacuation of people at risk in and around an incident scene and direct and control the required evacuation.
3. Large-scale evacuations and evacuations conducted on the basis of imminent threat where there is no current incident scene will normally be coordinated and directed by the EOC

### **B. Evacuation Area Definition**

1. Areas to be evacuated will be determined by those officials with the authority to direct a mandatory evacuation based on the counsel of those individuals and agencies with the necessary expertise, the use of specialized planning materials or decision aids, the recommendations of state and federal agencies, and, where appropriate, advice from other subject matter experts. Evacuation recommendations to the public should clearly

describe the area to be evacuated with reference to known geographic features, such as roads and rivers.

2. The hazard situation which gave rise to the need for evacuation should be continually monitored in case changing circumstances, such as an increase in rainfall or wind shift, change the potential impact area and, thus, the area that must be evacuated.

#### **C. Lines of Succession**

1. The lines of succession for the County Judge/Mayor and the EMC are outlined in Section VII of the Basic Plan.
2. Lines of succession for each department and agency head shall be according to the standard operating procedures established by each department.

### **VIII. INCREASED READINESS ACTIONS**

#### **A. Level IV - Normal Conditions.**

See the prevention and preparedness activities in section V.K, Actions by Phases of Emergency Management.

#### **B. Level III - Increased Readiness.** Increased Readiness may be appropriate if there is a greater than normal threat of a hazard which could necessitate evacuation. Level III readiness actions may include:

1. Review information on potential evacuation areas, facilities at risk, and evacuation routes.
2. Monitor the situation.
3. Inform first responders and local officials of the situation.
4. Check the status of potential evacuation routes and shelter/mass care facilities.

#### **C. Level II - High Readiness.** High Readiness may be appropriate if there is an increased risk of a hazard which necessitates evacuation. Level II readiness actions may include:

1. Monitor the situation.
2. Alert response personnel for possible evacuation operations duty.
3. Coordinate with institutional facilities to determine their readiness to evacuate.
4. Check the status of resources and enhance short-term readiness if possible. Monitor the availability of transportation assets and drivers.
5. Advise the public, populations with access and functional needs and institutional facilities to monitor the situation.

**D. Level 1 - Maximum Readiness.** Maximum readiness is appropriate when there is a significant possibility that evacuation operation may have to be conducted. Level 1 readiness actions may include:

1. Activate the EOC to monitor the situation and track resource status.
2. Place first responders and transportation providers in an alert status; place off-duty personnel on standby.
3. Update the status of resources.
4. Check the status of evacuation routes and pre-position traffic control devices.
5. Update plans to move government equipment to safe havens.
6. Select shelter/mass care facilities for use.
7. Provide information to the public on planned evacuation routes, securing their homes, and what items they need to take with them. Prepare to issue a public warning if it becomes necessary.

## **IX. ADMINISTRATION AND SUPPORT**

### **A. Reporting**

Large-scale evacuations should be reported to state agencies and other jurisdictions that may be affected in the periodic Situation Reports prepared and disseminated during major emergency operations. The Situation Report format is provided in Annex N, Direction & Control.

### **B. Records**

1. **Activity Logs.** The Incident Commander and, if activated, the EOC shall maintain accurate logs recording evacuation decisions, significant evacuation activities, and the commitment of resources to support evacuation operations.
2. **Documentation of Costs.** Expenses incurred in carrying out evacuations for certain hazards, such as radiological accidents or hazardous materials incidents, may be recoverable from the responsible party. Hence, all departments and agencies will maintain records of personnel and equipment used and supplies consumed during large-scale evacuations.

### **C. Resources**

General emergency response resources that may be required to conduct an evacuation are listed in Annex M, Resource Management.

**D. Post Incident Review**

For large-scale evacuations, the County Judge/Mayor/City Manager/EMC shall organize and conduct a review of emergency operations by those tasked in this annex in accordance with the guidance provided in Section IX.D of the Basic Plan. The purpose of this review is to identify needed improvements in this plan, procedures, facilities, and equipment.

**E. Exercises**

Local drills, tabletop exercises, functional exercises, and full-scale exercises shall periodically include an evacuation scenario based on the hazards faced by this jurisdiction.

**X. ANNEX DEVELOPMENT AND MAINTENANCE**

- A. The Sheriff/Chief of Police is responsible for developing and maintaining this annex. Recommended changes to this annex should be forwarded as needs become apparent.
- B. This annex will be revised annually and updated in accordance with the schedule outlined in Section X of the Basic Plan.
- C. Departments and agencies assigned responsibilities in this annex are responsible for developing and maintaining SOPs covering those responsibilities.

**XI. REFERENCES**

FEMA, *Comprehensive Preparedness Guide (CPG-101)*

**APPENDICES:**

1 ..... General Evacuation Checklist  
2 ..... Potential Evacuation Areas  
3 ..... Hurricane Evacuation

## GENERAL EVACUATION CHECKLIST

✓	Action Item	Assigned
	<b>PLANNING:</b>	
	1. Determine area(s) at risk: <ul style="list-style-type: none"> <li>▪ Determine population of risk area(s)</li> <li>▪ Identify institutional facilities and populations with access and functional needs in risk area(s)</li> </ul>	EMC
	2. Determine evacuation routes for risk area(s) & check the status of these routes.	EMC,DPS
	3. Determine traffic control requirements for evacuation routes.	EMC,DPS
	4. Estimate public transportation requirements & determine pickup points.	EMC
	5. Determine temporary shelter requirements & select preferred shelter locations.	EMC,ARC
	<b>ADVANCE WARNING:</b>	
	6. Provide advance warning to Institutional facilities & advise them to activate evacuation, transportation & reception arrangements. Determine if requirements exist for additional support from local government.	Judge, EMC
	7. Provide advance warning of possible need for evacuation to the public, clearly identifying areas at risk. See Annex I, Emergency Public Information.	Judge, EMC
	8. Develop traffic control plans & stage traffic control devices at required locations	EMC, TX DOT
	9. Coordinate with institutional facilities regarding precautionary evacuation. Identify and alert populations with access and functional needs	EMC
	10. Ready temporary shelters selected for use.	EMC,ARC
	11. Coordinate with transportation providers to ensure vehicles & drivers will be available when and where needed.	EMC,SO
	12. Coordinate with school districts regarding closure of schools.	EMC
	13. Advise neighboring jurisdictions that may be affected of evacuation plans.	EMC,SO, PD
	<b>EVACUATION:</b>	
	14. Advise neighboring jurisdictions & the local Disaster District that evacuation recommendation or order will be issued.	Judge, EMC,SO
	15. Disseminate evacuation recommendation or order to institutional facilities and populations with access and functional needs. Provide assistance in evacuating, if needed.	Judge, EMC
	16. Disseminate evacuation recommendation or order to the public through available warning systems, clearly identifying areas to be evacuated.	EMC,SO, PD
	17. Provide amplifying information to the public through the media. Emergency public information should address: <ul style="list-style-type: none"> <li>▪ What should be done to secure buildings being evacuated</li> <li>▪ What evacuees should take with them</li> <li>▪ Where evacuees should go &amp; how should they get there</li> <li>▪ Provisions for populations with access and functional needs and those without transportation</li> </ul>	EMC,PIO, County Judge
	18. Staff and open temporary shelters	EMC/RED CROSS

19. Provide traffic control along evacuation routes & establish procedures for dealing with vehicle breakdowns on such routes.	DPS,SO, PD
20. Provide transportation assistance to those who require it.	All TC-ISD
21. Provide security in or control access to evacuated areas.	SD,DPS, PD
22. Provide Situation Reports on evacuation to the local Disaster District.	EMC
<b>RETURN OF EVACUEES</b>	
23. If evacuated areas have been damaged, reopen roads, eliminate significant health and safety hazards, & conduct damage assessments.	TX.DOT. EMC,SD
24. Determine requirements for traffic control for return of evacuees.	SD, PD,
25. Determine requirements for & coordinate provision of transportation for return of evacuees.	EMC, TX.DOT
26. Advise neighboring jurisdictions and local Disaster District that return of evacuees will begin.	EMC,SD, PD
27. Advise evacuees through the media that they can return to their homes and businesses; indicate preferred travel routes.	EMC,SD, PD
28. Provide traffic control for return of evacuees.	SD, PD, DPS,
29. Coordinate temporary housing for evacuees that are unable to return to their residences.	EMC
30. Coordinate with institutional facilities regarding return of evacuees to those facilities.	EMC,SD, VFD
31. If evacuated areas have sustained damage, provide the public information that addresses: <ul style="list-style-type: none"> <li>▪ Documenting damage &amp; making expedient repairs</li> <li>▪ Caution in reactivating utilities &amp; damaged appliances</li> <li>▪ Cleanup &amp; removal/disposal of debris</li> <li>▪ Recovery programs See Annex J, Recovery.</li> </ul>	Judge,EMC PIO
32. Terminate temporary shelter & mass care operations.	EMC
33. Maintain access controls for areas that cannot be safely reoccupied.	DPS, EMC,SD, PD

**POTENTIAL EVACUATION AREAS  
(LIST)**

**ID#**

**Description:** Barlow Lake Estates

**Hazard:** Flooding

**Est. Population:** 200

**Evacuation Routes:** Preferred route will be out FM 92 to US 190, thence west to Woodville

Evacuation Routes: Alternate route would be down FM 92 to 1013 to Spurger, thence either across FM 1013 to US 69 to Woodville, or continue on FM 92 to Silsbee.

**Est. Evacuation Time:** 1 Hour

**ID#**

**Description:** Fox Landing Area

**Hazard:** Flooding

**Est. Population:** 175

**Evacuation Routes:** Depending on weather condition, evacuation should be US 69 thence to Colmesneil/Woodville as shortest route to shelters. Otherwise, east to US 190 at Jasper, however, that is twice the distance of the US 69/Woodville route and is in another county.

**Est. Evacuation Time:** 1 Hour

**ID#**

**Description:** Sheffield's Ferry

**Hazard:** Flooding

**Est. Population:** 110

**Evacuation Routes:** Preferred route will be to take Highway 1013 West to Spurger

**Est. Evacuation Time:** 30 Minutes

**ID#**

**Description:** Marlin Midstream

**Hazard:** Pipeline Explosion

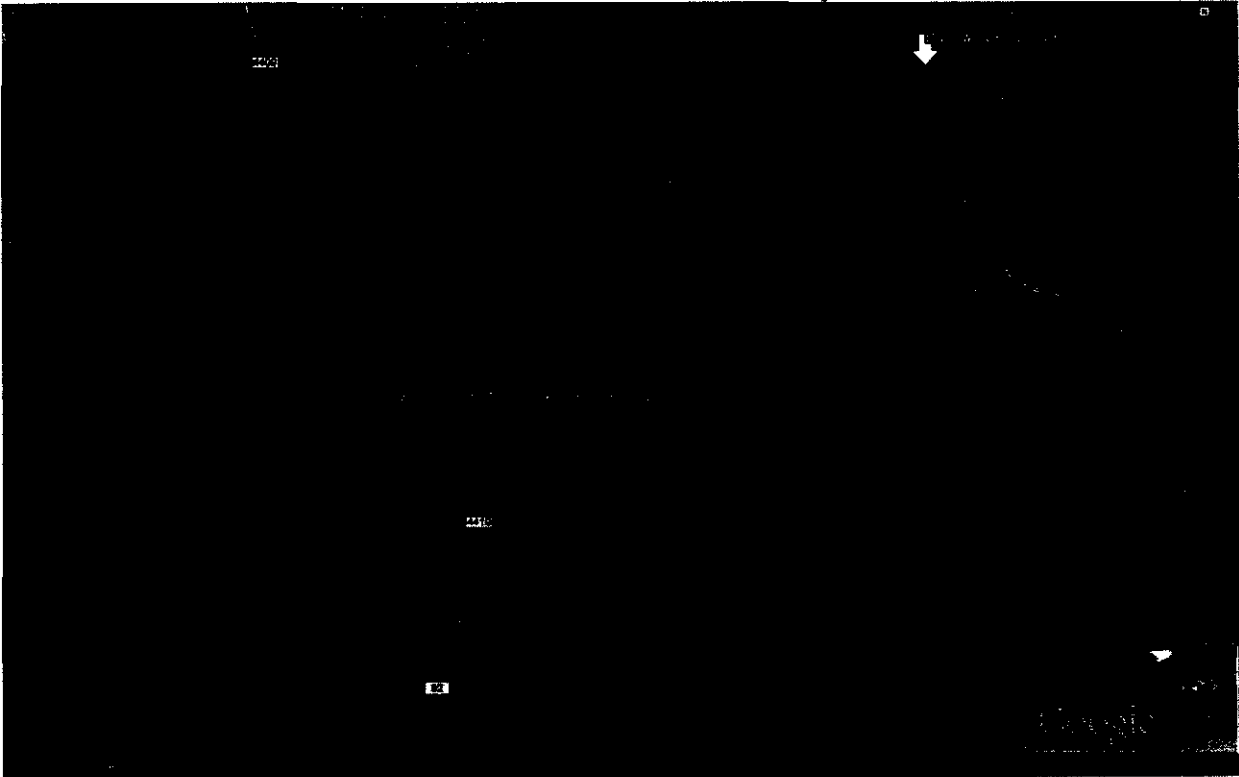
**Est. Population:** 10 Homes in the area

**Evacuation Routes:** Preferred route will be to take County Road 3000 South to Highway 1013 to Woodville

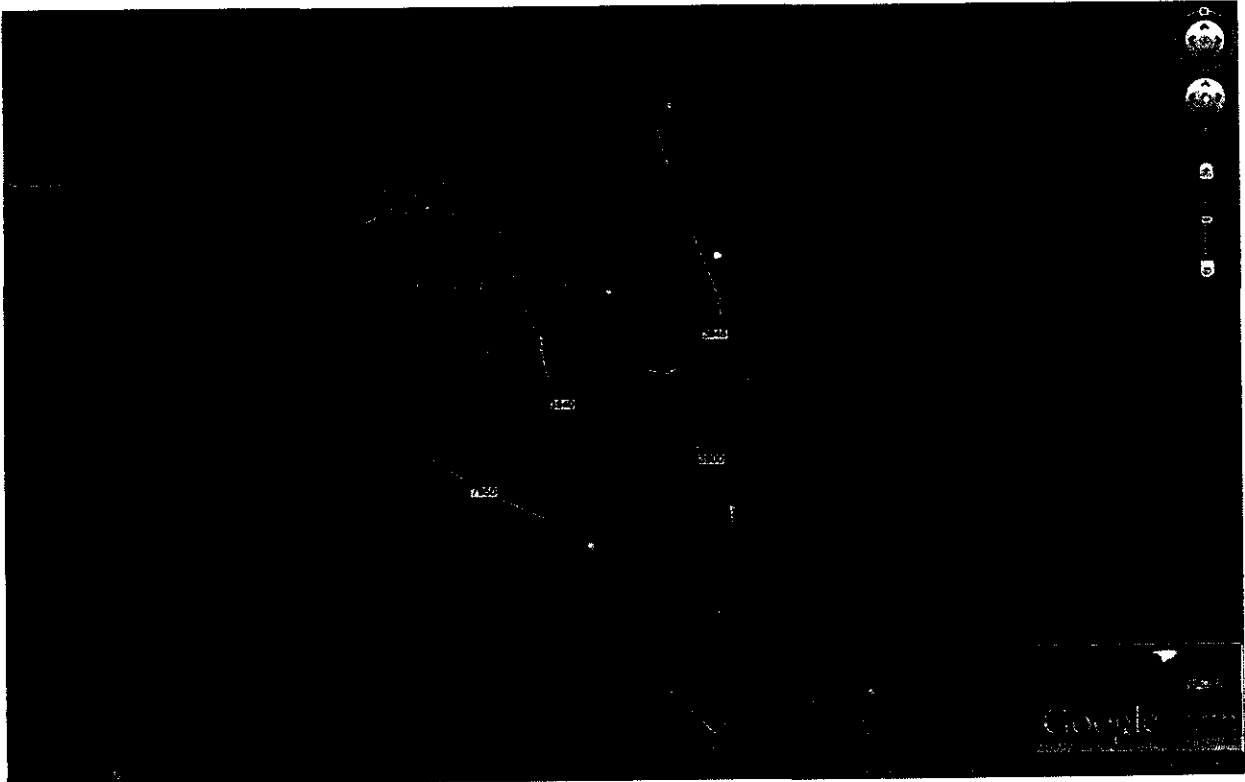
**Est. Evacuation Time:** 30 Minutes

POTENTIAL EVACUATION AREAS  
(MAP)

Barlow Lake Estates Map

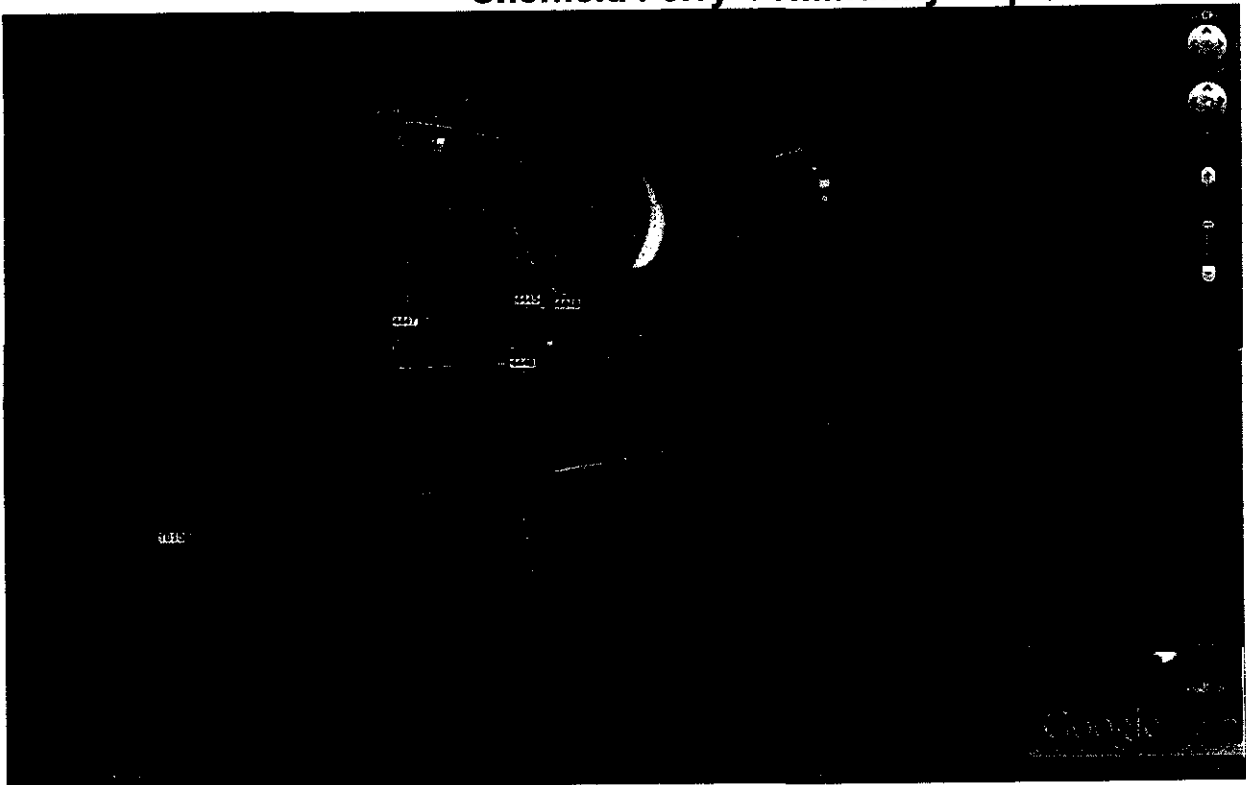






↑ Fox Landing Map

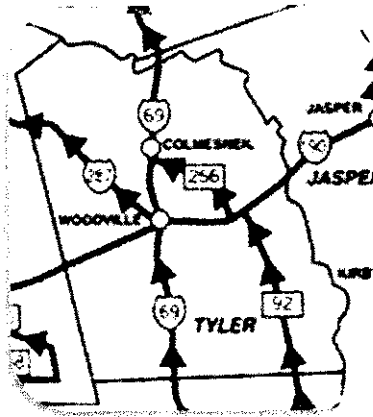
Sheffield Ferry Community Map ↓



Marlin Midstream ↓

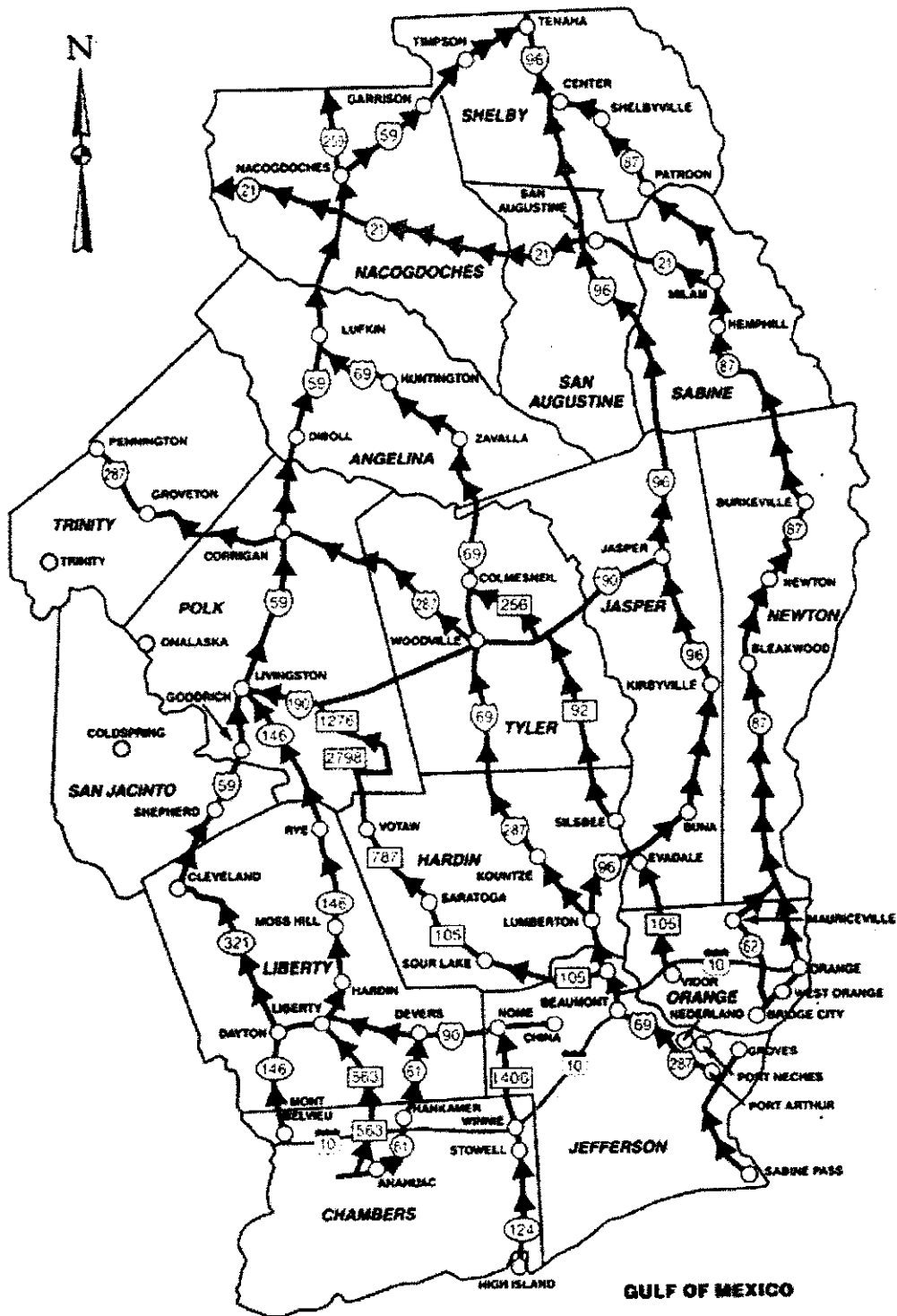


### HURRICANE EVACUATION Tyler County



# Evacuation Routes - Regional Map

## Jefferson/Orange/Chambers Counties



Newspaper\_\_\_\_\_

Court Agenda\_\_\_\_\_

County Clerk\_\_\_\_\_

**NOTICE TO BIDDERS**

**Sealed bids addressed to the County of Tyler to sell the following:**

**ID# 06092014-01 2006 CAT 120H Motor Grader**

**Will be received in the office of the County Auditor, 100 West Bluff, Room 110 Woodville, Texas 75979 until 10:00am on Monday June 9, 2014 at which time and place all bids received will be publicly opened.**

**FACSIMILE TRANSMITTALS SHALL NOT BE ACCEPTED**

**PLEASE MAKE REFERENCE ON THE FACE OF THE ENVELOPE AS TO ITEM(S) FOR WHICH YOU ARE BIDDING. AND PLEASE INCLUDE SIX (6) COPIES OF YOUR BID.**

**Information may be obtained by contacting Michael Marshall at 409-283-7623. Item may be seen at the PCT. 3 County barn 201 CR Hwy. 69 Colmesneil, Texas between the hours of 8:00am – 4:00pm Monday – Thursday.**

**Payments will be processed by the County Auditor after notification of satisfactory receipt of items.**

**Tyler County reserves the right to award by unit cost or lump sum discounted.**

**Tyler County reserves the right to reject any or all bids and to waive formalities and technicalities to negotiate sale.**

**JACKIE SKINNER**

**COUNTY AUDITOR**

**TYLER COUNTY, TEXAS**

**TEXAS 1033 SURPLUS PROPERTY PROGRAM  
APPLICATION LETTER**

TO: Texas Department of Public Safety  
ATTN: Texas 1033 Program  
5805 N. Lamar Blvd.  
BLDG G  
Austin, TX 78752

AGENCY: TYLER COUNTY SHERIFF'S OFFICE

SUBJECT: Request Authorization for Screening and Receiving Surplus Property

1. Our Agency request that the personnel listed on the attached Law Enforcement Agency (LEA) Data Sheet be granted authorization to screen for and receive excess federal property as defined in the Defense Authorization Act, 1997, Public Law 104-181 Section 1033, Transfer of Excess Personal Property.
2. We, the undersigned, understand and agree that failure to comply with the terms of this application is in direct conflict with the intent of this program, and failure on our agency's part to abide by the terms and conditions of the Texas 1033 Program may result in termination from the program and other sanctions including civil or criminal prosecution.
3. We understand and agree that we are responsible for all transportation costs incident to the redistribution or collection of any transferred property. Transferred property must be removed from the Defense Reutilization and Marketing Offices (DRMO) within fourteen (14) days or sooner if so directed by the DRMO. Failure to claim and remove property may result in the redistribution of the property to another agency.
4. We understand and agree that this property is transferred from the Department of Defense (DoD). Transferred property must have a direct application to the LEA's street law enforcement, arrest and apprehension mission. Transferred property may not be disposed of, bartered or transferred without prior notification, written authorization and instructions from the Texas 1033 Program, including instances in which property is no longer serviceable for law enforcement use.
5. We understand and acknowledge that at no time can transferred aircraft or weapons be sold. Additionally, assigned aircraft or weapons cannot be disposed of, bartered or transferred without written consent from the Texas 1033 Program. Failure to comply will result in eternal termination from the program and possible civil or criminal prosecution.
6. We have read and understand, in its entirety, the Texas Military Surplus Property and Procurement Program booklet. We understand and agree to comply with the terms and conditions of the Texas 1033 Program and have signed the Release of Liability Statement.
7. We understand that the Federal Freedom of Information Act and the Texas Open Records Act apply to all property received under the Texas 1033 Program.

8. We understand and agree that our authorization to screen and receive property expires one year from the Law Enforcement Support Office (LESO) authorization letter date. We also understand that it is our responsibility to submit a new Texas 1033 Program application packet each year prior to the one year anniversary of our Authorization Letter and/or when there are administration changes and a new LEA Data Sheet when there are any personnel changes. Failure to comply may result in suspension from the program and possible termination.

9. We understand that the inventory form (TX 1033 Form A6) will be completed and maintained for all transferred property. Additionally, we acknowledge that the inventory form must be submitted annually with the application packet to maintain compliance with program policies. Failure to comply may result in suspension of the program and possible termination.

10. We understand that if a vehicle is obtained through the Texas 1033 Program, the LEA will forward photocopies of both (1) the United States Government Certificate to Obtain Title to a Vehicle (SF 97); and (2) the Texas Certificate of Title (Form 30-C) to the Texas 1033 Program Office within thirty (30) days of receipt.

BENJAMIN WEATHERFORD  
AGENCY CHIEF EXECUTIVE OFFICIAL:

Signature

Date

BENJAMIN WEATHERFORD / SHERIFF  
Name / Title

5/9/2014

AUTHORIZED OFFICIAL<sup>2</sup>:

JACQUES L. BANCHETTE  
Signature

Date

JACQUES L. BANCHETTE COUNTY JUDGE  
Name / Title

5/9/2014

Agency Chief Executive Official — Chief of Police or County Sheriff

<sup>2</sup>  
Authorized Official — County Judge, Mayor, or City Manager/Administrator,  
University/College President or Director.

**TEXAS 1033 SURPLUS PROPERTY PROGRAM  
RELEASE OF LIABILITY**

AGENCY: TYLER COUNTY SHERIFF'S OFFICE WOODVILLE / TYLER, Texas  
City / County

The Texas Law Enforcement Agency (LEA) designated above acknowledges receipt of excess property from the Department of Defense pursuant to Section 1033 of the National Defense Authorization Act for Federal Fiscal Year 1997 (the "Act"). Such excess property transferred pursuant to the Act may include small arms and ammunition (hereinafter referred collectively as the "Transferred Property").

The LEA acknowledges that the Transferred Property is considered excess to the needs of the Department of Defense and that the Transferred Property may be in any condition from new to unserviceable. The LEA acknowledges that there may be hazards associated with the use of the Transferred Property, which could cause damage to property and serious injury or death. The term "use" with respect to the Transferred Property is acknowledged to include, but is not limited to, active deployment, passive transportation, and mere possession. The LEA agrees to provide appropriate or adequate training to any person who may use the property. The LEA agrees that it IS NOT the responsibility of the Department of Defense, the State of Texas, or the Texas Department of Public Safety to provide appropriate or adequate training to any person using the Transferred Property.

The Department of Defense, the State of Texas nor the Texas Department of Public Safety assumes any liability for damages or injuries to any person or property arising from the use the Transferred Property. By signing this agreement, the LEA agrees, subject to the appropriation of sufficient funds, to be solely responsible for any and all suits, actions, demands or claims of any nature arising from its use of the Transferred Property. The LEA agrees to maintain, at its expense, adequate liability and property damage insurance and workman's compensation insurance to cover any such claims.

The LEA accepts Transferred Property "as is" with no warranty of any kind. The Department of Defense, the State of Texas nor the Texas Department of Public Safety make any claims or warranties, expressed or implied, concerning the Transferred Property, including but not limited to warranty of fitness for a particular purpose.

The LEA acknowledges that any item of the Transferred Property meeting the definition of "machine gun" found in 26 U.S. C. 584(b)\* must be registered with the Bureau of Alcohol, Tobacco, and Firearms (BATF) with an ATF Form-10 (Application for Registration of Firearm Acquired by Certain Governmental Entities). Upon receipt of a properly executed Form-10, ATF will accept the registration of the machine gun and notify the LEA. Any machine gun registered in this manner is restricted for law enforcement use only. The LEA agrees to provide the State Coordinator's Office a copy of an approved Form-10 for each machine gun that is part of any Transferred Property received. The LEA must execute a separate transfer agreement with the United States Army, through the 1033 Program, for any small arms/weapons.

The LEA acknowledges that it is solely responsible for any and all costs associated with the transferred Property, including but not limited to, packing, crating, handling, transportation, repossession, and disposal.

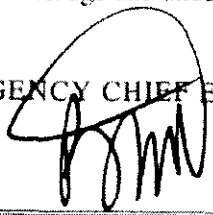


The LEA acknowledges that Transferred Property may be disposed of only with written approval from the State Coordinator's Office and in accordance with local, state, federal laws, and the regulations and guidelines of the 1033 Program prescribed by the Law Enforcement Support Office. The LEA specifically acknowledges that the preceding rule includes, but is not limited to the transfer, destruction or abandonment of any Transferred Property constituting small arms/weapons and weapons parts.

Subject to the conditions set forth herein, title to the Transferred Property is assumed by the LEA upon written acceptance hereof from the LEA.

By signing below, the Agency Chief Executive Official and the Authorized Official acknowledge and understand all previously stated guidelines and conditions.

AGENCY CHIEF EXECUTIVE OFFICIAL<sup>1</sup>:

  
Signature

5/9/2014  
Date

BRIAN WEATHERFORD / SHERIFF  
Name / Title

AUTHORIZED OFFICIAL<sup>2</sup>:

  
Signature

5/9/2014  
Date

JACQUES L. BLANCHETTE / COUNTY JUDGE  
Name / Title

\* The National Firearms Act, 26 U.S.C. section 5801 et seq., defines a firearm to include machine gun. 26 U.S.C. Section 5845(a)(6). That same act, defines a machinegun as follows:

The term "machine gun" means any weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot, without manual reloading, by a single function of the trigger. The term shall also include the frame or receiver of any such weapon, any combination of parts designed and intended, for use in converting a weapon into a machine gun, and any combination of parts from which a machine gun can be assembled if such parts are in the possession or under the control of a person.

Agency Chief Executive Official — Chief of Police or County Sheriff

<sup>2</sup> Authorized Official — County Judge, Mayor, or City Manager/Administrator, University/College President or Director.

LAW ENFORCEMENT AGENCY (LEA)  
APPLICATION FOR PARTICIPATION

\*This application must be updated and resubmitted within 30 days of any changes or on an annual basis

NEW  UPDATE  SCREENER ID (Update Only): \_\_\_\_\_  
AGENCY: TYLER COUNTY SHERIFFS OFFICE  
PHYSICAL ADDRESS (No P.O. Box): 702 N. MAGNOLIA  
MAILING ADDRESS (If different than above): \_\_\_\_\_  
CITY: WOODVILLE STATE: TX  
ZIP: 75979 EMAIL: BRYAN.SHERIFF@CO.TYLER.TX.US  
PHONE: 409-293-2172 FAX: 409-293-8656

NUMBER OF COMPENSATED OFFICERS WITH ARREST AND APPREHENSION AUTHORITY  
FULL-TIME: 19 PART-TIME: 0 RESERVE: 6

SCREENER(S) POC: MUST HAVE AT LEAST ONE  
\*MAIN POC: Designated POC for calls and emails on 1033 Program requests and property pickup  
SCREENER/MAIN POC: PHILLIP R. RYAN, JR.  
SCREENER/POC #2: BRYAN WEATHERFORD  
SCREENER/POC #3: STEVEN STURROCK  
SCREENER/POC #4: DONALD CALHOON  
WEAPON POC (Optional): PHILLIP R. RYAN, JR.  
AIRCRAFT POC (Optional): PHILLIP R. RYAN, JR.

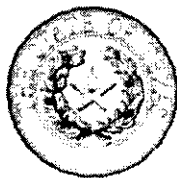
INVENTORY CHECK  
Does the Agency currently have any equipment from the 1208/1033 Program? YES  NO   
WEAPONS: YES  NO  AIRCRAFT: YES  NO  WATERCRAFT: YES  NO   
TACTICAL VEHICLES: YES  NO  OTHER CONTROLLED PROPERTY: YES  NO  DEMIL A: YES  NO   
(LESS THAN A YEAR OLD)

\*By signing this application, the Chief Executive Official/Head of Agency (Local Field Office) is aware of 1208/1033 Property currently in the possession of their department.

\*Upon acceptance into the 1033 Program, I understand that I have 30 days to familiarize myself with the State Plan of Operation and all 1033 Program guidance that is provided by the State Coordinator and that by signing, I certify that all information contained above is valid and accurate.

CHIEF EXECUTIVE OFFICIAL: BRYAN WEATHERFORD DATE: 5/9/2014  
HEAD OF LOCAL AGENCY  
PRINTED NAME  
SIGNATURE

STATE COORDINATOR: Skylor Hearn DATE: \_\_\_\_\_  
(NOT REQUIRED FOR FEDERAL.)  
PRINTED NAME  
SIGNATURE



**TEXAS 1033 SURPLUS PROPERTY PROGRAM  
SUPPLEMENTAL DATA SHEET**

Date: 5/9/2014

Agency: TYLER COUNTY SHERIFF'S OFFICE

Phone: 909 883 2172 Alternate Phone: 909 883 6551

Fax: 909 883 8664

Website (if applicable): \_\_\_\_\_

Screeners #1: CHIEF DEPUTY / PHILLIP R. RYAN, JR. / PRRYAN.SHERIFF@CO.TYLER.TX.US  
RANK / NAME / E-MAIL ADDRESS

Screeners #2: SHERIFF / BRYAN WEATHERFORD / WEATHERFORD.SHERIFF@CO.TYLER.TX.US  
RANK / NAME / E-MAIL ADDRESS

Screeners #3: CHIEF DEPUTY / STEVAN STURROCK / SROCK.SHERIFF@CO.TYLER.TX.US  
RANK / NAME / E-MAIL ADDRESS

Screeners #4: SGT. / DONALD CAHOUN /  
RANK / NAME / E-MAIL ADDRESS

Weapons Officer: CHIEF DEPUTY / PHILLIP R. RYAN, JR. / PRRYAN.SHERIFF@CO.TYLER.TX.US  
RANK / NAME / E-MAIL ADDRESS

**AGENCY CHIEF EXECUTIVE OFFICIAL<sup>1</sup>**

Signature: \_\_\_\_\_

Name: BRYAN WEATHERFORD

Title: SHERIFF

Email: Weatherford.Sheriff@co.tyler.tx.us

**AUTHORIZED OFFICIAL<sup>2</sup>**

Signature: \_\_\_\_\_

Name: JAMES L. BLANCHETTE

Title: COUNTY JUDGE

Email: judge@co.tyler.tx.us

<sup>1</sup> Agency Chief Executive Official – Chief of Police or County Sheriff.

<sup>2</sup> Authorized Official – County Judge, Mayor, or City Manager/Administrator, University/College President or Director.

Clear

## **STATE OF TEXAS 1033 PROGRAM PLANS, POLICIES AND PROCEDURES**

### **PURPOSE:**

The purpose of this document is to set forth the terms and conditions which will be binding on the parties with respect to excess Department of Defense (DOD) personal property which is transferred pursuant to 10 U.S.C. §2576a and to promote the efficient and expeditious transfer of the property.

### **AUTHORITY:**

The Secretary of Defense is authorized by 10 U.S.C. §2576a to transfer to Federal and State Agencies, personal property that is excess to the needs of the DOD and that the Secretary determines is suitable to be used by such agencies in law enforcement activities, with emphasis on counterdrug/counterterrorism activities, under such terms prescribed by the Secretary. The authorities granted to the Secretary of Defense have been delegated to the Defense Logistics Agency (DLA).

### **STAFFING AND FACILITIES:**

By authority of the State Governor, the Assistant Director over the Law Enforcement Support Division of the Texas Department of Public Safety is the Texas 1033 Program State Coordinator. The State Coordinator appoints the State Points of Contact (SPOCs) to administer the daily operation of the 1033 Program.

### **TERMS AND CONDITIONS:**

- **Law Enforcement Agency (LEA) Eligibility Criteria:** Must be a "law enforcement activity" whose primary function is enforcement of applicable Federal, State and local laws as defined by the DLA regulation (this is referring to DLA Directive (DLAD) 4160.10 which will be superseded by the One Book) and whose compensated officers have powers of arrest and apprehension.
  
- **How to Enroll in the State 1033 Program:** LEA must request enrollment via their State Coordinator. LEAs must provide a completed application packet to their State Coordinator. **NOTE:** Upon request of the Law Enforcement Support Office (LESO), a mission statement will need to be provided along with the datasheet. If the enrollment request is approved by the State Coordinator, it will be forwarded to the LESO. If approved by LESO, the State Coordinator will be contacted and provided with a LEA screener's authorization memo (Authorization Letter for Property Screening and Receiving). Once enrolled, the LEA must acknowledge receipt of the memorandum of understanding (MOU) with the State Coordinator agreeing to the terms and conditions of the 1033 Program. As soon as an agency is properly enrolled, automations screening may be conducted through the Defense Reutilization and Marketing Office (DRMO) website. The State Coordinator's office must provide the LEA with their login identification number for this application.
  
- **LEA Screener Criteria:** Must be full-time and/or part-time, sworn and/or non-sworn officers assigned to the LEA performing this duty. LEAs are allowed a maximum of four (4) screeners

per agency. A maximum of two (2) of the authorized screeners may physically screen at any DRMO at one time.

- **Identification/Acquisition/Transportation of Property:** LEAs find needed property electronically through the Defense Reutilization and Marketing Service (DRMS) website: [www.drms.dla.mil](http://www.drms.dla.mil) or by physically visiting the nearest DRMO. Once property has been identified, LEAs submit a manual or electronic DRMS Form 103 to the State Coordinator. The State Coordinator approves/disapproves the request. If approved, it is sent to the LESO. If approved it goes to Military Standard Requisitioning and Issue Procedures (MILSTRIP) or a manual DD Form 1348 is sent to the State Coordinator. It is the responsibility of the State/LEA to transport requested property from the DRMOs to their location. DLA will not fund the transportation cost.
- **Storage of Property:** Unless the State is authorized as a distribution center, it will be the gaining LEA responsibility to store property received through the 1033 Program. Distribution centers should only hold property for their specific customers not more than 90 days. After that date, disposition should be requested, in writing, from the LESO, via their State Coordinator.
- **Distribution of Property:** LESO will approve property request in the following priority: counterdrug/counterterrorism and then any other law enforcement activities.
- **Security of Property:** It is the responsibility of the gaining State/LEA to safeguard all property received through the 1033 Program. Should any property become lost due to theft, destruction or unauthorized sale/disposal, this information must be forwarded to the State Coordinator within seven (7) working days after the incident. The State Coordinator will contact the LESO for additional guidance.
- **Accountability of Property:** Each LEA and the State must maintain records for all property acquired through the 1033 Program. These records must provide an "audit trail" for individual items of property from receipt to distribution. These documents include but are not limited to the following: DRMS Form 103 with all justifications or printouts of automated requests, DD Form 1348 (receipt and turn-in), all disposal and transfer paperwork, approved Bureau of Alcohol, Tobacco and Firearms (ATF) Form 10s, Certificate of Aircraft Registration (AC Form 8050-3), Aircraft Registration Application (AC-Form 8050-1), and any pertinent paperwork through the LESO. The records maintained must also satisfy any and all pertinent requirements under its applicable State statutes and regulations for the program and this property.
- **Establish Inactive File:** As of October 1, 2003, the LESO will institute a five (5) year file retention policy. This policy will state that LESO will maintain active files for two (2) years and inactive files for three (3) years. After five years, the files are destroyed with the exception of DEMIL code B through Q, sensitive items and \$20,000 or more high dollar items.
- **Utilization of Property:** Property received through the 1033 Program must be placed into use within one (1) year of receipt and utilized for a minimum of one (1) year, unless the condition renders it unusable. If property is not placed in use within one (1) year of receipt, it must be

transferred to another authorized agency, or returned to a DRMO. Property returns/turn-ins must be coordinated through the applicable State Coordinator and LESO.

- **State Compliance Reviews:** The State Points of Contact will inspect *at a minimum* 10% of the active agencies to ensure property accountability and proper use of equipment. All law enforcement agencies maintaining sensitive property will submit a written accountability statement detailing property type and serial numbers on the anniversary date of their Authorization Letter for the program.
- **Transfer of Property:** LEAs must coordinate, in writing, transfer of 1033 property through their State Coordinator. The State Coordinator will request final approval from the LESO. Property may be transferred within the State or between States as long as it is properly coordinated with the State Coordinator and LESO. If approved a "LESO transfer approval memo" will be sent to the State Coordinator. For more information regarding these items, view the following links:

Defense Demilitarization and Trade Security Controls (TSC) Program  
[www.demil.osd.mil](http://www.demil.osd.mil)

Military Critical Technologies List  
[www.dtic.mil/mctl](http://www.dtic.mil/mctl)

Critical Federal Supply Class (FSC) and Buzz words  
[www.drms.dla.mil/drms/internal/demil/CriticalBuzzKeyPt.pdf](http://www.drms.dla.mil/drms/internal/demil/CriticalBuzzKeyPt.pdf)

Flight Safety Critical Aircraft Parts (FSCAP)  
[www.drms.dla.mil/drms/internal/demil/FSCAP.pdf](http://www.drms.dla.mil/drms/internal/demil/FSCAP.pdf)

- **Disposal of Property:** LEAs must request approval, in writing, from their State Coordinator before any 1033 property is disposed. The State Coordinator will request final approval from the LESO. If approved a "LESO disposal approval memo" will be sent to the State Coordinator. Only DEMIL codes A, B and Q may be approved for disposal. Items with DEMIL codes of C, D, E, F, G and P must be transferred to an authorized agency or must be returned to a DRMO when no longer needed. Costs incurred for transfers, disposals or turn-ins will be borne by the State/LEA.
  - **DEMIL code A:** does not require demilitarization and may be disposed after obtaining State Coordinator and LESO approval.
  - **DEMIL code B:** does not require demilitarization and may be disposed or returned to a DRMO. If disposed, it must be in accordance with TSC (see DOD 4160.21-M, Defense Material Disposition Manual; DOD 4160.21-M-1, Defense Demilitarization Manual; DRMS-I 4160.14, Volume VII).
  - **DEMIL code Q:** does not require demilitarization and may be disposed or returned to a DRMO. If disposed, it must be in accordance with Commerce Control List Items (CCLI) disposition requirements (see DOD 4160.21-M, Defense Material Disposition

Manual; DOD 4160.21-M-1, Defense Demilitarization Manual; DRMS-I 4160.14, Volume VII).

- **Specific Requirements for disposal of Munitions Lists Items (MLI)/CCLI (DEMIL codes B and Q) excerpt from DOD 4160.21-M:**
  - Before disposing of MLI/CCLI property, Federal and State agencies must consider the export control requirements as promulgated by the Department of State, Department of Commerce and the Treasury Department, as applicable. Disposal methods shall ensure that appropriate safeguard requirements are in place prior to disposal. These will include, but are not limited to:
    - Notification of export control requirements to the end-user;
    - Exclusion of individuals, entities or countries who are excluded from Federal programs by the General Services Administration (GSA);
    - Exclusion if delinquent on obligations to the U.S. Government or are debarred or suspended from DOD contracts;
    - Exclusion if currently suspended for TSC violations;
    - Exclusion if subject to denial, debarment or other sanctions under public law.
- **DEMIL codes C, D, E, F, G and P:** require demilitarization and must be returned to a DRMO. The State Coordinator must obtain the LESOs approval for equipment returns.
  - LESO will provide turn-in documentation (DD Form 1348-1A). With few exceptions, the State/LEA will be asked to coordinate the turn-in with a local DRMO. The State/LEA informs LESO which DRMO has agreed to accept the turn-in. LESO will then provide turn-in documentation to the accepting DRMO. Upon receipt of the turn-in documentation, the LEA must return the property to the specified DRMO. The DRMO personnel receiving the materials will sign the turn-in document and give the LEA a copy of the signed receipt paperwork. This receipt paperwork must be maintained in the LEA's files and a copy of the receipt must be forwarded to the State Coordinator for their files. (see DOD 4160.21-M, Defense Material Disposition Manual; DOD 4160.21-M-1, Defense Demilitarization Manual; DRMS-I 4160.14, Volume VII for DEMIL rules).

- **Training:** The State Coordinator, State Points of Contact and LEAs should be trained/familiar with guidance on the following websites:

ABCs of DEMIL

[www.hr.dla.mil/dtc/coursecatalog/PD/abcdmil.htm](http://www.hr.dla.mil/dtc/coursecatalog/PD/abcdmil.htm) (knowledge of demilitarization codes)

DLA Operations

[www.dla.mil](http://www.dla.mil) (DLA handbook)

LESO Operations

[www.dla.mil/j-7/leso](http://www.dla.mil/j-7/leso) (1033 Program/Automation training guides)

DRMS Operations

[www.drms.dla.mil](http://www.drms.dla.mil) (automation requisitioning process/procedures)

### **THE STATE WILL:**

- a. Receive applications for participation in this program from its law enforcement activities and validate with signature, their law enforcement mission prior to forwarding to LESO for approval as an authorized LEA. Once the approval process is completed and the agency is loaded in the DRMS automated requisitioning system, provide enrolled LEAs with their LEA ID number so they may request materials on-line.
- b. Forward requests to LESO for excess property that is necessary to meet requirements for LEA efforts. Assure the recipient LEA is identified on all requisitions.
- c. Be responsible for the transfer and/or allocation of property to qualified LEAs.
- d. Assure the LEAs agree to maintain, at no expense to the U.S. Government, adequate liability and property damage insurance coverage and workmen's compensation insurance to cover any claims.
- e. Control and maintain accurate records on all property obtained under this plan. These records must provide an "audit trail" for individual items of property from receipt to distribution. These documents include but are not limited to the following: DRMS Form 103 with all justifications or printouts of automated requests, DD Form 1348 (receipt and turn-in), all disposal and transfer paperwork, approved ATF Form 10s, Certificate of Aircraft Registration (AC Form 8050-3), Aircraft Registration Application (AC-Form 8050-1) and any pertinent paperwork through the LESO. The records maintained must also satisfy any and all pertinent requirements under its applicable State statutes and regulations for the program and this property.
- f. Enter into agreements with LEAs to assure they fully comply with the terms, conditions and limitations applicable to property transferred pursuant to this plan/program.



- g. Allow a maximum of four (4) screeners, full-time and/or part-time, sworn and/or non-sworn officers, per LEA performing this duty. The screeners must be named in a "letter of authorization/datasheet" provided to the LESO, to be updated as changes occur, or whenever LESO requests an update. A weapons point of contact (POC) fulltime officer must be included on the "letter of authorization/datasheet" for any LEAs that have received or are requesting weapons. NOTE: A maximum of two (2) of the authorized screeners may physically screen at any DRMO at one time.
- h. Assure that all environmentally regulated property is handled, stored and disposed of in accordance with applicable Federal, State and local environmental laws and regulations.
- i. Assure that the following weapons are registered with the U.S. Treasury Department's ATF: M14, M16, M21 and M79. The State and each LEA must comply with all applicable firearm laws and regulations. Report all stolen or unaccounted for weapons to DLA, LESO not later than seven (7) working days after it is discovered. The State Coordinator must provide a weapon POC on all LEA data sheets. All weapon transfers between LEAs must be approved by the LESO before it is completed. Maintain an approved copy of the ATF Form 10 for all M14, M16, M21 and M79 rifles issued to State/LEA.
- j. Identify to LESO each request that will be used in counterdrug/counterterrorism activities.
- k. Ensure LEAs are aware of their responsibilities in accordance with the Single Audit Act of 1984, as amended (31 U.S.C. 7501-7). Assist LEAs by providing information, as required, for audit submission. Assist LEAs by identifying which property oversight agency the audit information must be submitted to.
- l. Review and update State Plan of Operation annually (calendar year) or when the Governor-appointed State Coordinator changes or Governor changes. If there are no changes to the State Plan of Operation send a signed letter/email to the LESO indicating that the plan has been reviewed and no changes were necessary.
- m. Ensure all LEAs enrolled in the State 1033 Program maintain a current copy of the State Plan of Operation or MOU.
- n. Conduct periodic reviews of each LEA enrolled in the program, to include physical inventory/spot checks, of property received and any related records. Additionally, ensure LEAs are in compliance with applicable Memorandum of Agreement (MOA)/MOU and/or the State Plan of Operation. These reviews must be documented and maintained by the State Coordinator for future LESO compliance reviews.
- o. Obtain reconciliation reports from the LESO website and conduct monthly reconciliations on all items received and annual reconciliations for high dollar items (items valued over \$20,000) and Demil B-Q items between the State/LEA and LESO.

- p. Ensure serial/tail numbers are provided to LESO on items such as peacekeepers/armored personnel carriers (APCs), aircraft, night vision goggles (NVGs)/sights and weapons.
- q. Validate and certify LEA inventory reconciliation results electronically and forward them to LESO within 10 working days of the monthly or annual reconciliation process. Maintain a signed copy of all property reconciliation documentation received through the 1033 Program.
- r. Submit requests for property returns (turn-ins to a DRMO) to LESO. Note: Costs of shipping or repossession of the property by the U.S. Government will be borne by the LEA.
- s. Submit disposal, transfer and inventory adjustment requests to LESO.
- t. Contact the LESO in writing not later than 30 calendar days prior, to a State Coordinator change.
- u. All property transfers will cease if no current Governor's letter is on file; the State has not signed the MOA with DLA; the State Coordinator or POC does not validate all property requests and there is no State Plan of Operation on file.

**THE LAW ENFORCEMENT AGENCY WILL:**

- a. Submit applications for participation in this program to the State Coordinator for approval. Upon request from the State Coordinator or LESO provide a mission statement.
- b. Submit requests for property (electronically). Provide justification for all requisitions to the State Coordinator.
- c. Agrees to maintain, at no expense to the U.S. Government, adequate liability and property damage insurance coverage and workmen's compensation insurance to cover any claims.
- d. Control and maintain accurate records on all property obtained under this plan. These records must provide an "audit trail" for individual items of property from receipt to distribution. These documents include but are not limited to the following: DRMS Form 103 with all justifications or printouts of automated requests, DD Form 1348 (receipt and turn-in), all disposal and transfer paperwork, approved ATF Form 10s, Certificate of Aircraft Registration (AC Form 8050-3), Aircraft Registration Application (AC-Form 8050-1) and any pertinent paperwork through the LESO. The records maintained must also satisfy any and all pertinent requirements under its applicable State statutes and regulations for the program and this property.
- e. Comply with the terms, conditions and limitations applicable to property transferred pursuant to this plan/program.

- f. Allow a maximum of four (4) screeners, full-time and/or part-time, sworn and/or non-sworn officers, per LEA performing this duty. The screeners must be named in a "letter of authorization/datasheet" provided to the LESO, to be updated as changes occur, or whenever LESO requests an update. A weapons POC fulltime officer must be included on the "letter of authorization/datasheet" for any LEAs that have received or are requesting weapons. NOTE: A maximum of two (2) of the authorized screeners may physically screen at any DRMO at one time. Appoint a Property Accountable Officer responsible for approving/disapproving all property requests and maintaining all records for property received that are accountable.
- g. Assure that all environmentally regulated property handled, stored and disposed of in accordance with applicable Federal, State and local environmental laws and regulations.
- h. Assure that the following weapons are registered with the U.S. Treasury Department's ATF: M14, M16, M21 and M79. Recipients must comply with all applicable firearm laws and regulations. Report all stolen or unaccounted for weapons to LESO through the State Coordinator not later than seven (7) working days after the incident has occurred. The LEA must provide a weapon POC on all data sheets. All weapon transfers between LEAs must be approved by the LESO before it is completed. LEA must maintain an approved copy of the ATF Form 10 for all M14, M16, M21 and M79 rifles received.
- i. Identify to LESO each request that will be used in counterdrug/counterterrorism activities.
- j. LEAs enrolled in the State 1033 Program must maintain a copy of the State Plan of Operation or MOU.
- k. LEAs must be aware of their responsibilities under the Single Audit Act of 1984, as amended (31 U.S.C. 7501-7).
- l. Conduct periodic reviews to include physical inventory/spot checks of actual property and related records. Ensure compliance with applicable MOA/MOU and/or the State Plan of Operation.
- m. Obtain reconciliation reports from the State Coordinator and conduct monthly and annual reconciliations. Provide reconciliation results to the State Coordinator.
- n. Ensure serial/tail numbers are provided to the State Coordinator on items such as peacekeepers/APCs, aircraft, NVGs/sights and weapons.
- o. Conduct inventory reconciliations and provide inventory reconciliation results electronically to the State Coordinator within 10 working days of the monthly or annual reconciliation process. Maintain a signed copy of all property reconciliation documentation received through the 1033 Program.

- p. Submit requests for property returns (turn-ins to a DRMO) to the State Coordinator. Note: Costs of shipping or repossession of the property by the U.S. Government will be borne by the LEA.
- q. Submit disposal, transfer and inventory adjustment requests to the State Coordinator.
- r. Contact the State Coordinator, in writing, not later than 30 days prior, when property accountable officer changes.

**TERMINATION CRITERIA:** An LEA may be terminated from the program *either temporarily or permanently* by the State Coordinator for failure to comply with any policy governing the program. A termination notice will be provided via certified mail from the State Coordinator's office.

IN WITNESS THEREOF, the parties hereto have executed this agreement as of the last date written below.

---

Skylor Hearn  
Assistant Director  
Texas Department of Public Safety  
Texas 1033 State Coordinator

AGENCY NAME: TYLER COUNTY SHERIFF'S OFFICE

AGENCY CHIEF EXECUTIVE OFFICIAL:

  
\_\_\_\_\_  
Signature

BRYAN WEATHERFORD / SHERIFF

Name / Title

5/9/2014

Date

## Product Recommendations:

### Kyocera TASKalfa 400ci

- 40 Pages Per Minute Color and B/W
- Automatic Document Feeder
- Duplex Unit (2 Sided Copying)
- Network Print/Scan
- 1,000 Sheet Finisher
- Stapling
- Color Touch Screen
- Print/Copy/Scan/Optional Fax

#### 60 Month Lease

3,000 Copies Per Month: **\$165.00**



6,000 Copies Per Month: **\$210.00**

Overages @ 0.015 for B/W

Color @ 0.085 Per Copy

Prices include toner, service calls, initial set-up, travel time and training.

**Request For  
Proposal For The Acquisition of Product  
Devices For:**

**District Attorney Joe Smith  
Attention: Paula Gibbs**

**Innovative Office Systems**

**2108 N. John Redditt Dr**

**Lufkin, TX 75904**

**(936)633-6550**

**Fax: (936)632-2628**

**Contact: Kapri Holmes**

# Performance Guarantees

Our guarantees coupled with our personal service places Innovative Office Systems head and shoulders above the competition. At Innovative, "Customer Satisfaction always comes first."

We offer:

- Machine uptime of at least 95%
- Guaranteed upgrade flexibility
- Guaranteed equipment loaners
- Guaranteed technical support
- A Performance Guarantee of Customer Satisfaction

## The Innovative Story

Our mission is to be the most efficient/low cost provider of a document and image processing products and technology, this includes input, storage, and output. We will attain a long-term leadership position in our markets by focusing on several compatible objectives:

1. Consistently provide outstanding value and service to our customer, exceeding their expectations.
2. Establish and maintain outstanding vendor alliances through the "partnering concept."
3. Innovative Office Systems is a leading provider of office equipment, network integration, and electronic presentations. We provide customer solutions with products from major vendors in the industry such as Kyocera-Mita and Muratec. Our customers recognize our financial strength in the form of service, distribution, parts and product inventory. Also, our local office is equipped with a showroom for the prospective customer to view the latest technology and products that we offer.



**TYLER COUNTY AUDITOR**

*Jackie Skinner*

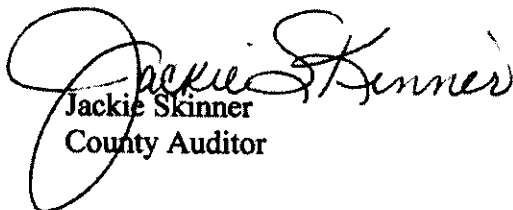
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100 W. Bluff Room 110 Woodville, Texas 75979  
409.283.3652 fax: 409.283.6305 jskinner.aud@co.tyler.tx.us

May 12, 2014

To: Honorable Commissioner's Court

A request has been made by Judge Jerome Owens to be included in the County's retiree Life Insurance Benefit. I am in Austin at the Annual County Auditor's Institute. In my absence I have attached documentation in helping you make your decision.

  
Jackie Skinner  
County Auditor





May 23, 2001

The Honorable Jack M. Skeen, Jr.  
Smith County Criminal District Attorney  
100 North Broadway, 400  
Tyler, Texas 75702

Opinion No. JC-0383

Re: Whether, without violating article III, section 53 of the Texas Constitution, a county may pay group-health-insurance premiums for retirees for whom, at the time they retired, the county did not provide such benefits, and related questions (RQ-0334-JC)

Dear Mr. Skeen:

Under article III, section 53 of the Texas Constitution, a retired county employee generally may not receive a new or increased benefit from the county if the county did not provide it when the employee retired. *See* TEX. CONST. art. III, § 53; Tex. Att'y Gen. Op. No. JC-0297 (2000) at 4. Since October 1, 1996, Smith County (the "county") has paid group-health-insurance premiums for its retired employees, including nine (the "nine retirees") who retired when the county provided that a retiree could continue to participate, at the retiree's own expense, in the county's health-insurance plan for a period consistent with federal law.<sup>1</sup> *See* Consolidated Omnibus Budget Reconciliation Act of 1985, Pub. L. No. 99-272, 100 Stat. 82 (1986) (continued health-insurance coverage provisions are codified at 29 U.S.C. §§ 1161-69 and 42 U.S.C. §§ 300bb-1 to -8 (1994 & Supp. IV 1998)) [hereinafter COBRA]. We assume that the nine retirees have provided no additional consideration in return for the county's payment of health-insurance premiums. You ask whether, under article III, section 53 of the Texas Constitution, the county may pay the nine retirees' health-insurance premiums. *See* Request Letter, *supra* note 1, at 2; TEX. CONST. art. III, § 53. Because the county did not provide for such a benefit when the nine retired, it may not pay the premiums.

You ask two other related questions. You question whether the county must ask the nine retirees to reimburse the county for the premiums it has paid since October 1, 1996. *See* Request Letter, *supra* note 1, at 3. The county may, but it need not. You ask last whether the county may invite the nine retirees to participate in the county's group-health-insurance policy if the retirees pay their own premiums. *See id.* We conclude that those who retired between January 1, 1994 and October 1, 1996 may be entitled to participate in accordance with chapter 175 of the Local

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<sup>1</sup>*See* Letter from Honorable Jack M. Skeen, Jr., Smith County Criminal District Attorney, to Honorable John Cornyn, Texas Attorney General (Dec. 28, 2000) (on file with Opinion Committee) [hereinafter Request Letter].

Government Code. See TEX. LOC. GOV'T CODE ANN. ch. 175 (Vernon 1999). Those who retired before January 1, 1994 may not participate beyond the period required by COBRA, however.

You provide these facts:

On September 9, 1996, the Smith County Commissioners Court approved a policy to provide group health insurance coverage for future retirees and to pay 100% of the premiums for these retirees. The effective date of this policy was October 1, 1996. Prior to October 1, 1996, Smith County retirees were offered continued . . . coverage [under COBRA] at their own expense. As of October 1, 1996, there were nine . . . county retirees on COBRA paying their own premiums. The Commissioners Court opted to include these 9 retirees in the new policy. Thus, the county included these 9 retired individuals in its group health policy and began paying the insurance premiums for these 9 retirees beginning October 1, 1996. The county has continued paying 100% of these premiums to [the] present.

Request Letter, *supra* note 1, at 1-2. You further stipulate that, "[a]t the time these 9 individuals retired, the [county] policies governing their retirement plan did not provide for the possibility of the county including them in [the] group plan or paying any portion of their health insurance premiums. Rather, [when] these 9 persons retired, the policy of the county was that retirees would pay 100% of their premiums for continued COBRA coverage." *Id.* at 3. The dates of retirement for the nine range from August 1992 through July 1996. Telephone Conversation with Lee Porter, Smith County Assistant District Attorney (Mar. 12, 2001).

Under article III, section 53 of the Texas Constitution, a county generally may not increase a former employee's retirement benefits beyond those for which the county provided at the time of retirement. Article III, section 53 expressly prohibits the legislature from authorizing a county to grant "any extra compensation, fee or allowance to a public officer, agent, servant or contractor, after [a] service has been rendered, . . . , and performed in whole or in part." TEX. CONST. art. III, § 53.

Increasing retirement benefits is constitutionally permissible in two circumstances. First, a county may increase a retiree's benefits if the retiree provides additional consideration. See *City of Greenville v. Emerson*, 740 S.W.2d 10, 13 (Tex. App.-Dallas 1987, no writ) (determining that "contract" that requires city to pay "additional sums of money for services already rendered and benefits already paid . . . for no additional consideration" contravenes article III, section 53); accord Tex. Att'y Gen. Op. No. JC-0297 (2000) at 5. Second, a county may increase a retiree's benefits if, at the time of the retiree's retirement, the county's retirement policy or applicable federal or state law "provided for the possibility of additional payments." Tex. Att'y Gen. Op. No. JC-0297 (2000) at 5. For example, the board of trustees of a fire fighters' retirement benefits plan may increase retirement benefits for current retirees without violating article III, section 53 because the applicable

statute explicitly permitted the board to change retirement benefits for those already receiving monthly retirement benefits. See Tex. Att'y Gen. LO-97-113, at 4.

Neither circumstance appears present here. First, we assume that, to this point, the nine retirees have provided no additional consideration for the county's payment of health-insurance premiums. Nothing in the information you have provided suggests that they have done so. See generally Request Letter, *supra* note 1. Second, at the time of the nine retirees' retirements, nothing in the county policy or in applicable federal or state law provided for a possibility of increased health-insurance benefits. At that time, county policy required retirees to pay 100% of their health-insurance premiums for continued coverage under COBRA. See Request Letter, *supra* note 1, at 3. Under COBRA, a retiree may continue, for eighteen to thirty-six months after the date of retirement, health-insurance coverage through the former employer. See 29 U.S.C. §§ 1161 - 1163; 42 U.S.C. §§ 300bb-1 through -3. But COBRA "does not require or authorize a county to pay any part of a county retiree's health insurance premiums." Tex. Att'y Gen. Op. No. JC-0297 (2000) at 3. Similarly, no state law that requires or authorizes the county to pay the nine retirees' health-insurance premiums provided for increased benefits. Article 3.51-2 of the Insurance Code, which authorizes a county to procure group-health-insurance contracts covering retired county employees and to pay all or any portion of the premiums for retirees, see TEX. INS. CODE ANN. art. 3.51-2(a), (b) (Vernon Supp. 2000); Tex. Att'y Gen. Op. No. JC-0297 (2000) at 2, does not authorize a county to pay group-health-insurance premiums for a retiree if the payments constitute unconstitutional retroactive compensation. See Tex. Att'y Gen. Op. No. JC-0297 (2000) at 2. Section 157.002 of the Local Government Code "authorizes a commissioners court to provide various kinds of insurance to retirees," *id.*, but the insurance must be provided "by rule" and "included in the person's employment contract." TEX. LOC. GOV'T CODE ANN. § 157.002 (Vernon 1999). Because you specify that the county did not provide for premium-paid health insurance for the nine retirees at the time they retired, see Request Letter, *supra* note 1, at 3, section 157.002 does not apply. Last, although chapter 175 of the Local Government Code, which entitles a person who is employed by a county with a population of 75,000 or more to, upon retirement, continue participating in the county's health-insurance program at the retiree's expense, appears to apply to the county, it does not authorize the county to pay retirees' health-insurance premiums. See TEX. LOC. GOV'T CODE ANN. §§ 175.001, .002(a) (Vernon 1999); 1 Bureau of the Census, U.S. Dep't of Commerce, 1990 Census of Population, General Population Characteristics: Texas 4 (1992) (Smith County population is 151,309) (174,706 according to 2000 census, available at <http://www.census.gov/>); see *infra* at 4-5 (discussing further chapter 175). But see TEX. LOC. GOV'T CODE ANN. §§ 175.006, .007 (Vernon 1999) (listing matters chapter 175 does not affect and exempting certain counties and municipalities from chapter 175).

We therefore conclude that the county may not pay health-insurance premiums for the nine retirees without violating article III, section 53 of the Texas Constitution. We do not understand the nine retirees to have provided any additional consideration for the increased benefit. Additionally, neither county policy, nor federal or state law require or provide for the possibility of the increased benefits.

You ask second whether the county must ask the nine retirees to reimburse the county for premiums the county paid in contravention of article III, section 53 of the Texas Constitution. The county may, but it is not required to do so.

A governmental entity, in the exercise of its discretion, may seek to recover a payment that its agent has erroneously paid to a private party from public funds. See *City of Taylor v. Hodges*, 186 S.W.2d 61, 63 (Tex. 1945); Tex. Att'y Gen. Op. No. JM-910 (1988) at 7. While the county may seek reimbursement, we found no case law or attorney general opinion stating that the governmental body must seek reimbursement. See *United States v. Paddock*, 178 F.2d 394, 398-99 (5th Cir. 1949), cert. denied, 370 U.S. 813 (1950) (discussing rule as articulated by several federal and state courts); *Hodges*, 186 S.W.2d at 63; *Cameron County v. Fox*, 2 S.W.2d 433, 436 (Tex. Comm'n App. 1928, judgm't adopted) (stating that amount wrongly paid "may be recovered in an action by the county"); *Gould v. City of El Paso*, 440 S.W.2d 696, 699 (Tex. Civ. App.—El Paso 1969, writ ref'd n.r.e.) (noting exception to general rule "where payment was mistakenly made out of the public treasury"); *Nunn-Warren Publ'g Co. v. Hutchinson County*, 45 S.W.2d 651, 653 (Tex. Civ. App.—Amarillo 1932, writ ref'd) ("Although the payment to the defendant was made by the county voluntarily, such payment was without lawful authority, and the action of the auditor, the commissioners[] court, and the county in said transaction was illegal and void and the amount paid to and received by the defendant is recoverable in this action.") (citing *Fox*, 2 S.W.2d 433); Tex. Att'y Gen. Op. Nos. JM-910 (1988) at 7, MW-93 (1979) at 2. Thus, a county may exercise reasonable discretion as to whether to seek reimbursement in a particular case. See Tex. Att'y Gen. Op. No. JM-910 (1988) at 7. In making its decision, the county commissioners court might consider, for instance, "the amount of funds to be reimbursed, the ease of collection, and the legal and other costs incident to collection." *Id.* (citing Tex. Att'y Gen. Op. No. MW-93 (1979) at 3). The county also should weigh the notion that the commissioners court may have authorized unconstitutional payments from funds belonging to the public. See *Hodges*, 186 S.W.2d at 63; *Paddock*, 178 F.2d at 398-99 (quoting *City of Taylor v. Hodges*).

We address your remaining question: whether the county constitutionally may "continue to include these 9 retirees under [the county's] group insurance policy if the retirees pay all of the premiums?" Request Letter, *supra* note 1, at 3. The answer to this question is complicated by the fact that some of the nine retirees retired before chapter 175 of the Local Government Code became effective, on January 1, 1994. Telephone Conversation with Lee Porter, Smith County Assistant District Attorney (Mar. 12, 2001); see also Act of May 28, 1993, 73d Leg., R.S., ch. 663, § 2(a), 1993 Tex. Gen. Laws 2460, 2462 (stating effective date of what is now chapter 175 to those who retire from county employment "on or after January 1, 1994"). For those who retired on or after January 1, 1994, when chapter 175 became effective, and before October 1, 1996, when the county policy became effective, we apply chapter 175. But the county has no authority to invite those who retired before January 1, 1994 to participate in the program.

We conclude that a person who retired on or after January 1, 1994 but before October 1, 1996 may participate in Smith County's group-health-insurance program at the retiree's expense, but only in accordance with chapter 175 of the Local Government Code. Chapter 175 applies to a person who

"retires from county employment in a county with a population of 75,000 or more" and who "is entitled to receive retirement benefits from a county . . . retirement plan." TEX. LOC. GOV'T CODE ANN. § 175.001 (Vernon 1999). Under section 175.002, a person to whom the chapter applies has a limited right to purchase continued health benefits:

(a) A person to whom this chapter applies is entitled to purchase continued health benefits coverage for the person and the person's dependents as provided by this chapter unless the person is eligible for group health benefits coverage through another employer. The coverage shall be provided under the group health insurance plan or group health coverage plan provided by or through the employing county . . . to its employees.

(b) To receive continued coverage under this chapter, the person must inform the employing county . . . , not later than the day on which the person retires from the county or municipality, that the person elects to continue coverage.

(c) If the person elects to continue coverage for the person and on any subsequent date elects to discontinue such coverage, the person is no longer eligible for coverage under this chapter.

*Id.* § 175.002(a) - (c). A county that is subject to chapter 175 has a duty to inform a retiring employee of his or her right to continued health coverage:

A county . . . shall provide written notice to a person to whom this chapter may apply of the person's rights under this chapter not later than the date the person retires from the county or municipality. A county . . . may fulfill its requirements under this section by placing the written notice required by this section in a personnel manual or employee handbook that is available to all employees.

*Id.* § 175.005.

Under chapter 175, a person who has retired from county employment since January 1, 1994 is entitled to participate in the county's group-health-insurance coverage if he or she informed the county of his or her election to participate "not later than the day on which the person retire[d] from the county." *Id.* § 175.002(b). Of course, the county had a duty to notify the retiring employee of his or her entitlement in accordance with section 175.005. *See id.* § 175.005. We assume that none of the persons who retired between January 1, 1994 and October 1, 1996 is eligible for group health-benefits coverage through another employer. *See id.* § 175.002(a). We also assume that neither of the exemptions listed in section 175.007 apply to Smith County. *See id.* § 175.007 (exempting certain counties that provide health-benefits coverage through self-insured plan or plan authorized

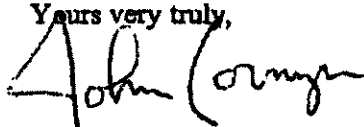
under chapter 172, Local Government Code, and counties that provide coverage "substantially similar to or better than the coverage" chapter 175 requires).

Those who retired before January 1, 1994 may not participate in the county's group-health-insurance program, even at their own expense. As we have stated, the county did not provide for paying these retirees' health-insurance premiums under section 157.002 of the Local Government Code at the time they retired. See TEX. LOC. GOV'T CODE ANN. § 157.002(a)(4) (Vernon 1999); *supra* at 3 (determining that section 157.002 does not apply); see also Act of May 18, 1989, 71st Leg., R.S., ch. 872, §§ 2, 3, 1989 Tex. Gen. Laws 3862, 3863 (adopting section 157.002(a)(4), Local Government Code, and noting effective date of June 14, 1989). Additionally, chapter 175 was not yet in effect. Consequently, the county had no authority to permit retirees to participate in the county's group-health-insurance program beyond the period required by COBRA. See Act of May 28, 1993, 73d Leg., R.S., ch. 663, § 2(a), 1993 Tex. Gen. Laws 2460, 2462 (setting effective date of what is now chapter 175).

S U M M A R Y

In light of article III, section 53 of the Texas Constitution, a county may not pay group-health-insurance premiums for a retired employee absent additional consideration from the retired employee, if at the time he or she retired, the county did not provide for such coverage nor for the possibility of such coverage. See TEX. CONST. art. III, § 53. The county may, but is not required to, seek reimbursement from a retired employee for whom the county paid premiums in violation of article III, section 53. With respect to a person who retired on or after January 1, 1994, that person may be entitled to participate in the county's health-insurance program in accordance with chapter 175. See TEX. LOC. GOV'T CODE ANN. ch. 175 (Vernon 1999). But the county may not permit a person who retired from employment with the county before January 1, 1994 to participate beyond the period required by federal law, even if the retiree pays the premiums.

Yours very truly,



JOHN CORNYN  
Attorney General of Texas

ANDY TAYLOR  
First Assistant Attorney General

SUSAN D. GUSKY  
Chair, Opinion Committee

KyMBERLY K. Oltrogge  
Assistant Attorney General - Opinion Committee

Sec. 53. COUNTY OR MUNICIPAL AUTHORITIES; EXTRA  
COMPENSATION; UNAUTHORIZED CLAIMS. The Legislature shall have  
no power to grant, or to authorize any county or municipal  
authority to grant, ~~any extra compensation~~, fee or allowance to  
a public officer, agent, servant or contractor, ~~after service~~  
~~has been rendered~~, or a contract has been entered into, and  
performed in whole or in part; nor pay, nor authorize the  
payment of, any claim created against any county or municipality  
of the State, under any agreement or contract, made without  
authority of law.



## TYLER COUNTY POLICY ON EMPLOYEE STATUS

### **Full-Time**

An employee who has a normal work schedule of forty (40) hours per week shall be classified as a full-time employee.

### **Part-time**

An employee who has a normal work schedule of less than thirty (30) hours per week shall be classified as a part-time employee.

### **Regular**

An employee who is not considered to be a *temporary* employee as defined in this policy shall be considered to be a regular employee. Regular employees may either be full-time or part-time.

### **Temporary**

Whether *full or part-time*, an employee in a position that is established for a specific period of time (usually less than one year) or until a specific project is completed shall be considered a temporary employee.

### **Employment Contract**

No employee shall have an "employment contract" for a specific or indefinite period of time unless the contract is approved in writing by the Commissioners' Court.

### **Benefits**

1. Regular *full-time* employees shall be eligible for benefits in accordance with the eligibility requirements stated with each policy describing a benefit.
2. Temporary employees and part-time employees shall *not* be eligible for any benefits except those required by law.
3. An employee who has worked *full-time* for the county for six consecutive (6) months shall be eligible for benefits.

## TYLER COUNTY POLICY ON GROUP MEDICAL AND LIFE INSURANCE

### Eligibility

1. All regular full-time employees of the County shall be eligible for coverage under the group hospitalization program provided by the county, 60 days after employment begins, and will be provided life insurance 180 days after employment begins.
2. The county shall pay the premium for coverage of eligible employees.

### Benefits

1. The benefits for this program shall be in accordance with the provisions of the master contract.
2. A copy of the master contract shall be kept in the County Auditor's office, and may be reviewed by employees during normal working hours.
3. When an employee retires from the county at age (62) sixty two, and has (8) continuous (unbroken) years of service to Tyler County, Tyler County will pay 100% of the health insurance premium until they reach the age of sixty five (65) and four (4) months. Or for the employee who retires before the age of sixty-two (62), the employee has twenty-five (25) years of continuous (unbroken) service with Tyler County and meets the seventy five (75) points rule, the County will pay eighty (80%) of the health insurance premium and the other twenty (20%) will be paid by the Retiree.

Approved by the Tyler County Commissioners' Court July 15, 2011

## TYLER COUNTY POLICY ON LONGEVITY

*A Reward for all Employees for Loyalty to the County*

### Eligibility

All full-time employees of Tyler County shall be eligible for longevity pay.

Longevity pay is based on the number of years of *unbroken* service to the county. Longevity pay is in addition to normal merit raises and other compensation that may be provided for by this policy.

### Amount

Longevity pay will be equal to \$10.00 per month for each full year of *unbroken* employment starting at the completion of three (3) years service. After 3 years of unbroken service to the County starting at the beginning of the next fiscal year following the completion of three years. (Amended by Commissioners Court Effective 02/17/12)

### Waiting Period

*Policy Approved and Adopted December 14, 1990      Effective January 1, 1991*  
At that time employees shall be credited with a maximum of five years of longevity pay regardless of length of prior service and to increase for each calendar year of service thereafter for a period of twenty five (25) years.

## TYLER COUNTY POLICY ON RETIREMENT BENEFITS

### Texas County and District Retirement System

Tyler County shall participate in the Texas County and District Retirement System.

**Program Details**

Details of eligibility for and benefits provided by the program shall be available for review at the County Auditor's "Office" during normal work hours.

**Life Insurance**

Effective August 1, 2006, Retirees will have a flat \$10,000 life benefit with no age reduction. Retirees will not be eligible for waiver of premium or AD&D coverage.

**Payroll Deductions**

The employee's share of the retirement contribution shall be deducted from each paycheck.

**Benefit Provisions**

Employee Deposit Rate	7%
Employer Matching Rate	190%

**Vesting and Retirement Eligibility**

Years of Service for Vesting and for Retirement at Age 60	8
Sum of Age Plus Years of Service for Retirement at Any Age	75
Years of Service for Retirement at Any Age	30

UPON TERMINATION, EMPLOYEES ARE URGED TO CONTACT THE COUNTY TREASURER'S OFFICE FOR INFORMATION ON REFUND OF DEPOSITS.

**TYLER COUNTY POLICY ON SOCIAL SECURITY**

**Participation**

All county employees *shall* participate in the Federal Social Security Program which provides certain retirement and disability income benefits.

**Deductions**

Deductions shall be made from each employee's paycheck in accordance with the requirements of the Social Security Program.

**County Contributions**

The county shall pay an amount equal to the employee's social security deduction to each employee's social security account in accordance with the regulations of the program.

**TYLER COUNTY POLICY ON WORKERS' COMPENSATION**

**Applicability**

All employees of the County *shall* be covered by the county's workers' compensation program while on duty for the county.

Commissioner Hughes made a motion to approve a resolution supporting the issuance of obligations for ALT Affordable Housing Services, Inc., and also to approve certificate of resolution concerning Bill 147 (F) for ALT Affordable Housing Services, Inc.. Commissioner Nash seconded the motion. All voted yes and none no. SEE ATTACHED RESOLUTION AND CERTIFICATE.

A motion was made by Commissioner Marshall and seconded by Commissioner Walston to take no action concerning a Petition for Local Option Election since the number of required signatures was not obtained on the petition. All voted yes and none no.

Commissioner Nash made a motion to approve a Pipeline Agreement between Tyler County and Springfield Pipeline Co. LLP. Commissioner Walston seconded the motion. All voted yes and none no. SEE ATTACHED AGREEMENT.

A motion was made by Commissioner Walston and seconded by Commissioner Marshall to approve a \$10,000 bond for Jimmy Zachary, Constable, Pct. 4. All voted yes and none no. SEE ATTACHED BOND

Commissioner Walston made a motion to accept a bid from Al Meyer Ford, Lufkin, for a new patrol unit to be used in patrolling Ivanhoe. The bid is for a 2007 Police Interceptor, in the amount of \$24,500. This was the only bid received. Commissioner Nash seconded the motion. All voted yes and none no.

→ Commissioner Marshall motioned to accept an amendment to our group insurance to include \$10,000 life insurance policy for retiring employees. This policy was presented by J. W. Ray. The motion was seconded by Commissioner Hughes. All voted yes and none no. SEE ATTACHED.

Commissioner Hughes made a motion for the fees for the Calendar Year 2007 to remain the same as last year. Commissioner Walston seconded the motion. All voted yes and none no.

Commissioner Marshall motioned the meeting adjourned.

THERE BEING NO FURTHER BUSINESS, THE MEETING ADJOURNED...10:45 A.M.

I, Donece Gregory, County Clerk and ex officio member of the Tyler County Commissioners Court, do hereby certify to the fact that the above is a true and correct record of the Tyler County Commissioners Court session held on July 10, 2006.

Witness my hand and seal of office on this the 10th day of July, 2006.

ATTEST: \_\_\_\_\_ Wanda Johnston, Deputy County Clerk



## Request for Group Insurance Amendment

Standard Insurance Company  
900 SW Fifth Avenue  
Portland, OR 97204-1282

Employee Benefits Consultant: Brannon Baranowski

Employee Benefits Service Representative: Madonna Tovlin  
Employee Benefits Sales and Service Office: Houston

---

Employer Name: County of Tyler  
Group Number: 622139-A

As an authorized representative of the Employer, I request that Standard Insurance Company ("The Standard") amend the above Employer's coverage under the Group Policy to make the following change(s):

***Please add Class 2, retirees. Retirees would have a flat \$10,000 life benefit with no age reduction. Retirees will not be eligible for waiver of premium or AD&D coverage.***

I request that the amendment become effective on **8/1/2006**. I understand that the amendment will not become effective unless approved and issued by The Standard.

I request that the amendment be approved by The Standard subject to The Standard's usual underwriting requirements, including, if applicable, Evidence of Insurability or a Pre-existing Condition provision.

I understand that the amendment, if approved by The Standard, will be issued in the policy language customarily used by The Standard.

I understand that any increase in insurance for a Member who is not Actively At Work all day on the Member's last regular work day before the scheduled effective date of the amendment will be deferred until the first day after the Member completes one full day of Active Work.

I request that the amendment, if approved and issued by The Standard, become effective by its terms without any further acceptance by the Employer, and that a copy of this Request for Group Insurance Amendment form be attached to and made a part of the amendment.

Sign Name: *Alison Owen*  
Authorized Representative

Title: *County Judge*

Print Name: *Alison Owen*

Date: *July 19, 2006*

Standard Online Amendment Request

6/30/2006 4:09 PM

1. Why is this change being made? The county will make this available to all future retirees. The County will pay the premium.

Standard Online Amendment Request

6/30/2006 4:09 PM

**Request for Group Insurance Amendment**

Standard Insurance Company  
900 SW Fifth Avenue  
Portland, OR 97204-1282

Employee Benefits Consultant: Brannon Baranowski

Employee Benefits Service Representative: Madonna Tovlin  
Employee Benefits Sales and Service Office: Houston

---

Employer Name: County of Tyler  
Group Number: 622139-A

As an authorized representative of the Employer, I request that Standard Insurance Company ("The Standard") amend the above Employer's coverage under the Group Policy to make the following change(s):

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I request that the amendment become effective on 8/1/2006. I understand that the amendment will not become effective unless approved and issued by The Standard.

I request that the amendment be approved by The Standard subject to The Standard's usual underwriting requirements, including, if applicable, Evidence of Insurability or a Pre-existing Condition provision.

I understand that the amendment, if approved by The Standard, will be issued in the policy language customarily used by The Standard.

I understand that any increase in Insurance for a Member who is not Actively At Work all day on the Member's last regular work day before the scheduled effective date of the amendment will be deferred until the first day after the Member completes one full day of Active Work.

I request that the amendment, if approved and issued by The Standard, become effective by its terms without any further acceptance by the Employer, and that a copy of this Request for Group Insurance Amendment form be attached to and made a part of the amendment.

Sign Name: *Leanne Owens*  
Authorized Representative

Title: *County Judge*

Print Name: *Leanne Owens*

Date: *July 19, 2006*

Standard Online Amendment Request

6/30/2006 4:09 PM

**1. Why is this change being made? The county will make this available to all future retirees. The County will pay the premium.**

**Standard Online Amendment Request**

**6/30/2006 4:09 PM**



## **Part 3**

### **BENEFITS AND LEAVE**

#### **TYLER COUNTY POLICY ON GROUP MEDICAL AND LIFE INSURANCE**

##### **Eligibility**

1. All regular full-time employees of the County shall be eligible for coverage under the group hospitalization program provided by the county, 60 days after employment begins, and will be provided life insurance 180 days after employment begins.
2. The county shall pay the premium for coverage of eligible employees.

##### **Benefits**

1. The benefits for this program shall be in accordance with the provisions of the master contract.
2. A copy of the master contract shall be kept in the County Auditor's office, and may be reviewed by employees during normal working hours.
3. When an employee retires from the county at age (62) sixty two, and has (8) continuous (unbroken) years of service to Tyler County, Tyler County will pay 100% of the health insurance premium until they reach the age of sixty five (65) and four (4) months.  
Or for the employee who retires before the age of sixty-two (62), the employee has twenty-five (25) years of continuous (unbroken) service with Tyler County and meets the seventy five (75) points rule, the County will pay eighty (80%) of the health insurance premium and the other twenty (20%) will be paid by the Retiree.

##### **→ Life Insurance**

Effective August 1, 2008, Retirees will have a flat \$10,000 life benefit with no age reduction. Retirees will not be eligible for waiver of premium or AD&D coverage.

These benefits are subject to review each Budget Cycle and will be determined by Commissioner's Court.

Approved by the Tyler County Commissioners' Court July 15, 2011

#### **TYLER COUNTY POLICY ON LONGEVITY** *A Reward for all Employees for Loyalty to the County*

##### **Eligibility**

All full-time employees of Tyler County shall be eligible for longevity pay.

Longevity pay is based on the number of years of *unbroken* service to the county. Longevity pay is in addition to normal merit raises and other compensation that may be provided for by this policy.

##### **Amount**

Longevity pay will be equal to \$10.00 per month for each full year of *unbroken* employment starting at the completion of three (3) years' service. After 3 years of unbroken service to the County starting at the beginning of the next fiscal year following the completion of three years. (Amended by Commissioners Court Effective 02/17/12)

**Waiting Period**

*Policy Approved and Adopted December 14, 1990      Effective January 1, 1991*  
At that time employees shall be credited with a maximum of five years of longevity pay regardless of length of prior service and to increase for each calendar year of service thereafter for a period of twenty five (25) years.

**TYLER COUNTY POLICY ON RETIREMENT BENEFITS**

**Texas County and District Retirement System**

Tyler County shall participate in the Texas County and District Retirement System.

**Program Details**

Details of eligibility for and benefits provided by the program shall be available for review at the County Auditor's "Office" during normal work hours.

**Employee Participation**

All employees must be enrolled in TCDRS. Only temporary employees (established for a specific period of time - usually less than one year) may be excluded.

**Payroll Deductions**

The employee's share of the retirement contribution shall be deducted from each paycheck.

**Benefit Provisions**

Employee Deposit Rate	7%
Employer Matching Rate	100%

**Vesting and Retirement Eligibility**

Years of Service for Vesting and for Retirement at Age 60	8
Sum of Age Plus Years of Service for Retirement at Any Age	75
Years of Service for Retirement at Any Age	30

UPON TERMINATION, EMPLOYEES ARE URGED TO CONTACT THE COUNTY AUDITOR'S OFFICE FOR INFORMATION ON REFUND OF DEPOSITS.

**TYLER COUNTY POLICY ON SOCIAL SECURITY**

**Participation**

All county employees shall participate in the Federal Social Security Program which provides certain retirement and disability income benefits.

**Deductions**

Deductions shall be made from each employee's paycheck in accordance with the requirements of the Social Security Program.

**County Contributions**

The county shall pay an amount equal to the employee's social security deduction to each employee's social security account in accordance with the regulations of the program.



# TYLER COUNTY COMMISSIONERS COURT

County Courthouse, Room 101 / Woodville, Texas

Friday  
May 16, 2014  
8:30 AM

MARTIN NASH  
Commissioner, Pct. 1

RUSTY HUGHES  
Commissioner, Pct. 2

JACQUES L. BLANCHETTE  
County Judge

MIKE MARSHALL  
Commissioner, Pct. 3

JACK WALSTON  
Commissioner, Pct. 4

**NOTICE** Is hereby given that a *Regular Meeting* of the Tyler County Commissioners Court will be held on the date stated above, at which time the following subjects will be discussed;

## Agenda

*"Great minds have purposes, others have wishes." Washington Irving*

### ➤ CALL TO ORDER

- Establish Quorum
  - Acknowledge Guests
  - Invocation – *J. Blanchette*
- Pledge to the Texas Flag – *J. Blanchette*

### I. CONSIDER/APPROVE:

- A. Commissioners Court minutes from previous meeting(s) – *D. Gregory*
- B. Line item transfers/Budget amendments – *J. Skinner*
- C. Offering for sale County property between Woodville Health and Rehab and West Bluff – *J. Blanchette*
- D. Annex A to adhere to the Basic Emergency Management Plan – *J. Blanchette*
- E. Annex E to adhere to the Basic Emergency Management Plan – *J. Blanchette*
- F. Going out for bids to sell a 2007 CAT 120H motor grader for Precinct #3 – *M. Marshall*
- G. Tyler County's Participation in the Texas 1033 Surplus Property Program – *P. Ryan*
- H. New copier lease for the District Attorney's office – *J. Smith*
- I. Including District Judge Jerome Owens for the \$10,000 Life Insurance benefit as a County Retiree – *J. Skinner*

### II. EXECUTIVE SESSION

Consult with District Attorney and/or his legal staff in executive session held in accordance with Texas Government Codes 555.071(1)(A), (2) regarding pending and/or contemplated litigation, and/or 551.074, regarding personnel matters, and/or property acquisition.

### ➤ ADJOURN

I do hereby certify that the above Notice of Meeting of the Tyler 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 Tyler County Courthouse in a place readily accessible to the general public at all times and that said Notice remained so posted continuously for at least 72 hours preceding the scheduled time of said meeting, as is required by Section 551.002 & 551.041.

Executed on May 12 2014 Time 1:30 pm

*Donece Gregory*, County Clerk/Ex Officio Member of Commissioners Court

By: *Roxanne Hart* (Deputy)

16942



# TYLER COUNTY COMMISSIONERS COURT

County Courthouse, Room 101 / Woodville, Texas

Friday  
May 16, 2014  
8:30 AM

MARTIN NASH  
Commissioner, Pct. 1

RUSTY HUGHES  
Commissioner, Pct. 2

JACQUES L. BLANCHETTE  
County Judge

MIKE MARSHALL  
Commissioner, Pct. 3

JACK WALSTON  
Commissioner, Pct. 4

**NOTICE** Is hereby given that a **Regular Meeting** of the Tyler County Commissioners Court will be held on the date stated above, at which time the following subjects will be discussed;

See Attached

## Agenda

"Great minds have purposes, others have wishes." Washington Irving

### ➤ CALL TO ORDER

- Establish Quorum Present
- Acknowledge Guests Pledge to the Texas Flag - J. Blanchette
- Invocation - J. Blanchette

### I. CONSIDER/APPROVE:

A. **Commissioners Court minutes** from previous meeting(s) - D. Gregory

H 1st N 2nd ALL YES NONE NO

B. **Line item transfers/Budget amendments** - J. Skinner ~~CA~~ <sup>CA</sup> ~~CA~~ <sup>CA</sup>

CA None Marshall 1. 1200 Cth misc supplies APPROVE M/N 2d ALL YES NONE NO

C. **Offering for sale** County property between Woodville Health and Rehab and West Bluff - J. Blanchette

~~Approve~~ Motion Offer Sale JB/MN ALL YES NONE NO

D. **Annex A** to adhere to the Basic Emergency Management Plan - J. Blanchette

Motion Approve Annex A: JB/MN ALL YES NONE NO

E. **Annex E** to adhere to the Basic Emergency Management Plan - J. Blanchette

motion to JB/MN ALL YES NONE NO

F. **Going out** for bids to sell a 2007 CAT 120H motor grader for Precinct #3 - M. Marshall

mm/mn ALL YES NONE NO

G. **Tyler County's Participation in the Texas 1033 Surplus Property Program** - P. Ryan

mm/mn ALL YES NONE NO

H. **New copier lease** for the District Attorney's office - J. Smith Approve (as lease)

mn/mm ALL YES NONE NO

I. **Including District Judge Jerome Owens** for the \$10,000 Life Insurance benefit as a County Retiree - J. Skinner

Nothing Motion Adjourn

### II. EXECUTIVE SESSION

Consult with District Attorney and/or his legal staff in executive session held in accordance with Texas Government Codes 555.071(1)(A), (2) regarding pending and/or contemplated litigation, and/or 551.074, regarding personnel matters, and/or property acquisition.

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Executed on \_\_\_\_\_ 2014 Time \_\_\_\_\_