



GALVESTON COUNTY, TEXAS

COMMISSIONERS COURT 722 Moody, County Courthouse, Galveston, TX 77550 (409) 766-2244

Mark Henry Ryan Dennard Joe Giusti Stephen Holmes Ken Clark
County Judge Commissioner, Precinct 1 Commissioner, Precinct 2 Commissioner, Precinct 3 Commissioner, Precinct 4

CALDER ANNEX MEETING LOCATION
174 Calder Rd., Rm. 117
League City, Texas 77573

SPECIAL MEETING-AGENDA **August 12, 2016 – 2:30 PM**

CONSENT AGENDA: ALL ITEMS MARKED WITH A SINGLE ASTERISK (*) ARE PART OF THE CONSENT AGENDA AND REQUIRE NO DELIBERATION BY THE COMMISSIONERS COURT. ANY COMMISSIONERS COURT MEMBER MAY REMOVE AN ITEM FROM THIS AGENDA TO BE CONSIDERED SEPARATELY.

In accordance with the provisions of the Americans with Disabilities Act (ADA), persons in need of a special accommodation to participate in this proceeding shall, within three (3) days prior to any proceeding contact the County Judge's office at 722 Moody, Galveston, Texas 77550 (409) 766-2244.

Call to Order

Consent Agenda

- *1. Consideration of *adopting Order Prohibiting Outdoor Burning in all Unincorporated Areas of Galveston County, Texas (Outdoor Burn Ban) and authorizing the County Judge to execute same* submitted by Emergency Management.

Adjourn

Appearances before Commissioners Court

A speaker whose subject matter as submitted relates to an identifiable item of business on this agenda will be requested by the County Judge or other presiding court members to come to the podium where they will be limited to three minutes (3). A speaker whose subject matter as submitted does not relate to an identifiable item of business on this agenda will be limited to three minutes (3) and will be allowed to speak before the meeting is adjourned. Please arrive prior to the meeting and sign in with the County Clerk.

Executive Sessions

The Galveston County Commissioners Court may recess into closed meeting (Executive Session) on any item listed on this agenda if the Executive Session is authorized under the Open Meetings Act pursuant to one or more the following exceptions: Tex. Gov't Code §§ 551.071 (consultation with attorney), 551.072 (deliberation regarding real property), 551.073 (deliberation regarding a prospective gift or donation), 551.074 (personnel matters), 551.0745 (personnel matters affecting County advisory body), 551.076 (deliberation regarding security devices or security audits), and/or 551.087 (deliberations regarding economic development negotiations). The Presiding Officer of the Commissioners Court shall announce the basis for the Executive Session prior to recessing into Executive Session. However, the Commissioners Court may only enter into the Executive Session on any agenda item for which a separate Executive Session has not been separately posted if, prior to conducting the Executive Session, a majority of the Commissioners Court votes to go into Executive Session. This motion requirement does not apply to any agenda item that has been previously noticed to constitute or include an Executive Session.

AGENDA ITEM #1.

State of Texas §
County of Galveston §

**ORDER PROHIBITING OUTDOOR BURNING IN ALL
UNINCORPORATED AREAS OF GALVESTON COUNTY, TEXAS
(OUTDOOR BURN BAN)**

On this, the 12th day of August, 2016, the Commissioners Court of Galveston County, Texas convened in a **Special Meeting** with the following members present:

Mark Henry, County Judge;
Ryan Dennard, Commissioner, Precinct No. 1;
Joe Giusti, Commissioner, Precinct No. 2;
Stephen D. Holmes, Commissioner, Precinct No. 3;
Kenneth Clark, Commissioner, Precinct No. 4; and
Dwight D. Sullivan, County Clerk

when the following proceedings, among others, were had, to-wit:

Whereas, pursuant to Section 352.081 of the Local Government Code, the Commissioners Court by order may prohibit or restrict outdoor burning in all or part of the unincorporated area of Galveston County, Texas;

Whereas, in accordance with Section 352.081(c)(1) of the Local Government Code, the Commissioners' Court is authorized to prohibit or restrict outdoor burning if the Texas Forest Service has determined that drought conditions exist in Galveston County;

Whereas, the Texas Forest Service has determined that drought conditions exist in Galveston County as evidenced by the Keetch-Byram Drought Index (KBDI);

Whereas, in accordance with Section 352.081(d) of the Local Government Code, this Order may not extend beyond the 90th day after the date of its' adoption, provided however that the Commissioners Court may adopt a subsequent order that takes effect upon the expiration of this Order; and

Whereas, in accordance with Section 352.081(e)(1) of the Local Government Code, this Order may be lifted prior to ninety (90) days if a determination is made by the Texas Forest Service that drought conditions no longer exist in Galveston County.

Now, Therefore, it is hereby ORDERED, by the Commissioners Court of Galveston County, Texas, that:

- 1.) In accordance with the authority of Section 352.081 of the Local Government Code, outdoor burning in **all unincorporated areas** of Galveston County is hereby **PROHIBITED**;

- 2.) This Order shall take effect immediately on and from its issuance and remain in effect continuously thereafter for a period of ninety (90) days after this date of adoption, which such date of adoption is August 12, 2016, unless lifted earlier by subsequent order;
- 3.) In accordance with Section 352.081(f) of the Local Government Code, this Order shall not apply to outdoor burning activities:
 - a.) related to public health and safety that are authorized by the Texas Commission on Environmental Quality for: firefighter training; public utility, natural gas pipeline, or mining operations; or planting or harvesting of agricultural crops; or
 - b.) that are conducted by a certified and insured prescribed burn manager certified under Section 153.048, Natural Resources Code, and meet the standards of Section 153.047, Natural Resources Code; or
 - c.) that are conducted by the members of a prescribed burning organization under the conditions provided by Section 153.049, Natural Resources Code, and meet the standards of Section 153.047, Natural Resources Code;
- 4.) In accordance with Section 352.081(h) of the Local Government Code and Section 12.23 of the Penal Code, a person commits an offense if the person knowingly or intentionally violates this Order; an offense under this Order is a Class C misdemeanor, punishable by a fine not to exceed \$500.00; and
- 5.) The County Judge of Galveston County, Texas is authorized to execute this Order on behalf of the Commissioners Court of Galveston County, Texas.

Be it FURTHER ORDERED, that the County Clerk is **ORDERED** to transmit forthwith a copy of this Order to the Sheriff, Constables, and Criminal District Attorney of Galveston County for enforcement purposes.

Upon Motion Duly Made and Seconded, the above Order is hereby **ADOPTED**, on this, the 12th day of August, 2016.

COUNTY OF GALVESTON, TEXAS,

By:

Mark Henry,
County Judge

ATTEST:

Dwight D. Sullivan,
County Clerk