

State of Texas County of Polk



HEAVY RAINFALL AND FLOODING: ORDER OF MANDATORY EVACUATION FROM THE UNINCORPORATED AREAS OF POLK COUNTY, TEXAS IN THE LOW- LYING AREAS BELOW THE LAKE LIVINGSTON DAM ALONG THE TRINITY RIVER

MONDAY, APRIL 29, 2024 AT 2:30 P.M.

WHEREAS, overnight Polk County received significant heavy rainfall that caused flooding in low-lying areas and on roadways throughout the County;

WHEREAS, the Trinity River Authority has significantly increased discharge from the Lake Livingston Dam, and the discharge is expected to increase which could exacerbate flooding in the low-lying areas along the Trinity River and below the dam; and

WHEREAS, the National Weather Service forecasts additional rainfall throughout the week which may cause further damage to public infrastructure and prevent access and safe passage on roadways, thus creating a public safety hazard;

WHEREAS, first responders may not be able to reach these residents should conditions worsen;

WHEREAS, the County Judge of Polk County, Texas has determined that based on current infrastructure damage in the County and based on forecasts issued by the National Weather Service that extraordinary measures must be taken to protect life, as well as to protect or rehabilitate property, it is hereby ordered.

Now Therefore, it is hereby **ORDERED** by the County Judge of Polk County, Texas,

1.) The County Judge **FINDS** that a **MANDATORY EVACUATION** of persons from the unincorporated areas of Polk County, Texas, in areas below the Lake Livingston Dam and along the Trinity River is necessary for the preservation of life or other disaster mitigation, response, or recovery;

2.) A **MANADATORY EVACUATION** of persons from the unincorporated areas of Polk County, Texas, located in areas below the Lake Livingston Dam and along the Trinity River is hereby **ORDERED**;

Issued herein, **THIS ORDER SHALL BE EFFECTIVE IMMEDIATELY ON MONDAY, APRIL 29, 2024 at 2:30 P.M.;**

4.) The issuance of this **MANDATORY EVACUATION** shall **NOT** preclude the County Judge from taking further actions the County Judge considers necessary for the preservation of life or other disaster mitigation, response, or recovery and includes the following provisions;

Sec. 418.185. **MANDATORY EVACUATION.** (a) This section does not apply to a person who is authorized to be in an evacuated area, including a person who returns to the area under a phased reentry plan or credentialing Texas Emergency Management Statutes⁵¹ process under Section 418.050. (b) A county judge or mayor of a municipality who orders the evacuation of an area stricken or threatened by a disaster by order may compel persons who remain in the evacuated area to leave and authorize the use of reasonable force to remove persons from the area. (c) The governor and a county judge or mayor of a municipality who orders the evacuation of an area stricken or threatened by a disaster by a concurrent order may compel persons who remain in the evacuated area to leave. (d) A person is civilly liable to a governmental entity, or a nonprofit agency cooperating with a governmental entity, that conducts a rescue on the person's behalf for the cost of the rescue effort if: (1) the person knowingly ignored a mandatory evacuation order under this section and: (A) engaged in an activity or course of action that a reasonable person would not have engaged in; or (B) failed to take a course of action a reasonable person would have taken; (2) the person's actions under Subdivision (1) placed the person or another person in danger; and (3) a governmental rescue effort was undertaken on the person's behalf. (e) An officer or employee of the state or a political subdivision who issues or is working to carry out a mandatory evacuation order under this section is immune from civil liability for any act or omission within the course and scope of the person's authority under the order.

5.) This **ORDER** shall be given prompt and general publicity and shall be filed promptly with the County Clerk of Polk County, Texas; and

6.) This **ORDER** shall take effect immediately from and after its issuance. It is hereby **ORDERED** on this, the 29th day of April 2024.

ORDERED this the 29th Day of April 2024.



Sydney Murphy, County Judge
Polk County, Texas