



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

8/28/2017

Agenda Item No. J)

Presenter/Contact

Barron Casteel, Mayor

mayor@nbtexas.org

SUBJECT:

Approval of an ordinance regarding the ratification and continuation of the Emergency Declaration of Local Disaster for the City of New Braunfels, Texas, ordered August 25, 2017.

ORDINANCE NO. 2017 - _____

AN ORDINANCE OF THE CITY OF NEW BRAUNFELS, TEXAS, DECLARING A STATE OF DISASTER AND EMERGENCY IN THE CITY OF NEW BRAUNFELS BECAUSE OF THE IMPACT OF HURRICANE HARVEY; CONFIRMING AND RATIFYING ANY EMERGENCY PROCLAMATIONS AND REGULATIONS ISSUED BY THE MAYOR IN RESPONSE TO THE DAMAGE, INJURY, OR LOSS OF LIFE AND PROPERTY RESULTING FROM SAID HURRICANE; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, City Council finds that the ravages of Hurricane Harvey arising from its impact upon the property and inhabitants of the City of New Braunfels on or about August 25, 2017, created widespread and severe damage, injury, and loss of life and property that now requires extraordinary measures to alleviate the suffering of the people and to protect and rehabilitate property; and

WHEREAS, the City of New Braunfels's Emergency Management Plan has previously been activated by Declaration of Local Disaster By Proclamation of the Mayor of the City of New Braunfels, dated August 25, 2017.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS;

SECTION 1. The findings and recitations set out in the preamble to this Ordinance are found to be true and correct and they are hereby adopted by the City Council and made a part hereof for all purposes.

SECTION 2. In Accordance with Section 418.108 of the Texas Disaster Act of 1975, the City Council finds and declares a state of disaster and emergency in the City of New Braunfels as a result of the impact Hurricane Harvey.

SECTION 3. Any emergency proclamations, orders, regulations, curfews, issued by the Mayor or the Emergency Management Coordinator, if so designated by the Mayor, are hereby confirmed and ratified.

SECTION 4. The Mayor, as Director of Emergency Management, is hereby authorized to provide, or cause to be provided, all arrangements, provisions, and means necessary and proper to effect the coordination of relief and aid programs, and property restoration and rehabilitation programs, for the protection, preservation, and improvement of life and property within the City during the State of Emergency.

SECTION 5. This declaration of local disaster shall continue for a period of seven days unless renewed for a successive period by the City Council of the City of New Braunfels.

SECTION 6. This declaration of local disaster activates the recovery and rehabilitation aspects of all applicable local or interjurisdictional emergency management plans and authorizes the furnishing of aid and assistance under the declaration. All aspects of the City of New Braunfels Emergency Management Plan not already activated are hereby activated as provided in the plan.

SECTION 7. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance.

SECTION 8. All Ordinances or parts thereof in conflict herewith are repealed to the extent of such conflict only.

SECTION 9. In accordance with the provisions of the City Charter this Ordinance has been publicly available in the office of the City Secretary for not less than 72 hours prior to its adoption; that this Ordinance may be read and published by descriptive caption only.

SECTION 10. It is further ordained that, in view of the fact that it is for the best interest of the citizens of the City of New Braunfels, and one which requires the immediate declaration of said emergency thereby creating an imperative public necessity that the rule requiring ordinances to be read at two separate meetings of the City Council be suspended, the same is hereby suspended, and this ordinance shall take effect and be in full force from and after its passage as an emergency ordinance as made and provided by the Charter of the City of New Braunfels, Texas.

PASSED AND APPROVED, this the _____ day of _____, 2017.

CITY OF NEW BRAUNFELS, TEXAS

BARRON CASTEEL, Mayor

ATTEST:

Patrick D. Aten, City Secretary

APPROVED AS TO FORM:

Valeria M. Acevedo, City Attorney

I, Patrick Aten, City Secretary of the City Council of the City of New Braunfels, do hereby certify that the foregoing is a true and correct copy of an Ordinance adopted by the City Council of the City of New Braunfels at its regular meeting held on the ____ day of _____, 20____, as the same appears in records of this office.

IN TESTIMONY WHEREOF, I subscribe my name hereto officially under the corporate seal of the City of New Braunfels this ____ day of _____, 20____.

Patrick Aten, City Secretary



OFFICE OF THE MAYOR

DECLARATION OF LOCAL DISASTER FOR NEW BRAUNFELS, TX

Whereas, the City of New Braunfels on the 25th day of August 2017, has suffered widespread or severe damage, injury, or loss of life or property (or there is imminent threat of same) resulting from Hurricane Harvey, including but not limited to potential flooding throughout the City and the evacuation and sheltering of our citizens, and

Whereas, the Mayor Pro Tem of the City of New Braunfels has determined that extraordinary measures must be taken to alleviate the suffering of people and to protect or rehabilitate property;

NOW, THEREFORE, BE IT PROCLAIMED BY THE MAYOR OF THE CITY OF NEW BRAUNFELS, TX:

Section 1. That a local state of disaster is hereby declared for the City of New Braunfels.

Section 2. That the City's Emergency Management Plan has been implemented.

Section 3. Whereas Section 418.108 of the Texas Disaster Act of 1975, as amended, Vernon's Texas Codes Annotated, Government Code Chapter 418, provides that the state of disaster shall continue for a period of not more than seven days of the date hereof, unless the same is continued by consent of the City Council of New Braunfels, Texas.

Section 4. That this proclamation shall take effect immediately from and after its issuance.

ORDERED this the 25th day of August, 2017.

Wayne Peters, Mayor Pro Tem of New Braunfels, TX

