

CITY OF DRIPPING SPRINGS

ORDINANCE No. 2023-08

AN ORDINANCE OF THE CITY OF DRIPPING SPRINGS, TEXAS, AMENDING ARTICLE 2 (ADMINISTRATION AND PERSONNEL) OF THE DRIPPING SPRINGS CODE OF ORDINANCE TO AMEND SECTION DIVISION 7. EMERGENCY MANAGEMENT COMMISSION; PROVIDING FOR THE FOLLOWING; FINDINGS OF FACT; EFFECTIVE DATE; REPEALER; SEVERABILITY; AND PROPER NOTICE AND MEETING.

WHEREAS, the City of Dripping Springs City Council finds that having an Emergency Management Commission is helpful to the community; and

WHEREAS, providing flexibility in meetings and staff support to the Commission allows the Commission to perform their duties as emergency management volunteers more efficiently; and

WHEREAS, pursuant to Texas Local Government Code Section 51.001, the City has general authority to adopt an ordinance or police regulation that is for the good government, peace or order of the City and is necessary or proper for carrying out a power granted by law to the City.

NOW, THEREFORE, BE IT ORDAINED by the Dripping Springs City Council:

1. FINDINGS OF FACT

The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

2. ENACTMENT

Chapter 16 of the City of Dripping Springs Code of Ordinances is amended so to read in accordance with Attachment A, which is attached hereto and incorporated into this Ordinance for all intents and purposes.

3. REPEALER

All ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

4. SEVERABILITY

Should any of the clauses, sentences, paragraphs, sections, or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

5. CODIFICATION

The City Secretary is hereby directed to record and publish the attached rules, regulations and policies in the City’s Code of Ordinances as authorized by Section 52.001 of the Texas Local Government Code.

6. EFFECTIVE DATE

This Ordinance shall be effective immediately upon passage and publication.

7. PROPER NOTICE & MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

PASSED & APPROVED this, the 7th day of March 2023, by a vote of 3 (ayes) to 0 (nays) to 0 (abstentions) of the City Council of Dripping Springs, Texas.

CITY OF DRIPPING SPRINGS:

Bill Foulds, Jr., Mayor

ATTEST:

Andrea Cunningham, City Secretary

Attachment “A”

Emergency Management Commission Amendments

DIVISION 7. EMERGENCY MANAGEMENT COMMISSION¹

Sec. 2.04.191. Title.

This division shall be commonly cited as the "emergency management commission" ordinance.

Sec. 2.04.192. Purpose.

- (a) This article provides for the standards for the formation, function, and responsibilities of an emergency management commission tasked with representing various groups with interest in emergency planning and operations.
- (b) This article is in furtherance of good government and public safety. Through these regulations, the city seeks to prioritize and promote the safety of persons and property by:
 - (1) Recommended policies and application of policies for the development and implementation of an emergency management plan for the city and ETJ.
 - (2) ~~Assist city staff with the provision of~~ Provide public information and training regarding personal and family disaster planning and response to the public.

Sec. 2.04.193. Scope.

This division applies to all property within the incorporated municipal boundaries (i.e., "city limits") and the extraterritorial jurisdiction ("ETJ").

Sec. 2.04.194 Definitions.

- (a) Rules of interpretation. Words and phrases used in this article shall have the meanings set forth in this section. Terms that are not defined below, but are defined elsewhere in the Code of Ordinances, shall be given the meanings set forth in the code. Words and phrases not defined in the Code of Ordinances shall be given their common, ordinary meaning unless the context clearly requires otherwise. When not inconsistent with the context, words used in the present tense shall include the future tense, words in the plural number shall include the singular number (and vice versa), and words in the masculine gender shall include the feminine gender (and vice versa). The word "shall" is always mandatory, while the word "may" is merely directory. Headings and captions are for reference purposes only.
- (b) Specific definitions.
Commission: The emergency management commission, an advisory body, created herein.

Sec. 2.04.195. Membership; meetings.

- (a) Liability. The City of Dripping Springs Texas Municipal League liability coverage shall include the members of the commission to the extent allowed by law. The city attorney shall advise and represent the commission, as appropriate.
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- (b) Ethical standards. Commission members shall comply with all ethical standards applied to officers of the city as stated in article 2.02 of the City of Dripping Springs Code of Ordinances.
- (c) Number of members.
- (1) The commission shall have 12 voting members,
 - (A) Three at-large members that shall ~~be~~ reside within Hays County.
 - (B) One each.
 - (i) Municipal member designated as emergency management coordinator;
 - (ii) Chamber of commerce representative;
 - (iii) Nonprofit organization;
 - (iv) Hays County Constable or designee;
 - (v) Emergency Services District Number 1 representative;
 - (vi) Emergency Services District Number 6 representative;
 - (vii) Hays County Emergency Manager or designee;
 - (viii) Dripping Springs Independent School District; and
 - (ix) Hays County Fire Marshal or designee.
 - (2) The commission may have subcommittees of at least three members, one of whom will be the subcommittee chair designated by the subcommittee at their first meeting. A vice-chair will be selected by the chair and approved by a majority of the subcommittee members. The vice-chair will serve as subcommittee chair in the absence of the chair. Subcommittees may invite input from non-committee members.
 - (3) The mayor shall be a non-voting member of the commission as the Emergency Management Director.
- (d) Terms of members and chair and vice-chair.
- (1) Each commission member will serve a two-year term, at the will of the city council. There is no limit as to how many terms a member may serve.
 - (2) The chair and vice-chair shall be appointed by the city council and serve a one-year term. There is no limit to the number of terms the chair or vice-chair may serve. In the event that the chair or vice-chair are absent, the emergency management coordinator will preside.
- (e) Member selection.
- (1) Each year staff will prepare a slate of nominees for city council consideration. The slate will include nominees with a background and experience in those activities related to emergency management. The chair shall provide a recommendation for members seeking appointment or reappointment.
 - (2) The city council shall approve, reject, or modify the slate of nominees.
- (f) Resignation and vacancies.
- (1) A commission member may resign by notifying the city secretary in writing of their intent to resign.
 - (2) A failure to attend three or more sequential commission meetings without approval from the chair will constitute a de facto notification of intent to resign.
 - (3) Vacancies shall be filled by appointment, with the appointed replacement member being bestowed the remainder of the unexpired term.
- (g) Meetings.

- (1) The commission shall meet monthly at city hall, unless otherwise deemed appropriate by the chair. Agendas will be drafted by the commission chair, under the advisement of the emergency management coordinator.
- (2) Designated subcommittees may meet more often, as coordinated with and arranged by the emergency management coordinator. Subcommittee agendas will be drafted by the subcommittee chair, under the advisement of the subcommittee members.
- (3) The commission with the assistance of city staff will make a written report to the city council each month to update the council on projects and progress.
- (4) A quorum is required to take action as the Dripping Springs Emergency Management Commission.

Sec. 2.04.196. Authority.

The commission has no authority to make decisions binding on the city. The commission’s functions are purely advisory and not subject to the Texas Open Meetings Act. Meetings shall be noticed and generally open to the public except when limited by security, emergency, or related matters.

Sec. 2.04.196.1. Responsibilities.

- (a) The commission shall advise the city council on recommended policies and application of policies for the development and implementation of an emergency management plan for the city and ETJ.
- (b) The commission shall advise the city council on recommended interlocal and mutual aid agreements related to emergency management operations in preparation for, during, and after a disaster or state of emergency.
- (c) The commission shall review and evaluate all current municipal ordinances of the city related to emergency management and disaster planning, preparation, and response, identify provisions that relate to or apply to emergency management within the City Code, and make recommendations to the city council for needed changes and/or additions.
- (d) The commission shall ~~manage, support staff, and in~~ operating an area emergency operations center when disaster, major incident, or event dictates that level of support to first responders in accordance with the approved City Emergency Management Plan, state law, and county and state plans as applicable.
- (e) Identify and ~~engage support city staff~~ in protection, prevention, mitigation, response, and recovery planning and activities related to local conditions and needs.
- (f) Recommend, to the city council each fiscal year, an annual operating budget for emergency management services ~~with the assistance of the~~ drafted by the emergency management coordinator ~~to the city council each fiscal year.~~

Sec. 2.04.197 Emergency management plan.

- (a) The commission shall advise the emergency management coordinator in the development of an emergency management plan consistent with federal, state, and county standards and practices that addressed the unique and special needs of the city and ETJ. The plan will be submitted to the Texas Division of Emergency Management ~~county emergency preparedness coordinator~~ for approval prior to submission to the city council ~~and county commissioners court. Upon approval, the plan will become an addendum or appendix to the county emergency management plan.~~
- (b) The commission, in coordination with city staff, shall review the plan annually and city staff shall update the plan as needed.
- (c) At least every five years, the commission, in coordination with city staff, shall review the plan and propose formal changes to the plan and the proposed plan shall be submitted to the Texas Division of Emergency

Management. After review and approval by the Texas Division of Emergency Management, the proposed plan shall be submitted to city council for review and approval of formal changes.

- (d) Public access to information. The committees work and work product will be subject to the Texas Public Information Act, Chapter 552 of the Texas Government Code.

Sec. 2.04.198. Support.

- (a) City staff will provide logistical support to the commission and its subcommittees, as defined by access to city facilities for purposes of public meetings, access to city resources for purposes of copies and communications, and a designated staff liaison to coordinate and direct such support. Staff shall also provide a monthly report on emergency activities within the city to be presented at each commission meeting.
- (b) The city website will provide a page via the staff liaison upon which the commission may post:
 - (1) Meeting information;
 - (2) Agendas and minutes; and
 - (3) Resource materials, if any.

Secs. 2.04.199—2.04.220. Reserved.