

## **CITY OF DRIPPING SPRINGS**

### **ORDINANCE No. 2021-53**

AN ORDINANCE AMENDING ARTICLE 2.04: DIVISION 7. EMEGENCY MANAGEMENT COMMISSION: UPDATING THE ORDINANCE AS IT RELATES TO PROCEDURES AND FORMAT OF ORDINANCE; PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT; AMENDMENT; REPEALER; SEVERABILITY; CODIFICATION; EFFECTIVE DATE; AND PROPER NOTICE AND MEETING.

**WHEREAS**, the duties and responsibilities of the Emergency Management Commission has changed as the City and Emergency Management Commission has grown; and

**WHEREAS**, the Emergency Management Commission is supported by City staff; and

**WHEREAS**, the Emergency Management Commission provides recommendations and support when emergencies and disasters arise; and

**WHEREAS**, the City of Dripping Springs finds that it in the best interest of the community and the Farmers Market to make the changes to the ordinance.

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

#### **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. AMENDMENT**

Article 2.04; Division 7: Emergency Management Commission, Code of Ordinances, City of Dripping Springs, is hereby amended to read in accordance with Attachment A, which is attached hereto and incorporated into this Ordinance for all intents and purposes. Language that is struck through is repealed, language that is underlined is added.

#### **3. REPEALER**

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resolutions, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance, are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.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

## 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 21<sup>st</sup> day of December 2021, by a vote of 5 (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"

CHAPTER 2 - ADMINISTRATION AND PERSONNEL  
ARTICLE 2.04. - BOARDS, COMMISSIONS AND COMMITTEES  
DIVISION 7. EMERGENCY MANAGEMENT COMMISSION

**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) Provide public information and training regarding personal and family disaster planning and response.

**Sec. 2.04.19~~3~~2. 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) ~~Indemnification~~Liability. The City of Dripping Springs Texas Municipal League liability coverage shall include the members of the commission to the extent allowed by law~~shall be~~

insured, indemnified, defended and held harmless from liability in the performance of their responsibilities, to the extent of the law, provided such expenses shall come only from the city's insurance policy. The city attorney shall advise and represent the commission, as appropriate.

(b) ~~Municipal officers~~Ethical Standards. Commission members ~~are municipal officers and 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 twelve (12) voting members.

i. Three at-large members that shall be reside within Hays County.

ii. One each

1. Municipal member designated as emergency management coordinator

2. Chamber of Commerce Representative;

3. Nonprofit organization;

4. Hays County Constable or designee;

5. Emergency Services District Number 1 representative;

6. Emergency Services District Number 6 representative;

7. Hays County Emergency Manager or designee;

8. Dripping Springs Independent School District; and

9. 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~~A vice-chair will be selected by the chair and approved by a majority of the subcommittee members. ~~T~~he vice-chair will serve as subcommittee chair in the absence of the chair. Subcommittees may invite input from non-committee members.

(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 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. 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, identify provisions that relate to or apply to emergency management, and make recommendations to the city council for needed changes and/or additions.

(d) The commission shall manage, staff, and operate 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 in protection, prevention, mitigation, response, and recovery planning and activities related to local conditions and needs.
- (f) Recommend an annual operating budget for emergency management services with the assistance of 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 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 shall review the plan annually and update as needed.
- (c) 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.

**Sec. 2.04.199 – 2.04.220. Reserved.**

**Sec. 2.04.193. Creation:**

- (a) ~~Formation~~. There is hereby created within the city organization an emergency management commission.
- (b) ~~Membership~~. The commission shall consist of and be governed by twelve (12) members in which the city council shall endeavor, to the extent reasonably available, to appoint members who have interest, experience, and involvement in the following categories:
  - (1) ~~Emergency response; i.e. fire services, emergency medical service, law enforcement (2).~~
  - (2) ~~Business community/Dripping Springs Chamber of Commerce (1).~~
  - (3) ~~Dripping Springs Independent School District (1).~~
  - (4) ~~Nonprofit organizations (1).~~
  - (5) ~~Volunteer service organizations (1).~~
  - (6) ~~City emergency management coordinator (1).~~



~~(7) Hays County Representative (1).~~

~~(8) Hays County Precinct No. 4 Constable (1).~~

~~(9) Resident at large (3).~~

~~(c) Appointment and removal. Members of the commission shall be appointed by the city council. The members of the commission may elect from among its membership a secretary. Commissioners may be removed by the city council for cause by simple majority vote or for lack of confidence by affirmative vote of four of the five city councilmembers (4/5). Any commissioner absent for three or more consecutive regular meetings, or more than four regular meetings within a fiscal year, unless excused, shall be deemed to have automatically and voluntarily resigned, and thus vacated his/her position on the commission. The city emergency management coordinator may make recommendations for removal at any time.~~

~~(d) Indemnification. The members of the commission shall be insured, indemnified, defended and held harmless from liability in the performance of their duties, to the extent allowed by law, provided such expenses shall come only from the city's insurance policy. The city attorney shall advise and represent the commission, as appropriate.~~

~~(e) Terms of office. Each commission member shall have a two year term of office, where each member's term is staggered so as to have six members' terms expire on January 1st of even years and six members' terms expire January 1st of odd years so that no more than six members shall be appointed each year. Vacancies on the commission may be filled by appointment of the city council for an unexpired term. Nothing in this section, or this division, shall be construed as creating a property interest on behalf of the commissioner in continued occupancy of a position on the commission.~~

~~(f) Municipal officers. Commission members shall be obligated to comply with all ethical standards applied to officers of the city.~~

~~(g) Management. The presiding officer of the commission shall be a chairperson appointed by the city council. The city council shall also select a vice chairperson, who shall preside over all meetings at which the chairperson is absent or abstaining. In those meetings at which the chairperson and vice chairperson are unable to preside, the city emergency management coordinator will preside.~~

~~(h) Voting. A quorum for all meetings of the commission shall consist of a simple majority. The chairperson shall have the right to vote in matters before the commission. A commissioner serving as presiding officer in the chairperson's and vice chairperson's absence shall retain the right to vote on all matters.~~

~~(i) Resources. Functions will require some funding by the city.~~

~~(j) Ethics. Commissioners shall be subject to the city's ethics ordinance.~~

~~(Ordinance 1910.20, adopted 1/19/16; Ordinance 1910.21, adopted 3/8/16; Ordinance 1920.22, adopted 11/14/17)~~

#### **Sec. 2.04.194. Responsibilities.**

~~(a) Meetings. The commissioners shall conduct meetings once a month. Meetings shall be conducted at city hall, unless otherwise deemed appropriate by the chairperson. The~~



~~commission may hold public hearings as deemed necessary and appropriate. Other meeting times and locations can be selected by the chairperson, as deemed necessary and appropriate. All meetings are subject to the Open Meetings Act, chapter 551 of the Texas Government Code.~~

- ~~(b) Policies and implementation. 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.~~
- ~~(c) Regulations. The commission shall review and evaluate all current municipal ordinances of the city, identify provisions that relate to or apply to emergency management, and make recommendations to the city council for needed changes and/or additions.~~
- ~~(d) Information. The commission shall serve as a conduit for soliciting, compiling and submitting public input to the city council. The commission shall be subject to the Texas Public Information Act, chapter 552 of the Texas Government Code.~~
- ~~(e) Activities. The commission shall:~~
  - ~~(1) Develop an emergency management plan consistent with federal, state, and county standards and practices that addresses the unique and special needs of the city and ETJ. The plan will be submitted to the county emergency management 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.~~
  - ~~(2) Review the local emergency management plan annually and update as needed.~~
  - ~~(3) Manage, staff, and operate an area emergency operations center when disaster, major incident, or event dictates that level of support to first responders.~~
  - ~~(4) Provide to the public information and training regarding personal and family disaster planning and response.~~
  - ~~(5) Identify and engage in protection, prevention, mitigation, response, and recovery planning and activities related to local conditions and needs.~~

~~(Ordinance 1910.20, adopted 1/19/16; Ordinance 1910.21, adopted 3/8/16)~~

~~**Secs. 2.04.195— 2.04.220. Reserved.**~~