

Ordinance No. 2005.04
Village of Salado
County of Bell
State of Texas
March 17, 2005

AN ORDINANCE ESTABLISHING A PROGRAM INCLUDING MITIGATION, PREPAREDNESS, RESPONSE AND RECOVERY PHASES OF COMPREHENSIVE EMERGENCY MANAGEMENT; ACKNOWLEDGING THE OFFICE OF EMERGENCY MANAGEMENT DIRECTOR; AUTHORIZING THE APPOINTMENT OF AN EMERGENCY MANAGEMENT COORDINATOR; AND PROVIDING FOR THE DUTIES AND RESPONSIBILITIES OF THOSE OFFICES; IDENTIFYING AN OPERATIONAL ORGANIZATION; GRANTING NECESSARY POWERS TO COPE WITH ALL PHASES OF EMERGENCY MANAGEMENT WHICH THREATEN LIFE AND PROPERTY IN THE VILLAGE OF SALADO; AUTHORIZING COOPERATIVE AND MUTUAL AID AGREEMENTS FOR RELIEF WORK BETWEEN THIS AND OTHER CITIES OR COUNTIES AND FOR RELATED PURPOSES; PROHIBITING UNAUTHORIZED WARNING AND ALL-CLEAR SIGNALS AND MAKING VIOLATIONS A MISDEMEANOR PUNISHABLE BY FINE NOT TO EXCEED \$500.00.

WHEREAS, the Board of Aldermen of the Village of Salado finds that the identification of potential hazards and the prevention or mitigation of their effects must be an ongoing concern of the Village if the lives and property of the populace are to be protected; and

WHEREAS, the Board of Aldermen hereby declares that the preparation of a Comprehensive Emergency Management plan, and the means for its implementation, for the protection of lives and property in the Village of Salado from natural or man-caused disasters or threat thereof is immediately essential; and

WHEREAS, the Board of Aldermen further finds that in times of disasters which may imperil the safety of the inhabitants of the Village, or their property, it becomes necessary to effectuate and place into operation the preconceived plans and preparations with a minimum of delay; and

WHEREAS, the Board of Aldermen has the statutory authority to adopt this Ordinance and, thereby enact the rules promulgated by this Ordinance in accordance with Texas Government Code Chapter 418; and

WHEREAS, the Board of Aldermen finds, therefore, that the preparation, and implementation of such plans are now imperative;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE VILLAGE OF SALADO:

Section 1. ORGANIZATION

There exists the office of Emergency Management Director of the Village of Salado, which shall be held by the Mayor in accordance with State law.

- (a) An Emergency Management Coordinator may be appointed by and serve at the pleasure of the Director;
- (b) The Director shall be responsible for a program of comprehensive emergency management within the Village and for carrying out the duties and responsibilities set forth in this ordinance. The Director may delegate authority for execution of these duties to the Coordinator, but ultimate responsibility for such execution shall remain with the Director.
- (c) The operational Emergency Management organization of the Village of Salado shall consist of the officers and employees of the Village so designated by the Director in the emergency functions and duties of this organization shall be distributed among such officers and employees in accordance with the terms of the emergency management plan.

Section 2. EMERGENCY MANAGEMENT DIRECTOR - POWERS AND DUTIES

The duties and responsibilities of the Emergency Management Director shall include the following:

- (a) Conduct an on-going survey of actual or potential hazards that threaten life and property within the Village.
- (b) Conduct an on-going program of identifying and requiring or recommending the implementation of measures which would tend to prevent the occurrence or reduce the impact of such hazards if a disaster did occur.
- (c) Supervision of the development and approval of an emergency management plan for the Village of Salado, and shall recommend for adoption by the Board of Aldermen all mutual aid arrangements deemed necessary for the implementation of such plan.
- (d) Authority to declare a local state of disaster. The declaration may not be continued or renewed for a period in excess of 7 days except by or with the consent of the Board of Aldermen. Any order or proclamation declaring, continuing, or terminating a local state of disaster shall be given prompt and general publicity and shall be filed promptly with the Village Secretary.
- (e) Issuance of necessary proclamations, regulations, or directives which are necessary for carrying out the purposes of this ordinance. Such proclamations, regulations, or directives which are necessary for carrying out the purposes of this ordinance. Such proclamations, regulations, or directives shall be disseminated promptly by means calculated to bring its contents to the attention of the general public and, unless circumstances attendant on the disaster prevent or impede, promptly filed with the Village Secretary.

- (f) Direction and control of the operations of the Village of Salado Emergency Management organization as well as the training of Emergency Management personnel.
- (g) Determination of all questions of authority and responsibility that may arise within the Emergency Management organization of the Village.
- (h) Maintenance of liaison with other municipal, County, District, State, regional or federal Emergency Management organizations.
- (i) Marshaling of all necessary personnel, equipment, or supplies from any department of the Village to aid in the carrying out of the provisions of the emergency management plan.
- (j) Supervision of the drafting and execution of mutual aid agreements, in cooperation with the representatives of the State and of other local political subdivisions of the State.
- (k) Supervision of the drafting and execution, of an agreement with Bell County located and with other municipalities within Bell County, for the County-wide coordination of Emergency Management efforts.
- (l) Supervision of, and final authorization for the procurement of, all necessary supplies and equipment, including acceptance of private contributions that may be offered for the purpose of improving Emergency Management within the Village.
- (m) Authorizing of agreements, after approval by the Village Attorney, for use of private property for public shelter and other purposes.
- (n) Survey of the availability of existing personnel, equipment, supplies, and services which could be used during a disaster, as provided for herein.
- (o) Other requirements as specified in the Texas Disaster Act of 1975, Texas Government Code Chapter 418, as may be amended.

Section 3. EMERGENCY MANAGEMENT PLAN

A comprehensive Emergency Management Plan, enclosed as Attachment "A" and incorporated herein for all intents and purposes, is hereby adopted. The plan sets forth the form of the organization; establish and designate divisions and functions; assign responsibilities, tasks, duties, and powers; and designate officers and employees to carry out the provisions of this ordinance. As provided by State law, the plan follows the standards and criteria established by the State Division of Emergency Management of the State of Texas. Insofar as possible, the form of organization, titles, and terminology conforms to the recommendations of the State Division of Emergency Management. It shall be the duty of all departments and agencies to maintain plan in a current state of readiness at all times. The emergency management plan shall be considered supplementary to this ordinance and have the effect of law during the time of a disaster.

Section 4. INTERJURISDICTIONAL PROGRAM

As Emergency Management Director, the Mayor is hereby authorized to join or appoint a designee to join with the Bell County Judge and the mayors of the other cities in Bell County in the formation of an inter-jurisdictional emergency management program for Bell County. The Mayor shall have the authority to cooperate in the appointment of a joint Emergency Management Coordinator, as well as all powers necessary to participate in a County-wide program of emergency management insofar as said program may affect the Village of Salado.

Section 5. OVERRIDE

At all times when the orders, rules, and regulations made and promulgated pursuant to this ordinance shall be in effect, they shall supersede and override all existing ordinances, orders, rules, and regulations insofar as the latter may be inconsistent therewith.

Section 6. LIABILITY

This ordinance is an exercise by the Village of its governmental functions for the protection of the public peace, health, and safety and neither the Village of Salado, the agents and representatives of said Village. Nothing in this ordinance shall be construed to create liability for any individual, receiver, firm, partnership, corporation, association, or trustee, nor any of the agents thereof, in good faith carrying out, complying with or attempting to comply with, any order, rule, or regulation promulgated pursuant to the provisions of this ordinance for any damage sustained to persons as the result of said activity.

Section 7. COMMITMENT OF FUNDS

No person shall have the right to expend any public funds of the Village in carrying out any Emergency Management activity authorized by this ordinance without prior approval by the Board of Aldermen. No person shall have any right to bind the Village by contract, agreement, or otherwise without prior and specific approval of the Board of Aldermen unless during a declared disaster. During a declared disaster, the Mayor may expend and/or commit public funds of the Village when deemed prudent and necessary for the protection of health, life, or property.

Section 8. OFFENSES; PENALTIES

- (a) It shall be unlawful for any person willfully to obstruct, hinder, or delay any member of the Emergency Management organization in the enforcement of any rule or regulation issued pursuant to this ordinance.
- (b) It shall be unlawful for any person to wear, carry or display any emblem, insignia, or any other means of identification as a member of the Emergency Management organization of the Village of Salado, unless authority to do so has been granted to such person by the proper officials.
- (c) Any unauthorized person who shall operate a siren or other device so as to simulate a warning signal, or the termination of a warning, shall be deemed guilty of a violation of this ordinance and shall be subject to the penalties imposed by this ordinance.

- (d) Convictions for violations of the provisions of this ordinance shall be punishable by fine not to exceed five hundred dollars (\$500.00).

Section 9. SEVERABILITY

If any portion of this ordinance shall, for any reason, be declared invalid such, invalidity shall not affect the remaining provisions thereof.

Section 10. LIMITATIONS

This ordinance shall not be construed so as to conflict with any State or Federal statute or with any military or naval order, rule, or regulation.

Section 11. REPEALER

All ordinances, parts of ordinances, or resolutions in conflict herewith are expressly repealed.

PASSED AND APPROVED on this the 17th day of March, 2005, by a 5 (ayes), 0 (nays), to 0 (abstentions) vote of the Salado Board of Aldermen.



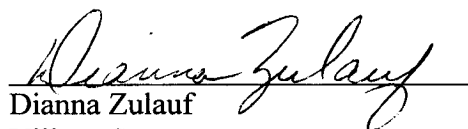
Mayor Rick Ashe

CERTIFICATE

THE STATE OF TEXAS
COUNTY OF BELL

I, Dianna Zulauf, being the current Village Secretary of the Village of Salado, Texas, do hereby certify that the attached is a true and correct copy of Ordinance No. 2005.04, passed and approved by the Board of Aldermen of the Village of Salado, Texas, on the 17 day of March, 2005, and such Ordinance was duly adopted at a meeting open to the public and notice of said meeting, giving the date, place and subject thereof, was posted as prescribed by Government Code 551.043.

Witness my hand and seal of office this 17 day of March, 2005.



Dianna Zulauf
Village Secretary

