

**CITY OF KERRVILLE, TEXAS
RESOLUTION NO. 12-2021**

**A RESOLUTION AUTHORIZED BY SECTION
418.108(B) OF THE TEXAS GOVERNMENT CODE
EXTENDING THE MAYOR'S DECLARATION OF
DISASTER REGARDING THE FEBRUARY
WINTER WEATHER EVENT ISSUED ON
FEBRUARY 15, 2021 AND RENEWED ON
FEBRUARY 22, 2021**

WHEREAS, on February 15, 2021, the Mayor, by proclamation, issued a *Declaration of Disaster* regarding the February Winter Weather event and extreme cold conditions, precipitation, and winds in the City; and

WHEREAS, on February 12, 2021, the Governor of the State of Texas issued his Proclamation declaring a state of disaster in all 254 counties in the State of Texas due to severe winter weather posing an imminent threat of widespread and severe property damage, injury, and loss of life due to prolonged freezing temperatures, heavy snow, and freezing rain statewide; and

WHEREAS, on February 22, 2021, the Mayor extended his *Declaration of Disaster* so as to prevent such from expiring; and

WHEREAS, City Council has determined that extending the Mayor's *Declaration of Disaster* is necessary to protect the residents of the City; and

WHEREAS, City Council finds that it is in the public interest to authorize additional authority as described herein pursuant to the Texas Disaster Act of 1975, Chapter 418, Texas Government Code;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF KERRVILLE:

SECTION ONE. The foregoing recitals are incorporated herein and made findings of fact.

SECTION TWO. City Council hereby extends and continues the local state of disaster for the City pursuant to Section 418.108(b) of the Texas Government Code. The Mayor's *Declaration of Disaster*, which was initially adopted on February 15, 2021, but which he extended on February 22, 2021, is attached as **Exhibit A**.

SECTION THREE. Pursuant to Section 418.108(c) of the Government Code, this extension and continuation of the Mayor's *Declaration of Disaster* shall be given prompt and general publicity and shall be filed promptly with the City Secretary.

SECTION FOUR. Pursuant to Section 418.108(d) of the Government Code, this renewal and continuation of the declaration of a local state of disaster continues activation of the emergency management plan for the City. The furnishing of aid and assistance under the declaration is hereby authorized. The appropriate preparedness and response aspects of the plan are continued.

SECTION FIVE. The use of all available resources of the City that are reasonably necessary to cope with this disaster are hereby authorized.

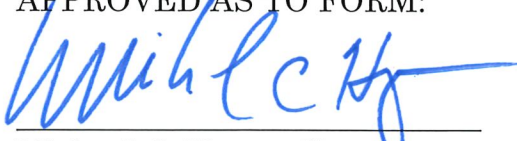
SECTION SIX. To the extent permitted by law, any local ordinance or administrative rule prescribing the procedures for conduct of City business or any local ordinance or administrative rule that would in any way prevent, hinder, or delay necessary action in coping with this disaster, including any local ordinance or administrative rule regarding contracting or procurement with would impede the City's emergency response necessary to cope with this declared disaster, are hereby suspended, but only for the duration of this declared local disaster and only for that limited purpose.

SECTION SEVEN. The *Declaration of Disaster* is effective until March 10, 2021, unless otherwise terminated or extended.

SECTION EIGHT. The terms and provisions of this Resolution and the *Declaration of Disaster* shall be deemed to be severable and that if any section, subsection, sentence, clause, phrase or word herein shall be declared to be invalid or unconstitutional, the same shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase or word herein, and the remainder of this Resolution and *Declaration of Disaster* shall continue in full force and effect the same as if such invalid or unconstitutional provision had never been a part hereof.

PASSED AND APPROVED ON this the 23 day of FEBRUARY, A.D., 2021.

APPROVED AS TO FORM:



Michael C. Hayes, City Attorney


Bill Blackburn, Mayor

ATTEST:


Shelley McElhannon, City Secretary

**DECLARATION OF DISASTER DUE TO A SEVERE WINTER WEATHER
EVENT – EXTENDED (2nd Declaration)**

**A DECLARATION OF THE MAYOR OF THE CITY OF
KERRVILLE, TEXAS, DECLARING THAT THE FEBRUARY
WINTER WEATHER EVENT, AND ITS RESIDUAL EFFECTS,
REMAINS AN IMMINENT THREAT OF DISASTER WITHIN THE
CITY OF KERRVILLE; EXTENDING THE DECLARATION OF
DISASTER WITHIN THE CITY; AND PROVIDING AN
EFFECTIVE DATE**

WHEREAS, on February 15, 2021, the Mayor, by proclamation, issued a *Declaration of Disaster* regarding the February Winter Weather event and the resulting extreme cold conditions, precipitation, and winds in the City; and

WHEREAS, on February 12, 2021, the Governor of the State of Texas issued his Proclamation declaring a state of disaster in all 254 counties in the State of Texas due to severe winter weather posing an imminent threat of widespread and severe property damage, injury, and loss of life due to prolonged freezing temperatures, heavy snow, and freezing rain statewide; and

WHEREAS, extending the City's *Declaration of Disaster* will help facilitate and expedite the use and deployment of resources to enhance the City's ongoing response and mitigation of the impacts from the event, including widespread and significant damages; and

WHEREAS, the Mayor, in continuing to seek information and resources from national and state entities, believes that extending the *Declaration of Disaster* is necessary to protect the residents of the City;

NOW, THEREFORE, BE IT PROCLAIMED BY THE MAYOR OF KERRVILLE:

SECTION ONE. Extending Declaration of Disaster. A state of disaster ("disaster declaration") was previously declared for the City of Kerrville, Texas, pursuant to Section 418.108(a), Texas Government Code, on February 15, 2021. The Mayor hereby extends the February 15, 2021, declaration in accordance with law.

SECTION TWO. Duration of Declaration of Disaster. Pursuant to Section 418.108(b), Texas Government Code, the state of disaster shall continue for a period of not more than seven days from the date of this declaration unless continued or renewed by Kerrville City Council.

SECTION THREE. Publicity and Filing. Pursuant to Section 418.108(c), Texas Government Code, this declaration of a disaster shall be given prompt and general publicity and shall be filed promptly with the City Secretary, to include posting it on the City's website.

SECTION FOUR. Continuing the Activation of the City Emergency Management Plan. Pursuant to Section 418.108(d), Texas Government Code, this declaration of a local state of disaster continues the activation of the City's Emergency Management Plan.

SECTION FIVE. City Manager Authority. The City Manager, or designee(s), is authorized to take the following actions, but shall provide notice of such to City Council following such action:


- a. make application for local, state, and federal assistance as necessary and/or applicable;
- b. accept on behalf of the City services, gifts, grants, equipment, supplies, and/or materials from private, nonprofit, or government sources;
- c. suspend disconnections, fees, and penalties related to the City's provision of services; and
- d. provide utility bill adjustments, as necessary, related to winter storm induced high consumption.

Any action taken above may be subject to conditions and other parameters developed by the City Manager, which shall then be contained within a policy document or similar which is disseminated and made accessible for public review.

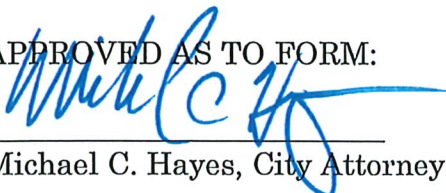
SECTION SIX. Effective Date. This proclamation shall take effect immediately from and after its issuance. This disaster declaration supersedes and terminates the previous declaration on this matter, as issued on February 15, 2021.

ORDERED and REVISED this the 22 day of February, 2021.

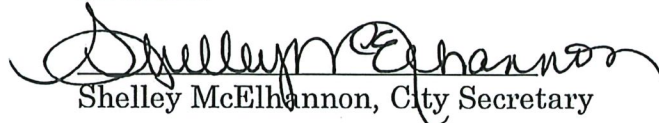
THE CITY OF KERRVILLE, TEXAS


Bill Blackburn, Mayor

APPROVED AS TO FORM:


Michael C. Hayes, City Attorney

ATTEST:


Shelley McElhannon, City Secretary