**TOWN OF FLOWER MOUND, TEXAS**

 **ORDINANCE NO.**

**AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, DECLARING AN EMERGENCY AND/OR LOCAL DISASTER; AUTHORIZING THE MAYOR TO ACT AS EMERGENCY MANAGEMENT DIRECTOR OF THE TOWN WITH ALL POWERS PROVIDED FOR IN SECTION 11.00, CHAPTER 1 OF THE TOWN’S CODE OF ORDINANCES; AUTHORIZING THE MAYOR TO APPOINT AN EMERGENCY MANAGEMENT COORDINATOR; REPEALING ALL CONFLICTING ORDINANCES AND RESOLUTIONS; PROVIDING A SEVERABILITY CLAUSE; DECLARING AN EMERGENCY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Section 3.07(u) of the Home Rule Charter of the Town of Flower Mound provides that the Town Council may “provide and/or arrange for any and all ‘civil defense measures’ and ‘public shelter measures’ for the Town of Flower Mound, Texas and for the citizens thereof, deemed necessary for the public welfare”; and

**WHEREAS**, Section 3.07(v) of the Home Rule Charter of the Town of Flower Mound provides that the Town Council may “exercise, or delegate to the Mayor, extraordinary and total executive powers (on a temporary basis) during the existence and duration of any major public disaster, for the public welfare”; and

**WHEREAS**, Section 11.00 of Chapter 1 of the Town’s Code of Ordinances provides, in part, for emergency management operations in the Town and that the Mayor shall serve as the Emergency Management Director and further, that the Mayor may appoint an Emergency Management Coordinator; and

**WHEREAS**, Section 11.02 of Chapter 1 of the Town’s Code of Ordinances provides for the duties and responsibilities of the Emergency Management Director; and

**WHEREAS**, that section also provides that the Mayor may declare a local state of disaster and issue necessary proclamations, regulations or directives which are necessary for carrying out the purposes of Section 11.00 of Chapter 1 of the Town’s Code of Ordinances; and

**WHEREAS**, with the Y2K problems that were anticipated and addressed by the Town and its personnel, other actions related to Y2K have occurred and emergency conditions now exist in the Town of Flower Mound; to-wit: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_; and

**WHEREAS**, the Mayor is required to address those conditions pursuant to the authority granted in the Town Charter and Code of Ordinances;

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, THAT:**

 **SECTION 1**

All of the above premises are hereby found to be true and correct legislative and factual findings of the Town of Flower Mound and they are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

 **SECTION 2**

The Town Council hereby declares a state of emergency and further, the Mayor is hereby designated the Town’s Emergency Management Director and may issue all proclamations, regulations or directives which are necessary for carrying out the purposes of Section 11.00 of Chapter 1 of the Town’s Code of Ordinances. The Emergency Management Plan contained in Section 11.00 of Chapter 1 of the Town’s Code of Ordinances is hereby activated immediately and further, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ is hereby authorized and designated by the Mayor to be Emergency Management Coordinator.

 **SECTION 3**

Any actions taken by the Mayor relative to this emergency and/or local disaster and prior to the adoption of this Ordinance are hereby ratified by the Town of Flower Mound, Texas.

 **SECTION 4**

Any and all ordinances, orders, resolutions, rules, regulations, policies or provisions in conflict with the provisions of this Ordinance are hereby repealed and rescinded to the extent of any conflict herewith.

 **SECTION 5**

If any section, subsection, clause, phrase or provision of this Ordinance, or the application thereof to any person or circumstance, shall to any extent be held by a court of competent jurisdiction to be invalid, void or unconstitutional, the remaining sections, subsections, clauses, phrases or provisions of this Ordinance, or the application thereof to any person or circumstances, shall remain in full force and effect and shall in no way be affected, impaired or invalidated.

**SECTION 6**

The fact that the present ordinances, orders, resolutions, rules, regulations, policies and provisions of the Town of Flower Mound, Texas, are inadequate to properly safeguard the health, safety, morals, peace and general welfare of the inhabitants of the Town of Flower Mound, Texas, creates an emergency for the immediate preservation of the public business, property, health, safety and general welfare of the public which requires that this Ordinance become effective from and after the date of its passage, and it is accordingly so ordained. This Ordinance and the powers granted herein shall expire on January 6, 2000, at 10:00 p.m., unless earlier repealed.

**PASSED, APPROVED AND ADOPTED THIS 1ST DAY OF JANUARY, 2000, AT \_\_\_\_ O’CLOCK \_\_\_.M.**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Lori L. DeLuca, Mayor**

**ATTEST:**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Paula Lawrence, Town Secretary**

**APPROVED AS TO FORM AND LEGALITY:**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Terrence S. Welch, Town Attorney**