

RESOLUTION 2021-123

WHEREAS, Governor of Texas Greg Abbott issued a severe weather disaster declaration on February 12, 2021, under Section 418.014 of the Texas Government Code, covering all 254 Texas counties, authorizing the use of all available resources of state government and of political subdivisions that are reasonably necessary to cope with this disaster pursuant to Section 418.017; and

WHEREAS, the City of Waco, McLennan County, Texas, has suffered widespread and severe damage, injury or loss of life or property, or there is imminent threat of the same resulting from severe winter weather and winter storm with sub-freezing temperatures that began on Sunday, February 14, 2021, and continued through Sunday, February 21, 2021; and

WHEREAS, on February 19, 2021, Mayor Dillon Meek issued a declaration of local disaster after determining that extraordinary measures must be taken to alleviate the suffering of people and to protect or rehabilitate property; and

WHEREAS, said declaration limited water consumption by high water volume customers and encouraged all other customers to limit their water use; suspended the provisions of Chapter 21 of the Code of Ordinances of the City of Waco which would impede the ability of residents to dispose of Solid waste and/or the ability to collect and transport solid waste to the landfill; and waived any building permit fees for repairs or alterations of existing buildings to repair damage caused by this severe winter weather and winter storm event (such waiver not to include fees for after-hours inspections, re-inspections, or stop work orders); and

WHEREAS, on February 21, 2021, Mayor Meek issued an amended declaration reducing the limits placed on high water volume customers due to the fact that significant progress was made in the storage of water, which lessened the need for some of the provisions of the Emergency Declaration issued on Friday, February 19, 2021, and the City had begun the recovery phase from the severe winter weather and winter storm with sub-freezing temperatures; and

WHEREAS, the winter weather and winter storm with sub-freezing temperatures resulted in property damage which requires time to repair; and

WHEREAS, throughout the winter weather and winter storm, there were numerous water leaks and the city encouraged residents to keep their faucets dripping, both of which may result in higher than normal water and waste water consumption; and

WHEREAS, the City Council has determined that extraordinary measures must be taken to alleviate the suffering of people and to protect or rehabilitate property; and

WHEREAS, the 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, as amended, Vernon's Texas Government Code,

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE MAYOR

AND THE CITY COUNCIL OF THE CITY OF WACO, TEXAS:

1. The foregoing recitals are incorporated herein and made findings of fact.
2. That a local state of disaster is hereby declared for the City of Waco, Texas.
3. That pursuant to §418.108(b) of the Texas Government Code, the state of disaster shall continue until midnight on April 20, 2021.
4. That pursuant to §418.108(c) of the Government Code, this renewal and continuance of the declaration of a local state of disaster shall be given prompt and general publicity and shall be filed promptly with the City Secretary.
5. That pursuant to §418.108(d) of the Government Code, this renewal and continuance of the declaration of the local state of disaster activates the City's Emergency Management Plan.
6. That any building permit fees for repairs or alterations of existing buildings to repair damage caused by this severe winter weather and winter storm event are waived (such waiver not to include fees for after-hours inspections, re-inspections, or stop work orders).
7. That a "Winter Freeze Adjustment" (WFA) will be applied to water and/or wastewater fees for the month of February 2021 if winter storm consumption volumes for a customer were higher than said customer's water and/or wastewater consumption volumes for the month of January 2021. The WFA is the difference between winter storm consumption and the previous month's consumption (so that the customer's net consumptions for water and/or for wastewater will be equal to the customer's non-winter storm month's consumption).
8. That any ordinances, rules, or regulations of the City of Waco, Texas, that conflict with this Resolution are hereby suspended, such suspension to remain in effect until the declaration of local state of disaster is terminated, or until there is a subsequent resolution of this Council, whichever occurs first.
9. That failure to comply with any of the provisions of this Order constitutes an imminent threat to public health.
10. That a violation of this order shall be a Class C misdemeanor and the penalty for violating this order shall be a fine of not less than one dollar (\$1.00) and no more than one thousand dollars (\$1,000.00), and each day a violation exists shall be a separate offense. That this declaration also hereby authorizes the use of any other lawfully available enforcement tools.
11. That any violation of this resolution can be enjoined by a suit filed in the name of the City of Waco in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this resolution or in the Code of Ordinances, City of Waco, Texas.

12. That nothing in this resolution shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or prior ordinance; nor shall any legal right or remedy of any character be lost, impaired, or affected by this resolution.
13. That all provisions of this Order should be interpreted to effectuate this intent.
14. That the terms and provisions of this resolution shall be deemed to be severable and that if any section, subsection, sentence, clause, or phrase of this resolution shall be declared to be invalid or unconstitutional, the same shall not affect the validity of any other section, subsection, sentence, clause, or phrase of this resolution and the remainder of such resolution shall continue in full force and effect the same as if such invalid or unconstitutional provision had never been a part hereof.
15. That this resolution is effective immediately.

PASSED, APPROVED and ORDERED this 26th day of February 2021.

Dillon Meek

DILLON MEEK
Mayor, City of Waco, Texas

ATTEST:

Esmeralda Hudson

Esmeralda Hudson, City Secretary



I hereby certify that this notice was posted at waco City Hall and on the City of waco official website on the 26th day of February 2021 at 3:30 PM.

APPROVED AS TO FORM & LEGALITY:

Jennifer Richie

Jennifer Richie, City Attorney