

**ORDINANCE NO. 2020-**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS AMENDING SECTION 26.002 OF THE SAN MARCOS CITY CODE TO ESTABLISH THAT THE CITY WILL IMPLEMENT THE NATIONAL INCIDENT MANAGEMENT SYSTEM (“NIMS”) AS ITS MODEL FOR MANAGING PUBLIC SAFETY EMERGENCIES AND INCIDENTS; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF ANY CONFLICTING PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.**

**RECITALS:**

1. The City Council hereby finds and determines that the adoption of the following ordinance is in the interest of the public health, welfare and safety.

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS:**

**SECTION 1.** Section 26.002 of the San Marcos City Code is amended as set forth below. Added text is indicated by underlining. Deleted text is indicated by strikethroughs.

**Sec. 26.002. National Incident Management System implemented;  
Designation and duties of the emergency management director,  
deputy emergency management director, and emergency  
management coordinator.**

(a) The City of San Marcos shall establish and implement the National Incident Management System (“NIMS”) as the standard for incident management activities during emergencies and disasters within the City.

(~~a~~b) As presiding officer of the governing body of the city, directly charged with certain duties or granted certain powers by the Act, and as ordered by the Governor of Texas under authority of the Act, the mayor is designated as the emergency management director for the city.

(~~b~~c) In the absence of the mayor the line of succession to the mayor, as presiding officer, for the purpose of declaring a local state of disaster shall be as follows:

- (1) In the absence of the mayor, the mayor pro tem shall act as the presiding officer.
- (2) In the absence of the mayor and mayor pro tem, a city council member elected by the city council shall act as the presiding officer.

- (3) In the absence of the mayor and mayor pro tem, and the failure or inability of the city council to elect a member to act as presiding officer, the city manager shall act as the presiding officer.
- (4) In the absence of the mayor, mayor pro tem, city council and city manager, the emergency management coordinator or an employee previously designated by the city manager may act as the presiding officer.

(~~e~~d) The city manager is designated as the deputy emergency management director, and the mayor delegates to the city manager the authority needed to carry out the city's comprehensive emergency management program and the provisions of this chapter.

(~~d~~e) The director is responsible for conducting a program of comprehensive emergency management within the city and for carrying out the duties and responsibilities set forth in this chapter. The director may delegate authority for execution of these duties to the emergency management coordinator, but ultimate responsibility for the execution remains with the director.

(~~e~~f) The office of emergency management coordinator is created. The emergency management coordinator shall be appointed by and serve at the pleasure of the director. The emergency management coordinator appointed by the mayor shall, under the direction of the city manager, carry out the city's comprehensive emergency management program and the provisions of this chapter.

(~~f~~g) The emergency management coordinator is responsible for a program of comprehensive emergency management within the city.

(~~g~~h) The emergency management coordinator is encouraged to seek advice from other local governments, business, labor, industry, agriculture, civic organizations, volunteer organizations, and community leaders in the development and review of the emergency management program, under the Act. The director may appoint a local emergency planning committee (LEPC) as an advisory group to the emergency management coordinator.

(~~h~~i) The mayor and city manager shall certify the city's emergency management plan and any mutual aid plans and agreements, as required by applicable federal and state laws.

(~~i~~j) The emergency management coordinator supervises the office of emergency management, either directly or by delegation.

(~~j~~k) The city manager shall ensure that any official or employee with emergency management responsibilities obtains any training and certifications

required by federal or state authorities required to perform the specific responsibilities assigned.

**SECTION 2.** In codifying the changes authorized by this ordinance, paragraphs, sections and subsections may be renumbered and reformatted as appropriate consistent with the numbering and formatting of the San Marcos City Code.

**SECTION 3.** If any word, phrase, clause, sentence, or paragraph of this ordinance is held to be unconstitutional or invalid by a court of competent jurisdiction, the other provisions of this ordinance will continue in force if they can be given effect without the invalid portion.

**SECTION 4.** All ordinances and resolutions or parts of ordinances or resolutions in conflict with this ordinance are repealed.

**SECTION 5.** This ordinance will take effect after its passage, approval and adoption on second reading.

**PASSED AND APPROVED** on first reading on September 1, 2020.

**PASSED, APPROVED AND ADOPTED** on second reading on September 15, 2020.

Jane Hughson  
Mayor

Attest:

Approved:

Tammy K. Cook  
Interim City Clerk

Michael J. Cosentino  
City Attorney