

**CITY OF WEST LAKE HILLS, TEXAS
MAYORAL DECLARATION OF LOCAL STATE OF DISASTER**

WHEREAS, Section 418.108 of the Texas Government Code provides that “the presiding officer of the governing body of a political subdivision may declare a local state of disaster” in order to “activate[] the appropriate recovery and rehabilitation aspects of all applicable...emergency management plans and authorize[] the furnishing of aid and assistance”; and

WHEREAS, Section 418.004 of the Texas Government Code defines a disaster as “the occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural or man-made cause, including fire, flood, earthquake, wind, storm, wave action, oil spill or other water contamination, volcanic activity, epidemic, air contamination, blight, drought, infestation, explosion, riot, hostile military or paramilitary action, extreme heat, cybersecurity event, other public calamity requiring emergency action, or energy emergency”; and

WHEREAS, Section 2.01.002 of the City of West Lake Hills, Texas Code of Ordinances authorizes every officer, agent or employee of the City, while responding to or acting in an emergency situation, to do everything reasonably necessary under the circumstances to effectively deal with such an emergency, and such section prevails over every other ordinance of the City to the extent the City has the authority to act, and over any law establishing a standard of care in conflict with this section; and

WHEREAS, Section 34.02.002(a) of the City of West Lake Hills, Texas Code of Ordinances requires any person who undertakes any work that will cut, break or otherwise damage a public street (right-of-way) to obtain a street cut permit from the city administrator prior to commencing work; and

WHEREAS, Section 34.02.002(f) of the City of West Lake Hills, Texas Code of Ordinances subjects persons to the reasonable police power of the City to manage its public rights-of-way, including the right of the mayor to declare an emergency with regard to the health and safety of the citizens and request by written notice to an offending party to remove or abate facilities by a deadline imposed by the mayor in the written request, and if the person fails or refuses to act by the deadline specified, the City may remove or abate the facility at the sole cost and expense of the person, without paying compensation to the person and without the City incurring any liability for damages; and

WHEREAS, Section 34.02.004 of the City of West Lake Hills, Texas Code of Ordinances requires persons performing excavations and other construction in public rights-of-way in accordance with all applicable city requirements; and

WHEREAS, Section 34.02.005 of the City of West Lake Hills, Texas Code of Ordinances requires that before any cutting of pavement in the public rights-of-way, the person performing the work must possess valid permits at the job site and that excavations be performed in accordance standards developed by the city engineer and approved by the city administrator; and

WHEREAS, Sections 34.02.010 and 34.02.011 of the City of West Lake Hills, Texas Code of Ordinances requires applicable fees to be paid and sets forth penalties for violations of Chapter 34; and

WHEREAS, on or about the 4th day of April, 2023, Douglas Jaffe III, owners and/or residents and/or third-parties acting on owner/resident's behalf, of 1405 Wildcat Hollow, West Lake Hills, Texas, performed or caused to be performed unauthorized and unpermitted cuts and excavation in a public right-of-way located at or near 1405 Wildcat Hollow, West Lake Hills, Texas; and

WHEREAS, the resulting unauthorized and unpermitted roadway cuts and excavation in a public right-of-way performed or caused to be performed by the owner/residents of 1405 Wildcat Hollow, or third-parties on their behalf, have created a dangerous condition, to wit: crumbling roadway surface and an excavated pit immediately adjacent to a public right-of-way that is in danger of causing additional subsidence and exacerbating an already dangerous condition.

NOW THEREFORE, BE IT PROCLAIMED BY THE MAYOR OF THE CITY OF WEST LAKE HILLS, TEXAS:

SECTION 1. That a local state of disaster is hereby declared for the City of West Lake Hills, Texas, pursuant to Section 418.108(a) of the Texas Government Code.

SECTION 2. That pursuant to Section 418.108(b) of the Texas Government Code this state of disaster shall continue for a period of not more than seven (7) days from the date of this declaration, unless continued or renewed by the City Council of the City of West Lake Hills, Texas.

SECTION 3. That pursuant to Section 418.108(c) of the Texas Government Code this declaration of a local state of disaster shall be given prompt and general publicity and shall be filed promptly with the City Secretary.

SECTION 4. That pursuant to Section 418.108(d) of the Texas Government Code, this declaration of a local state of disaster activates the City of West Lake Hills, Texas emergency management plan, and authorizes the furnishing of aid and assistance under the declaration.

SECTION 5. That pursuant to Section 418.108(g) of the Texas Government Code, travel on and around the afflicted portion of Wildcat Hollow in the City of West Lake Hill, Texas shall be controlled and limited as determined by necessary to protect the safety of residents, citizens, motorists, pedestrians and passers-by in the judgment of the Chief of Police of West Lake Hills, Texas, or his designee.

SECTION 8. That this declaration shall take effect immediately from and after its issuance.

DECLARED this 11th day of April, 2023.

Linda Anthony

Linda Anthony, Mayor
City of West Lake Hills, Texas

Filed with me, Terry Blanchard, City Secretary of the City of West Lake Hills, Texas, on this the 11th day of April, 2023, by Mayor Linda Anthony, whose signature I certify is true and genuine, with general publicity of the foregoing Proclamation being affected the same date as the signing thereof.

Terry Blanchard

Terry Blanchard
City Secretary

