

**ORDINANCE NO. 2023-\_\_-\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING CHAPTER 34 OF THE CITY'S CODE OF ORDINANCES, "EMERGENCY MANAGEMENT", BY AMENDING SECTION 34-4, "ORGANIZATION", TO MAKE THE OFFICE OF EMERGENCY MANAGEMENT A SEPARATE CITY DEPARTMENT; REPEALING CONFLICTING ORDINANCES; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION OF THE CAPTION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Texas Government Code, Chapter 418, also known as the Texas Disaster Act of 1975 (as amended) (the "Act"), requires the City of McKinney ("City") to be responsible for disaster preparedness and for the coordination of response to disaster emergencies that occur within the City; and

**WHEREAS**, the City maintains and manages a comprehensive emergency management program, and related functions and plans, codified under Chapter 34 of the City's Code of Ordinances, most recently amended by Ordinance No. 2008-02-013, adopted on February 19, 2008; and

**WHEREAS**, the City Council of the City of McKinney ("City Council") seeks to further amend the City's emergency management program to make the Office of Emergency Management its own separate department to be supervised by the Director of Public Safety; and

**WHEREAS**, the City Council deems it to be in the best interest of the citizens of the City, pursuant to its authority under Article XI, Section 5, of the Texas Constitution as a home rule municipality, to update and adopt revisions to the Code of Ordinances of the City of McKinney, as provided for herein.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, THAT:**

**Section 1. FINDINGS**

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

**Section 2. THE MCKINNEY CITY CODE, CHAPTER 34, "EMERGENCY MANAGEMENT" IS HEREBY AMENDED BY AMENDING SECTION 34-4, "ORGANIZATION", TO MAKE THE OFFICE OF EMERGENCY MANAGEMENT A SEPARATE CITY DEPARTMENT**

From and after the effective date of this Ordinance, Chapter 34, "Emergency Management", of the Code of Ordinances of the City of McKinney, Texas, is hereby amended by amending Section 34-4, "Organization", to read as follows:

**"Sec. 34-4. - Organization.**

- (a) The mayor is hereby designated as the emergency management director of the city, pursuant to Chapter 418 of the Texas Government Code, as amended. The emergency management director serves as the governor's designated agent in the administration and supervision of the duties outlined in Chapter 418 of the Texas Government Code on behalf of the city. The emergency management director may designate a person to serve as emergency management coordinator who shall serve as an assistant to the emergency management director for emergency management purposes.
- (b) The office of emergency management shall be a department of the City of McKinney. The director of public safety or, in the absence of the director of public safety, the city manager's designee shall supervise city employees of the office of emergency management as they carry out the duties and responsibilities of the office of emergency management. The director of public safety or, in the absence of the director of public safety, the city manager's designee shall serve as a secondary point of contact for emergency management on behalf of the city.
- (c) The office of emergency management shall be directed by the city's emergency management coordinator, who shall serve as the primary point of contact for emergency management on behalf of the city."

**Section 3. REPEALER CLAUSE**

All ordinances, orders, or resolutions heretofore passed and adopted by the City Council of the City of McKinney, Texas, are hereby repealed to the extent that said ordinances, orders, or resolutions, or parts thereof, conflict with this Ordinance.

**Section 4. SAVINGS CLAUSE**

All rights and remedies of the City of McKinney are expressly saved as to any and all violations of the provisions of any ordinances which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

Section 5. **SEVERABILITY CLAUSE**

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 and provisions of this Ordinance, or the application thereof to any person or circumstance, shall remain in full force and effect and shall in no way be affected, impaired or invalidated.

Section 6. **PUBLICATION OF CAPTION**

The caption of this Ordinance shall be published one time in a newspaper having general circulation in the City of McKinney following the City Council's adoption hereof as provided by law.

Section 7. **EFFECTIVE DATE**

This Ordinance shall become effective from and after the date of its final passage and publication as provided by law, and it is accordingly so ordained.

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ON THE \_\_\_\_ DAY OF JANUARY, 2023.**

CITY OF MCKINNEY, TEXAS

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GEORGE C. FULLER  
Mayor

CORRECTLY ENROLLED:

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EMPRESS DRANE  
City Secretary

DATE: \_\_\_\_\_

APPROVED AS TO FORM:

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MARK S. HOUSER  
City Attorney