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June 20, 2024  
5:00pm

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DECLARATION OF LOCAL DISASTER BY MAYOR FELIPE Q. MARTINEZ  
DUE TO TROPICAL STORM ALBERTO

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WHEREAS, I, FELIPE Q. MARTINEZ, Mayor for City of Three Rivers, Texas, do hereby certify that Tropical Storm Alberto poses a threat of imminent disaster, including widespread and severe property damage, injury, and loss of life due to widespread flooding, life-threatening storm surge, damaging wind, and heavy rainfall in the City of Three Rivers, Live Oak County, Texas;

WHEREAS, on June 19, 2024, at 3:00 p.m. and pursuant to §418.014 of the Texas Government Code, the State of Texas and the Office of the Governor declared a State of Disaster in certain Texas counties which include Live Oak County due to Tropical Storm Alberto and its imminent threat of disaster;

WHEREAS, the City of Three Rivers may need to take measures to preserve the health and safety of its residents, employees and the public;

WHEREAS, the Mayor acts as the emergency management director for the city and serves as the Governor's designated agent in the administration and supervision of duties during a state of emergency declared by the Governor in accordance with Section 418.1015(a) and (b) of the Texas Government Code;

WHEREAS, the Mayor serving as the Governor's designated agent in the administration and supervisions of duties during a state of emergency declared by the Governor, "may exercise the powers granted to the governor under this chapter on an appropriate local scale" in accordance with Section 418.1015(b) of the Texas Government Code; and

WHEREAS, the Mayor has determined that extraordinary emergency measures must be taken to protect all people in and coming through City of Three Rivers, Live Oak County, Texas.

**NOW THEREFORE, BE IT PROCLAIMED BY THE MAYOR OF THE CITY OF THREE RIVERS, TEXAS:**

1. That a local state of disaster is hereby declared for the City of Three Rivers, Texas pursuant to §418.108(a) of the Texas Government Code.

2. Pursuant to §418.108(b) of the Texas Government Code, this declaration of a local state of disaster shall continue for a period of not more than seven days from the date of this declaration unless continued or renewed by the governing body of the City of Three Rivers, Texas.
3. Pursuant to §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 of the City of Three Rivers, Texas
4. Pursuant to §418.108(d) of the Texas Government Code, this local state of disaster activates the appropriate recovery and rehabilitation aspects of all applicable local or interjurisdictional emergency management plans and authorizes the furnishing of aid and assistance under the declaration. This local state of disaster immediately activates the City's Emergency Management Plan.
5. Pursuant to §418.108(f) of the Texas Government Code, the Mayor may order the evacuation of all or part of the population from a stricken or threatened area under the jurisdiction and authority of the Mayor if the Mayor considers the action necessary for the preservation of life or other disaster mitigation, response, or recovery.
6. Pursuant to §418.108(g) of the Texas Government Code, the Mayor may control ingress to and egress from a disaster area under the jurisdiction and authority of the Mayor and control the movement of persons and the occupancy of premises in the area.
7. For purposes of §418.108(d) and §418.108(g) of the Texas Government Code, the jurisdiction and authority of the County Judge includes the incorporated and unincorporated areas of Live Oak County; and to the extent of a conflict between the decisions of the County Judge and the Mayor, the County Judge's decision prevails.
8. Pursuant to §362.002(a) of the Texas Local Government Code, this local state of disaster is intended to authorize, and does hereby declare, that a state of civil emergency exists in the City of Three Rivers, Texas and requests the assistance of additional law enforcement to uphold the sovereignty and territorial integrity of the City.
9. Pursuant to §433.005(a) of the Texas Government Code, this local state of disaster is intended to request, and does hereby request, that the Governor of Texas provide state military forces to aid in controlling conditions in the City by assisting the Police Chief in the enforcement of laws and the preservation of the sovereignty and territorial integrity of the city.
10. This Declaration hereby authorizes the use of all lawfully available resources and authority granted under both the Constitution of Texas and the Constitution of the United States.
11. This Declaration of Local Disaster shall take effect immediately from and after its issuance.

12. The findings and recitations set out in the preamble to this Declaration are found to be true and correct and they are hereby adopted by the Mayor and made a part hereof for all purposes. If any subsection, sentence, clause, phrase, or word of this Order or any application of it to any person, structure, or circumstance is held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, then such decision will not affect the validity of the remaining portions or applications of this Order. To the greatest extent possible, this Declaration shall be interpreted as consistent with and supplemental to any executive order issued by the Texas Governor. All provisions of the executive orders of the Texas Governor either existing or as, if and when issued, which are made applicable to all jurisdictions by law shall be automatically incorporated into and constitute terms of this Declaration and Executive Order, enforceable as if set forth herein without necessity for the issuance of further orders.


ORDERED this 20<sup>th</sup> day of June, 2024, at 4:55 p.m. o'clock.

  
FELIPE Q. MARTINEZ  
MAYOR, CITY OF THREE RIVERS, TEXAS

ATTEST TO:

  
THOMAS SALAZAR, CITY ADMINISTRATOR

APPROVED AS TO FORM:

  
ROXANN PAIS COTRONEO, CITY ATTORNEY