

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DEER PARK, TEXAS, RATIFYING THE CITY MANAGER'S IMPLEMENTATION OF THE CITY OF DEER PARK'S EMERGENCY PAY POLICY IN RESPONSE TO THE FIRE AT INTERCONTINENTAL TERMINALS COMPANY (ITC) BEGINNING ON MARCH 17 , 2019 AND DECLARING AN EMERGENCY.**

**WHEREAS**, on March 17, 2019 at approximately 10:00 AM, Intercontinental Terminals Company (ITC) experienced a fire in one of their tank farms at 1943 Independence Parkway South. At that time, the chemical involved was unknown, and as a precautionary measure to protect the health and welfare of the community, the City issued a Shelter-In-Place at approximately 11:21 AM that morning. At 3:30 PM that afternoon ITC issued a press release identifying the chemical(s) burning as Naphtha, a component of gasoline. The Shelter-in-Place remained in place until the following morning of March 18, 2019 at 6:00 AM. During the Shelter-In-Place, State Highway 225 from Beltway 8 to Independence Parkway was closed, and

**WHEREAS**, throughout the week of March 17, 2019, ITC, the City, and several other agencies conducted air monitoring activities as the fire spread to nearby tanks and continued to burn. On Thursday, March 21, 2019, the City issued a second Shelter-in-Place following reports of action levels of benzene or other volatile organic compounds (VOCs) within the City limits. State Highway 225 was also closed from Beltway 8 to Miller Cut-Off Road. City offices were closed until 1:00 PM that afternoon, and

**WHEREAS**, the City of Deer Park has an emergency pay policy, which may be initiated by the City Manager, when certain emergency conditions impacting the community and employees exist;

**NOW THEREFORE,**

**BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF DEER PARK:**

**Section 1:** That all matter and facts set forth in the recitals herein above are found to be true, and such recitals are hereby approved and made a part of this Ordinance for all purposes and are adopted as findings by the City Council of the City of Deer Park, Texas.

**Section 2:** That due to the threat of the ITC fire, the City of Deer Park's Emergency Operations Center (EOC) was in operation from Sunday, March 17, 2019 from 10:00 AM through Wednesday, March 27, 2019, at 3:00 PM.

**Section 3:** The City Manager implemented emergency pay periods to coincide with the two Shelters-in-Place issued as follows:

\* Sunday, March 17, 2019 from 10:00 AM through Monday, March 18, 2019, at 6:00 AM

\* Thursday, March 21, 2019, from 3:00 AM through 1:00 PM.

Additionally, as approved by the City Manager, personnel working in an EOC or outside of their normal duties to support EOC operations, were paid under the emergency pay policy for the entirety of the period, Sunday, March 17, 2019 from 10:00 AM through Wednesday, March 27, 2019, at 3:00 PM, for hours worked that were related to EOC operations.

**Section 4:** This Ordinance shall ratify the City Manager's actions in implementing the emergency pay policy as described herein after its passage and approval.

**Section 5:** It is hereby officially found and determined that the meeting at which this Ordinance was adopted was open to the public, and that public notice of the time, place and purpose of said meeting was given, all as required by Chapter 551 of the Government Code of the State of Texas.

**Section 6:** The City Council finds that this Ordinance relates to the immediate preservation of the public peace, health, safety and welfare in that the Declaration of Disaster be ratified at the earliest possible moment to comply with State Law, and to provide protection for persons within the City, thereby creating an emergency, for which the Charter requirement providing for the reading of ordinances on three (3) several days should be dispensed with, and this Ordinance be passed finally on its introduction; and accordingly, such requirement is dispensed with, and this Ordinance shall take effect upon its passage and approval by the Mayor.

In accordance with Article VIII, Section 1 of the City Charter, this Ordinance was introduced before the City Council of the City of Deer Park, Texas, **passed, approved and adopted** on this \_\_\_\_\_ day of \_\_\_\_\_, 2019, by a vote of \_\_\_\_\_ "Ayes" and \_\_\_\_\_ "Noes".

---

**MAYOR,** City of Deer Park, Texas

**ATTEST:**

---

City Secretary

**APPROVED:**

---

City Attorney