

TOWN OF ADDISON

RESOLUTION NO. R12-015

A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS EXPRESSING ITS DESIRE AND AGREEMENT TO PARTICIPATE WITH AND BE INCLUDED IN AERIAL SPRAYING TO CONTROL MOSQUITOES THAT SPREAD WEST NILE VIRUS TO BE PERFORMED BY DALLAS COUNTY, TEXAS AND/OR THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES; FINDING THAT THE CONTROL OF SUCH MOSQUITOES IS IMPERATIVE TO PROTECT THE HEALTH, WELFARE AND SAFETY OF THE PUBLIC; AUTHORIZING THE CITY MANAGER TO TAKE SUCH STEPS AS HE MAY DEEM NECESSARY TO CARRY OUT SUCH PARTICIPATION AND INCLUSION; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Addison, Texas ("Addison" or "City") is a home rule municipality located in Dallas County, Texas ("Dallas County" or "County") having the full power of local self-government pursuant to Article 11, Section 5 of the Texas Constitution and its Home Rule Charter; and

WHEREAS, the County, including the City, is experiencing a severe outbreak of West Nile Virus ("WNV"), which is transmitted primarily through the bite of an infected mosquito; and

WHEREAS, the Dallas County Health and Human Services Department ("Dallas County HHS") issues a publication entitled "West Nile Watch," and the most recent edition, published August 13, 2012, reflects 190 human cases of WNV in the County, including 2 cases in Addison and numerous cases and WNV positive mosquito traps in areas adjacent to Addison, as follows (designated by city and zip code): 5 human cases, at least 1 positive trap (Carrollton, 75006); 4 human cases, 2 recent positive traps (Farmers Branch, 75234); 3 human cases, at least 1 positive trap (Dallas, 75244), 1 human case, at least 1 positive trap (Dallas, 75240); and 6 human cases, at least 1 positive trap (Richardson, 75080); and

WHEREAS, 10 deaths in Dallas County have resulted from WNV infection; and

WHEREAS, the Director of the Dallas County HHS has referred to the County as the "epicenter" of the WNV outbreak in the country, and on August 9, 2012 the Dallas County Judge issued an Order proclaiming a state of disaster in Dallas County and implementing the County's Emergency Management Plan as a result of the widespread or severe damage, injury, loss or threat of life resulting from WNV, and determined that extraordinary measures must be taken to alleviate the suffering of people and to protect or rehabilitate property; and

WHEREAS, on August 10, 2012, the Commissioner of the Texas Department of State Health Services ("Texas DSHS"), Dr. David L. Lakey, issued a "Determination of Immediate Public Health Threat," reciting therein that, pursuant to Chapter 81 of the Texas Health and Safety Code, he has determined that, based on the facts and information set forth in the document, there is an immediate threat to Dallas County from a communicable disease that (1) poses a high risk of death or serious long-term disability to a large number of people; and (2) creates a substantial risk of public exposure because of the disease's high level of contagion or the method by which the disease is transmitted; and

WHEREAS, on August 13, 2012 representatives from the Texas DSHA (Dr. David Lakey, Commissioner), the Center for Disease Control and Prevention (Dr. Roger Nasci), the Texas Department of Public Safety (Nim Kidd, Chief of Texas Division of Emergency Management), Dallas County (Clay Jenkins, County Judge, Zachary Thompson, Director of Dallas County HHS, and Dr. Christopher Perkins, Medical Director, Dallas County HHS), met with representatives from local jurisdictions in Dallas County, including City representatives, and expressed the urgent need, commencing August 16, 2012, to conduct aerial spraying in the County to facilitate the eradication of mosquitoes and combat the spread of the WNV, and requested that each local governmental entity represented at the meeting notify each of the County Judge and Dr. David Lakey no later than 5:00 p.m. on August 15, 2012 whether or not the entity desires to be included in the aerial spraying; and

WHEREAS, upon receiving the information at the August 13, 2012 meeting described above and in light of the urgent public necessity to protect the public health, safety and welfare from the further spread of WNV and the need to notify the County Judge and Dr. Lakey by 5:00 p.m. on August 15, 2012, an emergency supplemental agenda to discuss and consider action regarding aerial spraying over the City was added to the regular City Council meeting scheduled for August 14, 2012 and notice thereof was properly posted in accordance with law; and

WHEREAS, the City Council does concur with the findings and determinations of the County Judge and the Texas DSHS as described above, does find that the control of mosquitoes that carry WNV is imperative to protect the health, safety and welfare of the citizens of the City, and desires to participate with Dallas County, the Texas DSHS, and other local government entities in the County in the conduct of aerial spraying.


NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS:

Section 1. The Town of Addison, Texas desires and agrees to participate with and be included in the aerial spraying for the control of mosquitoes that carry the West Nile Virus, to be conducted by Dallas County and/or the Texas Department of State Health Services as described above. The City Manager is authorized to take such steps as he may deem necessary in order to carry out such participation and inclusion.

Section 2. The above and foregoing recitals are true and correct and are incorporate herein and made a part hereof for all purposes.

Section 3. This Resolution shall take effect immediately upon its passage and approval.

PASSED AND APPROVED by the City Council of the Town of Addison, Texas this the 14th day of August, 2012.



Todd Meier, Mayor

ATTEST:

By: 

Chris Terry, City Secretary

APPROVED AS TO FORM:

By: 

John Hill, City Attorney