

RESOLUTION NO. 25-001

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARLIN, TEXAS, AUTHORIZING AND CONSENTING TO THE RENEWAL AND EXTENSION OF A DECLARATION OF LOCAL DISASTER AS PROCLAIMED BY THE MAYOR ON JANUARY 21, 2025; PROVIDING FOR THE FINDING OF THE EXISTENCE OF EMERGENCY CONDITIONS AND AN URGENT PUBLIC NECESSITY AND THE NEED FOR IMMEDIATE ACTION BY THE CITY COUNCIL; PROVIDING FOR PROMPT AND GENERAL PUBLICITY OF THIS RESOLUTION; PROVIDING FOR THE ACTIVATION AND CONTINUATION OF ALL CITY EMERGENCY PLANS; AND PROVIDING FOR RELATED MATTERS.**

**WHEREAS**, the City of Marlin, Texas, (the "City") has incurred a widespread or severe damage and breakdown of the City's water distribution system resulting in the total loss of water service and reduced water pressure requiring emergency action;

**WHEREAS**, due to the damage to, or failures of, the City's water distribution system resulting in a loss of water service for the City's residents resulting in imminent threat to health and safety of the City's residents requiring immediate action, the Mayor for the City of Marlin proclaimed and declared a local state of disaster ("Local Disaster") on January 21, 2025, to be in effect for the City of Marlin as set forth in the *Declaration of Disaster* made by proclamation of the Mayor of the City of Marlin (the "Declaration") signed by the Mayor on such date. A true and correct copy of the Declaration is attached and incorporated into this Resolution as **Exhibit "A"**;

**WHEREAS**, the loss of water service for the City's residents has resulted in an imminent threat to the health and safety of the City's residents requiring immediate action due to loss of water service and an imminent threat of damage to property in the City, damage to the City's water plant and wastewater plant, and affecting the City's ability to provide fire protection, and such loss of water has resulted in imminent threats to the health and safety of the City and its residents;

**WHEREAS**, the Declaration proclaimed by the Mayor of the City of Marlin dated January 21, 2025, terminated seven (7) days after the date of the Declaration, as provided in Section 418.108 (b) of the Texas Government Code;

**WHEREAS**, as provided in Section 418.108 (b) of the Texas Government Code, the Declaration of Disaster may not be continued or renewed for a period of more than seven (7) days except with the consent of the City Council for the City of Marlin ("City Council");

**WHEREAS**, conditions continue to exist in the City of Marlin which require immediate and continued attention and emergency assistance and require the immediate action of the City Council, therefore, there is an immediate and emergency need to renew and extend the Declaration of Disaster as declared in the *Declaration of Disaster* made by Proclamation of the Mayor of the City of Marlin dated January 21, 2025;

**WHEREAS**, the City Council finds that there is an ongoing and existing emergency and an urgent public necessity requiring the immediate action of the City Council to respond to an ongoing emergency and emergency conditions within the City of Marlin due to an imminent threat to public health and safety related to the loss of water service as described in this Resolution; and

**WHEREAS**, the City Council finds and has determined that the *Declaration of Disaster* by Proclamation of the Mayor of the City of Marlin should be renewed, and otherwise extended as provided in this Resolution;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF MARLIN, TEXAS, THAT:**

**Section 1. Findings of Fact.** The findings set forth in the preamble of this Resolution are found to be true and correct and they are hereby adopted by the City Council as findings of fact.

**Section 2. City Council Consent to the Renewal of Declaration of Local Disaster.** Pursuant to Tex. Govt Code Section 418.108 (b), the City Council for the City consents to the renewal and extension of the *Declaration of Disaster* as proclaimed by the Mayor and as set forth in the January 21, 2025 Declaration of Disaster attached and incorporated into this Resolution as **Exhibit "A"**.

**Section 3. Duration of Period of Declaration of Local Disaster.** Pursuant to Tex. Govt Code Section 418.108 (b), the extended and renewed *Declaration of Disaster*, as consented to and as set forth and provided in this Resolution, shall continue in effect until February 28, 2025, unless earlier terminated or amended by a subsequent resolution of the City Council.

**Section 4. Prompt and General Publicity.** The extension of the *Declaration of Disaster* shall be given prompt and general publicity and shall be filed promptly with the City Secretary.

**Section 5. Activation and Continuation of Emergency Management Plans.** The extension of the *Declaration of Disaster* shall activate and continue as appropriate all applicable and available recovery and rehabilitation aspects of the City's emergency management plans. The extension of the *Declaration of Disaster* as provided in this Resolution authorizes the furnishing of all necessary aid and assistance under the Declaration. All appropriate preparedness and response aspects of the City's emergency management plans are activated or shall be continued as provided in the City's emergency management plans and such plans shall continue in effect until terminated or amended by a subsequent resolution of the City Council.

**Section 6. Emergency and Urgent Public Necessity; Need for Immediate Action.** The City Council finds that conditions in the City of Marlin due to the loss of water and risk of imminent harm and damage to property, as found and set forth in this Resolution, constitutes an emergency and an urgent public necessity requiring immediate action to be taken by the City


Council to adopt this Resolution to respond to the ongoing emergency and emergency conditions in the City of Marlin.


**Section 7. Open Meetings.** It is hereby officially found and determined that the meeting at which this Resolution was passed was posted in compliance with Section 551.045 (a) of the Texas Gov't. Code, and the meeting was open to the public as required, and that public notice of the time, place, and purpose of said meeting was given at least one (1) hour before the meeting was convened as required by Section 551.045 (a) of the Texas Gov't. Code.

**PASSED AND APPROVED** on this the 30th day of January, 2025.

**ATTEST:**

**CITY OF MARLIN, TEXAS**

  
Maryann Waddle, City Secretary

  
Susan Byrd, Mayor

**EXHIBIT "A"**

**MAYOR'S DECLARATION OF DISASTER DATED JANUARY 21, 2025**

**DECLARATION OF DISASTER**

**WHEREAS**, the City of Marlin on the 21<sup>st</sup> day of January 2025, has suffered widespread or severe damage, injury, or loss of life or property and there is imminent threat of additional damages resulting from damages to the City's water distribution system and related consequential damages to the City's infrastructure, and

**WHEREAS**, Mayor Susan R. Byrd of the City of Marlin, Falls County, Texas has determined that extraordinary measures must be taken to alleviate the suffering of people and to protect or rehabilitate property,

**NOW, THEREFORE, BE IT PROCLAIMED BY THE MAYOR OF MARLIN, TEXAS:**

1. That a local state of disaster is hereby declared pursuant to §418.108(a) of the Texas Government Code.
2. Pursuant to §418.018(b) of the Government Code, the 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 City Council.
3. Pursuant to §418.018(c) of the 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.
4. Pursuant to §418.018(d) of the Government Code, this declaration of a local state of disaster activates the city emergency management plan.
5. That this proclamation shall take effect immediately from and after its issuance.

**ORDERED** this the 21<sup>st</sup> day of January, 2025.

  
Susan R, Byrd, Mayor

January 21, 2025



# City of Marlin

## OFFICE OF The MAYOR

January 21, 2025

The Honorable Gregg Abbott,  
Governor of Texas  
Texas Division of Emergency Management  
P. O. Box 4087  
Austin, Texas 78773-0001

Dear Governor Abbott:

The City of Marlin, Falls County, Texas, is, again, facing significant threats to life, health and property due to extreme failures in its water distribution and infrastructure system.

At present, there is no water for the citizens and visitors of Marlin to use for any purpose. As you know, Marlin is the county seat for Falls County. For the fifth time, the problem is a large number of leaks, presently believed to be 12 or 13, in the City's antiquated water distribution system that have caused the City to run out of water with further consequential damages to the City's water plant, wastewater plant, roads and thoroughfares, public buildings including the Fire Department and local Hospital, private residences, commercial buildings, etc. The potential impact of this continuing adverse threat is extreme damage to public health, safety, and property if the threat is not immediately dealt with. This incident, the fifth in twelve months, is of such severity and magnitude that an effective response is beyond the capability of the City of Marlin to control. Further, and frankly, this little rural community is broke and cannot continue to absorb the high costs of band-aid fixes to an antiquated infrastructure.

Pursuant to §418 of the Texas Government Code, I am requesting that you declare a state of emergency for the City of Marlin, Texas, and issue appropriate directives to deal with the emergency; including but not limited to equipment, personnel, additional first responders, public utilities together with emergency funding sufficient to assist our community with its basic fundamental need for water. I understand that funding for these types of emergencies is usually directed to larger and more densely populated cities, but I implore you to consider the plights of a small Texas' agricultural community. As I understand it, Proposition 6 (SB 28 and SJR 2023) passed on November 7, 2023, and the Texas Water Fund was created for communities with water infrastructure problems and water supply problems exactly like Marlin. Indeed, the City of Marlin should be the poster child/model city for the Proposition 6 funds. Furthermore, I am asking that successive proclamations to be issued and remain in effect until the threat of loss of life, injury, or damage property is contained.

Additionally, I certify that the City of Marlin does not have local funding available to make the repairs needed and to provide these citizens with effective relief. Your assistance in this emergency matter, as it affects the lives, safety and health needs of our citizens would be truly and sincerely appreciated.

Very truly yours,

*Susan R. Byrd*  
Susan R. Byrd, Mayor  
Marlin, Texas