

RESOLUTION NO. 98-R-152

CREATING A **CITIZENS ENVIRONMENTAL** ADVISORY COMMITTEE
FOR THE CITY OF LAREDO AND PROVIDING FOR THE MAYOR AND EACH
COUNCIL MEMBER TO APPOINT ONE PERSON EACH TO BE THEIR
REPRESENTATIVE ON THIS COMMITTEE

WHEREAS, the Environmental Protection Agency issued the National Pollutant Discharge Elimination system (NPDES) permit to the City of Laredo effective from May 1, 1998; and

WHEREAS, the City of Laredo needs the enforcement power through the creation of new ordinances to comply with the NPDES permit; and

WHEREAS, the City Council of the City of Laredo is concerned with the environmental problems throughout the City of Laredo

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LAREDO THAT:


1. On nomination of the Mayor and each Council member, the following nine individuals are appointed as their representatives on the Citizens Environmental Advisory Committee:

1. **Maria Eugenia Guerra** Mayor **Elizabeth G. Flores**
2. **Dr. James Earhart** Cm. **Mario Alvarado** , **District VII**
3. **Magdalena Perez** Cm. **Eliseo Valdez**, **District V**

2. The term of each committee member shall run concurrent with that of the person appointing them.


PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR ON THIS THE
28th DAY OF September , 1998.

ATTEST:


GUSTAVO GUEVARA, JR.
CITY SECRETARY


ELIZABETH G. FLORES
MAYOR

APPROVED AS TO FORM:


JAIME FLORES
CITY ATTORNEY

RESOLUTION NO. 98-R-152

CONFIRMING THE NOMINATION BY THE MAYOR AND EACH
COUNCIL MEMBER TO BE THEIR REPRESENTATIVE ON
THE CITIZENS ENVIRONMENTAL ADVISORY COMMITTEE
FOR THE CITY OF LAREDO.

WHEREAS, the Environmental Protection Agency issued the National Pollutant Discharge Elimination system (NPDES) permit to the City of Laredo effective from May 1, 1998; and

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NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LAREDO THAT:


1. On nomination of the Mayor and each Council member, the following nine individuals are appointed as their representatives on the Citizens Environmental Advisory Committee:


| | |
|---------------------------------------|----|
| 1. Maria Eugenia Guerra (Mayor) | 6. |
| 2. Dr. James Earhart (Mario Alvarado) | 7. |
| 3. Magdalena Perez (Eliseo Valdez) | 8. |
| 4. | 9. |
| 5. | |

2. The term of each committee member shall run concurrent with that of the person appointing them.

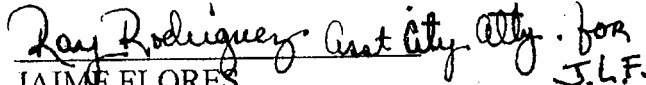
PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR ON THIS THE
28th DAY OF September, 1998.

ATTEST:


GUSTAVO GUEVARA, JR.
CITY SECRETARY


ELIZABETH G. FLORES
MAYOR

APPROVED AS TO FORM:


JAIME FLORES
CITY ATTORNEY

CITY OF LAREDO ORDINANCE NO. 97- 0-332

AN ORDINANCE CREATING AND ADOPTING A NEW CHAPTER 33 REGARDING ENVIRONMENTAL PROTECTION AND ADOPTING THE ARTICLES THEREIN TO INCLUDE NEW SECTIONS 33-1 THROUGH 33-34 THEREBY ADOPTING A NEW CITY OF LAREDO HAZARDOUS MATERIALS ORDINANCE, ATTACHED HERETO AS EXHIBIT A, WHICH PROVIDES FOR A **CITIZEN'S ENVIRONMENTAL COMMITTEE**; HAZARDOUS MATERIALS STORAGE AND HANDLING PERMITS AND PROCEDURES; REGULATIONS AND PENALTIES FOR DISCHARGES, FACILITIES, TRANSPORTATION VEHICLES; TRANSPORTATION ROUTE DESIGNATIONS; AND PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE AND PUBLICATION.

WHEREAS, since the signing of the NAFTA agreement, the City of Laredo has become one of the largest inland ports in the United States and has experienced a substantial increase in commodity flow traffic both into and out of Mexico; and

WHEREAS, the Mayor and City Council of Laredo commissioned a study to evaluate the potential impacts that have resulted from the expansion of materials transportation into and through the city; and

WHEREAS, the study, published as the Commodity Flow Study, revealed that a large portion of the increase in commodity flow has resulted from the movement and storage of hazardous materials; and

WHEREAS, the study also concluded that because of the growth in hazardous materials transportation and support operations (e.g. warehouses and transit terminals) there has also been a significant increase in the threat these materials pose to the citizens of Laredo, their property and to the environment; and

WHEREAS, the basic content of this ordinance has been submitted for an informal federal law preemption review by the Research and Special Programs Administration of the Department of Transportation who have discussed some minor concerns with the drafters of this ordinance from Saint Mary's School of Law, Center for Legal and Social Justice; and

WHEREAS, the proposed ordinance was written and revised with the intent of avoiding any federal preemption conflicts; and

WHEREAS, on March 18, 1997, a meeting for public comments on the previously presented ordinance was held; and

WHEREAS, on May 8, 1997, the City of Laredo Citizen's Hazmat Advisory Committee voted to present the previously presented ordinance to City Council; and

WHEREAS, on May 19, 1997, Maria Eugenia Guerra, Chairperson of the Laredo Citizen's Hazmat Advisory Committee, presented a prior draft of this ordinance to City Council and City Council proceeded on a motion to proceed on the introduction of the said ordinance; and

WHEREAS, on August 14, 1997, at a City Council Budget Workshop, the City Council decided that an environmental services department proposed in the previously presented ordinance was not feasible at the present time, yet it wanted to proceed with the proposed ordinance after certain changes were made; and

WHEREAS, on November 24, 1997, the Laredo Citizen's Hazmat Advisory Committee met and agreed to changes in the ordinance so that the Fire Department would implement the ordinance, that an environmental initiative would be created and that an "environmental department" would be eliminated from the ordinance so long as specific persons from various departments are designated by the City Manager to work together and communicate as a working group on environmental concerns; and

WHEREAS, City Council finds that said ordinance is necessary to promote the public health, safety, and general welfare of the citizens of Laredo.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAREDO THAT:

Section 1. Creation and Adoption

Chapter 33, titled "Environmental Protection" to include Articles I, II, III and IV and Sections 33-1 through 33-34 therein as shown in the attached Exhibit A, titled, "City of Laredo Hazardous Materials Ordinance," hereby incorporated by reference as if fully set out at length herein, is hereby created and adopted into the City of Laredo Code of Ordinances.

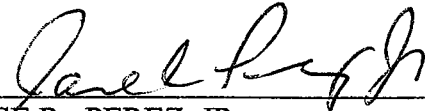
Section 2. Severability

If any provision, section, subsection, sentence, clause or phrase of this ordinance, or the application of same to any person or set of circumstance is for any reason held to be unconstitutional, void, invalid or for any reason unenforceable, the validity of the remaining portion of this ordinance or its application to other person or sets of circumstances shall not be affected thereby, it being the intent of the City Council of the City of Laredo in adopting this ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness or invalidity, and all provisions are declared severable for that purpose.

Section 3. Effective Date


This ordinance shall become effective after ninety (90) days upon its passage and following the date of publication required pursuant to Section 2.09 of the City Charter.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR PRO TEM on this the 5th day of January, 1998.




JOSÉ R. PEREZ, JR.
MAYOR PRO TEM

ATTEST:



GUSTAVO GUEVARA, JR.
CITY SECRETARY

APPROVED AS TO FORM:
JAIME FLORES
CITY ATTORNEY

BY: 

GINGER D. REINERT
ASSISTANT CITY ATTORNEY

PUBLISHED DATE; 1-26-1998