

**ORDINANCE NO. 032620-02**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA VERNIA AMENDING AND SUPERSEDING THE PRIOR DECLARATION OF LOCAL DISASTER; ESTABLISHING RULES AND REGULATIONS FOR THE DURATION OF THE DISASTER; ESTABLISHING ECONOMIC DEVELOPMENT PROGRAMS; RESTRICTING CERTAIN ACTIVITIES; ESTABLISHING PENALTIES FOR VIOLATIONS.**

**WHEREAS**, in December 2019 a novel coronavirus, now designated COVID-19, was detected in Wuhan City, Hubei Province, China. Symptoms of COVID-19 include fever, cough, and shortness of breath. Outcomes have ranged from mild to severe illness, and in some cases death; and

**WHEREAS**, on January 30, 2020, the World Health Organization Director General declared the outbreak of COVID-19 as a Public Health Emergency of International Concern (PHEIC), advising countries to prepare for the containment, detection, isolation and case management, contact tracing and prevention of onward spread of the disease; and

**WHEREAS**, on March 5, 2020, the World Health Organization Director General urged aggressive preparedness and activation of emergency plans to aggressively change the trajectory of this epidemic; and

**WHEREAS**, on March 11, 2020, the World Health Organization declared that the COVID-19 outbreak should be characterized as pandemic; and

**WHEREAS**, the Center for Disease Control and Prevention is closely monitoring the growing number of COVID-19 cases that have spread into the United States; and

**WHEREAS**, over 55,330 cases of COVID-19 have been reported in the United States, including 804 deaths; and

**WHEREAS**, President Trump declared a national emergency on March 13, 2020; and

**WHEREAS**, Governor Greg Abbott declared a public health disaster on March 13, 2020; and

**WHEREAS**, reports received as of March 24, 2020, report more than 803 cases in Texas, and 9 fatalities; and

**WHEREAS**, COVID-19 is more contagious than seasonal influenza once symptoms appear, it may be possible to control by testing widely and quickly isolating those who have the disease; and

**WHEREAS**, DSHS, the Texas Division of Emergency Management, and other state agencies continue their ongoing preparations so that all of state government is working together to limit the spread of the virus and protect Texans; and

**WHEREAS**, the Center for Disease Control recommends the use of videoconferencing for meetings when possible, and adjusting or postponing large meetings or gatherings; and

**WHEREAS**, the Center for Disease Control recommends citizens stay home if they are feeling sick or when they have a sick family member in their home; and

**WHEREAS**, households with vulnerable seniors and those with underlying health conditions should conduct themselves as if they were a significant risk to the person with underlying conditions; and

**WHEREAS**, pursuant to the Texas Disaster Act of 1975, the mayor is designated as the emergency management director of the City of La Vernia, and may exercise the powers granted to the governor on an appropriate local scale; and

**WHEREAS**, a declaration of local disaster and public health emergency includes the ability to reduce the possibility of exposure to disease, control the risk, promote health, compel persons to undergo additional health measures that prevent or control the spread of disease, including isolation, surveillance, quarantine, or placement of persons under public health observation, including the provision of temporary housing or emergency shelters for persons misplaced or evacuated and request assistance from the governor of state resources; and

**WHEREAS**, the COVID-19 virus spreads between people who are in close contact with one another through respiratory droplets produced when an infected person coughs or sneezes; and

**WHEREAS**, the continued worldwide spread of COVID-19 presents an imminent threat of widespread illness, which requires emergency action; and

**WHEREAS**, a declaration of local disaster includes the ability to take measures to reduce the possibility of exposure to disease, control the risk, and promote the health and safety of La Vernia residents; and

**WHEREAS**, the City of La Vernia will work collaboratively with Wilson County to ensure that all appropriate and necessary measures are taken to limit the development, contraction and spread of COVID-19; and

**WHEREAS**, by a Declaration of Public Health Emergency, all rules and regulations that may inhibit or prevent prompt response to this threat are suspended for the duration of the incident; and

**WHEREAS**, pursuant to the authority granted to the Mayor under the Texas Disaster Act of 1975, the use of all available resources of state government and political subdivisions to assist in the City's response to this situation are authorized; and

**WHEREAS**, Robert Gregory, the Mayor of the City of La Vernia, Texas has determined, and the City Council has affirmed, that extraordinary and immediate measures must be taken to respond quickly, prevent and alleviate the suffering of people exposed to and those infected with the virus, as well as those that could potentially be infected or impacted by COVID-19.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LA VERNIA, TEXAS:**

- Section 1. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the City Council.
- Section 2. That the local state of disaster and public health emergency declared by Mayor Gregory for the City of La Vernia pursuant to §418.108(a) of the Texas Government Code is hereby renewed, superseded and extended until 11:59 PM on April 21, 2020 for the meeting of the City Council pursuant to §418.108(b) of the Government Code, including all rules and regulation, as attached hereto as Exhibit A.

- Section 3. Pursuant to §418.108(c) of the Government Code, this declaration of a local state of disaster and public health emergency shall be given prompt and general publicity and shall be filed promptly with the City Clerk.
- Section 4. Pursuant to §418.108(d) of the Government Code, this declaration of a local state of disaster and public health emergency activates the City of La Vernia's participation in any city, county or state emergency management plan.
- Section 5. Pursuant to §418.020(c) of the Government Code, this declaration authorizes the City to commandeer or use any private property, temporarily acquire, by lease or other means, sites required for temporary housing units or emergency shelters, subject to compensation requirements.
- Section 6. Pursuant to §122.005 of the Health and Safety Code, this declaration authorizes the City to prevent the introduction of a communicable disease into the municipality, including stopping, detaining, and examining a person coming from a place that is infected or believed to be infected with a communicable disease; establish, maintain, and regulate hospitals in the municipality or in any area within five miles of the municipal limits; or abate any nuisance that is or may become injurious to the public health by adopting rules necessary or expedient to promote health or suppress disease; or to prevent the introduction of a communicable disease into the municipality, including quarantine rules, and may enforce those rules in the municipality and in any area within 10 miles of the municipality.
- Section 7. All ordinances or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters herein.
- Section 8. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.
- Section 9. If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City Council hereby declares that this Ordinance would have been enacted without such invalid provision.
- Section 10. It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Chapter 551, Texas Government Code, as amended.
- Section 11. The City Administrator is authorized to postpone utility cut-offs during this emergency and to make necessary payment plans for those needing extensions of time for payments.
- Section 12. This Ordinance shall be in force and effect from and after its final passage, and any publication required by law.
- Section 13. The Mayor of the City of La Vernia is authorized to update restrictions set out in this Exhibit as necessary and upon the advice of the Public Health Regional Medical Director, Dr. Ringsdorf, for the City of La Vernia or Wilson County, to respond to the

evolving circumstances of this outbreak during the duration.

Section 14. Because of the economic impact on local businesses as a direct result of the public health emergency related to COVID-19, the City Council authorizes the La Vernia Municipal Development District to review all unencumbered funds and develop economic development grant programs for immediate approval of the City Council. The focus of these programs shall be for the retention and diversification of the existing local businesses impacted by this crisis. Said programs must retain existing employees and be in the form of earnable grants of varying amounts and said program and necessary budget amendment shall be brought forward to the City Council for final approval.

Section 15. Any person, firm, corporation or agent who shall violate a provision of this ordinance, or fail to comply therewith, or with any other requirements thereof, shall be guilty of a Class C misdemeanor. Such person shall be considered guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this article is committed or continued, and upon conviction of any such violation, such person shall be punished by a fine not to exceed \$2,000.00 as stated in Section 1-109 of the City Code of Ordinances.

Any peace officer or other person with lawful authority is further authorized to enforce the provisions of the Ordinance in accordance with the authority granted under the Texas Disaster Act of 1975, as applicable, which allows a fine not to exceed \$1000.00 and confinement not to exceed 180 days as set forth in Texas Government Code §418.173.

**PASSED, ADOPTED, APPROVED, AND EFFECTIVE THE 26<sup>th</sup> DAY of MARCH, 2020.**

CITY OF LA VERNIA, TEXAS

By: \_\_\_\_\_

Robert Gregory, Mayor

ATTEST:



Brittani Porter, City Secretary



## EXHIBIT A

### Public Health Emergency Rules and Regulations

#### Declaration Regarding Public and Private Gatherings and Other Matters

##### I. Declaration Regarding Public and Private Gatherings:

- a. This Exhibit "I" incorporates and adopts, except as where noted below, the Centers for Disease Control ("CDC") Interim Guidance for Coronavirus Disease 2019 (COVID-19) dated March 15, 2019 and any additional amendments or updates to said Interim Guidance that the CDC issues during the pendency of this public health emergency.
- b. The virus that causes COVID-19 is easily transmitted, especially in group settings, and it is essential that the spread of the virus be slowed to protect the ability of public and private health care providers to handle an influx of patients and safeguard public health and safety.
- c. Because of the risk of the rapid spread of the virus, and the need to protect the most vulnerable members of the community, this declaration prohibits in accordance with CDC guidance, all indoor public and private gatherings and outdoor gatherings within an enclosed space of TEN (10) persons or more anywhere in the City of La Vernia beginning at 11:00 **A.M.** on March 20, 2020 and continuing for seven (27) days, unless extended consistent with requirements of state law.
- d. For all other gatherings, it is strongly recommended that social distancing protocols established by the United States Center for Disease Control and Prevention (CDC) and found within the "Implementation of Mitigation strategies for Communities with Local COVID-19 Transmission" issued by the CDC on or around March 11, 2020, including canceling, rescheduling, or not attending events with more than ten persons.
- e. Further , organizations that serve high-risk populations (defined below) should follow CDC guidance for social distancing.
- f. In addition to the guidance contained herein, local businesses, **restaurants and bars are required to follow all Proclamations or Executive Orders issued by the Office of the Governor of the State of Texas, or Center for Disease Control guidelines to include:**
  - i. Restrictions related to indoor dining or assembling;
  - ii. To disinfect and sanitize commonly touched surface and non-food contact surfaces at least once every hour;

##### II. To encourage curbside food-to-go programs or deliveries;

III. To adopt and implement a screening policy for food handlers and all employees, and establish protocols for the immediate exclusion of employees if they develop the following symptoms:

II. Fever greater than 100.3 degree F, and/or

III. Cough and shortness of breath ; and

IV. Make available for all employees and patrons visible COVID-19 prevention print materials within the restaurant or establishment.

II. Definitions and further guidance:

- a. For purposes of this Declaration, a "Mass Gathering" is any event or convening, subject to the exceptions and clarifications below, that brings together TEN ( 10) or more persons at the same time in a single room or other single confined or enclosed space, such as, by way of example and without limitation, an auditorium, theater, stadium (indoor or outdoor), arena or event center, meeting hall , conference center, large cafeteria, or any other confined indoor or confined outdoor space.
- b. A Mass Gathering includes events in confined outdoor spaces, which means an outdoor space that (1) is enclosed by a fence, physical barrier, or other structure and (2) where people are present, and they are within arm's length of one another for extended periods.
- c. This Declaration also does not prohibit gatherings of people in multiple, separated enclosed spaces in a single building such as a multiplex movie theater, so long as ten people are not present in any single space at the same time. This Declaration also does not prohibit use of enclosed spaces where ten or more people may be present at different times during the day, so long as ten or more people are not present in the space at the same time. For any gathering covered by this subsection compliance with Social Distancing Recommendations, including providing hand sanitizer and tissues and increasing cleaning of commonly touched surfaces is strongly encouraged.
- d. For purposes of clarity, a Mass Gathering does not include the following:
  - 1. Office space, hotels, or residential buildings;
  - 2. Grocery stores, gas stations, shopping malls, outdoor markets, or other retail establishments where large numbers of people are present, but it is unusual for them to be within arm's length of one another for extended periods;
  - 3. Hospitals, medical facilities and shelters;

**\*In all such settings, it is recommended that the public follow social distancing recommendations, and harm reduction measures. Hand sanitizer and tissues should be provided when possible. However, any specific large gathering space that is part of any building included in this subparagraph "c1" is subject to the prohibition on Mass Gatherings if the space holds ten or more people.**

- IV. "High-risk Populations" include people who are:
  - a. 60 years old and older;
  - b. People with certain health conditions such as heart disease, lung disease, diabetes, kidney disease, and weakened immune systems;
  - c. People who are pregnant or were pregnant in the last two weeks.
  - d. People experiencing homelessness.
- V. The Emergency Management Coordinator and the State of Texas Director of Health may update restrictions set out in this Exhibit as necessary to respond to the evolving circumstances of this outbreak during the duration of the next 27 days and any extension by the La Vernia City Council.
- VI. La Vernia City Park will be closed with the exception of maintenance.