

ORDINANCE NO. 227-032020

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN RIDGE, TEXAS, EXTENDING A DECLARATION OF LOCAL DISASTER; ESTABLISHING RULES AND REGULATIONS FOR THE DURATION OF THE DISASTER; RESTRICTING CERTAIN ACTIVITIES; PROVIDING A CUMULATIVE AND SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY; AND DECLARING AN EFFECTIVE DATE.

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, 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 13, 2020, President Trump declared a National State of Emergency under the Stafford Act to combat the growing COVID-19 pandemic in the United States; and

WHEREAS, on March 13, 2020, Governor Greg Abbott declared a State of Disaster for all 254 Counties in the State of Texas; and

WHEREAS, the Centers for Disease Control and Prevention has closely monitored the growing number of COVID-19 cases that have spread into the United States, recommending that citizens stop handshaking, clean hands at the door, schedule regular hand washing, avoid touching faces, cover coughs and sneezes, disinfect surfaces like doorknobs, tables, desks, and handrails regularly, and increase ventilation by opening windows or adjusting air conditioning; and

WHEREAS, on March 15, 2020, the Centers for Disease Control and Prevention issued guidance and a statement that large events and gatherings such as conferences, festivals, parades, concerts, sporting events, weddings, and other types of assemblies can contribute to the spread of COVID-19 in the United States via travelers who attend such events and introduce the virus to new communities; and

WHEREAS, on March 16, 2020, the Centers for Disease Control and Prevention issued revised guidance that strongly urged the public to avoid social gatherings in groups of more than ten (10) people; and

WHEREAS, on March 17, 2020, the Garden Ridge City Council discussed and approved Precautionary Public Health Measures, attached hereto as **Exhibit B**, to express their intent to work collaboratively with Comal County to ensure that all appropriate and necessary measures are taken to limit the development, contraction, and spread of COVID-19; and

WHEREAS, on March 18, 2020, County Judge Sherman Krause declared a Local State of Disaster for Comal County; and

WHEREAS, on March 19, 2020, Governor Greg Abbott issued Executive Order GA 08 on a statewide basis relating to COVID-19 preparedness and mitigation; and

WHEREAS, the Centers for Disease Control and Prevention recommends citizens stay home if they are feeling sick or when they have a sick family member in their home, the use of videoconferencing for meetings when possible, and adjusting or postponing large meetings or gatherings; 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, the identification of “community spread” cases of COVID-19 in the United States has signaled that transmission of the virus is no longer limited to those who traveled to China, or had contact with travelers who have visited China; 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 Garden Ridge residents; and

WHEREAS, pursuant to the Texas Disaster Act of 1975, the Mayor is designated as the Emergency Management Director of the City of Garden Ridge, 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 Mayor has made a Declaration Local Disaster due to this health emergency, and further declared all rules and regulations that may inhibit or prevent prompt response to this threat suspended for the duration of the incident; and

WHEREAS, the Mayor, under the Texas Disaster Act of 1975, has authorized the use of all available resources of state government and political subdivisions to assist in the City’s response to this situation; and

WHEREAS, the Mayor has determined 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 GARDEN RIDGE, TEXAS, THAT:

SECTION 1. FINDINGS.

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. DECLARATION OF LOCAL STATE OF DISASTER.

The local state of disaster due to this health emergency declared by Mayor Thompson for the City of Garden Ridge, Texas, pursuant to §418.108(a) of the Texas Government Code, is hereby renewed and extended by the consent of the City Council of the City of Garden Ridge, pursuant to §418.108(b) of the Texas Government Code, including all rules and regulations attached hereto as **Exhibit A**. This extension shall run concurrent with Governor Abbott's Emergency Declaration issued on March 19, 2020 [Executive Order GA-08], subject to being extended, modified, amended, rescinded, or superseded by the governor.

SECTION 3. PUBLICITY AND FILING.

Pursuant to §418.108(c) of the Texas Government Code, this declaration of a local state of disaster due to this health emergency shall be given prompt and general publicity and shall be filed promptly with the City Secretary.

SECTION 4. ACTIVATION OF EMERGENCY MANAGEMENT PLAN.

Pursuant to §418.108(d) of the Texas Government Code, this declaration of a local state of disaster due to this health emergency activates the City of Garden Ridge Emergency Management Plan and expressly incorporates Executive Order GA-08.

SECTION 5. AUTHORITY TO PROMOTE HEALTH AND SAFETY.

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. Pursuant to §418.020(c) of the Texas 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 for evacuees, subject to compensation requirements. Pursuant to the authority granted in §122.005 of the Health and Safety Code and §418.173 of the Texas Government Code, the City may fine those who do not comply with the City's rules.

SECTION 6. EMERGENCY POWERS.

The Mayor declared all rules and regulations that may inhibit or prevent prompt response to this threat suspended for the duration of the incident, and pursuant to the authority granted to the Mayor under the Texas Disaster Act of 1975, Mayor Thompson authorized the use of all available resources of state government and political subdivisions to assist in the City's response to this situation. The Mayor further reserves all other authority and powers conferred by state law to respond as necessary to this situation and may update rules and regulations set out in Exhibit A or measures set out in Exhibit B as necessary to respond to the evolving circumstances of this outbreak during the duration of the Declaration without the issuance of a new Declaration.

SECTION 7. CUMULATIVE AND SAVINGS.

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. GOVERNING LAW.

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. SEVERABILITY.

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. PUBLIC MEETING.

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. EFFECTIVE DATE.

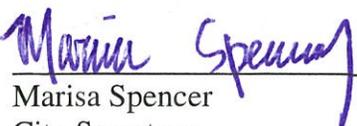
This Ordinance shall be in force and effect from and after its final passage, and any publication required by law.

PASSED AND APPROVED ON this 24th day of March, 2020.



Larry Thompson
Mayor

ATTEST:



Marisa Spencer
City Secretary

EXHIBIT A

LOCAL STATE OF DISASTER RULES AND REGULATIONS

1. In accordance with the Guidelines from the President and the Centers for Disease Control and Prevention (CDC), people shall avoid social gatherings in groups of more than ten (10) people.
2. In accordance with the Guidelines from the President and the CDC, people shall avoid eating or drinking at bars, restaurants, and food courts, or visiting gyms or massage parlors; provided, however, that the use of drive-thru, pickup, or delivery options is allowed and highly encouraged throughout the duration of this Declaration.
3. In accordance with the Guidelines from the President and the CDC, people shall not visit nursing homes, retirement facilities, or long-term care facilities unless to provide critical assistance.
4. In accordance with the Guidelines from the President and the CDC, schools shall temporarily close.



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EXHIBIT B

Precautionary Public Health Measures

Implemented on March 13, 2020

- Limit public contact, public access into City offices, and face to face meetings to essential only. Police Department procedures implemented by Chief of Police.
- City Hall Lobby and Offices disinfected multiple times daily, hand sanitizer available to the public and employees, and gloves available to employees. Limit contact for employees with immune deficiencies.
- Garden Ridge Library closed through March 2020, including all Library activities.
- Coffee with the Mayor, Coffee with a Cop, and courses offered to the public cancelled until further notice.
- Rentals for the Garden Ridge Community and Event Center Wildflower Room and reservations for Paul Davis Park Pavilions/Concession Hut cancelled through March 2020, with fees and deposits refunded.
- City Commission and Committee meetings cancelled through March 2020.
- Garden Ridge Municipal Court postponed until May.
- Water bill late fees/notices not issued during March 2020. No water cut-offs during March and April 2020.
- Public Works, Water, and Police Departments vehicles and equipment sanitized after use.
- VPN's set up for Department Heads to allow ability to work from home, if necessary.

Precautionary Public Health Measures

Approved by City Council on March 17, 2020

In addition to continuing all Precautionary Public Health Measures implemented on March 13, 2020, City Council approved the following Precautionary Public Health Measures on March 17, 2020:

- Water bill late fees/notices will not be issued during April 2020.
- Extend the closure of the Garden Ridge Library through April 2020, including cancellation of all Library activities.
- Extend cancellation of City Commission and Committee meetings through April 2020.
- Extend cancellation of rentals for the Garden Ridge Community and Event Center Wildflower Room and Bluebonnet Room through April 2020.
- Extend cancellation of reservations for Paul Davis Park Pavilions and Concession Hut through April 2020.
- Close City Hall Lobby through April 2020 with public access on an appointment only basis.
- Place signs at City parks encouraging citizens to follow all guidelines and recommendations set out by the Centers for Disease Control and Prevention.
- Approval of employee pay during self-quarantine, forced quarantine, or shutdown.
- Discourage public gatherings within the City that violate federal and/or state guidance.