

RESOLUTION NO. 2020-22R**A RESOLUTION SUPPLEMENTING RESOLUTION 2020-20R BY ADDING ADDITIONAL MEASURES TO PREPARE FOR, RESPOND TO AND MITIGATE THE SPREAD OF COVID-19, AND OTHER MODIFICATIONS AS ESTABLISHED IN EXHIBIT 2 ATTACHED TO THE RESOLUTION**

WHEREAS, beginning in December 2019, a novel coronavirus, now designated SARS-CoV2 which causes the disease COVID-19, has been declared a global pandemic by the World Health Organization; and

WHEREAS, the symptoms of COVID-19 can range from mild to severe illness and cause further complications including death; and

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

WHEREAS, a shortage exists for protective equipment, cleaning supplies and testing to help respond to and mitigate the spread of COVID-19, which currently does not have a medically documented form of treatment;

WHEREAS, on March 13, 2020, the Governor of the State of Texas issued a proclamation certifying that COVID-19 poses an imminent threat of disaster in the state and declaring a state of disaster for all counties in Texas; and

WHEREAS, the City of Eagle Pass, Texas, is taking extraordinary measures to prevent the spread of this potentially devastating disease in our community; and

WHEREAS, said state of disaster requires that certain emergency protective measures be taken pursuant to the Texas Disaster Act of 1975 relating to Emergency Management and Public Health, pursuant to Chapter 418 of the Texas Government Code; and

WHEREAS, on March 18, 2020, the Mayor of the City of Eagle Pass issued a declaration of local state of disaster due to public health emergency (1st disaster declaration), thereby activating the City of Eagle Pass, Texas, Emergency Management Plan; and

WHEREAS, on March 19, the Governor of the State of Texas issued an executive order indicating that it is critical to take additional steps to prepare for, respond to, and mitigate the spread of COVID-19 to protect the health and welfare of Texans; and

WHEREAS, on March 20, 2020, the City Council of the City of Eagle Pass extended, amended, and modified the Mayor's 1st Disaster declaration in an effort to prepare for, respond to, and mitigate the spread of COVID-19 to protect the health and welfare of Texans; and

WHEREAS, on March 22, 2020 the Mayor of the City of Eagle Pass issued a second declaration of local state of disaster due to public health emergency (2nd disaster declaration) in order to activate the appropriate recovery and rehabilitation aspects of all applicable local or interjurisdictional emergency management plans and authorize the furnishing of assistance under said declaration and in order to amend in various sections previous declarations issued by the Mayor or the

governing body; and

WHEREAS, on March 25, 2020 the City Council of the City of Eagle Pass extend and amended the Mayor's 2nd disaster declaration with Resolution 2020-17R, which closed certain facilities, limited the size of gatherings, imposed social distancing requirements, imposed a curfew, prohibited nonessential travel and took other steps to prepare for, respond to, and mitigate the spread of COVID-19; and

WHEREAS, on March 31, 2020 the City Council of the City of Eagle Pass found it necessary to impose further restrictions, rules and regulations with Resolution 2020-20R to prepare for, respond to, and mitigate the spread of COVID-19 by implementing certain stay at home measures and other actions all of which are described on **Exhibit 1**, attached hereto and incorporated by reference (hereafter, the "March 31st Order"); and

WHEREAS, on March 31, the Governor of the State of Texas issued an executive order GA-14 extending the social distancing restrictions until April 30, 2020 and provided additional clarifying orders to protect the health and safety of the citizens of Texas; and

WHEREAS, the City Council finds it necessary and appropriate for citizens to abide by and comply with all disaster declaration orders issued by the Mayor of Eagle Pass, Texas, Governor of the State of Texas and/or President of the United States; and

WHEREAS, the City of Eagle Pass, Texas has declared a local state of disaster for a public health emergency, pursuant to Section 418.108 of the Texas Government Code.

WHEREAS, this resolution of a local state of disaster for a public health emergency shall be given prompt and general publicity as provided for in Section 418.108(c) of the Texas Government Code; and

WHEREAS, additional information, recommendations and strategies are all being utilized to prepare for, respond to, and mitigate the spread of COVID-19; and

WHEREAS, the City Council finds it necessary and appropriate and in the public interest and for the public good, health, safety and welfare to supplement the restrictions and regulations in Resolution 2020-20R in order to continue to prepare for, respond to, and mitigate the spread of COVID-19.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EAGLE PASS, TEXAS, that:

- SECTION 1.** A public health emergency continues to exist, which consists of the spread of the COVID-19, a contagious respiratory virus capable of causing illness and death and transmitted by asymptomatic persons and by contact with the virus on surfaces.
- SECTION 2.** The facts in the preamble or Whereas clauses of this Resolution are true and correct.
- SECTION 3.** The March 31st Order, which consist of rules, regulations, orders and directives from Resolution 2020-20R, as set forth in **Exhibit 1**, attached hereto and incorporated by reference, shall continue in full force and effect to prepare for, respond to, and mitigate the spread of COVID-19.

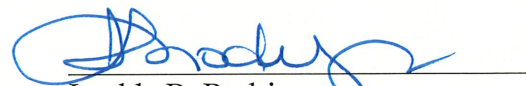
- SECTION 4.** The March 31st Order is hereby supplemented and amended to include the rules, regulations, orders and directives, which are set forth in **Exhibit 2**, attached hereto and incorporated by reference, in order to further prepare for, respond to, and mitigate the spread of COVID-19.
- SECTION 5.** The rules, regulations, orders and directives set forth on **Exhibit 1** and **Exhibit 2**, shall be construed together and to the extent there is a conflict, the most restrictive provision shall control.
- SECTION 6.** The City Manager is hereby directed to distribute Resolution No. 2020-__ to the public, any person or agency for the purposes intended and take any action necessary to implement this Resolution.
- SECTION 7.** It is hereby officially found and determined that the meeting at which this Resolution is passed is open to the public as required by law and that public notice of the time, place and purpose of said meeting was given as required.
- SECTION 8.** If any section, part, or provision of this Resolution is declared unconstitutional or invalid by a court of competent jurisdiction, then, in that event, it is expressly provided, and it is the intention of the City Council in passing this Resolution that its parts shall be severable, and all other parts of this Resolution shall not be affected thereby and they shall remain in full force and effect.
- SECTION 9.** This Resolution becomes effective immediately after being passed and approved.

READ, PASSED, AND APPROVED, this 7th Day of April, A.D., 2020.

ATTEST:



Luis E. Sifuentes
Mayor



Imelda B. Rodriguez
City Secretary

EXHIBIT 2

SUPPLEMENTAL RESOLUTION INSTITUTING ADDITIONAL MEASURES DUE TO A PUBLIC HEALTH EMERGENCY

SECTION 25. COVERING OF NOSE AND MOUTH. Except as provided herein, all persons over the age of five (5) are required to wear some form of covering (such as a homemade mask, scarf, bandana, or handkerchief) over their nose and mouth AT ALL TIMES except:

- A. When on your property or riding in a personal vehicle;
- B. When alone in a separate single space (i.e. office);
- C. When necessary for purposes of a health emergency or for identification purposes;
- D. When necessary for consumption purposes;
- E. Law enforcement and first responders shall utilize their standard operating procedures for the use of this equipment in conformance with policy and practice and as authorized by their Supervisors.

SECTION 26. POSITIVE TEST RESULT. If someone in a household has tested positive for COVID-19 and is not hospitalized, the individual is ordered to isolate at home for a period of at least fourteen (14) days from when symptoms first appeared or when the positive test results were obtained, whichever is later. The Local Health Authority may impose a longer period of time for isolation. If a member of the household tests positive, then other members of the household or those that came in contact with the person who tested positive, should consider themselves positive if they become symptomatic and those persons shall follow the isolation and quarantine measures prescribed by local, state, or federal health authorities. Asymptomatic members of the household or those that came in contact with the person who tested positive shall quarantine in their household and NOT go to work, school, or any other community function until the individual who tested positive is no longer required to isolate or until cleared by the Local Health Authority.

SECTION 27. RELIGIOUS ACTIVITY. Religious and worship services may only be provided by video and teleconference. Religious institutions must limit in-person staff to ten (10) people or less when preparing for or conducting video or teleconference services. All individuals must follow the safe social distancing guidelines including maintaining six (6) foot social distancing for employees, volunteers, and visitors; regularly washing hands with soap and water for at least twenty seconds or the use of hand sanitizer; cover coughs or sneezes; regularly clean high-touch surfaces; and ensure no physical handshakes or contact takes place.

SECTION 28. GRANTING OF AUTHORITY. Any peace officer or other person with lawful authority, including but not limited to the City of Eagle Pass Police Department and Investigators, Code Enforcement Officers, the City of Eagle Pass Fire Marshal's Office, the Maverick County Sheriff's Office, the Maverick County Constable's Offices; the Maverick County District Attorney Investigators and all other law enforcement partner agencies are hereby authorized to enforce the provisions of this Order in accordance with the authority granted under Chapter 418 of the Texas Government Code. This declaration hereby authorizes the use of all lawfully available enforcement tools.

SECTION 29. DETERMINING ESSENTIAL SERVICES FINAL AUTHORITY.

Whether a service or activity is essential will be based on its primary purpose with the final determination resting solely with the City of Eagle Pass as the final authority.

SECTION 30. PENALTIES. In accordance with Texas Government Code §418.173, a person who knowingly or intentionally violates this declaration commits an offense, punishable by a fine up to \$1,000.00 or confinement in jail for a term that does not exceed 180 days. The penalty for a violation of this Section 25 only shall be a Class C misdemeanor punishable by a fine of not more than one thousand dollars (\$1,000.00). The City Manager shall earmark all revenues collected for violations of this Section 25 to expenses related to the COVID-19 disaster.

SECTION 31. PRIOR CITY ORDERS AND DECLARATIONS. In the event of a conflict with the language contained herein and prior declarations, resolution or orders pertaining to COVID-19, this supplemental resolution prevails but only as it pertains to the specific subject matter restriction being addressed. All other sections of the previous disaster declaration or resolutions issued on March 31, 2020 under Resolution No. 2020-20R remain in effect.

SECTION 32. EFFECTIVE. That this declaration shall take effect immediately from and after its issuance.