

RESOLUTION NO. 2020-20R

A RESOLUTION AMENDING RESOLUTION 2020-17R ADDING CERTAIN LANGUAGE TO INCLUDE STAY AT HOME EMERGENCY MEASURES, DEFINE "ESSENTIAL ACTIVITIES" AND ESSENTIAL BUSINESSES, TO INCLUDE HARDWARE STORES AND RETAIL BUSINESSES IN IMPLEMENTATION OF SOCIAL DISTANCING MEASURES, LIMITING THE ENTRANCE TO ONE MEMBER PER FAMILY INTO ALL RETAIL BUSINESSES IN THE CITY OF EAGLE PASS, ALLOWING FOR RESIDENTS UNDER AGE 17 TO ATTEND EPISD FOOD DISTRIBUTION CENTERS AND OTHER MODIFICATIONS AS ESTABLISHED IN EXHIBIT 1A ATTACHED TO THE RESOLUTION

WHEREAS, on the 22nd Day of March 2020 the Mayor of Eagle Pass executed a Second Declaration of Disaster providing for additional restrictions in the City 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, the City Council modified and approved Resolution 2020-16R thereby extending the mayoral declaration of March 18, 2020 in order to continue with recovery and rehabilitation efforts; and

WHEREAS, the City Council finds it necessary and appropriate and in the public interest and for the public good to extend, amend, and/or modify the second mayoral Disaster Declaration in order to continue with the extraordinary protective measures and efforts afforded by the previous Declarations of Disaster;

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

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


SECTION 1. The amendments and modifications, attached hereto as Exhibit 1A, are hereby incorporated by reference to Resolution 2020-17R, passed by the City Council on March 27, 2020.

SECTION 2. This Resolution will supersede all previous resolutions issued by the Mayor and/or Council. If there is a conflict between the declarations issued by this governing body and the orders issued by the Governor of Texas or the President of the United States, the more restrictive declaration requirements will control.

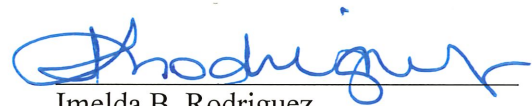
SECTION 3 The City Manager is hereby directed to distribute Resolution No. 2020-20R to any person or agency for the purposes intended.

READ, PASSED AND APPROVED, this 31st Day of March 2020.

ATTEST:



Luis E. Sifuentes
Mayor



Imelda B. Rodriguez
City Secretary

EXHIBIT 1A

**AMENDMENTS, AND MODIFICATIONS TO
RESOLUTION 2020-17R ISSUED MARCH 27, 2020**

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 coughs or sneezes; and

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 (City), 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 to mitigate the spread of COVID-19, superseding all previous orders on the matter; and

WHEREAS, on March 20, 2020, the City Council of the City of Eagle Pass extended, amended, and/or modified the Mayor's 1st disaster declaration; 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); and

WHEREAS, on March 27, 2020, the City Council of the City of Eagle Pass passed Resolution 2020-17R, and thereby extended, amended, and modified the 2nd disaster declaration; and

WHEREAS, the City of Eagle Pass, Texas 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 PROCLAIMED BY THE MAYOR OF THE CITY OF EAGLE PASS, TEXAS:

SECTION 1. That a local state of disaster for public health emergency is hereby declared for the City of Eagle Pass, Texas, pursuant to Section 418.108(a) of the Texas Government Code.

SECTION 2. That pursuant to Section 418.108(b) of the Texas Government Code the Second Mayoral Declaration of Local state of disaster for public health emergency shall continue indefinitely and the Council by majority vote, incorporates said declarations contained therein as well as renews, extends and amends, and modifies such declarations as noted below.

SECTION 3. That pursuant to Section 418.108(c) of the Texas Government Code this declaration of a local state of disaster for public health emergency shall be given prompt and general publicity and shall be filed promptly with the City Secretary.

SECTION 4. That pursuant to Section 418.108(d) of the Texas Government Code, this declaration of a local state of disaster activates the City of Eagle Pass, Texas, Emergency Management Plan, and authorizes the furnishing of aid and assistance under the declaration.

SECTION 5. That this declaration authorizes the City to take any actions necessary to promote health and suppress the virus, including the quarantine of persons and occupied structures, examining and regulating hospitals, regulating ingress and egress from the City, regulating ingress and egress to occupied structures, establishment of quarantine stations, emergency hospitals, and other hospitals, and insuring compliance for those who do not comply with the City's rules, pursuant to Section 122.006 of the Health and Safety Code.

SECTION 6. That all city departments and staff will continue operating as detailed under Resolution No. 2020-16R. In addition, the following restrictions will be enforced:

- a. The City of Eagle Pass Municipal Court will postpone Court sessions and Municipal Court offices shall be closed until further notice.
- b. The City of Eagle Pass Parks and Recreations Department shall postpone leagues, events, and activities indefinitely. Fields and courts will not be allowed to be used or rented until further notice.
- c. All City of Eagle Pass public parks will be closed until further notice.
- d. The Eagle Pass Public Library and all library facilities shall be closed until further notice.
- e. All City Board and Commission meetings, with the exception of the Eagle Pass City Council, Planning and Zoning, and any other meeting required by law, will be postponed until their regularly scheduled May meeting.

SECTION 7. STAY AT HOME EMERGENCY MEASURES

- a. All individuals currently living within the City of Eagle Pass are ordered to shelter at their place of residence. For the purposes of these Emergency Measures, residences include hotels, motels, shared rentals, and similar facilities. To the extent individuals are using shared or outdoor spaces, they must at all times as reasonably as possible maintain social distancing of at least six feet from any other person when they are outside their residence. All persons may leave their residences only for Essential Activities, or to provide or perform Essential Governmental Functions, or to operate Essential Businesses, all as defined in Section 8 and 9, herein.

- b. All businesses operating within the City of Eagle Pass, except Essential Businesses as defined in Section 9, herein, are required to cease all activities at facilities located within the City. For clarity, businesses may continue operations consisting exclusively of employees or contractors performing activities at their own residences (i.e. working from home). To the greatest extent possible, all Essential Businesses shall comply with the Social Distancing Guidelines established by the Centers for Disease Control and Prevention (CDC), found online at <https://www.cdc.gov/coronavirus/2019-ncov/downloads/community-mitigation-strategy.pdf>, including maintaining six-foot social distancing for both employees and the general public and encourage/recommend to provide personal protective equipment (PPE) to employees.
- c. All public or private gatherings of any number of people occurring outside a single household or living unit are prohibited, except as otherwise provided herein. Nothing in this Order prohibits the gathering of members of a household or living unit.
- d. Restaurants with or without drive-in or drive-through services may only provide take out, delivery, or drive-through services as allowed by law.
- e. 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, and all individuals must follow the Social Distancing Guidelines including the six-foot social distancing.
- f. All elective medical, surgical, and dental procedures are prohibited anywhere in the City of Eagle Pass. Hospitals, ambulatory surgery centers, dental offices, and other medical facilities are directed to identify procedures that are deemed "elective" by assessing which procedures can be postponed or cancelled based on patient risk considering the emergency need for redirection of resources to COVID-19 response.
- g. If someone in a household has been tested or has tested positive for COVID-19 the household is ordered to isolate at home. Members of the household cannot go to work, school, or any other community function.

SECTION 8. For purposes of these Emergency Measures, adult individuals may leave their residence only to perform any of the following "Essential Activities":

- a. To engage in activities or perform tasks essential to their health and safety, or to the health and safety of their family or household members (for example, obtaining medical supplies or medication, visiting a health care professional, or obtaining supplies needed to work from home).
- b. To obtain necessary services or supplies for themselves and their family or household members, or to deliver those services or supplies to others (for example, food, pet supply, and any other household consumer products, and products necessary to maintain the safety, sanitation, and essential operation of residences).
- c. To engage in outdoor activity, provided the individuals comply with social distancing requirements of six feet (for example, walking, biking, hiking, or running).
- d. To perform work providing essential products and services at an Essential Business or to otherwise carry out activities specifically permitted in these Emergency Measures.
- e. To care for a family member or pet in another household.

SECTION 9. For purposes of these Emergency Measures, "Essential Businesses" means:

- a. **Essential Healthcare Operations.** Healthcare operations, including hospitals, clinics, dentists, pharmacies, pharmaceutical and biotechnology companies, other healthcare facilities, healthcare suppliers, mental health providers, substance abuse service providers, blood banks, medical research, laboratory services, or any related and/or ancillary healthcare services. Home-based and residential-based care for seniors, adults, or children are also considered healthcare operations. Healthcare operations also includes veterinary care and all health and welfare services provided to animals. This exemption shall be viewed broadly to avoid any impacts to the delivery of healthcare. Healthcare operations do not include fitness and exercise gyms and similar facilities. Healthcare operations do not include elective medical, surgical, and dental procedures as established in accordance with Section 7(f) of these Emergency Measures.
- b. **Essential Government Functions.** All services provided by local governments needed to ensure the continuing operation of the government agencies to provide for the health, safety and welfare of the public. Further, nothing in this order shall prohibit any individual from performing or accessing "Essential Government Functions." All Essential Government Functions shall be performed in compliance with social distancing requirements of six feet, to the extent possible.
- c. **Essential Critical Infrastructure.** Work necessary to the operations and maintenance of the 16 critical infrastructure sectors as identified by the National Cybersecurity and Infrastructure Agency (CISA) including public works construction, residential and commercial construction, airport operations, water, sewer, gas, electrical, oil refining, roads and highways, public transportation, solid waste collection and removal, internet, and telecommunications systems (including the provision of essential global, national, and local infrastructure for computing services, business infrastructure, communications, and web-based services), financial institutions, defense and national security-related operations, essential manufacturing operations provided that they carry out those services or that work in compliance with social distancing requirements of six feet, to the extent possible. Essential Businesses providing essential infrastructure should implement screening precautions to protect employees and all activity shall be performed in compliance with social distancing guidelines attached.
- d. **Essential Retail.** Food service providers, including grocery stores, warehouse stores, big-box stores, bodegas, gas stations and convenience stores, farmers' markets that sell food products and household staples. Food cultivation, including farming, fishing, and livestock. Businesses that ship or deliver groceries, food, goods or services directly to residences. Restaurants and other facilities that prepare and serve food, but only for delivery or carry out. Liquor stores but only by drive through service. Schools and other entities that typically provide free services to students or members of the public on a pick-up and take-away basis only. The restriction of delivery or carry out does not apply to cafes and restaurants located within hospital and medical facilities. Laundromats, dry cleaners, laundry service providers, gas stations, auto-supply, auto and bicycle repair, hardware stores, businesses that supply products needed for people to work from home, and related facilities are also classified as essential retail. To the extent possible, retail establishments, including but not limited to, grocery stores, pharmacies, pet food stores, warehouse stores, hardware stores, gas stations, or food pantries that provide or sell food products or household staples are ORDERED to establish controls to require a minimum of six feet of distance between patrons in lines queuing in front of and inside stores. Controls may include, but are not limited to, requiring each person to take a shopping cart or placing markers on the floor.

- e. **Providers of Basic Necessities to Economically Disadvantaged Populations.** Businesses that provide food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals.
- f. **Essential Services Necessary to Maintain Essential Operations of Residences or Other Essential Businesses.** Trash and recycling collection, processing and disposal, mail and shipping services, building cleaning, maintenance and security, warehouse/distribution and fulfillment, storage for essential businesses, funeral homes, crematoriums and cemeteries. Plumbers, electricians, exterminators, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operations of residences and Essential Businesses. Professional services, such as legal or accounting services, when necessary to assist in compliance with legally mandated activities. Businesses that supply other essential businesses with support or supplies needed to operate.
- g. **News Media.** Newspapers, television, radio, and other media services.
- h. **Childcare Services.** Childcare facilities providing services that enable employees exempted in this Order to work as permitted.

SECTION 10. Any manufacturer who retools so that a substantial part of their business is for the purpose of manufacturing and producing ventilators or other need equipment or medical supplies may apply for an "essential business" exemption under these Emergency Measures.

SECTION 11. In accordance with executive orders issued by the Governor of Texas, people shall not visit nursing homes, elderly day care nutrition centers, long-term care facilities unless to provide critical assistance.

SECTION 12. Entry into retail establishments, including but not limited to, grocery stores, pharmacies, pet food stores, warehouse stores, hardware stores, and gas stations, shall be restricted to one person per family. No person under 17 years of age shall be allowed entry into a retail establishments, including but not limited to, grocery stores, pharmacies, pet food stores, warehouse stores, hardware stores, and gas stations as a patron/customer. Employees of the grocery store are exempt from this prohibition.

SECTION 13. All outdoor markets, flea markets, and outdoor retail establishments shall be closed until further notice.

SECTION 14. A 24-hour curfew shall be imposed on residents who are 17 years or younger who are not in school, are not accompanied by school personnel, a parent, or guardian, are not going directly to their place of employment or returning therefrom. Residents under 17 years of age are allowed to attend EPISD food distribution locations only for the purpose of picking up food, and instructional material and must return directly to their place of residence.

SECTION 15. All public and private school campuses and EPISD administration shall limit attendance only to administration and personnel essential only to administration, sanitation, and food distribution duties. To the extent possible, public and private school campuses and EPISD administration are ORDERED to establish controls to require a minimum of six feet of distance between essential personnel.

SECTION 16. All public, private, and governmental healthcare facilities operating within the City of Eagle Pass and/or performing any aspect of COVID-19 testing shall report by 5:00 p.m. each day for the prior 24 hours: 1) the number of COVID-19 tests performed, and 2) the number of positive

COVID-19 tests to the Local Health Authority (Dr. Victoriano Valdez) for the City of Eagle Pass and to the City's designated representative for the Emergency Operations Center if either the specimen is collected in, the patient is treated or resides in the City of Eagle Pass, or the test is performed in the City of Eagle Pass or Maverick County. The first report shall provide a summary of the aforementioned requested information from January 1, 2020 through the date you receive written notification of this reporting requirement; and thereafter, reports described above shall be issued daily. All public, private, and governmental healthcare facilities operating within the City of Eagle Pass and/or performing COVID-19 testing shall also provide the LHA with identifying patient information to allow the LHA to issue Control Orders, as necessary. This information will be used solely for public health purposes to monitor the testing conducted in the City and mitigate and contain the spread of COVID-19.

SECTION 17. Pursuant to § 122.006 of the Texas Health and Safety Code, the City hereby imposes the following rules and regulations, which are designed to protect the health and safety of persons in the municipality and reduce the number of persons spreading viruses, concerning the buses, vans and other non-passenger vehicles with two or more axles providing transportation services, for consideration, by bringing individuals into the City of Eagle Pass, Texas:

(1) the City prohibits the "drop off" of persons known to have or believed to have COVID - 19 in a public place that is not designed to protect the general public from the transmission of COVID-19; and

(2) the City prohibits non-essential travel which generally prohibits travel except for travel:

(i) related to Essential Activities, Essential Businesses, Essential Governmental Functions, or Minimum Basic Operations;

(ii) for the care for elderly, minors, dependents, persons with disabilities, or other vulnerable persons;

(iii) to or from educational institutions for purposes of receiving materials for distance learning, for receiving meals, and any other related services;

(iv) to return to a place of residence from outside the jurisdiction;

(v) required by law enforcement or court Order;

(vi) required for non-residents to return to their place of residence outside the City; and

(vii) done in compliance with all Social Distancing Requirements imposed under state or federal law.

SECTION 18. In addition and as authorized by § 81.086 of the Health and Safety Code, the City further authorizes the local health authority (LHA) to do the following, related to private and common carriers and private conveyances:

(1) If the City's Local Health Authority (LHA) has reasonable cause to believe that a carrier (private or common) or conveyance has departed from or traveled through an area infected or contaminated with a communicable disease, the LHA may order the owner, operator, or authorized agent in control of the carrier or conveyance to:

(i) stop the carrier or conveyance at a port of entry or place of first landing or first arrival in this state; and

(ii) provide information on passengers and cargo manifests that includes the details of:

(A) any illness suspected of being communicable that occurred during the journey;

(B) any condition on board the carrier or conveyance during the journey that may lead to the spread of disease; and

- (C) any control measures imposed on the carrier or conveyance, its passengers or crew, or its cargo or any other object on board during the journey.
- (2) Impose any quarantine type control measure, authorized under §§ 81.083 and 81.084 of the Health and Safety Code;
- (3) If the LHA has reasonable cause to believe that a carrier or conveyance is transporting cargo or an object that is or may be infected or contaminated with a communicable disease, the department or health authority may:
- (i) require that the cargo or object be transported in secure confinement or sealed in a car, trailer, hold, or compartment, as appropriate, that is secured on the order and instruction of the LHA, if the cargo or object is being transported through this state;
 - (ii) require that the cargo or object be unloaded at an alternate location equipped with adequate investigative and disease control facilities if the cargo or object is being transported to an intermediate or ultimate destination in this state that cannot provide the necessary facilities; and
 - (iii) investigate and, if necessary, quarantine the cargo or object and impose any required control measure as authorized by § 81.084 of the Health and Safety Code; and
- (4). The LHA may require an individual transported by carrier or conveyance who the LHA cause to believe has been exposed to or is the carrier of a communicable disease to be isolated from other travelers and to disembark with the individual's personal effects and baggage at the first location equipped with adequate investigative and disease control facilities, whether the person is in transit through this state or to an intermediate or ultimate destination in this state. The LHA may investigate and, if necessary, isolate or involuntarily hospitalize the individual until the LHA approves the discharge as authorized by §81.083 of the Texas Health and Safety Code.

SECTION 19. The municipal runoff election scheduled for April 25, 2020, along with the early voting dates of April 8-21, 2020 is suspended until further notice. Aside from this declaration, which has the force of law, the suspension of the municipal runoff election will also be declared by the City Council in a separate resolution.

SECTION 20. This declaration is issued because of the propensity of the virus to spread person to person, and because the virus physically is causing property loss and damage.

SECTION 21. That this declaration strongly encourages and recommends that social distancing protocols established by the Centers for Disease Control and Prevention (CDC), found online at <https://www.cdc.gov/coronavirus/2019-ncov/downloads/community-mitigation-strategy.pdf> be followed, including cancelling, rescheduling, or not attending events with more than 10 people.

SECTION 22. 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.

SECTION 23. That this declaration hereby authorizes the use of all lawfully available enforcement tools.

SECTION 24. That this declaration shall take effect immediately from and after its issuance.

