

A RESOLUTION EXTENDING THE DECLARATION OF LOCAL STATE OF DISASTER AND ORDER LIMITING THE NUMBER OF PERSONS FROM ONE FAMILY IN AN EXEMPTED BUSINESS AT ONE TIME UNTIL APRIL 30, 2020.

WHEREAS, the COVID-19 virus mainly spreads between people who are in close contact with one another through respiratory droplets produced when an infected person coughs, sneezes, or breathes and the symptoms of COVID-19 can range from mild to severe illness and cause further complications including death;

WHEREAS, the Governor of the State of Texas on March 13, 2020, under the authority of the Texas Disaster Act of 1975, issued a proclamation certifying that COVID-19 (novel coronavirus) poses an imminent threat of disaster in the state and declaring a state of disaster for all counties in Texas and directed that all necessary measures, both public and private as authorized under Section 418.015, Texas Government Code, be implemented to meet the disaster;

WHEREAS, the Commissioner of the Texas Department of State Health Services (SDHS), Dr. John Hellerstedt, has determined that COVID-19 represents a public health disaster within the meaning of Chapter 81 of the Texas Health and Safety Code;

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

WHEREAS, Section 418.108 of the Texas Government Code authorizes the Mayor of the City of Kingsville, as the presiding officer of the governing body of the political subdivision, to declare a local state of disaster;

WHEREAS, on March 17, 2020 the Mayor of the City of Kingsville, issued a proclamation declaring a state of disaster for public health emergency existed for the City of Kingsville resulting from COVID-19, and revised that order on March 18, 2020;

WHEREAS, on March 23, 2020 the City Commission of the City of Kingsville extended the Mayor's Declaration of Disaster via Resolution #2020-23 after determining that extraordinary measures stated in the declaration must be continued for public health and safety;

WHEREAS, this public calamity continues to require emergency action;

WHEREAS, pursuant to the Texas Disaster Act of 1975/Section 418.108 of the Texas Government Code, the Mayor is designated as the emergency management director of the City of Kingsville, and may exercise the powers granted to the governor on an appropriate local scale;

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, request assistance from the governor of state resources, and access funds available for disaster relief and reimbursement at the state and federal level; and

WHEREAS, on March 26, 2020 the Mayor of the City of Kingsville, issued a proclamation declaring a local state of disaster for public health emergency existed for the City of Kingsville resulting from COVID-19 and a Stay Home/Work Safe order that was extended until April 13, 2020 at 11:59 p.m. by the City Commission via Resolution #2020-29 on April 2, 2020; and

WHEREAS, on March 29, 2020, to avoid scenarios that could lead to hundreds of thousands of deaths, the President announced that, based on advice from Dr. Anthony Fauci and Dr. Deborah Birx, the restrictive social-distancing Guidelines should extend through April 30, 2020 as the spread of COVID-19 can be reduced by minimizing social gatherings;

WHEREAS, on March 31, 2020, Texas Governor Greg Abbott issued Executive Order GA-14 that extends his prior social distancing order (GA-08) through April 30, 2020 and closes all Texas schools through May 4, 2020, and those dates may be extended;

WHEREAS, it was recently learned that up to 25% of COVID-19 carriers can be asymptomatic for days thereby unknowingly exposing others to the virus;

WHEREAS, on about April 4, 2020 the COVID-19 Task Force and CDC have recommended that all individuals going out in public wear a protective face mask to the greatest extent possible in an effort to slow the spread of this virus;

WHEREAS, on April 6, 2020 the Mayor of the City of Kingsville in an effort to reduce the spread of the virus ordered that starting at 11:59 p.m. on April 6, 2020 through 11:59 p.m. on April 13, 2020 (subject to extension, modification, or termination of the City Commission) that to the greatest extent possible only one family member should enter an exempted business at a time and the City Commission believes that order needs to be extended;

WHEREAS, the Kingsville City Commission 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, THE CITY COMMISSION OF THE CITY OF KINGSVILLE, HEREBY PROCLAIMS, ORDERS, AND DECLARES:

Section 1. That a local state of disaster and public health emergency is hereby declared for the City of Kingsville pursuant to Section 418.108(a) of the Texas Government Code as declared by the Mayor on March 17, 2020 due to the public health emergency created by COVID-19, which declaration was amended on March 18, 2020 and extended by the Kingsville City Commission on March 23, 2020, shall continue until terminated, suspended, rescinded, or amended by order of the City Commission of the City of Kingsville.

Section 2. Stay Home/Work Safe. That pursuant to pursuant to the Texas Disaster Act of 1975/ Chapter 418 of the Texas Government Code, I, Sam R. Fugate, as Mayor of the City of Kingsville and the City Commission in coordination and consultation with the Local Health Authority and the Kleberg County Judge order all individuals living in the City of Kingsville to Stay Home/Work Safe consistent with the direction and guidelines as set out in Resolution #2020-29, which is effective until 11:59 p.m. on April 13, 2020, unless terminated, suspended, rescinded or amended by separate order of the City Commission of the City of Kingsville.

Section 3. That a state of disaster has created a need to limit the number of family members in an exempted business to one member per family at a time, to the greatest extent possible, and ordered and declared by the Mayor on April 6, 2020 due to the public health emergency created by COVID-19 which order shall continue until 11:59 p.m. on April 30, 2020, unless terminated, suspended, rescinded, or amended by order of the City Commission of the City of Kingsville.

Section 4. The City of Kingsville must promptly provide copies of this Order by posting on the City of Kingsville website and the City-County Health District website. In addition, the owner, manager, or operator of any facility that is likely to be impacted by this Order is strongly encouraged to post a copy of this Order onsite and to provide a copy to any member of the public asking for a copy. If any subsection, sentence, clause, phrase, or word of this Order or any application of it to any person, structure, gathering, or circumstance is held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, then such decision will not affect the validity of the remaining portions or applications of this Order.

Section 5. A violation of this Order is a violation of the emergency management plan of the City of Kingsville. A violation by any person of any provisions of this Order is punishable by a fine of up to \$500 per violation each day, and additional amounts as authorized by law. A second offense after warning in which intent to commit all elements of an act prohibited herein is proven may result in a fine of up to \$1,000 per violation, confinement in jail for a term not to exceed 180 days, or both fine and confinement.


Section 6. That pursuant to Section 418.108(d) of the Texas Government Code, this declaration directs the City Manager to continue with all emergency management activities and the emergency management plan; authorizes the furnishing of all aid and assistance, as deemed necessary or desirable by those administering the plans, and continues activation of the preparedness and response aspects of the plans. By this Declaration, I declare all rules and regulations that may inhibit or prevent prompt response to this threat are suspended for the duration of the incident, and authorize the City Manager to exercise all emergency powers as are available to address this emergency.

Section 7. As Mayor, I further reserve all other authority and powers conferred by state law to respond as necessary to this situation.

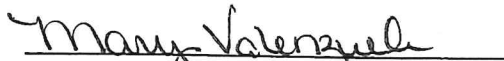
Section 8. That pursuant to Section 418.108(c) of the Texas Government Code, this declaration shall be given prompt and general publicity and shall be filed promptly with the City Secretary.

Section 9. Subject to Kingsville City Commission approval, this Declaration shall be effective until 11:59 p.m. on April 13, 2020, or until it is either rescinded, superseded, or amended pursuant to applicable law.

DECLARED AND ORDERED this the 13th day of April, 2020.


Sam R. Fugate, Mayor

ATTEST:


Mary Valenzuela, City Secretary

APPROVED AS TO FORM:


Courtney Alvarez, City Attorney