

RESOLUTION NO. 2020-17R

A RESOLUTION AMENDING RESOLUTION 2020-16R IN ORDER TO EXTEND, AMEND, AND/OR MODIFY THE ORDER OF THE SECOND MAYORAL DECLARATION OF DISASTER EXECUTED ON MARCH 22, 2020, BY THE MAYOR PURSUANT TO § 418.108, TEXAS GOVERNMENT CODE, REGARDING THE COVID-19 A GLOBAL PANDEMIC.

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 following paragraph is hereby added as a second paragraph to Resolution No. 2020-16R and shall read as follows:

Pursuant to § 418.108(b) of the Texas Government Code, the Second Mayoral Declaration of Disaster executed by Mayor Luis E. Sifuentes on March 22, 2020, is hereby renewed, extended, amended and/or modified as noted in Exhibit 1 and shall continue to be in full force and effect until the City of Eagle Pass deems it unnecessary to continue.

SECTION 2. The amendments and modifications, attached hereto as Exhibit 1, are hereby incorporated by reference to the Declaration of Disaster executed by Mayor Luis E. Sifuentes on March 22, 2020.

SECTION 3. 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 4 The City Manager is hereby directed to distribute Resolution No. 2020-16R to any person or agency for the purposes intended.

READ, PASSED AND APPROVED, this 25th Day of March 2020.

ATTEST:



Luis E. Sifuentes
Mayor



Imelda B. Rodriguez
City Secretary

EXHIBIT 1
**RENEWAL, EXTENSION, AMENDMENTS, AND MODIFICATION TO SECOND
MAYORAL DISASTER DECLARATION ISSUED MARCH 22, 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, 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, 2020 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, 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 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 shall 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 shall 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. That this declaration hereby limits the size of gatherings to not more than 10 people and mandates the cancellation of all such gatherings until further notice. For purposes of this declaration, a "gathering" refers generally to any event or common endeavor that brings together or is likely to bring together 10 persons or more at the same time in a confined or enclosed space, room, or area such as, by way of example and without limitation, and auditorium, theatre, stadium (indoor or outdoor), event center, bowling alley, bingo parlor, maquina/slot machine parlor, food courts, meeting hall, conference center, large cafeteria, or any other confined indoor or confined outdoor space.

SECTION 8. For purposes of clarity, a "gathering" does not include the following: (i) hospitals, medical facilities and shelters; (iii) grocery stores and other essential retail establishments, including but not limited to hardware stores; and (iv) jails and detention centers. In all such settings, where possible, it is recommended the public follow social distancing recommendations, and harm

reduction measures such as hand sanitizer and tissues should be provided. However, any specific large gathering space that is part of any building included in this Section is subject to the prohibition of gatherings as outlined in Section 7. In all such settings, it is recommended that the public follow social distancing recommendations and harm reduction measures such as hand sanitizer and tissues should be provided when possible.

SECTION 9. To the extent possible, retail establishments, including but not limited to, grocery stores, pharmacies, pet food stores, warehouse 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.

SECTION 10. In accordance with executive orders issued by the Governor of Texas, 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-through, pickup, or delivery options is allowed and highly encouraged.

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 grocery stores shall be restricted to one person per family. No person under 17 years of age shall be allowed entry into a grocery store 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. People shall avoid all playground areas found in public parks and common areas of apartment complexes, condominiums, retail establishments, restaurants, and grocery stores. It is further ordered that the owners of these playgrounds and common areas located at apartment complexes, condominiums, retail establishments, restaurants, and grocery stores shall take the necessary steps to close or prohibit access to these areas.

SECTION 15. 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

SECTION 16. 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 17. All persons who have undergone testing for coronavirus shall remain in quarantine as per their health provider's instructions.

SECTION 18. All public, private, and governmental healthcare facilities operating within the City of Eagle Pass and performing 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, or the test is performed in the City of Eagle Pass or Maverick County. All public, private, and governmental healthcare facilities operating within the City of Eagle Pass and performing COVID-19 testing shall also provide the LHA with identifying patient information to allow the LHA to issue Control Orders as necessary. All residents who travel outside Maverick County and outside the United States who are tested for COVID-19 shall also report the test and test results to the LHA. 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 19. 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 Functions, Essential Governmental Functions, Essential Businesses, 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 20. 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 has reasonable 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 21. 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 22. That this declaration requires all persons and entities to comply with the 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. In addition, this declaration (1) strongly encourages and recommends compliance with all CDC guidelines regarding the COVID-19 and (2) requires laboratories, workplaces, healthcare professionals, health care facilities and all other industries and groups that are specifically identified by the CDC to comply with, follow and implement the CDC's guidance for their respective industry or group regarding the COVID-19.

SECTION 23. 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 24. That this declaration hereby authorizes the use of all lawfully available enforcement tools.

SECTION 25. That this declaration shall take effect immediately from and after its issuance.