

ORDINANCE NO. 376

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BANDERA APPROVING AND EXTENDING THE LOCAL DECLARATION OF DISASTER AND EMERGENCY ORDERS ISSUED BY SUZANNE SCHAUMAN, MAYOR OF THE CITY OF BANDERA TEXAS PURSUANT TO THE AUTHORITY VESTED IN HER UNDER SECTION 418.108 OF THE TEXAS GOVERNMENT CODE; RESTRICTING CERTAIN ACTIVITIES; PROVIDING AN EFFECTIVE DATE AND DECLARING AN EMERGENCY

WHEREAS, Governor Greg Abbott of Texas, issued a disaster proclamation on March 13, 2020, certifying under Section 418.014 of the Texas Government Code that the novel coronavirus (COVIP- 19) poses an imminent threat of disaster for all counties in the State of Texas; and

WHEREAS, in each subsequent month effective through today, Governor Abbott has renewed the disaster declaration for all Texas counties; and

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

WHEREAS, Governor Abbott has issued executive orders and suspensions of Texas laws in response to COVIP- 19, aimed at protecting the health and safety of Texans and ensuring an effective response to this disaster; and

WHEREAS, Governor Abbott issued Executive Order GA-08 on March 19, 2020, mandating certain social-distancing restrictions for Texans in accordance with guidelines promulgated by President Donald J. Trump and the Centers for Disease Control and Prevention (CDC); and

WHEREAS, Governor Abbott issued Executive Order GA-14 on March 31, 2020, expanding the social distancing restrictions for Texans based on guidance from health experts and the President; and

WHEREAS, Governor Abbott subsequently issued Executive Orders GA-16, GA-18, GA-21, GA-23, and GA-26 from April through early June 2020, aiming to achieve the least restrictive means of combatting the threat to public health by continuing certain social-distancing restrictions, while implementing a safe, strategic plan to Open Texas; and

WHEREAS, as Texas reopens in the midst of COVID-19, increased spread is to be expected, and the key to controlling the spread and keeping Texas residents safe is for all Texans to consistently follow good hygiene and social-distancing practices, especially those set forth in the minimum standard health protocols from DSHS; and

WHEREAS, due to recent substantial increases in COVID-19 positive cases, and increases in the COVID-19 positivity rate and hospitalizations resulting from COVID 19, Governor Abbott has mandated targeted and temporary adjustments to the reopening plan to achieve the least restrictive

means for reducing the growing spread of COVID- 1 9 and the resulting imminent threat to public health, and to avoid a need for more extreme measures; and

WHEREAS, Governor Abbott, issued revised orders GA-28 to be followed on a statewide basis effective at noon on June 26, 2020; and

WHEREAS, among the provisions in Governor Abbott's order was a requirement that any outdoor gathering in excess of 100 people, other than those set forth specifically in said order, is prohibited unless the mayor of the city in which the gathering is held approves of the gathering, and such approval can be made subject to certain conditions or restrictions not inconsistent with Governor Abbott's executive order; and,

WHEREAS, under Section 418.108, the Mayor as the presiding officer of the governing body of a political subdivision may declare a local state of disaster and prescribe certain rules and regulations during such time of disaster.

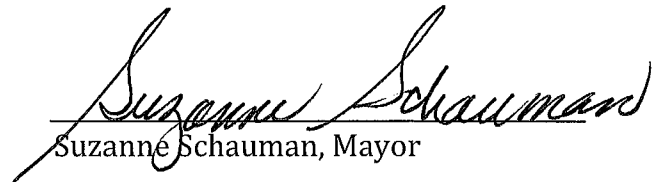
NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BANDERA, TEXAS:

- Section 1. 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. That the local state of disaster and public health emergency and emergency orders issued by Mayor Schauman by virtue of the power and authority vested in her by the Constitution and laws of the State of Texas, and as specifically authorized by Governor Abbott's Executive Order GA-28, whereby certain rules and restrictions were enacted with regards to any gathering of people in excess of 100 within the Bandera City Park, effective at 11:59 P.M on June 26, 2020, shall be extended until such time as Governor Abbott authorizes gatherings in excess of 100 persons without further restrictions.
- Section 3. Pursuant to §418.108(c) of the Government Code, this declaration of a local state of disaster and public health emergency shall be given prompt and general publicity and shall be filed promptly with the City Secretary.
- Section 4. Pursuant to §418.108(d) of the Government Code, this declaration of a local state of disaster and public health emergency activates the City of Bandera, Texas, emergency management plan.
- Section 5. Pursuant to §122.006 of the Health and Safety Code, this declaration authorizes the City to take any actions necessary to promote health and suppress disease, including quarantine, examining and regulating hospitals, regulating ingress and egress from the City, and fining those who do not comply with the City's rules.
- Section 6. 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 except those portions deemed to conflict with GA-28, or any subsequent

emergency orders of Governor Abbott.

- Section 7. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.
- Section 8. 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 9. 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 10. Should Governor Abbott lift the statewide disaster orders now in place prior to the date of expiration stated herein, this ordinance shall no longer be subject to enforcement by the City and shall be repealed by the City Council at the first legally posted meeting thereafter.
- Section 11. That all law enforcement personnel of the City are authorized the enforce any emergency orders of the Governor or Health Authority of the State of Texas to the extent and in the manner authorized by same.
- Section 12. This Ordinance shall be in force and effect from its passage, and any publication required by law.

PASSED, ADOPTED, and APPROVED the 1st day of July, 2020.


Suzanne Schauman, Mayor

ATTEST:


Jill Shelton, City Secretary

EXHIBIT A
Bandera City Park Occupancy

1. The total occupancy allowed for Bandera City Park shall be a maximum of 750 persons at any given time.
2. No single group of persons larger than 100 is permitted.
3. Guests, while in the park, should follow the health protocols from DSHS as stated by the Governor in GA-28