

ORDINANCE 2020-05

OF THE CITY COUNCIL OF THE CITY OF FAIR OAKS RANCH EXTENDING A DECLARATION OF LOCAL DISASTER; ESTABLISHING RULES AND REGULATIONS FOR THE DURATION OF THE DISASTER; RESTRICTING CERTAIN ACTIVITIES; ESTABLISHING PENALTIES FOR VIOLATIONS.

WHEREAS, in December 2019 a novel coronavirus, now designated COVID-19, was detected in Wuhan City, Hubei Province, China. Symptoms of COVID-19 include fever, cough, and shortness of breath. Outcomes have ranged from mild to severe illness, and in some cases death; and,

WHEREAS, on January 30, 2020, the World Health Organization Director General declared the outbreak of COVID-19 as a Public Health Emergency of International Concern (PHEIC), advising countries to prepare for the containment, detection, isolation and case management, contact tracing and prevention of onward spread of the disease; and,

WHEREAS, on March 5, 2020, the World Health Organization Director General urged aggressive preparedness and activation of emergency plans to aggressively change the trajectory of this epidemic; and,

WHEREAS, on March 11, 2020, the World Health Organization declared that the COVID-19 outbreak should be characterized as pandemic; and,

WHEREAS, the Center for Disease Control and Prevention is closely monitoring the growing number of COVID-19 cases that have spread into the United States; and,

WHEREAS, over 3,744 cases of COVID-19 have been reported in the United States, including 69 deaths; and,

WHEREAS, a large gathering of unidentifiable individuals without necessary mitigation for the spread of infection may pose a risk of the spread of infectious disease; and,

WHEREAS, President Trump declared a national emergency on March 13, 2020; and,

WHEREAS, Governor Greg Abbott declared a public health disaster on March 13, 2020; and,

WHEREAS, the Center for Disease Control recommends that citizens stop handshaking, clean hands at the door, schedule regular hand washing, avoid touching faces and cover coughs and sneezes, disinfect surfaces like doorknobs, tables, desks, and handrails regularly, and increase ventilation by opening windows or adjusting air conditioning; and,

WHEREAS, the Center for Disease Control recommends the use of videoconferencing for meetings when possible, and adjusting or postponing large meetings or gatherings; and,

WHEREAS, the Center for Disease Control recommends citizens stay home if they are feeling sick or when they have a sick family member in their home; and,

WHEREAS, households with vulnerable seniors and those with underlying health conditions should conduct themselves as if they were a significant risk to the person with underlying conditions; and,

WHEREAS, the identification of “community spread” cases of COVID-19 in the United States could have signaled that transmission of the virus is no longer limited to those who traveled to China, or had contact with travelers who have visited China; and,

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

WHEREAS, the continued worldwide spread of COVID-19 presents an imminent threat of widespread illness, which requires emergency action; and,

WHEREAS, a declaration of local disaster includes the ability to take measures to reduce the possibility of exposure to disease, control the risk, and promote the health and safety of Fair Oaks Ranch residents; and,

WHEREAS, the City of Fair Oaks Ranch will work collaboratively with Bexar, Kendall, and Comal Counties to ensure that all appropriate and necessary measures are taken to limit the development, contraction and spread of COVID-19; and

WHEREAS, pursuant to the Texas Disaster Act of 1975, the mayor is designated as the emergency management director of the City of Fair Oaks Ranch, and may exercise the powers granted to the governor on an appropriate local scale; and

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 and request assistance from the governor of state resources; and

WHEREAS, the Mayor has made a Declaration of Public Health Emergency, and further declared all rules and regulations that may inhibit or prevent prompt response to this threat suspended for the duration of the incident; and

WHEREAS, the Mayor, under the Texas Disaster Act of 1975, has authorized the use of all available resources of state government and political subdivisions to assist in the City’s response to this situation; and

WHEREAS, the Mayor 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 ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAIR OAKS RANCH:

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 is declared by Mayor Garry Manitzas for the City of Fair Oaks Ranch pursuant to §418.108(a) of the Texas Government Code is hereby renewed and extended until April 16, 2020 except with the consent of the Fair Oaks Ranch City Council pursuant to §418.108(b) of the Government Code, including all rules and regulation attached hereto as Exhibit A.
- 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 Fair Oaks Ranch emergency management plan.
- Section 5. Pursuant to §418.020(c) of the Government Code, this declaration authorizes the City to commandeer or use any private property, temporarily acquire, by lease or other means, sites required for temporary housing units or emergency shelters for evacuees, subject to compensation requirements.
- Section 6. 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 7. 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.
- Section 8. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.
- Section 9. 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 10. Pursuant to Article III; Section F - Legislation by Ordinance. If the City Council, by a vote of not less than two-thirds of the members present at the March 19, 2020 City Council meeting at which this ordinance is introduced, determines that an emergency exists related to public health or safety that requires immediate action, such ordinance may be voted upon and rejected or adopted at the meeting.
- Section 11. 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 12. This Ordinance shall be in force and effect from and after its final passage.

PASSED, ADOPTED, and APPROVED the 19th day of March, 2020 on one reading as an emergency measure pursuant to City Charter Section 3.06 F. 4.

	FOR	AGAINST	ABSTAIN
Mayor Garry Manitzas	✓		
Mayor Pro Tem Elizondo	✓		
Council Member Hartpence	✓		
Council Member Havard	✓		
Council Member Koerner	✓		
Council Member Maxton	✓		
Council Member Patel	Not Present		



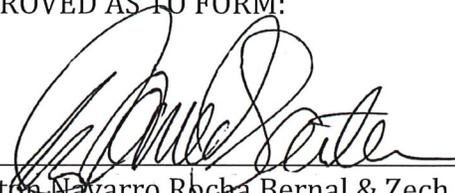
Garry Manitzas, Mayor

ATTEST:



Christina Picioccio, City Secretary

APPROVED AS TO FORM:



Denton Navarro Rocha Bernal & Zech, P.C.,
City Attorney

EXHIBIT A
LOCAL DISASTER RULES AND REGULATIONS REGARDING PUBLIC AND PRIVATE GATHERINGS

1. The virus that causes COVID-19 is easily transmitted, especially in group settings, and it is essential that the spread of the virus be slowed to protect the ability of public and private health care providers to handle an influx of patients and safeguard public health and safety.
2. Because of the risk of the rapid spread of the virus, and the need to protect the most vulnerable members of the community, this Declaration prohibits all indoor public and private gatherings and outdoor gatherings within an enclosed space of 10 persons or more anywhere in the City of Fair Oaks Ranch beginning on March 19, 2020 and continuing until April 16, 2020, unless extended consistent with requirements of state law.
3. For all other gatherings, it is strongly recommended that social distancing protocols established by the United States Centers for Disease Control and Prevention (CDC) and found within the "Implementation of Mitigation Strategies for Communities with Local COVID-19 Transmission" issued by the United States Centers for Disease Control and Prevention ("CDC") on or around March 11, 2020 (available online at www.cdc.gov/coronavirus), including canceling, rescheduling, or not attending events with more than 10 persons.
4. Further, organizations that serve high-risk populations (defined below) should follow CDC guidance for social distancing.
5. Definitions and further guidance:
 - a. For purposes of this Declaration, a "Mass Gathering" is any event or convening, subject to the exceptions and clarifications below, that brings together or is likely to bring together ten (10) or more persons at the same time in a single room or other single confined or enclosed space, such as, by way of example and without limitation, an auditorium, theatre, stadium (indoor or outdoor), arena or event center, meeting hall, conference center, large cafeteria, or any other confined indoor or confined outdoor space.
 - b. A "Mass Gathering" includes events in confined outdoor spaces, which means an outdoor space that (i) is enclosed by a fence, physical barrier, or other structure and (ii) where people are present and they are within arm's length of one another for extended periods.
 - c. This Declaration does not prohibit use of enclosed spaces where 10 or more people may be present at different times during the day, so long as 10 or more people are not present in the space at the same time. For any gathering covered by this subsection c., compliance with Social Distancing Recommendations, including providing hand sanitizer and tissues and increasing cleaning of commonly touched surfaces is strongly encouraged.

d. For purposes of clarity, a "Mass Gathering" does not include the following: (i) places of worship; (ii) office space, hotels, or residential buildings; (iii) grocery stores, shopping malls, outdoor markets, or other retail establishments where large numbers of people are present but it is unusual for them to be within arm's length of one another for extended periods; (iv) hospitals, medical facilities and shelters; and (v) jails and detention centers. 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. However, any specific large gathering space that is part of any building included in this subparagraph d. is subject to the prohibition on Mass Gatherings if the space holds 10 or more people.

e. "High-Risk Populations" include people who are:

- 60 years old and older;
- People with certain health conditions such as heart disease, lung disease, diabetes, kidney disease and weakened immune systems;
- People who are pregnant or were pregnant in the last two weeks.
- People experiencing homelessness.

6. The Local Health Authority and Director of Health may update restrictions set out in this Exhibit as necessary to respond to the evolving circumstances of this outbreak during the duration of the Mayor's Declaration of Public Health Emergency and any extension by the Fair Oaks Ranch City Council.