

## ORDINANCE 2020-18

### **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAIR OAKS RANCH AMENDING ORDINANCE 2020-17; EXTENDING A DECLARATION OF LOCAL DISASTER; AMENDING THE RULES AND REGULATIONS FOR THE DURATION OF THE DISASTER; RESTRICTING CERTAIN ACTIVITIES; PROVIDING AN EFFECTIVE DATE AND DECLARING AN EMERGENCY; FIRST AND FINAL READING**

**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 (COVID-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 COVID-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, GA-26, GA-28, and GA-29 from April through early July 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- 19 and the resulting imminent threat to public health, and to avoid a need for more extreme measures; and

**WHEREAS**, on July 2, 2020, Governor Abbott issued amended order GA-28 to be followed on a statewide basis effective 12:01 p.m. on July 3, 2020; 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 by the governor on an appropriate local scale; and

**WHEREAS**, Garry Manitzas, the Mayor of the City of Fair Oaks Ranch previously determined and declared 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 impacted by COVID-19;

**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**, Mayor Mantizas, on July 10, 2020, signed a local declaration of disaster with regards to any outside gathering of people in excess of 10; and,

**WHEREAS**, the Fair Oaks Ranch City Council, on March 19, 2020 approved Ordinance 2020-05 extending the Mayor's declaration of local disaster until April 16, 2020, and affirmed and amended said ordinance by the adoption of Ordinance 2020-06 on March 24, 2020, affirmed and amended said ordinance by the adoption of Ordinance 2020-08 on April 16, 2020 and then by Ordinance 2020-09 on May 7, 2020, and affirmed and amended said ordinance by the adoption of Ordinance 2020-10 on May 21, 2020, and affirmed and amended said ordinance by the adoption of Ordinance 2020-14 on June 4, 2020, and affirmed and amended said ordinance by the adoption of Ordinance 2020-15 on June 18, 2020, and affirmed and amended said ordinance by the adoption of Ordinance 2020-17 on July 2, 2020, and hereby affirms and further amends all prior actions through the adoption of this Ordinance 2020-18.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAIR OAKS RANCH, 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 declared by Mayor Garry Manitzas for the City of Fair Oaks Ranch, Texas, pursuant to §418.108(a) of the Texas Government Code and renewed by City Council Ordinance 2020-17 pursuant to §418.108(b) of the Government Code, is hereby superseded, extended and amended, including all rules and regulations attached hereto as Exhibit A, by this Ordinance 2020-18 until such time as Governor Abbott's statewide emergency declaration is cancelled by the Governor or this Ordinance is otherwise repealed by the City Council of Fair Oaks Ranch.

- 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, 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 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 except those portions deemed to conflict with GA-28, or any subsequent emergency orders of Governor Abbott.
- 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. 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 11. Should Governor Abbott lift the statewide disaster orders now in place, 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 12. That all law enforcement personnel of the City are authorized to 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 13. This Ordinance shall be in force and effect from its first and final passage, and any publication required by law.

**PASSED, ADOPTED, and APPROVED** the 16th day of July, 2020 on one reading as an emergency measure pursuant to City Charter Section 3.006 F. 4.

	<b>FOR</b>	<b>AGAINST</b>	<b>ABSTAIN</b>
<b>Mayor Garry Manitzas</b>	ABSENT		
<b>Mayor Pro Tem Elizondo</b>	✓		
<b>Council Member Havard</b>	✓		
<b>Council Member Hartpence</b>	✓		
<b>Council Member Koerner</b>	✓		
<b>Council Member Patel</b>	✓		
<b>Council Member Maxton</b>	✓		

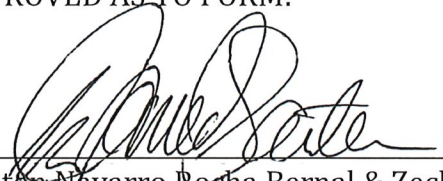
**AFFIRMED** if necessary, on the 6<sup>th</sup> day of August, 2020.

  
\_\_\_\_\_  
Garry Manitzas, Mayor

ATTEST:

  
\_\_\_\_\_  
Christina Picioccio, City Secretary

APPROVED AS TO FORM:

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

## EXHIBIT A

### Outdoor Gathering Regulations

1. The total occupancy allowed for all outside gatherings of people in the City of Fair Oaks Ranch shall be a maximum of 10 in group.
2. No single group of persons larger than 10 is permitted without written approval of the Mayor and the agreement to adhere to safety protocols recommended by the state as reflected in the Open Texas guidelines applicable to the event. *[For example, an outdoor wedding where the guest count is projected to exceed 10 would need to submit evidence that the event will be held in conformance with the state issued guidelines for weddings and obtain written approval from the Mayor.]*
3. Submittal of request to hold an outdoor gathering of more than 10 in a group shall be provided, at least ten (10) business days in advance of the gathering date, to the City's Emergency Operations Center Director. Submittal shall include:
  - a. The location, date, and hours of the gathering;
  - b. The density of the forum and the ability to ensure social distancing of 6 feet between individuals;
  - c. The overall number of projected attendees;
  - d. The purpose of event requiring outdoor gathering at this time;
  - e. Proof of approval from property owner where event is to take place;
  - f. The likelihood of individuals over the age of 65 attending;
  - g. The level of transmission in the city and surrounding areas; and
  - h. The required, if any, city staff time and potential risk of exposure to COVID-19.
4. Within three (3) business days of receiving the submittal, the EOC Director shall call a meeting of EOC members to review and provide a recommendation of holding the outdoor event to the Mayor.
5. The Mayor, shall notify the requestor, in writing of the approval/disapproval of the requested outdoor gathering. The Mayor has the final decision on approving or disapproving the gathering.
6. If authorized, the health protocols for individuals from the Texas Department of State Health Services stated by the Governor in GA-28 and on the City's submittal form titled "*Submittal Guidelines for Outdoor Events*" should be followed.