

RESOLUTION NO. 2020-R23

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BOERNE, TEXAS CONTINUING DECLARATION OF STATE OF LOCAL DISASTER AND PUBLIC HEALTH EMERGENCY; ADOPTING THE PREVIOUS DECLARATIONS OF MAYOR HANDREN; PROVIDING PROMPT AND GENERAL PUBLICITY; GRANTING THE MAYOR THE POWER AND AUTHORITY TO REVIEW, ADOPT, RATIFY, AND EXECUTE SUBSEQUENT EMERGENCY ORDERS ON BEHALF OF THE CITY COUNCIL; SUSPENDING THE APPLICABILITY OF THE REQUIREMENTS OF THE PUBLIC INFORMATION ACT DUE TO CATASTROPHE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, beginning in December 2019, a novel coronavirus, which causes the disease COVID-19, has spread through the world and has now been declared a global pandemic by the World Health Organization; and

WHEREAS, symptoms of COVID-19 include fever, coughing, and shortness of breath, and in some cases, the virus has caused death; and

WHEREAS, on March 16, 2020, the Mayor of the City of Boerne, Texas, issued and duly filed with the City Secretary's Office, a Declaration of Public Health Emergency for the City, which is attached hereto and incorporated herein; and

WHEREAS, on March 20, 2020, the Mayor of the City of Boerne, Texas, issued and duly filed with the City Secretary's Office, a Second Declaration of Local Disaster and Public Health Emergency, which is attached hereto and incorporated herein; and

WHEREAS, in accordance with Texas Government Code Section 418.109(b), the declaration of local state of disaster may not be continued or renewed for a period of more than seven (7) days except with the consent of the City Council of the City of Boerne; and

WHEREAS, a declaration of disaster activates the Emergency Management Plan utilized by the City in conjunction with the Kendall County Emergency Management Plan; and

WHEREAS, pursuant to guidance from the President of the United States and the CDC, extraordinary measures must be taken to contain COVID-19 and prevent its spread throughout the City of Boerne, including the quarantine of individuals, groups of individuals, and property and, additionally, including compelling individuals, groups of individuals, or property to undergo additional health measures that prevent or control the spread of disease; and

WHEREAS, the Mayor of the City of Boerne, Texas, has determined that extraordinary measures must be taken to alleviate the suffering of people and to protect the health, safety and welfare of its citizens; and

WHEREAS, the City Council of the City of Boerne, Texas, pursuant to Texas Government code Section 418.108(b) has determined that it is necessary to continue the declarations of local state of disaster and public health emergency for the City of Boerne, Texas; and

WHEREAS, the City Council of the City of Boerne, Texas, has determined that because of the reduction in staff at City offices and the number of staff working from home during this public health emergency and because access to City Hall and City Administrative Offices has been restricted, the COVID-19 pandemic is a catastrophe for purposes of Section 552.233 of the Texas Government Code and interferes with the ability of the City to comply with the requirements of the Texas Public Information Act, Sections 552.001, et seq, of the Government Code.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BOERNE, TEXAS:

1. That the local state of disaster and public health emergency declared by Mayor Tim Handren on March 16, 2020 and on March 20, 2020, for the COVID-19 pandemic is hereby continued for the City of Boerne;
2. That the emergency orders issued by the Mayor in those Declarations shall continue in full force and effect and that the City of Boerne Mayor be delegated and given the full power and authority of the City Council to review, ratify, and adopt any subsequent City of Boerne emergency orders relating to the COVID-19 pandemic,
3. This Declaration continues to activate the Emergency Management Plan utilized by the City in conjunction with the Kendall County Emergency Management Plan;
4. This Declaration continues to activate the recovery and rehabilitation aspects of all applicable local or interjurisdictional emergency management plans, as well as the preparedness and response aspects of those plans, and authorizes the furnishing of aid and assistance under the Declaration;
5. This Declaration continuing a local state of disaster and public health emergency shall be effective for thirty (30) days on and from its date of issuance, provided however that this Declaration may be terminated before the expiration of thirty days by subsequent order of the Mayor, and may be continued or renewed beyond thirty days from its date of issuance only with the consent of the City Council of the City of Boerne, Texas;
6. That pursuant to Section 552.233 of the Texas Government Code, the City Council of the City of Boerne hereby suspends the requirements of the Public Information Act for a period of seven (7) days from the date of this enactment, orders that notice of this suspension be provided as required by law, and authorizes the City Manager of the City of Boerne to extend this suspension by an additional seven (7) days if necessary without additional approval from this body;
7. The sections, paragraphs, sentences, clauses and phrases of this Declaration are severable and if any phrase, clause, sentence, paragraph or section of this Declaration should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Declaration that can be given effect without the invalid provision, and to this end the provisions of this Declaration are severable;

8. This Declaration shall be given prompt and general publicity and shall be filed promptly with the City Secretary of the City of Boerne, Texas and forwarded to the State of Texas; and

That this Resolution and the Declaration herein shall take effect immediately from and after its issuance.

PASSED and APPROVED on this the _____ day of March, 2020.

APPROVED:

Mayor

ATTEST:

City Secretary