

ORDINANCE NO. 2020-10

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BOERNE, TEXAS CONTINUING DECLARATION OF STATE OF LOCAL DISASTER AND PUBLIC HEALTH EMERGENCY TO APRIL 30, 2020; 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; 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, the President of the United States and the CDC, issued guidance concerning extraordinary measures which must be taken to contain COVID-19 and prevent its spread throughout the United States, 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 Governor of Texas declared a state of disaster for all counties in Texas related to the imminent threat of COVID-19 on March 13, 2020, and has issued additional orders related to the disaster since that date; and

WHEREAS, the Governor of Texas has issued Executive Orders GA09 through GA14 related to the COVID-19 disaster, all of which remain in effect until April 30, 2020; and

WHEREAS, Kendall County officials have declared a public health emergency for Kendall County and have issued executive orders related to this emergency; and

WHEREAS, City of Boerne officials have consulted with County officials and with local health authorities who have indicated that COVID-19 has caused deaths in the areas surrounding the City of Boerne and that cases of COVID-19 exist in the City of Boerne; and

WHEREAS, in response to this imminent threat of disaster in the City of Boerne, and to alleviate the suffering of people and to protect the health, safety and welfare of its citizens, the Mayor of the City of Boerne, Texas, Tim Handren, issued three Declarations of Public Health Emergency and Disaster for the City of Boerne with related orders on March 16, 2020, March 20, 2020, and March 23, 2020, which are attached hereto and incorporated herein; and

WHEREAS, On March 24, 2020, the City Council of the City of Boerne, Texas, by Resolution, extended the state of disaster and public health emergency for the City of Boerne and the orders issued by Mayor Handren through April 23, 2020; and

WHEREAS, due to the increasing spread of COVID-19 in the area, and the guidance of the President of the United States, the CDC, and the Governor of the State of Texas, the Mayor of the City of Boerne, Texas, Tim Handren, issued and duly filed with the City Secretary's Office, an Amended Third Declaration of Public Health Emergency for the City of Boerne on March 25, 2020, and a Second Amended Declaration of Public Health Emergency for the City of Boerne on April 1,

2020, which is consistent with the latest orders of the Governor of Texas, and both of which are attached hereto and incorporated herein; and

WHEREAS, the City Council of the City of Boerne, Texas, due to the continued imminent threat of disaster created by the COVID-19 pandemic, and 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 to continue the orders issued by Mayor Handren for the health and safety of the public through April 30, 2020;

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

1. That the local state of disaster and public health emergency and related orders declared by Mayor Tim Handren on March 16, 2020, March 20, 2020, March 23, 2020, March 25, 2020, and April 1, 2020, for the COVID-19 pandemic ("the Declarations") are hereby continued for the City of Boerne through 11:59 p.m. on April 30, 2020;
2. That the emergency orders issued by the Mayor in the Declarations shall continue in full force and effect and that the City of Boerne Mayor is hereby 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 of Boerne;
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 Declarations;
5. This Declaration continuing a local state of disaster and public health emergency shall be effective until 11:59 p.m. on April 30, 2020, 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. 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;
7. 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 April, 2020.

APPROVED:

Mayor

ATTEST: _____
City Secretary