

## **ORDINANCE NO. 2020-19**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BOERNE, TEXAS REAFFIRMING THE CONTINUATION OF THE CITY'S DECLARATION OF STATE OF LOCAL DISASTER AND EMERGENCY; ADOPTING THE SECOND PROCLAMATION OF MAYOR HANDREN RELATED TO POLICIES REQUIRING THE WEARING OF MASKS; 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; SUPERSEDING ORDINANCE NUMBER 2020-11; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, beginning in December 2019, a novel coronavirus now designated SARS-CoV2, 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 related to the COVID-19 disaster; 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, and issued additional amendments and Proclamations with orders related to the disaster since that time; and

**WHEREAS**, On March 24, 2020, April 14th, and April 28, 2020, the City Council of the City of Boerne, Texas extended the state of disaster and public health emergency for the City of Boerne and the orders issued by Mayor Handren prior to those dates such that they are currently effective until cancelled and follow the latest orders issued by the Governor of the State of Texas as such orders are issued and updated; and

**WHEREAS**, on April 27, 2020, the Governor of the State of Texas issued Executive Order GA-18 relating to gradually reopening the economy from previous restrictions and provided the public with a report providing extensive guidelines; and

**WHEREAS**, on June 25, 2020 Governor Abbott announced that the State of Texas will pause any further phases to reopen Texas as the state responds to the recent increase in positive COVID-19 cases and hospitalizations; and

**WHEREAS**, on June 30, 2020, the Mayor of the City of Boerne, Tim Handren, issued a Second Proclamation of orders related to the wearing of masks to slow the infection rate of COVID19 in the City of Boerne; and

**WHEREAS**, the transmission of COVID-19 has not dissipated but remains a significant threat to the health and safety of the City of Boerne community and rates of infection are increasing at an alarming rate and the number of people ending up in the hospital, ICU, or on ventilators in the surrounding areas is also dramatically rising despite efforts by local authorities to control the spread; and

**WHEREAS**, the orders approved herein are necessary to stress the importance to EVERYONE that it is time to unite to protect the lives, health and financial welfare of citizens of the City of Boerne and the State of Texas; 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), Texas Health and Safety Code, Sec. 122.006, and the police powers granted to the City as a home rule municipality has determined that it is necessary for the health, safety, and welfare of the citizens of Boerne to reaffirm the continuation of the declarations of local state of disaster for public health emergency for the City of Boerne, Texas, until terminated, and to approve the Second Proclamation issued by Mayor Handren related to the COVID-19 pandemic;

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

1. That the extension of the declaration of local state of disaster and, to the extent allowed by law, the state of public health emergency, previously declared for the City of Boerne for the COVID-19 pandemic ("the Declaration"), last approved by the Boerne City Council on April 28, 2020, is hereby reaffirmed; such state of disaster and public health emergency to continue until such time as it may be terminated by the Mayor of the City of Boerne or this City Council.
2. That the previous directive that the City of Boerne utility personnel suspend disconnection of utility services for non-payment during the term of the Declaration has been terminated and is no longer in effect.
3. That the Mayor's Second Proclamation issued on June 30, 2020 containing orders that City facilities and certain commercial entities within the City of Boerne adopt and implement policies requiring masks to be worn in their facilities, and strongly urging other commercial entities to adopt similar policies is hereby adopted and approved and shall continue in full force and effect until terminated or repealed by the Mayor of the City of Boerne or this City Council.
4. 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 necessary for the public health, safety, and welfare relating

to the COVID-19 pandemic, provided such orders will expire in seven days unless approved by this City Council.

5. The Declaration continues to activate the Emergency Management Plan utilized by the City of Boerne.
6. The 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.
7. The sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and if any phrase, clause, sentence, paragraph or section 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 that can be given effect without the invalid provision, and to this end the provisions are severable.
8. This Ordinance and the Second Proclamation 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.
9. That this Ordinance shall supersede Ordinance Number 2020-11 and any other ordinances which may be in conflict herewith.

That this Ordinance shall take effect immediately from and after its issuance and the Second Proclamation shall become effective on the date entered therein.

PASSED and APPROVED on this the \_\_\_\_ day of July, 2020.

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Secretary

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney