

**TITLE: EMERGENCY ORDINANCE DECLARING A PUBLIC HEALTH EMERGENCY AND DECLARING A STATE OF DISASTER FOLLOWING THE OUTBREAK OF COVID-19**

ORDINANCE NO. 2020-07-E

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS DECLARING A PUBLIC HEALTH EMERGENCY AND DECLARING A STATE OF DISASTER; PROVIDING FOR A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000.00 FOR EVERY VIOLATION HEREOF; PROVIDING FOR SEVERABILITY; MAKING FINDINGS RELATED THERETO AND PROVIDING AN EFFECTIVE DATE.

\* \* \* \* \*

**WHEREAS**, in December 2019, a novel respiratory disease named “SARS-CoV-2” that the causes a disease named “Coronavirus disease 2019” (“COVID-19”) was detected in Wuhan City, Hubei Province, China; and

**WHEREAS**, symptoms of COVID-19 include fever, cough, and shortness of breath that may result in 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 and advised countries to prepare for the containment, including active surveillance, early detection, isolation and case management, contact tracing, and prevention of onward spread of the disease; and

**WHEREAS**, on January 31, 2020, the U.S. Health and Human Services Secretary declared a public health emergency for the United States to aid the nation’s healthcare community in responding to COVID-19; and

**WHEREAS**, the identification of “community spread” cases of COVID-19 in the United States could potentially signal that transmission of the virus may no longer be limited to travel to outbreak areas or contact with travelers who have visited outbreak areas; and

**WHEREAS**, according to the Center for Disease Control (“CDC”), it is likely that at some point, widespread transmission of COVID-19 in the United States will occur; and

**WHEREAS**, the CDC warns that widespread transmission of COVID-19 would translate into large numbers of people needing medical care at the same time; and

**WHEREAS**, the CDC also warns that schools, childcare centers, workplaces, and other places for mass gatherings may experience more absenteeism; public health and healthcare systems may become overloaded with elevated rates of hospitalizations and deaths; other critical infrastructure, such as law enforcement, emergency medical services, and transportation industry

may also be affected; and health care providers and hospitals may be overwhelmed; and

**WHEREAS**, to date, approximately 34 persons in Harris County have tested positive for the virus and it is anticipated that the number of persons diagnosed with the virus is likely to increase, as testing for the virus continues; and

**WHEREAS**, Governor Greg Abbott signed a Declaration of State Disaster due to this same public health emergency on March 13, 2020; and a Declaration of Public Health Emergency on March 19, 2020; and

**WHEREAS**, given, among other things, including the CDC's guidance, there is an ongoing risk and likelihood of COVID-19-positive patients being identified in the City of Tomball; and

**WHEREAS**, the City, local health agencies, and political subdivisions within the region have been working diligently to implement CDC guidelines, but now require additional tools and resources to protect the public health given the current state of the epidemic and the need for a sustained response; and

**WHEREAS**, pursuant to the Texas Disaster Act of 1975, as amended, Texas Government Code, Chapter 418, (the "Texas Disaster Act"), the Mayor is designated as the Emergency Management Director of the City of Tomball, and may exercise the powers granted to the Governor on an appropriate local scale; and

**WHEREAS**, a declaration of local disaster due to this 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**, by this Declaration, the Mayor and City Council declare all rules and regulations that may inhibit or prevent prompt response to this threat suspended for the duration of the incident; and

**WHEREAS**, pursuant to the authority granted to the Mayor and City Council under the Texas Disaster Act, the Mayor and City Council authorize 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 City of Tomball, and the people and communities of the City have suffered or face imminent threat to the public health and the potential for loss of life and property resulting from a disaster: the introduction, transmission, or spread (or imminent threat of the same) of COVID-19 in the City of Tomball; and

**WHEREAS**, we, the Mayor and City Council of the City of Tomball have determined that emergency measures must be taken to either prepare for or respond to a disaster due to this public health emergency in order to respond quickly, to 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, and to prevent or minimize the loss of life; now, therefore,

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS:**

**Section 1.** The facts and matters contained in the preamble to this ordinance are hereby found to be true and correct.

**Section 2.** **Declaration of Local State of Disaster.** That a local state of disaster and public health emergency is hereby declared for the City of Tomball, Texas pursuant to §418.108 of the Texas Disaster Act until May 20, 2020, or unless terminated or modified by earlier ordinance of the City.

**Section 3.** **Publicity and Filing.** Pursuant to §418.108(c) of the Texas Disaster Act, this declaration of a local state of disaster due to this public health emergency shall be given prompt and general publicity and shall be filed promptly with the City Secretary.

**Section 4.** **Activation of the City Emergency Management Plan.** Pursuant to §418.108(d) of the Texas Disaster Act, this declaration of a local state of disaster due to this public health emergency activates the City of Tomball Emergency Management Plan.

**Section 5.** **Temporary Housing and Emergency Shelter.** Pursuant to §418.020(d) of the Texas Disaster Act, this declaration authorizes the City to: (1) temporarily or permanently acquire by lease, purchase, or other means sites required for temporary housing units or emergency shelters for disaster victims; and (2) enter into arrangements necessary to prepare or equip the sites for installation and use of temporary housing or emergency shelters, including arrangements necessary for the transportation and purchase of temporary housing units or emergency shelters.

**Section 6.** Any person who intentionally, knowingly, recklessly or with criminal negligence violates this ordinance or any further action, order or declaration by the Mayor and City Council of the City of Tomball exercising their authority pursuant to this declaration or any of the laws of the State of Texas available to them by this declaration, shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined an amount not to exceed \$2,000.00 for each such violation.

**Section 7.** In the event any clause phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be

