

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

ORDINANCE NO. 2020-22-E

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS DECLARING AND CONTINUING A PUBLIC HEALTH EMERGENCY AND 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.

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WHEREAS, Greg Abbott, Governor of the State of Texas, entered a declaration of disaster on March 13, 2020 as a result of the outbreak of the COVID-19 virus; and

WHEREAS, Harris County Judge, Lina Hidalgo, entered a stay home, work safe order for all of Harris County on March 24, 2020 to last until April 3, 2020, due to the outbreak of the COVID-19 virus; and

WHEREAS, on March 31, 2020, Judge Hidalgo extended the stay home, work safe order until April 30, 2020 and has continued to extend these orders to date; and

WHEREAS, the Mayor and City Council of the City of Tomball, Texas issued a disaster declaration on March 20, 2020; and

WHEREAS, the Mayor and City Council of the City of Tomball, Texas find it to be in the best interest of the health, safety and welfare of its citizens to renew and extend this declaration of disaster for an additional sixty (60) days; 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 October 2, 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 adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Tomball, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

Section 8. This ordinance shall take effect immediately upon its approval.

FIRST AND ONLY READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 3rd DAY OF AUGUST, 2020.

COUNCILMAN FORD	<u>AYE</u>
COUNCILMAN STOLL	<u>AYE</u>
COUNCILMAN DEGGES	<u>AYE</u>
COUNCILMAN TOWNSEND	<u>AYE</u>
COUNCILMAN KLEIN QUINN	<u>AYE</u>

Gretchen Fagan
Gretchen Fagan, Mayor

ATTEST:

Doris Speer
Doris Speer, City Secretary