

**ORDINANCE NO. 2020-12**

**AN ORDINANCE OF THE CITY COUNCIL OF WIMBERLEY, TEXAS FURTHER EXTENDING A DECLARATION OF LOCAL DISASTER; ESTABLISHING RULES AND REGULATIONS FOR THE DURATION OF THE DISASTER UNLESS SUPERSEDED BY EXECUTIVE ORDER OF THE GOVERNOR OR FURTHER EXECUTIVE ORDER AS MAY BE ENACTED OR EXTENDED; INCORPORATING THE MANDATES OF EXECUTIVE ORDER GA-14, GA-18, GA-21 OR ANY FURTHER EXECUTIVE ORDER AS MAY BE ENACTED OR EXTENDED; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, in December 2019 a novel coronavirus, now designated COVID-19, was detected in Wuhan City, Hubei Province, China. Symptoms of COVID-19 include fever, cough, and shortness of breath. Outcomes have ranged from 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 (PHEIC), advising countries to prepare for the containment, detection, isolation and case management, contact tracing and prevention of onward spread of the disease; and

**WHEREAS**, on March 5, 2020, the World Health Organization Director General urged aggressive preparedness and activation of emergency plans to aggressively change the trajectory of this epidemic; and,

**WHEREAS**, on March 11, 2020, the World Health Organization declared that the COVID-19 outbreak should be characterized as pandemic; and,

**WHEREAS**, President Trump declared a national emergency on March 13, 2020; and,

**WHEREAS**, Governor Greg Abbott declared a public health disaster on March 13, 2020; and,

**WHEREAS**, On March 16, 2020, a Declaration of Local Disaster was issued by Wimberley Mayor Susan Jagers to allow Wimberley to take measures to reduce the possibility of exposure to COVID-19 and promote the health and safety of Wimberley residents utilizing state and federal resources made available with the declaration, which was continued by the City Council on March 19, 2020; and

**WHEREAS**, on March 31, 2020, Governor Greg Abbott issued Executive Order GA-14 in which he superseded any conflicting order issued by local officials in response to the COVID-19 disaster; and

**WHEREAS**, On April 17, 2020, Texas Governor Greg Abbott issued Executive Order GA-16 relating to the safe, strategic reopening of select services as the first step to Open Texas in response to the COVID-19 disaster; and

**WHEREAS**, the Centers on Disease Control and Prevention (“CDC”) recommends an “All of Community” approach focused on slowing the transmission of COVID-19; and

**WHEREAS**, On April 27, 2020, Texas Governor Greg Abbott issued Executive Order GA-18, recognizing that the virus that causes COVID-19 can be spread to others by infected persons who have few or no symptoms and that even if an infected person is only mildly ill, the people they spread it to may become seriously ill or even die, especially if that person is 65 or older with pre-existing health conditions that place them at higher risk, and the virus that causes COVID-19 is still circulating in our communities and in which he superseded any conflicting order issued by local officials in response to the COVID-19 disaster; and

**WHEREAS**, On April 30, 2020 the City Council of the City of Wimberley issued a Public Health Advisory Related to the COVID-19 pandemic; and

**WHEREAS**, DSHS, the Texas Division of Emergency Management, and other state agencies continue their ongoing preparations so that all of state government is working together to limit the spread of the virus and protect Texans; and

**WHEREAS**, the responsibility of local, state and national government is dependent on how we respond when the difference in fatality rates demands extreme measures be taken to combat the coronavirus as compared to the seasonal flu; and

**WHEREAS**, as of May 11, 2020, the level of community spread of COVID-19 in Hays County and within Wimberley is evidenced by more than 209 cumulative cases across the county including two deaths; and

**WHEREAS**, as of May 11, 2020, the Texas Department of State Health Services reports 38,869 cases in Texas, with 1,080 deaths; and

**WHEREAS**, as of May 11, 2020, the CDC showed over 1,300,696 cases of COVID-19 have been reported in the United States, including 78,771 deaths.

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

**SECTION 1.** The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the City Council.

**SECTION 2.** That the local state of disaster and public health emergency declared by the Mayor of the City of Wimberley, Texas on March 16, 2020 is hereby extended through June 18, 2020 to the extent that such rules and regulations were not superseded by Executive Order GA-

14, GA-18, GA-21 or any further Executive Order as may be enacted or extended, and further incorporates the mandates of Executive Orders GA-14, GA-18, GA-21 or any further Executive Order as may be enacted or extended.

**SECTION 3.** That such rules and regulations in Executive Order GA-14, GA-18, GA-21 or any further Executive Order as may be enacted or extended and further that are adopted as guidance and which are not in conflict with CDC guidance are hereby adopted as the guidance of this City Council to the citizens of the City of Wimberley.

**SECTION 4.** That the Public Health Advisory issued by the City Council of the City of Wimberley on April 30, 2020 is hereby reaffirmed in its entirety.

**SECTION 5.** This extension of declaration of a local state of disaster and public health emergency shall be given prompt and general publicity and shall be filed promptly with the City Secretary.

**SECTION 6.** This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

**SECTION 7.** Should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part of provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Ordinances as a whole.

**SECTION 8.** All ordinances or parts of ordinances in force when the provisions of this Ordinance become effective which are inconsistent or in conflict with the terms and provisions contained in this Ordinance are hereby repealed, but only to the extent of any such conflict.

**SECTION 9.** This Ordinance shall take effect immediately from and after its passage and the publication as provided by law and shall be in effect through June 18, 2020.

**SECTION 10.** It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

PASSED, APPROVED and ADOPTED on this 14<sup>th</sup> day of May 2020.

By: 

Gina Fulkerson, Mayor

ATTEST:

Laura J. Calcote

Laura J. Calcote, City Secretary

APPROVED AS TO FORM:

Sarah M. Griffin

City Attorney

