

ORDINANCE NO. 2021-4343

**AN EMERGENCY ORDINANCE OF THE CITY OF ARANSAS PASS, TEXAS
EXTENDING A LOCAL STATE OF DISASTER DECLARATION DUE TO A PUBLIC
HEALTH EMERGENCY FOR NINETY (90) CALENDAR DAYS FROM EFFECTIVE
DATE OF ORDINANCE.**

WHEREAS, on March 13, 2020, the Governor of the State of Texas declared a state of disaster and the President of the United States of America declared a national emergency in relation to COVID-19; and

WHEREAS, on March 16, 2020, the Mayor signed a Proclamation declaring a Local State of Disaster due to a Public Health Emergency and requested the aid of the Federal and State Government pursuant to Texas Government Code Section 418.108;

WHEREAS, Section 418.108(b) of the Texas Government Code provides that a local state of disaster may not be continued for a period in excess of seven days without the consent of the governing body of the political subdivision; and

WHEREAS, on March 23, 2020, the Governing Body extending the Local State of Disaster Declaration by Ordinance No. 2020-4297 for sixty (60) days;

WHEREAS, on May 18, 2020, the Governing Body extended the Local State of Disaster Declaration by Ordinance No. 2020-4306 for thirty (30) days;

WHEREAS, on July 6, 2020, the Governing Body extended the Local State of Disaster Declaration by Ordinance No. 2020-4314 for ninety (90) days;

WHEREAS, on September 24, 2020, the Governing Body extended the Local State of Disaster Declaration by Ordinance No. 4328 for ninety (90) days;

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

WHEREAS, pursuant to Section 342.003 of the Texas Local Government Code, the City may adopt all necessary rules for protecting the public health, safety and welfare; and

WHEREAS, the condition necessitating declaration of a state of disaster continues to exist and this Ordinance shall be effective immediately upon passage.

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

1. That the local state of disaster due to a public health emergency proclaimed for the City of Aransas Pass, Texas by the Governing Body for sixty (60) days on March 23, 2020; on May 18, 2020 extended for an additional thirty (30) days; on June 15, 2020 extended for an additional thirty (30) days; on July 6, 2020 extended for an additional ninety (90) calendar days; on September 24, 2020 extended for an additional ninety (90) days; on December 21, 2020 extended for an additional ninety (90) days; and on March 15, 2021 extended for an additional ninety (90) days from date of this Ordinance unless earlier terminated by the governing body of the City of Aransas Pass, Texas.

2. That pursuant to Section 418.108(c) of the Texas Government Code this declaration of a local state of disaster for a public health emergency shall be given prompt and general publicity and shall be filed with the City Secretary.
3. That pursuant to Section 418.108(d) of the Texas Government Code, this declaration of a local state of disaster activates the City of Aransas Pass, Texas emergency management plan and authorizes the furnishing of aid and assistance under the declaration.
4. That this declaration authorizes the City to take any actions necessary to promote health and suppress the virus, including but not limited to the quarantine of persons and occupied structures, examining and regulating hospitals, regulating ingress and egress from the City, regulating ingress and egress to occupied structures, establishment of quarantine stations, emergency hospitals, and other hospitals, and insuring compliance for those who do not comply with the City's rules, pursuant to Section 122.006 of the Texas Health and Safety Code.
5. That this declaration hereby places the responsibility of controlling public gatherings on the business or venue owner to comply with the Texas Governor's Order and Centers for Disease Control and Prevention ("CDC") guidance to the fullest extent possible, and that guidance exists now and is amended thereafter.
6. That to reduce the chance of COVID-19 transmission, public meetings will be held in a manner intended to separate, to the maximum practical extent, audience and presenters from personal contact with members of community, city staff, and city boards. Public testimony and public hearing input of public comment all items on the agenda at public meetings of the City Council shall be provided in written format and presented to the City Secretary and/or designee prior to the start of each meeting of the City Council. This testimony and/or public input shall be in accordance with the City Secretary's instructions, which shall be posted on the City Secretary's outdoor public bulletin board at City Hall and on the City website, and allow for electronic submission. The written public testimony shall be provided to members of the City Council prior to voting on measures for that meeting. Written testimony shall be limited in accordance with the City Secretary requirements and shall be placed into the record of each meeting. This written testimony shall serve as the required public testimony pursuant to Texas Government Code Section 551.007 and shall constitute a public hearing for purposes of any public hearing requirement under law. The meeting may be held telephonically or via videoconference; and if so conducted, the public may participate remotely by following the instructions of the City Secretary, which would be posted on the City Secretary's outdoor public bulletin at City Hall and the City website.

FINALLY ENACTED THIS _____ day of March, 2021 at a meeting of the Elective Council of the City of Aransas Pass, Texas at which a quorum was present and which was held in accordance with TEXAS GOVERNMENT CODE, TITLE 5, SUBTITLE A, CHAPTER 551.

CITY OF ARANSAS PASS, TEXAS

BY: _____
Ramiro Gomez, Mayor

ATTEST:

Mary Juarez, City Secretary

APPROVED AS TO FORM ONLY:

Roxann Pais Cotroneo, City Attorney