

CITY OF THE COLONY, TEXAS

RESOLUTION NO. 2020-014

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF THE COLONY, TEXAS, RATIFYING, CONTINUING AND RENEWING THE MAYORAL DECLARATION OF A LOCAL STATE OF DISASTER DUE TO A PUBLIC HEALTH EMERGENCY IN RESPONSE TO THE COVID-19 VIRUS OUTBREAK, PURSUANT TO THE TEXAS DISASTER ACT OF 1975, CHAPTER 418 OF THE TEXAS GOVERNMENT CODE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, beginning in December 2019, a novel coronavirus, now designated COVID-19, has spread through the world and has now been declared a global pandemic by the World Health Organization; and

WHEREAS, symptoms of COVID-19 include fever, coughing and shortness of breath, and in some cases, the virus has been fatal; and

WHEREAS, the COVID-19 virus may be spread between people in close contact with one another through respiratory droplets produced by an infected person; and

WHEREAS, on January 31, 2020, the United States Secretary of Health and Human Services declared a public health emergency in response to COVID-19; and

WHEREAS, on March 13, 2020, the President of the United States declared the COVID-19 outbreak a national health emergency beginning on March 1, 2020; and

WHEREAS, on March 13, 2020, the Governor of the State of Texas declared a state of disaster for all counties in Texas in response to the COVID-19 outbreak; and

WHEREAS, on March 13, 2020, Denton County Judge Andy Eads declared a state of disaster for Denton County, Texas in response to the COVID-19 outbreak; and

WHEREAS, on March 17, 2020, the Denton County Commissioners Court, issued Court Order Number 20-0201, declaring a disaster and in part recommended the postponement or cancellation of all gatherings over 50 people; and

WHEREAS, on March 19, 2020, the Governor of the State of Texas issued Executive Order GA-08 indicating the following:

- In accordance with the Guidelines from the President and CDC, every person in Texas shall avoid social gatherings in groups of more than 10 people.
- In accordance with the Guidelines from the President and CDC, people shall avoid eating or drinking at bars, restaurants, and food courts, or visiting gyms or massage parlors;

provided, however, that the use of drive-thru, pickup, or delivery options is allowed and highly encouraged throughout the limited duration of this executive order.

- In accordance with the Guidelines from the President and CDC, people shall not visit nursing homes or retirement or long-term care facilities unless to provide critical assistance.

- In accordance with the Guidelines from the President and CDC, schools shall temporarily close.

WHEREAS, the Governor's Executive Order GA-08 indicated that it did not mandate sheltering in place, and that the Executive Order was in full force and effect until 11:59 p.m. on April 3, 2020, subject to being extended, modified, amended, rescinded or superseded by the Governor; and

WHEREAS, on March 19, 2020, the Commissioner of the Department of State Health Services issued a Declaration of a Public Health Disaster in the State of Texas pursuant to Chapter 81 of the Texas Health and Safety Code, entitled the "Communicable Disease Prevention and Control Act"; and

WHEREAS, on Sunday, March 22, 2020, Denton County Judge issued Executive Order AE-20-03-22 to take effect 11:59 p.m. on March 23, 2020; and

WHEREAS, the Texas Disaster Act of 1975 (the "Disaster Act") authorizes the presiding officer of a political subdivision to declare a local state of disaster for up to seven (7) days; and

WHEREAS, on March 17, 2020, the Mayor of the City of The Colony declared a local state of disaster for the City of The Colony, Texas, commencing immediately (the "Mayoral Disaster Declaration"); and

WHEREAS, the Disaster Act authorizes the governing body of the City of The Colony, Texas, to continue or renew a declared local state of emergency for a period of more than seven (7) days; and

WHEREAS, prudence dictates that extraordinary measures must continue to be taken to contain COVID-19 and prevent its spread throughout the City of The Colony, Texas, including the quarantine of individuals, groups of individuals and occupied structures and, additionally, including compelling individuals, groups of individuals, or occupied structures to undergo additional health measures that prevent or control the spread of the virus; and

WHEREAS, the City Council of the City of The Colony, Texas, finds that it is in the best interest of the City of The Colony to ratify, continue and renew the Mayoral Disaster Declaration in response to the COVID-19 virus outbreak pursuant to the Disaster Act.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF THE COLONY, TEXAS, THAT:

SECTION 1. On March 17, 2020, the Mayor of the City of The Colony, Texas, declared a local state of disaster due to a public health emergency in response to the COVID-19 outbreak for the City of The Colony, Texas, effective immediately (the “Mayoral Disaster Declaration”), pursuant to section 418.108(a) of the Texas Government Code.

SECTION 2. Pursuant to section 418.108(a) of the Texas Government Code, the Mayoral Disaster Declaration was declared for a period not to exceed seven (7) days from the effective date of the declaration.

SECTION 3. Pursuant to section 418.108(c) of the Texas Government Code, the Mayoral Disaster Declaration was given prompt and general publicity and filed promptly with the City Secretary of the City of The Colony, Texas.

SECTION 4. Pursuant to section 418.108(a) of the Texas Government Code, the Mayoral Disaster Declaration may be continued or renewed for a period of more than seven (7) days from the effective date by the City Council of the City of The Colony, Texas.

SECTION 5. Pursuant to section 418.108(d) of the Texas Government Code, the Mayoral Disaster Declaration activated the City of The Colony Emergency Management Plan, ordinance No. 2015-2121, and as amended by Ordinance No. 2018-2323, and authorizes the furnishing of aid and assistance under the declaration.

SECTION 6. The City Council of the City of The Colony, Texas, hereby continues and renews the Mayoral Disaster Declaration authorizing 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, 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.

SECTION 7. The City Council of the City of The Colony, Texas, hereby continues and renews the Mayoral Disaster Declaration and recommends limiting the size of all gatherings to not more than ten (10) people and recommends the postponement or cancellation of all such gatherings until further notice. A “gathering” is any indoor or outdoor event that brings together or is likely to bring together more than 10 people at the same time in a single space where people are present and within six feet of one another, without regard to the purpose of the gathering. This Declaration does not prohibit gatherings of people in multiple, separate enclosed spaces (including separate cubicles) in a single building such as different floors of a multi-level office, residential building, or hotel, so long as not more than 10 people are present in any single space at the same time. This Declaration also does not prohibit the use of enclosed spaces where more than 10 people may be present at different times during the day, so long as more than 10 people are not present in the space at the same time. This Declaration does not make a distinction between types of gatherings, i.e. social, community, or recreational.

SECTION 8. The City Council of the City of The Colony, Texas, hereby orders that restaurants and beverage bars with or without drive-in or drive-through services; drive-in restaurants; drive-through restaurants; or microbreweries, micro-distilleries, or wineries may only provide take out, delivery, or drive-in or drive-through services, if permitted by law.

SECTION 9. This Resolution hereby incorporates by reference the provisions of any Executive Order or similar directive issued or subsequently issued by the President of the United States, the Governor of the State of Texas, or the County Judge of Denton County.

SECTION 10. The City Council of the City of The Colony, Texas, hereby continues and renews the Mayoral Disaster Declaration authorizing the use of all lawfully available enforcement tools to effectuate the purposes of the Mayoral Disaster Declaration.

SECTION 11. This declaration shall immediately take effect upon adoption and remain in effect until 11:59 p.m. on **April 22, 2020**, whereupon such date it shall be assessed and considered for further amendment, renewal, extension or repeal by the City Council.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF THE COLONY, TEXAS, THIS 23rd DAY OF MARCH, 2020.

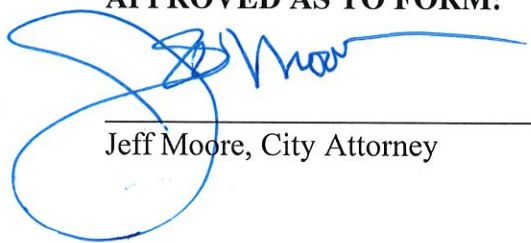


Joe McCourry, Mayor

ATTEST:


Tina Stewart, City Secretary



APPROVED AS TO FORM:


Jeff Moore, City Attorney