

CITY OF ANNA, TEXAS

ORDINANCE NO. 848-2020

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ANNA, TEXAS EXTENDING COVID-19 DECLARATION OF DISASTER AND PUBLIC HEALTH EMERGENCY; PROVIDING A PENALTY FOR VIOLATION OF THIS ORDINANCE; PROVIDING FOR SAVINGS, REPEALING AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

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, United States nationals were transported from Wuhan City, China to several secure locations within the United States identified by the Centers for Disease Control and Prevention (CDC), including military bases in Texas, in order to ensure the health and wellbeing of those persons; and

WHEREAS, on February 7, 2020, 91 Americans evacuated from Wuhan City, China (Cohort 1) arrived at Texas military bases, with one person diagnosed with the virus and transported to a Texas hospital; and

WHEREAS, on February 17, 2020, the Centers for Disease Control evacuated 144 passengers from a cruise ship docked in Japan (Cohort 2) to a Texas military base; and

WHEREAS, on February 20, 2020, 90 evacuees from Cohort 1 were released from quarantine and returned to their homes; and

WHEREAS, persons in Cohort 2 that have not exhibited symptoms or have tested negative for the virus were originally set to be released from quarantine at a Texas military base on March 2, 2020; and

WHEREAS, as of March 2, 2020 ten (10) persons evacuated to a Texas military hospitals 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, on Saturday, February 29, 2020, one of the persons in Cohort 1 who had tested positive for COVID-19 and subsequently tested negative on two tests was released from quarantine in Texas. However, this person tested positive for the virus on a third test, with results coming in after her release. This person visited a San Antonio mall, ate at its food court, and spent a few hours among other persons, potentially exposing the public to the virus; and

WHEREAS, the person has been returned to quarantine at a Texas military base near San Antonio while the CDC and local health authorities are taking steps to ensure the community is kept safe and the exposure risk is minimized; and

WHEREAS, the identification of "community spread" cases of COVID-19 in the United States has occurred and the virus is no longer limited to travel to China, or contact with travelers who have visited China; and

WHEREAS, the World Health Organization has declared the coronavirus a pandemic and urged aggressive action from all countries to fight it; and

WHEREAS, as of March 13, 2020, United States President Donald Trump declared a national emergency concerning the COVID-19 outbreak; and

WHEREAS, as of March 13, 2020, Governor Greg Abbott declared a state of disaster for Texas over the coronavirus pandemic; and

WHEREAS, as of March 13, 2020, Dallas County declared a state of local emergency due to the COVID-19 pandemic; and

WHEREAS, as of March 16, 2020, County Judge Chris Hill issued a disaster declaration for Collin County, Texas; and

WHEREAS, as of March 18, 2020, the City has reported its first confirmed case positive case of COVID-19 infecting a 54-year-old man; and

WHEREAS, pursuant to the Texas Disaster Act of 1975, the mayor is designated as the emergency management director of the City of Anna, and may exercise the powers granted to the governor on an appropriate local scale; and

WHEREAS, a declaration of local disaster and 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 a Declaration of Disaster and Public Health Emergency, the Mayor may 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 under the Texas Disaster Act of 1975, the Mayor authorized the use of all available resources of state government and political subdivisions to assist in the City's response to this situation; and

WHEREAS, on the 17th day of March, 2020, the Mayor determined that extraordinary and immediate measures must be taken to respond quickly, 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 issued a proclamation declaring a disaster for the City of Anna;

WHEREAS, the conditions necessitating declaration of a state of disaster continue to exist, and the time at which they may abate cannot be predicted at this time; and

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

WHEREAS, the City Council of Anna has investigated and determined that good governance of the municipality and the protection of the public health, safety, and welfare necessitates the continuation and renewal of the Mayor's declaration of a local state of disaster;

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

1. Pursuant to §418.108(a)-(b) of the Texas Government Code, the local state of disaster proclaimed for the City of Anna by the Mayor on the 17th day of March 2020 ("Declaration") shall continue until terminated by order of the City Council.
2. Pursuant to §418.108(c) of the Government Code, the continuation of the 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.
3. Pursuant to §418.108(d) of the Government Code, the Declaration of a local state of disaster and public health emergency activates the City of Anna's emergency management plan.
4. Pursuant to §418.020(d) of the Government Code, the Declaration authorizes the City to commandeer or use any private property, temporarily acquire, by lease or other means, sites required for temporary housing units or emergency shelters for evacuees, subject to compensation requirements.
5. Pursuant to §122.006 of the Health and Safety Code, the Declaration authorizes the City to take any actions necessary to promote health and suppress disease, including quarantine, examining and regulating hospitals, regulating ingress and egress from the City, and fining those who do not comply with the City's rules.
6. Pursuant to the statutory authority cited above, the City Council declares that ingress into and travel through the City of Anna from any persons that have been quarantined in a facility for treatment of COVID-19 is not permitted without the written permission of the Mayor. No previously quarantined person shall be permitted to enter the City of Anna until further notice. Any persons in the City confirmed to be infected with the COVID-19 virus must be treated in a medical facility or self-quarantine in their home. The household members of any such infected persons who have been exposed to the infected person must self-quarantine in their home.
7. Consistent with guidance from Collin County and the Centers for Disease Control and Prevention, this declaration hereby limits the size of gatherings to not more than 10 people, and no such gatherings shall be held in any area subject to regulation by the City of Anna until further notice. A "gathering" refers generally to a scheduled event or common endeavor where more than 10 persons are present in a confined space or area.
8. The Mayor may take additional appropriate and legal actions and/or delegate to City officers authority to take appropriate and legal actions to protect the public health and safety in response to the COVID-19 virus pandemic including but not limited to:
 - a. closing or restricting access to city facilities;
 - b. revising occupant load numbers for city public facilities;

- c. revising, suspending or deferring fees;
 - d. amending the personnel policies and procedures with regard to leave provisions for quarantined/diagnosed staff, and other personnel matters;
 - e. rescheduling or reducing City Council and other public meetings; and
 - f. suspending or modifying any City-adopted rules or regulations.
9. The Governor of the State of Texas has issued executive orders including the following, which are incorporated herein by reference as mandatory provisions:
 - a. Order No. 1: In accordance with the Guidelines from the President and the CDC, every person in Texas shall avoid social gatherings in groups of more than 10 people.
 - b. Order No. 2: In accordance with the Guidelines from the President and the 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.
 - c. Order No. 3: In accordance with the Guidelines from the President and the CDC, people shall not visit nursing homes or retirement or long-term care facilities unless to provide critical assistance.
 - d. Order No. 4: In accordance with the Guidelines from the President and the CDC, schools shall temporarily close.
10. In the event that the Governor of the State of Texas, the Collin County Judge, the Collin County Commissioners Court, or the Collin County Health Authority (collectively, "Ordering Authority") issues or promulgates any additional proclamations, executive orders, or other orders or measures regarding the novel coronavirus (COVID-19) or matters relating thereto (collectively "COVID-19 Orders"), those COVID-19 Orders shall be deemed to have been approved and adopted by the City Council as if set forth verbatim herein and shall respectively take effect and be enforceable as of the effective dates and/or times established by any such Ordering Authority and the City may enforce such COVID-19 Orders through any and all lawful means.
11. This ordinance is passed as an emergency measure and this declaration of disaster and public health emergency shall expire and cease as of April 14, 2020 at midnight unless extended further by the City Council; provided, however, that if the declaration of disaster of the Governor of the State of Texas regarding the COVID-19 outbreak expires before April, 14, 2020 at midnight then this ordinance and declaration shall expire simultaneously with the Governor's declaration.
12. **Penalty.** Any person violating any of the provisions or terms of this ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished by a fine not to exceed the sum of \$1,000.00 or a lesser amount if limited by state law for each offense, and each and every day such violation shall continue be deemed to constitute a separate offense. Allegation and evidence of a culpable mental state is not required for proof of any offense defined by this ordinance.
13. **Savings, Severability and Repealing Clauses.** All ordinances of the City in conflict with the provisions of this ordinance are repealed to the extent of that conflict. Cross-references in other parts, articles or sections of the Anna Code which make reference to previous enactments carrying the same designation as any section amended by this ordinance shall be construed as referencing whichever currently effective provision best preserves the original intent and effect of the cross-reference. If any provision of this ordinance shall be held to be invalid or unconstitutional, the remainder of such ordinance shall continue in full force and effect the same as if such invalid or unconstitutional provision had never been a part hereof. The City declares

that it would have passed this ordinance, and each section, subsection, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional or invalid.

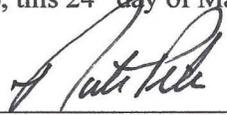
14. **Publication.** This emergency ordinance shall be in full force and effect immediately, and the City Secretary is hereby directed to publish the caption hereof.

APPROVED AND ADOPTED BY THE CITY OF ANNA, TEXAS, this 24th day of March 2020.

ATTEST:


Carrie L. Land, City Secretary





Nate Pike, Mayor