

## ORDINANCE NO. 2020-11

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BOERNE, TEXAS CONTINUING DECLARATION OF STATE OF LOCAL DISASTER AND EMERGENCY; AMENDING AND ADOPTING THE PREVIOUS PROCLAMATION OF MAYOR HANDREN; PROVIDING PROMPT AND GENERAL PUBLICITY; GRANTING THE MAYOR THE POWER AND AUTHORITY TO REVIEW, ADOPT, RATIFY, AND EXECUTE SUBSEQUENT EMERGENCY ORDERS ON BEHALF OF THE CITY COUNCIL; AND PROVIDING AN EFFECTIVE DATE**

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

**WHEREAS**, the President of the United States and the CDC, issued guidance concerning extraordinary measures which must be taken to contain COVID-19 and prevent its spread throughout the United States, including the quarantine of individuals, groups of individuals, and property and, additionally, including compelling individuals, groups of individuals, or property to undergo additional health measures that prevent or control the spread of disease; and

**WHEREAS**, the Governor of Texas declared a state of disaster for all counties in Texas related to the imminent threat of COVID-19 on March 13, 2020, and has issued additional orders related to the disaster since that date, including Executive Orders GA15, GA17, and GA-18 related to the COVID-19 disaster; and

**WHEREAS**, Kendall County officials have declared a public health emergency for Kendall County and have issued executive orders related to this emergency; and

**WHEREAS**, City of Boerne officials have consulted with County officials and with local health authorities who have indicated that COVID-19 has caused deaths in the areas surrounding the City of Boerne and that cases of COVID-19 exist in the City of Boerne; and

**WHEREAS**, in response to this imminent threat of disaster in the City of Boerne, and to alleviate the suffering of people and to protect the health, safety and welfare of its citizens, the Mayor of the City of Boerne, Texas, Tim Handren, issued three Declarations of Public Health Emergency and Disaster for the City of Boerne with related orders on March 16, 2020, March 20, 2020, and March 23, 2020, additional amendments on March 25, 2020, and on April 1, 2020, and a Proclamation clarifying orders on April 23, 2020; and

**WHEREAS**, On March 24, 2020 and April 14th, the City Council of the City of Boerne, Texas extended the state of disaster and public health emergency for the City of Boerne and the orders issued by Mayor Handren such that they are currently effective through April 30, 2020; and

**WHEREAS**, on April 27, 2020, the Governor of the State of Texas issued Executive Order GA-18 relating to gradually reopening the economy from previous restrictions and provided the public with a report providing extensive guidelines, which remains in effect until May 15, 2020;

**WHEREAS**, the City Council of the City of Boerne, Texas, due to the continued imminent threat of disaster created by the COVID-19 pandemic, and pursuant to Texas Government Code

Section 418.108(b), Texas Health and Safety Code, Sec. 122.006, and the police powers granted to the City as a home rule municipality has determined that it is necessary for the health, safety, and welfare of the citizens of Boerne to continue the declarations of local state of disaster emergency for the City of Boerne, Texas, until terminated, and to amend the latest Proclamation issued by Mayor Handren related to the COVID-19 pandemic to align with the Texas Governor's Executive Order GA-18, and any future orders of the Governor of the State of Texas related to reopening the economy from the restrictions of the COVID-19 guidelines;

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

1. That the declaration of local state of disaster and, to the extent allowed by law, the state of public health emergency previously declared for the City of Boerne for the COVID-19 pandemic ("the Declaration"), by Mayor Tim Handren of the City of Boerne on March 16, 2020, and extended by the Boerne City Council on March 24, 2020 and April 14, 2020, is hereby extended until such time as it may be terminated by the Mayor of the City of Boerne or this City Council.
2. That the previous directive that the City of Boerne utility personnel suspend disconnection of utility services for non-payment during the term of the Declaration shall remain in effect for the duration of the Declaration and any extension thereof.
3. That the Mayor's Proclamation issued on April 23, 2020 containing orders necessary for the public health, safety, and welfare, is hereby amended (to be attached hereto) to read as follows:

Order No. 1 All residents and businesses of the City of Boerne shall comply with Executive Orders GA-18 of the Governor of the State of Texas and all other Executive Orders still in effect or which may be issued in the future by the Governor related to the COVID-19 pandemic. Any provision of the previous Declaration and Orders of the City of Boerne inconsistent with the Governor's Orders are hereby repealed.

Orders No. 2, 3, and 4 are hereby repealed in their entirety.

4. That the Proclamation is adopted and approved as so amended and shall continue in full force and effect to run concurrently with GA-18 and any other future Executive Orders which may be issued by the Governor of the State of Texas, unless otherwise terminated or repealed by the Mayor of the City of Boerne or this City Council, or extended by this City Council.
5. That the City of Boerne Mayor is hereby delegated and given the full power and authority of the City Council to review, ratify, and adopt any subsequent City of Boerne emergency orders necessary for the public health, safety, and welfare relating to the COVID-19 pandemic, provided such orders will expire in seven days unless approved by this City Council.
6. The Declaration continues to activate the Emergency Management Plan utilized by the City of Boerne.

7. The Declaration continues to activate the recovery and rehabilitation aspects of all applicable local or interjurisdictional emergency management plans, as well as the preparedness and response aspects of those plans, and authorizes the furnishing of aid and assistance under the Declaration.
8. The sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and if any phrase, clause, sentence, paragraph or section should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections that can be given effect without the invalid provision, and to this end the provisions are severable;
9. This Ordinance and the Amended Proclamation shall be given prompt and general publicity and shall be filed promptly with the City Secretary of the City of Boerne, Texas and forwarded to the State of Texas; and

That this Ordinance and the attached Amended Proclamation shall take effect immediately from and after its issuance.

PASSED and APPROVED on this the 28<sup>th</sup> day of April, 2020.

APPROVED:

s/s Tim Handren

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Mayor

ATTEST:

s/s Lori Carroll

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City Secretary

APPROVED AS TO FORM:

s/s Barbara Quirk

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City Attorney

CITY OF BOERNE  
AMENDED PROCLAMATION CLARIFYING DECLARATION OF LOCAL DISASTER  
AND PUBLIC HEALTH EMERGENCY

**WHEREAS**, the Governor of the State of Texas has issued a statewide disaster declaration related to the COVID-19 pandemic, and on April 17, 2020, the Governor issued Executive Orders GA-15, GA-16 and GA-17, relating to a plan for the gradual reopening of the economy from previous orders related to the continuing COVID-19 pandemic; and

**WHEREAS**, pursuant to powers granted to me under Texas Government Code Sections 418.108 and 418.1015, Chapter 81 of the Texas Health and Safety Code, and other relevant statutes, I, Tim Handren, Mayor of the City of Boerne, Texas, have issued three Declarations of Public Health Emergency and Disaster for the City due to the imminent threat of disaster posed by the COVID-19 pandemic on March 16, 2020, March 20, 2020, and March 23, 2020, and have, on March 25, 2020, and April 1, 2020, issued two amendments to the City of Boerne's Third Declaration of Public Health Emergency Disaster with related orders for the benefit of the health, safety, and welfare of the citizens of Boerne (all of the foregoing declarations and amendments collectively referred to herein as "the Declaration and Orders of the City of Boerne"); and

**WHEREAS**, on March 24, 2020, and on April 14, 2020, the City Council of the City of Boerne approved and extended these Declarations of Public Health Emergency and Disaster and the related orders, effective through 11:59 p.m. on April 30, 2020, subject to certain amendments, and gave me authority to review, ratify, and adopt any subsequent City of Boerne emergency orders relating to the COVID-19 pandemic; and

**WHEREAS**, I have determined that additional measures must be taken to clarify the Declaration and Orders of the City of Boerne's to maintain consistency with the Governor's Executive Orders and the orders of Kendall County for the health, safety and welfare of Boerne's citizens;

**NOW THEREFORE**, BE IT PROCLAIMED BY THE MAYOR OF THE CITY OF BOERNE, TEXAS THAT:

The following changes to the Declaration and Orders of the City of Boerne are effective on a city-wide basis, effective 12:01 a.m. on April 24, 2020:

- Order No. 1 All residents and businesses of the City of Boerne shall comply with Executive Orders GA-18 of the Governor of the State of Texas and all other Executive Orders still in effect or which may be issued in the future by the Governor related to the COVID-19 pandemic. Any provision of the previous Declaration and Orders of the City of Boerne inconsistent with the Governor's Orders are hereby repealed.

This Proclamation supersedes any provisions of previous Declarations and Orders on this matter that are in conflict or inconsistent with the terms herein or with the terms of Executive Orders Numbered GA-14, GA-15, and GA-16 of the Governor of Texas.

This Proclamation shall remain in effect and in full force through the date the Texas State Governor's Order is terminated.

Given under my hand this the 28<sup>th</sup> day of April 2020.

s/s Mayor Tim Handren

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Mayor Tim Handren  
City of Boerne, Texas

AMENDMENTS APPROVED BY ORDINANCE NO. 2020-11 OF THE CITY COUNCIL OF THE  
CITY OF BOERNE ON APRIL 28, 2020.

ATTEST:

s/s Lori A. Carroll

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Lori Carroll, City Secretary  
City of Boerne, Texas