

ORDINANCE NO. 153

INSTITUTING EMERGENCY MEASURES DUE TO A PUBLIC HEALTH EMERGENCY; SEVERABILITY CLAUSE; PENALTY AS PROVIDED HEREIN

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

WHEREAS, Chapter 418 of the Government Code governs Emergency Management at state and local levels, and Chapters 121 and 122 of the Texas Health and Safety Code, establishes the powers and authority of local regulation of public health; and

WHEREAS, by order issued on March 13, 2020 the County Judge of the County of El Paso has declared a county state of disaster for El Paso County, Texas; and

WHEREAS, by proclamation issued on March 17, 2020, the Mayor declared a local state of disaster for the Town of Clint resulting from a public health emergency; and

WHEREAS, the County Judge has issued certain orders regarding the movement of people within the County on March 17, 2020 and March 24, 2020 which requires people to shelter in place except with respect to persons that work in essential services, which pursuant to Texas Government Code Section 418.108(h)(i) are effective in incorporated (and unincorporated) areas of the county, including the Town of Clint; and

WHEREAS, the Town of Clint has entered into an interlocal agreement with the City of El Paso to provided public health services and designates the El Paso's designated health authority as the Town's health authority under Texas Health and Safety Code Chapter 121; and

WHEREAS, under Texas Health and Safety Code Section 122.006, home rule municipalities have the power to adopt rules to protect the health of persons in the municipality, including, but not limited to, the authority to fine a person who fails or refuses to observe the orders and rules of the health authority; and

WHEREAS, the Town of Clint is a home rule municipality and under City Charter Section 3.17 allows for the City Council to adopt an emergency ordinance to meet a public emergency affecting, life, health, property or the public peace; and

WHEREAS, said state of disaster requires that certain emergency measures be taken pursuant to the Executive Order of the Governor Relating to Emergency Management; therefore, the following regulations shall take effect immediately upon issuance, and shall remain in effect until the state of disaster is terminated.

**BE IT ORDAINED BY THE CITY COUNCIL OF THE TOWN OF CLINT,
TEXAS THAT:**

1. AN EMERGENCY EXISTS.

2. STATE AND FEDERAL GUIDANCE

The City authorizes the Emergency Management Director or designee to update, restrict and promulgate regulations necessary to comply with Federal, State, and Local authorities' guidance in relation to COVID-19.

3. CITY BOARDS AND COMMISSIONS

- a) Unless required by State law, all City boards and commission meetings are suspended while this ordinance is in effect.
- b) Any boards and commissions that must meet pursuant to State law, should meet pursuant to the means allowed by the Texas Attorney General and institute best practices with regards to social distancing.

4. PRICE CONTROLS

A person shall not sell any of the following goods or services for more than the price the person charged for the goods or services on March 16, 2020:

- a) groceries, beverages, toiletry articles, ice;
- b) construction and building materials and supplies, and earthmoving equipment and machinery;
- c) electrical and gas generating and transmission equipment, parts and accessories;
- d) charcoal briquettes, matches, candles, lamp illumination and heat unit carbides, dry batteries, light bulbs, flashlights, and hand lanterns;
- e) hand tools (manual and power), hardware and household supplies, and equipment rental;
- f) automotive parts, supplies, and accessories;
- g) plumbing and electrical tools and supplies;
- h) apartment, duplex, multi-family dwelling, rooming house, hotel and motel rental;
- i) gasoline, diesel oil, motor oil, kerosene, greases and automotive lubricants;

- j) restaurant, cafeteria, and boarding-house meals;
- k) services of roofing and building contractors, plumbers, electricians, mechanics, tree surgeons, and automobile wrecker companies;
- l) medicine, pharmaceutical, and medical equipment and supplies;
- m) blankets, quilts, bedspreads, bed linens, mattresses, bedsprings, bedsteads, towels, toilet paper; and
- n) furniture and clothing.

4. SUSPENSION AND MODIFICATION OF ORDINANCES

- a) The following ordinances are hereby suspended or modified as indicated.

- i, Any ordinance or regulation that imposes an obligation upon the City to deliver in less than five (5) business days any non-essential good, or service, as determined by the Mayor, is hereby suspended.

- ii. The Town's Purchasing Policy as revised in March, 2019 is hereby modified to add the following:

- Two (2) of the designated persons authorized by the Town Council to approve purchase orders are hereby authorized to approve purchases and procurements of goods and services for any item of more than \$300.00 and less than \$50,000.00 on an emergency basis to relieve the necessity of the citizens, or contracts to preserve or protect, the public health or safety of the residents of the Town.

- The Mayor or Town Clerk shall report and send a copy of the invoice by email or hand delivery to all Town Council members for such emergency purchases.

5. MOVEMENT OF PEOPLE AND OCCUPANCY OF PREMISES

Under Texas Government Code Section 418.108(h), the County Judge shall have the authority to issue orders regarding Movement of People within any incorporated or unincorporated area of the County. The provisions of this Section 5 may be modified or superseded by an Order of the County Judge during the term of this Ordinance.

- a) Individuals shall limit the size of public or private gatherings to no more than ten (10) people in a single space.

- For purposes of clarity, a gathering does not include the following spaces:

- (i) Spaces where persons may be in transit or waiting for transit such as airports and bus terminals;
 - (ii) Office space or residential buildings;

- (iii) Grocery stores, hotels, or other retail establishments where large numbers of people are present, but it is unusual for them to be within arm's length of one another for extended periods; and
 - (iv) Hospitals and medical facilities.
- b) Bars, lounges, taverns, arcades and private clubs shall close
- c) Restaurants may remain open pursuant to the following:
- (v) (i) Restaurants shall limit the amount of people on their premises at one time to half of their designated seating maximum occupancy and ensure that tables are at least 6 feet apart from each other.
 - (vi) (ii) Restaurants shall disinfect and sanitize commonly touched surfaces and non-food contact surfaces at least once every hour.
 - (vii) Restaurants shall not allow parties of more than 6 people at one table.
 - (viii) Restaurants must adopt and implement a screening policy for food handlers and all employees, and establish protocols for employees' exclusion if they develop the following symptoms:
 - a. Fever greater than 100 degrees F
 - b. Cough and shortness of breath
- d) Make available and visible COVID-19 prevent print materials within the restaurant

6. TEMPORARY ASSISTANCE

The City urges all businesses to provide two weeks of paid sick leave to employees that succumb to COVID-19, are caring for someone with COVID-19, or are subject to quarantine. The City further urges businesses to apply for any available federal funding for the provision of paid sick leave,

7. UTILITIES & RESIDENCE

- a) No local utility shall discontinue the provision of cable, internet, water, gas, waste removal and electric utility services to a local resident for lack of payment while this ordinance is in effect.
- b) To the extent allowed by law, no landlord shall evict a tenant for lack of payment while this ordinance is in effect.

8. LIMIT ACCESS TO TOWN HALL, TOWN FACILITIES AND PARKS

- a) To ensure the health and safety of Town Employees and the public, the Town Hall, Senior Center and other Town offices and facilities (except the Police Department) will be temporarily closed, effective Monday, March 23, 2020 and Town staff will work remotely to the extent possible, as the Mayor or Mayor Pro Tempore may direct, until the expiration of this emergency ordinance or such earlier date that the

Mayor, in coordination with the health authority and the County Judge, determines it is prudent to allow Town Employees to return to work at the Town Hall. Town employees shall be paid regular pay for any hours that may be worked as directed by the Mayor or Mayor Pro Tempore and shall be granted Personal Time Off (not employee vacation or sick leave) for the remaining hours for each pay period during this emergency period. The Mayor or Mayor Pro Tempore may direct Town staff to perform necessary public services during the emergency period on an as needed basis. Parks will remain open but no meetings or events shall occur during the emergency period, and any persons using the parks shall comply with the small group and social distancing policies. The Police Department will continue to operate during the emergency period.

- b) It is further recommended, to the extent possible, that the public use on-line services to transact business.

9. PENALTIES

- a) These regulations shall have the effect of ordinances when duly filed with the City Clerk.
- b) A person who violates any provision of these regulations, upon conviction, is guilty of a misdemeanor punishable by a fine of not more than One Thousand dollars (\$1,000.00).

9. EMERGENCY

This emergency ordinance shall take effect immediately upon its adoption and publication and it is accordingly so ordained. This ordinance shall remain in effect for 30 days, unless re-enacted in accordance with City Charter section 3.17 or until the state of disaster is terminated, whichever is sooner.

10. CONFLICT WITH COUNTY ORDER

In the event of any conflict between the order of the County Judge and the Town Mayor, the order of the County Judge shall prevail, pursuant to Section 418.108(h)(2) of the Texas Government Code.

11. SEVERABILITY CLAUSE

It is hereby declared to be the intention of the City Council that the phrases, sentences, paragraphs and sections of this ordinance are severable. If any part of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect the remaining phrases, sentences, paragraphs and sections.

PASSED AND ADOPTED, this 24th day of March, 2020

A. Hernandez
Mayor pro Tem

ATTEST:

Susana Rodriguez
Susana Rodriguez
City Clerk

TOWN OF CLINT, TEXAS

Dora H. Aguirre
Mayor

But A. Ortiz
Asst. City Attorney