

ORDINANCE NO. 385

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BANDERA TEXAS
REPEALING ORDINANCE 377 DECLARING A LOCAL MEDICAL DISASTER;
ESTABLISHING AN EFFECTIVE DATE**

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, on March 5, 2020, the World Health Organization Director General urged aggressive preparedness and activation of emergency plans to aggressively change the trajectory of this epidemic; and

WHEREAS, on March 11, 2020, the World Health Organization declared that the COVID-19 outbreak should be characterized as pandemic; and

WHEREAS, the Center for Disease Control and Prevention is closely monitoring the growing number of COVID-19 cases that have spread into the United States; and

WHEREAS, President Trump declared a national emergency on March 13, 2020; and

WHEREAS, Governor Greg Abbott declared a public health disaster on March 13, 2020 and further restricted gatherings, closed schools and in person dining at restaurants on March 19, 2020; and

WHEREAS, DSHS, the Texas Division of Emergency Management, and other state agencies continue their ongoing preparations so that all of state government is working together to limit the spread of the virus and protect Texans; and

WHEREAS, the responsibility of local, state and national government is dependent on how we respond when the difference in fatality rates demands extreme measures be taken to combat the coronavirus as compared to the seasonal flu; and

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

WHEREAS, the City, through Ordinance 377 previously made a declaration of local disaster to take measures to reduce the possibility of exposure to disease, control the risk, and promote the health and safety of Bandera residents; and

WHEREAS, the City of Bandera has continuously worked collaboratively with Bandera County to ensure that all appropriate and necessary measures are taken to limit the development, contraction and spread of COVID-19; and

WHEREAS, the statewide declaration remains in place and infection rates with the City have been consistently lower than the state average; and,

WHEREAS, the statewide orders of Governor Abbott already empower and require actions to be taken by the Mayor of Bandera and the County Judge of Bandera County, and supersede any local orders, thus nullifying the need to maintain them.

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

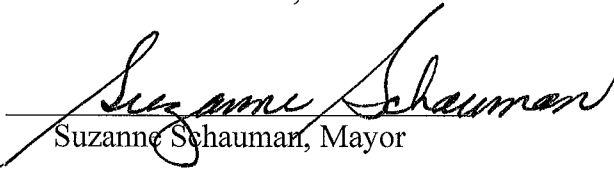
- Section 1. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the City Council.
- Section 2. That the state public health emergency as declared by Governor Abbott is recognized as controlling within Bandera now and as it may be renewed and extended, including all rules and regulation thus nullifying the need to maintain local orders as adopted by Ordinance 377.
- Section 3. That Ordinance 377 is hereby repealed as to the local rules and regulations therein adopted.
- Section 4. All ordinances or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters herein.
- Section 5. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.
- Section 6. If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City Council hereby declares that this Ordinance would have been enacted without such invalid provision.
- Section 7. It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting,

including this Ordinance, was given, all as required by Chapter 551, Texas Government Code, as amended.

Section 8. This Ordinance shall be in force and effect from and after its final passage, and any publication required by law.

PASSED, ADOPTED, APPROVED, AND EFFECTIVE THE 24th DAY of FEBRUARY, 2021.

CITY OF BANDERA, TEXAS


Suzanne Schauman, Mayor

ATTEST:


Jill Shelton, City Secretary