

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GONZALES
EXTENDING A DECLARATION OF LOCAL DISASTER; ESTABLISHING RULES
AND REGULATIONS FOR THE DURATION OF THE DISASTER; RESTRICTING
CERTAIN ACTIVITIES; ESTABLISHING PENALTIES FOR VIOLATIONS.**

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, over 1,629 cases of COVID-19 have been reported in the United States, including 41 deaths; 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

WHEREAS, reports received as of March 15, 2020, report more than 56 cases in Texas, and 49 states in the United states reporting more than 3,000 confirmed cases from government agencies and the CDC; and

WHEREAS, Coronavirus as compared to the seasonal flu shows results of a huge fatality rate difference of 1% and 0.1%; and

WHEREAS, Coronavirus as compared to H1N1, Swine Flu, had a fatality rate of only 0.02 percent; and

WHEREAS, Covid-19 is more contagious than seasonal influenza once symptoms appear, it may be possible to control by testing widely and quickly isolating those who have the disease; 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 estimated difference between a 0.1 percent and a 1.0 percent fatality rate could result in 360,000 dead Americans; 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, the Center for Disease Control recommends that citizens stop handshaking, clean hands at the door, schedule regular hand washing, avoid touching faces and cover coughs and sneezes, disinfect surfaces like doorknobs, tables, desks, and handrails regularly, and increase ventilation by opening windows or adjusting air conditioning; and

WHEREAS, the Center for Disease Control recommends the use of videoconferencing for meetings when possible, and adjusting or postponing large meetings or gatherings; and

WHEREAS, the Center for Disease Control recommends citizens stay home if they are feeling sick or when they have a sick family member in their home; and

WHEREAS, households with vulnerable seniors and those with underlying health conditions should conduct themselves as if they were a significant risk to the person with underlying conditions; and

WHEREAS, the identification of “community spread” cases of COVID-19 in the United States could have signaled that transmission of the virus is no longer limited to those who traveled to China, or had contact with travelers who have visited china; and

WHEREAS, a large gathering of unidentifiable individuals without necessary mitigation for the spread of infection may pose a risk of the spread of infectious disease; and

WHEREAS, pursuant to the Texas Disaster Act of 1975, the mayor is designated as the emergency management director of the City of Gonzales, 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, the COVID-19 virus spreads between people who are in close contact with one another through respiratory droplets produced when an infected person coughs or sneezes; and

WHEREAS, the continued worldwide spread of COVID-19 presents an imminent threat of widespread illness, which requires emergency action; and

WHEREAS, a declaration of local disaster includes the ability to take measures to reduce the possibility of exposure to disease, control the risk, and promote the health and safety of Gonzales residents; and

WHEREAS, the City of Gonzales will work collaboratively with Gonzales County to ensure that all appropriate and necessary measures are taken to limit the development, contraction and spread of COVID-19; and

WHEREAS, by this Declaration of Public Health Emergency, I 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 to the Mayor under the Texas Disaster Act of 1975, I authorize the use of all available resources of state government and political subdivisions to assist in the City's response to this situation; and

WHEREAS, I, Connie Kacir, the Mayor of the City of Gonzales, Texas have 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.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GONZALES, 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 local state of disaster and public health emergency declared by Mayor Kacir for the City of Gonzales pursuant to §418.108(a) of the Texas Government Code is hereby renewed and extended for a period of 24 days until the April 9th meeting of the City Council pursuant to §418.108(b) of the Government Code, including all rules and regulation attached hereto as Exhibit A.
- Section 3. Pursuant to §418.108(c) of the Government Code, this 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 Clerk.
- Section 4. Pursuant to §418.108(d) of the Government Code, this declaration of a local state of disaster and public health emergency activates the City of Gonzales's participation in any city, county or state emergency management plan.
- Section 5. Pursuant to §418.020(c) of the Government Code, this 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, subject to compensation requirements.

- Section 6. Pursuant to §122.006 of the Health and Safety Code, this 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.
- Section 7. 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 8. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.
- Section 9. 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 10. 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 11. A 30-day extension will be granted for all City of Gonzales utility users on payments that were due March 10, 2020. The extension will expire on April 10, 2020. Extension and late fees will be waived during this time.
- Section 12. 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 16th DAY of MARCH, 2020.

CITY OF GONZALES, TEXAS



Connie Kacir, Mayor

ATTEST:



Kristi Gilbert, Interim City Secretary

EXHIBIT A
PUBLIC HEALTH EMERGENCY RULES AND REGULATIONS

I. All public places:

- a. Requested to provide sanitation outside of their business and post notice to the public:
All persons are required to sanitize prior to entry and exit of their building
- b. Public places are to sanitize all public areas every hour
- c. All public and private gatherings and public spaces are limited to an occupancy of 50 persons maximum effectively immediately, as set forth in more detail below.

II. City Facilities:

- a. All municipal buildings shall be disinfected daily.
- b. In person payments shall not be accepted. Online, drop box, drive-thru and mail-in payments ONLY at City Hall.
- c. Municipal Court settings for the next 30 days shall be continued and reset, and no in person pleas will be accepted.
- d. Playground equipment and splash pad in the city parks are closed until further notice.
- e. All events scheduled to be held at J.B. Wells within the next 30 days shall be rescheduled.

III. Rules Regarding Public and Private Gatherings:

- a. This Exhibit "A" incorporates and adopts, except as where noted below, the Centers for Disease Control ("CDC") Interim Guidance for Coronavirus Disease 2019 (COVID-19) dated March 15, 2020.
- b. The virus that causes COVID-19 is easily transmitted, especially in group settings, and it is essential that the spread of the virus be slowed to protect the ability of public and private health care providers to handle an influx of patients and safeguard public health and safety.
- c. Because of the risk of the rapid spread of the virus, and the need to protect the most vulnerable members of the community, this declaration prohibits all indoor public and private gatherings and outdoor gatherings within an enclosed space of fifty (50) persons or more anywhere in the City of Gonzales beginning at 8:00 P.M. on March 16, 2020 and continuing to April 9, 2020 unless further extended and renewed City Council on or prior to this date.

- d. For all other gatherings, it is strongly recommended that social distancing protocols established by the United States Center for Disease Control and Prevention (CDC) and found within the “Implementation of Mitigation strategies for Communities with Local COVID-19 Transmission” issued by the CDC on or around March 11, 2020, including canceling, rescheduling, or not attending events with fifty or more persons.
- e. Further, organizations that serve high-risk populations (defined below) should follow CDC guidance for social distancing.
- f. Definitions and further guidance:
 - i. For purposes of this Declaration, a “Mass Gathering” is any event or convening, subject to the exceptions and clarifications below, that brings together fifty (50) or more persons at the same time in a single room or other single confined or enclosed space, such as, by way of example and without limitation, an auditorium, theater, stadium (indoor or outdoor), arena or event center, meeting hall, conference center, large cafeteria, or any other confined indoor or confined outdoor space.
 - ii. A Mass Gathering includes events in confined outdoor spaces, which means an outdoor space where people are present and they are within arm’s length of one another for extended periods.
 - iii. This Declaration also does not prohibit gatherings of people in multiple, separated enclosed spaces in a single building such as a multiplex movie theater, so long as fifty (50) people are not present in any single space at the same time. This Declaration also does not prohibit use of enclosed spaces where fifty (50) or more people may be present at different times during the day, so long as fifty (50) or more people are not present in the space at the same time. For any gathering covered by this subsection compliance with Social Distancing Recommendations, including providing hand sanitizer and tissues and increasing cleaning of commonly touched surfaces is strongly encouraged.
 - iv. For purposes of clarity, a Mass Gathering does not include the following: (1) places of worship; (2) office space, hotels, or residential buildings; (3) grocery stores, shopping malls, outdoor markets, 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; (4) hospitals, medical facilities and shelters; and (5) jails and detention centers. In all such settings, it is recommended that the public follow Social Distancing Recommendations, and harm reduction measures such as hand sanitizer and tissues should be provided when possible. However, any specific large gathering space that is part of any building included in this

subparagraph “d” is subject to the prohibition on Mass Gatherings if the space holds fifty or more people.

v. “ High-risk Populations” include people who are:

1. 60 years old and older;
2. People with certain health conditions such as heart disease, lung disease, diabetes, kidney disease and weakened immune systems;
3. People who are pregnant or were pregnant in the last two weeks.
4. People experiencing homelessness.

vi. The City of Gonzales may update restrictions set out in this Exhibit as necessary to respond to the evolving circumstances of this outbreak during the duration.

IV. Violations of the emergency rules set forth herein shall be considered a Class C misdemeanor punishable by the fines established in Section 1.109 of the City Code.