

CITY OF HIGHLAND VILLAGE, TEXAS

RESOLUTION NO. 2020-2884

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIGHLAND VILLAGE, TEXAS, EXTENDING AND MODIFYING THE DECLARATION OF LOCAL DISASTER ADOPTED PURSUANT TO RESOLUTION NO. 2020-2875 AND ORDERS RELATED THERETO; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, beginning on December 2019, a novel coronavirus, now designated SARS-CoV-2 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, symptoms of COVID-19 can range from mild to severe illness and cause further complications, including death; and

WHEREAS, the COVID-19 virus mainly spreads between people who are in close contact with one another through respiratory droplets produced when a person coughs or sneezes; and

WHEREAS, on January 30, 2020, the World Health Organization declared the outbreak of COVID-19 as a Public Health Emergency of International Concern; and

WHEREAS, on March 5, 2020, the World Health Organization urged proactive 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 COVID-19 a worldwide pandemic; and

WHEREAS, on March 13, 2020, the Governor of Texas declared a State of Disaster for COVID-19; and

WHEREAS, on March 13, 2020, the President of the United States declared a National Emergency for COVID-19; and

WHEREAS, pursuant to Texas Government Code §418.108, on March 16, 2020, the Mayor of the City of Highland Village, Denton County, Texas, declared a state of local disaster for the City of Highland Village because the novel coronavirus, now designated SARS-CoV2 which causes the disease COVID-19, has spread throughout the world and has now been declared a global pandemic by the World Health Organization; and

WHEREAS, pursuant to an order dated and effective on March 17, 2020, the Denton County Commissioner's Court declared a state of local disaster in Denton County and recommended extraordinary measures be taken to contain COVID-19 and prevent its

spread throughout the communities of Denton County, including, the City of Highland Village; and

WHEREAS, on March 18, 2020, the Denton County Judge issued a Disaster Declaration and Executive Order further amending the March 17, 2020, order of the Denton County Commissioner's Court; and

WHEREAS, in furtherance of the declaration of the local state of disaster within the City, the Mayor issued certain orders relating to the conduct of public and private community gatherings with the City of Highland Village as defined in said orders; and

WHEREAS, on March 19, 2020, the City Council of the City of Highland Village adopted Resolution No. 2020-2875, renewing, extending, and amending the declaration and orders issued by the Mayor dated March 16, 2020; and

WHEREAS, on March 19, 2020, State Health Commissioner John W. Hellerstedt, M.D. declared a Public Health Disaster in the State of Texas for COVID-19; and

WHEREAS, on April 12, 2020, Governor Abbott issued a proclamation renewing the statewide disaster declaration issued on March 13, 2020; and

WHEREAS, pursuant to the authority granted pursuant to Chapter 418 of the Texas Government Code, Governor Abbott has issued various Executive Orders mandating certain obligations for Texans in accordance with the President's Coronavirus Guidelines for America, as promulgated by the President of the United States and the Centers for Disease Control and Prevention calling upon Americans to take actions to slow the spread of COVID-19 as well as the reopening of businesses and reducing the restrictions on social gatherings; and

WHEREAS, on May 5, 2020, Governor Abbott issued Executive Order GA-21 ("GA-21") effective until 11:59 p.m. on May 19, 2020; and

WHEREAS, GA-21 provides that its provisions shall supersede any conflicting issued by local officials in response to the COVID-19, but only to the extent that such a local order restricts essential services or reopened services (as defined in GA-21) allowed by GA-21, allows gatherings prohibited by GA-21, or expands the list of essential services or the list of reopened services as set forth in GA-21; and

WHEREAS Governor Abbott has suspended Sections 418.1015(b) and 418.108 of the Texas Government Code, Chapter 81, Subchapter E of the Texas Health and Safety Code, and any other relevant statutes, to the extent necessary to ensure that local officials do not impose restrictions in response to the COVID-19 disaster that are inconsistent with GA-21, provided that local officials may enforce GA-21 as well as local restrictions that are consistent with the provisions of GA-21; and

WHEREAS, Denton County has declared a disaster for COVID-19 and the Denton County Judge and Commissioner's Court have issued several Executive Orders related to COVID-19, the most recent of which continues through 11:59 p.m. on May 15, 2020; and

WHEREAS, Sections 121.003 and 122.006 of the Texas Health and Safety Code authorizes the City of Highland Village to adopt rules to protect the health of persons in the City of Highland Village; and

WHEREAS, the conditions necessitating the disaster declaration continue to exist and extraordinary and immediate measures must be taken to respond quickly to 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

WHEREAS, to remain consistent with the declarations of the Texas Department of State Health Services, the Executive Orders issued by Governor Abbott, and to harmonize, to the extent possible, with the provisions contained in the emergency orders and disaster declarations of Denton County, for the health and safety of persons within the City of Highland, the City Council finds that it is in the public interest to continue the State of Local Disaster declared on March 16, 2020, by the Mayor of the City of Highland Village, Texas, and adopt Governor Abbott's Executive Orders.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HIGHLAND VILLAGE, TEXAS, THAT:

SECTION 1. The findings and recitations set out in the preamble of this Ordinance are found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes.

SECTION 1. The City Council, in accordance with the authority vested in governing body of the City of Highland Village, Texas, by Section 418.108 of the Texas Government Code, hereby ratifies, renews and extends the declaration of the state of local disaster signed by the Mayor on March 16, 2020, as extended by Resolution 2020-2875, is further extended until 11:59 p.m. on May 19, 2020; provided, however, such declaration of local disaster shall be extended automatically without further action by the City Council if the Governor extends the expiration date of the statewide disaster declaration.

SECTION 2. In accordance with Article 1.03 of the Highland Village Code of Ordinances, applicable provisions of Chapter 418 of the Texas Government Code, and the City's Emergency Operations Plan, Section 2 of Resolution No. 2020-2875 is hereby amended to read as follows:

A. Adoption of Governor's Executive Orders: Effective immediately and continuing until termination of the Disaster Declaration, the provisions of Executive Orders GA-10, GA-13, GA-17, GA-19, GA-20, and GA-21 issued by Governor Greg Abbott and any subsequent Executive Orders issued by Governor Greg

Abbott related to COVID-19 are hereby adopted as local orders of the City of Highland Village, Texas and incorporated herein by reference for all purposes.

- B. **Emergency Operations Plan**: The City's Emergency Operations Plan and the shall remain activated through the end of the COVID-19 disaster.
- C. **Conflicts with Executive Orders**: Nothing in this Resolution is intended to impose restrictions inconsistent with GA-21 or any other subsequent order issued by the Governor in effect relating to COVID-19.
- D. **Compliance with Social Distancing Guidelines**: To the greatest extent possible, all businesses and residents shall comply with the Social Distancing Guideline set forth by the CDC and Governor's Report to Open Texas dated April 27, 2020. (www.gov.texas.gov/opentexas)
- E. **Critical Infrastructure and Equipment**: Until such time as this Resolution and Order has expired or otherwise been terminated, the City Manager is directed to take such measures as he determines to be reasonable and necessary to maintain and continue in operation the City's critical infrastructure, which includes communications, emergency services, energy, transportation systems, water and wastewater systems, city facilities and buildings, parks facilities and vehicles/fleet, including, but not limited to, entering into such agreements and expending such funds available for such purpose in the event of the need to conduct maintenance or repairs, even if such amount exceeds \$50,000, and to implement screening precautions to protect employees as the City Manager deems necessary.
- F. **Suspension of Delivery Time Restrictions**: Because grocery stores, supermarkets, warehouse stores, hospitals, and medical facilities are experiencing high levels of demand for a large number of products, requiring more deliveries from manufacturers and distribution centers to serve their customers and due to the need to deliver products as quickly and efficiently as possible during this critical time frame, this Resolution and Order hereby suspends while this Resolution is in effect all delivery hour restrictions for transport to or from any entity involved in the selling or distribution of food products, medicine, or medical supplies set forth in any Ordinance (including any ordinance adopting zoning regulations relating to the development and use of property within the City) or Resolution previously enacted.
- G. **Peddlers and Solicitors**: The issuance of permits and licenses pursuant to the Highland Village Code of Ordinances Article 4.03 "Peddlers, Solicitors, and Itinerant Merchants" is hereby suspended and permits or licenses previously issued are hereby immediately revoked.

SECTION 3. Violations of the orders set forth in or incorporated into this Resolution shall constitute a violation of Section 1.03.009 of the Code of Ordinances.

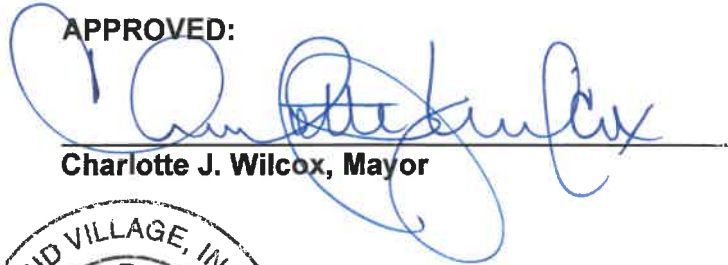
SECTION 4. The City Secretary is hereby directed to promptly provide copies of this Resolution and Order by posting on the City of Highland Village website. In addition, the owner, manager, or operator of any facility that is likely to be impacted by this Order is strongly encouraged to post a copy of this Order onsite and to provide a copy to any member of the public asking for a copy. If any subsection, sentence, clause, phrase, or word of this Order or any application of it to any person, structure, gathering, or circumstance is held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, then such decision will not affect the validity of the remaining portions or applications of this Order.

SECTION 5. This Resolution and Order shall be given prompt and general publicity and shall be filed promptly with the City Secretary.

SECTION 6. This Resolution shall be effective immediately upon its approval.

PASSED AND APPROVED THIS THE 12TH DAY OF MAY 2020.

APPROVED:



Charlotte J. Wilcox, Mayor

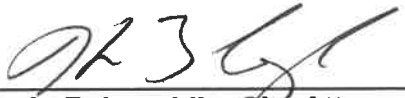
ATTEST:



Angela Miller, City Secretary



APPROVED AS TO FORM AND LEGALITY:



Kevin B. Laughlin, City Attorney

(kbl:5/7/2020:115496)