

**CITY OF JOSEPHINE, TEXAS
ORDINANCE NO. 2020-03-24**

AN ORDINANCE OF THE CITY OF JOSEPHINE, TEXAS, RATIFYING, RENEWING, AND EXTENDING THE DECLARATION OF LOCAL DISASTER ISSUED BY THE MAYOR OF THE CITY OF JOSEPHINE, COLLIN COUNTY TEXAS, ON MARCH 18, 2020, AND ORDERS RELATED THERETO; AND PROVIDING ADDITIONAL ORDERS; PROVIDING PENALTIES FOR VIOLTATION OF THE ORDERS AND PROVIDING AN EFFECTIVE DATE

WHEREAS, pursuant to Texas Government Code §418.108, on March 18, 2020, the Mayor of the City of Josephine, Collin County, Texas, declared a state of local disaster for the City of Josephine 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, extraordinary measures must be taken to contain COVID-19 and prevent its spread throughout the City of Josephine, Texas, including the quarantine of individuals, groups of individuals, and property as well as compelling individuals, groups of individuals, or property to undergo additional health measures that prevent or control the spread of disease; and

WHEREAS, the Mayor’s declaration and orders will expire unless extended by ordinance or resolution of the City Council; and

WHEREAS, the City Council of the City of Josephine, Texas, finds it reasonable and necessary for the protection of the health and safety of the residents of the City of Josephine to extend such declaration and orders.

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

SECTION 1. The City Council, in accordance with the authority vested in governing body of the City of Josephine, Texas, by Section 418.108 of the Texas Government Code, hereby ratifies, renews and extends the declaration of the state of local disaster issued by the Mayor on March 18, 2020, which declaration and order would otherwise terminate on March 25, 2020.

SECTION 2. This Ordinance further extends the declaration of limits to the size of gatherings to not more than 10 people and mandates the cancellation of all such gatherings until further notice. A “gathering” refers generally to a scheduled event or common endeavor where 10 persons are present in a confined area space, room, or area, such as an auditorium, event center, meeting hall, conference center, large cafeteria, or any other confined indoor or outdoor space.

SECTION 3. Pursuant to Sections 121.003 and 122.006 of the Texas Health and Safety Code, Section 418.108 of the Texas Government Code and such other powers the City of Josephine may

have under the City Ordinances and other laws, the City Council hereby adopts and approves the following orders, which shall apply throughout Josephine:

1. Pursuant to Section 418.108(d) of the Texas Government Code, the adopted City of Josephine Emergency Management Plan shall remain active throughout the duration of this disaster declaration. All aspects of the City of Josephine's Emergency Management Plan not already activated are hereby activated as provided in the plan to the extent determined by the Mayor necessary to respond to the COVID-19 emergency.
2. Pursuant to Section 122.006 of the Texas Health and Safety Code, the City of Josephine is authorized to adopt rules to protect the health of persons in the City of Josephine, including quarantine rules to protect its residents against communicable disease and provide for the establishment of quarantine stations.
3. The Mayor or his designees are hereby authorized to exclude from any City of Josephine facility a person whom the Mayor or his designee has reasonable cause to believe is ill with, has been exposed to or is the carrier of the virus that causes the sickness known as COVID-19.
4. Public reservations for the City Park pavilion are cancelled.

SECTION 4. The City Council hereby finds that while in a state of disaster, there is a compelling public purpose in maintaining the City workforce and ensuring continuity in staffing while continuing the City's services while also recognizing that certain facilities and/or operations may need to be temporarily closed and/or certain personnel may encounter disaster-related events that prevent them from working at full capacity intermittently during the public health emergency. The City Council hereby authorizes the Mayor to make any staffing and compensation-related decisions necessary to adapt to the rapidly changing environment created by the public health emergency to meet the objectives stated herein and authorizes the expenditure of City funds to accommodate the same. Any expenditure of funds beyond that approved in the FY 19-20 budget must come to the City Council for ratification at a City Council meeting, though the expenditure may be made prior to City Council ratification due to the public health emergency.

SECTION 5. The City Council hereby finds that for the duration of this disaster declaration, immediate procurement may be necessary to preserve and protect public health and safety. Accordingly, the City Council hereby authorizes the Mayor to purchase goods or services as necessary for ratification by the City Council at a later date as long as the procurement is in compliance with state law requirements.

SECTION 6. The City Council hereby finds that a public necessity exists to authorize the Mayor during the duration of this disaster to determine whether it is difficult or impossible for a quorum of the members of decision-making boards of the City of Josephine to meet in person based on public health and safety concerns related to the pandemic. If such a determination is made, decision-making boards will be authorized to conduct their public meetings via telephone conference pursuant to Section 551.125(b) of the Texas Government Code and/or the Governor's

Order temporarily suspending certain provisions of the Texas Open Meetings Act and guidance received from the Texas Attorney General's Office.

SECTION 7. The City Council hereby authorizes the Mayor to temporarily waive any City Code regulations that are difficult or impossible to comply with during the term of this declaration of disaster as long as such waiver is not inconsistent with state law.


SECTION 8. This Ordinance shall be given prompt and general publicity and shall be filed promptly with the City Secretary.

SECTION 9. A violation of any provision of this Ordinance shall be a misdemeanor punishable in accordance with Section 1-14 of the Code of Ordinances of the City of Josephine, Texas. The City Council hereby authorizes the use of all other lawfully available enforcement measures in the event of a violation of any provision of this Ordinance. A violation of any provision of this Ordinance shall constitute a separate violation for each calendar day in which it occurs.

SECTION 10. This Ordinance shall take effect immediately upon its passage and publication as required by law.

PASSED AND APPROVED THIS THE 24 DAY OF MARCH 2020.

APPROVED:



Joe Holt, Mayor

eff 3-26-20

ATTEST:



Patti Brooks, City Secretary

APPROVED AS TO FORM:



Robert L. Dillard III, City Attorney
(rld:3/17/2020:114508)

