

**FOURTH AMENDED ORDINANCE NO. 2020-09-4A
COVID-19 CITY REOPENING POLICIES AND PROTOCOLS**

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

WHEREAS, many city operations and buildings have been closed to the public since March 19, 2020, when City of Marfa Mayor Manuel V. Baeza declared a local state of disaster for the City of Marfa, Texas, due to COVID-19; and

WHEREAS, on April 27, 2020, Governor Abbott released his Executive Order GA-18 and the Governor's Report to Open Texas, and specified that GA-18 superseded all local orders; and on May 5, 2020, Governor Abbott released Executive Order GA-21, superseding GA-18 and expanding reopened services; and on June 3, 2020, Governor Abbott released Executive Order GA-26, detailing Phase 3 of reopening businesses in Texas; and

WHEREAS, GA-26 specifies that one of the businesses that may reopen without occupancy limits is “[l]ocal government operations, including county and municipal governmental operations relating to permitting, recordation, and document-filing services, *as determined by the local government*” (emphasis added), and

WHEREAS, it is therefore the responsibility of the local government to determine when to safely reopen operations; and

WHEREAS, Dr. Anthony Fauci, Director of the National Institute of Allergy and Infectious Diseases, has warned that *“If we skip over the checkpoints in the guidelines to ‘Open America Again’ then we risk the danger of multiple outbreaks throughout the country. This will not only result in needless suffering and death, but would actually set us back on our quest to return to normal”*; and

WHEREAS, Dr. Ekta Escovar, the Brewster County Health Authority and member of the Big Bend Regional Medical Center COVID-19 Task Force has warned that the weeks immediately following reopening are when individuals are most susceptible to infection, and that a spike in cases is to be expected during this time frame; and

WHEREAS, after Governor Abbott opened the State of Texas in May 2020, there was a dramatic increase in COVID-19 cases in June and July, prompting Governor Abbott to scale back the opening of Texas in GA-28 and to require individuals to wear face coverings in indoor and outdoor public places in GA-29; and

WHEREAS, prior to the issuance of GA-29, the City of Marfa had already instituted Ordinance No. 2020-10 requiring businesses to mandate face masks;

WHEREAS, there were no confirmed COVID-19 cases in Marfa from March through May, 2020; and

WHEREAS, as of June 9 there was one confirmed case and four presumptive cases; and

WHEREAS, as of July 14, 2020, there were fifteen (15) confirmed cases of COVID-19 in the City of Marfa, with four (4) active cases and eleven (11) recovered cases; and

WHEREAS, as of August 11, 2020, there are twenty-six (26) confirmed cases of COVID-19 within the City of Marfa, with five (5) active cases and twenty-one (21) recovered cases; and

WHEREAS, as of September 8, 2020, there have been a total of 36 confirmed cases of COVID-19 within the City of Marfa, with 5 active cases and 31 recovered cases; and

WHEREAS, it is the policy of the Marfa City Council to minimize the risk of COVID-19 to our residents and city staff as the risk of exposure and infection has risen dramatically in the tri-county area, the State of Texas, and the United States; and

WHEREAS, the purpose of this ordinance is to specify certain city policies and protocols that will be in place during this transitional reopening period in order to protect both city residents and city staff from the spread of COVID-19, and to ease the financial burden on residents most affected by the pandemic:

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

1. DISASTER DECLARATION EXTENDED UNTIL OCTOBER 15, 2020 VIA CITY OF MARFA FOURTH AMENDED ORDINANCE 2020-08-4A.

On May 12, 2020, the Marfa City Council approved Ordinance No. 2020-08, extending Mayor Baeza's declaration of local state of disaster due to public health emergency dated March 19, 2020 and First Supplemental Emergency Disaster Declaration dated April 3, 2020, and modifying the Ordinance as necessary to be in conformity with GA-18 and GA-21, to be effective until 11:59 p.m. on June 11, 2020 unless modified by official action of the Mayor, the City Council, the Presidio County Commissioners Court, or the Governor of the State of Texas.

On May 12, 2020, the Marfa City Council approved Ordinance No. 2020-09, specifying certain city policies and protocols that will be in place during the reopening period to (1) protect the health and safety of the residents and staff of the City of Marfa, Texas; and (2) to ease the financial burden on residents during the COVID-19 pandemic. This Ordinance shall become effective upon execution and shall continue until the expiration of the disaster declaration due to public health emergency in the City of Marfa, or until modified or extended by official action of the Mayor or the Marfa City Council.

On June 9, 2020, the Marfa City Council voted to approve the First Amended Ordinance No. 2020-08A, extending the local disaster declaration due to public health emergency until 11:59 p.m. on July 15, 2020 and conforming to GA-26 and subsequent Executive Orders by Governor Abbott.

On July 14, the Marfa City Council voted to approve the Second Amended Ordinance No. 2020-08-2A, extending the local disaster declaration due to public health emergency until 11:59 p.m. on August 15, 2020 and conforming to GA-28, GA-29 and subsequent Executive Orders by Governor Abbott, and on August 11, 2020 this local disaster declaration was extended by City of Marfa Third Amended Ordinance No. 2020-08-3A until 11:59 p.m. on September 15, 2020.

This Third Amended Ordinance No. 2020-09-3A specifies the procedures, policies, and protocols in place for buildings owned and services offered by the City of Marfa from August 15, 2020 through September 15, 2020.

2. APPLICABLE SOLID WASTE DISPOSAL RATES FOR SHORT-TERM RENTALS.

Short-term rentals in Marfa were billed for solid waste service at the residential rate from May 12, 2020 through July 10, 2020, as approved by unanimous vote of the Marfa City Council on May 12, 2020.

On June 9, 2020 City Council voted to raise short-term rental rates back to small commercial, beginning with the first billing cycle after July 10, 2020. Any short-term rental owner who has a hardship may request a waiver of the commercial rate from the City of Marfa, which shall be granted upon good cause shown.

3. WAIVER OF LATE FEES AND PENALTIES ON CITY UTILITY BILLS.

All late fees and penalties on city water, sewer, and natural gas bills shall be waived through September 30, 2020, as approved by the Marfa City Council on June 9, 2020.

4. SUSPENDED OPERATIONS AT THE MARFA MUNICIPAL POOL.

Dr. Ekta Escovar, the Brewster County Health Authority and member of the Big Bend Regional Medical Center COVID-19 Task Force, has advised that it is not safe to open municipal swimming pools for Summer 2020 because of the danger of spread of COVID-19 due to: (1) the moist environment; (2) the fact that water can carry and spread the virus through splashing, coughing, and sneezing; and (3) the lack of social distancing, both in the pool itself and in showers/changing rooms.

Based on Dr. Escovar's recommendations, the Marfa Municipal Pool will not open for Summer 2020 as per unanimous vote of the Marfa City Council on May 12, 2020.

The City of Marfa plans to use the Summer 2020 season to get necessary repairs done to the pool and to open other programs for Marfa children and teenagers.

5. REOPENING PLAN FOR CITY BUILDINGS AND SERVICES.

The color-coded reopening plans for City Hall, the Marfa Public Library, and the Marfa Visitor Center (including activities at the USO and the MAC Buildings) are attached to this Ordinance as Exhibits 1, 2, and 3.

By unanimous vote of the Marfa City Council on May 12, 2020, all City Buildings shall remain at Code ORANGE (Phase 5) through July 11, 2020 unless City Council determines otherwise. By adoption of the First Amended Ordinance on June 9, 2020, City Council extends Code ORANGE (Phase 5) through 11:59 p.m. on July 15, 2020. By adoption of the Second Amended Ordinance No. 2020-09-2A on July 14, 2020, City Council extended Code ORANGE (Phase 5) through 11:59 on August 14, 2020.

By adoption of the Third Amended Ordinance on August 11, 2020, the Marfa City Council determined that it was appropriate to move from Phase 5 to Phase 4 (Code ORANGE to Code YELLOW) on August 17, 2020. By adoption of the Fourth Amended Ordinance on September 8, 2020, the Marfa City Council determined that it was appropriate to stay at Phase 4 through October 15, 2020.

Phase 4 (YELLOW) for Marfa City Hall, the Marfa Public Library, and the Marfa Visitor Center means open to the public with one (1) customer allowed inside at a time (two [2] if both are members of the same household). Young dependent(s) may also enter with a parent or guardian. Meetings with city staff located in the Casner Room shall be by appointment only. Unless an enumerated exception applies, customers are required to wear masks in city buildings in accordance with Fourth Amended Ordinance No. 2020-10-4A.

Public events shall not be scheduled during this time at the USO or the MAC Building. Any previously scheduled events shall be cancelled or postponed, at the election of the event sponsor. Cancelled events shall receive a full refund of any deposit paid.

City Council shall revisit these re-opening plans regularly to determine whether and when it is appropriate to move to a new color-coded phase (either more or less restrictive, depending on results of COVID-19 testing, available hospital bed space, ICU cases, etc).

6. CDC GUIDELINES TO PREVENT THE SPREAD OF COVID-19.

The Marfa City Council requires that the following applicable CDC Guidelines be followed in interactions between city staff and the public, and recommends that these guidelines be followed in all interactions throughout the City of Marfa. The guidelines in their entirety may be found at:

<https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/prevention.html>

1. Hand Washing

- [Wash your hands](#) often with soap and water for at least 20 seconds especially after
- you have been in a public place, or after blowing your nose, coughing, or sneezing.
- If soap and water are not readily available, use a hand sanitizer that contains at least

- 60% alcohol.
- Cover all surfaces of your hands and rub them together until they feel dry.
- Avoid touching your eyes, nose, and mouth with unwashed hands.

2. Avoid close contact

- Avoid close contact with people who are sick, even inside your home.
- If possible, maintain 6 feet between the person who is sick and other household members.
- Put distance between yourself and other people outside of your home.
 - Remember that some people without symptoms may be able to spread virus.
 - Stay at least 6 feet (about 2 arms' length) from other people.
 - Do not gather in groups.
 - Stay out of crowded places and avoid mass gatherings.
 - Keeping distance from others is especially important for
 - people who are at higher risk of getting very sick.

3. Wear a cloth face cover

Cover your mouth and nose with a cloth face cover when around others

- You could spread COVID-19 to others even if you do not feel sick.
- Everyone should wear a cloth face cover when they have to go out in public,
- for example to the grocery store or to pick up other necessities.
 - Cloth face coverings should not be placed on young children under age 2,
 - anyone who has trouble breathing, or is unconscious, incapacitated
 - or otherwise unable to remove the mask without assistance.
- The cloth face cover is meant to protect other people in case you are infected.
- Do NOT use a facemask meant for a healthcare worker.
- Continue to keep about 6 feet between yourself and others.
- The cloth face cover is not a substitute for social distancing

7. VIOLATIONS AND PENALTIES.

- A violation of this Ordinance constitutes a Class C misdemeanor, and shall be punishable by a fine up to \$500.00 plus court costs.
- A city employee who refuses to wear a face covering will first receive a warning, then may receive a citation that is punishable by a \$250.00 fine per violation.
- A city employee who disregards any applicable portion of this Ordinance after receiving a documented warning may also be subject to disciplinary measures.

8. SEVERABILITY.

It is hereby declared to be the intention of the Marfa City Council that the phrases, sentences, paragraphs, and sections of this order are severable. If any part of this order shall be superseded by Executive Order of the Governor of the State of or by Order of the Presidio County Judge or Commissioners Court, or ruled unconstitutional by the valid judgment or decree

of any court of competent jurisdiction, such unconstitutional phrase, sentence, paragraph, or section shall be severed from the order by operation of the judgment; however, this unconstitutionality shall not affect the remaining phrases, sentences, paragraphs, and sections, which shall remain in full force and effect.

THE ITEMS CONTAINED HEREIN WERE HEREBY APPROVED, ORDERED, AND ADOPTED by the Marfa City Council on the 12th day of May, 2020, by a vote of 5 Ayes and 0 Nays. Ordinance 2020-08 was adopted on the 28th day of May, 2020 by a vote of 5 Ayes and 0 Nays.

The First Amended Ordinance 2020-09A was HEREBY APPROVED, ORDERED, AND ADOPTED by the Marfa City Council on this the 9th day of June, 2020 by a vote of 4 Ayes and 0 Nays.

This Second Amended Ordinance 2020-09-2A was HEREBY APPROVED, ORDERED, AND ADOPTED by the Marfa City Council on this the 14th day of July, 2020 by a vote of 4 Ayes and 1 Nays.

This Third Amended Ordinance 2020-09-3A was HEREBY APPROVED, ORDERED, AND ADOPTED by the Marfa City Council on this the 11th day of August, 2020 by a vote of 5 Ayes and 0 Nays.

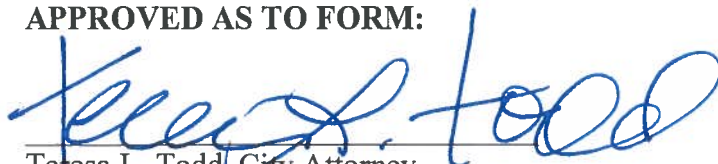
This Fourth Amended Ordinance 2020-09-4A was HEREBY APPROVED, ORDERED, AND ADOPTED by the Marfa City Council on this the 8th day of September, 2020 by a vote of 5 Ayes and 0 Nays.


Hon. Manuel M. Baeza, Mayor

ATTEST:


Chelsea Smith, City Secretary

APPROVED AS TO FORM:


Teresa L. Todd, City Attorney

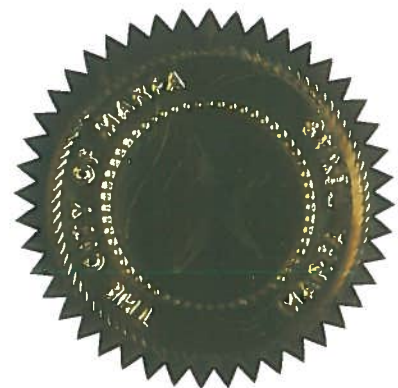


Exhibit 1

Marfa Visitor Center Re-Opening Plan v2

Service/Access Tier	Phase V: Curbside Pickup	Phase IV: Foyer and Restrooms	Phase III: Limited Services	Phase II: Precautionary	Phase I: Business as Normal
Hours of Operation	Weekdays 9-5, Weekends 10-4	Weekdays 9-5, Weekends 10-4/Weekdays 9-5, Weekends 10-4	Weekdays 9-5, Weekends 10-4/Weekdays 9-5, Weekends 10-4	Regular Hours	Regular Hours
Protective Measures	Gloves, masks, hand sanitizer available for staff. Cleaning happening throughout the day. Nobody inside	Gloves, masks, hand sanitizer available for staff. Cleaning happening throughout the day. Masks required for visitors. 2 person MAX inside Social Distancing required.	Gloves, masks, hand sanitizer available for staff. Cleaning happening throughout the day. Masks required for visitors. 15 person MAX inside Social Distancing recommended.	Gloves, masks, hand sanitizer available for staff. Cleaning happening throughout the day. Masks encouraged for visitors. No max limit.	None
Materials	Curbside pickup (care packages with brochures, maps) and mailouts via phone requests	Curbside pickup and mailouts w/ phone requests. Materials will be safely gathered for visitors appropriately w/contactless pick-up 2 person MAX inside	Curbside encouraged, brochure kiosks at safe distance away from counter area. 15 person MAX inside	Brochure kiosks available at safe distance from counter area.	Brochure Kiosks available
Non-Materials Services	Wi-Fi password accessible. QR Codes for access to visitmarfa.com pages.	Wi-Fi password accessible; No seating or extra reading material i.e. Judd/Chinati books, to minimize lounging, extra exploring, touching, etc. Social Distancing required.	Wi-Fi password accessible; Seating available.	Seating available, reading materials available.	All services
Staff Hours	Staff will work their regular hours in the building (at discretion of CS Director). As needed by the Visitor Center and staff, hours can be very flexible to allow for more work to get done in off hours. Staff in vulnerable situations may use as much vacation, sick or unpaid leave as they need.	Staff will work their regular hours in the building (at discretion of CS Director). As needed by the Visitor Center and staff, hours can be very flexible to allow for more work to get done in off hours. Staff in vulnerable situations may use as much vacation, sick or unpaid leave as they need.	Staff will work their regular hours in the building. Staff in vulnerable situations may use as much vacation, sick or unpaid leave as they need without penalty.	Staff will work all of their regular hours in the building at their regularly scheduled times. Staff in vulnerable situations may use as much vacation, sick or unpaid leave as they need without penalty.	All staff report for regular shifts
Hall Area	Closed to visitors	Closed to visitors	15 persons at a time	Open for exploring	Open regularly
Venue Rentals	Cancelled until further notice				

Exhibit 2

Marfa Public Library Re-Opening Plan

Service/Access Tier	Phase V: Curbside Pickup & No-Contact Printing Weekdays 9-5	Phase IV: Computers & Main Desk Weekdays 9-5	Phase III: Limited Services Weekdays 9-5	Phase II: Precautionary Regular Hours	Phase I: Business as Normal Regular Hours
Hours of Operation	Weekdays 9-5	Weekdays 9-5	Weekdays 9-5	Regular Hours	Regular Hours
Protective Measures	Gloves, masks, hand sanitizer available for staff. Cleaning and shelving happen throughout the day.	Gloves, masks, hand sanitizer available for staff. Cleaning and shelving happen throughout the day. Masks required for patrons.	Gloves, masks, hand sanitizer available for staff. Cleaning and shelving happen throughout the day. Masks required for patrons.	Gloves, masks, hand sanitizer available for staff. Cleaning and shelving happen throughout the day. Masks encouraged for patrons.	None
Materials	Curbside pickup w/ phone & online orders, printing from email	Curbside pickup w/ phone & online orders, printing from email, stacks closed	Curbside encouraged, stacks open	Stacks open	Stacks open
Non-Materials Services	W-Fi, No-contact printing	Notary, copy, fax, scan, 2 public computers available only by appointment (30 minute limit), No seating, no newspaper, no toys	Notary, copy, fax, scan, 2 public computers available only by appointment (30 minute limit), No seating, no newspaper, no toys	All services, 3 public computers available, limited Toys, limited patron seating	All services
Check-Out Method	Curbside only	Curbside only	One desk check-out	One desk check-out	Regular check-out
Returns	Modified returns (daily from 9-5), fines not incurred, all returns are quarantined for 3 days	Modified returns (daily from 9-5), fines not incurred, all returns are quarantined for 3 days	Modified returns (daily from 9-5), fines not incurred, all returns are quarantined for 3 days	Book drop open, all material deadlines enforced	Book drop open, all material deadlines enforced
Staff Hours	Staff will work their regular hours in the building (at discretion of CS Director). As needed by the library and staff, hours can be very flexible to allow for more work to get done in off hours. Staff in vulnerable situations may use as much vacation, sick or unpaid leave as they need.	Staff will work their regular hours in the building (at discretion of CS Director). As needed by the library and staff, hours can be very flexible to allow for more work to get done in off hours. Staff in vulnerable situations may use as much vacation, sick or unpaid leave as they need.	Staff will work their regular hours in the building. Staff in vulnerable situations may use as much vacation, sick or unpaid leave as they need without penalty.	Staff will work all of their regular hours in the building at their regularly scheduled times. Staff in vulnerable situations may use as much vacation, sick or unpaid leave as they need without penalty.	All staff report for regular shifts
Programs	None	Videos, digital, take-and-make supplies, Summer Reading (pending final plan)	Videos, digital, take-and-make supplies, Summer Reading (pending final plan)	Small group programs of 10 or less, multiple sessions if necessary	Regular programming
Community Room + Courtyard	Closed	Closed	Closed	Community Room closed for non-library events, Courtyard open with limited seating	Open
Donations	None accepted	None accepted	None accepted	None accepted	Donations accepted

Exhibit 3

Marfa City Hall Re-Opening Plan v3

Service/Access Tier	Phase V: City Services Weekdays 8-5	Phase IV: Computers & Main Desk Weekdays 8-5	Phase III: Limited Services Weekdays 8-5	Phase II: Precautionary Weekdays 8-5	Phase I: Business as Normal Weekdays 8-5
Protective Measures	Gloves, masks, hand sanitizer available for staff. Social distancing of six feet or more between others	Gloves, masks, hand sanitizer available for staff. Social distancing of six feet or more between others. Masks required for all visitors. Limit of one customer at a time (two if they live in the same household) and their minor dependants	Gloves, masks, hand sanitizer available for staff. Social distancing of six feet or more between others. Masks required for all visitors	Gloves, masks, hand sanitizer available for staff. Social distancing of six feet or more between others. Masks encouraged for all visitors	None
Utility Services	Curbside pickup/dropbox for utilities payments	Curbside pickup/dropbox for utilities payments is encouraged, but payments and inquiries may be made inside. Limit of one customer at a time (two if they live in the same household) and their minor dependants.	Lobby open to one customer at a time	Lobby open to any number as long as social distance can be maintained	All services
Administrative Services	Held via Zoom, phone, email	Discourage in-person meetings, access to City staff through Casner Rm.	Discourage in-person meetings, access to City staff through Casner Rm.	All services, access to City staff through Casner Rm.	All services
Staff Hours	Staff will work their regular hours in the building. As necessary staff will work from home if sick/exposed, staff in vulnerable situations may use as much vacation, sick or unpaid leave as they need.	Staff will work their regular hours in the building. As necessary staff will work from home if sick/exposed. Staff in vulnerable situations may use as much vacation, sick or unpaid leave as they need.	Staff will work regular hours in the building. Staff in vulnerable situations may use as much vacation, sick or unpaid leave as they need without penalty.	Staff will work all of their regular hours in the building at their regularly scheduled times. Staff in vulnerable situations may use as much vacation, sick or unpaid leave as they need without penalty.	All staff report for regular shifts