

**ORDINANCE #2020-08 OF THE CITY OF MARFA
CONTINUATION OF DISASTER DECLARATION**

Order Continuing Disaster Declarations and Instituting and Continuing Certain Emergency Measures Due to a Public Health Emergency in the City of Marfa and Conforming with Governor Abbott's Executive Order GA-21.

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, by declaration issued on March 19, 2020, City of Marfa Mayor Manuel V. Baeza declared a local state of disaster for the City of Marfa, Texas, which was continued and extended by the Marfa City Council through April 24, 2020; and on April 2, 2020, Mayor Baeza issued his First Supplemental Disaster Declaration, which was continued and extended by the Marfa City Council through April 30, 2020; 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Governor Abbott released his Executive Order GA-18 and the Governor's Report to Open Texas, and specified that GA-18 superseded all local orders; and on May 5, 2020, Governor Abbott released Executive Order GA-21, superseding GA-18 and expanding reopened services; and

WHEREAS, in response to GA-18, on April 29, 2020, the Marfa City Council allowed Ordinance #2020-03-2A (Shelter in Place) to expire according to its terms; and continued and renewed Ordinance #2020-02-2A (Disaster Declaration) until May 15, 2020; and

WHEREAS, on the date of passage of this Order, there are no confirmed cases of COVID-19 within the City of Marfa; and

WHEREAS, the City of Marfa is an international tourist destination with very limited medical facilities and no hospital, with the closest hospital being 26 miles away in Brewster County; and

WHEREAS, emergency measures are therefore necessary to protect the health and welfare of Marfa residents from the spread of COVID-19, especially for the elderly and individuals who are at-risk; and

WHEREAS, pursuant to Texas Health and Safety Code §121.003(a), the governing body of a municipality may enforce any law that is reasonably necessary to protect public health; and

WHEREAS, in response to GA-21 and Governor Abbott's opening of Texas, the Marfa City Council hereby authorizes a new and updated Local Disaster Declaration Extension Order under their emergency powers granted under Chapter 418 of the Texas Government Code; and

WHEREAS, the Marfa City Council hereby extends the Disaster Declaration for the City of Marfa until 11:59 p.m. on June 11, 2020:

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

That the following measures are in effect for the duration of this Order:

1. CONTINUATION OF DISASTER DECLARATION.

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 are hereby extended, continued, and renewed for the City of Marfa pursuant to Texas Government Code §418.108(b).

This Order shall supersede all previous Disaster Declaration Ordinances previously issued by the Marfa City Council, shall become effective at 12:01 a.m. on May 13, 2020, and shall remain in effect 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.

2. CONFORMITY WITH GA-21.

This Order continues the disaster declaration for The City of Marfa, and implements GA-21 and the Governor's Report to Open Texas. GA-21 can be found at:

<https://lrl.texas.gov/scanned/govdocs/Greg%20Abbott/2020/GA-21.pdf>

3. ESSENTIAL SERVICES.

In accordance with GA-16, essential services shall continue at full capacity in the state of Texas. The list of essential services may be found on the Texas Department of Homeland Security's Guidance on the Essential Critical Infrastructure Workforce, as well as the website for the Texas Department of Emergency Management:

https://www.cisa.gov/sites/default/files/publications/Version_3.0_CISA_Guidance_on_Essential_Critical_Infrastructure_Workers_4.pdf

<https://tdem.texas.gov/essentialservices/>

4. REOPENED SERVICES.

In addition to essential services, all specified "reopened services" set out in GA-21 and any subsequent Executive Orders issued during the term of this Ordinance may operate at the capacity specified and on the date(s) specified by Governor Abbott. Reopened services shall operate under the appropriate Minimum Standard Health Protocols as set out in the Governor's

Report to Open Texas, found on pages 20-43 of the report, which can be found at <https://gov.texas.gov/uploads/files/organization/opentexas/OpenTexas-Report.pdf>

Applicable capacity shall be calculated in accordance with the standards promulgated by the National Fire Protection Association of 15 square feet per person based on the gross available floor space.

5. **SOCIAL DISTANCING.**

In GA-18 and GA-21, Governor Abbott states:

“...[e]very person in Texas shall, except where necessary to provide or obtain essential services or reopened services, minimize social gatherings and minimize in-person contact with people who are not in the same household. People over the age of 65, however, are strongly encouraged to stay at home as much as possible; to maintain appropriate distance from any member of the household who has been out of the residence in the previous 14 days; and, if leaving the home, to implement social distancing and to practice good hygiene, environmental cleanliness, and sanitation.”

Accordingly, Marfa residents and visitors of all types shall implement social distancing while conducting business outside of the household, and shall practice good hygiene, environmental cleanliness, and sanitation to help prevent the spread of COVID-19.

6. **VIOLATIONS AND PENALTIES.**

A. In accordance with Texas Government Code §418.173, a person who knowingly or intentionally violates this declaration commits an offense, punishable by a fine up to \$1,000.00.

B. In accordance with Texas Penal Code §12.05 and Governor Abbott’s statewide disaster declaration, the following crimes are enhanced (increased) by one degree if committed during the time of disaster declaration:

- Assault
- Arson
- Robbery
- Burglary
- Burglary of coin-operated machines
- Burglary of vehicles
- Criminal Trespass
- Theft

7. **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.

THIS ORDER IS HEREBY APPROVED, ORDERED, AND ADOPTED this the 12th day of May, 2020, by a vote of 5 ayes and 0 nays.



Hon. Manuel V. Baeza, Mayor

ATTEST:



Chelsea Smith, City Secretary

APPROVED AS TO FORM:



Teresa L. Todd, City Attorney

