

EMERGENCY ORDINANCE 2020-18

AN EMERGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS, CONFIRMING AND RATIFYING THE EMERGENCY ORDERS ISSUED BY THE MAYOR AS THE EMERGENCY MANAGEMENT DIRECTOR, AS DESCRIBED IN EXHIBIT A; PROVIDING FOR FINDINGS OF FACT, REPEALER, SEVERABILITY, ENFORCEMENT, AND PENALTY; ESTABLISHING AN EFFECTIVE DATE; AND PROPER NOTICE AND MEETING.

WHEREAS, the novel coronavirus (COVID-19) has been recognized globally as a contagious respiratory virus; and

WHEREAS, on March 13, 2020, Texas Governor Greg Abbott declared a State of Disaster for all counties in Texas, and the President of the United States of America declared a national emergency in relation to COVID-19; and

WHEREAS, on March 16, 2020, the Mayor issued a Declaration of Local Disaster to allow the City of Bastrop to take measures to reduce the possibility of exposure to COVID-19 and promote the health and safety of Bastrop residents; and

WHEREAS, Section 418.108 of the Texas Government Code provides that a declaration of local disaster activates the City's Emergency Management Plan; and

WHEREAS, in furtherance of the declaration of local disaster, the Mayor issued certain orders pursuant to Chapter 418 of the Texas Government Code; and

WHEREAS, Section 3.15(b) of the Bastrop City Charter allows the City Council to adopt an emergency ordinance relating to the immediate preservation of the public peace, health or safety, and such emergency ordinances shall take effect immediately upon adoption and execution without a second consideration; and

WHEREAS, Section 54.001 of the Texas Local Government Code generally provides the maximum penalties for violations of municipal ordinances, rules, or police regulations; and

WHEREAS, Section 418.173 of the Texas Government Code provides that a local emergency management plan may provide that failure to comply with the plan or with a rule, order, or ordinance adopted under the plan is an offense punishable by a fine not to exceed \$1,000 or confinement in jail for a term not to exceed 180 days; and

WHEREAS, the City Council of the City of Bastrop, Texas, finds it reasonable and necessary for the protection of the health and safety of the residents of the City of Bastrop to confirm and ratify the orders issued by the Mayor pursuant to Chapter 418 of the Texas Government Code, as described in **Exhibit A**; and

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

SECTION 1. FINDINGS OF FACT: The foregoing recitals are incorporated into this Emergency Ordinance by reference as findings of fact as if expressly set forth herein.

SECTION 2. CONFIRMATION & RATIFICATION: The City Council of the City of Bastrop, Texas, in accordance with the authority vested in the governing body of the City of Bastrop, Texas, by Section 418.108 of the Texas Government Code, hereby confirms and ratifies the emergency orders issued by the Mayor in furtherance of the declaration of local disaster, as described in **Exhibit A**.

SECTION 3. PUBLIC NOTICE: The City Secretary is hereby directed to give prompt and general publicity to this Emergency Ordinance.

SECTION 4. CONFLICTS: In the case of any conflict between other provisions of this Emergency Ordinance and any existing Ordinance of the City, the provisions of this Emergency Ordinance will control.

SECTION 5. SEVERABILITY: If any provision of this Emergency Ordinance or the application thereof to any person or circumstance is held invalid, that invalidity or the unenforceability will not affect any other provisions or applications of this Emergency Ordinance that can be given effect without the invalid provision.

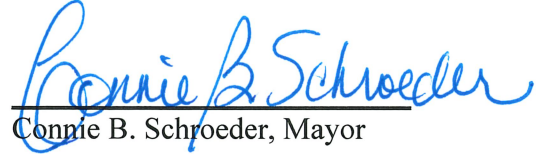
SECTION 6. ENFORCEMENT: The City shall have the power to administer and enforce the provisions of this Emergency Ordinance as may be required by governing law. Any person violating any provision of this Emergency Ordinance violates Section 1.08.011 of the Bastrop City Code. In accordance with Section 418.173 of the Texas Government Code, a violation is a misdemeanor punishable by a fine not to exceed \$1,000 or confinement in jail for a term not to exceed 180 days. Nothing in this ordinance shall be construed as a waiver of the City's right to bring a civil action to enforce the provisions of this ordinance and to seek remedies as allowed by law and/or equity.

SECTION 7. EFFECTIVE DATE: In accordance with Section 3.15(b) of the Bastrop City Charter, this Emergency Ordinance shall be *effective immediately* upon passage.

SECTION 8. OPEN MEETING: It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551.

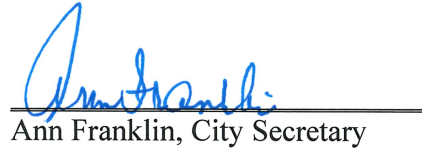
READ, ACKNOWLEDGED & APPROVED on the First & Final Reading on this, the 14th day of July 2020.

APPROVED:



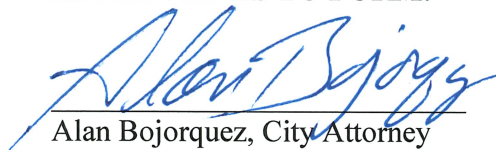
Connie B. Schroeder, Mayor

ATTEST:



Ann Franklin, City Secretary

APPROVED AS TO FORM:



Alan Bojorquez, City Attorney

Exhibit A



EMERGENCY ORDER OF THE MAYOR

RE: COVID-19

E.O. # 2020- 7

June 30, 2020

1. **Masks Encouraged:** Persons interacting with others outside their households are encouraged to wear face coverings, especially when six feet (6') of separation is not feasible. Wearing face coverings is an easy, inexpensive way to protect yourself and those around you as we all strive together to halt the spread of this pandemic.
2. **Masks Required when Conducting Business:**
 - (a) **Mandate.** All Business Entities with premises within the Bastrop City Limits must develop and implement a COVID-19 Safety Policy ("Policy") in accordance with this Emergency Order. The Policy must require, at a minimum, that all employees, customers, clients, patients, staff, or visitors to the Business Entity's premises wear face coverings over their noses and mouths when on the Business Entity's premises and six feet (6') of separation from other persons is not feasible. Under the Policy, the wearing of face coverings must be a condition of accessing the premises, or receiving goods and/or services from the Business Entity. A sample policy is attached as *Exhibit "A"*.
 - (b) **Exceptions.** A Policy may provide for the following exceptions to the requirement that a face covering be worn by all employees, customers, clients, patients, staff, or visitors while on the Business Entity's premises:
 - (1) the person is under the age of ten years old (while noting that the U.S. CDC recommends face coverings for persons two years of age and older); or
 - (2) when exercising outside or engaging in physical activity outside; or
 - (3) while driving alone or with passengers who are part of the driver's household; or
 - (4) when wearing a face covering would hinder the performance of a service or procedure; or
 - (5) when doing so poses a mental or physical health, safety, or security risk; or
 - (6) while in a building or conducting an activity that requires security surveillance or screening, for example, banks; or
 - (7) when consuming food or drink; or
 - (8) when the person is unable to remove a face covering without assistance.
 - (c) **Optional.** It is recommended that the Policy also include the implementation of other mitigating measures designed to control and reduce the transmission of COVID-19,

such as physical distancing of at least six feet (6'), handwashing, temperature checks, and/or health screenings.

(d) **Posting.** Each Business Entity must post its Policy in clear view at an easily seen location that provides notice to all employees, customers, clients, patients, and visitors, including entrances. A sample notice is attached as *Exhibit "B"*.

3. **Masks Required for City Officials:** City Officials must wear face coverings when directly interacting with members of the public regarding matters of city business when maintaining at least six feet (6') of separation is not feasible.

4. **Definitions:**

(a) **Business Entity:** a corporation, sole proprietorship, partnership, unincorporated association, or nonprofit corporation conducting business or otherwise providing goods and/or services directly to the public in the Bastrop City Limits.

(b) **City Official:** members of the city council, city employees, and members of city boards, commissions, or committees for the City of Bastrop.

5. **Purpose:** This Emergency Order is intended to hinder the spread of the COVID-19 virus as advised by the U.S. CDC and Texas DSHS.

6. **Rationale:** This Emergency Order is issued in recognition of the determination by the U.S. CDC and Texas DSHA that face coverings are a simple barrier to help prevent respiratory droplets from traveling into the air and onto other people when the person wearing the cloth face covering coughs, sneezes, talks, or raises their voice. This Emergency Order is based on what we know about the role that respiratory droplets play in the spread of the virus that causes COVID-19, paired with emerging evidence from clinical and laboratory studies that shows cloth face coverings reduce the spray of droplets when worn over the nose and mouth.

This Emergency Order is timely in light of the following recent developments:

(a) The Bastrop County Local Health Authority and the Bastrop / Lee County Medical Society has confirmed that there has been a significant increase in the number of COVID-19 cases in Texas, and that the use of masks and face coverings can slow the spread of the virus.

(b) Reported cases of COVID-19 infections in Bastrop County rose by 80 persons in one week – an increase of over 22%.

(c) In Bastrop County, a twenty-five year old male passed away from COVID-19 related causes on or about Wednesday, June 24, 2020.

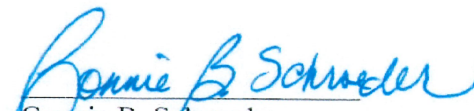
(d) In Bastrop County, a female over eighty years old passed away from COVID-19 related causes on or about Thursday, June 25, 2020.

(e) Numerous businesses have requested that the City of Bastrop establish a level playing field within which businesses can operate within a uniform set of standards.

- (f) Statistics for the Austin Metropolitan Statistical Area (MSA) indicate that COVID-19 related hospitalizations have increased 101%, Intensive Care Units (ICU) utilization has increased 35%, and use of Ventilators has increased 93%.
- (g) Executive Order GA28 by the Governor of the State of Texas, Greg Abbott (June 26th), restricted occupancy levels and many places of public accommodation (indoor and outdoor).
7. **Effective:** This Emergency Order is effective *Tuesday, June 30, 2020, 7:00 p.m.*
8. **Duration:** This Emergency Order is temporary and shall be in effect for the duration of the Local State of Disaster unless earlier repealed.
9. **Penalty:** It shall be unlawful for any Business Entity to fail to comply with this Emergency Order. Violations of this Emergency Order occurring on or after 8:00 a.m., Friday, July 3, 2020, shall be punishable by a fine not to exceed one thousand dollars (\$1,000.00) for each violation in accordance with City of Bastrop Code of Ordinances Section 1.08.011 and 1.01.009, and Texas Government Code Section §418.173.
10. **Repealer:** Any prior or conflicting Emergency Order is hereby repealed to the extent necessary to effectuate this Emergency Order.
11. **Authority:** This Emergency Order is hereby enacted in accordance to the authority vested in my office pursuant to:
- Texas Government Code Chapter 418, and
 - Texas Health & Safety Code Chapter 122, and
 - City of Bastrop Home Rule Charter Section 3.08, and
 - City of Bastrop Code of Ordinances Article 1.08, and
 - City of Bastrop Emergency Management Plan, and
 - Bastrop County Preparedness & Response Plan (Pandemic Influenza), and
 - Declaration of Local Disaster executed on March 16, 2020 (as confirmed and extended by the City Council via Resolution R-2020-32 on March 16, 2020); and
 - Governor Greg Abbott's Declaration of State Disaster on March 13, 2020.
12. **Official Determination:** In my official capacity as Mayor, Emergency Management Director, and member of the Policy Coordination Group for Bastrop County, I consider this action to be reasonable, prudent, and necessary for the preservation of life, and disaster mitigation, response, and recovery. This Emergency Order is critical to protecting the public health, safety and welfare.

THUS ORDERED:

by:


Connie B. Schroeder
Mayor, City of Bastrop

Sample COVID-19 SAFETY POLICY

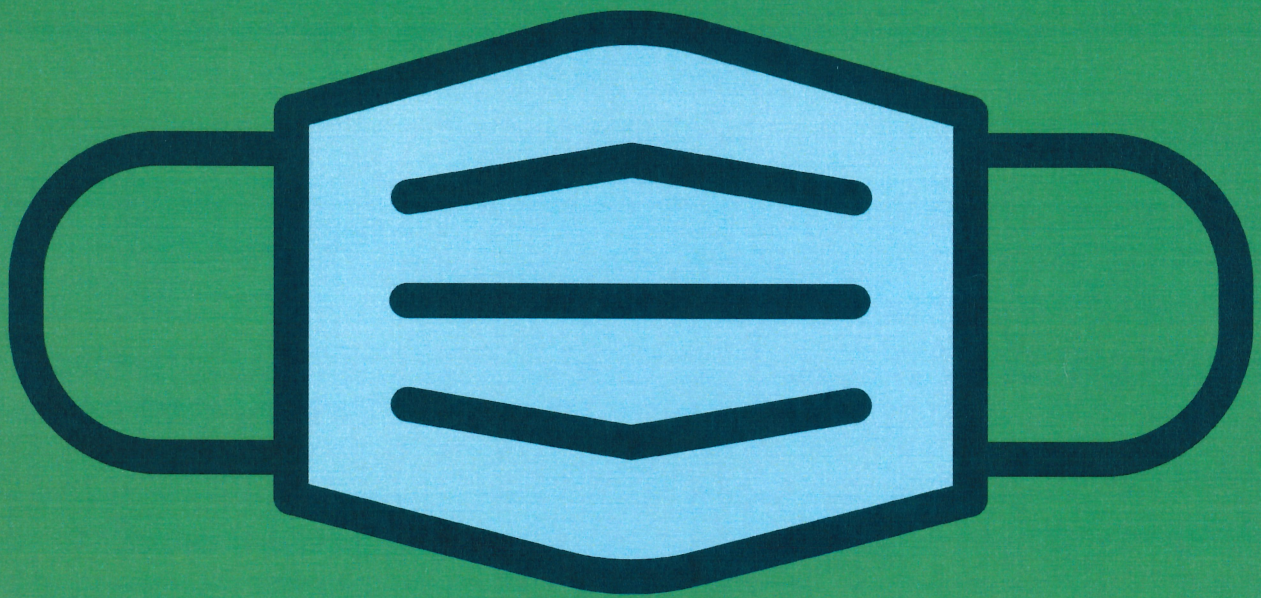
for a Business Entity

The virus that causes COVID-19 can be spread to others by infected persons who have few or no symptoms. Because of the hidden nature of this threat, it is the policy of this business, as required by City of Bastrop Emergency Orders, to require the following:

1. **FACE COVERING REQUIRED IN ORDER TO ENTER PREMISES.** All persons over the age of ten (10), including employees, customers, clients, patients, and visitors ("Patrons"), who enter this business **MUST** wear a face covering over their nose and mouth, such as a commercially made or homemade mask, scarf, bandana, or handkerchief. A face covering is a reasonable and prudent condition to our business providing access to our premises, services, or goods.
2. **EXCEPTIONS.** The following exceptions will be made to the requirement that a face covering be worn by Patrons while on the premises:
 - (a) the Patron is under the age of ____ years old (NOTE: The U.S. CDC recommends face coverings for persons two years of age and older); or
 - (b) when exercising outside or engaging in physical activity outside; or
 - (c) when wearing a face covering would hinder the performance of a service or procedure; or
 - (d) when doing so poses a mental or physical health, safety, or security risk; or
 - (e) while in a building or doing an activity that requires security surveillance or screening, for example, banks; or
 - (f) when consuming food or drink; or
 - (g) when the person is unable to remove a face covering without assistance.
3. **SOCIAL DISTANCING PROTOCOLS.** Even with the use of appropriate face coverings, individuals should maintain six (6) feet of social distancing from others outside their own household whenever possible.
 - (a) Employees should not work within six (6) feet of one another, except to the extent necessary to provide services.
 - (b) Patrons should maintain six (6) feet of separation from others outside their own household to the extent feasible when inside these premises and must do so while queuing or waiting.
4. **VIOLATIONS.** Patrons who do not wear a face covering will be asked to leave the premises and may not be provided goods or services until the face covering requirements of this policy and City and County Orders are followed.
5. **NOTICE & SIGNAGE.** Notice of this COVID-19 Safety Policy will be posted in clear view at all entrances to the premises.

[Note that this document is an example, only]

MASKS REQUIRED



Pursuant to Emergency Order of the Mayor #2020-7: All Business Entities must require, at a minimum, that all employees, customers, clients, patients, staff, or visitors to the Business Entity's premises wear face coverings over their noses and mouths when on the Business Entity's premises and six feet (6') of separation from other persons is not feasible.

Visit www.cityofbastrop.org/COVID19 for more information.



CITY OF BASTROP - PHASED REOPENING PLAN - AMENDMENT #2 - JULY 14, 2020

| | Phase 1 | Phase 2 | Phase 3 | Phase Out |
|---|--|--|---|---|
| Dates | Monday, June 15, 2020 | Monday, June 22, 2020 | To Be Determined | To Be Determined |
| City Facilities | City Facilities and buildings prepare for re-opening to public. All City Facilities will remain closed to public. | Police Department, Public Works, Water Department, and Municipal Court will open lobbies to normal hours with safety guidelines. Telephone interaction and online services still highly encouraged. No outside reservation of city facilities. | City Hall lobby and Fire Stations open to normal operations with safety guidelines in place. | No facility restrictions but safety guidelines will be in place. Allow outside reservations and in-person activities resume. <i>Senior Activity Center to open with restrictions.</i> |
| Public Meetings | Non- Essential meetings of City Boards, Commissions, and advisory groups conducted virtually or in person with social distancing. | No changes from Phase One public meetings. City Council meeting online. Council Chambers will be closed to public. | In-Person City meetings resume with safety guidelines in place. | Resume regular meeting practices with consideration to further digital enhancements for increased participation. |
| Special Events / Convention Center | No special events. Convention Center remains closed. | No changes from Phase One special events. Convention Center remains closed. | Special Events application process open for submittal. No Special Events permits issued without approval from City Manager and Emergency Management Coordinator. Convention Center is open for bookings and events with approval from City Manager and Emergency Management Coordinator. All Special Events and Convention Center bookings must submit an Health and Safety Plan with application. | Special Events and Convention Center open to normal operations with increased safety guidelines in place. |
| Library | Library will continue curbside service and online programming. | Library remains closed for normal use. Computer use allowed by appointment. | Library will open to public with no programming continuing online. | Library open to normal operations with increased safety guidelines in place. |
| Parks | Open Sports Fields (Basketball courts, Tennis/Pickle Courts), Bark Park is open to public usage. Encourage gatherings less than 10 and follow safety guidelines. No park rentals. | Open Splash Pad, park bathrooms, and playscapes with increased safety guidelines. Pavilion open for use with no park rentals. | No changes from phase two. Continue to encourage use of safety guidelines. Park rentals taking booking for future use. | Parks fully open with continued safety guidelines. Allow for park rentals. |
| Municipal Court | Municipal Court lobby is closed to public. Telephone and online services available. Outside dropbox available for after hour drop off. | Municipal Court will open lobbies to normal hours with safety guidelines. Telephone interaction and online services still highly encouraged. | No changes from Phase two. | Resume normal Municipal Court operations. Excludes any jury trials. (Will resume at later date) |
| City Employee Impacts | Employee working hours are determined by supervisors. Employees directed to not report to work if they are sick or show symptoms of illness. Virtual and/or telephone meetings are encouraged. Practice social distancing, greet without contact, wear a mask when unable to maintain 6 feet distance when in the presence of public. Supervisors will ensure supply of PPE and hand sanitizers are available. | No changes from Phase One employee impacts. | No changes from Phase One employee impacts. | Employees to continue to follow work guidance from previous phases. Continue to provide PPE and encourage continued hand washing/sanitizing. |
| City Safety Measures | Install protective screens at public counter space. Add additional hand sanitizing stations throughout City facilities. Temperature taken when entering City Facilities. Clean and disinfect common areas and frequently touched surfaces. | Phase one safety measures continued with the addition of Council Chambers safety guidelines. Practice social distancing, greet without contact, wear a mask when unable to maintain 6 feet distance. Encourage the use of mask until social distancing can be maintained. Hand sanitizer is encouraged with attending public meetings. Limited occupancy of public meetings to maintain distances. | Phase one and two safety measures continued at opened facilities. | No facility restrictions, but appropriate PPE and safety guidelines must be followed. Post CDC and City guidelines on all public enter/exit points. |
| Emergency Readiness Level | 1 | 2 | 3 | 4 |

Please note, public health guidance cannot anticipate every unique situation. Individuals should stay informed and take actions based on common sense and wise judgment that will protect health and support economic revitalization. This phased approach is subject to change as necessary based on current conditions and to follow Local, State, and Federal Guidelines.