

EMERGENCY ORDINANCE 2021-02

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 9th day of March 2021.

APPROVED:



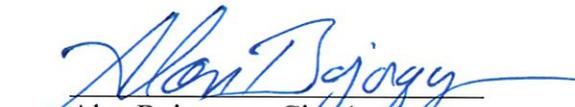
Connie B. Schroeder, Mayor

ATTEST:



Ann Franklin, City Secretary

APPROVED AS TO FORM:



Alan Bojorquez, City Attorney

Exhibit A

CITY OF BASTROP - PHASED REOPENING PLAN - AMENDMENT #4 - March 9, 2021

	Phase 1	Phase 2	Phase 3	Phase Out	
Dates	Monday, June 15, 2020	Monday, June 22, 2020	Monday, October 5, 2020	Wednesday, March 10, 2021	Changed: TBD to Date.
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. Senior Activity Center to open following federal/state guidelines and an approved health and safety plan.	No facility restrictions but safety guidelines are recommended. Allow outside reservations and in-person activities resume.	Changed: safety guidelines will be in place to safety guidelines are recommended.
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 Council, City Boards, Commissions, and advisory group meetings resume with safety guidelines in place. Virtual participation option still available. City Council citizen comments can be submitted online through the website or be provided in person during the meeting.	Resume regular meeting practices with consideration to further digital enhancements for increased participation.	No changes.
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 Health and Safety Guidelines recommended.	Changed: Increased safety guidelines in place to health and safety guidelines recommended.
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 programming continuing online.	Library open to normal operations with increased optional safety guidelines in place.	Added word optional to safety guidelines.
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 immediate use.	Parks fully open with continued optional safety guidelines. Allow for park rentals.	No changes.
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.	Municipal Court will follow the Office of Court Administration orders and guidance for in-Person operations.	Changed from Resume normal Municipal Court operations.
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.	No changes.
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 are recommended. Post CDC and City recommendations on all public enter/exit points.	Changed: Safety guidelines must be followed to safety guidelines are recommended.
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.