

RESOLUTION # 1042-2021

CONTINUATION, MODIFICATION OR REVISION OF LOCAL DISASTER AND ORDER OF THE MAYOR CITY OF RIVER OAKS

WHEREAS, in December 2019 a novel coronavirus, now designated COVID-19, was detected in Wuhan City, Hubei Province, China. Symptoms of COVID-19 include fever, cough, and shortness of breath. Outcomes have ranged from mild to severe illness, and in some cases death; and

WHEREAS, on March 11, 2020 the World Health Organization (WHO) declared COVID-19 as a pandemic; and

WHEREAS, on March 13, 2020, pursuant to his powers as Governor of the State of Texas, Greg Abbott has issued a proclamation certifying that COVID-19 poses an imminent threat of disaster in the state and declaring a state of disaster for all counties in Texas; and

WHEREAS, Governor Abbott issued Executive Orders GA-16, GA-18, GA-21, GA-23, and GA-26 from April through early June 2020, aiming to achieve the least restrictive means of combatting the threat to public health by continuing certain social-distancing restrictions, while implementing a safe, strategic plan to Open Texas; and

WHEREAS, Tarrant County Judge Glen Whitley on June 25th issued an executive order requiring all entities in Tarrant County, including sole proprietorships, providing goods or services directly to the public to develop and implement a health and safety policy to help stop the spread of COVID-19; and

WHEREAS, Governor Abbott on July 2, 2020 issued Executive Order GA-29 to remain in effect and in full force until modified, amended, rescinded, or superseded by the governor, requiring that every person in Texas shall wear a face covering over the nose and mouth when inside a commercial entity or other building or space open to the public, or when in an outdoor public space, wherever it is not feasible to maintain six feet of social distancing from another person not in the same household with certain exemptions; and

WHEREAS, the June 25, 2020 executive order issued by Tarrant County Judge Glen Whitley extended the June 25, 2020 executive order on July 31, 2020 and again on August 25, 2020 proclaimed and ordered through November 30, 2020 that all entities in Tarrant County, including sole proprietorships, shall continue to enforce its Health and Safety Policy that at a minimum requires that all employees and visitors to the entity's business wear a face covering over the nose and mouth when in an area which will involve close contact or proximity to co-workers or the public with certain exemptions; and

WHEREAS, pursuant to Executive Order GA-23 issued by Governor Abbott on May 18, 2020 Local government operations as determined by the local Government are considered covered services that are not subject to the conditions and limitations of the Governor's Order; and

WHEREAS, the Mayor of the City of River Oaks has determined that extraordinary measures must be taken to respond quickly, prevent and alleviate the suffering of people exposed to and those infected with the virus, as well as those that could potentially be infected or impacted by COVID-19, and to protect or rehabilitate property; and

WHEREAS, on July 1, 2020, the Mayor of the City of River Oaks with the number of positive cases of coronavirus on the increase issued a Declaration of Local Disaster and Order of the Mayor of the City of River Oaks which activated and implemented the City's Emergency Management Plan and authorized actions necessary to protect the citizens as allowed under section 418.108 of the Texas Government Code by closing the River Oaks Event Center (Community Center) located at 5300 Blackstone Drive to the public effective at 12:01 A.M. on Friday, July 3, 2020 and that the River Oaks Public Library shall continue to remain closed to the public ; and

WHEREAS, the City of River Oaks City Council Approved Resolution 1021-2020 on July 14, 2020 consenting the Declaration of Local Disaster for 30-days from July 14, 2020 and later the City Council of the City of River Oaks on August 11, 2020 determined that due to public health and safety that the July 14, 2020 Declaration of Local Disaster shall remain in effect and in full force until modified, amended, rescinded or superseded by order of the River Oaks City Council , unless the same shall supersede or impose restrictions in response to the COVID- 19 disaster that are inconsistent with the Governor's Executive Orders; and

WHEREAS, the Mayor of the City of River Oaks finds that pursuant to the Governor's Order in order to reduce the spread of the coronavirus, the Declaration of Local Disaster needs to be further modified, amended and superseded to remain consistent with the August 25, 2020 order of Tarrant County Judge Glen Whitley that proclaimed and ordered through November 30, 2020 and has since been extended on February 24, 2021 through May 25, 2021 that all entities in Tarrant County, including sole proprietorships, shall continue to enforce its Health and Safety Policy that at a minimum requires that all employees and visitors to the entity's business wear a face covering over the nose and mouth when in an area which will involve close contact or proximity to co-workers or the public with certain exemptions; and

WHEREAS, the Mayor of the City of River Oaks further finds in order to continue reducing the spread of coronavirus that non-essential operations of the City remain closed until October 12, 2020 and further finds that it is necessary to amend the July 14, 2020 Declaration of Local Disaster accordingly establishing conditions and limitations for the City of River Oaks since local government operations of the local Government are considered covered services not subject to the conditions and limitations of the Governor's Order; and

WHEREAS, a local state of disaster is hereby declared for the City of River Oaks, Texas pursuant to section 418.108(a) of the Texas Government Code; and

WHEREAS, the Mayor of the City of River Oaks issued a Declaration of Local Disaster on September 2, 2020 and pursuant to section 418.108(b) of the Government Code, this declaration of local disaster shall continue for a period of not more than seven days from the date of this declaration unless continued or renewed by the City Council; and

WHEREAS, the current situation with COVID-19 leads the City Council to believe that the mitigation efforts and emergency response to COVID-19 with adoption of this Resolution must continue until otherwise modified, amended, rescinded or superseded by order of the Governor and/or River Oaks City Council.

WHEREAS, the City Council of the City of River Oaks declares that nothing in this Declaration of Local Disaster shall supersede or imposes restrictions in response to the COVID-19 disaster that are inconsistent with the Governor's Executive Order GA-28; and

WHEREAS, the City Council of the City of River Oaks with the adoption of Resolution 1026-2020 on September 8, 2020 consented to the continuation of the Declaration of Local Disaster extending the July 14, 2020 orders of the closing of the River Oaks Event Center (Community Center) to the public until October 12, 2020; and

WHEREAS, the order closing the River Oaks Event Center (Community Center) ended on October 12, 2020 and was not continued allowing the River Oaks Event Center to reopen to limited activities as outlined in their Plan of Action except that Rentals were not included in the reopening plan; and

WHEREAS, it was recently requested by the co-directors of the River Oaks Event Center to again permit rentals by following certain health protocols aimed at reducing the spread of the virus including wearing face coverings and practicing social distancing; and

WHEREAS, with the recent $R(t)$, which is the number of people that one infected person on average will pass the virus on to is rated at 0.68 $R(t)$ that is less than 1 indicating that the virus spread is decreasing; and

WHEREAS, with the decrease in virus spread, the City Council finds that it would be permitted to allow garage

sales and community center rentals providing that everybody follows CDC guidelines for coronavirus prevention; and

WHEREAS, the City of River Oak's Emergency Management Plan should be activated.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RIVER OAKS, TEXAS:

I.

That the City Council with the adoption of **Resolution 1042-2021** on February 26, 2021 consents to revise the Declaration of Local Disaster for the City of River Oaks as amended by permitting public rentals at the River Oaks Event Center providing that follow the CDC Guidelines for Coronavirus prevention by requiring the following health protocols be followed:

- 1) All rental visitors prior to entering the building will be required by the monitor on duty to fill out a COVID-19 questionnaire as attached herein to this Resolution as "Exhibit A" and if they answer "Yes" to any of the questions on the questionnaire they will not be permitted to enter the building; and
- 2) that all visitors to the River Oaks Community Center/River Oaks Event Center wear a face covering over the nose and mouth when in an area which will involve close contact or proximity to the public with certain exemptions; and
- 3) all rental visitors shall maintain a social distancing of 6-feet; and
- 4) That the occupancy permitted will be restricted to 50% of the occupancy load; and
- 5) Event Monitors will be responsible to see that visitors follow the rules, and in the event a person refuses to follow the health protocols put in place herein, they will be warned the first time and if they continue to refuse they will be asked to leave the facility.

II.

That the City Council with the adoption of **Resolution 1042-2021** on February 26, 2021 consents to revise the Declaration of Local Disaster for the City of River Oaks as amended by permitting Garage, Yard and Estate Sales with the recommendation that they follow the CDC Guidelines for Coronavirus prevention and by recommending the following health protocols be followed:

- 1) All permit applicants will be required to fill out a COVID-19 questionnaire with their application as enclosed as "Exhibit A" to this Resolution and if they check "Yes" to any of the questions on the questionnaire they will not be issued a permit; and
- 2) attendees and permittees wear a face covering over the nose and mouth when in an area which will involve close contact or proximity to the public with certain exemptions; and
- 3) maintain social distancing.

III.

That the City's Emergency Management Plan shall continue to be implemented. Any violation of rules, regulations or directives adopted pursuant to the Emergency Management Plan or the Declaration of Local Disaster shall be subject to the penalties set forth in the Emergency Management Plan and Section 418.173, Texas Government Code.

IV.

That any certified peace officer or other person with lawful authority is hereby authorized to enforce the provisions of this Declaration & Order in accordance with the authority granted under the Texas Disaster Act of 1975. Any person who violates this Declaration & Order may be subject to a fine not exceeding \$500 or confinement for a period not exceeding 180 days when permitted by state law except that following a verbal or written warning for a first-time violator of this face-covering requirement, a person's second violation shall be punishable by a fine not to exceed \$250. Each subsequent violation shall be punishable by a fine not to exceed \$250 per violation.

V.

That this resolution shall take effect immediately from and after its passage.

ADOPTED THIS 26TH day of February 2021.

Joe Ashton
Mayor

Attest:

Paula Luck
City Secretary

