

RESOLUTION NO. 20-023R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RED OAK, TEXAS, AMENDING RESOLUTION 20-12R, EXTENDING AND AMENDING A STATE OF EMERGENCY AS A RESULT OF THE COVID-19 VIRUS; PROVIDING FOR INTERIM PUBLIC SAFETY MEASURES; REPEALING ALL RESOLUTIONS IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Mayor of Red Oak on Friday, March 13, 2020 signed a Declaration Declaring a State of Emergency in response to the COVID-19 Virus and issued an Order with Restrictions for community gatherings and assemblies; and

WHEREAS, on April 13, 2020 the amended Mayoral Declaration and Order was renewed, continued and set to expire at 11:59 p.m. on May 11, 2020

WHEREAS, the circumstances surrounding the COVID-19 Virus have increased the need for social distancing and precautionary public safety response; and.

WHEREAS, the COVID-19 Virus continues to necessitate an extensive and prompt public safety response; and, the regulations set forth in the Mayoral Declaration may need to be extended and/or modified in order to continue to protect the general public; and

WHEREAS, on April 27, 2020 Governor Greg Abbott publicly unveiled the Governor's Report to Open Texas to implement the phased re-opening of businesses across the state with limited capacities while practicing safe measures as recommended in the CDC Guidelines; and the Governor has on May 5, 2020 amended his order as GA 19, 20, 21 and 22; and,

WHEREAS, in coordination with Governor Abbott's re-opened services plan, the Ellis County Commissioners Court issued an Order of Continuance of Declaration of Local Disaster for Public Health Emergency that affirmed the activation of the Ellis County Emergency Management Plan and extended the Declaration of Local Disaster until 11:59 p.m. on June 8, 2020, unless rescinded by order of the Commissioners Court.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RED OAK, TEXAS THAT:

SECTION 1. A local state of disaster due to public health emergency is hereby declared for the City pursuant to Section 418.108(a) of the Texas Government Code. Pursuant to Section 418.108(b) of the Texas Government Code, this state of disaster due to public health emergency shall continue as of the date as of the passage of this Ordinance and shall expire on the date in which Texas Governor Greg Abbott repeals or otherwise concludes the state of disaster for the State of Texas, as same may relate to Ellis County, unless the City Council of the City of Red Oak repeals or otherwise amends this Resolution prior thereto; all citizens shall comply with Texas Governor's Orders GA 19, 20, 21 and 22.

SECTION 2. The City Manager shall take all steps necessary, expressed and implied under this Resolution, as amended in Section 2, in accordance with State law and the City of Red Oak Emergency Management Plan to protect the health, safety and welfare of the citizens of the City of Red Oak.

SECTION 3. This Resolution of the City Council hereby takes the additional action as amended herein as follows:

- a. That the City Manager or his designee may utilize the Federal Emergency Management Act procurement during exigent or emergency provision of the Code of Federal Regulations.
- b. The City Manager may waive enforcement of any regulatory and ordinance provision for any businesses subject to this Resolution in order to promote and execute the provisions of this Resolution; the Mayor and City Manager may take appropriate action to execute the City Emergency Management Plan as adopted in the Code of Ordinances to protect the health, safety and welfare of the citizens of Red Oak.
- c. The City shall continue to suspend accepting any applications for zoning, plats and other land use regulations.
- d. The City of Red Oak recommends that all persons while in public should wear face coverings and maintain at least 6 feet separation from one another and should continue to follow guidelines as recommended by the CDC and DSHS.

SECTION 4. The Mayor is hereby authorized to amend this Resolution to conform to any additional amendments by the Texas Governor or Ellis County.

SECTION 5. The City of Red Oak must promptly provide copies of this Resolution by posting on the City's website. In addition, the owner, manager, or operator of any facility that is likely to be impacted by this Resolution is strongly encouraged to post a copy of this Resolution onsite and to provide a copy to any member of the public asking for a copy. If any subsection, sentence, clause, phrase, or word of this Resolution or any application of it to any person, structure, gathering, or circumstance is held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, then such decision will not affect the validity of the remaining portions or applications of this Resolution.

SECTION 6. Any prior resolution of the City Council in conflict with the provisions contained in this Resolution are hereby repealed and revoked.

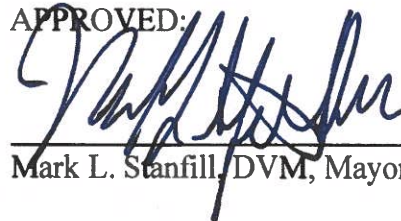
SECTION 7. Should any part of this Resolution be held to be invalid for any reason, the remainder shall not be affected thereby, and such remaining portions are hereby declared to be severable.

SECTION 8. This Resolution shall become effective 11:59 p.m. on May 11, 2020, until June 8, 2020 unless it is either rescinded, superseded, or amended pursuant to applicable law or superseded by Governor's orders.

DULY PASSED and approved by the City Council of the City of Red Oak, Texas, on this the 11th day of May, 2020.

CITY OF RED OAK, TEXAS

APPROVED:



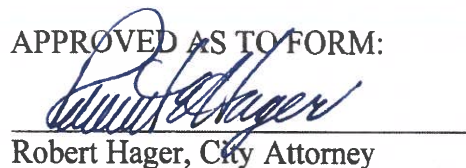
Mark L. Stanfill, DVM, Mayor

ATTEST:



Dana Argumaniz, City Secretary

APPROVED AS TO FORM:



Robert Hager, City Attorney

