SECOND AMENDED DECLARATION OF LOCAL DISASTER FOR
PUBLIC HEALTH EMERGENCY

WHEREAS, beginning in December 2019, a Novel Coronavirus, now designated COVID-19, was detected in Wuhan City, Hubei Provence, China, and has since spread throughout the world; and

WHEREAS, symptoms of COVID-19 include fever, coughing, and shortness of breath, outcomes have ranged from mild to severe illness and in some cases the virus has caused death; and

WHEREAS, pursuant to the Texas Disaster Act of 1975, the Mayor is designated as the Emergency Management Director of the City of Brownsville, and may exercise the powers granted to the Governor on an appropriate local scale; and

WHEREAS, Section §418.108(a) of the Texas Government Code provides that the presiding officer of the governing body of a political subdivision may declare a state of local disaster; and

WHEREAS, a declaration of local disaster and public health emergency includes the ability to reduce the possibility of exposure to disease, control the risk, promote health, compel persons to undergo additional health measures that prevent or control the spread of disease, including the provision of temporary housing or emergency shelters for persons misplaced or evacuated, and request assistance from the governor of state resources; and

WHEREAS, by this Declaration of Disaster and Public Health Emergency, I declare all rules and regulations that may inhibit or prevent prompt response to this threat suspended for the duration of the incident; and

WHEREAS, pursuant to the authority granted to the Mayor under the Texas Disaster Act of 1975, I authorize the use of all available resources of state government and political subdivisions to assist in the City’s response to this situation; and

WHEREAS, I, Juan “Trey” Mendez III, the Mayor of the City of Brownsville have determined that extraordinary and immediate 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 impacted by COVID-19;
NOW, THEREFORE, BE IT PROCLAIMED BY THE CITY OF BROWNSVILLE,
TEXAS CITY COMMISSION:

1. That a Local State of Disaster for Public Health Emergency was declared for the City of Brownsville, Texas pursuant to the Texas Disaster Act of 1975 and Section §418.108(A) of the Texas Government Code.

2. Pursuant to Section § 418.108(b) of the Government Code, the state of disaster and Public Health Emergency is hereby continued for a period of fourteen (14) days from the date of this declaration unless renewed by the City Commission of the City of Brownsville, Texas.

3. Pursuant to Section §418.108(c) of the Government Code, this declaration of this Amended Local State of Emergency and Public Health Emergency shall be given prompt and general publicity and shall be filed promptly with the City Secretary’s Office.

4. Pursuant to Section §418.020(c) of the Government Code, this declaration authorizes the City to commandeer or use any private property, temporarily acquire, by lease or other means, sites required for temporary housing units or emergency shelters for evacuees, subject to compensation requirements.

5. Pursuant to Section §122.006, of the Health and Safety Code, this declaration authorizes the City to take any actions necessary to promote health and suppress disease, including quarantine, and regulating hospitals, regulating ingress and egress from the City, and fining those who do not comply with the City’s rules.

6. This Declaration of Second Amended Local Disaster for Public Health Emergency shall take effect immediately from and after its issuance and the following measures shall be in place:

- Restaurants and bars shall permit delivery, pick up and take-out only, so long as no more than 10 people congregate in the take-out area. Employees shall wear gloves and facial coverings. Drive-thru and take-out patrons are to be instructed to remain in their vehicles. If take-out patrons are on foot, they must be at least 6 feet from each other. Businesses are encouraged to implement procedures whereby take-out patrons pay via telephone or electronic means. Downtown City metered parking will be continue to be suspended in order to support these measures. Parking areas within Shopping Areas are also strongly encouraged to create takeout and delivery designated parking spaces.

- Bingo establishments are closed.
• Religious and worship services should be provided by video and teleconference. If religious services cannot be conducted from home or through remote services, they should be conducted consistent with the Guidelines from the President and the CDC by practicing good hygiene, environmental cleanliness, and sanitation, and by implementing social distancing to prevent the spread of COVID-19.

• All elective medical, surgical, and dental procedures are prohibited anywhere in the City. Hospitals, ambulatory surgery centers, dental offices, and other medical facilities are directed to identify procedures that are deemed “elective” by assessing which procedures can be postponed or cancelled based on patient risk considering the emergency need for redirection of resources to COVID-19 response.

• School campuses shall be closed to students for the remainder of the 2019-2020 academic year. Nothing herein shall be construed to prevent a school from distributing meals, or conducting remote classes, online classes, or summer school. “Schools” shall be defined as all K-12 campuses, trade schools, vocational schools, colleges or universities.

• Child day care centers shall not have more than ten (10) children per room and comply with the six (6) foot social distancing requirement, as well as state requirements.

• Adult day care centers shall not have more than ten (10) adults per room and comply with the six (6) foot social distancing requirement, as well as state requirements.

• Plasma centers shall not have more than ten (10) donors per room and comply with the six (6) foot social distancing requirement, as well as any other applicable local, state, or federal requirements.

• All City libraries are closed.

• All City of Brownsville residents are strongly encouraged to use online services and drive-thru services while doing business with the City.

• Brownsville bus service, BMetro is continuing to implement social distancing measures. No more than ten (10) individuals may ride a bus at one time.

• The Brownsville/South Padre Island Airport shall limit access into the Terminal Building to ticketed passengers only. All Airport users are required to participate in the Airport provided thermal scan or similar device.

• City events are cancelled until further notice.

• General Public and Private Community Events are cancelled until further notice.
• The City Commission will continue to meet remotely. We strongly encourage members of the public to watch proceedings on www.cob.us.

• In-person meetings of city advisory boards, commissions and bureaus are cancelled, however meetings may occur remotely.

• The City encourages members of the public to seek city services through the city's website or by telephone.

• Private events on city or private facilities are cancelled until further notice. Fees and deposits for the facility rentals will be refunded or applied toward a rescheduled event.

• Any action for eviction to recover possession of residential property under Chapter 24 of the Texas Property Code and Rule 510 of the Texas Rules of Civil Procedure, shall be in accordance with Texas Supreme Court Order Issued March 19, 2020, and extended on April 6, 2020, which states:

  a. No trial, hearing, or other proceeding may be conducted, and all deadlines are tolled, until after April 30, 2020;

  b. A writ of possession may issue, but the posting of the written warning required by § 24.0061(d)(1) of the Property Code and the execution of the writ of possession may not occur until after April 30, 2020, and the deadlines in Rules 510.8(d)(1)-(d)(2) are tolled while this Order remains in effect; and

  c. New filings may be accepted, but the time period in Rule 510.4(a)(10) is suspended, and issuance and service of citation may not occur until after April 30, 2020.

An eviction case may nevertheless proceed if, but only if:

  a. The plaintiff files a “Sworn Complaint for Forcible Detainer for Threat to Person or For Cause”;

  b. The court determines that the facts and grounds for eviction stated in the Complaint, under oath with personal knowledge, taken as true, show that the actions of the tenant, or the tenant's household members or guests, pose an imminent threat of (i) physical harm to the plaintiff, the plaintiff's employees, or other tenants, or (ii) criminal activity; and

  c. The court signs an order stating procedures for the case to proceed.

• Effective Monday April 13, 2020 Facial Coverings (e.g. bandana, sewn cloth face covering, t-shirt face covering) are required for all individuals over the age of five (5) in
public settings where other social distancing measures are difficult to maintain (e.g.,
grocery stores and pharmacies), especially in areas of significant community-based
transmission. The cloth face coverings recommended are not surgical masks or N-95
respirators. Those are critical supplies that must continue to be reserved for healthcare
workers and other medical first responders, as recommended by current CDC guidance.

- An employer may not discharge, or in any other way, retaliate against any employee
  for complying with this order.

- The Peace Officers, City of Brownsville Health Inspectors, Code
  Enforcement/Ordinance Officers/Inspectors, Traffic Specialists and Brownsville Fire
  Marshal are hereby authorized to enforce this order by way of a citation. A violation
  of this order is a Class C Misdemeanor punishable by a fine not to exceed $500.00 in
  accordance with the City of Brownsville Code of Ordinances Chapter 1 - Section 1.13
  General Penalty.

Unless otherwise stated, these measures shall be in place until April 21, 2020.

We understand the profound social and economic impact that the changes outlined above
will have on you, your family and local businesses. I urge you to continue to shop locally,
tip service providers, such as deliver, drivers generously, and if you are able, donate to a
local charity of your choice.

Ordered this 7th day of April, 2020.

Juan "Trey" Mendez III
Mayor of the City of Brownsville

Attest:

Griselda Rosas
Interim City Secretary
City of Brownsville