



City of San Marcos

630 East Hopkins
San Marcos, TX 78666

Special Emergency Meeting City Council

Tuesday, March 17, 2020

3:00 PM

City Council Chambers

630 E. Hopkins - Special Emergency Meeting

I. Call To Order

II. Roll Call

1. Consider approval of Resolution 2020-74R, under the authority of Section 418.108 of the Texas Government Code, declaring and extending a local state of disaster in the City of San Marcos, Texas due to the Covid-19 Pandemic.
2. Receive status reports and updates on response to COVID-19 pandemic; hold council discussion, and provide direction to staff.

III. Adjournment.

POSTED ON MONDAY, MARCH 16, 2020 @ 3:00PM

ELIZABETH TREVINO, INTERIM DEPUTY CITY CLERK

THIS SPECIAL EMERGENCY MEETING OF THE SAN MARCOS CITY COUNCIL HAS BEEN POSTED WITH LESS THAN 72 HOURS NOTICE UNDER THE AUTHORITY OF TEXAS GOVERNMENT CODE SECTION 551.045 DUE TO THE NEED TO TAKE IMMEDIATE ACTION IN RESPONSE TO IMMINENT THREATS TO HEALTH AND PUBLIC SAFETY DUE TO THE COVID-19 PANDEMIC.

Notice of Assistance at the Public Meetings

The City of San Marcos does not discriminate on the basis of disability in the admission or access to its services, programs, or activities. Individuals who require auxiliary aids and services for this meeting should contact the City of San Marcos ADA Coordinator at 512-393-8000 (voice) or call Texas Relay Service (TRS) by dialing 7-1-1. Requests can also be faxed to 855-461-6674 or sent by e-mail to ADArequest@sanmarcostx.gov



City of San Marcos

630 East Hopkins
San Marcos, TX 78666

Legislation Text

File #: Res. 2020-74R, **Version:** 1

AGENDA CAPTION:

Consider approval of Resolution 2020-74R, under the authority of Section 418.108 of the Texas Government Code, declaring and extending a local state of disaster in the City of San Marcos, Texas due to the Covid-19 Pandemic.

Meeting date: March 20, 2020

Department: City Manager

Funds Required: N/A

Account Number: N/A

Funds Available: N/A

Account Name: N/A

CITY COUNCIL GOAL:

BACKGROUND:

This resolution provides for the continuation of the declaration of a local state of disaster in San Marcos, Texas due to the COVID-19 pandemic that was ordered by Mayor Hughson on March 15, 2020.

RESOLUTION NO. 2020- R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS AUTHORIZED BY SECTION 418.108(B) OF THE TEXAS GOVERNMENT CODE EXTENDING THE MAYOR'S DECLARATION OF A LOCAL STATE OF DISASTER IN THE CITY OF SAN MARCOS, TEXAS DUE TO THE COVID-19 PANDEMIC

RECITALS:

WHEREAS, in December 2019, a novel coronavirus, now designated COVID-19, was detected in Wuhan, China; and

WHEREAS, symptoms of COVID-19 include fever, cough, and shortness of breath, and can range from mild to severe illness; and

WHEREAS, on January 30, 2020, the World Health Organization Director General declared the outbreak of COVID – 19, as a Public Health Emergency of International Concern, advising countries to prepare for the containment, detection, isolation and case management, contact tracing and prevention of onward spread of the disease; and

WHEREAS, on March 5, 2020, the World Health Organization Director General urged aggressive preparedness and activation of emergency plans to aggressively change the trajectory of this epidemic; and

WHEREAS, on March 13, 2020 a Declaration of State of Disaster was issued by Governor Abbott to take additional steps to protect the health and welfare of Texans from COVID – 19; and

WHEREAS, the Center for Disease Control and Prevention is closely monitoring the growing number of COVID – 19 cases that spread into the United States; and

WHEREAS, over 3,487 cases of COVID–19 have been reported in the United States, including 68 deaths with over 57 cases in Texas, including at least 3 in Hays County; and

WHEREAS, a large gathering of unidentifiable individuals without necessary mitigation for the spread of infection may pose a risk of the spread of infectious disease; and

WHEREAS, the COVID – 19 virus spreads between people who are in close contact with one another through respiratory droplets produced when an infected person coughs or sneezes; and

WHEREAS, the continued worldwide spread of COVID – 19 presents an imminent threat of widespread illness, which requires emergency action; and

WHEREAS, a declaration of local disaster includes the ability to take measures to reduce the possibility of exposure to disease, control the risk, and promote the health and safety of San Marcos residents; and

WHEREAS, the City of San Marcos will work collaboratively with Hays County to ensure that all appropriate and necessary measures are taken to limit the development, contraction and spread of COVID-19; and

WHEREAS, Mayor Jane Hughson declared a local state of disaster in San Marcos, Texas on March 15, 2020 due to the COVID-19 pandemic and the San Marcos City Council convened a special meeting on March 17, 2020 to consider continuing the declaration and deems it necessary to do so for the health and safety of the community,

WHEREAS, Section 418.108(b) of the Texas Government Code authorizes the continuation of a declaration of a local state of disaster with the consent governing body of a political subdivision

THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS:

PART 1. The declaration of a local state of disaster made by Mayor Jane Hughson on March 15, 2020 (attached to this resolution as Exhibit A” and incorporated herein by reference) is hereby continued in San Marcos, Texas with the consent of the city council.

PART 2. The declaration shall be given prompt and general publicity and shall be promptly filed with the City Clerk as required by Section 418.108(c) of the Texas Disaster Act.

PART 3. This resolution is effective immediately and will remain in effect until terminated by subsequent resolution of the city council.

ADOPTED on March 17, 2020.

Jane Hughson
Mayor

Attest:

Tammy K. Cook Interim
City Clerk

Jane Hughson
Mayor



BE IT KNOWN:

WHEREAS, in December 2019, a novel coronavirus, now designated COVID-19, was detected in Wuhan, China; and

WHEREAS, symptoms of COVID-19 include fever, cough, and shortness of breath, and can range from mild to severe illness; and

WHEREAS, on January 30, 2020, the World Health Organization Director General declared the outbreak of COVID – 19, as a Public Health Emergency of International Concern, advising countries to prepare for the containment, detection, isolation and case management, contact tracing and prevention of onward spread of the disease; and

WHEREAS, on March 5, 2020, the World Health Organization Director General urged aggressive preparedness and activation of emergency plans to aggressively change the trajectory of this epidemic; and

WHEREAS, the Center for Disease Control and Prevention is closely monitoring the growing number of COVID – 19 cases that spread into the United States; and

WHEREAS, over 1600 cases of COVID-19 have been reported in the United States, including 41 deaths; and

WHEREAS, a large gathering of unidentifiable individuals without necessary mitigation for the spread of infection may pose a risk of the spread of infectious disease; and

WHEREAS, the COVID – 19 virus spreads between people who are in close contact with one another through respiratory droplets produced when an infected person coughs or sneezes; and

WHEREAS, the continued worldwide spread of COVID – 19 presents an imminent threat of widespread illness, which requires emergency action; and

WHEREAS, a declaration of local disaster includes the ability to take measures to reduce the possibility of exposure to disease, control the risk, and promote the health and safety of San Marcos residents; and

WHEREAS, the City of San Marcos will work collaboratively with Hays County to ensure that all appropriate and necessary measures are taken to limit the development, contraction and spread of COVID-19.

NOW, THEREFORE, BE IT PROCLAIMED BY THE MAYOR OF THE CITY OF SAN MARCOS:

By virtue of the authority vested in me by the City Charter, as the presiding officer of the governing body and under Texas Government Code, Section 418.108, I DECLARE a local state of disaster within the City of San Marcos.

Pursuant to §418.108(b) of the Texas Government Code, the state of disaster shall continue for a period of not more than seven days from the date of this declaration unless continued or renewed by the San Marcos City Council.

Pursuant to §418.108(c) of the Texas Government Code, this declaration of a local state of disaster shall be given prompt and general publicity and shall be filed promptly with the City Clerk.

Pursuant to §418.108(d) of the Texas Government Code, this declaration of a local state of disaster activates the San Marcos Comprehensive Emergency Management Plan and all other Charter, statutory, and ordinance powers vested in me and all officers of the City of San Marcos to act in this local state of disaster are activated. This declaration activates the recovery and rehabilitation aspects of all applicable local or interjurisdictional emergency management plans and authorizes the furnishing of all aid and assistance as deemed necessary or desirable by those administering such plans.

Pursuant to Health and Safety Code Section 122.006, the City may adopt rules, including quarantine rules, to protect the health of persons in the City, and provide for the establishment of quarantine stations, emergency hospitals, and other hospitals.

That this proclamation shall take effect immediately from and after its issuance.

ORDERED this the 15th day of March, 2020.



Jane Hughson
Mayor, City of San Marcos

ATTEST:



Tammy Cook
Interim City Clerk, City of San Marcos

Texas Government Code:

Section 418.108. DECLARATION OF LOCAL DISASTER

- (a) Except as provided by Subsection (e), the presiding officer of the governing body of a political subdivision may declare a local state of disaster.
- (b) A declaration of local disaster activates the appropriate recovery and rehabilitation aspects of all applicable local or interjurisdictional emergency management plans and **authorizes the furnishing of aid and assistance** under the declaration. The appropriate preparedness and response aspects of the plans are activated as provided in the plans and take effect immediately after the local state of disaster is declared.
- (c) The chief administrative officer of a joint board has exclusive **authority to declare that a local state of disaster exists within the boundaries of an airport** operated or controlled by the joint board, regardless of whether the airport is located in or outside the boundaries of a political subdivision.
- (d) The county judge or the mayor of a municipality **may order the evacuation** of all or part of the population from a stricken or threatened area under the jurisdiction and authority of the county judge or mayor if the county judge or mayor considers the action necessary for the preservation of life or other disaster mitigation, response, or recovery.
- (e) The county judge or the mayor of a municipality **may control ingress to and egress from a disaster area** under the jurisdiction and authority of the county judge or mayor **and control the movement of persons and the occupancy of premises in that area.**

Section 418.1015. EMERGENCY MANAGEMENT DIRECTORS

- (a) The presiding officer of the governing body of an incorporated city or a county or the chief administrative officer of a joint board is designated as the emergency management director for the officer's political subdivision.
- (b) An emergency management director serves as the governor's designated agent in the administration and supervision of duties under this chapter. An emergency management director may exercise the powers granted to the governor under this chapter on an appropriate local scale.

Section 418.015 EFFECTS OF DISASTER DECLARATION

- (a) An executive order or proclamation declaring a state of disaster:
 - (1) activates the disaster recovery and rehabilitation aspects of the state emergency management plan applicable to the area subject to the declaration; and
 - (2) authorizes the deployment and use of any forces to which the plan applies and the use or distribution of any supplies, equipment, and materials or facilities assembled, stockpiled, or arranged to be made available under this chapter or other law relating to disasters.
- (b) The preparedness and response aspects of the state emergency management plan are activated as provided by that plan.
- (c) During a state of disaster and the following recovery period, the governor is the commander in chief of state agencies, boards, and commissions having emergency responsibilities. To the greatest extent possible, the governor shall delegate or assign command

authority by prior arrangement embodied in appropriate executive orders or plans, but this chapter does not restrict the governor's authority to do so by orders issued at the time of the disaster.

Section 418.016. SUSPENSION OF CERTAIN LAWS AND RULES

- (a) The governor may suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business or the orders or rules of a state agency if strict compliance with the provisions, orders, or rules would in any way prevent, hinder, or delay necessary action in coping with a disaster.
- (e) On request of a political subdivision, the governor may waive or suspend a deadline imposed by a statute or the orders or rules of a state agency on the political subdivision, including a deadline relating to a budget or ad valorem tax, if the waiver or suspension is reasonably necessary to cope with a disaster.
- (f) The governor may suspend any of the following requirements in response to an emergency or disaster declaration of another jurisdiction if strict compliance with the requirement would prevent, hinder, or delay necessary action in assisting another state with coping with an emergency or disaster:
 - (1) a registration requirement in an agreement entered into under the International Registration Plan under Section [502.091](#), Transportation Code, to the extent authorized by federal law;
 - (2) a temporary registration permit requirement under Section [502.094](#), Transportation Code;
 - (3) a provision of Subtitle E, Title 7, Transportation Code, to the extent authorized by federal law;
 - (4) a motor carrier registration requirement under Chapter [643](#), Transportation Code;
 - (5) a registration requirement under Chapter [645](#), Transportation Code, to the extent authorized by federal law; or
 - (6) a fuel tax requirement under the International Fuel Tax Agreement described by 49 U.S.C. Section 31701 et seq., to the extent authorized by federal law.

Section 418.017. USE OF PUBLIC AND PRIVATE RESOURCES

- (a) The governor may use all available resources of state government and of political subdivisions that are reasonably necessary to cope with a disaster.
- (b) The governor may temporarily reassign resources, personnel, or functions of state executive departments and agencies or their units for the purpose of performing or facilitating emergency services.
- (c) The governor may commandeer or use any private property if the governor finds it necessary to cope with a disaster, subject to the compensation requirements of this chapter.

Section 418.018. MOVEMENT OF PEOPLE

- (a.) The governor may recommend the evacuation of all or part of the population from a stricken or threatened area in the state if the governor considers the action necessary for the preservation of life or other disaster mitigation, response, or recovery.
- (b.) The governor may prescribe routes, modes of transportation, and destinations in connection with an evacuation.

- (c.) The governor may control ingress and egress to and from a disaster area and the movement of persons and the occupancy of premises in the area.

Section 418.019. RESTRICTED SALE AND TRANSPORTATION OF MATERIALS

The governor may suspend or limit the sale, dispensing, or transportation of alcoholic beverages, firearms, explosives, and combustibles.

Section 418.020. TEMPORARY HOUSING AND EMERGENCY SHELTER

- (d) Any political subdivision may temporarily or permanently acquire by lease, purchase, or other means sites required for installation of temporary housing units or emergency shelters for disaster victims and may enter into arrangements necessary to prepare or equip the sites to use the housing units or shelters, including arrangements for the purchase of temporary housing units or shelters and the payment of transportation charges.
- (e) A political subdivision that is the locus of temporary housing or emergency shelters for persons moved or evacuated by recommendation or order of the governor may be assisted by any resource available to the state, including the disaster contingency fund, to ensure the political subdivision receives an advance or reimbursement:
- (1) of all expenses, including lost revenue, incurred by the political subdivision associated with the use of public facilities for temporary housing or emergency shelters; and
 - (2) of the amounts paid for salaries and benefits of permanently employed, straight-time and regular-time personnel of the political subdivision who perform duties associated with the movement or evacuation of persons into, out of, or through the political subdivision.

Texas Government Code

Sec. 433.002

Issuance of Directives

- (a) After a state of emergency is proclaimed, the governor may issue reasonable directives calculated to control effectively and terminate the emergency and protect life and property. Before a directive takes effect, reasonable notice must be given in a newspaper of general circulation in the affected area, through television or radio serving the affected area, or by circulating notices or posting signs at conspicuous places in the affected area.
- (b) The directive may provide for:
- (1) control of public and private transportation in the affected area;
 - (2) designation of specific zones in the affected area in which, if necessary, the use and occupancy of buildings and vehicles may be controlled;
 - (3) control of the movement of persons;
 - (4) control of places of amusement or assembly;
 - (5) establishment of curfews;
 - (6) control of the sale, transportation, and use of alcoholic beverages, weapons, and ammunition, except as provided by Section 433.0045 (Firearms); and
 - (7) control of the storage, use, and transportation of explosives or flammable materials considered dangerous to public safety.

(c) A directive takes effect according to its terms, but not before notice is given as required by Subsection (a). The governor may amend, modify, or rescind a directive in a manner similar to adoption of a directive during the state of emergency.

Texas Health and Safety Code, Chapter 122: Powers and Duties of Counties and Municipalities Relating to Public Health:

Sec. 122.006 - Powers of Home-Rule Municipalities

A home-rule municipality may:

- (1) adopt rules to protect the health of persons in the municipality, including quarantine rules to protect the residents against communicable disease; and
- (2) provide for the establishment of quarantine stations, emergency hospitals, and other hospitals.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989.



Legislation Text

File #: ID#20-128, **Version:** 1

AGENDA CAPTION:

Receive status reports and updates on response to COVID-19 pandemic; hold council discussion, and provide direction to staff.

Meeting date: March 20, 2020

Department: [Click or tap here to enter text.](#)

Amount & Source of Funding

Funds Required: [Click or tap here to enter text.](#)

Account Number: [Click or tap here to enter text.](#)

Funds Available: [Click or tap here to enter text.](#)

Account Name: [Click or tap here to enter text.](#)

Fiscal Note:

Prior Council Action: [Click or tap here to enter text.](#)

City Council Strategic Initiative: [Please select from the dropdown menu below]

[Choose an item.](#)

[Choose an item.](#)

[Choose an item.](#)

Comprehensive Plan Element (s): [Please select the Plan element(s) and Goal # from dropdown menu below]

- Economic Development - [Choose an item.](#)
- Environment & Resource Protection - [Choose an item.](#)
- Land Use - [Choose an item.](#)
- Neighborhoods & Housing - [Choose an item.](#)
- Parks, Public Spaces & Facilities - [Choose an item.](#)
- Transportation - [Choose an item.](#)
- Core Services
- Not Applicable

Master Plan: *[Please select the corresponding Master Plan from the dropdown menu below (if applicable)]*

Choose an item.

Background Information:

Click or tap here to enter text.

Council Committee, Board/Commission Action:

Click or tap here to enter text.

Alternatives:

Click or tap here to enter text.

Recommendation:

Click or tap here to enter text.