

**FIRST SUPPLEMENTAL DECLARATION CONTINUING LOCAL DISASTER
DUE TO PUBLIC HEALTH EMERGENCY
BY THE MAYOR OF THE CITY OF MARFA, TEXAS**

WHEREAS, it is the desire and the duty of the City of Marfa to take reasonable measures necessary to protect the health, safety, and welfare of our local residents during this time of pandemic; and

WHEREAS, Marfa Mayor Manuel V. Baeza issued a Declaration of Local Disaster Due to Public Health Emergency on March 19, 2020; and

WHEREAS, this Declaration was continued and extended by the Marfa City Council on March 26, 2020 in City of Marfa Ordinance 2020-02; and

WHEREAS, the Marfa City Council also enacted City of Marfa Ordinance 2020-03 on March 26, 2020, implementing Shelter in Place; and

WHEREAS, on March 31, 2020, Texas Governor Greg Abbott issued Executive Order GA-14 establishing a statewide Shelter in Place Order and specifying which individuals and businesses perform Essential Functions; and

WHEREAS, on March 31, 2020, Presidio County Judge Cinderela Guevara issued an Amended Emergency Order adding Shelter in Place and a county-wide curfew from 10:00 a.m. to 5:00 p.m.; and

WHEREAS, Brewster County and Jeff Davis County have also issued Shelter in Place Orders; and

WHEREAS, these emergency measures have been successful thus far, as there are currently no known active COVID-19 cases within the City of Marfa or the Tri-county area of Brewster, Jeff Davis, and Presidio; and

WHEREAS, Marfa's position as a national and international tourist destination places our local residents at increased risk of exposure to COVID-19 from individuals outside the tri-county area; and

WHEREAS, despite the risk, individuals are still traveling to Marfa from places with active cases of COVID-19, as they see Marfa as a "safe haven" to ride out the COVID-19 pandemic, sometimes in response to "Escape to Marfa during COVID-19"-type advertising by local rental owners; and

WHEREAS, these individuals will place Marfa residents, many of whom are elderly or have underlying health issues, at risk of contracting COVID-19; and

WHEREAS, the CDC reports that older people and people of all ages with severe underlying health conditions are at a higher risk of developing serious COVID-19 complications; and

WHEREAS, Dr. Ekta Escovar of the COVID-19 Task Force reports that individuals

who develop serious cases of COVID-19 require hospitalization of between 3-6 weeks per patient and often require ventilators for breathing; and

WHEREAS, the Big Bend Regional Medical Center covers an area with a population of 25,000, but has only 25 beds and 2 ventilators; and

WHEREAS, even a few serious COVID-19 cases in the tri-county area would quickly overwhelm our local medical capabilities and result in loss of life; and

WHEREAS, the Mayor of the City of Marfa has therefore determined that extraordinary additional measures must be taken to protect the health and welfare of Marfa residents; and

WHEREAS, pursuant to the Texas Disaster Act of 1975 (Texas Government Code Chapter 418), the Mayor is designated as the emergency management director of the City of Marfa, and may exercise the powers granted to the governor on an appropriate local scale; and

WHEREAS, Texas Government Code Chapter §418.108 authorizes the presiding officer of the governing body of a political subdivision to declare a local state of disaster; and

WHEREAS, any declaration of local disaster and public health emergency includes the ability to take measures to reduce the possibility of exposure to disease, control the risk, prevent the spread of the disease, and promote the health and welfare of Marfa residents from the effects of COVID-19; and

WHEREAS, by this First Supplemental Emergency Disaster Declaration, 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 hereby 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, Manuel V. Baeza, the Mayor of the City of Marfa, have determined that additional immediate measures must be taken to prevent the spread of COVID-19 in the City of Marfa;

NOW, THEREFORE, BE IT DECLARED BY THE MAYOR OF THE CITY OF MARFA, TEXAS:

1. EMERGENCY ORDINANCES REMAIN IN FULL FORCE AND EFFECT.

City of Marfa Ordinances 2020-02 (extending Mayoral Declaration of Local Emergency to April 24, 2020) and 2020-03 (Shelter in Place) remain in full force and effect through 11:59 on April 24, 2020. This First Supplemental Declaration is issued for the purpose of adding stricter measures to prevent the introduction and

spread of COVID-19 within the City of Marfa. To the extent that this Declaration is in conflict with Ordinance 2020-02 and/or 2020-03, this Declaration shall control for its 7-day effective period.

2. REQUIREMENT TO SELF-QUARANTINE.

A. Any non-essential individual, including any visitor, employee, resident, or landowner with a first or second residence in The City of Marfa, is required to self-quarantine for at least fourteen (14) days if:

1. coming to the City of Marfa from another state or from an area, county, or city in Texas that has active COVID-19 cases; or
2. if the individual has been exposed or has reason to believe he or she may have been exposed at any time during the preceding month to an individual who has contracted the COVID-19 virus.

B. If any non-essential individual subject to quarantine is a member of a household, then the entire household shall be subject to a 14-day quarantine unless the potentially exposed individual isolates himself/herself within the household under CDC guidelines to prevent the potential spread of COVID-19.

C. If essential personnel share a household with individuals who are non-essential, then non-essential family members shall be subject to a 14-day quarantine after the departure of their essential family member unless the essential personnel is isolated within the household during their stay in Marfa to prevent the potential spread of COVID-19.

3. DOOR TO DOOR SALES.

Door-to-door sales and/or solicitations are prohibited.

4. REGULATION OF ALL RENTALS IN THE CITY LIMITS.

In order to prevent the introduction and spread of COVID-19 within Marfa, Texas, and in response to "Escape to Marfa during COVID-19" advertisements by rental property owners, the City shall immediately begin regulating both short and long-term rental properties within the city limits.

A. For the duration of this Order, long-term rentals (longer than 30 days) may be advertised and rented only to:

1. Individuals who are essential personnel or actively engaged in essential business, as specified by the Texas Department of Emergency Management and the U.S. Department of Homeland Security; and

2. Local residents. For purposes of this section, "local resident" is defined as a permanent resident of the tri-county area (Brewster, Jeff Davis, and Presidio counties) and/or his/her caregiver.

B. Upon request by the City, lessors/landlords must provide a copy of their lease agreement(s), driver's license(s) of lessees/tenants, and documentation of local resident status or essential personnel/business status under 4. A. above. A failure to provide this documentation upon request is punishable under Section 10 of this Order.

C. Any advertisement for a rental property (long or short term) within the city limits of Marfa must contain the following language, in all caps and in legible and readable font:

PURSUANT TO THE FIRST SUPPLEMENTAL EMERGENCY DECLARATION OF MARFA MAYOR MANUEL V. BAEZA DATED APRIL 2, 2020, DURING THE COVID-19 PANDEMIC THIS PROPERTY MAY ONLY BE RENTED TO LOCAL RESIDENTS OF PRESIDIO, BREWSTER, AND JEFF DAVIS COUNTY, TEXAS AND TO ESSENTIAL PERSONNEL OR ESSENTIAL BUSINESS PERSONNEL AS SPECIFIED BY THE TEXAS DEPARTMENT OF EMERGENCY MANAGEMENT AND THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY.

D. A failure to provide this mandatory notice within an advertisement for a long or short-term rental is a violation of this Order punishable under Section 10 below.

5. CHURCH SERVICES.

In accordance with Governor Abbott's Executive Order GA-14, church services may continue. It is strongly recommended that services be held virtually to minimize the risk of spread of COVID-19. If religious services cannot be conducted from home or through remote services, then parishioners inside a church or place of worship are limited to ten (10) individuals per separate space. All parishioners shall practice Social Distancing before, during, and after worship services.

6. DETERMINATIONS REGARDING ESSENTIAL PERSONNEL AND BUSINESSES.

Determinations regarding whether an individual or business performs an essential function shall be made based on Governor Abbott's Executive Order GA-14, as set out by the U.S. Department of Homeland Security and the Texas Department of Emergency Management. To the extent that GA-14 is silent, then the stricter of the provisions in the Presidio County Judge's Amended Emergency Order dated March

31, 2020 and the City of Marfa Ordinances 2020-02 and 2020-03 in effect at the time shall control, subject to section 9 below.

7. DURATION.

Pursuant to Texas Government Code §418.108(b), the preventative measures in this Order shall continue for a period of not more than seven (7) days from the date of this Order, unless continued or renewed by the Marfa City Council.

8. CONFLICTS.

In the event of a conflict between this Declaration and either GA-14 or the Presidio County Judge's Amended Emergency Order of March 31, 2020, the most restrictive provision in effect at the time shall apply within the city limits of Marfa.

9. FILING AND PUBLICATION.

Pursuant to Texas Government Code §418.108 (c), this First Supplemental Declaration of Local Disaster due to Public Health Emergency shall be given prompt and general publicity and shall be filed promptly with the City Secretary.

10. VIOLATIONS AND PENALTIES.

FAILURE TO COMPLY WITH THIS DECLARATION CONSTITUTES AN IMMINENT THREAT TO PUBLIC HEALTH.

In accordance with Texas Government Code §418.173, a person who knowingly or intentionally violates this Order commits an offense, punishable by a fine up to \$1,000.00 or confinement in jail for a term that does not exceed 180 days.

11. SUSPENSION.

This Declaration authorizes the City to suspend or modify any order, regulation, rule, procedure, process, policy or city covenant.

12. DECLARATION.

Pursuant to the statutory authority cited above, I, Mayor Manuel V. Baeza, hereby declare a Continued State of Local Disaster due to Public Health Emergency and implement the foregoing additional measures.

13. SEVERABILITY.

It is hereby declared to be the intention of the Mayor of the City of Marfa that the phrases, sentences, paragraphs, and sections of this Declaration are severable. If any part of this Declaration shall be ruled unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutional phrase, sentence, paragraph, or section shall be severed from the Declaration by operation of the judgment; however, this unconstitutionality shall not affect the remaining phrases, sentences, paragraphs, and sections, which shall remain in full force and effect.

14. EFFECTIVE DATE.

This First Supplemental Declaration of Disaster Due to Public Health Emergency shall take effect immediately from and after its issuance.

ORDERED, PROCLAIMED, AND DECLARED on this the 2nd day of April 2020.


Hon. Manuel V. Baeza, Mayor

ATTEST:


John Washburn II, City Manager

APPROVED AS TO FORM:


Teresa L. Todd, City Attorney

