

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

WHEREAS, in December 2019 a novel coronavirus, now designated as COVID-19, was detected in Wuhan City, Hubei Province, China, and has proceeded to spread globally. 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, the United States Center for Disease Control and Prevention (CDC) reports that older people and people of all ages with severe underlying medical conditions seem to be at higher risk of developing serious COVID-19 illness; and

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

WHEREAS, on January 31, 2020, the U.S. Secretary of Health and Human Services declared a public health emergency under section 319 of the Public Health Service Act (42 U.S.C. 247d) in response to COVID-19; and

WHEREAS, on March 7, 2020, the World Health Organization urged every country to take all necessary measures to slow further spread of COVID-19 and to protect health systems from becoming overwhelmed; and

WHEREAS, the CDC states that "it's likely that at some point, widespread transmission of COVID-19 in the United States will occur; and

WHEREAS, on March 11, 2020, the World Health Organization characterized COVID-19 as a pandemic; and

WHEREAS, on March 13, 2020, President Donald Trump declared that the COVID-19 outbreak in the U.S. constituted a national emergency; and

WHEREAS, also on March 13, 2020, Texas Governor Greg Abbott declared that COVID-19 is a statewide public health disaster, and directed day cares, nursing homes and prisons to limit visitations and ordered state employees to work from home, where possible; and

WHEREAS, on March 17, Texas Governor Greg Abbott activated the Texas National Guard to potentially assist with the COVID-19 response; and

WHEREAS, as of March 17, 2020, the CDC confirmed 4,226 U.S. cases and 75 deaths related to COVID-19; and

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, there are currently no known active COVID-19 cases within the City of Marfa, which has a local population of approximately 1,800; and

WHEREAS, Marfa is a worldwide tourist destination, and the emergency declarations by President Trump and Governor Abbott occurred during Spring Break, the beginning of tourist season in Marfa, Texas; and

WHEREAS, Marfa's position as a national and international tourist destination places our local residents at increased risk of exposure to COVID-19; and

WHEREAS, there is no hospital in the City of Marfa or in Presidio County; and

WHEREAS, the medical needs of the Tri-County area of Brewster, Jeff Davis, and Presidio are served by the Big Bend Regional Hospital, a small 25-bed regional hospital in Alpine, which is 26 miles away from Marfa in neighboring Brewster County; and

WHEREAS, neither our regional hospital nor our two medical clinics in Marfa have the capacity to test for COVID-19; and

WHEREAS, should Marfa experience active cases of COVID-19, this could easily overwhelm our limited medical facilities, and put the medical needs of our Marfa residents in direct competition with active COVID-19 cases for extremely limited medical resources (e.g. two ventilators at the regional hospital); and

WHEREAS, this foreseeable medical scenario would place the health and welfare of Marfa residents in serious and potentially irreversible peril; and

WHEREAS, for the foregoing reasons, the emergence and spread of COVID-19 within the City of Marfa poses an imminent threat of widespread illness resulting from an epidemic that requires emergency action; and

WHEREAS, the Mayor of the City of Marfa has therefore determined that extraordinary measures must be taken to protect the health and welfare of Marfa residents from the effects of COVID-19, especially for our vulnerable elderly and at-risk population; 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, an 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, the City of Marfa will work collaboratively with all cities and counties within the tri-county area of Brewster, Jeff Davis, and Presidio as well as the local health authority, and shall work within the entire region including Brewster County, Jeff Davis County, Culberson County, Hudspeth County, and El Paso County through the Rio Grande Council of Governments, to ensure that all appropriate and necessary measures are taken to limit the development, contraction, and spread of COVID-19; and

WHEREAS, by this 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 extraordinary and immediate measures must be taken to prevent the spread of COVID-19 in the City of Marfa;

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

1. That a local state of disaster due to public health emergency is hereby declared for the City of Marfa pursuant to Texas Government Code §418.108(a).
2. Pursuant to Texas Government Code §418.108(b), the state of disaster shall continue for a period of not more than seven (7) days from the date of this declaration, unless continued or renewed by the Marfa City Council.
3. Pursuant to Texas Government Code §418.108 (c), this Emergency Disaster Declaration shall be given prompt and general publicity and shall be filed promptly with the City Clerk.
4. Pursuant to Texas Government Code §418.108(d), this declaration activates the City of Marfa Emergency Management Plan and the Presidio County Emergency Management Plan.
5. 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 a plan.

6. Pursuant to Texas Health and Safety Code §121.003(a), the governing body of a municipality may enforce any law that is reasonably necessary to protect public health; and
7. Pursuant to Texas Health and Safety Code §122.00S(a), the City of Marfa, as a Type A General Law municipality, may take any action necessary or expedient to promote health or suppress disease, including actions to:
 - (1) Prevent the introduction of a communicable disease into the municipality, including stopping, detaining, and examining a person coming from a place that is infected or believed to be infected with a communicable disease;
 - (2) Establish, maintain, and regulate hospitals in the municipality or in any area within five miles of the municipal limits; or
 - (3) Abate any nuisance that is or may become injurious to the public health.
8. Pursuant to Texas Health and Safety Code §122.00S(b), the governing body of a Type A General Law municipality may adopt rules:
 - (1) necessary or expedient to promote health or suppress disease; or
 - (2) to prevent the introduction of a communicable disease into the municipality, including quarantine rules, and may enforce those rules in the municipality and in any area within 10 miles of the municipality.
9. In accordance with Texas Government Code §418.173, a person who knowingly or intentionally violates this declaration 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.
10. Pursuant to Governor Abbott's emergency disaster declaration dated March 13, 2020, the Marfa Police Department is authorized to implement enhanced criminal penalties for certain crimes committed during this time of emergency.
11. Effective Monday, March 23, 2020 at 10 a.m. all hotels, motels and short-term rentals will be closed to the public.
12. A person shall not sell any of the following goods or services for more than the price they person charged for the good or services on March 13, 2020:
 - (1) Groceries, beverages, toiletry articles, ice
 - (2) Construction and building materials and supplies
 - (3) Charcoal briquettes, matches, candles, lamp illumination, dry batteries, light bulbs, flashlights and hand lanterns
 - (4) Plumbing and electrical tools and supplies

- (5) Apartment, duplex, multi-family dwelling
- (6) Gasoline, diesel, motor oil and automotive lubricants
- (7) Restaurant meals
- (8) Medicine, pharmaceutical and medical equipment and supplies
- (9) Blankets, quilts, bedspreads, bed linens, mattresses, bedsprings, towels and toilet paper
- (10) Furniture and clothing

13. Movement of people and occupancy of premises shall be regulated as follows:

- (1) Individuals shall limit the size of public or private gatherings to no more than ten (10) people in a single space. Funerals will be limited to immediate family only.
- (2) A "gathering" refers generally to a scheduled event or common endeavor where more than 10 persons are present in a confined space, room, or area. For the purpose of clarity, a "gathering" does not include the following spaces:
 - (a) Spaces where persons may be in transit such as a bus terminal;
 - (b) Office space or residential buildings;
 - (c) Grocery stores and convenience stores; and
 - (d) Medical facilities.
- (3) Bars, lounges and taverns shall be closed, effective Thursday, March 19, 2020 at 11:00 a.m.
- (4) Effective Thursday, March 19, 2020 at 11:00 a.m., restaurants may remain open pursuant to the following:
 - (a) No in-house dining; restaurants may sell food through takeout and delivery only;
 - (b) Restaurants shall disinfect and sanitize commonly touched surfaces and non-food contact surfaces at least once every hour;
 - (c) Restaurants must adopt and implement a screening policy for food handlers and all employees and establish protocols for employees' exclusion if they have a fever greater than 100 degrees and coughing/shortness of breath; and
 - (d) Make available and visible COVID-19 preventative print material within the restaurant.


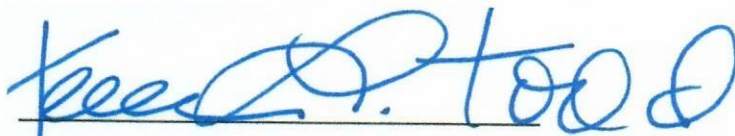
14. The City of Marfa shall not disconnect the provision of water, natural gas, sewer and solid waste removal while this proclamation is in effect.

15. While the City is not prohibiting members of the public wishing to participate in City Council Meetings from appearing in person, members of the public desiring to avoid close contact with others will be able to participate remotely. Additional information on this subject will be forthcoming.
16. This Declaration authorizes the City to suspend or modify any order, regulation, rule, procedure, process, policy or city covenant.
17. Pursuant to the statutory authority cited above, I, Mayor Manuel V. Baeza, hereby declare a State of Local Disaster due to Public Health Emergency.
18. Further Directives to implement this Declaration will follow and will be updated from time to time as necessary to prevent the spread of COVID-19 within the City of Marfa.
19. This proclamation shall take effect immediately from and after its issuance.

ORDERED, PROCLAIMED, AND DECLARED on this the 19th day of March, 2020.


Hon. Manuel V. Baeza, Mayor

ATTEST:

 
John Washburn II, City Manager Teresa L. Todd, City Attorney