

**ORDINANCE NO. 2020-0413-001**

**AN ORDINANCE OF THE CITY COUNCIL OF PRAIRIE VIEW, TEXAS FURTHER EXTENDING A DECLARATION OF LOCAL DISASTER; EXTENDING RULES AND REGULATIONS THROUGH MAY 11, 2020 UNLESS SUPERSEDED BY EXECUTIVE ORDER GA-14; INCORPORATING THE GUIDANCE AND MANDATES OF EXECUTIVE ORDER GA-14; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND ESTABLISHING PENALTIES FOR VIOLATIONS.**

**WHEREAS**, in December 2019 a novel coronavirus, now designated COVID-19, was detected in Wuhan City, Hubei Province, China. 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**, on January 30, 2020, the World Health Organization 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 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 11, 2020, the World Health Organization declared that the COVID-19 outbreak should be characterized as pandemic; and,

**WHEREAS**, President Trump declared a national emergency on March 13, 2020; and,

**WHEREAS**, Governor Greg Abbott declared a public health disaster on March 13, 2020; and,

**WHEREAS**, on March 18, 2020, the Mayor made a Declaration of Public Health Emergency, and further declared all rules and regulations that may inhibit or prevent prompt response to this threat suspended for the duration of the incident; and

**WHEREAS**, on March 23, 2020, the City Council extended the Mayor's Declaration of Public Health Emergency through April 16, 2020

**WHEREAS**, on March 31, 2020, Governor Greg Abbott issued Executive Order GA-14 in which he superseded any conflicting order issued by local officials in response to the COVID-19 disaster; and

**WHEREAS**, as of April 8, 2020, the CDC showed over 395,011 cases of COVID-19 have been reported in the United States, including 12,754 deaths; and,

**WHEREAS**, as of April 8, 2020, the Texas Department of State Health Services reports more than 9,353 cases in Texas, with 177 deaths.

**WHEREAS**, on April 12, 2020, Governor Greg Abbott extended his March 13, 2020 Declaration of Public Health Disaster; and,

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

**WHEREAS**, DSHS, the Texas Division of Emergency Management, and other state agencies continue their ongoing preparations so that all of state government is working together to limit the spread of the virus and protect Texans; and

**WHEREAS**, in order to comply with Mayor Allen's Revised Declaration of Public Health Emergency and extensions thereto, Governor Abbott's Executive Orders, and federal guidance; and to avoid person-to-person contact, individuals may be unable to work, which will impact a person's ability to pay utilities in a timely manner and a person's ability to comply with utility connection compliance requisites; and

**WHEREAS**, if a person is unable to timely pay or connect to utilities related to residential or commercial property because of COVID-19 and therefore loses their ability to maintain housing, such a result is likely to increase person-to-person contact that spreads COVID-19; and

**WHEREAS**, the City of Prairie View finds that any utility related rule or regulation under the control of the City which if enforced would likely increase the potential for homelessness could increase person-to-person contact that spreads COVID-19 .

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PRAIRIE VIEW:**

**SECTION 1.** The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the City Council.

**SECTION 2.** That the local state of disaster and public health emergency as declared by Mayor David Allen for the City of Prairie View pursuant to §418.108(a) of the Texas Government Code and its extension thereto by the City Council is hereby continued and extended through May 11, 2020 to the extent that such rules and regulations were not superseded by Executive Order GA-14 and further incorporating the guidance and mandates of Executive Order GA-14, which is attached hereto as Exhibit A and incorporated herein by reference.

**SECTION 3.** That in addition to the rules and regulations as described in Section 2, above, and also to the extent that such rules and regulations are not superseded by Executive Order GA-14 and further incorporating the guidance and mandates of Executive Order GA-14, relief as shown in Exhibit B hereto and incorporated herein by reference is hereby adopted and any and all ordinances in conflict therewith are hereby repealed, in part, to the extent of the conflict for the duration of this Extension or any further extensions of this declaration.

**SECTION 4.** Pursuant to §418.108(c) of the Government Code, this extension of declaration of a local state of disaster and public health emergency shall be given prompt and general publicity and shall be filed promptly with the City Secretary.

**SECTION 5.** This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

**SECTION 6.** This Ordinance and its provisions shall be subject to fines and penalties and otherwise enforceable under the home rule authority of the City of Prairie View, and pursuant to Executive Order GA-14.

**SECTION 7.** Should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part of provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Ordinances as a whole.

**SECTION 8.** All ordinances or parts of ordinances in force when the provisions of this Ordinance become effective which are inconsistent or in conflict with the terms and provisions contained in this Ordinance are hereby repealed, but only to the extent of any such conflict.

**SECTION 9.** This Ordinance shall take effect immediately from and after its passage and the publication as provided by law.

**SECTION 10.** It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

PASSED, APPROVED and ADOPTED on this 13<sup>th</sup> day of April, 2020.

By:  \_\_\_\_\_

David Allen, Mayor

ATTEST:

 \_\_\_\_\_  
City Secretary

APPROVED AS TO FORM:

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City Attorney

Exhibit A  
Executive Order  
GA-14

# Executive Order

BY THE  
GOVERNOR OF THE STATE OF TEXAS

Executive Department  
Austin, Texas  
March 31, 2020

EXECUTIVE ORDER  
GA 14

*Relating to statewide continuity of essential services and activities  
during the COVID-19 disaster.*

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WHEREAS, I, Greg Abbott, Governor of Texas, issued a disaster proclamation on March 13, 2020, certifying under Section 418.014 of the Texas Government Code that the novel coronavirus (COVID-19) poses an imminent threat of disaster for all counties in the State of Texas; and

WHEREAS, the Commissioner of the Texas Department of State Health Services (DSHS), Dr. John Hellerstedt, has determined that COVID-19 represents a public health disaster within the meaning of Chapter 81 of the Texas Health and Safety Code; and

WHEREAS, I have issued numerous executive orders and suspensions of Texas laws in response to the COVID-19 disaster, aimed at protecting the health and safety of Texans and ensuring an effective response to this disaster; and

WHEREAS, I issued Executive Order GA-08 on March 19, 2020, mandating certain obligations for Texans in accordance with the President's Coronavirus Guidelines for America, as promulgated by President Donald J. Trump and the Centers for Disease Control and Prevention (CDC) on March 16, 2020, which called upon Americans to take actions to slow the spread of COVID-19 for 15 days; and

WHEREAS, Executive Order GA-08 is subject to expiration at 11:59 p.m. on April 3, 2020, absent further action by the governor; and

WHEREAS, on March 29, 2020, to avoid scenarios that could lead to hundreds of thousands of deaths, the President announced that, based on advice from Dr. Anthony Fauci and Dr. Deborah Birx, the restrictive social-distancing Guidelines should extend through April 30, 2020; and

WHEREAS, DSHS Commissioner Dr. Hellerstedt and White House Coronavirus Response Coordinator Dr. Birx say that the spread of COVID-19 can be reduced by minimizing social gatherings; and

WHEREAS, on March 28, 2020, the U.S. Department of Homeland Security issued its Guidance on the Essential Critical Infrastructure Workforce, Version 2.0, which provides an advisory list of critical-infrastructure sectors, workers, and functions that should continue during the COVID-19 response; and

WHEREAS, for state agencies and their employees and agents, the Office of the Attorney General of Texas has advised that local restrictions issued in response to the COVID-19 disaster do not apply to restrict the conduct of state business; and

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
2 PM O'CLOCK

MAR 31 2020

WHEREAS, all government entities and businesses should be allowed to continue providing essential services during the COVID-19 disaster, and all critical infrastructure should be allowed to remain operational; and

WHEREAS, the “governor is responsible for meeting ... the dangers to the state and people presented by disasters” under Section 418.011 of the Texas Government Code, and the legislature has given the governor broad authority to fulfill that responsibility; and

WHEREAS, under Section 418.012, the “governor may issue executive orders ... hav[ing] the force and effect of law;” and

WHEREAS, under Section 418.016(a), the “governor may suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business ... if strict compliance with the provisions ... would in any way prevent, hinder, or delay necessary action in coping with a disaster;” and

WHEREAS, under Section 418.017(a), the “governor may use all available resources of state government and of political subdivisions that are reasonably necessary to cope with a disaster;” and

WHEREAS, under Section 418.018(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;” and

WHEREAS, under Section 418.173, failure to comply with any executive order issued during the COVID-19 disaster is an offense punishable by a fine not to exceed \$1,000, confinement in jail for a term not to exceed 180 days, or both fine and confinement.

NOW, THEREFORE, I, Greg Abbott, Governor of Texas, by virtue of the power and authority vested in me by the Constitution and laws of the State of Texas, do hereby order the following on a statewide basis effective 12:01 a.m. on April 2, 2020, and continuing through April 30, 2020, subject to extension based on the status of COVID-19 in Texas and the recommendations of the CDC and the White House Coronavirus Task Force:

In accordance with guidance from DSHS Commissioner Dr. Hellerstedt, and to achieve the goals established by the President to reduce the spread of COVID-19, every person in Texas shall, except where necessary to provide or obtain essential services, minimize social gatherings and minimize in-person contact with people who are not in the same household.

“Essential services” shall consist of everything listed by the U.S. Department of Homeland Security in its Guidance on the Essential Critical Infrastructure Workforce, Version 2.0, plus religious services conducted in churches, congregations, and houses of worship. Other essential services may be added to this list with the approval of the Texas Division of Emergency Management (TDEM). TDEM shall maintain an online list of essential services, as specified in this executive order and in any approved additions. Requests for additions should be directed to TDEM at [EssentialServices@tdem.texas.gov](mailto:EssentialServices@tdem.texas.gov) or by visiting [www.tdem.texas.gov/essentialservices](http://www.tdem.texas.gov/essentialservices).

In providing or obtaining essential services, people and businesses should follow the Guidelines from the President and the CDC by practicing good hygiene, environmental cleanliness, and sanitation, implementing social distancing, and working from home if possible. In particular, all services should be provided through remote telework from

home unless they are essential services that cannot be provided through remote telework. 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.

In accordance with the Guidelines from the President and the CDC, people shall avoid eating or drinking at bars, restaurants, and food courts, or visiting gyms, massage establishments, tattoo studios, piercing studios, or cosmetology salons; provided, however, that the use of drive-thru, pickup, or delivery options for food and drinks is allowed and highly encouraged throughout the limited duration of this executive order.

This executive order does not prohibit people from accessing essential services or engaging in essential daily activities, such as going to the grocery store or gas station, providing or obtaining other essential services, visiting parks, hunting or fishing, or engaging in physical activity like jogging or bicycling, so long as the necessary precautions are maintained to reduce the transmission of COVID-19 and to minimize in-person contact with people who are not in the same household.

In accordance with the Guidelines from the President and the CDC, people shall not visit nursing homes, state supported living centers, assisted living facilities, or long-term care facilities unless to provide critical assistance as determined through guidance from the Texas Health and Human Services Commission.

In accordance with the Guidelines from the President and the CDC, schools shall remain temporarily closed to in-person classroom attendance and shall not recommence before May 4, 2020.

This executive order shall supersede any conflicting order issued by local officials in response to the COVID-19 disaster, but only to the extent that such a local order restricts essential services allowed by this executive order or allows gatherings prohibited by this executive order. I hereby suspend Sections 418.1015(b) and 418.108 of the Texas Government Code, Chapter 81, Subchapter E of the Texas Health and Safety Code, and any other relevant statutes, to the extent necessary to ensure that local officials do not impose restrictions inconsistent with this executive order, provided that local officials may enforce this executive order as well as local restrictions that are consistent with this executive order.

This executive order supersedes Executive Order GA-08, but not Executive Orders GA-09, GA-10, GA-11, GA-12, or GA-13, and shall remain in effect and in full force until April 30, 2020, unless it is modified, amended, rescinded, or superseded by the governor.



Given under my hand this the 31st day of  
March, 2020.

A handwritten signature in black ink that reads "Greg Abbott".

GREG ABBOTT  
Governor

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
2 PM O'CLOCK

MAR 31 2020

ATTESTED BY:

  
\_\_\_\_\_  
RUTH R. HUGHS  
Secretary of State

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
2 PM O'CLOCK  
MAR 31 2020

## Exhibit B

### Additional Rules and Regulations

As passed on April 13, 2020

Penalties pursuant to Chapter 13, Sec. 13.542 shall not be charged for water and sewer bills issued after the date of the Mayor's original Declaration of Public Health Emergency (March 13, 2020), and through all extensions thereto. The underlying charges shall not be waived, only penalties in relation thereto for failing to pay the same when it is due. Due dates upon which penalties will again be charged will be determined by the City Council on a schedule beginning with the end of this Declaration or any extension thereto.

There shall be no disconnection pursuant to Chapter 13, Sec. 13.543 for nonpayment of water and sewer bills issued after the date of the Mayor's original Declaration of Public Health Emergency (March 13, 2020) and through all extensions thereto. The underlying charges shall not be waived, only disconnections in relation thereto. The City does not waive the right to disconnect such services once such Declaration or any extension thereto ends.

The Mayor shall have the authority to allow connection of water and sewer services without adhering to strict compliance to the City's Ordinances, if he deems it to be a valid concern as to creating homelessness absent provision of such utilities thus increasing the potential spread of COVID-19. The Mayor shall consult with United Water to ensure that connection guidelines pertaining to health and safety are adhered to and that any state requisites which remain in effect are complied with. This authority shall extend through the Declaration of Public Health Emergency and any extension thereto.