

**CITY OF BURLESON
DECLARATION OF
LOCAL DISASTER AND PUBLIC HEALTH EMERGENCY
(12th Declaration and Order)**

WHEREAS, in December 2019 a novel coronavirus, now designated COVID-19, was detected in Wuhan City, Hubei Province, China, with symptoms including fever, cough, and shortness of breath and with outcomes ranging from mild to severe illness and in some cases death;

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;

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;

WHEREAS, on March 11, 2020 the World Health Organization (WHO) declared COVID-19 a worldwide pandemic;

WHEREAS, the Centers for Disease Control and Prevention is closely monitoring the growing number of cases that have spread into the United States and the identification of “community spread” cases of COVID-19 in the United States signals that transmission of the virus is occurring;

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

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

WHEREAS, President Donald Trump declared a State of National Emergency for the United States of America on March 13, 2020;

WHEREAS, Governor Greg Abbott issued a State of Disaster for all Texas counties for COVID-19 on March 13, 2020;

WHEREAS, County Judge Glen Whitley issued a Declaration of Disaster Due to Public Health Emergency for Tarrant County for COVID-19 on March 19, 2020;

WHEREAS, pursuant to the Texas Disaster Act of 1975, the Mayor is designated as the emergency management director of the City of Burleson, and may exercise the powers granted to the governor on an appropriate local scale;

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 isolation surveillance, quarantine, or placement of persons under public health observation, including the provision of temporary housing or emergency shelters for persons misplaced or evacuated and request assistance from the governor of state resources;

WHEREAS, the Mayor of the City of Burleson, executed an order of local disaster and public health emergency on March 14, 2020, in response to the COVID-19 pandemic;

WHEREAS, the Mayor of the City of Burleson, in response to the ever-changing COVID-19 pandemic, amended the declaration of local disaster and public health emergency on March 18, 2020, March 23, 2020, March 25, 2020, April 3, 2020, April 20, 2020, April 28, 2020, May 7, 2020, May 19, 2020, June 25, 2020, and June 30, 2020;

WHEREAS, on April 17, 2020, the Governor Abbott issued several executive orders, including Executive Order GA-16, which allowed non-essential, retail businesses to reopen at 12:01 a.m. on Friday, April 24, 2020, for pick up, delivery by mail, and delivery to the customer's doorstep; and

WHEREAS, Governor Abbott has issued subsequent executive orders and proclamations of the Governor, including GA-29 and GA-32, relating to the expanded opening of Texas in response to the COVID-19 disaster and to provide statewide measures to address the spread of COVID-19 and to continue to implement his Open Texas strategic plan ("Open Texas Plan");

WHEREAS, Governor Abbott has indicated that he intends to issue additional executive orders to implement additional phases of his Open Texas Plan as certain metrics are met related to containing the spread of COVID-19;

WHEREAS, the evolving nature of the COVID-19 emergency situation leads Mayor Chris Fletcher to believe that the City's mitigation efforts and emergency response must remain consistent with Governor Abbott's executive orders and Open Texas Plan;

WHEREAS, as of November 11, 2020, Tarrant County has 76,838 confirmed COVID-19 cases and 777 deaths as a result of the disease, with 5,403 of those cases coming between November 1, 2020, and November 7, 2020, which is the highest number of cases reported in Tarrant County's weekly count to date;

WHEREAS, as of November 11, 2020, the City has 1,308 confirmed COVID-19 cases and 5 death as a result of the disease, with 117 of those cases coming between November 1, 2020, and November 7, 2020, which is tied as the highest number of cases reported in the City's weekly count to date;

WHEREAS, as of November 17, 2020, the number of confirmed COVID-19 cases in the City and surrounding areas continue to increase at an alarming rate;

WHEREAS, Mayor Chris Fletcher has determined that additional 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 infected or impacted by COVID-19;

WHEREAS, Mayor Chris Fletcher hereby issues this 12th Declaration of Public Health Emergency to implement additional measures to ensure the protection of the general public in the City of Burleson;

WHEREAS, pursuant to the Texas Disaster Relief Act of 1975, this declaration of local disaster and public health emergency issued by Mayor Chris Fletcher may not be continued or renewed for a period of more than seven days except with the consent of the City Council;

WHEREAS, contemporaneously with the Mayor's execution of this declaration of local disaster and public health emergency, the City Council of the City of Burleson desires to continue and renew this declaration;

WHEREAS, by this 12th Declaration of Local Disaster and Public Health Emergency, Mayor Chris Fletcher declares 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, Mayor Chris Fletcher authorizes the use of all available resources of state government and political subdivisions to assist in the City's response to this situation.

NOW, THEREFORE, BE IT DECLARED BY MAYOR CHRIS FLETCHER, MAYOR OF THE CITY OF BURLESON:

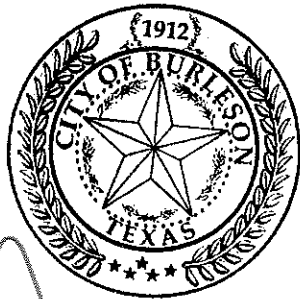
1. The foregoing recitals are incorporated herein and made findings of fact.
2. That all of the regulations provided herein are hereby declared to be governmental and for the health, safety, and welfare of the general public.
3. That the previously declared local state of disaster and public health emergency for the City of Burleson, Texas is hereby renewed, restated, and continued, as amended herein.
4. That this declaration of disaster and public health emergency shall continue through December 14, 2020, unless the same is otherwise removed or continued and renewed again by the City Council of the City of Burleson, Texas.
5. That this 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, pursuant to §418.108(c) of the Texas Government Code.

6. That the City's Emergency Operations Plan shall continue to be implemented and executed.
7. That all provisions of this Declaration should be interpreted to effectuate this intent. To the greatest extent possible, this Declaration shall be interpreted as consistent with and supplemental to any executive order issued by the Texas Governor, including but not limited to Executive Orders GA-29 and GA-32. All provisions of the executive orders and proclamations of the Texas Governor either existing or subsequently issued, and which are made applicable to all jurisdictions by law, shall be automatically incorporated herein by reference as if written word for word and constitute terms of this Declaration, and shall be enforceable as if set forth herein without the necessity for the issuance of any further orders.
8. That this declaration authorizes the City to take any actions necessary to promote health and suppress disease, including quarantine, examining and regulating hospitals, and regulating ingress and egress from the City.
9. That this declaration authorizes the City to commandeer or use any private property, temporarily acquire, by lease or by other means, sites required for temporary housing units or emergency shelters for evacuees, subject to compensation requirements, pursuant to §418.020 of the Texas Government Code.
10. That any certified peace officer or other person with lawful authority is hereby authorized to enforce the provisions of this declaration in accordance with the authority granted under the Texas Disaster Act of 1975. That any person, firm, corporation, agent or employee thereof who violates any of the provisions of this Declaration commits an offense that is considered a class C misdemeanor and each day the violation continues shall be a separate offense punishable by a fine of not more than \$1,000. A culpable mental state is not required for the commission of an offense under this Declaration and need not be proved. The penalty provided for in this Declaration is in addition to any other remedies that the City may have under City ordinances and state law, including said penalties outlined in the Texas Governor's executive orders issued to address the spread of COVID-19.
11. That in accordance with Sections 22-35 and 22-37 of the City of Burleson Code of Ordinances, the following provisions are hereby ordered:
 - a. The City Manager or his designee is authorized to make application for local, state, and federal assistance as necessary and/or applicable;
 - b. The City Manager is authorized to approve individual purchases up to \$100,000.00 for general expenditures, which includes: fees, professional services, personal services, and other categories exempted from the bid process by the Local Government Code Section 252.022; and
 - c. The City Manager is authorized to expend no more than an additional Two Hundred Thousand Dollars (\$200,000.00) during this period to proceed with

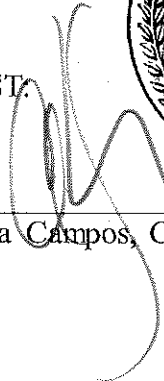
the necessary emergency responses and essential functions not already budgeted.

12. No person shall use City playground structures, basketball courts, or any park amenity or property closed by the City. The City Manager may close playground structures, basketball courts, and any park amenity or property the City of Burleson deems as unsafe for the public.
13. That the sections, paragraphs, sentences, clauses and phrases of this declaration are severable and if any phrase, clause, sentence, paragraph or section of this declaration should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences paragraphs and sections that can be given effect without the invalid provision, and to this end, the provisions of this declaration are severable.
14. That this declaration is issued in accordance with and incorporates by reference any declaration or order of disaster previously issued and adopted by the City of Burleson. In the event of a conflict between this declaration and a prior declaration or order pertaining to COVID-19, this declaration prevails.
15. That this declaration shall take effect immediately.

ORDERED by Mayor Chris Fletcher and simultaneously continued and renewed by the City Council of the City of Burleson this the 17 day of November 2020.



ATTEST.

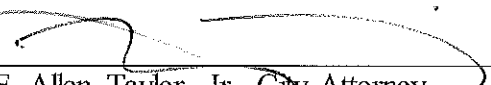


Amanda Campos, City Secretary



Chris Fletcher, Mayor
City of Burleson, Texas

APPROVED AS TO FORM & LEGALITY:



E. Allen Taylor, Jr., City Attorney

BY: MATT RIBITZKI, DEPUTY CITY ATTORNEY