

ORDINANCE NO. 4858
EMERGENCY MEASURE ORDINANCE

AN EMERGENCY MEASURE ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AUTHORIZED PURSUANT TO MESQUITE CITY CHARTER, ARTICLE IV, SECTION 18 AND SECTION 19; CONTINUING THE MAYOR'S DECLARATION OF LOCAL STATE OF DISASTER FOR PUBLIC HEALTH EMERGENCY RELATED TO COVID-19 ISSUED ON MARCH 23, 2020, AND AS FURTHER CONTINUED AND AUTHORIZED BY THE FOLLOWING 2020 ORDINANCES, ORDINANCE NO. 4773, NO. 4781, NO. 4784, NO. 4793, NO. 4804, AND NO. 4822; AND 2021 ORDINANCE NO. 4836, AND NO. 4844; CONFIRMING THE CONTINUED ACTIVATION OF THE CITY'S EMERGENCY MANAGEMENT PLANS; ADOPTING AND APPROVING CERTAIN RULES AND ORDERS TO PROTECT THE HEALTH AND SAFETY OF PERSONS IN THE CITY AND TO HELP ABATE THE PUBLIC HEALTH EMERGENCY; AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO MAKE CERTAIN DECISIONS AND TO TAKE NECESSARY ACTIONS TO MEET CITY OBJECTIVES TO HAVE CITY GOVERNMENT REMAIN FUNCTIONAL WHILE PROVIDING ESSENTIAL GOVERNMENTAL SERVICES DURING THIS RAPIDLY CHANGING ENVIRONMENT CREATED BY THE PUBLIC HEALTH EMERGENCY; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; MAKING IT AN OFFENSE TO FAIL TO COMPLY WITH A STATE, LOCAL, OR INTERJURISDICTIONAL EMERGENCY MANAGEMENT PLAN OR ANY RULE, ORDER, OR ORDINANCE ADOPTED UNDER THE PLAN AND PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED ONE THOUSAND DOLLARS (\$1,000.00) FOR EACH OFFENSE; PROVIDING FOR PUBLICATION; PROVIDING A CONFLICTS RESOLUTION CLAUSE; PROVIDING A SEVERABILITY CLAUSE; DECLARING AN EFFECTIVE DATE; AND DECLARING AN EXPIRATION DATE.

WHEREAS, it is the intent of the City Council of the City of Mesquite, Texas ("**City Council**"), to protect the public health, safety, and welfare; and

WHEREAS, beginning in or about December 2019, a novel coronavirus now designated SARS-CoV2, which causes the disease COVID-19, has spread throughout the world; and

WHEREAS, COVID-19 has been recognized globally as a contagious respiratory virus and symptoms may include fever, coughing and shortness of breath and, in some cases, has caused death and the Centers for Disease Control and Prevention ("**CDC**") has advised that person-to-person contact heightens the risk of COVID-19 transmission; and

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

WHEREAS, on March 30, 2020, the Mesquite City Council adopted [Ordinance No. 4773](#), thereby continuing the Mayor's Declaration of Local Disaster for Public Health Emergency relating to COVID-19 in accordance with [Section 418.108\(b\)](#) of the Texas Government Code; and

WHEREAS, during the months of MARCH and APRIL of 2020, President Donald J. Trump of the United States, Texas Governor Greg Abbott, and other local public officials, including Mesquite Mayor Bruce Archer and the Mesquite City Council, began implementing various measures related to mitigating the impact of COVID-19 such as requiring *social distancing* measures, that is to stay at least six-feet apart from other persons, along with Shelter-in-Place Orders, that is to stay-at-home; and

WHEREAS, on April 16, 2020, the President of the United States held a press conference and provided federal [Guidelines for Opening Up America Again](#), as promulgated by President Donald J. Trump, the White House Coronavirus Task Force including Dr. Anthony Fauci and Dr. Deborah Birx, and the CDC; and

WHEREAS, on April 27, 2020, Governor Greg Abbott announced the [Governor's Strike Force to Open Texas](#), issued [Texans Helping Texans - The Governor's Report to Open Texas dated April 27, 2020](#), and the Texas Department of Health and Human Services, in cooperation with the Commissioner of Public Health, Dr. John Hellerstedt, has issued recommended [minimum standard health protocols](#) in which businesses and services are subject to; and

WHEREAS, in July of 2020, Governor Greg Abbott has stated that due to recent substantial increases in COVID-19 positive cases, and increases in the COVID-19 positivity rate and hospitalizations resulting from COVID 19, further measures are needed to achieve the least restrictive means for reducing the growing spread of COVID-19, and to avoid a need for more extreme measures; and

WHEREAS, on July 2, 2020, Governor Greg Abbott issued [Executive Order No. GA-29](#) relating to the use of face coverings during the COVID-19 disaster whereby, generally every person in Texas shall wear a face covering over the nose and mouth when inside a commercial entity or other building or space open to the public, or when in an outdoor public space, wherever it is not feasible to maintain six feet of social distancing from another person not in the same household; and

WHEREAS, on October 7, 2020, Governor Greg Abbott issued [Executive Order GA-32](#) relating to the continued response to the COVID-19 disaster as Texas reopens; and

WHEREAS, the federal government, led by President Donald J. Trump in the Spring of 2020, [announced](#), initiated, and activated [Operation Warp Speed \(OWS\)](#) – a partnership among components of the Department of Health and Human Services (HHS), including the Centers for Disease Control and Prevention (CDC), the National Institutes of Health (NIH), and the Biomedical Advanced Research and Development Authority (BARDA), and the Department of Defense (DoD); and

WHEREAS, the goal of Operation Warp Speed is to accelerate the development, manufacturing, and [distribution of COVID-19 vaccines](#), therapeutics, and diagnostics (collectively known as countermeasures); and

WHEREAS, on November 23, 2020, Governor Greg Abbott and the Texas Department of State Health Services (DSHS) announced the guiding principles for [Texas' COVID-19 Vaccine Distribution Plan](#) and allocation process for vaccines expected to arrive in Texas as early as December 2020; and

WHEREAS, on December 11, 2020, the Food and Drug Administration (FDA) issued an Emergency Use Authorization for the first vaccine candidate [Pfizer-BioNTech's COVID-19 vaccine](#), allowing the 2-dose vaccine to be distributed in the U.S. for emergency use; and

WHEREAS, on December 18, 2020, the FDA issued an Emergency Use Authorization for the second vaccine candidate [Moderna COVID-19 vaccine](#), allowing the 2-dose vaccine to be distributed in the U.S. for emergency use; and

WHEREAS, the Texas Department of State Health Services [COVID-19 Vaccine Information](#) webpage provides Texan's vital information about who is currently eligible to receive the vaccine, where to get vaccinated, and the Texas vaccine timeline along, with additional information and references to resources; and

WHEREAS, on January 20, 2021, Joseph R. Biden, Jr. was inaugurated as the 46th President of the United States; and

WHEREAS, on January 21, 2021, President Joseph R. Biden, Jr. provided [the Biden-Harris plan to beat COVID-19](#) and a [National Strategy for the COVID-19 Response and Pandemic Preparedness](#); and

WHEREAS, President Joseph R. Biden, Jr. has issued numerous executive orders relating to the COVID-19 pandemic and said executive orders may be found on the [Federal Register – Executive Orders](#) website; and

WHEREAS, on February 27, 2021, the FDA issued an Emergency Use Authorization for the third vaccine candidate [Janssen / Johnson & Johnson \("J&J"\) COVID-19](#), allowing the 1-dose vaccine to be distributed in the U.S. for emergency use; and

WHEREAS, on March 2, 2021, Governor Greg Abbott issued [Executive Order No. GA-34](#), lifting the mask mandate in Texas and increasing capacity of all businesses and facilities in the state to 100 percent; and

WHEREAS, on April 5, 2021, Governor Greg Abbott issued a [Proclamation](#), extending once again, the Texas disaster declaration for all Texas counties whereby a state of disaster continues to exist in all counties due to the spread of COVID-19 (the original state-wide disaster declaration was issued by the Governor on [March 13, 2020](#), and extended on [April 12, 2020](#); [May 12, 2020](#); [June 11, 2020](#); [July 10, 2020](#); [August 8, 2020](#); [September 7, 2020](#); [October 7, 2020](#); [November 6, 2020](#); [December 6, 2020](#); [January 5, 2021](#); [February 4, 2021](#); [March 6, 2021](#); and [April 5, 2021](#)); and

WHEREAS, on April 5, 2021, Governor Greg Abbott issued [Executive Order No. GA-35](#), related to COVID-19 vaccines and the protection of Texans' private health information; and

WHEREAS, Dr. John W. Hellerstedt, M.D., Commissioner of the Texas Department of State Health Services, issued another extension on [April 9, 2021](#), of the original TDSHS State-wide Declaration of Public Health Disaster originally issued on March 19, 2021. Dr. Hellerstedt states in part, that the novel coronavirus SARS-CoV-2, which causes the disease COVID-19 “*continues to present an immediate threat*” and “*poses a high risk of death to a large number of people and creates a substantial risk of public exposure*” due to the “*method of transmission and evidence of community spread*”; and

WHEREAS, the present-day continual worldwide and local spread of COVID-19 still presents a persistent imminent threat of widespread illness and death, requiring the continuation of implemented emergency action(s) on a local level; and

WHEREAS, the City of Mesquite, Texas, is a home-rule municipality acting under its Charter adopted, and amended, by the electorate pursuant to the Texas Constitution, Article 11, [Section 5](#) and the Texas Local Government Code [Chapter 9](#); and

WHEREAS, a home-rule municipality has full power of local self-government, pursuant to Texas Local Government Code, Title 2, Subtitle D, Chapter 51, [Section 51.072](#)(a); and

WHEREAS, a home-rule municipality has general enforcement authority and may enforce each rule, ordinance, or police regulation of the municipality and may punish a violation of a rule, ordinance, or police regulation pursuant to Texas Local Government Code, Title 2, Subtitle D, Chapter 54, [Section 54.001](#), as amended and pursuant to Mesquite City Code, Chapter 1, [Section 1-6](#); and

WHEREAS, a home-rule municipality may enforce ordinances necessary to protect health, life, and property, and to preserve the good government, order, and security of the municipality and its inhabitants, pursuant to Texas Local Government Code, Title 2, Subtitle D, Chapter 54, [Section 54.004](#), as amended; and

WHEREAS, the City shall have the power to enact and enforce ordinances necessary to protect health, life and property, and to prevent and summarily abate and remove all nuisances, and to preserve and enforce good government, order, and security of the City and its inhabitants, pursuant to Mesquite City Charter, Article III, [Section 2](#); and

WHEREAS, upon the review and consideration of all matters attendant and related hereto, the City Council is of the opinion that this ordinance should be approved and adopted.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS:

SECTION 1. **Recitals Incorporated.** The City Council hereby finds and determines the recitals made in the preamble of this ordinance are true and correct, and hereby incorporates such recitals here in the body of this ordinance as if copied in their entirety.

SECTION 2. **Findings.** The City Council of the City of Mesquite, Texas, hereby finds that extraordinary measures must continue to be taken to contain COVID-19 and prevent its spread throughout the City of Mesquite, Dallas County, Kaufman County, and the surrounding areas.

SECTION 3. Emergency Management Director and Emergency Management Coordinator.

3.1. Pursuant to Mesquite City Code, Chapter 2, Article VI, [Section 2-186](#) (a), the Office of Emergency Management Director of the City is designated as and shall be held by the Mayor.

3.2. Pursuant to Mesquite City Code, Chapter 2, Article VI, [Section 2-186](#) (b), an Emergency Management Coordinator may be appointed by and serve at the pleasure of the director. Pursuant to Section 418.101 of the Texas Government Code, the presiding officer of the governing body will notify the Texas Division of Emergency Management (“TDEM”) regarding the designation of an Emergency Management Coordinator. Mayor Bruce Archer originally designated Cindy Carlo to serve as the City of Mesquite’s Emergency Management Coordinator pursuant to the filing of Form TDEM-147 effective November 14, 2019. Due to the rapidly changing environment resulting from this public health emergency, the City Manager, or his designee, is authorized to appoint a temporary successor or successors for the Emergency Management Coordinator as identified within the City’s Continuity of Operations Plan (“COOP”) or as otherwise identified by the City Manager, or his designee. Ms. Carlo has retired; therefore, at this time, the Mayor has designated Fire Chief Russell Wilson as the Interim Emergency Management Coordinator, effective April 16, 2021, until such time the Mayor designates a new Emergency Management Coordinator.

3.3. This ordinance hereby delegates the authority for execution of the duties within the City’s emergency management plans to the Emergency Management Coordinator, or his or her designee and/or successors as may be authorized by this Ordinance or other law.

SECTION 4. Finding a Continued State of Local Disaster Exists. The City Council hereby finds that a continued local state of disaster exists for the public health emergency in Mesquite as a result of the impact of COVID-19 and that it is in the best interest of the residents and businesses of Mesquite to continue the Declaration of Local State of Disaster for Public Health Emergency relating to COVID-19.

SECTION 5. Continuing the Mayor’s Declaration of Local State of Disaster. The City Council hereby continues the original Declaration of Local State of Disaster for Public Health Emergency relating to COVID-19, as first authorized by the Mayor’s Declaration issued on March 23, 2020, in accordance with [Section 418.108](#)(a) of the Texas Government Code and [Section 122.006](#) of the Texas Health and Safety Code, attached hereto and made a part hereof as **EXHIBIT A**; and as later continued by the Mesquite City Council as authorized by [Ordinance No. 4773](#) adopted on March 30, 2020; [Ordinance No. 4781](#) adopted on May 18, 2020; [Ordinance No. 4784](#) adopted on June 15, 2020; [Ordinance No. 4793](#) adopted on August 3, 2020; [Ordinance No. 4804](#) adopted on September 21, 2020; [Ordinance No. 4822](#) adopted on November 2, 2020, and [Ordinance No. 4836](#) adopted on January 4, 2021, [Ordinance No. 4844](#) adopted on March 1, 2021 (effective at 7:00 P.M. on February 15, 2021; and no penalties may be enforced from 7:01 P.M. on February 15, 2021 through the end of Tuesday, March 9, 2021) in accordance with [Section 418.108](#)(b) of the Texas Government Code.

SECTION 6. Confirming the Continued Activation of the City’s Emergency Management Plans.

6.1. This ordinance confirms the continued activation of the City of Mesquite’s Master Emergency Operations Plan (“MEOP”) and any other applicable emergency management plans, and all Charter, statutory and ordinance powers vested in applicable City staff, the Mayor and City Council to act in this local state of disaster are hereby activated, pursuant to [Section 418.108](#) (d) of the Texas Government Code.

6.2. This Ordinance confirms and further continues the activation of the recovery and rehabilitation aspects of all applicable local or interjurisdictional emergency management plans and authorizes the furnishing of aid and assistance as deemed necessary or desirable by those administering such plans, pursuant to [Section 418.108](#) (d) of the Texas Government Code.

6.3. All aspects of the City of Mesquite's emergency management plans not already activated are hereby activated to the extent necessary to respond to the COVID-19 emergency as determined by the City Manager.

6.4. To the extent necessary, this ordinance supplements the foregoing plans, but only for the effective period of this ordinance.

6.5. The City of Mesquite emergency management plans shall remain active throughout the duration of the Mayor’s Declaration of Local Disaster for Public Health Emergency relating to COVID-19, and any continuation thereof authorized by the City Council or other applicable law.

SECTION 7. Temporary Public Health Facilities. Pursuant to [Section 418.020](#) (d) of the Texas Government Code, the City of Mesquite is authorized to: (1) temporarily or permanently acquire by lease, purchase or other means sites required for installation of temporary housing units, emergency shelters or public health facilities for disaster victims; and (2) enter into arrangements necessary to prepare or equip the sites to use the housing units, emergency shelters or public health facilities, including arrangements for the purchase of temporary housing units, emergency shelters or public health facilities and the payment of transportation charges.

SECTION 8. Waiver of Mesquite City Code Provisions. The City Council hereby authorizes the City Manager to temporarily waive and/or suspend any City Code regulations that are difficult or impossible to comply with during the duration of the term of this ordinance and/or the Mayor’s Declaration of Local Disaster for Public Health Emergency relating to COVID-19 as long as such waiver is not inconsistent with state, federal, or other applicable law.

SECTION 9. Rules and Orders. Pursuant to [Section 121.003](#) and [Section 122.006](#) of the Texas Health and Safety Code, [Section 418.108](#) of the Texas Government Code, and such other powers the City of Mesquite may have under the City Charter and other laws, the City Council hereby adopts and approves the following rules and orders to the extent said rules and orders are not inconsistent with state, federal, or other applicable law. Said rules and orders shall apply throughout Mesquite and shall be in effect on and from the effective date of this Ordinance until its expiration, or said ordinance is modified, amended, rescinded, or superseded; provided, however, that any such rules and orders may be terminated before said expiration, as

authorized by the City Council or other authority issuing said rules and orders. Said rules and orders may also be continued or renewed beyond the expiration of this ordinance but only with authorization of the City Council, or other authority issuing said rules and orders.

9.1. Hoarding and Price-Gouging Prohibited. The hoarding of food and other items necessary for daily living is prohibited. The City Manager or his designee is authorized to distribute to retailers within Mesquite a list containing per-customer limitations on purchases, not in conflict with applicable State, Dallas County orders, or Kaufman County orders. The City Attorney or his designee is authorized to take such action as allowed by law, in coordination with the Texas Attorney General, to enforce this ordinance and prohibitions on price-gouging.

9.2. Exclusion from Public Facilities. The City Manager and his designees are hereby authorized to temporarily exclude from any City of Mesquite building or facility a person whom the City Manager or his designee has reasonable cause to believe is ill with, has been exposed to, or is the carrier of the virus that causes the sickness known as COVID-19. Such exclusion shall be on a temporary basis, but for as long as is necessary to protect the public and City employees' health and safety.

9.3. Rules and Orders to Protect the Health of Persons within the City. Pursuant to [Section 122.006](#) of the Texas Health and Safety Code, the City of Mesquite is authorized to adopt rules to protect the health of persons in Mesquite, including quarantine rules to protect its residents against communicable disease and the City may also provide for the establishment of quarantine stations, emergency hospitals and other hospitals.

9.3.1. All Mesquite Residents and Businesses: GOVERNOR'S STATE-WIDE Orders. All City of Mesquite, Texas, residents, business owners, and managers are directed to read, or familiarize themselves, and comply with mandates contained in Texas Governor Greg Abbott's Proclamations and Executive Orders associated with the [Governor's response to COVID-19](#), currently in-place and as amended or superseded and any such Proclamations or Executive Orders are adopted herein by reference.

In the event the Governor revises, updates, rescinds, supersedes, or amends its current Proclamations or Executive Orders in effect, then **Mesquite residents and business owners and managers, are directed to read, or familiarize themselves, and comply with mandates contained in the most recent and/or valid Proclamations or Executive Orders, and any such updated orders are adopted herein by reference.**

9.3.2. Mesquite Businesses and Residents Located in DALLAS COUNTY: DALLAS COUNTY Orders. All City of Mesquite, Texas, residents, business owners, and managers located in DALLAS COUNTY are directed to read, or familiarize themselves, and comply with mandates contained in [Dallas County Commission and Judge issued Orders](#) related to the COVID-19 response currently in-place and as amended or superseded and any such Orders are adopted herein by reference.

In the event Dallas County revises, updates, rescinds, supersedes, or amends its current Orders in effect, then **Mesquite residents, business owners, and managers, located in Dallas County, are directed to read, or familiarize themselves, and comply with mandates**

contained in the most recent and/or valid Dallas County orders, and any such updated orders are adopted herein by reference.

9.3.3. Mesquite Businesses and Residents Located in KAUFMAN COUNTY: KAUFMAN COUNTY Orders. The City of Mesquite, Texas, residents, business owners, and managers located in KAUFMAN COUNTY are directed to read, or familiarize themselves, and comply with mandates contained in the [Kaufman County Orders](#) related to the COVID-19 response currently in-place and as amended or superseded and any such Orders are adopted herein by reference.

In the event Kaufman County revises, updates, rescinds, supersedes, or amends its current Orders in effect, then **Mesquite residents, business owners, and managers located in Kaufman County, are directed to read or familiarize themselves, and comply with mandates contained in the most recent and/or valid Kaufman County orders, and any such updated orders are adopted herein by reference.**

9.4 Mandated Isolation or Self-Quarantine. Pursuant to [Section 122.006](#) of the Texas Health and Safety Code, the City of Mesquite is authorized to adopt rules to protect the health of persons in Mesquite, including quarantine rules to protect its residents against communicable disease and the City may also provide for the establishment of quarantine stations, emergency hospitals and other hospitals.

9.4.1. ISOLATION of Individuals Testing Positive for COVID-19. If a person in a household has tested positive for COVID-19, the person shall be **ORDERED TO ISOLATE FOR A PERIOD OF 14-DAYS** at their residence or other appropriate location such as a medical facility, hospital, hotel, motel, shared rental, and similar facilities.

All persons **ISOLATING** shall not leave to visit any public spaces including work, school, or any other community function, and shall not receive visitors or in-home services, other than a health department employee, physician, or health care provider, until cleared by a medical professional or until the mandated ISOLATION PERIOD OF 14-DAYS has passed from the date the individual tested positive for COVID-19. Persons may seek or receive medical services as needed from medical personnel and facilities.

9.4.2. SELF-QUARANTINE of All Persons Within the Same Household of a Person that Tests Positive for COVID-19. All persons within the same household of someone testing positive for COVID-19 are **ORDERED TO SELF-QUARANTINE FOR A PERIOD OF 14-DAYS** at their residence or other appropriate location such as a medical facility, hospital, hotel, motel, shared rental, and similar facilities.

All persons in the household under **SELF-QUARANTINE** shall not leave to visit any public spaces including work, school, or any other community function, and shall not receive visitors or in-home services, other than a health department employee, physician, or health care provider, until cleared by a medical professional or until the mandated SELF-QUARANTINE PERIOD OF 14-DAYS has passed from the date the individual in the household tested positive for COVID-19. This order to self-quarantine shall not apply to people in connection with military service, emergency response, health response, or critical-infrastructure functions, as may be

determined by the Texas Division of Emergency Management, or workers included in Essential Healthcare Operations who may continue to work in accordance with CDC guidance.

Persons may seek or receive medical services as needed from medical personnel and facilities.

9.5. On-line, Telephone, or Video Conference Participation in City Meetings.

Residents and other persons may participate in City Council meetings, and any other Board or Commission meetings as described in the NOTICE of the meeting and/or the AGENDA.

For City Council meetings, members of the public may submit comments of public interest or comments on agenda items, prior to the meeting, electronically to the City of Mesquite at sland@cityofmesquite.com.

For Planning & Zoning Commission or Board of Adjustment meetings, members of the public may submit comments on agenda items, prior to the meeting, electronically to the City of Mesquite at planning@cityofmesquite.com.

9.6. Delivery Hours Restrictions Suspended. All City restrictions on delivery hours for transport to or from any business involved in the selling or distribution of food and household products, medicine or medical supplies are suspended.

SECTION 10. City Staffing.

10.1. While in a state of disaster, there is a compelling public purpose in maintaining the City's essential workforce and ensuring continuity in essential governmental functions while also recognizing this is a rapidly changing environment created by the public health emergency.

10.2. This ordinance authorizes the City Manager, or his designee, if needed, to abate the public health emergency, to: (1) implement skeleton crew days, (2) close the administrative offices, or (3) close the City's physical offices for purposes of a public health response.

10.3. The City Council hereby authorizes the City Manager, or his designee, to make any City staffing and compensation-related decisions necessary to adapt to the rapidly changing environment created by the public health emergency to meet the objectives stated herein and authorizes the expenditure of City funds to accommodate same.

SECTION 11. Authorizing City Expenditure of Funds.

11.1. That [Section 2-191](#), of the Mesquite City Code, is hereby TEMPORARILY SUSPENDED, but only to the extent it may conflict with Section 11.2 herein, during the time-period this Ordinance is effective, or for any other time period as authorized by the City Council.

11.2. The City Council hereby authorizes the City Manager, or his designee, to expend any public funds of the City (provided funds are available) in carrying out emergency management activities authorized by any emergency management plans. The City Manager, or his designee, shall have the authority and right to bind the City by contract, agreement or

otherwise as necessary to ensure the public health, safety, and welfare. To the extent this provision conflicts with the provisions in [Section 2-5](#), of the Mesquite City Code as amended, this provision and ordinance shall prevail and be controlling.

11.3. Any expenditure of funds beyond that approved in the City’s FY 2019-2020 budget or FY 2020-2021 budget, as may be amended, related to expenditures for emergency management activities or other expenditures caused by or directly related to the COVID-19 public health emergency, must come to the City Council for ratification at a later date and the City Council shall ratify such expenditures at a City Council meeting open to the public. Any such expenditure may be made prior to City Council ratification due to the public health emergency. This section does not modify any other current delegation of authority the City Manager and any other City officials currently retain as authorized by Mesquite City Code, Chapter 2, [Section 2-5](#).

SECTION 12. Records Requests made pursuant to the Public Information Act.

The City Manager, or his designee, on behalf of the City Council, is authorized to take any actions reasonably necessary as may be authorized by law with regard to processing records requests made pursuant to the Public Information Act. Such actions may include, but shall not be limited to authorizing the filing of a [Public Information Act Catastrophe Notice](#) implementing an initial suspension period and any subsequent extension thereof for the City’s responses to records requests, authorized by and pursuant to [Section 552.233](#) of the Government Code.

SECTION 13. Criminal and Civil Enforcement Remedies in General. Nothing in this ordinance prohibits the City from pursuing civil and criminal enforcement remedies and penalties concurrently or availing itself of any other remedy allowed by law.

SECTION 14. Enforcement, Offense, and Penalties.

14.1. Enforcement. Enforcement of this ordinance, or any rule, order, or other ordinance adopted under the City’s emergency management plans shall be by any authorized peace officer or other City official authorized to enforce City ordinances, including but not limited to, the Mesquite Police Department, the Mesquite Fire Marshal’s Office, the Building Official, and his designees, licensed Code Officers, the City’s Health Official and his designees.

14.2. Offense. Unless otherwise provided, failure to comply or violation of the provisions or terms of any of the following is an offense: (1) the City’s Emergency Management Plan, authorized and established pursuant to Chapter 2, [Article VI](#) titled “Emergency Management” of the Mesquite City Code; or (2) the Mayor’s Declaration of Local State of Disaster for Public Health Emergency relating to COVID-19, and any extensions thereof; or (3) this ordinance or any amendment thereto; or any (4) State; (5) local (including, but not limited to, such Orders of Dallas County and Kaufman County); or (6) interjurisdictional, emergency management plan or any rule, order or ordinance adopted under the plan, by any “person,” (as defined in Mesquite City Code, Chapter 1, [Section 1-2](#)).

14.3. Penalties. Upon conviction of said offense, a person may be subject to a penalty of fine not to exceed ONE THOUSAND DOLLARS (\$1,000.00), as provided in Texas Government Code, [Chapter 418](#), [§ 418.173](#).

SECTION 15. **Publication.**

15.1. Newspaper. This ordinance shall be published in the City's official newspaper in accordance with Mesquite City Charter, Article IV, [Section 24](#).

15.2. Filing with the City Secretary's Office. This Ordinance, continuing the Mayor's Declaration of a Local State of Disaster for Public Health Emergency relating to COVID-19, shall be given prompt and general publicity and shall be filed promptly with the Mesquite City Secretary's Office, pursuant to [§ 418.108\(c\)](#) of the Texas Government Code.

15.3. City's Website and Bulletin Boards. The City Secretary, or her designee, is directed to post the following most recent and/or current legally valid documents on the City's website and bulletin boards (but only to the extent the physical bulletin boards can accommodate said documents or abbreviated versions of said documents): (1) Dallas County Orders; (2) Kaufman County Orders; and (3) this ordinance.

SECTION 16. **Conflicts Resolution Clause.**

16.1. In the event of an irreconcilable conflict between the provisions of another previously adopted ordinance of the City of Mesquite and the provisions of this Ordinance, the provisions of this Ordinance shall be controlling.

16.2. In the event of a conflict between the offense and penalty provisions of the Mayor's Declaration of Local Disaster for Public Health Emergency relating to COVID-19 issued on March 23, 2020, and the offense and penalty provisions provided for in this Ordinance, this Ordinance shall prevail and be controlling.

16.3. In the event of a conflict between this Ordinance, the Mayor's Declaration, and any other declaration, proclamation, order, or executive orders from the Dallas County Judge, the Kaufman County Judge, the Texas Governor, the President of the United States, or another controlling authority, the declaration, proclamation, order, or executive orders from the aforementioned individuals will prevail regarding a conflicting provision, but only to the extent it cannot be reconciled; the remainder of this Ordinance shall remain in full force and effect during the period stated unless otherwise modified, amended, rescinded, or superseded.

SECTION 17. **Severability Clause.** Should any word, sentence, paragraph, subdivision, clause, phrase or section of this Ordinance, or any attachment hereto, be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said Ordinance and the Mesquite City Code, as hereby or previously amended, which shall remain in full force and effect.

SECTION 18. **Emergency Measure Ordinance.** This emergency measure ordinance as authorized by Mesquite City Charter, Article IV, [Section 18](#) and [Section 19](#). This emergency measure ordinance is for the immediate preservation of the public business, property and health and safety during this public health emergency related to the COVID-19 pandemic.

SECTION 19. **Effective Date.** This ordinance shall take effect and be in force immediately from and after the passage thereof in accordance with Mesquite City Charter, Article IV, [Section 24](#).

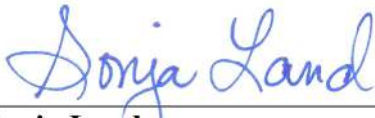
SECTION 22. **Expiration Date.** This Ordinance expires at **11:59 P.M. ON JULY 20, 2021**, unless extended by the affirmative vote of a simple majority of the City Council of the City of Mesquite prior to its expiration, or unless modified, amended, rescinded, or superseded prior to its expiration pursuant to the affirmative vote of a simple majority of the City Council of the City of Mesquite or other applicable law.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the **3rd day of MAY, 2021**.



Bruce Archer
Mayor

ATTEST:



Sonja Land
City Secretary

APPROVED AS TO LEGAL FORM:



David L. Paschall
City Attorney

EXHIBIT A

To Ordinance No. 4858

Mayor's Original Declaration of Local Disaster
for Public Health Emergency relating to COVID-19,
issued on March 23, 2020

**DECLARATION OF LOCAL STATE OF DISASTER
FOR PUBLIC HEALTH EMERGENCY**

BY MAYOR BRUCE ARCHER

CITY OF MESQUITE, TEXAS

MARCH 23, 2020

*** RELATING TO COVID-19 ***

WHEREAS, beginning in or about December 2019, a novel coronavirus, now designated SARS-CoV2 which causes the disease COVID-19, has spread throughout the world; and

WHEREAS, COVID-19 has been recognized globally as a contagious respiratory virus and symptoms include fever, coughing and shortness of breath and, in some cases, has caused death; and

WHEREAS, the Centers for Disease Control and Prevention (CDC) has advised that person-to-person contact heightens the risk of COVID-19 transmission; and

WHEREAS, on March 5, 2020, the World Health Organization 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 COVID-19 a worldwide pandemic; and

WHEREAS, on March 12, 2020, Dallas County Judge Clay Jenkins issued a [Declaration of Local Disaster for Public Health Emergency](#) and [ORDER OF COUNTY JUDGE CLAY JENKINS dated March 12, 2020](#); and

WHEREAS, on March 13, 2020, President Donald J. Trump issued a [Proclamation on Declaring a National Emergency Concerning the Novel Coronavirus Disease \(COVID-19\) Outbreak \[Proclamation No. 9994, 85 F.R. 15337 \(March 13, 2020\)\]](#); and

WHEREAS, on March 13, 2020, Texas Governor Greg Abbott issued a [Proclamation](#) certifying that COVID-19 poses an imminent threat of disaster in the state of Texas and declaring a state of disaster for all counties in Texas; and

WHEREAS, the President's Coronavirus Guidelines for America, as promulgated by President Donald J. Trump and the CDC on March 16, 2020, call upon Americans to slow the spread of COVID-19 by avoiding social gatherings in groups of more than 10 people, using drive-thru, pick-up, or delivery options at restaurants and bars, and avoiding visitation at nursing homes, among other steps; and

WHEREAS, on March 16, 2020, Dallas County Judge Clay Jenkins issued an [AMENDED ORDER OF COUNTY JUDGE CLAY JENKINS dated March 16, 2020](#), amending the March 12, 2020 ORDER; and

WHEREAS, on March 18, 2020, Dallas County Judge Clay Jenkins issued an [AMENDED ORDER OF COUNTY JUDGE CLAY JENKINS DATED MARCH 18, 2020](#); and

WHEREAS, on March 18, 2020, Kaufman County Judge Hal Richards issued a [Declaration of Local Disaster for Public Health Emergency](#); and

WHEREAS, the Texas Department of State Health Services has now determined that, as of March 19, 2020, COVID-19 represents a public health disaster within the meaning of [Chapter 81](#) of the Texas Health and Safety Code; and

WHEREAS, under the Texas Disaster Act of 1975, “[t]he governor is responsible for meeting . . . the dangers to the state and people presented by disasters” ([Section 418.001](#) of the Texas Government Code), and the legislature has given the governor broad authority to fulfill that responsibility; and

WHEREAS, on March 19, 2020, the Texas Governor Greg Abbott has issued [Executive Order GA 08, Relating to COVID-19 preparedness and mitigation](#); and

WHEREAS, on March 21, 2020, Dallas County Judge Clay Jenkins issued an [AMENDED ORDER OF COUNTY JUDGE CLAY JENKINS dated March 21, 2020](#), amending the March 12, 2020 ORDER; and

WHEREAS, on March 22, 2020, Dallas County Judge Clay Jenkins issued an [AMENDED ORDER OF COUNTY JUDGE CLAY JENKINS dated March 22, 2020](#), amending the March 12, 2020 ORDER, included in that AMENDED ORDER is a mandatory Shelter-in-Place (Stay-At-Home) directive with only *essential activities, essential governmental functions* and *essential businesses* being excepted; and

WHEREAS, COVID-19 continues to spread and pose an increasing, imminent threat of disaster throughout Texas; and

WHEREAS, extraordinary measures must be taken to contain COVID-19 and prevent its spread throughout the State of Texas, Dallas and Kaufman Counties, and the City of Mesquite; and

WHEREAS, the continued worldwide and local spread of COVID-19 presents an imminent threat of widespread illness, requiring emergency action; and

WHEREAS, unless the actions as hereby provided are immediately initiated, avoidable serious illness and deaths could occur; and

WHEREAS, pursuant to the [Texas Disaster Act of 1975, Texas Government Code, Chapter 418](#), the Mayor of the City of Mesquite, Texas, may declare a local state of disaster in the City, and may exercise the powers granted therein on an appropriate local scale; and

WHEREAS, a declaration of local state of disaster includes the ability to take measures to reduce the possibility of exposure to disease, mitigate the risk, and promote the health and safety of the residents of the City of Mesquite, Texas; and

WHEREAS, the measures identified in this Declaration are designed to prevent deaths in the City; and

WHEREAS, this state of disaster requires that certain emergency protective measures be taken pursuant to the [Texas Disaster Act of 1975](#) relating to emergency management and public health, pursuant to Texas Government Code Chapter 418; and

WHEREAS, I, Bruce Archer, the Mayor, and presiding officer of the City Council, of the City of Mesquite, Texas, have determined that in order to remain consistent with the aforementioned Declarations, Proclamations, Orders, and Executive Orders, extraordinary and immediate measures must be taken to respond quickly, prevent and alleviate the suffering of people exposed to and those infected with the Coronavirus, as well as those that could potentially be infected or impacted by COVID-19 within the City of Mesquite, Texas; and

WHEREAS, the City will work collaboratively with the its bordering cities, Dallas and Kaufman Counties, and the state of Texas to ensure that all appropriate and necessary measures are taken to limit the development, contraction and spread of COVID-19.

NOW, THEREFORE, by virtue of the authority vested in me by the City of Mesquite, Texas, City Charter, and the Mesquite City Code and the laws and regulations of the state of Texas, **I, MAYOR BRUCE ARCHER, HEREBY PROCLAIM AND DECLARE:**

SECTION 1. A local state of disaster for public health emergency for the City of Mesquite, Texas, pursuant to [§ 418.108\(a\)](#) of the Texas Government Code.

SECTION 2. This declaration of a local state of disaster activates the City of Mesquite's Emergency Operations Plan and any other applicable emergency management plans, and all Charter, statutory and ordinance powers vested in applicable City staff, the Mayor and City Council to act in this local state of disaster are hereby activated, pursuant to [§ 418.108\(d\)](#) of the Texas Government Code. This Declaration further activates the recovery and rehabilitation aspects of all applicable local or interjurisdictional emergency management plans and authorizes the furnishing of aid and assistance as deemed necessary or desirable by those administering such plans.

SECTION 3. This declaration authorizes the Mayor to control the movement of persons and occupancy of premises in the City, pursuant to [§ 418.108\(g\)](#) of the Government Code.

- SECTION 4.** This declaration authorizes the City Manager or his designee, if needed, to: (1) implement skeleton crew days, (2) close the administrative offices, or (3) close the City's physical offices for purposes of a public health response.
- SECTION 5.** This declaration authorizes the City Manager or his designee, on behalf of the City Council, to take any actions reasonably necessary in regards to processing records requests made pursuant to the Public Information Act, including but not limited to authorizing the filing of a Public Information Act Catastrophe Notice implementing an initial suspension period and any subsequent extension thereof for the City's responses to records requests, authorized by and pursuant to [Section 552.233](#) of the Government Code.
- SECTION 6.** The City is authorized to adopt rules to protect the health of persons in the City including quarantine rules to protect its residents against communicable disease and provide for establishment of quarantine stations, emergency hospitals and other hospitals, pursuant to [§ 122.006](#) of the Texas Health and Safety Code.
- SECTION 7.** The City of Mesquite, Texas, and its residents are directed to read and comply with Texas Governor Greg Abbott's [Executive Order GA 08](#).
- SECTION 8.** In accordance with Governor Greg Abbott's [Executive Order GA 08](#), ORDER No. 1, every person in Texas shall avoid social gatherings in groups of more than 10 people.
- SECTION 9.** In accordance with Governor Greg Abbott's [Executive Order GA 08](#), offices and workplaces that remain open, employees should practice good hygiene and, where feasible, work from home in order to achieve optimum isolation from COVID-19.
- SECTION 10.** The City of Mesquite, Texas, and its residents are directed to read and comply with the Dallas County [AMENDED ORDER OF COUNTY JUDGE CLAY JENKINS dated March 22, 2020](#), amending the March 12, 2020 ORDER, included in that AMENDED ORDER is a mandatory Shelter-in-Place (Stay-At-Home) directive with only *essential activities*, *essential governmental functions* and *essential businesses* (as defined therein) being excepted; and
- SECTION 11.** This declaration of a local 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 City Council of Mesquite, Texas, pursuant to [§ 418.108\(b\)](#) of the Texas Government Code.

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- SECTION 12.** This Declaration of a Local State of Disaster for Public Health Emergency: COVID-19 shall be given prompt and general publicity and shall be filed promptly with the City Secretary, and the Dallas and Kaufman County Clerks, pursuant to [§ 418.108\(c\)](#) of the Texas Government Code.
- SECTION 13.** The City Secretary is directed to post the Dallas County [AMENDED ORDER OF COUNTY JUDGE CLAY JENKINS dated March 22, 2020](#) and this Declaration of Local State of Disaster for Public Health Emergency: COVID-19 on the City's bulletin boards and web-site.
- SECTION 14.** If any subsection, sentence, clause, phrase, or word of this Declaration or any application of it to any person, structure, gathering, or circumstance is held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, then such decision will not affect the validity of the remaining portions or applications of this Declaration.
- SECTION 15.** In the event of a conflict between this Declaration, and any other Declaration, Proclamation, Order, or Executive Orders from the Dallas County Judge, the Kaufman County Judge, the Texas Governor, the President of the United States, or another controlling authority, the Declaration, Proclamation, Order, or Executive Orders from the aforementioned individuals will prevail regarding a conflicting provision, but only to the extent it cannot be reconciled; the remainder of this Declaration shall remain in full force and effect during the period stated unless otherwise amended or revoked.
- SECTION 16.** Nothing in this declaration prohibits the City from pursuing civil and criminal enforcement remedies and penalties concurrently or availing itself of any other remedy allowed by local, state or federal law. Any violation of the provisions or terms of the Emergency Management Plan, established under Chapter 2, [Article VI](#) titled "Emergency Management", of the Mesquite City Code, by any "person," (as defined in Mesquite City Code, Chapter 1, [Section 1-2](#)) may be deemed a Class C Misdemeanor criminal offense, and upon conviction thereof, subject to either a penalty of fine not to exceed ONE THOUSAND DOLLARS (\$1,000.00) or confinement in jail for a term that does not exceed 180 days for each offense, as provided in Texas Government Code, [Chapter 418, §418.173](#).
- SECTION 17.** This Declaration shall take effect immediately from and after its issuance.

DECLARED at 5:25 o'clock, p.m. this 23rd day of March 2020.

Bruce Archer
Mayor, City of Mesquite, Texas

DECLARATION OF LOCAL STATE OF DISASTER FOR PUBLIC HEALTH EMERGENCY: COVID-19

BY MAYOR BRUCE ARCHER

CITY OF MESQUITE, TEXAS

MARCH 23, 2020

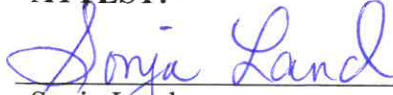
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Bruce Archer

Mayor, City of Mesquite, Texas

ATTEST:



Sonja Land
City Secretary

APPROVED AS TO LEGAL FORM:



David L. Paschall
City Attorney