



**NOTICE OF SPECIAL CALLED MEETING OF THE CITY COUNCIL
OF THE CITY OF HARKER HEIGHTS, TEXAS
VIA TELECONFERENCE**

City of Harker Heights
305 Miller's Crossing
Harker Heights, Texas
76548
Phone 254/953-5600
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Notice is hereby given that, beginning at 3:30 p.m. on Tuesday, April 7, 2020, and continuing from day to day thereafter if necessary, the City Council of the City of Harker Heights, Texas, will conduct a telephonic meeting to contain the spread of COVID-19 in accordance with Governor Abbott's declaration of the COVID-19 public health threat and action to temporarily suspend certain provisions of the Texas Open Meetings Act issued on March 16, 2020. The subjects to be discussed are listed in the following agenda:

I. Roll Call:

Mayor
Spencer H. Smith

Mayor Protem
Michael Blomquist

City Council
Jennifer McCann
Jackeline Soriano
Fountain
John Reider
Jody Nicholas

II. Presentations by Citizens:

Citizens who desire to address the Council on any matter may do so during this item. Please understand that while the Council appreciates hearing your comments, State law (Texas Gov't Code §551.042) prohibits them from: (1) engaging in discussion other than providing a statement of specific factual information or reciting existing City policy, and (2) taking action other than directing Staff to place the matter on a future agenda. Please state your name and address for the record and limit your comments to three minutes.

III. New Business:

1. Discuss and consider approving an ordinance of the City of Harker Heights, Texas, declaring a public health emergency; Providing that the declaration extends through April 30, 2020; Adopting, and providing authority to enforce, declarations and orders of the Governor, County Judge of Bell County and Bell County Commissioners' Court relating to COVID-19 pandemic; Authorizing the City to provide aid and assistance; Providing for a penalty; Providing an effective date; and directing the City Manager to post applicable orders on the City's website, and take appropriate action. (City Manager)

IV. Announcements:

V. Adjournment.

At 5:00 p.m. on Friday the 3rd day of April 2020, an original copy of this notice was posted at the Harker Heights Municipal Building.

Juliette Helsham
City Secretary

The public may participate remotely in this meeting by dialing-in using the toll-free number: (877) 568-4106 and use Access Code: 313-460-669.

The public will be permitted to offer public comments telephonically as provided by the agenda. Written questions or comments may be submitted two hours before the meeting to the City Secretary's Office. When submitting your written questions or comments, you must include your Name and Address. Agenda packet and recording of the telephonic meeting will posted on the City of Harker Heights website at www.ci.harker-heights.tx.us.

"Assistive listening devices are available upon request for those with hearing impairments. Please contact the City Secretary 48 hours prior to meeting."

"Pursuant to Chapter 551 of the Government Code the City Council reserves the right to go into Closed Meeting on any item listed above if deemed necessary."



COUNCIL MEMORANDUM

AGENDA ITEM #IX-2

FROM: THE OFFICE OF THE CITY MANAGER

DATE: APRIL 7, 2020

DISCUSS AND CONSIDER APPROVING AN ORDINANCE OF THE CITY OF HARKER HEIGHTS, TEXAS, DECLARING A PUBLIC HEALTH EMERGENCY; PROVIDING THAT THE DECLARATION EXTENDS THROUGH APRIL 30, 2020; ADOPTING, AND PROVIDING AUTHORITY TO ENFORCE, DECLARATIONS AND ORDERS OF THE GOVERNOR, COUNTY JUDGE OF BELL COUNTY AND BELL COUNTY COMMISSIONERS' COURT RELATING TO THE COVID-19 PANDEMIC; AUTHORIZING THE CITY TO PROVIDE AID AND ASSISTANCE; PROVIDING FOR A PENALTY; PROVIDING AN EFFECTIVE DATE; AND DIRECTING THE CITY MANAGER TO POST APPLICABLE ORDERS ON THE CITY'S WEBSITE AND TAKE THE APPROPRIATE ACTION.

EXPLANATION:

The State of Texas and Bell County both have issued disaster declarations that cover Harker Heights in relation to the COVID-19 pandemic. Per TML's guidance on receiving reimbursements in relation to COVID-19 expenditures, Mayor Smith issued a disaster declaration for Harker Heights on March 20, 2020. Action is now needed by the Council to extend this declaration to match recent directives from the State and Bell County out to April 30, 2020. This ordinance ratifies the Mayor's declaration of disaster on March 20, 2020, extends the declaration to April 30, 2020, aligns the City's COVID-19 response measures to those issued by Bell County and the State, and grants the Mayor the authority to end the declaration. If Bell County or the State modify their orders, then the City's requirements would automatically reflect these modifications.

The Council will meet again on April 14 and 28 and may end, modify, and/or extend the declaration.

STAFF RECOMMENDATION:

Staff recommends approval of the ordinance.

ACTION BY CITY COUNCIL:

1. Motion to Approve/Disapprove an ordinance declaring a public health emergency providing that the declaration extends through April 30, 2020; Adopting, and providing authority to enforce, declarations and orders of the Governor, County Judge of Bell County and Bell County Commissioners' Court relating to COVID-19 pandemic; Authorizing the City to provide aid and assistance; Providing for a penalty; Providing an effective date; and directing the City Manager to post applicable orders on the City's website.
2. Any other action desired.

ATTACHMENTS:

1. Ordinance.

ORDINANCE NO. 2020-06

AN ORDINANCE OF THE CITY OF HARKER HEIGHTS, TEXAS, DECLARING A PUBLIC HEALTH EMERGENCY; PROVIDING THAT THE DECLARATION EXTENDS THROUGH APRIL 30, 2020; ADOPTING, AND PROVIDING AUTHORITY TO ENFORCE, DECLARATIONS AND ORDERS OF THE GOVERNOR, COUNTY JUDGE OF BELL COUNTY AND BELL COUNTY COMMISSIONERS' COURT RELATING TO THE COVID-19 PANDEMIC; AUTHORIZING THE CITY TO PROVIDE AID AND ASSISTANCE; PROVIDING FOR A PENALTY; PROVIDING AN EFFECTIVE DATE; AND DIRECTING THE CITY MANAGER TO POST APPLICABLE ORDERS ON THE CITY'S WEBSITE

WHEREAS, in December 2019, a novel coronavirus, now designated Coronavirus disease 2019 (COVID-19), was detected in Wuhan County, Hubei Province, China; and

WHEREAS, on March 11, 2020, the World Health Organization declared COVID-19 as a pandemic and urged that all countries take urgent and aggressive action; and

WHEREAS, on March 13, 2020, the President of the United States declared a national emergency regarding COVID-19; and

WHEREAS, on March 13, 2020, Governor Greg Abbott declared a state of disaster due to COVID-19; and

WHEREAS, on March 13, 2020, Bell County Judge David Blackburn declared Bell County a state of disaster due to COVID-19; and

WHEREAS, That this declaration authorizes the City to take any actions necessary to promote health and suppress the virus, including the quarantine of persons and occupied structures, examining and regulating hospitals, regulating ingress and egress from the City, regulating ingress and egress to occupied structures, establishment of quarantine stations, emergency hospitals, and other hospitals, and insuring compliance for those who do not comply with the City's rules, pursuant to Section 122.006 of the Health and Safety Code; and

WHEREAS, because of the risk of the rapid spread of the virus, the need to protect the most vulnerable members of the community, the intent to ensure that the maximum number of people self-isolate in their places of residence to the maximum extent feasible, while enabling essential services to continue, and the desire to slow the spread of COVID-19 to the maximum extent possible, this Ordinance is required; and

WHEREAS, this Ordinance is issued based on evidence of increasing occurrence of COVID-19 within the City and throughout the Central Texas area, scientific evidence and best practices regarding the most effective approaches to slow the transmission of communicable diseases generally and COVID-19 specifically, and evidence that the age, condition, and health of a significant portion of the population of the City places it at risk for serious health complications, including death, from COVID-19. Due to the outbreak of the COVID-19 virus in the general public, which is now a pandemic according to the World Health Organization, there is a public health emergency throughout the City. Making the problem worse, some individuals who contract

the COVID-19 virus have no symptoms or have mild symptoms, which means they may not be aware they carry the virus. Because even people without symptoms can transmit the disease, and because evidence shows the disease is easily spread, gatherings can result in preventable transmission of the virus. The scientific evidence shows that at this stage of the emergency, it is essential to slow virus transmission as much as possible to protect the most vulnerable and to prevent the health care system from being overwhelmed. One proven way to slow the transmission is to limit interactions among people to the greatest extent practicable. By reducing the spread of the COVID-19 virus, this Ordinance helps preserve critical and limited healthcare capacity in the City; and

WHEREAS, this Ordinance is necessary to slow the rate of spread of COVID-19. Local health officials, the local hospitals, and the Bell County Public Health District are all calling for this action to flatten the curve of the virus transmission, and have warned that not taking action could result in the medical resources of Bell County being overcome; and

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; and

WHEREAS, this declaration of local disaster for public health emergency incorporates by reference the most current orders, declaration, and directives issued by the State of Texas and the Bell County Judge and Commissioners Court;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HARKER HEIGHTS, TEXAS, UNDER THE AUTHORITY OF TEXAS GOVERNMENT CODE SECTION 418.108 AND HEALTH AND SAFETY CODE SECTION 112.006 AS FOLLOWS:

1. That a local state of disaster for public health emergency is hereby declared for the City of Harker Heights, Texas pursuant to section 418.108(a) of the Texas Government Code.
2. This declaration ratifies the disaster declaration issued by Harker Heights Mayor Spencer H. Smith on March 20, 2020, and this declaration shall run until April 30, 2020.
3. All disaster declarations and orders related to the COVID-19 virus pandemic (“Pandemic”) issued by the Governor of the State of Texas, the County Judge of Bell County and the Bell County Commissioners’ that are effective on the date of the passage of this ordinance are adopted herein. The enforcement authority granted herein shall extend to all such orders and any subsequent orders issued by those entities related to the Pandemic.
4. That pursuant to section 418.108(c) of the Government Code, this declaration of a local disaster for public health emergency shall be given prompt and general publicity and shall be filed promptly with the City Secretary.

5. That pursuant to section 418.108(d) of the Government Code, this declaration of a local state of disaster activates the City of Harker Heights emergency management plan, and authorizes the furnishing of aid and assistance under this declaration.
6. That this declaration authorizes the City to take any actions necessary to promote health and suppress the virus, including, but not limited to, the quarantine of persons and occupied structures, examining and regulating hospitals, regulating ingress and egress from the City, regulating ingress and egress to occupied structures, establishment of quarantine stations, emergency hospitals and other hospitals, and insuring compliance for those who do not comply with the orders and directives issued by the Governor of Texas, the Bell County Judge or the Bell County Commissioners' Court relating to the Pandemic.
7. That this declaration hereby limits the size of gatherings to those set forth in State of Texas or Bell County disaster declaration mandates, whichever are most restrictive.
8. In accordance with Texas Government Code section 418.173, a person who knowingly or intentionally violates this declaration commits an offense, punishable by a fine up to \$1,000.00 per day and/or confinement in jail for a term that does not exceed 180 days.
9. That this declaration hereby authorizes the use of all lawfully available enforcement tools.
10. That this declaration shall take effect immediately from and after its issuance, and upon approval of the City Council, shall continue in effect until terminated by the Mayor. Pursuant to this declaration, additional directives may be issued by the Mayor at any time as deemed necessary.
11. The City Manager is directed to post applicable orders and declarations of the Governor of the State of Texas, the County Judge of Bell County and the Bell County Commissioner's Court on the website of the City of Harker Heights.

PASSED BY THE CITY COUNCIL OF THE CITY OF HARKER HEIGHTS, TEXAS on this the 7th day of April, 2020.

Spencer H. Smith
Mayor

ATTEST:

Juliette Helsham, City Secretary