

ORDINANCE NO. 1-21

AN ORDINANCE ESTABLISHING AN EXTENSION OF DISASTER AND PUBLIC HEALTH EMERGENCY DECLARATION; REPEALING CONFLICTING ORDINANCES; AND, PROVIDING FOR A SEVERABILITY CLAUSE.

WHEREAS: The City of Devine, Texas is a duly incorporated Type A general law municipality existing under the laws of the State of Texas; and,

WHEREAS: On March 25, 2020, the Mayor of the City of Devine, Texas, issued a proclamation declaring a local disaster and public health emergency for the City of Devine, Texas, resulting from COVID-19 (novel coronavirus);

WHEREAS: The conditions necessitating declaration of a local disaster and public health emergency continue to exist; and,

WHEREAS: The Devine City Council approved, modified, extended and/or renewed the proclamation on March 27, April 2, April 7, April 23, May 5, June 16, September 15, September 22, October 20, November 17, 2020 and January 26, 2021; and,

WHEREAS: Section 418.108(b) of the Texas Government Code provides that a local state of disaster and/or public health emergency may not be continued for a period in excess of seven days without the consent of the governing body of the political subdivision;

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

Section 1. MODIFICATION, EXTENSION AND RENEWAL OF DISASTER AND PUBLIC HEALTH EMERGENCY DECLARATION.

- A. That the local disaster and public health emergency proclaimed for the City of Devine, Texas, by the Mayor on March 25 and April 7, 2020, and as approved, modified, extended and/or renewed by the Devine City Council on March 27, April 2, April 7, April 23, May 5, June 16, September 15, September 22, October 20, November 17, 2020 and January 26, 2021, shall continue until March 17, 2021 and shall be subject to further modification, extension and/or renewal by the Devine City Council.
- B. The original Public Health Emergency Rules and Regulations contained in the Mayor's proclamation of March 25 and April 7, 2020 are hereby modified as set forth in Exhibit A attached hereto, and said Exhibit A is hereby incorporated in this Ordinance at this point as if copied herein verbatim.
- C. All actions previously taken pursuant to the proclamations and ordinances set forth above are hereby ratified and confirmed.

Section 2. REPEAL. Any provision contained in the City of Devine's Code of Ordinances that is in conflict with the terms of this Ordinance is hereby repealed.

Section 3. CODE OF ORDINANCES. It is the intention of the City Council of the City of Devine that this ordinance shall become a part of the Code of Ordinances of the City of Devine and may be renumbered and codified therein accordingly.

Section 4. EFFECTIVE DATE. This ordinance shall take effect immediately upon its passage.

Section 5. SEVERABILITY. If any section, provision, subdivision, clause, or part of this ordinance shall be adjudged or held unconstitutional or invalid, it shall not affect the validity of this ordinance as a whole or any other part of provision contained herein.

PASSED AND ADOPTED, this 26th day of January, 2021.



*[Handwritten signature]*

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CORY THOMPSON, MAYOR

ATTEST:

*[Handwritten signature]*  
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DORA V. RODRIGUEZ, City Secretary

**EXHIBIT A**  
**Public Health Emergency Rules and Regulations**

1. City Hall – City Hall, with its current Personal Protective Equipment and protective material in place shall be open to the public to 50% occupancy on October 1, 2020. City employees shall continue to clean and disinfect City Hall as required. City business may also be transacted through the drive-thru window, online and by call-in.
2. Utility Cut Offs and Late Fees – utility cut-offs and late penalties will be suspended for utility usage billed before the September 2020 bill.
3. Community Center – except as herein provided, all activities at this location are hereby cancelled until further notice.
4. City Parks –  
All parks shall be opened as soon as signs can be erected stating that social distancing shall be practiced and children under the age of 12 must be accompanied by an adult.
5. Municipal Court – will be allowed to operate pursuant to its approved operating plan at the Community Center.
6. City Gatherings – all city gatherings with the potential of involving more than 10 people are hereby cancelled until further notice. Everyone shall not participate in gatherings involving ten or more people and the social distance of six feet between persons shall be maintained. This item will be reassessed after the Labor Day COVID reports are in.
7. City Council Meetings – City Council meetings may be cancelled as required. The necessity of conducting City Council meetings will be continually evaluated. If meetings are necessary, only essential items will be placed on the agenda.
8. Library – the Library, with its current Personal Protective Equipment and protective material in place shall be open to the public to 50% occupancy on October 1, 2020. Library personnel shall operate the Library pursuant to the COVID guidelines promulgated by the Texas State Library and Archives Commission, a copy of said guidelines being attached to this Exhibit as Attachment No. 1. Library personnel shall continue to clean and disinfect the Library as required.
9. Animal Shelter – the Animal Shelter, with its current Personal Protective Equipment and protective material in place shall be open to the public to 50% occupancy on October 1, 2020. Animal Shelter personnel shall continue to clean and disinfect the Animal Shelter as required.
10. Public Works – Public Works shall continue all operations as usual. Public Works employees shall continue to report to work as usual or work from home as needed. The on-call workers will continue being on-call. We encourage citizens to contact after hours with a true emergency for Water, Sewer and Streets. The City Water supply and Wastewater Plant meet all State Health requirements and will continue to do so.

11. Police Department - the Police Department, with its current Personal Protective Equipment and protective material in place shall be open to the public to 50% occupancy on October 1, 2020. Police Department personnel shall continue to clean and disinfect the Police Department as required.
12. Municipal Airport – the Municipal Airport will continue normal operations at this time.
13. Travel – all City Employees and Officers shall limit personal travel to essential travel. Personal travel of the City Employees and Officers may be restricted as required by the existing facts and circumstances.
14. Code Compliance – Code Compliance will resume City Hall transactions.
15. Businesses – all businesses located in Devine shall follow State of Texas guidelines.
16. Signs of Illness – if any person or any members of a person’s family should exhibit signs of COVID-19 infection, they should remain at home and seek medical help from their doctor. Signs of COVID-19 infection include:
  - Fever
  - Cough
  - Chills
  - Muscle pain
  - Sore throat
  - New loss of taste or smell
  - Shortness of breath or difficulty breathing
  - Nausea
  - Vomiting
  - Diarrhea

Seek medical care immediately if someone has emergency warning signs of COVID-19:

  - Trouble breathing
  - Persistent pain or pressure in the chest
  - New confusion
  - Inability to wake or stay awake
  - Bluish lips or face

Citizens, including city employees, should follow all State and CDC guidelines.
17. Curfew –  
The City’s normal curfew hours shall be enforced.
18. City Advisory Boards and Committees – All City advisory boards and committees shall be allowed to meet as long as they follow the Governor’s Order on public meetings and social distancing.

19. Devine Food Pantry – It is recommended that the Devine Food Pantry take the following actions:
  - A. Go to curbside delivery for all patrons.
  - B. Have all patrons remain in their vehicles.
  - C. Require that all patrons make room in the trunk of their vehicle for food items; if trunk space is not available, require sufficient room in the back seat or bed of the vehicle for food items.
  - D. Provide food items on a first-come, first-serve basis.
  - E. Provide a telephone number for patrons who do not have transportation so that delivery of food items may be arranged.
  
20. Operating Businesses – It is recommended that all essential businesses adhere to the following guidelines and it is required that all non-essential businesses shall adhere to the following guidelines:
  - A. All businesses that are in operation shall provide their employees with personal protective equipment (PPE). All businesses shall allow their employees to wear masks and gloves while at work. If a business cannot provide PPE to its employees, the employees shall be allowed to use their own masks and gloves while at work.
  - B. All businesses shall clean and sanitize all areas subject to being touched by the general public; for example, shopping cart handles, countertops, keypads, ATM machines, gas pumps and nozzles, door handles and check out line conveyor belts. Cleaning and sanitizing shall take place as often as needed.

General:

All citizens working (including city employees), please make sure to follow policies related to sick time; isolate and stay home and out of the public except for securing medical care.

Violation shall be considered a Class C Misdemeanor with a penalty not to exceed \$2,000.00.

All citizens shall continue to comply with the Governor's guidelines.

No part of this Declaration applies to Devine Independent School District or a place of worship.

We will continue to update our Website to keep the citizens of Devine updated. You can go to [cityofdevine.com](http://cityofdevine.com) for up-to-date information.

## Attachment No. 1

### **Reopening of Driscoll Public Library after public health crisis 2020 as recommended by Texas State Library and Archives Commission**

1. Protective barrier (sneeze guard) installed between the patrons and the staff member working at the circulation desk.
2. Hand sanitizing station at entrance to be used as patrons enter the library.
3. Hand sanitizer made available at the circulation desk for patrons and staff use before and after each transaction.
4. Post signage that a mask be worn by patrons. All staff would wear masks and face shield when interacting with the public.
5. Gloves to be worn by staff when exchanging money/items with patrons.
6. All materials returned to the collection box outside so they can be quarantined & sanitized properly before handling by staff and return to circulation.
7. Only one restroom available for public use. (easier to sanitize frequently)
8. Patrons in the library at one time limited to 8 (not including staff) for social distancing issues and surface sanitizing. Patrons limited to 30 minute per visit unless otherwise authorized by library staff.
9. Public access computers in main computer bay limited to 4. One computer available in young adult section and one computer available in children's room.
10. Headphones will not be available. Patrons are welcome to bring their own.
11. Computer usage limited to 30 minute unless appointment made in advance for longer time and use limited to job applications/resume or school assignment. (NO hanging out playing games or "surfing" the web)
12. Program/Meeting room closed until further notice. Used to quarantine materials and store excess furnishings from library.
13. Storytime to remain suspended until further notice. As would all other programming that would be subject to the gathering of groups of people in the library/community center.

14. The children's room to remain closed to all playing/hanging out. All toys and stuffed animals removed from the children's room. Room will be open to "Grab and Go" of materials. Limited to use by one family at a time.
15. All public access surfaces to be regularly wiped down throughout the day.
16. Computer keyboards and mice to be sanitized after each use.
17. Increased janitorial services to ensure proper sanitization of public access areas prior to opening. (outside wait area, doors, restroom, mopping, circulation desk counter, trash removal)
18. Library staff will have the right to refuse service to anyone exhibiting signs of sickness (coughing, sneezing, etc.) or admitting to exposure to COVID-19 or other health risk.
19. All extra furnishings removed from main floor into the program room.
20. Signage and markings placed throughout the library to encourage safe distancing.
21. Staff area roped off to prevent patrons from "wandering" into our space.