

RESOLUTION NO. R-2020-26

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS SUPPORTING AND APPROVING THE 4/9/20 ISSUANCE OF THE ORDER OF THE LOCAL HEALTH AUTHORITY FOR SMITH COUNTY, TEXAS, FOR THE PROVISION OF NON-CONGREGATE SHELTERS TO ADDRESS THE COVID-19 EMERGENCY; RATIFYING AND APPROVING ALL ACTIONS TAKEN BY THE MAYOR OF THE CITY OF TYLER, TEXAS, ASSOCIATED WITH SUCH ORDER OF THE LOCAL HEALTH AUTHORITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, it is the intent of the City Council to protect the public health, safety and welfare; and

WHEREAS, municipalities may, under their police powers, enact reasonable regulations to promote the health, safety and general welfare of citizens; and

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

WHEREAS, the Tyler City Council is acting pursuant to all appropriate statutory authority including Texas Government Code Chapter 481, Texas Government Code Chapter 791, Texas Health and Safety Code Chapter 121, Texas Administrative Code Title 37, Tyler City Charter Sections 1, 2, 6 and 89, Tyler City Code Chapter 1, Article V., and the City of Tyler's Emergency Management Plan; and

WHEREAS, on January 20, 2020, the World Health Organization designated the novel coronavirus disease 2019 ("COVID-19") outbreak as a Public Health Emergency of International Concern and on March 11, 2020 characterized the outbreak as a pandemic; and

WHEREAS, on January 21, 2020, the United States Secretary of Health and Human Services announced a nationwide public health emergency to respond to COVID-19; and

WHEREAS, on March 13, 2020, Texas Governor Greg Abbott issued a Proclamation certifying COVID-19 as an imminent threat of disaster and declared a disaster across the State of Texas; and

WHEREAS, on March 19, 2020, the Texas Department of State Health Services' Dr. John Hellerstadt, determined that COVID-19 represents a public health disaster within the meaning of Texas Health and Safety Code Chapter 81; and

WHEREAS, on March 19, 2020, Texas Governor Greg Abbott issued EO GA-08; and on March 24, 2020, the Texas Governor issued EO GA-09; and on March 31, 2020, the Texas Governor issued EO GA-14; all of which are related to managing the COVID-19 public health disaster in Texas; and

WHEREAS, on March 16, 2020, Smith County, Texas County Judge Nathaniel Moran made a Declaration of Local Disaster due Public Health Emergency; and on March 18, 2020, the Smith County Commissioners Court ratified and extended the County Judge's local disaster declaration; and on March 27, 2020, Smith County, Texas County Judge Nathaniel Moran issued

a two-week "Shelter at Home" Order from March 27 through April 10, 2020, which order was extended to April 30, 2020; and

WHEREAS, on March 20, 2020, City of Tyler, Texas Mayor Martin Heines issued a Proclamation issuing a Local State of Disaster and Emergency Conditions as a result of COVID-19; and on March 25, 2020, the Tyler City Council ratified and approved the extension of the Mayor's Proclamation of Local State of Disaster and Emergency Conditions because of COVID-19; and

WHEREAS, on April 9, 2020, Local Health Authority for Smith County, Texas Dr. Jeffrey Levin, under the direction of the Smith County Judge and the Mayor of the City of Tyler, Texas, declared the existence of a public health emergency within Smith County, Texas, and providing that any agency that may be responsible for providing shelter to any person in the City of Tyler and Smith County, Texas, to locate, secure, operate and make available non-congregate sheltering to any person needing to be isolated or quarantined in order to prevent the spread of COVID-19; and

WHEREAS, it is important for the Tyler City Council express its support and approval of the Local Health Authority's Declaration of the existence of a public health emergency within Smith County, Texas, and the Local Health Authority's Order related to non-congregate sheltering to address COVID-19; and

WHEREAS, it is important for the Tyler City Council to ratify, approve and express its support of all actions taken by City of Tyler Mayor Martin Heines associated with the issuance of the Local Health Authority's Declaration of the existence of a public health emergency within Smith County, Texas, and the Local Health Authority's Order related to non-congregate sheltering to address COVID-19; and

WHEREAS, the Mayor of the City of Tyler, Texas has taken and is taking extraordinary measures to prevent the spread of COVID-19; and

WHEREAS, it is important for the City of Tyler to continue its ongoing cooperative efforts with Smith County, Texas and the Northeast Texas Public Health District to address the COVID-19 public emergency; and

WHEREAS, it is important for the City of Tyler to maintain its level of emergency preparedness in the wake of the COVID-19 pandemic;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS:


PART 1: That the City of Tyler, acting through its governing body, hereby confirms that it supports and approves the issuance of the Order (copy attached hereto as Exhibit "A" and incorporated herein) issued on April 9, 2020, by Local Health Authority for Smith County, Texas Dr. Jeffrey Levin, under the direction of the Smith County Judge and the Mayor of the City of Tyler, Texas, declaring the existence of a public health emergency within Smith County, Texas, and providing that any agency that may be responsible for providing shelter to any person in the City of Tyler and Smith County, Texas, to locate, secure, operate and make available non-congregate sheltering to any person needing to be isolated or quarantined in order to prevent the spread of COVID-19.

PART 2: That the City Council hereby ratifies, approves and supports all actions taken by Mayor Martin Heines associated with the issuance of the Order issued by the Local Health Authority on April 9, 2020.

PART 3: That City Staff is hereby directed to continue all cooperative efforts between the City of Tyler, Texas, Smith County, Texas and the Northeast Texas Public Health District to address the COVID-19 public health emergency.

PART 4: That this Resolution shall take effect immediately upon adoption.

ADOPTED this 13th day of May, 2020.


MARTIN HEINES, MAYOR
OF THE CITY OF TYLER, TEXAS

ATTEST:

APPROVED:


CASSANDRA BRAGER, CITY CLERK




DEBORAH G. PULLUM,
CITY ATTORNEY

EXHIBIT "A"
RESOLUTION R-2020-26
NON-CONGREGATE SHELTER

**ORDER OF THE LOCAL HEALTH AUTHORITY FOR SMITH COUNTY,
TEXAS, FOR THE PROVISION OF NON-CONGREGATE SHELTERS**

WHEREAS, on January 20th, the World Health Organization designated the novel coronavirus disease 2019 ("COVID-19") outbreak as a Public Health Emergency of International Concern and on March 11, 2020 characterized the outbreak as a pandemic; and

WHEREAS, on January 31st, 2020, the United States Secretary of Health and Human Services announced a nationwide public health emergency to respond to COVID-19; and

WHEREAS, on March 13th, 2020 Texas Governor Greg Abbott issued a Proclamation certifying COVID-19 as an imminent threat of disaster and declared a disaster across the state of Texas; and

WHEREAS, on March 19th, 2020, the Texas Department of State Health Services' Dr. John Hellerstadt, determined that COVID-19 represents a public health disaster within the meaning of Ch. 81 of the Texas Health and Safety Code; and

WHEREAS, on March 19th, 2020 Texas State Governor Greg Abbott issued EO GA-08; and on March 24th, 2020, the Texas Governor issued EO GA-09; and on March 31st, 2020, the Texas Governor issued EO GA-14, all of which are related to managing the COVID-19 public health disaster in Texas; and

WHEREAS, on March 16th, 2020 Smith County, Texas County Judge Nathaniel Moran made a Declaration of Local Disaster due to Public Health Emergency; and on March 18th, the Smith County Commissioners Court ratified and extended the Judge's local disaster declaration; and on March 27th, 2020; and Smith County, Texas County Judge Nathaniel Moran issued a two week "Shelter at Home" Order from March 27-April 10th, which order was extended to April 30, 2020; and

WHEREAS, on March 20th, 2020, City of Tyler, Smith County, Texas, Mayor Martin Heines issued a Proclamation issuing a Local State of Disaster and Emergency Conditions as a result of COVID-19; and on March 25th the City of Tyler City Council ratified and approved the extension of Mayor's Proclamation of a local disaster because of COVID-19; and

WHEREAS, local leaders are charged with taking all appropriate and necessary steps to preserve public safety and to render all required and available assistance to protect the security, well-being, and health of the residents of the City; and

WHEREAS, I find the ongoing transmission of COVID-19 internationally and locally to be a threat to the public health of the City of Tyler and Smith County, Texas; and

WHEREAS, pursuant to Sections 1 and 2 of the City Charter of the City of Tyler and the NET Health Cooperative Agreement, per Chapter 121 of the Texas Local Government Code, NET Health, the local public health district, is authorized to supervise the control of communicable diseases and conditions hazardous to life and health and take such actions as may be necessary to assure the maintenance of the protection of public health; and

WHEREAS, pursuant to Chapter 81 of the Texas Health and Safety Code and Chapter 125 of the Local Government Code, I am authorized to declare a public health emergency and issue orders and take actions that I deem necessary for the health and safety of the City and its residents when urgent public health action is necessary to protect the public health against an existing threat; and

WHEREAS, non-congregate sheltering is necessary to save lives, to protect property and public health, and to ensure public safety, as well as to lessen or avert the threat of a catastrophe; and

WHEREAS, there is an urgent health need for non-congregate shelters for individuals who may need to be isolated or quarantined for seven days after the onset of symptoms and up to 14 days, in order to protect the health and safety of all City residents; and

WHEREAS, sheltering such individuals in congregate settings will further the spread of this disease, endangering populations that are particularly susceptible to COVID-19 infection, including people over 60 years of age and people with certain underlying conditions, and a system of non-congregate shelters will save lives, protect public health and promote public safety; and

NOW, THEREFORE, BE IT RESOLVED THAT,

1. I, Jeffrey Levin, M.D., Local Health Authority for Smith County, Texas, under the direction of the Smith County Judge and the Mayor of the City of Tyler, Texas, hereby declare the existence of a public health emergency within Smith County, Texas, for which certain orders and actions are

necessary to protect the health and safety of Smith County, Texas and its residents, and for which exercising the power of the Local Health Authority to prevent, mitigate, control and abate the current emergency presented by COVID-19 is necessary. I find there to be sufficient proof to authorize a declaration of great and imminent peril to the public health.

2. WE HEREBY ORDER any agency that may be responsible for providing shelter to any person in the City of Tyler and County of Smith to locate, secure, operate, and make available non-congregate sheltering to any person needing to be isolated or quarantined in order to prevent the spread of COVID-19. The provision off non-congregate shelters required by this ORDER shall be limited to that which is reasonable and necessary to adequately protect the public from the threat presented by the COVID-19 pandemic, as determined by the Texas Department of State Health Services.

Such shelters may be located in hotels, convention centers, dormitories, and other non-traditional shelter facilities as deemed appropriate by the Texas Department of State Health Services in consultation with myself, local law enforcement and other stakeholders. Such shelters shall be under the control of the Joint City of Tyler and Smith County Emergency Operations Center.

3. This ORDER shall be effective immediately and remain in effect until the end of the public health emergency or such earlier time as we may indicate.

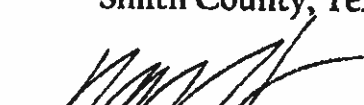
Dated: April 9, 2020



Dr. Jeffrey Levin
Local Health Authority
Smith County, Texas



Nathaniel Moran
County Judge
Smith County, Texas



Martin Heines
Mayor
City of Tyler, Texas