# CITY OF EL PASO, TEXAS
## AGENDA ITEM
## DEPARTMENT HEAD'S SUMMARY FORM

**AGENDA DATE:** December 5, 2022
**PUBLIC HEARING DATE:** December 5, 2022

**CONTACT PERSON NAME AND PHONE NUMBER:** Mario M. D'Agostino, DCM (915) 212-5605

**DISTRICT(S) AFFECTED: All Districts**

**STRATEGIC GOAL:** Goal 6. Set the standard for sound governance and fiscal management.
**SUBGOAL:** 6.8 Support transparent and inclusive government.

**SUBJECT:**
Discussion and action on an Emergency Ordinance re-enacting Emergency Ordinance No. 019035 extending a Disaster Declaration due to a Public Health Emergency.

**BACKGROUND / DISCUSSION:**
Emergency Ordinance No. 019363 which re-enacts Emergency Ordinance No. 019035 is set to expire on December 7, 2022.

**PRIOR COUNCIL ACTION:**
Since March 2020, El Paso City Council has re-enacted Emergency Ordinance No. 019035 monthly, with the most recent re-enactment taking place on November 7, 2022; and

**AMOUNT AND SOURCE OF FUNDING:**
None.

**HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED?** ☒ YES ☐ NO

**PRIMARY DEPARTMENT:** Fire Department

**SECONDARY DEPARTMENT:** Department of Public Health

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*******************REQUIRED AUTHORIZATION*******************

**DEPARTMENT HEAD:**

*Mario M. D'Agostino*

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**AN EMERGENCY ORDINANCE RE-ENACTING EMERGENCY ORDINANCE NO. 019035 EXTENDING A DISASTER DECLARATION DUE TO A PUBLIC HEALTH EMERGENCY**

      **WHEREAS**, on March 13, 2020, the Governor of the State of Texas declared a state of disaster and the President of the United States of America declared a national emergency in relation to COVID-19; and

      **WHEREAS**, on March 13, 2020, the Mayor signed a Local Emergency Declaration and requested the aid of the State Government pursuant to Texas Government Code Section 418.108; and

      **WHEREAS**, pursuant to El Paso City Code Section 2.48.020(C), a local state of disaster declaration may not be continued or renewed for a period in excess of seven days except by or with the consent of City Council; and

      **WHEREAS**, City Charter Section 3.10 allows for the City Council to adopt an emergency ordinance to meet a public emergency affecting life, health, property or the public peace; and

      **WHEREAS**, on March 17, 2020, the City Council adopted Emergency Ordinance No. 019035, Extending a Disaster Declaration Due to a Public Health Emergency; and

      **WHEREAS**, since March 2020, El Paso City Council has re-enacted Emergency Ordinance No. 019035 monthly, with the most recent re-enactment taking place on November 7, 2022; and

      **WHEREAS,** despite local COVID-19 cases continuing to decline, the risk of contracting COVID-19 remains and new variants of the virus are expected to arise; and

      **WHEREAS**, as of November 15, 2022, the number of new COVID-19 active cases reported in El Paso is 352 and the cumulative number is 290,510; and

      **WHEREAS**, pursuant to City Charter Section 3.10, every emergency ordinance shall stand repealed automatically as of the 31$^{st}$ day following the date on which it was adopted, but may be re-enacted to continue a Disaster Declaration; and

      **WHEREAS**, Emergency Ordinance No. 019395 which re-enacts Emergency Ordinance No. 019035 is set to expire on December 07, 2022;

      **WHEREAS**, the condition necessitating a declaration of a state of disaster continues to exist.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF EL PASO, TEXAS:**

1. That the state of disaster proclaimed for the City of El Paso by the Mayor on March 13, 2020, and extended by Emergency Ordinance No. 019035, is hereby re-enacted and shall continue for thirty (30) days unless re-enacted in accordance with City Charter Section 3.10 or until terminated by City Council, whichever is sooner.

2. This ordinance is adopted as an emergency measure with the unanimous vote of the City Council Representatives present and the consent of the Mayor and pursuant to City Charter Section 3.10.

     **PASSED AND ADOPTED, this _____ day of December 2022.**

                                       **THE CITY OF EL PASO, TEXAS**
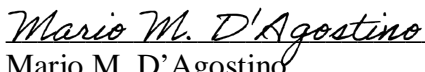
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                                       Oscar Leeser
                                       Mayor

**ATTEST**:

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Laura D. Prine
City Clerk

**APPROVED AS TO FORM:**                       **APPROVED AS TO CONTENT:**

_____       *Mario M. D'Agostino*_____
Karla M. Nieman                            Mario M. D'Agostino
City Attorney                                 Deputy City Manager
                                              Public Health & Safety