

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

AGENDA DATE: May 24, 2021
PUBLIC HEARING DATE: May 24, 2021

CONTACT PERSON NAME AND PHONE NUMBER: Mario M. D'Agostino, Fire Chief (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 and amending Emergency Ordinance No. 019036, as re-enacted, restated and amended by Emergency Ordinance No. 019151; and further amended by Emergency Ordinance No. 019169; penalty as provided in Section 8.

BACKGROUND / DISCUSSION:

The City Council now desires to amend Emergency Ordinance No. 019036, as re-enacted, restated and amended by Emergency Ordinance No. 019151, and as recently re-enacted and amended by Emergency Ordinance No. 019169, Section 4 "Suspension and Modification of Ordinances and Rules", Subsection 4(a)(iii) to delete and mark as "Reserved" the section regarding parking meter fees, to no longer suspend the parking meter fees without a recommendation to City Council.

PRIOR COUNCIL ACTION:

Since March 2020, El Paso City Council has re-enacted Emergency Ordinance No. 019036 monthly, with the most recent extension taking place on April 26, 2021.

AMOUNT AND SOURCE OF FUNDING:

None.

HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? ☒ YES ☐ NO

PRIMARY DEPARTMENT: Fire Department

SECONDARY DEPARTMENT: Department of Public Health

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

DEPARTMENT HEAD:



**AN EMERGENCY ORDINANCE
RE-ENACTING AND AMENDING EMERGENCY ORDINANCE NO. 019036,
AS RE-ENACTED, RESTATED AND AMENDED BY EMERGENCY ORDINANCE NO. 019151;
AND FURTHER AMENDED BY EMERGENCY ORDINANCE NO. 019169; PENALTY AS
PROVIDED IN SECTION 8**

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, by proclamation issued on March 13, 2020, the Mayor declared a local state of disaster for the City of El Paso resulting from a public health emergency; and

WHEREAS, on March 17, 2020, the City Council, pursuant to City Charter Section 3.10, adopted Emergency Ordinance No. 019036 to meet a public emergency affecting life, health, property or the public peace; and

WHEREAS, since March 2020, City Council has re-enacted Emergency Ordinance No. 019036 monthly, with the most recent re-enactment, re-statement and amendment taking place on March 16, 2021 and with the most re-enactment and amendment taking place on April 26, 2021; and

WHEREAS, pursuant to City Charter Section 3.10, every emergency ordinance shall stand repealed automatically as of the 31st day following the date on which it was adopted, but may be re-enacted if the emergency still exists; and

WHEREAS, a disaster continues to exist and requires that certain emergency measures be taken to meet a public emergency affecting life, health, property or the public peace; and

WHEREAS, on April 13, 2020, the City Council approved Emergency Ordinance 019051, which amended Emergency Ordinance No. 019036, by adding Subsection 4(a)(iii) to allow for the Director of International Bridges, for the duration of the local disaster, without recommending to City Council, to exempt certain parking meters from the parking meter fees as described in City Code 12.56.020F; and

WHEREAS, Subsection 4(a)(iii) has remained intact through all subsequent restatements, including Emergency Ordinance No. 019151, which was the most recent restatement of Emergency Ordinance No. 019036, and also through all of the amendments and re-enactments, including Emergency Ordinance 019169, which was the most recent amendment and re-enactment of Emergency Ordinance No. 019036; and

WHEREAS, City Council now desires to amend Emergency Ordinance No. 019036, as re-enacted, restated and amended by Emergency Ordinance No. 019151, and as recently re-enacted and amended by Emergency Ordinance No. 019169, Section 4 "Suspension and Modification of Ordinances and Rules", Subsection 4(a)(iii) to delete and mark as "Reserved" the section regarding parking meter fees, to no longer suspend the parking meter fees without a recommendation to City Council; and

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WHEREAS, on November 9, 2020, the City Council approved Emergency Ordinance 019115, which re-enacted, restated, and amended Emergency Ordinance No. 019036, by adding Section 9 which noted that State and local officials strongly urged the public to wear face coverings; and

WHEREAS, on March 2, 2021, Texas Governor Abbott issued GA-36, which included a provision strongly encouraging individuals to wear face coverings; and

WHEREAS, on May 18, 2021, Texas Governor Abbott issued GA-36, which prohibits governmental entities from mandating masks, and specifically removed the reference from GA-34 that strongly encouraged individuals to wear face coverings; and

WHEREAS, City Council wishes to align its Emergency Measures Ordinance with GA-36 and remove from Emergency Ordinance No. 019115, Section 9, the reference to the State strongly encouraging individuals to wear face covering.

WHEREAS, the City Council desires to re-enact and amend Emergency Ordinance No. 019036, as re-enacted, restated and amended on March 16, 2021 through Emergency Ordinance No. 019151, as further re-enacted and amended on March 29, 2021 through Emergency Ordinance No. 019156, and as further re-enacted and amended on April 26, 2021 through Emergency Ordinance No. 019169, which shall remain in effect for thirty days or until otherwise terminated, re-enacted, or superseded by a conflicting El Paso Local Health Authority order, or state or federal law or order.

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

1. Emergency Ordinance No. 019036, as re-enacted, restated and amended by Emergency Ordinance No. 019151, and as further re-enacted and amended by Emergency Ordinance No. 019156 and as further re-enacted and amended by Emergency Ordinance No. 019169 and penalty as provided in Section 8, is hereby re-enacted.
2. That Section 4 (Suspension and Modification of Ordinances and Rules), subsection a, paragraph iii be amended to read as follows:

[Reserved]

3. That Section 9 (Notice of Independent Criminal Penalties), Section “A”, be amended to read as follows:

Local officials strongly urge that the public wear face masks whenever possible, particularly inside of buildings and in open spaces where it is not feasible to not maintain social distancing. It is important to remember that when an individual is not wearing a face covering, and is infected with COVID-19, their coughs or sneezes propel droplets carrying the virus through the air, and those airborne droplets may infect others with the virus.

The public is hereby on notice that coughing or sneezing on another person may subject them to criminal penalties for simple assault pursuant to the Texas Penal Code.

4. Except as amended herein, Emergency Ordinance No. 019036, as re-enacted, restated and amended by Emergency Ordinance No. 019151, as re-enacted and amended by Emergency Ordinance No. 019156, and further amended by Emergency Ordinance 019169, and penalty as provided in Section

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8, shall remain in full force and effect and continue for thirty (30) days unless re-enacted in accordance with Charter Section 3.10 or until terminated by the City Council, whichever is sooner.

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

PASSED AND ADOPTED, this ____ day of May, 2021.

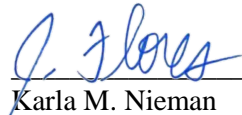
THE CITY OF EL PASO, TEXAS

ATTEST:

Oscar Leeser
Mayor


Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Karla M. Nieman
City Attorney

APPROVED AS TO CONTENT:



Mario M. D'Agostino, Fire Chief
El Paso Fire Department

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AND FURTHER AMENDED BY EMERGENCY ORDINANCE NO. 019169; PENALTY AS
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WHEREAS, Subsection 4(a)(iii) has remained intact through all subsequent restatements, including Emergency Ordinance No. 019151, which was the most recent restatement of Emergency Ordinance No. 019036, and also through all of the amendments and re-enactments, including Emergency Ordinance 019169, which was the most recent amendment and re-enactment of Emergency Ordinance No. 019036; and

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20-1052-1069 /PL#1078511v.3 | KMN | JF | KM | Emergency Ordinance No. 019036, (Emergency Measures) June 2021

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

1. Emergency Ordinance No. 019036, as re-enacted, restated and amended by Emergency Ordinance No. 019151, and as further re-enacted and amended by Emergency Ordinance No. 019156 and as further re-enacted and amended by Emergency Ordinance No. 019169 and penalty as provided in Section 8, is hereby re-enacted.
2. That Section 4 (Suspension and Modification of Ordinances and Rules), subsection a, paragraph iii be amended to read as follows:

iii. ~~[Reserved] El Paso City Code, Title 12 (Vehicles and Traffic), Chapter 12.56 (Parking Meters), Sub-chapter 12.56.020 (Installation), Sub-section 12.56.020(F), second sentence of the first paragraph, as stated below is hereby suspended and temporarily replaced with the following:~~

~~Parking meter fees shall apply in all areas between the hours of 8:00 a.m. and 6:00 p.m. of every day except on officially designated city holidays and Sundays. The International Bridges Director shall make recommendations to city council for exceptions to the days and times when parking meter fees shall apply, except that, for the duration of the local disaster declaration, the Director of International Bridges or designee may, without recommending to City Council, select as exempt from the parking meter fees those parking meters that enable curbside pick up and take out at restaurants in increments not to exceed 15 minutes.~~

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~~The Exceptions within 12.56.020(F) are not suspended or amended, and remain in full force and effect]~~

3. That Section 9 (Notice of Independent Criminal Penalties), Section “A”, be amended to read as follows:

~~State and Local~~ officials strongly urge that the public wear face masks whenever possible, particularly inside of buildings and in open spaces where it is not feasible to not maintain social distancing ~~from others not of the same household~~. It is important to remember that when an individual is not wearing a face covering, and is infected with COVID-19, their coughs or sneezes propel droplets carrying the virus through the air, and those airborne droplets may infect others with the virus.

The public is hereby on notice that coughing or sneezing on another person may subject them to criminal penalties for simple assault pursuant to the Texas Penal Code.

4. Except as amended herein, Emergency Ordinance No. 019036, as re-enacted, restated and amended by Emergency Ordinance No. 019151, as re-enacted and amended by Emergency Ordinance No. 019156, and further amended by Emergency Ordinance 019169, and penalty as provided in Section 8, shall remain in full force and effect and continue for thirty (30) days unless re-enacted in accordance with Charter Section 3.10 or until terminated by the City Council, whichever is sooner.
5. This ordinance is adopted as an emergency measure with the unanimous vote of the City Council Representatives present and the consent of the Mayor, pursuant to City Charter Section 3.10.

PASSED AND ADOPTED, this ____ day of May, 2021.

THE CITY OF EL PASO, TEXAS

ATTEST:

Oscar Leaser
Mayor

Laura D. Prine
City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Karla M. Nieman
City Attorney

Mario M. D’Agostino, Fire Chief
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