

## **ORDINANCE NUMBER 21-10-1234**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MURPHY, TEXAS, AMENDING ORDINANCES 20-03-1153, 20-03-1154, 20-04-1157, 20-05-1158, 20-06-1163, 20-07-1166, 20-08-1171, 20-09-1176, 20-10-1182, 20-12-1188, 21-01-1189, 21-02-1192, 21-03-1197, 21-04-1205, 21-05-1211, 21-06-1219, 21-07-1220, 21-08-1223, AND 21-09-1230; CONTINUING THE MAYOR'S DECLARATIONS OF LOCAL DISASTER UNTIL NOVEMBER 16, 2021, AT 11:59 P.M. CENTRAL STANDARD TIME; PROVIDING A CUMULATIVE/REPEALER CLAUSE; PROVIDING FOR PUBLICATION, AN EFFECTIVE DATE, PUBLICITY, FILING AND CONFLICT PROVISION.**

**WHEREAS**, the City of Murphy is a Home-Rule municipality acting pursuant to Chapter 9 of the Local Government Code; and

**WHEREAS**, in December 2019, a novel coronavirus, now designated COVID-19, was detected in Wuhan City, Hubei Province, China. Symptoms of COVID-19 include fever, cough, and shortness of breath. Outcomes have ranged from mild to severe illness, and in some cases death; and

**WHEREAS**, on March 13, 2020, Texas Governor Greg Abbot issued a proclamation declaring a state of disaster for all counties within the State of Texas in response to the spread of COVID-19, and he has since renewed this proclamation each subsequent month including most recently on September 21, 2021; and

**WHEREAS**, on March 17, 2020, Mayor Scott Bradley executed a Proclamation Declaring a Local State of Disaster, on March 18, 2020; he executed a Declaration of Local Disaster for Public Health Emergency and on March 18, 2020; and he executed a Declaration of Local Disaster for Public Health Emergency First Revision, for the City of Murphy pursuant to section 418.108(a) of the Texas Government Code; and

**WHEREAS**, in order to extend the Declaration of Local Disaster for a period longer than seven days, the City Council must consent to such an extension pursuant to section 418.108(b) of the Texas Government Code; and

**WHEREAS**, by majority vote, on March 24, 2020, the City Council consented to an extension of the declaration of local disaster until June 22, 2020, at 11:59 p.m. Central Standard Time by adoption of Ordinance 20-03-1153; Council also adopted Ordinance 20-03-1154 on March 30, 2020, Ordinance 20-04-1157 (which addressed signs) on April 21, 2020, Ordinance 20-05-1158 on May 26, 2020, Ordinance 20-06-1163 on June 16, 2020, Ordinance 20-07-1166 on July 21, 2020, Ordinance 20-08-1171 on August 18, 2020, Ordinance 20-09-1176 on September 15, 2020, Ordinance 20-10-1182 on October 20, 2020, Ordinance 20-12-1188, on December 1, 2020, Ordinance 21-01-1189 on January 5, 2021, an extension of Mayor's Declaration of Local Disaster for Public Health Emergency of February 16, 2021, Ordinance 21-02-1192 on February 23, 2021, Ordinance 2103-1197 on April 20, 2021, Ordinance 21-04-1205 on April 20, 2021, Ordinance 21-05-1211 on May 18, 2021, Ordinance 21-06-1219 on June 15, 2021, Ordinance 21-07-1220 on July 20, 2021, Ordinance 21-08-1223 on August 17, 2021, and Ordinance 21-09-1230 on September 21, 2021, which extended the declaration of local disaster to October 20, 2021, to help abate the public

health threat; and at this time the City Council has concluded after evaluation of the community spread of COVID-19 and upon review of updated guidance and orders from the CDC, Texas Department of State Health Services (including an updated public health disaster in Texas issued November 13, 2020, by Commissioner of DSHS Dr. John Hellerstedt, who on the same day issued revised COVID-19 protocols for all employers, event organizers, youth clubs, etc.), the Governor of Texas including his April 5, 2021 extension of his COVID-19 Disaster Declaration, Executive Order GA-34 issued March 2, 2021 (which supersedes Executive Orders GA-17, GA-25, GA-29, GA-31, and GA-32 but does not supersede Executive Orders GA-10 or GA-13), Executive Order GA-35 issued April 5, 2021 (which does not supersede Executive Orders GA-10, GA-13 or GA-34), Executive Order GA-36 issued May 18, 2021 (which does not supersede Executive Orders GA-10, GA-13, GA-34 or GA-35 except it does supersede subparagraph 1(b) and 2(c)(iii) of GA-34), GA-37, GA-38 (which does supercede all previous Orders but does not rescind GA-13 or GA37), GA-39 issued August 25, 2021 (regarding vaccine mandates and vaccine passports and supersedes paragraph 2 of GA-38) and GA-40 issued October 11, 2021, (regarding “[n]o entity in Texas can compel receipt of a COVID-19 vaccine by any individual, including an employee or a consumer, who objects to such vaccination for any reason of personal conscience, based on a religious belief, or for medical reasons, including prior recovery from COVID-19”), Collin County Judge and Commissioners and others that it is necessary to extend the declaration of local disaster, as set forth herein in the best interest of the citizens of Murphy; and

**WHEREAS**, regarding masks, the Governor’s Executive Order GA-34 went into effect on March 10, 2021, removing the statewide GA-29 mask mandate and GA-38 which went into effect July 29, 2021, offer a very limited number of entities that may require face coverings; and

**WHEREAS**, in order to protect Texans’ private health information, the Governor’s Executive Order GA-35, which was issued April 5, 2021, and was updated in GA-38 on July 29, 2021, prohibits state agencies, political subdivisions and public and private entities that receive public funds (except for nursing home/assisted living type facilities regarding residents and documentation required for administration of the COVID vaccine) from requiring vaccine passports to enter a facility or receive a service; and

**WHEREAS**, the Governor’s Executive Order GA-36 went into effect on May 18, 2021, and was addressed again in GA-38 on July 29, 2021, removing the power of local and county entities to enforce a mask mandate, with certain exceptions that do not apply to Murphy except municipal jails; and

**WHEREAS**, the City of Murphy will not require wearing a face covering to enter City Facilities, and the City will adhere to CDC guidelines which states in part those that are not fully vaccinated are not required to wear a face covering but are highly encouraged to wear a face covering inside City Facilities; and

**WHEREAS**, effective September 1, 2021, the COVID-related suspension of certain provisions of the Texas Open Meetings Act will be removed by the Texas Governor and all public meetings shall be held in accordance with all state laws;

**WHEREAS**, this modification is made exclusively as a temporary response to an ongoing public health emergency and significant disruption to City of Murphy operations, it is not an accommodation of a disability as defined by the Americans with Disabilities Act of 1990.

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

**SECTION 1. Incorporation of Premises.** That all of the above recitals are found to be true and correct and are incorporated into the body of this Ordinance as if fully set forth herein.

**SECTION 2. Extension of Declarations of Local Disaster and Amendment of Ordinances 20-03-1153, 20-03-1154, 20-04-1157, 20-05-1158, 20-06-1163, 20-07-1166, 20-08-1171, 20-09-1176, 20-10-1182, 20-12-1188, 21-01-1189, 21-02-1192, 21-03-1197, 21-04-1205, 21-05-1211, 21-06-1219, 21-07-1220, Enforcement of GA-38, 21-08-1223, and 21-09-1230.** That, in accordance with Section 418.108(b) of the Texas Government Code and Article 1.03 of the City of Murphy Code of Ordinances, the City Council hereby consents to allow the Declaration of Local Disaster for Public Health Emergency First Revision to be extended until November 16, 2021, at 11:59 p.m. Central Standard Time, which date is an amendment to Ordinances 20-03-1153, 20-03-1154, 20-04-1157, 2005-1158, 20-06-1163, 20-07-1166, 20-08-1171, 20-09-1176, 20-10-1182, 20-12-1188, 21-01-1189, an extension of Mayor's Declaration of Local Disaster for Public Health Emergency of February 16, 2021, Ordinance 21-02-1192, Ordinance 21-03-1197, Ordinance 21-04-1205, Ordinance 21-051211, Ordinance 21-06-1219, Ordinance 21-07-1220, Ordinance 21-08-1223, and Ordinance 21-09-1230. In accordance with Executive Order GA-38(5)(a), city officials may enforce GA-38(4) as well as local restrictions that are consistent with GA-38(4). After removal of the limited suspensions of the Open Meetings Act on September 1, 2021, all public meetings in Murphy shall be held in accordance with the then current laws.

**SECTION 3. Savings.** That all rights and remedies of the City of Murphy are expressly saved as to any and all violations of the provisions of any Ordinances that have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such Ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

**SECTION 4. Cumulative/Repealer Clause.** Ordinances No. 20-03-1153, 20-03-1154, 20-041157, 20-05-1158, 20-06-1163, 20-08-1171, 20-09-1176, 20-10-1182, 20-12-1188, 21-01-1189, an extension of Mayor's Declaration of Local Disaster for Public Health Emergency of February 16, 2021, Ordinances 21-02-1192, 21-03-1197, 21-04-1205, 21-05-1211, 21-06-1219, 21-07-1220, 21-08-1223, and 21-09-1230 on September 21, 2021, shall remain in full force and effect, save and except as amended by this or any other ordinance. This Ordinance shall be cumulative of all other Ordinances of the City of Murphy and shall not repeal any of the provisions of such Ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance or where expressly repealed hereby. Ordinances or parts thereof in force at the time this Ordinance shall take effect and that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance.

**SECTION 5. Severability Clause.** If any section, article, paragraph, sentence, clause, phrase or word in this Ordinance or application thereof to any person or circumstance is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance, and the City Council hereby declares it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

**SECTION 6. Publication/Effective Date.** This Ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and City Charter in such cases provide.


**SECTION 7. Publicity and Filing.** Pursuant to Texas Government Code Section 418.108(c), Section 3.05(2) of the Home Rule Charter and Article 1.03 of the City of Murphy Code of Ordinances, this continuation of the declaration of a local state of disaster for public health emergency shall be given prompt and general publicity and shall be filed promptly with the City Secretary.


**SECTION 8. Conflict Provision.** All provisions of the Code of Ordinances of the City of Murphy, codified or uncoded, in conflict with the provisions of this Ordinance are hereby temporarily superseded by this Ordinance for the duration of the dates specified herein.

**PASSED, APPROVED AND ADOPTED** by the City Council of the City of Murphy, Texas, on this 19<sup>th</sup> day of October 2021.

ATTEST:



  
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Scott Bradley, Mayor  
City of Murphy, Texas

  
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Susie Quinn, City Secretary  
City of Murphy, Texas

APPROVED AS TO FORM:

  
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for Wm. Andrew Messer, City Attorney