

RESOLUTION NO. 2020- _____

RESOLUTION OF THE CITY OF MCALLEN BOARD OF COMMISSIONERS EXTENDING LOCAL DISASTER DECLARATION AND DELEGATING SPECIFIC AUTHORITY TO THE CITY MANAGER; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS HELD IN ACCORDANCE WITH STATE LAW.

WHEREAS, COVID-19 (coronavirus) is a contagious respiratory virus; and

WHEREAS, COVID-19 has been declared a pandemic by the World Health Organization; and

WHEREAS, the United States Federal Government declared a national emergency on March 13, 2020 due to COVID-19; and

WHEREAS, Governor Abbot declared a State of Disaster in Texas on March 13, 2020, due to COVID-19; and

WHEREAS, it is necessary to take additional steps to prepare for, respond to and mitigate the spread of COVID-19 to protect public health and welfare; and

WHEREAS, the conditions necessitating declaration of a state of disaster continue to exist; and

WHEREAS, §418.108(b) of the Texas Government Code provides that a local state of disaster may not be continued for a period of excess of seven days without the consent of the governing body of the political subdivision;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF McALLEN, TEXAS:

That the state of disaster proclaimed for the City of McAllen in response to COVID-19 by Mayor James E. Darling on March 17, 2020 shall continue until terminated by order of the City Commission.

That the City Commission acknowledge and affirms all authority vested in the Mayor pursuant to Chapter 418 of the Texas Government Code.

That the following delegations are made to the City Manager or his designee in order to efficiently and effectively prepare for and respond to the COVID-19 emergencies declared at the federal, state and local levels:

1. The authority to make decisions regarding the compensation of exempt employees during an emergency closure, including premium payments to certain employees, and to implement those decisions;

2. The authority to create guidelines and make determinations regarding absences, leave time, leave days, and compensation of any employee who is quarantined as a result of COVID-19 and/or who tests positive for COVID-19 and who presents appropriate medical documentation regarding themselves and/or an immediate family member, in the sole discretion of the City Manager or designee, in compliance with Texas and federal law;
3. The authority to seek any necessary waivers of state law or temporary suspension of state laws;
4. The authority to declare a catastrophe and take all actions as appropriate in accordance with Texas Government Code Section 552.233 regarding temporary suspension of the Texas Public Information Act;
5. The authority to make necessary and appropriate modifications, accommodations or other alterations to meetings conducted by the City that are otherwise governed by the Texas Open Meetings Act (TOMA). Such modifications, accommodations or other alterations shall be consistent, to the extent possible, with TOMA as it may be amended by the appropriate authorities in response to COVID-19. Notwithstanding, the City Manager shall have the authority to conduct meetings in a manner to protect public health and allow efficient continuation of local government;
6. The authority to procure, negotiate, and execute contracts for goods and services that are necessary to mitigate, prevent, restore or repair damage caused to City equipment, personal property, and facilities or to protect the safety of City of McAllen employees, given that the emergency of COVID-19 and its potential spread constitutes an unforeseen emergency/matter of urgent public necessity, and the delays posed by competitive procurement of contracts will prevent or substantially impair essential operations;
7. In the event other waivers or immediate action is needed, the City Manager is authorized to take other actions necessary to sustain City operations.

CONSIDERED, PASSED and APPROVED this 17th day of March 2020, at an emergency meeting of the Board of Commissioners of the City of McAllen, Texas at which a quorum was present and which was held in accordance with Chapters 551 and 552 of the Texas Government Code.

SIGNED on this the 17th day of March 2020.

CITY OF McALLEN, TEXAS


By: /s/ James E. Darling
James E. Darling, Mayor

ATTEST:

By: 

Perla Lara, TRMC/CMC, CPM
City Secretary

APPROVED AS TO FORM:


Austin Stevenson, Asst. City Attorney