

ORDER NO. 2020-05

**ORDER OF THE MAYOR OF THE CITY OF MCALLEN
REQUIRING COMPLIANCE WITH THE APRIL 7 HIDALGO
COUNTY EMERGENCY ORDER; PROVIDING FOR
ENFORCEMENT; AND PROVIDING FOR
SEVERABILITY.**

WHEREAS, COVID-19 (coronavirus) is a contagious respiratory virus that can spread from person to person, especially in group settings; 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 an Executive Order on March 19, 2020; and

WHEREAS, Mayor Darling declared a local disaster on March 17, 2020, due to COVID-19; and

WHEREAS, the March 17, 2020 Declaration of the Mayor and this Revised Order are consistent with the guidelines established by the WHO, CDC, and Federal and State executive decisions and orders for containing the spread of COVID-19 in the CITY OF MCALLEN; and

WHEREAS, the City of McAllen has an emergency management program in accordance with section 418 of the Texas Government Code; 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 Centers on Disease Control and Prevention (“CDC”) recommends an “all of Community” approach focused on slowing transmission of COVID-19 through social distancing to reduce illness and death, while minimizing social and economic impacts; and

WHEREAS, Hidalgo County issued its Second Amended Emergency Order Instituting Additional Measures Due to a Public Health Emergency Related to Corona Virus Disease (COVID-19) on April 7, 2020;

NOW, THEREFORE, I, MAYOR OF THE CITY OF MCALLEN, PURSUANT TO THE AUTHORITY VESTED BY TEXAS GOVERNMENT CODE CHAPTER 418, HEREBY FIND AND ORDER:

Section 1. THIS ORDER SUPERSEDES THE ORDER ISSUED ON MARCH 26, 2020.

Section 2. That the findings and recitations set out in the preamble to this Order are found to be true and correct and they are hereby adopted by the Mayor and made a part hereof for all purposes.

Section 3. This order is intended to be in addition to those orders issued by Governor Abbott. To the extent this order may be inconsistent with any orders issued by the Governor, the more restrictive order shall apply.

Section 4. Effective as of 5:00 PM on Wednesday, April 8, 2020, and continuing until and unless terminated or modified by a further Order, the Mayor of McAllen, Texas deems it in the public interest to **ORDER** compliance with the April 7 Order issued by Hidalgo County, with the following clarifications:

- a. The juvenile curfew in section 1(f) of the County Order shall not apply for the purposes of:
 - i. receiving child nutrition and meal services, or
 - ii. using public Wi-Fi hotspots for educational purposes.
- b. Essential travel in section (O)(3) of the County Order shall include:
 - i. travel required for child nutrition and meal services, or
 - ii. travel to/from public Wi-Fi hotspots for educational purposes.

Section 5. That peace officers, City of McAllen Health and Code Compliance Officers, and the McAllen Fire Marshal are hereby authorized to enforce this order. A violation of this Order is a Class C Misdemeanor punishable by a fine not to exceed \$500 in accordance with McAllen Code of Ordinances Section 1-14.

Section 6. The City of McAllen shall post this Order, along with a copy of the April 7 Hidalgo County Order, on its website. In addition, the owner, manager or operator of any facility that is likely to be impacted by this Order is strongly encouraged to post a copy of this Order onsite and to provide a copy to any member of the public asking for a copy.

Section 7. If any subsection, sentence, clause, phrase or word of this Order or application of it to any person, structure, gathering or circumstance is held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, then such decision will not affect the validity of the rest of the order.

ORDERED on this the 8th day of April 2020.

CITY OF McALLEN, TEXAS

By:



James E. Darling, Mayor

ATTEST:

By:


Perla Lara, TRMC/CMC, CPM
City Secretary

APPROVED AS TO FORM:


Kevin D. Pagan, City Attorney

AWS, ACA