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TENTH AMENDED EMERGENCY REGULATIONS

WHEREAS, by proclamation issued March 12, 2020, pursuant to the Texas Disaster Act of 1975, the Mayor declared a state of local disaster for the City of Dallas resulting from the COVID-19 Pandemic;

WHEREAS, by proclamation issued March 19, 2020, the state of local disaster was extended to April 29, 2020;

WHEREAS, by proclamation issued April 22, 2020, the state of local disaster was extended to May 12, 2020, and continuing concurrently thereafter with the Governor's state of disaster;

WHEREAS, by executive order issued March 2, 2021, Governor Greg Abbott reopened Texas on a statewide basis;

WHEREAS, Texas Government Code Section 418.1015 states that the Mayor, as the presiding officer of the governing body of the City of Dallas, is designated as the emergency management director and serves as the Governor's designated agent in the administration and supervision of duties under Chapter 418, including exercising the powers granted to the Governor under Chapter 418 on an appropriate local scale;

WHEREAS, Dallas City Code Section 14B-7 authorizes the City Manager to "promulgate such regulations as he or she deems necessary to protect life and property and preserve critical resources" while a state of disaster is in effect; and

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NOW, THEREFORE, the following regulations take effect immediately and shall continue until they are either rescinded, superseded, or amended or until they expire pursuant to applicable law.

SECTION 1. COMPLIANCE WITH EXECUTIVE ORDERS.

(a) Governor Greg Abbott's Executive Order GA-34, and any future executive order or proclamation, pursuant to his disaster proclamation issued on March 13, 2020, is hereby adopted to the extent that it applies to the City of Dallas.

(b) Compliance with Executive Order GA-34 and any future executive orders or proclamations, so adopted, pursuant to the Governor's disaster proclamation issued on March 13, 2020, is required.

SECTION 2. REPORTING OF COVID-19 TESTS.

(a) All public, private, and commercial laboratories operating within the City of Dallas and performing COVID-19 testing shall report by 5:00 p.m. each day for the prior 24-hour period:

- (1) the number of COVID-19 tests performed; and
- (2) the number of positive COVID-19 tests to Rocky Vaz at oemdepartment@dallascityhall.com, if either the specimen is collected in, or the test is performed in, the City of Dallas.

(b) Such laboratories shall not provide names or other individually identifiable health information that could be used to identify an individual patient. This information will be used solely for public health purposes to monitor the testing conducted in the City and mitigate and contain the spread of COVID-19.

SECTION 3. HOSPITALS.

All hospitals within the City of Dallas that are licensed under the Texas Health and Safety Code Chapter 241, maintained or operated by the state, except psychiatric hospitals, and maintained or operated by the federal government, except psychiatric hospitals, shall submit to Mayor Eric Johnson, City of Dallas Emergency Management Director, at eric.johnson@dallascityhall.com, by 4:00 p.m. each day, daily reports of the total number of:

- (1) patient beds and patient beds occupied;
- (2) Intensive Care Unit patient beds and Intensive Care Unit patient beds occupied; and
- (3) ventilators that are available and ventilators being used by patients.

SECTION 4. RETURN TO WORK REQUIREMENTS.

Employers shall not implement any rules making a negative COVID-19 test or a note from a healthcare provider a requirement before a COVID-19 recovered employee can return to work.

SECTION 5. HEALTH RECOMMENDATIONS.

In providing or obtaining services, every person (including individuals, businesses, and other legal entities) is strongly encouraged to use good-faith efforts and available resources to follow the Texas Department of State Health Services (DSHS) health recommendations, found at www.dshs.texas.gov/coronavirus.

SECTION 6. SUSPENSION AND MODIFICATION OF ORDINANCES.

(a) Any city ordinance, order, or regulation that would prevent the delivery of emergency or vital services, temporary sheltering, or housing in response to the declared disaster is suspended or modified as necessary to make these regulations effective.

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(b) Any city ordinance, order, or regulation imposing a time requirement for approving or denying an application or for appealing a city decision is tolled.

(c) Any city ordinance, order, or regulation that conflicts with these regulations is suspended or modified as necessary to make these Emergency Regulations effective.

(d) Any city ordinance, order, or regulation that restricts delivery hours for transport to or from any entity involved in the selling or distribution of food products, medicine, or medical supplies is suspended or modified as necessary to allow for transport and delivery.

(e) Any city ordinance, order, or regulation that prevents a manufacturer who retools its business for the purpose of manufacturing and producing ventilators, masks, personal protective equipment, or any supplies necessary for healthcare operations is suspended, and the manufacturer may apply for a temporary certificate of occupancy for such manufacturing.

SECTION 7. USE OF CITY FACILITIES.

City facilities may be used as needed by the city to meet the requirements and goals of these Emergency Regulations, including, but not limited to, operating temporary healthcare facilities, fire stations, and other emergency and public health and safety services.

SECTION 8. CITY COUNCIL MEETINGS.

(a) All city council meetings must be conducted virtually, either as a telephonic or videoconference meeting.

(b) All persons wishing to speak at a city council meeting, including those speaking on public hearing items, must register to speak in accordance with the City Council Rules of Procedure Section 6.3.

SECTION 9. COUNCIL COMMITTEE MEETINGS.

City council committees, both standing and ad hoc, must be conducted virtually, either as a telephonic or videoconference meeting.

SECTION 10. CITY BOARD AND COMMISSION MEETINGS.

All city boards and commissions shall only meet telephonically or by videoconference.

SECTION 11. SEVERABILITY.

If any subsection, sentence, clause, phrase, or word of these regulations or any application of them to any person, structure, gathering, or circumstance is held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, then that decision will not affect the validity of the remaining portions or applications of these regulations.

SECTION 12. SAVINGS CLAUSE.

That all ordinances of the City of Dallas and the Dallas City Code, as amended, shall remain in full force and effect, save and except as amended by these Emergency Regulations.

SECTION 13. PENALTIES.

(a) These Emergency Regulations shall have the effect of an ordinance when duly filed with the city secretary.

(b) A person who violates any provision of these regulations, upon conviction, is punishable by a fine of not less than \$50 and not more than \$1,000.

SECTION 14. EFFECTIVE DATE.

These regulations take effect at 12:01 a.m. on March 10, 2021, and shall continue until they are either rescinded, superseded, or amended or until they expire pursuant to applicable law.

CITY OF DALLAS

BY: 

T.C. BROADNAX
City Manager

Passed: MAR - 5 2021


APPROVED AS TO FORM:
CHRISTOPHER J. CASO
City Attorney

BY: 

Assistant City Attorney