

**SECOND AMENDMENT TO THE FOURTH LOCAL EMERGENCY DIRECTIVE
BY THE MAYOR OF THE CITY OF EL PASO, TEXAS**

ISSUED JUNE 29, 2020

WHEREAS, on June 8, 2020, the El Paso City Council, pursuant to El Paso City Charter Section 3.10 adopted an Emergency Ordinance extending the City of El Paso's (the "City") Disaster Declaration; and

WHEREAS, on June 12, 2020, El Paso Mayor Dee Margo issued the Fourth Local Emergency Directive (the "Directive") for the City of El Paso pursuant to Texas Government Code Chapter 418.1015(a) and Chapter 2.48.010 of the El Paso City Code; and

WHEREAS, on June 18, 2020, Mayor Margo issued the 1st Amendment to the Fourth Local Emergency Directive to align the Directive with the Governor Abbott's guidance relating to a localities ability to enforce face covering requirements; and

WHEREAS, on June 23, 2020, Governor Abbott issued a proclamation amending Executive Order No. 26 ("GA-26") expanding local authority on outdoor gatherings; and

WHEREAS, on June 24, 2020, the positivity rate, which is the percentage of coronavirus tests administered that yield a positive result, indicated a seven-day average positivity rate of 11.76% compared to the previously quelled high of 13.86% in mid-April; and

WHEREAS, Governor Abbott noted he always said that if positivity rates again exceeded 10%, he would consider that a "red flag" requiring further preventative action; and

WHEREAS, on June 26, 2020, Governor Abbott issued Executive Order No. 28 ("GA-28") which supersedes GA-26; and

WHEREAS, GA-28 imposes targeted measures to limit certain businesses and services as part of the State's efforts to contain the spike in COVID-19 positive cases; and

WHEREAS, this Second Amendment to the Fourth Local Emergency Directive ("Second Amendment") seeks to align the Directive with Governor Abbott's GA-28:

NOW THEREFORE, BE IT PROCLAIMED BY THE MAYOR OF THE CITY OF EL PASO, TEXAS PURSUANT TO THE AUTHORITY VESTED BY THE TEXAS GOVERNMENT CODE CHAPTER 418, HEREBY FIND AND DIRECT:

1. That Section 2 (Restricted Activities), paragraphs a and d be amended to read as follows:
 - a. People shall not visit nursing homes, state supported living centers, assisted living facilities, or long-term care facilities unless as determined through guidance from the Texas Health and Human Services Commission (HHSC). Nursing homes, state supported living centers, assisted living facilities, and long-term care facilities should follow infection control policies and practices set forth by HHSC, including minimizing the movement of staff between facilities whenever possible. See www.dshs.texas.gov/coronavirus, Recommendations for Nursing Facilities.
 - d. **Parades.** Organizations planning on having parades must limit the number of participants to 100 individuals or less, unless prior approval from the Mayor is obtained, and shall be

required to follow the Local Public Health Authority Order regarding parades which is found at <http://epstrong.org/health-orders.php>.

2. That Section 3 (Re-Opening of Business), paragraphs 5, 6, 7 be amended to read as follows:

5. **Any outdoor gathering in excess of 100 people is prohibited** unless prior approval from the Mayor is obtained. This prohibition shall not apply to the activities or gatherings set forth in paragraphs 1, 2, or 4 of the Fourth Local Emergency Directive. Outdoor Markets, Parades, and Outdoor Mass Gatherings, comprised of less than 100 participants shall follow the respective Local Health Authority Order. **See Public Health Authority Orders as found at <http://epstrong.org/health-orders.php>.**

6. For dine-in services by restaurants that have less than 51 percent of their gross receipts from the sale of alcoholic beverages, the occupancy limit shall remain at 75 percent until 12:01 a.m. on June 29, 2020, at which time such restaurants may only operate at up to 50 percent of the total listed occupancy of the restaurant.

7. People shall not visit bars or similar establishments that hold a permit from the Texas Alcoholic Beverage Commission (TABC) and are not restaurants as defined above in paragraph number 6; provided, however, that the use by such bars or similar establishments of drive-thru, pickup, or delivery options for food and drinks is allowed to the extent authorized by TABC;

3. Except as amended herein, the June 12, 2020, Fourth Local Emergency Directive shall otherwise remain in full force and effect unless superseded by a conflicting provision herein or by state or federal law or order.

4. This Second Amendment shall take effect immediately.

DIRECTED this the 29th day of June, 2020.

CITY OF EL PASO, TEXAS



Dee Margo

Mayor of the City of El Paso

ATTEST:



Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Karla M. Nieman
City Attorney