

DRAFT COPY ONLY

RESOLUTION NO. 1014-2020

A RESOLUTION PROVIDING FOR A PLAN FOR CONTINUITY OF FUNCTIONS AND PROVIDING AND EFFECTIVE DATE.

WHEREAS, in December 2019 a novel coronavirus, now designated as COVID-19, was detected in Wuban City, China; and

WHEREAS, on March 11, 2020, the World Health Organization declared COVID-19 a worldwide pandemic; and

WHEREAS, the President of the United States has declared the outbreak of COVID-19 in the United States to be a natural disaster; and

WHEREAS, on March 13, 2020, Greg Abbott, the Governor of Texas, issued a disaster proclamation certifying that COVID-19 poses an imminent threat of disaster for all Texas counties; and

WHEREAS, Section 418.1101 of the Texas Government Code permits a city council to adopt a plan for the continuity of functions of the city to be carried out during a disaster declared by the President or Governor; and

WHEREAS, as authorized by Section 418.1101 it is the intention of the City Council to delegate certain administrative duties of the governing body to the City Manager or his designee and to establish meeting procedures for the City Council; and

WHEREAS, it is the intention of the City Council that the authority delegated by the plan be interpreted to the broadest extent permitted by law.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RIVER OAKS, TEXAS:

SECTION 1.

The following plan is hereby adopted to be implemented in the event of a disaster declared by the Governor, the President or during another catastrophic event:

PLAN FOR CONTINUATION OF FUNCTIONS IN THE EVENT OF A DISASTER

I. **Purpose.** The purpose of this plan is to provide for the continuation of municipal functions in the event of a disaster, when expedited action is required or the City Council is unable to meet in a timely manner.

II. **Delegation of Administrative Functions.** The functions listed below are hereby delegated to the City Manager or his designee. The City Council reserves the right to take action on any of the listed functions in lieu of the City Manager acting, if required by law, the City Council may ratify any action after it is taken by the City Manager. No duty or function required to be performed by the City Council or other officer under constitutional provisions shall be delegated.

A. Procurement.

- (1) The City Manager shall have the authority to award contracts and reject any or all bids for goods and services under Chapter 253 of the Texas Local Government Code. The City Council may ratify all purchases authorized by the City Manager at a meeting held subsequent to the action.
- (2) As permitted by Section 2269.083 of the Texas Local Government Code, the City Manager is hereby authorized to take any action required or authorized by Chapter 2269 of the Texas Government Code.
- (3) The City Manager is authorized to procure and award bids for any capital items approved by the 2020 fiscal budget.
- (4) For purchases made in response to a disaster which may be eligible for federal reimbursement, the City Manager shall ensure that federal procurement rules shall be followed and coordinate with the Federal Emergency Management Agency.

B. Contracts. The City Manager may approve all contracts with funding authorized by the current fiscal year budget.

C. Personnel Policy. The City Manager may approve amendments to the Personnel Policy to ensure continued operations during the disaster.

D. Platting Approval. The City Manager may approve or deny plats. Denied plats shall be referred to the City Council.

E. Other Administrative Functions. The City Manager may:

- (1) Approve bills payable;
- (2) Approve investment reports;

- (3) Approve financial reports of the Economic Development Corporation and Crime District;
- (4) Transfer funds approved in the current fiscal year budget from department to department if necessary to operate during the disaster;
- (5) Waive late fees and establish payment plans for utility customers;
- (6) Discontinue shutoff of water for nonpayment;
- (7) Delay enforcement of requirements for deceased persons in the water policy;
- (8) Delay enforcement of code violations in the event of hardship;
- (9) Delay time limits for appeals to the Board of Appeals;
- (10) Extend time limits on substandard building orders; and
- (11) Cancel meetings and events.

III. Meeting Procedures. The City Council may meet in any manner authorized by the Texas Open Meetings Act or waiver thereof by the Governor. Pursuant to Section 418.1102, a quorum shall not be required in the event members of a city council are unable to attend. Provided, however, no action may be taken without the concurrence of 2 members.

SECTION 2.

This Resolution shall take effect immediately from and after its passage.

ADOPTED THIS 23RD day of March, 2020.

Mayor

Attest:

City Secretary