

ORDINANCE NO. _____

AMENDING ORDINANCE NO. 24089-03-2020 TO AUTHORIZE THE CITY MANAGER TO EXECUTE ALL CONTRACTS AND ANY OTHER LEGAL INSTRUMENTS NECESSARY FOR CONDUCTING CITY BUSINESS FOR THE DURATION OF THE DECLARATION OF PUBLIC HEALTH EMERGENCY ORDERED BY MAYOR BETSY PRICE ON MARCH 13, 2020, AS CONTINUED, AMENDED OR RENEWED, OR ANY EXECUTIVE ORDER BY THE GOVERNOR OF THE STATE OF TEXAS OR BY TARRANT COUNTY JUDGE B. GLEN WHITLEY, AS MAY BE CONTINUED, AMENDED OR RENEWED, RELATING TO SERVICES AND ACTIVITIES DURING THE COVID-19 DISASTER ; TEMPORARILY SUSPENDING SECTION 2-9 OF THE CITY CODE AND PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING AN EFFECTIVE DATE AND AN EXPIRATION DATE; AND PROVIDING A SEVERABILITY CLAUSE.

WHEREAS, pursuant to authority under Chapter 418 of the Texas Government Code, on March 13, 2020 Mayor Betsy Price ordered a Declaration of Public Health Emergency in response to the novel coronavirus now referred to as COVID-19, which has been declared as a worldwide pandemic by the World Health Organization; and

WHEREAS, on that same day the Governor of Texas issued a State of Disaster for all Texas counties and the President of the United States declared a State of National Emergency for the United States of America due to the COVID-19 virus; and

WHEREAS, in the days that have followed, the Mayor's Declaration of Public Health Emergency has been revised and extended by the City Council to increase restrictions and precautions necessary to minimize the risk of transmission of the COVID-19 virus, and the Governor of Texas and Tarrant County Judge B. Glen Whitley (among other County Judges and Commissioner's Courts with jurisdiction in the City of Fort Worth) have issued various Executive Orders to address the health risks posed by the COVID-19 virus; and

WHEREAS, in order to reduce risks of transmission of the COVID-19 virus by limiting person-to-person contact, the City Council meetings of March 17, 24, and 31, 2020 were cancelled, and it is anticipated that additional City Council meetings may also be cancelled as a result of this public health emergency; and

WHEREAS, Section 2-9 of the City Code requires advance City Council approval of all City contracts and other legal instruments except for a limited number of those in which the City Council has granted administrative execution authority to the City Manager and any Assistant City Manager (including the Deputy City Manager), as more specifically outlined in Section 2-9(d) of the City Code; and

Ordinance Amending Ordinance No. 24089-03-2020 Suspending Section 2-9 of the City Code
and Granting Administrative Execution Authority to the City Manager
During Public Health Emergency

WHEREAS, the City Council wishes to minimize any disruption to City business that may be caused by City Council meeting cancellations as elected officials and other City administrators seek to take measures to reduce the opportunity for transmission of the COVID-19 virus and to ensure that persons in the City who are impacted by this health crisis receive the highest level of care and attention possible; and

WHEREAS, on March 19, 2020 the City Council adopted Ordinance No. 24089-03-2020 suspending Section 2-9 of the City Code for the duration of the Mayor's March 13, 2020 Declaration, as might be amended, continued, or renewed, in order to allow the City Manager or any Assistant City Manager (including the Deputy City Manager) to execute all contracts and other legal instruments deemed necessary to carry out the City's business without having to convene City Council meetings during this public health emergency in order to obtain initial approval of such contracts and other legal instruments; and

WHEREAS, in the light of subsequently issued Executive Orders by the Governor of Texas and Tarrant County Judge to address the health risks posed by the COVID-19 virus, which also apply to the City of Fort Worth, the City Council now wishes to amend Ordinance No 24089-03-2020 to suspend Section 2-9 of the City Code in order to allow the City Manager or any Assistant City Manager (including the Deputy City Manager) to execute all contracts and other legal instruments deemed necessary to carry out the City's business for the duration of the Mayor's March 13, 2020 Declaration, as may be amended, continued, or renewed, as well as any Executive Order of the Governor of Texas or Tarrant County Judge imposing restrictions or other directives in connection with the COVID-19 crisis, as may be amended, continued, or renewed (collectively, the "**Declarations and Orders**");

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT WORTH, TEXAS THAT:

SECTION 1.

Notwithstanding Section 2-9 of the City Code and to the fullest extent permitted by applicable law, the City Manager and any Assistant City Manager (including the Deputy City Manager) are hereby authorized to execute any contracts or other legal instruments as they deem necessary to carry out City business for the duration of the Declarations and Orders, as any of such may be continued, amended or renewed. Any provisions of Section 2-9 of the City Code that directly conflict with the provisions of this ordinance are hereby suspended. The City Manager shall provide a weekly report to the City Council regarding the contracts and other legal instruments executed pursuant to the authority granted hereunder.

SECTION 2.

This ordinance will be effective immediately upon its adoption by majority vote of the City Council and shall continue in effect until final expiration of the Declarations and Orders, as any of such may be continued, amended, or renewed, unless repealed earlier by majority vote of the City Council. Unless earlier repealed by majority vote of the City Council, upon final expiration of the Declarations and Orders, as any of such may be continued, amended, or renewed, this ordinance shall automatically be repealed, and the provisions of Section 2-9 of the City Code immediately will take effect once more. The reinstatement of Section 2-9 of the City Code will not affect the validity and enforceability of any contracts or other legal instruments executed by the City Manager or any Assistant City Manager (including the Deputy City Manager) during the period in which the Declarations and Orders, as may have been amended, continued, or renewed, were in effect.

SECTION 3.

In addition to Section 2, this ordinance shall be cumulative of all provisions of ordinances and of the Code of the City of Fort Worth, Texas (2015), as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event conflicting provisions of such ordinances and such Code are hereby suspended.

SECTION 4.

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and, if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional or illegal by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or illegality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional or illegal phrase, clause, sentence, paragraph or section.

APPROVED AS TO FORM AND LEGALITY:

ATTEST:

Peter Vaky, Deputy City Attorney

Mary J. Kayser, City Secretary

ADOPTED AND EFFECTIVE: April 7, 2020

Ordinance Amending Ordinance No. 24089-03-2020 Suspending Section 2-9 of the City Code and Granting Administrative Execution Authority to the City Manager During Public Health Emergency