

## PUBLIC NOTICE

(May 29, 2020)

On today's Emergency Meeting, the following Mercedes City Commission agenda item appeared: "Action to Extend Emergency Declaration Order due to a Public Health Emergency related to Coronavirus Disease (COVID-19)"

The item was not approved by a 2-2 vote. Those making the motion to extend the Emergency Declaration were Mayor Henry Hinojosa and Mayor Pro Tem Leo Villarreal; those voting 'Nay' were City Commissioners Jose Gomez and Leonel Benavidez. City Commissioner Cris Hernandez was not present due to medical reasons.

To hopefully allay any confusion that may be felt, please consider the following:

- The TX Govt. Code 418.108(a) delegates to the office of 'Mayor' to declare a disaster that would obviously include the current COVID-19 pandemic. The provision states: "..., the presiding officer of the governing body of a political subdivision may declare a local state of disaster." The "*presiding officer*" is the Mayor of a city.
- TX Govt. Code 418.108(b) states that the role of the City Commissioners is to simply vote to 'continue' (extend) the Mayor's Declaration of the disaster faced. This provision states: "A declaration of local disaster may not be continued or renewed for a period of more than seven days except with the consent of the governing body of the political subdivision..."
- The preceding provisions does not empower a City Commissioner to amend, adjust, supplement, or subtract any verbiage from a Mayor's Declaratory Disaster Order. With this in mind, the City Commissioner's stewardship is to simply extend or to not extend.
- Since the vote was 2-2, the City of Mercedes' Extension Order was not approved. However, the Declarations and Executive Orders from the Governor's Office and the Hidalgo County Judge's Office are still valid. Thus, Mercedes residents are to lawfully comply with the health safety provisions, as applicable.

Hopefully, this information will provide further clarity. However, if there are lingering questions in this regard, you may call Mercedes' Emergency Management Coordinator Javier Campos at (956) 532-8536 or email him at: [jcampos@cityofmercedes.com](mailto:jcampos@cityofmercedes.com).