



**Office of Emergency Management**

**City of Kirby**

**5560 Duffek Drive**

**Kirby, Texas 78219**

**Phone: (210) 661-2612 Fax: (210) 661-8074**

**DECLARATION OF PUBLIC HEALTH EMERGENCY No. 3**

WHEREAS, in December 2019 a novel coronavirus, now designated COVID-19, was detected in Wuhan City, Hubei Province, China. Symptoms of COVID-19 include fever, cough, and shortness of breath. Outcomes have ranged from mild to severe illness, and in some cases death; and

WHEREAS, on January 30, 2020, the World Health Organization Director General declared the outbreak of COVID-19 as a Public Health Emergency of International Concern (PHEIC), advising countries to prepare for the containment, detection, isolation and case management, contact tracing and prevention of onward spread of the disease; and

WHEREAS, United States nationals were transported from Wuhan City, China to several secure locations within the United States identified by the Centers for Disease Control and Prevention (CDC), including Joint Base San Antonio-Lackland (Lackland) in San Antonio, Texas, in order to ensure the health and wellbeing of those persons; and

WHEREAS, on March 11, 2020, the World Health Organization declared that the COVID-19 outbreak should be characterized as pandemic; and

WHEREAS, on March 13, 2020, Greg Abbott, the Governor of the State of Texas, issued a proclamation that declared COVID-19 as an imminent threat of disaster; and

WHEREAS, on March 15, 2020, the CDC issued revised guidance regarding social distancing and mass gatherings of 50 or more people; and

WHEREAS, on March 16, 2020, the CDC issued further revised guidance that persons should avoid social gatherings in groups of more than 10 people; and

WHEREAS, the identification of "community spread" cases of COVID-19 in the United States signals that transmission of the virus is no longer strictly limited to travel to China, or contact with travelers who have visited China; and

WHEREAS, on March 12, 2020, Bexar County/San Antonio confirmed their first case of travel-related COVID-19; and

WHEREAS, on March 29, 2020, to avoid scenarios that could lead to hundreds of thousands of deaths, Donald Trump, the President of the United States of America, announced that based on



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advice from Dr. Anthony Fauci and Dr. Deborah Birx, the restrict social-distancing Guidelines should extend through April 30, 2020; and

WHEREAS, DSHS Commissioner Dr. Hellerstedt and White House Coronavirus Response Coordinator D. Birx say that the spread of COVID-19 can be reduced by minimizing social gatherings; and

WHEREAS, on March 28, 2020 the U. S. Department of Homeland Security issued its Guidance on the Essential Critical Infrastructure Workforce, Version 2.0, which provided an advisory list of critical-infrastructure sectors, workers, and functions that should continue during the COVID-19 response; and

WHEREAS, for state agencies and their employees and agents, the Office of the Attorney General of Texas has advised that local restriction issued in response to the COVID-19 disaster do not apply to restrict the conduct of state business; and

WHEREAS, all government entities and businesses should be allowed to continue providing essential services during the COVID-19 disaster, and all critical infrastructure should be allowed to remain operational; and

WHEREAS, the “governor is responsible for meeting...the danger to the state and people presented by disasters” under Section 418.011 of the Texas Government Code, and the legislature has given the governor broad authority to fulfill that responsibility; and

WHEREAS, under Section 418.012, the “governor may issue executive orders..have[ing] the force and effect of law;” and

WHEREAS, under Section 418.017(a), the “governor may use all available resources of state government and of political subdivisions that are reasonably necessary to cope with a disaster;” and

WHEREAS, under Section 418.017(c), the “governor may control ingress and egress to and from a disaster area and the movement of person and the occupancy of premises in the area;” and

WHEREAS, under Section 418.173, failure to comply with an executive order, issued during the COVID-19 disaster is an offense punishable by a fine not to exceed \$1,000, confinement in jail for a term not to exceed 180 days, or both fine and confinement.



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NOW, THEREFORE I, Greg Abbott, Governor of Texas, by virtue of the power and authority vested in me by the Constitution and laws of the State of Texas, do hereby order the following on a statewide basis effective 12:01 on April 2, 2020, and continuing through April 30, 2020 subject to extension based on the status of COVID-19 in Texas and the recommendations of the CDC and the White House Coronavirus Task Force:

In accordance with guidance from DSHS Commissioner Dr. Hellerstedt and to achieve the goals established by the President to reduce the spread of COVID-19, every person in Texas shall, except where necessary to provide or obtain essential services, minimize social gatherings and minimize in-person contact with people who are not in the same household.

“Essential services” shall consist of everything listed by the U. S. Department of Homeland Security in its Guidance on the Essential Critical Infrastructure Workforce, Version 2.0, plus religious services conducted in churches, congregations, and houses of worship. Other essential services may be added to the list with the approval of the Texas Division of Emergency Management (TDEM). TDEM shall maintain an online list of essential services, as specified in the executive order and in any approved additions. Requests for additions should be directed to TDEM at [EssentialServices@tdem.texas.gov](mailto:EssentialServices@tdem.texas.gov) or by visiting [www.tdem.texas.gov/essentialservices](http://www.tdem.texas.gov/essentialservices).

In providing or obtaining essential services, people and business should follow the Guideline from the President and the CDC by practicing good hygiene, environmental cleanliness, and sanitation, implementing social distancing, and working from home if possible. In particular, all services should be provided through remote telework from home unless they are essential services that cannot be provided through remote telework. If religious services cannot be conducted from home or through remote services, they should be conducted consistent with the Guidelines from the President and the CDC by practicing good hygiene, environmental cleanliness, and sanitation, and by implementing social distancing to prevent the spread of COVID-19.

In accordance with the Guidelines from the President and the CDC, people shall avoid eating or drinking at bars, restaurants, and food courts, or visiting gyms, massage establishments, tattoo studios, piercing studios, or cosmetology salons; provided, however, that the use of drive-thru, pick, or delivery options for food and drinks is allowed and highly encouraged throughout the limited duration of this executive order.

This executive order does not prohibit people from accessing essential services or engaging in essential daily activities, such as going to the grocery store, or gas station, providing or



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obtaining other essential services, visiting parks, hunting or fishing, or engaging in physical activity like jogging or bicycling, so long as the necessary precautions are maintained to reduce the transmission of COVID-19 and to minimize in-person contact with people who are not in the same household.

In accordance with the Guidelines, from the President and the CDC, people shall not visit nursing homes, state supported living centers, assisted living facilities, or long-term care facilities unless to provide critical assistance as determined through guidance from the Texas Health and Human Services Commission.

In accordance with the Guidelines from the President and the CDC, schools shall remain temporarily closed to in-person classroom attendance and shall not recommence before May 4, 2020

This executive order shall supersede any conflicting order issued by local officials in response to the COVID-19 disaster, but only to the extent that such a local order restricts essential services allowed by this executive order or allows gatherings prohibited by this executive order. I hereby suspend Sections 418.1015(b) and 418.108 of the Texas Government Code, Chapter 81, Subchapter E of the Texas Health and Safety Code, and any other relevant statutes, to the extent necessary to ensure that local officials do not impose restrictions inconsistent with this executive order, provided that local officials may enforce this executive order as well as local restrictions that are consistent with this executive order.

### **Definitions of Exempted Business and Exempted Individual Activity**

For purposes of this Executive Order, Exempted Activities are defined as follows:

- 1) **Health and Safety Activities.** For example, to engage in activities or perform tasks essential to their health and safety, or to the health and safety of their family or household members (for example, obtaining food, medical supplies or medication, visiting a health care professional, or obtaining supplies needed to work from home) or to care for a family member or pet in another household.
- 2) **Necessary Supplies.** To obtain necessary services or supplies for themselves and their family or household members, or to deliver those services or supplies to others (for example, food, pet supply, and any other household consumer products necessary to maintain the safety, sanitation, and essential operations of residences);



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- 3) **Outdoor Activity.** To engage in activity in an outdoor open space, such as walking, biking, hiking, or running, provided the individuals comply with social distancing requirements of six feet; and/or
- 4) **Work at an Exempted Business.** Activities necessary to work at or conduct an Exempted Business or to otherwise carry out activities specifically permitted in this Executive Order.

### **For purpose of this Executive Order, Exempted Businesses are defined as follows:**

- 1) **Healthcare Services.** For example, healthcare operations, including hospitals, clinics, dentists, pharmacies, pharmaceutical and biotechnology companies, other healthcare facilities, healthcare suppliers, mental health providers, substance abuse service providers, blood banks, medical research, laboratory services, or any related and/or ancillary healthcare services. Home-based and residential-based care for senior, adults, or children are also considered healthcare operations. Healthcare Operations also includes veterinary care and all healthcare services provided to animals. This exemption shall be viewed broadly to avoid any impacts to the delivery of healthcare. *Healthcare operations do not include fitness and exercise gyms and similar facilities. Healthcare operation do not include elective medical, surgical, and dental procedures.*
- 2) **Government Functions.** For example, those services provided by local governments needed to ensure the continuing operation of the government agencies to provide for the health, safety, and welfare of the public including law enforcement and operation of jails and detention facilities, fire and EMS or otherwise necessary for health and safety of residents of Bexar County.
- 3) **Education and Research.** To include educators or other personnel supporting public and private K-12 schools, colleges, and universities for purposes of facilitating distance learning or performing other functions in support of Exempted Individual Activities or Exempted Businesses and companies engaged in science or engineering research and development.
- 4) **Infrastructure, Development, Operation and Construction.** For example, public works construction, construction of housing or other types of construction including commercial, manufacturing, airport operations, and aircraft manufacturing, maintenance or repair, water, sewer, gas, electrical, oil refining, roads and highways, public transportation, solid waste collection and removal, internet, and telecommunications



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systems (including the provision of essential global, national, and local infrastructure for computing services, business infrastructure, communications, and web-based services.

- 5) **Transportation.** Businesses related to the operation, maintenance, construction, and manufacture of transportation services. For example, a) vehicle manufacturers, automotive suppliers and parts departments, car dealerships, parts distributors, maintenance and repair facilities; b) public transportation; c) businesses supporting airport operations; d) street and highway maintenance and construction; e) gas stations and other fuel distribution businesses; f) vehicles for hire including taxis and rideshare.
- 6) **IT Services.** For example, businesses and activity necessary to maintain internet and telecommunications systems, including the provision of essential global, national, and local infrastructure for computing services, business infrastructure, communications, and web-based services.
- 7) **Food, Household Staples, and Retail.** For example, food service providers, including grocery stores, warehouse stores, big-box stores, liquor stores, bodegas, gas stations, and farmers' markets that sell food products and household staples for pick-up or businesses that ship or deliver groceries, food, goods or services directly to residences. Nothing shall restrict employees supporting pick-up or delivery under this exception so long as there is sufficient space to implement social distancing. Restaurants, prepared food retailers, microbreweries, micro-distilleries, or wineries and other facilities that prepare and serve food but only for delivery, curbside pick-up or carryout. Schools and other entities that typically provide free services to students or members of the public on a pick-up/take-away basis.
- 8) **Services to Economically Disadvantaged Populations.** For example, transit services, nonprofits and other businesses that provide food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals.
- 9) **Services Necessary to Maintain Residences or Support Exempt Businesses.** For example, hotels and other temporary residence facilities, laundromats, dry cleaners, and laundry service providers, trash and recycling collection, processing and disposal, mail and shipping services, building cleaning and maintenance, warehouse/distribution and fulfillment, and storage for Essential Businesses. This shall include plumbers, electricians, exterminators, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operations of residences, Essential



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Activities, and Exempted Businesses, Professional services, such as legal or accounting services, when necessary to assist in compliance with legally mandated activities.

- 10) **News Media.** To include newspapers, television, radio, and other media services.
- 11) **Financial Institutions and Insurance Services.** To include banks, credit unions, and other financial institutions and service providers as well as companies providing insurance services and products.
- 12) **Childcare Services.** To include childcare facilities providing services that enable employees exempted in the Executive Order to work as permitted.
- 13) **Worship Services.** Religious and worship services may only be provided by video, teleconference or other remote measures.
- 14) **Funeral Services.** For example, funeral homes, crematoriums and cemeteries
- 15) **CISA Sectors.** All business and operations necessary to the operations and maintenance of the 16 critical infrastructure sectors as identified by the National Cybersecurity Infrastructure Agency (“CISA”) and outlined at : <http://www.cisa.gov/sites/default/file/publications/CISA-Guidance-on-Essential-Critical-Infrasrucute-Workers-1-20-508c.pdf>

That Bexar County Rental property owners temporarily suspend evictions for at least the next 30 days to prevent renters from being displaced due to the public health emergency;

That foreclosure proceedings within Bexar County be temporarily suspended for at least the next 30 days to prevent the displacement of occupants during the public health emergency;

That residents of Bexar County conduct essential Bexar County business online or via regular mail to avoid using any Bexar County facilities unless absolutely necessary.

That no person shall sell any of the following goods or services for more than the price the person charged for the goods or serves on 11:59 PM on Thursday March 19, 2020 and continuing during the pendency of this Executive Order:

Groceries, beverages, toilet articles, ice ;

Restaurant, cafeteria, and boarding-house meals; and

Medicine, pharmaceutical, and medical equipment and supplies.



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That people who are sick should stay at home and not engage in any activity outside of their residence unless related to treatment or health care. If someone in a household has tested positive for COVID-19, then the other members of the household should consider themselves positive if they become symptomatic and follow the current policies and procedures in place for isolation and quarantine.

That any peace officer or other person with lawful authority is hereby authorized to enforce the provisions of this Executive Order in accordance with the authority granted under the Texas Disaster Act of 1975. Any person who violates this Executive Order may be subject to a fine not exceeding \$1,000 or confinement for a period not exceeding 180 days.

The sections, paragraphs, sentences, clauses and phrases of this Executive Order are severable and if any phrase, clause, sentence, paragraph or section of the Executive Order should be declared invalid by the final judgement or decree of any court or competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections that can be given effect without the invalid provision, and to this end, the provisions of this Executive Order are severable.

All Provisions of the executive orders of Governor Greg Abbott either existing or as, if and when issued, shall be automatically incorporated into and constitute terms of this Executive Order enforceable as if set forth herein without necessity for the issuance of any further orders. To the extent that there is a conflict between this Executive Order and any executive order of the Governor, the strictest order shall prevail.

WHEREAS, pursuant to the Texas Disaster Act of 1975, the mayor is designated as the emergency management director of the City of Kirby, and may exercise the powers granted to the governor on an appropriate local scale; and

WHEREAS, a declaration of local disaster and public health emergency includes the ability to reduce the possibility of exposure to disease, control the risk, promote health, compel persons to undergo additional health measures that prevent or control the spread of disease, including isolation, surveillance, quarantine, or placement of persons under public health observation, including the provision of temporary housing or emergency shelters for persons misplaced or evacuated, request assistance from the governor of state resources, and access funds available for disaster relief and reimbursement at the state and federal level; and





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WHEREAS, by this Declaration of Public Health Emergency, I declare all rules and regulations that may inhibit or prevent prompt response to this threat suspended for the duration of the incident; and

WHEREAS, pursuant to the authority granted to the Mayor under the Texas Disaster Act of 1975, I authorize the use of all available resources of state government and political subdivisions to assist in the City's response to this situation; and

WHEREAS, I, Lisa B. Pierce, the Mayor of the City of Kirby have determined that extraordinary and immediate measures must be taken to respond quickly prevent and alleviate the suffering of people exposed to and those infected with the virus, as well as those that could potentially be infected or impacted by COVID-19;

This proclamation shall take effect immediately from and after its issuance.

ORDERED this 3<sup>rd</sup> day of April, 2020.

MAYOR LISA B. PIERCE

City of Kirby