



**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. 4**  
**April 20, 2020**

WHEREAS, in December 2019 a novel coronavirus, now designated COVID-19, was detected in Wuhan City, Hubei Province, China, with symptoms including fever, cough, and shortness of breath, and patient outcomes ranging 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 (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 advice from Dr. Anthony Fauci and Dr. Deborah Birx, the restrict social-distancing Guidelines should extend through April 30, 2020; and



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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, pursuant to the Texas Disaster Act of 1975 codified in Chapter 418 of the Texas Government Code, the legislature has given the governor broad authority to meet the danger to the state and people presented by disasters and may issue Executive Orders in that regard; 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 and;

WHEREAS, Greg Abbott, Governor of Texas, by virtue of the power and authority vested in him by the Constitution and laws of the State of Texas, issued Executive Order GA-14 and ordered 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



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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 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.



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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);
- 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



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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 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



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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 Disadvantage 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 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-Infrastructure-Workers-1-20-508c.pdf>; and



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WHEREAS, by Executive Order GA-16 issued on April 17, 2020, Governor Abbott ordered the following on a statewide basis effective immediately, 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 or reopened 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 (DHS) in its Guidance on the Essential Critical Infrastructure Workforce, Version 2.0 or any subsequent version, plus religious services conducted in churches, congregations, and houses of worship. Other essential services may be added to this list with the approval of the Texas Division of Emergency Management (TDEM). TDEM shall maintain an online list of essential services, as specified in this executive order and 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).

“Reopened services” shall consist of:

- Starting at 12:01 a.m. on Friday, April 24, 2020, retail services that are not “essential services,” but that may be provided through pickup, delivery by mail, or delivery to the customer’s doorstep in strict compliance with the terms required by DSHS. The DSHS requirements may be found at [www.dshs.texas.gov/coronavirus](http://www.dshs.texas.gov/coronavirus).
- Such additional services as may be enumerated by future executive orders or proclamations by the governor.

In providing or obtaining essential services or reopened services, people and businesses should follow the Guidelines 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 such services should be provided through remote telework from home unless they cannot be provided through remote telework. Religious services should be conducted in accordance with the Guidelines for Houses of Worship During the COVID-19 Crisis, as promulgated by the attorney general and governor.

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-



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thru, pickup, 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 or reopened services or engaging in essential daily activities, such as going to the grocery store or gas station, providing or obtaining other essential or reopened 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 (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 the HHSC, including minimizing the movement of staff between facilities whenever possible.

In accordance with the Guidelines from the President and the CDC, schools shall remain temporarily closed to in-person classroom attendance by students and shall not recommence before the end of the 2019-2020 school year. Public education teachers and staff are encouraged to continue to work remotely from home if possible but may return to schools to conduct remote video instruction, as well as perform administrative duties, under the strict terms required by the Texas Education Agency. Private schools and institutions of higher education should establish similar terms to allow teachers and staff to return to schools to conduct remote video instruction and perform administrative duties when it is not possible to do so remotely from home.

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 or reopened 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.

This executive order supersedes Executive Order GA-14, but does not supersede Executive Orders GA-09, GA-10, GA-11, GA-12, GA-13, or GA-15. This executive order shall remain in effect and in full force until 11:59 p.m. on April 30, 2020, unless it is modified, amended, rescinded, or superseded by the governor; and





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WHEREAS, pursuant to Chapter 418 of the Texas Government Code, as the presiding officer of the City of Kirby City Council, the City's governing body, 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

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

NOW, THEREFORE, THIS EMERGENCY DELCARATION NO. 4 IS HEREBY PROCLAIMED BY LISA PIERCE, MAYOR OF THE CITY OF KIRBY, TEXAS:

1. That a local state of disaster and public health emergency is hereby declared for the City of Kirby pursuant to §418.108(a) of the Texas Government Code.
2. Pursuant to §418.108(b) of the Texas Government Code, the state of disaster and public health emergency shall continue **for seven (7) days unless continued or renewed by the City Council.**
3. Pursuant to §418.108(c) of the Texas Government Code, this declaration of a local state of disaster and public health emergency shall be given prompt and general publicity and shall be filed promptly with the City Secretary.
4. Pursuant to §418.108(d) of the Texas Government Code, this declaration of a local state of disaster and public health emergency activates the City of Kirby's emergency management plan.
5. Pursuant to the Texas Disaster Act of 1975, I, Lisa Pierce, as Mayor of the City of Kirby, in coordination and consultation with local health authorities, may issue further guidance and restrictions within the scope of Executive Orders of the Governor of the State of Texas or of the County Judge of Bexar County or as issued by the Centers for Disease Control.



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6. Recommendations by the Centers for Disease Control and the Texas Department of State and Health Services are but not limited to: Washing hands often for 20 seconds and encourage others to do the same; if no soap and water are available, using hand sanitizer with at least 60% alcohol; covering coughs and sneezes with a tissue, then throwing the tissue away; avoiding touching your eyes, nose, and mouth with unwashed hands; disinfecting surfaces, buttons, handles, knobs, and other places touched often; avoiding close contact with people who are sick; and engaging when possible, social distancing by staying away from other people to avoid catching or spreading illness. Social distancing is a term for avoiding crowds and minimizing physical contact and includes not attending concerts, weddings, or other gatherings of more than ten persons, skipping the handshake, and staying at least six (6) feet away from others.
7. Play Structures, public bathrooms, and other amenities in City Parks shall be closed to the public. This does not include open air areas and trails where people can maintain six (6) feet of distance between other people.
8. Exercise of Authority and Delegation of Authority. As Emergency Management Director, I (a) declare all rules and regulations that may inhibit or prevent prompt response to this threat suspended for the duration of the COVID-19 public health emergency and (b) hereby delegate to the City Manager the authority to temporarily suspend the application of city ordinances that may interfere with compliance with this Declaration, further authorizing City Manager to exempt the application of provisions of this Declaration in the event she deems it necessary to ensure the continuation of essential services required by the City to continue operations.
9. Authorization of Additional Resources. By this Declaration, the use of all available resources of state government and political subdivisions to assist in the City's response to the COVID-19 public health emergency is authorized.
10. County Executive Orders. Any Executive Orders issued by the County Judge of Bexar County related to COVID-19 are hereby incorporated in this Declaration respectively as to residents of the City of Kirby residing in each of those counties.
11. Executive Order or Proclamation of Governor of Texas. Executive Order GA-14 and Executive Order GA-16 as well as any other Executive Order or Proclamation of Governor Greg Abbott related to the COVID-19 public health emergency are hereby incorporated into this Declaration along with the latest Memorandum on Identification of Essential Critical Infrastructure Workers During COVID-19 Response issued by the Cybersecurity & Infrastructure Security Agency of the U.S. Department of Homeland Security. To the extent that there is a conflict between this Declaration and any Executive



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Order of the Governor or Executive Order of the County Judge of Bexar County, the strictest order shall prevail.

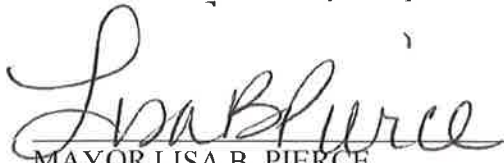
12. That no person shall sell any of the following goods or services for more than the price the person charged for the goods or serves on 11:59 PM on Thursday March 19, 2020 and continuing during the pendency of this Declaration:

Groceries, beverages, toilet articles, ice; Restaurant, cafeteria, and boarding-house meals; and Medicine, pharmaceutical, and medical equipment and supplies.

13. 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.
14. That any peace officer or other person with lawful authority is hereby authorized to enforce the provisions of this Declaration in accordance with the authority granted under the Texas Disaster Act of 1975. Any person who violates this Declaration will be subject to a fine not exceeding \$1,000 or confinement for a period not exceeding 180 days.
15. The sections, paragraphs, sentences, clauses and phrases of this Declaration are severable and if any phrase, clause, sentence, paragraph or section of the Declaration 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.
16. As Mayor, I further reserve all other authority and powers conferred by state law to respond as necessary to this situation.

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

ORDERED this 20th day of April, 2020.

  
MAYOR LISA B. PIERCE  
City of Kirby