

CITY OF KIRBY
DECLARATION OF PUBLIC HEALTH EMERGENCY NO. 8
MARCH 8, 2021

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, advising countries to prepare for the containment, detection, isolation and case management, contact tracing, and prevention of onward spread of the disease and on March 11, 2020, the World Health Organization declared that the COVID-19 outbreak should be characterized as pandemic; and

WHEREAS, pursuant to Chapter 418 of the Texas Government Code, the Texas Disaster Act of 1975, 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 of the Governor on an appropriate local scale; and

WHEREAS, a declaration of a 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, 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, by this Declaration of Public Health Emergency, all rules and regulations that may inhibit or prevent prompt response to this threat are declared suspended for the duration of the COVID-19 pandemic; and

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

WHEREAS, I, Lisa 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.

NOW, THEREFORE, BE IT PROCLAIMED BY THE CITY OF KIRBY:

1. That a local 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 local disaster and public health emergency shall continue **for seven (7) days unless extended or renewed by the City Council.**
3. Pursuant to §418.108(c) of the Texas Government Code, this declaration of a local 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 disaster and public health emergency activates the City of Kirby 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.
6. Recommendations by the Centers for Disease Control and the Texas Department of State Health Services are but not limited to: Wash hands often for 20 seconds and encourage others to do the same; if no soap and water are available, use hand sanitizer with at least 60% alcohol; cover coughs and sneezes with a tissue, then throw the tissue away; avoid touching your eyes, nose, and mouth with unwashed hands; disinfect surfaces, buttons, handles, knobs, and other places touched often; avoid close contact with people who are sick; and engage 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 avoiding concerts or weddings, skipping the handshake, and staying at least six (6) feet away from others.
7. Cloth Face Coverings.
 - (a) Through 11:59 p.m. Central Time on March 9, 2021, every person in the City of Kirby, Texas shall wear a face covering over the nose and mouth when inside a commercial entity or other building or space open to the public, or when in an outdoor public space, wherever it is not feasible to maintain six feet of social distancing from another person not in the same household; provided, however, that this face covering requirement does not apply to the following:
 - a. any person younger than 10 years of age;
 - b. any person with a medical condition or disability that prevents wearing a face covering;
 - c. any person while the person is consuming food or drink, or is seated at a restaurant to eat or drink;
 - d. any person while the person is (a) exercising outdoors or engaging in physical activity outdoors, and (b) maintaining a safe distance from other people not in the same household;
 - e. any person while the person is driving alone or with passengers who are part of the same household as the driver;

- f. any person obtaining a service that requires temporary removal of the face covering for security surveillance, screening, or a need for specific access to the face, such as while visiting a bank or while obtaining a personal-care service involving the face, but only to the extent necessary for the temporary removal;
- g. any person while the person is in a swimming pool, lake, or similar body of water;
- h. any person who is voting, assisting a voter, serving as a poll watcher, or actively administering an election, but wearing a face covering is strongly encouraged;
- i. any person who is actively providing or obtaining access to religious worship, but wearing a face covering is strongly encouraged; or
- j. any person while the person is giving a speech for a broadcast or to an audience.

Not excepted from this face covering requirement is any person attending a protest or demonstration involving more than 10 people and who is not practicing safe social distancing of six feet from other people not in the same household.

Following a verbal or written warning for a first-time violator of this face covering requirement, a person's second violation shall be punishable by a fine not to exceed \$250. Each subsequent violation shall be punishable by a fine not to exceed \$250 per violation.

(b) Effective at 12:01 a.m. Central Time on March 10, 2021, and consistent with Executive Order GA-34 of Governor Greg Abbott, every person in the City of Kirby, Texas is strongly encouraged to wear a face covering over the nose and mouth when inside a commercial entity or other building or space open to the public, or when in an outdoor public space, wherever it is not feasible to maintain six feet of social distancing from another person not in the same household.

Local law enforcement and other local officials, as appropriate, can and should enforce all effective Executive Orders of Governor Greg Abbott, as well as local restrictions that are consistent with effective Executive Orders of Governor Greg Abbott including effective executive orders or Emergency Declarations issued by Bexar County Judge Nelson Wolff or the Mayor of the City of Kirby. No law enforcement or other official may detain, arrest, or confine in jail any person for a violation of this Emergency Declaration or for related non-violent, non-felony offenses that are predicated on a violation of this Emergency Declaration, provided, however, that any official with authority to enforce this Emergency Declaration may act to enforce trespassing laws and remove violators at the request of a business establishment or other property owner.

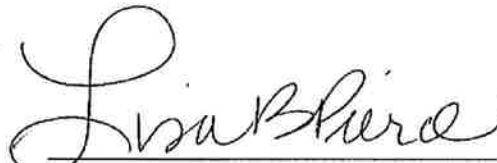
Face coverings are a secondary strategy to other mitigation efforts. **Face coverings are *not* a replacement for social distancing, frequent handwashing, and self-isolation when sick.** All people should follow CDC recommendations for how to wear and take off a mask or other face covering.

Residents should keep up the following habits while in public: Washing your hands before you leave home and when you return. Staying at least six feet away from others not members of your household. Avoiding touching your nose or face. Not

using disposable masks more than three times. Washing reusable cloth masks regularly.

8. **Face Coverings At City Buildings.** Executive Order GA-34 by Governor Greg Abbott states that nothing in that Executive Order precludes businesses or other establishments from requiring employees or customers to follow additional hygiene measures, including the wearing of a face covering. Therefore, all customers visiting City of Kirby Buildings (including City Hall, the Police Department, the Fire Station, and the Public Works facilities) shall wear a face covering. All municipal employees of the City of Kirby shall wear a face covering when not able to socially distance by at least six feet from any other person.
9. **Delegation of Authority.** The Mayor, as Emergency Management Director, hereby delegates to the City Manager the authority to temporarily suspend the application of city ordinances that may interfere with compliance with this Declaration. The City Manager is also authorized to exempt the application of provisions of this Declaration in the event he deems it necessary to ensure the continuation of essential services required by the City to continue operations.
10. **Reservation of Authority.** As Mayor, I further reserve all other authority and powers conferred by state law to respond as necessary to this situation.
11. **County Executive Orders.** While effective, any Executive Orders issued by the County Judge of Bexar County related to COVID-19 is hereby incorporated in this Declaration as to residents of the City of Kirby.
12. **Executive Orders or Proclamations of the Governor of Texas.** While effective, any Executive Orders issued by Governor Greg Abbott related to the COVID-19 public health emergency and all other active or future Executive Orders or Proclamations of Governor Abbott related to the COVID-19 public health emergency are hereby incorporated in this Declaration.
13. **Effective Date.** This Declaration No. 8 shall take effect immediately upon its issuance by the Mayor of the City of Kirby. The City Manager is directed to publicize the issuance of this Declaration No. 8.

ORDERED this the 8th day of March, 2021.



Lisa Pierce, Mayor
City of Kirby

Attest:


Patty Cox, City Secretary