

**RESOLUTION NO. 2020-03-04 MD**

**A RESOLUTION RENEWING AND EXTENDING, THE ORDER OF THE SECOND MAYORAL DECLARATION OF DISASTER EXECUTED ON APRIL 3, 2020 BY MAYOR ANDRES RODRIGUEZ PURSUANT TO §418.108, TEXAS GOVERNMENT CODE, REGARDING THE COVID-19 A GLOBAL PANDEMIC**

**WHEREAS**, on the 3<sup>rd</sup> Day of April 2020 the Mayor of Brackettville executed a Second Declaration of Disaster providing for additional restrictions in the City in order to activate the appropriate recovery and rehabilitation aspects of all applicable local or interjurisdictional emergency management plans and authorize the furnishing of assistance under said declaration and in order to amend in various sections previous declarations issued by the Mayor or the governing body; and

**WHEREAS**, the City Council finds it necessary and appropriate and in the public interest and for the public good to renew and extend the second mayoral Disaster Declaration in order to continue with the extraordinary protective measures and efforts afforded by the previous Declarations of Disaster;

**WHEREAS**, the City Council finds it necessary and appropriate for citizens to abide and comply with all disaster declaration orders issued by the Governor of the State of Texas and/or President of the United States.

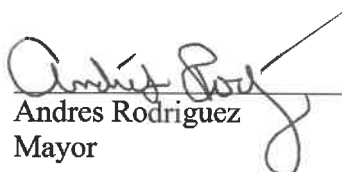
**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BRACKETTVILLE, TEXAS, as follows:**

**SECTION 1.** Pursuant to § 418.108 of the Texas Government Code, the Second Mayoral Declaration of Disaster executed by Mayor Rodriguez on April 3, 2020, is hereby renewed, and extended, and shall continue to be in full force and effect until the City of Brackettville deems it unnecessary to continue.

**SECTION 2.** This Resolution will supersede all previous resolutions issued by the Mayor and/or Council. If there is a conflict between the declarations issued by this governing body and the orders issued by the Governor of Texas or the President of the United States, the more restrictive declaration requirements will control, to the extent it does not contradict Executive Order No. GA-14 issued by the Governor of Texas on March 31, 2020.

**SECTION 3.** The City Administrator is hereby directed to distribute Resolution No. 2020-03-04 MD to any person or agency for the purposes intended.

**READ, PASSED AND APPROVED, this 3<sup>rd</sup> Day of April 2020.**

  
\_\_\_\_\_  
Andres Rodriguez  
Mayor

ATTEST:

  
\_\_\_\_\_  
Nora Y. Rivas  
City Administrator

**CITY OF BRACKETTVILLE, TEXAS  
SECOND MAYORAL DECLARATION OF LOCAL STATE OF DISASTER  
DUE TO PUBLIC HEALTH EMERGENCY**

**WHEREAS**, beginning in December 2019, a novel coronavirus, now designated SARS-CoV2 which causes the disease COVID-19, has been declared a global pandemic by the World Health Organization; and

**WHEREAS**, the symptoms of COVID-19 can range from mild to severe illness and cause further complications including death; and

**WHEREAS**, COVID-19 virus mainly spreads between people who are in close contact with one another through respiratory droplets produced when an infected person coughs or sneezes; and

**WHEREAS**, on March 13, 2020, the Governor of the State of Texas issued a proclamation certifying that COVID-19 poses an imminent threat of disaster in the state and declaring a state of disaster for all counties in Texas; and

**WHEREAS**, the City of Brackettville, Texas, is taking extraordinary measures to prevent the spread of this potentially devastating disease in our community; and

**WHEREAS**, said state of disaster requires that certain emergency protective measures be taken pursuant to the Texas Disaster Act of 1975 relating to Emergency Management and Public Health, pursuant to Chapter 418 of the Texas Government Code; and

**WHEREAS**, on March 17, 2020, the Mayor of the City of Brackettville issued a declaration of local state of disaster due to public health emergency (1<sup>st</sup> disaster declaration), thereby activating the City of Brackettville, Texas, Emergency Management Plan; and

**WHEREAS**, the City of Brackettville, Texas has 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 MAYOR OF THE CITY OF BRACKETTVILLE, TEXAS:**

**SECTION 1.** That a local state of disaster for public health emergency is hereby declared for the City of Brackettville, Texas, pursuant to Section 418.108(a) of the Texas Government Code.

**SECTION 2.** That pursuant to Section 418.108(b) of the Texas Government Code the Second Mayoral Declaration of Local state of disaster for public health emergency shall continue

for seven (7) days from the date of this declaration, unless continued or renewed by the City Council of the City of Brackettville, Texas.

**SECTION 3.** That pursuant to Section 418.108(c) of the Texas Government Code this declaration of a local state of disaster for public health emergency shall be given prompt and general publicity and shall be filed promptly with the City Administrator.

**SECTION 4.** That pursuant to Section 418.108(d) of the Texas Government Code, this declaration of a local state of disaster activates the City of Brackettville, Texas, Emergency Management Plan, and authorizes the furnishing of aid and assistance under the declaration.

**SECTION 5.** That this declaration authorizes the City to take any actions necessary to promote health and suppress the virus, including the quarantine of persons and occupied structures, examining and regulating hospitals, regulating ingress and egress from the City, regulating ingress and egress to occupied structures, establishment of quarantine stations, emergency hospitals, and other hospitals, and insuring compliance for those who do not comply with the City's rules, pursuant to Section 122.006 of the Health and Safety Code.

**SECTION 6.** That every person in the City of Brackettville shall minimize social gatherings and minimize in-person contact with people who are not in the same household. All persons may leave their residences only for Essential Activities, or to provide or perform Essential Governmental Functions, or to operate Essential Businesses, all as defined herein. For purposes of this declaration, a "gathering" refers generally to any event or common endeavor that brings together or is likely to bring together 10 persons or more at the same time in a confined or enclosed space, room, or area such as, by way of example and without limitation, and auditorium, theatre, stadium (indoor or outdoor), event center, bowling alley, bingo parlor, maquina/slot machine parlor, food courts, meeting hall, conference center, large cafeteria, or any other confined indoor or confined outdoor space.

**SECTION 7.** For purposes of clarity, a "gathering" does not include the following: (i) hospitals, medical facilities and shelters; (ii) grocery stores and other essential retail establishments, including but not limited to hardware stores; (iii) jails and detention centers; and (iv) religious services conducted in churches, congregations, and houses of worship. In all such settings, where possible, it is recommended the public follow social distancing recommendations, and harm reduction measures such as hand sanitizer and tissues should be provided. However, any specific large gathering space that is part of any building included in this Section is subject to the prohibition of gatherings as outlined in Section 7. In all such settings, it is recommended that the public follow social distancing recommendations and harm reduction measures such as hand sanitizer and tissues should be provided when possible.

**SECTION 8.** Adult persons (over 17 years of age) may leave their residence only to perform any of the following "Essential Activities":

- a. 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 medical supplies or medication, visiting a health care professional, or obtaining supplies needed to work from home).

- b. 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, and products necessary to maintain the safety, sanitation, and essential operation of residences).
- c. To engage in outdoor activity, provided the individuals comply with social distancing requirements of six feet (for example, walking, biking, hiking, or running).
- d. To perform work providing essential products and services at an Essential Business or to otherwise carry out activities specifically permitted in these Emergency Measures.
- e. To care for a family member or pet in another household.

**SECTION 9. "Essential Businesses" means:**

- a. **Essential Healthcare Operations.** 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 seniors, adults, or children are also considered healthcare operations. Healthcare operations also includes veterinary care and all health and welfare 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 operations do not include elective medical, surgical, and dental procedures.
- b. **Essential Government Functions.** All 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. Further, nothing in this order shall prohibit any individual from performing or accessing "Essential Government Functions." All Essential Government Functions shall be performed in compliance with social distancing requirements of six feet, to the extent possible.
- c. **Essential Critical Infrastructure.** Work necessary to the operations and maintenance of the 16 critical infrastructure sectors as identified by the National Cybersecurity and Infrastructure Agency (CISA) including public works construction, residential and commercial construction, airport operations, 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), financial institutions, defense and national security-related operations, essential manufacturing operations provided that they carry out those services or that work in compliance with social distancing requirements of six feet, to the extent possible. Essential Businesses providing essential infrastructure should implement screening precautions to protect employees and all activity shall be performed in compliance with social distancing guidelines attached.
- d. **Essential Retail.** Food service providers, including grocery stores, warehouse stores, big-box stores, bodegas, gas stations and convenience stores, farmers' markets that sell food products and household staples. Food cultivation, including farming, fishing, and livestock. Businesses that ship or deliver groceries, food, goods or services directly to residences. Restaurants and other facilities that prepare and serve food, but only for delivery or carry out. Liquor stores but only by drive through service. Schools and other entities that typically provide free services to students or members of the public on a pick-up and take-away basis only. The restriction of delivery or carry out does not

apply to cafes and restaurants located within hospital and medical facilities. Laundromats, dry cleaners, laundry service providers, gas stations, auto-supply, auto and bicycle repair, hardware stores, businesses that supply products needed for people to work from home, and related facilities are also classified as essential retail.

- e. **Providers of Basic Necessities to Economically Disadvantaged Populations.** Businesses that provide food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals.
- f. **Essential Services Necessary to Maintain Essential Operations of Residences or Other Essential Businesses.** Trash and recycling collection, processing and disposal, mail and shipping services, building cleaning, maintenance and security, warehouse/distribution and fulfillment, storage for essential businesses, funeral homes, crematoriums and cemeteries. Plumbers, electricians, exterminators, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operations of residences and Essential Businesses. Professional services, such as legal or accounting services, when necessary to assist in compliance with legally mandated activities. Businesses that supply other essential businesses with support or supplies needed to operate.
- g. **News Media.** Newspapers, television, radio, and other media services.
- h. **Childcare Services.** Childcare facilities providing services that enable employees exempted in this Order to work as permitted.

**SECTION 10.** To the extent possible, retail establishments, including but not limited to, grocery stores, pharmacies, pet food stores, warehouse stores, hardware stores, gas stations, or food pantries that provide or sell food products or household staples are ORDERED to establish controls to require a minimum of six feet of distance between patrons in lines queuing in front of and inside stores. Controls may include, but are not limited to, requiring each person to take a shopping cart or placing markers on the floor.

**SECTION 11.** In accordance with executive orders issued by the Governor of Texas, people shall avoid eating or drinking at bars, restaurants, and food courts, or visiting gyms or massage parlors; provided, however, that the use of drive-through, pickup, or delivery options is allowed and highly encouraged.

**SECTION 12.** In accordance with executive orders issued by the Governor of Texas, people shall not visit nursing homes, elderly day care nutrition centers, long-term care facilities unless to provide critical assistance.

**SECTION 13.** Entry into retail establishments, including but not limited to, grocery stores, pharmacies, pet food stores, warehouse stores, hardware stores, and gas stations, shall be restricted to one person per family. No person under 17 years of age shall be allowed entry into a grocery store as a patron/customer. Employees of the grocery store are exempt from this prohibition.

**SECTION 14.** All outdoor markets, flea markets, and outdoor retail establishments shall be closed until further notice.

**SECTION 15.** People shall avoid all playground areas found in public parks and common areas of apartment complexes, condominiums, retail establishments, restaurants, and grocery

stores. It is further ordered that the owners of these playgrounds and common areas located at apartment complexes, condominiums, retail establishments, restaurants, and grocery stores shall take the necessary steps to close or prohibit access to these areas.

**SECTION 16.** A 24 hour curfew shall be imposed on residents who are 17 years or younger who are not in school, are not accompanied by school personnel, a parent, or guardian, are not going directly to their place of employment or returning therefrom

**SECTION 17.** All persons who have undergone testing for coronavirus shall remain in quarantine as per their health provider's instructions.

**SECTION 18.** That this declaration requires all persons and entities to comply with the social distancing protocols established by the Centers for Disease Control and Prevention (CDC), found online at <https://www.cdc.gov/coronavirus/2019-ncov/downloads/community-mitigation-strategy.pdf> be followed, including cancelling, rescheduling, or not attending events with more than 10 people. In addition, this declaration (1) strongly encourages and recommends compliance with all CDC guidelines regarding the COVID-19 and (2) requires laboratories, workplaces, healthcare professionals, health care facilities and all other industries and groups that are specifically identified by the CDC to comply with, follow and implement the CDC's guidance for their respective industry or group regarding the COVID-19.

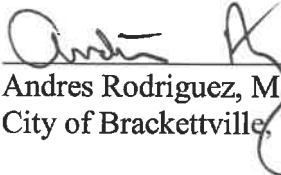
**SECTION 19.** This declaration is issued because of the propensity of the virus to spread person to person, and because the virus physically is causing property loss and damage.

**SECTION 20.** In accordance with Texas Government Code §418.173, a person who knowingly or intentionally violates this declaration commits an offense, punishable by a fine up to \$1,000.00 or confinement in jail for a term that does not exceed 180 days.

**SECTION 21.** That this declaration hereby authorizes the use of all lawfully available enforcement tools.

**SECTION 22.** That this declaration shall take effect immediately from and after its issuance.

DECLARED this 3rd day of April, 2020.

  
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Andres Rodriguez, Mayor  
City of Brackettville, Texas