

## RESOLUTION

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALICE, TEXAS, AMENDING THE RESOLUTION OF APRIL 21, 2020 WHICH EXTENDED THE LOCAL DISASTER DECLARATION IN RESPONSE TO COVID-19.**

**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**, on March 19, 2020, the Governor of the State of Texas issued Executive Order GA 08 finding that COVID-19 continues to pose an increasing, imminent threat of disaster in the state and declaring a state of disaster for all counties in Texas, and ordering every person in Texas to comply with certain recommendations of the United States Center for Disease Control (CDC); and

**WHEREAS**, the City of Alice, 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**, by declaration issued the 20th day of March, 2020, the Mayor for the City of Alice declared a Local Disaster Due to Public Health Emergency for the City of Alice, Texas, resulting from the imminent threat and possibility of exposure and spread of COVID-19; with said imminent threat causing the Mayor for the City of Alice to enter a Revised Declaration on March 24, 2020; and

**WHEREAS**, COVID-19 continues to pose an increasing, imminent threat of disaster in the state and declaring a state of disaster for all counties in Texas, requiring the Mayor of the City of Alice to Revise the original Declaration.

**WHEREAS**, the continuing imminent threat requires the local state of disaster declaration be revised and extended until April 30, 2020.

**NOW THEREFORE, BE IT RESOVLED BY THE ALICE CITY COUNCIL THAT THE MAYORAL DECLARATION REVISED ON MARCH 24, 2020, AND EXTENDED BY THIS COUNCIL ON MARCH 26, 2020 IS SUPERSEDED AND REVISED TO READ AS FOLLOWS:**

WHEREAS, I, Mayor Jolene B. Vanover issued a disaster proclamation on March 20, 2020 and revised March 24, 2020, certifying under Section 418.014 of the Texas Government Code that the novel coronavirus (COVID-19) poses an imminent threat of disaster for all counties in the State of Texas; and

WHEREAS, on March 26, 2020, I issued a Stay at Home Order; and

WHEREAS, the Commissioner of the Texas Department of State Health Services (DSHS), Dr. John Hellerstedt, has determined that COVID-19 represents a public health disaster within the meaning of Chapter 81 of the Texas Health and Safety Code; and

WHEREAS, Governor Abbot has issued numerous executive orders and suspensions of Texas laws in response to COVID-19, aimed at protecting the health and safety of Texans and ensuring an effective response to this disaster; and

WHEREAS, Governor Abbot issued Executive Order GA-08 on March 19, 2020, mandating certain obligations for Texans in accordance with the President's Coronavirus Guidelines for America, as promulgated by President Donald J. Trump and the Centers for Disease Control and Prevention (CDC) on March 16, 2020, which called upon Americans to take actions to slow the spread of COVID-19 for 15 days; and

WHEREAS, shortly before Executive Order GA-08 expired, Governor Abbot issued Executive Order GA-14 on March 31, 2020, based on the President's announcement that the restrictive social-distancing Guidelines should extend through April 30, 2020, in light of advice from Dr. Anthony Fauci and Dr. Deborah Birx, and also based on guidance by DSHS Commissioner Dr. Hellerstedt and White House Coronavirus Response Coordinator Dr. Birx that the spread of COVID-19 can be reduced by minimizing social gatherings; and

WHEREAS, Executive Order GA-14 superseded Executive Order GA-08 and expanded the social-distancing restrictions and other obligations for Texans that are aimed at slowing the spread of COVID-19, including by limiting social gatherings and in person contact with people (other than those in the same household) to providing or obtaining "essential services," and by expressly adopting the U.S. Department of Homeland Security's March 28, 2020 Guidance on the Essential Critical Infrastructure Workforce, Version 2.0, which provides a list of critical infrastructure sectors, workers, and functions that should continue as "essential services" during the COVID-19 response; and

WHEREAS, Executive Order GA-14 therefore restricts non-essential services during the COVID-19 disaster; and

WHEREAS, although many lives have been saved because of social-distancing restrictions like those required by Executive Order GA-14, more than 400 Texans have lost their lives because of

COVID-19, and the disease still presents a serious threat across Texas that could persist in certain areas; and

WHEREAS, apart from the threats to health and safety, COVID-19 has also wrought havoc on the many Texas businesses and workers affected by social-distancing restrictions that were necessary to protect human life; and

WHEREAS, over one million unemployment claims have been filed during the COVID-19 disaster by conscientious Texans who want to get back to work as soon as it is safe to do so; and

WHEREAS, Texas must protect lives while restoring livelihoods, both of which can be achieved with the expert advice of medical professionals and business leaders; and

WHEREAS, Governor Abbot issued Executive Order GA-17, creating the Governor's Strike Force to Open Texas to study and make recommendations on safely and strategically restarting and revitalizing all aspects of the Lone Star State work, school, entertainment, and culture; and

WHEREAS, the "governor is responsible for meeting the dangers 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 having the force and effect of law;" and

WHEREAS, under Section 418.016(a), the "governor may suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business if strict compliance with the provisions would in any way prevent, hinder, or delay necessary action in coping with a disaster;" 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 418.018(c), the "governor may control ingress and egress to and from a disaster area and the movement of persons and the occupancy of premises in the area;" and

WHEREAS, under Section 418.173, failure to comply with any 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.

**NOW THEREFORE, UNDER THE AUTHORITY OF TEXAS GOVERNMENT CODE SECTION 418.108, MAYOR JOLENE B. VANOVER ORDERS:**

1. 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-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.

2. 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.

3. 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.

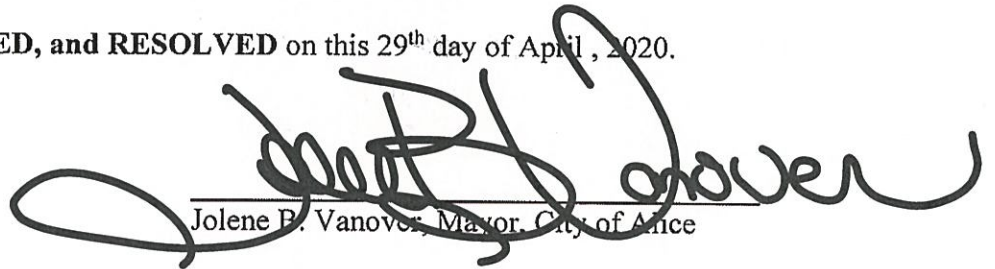
4. The use of face coverings are encouraged and recommended while in public.

This Resolution 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 the Governor's Executive Order or allows gatherings prohibited by Governor Abbot's Executive Order.

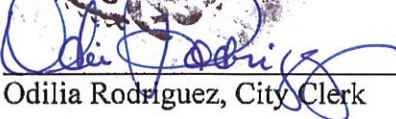
This Resolution shall remain in effect and in full force for as long as the Governor of the State of Texas declares a disaster or state of emergency due to the Covid-19 pandemic of 2020, as authorized by §§418.108 Texas Government Code, unless it is modified, amended, rescinded, or superseded by the any new Executive Orders issued by Governor Abbot, Homeland Security, CDC, and Texas Department of State Health Services (DSHS) whereby the City of Alice will adhere to the new Executive Orders issued by Governor Abbot, or by other appropriate governmental or legal action whereby the City of Alice will adhere.

**PASSED, APPROVED, and RESOLVED** on this 29<sup>th</sup> day of April, 2020.



  
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Jolene B. Vanover, Mayor, City of Alice

ATTESTED:

  
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Odilia Rodriguez, City Clerk