

Ordinance Approving and Extending the Order to Stay at Home and Order to Report COVID-19 issued by the Mayor of the City of Corpus Christi Texas; providing for penalties; and declaring an emergency

WHEREAS, in March 2020, a respiratory disease caused by a novel coronavirus was detected in Wuhan City, Hubei Province, China. The virus has been named "SARS-CoV-2" and the disease it causes has been named "coronavirus disease 2019" ("COVID-19"). 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 and advised countries to prepare for the containment, including active surveillance, early detection, isolation and case management, contact tracing, and prevention of onward spread of the disease; and

WHEREAS, on January 31, 2020, the U.S. Health and Human Services Secretary declared a public health emergency for the United States to aid the nation's healthcare community in responding to COVID-19; and

WHEREAS, the identification of "community spread" cases of COVID-19 in the United States could potentially signal that transmission of the virus may no longer be limited to travel to outbreak areas or contact with travelers who have visited outbreak areas; and

WHEREAS, according to the Center for Disease Control ("CDC"), it is likely that at some point, widespread transmission of COVID-19 in the United States will occur; and

WHEREAS, the CDC warns that widespread transmission of COVID-19 would translate into large numbers of people needing medical care at the same time; schools, childcare centers, workplaces, and other places for mass gatherings may experience more absenteeism; public health and healthcare systems may become overloaded with elevated rates of hospitalizations and deaths; other critical infrastructure, such as law enforcement, emergency medical services, and transportation industry may also be affected; and health care providers and hospitals may be overwhelmed; and

WHEREAS, COVID-19 testing capacity is inadequate to obtain levels of community infections, and there is an ongoing risk and likelihood of significant numbers of COVID-19-positive patients being identified in the City of Corpus Christi; and

WHEREAS, the City of Corpus Christi's Local Health Authority is taking steps to ensure the spread of COVID-19 is contained, the community is kept safe, and the exposure risk is minimized; and

WHEREAS, the City, including its Local Health Authority, Health Department, Department of Emergency Management, and other City partners, have been working successfully and diligently to implement CDC guidelines, but now require additional tools and resources to protect the public health given the current state of the epidemic and the need for a sustained response; and

WHEREAS, it is necessary to the public health of the residents of the City of Corpus Christi and surrounding areas that those persons under investigation, persons under management, and quarantined persons remain within the confines of their homes or in safe, secure facilities during the quarantine period following their exposure to the virus; and

WHEREAS, pursuant to the Texas Disaster Act of 1975, as amended, Texas Government Code Annotated, Chapter 418, (the "Texas Disaster Act"), the Mayor is designated as the Emergency Management Director of the City of Corpus Christi, and may exercise the powers granted to the Governor on an appropriate local scale; and

WHEREAS, a declaration of local disaster due to this 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 and request assistance from the Governor of state resources; and

WHEREAS, on March 13, 2020, the Mayor of the City of Corpus Christi Texas issued a Declaration of Local State of Disaster ("this disaster") due to this public health emergency, in which he declared 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, the Mayor did 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, the City of Corpus Christi, and the people and communities of the City have suffered or face imminent threat to the public health and the potential for loss of life and property resulting from a disaster: the introduction, transmission, or spread (or imminent threat of the same) of COVID-19 in the City of Corpus Christi; and

WHEREAS, the Mayor of the City of Corpus Christi determined that emergency measures must be taken to either prepare for or respond to a disaster due to this public health emergency in order 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, and to prevent or minimize the loss of life; and

WHEREAS, during the state of disaster, the Mayor of the City of Corpus Christi issued orders described herein;

WHEREAS, Section 16-3 (c) Code of Ordinances, City of Corpus Christi, requires the City Council to consent to the continuation of a local state of disaster declared by the Mayor for a period in excess of 7 days;

WHEREAS, the Declaration of Local State of Disaster was extended by action of the City Council on March 17, 2020;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF CORPUS CHRISTI, TEXAS:

Section 1. That the following attached orders issued by the Mayor during the state of disaster are adopted by the City Council, shall remain in effect, and shall continue to have the force and effect of law until 11:59 p.m. on **April 8, 2020**, or until it they are rescinded, superseded, or amended pursuant to applicable law.

- **Order to Stay at Home**
- **Order to Report COVID-19**

Section 2. That the orders issued during the local state of disaster shall have the force and effect of law until the state of disaster is terminated.

Section 3. Pursuant to Section 418.108(c) of the Texas Government Code, the orders issued under the declaration of a local state of disaster due to this public health emergency shall be given prompt and general publicity and shall be filed promptly with the City Secretary.

Section 4. a. A violation of the **Order to Stay at Home, Order to Report COVID-19**, and other orders issued pursuant to this disaster is a violation of the emergency management plans of the City of Corpus Christi. A violation by any person of any provision of this Order to Stay at Home is punishable by a fine of up to \$500 per violation or separate day of violation.

b. Any person knowingly violating a provision of the **Order to Stay at Home, Order to Report COVID-19**, and other orders issued pursuant to this disaster after being warned that a specific act or omission would be a violation of the City's emergency management plan and being convicted of a first offense pursuant to subsection 4.a. may be punished by a fine of up to \$1,000 per violation or separate day of violation or up to 180 days in jail.

c. It shall be a defense to prosecution of a violation of an order issued pursuant to this disaster that a person was present in a gathering while exercising (1) First Amendment rights protected by the United States Constitution or (2) rights protected by Chapter 110 of the Texas Civil Practice and Remedies Code.

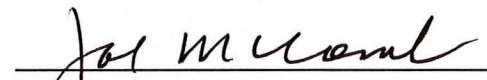
Section 5. Publication shall be made as required by the City Charter.

Section 6. That upon written request of the Mayor of five Council members, copy attached, the City Council (1) finds and declares an emergency due to the need for immediate action necessary for the efficient and effective administration of City affairs and (2) suspends the Charter rule that requires consideration of and voting upon ordinances at two regular meetings so that this ordinance is passed and takes effect upon first reading as an emergency measure on this the 31st day of March, 2020.

ATTEST:


 Rebecca Huerta
 City Secretary

CITY OF CORPUS CHRISTI


 Joe McComb
 Mayor

31st day of March, 2020

Corpus Christi, Texas

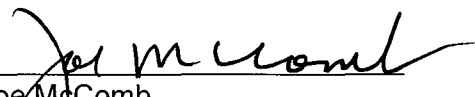
PASSED AND APPROVED on this the 31st day of March, 2020

TO THE MEMBERS OF THE CITY COUNCIL
Corpus Christi, Texas

For the reasons set forth in the emergency clause of the foregoing ordinance, an emergency exists requiring suspension of the Charter rule as to consideration and voting upon ordinances at two regular meetings: I/we, therefore, request that you suspend said Charter rule and pass this ordinance finally on the date it is introduced or at the present meeting of the City Council.

Respectfully,

Respectfully,



Joe McComb
Mayor

Council Members

The above ordinance was passed by the following vote:

Joe McComb	<u>Aye</u>
Roland Barrera	<u>Aye</u>
Rudy Garza	<u>Aye</u>
Paulette M. Guajardo	<u>Aye</u>
Gil Hernandez	<u>Aye</u>
Michael Hunter	<u>Aye</u>
Ben Molina	<u>Aye</u>
Everett Roy	<u>Aye</u>
Greg Smith	<u>Aye</u>

Order to Stay at Home

City of Corpus Christi

This declaration and order implementing emergency powers is issued pursuant to Texas Government Code Chapter 418 (including, but not limited to Texas Government Code § 418.108 and authority to control ingress, egress, movement, and premises' occupancy), and the *Mayoral Declaration of a Local State of Disaster Due to a Public Health*. In accordance with said Chapter and Declarations, the Mayor hereby finds, and order as follows:

NOW THEREFORE, UNDER THE AUTHORITY OF TEXAS GOVERNMENT CODE SECTION 418.108, MAYOR ORDERS:

1. Effective upon execution and continuing until the earlier of 7 days following issuance or the date it is rescinded, superseded, or amended pursuant to applicable law:
 - (a) All individuals currently living within City of Corpus Christi are ordered to shelter at their place of residence. For the purposes of this Order, residences include homes, condominiums, townhomes, apartments, duplexes, hotels, motels, shared rentals, recreational vehicles, motor homes, and similar facilities. To the extent individuals are using shared or outdoor spaces, they must at all times as reasonable as possible maintain social distancing of at least six (6) feet from any other person when they are outside their residence. All persons may leave their residences or enter or leave the territorial limits of City of Corpus Christi only for Essential Activities, or to provide or perform Essential Governmental Functions, or to operate Essential Businesses, all as defined in Section 2.
 - (b) All business operating within City of Corpus Christi, except Essential Businesses as defined below in Section 2, are required to cease all activities at facilities located within City of Corpus Christi. For clarity, businesses may continue operations consisting exclusively of employees or contractors performing activities at their own residences (i.e. working from home). To the greatest extent possible, all Essential Businesses shall comply with the Social Distancing Guidelines attached as **Exhibit "A"** and incorporated in its entirety, including maintaining six (6) feet social distancing for both employees and the general public.
 - (c) All public or private gatherings of any number of people occurring outside a single household or living unit are prohibited, except as otherwise provided herein. Nothing in this Order prohibits the gathering of members of a household or living unit.
 - (d) Restaurants with or without drive-in or drive-through services and microbreweries, and micro-distilleries may only provide take out, delivery, or drive-through services in such manner consistent with Texas Governor Greg Abbott's waiver.
 - (e) Religious and worship services may be provided by video and teleconference. Institutions must limit in-person staff to 10 people or less in the same room when preparing for or conducting video or teleconference services, and all individuals must follow the Social Distancing Guidelines (including the social distancing guideline of 6 feet).
 - (f) All elective medical, surgical, and dental procedures are prohibited anywhere in City of Corpus Christi. Hospitals, ambulatory surgery centers, dental offices, and other medical facilities are directed to identify procedures that are deemed "Elective" by assessing which procedures can be postponed or cancelled based on patient risk considering the emergency need for redirection of resources to COVID-19 response. Elective surgeries and procedures that are designed to reduce risk to patients or treat painful or potentially disabling conditions may be continued.

financial services, food & agriculture, government facilities, healthcare & public health, information technology, nuclear reactors, materials & waste, transportation systems, water & wastewater systems), Port of Corpus Christi Authority of Nueces County, Texas' industries and related support businesses, NAS Corpus Christi, Corpus Christi Army Depot, public works construction, residential and commercial construction, airport operations, water, sewer, gas, electrical, oil and gas industry, crude oil storage and transport facilities, refining processes, oil and gas/industry disposal facilities, roads and highways, public transportation, automobile repair, 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, bail bond sureties, defense and national security-related operations, warehouses, essential manufacturing operations, provided that they carry out those services or that work in compliance with social distancing requirement of six (6) 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 the Social Distancing Guidelines attached. Essential Businesses also include businesses that supply Essential Businesses with the services, support, storage, repairs, equipment or supplies necessary or useful to operate or function effectively. Essential Businesses also include airlines, taxis, and other private transportation providers providing transportation services necessary for Essential Activities and other purposes expressly authorized in this Order;

- iv. **Essential Retail.** Food service providers, including grocery stores, warehouse stores, big-box stores, bodegas, liquor stores, 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 and conveyances that prepare and serve food, but only for delivery or carry out. Schools and other entities that typically provide free services to students or member 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, and laundry service providers. Gas Stations, auto-supply, auto and bicycle repair, hardware stores, landscaping, and related facilities. Businesses that supply products needed for people to work from home.
- v. **Providers of Basic Necessities to Economically Disadvantaged Populations.** Business that provide food shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals.
- vi. **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, hotels and motels, recreational vehicles parks, and public storage facilities. Plumbers, electricians, roofers, exterminators, air conditioner repair, appliance repair, equipment repair, 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 insurance, title, real estate, legal or accounting services when necessary to assist in compliance with legally mandated, prohibited, or necessary activities, including the entry of contracts for Essential Businesses or support thereof. Automobile, large truck, and RV dealerships (sales and services centers) in support of transportation. Businesses that supply other essential businesses with support or supplies needed to operate.

Exhibit "A"

Social Distancing and Travel Recommendations

- 1) **Avoid traveling to other jurisdictions unless essential for work or health.**
- 2) **Vulnerable Populations: Limit Outings**
 - Vulnerable populations include people who are:
 - 60 years old and older.
 - People with certain health conditions such as heart disease, lung disease, diabetes, kidney disease and weakened immune systems.
 - For vulnerable populations, do not go to gatherings unless it is essential. Stay home. Avoid people who are sick.
- 3) **Workplace and Businesses: Minimize Exposure**
 - Suspend nonessential employee travel
 - Ensure employees practice social distancing and do not work within six (6) feet of one another.
 - Urge essential employees to stay home when they are sick and maximize flexibility in sick leave benefits.
 - Do not require a doctor's note for employees who are sick.
 - Maximize telecommuting options.
 - Persons who need to be at work to provide essential services of great benefit to the community must take steps in their workplace to minimize risk.
- 4) **Cancel Non-essential events**
 - Cancel non-essential events.
 - Do not attend any events or gatherings if sick.
 - For events that aren't cancelled, we recommend:
 - Provide hand washing, hand sanitizers stations and make tissues available.
 - Frequently clean high-touch surface areas like counter tops and handrails.
 - Finding ways to implement social distancing.
- 5) **Schools Safety First**
 - Do not have your child attend school if sick.
 - If you have a child with chronic health conditions, consult the child's doctor about school attendance.
 - Schools should equip all classrooms with hand sanitizers and tissues.
 - Recommend rescheduling or cancelling events that are not essential.
 - Explore remote teaching and online options to continue learning.
 - Schools should develop a plan for citywide school closures, and families should prepare for further closures.
- 6) **Transit: Cleaning and Protection**
 - Increase cleaning of vehicle and high touch surface areas.
 - Provide hand washing/hand sanitizers and tissues in stations and on vehicles.
 - Ensure social distancing practices are implemented to the full extent possible.

Order to Report COVID-19

City of Corpus Christi

This declaration and order implementing emergency powers is issued pursuant to Texas Government Code Chapter 418 (including, but not limited to Texas Government Code § 418.108 and authority to control ingress, egress, movement, and premises' occupancy), and the Mayoral *Declaration of a Local State of Disaster Due to a Public Health*. In accordance with said Chapter and Declarations, the Mayor hereby finds, and order as follows:

Whereas, on March 24, 2020, the Governor ordered every public or private entity that is utilizing an FDA-approved test for human diagnostic purposes of COVID-19 to submit daily reports of all test results, both positive and negative to the local health department and DSHS; and

Whereas, to relieve the workload from the Corpus Christi-Nueces County Public Health District and streamline the provision of information to the public by the City, the City is mandating email reporting of test results to enable more effective statistical review and epidemiological research and reporting at a local level.

NOW THEREFORE, UNDER THE AUTHORITY OF TEXAS GOVERNMENT CODE SECTION 418.108, MAYOR ORDERS:

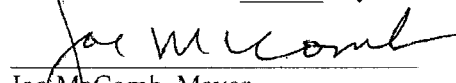
1. Effective upon execution, and continuing until 11:59 p.m. on April 8, 2020:
2. REPORTING OF COVID-19 TESTS:

(a) All public, private and commercial laboratories operating within the City of Corpus Christi that are performing COVID-19 testing shall report by 3:00 p.m. each day for the prior 24-hour period (1) the number of COVID-19 tests performed and (2) the number of positive and number of negative COVID-19 test results to Billy Delgado, Emergency Management Coordinator for the City of Corpus Christi at billyd@ectexas.com

(b) All public, private and commercial laboratories operating within the City of Corpus Christi and performing COVID-19 testing shall, on or before close of business on March 30, 2020, report (1) the number of COVID-19 tests performed in 2020 prior to this order and (2) the number of positive and number of negative COVID-19 test results received in 2020 prior to this order to Billy Delgado, Emergency Management Coordinator for the City of Corpus Christi at billyd@ectexas.com.

(c) Such laboratories shall not provide names or other individually identifiable health information that could be used to identify an individual patient. This information will be used solely for public health purposes to monitor the testing conducted in the City and mitigate and contain the spread of COVID-19.

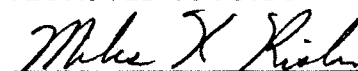
ORDERED this the 27 day of March, 2020.


Joe McComb, Mayor

ATTEST:

Rebecca Huerta, City Secretary

APPROVED TO FORM:


Miles K. Risley, City Attorney