

RESOLUTION #2020- 31

A RESOLUTION ORDERING THE EXTENSION OF THE LOCAL STATE OF DISASTER AND THE ORDER TO STAY HOME/WORK SAFE UNTIL APRIL 30, 2020.

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

WHEREAS, the Governor of the State of Texas on March 13, 2020, under the authority of the Texas Disaster Act of 1975, issued a proclamation certifying that COVID-19 (novel coronavirus) poses an imminent threat of disaster in the state and declaring a state of disaster for all counties in Texas and directed that all necessary measures, both public and private as authorized under Section 418.015, Texas Government Code, be implemented to meet the disaster;

WHEREAS, the Commissioner of the Texas Department of State Health Services (SDHS), 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;

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

WHEREAS, Section 418.108 of the Texas Government Code authorizes the Mayor of the City of Kingsville, as the presiding officer of the governing body of the political subdivision, to declare a local state of disaster;

WHEREAS, on March 17, 2020 the Mayor of the City of Kingsville, issued a proclamation declaring a state of disaster for public health emergency existed for the City of Kingsville resulting from COVID-19, and revised that order on March 18, 2020;

WHEREAS, on March 23, 2020 the City Commission of the City of Kingsville extended the Mayor's Declaration of Disaster via Resolution #2020-23 after determining that extraordinary measures stated in the declaration must be continued for public health and safety;

WHEREAS, this public calamity continues to require emergency action;

WHEREAS, pursuant to the Texas Disaster Act of 1975/Section 418.108 of the Texas Government Code, the Mayor is designated as the emergency management director of the City of Kingsville, and may exercise the powers granted to the governor on an appropriate local scale;

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, on March 26, 2020 the Mayor of the City of Kingsville, issued a proclamation declaring a local state of disaster for public health emergency existed for the City of Kingsville resulting from COVID-19 and a Stay Home/Work Safe order that was to expire on April 4, 2020 at 11:59 p.m. but was amended and extended by the City Commission on April 2, 2020 via Resolution #2020-29 to expire on April 13, 2020 at 11:59 p.m. and that resolution now needs to be further extended by the City Commission; and

WHEREAS, on March 29, 2020, to avoid scenarios that could lead to hundreds of thousands of deaths, the President announced that, based on advice from Dr. Anthony Fauci and Dr. Deborah Birx, the restrictive social-distancing Guidelines should extend through April 30, 2020 as the spread of COVID-19 can be reduced by minimizing social gatherings;

WHEREAS, on March 31, 2020, Texas Governor Greg Abbott issued Executive Order GA-14, a copy of which is attached hereto, that extends his prior social distancing order (GA-08) through April 30, 2020 and closes all Texas schools through May 4, 2020, and those dates may be extended;

WHEREAS, it was recently learned that up to 25% of COVID-19 carriers can be asymptomatic for days thereby unknowingly exposing others to the virus;

WHEREAS, on about April 4, 2020 the COVID-19 Task Force and CDC recommended that all individuals going out in public wear a protective face mask to the greatest extent possible in an effort to slow the spread of this virus;

WHEREAS, I, Sam R. Fugate, the Mayor of the City of Kingsville and the Kingsville City Commission 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, THE CITY COMMISSION OF THE CITY OF KINGSVILLE, HEREBY PROCLAIMS, ORDERS, AND DECLARES:

Section 1. That a local state of disaster and public health emergency is hereby declared for the City of Kingsville pursuant to Section 418.108(a) of the Texas Government Code as declared by the Mayor on March 17, 2020 due to the public health emergency created by COVID-19, which declaration was amended on March 18, 2020 and extended by the Kingsville City Commission on March 23, 2020, shall continue until terminated, suspended, rescinded, or amended by order of the City Commission of the City of Kingsville.

Section 2. Stay Home/Work Safe. That pursuant to pursuant to the Texas Disaster Act of 1975/ Chapter 418 of the Texas Government Code, I, Sam R. Fugate, as Mayor of the City of Kingsville and the City Commission in coordination and consultation with the Local Health Authority and the Kleberg County Judge order all individuals living in the

City of Kingsville to Stay Home/Work Safe consistent with the direction and guidelines as set out in Exhibit 1 attached to this Declaration.

Section 3. That a state of disaster Stay Home/Work Safe Order declared by the Mayor on March 26, 2020 due to the public health emergency created by COVID-19 which was extended by the City Commission on April 2, 2020 until 11:59 p.m. on April 13, 2020 is now ordered extended and shall continue until 11:59 p.m. on April 30, 2020, unless terminated, suspended, rescinded, or amended by order of the City Commission of the City of Kingsville.

Section 4. That pursuant to Section 418.108(d) of the Texas Government Code, this declaration directs the City Manager to continue with all emergency management activities and the emergency management plan; authorizes the furnishing of all aid and assistance, as deemed necessary or desirable by those administering the plans, and continues activation of the preparedness and response aspects of the plans. By this Declaration, I declare all rules and regulations that may inhibit or prevent prompt response to this threat are suspended for the duration of the incident, and authorize the City Manager to exercise all emergency powers as are available to address this emergency.

Section 5. As Mayor, I further reserve all other authority and powers conferred by state law to respond as necessary to this situation.

Section 6. That pursuant to Section 418.108(c) of the Texas Government Code, this declaration shall be given prompt and general publicity and shall be filed promptly with the City Secretary.

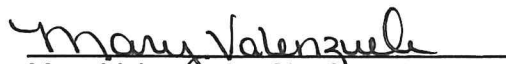
This proclamation shall take effect at 11:59 p.m. on April 13, 2020 through 11:59 p.m. on April 30, 2020.

DECLARED AND ORDERED this the 13th day of April, 2020.



Sam R. Fugate, Mayor

ATTEST:



Mary Valenzuela, City Secretary

APPROVED AS TO FORM:



Courtney Alvarez, City Attorney

EXHIBIT 1

STAY HOME/WORK SAFE MEASURES

Take effect at 11:59 p.m. on March 27, 2020 and will continue through 11:59 p.m. on April 30, 2020, until it is either rescinded, superseded, or amended pursuant to applicable law.

1. Stay at Home:

- a. All individuals currently living in the City of Kingsville are ordered to stay at home consistent with the direction and guidance in this Declaration. If individuals are using shared or outdoor spaces outside their home or engaged in Exempted Activities or Exempted Businesses, then they must maintain social distancing of at least six feet from any other person. All persons may leave their residences only for Exempted Activities, or to provide or perform Governmental Functions, or to operate Exempted Businesses, all as defined in Section 2.
- b. All businesses operating within Kingsville except Exempted Businesses are required to stop operations in Kingsville during the duration of this Order. Businesses may continue operations consisting exclusively of the following as long as social distancing of at least six feet is maintained during these activities:
 - i. Employees or contractors performing activities at their own residences (i.e. working from home or operation a home-based business regardless of whether it constitutes an Exempted Business).
 - ii. Operations necessary to maintain security, upkeep, and maintenance of premises, equipment of inventory, including but not limited to the care and maintenance of livestock or animals.
 - iii. IT or other operations that facilitate employees working from home.
- c. All public or private gatherings occurring outside a single household or single-family living unit are prohibited unless specifically exempted under this Declaration. This Order does not prohibit the gathering of members of a household or single-family living unit.
- d. Restaurants, prepared food retailers, microbreweries, or micro-distilleries may only provide room service, take out, delivery, drive-in, or drive-through services consistent with state and local laws and Governor Greg Abbott's proclamations. Any food establishment that provides services under this section must adhere to social distancing requirements for any food preparation, waiting area or queue.
- e. All *elective* medical, surgical, and dental procedures are prohibited anywhere in Kingsville. 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.

2. Definitions:

a. The following are Exempted Activities:

- i. **Health and Safety Activities:** Activities related to maintaining the health and safety of the individual or their family or household members and pets, for example, obtaining medical supplies or medication, visiting a health care professional, or obtaining supplies needed to work from home. This includes activities to care for a family member or pet in another household.
- ii. **Necessary Supplies:** Activity to obtain or purchase necessary services or supplies for themselves and their family or household members and pets, or to deliver those services or supplies to others. For example, to purchase or obtain food, pet supply, and any other household consumer products, and products necessary to maintain the safety, sanitation, and operation of residences.
- iii. **Outdoor Activity:** Activity in an outdoor open space, such as walking, biking, hiking, or running, as long as individuals comply with social distancing requirements of six feet apart.
- iv. **Work for Exempted Business:** Activity to perform work for Exempted Business or to otherwise carry out activities specifically allowed in this Declaration.

b. For purposes of this Declaration, Exempted Businesses should implement screening precautions to protect employees and all activities shall be performed in compliance with Social Distancing Guidelines to the extent possible. Exempted Businesses means:

i. **Health Care Services.** Business tied to the providing or delivering of healthcare services. For example:

1. hospitals, clinics, dentists, pharmacies, pharmaceutical and biotechnology companies, other healthcare facilities, including veterinary services, and any related and/or ancillary healthcare services,

2. healthcare suppliers, home healthcare service providers, physical therapy providers, laboratory services, mental health providers, substance abuse providers,

3. blood banks, medical research, or any related and/or ancillary healthcare services, veterinary care provided to animals,

4. home-based care for seniors, adults, or children. Residential facilities and shelters for seniors, adults, and children.

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.

ii. **Government Functions.** Business activity related to the operations or services provided by government for the continuing operation of the government agencies to provide for the health, safety and welfare of the public. For example,

defense (ie, NAS Kingsville) and national security-related operations, public safety, solid waste collection, and utility operations.

iii. **Education and Research.** 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 Activities and Exempted Businesses.

iv. **Infrastructure.** Businesses related to public works construction, construction of housing, commercial construction, airport operations, water, sewer gas, electrical, oil refining, roads and highways, and public transportation.

- v. **Transportation.** Business related to the operation, maintenance, construction, and manufacture of transportation services. For example:
1. Vehicle manufacturers, automotive suppliers, car dealerships, large truck and RV dealerships (sales and service centers), parts distribution, maintenance and repair facilities,
 2. Public transportation,
 3. Businesses supporting airport operations,
 4. Street and highway maintenance and construction,
 5. Gas stations and other fuel distribution businesses,
 6. Vehicles for hire including taxis and rideshare.
- vi. **IT Services:** Activity to provide or maintain internet, and telecommunications systems including the provision of essential global, nation, and local infrastructure for computing services, business infrastructure, communications, and web-based services.
- vii. **Food, Household Staples Retail.** Food service and food distribution providers including grocery stores, warehouse stores, big-box stores, liquor stores, bodegas, gas stations, convenience stores, and farmers' markets that sell food products and household staples. Businesses that ship or deliver groceries, food, goods or services directly to residences or provide for pick-up options. The restriction of delivery or carry out does not apply to cafes and restaurants located within hospital and medical facilities. Schools and other entities that typically provide free services to students or members of the public on a pick-up/take-away basis may continue. Laundromats, dry cleaners, and laundry service providers, hardware stores, landscaping, and businesses that supply products needed for people to work from home are included in Household Staples Retail.
- viii. **Services for Economically Disadvantaged Populations.** Businesses that provide food, shelter, and social services, and other necessities of life for economically disadvantaged or other vulnerable populations.
- ix. **Services to Maintain Operations of Residences or Support Exempted Businesses.**
1. Hotels, motels, recreational vehicles, motor homes, and other temporary residence facilities,
 2. Trash and recycling collection, processing and disposal,

3. Mail and shipping services, building cleaning and maintenance, auto repair, warehouse/distribution and fulfillment, public storage facilities, and storage for essential businesses,
 4. Plumbers, electricians, roofers, exterminators, air conditioner repair, appliance repair, equipment repair, moving services and other service providers who provide services to maintain the safety, sanitation, and operations of residences, and
 5. Professional services, such as legal or accounting services, when necessary to assist in compliance with legally mandated activities, such as filing of taxes.
- x. **News Media.** Newspapers, television, radio, and other media services.
 - xi. **Financial Institutions.** Banks, credit unions, and other financial institutions including pawn shops, bail bond sureties, and payday lenders, as well as insurance companies, title, and real estate companies.
 - xii. **Childcare Services.** Licensed childcare facilities, organizations, or individuals providing childcare services.
 - xiii. **Worship Services.** Consistent with the GA-14 (pages 2-3), religious and worship services should be provided through remote telework/services from home unless they cannot be provided through remote telework/services, then 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. Current Guidelines limit in-person presence to 10 persons or less in the same room and all individuals must follow the Social Distancing Guidelines of no less than 6 feet apart, both of which are subject to change by CDC.
 - xiv. **Funeral Services.** For example funeral homes, crematoriums and cemeteries.
 - xv. **CISA Sectors.** All business and operations necessary to the operations and maintenance of the 16 critical infrastructure sectors as identified by the National Cybersecurity and Infrastructure Agency (CISA) and outlined at <https://www.cisa.gov/sites/default/files/publications/CISA-Guidance-on-Essential-Critical-Infrastructure-Workers-1-20-508c.pdf>.
 - xvi. **Ventilator Manufacturer.** Any manufacturer who retools so that a substantial part of their business is for the purpose of manufacturing and producing ventilators may apply for an “exempted business” exemption under this Order. Application for exemption shall be made with the Mayor.

3. The City acknowledges and supports full compliance with the Kleberg County Judge’s Executive Order provisions that address rental property evictions, and foreclosure proceedings be followed and that these actions be suspended for the next 30 days

4. To facilitate delivery for activity allowed under this Declaration, all delivery hour restrictions related to the selling or distribution of food products, medicine, or medical supplies is suspended for the next 60 days.

5. People who are sick should stay at home and not engage in any activity outside their residence unless related to treatment or health care. If someone in a household has

tested positive for COVID-19 then they must follow the isolation and quarantine measures proscribed by the local, state, or federal health authorities and isolate at home for a period of at least 14 days or until the person has tested negative for coronavirus or such longer period as determined by the Health Department. If a member of a household tests positive, then other members of the household should consider themselves positive if they become symptomatic and also follow the isolation and quarantine measures proscribed by local, state, or federal health authorities.

6. Nursing homes, retirement, and long-term care facilities must prohibit non-essential visitors from accessing their facilities unless to provide medical assistance and for end-of-life visitation.

7. The Office of the Mayor and the Health Authority instructs all employees to remain at home if sick, and to promptly communicate with an appropriate health care professional.

8. All public, private, and commercial laboratories operating within the City of Kingsville and performing COVID-19 testing shall report by 5:00p.m. each day for the prior 24-hour period (1) the number of COVID-19 tests performed; and (2) the number of positive COVID-19 tests to the City's designated representative for the Emergency Operations Center and the Local Health Authority for the Kleberg County Health District if either the specimen is collected or the test is performed in the City of Kingsville or Kleberg County. 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.

9. The City of Kingsville must promptly provide copies of this Order by posting on the City of Kingsville website and the City-County Health District website. In addition, the owner, manager, or operator of any facility that is likely to be impacted by this Order is strongly encouraged to post a copy of this Order onsite and to provide a copy to any member of the public asking for a copy. If any subsection, sentence, clause, phrase, or word of this Order or any application of it to any person, structure, gathering, or circumstance is held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, then such decision will not affect the validity of the remaining portions or applications of this Order.

10. All typical routes of ingress and egress (roads and streets, county roads, state and other highways, Interstate highways) throughout the City of Kingsville (including all of the City's incorporated and unincorporated areas) shall remain open and accessible, except to the extent specifically limited by this Order.

11. A violation of this Order to Stay Home/Work Safe is a violation of the emergency management plan of the City of Kingsville. A violation by any person of any provisions of this Order is punishable by a fine of up to \$500 per violation each day, and additional amounts as authorized by law. A second offense after warning in which intent to commit all elements of an act prohibited herein is proven may result in a fine of up to \$1,000 per violation, confinement in jail for a term not to exceed 180 days, or both fine and confinement.

12. Subject to Kingsville City Commission approval, this Declaration shall be effective until 11:59 p.m. on April 30, 2020, or until it is either rescinded, superseded, or amended pursuant to applicable law.

SOCIAL DISTANCING GUIDELINES

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 hand rails.

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.*

7) Health Care Setting: Avoid as possible, protect the vulnerable.

- Long-term care facilities should have a COVID-19 plan in accordance with CDC or state guidelines.*
- Long-term care facilities should restrict all visitation except for certain compassionate care situations, such as end of life situations.*
- The general public should avoid going to medical settings such as hospitals, nursing homes and long-term care facilities, even if you are not ill.*
- If you are ill, call your health care provider ahead of time, and you may be able to be served by phone.*
- Do not visit emergency rooms unless it is essential.*

- *Follow guidance and directions of all facilities.*

8) *Everyone: Do your part*

The best way for all Nueces County residents to reduce their risk of getting sick, as with seasonal colds or the flu, still applies to prevent COVID-19:

- *Wash hands with soap and water for at least twenty (20) seconds.*
- *Cough or sneeze into your elbow or a tissue. Throw the tissue in the trash.*
- *Stay home if you are sick.*
- *Avoid touching your face.*
- *Try alternatives to shaking hands, like an elbow bump or wave.*
- *If you have recently returned from a country, state or region with ongoing COVID-19 infections, monitor your health and follow the instructions of public health officials and CDC guidelines.*
- *There is no recommendation to wear masks at this time to prevent yourself from getting sick.*

*You can also prepare for the disruption caused by an outbreak.
Preparedness actions include:*

- *Prepare to work from home if that is possible for your job, and your employer.*
- *Make sure you have a supply of all essential medications for your family.*
- *Prepare a child care plan if you or a caregiver are sick.*
- *Make arrangements about how your family will manage school closures.*
- *Plan for how you can care for as sick family member without getting sick yourself.*
- *Take care of each other and check in by phone with friends, family and neighbors that are vulnerable to serious illness or death if they get COVID-19.*
- *Keep common spaces clean to help maintain a healthy environment for you and others. Frequently touched surfaces should be cleaned regularly with disinfecting sprays, wipes or common household cleaning products.*