

CITY OF LIBERTY, TEXAS
EXECUTIVE ORDER
April 30, 2020

EXECUTIVE ORDER OF THE MAYOR OF LIBERTY, TEXAS
EMERGENCY MEASURES

WHEREAS, the COVID-19 virus is contagious and spreads through person-to-person contact, especially in group settings; and

WHEREAS, the COVID-19 virus poses a threat to the health of a large number of Americans, Texans and residents of the City of Liberty; and

WHEREAS, to protect the public health and safety of residents of the City of Liberty, local emergency management and healthcare leaders have recommended that the imposition of an order that residents of the City of Liberty stay at home unless traveling within the community is essential; and

WHEREAS, on March 16, 2020, Mayor Carl Pickett of the City of Liberty, Texas signed a Declaration of Disaster for the City of Liberty, Texas related to COVID-19 pursuant to Section 418.108(a) of the Texas Government Code; and

WHEREAS, Governor Greg Abbott issued an Executive Order on Thursday, March 19, 2020 issuing orders for Texas to adhere to certain control measures and mitigation strategies; and

WHEREAS, by ordinance, dated March 23, 2020, the City Council of the City of Liberty voted to continue the Declaration of Disaster related to COVID-19 pursuant to Section 418.108(a) of the Texas Government Code; and

WHEREAS, on March 31, 2020, Governor Greg Abbott issued Executive Order GA-14 which clarified the role of his executive orders in relationship to the county and city executive orders and expanded the definition of critical infrastructure and essential services; and

WHEREAS, Texas Government Code § 418.018(c) states 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, Texas Government Code § 418.1015 states:

- (a) The presiding officer of the governing body of an incorporated city or a county or the chief administrative officer of a joint board is designated as the emergency management director for the officer's political subdivision.
- (b) An emergency management director serves as the governor's designated agent in the administration and supervision of duties under this chapter. An emergency management

director may exercise the powers granted to the governor under this chapter on an appropriate local scale.

WHEREAS, by the terms of the Governor’s Executive Order GA-14, the Governor’s Executive Order

“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 allowed by this executive order or allows gatherings prohibited by this executive order”; and

WHEREAS, by the terms of the Governor’s Executive Order GA-14, the Governor’s Executive Order

“suspend[s] Sections 418.1015(b) and 418.108 of the Texas Government Code, Chapter 81, Subchapter E of the Texas Health and Safety Code, and any other relevant statutes, to the extent necessary to ensure that local officials do not impose restrictions inconsistent with this executive order, provided that local officials may enforce this executive order as well as local restrictions that are consistent with this executive order”; and

WHEREAS, by the terms of the Governor’s Order GA-18, citizens are permitted to obtain and vendors are allowed to provide certain non-essential “reopened services”, in hopes of mitigating economic damage resulting from the COVID-19 disaster; and

WHEREAS, the City of Liberty must continue to protect lives while restoring livelihoods, both of which can be achieved with the expert advice of medical professionals and business leaders.

BE IT THEREFORE ORDERED BY THE MAYOR OF THE CITY OF LIBERTY, TEXAS:

1. **Effective Date.** This Order shall be effective as of 12:00 a.m., May 1, 2020, and continue until 11:59 p.m. on May 15, 2020.
2. **Definitions.**
 - a. “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 3.0 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 in any approved additions. Requests for additions should be directed to TDEM at EssentialServices@tdem.texas.gov or by visiting www.tdem.texas.gov/essentialservices.
 - b. “Reopened services” shall consist of the following to the extent they are not already “essential services”:

- i. Retail services that may be provided through pickup, delivery by mail, or delivery to the customer's doorstep.
- ii. Starting at 12:01 a.m. on Friday, May 1, 2020:
 - a. In-store retail services, for retail establishments that operate at up to 25 percent of the total listed occupancy of the retail establishment.
 - b. Dine-in restaurant services, for restaurants that operate at up to 25 percent of the total listed occupancy of the restaurant; provided, however, that (a) this applies only to restaurants that have less than 51% of their gross receipts from the sale of alcoholic beverages and are therefore not required to post the 51 percent sign required by Texas law as determined by the Texas Alcoholic Beverage Commission, and (b) valet services are prohibited except for vehicles with placards or plates for disabled parking.
 - c. Movie theaters that operate at up to 25 percent of the total listed occupancy of any individual theater for any screening.
 - d. Shopping malls that operate at up to 25 percent of the total listed occupancy of the shopping mall; provided, however, that within shopping malls, the food-court dining areas, play areas, and interactive displays and settings must remain closed.
 - e. Museums and libraries that operate at up to 25 percent of the total listed occupancy; provided, however, that (a) local public museums and local public libraries may so operate only if permitted by the local government, and (b) any components of museums or libraries that have interactive functions or exhibits, including child play areas, must remain closed.
 - f. Services provided by an individual working alone in an office.
 - g. Golf course operations.
 - h. Such additional services as may be enumerated by future executive orders or proclamations by the governor.
- iii. The conditions and limitations set forth above for reopened services shall not apply to essential services.

3. **Remain at Home.**

- (a) In accordance with guidance from Texas Department of State Health Services (DSHS) Commissioner Dr. John Hellerstedt, and to achieve the goals established by the President to reduce the spread of COVID-19, every person in the City of Liberty 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. People over the age of 65, however, are strongly encouraged to stay at home as much as possible; to maintain appropriate distance from any member of the household who has been out of the residence in the previous fourteen (14) days; and, if leaving the home, to implement social distancing and to practice good hygiene, environmental cleanliness, and sanitation.

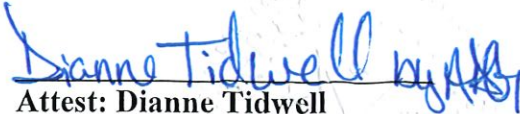
- (b) People should avoid visiting bars, gyms, public swimming pools, interactive amusement venues such as bowling alleys and video arcades, massage establishments, tattoo studios, piercing studios, or cosmetology salons. The use of drive-thru, pickup, or delivery options for food and drinks remains allowed and highly encouraged throughout the limited duration of this executive order.
4. **One Shopper.** Unless an individual requires assistance due to physical or medical needs, or is a parent of a child for whom there is no alternative care, it is recommended that only one (1) member of a household enter establishments in order to obtain Essential Services.
 5. **Face Coverings.** All citizens are strongly encouraged to wear face coverings over their mouth and nose when in the presence of others who do not reside in the same household. For further information, please see <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/diy-cloth-face-coverings.html>. However, there will be no civil or criminal penalty for failure to wear a face covering.
 6. **Protected Activities.** 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, bicycling, or other outdoor sports, 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.
 7. **Amusement Machines.** No business located in the City of Liberty may allow continued operation of electronic amusement machines on their premises. Electronic amusement machines are to be unplugged and unavailable for use by any patron of the business. This order applies to video rental machines. This order does not prohibit the use of stamp vending machines, food vending machines, and beverage vending machines.
 8. **Nursing Homes and Assisted Living.** 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.
 9. **DSHS and CDC Guidelines.** In providing or obtaining essential services or reopened services, people and businesses should follow the minimum standard health protocols recommended by DSHS, found at www.dshs.texas.gov/coronavirus, and should implement social distancing, work from home if possible, and practice good hygiene, environmental cleanliness, and sanitation. This includes also following, to the extent not inconsistent with the DSHS minimum standards, the Guidelines from the President and the CDC, as well as other CDC recommendations.

10. **Religious Services.** Religious services should be conducted in accordance with the joint guidance issued and updated by the attorney general and governor.
11. **Self-Isolation.** All members of a household or living unit are ordered to isolate at home for fourteen (14) days or until otherwise directed by the Local Health Authority if:
 - a. Someone in the household or living unit has tested positive for COVID-19;
 - b. Someone in the household or living unit has been ordered by a healthcare provider to self-isolate; or
 - c. Someone in the household or living unit has been tested for COVID-19 and is awaiting results.
12. **School Closings.** 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. Parents or caregivers of children may obtain food or educational materials distributed by schools on a take-away or drive-through basis.
13. **Penalties.** According to Texas Government Code § 418.173, failure to comply with the City's Emergency Operations plan or with a rule, order, or ordinance adopted under the plan is an offense. Punishment for the offense is a fine up to \$1,000 and confinement in jail up to 180 days.
14. **Supersedes Prior Orders.** This Order rescinds and/or supersedes any prior orders issued by the Mayor of the City of Liberty during the current or extended Declarations of Disaster.
15. **Public Posting.** The City of Liberty must promptly provide copies of this Order by posting copies for public viewing in the same manner as publicly posted City Council agendas. 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.
16. **Savings.** If any subsection, sentence, clause, phrase, or word of this 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.

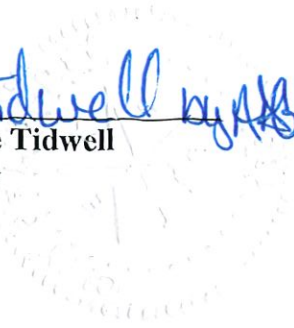
ORDERED THIS 30th DAY OF April 2020, at 4:48 p.m.



Carl Pickett
Mayor, City of Liberty, Texas



Attest: Dianne Tidwell
City Secretary



Distancing Recommendations

1) Vulnerable Populations: Limit Outings

For vulnerable populations, don't go to gatherings unless it is essential. Stay home. Avoid people who are sick. Vulnerable populations include people who are:

- Sixty (60) years old and older.
- People with certain health conditions such as heart disease, lung disease, diabetes, kidney disease and weakened immune systems.

2) 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.

3) 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:

- Having hand washing capabilities, hand sanitizers and tissues available.
- Frequently cleaning high touch surface areas like counter tops and hand rails.
- Finding ways to implement social distancing.

4) 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.

5) Transit: Cleaning and Protection

Increase cleaning of vehicles and high touch surface areas. Provide hand washing/hand sanitizers and tissues in stations and on vehicles.

6) Health Care Settings: 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.

7) Everyone: Do your part

The best way for all City of Liberty 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 guidance.

It is recommended that all citizens wear masks or face coverings over their mouth and nose when in the presence of others who do not reside in the same household to prevent yourself and others 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 a 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, etc.

Further Information. For further information, please navigate to:

- https://www.whitehouse.gov/wp-content/uploads/2020/03/03.16.20_coronavirus-guidance_8.5x11_315PM.pdf
- https://www.cisa.gov/sites/default/files/publications/CISA_Guidance_on_the_Essential_Critical_Infrastructure_Workforce_Version_2.0_Updated.pdf