

**SECOND SUPPLEMENTAL ORDER TO STAY HOME-WORK SAFE ORDER
OF THE MAYOR OF THE CITY OF NEW BRAUNFELS
ISSUED ON MARCH 24, 2020, RELATED TO THE NOVEL CORONAVIRUS
("COVID-19")
DATE ISSUED: APRIL 1, 2020**

WHEREAS, on March 13, 2020, President Trump declared a National State of Emergency under the Stafford Act to combat the growing COVID-19 pandemic in the United States; and

WHEREAS, on March 13, 2020, Governor Greg Abbott declared a State of Disaster for all 254 Counties in the State of Texas; and

WHEREAS, on March 18, 2020, Comal County Judge Sherman Krause declared a local disaster due to a public health emergency; and

WHEREAS, on March 19, 2020, the Texas Commissioner of Public Health issued a Declaration of Public Health Disaster in the State of Texas, that provides recommendations such as limiting public outings unless essential as defined in the Declaration; and

WHEREAS, on March 17, 2020, I, Mayor of the City of New Braunfels, under the authority of state law, city charter, and local ordinance, issued a Declaration of Local State of Disaster in response to this public health emergency, that was extended by the City Council on March 23, 2020; and

WHEREAS, on March 19, 2020, I, Mayor of the City of New Braunfels, issued an Order on gatherings and business operations that took effect March 19, 2020, at 11:59 PM, and issued an Amended Order on March 22, 2020, effective at 11:59 PM; and

WHEREAS, the Governor has issued a total of fourteen (14) Executive Orders in order to combat the spread of COVID-19 throughout the state and to prevent the depletion of hospital capacity and personal protective equipment for non-elective procedures; and

WHEREAS, the CISA Guidelines as amended on March 28, 2020, include residential and commercial real estate services, including settlement services; and

WHEREAS, on March 31, 2020, the Governor issued Executive Order GA-14 relating to statewide restrictions on non-essential businesses and activities, and continuity of essential services and activities through April 30, 2020, unless later extended or rescinded; and

WHEREAS, Governor's Executive Order GA-14 mandates that every Texan shall minimize social gatherings and in-person contact with people who are not in the same household, except where necessary to provide or obtain essential services; and

WHEREAS, the Governor has defined essential services to include those listed by the U.S. Department of Homeland Security in its Guidance on Essential Critical Infrastructure

Workforce, Version 2.0 (CISA Sectors), plus religious services conducted in churches, congregations, and house of worship; and

WHEREAS, this Second Supplemental Order is issued based on evidence of increasing occurrence of COVID-19 within the City and throughout the state, scientific evidence and best practices regarding the most effective approaches to slow the transmission of communicable diseases generally and COVID-19 specifically, and evidence that the age, condition, and health of a significant portion of the population of the City places it at risk for serious health complications, including death, from COVID-19; and

WHEREAS, pursuant to the Texas Disaster Act of 1975, the Mayor is designated as the Emergency Management Director of the City of New Braunfels and may exercise the powers granted to the Governor of Texas on an appropriate local scale.

NOW, THEREFORE, BE IT ORDERED BY THE MAYOR OF THE CITY OF NEW BRAUNFELS, TEXAS, PURSUANT TO THAT AUTHORITY GRANTED IN ACCORDANCE WITH THE DECLARATION OF A LOCAL STATE OF DISASTER DATED MARCH 17, 2020, AND CHAPTER 418.108 OF THE GOVERNMENT CODE AND CHAPTER 122.006 OF THE HEALTH AND SAFETY CODE THAT:

Section 1. **Findings.** The findings and recitations set out in the preamble to the Supplemental Order are found to be true and correct and they are hereby adopted by the Mayor and made part of this Supplemental Order for all purposes.

Section 2. **Declaration.** A Local State of Disaster and public health emergency has been declared for the City of New Braunfels.

Section 3. **Second Supplemental Order to Stay Home-Work Safe Order.**

Effective upon execution of this Second Supplemental Order issued this day, April 1, 2020, at _____ p.m., I hereby Order the following supplement to the Stay Home-Work Safe Order issued on March 24, 2020:

A. Pursuant to the Governor’s Executive Order GA-14 issued on March 31, 2020, every person within the City of New Braunfels shall minimize social gatherings and minimize in-person contact with people who are not in the same household, except where necessary to provide or obtain essential services.

B. Exempt businesses that are governed by the Mayor’s Stay Home-Work Safe Order and all Supplemental Orders, including this Order are expanded to include the term “Essential Services”, in accordance with the Governor’s Executive Order GA-14, and subsequent Orders from the Governor. Any prior restrictions in conflict with GA-14 or subsequent Executive Orders from the Governor that would apply to Essential Services are hereby rescinded. Essential Services are defined by the Texas Department of Emergency

Management and include CISA Sectors identified by the National Cybersecurity and Infrastructure Agency (CISA). These are outlined at:

https://www.cisa.gov/sites/default/files/publications/CISA_Guidance_on_the_Essential_Critical_Infrastructure_Workforce_Version_2.0_Updated.pdf; and
<https://tdem.texas.gov/essentialservices/>

The term Essential Services includes all business and operations necessary to the operations and maintenance of the critical infrastructure sectors, plus religious services conducted in churches, congregations, and house of worship.

C. In accordance with the Governor's Executive Order, to the extent possible, businesses should not remain open to the public unless it is necessary to conduct an Essential Service. In providing Essential Services, providers are required to follow the guidelines from the President and the (CDC) by practicing good hygiene, environmental cleanliness, and sanitation, and implement social distancing. All services should be provided through remote telework from home unless they are Essential Services that cannot be provided through remote telework. If religious services cannot be conducted from home or through remote services, they must be conducted consistent with the guidelines from the President and the CDC stated in this paragraph to prevent the spread of COVID-19.

Section 4: All other terms and conditions of the Mayor's prior Orders shall remain in full force and effect. When there is a conflict, the most recent Order of the Mayor shall govern.

Section 5: In any instance where the Mayor's Orders are more restrictive than the Governor's Order when applied to Essential Services, then the Governor's Order applies. In any instance where the Mayor's Orders are less restrictive than the Governor's Order when applied to non-essential services, then the Governor's Order applies.

Section 6: **Delegation of Authority.** The Mayor, as Emergency Management Director, hereby delegates to the City Manager the authority to temporarily suspend the application of city ordinances that may interfere with compliance with the Supplemental Order. The City Manager is also authorized to exempt the application of provisions of this Supplemental Order in the event he deems it necessary to ensure the continuation of essential services required by the City or Comal County to continue operations.

Section 7. **Duration of Emergency Order.** The regulations in this Supplemental Order shall take effect immediately upon execution and shall remain in full force and effect until the Local State of Disaster is terminated or until rescinded, superseded, or amended by a subsequent Order or action by the City Council.

Section 8. **Enforcement.** Pursuant to Executive Order GA-14, local officials are authorized to enforce the Governor's Executive Order as well as local restrictions that are consistent with the

Executive Order. New Braunfels Police Officers, New Braunfels Fire Marshals, City Park Rangers, City Health and Building Inspectors, City Code Enforcement Officers, and City Animal Control Officers are hereby authorized to enforce this Second Supplemental Order as well as Executive Order GA-14.

Section 9. Penalties.

- A. These regulations shall have the effect of ordinances when duly filed with the City Secretary.
- B. In accordance with the Governor's Executive Order GA-14, failure to comply with any provision of the Executive Order that has been incorporated herein, shall be 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.
- C. Any Essential Businesses or Essential Services that refuse to comply with the restrictions contained in this Second Supplemental Order and all prior Orders issued by the Mayor, shall be subject to closure by the Mayor through the New Braunfels Police Department, Fire Marshal, Building Official or the City's Environmental Services Manager.

Section 10. Public Notice. This Second Supplemental Order shall be posted on the City's website and social media site.

Section 11. If any subsection, sentence, clause, phrase, or word contained in this Supplemental Order is held invalid or unconstitutional by a decision of a court of competent jurisdiction, then such decision will not affect the validity of the remaining provisions of this Supplemental Order.

IT IS HEREBY ORDERED this 1st day of April, 2020 at 5:45 p.m.

CITY OF NEW BRAUNFELS, TEXAS



Barron Casteel, Mayor

ATTEST:



Patrick D. Aten, City Secretary

