

CITY OF VICTORIA

Established 1824, Founded by Congress, Republic of Texas, 1839



STAY SAFE – REOPEN RESPONSIBLY ORDER

April 22, 2020

BY

RAWLEY McCOY, MAYOR OF THE CITY OF VICTORIA

Summary: *This Order amends the Stay Home – Stay Safe Order Issued by the Mayor on April 9, 2020, to lessen the restrictions on non-essential businesses, to increase protection of public health by requiring facial coverings in some situations, and to align with Governor Abbott’s recent Executive Order EO-GA-16. This Order takes effect 12:01 a.m. on Friday, April 24, 2020 and will continue through April 30, 2020.*

Whereas, I, Rawley McCoy, Mayor of the City of Victoria, declared a State of Local Disaster due to a Public Health Emergency on March 16, 2020; and

Whereas, the City Council of the City of Victoria, by the adoption of Resolution 2020-046 on March 17, 2020, extended the duration of the state of local disaster until lifted by the Mayor or City Council of the City of Victoria; and

Whereas Greg Abbott, Governor of the State of Texas, issued Executive Order GA-16 on April 17, 2020, (“EO-GA-16”), which ordered that every Texan shall, except where necessary to provide or obtain essential services, minimize social gatherings and minimize in-person contact with people who are not in the same household; and

Whereas future executive orders issued by Governor Greg Abbott may supersede this Stay Safe – Reopen Responsibly Order; and

Whereas, section 418.108(g) of the Texas Government Code authorizes the mayor of a municipality, during a declared local disaster, to control the movement of persons and the occupancy of premises in that area, which 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; and

Whereas, section 122.006 of the Texas Health and Safety Code authorizes the City to take any actions necessary to promote health and suppress disease, including quarantine, examining and regulating hospitals, regulating ingress and egress from the City, and fining those who do not comply with the City's rules;

Whereas section 7-3 of the City of Victoria code of ordinances provides that the Mayor, operating as the Emergency Management Directors has responsibility and authority for the issuance of reasonable rules, regulations, or directives which are necessary for the protection of life and property in the City; and

Whereas section 7-6 of the City of Victoria Code of Ordinances provides that it is a Class "C" misdemeanor for any person willfully to obstruct, hinder, or delay any member of the emergency management organization in the enforcement of any rule or regulation issued pursuant to this Chapter, or to do any act forbidden by any rule or regulation issued pursuant to the authority contained in this Chapter; and

Whereas Section 418.173 of the Texas Government Code provides that a state, local, or interjurisdictional emergency management plan may provide that failure to comply with the plan or with a rule, order, or ordinance adopted under the plan is an offense punishable by a fine not to exceed \$1,000 or confinement in jail for a term not to exceed 180 days, or both; and

Whereas the Victoria County/City of Victoria Emergency Management Plan provides that failure to comply with the terms of the plan, or with a rule, order, or ordinance adopted under the plan is an offense punishable by a fine of not more than \$1,000 or confinement in jail for a term not to exceed 180 days; and

Whereas this order seeks to provide the greatest degree of protection available to the Citizens of Victoria, consistent with the limitations imposed by EO-GA-16;

Now therefore, I, Rawley McCoy, Mayor of the City of Victoria, Texas, hereby find and order:

1. That this Order supersedes the Second Amended Stay Home – Stay Safe Order that I issued on April 9, 2020.
2. That this Order is consistent with EO-GA-16, in that it does not restrict essential services allowed by EO-GA-16 or allow gatherings prohibited by EO-GA-16.
3. That, consistent with EO-GA-16, each person within the City of Victoria is **ORDERED** to, 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; each person within the City of Victoria should take steps to protect vulnerable populations, including staying at home, except where necessary to provide or obtain "essential services," as that term is defined in Paragraph 4 of this Order.
4. That all businesses are added to the definition of essential services for the jurisdiction covered by this order.

5. That, notwithstanding the foregoing, each person in the City seeking to provide or obtain essential services or reopened services is hereby **ORDERED** to comply with mandatory social distancing requirements, by maintaining a space of 6-feet between all people, regardless of location. For the purpose of clarity, unless otherwise excepted below, this order applies to all locations outside of a household or living unit, regardless of the number of people in attendance, and is not intended to create a distinction between types of gatherings, whether indoor or outdoor, whether social, community, recreational, commercial, retail, or otherwise.

6. That all businesses operating within the City of Victoria, and all persons responsible for any other type of group activity allowed to continue operation under this Order, are **ORDERED** to establish procedures to ensure compliance with this Order by, among other things enforcing social distancing requirements established herein, requiring all employees having contact with customers to wear masks or facial coverings, and increasing cleaning of commonly and frequently touched surfaces. Procedures which establish physical barriers between people, such as a sneeze guard or similar shielding, would comply with the social distancing requirements of this order.

7. That any person experiencing symptoms consistent with COVID-19 is **ORDERED** to isolate at home, except to the extent necessary to obtain health care services, until the later-occurring of (a) such time as that person is symptom-free for a period of 72 hours, or (b) seven (7) days after the onset of symptoms; and that every member of the household or living unit is **ORDERED** to isolate at home for the same time period. Any person ordered to isolate at home by this paragraph cannot go to work, or any other location unless expressly permitted by written order of the local health authority, or unless each member of the household or living unit has been cleared by the protocol established by the local health authority. Notwithstanding the foregoing, a person described by this paragraph who is asymptomatic may continue to provide or obtain “essential services” as defined in Paragraph 4 of this Order, so long as that person complies with the CDC recommendations included in the “Interim Guidance for Implementing Safety Practices for Critical Infrastructure Workers Who May Have Had Exposure to a Person with Suspected or Confirmed COVID-19” which is attached hereto, and which may be updated or amended by the CDC from time to time.

8. That any person who has received orders from a health care provider to be tested for COVID-19 is **ORDERED** to isolate at home, except to the extent necessary to take the COVID-19 test as instructed by the health care professional, and further that, if any person in a household or living unit has tested positive for COVID-19, every member of the household or living unit is **ORDERED** to isolate at home. Any person ordered to isolate at home by this paragraph cannot go to work, or any other location unless expressly permitted by written order of the local health authority, until such time as each member of the household or living unit has been cleared by the protocol established by the local health authority. Notwithstanding the foregoing, a person described by this paragraph, other than a person who has tested positive for COVID-19, who is asymptomatic may continue to provide or obtain “essential services” as defined in Paragraph 4 of this Order, so long as that person complies with the CDC recommendations included in the “Interim Guidance for Implementing Safety Practices for Critical Infrastructure Workers Who May Have Had Exposure to a Person with Suspected or Confirmed COVID-19” which is attached hereto, and which may be updated or amended by the CDC from time to time.

9. That peace officers, City of Victoria Code Enforcement inspectors, City of Victoria Building Inspectors and Officials, and the Office of the Victoria City Fire Marshal, are hereby authorized to enforce this order to the extent of their authority under state and local law.

10. That any person who violates this Order commits an offense punishable by a fine of not more than \$1,000 and confinement in jail for a term not to exceed 180 days.

11. That the Victoria County Public Health Department will post this Order on the website www.VictoriaTxOEM.org. 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.

12. That, if any subsection, sentence, clause, phrase or word of this Order or any application of it to any person, structure, gathering or circumstance is preempted by an executive order of the Governor, or 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 remainder of this Order and its application.


13. That this **ORDER** shall take effect *12:01 a.m. on Friday, April 24, 2020* and continue until April 30, 2020, unless lifted or further extended by separate order.

ORDERED this the 22nd day of April, 2020.



Rawley McCoy, Mayor of the City of Victoria

Attested and Approved as to Legal Form:


Thomas A. Gwosdz, City Attorney

Interim Guidance for Implementing Safety Practices for Critical Infrastructure Workers Who May Have Had Exposure to a Person with Suspected or Confirmed COVID-19

To ensure continuity of operations of essential functions, CDC advises that critical infrastructure workers may be permitted to continue work following potential exposure to COVID-19, provided they remain asymptomatic and additional precautions are implemented to protect them and the community.

A potential exposure means being a household contact or having close contact within 6 feet of an individual with confirmed or suspected COVID-19. The timeframe for having contact with an individual includes the period of time of 48 hours before the individual became symptomatic.

Critical Infrastructure workers who have had an exposure but remain asymptomatic should adhere to the following practices prior to and during their work shift:

- ▶ **Pre-Screen:** Employers should measure the employee's temperature and assess symptoms prior to them starting work. Ideally, temperature checks should happen before the individual enters the facility.
- ▶ **Regular Monitoring:** As long as the employee doesn't have a temperature or symptoms, they should self-monitor under the supervision of their employer's occupational health program.
- ▶ **Wear a Mask:** The employee should wear a face mask at all times while in the workplace for 14 days after last exposure. Employers can issue facemasks or can approve employees' supplied cloth face coverings in the event of shortages.
- ▶ **Social Distance:** The employee should maintain 6 feet and practice social distancing as work duties permit in the workplace.
- ▶ **Disinfect and Clean work spaces:** Clean and disinfect all areas such as offices, bathrooms, common areas, shared electronic equipment routinely.

If the employee becomes sick during the day, they should be sent home immediately. Surfaces in their workspace should be cleaned and disinfected. Information on persons who had contact with the ill employee during the time the employee had symptoms and 2 days prior to symptoms should be compiled. Others at the facility with close contact within 6 feet of the employee during this time would be considered exposed.

Employers should implement the recommendations in the Interim Guidance for Businesses and Employers to Plan and Respond to Coronavirus Disease 2019 to help prevent and slow the spread of COVID-19 in the workplace. Additional information about identifying critical infrastructure during COVID-19 can be found on the DHS CISA website or the CDC's specific First Responder Guidance page.

INTERIM GUIDANCE

This interim guidance pertains to critical infrastructure workers, including personnel in 16 different sectors of work including:

- ▶ Federal, state, & local law enforcement
- ▶ 911 call center employees
- ▶ Fusion Center employees
- ▶ Hazardous material responders from government and the private sector
- ▶ Janitorial staff and other custodial staff
- ▶ Workers – including contracted vendors – in food and agriculture, critical manufacturing, informational technology, transportation, energy and government facilities

ADDITIONAL CONSIDERATIONS

- ▶ Employees should not share headsets or other objects that are near mouth or nose.
- ▶ Employers should increase the frequency of cleaning commonly touched surfaces.
- ▶ Employees and employers should consider pilot testing the use of face masks to ensure they do not interfere with work assignments.
- ▶ Employers should work with facility maintenance staff to increase air exchanges in room.
- ▶ Employees should physically distance when they take breaks together. Stagger breaks and don't congregate in the break room, and don't share food or utensils.

