

CITY OF SINTON, TEXAS

ORDER EA-02 OF MAYOR OF CITY OF SINTON, TEXAS ISSUED APRIL 6, 2020 AMENDING AND EXTENDING “STAY HOME WORK SAFE” MEASURES IN RESPONSE TO NOVEL CORONAVIRUS

WHEREAS, the novel coronavirus (COVID-19) is recognized globally as a contagious respiratory virus and on March 11, 2020, was declared a pandemic by the World Health Organization, and

WHEREAS, the Honorable Greg Abbott, Governor of the State of Texas, on March 13, 2020 certified that COVID-19 posed an imminent threat of disaster for all counties in Texas in accordance with the authority vested to the Governor in Section 418.014 of the Texas Government Code, and

WHEREAS, pursuant to Texas Government Code Section 418.108, San Patricio County Judge David R. Krebs declared a local state of disaster on March 16, 2020 followed by the First Amended Declaration of Local State of Disaster Due to Novel Coronavirus of March 19, 2020 due to the imminent threat arising for COVID-19; and

WHEREAS, the City of Sinton adopted and approved the San Patricio County’s Multi-Jurisdictional Basic Emergency Management Plan and therefore the City of Sinton is subject to First Amended Declaration of Local State of Disaster Due to Novel Coronavirus of March 19, 2020 and any extensions or amendments; and

WHEREAS, for the first time since 1901, Dr. John Hellerstedt, the Commissioner Texas Department of State Health Services declared a public health disaster in Texas on March 19, 2020 because COVID-19 “has created an immediate threat, poses a high risk of death to a large number of people and creates a substantial risk of public exposure because of the disease’s method of transmission and evidence that there is community spread in Texas”, and

WHEREAS, in accordance with Texas Government Code 418.108(b), on March 19, 2020, the Commissioners Court authorized San Patricio County Judge to continue to exercise the powers granted by the Texas Disaster Act of 1975 and to take such actions as are necessary in order to protect the health, safety and welfare of the citizens of the County; and

WHEREAS, pursuant to Section 35.01 of the City of Sinton Code of Ordinances, the Mayor, as the Emergency Management Director of the City, is authorize to survey the actual or potential major hazards which threaten life and property within the City; and implement measures which would tend to prevent the occurrence or reduce the impact of such hazards; and

WHEREAS, this Order implementing emergency powers is issued pursuant to Texas Government Code Chapter 418 (including, but not limited to Texas Government Code Section 418.108 and

authority to control ingress, egress, movement, and premises' occupancy), the Mayor's EA-1 Order of the City of Sinton approved by City Council on March 26, 2020; and

WHEREAS, under Section 418.173, failure to comply with any executive order issued during the COVID-19 disaster is an offense punishable by fine not to exceed \$1,000, confinement in jail for term not to exceed 180 days, or both fine and confinement; and

WHEREAS, Mayor Order EA-1 is subject to expiration at 11:59 p.m. on April 9, 2020, absent further action by the Mayor.

NOW, THEREFORE, BE IT DECLARED PURSUANT TO THE FIRST AMENDED DECLARATION OF LOCAL STATE OF DISASTER OF MARCH 19, 2020, AND THE AUTHORITY IN SECTION 35.01 OF CITY OF SINTON CODE OF ORDINANCES AND TEXAS DISASTER ACT OF 1975, THE CITY OF SINTON MAYOR EDWARD ADAMS HEREBY ORDERS:

SECTION I

This Order pertaining to Declaration of Local State of Disaster of March 16, 2020 followed by the First Amended Declaration of Local State of Disaster Due to Novel Coronavirus of March 19, 2020 approved by County's Commissioners Court the same day and will terminate on April 13, 2020, unless extended. This Order EA-2 of Mayor of City of Sinton, Texas shall continue for a period of not more than seven (7) days, unless continued or renewed by the City Council. Subject to Sinton City Council approval, this Order shall take effect at 12:01 a.m. on Tuesday, April 7, 2020, and continuing through 11:59 p.m. on May 5, 2020, unless extended, terminated early by Mayor of City Edward Adams or otherwise indicated below:

1. This executive order supersedes Executive Order EA-1.
2. Subject to the definitions and further guidance set out in Subsection (i) below, that all persons currently residing within the City of Sinton, Texas are hereafter directed to stay at home ("Stay Home Work Safe Measures"). All persons may only leave their residences to engage in allowable activities which shall include Exempted Activities or Exempted Businesses (as defined by Texas Governor's Executive Order GA-14 dated March 31, 2020 and the Mayor's Executive Order herein) but must implement all social distancing requirements and adopt other mitigating measures. In accordance with guidance from DSHS Commissioner Dr. Hellerstedt, and to achieve the goals established by the President to reduce the spread of COVID-19, every person in the City of Sinton, Texas 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. Nothing in this Executive Order prohibits the gathering of members within a household.

3. With the exception of Exempted Businesses, as defined as “Essential services” in Texas Governor’s Executive Order GA-14, that all businesses operating within the City of Sinton are required to cease all activities at any facility located in the City of Sinton. Notwithstanding the above requirement to cease all activities, this prohibition shall not extend to: (i) employees or contractors performing activities at their own residences (i.e. working from home or operation of a home-based businesses regardless of whether it constitutes an Exempted Business); (ii) operations to maintain security, upkeep, and maintenance of premises, equipment or inventory; (iii) IT or other operations that facilitate employees working from home.

(i) **Definitions of Exempted Business and Exempted Individual Activity:**

1. For purposes of this Order, Exempted Activities are defined as follows:
 - a. **Health and Safety Activities.** For example, to engage in activities or perform tasks essential to their health and safety, or to the health and safety of their family or household members (for example, obtaining food, medical supplies or medication, visiting a health care professional, or obtaining supplies needed to work from home) or to care for a family member or pet in another household.
 - b. **Necessary Supplies.** To obtain necessary services or supplies for themselves and their family or household members, or to deliver those services or supplies to others (for example, food, pet supply, and any other household consumer products, and products necessary to maintain the safety, sanitation, and essential operation of residences);
 - c. **Outdoor Activity.** To engage in activity in an outdoor open space, such as walking, biking, hiking, or running, hunting or fishing, provided the individuals comply with social distancing requirements of six feet; and/or
 - d. **Work at an Exempted Business.** Activities necessary to work at or conduct an Exempted Business or to otherwise carry out activities specifically permitted in this Order.
2. For purposes of this Order, **Exempted Businesses** are those that are defined as “Essential Services” in Texas Governor’s Executive Order GA-14 and shall consist of everything listed by the U.S. Department of Homeland Security in its Guidance on the Essential Critical Infrastructure Workforce, Version 2.0 plus religious services conducted in churches, congregations, and houses of worship; and means:
 - a. **Healthcare Services.** For example, healthcare operations, including hospitals, clinics, dentists, pharmacies, pharmaceutical and biotechnology companies, other healthcare facilities, healthcare

suppliers, mental health providers, substance abuse service providers, blood banks, medical research, laboratory services, or any related and/or ancillary healthcare services. Nurse Homes, Home-based and residential-based care for seniors, adults, or children are also considered healthcare operations. Healthcare operations also includes veterinary care and all healthcare services provided to animals. 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. Healthcare operations do not include elective medical, surgical, and dental procedures.

- b. **Government Functions.** For example, those services provided by local governments needed to ensure the continuing operation of the government agencies to provide for the health, safety and welfare of the public including law enforcement and operation of jails and detention facilities, fire and EMS or otherwise necessary for health and safety of residents of City of Sinton.
- c. **Education and Research.** To include 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 Individual Activities or Exempted Businesses and companies engaged in science or engineering research and development.
- d. **Infrastructure, Development, Operation and Construction.** For example, public works construction, construction of housing or other types of construction including commercial, manufacturing, airport operations and aircraft manufacturing, maintenance or repair, water, sewer gas, electrical, oil refining, roads and highways, public transportation, 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).
- e. **Transportation.** Businesses related to the operation, maintenance, construction, and manufacture of transportation services. For example, a) vehicle manufacturers, automotive suppliers and parts departments, car dealerships, parts distributors, maintenance and repair facilities; b) public transportation; c) businesses supporting airport operations; d) street and highway maintenance and construction; e) gas stations and other fuel distribution businesses; f) vehicles for hire including taxis and rideshare.
- f. **IT Services.** For example, businesses and activity necessary to maintain internet and telecommunications systems, including the provision of essential global, national, and local infrastructure for computing

- services, business infrastructure, communications, and web-based services.
- g. **Food, Household Staples and Retail.** For example, food service providers, including grocery stores, warehouse stores, big-box stores, liquor stores, bodegas, gas stations, and farmers' markets that sell food products and household staples for pick-up or businesses that ship or deliver groceries, food, goods or services directly to residences. Nothing shall restrict employees supporting pick-up or delivery under this exception so long as there is sufficient space to implement social distancing. Restaurants prepared food retailers, microbreweries, micro-distilleries, or wineries and other facilities that prepare and serve food, but only for delivery, curbside pick-up or carry out. Schools and other entities that typically provide free services to students or members of the public on a pick-up/take-away basis.
 - h. **Services to Economically Disadvantaged Populations.** For example, transit services, nonprofits and other businesses that provide food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals.
 - i. **Services Necessary to Maintain Residences or Support Exempt Businesses.** For example, hotels and other temporary residence facilities, laundromats, dry cleaners, and laundry service providers, trash and recycling collection, processing and disposal, mail and shipping services, building cleaning and maintenance, warehouse/distribution and fulfillment, and storage for Essential Businesses. This shall include plumbers, electricians, exterminators, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operations of residences, Essential Activities, and Exempted Businesses. Professional services, such as legal or accounting services, when necessary to assist in compliance with legally mandated activities.
 - j. **News Media.** To include newspapers, television, radio, and other media services.
 - k. **Financial Institutions and Insurance Services.** To include banks, credit unions, and other financial institutions and service providers as well as companies providing insurance services and products.
 - l. **Childcare Services.** To include childcare facilities providing services that enable employees exempted in this Order to work as permitted.
 - m. **Worship Services.** Religious and worship services may be provided by video, teleconference or other remote measures; if however, religious services cannot be conducted from home or through remote services, 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.

- n. **Funeral Services.** For example, funeral homes, crematoriums and cemeteries.
 - o. **CISA Sectors.** All business and operations necessary to the operations and maintenance of the 16 critical infrastructure sectors as identified by the National Cybersecurity Infrastructure Agency ("CISA") and outlined at: <http://www.cisa.gov/sites/default/files/publications/CISA-Guidance-on-Essential-Critical-Infrastructure-Workers-1-20-08c.pslf>
3. That City of Sinton rental property owners temporarily suspend evictions for at least the next 30 days to prevent renters from being displaced due to the public health emergency;
 4. That foreclosure proceedings within City of Sinton be temporarily suspended for at least the next 30 days to prevent the displacement of occupants during the public health emergency;
 5. That residents of City of Sinton conduct essential City of Sinton business online or via regular mail to avoid visiting any City of Sinton facilities unless absolutely necessary;
 6. That no person shall sell any of the following goods or services for more than the price the person charged for the goods or serves on 12:01 a.m. on Friday, March 27, 2020 and continuing during the pendency of this Order:
 - a. Groceries, beverages, toilet articles, ice;
 - b. Restaurant, cafeteria, and boarding-house meals; and
 - c. Medicine, pharmaceutical, and medical equipment and supplies.
 7. That as of the date of this Order and continuing for the remainder of the period set out in the joint third amended emergency order of the Supreme Court of Texas in Misc. Docket No. 20-9044 and the Court of Criminal Appeals of Texas in Misc. Docket No. 20-008, all Municipal Courts within City of Sinton restrict non-essential in person proceedings in accordance with this Order.
 8. That people who are sick should stay at home and not engage in any activity outside of 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 local, state, or federal health authorities. If someone in a household has tested positive for COVID-19, then other members of the household should consider themselves positive if they become symptomatic and must follow the current policies and procedures in place for isolation and quarantine proscribed by local, state, or federal health authorities.

9. Pursuant to SECTION 35.01 of the City of Sinton Code of Ordinances, the following measures are also hereby Ordered continued as set forth herein:
- a. All City Committee, Commission, and Board meetings are suspended through the term of this Order; and
 - b. City Council meetings shall be rescheduled as posted and may be conducted in accordance with alternate measures as permitted by law; and
 - c. The City Manager or his designee is authorized to accept on behalf of the City services, gifts, grants, equipment, supplies, and/or materials whether from private, nonprofit, or government sources; and
 - d. The City Manager or his designee is authorized to terminate or suspend any event that is or may negatively impact the health, safety, and welfare of persons within the City; and
 - e. The City Manager is authorized to approve individual purchases up to One Hundred Thousand Dollars (\$100,000.00) for general expenditures, which includes: fees, professional services, personal services, and other categories exempted from the bid process by the Local Government Code Section 252.022; and
 - f. The City Manager is authorized to close city-owned public facilities in response to evolving circumstances related to COVID-19; and
 - g. The City Manager is authorized to expend no more than an additional Fifty Thousand Dollars (\$50,000.00) during this period to proceed with the necessary emergency responses and essential functions not already budgeted.
10. 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.
11. **ENFORCEMENT:** Pursuant to Sec. 418.173, Texas Government Code, the failure to comply to a rule, order, or ordinance adopted under the Texas Disaster Act of 1975, is an offense punishable by a fine not to exceed \$1,000 or confinement in jail for a term that exceeds 180 days. A citation issued under this Order must state the name of the person cited, the violation charged, and the time and place the person is required to appear in court. If a person who receives a citation under this subsection fails to appear on the return date of the citation, the court may issue a warrant for the person's arrest for the violation described in the citation. A violation under this Order is punishable by a fine up to \$500.00 for the first violation and \$1,000 for each violation thereafter; or confinement in jail for term not to exceed 180 days, or both fine and confinement.
12. The sections, paragraphs, sentences, clauses and phrases of this Order are severable and if any phrase, clause, sentence, paragraph or section of this Order should be declared invalid by the final judgment or decree of any court or competent jurisdiction, such invalidity shall

not affect any of the remaining phrases, clauses, sentences, paragraphs and sections that can be given effect without the invalid provision, and to this end, the provisions of this Order are severable.

Section II

1. All provisions of the executive orders of Governor Greg Abbott either existing or as, if and when issued, shall be automatically incorporated into and constitute terms of this Order enforceable as if set forth herein without necessity for the issuance of any further orders. To the extent that there is a conflict between this Order and Executive Order GA-14 of the Governor, the Texas Governor's Executive Order GA-14 shall supersede any conflicting order in place by the City in response to the COVID-19 disaster, but only to the extent that the City's order restricts essential services allowed by GA-14 or allows gathering prohibited by GA-14; otherwise any executive order of the Governor, the strictest order shall prevail.
2. Copies of this Order shall be promptly provided to the City Secretary for filing and posting on the City's website and in other conspicuous places.

IT IS SO ORDERED this the 6th day of April, 2020.



Edward Adams
Mayor City of Sinton, Texas

Attest:



City Secretary, Cathy Duhart

