

**CITY OF ALTON, TEXAS
MAYORAL DECLARATION OF LOCAL STATE OF DISASTER
DUE TO PUBLIC HEALTH EMERGENCY**

WHEREAS, beginning in December, 2019, a novel coronavirus, now designated SARS-CoV2 which causes the disease COVID-19, has been declared a global pandemic by the World Health Organization; and

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

WHEREAS, 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

WHEREAS, on March 13, 2020, the Governor of the State of Texas issued a proclamation certifying that COVID-19 poses an imminent threat of disaster in the state and declaring a state of disaster for all counties in Texas; and

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

WHEREAS, said state of disaster requires that certain emergency protective measures be taken pursuant to the Texas Disaster Act of 1975 relating to Emergency Management and Public Health, pursuant to Chapter 418 of the Texas Government Code.

NOW THEREFORE, BE IT PROCLAIMED BY THE MAYOR OF THE CITY OF ALTON, TEXAS:

SECTION 1. That a local state of disaster for public health emergency is hereby declared for the City of Alton, Texas, pursuant to Section 418.108(a) of the Texas Government Code.

SECTION 2. That pursuant to Section 418.108(b) of the Texas Government Code the state of disaster for public health emergency shall continue for a period **effective 12:01 a.m. on January 27, 2021, and continuing until 11:59 p.m. on February 9, 2021**, unless continued or renewed by the City Commission of the City of Alton, Texas.

SECTION 3. That pursuant to Section 418.108(c) of the Texas Government Code this declaration of a local state of disaster for public health emergency shall be given prompt and general publicity and shall be filed promptly with the City Secretary.

SECTION 4. That pursuant to Section 418.108(d) of the Texas Government Code, this declaration of a local state of disaster activates the City of Alton, Texas, emergency management plan, and authorizes the furnishing of aid and assistance under the declaration.

SECTION 5. MOVEMENT OF PEOPLE AND OCCUPANCY OF PREMISES:

All individuals currently living within the City of Alton shall minimize social gatherings; minimize in-person contact with people who are not in the same household. It is highly

encouraged and recommended that all persons stay at home, unless obtaining or providing for essential or reopened services as defined herein. Individuals should conduct personal activities in compliance with recommended guidelines including maintaining six feet physical distancing; washing hands with soap and water for at least twenty seconds or using hand sanitizer; covering coughs or sneezes; cleaning high-touch surfaces; not shaking hands; and covering mouth and nose.

All public or private gatherings of ten (10) persons or more occurring outside a single household or living unit are prohibited, except as specifically exempted under Executive Order EO-GA-18. Nothing in this Order prohibits the gathering of members of a household or living unit.

In accordance with Governor Abbott's Executive Order GA-29, every person should wear some form of covering over their mouth and nose, such as a homemade mask, scarf, bandana, or handkerchief, when inside a commercial entity or other building space open to the public, or when in an outdoor public space, wherever it is not feasible to maintain six feet of social distancing from another person not in the same household; provided however, that this face-covering requirement does not apply to the following:

1. any person younger than 10 years of age;
2. any person with a medical condition or disability that prevents wearing a face covering;
3. any person while the person is consuming food or drink, or is seated at a restaurant to eat or drink;
4. any person while the person is (a) exercising outdoors or engaging in physical activity outdoors, and (b) maintaining a safe distance from other people not in the same household;
5. any person while the person is driving alone or with passengers who are part of the same household as the driver;
6. any person obtaining a service that requires temporary removal of the face covering for security surveillance, screening, or a need for specific access to the face, such as while visiting a bank or while obtaining a personal care service involving the face, but only to the extent necessary for the temporary removal;
7. any person while the person is in a swimming pool, lake, or similar body of water;
8. any person who is voting, assisting a voter, serving as a poll watcher, or actively administering an election, but wearing a face covering is strongly encouraged;
9. any person who is actively providing or obtaining access to religious worship, but wearing a face covering is strongly encouraged;
10. any person while the person is giving a speech for a broadcast or to an audience; or
11. any person in a county (a) that meets the requisite criteria promulgated by the Texas Division of Emergency Management (TDEM) regarding minimal cases of COVID-19, and (b) whose county judge has affirmatively opted-out of this face-covering requirement by filing with TDEM the required face-covering attestation form—provided, however, that wearing a face covering is highly recommended, and every county is strongly encouraged to follow these face-covering standards.

All commercial "Covered Services" that are providing goods and services directly to the public must develop and implement "Health and Safety Practices" that require employees and customers to follow additional hygiene measures. The Health and Safety Practices must require,

that all employees or customers to the commercial Covered entity's business premises or other facilities wear some form of covering over their mouth and nose, such as a homemade mask, scarf, bandana, or handkerchief, when in an area or performing an activity which will necessarily involve close contact or proximity to workers or to customers where six feet of separation is not feasible. The Health and Safety Practices required shall not interfere with the operations and functions of CISA and religious services.

Additional Health and Safety Practices required to be developed and implemented by this Order shall also include additional mitigating measures designed to control and reduce the transmission of COVID-19, such as temperature checks. Commercial Covered entities should follow Minimum Standard Health Protocols relevant to operations of the business or entity services and must post the Health and Safety Practices required by this Order in a conspicuous location sufficient to provide notice to employees and customers of the Health and Safety Practices.

In accordance with Governor Abbott's Executive Order GA-23, people over the age of 65 are strongly encouraged to stay home as much as possible and maintain appropriate distance from any member of the household who has been out of the residence in the previous fourteen (14) days; must implement physical distancing, wash hands with soap and water at least twenty seconds or use hand sanitizer, cover mouth and nose.

SECTION 6. ESSENTIAL SERVICES:

For the purposes of this Order "Essential Services" shall consist of the critical infrastructure sectors and workers, and functions identified by the U.S. Department of Homeland Security-Cyber Security and Infrastructure Security Agency's *Guidance on the Essential Critical Infrastructure Workforce: Ensuring Community and National Resilience In COVID-19 Response*, Version 3.0 (April 17, 2020) or any subsequent versions. Requests for additions to "Essential Services" should be directed to the Texas Division of Emergency Management (TDEM) at EssentialServices@tdem.texas.gov, or by visiting the TDEM website at www.tdem.texas.gov/essentialservices.

For the purposes of this Order "Essential Services" shall include religious services conducted in churches, congregations, and houses of worship. It is highly recommended and encouraged that religious and worship services be provided remotely by video and teleconference. Services that are not conducted remotely should be conducted in compliance with the minimum health protocols in accordance with the joint guidance issued and updated by the Texas Attorney General and the Texas Governor's Office.

For the purposes of this Order, conditions and limitations set out below for Reopened Services, SHALL NOT APPLY to Essential Services.

SECTION 7. REOPENED SERVICES:

In accordance with Governor Abbott's Executive Order GA-32, every business establishment shall operate at no more than 50 percent of the total listed occupancy of the establishment; however, there is no occupancy limit for the following:

- a) Any services listed by the U.S. Department of Homeland Security's Cyber Security and Infrastructure Security Agency (CISA) in its *Guidance on the Essential Critical Infrastructure Workforce*, Version 3.1 or any subsequent version;
- b) Religious services conducted in churches, congregations, and houses of worship;
- c) Local government operations, including county and municipal government operations relating to licensing (marriage licenses), permitting, recordation, document-filing services, or as determined by the local government (including but not limited to public foreclosure sales);
- d) Child-care services;
- e) Youth camps, including but not limited to those defined as such under Chapter 141 of the Texas Health and Safety Code, and including all summer camps, and other daytime and overnight camps for youth;
- f) Recreational sports programs for youths and adults;
- g) Drive-in concerts, movies, or movie or similar events, under guidelines that facilitate appropriate physical distancing, that generally require spectators to remain in their vehicles, and that minimize in-person contact between people who are not in the same household or vehicle;
- h) The following establishments that operate with at least six (6) feet of physical distancing between work stations; cosmetology salons, hair salons, barber shops, nail salons/shops, and other establishments where licensed cosmetologists or barbers practice their trade; massage establishments and other facilities where licensed massage therapists or other persons licensed or otherwise authorized to practice under Chapter 455 of the Texas Occupations Code practice their trade; and other personal-care and beauty services such as tanning salons, tattoo studios, piercing studios, hair removal services, and hair loss treatment and growth services.

In accordance with Governor Abbott's Proclamation amending Executive Order GA-28, any outdoor gathering in excess of ten (10) people is prohibited, unless the Mayor of the City in which the gathering is held or the Hidalgo County Judge in the case of a gathering in an unincorporated area, approves of the gathering, and such approval is made subject to applicable conditions or restrictions.

<https://open.texas.gov/uploads/files/organization/opentexas/OpenTexas-Checklist-Outdoor-Events.pdf>

All bars and similar establishments that have more than 51 percent (51%) of their gross receipts from the sale of alcoholic beverages **MUST** remain **CLOSED**, but may remain open for delivery and take-out, including alcoholic beverages, as authorized by the Texas Alcoholic Beverage Commission (TABC).

Additional services as may be enumerated by any future orders or proclamations by the Governor's Office.

All Essential Services or activities or Reopened Services shall be provided and/or obtained in compliance the DSHS Minimum Standard Health Protocols at www.dshs.texas.gov/coronavirus/opentexas.aspx, and this Order; with CDC guidelines; with Physical Distancing for employees and the general public; washing hands with soap and water for at least twenty seconds or using hand sanitizer; covering coughs or sneezes; cleaning high-

touch surfaces; not shaking hands; covering mouth and nose; and working from home through remote telework, if possible.

SECTION 8. WORK SAFE MEASURES:

All Essential Services or Reopened Services operating in the City of Alton, including, as defined above, shall adopt work safe measures and or reopening plans that should comply with the Minimum Standard Health Protocols as recommended by DSHS at <https://open.texas.gov/>; CDC guidance and Physical Distancing requirements including maintaining six foot physical distancing for both employees and the general public; washing hands with soap and water for at least twenty seconds or using hand sanitizer; covering coughs or sneezes; and covering mouth and nose. Work safe measures must be available upon request.

Commercial business entities may utilize existing “Work Safe” measures or “Reopening” plans that have been required by and/or submitted to a municipal jurisdiction where the business entity operates in order to ensure measures are in place to protect the health, safety and welfare of County residents and avoid the continued spread of COVID-19.

In accordance with Governor Abbott’s Executive Order GA-19 all licensed health care professionals shall be limited in their practice by and must comply with emergency rules promulgated by their state licensing agencies minimum safe practice standards during the COVID-19 disaster. www.tmb.state.tx.us/page/coronavirus#emergencyrules

SECTION 9. BUSINESS CLOSURES:

Except as specifically allowed above, people shall avoid visiting interactive amusement venues such as video arcades, amusement parks, or water parks, unless these enumerated establishments or venues are specifically permitted above.

SECTION 10. CITY OF ALTON OPERATIONS SHALL BE AS FOLLOWS:

City of Alton Facilities: To ensure the continued health and safety of City employees and the public, members of the public are encouraged to limit any in person transactions or visits to City facilities that are not related to emergency and essential services, as necessary. All citizens are requested to visit the City of Alton website for the most current information as to hours of operation and plans for continuing services. For the protection of City staff and citizens, some form of facial covering is required when entering into City buildings until the end of this order.

City of Alton Parks: City owned park trails, walking tracks shall remain open; however the use of outdoor playscapes, splash pads, and pavilions are closed and shall not be used/rented for the duration of this order.

City of Alton Committees and Boards: Employees, customers and patrons should follow CDC guidance; comply with Physical Distancing including maintaining six-foot physical distancing from each other, washing hands with soap and water at least twenty seconds or using hand sanitizer; and covering mouth and nose. Department Directors and other staff are not required to be present unless they have an item on the agenda; meetings shall be conducted in compliance with guidance provided by the Texas Attorney General’s Office.

This Order shall be effective until **11:59 p.m. on February 9, 2021**, or until it is either rescinded, superseded, or amended pursuant to applicable law. This Order shall supersede all previous orders.

Any peace officer or other person with lawful authority, including but not limited to the City of Alton Police Department, the Hidalgo County Sheriff's Office, the Hidalgo County Constable's Offices, the Hidalgo County Fire Marshal's Office, the Hidalgo County District Attorney Investigators and all other law enforcement partner agencies are hereby authorized to enforce the provisions of this Order in accordance with the authority granted under Chapter 418 of the Texas Government Code.

Following a verbal or written warning for a first-time violator of this face-covering requirement, a person's second violation shall be punishable by a fine not to exceed \$250. Each subsequent violation shall be punishable by a fine not to exceed \$250 per violation.

The City of Alton must promptly provide copies of this Order by posting on the City's 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.


SECTION 11. That this declaration hereby authorizes the use of all lawfully available enforcement tools.

That this declaration shall take effect at 12:01 a.m. on January 27, 2021.

DECLARED this 26th day of January, 2021.

CITY OF ALTON:

ATTEST:



Baudelia Rojas, City Secretary



Salvador Vela, Mayor

APPROVED AS TO FORM



Ricardo Gonzalez, City Attorney