



**CITY OF DILLEY, TEXAS
EIGHTH AMENDMENT OF DECLARATION OF LOCAL STATE OF
DISASTER DUE TO PUBLIC HEALTH EMERGENCY**

WHEREAS, on the 12th Day of May, 2020, the City Council of the City of Dilley, did issue a Seventh amended order of Declaration of the Local State of Disaster Due to a Public Health Emergency, and

WHEREAS, on the 30th Day of April 2020, the City Council of the City of Dilley, did issue a Sixth amended order of Declaration of the Local State of Disaster Due to a Public Health Emergency, and

WHEREAS, on the 8th Day of April 2020, the City Council of the City of Dilley, did issue a Fifth amended order of Declaration of the Local State of Disaster Due to a Public Health Emergency, and

WHEREAS, on the 1st Day of April 2020, the City Council of the City of Dilley, did issue a Fourth amended order of Declaration of the Local State of Disaster Due to a Public Health Emergency, and

WHEREAS, on the 24th Day of March 2020, the City Council of the City of Dilley, did issue a Third amended order of Declaration of the Local State of Disaster Due to a Public Health Emergency, and

WHEREAS, on the 18th Day of March 2020, the Mayor of the City of Dilley did order a Mayoral Declaration of Local State of Disaster Due to a Public Health Emergency; and

WHEREAS, on the 16th Day of March 2020, the City Council of the City of Dilley, did order a Declaration of the Local State of Disaster Due to a Public Health Emergency, and

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, 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, on March 19, 2020, the Governor of the State of Texas issued a revised 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, on March 31, 2020, the Governor of the State of Texas Declaration No. GA-14 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 setting restriction on social gatherings, restaurants, bars and other establishments as well as except where necessary to provide or obtain essential services, residents must minimize in-person contact with people not in the same household; 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.

WHEREAS, on March 26, 2020, data reported by the World Health Organization indicated that COVID-19 spreads when a person coughs or exhales thereby producing droplets that reach the nose, mouth or eyes of another person, and that other persons become infected by touching these contaminated objects or surfaces, then touching their eyes, nose or mouth; and

WHEREAS, I subsequently issued Executive Orders GA-I6, GA-iS, GA-21, and GA-23 over the course of April and May 2020, aiming to achieve the least restrictive means of combatting the threat to public health by continuing certain social-distancing restrictions, while implementing a safe, strategic plan to Open Texas; and

WHEREAS, as normal business operations resume, everyone must act safely, and to that end, this executive order and prior executive orders provide that all persons should follow the health protocols recommended by DSHS, which whenever achieved will mean compliance with the minimum standards for safely reopening, but which should not be used to fault those who act in good faith but can only substantially comply with the standards in light of scarce resources and other extenuating COVID-19 circumstances; and

WHEREAS, the City Council hereby finds and declares that all the measures contained within this Declaration are promulgated under its general police powers of the City, are consistent with the regulations contained within the Proclamations issued by Governor Abbott GA-25 on June 3, 2020 subject to extension based on the status of COVID-19 in Texas and the recommendations of the Governor's Strike Force to Open Texas, and the CDC, and

NOW THEREFORE, BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF DILLEY, TEXAS THIS EIGHTH AMENDED TO INCLUDE PROVISIONS OF GA-26 AS FOLLOWS:

SECTION 1. The above-referenced recitals are incorporated herein as the findings of the City Council as if set forth in full.

SECTION 2. That a local state of disaster for public health emergency is hereby declared for the City of Dilley, Texas, pursuant to Section 418.108(a) of the Texas Government Code. 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 of not more than thirty (30) days from the date of this declaration, unless continued or renewed by the City Council of the City of Dilley, 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 Dilley, Texas, emergency management plan, and authorizes the furnishing of aid and assistance under the declaration.

SECTION 5. That this declaration authorizes the City to take any actions necessary to promote health and suppress the virus, including the quarantine of persons and occupied structures, examining and regulating hospitals, regulating ingress and egress from the City, regulating ingress and egress to occupied structures, establishment of quarantine stations, emergency hospitals, and other hospitals, and insuring compliance for those who do not comply with the City's rules, pursuant to Section 122.006 of the Health and Safety Code.

SECTION 6: Executive Order GA-26 hereby orders the following on a statewide basis effective immediately:

Every business establishment in Texas shall operate at no more than 50 percent of the total listed occupancy of the establishment; provided, however, that:

I. There is no occupancy limit for the following:

- a. any services listed by the U.S. Department of Homeland Security's Cybersecurity 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 governmental operations relating to licensing (including marriage licenses), permitting, recordation, and document-filing services, as determined by the local government;**

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 youths; and

1. recreational sports programs for youths and adults;

2. Except as provided below by paragraph number 5, this 50 percent occupancy limit does not apply to outdoor areas, events, or establishments, except that the following outdoor areas or outdoor venues shall operate at no more than 50 percent of the normal operating limits as determined by the owner:

- a. professional, collegiate, or similar sporting events;**
- b. swimming pools;**
- c. water parks;**
- d. museums and libraries;**
- e. zoos, aquariums, natural caverns, and similar facilities;**
- and**
- f. rodeos and equestrian events;**

3. This 50 percent occupancy limit does not apply to the following establishments that operate with at least six feet of social distancing between work stations:

- a. cosmetology salons, hair salons, barber shops, nail salons/shops, and other establishments where licensed cosmetologists or barbers practice their trade;**
- b. 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**
- c. other personal-care and beauty services such as tanning salons, tattoo studios, piercing studios, hair removal services, and hair loss treatment and growth services;**

4. Amusement parks and carnivals shall operate at no more than 50 percent of the normal operating limits as determined by the owner, except that in counties with more than 1,000 cumulative cases of COVID-19, amusement parks may not begin operating until 12:01 a.m. on June 19, 2020;

5. For any outdoor gathering estimated to be in excess of 500 people, other than those set forth above in paragraph numbers 1, 2, or 4, the county judge or mayor, as appropriate, in consultation with the local public health authority, may impose additional restrictions;

6. For dine-in services by restaurants that have less than 51 percent of their gross receipts from the sale of alcoholic beverages, the occupancy limit shall increase at 12:01 a.m. on June 12, 2020, to permit such restaurants to operate at up to 75 percent of the total listed occupancy of the restaurant;

7. For indoor bars and similar indoor establishments that are not restaurants as defined above and that hold a permit from the Texas Alcoholic Beverage Commission, only those customers who are seated may be served;

8. For any business establishment that is subject to a 50 percent "total listed occupancy" limit or "normal operating limit," and that is in a county that has filed with DSHS, and is in compliance with, the requisite attestation form promulgated by DSHS regarding minimal cases of COVID-19, the business establishment may operate at up to 75 percent of the total listed occupancy or normal operating limit of the establishment starting 12:01 a.m. on June 12, 2020;

9. For purposes of this executive order, facilities with retractable roofs are considered indoor facilities, whether the roof is opened or closed; and

10. Staff members are not included in determining operating levels, except for manufacturing services and office workers.

Except as provided in this executive order or in the minimum standard health protocols recommended by DSHS, found at www.dshs.texas.gov/coronavirus, people should not be in groups larger than ten and should maintain six feet of social distancing from those not in their group. People over the age of 65 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 14 days; and, if leaving the home, to implement social distancing and to practice good hygiene, environmental cleanliness, and sanitation.

In providing or obtaining services, every person (including individuals, businesses, and other legal entities) should use good-faith efforts and available resources to follow the minimum standard health protocols recommended by

DSHS. Nothing in this executive order or the DSHS minimum standards precludes requiring a customer to follow additional hygiene measures when obtaining services.

Individuals are encouraged to wear appropriate face coverings, but no jurisdiction can impose a civil or criminal penalty for failure to wear a face covering.

People shall not visit nursing homes, state supported living centers, assisted living facilities, or long-term care facilities unless 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 HHSC, including minimizing the movement of staff between facilities whenever possible.

Notwithstanding anything herein to the contrary, the governor may by proclamation add to the list of establishments or venues that people shall avoid visiting.

The conditions and limitations set forth above for reopened services shall not apply to essential services.

Schools: For the remainder of the 2019-2020 school year, public schools may resume operations for the summer as provided by, and under the minimum standard health protocols found in, guidance issued by the Texas Education Agency (TEA). Private schools and institutions of higher education are encouraged to establish similar standards. Notwithstanding anything herein to the contrary, schools may conduct graduation ceremonies consistent with the minimum standard health protocols found in guidance issued by TEA.

This 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 services allowed by this executive order, allows gatherings prohibited by this executive order, or expands the list or scope of services as set forth in this executive order. Pursuant to Section 418.016(a) of the Texas Government Code, the provisions of the following are hereby suspended 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 in response to the COVID-19 disaster that are 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.

All existing state executive orders relating to COVID- 19 are amended to eliminate confinement in jail as an available penalty for violating the executive orders. To the extent any order issued by local officials in response to the COVID-19 disaster

would allow confinement in jail as an available penalty for violating a COVID-19-related order, that order allowing confinement in jail is superseded, and I hereby suspend all relevant laws to the extent necessary to ensure that local officials do not confine people in jail for violating any executive order or local order issued in response to the COVID-19 disaster.

This executive order supersedes Executive Order GA-23, but does not supersede Executive Orders GA-b, GA-13, GA-17, GA-19, GA-20, GA-24, or GA-25. This executive order shall remain in effect and in full force unless it is modified, amended, rescinded, or superseded by the governor. This executive order may also be amended by proclamation of the governor.

SECTION 7. Positive Test Result.

If someone in a household has tested positive for COVID19 and is not hospitalized, the household is ordered to isolate at home for a period of at least three days (72 hours) since recovery is defined as resolution of fever without the use of fever reducing medications and improvement in respiratory symptoms (e.g. cough, shortness of breath); and, at least seven (7) days have passed since symptoms first appeared. The Health Department may impose a longer period of time for isolation. If a member of the household tests positive, then other members of the household should consider themselves positive if they become symptomatic and follow the isolation and quarantine measures prescribed by local, state, or federal health authorities. Asymptomatic members of the household shall not go to work, school, or any other community function until the member of the household who tested positive is no longer required to isolate.

SECTION 8. Covering of Nose and Mouth.

Except as provided herein, all persons over the age of five (5) are **RECOMMENDED** to wear some form of covering over their nose and mouth, such as a homemade mask, scarf, bandana, or handkerchief, when: entering into or inside of any building open to the public; when using public transportation, taxis, or ride shares; or when pumping gas.

This Section shall not apply to person that are: engaging in a permissible outside physical activity; that are riding in a personal vehicle; that are in alone in a separate single space; that are with their own shelter group (household members); when doing so poses a greater health, safety or security risk; or for consumption purposes.

There will be no civil or criminal penalties associated with violations of this Section.

SECTION 9. In accordance with Texas Government Code §418.173, a person who knowingly or intentionally violates this declaration commits an offense, punishable by a fine up to \$1,000.00.

SECTION 10. As Mayor, I further reserve all other authority and powers conferred by state law to respond as necessary to this situation.

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

SECTION 12. That this declaration hereby authorizes the City Administrator to close city facilities and city owned property, such as, library, parks and playgrounds and adjust employee work schedules at his discretion.

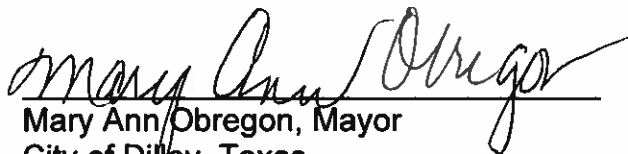
SECTION 13. City of Dilley Facilities. It is ordered as follows: (i) Dilley City Hall, Police Department Lobby, City Park playground equipment, baseball fields & basketball courts are now open to the public; City of Dilley Library will reopen on June 16, 2020; (ii) the Dilley Municipal Court is in the process of adopting an operating plan as required by the Texas Supreme Court and Texas Court of Criminal Appeals, to reopen court; (iii) City Council meetings through July 2020 may be conducted by livestream or telephone conference pursuant to Texas Government Code Section 551.125 as modified by Governor Greg Abbott on March 16, 2020, suspension of certain sections of the Texas Open Meetings Act; (iv) During the effective period of this Declaration City water service shall not be disconnected for non- payment.

SECTION 14. Any provision in this Declaration that may be in conflict with the Governor's orders, the Governor's orders shall control. 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 Declaration enforceable as if set forth herein without necessity for the issuance of any further orders.

SECTION 15. The sections, paragraphs, sentences, clauses and phrases of this Declaration are severable and if any phrase, clause, sentence, paragraph or section of this Declaration should be declared invalid by the final judgment or decree of any court of 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 provisions, and to this end, the provisions of this Declaration are severable.

SECTION 16. That this declaration shall take effect immediately from and after its issuance and be effective for thirty (30) days unless extended or modified by City Council.

ORDERED this 9th day of June, 2020 BY THE CITY COUNCIL OF THE CITY OF DILLEY, TEXAS.


Mary Ann Obregon, Mayor
City of Dilley, Texas

ATTEST:



Juanita Fonseca
City Secretary