FOURTH AMENDED DECLARATION OF LOCAL DISASTER FOR PUBLIC HEALTH EMERGENCY

WHEREAS, beginning in December 2019, a Novel Coronavirus, now designated COVID-19, was detected in Wuhan City, Hubei Provence, China, and has since spread throughout the world; and

WHEREAS, symptoms of COVID-19 include fever, coughing, and shortness of breath, outcomes have ranged from mild to severe illness and in some cases the virus has caused death; and

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

WHEREAS, Section §418.108(a) of the Texas Government Code provides that the presiding officer of the governing body of a political subdivision may declare a state of local disaster; and

WHEREAS, a declaration of local disaster and public health emergency 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, including the provision of temporary housing or emergency shelters for persons misplaced or evacuated, and request assistance from the governor of state resources; and

WHEREAS, by this Declaration of Disaster and Public Health Emergency, I declare all rules and regulations that may inhibit or prevent prompt response to this threat suspended for the duration of the incident; and

WHEREAS, pursuant to the authority granted to the Mayor under the Texas Disaster Act of 1975, I authorize the use of all available resources of state government and political subdivisions to assist in the City's response to this situation; and

WHEREAS, I, Juan “Trey” Mendez III, the Mayor of the City of Brownsville have determined that extraordinary and immediate measures must be taken to respond quickly, prevent and alleviate the suffering of people exposed to and those infected with the virus, as well as those that could potentially be impacted by COVID-19;
NOW, THEREFORE, BE IT PROCLAIMED BY THE CITY OF BROWNSVILLE, TEXAS CITY COMMISSION:

1. That a Local State of Disaster for Public Health Emergency was declared for the City of Brownsville, Texas pursuant to the Texas Disaster Act of 1975 and Section §418.108(A) of the Texas Government Code.

2. Pursuant to Section § 418.108(b) of the Government Code, the state of disaster and Public Health Emergency is hereby continued for a period of fourteen (14) days from the date of this declaration unless renewed by the City Commission of the City of Brownsville, Texas.

3. Pursuant to Section §418.108(c) of the Government Code, this declaration of this Amended Local State of Emergency and Public Health Emergency shall be given prompt and general publicity and shall be filed promptly with the City Secretary’s Office.

4. Pursuant to Section §418.020(c) of the Government Code, this declaration authorizes the City to commandeer or use any private property, temporarily acquire, by lease or other means, sites required for temporary housing units or emergency shelters for evacuees, subject to compensation requirements.

5. Pursuant to Section §122.006, of the Health and Safety Code, this declaration authorizes the City to take any actions necessary to promote health and suppress disease, including quarantine, and regulating hospitals, regulating ingress and egress from the City, and fining those who do not comply with the City’s rules.

6. That Executive Order No. GA-18 relating to the expanded reopening of services as part of the safe, strategic plan to Open Texas in response to the COVID-19 disaster was issued by the Governor of the State of Texas on April 27, 2020.

7. This Declaration of Fourth Amended Local Disaster for Public Health Emergency shall take effect immediately from and after its issuance and the following measures shall be in place:

- Executive Order GA-18 states that the order shall remain in effect and in full force until 11:59 p.m. on May 15, 2020, unless it is modified, amended, rescinded, or superseded by the governor. The order begins by stating the following: “In accordance with guidance from the Department of State Health Services (DSHS) Commissioner Dr. Hellerstedt, and to achieve the goals established by the President to reduce the spread of COVID-19, every person in Texas shall, 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. People over the age of 65, however, 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.”

- As outlined in Governor Abbott’s executive order GA-18, starting at 12:01 a.m. on Friday, May 1, 2020, restaurants may operate for dine-in service up to 25% (percent) of the total listed occupancy of the restaurant, provided, however, that (a) this applies only to restaurants that have less than 51 percent of their gross receipts from the sale of alcoholic beverages and are therefore not required to post the 51% (percent) sign required by Texas law as determined by the Texas Alcoholic Beverage Commission, and (b) valet services are prohibited except for vehicles with placards or plates for disabled parking. All establishments must conduct services in strict compliance with the terms required by the Texas department of State Health Services. The DSHS requirements and protocols for establishments may be found at https://www.dshs.texas.gov/coronavirus/opentexas.aspx#protocols. In accordance with Governor Abbott’s Executive Order GA-18, and as per the Governor’s Order to Open Texas document published April 27, 2020 which references DSHS requirements: “the following are the minimum recommended health protocols for all restaurants choosing to operate in Texas. Restaurants may adopt additional protocols consistent with their specific needs and circumstances to help protect the health and safety of all employees and customers. The virus that causes COVID-19 can be spread to others by infected persons who have few or no symptoms. Even if an infected person is only mildly ill, the people they spread it to may become seriously ill or even die, especially if that person is 65 or older with pre-existing health conditions that place them at higher risk. Because of the hidden nature of this threat, everyone should rigorously follow the practices specified in these protocols, all of which facilitate a safe and measured reopening of Texas. The virus that causes COVID-19 is still circulating in our communities. We should continue to observe practices that protect everyone, including those who are most vulnerable. Please note, public health guidance cannot anticipate every unique situation. Restaurants should stay informed and take actions based on common sense and wise judgment that will protect health and support economic revitalization. Restaurants should also be mindful of federal and state employment laws and workplace safety standards.”

Restaurants and bars are strongly encouraged to allow delivery, pick up and take-out only, so long as no more than 10 people congregate in the take-out area. It is strongly recommended that employees wear gloves and facial coverings. Drive-thru and take-out patrons are to be instructed to remain in their vehicles. If take-out patrons are on foot, they must be at least 6 feet from each other. Businesses are encouraged to implement procedures whereby take-out patrons pay via telephone or electronic means. Downtown City metered parking will continue to be suspended in order to support these measures. Parking areas within Shopping Areas are also strongly encouraged to create takeout and delivery designated parking spaces.

- Starting at 12:01 a.m. on Friday May 1 2020, and as outlined in GA-18, non-essential in-store retail establishments may operate at up to 25% (percent) of the total listed
occupancy of the retail establishment. All establishments must conduct services in strict compliance with the terms required by the Texas department of State Health Services. The DSHS requirements may be found at https://www.dshs.texas.gov/coronavirus/opentexas.aspx#protocols. In accordance with Governor Abbott’s Executive Order GA-18, and as per the Governor’s Order to Open Texas document published April 27, 2020 which references DSHS requirements: “there are minimum recommended health protocols for all individuals in Texas. These minimum health protocols are not a limit on the health protocols that individuals may adopt. Individuals are encouraged to adopt additional protocols consistent with their specific needs and circumstances to help protect the health and safety of all Texans. The virus that causes COVID-19 can be spread to others by infected persons who have few or no symptoms. Even if an infected person is only mildly ill, the people they spread it to may become seriously ill or even die, especially if that person is 65 or older with pre-existing health conditions that place them at higher risk. Because of the hidden nature of this threat, everyone should rigorously follow the practices specified in these protocols, all of which facilitate a safe and measured reopening of Texas. The virus that causes COVID-19 is still circulating in our communities. We should continue to observe practices that protect everyone, including those who are most vulnerable.”

Retailers are strongly encouraged to operate through pickup, delivery by mail, or delivery to the customer’s doorstep. It is strongly recommended that employees wear gloves and facial coverings. Pickup patrons are to be instructed to remain in their vehicles. If pickup patrons are on foot, they must be at least 6 feet from each other. Retailers are encouraged to implement procedures whereby take-out patrons pay via telephone or electronic means. Downtown City metered parking will continue to be suspended in order to support these measures. Parking areas within Shopping Areas are also strongly encouraged to create pickup designated parking spaces.

- Starting at 12:01 a.m. on Friday May 1 2020, and as outlined in GA-18, Shopping malls may operate at up to 25% of the total listed occupancy of the shopping mall, but, shopping mall food court dining areas, play areas, and interactive displays and settings must remain closed. All establishments must conduct services in strict compliance with the terms required by the Texas department of State Health Services. The DSHS requirements and protocols may be found at https://www.dshs.texas.gov/coronavirus/opentexas.aspx#protocols. In accordance with Governor Abbott’s Executive Order GA-18, and as per the Governor’s Order to Open Texas document published April 27, 2020 which references DSHS requirements: “there are minimum recommended health protocols for all individuals in Texas. These minimum health protocols are not a limit on the health protocols that individuals may adopt. Individuals are encouraged to adopt additional protocols consistent with their specific needs and circumstances to help protect the health and safety of all Texans. The virus that causes COVID-19 can be spread to others by infected persons who have few or no symptoms. Even if an infected person is only mildly ill, the people they spread it to may become seriously ill or even die, especially if that person is 65 or older with pre-existing health conditions that place them at higher risk. Because of the hidden nature of this threat,
everyone should rigorously follow the practices specified in these protocols, all of which facilitate a safe and measured reopening of Texas. The virus that causes COVID-19 is still circulating in our communities. We should continue to observe practices that protect everyone, including those who are most vulnerable.”

Retailers, in Shopping Malls, are strongly encouraged to operate through pickup, delivery by mail, or delivery to the customer’s doorstep. It is strongly recommended that employees wear gloves and facial coverings. Pickup patrons are to be instructed to remain in their vehicles. If pickup patrons are on foot, they must be at least 6 feet from each other. Retailers are encouraged to implement procedures whereby take-out patrons pay via telephone or electronic means. Parking areas within Shopping Mall areas are also strongly encouraged to create pickup designated parking spaces.

- In accordance with GA-18, cosmetology salons (including nail and esthetician), massage establishments, and laser hair establishments must remain closed.

- It is strongly recommended that occupants travelling in a vehicle with more than one person use facial coverings or masks. Furthermore, it is recommended that no children under 14 (fourteen) years of age accompany a parent or guardian for routine grocery, supplies, or gasoline replenishment trips.

- Bingo establishments are closed.

- Garage sales and yard sales are not permitted.

- Religious and worship services are strongly encouraged to be provided by video and teleconference. If religious services cannot be conducted from home or through remote services, they should be conducted consistent with GA-18 and the DSHS protocols for Churches and Places of Worship that may be found at https://www.dshs.texas.gov/coronavirus/opentexas.aspx#protocols.

- Schools shall be temporarily closed to in-person classroom attendance by students during the pendency of this Declaration or until specifically reopened by order of the Governor of the State of Texas. Nothing herein shall be construed to prevent a school from distributing meals, conducting remote classes or online classes and carrying out administrative duties. “Schools” shall be defined as all K-12 campuses, trade schools, vocational schools, colleges or universities not otherwise designated by the State of Texas as a State agency, State agent or State contractor providing governmental services.

- Child day care centers shall not have more than ten (10) children per room and comply with the six (6) foot social distancing requirement, as well as state requirements.

- Adult day care centers shall not have more than ten (10) adults per room and comply
with the six (6) foot social distancing requirement, as well as state requirements.

- Plasma centers shall not have more than ten (10) donors per room and comply with the six (6) foot social distancing requirement, as well as any other applicable local, state, or federal requirements.

- Employees of child day care centers, adult day care centers, nursing facilities, plasma centers and medical facilities/hospitals shall not work at more than one center/facility/hospital.

- All City libraries are to remain closed.

- The City of Brownsville Golf Center is to remain closed.

- All City parks are reopened for engaging in physical activities provided that use of park amenities such as playground sets, fitness equipment, restrooms, and other equipment will continue to be closed for public use in order to minimize the transmission of COVID-19. As outlined in executive order GA-18, individuals may engage in outdoor sports, provided that the sports do not include contact with other participants, and no more than 4 (four) participants play the sport at any time.

- Public swimming pools are closed.

- All City of Brownsville residents are strongly encouraged to use online services and drive-thru services while doing business with the City.

- Brownsville bus service, BMetro is continuing to implement social distancing measures. No more than ten (10) individuals may ride a bus at one time and facial coverings are required at all times.

- The Brownsville/South Padre Island Airport shall limit access into the Terminal Building to ticketed passengers only. All Airport users are required to participate in the Airport provided thermal scan or similar device.

- City events are cancelled until further notice.

- General Public and Private Community Events are cancelled until further notice.

- The City Commission will continue to meet remotely. We strongly encourage members of the public to watch proceedings on www.cob.us.

- In-person meetings of city advisory boards, commissions, boards and bureaus are cancelled, however meetings may occur remotely.

- The City encourages members of the public to seek city services through the city's
website or by telephone.

- Private events on city or private facilities are cancelled until further notice. Fees and deposits for the facility rentals will be refunded or applied toward a rescheduled event.

- Facial Coverings (e.g. bandana, sewn cloth face covering, t-shirt face covering) are **strongly encouraged** for all individuals over the age of five (5) in public settings where other social distancing measures are difficult to maintain (e.g., department stores, grocery stores and pharmacies), especially in areas of significant community-based transmission. The cloth face coverings recommended are not surgical masks or N-95 respirators. Those are critical supplies that should continue to be reserved for healthcare workers and other medical first responders, as recommended by current CDC guidance. It is also recommended that local establishments promote disinfecting of frequently touched objects (countertops, tables, chairs etc.) and encourage proper handwashing techniques.

- An employer may not discharge, or in any other way, retaliate against any employee for complying with this order.

- The Peace Officers, City of Brownsville Health Inspectors, Code Enforcement/Ordinance Officers/Inspectors, Traffic Specialists and Brownsville Fire Marshal are hereby authorized to enforce this order by way of a citation. A violation of this order is a Class C Misdemeanor punishable by a fine not to exceed $500.00 in accordance with the City of Brownsville Code of Ordinances Chapter 1 - Section 1.13 General Penalty.

Unless otherwise stated, these measures shall be in place until May 19, 2020. The Provisions of this Declaration shall remain in full force or effect during its pendency or until any provision or any portion thereof, is specifically addressed or countermanded by order of the Governor of the State of Texas. Furthermore, this declaration does not prohibit people from accessing essential services or reopened services, subject to strict compliance with the terms required by the Texas department of State Health Services.

We understand the profound social and economic impact that the changes outlined above will have on you, your family and local businesses. I urge you to continue to shop locally, tip service providers, such as delivery drivers generously, and if you are able, donate to a local charity of your choice.
Ordered this 5th day of May, 2020.

Juan "Trey" Mendez III
Mayor of the City of Brownsville

Attest:

Griselda Rosas
Interim City Secretary
City of Brownsville