

LOCAL EMERGENCY DIRECTIVE

WHEREAS, in December 2019, a novel coronavirus, now designated COVID-19, was detected in Wuhan, China; and

WHEREAS, symptoms of COVID-19 include fever, cough, and shortness of breath, and can range from very mild (including some with no reported symptoms) to severe, including illness resulting in death; and

WHEREAS, on March 11, 2020, the World Health Organization characterized COVID- 19 as a pandemic; and

WHEREAS, on March 13, 2020, the Governor of the State of Texas declared a state of disaster, the President of the United States of America declared a national emergency; and

WHEREAS, on March 25, 2020, the City Council of the City of Presidio adopted an Emergency Ordinance declaring the state of local disaster and instituting emergency measures due to a public health emergency; and

WHEREAS, in order to protect the life and health of local residents, a temporary stay home and work safe directive amending the emergency ordinance is necessary to further curb the spread of COVID-19.

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

SECTION 1. Stay at Home or Place of Residence. All individuals living within the city of Presidio **are recommended to temporarily stay at home or at their place of residence**, work from home if feasible, and limit all travel outside the home to essential travel. Effective Wednesday, March 25th, 2020 at 11:59 PM CST, unless terminated or modified by a subsequent Directive, the Mayor of the City of Presidio, deems it in the public interest to issue this Directive, and directs that all individuals currently living within the City of Presidio **should** stay at home or at their place of residence except as allowed by this Directive. To the extent individuals are using shared or outdoor spaces, they shall, to the greatest extent feasible, maintain social distancing of at least six feet from any other person, consistent with the Social Distancing Requirements, as defined in Section 6 below. All persons may leave their residences only to perform certain Essential Activities, to perform work in an Essential Business, Government Service, or in Critical Infrastructure, or to engage in Essential Travel or Minimum Basic Operations all as defined in Section 6 below.

SECTION 2.

All **Essential Businesses** are strongly encouraged to remain open. To the greatest extent feasible, Essential Businesses shall comply with Social Distancing Requirements as defined in Section 6 below.

This Directive shall not be construed to hinder the ability of the industries identified in the U.S. Department of Homeland Security Cyber and Infrastructure Security Agency's ("CISA") Essential Critical Infrastructure Workforce Memorandum dated March 19, 2020 to continue their operation appropriately modified to account for CDC workforce and consumer protection guidance, and the list of industries identified on that memorandum is incorporated here by reference.

SECTION 3. Prohibited Activities. All public and private gatherings of more than 10 people occurring outside or inside a single household or dwelling unit are prohibited, except for the limited purposes as expressly permitted by this Directive. Nothing in this Directive prohibits the gathering of members of a household or dwelling unit. Nursing homes, retirement and long-term care facilities are to prohibit non-essential visitors from accessing their facilities unless to provide critical assistance or for end-of-life visitation.

SECTION 4. Travel. All travel, including, but not limited to, travel on foot, bicycle, scooter, motorcycle, automobile, or public transit, except for purposes of Essential Travel, performing Essential Activities or going to work in an Essential Business, Government Service, or Critical Infrastructure, as defined in Section 6 below, is discouraged. Notwithstanding anything to the contrary, if someone in a household has tested positive for COVID-19, the household is ordered to isolate at home. Members of the household cannot go to work, school or any other community function until cleared by a medical professional but may seek medical services as needed from medical personnel and facilities.

SECTION 5. Prior Directives. This Directive is issued in accordance with and incorporates by reference declarations, ordinances, findings, and recitations set out in the preamble to this Directive and prior Directives issued by the City of Presidio except that where any such previous Directives or Declarations are in conflict with this Directive, this Directive prevails.

SECTION 6. Definitions and Exemptions.

- a. **Individuals experiencing homelessness.** A person that is homeless is exempt from this Directive; however, such a person is strongly urged to obtain shelter.
- b. **Essential Activities.** For purposes of this Directive, individuals may leave their residence to perform any of the following "Essential Activities." However, people at high risk of severe illness from COVID-19 and people who are sick are urged to stay in their residence to the extent possible except as necessary to seek medical care.
 - i. **For Health and Safety.** To engage in activities or perform tasks essential to their health and safety, or to the health and safety of others (including, but not limited to, pets), such as, by way of example only and without limitation, seeking emergency services, obtaining medical supplies or medication, or visiting a health care professional;
 - ii. **For Necessary Supplies and Services.** To obtain necessary services or supplies for themselves and their family or household members, or to deliver those services or supplies to others, such as, by way of example only and without limitation, groceries and food, including pet supplies and food, drinks, supplies they need to work

from home, household consumer products, and products necessary to maintain the safety, sanitation, and essential operation of residences;

111. **For Outdoor Activity.** To engage in outdoor activity, such as, by way of example and without limitation, biking, walking, hiking, or running provided the individuals comply with Social Distancing Requirements as defined in this Section. Individuals may go to public parks and open outdoor recreation areas, but are discouraged from using playground or outdoor exercise equipment;
 - 1v. **For Certain Types of Work.** To perform work providing essential products and services at an Essential Business, Government Service, or Critical Infrastructure, or to otherwise carry out activities specifically permitted in this Directive, including Minimum Basic Operations; or v. **To Take Care of Others.** To care for a friend, child, the elderly, sick or dying, family member or pet in another household.
 - v1. **To Seek Safe Residence.** Individuals whose residences are unsafe or become unsafe, such as victims of domestic violence, are permitted and urged to leave their homes and stay at a safe alternative home or residence.
- c. **Healthcare Operations.** For purposes of this Directive, individuals may leave their residence to work for or obtain services at any "Healthcare Operations" including hospitals, clinics, dentists, physical and occupational therapy offices, pharmacies, research, pharmaceutical and biotechnology companies, other healthcare facilities, healthcare suppliers, home healthcare services providers, mental health providers, and related retail sales or any related and/or ancillary healthcare services. "Healthcare Operations" also includes veterinary care and all healthcare services provided to animals. This exemption shall be construed broadly to avoid any impacts to the delivery of healthcare, broadly defined. "Healthcare Operations" does not include fitness and exercise gyms or other similar facilities. In accordance with the Governor Abbott's orders issued on Sunday, March 22, 2020 healthcare operations do not include elective medical, surgical, and dental procedures.
- d. **Critical Infrastructure.** For purposes of this Directive, individuals may leave their residence to provide any services or perform any work necessary to the operations and maintenance of "Critical Infrastructure," including, but not limited to, personnel listed on the Department of Homeland Security's Cybersecurity and Infrastructure Agency (CISA) advisory initial list of "Essential Critical Infrastructure Workers," public works construction, residential and commercial construction, and other construction that supports essential uses, airport operations, water, sewer, gas, electrical, oil refining, roads and highways, public transportation, solid waste collection and removal, internet, cable, wireless and telecommunications systems (including the provision of essential global, national, and local infrastructure for computing services, business infrastructure, communications, and web-based services), provided that they carry out those services or that work in compliance with Social Distancing Requirements as defined in this Section, to the extent possible.

Essential Government Functions. For purposes of this Directive, Police Officers, Fire

Department, and Emergency Medical Services personnel ("First Responders"), ambulance drivers, emergency management personnel, public works and utilities, persons authorized by the Emergency Management Director to assist in the providing for the health, safety, or welfare of the public; City or County public health workers; City animal control employees; public transportation workers; court personnel, child protection and child welfare personnel, military personnel, personnel working for companies, and their subcontractors, who perform under contract to the Department of Defense providing materials and services to the Department of Defense, personnel working for companies, and their subcontractors, who perform work under contract to City, County, State and Federal Governmental Entities for which they are required under state or federal law to remain open; law enforcement personnel, housing and shelter personnel, and others working for or to support Essential Businesses or Critical Infrastructure are categorically exempt from this Directive. This Directive does not apply to the City, County, Federal or State Government.

For purposes of this Directive, "Essential Government Functions" means all services needed to ensure the continuing operation of the government agencies and provide for the health, safety and welfare of the public and all agencies that provide for the health, safety and welfare of the public. Each government body shall determine its Essential Government Functions and identify employees and/or contractors necessary to the performance of those functions. To the extent feasible, all Essential Governmental Functions shall be performed in compliance with Social Distancing Requirements as defined in this Section.

1. **Essential Travel.** For the purposes of this Directive, "Essential Travel" includes travel for any of the following purposes. Individuals engaged in any Essential Travel must comply with all Social Distancing Requirements as defined in this Section.
 - i. Any travel related to the provision of or access to Essential Activities, Essential Governmental Functions, Essential Businesses, Critical Infrastructure, or Minimum Basic Operations;
 - ii. Travel to care for or transport the elderly, minors, dependents, persons with disabilities, or other vulnerable persons, pets or livestock;
 - i. Travel to or from educational institutions for purposes of receiving materials for distance learning, for receiving meals, and any other related services;
 - ii. Travel to or to return to a place of residence from outside the jurisdiction;
 - iii. Travel required by law enforcement or court order, including an administrative court order;
 - iv. Travel by church staff/clergy for the purpose of production of remote delivery of religious services and other ministries requiring travel;
 - v. Travel required for non-residents to return to their place of residence outside the City. Individuals are strongly encouraged to verify that their transportation out of the City remains available and functional prior to commencing such travel.

vi. Travel engaged in interstate or international commerce and otherwise subject to the provisions of the Commerce Clause of the United States Constitution.

j. **Residences.** For purposes of this Directive, residences include hotels, motels, shared rental units, and similar facilities.

k. **Social Distancing Requirements.** For purposes of this Directive Social Distancing Requirements include maintaining at least six-foot social distancing from other individuals, washing hands with soap and water for at least twenty seconds as frequently as possible or using hand sanitizer with at least 60% alcohol, covering coughs or sneezes (into the sleeve or elbow, not hands), regularly cleaning high-touch surfaces, and not shaking hands.

l. **Non resident travel requirements.** Non residents of the City of Presidio are not permitted to travel within the City of Presidio unless their travel is related to essential activities and/or other activities defined within Section 6 herein. Non-essential travel is discouraged until the Coronavirus pandemic threat has passed.

SECTION 7. Enforcement. Peace officers, are hereby authorized to enforce this Directive. This Directive is issued during a state of disaster and during the activation of the Office of Emergency Management Basic Plan. Pursuant to Texas Government Code §418.173, a person who violates any provision of this rule, upon conviction, is guilty of a misdemeanor punishable by a fine of not more than

\$1,000.00 dollars or confinement in jail for a term that does not exceed 180 days.

SECTION 8. Posting of this Directive. The City of Presidio's Public Information Office will post this Directive on its website. In addition, the owner, manager, or operator of any facility that is likely to be impacted by this Directive is strongly encouraged to post a copy of this Directive onsite and to provide a copy to any member of the public asking for a copy.

SECTION 9. Savings Clause. If any subsection, sentence, clause, phrase, or word of this Directive 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 Directive.

DIRECTED this the 25 day of March, 2020.

CITY OF PRESIDIO, TEXAS



John Ferguson
Mayor

ATTEST



Jose Portillo Jr.
City Administrator