

ORDINANCE 2020-05-21-0330

EXTENDING THE DECLARATION OF PUBLIC HEALTH EMERGENCY ISSUED ON TUESDAY, MAY 19, 2020 BY MAYOR RON NIRENBERG, UNTIL 11:59 PM ON THURSDAY, JUNE 4, 2020 TO CONTINUE ACTIVE PREPAREDNESS AND RESPONSE FOR COVID-19 CONTINGENCIES.

* * * * *

WHEREAS, Mayor Ron Nirenberg declared a local state of disaster and public health emergency consistent with Chapter 418 of the Texas Government Code (Texas Disaster Act of 1975) to address contingencies related to the COVID-19 outbreak; and

WHEREAS, the Declaration of Local Disaster and Public Health Emergency expires on May 26, 2020 unless extended by City Council; and

WHEREAS, extension of the Declaration will provide the City with the ability to continue to respond and address contingencies associated with COVID-19 as they may arise; and

WHEREAS, City Council has determined that the Declaration should be extended; **NOW THEREFORE:**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. The Declaration of Local Disaster and Public Health Emergency issued by Mayor Ron Nirenberg on May 19, 2020, is extended and will expire at 11:59 PM on June 4, 2020 unless further extended by City Council. A copy of the Declaration is attached hereto and incorporated herein for all purposes as **Attachment I**.

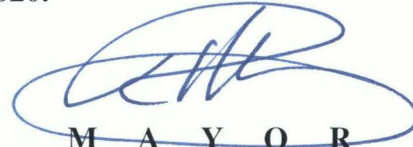
SECTION 2. All previously expanded powers and authority provided to the City Manager, suspension and modification of ordinances, and other actions taken by City Council in preceding ordinances addressing COVID-19 response efforts remain in effect and will continue until the City Manager's determination that the City's response to the declared disaster and public health emergency has ended, or subsequent City Council action.

SECTION 3. If any subsection, sentence, clause, phrase, or word of these regulations or any application of them 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 these regulations.

EFG/eg
05/21/2020
Item #4

SECTION 4. This Ordinance is effective upon passage by eight affirmative votes; otherwise it is effective on the tenth day after passage.

PASSED AND APPROVED this 21st day of May, 2020.




M A Y O R
Ron Nirenberg

ATTEST:



Tina Flores, Acting City Clerk

APPROVED AS TO FORM:



Andrew Segovia, City Attorney



City of San Antonio

City Council

May 21, 2020

Item: 4

File Number: 20-3256

Enactment Number:

2020-05-21-0330

Ordinance extending the current Declaration of Public Health Emergency issued by Mayor Ron Nirenberg to continue active preparedness and response for COVID-19 contingencies.

Councilmember Manny Pelaez made a motion to approve. Councilmember John Courage seconded the motion. The motion passed by the following vote:

Aye: 11 Nirenberg, Treviño, Andrews-Sullivan, Viagran, Rocha Garcia, Gonzales, Cabello Havrda, Sandoval, Pelaez, Courage and Perry

Attachment I

RECEIVED
CITY OF SAN ANTONIO
CITY CLERK

20 MAY 19 PM 5: 19



Office of the Mayor
Ron Nirenberg

Emergency Order #7
May 19, 2020

DECLARATION OF PUBLIC HEALTH EMERGENCY
REGARDING COVID-19

WHEREAS, on March 11, 2020, the World Health Organization declared that the COVID-19 outbreak should be characterized as pandemic; and

WHEREAS, on March 13, 2020, Greg Abbott, the Governor of the State of Texas, issued a proclamation that declared COVID-19 as an imminent threat of disaster; and

WHEREAS, to date, the Governor has issued twenty-three (23) Executive Orders related to the COVID-19 pandemic; and

WHEREAS, on May 18, 2020, the Governor issued Executive Order GA-23 addressing the continued opening of businesses in the state; and

WHEREAS, pursuant to the Texas Disaster Act of 1975, the mayor is designated as the emergency management director of the City of San Antonio, and may exercise the powers granted to the governor on an appropriate local scale; 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 isolation, surveillance, quarantine, or placement of persons under public health observation, including the provision of temporary housing or emergency shelters for persons misplaced or evacuated, request assistance from the governor of state resources, and access funds available for disaster relief and reimbursement at the state and federal level; and

WHEREAS, I, Ron Nirenberg, the Mayor of the City of San Antonio 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 infected or impacted by COVID-19;

NOW, THEREFORE, BE IT PROCLAIMED BY THE CITY OF SAN ANTONIO:

1. That the local state of disaster and public health emergency declared for the City of San Antonio remains in place until otherwise withdrawn or rescinded.
2. All prior Declarations, orders and emergency measures are superseded by this most recent Declaration and its Exhibit.
3. Pursuant to the Texas Disaster Act of 1975, I, Ron Nirenberg, as Mayor of the City of San Antonio, in coordination and consultation with the Local Health Authority, and Director of the Metropolitan Health District order all individuals living in the City of San Antonio to abide by the direction and guidelines as set out in Exhibit 1 attached to this Declaration.
4. By this Declaration, I declare all rules and regulations that may inhibit or prevent prompt response to this threat are suspended for the duration of the incident, and authorize the City Manager to exercise all emergency powers as are available to address this emergency.
5. To the greatest extent possible, this Declaration and the Emergency Measures set out in Exhibit 1, should be read as consistent with and supplemental to any Executive Order issued by the Governor of Texas. If any subsection, sentence, clause, phrase or word of the Declaration or Measures or any application of them to any person, structure, gathering or circumstance is held to be invalid or superseded then such invalidity will not affect the validity of the remaining portions or application of this Declaration or its Measures.
6. As Mayor, I further reserve all other authority and powers conferred by state law to respond as necessary to this situation.
7. Subject to San Antonio City Council approval, this Declaration shall be effective until 11:59 p.m. on June 4, 2020, or until it is either rescinded, superseded, or amended pursuant to applicable law.

ORDERED this 19th day of May, 2020.


MAYOR RON NIRENBERG
City of San Antonio, Texas

Stay Home Work Safe Measures

These “Stay Home Work Safe” measures (“Measures”) go into effect immediately and will continue through 11:59 p.m. on June 4, 2020, subject to San Antonio City Council approval.

1. Every person in the City of San Antonio shall, except where necessary to provide or obtain Covered 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. If individuals are using shared or outdoor spaces outside their home or engaged in Covered Services, then they must maintain social distancing of at least six feet from any other person.

- a. Face Coverings

All people 10 years or older are strongly encouraged to wear a cloth face covering over their nose and mouth when in a public place, or patronizing Covered Services, where it is difficult to keep six feet away from other people such as visiting a grocery store/pharmacy or working in areas that involve close proximity with other coworkers. The CDC advises face coverings for people 2 years or older. Coverings may include homemade masks, scarfs, bandanas, or a handkerchief. Residents must continue to maintain social distancing of at least six feet while outside their residence.

Employers that are Covered Services are strongly encouraged to provide face coverings to employees who are working in an area or activity which will necessarily involve close contact or proximity to co-workers or the public where six feet separation from other individuals is not feasible.

IT IS STRONGLY RECOMMENDED THAT YOU NOT OBTAIN OR WEAR MEDICAL MASKS or N-95 RESPIRATORS AS THEY ARE A NEEDED RESOURCE FOR HEALTH CARE PROVIDERS AND FIRST RESPONDERS. Our healthcare workers and first responders on the front-line combating COVID-19 must have priority access to medical masks or other personal protective equipment.

Face coverings do not need to be worn in the following circumstances:

- When exercising outside or engaging in physical activity outside
- While driving alone or with passengers who are part of the same household as the driver
- When doing so poses a greater mental or physical health, safety, or security risk

- While pumping gas or operating outdoor equipment
- While in a building or activity that requires security surveillance or screening, for example, banks
- When consuming food or drink

Please note that face coverings are a secondary strategy to other mitigation efforts. **Face coverings are *not* a replacement for social distancing, frequent handwashing, and self-isolation when sick.** All people should follow CDC recommendations for how to wear and take off a mask.

Residents must keep up the following habits while in public:

- wash your hands before you leave home and when you return,
- stay at least six feet away from others, and
- avoid touching your nose or face.
- Do not use disposable masks more than three times.
- Wash reusable cloth masks regularly to prevent the spread of the virus.

Consistent with Executive Order GA-23 issued by Governor Greg Abbott, a civil or criminal penalty will not be imposed on individuals for failure to wear a face covering.

Please visit the City of San Antonio COVID-19 website for additional information and helpful hints on the most effective way to use face coverings.

- b. For purposes of this Declaration, Covered Services are defined as specifically set out in Executive Order GA-23 issued by Governor Greg Abbott dated May 18, 2020:
 - i. Everything 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 3.0 or any subsequent version, plus religious services conducted in churches, congregations, and houses of worship. These Covered Services are not subject to the conditions and limitations, including occupancy or operating limits, set forth for other Covered Services.
 - ii. To the extent they are not already CISA services or religious services, all Covered Services that are listed in Executive Order GA-23, subject to the conditions and limitations set out therein.
- c. Except as specifically set out in GA-23, people shall avoid visiting interactive amusement venues such as video arcades, amusement parks, or water parks, unless these enumerated establishments or venues are specifically added as a Covered Service by proclamation or future executive order of the governor. Notwithstanding anything herein to the contrary,

the governor may by proclamation add to this list of establishments or venues that people shall avoid visiting. To the extent any of the establishments or venues that people shall avoid visiting also offer Covered Services permitted above, such as restaurant services, these establishments or venues can offer only the Covered Services and may not offer any other services.

- d. Nothing in this Declaration or its Measures prohibits people from accessing Covered Services or engaging in safe daily activities, such as going to the grocery store or gas station; providing or obtaining other Covered Services; visiting swimming pools, parks, beaches, rivers, or lakes; hunting or fishing; attending youth club meetings or events; or engaging in physical activity like jogging, bicycling, or other outdoor sports, so long as the necessary precautions are maintained to reduce the transmission of COVID-19 and to minimize in-person contact with people who are not in the same household.
2. **Health Protocols for Covered Services.** In providing or obtaining Covered Services, all persons (including individuals, businesses and other organizations, and any other legal entity) should use good-faith efforts and available resources to follow the minimum standard health protocols recommended by Texas Department of State Health Services (DSHS), found at www.dshs.texas.gov/coronavirus. Nothing in these Measures or the DSHS minimum standards precludes requiring a customer wishing to obtain services to follow additional hygiene measures.
 3. The City acknowledges and supports full compliance with the Bexar County Judge's Executive Order provisions that address rental property evictions, and foreclosure proceedings be followed and that these actions be suspended as defined by Bexar County Executive Order of County Judge Nelson W. Wolff.
 4. People who are sick should stay at home and not engage in any activity outside 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 a member of a household tests positive then other members of the household should consider themselves positive if they become symptomatic and also follow the isolation and quarantine measures proscribed by local, state, or federal health authorities
 5. A number of health care providers and others have been marketing and administering COVID-19 antibody testing to consumers. False claims about the reliability of antibody test results, and about proof of immunity to COVID-19, place the public's health at risk. The City and County will work together to protect the community from misleading or inaccurate testing practices. Before you receive an antibody test please review FDA information and guidance which can be found at <https://www.fda.gov/news-events/fda-voices/insight-fdas-revised-policy-antibody-tests-prioritizing-access-and-accuracy>. **The City, County and Local**

Health Authority will take all available and appropriate actions to protect the community from misleading or inaccurate testing practices.

6. **Long-term Care Facilities.** People must not visit nursing homes, state supported living centers, assisted living facilities, and long-term care facilities unless to provide critical assistance as determined through guidance from the Texas Health and Human Services Commission.

The Centers for Disease Control and Prevention (CDC) has identified that staff members working in multiple long-term care facilities can contribute to intra- and interfacility spread of COVID-19. Based on this guidance, any individual that provides in-person services, or is otherwise employed or staffs a long-term care facility (e.g. nursing home, or assisted living facility), and has direct patient contact shall be prohibited from working in, or visiting, more than one (1) long-term care facility for any purpose as a result of the increased risk for transmission of COVID-19 to an at-risk population. The prohibition shall extend to any agency or organization who employs individuals for purposes of staffing or on a temporary basis. Notwithstanding, this prohibition does not, and is not intended to, impact or restrict the ability of an individual, organization or entity to operate as an exempted service under the Order/Declaration of either the Texas Governor or the County Judge for Bexar County, but shall only restrict the ingress/egress and movement of persons into or out of more than one nursing home facility. Additionally, long-term care facilities should follow all additional CDC guidance to take proactive steps to protect the health of residents and preserve the health care workforce by identifying and excluding potentially infected staff members, restricting visitation consistent with the Governor's Executive Order, the Mayor's Declaration and the County Judge's Executive Order, ensuring early recognition of potentially infected patients, and implementing appropriate infection control measures.

Governor Greg Abbott directed the Texas Health and Human Services Commission, the Texas Division of Emergency Management and the Texas Department of State Health Services to test all residents and staff of all nursing homes in the state. The City of San Antonio, through the Metro Health Department and the San Antonio Fire Department, and in coordination with the Texas Health and Human Services Commission will continue to be involved in the testing of all residents and staff at facilities that had reported any positive cases and begin to test all residents and staff in all area nursing homes.

7. All public, private, and commercial laboratories operating within the City of San Antonio and performing COVID-19 testing shall report by 5:00 p.m. each day for the prior 24-hour period (1) the number of COVID-19 tests performed; and (2) the number of positive COVID-19 tests to the City's designated representative for the Emergency Operations Center and the Local Health Authority for the San Antonio Metropolitan Health District, Dr. Junda Woo, at Junda.Woo@sanantonio.gov if either the specimen is collected in, or the test is performed in the City of San Antonio or Bexar County. This information will be used solely for public

health purposes to monitor the testing conducted in the City and mitigate and contain the spread of COVID-19.

8. **Enforcement.** Violating any provision of these Measures (except as set out in Section 1(a) above) and the ordinance adopting them, upon conviction, is punishable by a fine up to \$1,000.00 per incident, and any other penalties authorized by state law and the City Code. In addition to enforcement through citation and fine, the City may exercise its authority to further enforce compliance with the Mayor's Declaration and these Measures for violations by businesses by pulling the Certificate of Occupancy for those violating businesses.

9. Subject to San Antonio City Council approval, this Declaration shall be effective until 11:59 p.m. on June 4, 2020, or until it is either rescinded, superseded, or amended pursuant to applicable law.

To the greatest extent possible, these Measures should be read as consistent with and supplemental to any Executive Order issued by the Governor of Texas. If any subsection, sentence, clause, phrase or word of these Measures or any application of them to any person, structure, gathering or circumstance is held to be invalid or superseded then such invalidity will not affect the validity of the remaining portions or application of these Measures.

Declaration of Public Health Emergency Regarding COVID-19

CITY COUNCIL A SESSION – MAY 21, 2020

ANDY SEGOVIA, CITY ATTORNEY



Seventh Declaration

- People must not visit nursing homes / long-term care facilities unless to provide critical assistance as determined by the Health and Human Services Commission
- Maintains reporting requirement for COVID-19 testing
- Support of Bexar County Order on evictions and foreclosures
- Alert to community concerning COVID-19 antibody testing
- All other elements of the previous order including enforcement stay in place
 - Measures (except Face Covering provision) and the ordinance adopting them, upon conviction, is punishable by a fine up to \$1,000.00 per incident

Governor's Executive Order 23: Expanded Reopening of Services

- Gathering still limited to household (except for covered services)
- Covered Services
 - CISA Essential
 - Religious Services
 - Additional services defined within GA-23

Covered Services – Immediately (May 18)

- Personal-care and beauty services that have not already been reopened:
 - tattoo studios
 - piercing studios
 - hair removal services
 - hair loss treatment and growth services
 - massage parlors
- Child-care services
 - Accessible to all (previously only accessible to essential workers)

Covered Services – May 31

- Professional sports with no spectators
 - *basketball, baseball, softball, golf, tennis, football and car racing events*
- Youth camps including all summer camps and daytime or overnight camps
- Youth sports
 - Practices may begin May 31
 - Games and competitions may begin June 15

Closed Businesses

- Video arcades
- Amusement parks
- Water parks
- Parts of Covered Services
 - Child play areas
 - Interactive exhibits or displays
 - Mall food courts
 - Gym locker rooms and shower facilities

Governor's Executive Order 23

Professional basketball, baseball, softball, golf, tennis, football, and car racing events, with no spectators physically present on the premises of the venue, as approved on a league-by-league basis by DSHS, in consultation with the Office of the Governor and any recommendations by the advisory Strike Force to Open Texas, based on whether the league has submitted a plan that applies to all events and that meets the minimum health and safety standards; provided, however, that each league must submit, along with a request for approval in the manner prescribed by DSHS, a plan that incorporates applicable minimum standard health protocols recommended by DSHS, as applicable, and such additional measures as are needed to ensure a safe plan for conducting the event.