

ORDINANCE 2020-04-30-0290

**EXTENDING THE DECLARATION OF PUBLIC HEALTH EMERGENCY
ISSUED ON WEDNESDAY, APRIL 29, 2020 BY MAYOR RON NIRENBERG,
UNTIL 12:01 AM ON TUESDAY, MAY 19, 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 the Texas Disaster Act of 1975 to address contingencies related to the COVID-19 outbreak; and

WHEREAS, the Declaration of Public Health Emergency expires on May 6, 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 of Public Health Emergency should be extended; **NOW THEREFORE:**

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

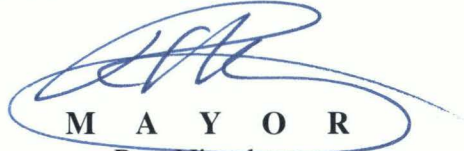
SECTION 1. The Declaration of Public Health Emergency issued by Mayor Ron Nirenberg on April 29, 2020, is extended and will expire at 12:01 AM on May 19, 2020 unless further extended by City Council. A copy of the Declaration is attached hereto and incorporated herein for all purposes as **Attachment 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.

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 30th day of April, 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

April 30, 2020

Item: 4

Enactment Number:

File Number: 20-2839

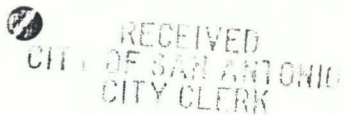
2020-04-30-0290

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 Melissa Cabello Havrda made a motion to approve. Councilmember Rebecca Viagran seconded the motion. The motion passed by the following vote:

Aye: 10 Nirenberg, Treviño, Andrews-Sullivan, Viagran, Rocha Garcia,
Gonzales, Cabello Havrda, Sandoval, Pelaez and Courage

Nay: 1 Perry



6th Declaration
April 29, 2020

20 APR 29 PM 5:03 **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 (20) Executive Orders related to the COVID-19 pandemic; and

WHEREAS, on April 27, 2020, the Governor issued Executive Order GA-18 addressing a phased approach to reopening some 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:

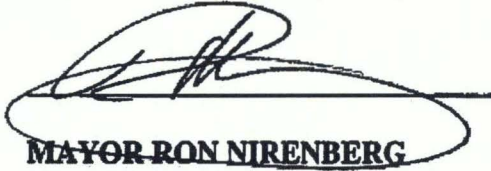
1. That the local state of disaster and public health emergency declared for the City of San Antonio remains in place until otherwise withdrawn or rescinded.
2. All prior Declarations, orders and emergency measures are superseded by this most recent Declaration and its Exhibit.
3. Pursuant to the Texas 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.

6th Declaration
April 29, 2020

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

This proclamation shall take effect immediately from and after its issuance.

ORDERED this 21th day of April, 2020.

A handwritten signature in black ink, appearing to be "Ron Nirenberg", is written over a horizontal line. The signature is enclosed within a large, hand-drawn oval.

MAYOR RON NIRENBERG
City of San Antonio, Texas

Stay Home Work Safe Measures

These "Stay Home Work Safe" measures ("Measures") go into effect at 12:01 a.m. on April 29, 2020, and will continue through 12:01 a.m. on May 19, 2020, subject to San Antonio City Council approval.

1. Stay at Home:

- a. All individuals living in the City of San Antonio are ordered to stay at home consistent with the direction and guidance in these Measures. If individuals are using shared or outdoor spaces outside their home or engaged in Essential Services or Reopened Services, then they must maintain social distancing of at least six feet from any other person. All persons may leave their residences only for Outdoor Activity, and to provide or obtain Essential Services or Reopened Services.

i. Face Coverings

All people 10 years or older must wear a cloth face covering over their nose and mouth when in a public place, or patronizing Essential Services or Reopened 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 Essential Services and Reopened Services must 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-18 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. All businesses operating within San Antonio except Essential Services and Reopened Services as defined by Executive Order GA-18 issued by Governor Greg Abbott are required to stop operations and close. All businesses operating within San Antonio that are required to remain closed should review and follow the COVID-19 Health Transition Team Report: A guide to reopening San Antonio and Bexar County.
- c. All public or private gatherings occurring outside a single household or single-family living unit are prohibited unless specifically exempted under this Declaration and its Measures. Members of a household or single-family living unit may gather.
- d. For purposes of this Declaration, Essential Services means:
 - i. Everything listed by the U.S. Department of Homeland Security (DHS) 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. Other Essential Services may be added to this list with the approval of the Texas Division of Emergency Management (TDEM). TDEM shall maintain an online list of Essential Services. Requests for additions should be directed to TDEM at EssentialServices@tdem.texas.gov or by visiting the TDEM website at www.tdem.texas.gov/essentialservices.
 - ii. In providing or obtaining Essential Services or Reopened Services, people and businesses should follow the minimum standard health protocols recommended by the Texas Department of State Health Services and should implement social

**EXHIBIT 1 to
6th Declaration of Public Health Emergency**

distancing, work from home if possible, and practice good hygiene, environmental cleanliness, and sanitation.

1. Essential services shall limit the amount of people at pickup or in an establishment so that social distancing may be maintained.
 2. Essential services shall implement an organized line system where people are spaced at least 6 feet apart.
 3. The use of drive-thru, pickup, or delivery options for food and drinks is highly encouraged.
 4. The application of the 25% of the Certificate of Occupancy limit is highly encouraged.
- e. For purposes of this Declaration, Reopened Services consists of the following to the extent they are not already an Essential Service:
- i. Retail services that may be provided through pickup, delivery by mail, or delivery to the customer's doorstep.
 - ii. In-store retail services, for retail establishments that operate at up to 25 percent of the total listed occupancy of the retail establishment.
 - iii. Dine-in restaurant services, for restaurants that operate at up to 25 percent of the total listed occupancy of the restaurant; provided, however, that
 1. 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
 2. valet services are prohibited except for vehicles with placards or plates for disabled parking.
 3. The use of drive-thru, pickup, or delivery options for food and drinks is highly encouraged.
 - iv. Movie theaters that operate at up to 25 percent of the total listed occupancy of any individual theater for any screening.
 - v. Shopping malls that operate at up to 25 percent of the total listed occupancy of the shopping mall; provided, however, that within shopping malls, the food court dining areas, play areas, and interactive displays and settings must remain closed.

EXHIBIT 1 to
6th Declaration of Public Health Emergency

- vi. Museums and libraries that operate at up to 25 percent of the total listed occupancy with the exception of any components that have interactive functions or exhibits, including child play areas, which must remain closed.
 - 1. Local public museums and libraries may open on scope and timing determined by the City Manager.
 - vii. Services provided by an individual working alone in an office.
 - viii. Golf course operations.
 - ix. Such additional services as may be enumerated by future executive orders or proclamations by Texas Governor Greg Abbott.
 - x. Reopened Services are required to follow the specific sector guidance in the Governor's Report to Reopen Texas and shall conspicuously post the applicable maximum occupancy under the Governor's Order.
2. 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 for the pendency of the County's Executive Order. The City acknowledges and supports full compliance with the Order from the Texas Supreme Court's moratorium on eviction proceedings until May 18, 2020.
3. 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.
4. A number of health care providers and others have been marketing and administering COVID-19 antibody testing to consumers. If you are considering or planning an antibody test please make sure that the provider will administer an antibody test that has been approved by the Food and Drug Administration and that you will be fully informed of the test protocol and test results. 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 on <https://www.fda.gov/medical-devices/letters-health-care-providers/important-information-use-serological-antibody-tests-covid-19-letter-health-care-providers>.
5. **Outdoor Activity, Community Parks and Property.** Consistent with Executive Order GA-18 issued by the Texas Governor, individuals may engage in outdoor activity and sports provided that the activities do not include contact with other participants and no more than four participants engage in the activity together. In support of this measure, all recreational areas

where social distancing and sanitizing requirements are difficult or impossible to meet, including community and school playgrounds, outdoor exercise equipment, skate plazas, splash pads and basketball courts including those located in apartment complexes or HOA areas, shall close for the duration of these Measures.

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 (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.

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)(i) above) and the ordinance adopting them, upon conviction, is punishable by a fine up to \$2,000.00 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.

**EXHIBIT 1 to
6th Declaration of Public Health Emergency**

9. Subject to San Antonio City Council approval, this Declaration shall be effective until 12:01 a.m. on May 19, 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.