

CITY OF POTEET
MAYORAL DECLARATION OF A LOCAL STATE OF DISASTER
AND PUBLIC HEALTH EMERGENCY

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, the symptoms of COVID-19 can cause a severe illness, including coughing, fever, shortness of breath and cause further complications including death; and

WHEREAS, COVID-19 virus mainly spreads between people who are in close contact with one another through respiratory droplets produced when an infected person coughs or sneezes; and

WHEREAS, on March 31, 2020, the Governor of the State of Texas issued a proclamation certifying that COVID-19 still 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, on April 27, 2020, the Governor issued Executive Order GA-18 which allows for individuals to seek essential services and allowed for reopened services to begin on May 1, 2020, which included retail stores, restaurants, movie theatres, museums and libraries to open up for services but are limited to occupancy of 25% or below and must adhere to social distancing; and,

WHEREAS, on May 18, 2020, the Governor issued Executive Order GA-23 to expand openings of business and activities to move forward with the Governor's Strike Force to Open Texas safely and strategically; and,

WHEREAS, there currently exists a declaration of public health disaster in and for the State of Texas as declared by Governor Greg Abbott on June 3, 2020 through Executive Order GA-26 and where Governor Abbott has made clear that local jurisdictions, in consultation with local public health authority may impose additional restrictions not inconsistent with the Governor's Executive Order; and,

WHEREAS, the transmission of COVID-19 has not dissipated but remains a significant threat to the health and safety of the City of Poteet community despite efforts by local authorities to control the spread; and

WHEREAS, because of the risk of the rapid spread of the COVID-19, the need to protect the most vulnerable members of the community, and the desire to slow the spread of COVID-19 to the maximum extent possible, this Order is required; and

WHEREAS, this Order is issued based on evidence of increasing occurrence of COVID-19 within the City and throughout Atascosa County, scientific evidence, and best practices regarding the most effective approaches to slow the transmission of communicable diseases generally and COVID-19 specifically, and evidence that the age, condition, and health of a significant portion of the City's population is at risk for serious health complications, including death, from COVID-19; and

WHEREAS, some people contracting COVID-19 have no symptoms or have mild symptoms, which means those people may not be aware they are carrying the virus is making the spread of COVID-19 worse; and

WHEREAS, the Governor of Texas has acknowledged that cities may need to enact more stringent measures to address this public health emergency; and

WHEREAS, the Mayor and City Council believe that the Declaration needs to be reinstated to reflect the newest restrictions and it is the intent of this Declaration to remain as consistent with and to harmonize, to the extent possible, the Executive Order GA-28 of Governor Abbott; 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.

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

SECTION 1. That I, Willie Leal Jr, Mayor of the City of Poteet, have determined that extraordinary and immediate measures must be taken to respond quickly to prevent and slow down community spread of COVID-19.

SECTION 2. That a local state of disaster for public health emergency is hereby declared for the City of Poteet, Texas, pursuant to Section 418.108(a) of the Texas Government Code.

SECTION 3. That pursuant to Section 418.108(b) of the Texas Government Code the state of disaster for public health emergency shall become **effective immediately** and be effective for seven (7) days unless extended or modified by City Council.

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 Poteet, Texas, emergency management plan.

SECTION 5. That pursuant to Section 418.108(c) of the Texas Government Code, this Declaration authorizes the City to commandeer or use any private property, temporary acquire, by lease or other means, sites required for emergency shelters, subject to compensation requirements.

SECTION 6. This Declaration shall incorporate and adopt the most recent executive order GA-26 issued by Governor Abbott on June 3, 2020, GA-28 issued on June 26, 2020, and any subsequent orders by the Governor relating to the expanded opening of Texas in response to COVID-019 disaster.

SECTION 7. Health and Safety Policy – Commercial Entities. From the date of this Executive Order, all commercial and non-profit entities in the City of Poteet providing goods or services directly to the public must develop and implement a health and safety policy (“Health and Safety Policy”). The Health and Safety Policy **must require, at a minimum, that all employees or visitors to the commercial entity’s business premises or other facilities wear face coverings over their nose and mouth when in an area or performing an activity which will necessarily involve close contact or proximity to co-workers or the public** where six feet of separation is not feasible. The Health and Safety Policy required to be developed and implemented by this Executive Order may also include the implementation of other mitigating measures designed to control and reduce the transmission of COVID-19 such as temperature checks or health screenings. Failure to develop, conspicuously place, and implement the Health and Safety Policy required by this Order after its passage may result in a fine not to exceed \$1,000.00. Each day for which a Health and Safety Policy is not developed, conspicuously placed, and implemented shall be a separate offense.

SECTION 8. Face Coverings – General Public. CDC recommends wearing cloth face coverings in public settings where other social distancing measures are difficult to maintain. Therefore, **all people 10 years or older shall wear a cloth face covering over their nose and mouth when in a public place** 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. Face coverings are also required at all government owned facilities within the city limits of Poteet, including but not limited to Poteet City Hall, Poteet Police Department, and Poteet Public Library. This face covering requirement also includes and is not limited to retail stores, restaurants, bars, business offices, salons, and gyms. Coverings may include homemade masks, scarfs, bandanas, or a handkerchief. Residents should continue to maintain social distancing of at least six feet while outside their home. City of Poteet employees are also required to wear face coverings under the same circumstances as the general public. This declaration also confirms that businesses and property owners can require the wearing of face coverings onto their business and/or property. Such cloth face masks can be fashioned from household items or made at home from common materials at low cost.

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

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- 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 should keep up the following habits while in public:

- Washing hands before you leave home and when you return,
- Staying at least six feet away from others,
- Avoiding touching nose or face,
- Not using disposable masks more than three times, and
- Washing reusable cloth masks regularly to prevent the spread of the virus.

Consistent with Executive Orders issued by Governor Greg Abbott, **no civil or criminal penalty will be imposed on individuals for failure to wear a face covering.**

SECTION 9. In accordance with the Guidelines from the Governor of Texas and the CDC, people shall not visit nursing homes or retirement or long-term care facilities unless to provide critical assistance.


SECTION 10. Excepting Section 8 of this Declaration, in accordance with Texas Government Code Section 418.173 of the Texas Government Code, a person who knowingly or intentionally violates this declaration commits an offense punishable by a fine up to \$1,000.00.


SECTION 11. To the greatest extent possible, this Declaration shall be interpreted as consistent with and supplemental to any executive order issued by the Texas Governor. All provisions of the executive orders of the Texas Governor either existing or as, if and when issued, which are made applicable to all jurisdictions by law 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 12. 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 or 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 provision, and to this end, the provisions of this Declaration are severable.

SECTION 13. That this declaration shall take effect immediately from and after its issuance and be effective for seven (7) days unless extended or modified by City Council.

ORDERED this 30th day of June, 2020 BY THE MAYOR OF THE CITY OF POTEET, TEXAS.


 Willie Leal, Jr.
 Mayor, City of Poteet

Attest:

 Abigayle Frautschi,
 City Secretary

