

## **Second Amended Declaration of Disaster**

**By**

### **THE MAYOR OF THE CITY OF AMARILLO**

**WHEREAS**, on March 13, 2020, Texas Governor Greg Abbott declared a state of emergency related to the outbreak of COVID-19 and suspended multiple state statutes and rules to promote social distancing protocols; and

**WHEREAS**, President Donald Trump declared a State of National Emergency for the United States of America on March 13, 2020; and

**WHEREAS**, on March 18, 2020, the Mayor of the City of Amarillo declared a local disaster; and

**WHEREAS**, on March 18, 2020, the County Judges of Randall and Potter Counties declared a local disaster; and

**WHEREAS**, on March 24, 2020, the Amarillo City Council continued the Mayor's Declaration; and

**WHEREAS**, on March 30, 2020 at 9:00 AM the Mayor of the City of Amarillo issued a First Amended Declaration of Disaster, pursuant to her authority under Section 418.108(a) of the Texas Government Code; and

**WHEREAS**, pursuant to state law the Amarillo City Council renewed and continued the Mayor's First Amended Declaration of Disaster on March 31, 2020 continuing it until 11:59 PM, April 14, 2020; and

**WHEREAS**, pursuant to state law the Amarillo City Council renewed and continued the Mayor's First Amended Declaration of Disaster on April 14, 2020 continuing it until 11:59 PM, April 30, 2020; and

**WHEREAS**, the Governor issued Executive Orders GA-15, GA-16, and GA-17 on April 17, 2020; and,

**WHEREAS**, Executive Order GA-16 specifically defines "reopened services" as "retail services that are not "essential services" but that may be provided through pickup, delivery by mail, or delivery to the customer's doorstep in strict compliance with the terms required by DSHS (Texas Department of State Health Services)"; and

**WHEREAS**, "reopened services" as defined by Executive Order GA-16 may reopen at 12:01 AM Friday, April 24, 2020 for business in strict compliance with the Executive Order GA-16; and

**WHEREAS**, I now issue this Second Amended Declaration of Disaster to implement and conform to the restrictions and definitions of GA-16 and to help combat the spread and impact of COVID-19 in the City of Amarillo; and

**WHEREAS**, based on consultations with medical experts and learning from the experience of other communities, the Mayor now finds that each provision of this Order is prudent, necessary or convenient to protect the public health, safety, or welfare by: (i) reducing unnecessary social interactions thereby slowing the spread of disease in our community; or (ii) constraining routine non-emergent medical and dental services in order to conserve the limited stores of healthcare supplies and other medical resources in our community for emergencies and

the fight against COVID-19; or (iii) attempting to assure essential businesses remain available to serve the public despite the restrictions ordered herein.

NOW, THEREFORE, PURSUANT TO THE AUTHORITY VESTED BY TEXAS GOVERNMENT CODE CHAPTER 418, THE AMARILLO CITY CHARTER, AND CODE OF MUNICIPAL ORDINANCES THE MAYOR DOES HEREBY FIND AND ORDER

1. That a state of disaster and public health emergency is hereby declared for the City of Amarillo, pursuant to §418.108(a) of the Texas Government Code.

2. That the state of disaster and public health emergency shall continue for a period of not more than seven days of the date hereof, unless the same is continued by the City Council of the City of Amarillo, Texas, pursuant to §418.108(b) of the Texas Government Code.

3. That this declaration of a local state of disaster and public health emergency shall be given prompt and general publicity and shall be filed promptly with the City Secretary, pursuant to §418.108(c) of the Texas Government Code.

4. That the City's Emergency Operations Plan is activated and implemented, pursuant to §418.108(d) of the Texas Government Code.

5. That 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, emergency shelters for evacuees, or for the provision of medical or healthcare services subject to compensation requirements, pursuant to §418.020(c) of the Texas Government Code.

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

7. All individuals living in the City of Amarillo are ordered to stay at home consistent with the direction and guidance in this declaration. To the extent individuals are using shared or outdoor spaces, they must at all times as reasonably as possible maintain social distancing of at least six (6) feet from any other person when they are outside their residence. All persons may leave their residences only for Essential Travel, Essential Activities, or to provide or perform Essential Governmental Functions, or to operate Essential Businesses, all as defined in Section 18.

8. All businesses operating within the City of Amarillo, except Essential Businesses or "reopened services" as defined in Executive Order GA-16 or subsequent executive order shall close to the public.

9. In providing or obtaining essential services or reopened services, people and businesses should follow the Guidelines from the President and the CDC by practicing good hygiene, environmental cleanliness, and sanitation, implementing social distancing, and working from home if possible. In particular, all such services should be provided through remote telework from home unless they cannot be provided through remote telework. Religious services should be conducted in accordance with the Guidelines for Houses of Worship during the COVID-19 Crisis, as promulgated by the Attorney General and Governor.

10. To the greatest extent possible, all Essential Businesses shall maintain six (6) foot social distancing for both employees and the general public.

11. That this declaration hereby orders that a restaurant with or without drive-in or drive through services; drive-in restaurant; drive-through restaurant; liquor store; or microbrewery, micro-distillery, or winery may only provide take out, delivery, drive-in or drive-through services as allowed by law.

12. All public or private gatherings of any number of people occurring outside a single household or living unit are prohibited, except as otherwise provided herein. Nothing in this declaration prohibits the gathering of members of a household or living unit.

13. All licensed health care professionals and all licensed health care facilities shall postpone all surgeries and procedures that are not medically necessary to diagnose or correct a serious medical condition of, or to preserve the life of, a patient who without timely performance of the surgery or procedure would be at risk for serious adverse medical consequences or death, as determined by the patient's physician; provided, however, that this prohibition shall not apply to either of the following:

- any procedure that, if performed in accordance with the commonly accepted standard of clinical practice, would not deplete the hospital capacity or the personal protective equipment needed to cope with the COVID-19 disaster; or

- any surgery or procedure performed in a licensed health care facility that has certified in writing to the Texas Health and Human Services Commission both: (1) that it will reserve at least 25% of its hospital capacity for treatment of COVID-19 patients, accounting for the range of clinical severity of COVID-19 patients; and (2) that it will not request any personal protective equipment from any public source, whether federal, state, or local, for the duration of the COVID-19 disaster.

14. 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.

15. Nursing homes, retirement, hospice, 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.

16. 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, or Essential Government Function, as defined herein, is prohibited. To the greatest extent feasible, people riding on public transit shall comply with social distancing of 6 feet or more.

17. Individuals experiencing homelessness are strongly urged to maintain social distancing of six (6) feet when feasible. If a homeless person is sheltered and exhibits symptoms or is diagnosed, the shelter shall coordinate with the City of Amarillo Community Development Department to isolate the individual solely for the purpose of complying with the requirements of this declaration. Medical personnel shall make the decision whether any other shelter residents

shall be required to isolate based on potential exposure. Available shelters, to the maximum extent practicable, must use COVID-19 risk mitigation practices in their operations.

18. Definitions:

a. For purposes of this declaration, individuals may leave their residence only to perform any of the following “**Essential Activities**”:

- i. To engage in activities or perform tasks essential to their health and safety, or to the health and safety of their family or household members (for example, obtaining medical supplies or medication, visiting a health care professional, or obtaining supplies needed to work from home).
- ii. To obtain necessary services or supplies for themselves and their family or household members, or to deliver those services or supplies to others (for example, food, pet and livestock supplies, and any other household consumer products, and products necessary to maintain the safety, sanitation, and essential operation of residences). It is strongly recommended that households, to the greatest extent possible, send only one person to businesses for the purpose of picking up food or other essential items.
- iii. To engage in outdoor activity, provided the individuals comply with social distancing requirements of six (6) feet (for example, walking, biking, hiking, golfing, or running). Outdoor activities do not include activities that by their inherent nature do not allow for social distancing.
- iv. To perform work providing essential products and services at an Essential Business, to otherwise carry out activities directly related to government or health care response to the COVID-19 pandemic, or to perform any other activities specifically permitted in this declaration.
- v. To care for a family member or pet in another household.

b. For purposes of this declaration, “**Essential Businesses**” shall consist of everything listed by the U.S. Department of Homeland Security (DHS) in its Guidance on the Essential Critical Infrastructure Workforce, Version 2.0 or any subsequent version, and “reopened services” as defined by GA-16 or subsequent order, plus religious services conducted in churches, congregations, and houses of worship and shall include all other service deemed “essential services” by subsequent executive order by the Governor or by local order or resolution.

c. **Essential Travel.** For the purposes of this declaration, “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, and Essential Businesses;
- ii. Travel to care for elderly, minors, dependents, persons with disabilities, or other vulnerable persons;
- iii. Travel to or from educational institutions for purposes of receiving materials for distance learning, for receiving meals, and any other related services;
- iv. Travel to return to a place of residence from outside the jurisdiction;

- v. Travel required by law enforcement or court order;
- vi. Travel by church staff/clergy for the purpose of production of remote delivery of religious services and other ministries requiring travel;
- vii. Travel related to a funeral service; or
- viii. 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.

19. That this declaration hereby authorizes the use of all lawfully available enforcement processes.

20. All "reopened services" as defined in Executive Order GA-16 shall adhere and operate in strict compliance with the same or subsequent order and all DSHS requirements that may be found at [www.dshs.texas.gov/coronavirus](http://www.dshs.texas.gov/coronavirus).

21. Reporting and Cooperation:

(a) In accordance with state law all public, private, and commercial laboratories operating within the City of Amarillo performing COVID-19 testing shall report by 5:00 PM each day for the prior 24-hour period to the Amarillo Area Public Health District:

- (1) the number and patient demographic information of COVID-19 tests performed;
- (2) the number and patient demographic information of positive COVID-19 tests; and
- (3) the number and patient demographic information of negative COVID-19 tests.

Such laboratories shall not provide names or other individually identifiable health information that could be used to identify an individual patient. 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.

(b) Every business and company allowed to remain open shall promptly cooperate with the Amarillo Area Public Health District or the City of Amarillo Public Health Department when such entity requests pertinent information in the course of a "contact investigation" arising out of a customer, passenger, vendor, or other person believed to have entered or used the services of such business. The business shall provide all requested information, including full identity and contact information for each employee, agent operator, manager, contractor, or other person reasonably implicated or suspected in the course of such investigation, for whom the business has such information.

22. All businesses shall by 9:00 PM on April 24, 2020 comply with the following requirements:

(a). Shall ensure that at all times customers are queued in such a manner that there is at least six (6) feet of space between each person.

(b). Businesses shall take extra measures to sanitize common surfaces including but not limited to carts, baskets, credit card machines, check-out lanes, restroom door handles, and sink faucets.

(c). All employees shall ensure they maintain proper hygiene through frequent handwashing.

(d). Any employee who is exhibiting any symptoms of illness shall be sent home.

23. That this declaration shall take effect at 9:00 PM on April 24, 2020, and shall be in effect until ~~May~~ <sup>April</sup> 30, 2020, subject to further change by the Mayor and a resolution of continuation by the Amarillo City Council.

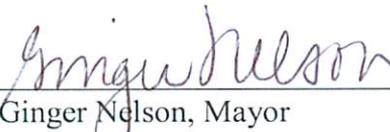
24. The Mayor may amend these restrictions as necessary to respond to evolving circumstances of this outbreak during the duration of the Disaster Declaration and any extension thereof by the City Council of the City of Amarillo.

25. That all prior Declarations and Orders issued by the Mayor's office or confirmed by the Amarillo City Council not contrary to the terms of this Second Amended Declaration of Disaster remain in full force and effect.

26. That peace officers, City of Amarillo code inspectors, and the City of Amarillo Fire Marshal are hereby authorized to enforce this ORDER and Declaration. Further, persons who violate this Order will be charged with a violation of Amarillo Municipal Code Section 2-7-8 with the associated penalties therein. Violations of this declaration will subject the violator to a \$1,000.00 fine and 180 days in jail as authorized by Section 418.173 of the Texas Government Code.

27. The City Manager is directed to make prompt general distribution of this order by news media, internet, social media, public postings and other means of dissemination.

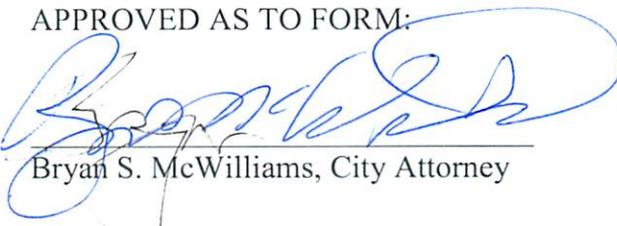
ORDERED this the 24<sup>th</sup> day of April, 2020 at 7:00 (AM/PM).

  
Ginger Nelson, Mayor

ATTEST:

  
Frances Hibbs, City Secretary

APPROVED AS TO FORM:

  
Bryan S. McWilliams, City Attorney

CC: Police Chief  
Fire Chief  
Fire Marshal  
Environmental Health Director  
Public Health Director  
Director of Emergency Management  
Public Information Officer