

CITY OF BURLESON
DECLARATION, CONTINUATION, AND RENEWAL OF
LOCAL DISASTER AND PUBLIC HEALTH EMERGENCY
(4th Declaration and Order)

WHEREAS, in December 2019 a novel coronavirus, now designated COVID-19, was detected in Wuhan City, Hubei Province, China, with symptoms including fever, cough, and shortness of breath and with outcomes ranging from mild to severe illness and in some cases death;

WHEREAS, on January 30, 2020, the World Health Organization Director General declared the outbreak of COVID-19 as a Public Health Emergency of International Concern (PHEIC), advising countries to prepare for the containment, detection, isolation and case management, contact tracing and prevention of onward spread of the disease;

WHEREAS, on March 5, 2020, the World Health Organization Director General urged aggressive preparedness and activation of emergency plans to aggressively change the trajectory of this epidemic;

WHEREAS, on March 11, 2020 the World Health Organization (WHO) declared COVID-19 a worldwide pandemic;

WHEREAS, the Centers for Disease Control and Prevention is closely monitoring the growing number of cases that have spread into the United States and the identification of “community spread” cases of COVID-19 in the United States signals that transmission of the virus is occurring;

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

WHEREAS, the continued worldwide spread of COVID-19 presents an imminent threat of widespread illness, which requires emergency action;

WHEREAS, County Judge Glen Whitley issued a Declaration of Disaster Due to Public Health Emergency for Tarrant County for COVID-19 on March 19, 2020;

WHEREAS, Governor Greg Abbott issued a State of Disaster for all Texas counties for COVID-19 on March 13, 2020;

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

WHEREAS, pursuant to the Texas Disaster Act of 1975, the Mayor is designated as the emergency management director of the City of Burleson, and may exercise the powers granted to the governor on an appropriate local scale;

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 and request assistance from the governor of state resources;

WHEREAS, Mayor Ken Shetter, the Mayor of the City of Burleson, executed an order of local disaster and public health emergency on March 14, 2020, to be effective on March 16, 2020, in response to the COVID-19 pandemic;

WHEREAS, Mayor Ken Shetter, the Mayor of the City of Burleson, executed a declaration of local disaster and public health emergency on March 18, 2020, to be effective on March 19, 2020, in response to the COVID-19 pandemic;

WHEREAS, on March 19, 2020, the City Council of the City of Burleson continued and renewed the declaration of local disaster and public health emergency executed by Mayor Ken Shetter on March 18, 2020, to ensure the protection of the general public in the City of Burleson;

WHEREAS, Mayor Ken Shetter, the Mayor of the City of Burleson, executed a declaration of local disaster and public health emergency on March 23, 2020, to be effective on March 24, 2020, in response to the COVID-19 pandemic;

WHEREAS, on March 19, 2020, contemporaneously with the Mayor's execution of his declaration of local disaster and public health emergency, the City Council of the City of Burleson continued and renewed the declaration of local disaster and public health emergency to ensure the protection of the general public in the City of Burleson;

WHEREAS, Mayor Ken Shetter has determined that additional 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;

WHEREAS, Mayor Ken Shetter hereby issues this Declaration of Public Health Emergency to implement additional measures to ensure the protection of the general public in the City of Burleson; and

WHEREAS, pursuant to the Texas Disaster Relief Act of 1975, this declaration of local disaster and public health emergency issued by Mayor Shetter may not be continued or renewed for a period of more than seven days except with the consent of the City Council;

WHEREAS, the City Council of the City of Burleson determines that additional extraordinary and immediate measures must continue to 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;

WHEREAS, the City Council of the City of Burleson desires to consent to continue and renew the declaration of local disaster and public health emergency issued by Mayor Shetter on this date, to ensure the protection of the general public in the City of Burleson;

WHEREAS, by this Declaration of Local Disaster and Public Health Emergency, Mayor Ken Shetter and the City Council declare all rules and regulations that may inhibit or prevent prompt response to this threat suspended for the duration of the incident; and

WHEREAS, pursuant to the authority granted to the Mayor under the Texas Disaster Act of 1975, Mayor Ken Shetter and the City Council authorize the use of all available resources of state government and political subdivisions to assist in the City's response to this situation.

NOW, THEREFORE, BE IT DECLARED BY MAYOR KEN SHETTER AND THE CITY COUNCIL OF THE CITY OF BURLESON:

1. That a state of disaster and public health emergency is hereby declared for the City of Burleson, pursuant to §418.108(a) of the Texas Government Code.
2. That a state of disaster and public health emergency declaration by Mayor Ken Shetter for the City of Burleson is hereby continued and renewed for all purposes, pursuant to §418.108(b) of the Texas Government Code.
3. That the state of disaster and public health emergency shall continue through April 13, 2020, unless the same is removed or continued and renewed again by the City Council of the City of Burleson, Texas.
4. That this declaration, continuation, and renewal 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.
5. That the City's Emergency Operations Plan shall be implemented and continued to be executed.
6. That this declaration, continuation, and renewal authorizes the City to commandeer or use any private property, temporarily acquire, by lease or by other means, sites required for temporary housing units or emergency shelters for evacuees, subject to compensation requirements, pursuant to §418.020 of the Texas Government Code.
7. That this declaration, continuation, and renewal 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 and the City's authority as a home-rule municipality.

8. That all persons currently residing within the corporate limits of the City of Burleson shall stay at their place of residence, except as allowed by this declaration, continuation, and renewal. All persons may leave their residences only for Essential Travel, to work in Essential Businesses, Government Service, or Essential Critical Infrastructure, or to perform Minimum Basic Operations, as defined below.

To the extent individuals are using shared or outdoor spaces, they must at all times as reasonably as possible maintain Social Distancing, defined below.

9. That all businesses operating in the City of Burleson, except Essential Businesses as defined below, are required to close to the public. Non-essential businesses may continue Minimum Basic Operations consisting exclusively of the following as long as Social Distancing is maintained between all employees and contractors during the activities:
 - a. Operations necessary to maintain security, upkeep, and maintenance of premises, equipment or inventory, including but not limited to the care and maintenance of livestock or animals;
 - b. IT or other operations that facilitate employees working from home;
 - c. Facilitate online or call-in sales performed by employees in a store or facility closed to the public;
 - d. In-store repair services performed by employees in a store or facility closed to the public.
10. That it is ordered that a restaurant with or without drive-in or drive-through services; drive-in restaurant; drive-through restaurant; liquor stores; or microbrewery, micro-distillery, or winery may only provide take out, delivery, or drive-in or drive-through services as allowed by law. Social Distancing is required.
11. That all public or private gatherings of any number of people occurring outside a single household are prohibited, except as otherwise provided herein. Nothing in this declaration, continuation, and renewal prohibits the gathering of members of a household or living unit.
12. That all elective medical, surgical, and dental procedures are prohibited anywhere in the City of Burleson. Hospitals, ambulatory surgery centers, dental offices, and other medical facilities are directed to identify procedures that are deemed "elective" by assessing which procedures can be postponed or cancelled based on patient risk considering the emergency need for redirection of resources to COVID-19 response.
13. That, 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.

14. That 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.
15. That individuals experiencing homelessness are strongly urged to obtain shelter and maintain social distancing of 6 feet when feasible. If a homeless person is sheltered and exhibits symptoms or is diagnosed, the shelter's isolation center shall be deemed the residence of the homeless person solely for the purpose of complying with the requirements of this declaration, continuation, and renewal. 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.
16. That this declaration, continuation, and renewal strongly recommends that no person sell any of the following goods or services for more than the price the person charged for the goods or services on March 16, 2020 and continuing during the pendency of this declaration, continuation, and renewal:
 - a. groceries, beverages, toilet articles, ice;
 - b. restaurant, cafeteria, and boarding-house meals; and
 - c. medicine, pharmaceutical, and medical equipment and supplies.
17. That due to increased demand for bath or toilet tissue resulting from stock up buying and individuals who purchase for resale, retail suppliers are strongly encouraged to use common sense rationing of household products and groceries that are in limited supply.
18. Definitions:
 - a. Social Distancing means maintaining at least 6 feet distance from other individuals, frequently washing hands with soap and water for at least 20 seconds, using hand sanitizer, covering coughs or sneezes (into the sleeve or elbow, not the hands), regularly disinfecting high touch surfaces, and not shaking hands.
 - b. Minimum Basic Operations include the following, provided that employees comply with Social Distancing:
 - i. The minimum necessary activities to maintain the value of the business's inventory, ensure security, process payroll and employee benefits, or for related functions.
 - ii. The minimum necessary activities to facilitate employees of the business being able to continue to work remotely from their residences.
 - c. Essential Activities includes any of the following:
 - 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 need 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 6 feet (for example, walking, biking, hiking, golfing, or running).
- iv. To perform work providing essential products and services at an Essential Business or to otherwise carry out activities specifically permitted in this declaration, continuation, and renewal.
- v. To care for a family member or pet in another household.

d. Essential Businesses means:

- i. Essential Health Care Services. Healthcare operations, including hospitals, clinics, doctors, dentists, pharmacies, pharmaceutical and biotechnology companies, other healthcare facilities, healthcare suppliers, home healthcare services providers, mental health providers, substance abuse providers, blood banks, medical research, or any related and/or ancillary healthcare services, veterinary care provided to animals. Home-based care for seniors, adults, or children. Residential facilities and shelters for seniors, adults, and children. Healthcare operations do not include fitness and exercise gyms and similar facilities. Healthcare operations do not include elective medical, surgical, and dental procedures as established in accordance with this declaration, continuation, and renewal.
- ii. Essential Government Functions. All services provided by local, state and federal governments needed to ensure the continuing operation of the government agencies to provide for the health, safety and welfare of the public. All Essential Government Functions shall be performed in compliance with social distancing requirements of 6 feet, to the extent possible.
- iii. Essential Critical Infrastructure. Work necessary to the operations and maintenance of the 16 critical infrastructure sectors as identified by the National Cybersecurity and Infrastructure Agency (CISA) including public works construction, residential and commercial construction, airport operations, water, sewer, gas, electrical, oil refining, roads and highways, public transportation and other transportation network companies, and ride-sharing services that provide transportation services necessary for the performance of essential activities, essential businesses, essential infrastructure, and essential government function, solid waste collection and removal, internet, and telecommunications systems (including the provision of essential global, national, and local infrastructure for computing services, business infrastructure, communications, and web-based

- services), financial institutions, defense and national security-related operations, essential manufacturing operations.
- iv. Essential Retail. Food service providers, including grocery stores, warehouse stores, liquor stores, bodegas, gas stations, convenience stores, and farmers' markets and other retail stores that sell food products and household staples, pet and feed stores. Businesses not open to the public that ship or deliver groceries, food, goods or services directly to residences. Restaurants and other facilities that prepare and serve food, but only for delivery, take out, drive-in, drive-through or carry out. Schools and other entities that typically provide free services to students or members of the public on a pick-up and take-away basis only. The restriction of delivery or carry out does not apply to cafes and restaurants located within hospital and medical facilities. Laundromats, dry cleaners, and laundry service providers. Businesses that provide for the delivery of, or preparation of vehicles. Businesses that supply products needed for people to work from home, including businesses providing mail and shipping and post office box. Businesses that supply products necessary for essential repairs and maintenance of a home or business. Hotel, motels, and shared rental units, except that all bars, cafes, or restaurants in hotels, motels, and shared rental units are closed except for pick-up and room service.
 - v. Providers of Basic Necessities to Economically Disadvantaged Populations. Social services and charitable organizations that provide food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise vulnerable individuals; that provide food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise vulnerable individuals.
 - vi. Essential Services Necessary to Maintain Essential Operations of Residences or Other Essential Businesses. Trash and recycling collection, processing and disposal, mail and shipping services, building cleaning and maintenance, auto repair, warehouse/distribution and fulfillment, and storage for essential businesses. Plumbers, pool services, security services, electricians, exterminators, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operations of residences, Essential Activities, and Essential Businesses. Professional services, such as legal or accounting services, when necessary to assist in compliance with legally mandated activities.
 - vii. News Media. Newspapers, television, radio, and other media services.
 - viii. Financial Institutions. Banks and related financial institutions, consumer lenders, alternative financial services companies, sales and finance lenders, credit unions, appraisers, and title companies.

As much business as possible shall be conducted with web-based technology to limit in-person contact.

- ix. Real Estate Transactions. Services related to current real estate transactions. As much business as possible shall be conducted with web-based technology to limit in-person contact.
 - x. Childcare Services. Childcare facilities providing services that enable employees who perform Essential Activities or work for an Essential Business to work as permitted.
 - xi. Animal Shelters, Zoos, and Other Businesses that Maintain Live Animals. Businesses that maintain and care for live animals are not permitted to allow any visitors or patrons but may continue to operate to the extent necessary to provide the necessary care for the animals. Nothing in this section shall prohibit a non-employee from entering the premises to perform a health care services or another Essential Business service.
 - xii. Construction. Construction under a valid permit issued by a governmental entity.
 - xiii. Funeral Services. Funeral homes, crematoriums and cemeteries may operate but no more than ten non-employees may be present at the same time.
 - xiv. Worship Services. No in-person worship services are permitted. Needed staff or volunteers can attend to produce audio/video or conduct services for transmission.
 - xv. Moving Services and Supply. Businesses that provide residential and/or commercial moving services and necessary moving supplies.
- e. Essential Travel. For the purposes of this declaration, continuation, and renewal, Essential Travel includes travel for any of the following purposes.
- i. Any travel related to the provision of or access to Essential Activities, Essential Governmental Functions, and Essential Businesses Essential Critical Infrastructure, Minimum Basic Operation;
 - 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 or clergy for the purpose of production of remote delivery of religious services and other ministries requiring travel;
 - vii. Travel related to attending a funeral service; or
 - viii. Travel required for non-residents to return to their place of

residence outside the City of Burleson. Individuals are strongly encouraged to verify that their transportation out of the City of Burleson remains available and functional prior to commencing such travel.

19. That this declaration, continuation, and renewal strongly recommends that employers supply any and all employees that may engage in Essential Travel on behalf of the employer with a letter of authorization on company letterhead bearing an original signature of an authorized representative.
20. That any certified peace officer or other person with lawful authority is hereby authorized to enforce the provisions of this declaration, continuation, and renewal in accordance with the authority granted under the Texas Disaster Act of 1975. Any person who violates this declaration, continuation, and renewal may be subject to a fine not exceeding \$1,000 or confinement for a period not exceeding 180 days.
21. In accordance with Sections 22-35 and 22-37 of the City of Burleson Code of Ordinances, the following provisions are hereby ordered:
 - a. The City Manager or his designee is authorized to make application for local, state, and federal assistance as necessary and/or applicable;
 - b. The City Manager is authorized to approve individual purchases up to \$100,000.00 for general expenditures, which includes: fees, professional services, personal services, and other categories exempted from the bid process by the Local Government Code Section 252.022;
 - c. All City of Burleson utility non-payment shut offs are suspended during the term of this declaration, continuation, and renewal and no late fees or other penalties shall accrue during the pendency of this order or any extension hereof; and
 - d. The City Manager is authorized to expend no more than an additional Two Hundred Thousand Dollars (\$200,000.00) during this period to proceed with the necessary emergency responses and essential functions not already budgeted.
22. That the sections, paragraphs, sentences, clauses and phrases of this declaration, continuation, and renewal are severable and if any phrase, clause, sentence, paragraph or section of this declaration, continuation, and renewal should be declared invalid by the final judgment or decree of any court of 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, continuation, and renewal are severable.
23. That this declaration, continuation, and renewal incorporates the attached table, Disaster Restrictions, as if set forth verbatim herein.

- 24. That this declaration, continuation, and renewal is issued in accordance with and incorporates by reference any declaration or order of disaster previously issued and adopted by the City of Burleson. In the event of a conflict between this declaration, continuation, and renewal and a prior declaration or order pertaining to COVID - 19, this declaration, continuation, and renewal prevails.
- 25. That this continuation and renewal of the declaration shall take effect on the 25th day of March, 2020, at 11:59 P.M.

ORDERED by Mayor Ken Shetter and the City Council of the City of Burleson this the 25th day of March 2020.



Ken Shetter, Mayor
City of Burleson, Texas

ATTEST:

APPROVED AS TO FORM & LEGALITY:

Amanda Campos, City Secretary

E. Allen Taylor, Jr., City Attorney
BY MATT RIBITZKI, DEPUTY CITY ATTORNEY

Disaster Restrictions

Locations/Activities	Restrictions
Persons residing in the City of Burlison	<ul style="list-style-type: none"> • Stay at place of residence • Practice social distancing • Leave residence for Essential Activities, or to work at Essential Businesses, Essential Governmental Services, Essential Critical Infrastructure, or to perform Minimum Basic Operations
All businesses except Essential Businesses	<ul style="list-style-type: none"> • No public occupancy permitted • Minimum Basic Operations allowed • Social Distancing required
Public or Private Gatherings occurring outside a single household	Prohibited
Food Establishments (Including those at schools, hotels, motels; excluding those at hospitals)	<ul style="list-style-type: none"> • In-house dining – no public occupancy • Drive-in, drive-through, take out, and delivery is permitted • Social distancing is required
Worship Services	<ul style="list-style-type: none"> • Closed for in-person services, provided that staff can attend to produce audio/video services • Social distancing required
Elective medical, surgical, and dental procedures	Prohibited
Nursing homes, retirement, and long-term care facilities	Prohibit non-essential visitors unless to provide critical assistance or for end-of-life visitation.
Essential Travel, summary: Allowed to carry out activities specifically permitted in this declaration, continuation, and renewal	<ul style="list-style-type: none"> • Individuals may leave shelter to perform Essential Activities • Must practice social distancing

Essential Businesses, summary:

- hospitals clinics
- doctors
- dentists
- pharmacies
- pharmaceutical and biotechnology companies, other healthcare facilities
- healthcare suppliers
- mental health providers
- substance abuse service providers
- blood banks
- medical research
- laboratory services
- home-based and residential-based care for seniors, adults, or children
- veterinary care
- all services to provide for the health, safety and welfare of the public
- food service providers
- food cultivation- farming, fishing, livestock delivery and shipping not open to the public
- laundromats, dry cleaners, laundry service
- gas stations
- auto-supply & repair
- bicycle repair
- hardware stores
- businesses that supply products needed for people to work from home
- social services
- charitable organizations
- trash and recycling collection, processing and disposal
- mail and shipping services
- building cleaning, maintenance
- security services
- warehouse/distribution and fulfillment
- storage for essential businesses
- funeral homes, crematoriums, cemeteries
- plumbers
- electricians
- exterminators
- legal or accounting
- news media
- financial institutions
- real estate transactions
- childcare services
- businesses that maintain live animals
- construction
- moving services and supply

- Allowed to remain open
- Social Distancing required
- Screening precautions to protect employees recommended.

<p>Essential Critical Infrastructure, summary: Work necessary to the operations and maintenance of the 16 critical infrastructure sectors as identified by the National Cybersecurity and Infrastructure Agency (CISA) including public works construction, residential and commercial construction, airport operations, water, sewer, gas, electrical, oil refining, roads and highways, public transportation, solid waste collection and removal, internet, and telecommunications systems (including the provision of essential global, national, and local infrastructure for computing services, business infrastructure, communications, and web-based services), financial institutions, defense and national security-related operations, essential manufacturing operations.</p>	
<p>Minimum Basic Operations:</p> <ul style="list-style-type: none"> • operations necessary to maintain security, upkeep, and maintenance of premises, equipment or inventory, including but not limited to the care and maintenance of livestock or animals; • IT or other operations that facilitate employees working from home; • facilitate online or call-in sales performed by employees in a store or facility closed to the public; • in-store repair services performed by employees in a store or facility closed to the public. 	<ul style="list-style-type: none"> • Operations allowed for non-essential businesses • Social distancing required